

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Orangeburg County

Maite Murphy, Circuit Court Judge

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S.C. SUPREME COURT

WALTER J. GREENE, JR.,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-000151

A P P E N D I X

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COURT OF GENERAL SESSIONS
FIRST JUDICIAL CIRCUIT

CASE NO. 2010-GS-38-1024
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STATE OF SOUTH CAROLINA

versus

WALTER JAMES GREENE, JR.,

DEFENDANT

TRANSCRIPT OF RECORD

DATE: |
OCTOBER| 5, 2010

BEFORE:

HONORABLE EDGAR W. DICKSON, PRESIDING JUDGE
AND A JURY.

APPEARANCES:

DONALD SORENSON, ESQUIRE
ASSISTANT SOLICITOR
FOR THE STATE

PEGGY HINDS, ESQUIRE
MARK WISE, ESQUIRE
PUBLIC DEFENDERS
FOR THE DEFENDANT

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1 DATE:

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3 THE COURT: WE'RE GOING TO PROCEED TO PICK A
4 JURY. TO DO THAT I'M GOING TO BE REQUIRED TO ASK YOU
5 A NUMBER OF QUESTIONS, AND I WILL ASK YOU AGAIN TO
6 STAND AND ANSWER THEM. NOW, LET ME MAKE SURE YOU
7 UNDERSTAND, SOME OF THESE QUESTIONS, IF YOU ARE GOING
8 TO RESPOND I WANT YOU TO STAND SO THAT I CAN IDENTIFY
9 YOU, BUT DON'T BLURT OUT ANY ANSWERS BECAUSE I'VE GOT
10 TO ASK YOU SPECIFIC QUESTIONS IF YOU ARE RESPONDING,
11 AND I NEED TO MAKE SURE I PHRASE THE QUESTIONS IN A
12 CERTAIN WAY. OKAY? BECAUSE I DON'T WANT YOU TO GO
13 INTO TOO MUCH DETAIL, I JUST NEED FOR YOU TO GO INTO
14 JUST A LITTLE DETAIL. SO, IF YOU NEED TO RESPOND TO
15 ANY OF THESE I WILL, I WOULD JUST ASK YOU TO STAND
16 THEN LET ME ADDRESS QUESTIONS TO YOU.

17 NOW, WE'RE GOING TO BE PICKING A JURY IN THE
18 CASE OF THE STATE OF SOUTH CAROLINA VERSUS WALTER
19 JAMES GREENE. AND MR. GREENE IS PRESENT HERE TODAY.
20 MR. GREENE, IF YOU'D PLEASE STAND UP, PLEASE, SIR, AND
21 FACE THE JURY. OKAY. ALRIGHT, THANK YOU, MR. GREENE,
22 YOU CAN HAVE A SEAT.

23 MR. GREENE HAS BEEN CHARGED WITH BURGLARY IN
24 THE FIRST DEGREE, ASSAULT AND BATTERY WITH INTENT TO
25 KILL, AND ARMED ROBBERY. OKAY. NOW, IS THERE ANY

1 MEMBER OF THE JURY PANEL WHO IS RELATED BY BLOOD OR
2 MARRIAGE OR IS A CLOSE PERSONAL FRIEND OF MR. WALTER
3 JAMES GREENE? IF SO, IF YOU'D PLEASE STAND AT THIS
4 TIME.

5 (Negative response from jury panel.)

6 THE COURT: ALRIGHT, NO ONE IS STANDING.

7 ALRIGHT, NOW, MR. GREENE IS REPRESENTED BY
8 MS. PEGGY HINDS AND MR. MARK WISE. IF Y'ALL WOULD
9 PLEASE STAND. AND MS. HINDS AND MR. WISE WORK WITH
10 THE PUBLIC DEFENDER'S OFFICE, AND I'LL ASK THEM TO
11 TELL YOU THE NAMES OF THE OTHER PEOPLE THAT WORK IN
12 THE PUBLIC DEFENDER'S OFFICE, IF YOU DON'T MIND.

13 MS. HINDS: THE OTHER PEOPLE, THE ATTORNEYS,
14 DOUG MELLARD, JOE ALLMAN, ASH CHISOLM. THE SUPPORT
15 STAFF INCLUDES WARREN DRIGGERS, GLENDA EASTERLIN,
16 CARLOS HOB AIR AND DEBORAH MARTIN.

17 THE COURT: OKAY. THANK YOU, MS. HINDS.

18 ALRIGHT, IS ANY MEMBER OF THE JURY PANEL
19 RELATED BY BLOOD OR MARRIAGE TO ANYONE THAT WORKS IN
20 THE PUBLIC DEFENDER'S OFFICE, OR A CLOSE PERSONAL
21 FRIEND OF ANYONE WHO WORKS IN THE PUBLIC DEFENDER'S
22 OFFICE, OR HAS ANYBODY IN THE JURY PANEL BEEN
23 REPRESENTED BY THE PUBLIC DEFENDER'S OFFICE? IF SO,
24 IF YOU WOULD PLEASE STAND AT THIS TIME.

25 (Affirmative response from jury panel.)

1 THE COURT: OKAY, LET ME -- WOULD YOU
2 IDENTIFY YOURSELF, PLEASE, SIR?

3 JUROR SMITH: CRAIG SMITH.

4 THE COURT: GREGG SMITH?

5 JUROR SMITH: CRAIG SMITH, YES, SIR.

6 THE COURT: OKAY. HOLD ON, A SECOND, MR.
7 SMITH. OKAY. MR. SMITH IS NUMBER ONE SIXTY-SIX.
8 NOW, MR. SMITH, DO YOU KNOW ANY MEMBER OF THE PUBLIC
9 DEFENDER'S OFFICE?

10 JUROR SMITH: I DO KNOW MS. GLENDA
11 EASTERLIN.

12 THE COURT: YOU ARE A FRIEND OF HERS?

13 JUROR SMITH: A CLOSE FRIEND.

14 THE COURT: OKAY. A CLOSE FRIEND OF MS.
15 EASTERLIN. OKAY, THE FACT THAT YOU KNOW MS.
16 EASTERLIN, WOULD THAT AFFECT YOUR ABILITY TO LISTEN TO
17 THE EVIDENCE IN THIS CASE AND RENDER A FAIR AND JUST
18 VERDICT?

19 JUROR SMITH: I DON'T BELIEVE SO.

20 THE COURT: OKAY. IF YOU WOULD PLEASE HAVE
21 A SEAT, SIR. THANK YOU, SIR.

22 ANY OTHER MEMBER OF THE JURY PANEL?

23 (Affirmative response from jury panel.)

24 THE COURT: OKAY, YOUR NAME, PLEASE, SIR?

25 JUROR MERRITT: JAMES MERRITT.

1 THE COURT: JAMES MERRITT. MR. MERRITT, YOU
2 ARE NUMBER ONE TWENTY-EIGHT. DO YOU KNOW SOMEONE IN
3 THE PUBLIC DEFENDER'S OFFICE?

4 JUROR MERRITT: MS. EASTERLIN.

5 THE COURT: MS. EASTERLIN. OKAY. THE FACT
6 THAT YOU KNOW MS. EASTERLIN IN THE PUBLIC DEFENDER'S
7 OFFICE, WOULD THAT AFFECT YOUR ABILITY TO LISTEN TO
8 THE EVIDENCE IN THIS CASE AND RENDER A FAIR AND
9 IMPARTIAL VERDICT?

10 JUROR MERRITT: NO, SIR.

11 THE COURT: OKAY. THANK YOU, SIR, PLEASE BE
12 SEATED.

13 ANYONE ELSE?

14 (Negative response from jury panel.)

15 THE COURT: ALRIGHT, NO ONE ELSE IS
16 STANDING.

17 ALRIGHT, THE STATE IS BEING REPRESENTED BY
18 MR. DON SORENSON. MR. SORENSON, IF YOU'D PLEASE STAND
19 AND IDENTIFY WHO ELSE WORKS WITH THE SOLICITOR'S
20 OFFICER?

21 SOLICITOR SORENSON: YES, SIR, THANK YOU,
22 YOUR HONOR. IN THE ORANGEBURG SOLICITOR'S OFFICE THE
23 ELECTED SOLICITOR IS DAVID PASCOE. OTHER ASSISTANT
24 SOLICITORS THAT ARE EMPLOYED HERE ARE MS. CRYSTAL
25 CHAPMAN, MS. SARAH FORD, MR. GLENN JUSTIS, ROB

1 CLARIDAY, TOMMY SCOTT, AND BRYAN JEFFRIES. AND THE
2 SUPPORT STAFF INCLUDES WANDA CARROWAY, DELPHENIA
3 BOWERS, JENNIFER JACQUES, DARLENE SIMMONS, CAROLYN
4 MIDDLETON, BARBARA ROBINSON, WALT TURNER, DONNA
5 CUTTINO, ANGIE MARTIN, TAMMY CRAVEN, JUDY HILDERBRAND,
6 AND MS. LINDA ULMER. HOPEFULLY THAT'S EVERYBODY.

7 THE COURT: OKAY. THANK YOU.

8 ALRIGHT, IS ANY MEMBER OF THE JURY PANEL
9 RELATED BY BLOOD OR MARRIAGE OR A CLOSE PERSONAL
10 FRIEND OF ANY OF THE STAFF OF THE SOLICITOR'S OFFICE
11 THAT HAS BEEN NAMED HERE TODAY? IF SO, IF YOU WOULD
12 PLEASE STAND.

13 (Affirmative response from jury panel.)

14 THE COURT: YES, SIR, YOUR NAME, PLEASE,
15 SIR?

16 JUROR CALLAWAY: MILTON CALLAWAY.

17 THE COURT: OKAY, MR. CALLAWAY, HOLD ON ONE
18 SECOND FOR ME. OKAY, MR. CALLAWAY, YOU ARE NUMBER
19 TWENTY-FOUR, JUROR NUMBER TWENTY-FOUR. MR. CALLAWAY,
20 DO YOU KNOW A MEMBER OF THE SOLICITOR'S OFFICE?

21 JUROR CALLAWAY: YES, SIR, JUDY HILDERBRAND.

22 THE COURT: OKAY. AND THE FACT THAT YOU KNOW
23 MS. HILDERBRAND, WOULD THAT AFFECT YOUR ABILITY TO
24 LISTEN TO THE EVIDENCE IN THIS CASE AND RENDER A FAIR
25 AND IMPARTIAL VERDICT?

1 JUROR CALLAWAY: NO, SIR.

2 THE COURT: ALRIGHT, SIR, IF YOU'D PLEASE
3 HAVE A SEAT. THANK YOU, SIR.

4 ANYONE ELSE?

5 (Negative response from jury panel.)

6 THE COURT: ALRIGHT, NO ONE ELSE IS
7 STANDING.

8 NOW, A LIKE QUESTION I NEED TO ASK YOU, HAS
9 ANYBODY ON THE JURY PANEL BEEN PROSECUTED BY THE
10 SOLICITOR'S OFFICE? IF SO, IF YOU WOULD PLEASE STAND
11 AT THIS TIME.

12 (Negative response from jury panel.)

13 THE COURT: ALRIGHT, NO ONE ON THE JURY
14 PANEL IS STANDING.

15 ALRIGHT, LADIES AND GENTLEMEN, THERE ARE A
16 NUMBER OF WITNESSES THAT MAY BE CALLED HERE TODAY. I
17 HAVE ALREADY CALLED, MR. GREENE HAS ALREADY STOOD.
18 SOME ADDITIONAL WITNESSES I'M GOING TO RUN THROUGH, A
19 MR. THOMAS R. ALLEY, PHD, MAY BE CALLED AS A WITNESS.
20 IF ANY MEMBER OF THE JURY PANEL IS RELATED BY BLOOD OR
21 MARRIAGE OR A CLOSE PERSONAL FRIEND OF THOMAS R.
22 ALLEY, PHD, IF YOU WOULD PLEASE STAND AT THIS TIME.

23 (Negative response from jury panel.)

24 THE COURT: ALRIGHT, NO ONE IS STANDING.

25 GILBERT WELLS MAY BE CALLED AS A WITNESS. IS

1 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
2 MARRIAGE OR A CLOSE PERSONAL FRIEND OF GILBERT WELLS?
3 IF SO, PLEASE STAND AT THIS TIME.

4 (Negative response from jury panel.)

5 THE COURT: ALRIGHT, NO ONE IS STANDING.

6 DEBORAH MILLER MAY BE CALLED AS A WITNESS.
7 IS ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
8 MARRIAGE OR A CLOSE PERSONAL FRIEND OF DEBORAH MILLER?
9 IF SO, PLEASE STAND.

10 (Negative response from jury panel.)

11 THE COURT: ALRIGHT, NO ONE IS STANDING.

12 DONITA ROSS MAY BE CALLED AS A WITNESS. ANY
13 MEMBER OF THE JURY PANEL RELATED BY BLOOD OR MARRIAGE
14 OR A CLOSE PERSONAL FRIEND OF DONITA ROSS? IS SO,
15 PLEASE STAND.

16 (Negative response from jury panel.)

17 THE COURT: ALRIGHT, NO ONE IS STANDING.

18 ALRIGHT, WALT TURNER, THEY'VE ALREADY
19 MENTIONED MR. TURNER'S NAME AS A MEMBER OF THE
20 SOLICITOR'S STAFF, BUT IS THERE ANY MEMBER OF THE JURY
21 PANEL RELATED BY BLOOD OR MARRIAGE OR A CLOSE PERSONAL
22 FRIEND OF WALT TURNER? IF SO, PLEASE STAND.

23 (Negative response from jury panel.)

24 THE COURT: NO ONE IS STANDING.

25 MARY CURRIE MAY BE CALLED AS A WITNESS. IS

1 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
2 MARRIAGE OR A CLOSE PERSONAL FRIEND OF MARY CURRIE? IF
3 SO, PLEASE STAND.

4 (Negative response from jury panel.)

5 THE COURT: NO ONE IS STANDING.

6 DETECTIVE BOBBY RIVERS IS HERE WITH US. MR.
7 RIVERS, DETECTIVE RIVERS, WOULD YOU MIND STANDING AND
8 FACING THE JURY FOR ME FOR ME, PLEASE SIR - - -

9 DETECTIVE RIVERS: YES, SIR, YOUR HONOR.

10 THE COURT: --- SO THEY CAN SEE YOU? THANK
11 YOU, SIR.

12 ANY MEMBER OF THE JURY PANEL RELATED BY
13 BLOOD OR MARRIAGE OR A CLOSE PERSONAL FRIEND OF
14 DETECTIVE BOBBIE RIVERS, WITH THE ORANGEBURG COUNTY
15 PUBLIC SAFETY? IF YOU WOULD -- ORANGEBURG DEPARTMENT
16 OF PUBLIC SAFETY, EXCUSE ME. IF YOU - - -

17 (Affirmative response from jury panel.)

18 THE COURT: YES, MA'AM, YOUR NAME, PLEASE,
19 MA'AM?

20 JUROR BLANKS: MY NAME IS LINDA BLANKS.

21 THE COURT: MS. BLANKS, YOU ARE JUROR NUMBER
22 ELEVEN?

23 JUROR BLANKS: YES, SIR.

24 THE COURT: MS. BLANKS, YOU ARE, YOU KNOW
25 MR. RIVERS, DEPUTY RIVERS?

1 JUROR BLANKS: I'M A CUSTOMER SERVICE
2 SUPERVISOR FOR THE DEPARTMENT OF PUBLIC UTILITIES, AND
3 HIS WIFE, TARRY RIVERS, WORKS IN MY DEPARTMENT.

4 THE COURT: OKAY. THE FACT THAT HIS WIFE
5 WORKS WITH YOU, WOULD THAT AFFECT YOUR ABILITY TO
6 LISTEN TO THE EVIDENCE IN THIS CASE AND RENDER A FAIR
7 AND IMPARTIAL VERDICT?

8 JUROR BLANKS: NO, SIR.

9 THE COURT: OKAY. IF YOU WOULD PLEASE SIT
10 WITH US, PLEASE, MA'AM. THANK YOU, MA'AM.

11 ALRIGHT. NOBODY ELSE? OH, I'M SORRY. I
12 NEED FOR Y'ALL -- Y'ALL CAN MO VE OVER THERE NOW.
13 WE'VE GOT, I MADE ROOM FOR YOU. BUT YOU DON'T HAVE TO
14 DO IT NOW. YOUR NAME AGAIN, PLEASE, MA'AM?

15 JUROR GRAYTON-JAMES: EUGENIA GRAYTON.

16 THE COURT: OKAY, IT WAS JAMES?

17 JUROR GRAYTON-JAMES: IT'S JAMES.

18 THE COURT: JAMES. YES, MA'AM.

19 JUROR GRAYTON-JAMES: I USED TO WORK WITH

20 ...

21 THE COURT: DO YOU KNOW DETECTIVE RIVERS?

22 JUROR GRAYTON-JAMES: YES, SIR, I USED TO
23 WORK FOR ORANGEBURG PUBLIC SAFETY.

24 THE COURT: MA'AM?

25 JUROR GRAYTON-JAMES: I USED TO WORK FOR

1 ORANGEBURG PUBLIC SAFETY.

2 THE COURT: OH, YOU USED TO WORK FOR
3 ORANGEBURG PUBLIC SAFETY?

4 JUROR GRAYTON-JAMES: YES, SIR.

5 THE COURT: OKAY. ALRIGHT, WELL, LET ME ASK
6 YOU TWO QUESTIONS, THEN. OKAY. THE FACT THAT YOU
7 USED TO WORK FOR ORANGEBURG PUBLIC SAFETY, IS THAT
8 GOING TO AFFECT YOUR ABILITY TO LISTEN TO THE EVIDENCE
9 IN THIS CASE AND RENDER A FAIR AND IMPARTIAL VERDICT?

10 JUROR GRAYTON-JAMES: NO, SIR.

11 THE COURT: THE FACT THAT YOU KNOW DETECTIVE
12 RIVERS, IS THAT GOING TO AFFECT YOUR ABILITY TO LISTEN
13 TO THE EVIDENCE IN THIS CASE AND RENDER A FAIR AND
14 IMPARTIAL VERDICT?

15 JUROR GRAYTON-JAMES: NO, SIR.

16 THE COURT: ALRIGHT, MS. JAMES, I'LL ALLOW
17 YOU TO SIT WITH US.

18 MS. HINDS: YOUR HONOR, - - -

19 THE COURT: YES, MA'AM.

20 MS. HINDS: MAY I APPROACH?

21 THE COURT: YES, MA'AM.

22 (Whereupon, a bench conference is
23 had out of the hearing of jury
24 panel and court reporter.)

25 THE COURT: HOW LONG AGO DID YOU WORK FOR

1 ORANGEBURG PUBLIC SAFETY?

2 MS. GRAYTON-JAMES: TWO THOUSAND SEVEN.

3 THE COURT: TWO THOUSAND SEVEN?

4 MS. GRAYTON-JAMES: YES, SIR.

5 THE COURT: OKAY. ALRIGHT, THANK YOU, MA'AM.

6 ALRIGHT, ANYBODY ELSE?

7 (Negative response from jury panel.)

8 THE COURT: DETECTIVE DENNIS ROMANSTINE MAY
9 BE CALLED AS A WITNESS. HE ALSO WORKS WITH THE
10 ORANGEBURG DEPARTMENT OF PUBLIC SAFETY. AND HE'S NOT
11 HERE. OKAY. ANY MEMBER OF THE JURY PANEL RELATED BY
12 BLOOD OR MARRIAGE OR A CLOSE PERSONAL FRIEND OF
13 DETECTIVE DENNIS ROMANSTINE, OF THE ORANGEBURG
14 DEPARTMENT OF PUBLIC SAFETY? IF SO, PLEASE STAND.

15 (Negative response from jury panel.)

16 THE COURT: OFFICER STEPHANIE SCOTT, OF THE
17 ORANGEBURG DEPARTMENT OF PUBLIC SAFETY, MAY ALSO BE
18 CALLED AS A WITNESS. ANY MEMBER OF THE JURY PANEL
19 RELATED BY BLOOD OR MARRIAGE OR A CLOSE PERSONAL
20 FRIEND OF OFFICER STEPHANIE SCOTT? IF SO, PLEASE STAND
21 AT THIS TIME.

22 (Negative response from jury panel.)

23 THE COURT: ALRIGHT, NO ONE IS STANDING.

24 OFFICER ROBERT WARRINGTON, ALSO OF THE
25 ORANGEBURG DEPARTMENT OF PUBLIC SAFETY, MAY ALSO BE

1 CALLED AS A WITNESS. ANY MEMBER OF THE JURY PANEL
2 RELATED BY BLOOD OR MARRIAGE OR A CLOSE PERSONAL
3 FRIEND OF OFFICER ROBERT WARRINGTON? IF SO, PLEASE
4 STAND.

5 (Negative response from jury panel.)

6 THE COURT: ALRIGHT, NO ONE IS STANDING.

7 EXCUSE ME. PHYLICIA FRAZIER MAY ALSO BE
8 CALLED AS A WITNESS. ANY MEMBER OF THE JURY PANEL
9 RELATED BY BLOOD OR MARRIAGE OR A CLOSE PERSONAL
10 FRIEND OF PHYLICIA FRAZIER? IF SO, PLEASE STAND.

11 (Negative response from jury panel.)

12 THE COURT: NO ONE IS STANDING.

13 ALRIGHT. ERNEST LEE MAY ALSO BE CALLED AS A
14 WITNESS. ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD
15 OR MARRIAGE OR A CLOSE PERSONAL FRIEND OF ERNEST LEE?

16 (Negative response from jury panel.)

17 THE COURT: NO ONE IS STANDING.

18 I BELIEVE LATOYA WRIGHT IS PRESENT? OKAY,
19 MS. WRIGHT, WOULD YOU PLEASE STAND AND FACE THE JURY
20 SO THEY CAN SEE YOU? OKAY. THANK YOU, MS. WRIGHT.

21 OKAY. MS. LATOYA WRIGHT MAY ALSO BE CALLED
22 AS A WITNESS. ANY MEMBER OF THE JURY PANEL RELATED BY
23 BLOOD OR MARRIAGE OR A CLOSE PERSONAL FRIEND OF MS.
24 LATOYA WRIGHT? IF SO, PLEASE STAND.

25 (Negative response from jury panel.)

1 THE COURT: ALRIGHT. NO ONE IS STANDING.

2 AND FINALLY, TIFFANY HALL, WHO WORKS FOR
3 EMS, MAY ALSO BE CALLED AS A WITNESS. ANY MEMBER OF
4 THE JURY PANEL RELATED BY BLOOD OR MARRIAGE OR A CLOSE
5 PERSONAL FRIEND OF MS. TIFFANY HALL? IF SO, PLEASE
6 STAND.

7 (Negative response from jury panel.)

8 THE COURT: ALRIGHT. NO ONE IS STANDING.

9 OTHER THAN THOSE PEOPLE THAT HAVE STOOD
10 BEFORE AND ANSWERED QUESTIONS RELATED TO KNOWING
11 DETECTIVE RIVERS, IS ANY MEMBER OF THE JURY PANEL
12 RELATED BY BLOOD OR MARRIAGE OR A CLOSE PERSONAL
13 FRIEND OF ANYONE WHO WORKS FOR ANY LAW ENFORCEMENT
14 AGENCY? IF SO, PLEASE STAND.

15 (Affirmative response from jury panel.)

16 THE COURT: YES, MA'AM, MS. JAMES?

17 JUROR GRAYTON-JAMES: MY HUSBAND WORKS FOR
18 SOUTH CAROLINA DPS.

19 THE COURT: MA'AM?

20 JUROR GRAYTON-JAMES: MY HUSBAND WORKS FOR
21 SOUTH CAROLINA DPS.

22 THE COURT: HE WORKS FOR SOUTH CAROLINA
23 DEPARTMENT OF?

24 JUROR GRAYTON-JAMES: DEPARTMENT OF PUBLIC
25 SAFETY. EXCUSE ME.

1 THE COURT: OKAY. HOW LONG HAS HE BEEN
2 WORKING THERE?

3 JUROR GRAYTON-JAMES: TWELVE YEARS.

4 THE COURT: TWELVE YEARS?

5 JUROR GRAYTON-JAMES: YES, SIR.

6 THE COURT: OKAY. THE FACT THAT YOUR
7 HUSBAND -- WELL, THE FACT THAT YOUR HUSBAND WORKS FOR
8 THE STATE IN THAT CAPACITY, I'VE ASKED YOU ABOUT MR.
9 RIVERS AND YOUR OWN PERSONAL WORKING RELATED IN TWO
10 THOUSAND SEVEN, WOULD THAT AFFECT YOUR ABILITY TO
11 LISTEN TO THE EVIDENCE IN THIS CASE AND RENDER A FAIR
12 AND IMPARTIAL VERDICT?

13 JUROR GRAYTON-JAMES: NO, SIR.

14 THE COURT: OKAY. ALRIGHT, MS. JAMES, IF
15 YOU'LL REMAIN WITH US, PLEASE, MA'AM.

16 NO ONE ELSE IS STANDING. OKAY.

17 OKAY, AND I THINK I'VE ALREADY ASKED NUMBER
18 TWO. ALRIGHT, WELL, NO, I'VE LEFT OUT ATTORNEYS --
19 OKAY. IS ANY MEMBER OF THE JURY PANEL EMPLOYED BY,
20 RELATED BY BLOOD OR MARRIAGE OR CLOSE PERSONAL FRIENDS
21 OF ANYONE WHO IS EMPLOYED BY THE ATTORNEY GENERAL'S
22 OFFICE OR ANY OTHER PROSECUTING ATTORNEY'S OFFICE OR
23 HAS DONE WORK WITH OR WORKED IN THE PAST WITH ANY OF
24 THOSE AGENCIES, WITH THE ATTORNEY GENERAL'S OFFICE,
25 THE SOLICITOR'S OFFICE OR ANY OTHER PROSECUTING

1 ATTORNEY'S OFFICE? IF SO, WOULD YOU PLEASE STAND.

2 (Affirmative response from jury panel.)

3 THE COURT: YES, MA'AM, YOUR NAME, PLEASE,
4 MA'AM?

5 JUROR TAYLOR: MARCIA TAYLOR.

6 THE COURT: OKAY. HOLD ON A SECOND, MS.
7 TAYLOR. MS. TAYLOR, YOU ARE JUROR NUMBER ONE
8 SEVENTY-FIVE?

9 JUROR TAYLOR: YES.

10 THE COURT: OKAY. AND MS. TAYLOR, YOU HAVE
11 WORKED IN THE PAST OR ARE RELATED WITH SOMEONE WHO
12 WORKS IN ...

13 JUROR TAYLOR: I WORK FOR -- FAMILY CENTERS,
14 WE'RE A VICTIM'S ADVOCACY AGENCY FOR VICTIMS OF SEXUAL
15 ASSAULT AND DOMESTIC VIOLENCE, SO WE DO WORK WITH THEM
16 SOMETIMES WITH CASES IN COURT.

17 THE COURT: ALRIGHT, HOW LONG HAVE YOU BEEN
18 WORKING WITH THEM?

19 JUROR TAYLOR: FOUR YEARS.

20 THE COURT: FOUR YEARS. OKAY. ALRIGHT, MS.
21 TAYLOR, THE FACT THAT YOU -- WELL, THAT YOU HAVE
22 WORKED WITH LAW ENFORCEMENT IN GENERAL THROUGH YOUR
23 JOB, WOULD THAT AFFECT YOUR ABILITY TO LISTEN TO THE
24 EVIDENCE IN THIS CASE AND RENDER A FAIR AND IMPARTIAL
25 VERDICT?

1 JUROR TAYLOR: NO, IT WOULD NOT.

2 THE COURT: OKAY. ALRIGHT, IF YOU'LL PLEASE
3 REMAIN WITH US, PLEASE, MA'AM.

4 ANYONE ELSE?

5 (Negative response from jury panel.)

6 THE COURT: ALRIGHT, NO ONE ELSE IS
7 STANDING.

8 HAS ANY MEMBER OF THE JURY PANEL EVER BEEN
9 EMPLOYED BY ANY CIVILIAN OR MILITARY LAW ENFORCEMENT
10 AGENCY -- AND MS. JAMES, YOU'VE ALREADY STOOD, SO YOU
11 DON'T NEED TO COME BACK. OKAY? HAS ANYBODY ELSE IN
12 THE JURY PANEL BEEN EMPLOYED BY ANY CIVILIAN OR
13 MILITARY LAW ENFORCEMENT AGENCY? IF SO, PLEASE STAND.

14 (Negative response from jury panel.)

15 THE COURT: ALRIGHT, NO ONE IS STANDING.

16 OKAY. I THINK FOUR, I'VE GONE OVER THE
17 WITNESS LIST. OKAY. ALRIGHT, HAS ANY MEMBER OF THE
18 JURY PANEL READ OR HEARD ANYTHING ABOUT THIS CASE
19 PRIOR TO TODAY, AND FORMED AN OPINION ABOUT THIS CASE
20 PRIOR TO TODAY? IF SO, PLEASE STAND.

21 (Negative response from jury panel.)

22 THE COURT: ALRIGHT. NO ONE IS STANDING.

23 OKAY. HAS ANY MEMBER OF THE JURY PANEL
24 DISCUSSED THIS CASE OR HEARD ANYONE ELSE DISCUSS THIS
25 CASE EITHER TODAY OR BEFORE TODAY? IF SO, PLEASE

1 STAND.

2 (Negative response from jury panel.)

3 THE COURT: ALRIGHT, NO ONE IS STANDING.

4 HAS ANY MEMBER OF THE JURY PANEL FORMED AN
5 OPINION ABOUT THIS CASE? I KNOW YOU HAVEN'T HEARD
6 ANYTHING ABOUT IT, BUT YOU KNOW, IF YOU'VE FORMED AN
7 OPINION ABOUT THIS CASE IF YOU WOULD PLEASE STAND.

8 (Negative response from jury panel.)

9 THE COURT: ALRIGHT, NO ONE IS STANDING.

10 HAS ANY MEMBER OF THE JURY PANEL OR A CLOSE
11 PERSONAL FRIEND EVER BEEN THE VICTIM OF A VIOLENT
12 CRIME? IF SO, PLEASE STAND.

13 (Affirmative response from jury panel.)

14 THE COURT: ALRIGHT, NO ONE IS STANDING.

15 HAS ANY MEMBER OF THE JURY PANEL -- OH, YES,
16 MA'AM, I'M SORRY. YOUR NAME, PLEASE, MA'AM?

17 JUROR MITCHELL: SHAUNTIA MITCHELL.

18 THE COURT: MITCHELL? OKAY. MS. MITCHELL,
19 YOU ARE JUROR NUMBER ONE THIRTY-THREE. AND MS.
20 MITCHELL, YOU ARE STANDING IN RESPONSE TO, HAVE YOU OR
21 ANY MEMBER OF YOUR FAMILY OR A CLOSE PERSONAL FRIEND
22 BEEN SUBJECT TO A VIOLENT CRIME, IS THAT CORRECT?

23 JUROR MITCHELL: YES, SIR.

24 THE COURT: WAS IT YOU?

25 JUROR MITCHELL: YES, SIR.

1 THE COURT: OKAY. AND THE FACT THAT YOU
2 WERE THE VICTIM OF A VIOLENT CRIME, WOULD THAT AFFECT
3 YOUR ABILITY TO LISTEN TO THE EVIDENCE IN THIS CASE
4 AND RENDER A FAIR AND IMPARTIAL VERDICT?

5 JUROR MITCHELL: NO, SIR.

6 THE COURT: OKAY. IF YOU'D PLEASE REMAIN
7 WITH US, MS. MITCHELL. THANK YOU, MA'AM.

8 ALRIGHT, ANYONE ELSE?

9 (Negative response from jury panel.)

10 THE COURT: OKAY. IS ANY MEMBER OF THE JURY
11 PANEL OR A MEMBER OF YOUR FAMILY OR A CLOSE PERSONAL
12 FRIEND, A MEMBER OF AN ORGANIZATION LIKE MADD, SADD,
13 CAVE, OR ANY OTHER SIMILAR ORGANIZATION WHICH HAS AS
14 ITS GOAL THE PROMOTION OF LAW ENFORCEMENT? SO, IF YOU
15 OR A MEMBER OF YOUR FAMILY OR A CLOSE PERSONAL FRIEND
16 OF YOURS IS A MEMBER OF AN ORGANIZATION LIKE SADD,
17 MADD, CAVE OR A SIMILAR TYPE ORGANIZATION, IF YOU
18 WOULD PLEASE STAND AT THIS TIME?

19 (Negative response from jury panel.)

20 THE COURT: ALRIGHT. NO ONE IS STANDING.

21 IS THERE ANYTHING IN THE NATURE OF THE
22 ALLEGATIONS OF THIS CASE WHICH WOULD CAUSE ANY MEMBER
23 OF THE JURY PROBLEM WITH SITTING AS AN IMPARTIAL
24 JUROR? IF SO, IF YOU WOULD PLEASE STAND AT THIS TIME.

25 (Negative response from jury panel.)

1 THE COURT: ALRIGHT. NO ONE IS STANDING.
2 IS THERE ANY MEMBER OF THE JURY PANEL OR A
3 MEMBER OF YOUR IMMEDIATE FAMILY OR A CLOSE PERSONAL
4 WHO IS OPPOSED TO PRIVATE CITIZENS OWNING OR
5 POSSESSING FIREARMS, INCLUDING HAND GUNS? AND THIS
6 IS, IF YOU, A MEMBER OF YOUR FAMILY, OR A CLOSE
7 PERSONAL FRIEND OF YOURS IS OPPOSED TO THE OWNERSHIP
8 OF -- PRIVATE OWNERSHIP OF FIREARMS, IF YOU WOULD
9 PLEASE STAND AT THIS TIME.

10 (Negative response from jury panel.)

11 THE COURT: ALRIGHT. NO ONE IS STANDING.
12 IS THERE ANY MEMBER OF THE JURY PANEL, A
13 MEMBER OF YOUR IMMEDIATELY FAMILY OR A CLOSE PERSONAL
14 FRIEND WHO IS A MEMBER OF THE NATIONAL RIFLE
15 ASSOCIATION? IF SO, PLEASE STAND.

16 (Affirmative response from jury panel.)

17 THE COURT: ALRIGHT. YOUR NAME, PLEASE,
18 SIR?

19 JUROR HUGHES: LEE HUGHES.

20 THE COURT: ALRIGHT. MR. HUGHES, YOU ARE
21 JUROR NUMBER EIGHTY-SEVEN?

22 JUROR HUGHES: THAT'S CORRECT.

23 THE COURT: OKAY. MR. HUGHES, ARE YOU A
24 MEMBER OF THE NRA?

25 JUROR HUGHES: I'M A LIFE MEMBER.

1 THE COURT: SIR?

2 JUROR HUGHES: A LIFE MEMBER.

3 THE COURT: ALRIGHT. THE FACT THAT YOU ARE
4 A MEMBER OF THE NRA, WOULD THAT AFFECT YOUR ABILITY TO
5 LISTEN TO THE EVIDENCE IN THIS CASE AND RENDER A FAIR
6 AND IMPARTIAL VERDICT?

7 JUROR HUGHES: NO, SIR.

8 THE COURT: THANK YOU. PLEASE REMAIN WITH
9 US, MR. HUGHES.

10 YES, MA'AM, YOUR NAME?

11 JUROR BRABHAM: NANCY BRABHAM.

12 THE COURT: OKAY. MS. BRABHAM, YOU ARE
13 JUROR NUMBER FOURTEEN. OKAY, MS. BRABHAM, ARE YOU A
14 MEMBER OF THE NRA?

15 JUROR BRABHAM: NO, BUT MY FATHER IS.

16 THE COURT: YOUR FATHER IS?

17 JUROR BRABHAM: YES, SIR.

18 THE COURT: OKAY. THE FACT THAT YOUR FATHER
19 IS A MEMBER OF THE NRA, WOULD THAT AFFECT YOUR ABILITY
20 TO LISTEN TO THE EVIDENCE IN THIS CASE AND RENDER A
21 FAIR AND IMPARTIAL VERDICT?

22 JUROR BRABHAM: NO, SIR.

23 THE COURT: OKAY. IF YOU'D PLEASE REMAIN
24 WITH US.

25 ALRIGHT, AND PASTOR, HOLD ON ONE SECOND.

1 YOUR NAME, PLEASE, SIR? MR. NEWELL.

2 JUROR NEWELL: I'M ROGER NEWELL.

3 THE COURT: YES, SIR.

4 JUROR NEWELL: I'M NUMBER ONE FORTY-TWO.

5 THE COURT: ALRIGHT, MR. NEWELL, ARE YOU A
6 MEMBER OF THE NRA?

7 JUROR NEWELL: NO, SIR, BUT MY STEP FATHER
8 IS.

9 THE COURT: YOUR STEP FATHER IS?

10 JUROR NEWELL: YES, SIR.

11 THE COURT: THE FACT THAT YOUR STEP FATHER
12 IS A MEMBER OF THE NRA, WOULD THAT AFFECT YOUR ABILITY
13 TO LISTEN TO THE EVIDENCE IN THIS CASE AND RENDER A
14 FAIR AND IMPARTIAL VERDICT?

15 JUROR NEWELL: NO, SIR.

16 THE COURT: OKAY, THANK YOU, SIR.

17 YES, SIR, YOUR NAME?

18 JUROR CRYSALE: JASON CRYSALE.

19 THE COURT: OKAY, HOLD ON ONE SECOND. YOU
20 ARE, YOU'RE A TRANSFER?

21 JUROR CRYSALE: YES, SIR.

22 THE COURT: AND MR. CRYSALE, ARE YOU A MEMBER
23 OF THE NRA?

24 JUROR CRYSALE: YES, SIR.

25 THE COURT: OKAY. THE FACT THAT YOU ARE A

1 MEMBER OF THE NRA, WOULD THAT AFFECT YOUR ABILITY TO
2 LISTEN TO THE EVIDENCE IN THIS CASE AND RENDER A FAIR
3 AND IMPARTIAL VERDICT?

4 JUROR CRYSLAL: NO, SIR.

5 THE COURT: OKAY. THANK YOU, SIR. ALRIGHT,
6 SIR.

7 ANYONE ELSE?

8 (Negative response from jury panel.)

9 THE COURT: ALRIGHT. NO ONE ELSE IS
10 STANDING.

11 HAS ANY MEMBER OF THE JURY PANEL EVER SAT ON
12 A JURY BEFORE? NOW, I KNOW IF YOU WERE WITHIN THE
13 LAST THREE YEARS YOU'VE ALREADY BEEN EXEMPTED, BUT HAS
14 ANY MEMBER OF THE JURY PANEL EVER SAT ON A JURY
15 BEFORE? IF SO, PLEASE STAND.

16 (Affirmative response from jury panel.)

17 THE COURT: OKAY. Y'ALL BEAR WITH ME FOR
18 ONE SECOND.

19 PASTOR NEWELL, YOU HAVE SAT ON A JURY
20 BEFORE?

21 JUROR NEWELL: YES, SIR.

22 THE COURT: OKAY. WAS THAT IN A CIVIL MATTER
23 OR A CRIMINAL MATTER?

24 JUROR NEWELL: IN A CRIMINAL MATTER.

25 THE COURT: OKAY. ALRIGHT, SIR. I'M JUST

1 GETTING THAT FOR INFORMATION, I'M JUST GOING TO DO IT
2 THAT WAY.

3 ANY OBJECTION TO ME JUST DOING IT FOR
4 INFORMATION?

5 MS. HINDS: NO, SIR.

6 THE COURT: OKAY. ALRIGHT, THE LADY IN THE
7 BACK, PLEASE, MA'AM?

8 JUROR SMALLS: WANDA SMALLS.

9 THE COURT: OKAY, MS. SMALLS, YOU HAVE SAT
10 ON A JURY BEFORE?

11 JUROR SMALLS: YES.

12 THE COURT: WAS THAT IN A CIVIL OR CRIMINAL
13 MATTER?

14 JUROR SMALLS: CRIMINAL.

15 THE COURT: CIVIL?

16 JUROR SMALLS: CRIMINAL.

17 THE COURT: CRIMINAL. OKAY. THANK YOU,
18 MA'AM, YOU MAY BE SEATED.

19 YOUR NAME AGAIN, PLEASE, SIR?

20 JUROR CRYSA: JASON CRYSA.

21 THE COURT: I CAN REMEMBER TENNESSEE FAN
22 MORE THAN ANYTHING ELSE. YOU HAVE SAT ON A JURY
23 BEFORE?

24 JUROR CRYSA: YES, SIR.

25 THE COURT: WAS IT IN A CIVIL OR CRIMINAL?

1 JUROR CRYSA: CRIMINAL.

2 THE COURT: ALRIGHT, SIR. THANK YOU, SIR,
3 YOU MAY BE SEATED.

4 YES, SIR, YOUR NAME?

5 JUROR HALL: JAMES HALL, NUMBER SEVENTY-TWO.

6 THE COURT: ALRIGHT, SIR, HOLD ON A SECOND.
7 MR. HALL, YOU HAVE SAT ON A JURY BEFORE, WAS THAT
8 CIVIL OR CRIMINAL?

9 JUROR HALL: CRIMINAL, SIR.

10 THE COURT: ALRIGHT, SIR. IF YOU WOULD
11 PLEASE HAVE A SEAT. THANK YOU, SIR.

12 YES, MA'AM, YOUR NAME?

13 JUROR HILLS: HARRIET HILLS, EIGHTY-THREE.

14 THE COURT: OKAY. MS. HILLS, YOU HAVE SAT ON
15 A JURY BEFORE?

16 JUROR HILLS: YES, CIVIL.

17 THE COURT: CIVIL?

18 JUROR HILLS: YES.

19 THE COURT: OKAY. THANK YOU, MA'AM.

20 YES, MA'AM, YOUR NAME?

21 JUROR HARRISON: DEBORAH HARRISON, SEVENTY-
22 ONE.

23 THE COURT: SAY IT ONE MORE TIME.

24 JUROR HARRISON: DEBORAH HARRISON.

25 THE COURT: OKAY.

1 JUROR HARRISON: SEVENTY-ONE.

2 THE COURT: OKAY, MS. HARRISON, YOU HAVE SAT
3 ON A JURY BEFORE. WAS IT CRIMINAL OR CIVIL?

4 JUROR HARRISON: CRIMINAL.

5 THE COURT: CRIMINAL. THANK YOU, MA'AM.
6 YES, SIR?

7 JUROR CULLER: CARY CULLER.

8 THE COURT: YES, SIR, MR. CULLER. HAVE YOU
9 SAT ON A JURY BEFORE?

10 JUROR CULLER: YES.

11 THE COURT: WAS IT CIVIL OR CRIMINAL?

12 JUROR CULLER: CRIMINAL.

13 THE COURT: ALRIGHT, SIR. THANK YOU, SIR.

14 YES, -- WELL -- YOU LOOKED LIKE YOU WERE SO
15 ANXIOUS TO SPEAK, I'M GOING TO LET YOU SPEAK, SIR, IN
16 THE CHECKERED SHIRT.

17 JUROR PHELPS: BERNARD PHELPS.

18 THE COURT: WHAT'S YOUR LAST NAME AGAIN?

19 JUROR PHELPS: PHELPS -- P-H.

20 THE COURT: OH, P-H. JUROR NUMBER ONE
21 FORTY-SEVEN, MR. PHELPS, WAS IT CIVIL OR CRIMINAL?

22 JUROR PHELPS: CRIMINAL.

23 THE COURT: CRIMINAL. ALRIGHT, SIR. THANK
24 YOU, SIR.

25 NOW, YOU STOOD UP LATE, SO I'M COMING BACK.

1 TO YOU, YOU'RE GOING TO HAVE TO WAIT UNTIL THE END
2 NOW. THE LADY IN THE RED IN THE BACK?

3 JUROR SMALLS: JUROR NUMBER ONE SIXTY-FOUR,
4 GWENDOLYN SMALLS, AND IT WAS CRIMINAL.

5 THE COURT: CRIMINAL?

6 JUROR SMALLS: YES, SIR.

7 THE COURT: OKAY, THANK YOU, MS. SMALLS.

8 ALRIGHT, YES, MA'AM. THE LADY IN THE KIND OF
9 BROWN. YES, MA'AM, YOUR NAME?

10 JUROR KESTLER: MARY TERESA KESTLER, AND IT
11 WAS CRIMINAL.

12 THE COURT: OKAY. WHAT WAS YOUR NAME AGAIN?

13 JUROR KESTLER: MARY TERESA KESTLER.

14 THE COURT: KESTLER, OKAY.

15 JUROR KESTLER: ONE O FIVE.

16 THE COURT: OKAY. ONE O FIVE. WAS IT CIVIL
17 OR CRIMINAL, MS. KESTLER?

18 JUROR KESTLER: CRIMINAL.

19 THE COURT: ALRIGHT, THANK YOU, MA'AM.

20 ALRIGHT, MA'AM, I'M GOING TO GET YOU. YES,
21 MA'AM, YOU.

22 JUROR JEFFCOAT: JEANETTE JEFFCOAT, NINETY-
23 ONE, CIVIL.

24 THE COURT: OKAY. ALRIGHT. YES, MA'AM, IN
25 THE GLASSES, I'M LOOKING AT YOU RIGHT NOW. TELL ME.

1 JUROR BROWN: JOE ANN BROWN, NUMBER TWENTY-
2 ONE.

3 THE COURT: OKAY, MS. BROWN, WAS IT CIVIL OR
4 CRIMINAL?

5 JUROR BROWN: CIVIL.

6 THE COURT: OKAY. THANK YOU, MA'AM.

7 AND, YES, MA'AM?

8 JUROR GADDIS: WINIFRED GADDIS.

9 THE COURT: OKAY, MS. GADDIS, YOU'RE NUMBER
10 FIFTY-NINE. WAS IT CIVIL OR CRIMINAL?

11 JUROR GADDIS: CRIMINAL.

12 THE COURT: OKAY. THANK YOU, MA'AM.

13 YES, SIR, YOUR NAME AGAIN, PLEASE SIR?

14 JUROR HUGHES: LEE HUGHES, NINETY-SEVEN.

15 THE COURT: OKAY. SIR?

16 JUROR HUGHES: CRIMINAL.

17 THE COURT: IT WAS CRIMINAL?

18 JUROR HUGHES: YES, SIR.

19 THE COURT: THANK YOU, SIR.

20 AND THE GENTLEMAN IN THE RED, HE WAS NEXT TO
21 LAST.

22 JUROR HOUSER: HOUSER, CIVIL.

23 THE COURT: MR. HOUSER, AND THAT WAS CIVIL?

24 JUROR HOUSER: YES.

25 THE COURT: AND LAST BUT NOT LEAST?

1 JUROR MERRITT: JAMES MERRITT.

2 THE COURT: OKAY. WAS IT CIVIL OR CRIMINAL?

3 JUROR MERRITT: CIVIL.

4 THE COURT: ALRIGHT, THANK YOU, MR. MERRITT.

5 ALRIGHT. OKAY, HAS ANY MEMBER OF THE JURY
6 PANEL EVER RECEIVED ASSISTANCE FROM THE VICTIM'S
7 ADVOCACY PROGRAM? HAS ANY MEMBER OF THE JURY PANEL
8 EVER RECEIVED FROM THE VICTIM'S ADVOCACY PROGRAM? IF
9 SO, PLEASE STAND.

10 (Negative response from jury panel.)

11 THE COURT: ALRIGHT. NO ONE IS STANDING.

12 HAS ANY MEMBER OF THE JURY PANEL EVER BEEN
13 PROSECUTED IN THIS COUNTY OR ANYWHERE ELSE? ANY
14 MEMBER OF THE JURY PANEL OR A MEMBER OF YOUR FAMILY
15 EVER BEEN PROSECUTED HERE OR ANYWHERE ELSE? IF SO,
16 PLEASE STAND.

17 (Affirmative response from jury panel.)

18 THE COURT: ALRIGHT, YOUR NAME, PLEASE, SIR?

19 JUROR JENKINS: DWAYNE JENKINS, NUMBER
20 NINETY-THREE.

21 THE COURT: MR. JENKINS, NUMBER NINETY-
22 THREE. MR. JENKINS, HAVE YOU BEEN PROSECUTED? IT'S A
23 YES OR NO QUESTIONS, HAVE YOU BEEN PROSECUTED?

24 JUROR JENKINS: YES.

25 THE COURT: OKAY. ALRIGHT, SIR. THE FACT

1 THAT YOU'VE BEEN PROSECUTED, WOULD THAT AFFECT YOUR
2 ABILITY TO LISTEN TO THE EVIDENCE IN THIS CASE AND
3 RENDER A FAIR AND IMPARTIAL VERDICT?

4 JUROR JENKINS: YES.

5 THE COURT: YOU THINK IT WOULD?

6 JUROR JENKINS: YES, SIR, I WOULD SAY YES.

7 THE COURT: OKAY. ALRIGHT, SIR. MR.
8 JENKINS, I'M GOING TO EXCUSE YOU FROM JURY DUTY THEN.
9 OKAY? THANK YOU, SIR, YOU ARE EXCUSED.

10 YES, SIR?

11 JUROR CRAVEN: COULD YOU REPEAT THE
12 QUESTION, PLEASE?

13 THE COURT: THE QUESTION WAS, HAVE YOU OR
14 ANY MEMBER OF YOUR FAMILY EVER BEEN PROSECUTED,
15 EITHER HERE OR IN ANY OTHER COUNTY ANYWHERE ELSE?

16 JUROR CRAVEN: FOR LITTERING, YEAH, I WAS
17 PROSECUTED.

18 THE COURT: OKAY. ALRIGHT, SIR. THE FACT
19 THAT YOU WERE PROSECUTED FOR LITTERING, WOULD THAT
20 AFFECT YOUR -- AND YOUR NAME, PLEASE, SIR?

21 JUROR CRAVEN: CRAVEN.

22 THE COURT: HOLD ON A SECOND, MR. CRAVEN.

23 JUROR CRAVEN: BY THE GAME WARDEN.

24 THE COURT: JUST ONE SECOND. LET ME JUST
25 FIND YOUR NAME, SIR. OKAY, NUMBER THIRTY-EIGHT.

1 OKAY. MR. CRAVEN, THE FACT THAT YOU WERE PROSECUTED
2 FOR LITTERING, WOULD THAT AFFECT YOUR ABILITY TO
3 LISTEN TO THE EVIDENCE IN THIS CASE AND RENDER A FAIR
4 AND IMPARTIAL VERDICT?

5 JUROR CRAVEN: NO, YOUR HONOR.

6 THE COURT: OKAY. THANK YOU, SIR, APPRECIATE
7 IT. PLEASE REMAIN WITH US.

8 AND YES, MA'AM, YOUR NAME AGAIN?

9 JUROR SMALLS: GWENDOLYN SMALLS.

10 THE COURT: OKAY, MS. SMALLS, YOU HAVE BEEN
11 PROSECUTE BEFORE?

12 JUROR SMALLS: NO, SIR.

13 THE COURT: A MEMBER OF YOUR FAMILY HAS BEEN
14 PROSECUTED?

15 JUROR SMALLS: YES, SIR.

16 THE COURT: ALRIGHT. MS. SMALLS, THE FACT
17 THAT A MEMBER OF YOUR FAMILY HAS BEEN PROSECUTED
18 BEFORE, WOULD THAT AFFECT YOUR ABILITY TO LISTEN TO
19 THE EVIDENCE IN THIS CASE AND RENDER A FAIR AND
20 IMPARTIAL VERDICT?

21 JUROR SMALLS: NO, SIR.

22 THE COURT: OKAY. IF YOU'D PLEASE REMAIN
23 WITH US, PLEASE, MA'AM.

24 ANYONE ELSE?

25 (Negative response from jury panel.)

1 THE COURT: ALRIGHT. ANY OTHER QUESTIONS BY
2 THE STATE?

3 SOLICITOR SORENSON: NO, SIR.

4 THE COURT: ANY OTHER QUESTIONS BY THE
5 DEFENSE?

6 MS. HINDS: NO, SIR.

7 THE COURT: ALRIGHT, LADIES AND GENTLEMEN,
8 THE NEXT STAGE OF THE PROCESS IS THE PROCESS WHEREBY
9 WE GO AND PICK A JURY. IT'S GOING TO TAKE Y'ALL ABOUT
10 HOW LONG TO LOOK OVER THE JURY LIST, OR ARE Y'ALL
11 READY TO GO?

12 SOLICITOR SORENSON: AS SOON AS THEY - - -

13 THE COURT: OH, YEAH, THEY'VE GOT TO DO
14 THAT.

15 SOLICITOR SORENSON: OH, YEAH, HOW LONG IS
16 THAT GOING TO TAKE?

17 CLERK: ABOUT TWO MINUTES.

18 THE COURT: HOW LONG?

19 CLERK: ABOUT TWO MINUTES.

20 THE COURT: OKAY. WELL, I'LL FILL THIS TIME
21 WITH MY TALKING. OKAY? THEY'LL BE THRILLED.

22 ALRIGHT, LADIES AND GENTLEMEN, WHAT WE'RE
23 GOING TO DO NOW IS TO PICK A JURY. OKAY? NOW, SINCE
24 THIS IS A CRIMINAL CASE YOUR NAMES ARE GOING TO APPEAR
25 ON A LIST THAT'S IN THE COMPUTER. EVERYBODY WHO HAS

1 QUALIFIED SO FAR, YOUR NAME IS IN THE COMPUTER, AND
2 THEY'RE GOING TO PULL YOUR NAMES OUT IN A DIFFERENT
3 FASHION, A RANDOM FASHION. THEY'RE GOING TO HAND THE
4 LIST OUT BOTH TO ME AND TO THE ATTORNEYS INVOLVED IN
5 THIS CASE. IT USED TO BE WHEN I FIRST STARTED
6 PRACTICING LAW THEY WOULD ACTUALLY PULL YOUR NAME OUT
7 OF A LITTLE PLASTIC, A LITTLE WIRED BASKET HERE, AND
8 THEN YOU'D BE CALLED UP AS YOUR NAME WAS CALLED.
9 WELL, ONCE WE GET THE LIST WE'RE GOING TO GO DOWN THE
10 LIST. AS YOUR NAME IS CALLED Y'ALL WILL BE ASKED TO
11 COME FORWARD, STAND RIGHT IN FRONT OF THIS PODIUM, AND
12 TURN AND FACE THE ATTORNEYS AND EVERYBODY ELSE HERE.
13 SO, WHEN YOU COME FORWARD, IF YOU WILL BRING ANYTHING
14 YOU'VE GOT WITH YOU, BECAUSE IF YOU GET PICKED TO BE
15 ON THE JURY YOUR NEXT STOP IS GOING TO BE OVER THERE.
16 SO, YOU NEED TO HAVE EVERYTHING WITH YOU WHEN YOU
17 COME. OKAY? ONCE YOU GET UP HERE IT'S GOING TO BE UP
18 TO THE ATTORNEYS TO DECIDE WHETHER OR NOT YOU'RE GOING
19 TO SIT AS A JUROR ON THIS CASE. THEY WILL EITHER SAY,
20 SIT THE JUROR, OR PLEASE EXCUSE THE JUROR. OKAY?
21 ONCE THE JURY PANEL HAS BEEN PICKED, AS I TOLD YOU, WE
22 ARE GOING TO COME BACK AND START THE TRIAL TOMORROW
23 MORNING. SO, IF YOU ARE LUCKY ENOUGH TO GET CHOSEN FOR
24 THE JURY THEN YOU'RE NOT GOING TO BE ABLE -- WE'RE NOT
25 GOING TO GO FORWARD THIS AFTERNOON BECAUSE WE'VE GOT

1 SOME MATTERS THAT WE'VE GOT TO TAKE CARE OF OUTSIDE
2 THE PRESENCE OF THE JURY, AND RATHER THAN JUST HAVE
3 Y'ALL WAIT TO SEE HOW LONG IT TAKES, WE THOUGHT WE
4 WOULD BE BETTER SERVED TO LET Y'ALL GO AND DO WHATEVER
5 Y'ALL HAVE GOT TO DO THIS AFTERNOON, GIVE Y'ALL SOME
6 TIME TO DO THAT, AND GET Y'ALL TO COME BACK IN THE
7 MORNING SO WE CAN START THE CASE IN THE MORNING. AS I
8 TOLD YOU IN THE BEGINNING, WE DO NOT ANTICIPATE THIS
9 BEING A LONG TRIAL. OKAY? IT'S GOING TO PROBABLY GO
10 TWO DAYS, BUT IT'S NOT GOING TO GO UNTIL FRIDAY, I
11 DON'T THINK. THINGS COULD CHANGE, BUT THAT'S OUR PLAN
12 AS IT IS TODAY. OKAY?

13 ARE Y'ALL READY?

14 CLERK: YES, SIR.

15 THE COURT: IS THE STATE READY?

16 SOLICITOR SORENSON: YES, SIR.

17 THE COURT: OKAY. IS THE DEFENSE READY?

18 MS. HINDS: YES, SIR.

19 THE COURT: OKAY. ALRIGHT. NOW, LADIES AND
20 GENTLEMEN, REMEMBER AGAIN, AS WE CALL YOUR NAME IF YOU
21 WOULD COME FORWARD AND COME UP HERE AND TURN AND FACE
22 THE ATTORNEYS, AND THEN WE'LL GET, WE'LL FIND OUT
23 WHETHER YOU GOT CHOSEN FOR THIS JURY OR NOT. OKAY?
24 THANK YOU, SIR.

25 CLERK: NUMBER ONE FORTY-TWO, ROGER NEWELL.

1 WHAT SAYS THE STATE?

2 SOLICITOR SORENSON: PLEASE PRESENT MR.

3 NEWELL.

4 CLERK: WHAT SAYS THE DEFENSE?

5 MS. HINDS: PLEASE EXCUSE MR. NEWELL.

6 CLERK: YOU MAY RETURN TO YOUR SEAT.

7 FIFTY-NINE, WINNIFRED GADDIS. WHAT SAYS THE
8 STATE?

9 SOLICITOR SORENSON: PLEASE PRESENT MS.

10 GADDIS.

11 CLERK: WHAT SAYS THE DEFENSE?

12 MS. HINDS: PLEASE SEAT MS. GADDIS.

13 CLERK: YOU MAY BE SEATED IN THE JURY BOX,
14 MS. GADDIS.

15 THE COURT: MS. GADDIS, IF YOU'LL GO OVER
16 THERE, MS. JOHNSON WILL TELL YOU WHERE TO SIT. OKAY.

17 CLERK: ONE SEVENTY-THREE, KATINA MOORE.

18 WHAT SAYS THE STATE?

19 SOLICITOR SORENSON: PLEASE EXCUSE MS.

20 MOORE.

21 CLERK: YOU MAY RETURN TO YOUR SEAT, MS.

22 MOORE.

23 TWENTY-THREE, DEON CAIN. WHAT SAYS THE
24 STATE?

25 SOLICITOR SORENSON: PLEASE PRESENT MR.

1 CAIN.

2 CLERK: WHAT SAYS THE DEFENSE?

3 MS. HINDS: PLEASE SEAT MR. CAIN.

4 CLERK: YOU MAY BE SEATED IN THE JURY BOX,
5 MR. CAIN.

6 ONE FORTY-SEVEN, BERNARD PHELPS. WHAT SAYS
7 THE STATE?

8 SOLICITOR SORENSON: PLEASE PRESENT MR.
9 PHELPS.

10 CLERK: WHAT SAYS THE DEFENSE?

11 MS. HINDS: PLEASE SEAT MR. PHELPS.

12 CLERK: YOU MAY BE SEATED IN THE JURY BOX,
13 MR. PHELPS.

14 ONE FIFTY-SIX, RAYMOND ROBINSON. WHAT SAYS
15 THE STATE?

16 SOLICITOR SORENSON: PLEASE PRESENT MR.
17 ROBINSON.

18 CLERK: WHAT SAYS THE DEFENSE?

19 MS. HINDS: PLEASE SEAT MR. ROBINSON.

20 CLERK: YOU MAY BE SEATED IN THE JURY BOX.
21 TWENTY-SIX, MICHAEL CANNON. WHAT SAYS THE
22 STATE?

23 SOLICITOR SORENSON: PLEASE PRESENT MR.
24 CANNON.

25 CLERK: WHAT SAYS THE DEFENSE?

1 MS. HINDS: PLEASE SEAT MR. CANNON.

2 CLERK: YOU MAY BE SEATED IN THE JURY BOX.

3 TWENTY-ONE, JOE ANN BROWN. WHAT SAYS THE

4 STATE?

5 SOLICITOR SORENSON: PLEASE PRESENT MS.

6 BROWN.

7 CLERK: WHAT SAYS THE DEFENSE?

8 MS. HINDS: PLEASE SEAT MS. BROWN.

9 CLERK: YOU MAY BE SEATED IN THE JURY BOX.

10 ONE EIGHTY, HELEN THROWER. WHAT SAYS THE

11 STATE?

12 SOLICITOR SORENSON: PLEASE PRESENT MS.

13 THROWER.

14 CLERK: WHAT SAYS THE DEFENSE?

15 MS. HINDS: PLEASE SEAT MS. THROWER.

16 CLERK: YOU MAY BE SEATED IN THE JURY BOX.

17 NINETEEN, DERRELL BROWN. WHAT SAYS THE

18 STATE?

19 SOLICITOR SORENSON: PLEASE PRESENT MR.

20 BROWN.

21 CLERK: WHAT SAYS THE DEFENSE?

22 MS. HINDS: PLEASE SEAT MR. BROWN.

23 CLERK: EIGHTY-FIVE, THOMAS HOUSER. WHAT

24 SAYS THE STATE?

25 SOLICITOR SORENSON: PLEASE PRESENT MR.

1 HOUSER.

2 CLERK: WHAT SAYS THE DEFENSE?

3 MS. HINDS: PLEASE SEAT MR. HOUSER.

4 CLERK: YOU MAY BE SEATED IN THE JURY BOX.

5 NUMBER TWO, ALDEN ASHER. WHAT SAYS THE

6 STATE?

7 SOLICITOR SORENSON: PLEASE EXCUSE MR.

8 ASHER.

9 CLERK: YOU MAY RETURN TO YOUR SEAT, MR.

10 ASHER.

11 FIFTY-THREE, LAKENIA ELLISON. WHAT SAYS THE

12 STATE?

13 SOLICITOR SORENSON: PLEASE EXCUSE MS.

14 ELLISON.

15 CLERK: YOU MAY RETURN TO YOUR SEAT.

16 FIFTY-FIVE, JAMES EVANS. WHAT SAYS THE

17 STATE?

18 SOLICITOR SORENSON: PLEASE EXCUSE MR.

19 EVANS.

20 CLERK: YOU MAY RETURN TO YOUR SEAT.

21 ONE O FOUR, JOHN KENNEDY. WHAT SAYS THE

22 STATE?

23 SOLICITOR SORENSON: PLEASE PRESENT MR.

24 KENNEDY.

25 CLERK: WHAT SAYS THE DEFENSE?

1 MS. HINDS: PLEASE SEAT MR. KENNEDY.

2 CLERK: YOU MAY BE SEATED IN THE JURY BOX.

3 ELEVEN, LINDA BLANKS. WHAT SAYS THE STATE?

4 SOLICITOR SORENSON: PLEASE PRESENT MS.

5 BLANKS.

6 CLERK: WHAT SAYS THE DEFENSE?

7 MS. HINDS: PLEASE EXCUSE MS. BLANKS.

8 CLERK: YOU MAY RETURN TO YOUR SEAT, MS.

9 BLANKS.

10 ONE NINETEEN, TIFFANY MARTIN. WHAT SAYS THE
11 STATE?

12 SOLICITOR SORENSON: PLEASE EXCUSE MS.

13 MARTIN.

14 CLERK: YOU MAY RETURN TO YOUR SEAT.

15 TWENTY-SEVEN, BARBARA CARSON. WHAT SAYS THE
16 STATE?

17 SOLICITOR SORENSON: PLEASE PRESENT MS.

18 CARSON.

19 MS. HINDS: PLEASE SEAT MS. CARSON.

20 CLERK: YOU MAY BE SEATED IN THE JURY BOX.

21 ONE SIXTY-SEVEN, CHARLOTTE SMOAK. WHAT SAYS
22 THE STATE?

23 SOLICITOR SORENSON: PLEASE PRESENT MS.

24 SMOAK.

25 CLERK: WHAT SAYS THE DEFENSE?

1 MS. HINDS: PLEASE SEAT MS. SMOAK.

2 CLERK: YOU MAY BE SEATED IN THE JURY BOX.

3 THE COURT: ALRIGHT. NOW, ACCORDING TO MY
4 CALCULATIONS THAT'S TWELVE. IS THAT CORRECT?

5 SOLICITOR SORENSON: YES, SIR.

6 THE COURT: OKAY. DO YOU WANT TO PICK TWO
7 ALTERNATES?

8 SOLICITOR SORENSON: THAT WILL BE FINE.

9 THE COURT: ALRIGHT.

10 CLERK: ONE HUNDRED, MINNIE JOHNSON. WHAT
11 SAYS THE STATE?

12 SOLICITOR SORENSON: PLEASE PRESENT MS.
13 JOHNSON.

14 CLERK: WHAT SAYS THE DEFENSE?

15 MS. HINDS: PLEASE SEAT MS. JOHNSON.

16 CLERK: YOU MAY BE SEATED IN THE JURY BOX.
17 FORTY-SEVEN, SELENA DAVIS. WHAT SAYS THE
18 STATE?

19 SOLICITOR SORENSON: PLEASE EXCUSE MS.
20 DAVIS.

21 CLERK: YOU MAY RETURN TO YOUR SEAT.
22 SIXTY-NINE, EUGENIA GRAYTON.

23 THE COURT: THAT'S MS. JAMES.

24 SOLICITOR SORENSON: PLEASE PRESENT MS.
25 JAMES.

1 MS. HINDS: PLEASE EXCUSE MS. JAMES.

2 CLERK: NUMBER FIFTY, HOLLI HOWE. WHAT SAYS
3 THE STATE?

4 SOLICITOR SORENSON: PLEASE PRESENT MS.
5 HOWE.

6 CLERK: WHAT SAYS THE DEFENSE?

7 MS. HINDS: PLEASE SEAT MS. HOWE.

8 CLERK: YOU MAY BE SEATED IN THE JURY BOX.

9 THE COURT: ALRIGHT. WE'VE GOT OUR TWO
10 ALTERNATES NOW.

11 ALRIGHT, NOW, ANYTHING FROM THE STATE
12 REGARDING JURY SELECTION?

13 SOLICITOR SORENSON: NO, YOUR HONOR.

14 THE COURT: OKAY. ANYTHING FROM THE DEFENSE
15 REGARDING JURY SELECTION?

16 MS. HINDS: NO, SIR.

17 THE COURT: ALRIGHT. WHAT I BELIEVE, -- IN
18 OUR DISCUSSIONS, WHAT WE'RE GOING TO DO IS EXCUSE THE
19 JURY TO COME BACK TOMORROW MORNING AND START AT --
20 WHAT TIME DO YOU WANT TO START, NINE?

21 SOLICITOR SORENSON: WHENEVER YOU WANT TO
22 START, YOUR HONOR.

23 THE COURT: OKAY. HOW ABOUT NINE?

24 MS. HINDS: NINE:THIRTY.

25 THE COURT: NINE:THIRTY?

1 SOLICITOR SORENSON: LET'S SAY A QUARTER
2 AFTER.

3 THE COURT: A QUARTER AFTER, WE'LL SPLIT THE
4 DIFFERENCE. OKAY. ALRIGHT, NOW, LADIES AND
5 GENTLEMEN, CONGRATULATIONS. I KNOW THAT Y'ALL ARE
6 MAYBE NOT AS EXCITED AS YOU WOULD LIKE TO BE ABOUT
7 SERVING ON JURY DUTY, BUT THE TRUTH OF THE MATTER IS,
8 THIS IS A VERY IMPORTANT THING THAT Y'ALL GET TO DO,
9 AND IT IS VERY IMPORTANT TO THE PEOPLE INVOLVED, AND I
10 AM PARTICULARLY PLEASED THAT Y'ALL ARE WILLING TO
11 SERVE. BECAUSE WE'VE GOT SOME MATTERS THAT WE'VE GOT
12 TO GO OVER THIS AFTERNOON, YOU'VE HEARD, I'M GOING TO
13 ASK Y'ALL TO BE BACK IN THE JURY ROOM AT NINE:FIFTEEN
14 IN THE MORNING SO WE CAN START THE TRIAL.

15 NOW, WHEN I TELL Y'ALL TO LEAVE TODAY IF YOU
16 WILL FOLLOW MS. JOHNSON, SHE WILL SHOW YOU WHERE THE
17 JURY ROOM IS AND TELL YOU HOW, YOU KNOW, TO, HOW TO
18 COME IN TOMORROW MORNING SO THAT Y'ALL CAN BE READY --
19 IF Y'ALL CAN GET HERE A LITTLE BIT BEFORE NINE:FIFTEEN
20 IN THE HOPES THAT WE CAN GET STARTED RIGHT AWAY.
21 OKAY?

22 NOW, YOU HAVE BEEN CHOSEN FOR THIS JURY
23 DUTY. YOU KNOW LITTLE OR NOTHING ABOUT THIS CASE OTHER
24 THAN WHO THE PARTIES ARE. I'M TELLING YOU NOW, YOU
25 CANNOT TALK ABOUT THIS CASE, EVEN AMONG YOURSELVES OR

1 TO ANYBODY YOU LIVE WITH OR TO ANY OF YOUR FRIENDS.
2 YOU CANNOT READ ANYTHING ABOUT THIS CASE. IF SOMETHING
3 HAPPENS TO COME ON T.V. OR SOMETHING HAPPENS TO BE IN
4 THE NEWSPAPER ABOUT IT I AM TELLING YOU TO DISREGARD
5 IT. OKAY? YOU ARE TO HAVE NO CONVERSATIONS WHATSOEVER
6 ABOUT THIS CASE WITH ANYONE UNTIL I TELL YOU THAT YOU
7 ARE ABLE TO DO THAT, AND YOU'RE NOT GOING TO BE ABLE
8 TO THAT UNTIL AFTER YOU'VE HEARD ALL OF THE TESTIMONY
9 IN THIS CASE. SO, UP UNTIL THAT TIME DO NOT TALK,
10 EVEN AMONG YOURSELVES, ABOUT THIS CASE. IF ANYONE
11 TRIES TO CONTACT YOU NOW THAT YOU ARE SITTING ON THE
12 JURY, I NEED TO BE MADE AWARE OF IT. OKAY? BECAUSE
13 NO ONE IS SUPPOSED TO CONTACT YOU WHILE YOU ARE
14 SITTING ON THE JURY ABOUT THIS CASE. NOW, YOU MAY
15 KNOW PLENTY OF PEOPLE IN THE COURTROOM, YOU MAY KNOW
16 SOME OF THE ATTORNEYS, YOU MAY KNOW SOME OF THE STAFF.
17 THEY ARE NOT ALLOWED TO TALK TO YOU WHILE YOU ARE
18 SERVING ON JURY DUTY. THAT IS BECAUSE YOU ARE
19 SEPARATE AND APART FROM EVERYBODY ELSE AND THEY'VE
20 BEEN DIRECTED BY THIS COURT NOT TO TALK WITH YOU.
21 THEY'RE NOT BEING RUDE, THEY'RE JUST NOT ALLOWED TO
22 TALK WITH YOU. OKAY?

23 NOW, I'M GOING TO EXCUSE YOU TO GO BACK TO
24 THE JURY ROOM RIGHT NOW SO Y'ALL CAN SEE WHERE IT IS.
25 IF Y'ALL CAN GET BACK HERE TOMORROW MORNING BEFORE

1 NINE:FIFTEEN I NEED FOR Y'ALL TO DO SO. IF ANY OF YOU
2 HAVE ANY PROBLEMS WITH TRANSPORTATION, IF YOU WILL LET
3 THE BAILIFFS KNOW WE'LL MAKE SURE YOU GET A RIDE.
4 OKAY?

5 ALRIGHT, NOW, Y'ALL ARE EXCUSED TO GO BACK
6 IN THE JURY ROOM AGAIN. YOU CANNOT TALK OR READ OR DO
7 ANYTHING ABOUT THIS CASE. THANK YOU.

8 (Whereupon, the jury leaves
9 the courtroom for the day
10 and the following takes place
11 out of the presence of the jury.)

12 THE COURT: NOW THE REMAINDER OF THE JURY
13 PANEL WHO ARE SITTING THERE INCREDIBLY DISAPPOINTED AT
14 NOT BEING ON JURY DUTY, I KNOW YOU ARE DISAPPOINTED
15 AND I SHARE YOUR DISAPPOINTMENT BECAUSE I KNOW EACH
16 ONE OF Y'ALL WOULD HAVE DONE A GREAT JOB AS A JUROR.

17 THE OTHER NEWS IS THAT THIS IS THE ONLY CASE
18 WE HAD THIS WEEK, SO Y'ALL HAVE DONE YOUR JURY DUTY
19 FOR THIS YEAR. SO, THANK Y'ALL FOR COMING. I
20 APPRECIATE Y'ALL COMING AND BEING WILLING TO SERVE.

21 PASTOR NEWELL, I HOPE YOU'LL GO BY THE
22 HIGHWAY DEPARTMENT AND CHANGE YOUR ADDRESS.

23 ALRIGHT, GOOD DAY, AND GOOD LUNCH TIME.
24 OKAY?

25 WAIT A MINUTE -- YES, SIR?

THE COURT: THANK Y'ALL.

THE COURT: ALRIGHT, WE'LL START BACK AFTER

(Recess)

(State's Exhibits One,
Photo lineup,
State's Exhibits Two, Three, Four,
Photos,
marked for identification.)

THE COURT: ALRIGHT, SO WE'RE GOING TO TAKE CARE OF PRETRIAL MOTIONS AND ALL THAT GOOD STUFF?

SOLICITOR SORENSON: YES, SIR.

THE COURT: OKAY. AND Y'ALL ARE GOING TO TELL ME WHAT ALL THE GOOD STUFF IS? WHO'S ...

MS. HINDS: THE TWO BIGGEST ISSUES ARE, OBVIOUSLY, WE HAVE A MOTION TO SUPPRESS THE LINEUP -- THE IDENTIFICATION VIA THE LINEUP. OUR POSITION WOULD BE THAT THE NATURE OF THE LINEUP IS SO, AND THE WAY THAT IT WAS CONDUCTED WAS SUGGESTIVE, AND THAT THE RELIABILITY OF THAT IDENTIFICATION WOULD BE IN

1 QUESTION. CONDESCENDING FROM THAT, THE NEXT QUESTION
2 WOULD BE, OBVIOUSLY, TO SUPPRESS ANY IN COURT
3 IDENTIFICATION BASED ON THE WITNESS PICKING THE PERSON
4 OUT OF THE LINEUP, WHICH WOULD HAVE BEEN THE
5 FOUNDATION FOR PICKING HIM OUT IN COURT.

6 THE COURT: OKAY. SO, DEPENDING ON WHAT I
7 DO WITH THE, WITH THE LINEUP WOULD HAVE SOME IMPACT ON
8 WHAT WE DO WITH IN COURT IDENTIFICATION?

9 MS. HINDS: YES, SIR.

10 THE COURT: OKAY. SO, WHAT DO YOU HAVE FOR
11 ME WITH REGARD TO THE LINEUP, WHAT INFORMATION DO
12 Y'ALL HAVE?

13 MS. HINDS: FIRST OFF, THE INITIAL
14 DESCRIPTION OF THE PERSON BASICALLY CONTAINED
15 INFORMATION ABOUT A SHORT, DARK SKINNED PERSON WITH,
16 IN SOME PLACES IT SAYS, DREDS, IN SOME PLACES IT SAYS,
17 TWISTS. IT ALSO GAVE A CLOTHING DESCRIPTION.
18 OBVIOUSLY, THE LINEUP PICTURES DO NOT INCLUDE CLOTHING
19 SO THAT WOULD NOT BE A FACTOR, IT WOULDN'T BE A FACTOR
20 IN THE CASE ANYWAY SINCE MY CLIENT WAS NOT ARRESTED
21 CLOSE IN TIME TO WHEN THIS ACTUALLY HAPPENED.
22 HOWEVER, I GUESS MY BIGGEST PROBLEM WITH THE LINEUP
23 WOULD BE THAT THE WITNESS DID SPECIFICALLY MENTION A
24 TEAR DROP TATTOO ON THE PERPETRATOR'S FACE, AND
25 LOOKING AT THE LINEUP THERE ARE SIX PEOPLE, AND AS FAR

1 AS I CAN TELL THE ONLY PERSON IN THE LINEUP WITH A
2 TEAR DROP IS MY CLIENT.

3 THE COURT: DO Y'ALL HAVE PICTURES, DO Y'ALL
4 HAVE ANYTHING?

5 SOLICITOR SORENSON: I MIGHT HAVE THE LINEUP,
6 YOUR HONOR, AND I'LL BE GLAD TO PUT SOME TESTIMONY ON
7 THE RECORD, TOO, AS FAR AS FROM THE VICTIM AND ALL THE
8 ...

9 THE COURT: OKAY. THAT WOULD BE GREAT. I'M
10 GOING TO NEED THAT. I WOULD LIKE TO SEE THE -- IS THIS
11 THE LINEUP? OKAY.

12 SOLICITOR SORENSON: IT WAS, WAS SHOWN TO
13 HER, AND THEY WILL TESTIFY ...

14 THE COURT: OH, OKAY. THANK YOU. IS IT --
15 NOW, SHE WAS SHOWN A LINEUP JUST LIKE THIS?

16 SOLICITOR SORENSON: SHE WAS SHOWN THAT -- I
17 BELIEVE THAT VERY PIECE OF PAPER RIGHT THERE.

18 THE COURT: THIS VERY PIECE OF PAPER? SO,
19 THIS IS ...

20 SOLICITOR SORENSON: BUT NOT LIKE THAT,
21 THOUGH.

22 THE COURT: OH, NOT LIKE ...

23 SOLICITOR SORENSON: SHE WAS NOT SHOWN ...

24 THE COURT: IT WAS DONE LIKE THIS?

25 SOLICITOR SORENSON: YES, SIR.

1 MS. HINDS: YES, SIR.

2 SOLICITOR SORENSON: SHE SIGNS AND DATES THE
3 BACK OF THAT FOLDER, SO THAT'S WHY I ATTACHED THE
4 FOLDER TO IT. BUT YOU CAN SEE FROM WHERE SHE
5 INITIALED ON THE PHOTOGRAPH THAT, I MEAN, IT OBVIOUSLY
6 WAS SHOWN OPEN TO HER, NOT LIKE THAT.

7 THE COURT: OKAY. NOW, I'M LOOKING AT THESE
8 PHOTOGRAPHS. OKAY? AND WHAT I'M LOOKING AT, MS.
9 HINDS, IT LOOKS TO ME LIKE THEY PICKED, APPARENTLY
10 THERE ARE SIX YOUNG BLACK MALES HERE. ALL OF THEM
11 HAVE THEIR HAIR IN, WHAT DO YOU CALL IT, TWISTS? AND I
12 REALIZE, AND CLOTHING DOESN'T MATTER. NOW, I KNOW YOU
13 MENTIONED A TEAR DROP?

14 MS. HINDS: YES, SIR.

15 THE COURT: OKAY. IS THAT SUPPOSED TO BE
16 UNDER HIS RIGHT EYE?

17 MS. HINDS: YES, SIR.

18 THE COURT: OKAY. AND I'M LOOKING, AND HE'S
19 IN PICTURE NUMBER THREE?

20 MS. HINDS: YES.

21 THE COURT: OKAY. AND JUST FOR MY OWN, AND,
22 OF COURSE, YOU -- WHEN I'M LOOKING AT THIS I SEE, I
23 THINK, WHAT YOU'RE TALKING ABOUT AS THE TEAR DROP?

24 MS. HINDS: YES, SIR.

25 THE COURT: BUT IT LOOKS, IT ACTUALLY LOOKS

1 LIKE JUST A BLEMISH TO ME. I MEAN, I'M JUST TELLING
2 YOU THAT.

3 MS. HINDS: HE'S THE ONLY ONE WITH A DARK
4 MARK IN THAT PARTICULAR LOCATION THAT I CAN TELL.

5 THE COURT: OKAY.

6 MS. HINDS: IT KIND OF GOES, I THINK, TO THE
7 TESTIMONY.

8 THE COURT: OKAY.

9 MS. HINDS: I MEAN, OUR POSITION WOULD BE
10 THAT I BELIEVE YOU MAY HEAR TESTIMONY THAT BEFORE THE
11 VICTIM IN THIS CASE GIVES HER DESCRIPTIONS SHE RUNS
12 INTO SOMEBODY, SHE RUNS FOR HELP. THE PERSON THAT
13 HELPS HER SHE TALKS TO ABOUT WHAT HE'S SEEN, AND IT IS
14 OUR POSITION THAT ACTUALLY A LOT OF THE PHYSICAL
15 CHARACTERISTICS THAT SHE FINALLY ENDED UP GIVING TO
16 THE COPS AS A DESCRIPTION WERE SUGGESTED TO HER. IN
17 OTHER WORDS, THAT A PERSON WAS SUGGESTING, WELL, DID
18 HE HAVE A PARTICULAR COLORED SHIRT ON? YES, THAT WAS
19 THE COLOR OF THE SHIRT HE HAD ON, THAT KIND OF THING.

20 THE COURT: OKAY, OKAY.

21 MS. HINDS: SO, I THINK THE TWO OF THEM GO
22 HAND IN HAND.

23 THE COURT: OKAY.

24 MS. HINDS: BUT AS FAR AS MY VIEWING THE
25 LINEUP, HE IS THE ONLY PERSON THAT'S GOT A MARK

1 UNDERNEATH HIS RIGHT EYE - - -

2 THE COURT: OKAY.

3 MS. HINDS: --- THAT I CAN SEE, AND GIVING
4 THAT BEING SUPPOSEDLY PART OF THE DESCRIPTION, AND I
5 WANT TO THINK AN IMPORTANT PART OF THE DESCRIPTION, I
6 THINK THAT TO PUT HIM IN WITH THOSE OTHER PICTURES IS
7 HIGHLY PREJUDICIAL.

8 THE COURT: OKAY. ALRIGHT. AND, YEAH, LET
9 ME HEAR SOME -- I'LL BE GLAD TO HEAR SOME TESTIMONY SO
10 I CAN FIND OUT, GET A BETTER PICTURE OUT OF IT. I
11 JUST WANTED TO LET YOU KNOW WHAT MY CONCERN WAS.

12 MS. HINDS: YES, SIR.

13 THE COURT: SO YOU KNOW, YOU KNOW WHAT YOU
14 NEED TO ADDRESS.

15 MS. HINDS: YES, SIR.

16 THE COURT: OKAY. YES, SIR.

17 SOLICITOR SORENSON: THE STATE CALLS LATOYA
18 WRIGHT.

19 THE COURT: OKAY.

20 SOLICITOR SORENSON: LATOYA, IF YOU WOULD
21 COME AROUND TO THE, RIGHT THERE.

22 CLERK: PLACE YOUR LEFT HAND ON THE BIBLE AND
23 RAISE YOUR RIGHT HAND.

24 (Whereupon, Latoya Wright
25 is duly sworn.)

1 CLERK: YOU MAY BE SEATED AND STATE YOUR
2 FULL NAME FOR THE COURT.

3 WITNESS: MY NAME IS LATOYA SHANTEE WRIGHT.
4 (NOTE: Blank lines on this page do not indicate any
5 part of record has been omitted.)

DIRECT, IN CAMERA - LATOYA SHANTEE WRIGHT
BY SOL. SORENSON

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DIRECT EXAMINATION, IN CAMERA, OF LATOYA SHANTEE
WRIGHT BY SOLICITOR SORENSON:

Q. OKAY. AND MS. WRIGHT, IF YOU WOULD, TELL JUDGE
DICKSON HOW OLD YOU ARE?

A. I AM TWENTY-SEVEN. MY DATE OF BIRTH IS

Q. AND WHERE DID YOU GO TO SCHOOL, LATOYA?

A. I GRADUATED FROM ORANGEBURG-WILKERSON HIGH
SCHOOL.

Q. OKAY. AND WHAT YEAR DID YOU GRADUATE?

A. TWO THOUSAND AND ONE.

Q. OKAY. AND HAVE YOU BEEN GOING TO ANY COLLEGE
AFTER THAT?

A. I, SOME COLLEGE, I AM ATTENDING COLLEGE NOW AT
ORANGEBURG-CALHOUN TECHNICAL COLLEGE, MAJORING IN
RADIOLOGY.

Q. ALRIGHT. AND LATOYA, I WANT TO TURN YOUR
ATTENTION BACK TO THE NIGHT OR THE EARLY MORNING
HOURS OF APRIL TWENTY-FOURTH OF THIS YEAR. DO YOU
REMEMBER WHAT YOU HAD DONE THAT EVENING?

A. YES. THAT EVENING I WAS AT MY DAUGHTER'S
FATHER'S HOUSE. WE WERE JUST VISITING, AND WE
STAYED THERE FOR A WHILE UP UNTIL TWO O'CLOCK
A.M. HER FATHER STAYS ABOUT FOUR MILES AWAY FROM
MY HOUSE SO IT TOOK ABOUT TEN, MAYBE TEN MINUTES

DIRECT, IN CAMERA - LATOYA SHANTEE WRIGHT
BY SOL. SORENSON

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1 TO GET HOME. AS I ARRIVED HOME IT WAS JUST ME
2 AND MY DAUGHTER.

3 Q. OKAY. AND HOW OLD IS YOUR DAUGHTER?

4 A. SHE'S ONE.

5 Q. SHE'S ONE?

6 A. AS WE GOT HOME I PLACED HER ON THE BED. I USUALLY
7 PUT HER ON THE LIVING ROOM COUCH BUT THIS
8 PARTICULAR NIGHT I PUT HER IN THE BED. I WAS
9 GETTING SOME CLOTHES OUT FOR US FOR THE NEXT DAY
10 BECAUSE I HAD PLANS FOR THE NEXT DAY, AND ABOUT
11 TEN MINUTES AFTER I HAD BEEN HOME I HEARD A KNOCK
12 ON MY DOOR.

13 Q. OKAY. LET ME SHOW YOU STATE'S EXHIBIT NUMBER TWO
14 THAT'S JUST MARKED FOR ID. IS THAT WHERE YOU WERE
15 LIVING BACK IN APRIL OF THIS YEAR?

16 A. YES, SIR.

17 Q. AND WHAT'S THE ADDRESS THERE?

18 A.

19 Q. AND THAT'S A SINGLE WIDE TRAILER?

20 A. YES, SIR.

21 Q. AND IT'S JUST YOU AND YOUR DAUGHTER THAT LIVE
22 THERE?

23 A. YES, SIR.

24 Q. ALRIGHT, SO YOU SAID ABOUT TEN MINUTES AFTER YOU
25 GOT HOME YOU HEARD A KNOCK AT THE DOOR?

DIRECT, IN CAMERA - LATOYA SHANTEE WRIGHT
BY SOL. SORENSON

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1 A. UH HUH.

2 Q. OKAY. AND IS THAT THIS FRONT DOOR WHERE MY
3 FINGER IS?

4 A. YES, SIR.

5 Q. OKAY. AND TELL THE JUDGE HOW YOU WENT ABOUT
6 GOING TO ANSWER THE DOOR THAT MORNING?

7 A. OKAY. BEING IT WAS SO LATE I, AT THE TIME I
8 OWNED A TWENTY-TWO, AND I WENT TO RETRIEVE MY
9 PISTOL FROM OUT THE KITCHEN DRAWER WHERE IT WAS
10 IN THE KITCHEN BY THE STOVE, AND I ANSWERED THE
11 DOOR. I DIDN'T RECOGNIZE THE VOICE, NEITHER DID
12 I RECOGNIZE THE NAME, SO AS I OPENED -- BEFORE I
13 OPENED THE DOOR I GRABBED MY GUN, THEN I WENT TO
14 THE DOOR. AND THAT'S WHEN I OPENED THE DOOR AND
15 IT WAS MR. GREENE WHO WAS AT MY DOOR, AND I ASKED
16 HIM WHO WAS HE, BECAUSE I KNOW I WASN'T, I HAVE,
17 I DON'T REMEMBER SEEING HIM, I DON'T KNOW HIM.
18 AND AS ...

19 Q. SO, LET ME ASK YOU, THE PERSON THEN THAT YOU SAW
20 IN YOUR DOOR, YOU, DID YOU OPEN, WHAT KIND OF
21 DOORS ARE AT THE FRONT OF YOUR HOME THERE?

22 A. OKAY. THERE'S A SCREEN DOOR AND THERE'S MY FRONT
23 DOOR.

24 Q. OKAY. AND SO YOU OPENED THE KIND OF INTERIOR - -
25 -

DIRECT, IN CAMERA - LATOYA SHANTEE WRIGHT
BY SOL. SORENSON

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1 A. I OPENED THE FRONT ...

2 Q. --- WOODEN DOOR?

3 A. YES.

4 Q. AND I SHOW YOU STATE'S EXHIBIT NUMBER FOUR,
5 THAT'S THAT DOOR THAT OPENS INTO YOUR RESIDENCE?

6 A. UH-HUH.

7 Q. IS THAT CORRECT? ALRIGHT, SO WHEN YOU OPENED
8 THAT DOOR, WAS YOUR SCREEN DOOR OPEN OR SHUT WHEN
9 YOU OPENED THE INTERIOR DOOR?

10 A. IT WAS OPEN, BECAUSE HE HAD TO OPEN THAT DOOR IN
11 ORDER TO KNOCK ON THE WOODEN DOOR.

12 Q. OKAY.

13 A. THE KNOCK CAME FROM THE WOODEN DOOR.

14 Q. OKAY. SO, THE PERSON THEN THAT WAS STANDING ON
15 YOUR PORCH, HOW FAR AWAY FROM YOU WAS HE WHEN YOU
16 OPENED THE INTERIOR DOOR?

17 A. CAN YOU COME CLOSER? I'M, LIKE, HE'S RIGHT HERE,
18 AND I'M RIGHT HERE.

19 Q. SO, MAYBE TWO TO THREE FEET AWAY?

20 A. UH-HUH.

21 Q. OKAY. LET ME ASK YOU, WAS THERE ANYTHING THEN
22 OBSTRUCTING YOUR VIEW IN BETWEEN YOU AND HIM?

23 A. NO, SIR.

24 Q. OKAY. DID HE HAVE ANYTHING COVERING ANY PART OF
25 HIS FACE?

DIRECT, IN CAMERA - LATOYA SHANTEE WRIGHT
BY SOL. SORENSON

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1 A. NO, SIR.

2 Q. A BANDANA?

3 A. NOTHING.

4 Q. A BASEBALL HAT?

5 A. NOTHING.

6 Q. GLASSES OR ANYTHING OF THAT NATURE?

7 A. NO.

8 Q. LET ME ASK YOU THIS, LATOYA, WHAT ARE -- I NOTICE
9 YOU'RE NOT WEARING GLASSES HERE. DO YOU WEAR ANY
10 KIND OF CORRECTIVE LENSES?

11 A. I WEAR CONTACT LENSES.

12 Q. AND THAT MORNING WHEN THIS HAPPENED, WHEN YOU
13 OPENED THE DOOR, DID YOU HAVE YOUR CONTACT LENSES
14 IN STILL AT THAT TIME?

15 A. YES, SIR.

16 Q. AND HOW ABOUT, WHAT THE LIGHTING LIKE ON YOUR
17 FRONT PORCH THERE?

18 A. ON MY FRONT PORCH THERE ISN'T A BULB ON THE FRONT
19 PORCH, BUT THERE IS A LIGHT IN MY FRONT YARD, AND
20 THE KITCHEN LIGHT WAS ON.

21 Q. OKAY. I'M SHOWING YOU STATE'S EXHIBIT NUMBER
22 TWO. IS THAT THE LIGHT YOU'RE TALKING ABOUT
23 OUTSIDE?

24 A. UH-HUH.

25 Q. THAT WAS ON THAT MORNING?

DIRECT, IN CAMERA - LATOYA SHANTEE WRIGHT
BY SOL. SORENSON

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1 A. UH-HUH. IT STAYS ON AT NIGHT.

2 Q. AND ALSO THEN I'M SHOWING YOU STATE'S EXHIBIT
3 NUMBER THREE, IS THAT YOUR KITCHEN?

4 A. YES, SIR.

5 Q. OKAY. AND IS THAT THE LIGHT THAT'S DEPICTED IN
6 STATE'S EXHIBIT NUMBER THREE, THAT WAS ON AT THE
7 TIME ALSO?

8 A. UH-HUH.

9 THE COURT: THAT'S EXHIBIT NUMBER WHAT?

10 SOLICITOR SORENSON: THAT'S NUMBER THREE,
11 YOUR HONOR.

12 THE COURT: OKAY.

13 Q. SO, LET ME ASK YOU THIS, AT THAT POINT IN TIME,
14 WHEN YOU FIRST ANSWERED THE DOOR AND SAW THE
15 INDIVIDUAL THAT YOU, I BELIEVE, TESTIFIED A
16 MOMENT AGO THAT YOU DIDN'T KNOW WHO HE WAS,
17 RIGHT, NEVER, DIDN'T RECOGNIZE EVER SEEING HIM
18 BEFORE?

19 A. NO.

20 Q. WAS THERE ANYTHING OBSTRUCTING YOUR VIEW OF HIM
21 AT THAT POINT IN TIME?

22 A. NO, SIR.

23 Q. OKAY. AND WHEN YOU ANSWERED THE DOOR WHERE DID
24 YOUR ATTENTION GO AT THAT POINT IN TIME?

25 A. DIRECTLY AT HIS FACE, BECAUSE I WAS TRYING TO SEE

DIRECT, IN CAMERA - LATOYA SHANTEE WRIGHT
BY SOL. SORENSON

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1 IF I RECOGNIZE HIM, AND I DIDN'T RECOGNIZE HIM,
2 BUT I JUST, I SEEN HIS, I SEEN A CLEAR VIEW OF
3 HIS FACE. I DIDN'T KNOW WHO HE WAS.

4 Q. AND DESCRIBE FOR THE JUDGE, THEN, WHAT YOU
5 OBSERVED ABOUT HIM AT THAT POINT IN TIME WHEN YOU
6 OPENED THE DOOR AND WERE INITIALLY LOOKING AT
7 HIM?

8 A. HE WAS DARK SKINNED. AS I STATED, HE HAD TWIST
9 DREDS, THEY'RE THE SAME THING BECAUSE DREDS ARE
10 ORIGINATED FROM TWISTS, SHORT TWISTS. HE WAS
11 ABOUT FIVE-FOUR, WEIGHING ABOUT A HUNDRED, I'D
12 SAY ABOUT A HUNDRED AND SIXTY POUNDS. I CLEARLY
13 COULD SEE THAT TATTOO ON HIS FACE, ON HIS RIGHT
14 EYE.

15 Q. OKAY. AND DESCRIBE WHAT KIND OF, WHAT THE TATTOO
16 APPEARED TO BE, WHAT SHAPE?

17 A. A TEAR DROP TATTOO.

18 Q. OKAY. BY HIS RIGHT EYE YOU SAID?

19 A. UH-HUH.

20 Q. AND WAS HE YOUNG, OLD, I MEAN...

21 A. I KNOW HE WAS YOUNG.

22 Q. OKAY. AND BY YOUNG, WHAT WOULD THAT MEAN DO YOU
23 THINK, HE WAS KIND OF APPROXIMATE AGE?

24 A. BETWEEN NINETEEN TO TWENTY-THREE.

25 Q. ALRIGHT. NOW, WHEN YOU FIRST -- ALRIGHT, SO YOU

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BY SOL. SORENSON

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1 FIRST, YOU OBSERVE HIM, ARE LOOKING AT HIM TRYING
2 TO FIGURE OUT WHO HE IS, WHAT HAPPENS NEXT,
3 LATOYA?

4 A. THAT'S WHEN HE -- WHEN HE FIRST KNOCKED ON THE
5 DOOR AND WHEN I OPENED THE DOOR AND I ASKED HIM
6 WHO HE WAS I STARTED -- HE STARTED FOR ABOUT FIVE
7 SECONDS, THAT'S WHEN HE PULLED THE GUN OUT AND
8 PUT THE GUN TO MY FACE. THEN I STARTED FOR ABOUT
9 THREE SECONDS BECAUSE I WAS SHOCKED, YOU KNOW, I
10 WASN'T EXPECTING FOR NOBODY TO PULL NO GUN IN MY
11 FACE. SO, I'D SAY ALTOGETHER, HIM STANDING AT
12 THE DOOR FOR, LIKE, TEN SECONDS, THAT'S WHEN I
13 RAN. AS I RAN THAT'S WHEN HE FIRED THE GUN OFF.

14 Q. OKAY. SO, HE FIRED THE GUN AND WERE YOU STRUCK
15 BY THAT BULLET?

16 A. YES, BECAUSE HE FIRED TWO SHOTS. THE FIRST SHOT
17 WAS AT THE DOOR, AND AS I WAS RUNNING HE FIRED
18 THAT FIRST SHOT, AND I RAN TOWARDS MY BACK DOOR.
19 I TURNED AROUND TO SEE HOW FAR HE WAS AWAY FROM
20 ME. HE WAS STILL STANDING IN MY LIVING ROOM AS I
21 WAS AT THE BACK DOOR BECAUSE I WAS RUNNING TO GO
22 GET, GRAB MY DAUGHTER, BUT I SEE THAT HE WAS
23 BEHIND ME, SO THAT'S WHEN I IMMEDIATELY STARTED
24 TRYING TO BUST OUT THE BACK DOOR. AND HE WAS
25 STANDING IN MY LIVING ROOM AND THAT'S WHEN HE

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BY SOL. SORENSON

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1 SHOT THE SECOND SHOT.

2 Q. OKAY. SO, THE FIRST SHOT YOU SAID YOU WERE STILL
3 AT THE DOOR?

4 A. UH-HUH.

5 Q. OKAY. AND DID YOU KNOW -- LET ME ASK YOU, SO YOU
6 HEARD HIM SHOOT TWO TIMES. ARE YOU AWARE OF
7 WHETHER EITHER ONE OF THEM HIT YOU?

8 A. YEAH. I WAS AWARE THAT THE FIRST ONE HIT ME.

9 Q. OKAY. AND WHERE WAS IT THAT YOU WERE STRUCK?

10 A. ON MY RIGHT ABDOMEN AND MY RIGHT BREAST.

11 Q. OKAY.

12 A. IT WAS KIND OF LIKE A GRAVE. IT DIDN'T ACTUALLY
13 GO IN. AT THE TIME I DIDN'T KNOW WHETHER I WAS
14 SHOT OR WHETHER I WAS GRAZED, I JUST KNOW THAT I
15 WAS BLEEDING. AS I WAS RUNNING DOWN THE ROAD I
16 WAS HOLDING BECAUSE I FELT THE BURNING SENSATION
17 RIGHT HERE, AND I WAS HOLDING IT AND I HAD A
18 BUNCH OF BLOOD IN MY HAND.

19 Q. OKAY. NOW, WHERE DID YOU END UP RUNNING TO,
20 LATOYA?

21 A. I RAN TO THE END OF ALETHA STREET, AND IT'S A
22 CONVENIENCE STORE RIGHT THERE AT THE CORNER OF
23 ALETHA STREET, IT'S CALLED TAMMY'S CONVENIENCE
24 STORE, WHERE IT WAS SOME PEOPLE WHO WERE STANDING
25 OUT THERE, AND I RAN TO GET HELP FROM THEM.

DIRECT, IN CAMERA - LATOYA SHANTEE WRIGHT
BY SOL. SORENSON

67

1 Q. OKAY. AND IT'S ABOUT TWO:THIRTY IN THE MORNING
2 NOW, IS THAT ABOUT RIGHT?

3 A. UH-HUH.

4 Q. OKAY. AND DID YOU SEE SOME PEOPLE DOWN THERE?

5 A. UH-HUH.

6 Q. OKAY. DID ULTIMATELY SOMEBODY CALL NINE ONE ONE?

7 A. YEAH. WHEN I RAN TO THEM I WAS SO SCARED AND SO,
8 I JUST TOLD THEM THAT SOMEONE ROBBED ME AT THE
9 TIME, I DIDN'T GIVE THEM A DESCRIPTION OF WHO IT
10 WAS. I WAS JUST SO SCARED. MAINLY I WAS TRYING, I
11 WAS GOING TO, ABOUT ALL I COULD SAY WAS, MY
12 BABY'S STILL IN THE HOUSE. YOU KNOW, SOMEBODY,
13 YOU KNOW, PLEASE CALL THE POLICE, MY BABY'S STILL
14 IN THE HOUSE AND SOMEBODY JUST ROBBED ME.
15 IMMEDIATELY GOT ON THE PHONE, CALLED NINE ONE ONE
16 AND CALLED THE POLICE.

17 Q. OKAY. DID ULTIMATELY SOMEBODY GO GET YOUR CHILD
18 OUT OF THE HOUSE?

19 A. YES, SIR.

20 Q. OKAY. AND DID ULTIMATELY THE POLICE SHOW UP OUT
21 THERE?

22 A. UH-HUH.

23 Q. DID THE AMBULANCE SHOW UP ALSO?

24 A. YES, SIR.

25 Q. AND DID YOU ULTIMATELY THEN, LATOYA, HAVE AN

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BY SOL. SORENSON

68

1 OPPORTUNITY TO SIT DOWN AND TALK WITH SOME OF THE
2 POLICE OFFICERS OUT THERE AND GIVE THEM, NOT ONLY
3 TELL THEM WHAT HAPPENED BUT GIVE THEM A
4 DESCRIPTION OF THE PERSON?

5 A. YES, SIR.

6 Q. OKAY. AND AT THAT POINT IN TIME HAD YOU GIVEN
7 ANYBODY ELSE A DESCRIPTION BEFORE THAT?

8 A. NO.

9 Q. NOW, WHEN YOU WERE TALKING WITH THE POLICE WERE
10 THERE SOME PEOPLE KIND OF STANDING AROUND STILL?

11 A. YES.

12 Q. AND WHAT, DO YOU REMEMBER WHAT THE DESCRIPTION
13 WAS THAT YOU GAVE THE POLICE?

14 A. YES. I GAVE THEM THE DESCRIPTION, HE WAS DARK
15 SKINNED. HE WAS ABOUT FIVE-FOUR. I GAVE THEM A
16 DESCRIPTION OF WHAT HE HAD ON, A GREEN SHIRT,
17 BLUE JEANS, AND A BLACK JACKET. AND I WAS GIVING
18 A DESCRIPTION OF THE TATTOO UNDER HIS RIGHT EYE
19 AND THE DREDS THAT HE HAD IN HIS HAIR, WELL, THE
20 TWISTS THAT HE HAD IN HIS HAIR. AT THE TIME I
21 WAS GIVING A DESCRIPTION THERE WAS A FEMALE, A
22 YOUNG FEMALE WHO WAS AT THE STORE THAT NIGHT
23 ASKING ME TO GIVE THE DESCRIPTION AGAIN.

24 Q. DO YOU REMEMBER, DO YOU KNOW WHO SHE IS?

25 A. YES.

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BY SOL. SORENSON

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1 Q. WHAT'S ...

2 A. WELL, I DON'T KNOW HER, I JUST KNOW OF HER FROM
3 BEING IN THE NEIGHBORHOOD.

4 Q. OKAY. DOES SHE HAVE A NICK NAME THAT YOU KNOW
5 HER BY?

6 A. YEAH.

7 Q. WHAT IS THAT?

8 A. LEBO, I KNOW HER AS LEBO.

9 Q. LEBO?

10 A. UH-HUH.

11 COURT REPORTER: LEBO?

12 THE COURT: LIKE L-E-B-O.

13 Q. SO, DID YOU KIND OF REPEAT THAT SO SHE HEARD IT
14 ALSO THEN, THAT SAME DESCRIPTION THAT YOU'VE JUST
15 TOLD US?

16 A. YES, SIR.

17 Q. OKAY. AND DID SHE THEN PROVIDE ANY ADDITIONAL
18 INFORMATION AS FAR AS A POSSIBLE NAME OR ANYTHING
19 OF THAT NATURE?

20 A. OH, WELL, YES. AT THAT TIME, WHEN I GAVE HER,
21 WELL, GAVE THE POLICE A DESCRIPTION AND SHE WAS
22 STANDING OUTSIDE LISTENING, THAT'S WHEN SHE WAS,
23 LIKE, THAT'S WALTER, HE JUST LEFT HERE. SHE WAS,
24 LIKE, HE WAS HANGING OUT IN THE STORE ALL DAY,
25 AND HE JUST LEFT HERE.

DIRECT, IN CAMERA - LATOYA SHANTEE WRIGHT
BY SOL. SORENSON

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1 Q. NOW, WALTER, DID YOU, DID THAT NAME MEAN ANYTHING
2 TO YOU?

3 A. NO. I DIDN'T KNOW WHO WALTER WAS.

4 Q. NOW, YOU ULTIMATELY GOT TRANSPORTED THAT NIGHT TO
5 THE HOSPITAL?

6 A. YES, SIR.

7 Q. ALRIGHT. LET ME ASK YOU THIS, LATOYA, DID YOU
8 HAVE AN OPPORTUNITY THEN A COUPLE OF DAYS LATER
9 TO BE SHOWN A PHOTOGRAPHIC LINEUP?

10 A. YES, SIR.

11 Q. LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S
12 EXHIBIT NUMBER ONE. DO YOU RECOGNIZE STATE'S
13 EXHIBIT NUMBER ONE?

14 A. YES, SIR.

15 Q. DO YOU REMEMBER, WAS IT DETECTIVE RIVERS THAT
16 SHOWED THIS TO YOU?

17 A. YES, SIR.

18 Q. DO YOU REMEMBER, WHERE DID HE SHOW -- WHERE WERE
19 YOU AT WHEN HE SHOWED IT TO YOU, DO YOU REMEMBER?

20 A. AT THE COURTHOUSE ON MIDDLETON STREET?

21 Q. SO, OVER AT HIS OFFICE, I GUESS?

22 A. YEAH, AT HIS OFFICE.

23 Q. AND DO YOU REMEMBER, WHAT, IF ANYTHING, DID
24 DETECTIVE RIVERS SAY TO YOU BEFORE HE SHOWED YOU
25 THESE PHOTOGRAPHS?

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BY SOL. SORENSON

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1 A. OKAY. I CALLED DETECTIVE RIVERS PRIOR TO THE
2 INCIDENT AND, TO LET HIM KNOW THAT I FOUND
3 WALTER'S LAST NAME, THAT SOMEONE TOLD ME HIS LAST
4 NAME, WHICH WAS LEBO BECAUSE SHE WENT TO SCHOOL
5 WITH HIM.

6 Q. AND YOU HAD GOTTEN, AFTER THAT MORNING YOU HAD
7 GOTTEN SOME FURTHER, AS FAR AS A LAST NAME OF
8 THAT PERSON THAT SHE SAW THERE ALSO, IS THAT
9 CORRECT?

10 A. UH-HUH.

11 Q. AND YOU PROVIDED THAT TO DETECTIVE RIVERS?

12 A. TO DETECTIVE RIVERS, YES. AND HE ASKED ME TO
13 COME, COME UP AND COME TALK TO HIM. AND HE ASKED
14 ME IF I WAS TO BE SHOWN A LINEUP WOULD I BE ABLE
15 TO PICK HIM OUT, AND I TOLD HIM, YES.

16 Q. NOW, PRIOR TO YOU COMING IN AND SEEING THIS
17 LINEUP WITH DETECTIVE RIVERS, HAD ANYBODY ELSE
18 SHOWN YOU ANY PHOTOGRAPHS OF A WALTER GREENE OR
19 ANYTHING LIKE THAT?

20 A. NO, SIR.

21 Q. OKAY. SO, THEN, DID YOU HAVE AN OPPORTUNITY THEN
22 TO LOOK AT STATE'S EXHIBIT NUMBER ONE?

23 A. YES, SIR.

24 Q. AND TELL THE JUDGE, WHEN YOU LOOKED AT IT WHAT
25 ...

DIRECT, IN CAMERA - LATOYA SHANTEE WRIGHT
BY SOL. SORENSON

72

1 A. IMMEDIATELY AFTER HE SHOWED ME THAT I POINT OUT
2 NUMBER THREE.

3 Q. OKAY. AND WHY DID YOU POINT OUT NUMBER THREE?

4 A. BECAUSE THAT'S WHO WAS AT MY DOOR. I'M A HUNDRED
5 PER CENT THAT WAS HIM. I SAW HIM CLEARLY.

6 Q. NO DOUBT IN YOUR MIND?

7 A. NO DOUBT IN MY MIND.

8 Q. DID HE SUGGEST TO YOU IN ANY WAY WHO TO PICK OUT
9 OF THIS LINEUP?

10 A. NO, SIR.

11 Q. IN FACT, YOU THEN, PUT YOUR INITIALS OVER THE TOP
12 OF THE PICTURE?

13 A. AFTER I PICKED HIM HE ASKED ME TO INITIAL AT THE
14 TOP, AND HE ASKED ME WAS I SURE THAT WAS HIM, AND
15 I TOLD HIM, YEAH.

16 Q. AND THEN ULTIMATELY YOU SIGNED AND DATED IT ON
17 THE BACK, FOUR/TWENTY-SEVEN, THAT'S LOOKS LIKE
18 EITHER EIGHT:FIFTY OR NINE:FIFTY IN THE MORNING,
19 IS THAT CORRECT?

20 A. YES, SIR.

21 Q. LET ME ASK YOU THIS, WHEN YOU LOOKED AT THESE
22 PICTURES DID YOU PICK OUT NUMBER THREE BECAUSE OF
23 THE MARKING ON HIS CHEEK?

24 A. NO, SIR.

25 Q. WHY IS IT THAT YOU PICKED OUT NUMBER THREE?

DIRECT, IN CAMERA - LATOYA SHANTEE WRIGHT
BY SOL. SORENSON

73

1 A. BECAUSE I SAW HIM. I KNEW THAT FACE WHEN I SAW
2 IT.

3 Q. LET ME ASK YOU THIS, DID YOU HAVE AN OPPORTUNITY
4 THEN A COUPLE OF WEEKS LATER, LATOYA, TO SEE, TO
5 SEE THE DEFENDANT IN COURT FOR HIS BOND HEARING?

6 A. YES, SIR. I APPEARED, I CAME TO THE BOND HEARING
7 THAT DAY.

8 Q. THAT WAS UP HERE, RIGHT?

9 A. UH-HUH. AT THAT TIME HE DIDN'T HAVE HIS HAIR CUT
10 LIKE HE HAS TODAY, BUT YES, I WAS ABLE TO SEE HIM
11 AGAIN.

12 Q. OKAY. AND ANY DOUBT IN YOUR MIND THAT THAT WAS
13 THE SAME PERSON THAT WAS IN YOUR HOME THREE WEEKS
14 BEFORE THAT?

15 A. I KNOW THAT WAS THE SAME PERSON IN MY HOME.

16 Q. ALRIGHT, LATOYA, LET ME ASK YOU THIS, NOW HERE
17 TODAY, YOU KNOW, ON OCTOBER FOURTH OF TWO
18 THOUSAND TEN, DO YOU SEE THE PERSON IN THE COURT
19 TODAY WHO CAME INTO YOUR HOME AND SHOT YOU THAT
20 NIGHT?

21 A. YES, HE'S SITTING RIGHT THERE WITH THE ORANGE
22 SHIRT ON.

23 Q. ANY DOUBT IN YOUR MIND ABOUT THAT AT ALL?

24 A. NO, SIR.

25 Q. A HUNDRED PER CENT POSITIVE?

DIRECT, IN CAMERA - LATOYA SHANTEE WRIGHT
BY SOL. SORENSON

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1 A. I AM A HUNDRED PER CENT POSITIVE.

2 SOLICITOR SORENSON: THANK YOU, LATOYA,
3 PLEASE ANSWER ANY QUESTIONS THAT MS. HINDS HAS.

4 THE COURT: MS. HINDS.

5 MS. HINDS: THANK YOU, SIR.

6 (NOTE: Blank lines on this page do not indicate any
7 part of record has been omitted. Headers on testimony
8 pages and hard page breaks between testimony are now
9 required by the Court. See next ensuing page for
10 sequential continuation of record.)

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

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CROSS-EXAMINATION, IN CAMERA, OF LATOYA SHANTEE
WRIGHT BY MS. HINDS:

Q. THE INCIDENT HAPPENED ON APRIL TWENTY-FOURTH,
CORRECT?

A. YES, MA'AM.

Q. EARLY MORNING HOURS, JUST LIKE YOU SAID,
SOMEWHERE AROUND TWO, TWO:THIRTY?

A. YES, MA'AM.

Q. AND YOU ACTUALLY HAD AN OPPORTUNITY TO TALK TO
THE COPS RIGHT AFTER IT HAPPENED, CORRECT?

A. YES, MA'AM.

Q. AND THEN YOU GAVE A STATEMENT ON THE TWENTY-
SEVENTH, IS THAT CORRECT?

A. YES, MA'AM.

Q. BUT A RELATIVELY SHORT TIME LATER, JUST A COUPLE
OF DAYS?

A. YES, MA'AM.

Q. I THINK THAT WAS AFTER YOU HAD HAD A CHANCE TO
KIND OF RECUPERATE FROM THIS GRAZE WOUND?

A. YES, MA'AM.

Q. BUT I THINK IN THAT STATEMENT YOU SAID YOU CAME
HOME ABOUT, SOMEWHERE AROUND TWO, TWO:THIRTY, PUT
YOUR CHILD TO BED, JUST AS YOU'VE TESTIFIED
TODAY, CORRECT?

A. YES, MA'AM.

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

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1 Q. AND THAT YOU HEARD A KNOCK AT THE DOOR, YOU
2 ANSWERED, OR YOU SAID SOMETHING, THEY SAID
3 SOMETHING BACK THAT YOU COULDN'T UNDERSTAND, IS
4 THAT CORRECT?

5 A. YES, MA'AM.

6 Q. AND THEN THAT'S WHEN YOU GRABBED THE GUN FROM THE
7 KITCHEN DRAWER?

8 A. YES, MA'AM.

9 Q. OKAY. BECAUSE IT WAS LATE, CORRECT?

10 A. YES, MA'AM.

11 Q. AND BECAUSE IT WAS KIND OF SCARY TO HAVE SOMEBODY
12 KNOCKING ON YOUR DOOR AT TWO:THIRTY IN THE
13 MORNING, CORRECT?

14 A. YES, MA'AM.

15 Q. OKAY. BUT YOU DID OPEN THE DOOR, CORRECT?

16 A. YES, MA'AM.

17 Q. OKAY. AND I THINK YOU SAID, OR YOU TOLD THE COPS
18 AS YOU OPENED THE DOOR A SHORT GUY WITH DREDS PUT
19 A GUN IN YOUR FACE?

20 A. YES, MA'AM.

21 Q. OKAY. I BELIEVE YOUR TESTIMONY HERE TODAY IS
22 THAT THERE WAS A LIGHT ON INSIDE?

23 A. YES, MA'AM.

24 Q. OKAY. SO, AT THAT POINT YOU OPENED THE DOOR, YOU
25 DON'T KNOW THE PERSON, CORRECT?

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

77

- 1 A. EXACTLY.
- 2 Q. OKAY. YOU'RE ALREADY AFRAID THAT, SOMEBODY IS
- 3 KNOCKING AT YOUR DOOR AT TWO:THIRTY, TO SEE A
- 4 STRANGER MUST HAVE BEEN FRIGHTENING?
- 5 A. YES, MA'AM.
- 6 Q. OKAY. YOU WERE ABLE TO TELL THE POLICE, THOUGH,
- 7 ABOUT THE MAN HAVING A GUN, CORRECT?
- 8 A. YES, MA'AM.
- 9 Q. AND YOU WERE ABLE TO GIVE A DESCRIPTION OF THAT
- 10 GUN?
- 11 A. YES, MA'AM.
- 12 Q. WHAT DID YOU DESCRIBE IT AS?
- 13 A. IT WAS A SMALL GUN, A REALLY SMALL GUN. IT WAS
- 14 SILVER, AND IT LOOKED TO BE LIKE A TWENTY-TWO,
- 15 MAYBE A TWENTY-FIVE, BUT IT WAS A SMALL GUN.
- 16 Q. OKAY. ALRIGHT, SO YOU NOTICED IT WAS A SMALL
- 17 GUN, YOU NOTICED THE COLOR. I DON'T THINK I'VE
- 18 HEARD ANY TESTIMONY TODAY. SO IF I'M WRONG LET ME
- 19 KNOW, BUT I THINK YOU TOLD THE POLICE THAT THE
- 20 PERSON ACTUALLY SPOKE TO YOU, THAT HE TOLD YOU TO
- 21 GIVE HIM EVERYTHING YOU HAD OR SOMETHING TO THAT
- 22 EFFECT?
- 23 A. YES, MA'AM.
- 24 Q. OKAY. AND ALL THIS HAPPENED IN A VERY SHORT
- 25 PERIOD OF TIME, DID IT NOT?

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

78

1 A. YES, MA'AM.

2 Q. I MEAN, HE BASICALLY KNOCKS ON THE DOOR ...

3 A. HE KNOCKS ON THE DOOR, I ASKED WHO IT IS. I
4 DIDN'T RECOGNIZE THE VOICE. AS I WENT AND
5 GRABBED A GUN, CAME TO THE FRONT DOOR, OPENED THE
6 DOOR, I DIDN'T RECOGNIZE HIS FACE, YOU KNOW, I
7 DON'T WHO YOU ARE, WHO ARE YOU? YOU KNOW, LIKE I
8 SAID, HE STARTED TO SAYING WHO HE WAS, BECAUSE HE
9 COULDN'T EXPLAIN TO ME WHO HE WAS, AND THAT'S
10 WHEN HE, WENT IN HIS -- I'M STILL LOOKING AT HIM,
11 HE WENT IN HIS JACKET, BECAUSE HE HAD ON A JACKET
12 THAT NIGHT, PULLED OUT THE GUN AND PUT THE GUN IN
13 MY FACE. ME BEING SCARED, NOT KNOWING WHAT TO
14 DO, WHETHER I SHOULD RUN BECAUSE I DON'T WANT HIM
15 TO SHOOT ME RIGHT HERE, OR WHETHER I SHOULD JUST
16 STAY HERE OR GIVE HIM WHAT HE GOT. SO, I'M
17 STALLING IN BETWEEN THIS TIME, AND THEN THAT'S
18 WHEN I TAKE OFF. SO, IN BETWEEN THAT TIME I'D
19 SAY ABOUT TEN, MAYBE TEN TO TWELVE SECONDS,
20 THAT'S THE TIME I HAD CONTACT WITH HIM.

21 Q. DID YOU TELL THE POLICE OFFICERS ABOUT THAT BRIEF
22 CONVERSATION YOU HAD WITH THE PERSON?

23 A. I TOLD THEM THAT HE ASKED ME, GIVE HIM, HE TOLD
24 ME TO, GIVE ME EVERYTHING YOU'VE GOT. I ASKED HIM
25 WHO HE WAS, HE COULDN'T EXPLAIN TO ME WHO HE WAS,

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

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- 1 AND I TOLD THEM THAT HE ASKED ME TO GIVE HIM
2 EVERYTHING YOU GOT.
- 3 Q. OKAY.
- 4 A. I MEAN, EVERYTHING THAT I GOT.
- 5 Q. I'M JUST TRYING TO MAKE SURE I UNDERSTAND --
6 AGAIN, I'M NOT TRYING TO PUT WORDS IN YOUR MOUTH.
7 DID HE ACTUALLY SAY SOMETHING BEFORE HE SAID,
8 TELL ME, OR GIVE ME EVERYTHING YOU'VE GOT?
- 9 A. NO. HE DIDN'T SAY ANYTHING.
- 10 Q. SO, THE ONLY THING HE SAID WAS, GIVE ME
11 EVERYTHING YOU'VE GOT?
- 12 A. GIVE ME EVERYTHING YOU'VE GOT. EXACTLY.
- 13 Q. OKAY. AND AT THAT POINT YOU'RE UNDERSTANDABLY
14 AFRAID, CORRECT?
- 15 A. EXACTLY.
- 16 Q. AND I THINK IN YOUR STATEMENT YOU PUT IT, YOU
17 TURNED AND RAN, CORRECT?
- 18 A. YES, MA'AM.
- 19 Q. YOU RAN DOWN THE HALL. AND THIS IS A SINGLE WIDE
20 MOBILE HOME?
- 21 A. YES, MA'AM.
- 22 Q. OKAY. AND AT THAT POINT, WHEN YOU'RE RUNNING
23 DOWN THE HALL WAS WHEN HE FIRED THE FIRST SHOT?
- 24 A. AT THE FRONT DOOR IS WHEN HE FIRED THE FIRST
25 SHOT.

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

80

1 Q. OKAY. SO, AT THE FRONT DOOR ...

2 A. I WAS BEGINNING TO RUN, TURNED, I HEARD THE SHOT,
3 RIGHT, HE WAS RIGHT HERE IN FRONT OF ME. AS I
4 WAS TURNING AROUND -- AS I WAS TURNING AROUND HE
5 WAS FIRING THE FIRST SHOT. WHEN I RAN DOWN THE
6 HALL HE FIRED THE SECOND SHOT. HE WAS STANDING IN
7 MY LIVING ROOM WHEN HE FIRED THE SECOND SHOT.

8 Q. OKAY. AND YOU WERE, SO YOU WERE LOOKING BACK
9 OVER YOUR SHOULDER?

10 A. YES.

11 Q. OKAY. FOR HOW LONG?

12 A. BECAUSE, JUST LIKE I SAID, I WAS AFRAID, KIND OF
13 LIKE GLANCED BACK JUST TO MAKE SURE THAT HE
14 WASN'T, LIKE, DIRECTLY BEHIND ME, BECAUSE I WAS,
15 MY INTENTIONS WAS TO GO GRAB MY CHILD. AND AT
16 THAT PARTICULAR TIME I SEE THAT HE WAS, I SAW
17 THAT HE WAS IN MY LIVING ROOM, YOU KNOW, SO I WAS
18 KIND OF LIKE DEBATING WHETHER I SHOULD GRAB MY
19 CHILD OR WHETHER I SHOULD BUST -- YOU KNOW, GO
20 OUT THE BACK DOOR. THAT'S WHEN I BUST THE BACK
21 DOOR OPEN AND TRIED TO RUN FOR HELP.

22 Q. OKAY. AND AS YOU SAID YOU RAN DOWN TO THAT
23 STORE, CORRECT?

24 A. YES, MA'AM.

25 Q. HAD YOU EVER BEEN THERE BEFORE?

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

81

1 A. NO, MA'AM.

2 Q. YOU WERE JUST AWARE THAT IT WAS IN THE
3 NEIGHBORHOOD?

4 A. YES, MA'AM. AND I -- WHEN I CAME HOME THAT NIGHT
5 I HAVE TO PASS THAT STORE IN ORDER FOR ME TO GET
6 HOME THE WAY THAT I COME. I SEEN A GROUP OF
7 PEOPLE STANDING OUTSIDE, IT WAS A COUPLE OF
8 PEOPLE STANDING OUTSIDE, AND I KNEW IT WAS
9 SOMEONE THAT WAS STILL OUTSIDE, BECAUSE LIKE I
10 SAID, I ONLY HAD BEEN HOME FOR, LIKE, TEN
11 MINUTES, YOU KNOW. SO, THAT WAS THE REASON WHY I
12 RAN UP THERE BECAUSE I HAD JUST SEEN SOMEBODY
13 THAT WAS OUTSIDE. I FIGURED THAT IF I RAN UP HERE
14 MAYBE I CAN GET HELP.

15 Q. OKAY. AND THAT'S EXACTLY WHAT YOU DID, AND AS
16 YOU SAID, SOMEBODY WENT BACK AND GOT THE CHILD,
17 CORRECT?

18 A. UH-HUH.

19 Q. OKAY. ONE OF THE PEOPLE THERE WAS LEBO, CORRECT?

20 A. YES, MA'AM.

21 Q. AND YOU TOLD HER THAT YOU HAD BEEN ROBBED?

22 A. YES, MA'AM.

23 Q. OKAY. THAT, WHAT EXACTLY ELSE DID YOU TELL HER?

24 A. I WAS, LIKE I SAID, AT THE TIME MY FOCUS WAS
25 GETTING MY CHILD OUT THE HOUSE. ALL I COULD SAY

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

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1 WAS, SOMEONE JUST PLEASE CALL THE POLICE, I JUST
2 BEEN ROBBED. I WAS SHAKEN UP, YOU KNOW, BUT MY,
3 I WANTED TO GET MY CHILD OUT THE HOUSE, YOU KNOW.

4 Q. UNDERSTANDABLY.

5 A. SO, THAT WAS THE ONLY THING THAT I SAID, YOU
6 KNOW. I, SOMEONE RAN TO GO GET THE CHILD OUT THE
7 HOUSE, AND ONE CALLED THE POLICE. I WAS STILL
8 SHAKEN UP, YOU KNOW. I WAS WONDERING, YOU KNOW,
9 SCARED WHETHER THE BULLET HAD WENT ALL THE WAY
10 THROUGH, BECAUSE JUST LIKE I SAID, IT WAS BLOOD
11 ON MY HAND.

12 Q. WELL, WASN'T SHE ACTUALLY TRYING TO TAKE YOU TO
13 THE HOSPITAL, THAT WOULD HAVE BEEN BEFORE THE
14 COPS ARRIVED, CORRECT?

15 A. HUH?

16 Q. WASN'T SHE TRYING TO GET YOU TO THE HOSPITAL, OR
17 GET YOU TO HELP?

18 A. OH, YES.

19 Q. SO, I MEAN, YOU WERE ACTUALLY IN A CAR AS THE
20 COPS ARRIVED, AND YOU JUST FLAGGED THE COP CAR
21 DOWN, IS THAT CORRECT?

22 A. YES, MA'AM.

23 Q. OKAY. SO YOU HAD AN OPPORTUNITY TO BE IN THE CAR
24 WITH HER PRIOR TO THE POLICE OFFICERS GETTING
25 THERE?

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

83

1 A. UH-HUH.

2 Q. ALTHOUGH THEY DID GET THERE VERY QUICKLY?

3 A. YES.

4 Q. OKAY. NOW, YOU DON'T KNOW MR. GREENE, CORRECT,
5 YOU'VE NEVER, YOU'RE NOT A FRIEND OF HIS, AN
6 ACQUAINTANCE, YOU HAD NEVER SEEN HIM BEFORE, IS
7 THAT CORRECT?

8 A. NO.

9 Q. OKAY. ALRIGHT, SO AT THAT POINT YOU'RE IN THE
10 CAR WITH LEBO?

11 A. UH-HUH.

12 Q. BUT THE COPS ARE ABLE TO GET THERE QUICKLY SO,
13 YOU KNOW, YOU GO TO THE COPS?

14 A. UH-HUH.

15 Q. AND YOU TOLD THE COPS WHAT HAPPENED, CORRECT?

16 A. UH-HUH.

17 Q. AND I BELIEVE IN YOUR STATEMENT YOU PUT, THEY
18 ASKED YOU IF YOU KNEW WHO THE GUY WAS, AND YOU
19 ANSWERED, HONESTLY, YOU DIDN'T KNOW, CORRECT?

20 A. EXACTLY.

21 Q. OKAY. DO YOU REMEMBER TELLING THEM THAT YOU WERE
22 IN SHOCK?

23 A. YES.

24 Q. THAT YOU COULDN'T REMEMBER WHAT HE HAD ON?

25 A. OH, NO. I DIDN'T TELL THEM THAT. I TOLD THEM

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

84

1 WHAT HE HAD ON.

2 Q. DID YOU GIVE A STATEMENT. YOU GAVE A WRITTEN
3 STATEMENT, DID YOU NOT?

4 A. DID I WROTE DOWN A STATEMENT?

5 Q. NOT ON THAT NIGHT, I'M SORRY, I'M GETTING AHEAD
6 OF MYSELF.

7 A. OKAY. I GAVE A WRITTEN STATEMENT BUT IT WAS A
8 COUPLE OF DAYS AFTER THE INCIDENT.

9 Q. OKAY. BUT YOU DID GIVE A WRITTEN STATEMENT?

10 A. I GAVE THEM A DESCRIPTION OF WHAT HAPPENED AND
11 TOLD THEM EVERYTHING THAT HAPPENED THAT NIGHT.

12 Q. AND IN THAT STATEMENT DID YOU NOT SAY THAT YOU
13 ANSWERED THEM THAT YOU WERE IN SHOCK AND COULDN'T
14 REMEMBER WHAT HE HAD ON, COULD ONLY PICTURE HIS
15 FACE?

16 A. I DON'T REMEMBER SAYING THAT. AT THE TIME I WAS
17 STILL SHAKEN UP, I DON'T REMEMBER SAYING THAT IN
18 THAT STATEMENT, BUT IF I DID I MIGHT HAVE WAS
19 STILL IN SHOCK FROM THE NIGHT BEFORE, BUT I DO
20 REMEMBER WHAT HE HAD ON.

21 Q. OKAY. I'VE GOT A COPY OF YOUR STATEMENT HERE,
22 WOULD YOU LIKE TO TAKE A LOOK AT IT? I'M NOT
23 TRYING TO, YOU KNOW, I'M NOT TRYING TO JUMP ON
24 YOU OR TRYING TO MAKE YOU SAY SOMETHING YOU DON'T
25 WANT TO SAY.

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

85

1 A. OKAY.

2 Q. IF YOU'LL TAKE A MINUTE AND REFRESH YOUR MEMORY.

3 A. I REMEMBER THAT. I REMEMBER WRITING THE
4 STATEMENT.

5 Q. IT IS YOUR STATEMENT?

6 A. YEAH, IT IS MY STATEMENT, BUT JUST LIKE I SAID, I
7 MEAN, ...

8 THE COURT; BEFORE WE GO FURTHER, HOW MANY
9 PAGES TO THAT?

10 SOLICITOR SORENSON; FIVE, I THINK, SIX.

11 MS. HINDS; IT GOES ON TO THE SIXTH PAGE.

12 THE COURT; OKAY. NOW, MS. WRIGHT, WE'RE
13 NOT IN ANY HURRY, I WANT TO MAKE SURE, BEFORE SHE
14 STARTS -- SHE GAVE YOU THAT DOCUMENT TO READ AND LOOK
15 OVER. AND DID YOU READ ALL SIX PAGES RIGHT THEN?

16 A. NO, I DIDN'T READ ALL SIX PAGES.

17 THE COURT; IF YOU WOULDN'T MIND, TAKE YOUR
18 TIME, LOOK OVER ALL SIX PAGES, BECAUSE I WANT TO MAKE
19 SURE, SHE MIGHT BE ASKING YOU MORE QUESTIONS THAN JUST
20 ABOUT WHAT'S ON THE FRONT PAGE OR ANYTHING LIKE THAT.

21 A. OKAY.

22 THE COURT; SO, TAKE YOUR TIME, LOOK IT
23 OVER. I'VE GOT ALL AFTERNOON, AND I WANT TO MAKE SURE
24 THAT YOU HAVE LOOKED IT OVER, AND MS. HINDS WANTS YOU
25 TO AS WELL.

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

86

1 A. OKAY.

2 THE COURT: OKAY.

3 Q. HAVE YOU HAD ENOUGH TIME?

4 A. YES.

5 Q. OKAY.

6 THE COURT: ALRIGHT. THANK YOU, MA'AM.

7 Q. AND IN YOUR STATEMENT THEY ASK YOU IF YOU KNEW
8 WHO THE GUY WAS, AND YOU SAID THAT, YOU ANSWERED
9 THAT YOU WERE IN SHOCK AND YOU COULDN'T REMEMBER
10 WHAT HE HAD ON, YOU COULD ONLY PICTURE HIS FACE,
11 CORRECT?

12 A. UH-HUH.

13 Q. YOU KNEW THAT HE WAS WEARING A DARK COLORED SHIRT
14 AND BLUE JEANS?

15 A. IT WAS A GREEN SHIRT.

16 Q. BUT THAT'S NOT WHAT'S IN THE STATEMENT?

17 COURT REPORTER: IT WAS A GREEN SHIRT?

18 A. YES, MA'AM. IT WASN'T IN MY STATEMENT, BUT JUST
19 LIKE I SAID, AT THE TIME I WAS IN SHOCK, YOU
20 KNOW. STILL A COUPLE OF DAYS LATER I STILL WAS
21 IN SHOCK. BUT I DID PICTURE HIS FACE, AND I DID
22 REMEMBER WHAT HE HAD ON, AND IT WAS A GREEN SHIRT
23 AND BLUE JEANS.

24 Q. AND DID YOU NOT PUT IN THE STATEMENT, WHEN LEBO
25 RETURNED ON THE SCENE SHE ASKED YOU DID HE HAVE

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

87

1 ON A GREEN SHIRT, AND YOU ANSWERED, YES, CORRECT?

2 A. UH-HUH. WHEN I WAS -- I ANSWERED YES TO THAT. I
3 WAS EXPLAINED TO THE COP WHAT HE HAD ON. AND AS
4 I WAS EXPLAINING TO THE COP WHAT HE HAD ON,
5 THAT'S WHEN SHE ASKED ME THE DESCRIPTION AGAIN,
6 AND I EXPLAINED IT AGAIN. AND SHE WAS, LIKE, THAT
7 WAS WALTER, HE WAS JUST AT THE STORE, HE WAS AT
8 THE STORE ALL DAY, FOR A WHILE, HANGING OUT AT
9 THE STORE, BECAUSE IT'S A POOL TABLE SOMEWHAT,
10 FROM WHAT I HEAR, IT'S A POOL TABLE IN THE STORE.
11 AND SHE SAID THEY WAS IN THERE HANGING OUT, AND
12 SHE KNEW HIM FROM SCHOOL, AND THAT'S HOW I GOT
13 HIS FULL NAME. BUT JUST LIKE I SAY, I REMEMBERED
14 HIS FACE.

15 Q. OKAY. BUT IN YOUR STATEMENT YOU DID PUT DOWN
16 THAT SHE ASKED YOU, DID HE HAVE ON A GREEN -- HE
17 HAD ON A GREEN SHIRT, DIDN'T SHE?

18 A. AFTER THE DESCRIPTION, YES.

19 Q. OKAY. AND SHE ASKED YOU ABOUT THE DREDS,
20 CORRECT, SHE ASKED YOU IF HE HAD SHORT TWISTS OR
21 DREDS OR WHATEVER?

22 A. UH-HUH.

23 Q. OKAY.

24 A. SHE WAS ASKING ME, WHAT I SAY, SHE WAS ASKING ME
25 DID, WHAT I WAS JUST TELLING THE COPS, DID YOU

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

88

1 SAY HE HAD TWISTS IN HIS HAIR? THAT'S WHAT SHE
2 WAS ASKING ME, BECAUSE I WAS JUST GIVING THE
3 DESCRIPTION TO THE COPS, SHE HEARD IT, BECAUSE
4 ALL OF THEM WAS STANDING, I MEAN, STANDING IN THE
5 AREA. AND AS I WAS GIVING THE DESCRIPTION SHE
6 OVERHEARD THE CONVERSATION, AND SHE WAS, LIKE,
7 DID YOU SAY HE HAD ON A SUCH AND SUCH SHIRT? DID
8 YOU SAY HE HAD TWISTS IN HIS HAIR? YES.

9 THE COURT: OKAY. MS. HINDS, I DON'T MEAN
10 TO INTERRUPT, BUT JUST SO I CAN KEEP IN LINE WITH
11 WHAT'S GOING ON HERE, LET ME MAKE SURE I UNDERSTAND
12 IT.

13 MS. WRIGHT, THE POLICEMAN WAS ASKING YOU
14 QUESTIONS?

15 A. UH-HUH.

16 THE COURT: WHO WAS, DO YOU REMEMBER WHICH
17 OFFICER WAS ASKING YOU QUESTIONS?

18 A. NO, SIR.

19 THE COURT: OKAY. MALE, DO YOU REMEMBER
20 WHETHER IT WAS A MALE OR A FEMALE?

21 A. IT WAS A, IT WAS A MALE AND A FEMALE OUT THERE.

22 THE COURT: THERE WAS MORE THAN ONE OFFICER
23 OUT THERE?

24 MS. HINDS: THERE WERE MANY, I MEAN, THAT'S
25 UNDERSTANDABLY, SHE WOULDN'T ...

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

89

1 THE COURT: OKAY. OKAY. AND THIS LADY BY
2 THE NAME OF LEBO WAS STANDING AROUND WHILE YOU WERE
3 DOING THIS?

4 A. YES.

5 THE COURT: SO, WHEN YOU'RE SAYING, SHE WAS
6 SAYING THIS, YOU'RE REFERRING TO, LEBO WAS SAYING
7 THAT, AND YOU WERE CONFIRMING THAT WITH THE POLICE?

8 A. YES.

9 THE COURT: IS THAT WHAT YOU'RE TELLING ME?

10 A. I WAS, I WAS TELLING THE POLICE, BUT I WAS
11 CONFIRMING IT TO HER, BECAUSE SHE OVERHEARD THE
12 CONVERSATION.

13 THE COURT: OKAY. BECAUSE SHE WAS STANDING
14 RIGHT THERE?

15 A. EXACTLY.

16 THE COURT: OKAY. SO, BUT YOUR REFERENCES
17 TO, SHE, WHEN YOU'RE TALKING, YOU'RE NOT TALKING ABOUT
18 THE OFFICER, YOU'RE TALKING ABOUT LEBO?

19 A. THE OFFICER, I'M TALKING ABOUT LEBO.

20 THE COURT: OKAY.

21 A. YES, SIR.

22 THE COURT: OKAY, I'M SORRY, MS. HINDS, I
23 JUST WANTED TO MAKE SURE I HAD THAT STRAIGHT IN MY
24 HEAD.

25 MS. HINDS: THAT'S FINE.

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

90

1 Q. SO, IT WAS ACTUALLY LEBO WHO WAS THE ONE WHO WAS
2 ABLE TO PUT A NAME TO THIS PERSON, CORRECT?

3 A. YES, MA'AM.

4 Q. AND AT THAT POINT IN TIME ALL SHE COULD GIVE YOU
5 WAS A FIRST NAME, CORRECT?

6 A. YES, MA'AM.

7 Q. OKAY. NOW, SHE WASN'T PRESENT FOR THE ROBBERY,
8 CORRECT?

9 A. NO, MA'AM.

10 Q. I MEAN, SHE DOESN'T KNOW WHO DID IT, RIGHT?

11 A. EXACTLY.

12 Q. OKAY. BUT AT THE TIME, AT THAT POINT IN TIME SHE
13 DIDN'T KNOW EVEN A LAST NAME, RIGHT?

14 A. NO, MA'AM. SHE SAID, SHE SAID THAT SHE COULD NOT
15 REMEMBER HIS LAST NAME BECAUSE THEY WENT TO
16 SCHOOL TOGETHER AND IT'S BEEN A LONG TIME AGO,
17 BUT SHE COULD NOT REMEMBER HIS LAST NAME, BUT SHE
18 WOULD BE ABLE TO GET HIS LAST NAME. SHE WAS
19 SAYING, I THINK SHE WAS SAYING THAT SHE HAD TO GO
20 LOOK AT AN OLD YEAR BOOK OR SOMETHING LIKE THAT.

21 Q. AND WHEN, DID SHE CALL YOU OR COME FIND YOU, OR
22 HOW DID SHE RELAY THAT INFORMATION?

23 A. I ENDED UP GETTING HER NUMBER, AND I CALLED HER
24 AND ASKED HER.

25 Q. WHEN DID YOU CALL HER?

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

91

1 A. THE NEXT DAY.

2 Q. OKAY. AND SHE TOLD YOU THAT MR. GREENE WAS IN
3 TAMMY'S STORE AND IN THE NEIGHBORHOOD ALL DAY
4 LONG?

5 A. YES, MA'AM.

6 Q. THAT WOULD BE LIKE THE EVENING OR THE DAY BEFORE?

7 A. THE EVENING.

8 Q. OKAY. THE EVENING?

9 A. YES, MA'AM.

10 Q. AND SHE TOLD YOU SHE FOUND OUT THE LAST NAME FROM
11 GOING THROUGH THE YEAR BOOK, CORRECT?

12 A. SHE DIDN'T TELL ME HOW SHE FOUND OUT THE LAST
13 NAME.

14 Q. OKAY.

15 A. SHE SAID, SHE JUST GAVE ME HIS LAST NAME. I DON'T
16 KNOW HOW SHE FOUND IT OUT BUT THAT'S WHAT SHE WAS
17 SAYING THAT NIGHT, THAT SHE COULD GET HIS LAST
18 NAME, SHE HAD TO LOOK AT AN OLD YEAR BOOK, BUT
19 SHE WOULD BE ABLE TO GET HIS NAME. WHEN I CALLED
20 THE NEXT DAY SHE DIDN'T SAY, OH, WELL, YOU KNOW,
21 I FOUND HIS LAST NAME, I WENT THROUGH A YEAR
22 BOOK. SHE JUST SAID, HIS NAME IS WALTER GREENE.

23 Q. OKAY. AND THAT'S WHEN YOU CALLED THE POLICE
24 OFFICER?

25 A. EXACTLY.

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

92

1 Q. OKAY. I MEAN, JUST TO KIND OF RECAP, THIS ALL
2 HAPPENED WITHIN A VERY SHORT PERIOD OF TIME, I'M
3 TALKING ABOUT THE ACTUAL ROBBERY, CORRECT?

4 A. YES, MA'AM.

5 Q. AND I BELIEVE YOU PUT AN ESTIMATE ON IT OF MAYBE
6 TEN SECONDS OR SO BEFORE YOU TURNED AND RAN?

7 A. YES, MA'AM.

8 Q. OKAY. AND WHOEVER THIS PERSON WAS, WAS FIRING
9 SHOTS AT YOU AFTER WAVING A GUN IN YOUR FACE,
10 CORRECT?

11 A. YES, MA'AM.

12 Q. AND I BELIEVE YOUR TESTIMONY WAS, YOU WERE AFRAID
13 BEFORE YOU EVEN WENT TO THE DOOR BECAUSE IT WOULD
14 BE UNUSUAL TO HAVE SOMEBODY KNOCKING ON YOUR DOOR
15 AT TWO:THIRTY IN THE MORNING?

16 A. YES, IT WAS, I WAS, YOU KNOW, KIND OF SKEPTICAL
17 OF WHAT WOULD HAPPEN, BUT I DIDN'T THINK THAT
18 THAT WOULD HAPPEN. BUT ME GRABBING MY GUN WAS
19 JUST, YOU KNOW, FOR MY SECURITY.

20 Q. SURE.

21 A. JUST TO MAKE SURE ANYTHING DIDN'T HAPPEN, BUT IT
22 DID ANYWAY.

23 Q. BUT YOU WERE A LITTLE APPREHENSIVE TO BEGIN WITH,
24 AND CERTAINLY, WHEN SOMEBODY CAME AND WAVED A GUN
25 IN YOUR FACE AND THEN STARTED FIRING, THAT SHOULD

CROSS, IN CAMERA, - LATOYA SHANTEE WRIGHT
BY MS. HINDS

93

1 HAVE MADE YOU MORE AFRAID, CORRECT?

2 A. YES, MA'AM.

3 Q. AND I'M SURE YOU WERE AFRAID FOR THE CHILD'S
4 SAFETY ALSO?

5 A. YES, MA'AM.

6 MS. HINDS: I BEG THE COURT'S INDULGENCE FOR
7 A JUST A MINUTE.

8 THE COURT: YES, MA'AM.

9 MS. HINDS: I DON'T HAVE ANYTHING FURTHER,
10 YOUR HONOR.

11 THE COURT: OKAY. I'VE GOT JUST A COUPLE OF
12 QUESTIONS, AND YOU HAD SOME STATE'S PICTURES OF THE
13 INTERIOR OF THE KITCHEN AND THE OUTSIDE, IS THAT
14 CORRECT?

15 SOLICITOR SORENSON: YES, SIR.

16 THE COURT: OKAY.

17 SOLICITOR SORENSON: THESE ARE THE THREE,
18 I'M NOT SURE I SHOWED HER NUMBER FOUR, BUT THESE ARE
19 THE THREE THAT WE'VE PREMARKED AT THIS POINT IN TIME.

20 THE COURT: OKAY. THANK YOU, SIR.

21 (NOTE: Blank lines on this page do not indicate any
22 part of record has been omitted. Headers on testimony
23 pages and hard page breaks between testimony are now
24 required by the Court. See next ensuing page for
25 sequential continuation of record.)

EXAM, IN CAMERA - LATOYA SHANTEE WRIGHT
BY THE COURT

94

EXAMINATION, IN CAMERA, OF LATOYA SHANTEE WRIGHT
BY THE COURT:

Q. MS. WRIGHT, LET ME ASK YOU A QUESTION. I'M
LOOKING AT STATE'S EXHIBIT NUMBER FOUR, MARKED
FOR IDENTIFICATION. THIS IS THE PICTURE YOU
IDENTIFIED AS THE WAY YOUR DOOR OPENS?

A. YES.

Q. OKAY. WHEN YOU'RE STANDING, WHEN YOU OPEN YOUR
DOOR YOU OPEN YOUR DOOR AND THE DOOR OPENS TO
YOUR RIGHT?

A. EXACTLY.

Q. IS THAT CORRECT?

A. UH-HUH.

Q. AND THEN THE SCREEN DOOR IS IN FRONT OF YOU AND
WHEN YOU OPENED THE SCREEN -- WHEN YOU OPENED
THAT DOOR HE WAS STANDING OUTSIDE THE SCREEN
DOOR?

A. NO, HE WAS STANDING INSIDE THE SCREEN DOOR.

Q. OKAY. SO, THE SCREEN DOOR WAS ...

A. HE OPENED THE SCREEN DOOR.

Q. OKAY. SO, THE SCREEN DOOR WAS OPEN, SO THERE'S
NOTHING, NO SCREEN DOOR BETWEEN YOU AND HIM?

A. NO, NOTHING.

Q. WHEN YOU ARE STANDING THERE FACING HIM, THE LIGHT
IS OVER WHICH ONE OF YOUR SHOULDERS?

EXAM, IN CAMERA - LATOYA SHANTEE WRIGHT
BY THE COURT

95

1 A. MY LEFT SHOULDER.

2 Q. OKAY. AND IS THE LIGHT SHINING IN HIS FACE OR
3 NOT?

4 A. YES. THE LIGHT IS ON IN THE KITCHEN.

5 Q. THE LIGHT IS ON IN THE KITCHEN.

6 A. SO, IT'S SHINING FROM THE KITCHEN BUT, YES, I
7 COULD SEE HIS FACE.

8 Q. OKAY. NOW, IN THE BACK YARD, WELL, THE FRONT
9 YARD, I GUESS, WHICH IS, I'M LOOKING AT STATE'S
10 EXHIBIT NUMBER ...

11 A. THAT'S THE FRONT YARD.

12 Q. THAT'S THE FRONT YARD?

13 A. UH-HUH.

14 Q. THE FRONT YARD. THE, IF YOU ARE STANDING IN YOUR
15 KITCHEN DOOR, OKAY?

16 A. UH-HUH.

17 Q. THE LIGHT OUTSIDE WOULD BE?

18 A. ON MY RIGHT.

19 Q. ON YOUR RIGHT SHOULDER?

20 A. UH-HUH.

21 Q. SO, THAT LIGHT WOULD NOT BE SHINING IN HIS FACE
22 THEN?

23 A. NO, BECAUSE HIM TURNING, THE LIGHT IS RIGHT HERE,
24 SO HE IS RIGHT HERE, SO IT WOULD BE MORE SHINING
25 ON HIS SIDE, NOT DIRECTLY IN HIS FACE.

EXAM, IN CAMERA - LATOYA SHANTEE WRIGHT
BY THE COURT

96

1 Q. OKAY. YOU'D NEVER SEEN HIM BEFORE?

2 A. NO, SIR.

3 Q. OKAY. DO YOU, WHAT OFFICER DID YOU GO THROUGH
4 THIS LINEUP WITH, THE OFFICER THAT SHOWED YOU THE
5 LINEUP?

6 A. DETECTIVE RIVERS.

7 Q. IS HE IN COURT TODAY?

8 A. YES.

9 Q. OKAY.

10 A. RIGHT THERE.

11 Q. ALRIGHT.

12 THE COURT: OKAY. I'M SORRY. ANY OTHER
13 QUESTIONS?

14 SOLICITOR SORENSON: NO, SIR.

15 THE COURT: OKAY. ANY OTHER QUESTIONS?

16 MS. HINDS: NO, SIR.

17 THE COURT: OKAY. ALRIGHT, YOU CAN STEP
18 DOWN.

19 SOLICITOR SORENSON: I CALL DETECTIVE
20 RIVERS.

21 THE COURT: OKAY. DETECTIVE RIVERS.

22 CLERK: PUT YOUR LEFT HAND ON THE BIBLE AND
23 RAISE YOUR RIGHT HAND.

24 (Whereupon, Bobby Rivers
25 is duly sworn.)

1 CLERK: YOU MAY BE SEATED, AND PLEASE STATE
2 YOUR FULL NAME.

3 WITNESS: DETECTIVE SERGEANT BOBBY RIVERS.

4 (NOTE: Blank lines on this page do not indicate any
5 part of record has been omitted. Headers on testimony
6 pages and hard page breaks between testimony are now
7 required by the Court. See next ensuing page for
8 sequential continuation of record.)

DIRECT, IN CAMERA, BOBBY RIVERS BY SOL.SORENSEN

98

DIRECT EXAMINATION, IN CAMERA, OF BOBBY RIVERS
BY SOLICITOR SORENSON:

Q. SERGEANT RIVERS, WOULD YOU TELL THE COURT WHERE
YOU ARE EMPLOYED?

A. ORANGEBURG DEPARTMENT OF PUBLIC SAFETY.

Q. AND HOW LONG HAVE YOU BEEN WITH PUBLIC SAFETY?

A. ABOUT TWENTY-ONE YEARS.

Q. AND WHAT ARE YOUR CURRENT DUTIES THERE?

A. I INVESTIGATE CRIMINAL ACTIVITIES, CRIMINAL
EVENTS.

Q. ALRIGHT. AND WE'LL TURN ATTENTION BACK TO THIS
INCIDENT THAT WE'RE TALKING ABOUT TODAY. DID YOU
BECOME INVOLVED IN THE INVESTIGATION OF THIS
BURGLARY AND SHOOTING CASE?

A. YES, SIR, I DID.

Q. OKAY. AND WHEN DID YOU BECOME INVOLVED?

A. WHEN I RETURNED TO WORK ON THAT MONDAY.

Q. SO, THAT'S AFTER, -- YOU DIDN'T RESPOND OUT THERE
THAT NIGHT TO THE HOUSE?

A. NO, I DIDN'T.

Q. OKAY. DID YOU HAVE AN OPPORTUNITY TO TALK TO SOME
OF THE OFFICERS THAT HAD BEEN OUT THERE THE
NIGHT BEFORE, THOUGH?

A. WHEN I RETURNED TO WORK, YES, I DID.

Q. OKAY. AND DID YOU THEN TAKE OVER KIND OF THE

DIRECT, IN CAMERA, BOBBY RIVERS BY SOL.SORENSEN

99

1 FOLLOW UP INVESTIGATION IN ATTEMPTING TO IDENTIFY
2 A SUSPECT?

3 A. YES, SIR, I WAS ASSIGNED THE CASE.

4 Q. AND WERE YOU AWARE WHEN YOU WERE ASSIGNED THIS
5 CASE, DID YOU HAVE ACCESS TO THE INCIDENT REPORT
6 THAT WAS TAKEN THAT NIGHT?

7 A. YES, SIR.

8 Q. OKAY. AND WHAT OFFICER TOOK THE INCIDENT REPORT
9 FROM MS. WRIGHT THAT NIGHT?

10 A. I'M LOOKING AT THE INCIDENT REPORT AND IT'S
11 SAYING OFFICER WARRINGTON, BUT WHEN I RETURNED TO
12 WORK ON THAT MONDAY I WAS ASSIGNED TO IT FROM
13 DETECTIVE ROMANSTINE.

14 Q. OKAY. BUT AS FAR AS THE OFFICER THAT TOOK THE
15 INCIDENT REPORT FROM MS. WRIGHT, THAT WAS OFFICER
16 WEARINGTON, OR WARRINGTON?

17 A. CORRECT, YES, SIR.

18 Q. OKAY. AND WERE YOU AWARE AT THAT POINT IN TIME,
19 THEN, WHEN YOU REVIEWED THAT INCIDENT REPORT THAT
20 MS. WRIGHT WAS ABLE TO GIVE A DESCRIPTION OF THE
21 INDIVIDUAL THAT HAD BROKEN INTO HER HOUSE AND
22 ASSAULTED HER?

23 A. CORRECT.

24 Q. AND YOU HEARD MS. WRIGHTS'S TESTIMONY. DID SHE
25 ULTIMATELY PROVIDE YOU OVER THE NEXT DAY OR SO

DIRECT, IN CAMERA, BOBBY RIVERS BY SOL.SORENSEN

100

1 THE NAME OF A POSSIBLE SUSPECT - - -

2 A. CORRECT.

3 Q. --- THAT SHE HAD LEARNED?

4 A. CORRECT..

5 Q. OKAY. AND WITH THAT, ARMED WITH THAT
6 INFORMATION, THAT NAME -- WELL, FIRST OF ALL,
7 WHAT WAS THAT NAME THAT YOU HAD THEN?

8 A. THE NAME THAT SHE GAVE ME WAS WALTER GREENE.

9 Q. OKAY. AND INITIALLY, IN THE INCIDENT REPORT IS
10 THERE A POSSIBLE SUSPECT, NAME-WISE, IN THE
11 INCIDENT REPORT THAT WAS LISTED THAT NIGHT?

12 A. JUST A FIRST NAME.

13 Q. AND THAT WAS WALTER?

14 A. WALTER..

15 Q. OKAY. BUT AFTER THAT YOU, FROM MS. WRIGHT YOU
16 GOT THE NAME WALTER GREENE?

17 A. CORRECT.

18 Q. AND WITH THAT NAME WERE YOU THEN ABLE TO HAVE A
19 PHOTOGRAPHIC LINEUP GENERATED WITH A PHOTOGRAPH
20 OF A WALTER GREENE THAT YOU FOUND?

21 A. CORRECT.

22 Q. AND THE WALTER GREENE THAT YOU IDENTIFIED THEN
23 AND HAD PUT IN THAT LINEUP, DID HE MATCH THE
24 GENERAL PHYSICAL DESCRIPTION THAT WAS GIVEN BY
25 MS. WRIGHT THE EARLY MORNING HOURS OF APRIL

DIRECT, IN CAMERA, BOBBY RIVERS BY SOL.SORENSEN

101

1 TWENTY-FOURTH?

2 A. CORRECT, HE DID.

3 Q. OKAY. WHAT WAS, THE WALTER GREENE THAT YOU
4 FOUND, WHAT WAS HIS HAIR STYLE?

5 A. THE DESCRIPTION OF THE ...

6 Q. NOW, WHAT WAS -- NOT THE DESCRIPTION GIVEN, THE
7 PHOTOGRAPH?

8 A. TWISTS IN HIS HAIR, SHORT TWISTS IN HIS HAIR.

9 Q. AND WAS HE THE SAME GENERAL PHYSICAL SIZE THAT
10 WAS DESCRIBED?

11 A. CORRECT.

12 Q. AND DARK COMPLECTED?

13 A. CORRECT.

14 Q. OKAY. AND IN LOOKING AT THE STUFF THAT YOU WERE
15 ABLE TO RESEARCH DID HE ALSO APPEAR TO HAVE TEAR
16 DROP TATTOO UNDER HIS RIGHT EYE?

17 A. CORRECT, HE DID.

18 Q. OKAY. LET ME SHOW YOU STATE'S EXHIBIT NUMBER
19 ONE. IS THAT THE PHOTOGRAPHIC LINEUP THAT WAS
20 GENERATED FOR YOU, FOR YOU TO BE ABLE TO SHOW TO
21 MS. WRIGHT?

22 A. YES, IT IS.

23 Q. OKAY. AND IN YOUR EXPERIENCE ARE THOSE
24 PHOTOGRAPHS FAIRLY SIMILAR LOOKING AS FAR AS THE
25 SIZE, THE SHAPE OF THE INDIVIDUAL'S HEAD AND

DIRECT, IN CAMERA, BOBBY RIVERS BY SOL.SORENSEN

102

1 GENERAL FACIAL FEATURES AND HAIR STYLE AND STUFF,
2 DO THEY APPEAR TO BE FAIRLY SIMILAR IN ALL OF
3 THOSE PHOTOGRAPHS?

4 A. CORRECT.

5 Q. AND ON APRIL TWENTY-SEVENTH, SO ABOUT THREE DAYS
6 AFTER THIS INCIDENT DID YOU HAVE AN OPPORTUNITY
7 THEN TO SHOW THAT LINEUP TO MS. WRIGHT?

8 A. YES, I DID.

9 Q. OKAY. WHERE WAS THAT THAT THAT OCCURRED?

10 A. IT WAS LOCATED AT THIRTEEN TWENTY MIDDLETON
11 STREET, ORANGEBURG DEPARTMENT OF PUBLIC SAFETY,
12 WHICH IS OUR HEADQUARTERS.

13 Q. OKAY. AND WHAT, IF ANYTHING, DID YOU TELL HER
14 BEFORE YOU SHOWED HER THAT LINEUP?

15 A. I JUST INFORMED HER THAT I'M GOING TO BE SHOWING
16 HER A SIX PHOTO LINEUP OF INDIVIDUALS, OF NAME
17 THAT SHE GIVE ME, AND I JUST WANTED HER TO TAKE A
18 GOOD LOOK AT IT AND DECIDE WHETHER THAT WAS THE
19 GENTLEMAN THAT CONFRONTED HER AT HER FRONT DOOR,
20 AND ALSO IF THAT WAS THE GENTLEMAN THAT ASSAULTED
21 HER ON THAT NIGHT.

22 Q. OKAY. NOW, DID YOU IN ANY WAY SUGGEST TO HER WHO
23 -- IF SHE WAS GOING TO PICK SOMEBODY OUT OF HERE
24 WHO SHE WAS SUPPOSED TO PICK OUT?

25 A. NO, I DIDN'T.

DIRECT, IN CAMERA, BOBBY RIVERS BY SOL SORENSON

103

1 Q. OKAY. AND WHEN YOU SHOWED HER THE LINEUP WAS IT
2 BASICALLY LIKE THAT?

3 A. CORRECT.

4 Q. AND WAS MS. WRIGHT ABLE TO IDENTIFY ANYBODY IN
5 THIS, STATE'S EXHIBIT NUMBER ONE?

6 A. YES, SHE DID.

7 Q. OKAY. IS THAT PHOTOGRAPH NUMBER THREE?

8 A. NUMBER THREE, CORRECT.

9 Q. AND IS THAT HER INITIALS ABOVE PHOTOGRAPH NUMBER
10 THREE?

11 A. YES, THAT'S HER INITIALS.

12 Q. LET ME ASK YOU, WHO IS DEPICTED IN PHOTOGRAPH
13 NUMBER THREE?

14 A. WALTER GREENE.

15 Q. AND THAT'S THE DEFENDANT, WALTER GREENE?

16 A. YES, SIR.

17 Q. OKAY. DID MS. WRIGHT THEN SIGN AND DATE THE BACK
18 OF THE FOLDER THAT THE LINEUP WAS IN?

19 A. CORRECT.

20 Q. AND YET AGAIN, DID YOU IN ANY WAY SUGGEST TO HER
21 WHO TO PICK OUT?

22 A. NO, SIR, I DIDN'T.

23 Q. HOW CERTAIN WAS SHE IN PICKING OUT NUMBER THREE?

24 A. AS SOON AS I PUT THE LINEUP IN HER HAND SHE
25 POINTED AND SAID, IT'S NUMBER THREE.

DIRECT, IN CAMERA, BOBBY RIVERS BY SOL. SORENSON

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1 Q. NO DOUBT, DID THERE APPEAR TO BE ANY DOUBT IN HER
2 MIND ABOUT THAT?

3 A. NO, SIR.

4 Q. ARE YOU AWARE THAT MR. GREENE WAS ARRESTED LATER
5 ON THAT SAME DAY, ON APRIL TWENTY-SEVENTH?

6 A. YES, SIR, I WAS.

7 Q. AND AT THE TIME WHEN HE WAS ARRESTED THAT DAY,
8 WAS HIS PHYSICAL BUILD AND COMPLEXION CONSISTENT
9 WITH THE PHOTO LINEUP AND ALSO THE DESCRIPTION
10 GIVEN BY MS. WRIGHT?

11 A. YES, IT WAS.

12 Q. AND WAS HIS HAIR IN LITTLE TWISTS AT THAT POINT
13 IN TIME?

14 A. CORRECT.

15 Q. DID HE HAVE A TEAR DROP TATTOO UNDER HIS RIGHT
16 EYE?

17 A. YES, HE DID.

18 Q. JUST LIKE HE DOES HERE IN COURT TODAY?

19 A. YES.

20 SOLICITOR SORENSON: THAT WOULD BE ALL I
21 WOULD HAVE, YOUR HONOR.

22 THE COURT: MS. HINDS.

23 (NOTE: Blank lines on this page do not indicate any
24 part of record has been omitted.)

CROSS, IN CAMERA, BOBBY RIVERS BY MS. HINDS

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CROSS-EXAMINATION, IN CAMERA, OF BOBBY RIVERS

BY MS. HINDS:

Q. WELL, I'VE GOT ONE QUESTION ANSWERED ALREADY. SO,
IT WAS ACTUALLY MS. WRIGHT WHO WAS ABLE TO GIVE
YOU THE LAST NAME OF THE PERSON WHO ALLEGEDLY DID
THIS, CORRECT?

A. CORRECT.

Q. SHE CALLED YOU ON THE PHONE, IS THAT WAS SHE DID?

A. CORRECT, SHE DID.

Q. OKAY. ARE YOU FAMILIAR WITH THE DEFENDANT,
WALTER GREENE, AT ALL?

A. WHEN YOU SAY, FAMILIAR, AS BEFORE THIS INCIDENT?

Q, YEAH.

A. NO, MA'AM.

Q. OKAY. BUT UP UNTIL THE POINT WHERE MS. WRIGHT
CALLED YOU WITH THAT LAST NAME, ALL YOU HAD TO GO
ON WAS A GENERAL DESCRIPTION AND POTENTIALLY A
FIRST NAME, CORRECT?

A. CORRECT.

Q. AND THAT FIRST NAME ACTUALLY WAS GIVEN TO YOU BY
THE SAME PERSON WHO VOLUNTEERED THE LAST NAME
EVENTUALLY, CORRECT? IN OTHER WORDS, BOTH OF THE
NAMES CAME FROM THIS LEBO PERSON?

A. WELL, THEY, THE NAME THAT I HAD WAS ON THE
REPORT, IT WAS ORIGINALLY ON THE REPORT AS

CROSS, IN CAMERA, BOBBY RIVERS BY MS. HINDS

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1 WALTER.

2 Q. OKAY.

3 A. OKAY.

4 Q. AND THAT WAS FROM THE WITNESS WHO TOLD THE
5 OFFICERS THAT A PERSON HAD BEEN HANGING AROUND
6 EARLIER RIGHT BEFORE THAT INCIDENT, CORRECT?

7 A. ACTUALLY, I NEVER SPOKE WITH THE WITNESS. I GOT
8 WALTER FROM THE VICTIM, WHICH IS MS. WRIGHT.

9 Q. OKAY.

10 A. SO, I NEVER SPOKE TO THE WITNESS TO GET A WALTER.

11 Q. OKAY. SO, YOU'VE NEVER SPOKEN WITH LEBO?

12 A. NO, MA'AM.

13 Q. NOW, THIS LEBO PERSON WAS PRESENT AT THE SCENE,
14 CORRECT?

15 A. I WASN'T AT THE SCENE, BUT FROM WHAT I'M HEARING,
16 SHE WAS PRESENT.

17 Q. FROM WHAT YOU READ?

18 A. CORRECT.

19 Q. OKAY. AND THERE'S NO DOUBT THAT THEY HAD SOME
20 TIME TOGETHER BEFORE THE POLICE GOT THERE, IS
21 THAT NOT CORRECT?

22 A. WHEN YOU'RE SAYING, THEM, WHO ARE ...

23 Q. LEBO AND MS. WRIGHT.

24 A. FROM WHAT I'M HEARING IN THE COURTROOM TODAY,
25 YES.

CROSS, IN CAMERA, BOBBY RIVERS BY MS. HINDS

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1 Q. IT'S DOCUMENTED IN OFFICER WARRINGTON'S REPORT, I
2 BELIEVE, THAT ACTUALLY WHEN HE GETS THERE HIS
3 UNIT IS FLAGGED DOWN, AND IT'S FLAGGED DOWN BY
4 MS. WRIGHT AND LEBO?

5 A. CORRECT.

6 Q. BECAUSE THEY WERE TRYING TO GET TO THE HOSPITAL
7 TO GET HER SOME HELP?

8 A. CORRECT.

9 Q. AND INSTEAD THEY WERE GOING TO LET THE COPS HELP,
10 CORRECT?

11 A. CORRECT.

12 Q. OKAY. CAN YOU TELL ME A LITTLE BIT ABOUT HOW THE
13 LINEUP WAS PUT TOGETHER, DID YOU PICK OUT THE SIX
14 PICTURES, OR HOW DID THAT PROCESS GO?

15 A. NO, MA'AM. I GOT THE INFORMATION AND I E-MAILED
16 IT TO SLED FORENSIC LABORATORY, AND THEY
17 RESPONDED BACK TO ME WITH THE SIX PHOTO LINEUP.

18 Q. OKAY. SO, YOU HAD NO HAND IN PICKING OUT THE
19 INDIVIDUAL PICTURES?

20 A. NO, MA'AM.

21 Q. OKAY. AND IS IT SAFE TO SAY THESE ARE BASICALLY
22 HEAD SHOTS, THEY'RE NOT SHOWING CLOTHING,
23 CORRECT?

24 A. CORRECT.

25 Q. OKAY. AND WOULD IT BE SAFE TO SAY THAT THERE IS

1 AT LEAST A MARK ON THIS RIGHT CHEEK HERE, IF I
2 CAN LET YOU LOOK AT IT A LITTLE BIT CLOSER?

3 A. CORRECT.

4 Q. OKAY. THAT WOULD BE THE ALLEGED TEAR DROP,
5 CORRECT?

6 A. CORRECT.

7 Q. OKAY. DO YOU SEE ANY TEAR DROPS IN ANY OF THE
8 OTHER PICTURES?

9 A. I SEE SOMETHING ON NUMBER FOUR BUT I DON'T KNOW
10 IF I WOULD CONSIDER IT A TEAR DROP, BUT I SEE
11 SOMETHING SIMILAR TO NUMBER FOUR.

12 Q. OKAY. CAN YOU POINT THAT OUT TO ME?

13 A. YES, MA'AM, RIGHT HERE.

14 Q. OKAY. THAT COULD BE SOMETHING ELSE, TOO, THAT
15 COULD BE SHADOW, COULDN'T IT?

16 A. YES, MA'AM.

17 Q. OKAY. AND WHEN YOU GOT THE LINEUP PUT TOGETHER
18 AND GOT THAT BACK FROM SLED YOU CALLED MS. WRIGHT
19 AND ASKED HER TO COME IN AND SHE CAME, CORRECT?

20 A. CORRECT.

21 Q. YOU TOLD HER -- TELL ME AGAIN EXACTLY WHAT YOU
22 TOLD HER WHEN YOU PRESENTED THE LINEUP TO HER?

23 A. I TOLD HER I WAS GOING TO SHOW HER A SIX PHOTO
24 LINEUP AND I WANTED HER TO TAKE HER TIME AND
25 LOOK AT IT AND, TO MAKE SURE, IF THE GUY IS IN IT

CROSS, IN CAMERA, BOBBY RIVERS BY MS. HINDS

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1 THAT FORCED HER WAY INTO HER RESIDENCE AND ALSO
2 IF THE GUY THAT ASSAULTED HER, TO TAKE HER TIME
3 AND LOOK AT IT.

4 Q. OKAY. YOU DIDN'T TELL HER THERE WAS A WALTER
5 GREENE IN THERE, DID YOU?

6 A. OH, NO, MA'AM.

7 Q. OKAY. AND THIS TOOK PLACE AT HEADQUARTERS ON
8 MIDDLETON, CORRECT?

9 A. THIRTEEN TWENTY MIDDLETON, CORRECT.

10 Q. DO YOU REMEMBER WHAT TIME OF DAY IT WAS?

11 A. I KNOW IT WAS THAT MORNING, I DON'T HAVE THE
12 EXACT TIME, BUT I THINK -- I DON'T HAVE THE EXACT
13 TIME BUT I KNOW IT WAS IN THE MORNING.

14 Q. OKAY. AND ...

15 A. I THINK THE TIME SHOULD BE ON THE BACK OF THE
16 LINEUP WHAT TIME SHE SIGNED IT.

17 Q. OKAY. AND I BELIEVE YOU SAID SHE PICKED HIM OUT
18 RIGHT AWAY, CORRECT?

19 A. CORRECT.

20 Q. AND YOU WERE ACTUALLY THE OFFICER THAT WAS THE
21 AFFIANT FOR THE ARREST WARRANT, CORRECT?

22 A. CORRECT.

23 Q. OKAY. AND THE INCIDENT, OR THE INFORMATION IN
24 THE ORIGINAL INCIDENT REPORT PUT THE SUSPECT AT
25 FIVE-NINE, IS THAT CORRECT?

1 A. CORRECT.

2 Q. OKAY. AND I BELIEVE YOU FILLED OUT THE ARREST
3 WARRANT?

4 A. CORRECT.

5 Q. AND THAT INFORMATION WOULD BE WALTER GREENE'S
6 HEIGHT AS FIVE-SIX?

7 A. CORRECT.

8 Q. OKAY. AND THE, WE'RE SITTING HERE AND HEARD
9 TESTIMONY TODAY THAT HE WAS FIVE-FOUR, CORRECT?

10 A. CORRECT.

11 Q. JUST ONE OTHER THING, IN YOUR INVESTIGATION WAS
12 THERE ANY OTHER PHYSICAL EVIDENCE THAT LINKS MR.
13 GREENE TO THESE CRIMES?

14 A. NO, MA'AM.

15 Q. I MEAN, THERE'S NO FINGER PRINTS, THERE WAS NO
16 BLOOD, THERE WASN'T ANYTHING OTHER THAN THE
17 IDENTIFICATION THAT WOULD HAVE LED YOU TO MR.
18 GREENE, IS THAT CORRECT?

19 A. CORRECT.

20 MS. HINDS: NOTHING FURTHER, THANK YOU.

21 THE COURT: ALRIGHT.

22 (NOTE: Blank lines on this page do not indicate any
23 part of record has been omitted. Headers on testimony
24 pages and hard page breaks between testimony are now
25 required by the Court.)

EXAM, IN CAMERA, BOBBY RIVERS BY THE COURT

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EXAMINATION, IN CAMERA, OF BOBBY RIVERS

BY THE COURT:

Q. DEPUTY RIVERS, LET ME JUST ASK A QUESTION JUST SO
I CAN MAKE SURE - - -

A. YES, SIR.

Q. --- THAT I'VE GOT THIS STRAIGHT. WHENEVER Y'ALL
DO A PHOTO LINEUP AS PART OF THE PROCEDURE YOU
JUST REQUEST SLED TO SEND SOME PICTURES?

A. YES, SIR, BECAUSE THEY WOULD GET BACK FASTER THAN
IF WE WAS TO DO IT. SO, TO ANSWER YOUR
QUESTIONS, YES, SIR, YOUR HONOR.

Q. WHAT DO YOU, WHAT KIND OF REQUEST DO YOU SEND TO
THEM FOR A LINEUP?

A. GENERAL INFORMATION. WHAT WE DO, YOUR HONOR, IF
WE'VE GOT A SUSPECT'S NAME AND WE DON'T HAVE TOO
MUCH INFORMATION ON THEM, LIKE WE DID WITH MR.
GREENE, BECAUSE I WASN'T FAMILIAR WITH HIM, WE'LL
GO, WE HAVE ACCESS TO THE DETENTION CENTER, ALL
THE PRISONERS THAT ARE LOCATED IN THERE, - - -

Q. RIGHT.

A. --- AND WE WOULD GO AND PUT IN, LIKE, IF I MAY
SAY WALTER GREENE AND IT POPS UP, AND WE WOULD
TAKE HIS INFORMATION AND PUT IT IN OUR COMPUTER
AND E-MAIL IT TO SLED.

Q. OKAY.

EXAM, IN CAMERA, BOBBY RIVERS BY THE COURT

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1 A. AND THEY WILL RETURN ...

2 Q. AND THEN THEY'RE SUPPOSED TO SEND YOU PHOTOGRAPHS
3 THAT ARE SIMILAR?

4 A. YES, SIR.

5 Q. OKAY.

6 THE COURT: ALRIGHT, OKAY. MR. SORENSON,
7 ANY OTHER QUESTIONS OF THIS WITNESS?

8 SOLICITOR SORENSON: JUST ONE OR TWO MORE.

9 THE COURT: OKAY.

10 (NOTE: Blank lines on this page do not indicate any
11 part of record has been omitted. Headers on testimony
12 pages and hard page breaks between testimony are now
13 required by the Court. See next ensuing page for
14 sequential continuation of record.)

REDIRECT, IN CAMERA, BOBBY RIVERS BY SOL.SORENSEN

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REDIRECT EXAMINATION, IN CAMERA, OF BOBBY RIVERS
BY SOLICITOR SORENSON:

Q. LET ME ASK YOU, THE LAST ONE MS. HINDS ASKED YOU ABOUT WAS AS FAR AS THE HEIGHT DESCRIPTIONS, AND OBVIOUSLY, WHEN HE WAS ARRESTED HE WAS BOOKED IN AT FIVE FOOT SIX, IS THAT CORRECT? THAT'S WAS ON THE BOOKING REPORT AND THE WARRANTS AND ALL THAT?

A. BUT THAT WAS ON THE BOOKING REPORT, THAT'S WHAT I WENT BY AS FAR AS MY GETTING MY WARRANT INFORMATION.

Q. OKAY. AND THE INCIDENT REPORT THAT WAS WRITTEN OUT CLEARLY DESCRIBED THE DESCRIPTION GIVEN AS, IT SAYS, FIVE FOOT NINE, IS THAT CORRECT?

A. CORRECT.

Q. BUT YOU HEARD MS. WRIGHT TESTIFY TODAY ON MULTIPLE OCCASIONS THAT SHE DESCRIBED THE SUSPECT AS BEING FIVE FOOT FOUR, IS THAT CORRECT?

A. CORRECT.

Q. OKAY. AND IN FACT, IN HER STATEMENT -- BECAUSE YOU ACTUALLY TOOK THE WRITTEN STATEMENT FROM HER THAT WAS REFERENCED TO EARLIER, IS THAT CORRECT?

A. CORRECT, I DID. CORRECT.

Q. AND EVEN THERE SHE DESCRIBES THE PERSON AS A SHORT GUY, IS THAT CORRECT?

A. CORRECT.

1 Q. AND THEN MS. HINDS ASKED YOU ABOUT THE ACTUAL
2 PHOTO LINEUP, AND I BELIEVE YOU HAD TESTIFIED
3 ABOUT SEEING SOME KIND OF DISCOLORATION KIND OF
4 ON THE RIGHT CHEEK OF PHOTOGRAPH NUMBER FOUR, IS
5 THAT CORRECT?

6 A. CORRECT.

7 Q. AND LOOKING AT IT, IN FACT, ALL SIX OF THESE
8 PHOTOGRAPHS, BETWEEN SHADOWS AND THE REFLECTIONS
9 AND THINGS OF THAT NATURE, I MEAN, THEY ALL HAVE
10 VARIOUS DIFFERENT SKIN, KIND OF BRIGHT SPOTS AND
11 DARK SPOTS THROUGHOUT ALL SIX OF THEIR FACES,
12 DON'T THEY?

13 A. CORRECT.

14 SOLICITOR SORENSON: OKAY. THANK YOU,
15 DETECTIVE.

16 MS. HINDS: ONE MORE QUESTION.

17 THE COURT: YES, MA'AM.

18 (NOTE: Blank lines on this page do not indicate any
19 part of record has been omitted. Headers on testimony
20 pages and hard page breaks between testimony are now
21 required by the Court. See next ensuing page for
22 sequential continuation of record.)

RECROSS, IN CAMERA - BOBBY RIVERS BY MS. HINDS

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RECROSS-EXAMINATION, IN CAMERA, OF BOBBY RIVERS

BY MS. HINDS:

Q. BUT THAT'S THE ONLY ONE WITH A TEAR DROP THAT'S
VISIBLE, CORRECT?

A. CAN I LOOK AT IT AGAIN, PLEASE? I WANT TO BE
SURE. WHEN YOU SAY, TEAR DROP, ARE YOU COMPARING
NUMBER THREE WITH NUMBER FOUR OR JUST NUMBER
THREE, MA'AM?

A. JUST NUMBER THREE.

Q. Y'ALL ARE CALLING IT A TEAR DROP, SO, I MEAN, IF
YOU'RE SAYING TEAR DROP, COMPARED TO NUMBER
THREE, THAT WOULD BE A TEAR DROP. BUT LIKE I
STATED EARLIER, NUMBER FOUR ALSO HAS A FEATURE ON
THE SIDE OF HIS FACE, THE RIGHT SIDE, TOO, MA'AM.

Q. BUT YOU CAN'T SAY FOR SURE THAT NUMBER FOUR HAS A
TEAR DROP, CORRECT?

A. WELL, IF I WANT TO CALL IT A TEAR DROP I COULD
SAY. IT LOOKS SIMILAR TO ME, A BLACK MARKING
WHICH WE COULD CONSIDER A TEAR DROP.

MS. HINDS: THANK YOU.

THE COURT: ANYTHING ELSE OF THIS WITNESS?

SOLICITOR SORENSON: NO, SIR, THAT WOULD BE
ALL I WOULD HAVE.

THE COURT: OKAY, THANK YOU, MR. RIVERS.

WITNESS: THANK YOU, SIR.

1 THE COURT: ALRIGHT, ANY OTHER WITNESSES?

2 SOLICITOR SORENSON: THAT WOULD BE ALL THE
3 STATE WOULD HAVE, YOUR HONOR.

4 THE COURT: OKAY. MS. HINDS, ANY WITNESSES?

5 MS. HINDS: NO.

6 THE COURT: OKAY.

7 MS. HINDS: EXCUSE ME, YES, SIR.

8 THE COURT: OKAY.

9 MS. HINDS: I'VE JUST SENT MARK TO FIGURE
10 OUT WHERE THE EXPERT IS. HE WAS SUPPOSED TO BE HERE AT
11 ONE:FIFTEEN.

12 THE COURT: OKAY. WELL, WE'LL SIT DOWN.
13 OH, THERE HE IS. DO YOU NEED A MINUTE TO TALK WITH
14 HIM OR ANYTHING?

15 MS. HINDS: YES, SIR, PLEASE, SIR, PROBABLY
16 ONLY A MINUTE.

17 THE COURT: OKAY.

18 (Whereupon, Ms. Hinds
19 confers with witness.)

20 THE COURT: ALRIGHT, MS. HINDS, ARE YOU
21 READY?

22 MS. HINDS: YES, SIR.

23 THE COURT: OKAY.

24 MS. HINDS: THE DEFENSE WOULD CALL DR. TOM
25 ALLEY.

1 CLERK: PLACE YOUR LEFT HAND ON THE BIBLE
2 AND RAISE YOUR RIGHT HAND.

3 (Whereupon, Dr. Thomas R. Alley
4 is duly sworn.)

5 CLERK: YOU MAY BE SEATED AND STATE YOUR
6 FULL NAME FOR THE COURT.

7 WITNESS: THOMAS R. ALLEY, A-L-L-E-Y.

8 (NOTE: Blank lines on this page do not indicate any
9 part of record has been omitted. Headers on testimony
10 pages and hard page breaks between testimony are now
11 required by the Court. See next ensuing page for
12 sequential continuation of record.)

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 Q. CAN YOU TELL US A LITTLE BIT ABOUT YOUR
2 EDUCATIONAL BACKGROUND?

3 A. YES, I HAVE A BACHELOR OF SCIENCE DEGREE IN
4 PSYCHOLOGY FROM PENN STATE UNIVERSITY, AND I HAVE
5 A MASTERS AND PHD DEGREES IN EXPERIMENTAL
6 PSYCHOLOGY FROM THE UNIVERSITY OF CONNECTICUT,
7 AND THREE YEARS OF POST DOCTORAL EXPERIENCE WITH
8 THE UNIVERSITY OF CONNECTICUT.

9 Q. AND WHAT'S YOUR PRESENT POSITION WHERE YOU WORK?

10 A. I'M CURRENTLY A PROFESSOR OF PSYCHOLOGY AT
11 CLEMSON UNIVERSITY. I WANT TO ADD, I'M NOT
12 REPRESENTING THE UNIVERSITY OR THE DEPARTMENT IN
13 ANY WAY HERE.

14 THE COURT: AND I DON'T MEAN TO INTERRUPT,
15 DR. ALLEY, BUT THEY MAKE YOU SAY THAT EVERY TIME?

16 A. IT'S JUST GOOD PRACTICE.

17 THE COURT: OH, OKAY. IT SEEMS LIKE EVERY
18 TIME I SEE ANYTHING NOW IT ALWAYS SAYS, WELL, YOU
19 KNOW, THIS IS NOT THE OPINION OF MY EMPLOYER OR
20 ANYTHING LIKE THAT, OR IT'S ACTUALLY A WAY SO THAT YOU
21 WON'T HAVE ANY EFFECT ON THE IMAGE OF CLEMSON
22 UNIVERSITY.

23 A. I ACTUALLY DON'T THINK THAT WILL PREVENT ME FROM
24 POSSIBLY HAVING AN EFFECT ON THEM.

25 THE COURT: OKAY. ALRIGHT.

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 A. I JUST WANT TO BE MISTAKEN AS REPRESENTING THEIR
2 VIEW POINT.

3 THE COURT: ALRIGHT, SIR.. I APPRECIATE
4 THAT. HOW LONG HAVE YOU BEEN AT CLEMSON?

5 A. TWENTY, I'M IN MY TWENTY-SEVENTH YEAR.

6 THE COURT: ALRIGHT, SIR, THANK YOU, SIR.
7 I'M SORRY, MS. HINDS.

8 MS. HINDS: THAT'S OKAY.

9 Q. HAVE YOU TAUGHT COURSES DEALING WITH HUMAN MEMORY
10 AND PERCEPTION?

11 A. YES, I DO SO REGULARLY AND EVEN DID SO THIS
12 MORNING.

13 Q. FOR HOW LONG HAVE YOU BEEN DOING THAT?

14 A. FOR ABOUT THIRTY YEARS.

15 Q. OKAY. AND HAVE YOU CONDUCTED ANY RESEARCH
16 RELEVANT TO EYE WITNESS TESTIMONY?

17 A. YES.

18 Q. ANY OF THIS RESEARCH BEEN PRESENTED AT SCIENTIFIC
19 - - -

20 A. YES, IT'S BEEN PRESENTED IN THE U.S. AND SOME
21 OTHER COUNTRIES AS WELL.

22 Q. HAVE YOU BEEN PUBLISHED IN SCIENTIFIC BOOKS OR
23 JOURNALS?

24 A. YES.

25 Q. AND DO YOU BELONG TO ANY PROFESSIONAL

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 ASSOCIATIONS OR ORGANIZATIONS?

2 A. YES, I DO, I BELONG TO A NUMBER, INCLUDING THE
3 ASSOCIATION FOR PSYCHOLOGICAL SCIENCE AND
4 PSYCHONOMICS SOCIETY.

5 Q. AND HAVE YOU EVER SERVED AS AN EXTRA CONSULTANT
6 FOR SCIENTIFIC OR GOVERNMENT GROUPS?

7 A. YES, FOR GROUPS IN THE U.S., ALSO FOR AUSTRIA.

8 Q. AND HAVE YOU PREVIOUSLY BEEN QUALIFIED IN A COURT
9 OF LAW AS AN EXPERT IN THE AREA OF HUMAN MEMORY
10 PERCEPTION AND EYE WITNESS TESTIMONY?

11 A. YES, ON A NUMBER OF OCCASIONS.

12 Q. AND HAVE YOU EVER FAILED TO BE QUALIFIED IN COURT
13 AS AN EXPERT?

14 A. NO.

15 Q. OKAY. CAN YOU GIVE THE COURT SOME IDEA OF HOW
16 MANY TIMES AROUND ABOUT THAT YOU'VE BEEN
17 QUALIFIED?

18 A. A COUPLE OF DOZEN.

19 Q. AND ARE THERE AREAS OF FACE RECOGNITION AND EYE
20 WITNESS TESTIMONY IN THE RECOGNIZED FIELDS OF
21 STUDY WITHIN PSYCHOLOGY?

22 A. YES, THERE ARE. AND IN FACT, WORK IN THIS AREA
23 IS PROBABLY THE MOST ACTIVE AND RESEARCHED AREA
24 DEALING WITH RELATIONS BETWEEN PSYCHOLOGY AND
25 LAW.

• DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 Q. OKAY. AND DO YOU KEEP UP WITH THE CURRENT
2 RESEARCH IN THOSE AREAS?

3 A. I TRY TO.

4 Q. OKAY.

5 MS. HINDS: YOUR HONOR, I WOULD MOVE TO HAVE
6 HIM QUALIFIED AS AN EXPERT ON EYE WITNESS TESTIMONY
7 AND MEMORY AND PERCEPTION.

8 THE COURT: MR. SORENSON?

9 SOLICITOR SORENSON: I HAVE NO OBJECTION,
10 YOUR HONOR.

11 THE COURT: OKAY. HE IS SO QUALIFIED.

12 MS. HINDS: THANK YOU, SIR.

13 Q. ALRIGHT, JUST SOME QUESTIONS NOW, ARE EXPERTS IN
14 MEMORY IN GENERAL AGREEMENT AS TO THE BASIC
15 PROCESSES INVOLVED IN HUMAN MEMORY SUCH AS EYE
16 WITNESS TESTIMONY?

17 A. YES, THERE'S GOOD AGREEMENT ABOUT WHAT MUST
18 HAPPEN AND THIS MAKES SENSE ALTHOUGH MOST PEOPLE
19 DON'T THINK OF ALL THESE THINGS, SO THE FIRST
20 THING YOU HAVE TO DO IS TO TAKE IN THE
21 INFORMATION SO YOU HAVE TO BE ALERT AND ATTENTIVE
22 TO THE RIGHT THING AT THE RIGHT TIME. YOU ALSO
23 HAVE TO RETAIN IT OVER A PERIOD OF TIME EVEN IF
24 IT'S JUST A MATTER OF SECONDS, AND THEN YOU HAVE
25 TO BE ABLE TO RETRIEVE MEMORY, YOU HAVE TO ACCESS

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 MEMORIES LATER ON.

2 Q. OKAY. CAN MEMORY BE LIKENED TO A CAMCORDER OR A
3 TAPE RECORDER?

4 A. NO. MEMORY IS VERY MUCH NOT LIKE A RECORDER, NOT
5 EVEN A RECORDER THAT BREAKS DOWN EVERY NOW AND
6 THEN. SO, IF YOU THINK ABOUT ANY RECORDING
7 DEVICE THEY WILL REPRODUCE WHATEVER THEY RECORD,
8 AND YOU MIGHT ERRONEOUSLY THINK ABOUT MEMORY,
9 HUMAN MEMORY AS BEING LIKE A VIDEO CAMERA THAT
10 JUST HAS A LOT OF BLANKS IN IT BECAUSE YOU FORGET
11 A BUNCH OF STUFF. BUT HUMAN MEMORY IS
12 CHARACTERIZED BY ALSO THINGS BEING ADDED INTO
13 MEMORY AND THE CONTENTS THAT'S THERE ALSO BEING
14 DISTORTED OR TRANSFORMED IN VARIOUS WAYS.

15 Q. OKAY. AND I THINK YOU JUST SAID THAT AT FIRST
16 THERE HAS TO BE KIND OF A PHASE WHERE YOU'RE
17 TAKING INFORMATION, IS THAT CORRECT?

18 A. YES.

19 Q. AND WHAT KIND OF FACTORS MIGHT BE RELEVANT TO
20 THAT ACQUISITION PHASE?

21 A. A LIST OF POTENTIAL FACTORS ARE ACTUALLY QUITE
22 LARGE, ALL THIS FOCUS ON A COUPLE OF CATEGORIES,
23 SO ONE HAS TO DEAL WITH WHO THE PERSON IS, SO
24 THERE ARE QUESTIONS THAT MIGHT ARISE DEPENDING ON
25 THEIR AGE, THEIR STATE, THEIR STATE OF ALERTNESS,

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 WHETHER, HOW GOOD THEIR VISION IS OR THEIR
2 HEARING AS APPROPRIATE, AND SO ON. THE
3 SITUATION, OF COURSE, IS CRITICAL HERE, TOO. SO,
4 THE EXTREME CONDITION, YOU KNOW, OF COURSE, YOU
5 CAN'T SEE ANYTHING IN THE DARK, AND AS WE GET TO
6 SOME POOR LIGHTING YOU CAN SEE, BUT IF THERE ARE
7 DETAILS IT WILL BE DIFFICULT OR IMPOSSIBLE TO SEE
8 UNDER THOSE CIRCUMSTANCES. SO, THE WHOLE
9 ENVIRONMENT AND WHO WAS IN IT AND ALSO THE TIME
10 AVAILABLE IS CRITICAL AS WELL.

11 Q. OKAY. AND I BELIEVE THEN AFTER YOU'VE ACQUIRED
12 THE INFORMATION YOU HAVE TO BASICALLY RETAINED
13 IT, CORRECT?

14 A. YES.

15 Q. OKAY. AND HOW IS MEMORY AFFECTED DURING THAT
16 PHASE?

17 A. WELL, AS I INDICATED PREVIOUSLY, IT'S COMMONPLACE
18 DURING THIS PERIOD OF TIME, AS WE ALL KNOW, FOR
19 OUR MEMORIES TO DETERIORATE A BIT, AND WE FORGET
20 SOME THINGS. SO, EVEN IF YOU REMEMBER PRETTY
21 WELL WHAT, LET'S SAY, A PARTICULAR CAR YOU'VE
22 SEEN LOOKED LIKE, SOME OF THE DETAILS WILL
23 VANISH AS TIME PASSES ON. BUT YOU'RE ALSO LIKELY
24 TO TRANSFORM THE CAR A BIT, SO YOU MIGHT REMEMBER
25 THE COLOR AS BEING RED SORT OF CORRECTLY, BUT A

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 DIFFERENT RED THAN IT ACTUALLY IS, OR LARGER OR
2 SMALLER, AND SO ON. AND IN ADDITION, YOU CAN
3 ACTUALLY ADD INFORMATION ON TO THAT SO YOU MIGHT
4 SEE AT SOME OTHER POINT A CAR WITH A HOOD
5 ORNAMENT ON IT THAT LOOKS LIKE THIS ONE AND MIS-
6 REMEMBER THAT HOOD ORNAMENT AS BEING ON THE
7 ORIGINAL CAR.

8 Q. OKAY. ARE THERE MANY STUDIES OF PERSONAL
9 RECOGNITION AND EYE WITNESS TESTIMONY?

10 A. YES, HUNDREDS, HUNDREDS OF THESE STUDIES.

11 Q. COULD YOU DESCRIBE THE TYPICAL RESEARCH DESIGN OR
12 THE METHODS USED TO STUDY EYE WITNESS TESTIMONY?

13 A. YEAH, YOU HAVE TO DESCRIBE A COUPLE OF DIFFERENT
14 THINGS AT LEAST, SO THERE ARE VARIOUS KINDS OF
15 LABORATORY STUDIES WHICH HAVE THE VIRTUE OF BEING
16 ABLE TO CONTROL A LOT OF POTENTIAL VARIABLES THAT
17 MIGHT INFLUENCE THE OUTCOME. SO, IN A TYPICAL
18 ONE OF THESE WE MIGHT SHOW ONE PICTURE OR SEVERAL
19 PICTURES TO PEOPLE, WAIT AN INTERVAL OF TIME, AND
20 THEN TEST THEIR MEMORIES IN VARIOUS WAYS, OR WE
21 MIGHT SHOW THEM A VIDEO TAPE, AS I'VE DONE IT IN
22 RESEARCH IN MY LAB, SHOW THEM A VIDEO TAPE OF
23 WHAT LOOKS LIKE A THEFT AND THEN TEST THEIR
24 MEMORIES TO SEE WHICH TECHNIQUES PRODUCE THE BEST
25 MEMORY. THERE ARE FIELDS STUDIES AS WELL WHICH

DIRECT, IN CAMERA, DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 WE HAVE LESS CONTROL BUT, OF COURSE, THEY'RE MORE
2 LIKE REAL LIFE AND MORE LIKE WE MAYBE TO
3 GENERALIZE, SO IN THESE STUDIES, AN EXAMPLE OF
4 THAT WOULD BE A STUDY DOWN AT A CONVENIENCE STORE
5 IN WHICH SOMEONE GOES IN AND WRITES A BAD CHECK
6 TO THE CONVENIENCE STORE AND THEN PEOPLE ARE
7 TESTED FOR THEIR MEMORY OF WHAT THIS PERSON
8 LOOKED LIKE LATER ON. LUCKILY THESE STUDIES,
9 ALTHOUGH THERE ARE MANY DIFFERENT TYPES, FOR THE
10 MOST PART THEY TEND TO AGREE IN THEIR FINDINGS.

11 Q. OKAY. IS THERE ANY ANALYSIS UNDER THE ACTUAL
12 LEGAL CASES?

13 A. YES. A FAIR AMOUNT OF THAT. IT'S A SMALLER
14 AREA. THAT'S, ACTUALLY THAT WAS A GOOD PLACE TO
15 HIGHLIGHT THE UNRELIABILITY OF EYE WITNESS
16 MEMORY, SINCE WE FOR A LONG TIME HAVE KNOWN THAT
17 AT LEAST ON OCCASION PEOPLE GET FALSELY ARRESTED
18 AND WRONGLY ARRESTED AND FALSELY CONVICTED. AND
19 THAT'S BEEN PARTICULARLY OBVIOUS FOR THE LAST
20 DOZEN YEARS OR SO WITH THE USE OF DNA TO
21 EXONERATE PEOPLE. SO WE CAN GO BACK AND LOOK AT
22 THOSE CASES AND LOOK AT WHAT HAPPENS, BECAUSE NOW
23 I THINK GOING ON THREE HUNDRED CASES IN THE U. S.
24 WHERE PEOPLE HAVE BEEN EXONERATED BY DNA
25 EVIDENCE, AND ABOUT THREE QUARTERS OF THEM, AN

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 IMPORTANT PART OF THE CASE WAS EYE WITNESS
2 TESTIMONY, AND ABOUT HALF OF THEM IT APPEARS THAT
3 EYE WITNESS TESTIMONY WAS THE ONLY FACTOR OR THE
4 MAIN FACTOR THAT LED TO THE CONVICTION. SO, WE
5 KNOW THERE'S A LOT OF THINGS POTENTIALLY THAT CAN
6 GO WRONG, BUT THAT THE MAIN THING THAT'S LIKELY
7 TO GO WRONG IS, IN FACT, AN EYE WITNESS
8 IDENTIFICATION.

9 Q. WHAT GENERAL CONCLUSION DO SCIENTISTS REACH ON
10 THE BASIS OF THAT KIND OF RESEARCH, OR THIS KIND
11 OF RESEARCH?

12 A. WELL, AS I SORT OF INDICATED THERE, THAT EYE
13 WITNESS MEMORY AND RECOGNITION IS UNFORTUNATELY
14 NOT AS RELIABLE AS ONE WOULD HOPE. WE KNOW A LOT
15 ABOUT WHAT FACTORS MAY GET MORE OR LESS RELIABLE.
16 WE KNOW THAT THE CONFIDENCE OF A WITNESS IS NOT A
17 PARTICULARLY GOOD GUIDE TO WHETHER THEY'RE LIKELY
18 TO BE ACCURATE. WE KNOW THAT THE AMOUNT OF
19 DETAIL THEY PROVIDE IS AGAIN NOT THAT LIKELY TO
20 BE CLOSELY TIED TO HOW ACCURATE THEY ARE. SO,
21 THOSE ARE SOME OF THE MAIN ONES.

22 Q. BASED ON YOUR KNOWLEDGE AND RESEARCH RESULTS ARE
23 THERE COMMONLY HELD MISTAKEN BELIEFS ABOUT EYE
24 WITNESS TESTIMONY?

25 A. YEAH, I THINK THE COMPETENCE ISSUE IS ONE.

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 THERE'S ACTUALLY SOME EVIDENCE FOR THAT, THAT
2 PEOPLE PUT TOO MUCH WEIGHT ON THE COMPETENCE OF
3 SOMEBODY, WHETHER IT BE EYE WITNESS
4 IDENTIFICATION OR MEMORY IN GENERAL. AND ALSO,
5 PROBABLY BELIEVE THAT THE LIKELIHOOD OF AN ERROR
6 IN AN EYE WITNESS IDENTIFICATION IS LOWER THAN IT
7 ACTUALLY IS, THAT IS, THAT IT'S A SOMEWHAT EASIER
8 TASK.

9 Q. KIND OF GOING THE OTHER WAY, ARE THERE FACTORS
10 THAT IMPROVE THE RELIABILITY OF EYE WITNESS
11 IDENTIFICATION?

12 A. OH, YES. IT'S SORT OF THE OPPOSITE OF THE THINGS
13 THAT IMPAIR IT, SO A GOOD LONG TIME TO STUDY WHAT
14 IT IS THAT YOU'RE SUPPOSED TO REMEMBER, SAY, THE
15 APPEARANCE OF A PERSON, GOOD CONDITIONS UNDER
16 WHICH TO DO SO, SO THEY'RE NOT FAR AWAY, THE
17 LIGHTING IS GOOD, WE DON'T HAVE IMPAIRED VISION,
18 WE DON'T HAVE ANY IMPAIRMENT FROM DRUGS OR FROM
19 BEING A SMALL CHILD OR SOMETHING OF THIS SORT.
20 THE ATTRIBUTES OF THE PERSON AS WELL, FOR
21 INSTANCE, ARE THEY SAME RACE AS THE PERSON THEY
22 ARE OBSERVING? IF THEY'RE NOT THAT TENDS TO MAKE
23 IDENTIFICATION MORE DIFFICULT. SHORT RETENTION
24 INTERVAL IS VERY IMPORTANT HERE, MEANING THE TIME
25 BETWEEN EXPERIENCING SOMETHING, FOR INSTANCE,

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 VIEWING A PERSON AND BEING TESTED FOR YOUR
2 MEMORY, THE SHORTER THAT IS THE MORE LIKELY YOU
3 ARE TO HAVE AN ACCURATE IDENTIFICATION. AND I
4 MIGHT ADD, GOOD TESTING PROCEDURES, TOO.

5 Q. COULD YOU TELL US A LITTLE BIT ABOUT POST EVEN
6 INFORMATION?

7 A. YES. THAT REFERS TO, OF COURSE, INFORMATION
8 HAPPENS AFTER SOME EVENT, THE EVENT IN QUESTION
9 HERE BEING THE ONE FOR WHICH WE'RE GOING TO TEST
10 MEMORY. SO, IN THE CASE OF EYE WITNESS
11 IDENTIFICATION INFORMATION CAN COME YOUR WAY
12 AFTERWARDS. A SORT OF CLASSIC DEMONSTRATION OF
13 THIS IS TO HAVE SOMEBODY SUGGEST THAT A PERSON
14 HAS A PARTICULAR CHARACTERISTIC THAT THEY DON'T
15 EVEN HAVE AFTER YOU'VE SEEN THEM. WHEN THAT
16 OCCURS IT'S SOMETIMES THE CASE THAT THE PERSON
17 WILL INTEGRATE THAT INTO THEIR MEMORY. SO, I'VE
18 ACTUALLY ROUTINELY USED THIS IN A CLASSROOM
19 DEMONSTRATION LIKE WHEN I TALK ABOUT EYE WITNESS
20 IDENTIFICATION I SHOW A VIDEO TAPE. IT'S
21 ACTUALLY OF A DEMONSTRATION OF THIS IN THE LAW
22 SCHOOL CLASS, SO, WITH LAW SCHOOL STUDENTS
23 SITTING THERE AND A GUY COMES DOWN FROM THE BACK
24 OF THE CLASSROOM, AND AS HE'S EXITING HE GRABS A
25 POCKETBOOK AND RUNS OUT THE DOOR. AND THE

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 QUESTION NOW IS, CAN PEOPLE IDENTIFY HIM? BUT
2 BEFORE THEY GET A CHANCE THE INSTRUCTOR SUGGESTS
3 THAT SHE DIDN'T GET A GOOD LOOK AT HIM BUT SHE
4 DOES REMEMBER HE WAS KIND OF TALL AND HAD A
5 BEARD, OR HE DIDN'T HAVE BEARD. BUT AFTERWARDS
6 ABOUT HALF OF THESE LAW STUDENTS, LIKE MANY OF
7 THE PEOPLE IN MY CLASS WHEN THEY SEE THIS BELIEVE
8 THAT THEY SAW A BEARD. SO, BASICALLY, THE
9 SUGGESTION THAT HAPPENS AFTER THE EVENT GETS
10 INCORPORATED INTO THE MEMORY.

11 Q. OKAY. CAN WITNESSES TELL IF THEIR MEMORY HAS
12 BEEN CONTAMINATED?

13 A. NOT USUALLY. THEY CAN'T TELL AND THEY CAN'T GET
14 BACK TO THE ORIGINAL ONE.

15 Q. OKAY. LET'S ME AND YOU TALK A LITTLE BIT ABOUT
16 LINEUPS. HAVE PSYCHOLOGISTS STUDIES VARIOUS
17 LINEUP PROCEDURES AND THEIR EFFECTIVENESS?

18 A. YEAH, THERE'S PROBABLY SEVERAL HUNDRED STUDIES ON
19 LINEUP PROCEDURES.

20 Q. WHAT CONCLUSION HAVE EXPERTS DRAWN?

21 A. WELL, THEY'RE NOT IN ENTIRE AGREEMENT, BUT
22 THERE'S SOME THINGS THAT MOSTLY THEY'RE IN
23 AGREEMENT ON, WHICH IS THAT WE NEED A NUMBER OF
24 OPTIONS. IN FACT, I SHOULD BACK UP HERE AND SAY,
25 WHAT THE HECK IS THE POINT OF THE LINEUP? SO,

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 THE POINT OF THE LINEUP IS NOT TO SEE IF SOMEBODY
2 CAN IDENTIFY SOMEBODY THAT WE KNOW IS THE RIGHT
3 PERSON. RIGHT? IF THAT'S THE CASE THEN WE DON'T
4 NEED THE EYE WITNESS. SO, THE EYE WITNESS AND
5 THE LINEUP IS REALLY LIKE A PSYCHOLOGICAL TEST,
6 IT'S REALLY A MEMORY TEST IN WHICH THE PERSON IS
7 SUPPOSED TO BE USING THE MEMORY THEY HAVE TO
8 ACCURATELY IDENTIFY ONE PARTICULAR INDIVIDUAL.

9 SO, WHAT WE NEED IS A NUMBER OF INDIVIDUALS THAT
10 TYPICALLY LOOK SIMILAR TO THE PERSON. PEOPLE ARE
11 IN AGREEMENT THAT ONCE YOU GET TO FIVE OR SIX OR
12 SO THAT'S PROBABLY A GOOD AMOUNT, THE CONCERN
13 REMAINS, IS THAT WHEN THE LINEUP IS ADMINISTERED
14 TO PEOPLE PARTICULARLY BY LAW ENFORCEMENT, THAT
15 THE ASSUMPTION WILL BE MADE, THE PERSON THAT
16 THEY'RE LOOKING FOR IS IN THE LINEUP. SO, ...

17 Q. A BETTER PRACTICE WOULD BE TO JUST, TO NOT SAY,
18 IT MIGHT OR MIGHT BE IN THE LINEUP?

19 A. WELL, THAT'S ACTUALLY WIDELY RECOMMENDED, AND I
20 THINK MOST POLICE DEPARTMENTS, INCLUDING
21 ORANGEBURG FROM WHAT I SAW, GIVE A NICE STATEMENT
22 THAT THE PERSON MAY OR MAY NOT BE IN THE LINEUP.
23 WHETHER THAT'S EFFECTIVE OR NOT IS QUESTIONABLE,
24 BUT IT CAN'T HURT. TO GET AROUND THAT SOME
25 PEOPLE RECOMMEND THAT YOU SHOW PHOTOS ONE BY ONE

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 SO THAT INSTEAD OF HAVING SOMEBODY COMPARE ALL
2 THE PHOTOS AND PICKING THE ONE THAT MOST
3 RESEMBLES THEIR MEMORY, THEY WILL ONLY PICK
4 SOMEBODY IF THERE'S A CLEAR MATCH BETWEEN THEIR
5 MEMORY FOR WHAT THE PERSON LOOKS LIKE AND THE
6 PERSON IN THE PHOTOGRAPH.

7 Q. OKAY. IF AN EYE WITNESS GIVES FALSE OR
8 INACCURATE TESTIMONY DOES THIS MEAN THEY'RE
9 INTENTIONALLY LYING?

10 A. NO. I THINK IT'S REALLY CLEAR THAT THAT'S RARELY
11 CASE. IN FACT, I THINK MOST PEOPLE WORKING IN
12 THE FIELD ASSUME THAT THAT IS ALMOST NEVER THE
13 CASE, THAT EYE WITNESSES ARE GENERALLY TRYING
14 HARD TO DO THE RIGHT THING AND GET THE RIGHT
15 PERSON, ESPECIALLY WHEN THEY'RE TALKING ABOUT
16 VICTIMS. RIGHT? VICTIMS AND FRIENDS OF VICTIMS,
17 AND RELATIVES OF VICTIMS THAT HAPPEN TO BE
18 WITNESSES ALL WOULD LIKE TO SEE THE PERSON CAUGHT
19 AND LOCKED AND PUNISHED AND SO ON.

20 Q. OKAY. HAVE YOU HAD THE OPPORTUNITY TO TEST OR
21 SPEAK WITH ANY OF THE WITNESSES IN THIS CASE?

22 A. NO.

23 Q. IF THE EYE WITNESS IS NOT LYING AND IS CONFIDENT
24 OF HIS OR HEAR TESTIMONY IS THERE A SIGNIFICANT
25 CHANCE HE OR SHE COULD BE MISTAKEN?

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 A. THE CHANCE, THERE IS IN MOST CASES A CHANCE AS
2 LONG AS WE'RE TALKING ABOUT A SOMEWHAT UNFAMILIAR
3 PERSON. AND EVEN WITH A FAMILIAR PERSON THERE'S
4 SOME CHANCE. SO, IS THERE A SIGNIFICANT CHANCE?
5 IT DEPENDS AGAIN ON MANY OF THESE FACTORS AND
6 WHAT THINGS WOULD BE WORKING AGAINST THE ABILITY
7 OF SOMEBODY TO CORRECTLY MAKE AN IDENTIFICATION
8 WHEN THE TIME COMES.

9 Q. OKAY. WOULD A PERSON BE IN A SITUATION WHERE A
10 WEAPON WAS INVOLVED, WOULD THAT HAVE ANY BEARING
11 ON THEIR ABILITY TO IDENTIFY THE PERSON?

12 A. YES. THAT'S BEEN STUDIED, AND ONE MIGHT, YOU
13 KNOW, INTUITIVELY THINK IF THERE'S A WEAPON
14 BRANDISHED ABOUT THAT THAT'S GOING TO ATTRACT
15 SOME ATTENTION. AND THERE'S VERY GOOD REASON TO
16 THINK THAT'S TRUE. IN FACT, WE HAVE LABORATORY
17 STUDIES THAT HAVE SHOWN THIS, AND SURE ENOUGH
18 IT'S GOT A NAME, NOT A VERY EXOTIC NAME, IT'S
19 CALLED THE WEAPON FOCUS EFFECT. SO, IF THERE IS
20 A WEAPON BRANDISHED THAT WILL TEND TO ATTRACT
21 ATTENTION. IF YOU'RE LOOKING AT A GUN OR A KNIFE,
22 ONE OF THE THINGS WE DO KNOW IS, YOU'RE NOT
23 TAKING IN INFORMATION AT THAT TIME ABOUT THINGS
24 LIKE THE APPEARANCE OF THE PERSON'S FACE OR THEIR
25 CLOTHING.. SO, THAT HAS BEEN SHOWN, OF COURSE, TO

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 BE A FACTOR THAT TENDS TO IMPAIR MEMORY.

2 Q. OKAY. WHAT ABOUT THE OPPORTUNITY TO OBSERVE?

3 A. IT'S CRITICAL. IF YOU NEVER SEE ENOUGH DETAIL TO
4 UNIQUELY IDENTIFY SOMEBODY IN THE FIRST PLACE
5 THEN YOUR MEMORY WILL NOT BE ABLE TO DO THAT FOR
6 YOU.

7 Q. OKAY. CONTAMINATION FROM DISCUSSIONS WITH
8 OTHERS, WOULD THAT ALSO BE A FACTOR?

9 A. THAT COULD WELL BE A FACTOR. AS I MENTIONED
10 BEFORE, THAT EXAMPLE, JUST A SUGGESTION FROM
11 SOMEBODY ELSE, THIS SOMETIMES HAPPENS WHEN YOU
12 HAVE MULTIPLE WITNESSES IS THAT THEY WILL TALK
13 WITH EACH OTHER, OR -- AM I PERMITTED TO TALK
14 ABOUT THIS SPECIFIC CASE?

15 MS. HINDS: YOUR HONOR?

16 A. ANY REASON NOT TO?

17 THE COURT: WELL, I'M THE ONLY ONE HERE, SO

18 - - -

19 A. OKAY.

20 THE COURT: --- I'LL GIVE IT WHATEVER WEIGHT
21 I WANT TO GIVE IT.

22 A. OKAY.

23 THE COURT: BUT I WANT TO KNOW, HOW DO YOU
24 KNOW ABOUT -- YOU SAID YOU DIDN'T INTERVIEW ANY
25 WITNESSES?

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 A. NO, BUT I HAVE THE INCIDENT REPORTS AND - - -

2 THE COURT: SIR?

3 A. I HAVE THE INCIDENT REPORTS AND WITNESS
4 STATEMENTS AND OTHER DOCUMENTATION FROM THE CASE.

5 THE COURT: OKAY. SO, YOU HAVE REVIEWED
6 THOSE DOCUMENTS?

7 A. YES.

8 THE COURT: AND YOU HAVEN'T BEEN HERE DURING
9 ALL THE TESTIMONY?

10 A. I HEARD THE END OF THE, ONE OF THE POLICE
11 OFFICER'S TESTIMONY.

12 MS. HINDS: DETECTIVE RIVERS.

13 THE COURT: DETECTIVE RIVERS.

14 A. YES. FROM THE PART SHORTLY BEFORE HE STARTED
15 LOOKING AT THE LINEUP.

16 THE COURT: AND YOU DID NOT HEAR THE
17 TESTIMONY OF THE VICTIM?

18 A. NO.

19 THE COURT: OKAY. WELL, FOR WHATEVER IT'S
20 WORTH, YOU CAN ASK THE QUESTION AND I'LL SORT IT OUT
21 MYSELF.

22 MS. HINDS: OKAY.

23 Q. DID, WOULD THE WEAPON FOCUS AFFECT BE A PART OF
24 THIS CASE?

25 A. IT CERTAINLY SEEMS THAT WAY TO ME. THE WITNESS

DIRECT, IN CAMERA. DR. THOMAS R. ALLEY
BY MS. HINDS:

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1 VICTIM REPORTS A GUN WAS DISPLAYED, REPORTS IT
2 WAS DISPLAYED ALMOST IMMEDIATELY OR IMMEDIATELY,
3 AND WAS ABLE TO DESCRIBE SOME OF THE FEATURES OF
4 THIS HAND GUN, SHOWING THAT IN FACT THAT CAUGHT
5 HER ATTENTION FOR SOME PERIOD OF TIME. AND
6 PARTICULARLY IN THIS CASE WHERE IT SEEMS LIKE
7 THERE IS A PRETTY SHORT PERIOD IN WHICH SHE HAD
8 AN OPPORTUNITY TO OBSERVE, SOME OF THAT ALREADY
9 SHORT PERIOD WAS TAKEN UP, AS WE ALL WOULD, I
10 THINK, LOOKING AT THIS HAND GUN.

11 A. OKAY. AND AGAIN, RECOGNIZING THERE'S A --
12 RECOGNIZING A FAMILIAR PERSON AS OPPOSED TO AN
13 UNFAMILIAR PERSON WOULD HAVE A BEARING, IS THAT
14 CORRECT?

15 A. OH, YEAH, YEAH. WELL, I SORT OF MENTIONED THAT
16 BUT THAT'S -- I THINK ACTUALLY THAT'S A PART OF
17 THE REASON WHY PEOPLE ARE OVER-CONFIDENT OR OVER-
18 ESTIMATE THE RELIABILITY OF EYE WITNESS REPORTS,
19 BECAUSE IT'S SO EASY FOR US TO GO HOME AND
20 RECOGNIZE OUR FAMILY MEMBERS OR EVEN, YOU KNOW,
21 RECOGNIZE SEEING OUR GRANDPARENTS WHEN WE HAVEN'T
22 SEEN THEM FOR SIX MONTHS OR SOMETHING,
23 RECOGNIZING FRIENDS FROM HIGH SCHOOL, BUT THESE
24 ARE PEOPLE WE'VE HAD NUMEROUS CONTACTS WITH OVER
25 PERIODS OF TIME, AND THAT'S VERY DIFFERENT FROM

DIRECT, IN CAMERA, DR. THOMAS R. ALLEY.
BY MS. HINDS:

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1 RECOGNIZING A STRANGER.

2 Q. AND -- I'M SORRY. OPPORTUNITY TO OBSERVE WOULD
3 ALSO PLAY A PART, CORRECT?

4 A. YES. UP TO A POINT, THE LONGER YOU HAVE TO
5 OBSERVE THE BETTER.

6 Q. AND IN THIS PARTICULAR INSTANCE THERE WAS NOT A
7 LONG OPPORTUNITY?

8 A. IT WAS NOT LONG. IT'S, YOU KNOW, IT'S PROBABLY
9 IMPOSSIBLE FOR ANYBODY TO SAY EXACTLY AT THIS
10 POINT EVEN, THE TWO PEOPLE THAT WERE PRESENT, BUT
11 IT CERTAINLY APPEARED TO BE QUITE SHORT.

12 MS. HINDS: I DON'T HAVE ANY FURTHER
13 QUESTIONS.

14 THE COURT: ALRIGHT, MR. SORENSON.

15 SOLICITOR SORENSON: MAY IT PLEASE THE
16 COURT, YOUR HONOR.

17 THE COURT: YES, SIR.

18 (NOTE: Blank lines on this page do not indicate any
19 part of record has been omitted. Headers on testimony
20 pages and hard page breaks between testimony are now
21 required by the Court. See next ensuing page for
22 sequential continuation of record.)

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

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CROSS-EXAMINATION, IN CAMERA, OF DR. THOMAS R. ALLEY
BY SOLICITOR SORENSON:

Q. GOOD AFTERNOON, DR. ALLEY.

A. HELLO.

Q. MY NAME IS DON SORENSON, I'M THE SOLICITOR HERE
IN ORANGEBURG. I'VE JUST GOT A FEW THINGS I WANT
TO TALK TO YOU ABOUT. YOU TESTIFIED, SIR, THAT
BASICALLY THERE ARE THREE -- LET ME KIND OF BACK
SOMETHING UP HERE. WHEN WERE YOU FIRST RETAINED
IN THIS CASE?

A. DO YOU MEAN WHEN DID I FIRST AGREE TO - - -

Q. YES, SIR.

A. --- HELP WITH THIS CASE? GEE, I'M NOT SURE.
FAIRLY RECENTLY. I'D SAY TWO OR THREE WEEKS AGO
AT THE MOST.

Q. ALRIGHT. AND YOU OBVIOUSLY HAVE NOT MET OR
SPOKEN WITH MS. WRIGHT, HAVE YOU?

A. NO, I WAS NOT EVEN SURE THAT WAS MS. WRIGHT, BUT
I WOULD GUESS SO.

Q. YOU DIDN'T GO OUT TO THE SCENE WHERE THIS
OCCURRED, CORRECT?

A. NO.

Q. SO THEREFORE, YOU HAVE NO INDEPENDENT ABILITY
FROM TALKING TO HER TO JUDGE HOW WELL SHE MAY BE
ABLE TO PERCEIVE PEOPLE AND EVENTS, THINGS OF

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

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1 THAT NATURE, IS THAT CORRECT?

2 A. CORRECT.

3 Q. AND I BELIEVE YOU TESTIFIED THAT YOU DID HAVE AN
4 OPPORTUNITY TO REVIEW SOME OF THE DOCUMENTS IN
5 THIS CASE, I GUESS THAT WERE PROVIDED BY MS.
6 HINDS?

7 A. YES.

8 Q. AND WHAT WERE THOSE ITEMS THAT YOU ...

9 A. OKAY. I HAVE A LIST HERE.

10 Q. YES, SIR.

11 A. I WAS PROVIDED AN INCIDENT REPORT, A SUPPLEMENTAL
12 REPORT, A CONTINUATION REPORT, THE CRIME SCENE
13 INVESTIGATOR'S REPORT, PHOTOGRAPHS WHICH I WOULD
14 SAY WERE PRETTY MUCH USELESS ALTHOUGH I HAVE HAD
15 TODAY A CHANCE TO SEE THE ORIGINAL LINEUP, A
16 VOLUNTARY STATEMENT, AN AFFIDAVIT OF STATEMENT,
17 AND THE BOOKING REPORT.

18 Q. SO BY PHOTOGRAPHS YOU MEANT THE PHOTOGRAPHIC
19 LINEUP?

20 A. YEAH, WHICH BY THE TIME IT GOT TO - - -

21 Q. WELL, I ASSUME WHAT YOU REVIEWED INITIALLY WAS
22 SENT TO YOU WAS THIS BLACK AND WHITE FROM A FAX
23 MACHINE OR ...

24 A. YEAH, IT'S A FAXED PHOTO COPY SO IT WAS OF VERY
25 LOW QUALITY AND I COULDN'T REALLY MAKE OUT THAT

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

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1 MUCH ON IT.

2 Q. SO, THE FIRST TIME YOU WERE ABLE TO ACTUALLY VIEW
3 THE PHOTOGRAPHIC LINEUP THAT WE'RE TALKING ABOUT
4 HERE TODAY WAS ABOUT THIRTY MINUTES AGO OR SO
5 BACK IN THE BACK THERE?

6 A. YEAH, YES.

7 Q. IS THAT CORRECT? ALRIGHT, LET'S SEE -- NOW, I
8 BELIEVE YOU TESTIFIED THAT THERE ARE BASICALLY
9 THREE DIFFERENT STAGES THAT ARE INVOLVED IN
10 SOMEONE BEING ABLE TO IDENTIFY SOMEBODY, IS THAT
11 CORRECT?

12 A. CORRECT.

13 Q. THERE'S AN ACQUISITION PHASE, I BELIEVE WAS THE
14 FIRST ONE, A RETENTION PHASE, AND THEN KIND OF
15 RECALL OR RETRIEVAL PHASE, I GUESS, IS THAT
16 CORRECT?

17 A. YES.

18 Q. AND WE TALKED ABOUT KIND OF SOME OF THE FACTORS
19 IN THE ACQUISITION PHASE WHICH YOU TALKED ABOUT,
20 ALRIGHT?

21 A. UH-HUH.

22 Q. I BELIEVE YOU SAID SOME OF THE THINGS WE'RE
23 LOOKING AT IS OBVIOUSLY THE MATURITY OF THE
24 PERSON AS DOING THE ACQUIRING OF THE INFORMATION.
25 OBVIOUSLY, A SMALL CHILD IT'S GOING TO AFFECT

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

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1 THINGS A LITTLE DIFFERENT THAN IF IT'S AN ADULT,
2 IS THAT CORRECT?

3 A. CORRECT.

4 Q. AND, OF COURSE, IN THIS CASE WE HAVE AN ADULT,
5 CORRECT?

6 A. RIGHT.

7 Q. ALRIGHT. WHETHER THE PERSON IS IMPAIRED WOULD
8 OBVIOUSLY HAVE SOME EFFECT IF THE PERSON IS
9 INTOXICATED THEY'RE OBVIOUSLY -- OR UNDER THE
10 INFLUENCE OF DRUGS OR SOMETHING THEY OBVIOUSLY
11 HAVE A MORE DIFFICULT ABILITY ACQUIRING
12 INFORMATION, IS THAT CORRECT?

13 A. USUALLY, YES, SIR.

14 Q. AND THERE'S NO, FROM WHAT YOU REVIEWED, NO
15 EVIDENCE OF ANY KIND OF IMPAIRMENT IN THIS CASE
16 THAT YOU'RE AWARE OF?

17 A. NO EVIDENCE ACTUALLY ONE WAY OR THE OTHER, BUT
18 NO, NO EVIDENCE.

19 Q. ALRIGHT. NOW, YOU SAID WHETHER THE PERSON THAT'S
20 DOING THE ID'ING, AND THE PERSON THEY'RE ID'ING,
21 WHETHER THEY'RE THE SAME RACE WOULD MAKE IT
22 EASIER FOR THAT PERSON TO POSSIBLY LATER IDENTIFY
23 THE PERSON, IS THAT CORRECT?

24 A. YEAH. I DO IT MORE THE OTHER WAY AROUND IS, IT'S
25 A HANDICAP THAT CAN GET ADDED IN IF YOU'RE OF A

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

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1 DIFFERENT RACIAL BACKGROUND.

2 Q. I'VE GOT YOU. AND, OF COURSE, IN THIS CASE MS.
3 WRIGHT IS AFRICAN AMERICAN AND SO IS THE
4 DEFENDANT, MR. GREENE, IS THAT CORRECT?

5 A. CORRECT, YEAH.

6 Q. NOW, THE OTHER FACTORS WOULD BE THE TIME PERIOD
7 INVOLVED BETWEEN THE VIEWING AND THEN THE ACTUAL
8 IDENTIFICATION, IS THAT CORRECT?

9 A. YES, SIR. YES, SIR.

10 Q. AND WOULD YOU CONSIDER A THREE DAY PERIOD TO BE A
11 LONG PERIOD OF TIME?

12 A. YES. WELL, LET ME QUALIFY THAT. AS YOU KNOW,
13 NOT TERRIBLY LONG IN THE REAL WORLD, AND IN LAW
14 ENFORCEMENT, FOR THREE DAYS - - -

15 Q. CORRECT.

16 A. --- FROM THE STANDPOINT OF WHETHER THAT'S AMPLE
17 TIME FOR DETERIORATION OF MEMORY, IT'S WAY BEYOND
18 WHERE YOU CAN START SEEING MEMORY LOSS.

19 Q. AND OBVIOUSLY, WHEN YOU'RE DOING THE STUDIES, I
20 MEAN, YOU HAVE THE ABILITY TO SHOW SOMEBODY A
21 VIDEO OR STAGE AN EVENT AND THEN TURN AROUND AND
22 SHOW THEM A PICTURE OF THE PERSON, OR NOT THE
23 RIGHT PERSON, I MEAN, WITHIN HOURS OR WITHIN
24 MINUTES OR SOMETHING, RIGHT?

25 A. YES.

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

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1 Q. THAT'S SOMETHING THAT'S STAGED THAT YOU HAVE
2 TOTAL CONTROL OVER, IS THAT CORRECT?

3 A. YES.

4 Q. OKAY. BUT AS FAR AS IN THE REAL WORLD, THOUGH,
5 AS FAR AS CRIMES AND THINGS, I MEAN, A THREE DAY
6 PERIOD IS NOT AN EXTREMELY LONG PERIOD OF TIME TO
7 HAVE SOMEBODY SHOWN A PHOTOGRAPHIC LINEUP FROM
8 YOUR EXPERIENCE, IS IT NOT?

9 A. THAT'S TRUE, YES.

10 Q. OKAY. AND SOME OF THE OTHER THINGS YOU LOOK AT
11 IS THE PROXIMITY OF THE PERSON TO THE
12 PERPETRATOR, IS THAT CORRECT?

13 A. YES.

14 Q. OKAY. AND OBVIOUSLY, IF A PERSON'S TESTIMONY
15 THAT THE COURT HAS HEARD IS THAT THE PERSON IS
16 THIS FAR AWAY, I MEAN, THAT'S CLOSE PROXIMITY, IS
17 THAT CORRECT?

18 A. YES.

19 Q. WOULD YOU LOOK AT WHETHER THE PERSONS HAD ANY
20 SORT OF OBSTRUCTION OBSTRUCTING THE VICTIM'S
21 VIEW? IS THAT A FACTOR THAT YOU WOULD LOOK AT?

22 A. IN CASES WHERE THAT OCCURS, YEAH, THAT WOULD BE
23 SOMETHING YOU WOULD WORRY ABOUT, YES.

24 Q. SO, OBVIOUSLY, IF THE PERSON HAD, LET'S SAY, A
25 BANDANA PULLED UP OVER HALF OF THEIR FACE, I

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

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1 MEAN, THAT MIGHT MAKE IT MORE DIFFICULT?

2 A. I GUARANTEE YOU THAT WOULD MAKE IT MORE
3 DIFFICULT, YEAH.

4 Q. EVEN IF THEY HAD MAYBE A BASEBALL CAP PULLED DOWN
5 KIND OF OVER, DOWN LIKE THIS, COULD MAKE IT MORE
6 DIFFICULT?

7 A. YES.

8 Q. OR IF A SCREEN DOOR WAS CLOSED SO YOU'RE LOOKING
9 THROUGH A SCREEN AS OPPOSED TO WITHOUT ANY
10 OBSTRUCTION?

11 A. PROBABLY WITH A SCREEN. A SCREEN MIGHT NOT HAVE
12 THAT MUCH EFFECT.

13 Q. NOT A HUGE EFFECT BUT STILL ...

14 A. YEAH.

15 Q. OKAY.

16 A. IT WOULDN'T HELP. YEAH.

17 Q. ADDITIONALLY, YOU LOOK AT WHAT THE LIGHTING IS,
18 RIGHT?

19 A. YES.

20 Q. IS THAT CORRECT? AND OBVIOUSLY, IF IT'S PITCH
21 BLACK OUT, I MEAN, THAT'S GOING TO MAKE IT VERY
22 DIFFICULT IF NOT IMPOSSIBLE TO IDENTIFY SOMEBODY,
23 OKAY?

24 A. YES.

25 Q. IS THAT CORRECT? BUT IF THERE'S A LIGHT ON

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

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1 ILLUMINATING THE PERSON'S FACE THAT'S GOING TO
2 MAKE IT EASIER TO LATER BE ABLE TO IDENTIFY THEM,
3 IS THAT CORRECT?

4 A. GENERALLY SPEAKING, IT WOULD DEPEND ON THE
5 DIRECTION OF THE LIGHTING, IT COULD ACTUALLY BE
6 SOMEWHAT HARMFUL IN SOME CASES, HAVE LIGHTS
7 COMING FROM ODD DIRECTIONS.

8 Q. A NUMBER OF PERPETRATORS, WOULD THAT HAVE SOME
9 BEARING ON THE PERSON'S ABILITY TO LATER IDENTIFY
10 POSSIBLY ONE OF THE SUSPECTS, SAY, IF THERE'S
11 FOUR PEOPLE COMMITTING AN ARMED ROBBERY, WOULD
12 THAT POSSIBLY AFFECT THE PERSON'S ABILITY TO
13 LATER IDENTIFY ONE OF THEM?

14 A. IT WOULD HAVE, IT WOULD CERTAINLY REDUCE THEIR
15 ABILITY TO IDENTIFY ONE PICKED AT RANDOM, BUT IF
16 THEIR ATTENTION WAS ONLY ON ONE OF THEM IT
17 PROBABLY WOULDN'T MATTER MUCH.

18 Q. AND OBVIOUSLY, THEN, IF THERE WAS ONLY ONE
19 PERPETRATOR INVOLVED AND THAT'S WHERE THE
20 ATTENTION WAS, THAT WOULD THEN INCREASE THEIR
21 ABILITY TO POSSIBLY BE ABLE TO IDENTIFY THAT
22 PERSON?

23 A. YES.

24 Q. NOW, YOU TALKED ABOUT WHETHER A WEAPON'S
25 INVOLVED, IS THAT CORRECT?

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

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1 A. YES.

2 Q. ALRIGHT. AND YOU DIDN'T HEAR MS. WRIGHT'S
3 TESTIMONY, IS THAT RIGHT?

4 A. NO, I JUST READ HER REPORTS.

5 Q. NOW, SHE WAS ABLE TO, WHEN SHE INITIALLY ANSWERED
6 THE DOOR AND OPENED THE DOOR, AND SHE TESTIFIED
7 SHE WAS WITHIN A FEW FEET OF THE PERSON THAT WAS
8 OUTSIDE HER DOOR, AND IT WASN'T A WEAPON INVOLVED
9 INITIALLY. THE WEAPON CAME OUT KIND OF A FEW
10 SECONDS LATER. IN THOSE INITIALS SECONDS WHEN
11 SHE'S TRYING TO FIGURE OUT WHO THIS PERSON IS,
12 AND LOOKING AT THE PERSON'S FACE, SHE WOULD THEN
13 BE ABLE, HAVE A BETTER CHANCE OF ACQUIRING THAT
14 INFORMATION TO LATER BE ABLE TO IDENTIFY HIM, IS
15 THAT CORRECT?

16 A. YES.

17 Q. OKAY. THE WEAPON DOESN'T COME INTO PLAY
18 OBVIOUSLY UNTIL IT'S ACTUALLY PULLED OUT, AS FAR
19 AS DISTRACTING HER, TAKING THAT ATTENTION AWAY
20 FROM THE PERSON'S FACE, IS THAT CORRECT?

21 A. THIS IS TRUE.

22 Q. ALRIGHT. LET ME ASK YOU IF YOU AGREE WITH THIS
23 STATEMENT. ALRIGHT, IF THE PERSON YOU ARE TRYING
24 TO IDENTIFY IS HIGHLY DISTINCTIVE, FOR INSTANCE,
25 IF THEY HAVE A NICE FACIAL SCAR OR TATTOOS OR

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

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1 DYED THEIR HAIR ORANGE, OR HAVE A MOHAWK, YOU
2 KNOW, ANY OF THESE SORTS OF THINGS WOULD MAKE IT
3 EASIER TO IDENTIFY THE PERSON. DO YOU AGREE WITH
4 THAT STATEMENT?

5 A. YES, I DO.

6 Q. LET ME ASK YOU THIS, YOU TALKED ABOUT THE KIND OF
7 RETENTION PHASE THEN, THE NEXT STAGE. I GUESS
8 THAT'S WHERE WE DEAL WITH THE TIME, HOW MUCH TIME
9 GOES BY, IS THAT CORRECT?

10 A. AND ALSO WHAT HAPPENS DURING THE INTERVAL, YES.

11 Q. OKAY. DOES IT HELP IF A PERSON, LET'S SAY, AFTER
12 A TRAUMATIC EVENT, A ROBBERY IN THIS CASE, AND
13 ASSAULT OCCURS, THAT THEY SPOKE TO LAW
14 ENFORCEMENT WITHIN A VERY SHORT PERIOD OF TIME,
15 TEN, FIFTEEN MINUTES LATER, AND GAVE A
16 DESCRIPTION, DOES THAT HELP THEM POSSIBLY IN THE
17 LATER IDENTIFICATION?

18 A. SURPRISINGLY ENOUGH, THERE'S ACTUALLY SOME
19 EVIDENCE THAT THAT HINDERS THEIR ABILITY,
20 PROVIDING A VERBAL DESCRIPTION, WHICH THEY NEED
21 TO DO, THEY NEED TO COLLECT A VERBAL DESCRIPTION
22 AS SOON AS THEY CAN.

23 Q. RIGHT. AND OBVIOUSLY, BECAUSE THAT HELPS THEM IF
24 THAT VERBAL DESCRIPTION IS CONSISTENT WITH THE
25 PERSON THAT'S LATER ARRESTED, I MEAN, THAT'S

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

147

1 IMPORTANT, IS THAT CORRECT?

2 A. IT IS. BUT ONE OF THE PROBLEMS OF VERBAL
3 DESCRIPTIONS IS, ACTUALLY THEY ARE TYPICALLY SO
4 VAGUE, SO EVEN IF A VERBAL DESCRIPTION WERE, YOU
5 KNOW, A YOUNGISH, SHORT, BLACK MALE WITH SHORT
6 HAIR AND MUSTACHE, AND SOMEWHAT LARGE EARS, THAT
7 SOUNDS PRETTY SPECIFIC, BUT HOW MANY PEOPLE FIT
8 THAT DESCRIPTION? YOU KNOW, THOUSANDS, AND WE'RE
9 LOOKING FOR ONE.

10 Q. A DESCRIPTION, A BLACK MALE BETWEEN THE AGES OF
11 NINETEEN TO TWENTY-TWO, SHE TESTIFIED ABOUT FIVE
12 -- SHE TOLD THE LAW ENFORCEMENT ABOUT FIVE FOOT
13 FOUR, AROUND A HUNDRED SIXTY POUNDS, DARK
14 SKINNED, SHORT TWISTS IN HIS HAIR, GREEN SHIRT,
15 BLUE SHORTS, A JACKET AND A TEAR DROP TATTOO
16 UNDER HIS RIGHT EYE, DO YOU CONSIDER THAT TO BE A
17 FAIRLY DESCRIPTIVE DESCRIPTION?

18 A. I DO.

19 Q. AND LET ME ASK YOU, YOU TALKED A LITTLE BIT ABOUT
20 THE KIND OF A LAW SCHOOL EXAMPLE OF, YOU KNOW,
21 HAVING SOMEBODY RUN IN AND SNATCH A PURSE OFF OF
22 A DESK AND GO RUNNING OUT, AND THEN AFTERWARDS
23 THEN SITTING AND KIND OF TALKING TO EVERYBODY AND
24 FINDING THAT IF A PERSON KIND OF CONTAMINATED
25 EVERYBODY'S DESCRIPTION, I BELIEVE THAT'S THE

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

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1 TERM YOU USED, RIGHT, THEY, YOU KNOW, SUGGESTED
2 THE PERSON HAD A BEARD WHEN THE PERSON REALLY
3 DIDN'T, THAT YOU'LL FIND A WHOLE LOT OF PEOPLE
4 THAT START KIND OF PUTTING THAT BEARD INTO THEIR
5 DESCRIPTION?

6 A. UH-HUH.

7 Q. NOW, THAT EXAMPLE, THOUGH, YOU'RE DEALING WITH A
8 WHOLE LOT OF PEOPLE THAT HAVE SOME ISSUES AS FAR
9 AS THE OTHER FACTORS GO, RIGHT? BECAUSE THEY'RE
10 NOT REALLY PAYING ATTENTION TO WHAT'S GOING ON,
11 RIGHT?

12 A. WELL, THERE'S A VARIANCE IN THERE, THERE'S SOME
13 OF THE ONES THAT REALLY WEREN'T PAYING ATTENTION
14 WOULD JUST SAY, WHEN ASKED WOULD SAY, I DIDN'T
15 GET A GOOD LOOK, I DON'T KNOW WHAT THIS PERSON
16 LOOKED LIKE. OTHERS ACTUALLY IN THIS EXAMPLE HAD
17 A GOOD OPPORTUNITY TO OBSERVE SOME ASPECTS OF
18 THIS PERSON.

19 Q. BUT YOU'D AGREE WITH ME THAT THAT SCENARIO IS A
20 LITTLE DIFFERENT THAN SOMEBODY THAT IS COMING TO
21 THEIR DOOR AT TWO:THIRTY IN THE MORNING TO FIND
22 OUT WHO AN UNFAMILIAR PERSON IS, STARING AT THEM
23 AND THEN HAVING A GUN PULLED ON THEM, THAT'S A
24 LITTLE DIFFERENT THERE. THEY'RE GOING TO BE A
25 LITTLE MORE HEIGHTENED IN THEIR ATTENTION THAN

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

149

1 JUST A BUNCH OF PEOPLE SITTING IN A CLASSROOM?

2 A. YES, ONE WOULD, I SUPPOSE, THINK THAT THEIR
3 ATTENTION WOULD BE MORE LIKELY TO BE DIRECTED
4 FROM THE START TO THIS PERSON OR TO THE EVENTS
5 SURROUNDING THEM.

6 Q. YES, SIR. AND THE LAST THING I JUST KIND OF WANT
7 TO ASK YOU ABOUT, AND OBVIOUSLY YOU JUST HAD A
8 CHANCE TODAY TO LOOK AT THIS LINEUP, IS THAT
9 CORRECT?

10 A. YES. WELL, A GOOD COPY OF THE LINEUP.

11 Q. A GOOD COPY, A COLOR COPY OF THE LINEUP, IS THAT
12 CORRECT?

13 A. YES.

14 Q. AND IS THIS TYPICALLY HOW THROUGHOUT THE STATE,
15 LAW ENFORCEMENT THROUGHOUT THE STATE, HOW LINEUPS
16 ARE PREPARED, TYPICALLY A SIX PERSON FORMAT?

17 A. YES.

18 Q. AND WOULD YOU AGREE THAT THAT'S AN ACCEPTABLE WAY
19 TO THEM? AND HONESTLY, I GUESS IT MIGHT BE
20 BETTER IF YOU COULD SHOW THEM A THOUSAND
21 PICTURES, BUT I MEAN, I DON'T KNOW IF THAT WOULD
22 MAKE IT BETTER OR NOT, BUT I MEAN, THAT'S KIND OF
23 ...

24 A. A THOUSAND'S TOO MANY.

25 Q. BUT THAT'S KIND OF STANDARD THROUGHOUT NOT ONLY

CROSS, IN CAMERA, DR. THOMAS R. ALLEY
BY SOL. SORENSON

150

1 SOUTH CAROLINA BUT THROUGHOUT BASICALLY THE
2 COUNTRY, IS THAT CORRECT?

3 A. THERE'S VARIATIONS THROUGHOUT THE COUNTRY IS MY
4 UNDERSTANDING ABOUT HOW MANY GETS SHOWN AND
5 EXACTLY HOW. IN SOUTH CAROLINA, IN RECENT YEARS
6 AT LEASE, THIS IS QUITE STANDARD TO HAVE A LINEUP
7 SIX FIGURES AND PUT TOGETHER BY SLED.

8 Q. OKAY. SO, THIS ISN'T UNFAMILIAR IN SEEING THAT,
9 IS THAT CORRECT?

10 A. NO.

11 Q. AND IN LOOKING AT THOSE SIX PHOTOGRAPHS, THEY ALL
12 HAVE THE SAME GENERAL, AS FAR AS HAIR, IS THAT
13 CORRECT? I MEAN, ALL KIND OF TWISTY HAIR? I
14 MEAN, OBVIOUSLY, IT'S NOT ALL KIND OF - - -

15 A. YEAH, DIFFERENT LENGTHS.

16 Q. --- KIND OF THE SAME WAY, BUT I MEAN, IN THAT
17 REGARDS, ALL ABOUT THE SAME COMPLEXION?

18 A. IT'S, YOU KNOW, AGAIN, SOME CLEAR VARIATION
19 THERE, BUT IT'S NOT DRASTIC DIFFERENCES, NO.

20 Q. AND OBVIOUSLY, SOME OF THAT IS ALSO JUST A
21 REFLECTION OF THE PICTURES. I MEAN, THERE ARE
22 BRIGHT SPOTS THAT ARE JUMPING OUT FROM, I GUESS,
23 FLASH AND STUFF OF THAT NATURE, IS THAT CORRECT?

24 A. YES, THAT HAS TO DO WITH THE CONTRAST IN THE
25 PHOTO AND SOME OTHER FACTORS.

1 Q. ALL APPEAR TO BE AROUND THE SAME AGE?

2 A. THEY DO.

3 Q. ALL OF THEM, I MEAN, THERE'S NO GLARING, I MEAN,
4 ONE OF THEM DOESN'T HAVE REAL TINY LIPS AND THE
5 OTHER ONE, OTHER FIVE HAVE HUGE, OR ANYTHING OF
6 THAT NATURE?

7 A. I HAVEN'T LOOKED AT IT THAT CAREFULLY TO SEE IF
8 ANYBODY HAS ANY REALLY DISTINCTIVE
9 CHARACTERISTICS SO -- I COULD DO SO BUT ...

10 Q. OKAY. WELL, LET'S TAKE A LOOK AT IT. I MEAN,
11 DOES THAT APPEAR TO BE, I MEAN, IN YOUR
12 EXPERIENCE, A FAIRLY REASONABLE LINEUP TO SHOW?

13 A. YES. GET TO THE BOTTOM LINE, IT DOES APPEAR, I
14 MEAN, THERE SHOULD BE SOME VARIATION IN THERE.
15 WE SHOULDN'T TRY TO FIND SIX PEOPLE THAT ALL LOOK
16 LIKE TWINS.

17 Q. RIGHT. OBVIOUSLY, YOU PUT SIX TWINS IN A LINEUP
18 AND THAT WOULD BE PRETTY IMPOSSIBLE FOR ANYBODY,
19 EVEN IF YOU KNEW THE PERSON, TO PICK THEM OUT IF
20 THEY WERE SIX IDENTICAL TWINS, IS THAT CORRECT?

21 A. YES.

22 SOLICITOR SORENSON: OKAY. I APPRECIATE IT,
23 DR. ALLEY, THANK YOU.

24 THE COURT: MS. HINDS?

25 MS. HINDS: NOTHING FURTHER.

EXAM, IN CAMERA, DR. THOMAS R. ALLEY
BY THE COURT

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1 THE COURT: DR. ALLEY, I'D LIKE TO ASK A
2 QUESTION.

3 Q. IS PEOPLE'S MEMORY WHEN THEY ARE IN THE THROWS OF
4 A TRAUMATIC OR STRESSFUL EVENT, DOES THEIR MEMORY
5 IMPROVE OR NOT IMPROVE?

6 A. THAT'S A TOUCH QUESTION TO ANSWER, WITH THIS CASE
7 IN MIND.

8 Q. WELL, I'M JUST ASKING YOU IN GENERAL.

9 A. JUST IN GENERAL, WELL, YEAH. WELL, LET'S TAKE A
10 CASE LIKE THIS ONE WHERE THERE'S AN ARMED ROBBERY
11 AND SOMEBODY WITH A GUN OR A KNIFE IN YOUR FACE.
12 SO, WE CAN'T DO LABORATORY STUDIES IN WHICH
13 PEOPLE ARE TRAUMATIZED - - -

14 Q. RIGHT.

15 A. --- THAT MUCH. SO, THE CLOSEST WE CAN COME TO
16 THAT IS PEOPLE GETTING INJECTIONS. IT'S BEEN
17 STUDIES OF THEM, AND SOME PEOPLE ARE VERY MUCH
18 AFRAID OF GETTING A NEEDLE IN THE ARM ---

19 Q. RIGHT.

20 A. --- EVEN IF IT'S FOR THEIR OWN GOOD. SO, UNDER
21 THOSE CIRCUMSTANCES WITH THAT SORT OF STUDY AND
22 OTHER STUDIES WITH SOME LESSER AMOUNTS OF STRESS
23 IT ACTUALLY APPEARS THAT HIGHER LEVELS OF STRESS
24 IMPAIR MEMORY.

25 Q. OKAY. HOW ABOUT JUST A TRAUMATIC, A FRIGHTENING

EXAM, IN CAMERA, DR. THOMAS R. ALLEY
BY THE COURT

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1 EVENT, WHENEVER YOU ARE IN FEAR?

2 A. INsofar as we can generalize it, and if I had to
3 say which way would push memory, I'd say it would
4 impair memory more than improve it. So, people
5 will no doubt have a clear, long lasting memory
6 of some aspects of the event so they'll remember,
7 you know. And sorting the facts, maybe they'll
8 remember certainly that they were the victim of
9 an armed robbery or a forced rape or whatever the
10 case may be.

11 Q. BUT YOU'RE SAYING SOME OF THE SPECIFICS OF IT
12 COULD GET BLURRED?

13 A. YES.

14 Q. OKAY.

15 A. MORE THAN USUAL, YEAH.

16 THE COURT: OKAY. THANK YOU, SIR.
17 ANYTHING FROM MY QUESTIONS?

18 MS. HINDS: NO, SIR.

19 THE COURT: ALRIGHT, THANK YOU, SIR, I
20 APPRECIATE IT. AND WE DON'T THINK YOU'VE SAID
21 ANYTHING THAT'S GOING TO EMBARRASS CLEMSON. OKAY. I
22 JUST WANTED TO PUT THAT ON THE RECORD SO IN CASE
23 ANYBODY COMES BACK AND COMPLAINS.

24 WITNESS: THANK YOU.

25 THE COURT: ALRIGHT, ANY OTHER WITNESSES,

1 MS. HINDS?

2 MS. HIND: NO, SIR.

3 THE COURT: OKAY. ALRIGHT. HAVE YOU GOT
4 THAT LINEUP?

5 SOLICITOR SORENSON: YES, SIR.

6 THE COURT: THE REASON WE'RE HERE IS, MY
7 DECISION I BELIEVE CONCERNS, WAS THE IDENTIFICATION
8 RELIABLE.

9 MS. HINDS: YES, SIR, COULD I PUT MY
10 ARGUMENT ON THE RECORD?

11 THE COURT: OH, YES, YES. I DIDN'T MEAN TO
12 STOP YOU. GO AHEAD.

13 MS. HINDS: I'LL KEEP IT SHORT.

14 THE COURT: WELL, YOU CAN GO LONGER IF YOU
15 WANT TO.

16 MS. HINDS: BASICALLY, THE FACTORS THAT
17 WE'RE LOOKING AT ARE THE OPPORTUNITY OF MS. WRIGHT TO
18 ACCURATELY VIEW THE PERSON WHO WAS DOING THIS. THE
19 TESTIMONY ON THE RECORD IS THAT HIS EVENT WAS
20 RELATIVELY SHORT, I MEAN, IT WAS SECONDS. ON TOP OF
21 THAT WE KNOW THAT HER TRYING TO GET AWAY FROM HER
22 ASSAILANT, SHE TURNED HER BACK AND RAN DOWN THE HALL.
23 SO PART OF, I MEAN, PART OF THAT SHORT PERIOD OF TIME
24 SHE WAS NOT LOOKING AT THE PERSON IN QUESTION. THE
25 PERSON WAS NOT FAMILIAR TO HER, HER TESTIMONY WAS. SHE

1 DOESN'T KNOW WALTER GREENE AND DIDN'T KNOW WALTER
2 GREENE BEFORE THIS, AND THAT WOULD BE A FACTOR IN
3 THIS. THE DEGREE OF ATTENTION, AGAIN, WE WOULD ARGUE
4 THAT THE ATTENTION THAT WAS BEING PAID WAS SPLIT WITH
5 THE BRANDISHING OF THE WEAPON. ONCE THAT WEAPON CAME
6 OUT THAT HER FOCUS, AND RIGHTLY SO, WOULD NATURALLY BE
7 ON THE GUN THAT'S BEING POINTED IN HER DIRECTION AND
8 ULTIMATELY FIRED. SHE WAS ABLE ENOUGH TO ACTUALLY
9 GIVE A DESCRIPTION OF THAT GUN, SO OBVIOUSLY, SHE PAID
10 ATTENTION BY BEING ABLE TO DESCRIBE THE HANDLE AND THE
11 COLOR OF IT AND THE NATURE OF IT BEING A SMALL HAND
12 GUN. I WOULD ARGUE WITH THE ACCURACY AND THE PRIOR
13 DESCRIPTION I THINK THERE ARE SOME DISCREPANCIES IN
14 THE PRIOR DESCRIPTION, BUT MORE SO THAN ANYTHING MY
15 ARGUMENT LIES WITH THE FACT THAT SHE WAS ABLE TO TALK
16 TO SOMEBODY EVEN BEFORE THE POLICE GOT THERE TO
17 SUGGEST A PERSON THAT MIGHT HAVE BEEN THE PERSON WHO
18 HAD DONE THIS. I BELIEVE THAT CONTAMINATED HER MEMORY
19 IN THOSE TERMS. FOR THOSE REASONS I THINK THAT THE --
20 IN ADDITION TO THAT, THE FACT THAT FROM MY READING OF
21 THE LINEUP MR. GREENE IS THE ONLY ONE WITH THAT TATTOO
22 ON HIS FACE, AT LEAST THAT I COULD RECOGNIZE. I THINK
23 THAT IF SHE HAS GIVEN A DESCRIPTION OF SOMEBODY WITH A
24 TATTOO THAT SHE IS CERTAINLY, WHEN SHOWN A LINEUP,
25 GOING TO BE LOOKING FOR A TATTOO AND THAT WOULD BE A

1 CLUE AS TO, IN HER MIND, THINKING THAT SHE HAD MADE
2 THE RIGHT IDENTIFICATION. FOR ALL THOSE REASONS WE
3 WOULD ASK YOU TO SUPPRESS THE IDENTIFICATION LINEUP.

4 THE COURT: OKAY. MR. SORENSON.

5 SOLICITOR SORENSON: IF IT PLEASE THE COURT,
6 YOUR HONOR.

7 THE COURT: YES, SIR.

8 SOLICITOR SORENSON: THE FIRST THING I GUESS
9 I NEED TO ADDRESS IS JUST THE -- THE WAY I LOOK AT
10 THIS IS, YOU KNOW, WHETHER THE LINEUP PROCEDURE WAS
11 DONE IN A DULY SUGGESTIVE MANNER. AND MY FIRST
12 ARGUMENT WOULD BE THAT IT WASN'T, AND THAT COMES FROM
13 THEIR OWN, I MEAN, THEIR OWN EXPERT THEY PUT ON THE
14 STAND, DR. ALLEY, WHO SAID THAT HE DID NOT SEE
15 ANYTHING WRONG WITH THIS LINEUP. AND I WOULD SUBMIT
16 TO YOUR HONOR THAT MS. HINDS KEEPS, YOU KNOW, MAKING A
17 REFERENCE TO THIS TEAR DROP TATTOO UNDER THE EYE OF
18 PHOTOGRAPH NUMBER THREE. AND YOU'VE GOT THE LINEUP IN
19 FRONT OF YOU, I MEAN, I WOULD SUBMIT TO YOU THAT MY
20 OPINION FOR WHATEVER THAT MATTERS, IT DOES NOT JUMP
21 OUT AT YOU. IT'S SOMETHING THAT CONCERNED ME ENOUGH
22 BECAUSE I KNEW WHAT THE DESCRIPTION WAS BUT I WAS
23 LOOKING FOR OTHER WAYS TO MAKE SURE I WOULD BE ABLE TO
24 PROVE THAT HE HAD A TATTOO. IT WASN'T UNTIL I ACTUALLY
25 SAW MR. GREENE IN PERSON THAT I KIND OF DIDN'T WORRY

1 ABOUT THAT ANYMORE, BECAUSE WHEN YOU SEE HIM IN PERSON
2 I THINK IT DOES JUMP OUT UNDER HIS RIGHT EYE THERE.
3 BUT I WOULD -- MY ARGUMENT WOULD BE THAT THAT, I DON'T
4 FEEL THAT IT DOES JUMP OUT, AND THAT THIS IS NOT AN
5 UNDULY SUGGESTIVE LINEUP IN THAT REGARD. OTHERWISE, I
6 THINK THE SIX ALL LOOK, I MEAN, VERY SIMILAR TO EACH
7 OTHER. BUT EVEN IF YOU, YOU KIND OF, FOR ARGUMENT'S
8 SAKE, SAY THAT IT WAS SUGGESTIVE IN THAT REGARD, THEN
9 YOU MOVE ON TO THE OTHER, THE FACTORS THAT MS. HINDS
10 JUST, JUST TALKED TO THE COURT ABOUT THAT ARE LAID OUT
11 UNDER NEAL V. BIGGERS AND IT'S PROGENY, THE FIRST ONE
12 BEING THE WITNESS'S OPPORTUNITY TO VIEW THE SUSPECT AT
13 THE TIME OF THE CRIME. AND I SUBMIT TO YOU FROM HER,
14 AND GRANTED, NOW, I CONCEDE THIS WASN'T SOME LONG
15 DRAWN OUT EVENT, BUT WHEN SHE ANSWERED THE DOOR, HER
16 SUSPICIONS WERE HEIGHTENED. YOU HEARD HER TESTIMONY
17 ABOUT THE FACT THAT SHE OBSERVED HIM FOR MULTIPLE
18 SECONDS BEFORE THE GUN WAS PULLED OUT, HAD AN
19 OPPORTUNITY TO LOOK RIGHT IN HIS FACE TRYING TO FIGURE
20 OUT IF SHE KNEW WHO THIS PERSON WAS. AND THAT KIND OF
21 ULTIMATELY GOES INTO WHEN YOU'RE LOOKING AT FACTOR
22 NUMBER THREE, THE ACCURACY OF THE WITNESS'S PRIOR
23 DESCRIPTION OF THE SUSPECT. THE FACT THAT I SUBMIT TO
24 YOU SHE WAS ABLE TO GIVE A VERY DETAILED DESCRIPTION,
25 YET AGAIN, JUST AS WHEN I READ THE DESCRIPTION TO DR.

1 ALLEY HE CORROBORATED THE FACT THAT THAT IS A DETAILED
2 DESCRIPTION, WAS ABLE TO DESCRIBE HIS HAIR, WAS ABLE
3 TO DESCRIBE A TATTOO. I MEAN, THAT RIGHT THERE SHOWS
4 THE FACT THAT SHE WAS PAYING ATTENTION TO THIS, TO
5 THIS PERPETRATOR'S FACE, THE FACT THAT SHE WAS ABLE TO
6 DESCRIBE A TEAR DROP TATTOO UNDERNEATH HIS RIGHT EYE.
7 THE SECOND FACTOR BEING THE WITNESS'S DEGREE OF
8 ATTENTION. I MEAN, THIS ISN'T YET AGAIN A SITUATION
9 WHERE SOMEBODY IS JUST KIND OF WATCHING SOME EVENT
10 KIND OF OFF GOING ON THAT THEY'RE NOT INVOLVED IN. I
11 MEAN, THIS IS A SITUATION WHERE THIS YOUNG LADY
12 ANSWERED THE DOOR AT TWO:THIRTY IN THE MORNING, WAS
13 CONCERNED ENOUGH THAT SHE WENT AND GOT A GUN OUT OF
14 HER KITCHEN DRAWER BEFORE SHE OPENED THE DOOR. THAT
15 SHOWS THE LEVEL OF ATTENTION, THE DEGREE OF ATTENTION
16 THAT SHE HAD LOOKING TO SEE WHO WAS KNOCKING AT HER
17 DOOR AT THAT HOUR. AND YET AGAIN, THAT'S BORN OUT BY
18 THE ACCURACY OF THE DESCRIPTION SHE'S ABLE TO GIVE A
19 SHORT PERIOD OF TIME LATER TO LAW ENFORCEMENT. NUMBER
20 FOUR, YOU LOOK AT THE WITNESS'S LEVEL OF CERTAINTY. I
21 MEAN, YOU'VE HEARD HER, I MEAN, NOT ONLY FROM WHEN SHE
22 WAS SHOWN THE LINEUP THREE DAYS LATER, BUT HERE IN
23 COURT, I'M NOT SURE SHE COULD BE ANY MORE CERTAIN AND
24 POSITIVE OR CONVEY THAT ANY MORE THAN SHE HAS, ABOUT
25 HOW POSITIVE SHE IS THAT THAT'S THE YOUNG MAN THAT WAS

1 IN HER HOME THAT MORNING. AND LASTLY, THE LENGTH OF
2 TIME BETWEEN THE CRIME AND CONFRONTATION. I SUBMIT TO
3 YOU HERE WE HAVE THREE DAYS, YOUR HONOR, I DON'T FEEL
4 THAT THAT'S A LONG PERIOD OF TIME. I BELIEVE OUR
5 SUPREME COURT, OR AT LEAST OUR APPELLATE COURTS HAVE
6 FOUND A LENGTH OF TIME AT LEAST TWO WEEKS OR LONGER TO
7 NOT BE TOO LONG A PERIOD OF TIME. IN THIS CASE THAT WE
8 HERE WE HAVE THREE DAYS THAT HAVE GONE BY. SO, I
9 THINK THAT LOOKING AT ALL THOSE FACTORS, YOUR HONOR, I
10 FEEL THAT BASED ON, I GUESS IT'S CLEAR AND CONVINCING
11 EVIDENCE THAT WE HAVE TO PROVE, THAT WE'VE PROVEN HER,
12 THAT IT'S A RELIABLE IDENTIFICATION OF MR. GREENE, AND
13 THAT THEREFORE, WE SHOULD BE ABLE TO NOT ONLY GET INTO
14 THAT, THAT LINEUP PROCEDURE IN FRONT OF THE JURY BUT
15 ALSO THEN HAVE MS. WRIGHT IDENTIFY THE DEFENDANT AS
16 SHE DID TODAY FOR THE JURY AS BEING THE INDIVIDUAL
17 THAT COMMITTED THESE CRIMES. AND AS FAR AS ANY -- ONE
18 OTHER THING I GUESS MS. HINDS BROUGHT UP, AS FAR AS
19 THE SUGGESTIVENESS, AS FAR AS THE, YOU KNOW, HER
20 HAVING CONVERSATIONS WITH THE PERSON NAMED LEBO, WHOSE
21 NAME WILL COME OUT IN THE TRIAL, HER NAME IS PHYLLIS
22 FRAZIER, YOUR HONOR, I SUBMIT TO YOU, THAT JUST ALL
23 GOES TOWARDS THE WEIGHT OF THIS, NOT THE
24 ADMISSIBILITY, AND THAT'S SOMETHING THAT OBVIOUSLY MS.
25 HINDS FAILED TO EXPLORE FURTHER, WHEN NOT ONLY MS.

1 WRIGHT TESTIFIED BUT ALSO WHEN MS. FRAZIER TESTIFIES.
2 AND THEY'LL BE ABLE TO ARGUE THAT TO THE JURY.

3 THE COURT: ALRIGHT. MS. HINDS, ANYTHING IN
4 REPLY?

5 MS. HIND: NO, SIR.

6 THE COURT: I'M SUPPOSED TO DETERMINE THE
7 RELIABILITY OF THE IDENTIFICATION, AND I'M GOING TO GO
8 OVER, TRY AND GO OVER ALL THE FACTORS SO WE'LL HAVE
9 THEM ON THE RECORD. AND ONE OF THE FACTORS IS
10 WITNESS'S OPPORTUNITY TO VIEW THE SUBJECT. SHE HAS
11 TESTIFIED AND THE PICTURES BACK UP THAT THE LIGHT
12 WOULD HAVE BEEN COMING FROM THE KITCHEN ON THE
13 DEFENDANT'S FACE FROM THAT. HE HAD BEEN FACING THE
14 KITCHEN LIGHT. THERE WAS NO SCREEN DOOR BETWEEN THEM,
15 AND THEY WERE IN VERY CLOSE PROXIMITY. I REALIZE THEY
16 WERE NOT THERE FOR A LENGTHY PERIOD OF TIME, I BELIEVE
17 SHE SAID IT WAS SOMETHING LIKE TEN TO TWELVE SECONDS
18 WHEREAS THEY HAD SOME DISCUSSION AT THE DOOR, BUT I
19 THINK SHE HAD A CLEAR, UNOBSTRUCTED VIEW OF HIM. I
20 THINK THAT HER ATTENTION -- HE CERTAINLY WOULD HAVE
21 BEEN ABLE TO CAPTURE HER ATTENTION EVEN BEFORE HE
22 PULLED THE GUN. DUE TO THE HOUR OF NIGHT SHE, I
23 BELIEVE, CAME TO THE DOOR IN A, WITH A HEIGHTENED
24 SENSE OF AWARENESS JUST BECAUSE OF THE TIME. THERE
25 IS, HER DESCRIPTION OF THE WITNESS IN GENERAL I THINK

1 MATCHES EVERYTHING; THE GENERAL DESCRIPTION OF THE
2 DEFENDANT.

3 WITH REGARD TO HER LEVEL OF CERTAINTY, I
4 THINK THAT IS BROUGHT OUT BY THE FACT THAT THE DEPUTY
5 MENTIONED THAT WHEN SHE WAS ASKED TO IDENTIFY HIM FROM
6 THIS LINEUP SHE DIDN'T HESITATE IN PICKING HIM OUT,
7 AND I THINK THAT GOES TO A LITTLE BIT OF THAT LEVEL OF
8 CERTAINTY. AND I AM AWARE OF THE FACT THAT IT WAS
9 THREE DAYS, AND THE COURT HAS SAID THAT TWO WEEKS
10 AFTERWARDS IT CAN STILL BE RELIABLE, IDENTIFICATION
11 CAN STILL BE RELIABLE. I UNDERSTAND YOUR CONCERNS,
12 MS. HINDS, ABOUT HAVING SOMEBODY BY THE NAME OF LEBO
13 HELP IDENTIFY MR. GREENE BY SUGGESTING HIS NAME, BUT
14 THEN WHEN I LOOK AT THIS LINEUP, AND MS. HINDS, I'M
15 GOING TO TELL YOU, FROM BEING IN PRIVATE PRACTICE, I
16 ONE TIME WAS AT THE WRONG END OF REPRESENTING SOMEBODY
17 WITH LINEUPS. I'D LIKE TO THINK THAT I'M FAIRLY
18 SYMPATHETIC TO LINEUP THINGS. I THINK THIS IS, THIS
19 LINEUP, I WOULD AGREE -- IT LOOKS TO ME LIKE IT'S,
20 IT'S A VERY GOOD LINEUP. NOW, I UNDERSTAND YOUR
21 CONCERN ABOUT THE TEAR DROP TATTOO UNDER HIS RIGHT
22 EYE, BUT I HAVE BEEN LOOKING AT THIS PICTURE TO SEE IF
23 IT STANDS OUT TO ME AS A TEAR DROP TATTOO, AND TO ME
24 IT COULD JUST, IT JUST DOESN'T, IT LOOKS LIKE A
25 BLEMISH ON THE PICTURE, YOU KNOW. SO, IT DOES NOT

1 STAND OUT TO ME. ALL THE DEFENDANTS LOOK REASONABLY
2 ALIKE, AND I DON'T FIND THAT THE LINEUP IS UNDULY
3 SUGGESTIVE. SO - - -

4 MS. HINDS: THANK YOU.

5 THE COURT: --- I AM, THAT'S WHERE WE ARE.
6 OKAY?

7 OKAY, ANYTHING ELSE?

8 MS. HINDS: AND THAT RULING WOULD ALSO BE AS
9 TO THE IN COURT IDENTIFICATION, CORRECT?

10 THE COURT: YES, MA'AM.

11 MS. HINDS: TO - - -

12 THE COURT: YES, MA'AM, ANY OBJECTION YOU
13 WANT TO NOTE ON THE RECORD OR ANYTHING LIKE THAT, JUST
14 TO PROTECT ...

15 MS. HINDS: YES, SIR. AND OBVIOUSLY, ALL
16 ARGUMENTS I'VE MADE BEFORE AND I DO OBJECT.

17 THE COURT: YEAH, I SHOULD HAVE GONE WITH
18 YOU OTHERWISE. AND SO, WE'RE PRESERVING ALL OF THAT.

19 MS. HINDS: THANK YOU.

20 THE COURT: OKAY, THANK YOU, MA'AM.

21 MS. HINDS: JUST, WE WOULD SEQUESTER THE
22 WITNESSES.

23 THE COURT: OH, THAT WOULD BE -- YEAH.

24 MS. HINDS: AND SOMETHING THAT MR. SORENSON
25 KIND OF ALLUDED TO, THAT THE SOCIAL HISTORY THING, ARE

1 YOU NOT PLANNING TO USE THAT?

2 SOLICITOR SORENSON: NO.

3 MS. HINDS: OKAY, JUDGE, I JUST WANTED TO
4 MAKE SURE.

5 SOLICITOR SORENSON: NO. BECAUSE I HAD
6 ALLUDED EARLIER, I HAD GOTTEN SOME PROBATION RECORDS
7 IN REFERENCE TO TEAR DROP TATTOO ON HIS RIGHT EYE, AND
8 I'M NOT GOING TO LOOK TO GO INTO THAT, BUT I WILL HAVE
9 A MOTION AT SOME POINT IN TIME TO HAVE THE DEFENDANT
10 BASICALLY COME STAND BEFORE THE JURY AND LET THEM
11 OBSERVE THE TATTOO, PROBABLY DURING MY INVESTIGATOR'S
12 TESTIMONY. AND I BELIEVE THAT WOULD BE STATE VERSUS
13 HART, I THINK IS THE CASE, AND I COULD GET THE CITE
14 AND ALL FOR YOUR.

15 THE COURT: OKAY.

16 SOLICITOR SORENSON: I PROBABLY COULD GET
17 THAT TO YOU NOW, THE CITE AT LEAST.

18 THE COURT: OKAY.

19 SOLICITOR SORENSON: STATE VERSUS HART, 412,
20 SOUTHEASTERN, SECOND, THREE EIGHTY, I THINK WOULD
21 ALLOW BASICALLY, IT SAYS IT'S NON-TESTIMONIAL SO
22 THEREFORE, I MEAN, IT WOULD NOT ...

23 THE COURT: ALRIGHT, SIR. LET ME JUST MAKE
24 SURE THEN, THOUGH, IF IT IS NON-TESTIMONIAL. OKAY.
25 AND IF MR. GREENE DOES NOT TESTIFY, AND I DON'T KNOW

1 WHETHER HE'S PLANNING ON TESTIFYING OR NOT, BUT IF
2 IT'S NON-TESTIMONIAL THEN IF THEY DON'T PUT UP ANY
3 DEFENSE ...

4 SOLICITOR SORENSON: OH, RIGHT.

5 THE COURT: I JUST WANT TO -- JUST TO MAKE
6 SURE WE'RE ALL CLEAR ON THAT, TOO, SO I DON'T GET THAT
7 ARGUMENT ABOUT THAT.

8 SOLICITOR SORENSON: OH, NO, NO, I WON'T DO
9 THAT.

10 THE COURT: OKAY. ARE THERE ANY DOCUMENTS
11 OR ANYTHING LIKE THAT WHICH Y'ALL WANT TO MAKE ANY --
12 HAVE Y'ALL SEEN ALL OF THE EXHIBITS AND ALL LIKE THAT?
13 IS THERE ANYTHING WE NEED TO GO OVER WITH REGARD TO
14 THAT?

15 SOLICITOR SORENSON: I NEED TO SHOW THEM --
16 I HAVE MARKED A FEW PHOTOGRAPHS, THERE ARE A FEW MORE
17 THAT I HAVE THAT I'M GOING TO USE. I'LL SHOW THOSE TO
18 MS. HINDS RIGHT NOW.

19 THE COURT: OKAY. ARE THERE ANY OBJECTIONS
20 TO ANY PHOTOGRAPHS THAT YOU SEE, ANYTHING I NEED TO -

21 - -

22 MS. HINDS: NO, NO.

23 THE COURT: OKAY.

24 MS. HINDS: NO, SIR.

25 SOLICITOR SORENSON: AND I'LL GIVE THEM TO

1 MS. HARRY DOT JUST SO SHE CAN MARK THEM DURING THE ...

2 COURT REPORTER: DO YOU WANT ME TO MARK ...

3 THE COURT: AND MS. HINDS, YOU'VE SEEN THESE
4 AS WELL?

5 MS. HINDS: I HAVE.

6 THE COURT: OKAY, OKAY.

7 SOLICITOR SORENSON: DO YOU HAVE ANY
8 OBJECTION TO ANY OF THE PHOTOGRAPHS?

9 MS. HINDS: NO.

10 SOLICITOR SORENSON: OKAY. NOT THE PHOTO
11 LINEUP BECAUSE THE PHOTOS ARE IN EVIDENCE. THE ONLY
12 THING THAT'S NOT IN IS THE PHOTO LINEUP, NUMBER ONE IS
13 NOT.

14 COURT REPORTER: OKAY.

15 SOLICITOR SORENSON: I'LL HAVE TO DO THAT IN
16 FRONT OF THE JURY.

17 COURT REPORTER: OKAY. I HAD SOME OTHER
18 PHOTOS, IF THEY'RE IN, TOO ...

19 SOLICITOR SORENSON: YEAH, AND THEY CAN BE
20 CHANGED.

21 THE COURT: THEY'RE RIGHT UP HERE, MS. HARRY
22 DOT.

23 (State's Exhibits Two, Three,
24 Four, Five, Six, Seven, Eight,
25 Nine and Ten, marked and filed.)

1 SOLICITOR SORENSON: THE ONLY OTHER THING,
2 YOUR HONOR, THAT I GUESS WE CAN MAYBE TAKE UP RIGHT
3 NOW IS JUST AS FAR AS DISCUSSING SOME PRIOR RECORDS
4 ON, I GUESS, MY LAY WITNESSES.

5 THE COURT: SOME WHAT, MR. SORENSON?

6 SOLICITOR SORENSON: AS FAR AS PRIOR RECORDS
7 ON MY LAY WITNESSES. I HADN'T SHOWN THE RAP SHEETS TO
8 MS. HINDS YET, BUT ...

9 THE COURT: OKAY. WELL, SHE NEEDS TO SEE
10 THOSE.

11 SOLICITOR SORENSON: YES, SIR, AND WE'LL
12 TALK ABOUT IT.

13 THE COURT: OKAY.

14 SOLICITOR SORENSON: THE FIRST ONE I'VE GOT
15 HERE IS PHYLCIA FRAZIER, THAT WOULD BE THE LEO THAT
16 YOU'VE HEARD ABOUT.

17 THE COURT: PHYLCIA FRAZIER?

18 SOLICITOR SORENSON: FRAZIER, YEAH.

19 THE COURT: THAT'S LEO?

20 SOLICITOR SORENSON: YES, SIR. AND LOOKING
21 AT THIS, THE ONLY THING I SEE AS A PRIOR RECORD IS A
22 TWO THOUSAND EIGHT SHOPLIFTING CONVICTION WHICH
23 OBVIOUSLY, YOU CAN USE AS A CRIME OF DISHONESTY.

24 THE COURT: OKAY.

25 SOLICITOR SORENSON: THEN ON ERNEST LEE ...

1 THE COURT: HE'S NOT THE PAINTER, RIGHT?

2 SOLICITOR SORENSON: THE PAINTER?

3 THE COURT: YEAH. THERE'S GUY IN COLUMBIA
4 NAMED ERNEST LEE THAT PAINTS.

5 SOLICITOR SORENSON: NO, HE DOES NOT APPEAR
6 TO BE A PAINTER.

7 THE COURT: OKAY. I MEAN, LIKE PAINTING
8 PICTURES.

9 SOLICITOR SORENSON: NO.

10 THE COURT: OKAY.

11 SOLICITOR SORENSON: HE MAY BE PAINTING SOME
12 HOUSES BUT -- HE HAS GOT, YOUR HONOR, A DUI CONVICTION
13 FROM TWO THOUSAND FOUR, AND THAT WOULD BE ALL ON HIM.

14 THE COURT: OKAY.

15 SOLICITOR SORENSON: I DON'T SEE HOW THAT
16 WOULD BE SOMETHING MS. HINDS COULD USE.

17 MS. HINDS: I WOULD CONCUR.

18 THE COURT: BUT THE SHOPLIFTING WOULD BE.

19 SOLICITOR SORENSON: THE SHOPLIFTING WOULD
20 BE. THAT WOULD BE A CRIME OF DISHONESTY.

21 THE COURT: UH-HUH.

22 SOLICITOR SORENSON: AND THEN, MS. WRIGHT,
23 YOUR HONOR, HAS A TRESPASSING FROM TWO THOUSAND THREE,
24 AND I DON'T THINK -- IT WAS ENTERING ON THE LAND OF
25 ANOTHER AFTER NOTICE. THAT'S ESSENTIALLY TRESPASSING.

1 I DON'T SEE HOW THAT WOULD BE...

2 MS. HINDS: I AGREE.

3 THE COURT: OKAY. SO, MS. LEBO'S ...

4 SOLICITOR SORENSON: THE SHOPLIFTING.

5 THE COURT: OKAY. ALRIGHT, ANYTHING ELSE

6 THAT WE NEED TO GO OVER, LADIES AND GENTLEMEN,

7 ANYTHING ELSE FROM THE STATE?

8 SOLICITOR SORENSON: NO, SIR.

9 THE COURT: ANYTHING ELSE FROM THE DEFENSE?

10 SOLICITOR SORENSON: NO, SIR.

11 THE COURT: OKAY. AND I KNOW I TOLD THE

12 JURY TO COME BACK IN AT NINE:FIFTEEN. I'M GOING TO

13 TRY AND GET THEM TO COME IN AT NINE IN THE MORNING.

14 (Recess for the day.)

15 DATE:

16 OCTOBER 6, 2010

17 THE COURT: GOOD MORNING. ARE WE READY TO
18 PROCEED?

19 SOLICITOR SORENSON: YES, THERE'S ONE BRIEF
20 MATTER, YOUR HONOR. I TOUCHED ON THIS BRIEFLY
21 YESTERDAY BUT I ACTUALLY THINK WE KIND OF GOT SIDE
22 TRACKED BEFORE YOUR HONOR ACTUALLY KIND OF MADE ANY
23 RULING ON IT, WITH REGARDS MS. HINDS'S MOVE FOR A
24 SEQUESTRATION ORDER DEALING WITH THE WITNESS..

25 THE COURT: YES, UH-HUH.

1 SOLICITOR SORENSON: I'VE GOT NO OBJECTION
2 TO THAT AS LONG AS MY CHIEF INVESTIGATING OFFICER CAN
3 STAY IN THE COURTROOM AND THE VICTIM.

4 ADDITIONALLY, YOUR HONOR, I WOULD ASK THAT
5 THAT KIND OF BE RECIPROCATED WITH MS. HINDS'S
6 WITNESSES ALSO.

7 THE COURT: OKAY. MS. HINDS?

8 MS. HINDS: THAT'S FINE WITH US.

9 THE COURT: OKAY. ALRIGHT.

10 SOLICITOR SORENSON: I DON'T KNOW WHO HER
11 WITNESSES ARE BUT ...

12 MS. HINDS: YOUR HONOR, THE FAMILY MEMBERS
13 IN THE COURTROOM ARE ALLOWED TO STAY IN THE COURTROOM,
14 BUT ALL WITNESSES ARE SEQUESTERED AND ARE OUT.

15 THE COURT: OKAY. THANK YOU, MS. HINDS.

16 IS THE DEFENSE READY TO PROCEED?

17 MS. HINDS: WE ARE.

18 THE COURT: OKAY. ALRIGHT. AND MS.
19 JACKSON, EVERYBODY IS HERE, IS THAT CORRECT?

20 BAILIFF JACKSON: YES, SIR.

21 THE COURT: ALRIGHT, YOU CAN BRING THE JURY
22 ON IN, PLEASE, MA'AM. OKAY, MARION, I'VE TRYING TO
23 REMEMBER, I'VE GOT IT RIGHT HERE. HOPEFULLY I'M GOING
24 TO REMEMBER, AND WE'LL GET STARTED WITH YOU SWEARING
25 THE JURY.

1 (Whereupon, the jury enters
2 the courtroom and the following
3 takes place in the presence
4 of the jury.)

5 THE COURT: GOOD MORNING, AND I HOPE Y'ALL
6 HAD A GOOD EVENING. OKAY. I HOPE Y'ALL DON'T KNOW
7 ANYTHING MORE ABOUT THE CASE THAN YOU DID WHEN YOU
8 LEFT. NOBODY'S TALKED TO Y'ALL, IS THAT CORRECT?
9 OKAY. AND Y'ALL HAVE NOT TALKED ABOUT THE CASE AMONG
10 YOURSELVES? GOOD, OKAY. REMEMBER THOSE RULES ARE
11 GOING TO HAVE TO APPLY UNTIL I TELL YOU YOU CAN BEGIN
12 TALKING ABOUT IT.

13 OKAY, NOW BEFORE WE GET STARTED THIS MORNING
14 THE CLERK NEEDS TO SWEAR YOU IN AS A JURY, SO, MR.
15 CLERK.

16 CLERK: IF YOU WILL STAND AND RAISE YOUR
17 RIGHT HAND.

18 (Whereupon, the jury is duly
19 sworn and impaneled.)

20 CLERK: YOU MAY BE SEATED.

21 THE COURT: LADIES AND GENTLEMEN OF THE
22 JURY, WE ARE -- AS I TOLD YOU YESTERDAY, WE'VE GOT A
23 CRIMINAL CASE TODAY. THE CASE TODAY WE HAVE IS THE
24 STATE OF SOUTH CAROLINA VERSUS WALTER JAMES GREENE,
25 JUNIOR. NOW, WHAT I'M GOING TO TELL YOU RIGHT NOW IS

1 JUST KIND OF AN INTRODUCTION TO THE TRIAL. I THINK
2 WHEN WE WERE QUESTIONING Y'ALL YESTERDAY I FOUND OUT
3 THAT A NUMBER OF Y'ALL HAD BEEN JURORS IN CASES
4 BEFORE. AND WHAT I'M GOING TO DO NOW IS NOT CHARGE
5 YOU ON THE LAW, I WILL BE DOING THAT AT THE END OF THE
6 CASE, BUT RIGHT NOW I'M JUST GOING TO GIVE YOU AN IDEA
7 OF WHAT KIND OF PROCEDURE THAT WE ARE GOING TO FOLLOW
8 SO YOU'LL UNDERSTAND WHAT'S GOING ON IN COURT TODAY.

9 NOW, MR. GREENE HAS BEEN INDICTED BY PAPERS
10 CHARGED WITH THIS COURT FOR THE CRIMES OF BURGLARY IN
11 THE FIRST DEGREE, ASSAULT AND BATTERY WITH INTENT TO
12 KILL, AND ARMED ROBBERY. NOW, THE ELEMENTS OF THESE
13 CRIMES I WILL EXPLAIN TO YOU LATER, BUT WHAT YOU NEED
14 TO KNOW NOW THAT THE INDICTMENTS ARE SIMPLY THE CHARGE
15 BY WHICH THIS CASE IS BROUGHT TO COURT. IT IS NOT
16 EVIDENCE OF ANY OF THE ALLEGATIONS THAT IT CONTAINS.

17 THE DEFENDANT HAS PLED NOT GUILTY TO THESE
18 CHARGES, TO THIS INDICTMENT, AND THE STATE HAS THE
19 BURDEN OF PROOF OF PROVING EACH AND EVERY ELEMENT OF
20 THE INDICTMENTS BEYOND A REASONABLE DOUBT. THAT'S A
21 PHRASE THAT Y'ALL HAVE HEARD ALL THE TIME I KNOW WHEN
22 Y'ALL WATCH T.V. AND THINGS LIKE THAT, BUT IT'S YOUR
23 DUTY, LADIES AND GENTLEMEN, TO DECIDE WHETHER THE
24 STATE WILL MEET THAT BURDEN OF PROVING THE DEFENDANT'S
25 GUILT BEYOND A REASONABLE DOUBT.

1 YOUR JOB, YOUR DUTY IS TO FIND AND DETERMINE
2 THE FACTS IN THIS CASE, AND I NEED TO TELL YOU THAT
3 Y'ALL ARE THE SOLE JUDGES OF THE FACTS. IF AT ANYTIME
4 I MAKE ANY COMMENT DURING THIS TRIAL REGARDING THE
5 FACTS I'M ASKING YOU NOW TO DISREGARD IT. YOU ARE TO
6 DETERMINE THE EVIDENCE FROM THE TESTIMONY YOU HEAR AND
7 THE OTHER EVIDENCE THAT IS INTRODUCED IN COURT. IT IS
8 UP TO YOU TO DETERMINE WHICH INFERENCES YOU FEEL MAY
9 PROPERLY BE DRAWN FROM THE EVIDENCE. IT IS ESPECIALLY
10 IMPORTANT THAT YOU PERFORM YOUR DUTY OF DETERMINING
11 THE FACTS DILIGENTLY AND CONSCIENTIOUSLY, BECAUSE
12 ORDINARILY THERE IS NO WAY TO CORRECT AN ERRONEOUS
13 DETERMINATION OF FACTS BY A JURY.

14 THE SAME LAW THAT MAKES YOU THE JUDGES OF
15 THE FACTS MAKES ME THE JUDGE OF THE LAW. THE LAW AS
16 GIVEN BY THIS COURT IS THE ONLY LAW YOU ARE TO
17 CONSIDER. YOU MUST ACCEPT AND FOLLOW IT EVEN IF YOU
18 DISAGREE WITH IT. I CANNOT TELL YOU WHAT THE FACTS
19 ARE, AND YOU CANNOT DISAGREE WITH ME ABOUT THE WHAT
20 THE LAW IS OR WHAT IT SHOULD BE. YOUR JOB IS TO TAKE
21 THE LAW AS I GIVE IT TO YOU AND APPLY IT TO THE FACTS
22 AS YOU FIND THEM FROM THE TESTIMONY OF THE WITNESSES
23 AND ANY OTHER EVIDENCE THAT IS INTRODUCED. AFTER
24 DOING THAT YOU WILL RENDER YOUR VERDICT, A TRUE AND
25 JUST VERDICT UNDER THE SOLEMN YOU JUST TOOK AS JURORS.

1 UNTIL YOU BEGIN YOUR DELIBERATIONS YOU MUST
2 NOT DISCUSS THIS CASE WITH ANYONE, INCLUDING YOUR
3 FELLOW JURORS. WE'VE ALREADY TALKED ABOUT THAT. BUT
4 YOU CANNOT TALK, YOU CANNOT TALK ABOUT THIS CASE WITH
5 FAMILY, FRIENDS OR ANYONE INVOLVED IN THE CASE. AFTER
6 THE CASE IS SUBMITTED TO YOU, YOU MUST DISCUSS IT ONLY
7 IN THE JURY ROOM WITH YOUR FELLOW JURORS. THE
8 ATTORNEYS AND PARTIES IN THIS CASE HAVE BEEN ADVISED
9 THAT THEY ARE NOT TO TALK WITH YOU AT ALL, SO IF YOU
10 SEE ANYONE IN THE HALL AND THEY DON'T EVEN DO THE
11 CURSORY SPEAKING, THEY'RE NOT BEING UNFRIENDLY,
12 THEY'RE JUST FOLLOWING MY INSTRUCTIONS. DURING THE
13 TRIAL YOU ARE NOT TO READ, LISTEN TO, OR WATCH ANY
14 NEWS REPORTS ABOUT THIS CASE, NOR ARE YOU TO DO ANY
15 INDEPENDENT INVESTIGATIONS. IF YOU HAPPEN TO KNOW
16 WHERE THE SCENE OF THE CRIME IS I DO NOT WANT YOU
17 RIDING BY THE SCENE OF THE CRIME. OKAY? NOW, IF IT'S
18 ON YOUR WAY HOME OR SOMETHING LIKE THAT, THAT'S A
19 DIFFERENT MATTER, I DON'T MEAN FOR YOU TO GO A
20 DIFFERENT WAY, BUT YOU DON'T NEED TO DO ANY
21 INDEPENDENT INVESTIGATION AS WELL. YOU MUST NOT
22 CONSIDER ANYTHING THAT YOU MAY HAVE READ OR HEARD
23 ABOUT THIS CASE OUTSIDE THE COURTROOM. I'M ASKING YOU
24 KEEP AN OPEN MIND AND NOT DECIDE THIS CASE UNTIL ALL
25 OF THE EVIDENCE HAS BEEN PRESENTED AND THE PARTIES

1 HAVE MADE THEIR CLOSING ARGUMENTS AND I HAVE
2 INSTRUCTED YOU ON THE LAW OF THIS CASE. IT IS YOUR
3 SOLEMN RESPONSIBILITY TO DETERMINE THE GUILT OR
4 INNOCENCE OF THE DEFENDANT AND YOUR VERDICT MUST BE
5 BASED SOLELY ON THE EVIDENCE AS IT IS PRESENTED TO YOU
6 IN THIS TRIAL AND ON THE LAW AS I INSTRUCT IT TO YOU
7 DURING AND AT THE CLOSE OF THE TRIAL.

8 IN A MOMENT THE SOLICITOR, MR. SORENSON, IS
9 GOING TO BE CALLED UPON TO MAKE AN OPENING STATEMENT
10 IN WHICH HE WILL EXPLAIN TO YOU THE ISSUES IN THIS
11 CASE, OR AT LEAST WHAT THE SOLICITOR THINKS THE ISSUES
12 ARE IN THIS CASE. THE ATTORNEY FOR THE DEFENDANT, MS.
13 HINDS, MAY ALSO MAKE AN OPENING STATEMENT, ALTHOUGH
14 SHE'S NOT REQUIRED TO DO SO. WHAT THE ATTORNEYS TELL
15 YOU DURING THEIR OPENING STATEMENTS IS NOT EVIDENCE,
16 IT IS ONLY THEIR CONTENTION AS TO WHAT THE ISSUES IN
17 THIS CASE ARE. THE EVIDENCE IN THIS CASE IS GOING TO
18 BE PRESENTED TO YOU BY THE TESTIMONY OF SWORN
19 WITNESSES, AND THOSE WITNESSES WILL TAKE THE STAND
20 RIGHT HERE, BE SWORN, AND TESTIFY AS TO WHAT HAPPENED
21 IN THIS CASE. ADDITIONALLY, THERE WILL BE SOME
22 EXHIBITS THAT WILL BE PLACED INTO EVIDENCE FOR YOU TO
23 CONSIDER, AND THAT IS THE ONLY EVIDENCE YOU ARE TO
24 CONSIDER IN THIS TRIAL, WHAT YOU HEAR FROM THE WITNESS
25 STAND IN TESTIMONY, ANY EXHIBITS THAT ARE INTRODUCED

1 INTO EVIDENCE, AND PERHAPS ANY STIPULATIONS OF
2 COUNSEL.

3 FROM TIME TO TIME DURING THE TRIAL THERE MAY
4 BE SOME QUESTIONS OF LAW OR OBJECTIONS, OR YOU MAY
5 FIND OUT THAT THE ATTORNEYS WANT TO APPROACH THE
6 BENCH, OR SOMETIMES I MIGHT FIND IT NECESSARY TO
7 EXCUSE YOU FROM THE COURTROOM WHILE I HAVE SOME
8 DISCUSSIONS WITH THE ATTORNEYS ABOUT A MATTER OF LAW.
9 NOW, THE REASON I DO THIS IS BECAUSE, AS I TOLD YOU
10 BEFORE, YOU ARE THE JUDGES OF THE FACTS IN THE CASE,
11 AND SOMETIMES WHEN I'M HAVING DISCUSSIONS WITH THE
12 ATTORNEYS ABOUT MATTERS OF LAW I WILL HAVE TO MAKE
13 SOME COMMENT AS TO THE FACTS WHEN I'M RULING ON A
14 PARTICULAR AREA OF LAW. SINCE I'M NOT SUPPOSED TO
15 MAKE ANY COMMENTS ABOUT THE FACTS, AND I DON'T INTEND
16 TO, AND I DON'T INTEND TO CALL YOUR OPINION ABOUT THE
17 FACTS ARE IN THIS CASE, IT IS NECESSARY THAT I EXCUSE
18 YOU FROM THE COURTROOM DURING THOSE DISCUSSIONS. I
19 WANT TO REMIND YOU AGAIN THAT I WANT YOU TO NOT BE
20 INFLUENCED BY ANYTHING THAT I SAY OR DO IN CONNECTION
21 WITH THE FACTS. THE DETERMINATION OF THE FACTS IN
22 THIS CASE ARE SOLELY YOUR DETERMINATION.

23 IN DETERMINING WHAT THE TRUE FACTS ARE IN
24 THIS CASE YOU MUST DECIDE WHETHER OR NOT THE TESTIMONY
25 OF A WITNESS IS BELIEVABLE. IT IS MY RESPONSIBILITY

1 TO RULE AS A MATTER OF LAW AS TO WHETHER CERTAIN
2 TESTIMONY IS ADMISSIBLE, BUT ONCE THE TESTIMONY IS
3 ADMITTED, WHETHER OR NOT YOU BELIEVE IT IS SOLELY FOR
4 YOU TO DETERMINE. IN DECIDING WHETHER TO BELIEVE A
5 WITNESS YOU HAVE THE RIGHT TO CONSIDER THE INTEREST OF
6 ANY WITNESS, THE BIAS OF ANY WITNESS, THE OPPORTUNITY
7 OF THE WITNESS TO HAVE SEEN THE MATTERS AND THINGS
8 ABOUT WHICH THE WITNESS MAY TESTIFY, AND THE WAY IN
9 WHICH THE WITNESS ACTS ON THE WITNESS STAND. YOU HAVE
10 THE RIGHT TO CONSIDER ANYTHING THAT IS IN THE RECORD
11 THAT WILL HELP YOU EVALUATE THE TESTIMONY OF THE
12 WITNESSES. THIS MEANS THAT IT IS YOUR DUTY TO PAY
13 CLOSE ATTENTION TO THESE WITNESSES, TO OBSERVE THEM,
14 TO LISTEN TO THEM, AND TO PAY CLOSE ATTENTION TO THE
15 ATTORNEYS AND THE COURT. PLEASE GIVE YOU UNDIVIDED
16 ATTENTION TO THE TESTIMONY IN THIS CASE SO THAT AT THE
17 END OF THE TESTIMONY, AFTER THE ARGUMENTS OF COUNSEL
18 AND THE CHARGE, AND AFTER I CHARGE YOU ON THE LAW YOU
19 WILL THEN BE IN A POSITION TO DETERMINE WHAT THE TRUE
20 FACTS ARE AND APPLY THOSE FACTS TO THE LAW, AND THUS,
21 RENDER A TRUE AND JUST VERDICT.

22 ALRIGHT, MR. SORENSON, ANY EXCEPTIONS TO
23 WHAT I'VE SAID?

24 SOLICITOR SORENSON: NO, SIR.

25 THE COURT: OKAY. MS. HINDS?

1 MS. HINDS; NO, SIR.

2 THE COURT: OKAY. ALRIGHT, MR. SORENSON.

3 SOLICITOR SORENSON; MAY IT PLEASE THE
4 COURT.

5 THE COURT: YES, SIR.

6 OPENING STATEMENT BY SOLICITOR SORENSON

7 I WANT TO TURN YOUR ATTENTION BACK TO APRIL
8 TWENTY-FOURTH, ABOUT TWO:THIRTY IN THE MORNING, FRIDAY
9 NIGHT INTO SATURDAY MORNING. IT'S LATE. TWENTY-SIX
10 YEAR OLD LATOYA WRIGHT, SEATED IN THE FRONT ROW THERE,
11 HAD JUST GOTTEN HOME FROM VISITING HER BABY'S FATHER.
12 SHE PUT HER ONE YEAR OLD DAUGHTER DOWN TO BED, SHE'S
13 GETTING READY TO GO TO BED HERSELF THAT NIGHT. SHE
14 HEARD A KNOCK ON HER FRONT DOOR. SHE WENT AND
15 ANSWERED THAT DOOR, AND I SUBMIT TO YOU, WHAT HAPPENED
16 THEN WAS THE MOST TERRIFYING THING THAT COULD EVER
17 HAPPEN TO A YOUNG LADY. SHE WAS CONFRONTED BY A YOUNG
18 MAN THAT SHE DID NOT KNOW, DARK COMPLECTED, LITTLE
19 TWISTS IN HIS HAIR, A TEAR DROP TATTOO UNDER THIS
20 RIGHT EYE. SHE DIDN'T KNOW WHO HE WAS. SHE LOOKED AT
21 HIM FOR A FEW SECONDS, HE THEN PROCEEDED TO PULL OUT A
22 GUN, STICK IT IN HER FACE, AND TELL HER, GIVE ME
23 EVERYTHING YOU'VE GOT. AND MS. WRIGHT LIVES ALONE WITH
24 HER ONE YEAR OLD DAUGHTER. SHE PANICKED AT THAT POINT
25 IN TIME AND ATTEMPTED TO TAKE OFF RUNNING THROUGH HER

1 HOME. A SHOT RUNG OUT THAT HIT HER IN THE STOMACH AND
2 ABDOMEN AREA, GRAZING HER AS SHE WAS RUNNING. SHE RAN
3 DOWN THE HALLWAY, TURNED AND LOOKED BEHIND HER, SAW
4 THIS INDIVIDUAL HAD COME INTO HER HOME, TOOK ANOTHER
5 SHOT AT HER AS SHE WAS RUNNING DOWN THE HALLWAY. SHE
6 WAS THEN FACED WITH A CHOICE OF WHAT TO DO, AND ENDED
7 UP FORCING HER WAY OUT, BREAKING BASICALLY THE LOCK ON
8 HER BACK DOOR TO GET OUT OF HER HOME, MAKING A
9 DECISION AT THAT POINT IN TIME TO WHETHER TO STAY,
10 ATTEMPT TO GET HER CHILD AND RISK GETTING SHOT AGAIN,
11 OR TO GET OUT OF THERE AND TRY TO GET HELP. SHE FLED
12 HER HOME THAT NIGHT, WENT DOWN THE ROAD TO A LITTLE
13 CONVENIENCE STORE WHERE SOME PEOPLE WERE HANGING OUT,
14 GOT THEM TO CALL THE POLICE, GOT THEM TO GET AN
15 AMBULANCE OUT THERE TO COME TREAT HER, AND ALSO GOT
16 SOMEBODY TO COME BACK AND GET HER CHILD WHO THANKFULLY
17 WAS FOUND UNHARMED STILL INSIDE THE BEDROOM ASLEEP.
18 THIS INCIDENT HAPPENED THE EARLY MORNING HOURS OF
19 SATURDAY, APRIL TWENTY-FOURTH OF THIS YEAR. IT'S
20 GOING TO BE ETCHED IN HER MIND FOR THE REST OF HER
21 LIFE, SOME MEMORY SHE'S NEVER GOING TO GET. AND I
22 SUBMIT TO YOU THE FACE THAT SHE SEES STARING BACK AT
23 HER WHO WAS AT HER DOOR THAT MORNING, WHO WAS POINTING
24 THAT GUN IN HER FACE AND SHOT HER AND CHASED HER OUT
25 OF HER HOME, WAS THAT MAN SEATED RIGHT OVER THERE,

1 WALTER GREENE, THE DEFENDANT, WALTER GREENE, I SUBMIT
2 TO YOU, A FACE THAT SHE IS NEVER GOING TO FORGET.

3 NOW, AS HIS HONOR TOLD YOU, MR. GREENE HAS
4 BEEN CHARGED WITH THREE INDICTMENTS AND I WANT TO JUST
5 BRIEFLY TAKE JUST A COUPLE OF MOMENTS OF YOUR TIME AND
6 KIND OF GO OVER WHAT THOSE CHARGES ARE JUST SO YOU
7 HAVE A LITTLE IDEA AS WE KIND OF GO FORWARD WHAT TO BE
8 LISTENING FOR AS FAR AS WHAT WE NEED TO PROVE TO YOU
9 BEYOND A REASONABLE DOUBT. AS YOU WERE TOLD, THE
10 FIRST INDICTMENT HE'S BEEN CHARGED WITH IS BURGLARY IN
11 THE FIRST DEGREE. AND BURGLARY, LADIES AND GENTLEMEN,
12 IS VERY SIMPLY THE UNLAWFUL ENTERING INTO ANOTHER
13 PERSON'S HOME WITHOUT THEIR CONSENT WITH INTENT TO
14 COMMIT A CRIME. OKAY? WHAT ELEVATES IT TO A BURGLARY
15 IN THE FIRST DEGREE IS EITHER IT HAPPENED DURING THE
16 NIGHT TIME HOURS, YOU'RE GOING TO HEAR THIS HAPPENED
17 ABOUT TWO:THIRTY IN THE MORNING, BETWEEN TWO AND
18 TWO:THIRTY IN THE MORNING, OR YOU ARE ARMED WITH A
19 DEADLY WEAPON, AND IN THIS CASE YOU'RE GOING TO HEAR
20 ABOUT HIM HAVING A FIREARM, A HAND GUN THAT HE POINTED
21 AND ULTIMATELY FIRED INSIDE HER HOME, OR YOU CAUSE
22 PHYSICAL INJURY TO SOMEBODY NOT INVOLVED IN THE
23 BURGLARY. AND YOU'RE GOING TO HEAR HOW THANKFULLY MS.
24 WRIGHT WAS NOT HURT SERIOUSLY BUT HOW SHE WAS GRAZED
25 BY A BULLET, AND A FRAGMENT OF IT WAS ACTUALLY FOUND

1 IN HER SHIRT, IN HER BREAST AND UPPER ABDOMEN AREA.
2 SO, THAT'S BURGLARY IN THE FIRST DEGREE, IT'S THE
3 UNLAWFUL ENTERING INTO ANOTHER PERSON'S HOME WITHOUT
4 THEIR CONSENT WITH THE INTENT TO COMMIT A CRIME AND
5 EITHER IT HAPPENED DURING THE NIGHT TIME HOURS, YOU
6 ARE ARMED WITH A DEADLY WEAPON, OR YOU CAUSED PHYSICAL
7 INJURY TO SOMEBODY NOT INVOLVED IN THE CRIME, AND I
8 SUBMIT YOU'RE GOING TO HEAR EVIDENCE OF ALL THREE OF
9 THEM IN THIS CASE. THAT'S BURGLARY IN THE FIRST
10 DEGREE.

11 THE SECOND CHARGE THAT MR. GREENE IS CHARGED
12 WITH IS ASSAULT AND BATTERY WITH INTENT TO KILL. AND
13 VERY SIMPLY WHAT THAT IS, AN ASSAULT AND BATTERY IS AN
14 OFFER TO DO INJURY TO ANOTHER PERSON AND THEN
15 FOLLOWING THROUGH. THE ASSAULT WOULD BE IF I THREW A
16 PUNCH AND MISSED SOMEBODY. A BATTERY WOULD BE IF I
17 ACTUALLY HIT THEM. THE ASSAULT AND BATTERY WITH INTENT
18 TO KILL THEN INVOLVES THAT BEING ACCOMPANIED BY
19 MALICE. AND I SUBMIT TO YOU, WHEN YOU TAKE A LOADED
20 GUN AND YOU POINT IT AT SOMEBODY AND YOU FIRE AT THEM
21 FROM A FEW FEET AWAY AND THEN FIRE AT THEM AGAIN WHEN
22 THEY'RE RUNNING DOWN THE HALLWAY AWAY FROM YOU, IT'S
23 HARD TO IMAGINE SOMETHING MUCH MORE MALICIOUS, EVIL
24 SPIRITED, THAN THAT. SO, THAT'S THE SECOND CHARGE
25 THAT MR. GREENE IS CHARGED WITH.

1 THE FINAL ONE IS ARMED ROBBERY. AND MS.
2 WRIGHT IS GOING TO TESTIFY TO YOU, TELL YOU THAT THAT
3 DAY, THE FIRST THING THIS MAN SAID TO HER AFTER SHE
4 OPENED THE DOOR, LOOKING AT HIM, TRYING TO FIGURE OUT
5 WHO HE WAS, DIDN'T RECOGNIZE, WAS, GIVE ME EVERYTHING
6 YOU'VE GOT, AS HE WAS PULLING OUT A GUN AND POINTING
7 IT IN HER FACE. WELL, ARMED ROBBERY IS TAKING
8 PROPERTY FROM THE PERSON OR PRESENCE OF ANOTHER PERSON
9 WHILE ARMED WITH A DEADLY WEAPON, IN THIS CASE A HAND
10 GUN. IT'S BASICALLY STEALING SOMETHING FROM SOMEBODY
11 WHILE ARMED WITH A DEADLY WEAPON. AND YOU'RE GOING TO
12 HEAR IN THIS CASE HOW, YOU'RE GOING TO HEAR HOW MS.
13 WRIGHT THAT MORNING, WHEN SHE HEARD THAT KNOCK ON THE
14 DOOR, WAS CONCERNED ABOUT WHAT TIME IT WAS. SHE YELLED
15 OUT INITIALLY, WHO IS IT, AND DIDN'T QUITE UNDERSTAND
16 WHAT THE PERSON SAID, AND UNFORTUNATELY MADE THE
17 DECISION AT THAT POINT IN TIME TO GO OPEN THE DOOR.
18 BEFORE SHE DID THAT SHE HAD THE GUN THAT SHE HAD
19 BOUGHT SEVERAL MONTHS EARLIER THAT SHE HAD GOTTEN AND
20 TAKEN WITH HER TO THE DOOR. AND YOU'RE GOING TO HEAR
21 HOW WHEN SHE FLED, WHEN SHE WAS BEING SHOT AT SHE
22 ENDED UP DROPPING THAT GUN AS SHE WAS TRYING TO GET
23 OUT OF HER BACK DOOR. WHEN SHE CAME BACK AFTER GOING
24 TO THE HOSPITAL THE FOLLOWING DAY THE GUN IS GONE
25 ALONG WITH A LITTLE BIT OF MONEY OUT OF HER HOME. SO,

1 THOSE ARE THE ITEMS THAT WERE STOLEN. OKAY.

2 SO, THOSE ARE THE THREE CHARGES THAT MR.
3 GREENE IS CHARGED WITH, BURGLARY IN THE FIRST DEGREE,
4 ASSAULT AND BATTERY WITH INTENT TO KILL, AND ARMED
5 ROBBERY. AND AS YOU WERE TOLD YESTERDAY, LADIES AND
6 GENTLEMEN, THIS ISN'T GOING TO BE A PARTICULARLY LONG
7 TRIAL, BUT NONETHELESS, THAT DOESN'T LESSEN HOW
8 IMPORTANT IT IS NOT ONLY TO MS. WRIGHT AND HER FAMILY,
9 BUT ALSO TO THE DEFENDANT, MR. GREENE, AND HIS FAMILY.
10 AND THE ONE THING I WOULD ECHO THAT JUDGE DICKSON TOLD
11 YOU A FEW MINUTES AGO IS, I ASK YOU, AND REALLY ALL
12 ANYBODY CAN ASK YOU AT THIS POINT IN TIME IS TO KEEP
13 AN OPEN MIND, LISTEN TO ALL THE EVIDENCE, THE
14 TESTIMONY THAT'S PRESENTED HERE, AND I SUBMIT TO YOU,
15 WHEN YOU GET BACK, WHEN YOU'VE HEARD ALL OF THE
16 EVIDENCE, YOU'VE HEARD THE CLOSING ARGUMENTS, WHEN
17 YOU'VE HEARD THE JUDGE'S CHARGE ON THE LAW, YOU GOING
18 TO GET AN OPPORTUNITY THEN TO GO BACK INTO THAT JURY
19 ROOM, AND AT THAT POINT IN TIME YOU'LL HAVE A CHANCE
20 TO DELIBERATE. AND I SUBMIT TO YOU, LADIES AND
21 GENTLEMEN, THAT AT THE CLOSE OF THIS CASE YOU'RE GOING
22 TO FIND THE FACE, THE FACE THAT SHE SEES WHEN SHE
23 CLOSES HER EYES, IS THAT MAN RIGHT THERE, WALTER
24 GREENE. THAT'S WHAT YOU'RE GOING TO FIND, NOT BEYOND
25 A REASONABLE DOUBT, BUT BEYOND ANY DOUBT, THAT HE'S

1 GUILTY OF BURGLARY IN THE FIRST DEGREE, ASSAULT AND
2 BATTERY WITH INTENT TO KILL, AND ARMED ROBBERY.

3 THANK YOU.

4 THE COURT: THANK YOU, MR. SORENSON.

5 MS. HINDS.

6 MS. HINDS: MAY IT PLEASE THE COURT.

7 THE COURT: YES, MA'AM.

8 OPENING STATEMENT BY MS. HINDS

9 GOOD MORNING, LADIES AND GENTLEMEN. I'M
10 GOING TO KEEP MY REMARKS THIS MORNING RELATIVELY
11 BRIEF. SOMETIMES LAWYERS HAVE A TENDENCY TO TALK A
12 LITTLE BIT TOO MUCH, BUT THE FACTS, BY THE TIME YOU
13 HEAR ALL OF THE EVIDENCE AND ALL OF THE FACTS, WILL
14 SPEAK FOR THEMSELVES.

15 MR. GREENE SITS BEFORE YOU THIS MORNING IN
16 THIS ROOM ANXIOUSLY AWAITING HIS DAY IN COURT. THE
17 JUDGE HAS ALREADY TOLD YOU THAT THE INDICTMENTS ARE
18 SIMPLY CHARGING PAPERS. I WANT YOU TO UNDERSTAND THAT
19 THE SIGNIFICANCE OF THAT PIECE OF PAPER IS MERELY IS
20 THAT IT IS A PIECE OF PAPER WITH WORDS ON IT. IT
21 SIMPLY PUT MR. GREENE ON NOTICE OF WHAT THE STATE WAS
22 ALLEGING OR ACCUSING HIM OF. IT IS NOT EVIDENCE.

23 MR. GREENE SITS BEFORE YOU THIS MORNING,
24 YESTERDAY MORNING, FROM APRIL TWENTY-FOURTH, TWO
25 THOUSAND TEN ON, AN INNOCENT MAN. HE CANNOT BE FOUND

1 GUILTY UNLESS AND UNTIL ALL OF YOU, AFTER DELIBERATING
2 AND AFTER EXAMINING ALL OF THE EVIDENCE, FIND HIM SO.
3 THE SOLICITOR WILL TELL YOU THAT THEY LOOK FORWARD TO
4 YOU HOLDING THEM TO THE BURDEN OF PROOF WHICH AS
5 EVERYBODY HAS SAID IS BEYOND A REASONABLE DOUBT. THEY
6 DON'T HAVE A CHOICE, THAT'S THE LAW. THAT'S THE
7 PROTECTION THAT WE HAVE, YOU MUST FIND SOMEBODY
8 GUILTY, IF YOU FIND THEM GUILTY, BEYOND A REASONABLE
9 DOUBT. ALL TWELVE OF YOU WILL HAVE A CHANCE TO DECIDE
10 AND DELIBERATE AND CHOOSE WHETHER OR NOT THE STATE HAS
11 MET THAT BURDEN, AND YOU WOULD ALL HAVE TO DETERMINE
12 THAT THEY HAVE BEFORE YOU CAN FIND MR. GREENE GUILTY
13 OF ANYTHING.

14 AT THIS POINT ALL WE HAVE IS AN ACCUSATION,
15 SOMEONE SAYING THAT MR. GREENE DID SOMETHING. I WOULD
16 REMIND YOU, YOU MUST LISTEN TO ALL OF THE TESTIMONY
17 BEFORE MAKING THAT DETERMINATION. THAT'S THE
18 CORNERSTONE OF OUR JUSTICE SYSTEM. AND ACCUSATION
19 DOES NOT MAKE SOMEBODY GUILTY. AND MR. GREENE, I
20 REMIND YOU, SITS BEFORE YOU AN INNOCENT MAN.

21 THIS CASE IS FIRST AND FOREMOST ABOUT
22 MISTAKEN IDENTIFICATION. THIS IS MR. GREENE'S WORSE
23 NIGHTMARE. HE SITS BEFORE YOU ACCUSED OF SOMETHING
24 THAT HE JUST DIDN'T DO. SOMEONE HAS IDENTIFIED HIM
25 MISTAKENLY, AND HE IS HERE TO LET YOU KNOW THAT HE IS

1 INNOCENT OF THOSE CHARGES.

2 AS WE GO FORWARD THE EVIDENCE I WANT, I'M
3 GOING TO ASK YOU TO KEEP A COUPLE OF THINGS IN MIND.
4 WHAT IS LEFT OUT CAN BE EQUALLY AS IMPORTANT AS WHAT
5 IS INCLUDED. LOOK AT WHAT THE SOLICITOR CANNOT
6 PROVIDE TO YOU, FOR INSTANCE, ANY PHYSICAL EVIDENCE
7 LINKING TO THAT SCENE, ANY EVIDENCE WHATSOEVER THAT HE
8 WAS AT

9 ASK YOURSELVES, WHAT DO I NEED TO KNOW
10 BEFORE I CAN FIND THAT MR. GREENE IS NOT AN INNOCENT
11 MAN? NOW, AGAIN, I TOLD YOU, THIS IS GOING TO, THIS
12 CASE RESTS UPON EYE WITNESS IDENTIFICATION. YOU WILL
13 HEAR TESTIMONY IN THIS COURTROOM THAT EYE WITNESSES
14 CAN BE WRONG. NOW, THAT PROBABLY GOES AGAINST
15 EVERYTHING THAT YOU BELIEVE RIGHT NOW. WE ALL THINK
16 THAT WHATEVER SOMEBODY SEES WITH THEIR EYES MUST BE
17 THE TRUTH, BUT THE REALITY IS IS THAT WHAT WE SEE IS
18 OFTEN FILTERED THROUGH WHO WE ARE, THE CIRCUMSTANCES
19 SURROUNDING WHAT'S GOING ON, AND THE EMOTIONS WE ARE
20 EXPERIENCING WHEN WE'RE GOING THROUGH THAT REALITY.
21 THE JUDGE TOLD YOU NOT TO RUSH TO JUDGEMENT, TO LISTEN
22 TO ALL THE EVIDENCE AND DELIBERATE BEFORE YOU REACH
23 ANY CONCLUSION. I ASK YOU TO HONOR THAT INSTRUCTION.
24 YOU MUST BE CONVINCED AT THE END OF THIS TRIAL BEYOND
25 A REASONABLE DOUBT, THAT'S THE STANDARD. IT MEANS YOU

1 MUST BE FIRMLY CONVINCED THAT MR. GREENE COMMITTED
2 WHAT HE IS ACCUSED. I'M HERE TO LET YOU KNOW THAT MR.
3 GREENE, THROUGH ME, IS SAYING, I AM NOT GUILTY. I
4 STAND BEFORE YOU TELLING YOU THAT AFTER HEARING THE
5 EVIDENCE I SUBMIT THAT YOU WILL NOT BE FIRMLY
6 CONVINCED. EYE WITNESS TESTIMONY, GIVEN THE TOTALITY
7 OF THE CIRCUMSTANCES, GIVEN THE CONDITIONS, GIVEN THE
8 EMOTIONS, CAN BE UNRELIABLE. I AM ASKING YOU TO BE
9 OPEN TO THAT POSSIBILITY.

10 AGAIN, MR. GREENE IS HERE FACING EVERYONE'S
11 NIGHTMARE, BEING FALSELY ACCUSED. I ASK YOU TO LISTEN
12 TO ALL OF THE TESTIMONY OF BOTH SIDES, NOT JUST THE
13 STATE'S SIDE, AND I BELIEVE THAT AT THE END OF THIS
14 TRIAL YOU WILL BE CONVINCED THAT THE ONLY POSSIBLE
15 VERDICT IS NOT GUILTY.

16 THANK YOU.

17 THE COURT: THANK YOU, MS. HINDS.

18 MR. SORENSON, ARE YOU READY TO CALL YOUR
19 FIRST WITNESS?

20 SOLICITOR SORENSON: YES, SIR. THE STATE
21 CALLS LATOYA WRIGHT.

22 CLERK: MS. WRIGHT, IF YOU'LL COME TO THE
23 FRONT, PLACE YOUR LEFT HAND ON THE BIBLE AND RAISE
24 YOUR RIGHT HAND.

25 (Whereupon, Latoya Shantee Wright

1 is duly sworn.)

2 CLERK: THANK YOU, YOU MAY BE SEATED AND
3 STATE YOUR FULL NAME FOR THE COURT.

4 WITNESS: GOOD MORNING. MY NAME IS LATOYA
5 SHANTEE WRIGHT.

6 THE COURT: OKAY, MS. WRIGHT, HOLD ON ONE
7 SECOND WHILE I GET MS. WALKER ...

8 COURT REPORTER: THANK YOU.

9 THE COURT: THANK YOU, MA'AM.

10 COURT REPORTER: I'M READY.

11 THE COURT: YOU'RE READY?

12 COURT REPORTER: YES, SIR.

13 THE COURT: OKAY. ALRIGHT, MR. SORENSON.

14 (NOTE: Blank lines on this page do not indicate any
15 part of record has been omitted. Headers on testimony
16 pages and hard page breaks between testimony are now
17 required by the Court. See next ensuing page for
18 sequential continuation of record.)

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DIRECT EXAMINATION OF LATOYA S. WRIGHT

BY SOLICITOR SORENSON:

Q. GOOD MORNING, LATOYA, HOW ARE YOU THIS MORNING?

A. I'M FINE.

Q. TELL THE JURY, IF YOU WOULD, HOW OLD YOU ARE?

A. I AM TWENTY-SEVEN YEARS OLD. MY DATE OF BIRTH IS

Q. OKAY. AND WHERE DID YOU GO TO HIGH SCHOOL,
LATOYA?

A. ORANGEBURG-WILKERSON HIGH SCHOOL.

Q. OKAY. AND DID YOU GRADUATE?

A. YES, SIR.

Q. WHAT YEAR DID YOU GRADUATE?

A. TWO THOUSAND AND ONE.

Q. OKAY. AND WHAT ARE YOU CURRENTLY DOING FOR A
LIVING NOW?

A. I AM CURRENTLY A STUDENT AT ORANGEBURG CALHOUN
TECHNICAL COLLEGE, WHERE I'M MAJORING IN
RADIOLOGY.

Q. OKAY. AND HOW MANY -- DO YOU HAVE ANY CHILDREN,
LATOYA?

A. I AM A MOTHER OF ONE CHILD, SHE'S EIGHTEEN
MONTHS, HER NAME IS KEMINEE LILLIAN GREEN.

Q. AND SHE LIVES WITH YOU?

A. YES, SIR.

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- 1 Q. OKAY. AND TURNING YOUR ATTENTION BACK FIVE AND A
2 HALF, SIX MONTHS AGO, IN APRIL OF THIS YEAR WHERE
3 WERE YOU LIVING AT THAT TIME, LATOYA?
- 4 A. AT , ORANGEBURG,
5 SOUTH CAROLINA, TWO NINE ONE ONE FIVE.
- 6 Q. OKAY. AND IF YOU WOULD DESCRIBE FOR THE JURY
7 WHAT'S LOCATED AT ?
- 8 A. I STAY IN A MOBILE HOME.
- 9 Q. OKAY. AND SHOWING YOU STATE'S EXHIBIT NUMBER
10 TWO, IS THAT YOUR HOME?
- 11 A. YES, SIR.
- 12 Q. OKAY. AND THAT WHERE YOU WERE LIVING BACK IN
13 APRIL OF THIS YEAR?
- 14 A. YES, SIR.
- 15 Q. OKAY. AND WHO -- IN APRIL OF THIS YEAR WHO ELSE
16 WAS LIVING WITH YOU IN THAT MOBILE HOME?
- 17 A. JUST ME AND MY DAUGHTER.
- 18 Q. AND THAT IS LOCATED HERE IN ORANGEBURG COUNTY?
- 19 A. YES, SIR.
- 20 Q. IS THAT CORRECT? ALRIGHT, AND HOW LONG HAD YOU
21 BEEN LIVING THERE BACK IN APRIL OF THIS YEAR?
- 22 A. I HAD ONLY BEEN THERE FOR, LIKE, THREE AND A HALF
23 WEEKS.
- 24 Q. AND I TURN YOUR ATTENTION BACK SPECIFICALLY TO
25 FRIDAY EVENING, APRIL THIRD, INTO KIND OF THE

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1 EARLY MORNING HOURS OF THE TWENTY-FOURTH, OKAY?

2 A. UH-HUH.

3 Q. WHAT HAD YOU BEEN DOING THAT FRIDAY EVENING?

4 A. THAT FRIDAY EVENING I WAS AT MY DAUGHTER'S
5 FATHER'S HOUSE WHERE WE WERE JUST VISITING, AND
6 WE LEFT AROUND TWO, BY THE TIME I ARRIVED HOME IT
7 WAS A LITTLE BIT AFTER TWO.

8 Q. OKAY. DOES HE LIVE FAIRLY CLOSE TO WHERE YOU
9 WERE LIVING?

10 A. UH-HUH, ABOUT FOUR MILES AWAY FROM HOME.

11 Q. LET ME ASK YOU THIS, LATOYA, HAD YOU BEEN
12 DRINKING AT ALL THAT NIGHT OR ANYTHING?

13 A. NO, SIR, I DON'T DRINK.

14 Q. SO, YOU SAID YOU LEFT THERE A LITTLE AFTER TWO,
15 OR AROUND TWO O'CLOCK IN THE MORNING?

16 A. YES.

17 Q. AND GOT HOME A LITTLE AFTER TWO?

18 A. UH-HUH.

19 Q. AND WHAT DID YOU DO WHEN YOU, WHEN YOU GOT HOME?

20 A. WHEN I GOT HOME I GOT MY DAUGHTER OUT OF THE CAR.
21 I PLACED MY DAUGHTER IN OUR ROOM WHERE I USUALLY
22 PLACE HER IN HER ROOM. THIS PARTICULAR NIGHT I
23 PLACED HER IN BED, YOU KNOW, BECAUSE I HAD TO GET
24 UP EARLY THE NEXT MORNING, I HAD A HAIR
25 APPOINTMENT. SO, WHEN I PLACED HER IN BED AND

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1 GOT ME AND MY DAUGHTER'S CLOTHES OUT, ABOUT TEN
2 MINUTES AFTER I HAD BEEN HOME SOMEONE KNOCKED ON
3 MY DOOR.

4 Q. OKAY. SO, WHERE -- SO IF SOMEBODY KNOCKED ON
5 YOUR DOOR WHICH DOOR WAS IT THAT THEY KNOCKED ON?

6 A. IT WAS MY FRONT DOOR.

7 Q. OKAY. SO, THAT'S, IS THAT THE DOOR DEPICTED HERE
8 IN STATE'S EXHIBIT NUMBER TWO?

9 A. YES, SIR.

10 Q. AND SHOWING YOU STATE'S EXHIBIT NUMBER SIX, IS
11 THAT JUST KING OF A CLOSE UP THEN OF THE DOOR?

12 A. YES, SIR.

13 Q. OKAY. NOW, WHAT -- IT'S AFTER TWO O'CLOCK IN THE
14 MORNING, RIGHT?

15 A. YES, SIR.

16 Q. AND WAS ANYBODY ELSE HOME WITH YOU BESIDES YOU
17 AND YOUR DAUGHTER?

18 A. NO, SIR.

19 Q. OKAY. AND YOUR DAUGHTER, I BELIEVE YOU
20 TESTIFIED, WAS ABOUT A YEAR OLD AT THE TIME THEN?

21 A. YES, SIR.

22 Q. IS THAT CORRECT? ALRIGHT. WHAT DID YOU DO THEN
23 WHEN YOU HEARD THAT KNOCK AT YOUR FRONT DOOR?

24 A. WHEN I HEARD THE KNOCK I ANSWERED, WHO IS IT?
25 AND WHEN THEY ANSWERED I WASN'T FAMILIAR OF THE

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1 NAME OR THE VOICE, SO I ASKED, WHO IS IT AGAIN. I
2 STILL WASN'T FAMILIAR WITH THE NAME. THEY
3 ANSWERED BUT I WASN'T FAMILIAR WITH THE NAME OR
4 THE VOICE.

5 Q. DO YOU REMEMBER WHAT NAME THEY SAID?

6 A. I -- IT WASN'T CLEAR TO ME WHAT THEY WERE SAYING.

7 Q. ALRIGHT. WHAT DID YOU THEN DO THEN, SO THEY WERE
8 STILL OUT THERE ON YOUR PORCH?

9 A. YES, SIR.

10 Q. OKAY. WHAT DID YOU THEN DO, LATOYA?

11 A. I THEN ENTERED MY KITCHEN WHERE I PLACED MY
12 TWENTY-FIVE, AND I WENT TO GO GET MY GUN BECAUSE
13 I WAS, YOU KNOW, KIND OF SKEPTICAL OF WHO IT
14 WOULD BE AT THAT TIME IN THE MORNING. SO I
15 GRABBED MY PISTOL, I OPENED THE DOOR, AND THERE
16 WAS MR. GREENE.

17 Q. OKAY. NOW, YOU SAID YOU OPENED THE DOOR. NOW, IS
18 THAT -- DESCRIBE WHAT -- THE FRONT OF THE TRAILER
19 THERE, WHAT KIND OF DOORS ARE ON THE FRONT THERE?

20 A. OKAY. IT'S A SCREEN DOOR AND WOODEN DOOR. I
21 OPENED THE WOODEN DOOR.

22 Q. OKAY. I'M SHOWING YOU STATE'S EXHIBIT NUMBER
23 SIX. I GUESS YOU CAN KIND OF SEE THE WOODEN DOOR
24 ON THE INSIDE THERE?

25 A. UH-HUH.

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1 Q. SO, WHEN YOU OPENED IT, IT OPENS, I GUESS, KIND
2 OF ...

3 A. IN THE INSIDE.

4 Q. INSIDE, AND TO THE RIGHT, IS THAT CORRECT?

5 A. YES, SIR.

6 Q. ALRIGHT. SO, WHEN YOU OPENED THAT WOODEN DOOR
7 AND YOU SAID YOU SAW THERE WAS SOMEBODY OUTSIDE?

8 A. YES, SIR.

9 Q. OKAY. NOW WAS YOUR SCREEN DOOR OPEN OR CLOSED?

10 A. IT WAS OPEN.

11 Q. OKAY. SO, ALMOST BASICALLY HOW IT IS THEN IN
12 THIS PICTURE HERE?

13 A. YES, SIR.

14 Q. SO, ONCE YOU OPENED THE DOOR, I MEAN, THAT'S
15 BASICALLY HOW THE TWO DOORS WERE THEN POSITIONED?

16 A. YES, SIR.

17 Q. OKAY. NOW, LET ME ASK YOU THIS, WHEN YOU OPENED
18 THE DOOR THEN AND SAW THIS PERSON THERE, DID YOU
19 RECOGNIZE HIM?

20 A. NO, SIR.

21 Q. SOMEBODY YOU DON'T EVER REMEMBER SEEING BEFORE?

22 A. EXACTLY.

23 Q. ALRIGHT. AND WHEN YOU'RE, SO YOU'RE STANDING NOW
24 I GUESS IN YOUR DOORWAY?

25 A. YES, I'M STANDING AT THE DOOR.

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1 Q. HOW FAR AWAY WAS THIS PERSON FROM YOU AT THAT
2 TIME?

3 A. ABOUT, OH, HE WAS STANDING -- BACK UP A LITTLE
4 BIT. RIGHT THERE.

5 Q. OKAY, SO THREE FEET MAYBE AT THE MOST?

6 A. UH-HUH.

7 Q. OKAY. NOW AT THAT POINT IN TIME -- LET ME ASK
8 YOU, WHEN YOU OPENED THE DOOR, I MEAN, DID HE
9 HAVE -- WAS HE POINTING A GUN AT YOU OR ANYTHING
10 AT THAT POINT IN TIME - - -

11 A. NO, SIR.

12 Q. --- WHEN YOU FIRST OPENED THE DOOR?

13 A. NO, SIR.

14 Q. OKAY. SO, WHERE, WHERE DID YOUR ATTENTION GO,
15 THEN, WHEN YOU OPENED THE DOOR AND SAW THIS
16 PERSON STANDING THERE?

17 A. I WAS LOOKING IN HIS FACE BECAUSE I WAS TRYING TO
18 SEE IF I KNEW HIM. I DIDN'T KNOW HIM, YOU KNOW,
19 AND THAT'S WHEN I ASKED HIM, WHO ARE YOU?

20 Q. OKAY. NOW, WHAT IS THE, WHAT IS THE LIGHTING
21 LIKE KING OF ON YOUR PORCH AREA THERE?

22 A. ON MY PORCH AREA, I DIDN'T HAVE A BULB IN.

23 Q. GOING BACK TO THIS PICTURE, STATE'S NUMBER SIX, I
24 SEE WHERE THERE'S A SPOT FOR A LIGHT BULB. WAS
25 THERE A LIGHT BULB IN ON THE PORCH?

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- 1 A. IT WASN'T A LIGHT BULB IN.
- 2 Q. OKAY. HOW ABOUT, IS THERE ANY OTHER LIGHTS
- 3 OUTSIDE IN YOUR YARD?
- 4 A. YES, SIR. IT'S A LIGHT IN MY FRONT YARD.
- 5 Q. I'M SHOWING YOU STATE'S NUMBER TWO, DOES THAT
- 6 SHOW THE, KIND OF THE OUTSIDE LIGHT?
- 7 A. UH-HUH.
- 8 Q. AND WAS THAT LIGHT ON THAT NIGHT?
- 9 A. YES, SIR.
- 10 Q. HOW ABOUT BEHIND, INSIDE YOUR RESIDENCE?
- 11 A. IT WAS A LIGHT ON IN MY KITCHEN.
- 12 Q. OKAY. AND LET ME ASK YOU THIS, IF I COME IN, IF
- 13 I HAD WALKED IN YOUR FRONT DOOR WHICH WAY WOULD I
- 14 GO TO GO TO THE KITCHEN?
- 15 A. TO YOUR RIGHT.
- 16 Q. IF I GO IN THAT DOOR AND GO TO THE RIGHT THAT WAY
- 17 I WOULD BE WALKING INTO THE KITCHEN?
- 18 A. UH-HUH.
- 19 Q. AND I'M SHOWING YOU STATE'S EXHIBIT NUMBER THREE,
- 20 DOES THAT SHOW THE KITCHEN LIGHT?
- 21 A. YES, SIR.
- 22 Q. AND WAS THAT ALIGHT ON THAT NIGHT WHEN YOU
- 23 ANSWERED THE DOOR?
- 24 A. YES, SIR.
- 25 Q. LET ME ASK YOU THIS, FROM THE KITCHEN LIGHT THEN

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1 WAS THE DOOR, THE INTERIOR DOOR BLOCKING THAT
2 LIGHT?

3 A. NO, SIR.

4 Q. DOES IT OPEN IN THE OTHER DIRECTION?

5 A. IT, YEAH, IT OPENS TO MY RIGHT, IF I WAS FACING
6 YOU IT WOULD BE OPENING TO MY RIGHT.

7 Q. SO, AS YOU'RE FACING OUT OF YOUR RESIDENCE THE
8 DOOR IS OPENING TO YOUR RIGHT?

9 A. TO MY RIGHT, AND THE LIGHT IS ON MY LEFT.

10 Q. THE KITCHEN AND THE LIGHT IS ON THE LEFT?

11 A. YES.

12 Q. LET ME ASK YOU THIS, THEN, FROM THE LIGHT OUTSIDE
13 AND THE LIGHT IN THE KITCHEN WERE YOU ABLE TO SEE
14 THIS PERSON'S FACE?

15 A. EXACTLY. YES, SIR.

16 Q. ANY DIFFICULTY IN DOING THAT?

17 A. NOT AT ALL.

18 Q. NOW, DID THE PERSON HAVE ANYTHING OBSTRUCTING
19 YOUR VIEW OF HIS FACE, WAS A BANDANA OR ANYTHING
20 PULLED UP OVER HIS FACE?

21 A. NO, SIR.

22 Q. A BASEBALL HAT ON PULLED DOWN LOWER OVER HIS EYES
23 OR ANYTHING?

24 A. NO, SIR.

25 Q. HAVE GLASSES ON OR ANYTHING OF THAT NATURE?

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1 A. NO, SIR.

2 Q. LET ME ASK YOU THIS, AS FAR AS YOUR VISION GOES,
3 I NOTICE YOU'RE NOT WEARING GLASSES, BUT DO YOU
4 WEAR CORRECTIVE LENSES?

5 A. I WEAR CORRECTIVE LENSES, YES, SIR.

6 Q. CONTACTS?

7 A. YES, SIR.

8 Q. DID YOU HAVE YOUR CONTACTS IN THAT NIGHT WHEN YOU
9 ANSWERED THE DOOR?

10 A. YES, SIR.

11 Q. SO, IT'S AN ULTIMATE QUESTION THEN, DID YOU GET
12 AN OPPORTUNITY AT THAT POINT IN TIME WHEN YOU
13 ANSWERED THE DOOR TO GET A GOOD LOOK AT THIS
14 PERSON STANDING ON YOUR PORCH?

15 A. YES, SIR.

16 Q. ALRIGHT. AND IF YOU WOULD, DESCRIBE THAT PERSON
17 FOR THE JURY?

18 A. IT WAS A SHORT, DARK SKINNED YOUNG MALE. HE HAD
19 TWISTS IN HIS HAIR, TWIST DREDS, SHORT TWISTS IN
20 HIS HAIR. I WOULD SAY ABOUT FIVE-FOUR. I NOTICED
21 A TATTOO ON HIS RIGHT EYE.

22 Q. OKAY. DESCRIBE THAT TATTOO, KIND OF THE SHAPE OF
23 IT?

24 A IT'S A TEAR DROP TATTOO ON HIS RIGHT EYE.

25 Q. ALRIGHT. AND AT THAT POINT IN TIME AFTER YOU

1 WERE KIND OF LOOKING AT HIM, TELL THE JURY WHAT
2 HAPPENED NEXT?

3 A. AGAIN, AS I STATED, WHEN I OPENED THE DOOR
4 THERE'S A YOUNG MAN STANDING IN FRONT OF ME, AND
5 I'M TRYING TO RECOGNIZE WHO HE IS, AND I'M ASKING
6 HIM, WELL, WHO ARE YOU, YOU KNOW, AND THAT'S
7 WHEN, YOU KNOW, HE KIND OF STARTLED, AND THEN HE
8 PULLS THE GUN OUT AND PUT THE GUN IN MY FACE.

9 Q. DID HE SAY ANYTHING WHEN HE PULLED OUT THE GUN?

10 A. HE SAID, LET ME GET EVERYTHING YOU'VE GOT.

11 Q. WHAT, WHAT DID YOU DO WHEN THAT HAPPENED?

12 A. AT THAT PARTICULAR TIME I WAS KIND OF LIKE
13 SCARED, YOU KNOW, KIND OF LIKE STARTLED, AND I'M,
14 LIKE, NOT UNDERSTANDING REALLY WHAT'S GOING ON.
15 AND I WAS KIND OF LIKE DECIDING WHETHER I SHOULD
16 STAY HERE AND GIVE HIM WHAT HE WANT, WHICH, YOU
17 KNOW, I REALLY DIDN'T HAVE ANYTHING, OR WHETHER I
18 SHOULD RUN FOR MY LIFE. AND THEN, AS I BEGAN TO
19 RUN THAT'S WHEN HE FIRED A SHOT.

20 Q. AND WHERE WAS HE STANDING AT WHEN THAT FIRST SHOT
21 WAS FIRED?

22 A. WHEN THAT FIRST SHOT WAS FIRED HE WAS STANDING AT
23 MY FRONT DOOR.

24 Q. OKAY. AND WHERE WERE YOU AT?

25 A. I WAS BEGINNING TO RUN TO THE BACK DOOR.

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1 Q. OKAY. AND DO YOU STILL HAVE THE GUN THAT YOU HAD
2 BROUGHT TO THE DOOR IN YOUR HAND?

3 A. IN MY HAND.

4 Q. NOW, THAT FIRST SHOT, DO YOU KNOW WHETHER THAT
5 FIRST SHOT HIT YOU?

6 A. YES, SIR, IT HAD TO HIT ME BECAUSE THE SECOND
7 SHOT WAS WHEN I WAS RUNNING TOWARDS THE BACK
8 DOOR. SO, MY BACK WAS KIND OF LIKE TURNED.

9 Q. OKAY.

10 A. AND AS I WAS LOOKING BACK HE WAS IN MY LIVING
11 ROOM AT THAT PARTICULAR TIME WHEN HE FIRED THE
12 SECOND SHOT.

13 Q. OKAY. AND WHERE -- YOU SAID SO YOU KNEW IT HAD
14 TO BE THE FIRST SHOT. HOW COME? TELL THE JURY
15 WHY YOU KNEW IT HAD TO BE THE FIRST SHOT THAT HIT
16 YOU?

17 A. BECAUSE WHERE I GOT SHOT AT WAS IN MY ABDOMEN,
18 RIGHT ABDOMEN, AND MY LEFT BREAST, AND THE SECOND
19 SHOT, WHEN HE FIRED THE SECOND SHOT, AGAIN, LIKE
20 I SAID, MY BACK WAS TURNED, I WAS RUNNING OUT THE
21 BACK DOOR. SO, HE HAD TO -- WHEN HE SHOT THE
22 FIRST SHOT THAT WAS THE SHOT THAT HAD TO SHOOT
23 ME.

24 Q. LET ME BACK YOU UP, JUST ONE QUICK THING I
25 MISSED, LATOYA. FROM THE TIME WHEN YOU FIRST

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1 OPEN THE DOOR AND YOU FIRST GET A LOOK AT THIS
2 GUY'S FACE UNTIL WHEN HE PULLS OUT THE GUN, ABOUT
3 HOW MUCH TIME DO YOU THINK TOOK PLACE FROM THERE?

4 A. ABOUT FOUR OR FIVE SECONDS.

5 Q. ALRIGHT. AND YOU SAID YOU WERE RUNNING DOWN THE
6 HALLWAY?

7 A. YES, SIR.

8 Q. AND IS THE HALLWAY THE SAME DIRECTION AS THE
9 KITCHEN OR THE OTHER DIRECTION?

10 A. IT'S IN THE OTHER DIRECTION, GOING TOWARDS MY
11 RIGHT.

12 Q. OKAY. AND I'M SHOWING YOU STATE'S EXHIBIT NUMBER
13 FOUR, DOES THAT SHOW THE FRONT DOOR OPEN AND THEN
14 ALSO THE HALLWAY?

15 A. YES, SIR.

16 Q. KIND OF POINT WHERE THE HALLWAY IS?

17 A. THIS IS THE HALLWAY GOING TOWARDS THE BACK DOOR.

18 Q. AND YOU, THAT'S THE DIRECTION YOU WERE RUNNING IS
19 DOWN THAT WAY?

20 A. YES, SIR.

21 Q. OKAY. AND WHAT, WHAT DID YOU DO THEN AS YOU WERE
22 RUNNING DOWN THAT HALLWAY?

23 A. AS I WAS RUNNING DOWN THE HALLWAY MY FIRST
24 INTENTIONS WAS TO GO AND GRAB MY DAUGHTER. I
25 LOOKED BACK TO SEE IF HE WAS STILL BEHIND ME AND

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- 1 HE WAS STANDING IN MY LIVING ROOM. SO, I KNOW I
2 DIDN'T, WOULD REALLY HAVE ENOUGH TIME TO GO GRAB
3 MY DAUGHTER, SO THE FIRST, MY FIRST INTENTIONS
4 WAS TO GO AND BUST THE BACK DOOR OPEN, WHICH,
5 THAT'S WHAT I DID, I WENT AND BUST THE BACK DOOR
6 OPEN TRYING TO GET HELP. BECAUSE I KNOW IF I
7 WOULD HAVE GONE AND GRABBED MY DAUGHTER, ME OR
8 HER COULD NOT HAVE, OR MIGHT HAVE NOT MADE IT OUT
9 OF THE HOUSE ALIVE. I RAN OUT THE BACK DOOR ...
- 10 Q. LET ME ASK YOU, YOU SAID YOU BUSTED THE BACK DOOR
11 OPEN?
- 12 A. YES, SIR.
- 13 Q. DESCRIBE FOR THE JURY, HOW WAS THE BACK DOOR
14 LOCKED?
- 15 A. THE BACK DOOR HAS A CHAIN ON IT, AND IT ALSO HAS
16 A BOTTOM LOCK.
- 17 Q. OKAY. AND IN FACT, DID YOU DO ANY DAMAGE TO ANY
18 OF THOSE LOCKS OF THE DOOR ATTEMPTING TO GET OUT
19 OF THERE?
- 20 A. YES, SIR, BECAUSE THE CHAIN WAS STILL ON THE BACK
21 DOOR.
- 22 Q. I'M SHOWING YOU STATE'S EXHIBIT NUMBER SEVEN, IS
23 THAT THE CHAIN?
- 24 A. YES, SIR.
- 25 Q. AND WHERE IT'S HANGING, WHERE DID THAT PART

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1 THAT'S HANGING, WHERE DID THAT USED TO BE?

2 A. IT WAS, WELL, THE INSIDE OF THE DOOR.

3 Q. SO, THAT'S BEEN PULLED ACTUALLY OUT OF THE DOOR?

4 A. YES, SIR.

5 Q. AND HOW DID THAT HAPPEN?

6 A. BY ME BUSTING THE DOOR OPEN.

7 Q. LATOYA, WHERE -- LET ME ASK YOU, DID YOU STILL
8 HAVE YOUR GUN WITH YOU WHEN YOU WERE GOING DOWN
9 THE HALLWAY?

10 A. AS I WAS RUNNING DOWN THE HALLWAY I STILL HAD MY
11 GUN IN MY HAND. ME TRYING TO GET OUT THE DOOR
12 AND RUNNING, I DROPPED MY GUN.

13 Q. WHERE?

14 A. WHERE, EXACTLY WHERE I DROPPED IT I DON'T
15 REMEMBER WHERE I DROPPED IT, BUT I DROPPED IT
16 INSIDE MY HOUSE.

17 Q. INSIDE THE HOUSE, SO SOMEWHERE INSIDE?

18 A. UH-HUH.

19 Q. WHERE, WHEN YOU THEN LEFT, LEFT THE HOUSE WHERE
20 DID YOU GO?

21 A. I RAN UP THE STREET, UP ALETHA, BECAUSE ON THE
22 WAY HOME THAT NIGHT I HAD SEEN SOME PEOPLE
23 HANGING OUTSIDE OF THE STORE CALLED TAMMY'S
24 CONVENIENCE STORE, WHICH IS AT THE BEGINNING OF
25 ALETHA STREET. AND AT THAT TIME OF NIGHT I KNOW,

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1 LIKE, ME GOING TO ONE MY NEIGHBOR'S HOUSE OR
2 NOTHING, OR SOMETHING, I KNOW THAT IT WOULD BE
3 HARD TO GET SOMEONE, A DOOR OPENED FOR ME TO GET
4 HELP. AND AGAIN, I'M THINKING THAT THIS GUY IS
5 STILL BEHIND ME. SO, THE FIRST THING I DO IS RUN
6 TO WHERE I KNOW I WOULD GET SOME TYPE OF HELP.
7 AND BECAUSE I KNOW, I KNEW THAT THERE WAS STILL
8 SOME PEOPLE UP AT THE STORE I RAN TO THE STORE TO
9 GET HELP.

10 Q. OKAY. AND YOU SAID YOU HAD GONE BY THERE ON YOUR
11 WAY HOME A SHORT TIME BEFORE?

12 A. I HAD TO PASS THAT STORE.

13 COURT REPORTER: SOLICITOR, DID I MARK THAT
14 FOR ID?

15 SOLICITOR SORENSON: YOU DID.

16 COURT REPORTER: THANK YOU, I COULDN'T
17 REMEMBER DOING THAT.

18 Q. LET ME SHOW YOU, LATOYA, IF I COULD, STATE'S
19 EXHIBIT NUMBER THIRTEEN. DO YOU RECOGNIZE THIS
20 MAP, DID YOU HAVE A CHANCE TO LOOK AT THIS
21 EARLIER?

22 A. YES, SIR.

23 Q. ALRIGHT.

24 SOLICITOR SORENSON: YOUR HONOR, AT THIS
25 TIME I'D OFFER STATE'S THIRTEEN INTO EVIDENCE.

1 MS. HINDS: NO OBJECTION.

2 THE COURT: OKAY. IT'S SO ADMITTED.

3 COURT REPORTER: STATE'S THIRTEEN.

4 (State's Exhibit Thirteen
5 marked and filed.)

6 SOLICITOR SORENSON: COULD I HAVE HER
7 BRIEFLY STEP DOWN, YOUR HONOR?

8 THE COURT: YOU MAY STEP DOWN.

9 Q. OKAY. LATOYA, I NEED YOU TO COME AROUND HERE,
10 AND THE MOST IMPORTANT THING, I NEED YOU TO MAKE
11 SURE YOU KEEP YOUR VOICE UP, AND I WANT TO ASK
12 YOU A COUPLE OF QUESTIONS DOWN HERE. BUT I'M
13 SHOWING YOU STATE'S EXHIBIT NUMBER THIRTEEN.
14 COULD YOU POINT OUT KIND OF WHERE YOUR MOBILE
15 HOME IS ON HERE?

16 A. RIGHT HERE, I'M THE FOURTH TRAILER ON THE LEFT,
17 THE LAST TRAILER ON THE LEFT.

18 Q. OKAY. SO WHERE, IT'S KIND OF WHERE THIS BLUE BOX
19 IS WITH THE FOUR TRAILERS, YOURS IS THE CLOSEST
20 TO THIS RAILROAD TRACK HERE?

21 A. EXACTLY.

22 Q. SO, THE CLOSEST TO THE RAILROAD TRACK, IS THAT
23 RIGHT?

24 A. UH-HUH.

25 Q. ALRIGHT. AND THIS IS ALETHA STREET HERE?

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1 A. YES, SIR.

2 Q. NOW, I'M NOT SURE IT'S ON THE MAP HERE, BUT CAN
3 YOU KIND OF POINT OUT TO THE JURY WHERE THE STORE
4 WOULD BE THAT YOU RAN TO?

5 A. IT WAS AT THE BEGINNING OF ALETHA STREET. IT
6 FACES ALETHA STREET BUT BESIDE OF IT IS WHALEY
7 STREET.

8 COURT REPORTER: BESIDE OF IT WAS WHERE? I
9 CAN'T HEAR YOU.

10 Q. ON WHALEY.

11 A. ON WHALEY STREET.

12 COURT REPORTER: WHALEY?

13 A. WHALEY.

14 Q. SO, BASICALLY IT WAS AT THE INTERSECTION OF
15 ALETHA AND WHALEY?

16 A. YES, SIR.

17 Q. OKAY. SO, THAT WOULD BE WHERE YOU EVENTUALLY
18 THOSE TWO BLOCKS, IS THAT CORRECT?

19 A. EXACTLY.

20 Q. OKAY. YOU CAN COME BACK UP HERE. LET ME ASK YOU
21 THIS, WERE YOU -- YOU TESTIFIED EARLIER THAT YOU,
22 THAT YOU FELT THAT YOU HAD BEEN SHOT IN YOUR KIND
23 OF ABDOMEN AND BREAST AREA?

24 A. YES, SIR.

25 Q. WAS, WERE YOU BLEEDING AT ALL WHEN YOU WERE

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1 RUNNING?

2 A. YES, SIR.

3 Q. NOW, WHEN YOU GOT DOWN TO THAT LITTLE KIND OF
4 CORNER STORE THERE WAS THERE ANYBODY DOWN THERE?

5 A. YES, SIR.

6 Q. OKAY. AND WHAT HAPPENED WHEN YOU GOT DOWN THERE?

7 A. WHEN I GOT DOWN THERE I WAS YELLING, HELP,
8 SOMEONE HELP ME, I JUST GOT SHOT, SOMEBODY TRIED
9 TO ROB ME. AND THERE WERE A COUPLE OF PEOPLE
10 THAT WERE STANDING OUTSIDE. ONE WAS THIS GUY
11 NAMED ERNEST, AND THE OTHER WAS THIS GIRL NAMED
12 LEBO, AND AS I WAS APPROACHING THEM, AGAIN, ALL I
13 WAS TRYING TO DO WAS GET BACK TO MY DAUGHTER.
14 SOMEONE, YOU KNOW, OR SOMEONE COULD GET BACK TO
15 MY DAUGHTER AND, YOU KNOW, TRY TO CALL THE POLICE
16 TO LET THEM KNOW THAT I JUST GOT SHOT. I THEN
17 LET LEBO KNOW THAT I JUST BEEN SHOT, YOU KNOW,
18 AND I WAS, LIKE, COULD SOMEONE JUST GO GET MY
19 DAUGHTER, YOU KNOW. AND THAT'S WHEN HER BOY
20 FRIEND CALLED THE COPS FOR ME.

21 Q. OKAY. SO, SOMEBODY CALLED NINE ONE ONE?

22 A. UH-HUH.

23 Q. OKAY. LET ME ASK YOU, DID SOMEBODY GO BACK AND
24 ULTIMATELY GO GET YOUR DAUGHTER?

25 A. YES, SIR.

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1 Q. DO YOU KNOW WHO THAT WAS THAT WENT BACK AND GOT
2 YOUR DAUGHTER?

3 A. YES, SIR.

4 Q. WHO WAS THAT THAT HAD BEEN THERE?

5 A. HIS NAME IS GREG ELLISON.

6 Q. AND YOUR DAUGHTER WAS SAFE?

7 A. YES, SIR.

8 Q. OKAY. NOW, LET ME ASK YOU THIS, DID YOU END UP
9 GETTING IN A VEHICLE WITH ANYBODY OUT THERE AT
10 THE SCENE OR OUT THERE AT THAT CONVENIENCE STORE?

11 A. YES, SIR.

12 Q. AND WHO WAS THAT THAT YOU GOT IN THE VEHICLE
13 WITH?

14 A. LEBO.

15 Q. OKAY. AND WHY DID YOU GET IN THE CAR WITH HER?

16 A. BECAUSE AT THE TIME SHE WAS GOING TO TAKE ME TO
17 ER, YOU KNOW, AND SHE WAS GOING TO TAKE ME DOWN
18 THERE TO GET MY DAUGHTER.

19 Q. OKAY. AND IN THE PROCESS OF THAT HAPPENING, DID
20 Y'ALL COME UPON SOMEBODY?

21 A. YEAH, WE CAME UPON THE COPS.

22 Q. OKAY. AND DID YOU END UP FLAGGING THE COPS DOWN
23 OR DID THEY STOP WITH YOU OR ANYTHING LIKE THAT?

24 A. WE ENDED UP FLAGGING THE COPS DOWN.

25 Q. OKAY. SO, DID YOU THEN HAVE AN OPPORTUNITY TO GET

1 OUT AND KIND OF TALK WITH SOME OF THE POLICE
2 OFFICES OUT THERE?

3 A. YES, SIR.

4 Q. LET ME ASK YOU, DID THE AMBULANCE COME OUT THERE
5 TO WHERE YOU WERE, TOO?

6 A. YES, SIR.

7 Q. OKAY. AND LET ME JUST YOU THIS, BEFORE THE TIME
8 WHEN YOU WERE WITH LEBO IN THE CAR, HAD YOU
9 GOTTEN YOUR CHILD BACK YET?

10 A. YES, SIR.

11 Q. OKAY. SO, YOU KNEW THAT SHE WAS SAFE?

12 A. YES, SIR.

13 Q. OKAY. AND THEN THE POLICE OFFICERS COME. DID
14 THEY GET THERE PRETTY QUICK?

15 A. YES, SIR.

16 Q. OKAY. NOW, DID YOU TALK TO LEBO AT ALL WHEN
17 YOU'RE SITTING IN THE CAR BEFORE YOU TALKED TO
18 THE POLICE OFFICERS AND TELL HER, YOU KNOW, WHAT
19 HAD HAPPENED OR DESCRIBE THE PERSON OR ANYTHING
20 INITIALLY?

21 A. NO, SIR, NOT AT THE TIME. AT THE TIME I WAS SO
22 SCARED BECAUSE I DIDN'T KNOW WHETHER THE BULLET
23 HAD WENT THROUGH. I WAS, LIKE, REALLY PANICKING,
24 YOU KNOW.

25 Q. EMS, SO THE AMBULANCE CAME OUT THERE. DID THEY

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1 END UP TREATING YOU?

2 A. YES, SIR.

3 Q. OKAY. DID YOU FIND OUT AT THAT POINT IN TIME THAT
4 IT WAS MORE OF A - - -

5 A. A GRAZE.

6 Q. --- THAT YOU HAD BEEN GRAZED AS OPPOSED TO A
7 STRAIGHT IN, IS THAT CORRECT?

8 A. CORRECT.

9 Q. IN FACT, ARE YOU AWARE OF WHETHER THEY ACTUALLY
10 FOUND KIND OF PART OF THE BULLET ACTUALLY IN YOUR
11 SHIRT?

12 A. EXACTLY.

13 Q. ALRIGHT. DID YOU HAVE AN OPPORTUNITY THEN TO
14 TALK WITH ANYBODY OUT THERE AND TELL THEM NOT
15 ONLY WHAT HAD HAPPENED BUT TO DESCRIBE THE PERSON
16 THEN?

17 A. YES, THE POLICE.

18 Q. THE POLICE. AND DO YOU REMEMBER WHO THAT WAS YOU
19 WERE TALKING TO OR, OUT THERE?

20 A. IT WAS SO MANY COPS OUT THERE, I DON'T REMEMBER
21 EXACTLY WHAT THE COP'S NAME WAS, BECAUSE I WAS
22 TALKING TO SO MANY OF THEM.

23 Q. OKAY. DID YOU TELL THEM WHAT HAPPENED, THOUGH,
24 WHOEVER WAS ASKING YOU QUESTIONS?

25 A. YES, SIR.

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210

1 Q. AND DID YOU GIVE THEM THE DESCRIPTION THAT YOU
2 JUST TOLD THIS JURY ABOUT?

3 A. YES, SIR.

4 Q. OKAY. AND DURING THE PROCESS OF DOING THAT WAS
5 THERE ANYBODY ELSE KIND OF STANDING AROUND OUT
6 THERE?

7 A. YES, SIR.

8 Q. AND WHO WAS THAT?

9 A. THE SAME PEOPLE THAT WAS STANDING AT THE STORE.
10 LEBO AND ERNEST WAS ONE OF THEM THAT I CAN
11 REMEMBER, AND GREG ELLISION WHICH WAS THE PERSONS
12 THAT RETRIEVED MY DAUGHTER FROM OUT THE HOME. IT
13 WAS THE POLICE, YOU KNOW, AT THAT TIME I THINK MY
14 MOTHER AND MY FATHER HAD THEN ARRIVED, BECAUSE IT
15 TOOK SO LONG, YOU KNOW, FOR ME TO LEAVE THE
16 SCENE. YOU KNOW, I WAS CONTINUOUSLY GIVING A
17 DESCRIPTION OF THE GUY. I REMEMBER HOW THE GUY
18 LOOKED AND WHAT HE HAD ON.

19 Q. OKAY. AND THAT'S SOMETHING I DIDN'T ASK YOU
20 BEFORE, WHAT DO YOU REMEMBER ABOUT WHAT HE WAS
21 WEARING?

22 A. I REMEMBER HE WAS WEARING A GREEN SHIRT, SOME
23 BLUE JEANS, AND HE ON A JACKET. I REMEMBER THE
24 SHORT TWISTS IN HIS HAIR, I KNOW HE WAS SHORT,
25 DARK SKINNED. HIS NOSE WAS KIND OF BIG, I

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1 REMEMBER THAT, TOO, AND I REMEMBER THE TEAR DROP
2 TATTOO ON HIS FACE.

3 Q. OKAY. NOW, YOU TESTIFIED EARLIER, TOLD THE JURY
4 THAT YOU DIDN'T RECOGNIZE THIS GUY, HAD NEVER
5 SEEN HIM BEFORE?

6 A. NEVER SEEN HIM A DAY BEFORE IN MY LIFE.

7 Q. SO, OBVIOUSLY, AT THAT POINT IN TIME THAT NIGHT
8 YOU DIDN'T KNOW HIS NAME, RIGHT?

9 A. EXACTLY.

10 Q. NOW, DID THERE COME A TIME WHERE THAT WAS KIND OF
11 BROUGHT UP, HIS NAME OUT THERE?

12 A. YES, SIR.

13 Q. AND HOW, TELL THE JURY HOW THAT CAME ABOUT?

14 A. OKAY. AS I WAS EXPLAINING TO THE COP WHAT
15 HAPPENED, GIVING A DESCRIPTION OF THE MALE WHO
16 ENTERED MY HOME, THE GIRL, LEBO, AND HER
17 BOYFRIEND WALKED THROUGH, I MEAN, HER BOYFRIEND,
18 ERNEST, WAS STANDING OUTSIDE OR WAS STANDING
19 AROUND KIND OF LIKE TRYING TO SEE WHAT WAS REALLY
20 GOING ON. WHEN I WAS GIVING A DESCRIPTION TO THE
21 COPS LEBO KIND OF LIKE SPOKE UP AND ASKED ME,
22 EXPLAIN WHAT HE HAD ON AGAIN? AND I STARTED
23 EXPLAINING WHAT HE HAD ON, A DESCRIPTION OF HOW
24 HE LOOKED, AND I EXPLAINED TO HER THE TATTOO
25 UNDER THE RIGHT EYE, AND THAT'S WHEN SHE WAS,

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1 LIKE, WELL, THAT'S WALTER, HE JUST LEFT THE
2 STORE.

3 Q. AND AT THAT POINT IN TIME DID YOU, YOU STILL, YOU
4 DIDN'T KNOW WHO WALTER WAS?

5 A. I DON'T KNOW WHO WALTER IS, EXACTLY.

6 Q. OKAY. AND WAS THAT INFORMATION THEN GIVEN TO THE
7 POLICE OFFICERS WHEN THEY WERE OUT THERE ALSO?

8 A. YES, SIR.

9 Q. ALRIGHT. NOW, WERE YOU ULTIMATELY THAT NIGHT,
10 LATOYA, TAKEN TO THE REGIONAL MEDICAL CENTER?

11 A. YES, SIR.

12 Q. AND IT WAS BY THE AMBULANCE?

13 A. YES, SIR.

14 Q. OKAY. AND WHAT HAPPENED AT THE REGIONAL MEDICAL
15 CENTER?

16 A. WHERE THEY TREATED ME, THEY KIND OF LIKE RAN
17 TESTS TO MAKE SURE ANY FRAGMENTS DIDN'T GO IN OR
18 ANYTHING DIDN'T GO IN.

19 Q. DID THEY GIVE YOU ANY SHOTS OR ANYTHING LIKE THAT
20 THERE, DO YOU REMEMBER?

21 A. NO, SIR.

22 Q. DID THEY ULTIMATELY END UP, I GUESS, KIND OF
23 BANDAGING YOU UP?

24 A. YES, SIR.

25 Q. OKAY. AND DID YOU, WERE YOU RELEASED LATER ON

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1 THAT MORNING?

2 A. YES, SIR.

3 Q. ALRIGHT. NOW, THAT NIGHT, YOU TESTIFIED A MOMENT
4 AGO THAT, THAT LEBO HAD GIVEN THE POLICE THE
5 NAME, WALTER?

6 A. UH-HUH.

7 Q. NOW, DID YOU GET, DID YOU HAVE ANY IDEA IF THEY
8 GOT A LAST NAME THAT NIGHT FROM HER?

9 A. NO, THEY DIDN'T GET A LAST NAME FROM HER THAT
10 NIGHT BECAUSE SHE SAID THAT SHE COULDN'T REMEMBER
11 HIS LAST NAME, BUT SHE DID KNOW HIM, THEY WENT TO
12 SCHOOL TOGETHER.

13 Q. DID YOU HAVE A CHANCE TO TALK TO HER ULTIMATELY
14 THE NEXT DAY OR SO AFTER THAT?

15 A. YES, SIR.

16 Q. OKAY. AND DID YOU, WAS SHE ABLE TO AT SOME POINT
17 IN TIME THE NEXT DAY OR SO GIVE YOU A LAST NAME
18 FOR THE PERSON SHE THOUGHT YOU WERE DESCRIBING?

19 A. YES, SIR.

20 Q. AND WHAT WAS THAT LAST NAME?

21 A. GREENE.

22 Q. AND DID YOU THEN DO -- WHAT DID YOU THEN DO WITH
23 THAT INFORMATION THAT YOU GOT FROM HER?

24 A. I REPORTED IT TO MR. RIVERS.

25 Q. OKAY, SO YOU CALLED DETECTIVE RIVERS AND GAVE HIM

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1 THAT, NOT ONLY THE FIRST NAME, WALTER, BUT THEN
2 THE LAST NAME, GREENE, - - -

3 A. EXACTLY.

4 Q. --- AS A POSSIBLE SUSPECT? OKAY. LET ME ASK
5 YOU, WHEN DID YOU, WHEN DID YOU GO BACK TO YOUR
6 HOME?

7 A. I WENT BACK TO MY HOME THE NEXT DAY, KIND OF LIKE
8 TO CHECK, CHECK ON MY HOME TO SEE IF ANYTHING WAS
9 MISSING, AND THAT'S WHEN I NOTICED THAT THE GUN
10 THAT I HAD DROPPED THAT NIGHT WAS MISSING. I HAD
11 SOME MONEY IN MY DRAWER WHERE I HAD PUT THAT
12 NIGHT, AND I NOTICED THAT THERE WAS A HUNDRED
13 DOLLARS MISSING OUT OF Y HOME.

14 Q. WHERE HAD THAT HUNDRED DOLLARS COME FROM, DO YOU
15 REMEMBER?

16 A. IT WAS IN MY DRESSER DRAWER IN MY ROOM.

17 Q. DO YOU REMEMBER HOW YOU HAD COME ABOUT GETTING
18 THAT HUNDRED DOLLARS OR ANYTHING, IS THERE
19 ANYTHING SPECIFIC THAT YOU REMEMBER THAT YOU KNEW
20 YOU DEFINITELY HAS A HUNDRED DOLLARS?

21 A. OH, YES.

22 Q. AND WHAT WAS THAT?

23 A. I GET UNEMPLOYMENT EVERY WEDNESDAY, AND THAT WAS
24 THE MONEY THAT I HAD SET ASIDE FOR MY BILLS.

25 Q. THAT'S FINE, THAT'S WHAT I WAS GETTING AT. NOW,

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1 YOU TESTIFIED EARLIER, SO THOSE WERE THE TWO --
2 DID YOU NOTICE ANYTHING ELSE MISSING?

3 A. YES. LIKE I SAID, I NOTICED THAT THE GUN WAS
4 MISSING.

5 Q. SO, THE GUN AND ABOUT A HUNDRED DOLLARS?

6 A. WAS MISSING.

7 Q. AND THAT YOU SAID WAS IN THE DRESSER DRAWER?

8 A. YES, THE HUNDRED DOLLARS WAS IN THE DRESSER
9 DRAWER.

10 Q. NOW, LET ME ASK YOU THIS, YOU HAD TESTIFIED
11 EARLIER THAT YOU, THAT THE TWENTY-FIVE CALIBER
12 PISTOL THAT YOU HAD, HAD YOU ACTUALLY PURCHASED
13 THAT GUN?

14 A. YES, SIR.

15 Q. AND WHERE DID YOU PURCHASE THAT GUN FROM?

16 A. FROM WOODY'S PAWN SHOP.

17 Q. AND DO YOU REMEMBER WHEN THAT WAS?

18 A. THAT WAS BACK IN SEPTEMBER OF TWO THOUSAND AND
19 NINE.

20 Q. AND DID YOU HAVE AN OPPORTUNITY THEN KIND OF
21 AFTER THIS HAPPENED TO GO GET SOME DOCUMENTATION
22 FROM WOODY'S SHOWING THAT, TO PROVIDE TO PUBLIC
23 SAFETY?

24 A. YES, SIR.

25 Q. I'M SHOWING YOU STATE'S EXHIBIT NUMBER ELEVEN, IS

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1 THAT THE DOCUMENT THAT HE GAVE YOU?

2 A. YES, SIR.

3 SOLICITOR SORENSON: WE'D OFFER STATE'S
4 ELEVEN INTO EVIDENCE.

5 MS. HINDS: NO OBJECTION.

6 THE COURT: ALRIGHT, IT'S SO ADMITTED.

7 COURT REPORTER: STATE'S ELEVEN.

8 (State's Exhibit Eleven)

9 marked and filed.)

10 Q. AND THIS, LATOYA, IS A GUN REPORT FROM WOODY'S
11 PAWN SHOP?

12 A. YES, SIR.

13 Q. AND DOES THAT SHOW, I GUESS, ON NINE/FIFTEEN/O-
14 NINE, IS THAT THE DATE ON THERE, CORRECT?

15 A. YES, SIR.

16 Q. AND WHO DOES THAT SHOW THAT PURCHASED THAT
17 TWENTY-FIVE CALIBER TAURUS PISTOL?

18 A. THAT WAS ME, LATOYA SHANTEE WRIGHT.

19 Q. OKAY. AND THIS LITTLE RECEIPT DOWN HERE AT THE
20 BOTTOM, IS THAT ...

21 A. THAT'S, I HAD TO PAY FOR THAT REPORT, I HAD TO
22 PAY TEN DOLLARS FOR THAT REPORT.

23 Q. OKAY. ALRIGHT. AND YOU TOLD US A LITTLE WHILE
24 AGO THAT AFTER YOU GOT THE LAST NAME FROM LEBO
25 THAT YOU HAD PROVIDED THAT TO DETECTIVE RIVERS,

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1 IS THAT CORRECT?

2 A. YES, SIR.

3 Q. NOW, AT THAT POINT IN TIME HAD YOU, YOU KNOW, DID
4 LEBO EVER SHOW YOU A PICTURE OF WALTER GREENE OR
5 ANYTHING LIKE THAT?

6 A. NO, SIR.

7 Q. NOW, I WANT TO KIND OF FAST FORWARD YOU A COUPLE
8 OF DAYS TO APRIL TWENTY-SEVENTH. DID YOU HAVE AN
9 OPPORTUNITY THEN, I GUESS THAT WOULD PROBABLY BE
10 TUESDAY, I GUESS, DID YOU HAVE AN OPPORTUNITY TO
11 THEN GO IN AND MEET WITH DETECTIVE RIVERS?

12 A. YES, SIR.

13 Q. AND DID HE HAVE AN OPPORTUNITY THEN TO SHOW YOU A
14 SERIES OF PHOTOGRAPHS TO SEE IF YOU RECOGNIZED
15 ANYBODY?

16 A. UH-HUH.

17 Q. OKAY. I'M GOING TO SHOW YOU STATE'S EXHIBIT
18 NUMBER ONE, IS THAT THE SERIES OF PHOTOGRAPHS
19 THAT DETECTIVE RIVERS SHOWED YOU?

20 A. YES, SIR.

21 Q. NOW, WHAT, WHAT, IF ANYTHING, DID HE TELL YOU
22 BEFORE HE SHOWED YOU THIS PHOTO LINEUP?

23 A. WHEN HE SHOWED ME THE PHOTO LINEUP HE TOLD ME
24 THAT HE WANTED ME TO -- FIRST HE ASKED ME IF WAS
25 TO SEE A PHOTO LINEUP WOULD I BE ABLE TO PICK THE

1 GUY OUT, AND I TOLD HIM, YEAH. AND HE JUST TOLD
2 ME THAT HE WANTED ME TO PICK THE GUY OUT WHO
3 ENTERED MY HOME THAT NIGHT, AND THAT'S WHAT I
4 DID.

5 Q. DID HE TELL YOU THAT THERE WAS DEFINITELY
6 SOMEBODY IN THERE THAT YOU HAD TO PICK OUT?

7 A. NO.

8 Q. OKAY. DID HE IN ANY WAY SUGGEST TO YOU WHO TO
9 PICK OUT?

10 A. NO, SIR.

11 Q. OKAY. AND WHERE WAS IT, WHERE WERE YOU AT WHEN
12 HE SHOWED YOU THAT, DO YOU REMEMBER?

13 A. AT HIS OFFICE AT THE COURTHOUSE ON MIDDLETON
14 STREET.

15 Q. OKAY. IT'S OVER AT THE PUBLIC SAFETY BUILDING?

16 A. YES, SIR.

17 Q. AND THEN IS STATE'S EXHIBIT NUMBER ONE, IS THAT
18 THE LINEUP THAT DETECTIVE RIVERS SHOWED YOU?

19 A. YES, SIR.

20 Q. OKAY. AND DID YOU THEN HAVE AN OPPORTUNITY TO
21 LOOK AT IT, AND DID YOU IDENTIFY ANYBODY OUT OF
22 THIS LINEUP?

23 A. YES, SIR.

24 Q. AND WHAT PICTURE DID YOU IDENTIFY?

25 A. NUMBER THREE.

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1 Q. OKAY. AND WHAT DID YOU DO AFTER YOU IDENTIFIED
2 NUMBER THREE?

3 A. I INITIALED IT.

4 Q. OKAY. AND THEN DID YOU HAVE AN OPPORTUNITY THEN
5 TO SIGN AND DATE IT?

6 A. I SIGNED THE BACK OF THE FOLDER, YES, SIR.

7 Q. OKAY. AND LET ME ASK YOU THIS, WHY DID YOU PICK
8 OUT NUMBER THREE?

9 A. BECAUSE I KNOW THAT WAS THE GUY THAT ENTERED MY
10 HOME THAT NIGHT.

11 Q. ANY DOUBT IN YOUR MIND?

12 A. NO, SIR.

13 Q. HOW CERTAIN WERE YOU WHEN YOU LOOKED AT THESE
14 PHOTOGRAPHS THAT IT WAS NUMBER THREE?

15 A. I WAS A HUNDRED PER CENT SURE THAT THAT WAS THE
16 GUY THAT ENTERED MY HOME THAT NIGHT.

17 SOLICITOR SORENSON: YOUR HONOR, AT THIS
18 TIME WE'D OFFER STATE'S NUMBER ONE INTO EVIDENCE.

19 MS. HINDS: YOUR HONOR, WE WOULD OBJECT.

20 THE COURT: OKAY. AND I WILL NOTE YOUR
21 OBJECTION FROM YESTERDAY, AND IT'S GOING TO BE
22 PRESERVED ON THE RECORD.

23 MS. HINDS: THANK YOU, YOUR HONOR.

24 THE COURT: OKAY. THANK YOU. IT IS ADMITTED
25 INTO EVIDENCE.

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1 COURT REPORTER: STATE'S ONE.

2 (State's Exhibit One
3 marked and filed.)

4 Q. SO, THAT PICTURE UP THERE WHERE YOUR INITIALS ARE
5 ABOVE IT - - -

6 A. UH-HUH.

7 Q. --- THAT'S THE PHOTOGRAPH THAT YOU IDENTIFIED?

8 A. YES, SIR.

9 Q. AND YET AGAIN, ANY DOUBT IN YOUR MIND WHEN YOU
10 SAW THAT?

11 A. NO, SIR.

12 Q. HOW LONG DO YOU THINK YOU LOOKED AT THESE
13 PHOTOGRAPHS BEFORE YOU PICKED OUT NUMBER THREE?

14 A. AS SOON AS HE GAVE IT TO ME I LOOKED AT THE
15 PHOTOGRAPHS, I LOOKED AT ALL THE PHOTOGRAPHS, AND
16 I IMMEDIATELY PICKED OUT NUMBER THREE.

17 SOLICITOR SORENSON: I BEG THE COURT'S
18 INDULGENCE.

19 THE COURT: YES, SIR.

20 Q. I'VE GOT KIND OF ONE LAST THING I NEED TO ASK
21 YOU, MS. WRIGHT. DO YOU SEE THE PERSON IN THE
22 COURTROOM TODAY THAT CAME INTO YOUR HOME BACK ON
23 APRIL TWENTY-FOURTH OF THIS YEAR?

24 A. YES, SIR.

25 Q. WOULD YOU POINT HIM FOR THE JURY?

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1 A. RIGHT THERE.

2 SOLICITOR SORENSON: THE DEFENDANT AT THE
3 END OF THE DEFENSE TABLE?

4 A. YES, SIR.

5 Q. ANY DOUBT IN YOUR MIND THAT'S THE PERSON THAT WAS
6 IN YOUR HOME FIVE AND A HALF MONTHS AGO?

7 A. NO, SIR.

8 SOLICITOR SORENSON: THANK YOU, LATOYA,
9 PLEASE ANSWER ANY QUESTIONS THAT MS. HINDS HAS.

10 THE COURT: MS. HINDS, YOUR WITNESS.

11 (NOTE: Blank lines on this page do not indicate any
12 part of record has been omitted. Headers on testimony
13 pages and hard page breaks between testimony are now
14 required by the Court. See next ensuing page for
15 sequential continuation of record.)

CROSS - LATOYA S. WRIGHT BY MS. HINDS

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CROSS-EXAMINATION OF LATOYA S. WRIGHT

BY MS. HINDS:

Q. GOOD MORNING, MS. WRIGHT.

A. GOOD MORNING.

Q. JUST TO KIND OF SUM UP, THE INCIDENT HAPPENED ON
APRIL TWENTY-FOURTH, CORRECT?

A. YES, MA'AM.

Q. AND YOU MADE SOME VERBAL STATEMENTS TO THE POLICE
OFFICERS THAT RESPONDED ON THAT EARLY MORNING, OR
NIGHT, WHATEVER YOU WANT TO CALL IT, CORRECT?

A. YES, MA'AM.

Q. AND YOU ACTUALLY GAVE A WRITTEN STATEMENT ON THE
TWENTY-SEVENTH, CORRECT?

A. YES, MA'AM.

Q. OKAY. BASICALLY, YOU CAME HOME SOMEWHERE BETWEEN
TWO AND TWO:THIRTY, CORRECT?

A. YES, MA'AM.

Q. PUT YOUR CHILD TO BED AND IT WAS AT THAT POINT OR
ABOUT TEN MINUTES LATER THAT YOU HEARD A KNOCK AT
THE DOOR?

A. YES, MA'AM.

Q. I BELIEVE YOUR TESTIMONY WAS THAT HE SAID
SOMETHING, YOU SAID SOMETHING, YOU WEREN'T
UNDERSTANDING WHAT HE WAS SAYING, IS THAT
CORRECT?

CROSS - LATOYA S. WRIGHT BY MS. HINDS

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1 A. EXACTLY.

2 Q. OKAY. AT THAT POINT IT'S PRETTY EARLY IN THE
3 MORNING, ISN'T IT?

4 A. YES, MA'AM.

5 Q. WOULD IT BE UNUSUAL FOR SOMEBODY TO COME KNOCKING
6 ON YOUR DOOR AT TWO:THIRTY IN THE MORNING?

7 A. YES, MA'AM.

8 Q. OKAY. AND I BELIEVE YOUR TESTIMONY WAS YOU WERE
9 REAL APPREHENSIVE ABOUT WHY SOMEBODY WOULD BE
10 KNOCKING ON YOUR DOOR AT TWO:THIRTY, CORRECT

11 A. YES, MA'AM.

12 Q. AND THAT'S WHY YOU ACTUALLY WENT TO THE DOOR AND
13 GOT YOUR GUN, CORRECT?

14 A. YES, MA'AM.

15 Q. BECAUSE IT WAS UNUSUAL AND BECAUSE YOU WERE
16 NERVOUS, CORRECT?

17 A. YES, MA'AM.

18 Q. OKAY. I BELIEVE YOU SAID THAT YOU OPENED THE
19 DOOR AND HE WAS STANDING THERE, CORRECT?

20 A. YES, MA'AM.

21 Q. WAS THERE ANYMORE CONVERSATION?

22 A. WHEN HE WAS STANDING THERE I ASKED HIM WHO HE
23 WAS.

24 Q. OKAY. AND DID HE ANSWER?

25 A. AT THE TIME HE ...

1 COURT REPORTER: SPEAK LOUDER, PLEASE.

2 Q. I ASKED HIM WHO HE WAS. AT THE TIME HE STARTED
3 SAYING WHO HE WAS I WAS ASKING HIM TO EXPLAIN TO
4 ME WHO HE WAS. ABOUT FOUR TO FIVE SECONDS, AS HE
5 WAS STANDING IN MY DOOR, THAT'S WHEN HE PRESENTED
6 A GUN, PULLED THE GUN OUT OF HIS JACKET AND PUT
7 THE GUN IN MY FACE.

8 Q. OKAY. SO, HE GRABBED THE GUN AND ACTUALLY
9 POINTED IT IN YOUR FACE, CORRECT?

10 A. UH-HUH.

11 Q. OKAY. AND THE KITCHEN LIGHT WAS ON?

12 A. YES, MA'AM.

13 Q. WHICH WOULD HAVE BEEN TO THE SIDE OF HIM,
14 CORRECT?

15 A. YES, MA'AM.

16 Q. OKAY. AND AT THAT POINT IN TIME YOU'RE PRETTY
17 AFRAID, ARE YOU NOT?

18 A. YES, MA'AM.

19 Q. NOT A PLEASANT EXPERIENCE HAVING SOMEBODY WITH A
20 GUN OUT AND POINTED AT YOUR FACE, CORRECT?

21 A. YES, MA'AM.

22 Q. OKAY. YOU WERE ABLE TO ACTUALLY GIVE THE POLICE
23 A DESCRIPTION OF THE GUN, RIGHT?

24 A. EXACTLY.

25 Q. OKAY. CAN YOU TELL US WHAT THE GUN LOOKED LIKE?

CROSS - LATOYA S. WRIGHT BY MS. HINDS

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1 A. IT WAS A SILVER, IT WAS A SMALL GUN, A SILVER
2 GUN.

3 Q. ANYTHING ELSE THAT YOU NOTICED ABOUT IT?

4 A. I JUST NOTICED THAT IT WAS SMALL AND SILVER.

5 Q. A SMALL SILVER GUN. OKAY. AND IT WAS AT THAT
6 POINT THAT, ACCORDING TO YOUR TESTIMONY, HE TOLD
7 YOU TO GIVE HIM EVERYTHING, CORRECT?

8 A. YES, MA'AM.

9 Q. AND UP UNTIL THAT POINT, FROM THE TIME YOU OPENED
10 THE DOOR TO THE TIME THAT HE TOLD YOU TO GIVE HIM
11 EVERYTHING, ABOUT HOW LONG HAD GONE BY?

12 A. ABOUT TEN SECONDS.

13 Q. OKAY. AND IT'S AT THAT POINT, AS YOU'VE TOLD THE
14 JURY, THAT YOU HAD A DECISION TO MAKE AND YOU
15 DECIDED TO RUN DOWN THE HALLWAY, CORRECT?

16 A. EXACTLY.

17 Q. SO, YOU HAD TO TURN TO RUN DOWN THE HALL,
18 CORRECT?

19 A. YES, MA'AM.

20 Q. OKAY. AND IT'S A SINGLE WIDE MOBILE HOME?

21 A. YES, MA'AM.

22 Q. OKAY. AND I BELIEVE YOUR TESTIMONY WAS, IT'S AT
23 THAT POINT THAT HE FIRES THE FIRST SHOT?

24 A. YES, MA'AM.

25 Q. IN THE FRONT DOOR OF THE DOORWAY?

1 A. HE WAS STILL AT THE DOORWAY, I WAS BEGINNING TO
2 RUN.

3 Q. OKAY. AND I BELIEVE YOUR TESTIMONY WAS, AS YOU
4 WERE RUNNING HE FIRED A SECOND TIME, CORRECT?

5 A. YES, MA'AM.

6 Q. SO THERE WERE TWO SHOTS TOTAL?

7 A. YES, MA'AM.

8 Q. OKAY. AND AT THAT POINT YOU'RE RUNNING OUT THE
9 BACK DOOR, CORRECT?

10 A. YES, MA'AM.

11 Q. YOU LEFT THE BABY BEHIND AT THAT POINT BECAUSE
12 YOU FIGURED YOU COULDN'T GET OUT WITH BOTH OF YOU
13 SAFELY, CORRECT?

14 A. YES, MA'AM.

15 Q. ALRIGHT. AND YOU RAN TO THE TOP OF ALETHA TO THE
16 STORE?

17 A. YES, MA'AM.

18 Q. HAD YOU EVER BEEN TO THE STORE BEFORE?

19 A. NO, MA'AM.

20 Q. BUT YOU KNEW, YOU HAD SEEN PEOPLE THERE EARLIER
21 WAS YOUR TESTIMONY, CORRECT?

22 A. YES, MA'AM.

23 Q. OKAY. I KNOW YOU'VE TALKED A LITTLE BIT ABOUT
24 LEBO AND MR. LEE BEING THERE AND I GUESS GREG,
25 THE PERSON WHO ACTUALLY WENT AND RETRIEVED THE

CROSS - LATOYA S. WRIGHT BY MS. HINDS

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1 CHILD?

2 A. YES, MA'AM.

3 Q. WAS THERE ANYBODY ELSE THERE?

4 A. THERE WAS A COUPLE OF OTHER PEOPLE BUT I DON'T
5 KNOW THEIR NAMES.

6 Q. OKAY. AND THE FIRST PEOPLE THAT YOU CAME TO
7 WOULD HAVE BEEN LEBO AND MR. LEE?

8 A. YES, SIR -- MA'AM.

9 Q. THAT'S FINE. HOW DO YOU KNOW LEBO?

10 A. I DON'T KNOW LEBO, I KNOW OF LEBO. I KNOW THAT
11 HER BOYFRIEND WAS THE ONE WHO WAS KIND OF LIKE
12 RUNNING THE STORE DURING THE DAY TIME. I KNOW SHE
13 STAYED SOMEWHERE IN THE AREA, AND THAT'S ALL I
14 REALLY KNOW ABOUT HER, I DON'T REALLY KNOW HER.

15 Q. HOW DID YOU FIRST MEET HER?

16 A. HOW DID I FIRST MEET HER?

17 Q. UH-HUH.

18 A. I MET HER THROUGH ONE OF OUR FRIENDS, HER NAME IS
19 MARIA WRIGHT.

20 Q. AND HOW LONG HAD YOU KNOWN LEBO?

21 A. LIKE I SAID, I DON'T KNOW LEBO, I JUST KNOW HER
22 NAME IS LEBO.

23 Q. OKAY. I'M JUST, I'M NOT TRYING TO ...

24 A. I KNOW OF HER, I DON'T KNOW HER, LIKE HANGING OUT
25 OR YOU KNOW ...

1 Q. HAD YOU EVER TALKED TO HER BEFORE THAT NIGHT?

2 A. BEFORE THAT NIGHT?

3 Q. UH-HUH.

4 A. YES. AS FAR AS SPEAKING-WISE, LIKE, YOU KNOW,
5 SOMEONE INTRODUCING US, BUT OTHER THAN, YOU KNOW,
6 JUST LIKE KNOWING HER, NO.

7 Q. OKAY. SO, THE FIRST PEOPLE THAT YOU COME ACROSS
8 ARE MR. LEE AND LEBO, CORRECT?

9 A. EXACTLY.

10 Q. OKAY. AND YOU'RE UPSET, CORRECT?

11 A. YES.

12 Q. YOU ARE WORRIED ABOUT YOUR CHILD, CORRECT?

13 A. YES, MA'AM.

14 Q. AND YOU'RE TELLING THEM WHAT HAPPENED, RIGHT?

15 A. YES, MA'AM.

16 Q. OKAY. YOU TOLD THEM THAT YOU BELIEVED YOU WERE
17 SHOT, CORRECT?

18 A. THAT'S -- YES, MA'AM.

19 Q. AND YOU TOLD THEM THAT YOU HAD BEEN ROBBED?

20 A. YES.

21 Q. AND WHAT ELSE DID YOU TELL THEM?

22 A. THAT'S IT. I WAS, MY MAIN CONCERN WAS GETTING MY
23 DAUGHTER OUT OF THE HOUSE.

24 Q. OKAY. AND YOUR DAUGHTER -- AND GREG WENT AND GOT
25 YOUR DAUGHTER, ISN'T THAT RIGHT?

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1 A. YES, MA'AM, BUT ME AND LEBO GOT IN THE CAR, AND I
2 WAS TRYING TO MAKE SURE THAT MY DAUGHTER WAS
3 OKAY, AND AT THE SAME TIME I'M, LIKE, WONDERING,
4 AM I REALLY SHOT SEVERELY, YOU KNOW? AND ONCE I
5 REALIZED THAT MY DAUGHTER WAS OKAY, AND I WAS IN
6 THE CAR WITH LEBO, THAT'S WHEN WE SEEN THE COP,
7 AND HE WAS COMING DOWN ON BAYNE STREET, AND WE
8 FLAGGED THE COP DOWN. I DIDN'T ...

9 Q. HOW LONG DID IT TAKE GREG TO GO GET THE CHILD?

10 A. ABOUT TWO TO THREE MINUTES, BECAUSE HE WALKED
11 FROM THE STORE TO MY HOUSE. ACTUALLY THEY KIND
12 OF RAN, SO IT COULD HAVE BEEN A LITTLE ...

13 COURT REPORTER: I'M SORRY?

14 A. ACTUALLY, THEY KIND OF RAN, SO IT COULD HAVE BEEN
15 A LITTLE LESSER TIME, MAYBE ONE TO TWO MINUTES.

16 Q. OKAY. AND HE IMMEDIATELY BROUGHT THE CHILD BACK
17 TO YOU?

18 A. YES, MA'AM.

19 Q. WERE YOU STILL IN THE CAR WHEN HE BROUGHT THE
20 CHILD BACK TO YOU?

21 A. YES, MA'AM.

22 Q. OKAY. AND IT'S AT THAT POINT YOU SEE THE COPS
23 COMING, CORRECT?

24 A. YES, MA'AM.

25 Q. AND Y'ALL FLAGGED THE POLICE OFFICERS DOWN?

CROSS - LATOYA S. WRIGHT BY MS. HINDS

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1 A. EXACTLY.

2 Q. OKAY. AND IT'S AT THAT POINT THAT YOU BEGAN TO
3 TELL THE COPS WHAT HAPPENED, CORRECT?

4 A. EXACTLY.

5 Q. AND THEY ASKED YOU IF YOU KNEW WHO THE GUY WAS,
6 CORRECT?

7 A. YES.

8 Q. OKAY. AND I'M GOING TO GO BACK TO THE STATEMENT
9 THAT YOU GAVE ON THE TWENTY-SEVENTH, OKAY?

10 A. OKAY.

11 Q. YOU GAVE, YOU MADE SOME VERBAL STATEMENTS TO THEM
12 THAT EVENING, CORRECT, TO GET THIS INVESTIGATION
13 STARTED?

14 A. YES.

15 Q. OKAY. AND THEN YOU WENT BACK AND GAVE AN ACTUAL
16 WRITTEN STATEMENT - - -

17 A. A WRITTEN STATEMENT.

18 Q. --- TO ACTUALLY PUT IT INTO WORDS AND GET IT ALL
19 DOWN AS TO WHAT HAPPENED?

20 A. YES, MA'AM.

21 Q. OKAY. AND IN THAT STATEMENT YOU STATED THAT YOU
22 TOLD THE COPS WHAT HAPPENED, CORRECT?

23 A. UH-HUH.

24 Q. AND THEY ASKED YOU THEN WHO THE GUY WAS, AND YOU
25 ANSWERED THEM THAT YOU WERE IN SHOCK, IS THAT A

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1 CORRECT STATEMENT OF WHAT IS IN YOUR WRITTEN
2 STATEMENT?

3 A. THAT'S IN MY WRITTEN STATEMENT, YES, MA'AM.

4 Q. OKAY. AND, IN FACT, YOUR WRITTEN STATEMENTS SAYS
5 YOU COULDN'T REMEMBER WHAT HE HAD ON, CORRECT?

6 A. YES, MA'AM, AT THE TIME I DIDN'T REMEMBER.

7 Q. OKAY. THAT YOU KNEW HE WAS WEARING A DARK
8 COLORED SHIRT?

9 A. UH-HUH.

10 Q. AND BLUE JEANS, CORRECT?

11 A. UH-HUH.

12 Q. AND IN YOUR WRITTEN STATEMENT YOU DON'T SAY
13 ANYTHING SPECIFICALLY ABOUT A GREEN SHIRT, ISN'T
14 THAT CORRECT?

15 A. YES, MA'AM.

16 Q. OKAY. WHEN LEBO IS AT THE SCENE WITH YOU TALKING
17 TO THE COPS, ISN'T IT TRUE THAT SHE IS THE ONE
18 THAT BROUGHT UP THE FACT THAT SOMEBODY HAD BEEN
19 AROUND WITH A GREEN SHIRT?

20 A. I HAD ALREADY BROUGHT UP TO THE COPS WHAT THE
21 SHIRT, HOW THE SHIRT, WHAT COLOR THE SHIRT WAS.

22 Q. OKAY.

23 A. I WAS EXPLAINING TO THE COPS WHAT HE HAD ON, I
24 WAS EXPLAINING TO THE COPS HIS COMPLEXION, HOW
25 HIS HAIR WAS, AND I WAS EXPLAINING TO THE COPS

1 ABOUT THE TATTOO ON HIS FACE. THAT'S WHEN LEBO
2 ASKED ME TO REPEAT MYSELF. I EXPLAINED TO LEBO
3 AGAIN WHAT HE HAD ON, HIS DESCRIPTION, HIS
4 HEIGHT, HIS, THE DREDS IN HIS HAIR, AND THAT'S
5 WHEN SHE APPOINTED ME THAT HIS NAME WAS WALTER.

6 Q. OKAY. SO, SHE'S THE ONE, SO IT'S LEBO THAT'S THE
7 ONE WHO GAVE YOU THE FIRST NAME OF A GUY THAT
8 MIGHT HAVE ROBBED YOU?

9 A. YES. BECAUSE SHE SAID THAT HE JUST BEEN, HE JUST
10 WAS AT THE STORE.

11 Q. OKAY. BUT SHE WASN'T PRESENT AT THE SCENE?

12 A. SHE WASN'T PRESENT AT THE SCENE BUT SHE WAS
13 TELLING ME THAT HE WAS JUST AT THE STORE. WHEN I
14 WAS GIVING HER THE SAME EXACT DESCRIPTION OF THE
15 GUY WHO JUST BEEN TO THE STORE WHO HAD BEEN
16 HANGING OUT WITH THEM ALL DAY, THAT'S WHEN SHE
17 APPOINTED TO ME HIS NAME.

18 Q. OKAY. SO SHE, BUT SHE'S THE ONE THAT GAVE YOU
19 THE NAME, WALTER?

20 A. UH-HUH.

21 Q. AT THAT POINT IN TIME SHE CAN'T GIVE YOU A LAST
22 NAME, CORRECT?

23 A. EXACTLY.

24 Q. OKAY. AND AS YOU SAID, YOU WERE -- SHE TOLD YOU
25 THAT HE HAD BEEN IN THE STORE AND IN THE

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1 NEIGHBORHOOD EARLIER THAT DAY, CORRECT?

2 A. EXACTLY.

3 Q. OKAY. AND THAT SHE KNEW HIM FROM SCHOOL?

4 A. YES, MA'AM.

5 Q. OKAY. AND SHE SAID THAT HE WAS RIGHT THERE
6 BEFORE THE INCIDENT, CORRECT?

7 A. YES.

8 Q. OKAY. AND THIS WOULD BE ABOUT, A RELATIVELY
9 SHORT DISTANCE, LIKE TWO BLOCKS FROM YOUR HOUSE,
10 CORRECT?

11 A. EXACTLY.

12 Q. OKAY. AND IT'S LATER ON THAT SHE'S ABLE TO COME
13 UP WITH A LAST NAME FOR THIS PERSON, CORRECT?

14 A. YES, MA'AM.

15 Q. SHE LET YOU KNOW THE LAST NAME, CORRECT?

16 A. YES, MA'AM.

17 Q. AND THAT'S WHEN YOU CALLED DETECTIVE RIVERS?

18 A. YES, MA'AM.

19 Q. OKAY. WHEN -- I THINK YOUR TESTIMONY WAS WHEN
20 YOU RETURNED TO THE HOUSE THE NEXT DAY THAT'S
21 WHEN YOU NOTICED THAT THE GUN WAS MISSING?

22 A. YES, MA'AM.

23 Q. OKAY. AND THAT THERE WAS MONEY MISSING?

24 A. YES, MA'AM.

25 Q. OKAY. WHEN THIS INCIDENT HAPPENED YOU DIDN'T

1 ACTUALLY SEE THE GUY WHO WAS AT THE FRONT DOOR
2 TAKE ANY OF THOSE ITEMS, DID YOU?

3 Q. OKAY. AND THE HOUSE WAS LEFT UNSECURED AFTER
4 THIS INCIDENT?

5 A. YES, MA'AM.

6 Q. I MEAN, YOU DIDN'T GO BACK AND BOARD THINGS UP OR
7 PUT ANY LOCK ON IMMEDIATELY, CORRECT?

8 A. NO, NOT IMMEDIATELY.

9 Q. OKAY. AND THE MONEY WAS IN THE BACK ROOM?

10 A. YES, IN MY DRAWER.

11 Q. OKAY. WOULD THAT BE CLOSEST TO THE BACK DOOR OR
12 ...

13 A. CLOSEST TO THE BACK DOOR, YES, MA'AM.

14 Q. OKAY. BUT TO THE REAR OF THE HOUSE.

15 A. UH-HUH.

16 Q. OKAY. I BELIEVE YOU ALSO STATED THAT YOU
17 ACTUALLY LOOKED AROUND THE HOUSE, AND WHILE YOU
18 WERE LOOKING TO SEE WHAT WAS MISSING, TO LOOK FOR
19 BULLET HOLES AND THAT KIND OF THING, AND YOU
20 COULDN'T FIND ANY, CORRECT?

21 A. UH-HUH.

22 Q. OKAY. AND I BELIEVE ON THE NIGHT OF THE INCIDENT
23 YOU TOLD THE OFFICERS THAT YOU BELIEVED THAT THE
24 SUSPECT FLED ON FOOT THROUGH THE FOOT PATH
25 TOWARDS THE RAILROAD TRACKS?

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1 A. YES, MA'AM

2 Q. SO, IN OTHER WORDS -- CAN YOU DESCRIBE MAYBE THE
3 YARD AT YOUR HOUSE A LITTLE BIT, IS IT FENCED IN?

4 A. YES, MA'AM.

5 Q. OKAY. ARE THERE MULTIPLE WAYS TO GET OUT?

6 A. YOU CAN JUMP, YOU CAN JUMP THAT FENCE.

7 Q. HOW HIGH IS THAT FENCE?

8 A. ABOUT AS HIGH AS THIS PODIUM RIGHT HERE, WELL,
9 ABOUT THAT HIGH, A LITTLE BIT ...

10 Q. WHAT KIND OF FENCE IS IT?

11 A. IT'S A LITTLE FENCE.

12 Q. WOODEN, CHAIN LINK?

13 A. CHAIN LINK.

14 Q. OKAY. AND CAN YOU TELL ME, WHEN YOU RAN SO YOU
15 WERE ABLE TO GET OUT THE BACK DOOR, THERE'S A
16 DRIVEWAY THAT LEADS UP TO THE FRONT DOOR,
17 CORRECT, A PLACE WHERE YOU WOULD PULL IN AND
18 COULD PARK?

19 A. YES, MA'AM.

20 Q. OKAY. DID YOU GO AROUND THE HOUSE AND THROUGH
21 THAT GATE TO GET BACK DOWN TO ALETHA?

22 A. I FLED OUT THE BACK DOOR, I DIDN'T GO AROUND THE
23 HOUSE, I WENT THROUGH THE BACK TO THE FRONT OF
24 THE YARD. THIS IS MY FRONT DOOR, THIS IS MY BACK
25 DOOR. WHEN I RAN OUT THE BACK, I RAN TO THE

1 FRONT THROUGH THE GATE.

2 Q. BACK AROUND THE HOUSE AND OUT OF THAT GATE?

3 A. YES, MA'AM.

4 Q. OKAY.

5 A. I THOUGHT YOU WERE MEANING, LIKE, AROUND THE
6 HOUSE.

7 Q. NO, YOU RAN FROM THE -- AND AGAIN, I'M JUST
8 TRYING TO MAKE SURE I UNDERSTAND.

9 A. UH-HUH.

10 Q. YOU COME OUT THE BACK DOOR AND YOU GO AROUND THE
11 HOUSE - - -

12 A. YES, MA'AM.

13 Q. --- BACK TO WHERE THE FRONT, WHERE YOU WOULD PULL
14 IN TO PARK - - -

15 A. YES, MA'AM.

16 Q. --- AND DOWN THE STREET?

17 A. UH-HUH.

18 Q. OKAY.

19 MS. HINDS: I BEG THE COURT'S INDULGENCE FOR
20 JUST A MINUTE.

21 THE COURT: YES, MA'AM, TAKE YOUR TIME, MS.
22 HINDS.

23 Q. AND JUST INFORMATION, IT WAS A VERY SCARY
24 EXPERIENCE; WASN'T IT?

25 A. YES, MA'AM, IT WAS.

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1 Q. I'M SORRY FOR YOU HAVING TO GO THROUGH THAT. BUT
2 IT ALL HAPPENED VERY QUICKLY, CORRECT?

3 A. YES, MA'AM.

4 Q. YOU WERE VERY SCARED?

5 A. YES, MA'AM.

6 Q. YOU WERE IN FEAR FOR YOUR OWN LIFE?

7 A. YES, MA'AM.

8 Q. AND IN FEAR FOR YOUR CHILD'S LIFE, CORRECT?

9 A. YES, MA'AM.

10 MS. HINDS: I HAVE NO FURTHER QUESTIONS.

11 THE COURT: ALRIGHT. MR. SORENSON, ANYTHING
12 ON REDIRECT?

13 SOLICITOR SORENSON: JUST BRIEFLY, YOUR
14 HONOR.

15 (NOTE: Blank lines on this page do not indicate any
16 part of record has been omitted. Headers on testimony
17 pages and hard page breaks between testimony are now
18 required by the Court. See next ensuing page for
19 sequential continuation of record.)

REDIRECT - LATOYA S. WRIGHT BY SOL. SORENSON

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REDIRECT EXAMINATION OF LATOYA S. WRIGHT
BY SOLICITOR SORENSON:

Q. ARE YOU EVER GOING TO FORGET WHAT HAPPENED THAT NIGHT?

A. I DON'T THINK SO.

Q. LET ME JUST ASK YOU SOMETHING I FORGOT TO ASK YOU ABOUT. MS. HINDS HAD -- YOU HAD TOLD THE OFFICERS THAT NIGHT THAT THE PERSON FLED TOWARDS THE RAILROAD TRACKS?

A. YES, SIR, HE HAD TO HAVE FLED TO THE RAILROAD TRACKS, BECAUSE -- WELL, THAT'S MY ASSUMPTION, I DON'T REALLY KNOW HOW HE RAN BUT ...

Q. BUT YOU DIDN'T ACTUALLY SEE HIM LEAVE YOUR HOME, DID YOU?

A. EXACTLY. I DIDN'T SEE HIM LEAVE MY HOME.

Q. DID HE EVER COME, DID YOU EVER SEE HIM COMING BACK DOWN ALETHA THE WAY YOU WENT?

A. NO, SIR.

Q. YOU NEVER PASSED HIM WHEN YOU CAME BACK UP THAT WAY IN THE CAR WITH LEBOWITZ?

A. NO, SIR.

Q. AND AS TO YOUR -- I MEAN, THE RAILROAD TRACKS RUN RIGHT BEHIND YOUR TRAILER, IS THAT CORRECT?

A. EXACTLY, AND THERE IS A PATH BACK THERE WHERE YOU HAVE A LOT OF PEOPLE WALKING BACK AND FORTH.

1 SOLICITOR SORENSON: THANK YOU, LATOYA,
2 THAT'S ALL I HAVE.

3 THE COURT: MS. HINDS, ANYTHING ON RECROSS?

4 MS. HINDS: NO, SIR.

5 THE COURT: ALRIGHT, MS. WRIGHT, YOU MAY
6 STEP DOWN, PLEASE, MA'AM.

7 LADIES AND GENTLEMEN, I TOLD YOU YESTERDAY
8 THAT WE WOULD TAKE BREAKS EVERY HOUR AND A HALF,
9 APPROXIMATELY. NOW IS A GOOD TIME FOR US TO TAKE A
10 BREAK THIS MORNING. I'M GOING TO ALLOW Y'ALL TO GO
11 BACK IN THE JURY ROOM NOW AND STRETCH YOUR LEGS FOR A
12 LITTLE BIT, AND WE'LL BE IN RECESS FOR ABOUT TEN TO
13 FIFTEEN MINUTES. OKAY? THANK YOU.

14 NOW, BEFORE YOU GO, REMEMBER, YOU CAN'T, YOU
15 HAVE ONLY HEARD ONE WITNESS, YOU CANNOT TALK ABOUT
16 THIS CASE. OKAY, THANK Y'ALL.

17 (Whereupon, the jury retires
18 to the jury room and the following
19 takes place out of the presence
20 of the jury.)

21 THE COURT: ALRIGHT, WE'LL BE IN RECESS FOR
22 ABOUT TEN OR FIFTEEN MINUTES. Y'ALL CAN STRETCH YOUR
23 LEGS A LITTLE BIT.

24 (Recess)

25 THE COURT: ALRIGHT, IS THE STATE READY TO

1 PROCEED?

2 SOLICITOR SORENSON: THE STATE'S READY.

3 THE COURT: OKAY. MS. HINDS, IS THE DEFENSE
4 READY?

5 MS. HINDS: THE DEFENSE IS READY.

6 THE COURT: ALRIGHT, BRING IN THE JURY.

7 (Whereupon, the jury enters
8 the courtroom and the following
9 takes place in the presence
10 of the jury.)

11 THE COURT: ALRIGHT, WE'RE GETTING READY TO
12 CONTINUE WITH THE STATE'S CASE. MR. SORENSON, ARE YOU
13 READY TO CALL YOUR NEXT WITNESS?

14 SOLICITOR SORENSON: YES, SIR.

15 THE COURT: ALRIGHT, SIR, IF YOU'D CALL YOUR
16 NEXT WITNESS, PLEASE, SIR.

17 SOLICITOR SORENSON: THE STATE CALLS OFFICER
18 ROBERT WARRINGTON.

19 THE COURT: ALRIGHT.

20 CLERK: COME UP TO THE FRONT TO YOUR RIGHT
21 WHERE YOU SEE THE MICROPHONE, PLACE YOUR LEFT HAND ON
22 THE BIBLE AND RAISE YOUR RIGHT HAND.

23 (Whereupon, Robert William Warrington,
24 Jr., is duly sworn.)

25 CLERK: YOU MAY BE SEATED AND STATE YOUR

1 FULL NAME FOR THE COURT.

2 WITNESS: MY NAME IS ROBERT WILLIAM
3 WARRINGTON, JUNIOR.

4 THE COURT: ALRIGHT, MR. SORENSON.

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6 part of record has been omitted. Headers on testimony
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8 required by the Court. See next ensuing page for
9 sequential continuation of record.)

DIRECT-ROBERT W. WARRINGTON, JR., BY SOL. SORENSON

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DIRECT EXAMINATION OF ROBERT W. WARRINGTON, JR.,

BY SOLICITOR SORENSON:

Q. OFFICER WARRINGTON, IF YOU WOULD TELL THE JURY
WHERE IT IS THAT YOU'RE EMPLOYED?

A. ORANGEBURG DEPARTMENT OF PUBLIC SAFETY HERE IN
THE CITY OF ORANGEBURG.

Q. OKAY. AND HOW LONG HAVE YOU BEEN WITH PUBLIC
SAFETY?

A. A LITTLE OVER THREE YEARS.

Q. OKAY. IF YOU WOULD, TELL THE JURY WHAT YOUR,
KIND OF YOUR CURRENT DUTIES ARE THERE?

A. JUST A STANDARD POLICE OFFICER, FIRE FIGHTER. MY
DUTIES ARE TO ANSWER CALLS FOR SERVICE FOR POLICE
AND FIRE WITHIN THE CITY OF ORANGEBURG, RESPOND
TO GENERAL COMPLAINTS OF BOTH.

Q. OKAY. AND TURNING YOUR ATTENTION BACK TO APRIL
TWENTY-FOURTH OF THIS YEAR, WERE YOU WORKING THAT
EARLY MORNING HOURS OF APRIL TWENTY-FOURTH?

A. YES, SIR.

Q. AND DID YOU HAVE AN OPPORTUNITY TO RESPOND TO AN
INCIDENT OUT AT
HERE IN THE CITY OF ORANGEBURG?

A. YES, SIR, I DID.

Q. AND THAT'S OBVIOUSLY ALSO IN ORANGEBURG COUNTY?

A. YES, SIR.

DIRECT-ROBERT W. WARRINGTON, JR., BY SOL. SORENSON

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1 Q. ALRIGHT. AND WHAT TIME WERE YOU DISPATCHED OUT
2 THAT MORNING?

3 A. THE INITIAL CALL CAME IN AT TWO:THIRTY-FOUR A.M.

4 Q. OKAY. AND DID YOU, YOU WERE ONE OF THE
5 RESPONDING OFFICERS, OBVIOUSLY?

6 A. I WAS ACTUALLY THE PRIMARY OFFICER THAT THE CALL
7 WAS ASSIGNED TO.

8 Q. OKAY. AND WHAT TIME DID YOU ARRIVE, THEN, OUT IN
9 THAT AREA?

10 A. I ARRIVED ON THE SCENE AT TWO:THIRTY-SEVEN A.M.,
11 I HAD A THREE MINUTE RESPONSE TIME.

12 Q. SO, WITHIN A COUPLE OF MINUTES?

13 A. YES, SIR.

14 Q. ALRIGHT. AND WHERE IS IT THAT YOU ENDED UP
15 GOING, DO YOU REMEMBER WHERE YOU ENDED UP AT THAT
16 NIGHT?

17 A. YES, SIR, WE HAD INITIALLY BEEN GIVEN JUST AN
18 ADDRESS, BUT I NEVER MADE IT TO THAT ADDRESS. I
19 WAS FLAGGED DOWN BY THE VICTIM - - -

20 Q. OKAY..

21 A. --- OR THE VICTIM AT BAYNE AND ALETHA STREET.

22 Q. AND LET ME SHOW YOU STATE'S EXHIBIT NUMBER
23 THIRTEEN AND GIVE YOU KIND OF A SECOND TO GET
24 KIND OF ORIENTED WITH THIS MAP HERE. PER
25 TESTIMONY, THAT'S THE VICTIM'S ADDRESS UP HERE, -

1

- -

2

A. UH-HUH.

3

Q. --- THE LAST TRAILER ON ALETHA. SO, KIND OF POINT
FOR THE JURY KIND OF ABOUT WHERE YOU WERE FLAGGED
DOWN THEN?

4

5

6

A. WE WERE ACTUALLY, THE CALLER THAT FLAGGED ME DOWN
WAS PARKED RIGHT THERE IN FRONT OF THOSE TWO
HOUSES, ACTUALLY PARKED THE WRONG WAY, BUT IT WAS
PARKED IN THAT GRASSY AREA RIGHT THERE.

7

8

9

10

Q. OKAY.

11

A. THAT'S WHERE I GOT OUT AT.

12

Q. IT'S RIGHT THERE IN THE CORNER?

13

A. YES, SIR.

14

Q. OKAY. AND WHO DID YOU, WHO DID YOU ENCOUNTER
THERE, OFFICER?

15

16

A. WELL, THERE WERE MULTIPLE THERE, BUT THE DRIVER
OF THE VEHICLE, AND OBVIOUSLY, MS. WRIGHT, WHO
JUMPED OUT OF THE VEHICLE.

17

18

19

Q. OKAY. AND IF YOU WOULD, DESCRIBE WHAT WAS HER
CONDITION AT THAT POINT IN TIME WHEN YOU, WHEN
YOU FIRST ENCOUNTERED LATOYA WRIGHT?

20

21

22

A. VERY DISTRAUGHT. SHE WAS CRYING AND YELLING AND
SCREAMING, AND SHE WAS ACTUALLY HOLDING HERSELF
AND BLEEDING, SAYING THAT SHE HAD BEEN SHOT, SO
PROBABLY VERY DISTRAUGHT.

23

24

25

DIRECT-ROBERT W. WARRINGTON, JR., BY SOL. SORENSON

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1 Q. OKAY. AND YOU COULD SEE THAT SHE WAS BLEEDING.
2 AND WHERE WAS THAT, WHAT AREA?

3 A. WELL, SHE WAS HOLDING HER, SHE WAS HOLDING HER
4 CHEST AREA, AND THE BLOOD HAD RUN DOWN ONTO HER
5 SHIRT, IT WAS A LIGHT COLORED SHIRT AND YOU COULD
6 ACTUALLY SEE IT ON HER SHIRT.

7 Q. ALRIGHT. NOW, WERE YOU THE ONLY OFFICER THAT
8 RESPONDED OUT THERE THAT MORNING?

9 A. NO, SIR, WE HAD MYSELF AND PSO SCOTT, CORPORAL
10 HAIG, CORPORAL FOY, AND ALSO MY SUPERVISOR,
11 SERGEANT MURDAUGH, RESPONDED.

12 Q. OKAY. SO FIVE OR SO OFFICERS AT LEAST INITIALLY
13 THAT RESPONDED OUT THERE?

14 A. FIVE PLUS.

15 Q. OKAY. AND LET ME ASK YOU, DID MS. WRIGHT, WHEN
16 YOU FIRST CAME INTO CONTACT WITH HER, DID SHE
17 HAVE A CHILD WITH HER?

18 A. SHE DID NOT.

19 Q. OKAY. DID THERE, WAS THERE SOME CONCERN AT SOME
20 POINT IN TIME ABOUT WHERE HER YOUNG CHILD MIGHT
21 BE?

22 A. YES. ONCE WE GAINED A LITTLE INFORMATION ABOUT
23 WHAT HAD HAPPENED, IT WAS MENTIONED THAT THE
24 CHILD WAS IN THE RESIDENCE, AND WHEN WE CLEARED
25 THE RESIDENCE THE CHILD WAS NOT IN THE RESIDENCE,

1 SO THAT'S WHEN IT BECAME A CONCERN FOR US WHERE
2 THE CHILD WAS.

3 Q. OKAY. ALRIGHT. AND LET ME ASK YOU, WAS THE
4 CHILD ULTIMATELY BROUGHT BACK THERE TO THE SCENE,
5 OR AT LEAST TO THAT INTERSECTION WHERE YOU WERE
6 WITH MS. WRIGHT?

7 A. YES, SIR, WE ACTUALLY GOT THE PERSON WHO HAD THE
8 CHILD AT THE REQUEST OF THE MOTHER TO BRING THE
9 CHILD BACK SO WE COULD PHYSICALLY LAY EYES ON THE
10 CHILD.

11 Q. DID THE CHILD APPEAR TO BE OKAY?

12 A. YES, SIR.

13 Q. NOW, DUE TO THE INJURIES THAT MS. WRIGHT HAD
14 SUFFERED, WAS EMS CALLED OUT THERE?

15 A. THEY WERE.

16 Q. OKAY. AND DID YOU INITIALLY, AS FAR AS DEALING
17 WITH HER TREATMENT, WERE YOU INVOLVED WITH ALL OF
18 THAT OR ANY OTHER OFFICERS OR ...

19 A. TYPICALLY WHEN IT IS A FEMALE WHO IS INJURED AND
20 WE MIGHT HAVE TO SEE MORE THAN MALES SHOULD SEE,
21 WHICH WOULD BE APPROPRIATE, WE CALL A FEMALE
22 OFFICER AND THEY HANDLE THAT. SO, PSO SCOTT WAS
23 NOTIFIED THAT SHE NEEDED TO BE ABLE TO BE THERE
24 TO ASSIST THE VICTIM.

25 Q. OKAY. AND DID SHE DEAL THEN A LITTLE BIT WITH

DIRECT-ROBERT W. WARRINGTON, JR., BY SOL. SORENSON

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1 THE VICTIM AS FAR AS IN THE BACK OF THE
2 AMBULANCE?

3 A. YES, SIR, THEY ACTUALLY WENT BACK INTO THE BACK
4 OF THE AMBULANCE FOR PRIVACY FOR THE VICTIM.

5 Q. OKAY. LET ME ASK YOU, ARE YOU AWARE OF WHETHER
6 ANY ITEMS OF EVIDENTIARY VALUE WERE FOUND WHEN
7 SEARCHING THE VICTIM'S CLOTHING?

8 A. THERE WAS ACTUALLY A BULLET FRAGMENT THAT WAS
9 RECOVERED FROM THE VICTIM BY PSO SCOTT.

10 Q. OKAY. AND WAS THAT ULTIMATELY TURNED OVER TO
11 YOU?

12 A. YES, SIR.

13 Q. LET ME SHOW YOU STATE'S EXHIBIT NUMBER FOURTEEN,
14 IS THAT ...

15 A. THAT'S IT.

16 Q. OKAY. AND THAT ...

17 A. WE HAD A HARD ENOUGH TIME IN THE DARK WITH IT.

18 Q. I WAS GOING TO SAY, A SMALL FRAGMENT OF - - -

19 A. THAT WOULD BE IT.

20 Q. --- A BULLET?

21 A. THAT WOULD BE IT.

22 Q. AND THAT ITEM WAS TURNED OVER TO YOU AND YOU
23 TURNED THAT INTO EVIDENCE?

24 A. YES, SIR.

25 Q. ALRIGHT. AND DID YOU HAVE AN OPPORTUNITY THEN,

1 OFFICER WARRINGTON, TO TALK TO MS. WRIGHT OUT
2 THERE ONCE SHE HAD BEEN, BEEN INITIALLY KIND OF
3 SEEN BY EMS AND CALMED DOWN A LITTLE BIT, TO KIND
4 OF FIND OUT WHAT HAD HAPPENED?

5 A. WE TRIED TO GET PIECES OF THE STORY, AND
6 EVENTUALLY AFTER WE GOT HER CALMED DOWN SHE WAS
7 ABLE TO TELL US WHAT HAD HAPPENED AT THE HOUSE
8 AND EVENTUALLY GAVE US A DESCRIPTION OF WHO HAD
9 COME INTO HER RESIDENCE.

10 Q. OKAY. NOW, I BELIEVE YOU TOUCHED ON THIS, DID
11 OTHER OFFICERS GO OVER TO HER RESIDENCE AND KIND
12 OF SECURE IT?

13 A. YES, SIR. ONCE WE FOUND OUT THAT SOMEBODY HAD
14 ACTUALLY COME INTO HER RESIDENCE AFTER HER, WE
15 SENT OFFICERS TO THAT AREA TO INSURE THAT THERE
16 WAS NOBODY STILL IN THE RESIDENCE.

17 Q. OKAY. AND NOBODY WAS APPREHENDED OUT THERE THAT
18 NIGHT, RIGHT?

19 A. NO, SIR.

20 Q. OKAY. NOW, AS FAR AS THE DESCRIPTION THAT YOU
21 GOT FROM MS. WRIGHT, DO YOU RECALL WHAT THAT
22 DESCRIPTION WAS?

23 A. SHE SAID IT WAS A BLACK MALE, EARLY AGE, SHE GAVE
24 ME NINETEEN TO TWENTY-TWO, AND SAID HE HAD REAL
25 DARK SKIN, SHORT TWISTS IN HIS HAIR, HE WAS

DIRECT-ROBERT W. WARRINGTON, JR., BY SOL. SORENSON

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1 WEARING A, SHE SAID IT WAS A GREEN SHIRT AND
2 LIGHT BLUE SHORTS, HE HAD A JACKET ON BUT SHE
3 DIDN'T KNOW WHAT COLOR IT WAS, AND HE HAD A TEAR
4 DROP TATTOO ON HIS RIGHT EYE. AND THAT'S WHAT
5 SHE GAVE ME.

6 Q. ALRIGHT. AND DID SHE GIVE YOU AN APPROXIMATE
7 SIZE THAT YOU WROTE DOWN?

8 A. SHE SAID HE WAS, HE WAS FIVE-EIGHT TO FIVE-NINE,
9 AND WHEN WE DO THAT WE COMPARE OURSELVES AND OUR
10 WEIGHTS, AND SHE SAID HE LOOKED TO BE ABOUT A
11 HUNDRED AND SIXTY POUNDS MAYBE.

12 Q. ALRIGHT, NOW, WAS SHE ABLE TO GIVE YOU A NAME OF
13 THE SUSPECT?

14 A. SHE WASN'T, SHE STATED SHE DIDN'T KNOW THE
15 SUBJECT. WE DIDN'T GET A NAME UNTIL LATER.

16 Q. OKAY. LET ME ASK YOU THIS, WHILE YOU WERE
17 TALKING WITH HER AND SHE HAD GIVEN THIS
18 DESCRIPTION ARE THERE KIND OF SOME OTHER PEOPLE
19 THAT ARE HANGING OUT AROUND THERE?

20 A. WE, WE HAD A FAIR AMOUNT OF PEOPLE ACTUALLY RIGHT
21 THERE AT THE SCENE.

22 Q. AND ULTIMATELY FROM WHEN SHE WAS GIVING THAT
23 DESCRIPTION OF THE PERSON DID SOMEBODY THEN
24 PROVIDE YOU WITH A POSSIBLE FIRST NAME OF
25 SOMEBODY THAT THEY FELT MATCHED THAT DESCRIPTION?

1 A. THEY DID. WE HAD A FEMALE AT THE CORNER STORE
2 RIGHT DOWN THE STREET WHO SAID SHE HAD SEEN
3 SOMEONE WEARING PRETTY MUCH THE EXACT SAME THING
4 AND LOOKED JUST LIKE WHAT THE VICTIM HAD JUST
5 TOLD US, AND SHE THOUGHT HIS NAME WAS WALTER.

6 Q. SO, YOU HAD THEN THAT -- SO THAT NIGHT YOU HAD
7 THAT INFORMATION, NOT ONLY THE DESCRIPTION THAT
8 MS. WRIGHT GAVE YOU, BUT ALSO A POSSIBLE NAME OF
9 WALTER?

10 A. YES, SIR.

11 Q. NOW, MS. WRIGHT, WAS SHE ULTIMATELY TRANSPORTED
12 BY EMS TO THE HOSPITAL?

13 A. SHE WAS.

14 Q. AND DID OFFICER SCOTT ACCOMPANY HER THERE?

15 A. SHE DID.

16 Q. AND LET ME ASK YOU THIS, NOW, YOU SAID THAT THE
17 HOME WAS, YOU KNOW, SEARCHED AND THEN SECURED.
18 WAS ANYBODY CALLED OUT TO DEAL WITH KIND OF
19 PROCESSING AND GOING THROUGH AND LOOKING FOR ANY
20 EVIDENCE IN THE TRAILER?

21 A. YES, SIR, WHEN WE HAVE THOSE COMPLEX CRIME SCENES
22 WE CALL AN INVESTIGATOR OUT USUALLY, AND WE HAD
23 DETECTIVE ROMANSTINE COME OUT THERE AND PROCESS
24 THAT SCENE FOR US.

25 Q. OKAY.

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1 SOLICITOR SORENSON; THANK YOU, OFFICER,
2 PLEASE ANY QUESTIONS THAT MS. HINDS HAS.

3 WITNESS: YES, SIR.

4 THE COURT: MS. HINDS, YOUR WITNESS.

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6 part of record has been omitted. Headers on testimony
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8 required by the Court. See next ensuing page for
9 sequential continuation of record.)

1 CROSS-EXAMINATION OF ROBERT W. WARRINGTON, JR.,

2 BY MS. HINDS:

3 Q. SO, YOU ACTUALLY GOT THERE WITHIN MINUTES OF
4 GETTING THE DISPATCH CALL, DIDN'T YOU?

5 A. THREE MINUTES.

6 Q. AND WHEN YOU, BEFORE YOU ACTUALLY GOT TO THE
7 ADDRESS THAT YOU HAD BEEN GIVEN YOU WERE ACTUALLY
8 FLAGGED DOWN?

9 A. YES.

10 Q. OKAY. AND WHO ALL WAS IN THE VEHICLE THAT
11 FLAGGED YOU DOWN?

12 A. IT'S HARD TO RECALL, I KNOW THERE WAS AT LEAST
13 ONE OTHER PERSON IN THE VEHICLE, WELL, OBVIOUSLY,
14 THE DRIVER OF THE VEHICLE BESIDES MS. WRIGHT, BUT
15 I DON'T REMEMBER SPECIFICALLY HOW MANY OCCUPANTS
16 WERE IN THE VEHICLE.

17 Q. DO YOU KNOW WHO THE DRIVER WAS?

18 A. I DO NOT.

19 Q. AND I BELIEVE YOU TESTIFIED THAT MS. WRIGHT WAS
20 HOLDING HER SIDE?

21 A. WELL, SHE HAD HER HANDS PLACED IN HER CHEST AREA,
22 SO...

23 Q. OKAY. BUT IT WAS OBVIOUS THAT SHE WAS INJURED?

24 A. OBVIOUSLY.

25 Q. I MEAN, YOU SAID YOU SAW BLOOD ON HER SHIRT?

CROSS - ROBERT W. WARRINGTON, JR., BY MS. HINDS

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1 A. YES, MA'AM.

2 Q. EMS WAS ACTUALLY CALLED AND THEY COME AND TREAT
3 HER AT THE SCENE, CORRECT?

4 A. YES, MA'AM.

5 Q. OKAY. WAS EMS ALREADY THERE WHEN YOU GOT THERE
6 OR DID THE EMS COME AFTER YOU ARRIVED?

7 A. I ACTUALLY CALLED MY DISPATCHER TO CALL EMS SO WE
8 WERE ON THE SCENE FIRST, AND IN SITUATIONS LIKE
9 THAT WE HAVE TO SECURE THAT SCENE BEFORE EMS WILL
10 COME OUT.

11 Q. OKAY. ABOUT HOW LONG DO YOU THINK YOU WERE THERE
12 BEFORE EMS GOT THERE?

13 A. I COULD NOT BE SURE. LESS THAN FIFTEEN MINUTES.

14 Q. AND I THINK YOU TESTIFIED THAT OFFICERS SCOTT,
15 HAIG, FOY, AND MURDAUGH ALSO RESPONDED TO HELP,
16 CORRECT?

17 A. YES, MA'AM.

18 Q. HOW LONG DID THEY GET THERE -- HOW LONG WAS IT
19 BEFORE THEY GOT THERE?

20 A. WITHIN TWO MINUTES, OR THREE TO FOUR MINUTES OF
21 MY ARRIVAL WE HAD FIVE PLUS OFFICERS ON THAT
22 SCENE. IT'S, IT WAS A SHOOTING CALL, WE'RE
23 PRETTY QUICK ABOUT THAT.

24 Q. OKAY. AND I THINK, INITIALLY IT WAS HARD TO GET
25 HER TO TELL HER STORY BECAUSE SHE WAS SO UPSET,

1 CORRECT?

2 A. YES, MA'AM.

3 Q. OBVIOUSLY, AND SHE NEEDED TO BE TREATED BY EMS
4 AND CALMED DOWN, CORRECT?

5 A. YES, MA'AM.

6 Q. BUT ULTIMATELY SHE DOES GIVE A VERBAL STATEMENT?

7 A. YES, MA'AM.

8 Q. OKAY. OBVIOUSLY, THAT'S IN YOUR PRESENCE?

9 A. YES, MA'AM.

10 Q. ANYBODY ELSE'S PRESENCE?

11 A. WE HAVE PSO SCOTT THERE AND I THINK THOSE WERE
12 THE ONLY TWO OFFICERS THAT, ME AND MY, ME AND PSO
13 SCOTT WERE THE ONLY ONES THERE. WE HAD PEOPLE
14 SECURING RESIDENCIES AND TALKING WITH OTHER
15 PEOPLE.

16 Q. AND DOING OTHER THINGS THAT NEED TO BE DONE. AND
17 AT THAT POINT WHEN SHE GIVES HER VERBAL STATEMENT
18 HAD SHE CALMED DOWN SOME?

19 A. WELL, LET -- SHE HAD CALMED DOWN ENOUGH TO WHERE
20 I COULD UNDERSTAND HER.

21 Q. OKAY. AND SHE, I BELIEVE SHE TOLD YOU THAT SHE
22 WAS HER HOME AT WHEN
23 SOMEBODY KNOCKED AT THE FRONT DOOR, CORRECT?

24 A. CORRECT.

25 Q. AND THIS WAS SOMETIME AROUND TWO THIRTY IN THE

CROSS - ROBERT W. WARRINGTON, JR., BY MS. HINDS

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1 MORNING?

2 A. SHE GAVE US BETWEEN TEN OR FIFTEEN MINUTES BEFORE
3 WE GOT THERE, SO ...

4 Q. PRETTY CLOSE, IN THAT TIME RANGE?

5 A. PRETTY CLOSE.

6 Q. AND THAT, SHE TOLD YOU THAT SHE ASKED WHO IT WAS
7 BUT COULDN'T UNDERSTAND THE ANSWER, CORRECT?

8 A. CORRECT.

9 Q. AND I BELIEVE IN YOUR REPORT YOU WROTE THAT SHE
10 TOLD YOU THAT SHE OPENED THE FRONT DOOR AND SAW A
11 BLACK MALE THAT SHE DIDN'T KNOW?

12 A. YES, MA'AM.

13 Q. AND THAT THE BLACK MALE POINTED A SILVER HAND GUN
14 AT HER AND SAID, GIVE ME EVERYTHING YOU'VE GOT?

15 A. YES, MA'AM.

16 Q. THAT WOULD BE CORRECT?

17 A. YES, MA'AM, CORRECT.

18 Q. AND THEN THE BLACK MALE FIRED A GUN AT HER

19 A. YES, MA'AM.

20 Q. OKAY. DID SHE GIVE YOU ANY INDICATION OF TIME
21 LENGTH, OF HOW LONG THIS ALL TOOK?

22 A. SHE SAID EVERYTHING HAPPENED VERY QUICKLY, THE
23 ENTIRE STORY SHE SAID TOOK LESS THAN TWO OR THREE
24 MINUTES BECAUSE SHE WAS OUT OF THE HOUSE QUICK.
25 SO, I ASSUMED THAT IT HAPPENED QUICKLY, I DON'T

1 KNOW THAT.

2 Q. OKAY. AND SHE TOLD YOU THAT SHE FLED THROUGH THE
3 HOUSE WITH THE MAN BEHIND HER, CORRECT?

4 A. YES, MA'AM.

5 Q. AND THAT HE WAS STILL SHOOTING?

6 A. SHE SAID HE FIRED ONE MORE TIME FROM THE POINT
7 SHE LEFT THE FRONT DOOR AND EXITED THE BACK DOOR,
8 BUT IT WAS SOMETIME WHILE SHE WAS STILL IN THE
9 RESIDENCE, SHE WASN'T SURE.

10 Q. OKAY. AND SHE RAN THROUGH THE BACK DOOR TO THE
11 POINT WHERE IT WAS DAMAGED, CORRECT?

12 A. YES, MA'AM.

13 Q. DID YOU ACTUALLY SEE THE DAMAGE?

14 A. INITIALLY I THOUGHT THAT THAT MIGHT HAVE BEEN
15 SOMEBODY ELSE TRYING TO GET IN, BUT I NOTICED THE
16 DAMAGE WAS GOING THE OTHER WAY, SO, YES.

17 Q. BUT YOU DID SEE THE DOOR WAS DAMAGED?

18 A. YES, MA'AM.

19 Q. DESCRIBE THE DAMAGE.

20 A. IT HAD ACTUALLY BEEN KNOCKED OUT A LITTLE BIT. IT
21 WASN'T HANGING NORMALLY, IF YOU UNDERSTAND WHAT
22 I'M SAYING. IT WASN'T CORRECTLY ON ITS HINGES.
23 SOMEBODY HAD OBVIOUSLY FORCED IT OPEN INSTEAD OF
24 IT BEING JUST REGULARLY OPENED.

25 Q. OKAY. AND I BELIEVE SHE TOLD YOU THAT SHE FLED

CROSS - ROBERT W. WARRINGTON, JR., BY MS. HINDS

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1 DOWN ALETHA IN THE DIRECTION OF WHERE YOU
2 ULTIMATELY GET FLAGGED DOWN, CORRECT? IN OTHER
3 WORDS, SHE RAN, COMING FROM HER HOUSE TO THE
4 RIGHT DOWN ALETHA, IS THAT CORRECT?

5 A. SHE TURNED RIGHT OUT OF HER YARD AND HEADED DOWN
6 TO THE GENERAL AREA OF THAT CORNER STORE THAT
7 SITS DOWN THERE ON BAYNE AND, I MEAN, ALETHA AND
8 WHALEY.

9 Q. OKAY. AND SHE TOLD YOU SHE BELIEVED THAT THE
10 PERSON LEFT ON FOOT THROUGH THE FOOT PATH TOWARDS
11 THE TRAIN TRACKS, CORRECT?

12 A. SHE SAID THAT THAT WAS AROUND THERE AND SHE LOST
13 SIGHT OF HIM.

14 Q. OKAY. AND AT THAT POINT SHE GETS TO ALETHA AND
15 WHALEY, AND ENCOUNTERS MR. LEE, ERNEST LEE?

16 A. YES, MA'AM.

17 Q. DOES SHE SAY HOW SHE KNOWS MR. LEE?

18 A. SHE DID NOT.

19 Q. OKAY. AND TO YOUR KNOWLEDGE IS MR. LEE THE ONE
20 THAT CALLED NINE ONE ONE?

21 A. HE TOLD US HE CALLED.

22 Q. OKAY. AND MS. WRIGHT TOLD YOU THAT THE CHILD HAD
23 BEEN LEFT IN THE RESIDENCE, CORRECT?

24 A. YES, MA'AM.

25 Q. AND ULTIMATELY, A CIVILIAN GOES AND GETS THE

1 CHILD, IS THAT CORRECT? I MEAN, IT'S NOT ONE OF
2 THE OFFICERS THAT RETRIEVED THE CHILD?

3 A. IT WAS ACTUALLY THE PERSON WHO HAD TAKEN THE
4 CHILD AT, I GUESS, HER REQUEST, AND THEY CAME
5 BACK WITH THE CHILD.

6 Q. OKAY. DO YOU KNOW WHO THAT PERSON WAS?

7 A. WE JUST INSURED THAT THE MOTHER KNEW THEM AND WE
8 HAD THE MOTHER AND THE PERSON AND THE CHILD IN
9 THE SAME PLACE, AND ALL THE STORIES MATCHED UP,
10 AND THAT WAS WHERE THE CHILD WAS SUPPOSED TO BE.
11 WE DIDN'T GET A NAME AT THAT POINT. IF I DID I
12 DON'T REMEMBER IT.

13 Q. SO, YOU DIDN'T ASK HIM ABOUT THE STATE OF THE
14 RESIDENCE WHEN HE WENT AND GOT THE CHILD?

15 A. NO.

16 Q. BUT THE CHILD WAS RETURNED TO MOM, AND THAT WAS,
17 ACCORDING TO YOUR TESTIMONY, AFTER YOU ARRIVED,
18 CORRECT?

19 A. YES.

20 Q. OKAY. AND OFFICERS ACTUALLY WENT AND CLEARED THE
21 RESIDENCE AND THERE WAS NO ONE THERE, CORRECT?

22 A. YES, MA'AM.

23 Q. AND NO ONE WAS FOUND IN THE IMMEDIATE AREA
24 FITTING ANY KIND OF DESCRIPTION, CORRECT?

25 A. NO, MA'AM.

CROSS - ROBERT W. WARRINGTON, JR., BY MS. HINDS

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1 Q. OKAY. YOU WERE NOT THE ONE, THOUGH, THAT CLEARED
2 THE HOUSE, IS THAT CORRECT?

3 A. NO, MA'AM, I WASN'T.

4 Q. OKAY. I BELIEVE YOU TALKED TO MR. LEE A LITTLE
5 BIT ALSO?

6 A. I DID.

7 Q. AND HE SAID, HE TOLD YOU THE SUBJECT MATCHING
8 THAT GENERAL DESCRIPTION CAME INTO THE CORNER
9 STORE JUST BEFORE THE INCIDENT?

10 A. EARLIER THAT DAY.

11 Q. ALRIGHT. THIS IS TWO:THIRTY IN THE MORNING,
12 THEN, ANY ...

13 A. I HAD NO APPROXIMATION OF TIME WHEN HE HAD SEEN
14 HIM. HE JUST RECOGNIZED THE DESCRIPTION AS I WAS
15 ASKING PEOPLE AROUND IF THEY HAD SEEN ANYBODY IN
16 THE AREA. HE RECOGNIZED THAT DESCRIPTION.

17 Q. DID HE INDICATE TO YOU THAT HE ACTUALLY KNEW THIS
18 PERSON?

19 A. HE, HE SAID THAT, HE SAID THAT HE THOUGHT HE HAD
20 SEEN HIM WITH ANOTHER SUBJECT AND THAT WAS, THAT
21 WAS ALL HE COULD GIVE ME.

22 Q. AND YOU ALSO TALKED WITH ANOTHER WITNESS ON THE
23 SCENE, WOULD THAT BE CORRECT, A FEMALE?

24 A. YES, I TALKED WITH A LOT OF WITNESSES, BUT YES, I
25 DID TALK WITH A FEMALE.

1 Q. OKAY. AND DID SHE ALSO GIVE YOU SOME
2 INFORMATION?

3 A. SHE DID. SHE TOLD ME THAT ONCE I GAVE -- BECAUSE
4 I WAS ASKING A WHOLE BUNCH OF PEOPLE AT ONCE
5 RATHER THAN ASK THE INDIVIDUALLY. SHE SAID THAT
6 SHE HAD SOMEONE WHO LOOKED JUST LIKE THAT NAMED
7 WALTER COME INTO THE STORE WITH ANOTHER GENTLEMAN
8 NAMED DONTAE MORGAN, BUT THAT WAS ALL SHE WOULD
9 TELL ME.

10 Q. AND AGAIN, SHE SAID EARLIER THAT DAY, CORRECT?

11 A. JUST -- EARLIER, YEAH, IT WAS EARLIER.

12 Q. OKAY. AND SHE ACTUALLY THOUGHT IT MIGHT BE A GUY
13 NAMED WALTER, CORRECT? I MEAN, SHE WASN'T
14 TELLING YOU IT WAS WALTER?

15 A. SHE SAID SHE THOUGHT HIS NAME WAS WALTER.

16 Q. AND THAT HE HAD BEEN HANGING OUT WITH DONTAE
17 MORGAN?

18 A. SHE SAID THAT'S WHO HE CAME IN THE STORE WITH.

19 Q. OKAY. DID YOU ATTEMPT TO INTERVIEW MR. MORGAN?

20 A. WE COULD NOT FIND ANY INFORMATION ON HIM AT THAT
21 TIME.

22 Q. SO, HE WAS NEVER SPOKEN TO?

23 A. I NEVER SPOKE TO HIM.

24 Q. DID YOU GET ANY KIND OF DESCRIPTION OF MR.
25 MORGAN?

CROSS - ROBERT W. WARRINGTON, JR., BY MS. HINDS

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1 A. WE DID NOT.

2 Q. OKAY. DID, DID THE FEMALE WITNESS GIVE YOU A
3 DESCRIPTION OF WALTER?

4 A. SHE, SHE HEARD ME GIVE THE DESCRIPTION OUT, AND
5 SHE TOLD ME, BASED ON THE DESCRIPTION SHE HEARD
6 ME SAY, THAT THAT LOOKED LIKE A GUY WHO HAD COME
7 INTO THE CORNER STORE, THAT HE MATCHED MY
8 DESCRIPTION.

9 Q. OKAY.

10 A. BECAUSE WE WERE STILL SEARCHING FOR THEM IN THE
11 IMMEDIATE AREA, SO WE WERE SEEING IF MAYBE THEY
12 HAD SEEN SOMEONE MATCHING THAT DESCRIPTION RUN BY
13 THE STORE.

14 Q. OKAY. AND JUST TO GO OVER IT ONE MORE TIME, WHEN
15 MS. WRIGHT GAVE YOU A DESCRIPTION, THAT WAS AFTER
16 HAD BEEN CALMED DOWN AND WAS ABLE TO COHERENTLY
17 GIVE THE STORY, CORRECT?

18 A. YES.

19 Q. AND SHE TOLD YOU, DARK SKINNED, SHORT TWISTS IN
20 HAIR, GREEN SHIRT, BLUE SHORTS, JACKET, AND TEAR
21 DROP TATTOO, WOULD THAT BE CORRECT?

22 A. THAT WOULD BE CORRECT.

23 Q. WAS THERE ANYTHING ELSE?

24 A. SAY THAT ONE MORE TIME FOR ME?

25 Q. DARK SKINNED, SHORT TWISTS IN HAIR, GREEN SHIRT,

1 BLUE SHORTS, JACKET, AND A TEAR DROP TATTOO?

2 A. THAT WOULD BE CORRECT.

3 Q. OKAY. AND ESTIMATED THE HEIGHT TO BE ABOUT
4 FIVE-NINE AND THE WEIGHT A HUNDRED AND SIXTY
5 POUNDS?

6 A. YES, MA'AM.

7 Q. OKAY. AND NO ONE WAS ACTUALLY ARRESTED THAT
8 PARTICULAR EVENING, CORRECT?

9 A. NO, MA'AM.

10 Q. OKAY. AND YOU WEREN'T A WITNESS TO ANY OF THIS,
11 CORRECT, OTHER THAN COMING IN AFTERWARDS TO DO
12 YOUR JOB, CORRECT?

13 A. YES, MA'AM.

14 Q. AND YOU DON'T KNOW WHO DID IT?

15 A. NO, MA'AM.

16 MS. HINDS: THANK YOU. NO FURTHER
17 QUESTIONS.

18 THE COURT: THANK YOU, MA'AM.

19 MR. SORENSON, ANYTHING ON REDIRECT?

20 SOLICITOR SORENSON: NO, SIR.

21 THE COURT: ALRIGHT. YOU MAY STEP DOWN,
22 OFFICER WARRINGTON, APPRECIATE YOU COMING.

23 WITNESS: THANK YOU, YOUR HONOR.

24 THE COURT: ALRIGHT, MR. SORENSON, YOU MAY
25 CALL YOUR NEXT WITNESS.

1 SOLICITOR SORENSON; THE STATE CALLS
2 PHYLICIA FRAZIER.

3 (Whereupon, the witness
4 enters the courtroom.)

5 CLERK: MR. FRAZIER, IF YOU'D COME ALL THE
6 WAY DOWN TO THE FRONT AND TO YOUR RIGHT WHERE YOU SEE
7 THE MICROPHONE, ALL THE WAY DOWN TO THE FRONT TO YOUR
8 RIGHT WHERE THE MICROPHONE IS. AND PUT YOUR LEFT HAND
9 ON THE BIBLE AND RAISE YOUR RIGHT HAND.

10 (Whereupon, Phylcia Frazier
11 is duly sworn.)

12 CLERK: YOU MAY BE SEATED AND STATE YOUR
13 FULL NAME FOR THE COURT.

14 WITNESS: PHYLICIA EVONNE FRAZIER.

15 (NOTE: Blank lines on this page do not indicate any
16 part of record has been omitted. Headers on testimony
17 pages and hard page breaks between testimony are now
18 required by the Court. See next ensuing page for
19 sequential continuation of record.)

DIRECT - PHYLCIA E. FRAZIER BY SOL. SORENSON

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DIRECT EXAMINATION OF PHYLCIA E. FRAZIER

BY SOLICITOR SORENSON:

Q. AND PHYLCIA, HOW DO YOU SPELL YOUR FIRST NAME?

A. P-H-Y-L-I-C-I-A.

Q. OKAY. AND WHAT'S YOUR DATE OF BIRTH?

A.

Q. AND DO YOU HAVE A NICK NAME YOU GO BY?

A. LEBO.

Q. LEBO?

A. UH-HUH.

Q. HOW DO YOU SPELL LEBO?

A. L-E-B-O.

Q. OKAY. AND MS. FRAZIER, WHERE DO YOU CURRENTLY
STAY AT?

A.

Q. AND BACK IN APRIL OF THIS YEAR WERE YOU STAYING
AT THE SAME PLACE THEN?

A. UH-HUH.

Q. AND WHERE IS THAT LOCATED AT?

A. METTS TRAILER PARK.

Q. OKAY. AND WHERE IS METTS TRAILER PARK LOCATED?

A. ON, OFF OF WHALEY STREET.

Q. OFF OF WHALEY STREET. IS THAT OVER IN CLOSE
PROXIMITY TO ALETHA STREET?

A. UH-HUH.

DIRECT - PHYLICIA E. FRAZIER BY SOL. SORENSON

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1 Q. AND WHO, WHO DO YOU CURRENTLY STAY WITH?

2 A. ERNEST LEE.

3 Q. IS HE YOUR BOYFRIEND?

4 A. YES.

5 Q. NOW, BACK IN APRIL OF THIS YEAR WAS THERE A
6 LITTLE KIND OF CORNER STORE THAT WAS LOCATED KIND
7 OF ON THE, AT THE INTERSECTION OF ALETHA AND
8 WHALEY STREET?

9 A. YES.

10 Q. ALRIGHT. AND WHO, WHO WAS RUNNING THAT STORE?

11 A. ERNEST WAS RUNNING IT AT THE TIME.

12 Q. OKAY. AND WOULD YOU THEN KIND OF WORK THERE
13 SOMETIMES ALSO?

14 A. UH-HUH.

15 Q. ALRIGHT. LET ME ASK YOU THIS, MS. FRAZIER, THE
16 VICTIM IN THIS CASE, LATOYA WRIGHT, DO YOU KNOW
17 MS. WRIGHT?

18 A. UH-HUH.

19 Q. TELL THE JURY HOW YOU KNOW MS. WRIGHT?

20 A. FROM THE NEIGHBORHOOD.

21 Q. OKAY. IS SHE A CLOSE FRIEND OF YOURS?

22 A. YEAH, YOU COULD SAY THAT.

23 Q. SOMEBODY THAT YOU WOULD SEE - - -

24 A. YEAH.

25 Q. --- OUT AND ABOUT IN THE NEIGHBORHOOD?

DIRECT - PHYLICIA E. FRAZIER BY SOL. SORENSON

266

1 A. UH-HUH.

2 Q. LET ME ASK YOU THIS, THE DEFENDANT IN THIS CASE,
3 WALTER GREENE, DO YOU KNOW MR. GREENE?

4 A. UH-HUH.

5 Q. AND TELL THE JURY HOW YOU KNOW MR. GREENE?

6 A. I WENT TO MIDDLE SCHOOL WITH HIM.

7 Q. AND WHERE WAS THAT THAT YOU WENT TO MIDDLE
8 SCHOOL?

9 A. JOHN FORD MIDDLE.

10 Q. AND WHERE IS JOHN FORD MIDDLE SCHOOL LOCATED?

11 A. ST. MATTHEWS.

12 Q. ST. MATTHEWS. AND ABOUT HOW LONG AGO WAS THAT?

13 A. EIGHT, NINE YEARS AGO.

14 Q. SO, IT WAS BACK IN KIND OF EARLY TWO THOUSANDS?

15 A. UH-HUH.

16 Q. OKAY. AND WHAT, WAS HE IN THE SAME GRADE AS YOU,
17 DO YOU REMEMBER OR ...

18 A. HUH-UH.

19 Q. DO YOU REMEMBER IF HE WAS BEHIND YOU OR AHEAD OF
20 YOU?

21 A. BEHIND ME.

22 Q. OKAY. AND HOW MANY YEARS DID YOU ATTEND JOHN
23 FORD MIDDLE SCHOOL WITH MR. GREENE?

24 A. ONE.

25 Q. ONE YEAR. WAS HE SOMEBODY YOU WOULD KNOW BY

DIRECT - PHYLICIA E. FRAZIER BY SOL. SORENSON

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1 SIGHT ALSO WHEN YOU SAW HIM?

2 A. UH-HUH.

3 Q. ALRIGHT. NOW, I WANT TO TURN YOUR ATTENTION, MS.

4 FRAZIER, BACK TO THE EVENING OF APRIL TWENTY-

5 THIRD, THAT FRIDAY NIGHT INTO THE KIND OF EARLY

6 MORNING HOURS OF SATURDAY, THE TWENTY-FOURTH.

7 WHERE HAD YOU BEEN KIND OF HANGING OUT THAT

8 EVENING INTO THE EARLY MORNING HOURS?

9 A. AT THE STORE.

10 Q. AT THE STORE?

11 A. UH-HUH.

12 Q. AND DO YOU KNOW HOW LONG YOU HAD BEEN OUT THERE

13 THAT NIGHT?

14 A. I BEEN OUT THERE SINCE EARLY THAT AFTERNOON.

15 Q. OKAY. SO, FOR SEVERAL HOURS?

16 A. SEVERAL HOURS.

17 Q. ALRIGHT. AND LET ME ASK YOU, DID YOU SEE AT ANY

18 POINT IN TIME EIGHTER THAT NIGHT OR INTO THOSE

19 EARLY MORNING HOURS, DID YOU SEE WALTER GREENE

20 OUT THERE?

21 A. UH-HUH.

22 Q. ALRIGHT. AND WAS THAT, DID HE FREQUENT THAT STORE

23 OUT THERE?

24 A. HUH-UH.

25 Q. HAD YOU EVER SEEN HIM OUT THERE BEFORE?

1 A. HUH-UH.

2 Q. I NEED YOU TO EITHER SAY YES OR NO, MS. FRAZIER.

3 A. NO.

4 Q. OKAY. HAD YOU TALKED TO HIM AT ALL, DO YOU KNOW,
5 THAT NIGHT, OR ...

6 A. NO.

7 Q. OKAY. ANY DOUBT IN YOUR MIND THAT WAS HIM YOU
8 SAW OUT THERE, THOUGH?

9 A. UH-HUH, NO.

10 Q. NO DOUBT?

11 A. NO.

12 Q. ALRIGHT. AND DO YOU REMEMBER ABOUT WHAT TIME IT
13 WAS YOU SAW HIM OUT THERE?

14 A. NO.

15 Q. WAS IT LIKE DURING FRIDAY AFTERNOON OR FRIDAY
16 EVENING OR KIND OF EARLY SATURDAY MORNING, DO YOU
17 REMEMBER?

18 A. HUH-UH, I DON'T REMEMBER AT ALL.

19 Q. DO YOU REMEMBER WHO HE WAS WITH?

20 A. NO.

21 Q. NOW, I'M GOING TO TURN YOUR ATTENTION TO ABOUT
22 TWO:THIRTY THAT MORNING, OKAY?

23 A. UH-HUH.

24 Q. WHAT WERE Y'ALL DOING OUT THERE?

25 A. WE WAS JUST ABOUT TO CLOSE UP.

DIRECT - PHYLCIA E. FRAZIER BY SOL. SORENSON

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1 Q. OKAY. AND WERE YOU WITH YOUR BOYFRIEND, MR. LEE?

2 A. UH-HUH.

3 Q. ALRIGHT. AND WHAT, TELL THE JURY WHAT HAPPENED
4 AROUND TWO:THIRTY THAT MORNING?

5 A. WE WAS ABOUT TO CLOSE UP THE STORE AND JUST WHAT
6 HAPPENED, WHEN WE WALK OUTSIDE I HEARD LATOYA
7 COME RUNNING UP THE STREET SAYING THAT SHE HAD
8 GOT SHOT. SO, THAT'S WHEN I WAS, LIKE, WELL, YOU
9 WANT ME TO TAKE YOU TO THE HOSPITAL? SHE WAS,
10 LIKE, YEAH, BUT SHE WAS WANTING TO CHECK ON HER
11 BABY FIRST BECAUSE HER BABY WAS IN THE HOUSE.
12 SO, ON OUR WAY GOING DOWN THERE TO HER HOUSE
13 SOMEBODY WENT IN THERE AND GOT THE BABY, WE MAKE
14 SURE THE BABY WAS ALRIGHT. THAT'S WHEN WE WAS ON
15 OUR WAY TO THE HOSPITAL, AND WE MET THE OFFICERS,
16 SO I STOPPED AND SHE GOT OUT AND TALKED TO THE
17 OFFICER.

18 Q. OKAY. AND LET ME KIND OF BACK YOU UP THERE. SO
19 SHE CAME RUNNING UP SAYING SHE HAD BEEN SHOT?

20 A. UH-HUH.

21 Q. DID SHE APPEAR THAT SHE WAS BLEEDING ANYWHERE?

22 A. UH-HUH.

23 Q. AND WHERE WAS THAT?

24 A. LIKE IN HER STOMACH AREA, RIGHT UP IN HERE.

25 Q. AND HOW WAS SHE ACTING? I MEAN, YOU SAID WHEN SHE

DIRECT - PHYLICIA E. FRAZIER BY SOL. SORENSON

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1 RAN UP AND SAID SHE WAS SHOT ...

2 A. SHE WAS HYSTERICAL.

3 Q. HYSTERICAL?

4 A. UH-HUH.

5 Q. NOW, DID SOMEBODY CALL -- YOU SAID YOU ULTIMATELY
6 ENDED UP MEETING THE POLICE. HAD SOMEBODY CALLED
7 NINE ONE ONE?

8 A. YES, ERNEST.

9 Q. OKAY. ALRIGHT. SO, Y'ALL WENT UP THERE AND
10 SOMEBODY WENT IN AND GOT THE - - -

11 A. THE BABY.

12 Q. --- HER DAUGHTER, THE BABY OUT OF THE HOUSE, DO
13 YOU REMEMBER WHO THAT WAS OR ...

14 A. NO.

15 Q. ALRIGHT. BUT SHE WAS IN THE CAR WITH YOU,
16 THOUGH?

17 A. YES.

18 Q. ALRIGHT. AND DO YOU REMEMBER WHERE IT WAS THAT
19 YOU SAW THE POLICE OFFICER?

20 A. IN THE SECTION OF BAYNE AND ALETHA STREET.

21 Q. OKAY. SO, IT'S BASICALLY A BLOCK DOWN FROM HER
22 TRAILER?

23 A. YEAH, UH-HUH.

24 Q. ALRIGHT. NOW, YOU SAID SHE GOT OUT THEN - - -

25 A. UH-HUH.

DIRECT - PHYLICIA E. FRAZIER BY SOL. SORENSON

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1 Q. --- AND THE POLICE STARTED DEALING WITH HER AT
2 THAT POINT IN TIME?

3 A. UH-HUH.

4 Q. NOW, PRIOR TO THAT HAD SHE TOLD YOU, OTHER THAN
5 SAYING SHE HAD BEEN SHOT AND WAS WORRYING ABOUT
6 HER CHILD, I MEAN, HAD SHE TOLD YOU WHAT HAD
7 HAPPENED PRIOR TO THAT?

8 A. NO, HUH-UH.

9 Q. HAD SHE GIVEN YOU A DESCRIPTION AT ALL OF THE
10 PERSON?

11 A. HUH-UH.

12 Q. LET ME ASK YOU THIS, WAS WALTER GREENE, THE
13 DEFENDANT, WAS HE AT THE STORE WHEN LATOYA CAME
14 RUNNING UP?

15 A. NO.

16 Q. DID YOU REMEMBER THE LAST TIME YOU HAD SEEN HIM,
17 WHEN IT WAS, I MEAN, THAT EVENING?

18 A. NO, I WAS, LIKE I SAID, I WAS BEHIND THE COUNTER,
19 SO WHEN HE DID LEFT, I DON'T KNOW.

20 Q. SO, YOU'RE NOT TOO SURE WHEN HE ACTUALLY LEFT?

21 A. NO.

22 Q. BECAUSE YOU WERE INSIDE?

23 A. YEAH.

24 Q. OKAY. ALRIGHT, NOW WHEN LATOYA GOT OUT AND SPOKE
25 TO, SPOKE TO THE POLICE, DID YOU HAVE AN

1 OPPORTUNITY, DID YOU OVERHEAR AT ANY POINT IN
2 TIME WHAT SHE WAS DESCRIBING TO THE POLICE, THE
3 PERSON THAT ...

4 A. WHEN I HAD CAME BACK FROM DROPPING HER LITTLE
5 GIRL OFF.

6 Q. OKAY. SO, YOU ACTUALLY ...

7 A. AND WHEN THEY WAS, LIKE, IN THE VERY BACK SO THEY
8 COULD EXAMINE HER, WHEN SHE WAS INSIDE THE BACK
9 OF THE EMS I HEARD WHEN SHE WAS GIVING THE
10 DESCRIPTION.

11 Q. OKAY. SO YOU HAD ACTUALLY TAKEN, WHERE DID YOU
12 TAKE HER DAUGHTER, DO YOU REMEMBER?

13 A. TO THE FATHER'S HOUSE.

14 Q. OKAY. AND THEN YOU ULTIMATELY WENT AND BROUGHT
15 HER BACK ALSO?

16 A. UH-HUH.

17 Q. OKAY. ALRIGHT, SO WHEN YOU HEARD HER DESCRIBING
18 THIS PERSON TO THE POLICE OFFICERS, IS THAT THE
19 FIRST TIME YOU HAD HEARD HER DESCRIBE THE
20 PERSON?

21 A. UH-HUH.

22 Q. OKAY. AND WHAT, WHAT STRUCK YOU WHEN YOU HEARD
23 HER DESCRIBING THE PERSON?

24 A. JUST THE WHOLE, THE WHOLE THING,, FROM HIS OUTFIT,
25 HIS HAIR, ALL OF THAT.

DIRECT - PHYLCIA E. FRAZIER BY SOL. SORENSON

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1 Q. WHO DID IT SOUND LIKE SHE WAS DESCRIBING?

2 A. WALTER.

3 Q. AND DID YOU ULTIMATELY TELL THE POLICE THAT THAT
4 NIGHT?

5 A. I DON'T REMEMBER.

6 Q. YOU'RE NOT SURE IF YOU DID OR NOT?

7 A. I'M NOT SURE, NO.

8 Q. NOW OBVIOUSLY, I MEAN, YOU WEREN'T DOWN AT -- YOU
9 WEREN'T DOWN AT PHYLCIA'S, I MEAN, AT LATOYA'S
10 TRAILER WHEN SHE WAS SHOT, RIGHT?

11 A. NO, SIR.

12 Q. OKAY. SO, YOU DON'T KNOW EXACTLY, YOU DON'T HAVE
13 FIRST HAND KNOWLEDGE OF WHAT HAPPENED DOWN THERE,
14 RIGHT?

15 A. NO, SIR.

16 Q. OKAY. LET ME ASK YOU, IS THERE ANY DOUBT IN YOUR
17 MIND THAT YOU SAW WALTER GREENE OUT THERE AT THAT
18 CORNER STORE EARLIER THAT NIGHT?

19 A. UH-HUH, NO.

20 Q. ANY DOUBT IN YOUR MIND?

21 A. HUH-UH.

22 THE COURT: IS THAT A YES OR A NO?

23 A. NO.

24 THE COURT: OKAY. THANK YOU, MA'AM.

25 SOLICITOR SORENSON: THANK YOU, MS. FRAZIER,

DIRECT - PHYLCIA E. FRAZIER BY SOL. SORENSON

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1 PLEASE ANSWER ANY QUESTIONS THAT MS. HINDS HAS.

2 THE COURT: MS. HINDS, YOUR WITNESS.

3 MS. HINDS: THANK YOU, YOUR HONOR, MAY IT
4 PLEASE THE COURT.

5 THE COURT: YES, MA'AM.

6 (NOTE: Blank lines on this page do not indicate any
7 part of record has been omitted. Headers on testimony
8 pages and hard page breaks between testimony are now
9 required by the Court. See next ensuing page for
10 sequential continuation of record.)

CROSS - PHYLCIA E. FRAZIER BY MS. HINDS

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CROSS-EXAMINATION OF PHYLCIA E. FRAZIER

BY MS. HINDS:

Q. GOOD MORNING, MS. FRAZIER.

A. GOOD MORNING.

Q. OKAY, SO YOUR TESTIMONY WAS THAT YOU WERE PRESENT
AT THE CORNER STORE - - -

A. UH-HUH.

Q. --- WHEN MS. WRIGHT COMES RUNNING UP?

A. YES.

Q. OBVIOUSLY INJURED?

A. UH-HUH.

Q. OBVIOUSLY DISTRAUGHT?

A. UH-HUH.

Q. OKAY. AND I BELIEVE, I JUST WANT TO MAKE SURE,
YOU HAD BEEN AT THE STORE ABOUT HOW LONG AT THAT
POINT IN TIME?

A. WHEN, AFTER SHE GOT SHOT OR BEFORE?

Q. NO, I'M SORRY, THAT WASN'T A VERY CLEAR
QUESTIONS. ALRIGHT, YOU'RE AT THE STORE, IT'S
ABOUT TWO:THIRTY IN THE MORNING, YOU'RE GETTING
READY TO CLOSE IT?

A. UH-HUH.

Q. OKAY. HOW LONG HAD YOU ACTUALLY BEEN AT THE STORE
AT THAT POINT WHEN YOU WERE CLOSING UP?

A. FOR LIKE, ABOUT THIRTY MINUTES.

1 Q. OKAY. AND IT'S A CONVENIENCE STORE, IS THAT
2 CORRECT?

3 A. UH-HUH.

4 Q. AND MR. LEE RUNS IT?

5 A. HE WAS RUNNING IT AT THE TIME, IT'S REALLY HIS
6 BROTHER'S STORE.

7 Q. OKAY.

8 A. BUT HE WAS JUST RUNNING IT AT THE TIME.

9 Q. AND IS IT THE KIND OF THING THAT YOU WOULD
10 NORMALLY THINK OF AS A CONVENIENCE STORE?

11 A. UH-HUH.

12 Q. SELL CIGARETTES, BEER, SODA, THAT KIND OF THING?

13 A. UH-HUH.

14 Q. OKAY. AND THIS STAYS OPEN UNTIL TWO:THIRTY IN
15 THE MORNING?

16 A. UH-HUH.

17 Q. OKAY. HAD ANY OTHER PEOPLE -- NOW, LET ME ASK
18 YOU, HAD YOU BEEN DRINKING AT ALL THAT NIGHT?

19 A. NO, I DON'T DRINK.

20 Q. OKAY. AND AGAIN, HOW DO YOU KNOW MS. WRIGHT?

21 A. I KNOW HER THROUGHOUT THE NEIGHBORHOOD.

22 Q. WOULD YOU SAY SHE'S A FRIEND, AN ACQUAINTANCE?

23 A. UH-HUH, YES.

24 Q. WHICH?

25 A. A FRIEND.

CROSS - PHYLICIA E. FRAZIER BY MS. HINDS

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1 Q. A FRIEND. HOW LONG HAVE YOU KNOWN HER?

2 A. ABOUT A COUPLE OF MONTHS.

3 Q. OKAY. AGAIN, SHE WAS, WHEN YOU CAME UPON HER SHE
4 WAS UPSET, CORRECT?

5 A. UH-HUH.

6 Q. WAS SHE CRYING?

7 A. YES.

8 Q. YELLING?

9 A. YES.

10 Q. OKAY. CAN YOU TELL ME WHO ELSE WAS AT THE STORE
11 AT THAT POINT IN TIME?

12 A. JUST ME AND MY BOYFRIEND, AND A COUPLE OF OTHER
13 PEOPLE, BUT I'M NOT TOO FOND OF WHO THOSE PEOPLE
14 WAS.

15 Q. YOU DON'T KNOW WHO THEY WERE?

16 A. HUH-UH.

17 Q. OKAY. AND SO YOU ACTUALLY, YOU AND MR. LEE WERE
18 THE FIRST ONES THAT SHE CAME UPON AFTER THIS
19 HAPPENED, CORRECT?

20 A. UH-HUH.

21 Q. AND THAT WAS BEFORE THE POLICE EVEN ARRIVED,
22 CORRECT?

23 A. YES.

24 Q. BECAUSE MR. LEE WAS THE ONE THAT ACTUALLY CALLED
25 THE COPS - - -

1 A. YES.

2 Q. --- TO GET HELP, CORRECT?

3 A. UH-HUH.

4 Q. ALRIGHT. SO, YOU -- SHE'S WORRIED ABOUT HER
5 CHILD, BUT SHE'S ALSO WORRIED ABOUT GETTING SOME
6 MEDICAL TREATMENT, CORRECT?

7 A. UH-HUH.

8 Q. AND YOU AGREE TO TRY TO HELP HER?

9 A. YES.

10 Q. SO, THE TWO OF YOU GET IN YOUR CAR?

11 A. YES.

12 Q. OKAY. AND YOU, WHAT DO YOU DO FIRST?

13 A. I TOLD HER I WASN'T GOING TO TAKE HER UNTIL WE
14 FIND OUT, MAKE SURE HER BABY WAS ALRIGHT. SO, WE
15 WENT TO HER HOUSE TO MAKE SURE THE BABY WAS
16 ALRIGHT. THEN WE WAS ON OUR WAY TO THE HOSPITAL.

17 Q. OKAY. YOU WENT TO HER HOUSE?

18 A. UH-HUH.

19 Q. AND DID YOU GO INSIDE?

20 A. NO, I DIDN'T GO INSIDE.

21 Q. DID SHE GO INSIDE?

22 A. NO.

23 Q. OKAY. SO AT THAT -- HOW DID SHE FIND OUT THAT
24 HER CHILD WAS OKAY?

25 A. SOMEBODY WENT IN THERE AND GOT HER, WHO THE

CROSS - PHYLCIA E. FRAZIER BY MS. HINDS

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1 FELLOW WAS I DON'T KNOW.

2 Q. AND WHEN YOU GOT TO THE HOUSE DID HE COME TO THE
3 CAR AND ...

4 A. YEAH, HE BROUGHT THE BABY ON THE OUTSIDE.

5 Q. DID YOU SEE HIM COME FROM INSIDE THE HOUSE WITH
6 THE CHILD?

7 A. UH-HUH.

8 Q. SO YOU, I JUST WANT TO MAKE SURE I'VE GOT THIS
9 RIGHT. SO, YOU'RE SITTING IN THE CAR WITH MS.
10 WRIGHT WHEN SOMEBODY COMES FROM INSIDE THE HOUSE
11 AND BRINGS THE CHILD TO HER?

12 A. UH-HUH.

13 Q. AND AT THAT POINT THE CHILD IS IN THE CAR ALSO?

14 A. UH-HUH.

15 Q. AND THE COPS COME, CORRECT?

16 A. YEAH, WE MET THEM AND I STOPPED AND SHE GOT OUT
17 AND TOLD ME TO TAKE HER BABY TO THE FATHER'S
18 HOUSE.

19 Q. AND YOU DID THAT?

20 A. UH-HUH.

21 Q. AND THEN YOU CAME BACK?

22 A. YES.

23 Q. OKAY. YOU TOLD THE OFFICERS THAT YOU SAW SOMEONE
24 MATCHING THE DESCRIPTION COME TO THE CORNER STORE
25 EARLIER THAT DAY - - -

1 A. YES.

2 Q. --- BUT YOU DON'T REMEMBER WHAT TIME, CORRECT?

3 A. NO, HUH-UH.

4 Q. OKAY. BUT YOU ACTUALLY HAD AN OPPORTUNITY TO
5 TALK TO MS. WRIGHT BEFORE THE POLICE OFFICERS
6 ARRIVED, CORRECT?

7 A. UH-HUH.

8 Q. OKAY. AND I BELIEVE YOUR TESTIMONY WAS THAT THE
9 PERSON THAT YOU KNOW AS WALTER YOU DID NOT SPEAK
10 TO HIM?

11 A. HUH-UH, NO, MA'AM.

12 Q. AND YOUR TESTIMONY WAS YOU KNEW HIM FROM MIDDLE
13 SCHOOL, CORRECT?

14 A. UH-HUH.

15 Q. HE WAS ACTUALLY A GRADE BEHIND YOU, CORRECT?

16 A. YES.

17 Q. WOULD THAT BE WHEN YOU WERE IN ABOUT EIGHTH
18 GRADE?

19 A. YES, UH-HUH.

20 Q. OKAY. AND HE WOULD BE IN SEVENTH GRADE THEN?

21 A. UH-HUH.

22 Q. AND YOU BOTH WERE ABOUT THIRTEEN YEARS OLD?

23 A. UH-HUH.

24 Q. OKAY. AND YOU ARE HOW OLD NOW?

25 A. TWENTY-TWO.

CROSS - PHYLICIA E. FRAZIER BY MS. HINDS

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1 Q. OKAY. SO, IT'S ABOUT NINE YEARS AGO, CORRECT?

2 A. YEAH.

3 Q. HOW OFTEN HAVE YOU SEEN HIM SINCE MIDDLE SCHOOL?

4 A. I AIN'T SEEN HIM SINCE, WHEN HE CAME TO THE STORE
5 THAT NIGHT THAT WAS MY FIRST TIME SEEING HIM.

6 Q. OKAY. DID, WHEN YOU WERE IN MIDDLE SCHOOL
7 TOGETHER, YOU WERE ONE GRADE APART?

8 A. UH-HUH.

9 Q. DID YOU ACTUALLY HAVE CLASSES TOGETHER?

10 A. NOT THAT I CAN REMEMBER.

11 Q. OKAY. AND YOU HAVEN'T SEEN HIM SINCE MIDDLE
12 SCHOOL, CORRECT?

13 A. CORRECT.

14 Q. DID YOU TELL THE COPS THAT HE DIDN'T HANG OUT IN
15 THAT AREA?

16 A. I DON'T REMEMBER ME SAYING THAT. I DON'T REMEMBER
17 SAYING THAT.

18 Q. YOU DON'T REMEMBER TELLING THE POLICE OFFICERS -
19 - - -

20 A. HUH-UH.

21 Q. --- THAT MR. GREENE DIDN'T HANG OUT IN THE AREA.
22 WAS IT YOU WHO GAVE THE INFORMATION TO THE POLICE
23 THAT HE WAS WITH DONTAE MORGAN?

24 A. NO.

25 Q. SO, THAT WASN'T YOU?

CROSS - PHYLCIA E. FRAZIER BY MS. HINDS

282

1 A. NO.

2 Q. DO YOU KNOW DONTAE MORGAN?

3 A. I KNOW HIM BUT I DON'T HIM LIKE THAT.

4 Q. DID YOU SEE HIM THAT NIGHT, OR ANYTIME THAT DAY?

5 A. YEAH.

6 Q. AGAIN, EARLIER THAT DAY?

7 A. UH-HUH.

8 Q. BUT YOU DON'T REMEMBER WHAT TIME?

9 A. UH-HUH.

10 Q. OKAY. YOU WEREN'T A WITNESS TO THE ACTUAL EVENT,

11 SO IN OTHER WORDS, EVERYTHING THAT YOU KNOW IS

12 FROM AFTER THE FACT, CORRECT?

13 A. YES, MA'AM.

14 Q. YOU WEREN'T PRESENT THERE?

15 A. NO.

16 Q. OKAY.

17 MS. HINDS: I BEG THE COURT'S INDULGENCE.

18 THE COURT: YES, MA'AM, TAKE YOUR TIME.

19 MS. HINDS: I HAVE NO FURTHER QUESTIONS,

20 THANK YOU, YOUR HONOR.

21 THE COURT: THANK YOU, MS. HINDS.

22 MR. SORENSON, ANYTHING ON REDIRECT?

23 SOLICITOR SORENSON: NO, SIR. MAY SHE BE

24 EXCUSED?

25 THE COURT: YES, MA'AM, THANK YOU, MA'AM,

1 FOR COMING, YOU ARE EXCUSED.

2 OKAY, YOU MAY CALL YOUR NEXT WITNESS.

3 SOLICITOR SORENSON; THE STATE CALLS OFFICER
4 STEPHANIE SCOTT.

5 (Whereupon, the witness
6 enters the courtroom.)

7 CLERK: STAND UP FRONT WHERE YOU SEE THE
8 MICROPHONE AND PLACE YOUR LEFT HAND ON THE BIBLE AND
9 RAISE YOUR RIGHT HAND.

10 (Whereupon, Stephanie Scott
11 is duly sworn.)

12 CLERK: THANK YOU, YOU MAY BE SEATED AND
13 STATE YOUR FULL NAME FOR THE COURT.

14 WITNESS: STEPHANIE SCOTT.

15 (NOTE: Blank lines on this page do not indicate any
16 part of record has been omitted. Headers on testimony
17 pages and hard page breaks between testimony are now
18 required by the Court. See next ensuing page for
19 sequential continuation of record.)

DIRECT - STEPHANIE SCOTT BY SOL. SORENSON

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DIRECT EXAMINATION OF STEPHANIE SCOTT

BY SOLICITOR SORENSON:

Q. GOOD MORNING, OFFICER SCOTT.

A. GOOD MORNING.

Q. IF YOU WOULD, PLEASE TELL THE JURY WHERE YOU ARE
CURRENTLY EMPLOYED?

A. ORANGEBURG DEPARTMENT OF PUBLIC SAFETY.

Q. AND HOW LONG HAVE YOU BEEN WITH PUBLIC SAFETY?

A. ABOUT THREE AND A HALF YEARS.

Q. OKAY. AND WHAT ARE YOUR CURRENT DUTIES WITH
PUBLIC SAFETY?

A. MY CURRENT DUTY IS A VICTIM'S ADVOCATE FOR PUBLIC
SAFETY.

Q. OKAY. AND BACK IN APRIL OF TWO THOUSAND TEN IN
WHAT CAPACITY WERE YOU EMPLOYED AT THAT TIME?

A. I WAS AN OFFICER ON PATROL.

Q. OKAY. AND HOW LONG HAD YOU BEEN A PATROL OFFICER
WITH PUBLIC SAFETY?

A. JUST SHORT OF THREE YEARS.

Q. OKAY. AND I WANT TO TURN YOUR ATTENTION BACK TO
THE EARLY MORNING HOURS OF APRIL TWENTY-FOURTH OF
THIS YEAR, DID YOU HAVE AN OPPORTUNITY TO RESPOND
OUT TO THE, KIND OF AROUND THE INTERSECTION OF
ALETHA AND, ALETHA AND BAYNE STREET?

A. YES, I DID.

DIRECT - STEPHANIE SCOTT BY SOL. SORENSON

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1 Q. OKAY. AND WERE THERE OTHER OFFICERS THAT WERE
2 OUT THERE?

3 A. YES, OFFICER WARRINGTON WAS THERE AT THE TIME I
4 ARRIVED.

5 Q. OKAY. AND WHAT WAS YOUR, WHY WERE YOU RESPONDING
6 OUT THERE THAT NIGHT?

7 A. TYPICALLY, WHEN THERE'S AN INCIDENT INVOLVING A
8 SHOOTING, ALL OFFICERS WILL RESPOND. I WAS
9 RESPONDING AS A COVER OFFICER FOR OFFICER
10 WARRINGTON.

11 Q. AND WHEN YOU GOT OUT THERE DID YOU KIND OF TAKE
12 ON A DIFFERENT ROLE ALSO?

13 A. WHEN I WAS A COUPLE OF BLOCKS AWAY OFFICER
14 WARRINGTON DID ASK ME TO GO AHEAD AND RESPOND DUE
15 TO A FEMALE INJURY.

16 Q. OKAY. AND TELL THE JURY, WHO DID YOU THEN COME
17 INTO CONTACT WITH OUT THERE?

18 A. I THEN CAME IN CONTACT WITH THE VICTIM. WHEN I
19 CAME UP TO OFFICER WARRINGTON HE FELT SHE WOULD
20 BE MORE COMFORTABLE WITH ME, BEING WHERE SHE WAS
21 SHOT.

22 Q. OKAY. AND WHERE, DESCRIBE KIND OF WHAT HER
23 CONDITION WAS WHEN YOU MET WITH MS. WRIGHT?

24 A. SHE WAS VERY DISTRAUGHT, SHE WAS CRYING, UPSET,
25 SCARED. SHE WAS ACTUALLY, WE HAD SET HER INTO THE

DIRECT - STEPHANIE SCOTT BY SOL. SORENSON

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1 BACK SEAT OF OFFICER WARRINGTON'S CAR BECAUSE WE
2 HAD NOT CLEARED THE AREA YET, AND HE EXPLAINED TO
3 ME THAT SHE HAD BEEN SHOT IN THE BREAST AND
4 ACROSS THE STOMACH, AND HE DID NOT FEEL
5 COMFORTABLE AND DID NOT FEEL SHE WOULD BE
6 COMFORTABLE CHECKING.

7 Q. OKAY. AND DID YOU THEN HAVE A CHANCE TO KIND OF
8 TALK WITH HER?

9 A. YES, I WAS ABLE TO TALK WITH HER, AND I KEPT HER
10 AT THE BACK OF THE CAR WHERE SHE FELT SAFER, AND
11 ASSURED HER THERE WERE MORE OFFICERS THERE BY
12 THAT TIME, AND THEY WERE CLEARING THE AREA.

13 Q. OKAY. AND DID ULTIMATELY AN AMBULANCE COME OUT
14 THERE?

15 A. YES.

16 Q. OKAY. AND DID ONE OF THE EMTS HAVE A CHANCE TO
17 KIND OF TREAT HER OUT THERE OR AT LEAST EVALUATE
18 HER SITUATION?

19 A. YES. WE WERE -- PRIOR TO THE AMBULANCE'S ARRIVAL
20 WE HAD CHECKED HER OVER FOR MORE SERIOUS WOUNDS,
21 AND WE NOTICED THE ONE ON HER BREAST, AND SHE
22 SAID THERE WAS A SCRATCH ACROSS HER STOMACH. AND
23 WHEN THE AMBULANCE GOT THERE THEY ACTUALLY
24 CHECKED HER AND FOUND THE FRAGMENT IN HER SHIRT.

25 Q. OKAY. AND LET ME SHOW YOU STATE'S EXHIBIT NUMBER

DIRECT - STEPHANIE SCOTT BY SOL. SORENSON

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1 FOURTEEN, DID YOU THEN TURN THAT OVER TO OFFICER
2 WARRINGTON?

3 A. YES, I DID.

4 Q. OKAY. AND THAT WAS JUST WHAT APPEARED TO BE A
5 LITTLE SMALL BULLET FRAGMENT?

6 A. YES.

7 Q. AND LET ME KIND OF PULL THIS OUT FOR YOU. IS
8 THAT RIGHT THERE?

9 A. YES, SIR.

10 Q. AND WHERE WAS THAT LOCATED AT?

11 A. IT WAS, IT LOOKED LIKE IT HAD BURNED KIND OF TO
12 HER SHIRT. IT WAS ROLLED IN HER SHIRT WHERE THE
13 SHIRT WAS RIPPED.

14 Q. NOW, WERE YOU PRESENT WHEN MS. WRIGHT WAS ABLE TO
15 LATER GIVE A DESCRIPTION OF THE SUSPECT TO
16 OFFICER WARRINGTON?

17 A. I WAS PRESENT AT THE BACK OF THE AMBULANCE WHEN
18 WE WERE WAITING FOR THE PERSON WHO HAD HER CHILD
19 TO BRING THE CHILD BACK SO WE COULD PUT EYES ON
20 THE CHILD, AND THERE WAS A GROUP OF PEOPLE
21 AROUND.

22 Q. OKAY.

23 A. AND SHE WAS GIVING A DESCRIPTION RIGHT THERE.

24 Q. OKAY. AND WAS SHE ULTIMATELY TRANSPORTED BY EMS
25 TO THE HOSPITAL?

DIRECT - STEPHANIE SCOTT BY SOL. SORENSON

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1 A. YES.

2 Q. OKAY. AND DID YOU ACCOMPANY HER TO THE HOSPITAL?

3 A. I FOLLOWED THE AMBULANCE TO THE HOSPITAL.

4 Q. AND WERE YOU ABLE TO KIND OF FURTHER THERE SEE
5 THEM WHEN THEY TREATED HER, AS FAR AS, I GUESS,
6 TAKING HER CLOTHING OFF AND ACTUALLY SEEING HER
7 INJURIES?

8 A. YES, I ACTUALLY PHOTOGRAPHED THE INJURIES.

9 Q. OKAY. AND ONCE AGAIN, DESCRIBE WHAT THEY, WHAT
10 YOU APPEARED TO OBSERVE INJURY-WISE, TO HER?

11 A. IT APPEARED TO ME TO BE A GRAZING WOUND ACROSS
12 HER BREAST, AND THEN A SCRATCH ACROSS HER
13 STOMACH.

14 SOLICITOR SORENSON: ALRIGHT, THANK YOU,
15 OFFICER SCOTT, PLEASE ANSWER ANY QUESTION MS. HINDS
16 HAS.

17 THE COURT: MS. HINDS, YOUR WITNESS.

18 MS. HINDS: VERY BRIEFLY.

19 (NOTE: Blank lines on this page do not indicate any
20 part of record has been omitted. Headers on testimony
21 pages and hard page breaks between testimony are now
22 required by the Court. See next ensuing page for
23 sequential continuation of record.)

CROSS - STEPHANIE SCOTT BY MS. HINDS

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CROSS-EXAMINATION OF STEPHANIE SCOTT

BY MS. HINDS:

Q. SO, YOU ACTUALLY RECOVERED THE FRAGMENT FROM MS.
WRIGHT IN A BROWN SHIRT, CORRECT?

A. YES.

Q. AND YOU TOOK PHOTOGRAPHS OF EVERYTHING?

A. YES.

Q. YOU WERE PRESENT WHEN SHE WAS BEING SPOKEN TO,
CORRECT? SO, YOU HEARD SOME OF THE CONVERSATION?

A. I OVERHEARD A LITTLE BIT OF IT.

Q. OKAY. AND YOU DIDN'T TAKE ANY WRITTEN STATEMENT
FROM HER, THOUGH, DID YOU?

A. NO, NOT AT THE TIME, NO.

Q. OKAY. AND YOU WEREN'T A WITNESS TO THE ACTUAL
EVENTS THAT OCCURRED, CORRECT?

A. NO.

Q. YOU RESPONDED TO A CALL?

A. I RESPONDED AS AN OFFICER.

Q. SO, YOU DON'T KNOW WHAT ACTUALLY HAPPENED THAT
NIGHT, CORRECT?

A. NO, I DON'T.

MS. HINDS: THANK YOU.

THE COURT: ANYTHING ON REDIRECT?

SOLICITOR SORENSON: NO, SIR.

THE COURT: OKAY. THANK YOU, OFFICER SCOTT,

1 APPRECIATE YOU COMING.

2 CALL YOUR NEXT WITNESS.

3 SOLICITOR SORENSON; THE STATE CALLS TIFFANY
4 HALL.

5 CHANGE OF PLANS, YOUR HONOR, I'LL CALL
6 DETECTIVE ROMANSTINE.

7 THE COURT: OKAY.

8 (Whereupon, the witness
9 enters the courtroom.)

10 CLERK: PLACE YOUR LEFT HAND ON THE BIBLE
11 AND RAISE YOUR RIGHT HAND.

12 (Whereupon, Dennis Romanstine
13 is duly sworn.)

14 CLERK: YOU MAY BE SEATED AND STATE YOUR
15 FULL NAME FOR THE COURT.

16 WITNESS: DETECTIVE DENNIS ROMANSTINE.

17 (NOTE: Blank lines on this page do not indicate any
18 part of record has been omitted. Headers on testimony
19 pages and hard page breaks between testimony are now
20 required by the Court. See next ensuing page for
21 sequential continuation of record.)

DIRECT - DENNIS ROMANSTINE BY SOL. SORENSON

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DIRECT EXAMINATION OF DENNIS ROMANSTINE

BY SOLICITOR SORENSON:

Q. AND DETECTIVE, WOULD YOU PLEASE TELL THE JURY
WHERE YOU WORK?

A. I WORK FOR THE ORANGEBURG DEPARTMENT OF PUBLIC
SAFETY.

Q. AND HOW LONG HAVE YOU BEEN WITH PUBLIC SAFETY?

A. A LITTLE OVER THIRTY-ONE YEARS.

Q. OKAY. AND WHAT ARE YOUR CURRENT DUTIES THERE?

A. I'M A CRIMINAL INVESTIGATOR.

Q. AND BACK IN APRIL OF TWO THOUSAND TEN WERE YOU
EMPLOYED IN THAT CAPACITY THEN?

A. YES, I WAS.

Q. AND SPECIFICALLY, THE WEEKEND OF APRIL TWENTY-
THIRD, TWENTY-FOURTH, AND TWENTY-FIFTH, WERE YOU
WORKING THAT WEEKEND?

A. YES, I WAS THE ON CALL INVESTIGATOR.

Q. OKAY. AND KIND BRIEFLY JUST KIND OF DESCRIBE,
WHEN YOU'RE ON CALL ON THE WEEKEND LIKE THAT WHAT
YOUR DUTIES ARE?

A. I'M RESPONSIBLE TO RESPOND TO ANY CRIMINAL
OFFENSES FOR FOLLOW UP INVESTIGATION THAT THE
UNIFORM OR PATROL DIVISION HANDLE.

Q. AND DID YOU HAVE AN OPPORTUNITY, SIR, THE EARLY
MORNING HOURS OF SATURDAY, APRIL TWENTY-FOURTH OF

1 THIS YEAR, TO RESPOND OUT TO I BELIEVE IT'S
2 ?

3 A. YES, I DID.

4 Q. AND WHAT WAS THE NATURE OF YOUR RESPONDING OUT
5 THERE?

6 A. I WAS CALLED OUT TO RESPOND TO A SHOOTING
7 INCIDENT AT THAT PARTICULAR LOCATION.

8 Q. OKAY. AND WHEN YOU GOT THERE OUT TO THAT, AND
9 DESCRIBE WHAT THAT RESIDENCE WAS?

10 A. IT WAS A SINGLE WIDE MOBILE HOME. I THINK IT HAD
11 A COUPLE OF BEDROOMS.

12 Q. AND STATE'S EXHIBIT NUMBER TWO, IS THAT THE
13 , THE MOBILE HOME YOU RESPONDED
14 TO?

15 A. YES, IT IS.

16 Q. IN FACT, IS THIS A PICTURE YOU TOOK THAT NIGHT?

17 A. THAT IS.

18 Q. OKAY. AND WHEN YOU ARRIVED OUT THERE WAS THAT
19 MOBILE HOME, HAD IT BEEN SECURED?

20 A. IT HAD BEEN.

21 Q. ALRIGHT. ANYBODY INSIDE?

22 A. NO ONE WAS INSIDE AT THE TIME, NO.

23 Q. NOW, AT THAT POINT IN TIME HAD YOU BEEN GIVEN
24 KIND OF A BRIEF KIND OF SUMMARY OF WHAT HAD
25 ALLEGEDLY TAKEN PLACE OUT THERE?

DIRECT - DENNIS ROMANSTINE BY SOL. SORENSON

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1 A. I WAS.

2 Q. OKAY. AND DID YOU THEN HAVE AN OPPORTUNITY TO GO
3 THROUGH AND KIND OF PROCESS THAT MOBILE HOME AS
4 FAR AS LOOKING FOR ANY PHYSICAL EVIDENCE?

5 A. I DID.

6 Q. AND DESCRIBE FOR THE JURY HOW YOU WENT ABOUT
7 DOING THAT?

8 A. WELL, INITIALLY I, OF COURSE, PHOTOGRAPHED THE
9 SCENE AND AS I ENTERED INTO THE FRONT DOOR,
10 BECAUSE THE INFORMATION THAT HAD BEEN PROVIDED TO
11 ME WAS THAT THE PERPETRATOR HAD KNOCKED ON THE
12 DOOR OF THE TRAILER, THE VICTIM HAD ANSWERED THE
13 DOOR, AND THE PERPETRATOR HAD STUCK A GUN IN THE
14 DOOR AND ORDERED TO GIVE EVERYTHING UP OR
15 SOMETHING TO THAT EXTENT, AND THEN HAD FIRED A
16 SHOT. SO THAT'S WHERE I BEGAN MY INVESTIGATION,
17 AT THAT FRONT DOOR AREA, LOOKING FOR EVIDENCE.

18 Q. AND I'M SHOWING YOU STATE'S EXHIBIT NUMBER SIX,
19 WHEN YOU GOT THERE AS FAR AS, LIKE, THE SCREEN
20 DOOR AND THE INTERIOR DOOR, WERE THEY BOTH OPEN
21 HOW THEY ARE DEPICTED IN STATE'S EXHIBIT NUMBER
22 SIX?

23 A. YES, THEY WERE.

24 Q. ALRIGHT. AND THEN AS YOU ENTERED AND KIND OF
25 LOOKED AROUND THE LIVING ROOM AREA, AND I GUESS

1 WHEN YOU COME IN, YOU COME INTO THE LIVING ROOM?

2 A. YOU WALK INTO THE LIVING ROOM AND THEN THE
3 KITCHEN AREA OR DINING AREA IS JUST TO THE RIGHT.

4 Q. AND THAT WOULD BE DEPICTED IN STATE'S EXHIBIT
5 NUMBER FOUR, - - -

6 A. THAT'S CORRECT.

7 Q. -- IS THAT CORRECT? AND THEN ALSO THEN, I GUESS
8 IF YOU LOOK OFF TO YOUR RIGHT, STATE'S EXHIBIT
9 NUMBER THREE, - - -

10 A. CORRECT.

11 Q. --- IS THAT CORRECT? AND IN LOOKING THROUGH
12 THOSE TWO ROOMS DID YOU FIND ANY ITEMS OF
13 EVIDENTIARY VALUE IN THOSE ...

14 A. WELL, JUST INSIDE THE DOOR TO THE RIGHT INTO THE
15 KITCHEN AREA THERE WAS A, I THINK A TWENTY-FIVE
16 CALIBER SHELL CASING ON THE FLOOR, AND THEN
17 FURTHER INTO THE KITCHEN AREA BY THE COUNTER
18 THERE WAS SOME BULLET FRAGMENTS AND ALSO A BULLET
19 FRAGMENT IN FRONT OF THE COUCH IN THE LIVING ROOM
20 AREA.

21 Q. OKAY. AND SHOWING YOU STATE'S EXHIBIT NUMBER
22 EIGHT, WHAT WAS DEPICTED IN STATE'S EXHIBIT
23 NUMBER EIGHT?

24 A. IT'S A SHELL CASING JUST INSIDE THE KITCHEN AREA,
25 OR THE DINING ROOM AREA, EXCUSE ME.

DIRECT - DENNIS ROMANSTINE BY SOL. SORENSON

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1 Q. SO IT'S JUST OFF OF THE LIVING ROOM CARPET, I
2 GUESS, JUST INTO THE KITCHEN AREA?

3 A. CORRECT.

4 Q. ALRIGHT. AND SHOWING YOU STATE'S EXHIBIT NUMBER
5 FIFTEEN, DO YOU RECOGNIZE WHAT'S IN THAT?

6 A. I HAD SEALED IT, IT DEPICTS IT'S A TWENTY-FIVE
7 CALIBER SHELL CASING WHICH I HAD PLACED IN THE
8 BAG AND STAPLED TOGETHER AND PUT MY INITIALS AND
9 DATE AND TIME ON IT.

10 Q. SO, THAT'S THIS SHELL CASING THAT'S IN THERE?

11 A. THAT IS CORRECT.

12 Q. AND YET AGAIN, LET ME SHOW YOU STATE'S EXHIBIT
13 NUMBER FIVE, CAN YOU KIND OF SHOW THE JURY WHERE
14 THAT SHELL CASING WAS LOCATED AT IN RELATION TO
15 THAT PHOTOGRAPH?

16 A. THE SHELL CASING?

17 Q. YES, SIR.

18 A. WELL, IT WAS JUST BACK HERE BY THE, CLOSER TO THE
19 DOOR AT THE EDGE OF THE CARPET. I THINK THERE'S
20 A BETTER PICTURE OF IT THAT ...

21 Q. I'LL SHOW YOU STATE'S THREE.

22 A. OKAY. THIS IS A PHOTOGRAPH FROM THE LIVING ROOM
23 AREA BACK TOWARD THE DINING ROOM AND THE KITCHEN.
24 THE FRONT DOOR IS BACK THIS DIRECTION, AND THE
25 SHELL CASING WAS JUST OFF THE EDGE OF THE CARPET

1 ON THE DINING ROOM FLOOR.

2 Q. OKAY. AND YOU HAD ALSO TESTIFIED THAT YOU HAD
3 FOUND A COUPLE PIECES OF WHAT APPEARED TO BE
4 FRAGMENTS FROM A BULLET ALSO?

5 A. THAT'S CORRECT.

6 Q. ALRIGHT. AND I'M SHOWING YOU STATE'S EXHIBITS
7 TEN AND NINE, IS THAT WHAT'S DEPICTED IN THOSE
8 TWO PHOTOGRAPHS?

9 A. THAT'S CORRECT. THE, THERE ON THE TILE PORTION
10 OF THE FLOOR WAS A FRAGMENT THAT WAS IN, NEAR THE
11 KITCHEN AREA, AND THE OTHER FRAGMENT WAS ON THE
12 CARPET IN FRONT OF THE COUCH.

13 Q. OKAY. AND THOSE TWO ITEMS WERE ALSO COLLECTED?

14 A. YES.

15 Q. AND I BELIEVE THEY'RE IN STATE'S EXHIBIT NUMBER
16 SIXTEEN?

17 A. CORRECT, THE FRAGMENTS, YES.

18 Q. AND THEY ARE TWO JUST BASICALLY SMALL PIECES OF A
19 BULLET, CORRECT?

20 A. CORRECT.

21 Q. LET ME ASK YOU THIS, WHAT HAPPENS WHEN YOU FIRE A
22 BULLET, I MEAN, FIRE A GUN?

23 A. WELL, THE PROJECTILE LEAVES THE BARREL OF THE
24 GUN. NORMALLY THAT PROJECTILE WILL ENTER AN
25 OBJECT OF SOME SORT UNLESS IT HITS SOMETHING

DIRECT - DENNIS ROMANSTINE BY SOL. SORENSON

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1 HARD, AND THEN IT WOULD FRAGMENT.

2 Q. OKAY. SO, IF IT HAD STRUCK SOMETHING HARD IT
3 COULD POSSIBLY FRAGMENT INTO MULTIPLE PIECES?

4 A. CORRECT.

5 Q. AND LET ME ASK YOU THIS, WHEN YOU GOT THERE --
6 I'M SHOWING YOU STATE'S EXHIBIT NUMBER TWO, WAS
7 THAT EXTERIOR LIGHT ON OUTSIDE - - -

8 A. YES, IT WAS.

9 Q. --- WHEN YOU GOT THERE? AND THEN ADDITIONALLY,
10 IN THE KITCHEN, STATES EXHIBIT NUMBER THREE, WAS
11 THAT LIGHT ON - - -

12 A. YES.

13 Q. --- WHEN YOU GOT THERE ALSO?

14 A. YES.

15 Q. NOW, DID YOU HAVE AN OPPORTUNITY TO -- LET ME ASK
16 YOU, DID YOU HAVE AN OPPORTUNITY TO CHECK AROUND
17 THE BACK DOOR ALSO?

18 A. I DID, BECAUSE I WAS INFORMED THAT THE VICTIM HAD
19 RUN DOWN THE BACK DOOR AND HAD EXITED THE BACK
20 DOOR OF THE RESIDENCE. SO, I CHECKED DOWN THAT
21 HALLWAY GOING TO THE BACK DOOR, AND OBSERVED THAT
22 THE BACK DOOR HAD BEEN FORCED OPEN FROM THE
23 INSIDE.

24 Q. OKAY. AND I'M, IN FACT, SHOWING YOU STATE'S
25 EXHIBIT NUMBER SEVEN, IS THAT A PHOTOGRAPH YOU

1 TOOK OF WHERE THE CHAIN HAD BEEN YANKED OUT OF
2 THE DOOR?

3 A. THAT IS CORRECT.

4 Q. LET ME ASK YOU THIS, IN SEARCHING KIND OF THAT
5 BACK HALLWAY AREA AROUND THAT BACK DOOR DID YOU
6 RECOVER, FIND A WEAPON DOWN THERE AT ALL, A
7 FIREARM?

8 A. I DID NOT.

9 Q. DID YOU FIND A GUN ANYWHERE IN THE HOUSE WHERE
10 YOU WERE LOOKING?

11 A. NO, I DID NOT.

12 Q. DID YOU SEARCH OUTSIDE AROUND THE FRONT PORCH
13 AREA THAT YOU RECALL?

14 A. I JUST LOOKED AROUND THE AREA, YES.

15 Q. AND YOU DIDN'T FIND A WEAPON OUT THERE?

16 A. NO, I DID NOT.

17 Q. WHAT HAPPENED -- LET ME ASK YOU THIS, BECAUSE
18 SOME OF US MAY NOT BE AS FAMILIAR WITH FIREARMS,
19 YOU TESTIFIED ABOUT FINDING A SHELL CASING ON THE
20 SCENE. IF YOU HAVE A SEMI-AUTOMATIC HAND GUN AND
21 YOU FIRE IT, WHAT HAPPENS TO THAT CASING, HOW
22 DOES THAT CASING END UP, LIKE, ON THE FLOOR?

23 A. THE SHELL CASING IS EJECTED FROM THE RIGHT SIDE
24 OF THE WEAPON, AND IN THAT PARTICULAR CASE, FROM
25 THE FRONT DOOR, AND WHERE THAT SHELL CASING WAS

DIRECT - DENNIS ROMANSTINE BY SOL. SORENSON

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1 LOCATED IT WOULD HAVE HAD TO EXIT THE FIREARM TO
2 THE RIGHT TO GO IN THAT DIRECTION.

3 Q. AND THEY ARE FAIRLY LIGHT, IS THAT CORRECT?

4 A. YES.

5 Q. THEY WOULD BOUNCE AROUND?

6 A. CORRECT.

7 Q. KICKED AROUND?

8 A. YES.

9 Q. SOMETHING OF THAT NATURE? LET ME ASK YOU, WHEN
10 YOU RESPONDED OUT THERE THAT NIGHT TO THE HOME
11 DID YOU, DID YOU MEET WITH THE VICTIM AT ALL?

12 A. I DID NOT.

13 Q. WAS SHE OUT THERE AT THE SCENE?

14 A. SHE WAS A BLOCK AWAY WITH A COUPLE OF OTHER
15 OFFICERS AND EMS.

16 Q. OKAY. AND ARE YOU AWARE THAT SHE WAS ULTIMATELY
17 TRANSPORTED BY EMS TO THE HOSPITAL?

18 A. YES.

19 Q. DID YOU HAVE AN OPPORTUNITY THEN TO TALK TO HER
20 ABOUT ANY ITEMS ANYWHERE THAT THE SUSPECT COULD
21 HAVE POSSIBLY TOUCHED INSIDE OF THE RESIDENCE?

22 A. I DID NOT TALK TO HER AT ALL.

23 Q. AND IN FACT, DID YOU HAVE ANY INFORMATION OF ANY
24 SPECIFIC ITEM OR AREA THAT HE MAY HAVE TOUCHED?

25 A. NO, I WAS NOT AWARE OF ANY PLACE.

1 Q. OKAY. AS A RESULT DID YOU PROCESS ANYWHERE
2 INSIDE THE RESIDENCE LOOKING FOR FINGERPRINTS?

3 A. NO, I DID NOT.

4 Q. ALRIGHT. EXPLAIN KIND OF WHY YOU DIDN'T DO THAT?

5 A. WELL, THE UNDERSTANDING THAT I GOT, AT THE TIME
6 WHAT I WAS TOLD WAS THAT THE PERPETRATOR KNOCKED
7 ON THE DOOR, THE VICTIM OPENED THE DOOR, HE ASKED
8 FOR MONEY, OR EVERYTHING, WHAT SHE HAD, FIRED A
9 SHOT, SHE RAN DOWN THE HALLWAY, HE RAN BEHIND
10 HER, SHE FORCED THE BACK DOOR OPEN, EXITED THE
11 RESIDENCE, AND LEFT THE SCENE. I WAS NOT AWARE
12 THAT ANYTHING WAS TAKEN AT THAT TIME OR THAT THE
13 PERPETRATOR HAD DONE ANYTHING ELSE INSIDE THE
14 RESIDENCE.

15 Q. I'VE GOT YOU. NOW, ULTIMATELY YOU HAD SAID THAT
16 YOU WERE ON CALL THIS WEEKEND WHEN THIS HAPPENED,
17 OR THAT WEEKEND WHEN THIS HAPPENED?

18 A. YES.

19 Q. WAS THE CASE ULTIMATELY TURNED OVER TO ANOTHER
20 INVESTIGATOR FOR ANY FOLLOW UP INVESTIGATION?

21 A. IT WAS.

22 Q. AND WHO WAS THAT THAT IT WAS TURNED OVER TO?

23 A. DETECTIVE BOBBY RIVERS.

24 Q. AND THAT'S DETECTIVE RIVERS RIGHT THERE?

25 A. YES.

1 SOLICITOR SORENSON: YOUR HONOR, AT THIS
2 TIME I WOULD MOVE STATE'S FOURTEEN, FIFTEEN AND
3 SIXTEEN INTO EVIDENCE.

4 MS. HINDS: NO OBJECTION.

5 THE COURT: THEY'RE ADMITTED.

6 (State's Exhibits Fourteen, Fifteen
7 and Sixteen marked and filed.)

8 SOLICITOR SORENSON: ALRIGHT, THANK YOU,
9 DETECTIVE ROMANSTINE.

10 THE COURT: ALRIGHT, MS. HINDS, YOUR
11 WITNESS.

12 (NOTE: Blank lines on this page do not indicate any
13 part of record has been omitted. Headers on testimony
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15 required by the Court. See next ensuing page for
16 sequential continuation of record.)

CROSS-EXAMINATION OF DENNIS ROMANSTINEBY MS. HINDS:

Q. OKAY. DETECTIVE ROMANSTINE, I BELIEVE YOU
RESPONDED SOMEWHERE AROUND THREE O'CLOCK THAT
MORNING?

A. I'M NOT REAL SURE WHAT THE TIME WAS, IT WAS
SOMEWHERE AROUND THERE.

Q. IT WASN'T TOO LONG AFTER THE CALL HAD COME IN?

A. NO.

Q. THE SCENE, BUT THE SCENE HAD ALREADY BEEN
SECURED, CORRECT?

A. CORRECT.

Q. DO YOU REMEMBER WHO YOU WERE BRIEFED BY?

A. SERGEANT MURDAUGH I THINK WAS STANDING THERE.

Q. OKAY. AND HE HAD ALREADY BEEN THERE A WHILE AND
HE KNEW WHAT HAD HAPPENED, AND HE KNEW WHAT THE
STORY WAS, CORRECT?

A. YES.

Q. AND HE WAS FILLING YOU IN, CORRECT?

A. YES.

Q. OKAY. AND SHE WAS BEING, MS. WRIGHT WAS BEING
TAKEN CARE OF, AS YOU SAID, A BLOCK AWAY AT EMS,
WITH EMS?

A. CORRECT.

Q. OKAY. NOW, AS TO WHAT YOU HAD BEEN TOLD, YOU HAD

CROSS - DENNIS ROMANSTINE BY MS. HINDS

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1 BEEN TOLD SHE ARRIVED HOME, HEARD A KNOCK AT THE
2 DOOR, AND ASKED WHO WAS THERE, CORRECT?

3 A. CORRECT.

4 Q. THAT SHE OPENED THE DOOR AND SOMEBODY POINTED A
5 GUN AT HER AND SAID, GIVE ME EVERYTHING YOU'VE
6 GOT?

7 A. YES.

8 Q. OKAY. SO, THAT WAS YOUR UNDERSTANDING?

9 A. CORRECT.

10 Q. AND THAT AT THAT POINT SHE TURNED TO RUN, THE
11 SUSPECT FIRED AT HER, AND CHASED HER DOWN THE
12 HALLWAY?

13 A. YES.

14 Q. OKAY. CAN YOU TELL ME HOW LONG THAT HALLWAY IS?

15 A. I DON'T -- PROBABLY FIFTEEN FEET.

16 Q. AND I BELIEVE YOUR UNDERSTANDING WAS, SHE HIT THE
17 BACK DOOR WITH ENOUGH FORCE TO ACTUALLY FORCE IT
18 OPEN, CORRECT?

19 A. CORRECT.

20 Q. AND YOU SAW THE DAMAGE YOURSELF, CORRECT?

21 A. YES.

22 Q. AND AT THAT POINT SHE RUNS TO GO GET HELP IS YOUR
23 UNDERSTANDING, CORRECT?

24 A. CORRECT.

25 Q. YOU PROCESSED THE SCENE, AS YOU TESTIFIED, YOU

1 FOUND A TWENTY-FIVE CALIBER SHELL CASING INSIDE
2 THE FRONT DOOR?

3 A. YES.

4 Q. AND THAT WOULD BE CONSISTENT WITH SOMEONE
5 STICKING A GUN IN AND FIRING, CORRECT?

6 A. YES.

7 Q. OKAY. AND YOU ALSO FRAGMENTS ON THE KITCHEN
8 FLOOR AND ON THE CARPET IN FRONT OF THE COUCH?

9 A. CORRECT.

10 Q. OKAY. DID YOU FIND A SECOND SHELL CASING?

11 A. I DID NOT.

12 Q. OKAY. DID -- I NOTICED SOMETHING IN YOUR REPORT
13 ABOUT MAYBE DAMAGE TO A CLOTHES LINE?

14 A. THAT WAS OUTSIDE THE BACK DOOR, AND IT APPEARED,
15 BECAUSE I DID NOT GET A CHANCE TO TALK TO THE
16 VICTIM, BUT IT APPEARED THAT SOMEONE COMING OUT
17 OF THE BACK DOOR, IT WAS DARK, AND THAT CLOTHES
18 LINE WAS, WAS IN THAT PARTICULAR AREA, LIKE THEY
19 MAY HAVE RUN INTO IT. NOW, WHETHER SHE DID OR
20 NOT, I DO NOT KNOW.

21 Q. OKAY. WAS THERE A LIGHT IN THE BACK YARD?

22 A. I DON'T THINK, I THINK IT WAS DARK BACK THERE.

23 Q. ALRIGHT, SO NOTHING ELSE BUT THE FRAGMENTS AND
24 THE ONE SHELL CASING WAS COLLECTED FROM THE
25 SCENE, CORRECT?

CROSS - DENNIS ROMANSTINE BY MS. HINDS

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1 A. CORRECT.

2 Q. AND I BELIEVE YOU STATED THAT AT THE TIME NOBODY
3 HAD TOLD YOU THAT SOMETHING MIGHT HAVE BEEN
4 TAKEN, CORRECT?

5 A. THAT'S CORRECT.

6 Q. NOBODY TOLD YOU THAT MONEY MAY HAVE BEEN MISSING?

7 A. NOT THAT NIGHT, NO.

8 Q. DID YOU FIND OUT LATER?

9 A. I THINK I HAD HEARD SOME -- I DIDN'T, I WASN'T
10 PART OF THAT INVESTIGATION LATER, BUT I HAD HEARD
11 THAT - - -

12 Q. IT HAD ALREADY BEEN TURNED OVER, IN OTHER WORDS?

13 A. RIGHT.

14 Q. OKAY. AND YOU NEVER RECOVERED THE GUN THAT SHE
15 DROPPED, CORRECT?

16 A. I DIDN'T, NO.

17 Q. OKAY. DID, IN YOUR INVESTIGATION DID YOU TALK
18 WITH ANY OF THE OTHER WITNESSES SUCH AS PHYLICIA
19 FRAZIER OR ERNEST LEE?

20 A. NO.

21 Q. OKAY. SO, YOU -- EVERYTHING YOU HAD GOTTEN THAT
22 NIGHT WAS BASICALLY FROM YOUR BRIEFING FROM
23 MURDAUGH, AND THEN YOU WENT AND PROCESSED THE
24 SCENE, CORRECT?

25 A. CORRECT.

CROSS - DENNIS ROMANSTINE BY MS. HINDS.

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1 Q. OKAY. AND OBVIOUSLY, YOU WEREN'T PRESENT AT THE
2 INITIAL INCIDENT, CORRECT?

3 A. NO.

4 MS. HINDS: NO FURTHER QUESTIONS, THANK YOU.

5 THE COURT: ALRIGHT. MR. SORENSON, ANYTHING
6 ON REDIRECT?

7 SOLICITOR SORENSON: NO, SIR.

8 THE COURT: OKAY. THANK YOU, APPRECIATE IT.
9 ALRIGHT, MR. SORENSON, YOU MAY CALL YOUR
10 NEXT WITNESS.

11 SOLICITOR SORENSON: OKAY. THE STATE CALLS
12 TIFFANY HALL.

13 (Whereupon, the witness
14 enters the courtroom.)

15 CLERK: MS. HALL, WILL YOU COME ALL THE WAY
16 DOWN TO THE FRONT THERE WHERE THE MICROPHONE, PLACE
17 YOUR LEFT HAND ON THE BIBLE, RAISE YOUR RIGHT HAND.
18 (Whereupon, Tiffany Hall
19 is duly sworn.)

20 CLERK: YOU MAY BE SEATED AND STATE YOUR
21 FULL NAME FOR THE COURT.

22 WITNESS: TIFFANY RHEA HALL.

23 (NOTE: Blank lines on this page do not indicate any
24 part of record has been omitted.)

DIRECT - TIFFANY R. HALL BY SOL. SORENSON

307

DIRECT EXAMINATION OF TIFFANY R. HALL

BY SOLICITOR SORENSON:

Q. GOOD AFTERNOON, MS. HALL. IF YOU WOULD PLEASE
TELL THE JURY WHERE IT IS THAT YOU WORK?

A. ORANGEBURG COUNTY EMS.

Q. AND HOW LONG HAVE YOU BEEN WITH EMS?

A. IN ORANGEBURG ABOUT A YEAR, IN TOTAL ABOUT EIGHT.

Q. OKAY. AND WHERE DID YOU WORK BEFORE YOU CAME TO
ORANGEBURG?

A. LEXINGTON COUNTY.

Q. LEXINGTON COUNTY. AND JUST KIND OF TELL THE JURY
A LITTLE BIT ABOUT WHAT YOUR KIND OF DAY TO DAY
DUTIES ARE WITH ORANGEBURG EMS?

A. EVERY MORNING WE COME IN AND CHECK OFF OUR TRUCK,
KIND OF GO OVER OUR MEDICAL EQUIPMENT AND MAKE
SURE IT'S ALL FUNCTIONING, WORKING, WE HAVE ALL
THE SUPPLIES WE NEED, AND THEN WAIT FOR THE NINE
ONE ONE CALLS TO COME IN.

Q. SO, IF SOMEBODY CALLS IN NINE ONE ONE AND
REQUESTS AN AMBULANCE YOU'RE POSSIBLY ONE OF THE
PEOPLE THAT RESPOND?

A. YES, SIR.

Q. OKAY. AND HOW MANY EMTS ARE TYPICALLY ON AN
AMBULANCE WHEN IT RESPONDS OUT TO A CALL?

A. THERE ARE TYPICALLY TWO, ONE PARAMEDIC OR

DIRECT - TIFFANY R. HALL BY SOL. SORENSON

308

1 INTERMEDIATE AND THEN A BASIC. THERE'S THREE
2 DIFFERENT LEVELS. ON SOME OCCASIONS YOU'LL HAVE
3 TWO PARAMEDICS ON A TRUCK, IT'S VERY RARE, BUT
4 MOST OF THE TIME ...

5 Q. WHAT'S THE DIFFERENCE BETWEEN ...

6 A. A BASIC EMT CAN DO YOUR STANDARD SPLINTING OF
7 FRACTURES, STUFF LIKE THAT. YOUR INTERMEDIATES
8 ARE ALLOWED TO START IVS INTO THE ARM AND GIVE
9 SOME FLUIDS, AND THEN YOUR PARAMEDICS ARE ALLOWED
10 TO ADMINISTER ALL THE DRUGS AND THE CARDIAC
11 MONITORING AND SO FORTH.

12 Q. AND JUDGING BY YOUR PAST YOU'RE A PARAMEDIC?

13 A. YES, SIR.

14 Q. OKAY. AND ALRIGHT, LET ME TURN YOU TO THE CASE
15 WE'RE HERE ABOUT TODAY. WERE YOU DISPATCHED OUT
16 TO AROUND ALETHA STREET BACK ON THE EARLY MORNING
17 HOURS OF APRIL TWENTY-FOURTH, TWO THOUSAND TEN?

18 A. YES, SIR.

19 Q. DO YOU REMEMBER ABOUT WHAT TIME IT WAS THAT YOU
20 WERE DISPATCHED OUT THERE?

21 A. WITHOUT THE RUN REPORT I'M NOT THAT SURE ABOUT
22 THE TIME. I KNOW IT WAS IN THE EVENING, IT WAS
23 DARK OUTSIDE.

24 Q. SO, WILL THAT KIND OF HELP REFRESH YOUR MEMORY?

25 A. YES. LET'S SEE. IT SAYS THAT TWO:THIRTY-FIVE IS

DIRECT - TIFFANY R. HALL BY SOL. SORENSON

309

1 WHEN WE WERE DISPATCHED.

2 Q. OKAY. AND WHAT TIME DOES IT SHOW, DOES YOUR
3 REPORT SHOW THAT YOU ARRIVED OUT THERE?

4 A. TWO:FORTY-EIGHT.

5 Q. OKAY. AND WHERE WAS IT THAT YOU RESPONDED TO, DO
6 YOU REMEMBER?

7 A. WE WERE ACTUALLY, I BELIEVE, AT THE CORNER OF
8 ALETHA AND WHALEY IS WHERE WE MET THE OFFICERS
9 WITH THE PATIENT. WE ACTUALLY DIDN'T EVER GO UP
10 TO THE SCENE, THEY HAD ALREADY BARRICADED IT OFF.

11 Q. OKAY. AND WHO -- YOU CAN USE THAT IF YOU NEED TO
12 REFER TO IT, WHO WAS THE PATIENT THAT YOU
13 RESPONDED OUT THERE TO TREAT?

14 A. LET'S SEE. LATOYA WRIGHT IS THE NAME.

15 Q. OKAY. AND WHAT WAS, WHAT WAS HER CHIEF COMPLAINT
16 THAT YOU WERE CALLED OUT THERE FOR?

17 A. I BELIEVE WE WERE CALLED OUT INITIALLY FOR A GUN
18 SHOT WOUND. THEY DIDN'T GIVE US MUCH FURTHER AS
19 FAR AS WHERE, THE LOCATION OR ANYTHING LIKE THAT,
20 WAS.

21 Q. OKAY. DID YOU HAVE AN OPPORTUNITY THEN TO TALK
22 WITH MS. WRIGHT AND ASSESS HER INJURIES?

23 A. YES, SIR. SHE STATED THAT SHE WAS, HER HOME WAS
24 BROKEN INTO, THAT SHOTS HAD BEEN FIRED IN HER
25 DIRECTION, THAT SHE HAD TURNED TO RUN, AND SHE

1 HAD A COUPLE OF GRAZE MARKS ACROSS HER ABDOMEN
2 HERE AND ACROSS HER BREAST.

3 Q. OKAY. AND WAS THAT CONSISTENT WITH POSSIBLY A
4 BULLET KIND OF, INSTEAD OF GOING IN, GOING
5 SIDEWAYS KIND OF GRAZING HER ABDOMEN AND BREAST
6 AREA?

7 A. YES, SIR.

8 Q. OKAY. AND IN FACT, WAS THERE ANY OTHER ITEMS
9 FOUND THAT KIND OF SUPPORTED THAT?

10 A. YES, SIR, ONCE WE STARTED TO KIND OF REMOVE THE
11 CLOTHING TO INSPECT FOR ANY OTHER INJURIES, IN
12 HER SHIRT THERE WAS ACTUALLY FOUND A PIECE OF
13 METAL FRAGMENT ASSUMED TO BE FROM A BULLET ON HER
14 SHIRT THAT WE REMOVED.

15 Q. OKAY. NOW, WHAT KIND OF TREATMENT, OR WHAT
16 COURSE OF TREATMENT WAS DONE WITH MS. WRIGHT OUT
17 THERE AT THE SCENE WHERE YOU RESPONDED TO?

18 A. THE INJURIES WEREN'T, YOU KNOW, LIFE THREATENING,
19 THEY WERE JUST KIND OF A GRAZE, WE JUST KIND OF
20 CLEANED THEM UP AND MADE SURE ALL THE BLEEDING
21 WAS CONTROLLED. IT WAS PRETTY MUCH STOPPED BEFORE
22 WE HAD GOTTEN THERE, BUT WE JUST KIND OF CLEANED
23 IT UP AND BANDAGED HER UP.

24 Q. OKAY. NOW, SHE ULTIMATELY, WAS SHE TRANSPORTED
25 TO THE HOSPITAL?

DIRECT - TIFFANY R. HALL BY SOL. SORENSON

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1 A. YES, SIR.

2 Q. OKAY. AND WHEN WAS SHE TRANSPORTED, DO YOU
3 RECALL?

4 A. WE WENT IN ROUTE AT THREE:FORTY-FOUR. WE HAD AN
5 ELONGATED ON THE SCENE TIME. USUALLY, WE TRY TO
6 KEEP IT UNDER ABOUT TEN OR FIFTEEN MINUTES, BUT
7 SHE HAD AN INFANT THAT WAS IN THE HOME AS WELL
8 THAT HAD BEEN REMOVED AS SOON AS THE INTRUDER WAS
9 GONE, AND THE INFANT WAS AT ANOTHER RESIDENCE AT
10 THE TIME, SO WE WAITED FOR THE INFANT TO GET
11 BACK. SINCE LATOYA'S INJURIES WEREN'T LIFE
12 THREATENING WE WAITED TO VERIFY THAT THE THERE
13 WAS NOTHING WITH THE INFANT OR NOTHING HAD STRUCK
14 THE INFANT.

15 Q. I'VE GOT YOU. AND THE INFANT WAS, THERE WAS NO
16 INJURIES TO THE CHILD WHEN THE CHILD GOT OUT
17 THERE?

18 A. NO, SIR. THE ONLY BLOOD THAT WAS ON THE OUTSIDE
19 OF HER CLOTHING WAS FROM THE MOTHER. THERE WAS
20 ACTUALLY NO INJURIES TO THE INFANT.

21 Q. OKAY. AND LAW ENFORCEMENT, DID THEY, WERE THEY
22 INVOLVED WITH TALKING WITH MS. WRIGHT IN THE,
23 KIND OF THAT MEAN TIME WHEN YOU WERE WAITING FOR
24 THE CHILD TO BROUGHT BACK?

25 A. YES, SIR. THEY WERE THERE FOR THE ENTIRE TIME,

DIRECT - TIFFANY R. HALL BY SOL. SORENSON

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1 AND WE ACTUALLY HAD AN OFFICER THAT FOLLOWED US
2 TO THE EMERGENCY ROOM WHENEVER WE TRANSPORTED
3 HER.

4 Q. THAT WAS A FEMALE OFFICER?

5 A. YES, SIR.

6 Q. OKAY. AND WAS SHE ACTUALLY KIND OF INVOLVED ALSO
7 WHEN YOU WERE ASSESSING HER INJURIES AND FOUND
8 THE FRAGMENT?

9 A. YES, SIR.

10 Q. IS THAT WHO IT WAS TURNED OVER TO?

11 A. YES, SIR.

12 SOLICITOR SORENSON; ALRIGHT, THANK YOU, MS.
13 HALL, THAT WOULD BE ALL I'D HAVE.

14 THE COURT: MS. HINDS, YOUR WITNESS.

15 (NOTE: Blank lines on this page do not indicate any
16 part of record has been omitted. Headers on testimony
17 pages and hard page breaks between testimony are now
18 required by the Court. See next ensuing page for
19 sequential continuation of record.)

CROSS - TIFFANY R. HALL BY MS. HINDS

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CROSS-EXAMINATION OF TIFFANY R. HALL

BY MS. HINDS:

Q. SO, BASICALLY, YOUR TESTIMONY IS, YOU TREATED MS.
WRIGHT AFTER YOU GOT CALLED OUT - - -

A. YES, MA'AM.

Q. --- TOOK HER TO THE HOSPITAL, AND THAT WAS OUR
INVOLVEMENT IN THE CASE, CORRECT?

A. YES, MA'AM.

Q. YOU WEREN'T A WITNESS TO THE ACTUAL INCIDENT?

A. NO, MA'AM. WE WERE CALLED OUT AFTERWARDS.

MS. HIND: NO FURTHER QUESTIONS.

THE COURT: ANYTHING ON REDIRECT?

SOLICITOR SORENSON: THAT WOULD BE ALL I
WOULD HAVE, YOUR HONOR, MAY SHE BE EXCUSED?

THE COURT: YES, YOU MAY BE EXCUSED. THAT'S
ALL, THANK YOU FOR COMING.

OKAY, MAY I SEE Y'ALL UP HERE? MS. HINDS,
COULD Y'ALL COME UP HERE?

(Whereupon a bench conference
is had out of the hearing of
the jury and court reporter.)

THE COURT: LADIES AND GENTLEMEN, Y'ALL HAVE
BEEN DOING A VERY GOOD JOB OF PAYING ATTENTION AND
KEEPING UP WITH THIS LIKE I ASKED YOU TO. I WANT TO
COMPLIMENT YOU ON THAT. RIGHT NOW WE'RE GOING TO TAKE

1 A BREAK FOR LUNCH. OKAY? I'M GOING TO ASK Y'ALL TO BE
2 BACK HERE AT TWO:FIFTEEN. IF Y'ALL COULD GET BACK JUST
3 A LITTLE EARLIER THAT WOULD BE NICE, BECAUSE WHAT I'D
4 LIKE FOR YOU TO DO IS, WHEN YOU COME BACK, IF YOU'LL
5 GET BACK HERE ABOUT TWO THAT WILL GIVE Y'ALL AN
6 OPPORTUNITY FOR THE MEMBERS OF THE JURY TO PICK
7 SOMEONE TO BE THE FOREMAN IN THE JURY. OKAY? SO,
8 SOME OF Y'ALL HAVE BEEN ON JURY TRIALS BEFORE, WHAT
9 THE FOREMAN DOES IS PRESIDE OVER THE DISCUSSION AND
10 DELIBERATION ONCE THE CASE GOES TO Y'ALL TO MAKE A
11 DECISION. SO, AND THAT PERSON IS ALSO REQUIRED TO
12 FILL OUT THE VERDICT FORM, AND TO MAKE SURE THAT
13 EVERYBODY IS INVOLVED. SO, I WOULD ASK WHEN Y'ALL
14 COME BACK IF Y'ALL WOULD, THE MEMBERS OF THE JURY
15 WOULD PICK OUT A FOREMAN FOR THE TRIAL. UNFORTUNATELY,
16 OR FORTUNATELY, THE ALTERNATES DON'T GET TO VOTE ON
17 THAT. OKAY? BUT Y'ALL WILL DO THAT.,

18 NOW, I TOLD Y'ALL EARLIER, I TOLD YOU
19 YESTERDAY, LET ME REMIND YOU AGAIN, YOU CANNOT TALK
20 ABOUT THIS CASE TO ANYONE OR AMONG YOURSELVES. YOU'VE
21 HEARD A NUMBER OF WITNESSES TO DATE BUT YOU HAVE NOT
22 HEARD THE ENTIRE CASE. SO, Y'ALL ARE NOW EXCUSED TO
23 GO TO LUNCH, DON'T TALK ABOUT THE CASE, DON'T TALK
24 WITH ANYONE ABOUT THE CASE, AND IF Y'ALL WILL BE BACK
25 HERE BETWEEN TWO AND TWO:FIFTEEN, PICK A FOREMAN, AND

1 THEN WE'LL COME BACK IN HERE AND GET STARTED IN THE
2 AFTERNOON.

3 THANK Y'ALL VERY MUCH.

4 (Whereupon, the jury leaves
5 the courtroom and the following
6 takes place out of the presence
7 of the jury.)

8 THE COURT: GET MS. JACKSON TO COME BACK
9 OUT.

10 WHILE THE OFFICERS ARE GOING BACK THERE, ONE
11 OF THE JURORS PARKED -- HE HEARD -- OKAY, OKAY. SO,
12 WE'RE TRYING TO GET THAT STRAIGHT. EVEN THOUGH THEY
13 WERE REQUESTED NOT TO TAKE THE CAR, THEY DID, SO THAT
14 WILL BE ANOTHER MATTER OF DISCUSSION IF SOMETHING
15 COMES UP AFTER THAT. OKAY?

16 MS. HINDS: YES, SIR.

17 THE COURT: ALRIGHT, ANYTHING WE NEED TO
18 DISCUSS BEFORE WE TAKE A RECESS FOR LUNCH?

19 SOLICITOR SORENSON: I THINK THAT ANSWERS MY
20 CONCERN IS MAKING SURE THAT JUROR'S NOT SOMEHOW, I
21 MEAN, SOMEHOW SOME ISSUE, YOU KNOW, BEING UP HERE, AND
22 SOMEHOW TAKES THAT OUT ON ...

23 THE COURT: WELL, I'M - - -

24 SOLICITOR SORENSON: SOMEBODY.

25 THE COURT: I'M HOPING, I'M HOPING THAT

1 THAT'S NOT THE CASE. THAT'S THE REASON I TRIED TO
2 HAVE IT STOPPED. THAT'S WHY I'M A LITTLE CONCERNED
3 WHEN THE OFFICER WENT OUT THERE AND TOLD THEM NOT TO
4 TAKE THE CAR, AND THAT THE COURT HAD ADVISED THEM NOT
5 TO TAKE THE CAR, BUT THEY TOOK THE CAR ANYWAY. BUT WE
6 -- SINCE I DON'T KNOW THE EXACT CIRCUMSTANCES OF HOW
7 THAT HAPPENED I'M NOT GOING TO DO ANYTHING RIGHT NOW,
8 BUT WE ARE GOING TO GET TO THE BOTTOM OF THAT. BUT IF
9 WE FEEL LIKE THERE'S SOMETHING THAT WE NEED TO
10 DISCUSS, IF MS. JACKSON TELLS ME WHEN THE JURY COMES
11 BACK THAT HE APPEARS TO BE AGITATED OR ANYTHING LIKE
12 THAT, WE'LL TAKE THAT UP OUT OF THE PRESENCE OF THE
13 OTHER JURORS, BUT IF MS. JACKSON DOES NOT INFORM ME OF
14 ANY IRRITATION THEN WE'LL, I'LL JUST LET HER ADVISE
15 Y'ALL. OKAY?

16 ANYTHING MS. HINDS?

17 MS. HIND: NO, SIR.

18 THE COURT: MR. SORENSON?

19 SOLICITOR SORENSON: NO, SIR, I DON'T THINK
20 AT THIS POINT IN TIME.

21 THE COURT: ALRIGHT, WE'RE IN RECESS UNTIL,
22 YOU SAID TWO:FIFTEEN, YOU WANTED TO BE BACK? OKAY.
23 THANK YOU, SIR.

24 (Recess)

25 THE COURT: OKAY. IS THE STATE READY TO

1 PROCEED?

2 SOLICITOR SORENSON: YES, SIR.

3 THE COURT: IS THE DEFENDANT READY TO
4 PROCEED?

5 MS. HINDS: YES, SIR.

6 THE COURT: OKAY. MA'AM? YES, MA'AM, WE'LL
7 MARK THIS, AND WE'LL COME BACK TO THIS LATER. OKAY?
8 YEAH. IF YOU'D MARK THAT AS COURT'S EXHIBIT NUMBER
9 ONE.

10 COURT REPORTER: ONE. YES, SIR.

11 (Court's Exhibit One
12 marked and filed.)

13 THE COURT: YOU CAN GO AHEAD AND BRING THE
14 JURY OUT, I'LL TELL THEM LATER WHO IT IS.

15 (Whereupon, the jury
16 enters the courtroom and
17 the following takes place
18 in the presence of the jury.)

19 THE COURT: LADIES AND GENTLEMEN, I HOPE
20 Y'ALL HAD A WONDERFUL LUNCH, AND MR. KENNERLY,
21 CONGRATULATIONS ON BEING ELECTED FOREMAN, I'LL TRY AND
22 WORK YOU AND KEEP YOU AS BUSY AS YOU POSSIBLY CAN BE.
23 OKAY? THANK YOU, SIR.

24 ALRIGHT, IS THE STATE READY TO PROCEED?

25 SOLICITOR SORENSON: YES, YOUR HONOR.

1 THE COURT: OKAY.

2 SOLICITOR SORENSON: THE STATE CALLS MARY
3 CURRY.

4 THE COURT: OKAY.

5 (Whereupon, the witness
6 enters the courtroom.)

7 CLERK: COME ALL THE WAY UP TO THE FRONT TO
8 YOUR RIGHT BY THE MICROPHONE, PLACE YOUR LEFT HAND ON
9 THE BIBLE AND RAISE YOUR RIGHT HAND.

10 (Whereupon, Mary Currie
11 is duly sworn.)

12 CLERK: YOU MAY BE SEATED AND STATE OUR FULL
13 NAME FOR THE COURT.

14 WITNESS: MY NAME IS MARY CURRIE.

15 (NOTE: Blank lines on this page do not indicate any
16 part of record has been omitted. Headers on testimony
17 pages and hard page breaks between testimony are now
18 required by the Court. See next ensuing page for
19 sequential continuation of record.)

DIRECT - MARY CURRIE BY SOL. SORENSON

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DIRECT EXAMINATION OF MARY CURRIE

BY SOLICITOR SORENSON:

Q. GOOD AFTERNOON, MS. CURRY.

A. GOOD AFTERNOON.

Q. AND IF YOU WOULD, TELL THE JURY WHERE IT IS THAT
YOU'RE EMPLOYED?

A. I'M EMPLOYED WITH CALHOUN COUNTY PUBLIC SCHOOLS.

Q. AND WHAT DO YOU DO AT CALHOUN COUNTY?

A. I'M THE SCHOOL COORDINATOR, I'VE OVER ALL STUDENT
DATA.

Q. OKAY. AND A COUPLE OF WEEKS AGO DID SOMEONE IN
MY OFFICE CONTACT YOU ABOUT TRYING TO GET SOME
RECORDS PERTAINING TO TWO STUDENTS, A MS.
PHYLICIA FRAZIER AND A MR. WALTER GREENE?

A. THEY DID.

Q. AND WERE YOU ABLE TO GO THROUGH AND RESEARCH YOUR
RECORDS TO DETERMINE WHETHER THE TWO OF THEM HAD,
IN FACT, BEEN STUDENTS IN CALHOUN COUNTY?

A. I WAS.

Q. OKAY. LET ME SHOW YOU STATE'S EXHIBIT NUMBER
TWELVE, IS THAT THE DOCUMENT, OR DOCUMENTS THAT
YOU PROVIDED TO US IN REGARD TO THOSE TWO
STUDENTS?

A. YES.

Q. OKAY. AND ARE THOSE KEPT IN THE KIND OF REGULAR

DIRECT - MARY CURRIE BY SOL. SORENSON

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1 COURSE OF BUSINESS WITH CALHOUN COUNTY PUBLIC
2 SCHOOLS?

3 A. WHAT WAS THAT AGAIN?

4 Q. ARE THEY KEPT IN THE REGULAR COURSE OF BUSINESS
5 FOR CALHOUN COUNTY PUBLIC SCHOOLS, THOSE RECORDS?

6 A. YES, THEY WERE CURRENT AT THAT TIME, RIGHT.

7 SOLICITOR SORENSON: YOUR HONOR, AT THIS
8 TIME WE'D OFFER STATE'S EXHIBIT NUMBER - - -

9 Q. WHAT'S THE NUMBER ON THE FRONT THERE, WHAT DOES
10 IT SAY?

11 A. TWELVE.

12 Q. TWELVE.

13 SOLICITOR SORENSON: NUMBER TWELVE INTO
14 EVIDENCE.

15 MS. HINDS: NO OBJECTION.

16 THE COURT: OKAY. IT'S IN EVIDENCE.

17 (State's Exhibit Twelve
18 marked and filed.)

19 Q. OKAY. AND JUST REAL BRIEFLY, MS. CURRY, THOSE
20 RECORDS PERTAIN TO TWO DIFFERENT STUDENTS, IS
21 THAT CORRECT?

22 A. CORRECT.

23 Q. AND DO YOUR RECORDS REFLECT THAT WALTER GREENE
24 AND PHYLCIA FRAZIER WERE BOTH STUDENTS AT JOHN
25 FORD MIDDLE SCHOOL IN CALHOUN COUNTY DURING THE

DIRECT - MARY CURRIE BY SOL. SORENSON

321

1 SAME ACADEMIC SCHOOL YEAR?

2 A. YES.

3 Q. AND WHAT SCHOOL YEAR WAS THAT?

4 A. TWO THOUSAND ONE-TWO THOUSAND TWO.

5 Q. OKAY. AND DID MS. FRAZIER, WHAT IS HER DATE OF
6 BIRTH?

7 A. THIS STATES,

8 Q. AND DURING THAT ACADEMIC SCHOOL YEAR, TWO
9 THOUSAND ONE-TWO THOUSAND TWO, WHAT GRADE WAS SHE
10 IN AT JOHN FORD MIDDLE SCHOOL?

11 A. I'LL HAVE TO FIND IT.

12 Q. THE TOP LINE, I ASSUME THAT'S WHAT GRD IS, UP ON
13 THE TOP?

14 A. OH, EIGHTH. I'M SORRY, I DIDN'T SEE THAT.

15 Q. THAT'S ALRIGHT. AND THE OTHER RECORDS PERTAINING
16 TO WALTER GREENE, JUNIOR, WHAT IS HIS DATE OF
17 BIRTH?

18 A. ONE/NINE/EIGHTY-EIGHT.

19 Q. OKAY. AND WHAT GRADE DOES IT SHOW THAT MR.
20 GREENE ...

21 A. SEVENTH.

22 Q. SEVENTH GRADE DURING THAT SAME ACADEMIC SCHOOL
23 YEAR?

24 A. UH-HUH, YES.

25 SOLICITOR SORENSON: OKAY. THANK YOU, MS.

DIRECT - MARY CURRIE BY SOL. SORENSON

322

1 CURRIE, PLEASE ANSWER ANY QUESTIONS MS. HINDS HAS FOR
2 YOU.

3 THE COURT: MS. HINDS, YOUR WITNESS.

4 MS. HINDS: THANK YOU, YOUR HONOR.

5 (NOTE: Blank lines on this page do not indicate any
6 part of record has been omitted. Headers on testimony
7 pages and hard page breaks between testimony are now
8 required by the Court. See next ensuing page for
9 sequential continuation of record.)

CROSS - MARY CURRIE BY MS. HINDS

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CROSS-EXAMINATION OF MARY CURRIE

BY MS. HINDS:

Q. VERY BRIEFLY, SO YOU'RE JUST HERE TO TESTIFY THAT
PHYLICIA FRAZIER AND WALTER GREENE WENT TO THE
SAME MIDDLE SCHOOL IN CALHOUN COUNTY, CORRECT?

A. YES.

Q. AND YOU WEREN'T A WITNESS TO ANY OF THE ACTUAL
EVENTS?

A. NOTHING.

Q. OKAY. THAT'S WHY YOU'RE HERE TO DO TODAY,
CORRECT?

A. THAT'S IT.

MS. HINDS: THANK YOU.

THE COURT: OKAY. ANYTHING ON REDIRECT?

SOLICITOR SORENSON: NO, SIR. MAY SHE BE
EXCUSED?

THE COURT: YES, SHE MAY. THANK YOU, MS.
CURRIE. I KNOW YOU HATE BEING AWAY FROM SCHOOL, BUT
WE'LL SEND YOU BACK.

ALRIGHT.

SOLICITOR SORENSON: THE STATE CALLS
SERGEANT BOBBY RIVERS.

THE COURT: ALRIGHT, SIR.

CLERK: PLEASE PLACE YOUR LEFT HAND ON THE
BIBLE AND RAISE YOUR RIGHT HAND.

1 (Whereupon, Bobby Rivers
2 is duly sworn.)

3 CLERK: ALRIGHT. YOU MAY BE SEATED, AND
4 STATE YOUR FULL NAME FOR THE COURT.

5 WITNESS: DETECTIVE BOBBY RIVERS.

6 (NOTE: Blank lines on this page do not indicate any
7 part of record has been omitted. Headers on testimony
8 pages and hard page breaks between testimony are now
9 required by the Court. See next ensuing page for
10 sequential continuation of record.)

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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DIRECT EXAMINATION OF BOBBY RIVERS

BY SOLICITOR SORENSON:

Q. GOOD AFTERNOON, SERGEANT RIVERS.

A. GOOD AFTERNOON, SIR.

Q. IF YOU WOULD, TELL THE JURY WHERE YOU WORK?

A. ORANGEBURG DEPARTMENT OF PUBLIC SAFETY.

Q. AND WHAT DO YOU DO WITH PUBLIC SAFETY?

A. I'M A CRIMINAL INVESTIGATOR THERE.

Q. OKAY. AND HOW LONG HAVE YOU BEEN WITH THE
DEPARTMENT OF PUBLIC SAFETY?

A. TWENTY-ONE YEARS.

Q. OKAY. AND HOW LONG HAVE YOU BEEN EMPLOYED IN
YOUR CURRENT CAPACITY?

A. ABOUT TWELVE YEARS.

Q. ALRIGHT. AND IF YOU WOULD, JUST BRIEFLY KIND OF
TELL THE JURY AS A CRIMINAL INVESTIGATOR WITH
PUBLIC SAFETY, WHAT YOUR KIND OF DAY TO DAY
DUTIES AND RESPONSIBILITIES ARE?

A. MY DAY TO DAY DUTIES ARE BASICALLY INVESTIGATING
CRIMINAL ACTIVITY SUCH AS BURGLARY, ASSAULT
AGAINST PERSONS, THINGS IN THAT NATURE.

Q. OKAY. AND DID YOU HAVE AN OPPORTUNITY TO BECOME
INVOLVED IN THE INVESTIGATION OF THIS INCIDENT
THAT OCCURRED AT MS. WRIGHT'S RESIDENCE BACK ON -

- -

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 A. YES, I DID.

2 Q. --- APRIL TWENTY-FOURTH?

3 A. CORRECT.

4 Q. AND TELL THE JURY HOW IT IS, AND HOW AND WHEN YOU
5 BECAME INVOLVED?

6 A. THIS INCIDENT TOOK PLACE ON APRIL THE TWENTY-
7 FOURTH, AND ON APRIL THE TWENTY-SIXTH, ON THAT
8 MONDAY I CAME TO WORK AND I WAS INFORMED BY
9 DETECTIVE ROMANSTINE THAT HE WAS ASSIGNING ME A
10 CASE IN REFERENCE TO WHAT HAPPENED OVER THE
11 WEEKEND.

12 Q. SO, YOU, YOU DIDN'T ACTUALLY, YOU WEREN'T WORKING
13 THAT WEEKEND, THAT SATURDAY MORNING, EARLY
14 SATURDAY MORNING?

15 A. NO, I WASN'T.

16 Q. OKAY. SO, WHEN YOU WERE THEN ASSIGNED THE CASE
17 WHAT DID YOU THEN DO, SERGEANT?

18 A. ONCE I GOT THE CASE I READ OVER THE CASE AND
19 FOUND OUT EXACTLY THE INCIDENT, WHAT TOOK PLACE,
20 AND I MADE CONTACT WITH THE VICTIM, WHICH WAS MS.
21 WRIGHT, AND INFORMED HER THAT I WAS ASSIGNED HER
22 CASE.

23 Q. OKAY. NOW, AT THAT TIME WHEN YOU WERE FIRST
24 GIVEN THE, KIND OF THE REPORTS TO LOOK OVER, DID
25 YOU HAVE THE POTENTIAL SUSPECT NAME OF WALTER AT

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 THAT POINT IN TIME?

2 A. CORRECT, THAT'S ALL I HAD.

3 Q. OKAY. AND DID YOU ULTIMATELY RECEIVE ANY
4 ADDITIONAL INFORMATION FROM MS. WRIGHT WITH
5 REGARDS TO WHAT A POSSIBLE LAST NAME MIGHT BE FOR
6 THAT SUSPECT?

7 A. YES, I DID.

8 Q. OKAY. AND DO YOU REMEMBER WHEN THAT OCCURRED?

9 A. THAT OCCURRED ON THAT TUESDAY.

10 Q. AND AS A RESULT OF THAT DID YOU ULTIMATELY, WERE
11 YOU ULTIMATELY ABLE TO HAVE A PHOTO LINEUP PUT
12 TOGETHER TO BE ABLE TO SHOW MS. WRIGHT WITH THE
13 SUSPECT, WALTER GREENE, IN IT?

14 A. CORRECT.

15 Q. I'M SHOWING YOU STATE'S EXHIBIT NUMBER ONE, IS
16 THAT THE LINEUP THAT YOU HAD CREATED?

17 A. YES, THAT'S IT.

18 Q. OKAY. AND IS THE DEFENDANT, WALTER GREENE,
19 JUNIOR, IS HE IN THIS LINEUP?

20 A. CORRECT, NUMBER THREE.

21 Q. NUMBER THREE. ALRIGHT. NOW, TELL THE JURY WHEN,
22 HOW YOU WENT ABOUT SHOWING THAT LINEUP TO, TO MS.
23 WRIGHT?

24 A. I CALLED MS. WRIGHT IN MY OFFICE, WHICH IS
25 THIRTEEN TWENTY MIDDLETON STREET, OUR

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 HEADQUARTERS, AND I CALLED HER AND INFORMED HER
2 THAT I WANTED TO SHOW HER A PHOTO LINEUP, WOULD
3 SHE BE ABLE TO MEET ME? AND SHE OBLIGED AND SHE
4 CAME TO MY OFFICE THAT MORNING, AND WE WENT IN A
5 CONFERENCE ROOM. AND I JUST TOLD HER THAT I'M
6 GOING TO SHOW HER A LINEUP OF INDIVIDUALS, AND I
7 JUST WANT HER TO LOOK AT IT AND TAKE HER TIME
8 AND, TO SEE IF THAT GUY THAT ASSAULTED HER AND
9 FORCED HIS WAY INTO HER RESIDENCE WAS LOCATED IN
10 THIS PHOTO LINEUP.

11 Q. OKAY. AND DID SHE THEN TAKE THE TIME TO LOOK AT
12 THIS LINEUP?

13 A. YEAH. ONCE SHE LOOKED AT IT SHE IMMEDIATELY
14 PICKED OUT NUMBER THREE, WHICH IS MR. WALTER
15 GREENE.

16 Q. OKAY. AND DID YOU GET HER TO DO ANYTHING AFTER
17 SHE PICKED OUT NUMBER THREE?

18 A. I GOT HER TO SIGN THE FRONT OF IT AND TO SIGN AND
19 INITIAL THE BACK OF IT.

20 Q. OKAY. SO, THERE IS HER, WHERE SHE SIGNED THE
21 FOLDER, IS THAT WHAT YOU'RE TALKING ABOUT?

22 A. CORRECT.

23 Q. AND THERE IS HER, THOSE ARE MS. WRIGHT'S INITIALS
24 ABOVE PHOTOGRAPH NUMBER THREE?

25 A. CORRECT.

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 Q. LET ME ASK YOU, DID YOU AT ANY POINT IN TIME,
2 SERGEANT, TELL HER WHO TO PICK OUT OF THIS
3 LINEUP?

4 A. NO, SIR, I DIDN'T.

5 Q. DID YOU SUGGEST TO HER IN ANY WAY THAT SHE, WHO
6 TO PICK OUT?

7 A. NO, SIR, I DIDN'T.

8 Q. DID YOU SUGGEST IN ANY WAY THAT SHE HAD TO PICK
9 SOMEBODY OUT?

10 A. NO, I DIDN'T.

11 Q. HOW CERTAIN DID SHE APPEAR TO BE WHEN SHE, ONCE
12 SHE PICKED OUT AND INITIALED NUMBER THREE?

13 A. SHE TOLD ME SHE WAS POSITIVE THAT WAS THE GUY
14 THAT SHE SAW THAT NIGHT.

15 Q. AND THIS IS NOW ON THE MORNING OF THE TWENTY-
16 SEVENTH, IS THAT CORRECT?

17 A. CORRECT.

18 Q. NOW, ARE YOU AWARE, SERGEANT, THAT, WHETHER THE
19 DEFENDANT, WALTER GREENE, JUNIOR, WAS ARRESTED
20 LATER THAT AFTERNOON ON APRIL TWENTY-SEVENTH?

21 A. YES, SIR, I WAS AWARE OF IT, YES, SIR.

22 Q. AND DID YOU HAVE AN OPPORTUNITY TO COME INTO
23 CONTACT AND OBSERVE HIM AFTER HIS ARREST?

24 A. YES, I DID.

25 Q. ALRIGHT. AND WAS IT BOOKING SHEETS FILLED OUT

1 WITH HIS, KIND OF SOME OF HIS PERSONAL
2 INFORMATION ON IT AT THAT TIME?

3 A. CORRECT.

4 Q. WHAT DOES IT INDICATE ON APRIL TWENTY-SEVENTH OF
5 TWO THOUSAND TEN, MR. GREENE'S HEIGHT AND WEIGHT
6 WAS?

7 A. HEIGHT, FIVE-SIX, WEIGHT, A HUNDRED AND FIFTY-SIX
8 POUNDS.

9 Q. OKAY. AND DID YOU HAVE AN OPPORTUNITY TO OBSERVE
10 HIS HAIR AT THAT POINT IN TIME, ON APRIL TWENTY-
11 SEVENTH?

12 A. YES, I DID.

13 Q. OKAY. AND WHAT, DESCRIBE HOW HIS HAIR WAS ON
14 APRIL TWENTY-SEVENTH?

15 A. SHORT WITH, I GUESS YOU COULD SAY, BRAIDED.

16 Q. FAIRLY CONSISTENT WITH WHAT'S DEPICTED IN THE
17 PHOTO LINEUP - - -

18 A. CORRECT, YES, SIR.

19 Q. --- IN PHOTO NUMBER THREE?

20 A. YES, SIR.

21 Q. SO, IT'S NOT HOW IT IS TODAY WHERE IT'S SHAVED
22 SHORT?

23 A. NO, SIR.

24 Q. AND WHAT, HOW OLD ON APRIL, BACK ON APRIL TWENTY-
25 FOURTH OF THIS YEAR, HOW OLD WAS MR. GREENE AT

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 THAT TIME?

2 A. TWENTY-TWO.

3 Q. OKAY. AND WHAT IS HIS DATE OF BIRTH?

4 A.

5 Q. SO, THAT WOULD BE THE SAME DATE OF BIRTH THAT WAS
6 JUST READ OFF BY MS. CURRY ON HIS SCHOOL RECORDS,
7 IS THAT CORRECT, T?

8 A. CORRECT.

9 Q. LET ME ASK YOU, WHAT ADDRESS DID HE GIVE AT THAT
10 POINT IN TIME WHEN HE WAS ARRESTED ON APRIL
11 TWENTY-SEVENTH?

12 A.

13 Q. AND WHERE IS LIMIT STREET, IS THAT IN ...

14 A. IT'S IN THE CITY.

15 Q. WITHIN ORANGEBURG?

16 A. ORANGEBURG, CORRECT.

17 Q. OKAY. AND WHERE IS THAT, IS THAT LOCATED
18 ANYWHERE NEAR THIS INCIDENT LOCATION?

19 A. IT'S PROBABLY ABOUT MAYBE TWO MILES AWAY FROM THE
20 INCIDENT LOCATION.

21 Q. ALRIGHT. LET ME ASK YOU THIS NOW, DID YOU ALSO
22 HAVE AN OPPORTUNITY TO OBSERVE BACK ON APRIL
23 TWENTY-SEVENTH OF THIS YEAR WHETHER THE DEFENDANT
24 HAD ANY TATTOOS ON HIS FACE AREA?

25 A. CORRECT, I DID.

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 Q. AND WHAT, WHAT IF ANYTHING DID YOU NOTE WHEN YOU
2 OBSERVED HIM?

3 A. I NOTICED THAT HE COULD HAVE HAD, I GUESS YOU
4 COULD SAY, TEAR DROP OR SOME BLACK MARK ON THE
5 RIGHT SIDE OF HIS EYE, CHIN AREA.

6 Q. OKAY.

7 SOLICITOR SORENSON: YOUR HONOR, MAY WE
8 APPROACH?

9 THE COURT: YES, SIR.

10 (Whereupon, a bench conference
11 is had out of the hearing of
12 the jury and court reporter.)

13 THE COURT: LADIES AND GENTLEMEN, DO YOU
14 REMEMBER THE FIRST DAY I TOLD YOU -- WELL, EARLIER
15 THIS MORNING, EXCUSE ME, IT SEEMS LIKE TWO DAYS AGO,
16 DOESN'T IT -- I TOLD YOU THERE MAY BE SOME
17 OPPORTUNITIES WHERE I NEEDED TO HAVE SOME
18 CONVERSATIONS WITH THE ATTORNEYS OUT OF YOUR PRESENCE?
19 THIS IS ONE OF THOSE TIMES. OKAY? SO, WHAT I'M GOING
20 TO DO IS, I'M GOING TO EXCUSE Y'ALL TO GO BACK INTO
21 THE JURY ROOM. IT SHOULDN'T TAKE BUT ABOUT TEN
22 MINUTES, SO DON'T GET TOO COMFORTABLE BACK THERE. AND
23 THEN AS SOON AS WE'RE THROUGH WE'LL BRING YOU BACK
24 OUT. OKAY? AND REMEMBER AGAIN, YOU CANNOT TALK ABOUT
25 THE CASE. THANK Y'ALL.

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 (Whereupon, the jury retires
2 to the jury room and the following
3 takes place out of the presence
4 of the jury.)

5 THE COURT: ALRIGHT, LET'S SEE, MR.
6 SORENSON, I BELIEVE YOU WERE TELLING THE COURT THAT
7 YOU WANTED TO REQUEST THAT THE DEFENDANT STAND IN
8 FRONT OF THE JURY?

9 SOLICITOR SORENSON: YES, SIR.

10 THE COURT: OKAY.

11 SOLICITOR SORENSON: SO THEY WILL HAVE AN
12 OPPORTUNITY TO OBSERVE THE TATTOO ON HIS RIGHT CHEEK
13 BELOW HIS RIGHT EYE.

14 THE COURT: OKAY. AND MS. HINDS, YOU
15 INDICATED TO THE COURT THAT YOU WANTED TO ARGUE ABOUT
16 THAT?

17 MS. HINDS: YES, SIR, AND I WANT TO LET MR.
18 WISE DO THE ARGUMENT.

19 THE COURT: MA'AM?

20 MS. HINDS: MR. WISE IS GOING TO DO THE
21 ARGUMENT.

22 THE COURT: OH, ALRIGHT, MR. WISE, GOOD. I
23 THOUGHT YOU WERE JUST HERE FOR MORAL SUPPORT.

24 MR. WISE: AND THAT ALSO.

25 THE COURT: OKAY. THAT'S OKAY. YES, SIR,

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 LET ME HEAR FROM YOU, MR. WISE.

2 MR. WISE: MAY IT PLEASE THE COURT, YOUR
3 HONOR.

4 THE COURT: YES, SIR.

5 MR. WISE: YOUR HONOR, CERTAINLY, THE COURT
6 CONTROLS THE FLOW OF EVIDENCE DURING THE COURSE OF A
7 TRIAL. I SUBMIT TO THE COURT THAT AT THIS POINT, AT
8 THIS STATUS IN THIS TRIAL, HAVING WALTER PARADE BEFORE
9 THE JURY WOULD BE CUMULATIVE AND FRANKLY IRRELEVANT.
10 I THINK AT THIS POINT HERE IS WHAT THE EVIDENCE HAS
11 SHOWN. MS. WRIGHT HAS TESTIFIED HE HAS A TATTOO, HE
12 HAD A TATTOO THAT NIGHT. SHE LOOKED AT THE PHOTO
13 ARRAY, THE PHOT ARRAY IS NOT IN EVIDENCE. OFFICER
14 RIVERS HAS NOW TESTIFIED, HE SAYS, I LOOKED AT HIM
15 THAT DAY, HE HAS A TATTOO UNDER HIS EYE. THE COURT
16 HAS RULED THAT ALL OF THAT IS ADMISSIBLE, OBVIOUSLY,
17 SO THAT'S ALL NOW IN FRONT OF THE JURY. SO I SUBMIT
18 TO THE COURT THAT HAVING WALTER PARADE IN FRONT OF THE
19 JURY IS SIMPLY CUMULATIVE AND PROBABLY AT THIS POINT
20 IRRELEVANT, GIVEN THE FACT THAT THERE HAS BEEN SO MUCH
21 EVIDENCE ABOUT THIS TATTOO THAT'S UNDERNEATH HIS EYE.

22 I ALSO THINK THERE'S AN ISSUE OF FAIRNESS AT
23 THIS POINT. GIVEN THE FACT THAT ALL THESE WITNESSES
24 HAVE TESTIFIED, I THINK NOW TO MAKE HIM EITHER GO BACK
25 AND FORTH IN FRONT OF THE JURY AND STAND AND TURN AND

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 EXHIBIT HIMSELF, IT'S JUST PROBABLY KIND OF UNFAIR,
2 GIVEN THAT THE EVIDENCE HAS BEEN PRETTY CLEAR ABOUT
3 WHAT HE LOOKED LIKE ON THAT NIGHT, AND WHAT HE LOOKS
4 LIKE NOW. AND REMEMBER, MS. WRIGHT TESTIFIED, TATTOO
5 OR NO TATTOO, I'D KNOW WHAT HE LOOKED LIKE, I'D NEVER
6 FORGET HIS FACE. AND SHE'S ALREADY POINTED AT HIM
7 SITTING THERE AND SAID, THAT'S THE GUY WHO DID THIS.
8 SO, I SUBMIT TO THE COURT THAT HE SHOULDN'T BE
9 COMPELLED TO EXHIBIT HIMSELF TO THE JURY LIKE ANOTHER
10 PIECE OF EVIDENCE.

11 THE COURT: WELL, LET ME ASK YOU SOMETHING,
12 MR. WISE, WHILE YOU'RE UP THERE. THE STATE VERSUS
13 HART CASE, - - -

14 MR. WISE: YES, YOUR HONOR.

15 THE COURT: --- IT SAYS - - -

16 MR. WISE: YOUR HONOR, THERE'S NO DOUBT
17 ABOUT IT, THIS COURT CAN HAVE HIM STAND UP THERE AND
18 PARADE AROUND LIKE A SHOW ANIMAL, NO DOUBT ABOUT IT.
19 BUT I'D SUBMIT TO THE COURT THAT EVEN THE STATE VERSUS
20 HART CASE DEALS, DOESN'T REQUIRE THE COURT TO DO THIS.
21 THE COURT, THE RULES OF EVIDENCE THAT WE'VE ALWAYS
22 GONE BY IN THIS STATE STILL APPLY, WHICH IS, THIS
23 COURT CONTROLS THE ADMISSION OF EVIDENCE. AND THE
24 COURT CAN MAKE A DETERMINATION TO WHETHER OR NOT
25 EVIDENCE IS RELEVANT OR CUMULATIVE OR, MAKE ALL THOSE

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 DETERMINATIONS. SO, YES, CAN THE COURT COMPEL HIM DO
2 TO IT? ABSOLUTELY. I SUBMIT TO THE COURT THAT GIVEN
3 HOW THE EVIDENCE HAS NOW PLAYED OUT IN THIS TRIAL,
4 THAT THE COURT SHOULD NOT DO THAT.

5 THE COURT: OKAY. YOU'RE JUST ASKING ME TO
6 USE MY DISCRETION AND NOT LET -- BECAUSE WE'VE ALREADY
7 GOT ENOUGH EVIDENCE HERE?

8 MR. WISE: EXACTLY SO, YOUR HONOR.

9 THE COURT: OKAY.

10 MR. WISE: THANK YOU, SIR.

11 THE COURT: ALRIGHT, MR. SORENSON, LET ME
12 HEAR FROM YOU, PLEASE, SIR.

13 SOLICITOR SORENSON: YOUR HONOR, THE OBJECT
14 OF THIS IS THAT IT WOULD BE CORROBORATIVE, NOT
15 CUMULATIVE, TO THE VICTIM'S TESTIMONY. YOU KNOW, SHE
16 HAD AN OPPORTUNITY TO OBSERVE THE INDIVIDUAL THAT WAS
17 AT HER HOUSE THAT NIGHT FROM A FEW FEET AWAY, AND I
18 THINK IT WOULD BE VERY PROBATIVE THEN FOR THIS JURY TO
19 HAVE AN OPPORTUNITY TO OBSERVE MR. GREENE, NOT FROM
20 ACROSS THE ENTIRE COURTROOM, BUT ALSO TO OBSERVE, I
21 MEAN, WHAT BASICALLY, SHE WOULD HAVE BEEN ABLE TO SEE
22 THAT NIGHT. AND THE STATE'S POSITION, HOW CLEAR THAT
23 TATTOO IS ON MR. GREEN'S FACE. I THINK THE CASE LAW
24 CLEARLY ALLOWS US TO DO THAT. IT'S NON-TESTIMONIAL, I
25 MEAN, IT DOESN'T, WOULDN'T, YOU KNOW, THEY WOULD NOT

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 LAST ARGUMENT OR ANYTHING OF THAT NATURE. I MEAN, THE
2 CASE LAW I THINK ALLOWS THEM TO BE ABLE TO DO IT OR US
3 TO BE ABLE TO DO IT. I MEAN, EVEN, I MEAN, HART, AS
4 YOUR HONOR REFERENCED, I MEAN, ACTUALLY HAS THE
5 COMMENT THAT IT IS WELL SETTLED THAT THE STATE'S
6 EXHIBITION OF A DEFENDANT'S PHYSICAL CHARACTERISTICS
7 DOES NOT IMPLICATE THE DEFENDANT'S PRIVILEGE AGAINST
8 SELF-INCRIMINATION, BECAUSE IT'S NON-TESTIMONIAL.

9 I THINK IN THIS CASE WHERE ID IS THE ISSUE,
10 AND PART OF THAT IS GOING TO GO TOWARDS A DESCRIPTION
11 THAT INCLUDES, I MEAN, A DISTINCTIVE CHARACTERISTIC OF
12 THE DEFENDANT, THAT I THINK IS DEFINITELY MORE
13 PROBATIVE THAN IT IS PREJUDICIAL, AND IS MORE
14 CORROBORATIVE THAN IT IS CUMULATIVE TO THE OTHER
15 TESTIMONY, FOR THE JURY TO BE ABLE TO SEE. IT WOULD
16 BE ONE THING IF HE WAS SITTING AT THIS TABLE WHERE,
17 YOU KNOW, HE'S BEEN SITTING RIGHT, FIVE FEET AWAY FROM
18 THE JURY THE WHOLE TIME, BUT I MEAN, HE'S BEEN CLEAR
19 ACROSS THE COURTROOM THE ENTIRE TIME.

20 THE COURT: NO, I UNDERSTAND, I UNDERSTAND
21 YOUR ARGUMENT. I -- YOU KNOW, AND MR. WISE, I
22 CERTAINLY UNDERSTAND YOUR ARGUMENT ABOUT MAKING IT
23 CUMULATIVE.

24 LET ME TELL YOU WHAT THE COURT'S REASONING
25 IN THIS IS, SO WE'LL HAVE IT NOTED, IS THE BURDEN OF

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 PROOF ON THE STATE IS BEYOND A REASONABLE DOUBT. THE
2 IDENTIFICATION OF THE DEFENDANT IS A MATTER OF SOME
3 QUESTION. OKAY? I REALIZE THAT AT ONE POINT IN THE
4 TESTIMONY HE IS DESCRIBED AS BEING FIVE FEET NINE
5 INCHES TALL. OKAY? ANOTHER POINT, AND I MIGHT BE
6 CONFUSING IT WITH YESTERDAY, BUT IT SEEMS TO BE AS
7 LITTLE AS FIVE, FOUR, HAS BEEN THE RANGE THAT I'VE
8 HEARD. I THINK BECAUSE OF THAT, BECAUSE THERE IS SOME
9 RANGE, I THINK IT'S IMPORTANT THAT -- BECAUSE
10 IDENTIFICATION IS IMPORTANT, I THINK THE JURY CAN
11 JUDGE BOTH THE HEIGHT ISSUE AND HOW WELL, OR YOU CAN
12 SEE THE TEAR DROP OR NOT. I MEAN, I'M STANDING RIGHT
13 HERE, I SEE A BLEMISH. I CAN'T -- HE'S, YOU KNOW,
14 DARK COMPLEXION, AND EVEN IN THE PHOTOGRAPH ONE OF THE
15 REASONS THAT I DIDN'T HAVE ANY PROBLEMS WITH THE PHOTO
16 LINEUP WAS THE FACT THAT LOOKS MORE -- TO ME IT LOOKS
17 MORE LIKE A BLEMISH THAN IT DOES A TEAR DROP. SO, I'M
18 GOING TO ALLOW HIM TO STAND UP THERE.

19 AND MR. WISE, SINCE YOU ARGUED IT, I'M GOING
20 TO NOTE YOUR OBJECTION TO MY RULING SO IT CAN BE
21 PRESERVED ON THE RECORD. OKAY? SO, YOU'LL HAVE THAT
22 PRESERVED ON THE RECORD. OKAY?

23 ANYTHING ELSE WE NEED TO DISCUSS BEFORE I
24 BRING THEM BACK IN?

25 SOLICITOR SORENSON; NO, SIR.

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 THE COURT: OKAY.

2 SOLICITOR SORENSON: AND THAT WAS GOING TO
3 BE MY LAST THING WITH SERGEANT RIVERS ALSO. SO, I
4 MEAN, I'LL JUST MAKE A REQUEST TO THE COURT TO HAVE
5 MR. GREENE WALK OVER AND STAND IN FRONT OF THE JURY. I
6 DON'T KNOW HOW WE DO THAT, BUT . . .

7 THE COURT: WELL, IT SAYS, YOU JUST ASK HIM
8 TO COME AND STAND. AND NOW, I DON'T WANT IT, YOU
9 KNOW, I WANT HIM TO JUST WALK OVER THERE CLOSE ENOUGH
10 TO THE JURY AND LET HIM, YOU KNOW, SINCE SHE SAW HIM
11 FACE UP, I'M INCLINED TO JUST TELL YOU, HE CAN WALK
12 OVER THERE, FACE THE JURY, AND YOU CAN LET HIM FACE
13 THE JURY FOR JUST A BRIEF PERIOD OF TIME, BECAUSE
14 THAT'S THE ONLY BRIEF PERIOD OF TIME THAT SHE SAW HIM.
15 AND THEN WE CAN ASK HIM TO RETURN TO THE SEAT. AND
16 THAT WAY I THINK THAT'S, YOU KNOW, WOULD BE IN LINE
17 WITH WHAT SHE SAW. THE LIGHTING OBVIOUSLY IS
18 DIFFERENT, BUT, YOU KNOW, - - -

19 SOLICITOR SORENSON: RIGHT.

20 THE COURT: --- BUT WE'LL JUST ASK HIM, YOU
21 CAN JUST ASK HIM TO COME FORWARD, STAND ABOUT WHERE
22 YOU ARE RIGHT THERE, FACE THE JURY LIKE THAT - - -

23 SOLICITOR SORENSON: I'D LIKE TO ASK HIM
24 JUST TO KIND OF -- BECAUSE OBVIOUSLY, YOU'VE GOT
25 JURIES AT BOTH ENDS OF THE ...

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 THE COURT: RIGHT. YEAH, SO EVERYBODY CAN
2 SEE HIM, AND THEN HE CAN TURN AND GO BACK.

3 AND MR. GREENE, DO YOU UNDERSTAND WHAT WE'RE
4 ASKING YOU TO DO?

5 DEFENDANT GREENE: YES, SIR.

6 THE COURT: OKAY. AND YOU SAW PRETTY MUCH
7 HOW MR. SORENSON DID THAT?

8 DEFENDANT GREENE: YES, SIR.

9 THE COURT: AND THAT'S WHAT WE'RE GOING TO
10 ASK YOU TO DO, PLEASE, SIR. OKAY?

11 DEFENDANT GREENE: YES, SIR.

12 THE COURT: OKAY. ANYTHING ELSE WE NEED TO
13 ADDRESS, MR. WISE?

14 MR. WISE: NOTHING FROM THE DEFENDANT, YOUR
15 HONOR.

16 THE COURT: OKAY. AND AGAIN, JUST TO MAKE
17 SURE THAT EVEN THOUGH WE'VE GONE OVER WITH THAT, IT'S
18 NOT CHANGING YOUR OBJECTION TO MY RULING. OKAY.
19 THANK YOU, SIR. OKAY.

20 ALRIGHT, ANYTHING ELSE FROM THE STATE?

21 SOLICITOR SORENSON: NO, SIR.

22 THE COURT: ANYTHING ELSE FROM THE DEFENSE?

23 MS. HINDS: NO, SIR.

24 THE COURT: I DIDN'T KNOW WHETHER HE NEEDED
25 TO ANSWER. NO, I'M JUST KIDDING, SORRY. ALRIGHT, IF

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 YOU'D CALL THE JURY ON BACK IN.

2 (Whereupon, the jury enters
3 the courtroom and the following
4 takes place in the presence of
5 the jury.)

6 THE COURT: ALRIGHT, LADIES AND GENTLEMEN,
7 WE'RE GOING TO GO BACK ON THE RECORD. ALRIGHT, YES,
8 SIR.

9 SOLICITOR SORENSON: MAY IT PLEASE THE
10 COURT. THE LAST THING WITH REGARDS TO SERGEANT
11 RIVERS, THE STATE WOULD HAVE A REQUEST TO HAVE THE
12 DEFENDANT, MR. GREENE, COME AND STAND BEFORE THE JURY
13 SO THEY COULD OBSERVE HIS FACE, YOUR HONOR.

14 THE COURT: OKAY. AND MR. GREENE, WHAT I'M
15 GOING TO ASK YOU TO DO, PLEASE, SIR, IF YOU'D JUST
16 WALK OVER IN FRONT OF THE JURY SO THEY CAN SEE YOU,
17 AND JUST, IF YOU'LL JUST GET UP THERE AND STAND IN
18 FRONT OF THEM FOR A FEW SECONDS, MAKE SURE YOU TURN
19 JUST SO THEY CAN SEE YOU, AND THEN YOU RETURN TO YOUR
20 SEAT, PLEASE, SIR.

21 DEFENDANT GREENE: OKAY.

22 THE COURT: OKAY. THANK YOU, SIR.

23 (Whereupon, the defendant
24 walks over and faces the
25 jury.)

DIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 THE COURT: RIGHT THERE IS FINE. ALRIGHT.

2 THANK YOU, MR. GREENE?

3 DEFENDANT GREENE: YES, SIR.

4 (Whereupon, the defendant
5 returns to his seat.)

6 THE COURT: OKAY.

7 SOLICITOR SORENSON: THANK YOU, YOUR HONOR,
8 THAT WOULD BE ALL I'D HAVE AT THIS TIME FOR SERGEANT
9 RIVERS.

10 THE COURT: OKAY. ALRIGHT, MR. RIVERS,
11 DETECTIVE RIVERS, WOULD YOU PLEASE ANSWER ANY
12 QUESTIONS MS. HINDS MAY HAVE.

13 MS. HINDS: THANK YOU.

14 (NOTE: Blank lines on this page do not indicate any
15 part of record has been omitted. Headers on testimony
16 pages and hard page breaks between testimony are now
17 required by the Court. See next ensuing page for
18 sequential continuation of record.)

CROSS - BOBBY RIVERS BY MS. HINDS

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CROSS-EXAMINATION OF BOBBY RIVERS

BY MS. HINDS:

Q. OKAY, I BELIEVE YOUR TESTIMONY WAS THAT YOU
ACTUALLY GOT THIS CASE ON MONDAY, CORRECT?

A. CORRECT.

Q. YOU'VE OFF ON THE WEEKEND?

A. CORRECT.

Q. AND OFFICER ROMANSTINE ACTUALLY ASSIGNED IT TO
YOU?

A. CORRECT.

Q. YOU IMMEDIATELY CALLED THE VICTIM AND GOT IN
CONTACT WITH HER AFTER GETTING UP TO SPEED, SO TO
SPEAK, ON THE CASE?

A. CORRECT.

Q. AND YOU SPOKE WITH HER THAT MONDAY?

A. CORRECT.

Q. OKAY. YOU HAD, AT THAT POINT IN TIME YOU HAD
ACCESS TO OFFICER WARRINGTON'S REPORT?

A. YES, MA'AM.

Q. OKAY. AND YOU WERE GIVEN A DESCRIPTION OF THAT,
CORRECT?

A. FROM OFF THE REPORT, YES, MA'AM.

Q. OKAY. AND THAT DESCRIPTION WAS DARK SKINNED,
SHORT TWISTS, GREEN SHIRT, BLUE SHORTS, JACKET,
TEAR DROP TATTOO, IS THAT CORRECT, WOULD THAT BE

1 CORRECT?

2 A. ON THE RIGHT EYE, CORRECT.

3 Q. ON THE RIGHT EYE. AND THAT WOULD BE THE EXTENT
4 OF THE, THAT DESCRIPTION AND THERE WAS ALSO
5 HEIGHT AND WEIGHT, IS THAT CORRECT?

6 A. CORRECT.

7 Q. AND THAT WOULD BE?

8 A. HEIGHT, FIVE, NINE, WEIGHT, ONE SIXTY.

9 Q. OKAY. WAS THERE ANYTHING ELSE, AS A MATTER OF
10 DESCRIPTION, THAT WAS GIVEN, OR WOULD THAT BE THE
11 TOTAL OF THE DESCRIPTION?

12 A. THAT WOULD BE THE TOTAL THAT I RECEIVED, YES,
13 MA'AM.

14 Q. OKAY. THE REPORT THAT YOU HAD, THAT YOU WERE
15 GIVEN GAVE YOU THE NAME OF WALTER, NO LAST NAME,
16 CORRECT?

17 A. CORRECT.

18 Q. WHEN YOU INITIALLY GOT THE REPORT?

19 A. CORRECT.

20 Q. WHEN YOU FIRST SPOKE TO MS. WRIGHT DID -- WHO I'M
21 UNDERSTANDING IS WHERE YOU GOT THE LAST NAME?

22 A. CORRECT.

23 Q. OKAY. WHEN YOU FIRST SPOKE WITH MS. GREENE, OR
24 MS. WRIGHT, - - -

25 A. UH-HUH.

CROSS - BOBBY RIVERS BY MS. HINDS

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1 Q. --- DID SHE IMMEDIATELY GIVE YOU THAT NAME OR WAS
2 IT LATER IN THE DAY OR ...

3 A. IT WAS LATER, LATER IN THE DAY.

4 Q. OKAY. AND YOU GENERATED A LINEUP FROM THAT,
5 CORRECT?

6 A. CORRECT.

7 Q. YOU DIDN'T ACTUALLY PUT THE PICTURES TOGETHER
8 YOURSELF, DID YOU?

9 A. NO, I DID NOT.

10 Q. CAN YOU TELL THE JURY HOW THAT HAPPENED?

11 A. HOW THE LINEUP CAME ABOUT?

12 Q. YES, HOW YOU REQUEST A LINEUP.

13 A. WHAT WE USUALLY, WHAT WE GENERALLY DO IS, WHEN WE
14 HAVE A NAME OF THE INDIVIDUAL AND WE HAVE TO DO A
15 LINEUP, WHAT WE GENERALLY DO IS SEND THAT
16 INFORMATION THROUGH A DATA BASE TO SLED, ONLY
17 WITH THE INDIVIDUAL'S NAME THAT WE HAVE, AND
18 THROUGH SLED DATA BASE THEY COMPILED FIVE MORE
19 INDIVIDUALS TO PUT WITH THAT ONE INDIVIDUAL TO
20 FORM A SIX PHOTO LINEUP.

21 Q. AND YOU REQUESTED THAT AND THEY GENERATED A
22 LINEUP, CORRECT?

23 A. YES, MA'AM, CORRECT.

24 Q. AND THAT'S THE LINEUP THAT YOU SHOWED MS. WRIGHT?

25 A. CORRECT.

CROSS - BOBBY RIVERS BY MS. HINDS

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1 Q. OKAY. AND YOU CALLED HER AND SHE CAME IN AND
2 LOOKED AT THE LINEUP, CORRECT?

3 A. CORRECT.

4 Q. AND THAT WOULD HAVE BEEN AT HEADQUARTERS ON
5 MIDDLETON STREET?

6 A. CORRECT.

7 Q. WHAT TIME OF DAY DID SHE LOOK AT IT? I'M SORRY,
8 I DON'T REMEMBER, WAS IT MORNING OR AFTERNOON?

9 A. IT WAS THAT MORNING.

10 Q. OKAY. AND I BELIEVE YOUR TESTIMONY WAS IT DIDN'T
11 TAKE HER LONG TO PICK HIM OUT?

12 A. CORRECT.

13 Q. OKAY. I BELIEVE YOU GOT SOME INFORMATION, SOME
14 OTHER INFORMATION LATER IN ADDITION TO THE LAST
15 NAME AS TO -- WHEN THE INITIAL REPORT WAS MADE
16 WAS THERE ANY INDICATION THAT ANYTHING HAD BEEN
17 TAKEN?

18 A. NO, MA'AM.

19 Q. OKAY. AT WHAT POINT IN YOUR INVESTIGATION DID
20 YOU FIND OUT THAT PERHAPS SOME MONEY HAD BEEN
21 TAKEN AND THE GUN?

22 A. WHEN I SPOKE TO MS. WRIGHT ON THAT, LATER THAT
23 MONDAY AFTERNOON.

24 Q. OKAY. SHE TOLD YOU SHE WAS MISSING SOME MONEY,
25 CORRECT?

CROSS - BOBBY RIVERS BY MS. HINDS

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- 1 A. CORRECT.
- 2 Q. OKAY. AND THAT NOBODY HAD FOUND THE GUN,
- 3 CORRECT?
- 4 A. CORRECT.
- 5 Q. OKAY. AND MY UNDERSTANDING IS YOU NEVER DID FIND
- 6 THE GUN?
- 7 A. CORRECT. FROM MY UNDERSTANDING WE DON'T HAVE IT.
- 8 Q. OKAY. ONCE YOU GOT INFORMATION THAT SOMETHING
- 9 HAD BEEN TAKEN DID YOU DO ANY OTHER
- 10 INVESTIGATION?
- 11 A. NO, MA'AM.
- 12 Q. OKAY.
- 13 A. NOT AS FAR AS TRYING TO LOCATE THE WEAPON OR
- 14 ANYTHING IN THAT NATURE, NO, MA'AM.
- 15 Q. OKAY. WELL, THEY HAD ALREADY LOOKED THROUGH THE
- 16 HOUSE, I MEAN, IN THE INITIAL PROCESSING THE
- 17 SCENE - - -
- 18 A. CORRECT.
- 19 Q. --- IF THE GUN COULD BE FOUND THEY WOULD HAVE
- 20 FOUND IT, CORRECT?
- 21 A. CORRECT.
- 22 Q. BUT AS TO THE MONEY, YOU HAD ADDITIONAL
- 23 INFORMATION NOW THAT THERE WAS MONEY TAKEN,
- 24 CORRECT?
- 25 A. CORRECT.

1 Q. AND WHERE DID SHE SAY THAT WAS TAKEN FROM?

2 A. SHE TOLD ME IN A BACK ROOM, IN A BED ROOM, A
3 DRESSER DRAWER OR SOMETHING LIKE THAT.

4 Q. OKAY.

5 A. THAT'S WHAT SHE TOLD ME.

6 Q. DID YOU ATTEMPT TO GET ANY PRINTS?

7 A. NO, MA'AM.

8 Q. DID YOU EVER TALK WITH THE WITNESS WHO SUPPLIED
9 THE LAST NAME OF GREENE TO MS. WRIGHT?

10 A. NO, MA'AM.

11 Q. YOU DIDN'T SPEAK TO HER AT ALL?

12 A. NO, MA'AM.

13 Q. AS FAR AS YOUR INVESTIGATION GOES, WAS THERE ANY
14 PHYSICAL EVIDENCE THAT WOULD LINK MR. GREENE TO
15 THAT CRIME SCENE?

16 A. NO, MA'AM, NOT FROM A, AS WE STATED EARLIER,
17 DETECTIVE ROMANSTINE WAS ON CALL DURING THAT
18 TIME, AND I CAME TO WORK THAT MONDAY MORNING, AND
19 I WAS JUST PASSED ON THE INCIDENT REPORT TO
20 FOLLOW UP ON, I WAS ASSIGNED THAT. SO, I WASN'T
21 AT THE SCENE TO COLLECT ANY PHYSICAL EVIDENCE.

22 Q. OKAY. BUT YOU'RE AWARE OF WHAT WAS COLLECTED,
23 CORRECT?

24 A. CORRECT.

25 Q. AND THAT WOULD BE THE BULLET FRAGMENTS?

CROSS - BOBBY RIVERS BY MS. HINDS

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- 1 A. CORRECT.
- 2 Q. AND THE SHELL CASING?
- 3 A. CORRECT.
- 4 Q. OKAY. BUT THERE'S NO, THERE'S NO WAY TO LINK
- 5 THOSE ITEMS TO MR. GREENE, IS THERE?
- 6 A. NOT TO MY KNOWLEDGE.
- 7 Q. OKAY. I BELIEVE YOU TESTIFIED THAT YOU'VE GOT
- 8 TWENTY-ONE YEARS IN LAW ENFORCEMENT?
- 9 A. CORRECT.
- 10 Q. OKAY. IN THOSE TWENTY-ONE YEARS I'LL BET YOU'VE
- 11 DEALT WITH MANY, MANY DEFENDANTS, CORRECT?
- 12 A. CORRECT.
- 13 Q. IN ALL THAT TIME HAVE YOU EVER SEEN A TEAR DROP
- 14 TATTOO BEFORE?
- 15 A. I'VE SEEN TATTOOS BUT, I MEAN, I DON'T KNOW IF
- 16 THEY CAN CALL IT A TEAR DROP, BUT TO ANSWER YOUR
- 17 QUESTION, I HAVEN'T SEEN ONE CONCERNING TO MR.
- 18 GREENE.
- 19 Q. YOU'VE NEVER SEEN A TEAR DROP TATTOO?
- 20 A. NO, MA'AM.
- 21 Q. YOU'VE NEVER SEEN THAT KIND OF TATTOO ON THE
- 22 FACE?
- 23 A. OF?
- 24 Q. ON ANY FACE?
- 25 A. NO, MA'AM.

CROSS - BOBBY RIVERS BY MS. HINDS

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1 Q. REALLY?

2 A. NOT ME, NO, MA'AM.

3 MS. HINDS: OKAY. I BEG THE COURT'S
4 INDULGENCE. NOTHING FURTHER, THANK YOU.

5 THE COURT: ANYTHING ON REDIRECT?

6 SOLICITOR SORENSON: JUST REAL BRIEFLY, YOUR
7 HONOR.

8 (NOTE: Blank lines on this page do not indicate any
9 part of record has been omitted. Headers on testimony
10 pages and hard page breaks between testimony are now
11 required by the Court. See next ensuing page for
12 sequential continuation of record.)

REDIRECT - BOBBY RIVERS BY SOL. SORENSON.

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REDIRECT EXAMINATION OF BOBBY RIVERS

BY SOLICITOR SORENSON:

Q. MS. HINDS ASKED YOU ABOUT, ABOUT WHEN YOU
RECEIVED INFORMATION FROM MS. WRIGHT ABOUT, ABOUT
ITEMS BEING MISSING FROM HER HOME, - - -

A. CORRECT.

Q. --- IS THAT CORRECT?

A. CORRECT.

Q. AND DID SHE -- SHE ENDED UP GIVING A WRITTEN
STATEMENT THAT SAME MORNING SHE CAME IN AND
VIEWED THE PHOTO LINEUP, IS THAT CORRECT?

A. CORRECT.

Q. AND DID SHE TELL YOU AT THAT POINT IN TIME ABOUT
THE GUN BEING MISSING AND SOME MONEY BEING
MISSING FROM HER HOME?

A. CORRECT.

Q. ALRIGHT. AND ADDITIONALLY, MS. HINDS ASKED YOU
ABOUT THE DESCRIPTION AS FAR AS THE HEIGHT OF THE
SUSPECT GOES, IS THAT CORRECT?

A. CORRECT.

Q. I BELIEVE THE INCIDENT REPORT INDICATED IT AS
FIVE FOOT NINE, RIGHT, IS THAT CORRECT?

A. CORRECT.

Q. NOW, IN THE STATEMENT THAT MS. WRIGHT GAVE THAT
MORNING ON THE TWENTY-SEVENTH TO YOU, DID SHE

REDIRECT - BOBBY RIVERS BY SOL. SORENSON

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1 DESCRIBE, THE HIGHLIGHTED PORTION THERE, I MEAN,
2 ANYTHING ABOUT THE PERSON'S HEIGHT?

3 A. NO, SHE DIDN'T.

4 Q. HOW ABOUT THAT HIGHLIGHTED PORTION ON THERE?

5 A. SHE JUST SAID, A SHORT GUY.

6 Q. OKAY. SHE SAID IT WAS A SHORT GUY?

7 A. CORRECT.

8 SOLICITOR SORENSON: THAT WOULD BE ALL I
9 WOULD HAVE. THANK YOU.

10 MS. HINDS: YOUR HONOR, JUST ONE QUICK
11 QUESTION.

12 THE COURT: YES, MA'AM.

13 (NOTE: Blank lines on this page do not indicate any
14 part of record has been omitted. Headers on testimony
15 pages and hard page breaks between testimony are now
16 required by the Court. See next ensuing page for
17 sequential continuation of record.)

RE CROSS - BOBBY RIVERS BY MS. HINDS

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RE CROSS-EXAMINATION OF BOBBY RIVERS

BY MS. HINDS:

Q. YOU WERE THE ONE THAT ACTUALLY DID THE WARRANT,
CORRECT, THE WARRANT INFORMATION?

A. CORRECT.

Q. AND HIS HEIGHT WAS LISTED AT WHAT?

A. FIVE, NINE, ONE SIXTY.

Q. THAT WAS IN THE INCIDENT REPORT, CORRECT?

A. CORRECT.

Q. AND ON HIS BOOKING INFORMATION, ON HIS ARREST
WARRANT, WHAT WAS HIS HEIGHT LISTED AS?

A. AT THE TIME I WENT BY WHAT WAS ON THE INCIDENT
REPORT AS FIVE, NINE, ONE SIXTY.

Q. CAN I SHOW YOU A COPY OF THE WARRANT?

A. YES, MA'AM.

Q. CAN YOU TELL ME WHAT THE HEIGHT SAYS ON THERE?

A. FIVE, SIX.

Q. THANK YOU. NOT FIVE, NINE, CORRECT?

A. CORRECT.

MS. HINDS: NOTHING FURTHER.

THE COURT: ALRIGHT, THANK YOU, SIR,
APPRECIATE IT, SERGEANT, YOU MAY STEP DOWN.

MR. SORENSON, YOU CAN CALL YOUR NEXT
WITNESS.

SOLICITOR SORENSON: YOUR HONOR, THAT WOULD

1 BE ALL AT THIS TIME FROM THE STATE. WE WOULD REST.

2 THE COURT: OKAY. ALRIGHT, LADIES AND
3 GENTLEMEN, WE ARE AT A BREAK RIGHT NOW. THE STATE HAS
4 RESTED, SO WE'RE GOING TO TAKE ABOUT A FIFTEEN MINUTE
5 BREAK AND THEN WE'LL COME BACK OUT AND WE WILL START
6 THE DEFENSE CASE. OKAY? Y'ALL GO BACK TO THE JURY
7 ROOM. REMEMBER, YOU CANNOT TALK ABOUT THIS CASE, YOU
8 HAVEN'T HEARD BUT A PORTION OF IT SO FAR. OKAY?
9 THANK Y'ALL.

10 (Whereupon, the jury retires
11 to the jury room and the following
12 takes place out of the presence
13 of the jury.)

14 THE COURT: ALRIGHT, MS. HINDS, I'M JUST
15 JUMPING TO YOU BECAUSE I'M ASSUMING THAT MR. SORENSON
16 DOESN'T HAVE ANYTHING TO TELL ME RIGHT NOW.

17 MS. HINDS: YES, YOUR HONOR, AT THIS POINT I
18 WOULD RENEW ALL OF OUR PRIOR MOTIONS AND OBJECTIONS,
19 AND WE WOULD MOVE FOR A DIRECTED VERDICT AT THIS TIME.
20 FROM THE RECORD WE FEEL THAT THE EVIDENCE THAT HAS
21 BEEN PRESENTED DOES NOT PROVE OUR CLIENT'S GUILT
22 BEYOND A REASONABLE DOUBT. I THINK THAT, AS WE'VE
23 STATED ALL ALONG, THIS RESTS ON IDENTIFICATION, AND I
24 THINK THERE ARE PROBLEMS WITH THE IDENTIFICATION.

25 IN TERMS OF THE, EITHER THE BURGLARY OR THE

1 ARMED ROBBERY, MS. WRIGHT SAYS THAT SHE WAS MISSING
2 MONEY AND THAT SHE WAS MISSING A GUN FROM HER HOME.
3 HOWEVER, THE, THERE IS NOTHING THAT SHOWS THAT THE
4 PERSON WHO ACTUALLY ENTERED THE HOUSE AND SHOT EVER
5 TOOK THOSE THINGS. THE HOUSE WAS LEFT UNSECURED,
6 ANYBODY COULD HAVE GONE IN AND REMOVED THE MONEY
7 AND/OR THE GUN. IN ADDITION, THERE'S NOTHING THAT
8 SHOWS THAT MY CLIENT WAS THE ONE THAT DID THOSE
9 THINGS. SO, FOR THE RECORD, I WOULD MOVE FOR A
10 DIRECTED VERDICT.

11 THE COURT: OKAY. THANK YOU, MA'AM. I AM
12 GOING TO DENY YOUR MOTION FOR THE DIRECTED VERDICT. I
13 THINK THAT THERE ARE SOME ISSUES, YOU KNOW, REGARDING
14 IDENTIFICATION, BUT THAT'S A MATTER FOR THE JURY TO
15 DETERMINE. AND I NOTE, AGAIN NOTE ALL OF YOUR
16 OBJECTIONS TO MY EARLIER RULING SO THEY WILL CONTINUE
17 TO BE PRESERVED. BUT I'M MAINTAINING MY PREVIOUS
18 DECISIONS REGARDING THOSE. OKAY?

19 MS. HINDS: THANK YOU, YOUR HONOR.

20 THE COURT: THANK YOU, MA'AM.

21 ALRIGHT, NOW, MS. HINDS, WHAT ARE YOU -- DID
22 YOU WANT TO GO AHEAD AND CALL THE WITNESS AND THEN
23 YOUR EXPERT OR HOW EXACTLY -- AND YOU CAN DO IT
24 HOWEVER YOU WANT TO, I WAS JUST TRYING TO FIND OUT
25 WHAT YOU WANTED TO DO.

1 MS. HINDS: MY UNDERSTANDING -- MY
2 UNDERSTANDING IS MY EXPERT WAS GOING TO BE HERE AT
3 THREE:THIRTY, BUT I DO HAVE THE OTHER WITNESSES HERE,
4 I DON'T THINK THEY'RE GOING TO BE TOO TERRIBLY LONG.
5 IF WE RAN OVER WE WOULDN'T HAVE THE EXPERT WAITING ALL
6 THAT LONG.

7 THE COURT: OKAY. ALRIGHT. I TOLD THE JURY
8 THAT I WOULD GIVE THEM ABOUT FIFTEEN MINUTES, SO WE'VE
9 GOT ANOTHER TEN MINUTES, SO WE'LL BE IN RECESS FOR
10 ABOUT TEN MORE MINUTES.

11 MS. HIND: THAT WORKS FOR ME, YOUR HONOR.

12 THE COURT: OKAY. THANK YOU, MA'AM.

13 (Recess)

14 (Defendant's Exhibits One through Ten,
15 photos,
16 marked for identification.)

17 THE COURT: IS THE DEFENSE READY?

18 MS. HINDS: YES, SIR.

19 THE COURT: OKAY. IS THE STATE READY?

20 SOLICITOR SORENSON: YES, SIR.

21 THE COURT: ALRIGHT. BRING THEM BACK IN,
22 MS. JACKSON. THANK YOU, MA'AM.

23 (Whereupon, the jury enters
24 the courtroom and the following
25 takes place in the presence

1 of the jury.)

2 THE COURT: ALRIGHT, LADIES AND GENTLEMEN,
3 WE ARE BACK AND WE ARE GOING TO GO FORWARD WITH THE
4 CASE. AND MS. HINDS, IF YOU'D CALL YOUR FIRST
5 WITNESS, PLEASE, MA'AM.

6 MS. HINDS: THE DEFENSE WOULD CALL DONITA
7 ROSS.

8 (Whereupon, the witness
9 enters the courtroom.)

10 CLERK: MS. ROSS, IF YOU'D COME ALL THE WAY
11 DOWN TO THE FRONT AND TO YOUR RIGHT WHERE YOU SEE THE
12 MICROPHONE, PLACE YOUR LEFT HAND ON THE BIBLE AND
13 RAISE YOUR RIGHT HAND.

14 (Whereupon, Donita Antwonelle Ross
15 is duly sworn.)

16 CLERK: YOU MAY BE SEATED AND STATE YOUR
17 FULL NAME FOR THE COURT.

18 WITNESS: OH. DONITA ANTWONELLE ROSS.

19 (NOTE: Blank lines on this page do not indicate any
20 part of record has been omitted. Headers on testimony
21 pages and hard page breaks between testimony are now
22 required by the Court. See next ensuing page for
23 sequential continuation of record.)

DIRECT - DONITA A. ROSS BY MS. HINDS

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DIRECT EXAMINATION OF DONITA A. ROSS

BY MS. HINDS:

Q. AND MS. ROSS, YOU'VE GOT KIND OF A SOFT VOICE, SO
YOU NEED TO SPEAK UP, PLEASE.

A. OKAY.

Q. THANK YOU. MS. ROSS, HOW OLD ARE YOU?

A. I'M TWENTY-THREE.

Q. AND HOW FAR DID YOU GO IN SCHOOL?

A. I GRADUATED HIGH SCHOOL.

Q. WHERE DID YOU GRADUATE FROM?

A. ORANGEBURG-WILKERSON.

Q. AND WHERE DO YOU LIVE?

A. I LIVE ON , ORANGEBURG,
SOUTH CAROLINA.

Q. AND I BELIEVE YOU TOLD ME YOU RECENTLY MOVED, IS
THAT CORRECT?

A. UH-HUH.

Q. WHERE DID YOU LIVE BEFORE THAT?

A. WHERE DID I LIVE BEFORE I MOVED TO ORANGEBURG?

Q. NO, BEFORE LIMIT STREET.

A. BEFORE LIMIT STREET I LIVED AT
, AT MY MOM'S HOUSE.

Q. OKAY. AND DO YOU KNOW WALTER GREENE?

A. YES, I DO.

Q. AND HOW DO YOU KNOW WALTER GREENE?

DIRECT - DONITA A. ROSS BY MS. HINDS

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1 A. HE'S THE FATHER OF MY CHILD.

2 Q. AND HOW LONG HAVE YOU KNOWN MR. GREENE?

3 A. APPROXIMATELY TWO YEARS.

4 Q. AND YOU HAVE A CHILD TOGETHER?

5 A. UH-HUH.

6 Q. AND THAT WOULD BE A BOY OR A GIRL?

7 A. A BOY.

8 Q. OKAY. SO, OBVIOUSLY, YOU HAVE SOME KIND OF A
9 RELATIONSHIP WITH MR. GREENE?

10 A. UH-HUH.

11 Q. AND ARE YOU IN A RELATIONSHIP WITH MR. GREENE
12 NOW?

13 A. NO, NOT CURRENTLY.

14 Q. OKAY. HOW LONG DID THE RELATIONSHIP THAT THE TWO
15 OF Y'ALL HAD, HOW LONG DID IT LAST?

16 A. A YEAR AND A HALF.

17 Q. WERE YOU TOGETHER WITH WALTER GREENE IN TERMS OF
18 A RELATIONSHIP ON APRIL TWENTY-THIRD OF TWO
19 THOUSAND AND TEN?

20 A. YES, WE WERE.

21 Q. OKAY. DID YOU SEE WALTER GREENE ON FRIDAY, APRIL
22 TWENTY-THIRD, TWO THOUSAND AND TEN?

23 A. YES, I DID.

24 Q. OKAY. CAN YOU TELL THE COURT HOW IT WAS YOU CAME
25 TO SEE HIM?

DIRECT - DONITA A. ROSS BY MS. HINDS

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1 A. I WAS LIVING ON HALEYWOOD DRIVE, AND I WAS MOVING
2 OUT OF MY TRAILER THAT DAY, AND HE WAS GOING TO
3 WATCH MY KIDS FOR ME, I HAVE TWO KIDS. MY OLDEST
4 SON IS FOUR, AND HE CALLS WALT DAD, TOO. AND HE
5 WATCHED MY KIDS FOR ME THAT DAY WHILE I PACKED UP
6 MY TRAILER.

7 Q. OKAY. SO, HE DID, HE WATCHED THE KIDS PART OF
8 THE DAY AT LEAST ON APRIL TWENTY-THIRD?

9 A. UH-HUH.

10 Q. OKAY. WHAT TIME DID YOU SEE HIM?

11 A. I DROPPED MY KIDS OFF WITH HIM APPROXIMATELY
12 FOUR, AND I WENT AND PACKED UP MY TRAILER, AND I
13 CAME BACK, LIKE, SEVEN:FORTY-FIVE, A QUARTER TO
14 EIGHT.

15 Q. OKAY. AND YOU CAME BACK TO WHERE?

16 A. TO HIS MOM'S HOUSE, ON SALLEY ROAD.

17 Q. EXCUSE ME?

18 A. OVER THERE BY ST. PAUL, SALLEY ROAD, I THINK
19 THAT'S THE NAME OF IT, I'M NOT SURE EXACTLY WHAT
20 ROAD, BUT TO HIS MOM'S HOUSE.

21 Q. TO WHERE HIS MOM WAS LIVING?

22 A. UH-HUH.

23 Q. OKAY. AND WHEN YOU CAME -- SO, YOU DROPPED THE
24 KIDS OFF ABOUT FOUR O'CLOCK?

25 A. UH-HUH.

DIRECT - DONITA A. ROSS BY MS. HINDS

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1 Q. WHAT TIME DID YOU COME BACK?

2 A. AROUND SEVEN:FORTY-FIVE, A QUARTER TO EIGHT.

3 Q. OKAY. AND DID YOU JUST PICK UP THE CHILDREN AND
4 LEAVE, OR WHAT DID YOU DO?

5 A. OH, NO, I GOT OUT AND ME AND WALTER TALKED ON THE
6 PORCH UNTIL ABOUT NINE O'CLOCK, AND THEN I GOT MY
7 KIDS AND WENT HOME.

8 Q. OKAY. WAS ANYBODY ELSE AT THE HOUSE WHILE YOU
9 WERE THERE?

10 A. UH-HUH. HIS MOM AND HIS MOM'S BOY FRIEND.

11 Q. OKAY. AND YOU LEFT AND WENT HOME AFTER THAT
12 ABOUT NINE, NINE:FIFTEEN?

13 A. UH-HUH.

14 Q. OKAY. AND THAT WAS THE LAST THAT YOU SAW HIM
15 THAT DAY?

16 A. THAT WAS THE LAST THAT I SEEN HIM THAT DAY.

17 Q. OKAY. WAS THAT THE LAST TIME YOU HAD ANY CONTACT
18 WITH HIM ON THAT DAY?

19 A. NO, WE TALKED ON THE PHONE AROUND TEN, UNTIL
20 ABOUT ELEVEN:FIFTEEN.

21 Q. OKAY. AND HOW DO YOU KNOW THAT?

22 A. I JUST, I DON'T -- BECAUSE HE CALLED ME, WE
23 TALKED ON THE PHONE, HE SAID, I WATCHED THE KIDS,
24 I CALLED, WE TALKED ON THE PHONE, AND HE SAID HE
25 WAS GOING TO GO TO SLEEP, SO WE HUNG UP.

DIRECT - DONITA A. ROSS BY MS. HINDS

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1 Q. OKAY. AND WAS HE ON A LAND LINE OR WAS HE ON A
2 CELL PHONE?

3 A. HE WAS ON HIS MOM'S CELL PHONE AND I WAS ON MY
4 CELL PHONE.

5 Q. OKAY. AND HOW DO YOU KNOW HE WAS AT HIS MOM'S AT
6 THAT TIME, HE WAS ON A CELL PHONE?

7 A. I HEARD HIS MOM IN THE BACKGROUND, I HEARD HIS
8 MOM'S BOYFRIEND IN THE BACKGROUND.

9 Q. OKAY. SO, THE LAST TIME YOU SAW HIM WAS ABOUT
10 NINE OR NINE:FIFTEEN, BUT YOU DID SPEAK TO HIM
11 LATER THAT EVENING?

12 A. YES, MA'AM.

13 Q. OKAY. AND WHEN YOU SAW HIM FOR THE LAST TIME
14 THAT DAY, YOU WERE AT HIS MOM'S HOUSE, IS THAT
15 CORRECT?

16 A. UH-HUH. THAT IS CORRECT.

17 Q. APRIL TWENTY-THIRD IS A LONG TIME AGO.

18 A. UH-HUH.

19 Q. HOW CAN YOU BE SURE OF WHAT YOU WERE DOING ON
20 THAT PARTICULAR DAY?

21 A. WELL, BECAUSE I WAS RENTING THAT TRAILER FROM HIS
22 SISTER, AND THAT WAS THE LAST DAY THAT I HAD TO
23 MOVE MY STUFF OUT, I HAD TO MOVE MY STUFF OUT BY
24 THE TWENTY-FOURTH. I HAD TO PAY MY -- IF WAS
25 GOING TO STAY I HAD TO PAY MY RENT BY THE TWENTY-

DIRECT - DONITA A. ROSS BY MS. HINDS

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1 FOURTH, SO I HAD TO MOVE MY STUFF OUT ON THE
2 TWENTY-THIRD.

3 Q. AND HE WATCHED THE KIDS FOR YOU TO ACCOMPLISH
4 THAT?

5 A. YES, AND HE WATCHED THE KIDS SO I COULD
6 ACCOMPLISH THAT.

7 Q. OKAY. IS THERE ANY OTHER REASON THAT YOU MIGHT
8 BE SO SURE OF THE DATE?

9 A. NO.

10 Q. ON THE TWENTY-SEVENTH DID YOU GET A CALL?

11 A. YES. I WAS IN TRAINING WITH THE CENSUS BUREAU
12 AND I GOT A CALL SAYING THAT I NEEDED TO COME GET
13 MY CAR AND MY SON BECAUSE WALT GOT ARRESTED
14 DRIVING MY CAR ON THE TWENTY-SEVENTH.

15 Q. OKAY. AND THAT WOULD BE ON THE TWENTY-SEVENTH?

16 A. THAT WOULD BE ON THE TWENTY-SEVENTH.

17 Q. OKAY. NOW, YOU TESTIFIED THAT YOU AND MR. GREENE
18 HAVE A CHILD TOGETHER?

19 A. UH-HUH.

20 Q. AND THAT YOU HAVE ANOTHER CHILD THAT HE'S TREATED
21 LIKE ONE OF HIS OWN?

22 A. TREATED LIKE ONE OF HIS OWN.

23 Q. OKAY. WOULD YOU LIE TO GET MR. GREEN OUT OF
24 TROUBLE?

25 A. I WOULD NOT. I LOVE HIM WITH ALL OF MY HEART, BUT

DIRECT - DONITA A. ROSS BY MS. HINDS

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1 I WOULD NEVER LIE FOR HIM.

2 Q. SO, HAS YOUR TESTIMONY BEEN TRUTHFUL?

3 A. MY TESTIMONY HAS BEEN A HUNDRED PER CENT TRUE.

4 MS. HINDS: THANK YOU, PLEASE ANSWER ANY
5 QUESTIONS THE SOLICITOR MIGHT HAVE.

6 THE COURT: ALRIGHT, MR. SORENSON, YOUR
7 WITNESS.

8 SOLICITOR SORENSON: JUST REAL BRIEFLY, YOUR
9 HONOR, THANK YOU.

10 (NOTE: Blank lines on this page do not indicate any
11 part of record has been omitted. Headers on testimony
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14 sequential continuation of record.)

CROSS - DONITA A. ROSS BY SOL. SORENSON

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CROSS-EXAMINATION OF DONITA A. ROSS

BY SOLICITOR SORENSON:

Q. GOOD AFTERNOON, MS. ROSS.

A. HELLO.

Q. SO IT'S YOUR TESTIMONY THAT YOU LAST SAW HIM THE NIGHT OF THE TWENTY-THIRD, I GUESS, AROUND NINE O'CLOCK, IS THAT RIGHT?

A. UH-HUH.

Q. SO, OBVIOUSLY, YOU DON'T KNOW WHERE HE MAY HAVE GONE ANYTIME AFTER NINE O'CLOCK, IS THAT CORRECT?

A. CORRECT.

Q. AND JUST, I WAS A LITTLE CONFUSED ABOUT WHERE -- YOU SAID YOU DROPPED YOUR TWO CHILDREN OFF AT HIS MOTHER'S HOUSE?

A. UH-HUH.

Q. WHAT WAS THAT ADDRESS?

A. I'M NOT SURE FOR CERTAIN, BUT IT'S RIGHT THERE BY THE ST. PAUL APARTMENTS, RIGHT THERE ACROSS THE STREET FROM THE PARK. I DON'T KNOW THE EXACT STREET.

Q. LET ME SHOW YOU STATE'S NUMBER THIRTEEN AND ASK YOU, AND I MAY BE TOTALLY WRONG ABOUT THIS OR NOT, BUT IS IT IS THAT DOWN HERE? LET ME KIND OF GET YOU ORIENTED HERE.

1 A. WHERE ARE THE ST. PAUL APARTMENTS AT?

2 Q. THAT I DON'T KNOW. THIS IS BROUGHTON STREET
3 HERE.

4 A. OKAY.

5 Q. ALRIGHT. THIS WOULD BE MAGNOLIA, SO THIS IS
6 WHERE -- LET'S SEE, LET ME GET MYSELF ORIENTED
7 HERE ALSO.

8 A. OH, MY GOODNESS.

9 Q. BUT ARE THERE TRAIN TRACKS THAT RUN KIND OF RIGHT
10 BEHIND, KIND OF DOWN FROM WHERE THEY LIVE?

11 A. WHEN YOU COME OFF OF ...

12 Q. THIS IS THREE O ONE UP HERE, SO THIS IS WHERE
13 THREE O ONE ...

14 A. I CAN'T TELL BY THAT.

15 Q. OKAY. ALRIGHT. AND THATS FINE. BUT THAT'S
16 WHERE -- WHOSE HOUSE WAS THAT?

17 A. HIS MOM AND HER BOYFRIEND RESIDE THERE TOGETHER.

18 Q. OKAY. WHAT'S HIS MOTHER'S NAME?

19 A. DEBORAH MILLER.

20 Q. DEBORAH MILLER. AND WHAT'S HER BOYFRIEND'S NAME?

21 A. ALI IS WHAT WE CALL HIM.

22 Q. ALI? OKAY. I WON'T WORRY ABOUT IT. SO, WHOEVER
23 IS THERE AT THEIR HOUSE WAS IS WHERE YOU HAD
24 DROPPED THEM OFF, AND THAT'S WHERE YOU LEFT THE
25 DEFENDANT THAT NIGHT AROUND NINE O'CLOCK, RIGHT?

CROSS - DONITA A. ROSS BY SOL. SORENSON

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1 A. CORRECT.

2 Q. AND IT'S MY UNDERSTANDING YOU SAID THAT YOU
3 RECALL TALKING TO HIM LATER ON ON THE PHONE
4 BETWEEN TEN AND ELEVEN OR SO?

5 A. UH-HUH.

6 Q. OKAY. AND YOU ARE ON YOUR CELL PHONE?

7 A. I WAS ON MY -- IT'S NOT ON NO MORE, BUT MY OLD
8 CELL PHONE AND HIS MOM'S OLD CELL PHONE.

9 Q. AND DO YOU HAVE ANY OF THOSE RECORDS WITH YOU
10 TODAY OR ANYTHING, ANY OF YOUR CELL PHONE
11 RECORDS?

12 A. NO.

13 Q. NO. OKAY. JUST CHECKING. AND WHEN YOU LEFT,
14 AND I UNDERSTAND THIS IS FIVE AND A HALF MONTHS
15 AGO, DO YOU REMEMBER WHAT HE WAS WEARING THAT
16 NIGHT WHEN YOU LEFT HIM?

17 A. I DON'T EVEN RECALL. I DON'T WANT TO NOT TELL THE
18 TRUTH SO ...

19 Q. IF YOU DON'T RECALL, I UNDERSTAND, IT WAS A LONG
20 TIME AGO. AND WAS HE ACTUALLY STAYING THERE AT
21 THE TIME, IS THAT WHERE HE WAS LIVING ALSO?

22 A. (Nods in the affirmative.)

23 Q. OKAY. SO, HE HAD A ROOM THERE AND EVERYTHING?

24 A. HE HAD A BED IN THE LIVING ROOM.

25 Q. IN THE LIVING ROOM. OKAY. DID HE HAVE A -- WHAT

CROSS - DONITA A. ROSS BY SOL. SORENSON

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1 KIND OF VEHICLES WERE LOCATED AT THAT RESIDENCE?

2 A. JUST ALI'S CAR.

3 Q. OKAY.

4 A. AND THAT WAS THE ONLY CAR THAT WAS THERE.

5 Q. OKAY, SO HE DIDN'T - - -

6 A. IT'S A TRUCK.

7 Q. --- HE DIDN'T HAVE A CAR?

8 A. HUH-UH.

9 Q. AND HIS MOM DIDN'T HAVE A CAR?

10 A. HUH-UH.

11 Q. AND I GUESS YOU HAD A CAR, THOUGH, RIGHT?

12 A. UH-HUH.

13 Q. BECAUSE THAT'S WHAT HE WAS DRIVING WHEN HE WAS
14 ARRESTED A COUPLE OF DAYS LATER?

15 A. EXACTLY.

16 SOLICITOR SORENSON: THANK YOU, MS. ROSS.

17 MS. HINDS: JUST QUICKLY, YOUR HONOR.

18 THE COURT: YES, MA'AM.

19 (NOTE: Blank lines on this page do not indicate any
20 part of record has been omitted. Headers on testimony
21 pages and hard page breaks between testimony are now
22 required by the Court. See next ensuing page for
23 sequential continuation of record.)

REDIRECT - DONITA A. ROSS BY MS. HINDS

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REDIRECT EXAMINATION OF DONITA A. ROSS

BY MS. HINDS:

Q. TO YOUR KNOWLEDGE MR. GREENE DIDN'T STAY AT THAT PARTICULAR RESIDENCE ALL THE TIME, DID HE?

A. HUH-UH.

Q. WAS THERE A REASON HE WAS STAYING THERE?

A. YEAH, WE GOT INTO AN ARGUMENT AND I WAS MOVING OUT AND HE WAS LIVING THERE, AND I WAS GOING BACK TO MY MOM'S HOUSE. BUT HE WAS STAYING WITH ME ON, WHEN I LIVED ON HELLIWOOD HE WAS STAYING THERE WITH ME UNTIL WE GOT INTO AN ARGUMENT AND I WANTED TO MOVE OUT OF THE TRAILER. THAT'S THE ONLY REASON WHY HE WAS AT HIS MOM'S HOUSE.

MS. HINDS: THANK YOU.

THE COURT: ANYTHING?

SOLICITOR SORENSON: BRIEFLY.

(NOTE: Blank lines on this page do not indicate any part of record has been omitted. Headers on testimony pages and hard page breaks between testimony are now required by the Court. See next ensuing page for sequential continuation of record.)

RECROSS - DONITA A. ROSS BY SOL. SORENSON

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RECROSS-EXAMINATION OF DONITA A. ROSS

BY SOLICITOR SORENSON:

Q. ALRIGHT, LET ME JUST MAKE SURE I UNDERSTAND THIS.
HE WAS LIVING WITH YOU?

A. BEFORE, BEFORE I MOVED OUT OF THE TRAILER, WELL,
A COUPLE OF DAYS BEFORE I MOVED OUT OF THE
TRAILER HE WENT AND STARTED STAYING WITH HIS MOM.

Q. SO, HE HAD BEEN STAYING OVER THERE FOR A FEW
DAYS?

A. UH-HUH.

SOLICITOR SORENSON: OKAY. ALRIGHT, THANK
YOU.

THE COURT: ALRIGHT.

MS. HINDS: NOTHING FURTHER.

THE COURT: OKAY. THANK YOU, MA'AM.

MS. HINDS: MAY SHE BE EXCUSED?

THE COURT: YOU MAY BE EXCUSED.

MS. HINDS: THE DEFENSE CALLS DEBORAH
MILLER.

(Whereupon, the witness
enters the courtroom.)

CLERK: MS. MILLER, IF YOU WILL COME ALL THE
WAY DOWN TO THE FRONT WHERE YOU SEE THE MICROPHONE, TO
YOUR RIGHT, PLACE YOUR LEFT HAND ON THE BIBLE AND
RAISE YOUR RIGHT HAND.

1 (Whereupon, Deborah Miller
2 is duly sworn.)

3 CLERK: YOU MAY BE SEATED AND PLEASE STATE
4 YOUR FULL NAME.

5 WITNESS: DEBORAH MILLER.

6 (NOTE: Blank lines on this page do not indicate any
7 part of record has been omitted. Headers on testimony
8 pages and hard page breaks between testimony are now
9 required by the Court. See next ensuing page for
10 sequential continuation of record.)

DIRECT - DEBORAH MILLER BY MS. HINDS

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DIRECT EXAMINATION OF DEBORAH MILLER

BY MS. HINDS:

Q. MS. MILLER, HOW OLD ARE YOU?

A. FORTY-ONE.

Q. AND HOW FAR DID YOU GO IN SCHOOL?

A. ELEVENTH.

Q. OKAY. AND DO YOU WORK?

A. NO, MA'AM.

Q. OKAY. WHERE DO YOU LIVE RIGHT NOW?

A. IN ORANGEBURG.

Q. OKAY. IS THAT RESIDENCE IN YOUR NAME OR SOMEBODY
ELSE'S?

A. IN MR. BROWN, GILBERT WELL'S NAME.

Q. OKAY. AND YOU STAY WITH HIM?

A. YES, MA'AM.

Q. AND WHAT IS YOUR RELATIONSHIP TO MR. WELLS?

A. CLOSE FRIENDS.

Q. OKAY. AND WHAT IS YOUR RELATIONSHIP TO WALTER
GREENE?

A. MY SON.

Q. OKAY. YOU'RE HIS MOM?

A. YES, MA'AM.

Q. OKAY. SO, YOU'RE STAYING AT THE BRISTOL STREET
ADDRESS, CORRECT?

A. YES, MA'AM.

DIRECT - DEBORAH MILLER BY MS. HINDS

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- 1 Q. AND MR. WELLS WAS STAYING AT THE BRISTOL STREET
2 ADDRESS?
3 A. YES, MA'AM.
4 Q. OKAY. DID ANYBODY ELSE STAY AT THE BRISTOL
5 STREET ADDRESS?
6 A. MY SON WAS STAYING WITH US FOR A COUPLE OF DAYS.
7 Q. OKAY. ALRIGHT, IN TERMS OF THAT RESIDENCE, DO
8 YOU HAVE A KEY TO THAT RESIDENCE?
9 A. NO, MA'AM.
10 Q. OKAY. IT'S NOT RENTED IN YOUR NAME, CORRECT?
11 IT'S IN MR. WELLS'?'
12 A. YES, MA'AM.
13 Q. OKAY. AND IF YOU DON'T HAVE A KEY HOW DO YOU GET
14 IN NOW?
15 A. HE, WHEN I WANTS TO COME, WHEN I'M IN THERE HE
16 HAS THE KEY. WHEN I WANT TO GET OUT I CAN CALL
17 HIM, I'VE GOT A PHONE TO CALL HIM WHEN I WANT TO
18 GET OUT.
19 Q. OKAY. SO, EVEN IF HE'S NOT THERE AND YOU'RE AT
20 HOME - - -
21 A. HE'LL COME AND OPEN IT.
22 Q. --- YOU'RE LOCKED IN?
23 A. YES, MA'AM, I CAN'T GET OUT.
24 Q. OKAY. SO, I BELIEVE YOUR TESTIMONY IS THAT MR.
25 GREENE HAD SPENT A COUPLE OF NIGHTS WITH YOU AND

DIRECT - DEBORAH MILLER BY MS. HINDS

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1 MR. WELLS?

2 A. YES, MA'AM.

3 Q. OKAY. DO YOU REMEMBER HIM SPENDING THE NIGHT ON
4 FRIDAY, APRIL TWENTY-THIRD?

5 A. YES, MA'AM.

6 Q. OKAY. WHAT DO YOU REMEMBER ABOUT THAT NIGHT?

7 A. MR. GILBERT WELLS HEARD SOMEBODY KNOCK ON THE
8 DOOR AND I HEARD HIM ASK, WHO IS IT, AND HE SAID
9 IT WAS WALTER. SO, HE SAID, DEBORAH, YOUR SON'S
10 TO THE DOOR. I SAID, GO AHEAD AND LET HIM IN.
11 SO, HE GOT HIS KEY AND TAKE HIS KEY AND OPEN THE
12 DOOR AND LET HIM AND LOCKED THE DOOR BACK.

13 Q. OKAY. AND HOW MANY NIGHTS DID HE STAY WITH YOU?

14 A. OKAY. THERE WAS THAT FRIDAY NIGHT HE CAME IN AT
15 TWELVE, AND -- THAT FRIDAY NIGHT HE CAME IN AT
16 TWELVE, AND HE STAYED THERE UNTIL -- THAT FRIDAY
17 NIGHT HE CAME IN AT TWELVE, ALI TOOK HIM TO WORK
18 THAT SATURDAY AND THAT SUNDAY, AND THEN THAT
19 MONDAY HE WAS WITH HIS GIRLFRIEND, AND THAT
20 TUESDAY IS WHEN HIS GIRLFRIEND CALLED ME TO TELL
21 ME THAT HE WAS IN JAIL.

22 Q. OKAY. AND HOW DO YOU REMEMBER HIM SPENDING THE
23 NIGHT WAY BACK ON APRIL TWENTY-THIRD INTO THE
24 TWENTY-FOURTH?

25 A. BECAUSE DUE TO THE FACT THAT WHEN HE KNOCK ON THE

DIRECT - DEBORAH MILLER BY MS. HINDS

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1 DOOR ALI, MR. WELLS WOKE ME UP AND TOLD ME THAT
2 HE WAS AT THE DOOR.

3 Q. OKAY.

4 A. AND THERE WAS NO OTHER WAY FOR HIM TO GET OUT
5 ONCE HE OPENED THAT DOOR. HE CAN'T GET BACK IN,
6 CAN'T GET BACK OUT.

7 Q. NOW, MS. MILLER, HOW CAN YOU BE SURE IT WAS APRIL
8 TWENTY-THIRD?

9 A. BECAUSE RIGHT THERE WAS IN FRONT OF THE TV IS A
10 VCR THAT SHOWS THE TIME, AND I'VE GOT A CALENDAR
11 RIGHT THERE THAT PROVES THAT HE WAS THERE.

12 Q. OKAY. AND YOU WERE, YOU WERE AWARE THAT HE WAS
13 ARRESTED JUST A COUPLE OF DAYS LATER, CORRECT?

14 A. YES, MA'AM.

15 Q. SO, THAT WOULD HAVE BEEN IN YOUR IN YOUR MIND,
16 CORRECT?

17 A. THAT'S RIGHT.

18 Q. SO, YOU KNEW WHERE HE WAS ON APRIL TWENTY-THIRD?

19 A. YES, MA'AM.

20 Q. OKAY. WHERE WAS WALTER WORKING AT THE TIME?

21 A. ON SIX O ONE. I FORGOT THE NAME OF THE PLACE BUT
22 IT WAS ON SIX O ONE.

23 Q. WHAT KIND OF PLACE?

24 A. A MOTEL.

25 Q. OKAY. DOES WALTER HAVE A KEY TO THE RESIDENCE?

DIRECT - DEBORAH MILLER BY MS. HINDS

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1 A. NO, MA'AM.

2 Q. HAS HE EVER HAD A KEY?

3 A. OH, NO, MA'AM.

4 Q. OKAY. DID, DID MS. ROSS BRING THE CHILDREN OVER
5 ON THAT FRIDAY, DO YOU REMEMBER THAT?

6 A. YES, MA'AM. YES, MA'AM, SHE BROUGHT HE KIDS
7 AND GAVE HIM THE KIDS, AND HE WAS IN THE PARK
8 FOR A WHILE PLAYING WITH THE KIDS. AND THEN
9 LATER ON SHE CAME BACK AND PICK UP THE KIDS AND
10 HIM AND HER AND THE KIDS SPENT SOME TIME
11 TOGETHER.

12 Q. OKAY. AND THEN SHE LEFT, CORRECT?

13 A. RIGHT.

14 Q. BUT YOUR TESTIMONY THEN WOULD BE THAT HE WAS IN
15 THE HOUSE ON FRIDAY, APRIL TWENTY-THIRD?

16 A. YES, MA'AM.

17 SOLICITOR SORENSON: YOUR HONOR, I'M GOING
18 TO OBJECT TO THE LEADING.

19 THE COURT: YES, MA'AM.

20 Q. AND AS HIS MOM, WOULD YOU LIE TO KEEP MR. GREENE
21 OUT OF TROUBLE?

22 A. OH, NO, MA'AM.

23 Q. OKAY. AND HAS YOUR TESTIMONY BEEN TRUTHFUL?

24 A. YES, MA'AM.

25 MS. HINDS: OKAY. I HAVE NO FURTHER

1 QUESTIONS, ANSWER ANY QUESTIONS THE SOLICITOR MIGHT
2 HAVE.

3 THE COURT: MR. SORENSON.

4 SOLICITOR SORENSON: THANK YOU, YOUR HONOR.

5 (NOTE: Blank lines on this page do not indicate any
6 part of record has been omitted. Headers on testimony
7 pages and hard page breaks between testimony are now
8 required by the Court. See next ensuing page for
9 sequential continuation of record.)

CROSS - DEBORAH MILLER BY SOL. SORENSON

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CROSS-EXAMINATION OF DEBORAH MILLER

BY SOLICITOR SORENSON:

Q. LET ME MAKE SURE I UNDERSTAND THIS. ALRIGHT, YOU
LIVE AT , IS THAT
CORRECT?

A. THAT'S RIGHT.

Q. AND YOU LIVE WITH GILBERT WELLS?

A. YES, SIR.

Q. IS THAT YOUR BOYFRIEND?

A. THAT'S MY FRIEND.

Q. THAT'S YOUR FRIEND. OKAY. SO, YOU'RE NOT
BOYFRIEND/GIRLFRIEND?

A. HE'S MY FRIEND.

Q. CLOSE FRIEND I THINK IS WHAT YOU DESCRIBED,
RIGHT?

A. CLOSE FRIEND.

Q. HOW LONG HAVE THE TWO OF Y'ALL BE LIVING AT
?

A. TWO AND A HALF YEARS.

Q. TWO AND A HALF YEARS YOU'VE LIVED THERE. ALRIGHT.
AND THAT IS HIS HOME, CORRECT?

A. YES, IT IS.

Q. OKAY. AND BRISTOL STREET IS DOWN OFF OF MAPLE
STREET, IS THAT CORRECT?

A. YES, IT IS.

CROSS - DEBORAH MILLER BY SOL. SORENSON

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1 Q. OKAY. IT'S ALMOST -- HIS HOUSE WHERE YOU'RE
2 STAYING AT IS ALMOST AT THE INTERSECTION OF
3 BRISTOL AND MAPLE IS THAT CORRECT, THERE'S ONLY
4 ONE HOUSE IN BETWEEN?

5 A. I CAN'T HARDLY SEE THAT THAT GOOD. I DON'T
6 REALLY UNDERSTAND WHAT YOU'RE SAYING.

7 Q. OKAY. LET ME JUST ASK YOU, THAT HOUSE, YOU SEE
8 WHERE THE BLUE BOX IS AROUND THAT HOUSE ON
9 BRISTOL STREET, ALMOST AT THE INTERSECTION OF
10 BRISTOL AND MAPLE, THAT'S WHERE YOU LIVE WITH MR.
11 WELLS, IS THAT CORRECT?

12 A. I'M NOT FAMILIAR WITH THIS, THIS HERE. I DON'T
13 UNDERSTAND IT.

14 Q. OKAY. ARE YOU FAMILIAR WITH BRISTOL STREET?

15 A. YES.

16 Q. OKAY. BRISTOL RUNS INTO MAPLE, DOESN'T IT?

17 A. BRISTOL IS RIGHT HERE, THIS IS MAPLE, AND THIS IS
18 RIGG STREET.

19 Q. OKAY. RIGHT, SO BRISTOL RUNS IN BETWEEN RIGG
20 STREET RIGHT HERE AND MAPLE STREET, IS THAT
21 CORRECT?

22 A. I'M STILL NOT FAMILIAR WITH THAT, THOUGH.

23 Q. THAT'S ALRIGHT.

24 THE COURT: ARE YOU ALRIGHT, MS. HINDS?

25 MS. HINDS: GO AHEAD.

1 Q. ALRIGHT, BUT YOU'VE BEEN LIVING THERE FOR TWO AND
2 A HALF YEARS?

3 A. YES, SIR.

4 Q. OKAY. AND ANYBODY ELSE LIVE THERE?

5 A. NO, SIR.

6 Q. OKAY. AND HOW OLD IS MR. WELLS?

7 A. FIFTY-SEVEN.

8 Q. AND IT'S YOUR TESTIMONY THAT FOR TWO AND A HALF
9 YEARS -- AND YOU STILL LIVE THERE NOW WITH HIM,
10 RIGHT?

11 A. YES, SIR.

12 Q. YOU DON'T HAVE A KEY?

13 A. NO, SIR.

14 Q. OKAY. SO, WHEN YOU COME HOME YOU'VE GOT TO KNOCK
15 ON THE DOOR?

16 A. NO, IF THE CAR IN THE YARD, IF THE CAR IN THE
17 YARD, IF HE'S HOME I KNOCK ON THE DOOR, OR EITHER
18 I CAN CALL HIM ON THE CELL PHONE AND TELL HIM
19 WHERE I'M AT AND TELL HIM I'M ON THE WAY COMING,
20 THAT CAN HE MEET ME TO OPEN THE DOOR FOR ME.

21 Q. OKAY. SO, IF YOU GET HOME AND HE'S HOME, THEN
22 YOU CAN JUST KNOCK ON THE DOOR, HE'LL UNLOCK THE
23 DOOR?

24 A. NO, I KNOCK ON THE DOOR AND HE WOULD ASK WHO IT
25 IS.

CROSS - DEBORAH MILLER BY SOL. SORENSON

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1 Q. HE'S GOING TO ASK WHO IT IS AND YOU'RE GOING TO
2 SAY WHAT?

3 A. I'LL SAY, IT'S DEBORAH.

4 Q. OKAY. AND HE WOULD LET YOU IN, RIGHT, BECAUSE
5 YOU LIVE THERE?

6 A. YES, HE WILL LET ME IN.

7 Q. SO, HE LETS YOU IN AND THEN HE LOCKS THE DOOR
8 BEHIND YOU?

9 A. THAT'S RIGHT.

10 Q. OKAY. AND THEN IF YOU WANT TO LEAVE YOU'VE GOT
11 TO GO FIND MR. WELLS AND SAY, MR. WELLS, CAN YOU
12 OPEN THE DOOR TO LET ME OUT, RIGHT?

13 A. I'VE GOT A TELEPHONE I CAN CALL HIM AND ASK HIM.

14 Q. OKAY. SO, IF HE LEAVES HE LEAVES YOU WHERE YOU
15 ARE LOCKED IN THAT HOUSE THEN?

16 A. YES, I'M LOCKED IN THE HOUSE. I DON'T HAVE NO
17 WAY, I DON'T NEED NO WAY, THERE'S NOWHERE TO GO.
18 IF I WANT TO GO SOMEWHERE, LIKE I SAY, I CAN CALL
19 HIM ON MY CELL PHONE. HE GOT ONE, I GOT ONE.

20 Q. OKAY. AND IF HE'S ALL THE WAY ON THE OTHER SIDE
21 OF TOWN HE'S GOT TO DRIVE ALL THE WAY HOME TO
22 COME AND UNLOCK THE DOOR AND LET YOU OUT OF THE
23 HOUSE?

24 A. I'LL WAIT.

25 Q. OKAY. I'M JUST MAKING SURE I UNDERSTAND ALL OF

1 THIS.

2 A. UH-HUH, I'LL WAIT.

3 Q. AND -- ALRIGHT, AND THEN THE DEFENDANT, MR.
4 GREENE, IS YOUR SON, RIGHT?

5 A. YES, HE IS.

6 Q. OKAY. AND HE WAS LIVING WITH Y'ALL FOR A SHORT
7 PERIOD OF TIME THERE BACK IN APRIL?

8 A. YES, SIR.

9 Q. OKAY. AND WHEN DID HE COME AND STAY WITH YOU?

10 A. HE CAME TO MY HOUSE, HE KNOCK ON MY DOOR FRIDAY,
11 APRIL THE TWENTY-THIRD, AT TWELVE O'CLOCK. MR.
12 WELLS OPENED THE DOOR FOR HIM.

13 Q. OKAY. SO, THAT WOULD BE, BY TWELVE O'CLOCK DO
14 YOU MEAN NOON OR MIDNIGHT?

15 A. MIDNIGHT.

16 Q. OKAY. SO, LET'S MAKE SURE I'M UNDERSTANDING THE
17 TIME, SO YOU'RE SAYING TWELVE O'CLOCK, SO THAT'S
18 FRIDAY NIGHT GOING INTO SATURDAY MORNING?

19 A. RIGHT.

20 Q. OKAY. SO, HE KNOCKS ON THE DOOR THAT FRIDAY
21 NIGHT RIGHT AT MIDNIGHT, RIGHT, GETTING READY TO
22 GO INTO SATURDAY?

23 A. THAT'S RIGHT.

24 Q. OKAY. AND MR. WELLS HAD TO OPEN THE DOOR TO LET
25 HIM IN?

CROSS - DEBORAH MILLER BY SOL. SORENSON

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1 A. THAT'S RIGHT.

2 Q. AND YOU WERE SLEEPING AT THAT POINT IN TIME?

3 A. NO, I DON'T WAKE UP, BECAUSE HE KNOCK, HE CAME
4 AND TOLD ME, SAID, THAT WAS MY SON AT THE DOOR. I
5 SAID, GO AHEAD AND OPEN THE DOOR FOR HIM.

6 Q. OKAY. SO HE CAME IN AND IT'S YOUR TESTIMONY THAT
7 HE THEN SPENT THE NIGHT THAT NIGHT?

8 A. YES, HE STAYED THE NIGHT.

9 Q. AND THAT MR. WELLS LOCKED THE DOOR AND TOOK THE
10 KEY WITH HIM AND WENT TO BED?

11 A. NO, WHEN HE LOCKED THE DOOR, HE -- YEAH, HE
12 LOCKED THE DOOR, HE WENT TO BED, HE WAKED BACK
13 UP, MR. WELLS GOT BACK UP ABOUT FIVE:THIRTY
14 BECAUSE HE GO AND MAKE HIS PRAYER EVERY MORNING
15 AT SIX. SO, WHEN HE GOT UP AT FIVE, FIVE:THIRTY,
16 HE WENT AND GO MAKE HIS PRAYER AT SIX O'CLOCK,
17 MAKE HIS PRAYER. WHEN HE COME BACK IT WAS SEVEN
18 O'CLOCK, HE GOT THE KEY TO OPEN THE DOOR, THAT'S
19 WHEN HE OPENED, THAT'S WHEN HE WOKE UP WALT AND
20 TELL HIM IT WAS TIME FOR HIM TO GO TO WORK.

21 Q. AND THAT WOULD BE SATURDAY MORNING?

22 A. YES, IT WILL.

23 Q. ALRIGHT. AND HAD MR. GREENE BEEN THERE, BECAUSE
24 YOU SAID HE SHOWED UP THAT FRIDAY NIGHT AT
25 MIDNIGHT, HAD HE BEEN THERE EARLIER THAT NIGHT?

1 A. EARLIER HIM AND HIS GIRLFRIEND WAS TOGETHER.

2 Q. OKAY. WAS HE THERE AT NINE O'CLOCK THAT NIGHT?

3 A. I WAS IN THE HOUSE. THE ONLY THING I KNOW IS THAT
4 I KNOW WHEN HE KNOCK ON THE DOOR AT TWELVE
5 O'CLOCK. ANYTHING BEFORE THAT I DON'T KNOW, I
6 WAS IN THE HOUSE.

7 Q. OKAY. SO, HE WASN'T IN THE HOUSE ...

8 A. THE DOOR WAS LOCKED, I WAS IN THE HOUSE.

9 Q. AND YOU WERE LOCKED INSIDE THE HOUSE, MR. GREENE,
10 YOUR SON, WASN'T IN THE HOUSE WITH YOU AT NINE
11 O'CLOCK THAT NIGHT?

12 A. HE WAS IN THE HOUSE AT TWELVE.

13 Q. OKAY, WELL JUST BARE ---

14 A. HE CAME TO THE HOUSE AT TWELVE.

15 Q. OKAY, JUST BARE WITH ME. SO, THEREFORE, HE
16 WASN'T IN THE HOUSE AT NINE O'CLOCK?

17 A. NO, HE WASN'T IN THE HOUSE AT NINE O'CLOCK.

18 Q. HE WASN'T IN THE HOUSE AT TEN O'CLOCK?

19 A. NOT FAR AS I KNOW.

20 Q. HE WASN'T IN THE HOUSE AT ELEVEN O'CLOCK, BECAUSE
21 HE CAME KNOCKING AT MIDNIGHT, RIGHT, TO GET IN?

22 A. HE KNOCKED AT TWELVE O'CLOCK, AND I OPENED -- AND
23 MR. WELLS OPENED THE DOOR FOR HIM.

24 Q. AND THE WAY THAT YOU KNOW ALL OF THIS IS BECAUSE
25 YOU'VE GOT A CALENDAR SITTING RIGHT THERE?

CROSS - DEBORAH MILLER BY SOL. SORENSON

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1 A. NO. I HAVE A CLOCK ON TOP OF THE TV THAT SHOWS
2 WHAT TIME, AND IT'S GOT THE CALENDAR SITTING
3 RIGHT THERE. BUT LIKE I SAY, APRIL THE TWENTY-
4 THIRD HE KNOCKED ON THE DOOR AND MR. WELLS OPENED
5 THE DOOR FOR HIM. I TOLD HIM -- HE SAID IT WAS
6 MY SON, I SAID, OPEN THE DOOR FOR HIM, IT WAS
7 TWELVE O'CLOCK.

8 Q. AND YOU KNOW IT WAS THAT FRIDAY, THE TWENTY-THIRD
9 BECAUSE - - -

10 A. YES, SIR.

11 Q. --- OF THE CALENDAR SITTING RIGHT THERE?

12 A. YES, I KNOW IT WAS TWELVE -- I KNOW IT WAS TWELVE
13 O'CLOCK THAT NIGHT, FRIDAY, ON THE TWENTY-THIRD.

14 Q. BUT YOU DON'T RECALL SEEING HIM IN THE HOUSE
15 EARLIER THAT NIGHT, BETWEEN TEN AND ELEVEN
16 O'CLOCK?

17 A. NO.

18 SOLICITOR SORENSON: THANK YOU, THAT'S ALL I
19 HAVE.

20 THE COURT: ANYTHING ELSE?

21 MS. HINDS: YOUR HONOR, JUST BRIEFLY.

22 THE COURT: YES, MA'AM, MS. HINDS.

23 (NOTE: Blank lines on this page do not indicate any
24 part of record has been omitted.)

REDIRECT - DEBORAH MILLER BY MS. HINDS

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REDIRECT EXAMINATION OF DEBORAH MILLER

BY MS. HINDS:

Q. BUT HIS GIRLFRIEND HAD COME OVER EARLIER THAN
MIDNIGHT, CORRECT?

A. YES, SHE HAVE.

Q. AND SHE HAD BROUGHT THE KIDS, IS THAT CORRECT?

A. YES, SHE HAVE.

Q. OKAY. AND SHE LEFT THE KIDS?

A. YES, SHE DID.

Q. OKAY. AND WALTER WATCHED THEM?

A. YES, HE HAD THE KIDS.

Q. AND THEN SHE CAME BACK LATER ON AND PICKED THEM
UP?

A. YES, SHE DID.

SOLICITOR SORENSON: OBJECTION TO THE
LEADING, YOUR HONOR.

A. YES, SHE DID.

SOLICITOR SORENSON: I MEAN, SHE'S
TESTIFYING.

THE COURT: OKAY. IF YOU'LL JUST LET HER
TESTIFY, PLEASE, MS. HINDS.

Q. WHEN, WHEN YOU TESTIFIED WAS, WAS MR. GREENE AND
HIS GIRLFRIEND THERE EARLIER IN THE EVENING?

A. EARLY PART OF THE, EARLY PART SHE'S AT, SHE DROP
THE KIDS OFF THERE WITH HIM, AND HIM AND THE KIDS

REDIRECT - DEBORAH MILLER BY MS. HINDS

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1 WERE PLAYING IN THE PARK FOR A GOOD WHILE. THEN
2 SHE CAME BACK, SHE CAME BACK FOR THE KIDS AND
3 THEM TWO WAS TOGETHER FOR A WHILE. THE ONLY
4 THING, LIKE I SAY, I REMEMBER HE WAS IN THE HOUSE
5 AT TWELVE O'CLOCK, BUT HIM AND HER WAS TOGETHER
6 AT FIRST. BUT SHE -- THEY WAS TOGETHER.

7 Q. THEY WERE TOGETHER WHERE?

8 A. RIGHT THERE IN FRONT OF MY YARD. AS A MATTER OF
9 FACT, WHEN SHE PULLED UP THEY WAS OUT THERE
10 TALKING, AND I CAME IN THE HOUSE, BUT I DON'T
11 KNOW WHAT TIME, YOU KNOW, WHAT TIME, HOW MUCH
12 TIME THEY SPENT OUT THERE, BUT REMEMBER WHEN HE
13 KNOCKED ON THE DOOR AT TWELVE O'CLOCK, I DO
14 REMEMBER THAT.

15 MS. HINDS: THANK YOU.

16 THE COURT: MR. SORENSON.

17 SOLICITOR SORENSON: JUST REAL BRIEFLY.

18 (NOTE: Blank lines on this page do not indicate any
19 part of record has been omitted. Headers on testimony
20 pages and hard page breaks between testimony are now
21 required by the Court. See next ensuing page for
22 sequential continuation of record.)

RECROSS - DEBORAH MILLER BY SOL. SORENSON

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RECROSS-EXAMINATION OF DEBORAH MILLER

BY SOLICITOR SORENSON:

Q. SO, WHEN YOU SAW THEM ALL OUT THERE EARLIER WHEN,
WHEN MS. ROSS, -- IS THAT RIGHT, THAT WAS HIS
GIRLFRIEND AT THE TIME, IS THAT RIGHT?

A. UH-HUH.

Q. WHEN SHE CAME BACK TO PICK UP HER CHILDREN FROM
YOUR SON, - - -

A. UH-HUH.

Q. --- YOU TESTIFIED THAT YOU DON'T KNOW WHAT TIME
THAT WAS?

A. I DON'T KNOW WHAT TIME IT WAS.

Q. WAS IT DAYLIGHT OUT?

A. YES, IT WAS DAYLIGHT.

Q. AND -- OKAY. AND YOU DON'T KNOW WHERE THEY WENT
AFTER THAT, THOUGH, ALL YOU KNOW IS THAT YOUR SON
CAME BACK KNOCKING AT MIDNIGHT, RIGHT?

A. THAT'S RIGHT.

Q. SO, YOU DON'T KNOW WHERE HE WAS IN THE INTERIM?

A. NO.

SOLICITOR SORENSON: OKAY. THANK YOU.

MS. HINDS: NOTHING FURTHER.

THE COURT: ALRIGHT, THANK YOU, MA'AM, YOU
MAY STEP DOWN.

ALRIGHT, IF YOU'LL CALL YOUR NEXT WITNESS,

1 PLEASE, MA'AM.

2 MS. HINDS: THE DEFENSE CALLS GILBERT WELLS.

3 (Whereupon, the witness
4 enters the courtroom.)

5 CLERK: MR. WELLS, IF YOU'LL COME ALL THE
6 WAY DOWN TO THE FRONT WHERE YOU SEE THE MICROPHONE TO
7 YOUR RIGHT, PLACE YOUR LEFT HAND ON THE BIBLE AND
8 RAISE YOUR RIGHT HAND.

9 (Whereupon, Gilbert T. Wells
10 is duly sworn.)

11 CLERK: OKAY. YOU MAY BE SEATED AND STATE
12 YOUR FULL NAME FOR THE COURT.

13 WITNESS: MY NAME IS GILBERT T. WELLS.

14 (NOTE: Blank lines on this page do not indicate any
15 part of record has been omitted. Headers on testimony
16 pages and hard page breaks between testimony are now
17 required by the Court. See next ensuing page for
18 sequential continuation of record.)

DIRECT - GILBERT T. WELLS BY MS. HINDS

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DIRECT EXAMINATION OF GILBERT T. WELLS

BY MS. HINDS:

Q. MR. WELLS, DO YOU GO BY A NICK NAME?

A. YES, MA'AM.

Q. ANOTHER NAME?

A. YES, MA'AM.

Q. AND WHAT WOULD THAT BE?

A. ALI.

Q. ALI?

COURT REPORTER: WOULD YOU SPELL THAT FOR
ME, PLEASE?

A. A-L-I.

COURT REPORTER: A-L-I?

A. A-L-I.

Q. MR. WELLS, HOW OLD ARE YOU?

A. I'M FORTY-SEVEN, FORTY-SIX GOING ON FORTY-SEVEN
THE END OF THIS MONTH.

Q. AND WHAT IS YOUR OCCUPATION?

A. I'M A CARPENTER.

Q. OKAY. ARE YOU SELF-EMPLOYED?

A. NOT RIGHT AT THIS TIME, NO.

Q. DO YOU WORK FOR SOMEBODY ELSE?

A. I USED TO WORK WITH THE STATE.

Q. DO YOU WORK FOR YOURSELF NOW?

A. YES, MA'AM.

DIRECT - GILBERT T. WELLS BY MS. HINDS

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- 1 Q. OKAY. HOW FAR DID YOU GO IN SCHOOL?
- 2 A. I WENT TO THE TWELFTH GRADE.
- 3 Q. DID YOU GRADUATE?
- 4 A. YES, MA'AM.
- 5 Q. OKAY. AND MR. WELLS, TELL THE COURT, WHERE DO
- 6 YOU LIVE?
- 7 A. I LIVE AT
- 8 Q. AND THAT WOULD BE IN ORANGEBURG?
- 9 A. ORANGEBURG, YES, SOUTH CAROLINA.
- 10 Q. OKAY. AND HOW LONG HAVE YOU LIVED AT THAT
- 11 RESIDENCE?
- 12 A. I LIVED THERE FROM FEBRUARY OF O-SEVEN.
- 13 Q. OKAY. AND DO YOU LIVE THERE ALONE?
- 14 A. YES, MA'AM, BUT RIGHT NOW I HAVE SOMEBODY LIVING
- 15 WITH ME RIGHT NOW.
- 16 Q. AND WHO WOULD THAT SOMEBODY BE?
- 17 A. DEBORAH MILLER.
- 18 Q. DEBORAH MILLER?
- 19 A. YES, MA'AM.
- 20 Q. AND HOW DID YOU MEET MS. MILLER?
- 21 A. I MET HER, SHE WAS RECYCLING AND I MET HER ON THE
- 22 CORNER.
- 23 Q. AND ABOUT HOW LONG HAVE YOU KNOWN MS. MILLER?
- 24 A. ABOUT TWO AND A HALF YEARS.
- 25 Q. OKAY. CAN YOU TELL ME A LITTLE BIT ABOUT THE

DIRECT - GILBERT T. WELLS BY MS. HINDS

392

1 NEIGHBORHOOD SURROUNDING

2 STREET?

3 A. IT'S KIND OF ROUGH, IT'S DRUG INFESTED. IT'S VERY
4 BUSY AT NIGHT, A LOT OF PEOPLE WALKING THE
5 STREET.

6 Q. WOULD YOU CONSIDER IT TO BE A SAFE NEIGHBORHOOD?

7 A. NOT REALLY, I'M SORRY, NOT SAFE AT ALL.

8 Q. I'D LIKE TO TALK A LITTLE BIT ABOUT YOUR
9 RESIDENCE. HOW MANY DOORS DOES THE HOUSE HAVE?

10 A. IT HAS TWO DOORS TO THE FRONT AND TWO DOORS TO
11 THE BACK.

12 Q. OKAY. SO, FOUR TOTAL, CORRECT?

13 A. YES, MA'AM.

14 Q. ALRIGHT. WELL, LET'S TALK A LITTLE BIT ABOUT THE
15 TWO FRONT DOORS. DO YOU USE BOTH ENTRANCES?

16 A. NO, MA'AM, I JUST USE ONE DOOR.

17 Q. OKAY. AND AS YOU'RE FACING THE BUILDING THERE'S
18 A DOOR TO THE RIGHT, CORRECT?

19 A. YES, MA'AM.

20 Q. OKAY. DO YO USE THAT ENTRANCE?

21 A. NO, I NEVER USE THAT AT ALL.

22 Q. AND WHY DO YOU NEVER USE IT?

23 A. OH, I NEVER GOT A KEY FOR THAT WHEN I FIRST
24 RENTED THE PLACE.

25 Q. OKAY. SO IT WAS LOCKED WHEN YOU MOVED IN?

DIRECT - GILBERT T. WELLS BY MS. HINDS

393

- 1 A. YES, MA'AM.
- 2 Q. AND YOU DON'T HAVE A KEY FOR IT?
- 3 A. NO, MA'AM.
- 4 Q. OKAY. AND TELL ME, ON THE OTHER SIDE OF THAT
- 5 DOOR THAT YOU DON'T USE, WHAT ROOM IS THAT?
- 6 A. THAT'S MY BEDROOM THERE.
- 7 Q. OKAY. AND WHAT IS ON THE INSIDE OF THE DOOR?
- 8 A. I HAVE A BIG DRESSER, A WARDROBE THAT I PUT MY,
- 9 STORE MY CLOTHES IN THAT'S AGAINST THE DOOR.
- 10 Q. OKAY. AND THAT HAS FURNITURE, OR CLOTHING?
- 11 A. CLOTHING, YEAH, ALL MY CLOTHES AND EVERYTHING I
- 12 USE IS THERE.
- 13 Q. IS THAT DOOR BASICALLY BLOCKED THEN FROM THE
- 14 OUTSIDE?
- 15 A. YES, I BLOCKED THAT BECAUSE I WANTED TO BE SECURE
- 16 FROM THE TIME I MOVED IN THERE.
- 17 Q. OKAY. SO, THE MAIN ENTRANCE THAT YOU USE IS
- 18 WHICH DOOR?
- 19 A. THE LEFT DOOR TO MY FRONT OF THE BUILDING.
- 20 Q. OKAY. CAN YOU TELL ME ABOUT THE LOCKS ON THAT
- 21 DOOR?
- 22 A. I HAVE A DEAD BOLT LOCK ON THAT DOOR. IT'S ONE
- 23 LOCK AND I HAVE IN AND OUT USES.
- 24 Q. OKAY. WHEN YOU SAY A DEAD BOLT, THERE'S TWO
- 25 KINDS OF DEAD BOLTS. IS IT THE KIND -- OR TELL ME

1 WHAT KIND IT IS, DO YOU HAVE TO USE A KEY WHETHER
2 YOU'RE INSIDE OR OUTSIDE?

3 A. YES, YOU NEED A KEY FOR BOTH SIDES TO ENTER AND
4 TO EXIT.

5 Q. OKAY. TELL ME ABOUT THE TWO BACK DOORS?

6 A. WELL, THE FIRST DOOR TO GO TO THE WASH ROOM HAS A
7 DEAD BOLT DOOR ON THAT LOCK, AND THE SECOND DOOR
8 IS TO GO TO THE BACK HARD. I HAVE A LOCK ON THAT
9 ALSO WHICH IS, I NEVER REALLY GET A KEY FOR THAT.

10 Q. SO, BASICALLY, IF YOU WERE COMING IN FROM THE
11 BACK YARD, THERE'S A DOOR THAT GOES INTO A WASH
12 ROOM?

13 A. YES, MA'AM.

14 Q. OKAY. AND THAT ONE DOES NOT HAVE A DEAD BOLT ON
15 IT, CORRECT?

16 A. NO, IT DOES NOT HAVE A DEAD BOLT.

17 Q. OKAY. AND THEN THERE'S ANOTHER DOOR THAT YOU
18 WOULD HAVE TO GO THROUGH TO GET ACTUALLY INTO THE
19 HOUSE, IS THAT CORRECT?

20 A. YES, TO COME INTO THE KITCHEN.

21 Q. OKAY. AND THAT HAS A DEAD BOLT ON IT?

22 A. THAT HAS A DEAD BOLT ON IT, YES.

23 Q. OKAY. I'D LIKE TO SHOW YOU SOME PICTURES, I WANT
24 YOU TO TAKE A LOOK AT THOSE.

25 A. YEAH, THIS IS MY VERY FRONT DOOR HERE, AND THIS

DIRECT - GILBERT T. WELLS BY MS. HINDS

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1 IS MY DOOR HERE. YEAH, I RECOGNIZE THESE
2 PICTURES.

3 Q. WELL, TAKE A MINUTE AND LOOK AT ALL OF THEM.

4 A. OKAY.

5 Q. AND THEN WE'LL GO THROUGH THEM.

6 A. OKAY.

7 Q. OKAY. ALRIGHT, WHAT I'M SHOWING YOU ARE PICTURES
8 THAT HAVE BEEN MARKED FOR IDENTIFICATION
9 PURPOSES, AND NOW WE'RE GOING TO GO THROUGH EACH
10 ONE OF THEM. THIS ONE IS MARKED NUMBER TEN, CAN
11 YOU TELL THE COURT WHAT THAT IS A PICTURE OF?

12 A. THAT'S THE VERY, FROM THE BACK DOOR LOOKING IN
13 FROM THE BACK OF THE YARD, LOOKING AT THE BACK
14 DOOR.

15 Q. SO, YOU RECOGNIZE THAT PICTURE?

16 A. YES, MA'AM.

17 Q. AND HOW DO YOU RECOGNIZE IT?

18 A. WELL, I KNOW IT VERY WELL, I LIVE THERE SO LONG,
19 I HAVE CLIMBED IT FROM THIS STOOP HERE.

20 Q. OKAY. DOES THE PICTURE ACCURATELY REPRESENT THE
21 WAY THAT DOOR LOOKED ON APRIL TWENTY-FOURTH OF
22 TWO THOUSAND AND TEN?

23 A. YES, MA'AM.

24 Q. OKAY. LET ME SHOW YOU NUMBER NINE, AND AGAIN, DO
25 YOU RECOGNIZE THAT PICTURE?

DIRECT - GILBERT T. WELLS BY MS. HINDS

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1 A. YES, MA'AM.

2 Q. AND HOW DO YO RECOGNIZE IT?

3 A. THAT'S THE SAME DOOR FROM THE INSIDE.

4 Q. OKAY. AND DOES THAT PICTURE ACCURATELY REPRESENT
5 THE CONDITION OF THAT DOOR ON APRIL TWENTY-
6 FOURTH?

7 A. YES, MA'AM.

8 Q. OKAY. AND I SHOW YOU NUMBER EIGHT?

9 A. YES, I RECOGNIZE THIS AS THE INSIDE OF MY FRONT
10 DOOR.

11 Q. ON THE INSIDE OF YOUR FRONT DOOR?

12 A. YES, MA'AM.

13 Q. AND HOW DO YOU RECOGNIZE IT?

14 A. WELL, THE KEY IS IN IT SO I KNOW IT VERY WELL.

15 Q. AND ARE THOSE YOUR KEYS?

16 A. YES, MA'AM.

17 Q. OKAY. DOES THAT PICTURE ACCURATELY REPRESENT THE
18 CONDITION OF THE HOUSE ON APRIL TWENTY-FOURTH?

19 A. YES, MA'AM.

20 Q. AND I'M GOING TO SHOW YOU NUMBER SIX, AND CAN YOU
21 TELL ME, DO YOU RECOGNIZE IT?

22 A. YEAH, THIS IS THE DOOR FROM THE FRONT THAT I
23 NEVER GET THROUGH. THIS IS THE FRONT DOOR, THE
24 ONE TO THE RIGHT.

25 Q. IT'S A PICTURE OF THE RIGHT DOOR?

DIRECT - GILBERT T. WELLS BY MS. HINDS

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1 A. YES, MA'AM.

2 Q. AND YOU RECOGNIZE IT AS THAT?

3 A. YES, MA'AM.

4 Q. AND IS, DOES THAT PICTURE ACCURATELY REPRESENT

5 WHAT IT LOOKED LIKE ON APRIL TWENTY-FOURTH?

6 A. YES, MA'AM.

7 Q. I SHOW YOU NUMBER FIVE, DO YOU RECOGNIZE IT?

8 A. THIS IS THE INSIDE OF MY BEDROOM, THIS IS THE

9 SAME DOOR FROM THE INSIDE WITH MY DRESSER DRAWER

10 AND MY CLOTHES IN IT, YEAH.

11 Q. OKAY. AND IS THAT, DOES THAT PICTURE ACCURATELY

12 REPRESENT THE CONDITION OF THE HOUSE?

13 A. YES, MA'AM.

14 Q. NUMBER FOUR?

15 A. OKAY, THIS IS MY FRONT DOOR HERE WITH THE CHAIN

16 LOCK ON IT.

17 Q. AND YOU RECOGNIZE IT?

18 A. YES, MA'AM.

19 Q. OKAY. DOES THAT ACCURATELY REPRESENT THE

20 CONDITION OF THE HOUSE ON APRIL TWENTY-FOURTH?

21 A. YES, MA'AM.

22 Q. AND NUMBER ONE?

23 A. THIS IS THE SAME FRONT DOOR WITH IT OPEN HERE.

24 Q. AND DO YOU RECOGNIZE IT?

25 A. YES, MA'AM.

DIRECT - GILBERT T. WELLS BY MS. HINDS

398

1 Q. AND IS IT, DOES IT ACCURATELY REPRESENT?

2 A. YES, IT DOES.

3 Q. OKAY. THE LAST ONE WOULD BE NUMBER THREE, AND DO
4 YOU RECOGNIZE THAT?

5 A. YES, MA'AM, THIS IS FROM LOOKING FROM THE OUTSIDE
6 TO THE FRONT DOOR.

7 Q. OKAY. AND DOES IT ACCURATELY REPRESENT THE
8 CONDITION OF THE DOOR AS IT WOULD HAVE BEEN ON
9 APRIL TWENTY-FOURTH?

10 A. YES, MA'AM.

11 Q. OKAY.

12 MS. HINDS: YOUR HONOR, AT THIS TIME I'D
13 MOVE TO HAVE THOSE EXHIBITS MOVED INTO EVIDENCE.

14 SOLICITOR SORENSON: NO OBJECTION.

15 THE COURT: ALRIGHT. AND MS. HINDS, IT
16 APPEARS THAT IT'S NUMBERS ONE THROUGH TEN WITH THE
17 EXCEPTIONS OF TWO AND SEVEN?

18 MS. HINDS: THAT'S CORRECT.

19 THE COURT: OKAY. SO ADMITTED.

20 Q. ALRIGHT, I'D LIKE TO - - -

21 COURT REPORTER: I NEED TO TAKE THE ID'S
22 OFF.

23 MS. HINDS: OH, I'M SORRY.

24 COURT REPORTER: KEEP NUMBER TWO AND SEVEN.

25 OKAY, JUST A MOMENT. THESE ARE DEFENDANT'S

DIRECT - GILBERT T. WELLS BY MS. HINDS

399

1 ONE -- THERE'S PROBABLY A SHORTER WAY TO DO THIS BUT
2 THE ONES THAT ARE IN ARE ONE, THREE, FOUR, FIVE, SIX,
3 EIGHT, NINE AND TEN, AND WITH EXCEPTION OF DEFENDANT'S
4 TWO AND SEVEN.

5 MS. HINDS: THAT WOULD BE CORRECT.

6 (Defense Exhibits One, Three, Four,
7 Five, Six, Eight, Nine, and Ten
8 marked and filed.)

9 Q. JUST BRIEFLY, I'D LIKE YOU TO TAKE A LOOK ONE
10 MORE TIME AT NUMBER ONE. AND HOW MANY LOCKS DOES
11 THAT DOOR HAVE ON IT?

12 A. JUST ONE LOCK.

13 Q. OKAY. HOW MANY -- DOES IT HAVE ANOTHER PIECE OF
14 HARDWARE ON IT, THOUGH?

15 A. YES, MA'AM.

16 Q. OKAY. AND WHAT WOULD THE OTHER HARDWARE BE?

17 A. THAT'S JUST A REGULAR, A SECOND PULL ON THE DOOR
18 TO LOCK THE LOCK.

19 Q. AND IT'S NOT A LOCK TO THE DOOR?

20 A. IT'S NOT A LOCK, NO.

21 Q. OKAY. AND MR. WELLS, WHO HAS THE KEY TO THOSE
22 DOORS?

23 A. JUST I HAVE ONE, MA'AM.

24 Q. OKAY. SO, THERE'S NOT MORE THAN -- YOU'RE THE
25 ONLY PERSON THAT HAS KEYS TO THOSE DOORS?

DIRECT - GILBERT T. WELLS BY MS. HINDS

400

- 1 A. YES, MA'AM.
- 2 Q. OKAY. NOW, MS. MILLER LIVES WITH YOU, CORRECT?
- 3 A. YES, MA'AM.
- 4 Q. SHE DOES NOT HAVE A KEY?
- 5 A. NO, MA'AM.
- 6 Q. THAT FRONT -- WELL, IF YOU'RE GOING THROUGH THE
- 7 FRONT DOOR WHAT ROOM WOULD YOU BE IN?
- 8 A. THE LIVING ROOM.
- 9 Q. OKAY. WHAT OTHER FURNITURE BESIDES LIVING ROOM
- 10 FURNITURE IS IN THAT ROOM?
- 11 A. THERE'S A BED THERE ALSO.
- 12 Q. OKAY. HAD ANYBODY STAYED IN THAT BED?
- 13 A. YES, MA'AM.
- 14 Q. OKAY. WHO STAYED ON IT THE NIGHT OF APRIL
- 15 TWENTY-THIRD?
- 16 A. WALTER GREENE.
- 17 Q. AND HOW DO YOU KNOW MR. GREENE?
- 18 A. I KNOW HIM THROUGH HIS MAMA.
- 19 Q. AND HOW LONG HAVE YOU KNOWN HIM?
- 20 A. ABOUT A YEAR.
- 21 Q. OKAY. SO, YOU HAVEN'T KNOW MR. GREENE AS LONG AS
- 22 YOU'VE KNOWN MS. MILLER, CORRECT?
- 23 A. NO, MA'AM.
- 24 Q. HAS WALTER EVER STAYED AT YOUR RESIDENCE
- 25 OVERNIGHT?

DIRECT - GILBERT T. WELLS BY MS. HINDS

401

- 1 A. JUST ONE TIME, YES.
- 2 Q. OKAY. FOR ONE NIGHT OR MORE THAN ONE NIGHT?
- 3 A. JUST ONE NIGHT, YES.
- 4 Q. DID HE STAY AT YOUR RESIDENCE THE EVENING OF
- 5 APRIL TWENTY-THIRD?
- 6 A. YES, MA'AM.
- 7 Q. OKAY. GOING INTO THE MORNING OF THE TWENTY-
- 8 FOURTH?
- 9 A YES, MA'AM.
- 10 Q. OKAY. WAS THERE A REASON THAT HE WAS STAYING
- 11 WITH YOU?
- 12 A. YEAH, HE HAD A FALLING OUT WITH HIS BABY'S MAMA,
- 13 AND HE CAME AND KNOCKED ON THE DOOR AND WE OPENED
- 14 FOR HIM.
- 15 Q. HE CAME AND KNOCKED ON THE DOOR?
- 16 A. YES, MA'AM.
- 17 Q. AND YOU OPENED IT?
- 18 A. YES, MA'AM.
- 19 Q. OKAY. AND HE STAYED THERE THAT NIGHT?
- 20 A. WHAT TIME -- DID YOU LOCK THE DOORS THAT NIGHT?
- 21 A. YES, I LOCKED THE DOOR AFTER HE CAME IN.
- 22 Q. AND ABOUT WHAT TIME WAS THAT?
- 23 A. AROUND TWELVE O'CLOCK.
- 24 Q. AND WHAT DID YOU DO WITH THE KEY AFTER YOU LOCKED
- 25 IT?

DIRECT - GILBERT T. WELLS BY MS. HINDS

402

1 A. I TAKE IT AND I TOOK IT TO MY ROOM.

2 Q. AND DO YOU PUT IT DOWN OR LEAVE IT SOME PLACE
3 WHERE SOMEBODY COULD ACCESS IT?

4 A. NO, MA'AM, NO.

5 Q. OKAY. DID YOU HAVE OCCASION TO TAKE HIM ANYWHERE
6 ON THE MORNING OF THE TWENTY-FOURTH?

7 A. YES, I TOOK HIM TO WORK THAT MORNING.

8 Q. ABOUT WHAT TIME?

9 A. ABOUT SEVEN:THIRTY.

10 Q. OKAY. IF HE WERE TO HAVE LEFT YOUR RESIDENCE
11 THAT NIGHT WOULD YOU HAVE BEEN AWARE OF IT?

12 A. YES, MA'AM.

13 Q. WHY?

14 A. WELL, I WOULD, HE WOULD HAVE TO WAKE ME UP TO
15 OPEN THE DOOR. THERE'S NO WAY HE COULD HAVE GOT
16 THROUGH ANY OF THE DOORS BECAUSE THEY ARE LOCKED.

17 Q. OKAY. ARE THERE WINDOWS IN THE HOUSE?

18 A. YES, THERE'S NINE WINDOWS IN THE HOUSE.

19 Q. OKAY. AND CAN YOU TELL THE COURT SOMETHING ABOUT
20 THE CONDITION OF THOSE WINDOWS?

21 A. THERE IS TWO WINDOWS IN THE LIVING ROOM WHICH IS,
22 ONE HAS AN AC, AND THE FRONT WINDOW IS SEALED
23 WITH PLASTIC, AND THEN THE OUTSIDE HAS A STORM
24 WINDOW SCREWED DOWN TO THE FRAME.

25 Q. OKAY. WOULD IT HAVE BEEN EVIDENT IF SOMEBODY HAD

DIRECT - GILBERT T. WELLS BY MS. HINDS

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1 GONE THROUGH THE WINDOW?

2 A. YES, MA'AM.

3 Q. SO, COULD HE HAVE LEFT THE RESIDENCE THROUGH A
4 WINDOW WITHOUT YOUR KNOWLEDGE?

5 A. HE COULDN'T HAVE LEFT, MA'AM.

6 Q. OKAY. COULD HE HAVE LEFT THROUGH A DOOR WITHOUT
7 YOUR KNOWLEDGE?

8 A. NO, MA'AM, HE COULDN'T HAVE LEFT.

9 Q. OKAY. BECAUSE OF YOUR RELATIONSHIP WITH MS.
10 MILLER, WOULD YOU LIE TO HELP MR. GREENE?

11 A. NO, MA'AM.

12 Q. HAS YOUR TESTIMONY BEEN TRUTHFUL TODAY?

13 A. ALL TRUE, MA'AM.

14 MS. HINDS: ANSWER ANY QUESTIONS THAT THE
15 SOLICITOR HAS.

16 THE COURT: ALRIGHT, MR. SORENSON, YOUR
17 WITNESS.

18 SOLICITOR SORENSON: MAY IT PLEASE THE
19 COURT.

20 THE COURT: YES, SIR.

21 (NOTE: Blank lines on this page do not indicate any
22 part of record has been omitted. Headers on testimony
23 pages and hard page breaks between testimony are now
24 required by the Court. See next ensuing page for
25 sequential continuation of record.)

CROSS-EXAMINATION OF GILBERT T. WELLSBY SOLICITOR SORENSON:

Q. HOW MANY ROOMS ARE IN YOUR HOME?

A. THERE IS FOUR ROOMS ALTOGETHER, AND ONE WASH ROOM
IN THE BACK.

Q. OKAY. AND THOSE FOUR ROOMS, WHAT ARE THE FOUR
ROOMS?

A. THE LIVING ROOM, THE KITCHEN AND TWO BEDROOMS.

Q. OKAY. AND WHO STAYS IN THE TWO BEDROOMS?

A. JUST ONE BEDROOM IS OCCUPIED, THE NEXT ONE IS MY
TOOL ROOM.

Q. IS YOUR TOOL ROOM?

A. YES, SIR.

Q. WHO STAYS IN THE ONE BEDROOM THAT'S OCCUPIED?

A. I LIVE THERE.

Q. WHERE DOES MS. MILLER STAY?

A. SHE STAYS IN THE ROOM ALSO.

Q. OKAY. SO, SHE'S YOUR GIRLFRIEND, RIGHT?

A. MORE OR LESS, YES, SIR.

Q. MORE OR LESS, SHE'S BEEN LIVING WITH YOU FOR TWO
AND A HALF YEARS NOW?

A. YES, SIR.

Q. IS THAT CORRECT? YOU STAY IN THE SAME BEDROOM
WITH HER, IS THAT CORRECT?

A. YES, SIR.

CROSS - GILBERT T. WELLS BY SOL. SORENSON

405

1 Q. SO, IT'S YOUR TESTIMONY THAT SHE DOES NOT HAVE A
2 KEY TO YOUR HOME?

3 A. YES, SIR.

4 Q. SHE DOESN'T?

5 A. SHE DOES NOT HAVE A KEY.

6 Q. SO, IF SHE COMES HOME AND YOU'RE NOT THERE SHE'S
7 GOT TO CALL YOU TO COME LET HER IN THE HOUSE?

8 A. THAT'S RIGHT.

9 Q. AND YOU THEN LOCK HER IN THE HOUSE?

10 A. WELL, I LOCK MY DOOR, AND LOCK IT TO BE SECURED.

11 Q. OKAY. BUT IF YOU LEFT AND LEFT HER IN THE HOUSE
12 SHE IS LOCKED IN THE HOUSE, IS THAT CORRECT?

13 A. YES, SIR.

14 Q. SO, IF SHE WANTS TO COME OUT OF THE HOUSE SHE'S
15 GOT TO CALL YOU AGAIN - - -

16 A. MOST DEFINITELY.

17 Q. --- TO COME BACK AND LET HER OUT?

18 A. YES, SIR.

19 Q. OKAY. AND I TURN YOUR ATTENTION BACK, YOU TALKED
20 A LITTLE BIT ABOUT THE EVENING OF APRIL TWENTY-
21 THIRD, HOW MANY NIGHTS HAS MR. GREENE SPENT AT
22 YOUR HOUSE?

23 A. THREE NIGHTS.

24 Q. OKAY. AND WHAT WERE THOSE THREE NIGHTS?

25 A. THE NIGHT OF TWENTY-THIRD, WHICH WAS A FRIDAY

1 NIGHT, THE SATURDAY NIGHT, AND ALSO THE SUNDAY
2 NIGHT.

3 Q. OKAY. AND YOU TESTIFIED EARLIER ON DIRECT THAT
4 HE ONLY SPENT ONE NIGHT THERE?

5 A. THAT WAS BEFORE, BEFORE THAT, YEAH, ONE NIGHT
6 BEFORE THAT.

7 Q. ALRIGHT. AND IT'S YOUR TESTIMONY THAT HE SHOWED
8 UP THAT NIGHT AROUND MIDNIGHT, IS THAT CORRECT?

9 A. YES, SIR.

10 Q. OKAY. BECAUSE HE HAD HAD A FALLING OUT WITH HIS
11 GIRLFRIEND?

12 A. YES, SIR.

13 Q. OKAY. SO, THAT'S WHY HE SHOWED UP THAT FRIDAY
14 NIGHT, RIGHT?

15 A. YES, SIR.

16 Q. OKAY. AND HE KNOCKED ON THE DOOR AT MIDNIGHT?

17 A. YES, SIR.

18 Q. AND YOU CAME AND LET HIM IN, I ASSUME, BECAUSE
19 YOU'VE GOT THE KEY SO YOU HAD TO LET HIM IN,
20 RIGHT?

21 A. RIGHT, LIKE OPEN THE DOOR AND I TELL HIS MOTHER,
22 YOUR SON IS AT THE DOOR, SHE SAID, LET HIM IN.

23 Q. OKAY. SO YOU THEN, YOU GOT HER PERMISSION TO LET
24 HIM IN?

25 A. YES, SIR.

CROSS - GILBERT T. WELLS BY SOL. SORENSON

407

- 1 Q. OKAY. SO, HE CAME IN AND I GUESS HE TOLD YOU, I
2 JUST HAD A FIGHT WITH MY GIRLFRIEND, OR MY BABY'S
3 MOTHER? .
- 4 A. WHEN HE TALKED TO HIS MOTHER, AND THEN HIS MOTHER
5 CONVERSED TO ME WHAT WAS GOING ON.
- 6 Q. SO, AND YOU'RE POSITIVE THAT WAS FRIDAY, APRIL
7 TWENTY-THIRD?
- 8 A. YES, SIR.
- 9 Q. THERE'S NO DOUBT IN YOUR MIND?
- 10 A. NO DOUBT.
- 11 Q. OKAY. AND SO, HE SPENT THE NIGHT THERE THAT
12 NIGHT, HE JUST CRASHED ON THE COUCH, I GUESS, OR
13 THE BED OUT IN THE LIVING ROOM?
- 14 A. YES, YES, SIR.
- 15 Q. ALRIGHT. AND HOW DID HE GET TO YOUR HOUSE?
- 16 A. I REALLY DON'T KNOW HOW HE GOT TO MY HOUSE, SIR.
- 17 Q. HE DIDN'T HAVE A CAR, DID HE?
- 18 A. NO, I DON'T THINK HE DRIVE, NO.
- 19 Q. AND DID HE HAVE ANYTHING WITH HIM?
- 20 A. EXCUSE ME?
- 21 Q. DID HE HAVE ANYTHING WITH HIM?
- 22 A. NO, SIR.
- 23 Q. SO, IT WAS JUST HIM BY HIMSELF?
- 24 A. YES, SIR.
- 25 Q. AND DO YOU REMEMBER WHAT HE WAS WEARING?

CROSS - GILBERT T. WELLS BY SOL. SORENSON

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1 A. I REALLY DIDN'T PAY ATTENTION, SIR.

2 Q. BUT, SO HE ENDED UP AT MIDNIGHT THEN, HE JUST
3 CRASHES IN THE LIVING ROOM, YOU LOCK UP THE HOUSE
4 AGAIN AND TAKE YOUR KEY AND GO TO BED, IS THAT
5 CORRECT?

6 A. YES, SIR.

7 Q. OKAY. AND IT'S YOUR TESTIMONY THAT THAT KEY
8 STAYS WITH YOU, AND THE ONLY WAY SOMEBODY IS
9 GOING TO GET OUT OF THAT HOUSE IS IF THEY COME
10 GET YOUR PERMISSION BASICALLY - - -

11 A. THAT RIGHT.

12 Q. --- TO LET THEM OUT AGAIN, IS THAT CORRECT?

13 A. YES.

14 Q. AND IT'S YOUR TESTIMONY THAT THE NEXT MORNING YOU
15 TOOK HIM TO WORK AT SEVEN:THIRTY?

16 A. YES, SIR.

17 Q. OKAY. AND HAD YOU GOTTEN UP TO DO SOMETHING?

18 A. I GOT UP AT FIVE O'CLOCK AND WENT TO PRAYER. I
19 CAME BACK, I MADE BREAKFAST, I WOKE HIM UP, I
20 GAVE HIM SOME BREAKFAST AND THEN I TOOK HIM TO
21 WORK.

22 Q. AND WHERE WAS THAT THAT YOU TOOK HIM TO WORK?

23 A. OVER HERE ON SIX O ONE, I CAN'T REMEMBER THE
24 HOTEL NAME, IT'S JUST BEFORE TWENTY-SIX, TO THE
25 RIGHT.

CROSS - GILBERT T. WELLS BY SOL. SORENSON

409

1 Q. OKAY. SO, IT'S A HOTEL HE WAS WORKING AT?

2 A. YES, SIR.

3 Q. OKAY. AND SO, YOU DROPPED HIM OFF AT WORK AND
4 THEN DID YOU PICK HIM BACK UP FROM WORK? BECAUSE
5 YOU SAID HE SPENT THE NIGHT THAT SATURDAY NIGHT.

6 A. NO, HE CAME BACK ON HIS OWN.

7 Q. OKAY.

8 A. HE GOT A RIDE WITH SOMEBODY AND CAME BACK.

9 Q. OKAY. AND THAT SATURDAY NIGHT, THEN, SO THAT'S
10 THE TWENTY-FOURTH, THE NIGHT OF THE TWENTY-
11 FOURTH, WHAT TIME DID HE GET BACK HOME THAT
12 NIGHT, THE TWENTY-FOURTH?

13 A. I CAN'T REMEMBER WHAT TIME HE GET BACK, BUT HE
14 SPENT THE NIGHT THERE THAT SATURDAY. SUNDAY
15 MORNING I DROPPED HIM TO WORK ALSO.

16 Q. SO, HE GOT, WAS IT LATE, WAS IT, YOU KNOW,
17 MIDNIGHT WHEN HE GOT BACK?

18 A. NO, IT WAS VERY EARLY.

19 Q. IT WAS VERY EARLY. DEFINE VERY EARLY?

20 A. AROUND NINE O'CLOCK, AROUND THAT TIME.

21 Q. AROUND NINE O'CLOCK. SO, HE SHOWS BACK UP AROUND
22 NINE O'CLOCK SATURDAY. YOU, YET AGAIN, I GUESS
23 HE KNOCKS ON THE DOOR?

24 A. YES, SIR.

25 Q. AND YOU LET HIM IN?

1 A. YES.

2 Q. HE SPENDS THE NIGHT OUT ON THE COUCH AGAIN?

3 A. WELL, IT'S A DAY BED, RIGHT.

4 Q. WELL, IT'S IN THE LIVING ROOM, RIGHT?

5 A. YES.

6 Q. ALRIGHT. AND YOU LOCK UP THE DOOR, THE NEXT
7 MORNING YOU GET BACK UP, MAKE BREAKFAST -- GO TO
8 PRAYER, MAKE BREAKFAST AND THEN TAKE HIM BACK TO
9 WORK AGAIN ON SUNDAY?

10 A. YES, SIR.

11 Q. OKAY. AND NOW, IT'S YOUR TESTIMONY THAT HE SPENT
12 THE NIGHT AGAIN SUNDAY NIGHT, RIGHT?

13 A. YES, SIR.

14 Q. OKAY. AND WHAT TIME DID HE GET HOME ON SUNDAY,
15 NOW, THE TWENTY-FIFTH?

16 A. I CAN'T REMEMBER THE TIME HE GET HOME, BUT I
17 OPENED UP FOR HIM.

18 Q. OKAY. AND YET AGAIN, DO YOU KNOW HOW HE GOT
19 HOME?

20 A. NO, I DON'T KNOW HOW HE GOT HOME, SIR.

21 Q. HE WAS JUST KNOCKING ON THE DOOR AGAIN?

22 A. YES, SIR.

23 Q. OKAY. AND HE CAME IN, SPENT THE NIGHT AGAIN
24 SUNDAY NIGHT ON THE BED OUT IN THE LIVING ROOM?

25 A. THAT'S RIGHT.

CROSS - GILBERT T. WELLS BY SOL. SORENSON

411

1 Q. YOU GET HIM UP AGAIN MONDAY MORNING?

2 A. I DROPPED HIM TO WORK MONDAY MORNING, AND HE
3 DIDN'T HAVE TO WORK SO I BROUGHT HIM BACK HOME.

4 Q. OKAY. SO, YOU TAKE HIM MONDAY, HE DOESN'T HAVE
5 TO WORK, SO THEN YOU BRING HIM BACK HOME MONDAY?

6 A. YES, SIR.

7 Q. OKAY. NOW, THAT'S NOW THE TWENTY-SIXTH, RIGHT?

8 A. YES.

9 Q. AND DID HE SPEND THE DAY THERE THAT MONDAY?

10 A. I CAN'T REMEMBER BECAUSE I WAS IN PRAYER. I PRAY
11 FIVE TIMES A DAY, SO, I MEAN, I WAS OVER TO THE
12 MOSQUE

13 Q. OKAY. SO, YOU'RE NOT SURE WHAT HE WAS DOING
14 THROUGHOUT THE DAY?

15 A. NO, SIR.

16 Q. WERE YOU COMING HOME IN BETWEEN?

17 A. YES, SIR.

18 Q. OKAY. WAS HE THERE WHEN YOU CAME HOME?

19 A. ONCE OR TWICE HE WAS THERE, YES.

20 Q. OKAY. SO, YOU WOULD COME HOME AND HE WAS THERE
21 IN THE HOUSE JUST KIND OF HANGING OUT?

22 A. YEAH, WELL, THERE'S A PARK IN FRONT OF MY PLACE
23 SO THE KIDS ARE ALL OVER THE PARK AND ALL.

24 Q. OKAY. WERE THERE TIMES WHEN YOU CAME HOME AND HE
25 WAS JUST HANGING OUT IN THE HOUSE ALSO?

1 A. YES, SIR.

2 Q. OKAY. AND THEN YOU WOULD HAVE LEFT TO GO BACK TO
3 PRAY?

4 A. YES, SIR.

5 Q. AT THE MOSQUE. AND THEN WAS THERE TIMES THEN
6 WHEN YOU CAME BACK THAT HE WAS GONE?

7 A. YEAH, WELL, I DIDN'T PAY ATTENTION OR KEEP MY EYE
8 ON HIM SO ...

9 Q. I'VE GOT YOU. WELL, I'M JUST SAYING, I'M JUST
10 MAKING SURE BECAUSE -- SO, HE WAS THERE SOMETIMES
11 DURING THE DAY WHEN YOU WOULD COME BACK AND HE'D
12 BE IN THE HOUSE WITH HIS MOM THERE, TOO, WAS HE
13 WITH HIS MOM?

14 A. YES, SIR.

15 Q. AND THEN YOU WOULD LEAVE AND MAYBE COME BACK AND
16 HE WOULD BE GONE AND YOU DON'T KNOW WHERE HE IS,
17 I MEAN, HE'S AN ADULT, RIGHT?

18 A. YEAH, WELL, I DON'T KEEP MONITORING HIM, BUT I,
19 YOU KNOW ...

20 Q. I'VE GOT YOU. ALRIGHT. AND, BUT NOW, YOU SAID
21 HE ONLY SPENT THE NIGHT THREE NIGHTS, RIGHT?

22 A. THAT'S RIGHT.

23 Q. OKAY. SO, THAT MONDAY NIGHT, I GUESS HE DIDN'T
24 SPEND THE NIGHT?

25 A. HE DIDN'T SPEND THE NIGHT ON MONDAY NIGHT.

CROSS - GILBERT T. WELLS BY SOL. SORENSON

413

1 Q. WHERE, DO YOU HAVE ANY IDEA WHERE HE WENT THAT
2 NIGHT?

3 A. I HAVE NO IDEA, SIR.

4 Q. HE JUST DIDN'T COME BACK TO YOUR HOUSE THAT
5 NIGHT?

6 A. RIGHT.

7 Q. OKAY. AND IT'S YOUR TESTIMONY THAT YOU HAVE THE
8 ONLY KEY, IS THAT CORRECT?

9 A. THAT'S RIGHT.

10 Q. AND YOU DON'T REMEMBER WHAT HE WAS WEARING WHEN
11 HE SHOWED UP THAT FIRST NIGHT, IS THAT RIGHT?

12 A. I DIDN'T PAY ATTENTION, SIR.

13 Q. AND, I MEAN, WAS HE IN THE SAME CLOTHES THE
14 ENTIRE TIME HE WAS THERE?

15 A. I GUESS NOT, HE WAS CHANGING HIS CLOTHES, SO I
16 GUESS HE WAS CHANGING HIS CLOTHES.

17 Q. OKAY. DID HE HAVE CLOTHES THAT HE KEPT AT YOUR
18 HOUSE?

19 A. YES, HE LEFT A COUPLE OF PANTS IN THERE, IN MY
20 TOOL ROOM THAT HE CHANGES IN .

21 Q. OKAY. LIKE JEANS?

22 A. YES, SIR.

23 Q. OKAY. DO YOU REMEMBER ANYTHING ABOUT WHAT COLOR
24 SHIRTS HE HAD, WAS HE HEARING, LIKE, TEE SHIRTS
25 OR THINGS OF THAT NATURE?

CROSS - GILBERT T. WELLS BY SOL. SORENSON

414

1 A. I CAN'T REMEMBER THEM, SIR.

2 Q. HOW ABOUT A JACKET, WAS IT KIND OF COOL OUT BACK
3 IN APRIL?

4 A. I DIDN'T PAY ATTENTION, I DON'T KNOW.

5 Q. ALRIGHT.

6 SOLICITOR SORENSON: THAT WOULD BE ALL I
7 HAVE. THANK YOU, MR. WELLS.

8 THE COURT: MS. HINDS, ANYTHING ON REDIRECT?

9 MS. HINDS: YES, JUST BRIEFLY.

10 (NOTE: Blank lines on this page do not indicate any
11 part of record has been omitted. Headers on testimony
12 pages and hard page breaks between testimony are now
13 required by the Court. See next ensuing page for
14 sequential continuation of record.)

REDIRECT - GILBERT T. WELLS BY MS. HINDS

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REDIRECT EXAMINATION OF GILBERT T. WELLS

BY MS. HINDS:

Q. YOU TESTIFIED FOR THE SOLICITOR THAT YOU WOULD
LEAVE TO GO PRAY, CORRECT?

A. YES, MA'AM.

Q. AND THIS WAS DURING THE TIME PERIOD WHEN HE WAS
AT YOUR HOUSE, CORRECT?

A. YES, MA'AM.

Q. AND THAT ONCE OR TWICE YOU WOULD COME BACK AND HE
WOULD BE THERE?

A. YES, MA'AM.

Q. WOULD HE BE IN THE HOUSE?

A. YES, HE WOULD BE IN THE HOUSE OR ON THE PORCH.

Q. WOULD HE BE IN THE HOUSE WHEN YOU LEFT HIM OR DID
HE GET IN THE HOUSE WHILE YOU WERE GONE?

A. I DON'T UNDERSTAND. WELL, I LEFT HIM IN THE
HOUSE WITH HIS MAMA. I WENT TO PRAY AND WHEN I
COME BACK HE WAS JUST HANGING AROUND THERE.

Q. AND SOMETIMES WHEN YOU LEFT HE WOULD BE THERE?

A. YES, MA'AM.

Q. AND HE WOULD STAY?

A. YES, MA'AM.

Q. OKAY. DID HE EVER ENTER OR EXIT THE HOUSE WITH
ANOTHER KEY?

A. NO, MA'AM, HE CAN'T. THERE IS ONLY ONE KEY FOR

1 THE DOOR AND I'VE GOT IT.

2 Q. AND YOU'RE THE ONLY ONE THAT HAS A KEY?

3 A. YES, MA'AM, YES, MA'AM.

4 Q. OKAY. SO, WHEN YOU GOT BACK FROM PRAYER IF HE
5 WAS THERE IT WOULD NOT BE, -- HE WOULD BE ON THE
6 OUTSIDE, IS THAT CORRECT?

7 A. NO, SOMETIMES HE WAS INSIDE WITH HIS MOTHER, OR
8 ...

9 Q. IF YOU HAD LEFT HIM THERE, IS THAT CORRECT?

10 A. YES, MA'AM, YES, MA'AM.

11 Q. OKAY. IT WAS JUST THE ONE KEY?

12 A. YES, JUST ONE KEY, AND I HAVE IT.

13 Q. HE WASN'T FREE TO GO IN AND OUT BY HIMSELF?

14 A. NO, MA'AM, NO, MA'AM.

15 Q. AND HIS MAMA WASN'T LETTING HIM IN AND OUT?

16 A. NO, MA'AM, SHE DON'T HAVE A KEY FOR THE DOOR.

17 MS. HINDS: THANK YOU.

18 THE COURT: MR. SORENSON, ANYTHING?

19 SOLICITOR SORENSON: NO, SIR.

20 THE COURT: ALRIGHT. THANK YOU, MR. WELLS.

21 WITNESS: THANK YOU, SIR.

22 THE COURT: OKAY. MS. HINDS, YOUR NEXT

23 WITNESS?

24 MS. HINDS: THE STATE WOULD CALL DR. ALLEY.

25 THE COURT: CAN I SEE Y'ALL FOR ONE SECOND?

1 (Whereupon, a bench conference
2 is had out of the hearing
3 of the jury and court reporter.)

4 MS. HINDS: THE DEFENSE CALLS DR. ALLEY.

5 CLERK: PLEASE PLACE YOUR LEFT HAND ON THE
6 BIBLE AND RAISE YOUR RIGHT HAND.

7 (Whereupon, Dr. Thomas R. Alley
8 is duly sworn.)

9 CLERK: PLEASE HAVE A SEAT AND STATE YOUR
10 FULL NAME.

11 WITNESS: THOMAS R. ALLEY.

12 (NOTE: Blank lines on this page do not indicate any
13 part of record has been omitted. Headers on testimony
14 pages and hard page breaks between testimony are now
15 required by the Court.)

DIRECT - DR. THOMAS R. ALLEY BY MS. HINDS

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DIRECT EXAMINATION OF DR. THOMAS R. ALLEY

BY MS. HINDS:

Q. GOOD AFTERNOON, DR. ALLEY. PLEASE START BY
TELLING THE JURY ABOUT YOUR EDUCATIONAL
BACKGROUND.

A. SURE. I HAVE A BACHELOR OF SCIENCE DEGREE IN
PSYCHOLOGY FROM PENN STATE UNIVERSITY, AND
MASTERS AND PHD DEGREES IN EXPERIMENTAL
PSYCHOLOGY FROM THE UNIVERSITY OF CONNECTICUT,
AND THREE YEARS OF POST DOCTORAL EXPERIENCE ALSO
AT THE UNIVERSITY OF CONNECTICUT.

Q. OKAY. WHAT IS YOUR PRESENT POSITION, WHERE ARE
YOU EMPLOYED?

A. I'M CURRENTLY PROFESSOR OF PSYCHOLOGY AT CLEMSON
UNIVERSITY, BUT I'M NOT REPRESENTING THE
UNIVERSITY OR THE DEPARTMENT.

Q. AND HAVE YOU TAUGHT COURSES DEALING WITH HUMAN
MEMORY AND PERCEPTION?

A. YES, I REGULARLY TEACH COURSES ON PERCEPTION AND
MEMORY FOR THE AVERAGE SEMESTER.

Q. OKAY. AND HOW LONG HAVE YOU BEEN DOING THAT?

A. FOR THIRTY YEARS ROUGHLY.

Q. DO YOU EVER TEACH ABOUT RECOGNITION OF FACES AND
EYE WITNESS MEMORY?

A. YES. THAT'S A STANDARD PART OF A NUMBER OF

DIRECT - DR. THOMAS R. ALLEY BY MS. HINDS

419

1 CLASSES, EVEN INCLUDING INTRODUCTORY PSYCHOLOGY.

2 Q. OKAY. HAVE YOU EVER CONDUCTED ANY RESEARCH
3 RELEVANT TO EYE WITNESS TESTIMONY?

4 A. YES, I'VE CONDUCTED QUITE A FEW STUDIES.

5 Q. HAVE ANY OF THIS RESEARCH BEEN PRESENTED AT
6 SCIENTIFIC MEETINGS?

7 A. YES. I'VE PRESENTED AT MEETINGS MANY PLACES IN
8 THE U.S. AND ALSO SOME FOREIGN COUNTRIES.

9 Q. OKAY. AND HAS ANY OF YOUR RESEARCH BEEN
10 PUBLISHED IN SCIENTIFIC BOOKS OR JOURNALS?

11 A. YES.

12 Q. DO YOU BELONG TO ANY PROFESSIONAL ASSOCIATIONS?

13 A. YES, I BELONG TO SEVERAL, INCLUDING THE
14 PSYCHONOMICS SOCIETY AND THE INTERNATIONAL
15 SOCIETY FOR ECOLOGICAL PSYCHOLOGY.

16 Q. OKAY. IN ADDITION, HAVE YOU EVER SERVED AS AN
17 EXPERT CONSULTANT FOR SCIENTIFIC OR GOVERNMENT
18 GROUPS?

19 A. YES, I'VE SERVED FOR A NUMBER OF GROUPS IN THE U.
20 S. AND A COUPLE OF FOREIGN COUNTRIES.

21 Q. OKAY. HAVE YOU PREVIOUSLY BEEN QUALIFIED IN A
22 COURT OF LAW AS AN EXPERT IN THE AREA OF HUMAN
23 MEMORY PERCEPTION AND EYE WITNESS TESTIMONY?

24 A. YES, I HAVE.

25 Q. HAVE YOU EVER FAILED TO BE QUALIFIED IN A COURT

DIRECT - DR. THOMAS R. ALLEY BY MS. HINDS

420

1 AS AN EXPERT IN THOSE AREAS?

2 A. NO.

3 Q. OKAY. ABOUT HOW MANY TIMES HAVE YOU BEEN
4 QUALIFIED?

5 A. ABOUT TWO THOUSAND OR A BIT MORE.

6 Q. OKAY. ARE THE AREAS OF FACE RECOGNITION AND EYE
7 WITNESS TESTIMONY RECOGNIZED FIELDS OF STUDY
8 WITHIN PSYCHOLOGY?

9 A. YES. IN FACT, THEY ARE PROBABLY THE MOST ACTIVE
10 AREAS WITH THE MOST RESEARCH DONE IN ANY AREAS OF
11 PSYCHOLOGY THAT ARE DIRECTED RELATED TO LAW.

12 Q. AND THERE WOULD BE TEXT BOOKS ON THESE SUBJECTS?

13 A. THERE ARE ACTUALLY TEXT BOOKS, YES, ON EYE
14 WITNESS IDENTIFICATION.

15 Q. OKAY. ARE YOU FAMILIAR WITH THE RESEARCH OF
16 OTHERS IN THOSE AREAS?

17 A. MUCH OF IT, BUT THERE'S A TREMENDOUS AMOUNT, SO
18 NOT EVERYTHING.

19 Q. DO YOU TRY TO KEEP IT CURRENT?

20 A. YES, I DO.

21 MS. HINDS: OKAY. YOUR HONOR, AT THIS TIME
22 I WOULD OFFER DR. ALLEY AS AN EXPERT WITNESS ON EYE
23 WITNESS TESTIMONY, MEMORY AND PERCEPTION.

24 THE COURT: ALRIGHT. MR. SORENSON?

25 SOLICITOR SORENSON: NO OBJECTION.

DIRECT - DR. THOMAS R. ALLEY BY MS. HINDS

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1 THE COURT: SO QUALIFIED.

2 Q. OKAY. DR. ALLEY, ARE EXPERTS IN MEMORY IN
3 GENERAL AGREEMENT AS TO THE BASIC PROCESSES
4 INVOLVED IN HUMAN MEMORY, SUCH AS EYE WITNESS
5 TESTIMONY?

6 A. YES, THEY ARE. IF SOMEBODY'S GOING TO
7 SUCCESSFULLY REMEMBER SOMETHING WE KNOW THREE
8 THINGS HAVE TO HAPPEN. TO SIMPLY IT, THE FIRST
9 THING IS, YOU HAVE TO TAKE IN THE INFORMATION
10 WHICH ACTUALLY ENTAILS A LOT SO THAT THE
11 CONDITIONS HAVE TO BE RIGHT, AND IF IT'S VISUAL
12 INFORMATION YOU HAVE TO BE ABLE TO SEE WHAT IT IS
13 YOU'RE GOING TO REPORT LATER, YOU HAVE TO BE
14 PAYING ATTENTION AND SO ON. THE MOST OBVIOUS
15 THING IS, YOU'VE GOT TO RETAIN THAT INFORMATION,
16 HOLD IT IN MEMORY FOR SOME PERIOD OF TIME WHETHER
17 IT BE SECONDS OR YEARS. AND LAST, EVEN IF YOU'VE
18 DONE THIS YOU NEED TO BE ABLE TO RETRIEVE THE
19 INFORMATION LATER ON.

20 Q. OKAY. SO, THE FIRST PHASE WOULD BE ACQUIRING THE
21 MEMORY, IS THAT CORRECT?

22 A. ACQUIRING THE INFORMATION THAT'S, YEAH, THE TO BE
23 REMEMBERED INFORMATION.

24 Q. OKAY. AND WOULD THERE BE WITNESS FACTORS THAT
25 WOULD AFFECT THAT ACQUISITION PHASE?

1 A. YES, CERTAINLY. SO, THE STATE OF MIND OF THE
2 WITNESS, THE, IF THERE'S ANY VISUAL IMPAIRMENT,
3 AGE, LOTS OF FACTORS ABOUT THE WITNESS COULD
4 AFFECT THAT.

5 Q. OKAY. ARE THERE ALSO WHAT ONE MIGHT CALL TARGET
6 FACTORS THAT WOULD AFFECT ACQUIRING THAT MEMORY?

7 A. YES. WHAT IT IS THAT YOU'RE GOING TO BE CALLED
8 UPON TO REMEMBER LATER PLAYS A KEY ROLE AS WELL.
9 SO, HOW READILY CAN YOU PERCEIVE THIS, HOW LONG
10 OF AN OPPORTUNITY DO YOU HAVE TO OBSERVE, AND
11 THEN THERE'S SPECIFIC THINGS. FOR INSTANCE, IF
12 WE'RE TALKING ABOUT IDENTIFYING A PERSON SOME
13 PEOPLE ARE EASIER TO REMEMBER THAN OTHERS BECAUSE
14 PERHAPS THEY ARE HIGHLY DISTINCTIVE, OR THEY CAN
15 BE MORE DIFFICULT TO RECOGNIZE IF THEY LOOK
16 PRETTY MUCH LIKE MANY OTHER PEOPLE.

17 Q. SO, KIND OF COMMON SENSE IN TERMS OF IF SOMEBODY
18 HAD A RED MOHAWK YOU WOULD BE MORE LIKELY TO
19 REMEMBER THAT PERSON THAN SOMEBODY WHO HAD A MORE
20 CONVENTIONAL HAIR STYLE?

21 A. YES, THAT PART'S CERTAINLY COMMON SENSE, YES.

22 Q. OKAY. ARE THERE ALSO SITUATIONAL FACTORS
23 INVOLVED?

24 A. YES, THERE ARE. SO, THE, AGAIN, TO TALK ABOUT
25 VISION HERE, THE LIGHTING CONDITIONS, THE

DIRECT - DR. THOMAS R. ALLEY BY MS. HINDS

423

1 DURATION OF OBSERVATION IS CRITICAL, AND THEN
2 IT'S ALSO CRITICAL NOT JUST THAT THINGS BE THERE
3 AND BE QUITE VISIBLE, BUT YOU NEED TO ATTEND TO
4 THEM SO PEOPLE WILL BE REALLY COMPLETELY UNAWARE
5 EVEN OF SIGNIFICANT THINGS GOING ON IN FRONT OF
6 THEM IF THEY DON'T ATTEND TO THEM. SO, ANYTHING
7 IN THE SITUATION THAT TENDS TO DRAW YOUR
8 ATTENTION WILL HELP IN GENERAL WITH MEMORY AND IF
9 IT IS NOT THE FOCUS OF YOUR ATTENTION YOU'LL BE
10 MUCH LESS LIKELY TO REMEMBER DETAILS OR EVEN MAIN
11 FEATURES OF IT.

12 Q. OKAY. IS THERE SOMETHING CALLED WEAPON FOCUS,
13 FOR INSTANCE?

14 A. YES. A GOOD EXAMPLE OF A SITUATIONAL FACTOR THAT
15 WE BELIEVE WORKS PRIMARILY BY AFFECTING
16 ATTENTION, SO AGAINST SORT OF COMMON SENSE, IF
17 THERE'S A WEAPON PRESENT OR A GUN OR A KNIFE
18 THAT, ON A COUNTER THAT WILL TEND TO ATTRACT YOUR
19 ATTENTION, YOU'LL TEND TO LOOK AT THAT, SEE,
20 WHERE IS THE GUN POINTED? IS IT POINTED AT ME?
21 DOES IT SEEM TO BE PRESSURE ON THE TRIGGER?
22 WHAT'S THAT PERSON DOING WITH THAT GUN? THE
23 WHOLE TIME YOU'RE DOING THAT YOU ARE NOT
24 ATTENDING TO THINGS THAT WOULD LATER HELP YOU
25 IDENTIFY THE PERSON. SO, IF YOU'RE LOOKING AT

1 THE GUN YOU'RE NOT ATTENDING TO THE CLOTHING,
2 YOU'RE NOT ATTENDING TO FACIAL APPEARANCE. SO,
3 WHEN WE LOOK AT RESEARCH ON CASES WHERE THERE IS
4 OR IS NOT A WEAPON PRESENT YOU CAN SEE A CLEAR
5 IMPACT OF HAVING A WEAPON PRESENT IN THAT IT
6 MAKES IT MORE DIFFICULT FOR PEOPLE TO MAKE A
7 CORRECT IDENTIFICATION LATER ON.

8 Q. OKAY. ALRIGHT, SO ONCE YOU'VE ACQUIRED THE
9 MEMORY OR WHAT WE'RE TALKING ABOUT, HOW IS MEMORY
10 AFFECTED DURING THE RETENTION PHASE?

11 A. WELL, THE MOST OBVIOUS, AND ONE VERY IMPORTANT
12 FACTOR IS HOW MUCH TIME PASSES. SO, THE MORE
13 TIME THAT PASSES, ALMOST ALWAYS THE WORST YOUR
14 MEMORY GETS. BUT ALSO OTHER THINGS CAN HAPPEN
15 HERE AS WELL. SO, YOU COULD GET SUGGESTIONS, FOR
16 INSTANCE, OF INFORMATION, OR YOU COULD FIND OUT
17 MORE ABOUT AN EVENT THAT YOU'VE OBSERVED AND
18 INCORPORATE THAT INTO YOUR MEMORY. I DON'T MEAN
19 HERE, YOU KNOW, THAT YOU ADD ON, YOU HAVE YOUR
20 MEMORY OF THE EVENT, AND YOU NOW KNOW SOMETHING
21 MORE ABOUT IT, LIKE, A FRIEND OF YOURS WAS ALSO
22 PRESENT EVEN THOUGH YOU DIDN'T NOTICE THEM THERE.
23 BUT THE WORRISOME PART IS THAT THIS CAN ACTUALLY
24 BECOME PART OF YOUR MEMORY, SO YOU'LL NOW IN
25 REMEMBERING YOUR EVENT THINK THAT YOU REMEMBERED

DIRECT - DR. THOMAS R. ALLEY BY MS. HINDS

425

1 SEEING YOUR FRIEND AT THE SAME EVENT.

2 Q. OKAY. AND HOW CAN MEMORY BE AFFECTED DURING THE
3 RETRIEVAL PHASE, WHEN YOU'RE TRYING TO ACTUALLY
4 RETRIEVE THAT MEMORY?

5 A. WELL, LET ME GIVE YOU A GOOD EXAMPLE OF RETRIEVAL
6 PROBLEM THAT WE PROBABLY ALL HAVE. SAY, YOU MEET
7 SOMEBODY YOU HAVEN'T SEEN FOR A WHILE AND AT
8 LEAST FOR A MOMENT YOU CAN'T THINK OF THEIR NAME.
9 IT COULD BE A MEMORY PROBLEM IF YOU NEVER
10 REMEMBER THEIR NAME, BUT IF A FEW SECONDS LATER
11 OR MAYBE LATER THAT DAY YOU REMEMBER THEIR NAME,
12 YOU SEE THAT THE PROBLEM WAS REALLY NOT THAT YOU
13 DIDN'T KNOW THE INFORMATION, NOT THAT YOU DIDN'T
14 HOLD ON TO IT, BUT THAT YOU COULDN'T GET IT AT
15 THE TIME. SO, WHAT CAN HELP OR HURT THAT, ONE OF
16 THE THINGS THAT HELPS IS IF YOU'RE IN THE SAME
17 SITUATION, SAME CONTEXT, SO IF YOU HAPPEN TO MEET
18 THIS PERSON IN THE SAME SITUATION, SAME TIME OF
19 DAY AND SO ON, YOU'RE MORE LIKELY TO REMEMBER
20 THEIR NAME THAN IF IT'S AT SOME DIFFERENT
21 LOCATION. ALSO, THE WAY IN WHICH, WE'RE TALKING
22 ABOUT EYE WITNESSES, THE WAY IN WHICH THEY'RE
23 TESTED CAN HAVE AN IMPACT ON WHETHER OR NOT
24 THERE'S GOING TO BE RETRIEVAL ERRORS OR PROBLEMS
25 OR NOT.

1 Q. OKAY. ARE THERE ANY STUDIES OF PERSON
2 RECOGNITION AND EYE WITNESS TESTIMONY?

3 A. THERE ARE HUNDREDS, AND AT THIS POINT MAYBE MORE
4 THAN A COUPLE OF THOUSAND OF THEM, CERTAINLY,
5 MORE THAN A THOUSAND.

6 Q. OKAY. COULD YOU DESCRIBE TO THE JURY THE TYPICAL
7 RESEARCH DESIGN OR THE METHOD STEPS THAT ARE USED
8 TO STUDY THAT?

9 A. MANY, MANY DIFFERENT DESIGNS, SO MANY STUDIES
10 THAT ARE DONE IN LOTS OF DIFFERENT WAYS, BUT THEY
11 SORT OF TAKE THREE DIFFERENT, FALL INTO THREE
12 DIFFERENT CATEGORIES. THERE'S NICE LABORATORY
13 STUDIES, SO I'LL GIVE YOU AN EXAMPLE FROM MY LAB.
14 I CREATED VIDEO TAPES IN WHICH A PERSON IS IN A
15 ROOM WITH A BUNCH OF ELECTRONIC EQUIPMENT AND
16 THEY'RE SORT OF POKING AROUND A LITTLE, AND THEN
17 THEY PICK UP AN ITEM AND SNEAK OFF WITH IT, SO
18 IT'S SUPPOSED TO LOOK SOMETHING LIKE A THEFT, AND
19 THAT'S PRETTY MUCH WHY WE'RE TREATING IT. SO, WE
20 THEN SHOW THAT VIDEO TAPE TO GROUPS OF PEOPLE
21 LATER ON. THE NICE THING ABOUT THAT IS, THEY ALL
22 SEE EXACTLY THE SAME THING. SO, NOW WHEN WE TEST
23 SOME OF THEM, FOR INSTANCE, BY SHOWING THEM
24 PICTURES OF PEOPLE ONE AT A TIME VERSUS SOME
25 OTHER PEOPLE SHOWING THEM A PHOTO LINEUP IN WHICH

DIRECT - DR. THOMAS R. ALLEY BY MS. HINDS

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1 THERE'S MAYBE SIX PHOTOS SHOWN AT THE SAME TIME,
2 WE CAN MAKE GOOD CONCLUSIONS ABOUT WHETHER ONE
3 TYPE OF WAY OF SHOWING THE FACES IS BETTER OR
4 WORSE THAN THE OTHER BECAUSE WE'VE GOT EVERYTHING
5 CONTROLLED. TO GET CLOSER TO WHAT HAPPENS IN THE
6 REAL WORLD PERHAPS, THOUGH, PEOPLE DO FIELD
7 STUDIES AS WELL. SO, A GOOD EXAMPLE OF A FIELD
8 STUDY, PEOPLE WERE SENT INTO -- ONE PERSON EACH
9 INTO EIGHTY-FIVE DIFFERENT CONVENIENCE STORES.
10 SO, THEY'RE IN THERE AND THEY ACT IN A WAY
11 INCLUDING PURCHASING AN ITEM SUCH THAT THE CLERK
12 IN THE CONVENIENCE STORY HAS A, YOU KNOW, GOOD
13 CHANCE TO RECOGNIZE THEM LATER ON. SO, THEN, TO
14 THEIR SURPRISE, EITHER TWO HOURS OR TWENTY-FOUR
15 HOURS LATER SOMEBODY, A RESEARCHER IS SENT IN,
16 THEY'VE GOT A PHOTO LINEUP THAT EITHER DOES OR
17 DOESN'T HAVE THIS PERSON IN IT, THEY SHOW IT TO
18 THE CONVENIENCE STORY CLERKS AND SEE IF THEY CAN
19 IDENTIFY PERSON. SO, IN THAT PARTICULAR STUDY
20 THEY WERE, FOR INSTANCE, ABLE TO SHOW THAT THE
21 CLERKS WERE MUCH BETTER IF THEY CAME IN TWO HOURS
22 LATER THAN IF THEY CAME IN TWENTY-FOUR HOURS
23 LATER. WE ALSO HAVE SOME ANALYSIS OF ACTUAL
24 CRIMINAL CASES. HERE PROBABLY THE MOST STRIKING
25 THING PERTAINING TO EYE WITNESS TESTIMONY IS IN

1 CASES WHERE WE'VE HAD WRONGFUL CONVICTIONS.
2 HOPEFULLY, THESE ARE NOT THINGS THAT HAPPEN VERY
3 OFTEN, BUT THEY CERTAINLY HAPPEN OFTEN ENOUGH
4 THAT WE HAVE SIZEABLE NUMBERS. SO, THERE'S NOW,
5 FOR INSTANCE, WELL OVER TWO HUNDRED, PROBABLY
6 GOING ON OR MAYBE EVEN THREE HUNDRED CASES IN THE
7 U. S. WHERE PEOPLE HAVE BEEN CONVICTED AND THEN
8 EXONERATED DUE TO SOME DNA TESTING. SO, AS
9 PSYCHOLOGISTS INTERESTED IN THE LAW YOU WANT TO
10 GO IN AND SAY -- CRIMINOLOGIST, YOU MAY WANT TO
11 GO IN AND SAY, WHAT WENT WRONG, HOW DID THIS
12 PERSON GET CONVICTED? WELL, MOST OF THOSE CASES
13 THERE IS EYE WITNESS TESTIMONY INVOLVED, AND IN
14 FACT, IN ROUGHLY HALF OF THEM EYE WITNESS
15 TESTIMONY SEEMS TO BE THE PRIMARY, OR IN SOME OF
16 THEM THE ONLY PIECE OF EVIDENCE.

17 Q. WHAT GENERAL CONCLUSIONS DO SCIENTISTS REACH ON
18 THE BASIS OF THE RESEARCH THAT YOU'VE BEEN
19 TALKING ABOUT?

20 A. WELL, ONE OF THEM IS THAT EYE WITNESS MEMORY,
21 UNFORTUNATELY, IS NOT AS GOOD, AND NOT AS
22 RELIABLE AS SORT OF WE WISH IT WOULD BE,
23 PARTICULARLY WHEN IT GETS USED FOR THINGS LIKE
24 TRIALS. ALSO, SOME OF THE THINGS YOU MIGHT WANT
25 TO USE TO HELP GUIDE YOU WITH EYE WITNESSES DON'T

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1 WORK THAT WELL. SO, FOR INSTANCE, THE CONFIDENCE
2 OF A WITNESS IS NOT A TERRIFICALLY GOOD GUIDE TO
3 HOW ACCURATE THEY ARE. SO IT'S QUITE POSSIBLE TO
4 HAVE A WITNESS WHO IS VERY CONFIDENT WHO IS
5 MISTAKEN. IT'S ALSO QUITE POSSIBLE TO HAVE A
6 WITNESS WHO SEEMS VERY UNSURE OF THEMSELVES WHO
7 IS QUITE ACCURATE. THE AMOUNT OF DETAIL THAT THE
8 WITNESS REPORTS LIKewise IS NOT A VERY GOOD
9 GUIDE.

10 Q. OKAY. SO, THAT'S, IT KIND OF GOES AGAINST WHAT
11 LAY PERSONS MIGHT THINK, IS THAT CORRECT?

12 A. YES.

13 Q. AND I THINK MOST, I BELIEVE MOST PEOPLE -- WELL,
14 SO IN OTHER WORDS, IF SOMEBODY CLAIMING, OR
15 THINKING THAT THEY'RE A HUNDRED PER CENT
16 CONFIDENT ABOUT SOMETHING, THEY MAY OR MAY NOT BE
17 ACTUALLY CORRECT IN THEIR MEMORY?

18 A. YES, THEY COULD HAVE BEEN MISTAKEN. LET ME
19 CLARIFY THAT. THERE IS WHAT'S IN STATISTICAL
20 TERMS KNOWN AS A POSITIVE CORRELATION HERE, JUST
21 MEANING THAT IF YOU'RE MORE CONFIDENT YOU ARE
22 SOMEWHAT MORE LIKELY TO BE MORE ACCURATE. BUT
23 IT'S NOT REAL HIGH, SO YOU CAN'T NECESSARILY
24 COMPARE ANY TWO PEOPLE, ONE OF WHOM IS CONFIDENT
25 AND ONE OF WHOM IS NOT, AND SAY, I'M GOING TO GO

1 WITH THE CONFIDENT PERSON, AND PICK THE RIGHT
2 PERSON, PICK THE PERSON WHO'S GOT THE MORE
3 ACCURATE MEMORY.

4 Q. OKAY. ALRIGHT, SO YOU'RE SAYING THAT DETAILS
5 DOESN'T NECESSARILY GUARANTEE ACCURACY?

6 A. NO. AND THERE'S GOOD REASONS FOR THAT. WHEN
7 YOU'RE ASKED ABOUT YOUR MEMORY OF SOMETHING
8 THAT'S NOT CRYSTAL CLEAR TO YOU, YOU KNOW, WE ALL
9 DIFFER IN HOW COMFORTABLE WE ARE, YOU KNOW,
10 REPORTING THINGS THAT WE'RE SOMEWHAT SURE OF, OR
11 ONLY THINGS THAT WE'RE REAL SURE OF, OR SOME
12 THINGS THAT WE'RE A LITTLE BIT SURE OF. SO,
13 THESE ARE VARIATIONS THERE, AND THAT'S PART OF
14 THE REASON WHY YOU SEE SOME REPORTING MORE DETAIL
15 AND YET BEING LESS ACCURATE THAN SOMEBODY'S WHO'S
16 UNABLE, SEEMS UNABLE TO REPORT MANY DETAILS.

17 Q. WHAT ABOUT THE RELATIONSHIP TO STRESS, DOES THAT
18 HELP MEMORY?

19 A. NO. THERE'S GOOD EVIDENCE REALLY, AND PRETTY
20 CONSISTENT EVIDENCE, OR VERY CONSISTENT EVIDENCE
21 THAT STRESS LEVELS AS THEY GO UP TEND TO DECREASE
22 THE DETAIL, CORRECT DETAIL AND ACCURACY OF
23 MEMORY. I SHOULD SAY THOUGH, OF COURSE, A LOT OF
24 TIMES THE STRESS LEVELS WE SEE IN CRIMINAL CASES
25 LIKE, FOR INSTANCE, IF SOMEBODY HAS THEIR LIFE

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1 THREATENED WITH A GUN OR A KNIFE IS NOT SOMETHING
2 THAT WE REPLICATE IN A LABORATORY. RIGHT? SO, IT
3 WOULD BE UNETHICAL FOR ME TO, YOU KNOW, BRING
4 SOME PEOPLE IN AND TEST THEIR MEMORY AFTER, YOU
5 KNOW, THEY THINK MAYBE SOMEBODY IS GOING TO SHOOT
6 THEM. SO, THE STRESS LEVELS THAT WE'VE LOOKED AT
7 ARE NOT QUITE THAT LEVEL, BUT STILL THERE'S A
8 CONSISTENT PATTERN, AS STRESS GOES UP IN PEOPLE
9 SO FAR AS IT'S BEEN PUSHED, THEIR MEMORY TENDS TO
10 BE WORSE.

11 Q. OKAY. DO MEMORIES GET BETTER OVER TIME?

12 A. GENERALLY SPEAKING, MEMORIES GET WORSE OVER TIME.
13 IT IS POSSIBLE TO FORGET SOMETHING ON ONE
14 OCCASION AND BE ABLE TO RECALL IT LATER ON, ONE
15 SPECIFIC THING, BUT THE TOTAL BODY OF KNOWLEDGE,
16 THE CORRECT BODY OF KNOWLEDGE THAT YOU ACTUALLY
17 REMEMBER SOMETHING PRETTY CONSISTENTLY DECLINES
18 OVER TIME, PARTICULARLY IN THE TIME SHORTLY AFTER
19 AN EXPERIENCE, THAT'S WHEN YOU SEE THE GREATEST
20 MEMORY LOSS.

21 Q. REALLY? NOT AFTER?

22 A. YEAH. SO, IF YOU LOOK AT MEMORY FOR, SAY, A LONG
23 LIST OF WORDS OR SOMETHING YOU WILL QUICKLY
24 FORGET A BUNCH OF THOSE WORDS AND REMEMBER SOME,
25 SAY, AFTER GOING ONE MINUTE. IF WE LET ANOTHER

1 FIVE MINUTES GO BY, RIGHT, FIVE TIMES AS LONG, WE
2 WON'T SEE FIVE TIMES AS MUCH FORGOTTEN, WE'LL SEE
3 ACTUALLY JUST PROBABLY A FEW MORE WORDS. AND IF
4 WE GO FIVE MORE DAYS, AGAIN, SOME MORE GETS
5 FORGETTING BUT AGAIN, YOU TEND TO DROP OFF. SO,
6 THE WORSE PERIOD OF TIME FOR MEMORY LOSS IS SOON
7 AFTER, IMMEDIATELY AFTER REALLY SOMETHING IS
8 EXPERIENCED.

9 Q. OKAY. ARE THERE FACTORS THAT CAN IMPROVE THE
10 RELIABILITY OF EYE WITNESS IDENTIFICATION?

11 A. YES, THERE'S A LONG LIST. SO ...

12 Q. CAN YOU TELL US SOME OF THEM.

13 A. YES, WE CAN START AT THE BEGINNING, RIGHT, SO
14 WE'VE GOT TO TAKE IN THE INFORMATION. SO, IF WE
15 HAVE A WITNESS WHO IS UNIMPAIRED, WHO IS
16 ATTENTIVE TO THE RIGHT THINGS, THE THINGS THAT
17 HE'S GOING TO BE ASKED TO REPORT ON LATER, WHO
18 HAS A GOOD OPPORTUNITY TO OBSERVE, WHICH MEANS,
19 OF COURSE, THE GOOD CONDITIONS IN WHICH TO
20 OBSERVE, BUT ALSO A GOOD LENGTH OF TIME. SO,
21 CERTAINLY, YOU KNOW, TEN OR FIFTEEN SECONDS AT
22 MINIMUM WE WOULD LIKE TO SEE. AND THEN, THE
23 RETENTION INTERVAL, THE SHORTER THAT IS THE
24 BETTER. SO, IF IT WERE POSSIBLE, LIKE IF YOU
25 COULD FLASH A PHOTO LINEUP IN FRONT OF THEM, FIVE

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1 SECONDS LATER, I MEAN, THAT'S NOT GOING TO BE
2 POSSIBLE, BUT I MEAN, IF YOU COULD DO THAT, THAT
3 WOULD BE YOUR BEST TIME TO DO THAT. ALSO, DURING
4 THE RETENTION INTERVAL IF YOU CAN KEEP THEM FROM
5 GETTING THEM EXPOSED TO INFORMATION OR
6 SUGGESTIONS THAT MIGHT ALTER THEIR MEMORY. AND
7 THEN, FINALLY, GOOD TESTING PROCEDURES.

8 Q. WHAT ABOUT FAMILIARI - I CAN'T SAY THAT WORD,
9 WHAT ABOUT BEING FAMILIAR WITH THE PERSON?

10 A. THAT MAKES A KEY DIFFERENCE. AND I THINK THAT'S
11 ONE OF THE REASONS THAT THERE'S SORT OF A MIS-
12 MATCH, WE KNOW, BETWEEN HOW GOOD PEOPLE ARE AT
13 MAKING IDENTIFICATIONS OR RECOGNIZING FACES, AND
14 HOW GOOD THEY THINK THEY ARE. SO, ALL OF US GO
15 THROUGH PRETTY MUCH MOST DAYS IN WHICH WE
16 RECOGNIZE SOME OTHER PEOPLE WITH GREAT EASE AND
17 IMMEDIATELY. RIGHT? SO, FAMILY MEMBERS, PEOPLE
18 WE WORK WITH, AND SO ON, THERE'S JUST NO PROBLEMS
19 THERE, I MEAN, WE'RE REALLY GOOD AT THAT, WE TAKE
20 IT FOR GRANTED. BUT THAT'S SOMETHING THAT COMES
21 ONLY AFTER LOTS OF REPEATED EXPOSURE, LOTS OF
22 TIMES OF SEEING THESE PEOPLE, LOTS OF TIME SPENT
23 WITH THEM IN MANY CASES. STRANGERS OR UNFAMILIAR
24 PEOPLE ARE VERY DIFFERENCE AND CAN BE VERY
25 DIFFICULT TO RECALL EVEN IMMEDIATELY AFTER SEEING

1 THEM. SO, THERE'S A REAL CONTRAST THERE BETWEEN
2 RECOGNIZING FAMILIAR PERSONS, TYPICALLY HIGHLY
3 FAMILIAR PERSONS, AND AN UNFAMILIAR ONE.

4 Q. I'VE NOTICED THE TERM COMING UP ABOUT
5 CONTAMINATION. CAN YOU TALK A LITTLE BIT ABOUT
6 THAT?

7 A. YEAH. SO, WHAT WE WANT TO GET AT IS, SAY, AN EYE
8 WITNESS'S ACTUAL ORIGINAL LINGERING MEMORY FOR AN
9 EVENT OR FOR A PERSON. IT IDEALLY WOULD BE THE
10 CASE THAT THEY PRETTY MUCH HAVE NO INTERACTIONS
11 WITH ANYONE UNTIL THE TIME IN WHICH THEIR MEMORY
12 IS TESTED, BECAUSE IN THOSE INTERACTIONS IT'S
13 QUITE POSSIBLE THAT THEIR MEMORY WILL BE
14 INFLUENCED BY THINGS THAT PEOPLE SAY, EVEN QUITE
15 INNOCENTLY OR TRYING TO BE HELPFUL. SO, ONE WAY
16 WHICH YOU COULD CONTAMINATE MEMORY PRETTY EASILY
17 IS TO PROVIDE MAYBE INADVERTENTLY HINTS ABOUT
18 INFORMATION, WHETHER IT BE CORRECT OR NOT. SO,
19 IF YOU'RE QUESTIONING A WITNESS AND YOU ASK A
20 QUESTION LIKE, WHAT TYPE OF SHIRT DID THE PERSON
21 HAVE ON? THAT DOES SUGGEST THE PERSON HAS A
22 SHIRT, BUT THAT'S PROBABLY OKAY. BUT IT'S
23 DIFFERENT SORT OF QUESTION THAN ASKING A QUESTION
24 LIE, DID THEY HAVE A PURPLE SHIRT ON? I MEAN,
25 WHY WOULD THE PERSON BE ASKING THE QUESTION ABOUT

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1 PURPLE? SO, IT SORT OF IMPLIES TO THE PERSON
2 THAT, YOU KNOW, THERE'S REASON TO THINK THAT
3 MAYBE'S THERE'S A PURPLE SHIRT, OR SOMEBODY KNOWS
4 THERE'S A PURPLE SHIRT, AND THAT WE KNOW CAN
5 ACTUALLY AFFECT THEIR MEMORY. SO, THEIR MEMORY
6 CAN BE CONTAMINATED IN THE SENSE THAT THE PERSON
7 THINKS THAT MORE LIKELY, OR IN FACT MAY COME TO
8 BELIEVE THAT THEY ACTUALLY SAW A PURPLE SHIRT,
9 WHEN BEFOREHAND MAYBE THE UNCONTAMINATED MEMORY
10 WAS JUST THAT THEY HAD A SHIRT ON, IT WAS SOLID
11 COLORED AND IT WASN'T LIGHT OR SOMETHING. SO, IT
12 MAY FIT WITH THEIR PRETTY VAGUE MEMORY BUT NOW
13 BE, NOW ALLOW THEM TO HAVE A MORE DETAILED,
14 PERHAPS INACCURATE THOUGH, MEMORY THAN THE
15 ORIGINAL.

16 Q. OKAY. WHAT CAN YOU TELL US ABOUT POST ADVANCED
17 INFORMATION?

18 A. WELL, THAT'S REALLY AN EXAMPLE, POST ADVANCED
19 INFORMATION RIGHT THERE. SO THE INFORMATION,
20 WELL, IN ASKING THE QUESTION THEY WEREN'T
21 NECESSARILY TRYING TO PROVIDE INFORMATION TO THE
22 PERSON, BUT BASICALLY YOU DID IMPLY THAT THE
23 SHIRT MAY HAVE BEEN ONE PARTICULAR COLOR OR
24 ANOTHER. SO LIKEWISE, AN EXAMPLE I USE IN THE
25 CLASSROOM OFTEN, SOME VIDEO TAPE OF WHAT WASN'T

1 ORIGINALLY A REAL EVENT TO A LAW SCHOOL CLASS,
2 AND IRONICALLY THEY'RE GETTING A LECTURE ON EYE
3 WITNESS TESTIMONY AND EARLY ON DURING THIS
4 LECTURE A GUY COMES INTO THE BACK OF THE CLASS,
5 WALKS UP THROUGH THE CLASS, GRABS A WOMAN'S PURSE
6 AND GOES OUT THE DOOR. WELL, EVERYBODY EXCEPT
7 THE SECURITY GUARD WHO HAPPENED TO HAVE THE DOOR
8 TO KEEP ANYBODY FROM GOING AFTER THIS GUY AND
9 SMACKING HIM, EVERYBODY AFFIXED THE REAL CRIME
10 AND COULD HAVE THEIR MEMORY TESTED, BUT BEFORE
11 ANYTHING ELSE HAPPENS THE INSTRUCTOR SAYS, WELL,
12 HOLD ON, EVERYBODY SIT DOWN. I DIDN'T GET A GOOD
13 LOOK AT THE PERSON. I NOTICED HE WAS WEARING A
14 COAT AND HAD A BEARD I THINK. AND THEN PROCEED
15 TO ASK PEOPLE IN THE CLASS. WELL, MANY OF THE
16 PEOPLE IN THE CLASS SUBSEQUENTLY THEN REPORT THAT
17 THEY REMEMBER THIS GUY HAD A BEARD. THE GUY DID
18 NOT HAVE A BEARD. SO, JUST BY ONE PERSON IN THIS
19 CASE, SORT OF ANOTHER WITNESS MIS-REPORTING SOME
20 IDENTIFICATION WE SEE THIS INFORMATION
21 CONTAMINATE THE OTHER, SOME OF THE OTHER
22 WITNESSES' MEMORIES. SO NOT EVERYBODY JUMPS ON
23 THAT BUT SOME OF THE PEOPLE WILL THINK HE HAD A
24 BEARD.

25 Q. SO, THE WITNESSES MIGHT NOT BE AWARE OF THAT

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1 CONTAMINATION?

2 A. OH, NO, THE WITNESSES JUST GENERALLY ARE NOT AT
3 ALL AWARE OF THAT. SO, IT'S NOT THE CASE, AT
4 LEAST, FOR THE VAST MAJORITY OF THESE PEOPLE,
5 THAT THEY'RE JUST REPEATING WHAT THE INSTRUCTOR
6 SAID, AND IT'S LIKE, I REALLY DON'T REMEMBER A
7 BEARD BUT I'M GOING TO SAY THAT BECAUSE SHE DID.
8 INSTEAD THEY DO THIS IN EFFECT, AND EVENTUALLY
9 PRESENT A LINEUP, AN ACTUALLY SET OF FIVE OR SIX
10 PEOPLE WALK INTO THE CLASSROOM AND THEY GET TO
11 PICK, AND MOST OF THESE PEOPLE ARE PICKING
12 SOMEBODY WHO HAD A BEARD.

13 Q. HAVE PSYCHOLOGISTS STUDIED VARIOUS LINEUP
14 PROCEDURES TO TRY TO GAUGE HOW EFFECTIVE THEY
15 ARE?

16 A. YEAH, IT'S BEEN QUITE A BIT OF WORK DONE THERE
17 LOOK, FOR INSTANCE, OF WHETHER A SHELL UP, WHICH
18 IS WHERE YOU JUST BRING ONE PERSON. SO THIS
19 SOMETIMES HAPPENS, LIKE IF SOMEONE'S BEEN MUGGED,
20 IT HAPPENS TO BE A POLICEMAN DOWN THE STREET,
21 THEY GRAB THE GUY RIGHT THEN AND BRING HIM RIGHT
22 BACK. HOPEFULLY IN THAT CASE NOTHING'S GOING TO
23 GO WRONG, BUT IF WE LOOK AT ONE PERSON VERSUS
24 SEVERAL PEOPLE, YOU KNOW, ARE MISTAKES MORE OR
25 LESS LIKELY TO BE MADE? AND THE ANSWER IS, YEAH,

1 YOU KNOW, IT'S BETTER TO HAVE SEVERAL PEOPLE
2 PRESENTED.

3 Q. RATHER THAN ONE?

4 A. YES. AND THEN THERE'S LOTS MORE RESEARCH ON
5 THAT, HOW TO PICK PEOPLE TO GO INTO THE LINEUP
6 AND SHOULD YOU HAVE LIVE PEOPLE OR PHOTOS, AND
7 ALL SORTS OF RESEARCH.

8 Q. AND SHOULD THE PERSON WHO'S ACTUALLY JUST SHOWING
9 THE LINEUP, SHOULD THEY BE ACTING IN A CERTAIN
10 WAY WHEN THEY'RE PRESENTING THAT LINEUP?

11 A. THEY SHOULD BE NEUTRAL. IT'S PREFERRED THAT THE
12 PERSON SHOWING THE LINEUP NOT KNOW WHO THE
13 SUSPECT IS. EVEN THOUGH THEY MAY BE INTENDING TO
14 NOT HAVE ANY INFLUENCE WHATSOEVER ON THE PERSON
15 MAKING THE SELECTION, WE KNOW FROM LAB RESEARCH
16 THAT IT'S QUITE POSSIBLE FOR THEM TO
17 INADVERTENTLY INCREASE THE ODDS OF ONE PHOTOGRAPH
18 OR ANOTHER BEING SELECTED. I SHOULD -- BY YOUR
19 PAUSE -- ANOTHER IMPORTANT THING THERE IS, WHEN A
20 LINEUP IS SHOWN, REALLY IT'S A TEST, RIGHT, TO
21 SEE IF THE WITNESS CAN IDENTIFY THE CORRECT
22 PERSON, IF THEY'RE IN THE LINEUP AND ONLY IF
23 THEY'RE IN THE LINEUP. AND SO, THE PERSON, OF
24 COURSE, MIGHT NOT BE IN THE LINEUP NECESSARILY.
25 SO, IT'S IMPORTANT THAT THEY TRY TO INSTILL IN

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1 WHOEVER'S POTENTIALLY MAKING THE IDENTIFICATION
2 THAT THEY DO NOT KNOW IF THEY HAVE THE RIGHT
3 PERSON AND THAT THE PERSON WHO COMMITTED THE
4 CRIME, THE TARGET IF YOU LIKE, MAY OR MAY NOT BE
5 IN THE LINEUP.

6 Q. IN OTHER WORDS, THEY DON'T HAVE TO PICK SOMEBODY
7 OUT?

8 A. CORRECT.

9 Q. IF AN EYE WITNESS GIVES INACCURATE TESTIMONY DOES
10 THIS MEAN THAT THEY ARE INTENTIONALLY LYING?

11 A. NO. AND I THINK THE BELIEF OF MOST PEOPLE,
12 PROBABLY MAYBE EVERYBODY PRETTY MUCH WORKING ON
13 EYE WITNESS'S TESTIMONY, PARTICULAR WORRIED ABOUT
14 SOME OF THE PROBLEMS HERE IS THAT THE INTENTIONS
15 OF THE EYE WITNESS IS NOT A PROBLEM. THE EYE
16 WITNESS IS USUALLY TRYING TO BE HELPFUL, TRYING
17 TO DO THE RIGHT THING, TRYING TO SEE THAT THE
18 RIGHT PERSON, THE ACTUAL PERPETRATOR IS THE ONE
19 THAT WOULD BE PICKED, CHOSEN.

20 Q. IF AN EYE WITNESS ISN'T LYING AND IS CONFIDENT OF
21 WHAT THEY'RE SAYING, IS THERE STILL A SIGNIFICANT
22 CHANCE THAT HE OR SHE CAN BE MISTAKEN?

23 A. WELL, LET ME LEAVE THE WORD, SIGNIFICANT, OUT FOR
24 A MOMENT AND SAY, YES, IT'S QUITE POSSIBLE. WE
25 KNOW FOR A HIGHLY CONFIDENT WITNESS TRYING THEIR

1 BEST, HIGHLY MOTIVATED TO, TO SEE SOMEBODY
2 PUNISHED, TO PICK THE WRONG PERSON. WE KNOW THAT
3 FROM THE DNA CASES, FOR INSTANCES, WHERE SOME OF
4 THOSE FOLKS WERE CONVICTED ON THE BASIS OF A
5 PERSON WHO WAS THE VICTIM OF A VIOLENT RAPE OR
6 OTHER VIOLENT CRIME AND WOULD REALLY LIKE TO SEE
7 WHOEVER DID THAT SUFFER AND GET PUT IN JAIL
8 FOREVER, AND YET TO MAKE MISTAKES. NOW, WHETHER
9 IT'S, YOU KNOW, IS IT A SIGNIFICANT LIKELIHOOD?
10 WHAT I'D LIKE TO SAY THERE, IN FACT, WHAT I'M
11 HOPING YOU'RE TAKING FROM THIS IS, THE LIKELIHOOD
12 OF THEM MAKING AN ERROR DEPENDS ON REALLY A LARGE
13 NUMBER OF FACTORS WHICH YOU NEED TO THINK ABOUT.
14 SO, WHAT KIND OF CHANCE DID THE WITNESS HAVE TO
15 GET THE INFORMATION IN THE FIRST PLACE? WHAT
16 KIND OF HAZARDS OR PROBLEMS MIGHT THERE BE DURING
17 THE RETENTION INTERVAL, FOR INSTANCE, IF IT WAS
18 VERY LONG OF IF THERE WAS LOTS OF CONVERSATIONS
19 ABOUT THE CRIME BEFORE ANYBODY TOOK A STATEMENT,
20 AND HOW WERE THEY TESTED.

21 Q. SO, IT'S DEFINITELY A POSSIBILITY?

22 A. IT'S -- YES, IT'S POSSIBLE THEY EYE WITNESS CAN
23 BE MISTAKEN, YES.

24 Q. OKAY. IS THERE ANYTHING ELSE YOU'D LIKE TO ADD?

25 A. NOT AT THIS TIME THAT I'M THINKING OF.

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1 MS. HINDS: THEN, I AM DONE, AND PLEASE
2 ANSWER ANY QUESTIONS THAT MR. SORENSON HAS.

3 A. OKAY.

4 THE COURT: ALRIGHT, MR. SORENSON.

5 SOLICITOR SORENSON: THANK YOU, YOUR HONOR.

6 (NOTE: Blank lines on this page do not indicate any
7 part of record has been omitted. Headers on testimony
8 pages and hard page breaks between testimony are now
9 required by the Court. See next ensuing page for
10 sequential continuation of record.)

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CROSS-EXAMINATION OF DR. THOMAS R. ALLEY

BY SOLICITOR SORENSON:

Q. GOOD AFTERNOON, DR. ALLEY.

A. GOOD AFTERNOON.

Q. YOU'RE FROM UP IN, I GUESS THE GREENVILLE AREA?

A. YEAH, THE CLEMSON AREA.

Q. THE CLEMSON AREA. AND YOU'VE BEEN RETAINED IN
THIS CASE BY THE DEFENSE, IS THAT CORRECT?

A. THAT'S CORRECT.

Q. AND WHEN DID THAT OCCUR?

A. WELL, THEY CONTACTED ME ABOUT TWO OR THREE WEEKS
AGO I WOULD SAY.

Q. AND OBVIOUSLY, YOU'RE BEING COMPENSATED FOR YOUR
TIME HERE TODAY, IS THAT CORRECT?

A. YES.

Q. HOW MUCH, WHAT IS YOUR FEE TO COME TESTIFY HERE?

A. MY FEE IS ONE EIGHTY AN HOUR, ALTHOUGH IT'S NOT
FOR TESTIMONY, I JUST, I CHARGE FOR TIME, SO
WHETHER I TESTIFY OR JUST ADVISE.

Q. OKAY. YOU'VE GOT A HUNDRED AND EIGHTY DOLLARS AN
HOUR, AND YOU WERE HERE YESTERDAY FOR A FEW
HOURS, IS THAT CORRECT?

A. YES.

Q. AND OBVIOUSLY A COUPLE HOURS, A FEW HOURS TODAY,
AND I ASSUME THAT YOU HAVE TALKED WITH THE

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1 DEFENSE AT SOME POINT IN TIME PRIOR TO YESTERDAY,
2 IS THAT CORRECT?

3 A. YES.

4 Q. OKAY. NOW, YOU TESTIFIED THAT YOU -- AND REALLY,
5 DO YOU KNOW HOW MUCH YOUR OVERALL FEE IS GOING TO
6 BE THEN - - -

7 A. NO.

8 Q. --- BASED ON IF YOU GET OUT OF HERE AT FIVE
9 O'CLOCK OR SO TODAY?

10 A. NO. I HAVEN'T DONE ANYTHING WITH THAT.

11 Q. ALRIGHT. HOW MANY HOURS DO YOU THINK YOU'RE
12 GOING TO TOTALLY SPEND?

13 A. I'D SAY OVER TWELVE AND UNDER FIFTEEN, BUT I'M
14 NOT SURE.

15 Q. TWELVE TO FIFTEEN HOURS. ALRIGHT. YOU SAID YOU
16 TESTIFIED A COUPLE DOZEN TIMES OR SO, GIVE OR
17 TAKE A FEW?

18 A. YES.

19 Q. AND THAT IS USUALLY FOR THE DEFENSE, IS THAT
20 CORRECT?

21 A. YES.

22 Q. HAVE YOU EVER TESTIFIED FOR THE PROSECUTION?

23 A. YES, BUT NOT IN THE SAME SORT OF CASE.

24 Q. OKAY. AS FAR AS WHEN AN EYE WITNESS
25 IDENTIFICATION IS THE ISSUE YOU'RE ALWAYS

1 RETAINED BY THE DEFENSE IN EYE WITNESS
2 IDENTIFICATION, IS THAT CORRECT?

3 A. SO FAR, YES.

4 Q. ALRIGHT. LET ME ASK YOU, YOU SAID YOU WERE
5 RETAINED A COUPLE OF WEEKS AGO. I ASSUME, HAVE
6 YOU HAD A CHANCE TO TALK TO THE VICTIM IN THIS
7 CASE, LATOYA WRIGHT?

8 A. NO.

9 Q. DID YOU ASK TO BE ALLOWED TO TALK TO HER?

10 A. NO.

11 Q. I ASSUME THEN, DID YOU GO OUT TO THE SCENE,
12 OBSERVE WHERE THIS INCIDENT OCCURRED OUT AT HER
13 MOBILE HOME?

14 MS. HINDS: YOUR HONOR, I OBJECT. MAY WE
15 APPROACH?

16 THE COURT: YES. UH-HUH.

17 (Whereupon, a bench conference is
18 held out of the hearing of the
19 jury and court reporter.)

20 Q. WHAT I WAS ASKING, YOU NEVER WENT OUT TO THE
21 SCENE WHERE THIS OCCURRED, RIGHT, DR. ALLEY?

22 A. NO, I'VE JUST SEEN PHOTOS.

23 Q. ALRIGHT, NOW, LET'S, I GUESS, KIND OF TALK ABOUT
24 SOME OF THESE FACTORS THAT YOU TALKED WITH MS.
25 HINDS ABOUT. I GUESS UNDER THE, I GUESS THE

1 FIRST STAGE YOU TALKED ABOUT WAS THE ACQUISITION
2 STAGE, THAT WOULD BE WHEN YOU KIND OF TAKE IN THE
3 INFORMATION, IS THAT CORRECT?

4 A. YES.

5 Q. YOU SAID THAT THERE WERE, I MEAN, ALMOST AN
6 INFINITE NUMBER OF FACTORS THAT KIND OF PLAY INTO
7 THIS RIGHT?

8 A. I WOULDN'T SAY IT'S INFINITE BUT IT IS A LARGE
9 NUMBER OF THINGS THAT COULD AFFECT IT.

10 Q. A SIGNIFICANT NUMBER, I THINK YOU SAID MAYBE
11 SIGNIFICANT WAS THE TERM, IS THAT CORRECT? A
12 SIGNIFICANT NUMBER OF FACTORS THAT WOULD GO INTO
13 THIS?

14 A. WE COULD USE THAT TERM, I DON'T RECALL SAYING
15 THAT.

16 Q. OKAY. AND THERE ARE A LOT OF THESE FACTORS THAT
17 WOULD KIND OF, IF YOU LOOK AT, THAT POSSIBLY
18 COULD IMPROVE THE ACCURACY OF A PERSON'S
19 IDENTIFICATION OF SOMEBODY, IS THAT CORRECT?

20 A. YES.

21 Q. OKAY. AND I THINK YOU LISTED OFF, I HAD ABOUT A
22 HALF DOZEN OR SO. ONE OF THEM IS HOW ATTENTIVE
23 THE PERSON IS, IS THAT CORRECT?

24 A. YES.

25 Q. OBVIOUSLY, THE MORE ATTENTIVE YOU ARE TO A

1 SITUATION THE MORE LIKELY YOU WOULD BE ABLE TO
2 THEN ACCURATELY IDENTIFY SOMEBODY AFTER THE FACT,
3 IS THAT CORRECT?

4 A. WELL, I WOULD HAVE TO QUALIFY THAT. SO, IT'S NOT
5 SUFFICIENT TO BE ATTENTIVE, IT'S WHAT YOU'RE
6 ATTENTIVE TO. SO, YOU COULD BE HIGHLY ATTENTIVE
7 TO AN EVENT AND COMPLETELY MISS THINGS IN IT.
8 SO, FOR INSTANCE, A DEMONSTRATION I USED THAT
9 SOUNDS UNBELIEVABLE BUT IT'S QUITE TRUE, LIKE
10 YOU CAN SHOW A VIDEO TAPE IN WHICH PEOPLE ARE
11 WATCHING SOME FOLKS PLAY BASKETBALL,
12 CONCENTRATING ON THE PEOPLE PLAYING BASKETBALL,
13 HAVE A GUY IN A GORILLA SUIT WALK OUT IN THE
14 MIDDLE OF THE COURT, BEAT HIS CHEST AND WALK OFF,
15 AND ABOUT HALF OF THE PEOPLE WON'T EVEN SEE HIM,
16 DON'T SEE HIM.

17 Q. BECAUSE OBVIOUSLY THEIR ATTENTION IS NOT ON THAT
18 PERSON?

19 A. YEAH. SO, THEY'RE ATTENTIVE TO THE EVENT BUT
20 AGAIN ...

21 Q. I'VE GOT YOU. SO YOU'RE ATTENTIVE, IF A PERSON
22 WAS ATTENTIVE TO SOMEBODY, YOU KNOW, THERE'S A
23 KNOCK AT THE DOOR AND THEY ANSWERED THE DOOR AND
24 THEY WERE ATTENTIVE TO THAT PERSON AT THE DOOR, I
25 MEAN, LOOK AT THEM, TRYING TO FIGURE OUT WHO THEY

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1 ARE, SPEND FIVE SECONDS STARING AT THEM TRYING TO
2 SEE IF THEY COULD PICTURE WHERE THEY HAD SEEN
3 THAT PERSON BEFORE, THAT IS SOMEBODY BEING
4 ATTENTIVE TO THAT WHERE IT THEN COULD POSSIBLY
5 INCREASE THEIR ABILITY TO ACCURATELY IDENTIFY
6 THAT PERSON AT SOME LATER TIME?

7 A. CERTAINLY, THE MORE ATTENTION THEY PAID TO THE
8 PERSON AND THE LONGER THE PERIOD THEY HAVE UP TO
9 A POINT, YES.

10 Q. AND YOU HAD SAID THAT YOU'D LIKE TO HAVE, I MEAN,
11 TEN TO FIFTEEN SECONDS I THINK IS WHAT YOU HAD
12 SAID ALSO, RIGHT?

13 A. I'M JUST SORT OF THROWING OUT A NUMBER. IT'S
14 ACTUALLY BEEN SUGGESTED BY SOME STUDIES IS THAT
15 AS SOON AS YOU DROP BELOW TEN OR FIFTEEN SECONDS
16 YOU GET A SIGNIFICANT INCREASE IN THE CHANCE OF A
17 PROBLEM WITH IDENTIFICATION.

18 Q. OKAY. OBVIOUSLY, YOU DON'T WANT THE PERSON TO BE
19 IMPAIRED IN ANY FASHION, RIGHT?

20 A. RIGHT.

21 Q. IF THE PERSON IS INTOXICATED THAT'S MOST LIKELY,
22 YOU KNOW, TO INCREASE THEIR ABILITY TO ACCURATELY
23 IDENTIFY SOMEBODY LATER ON?

24 A. RIGHT.

25 Q. YOU WANT THE PERSON TO HAVE A GOOD OPPORTUNITY TO

1 OBSERVE THE PERSON IN QUESTION, IS THAT CORRECT?

2 A. YES.

3 Q. IN OTHER WORDS, YOU DON'T WANT, YOU KNOW,
4 SOMETHING IN THE WAY?

5 A. RIGHT. NOTHING IN THE WAY, GOOD LIGHTING, AMPLE
6 TIME.

7 Q. YOU DON'T WANT THEM LOOKING THROUGH A DIRTY
8 WINDOW?

9 A. CORRECT.

10 Q. YOU DON'T WANT THE PERSON HAVING, YOU KNOW, A
11 BASEBALL HAT PULLED DOWN LOW OVER THEIR FACE, YOU
12 KNOW, DON'T WANT, OBVIOUSLY A BANDANA OR SOMEBODY
13 PULLS, SOMETHING LIKE THAT PULLED UP OVER THE
14 LOWER PART OF THEIR FACE, IS THAT CORRECT?

15 A. RIGHT.

16 Q. AND I GUESS AS FAR AS THAT OPPORTUNITY TO
17 OBSERVE, YOU INDICATED LIGHTING WOULD GO INTO
18 THAT, IS THAT CORRECT?

19 A. YES.

20 Q. YOU OBVIOUSLY WOULDN'T WANT THEM TO BE IN THE
21 MIDDLE OF A DARK FIELD, IS THAT CORRECT?

22 A. RIGHT.

23 Q. SO, IF THERE'S A LIGHT ON, KIND OF ILLUMINATING
24 THE PERSON'S FACE, THAT WOULD INCREASE THE ODDS
25 OF YOU BEING ABLE TO IDENTIFY THEM AS OPPOSED TO

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1 IF THERE IS NO LIGHT AT ALL, IS THAT CORRECT?

2 A. YEAH, NO CHANCE WITH NO LIGHT.

3 Q. YOU ALSO TALKED ABOUT, I GUESS, IN THAT SAME,
4 UNDER THAT OPPORTUNITY TO OBSERVE, PROXIMITY
5 ALSO, RIGHT?

6 A. I DIDN'T MENTION IT, BUT YES, PROXIMITY DOES
7 AFFECT IT.

8 Q. I GUESS THAT WOULD GO INTO THAT OPPORTUNITY TO
9 OBSERVE. OBVIOUSLY, IF THE PERSON IS, YOU KNOW,
10 CLEAR ACROSS THE HALL AND YOU LOOK AT THEM FOR
11 FIVE SECONDS YOU'RE GOING TO BE LESS LIKELY TO BE
12 ABLE TO IDENTIFY THEM THAN IF WE'RE AS CLOSE AS
13 THE TWO OF US ARE RIGHT NOW, IS THAT CORRECT?

14 A. YES.

15 Q. AND SOMETHING ELSE YOU HAD TALKED ABOUT WAS, I
16 GUESS, THE AGE AND THE MATURITY LEVEL OF THE
17 PERSON ALSO MAKING THE IDENTIFICATION, IS THAT
18 CORRECT? I MEAN, IT'S GOING TO INCREASE - - -

19 A. YES.

20 Q. --- WITH IT BEING A MATURE ADULT AS OPPOSED TO,
21 LET'S SAY, A YOUNG CHILD, IS THAT CORRECT?

22 A. YEAH, I REALLY WAS TALKING ABOUT THE EXTREMES OF
23 THE AGE SPAN WHERE YOU CAN CLEARLY SAY THERE'S A
24 PROBLEM.

25 Q. THERE'S NOT REALLY A DIFFERENCE BETWEEN A

1 NINETEEN YEAR OLD AND A THIRTY YEAR OLD, RIGHT?

2 A. NO, NOT MUCH.

3 Q. AND THEN YOU TALKED ABOUT ALSO ABOUT THE PERSON'S
4 KIND OF STATE OF MIND, WHATEVER STRESS THEY MIGHT
5 BE UNDER, IS THAT CORRECT ALSO?

6 A. STRESS CAN HAVE AN EFFECT, YES.

7 Q. AND I GUESS KIND OF IN THAT SAME VEIN IS WHERE
8 YOU TALKED ABOUT WHETHER WEAPON WAS INVOLVED, IS
9 THAT CORRECT?

10 A. YES.

11 Q. OKAY.

12 A. WELL, THEY'RE SOMEWHAT RELATED, THEY'RE ACTUALLY
13 TWO DIFFERENT FACTORS GOING ON THERE, I THINK THE
14 WEAPON, OF COURSE, RAISES THE STRESS LEVEL, WHICH
15 IS BAD, BUT IT ALSO TENDS TO GRAB YOUR ATTENTION,
16 WHICH ANOTHER BAD EFFECT.

17 Q. I'VE GOT YOU. NOW, OF COURSE, IF A PERSON HAD AN
18 OPPORTUNITY TO OBSERVE SOMEBODY FOR A PERIOD OF
19 TIME PRIOR TO A WEAPON BEING INTRODUCED TO THE
20 SCENARIO, THEY WOULD HAVE A BETTER CHANCE OF
21 ACCURATELY IDENTIFYING SOMEBODY THAN IF THE
22 WEAPON WAS, YOU KNOW, KIND OF BROUGHT INTO PLAY
23 RIGHT FROM THE GET GO, IS THAT CORRECT?

24 A. THIS IS TRUE, YES.

25 Q. LET ME ASK YOU, WHAT EFFECT DOES WHETHER AN

1 IDENTIFICATION IS, I'M NOT SURE IF I'M GOING TO
2 USE THE RIGHT TERMS OR NOT, BUT A CROSS-RACIAL
3 IDENTIFICATION AS OPPOSED TO A, WOULD IT BE AN
4 INTER-RACIAL IDENTIFICATION?

5 A. INTRA, BUT - - -

6 Q. INTRA? EXPLAIN TO THE JURY WHAT THOSE ARE AND
7 HOW, WHAT EFFECT THOSE HAVE ON A PERSON'S
8 ABILITY.

9 A. YEAH. THEY'RE PROBABLY SOMEWHAT FAMILIAR WITH
10 THIS CONCEPT BECAUSE IT AFFECTS MOST PEOPLE WHICH
11 IS, IN FACT, WHERE IT TENDS TO BE EASIER TO
12 RECOGNIZE PEOPLE THAT ARE OF THE SAME RACE. SO,
13 BLACKS RECOGNIZING BLACKS VERSUS WHITES VERSUS
14 ASIANS, AND ASIANS -- WELL, AGAIN, YOU KNOW,
15 RECOGNIZING OTHER ASIANS AS OPPOSED TO OTHER
16 WHITES AND BLACKS, AND SO ON.

17 Q. AND YOU FOUND THAT, I MEAN, IF YOU HAD AN ASIAN
18 INDIVIDUAL AND AN AFRICAN AMERICAN INDIVIDUAL
19 THAT THERE IS A GREATER LIKELIHOOD OF MIS-
20 IDENTIFICATION THAN IF THEY'RE BOTH AFRICAN
21 AMERICAN OR BOTH ASIAN OR BOTH CAUCASIAN, IS THAT
22 CORRECT?

23 A. YES.

24 Q. AND YOU TALKED ABOUT, DR. ALLEY, THAT SOMETIMES
25 PEOPLE CAN BE EASIER, MORE EASILY IDENTIFIED IF

1 THEY'RE DISTINCTIVE, IS THAT CORRECT?

2 A. YES.

3 Q. AND I THINK MS. HINDS HAD ASKED YOU ABOUT, YOU
4 KNOW, IF THEIR HAIR WAS ORANGE OR SOMETHING OR
5 RED OR SOMETHING?

6 A. YEAH, RED MOHAWK, YEAH.

7 Q. RED MOHAWK. THAT WOULD BE THE SAME TOKEN, I MEAN,
8 IF THEY HAD, LET'S SAY, A FACIAL SCAR OR
9 SOMETHING THAT WAS HIGHLY DISTINCTIVE, IS THAT
10 CORRECT?

11 A. WELL, IT DEPENDS ON THE SCAR. IT'S A -- I MEAN,
12 THE RED MOHAWK WOULD JUST JUMP OUT AT YOU, AND
13 SO, THE SCAR MAY OR MAY NOT BE OBVIOUS, AND MAY
14 OR MAY NOT BE NOTICED.

15 Q. THE SCAR COULD. A TATTOO ALSO WOULD BE THE SAME
16 THING?

17 A. YEAH. SAME AS THE SCAR, SO IT DEPENDS ON HOW
18 CLEAR AND OBVIOUS IT IS.

19 Q. IF IT'S DISTINCTIVE IT COULD MAKE YOU MORE EASILY
20 IDENTIFIABLE, IS THAT CORRECT?

21 A. YES.

22 Q. SO, IF A PERSON, IF A VICTIM OF A CRIME HAD
23 NOTICED AND NOTED THAT, THEN OBVIOUSLY IT MUST
24 HAVE JUMPED OUT AT THEM, IS THAT CORRECT, IF THEY
25 NOTED IT?

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1 A. YOU MEAN, AT THE TIME?

2 Q. YES.

3 A. YES.

4 Q. AND YOU HAD TESTIFIED EARLIER, DR. ALLEY, THAT --
5 LET ME MAKE SURE I'VE GOT THIS RIGHT, ONCE YOU
6 MADE THE STATEMENT THAT A WITNESS'S COMPETENCE IN
7 AN IDENTIFICATION, IN OTHER WORDS, HOW SURE THEY
8 ARE ABOUT THAT PERSON BEING THE PERSON THAT
9 ROBBED THEM, OKAY, - - -

10 A. UH-HUH.

11 Q. --- THAT THAT REALLY IS NOT A GOOD GUIDE TO GO
12 BY, IS THAT CORRECT?

13 A. IT'S AN UNRELIABLE GUIDE, AND YEAH, IT'S NOT
14 GOOD. SO, YOU COULD HAVE SOMEBODY SAY, I'M
15 ABSOLUTELY SURE, AND THEY COULD BE WRONG. AND YOU
16 CAN HAVE SOMEBODY THAT SAYS, I HAVE NO IDEA, AND
17 YOU ASK THEM JUST TO GUESS AND THEY COULD GET IT
18 RIGHT.

19 Q. SO, THAT'S UNRELIABLE. AND ALSO, THE ACCURACY,
20 OR HOW DETAILED THEIR DESCRIPTION IS. I BELIEVE
21 YOU ALSO TESTIFIED IT HAS NO, IS NOT A GOOD GUIDE
22 AS TO HOW ACCURATE - - -

23 A. AGAIN, IT'S NOTHING, IT HAS NO RELATIONSHIP.
24 PEOPLE THAT HAVE BETTER MEMORIES TEND TO HAVE A
25 BIT MORE DETAILS BUT IT'S, IT'S NOT SOMETHING

1 THAT YOU CAN RELY ON TO TELL YOU WHETHER THE
2 PERSON IS GOING TO BE ACCURATE OR NOT.

3 Q. AND DID YOU EVER HAVE A PERSON THAT GAVE A VERY
4 DETAILED ACCURATE DESCRIPTION AND THEN WAS
5 ADAMANT THAT THEY WERE IDENTIFYING THE CORRECT
6 PERSON, OR A PERSON WHO GAVE A TOTALLY OFF THE
7 BASE, NOT EVEN CLOSE, I MEAN, VAGUE, NO DETAILED
8 DESCRIPTION AND THEN WASN'T SURE ABOUT THE
9 IDENTIFICATION, I MEAN, WHICH OF THOSE IS MORE
10 ACCURATE?

11 A. WELL, THAT'S THE QUESTION. SO, ...

12 Q. ARE YOU TELLING ME THAT THEY'RE, YOU CAN'T TELL
13 EITHER ONE, IS THAT RIGHT?

14 A. NO, MY TESTIMONY WAS THAT IF WE HAD THE BET AND
15 EVERYTHING ELSE WAS EQUAL, THAT WE'D GO WITH THE
16 PERSON WITH MORE DETAIL AND MORE CONFIDENCE, BUT
17 YOU CAN'T RELY ON THAT. AND ALSO, I'D WANT TO
18 KNOW, YOU KNOW, WHAT'S THE CONTEXT? SO, IF THE
19 PERSON, AGAIN, TO PICK UP SOME OF THE TRAITS
20 YOU'VE MENTIONED BEFORE, IS LOOKING, THERE'S BAD
21 LIGHTING AND THEY'RE SEEING SOMEBODY WAY OVER
22 THERE AND WE WAIT A MONTH AND WE ASK THEM
23 QUESTIONS, AND THEY GIVE ME A HIGHLY DETAIL, I'M
24 GOING TO BE MORE SUSPICIOUS ABOUT THEIR MEMORY
25 THAN SOMEBODY WHO GIVES ME A FAIRLY VAGUE ONE,

1 WHICH IS WHAT WE WOULD EXPECT TO HAPPEN.

2 Q. SO, IF SOMEBODY, YOU KNOW, IMMEDIATELY AFTER THE
3 INCIDENT GAVE A VERY DETAILED DESCRIPTION AND,
4 YOU KNOW, HAD SOME OF THOSE OTHER FACTORS THAT WE
5 TALKED ABOUT IN THEIR FAVOR, THAT WOULD BE A, I
6 MEAN, SOMETHING WHERE YOU WOULD HAVE A HIGHER
7 LEVEL OF CONFIDENCE IN THAT IDENTIFICATION?

8 A. PROBABLY, BUT I SHOULD SAY, BUT, YOU KNOW, WITH
9 THESE FACTORS, WHILE IT'S NICE THAT WE CAN LIST A
10 BUNCH OF THEM, ALL IT TAKES IS ONE GOING THE
11 WRONG WAY. SO, FOR INSTANCE, THE PERSON NEVER
12 LOOKED AT THE PERSON'S FACE, OR COULDN'T SEE IT,
13 THEN IT DOESN'T MATTER IF THEY GOT TO LOOK AT HIM
14 FOR THIRTY SECONDS AND THE LIGHT WAS GOOD, IF
15 THEY WERE REAL CLOSE TO THEM, AND SO ON.

16 Q. RIGHT. AND YOU HAD TESTIFIED, AND THIS OBVIOUSLY
17 JUST KIND OF MAKE SENSES, AND OBVIOUSLY IF YOU'RE
18 FAMILIAR WITH A PERSON YOU'RE GOING TO BE, I
19 MEAN, IT'S GOING TO BE EASY TO IDENTIFY THEM, IS
20 THAT CORRECT?

21 A. YES, THERE'S A, YOU KNOW, PRETTY STRIKING
22 DIFFERENCE BETWEEN RECOGNIZING FAMILIAR AND
23 UNFAMILIAR PEOPLE.

24 Q. LET ME ASK YOU, AND I'VE JUST GOT A FEW MORE
25 THINGS I WANT TO ASK YOU ABOUT, DOCTOR, YOU HAD

1 INDICATED THAT, YOU KNOW, A COUPLE OF WEEKS AGO
2 WAS WHEN YOU WERE RETAINED IN THIS CASE, RIGHT?

3 A. RIGHT.

4 Q. BUT DID YOU RECEIVE A COPY OF THIS, THE PHOTO
5 LINEUP THAT WAS SHOWN IN THIS CASE AT THAT TIME?

6 A. I DID, YES.

7 Q. OKAY. SO, YOU'VE HAD A CHANCE TO REVIEW THIS
8 LINEUP?

9 A. YES.

10 Q. OKAY. WHEN WAS THE FIRST TIME YOU ACTUALLY SAW A
11 COLOR KIND OF ...

12 A. YESTERDAY.

13 Q. YESTERDAY. THAT WAS THE FIRST TIME YOU ACTUALLY
14 SAW, LIKE - - -

15 A. SAW, LIKE AN ORIGINAL, YES.

16 Q. --- A COPY OF THAT WAS IN THIS CONDITION, IS THAT
17 CORRECT?

18 A. YES.

19 Q. AND YOU HAD TESTIFIED THAT, THAT AS FAR AS
20 LINEUPS GO -- WELL, LET ME KIND OF BACK UP,
21 OBVIOUSLY, IN THIS CASE WHAT WAS PRESENTED TO THE
22 VICTIM WAS A, A PHOTOGRAPHIC ARRAY OF SIX
23 PHOTOGRAPHS, IS THAT CORRECT?

24 A. THAT'S MY UNDERSTANDING, YES, BUT THAT'S - - -

25 Q. I MEAN, SO FOR ARGUMENT'S SAKE, THAT'S WHAT WAS

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1 SHOWN TO THE VICTIM, RIGHT?

2 A. IT'S MY UNDERSTANDING THAT THAT IS WHAT WAS SHOWN
3 TO THE VICTIM.

4 Q. AND IS THAT KIND OF A STANDARD ON HOW IT IS DONE
5 KIND OF THROUGHOUT THE STATE OF SOUTH CAROLINA?

6 A. I BELIEVE SO, THAT'S WHAT I HAVE SEEN.

7 Q. ALRIGHT. AND, I'LL LET YOU HOLD ON TO THIS --
8 SO, NOW, YOU'VE HAD A CHANCE NOW AFTER LOOKING AT
9 THAT LINEUP YESTERDAY, IS THAT CORRECT, TO KIND
10 OF GET A GOOD LOOK AT THAT?

11 A. YES. '

12 Q. OKAY. AND IS THAT A, I MEAN, WHAT DO YOU, WHEN
13 YOU'RE TRYING TO PUT TOGETHER A PHOTO LINEUP TO
14 SHOW TO A PERSON, I MEAN, WHAT ARE YOU LOOKING
15 FOR IN THERE TO KIND OF MAKE IT NOT A SUGGESTIVE
16 LINEUP?

17 A. WELL, THE IDEAL, I'LL START WITH THE IDEAL
18 LINEUP. THE IDEAL LINEUP SHOULD TAKE THE
19 INITIAL, VERY FIRST DESCRIPTION THAT YOU GET FROM
20 A PERSON BEFORE THERE'S ANY CHANCE FOR MEMORY TO
21 FADE OR GET TO BE ALTERED AND SO ON, AND PUT
22 THAT, AND USE THAT FOR YOUR LINEUP. SO,
23 EVERYBODY SHOULD FIT THAT DESCRIPTION.
24 OTHERWISE, AN EXPERT WOULD SAY IT'S BIASED
25 LINEUP. SO, YOU KNOW, CLEARLY, IF THE WITNESS

1 SAID, I SAW THE GUY, I DON'T REMEMBER MUCH BUT HE
2 HAD A MUSTACHE, AND YOU PUT A LINEUP TOGETHER
3 WITH ONE GUY WITH A MUSTACHE, BIASED LINEUP. SO,
4 BASICALLY, WHAT WE WANT FROM THE OTHER SIDE IS
5 PEOPLE THAT HAVE PRETTY MUCH THE SAME, REALLY
6 HAVE THE SAME DESCRIPTIVE FEATURES.

7 Q. LOOKING FOR KIND OF THE SAME GENERAL FEATURES AS
8 FAR AS, YOU KNOW, HAIR - - -

9 A. RIGHT, RIGHT.

10 Q. --- YOU WANT, I MEAN, OBVIOUSLY, IF SOMEBODY GAVE
11 A DESCRIPTION OF A PERSON THAT THEY HAD A MOHAWK,
12 I MEAN, YOU WOULDN'T WANT A PHOTO LINEUP WITH ONE
13 PERSON WITH A MOHAWK AND FIVE PEOPLE WITH REGULAR
14 HAIR, RIGHT?

15 A. NO, THEY ALL SHOULD LOOK THE SAME, SO, IN THAT
16 CASE YOU MIGHT NEED TO BLOCK OUT THE HAIR OR
17 SOMETHING.

18 Q. I'VE GOT YOU. SO, I MEAN, YOU'D WANT HAIR AND
19 FACIAL HAIR TO BE SIMILAR ALSO?

20 A. YES, SIR.

21 Q. OBVIOUSLY, YOU WANT THEM ALL TO BE APPROXIMATELY
22 THE SAME AGE?

23 A. AGE, RACE, SEX.

24 Q. PHYSICAL BUILD, RACE, SEX, I MEAN, ALL THOSE
25 THINGS. IN LOOKING AT THIS LINEUP DOES THAT

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1 APPEAR TO BE, IN YOUR OPINION, YOUR EXPERTISE, I
2 MEAN, APPEAR TO BE A DECENT LINEUP AS FAR AS
3 GETTING SIX PICTURES OF PEOPLE THAT ALL HAVE THE
4 SAME GENERAL CHARACTERISTICS?

5 A. WELL, YOU'VE GOT TO GO BACK TO THE ORIGINAL
6 DESCRIPTION OF THE VICTIM HERE, WHICH WAS
7 SOMEWHAT TYPICAL IN THAT THERE WASN'T A WHOLE LOT
8 IN HERE ABOUT, FOR INSTANCE, THE DETAILS OF THE
9 PERSON'S FACE. SO, ASIDE FROM SKIN COMPLEXION
10 AND, YOU KNOW, BLACK MALE, AND SO AND SO. WITH
11 THAT, YES, THE LINEUP SEEMS TO BE FAIR ENOUGH.

12 Q. AND, OF COURSE, HER DESCRIPTION SHE GAVE THAT
13 YOU'VE HAD A CHANCE TO REVIEW THE INCIDENT
14 REPORTS AND THINGS OF THAT NATURE, RIGHT?

15 A. YES.

16 Q. OKAY. AND, OF COURSE, THE DESCRIPTION SHE GAVE,
17 BLACK MALE BETWEEN NINETEEN TO TWENTY-TWO YEARS
18 OF AGE, DARK COMPLETED, KIND OF TWISTS IN THE
19 HAIR, KIND OF SHORT BRAIDS OR DREDLOCKS OR WHAT
20 HAVE YOU, BUT SHORT TWISTS, AND ALSO A TATTOO, A
21 TEAR DROP TATTOO ON THE RIGHT EYE, THAT'S A
22 FAIRLY DETAILED DESCRIPTION, IS THAT CORRECT?

23 A. YEAH, IT IS, BUT I HAVE A LITTLE BIT OF QUALMS
24 ABOUT THE DESCRIPTION AT THAT POINT BECAUSE SHE'S
25 ALREADY TALKED TO OTHER PEOPLE.

1 Q. BUT SHE DIDN'T, YOU WEREN'T HERE FOR HER
2 TESTIMONY, WERE YOU?

3 A. NO, I WASN'T.

4 Q. MS. HINDS HAD ASKED YOU ABOUT A CONCERN THAT YOU
5 HAVE WITH THE PERSON SHOWING THE LINEUP TO
6 POSSIBLY INFLUENCING THE PERSON IN WHO TO PICK
7 OUT, IS THAT CORRECT, YOU SPOKE ABOUT THAT?

8 A. YES.

9 Q. ANY BASIS FOR THAT OCCURRING IN THIS CASE?

10 A. NO.

11 SOLICITOR SORENSON: THANK YOU, DR. ALLEY.

12 THE COURT: MS. HINDS.

13 MS. HINDS: JUST BRIEFLY.

14 THE COURT: YES, MA'AM.

15 (NOTE: Blank lines on this page do not indicate any
16 part of record has been omitted. Headers on testimony
17 pages and hard page breaks between testimony are now
18 required by the Court. See next ensuing page for
19 sequential continuation of record.)

REDIRECT - DR. THOMAS R. ALLEY BY MS. HINDS

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REDIRECT EXAMINATION OF DR. THOMAS R. ALLEY

BY MS. HINDS:

Q. DR. ALLEY, DOES THE FACT THAT YOU'RE GETTING PAID
TO BE HERE TODAY INFLUENCE YOUR TESTIMONY?

A. NO, MY GOAL IS TO BE NEUTRAL AND OBJECTIVE, AND
IT DOESN'T ACTUALLY MATTER WHICH SIDE IS PAYING
ME.

Q. AND IF THE SOLICITOR NEEDED YOUR SERVICES AND
WOULD LIKE TO HIRE YOU, YOU WOULD BE MORE THAN
HAPPY TO TESTIFY FOR HIM ALSO, CORRECT?

A. AS LONG AS IT FITS WITH MY SCHEDULE, YEAH.

Q. AND ALL YOU'RE HERE TO DO IS TO TRY TO ANSWER
QUESTIONS TRUTHFULLY, CORRECT?

A. CORRECT.

MS. HINDS: THANK YOU.

THE COURT: ANYTHING FURTHER FROM THIS
WITNESS?

SOLICITOR SORENSON: NO, SIR.

THE COURT: ALRIGHT, DOCTOR, GOOD SEEING YOU
AGAIN. YOU ARE EXCUSED.

COURT REPORTER: DOCTOR, YOU DON'T HAVE ANY
OF MY EXHIBITS, DO YOU? I DON'T THINK YOU DO.

DR. ALLEY: NO.

COURT REPORTER: THANK YOU.

THE COURT: ALRIGHT. CAN I SEE Y'ALL UP

1 HERE FOR ONE SECOND?

2 (Whereupon, a bench conference
3 is had out of the hearing
4 of the jury and Court Reporter.)

5 THE COURT: LADIES AND GENTLEMEN, I TOLD
6 Y'ALL WHEN WE STARTED THIS WE WOULD TRY AND STOP ABOUT
7 FIVE O'CLOCK, AND GUESS WHAT? WE'RE GOING TO STOP AT
8 FIVE O'CLOCK. THIS IS A GOOD PLACE FOR US TO TAKE A
9 BREAK TODAY.

10 LET ME GIVE YOU SOME KIND OF AN IDEA,
11 TOMORROW THERE'S SOME THINGS THAT I'VE GOT TO TAKE UP
12 WITH OTHER PEOPLE THAT DON'T HAVE ANYTHING TO DO WITH
13 THIS CASE, BUT UNFORTUNATELY, I HAVE MORE THAN ONE
14 THING TO DO AT A TIME SOMETIMES. SO, I'M GOING TO LET
15 Y'ALL COME IN A LITTLE LATER TOMORROW MORNING. I'M
16 GOING TO ASK Y'ALL TO BE BACK IN THE JURY ROOM AT A
17 QUARTER TO TEN, NINE:FORTY-FIVE IN THE MORNING. OKAY?
18 SO, YOU CAN DO SOME -- IF YOU'VE GOT TO DO ANYTHING
19 EXTRA AROUND THE HOUSE OR DO ANYTHING EARLY IN THE
20 MORNING YOU CAN DO THAT, BUT I NEED FOR YOU TO BE IN
21 THE JURY ROOM AT A QUARTER TO TEN TOMORROW MORNING.
22 OKAY?

23 NOW, I KNOW I HAVE HARPED ON THIS, YOU KNOW,
24 BUT YOU CANNOT TALK TO ANYBODY ABOUT THIS CASE, YOU
25 HAVE NOT HEARD ALL THE EVIDENCE IN THIS CASE. YOU

1 CANNOT READ ANYTHING ABOUT THIS CASE, IF SOMETHING
2 SHOWS UP IN THE PAPER ABOUT IT YOU CAN'T READ IT. IF
3 THERE HAPPENS TO BE SOMETHING ON THE T.V. OR INTERNET
4 YOU CANNOT READ ANYTHING ABOUT IT. AND IF ANYBODY
5 CONTACTS YOU ABOUT THIS CASE I NEED FOR YOU TO TELL ME
6 ABOUT IT TOMORROW MORNING. ALRIGHT?

7 NOW, OTHER THAN THAT, Y'ALL ARE EXCUSED FOR
8 THE DAY. Y'ALL HAVE A WONDERFUL EVENING, AND I'LL SEE
9 Y'ALL TOMORROW MORNING AT A QUARTER TO TEN. OKAY?
10 THANK Y'ALL.

11 (Whereupon, the jury leaves
12 the courtroom for the day
13 and the following takes
14 place out of the presence
15 of the jury.)

16 COURT REPORTER: PLEASE BE SURE I HAVE ALL OF
17 MY EXHIBITS BEFORE THEY LEAVE.

18 THE COURT: OKAY. YES, MA'AM. WE'RE GOING
19 TO GO OVER SOME OTHER THINGS. WE'RE NOT QUITE
20 THROUGH.

21 WE HAD TALKED ABOUT QUESTIONING THE
22 DEFENDANT NOW.

23 MS. HINDS: YES, SIR.

24 THE COURT: OKAY. BUT I WAS NOT GOING TO
25 REQUIRE HIM TO ANSWER AT THIS TIME. IS THAT CORRECT?

1 MS. HINDS: YES, SIR.

2 THE COURT: OKAY. ALRIGHT. MR. GREENE, IF
3 YOU'D PLEASE STAND, PLEASE, SIR, AND IF YOU'D RAISE
4 YOUR RIGHT HAND, PLEASE, SIR.

5 (Whereupon, Walter Greene, Jr.,
6 is duly sworn.)

7 THE COURT: ALRIGHT, SIR. THANK YOU, SIR.
8 ALRIGHT, MR. GREENE, WHAT I WANT TO MAKE SURE YOU
9 UNDERSTAND IS THAT -- AND BEFORE I SAY ANYTHING, IF I
10 SAY SOMETHING THAT YOU DON'T UNDERSTAND I WANT YOU TO
11 MAKE SURE YOU ASK ME TO EXPLAIN SOMETHING. ALRIGHT?
12 (NOTE: Blank lines on this page do not indicate any
13 part of record has been omitted. Headers on testimony
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16 sequential continuation of record.)

EXAM, IN CAMERA, WALTER GREENE, JR., BY THE COURT

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EXAMINATION, IN CAMERA, OF WALTER GREENE, JR.,

BY THE COURT:

Q. ALRIGHT, MR. GREENE, WHAT I WANT TO MAKE SURE YOU UNDERSTAND IS THAT -- AND BEFORE I SAY ANYTHING, IF I SAY SOMETHING THAT YOU DON'T UNDERSTAND I WANT YOU TO MAKE SURE YOU ASK ME TO EXPLAIN SOMETHING. ALRIGHT?

A. YES, SIR.

Q. WE'RE AT THE STAGE OF THE TRIAL WHERE IT'S UP TO YOU TO DECIDE WHETHER OR NOT YOU ARE GOING TO TESTIFY. OKAY? AND YOU HAVE THE RIGHT UNDER THE FIFTH AMENDMENT TO REMAIN SILENT. THE FIFTH AMENDMENT STATES THAT NO PERSON SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF. THAT'S WHY, YOU KNOW, WHEN YOU GET ARRESTED OR ANYTHING LIKE THAT THE POLICE OFFICER WILL ALWAYS TELL YOU, YOU HAVE THE RIGHT TO REMAIN SILENT. OKAY? AND YOU STILL HAVE THE RIGHT TO REMAIN SILENT DURING THIS TRIAL. IT IS YOUR PERSONAL RIGHT AND YOU'RE THE ONLY ONE WHO CAN WAIVE THAT RIGHT. OKAY? AND I KNOW, OR I HOPE YOU HAVE TALKED WITH YOUR ATTORNEYS ABOUT THIS RIGHT, THEY HAVE GONE OVER THIS WITH YOU ALREADY. IS THAT CORRECT?

A. YES, SIR.

1 Q. OKAY. NOW, I WANT TO MAKE SURE THAT IF YOU
2 DECIDE NOT TO TESTIFY I WILL INSTRUCT THE JURY
3 THAT THE FACT THAT -- THEY CANNOT GIVE THE FACT
4 THAT YOU DIDN'T TESTIFY ANY CONSIDERATION
5 WHATSOEVER, THEY CAN'T USE THAT AGAINST YOU IN
6 ANY MANNER WHATSOEVER. I WILL INSTRUCT THEM ON
7 THAT MATTER. OKAY? NOW, IF YOU DECIDE TO TESTIFY
8 YOU UNDERSTAND, YOU'VE BEEN SITTING HERE THE
9 WHOLE TRIAL, YOU UNDERSTAND YOU'RE GOING TO BE
10 SUBJECT TO THE RIGHT OF THE STATE TO CROSS-
11 EXAMINE YOU. OKAY? AND IF YOU HAVE ANY
12 CONVICTIONS, AND I DON'T KNOW OF ANY, BUT IF YOU
13 HAVE ANY CONVICTIONS OR MADE ANY FALSE STATEMENTS
14 OR -- THEY CAN BRING THAT -- IF YOU HAVE ANY
15 PRIOR CONVICTIONS LIKE THAT THEY CAN BRING THAT
16 UP. DO YOU UNDERSTAND THAT?

17 A. YES, SIR.

18 Q. OKAY. THE, YOU KNOW, THEY CAN ATTACK YOUR
19 CREDIBILITY, YOU KNOW, THEY CAN CROSS-EXAMINE YOU
20 ON ANYTHING THAT YOU STATE INTO THE RECORD ON
21 DIRECT EXAMINATION. SO, I WANT TO MAKE SURE THAT
22 WHETHER YOU DECIDE TO TESTIFY OR NOT, THAT YOUR
23 DECISION IS MADE FREELY, VOLUNTARILY,
24 INTELLIGENTLY, AND KNOWINGLY. OKAY? AND MOST
25 PARTICULAR, KNOWING THE RIGHT, THAT YOU HAVE THE

EXAM, IN CAMERA, WALTER GREENE, JR., BY THE COURT

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1 RIGHT TO REMAIN SILENT DURING THIS TRIAL. OKAY?
2 DO YOU UNDERSTAND EVERYTHING I'VE GONE OVER WITH
3 YOU?

4 A. YES, SIR.

5 Q. HAS MS. HINDS AND MR. WISE GONE OVER THIS SAME
6 THING WITH YOU?

7 A. YES, SIR.

8 Q. OKAY. ALRIGHT. NOW, DO YOU HAVE ANY QUESTIONS
9 YOU WANT TO ASK ME?

10 A. NO, SIR.

11 Q. ALRIGHT, SIR. NOW, MS. HINDS HAS TOLD ME, AND I
12 HAVE AGREED THAT, YOU KNOW, I WAS GOING TO ASK
13 THE QUESTIONS TODAY AND GIVE YOU OVERNIGHT TO
14 THINK ABOUT IT. OKAY? SO, TOMORROW MORNING --
15 AND YOU STILL HAVE PLENTY OF TIME TO TALK WITH
16 YOUR ATTORNEYS SOME THIS EVENING AS WELL. OKAY?
17 BUT, SO YOU CAN USE THIS AFTERNOON AND THIS
18 EVENING TO TALK WITH THEM. BUT TOMORROW MORNING,
19 YOU HEARD ME TELL THE JURY, WE'RE GOING TO START
20 BACK AT A QUARTER TO TEN. OKAY? AT A QUARTER TO
21 TEN YOU WILL NEED TO ADVISE ME WHETHER OR NOT YOU
22 WISH TO TESTIFY OR NOT. OKAY?

23 A. OKAY.

24 Q. ANYTHING ELSE, ANYTHING YOU WANT TO ASK ME?

25 A. NO, SIR.

1 THE COURT: ALRIGHT, SIR, THANK YOU, SIR.

2 OKAY, Y'ALL CAN SIT DOWN. OKAY.

3 ALRIGHT, ANYTHING ELSE THAT WE NEED -- MS.
4 HINDS, ANYTHING ELSE THE DEFENSE WANTS TO TAKE UP
5 TODAY BEFORE WE GO ON ...

6 MS. HINDS: NO, SIR.

7 THE COURT: OKAY. ANYTHING FROM THE STATE?

8 SOLICITOR SORENSON: NO, SIR. UM, ...

9 THE COURT: ALRIGHT. YES, SIR, I JUST HEARD
10 AN UM.

11 SOLICITOR SORENSON: HAVE YOU -- I KNOW WE
12 HAD TALKED YESTERDAY ABOUT THE JURY CHARGE?

13 THE COURT: YEAH, I CAN GO OVER -- DO Y'ALL
14 WANT TO KIND OF GO OVER WHAT I'VE GOT RIGHT NOW?

15 SOLICITOR SORENSON: WE DON'T NEED TO DO
16 THAT OUT HERE, DO WE?

17 THE COURT: NO, I'LL BE HAPPY TO GO BACK IN,
18 IF Y'ALL WANT TO GO BACK IN CHAMBERS WE'LL GO OVER
19 THEM. OKAY?

20 ALRIGHT, WE'LL BE IN RECESS UNTIL TOMORROW
21 MORNING.

22 (Recess for the day.)

23 DATE:

24 OCTOBER 7, 2010

25 THE COURT: RIGHT NOW WE ARE REDOING THE

1 VERDICT FORM LIKE WE TALKED ABOUT.

2 MS. HINDS: YES, SIR.

3 THE COURT: OKAY. AND HOPEFULLY I'LL GET
4 THAT OUT IN A LITTLE BIT SO Y'ALL CAN LOOK AT IT
5 BEFORE, BEFORE WE GET STARTED ON ANYTHING ELSE, I'LL
6 GET Y'ALL TO LOOK AT IT.

7 ALRIGHT, NOW, LET'S SEE, DID YOU ...

8 SOLICITOR SORENSON: I DIDN'T KNOW IF I NEED
9 TO PUT ON THE RECORD MY REQUEST FOR YOUR HONOR TO
10 CHARGE THE ATTEMPTED ARMED ROBBERY AND THEN LET MS.
11 HINDS PUT ON THE RECORD HER OPPOSITION TO IT, I GUESS?

12 THE COURT: OKAY. LET'S DO THAT. OKAY. I
13 KNOW YOU'VE REQUESTED ATTEMPTED ARMED ROBBERY AS A
14 LESSER INCLUDED OFFENSE OF ARMED ROBBERY.

15 SOLICITOR SORENSON: RIGHT, AND THAT WOULD
16 BE BASED ON, YOU KNOW, THE JURY POSSIBLY, YOU KNOW,
17 COMING TO THE CONCLUSION THAT WE HAVEN'T PROVEN BEYOND
18 A REASONABLE DOUBT THAT MR. GREENE ACTUALLY TOOK THE
19 ITEMS FROM THE HOME BECAUSE THERE WAS TESTIMONY THAT
20 OTHER PEOPLE HAD BEEN IN THERE KIND OF IN THE INTERIM,
21 AT LEAST TO GET THE CHILD AND WHAT HAVE YOU, AND
22 OBVIOUSLY, MS. WRIGHT WAS UNABLE TO TESTIFY THAT SHE
23 PHYSICALLY SAW HIM TAKE ANYTHING. SO, I THINK THERE
24 WOULD BE EVIDENCE TO SUPPORT A LESSER INCLUDED CHARGE
25 OF ATTEMPTED ARMED ROBBERY, BASED ON OBVIOUSLY THE

1 PERSON BEING ARMED WITH A DEADLY WEAPON AND POINTING
2 IT AT MS. WRIGHT AND TELLING HER, YOU KNOW, GIVE ME
3 EVERYTHING YOU'VE GOT, THAT THAT WOULD SUPPORT A
4 CHARGE OF ATTEMPTED ARMED ROBBERY AS A LESSER INCLUDED
5 OFFENSE.

6 THE COURT: OKAY. THANK YOU, SIR. ALRIGHT,
7 MS. HINDS.

8 MS. HINDS: I WOULD OBJECT ON THE GROUNDS HE
9 WAS CHARGED WITH ARMED ROBBERY, WE'VE GONE THROUGH THE
10 WITNESSES' TESTIMONY, AND I THINK THE JURY SHOULD BE
11 ABLE TO DECIDE ON WHAT HE WAS CHARGED WITH.

12 THE COURT: OKAY. BUT MS. HINDS, OFTENTIMES
13 WE CHARGE LESSER INCLUDED OFFENSES AS PART OF A MAJOR
14 CRIME IF THERE'S EVIDENCE ON THE RECORD FOR THAT. IS
15 THAT CORRECT?

16 MS. HINDS: I WOULD AGREE.

17 THE COURT: OKAY. ALRIGHT. I'M GOING TO
18 CHARGE IT, YOU KNOW, SO, BUT I WILL NOTE YOUR
19 OBJECTION TO MY CHARGE. SO, THAT WILL BE PRESERVED, I
20 HOPE, ALSO. OKAY. ALRIGHT, AND NOW, YESTERDAY
21 EVENING, WHEN -- THE LAST THING WE DID YESTERDAY
22 EVENING WAS, I WENT OVER WITH MR. GREENE WHETHER OR
23 NOT HE WISHED TO TESTIFY.

24 MS. HINDS: YES, SIR.

25 THE COURT: AND I GAVE HIM UNTIL TODAY TO

1 DECIDE WHETHER OR NOT HE WISHED TO TESTIFY OR NOT.

2 MS. HINDS: YES, SIR.

3 THE COURT: OKAY. AND I'M SURE Y'ALL TALKED
4 WITH HIM YESTERDAY EVENING AND THIS MORNING AS WELL.

5 MS. HINDS: WE HAD AN OPPORTUNITY TO TALK TO
6 HIM YESTERDAY AND AGAIN THIS MORNING.

7 THE COURT: OKAY. HAS MR. GREENE ADVISED
8 YOU WHAT HE WANTS TO DO?

9 MS. HINDS: YES, HE HAS.

10 THE COURT: OKAY. WHAT DOES HE WANT TO DO?

11 MS. HINDS: HE DOES NOT WISH TO TESTIFY.

12 THE COURT: ALRIGHT, MR. GREENE, I WENT OVER
13 EVERYTHING WITH YOU YESTERDAY.

14 DEFENDANT GREENE: YES, SIR.

15 THE COURT: OKAY. AND YOU UNDERSTOOD
16 EVERYTHING YESTERDAY WHEN I TALKED TO YOU?

17 DEFENDANT GREENE: YES, SIR.

18 THE COURT: OKAY. AND YOU ARE WELL AWARE
19 THAT IT IS YOUR PERSONAL RIGHT AS TO WHETHER OR NOT
20 YOU ARE GOING, WANT TO TESTIFY OR NOT?

21 DEFENDANT GREENE: YES, SIR.

22 THE COURT: OKAY. AND I KNOW YOU TALKED WITH
23 YOUR ATTORNEYS AFTER I TALKED WITH YOU IN COURT,
24 YESTERDAY EVENING AND AGAIN THIS MORNING?

25 DEFENDANT GREENE: YES, SIR.

1 THE COURT: OKAY. IS IT YOUR DECISION TO
2 TESTIFY OR NOT TESTIFY?

3 DEFENDANT GREENE: NOT TO TESTIFY, SIR.

4 THE COURT: OKAY. ALRIGHT, SIR. THANK YOU,
5 SIR, APPRECIATE IT.

6 ALRIGHT, MS. HINDS, DO YOU HAVE ANY -- DOES
7 THE DEFENSE HAVE ANY OTHER WITNESSES?

8 MS. HINDS: EXCUSE ME?

9 THE COURT: DOES THE DEFENSE HAVE ANY OTHER
10 WITNESSES?

11 MS. HINDS: NO, SIR, THE DEFENSE WOULD REST.

12 THE COURT: OKAY. WELL, THEN, I WILL -- IS
13 THE DEFENSE READY FOR THE JURY TO COME BACK IN?

14 MS. HINDS: YES, SIR.

15 THE COURT: IS THE STATE READY?

16 MS. HINDS: I WOULD RENEW ALL OF MY PRIOR
17 MOTIONS AT THIS POINT IN TIME.

18 THE COURT: OH, ALRIGHT.

19 MS. HIND: AND ALL OF MY OBJECTIONS.

20 THE COURT: ALRIGHT. WE'LL PRESERVE THAT ALL
21 FOR THE RECORD.

22 SOLICITOR SORENSON: AND AS I INFORMED THE
23 COURT A LITTLE WHILE AGO, WE WOULD HAVE ONE SHORT
24 REPLY WITNESS ALSO, YOUR HONOR.

25 THE COURT: OKAY. AND WHAT I FIGURED WE'D

1 DO IS BRING THEM BACK IN HERE, HAVE THE REPLY WITNESS,
2 THEN TAKE ANOTHER QUICK BREAK TO MAKE Y'ALL ARE READY
3 TO GO AS Y'ALL, I DON'T KNOW HOW THAT'S GOING TO
4 MODIFY YOUR CLOSINGS, AND THEN Y'ALL CAN -- AND GIVE
5 US TIME TO LOOK OVER THE VERDICT FORM, AND THEN WE'LL
6 CALL THEM BACK OUT HER.

7 MS. HINDS: YES, SIR.

8 THE COURT: ALRIGHT. THANK YOU, MA'AM. BRING
9 THEM ON IN.

10 (Whereupon, the jury enters
11 the courtroom and the following
12 takes place in the presence
13 of the jury.)

14 THE COURT: ALRIGHT, GOOD MORNING, LADIES
15 AND GENTLEMEN, I HOPE Y'ALL HAD A GOOD EVENING.

16 ALRIGHT, IT'S THURSDAY, WE ARE WINDING DOWN.
17 OKAY? I HOPE NOBODY HAS TRIED TO CONTACT Y'ALL ABOUT
18 THIS CASE. OKAY. ALRIGHT, GOOD.

19 ALRIGHT, WE'RE GETTING READY TO GO FORWARD
20 WITH THE TRIAL AGAIN THIS MORNING. MS. HINDS, WHEN
21 LAST WE LEFT YOU HAD CALLED YOUR LAST WITNESS
22 YESTERDAY AFTERNOON. DOES THE DEFENSE HAVE ANY OTHER
23 WITNESSES TO CALL?

24 MS. HINDS: WE DO NOT, SIR, THE DEFENSE
25 WOULD REST.

1 THE COURT: ALRIGHT, THANK YOU, MA'AM.

2 ALRIGHT, ANYTHING IN REPLY?

3 SOLICITOR SORENSON: YES, YOUR HONOR, THE
4 STATE WOULD HAVE ONE SHORT REPLY WITNESS.

5 THE COURT: ALRIGHT, SIR, IF YOU'D CALL THAT
6 WITNESS.

7 SOLICITOR SORENSON: YES, SIR, THE STATE
8 CALLS INVESTIGATOR WALT TURNER.

9 (Whereupon, Walt Turner
10 is duly sworn.)

11 CLERK: PLEASE HAVE A SEAT AND STATE YOUR
12 FULL NAME.

13 WITNESS: WALT TURNER.

14 (NOTE: Blank lines on this page do not indicate any
15 part of record has been omitted. Headers on testimony
16 pages and hard page breaks between testimony are now
17 required by the Court. See next ensuing page for
18 sequential continuation of record.)

DIRECT - WALT TURNER BY SOL. SORENSON

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DIRECT EXAMINATION OF WALT TURNER

BY SOLICITOR SORENSON:

Q. INVESTIGATOR TURNER, IF YOU WOULD TELL THE JURY
WHERE YOU'RE EMPLOYED?

A. I'M EMPLOYED WITH THE FIRST CIRCUIT SOLICITOR'S
OFFICE.

Q. YOU WORK WITH ME, IS THAT CORRECT?

A. I WORK WITH MR. SORENSON.

Q. AND LET ME ASK YOU, DID YOU HAVE AN OPPORTUNITY
TO GO OUT, AT MY REQUEST, TO GO OUT AND DRIVE AND
DETERMINE HOW LONG, WHAT THE DISTANCE WAS BETWEEN
TWO LOCATIONS?

A. I DID.

Q. AND WAS THAT BETWEEN
STREET AND ?

A. IT WAS.

SOLICITOR SORENSON: YOUR HONOR, IF I COULD
HAVE HIM STEP DOWN.

THE COURT: SURE.

Q. ALRIGHT, AND YOU'VE HAD AN OPPORTUNITY TO VIEW
STATE'S EXHIBIT NUMBER THIRTEEN, IS THAT CORRECT?

A. I HAVE.

Q. ALRIGHT. AND FIRST OF ALL, IF YOU COULD POINT ON
HERE WHERE STREET IS
LOCATED AT?

DIRECT - WALT TURNER BY SOL. SORENSON

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1 A. THIS IS

2 Q. AND THAT'S ON THE PIECE OF PROPERTY THAT'S GOT
3 THE BLUE KIND OF OUTLINE, COLOR BLUE OUTLINE
4 AROUND IT? IS THAT CORRECT?

5 A. YES, SIR.

6 Q. ALRIGHT, AND HOW ABOUT
7 STREET?

8 A. THIS IS

9 Q. OKAY. AND SPECIFICALLY, THE TRAILER THAT MS.
10 WRIGHT WAS STAYING IN, ARE YOU AWARE OF WHICH
11 TRAILER THAT WAS?

12 A. IT IS THIS TRAILER RIGHT HERE, THE LAST ONE.

13 Q. YOU'VE GOT PEOPLE BEHIND YOU THERE, SO THE ONE
14 CLOSEST -- THE TOP OF THOSE FOUR TRAILERS, IS
15 THAT CORRECT?

16 A. THAT'S CORRECT.

17 Q. OKAY. AND DID YOU THEN HAVE AN OPPORTUNITY TO GO
18 OUT AND DRIVE AND DETERMINE HOW LONG BY GOING ON
19 THE ROADWAY IT WOULD BE, GOING FROM THIS LOCATION
20 TO THAT LOCATION?

21 A. I DID.

22 Q. OKAY. AND IF YOU WOULD, KIND OF GO -- LET ME
23 MAKE SURE EVERYBODY CAN SEE, BUT IF YOU WOULD,
24 KIND OF POINT THE ROUTE THAT YOU TOOK.

25 A. I STARTED AT ...

DIRECT - WALT TURNER BY SOL. SORENSON

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1 Q. LET ME DO THIS, KIND OF BACK SO THOSE JURORS ON
2 THE END THERE CAN SEE ALSO.

3 A. I STARTED AT STREET, WHICH
4 IS A, HERS IS THE LAST MOBILE HOME ON THE LEFT,
5 AND THIS IS ALETHA THAT RUNS RIGHT HERE. I LEFT
6 AND I WENT AROUND THE CORNER AND I CAME STRAIGHT
7 TUCKER STREET. THEN I TOOK A LEFT ON FULTON TO
8 GET BACK TO BAYNE STREET. I TOOK A RIGHT ON BAYNE
9 TO MAGNOLIA. THEN I TOOK A LEFT ON MAGNOLIA AND
10 TOOK A RIGHT ON THE WHALEY, I THINK THAT IS
11 WHALEY RUNNING BY MIRMOW FIELD RIGHT HERE, WHICH
12 BROUGHT ME TO BROUGHTON STREET. I TOOK A RIGHT
13 ON BROUGHTON ALL THE WAY TO LINDALE. I TOOK A
14 LEFT ON LINDALE WHICH TOOK ME TO RIGGS STREET, A
15 LEFT ON RIGGS, AND THEN A RIGHT ON BRISTOL, WHICH
16 BROUGHT ME TO

17 Q. AND HOW LONG, WHAT WAS THAT DISTANCE FROM,
18 DRIVING IT FROM MS. WRIGHT'S HOME TO THE HOME
19 DOWN HERE ON BRISTOL?

20 A. IT WAS ONE POINT THREE MILES.

21 Q. OKAY. AND DID THAT APPEAR FROM LOOKING AT THE
22 MAP AND ALSO FROM YOUR, IF YOU'RE FAMILIAR WITH
23 THIS AREA, TO BE THE QUICKEST ROUTE TO TAKE BY
24 CAR?

25 A. IT WAS, THAT I COULD DETERMINE. IT LOOKED TO ME

DIRECT - WALT TURNER BY SOL. SORENSON

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1 TO BE THE QUICKEST ROUTE.

2 Q. ONE POINT THREE MILES BY CAR, AND THAT'S,
3 OBVIOUSLY, THAT'S NOT AS THE CROW FLIES, IS THAT
4 CORRECT?

5 A. NO, SIR.

6 Q. AND I BELIEVE YOU KIND OF HAD TO ZIG ZAG KIND OF
7 BACK AND FORTH TO END UP OVER HERE, IS THAT
8 CORRECT?

9 A. YOU DID, BY CAR.

10 Q. ALRIGHT. AND WHAT IS THIS THAT KIND OF IS
11 RUNNING RIGHT THROUGH THE MIDDLE OF THE MAP HERE?

12 A. IT'S A RAILROAD TRACK.

13 Q. ALRIGHT. AND COMING UP HERE TO MS. WRIGHT'S
14 MOBILE HOME, THE RAILROAD TRACKS KIND OF RUN
15 BEHIND HER MOBILE HOME?

16 A. RIGHT BEHIND HER MOBILE HOME.

17 Q. AND ARE YOU ABLE TO GET, IF YOU'RE AT HER MOBILE
18 HOME, CAN YOU GET FROM HER MOBILE HOME ONTO THE
19 RAILROAD TRACK?

20 A. YOU CAN. YOU CAN JUST WALK RIGHT DOWN TO THE
21 RAILROAD TRACKS.

22 Q. HOW ABOUT COMING DOWN HERE TO

23 WHERE MR. WELLS AND MS. MILLER
24 WERE STAYING AT, CAN YOU GET FROM THEIR HOME ONTO
25 THE RAILROAD TRACKS DOWN HERE?

DIRECT - WALT TURNER BY SOL. SORENSON

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1 A. YOU CAN. YOU WOULD -- THE EASIEST WAY, YOU COULD
2 JUST GET OFF THE RAILROAD TRACKS RIGHT HERE AND
3 JUST WALK UP A LITTLE EMBANKMENT THAT PUTS YOU ON
4 MAPLE STREET.

5 Q. WERE YOU ABLE TO DETERMINE APPROXIMATELY HOW LONG
6 IT IS FROM HERE TO HERE IF YOU JUST, YOU KNOW,
7 WENT DOWN THE RAILROAD TRACKS AS OPPOSED TO KIND
8 OF ZIG ZAGGING BY CAR TO GET THERE?

9 A. IT WAS APPROXIMATELY A LITTLE LESS THAN A MILE,
10 APPROXIMATELY POINT EIGHT TENTHS OF A MILE.

11 SOLICITOR SORENSON; ALRIGHT, THANK YOU.
12 THAT WOULD BE ALL I HAVE, YOUR HONOR.

13 THE COURT: MS. HINDS, YOUR WITNESS.

14 MS. HINDS: JUST BRIEFLY.

15 (NOTE: Blank lines on this page do not indicate any
16 part of record has been omitted. Headers on testimony
17 pages and hard page breaks between testimony are now
18 required by the Court. See next ensuing page for
19 sequential continuation of record.)

CROSS - WALT TURNER BY MS. HINDS

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CROSS-EXAMINATION OF WALT TURNER

BY MS. HINDS:

Q. YOU DON'T, YOU WEREN'T A WITNESS TO ANYTHING THAT
HAPPENED ON ALETHA STREET, CORRECT?

A. NO, MA'AM.

Q. YOUR INVOLVEMENT WAS MEASURING THE DISTANCE?

A. YES, MA'AM.

MS. HINDS: NO FURTHER QUESTIONS.

THE COURT: ANYTHING FURTHER FROM THIS
WITNESS?

SOLICITOR SORENSON: NO, SIR.

THE COURT: ALRIGHT, MR. TURNER, YOU'RE
EXCUSED, THANK YOU, SIR.

WITNESS: THANK YOU.

THE COURT: ALRIGHT, ANY OTHER WITNESSES FOR
THE STATE?

SOLICITOR SORENSON: NO, SIR.

THE COURT: ALRIGHT, LADIES AND GENTLEMEN,
YOU HAVE NOW HEARD ALL OF THE TESTIMONY IN THIS CASE.
OKAY? WE ARE GOING TO, I'M GOING TO LET YOU GO BACK
INTO THE JURY ROOM FOR JUST A MOMENT WHILE WE GET
READY FOR THE CLOSING ARGUMENTS AND MY JURY CHARGE TO
YOU. THAT WILL JUST GIVE US A LITTLE TIME TO GET
ORGANIZED OUT HERE BEFORE WE COME BACK OUT HERE SO
Y'ALL CAN HEAR THE CLOSING ARGUMENTS AND THE JURY

1 CHARGE. OKAY?

2 NOW, EVEN THOUGH YOU'VE HEARD ALL 'OF THE
3 TESTIMONY, YOU CAN'T BEGIN DISCUSSING THIS CASE YET.
4 YOU WON'T BE ABLE TO DISCUSS IT UNTIL AFTER YOU'VE
5 HEARD THE CLOSING ARGUMENTS AND MY CHARGE TO YOU ON
6 THE LAW. WE'LL TAKE A SHORT BREAK AFTER THAT, I WILL
7 GO OVER WITH THE ATTORNEYS TO FIND OUT IF THERE'S
8 ANYTHING ELSE I LEFT OUT IN MY CHARGE THAT THEY WANTED
9 ME TO INCLUDE OR ANYTHING THAT I SAID THAT THEY WANT
10 ME TO CORRECT. OKAY? IF THERE'S NOTHING THAT NEEDS TO
11 BE CORRECTED, IF I DON'T NEED TO BRING YOU OUT HERE TO
12 RECHARGE YOU ON ANY ASPECTS OF THAT, I WILL SEND A
13 VERDICT FORM BACK INTO THE JURY ROOM WITH YOU, WITH
14 DIRECTIONS TO BEGIN DELIBERATIONS. BUT UNTIL THAT
15 TIME YOU CANNOT TALK ABOUT THIS CASE. OKAY? Y'ALL CAN
16 TALK ABOUT THE PLAYOFFS, Y'ALL CAN TALK ABOUT THE
17 WEATHER, YOU CAN TALK ABOUT ANYTHING ELSE RIGHT NOW,
18 BUT NOT ABOUT THIS CASE. SO, I'LL EXCUSE Y'ALL TO GO
19 BACK INTO THE JURY FOR JUST A FEW MORE MINUTES. OKAY?
20 AND I'LL LET YOU OUT AND WE'LL DO THE END OF THE CASE.
21 THANKS.

22 (Whereupon, the jury retires
23 to the jury room and the following
24 takes place out of the presence
25 of the jury.)

1 THE COURT: WE'VE GOT THE PROPOSED VERDICT
2 FORM. I WANT Y'ALL TO LOOK THAT OVER. MS. HINDS, I
3 KNOW THAT THE VERDICT FORM INCLUDES THE GUILTY OF
4 ATTEMPTED ARMED ROBBERY THAT YOU OBJECTED TO.

5 MS. HINDS: YES, SIR.

6 THE COURT: EVEN IF YOU APPROVED THIS FORM,
7 IT IS NOT OVERRULING YOUR OBJECTION OR ANYTHING LIKE
8 THAT. OKAY?

9 MS. HIND: YES, SIR.

10 THE COURT: DO Y'ALL HAVE ANYTHING IN THERE
11 THAT Y'ALL NEED ME TO CORRECT, MODIFY?

12 SOLICITOR SORENSON: NO, SIR.

13 MS. HINDS: NO, SIR.

14 THE COURT: OKAY. NOW, DO Y'ALL NEED TO --
15 ANYTHING WE NEED TO DISCUSS ABOUT CLOSING OR ANYTHING
16 LIKE THAT? YOU'RE GOING TO ...

17 SOLICITOR SORENSON: A BRIEF OPENING ON THE
18 LAW.

19 THE COURT: OKAY. AND THEN YOU'RE GOING TO,
20 AND THEN YOU'RE GOING TO GO BACK LAST. OKAY. I'VE GOT
21 THE CHARGE ABOUT HIM NOT TESTIFYING IN MY CHARGES.
22 OKAY. ANYTHING ELSE WE NEED TO DISCUSS BEFORE WE GET
23 THE JURY BACK OUT HERE?

24 MS. HINDS: I DON'T BELIEVE SO.

25 SOLICITOR SORENSON: CAN WE TAKE JUST ABOUT

1 FIVE MINUTES?

2 THE COURT: YES. WE'LL TAKE A FIVE MINUTE
3 BREAK SO Y'ALL CAN KIND OF GET, Y'ALL CAN STRETCH.
4 OKAY. ALRIGHT, AND GET KIND OF ORGANIZED. ALRIGHT.

5 (Recess)

6 THE COURT: WE'RE ALMOST READY. IS THE
7 STATE READY TO PROCEED?

8 SOLICITOR SORENSON: YES, SIR.

9 THE COURT: OKAY. IS THE DEFENSE READY TO
10 PROCEED?

11 MS. HINDS: YES, SIR.

12 THE COURT: ALRIGHT, IF YOU'LL BRING THE
13 JURY ON OUT, PLEASE, MA'AM.
14 (Whereupon, the jury enters
15 the courtroom and the following
16 takes place in the presence
17 of the jury.)

18 THE COURT: ALRIGHT, LADIES AND GENTLEMEN,
19 WE'RE AT THE FINAL PART OF THE TRIAL. AND AS I TOLD
20 YOU, WHEN YOU CAME BACK OUT WE WILL NOW BEGIN WITH THE
21 CLOSING ARGUMENTS OF THE ATTORNEYS. NOW, THESE ARE
22 THEIR CLOSING ARGUMENTS AND THEY'RE GOING TO TALK TO
23 YOU ABOUT THE CASE AND THE EVIDENCE THAT YOU'VE HEARD.
24 SO, Y'ALL HAVE PAID A LOT OF ATTENTION, SO I WOULD ASK
25 Y'ALL TO CONTINUE TO PAY ATTENTION AS THE ATTORNEYS

1 MAKE THEIR CLOSING ARGUMENTS. AND AFTER THEY FINISH
2 WITH THEIR CLOSING ARGUMENTS, I'LL CHARGE YOU ON THE
3 LAW. OKAY?

4 ALRIGHT, MR. SORENSON.

5 SOLICITOR SORENSON: THANK YOU, MAY IT
6 PLEASE THE COURT.

7 THE COURT: YES, SIR.

8 CLOSING ARGUMENT BY SOLICITOR SORENSON

9 GOOD MORNING, MR. FOREMAN AND LADIES AND
10 GENTLEMEN OF THE JURY, I WANT TO START OFF BY THANKING
11 YOU ON BEHALF OF LATOYA WRIGHT AND HER FAMILY, ON
12 BEHALF OF THE ORANGEBURG DEPARTMENT OF PUBLIC SAFETY,
13 ON BEHALF OF THE PEOPLE OF ORANGEBURG COUNTY, NOT ONLY
14 FOR YOUR TIME BUT MORE IMPORTANTLY FOR THE ATTENTION
15 THAT YOU'VE GIVEN TO THIS MATTER SO FAR, AND THAT I AM
16 CONFIDENT THAT YOU'RE GOING TO CONTINUE TO GIVE TO
17 THIS MATTER THROUGHOUT OUR CLOSING ARGUMENTS, TO HIS
18 HONOR'S CHARGE, AND WHEN YOU GET BACK INTO THE JURY
19 ROOM AND FINALLY YOU'RE ABLE TO BEGIN DELIBERATING.

20 NOW, BASICALLY, I WANT TO GIVE YOU JUST A
21 KIND OF LITTLE BRIEF ROADMAP OF WHERE WE'RE GOING TO
22 GO FROM HERE. I'M GOING TO TAKE A FEW MINUTES OF YOUR
23 TIME TO TALK TO YOU A LITTLE BIT ABOUT THE LAW IN THE
24 CASE, TALK TO YOU ONCE AGAIN A LITTLE BIT ABOUT THE
25 CHARGES AGAINST MR. GREENE, AND SOME OF THE OTHER

1 LEGAL PRINCIPLES INVOLVED IN THIS CASE. THEN MS.
2 HINDS IS GOING TO HAVE AN OPPORTUNITY TO COME UP
3 BEFORE YOU AND ARGUE TO YOU WHAT SHE BELIEVES THE
4 EVIDENCE AND THE FACTS HAVE PROVEN IN THIS CASE. I
5 ASK YOU PLEASE TODAY TO GIVE ME ONE LAST OPPORTUNITY
6 TO COME BACK BEFORE YOU AND ARGUE TO YOU WHAT I SUBMIT
7 WE HAVE PROVEN TO YOU OVER THE LAST DAY AND A HALF IN
8 THIS COURTROOM.

9 NOW, AS YOU WERE TOLD FROM THE BEGINNING,
10 MR. GREENE HAS BEEN INDICTED ON THREE DIFFERENT
11 CHARGES, AND I WANT TO -- AS I TALKED TO YOU BRIEFLY
12 ABOUT THEM IN MY OPENING, I JUST WANT TO KIND OF GO
13 OVER THEM AGAIN JUST VERY BRIEFLY NOW ALSO.

14 THE FIRST ONE IS BURGLARY IN THE FIRST
15 DEGREE. AND AS I TOLD YOU YESTERDAY, BURGLARY IN THE
16 FIRST DEGREE IS VERY SIMPLY THE UNLAWFUL ENTRY INTO
17 ANOTHER PERSON'S HOME WITHOUT THEIR CONSENT WITH THE
18 INTENT TO COMMIT A CRIME, ACCOMPANIED BY SOME
19 CIRCUMSTANCE OF AGGRAVATION. AND THAT CAN EITHER BE
20 THAT IT OCCURRED DURING THE HOURS OF DARKNESS, THAT
21 YOU WERE ARMED OR DISPLAYED A DEADLY WEAPON, IN THIS
22 CASE A HAND GUN, OR THAT YOU CAUSED PHYSICAL INJURY TO
23 SOMEBODY NOT PARTICIPATING IN THE CRIME, IN THIS CASE
24 AN INJURY THAT MS. WRIGHT SUFFERED. OKAY? BURGLARY
25 IN THE FIRST DEGREE.

1 ALRIGHT, THE SECOND CHARGE THAT MR. GREENE
2 IS CHARGED WITH IS ASSAULT AND BATTERY WITH INTENT TO
3 KILL. ASSAULT AND BATTERY WITH INTENT TO KILL IS AN
4 UNLAWFUL INJURY TO ANOTHER PERSON WITH MALICE
5 AFORETHOUGHT. OKAY? WHEN YOU TAKE AND YOU FIRE A GUN
6 AT SOMEBODY AND YOU STRIKE THEM YOU HAVE COMMITTED AN
7 UNLAWFUL INJURY TO THAT PERSON, ACCOMPANIED BY MALICE.
8 MALICE IS BASICALLY JUST AN EVIL, WICKED SPIRIT. AND
9 I SUBMIT TO YOU, IT DOESN'T GET MUCH MORE MALICIOUS
10 THAN WHEN YOU TAKE A LOADED GUN, POINT IT AT YOUNG
11 LADY'S FACE AND END UP PULLING THE TRIGGER. IT'S HARD
12 TO IMAGINE SOMETHING MUCH MORE MALICIOUS THAN THAT.
13 THAT'S THE SECOND CHARGE, ASSAULT AND BATTERY WITH
14 INTENT TO KILL.

15 THE THIRD CHARGE HE'S CHARGED WITH IS ARMED
16 ROBBERY. AND AS I TOLD YOU YESTERDAY, ARMED ROBBERY
17 IS BASICALLY STEALING, THE UNLAWFUL TAKING OF PROPERTY
18 FROM THE PERSON OR PRESENCE OF ANOTHER WHILE ARMED
19 WITH A DEADLY WEAPON WITH THE INTENT TO PERMANENTLY
20 DEPRIVE THEM OF THAT. IN OTHER WORDS, IT'S STEALING
21 SOMETHING FROM SOMEBODY'S PERSON OR PRESENCE WHILE
22 ARMED WITH A DEADLY WEAPON, IN THIS CASE A HAND GUN.
23 OKAY?

24 NOW I SUBMIT THOSE FIRST TWO CHARGES,
25 BURGLARY IN THE FIRST DEGREE, AND THE ASSAULT AND

1 BATTERY WITH INTENT TO KILL, WHEN YOU GET BACK TO YOUR
2 JURY ROOM YOU BASICALLY, YOU HAVE TWO POSSIBLE
3 VERDICTS ON THOSE CHARGES. IF YOU FIND THAT WE HAVE
4 PROVEN TO YOU BEYOND A REASONABLE DOUBT MR. GREENE'S
5 GUILT, THEN IT'S YOUR DUTY TO FIND HIM GUILTY OF
6 BURGLARY IN THE FIRST DEGREE. IF WE'VE PROVEN TO YOU
7 BEYOND A REASONABLE DOUBT HIS GUILT AS TO THE ASSAULT
8 AND BATTERY WITH INTENT TO KILL, THEN IT IS YOUR DUTY
9 TO FIND HIM GUILTY. IF WE HAVEN'T PROVEN IT TO YOU,
10 THEN LIKEWISE IT'S YOUR DUTY TO FIND HIM NOT GUILTY.
11 SO, YOUR TWO POSSIBLE VERDICTS ON THOSE CHARGES ARE
12 EITHER GUILTY OR NOT GUILTY ON THE BURGLARY IN THE
13 FIRST DEGREE AND THE ASSAULT AND BATTERY WITH INTENT
14 TO KILL.

15 NOW, THE ARMED ROBBERY IS A LITTLE
16 DIFFERENT, YOU'RE GOING TO HAVE THREE POSSIBLE
17 VERDICTS ON THAT CHARGE. IF WE'VE PROVEN TO YOU
18 BEYOND A REASONABLE DOUBT THAT HE COMMITTED THE ARMED
19 ROBBERY, THEN YOU WOULD FIND HIM GUILTY. THEN YOU'RE
20 GOING TO HAVE SOMETHING CALLED A LESSER INCLUDED
21 OFFENSE THAT YOU CAN CONSIDER IN THAT CHARGE ALSO, AND
22 THAT'S CALLED ATTEMPTED ARMED ROBBERY. AND BASICALLY
23 WHAT THAT MEANS, IF YOU FOUND THAT WE'VE PROVEN BEYOND
24 A REASONABLE DOUBT THAT WALTER GREENE CAME UP TO THAT
25 HOME THAT NIGHT, PUT A GUN IN MS. WRIGHT'S FACE,

1 ORDERED HER TO, GIVE ME EVERYTHING YOU'VE GOT, FIRED
2 THAT SHOT AT HER, ULTIMATELY CHASED HER OUT OF HER
3 HOME, BUT WE HAVEN'T PROVEN TO YOU THAT HE ACTUALLY
4 TOOK ANYTHING, BECAUSE OBVIOUSLY, MS. WRIGHT DIDN'T
5 SEE WHAT HAPPENED AFTER SHE FLED HER HOME. SO, IF
6 YOU'VE FOUND THAT WE DIDN'T PROVE THAT HE ACTUALLY
7 TOOK THE GUN THAT WAS MISSING OR THE MONEY THAT WAS
8 MISSING, IF YOU HAD A REASONABLE DOUBT AS TO THAT
9 ELEMENT, THEN YOU WOULD FIND HIM GUILTY OF THE LESSER
10 INCLUDED OFFENSE OF ATTEMPTED ARMED ROBBERY. BECAUSE
11 ATTEMPT, BASICALLY, WHEN HE CAME UP AND PUT THAT GUN
12 IN HER FACE, TOLD HER TO, GIVE ME EVERYTHING YOU'VE
13 GOT, THAT'S THE ATTEMPTED ARMED ROBBERY. IT'S
14 COMPLETED WHEN HE ACTUALLY GOT THE GOODS. OKAY? AND
15 IF HE JUST TAKEN OFF AT THAT POINT IN TIME WITHOUT
16 TAKING ANYTHING HE'D BE GUILTY OF ATTEMPTED ARMED
17 ROBBERY. SO, THAT'S YOUR SECOND OPTION, IT'S EITHER
18 GUILTY OF ARMED ROBBERY, GUILTY OF ATTEMPTED ARMED
19 ROBBERY, BUT ONCE AGAIN, IF YOU FIND THAT WE HAVE NOT
20 PROVEN HIM GUILTY BEYOND A REASONABLE DOUBT OF EITHER
21 OF THOSE CHARGES, THEN IT'S YOUR DUTY TO FIND HIM NOT
22 GUILTY. SO, IT WOULD BE THREE SEPARATE POSSIBLE
23 VERDICTS ON THE ARMED ROBBERY INDICTMENT.

24 NOW, AS YOU WERE TOLD, AND I'M SURE MS.
25 HINDS IS GOING TO GET UP HERE AND TELL YOU ALSO, THAT

1 THE MAIN ISSUE IN THIS CASE IS THE IDENTIFICATION OF
2 WHO COMMITTED THESE OFFENSES. IT'S NOT REALLY AN
3 ISSUE THEY OCCURRED, I DON'T THINK THAT SHE'S GOING TO
4 GET UP HERE AND ARGUE TO YOU THAT HER HOME WASN'T
5 BURGLARIZED, THAT SHE WASN'T ASSAULTED, THAT SOMEBODY
6 DIDN'T TRY TO ROB HER BACK ON APRIL TWENTY-FOURTH OF
7 THIS YEAR. SO, THE ISSUES IS WHETHER WE HAVE PROVEN
8 BEYOND A REASONABLE DOUBT THAT THAT MAN IS THE MAN
9 THAT COMMITTED THESE THREE OFFENSES. OKAY? AND I'M
10 GOING TO GO INTO THIS A LOT MORE WHEN I GET BACK UP
11 AFTER MS. HINDS GOES, BUT SUFFICE IT TO SAY, AS FAR AS
12 IDENTITY, OBVIOUSLY, WE HAVE TO PROVE, JUST LIKE WE
13 HAVE TO PROVE THE ELEMENTS OF THOSE THREE OFFENSES, WE
14 HAVE TO PROVE TO YOU BEYOND A REASONABLE DOUBT THAT
15 HE'S THE ONE THAT COMMITTED THEM, AND THAT'S HOW IT
16 SHOULD BE. ALRIGHT, AND THE THINGS THAT YOU'RE GOING
17 TO LOOK AT WHEN YOU'RE SITTING AND LOOKING AT MS.
18 WRIGHT'S IDENTIFICATION OF MR. GREENE, NOW, WHAT IS
19 HER OPPORTUNITY TO OBSERVE HIM THAT NIGHT? YOU KNOW,
20 HOW CERTAIN IS SHE? HOW ACCURATE IS HIS DESCRIPTION
21 THAT SHE GAVE TO THE POLICE MOMENTS AFTER THIS
22 INCIDENT OCCURRED? YOU KNOW, HOW MUCH TIME TOOK PLACE
23 FROM THE TIME THE INCIDENT OCCURRED UNTIL SHE WAS ABLE
24 TO IDENTIFY HIM? THOSE ARE JUST SOME OF THE FACTORS,
25 AND I'M GOING TO GO INTO ALL OF THIS IN A WHOLE LOT

1 MORE DETAIL WHEN I GET AN OPPORTUNITY COME BACK BEFORE
2 YOU.

3 ALRIGHT, THE LAST THING I WANT TO TALK TO
4 YOU ABOUT BEFORE I SIT DOWN FOR THE TIME BEING, THE
5 LAST TIME I WANT TO TALK TO YOU ABOUT HERE BEFORE I
6 SIT DOWN AND LET MS. HINDS GET UP, JUST LIKE JUDGE
7 DICKSON IS UP THERE WITH THE BLACK ROBE, AND IS THE
8 JUDGE BECAUSE HE'S GOING TO TELL YOU ABOUT THE LAW. IN
9 OTHER WORDS, WHAT HE ULTIMATELY INSTRUCTS YOU AT THE
10 CLOSING OF THIS CASE TO BE THE LAW IN THIS CASE, I
11 MEAN, YOU'RE OBLIGATED UNDER YOUR OATH TO FOLLOW THE
12 LAW WHETHER YOU AGREE OR DISAGREE WITH IT, BECAUSE
13 HE'S THE JUDGE OF THE LAW. WELL, JUST LIKE HE'S THE
14 JUDGE OF THE LAW, THE TWELVE OF YOU, LADIES AND
15 GENTLEMEN, ARE JUDGES ALSO. YOU MAY NOT HAVE REALIZED
16 THAT. WHEN YOU SHOWED UP HERE TUESDAY MORNING THIS
17 ISN'T QUITE WHERE YOU EXPECTED TO BE SITTING FORTY-
18 EIGHT HOURS LATER. BUT THE TWELVE OF YOU ARE ALSO
19 JUDGES, LADIES AND GENTLEMEN, YOU'RE ULTIMATELY THE
20 JUDGES OF THE CREDIBILITY OR THE BELIEVABILITY OF EACH
21 AND EVERY WITNESS AND PIECE OF EVIDENCE THAT'S
22 INTRODUCED IN THIS COURTROOM. YOU, AND YOU ALONE, ARE
23 ULTIMATELY GOING TO TELL US WHAT THE TRUTH IS AND WHAT
24 HAPPENED BACK AT , BACK
25 IN THE EARLY MORNING HOURS OF APRIL TWENTY-FOURTH OF

1 THIS YEAR. YOU MAY BE ASKING YOURSELF, YOU KNOW,
2 NOBODY, WE DIDN'T SIT DOWN, WE DIDN'T GO TO CLASS LAST
3 WEEK ON HOW TO BE A JUROR. NOBODY GAVE US REALLY ANY
4 INSTRUCTIONS ON HOW WE WERE SUPPOSED TO DO THIS. I
5 MEAN, WHY DID I END UP HERE, AND HOW AM I QUALIFIED TO
6 SIT AND DO THIS JOB? I SUBMIT TO YOU, LADIES AND
7 GENTLEMEN, ALL TWELVE OF YOU HAVE BEEN TRAINED FOR
8 THIS, WHETHER YOU REALIZE IT OR NOT, YOU'VE BEEN
9 TRAINING FOR THIS JOB EVERY DAY OF YOUR LIVES. OKAY?
10 BASICALLY, AS I SAID, YOUR JOB IS TO JUDGE THE
11 CREDIBILITY, IN OTHER WORDS, THE BELIEVABILITY OF THE
12 WITNESSES. AND THAT'S SOMETHING YOU DO EVERY DAY,
13 WHETHER YOU'RE DEALING WITH YOUR SPOUSE, YOUR
14 SIGNIFICANT OTHER, YOUR CHILDREN, PARENTS, FRIENDS,
15 CO-WORKERS OR JUST PEOPLE THAT YOU COME INTO CONTACT
16 WITH ON A DAY TO DAY BASIS. EVERY DAY YOU HAVE TO
17 MAKE DECISIONS AS TO WHETHER OR BEING TRUTHFUL WITH
18 YOU. AND SOME OF THE THINGS THAT YOU CONSIDER WHEN
19 YOU'RE DOING THAT, AND ESPECIALLY WHEN YOU'RE
20 CONSIDERING LOOKING AT THOSE WHO TESTIFIED HERE IN
21 COURT, WHAT WAS THEIR DEMEANOR ON THE STAND? DID THEY
22 APPEAR TO BE HESITANT OR DID THEY APPEAR TO BE
23 FORTHRIGHT AND SURE OF WHAT THEY WERE TELLING YOU? IS
24 A WITNESS'S TESTIMONY CONSISTENT NOT ONLY WITH THE
25 PHYSICAL EVIDENCE BUT ALSO WITH OTHER WITNESSES THAT

1 TESTIFIED? IN OTHER WORDS, WAS A WITNESS'S TESTIMONY
2 CORROBORATED OR WAS IT CONTRADICTED BY OTHER
3 WITNESSES' TESTIMONY. AND LASTLY, DID THE WITNESS HAVE
4 SOME REASON TO BE BIASED OR PREJUDICED? IN OTHER
5 WORDS, DID THEY HAVE SOME MOTIVE TO COME IN HERE AND
6 POSSIBLY NOT BE ENTIRELY FORTHRIGHT WITH Y'ALL? THOSE
7 ARE SOME OF THE FACTORS THAT I'M GOING TO TALK A
8 LITTLE MORE WHEN I TALK ABOUT THE WITNESSES.

9 NOW, AS I TOLD YOU AT THE OUTSET, LADIES AND
10 GENTLEMEN, YOU'VE GOT ONE OF THE, IT'S GOT TO BE ONE
11 OF THE HARDEST JOBS THERE CAN POSSIBLY BE. AND YOU'VE
12 HAD TO SIT HERE, AND THIS HASN'T BEEN A REAL LONG
13 TRIAL, BUT STILL YOU'VE HAD TO SIT HERE AND HAD THE
14 JUDGE TELL YOU OVER AND OVER AGAIN, AND YOU'VE HAD TO
15 SIT AND LISTEN TO ALL THIS TESTIMONY AND YOU'VE BEEN
16 UNABLE TO EVEN TALK ABOUT IT, EVEN AMONGST YOURSELVES,
17 EVEN AMONGST YOURSELVES. AND I CAN'T IMAGINE HOW
18 DIFFICULT THAT IS. BUT LADIES AND GENTLEMEN, THAT'S
19 GOING TO END REAL SOON HERE, REAL SOON. YOU'RE GOING
20 TO HAVE AN OPPORTUNITY, WHEN WE'RE DONE WITH OUR
21 CLOSING ARGUMENTS AND JUDGE DICKSON'S DONE CHARGING
22 YOU ON THE LAW, TO FINALLY GET BACK THERE AND TALK
23 ABOUT IT. AND I SUBMIT TO YOU, WHILE YOU'VE HAD TO
24 SIT HERE QUIET THIS WHOLE TIME, ULTIMATELY YOU'RE
25 GOING TO HAVE THE LOUDEST VOICE IN THIS COURTROOM, THE

1 LOUDEST VOICE IN THIS COURTROOM. AND I SUBMIT TO YOU
2 ON BEHALF OF THE STATE OF SOUTH CAROLINA, I'M GOING TO
3 ASK YOU WHEN I COME BACK BEFORE YOU AFTER MS. HINDS,
4 THAT WITH THIS VOICE YOU COME BACK WITH A VERDICT THAT
5 HOLDS HIM ACCOUNTABLE, HOLDS HIM RESPONSIBLE FOR HIS
6 ACTIONS.

7 I APPRECIATE THE ATTENTION YOU'VE GIVEN TO
8 ME, AND I'D ASK YOU TO GIVE THAT SAME ATTENTION TO MS.
9 HINDS. AND AS I SAID FROM THE GET GO TO PLEASE KEEP
10 AN OPEN MIND AND GIVE ME ONE MORE CHANCE TO COME BACK
11 BEFORE YOU. THANK YOU.

12 THE COURT: THANK YOU, MR. SORENSON.

13 MS. HINDS.

14 MS. HINDS: THANK YOU.

15 THE COURT: YES, MA'AM.

16 CLOSING ARGUMENT BY MS. HINDS

17 GOOD MORNING. AS I TOLD YOU BEFORE, MY NAME
18 IS PEGGY HINDS. THAT'S MARK WISE SITTING AT THE TABLE
19 WITH MR. WALTER GREENE, JUNIOR.

20 WE WOULD AGAIN SUBMIT TO YOU THAT, AS I TOLD
21 YOU TWO DAYS AGO OR A DAY AND A HALF AGO, MR. GREENE
22 SITS THERE AN INNOCENT MAN. HE HAS BEEN INNOCENT MAN
23 FROM THE DAY HE WAS CHARGED, AND HE REMAINS AN
24 INNOCENT MAN THIS MORNING. THAT INNOCENCE REMAINS
25 TODAY. I REMIND YOU THAT IT IS THE BURDEN OF THE STATE

1 TO PROVE THE CHARGES THAT THEY HAVE BROUGHT AGAINST
2 MR. GREENE. IT IS NOT UP TO MR. GREENE TO PROVE HIS
3 INNOCENCE, IT IS UP TO THE STATE TO CONVINCE ALL OF
4 YOU BEYOND THAT REASONABLE DOUBT TO PROVE HIM GUILTY.
5 ALL THAT REMAINS AT THIS POINT IS STILL AN ACCUSATION.
6 IN ORDER TO FROM AN ACCUSATION TO A CONVICTION ALL
7 TWELVE OF YOU MUST BE CONVINCED, NOT A LITTLE BIT,
8 NOT, COULD IT HAVE HAPPENED, NOT SORT OF, BUT FIRMLY
9 CONVINCED, EXCUSE ME, FROM THE TESTIMONY THAT YOU'VE
10 HEARD AND THE EVIDENCE THAT YOU'VE BEEN SHOWN THAT IT
11 WAS INDEED MR. GREENE THAT COMMITTED THIS CRIME. WE
12 SUBMIT THAT THE STATE HAS NOT MET THIS BURDEN, AND
13 REMIND YOU THAT AN ACCUSATION DOES NOT MEAN HE'S
14 GUILTY.

15 THERE'S NO DOUBT, I WOULD AGREE WITH MR.
16 SORENSON, THERE'S NO DOUBT IN OUR MINDS THAT SOMETHING
17 BAD HAPPENED TO MS. WRIGHT ON THE EARLY MORNING HOURS
18 OF APRIL TWENTY-FOURTH. WE AGREE SHE WAS DISTRAUGHT,
19 UNDERSTANDABLY, WE AGREE SHE WAS INJURED AND THAT'S
20 JUST NOT RIGHT. WE WOULD AGREE THAT EVERYONE HAS A
21 RIGHT TO FEEL SAFE IN THEIR OWN HOME. BUT MR. GREENE
22 DIDN'T CAUSE THAT FEAR, MR. GREENE DIDN'T CAUSE THAT
23 INJURY.

24 LET'S EXAMINE THE TESTIMONY, THE EVIDENCE
25 THAT YOU HAVE HEARD THAT SUPPOSEDLY MAKES MR. GREENE

1 GUILTY. WE HAVE NO DOUBT THAT THE WITNESSES HAVE
2 TRIED TO TELL YOU WHAT HAPPENED TO THE BEST OF THEIR
3 ABILITY, BUT THE FACT IS, MS. WRIGHT WASN'T EXPECTING
4 WHAT HAPPENED THAT NIGHT, IT HAPPENED QUICKLY. HER
5 TESTIMONY CONFIRMS THAT THIS WHOLE INCIDENT FROM START
6 TO FINISH WAS OVER IN SECONDS. LET'S LOOK AT WHAT
7 YOU'VE HEARD AND I ASK YOU TO USE YOUR COMMON SENSE IN
8 EVALUATING THAT TESTIMONY.

9 LET'S START WITH MS. WRIGHT'S TESTIMONY.
10 YOU'VE HEARD THAT SHE GOT HOME, THERE WAS A KNOCK ON
11 THE DOOR, THIS IS ABOUT, SOMEWHERE ABOUT TWO:THIRTY IN
12 THE MORNING, SHE WAS SKEPTICAL AS SHE HAD A RIGHT TO
13 BE. SHE WAS SO SKEPTICAL, SHE WAS SKEPTICAL ENOUGH
14 THAT SHE DECIDED TO GO TO THE KITCHEN DRAWER AND GET
15 HER GUN BEFORE SHE WENT TO SEE WHO WAS THERE. SHE
16 TOLD YOU, TESTIFIED AND TOLD YOU THAT SHE COULDN'T OR
17 IDENTIFY THE PERSON THAT WAS ON THE OTHER SIDE OF THE
18 DOOR SO SHE OPENED THE WOODEN DOOR. WHY, LADIES AND
19 GENTLEMEN? I DON'T KNOW. BUT IF YOU'RE APPREHENSIVE
20 ENOUGH TO HAVE GRABBED YOUR GUN TO BEGIN WITH, WHY
21 WOULD YOU OPEN THAT DOOR? IT DOESN'T MAKE SENSE.
22 HOWEVER, SHE FURTHER TESTIFIED THAT AFTER SHE OPENED
23 THE DOOR SHE REALIZED THAT SHE DID NOT RECOGNIZE THE
24 PERSON, AND HER TESTIMONY WAS, HE WAS ABOUT, SOMEWHERE
25 AROUND THREE FOOT AWAY FROM HER. IF, ONCE SHE OPENED

1 THE DOOR AND SHE DIDN'T RECOGNIZE THIS STRANGER ON HER
2 DOORSTEP AT TWO:THIRTY IN THE MORNING, WHY NOT SHUT
3 THE DOOR? WHY NOT AT LEAST ATTEMPT TO SHUT THE DOOR?
4 OR SHE'S GOT A GUN IN HER HAND, PRESENT YOUR WEAPON
5 AND TRY TO SCARE HIM OFF? HER TESTIMONY WAS THAT FOR
6 FOUR OR FIVE SECONDS THE PERSON JUST STOOD THERE.
7 MAYBE THERE WAS SOME KIND OF CONVERSATION, MAYBE THERE
8 WASN'T, BUT THAT PERSONS SUPPOSEDLY STOOD THERE WHILE
9 SHE GOT AN OPPORTUNITY TO BE ABLE TO SEE HIS FEATURES.
10 LADIES AND GENTLEMEN, I ASK YOU, DOES THAT MAKES
11 SENSE? IF SOMEBODY'S GOING TO COME TO YOUR DOOR WITH
12 THE INTENTION OF ARMED ROBBING YOU, WITH A GUN, ARE
13 THEY GOING TO LEAVE THAT WEAPON IN THEIR POCKET AND
14 STAND THERE WITHOUT A MASK, WITHOUT ANY KIND OF
15 DISGUISE, AND ALLOW YOU TO RECOGNIZE THEIR FEATURES
16 BEFORE THEY PULL THAT GUN OUT? I SUBMIT TO YOU THAT
17 THE RECOLLECTION THAT SHE TOLD TO THE FIRST RESPONDING
18 OFFICER THAT SHE OPENED THE DOOR, THE MAN POINTED A
19 GUN INTO THE DOOR AND SAID, GIVE ME EVERYTHING YOU'VE
20 GOT, WAS PROBABLY CLOSER TO THE TRUTH. COMMON SENSE,
21 LADIES AND GENTLEMEN, THE ROBBER WASN'T GOING TO STAND
22 THERE AND ALLOW HER TO MAKE A GOOD IDENTIFICATION.

23 SHE TESTIFIED ON THE STAND THAT THE
24 DESCRIPTION OF THE GENTLEMAN WAS SHORT TWISTS, HE WAS
25 A YOUNG BLACK MALE, FIVE FOOT FOUR INCHES, WITH A TEAR

1 DROP TATTOO UNDER HIS RIGHT EYE. I'M GOING TO LET YOU
2 BE THE JUDGE OF THAT PARTICULAR PHYSICAL FACT. Y'ALL
3 HAD AN OPPORTUNITY FROM MR. GREENE TO STAND UP HERE
4 BEFORE, YOU ALSO HEARD THE INVESTIGATOR, DETECTIVE
5 RIVERS, TWENTY-ONE YEARS EXPERIENCE ON THE FORCE, HE
6 HAD A HARD TIME IDENTIFYING THAT PARTICULAR MARK AS A
7 TEAR DROP, AND THIS WAS IN GOOD LIGHTING AND
8 RELATIVELY STRESS FREE ENVIRONMENT. MS. WRIGHT HAD
9 FOUR OR FIVE SECONDS, BY HER OWN ADMISSION, IN
10 QUESTIONABLE LIGHT. YES, THERE WAS LIGHT, WE
11 UNDERSTAND THERE WAS LIGHT, BUT THE LIGHT OUTSIDE WAS
12 NOT A PORCH LIGHT AS YOU REMEMBER, IT WAS A LIGHT THAT
13 WAS FARTHER BACK IN THE YARD. THERE WAS A KITCHEN
14 LIGHT ON BUT YOU HEARD TESTIMONY THAT IT KIND OF SHOWN
15 FROM AN ANGLE OVER ONE OF HIS SHOULDERS, OR TO ONE
16 SIDE OF HIS FACE. AGAIN, THERE'S LIGHT, WE ADMIT, BUT
17 IT'S QUESTIONABLE LIGHT.

18 THE POLICE OFFICER WHO RESPONDED ON THE
19 SCENE FIRST RECORDED WHAT SHE TOLD HIM. SHE GAVE A
20 DESCRIPTION TO HIM, AND THAT'S OFFICER WARRINGTON, A
21 BLACK MALE, NINETEEN TO TWENTY-TWO, DARK SKINNED,
22 SHORT TWISTS, A GREEN SHIRT, BLUE SHORTS, A JACKET AND
23 A TATTOO, FIVE FOOT EIGHT OR FIVE FOOT NINE INCHES.
24 OKAY? YET, WHEN MS. WRIGHT TOOK THE STAND SHE
25 TESTIFIED THAT THE MAN WHO PUT THE GUN IN HER FACE AND

1 ROBBED HER WAS FIVE FOOT FOUR INCHES, NOT FIVE FOOT
2 NINE. I WOULD SUBMIT TO YOU THAT I DON'T EXPECT MS.
3 WRIGHT TO HAVE, TAKE A TAPE MEASURE OUT AND SEE HOW
4 TALL THE PERSON IS, AND WE'RE NOT ALL MAYBE A GREAT
5 JUDGE TO WITHIN AN INCH, BUT I THINK COMMON SENSE
6 WOULD TELL YOU THAT THERE IS A DIFFERENCE BETWEEN AN
7 ADULT AT FIVE FOOT FOUR, AND FIVE FOOT NINE, AND THAT
8 ONE COULD TELL THE DIFFERENCE. I WOULD SUGGEST THAT
9 THE FIVE FOOT FOUR THAT SHE'S NOT TESTIFYING TO MAY
10 HAVE SOMETHING TO DO WITH THE FACT THAT SHE'S BEEN
11 ABLE TO SEE HIM IN COURT APPEARANCES SITTING AT THE
12 DEFENSE TABLE AND THAT HAS MAYBE CHANGED OR ALTERED
13 HER PERCEPTION, HER MEMORY OF HOW TALL THE PERSON WAS.

14 SHE TESTIFIED THAT HE WAS AT THE FRONT DOOR
15 STILL WHEN HE FIRED THE FIRST SHOT. YOU REMEMBER, SHE
16 SAID SHE WAS RUNNING WITH HER GUN IN HAND TO TRY TO
17 GET AWAY. AGAIN, WHY NOT SHOOT HIM OR TRY TO ATTACK
18 HIM? BUT I UNDERSTAND SHE'S AFRAID, BUT SHE HAD
19 HERSELF AND HER BABY TO PROTECT AND SHE DID HAVE A GUN
20 FOR PROTECTION. THAT DOESN'T MAKE HER GUILTY OF
21 ANYTHING AND I'M NOT TRYING TO SUGGEST THAT, I'M JUST
22 TRYING TO SHOW YOU THAT THERE ARE PLACES IN HER STORY
23 THAT DON'T QUITE ADD UP. SHE TESTIFIED THAT SHE
24 TURNED AND RAN DOWN THE HALL, AND REMEMBER, WHATEVER
25 OPPORTUNITY SHE HAD TO BE LOOKING AT HIM NOW SHE'S

1 TURNING AND RUNNING DOWN THE HALL. I BELIEVE HER
2 TESTIMONY WAS, THERE WAS A BRIEF GLANCE BACK WHERE SHE
3 SAID SHE COULD SEE THAT HE'S NOW IN THE LIVING ROOM.
4 AGAIN, VERY SHORT PERIOD OF TIME, NOW HE'S FARTHER
5 AWAY. WOULD THE PERSON WITH THE GUN WHO'S JUST
6 THREATENED YOU STEP INSIDE AND JUST STAND IN THE
7 LIVING ROOM? WOULD HE BE CHASING YOU AT THAT POINT
8 DOWN THE HALL? IT DOESN'T MAKE SENSE.

9 SHE ALSO TESTIFIED THAT IT'S AT THAT POINT
10 THAT THERE IS A SECOND SHOT AS SHE'S RUNNING DOWN THE
11 HALL. THERE'S NO CORROBORATING EVIDENCE FOR THAT,
12 LADIES AND GENTLEMEN, THERE WAS NO SHOT CASING FOUND,
13 NO BULLET, YOU'VE HEARD DETECTIVE ROMANSTINE'S
14 TESTIMONY AS TO THAT.

15 WE HAVE THE TESTIMONY OF, THAT SHE DID TALK
16 WITH THE OFFICERS, AND SHE DID TALK TO THE OFFICERS A
17 VERY SHORT TIME AFTERWARD. THE POLICE OFFICERS GOT
18 THERE IN AN INCREDIBLY SHORT PERIOD OF TIME DOING
19 THEIR JOB VERY WELL. AS SHE TALKED TO THE POLICE
20 OFFICERS EMS CAME, SHE WAS WITH -- ACCORDING TO THE
21 TESTIMONY AT THAT POINT WHEN SHE HAD GONE TO THE STORE
22 SHE THEN WAS WITH LEBO, SHE WAS WORRIED ABOUT HER
23 CHILD, THE TESTIMONY THAT SHE GAVE WAS THAT THE CHILD
24 WAS IN THE CAR WHEN THE COPS ARRIVED. BUT THAT'S NOT
25 THE TESTIMONY OF THE OFFICERS. YOU HEARD OFFICER

1 SCOTT, OR EXCUSE ME, THE EMS PERSON, HALL, AND THE
2 FIRST OFFICER ON THE SCENE SAID, THEY SPECIFICALLY
3 WAITED BECAUSE THEY HAD HEARD THAT SOMEBODY HAD TAKEN
4 -- HAD GOTTEN THE CHILD BUT THEY WANTED TO LAY THEIR
5 OWN EYES ON HER, SO THEY WAITED UNTIL THE CHILD WAS
6 BROUGHT BACK TO THE SCENE. WHICH IS IT, LADIES AND
7 GENTLEMEN? ARE THE OFFICERS WRONG? IF SHE HAD -- AND
8 IN ADDITION, IF SHE HAD TIME TO HAVE SOMEONE GO RESCUE
9 THE CHILD, THANK GOD, WHO WAS NOT HARMED IN ANY WAY,
10 AND GIVING INSTRUCTIONS TO TAKE THE CHILD TO THAT
11 CHILD'S DAD, THERE'S NO CONVERSATION GOING ON BETWEEN
12 HER AND LEBO OR LEBO'S BOYFRIEND? IT DOESN'T MAKE
13 SENSE.

14 AGAIN, HER TESTIMONY WAS THAT A GREEN SHIRT,
15 BLUE JEANS, A JACKET, SHORT TWISTS, DARK SKINNED,
16 SHORT, ONLY ON THE STAND SHE NOW SAYS THAT HE HAD A
17 BIG NOSE. IF YOU'LL REMEMBER I WENT AND VERIFIED THE
18 DESCRIPTIONS WITH EACH OFFICER THAT HAD ACCESS TO THE
19 DESCRIPTION. THERE WAS NEVER ANY MENTION OF THIS MAN
20 HAVING A BIG NOSE. AGAIN, I SUBMIT TO YOU THAT THE
21 DESCRIPTION CHANGES, OR BECAUSE SHE'S IN COURT AND WHO
22 SHE'S NOW SEEING INTO HER MEMORY AND INTO HER
23 RECOLLECTION OF WHAT THAT MAN WHO DID THAT TO HER ON
24 THAT NIGHT ACTUALLY LOOKED LIKE. YOU REMEMBER THAT WE
25 ESTABLISHED THAT SHE HAD NEVER SEEN MR. GREENE BEFORE,