

VOLUME I OF IV

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Chester County

R. Knox McMahon, Circuit Court Judge

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OCT 10 2016

S.C. SUPREME COURT

CASEY RAYMOND PERKINS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-000279

APPENDIX

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STATE OF SOUTH CAROLINA
COURT OF GENERAL SESSIONS
COUNTY OF CHESTER
05-GS-12-438

STATE OF SOUTH CAROLINA

VS.

CASEY RAY PERKINS

CHESTER, SOUTH CAROLINA
SEPTEMBER 25, 2008 (SCHMERBER HEARING)
BEFORE THE HONORABLE ROGER COUCH

APPEARANCES

FOR THE STATE: DOUG BARFIELD
FOR THE DEFENDANT: GEOFF DUNN
REPORTED BY: MICHAEL C. WATKINS
OFFICIAL COURT REPORTER

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1 THE COURT: This is the case of State vs. Casey Ray
2 Perkins, the charge is murder. He is represented by Geoff
3 Dunn there at the table, this is a Schmerber matter. Let
4 me give you just a little bit of procedural information and
5 then we will proceed in the fashion that either we plan or
6 you tell us would be the best way to do it.

7 THE COURT: I know a little bit about the facts
8 because I did the bond hearing last term, but I need to
9 know how they relate to this request.

10 MR. BARFIELD: That's correct. We're asking for two
11 things, one is a set of major case prints from Mr. Perkins.
12 I have the investigator here prepared to offer sworn
13 testimony, which I think I probably am required to do. We
14 have a partial palm print which as of yet is unidentified.
15 When Mr. Perkins was arrested standard booking prints were
16 taken, which are just finger tips. We need major case
17 prints to include his palms to compare to the partial palm
18 print that was taken at the scene. In addition to that,
19 Your Honor, the Sled evidence processing department
20 received both from their crime scene agents and from
21 Fairfield (sic) County Sheriff's Office investigators
22 several items from which hair evidence was collected and
23 preserved and has not yet been tested. We seek a DNA
24 sample from Mr. Perkins to have Sled compare it to any DNA
25 evidence that is extracted from the hair samples that have

1 been preserved, those are the two issues. Mr. Dunn very
2 well might argue concerning the DNA, that we don't know if
3 we have any DNA yet and you might rule that that is
4 premature and if you do then we will come back if we need
5 to later. But that is my intention to offer some evidence
6 on those two issues to try to get major case prints and a
7 DNA sample from Mr. Perkins.

8 THE COURT: Mr. Dunn, I will hear from you
9 preliminarily before we start if you would like.

10 MR. DUNN: That's my understanding why we are here.

11 THE COURT: You may call your witnesses.

12 The witness, SHANE STEWART, was first duly sworn and

13 Testified as follows, on:

14 DIRECT EXAMINATION

15 BY MR. BARFIELD:

16 THE COURT: Once are you seated I am going to ask that
17 you state your name for the record, please.

18 THE WITNESS: Yes, sir. My name is Kenneth Shane
19 Stewart.

20 THE COURT: Solicitor, your witness.

21 Q Mr. Stewart, by whom are you currently employed?

22 A I work for Dinacor International.

23 Q What do you do for Dinacor?

24 A I am an international police adviser in Afghanistan.

25 Q Are you home on a planned leave?

1 A I am.

2 Q Where were you employed prior to going to work for
3 Dinacor?

4 A Chester County Sheriff's Office.

5 Q And what did you do for the Chester County Sheriff's
6 Office?

7 A I was an investigator.

8 Q How long had you been employed by the Chester County
9 Sheriff's Office?

10 A I worked with the sheriff's office for -- since 1999
11 as an officer, but off and on since 1992.

12 Q All right. Did you participate in the investigation
13 of the homicide of Judith Hinson?

14 A Yes.

15 Q And do you have that date readily available to you?

16 A Yes, sir, that was August 27, 2005.

17 Q And Ms. Hinson died where?

18 A Ms. Hinson died in her home.

19 Q Where was her home?

20 A At [REDACTED] in Chester County.

21 Q She was -- how was her death discovered?

22 A Officers received a 911 call from her daughter, they
23 were calling in reference to her mother. Officers got
24 there and Ms. Hinson had died at her residence, and upon
25 taking her to an autopsy it was discovered that she died

1 from bleeding out as a result of a ruptured aorta, and
2 that's -- but she died in her house, at her home.

3 Q Now, did the autopsy -- well, let me back up. Did you
4 respond to the crime scene at some point?

5 A Yes.

6 Q Was Ms. Hinson's body still there when you responded?

7 A Yes, it was.

8 Q Did you have an occasion to observe the scene
9 including where her body was and what its condition was in?

10 A Yes, I did.

11 Q Did it appear to be any sort of a natural incident to
12 you just from your observations of the scene?

13 A No, it did not appear to be natural.

14 Q Did the autopsy go further to state the mechanism of
15 the injury that caused Ms. Hinson to bleed to death?

16 A Yes.

17 Q And generally speaking in fairly common layman's
18 terms, what happened to Ms. Hinson?

19 A She bled out as a result of her aorta being
20 lacerated.

21 Q Mechanically was there some determination made about
22 how that occurred? Where did the injury start and where
23 did it end I guess is what I am asking?

24 A The injury was started -- at that point there was
25 some item that was shoved up into her vagina and that's

1 how her aorta ruptured.

2 Q At some point was Casey Perkins developed as a suspect
3 in the case?

4 A Yeah. Casey was developed -- while we investigated
5 Casey Perkins did come up as a suspect in this case.

6 Q Was he immediately arrested or was his arrest some
7 days after the homicide?

8 A Some days after the homicide.

9 Q Did he remain in the Chester County Detention Center
10 where he remains now?

11 A Yes.

12 Q At some point into the month of September of 2005, did
13 Casey Perkins give a statement to investigators with the
14 sheriff's office and Sled?

15 A Yes, that was on September 7, 2005.

16 Q Were you present for the statement?

17 A I was present during the statement. He was properly
18 Mirandized and it was recorded, audio recorded.

19 Q All right. In essence, did Casey Perkins admit
20 causing the injury to Judith Hinson that we believed caused
21 her death?

22 A Yes.

23 Q And again, in fairly summary fashion, what did Casey
24 Perkins say he did to Judith Hinson in the statement that
25 was recorded by investigators?

1 A Casey admitted to investigators that he thrust his
2 fist and arm up into the victim's vagina up to the elbow
3 two to three times, which caused the victim's death.

4 Q All right. Now, let's go back to the scene for a
5 moment if you could. What room of Ms. Hinson's house was
6 her body discovered in?

7 A What was believed to be her bedroom.

8 Q Were there other rooms that you could enter directly
9 from the bedroom?

10 A Yes.

11 Q Was there one other room of particular interest to law
12 enforcement that could be entered from the bedroom?

13 A Yes, it was.

14 Q How was that room characterized in the investigation
15 and in sketches or descriptions of the house?

16 A It was characterized, the window was open --

17 Q The room itself, the room with the window, what did
18 y'all call that room?

19 A An escape route.

20 Q From looking at the house generally speaking what kind
21 of a room was it? I'm not asking a good question. It
22 wasn't a bedroom --

23 A It wasn't a bedroom, it was just adjacent to the
24 victim's bedroom.

25 Q Was there anything of interest discovered concerning

1 the house, specifically that room, through the
2 investigation?

3 A Yes.

4 Q What?

5 A The window looked like somebody had went out the
6 window.

7 Q What about the window and any accouterments to the
8 window makes the investigators believe that?

9 A When we got there there was -- the curtains were
10 hanging outside of the window, there was blood marks going
11 down the outside siding.

12 Q Outside of the house?

13 A Outside of the house. And the screen was bent up
14 laying outside of the house.

15 Q All right. Were items of interest located on the
16 ground underneath that window on the outside?

17 A Yes.

18 Q Okay. Was anything of significance -- generally
19 speaking were any latent fingerprints lifted by Sled crime
20 scene and/or the Chester County Sheriff's Office at various
21 places at this crime scene?

22 A Yes.

23 Q Is there a latent print that was lifted that is
24 significant to us for purposes of this hearing?

25 A Yes. I lifted a palm print from the window.

- 1 Q Was that lift that you made sent to Sled?
- 2 A Yes.
- 3 Q And was it characterized in some way or another by a
- 4 latent prints examiner at Sled in a written report?
- 5 A Yes.
- 6 Q And how is it characterized?
- 7 A It was characterized as a partial palm print.
- 8 Q Now, when Casey Perkins was arrested, was he
- 9 fingerprinted at the Chester County Detention Center?
- 10 A He was fingerprinted.
- 11 Q What kind of fingerprints were taken from Casey
- 12 Perkins at the detention center upon his arrest?
- 13 A When you get fingerprinted all five fingers on both
- 14 hands, the tips of your fingers are fingerprinted and
- 15 rolled, and then all four together and the thumb. You
- 16 don't -- the entire palm is not printed at that time.
-
- 17 Q All right. And does law enforcement have for Casey
- 18 Ray Perkins any fingerprint evidence that includes the
- 19 palms of his hands?
- 20 A No.
- 21 Q What are major case prints in law enforcement
- 22 vernacular? What does that mean?
- 23 A That's the full hand print where you can get
- 24 everything on the hand.
- 25 Q Would major case prints from Casey Ray Perkins at this

1 point be beneficial in the investigation for comparison
2 with the partial palm prints that Sled has identified and
3 spoken about in a written report?

4 A Yes.

5 Q Did Casey Perkins in his statement to law enforcement
6 indicate first of all how he got into the house generally
7 speaking?

8 A He indicated that he was let into the house.

9 Q By?

10 A By Judith Hinson.

11 Q Did Casey Perkins indicate, number one, why he left
12 the house in his statement?

13 A On his statement he indicated that he heard some
14 noise, thought -- I believe he said thought someone was
15 coming in and he hastily escaped or he left the house.

16 Q Did Casey Perkins describe his escape route from the
17 house?

18 A Yes. He told us that he had went out a window.

19 Q Let me ask you another question. I think from our
20 discussions you can answer this but let me ask it, was the
21 blood found on the outside of the house -- first of all,
22 was it under the window that you have been referring to?

23 A Yes.

24 Q Was that blood swabbed by crime scene investigators?

25 A To my knowledge, yes.

1 Q Do you recall whether there were any results -- let me
2 jump ahead. As a result of the autopsy on Judith Hinson,
3 was a blood standard sent to Sled -- known standard from
4 Judith Hinson?

5 A Yes.

6 Q Do you know whether there were any DNA results on the
7 swab of blood from under the window outside of the house
8 from the Sled lab?

9 A No.

10 Q You don't know?

11 A I don't know.

12 THE COURT: What was that response? What is that that
13 you don't know, is it the blood outside of the house?

14 THE WITNESS: Whether there was any -- I can't
15 remember how it was worded.

16 MR. BARFIELD: Do you want me to ask the question
17 again.

18 THE COURT: Please do, solicitor, make sure I have got
19 that right.

20 Q Was the suspected blood under the window outside of
21 the house swabbed by crime scene investigators?

22 A Yes.

23 Q And it was sent to Sled?

24 A It was sent to Sled, yes.

25 Q Was a known blood standard from Judith Hinson obtained

1 during the autopsy?

2 A Yes.

3 Q And to your knowledge, was it sent to Sled?

4 A It was.

5 Q And the operative question was do you know the results
6 of any DNA analysis on the blood swab on the outside of the
7 house, do you know --

8 A That was her blood?

9 Q Do you know whether there were results from that yet?

10 A From my -- I have my notes or the notes with it --

11 Q I might help you with that in just a minute if I am
12 permitted to. I am going to hand you a document and ask
13 you to review it a minute and then ask you some questions
14 about it. Let me ask you this general question first, you
15 are no longer with the sheriff's office but do you still
16 have intimate knowledge of this case?

17 A Yes.

18 Q And is it your intention to participate in the
19 proceedings that will resolve this case at some point?

20 A Yes.

21 Q You still have access to the sheriff's office file?

22 A Yes, sir.

23 Q With permission?

24 A With permission.

25 Q And have you had the file in your hands within the

1 last two or three days?

2 A Yes, sir.

3 Q Look at that document and then I'm going to ask you a
4 couple of questions about it.

5 A Okay.

6 Q Generally speaking are you familiar with that
7 document?

8 A Generally speaking, yes.

9 Q And what is that document? Not its results or
10 anything, but what is that piece of paper?

11 A This is a Sled lab report.

12 Q From which department at Sled?

13 A Forensics.

14 Q Which department of forensics? Which part of Sled?

15 A The DNA analysis.

16 Q All right. Now, is there an item 20 listed as a piece
17 of evidence submitted to Sled?

18 A Yes.

19 Q What is item -- well, let me back up. Did reviewing
20 that document enable you to refresh your memory concerning
21 the questions that I'm asking you concerning the blood swab
22 from outside of the house under the window?

23 A It just shows it on here, it doesn't really help me.

24 Q Okay.

25 A As you read the results it does help you because it

1 has got a lot of numbers and stuff on it if you can
2 actually read the writing.

3 Q Let me ask you this question. Does reviewing that
4 document help you refresh your memory concerning the
5 results of the investigation in general in this case?

6 A Yes.

7 Q All right. Is there an item 20 listed as something
8 submitted to Sled for examination in this case?

9 A Yes.

10 Q What is item 20 listed on that report?

11 A That is the swab from the master bedroom sink.

12 Q Is there an item 19?

13 A Swab from exterior side of the house?

14 Q Is that the swab that you are referring to in answers
15 to my previous questions?

16 A Yes. It matches Judith Hinson.

17 Q Did Sled analyze that swab and compare it to the known
18 blood standard of Judith Hinson?

19 A Yes, they did.

20 Q And from a DNA standpoint, what was the result of that
21 analysis?

22 A That it matched the DNA profile of Judith Hinson.

23 Q Was other evidence collected at the scene, biological
24 type evidence collected at the scene?

25 A Biological?

1 Q Not serological necessarily but generally speaking
2 biological evidence?

3 A Yes.

4 Q Were any fabric constructed items taken from the home?

5 A Yes.

6 Q And were any -- were searches conducted of Casey
7 Perkins' home and outbuildings and an automobile that he
8 spent time in?

9 A Yes.

10 Q Were fabric constructed items seized from his
11 premises; his house, his car, outbuildings, things outside
12 in the yard?

13 A Yes.

14 Q Generally speaking what was taken?

15 A I'm just looking down, but several pairs of jeans
16 were taken.

17 Q Were some of these jeans thought to be Casey Perkins'
18 property?

19 A Yes.

20 Q Generally speaking what else was taken, fabric items?

21 A Pair of tennis shoes, sole from tennis shoes, blue
22 jeans, green pants, black jeans and it appears to be black
23 pants as well.

24 Q Okay. Again concerning items made out of fabric, were
25 specific items taken from the crime scene, Judith Hinson's

1 home?

2 A Yes.

3 Q What type of stuff was taken from her home?

4 A Fitted sheet, comforter, piece of carpet from the
5 bedroom, those were some of the items that were taken.

6 Q Did the evidence processing department at Sled work
7 with the items that you generally described, taking both
8 from Casey Perkins' premises and from Judy Hinson's
9 premises?

10 A Yes, sir.

11 Q Were any hairs found on any of those items?

12 A Yes, sir.

13 Q Were some of those hairs found on items taken from
14 Casey Perkins' premises?

15 A Yes, sir.

16 Q Were some of those hairs found on items taken from
17 Judy Hinson's premises?

18 A Yes.

19 Q To your knowledge, have the hairs at this point been
20 analyzed for the presence of DNA?

21 A No, not to my knowledge.

22 Q Okay. Do you have knowledge whether the sheriff's
23 office and my office have requested Sled to tell us whether
24 they can extract DNA from those hair items?

25 A Yes, your office has.

1 Q Have we gotten any result from that yet?

2 A To my knowledge, no.

3 Q If Sled tells us that they can get DNA from the hair
4 samples that have been submitted, do we need anything from
5 Casey Perkins to compare that DNA to?

6 A Yes, sir.

7 Q Okay. Do we at this point have any DNA sample from
8 Casey Perkins in evidence or that has been submitted to
9 Sled?

10 A No.

11 Q Does the sheriff's office desire to have a DNA sample
12 from Casey Perkins?

13 A Yes.

14 Q Again going back to my questions to you concerning
15 your observations of the crime scene with the victim still
16 there, was she fully clothed?

17 A No.

18 Q What was her state of dress or undress?

19 A She was naked from like the chest down.

20 Q Okay. Do you have specific knowledge as a result of
21 the investigation of whether Casey Perkins ever was in any
22 state of undress while the offense was being committed, do
23 you know?

24 A No.

25 Q One other specific question. Did the State Law

1 Enforcement Division concerning the partial palm print make
2 a request of local law enforcement?

3 A Yes.

4 Q What was that request?

5 A That request was to get a partial or to get a full --
6 I can't recall what you would call it.

7 Q Major case print?

8 A Major case print, that's it, so they can do the
9 comparison.

10 MR. BARFIELD: Thank you, sir, I believe that's
11 everything I have at this point. Answer anything Mr. Dunn
12 or the Court has.

13 THE COURT: Mr. Dunn, it's your witness.

14 MR. DUNN: Thank you, Your Honor. May it please the
15 Court?

16 THE COURT: Yes, sir.

17 CROSS EXAMINATION

18 BY MR. DUNN:

19 Q Good afternoon, Mr. Stewart.

20 A Hello, Mr. Dunn.

21 Q Now, when you went to investigate this, this happened
22 back in August of 2005, correct?

23 A That's correct.

24 Q And we're now in September of 2008, correct?

25 A Right.

1 Q When you took that -- you're the one that actually
2 lifted the partial print; is that correct?

3 A That's correct.

4 Q You lifted that three years ago.

5 A Right.

6 Q Did you ever request since then before today for
7 Mr. Perkins to have -- to give a major case print?

8 A No.

9 Q Did Sled three years ago when you submitted that stuff
10 to them ask you to get a major case print?

11 A Say -- could you repeat the question?

12 Q You submitted that partial print to Sled three years
13 ago, correct?

14 A That's correct.

15 Q And when you did that, did they call you back within a
16 short period of time and say, "We need something to compare
17 this against?"

18 A I don't -- no, I don't recall that.

19 Q As far as -- you found Mr. Perkins' clothes, correct,
20 that he said he was wearing that night? By you I mean the
21 sheriff's office.

22 A Right. Which clothes?

23 Q The clothes that he was wearing the night Ms. Hinson
24 died.

25 A We found what was believed that he was wearing that

1 night.

2 Q And a Mercedes shirt, a pair of blue jeans and a white
3 pair of shoes?

4 A I didn't find the shirt, that would be Deputy Jamie
5 Mitchell and Mike Green are the ones that found the shirt.
6 I was there when they found them.

7 Q They were stuffed in a tire or something, weren't
8 they?

9 A That's correct.

10 Q There wasn't any blood samples found from Ms. Hinson
11 on those clothes, were there?

12 A Those were -- the shirt was submitted to Sled, they
13 couldn't get -- I guess they couldn't get DNA off of that.

14 Q So Ms. Hinson's DNA was not found on his shirt.

15 A Not to my knowledge, no.

16 Q And they weren't found on his pants, right?

17 A No.

18 Q And there wasn't any blood found on his shoes,
19 correct?

20 A Correct.

21 Q And there wasn't any of his fingerprints found inside
22 of his house that came back to match him, correct?

23 A That's right.

24 Q And there weren't any of his fingerprints found on the
25 outside of the house, correct?

- 1 A Correct.
- 2 Q And when you tested -- or when Sled tested all of the
3 comforters and other fabric material that was taken and
4 tested, there wasn't any semen found, correct?
- 5 A No.
- 6 Q And there wasn't any kind of bodily fluid at that time
7 to indicate there was DNA that needed to be tested,
8 correct?
- 9 A I don't know.
- 10 Q And the hair that was turned over to Sled, that was
11 turned over to them three years ago as well, correct?
- 12 A Correct.
- 13 Q And as far as you know up until now they haven't
14 tested that here for DNA?
- 15 A I don't think they have anything to compare it to.
- 16 Q They haven't asked for anything to compare it to up
17 until now either, correct?
- 18 A Right.
- 19 Q Now, earlier -- I just wanted to -- you say you work
20 for Dinacor?
- 21 A Dinacor International.
- 22 Q Where are they out of?
- 23 A They are out of the United Arab Emirates.
- 24 Q Are you stationed over there?
- 25 A Yes.

1 Q When are you going back?

2 A October 4th.

3 Q For how long?

4 A Until I come back for the trial on December 15th.

5 Q Okay. Were you present when Mr. Perkins was arrested?

6 A Yes.

7 Q Where was he arrested at?

8 A He was arrested -- I wasn't there when he was

9 actually taken into custody, one of the other officers

10 actually arrested him and brought him to the detention

11 center.

12 Q Do you remember when he was arrested?

13 A I don't have the exact dates, September, that's all I

14 could --

15 Q When he was arrested he wasn't arrested for murder

16 though, was he?

17 A No.

18 Q He was arrested for something else?

19 A Yes.

20 Q Do you remember what that something else was?

21 A That was violation of a -- sex offender violation.

22 Q When he gave that confession you talked about, he

23 wasn't -- he hadn't been charged for murder at that point

24 either, correct?

25 A That's correct.

1 Q The palm prints -- I think you said this, I just want
2 to make sure I heard it -- the palm print itself, was that
3 found on the outside of the house?

4 A On the inside.

5 Q Where on the inside?

6 A On the window.

7 Q On the window?

8 A Uh-huh.

9 Q Do you know if it's a left print or a right print?

10 A No.

11 Q You also said outside of the window there were some
12 items but you didn't say what they were, do you remember
13 what they were?

14 A Yes.

15 Q What was it?

16 A It was a kitchen knife and a lighter.

17 Q Did you test the kitchen knife for fingerprints?

18 A That was taken by Sled.

19 Q Do you know if it was ever tested for fingerprints?

20 A I believe so.

21 Q And Mr. Perkins' fingerprints weren't on the knife,
22 correct?

23 A I don't think so.

24 Q And the lighter was tested for fingerprints?

25 A Yes.

1 Q And his fingerprints weren't found on that either,
2 were they?

3 A No.

4 Q And on that knife, was there any blood on that knife,
5 do you remember?

6 A I don't remember.

7 Q Was there any blood on the lighter?

8 A I don't remember.

9 Q On the DNA report that Mr. Barfield showed you earlier
10 when he got you to look at number 20 it says swab from the
11 master bathroom sink, right?

12 A Correct.

13 Q Do you remember if there was any blood found in that
14 sink?

15 A Yes.

16 Q Whose blood was it?

17 A It came back to Judith Hinson.

18 Q It wasn't any kind of -- weren't any fingerprints of
19 Mr. Perkins either on the sink or faucet or anywhere around
20 the sink?

21 A No.

22 Q So basically the only evidence that you have tying
23 Mr. Perkins to the murder of Mrs. Hinson would be the
24 confession that he gave, correct?

25 A His confession being collaborated by his work shirt.

1 Q The what?

2 A The blood on the work shirt that was found.

3 Q There wasn't any blood found on the work shirt, was
4 there?

5 A No.

6 Q He just told you where the shirt was at?

7 A That's right.

8 Q Didn't actually indicate that he participated in the
9 crime, he just told you where the shirt was at?

10 A Through witnesses we were told that's what he was
11 wearing that night.

12 Q Okay. That's the only evidence that you have is his
13 statement that he gave to Sheriff Benson --

14 A His statement and the neighbors' statement saying
15 that's what he was wearing that night.

16 MR. DUNN: I don't have any further questions, Your
17 Honor. I do have a couple of legal arguments.

18 THE COURT: Let me see if he has any other questions.

19 MR. BARFIELD: Just a couple of real quick ones.

20 REDIRECT EXAMINATION

21 BY MR. BARFIELD:

22 Q Mr. Stewart, recall -- think about to the statement if
23 you can and I'm going to ask you a couple of specific
24 questions about what Mr. Perkins said his activities were
25 inside of that house. I asked you a few moments ago if you

1 know whether he was ever naked in any fashion or not. Did
2 he indicate that sex acts occurred or were attempted with
3 Ms. Hinson other than the obvious one that killed her?

4 A Yes.

5 Q What did he say?

6 A He -- and I'm just -- I don't have it right in front
7 of me -- he was saying that he -- Ms. Hinson wanted I
8 guess to have sex and that he couldn't get an erection and
9 she laughed at him and made him mad and that's when he did
10 what he did.

11 Q Okay. Is there any evidence that he ever ejaculated
12 anywhere inside of that house?

13 A Not that I'm aware of.

14 MR. BARFIELD: That's all. Thank you, sir.

15 MR. DUNN: I just have one more follow-up.

16 THE COURT: Yes, sir.

17 RECROSS EXAMINATION

18 BY MR. DUNN:

19 Q In that same confession that he gave when he was
20 talking about all the things you were talking about with
21 the solicitor, did he not also say that he had used a
22 dildo?

23 A I don't recall.

24 Q Was a dildo ever found?

25 A No.

1 MR. DUNN: No other questions, Your Honor.

2 THE COURT: You may step down, sir.

3 MR. BARFIELD: That's all from this witness and I
4 don't have any other offer of a proffer.

5 THE COURT: Any other evidence from the defense?

6 MR. DUNN: No, sir, just arguments.

7 THE COURT: I will hear from the State first since it
8 is your motion.

9 MR. BARFIELD: Your Honor, let me argue the second
10 part of the motion first and maybe I'm giving you thoughts
11 that you are not having. On the DNA stuff, I don't have
12 any DNA now, we are asking the Sled DNA person who worked
13 this case to take a look at those hairs and tell us simply
14 whether she can extract any DNA from any of them. If she
15 can then obviously my request for Mr. Perkins' sample
16 becomes very important. I'm making it now, number one,
17 because Mr. Dunn is here today and we had to go through the
18 fingerprint stuff, and also because I have scheduled the
19 trial, assuming we can get it put together for
20 December 15th, and if it's a week or two before she can
21 answer the question about whether she can get DNA out of
22 the hairs then we've got to find a judge and have another
23 Schmerber hearing and try to cover it all then, that's why
24 I want that today. If you wanted to give us some
25 provisional I would be happy for you to say, I'm going to

1 give you the order giving you his DNA if Sled gives you
2 something in writing saying we've got DNA out of the hair.
3 If you want us to wait and take a sample from him we can
4 certainly do that. I just don't want to delay this any
5 further if I can help it. Your Honor, on the fingerprint,
6 the location of a partial palm print on the wall on the
7 exterior of the house under the window which obviously had
8 been exited by somebody, we contend Mr. Perkins, I think is
9 very consistent with the facts of this case. Her blood is
10 on that outside wall, there's a partial palm print on that
11 outside wall, there's a knife on the ground under the
12 window, there's a lighter on the ground under the window
13 the relevance of which you don't know now and really aren't
14 particularly relevant to this argument. But we certainly
15 believe that there's clear evidence that the perpetrator of
16 this event escaped out of that window, left her blood on
17 the outside of the house, she sure didn't leave her blood
18 on the outside of the house, she didn't move from where she
19 bled out I contend. We had fingerprints from a standard
20 booking prints, it's a simple matter to have a Sled
21 technician or the Sled crime scene person come to the
22 Chester County Detention Center to take major case prints
23 and take them to Sled, maybe it's him, maybe it's not.
24 There's certainly no intrusion from him from taking another
25 set of prints, although a different set of prints, and I

1 would submit to you that we have met the standard under
2 Schmerber and would ask you to give us the fingerprints and
3 obviously the DNA also. One other just comment about the
4 DNA sample we are requesting. The DNA person at Sled was
5 not in yesterday afternoon when we started trying to get in
6 touch with her about all of this, it would be my intention
7 to ask her if you get DNA out of these hairs what kind of
8 sample do you need from Casey Perkins? It could be blood
9 or swabs, buckle swabs, I don't know which. Buckle swabs I
10 certainly would argue are not very intrusive, it's a Q-tip
11 inside of the mouth. A sample of blood is intrusive but
12 not particularly intrusive, I think we all have had shots
13 from time to time and that's essentially what drawing a
14 blood sample would be, So I don't think there's any
15 intrusion. I think with what we are calling a confession
16 there's certainly probable cause that Mr. Perkins committed
17 this offense. I think there's certainly reason to believe
18 that evidence will be found in samples that we are
19 requesting, we believe that the testing methods would be
20 safe and reliable and the intrusion is minimal and would
21 ask you to give us what we are asking for. Thank you.

22 THE COURT: Mr. Dunn, I will hear from you.

23 MR. DUNN: Thank you, Your Honor. May it please the
24 Court?

25 THE COURT: Yes, sir.

1 MR. DUNN: Your Honor, we would oppose the State
2 taking either fingerprints or DNA samples from Mr. Perkins.
3 Your Honor, I don't think the State has shown a compelling
4 need at this point to have either one of them.
5 Mrs. Hinson's death, or murder, depending on how it was
6 characterized, happened three years ago, a little bit over
7 three years ago last month and we're just now getting
8 around to trying to get a latent print that was picked up
9 way back then to be tested now. It isn't like Mr. Perkins
10 hasn't gone anywhere, he's been in the detention center
11 since late August or early September of 2005. Your Honor,
12 I think that the delay is undue and that at this point it's
13 going to prejudice the defendant in preparation of his
14 trial. The testimony from the stand was that there was no
15 other DNA evidence found that was Mr. Perkins', no
16 fingerprints that had been found were his, no blood, no
17 semen, no hair, except for the hair that they want tested
18 which they haven't been able to determine was his or not.
19 I would just argue at this point they haven't met the
20 burden under Schmerber to take either one of these samples,
21 and certainly not the hair, Your Honor. They haven't
22 tested the hair to see if it is DNA -- if they can get DNA
23 out of it. I think it would be premature at this point to
24 grant the hair part of it. And the print part of it, like
25 I said, they've had three years and it isn't like they've

1 just discovered these prints on the window and we're now
2 trying to get a match to it. So I would argue, Your Honor,
3 that Schmerber hasn't been met and we would ask the Court
4 to deny the State's motions on both counts.

5 THE COURT: Anything further, Mr. Barfield?

6 MR. BARFIELD: No, sir.

7 THE COURT: All right. The factors that this Court is
8 to consider in such a motion include is there probable
9 cause to believe the crime has been committed and is there
10 probable cause to believe it was committed by a particular
11 suspect, and is there a clear indication that material
12 evidence was relevant to the question of a suspect's guilt
13 will be found and that the method used to secure the
14 evidence is safe and reliable. Those are the factors that
15 I am considering. Of course, additional factors to be
16 weighed are the seriousness of the crime and the importance
17 of the evidence of the investigation. I will say that I
18 have balanced the necessity for requiring the involuntary
19 non-testimonial identification against the Constitutional
20 safeguards against unreasonable body intrusions and
21 searches and seizures. And in doing so it would be my
22 finding that the full case prints should be provided and
23 will be provided and I'll issue an order to that affect.
24 As to the DNA evidence, I do believe that it would be
25 necessary for the State to indicate that there was a sample

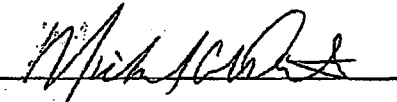
1 from which DNA could be extracted before a ruling be made
2 on that particular issue. Now, in that regard I have heard
3 the evidence at this point in time, if the State wishes for
4 me to complete the finding on that particular matter once
5 you've heard from the state, let me know and we will try to
6 make arrangements for that to occur. However, if you wish
7 to take it in front of some other judge I won't retain
8 jurisdiction because I realize I am about two weeks from
9 being in a death penalty case in Spartanburg and that
10 probably will be taking a great deal of my time at that
11 point in time, I don't think I could stop that for other
12 hearings on other matters. So I will just say I have heard
13 it, once you gather that information if you want me to
14 continue the hearing at that time I will do so, if you wish
15 to take it in front of another judge I have not retained
16 jurisdiction on the issue, you can take it in front of
17 another judge at this time. I'm not making a finding
18 either way, I'm just saying at this point in time I don't
19 think there's sufficient evidence upon which I could make a
20 finding that material evidence relevant to the questions of
21 guilt or innocence could be developed given the fact we
22 don't know if we have some tested material to test it
23 against. So that would be my ruling. I will be happy to
24 sign an order if necessary.

25

1 I, the undersigned Michael C. Watkins, Official Court
2 Reporter for the Sixth Judicial Circuit of the State of
3 South Carolina, do hereby certify that the foregoing is a
4 true, accurate and complete transcript of record of the
5 proceedings had and evidence introduced in the trial of
6 the captioned case, relative to appeal, in the Court of
7 General Sessions for Chester County, South Carolina, on
8 the 25th day of September, 2008.

9 I do further certify that I am neither of kin,
10 counsel, nor interest to any party hereto.

11
12 January 30, 2009.

13
14 
15 Michael C. Watkins
16 Court Reporter

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1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF CHESTER
4 05-GS-12-438
5
6
7 STATE OF SOUTH CAROLINA
8 VS.
9 CASEY RAY PERKINS
10
11 CHESTER, SOUTH CAROLINA
12 OCTOBER 21-22, 2008
13 BEFORE THE HONORABLE BROOKS GOLDSMITH
14
15 APPEARANCES
16 FOR THE STATE: DOUG BARFIELD
17 FOR THE DEFENDANT: GEOFF DUNN
18 REPORTED BY: MICHAEL C. WATKINS
19 OFFICIAL COURT REPORTER
20
21
22
23
24
25

1	OPENING REMARKS:	3 JTY
2	ROBBY BENSON:	10
3	PHILLIP PERRY:	16
4	EARL WILKES, JR:	39
5	SEAN CHEEKS:	86
6	THOMAS ROBERTSON:	100
7	DEWAYNE DOSTER:	120
8	MICHAEL GREEN:	126
9	JOHN THOMASSON:	185
10	SABRINA DUNNERFORD:	189
11	JOHN THOMAS KELLY:	204
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16	CASEY RAY PERKINS:	319
17	CERTIFICATE:	362
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1 MR. DUNN: I have a motion to sequester all
2 witnesses, Your Honor.

3 MR. BARFIELD: Well, I would like my victims to be
4 able to stay in the courtroom. They have been notified to
5 be here if they wished. I don't see any of them yet, but
6 if they choose to come I would think as the victim's
7 family they have a right to be in the courtroom.

8 MR. DUNN: Your Honor, my only concern with allowing
9 them to participate is that I anticipate asking them to be
10 sequestered at the time of the trial and I think it would
11 be appropriate for them to be sequestered at this point as
12 well.

13 MR. BARFIELD: Well, Your Honor, the first victim or
14 victim's representatives have an absolute right to be in
15 the courtroom when a case involving their relative is
16 being adjudicated, that's the first thing I would say.
17 The second thing I would say is what we're going to be
18 doing over the course of this afternoon and tomorrow is
19 pretty exclusively related to contacts that the defendant
20 had with law enforcement, specifically statements. This
21 is a Jackson v. Denno hearing and the folks I am talking
22 about who might arrive had nothing to do with taking any
23 statements from Mr. Perkins. We don't anticipate in
24 getting into a whole lot of factual basis of this case
25 from the standpoint of what happened and I don't think

1 that there will be anything that will be testified about
2 today that is going to change their perspective of that
3 observation that they might be able to testify about later
4 on. I don't know if that made any sense to you at all.

5 THE COURT: Well, is the bottom line that they would
6 not be called as witnesses in the Jackson v. Denno
7 hearing?

8 MR. BARFIELD: They will not be witnesses in the
9 Jackson v. Denno hearing. They are fact witnesses in the
10 case because three of them were involved in the discovery
11 of the deceased's body.

12 MR. DUNN: I'm going to leave it in the Court's
13 discretion. You don't know what is going to be testified
14 to in a hearing. While we anticipate what is going to be
15 testified about in this hearing you never know what is
16 going to come out. I am just hesitant with this being the
17 time frame that we are doing this that there's potential
18 testimony that needs -- things that officers said or did
19 that they didn't know prior to today and it may influence
20 how they testify when they are given their opportunity to
21 testify, but we will leave it in the Court's discretion.

22 THE COURT: I am going to take your statement or your
23 position statement as a motion to exclude them then and I
24 am going to deny your motion.

25 MR. BARFIELD: Let me announce the case and I think

1 Mr. Dunn has another motion concerning the witnesses who
2 are going to testify in this hearing. First of all, this
3 is State of South Carolina vs. Casey Ray Perkins, the
4 indictment number is 2005-GS-12-438, charged with murder. 1-1-68
5 It's a case that Jeff Dunn represents Mr. Perkins on.
6 It's a case that I intend to call to trial in this court
7 on December 15th before Your Honor and a jury. The
8 purpose of this hearing today is to address a motion filed
9 by Mr. Dunn I believe dated the 16th of several different
10 contacts between Mr. Perkins and law enforcement agents
11 during which he made comments some of those while he
12 was -- before he was arrested, some after he was arrested,
13 some of them from the State's perspective are not
14 incriminating, some are. We are prepared to go forward
15 with the Jackson v. Denno hearing to have the Court
16 consider those matters and make a ruling when the Court is
17 ready to make a ruling. In that regard I will also tell
18 you that there are several original documents that relate
19 to statements, Miranda warnings, written statements and
20 things of that nature. There's -- Mr. Dunn and I have
21 reviewed them, I have the original in my hand, we have
22 agreed to mark them and have done so as Court's Exhibits 1
23 through 6. In addition to that, Your Honor, as we
24 informed you in a pretrial conference earlier today
25 there's approximately a three hour and 15 minute audio

1 recording in the form of what I would call a CD, I don't
2 know what technically it is, but it is a CD which was made
3 during an interview between Mr. Perkins and law
4 enforcement, it has been marked as Court's Exhibit Number
5 7. I intend to have that available to the Court, don't
6 anticipate that you want to listen to it before you can
7 make a ruling on these issues. In addition to that as we
8 told you in the pretrial conference in the evidence room
9 in the Chester County Sheriff's Office is what appears to
10 be an 8-millimeter videotape which might or might not
11 contain all or a portion of the same interview that's on
12 the audiotape. Mr. Dunn and I agreed yesterday that we
13 are going to send that to Sled this afternoon so we will
14 all know what is on it and certainly if it is in any way
15 related to a statement made by Mr. Perkins then I think we
16 probably would need to supplement the record in this
17 hearing and make that available to you also for your
18 review before you make a decision. With that said, Your
19 Honor, Mr. Dunn, I think has a motion to sequester certain
20 witnesses and I will be heard on that when it is proper.

21 THE COURT: Before you make that motion let me go
22 back to the audiotape, the three and a half hours that's
23 been marked I think as Exhibit Number 7?

24 MR. BARFIELD: That's correct.

25 THE COURT: Now, is that the original?

1 MR. BARFIELD: It is a copy of the original. The
2 original is actually in the evidence room of the Chester
3 County Sheriff's Office. Now, Mr. Dunn and I have not sat
4 down individually or together to listen to it or to tell
5 you that if what we have copies of is the same.

6 MR. DUNN: I would agree with what Mr. Barfield just
7 said.

8 THE COURT: So after today's portion of the hearing
9 it is my understanding that both parties agree for me to
10 take this exhibit, State's (sic) Number 7 so that I can
11 listen to it somewhere other than in the presence of
12 everyone in the courtroom?

13 MR. BARFIELD: Yes, sir.

14 THE COURT: All right. Thanks, wanted to make sure I
15 understand that. Now, Mr. Dunn?

16 MR. DUNN: Yes, sir, Your Honor. I would make a
17 motion to sequester the State's witnesses that
18 Mr. Barfield plans on calling today and tomorrow for this
19 Jackson v. Denno hearing. It is my understanding that he
20 has a number of law enforcement officers, probably
21 somewhere in the neighborhood of ten to 12 I think would
22 be an accurate number, and we would ask that -- I would
23 ask that the -- only the case manager of the case be
24 allowed to stay in the courtroom during all of the
25 testimony and the rest of the witnesses be sequestered

1 just to make sure that there's no -- I would just ask that
2 they be sequestered, Your Honor.

3 THE COURT: And by that you mean merely that they not
4 be in the courtroom when each or the other is testifying?

5 MR. DUNN: Yes, sir. And I would actually ask the
6 Court to instruct them after they get done testifying not
7 to talk about their testimony with the other individuals
8 who haven't testified yet just so they can between today
9 and tomorrow go over what was said outside of the -- when
10 we leave the courthouse today. My understanding is that
11 somehow they're all going to get back together and are
12 probably going to sit down and discuss the case for trial
13 purposes, just as far as Jackson v. Denno that they not
14 discuss what they've said. Once they've testified that
15 they are instructed by the Court that they are not to go
16 back and tell anybody else, any of the other officers what
17 they testified to or didn't testify to, what was asked or
18 wasn't asked.

19 THE COURT: All right. Thank you, sir. Solicitor?

20 MR. BARFIELD: Your Honor, I would oppose the motion
21 to sequester the witnesses because I simply don't believe
22 it is necessary. Let me tell you what we have. By
23 reviewing the file it appears there are seven different
24 contacts Mr. Perkins had with law enforcement that you
25 will hear testimony about during this hearing. Some of

1 the folks that he had contact with overlap other of the
2 seven events, some officers in your officers groups of
3 those seven events -- basically to the left is the audio
4 recorded statement and I would simply argue to you that
5 that audio recording is going to speak for itself when you
6 hear it, so I don't think based upon that there was any
7 need to sequester the witnesses. I will certainly leave
8 that up to your discretion. If you decide to sequester
9 the witnesses, Sheriff Robby Benson is probably not
10 technically the lead investigator but this is Robby
11 Benson's case and I would like to designate him as the
12 person who remains in the courtroom from the sheriff's
13 office for the entire time. He would be the witness to
14 give us a little bit of background chronologically, I
15 would call him later to testify about this statement.

16 THE COURT: Anything in response to that, Mr. Dunn?

17 MR. DUNN: I don't have any problem with whoever he
18 wants to name as his case officer, Your Honor.

19 THE COURT: All right. What I will do is I grant the
20 motion to this extent, that the witnesses won't be present
21 in the courtroom each while the other is testifying, that
22 Sheriff Benson can be the lead investigator assigned by
23 the solicitor for purposes of this hearing, but I am not
24 going to issue an order that would prohibit the witnesses
25 from hereafter talking to each other about the case. That

1 is something, of course, you may bring up, Mr. Dunn,
2 during the trial of the case, whether or not and to what
3 extent they've talked to each other.

4 MR. DUNN: Yes, sir. Thank you.

5 THE COURT: Having said all of that, anything else?

6 MR. BARFIELD: Just one little minor thing.

7 Investigator Bell and Mr. Devenny in the back were also
8 involved in one way or another, I know Investigator Bell
9 was involved in the investigation of this case. They are
10 not involved in the Jackson v. Denno hearing, they are
11 here today to work court. Is that an issue today for
12 anybody?

13 MR. DUNN: Your Honor, I will leave it up to the
14 Court's discretion. I know we need court security and I
15 anticipate making the same motion at trial time to
16 sequester all of the witnesses, those would be part of the
17 witnesses that will be sequestered. I am going to leave
18 it in the Court's discretion.

19 MR. BARFIELD: They are not going to contribute
20 anything today or tomorrow.

21 THE COURT: Therefore I won't require any
22 sequestration of witnesses.

23 MR. DUNN: Thank you, Judge.

24 MR. BARFIELD: We call Sheriff Robby Benson.

25 The witness, ROBBY BENSON, was first sworn and

1 testified as follows, on:

2 DIRECT EXAMINATION

3 BY MR. BARFIELD:

4 Q State your name, please, sir.

5 A Robbery Benson.

6 Q You are the sheriff of Chester County; is that right?

7 A Yes, sir.

8 Q Did you and your office investigate the murder of

9 Judy Hinson in December of 2005?

10 A Yes, sir.

11 Q I am going to call you twice during this hearing. I

12 want to ask you a few questions about the general nature

13 of the case. Did it happen in Judy Hinson's home?

14 A Yes, sir, it sure did.

15 Q Not with any great detail at all, but just basically

16 how did Judy Hinson die?

17 A She hemorrhaged to death, she bled to death.

18 Q And the injury from moving externally to internally,

19 what part of the body was injured?

20 A It was vaginal bleeding.

21 Q Who found her body?

22 A I believe it was her daughter that located the body

23 in her bedroom.

24 Q Did the sheriff's office get called in your

25 estimation fairly soon after the homicide occurred?

1 A Yes, sir.

2 Q Did your office and Sled, including Sled crime scene
3 folks, work the case and finish the investigation? ..

4 A Yes. Sheriff's deputies and State Law Enforcement
5 Division, our investigative division and crime scene from
6 the State Law Enforcement Division and some of the
7 investigators from Sled also worked with us.

8 Q At some point did Casey Ray Perkins become a suspect
9 in the case?

10 A Yes, sir.

11 Q How soon after Ms. Hinson's body was found did Casey
12 Perkins become a suspect?

13 A Within that day his name had come across to us that
14 he was -- could be one of the people involved.

15 Q Did you know Casey Ray Perkins prior to this case
16 occurring?

17 A Yes, I had known him.

18 Q Okay. Was he immediately arrested?

19 A No, sir.

20 Q Did he have any connections to the neighborhood where
21 Ms. Hinson lived?

22 A He lived right up the road not far from her
23 residence.

24 Q On the same road?

25 A Same road.

1 Q Now, were you aware of various contacts that Casey
2 Perkins had with law enforcement agents from starting when
3 Ms. Hinson's body was found until some time early on in
4 the day of the same day? Do you know if he was talked to
5 by law enforcement?

6 A Yes, sir, I know that. As a matter of fact he had
7 spoke to me in the past about some -- one of the cases he
8 was involved with.

9 Q Okay. And --

10 MR. DUNN: Your Honor, I'm just having a little bit
11 of trouble up here hearing him.

12 THE COURT: Give that answer again if you would,
13 please.

14 A In the past he had spoke to me about a case he was
15 involved with.

16 Q All right. Are you aware whether Casey Perkins had
17 multiple contact with law enforcement agents who was
18 investigating Judy Hinson's death?

19 A I'm sorry, I couldn't --

20 Q Sometimes I don't ask questions too good. Did the
21 police talk to him several times after Judy Hinson's body
22 was found?

23 A Over the course of the investigation? Yes, sir,
24 spoke to him several times after initially finding her.

25 Q Did you yourself have interfuse or conversations with

1 Casey Perkins?

2 A Yes, sir, I did.

3 Q Was he ultimately charged with murder in the death of
4 Judy Hinson?

5 A No, sir.

6 Q Did he eventually get charged with the murder in the
7 death of Judy Hinson?

8 A Yes, sir.

9 Q He's currently in the custody of the Chester County
10 Detention Center at this time?

11 A Yes, sir.

12 MR. BARFIELD: Your Honor, that's all of the
13 questions I am going to have of Sheriff Benson at this
14 time. I am obviously going to have to recall him due to
15 his part of the Jackson v. Denno stuff.

16 MR. DUNN: Just a couple of questions, Your Honor.

17 CROSS EXAMINATION

18 BY MR. DUNN:

19 Q Sheriff Benson, you said that his name -- he became a
20 suspect at the same time Ms. Hinson died?

21 A I'm sure it was. The name had been mentioned from
22 what I recall.

23 Q Why did his name become a suspect so quickly?

24 A He has been in the neighborhood quite a few times, he
25 has been in that residence, I'm thinking it's the

1 daughters that might have brought his name up, I can't
2 recall that right now. I'm thinking that's what it was.
3 As far as what led up to that, I can't recall what brought
4 his name to our attention.

5 Q Who brought his name to your attention?

6 A For some reason I think it was the daughters, I'm not
7 really sure.

8 Q Why did they bring his name to your attention? What
9 was it about him?

10 A I can't really recall.

11 Q Did you have any other suspects at that point?

12 A I believe we had several of them, I can't recall who
13 they might have been or --

14 Q He was arrested -- Ms. Hinson died in the early
15 morning hours of the 27th of August, right?

16 A Yes, sir.

17 Q Either late 26th or early 27th, some time in that
18 time frame, right?

19 A Yes, sir.

20 Q Mr. Perkins was arrested on the 29th, correct?

21 A I believe that's what it was.

22 Q At the time that he was arrested, on what charge was
23 he arrested?

24 A I think he was initially arrested on a violation of
25 being a sex offender, I'm thinking that's what the initial

1 charge was.

2 Q So when he was originally picked up and being
3 arrested, whatever deputies that arrested him or whoever
4 it was that picked him up it wasn't on the murder charge,
5 correct?

6 A No, sir.

7 MR. DUNN: I don't have any other questions at this
8 time.

9 MR. BARFIELD: That's all of Sheriff Benson at this
10 time. I would ask that he be allowed to stay in the
11 courtroom, and I am going to call Phillip Perry.

12 The witness, PHILLIP PERRY, was first duly sworn and
13 testified as follows, on:

14 DIRECT EXAMINATION

15 BY MR. BARFIELD:

16 Q State your name, please, sir.

17 A Brian Phillip Perry.

18 Q You go by Phillip?

19 A Yes, sir.

20 Q You are an investigator with the Chester County
21 Sheriff's Office.

22 A Yes, sir, I am.

23 Q How long have you been with the Chester County
24 Sheriff's Office?

25 A Since 2000.

1 Q And back on August 27th of 2005, were you then
2 serving as an investigator for the Chester County
3 Sheriff's Office?

4 A Yes, sir, I was.

5 Q Did you become aware that the body of Judy Hinson was
6 discovered in her home during the early morning hours of
7 August 27th of 2005?

8 A Yes, sir.

9 Q Were you part of the investigation of both the
10 sheriff's office and the State Law Enforcement Division
11 into the death of Judy Hinson?

12 A Yes, sir, I was.

13 Q I'm going to hand you what's been marked as Court's
14 Exhibit Number 1 and just ask you if you can identify it,
15 first of all. Do you know what that is?

16 A Yes, sir. It's a voluntary statement given by Casey
17 Perkins.

18 Q Now, I'm going to ask you a few questions about the
19 circumstances under which that statement came into
20 existence. First of all as a -- which law enforcement
21 agent took that written statement from Casey Perkins?

22 A Detective Shane Stewart and I were both present.

23 Q And the detective -- you are listed as the person to
24 whom the statement is given; is that correct?

25 A Yes, sir.

1 Q And Shane Stewart has -- was at the time also an
2 investigator with the Chester County Sheriff's Office?

3 A Yes, sir, he was.

4 Q He is not at this time; is that correct?

5 A That's correct.

6 Q He is -- what is he doing right now?

7 A He is employed in Afghanistan with I believe it's
8 Dina Corp.

9 Q Doing private security or law enforcement training
10 work?

11 A Yes, sir.

12 Q And do you stay in touch with him?

13 A When he's home I try to touch base with him.

14 Q As far as you know he's available and planning on
15 coming back in December for this case.

16 A Yes, sir. He has stated he is going to be here for
17 the case.

18 Q Now, let me ask you a few questions. First of all,
19 at the time this investigation commenced, did you go out
20 during the hours of darkness on August 27th?

21 A Yes, sir, during the early morning.

22 Q All right. Now, at what time -- what date was this
23 statement given by Casey Perkins?

24 A This statement was given on August 27th of 2005.

25 Q Same day of discovery of the body?

1 A Yes, sir.

2 Q And what time did you record on the statement as the
3 time that the statement was given?

4 A 8:32 p.m.

5 Q And as to the paper itself, whose handwriting is the
6 statement in?

7 A It's in my handwriting.

8 Q Whose signature does it bear?

9 A It bears Casey Perkins' signature and also my
10 signature and Detective Stewart's signature.

11 Q Did you become aware at some point after Judy
12 Hinson's body was discovered that Casey Perkins -- I hate
13 to use the phrase -- but was a person of interest to law
14 enforcement?

15 A Yes, sir.

16 Q Okay. At the time this statement was provided by
17 Casey Perkins -- first of all, was he under arrest?

18 A No, sir, he was not.

19 Q Do you recall where it was that you and Shane Stewart
20 were with Casey Perkins when this statement was taken?

21 A We were at the investigations office over on Saluda
22 Street. I don't remember which specific office there, but
23 I remember we were at the investigation office.

24 THE WITNESS: You need me to repeat that, Your Honor?

25 A We was at the investigations office on Saluda Street,

1 to which particular office we were in I don't remember but
2 it was within that building on Saluda Street.

3 Q Do you know how your contact with Casey Perkins got
4 initiated some time before 8:32 p.m. on August 27? How
5 did you come into contact with him?

6 A I'm not 100 percent sure of who asked that he come in
7 and speak with us, but someone in law enforcement had told
8 his family I believe that he needed to come in and speak
9 with us.

10 Q Do you know how Casey Perkins got to the sheriff's
11 offices on Saluda Street?

12 A He rode with his mother, his mother brought him over
13 to our office.

14 Q Okay. Were you expecting him or did he just show up
15 at the particular time that he ended up being there?

16 A We were expecting him. I don't know if we had set a
17 particular time but we knew that he was coming.

18 Q Now, while he was -- when he got there was he
19 arrested?

20 A No, sir.

21 Q At any time while he was there, was he arrested?

22 A No, sir.

23 Q Did he leave there under freedom?

24 A Yes, sir, he did.

25 Q Okay. Now, prior to meeting Casey Perkins on Saluda

1 Street on August 27th, had you ever met him before? ?"

2 A I had, yes, sir.

3 Q And did you know him by name and sight?

4 A I knew who he was, yes, sir.

5 Q Do you recall if he knew who you were?

6 A I don't remember if he remembered who I was or not.

7 Q Did you know how old he was?

8 A Not specifically. I knew he was around his thirties.

9 Q Well, during the course of taking the statement, did
10 you get a birthdate for Casey Perkins?

11 A Yes, sir, I did.

12 Q During the course of taking the statement, did you
13 know how far he had been in school?

14 A Yes, sir.

15 Q What is his birthdate and how far did he go in
16 school?

17 A His date of birth is [REDACTED], he
18 completed the 12th grade in school.

19 Q All right. Now, did you read Casey Perkins his
20 Miranda rights, both right to remain silent and to have an
21 attorney and all of the usual things that go along with
22 that in connection with taking that statement?

23 A No, sir, not with this statement.

24 Q Why not?

25 A He was not under arrest at the time he gave a

1 statement, it was a voluntary statement.

2 Q Okay. Did you tell Casey Perkins what you wanted to
3 talk with him about?

4 A Yes, sir.

5 Q Did Casey Perkins have any questions that you recall
6 concerning why he had come there and why you wanted to
7 talk to him?

8 A Not that I remember. I don't remember him asking
9 anything.

10 Q Did he at any point during his presence with you give
11 you any indication that he did not understand anything
12 that was transpiring between you and him?

13 A No, sir.

14 Q I'm going to ask you a general question about the
15 statement. Are you familiar with that statement? Do you
16 remember its contents I guess is what I'm asking.

17 A Yes, sir, I remember the statement.

18 Q Did he incriminate himself in that statement? Did he
19 confess to committing any violations of the law in that
20 statement?

21 A No, sir, not in this statement.

22 Q Now, just a few more questions about the statement.

23 While Casey Perkins was with you on Saluda Street, was he
24 at any time -- well, let me back up. About how long was
25 Casey in your presence to go through this statement

1 process?

2 A I'm not sure but I would say it was probably more
3 than an hour but less than two hours.

4 Q Okay. And the location that he was at, is it a
5 secure facility at the sheriff's office?

6 A It is an office.

7 Q Was there any kind of a holding facility on Saluda
8 Street where this was going on?

9 A No, sir.

10 Q Was Casey Perkins at any point in a cell or behind a
11 locked door?

12 A No, sir.

13 Q Was he at any point handcuffed or restrained in any
14 fashion?

15 A No, sir.

16 Q How many officers were in the room where you and
17 Casey Perkins were?

18 A Two, myself and Detective Stewart.

19 Q Do you remember whether y'all were wearing uniforms
20 or were in plain clothes?

21 A We wouldn't have been wearing uniforms.

22 Q Would you have had some badge?

23 A I generally wear my badge and my gun on my belt.

24 Q That was my next question, would you have had a gun
25 on?

1 A Yes, sir.

2 Q At any point during your conversation with Casey
3 Perkins on Saluda Street on this particular day -- well,
4 first of all, was there a telephone in the building?

5 A Yes, sir, there was.

6 Q Did his mama stay there in the building with him?

7 A I believe she stayed outside but I wasn't able to see
8 her the whole time so I don't know if she left or not.

9 Q Bottom line, was she sitting beside Casey Perkins
10 when he gave this information?

11 A No, sir.

12 Q Did Casey ever ask to go get his mama to come back in
13 and help him through the process?

14 A No, sir.

15 Q Did he ever ask to get in touch with anybody else?

16 A No, sir.

17 Q Did he during this period of time ask you for
18 anything like take a bathroom break or want a Coke or want
19 to smoke a cigarette or anything like that?

20 A Not that I recall.

21 Q Did you deny him any request if he made any?

22 A No, sir.

23 Q Did you make any request of him that he defied to
24 talk to you on the 27th?

25 A No, sir.

1 Q Did you threaten him to get him to talk to you on the
2 27th?

3 A No, sir.

4 Q Anything out of the ordinary with your conversation
5 with Casey Perkins on Saluda Street on August 27th?

6 A No, sir.

7 Q Didn't beat him?

8 A No, sir.

9 Q Didn't pull your gun on him or anything like that?

10 A No, sir, nothing like that.

11 MR. BARFIELD: Thank you. Answer anything that
12 Mr. Dunn may have for you. At this time I have been
13 offered as Court's Exhibit but I need -- I am offering
14 that statement as Court's Exhibit Number 1.

15 MR. DUNN: No objection.

16 THE COURT: Any objection to the statement being
17 introduced as Court's Exhibit Number 1?

18 MR. DUNN: For purposes of the Jackson v. Denno
19 hearing, no, sir.

20 THE COURT: Just for this purpose?

21 MR. DUNN: No, sir.

22 CROSS EXAMINATION

23 BY MR. DUNN:

24 Q Officer Perry, how many times did you interview
25 Mr. Perkins during the course of the investigation of Judy

1 Hinson's murder?

2 A This is the only time I actually interviewed him face
3 to face.

4 Q Did you observe any other time that he was
5 interviewed by law enforcement?

6 A Portions of another interview I witnessed, yes, sir.

7 Q And when you say one, another interview?

8 A Yes, sir, that I remember.

9 Q And again, I'm having a little bit of trouble --

10 A Yes, sir. One other interview that I recall.

11 Q Where and when was that?

12 A It was the interview that Sheriff Benson was
13 conducting and I don't remember exactly what date it was.

14 Q Okay. Where were you?

15 A Behind the -- there's a glass in the interview room,
16 it's a one-way glass where the person who is being
17 interviewed cannot see through to behind the glass, we
18 were in the room there behind that glass.

19 Q Kind of like you see on TV?

20 A Yes, sir.

21 Q How many people were in that other room with you?

22 A It varied. People kind of came in and out as we
23 needed to do something we would have to go and do
24 something else but we would come back. It was probably
25 never more than three or four at one time that were back

- 1 there.
- 2 Q All right. How much of that interview do you think
- 3 you saw approximately?
- 4 A Maybe ten or 15 minutes, not a lot.
- 5 Q They're both with the county; is that correct?
- 6 A Yes, sir, Major McNeil and Sheriff Benson.
- 7 Q Anybody else in the room with Mr. Perkins that you
- 8 saw besides those two individuals?
- 9 A Not that I remember, no, sir.
- 10 Q Was Michael Green in there from Sled?
- 11 A He may have been but I don't remember seeing him.
- 12 Q All right. I think you previously testified that the
- 13 time that Mr. Perkins spent down at the Saluda Station was
- 14 between one and two hours?
- 15 A That's best estimate that I can remember. We didn't
- 16 write down when he came and when he left, but --
- 17 Q And he came on his own?
- 18 A Yes, sir.
- 19 Q But it was just you and Mr. Stewart and Mr. Perkins,
- 20 right?
- 21 A Yes, sir.
- 22 Q There wasn't anybody else present in the room?
- 23 A No, sir, not in the room.
- 24 Q Were you present in the room the entire time?
- 25 A I believe that I was.

1 Q And as best as you can remember, was Mr. Stewart
2 present in the room the entire interview?

3 A I believe he was. I don't remember Shane leaving for
4 any reason.

5 Q Who was the -- which of the two officers between you
6 and Mr. Stewart or Officer Stewart, which of the two of
7 y'all -- was one of y'all the lead officer handling the
8 interview or was it sort of taking turns?

9 A Well, there was -- we didn't really identify who was
10 lead and -- as far as the interview. He more or less just
11 volunteered everything that we put down in the statement,
12 we really didn't have to ask him very many questions.
13 Like I said, it's not like he was questioned continuously
14 by myself and Detective Stewart.

15 Q The statement itself is about one and a half pages or
16 two pages, right?

17 A Yes, sir.

18 Q Y'all were in there about one and a half hours or
19 two, correct?

20 A Yes, sir.

21 Q It doesn't take two hours to write two pages. What
22 was the other stuff going on at this time?

23 A Well, generally he would have said this to begin with
24 and then I would have made sure that he understood that we
25 were about to write it down. We didn't write it the first

1 time that he went through it and then when he goes back
2 through it then we would write it down on the statement.
3 Of course, part of that time is making sure that he
4 understands that it is a voluntary statement, part of the
5 time is taken up filling out portions with his birthday,
6 his address and then, of course, part of the time is taken
7 up finishing out the statement, putting the dates and
8 times and signing it, having him to initial everywhere
9 that he has initialed.

10 Q And did his story ever change between what was said
11 and what was written down?

12 A Not for this particular statement, no, sir.

13 Q So he kept consistent from what y'all told him to
14 what y'all wrote down was consistent on that date?

15 A Yes, sir.

16 Q He came to y'all though, right, his mama brought him?

17 A Yes, sir.

18 Q Where did she stay during the interview, do you know?

19 A I don't remember.

20 Q Do you know who stayed with her, if anybody?

21 A I don't remember that.

22 Q Why did he come down to the substation?

23 A Well, like I said earlier, I did not request that he
24 come. But a member of law enforcement, I'm sure, had said
25 that we needed to talk to him. They made contact with his

1 family and they had agreed to bring him to the substation.
2 We knew that he was coming but I didn't know exactly what
3 time he would be there.

4 Q So who told you that he was coming?

5 A I don't remember, but we just knew that he was
6 coming. I can't remember specifically who it was.

7 Q I believe you are still a detective with Chester
8 County; is that correct?

9 A Yes, sir.

10 Q You have been in that role since when? I had trouble
11 hearing before. At what point did you become a detective?

12 A I've been at the sheriff's office since 2000 and have
13 been an investigator since 2003.

14 Q As part of that training to be an investigator, did
15 you take training courses on interrogation and interview
16 methods?

17 A We took a basic detective course. I haven't had any
18 specific training labeled any interrogation or
19 interviewing or anything like that. We went through a
20 portion of that in detective school.

21 Q When I use the term interrogation, interview, do you
22 see those as two different processes or the same thing?
23 Are those two different things or are those two words
24 interchangeable in the process?

25 A I think an interrogation is a little bit more

1 aggressive in the interview. But what we conducted that
2 day was not an interrogation, it was just an interview.

3 Q Have you read any books or manuals on interrogation
4 or interview methods?

5 A No, sir.

6 Q Have you ever heard of Inbault and Reid?

7 A Sir?

8 Q Have you ever heard of Inbault and Reid?

9 A No.

10 Q Any at point in this process did you think that he
11 was guilty of the charge?

12 A It was so early in the investigation we had suspected
13 that he might have had some involvement but it was too
14 early to say that he was guilty, so --

15 Q Then why would you suspect that he was involved?

16 A Well, we had -- I talked to the other witnesses in
17 the neighborhood and we had identified that he was in the
18 area that the crime took place and approximately that the
19 crime took place and so, you know, there was reason that
20 we needed to talk with him.

21 Q Besides the fact that he was near that area, is there
22 anything else about Mr. Perkins or Mr. Perkins' background
23 that would bring him to your attention?

24 A Not that I was particularly aware of the at the time.
25 I don't recall anything.

1 Q How about since then?

2 A Well, you know, since then we had ran rap sheets, we
3 looked at his prior record at some of the other offenses
4 he had been arrested for.

5 Q Had you not run his rap sheet prior to the interview
6 on August 27th?

7 A I had not. I don't know if anybody else did but I
8 hadn't seen it.

9 Q And I believe beginning when you were testifying a
10 little while ago to Mr. Barfield you said that you had
11 knowledge of him on other matters?

12 A Yes, sir.

13 Q What other matters had you had knowledge of
14 Mr. Perkins?

15 A I worked at the probation office for a short period
16 of time in 1998 and '99 and he was actually a person who
17 was on probation at the time, I just knew him from that.
18 I didn't have any actual dealings with him at that office
19 that I remember, but I know I had seen him over there.

20 Q Would it be fair to characterize Mr. Perkins as an
21 individual with a low IQ or low intelligence based on your
22 conversation that you had with him?

23 A He seemed to understand what we were doing and
24 according to him he had been through 12 grades and had
25 completed the 12th grade in school. So I assume he had

1 reasonable intelligence to understand what we were there
2 for and what was going on.

3 Q You have interviewed a lot of people as a police
4 officer, haven't you?

5 A Yes, sir.

6 Q Part of your job is to go out and canvas the area; is
7 that correct?

8 A Yes, sir.

9 Q When you look at the broad spectrum of all of the
10 folks you have looked at, wouldn't it be fair to say he
11 was probably at the lower end of the spectrum of
12 intelligence that you have interviewed?

13 A I would say he's closer to the lower than the higher,
14 but he's definitely not the lowest one.

15 Q And just so that again I make sure I understand, you
16 did not Mirandize him for this, did you?

17 A No, sir.

18 Q Did you ever read him his Miranda rights at any point
19 during this process?

20 A You mean during this statement?

21 Q During the entire time that you investigated
22 Ms. Hinson's death, did you ever have the opportunity to
23 Mirandize Mr. Perkins?

24 A I don't believe I did, no, sir.

25 Q Did you ever have the opportunity to hear other

1 people Mirandize Mr. Perkins?

2 A Not that I remember, no, sir.

3 MR. DUNN: I don't have any further questions, Your
4 Honor.

5 MR. BARFIELD: Let me ask a couple of followups.

6 REDIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q Mr. Dunn asked you whether you witnessed any portion
9 of the statement that Mr. Perkins gave to law enforcement
10 on September 7th of 2005 and I loosely call that the audio
11 recorded statement. Are you familiar with what I am
12 talking about?

13 A Yes, sir.

14 Q Let me ask you just a few questions about that. Do
15 you recall whether you saw any Miranda warnings or saw or
16 heard the administration of any Miranda warnings while you
17 were there during the August -- no, September 7th audio
18 recorded statement?

19 A I don't remember any.

20 Q Now, were you able to -- were you ever in the
21 interview room yourself during that statement?

22 A No, sir.

23 Q Are you aware that it was a fairly lengthy process?

24 A Yes, sir.

25 Q How were you able to observe whatever portion of it

1 you did observe?

2 A From the I guess what you would call the observation
3 area behind the interview room, through that two-way
4 glass.

5 Q Okay. And were there others in there with you from
6 time to time looking into the interview room through the
7 two-way glass?

8 A Yes, sir.

9 Q Now, I'm going to ask you just a few specific
10 questions about what you did see. At any time while you
11 were watching the September 7th audio recorded interview,
12 did you see -- well, let me ask you a couple of general
13 questions. Who was in the interview room with Casey
14 Perkins that you recall?

15 A Sheriff Benson and Major McNeil.

16 Q And do you know how long it took, that whole process
17 took?

18 A No, sir, I don't.

19 Q All right. Was that in the sheriff's office or in
20 the detention center?

21 A It was in the interview room which is connected to
22 both the sheriff's office and the detention center but
23 it's on the sheriff's office side.

24 Q Now, in fairness, if Casey Perkins had wanted to
25 leave that day, could he have left?

1 A I believe he could, yes, sir.

2 Q Was he -- do you know if he was in custody at that
3 time?

4 A I believe he was in custody at the time.

5 Q So he couldn't have left.

6 A But he could have left from the interview room and
7 gone back into the cell but he could not have walked away
8 from --

9 Q He wasn't going home that day.

10 A He was not going home, no, sir.

11 Q Do you remember if he was dressed out in a jump suit?

12 A I believe he was.

13 Q All right. Do you remember if he was handcuffed or
14 shackled or restrained in any fashion during the portion
15 of the interview that you saw?

16 A I don't remember.

17 Q All right. And did you ever hear him ask to make a
18 phone call or contact anybody on the outside?

19 A Not that I can recall.

20 Q Did you ever hear him ask for anything that -- well,
21 first of all, do you recall him asking for a drink or
22 smoke or bathroom break or anything?

23 A No, sir.

24 Q Did you ever hear anybody deny any request for
25 comforts during that process?

1 A No, sir.

2 Q Did you hear anybody promise him anything to get him
3 to talk during that process as you observed?

4 A No, sir.

5 Q Did you hear anybody threaten him in any manner with
6 physical harm or legal harm or any other kind of harm or
7 any other negative consequence to try to get him to talk
8 during the part of the interview that you saw?

9 A No, sir.

10 Q Was there anything out of the ordinary or out of the
11 way about any part of the interview that you saw?

12 A No, sir.

13 Q Okay. Anybody point any guns at him, hit him with
14 anything, push him around, do anything like that?

15 A No, sir.

16 Q Could you hear what was said inside?

17 A Yes, sir.

18 Q Are there speakers into the room where y'all were?

19 A It was a small monitor that's connected between the
20 room where the interview is taking place and the room
21 behind there.

22 Q Is it kind of like a baby monitor? It actually is a
23 baby monitor.

24 A It actually is a baby monitor.

25 Q Could you understand what was being said by all

1 parties in that room?

2 A Yes, sir, I could.

3 Q And I'm not necessarily asking if there was anything
4 that didn't -- did what was said make sense to you?

5 A Yes, sir, it did.

6 Q Did what Casey Perkins said make sense to you? Did
7 you have any trouble understanding him?

8 A No, sir.

9 Q Did he have any apparent difficulty understanding
10 Sheriff Benson or Investigator McNeil when they were
11 talking to him?

12 A From the portion that I witnessed he seemed like he
13 understood everything just fine.

14 MR. BARFIELD: That's all of the questions I have.

15 Thank you.

16 THE COURT: Any recross?

17 MR. DUNN: Just a couple.

18 RE CROSS EXAMINATION

19 BY MR. DUNN:

20 Q Did you see anybody give him any cigarettes on that
21 September 7th interview?

22 A I don't remember seeing anybody give him any, no,
23 sir.

24 Q Coke or any kind of thing he could drink?

25 A I don't remember that.

1 Q Did you ever hear Mr. Perkins ask for the death
2 penalty during that interview?

3 A I don't remember. I know that he did but I think I
4 found that out after that interview was finished. I don't
5 remember hearing him say that myself.

6 Q You heard that from somewhere but not from
7 Mr. Perkins?

8 A That's right.

9 MR. DUNN: I don't have any questions, Your Honor.

10 MR. BARFIELD: Nothing else from this witness, and I
11 think I have covered everything I need to with him in this
12 hearing. He is welcome to stay but if he needs to leave I
13 would ask that he be excused.

14 MR. DUNN: No problem, Your Honor. What was your
15 rule of about what the witnesses could say to each other
16 from the witness stand?

17 THE COURT: I did not prohibit them from saying
18 anything one to the other.

19 The witness, EARL WILKES, JR., was first duly sworn
20 and testified as follows, on:

21 DIRECT EXAMINATION

22 BY MR. BARFIELD:

23 Q Statement your name, please, sir.

24 A I am Earl Wilkes, Jr.

25 Q Those who know you call you Buddy?

- 1 A Yes, sir.
- 2 Q Agent Wilkes, by whom are you employed?
- 3 A South Carolina Law Enforcement Division.
- 4 Q How long have you been employed by Sled?
- 5 A About 18 years.
- 6 Q Were you in law enforcement prior to going to work
7 for Sled?
- 8 A Yes, sir. I started in law enforcement in 1981 in
9 the Fairfield County Sheriff's Department.
- 10 Q Are you from Fairfield County?
- 11 A Yes, sir.
- 12 Q Back in August of 2005 what was your job at Sled?
- 13 A I was assigned to the Midlands Regional Investigation
14 Unit as a polygraph examiner.
- 15 Q Are you still -- do you have to be certified in some
16 fashion by somebody to be a polygraph examiner?
- 17 A Yes, sir. You have to attend a training course, then
18 complete an internship.
- 19 Q Are you still a polygraph examiner?
- 20 A Yes, sir.
- 21 Q What is your -- is that your primary job at Sled now?
- 22 A Not now, no, sir.
- 23 Q What is your primary job at Sled now?
- 24 A I am currently the supervisor of the Criminal
25 Intelligence Unit at Sled.

1 Q All right. Now, I'm going to direct your attention
2 to the investigation of the death of Judy Hinson which
3 occurred we have established in Fairfield (sic) County in
4 the early morning hours of August 27th of 2005. Did Sled
5 get called upon -- various sections of Sled get called
6 upon to assist the Chester County Sheriff's Office in that
7 investigation?

8 A Yes, sir, we did.

9 Q Crime scene come up?

10 A Yes, sir.

11 Q Did you come up for one reason or another?

12 A I did, yes, sir.

13 Q As a regular field agent or for the purpose of
14 polygraphing?

15 A During any time in the midlands I act as a field
16 agent and polygraph examiner so I would help investigate
17 cases and I would be the case agent on some cases and
18 other cases I would just perform the polygraph
19 examination.

20 Q Now, I'm going to direct your attention in sequence
21 to three different contacts that you had with the
22 defendant in this, Casey Ray Perkins. First of all, do
23 you recall what day you initially came up here to Chester
24 County to help work on this case?

25 A Yes, sir. I believe it was August 27, I think, was

1 my first day up here.

2 Q Daylight hours?

3 A Yes, sir.

4 Q All right. Now, did you become aware that a fellow
5 by the name of Casey Ray Perkins was a suspect in the
6 case?

7 A Yes, sir, I did.

8 Q Did you on August 28th of 2005, which I guess would
9 have been your second day up here, have contact with Casey
10 Perkins?

11 A Yes, sir, I did.

12 Q And was anybody else with law enforcement with you
13 when you saw Casey Perkins on August 28th?

14 A Yes, sir. Sheriff Benson was there and also Special
15 Agent Michael Green, who was with Sled, and myself.

16 Q Where did you have contact with Casey Perkins?

17 A It was in his yard, his parents' yard.

18 Q Why did you end up at Casey Perkins' house?

19 A Well, it had come to our attention that he was a
20 neighbor of the deceased, he was on the sex offender
21 registry, witnesses had told us that he was right there in
22 the neighborhood around the victim's house the night of
23 the crime so we wanted to talk to him.

24 Q Is that the purpose you went to Casey Perkins' house?

25 A Yes, sir.

1 Q Did you go there with an arrest warrant?

2 A No, sir.

3 Q Did you go there with any intention of arresting him
4 short of him confessing to it when you got there?

5 A No, sir.

6 Q Okay. Did you leave there and leave Casey Perkins
7 there or did he go with you when you left there?

8 A No, sir. We left without him.

9 Q All right. He was not arrested while you were there
10 that day?

11 A No, sir.

12 Q Did you speak with Casey Perkins' daddy while you
13 were there?

14 A Yes, sir, I did.

15 Q Was all of the talking done out in the yard?

16 A Yes, sir.

17 Q Do you remember if Casey Perkins' mom was there when
18 you talked?

19 A I believe she was kind of coming and going, you know,
20 in the yard, yes, sir.

21 Q Was Casey Perkins standing around when y'all were
22 talking?

23 A Yes, sir, he was standing there.

24 Q Was there specific conversations with Casey Perkins
25 when y'all were talking?

1 A Yes, sir.

2 Q Now, I'm going to jump way ahead. Did anybody read
3 Casey Perkins' Miranda warnings while you were standing in
4 his yard on August 28th?

5 A No, sir.

6 Q Why not?

7 A Well, because he wasn't in custody, so --

8 Q Okay. On that day did he talk to y'all -- well, let
9 me back up. From the conversation was there a discussion
10 about the discovery of Judy Hinson's body up the road or
11 down the road the previous evening or early morning hours?

12 A Yes, sir, there was.

13 Q Was there any doubt about what y'all were talking
14 about from your perspective?

15 A No, sir.

16 Q Eventually was there any conversation with Casey
17 Perkins about what happened to Judy Hinson and whether he
18 knew anything about it on August 28th?

19 A Yes, sir, there was. Matter of fact you could see
20 Ms. Hinson's house from where we were standing in Casey's
21 yard and I actually pointed at her house at one point.

22 Q Did Casey Perkins admit any knowledge of what had
23 happened to Judy Hinson?

24 A No, sir, he did not.

25 Q Did he disaffirm any knowledge of what had happened

1 to Judy Hinson?

2 A Well, he told me at one point quote, "I don't know
3 anything about it, Buddy."

4 Q Okay. How did he know your name was Buddy, do you
5 know?

6 A Just from talking to him and having a conversation
7 with him.

8 Q That day?

9 A Yes, sir.

10 Q All right. Now, did he give a written statement as a
11 result of a conversation you had in his yard with him on
12 August 28th?

13 A No, sir.

14 Q Did you make notes of it?

15 A Yes, sir.

16 Q How long were y'all standing around out in his yard?

17 A Probably 15 minutes I would estimate.

18 Q At any time during that process was Casey Perkins
19 restrained in any fashion?

20 A No, sir.

21 Q At any time during that process was any other law
22 enforcement officer there other than the three including
23 yourself that you mentioned?

24 A No, sir, not that I recall.

25 Q Were y'all wearing -- generally speaking were you in

1 plain clothes or fatigues or do you recall?

2 A I don't recall. We were either in civilian
3 clothes -- I think the sheriff always wears civilian
4 clothes and we were in civilian clothes or in the field
5 uniform that you wear when you were going to be working
6 and maybe getting dirty looking for stuff, fatigues
7 basically.

8 Q Whatever you had on, are you comfortable that you had
9 some identification, a badge or something identifying you
10 as a police officer?

11 A Yes, sir.

12 Q Did you have a gun on?

13 A Yes, sir.

14 Q At any time during the conversation with Casey in his
15 yard did anybody threaten him with a weapon?

16 A No, sir.

17 Q Pull out a weapon?

18 A No, sir.

19 Q Did Casey try to walk off at any time and y'all
20 wouldn't let him?

21 A No, sir.

22 Q Did he ever say, "I want to go talk to somebody about
23 this," and y'all wouldn't let him?

24 A No, sir.

25 Q When y'all were talking to him did he ask for

1 anything like, "I am going to go in and go to the bathroom
2 and I want something to eat," or, "I need to smoke," or
3 anything like that?

4 A No, sir.

5 Q Did y'all deny him anything that he might have asked
6 for?

7 A No, sir.

8 Q While you were talking to him did anybody promise him
9 anything?

10 A No, sir.

11 Q Anybody coerce him or threaten him or suggest any
12 harm would come to him if he didn't talk to y'all?

13 A Not at all.

14 Q Did you have conversations or contact with Casey
15 Perkins again on August 28th of 2005?

16 A I did.

17 Q What was the purpose of that contact?

18 A To conduct a voluntary polygraph examination on him.

19 Q First of all where did that process -- did a
20 polygraph get done?

21 A Yes, sir.

22 Q We don't need to get into the details because we
23 won't be able to later. Did you do a polygraph?

24 A Yes, sir.

25 Q At the Chester County Sheriff's Office?

1 A Yes, sir.

2 Q Was it in the sheriff's office or in the jail side?

3 A I always -- when I do polygraphs there it was on the
4 investigative side if one of offices. They have it set up
5 with the table for me when I would come and do polygraphs.

6 Q Do you know how long after the conversation in the
7 yard out under the trees the polygraph process took place?

8 A He arrived up at the sheriff's department sometime
9 after 11:00 I believe, so I am estimating maybe an hour or
10 so.

11 Q And when you say 11:00, you're talking about daytime?

12 A Yes, sir.

13 Q Let me ask you this: When y'all were talking out in
14 his yard, did you ask him if he could take a polygraph, is
15 that how that all got started?

16 A Yes, sir.

17 Q Did he get himself to the sheriff's office or did
18 somebody ride him in the police car?

19 A No, sir. I believe his mother brought him up there,
20 we did not transport him up there.

21 Q Now, when he was at the sheriff's office for the
22 polygraph, was he at any time during that process under
23 arrest?

24 A No, sir.

25 Q Did he leave there that day a free man?

1 A He did.

2 Q Who along with you, if anybody, was in contact with
3 Casey Perkins during the entire polygraph process?

4 A Myself, Agent Green, and I believe the sheriff came
5 in at one point right before Casey left.

6 Q Is the polygraph process a multistep process?

7 A Yes, sir, it is.

8 Q What are the -- are there three steps basically?

9 A There are.

10 Q What are the three steps?

11 A Well, you conduct a pre-test interview to get
12 background information to make sure somebody is suitable
13 to be tested. You get medical information from them.

14 Q Are there some people who can't be polygraphed
15 successfully?

16 A Yes, sir.

17 Q Go ahead.

18 A But that's where we find out about any medical
19 problems.

20 Q Did he have any medical problems?

21 A No, sir. But he did get a medical waiver before he
22 could be polygraphed. He went to the hospital and got a
23 waiver from a doctor and then came back to the sheriff's
24 office.

25 Q I don't want to waste bunch of time. Is there

1 something about a polygraph procedure that if you have a
2 certain medical condition can cause you harm?

3 A Casey told me he suffered from epilepsy and took
4 Dilantin. We don't want the stress involved in taking a
5 polygraph examination to make them go into a seizure so
6 therefore we always require a person to see a medical
7 doctor before a test if they suffer from epilepsy or some
8 other like heart condition to make sure it's not going to
9 have an adverse affect on them.

10 Q Was Casey able to understand and adequately convey
11 that medical information to you so you could act upon it?

12 A Yes, sir.

13 Q I completely lost where I was here. A minute ago
14 the -- first step -- I think you were telling me about the
15 first step in the polygraph process.

16 A Yes, sir. Then the pre-test interview continues with
17 the behavioral analysis interview which is designed to --
18 for the examiner to get a handle on the examinee's
19 responses to potential questions on the test and to
20 acclimate him to the testing environment, explain the test
21 procedures to the examinee so that there are no surprises
22 during the test so that he's fully versed on what's going
23 to happen. And then phase two is the test itself.

24 Q You don't need to get into a whole lot of explanation
25 on that then. What is phase three?

1 A Phase three is post-test part of the interview, which
2 is if somebody passes the test there's usually not a
3 post-test interview, they pass the test and we're done.

4 Q Is the post-test interview -- I'm going to lead you a
5 little bit -- is it designed to try to develop information
6 if you have determined somebody is deceiving you during
7 the polygraph to see if you can get some information about
8 the case?

9 A Yes, sir. If somebody fails the polygraph test then
10 the examiner is going to tell them, "You failed the
11 polygraph test. What can you tell me about why that might
12 have happened?" Yes, sir. It is to develop information,
13 yes, sir.

14 Q All right. Now, I'm going to broaden it out a little
15 bit. At some point during this polygraph procedure --
16 well, at some point during this polygraph procedure with
17 Casey Perkins, did you read him his Miranda warnings?

18 A Yes, sir, I did.

19 Q At what point during this procedure did you do that?

20 A That's before we started talking, as soon as we sat
21 down.

22 Q He wasn't under arrest you told us so why did you
23 read him his Miranda warnings?

24 A It's part of Sled's protocol that we read polygraph
25 examinees of their rights, taking a pre-employment

1 polygraph. In other words they are coming there to take a
2 test to see if they can work at Sled, we still read
3 everybody their rights every time.

4 Q I'm going to hand you what has been marked as Court's
5 Exhibit Number 2. Can you identify that document?

6 A Yes, sir. This is a rights waiver form, it is on one
7 of Sled forms and it is signed by Casey Perkins and
8 witnessed by me on August 28th at 11:54 a.m.

9 Q Is the handwriting on that form other than Casey
10 Perkins' signatures it looks like in two places actually,
11 it looks like he signed it three times.

12 A Yes, sir.

13 Q Is that your original document that you prepared on
14 that day?

15 A Yes, sir, it is.

16 Q Did you read Casey Perkins his Miranda warnings?

17 A I did.

18 Q What warnings did you read? Did you read him
19 everything verbatim off that sheet?

20 A Yes, sir, I did.

21 Q After you read them first of all, did you ask him if
22 he understood them?

23 A Yes, sir.

24 Q Did he indicate that he did or did not understand
25 them?

- 1 A He indicated that he did understand.
- 2 Q Did you ask him if he had any questions about it?
- 3 A Yes, sir, I did.
- 4 Q Did he ask you any questions about his Miranda
- 5 rights?
- 6 A No, sir.
- 7 Q Did you and he have any problems communicating?
- 8 A No, sir, we did not.
- 9 Q There's been some suggestion that his mentality is
- 10 not as high or maybe below average or low. Did you find
- 11 that to be true in your conversation with him?
- 12 A You know, everybody is an individual and different.
- 13 I did not find him to be that much different than anybody
- 14 else. People have quirks and, you know, everybody acts a
- 15 little bit differently but I did not perceive him as
- 16 somebody with a low IQ. He told me he graduated from the
- 17 12th grade, so no, sir.
- 18 Q Did he use appropriate words -- and I don't mean did
- 19 he cuss or not -- but did he use grown-up type words in
- 20 your conversation?
- 21 A Yes, sir.
- 22 Q Did he say or do anything after you went through the
- 23 Miranda warnings with him to suggest to you that he didn't
- 24 understand what Miranda warnings were all about?
- 25 A No, sir.

1 MR. BARFIELD: And, Your Honor, in lieu of having
2 Agent Wilkes read the Miranda warnings, of course, the
3 document is a Court's Exhibit, is it permissible for me to
4 rely on the language verbatim at this point?

5 THE COURT: Yes, sir.

6 MR. BARFIELD: I don't want to stretch this out
7 anymore than I have to.

8 Q Now, obviously to take a polygraph Mr. Perkins would
9 have had --

10 MR. BARFIELD: At this time I would offer Court's
11 Exhibit Number 2, the Miranda warnings at the polygraph as
12 Exhibit Number 2.

13 MR. DUNN: Without objection.

14 Q Mr. Perkins had to have conversations with you, you
15 had to ask him questions, he had to have answers to get
16 this process done; is that correct?

17 A Yes, sir.

18 Q Did he waive his rights and agree to talk to you?

19 A Yes, sir, he did.

20 Q How long did this whole polygraph process take
21 approximately?

22 A Well, according to my notes he got there -- when I
23 read him his rights it was 11:54 so I actually logged him
24 in at 11:50 and read him his rights at 11:54. At one
25 point he left to go to the doctor's office and I note the

1 time when he left and he came back. He left at 12:25 p.m.
2 right after lunchtime and that's when I made a note that..
3 he went to the emergency room with his mom and the police.
4 And he came back in at 2:09 p.m. and that's when we
5 resumed the pre-test interview and then the test would
6 have taken probably another hour or so. And then he
7 finally left the sheriff's department at 6:15 p.m.

8 Q One way or the other spent most of the afternoon with
9 him?

10 A Yes, sir, he did.

11 Q Now, during any portion of that was he under -- was
12 he restrained in any fashion?

13 A No, sir.

14 Q Handcuffs, wire ties or those temporary handcuffs or
15 leg restraints or anything?

16 A No, sir.

17 Q Was he wearing his own clothes?

18 A He was.

19 Q During the actual polygraph examination itself was it
20 just you and he or was there anybody else sitting there?

21 A Just the two of us.

22 Q Other than I think you stated Robby Benson, the
23 sheriff, and Michael Green from time to time being present
24 during part of this process, any other law enforcement
25 officers hovering around?

- 1 A No, sir.
- 2 Q Okay. Any threatening show of guns or badges during
3 this process?
- 4 A No, sir. Matter of fact, I'm not armed during a
5 polygraph test.
- 6 Q Okay. At any point in the process did Casey
7 Perkins -- you said his mama brought him there, do you
8 remember if his mom was sitting beside him during any of
9 this?
- 10 A No, sir. I think she was in the lobby for a long
11 time and then I think maybe she had to leave and come back
12 at some point.
- 13 Q All right. Did he ever ask for his mama or any other
14 family member or friend or anybody other than law
15 enforcement to be there with him?
- 16 A No, sir.
- 17 Q Did he ever ask to use a telephone to call anybody?
- 18 A No, sir.
- 19 Q Did he ask for any comforts that were not given to
20 him; for example, bathroom break, drink of water, Coke,
21 smoke a cigarette, take a dip or anything like that?
- 22 A No, sir.
- 23 Q During this process did you make any promise to Casey
24 to try to coerce him to try to tell you about this case?
- 25 A No, sir.

1 Q At any point did you threaten him in any fashion with
2 physical harm or legal harm or any or kind of harm to get
3 him to talk to you about this case that y'all were
4 investigating?

5 A No, sir.

6 Q Now, did he do the pre-test with you?

7 A He did, yes, sir.

8 Q Did he do the polygraph with you?

9 A He did.

10 Q Did he do the post-test with you?

11 A Yes, sir.

12 Q Now, generally speaking, did he give any -- other
13 than signing the waiver, did he write out any statements
14 during this polygraph process?

15 A No, sir, he did not.

16 Q Did you make notes of comments and answers to
17 questions that Casey Perkins gave to you?

18 A Yes, sir, I did.

19 Q Now, I'm going to ask you generally speaking, did he
20 confess to killing Judy Hinson or being involved with that
21 crime whatsoever?

22 A No, sir.

23 Q Did he make any comments that you made notes of that
24 were of interest to you in relation to the death of Judy
25 Hinson?

1 A Yes, sir.

2 Q That's kind of an open-ended question.

3 A Yes, sir, he did.

4 Q Tell us what he said that you made notes about that
5 was of interest concerning this investigation?

6 A Well, he said at one point that -- well, he continued
7 to deny any knowledge of the incident, however he did
8 say --

9 Q Is this post-test or pre-test?

10 A All during.

11 Q Go ahead.

12 A But after the post-test he said, "I don't know
13 whether I done it or not. I do things and I don't
14 remember, people tell me I done things. I'm scared I am
15 going to kill my own parents. This happens when I am
16 drinking." And at this point I asked him if that is when
17 he was drinking or when things like that would happen and
18 his answer was, "It happens when I am drinking or whether
19 I am not drinking." Then he said, "I don't think I did
20 it."

21 Q Okay. From an investigator standpoint when that
22 process was over that day, were you convinced that he
23 didn't do it, were you convinced one way or the other?

24 A My gut sure told me he did it, yes, sir.

25 Q Was he -- did he remain a suspect after he left there

1 that day?

2 A Yes, sir.

3 Q Okay. Didn't get arrested though?

4 A No, sir, he didn't.

5 Q All right. Did he get arrested?

6 A Yes, sir, he did.

7 Q When did he get arrested?

8 A It was the next day, on August 29th.

9 Q Were you present when he was arrested?

10 A Yes, sir, I was.

11 Q First of all who was with the law enforcement party
12 that arrested him?

13 A Well, it was Agent Michael Green and myself, and then
14 Lieutenant Tommy Robertson with Sled and Sheriff Benson
15 came up I think right at the time we were arresting the
16 defendant.

17 Q Where did he get arrested?

18 A In his front yard.

19 Q Did he -- of course, when he got arrested, was he
20 restrained?

21 A Yes, sir, he was.

22 Q How was he restrained?

23 A He was handcuffed behind his back.

24 Q Do you recall who put the cuffs on him?

25 A It took Michael Green and myself to do it.

- 1 Q He didn't want to go with you?
- 2 A No, sir.
- 3 Q He didn't buck enough to get charged with resisting
- 4 arrest I presume.
- 5 A No, sir. He was just kind of wrestling and pulling
- 6 away.
- 7 Q Were you and Michael Green in the same car?
- 8 A Yes, sir.
- 9 Q Do you remember if it was your car or Michael's car?
- 10 A It was my car, I believe. I know I was driving.
- 11 Q Okay. Was there any questioning of Casey Perkins --
- 12 was he in his yard when he got arrested?
- 13 A Yes, sir.
- 14 Q Was he in his yard when you drove up?
- 15 A Yes, sir. I think he came walking up from somewhere.
- 16 Q Was there any questioning of Casey Perkins at his
- 17 house or in his yard before he got taken off?
- 18 A No, sir, not then.
- 19 Q Who transported Casey Perkins first of all from his
- 20 house? Who?
- 21 A Myself and Agent Green.
- 22 Q Who rode in the back seat?
- 23 A Agent Green did.
- 24 Q Where did Casey ride?
- 25 A In the back seat.

1 Q Handcuffs behind him?

2 A Yes, sir.

3 Q Where was he transported to?

4 A To the Chester County Sheriff's Office.

5 Q Now, was it your intention at the time of the arrest
6 or during the transport to question or interview or
7 interrogate Casey Perkins?

8 A Well, not initially, but he kept --

9 Q But did that change?

10 A Yes, sir.

11 Q How so?

12 A Well, he just kept talking, he just kept talking and
13 talking and talking.

14 Q Let me stop you there. When y'all arrested him, do
15 you remember what he was being arrested for at that
16 moment?

17 A It was for failure to register as a sex offender.

18 Q Not for Judy Hinson's death?

19 A That's correct.

20 Q Did you tell him he was being arrested for failure to
21 register as a sex offender?

22 A Yes, we did.

23 Q He's talking and talking and talking. Was that of
24 concern to you as you were transporting him to the
25 detention center?

1 A Yes, sir, it was.

2 Q In what regard?

3 A Well, we didn't want him to say something that we
4 might not be able to use in court later on.

5 Q So what did do you about that?

6 A Well, Agent Green read his rights to him in the back
7 seat.

8 Q Okay. Miranda warnings?

9 A Yes, sir.

10 Q About the remaining silent and right to a lawyer and
11 all of that stuff?

12 A Yes, sir.

13 Q I'm going to ask Michael Green when he gets up here
14 in a little bit. Did that occur in your presence?

15 A Yes, sir.

16 Q Did Casey Perkins -- in your presence was Casey
17 Perkins asked whether he understood what rights had just
18 been read to him?

19 A You know, I don't remember every detail of that
20 because I'm driving the car and we had some problems with
21 Casey Perkins. We had to stop the car and actually take
22 him out of the car because he was trying to get his
23 handcuffs from behind him to in front of him. So I know
24 Michael Green read him his rights because I heard him, but
25 every little detail of that I don't recall.

1 Q All right. Now, let me jump ahead -- let me jump
2 back a minute. He didn't want to go to jail, I guess
3 didn't want to get handcuffed. Did y'all beat him up or
4 anything like that?

5 A No, sir.

6 Q Did you do what needed to be done and restrain him
7 and make sure the handcuffs stayed where they was supposed
8 to be?

9 A Yes, sir.

10 Q Did he get abused in any other fashion by you,
11 Officer Michael Green or any or law enforcement officers
12 during his arrest or transport?

13 A No, sir.

14 Q Was he talking on the way to the jail?

15 A Yes, sir.

16 Q Was he talking about Judy Hinson's murder directly?

17 A No, sir, I don't think so. He was very animated, he
18 was very worked up, he was very agitated, just talking
19 about just all kind of stuff. I don't really remember
20 what he was saying.

21 Q As a result of his arrest and transport to the
22 detention center, did he give a written statement relating
23 to any of that?

24 A I don't think he did at that time but I took some
25 notes.

1 Q That was my next question. Did you later on make ...
2 your own notes in the course of your investigation about
3 the arrest and transport process?

4 A Yes, sir, I did.

5 Q And in your notes, do your notes reflect whether or
6 not Casey Perkins confessed to Judy Hinson's murder or any
7 participation or involved in it? Did he confess to
8 anything during that transport process?

9 A He did not confess to the murder, no, sir.

10 Q Did he say anything that you made notes of that was
11 of interest to you in this investigation that you think is
12 relevant to Judy Hinson's murder investigation?

13 A Yes, sir, he did.

14 Q What did he say?

15 A Well, he said that he had demons inside of him that
16 took over his body and did things of which he would have
17 no knowledge. And he said that the kidnapping thing in
18 Great Falls, which was something he was involved in some
19 time earlier was like that, he didn't remember doing it.
20 And he said that he deserved to die, that he wanted the
21 death penalty, and that even though he continued to deny
22 any knowledge about the death of Judy Hinson he was very
23 emotional during this interview ranging from just being
24 very confrontational to just sobbing uncontrollably.

25 Q Let me ask you some specific questions then about

1 that process. After you heard Michael Green read him his
2 Miranda rights, was Casey Perkins making those kinds of
3 comments before Miranda was read to him or some -- was he
4 making any comments before Miranda was read to him?

5 A No, sir. He was just carrying on about the facts of
6 being arrested just in general.

7 Q All right. Now, after Miranda got read to him is
8 when he made the comments that you made notes about; is
9 that correct?

10 A Yes, sir.

11 Q Was he being asked questions to illicit those
12 responses or was he just rambling or talking?

13 A We were -- once we got to the sheriff's department we
14 started asking him specific questions about his
15 involvement in the murder of the victim.

16 Q Now, did he in your estimation at least as a law
17 enforcement officer waive his Miranda rights? Let me back
18 up and ask you this question: What are the circumstances
19 under which Casey Perkins was read his Miranda rights?
20 And let me give you an example, was he being muzzled by
21 Michael Green to keep him quiet while Michael was reading
22 the Miranda rights or was he sitting there apparently
23 listening, or do you recall?

24 A No, he was listening.

25 Q Was he holding his head out the window yelling and

1 screaming to the point he couldn't have heard what was
2 being said to him?

3 A No, sir.

4 Q After the Miranda warnings were being read to him,
5 did he indicate he couldn't understand what Michael Green
6 was reading to him?

7 A No, sir.

8 Q Did he indicate he had any questions about what
9 Michael Green had read to him?

10 A No, sir.

11 Q Did he indicate he wanted to invoke his right to
12 silence before he answered any questions that got asked of
13 him?

14 A No, sir.

15 Q Other than what you have described, meaning the
16 handcuffs and having to stop the car once to get him
17 straightened out and being in the back seat of the police
18 car, was he otherwise restrained?

19 A No, sir.

20 Q Was anybody sitting on him to hold him down or
21 anything like that?

22 A No, sir.

23 Q Did anybody pull a gun on him?

24 A No, sir.

25 Q Did anybody pull out a billy stick or anything to

1 hold it over his head to keep him still in the back seat?

2 A No, sir.

3 Q Did he ask for anything during that transport?

4 A No, sir.

5 Q Did y'all deny him anything that he might have asked
6 for during the transport?

7 A No, sir.

8 Q During the transport in the subsequent statements
9 that you made notes of and I am asking these questions
10 relevant to all of that process, did anybody promise him
11 anything to get him to tell you anything about Judy
12 Hinson's murder?

13 A No, sir.

14 Q Anybody threaten him in any fashion physically or
15 legally or otherwise to get him to talk about Judy
16 Hinson's murder?

17 A No, sir.

18 Q Just so I will understand your notes concerning Casey
19 Perkins' comments and your recollection of them, did some
20 of that occur in the car and some of it occur at the
21 detention center or was all of that relating to the
22 transport?

23 A I think the -- my recollection and notes were all
24 from what he said at the jail. In other words, the talk
25 on the way to the jail really didn't amount to anything,

1 it wasn't about the victim, it was just about being-
2 arrested and whatnot on the failure to register as a sex
3 offender charge.

4 Q All right. Did you have any other conversational
5 contact with Casey Perkins on that day in connection with
6 this investigation?

7 A No, sir.

8 Q Any questions asked of you or Miranda statements you
9 made to him or witness as far as you know at all?

10 A No, sir.

11 Q Are you aware that some days later he gave a
12 statement of some three and a quarter hours and was audio
13 taped?

14 A Yes, sir. I am aware of that.

15 Q Have you got any involvement in that at all yourself?

16 A No, sir.

17 MR. BARFIELD: Thank you, sir. Answer anything that
18 Mr. Dunn or the Judge may ask.

19 CROSS EXAMINATION

20 BY MR. DUNN:

21 Q Officer Wilkes, you have been in law enforcement
22 since 1981, is that what you said?

23 A Yes, sir.

24 Q So that is what, is it 26 or 27 years?

25 A Something like that.

1 Q And I think -- correct me if I'm wrong, you said 17
2 of that was with Sled, is that correct, 18 of that was
3 with Sled?

4 A Well, since 1990.

5 Q So 18, or some time around 18 years. All right.
6 During that process you have interviewed a lot of people
7 as an investigator and as a police officer, correct?

8 A Yes, sir.

9 Q And you polygraph a lot of folks during that time
10 frame, correct?

11 A Yes, sir.

12 Q Is it not fair to characterize Mr. Perkins's
13 intelligence probably in the low end of the spectrum in
14 all of those folks you interviewed in the last 27 years?

15 A I would have no way of knowing that. You know,
16 different people act differently and I have found that
17 that has sometimes not anything to do with their IQ.

18 Q You didn't just have one contact with Mr. Perkins
19 during that investigation, right?

20 A Right.

21 Q I think three or four times. You had three or four
22 separate occasions you had contact with Mr. Perkins,
23 right?

24 A Yes, sir.

25 Q And during the polygraph was about six hours, six or

1 six and a half hours with contact with them?

2 A With a couple hour break in there when he went to the
3 doctor with his mom.

4 Q So maybe four hours then?

5 A Yes, sir.

6 Q And the first time you were at his house in his yard,
7 right?

8 A Yes, sir.

9 Q And that wasn't a very long contact, but it sounded
10 like it was 15 or 20 or 30 minutes, is that about right?

11 A I'm thinking about 15 minutes, yes, sir.

12 Q And then you went down and arrested him and drove him
13 back to the station, right?

14 A Yes, sir.

15 Q So probably another 30 minutes or so or whatever.

16 A Well, the drive back would have taken 15 minutes or
17 so and then we did spend some time with him once we got
18 back.

19 Q How much time was it that you spent back with him
20 that you spent with him interrogating him?

21 A You know, I really don't remember, I don't remember.

22 I know at one point we went to just go ahead and house him
23 in the jail and then Lieutenant Robertson talked to him
24 for a minute, and then -- just a brief minute -- and then
25 he went on back in the jail. I really don't remember how

1 long it was.

2 Q But are you telling me during those three separate
3 occasions that you have had contact with him you weren't
4 able to ascertain whether or not approximately what type
5 of intelligence level he was, that he had?

6 A I have no way of gaging anyone's intelligence level
7 other than my gut feeling. I'm just saying that different
8 people come across differently.

9 Q What did your gut tell you?

10 A Well, he told me he graduated from the 12th grade and
11 he came across as somebody who acted differently than some
12 people, but then so do a lot of other people that I come
13 in contact with.

14 Q When you say he acted differently, what do you mean
15 by that?

16 A Just his mannerisms, mostly his emotionality, which
17 really, you know, stuck out in my mind.

18 Q How so?

19 A Well, just he would get animated and upset and cry,
20 things like that. That's what stuck out in my mind with
21 him more so than anything to do with his intelligence
22 level.

23 Q When did it come to your attention Mr. Perkins was a
24 suspect in Ms. Hinson's death?

25 A I think it was the day before we went to his house is

1 when we found out that he was on the sex offender registry
2 and some witnesses had told us he was in the area right
3 there at her house that night.

4 Q All right. And the fact that he was on the sex
5 offender registry interested you, correct?

6 A Yes, sir.

7 Q Why?

8 A Well, that's why we track sex offenders because they
9 might offend again.

10 Q Are there any other suspects?

11 A At that point I don't know. I'm sure there were but
12 I came in from Columbia to do a polygraph examination.
13 I'm sure the local investigators had other suspects but I
14 don't know.

15 Q You did more than just do a polygraph, though, you
16 did some field work; is that correct?

17 A Yes, I did.

18 Q And you arrested him, correct?

19 A Yes, sir.

20 Q Did you speak with anybody else in this investigation
21 who was a suspect?

22 A No, sir, I did not.

23 Q He was the only suspect that you talked to?

24 A Yes, sir.

25 Q As far as you know he's the only suspect that there

1 ever was.

2 A I don't know that.

3 Q You said in your notes here that indicated that you
4 talked or spoke with I'm going to call him Mr. Perkins,
5 but Billy Perkins?

6 A Yes, sir.

7 Q Did his intelligence -- was there something different
8 about Mr. Perkins?

9 A Yes, sir.

10 Q Did it seem like he may -- that there may have been
11 some mental health issues going on with him?

12 A To me it did, yes, sir.

13 Q Now, based on just his mannerisms and the way he was
14 talking and what he was talking about, right?

15 A Yes, sir.

16 Q During that interview with or contact with
17 Mr. Perkins, Casey was there as well, right?

18 A Yes, sir.

19 Q I think you said that Ms. Perkins was going back and
20 forth and she wasn't there the whole time.

21 A Right.

22 Q It was you and Sheriff Benson and Lieutenant
23 Robinson?

24 A I think Agent Green.

25 Q Excuse me, not Lieutenant Robertson but Agent Green?

1 A Yes, sir.

2 Q At some point did -- if I can find your notes -- at
3 some point did you tell Mr. Perkins, Billy Perkins and
4 Casey Perkins, what had happened to Ms. Hinson up at
5 Ms. Hinson's house?

6 A Yes, sir. In general terms, yes, sir, I did.

7 Q What exactly did you tell them happened?

8 A I said that in response to what Billy Perkins told
9 me. Billy Perkins was telling me some story about a lot
10 of money and people doing all of these bad things and it
11 didn't make much sense. And then he said they would kill
12 people by sticking broom handles and mop handles up
13 peoples ass holes and pussies back in Tennessee.

14 Q And in your notes that is in quotations, is that a
15 direct quote from what Billy told you and that's why you
16 put it in quotations marks?

17 A Yes, sir. And I asked him who did that and he said
18 they did that.

19 Q And at that point you told -- pointed out to
20 Ms. Hinson's house and you said, "That's what happened out
21 there," right?

22 A Yes, sir.

23 Q During the course of your -- did you receive any
24 special training in interrogation methods or interviewing
25 methods?

1 A With the -- we touch on it in polygraph school.

2 Q What exactly did you touch on?

3 A Well, basically what we ended up using at Sled called
4 the reinterview technique.

5 Q Is that out of the Inbaur and Reid Manual?

6 A Yes, sir.

7 Q When I read the words interrogation and interview,
8 those two words, are they synonymous to you or are they
9 different?

10 A They are different.

11 Q How are they different?

12 A Well, an interview is conducted in order to gain
13 information from any witness and -- in other words, it's
14 just a fact finding group of questions. And then an
15 interrogation is a directed interview with the sole
16 purpose of eliciting a confession from a guilty
17 individual.

18 Q So when you're just speaking with people in general
19 suspects, non-suspects just trying to find out what's
20 going on you would use the interview process, right?

21 A Yes, sir.

22 Q That's more of a non-confrontational type of process
23 generally?

24 A Yes, sir.

25 Q Fair to say that interrogation is more

1 confrontational?

2 A Well, it is in the sense that you are directly
3 accusing somebody of committing a crime. Well, we are
4 very low key about interrogation also, it's not like we
5 are jumping up and down hollering in interrogations
6 because that's just turning people off.

7 Q When you are interrogating people, you have a suspect
8 and you're trying to get information out of them?

9 A That's right.

10 Q You generally know what information you're trying to
11 get from them, correct?

12 A Yes, sir.

13 Q Fair to characterize the August 28th meet with Billy
14 and Casey as an interview?

15 A When we were at their house?

16 Q Yes, sir.

17 A Well, we were there basically to see if Casey would
18 agree to take a polygraph test.

19 Q That's the reason why you went out was to try to get
20 him to come take a polygraph?

21 A Yes, sir.

22 Q And that was -- I believe that was in the morning
23 time, wasn't it?

24 A Yes, sir.

25 Q Because by that point he was already a suspect?

1 A Yes, sir.

2 Q The polygraph process, would you consider that an
3 interrogation or interview?

4 A Well, it is both. If somebody fails the polygraph
5 test then it moves into an interrogation during the
6 post-test interview.

7 Q Is that what happened in this case?

8 A Yes, sir.

9 Q So it's fair to characterize the post-test as more of
10 an interrogation than interview?

11 A Yes, sir.

12 Q Did you ever tell Mr. Perkins that he had failed the
13 polygraph?

14 A Yes, sir.

15 Q You told him that?

16 A Yes, sir.

17 Q At what point did you tell him that?

18 A As soon as I knew.

19 Q So during that some time on the 28th?

20 A Yes, sir.

21 Q All right. How did he take that? What was his
22 response?

23 A Well, he continued to deny any involvement in the
24 crime and said he was telling the truth.

25 Q Did his denials become anymore animated?

1 A He would get emotional at times and he would cry and
2 like when he was making the statement about doing things
3 he didn't remember and then at other times he would just
4 sit straight up and look right at me and say he didn't do
5 anything wrong.

6 Q When you said that he was crying, was he sobbing or
7 is it sort of or -- how objective was he crying?

8 A On this interview my recollection is it wasn't just
9 uncontrollable sobbing like it was the next day but during
10 this interview he did become emotional, yes, sir.

11 Q During the first time you met with Mr. Perkins in the
12 front yard, what was his demeanor like?

13 A Well, he was just walking around the yard talking to
14 us, he was kind of quiet.

15 Q Did you suggest a polygraph to Mr. Perkins or did he
16 just openly volunteer to do it?

17 A I believe I asked him if he would take it.

18 Q He never said no?

19 A No, sir.

20 Q Had he ever told you that he had taken a polygraph
21 before?

22 A Yes, sir, he did.

23 Q Did he tell you that he had issues with a polygraph
24 before?

25 A He stated he failed a polygraph even though he was

1 telling the truth and he didn't have much faith in the
2 polygraph.

3 Q What was his demeanor like during the actual
4 polygraph?

5 A Well, during the polygraph itself he was sitting real
6 still and quiet in the examination chair during the
7 testing face.

8 Q It was brought to your attention that he had a
9 history of -- during your pre-testing when you're going
10 through his medical history it came to your attention that
11 he has a history of seizures; is that correct?

12 A Yes, sir.

13 Q Of those questions they ask you any kind of
14 neurological issues, right?

15 A Yes, sir.

16 Q Question number three on that, it says any past
17 psychiatric care, there's no answer either yes or no, did
18 you ask him that question?

19 A Yes, sir. I would have -- I don't know why anything
20 is not marked there.

21 Q Why are you concerned about past psychiatric care?

22 A Well, if somebody is psychotic and they are out of
23 touch with reality they might not be a good candidate for
24 a polygraph test.

25 Q Why is that?

1 A Well, they're out of touch with their reality. If
2 they think you are a purple monster that is their reality?

3 Q Are they able to trick the machine at that time?

4 A Well, they're out of touch with reality.

5 Q During your interview, during the polygraph time I
6 guess it was during the post-interview, he indicates -- I
7 think it's on page three out of five -- I'm assuming that
8 is your -- I'm not sure if that's your post-interview or
9 during the actual polygraph -- Mr. Perkins told you during
10 that point answer number five that he had heard Ms. Hinson
11 had died of various manners, correct?

12 A Yes, sir.

13 Q And she had been stabbed and she had been beat to
14 death, and that she had been mutilated or something. Were
15 those sort of the rumors out on the street so to speak
16 were the details of her death out to where the people in
17 the public could know what was going on?

18 A I really don't know.

19 Q Did Mr. Perkins tell you that he had graduated from
20 high school?

21 A Yes, sir.

22 Q Is it possible that he did not and you just misheard
23 him?

24 A I guess that's possible but as I recall it and as my
25 notes indicated I asked him how far he had gone in school

1 and he said the 12th grade.

2 Q Did he or his mother or anybody else tell you that he
3 had learning abilities while he was in school?

4 A No, sir, I don't recall that.

5 Q Now, you and Agent Green went out to arrest
6 Mr. Perkins, right?

7 A Yes, sir.

8 Q And y'all went out to arrest him not for murder,
9 right?

10 A Yes, sir.

11 Q He wasn't under arrest for murder, he was under
12 arrest for failure to register as a sex offender?

13 A Yes, sir.

14 Q Does Sled get involved with failure to register as a
15 sex offender cases?

16 A Yes, sir.

17 Q That's a misdemeanor, isn't it?

18 A I don't know.

19 Q What time was he arrested?

20 A I believe that was in the morning, I can look through
21 here and see if I noted a time on it. I did not note a
22 time on here.

23 Q Do you remember just generally what time? Was it
24 early morning, mid-morning or late morning?

25 A I'm thinking it was kind of late morning but I'm not

1 sure.

2 Q And I think you testified it took you and Agent Green
3 to handcuff him, right?

4 A Yes, sir.

5 Q He didn't resist but he didn't -- wasn't physically
6 cooperative?

7 A Well, he was just kind of pulling away.

8 Q How did his family react to him being arrested?

9 A They were pretty upset.

10 Q And when you say upset, what do you mean by that?

11 A Just hopping around and hollering and carrying on.

12 Q Mama and daddy?

13 A Yes, sir.

14 Q Either one of them get threatened with being arrested
15 if they didn't get away or stay away from you and Agent
16 Green while you arrested Mr. Perkins?

17 A I think we may have had to tell them to step back at
18 one point but we did not arrest them at any point.

19 Q Now, you said that -- I just want to make sure I
20 heard this right -- while you and Agent Green and
21 Mr. Perkins are in the car coming back to the sheriff's
22 office Agent Green Mirandized Mr. Perkins?

23 A Yes, sir.

24 Q In the car?

25 A Yes, sir.

1 Q Was he Mirandized once again once you got back to the
2 station?

3 A No, sir.

4 Q So the Miranda was given in the car, right, and then
5 you all got back to the office and interviewed him or
6 interrogated him?

7 A Yes, sir.

8 Q But Miranda wasn't given again back at the station?

9 A No, sir.

10 Q How come?

11 A Well, we had already -- he had already been
12 Mirandized.

13 Q Again, I just want to make sure, was it your
14 testimony when you and Agent Green got back to the station
15 you put him in a room and Lieutenant Robinson spoke to him
16 first?

17 A No. Agent Green and myself spoke to him first and
18 then at some point we just went to house him in the jail
19 and as we were waiting for the jailer to come get him
20 that's what Lieutenant Robertson spoke to him just for a
21 brief moment.

22 Q Did you hear what Lieutenant Robertson had to speak
23 to him about?

24 A No, sir. I didn't stand there and listen to what
25 they were saying. I was in the general area but I didn't

1 hear exactly what he was saying.

2 Q And when y'all got back to the station y'all
3 interrogated him about the murder case, correct?

4 A Yes, sir.

5 Q You didn't interrogate him about why he had failed to
6 register as a sex offender?

7 A No, sir.

8 Q Would it be fair to say y'all picked him up on a
9 failure to register as a sex offender just so you could
10 pick him up on something?

11 A Well, the way we saw it is we had probable cause to
12 arrest him on the crime.

13 Q Yes, sir. For the failure to register.

14 A Yes, sir.

15 Q But you didn't have any probable cause for the murder
16 at that point?

17 A Correct.

18 Q And after you spoke with him on that day that he was
19 arrested you didn't speak with him after that?

20 A No, sir, I didn't.

21 Q Did he ever tell you during that interview at the
22 sheriff's office that he wanted the death penalty?

23 A Yes, sir, he did.

24 Q What was the context of that?

25 A Well, what he told me as I noted here was that he was

1 saying things like he had demons inside of him that took
2 his body over and things like that and I believe it was
3 part of what he had actually told Lieutenant Robertson
4 that he wanted the death penalty, yes, sir.

5 Q On the ride back from his house to the sheriff's
6 station y'all pulled over at some point, right?

7 A Yes, sir.

8 Q I think you said that he was trying to get his hands
9 out from behind him in front of him?

10 A Yes, sir.

11 Q At that point did you tell him that you were going to
12 make him confess one way or another?

13 A No, sir.

14 Q On the way back, did you tell him that you have got
15 something planned for him and so does Benson?

16 A No, sir.

17 Q Did you tell him that by the time y'all got back to
18 the jail that he was going to confess?

19 A No, sir.

20 MR. DUNN: I don't have any further questions, Your
21 Honor.

22 MR. BARFIELD: Just a couple of follow-up.

23 REDIRECT EXAMINATION

24 BY MR. BARFIELD:

25 Q From hooking him up in his yard with the handcuffs to

1 finishing I guess to the interrogation at that point to
2 the detention center, how long was that process when you
3 got to his house to arrest him to when he ended up being
4 finished with by Tommy Robinson and put into a cell, how
5 long?

6 A I am going to estimate about an hour or two.

7 Q Okay.

8 MR. DUNN: Thank you, that's all.

9 MR. BARFIELD: Just one quick follow-up to that.

10 RE CROSS EXAMINATION

11 BY MR. DUNN:

12 Q Where did the interview occur when you took him back?
13 Was it in the detention center?

14 A No, sir. It was in the sheriff's office, we weren't
15 behind the bars.

16 Q So when you guys went back you didn't take him to the
17 detention center, you took him over to the sheriff's side
18 of the building?

19 A Yes, sir.

20 MR. DUNN: Nothing further, Your Honor.

21 MR. BARFIELD: Nothing else. Ask that he be excused.

22 MR. DUNN: That's fine.

23 The witness, SEAN CHEEKS, was first duly sworn and
24 testified as follows, on:

25 DIRECT EXAMINATION

1 BY MR. BARFIELD:

2 Q State your name, please, sir.

3 A Sean Cheeks.

4 Q Mr. Cheeks, by whom are you employed now?

5 A Reliable Pest Control.

6 Q By whom were you employed in August -- actually
7 September of 2005?

8 A Chester County Detention Center.

9 Q What was your job at the Chester County Detention
10 Center?

11 A I was a Sergeant.

12 Q And as a Sergeant did you have supervisory -- a
13 supervisory role over other people in the shift at the
14 detention center?

15 A Yes, sir.

16 Q In connection with your work at the detention center
17 let me ask you this: Who runs the Chester County
18 Detention Center?

19 A Sheriff.

20 Q Is the detention center in the part of complex where
21 the sheriff's office is located?

22 A Yes, sir.

23 Q Have you ever been a deputy for the Chester County
24 Sheriff's Office?

25 A No, sir.

1 Q Did you have a dual role as a deputy or investigator
2 for the Chester County Sheriff's Office while you were
3 employed as a Sergeant and correctional officer at the
4 detention center?

5 A No, sir.

6 Q Were you in anyway personally involved in the
7 investigation of the death of Judy Hinson, which occurred
8 on August 27th of 2005 in Chester County?

9 A No, sir.

10 Q Were you aware that that homicide had occurred?

11 A I was aware of it but wasn't in to it.

12 Q All right. How did you become aware of it? Did you
13 read it in the newspaper or did you hear it being talked
14 about in the jail and sheriff's office?

15 A In the jail.

16 Q Did you have a whole lot of detail about the case
17 yourself?

18 A No, sir.

19 Q Did you become aware at some point that Casey Ray
20 Perkins became an inmate at the Chester County Detention
21 Center?

22 A I was aware when he came in the jail what his charges
23 was.

24 Q Now, did you have any -- after he became an inmate at
25 the Chester County Detention Center, did you acquire any

1 investigatory role concerning this case for Casey Ray
2 Perkins?

3 A No, sir.

4 Q Did anybody tell you to see what you can find out
5 from Casey Perkins?

6 A No, sir.

7 Q Did anybody tell you to bait him and see if you can
8 bait him into voluntarily information or anything like
9 that?

10 A No, sir.

11 Q Did you have any interest in finding out anything
12 about this case from Casey Ray Perkins?

13 A No, sir.

14 Q On September 9th of 2005, did you find out some
15 information concerning this case from Casey Ray Perkins?

16 A Yes, sir.

17 Q First of all, did Casey Ray Perkins write out a
18 statement for you or for any law enforcement officer in
19 connection with what you are about to describe for us?

20 A No, sir.

21 Q Did you write a correctional officer's statement
22 concerning this matter? I think the document is actually
23 called Chester County Detention Center staff statement
24 form.

25 A Yes, sir.

1 Q Did you do one of them?

2 A Yes, sir.

3 Q I'm going to show you a copy. I am not going to
4 introduce it into evidence, but is that a copy of what I
5 described to you and you said is your statement?

6 A Yes, sir.

7 Q And that is about actually six lines and one
8 paragraph; is that right?

9 A Yes, sir.

10 Q Now, before you tell me what this document is all
11 about, under what circumstances on September 9th of 2005
12 were you in contact with Casey Perkins?

13 A Going out to the rec.

14 Q What does that mean?

15 A Where they go outside and they get fresh air if there
16 was any. When we had smoking in the facility they would
17 have a cigarette.

18 Q All right. And I'm sure you probably don't remember
19 this particular date, but was Casey Perkins the only
20 person going out for rec. or were there other inmates
21 going out for rec.?

22 A I can't recall.

23 Q How does correctional officers take -- when you say
24 go out for rec. is there a fenced-in area with razor wire
25 that is open under the blue sky?

1 A Yes, sir.

2 Q Are there recreational implements out there like
3 basketball goals or weights or anything like that?

4 A No, sir, just an openness.

5 Q Physically how do correctional officers get inmates
6 out in the rec. area? What do you do?

7 A Go out in the hallway, unlock the door, slide the
8 handle down, open the door, when you holler for rec.
9 whoever wants to go out for rec. just piles outside in the
10 hallway there and the other officer opens the door and
11 follows them on out.

12 Q On this particular day do you remember whether there
13 were -- did you actually go out into the rec. area with
14 Casey Perkins and whoever else might have been there?

15 A I believe it was in the hallway when this occurred.

16 Q Okay. That's fine. Did Casey Perkins and you have a
17 conversation on the way to rec. that day?

18 A Yes, sir.

19 Q Who started it?

20 A He did.

21 Q How did Casey Perkins start the conversation with
22 you? Let me back up, had you and Casey Perkins had
23 conversations -- let me back up further. Without seeing
24 records, do you recall what date Casey Perkins became a
25 guest of Chester County Detention Center?

1 A No, sir, I don't recall.

2 Q Before September 9th, the day I am asking you about,
3 had he been there for some number of days?

4 A Back then he was probably in there for something, I
5 can't recall what the charges was.

6 Q But had he been there for awhile before this incident
7 happened that you are fixin' to describe some number of
8 days?

9 A Probably some number of days.

10 Q Had you and he had other conversations while he was
11 an inmate out there?

12 A Not that I am aware of.

13 Q Okay. Just describe what Casey Perkins said to you
14 and how it all started.

15 A I believe he was going out for rec. and everything,
16 that's what -- it's our protocol then whenever an inmate
17 tells us something we have to write it down, document it
18 and turn it in. But he did say that he needed some help,
19 that's the reason why he killed the female. And I said,
20 "That's the reason why we have Catawba Mental Health,"
21 that's as far as I went.

22 Q He said he needed help that's why he said -- he
23 said -- did he say the female or lady or use the name or
24 do you recall?

25 A I don't recall it.

1 Q Did you know what he was referring to when he said
2 that?

3 A I kind of sort because of the charges. But then
4 that's when I wrote my staff statement, turned it in that
5 way and they can do further investigation.

6 Q Did he say that to you in response to any question
7 that you asked him?

8 A No, sir.

9 Q Did he say that to you in response to any non-verbal
10 cue you gave him to talk to you about why he was out
11 there?

12 A Not from what I recall.

13 Q All right. Of course, he was in custody when that
14 occurred I assume.

15 A Correct.

16 Q Did you do anything to prompt him to say that as far
17 as you know?

18 A No, sir.

19 Q Did you hear anybody else do or say anything to
20 prompt him to say that to you?

21 A No, sir.

22 Q Did you interview Casey Perkins?

23 A No, sir.

24 Q Did you question Casey Perkins?

25 A No, sir.

1 Q Did you interrogate Casey Perkins?

2 A No, sir.

3 Q After he said that to you and you responded to him
4 that's why we have Catawba Mental Health, did you engage
5 in any further conversation with him about that statement?

6 A No, sir.

7 Q Did you do that statement and turn it in that day or
8 immediately or do you recall?

9 A That day. As soon as it is done we turn it in.

10 MR. BARFIELD: Thank you, sir. Answer any questions
11 that Mr. Dunn has.

12 CROSS EXAMINATION

13 BY MR. DUNN:

14 Q You are not working at the detention center now,
15 right?

16 A No, sir.

17 Q When did you leave?

18 A It was around May and June of 2006, I believe it was.

19 Q Why did you leave?

20 A I got dismissed.

21 Q Why?

22 A Because of medical reasons.

23 Q They dismissed you because of medical reasons?

24 A I was out to many days.

25 Q So absences?

- 1 A Yes, sir.
- 2 Q Had you been written up prior to being dismissed?
- 3 A As in --
- 4 Q Did they write you up?
- 5 A Yes, sir.
- 6 Q Was it because of that or for anything else?
- 7 A That was it.
- 8 Q How long did you work there?
- 9 A Five years.
- 10 Q Any other writeups besides those absence issues there
- 11 at the end?
- 12 A I can't recall, sir.
- 13 Q Did you ever take away any -- let me ask you this:
- 14 At the time that Mr. Perkins was brought into the
- 15 detention center and made an inmate what was your rank?
- 16 A Sergeant.
- 17 Q When you left what was your rank?
- 18 A Sergeant.
- 19 Q As Sergeant you have the priviledge -- do you have
- 20 the right to take away inmates privileges?
- 21 A Yes, sir.
- 22 Q Have you ever taken away Mr. Perkins' privileges?
- 23 A Not that I'm aware of.
- 24 Q Did you ever put him into solitary?
- 25 A I don't recall.

1 Q At the time that he was housed when he was first
2 arrested what was his demeanor like?

3 A As in --

4 Q How was he acting?

5 A I don't think I was working in the shift when he was
6 brought in, I'm not real sure.

7 Q The first time you worked after he was arrested, do
8 you remember what his demeanor was like?

9 A It was fine. I didn't -- he didn't cause no
10 problems.

11 Q Was he acting emotional?

12 A Not that I'm aware of.

13 Q Was he crying?

14 A No, sir.

15 Q Do you treat inmates differently depending on what
16 their charges are?

17 A No, sir. All of them is treated the same.

18 Q Who told you to write this?

19 A I did.

20 Q Anybody tell you to do it?

21 A No, sir.

22 Q You just did it on your own?

23 A Yes, sir.

24 Q Who did you give it to?

25 A It was in my shift packing that went straight to the

1 office.

2 Q Who does that go to?

3 A It goes to Major Allen.

4 Q And did anybody ever come question you about it after
5 that?

6 A No, sir.

7 Q Sheriff never came and talked to you about it?

8 A Not that I recall.

9 Q Major Allen never came and talked to you about it?

10 A Not that I recall.

11 Q Any detectives come talk to you about it?

12 A Not as I recall, sir.

13 Q Before today have you talked to anybody about this
14 sheet?

15 A No, sir.

16 Q This is the first time?

17 A This is the first time.

18 Q When you got subpoenaed yesterday or today or when
19 you were called and told to be here today, did you have
20 any idea why you were coming?

21 A It was on my subpoena, it has got the Casey Perkins
22 case.

23 Q Did you have any idea why you were coming?

24 A No, sir.

25 Q Isn't it true that what you tell the inmates rec.

1 time and they go out in the hallway they are not allowed
2 to talk in the hallway?

3 A They are not allowed to talk in the hallway.

4 Q When Mr. Perkins supposedly gave that statement, was
5 there any other witnesses?

6 A I don't recall.

7 Q Any other guards?

8 A There was a couple of guards in the hallways but I'm
9 not sure if they heard anything or not.

10 Q Do you remember who the guards were?

11 A No, sir.

12 Q Was Larry Hart in there, is he a witness to it?

13 A Who is Larry Hart?

14 Q I'm just asking.

15 A No.

16 Q Benstame Elton (phonetically).

17 A I don't know none of them.

18 Q Michael Adams?

19 A I don't recall.

20 Q Okay. When he gave this statement what was his
21 demeanor like?

22 A Just talking.

23 Q Was he in a good mood, bad mood?

24 A Normal mood.

25 Q He just voluntarily said that he killed her.

1 A Yes, sir.

2 Q Did that strike you as odd?

3 A Sir?

4 Q Did it strike you as odd?

5 A Odd, but I done -- I wrote the staff statement and I
6 figured, you know, he needs to go to it -- it needs to go
7 to whoever it goes to and they can do the --

8 Q You knew what he was charged with at that point,
9 right?

10 A Yes, sir.

11 Q And you knew what some of the circumstances behind
12 that case were, didn't you?

13 A As in -- I just knew his charges, that's all.

14 Q You hadn't heard any of the details?

15 A No, sir.

16 Q Nobody had told you what had happened to Ms. Hinson?

17 A No, sir. To this day I still don't know.

18 Q When he said that he needed help, did he say why he
19 needed help?

20 A No, sir.

21 MR. DUNN: No other questions, Your Honor.

22 MR. BARFIELD: Nothing else from this witness, ask
23 that he be excused. He has a civilian job he needs to
24 return to, I think, tomorrow.

25 THE COURT: Any objection to the witness being

1 excused?

2 MR. DUNN: No, sir.

3 MR. BARFIELD: I think now is a good time to break
4 for the day given the hour.

5 THE COURT: Okay. We will pick back up at 9:30
6 tomorrow morning.

7 (Court recessed for the day and resumed at 9:30 a.m.,
8 on October 22, 2008.)

9 The witness, THOMAS ROBERTSON, was first duly sworn
10 and testified as follows, on:

11 DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q State your name, sir.

14 A Thomas M. Robertson.

15 Q And are you a Lieutenant with the State Law
16 Enforcement Division?

17 A Yes, sir.

18 Q How long have you been employed by Sled?

19 A About 24 years.

20 Q What is your current position with Sled?

21 A I'm a Lieutenant. I run Sled's operation in half of
22 the Midlands Region, which includes Chester County.

23 Q Which means you have a supervisory role over field
24 agents?

25 A Yes, sir.

1 Q Did you participate in the investigation of the death
2 of Judith Hinson in Chester County, which occurred, we
3 believe, on August 27th of 2005?

4 A Yes.

5 Q In connection with that, with your role in that
6 investigation, did you become aware that a fellow by the
7 name of Casey Ray Perkins was a suspect in the case?

8 A Yes.

9 Q Did you become aware that on, I believe, August 29th
10 of 2005 Casey Ray Perkins got arrested not on a murder
11 charge but on an unrelated offense?

12 A Yes.

13 Q Did you participate at all in the arrest of the Casey
14 Perkins out at his home?

15 A I was there. I was on the scene, yes.

16 Q Okay. Did you participate in the transport of Casey
17 Perkins from the arrest scene at his home to the Chester
18 County either sheriff's office or detention center, which
19 is an all-in-one complex?

20 A No.

21 Q Did you have interactions with Casey Ray Perkins at
22 the sheriff's office detention center some time shortly
23 after his arrest?

24 A Yes, sir.

25 Q Did you know -- did you -- well, I'm going to jump

1 ahead at some point at the sheriff's office/detention
2 center. Did you have a conversation with Casey Perkins?

3 A Yes.

4 Q Would you describe it as an interview or
5 interrogation or questioning? How would you describe the
6 conversation you had with him?

7 A It was an interrogation.

8 Q All right. Now, did you have knowledge of whether or
9 not Casey Perkins had been given his Miranda warnings
10 prior to you talking to him at the sheriff's office?

11 A Yes, sir.

12 Q Had he to your knowledge?

13 A Yes, sir.

14 Q Now, I'm going to ask you some specific questions
15 about those matters for a minute.

16 A Okay.

17 Q Who did you gain the knowledge from that Casey
18 Perkins had been Mirandized?

19 A Two Sled agents, Buddy Earl Wilkes and Michael Green.

20 Q All right. Did you have knowledge or did you witness
21 them arrest Casey Perkins?

22 A Yes.

23 Q All right. Who transported Casey Perkins from his
24 home to the sheriff's office?

25 A Those two Sled agents, Green and Wilkes.

1 Q Did you at any point during the process you are
2 fixin' to describe give Casey Perkins his Miranda warnings
3 yourself?

4 A No.

5 Q Why not?

6 A I talked to Wilkes and he assured me that he had been
7 Mirandized.

8 Q Did you get any background information from Casey
9 Perkins before you talked to him?

10 A Very little.

11 Q Okay. How did the event of your interrogation of
12 Casey Perkins arise? Where was he? Where were you when
13 you first had contact at the detention center or sheriff's
14 office?

15 A Wilkes and Green had Casey Perkins in a room
16 questioning him, talking to him, interrogating him or
17 whatever and when they came out of the room and were
18 headed over to the jail there's an area right there that
19 they stopped in and that's where I talked to Casey just a
20 few minutes there.

21 Q Let me back up. Are you familiar with the room where
22 Wilkes and Green were talking to Perkins?

23 A Yes, sir.

24 Q Was it in the sheriff's office or in the jail?

25 A It was in the sheriff's department.

1 Q Was it a room like an office or was it a secured room
2 with handcuffs on the table?

3 A It's just like an office.

4 Q In the area like you are talking about that they
5 brought him into when he took over, was it a hallway or
6 foyer or what kind of room it?

7 A It's kind of like a -- it goes from the sheriff's
8 department over to the jail.

9 Q All right. Do you recall -- and did you just decide
10 that you were going to talk to Casey Perkins or did Green
11 and Wilkes ask you to go talk to him and see if you can
12 get anything out of him? How did this come about?

13 A We had some conversations, the three of us. They
14 said let me talk to you a few minutes before you take him
15 over.

16 Q All right. Did you inform Casey Perkins who you
17 were?

18 A Yes, sir.

19 Q Were you wearing plains clothes or fatigues or do you
20 recall?

21 A Probably plain clothes.

22 Q Would you have had a badge and a gun on you?

23 A Yes, sir.

24 Q And did you identify yourself to Casey Perkins?

25 A Yes, sir.

1 Q Did you tell him why you and he were fixin' to
2 perhaps have a conversation? How did you announce your
3 intention to Casey Perkins?

4 A I just told him I would like to talk to him a few
5 minutes.

6 Q You told him you were a Sled agent?

7 A Yes, sir.

8 Q Did Casey Perkins raise any issue with you in
9 conversations concerning his Miranda warnings, his right
10 to remain silent, his right to have a lawyer, the whole
11 nine yards about Miranda? Did he ask you anything about
12 that?

13 A Not at first, eventually he did.

14 Q Eventually he did?

15 A Eventually he asked for his attorney and that
16 terminated the interview.

17 Q We will get to that a minute then. Did Casey -- let
18 me ask you some general questions. How long did you and
19 Casey talk?

20 A No more than 15 minutes.

21 Q Did you have any difficult words you were using
22 during that conversation?

23 A No.

24 Q Did he have any apparent difficulty understanding the
25 conversation?

1 A No.

2 Q Was there any trouble between the two of y'all
3 communicating with each other verbally?

4 A No.

5 Q Did you talk to Casey in a different room or did you
6 go back -- where did you talk to Casey?

7 A I was sitting at a desk, it was in the foyer area I
8 guess you would call it. The room that kind of leads from
9 the sheriff's department over to the jail area.

10 Q Is it the same place that you initially saw him that
11 you had the conversation with him?

12 A Yes.

13 Q Did he sit down or remain standing?

14 A He sat down right in front of me.

15 Q Was he in street clothes?

16 A As I recall he was.

17 Q Was he handcuffed at this time?

18 A He was not.

19 Q Was he restrained in any fashion?

20 A Not that I can recall, no, sir.

21 Q Who else was in the room when you and Casey were
22 having this conversation?

23 A Green and Wilkes were off to the side, I could see
24 them and they could see me but nobody else.

25 Q Did you at anytime unholster your weapon when you

1 were in Casey's presence?

2 A No. I'm not sure I had a weapon on. It may have
3 been left in the car or locked in the lock box, but no I
4 didn't.

5 Q At anytime during your interrogation of Casey Perkins
6 did he ask to use a telephone to call anybody?

7 A No.

8 Q Did he ask to have access to anybody outside of law
9 enforcement like his mom or dad or some friend or family
10 member?

11 A No.

12 Q Do you recall whether during your interrogation of
13 him he asked for any -- like a cold drink or a smoke or
14 bathroom break or fresh air or anything?

15 A No.

16 Q Did you deny any request that he made of you?

17 A No, sir.

18 Q Did you at any time make any threats to Casey Perkins
19 to get him to tell you about the subject matter of this
20 investigation?

21 A No, sir.

22 Q Did you at any time make any promises to him to try
23 to coerce him to talking to you about this case?

24 A No.

25 Q Did Casey Perkins at any time tell you I don't

1 want -- well, we'll come back to that. Did you have a
2 conversation with Casey?

3 A Yes, sir.

4 Q Did some of that conversation include you asking him
5 questions?

6 A Yes, sir.

7 Q Did he give you answers to your inquiries of him?

8 A Yes, sir.

9 Q Did he give a written statement as a result of this
10 interview or interrogation of you?

11 A No.

12 Q Did you make notes or do a report subsequently of
13 your conversation with Casey Perkins that day?

14 A Yes, sir.

15 Q From your notes and from your memory, did Casey
16 Perkins at anytime during your interrogation of him admit
17 either killing Judy Hinson or committing any acts on Judy
18 Hinson that he believed may have caused her death or that
19 caused her death in August of 2005?

20 A No.

21 Q Did he make any comments or statements to you that
22 were of significance to you, of interest to you despite
23 the fact that he wasn't admitting the crime?

24 A Yes.

25 Q Did you report those statements in your notes?

1 A Yes, sir. I made a report of the interview.

2 Q What did he say that you thought was interesting or
3 relevant or pertinent?

4 A He stated to me several times that he thought he
5 needed help, and he also stated that sometimes something
6 comes over him and it causes him to do things that he
7 doesn't remember.

8 Q Did you ask him any -- what else did he say that you
9 thought might be --

10 A He told me several times, "Put me in jail and give me
11 the death penalty." I noted that.

12 Q Did you have specific conversations with him about
13 perhaps clothing and what happened with clothing he had
14 been wearing on the Friday night into the Saturday morning
15 that this happened?

16 A Yes, sir. I was questioning him and he brought this
17 up and he said that he had been to the house that night, I
18 would have -- that these were shoes that he was wearing
19 that night and he volunteered the shoes without me asking
20 about it.

21 Q Did he talk to you about clothing?

22 A I asked about a Mercedes Benz mechanics shirt that we
23 were looking for that he had been seen wearing. He said
24 he threw the shirt in the trash can near his car because
25 it was dirty.

1 Q Now, at some point did Casey Perkins refuse either to
2 talk to you anymore or to have a lawyer?

3 A Yes, sir.

4 Q Explain how that came up.

5 A As the interview came up, as the interrogation
6 continued he advised me that he wanted to talk to his
7 lawyer and at that point I terminated the interrogation.

8 Q In fact, is there any questions or statements by you
9 after Casey Perkins invoked his right to have a lawyer?

10 A No, that was it.

11 Q This is one question and then the follow-up question
12 is did you know whether he had a lawyer at that point?

13 A I didn't know whether he had a lawyer or not. I
14 don't know if he used the term a lawyer or his lawyer, I
15 noted his lawyer. But he said he wanted to talk to a
16 lawyer and terminated the interrogation.

17 Q At any point prior to any of that interview did he
18 invoke -- the first time this happened is at the very end?

19 A Yes, sir.

20 Q Was he in -- did he appear to be in any physical
21 distress, any injuries or anything?

22 A No, sir.

23 Q Did he make any complaints to you about his treatment
24 by anybody?

25 A No, sir.

1 Q You said a minute ago that you were at the scene at
2 Casey Perkins' house when Green and Wilkes arrested him.

3 A Yes, sir.

4 Q Were you driving in your own Sled car?

5 A Yes, sir, I think so.

6 Q Do you recall whether y'all all sort of headed back
7 to the sheriff's office at the same time?

8 A Yes, sir.

9 Q And from the time that you were at Casey Perkins'
10 house when he was arrested from the time that he invoked
11 his right to an attorney, about how much time had elapsed?

12 A Probably a couple of hours.

13 MR. BARFIELD: Thank you, sir. Answer anything that
14 Mr. Dunn or the Judge has.

15 THE COURT: Mr. Dunn?

16 MR. DUNN: Yes, sir.

17 CROSS EXAMINATION

18 BY MR. DUNN:

19 Q So Lieutenant Robertson, you were present at the
20 arrest, correct?

21 A Yes, sir.

22 Q That was on the 29th of August?

23 A Yes, sir.

24 Q Approximately what time did the arrest occur?

25 A Around noon, I believe, somewhere in there.

1 Q Was that the first time you had been down in Chester
2 County as it related to the Hinson murder?

3 A No.

4 Q Have you been down here from basically the beginning?

5 A I think I got on it maybe a couple of days after it
6 happened. I think it happened over the weekend and I
7 became involved in it on that Monday.

8 Q So the 29th was a Monday, correct?

9 A If I told you that was -- I was involved with it the
10 Monday after it happened.

11 Q Were you involved in the decision process to have
12 Mr. Perkins arrested?

13 A Yes.

14 Q What was the rational or reasoning behind that
15 arrest?

16 A Well, we knew that he was violated as a sex offender,
17 that he was not registered where he was living and we knew
18 he was a very strong suspect in this murder.

19 Q As far as you know was there any other suspects?

20 A Not as strong as him. There were other people I know
21 that were talked to, I don't know of any suspects.

22 Q Do you know of any names of other people that were
23 talked to?

24 A No.

25 Q Okay. On the day that you and Officer Wilkes and

1 Officer Green went down to Perkins' house, it was to
2 arrest him on the failure to register charge, is that
3 right?

4 A I think that's what the -- I'm not sure.

5 Q It wasn't for the murder.

6 A No.

7 Q In your opinion was there probable cause to arrest
8 him then for the murder?

9 A Yes.

10 Q If there was enough for probable cause to arrest him
11 for the murder you wouldn't have gone through the back
12 door picking him up on the failure to register as a sex
13 offender.

14 A Well --

15 Q Let's just go on.

16 A Okay.

17 Q When you spoke with him down at the sheriff's office
18 that morning you said he wasn't handcuffed?

19 A Not that I recall.

20 Q But he had been handcuffed during the transport,
21 correct?

22 A Yes.

23 Q Do you recall at what point he was handcuffed?

24 A No.

25 Q At the time that you spoke to him that you have the

1 notes on, is that the only time you ever spoke to .

2 Mr. Perkins?

3 A Yes, sir.

4 Q And during that conversation he never actually

5 admitted to killing Ms. Hinson, correct?

6 A No, he did not.

7 Q Anything that he said to you that you thought was

8 incriminating?

9 A Well, any time somebody tells me that something comes

10 over them and causes them to do things that they don't

11 remember red flags go up immediately. That's not

12 something that you normally hear.

13 Q You yourself, did not Mirandize him, correct?

14 A No.

15 Q Did you hear Miranda being given to him?

16 A No.

17 Q You didn't hear it?

18 A I didn't hear it. I was told it was by Agent Wilkes

19 but I didn't hear it.

20 Q Did you not -- I had trouble hearing you over

21 there -- but did you follow Agent Wilkes back from the

22 house?

23 A I don't know if I followed right behind him or -- I

24 don't know how close I was to him but I arrived at the

25 jail in a short time.

1 Q You went to the Perkins house back -- you traveled to
2 the Perkins house and back by yourself?

3 A There may have been a Chester County deputy in the
4 car with me, I'm not sure.

5 Q ~~Do you remember Agent Wilkes pulling over to the side~~
6 ~~of the road on the way back?~~

7 A No.

8 Q Why did you talk to Perkins?

9 A To see if I could get some information.

10 Q Is that what Agent Wilkes and Agent Green had been
11 doing from the previous time?

12 A Yes.

13 Q What was his demeanor like when you talked to him?

14 A He was calm and he was very easy to communicate with,
15 real soft spoken.

16 Q Was he crying or emotional?

17 A No.

18 Q At any time did you talk to him?

19 A I don't recall him crying. He would get somewhat
20 emotional but not to the point of crying.

21 Q When he asked for the death penalty, was he emotional
22 at that point?

23 A A little bit.

24 Q How was he emotional?

25 A Well, you could see him, you know, becoming more and

1 more emotional as we got him through the interrogation but
2 he never broke down and cried or anything like that. He
3 was able to communicate the whole time.

4 Q When you spoke to him it wasn't actually in the same
5 office that Wilkes and Green had spoken to him.

6 A No, it was not.

7 Q It was in the hallway or cubbyhole?

8 A It's not a hallway, it's in a big room where you go
9 from the sheriff's department over to the jail.

10 Q Okay. Where was he being moved to at that point?

11 A He was in the process of being taken from the
12 sheriff's department over to the jail.

13 Q Okay. And you just pulled him aside and said, "I
14 want to talk to you?"

15 A I didn't have to pull him aside, he was right there
16 and I asked him if I could talk to him.

17 Q Anybody overhear your conversation with him?

18 A Well, Wilkes and Green were right there, they could
19 have heard it.

20 Q As part of your training to be a Sled agent did you
21 take a course or class on interrogation methods.

22 A I have, yes, sir.

23 Q How many courses have you taken?

24 A Several over the years.

25 Q I didn't --

1 A Several over the years.

2 Q And during those courses over the years, did you ever
3 learn a methodology of Inbault and Reid?

4 A I have taken some Reid courses.

5 Q So you know what I'm talking about when I say Reid,
6 right?

7 A Yes, sir.

8 Q Is it fair to characterize it -- if I say the word
9 interview and interrogation, do they mean the same thing
10 to you or are they different?

11 A No, they're different.

12 Q How are they different?

13 A An interrogation is more aggressive and probably some
14 accusations are going to be made in an interrogation. The
15 interview is to get information from witnesses. I
16 interview witnesses, I interrogate suspects.

17 Q Is it fair to say that interviews are less
18 confrontational?

19 A Yes.

20 Q More of a fact finding mission?

21 A Yes.

22 Q During the interrogation process you said you could
23 become more aggressive, right?

24 A Sometimes.

25 Q Do you ever tell the suspects that you know they did

1 it?

2 A I have.

3 Q Telling them they just need to come clean with you,
4 that kind of stuff?

5 A Sure.

6 Q Did you do that with Mr. Perkins?

7 A Probably.

8 Q Did you go over any of the facts of Ms. Hinson's
9 murder with Casey?

10 A Wouldn't have gone over many of the facts about it,
11 no, sir.

12 Q Did you tell him that there was blood at the scene?

13 A Probably.

14 Q Did you tell him any of the ~~circumstances of how she~~
15 ~~died as far as --~~ by that I mean the nature of her
16 injuries?

17 A Wouldn't go into much of that with a suspect.

18 Q You wanted him to give that information to you?

19 A I want to know if he knows that.

20 Q Did you ever hear the concept or the idea of suspects
21 giving a false confession?

22 A I have heard of that.

23 Q Has it ever happened in any of your cases?

24 A Yes.

25 Q Where people have made those accusations later on?

1 A I'm sorry?

2 Q When you say yes, that happened in your cases, what
3 exactly do they mean?

4 A I'm sorry, to confessing to things they didn't do.

5 Q How do you know they didn't do it?

6 A You go out, collaborate what they told you and you
7 find out that what they told you is not true.

8 Q Any idea why somebody would do that?

9 A I can't tell you why people do it but I have had it
10 done before.

11 Q Okay. How many times do you think?

12 A Several.

13 Q More than one?

14 A Yes.

15 Q More than ten?

16 A Not ten.

17 Q Somewhere between one and ten maybe?

18 A Yeah.

19 Q What was your demeanor like towards Casey at the time
20 you were interrogating Casey?

21 A I think it was a pretty quiet. The conversation
22 became somewhat emotional but there was no raised voices
23 or anything like that.

24 Q Do you ever get loud with them?

25 A Sometimes.

1 Q Do you ever get loud with Mr. Perkins?

2 A No.

3 Q I know you had a -- how would you characterize
4 Mr. Perkins' intelligence based on your interaction with
5 him?

6 A I would say he's fairly intelligent. He was able to
7 communicate with me, no problem, understood what I was
8 saying and I understood what he was saying.

9 Q You've interviewed a lot of individuals over the
10 years, right?

11 A Yes, sir.

12 Q When you compare him to the other folks you have
13 interviews with, would you consider him about average or
14 below average?

15 A He was at least average.

16 Q Anything he said or do that you would be concerned
17 about his thought process or his mental cognitive skills?

18 A No.

19 MR. DUNN: Nothing further.

20 THE COURT: Solicitor?

21 MR. BARFIELD: Nothing further from this witness and
22 I would ask that he be excused if he would like to.

23 MR. DUNN: No objection.

24 The witness, DEWAYNE DOSTER, was first duly sworn and
25 testified as follows, on:

1 DIRECT EXAMINATION

2 BY MR. DUNN:

3 Q Good morning, Mr. Doster. Would you state your full
4 name?

5 A My name is Dewayne Doster.

6 Q Where are you working, Mr. Doster?

7 A City of Chester Police Department.

8 Q How long have you been with them?

9 A About a year.

10 Q What is your rank?

11 A Patrolman.

12 Q Where did you work prior to the City of Chester?

13 A At the Chester County Jail.

14 Q In what capacity?

15 A About 100?

16 Q What capacity -- what was your job there?

17 A Well, I was Sergeant within the last year of it and
18 went up in rank.

19 Q Okay. So when you left you left as a Sergeant?

20 A Yes, sir.

21 Q How long did you work at the county jail?

22 A Four years.

23 Q And you were a corrections officer, correct?

24 A Yes, sir.

25 Q And you left as a Sergeant?

1 A Yes, sir.

2 Q So you started working what year?

3 A '03.

4 Q All right. During the time that you worked at the
5 jail did you have any opportunity to come in contact with
6 Mr. Casey Perkins --

7 A Yes, sir.

8 Q He is sitting over there. Does that refresh your
9 memory on what he looked like?

10 A Yes, sir.

11 Q How did you come in contact at that point?

12 A Feeding them and checking to make sure everything is
13 all right with them and just my duties of a line officer.

14 Q All right. And when he became an inmate at the jail
15 do you know -- do you know the circumstances behind that?

16 A I just know what they are charged for but as for what
17 all --

18 Q So you knew he was in there on a murder charge,
19 correct?

20 A Yes, sir.

21 Q But you don't know the murder charge behind it?

22 A No, sir.

23 Q By the time you left Chester Detention, he was still
24 over there, correct?

25 A Yes, sir.

1 Q So you did have quite a bit of contact with him,
2 right?

3 A Yes, sir.

4 Q When he came to the jail, did you ever tell him he
5 needed to confess and come clean?

6 A No, sir.

7 Q Did you ever tell him he needed to talk to the police
8 about what happened?

9 A No, sir.

10 Q In your capacity as a corrections officer, did you
11 have the ability to take away any of his privileges? He
12 knew you could take away his rec. time, correct?

13 A Yes, sir.

14 Q Did you ever take away his rec. time?

15 A Yes, sir. I am trying to think --

16 Q When you take away privileged, did you keep written
17 track of that?

18 A On an incident report.

19 Q Is that incident report privy to an inmate's file?

20 A It should be able to take a copy of his file and copy
21 of the --

22 Q So if I look at his file there should be a report of
23 disciplines for the past couple of years?

24 A Yes, sir.

25 Q All right. So it is your testimony that you never

1 told him that he needed to confess?

2 A No, sir.

3 Q Never told him that he needed to come clean?

4 A No, sir.

5 Q Never told him that you know he did it?

6 A No, sir.

7 MR. DUNN: All right. I don't have any further
8 questions, Your Honor.

9 CROSS EXAMINATION

10 BY MR. BARFIELD:

11 Q Mr. Dunn was asking you a minute ago about your
12 capacity and he was talking about your capacity in the
13 detention center but you also said about -- what is the
14 normal capacity at the Chester County Detention Center?

15 A Around 100.

16 Q And when Casey Perkins was there while you were
17 working was it pretty much at normal capacity?

18 A Yes, sir.

19 Q Y'all work shifts at the detention center I presume.

20 A Yes, sir.

21 Q Twelve hour shifts?

22 A Yes, sir.

23 Q At the time you were working there and specifically
24 while Casey Perkins was there, did y'all rotate shifts?

25 A Yes, sir.

1 Q Was your dealings with Casey Perkins any different
2 than any other inmate at the detention center?

3 A No, sir.

4 Q Did y'all become big buddies or anything like that?

5 A No, sir.

6 Q Did you have anymore conversations with him than you
7 did normally with any other inmate at the detention
8 center?

9 A No, sir.

10 Q Did you from time to time have a need to converse or
11 talk with Casey Perkins?

12 A By incident or --

13 Q About anything.

14 A About -- if he got into a fight, yeah, about the
15 fight, about the jail part, but that's it.

16 Q Well -- and I'm not talking about detailed
17 conversation, but did you from time to time have to
18 exchange words with him?

19 A Yes, sir.

20 Q Did you ever had any difficulty understanding what
21 Casey Perkins was saying to you if he was talking to you
22 about any particular thing?

23 A No, sir.

24 Q Did he ever appear to have any difficulty
25 understanding what you were communicating with him during

1 your part of the conversation that he might have?

2 A No, sir.

3 Q You said he got into a couple of fights out there?

4 A Yes, sir.

5 Q Any other unusual behavior that you noticed about

6 Casey Perkins any different than any other inmate?

7 A No, sir.

8 MR. BARFIELD: Thank you. That's all I have.

9 THE COURT: Thank you. You may step down.

10 The witness, MICHAEL GREEN, was first duly sworn and
11 testified as follows, on:

12 DIRECT EXAMINATION

13 BY MR. BARFIELD:

14 Q State your name, please.

15 A Michael C. Green.

16 Q Are you with the South Carolina Law Enforcement
17 Division?

18 A Yes, sir.

19 Q How long have you been with Sled?

20 A About nine years now.

21 Q Where did you work before you worked at Sled?

22 A I worked at the Lancaster Police Department.

23 Q When you came out of the police department, what was
24 your job there?

25 A I was a Lieutenant with investigations.

1 Q How long have you been in law enforcement?

2 A Almost 19 years now.

3 Q Were you a special agent with Sled assigned to the
4 Midlands region back in August of 2005?

5 A Yes, sir.

6 Q Did agents from your region and also crime agents
7 from Sled get assigned to assist the Chester County
8 Sheriff's Office in the investigation of the death of Judy
9 Hinson on August 7th of 2005 in her home in Chester County
10 on Debruhl Road?

11 A Yes, sir.

12 Q Were you called out during the dark hours, early
13 morning when Judy Hinson's body was discovered?

14 A Yes, sir, I did.

15 Q Did you go to the scene?

16 A Yes, sir.

17 Q Was her body there when you were there?

18 A Yes, sir.

19 Q You were in this from the get-go?

20 A Yes, sir.

21 Q All right. Did you at some point -- well, let me
22 back up. Did you have any knowledge of Casey Ray Perkins
23 prior to this case occurring?

24 A Never knew him, never saw him as far as I know.

25 Q Never heard anything about him?

1 A No, sir.

2 Q Did you at some point after your involvement in this
3 investigation begin to learn that Casey Perkins was a
4 suspect?

5 A Yes, sir.

6 Q How early on did you know that he was a suspect? And
7 again if I recall correctly -- and I might be wrong -- but
8 I believe this was a Friday night into Saturday morning
9 when the body was found in the would-be hours of Saturday
10 morning; is that correct?

11 A Yes, sir.

12 Q You would have been on the scene in the dark hours of
13 Saturday morning?

14 A Yes, sir.

15 Q Do you recall how soon in the involvement of this
16 case that his name came up as somebody that y'all need to
17 look at?

18 A It was some time during that day, probably some time
19 I am going to guess lunch time, some time in that time.

20 Q Did you from time to time during this investigation
21 have a face to face contact with Casey Perkins?

22 A Yes, sir, I did.

23 Q Do you recall when your first contact with Casey
24 Perkins was?

25 A I think the first time I actually spoke with him that

1 I recall was going to be Sunday when we were discussing
2 him taking the polygraph test.

3 Q Would that have been August 28th of 2005?

4 A Yes, sir.

5 Q Now, where did that conversation occur?

6 A It occurred at his residence.

7 Q And who else from law enforcement was present during
8 that conversation?

9 A Myself, Buddy Wilkes and I think the sheriff was
10 there as well.

11 Q Sheriff Robby Benson of Chester County?

12 A Yes, sir.

13 Q Who else not connected with law enforcement was there
14 that you recall?

15 A I remember Casey's mother and father being there.

16 Q Did that occur in their home?

17 A Yes, sir, it did.

18 Q Did that occur inside of the house?

19 A No, sir, outside.

20 Q On that occasion did you make any field notes of that
21 interaction with the Perkins family?

22 A No. Our sole purpose for being there that day was
23 just to talk to Casey about the case and to request that
24 he take a polygraph test.

25 Q And the polygraph part of it is Buddy Wilkes?

1 A Yes, sir.

2 Q When you were at the Perkins house that day, was
3 Casey Perkins under arrest?

4 A No, sir.

5 Q At any time that day did he get arrested for
6 anything?

7 A No, sir.

8 Q When you were at his house that day was Casey Perkins
9 restrained in any fashion?

10 A No, sir.

11 Q When you were at his house that day was Casey Perkins
12 loaded up into a police car and transported anywhere?

13 A No, sir.

14 Q Did you hear any conversation with Casey Perkins'
15 dad, Billy Perkins, while you all were out there that day
16 about money and the book and what happened to people? Do
17 you recall any of that?

18 A Yes, sir. I do recall him making some statements
19 about some things happening to people.

20 Q And were you present to be able to hear any
21 conversation that anybody in law enforcement had with
22 Casey Perkins about the stuff that his daddy had been
23 saying, did you hear that?

24 A I don't recall that if I did.

25 Q And I am specifically talking to references that

1 another witness testified that Casey's dad said about
2 people sticking objects into other people?

3 A Right, yes, sir.

4 Q Okay. Did you hear anybody with law enforcement
5 including yourself have any conversation with Casey
6 Perkins of whether or not he would have been involved in
7 that case?

8 A Certainly we were discussing that with him and along
9 those lines questioning that he take a polygraph test to
10 be able to make a further determination about it.

11 Q And do you have any specific recollection of Casey
12 Perkins' response to any direct or inferred inquiries
13 y'all were making about whether he had done it or been
14 involved in it?

15 A He did say he didn't have anything to do with it.

16 Q All right. At the end of that process, what did law
17 enforcement officers; you and Wilkes and the sheriff, do,
18 back out, get in your cars and leave?

19 A Yes, sir.

20 Q Was Casey Perkins with you when y'all left?

21 A No, sir.

22 Q Did you see Casey Perkins later that day?

23 A Yes, sir.

24 Q Where later that day did you see Casey Perkins?

25 A At the sheriff's office.

1 Q And did you see him -- and when we say sheriff's
2 office, the sheriff's office and the detention center
3 essentially are one facility, right?

4 A Correct.

5 Q Have their distinct areas that are sheriff's office
6 rather than lockup?

7 A Yes, sir.

8 Q When you say sheriff's office you mean the sheriff's
9 office?

10 A Correct.

11 Q Did you see Casey Perkins arrive at the sheriff's
12 office?

13 A I don't recall if I actually saw him arrive or not.
14 I know subsequently at some point I knew I either saw him
15 go in or learned that he was in the process of the
16 polygraph with Buddy Wilkes, I don't remember if I
17 physically saw him but I learned that information.

18 Q You don't know how he got there?

19 A As best I remember somebody brought him there, his
20 mother or family members.

21 Q Not law enforcement.

22 A No, sir.

23 Q Did you first find out he was there when he was
24 already in the room with Wilkes undergoing part of the
25 polygraph process?

1 A At some point I became aware he was there. As far as
2 polygraph or whatever I recall at some point he was there
3 in the room with the polygraph.

4 Q Let me back up and ask you another question, and this
5 question applies to your contact with Casey Perkins out of
6 his house and any subsequent contact you had with him the
7 same day at the sheriff's office or anywhere else. Did
8 you have occasion to hear Casey Perkins speak words?

9 A Yes.

10 Q Did you have occasion to hear him ask any questions?
11 Do you recall if he asked any questions about anything?

12 A I'm sure he did during our discussions at his house,
13 I'm sure he probably asked a question.

14 Q Did you have occasion to hear Casey Perkins respond
15 to questions?

16 A Certainly.

17 Q Did you have any difficulty understanding the words
18 and phrases that Casey Perkins was using and conveying
19 with whoever you heard him talking to?

20 A No, sir. I thought he communicated, just perfectly
21 capable.

22 Q Did he have any apparent -- anything apparent to you
23 by way of difficulty understanding what police officers
24 were talking to him about?

25 A No, sir, not at all.

1 Q Any major blowups that day between Perkins and law
2 enforcement?

3 A No, sir.

4 Q Okay. Now, did you at all participate or play an
5 active role in the polygraph process?

6 A None at all.

7 Q Did you witness any of the polygraph process?

8 A No, sir.

9 Q Did you witness Casey Perkins being given his Miranda
10 warnings by Buddy Wilkes prior to the polygraph process?

11 A No, sir.

12 Q Then how did you know Casey Perkins was there taking
13 a polygraph?

14 A Someone told me, I don't recall.

15 Q And did you ask?

16 A I could have seen him come in. I just learned at
17 some point he -- I learned he was taking a polygraph.

18 Q Did you actually lay eyes on Casey Perkins at some
19 point in the sheriff's office?

20 A Yeah. At some point I do recall seeing him there.

21 Q All right. Were you present during any portion of
22 the post-test procedures concerning the polygraph?

23 A No, sir.

24 Q Did you hear Casey -- I guess this is the question,
25 let me just kind of cut to the chase. On August 28th,

1 which I believe was Sunday, at the sheriff's office, did
2 you get involved in either the questioning or
3 interrogation for Casey Perkins?

4 A The only contact I had with him was at his residence
5 in his yard.

6 Q Didn't hear anybody interview, question or
7 interrogate him at the sheriff's office?

8 A Correct.

9 Q All right. Thank you. Did Casey Perkins get
10 arrested for a violation of a law some time after Sunday
11 August 28th?

12 A The following day, yes, sir.

13 Q Monday?

14 A Yes, sir.

15 Q Did you participate in his arrest?

16 A Yes, sir.

17 Q What did he get arrested for?

18 A Violation or failure to register as a sex offender.

19 Q What was --

20 A He registered but he was showing his address in Great
21 Falls when we had spoken with him. He gave a statement --
22 I don't know how I learned this information but in the
23 course of the investigation we learned that he had been
24 living at his mother's address in Chester for at least
25 three months.

1 Q And it had not changed?

2 A Correct, had not changed addresses. My understanding
3 the law says you have to change addresses within ten days,
4 I believe.

5 Q Do you know who was responsible for giving the order
6 so to speak to arrest Casey Perkins for violation of the
7 sex offender registry act? If you don't know that's fine,
8 but do you know who made that call?

9 A I don't know who made that initial call. I don't
10 think it was a real high level call because it was kind of
11 a no-brainer. Our purpose for that was after the
12 polygraph and all and everything happened we suspected
13 that Casey Perkins was a very dangerous individual and we
14 wanted to get him arrested and once we developed this
15 information we made that arrest. I'm sure probably the
16 sheriff's and some other people were involved in that but
17 you know, once we determined that that was a clear
18 violation of the law and we needed to arrest him.

19 Q All right. And did that occur?

20 A Yes, sir, it did.

21 Q Now, who did the arrest? Was Tommy Robertson close
22 by when all of these events were going on?

23 A Yes, sir. When we actually went to arrest Casey
24 Perkins it was at his residence and Tommy Robertson and
25 the sheriff were down at the crime scene and --

1 Q How close are the point of arrest and the crime
2 scene? The same road?

3 A Very close, yeah. I mean, several hundred yards I
4 would guess.

5 Q Okay. Did the arrest occur outside of the house or
6 inside Casey Perkins' house?

7 A It occurred outside of the house. We were having
8 some difficulty getting handcuffs on him and struggling
9 with him. We called for Lieutenant Robertson and the
10 sheriff and some assistance to deal with Casey Perkins and
11 his family members.

12 Q Now, when you say some difficulty, did it rise to the
13 level of charging him with resisting arrest?

14 A No, sir.

15 Q Did he actively fight anybody?

16 A No, sir. He was pulling away and jerking his arms
17 and not wanting to put his hands behind his back, things
18 like that. Not anything that was unbelievable resisting
19 but certainly to a point again with me and Buddy Wilkes
20 dealing with him and then his mother and father there
21 and -- I don't recall if anybody else was there -- but I
22 know they were there and we knew that it could get out of
23 control very quickly, and we called for some assistance to
24 make sure it didn't get out of control.

25 Q Did his mama and daddy voice some opposition to what

1 you were doing?

2 A Yes.

3 Q And Casey just didn't want to go to jail, I guess.

4 A Yes.

5 Q Did he get handcuffed?

6 A Yes, sir.

7 Q Hands behind him?

8 A Yes, sir.

9 Q Did you tell him what you were charging him with?

10 A Yes, sir. We told him he was under arrest for the
11 sex offender thing.

12 Q Whose car were you and Buddy Wilkes in?

13 A We were in Buddy's car.

14 Q Was Buddy driving Buddy's car?

15 A Yes, sir.

16 Q Did Casey get put into Buddy's car?

17 A Yes, sir.

18 Q Do you remember where Casey was sitting in Buddy's
19 car?

20 A We were both in the back seat. I don't recall who
21 was -- I was probably behind Buddy, I don't recall.

22 Q And Buddy was driving.

23 A Correct.

24 Q I assume Buddy's car was kind of like your car, it's
25 a Crown Vic but it ain't got a cage or anything?

1 A Correct.

2 Q Did Casey get transported from his house, his yard to
3 the Chester County Sheriff's Office?

4 A Yes, sir.

5 Q I'm going to jump ahead, then we will come back. At
6 any point was there any interruption of the trip at any
7 point?

8 A From his house to the sheriff's office?

9 Q Yes.

10 A Yes, sir.

11 Q What was that all about?

12 A Well, Casey was very upset, agitated, not knowing
13 what was going on, kind of panicky type acting and we were
14 trying to calm him down. He was immediately wanting to
15 talk about the homicide, he didn't do it and getting into
16 that discussion. And at that point I decided the we need
17 to Mirandize him and I Mirandized him and I did at that
18 point in the car.

19 Q Was there ever any difficulty with any security
20 concern during the transport of Casey Perkins if there was
21 any?

22 A Right.

23 Q Tell me about that first.

24 A Also along those lines prior to getting to the ...
25 sheriff's office we had to stop the car. I don't recall

1 if he was trying to get the cuffs in front of him but it
2 was certainly a lot of movement and some serious concerns
3 on our part because we were not -- we searched Casey at
4 his residence but we probably didn't do as good a search
5 that we would have had if we had time. The situation, it
6 was pretty hot, a lot of stress there. We stopped and got
7 him out of the car to make sure that he didn't have
8 anything else on him. We were close to the sheriff's
9 office, we would be there in five or ten minutes but
10 wanted to make sure everything was okay with him.

11 Q Now, did anything get out of hand during any of that
12 process?

13 A No, sir.

14 Q Did anybody wallop the tar out of Casey Perkins to
15 get him to sit still?

16 A He never struck or never made an attempt to strike us
17 nor did we him.

18 Q I presume somebody had to lay hands on the him in the
19 car or at the house or shop and the ride to the sheriff's
20 office, did y'all lay hands on him to get him in and out
21 of the car?

22 A I'm sure we assisted him, yeah.

23 Q Anybody rough him up?

24 A No, sir.

25 Q Anybody back on him to tell him to cut it out?

1 A Not at all.

2 Q Anybody try to twist his arm to try to get his hands
3 in front of him or anything like that?

4 A No, sir.

5 Q Anything at all toward Casey Perkins in the process?

6 A We specifically told him to quit moving and sit
7 still, "don't know what you are doing but you need to stop
8 it, we will be there in a few minutes."

9 Q Now, let's go back to his conversation with you for a
10 minute. You indicated a minute ago that he wanted to
11 start talking about the homicide.

12 A Correct.

13 Q Who started talking about the homicide, law
14 enforcement or Casey, or do you recall?

15 A Casey did as soon as we got into the car. Well, he
16 never stopped talking about it. When we are putting
17 handcuffs on him, "I didn't do it, y'all got the wrong
18 guy," statements along those lines. Then when we get him
19 in the car that's a continuation of the same.

20 Q Did that cause you any concern that he was talking
21 about it?

22 A Yeah. We want to make sure at this point -- he is in
23 custody, we wanted to Mirandize him. If he's going to
24 talk to us or us talk to him we wanted to Mirandize him.

25 Q Who Mirandized him?

1 A I did.

2 Q Was he keeping his mouth shut that you could
3 communicate your Miranda warnings to him at that time?

4 A Yes. I said, "Look, before we talk to you about
5 anything you have got to understand all of this before we
6 go any further. If you're going to talk about it we're
7 going to get this out of the way."

8 Q Did you Mirandize him?

9 A Yes, I did.

10 Q How did you Mirandize him?

11 A I got them off the back of the card.

12 Q I'm going to jump ahead a minute while you fish that
13 out of your wallet. Did you do a written Miranda warning
14 sheet which would also constitute a written warning during
15 that process?

16 A No, sir.

17 Q Why not?

18 A Just wasn't practical at the time. I don't know if
19 Buddy had one in his car but I certainly didn't have the
20 time and place and the -- everything is calm, we just need
21 to get this done because he was talking right then.

22 Q All right. Now --

23 A We didn't know where it was going.

24 Q Read into the record the precise words you used with
25 Casey Ray Perkins in the back seat of Buddy Wilkes' car on

1 the way to the county sheriff's office.

2 A I said, "You have the right to remain silent.

3 Anything you say can and will be used against you in a

4 court of law. You have the right to talk to an attorney

5 and have him or her present with you while you are being

6 questioned. If you cannot afford to hire an attorney one

7 will be appointed to represent you before any questioning

8 if you wish. You can decide at any time to exercise these

9 rights and not answer any questions or make any

10 statements. Do you understand these rights as I have

11 explained it to you?"

12 Q Now, did you read that pretty much verbatim from that

13 card to Casey Perkins?

14 A Yes, sir.

15 Q Did you ask him if he understood all of that?

16 A I did.

17 Q Did he indicate that he did?

18 A He did.

19 Q Did he say or do anything to indicate he didn't

20 understand what you read to him?

21 A No, sir, he did not.

22 Q Did you know at the time how old Casey was?

23 A Not specifically, no. I could take a guess but I

24 didn't know how old he was.

25 Q Did he appear to be a grown adult, mature male?

1 A Yes, sir. I would have guessed in his thirties.

2 Q Did you know what his education background was?

3 A No.

4 Q Did you observe anything about him visually or audio,
5 through his words, conduct or anything else that led you
6 to believe he had any in mental or cognitive deficiencies?

7 A No, sir, he acted normal to me. He understood what
8 we said, he acted normal.

9 Q Again, did you and he at any point have any problems
10 communicating?

11 A No, sir.

12 Q Now, during -- I'll jump ahead and come back. Was
13 there a conversation in the car with Casey that involved
14 the death of Judy Hinson?

15 A Yes, sir.

16 Q Was there a conversation later on at the sheriff's
17 office concerning the death of Judy Hinson?

18 A Yes, sir.

19 Q Was some of that his responses to questions from law
20 enforcement?

21 A Yes, sir.

22 Q Was some of that his initiation of and comments
23 without being asked questions?

24 A Yes, sir.

25 Q Did any of that result in the written statement from

1 Casey Perkins in the usual fashion of taking a statement
2 from the witness or suspect?

3 A No, sir. The gist of what he told us was, "I didn't
4 do it."

5 Q Did you make any field notes about that?

6 A No, sir.

7 Q Are you aware of whether Buddy Wilkes made any field
8 notes about that?

9 A Yes, sir, I believe he did.

10 Q Now, your recollection of the entire process -- I'm
11 going to jump ahead again. At some point did y'all get to
12 the Chester County Sheriff's Office?

13 A Yes, sir.

14 Q Was Casey Perkins taken in?

15 A Yes, sir.

16 Q Was he still handcuffed?

17 A Yes, sir.

18 Q Where did you go in the sheriff's office? When I say
19 you I'm talking about you and Buddy Wilkes. Are you all
20 still together?

21 A Yes, sir. We went to the interview room.

22 Q Is that in the sheriff's office side or in the
23 detention center side?

24 A In the sheriff's office side.

25 Q Are there any restraint devices in the -- what did

1 you say, the interview room?

2 A Interview room.

3 Q Are there any restraint devices in the interview
4 room?

5 A I don't recall if he still had his handcuffs on. I'm
6 sure we took them out from behind his back.

7 Q Well, the room itself, are there handcuffs chained to
8 the table that you know about?

9 A Not that I know of, no, sir.

10 Q I assume Casey Perkins was in custody at that time?

11 A He was.

12 Q I assume if he said, "I want to go home," he wasn't
13 going home?

14 A No, sir, he was not.

15 Q That was clear to him I presume, also.

16 A Yes, sir.

17 Q You do not recall whether or not handcuffs were left
18 on during the process at the sheriff's office?

19 A We certainly would not have left them behind him
20 because that's so uncomfortable. He's in a fairly
21 restrainable area so we would have put them in front of
22 him if he had them on at all, I don't recall.

23 Q Would there have been any restraints other than
24 handcuffs?

25 A No, sir.

- 1 Q Leg shackles or anything like that?
- 2 A No, sir.
- 3 Q Was he still dressed in his street clothes?
- 4 A Yes, sir.
- 5 Q In the interview room, was anybody in there other
- 6 than you and Buddy Wilkes and Casey?
- 7 A That's all.
- 8 Q Do you remember what you were wearing that day?
- 9 A I would have had them only because there's not -- in
- 10 the crime scene I had on green OD pants and a black shirt
- 11 and boots.
- 12 Q Some insignia from Sled on you somewhere?
- 13 A The badge. An embroidered badge on the shirt.
- 14 Q And physical badge on your belt?
- 15 A Yes, sir.
- 16 Q Had a gun, I presume.
- 17 A Yes, sir.
- 18 Q At any point did a bunch of any other uniformed
- 19 officers with the Chester County Sheriff's Office, Sled or
- 20 anybody else flock into that interview room?
- 21 A I don't recall anybody ever coming in.
- 22 Q Did anybody with law enforcement, you or Buddy Wilkes
- 23 or anybody else, use any weapons to threaten Casey Perkins
- 24 during this whole process?
- 25 A No, sir.

1 Q I think I'm remembering what I was fixin' to ask you.
2 First of all from the time y'all pulled up in Casey
3 Perkins' yard when he was going to be arrested -- I will
4 come back to you in a minute. Did the interview or
5 questioning or interrogation, whatever you want to call
6 it, when it ended between you and Buddy Wilkes and Casey
7 Perkins, did Tommy Robertson get involved with Casey
8 Perkins?

9 A Yes, sir.

10 Q And did you -- were you present in the general area
11 when they were having a conversation?

12 A Yes, sir.

13 Q Were you there when this process ended?

14 A Yes, sir.

15 Q Let's go back. Y'all roll up in Casey Perkins' yard,
16 from that point the clock is ticking, Tommy Robertson and
17 Casey Perkins end their conversation. About how long has
18 transpired from point A to point end?

19 A From the time we put him in the car to the time that
20 Tommy completed with him?

21 Q Yeah, about.

22 A I would guess 45 minutes.

23 Q Okay. Now, are their telephones and at any point
24 during -- do you know whether Casey Perkins had family
25 members that trail y'all back to the sheriff's office

1 after he got arrested?

2 A I don't know.

3 Q Did y'all prohibit anybody with his family from
4 coming up there?

5 A No, sir.

6 Q Do you recall if anybody showed up during that 45
7 minutes or so that you say all of that took?

8 A I don't know. On several occasions his mother was at
9 the sheriff's office maybe during the polygraph. Whether
10 she showed up at this time, I don't know, but it certainly
11 wouldn't surprise me if she did.

12 Q Do you recall if Casey Perkins ever called anybody or
13 asked to use the telephone to make a phone call?

14 A He did not.

15 Q Did he ever request the presence of his family
16 members; mama, daddy or any other people outside of law
17 enforcement?

18 A No, sir.

19 Q Do you recall during this entire process whether
20 Casey asked for a drink of water or bathroom break, smoke,
21 fresh air, anything like that?

22 A I don't remember that he did or not.

23 Q Would anybody deny any requests that he might have
24 made?

25 A No, sir, we would not.

1 Q Did he appear to be under any duress? Not to mean
2 the handcuffs to make sure he was safely transported to
3 the sheriff's office, but did Casey Perkins receive any
4 injuries?

5 A No, sir.

6 Q Did he appear to be under any physical distress
7 during this entire process that we are talking about?

8 A No, sir.

9 Q Did at any point in your presence, including
10 yourself, did any law enforcement officer during this
11 process promise Casey Perkins anything to get him to fess
12 up or tell y'all about -- did anybody in your presence
13 during this process, including yourself, make any threats
14 to him, legal threats or physical threats, to Casey
15 Perkins to get him to cough up information about Judy
16 Hinson's death?

17 A He was not threatened at all.

18 Q Did he incriminate himself in your presence from the
19 point you arrested him until Tommy Robertson got through
20 with him, did you hear him incriminate himself involving
21 the death?

22 A No, sir.

23 Q Did you make any comments that you heard during that
24 process that were of interest to you that was weird that
25 made you believe that he did do it or anything like that?

1 A Well, certainly we believed he did do it. And he was
2 extremely upset, emotional, crying during the interview.
3 He made comments along the lines -- and, of course, this
4 is not a quote -- but along the lines of, "I don't think I
5 did it. Sometimes I do things that I don't remember," you
6 know, comments along those lines which raised suspicions
7 in our mind.

8 Q By that Sunday afternoon some time, either from law
9 enforcement, crime scene investigation, maybe having an
10 autopsy by then, but did law enforcement pretty much know
11 what happened to Judy Hinson?

12 A Yes, sir.

13 Q In your presence and again from day one of your first
14 contact with Casey Perkins, whatever day it might have
15 been -- well, it was in your presence -- did you hear law
16 enforcement feed any information about any -- about the
17 details of the crime, the crime scene, the mechanics of
18 death or the investigation at all?

19 A No, sir.

20 Q Was anyone telling him anything about what had
21 happened?

22 A No, sir.

23 Q Was there some conversation when y'all went out
24 between somebody and Billy Perkins, Casey's dad, in terms
25 of other folks? Was Casey around when that was talked

1 about?

2 A Casey was in the yard. We were all in the front yard
3 of his residence.

4 Q Now, I'm skipping way ahead again. There are
5 basically three points that I am asking you questions
6 about in your dealings with Casey Perkins. I was asking
7 about the polygraph, two was the arrest, and step three I
8 am skipping way ahead to September 7th.

9 A Okay.

10 Q At some point did you become aware that Casey Perkins
11 was going to be interviewed principally by Robby Benson of
12 the Chester County Sheriff's Office?

13 A Yes, sir.

14 Q Did that occur on September 7th?

15 A Yes, sir.

16 Q Were you in town working the case that day or did you
17 just get called about it or do you recall?

18 A If I'm not mistaken I was called and had approached
19 someone at the jail and then I came over here.

20 Q Did you witness some or all of the interview that
21 day?

22 A Yes.

23 Q Some of it or all of it?

24 A All.

25 Q Were you present -- where did the interview occur?

- 1 A In the interview room at the sheriff's office.
- 2 Q Is that again in the sheriff's office side or
- 3 detention center side?
- 4 A Sheriff's office side.
- 5 Q Is there a two-way glass or glass that y'all could
- 6 look through?
- 7 A Yes, sir.
- 8 Q Were you in the interview itself or were you in the
- 9 outside room looking in?
- 10 A I was on the outside looking in.
- 11 Q Were you at anytime in the interview room when Casey
- 12 was in there being interviewed?
- 13 A No, sir.
- 14 Q All right. Was it a short process or a long process?
- 15 A It was a pretty long process.
- 16 Q Were you aware it was at least being audio recorded?
- 17 A Yes, sir.
- 18 Q Were you aware there was some effort or attempt to at
- 19 least to video record it?
- 20 A Yes, sir.
- 21 Q Did you observe Casey Perkins get Mirandized prior to
- 22 that interview process?
- 23 A Yes, sir.
- 24 Q Did you observe that?
- 25 A Yes.

1 Q And who did it as you recall? Who were the
2 interviewers?

3 A Major James McNeil and Sheriff Robby Benson were the
4 only two in the room that I recall.

5 Q And do you remember which one of the two that were in
6 there that Mirandized Perkins?

7 A No, sir, I don't.

8 Q Did you observe it being done?

9 A Yes, sir.

10 Q Do you recall how Casey was dressed?

11 A In an orange jump suit.

12 Q Were there other people outside looking in?

13 A Yes, sir.

14 Q Just some general questions about that process.

15 Generally speaking, did Casey Perkins incriminate himself
16 during that interview process?

17 A Yes, sir, he did.

18 Q Did he admit committing acts against Judy Hinson --

19 A Yes, sir.

20 Q -- that law enforcement believes led to her death?

21 A Correct.

22 Q Was there some detail provided by Casey Perkins?

23 A Yes, sir.

24 Q Here are some general questions I want to ask you
25 about that process. Did you observe anything that made

1 you conclude Casey Perkins was not under his Miranda
2 warnings for the entire process of interviews or
3 interrogation or whatever we're going to call it?

4 A No, sir, I believe he did.

5 Q Okay. Did you observe anything that led you to
6 believe that Casey Perkins was having trouble
7 communicating with the law enforcement officers he was
8 dealing with during that interview process?

9 A No, sir.

10 Q Did you have any trouble understanding words and
11 phrases he was using?

12 A Yes, sir.

13 Q Did he appear to you to be a crazy man?

14 A No, sir.

15 Q Did he appear to you to be -- did Casey Perkins say
16 or do anything to make you understand -- to make you
17 believe he didn't understand what was going on?

18 A He did not.

19 Q About how long was this interview process?

20 A It was about three hours, I believe.

21 Q Did McNeil and Benson have on uniforms or do you
22 recall?

23 A No, they did not have on uniforms.

24 Q Did they have some indicia of law enforcement
25 service, badges or something?

1 A Yes.

2 Q Do you know if they have on guns in the interview
3 room or do you recall?

4 A I don't recall.

5 Q Did anybody use any weapons in a threatening manner
6 during the process?

7 A I never saw a weapon.

8 Q Generally speaking do you recall whether there were
9 any breaks in the process?

10 A Yes, sir, I'm sure there were.

11 Q Do you recall whether either of the interviewers ever
12 left the room for any reason?

13 A I don't recall if they did.

14 Q Do you recall whether Casey Perkins ever left the
15 room for any reason?

16 A Yes, sir. At some point I know he did.

17 Q Do you recall what that was?

18 THE COURT: You have got to speak up a little bit,
19 your voice is trailing off.

20 THE WITNESS: Yes, sir.

21 Q What did he leave the room for?

22 A I know I talked to him at the end of the interview
23 and I don't recall if he left during the middle or
24 anything, but I don't know.

25 Q Do you recall whether Casey Perkins was ever provided

1 anything to eat or drink or smoke?

2 A I think they did bring him in a drink at some point.

3 Q Did you ever hear him make any requests -- and I will
4 give you an example -- at anytime that were denied to him?
5 For example, he said, "I am going to wet my pants, I have
6 got to use the bathroom," and they said, "No, pee in your
7 pants."

8 A No, sir.

9 Q Did he say, "I want something to eat and drink," and
10 they said, "We will get you something later?"

11 A No, sir.

12 Q Did anybody who was interviewing or interrogating
13 Casey Perkins make any promises to him about anything in
14 exchange for information? Examples, "We will tell the
15 solicitor to go light on you if you confess," or, "We will
16 take care of your mama if you will confess," or, "We won't
17 tell your mama what you did if you tell us what you did."
18 Did you hear anybody make any promises to him about
19 anything to get him to talk?

20 A No, sir.

21 Q Anybody promise Casey Perkins anything to get him to
22 talk?

23 A No, sir.

24 Q Anybody threaten him to get him to talk?

25 A No, sir.

1 Q Did he waive his rights and talk?

2 A Yes, sir, he did.

3 Q At some point you mentioned a minute ago that you
4 knew Casey Perkins left the room at least once because I
5 think you said you talked to him while he was out of the
6 room one time.

7 A Correct, standing in the doorway of the room.

8 Q Did you engage in some conversation with him, ask him
9 some questions during that break in the interview process?

10 A Yes, sir, I did.

11 Q Did you -- did he give you a written statement
12 concerning what you were talking to him about?

13 A No, sir, he did not.

14 Q Did you make some notes or do a field note or report
15 of interview, I guess is what y'all call it, of Casey?

16 A Yes, sir, I did.

17 Q What was the -- first of all, who initiated it?

18 A I did.

19 Q What was the -- no detail -- but what was the short
20 subject of your conversation with Casey?

21 A The short subject was when I was listening with him
22 talking to Major McNeil when he was speaking with Major
23 McNeil and Sheriff Benson during the interview I never
24 heard him discuss the knife.

25 Q Was there a knife discussed at the scene of some

1 kind?

2 A Correct.

3 Q Where was the knife found?

4 A The knife was found just outside of the window where
5 the lighter and curtains were hanging out of the window.
6 Because Casey had not said anything about the knife I
7 said -- I asked Casey about that and I asked him where he
8 had gotten it from, he said it was a knife gotten from the
9 kitchen of the victim's residence.

10 Q Was there any other conversation during that break
11 that you recall about any other topic?

12 A He just mentioned that he was confessing because he
13 couldn't control his anger, and, in fact, at one point
14 said if he didn't confess about this he might hurt
15 somebody else.

16 Q Was there any conversation with him and his
17 relationship with his parents that you recall that you
18 made in your report?

19 A I do recall him saying that he was going to hurt
20 other people and that he may eventually hurt his parents
21 or had thought about hurting his parents, made some
22 reference about having shot up through the roof at some
23 point in his residence, I think.

24 Q Did you see anything over the September 7, 2005
25 statement or interrogation process as a law enforcement

1 officer done by law enforcement officers out of the
2 ordinary or improper in the interrogation of Casey
3 Perkins?

4 A I did not.

5 Q Anything at all about this process that gives you the
6 willies at all?

7 A No, sir.

8 Q Did you ever hear Casey Perkins during this process
9 say, "All right. I'm tired of talking, I don't want to
10 talk to y'all anymore?"

11 A No, sir.

12 Q Did you ever hear him during that process say, "I
13 want to talk to a lawyer, I want to stop. I want to talk
14 to a lawyer before I say anything else?"

15 A No, sir.

16 Q Never invoked his right to silence?

17 A No, sir.

18 Q Never invoked his right to an attorney?

19 A No, sir.

20 MR. BARFIELD: That's all.

21 CROSS EXAMINATION

22 BY MR. DUNN:

23 Q Agent Green, it would be fair to characterize your
24 involvement with this murder case as from the very
25 beginning, correct?

1 A Correct.

2 Q During the course of your involvement you were pretty
3 intimately involved in the case, your hands were on it for
4 the whole time, correct?

5 A Yes, sir.

6 Q During the course of the investigation were there any
7 other suspects besides Mr. Perkins?

8 A Yes, sir.

9 Q Who?

10 A I don't recall the gentleman's name but we looked at
11 a guy that had broke into some of the locations, probably
12 some of the local guys could tell you his name but we
13 developed Casey Perkins as a suspect through a lot of
14 different avenues such as the dog team, him leaving from
15 John Burnette's house, him being within the vicinity or
16 right there at Ms. Hinson's residence during the time of
17 the crime, sex offender, his comments, polygraph report,
18 lots of different things. But we did look at several
19 different guys and the one that comes to my mind right off
20 the top of my head is the guy and I don't recall his name
21 but they said he was a crack head and had broke into
22 numerous locations in that area in the past.

23 Q Did he live on that road?

24 A He lived somewhere in the area. Again, some of the
25 local guys could probably tell you his name or something

1 to that affect but I just don't recall his name, I didn't
2 know him.

3 Q You were at the station during the polygraph,
4 correct?

5 A I was at the sheriff's office, yes, sir.

6 Q But you weren't in the room during the polygraph?

7 A All of the polygraph is just the polygraph and the
8 suspect.

9 Q So just two people?

10 A Correct.

11 Q Was it done in the room that had a one way or two way
12 mirror?

13 A I believe it was.

14 Q Did you watch any of it?

15 A No.

16 Q Do you know if anybody else watched any of it?

17 A I don't believe that they did.

18 Q What did you do while the polygraph was going on?

19 A I don't recall. We would have had other things to do
20 but I don't recall what that was.

21 Q Was Ms. Perkins present at that polygraph?

22 A You mean at the sheriff's office?

23 Q At the sheriff's office.

24 A She could have been. I really don't recall but it
25 wouldn't surprise me if she was.

1 Q So you don't remember if she was there?

2 A No, I don't.

3 Q Had no contact with her?

4 A No, sir.

5 Q Did you ever had an opportunity or an occasion to
6 have any contact with Ms. Perkins?

7 A Yeah. I talked to her on several occasions.

8 Q And the times that you talked to her, was she
9 cooperative with you?

10 A Yes, sir.

11 Q Forthcoming?

12 A What do you mean forthcoming?

13 Q If you asked her for -- if you asked her to sign a
14 consent she signed that?

15 A She did.

16 Q Did she volunteer information about clothes that
17 Mr. Perkins was wearing, right?

18 A She did.

19 Q Any time during your conversation did you think she
20 was hiding anything from you?

21 A Well, she's Casey Perkins' mother. We just didn't
22 know, we still don't know to this day what she did or
23 didn't know.

24 Q My question was is there anything to believe that she
25 was hiding anything besides she's his mother?

1 A Of course we could speculate but I don't know that
2 she had anything to hide.

3 Q Did you ever threaten Ms. Perkins?

4 A No, sir.

5 Q Did you ever tell Ms. Perkins that you would take her
6 belongings from her because she was hiding stuff from
7 Casey?

8 A No, sir.

9 Q Ever tell Casey you were going to arrest his mama if
10 he didn't cooperate with you?

11 A No, sir.

12 Q Did you ever tell Casey Perkins that you were going
13 to cause his parents to lose everything he had?

14 A No, sir.

15 Q Did you ever tell him that the polygraph had
16 indicated deceit in that polygraph.

17 A I'm sure we did.

18 Q Are you talking about did you ever tell the --

19 A I'm sure that when me and Buddy Wilkes arrested him
20 and subsequently interviewed him I'm sure that he or I one
21 told him he failed the polygraph. Whether he did or I did
22 I am not sure. We did have the results of that polygraph
23 during that interview.

24 Q Did you ever tell Casey that you had evidence on him?

25 A Yeah.

1 Q The first time you spoke with Casey was August 28th
2 at his house, correct?

3 A Yeah. That's the first time I recall speaking to
4 him. I had seen him prior to that but never spoke to him.

5 Q And was that the conversation you and Buddy Wilkes
6 and Casey, he was there at least.

7 A Casey was there, his mother was there, myself, Buddy
8 and the sheriff.

9 Q And at that conversation Billy Perkins made comments
10 about people in Tennessee using broom sticks -- to put
11 broom sticks up peoples orifices up in Tennessee, correct?

12 A Correct.

13 Q After that was said do you remember Agent Wilkes
14 pointing up to the Hinson's house and saying that the same
15 thing had happened to her?

16 A Yes, sir.

17 Q Casey was there at the time or present at that
18 location?

19 A Casey was somewhere in the yard, I don't know if he
20 heard that, but yeah, he was there.

21 Q The next time you had contact with Casey was that
22 same day. Did you ever have contact with Casey at the
23 polygraph?

24 A No.

25 Q He showed up voluntarily, correct?

- 1 A Correct.
- 2 Q Did you ever have contact with him after it was over?
- 3 A Not that day, the following day?
- 4 Q The following day was the 29th, correct?
- 5 A Correct.
- 6 Q That was the day that y'all arrested Casey?
- 7 A Yes, sir.
- 8 Q The reason that he was arrested was failure to
- 9 register as a sex offender, correct?
- 10 A Failure to change his address as a sex offender, yes,
- 11 sir.
- 12 Q Some part of that statute?
- 13 A Correct.
- 14 Q It wasn't for murder?
- 15 A No, sir.
- 16 Q When you arrested him, did you ever tell him that he
- 17 needed to confess?
- 18 A I am sure we did, yeah.
- 19 Q Did you tell him you had evidence on him?
- 20 A Yes, sir.
- 21 Q Did you really have evidence on him?
- 22 A Yes, sir.
- 23 Q What evidence did you have on him?
- 24 A Again, just like I said, we had him leaving John
- 25 Brunette's house right at the time of the crime. We had

1 the dog team showing a trail from the victim's residence
2 to John Brunette's house. We had him on the road seeing
3 people immediately at the time of the crime. We had him
4 living in the area. We had him -- his shirt wasn't found
5 that he denied ever having this shirt on, we knew he had
6 had a shirt on, his shoes. I mean, those are several
7 things that comes to mind right off the top of my head.

8 The polygraph.

9 Q Polygraph is not admissible, correct?

10 A Correct.

11 Q During that interview process after you arrested him,
12 how long did it last?

13 A When Buddy Wilkes and I spoke with him?

14 Q Yes, sir.

15 A I'm going to guess 30 minutes.

16 Q When y'all spoke with him at that point it was about
17 the murder case, right?

18 A Yes, sir.

19 Q It wasn't about the fact he had just been arrested
20 for failure to register as a sex offender and failure to
21 change his address or whatever the circumstances were
22 beyond that, right?

23 A I'm sure we discussed that with him but we didn't ask
24 him any questions about that.

25 Q This was just about the murder case?

1 A Correct.

2 Q When you or Wilkes told him at the polygraph that he
3 had failed the polygraph, did you ever also tell him that
4 polygraph results aren't admissible in court?

5 A I don't recall telling him that, no.

6 Q Did you ever tell him that polygraph results were not
7 admissible because they are not reliable?

8 A I would not have told him that.

9 Q Were you involved in the decision to actually arrest
10 Casey?

11 A Probably was, yeah. I don't recall exactly how that
12 happened. But, yeah, I recall actually discussing with
13 people, "Hey, here is the reason that we can arrest him,"
14 when we determined that he hadn't changed his address.

15 Q Y'all didn't have enough to arrest him on the murder
16 case, correct?

17 A At that time we did not.

18 Q You didn't have enough to arrest him on that murder
19 case until he confessed; is that right?

20 A No, sir. We developed more information after he was
21 arrested on the sex offender charge.

22 Q And prior to him talking to Benson.

23 A Yes, sir.

24 Q What was that?

25 A Specifically the lighter that we determined was

1 identical to the lighter found at the scene that he denied
2 having, we developed that after he was arrested for the
3 sex offender charge.

4 Q Now, you said that when you arrested him that there
5 was a little bit of a struggle?

6 A Yes, sir.

7 Q In fact, I think you said you called in for backup,
8 correct?

9 A Yes, sir.

10 Q Called out Lieutenant Robertson?

11 A We contacted Lieutenant Robertson and Sheriff Benson
12 and I don't recall if it was a cellphone or radio or what,
13 but we used some method of calling him.

14 Q What was Casey's demeanor like at that point?

15 A He was upset.

16 Q And when you say he was upset, was he yelling and
17 screaming?

18 A I wouldn't say yelling and screaming but he was
19 certainly speaking in a very loud tone.

20 Q And he was saying what?

21 A Things like, "I didn't do this. Y'all have got the
22 wrong person. Why are y'all arresting me?" Things like
23 that.

24 Q So he was denying his involvement with Ms. Hinson's
25 death?

1 A Correct.

2 Q And he denied his involvement the rest of that day,
3 right?

4 A Correct.

5 Q When he was arrested was he Mirandized at the time of
6 arrest?

7 A Yes, sir, in the vehicle.

8 Q I know you testified he was Mirandized because he
9 started talking and you wanted to make sure he was under
10 Miranda, correct?

11 A Correct.

12 Q Was that the first time that he was Mirandized that
13 day?

14 A Well, this is the -- we Mirandized him once we put
15 handcuffs on him and got him in the car.

16 Q So you put handcuffs on him, there was a little bit
17 of a struggle, you put him in the car, then you read him
18 Miranda?

19 A Correct.

20 Q Then you got in the back seat?

21 A No. He would have been in the vehicle, I was in the
22 vehicle, all three of us were in the vehicle and driving
23 away when we Mirandized him.

24 Q Okay. So you only Mirandized him one time then.

25 A Correct.

- 1 Q Not twice?
- 2 A One time at that time -- what do you mean?
- 3 Q Between the time he was arrested at his house until
- 4 the time you interviewed him in the interview, the same
- 5 day you Mirandized him once?
- 6 A Correct.
- 7 Q That was some time during the traveling?
- 8 A Correct, between his house and the jail.
- 9 Q Was that before or after you pulled over?
- 10 A It would have been before that.
- 11 Q And then once you got to the jail and taken him out
- 12 of the car and put him in I think you said it was an
- 13 interrogation room or interview room, did you Mirandize
- 14 him again?
- 15 A No.
- 16 Q Did Lieutenant Robertson ever ask you if you had
- 17 Mirandized him?
- 18 A Yeah. I believe he did ask Special Agent Wilkes if
- 19 he was.
- 20 Q He didn't ask you, he asked Wilkes?
- 21 A Yeah, that's correct.
- 22 Q He asked Wilkes?
- 23 A Yeah.
- 24 Q At what point during this investigation did it become
- 25 your opinion that Mr. Perkins had actually committed the

1 murder?

2 A Probably after the polygraph.

3 Q All right. When I use the words interview and
4 interrogation as it relates to police methods, is it the
5 same thing in your mind or are they different concepts?

6 A I would say they are different.

7 Q How are they different?

8 A Well, and, of course, different people would use
9 different terminology. But I would say you interview a
10 witness, someone who saw something, and you could
11 interview a suspect as well but in most cases you would
12 interrogate a witness but some people might call it an
13 interview. I typically call it interviews, all of them as
14 interview. But if you are going to say interrogation you
15 don't interrogate a witness, you interrogate a suspect.

16 Q What is the difference?

17 A I don't know that there has to be a difference, it
18 just depends. Typically when I think interrogation I
19 think heated discussion, things like that.

20 Q When you spoke with Mr. Perkins on the 29th after
21 arresting him and you guys were down at the sheriff's
22 office, was that an interrogation?

23 A We interviewed him. You could call it an
24 interrogation, you could call it either, I think that's an
25 interpretation, but we interviewed him. There was no

1 hollering and screaming and yelling, didn't need to be.

2 Casey was very upset, crying, all kinds of stuff.

3 Q When you and Special Agent Wilkes were interrogating
4 him, did one of y'all take the lead on that?

5 A We both pretty much spoke with him. Buddy probably
6 did more talking than I did because he had dealt with him
7 more than I had and Buddy probably did more talking. But
8 we both, you know, interviewed him.

9 Q Were y'all accusing him of having killed Ms. Hinson?

10 A Yeah. We told him we believed he did it.

11 Q Were you telling him he needed to confess?

12 A Yes.

13 Q Did you promise him anything if he confessed?

14 A No, sir.

15 Q Did y'all take a good cop/bad cop sort of repour with
16 him during that point?

17 A Casey didn't need anything like that, Casey was again
18 so upset. He was just crying and acted like he wanted to
19 tell it so bad and just get it off his chest. Both of us
20 were trying to be his friend and let him know he needed to
21 just get this off his chest, move on and tell the truth.

22 Q But y'all weren't yelling and screaming at him?

23 A Absolutely not.

24 Q Raised voices?

25 A No, sir.

1 Q During the course of your training, have you taken
2 training courses in interrogation and interviewing
3 methods?

4 A Yeah. I have had some training.

5 Q How much?

6 A The only one I specifically remember right off the
7 top of my head is probably a two or four hour class that
8 we had at sled that other Sled agents taught.

9 Q What was the nature of that course?

10 A Interviewing and interrogation.

11 Q Are you familiar with the Inbaul and Reid method?

12 A The what method?

13 Q Inbaul and Reid.

14 A No, sir.

15 Q Are you familiar with the Reid method?

16 A No, sir.

17 Q Did you ever have any subjects give you a false
18 confession?

19 A I have been involved in cases where they did, people
20 have given false confessions, yes, sir.

21 Q How are you able to verify that they were false?

22 A Well, I guess I can answer that by kind of giving
23 circumstances surrounding it. One case in Lancaster I
24 specifically remember the guy, the officer I was with, he
25 works for Lancaster PD, kind of got on the guy pretty hard

1 and the guy just started telling that he done things that
2 we knew he hadn't done and we never charged him for those
3 crimes, we didn't need to verify it, we knew he was not
4 telling the truth. And in another case here in Chester we
5 had a 12 year old I think it was on a school break-in case
6 that we were assisting the sheriff's office with confessed
7 to things that ultimately it was determined he did not do
8 and he was never charged.

9 Q You were present during the -- I'm going to call it
10 the September 7th interview or interrogation by Benson,
11 right?

12 A Yes, sir.

13 Q You weren't in the room with him, though?

14 A Correct.

15 Q You were on the other side of the mirror?

16 A Yes, sir.

17 Q Who all else was in that room with him on the other
18 side of the mirror?

19 A I remember Shane Stewart being there, I think maybe
20 Jamie was there.

21 Q Jamie?

22 A Jamie Mitchell.

23 Q Okay.

24 A A deputy I know by the name of JK, I just know they
25 call him JK, I don't know what his official name is, and

1 there may have very well been some other people but that's --
2 the few that I do recall.

3 Q People were coming in and out of that room during the
4 interrogation?

5 A Yeah, somewhat.

6 Q Did you stay for the whole thing?

7 A Pretty much. I may have left long enough to use the
8 restroom or get a drink of water but I was there pretty
9 much the whole time.

10 Q Now, it is your understanding that Mr. Perkins
11 initiated that contact, right?

12 A Correct.

13 Q Who told you that?

14 A I don't recall who told me that.

15 Q What was your understanding of why Casey wanted to
16 have that contact with the sheriff?

17 A He wanted to confess.

18 Q Did he confess right away?

19 A No, sir.

20 Q Sheriff had to pull it out of him, didn't he?

21 A I don't know if you would say that. But he wanted
22 I -- remember the first thing he said, "If I tell this I
23 want to get the death penalty. Promise me I will get the
24 death penalty and I will tell you what happened."

25 Q Was he promised the death penalty?

- 1 A No, sir. The sheriff couldn't promise him that.
- 2 Q The sheriff said he would look into it, though.
- 3 A I don't recall what he said but he never said, "Yeah,
4 I will make you that promise."
- 5 Q Would it be fair to say during that three hour
6 marathon that Mr. Perkins gave several different
7 statements?
- 8 A I don't recall him giving different versions of what
9 happened. He may have told more, gave some and then told
10 some more but I don't recall him giving different versions
11 like completely different versions altogether, no, sir.
- 12 Q And it's your testimony that you think he was not
13 handcuffed during that interview?
- 14 A I don't recall him being handcuffed, no, sir.
- 15 Q How many times was Mr. Perkins taken out of that room
16 during that three hour and 15 minute span?
- 17 A I don't know. I would guess one or two, I don't
18 know.
- 19 Q When he was taken out of the room, what was he doing?
- 20 A It would be to use the bathroom or just take a break
21 for a few minutes. And I don't know that every time he
22 was taken out of the room, maybe just kind of -- just
23 maybe the sheriff had to leave or maybe Major McNeil had
24 to leave, I don't know.
- 25 Q When Sheriff Benson would leave or Major McNeil would

1 leave would the other officer who remained in there
2 continue talking with him?

3 A Maybe talking but not necessarily interviewing, just
4 taking a break.

5 Q During the course of one of those breaks you spoke
6 with Mr. Perkins in the hallway, correct?

7 A Correct.

8 Q And during that time I think it is in your notes he
9 said something about a knife?

10 A Yes, sir. If I'm remembering correctly it was at the
11 very end after everything was completed.

12 Q So this wasn't even a break, this is after everything
13 was over?

14 A Correct.

15 Q But he said something about the knife?

16 A I asked him about the knife.

17 Q You asked him about the knife?

18 A Yes.

19 Q So during that entire three hours and 15 minutes, was
20 a knife ever mentioned?

21 A I don't recall if it was mentioned but I know it
22 wasn't asked where he got the knife from. It could have
23 been mentioned, I don't know.

24 Q You don't remember?

25 A I don't recall, that's right.

1 Q So you were initiating the conversation to him about
2 a knife?

3 A Yes.

4 Q And he said something about it being in the kitchen I
5 think is what he said?

6 A I asked him where he got the knife from, we started
7 discussing the knife and I said we found the knife at the
8 scene, he may have already known that, I don't know. But
9 I said, "There was a knife used, where did you get that
10 knife from?" Because we had already suspected and shown
11 the knife that we found to the victim's daughters and they
12 said that's like a knife that we had in our trailer.

13 Q It was a steak knife, wasn't it?

14 A Correct. And so I asked him where he got the knife
15 from and he said it was in the trailer, "I got it from the
16 kitchen."

17 Q When you said, "Where did you get the knife," did you
18 describe the knife to him or ask him to describe the knife
19 to you?

20 A No, sir.

21 Q You just said a general knife?

22 A Correct.

23 Q And that knife when it was found didn't have any
24 blood on it, correct?

25 A I don't think it did, but again, without the lab

1 report I can't be sure.

2 Q When you were speaking with Mr. Perkins about that
3 knife, was there any other witnesses around?

4 A There was other people around, yeah.

5 Q Anybody that you think overheard that conversation
6 or --

7 A No, sir. They could have but I don't know of anybody
8 that did.

9 Q Nobody has indicated to you that they heard that
10 conversation?

11 A No, sir. Me and Casey Perkins were standing in the
12 doorway of a room, it was in that interview room, it was
13 kind of like, you know, people moving around, talking,
14 things like that. Casey may have been to the bathroom at
15 this point, I'm just guessing, I don't know but it was
16 just a casual time when I asked him about that.

17 Q How much contact would you say you had total with
18 Mr. Perkins during the course of this investigation?

19 A Well, I talked to him about taking the polygraph,
20 then Buddy Wilkes and I arrested him, spoke with him that
21 day there at the sheriff's office, that would have been
22 Sunday, and then the day of the confession. Those three
23 times are the only times I can recall.

24 Q How many contacts did you say you had with
25 Mrs. Perkins?

1 A Probably three or four.

2 Q At the time that you -- of the arrest -- at the
3 arrest scene, did you hear Mr. Wilkes or his -- Agent
4 Wilkes tell Casey, "I told you I was going to get you?"

5 A No, sir.

6 Q Did you or he as far as you know ever tell Casey he
7 could take another polygraph?

8 A No, sir.

9 Q Did you hear Agent Wilkes tell Casey at the arrest
10 scene that by the time we get to the station you are going
11 to testify?

12 A No, sir.

13 Q Did you ever or Agent Wilkes say, "We are going to
14 lock your parents up?"

15 A No, sir.

16 Q Or that Sheriff Benson has something in for Casey?

17 A No, sir.

18 Q Did you ever hear Agent Wilkes say he was going to
19 lock Casey's parents up?

20 A No, sir.

21 Q Or that Casey's parents are going to lose everything?

22 A No, sir.

23 Q One of the first things that was discussed during
24 that September 7th statement with Sheriff Benson was the
25 fact that Todd Rutherford was Casey Perkins' lawyer,

1 correct?

2 A I know that Todd Rutherford's name was mentioned at
3 some point, you know, around this time. You're saying in
4 the interview room?

5 Q Yes.

6 A It could have been mentioned. I don't know, I don't
7 recall.

8 Q How was Todd Rutherford's name brought up?

9 A You mean in the interview room?

10 Q Well, just in general how was it brought up?

11 A There was some talk about during this investigation
12 that Todd Rutherford had called the jail or somebody, I
13 don't recall, and saying don't talk to Casey Perkins
14 and -- I don't know. I just know I learned that
15 information.

16 Q As far as you know Casey waived the right for Todd
17 Rutherford to be present, right?

18 A Yes, sir, he did.

19 Q And when he waived -- he said he talked to Todd
20 Rutherford and he didn't have to be there, did he say he
21 didn't have the money to pay Todd Rutherford?

22 A I haven't listened to the audio, I don't know.

23 Q You were there?

24 A Yeah.

25 Q Some of it you remember, some of it you don't?

1 A Yeah. I obviously don't remember everything that was
2 said.

3 Q Do you remember if anybody said, "If you can't afford
4 that lawyer we are going to get you a public defender?"

5 A I'm sure they would have told him that on Miranda.

6 Q Do you recall Sheriff Benson going over what the
7 aggravating circumstances would have been in order to
8 qualify for the death penalty?

9 A I don't recall him saying that.

10 MR. DUNN: I don't have any further questions, Your
11 Honor.

12 REDIRECT EXAMINATION

13 BY MR. BARFIELD:

14 Q On answering Mr. Dunn's questions he asked you were
15 you trying to get Casey Perkins, I'm referring to
16 September 8th interview, you and Buddy Wilkes and Casey
17 Perkins at the sheriff's office, Mr. Dunn asked and you
18 responded affirmatively that you were trying to get him to
19 confess.

20 A Yes, sir.

21 Q Did it work?

22 A No, sir.

23 Q All right. I think you said that that whole process
24 from being at his house and arresting him until Tommy
25 Robertson getting done with him 45 minutes or an hour I

1 think that is what you said.

2 A That would be a good guess.

3 Q Is there any significant time lapse when you and
4 Buddy Wilkes got done with Casey Perkins in the interview
5 and when Tommy Robertson started talking to Mr. Perkins at
6 the interview room?

7 A When we got through we walked him back to the jail
8 and that's when we talked to him.

9 Q Was there any geographic diversion from the point at
10 which Casey Perkins was handcuffed in his yard until the
11 point that he got to the sheriff's office, did y'all go
12 ride down to Great Falls or go anywhere else?

13 A No. We went straight to the sheriff's office.

14 Q Was there any break in the action so to speak, any
15 reason from the time he was arrested until the time Tommy
16 Robertson got done with it?

17 A No, none at all.

18 Q Was there any diversion generally speaking from a
19 general standpoint -- let me back up. I think you told
20 him he was being arrested for the sex offender violation.

21 A Yes, sir.

22 Q Was there any other substantial discussion from Casey
23 Perkins about that warrant?

24 A No, sir.

25 Q Other than the Judy Hinson homicide major topic of

1 discussion with Casey Perkins on the day of his arrest.

2 A No, sir.

3 MR. BARFIELD: Nothing further, Your Honor.

4 MR. DUNN: Nothing further.

5 MR. BARFIELD: Ask that the witness be excused if he
6 would like.

7 The witness, JOHN THOMASSON, was first duly sworn and
8 testified as follows, on:

9 DIRECT EXAMINATION

10 BY MR. DUNN:

11 Q Deputy, please state your full name and spell your
12 last name.

13 A John Thomasson, T-h-o-m-a-s-s-o-n.

14 Q Deputy Thomasson, where do you currently work?

15 A Chester County Sheriff's office.

16 Q How long have you been there?

17 A Since January of '02, seven years going on.

18 Q Did you have an opportunity to work for the detention
19 center?

20 A Yes, sir.

21 Q When did you work for the detention center?

22 A I started in January of '02, I got pulled to the
23 roadside about October of 2005.

24 Q During the time that you worked for the detention
25 side of the operation, did you ever have any contact with

1 Casey Perkins?

2 A A few times just making transport to mental health.

3 Q Were you one of the guards that worked in the back of
4 the detention center and having contact with the inmates?

5 A I probably may have at the time, I know I was a shift
6 supervisor or Sergeant so I stayed up front a lot.

7 Q And as shift supervisor Sergeant, did you have the
8 ability to take away any of the inmates -- I'm speaking
9 about inmates in general -- inmates' rights and
10 privileges?

11 A Usually the Corporal would and he would just let me
12 know about it. But if there were any questions some of
13 the decisions would be left up to me.

14 Q Back in 2005 would you ever have the opportunity to
15 tell Casey Perkins he needed to -- let me go back. Do you
16 know why Mr. Perkins was arrested?

17 A Other than the charges that were brought in.

18 Q What were the charges as far as you know?

19 A I want to say murder and that's the only one I can
20 think of at this time.

21 Q And were you or did you ever learn back in 2005 the
22 circumstances behind that murder?

23 A No, sir, not at first.

24 Q At first, but since then have you?

25 A No, sir.

- 1 Q Now, do you remember when Mr. Perkins was first
2 arrested?
- 3 A No, sir.
- 4 Q You don't?
- 5 A No, sir.
- 6 Q Do you remember in general what Mr. Perkins' demeanor
7 was like when you worked in the detention center?
- 8 A Nothing that stood out.
- 9 Q You said that you transported him to the department
10 of mental health?
- 11 A Yes, sir, Catawba Mental Health.
- 12 Q How many occasions did you have to do that?
- 13 A Maybe once or twice.
- 14 Q And which facility were you taking him to?
- 15 A From the detention center to Catawba Mental Health
16 off of Wilson Street.
- 17 Q Did you ever transport him down to Columbia?
- 18 A No, sir.
- 19 Q Are you aware he was transported down to Columbia at
20 some point?
- 21 A No, sir.
- 22 Q When you took him to Catawba Mental Health, do you
23 know why you were taking him?
- 24 A What I was told I believe to be evaluated, I wasn't
25 sure.

1 Q What was his demeanor like when you took him over
2 there?

3 A Nothing that stood out. I mean, just like anybody
4 else.

5 Q Did you ever have an occasion to tell Mr. Perkins
6 that he needed to confess to Mr. Hinson's murder?

7 A No, sir.

8 Q Do you remember telling Mr. Perkins it was in his
9 best interest to confess that murder?

10 A No, sir.

11 Q Did you ever have any occasion to take away his
12 rights or privileges while he was an inmate?

13 A No, sir, not that I'm aware of.

14 Q With your contact with Mr. Perkins, did y'all talk?

15 A Not any other conversation maybe other than the
16 radio, may have had it on. I can't think of any
17 conversation that we had.

18 Q I'm not asking for anything specific but just in
19 general did you have conversation with him?

20 A No, sir.

21 Q Did you ever talk with him while he was an inmate?

22 A No, sir.

23 Q Did you have enough contact with him to ever form an
24 opinion as to what his mental ability or capacity was?

25 A No, sir.

1 Q Did you ever have enough contact to determine that he
2 just doesn't sound like a very smart individual?

3 A No, sir.

4 Q And it is your testimony that you have never
5 threatened him?

6 A No, sir.

7 Q Took away any of his rights and privileges?

8 A No, sir.

9 MR. DUNN: I don't have any further questions, Your
10 Honor.

11 MR. BARFIELD: And I have no questions.

12 THE COURT: Thank you, you may step down.

13 The witness, SABRINA DUNNERFORD, was first duly sworn
14 and testified as follows, on:

15 DIRECT EXAMINATION

16 BY MR. BARFIELD:

17 Q State your name, please, ma'am.

18 A Sabrina Dunnerford.

19 Q Ms. Dunnerford, you are employed by whom?

20 A Chester County Detention Center.

21 Q First of all, how long have you been employed by the
22 Chester County Detention Center?

23 A It will be seven years in February.

24 Q What is your current job at the Chester County
25 Detention Center?

- 1 A The Lieutenant.
- 2 Q Okay. And are you technically a correctional officer
- 3 at the detention center?
- 4 A Yes, I am.
- 5 Q How long have you been a Lieutenant?
- 6 A Year and a half.
- 7 Q Okay. As a Lieutenant, when you are working, are you
- 8 normally the highest ranking person at the detention
- 9 center?
- 10 A Next to the highest person.
- 11 Q Who is the highest?
- 12 A The major.
- 13 Q But you are talking about Major Alley?
- 14 A Right.
- 15 Q If he ain't there are you in charge?
- 16 A Yes, I am.
- 17 Q Okay. What was your job at the detention center in
- 18 September of 2005?
- 19 A Shift supervisor, sergeant.
- 20 Q Were you a sergeant then?
- 21 A Yes.
- 22 Q Did you know that Casey Perkins was an inmate at the
- 23 detention center in September of 2005?
- 24 A I did.
- 25 Q Has he continued to be an inmate out there?

1 A Yes, he has.

2 Q Was there anything -- and I don't mean to imply
3 anything by this at all -- but was there anything special
4 or different in your relationship or dealings with Casey
5 Perkins than with any other inmate?

6 A No, there wasn't.

7 Q From the entire time he has been out there?

8 A No.

9 Q I'm going to hand you -- well, let me ask you some
10 general questions. If an inmate has some sort of special
11 request or some sort of -- not special request, is there
12 some procedure that an inmate goes through to make a
13 request?

14 A Yes, there is.

15 Q Is there a form that y'all use for that process?

16 A Yes, there is.

17 Q Now, not with respect to Casey Perkins in this case
18 and your reason for being here today but in general,
19 describe the procedure, if an inmate wants -- well, would
20 it apply if an inmate has an earache and wants to see a
21 doctor?

22 A Yes, it would.

23 Q Explain to me how it works.

24 A There are two types of requests for an earache and
25 doctor, there are medical requests and they have to ask

1 for a medical request and at that time an officer will
2 give them a medical request. They will fill it out, turn
3 it back into the officer and the officer turns it into
4 medical.

5 Q When you say a medical request you are talking about
6 a form?

7 A It's a form, it is called a medical request. The
8 other type of request is just a general request and it is
9 just called an inmate request and those are handed out,
10 now, the process is that you get them on Monday, they are
11 for the whole week, you get two per week and they're sent
12 to whomever you want to talk to. They can be sent to any
13 one in the judicial system.

14 Q All right. So you actually -- every week an inmate
15 gets two pieces of paper?

16 A Yes.

17 Q And he gets --

18 A If they request them.

19 Q Okay. If they request them?

20 A If they request them. At the first of the week we
21 don't give everybody two.

22 Q They've still got to request them?

23 A Yes.

24 Q But if he requests one on Monday and he is still
25 there Friday and requests another one, he doesn't get

1 another one?

2 A Right. The process is if you want request forms you
3 ask for them on Monday period, no other day.

4 Q Now, was -- and really I think the number is
5 irrelevant in this situation, but was the same procedure
6 in existence in September of 2005, did you just get two a
7 week?

8 A No, not in 2005. You could get a request probably
9 everyday to my memory, you could probably get a request
10 form everyday.

11 Q Now, I'm going to hand you what we have already
12 marked and agreed to be marked as Court's Exhibit Number 3
13 and ask you -- don't tell me what it says, just tell me if
14 you know what that is.

15 A Yes, I do.

16 Q Now, tell me what that is.

17 A This is an inmate request form.

18 Q Is it one that you had your hand on at some point?

19 A Yes, it is.

20 Q Is that the original of it?

21 A Yes.

22 Q Is it done in pencil?

23 A Yes, it is.

24 Q Is that how most stuff at the jail gets done, in
25 pencil?

1 A Yes.

2 Q You don't use ink pens out there?

3 A Well now, at this time they didn't.

4 Q Okay. Now, do you have recollection of that
5 particular form, that document itself?

6 A I do.

7 Q And how did that process get started?

8 A Mr. Perkins asked for a request form.

9 Q Is it a request form from inmate Casey Ray Perkins?

10 A Yes, it is.

11 Q Did he ask for a blank form?

12 A Yes, he did.

13 Q Now, when you -- and did you provide him a blank
14 form?

15 A I did.

16 Q When you provide an inmate -- and in this particular
17 case Casey Perkins -- a blank form, does it go in to him
18 in the cell first of all?

19 A Yes.

20 Q Does he have pencils in the cell or do you have to
21 send a pencil in with him?

22 A No. He has pencils in the cell depending upon where
23 they are.

24 Q Okay. Some places?

25 A If he is in his cell in a regular housing unit they

1 have their own pencils. If they are on medical watch, any
2 type of hold, any reason to be in a holding unit then they
3 do not have pencils.

4 Q And you have got to provide one?

5 A You have to provide them, yes, sir.

6 Q When this form went into Casey Perkins after he
7 requested it, does it go in there with any handwriting on
8 it at all?

9 A Yes.

10 Q What?

11 A It had the person -- officer passing out the request
12 has got to sign that prior to giving the inmate the form.

13 Q Did you sign it?

14 A Yes, I did.

15 Q Does it bear your signature on the line next to the
16 officer passing out requests?

17 A Yes, it does.

18 Q Did you hand that in to Casey Perkins?

19 A Yes, I did.

20 Q Did it get handed back to you from Casey Perkins at
21 some point?

22 A Yes, it did.

23 Q Was it within minutes or later that afternoon or the
24 next day, or do you recall?

25 A I do not recall.

1 Q Did it come back into your hands?

2 A Yes, it did.

3 Q Was there writing on it other than your signature

4 when it came back into your hands?

5 A Yes, there was.

6 Q Was all -- well, let me -- when you got it back did

7 you sign it again?

8 A Yes.

9 Q Where did you sign your name?

10 A Officer taking up request.

11 Q Okay. Other than your name being signed on there

12 twice, was all of the writing on it when it came back out

13 to you?

14 A Except for the day, 9/7/05 at the bottom.

15 Q Who put that on there?

16 A I did.

17 Q Did this occur on 9-7 of '05?

18 A Yes.

19 MR. BARFIELD: At this time I offer this as Court's

20 Exhibit Number 3.

21 Q Lieutenant Dunnerford, a couple of other general

22 questions. Did you know why Casey Perkins was in the

23 Chester County Detention Center on September 7th of 2005?

24 Do you know what he was charged with?

25 A I do.

1 Q Did you and he ever get into any kind of conversation
2 about his reason for being in the Chester County Detention
3 Center?

4 A No.

5 Q Did you and he ever talk about your case and his
6 charge?

7 A No.

8 Q Did you and he ever talk about the death of Judy
9 Hinson?

10 A No, we did not.

11 Q Did you and he ever talk about anything other than
12 routine things you would have had to discuss with him
13 about being in jail like put your slippers on or zip up
14 your jump suit or it is time to eat? Did you ever have
15 any conversations with him that you wouldn't have had with
16 any other inmate?

17 A No.

18 Q Did you at any other point ever -- did you ever tell
19 him he needed to go talk to the sheriff about what he was
20 in jail for?

21 A No.

22 Q When you got this Court's Exhibit Number 3 from him,
23 inmate request slip, do you recall whether you read it or
24 not?

25 A I had read who it was to.

1 Q Who was it to by the way?

2 A The sheriff.

3 Q What did Casey Perkins write on that form?

4 A He requested to talk with the sheriff. Did you want
5 me to read the whole --

6 Q Read what Casey Perkins wrote.

7 A It says, "Need to talk to you about the murder case.
8 I will cop a plea under one condition, only I will talk to
9 you."

10 Q And who was it addressed -- under type of request
11 what was the type of request?

12 A To talk with the sheriff.

13 Q What did you do with this form?

14 A There are two things I could have done and to be
15 honest I don't remember which one I did. I either gave it
16 immediately to the sheriff person to person or I put it in
17 his box, which is a box that we put requests in that
18 people pick up the requests all of the time for the
19 detectives, for investigators, judges, they all have
20 different boxes that can put those requests into.

21 Q Now, from a common sense practical standpoint when
22 you read this form to find out who it was supposed to go
23 to, did you have an idea what Casey Perkins was talking
24 about?

25 A Yes.

1 Q Did you have any conversation with Casey Perkins,
2 "Tell me and I will tell the sheriff what you want,"
3 anything like that?

4 A No.

5 MR. BARFIELD: Thank you, ma'am. Answer anything
6 Mr. Dunn asks.

7 MR. DUNN: May it please the Court, Your Honor?

8 CROSS EXAMINATION

9 BY MR. DUNN:

10 Q So that -- is it your signature on there as far as
11 the officer's signature, correct?

12 A Yes.

13 Q On there twice?

14 A Yes.

15 Q At the top of that it says he was in the housing unit
16 hold number four?

17 A Yes.

18 Q And that the date of the request is September 7th; is
19 that correct?

20 A Yes.

21 Q He was arrested September 29th (sic), correct?

22 A I don't know.

23 Q If I told you that he was arrested September 29th and
24 there hadn't been in dispute to that date in this
25 courtroom, would you agree with that? Is there any reason

1 for you not to agree with me?

2 A No.

3 MR. BARFIELD: I object solely for the purpose

4 Mr. Dunn is referring to September 29th.

5 MR. DUNN: August 29th.

6 MR. BARFIELD: So if we could just fix that before we
7 get real messed up with it.

8 MR. DUNN: All right. August 29th is when he was
9 arrested.

10 Q He was arrested August 29th.

11 A Okay.

12 Q And this is September 7th, correct?

13 A Yeah.

14 Q That's about nine or ten days, right?

15 A All right.

16 Q Now, on that form it says he is being held in holding
17 number four, correct?

18 A Yes.

19 Q Holding cell number four, that's at the detention
20 center, isn't it?

21 A Yes, sir.

22 Q Do you know why he would have been in holding cell
23 number four?

24 A It would have been at his own request. It could have
25 been no for protective custody, it could have been for

1 medical reasons, it could have been for transport.

2 There's any reasons why he could have been in holding at
3 that time.

4 Q The detention center keeps a file for each inmate,
5 correct?

6 A That's true.

7 Q In that file are kept things such as the booking
8 records.

9 A Yes.

10 Q And if I'm not mistaken if there's any disciplinary
11 actions taken against an inmate you keep a report of that
12 as well, correct?

13 A That's true.

14 Q Is there also a record kept at the detention center
15 of whether or not an inmate is transported back and forth
16 between holding cells or general population cell or A
17 block, B block, C block or anything like that?

18 A Actually there's two, there's a sheet to tell you
19 where they are located and also a movement log in police
20 central.

21 Q There's a movement log in police central?

22 A A head count sheet that's done every day twice a day
23 as we are changing shifts. Updates are also recorded by
24 shift supervisors of any movement that takes place during
25 their shift.

1 Q That's going to be kept separate from an inmates
2 file, right?

3 A Right.

4 Q What did you do with that form once you got it?

5 A What did I do with it?

6 Q Yes, ma'am.

7 A I already spoke to that. I'm not sure if I put it in
8 Sheriff Benson's box or gave it directly to him, I don't
9 remember which. But I did one of the two.

10 Q Do you have a request very often where an inmate that
11 you are holding wants to talk to the sheriff about killing
12 somebody?

13 A Excuse me? I didn't understand your question.

14 Q Do you get very many requests from inmates in which
15 they are wanting to talk to the sheriff about killing
16 somebody?

17 A No.

18 Q Would it be fair to say this is somewhat of an
19 unusual request?

20 A No, I wouldn't say that. I wouldn't say that it is
21 an unusual request that inmates want to talk to
22 investigators, the sheriff or anything pertaining to their
23 case.

24 Q So that goes on from time to time?

25 A All of the time.

1 Q And it's your testimony that Casey Perkins wrote --
2 that the writing was actually contained on there, not
3 counting your signature or the date on the box, the rest
4 of it is his writing?

5 A Yes. And the reason why I can say that -- and I may
6 not have been able to otherwise -- is the fact he was in
7 holding cell number four by himself, which means that he
8 wrote it.

9 Q Why would he be in there by himself?

10 A I spoke to the fact -- you are bringing back some
11 memory to me -- if he was arrested on the 29th and this is
12 the 7th then he was housed somewhere else at that time
13 because that was enough time that he would have been
14 processed through or removed out in holding. If he was
15 back in holding it was due to some other case that I am
16 not sure of, which means that wouldn't have been in
17 holding. Holding number four is a special holding cell.
18 Again, they're all special if we need them to be special,
19 if it is for medical, any reason whatsoever we may bring
20 them back to holding.

21 Q On the signature line it says signature of inmate,
22 correct?

23 A Yes.

24 Q Does it appear to you that's signed Casey.

25 A Yes.

1 MR. DUNN: That's all of the questions I have.

2 MR. BARFIELD: Nothing further. Ask that the witness
3 be excused if she would like to be.

4 MR. DUNN: That's fine.

5 The witness, JOHN THOMAS KELLY, was first duly sworn
6 and testified as follows, on:

7 DIRECT EXAMINATION

8 BY MR. BARFIELD:

9 Q State your name, please, sir.

10 A John Thomas Kelly.

11 Q And Sergeant Kelly, you have been patient with us and
12 I appreciate it. I'm going to ask you just a few
13 questions. By whom are you employed?

14 A Chester County Sheriff's Office.

15 Q How long have you been with the Chester County
16 Sheriff's Office?

17 A Eleven and a half years.

18 Q What is your job currently with the Chester County
19 Sheriff's Office?

20 A I am a patrol supervisor.

21 Q Sergeant over a shift?

22 A Yes, sir.

23 Q What was your job with the Chester County Sheriff's
24 Office in August of 2005?

25 A At the time I was assigned with the detective's

1 office.

2 Q All right. You were a detective with the sheriff's
3 office?

4 A Yes, sir.

5 Q I am going to cut through a whole lot of stuff. Did
6 you, to some degree, participate in the investigation of
7 the Debruhl Road body that was found on the early morning
8 hours August 27th of 2005?

9 A Yes, sir, I did.

10 Q We're going to jump way ahead to September 7th I
11 believe it is of 2005. Did you become aware first of all
12 that Casey Perkins was a suspect?

13 A Yes, sir.

14 Q Did you know Casey Perkins before this case happened?

15 A Yes, sir. I dealt with Mr. Perkins several times.

16 Q All right. Did you become aware -- after you knew he
17 was a suspect did you become aware that he actually got
18 arrested on an offense?

19 A Yes, sir.

20 Q Did you become aware that he was ultimately charged
21 with the murder of Judy Hinson?

22 A Yes, sir.

23 Q Did you become aware that on September 7th we allege
24 that he sent a note to the sheriff saying, I "want to talk
25 to you?"

1 A Yes, sir, I was told that.

2 Q Did you become aware that he, in fact, was going to
3 be interviewed at the sheriff's office on September 7?

4 A Yes, sir.

5 MR. BARFIELD: This is getting real redundant, isn't
6 it?

7 Q Did you witness part of the interview process?

8 A Yes, sir, I was there.

9 Q All of it or part of it?

10 A Part of it, sir.

11 Q And from what vantage point did you witness the
12 interview process?

13 A I was behind a window at the interview room where it
14 is a one-way window, you can't see through the other side.

15 Q And could you hear through the two-way glass? Was
16 there some mechanism by where you can hear what's going on
17 on other side?

18 A There's a mechanism, a device.

19 Q I think somebody called it a baby monitor.

20 A That's exactly what it is, sir.

21 Q Were there other people who listened in on all or
22 part of it through the two-way glass like you did?

23 A Yes, sir.

24 Q I'm going to ask you just a few questions about that
25 process and if you remember fine, if you don't fine. Do

1 you recall whether Casey Perkins was dressed out in a jump
2 suit or was he allowed to put on street clothes?

3 A I don't remember exactly, no, sir.

4 Q That's fine. Do you recall if during the interview
5 process he was handcuffed or not or restrained in any
6 fashion or not?

7 A I don't believe he was, no, sir.

8 Q Did you observe the reading to Perkins of his Miranda
9 warnings by anybody?

10 A I don't remember that happening.

11 Q That's fine. Who was the -- who was interviewing
12 Perkins?

13 A Sheriff Benson and Major McNeil.

14 Q Did you at anytime -- did Perkins talk and answer
15 questions?

16 A Yes, sir.

17 Q Okay. At any time during that process, the part of
18 it at least that you observed, did you hear Casey Perkins
19 say these words or anything to this affect, "I don't want
20 to talk to y'all anymore, I am done with this interview?"
21 Did he ever say, "I don't want to talk anymore?"

22 A No, sir, not that I heard.

23 Q At any time during the part of the process that you
24 observed hear Casey Perkins say, "I want to talk to a
25 lawyer. I want to stop talking and I want to talk to a

1 lawyer?"

2 A No, sir.

3 Q Did he ever invoke his right to counsel?

4 A No, sir.

5 Q Did you ever hear anybody with the -- did you ever
6 see anybody use any police items like guns or billy clubs
7 or anything in a threatening manner toward Casey Perkins
8 during this process?

9 A No, sir.

10 Q Did you ever see anybody or hear anybody promise
11 Casey Perkins anything to get him to talk about this
12 situation?

13 A No, sir.

14 Q Okay. Did you ever hear or see anybody threaten
15 Casey Perkins with either physical harm or legal harm to
16 get him to talk about his then current situation?

17 A No, sir.

18 Q Did you see anything that comes across to you as
19 coercive to get Casey Perkins to talk?

20 A No, sir.

21 Q Do you recall, did Casey Perkins appear to be in any
22 physical distress during any of the process that you saw?

23 A No, sir.

24 Q Did he have any physical injuries that you could see?

25 A Not that I saw, no, sir.

1 Q Do you recall whether any breaks were taken during
2 the process?

3 A I remember some smoke breaks.

4 Q Who was allowed to smoke?

5 A Casey.

6 Q Any comforts that were denied to him like a bathroom
7 break or smoke break or Coca Cola break or food break or
8 anything like that?

9 A No, sir.

10 Q Did he ever ask -- do you recall him ever asking for
11 family members or non-law enforcement officers to be
12 brought to him for consultation?

13 A No, sir.

14 MR. BARFIELD: Thank you, sir. Answer anything that
15 Mr. Dunn has.

16 THE COURT: Mr. Dunn?

17 MR. DUNN: May it please the Court, Your Honor?

18 THE COURT: Yes, sir.

19 CROSS EXAMINATION

20 BY MR. DUNN:

21 Q It's Kelly, correct?

22 A That's correct, sir.

23 Q Sergeant Kelly, you said you have had prior contact
24 with Mr. Perkins.

25 A Yes, sir.

1 Q How many times would you say you had contact with
2 Mr. Perkins?

3 A Sir, I couldn't put a number on it, several times,
4 that's all I can recall.

5 Q And during this context you spoke with Mr. Perkins?

6 A Yes, sir.

7 Q And would you -- during those contacts did you form
8 an opinion as to what you thought his intelligence level
9 was or how his mental abilities or cognitive skills were?

10 A What is the question, sir? I'm sorry.

11 Q He understood what you were talking about and you
12 understood him; is that correct?

13 A That's correct.

14 Q But would it be fair to say that if you compare him
15 to the other people that you had spoken with his
16 intelligence level was not average?

17 A I wouldn't say that, sir. I understood everything I
18 have talked to Casey about. I would say it is about
19 average, maybe a little bit below average, but not --

20 Q Was Mr. Perkins handcuffed in the interview that you
21 witnessed?

22 A No, sir, not that I recall. I believe he was brought
23 to the room in handcuffs but then he was un-handcuffed at
24 the interview room.

25 Q And it is your testimony that he never asked to be

- 1 taken back to his cell or back to the detention center?
- 2 A Not that I recall, sir, no, sir.
- 3 Q Were you there the whole time?
- 4 A No, sir, I was in and out.
- 5 Q Why were you going in and out?
- 6 A I had to answer phone calls and other job duties that
- 7 I had to perform.
- 8 Q Why were you observing it.
- 9 A I was part of the investigation team with them.
- 10 Q And I guess what I mean but that was your presence at
- 11 the interview, was it necessary or was it just more
- 12 curiosity?
- 13 A A little of both, sir.
- 14 Q Did you respond to the scene of -- the murder scene
- 15 on August 27th?
- 16 A The next morning, sir, not the timeframe that the
- 17 call was given out, the next morning I responded out
- 18 there.
- 19 Q So when you got out there Ms. Hinson's body had
- 20 already been taken?
- 21 A That's correct, sir.
- 22 Q Did you speak to people in the neighborhood about the
- 23 incident?
- 24 A No, sir.
- 25 Q What was your involvement of the investigation?

1 A I basically was with the Sled dog team when they did
2 a track the next morning.

3 Q Apart from that track team, did you do anything else
4 as far as the investigation of this murder?

5 A Just simple paperwork stuff, running and getting
6 paperwork.

7 Q You didn't have interaction with interviewing folks
8 and that sort of thing?

9 A No, sir.

10 Q All right. Have you participated in the
11 interrogating of witnesses before? I'm not talking about
12 Mr. Perkins, but have you participated in interviewing or
13 interrogating witnesses at the sheriff's office before?

14 A Yes, sir.

15 Q And since?

16 A Yes, sir.

17 Q Is it a normal practice or not to have them
18 handcuffed?

19 A It depends, sir.

20 Q If they are under arrest and a suspect, is it normal
21 practice for them to be handcuffed or not?

22 A At the interview, sir? Normally, no, sir, we don't
23 handcuff people while we are talking to them.

24 Q As far as you remember he wasn't handcuffed this
25 time?

1 A That's correct, sir.

2 MR. DUNN: No other questions, Your Honor.

3 MR. BARFIELD: I don't have anything else.

4 The witness, JAMIE MITCHELL, was first duly sworn and
5 testified as follows, on:

6 DIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q State your name, please.

9 A Jamie Alton Mitchell.

10 Q Mr. Mitchell, by whom are you employed?

11 A Chester County Sheriff's Office.

12 Q How long have you been employed by the sheriff's
13 office?

14 A Eleven years or better.

15 Q What is your current job with the sheriff's office?

16 A Investigator.

17 Q Were you an investigator with the sheriff's office in
18 August of 2005?

19 A I was.

20 Q Kind of is a stupid question, I guess, but were you
21 along -- were you part of the investigative of team
22 concerning the death of Judy Hinson in the home on Debruhl
23 Road some time in the early morning hours of August 27th
24 of 2005?

25 A I was.

1 Q Was pretty much all the investigators working that
2 case initially?

3 A I believe so.

4 Q All right.

5 A No, all but one. He was out on medical leave.

6 Q Did you at some point become aware that Casey Perkins
7 was a suspect in the case?

8 A I did.

9 Q Did you become aware thereafter that Casey Perkins
10 had been arrested on a charge and taken into custody?

11 A I was.

12 Q Did you become aware that Casey Perkins was
13 eventually subsequently charged actually with murder in
14 the death of Judy Hinson?

15 A I was.

16 Q Did you become aware that on September 7th of 2005
17 Casey Perkins was going to be interviewed by Sheriff Robby
18 Benson and Major James McNeil with the sheriff's office?

19 A Yes, sir.

20 Q Did you participate with the interviewing? Did you
21 participate as an active participant in that process?

22 A No.

23 Q Did you observe some or all of it?

24 A Some of it.

25 Q From what vantage point did you observe it?

- 1 A Behind the glass.
- 2 Q Okay. In the sheriff's office?
- 3 A In the sheriff's office.
- 4 Q Were there others there who were observing parts of
- 5 it with you?
- 6 A There was some other people there, I can't recall
- 7 them, though.
- 8 Q That's fine. I'm going to ask you some fairly
- 9 specific questions but not a ton, I hope. Did you observe
- 10 the Miranda warning process with Casey Perkins?
- 11 A I can't recall that.
- 12 Q That's fine. Do you recall whether Casey Perkins was
- 13 in a detention center jump suit or street clothes?
- 14 A I can't recall.
- 15 Q That's fine. Do you recall whether Casey Perkins was
- 16 handcuffed or otherwise restrained?
- 17 A No, he was not.
- 18 Q He was not?
- 19 A No.
- 20 Q He was not restrained, is that what you are saying?
- 21 A I don't think so.
- 22 Q All right. Did he appear in any physical distress
- 23 during the process?
- 24 A No.
- 25 Q Did he have any visible injuries that you are aware

1 of?

2 A No.

3 Q Did he make a statement?

4 A He did.

5 Q Or over the course of some three hours and some
6 change talk to the investigator?

7 A He did.

8 Q Or the sheriff and McNeil. Was it incriminating what
9 he said?

10 A It was.

11 Q Did he at any time that you observed say to the
12 interviewers, "I'm invoking my 5th Amendment Right to
13 remain silent and I don't want to talk anymore?"

14 A No.

15 Q Did he at any time during the portion of it that you
16 observed invoke his 6th Amendment Right to counsel and
17 say, "I want a lawyer, I am not going to talk anymore?"

18 A No.

19 Q Were there any -- were there any breaks in the
20 interview process that you observed?

21 A Yes.

22 Q All right. You've told me Benson, McNeil and
23 Perkins. Did any of these people at any time leave the
24 interview room that you recall?

25 A I can recall he specifically wanted to be with the

1 sheriff at one time, the sheriff started first and I think
2 McNeil maybe was by himself and I can't recall. But there
3 was a time that they would swap back and forth, yes.

4 Q The sheriff and McNeil would swap in and out?

5 A Yes.

6 Q Do you recall whether Perkins was taken out of the
7 room for anything?

8 A I think one time he may have wanted a drink and smoke
9 and he was allowed to do that.

10 Q All right. Did he ask for anything -- and I will
11 give you an example in a minute -- did Perkins make any
12 requests that were denied during the portions of the
13 interview that you saw? Examples, "I need to go to the
14 bathroom," or, "I want to have something to eat," or, "I
15 want to drink," or, "I want to smoke." Did they ever turn
16 him down on anything that he requested?

17 A No.

18 Q Did Casey Perkins ever say he wanted to see my mama
19 or my daddy or relatives or have anybody with him non-law
20 enforcement?

21 A No, not that I can recall.

22 Q Did he ever ask to use the telephone that you recall?

23 A I can't remember that.

24 Q All right. Anybody use any gun or sticks or knives
25 or weapons of any kind to actually strike Casey Perkins or

1 threaten him during the process?

2 A No.

3 Q Did anybody make any verbal threats to Casey Perkins
4 of either physical harm or legal harm to get him to talk
5 about Judy Hinson's murder?

6 A No.

7 Q Did anybody promise Casey Perkins anything to get him
8 to talk about Judy Hinson's murder?

9 A No.

10 Q Did Casey have any requests that he made concerning
11 his participation in the interview process?

12 A He did.

13 Q What did Casey want?

14 A He wanted the death penalty.

15 Q Did he make that clear?

16 A Yeah, he wanted the death penalty.

17 Q Did the sheriff respond? Who did he address that to?

18 A He said he could not promise that, it was up to the
19 solicitor to do that.

20 MR. BARFIELD: That's all.

21 CROSS EXAMINATION

22 BY MR. BARFIELD:

23 Q Who was Casey telling that he wanted the death
24 penalty in exchange for talking about this?

25 A The sheriff.

1 Q Did the sheriff promise him the death penalty?

2 A No, he said he could not.

3 Q Now, did you know Casey before Judy Hinson got
4 murdered?

5 A I knew of him.

6 Q Before this investigation, had you personally ever
7 talked to Casey Perkins?

8 A I have.

9 Q Did you have any difficulty -- from the observations
10 that you made of the interview process, did you have any
11 difficulty understanding what Casey Perkins was saying and
12 trying to convey by way of meaning?

13 A No.

14 Q Did he have any apparent difficulty understanding
15 what the sheriff and Major McNeil were saying to him?

16 A No.

17 Q Was there any communication problem at all that you
18 saw?

19 A No.

20 Q It is your testimony that Mr. Perkins was not
21 handcuffed during the interview with Sheriff Benson?

22 A No.

23 Q You are sure?

24 A No, I am not sure.

25 Q Were you present during the whole interview?

- 1 A I can't say I was there the whole interview, I was
2 walking in and out.
- 3 Q What do you mean you were walking in and out?
- 4 A It was a dark room, I would just walk out.
- 5 Q When you walked out what were you going to do? ...
- 6 A I can't recall.
- 7 Q And it's your testimony that Mr. Perkins never asked
8 to you use a telephone.
- 9 A I never talked to Mr. Perkins.
- 10 Q At all?
- 11 A At all.
- 12 Q Is it your testimony that he never asked to go back
13 to his cell during that interview or interrogation by
14 Sheriff Benson?
- 15 A I never talked to him.
- 16 Q Benson and McNeil did most of the talking with
17 Perkins, right?
- 18 A Did all of it.
- 19 Q As far as what went on inside of that room, correct?
- 20 A That's right.
- 21 Q And during that time, did you ever hear Mr. Perkins
22 ask them to take him back to his cell?
- 23 A I did not.
- 24 Q Is it possible that he did ask to go back to his
25 cell?

1 A It is very possible, I wasn't there the whole time.

2 Q All right. You were there at the beginning when

3 Miranda was read to Mr. Perkins?

4 A I can't recall that.

5 Q Were you there at the beginning when Mr. Rutherford's

6 name was brought up?

7 A I remember something about Mr. Rutherford but I can't

8 recall what. What I remember about Mr. Rutherford was the

9 piece of paper that was signed by him, that's what I

10 remember.

11 Q By Casey?

12 A No. Casey had mentioned that he was his lawyer and

13 he gave a piece of paper that is saying that he was

14 wanting to talk to us and that he, Mr. Rutherford, wasn't

15 representing him or something.

16 Q Do you remember Mr. Perkins telling the sheriff that

17 he couldn't afford Mr. Rutherford?

18 A I can't recall that.

19 Q Were you there during the interrogation when details

20 of Ms. Hinson's death were delved in to?

21 A I was.

22 Q Is it true that -- or isn't it true that Casey told

23 more of one version of how Ms. Hinson died, correct?

24 A Yes.

25 Q And it is your understanding that Mr. Perkins wanted

1 to see the sheriff, right?

2 A Yes.

3 Q And yet once he had the opportunity the sheriff had
4 to pull the information out of him, didn't he?

5 A I'm not going to say that he wanted that promise gone
6 through with, he wanted that done before he would talk --
7 that was -- he wanted the sheriff to promise the death
8 penalty before he would talk.

9 Q Once we get past all of the death penalty talk and
10 actually get into what was said and what happened that
11 day, what happened at the murder scene, Sheriff Benson had
12 to keep asking Mr. Perkins for more and more details
13 because he wasn't getting what he wanted, was he?

14 A I don't know if he had to pry it out of him.

15 Q How would you characterize it?

16 A Just he asked a question and he would tell what he
17 done.

18 Q On several occasions the sheriff told Mr. Perkins
19 that the information he was giving him wasn't doing the
20 sheriff any good, didn't he?

21 A From what I recall he was kind of rambling and he was
22 talking about stuff that didn't pertain to the case.

23 Q But as far as the details, the sheriff had to -- kept
24 asking Mr. Perkins for more and more details because the
25 details he was getting weren't the details consistent with

1 what y'all thought had happened at the murder scene.

2 A It has been three years ago, I really can't -- I
3 really don't know what was said, I can't say.

4 Q Have you listened to that -- that section with Benson
5 was recorded, wasn't it?

6 A It was.

7 Q Have you reviewed that since 2005?

8 A Never.

9 Q All right. Was it videotaped?

10 A I think they said a portion of it was maybe.

11 Q Did you ever see that video?

12 A No.

13 Q All right.

14 MR. DUNN: No other questions, Your Honor.

15 MR. BARFIELD: Nothing else from this witness.

16 The witness, ROBBY BENSON, remained under oath and
17 testified as follows, on:

18 FURTHER DIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q Sheriff, I am going to get back into some questions
21 now about what we are calling a statement by Casey
22 Perkins. First of all on September 7th of 2005, did Casey
23 Perkins get interviewed by you and Major James McNeil of
24 the Chester County Sheriff's Office?

25 A Yes, sir. I know Major McNeil was involved in the

1 interview and contacting me about that.

2 Q Is there an audiotape of the interview?

3 A There was an audiotape done, I think it was digital.

4 Q And it was on a CD or a disc of some sort?

5 A Yes, sir.

6 Q And to your knowledge, is it something over three
7 hours long?

8 A It was quite some time, I can't remember the amount
9 of time.

10 Q To your knowledge, was all of the proceedings with
11 Casey Perkins audio taped and is it on that disc?

12 A As far as I recall it was.

13 Q I guess this is a more direct question. Did you
14 spend any significant period of time in the interview time
15 room with Casey Perkins either before the audiotape starts
16 or after the audiotape ends that's not audio taped?

17 A I was in and out quite a bit, I'm assuming it was all
18 recorded. I can't recall if it was.

19 Q And again, even a more direct question is is there
20 some secret interview with Casey Perkins that we didn't
21 get on audiotape?

22 A No, sir.

23 Q To your knowledge -- and you kind of answered this a
24 minute ago -- to your knowledge did y'all cut the audio
25 recording equipment off at any time during the interview

1 to talk about things that you didn't want on audiotape?

2 A Not as I recall. I wasn't in control of the
3 recording but anytime we have ever done any recordings it
4 stayed on the complete time.

5 Q All right. Was there a desire by you to videotape
6 the interview with Casey Perkins?

7 A Yes, sir.

8 Q Is there a separate audio/video recording equipment
9 set up for that purpose?

10 A It was from my recall. I know we had the video in
11 there but how everything went at the time, I can't recall.

12 Q And let me just jump ahead and ask you this: Have
13 you pulled out the three hour and 15 minute CD to listen
14 to it any time recently?

15 A No, sir.

16 Q As far as you know, is it an accurate reflection of
17 what transpired during the interview?

18 A Well, I haven't listened to it so I am assuming it
19 all would be there.

20 Q But what is on the tape is real stuff; is that
21 correct?

22 A Yes, sir.

23 Q I guess the tape -- will the tape speak for itself so
24 to speak is what I'm asking?

25 A Yes, sir.

1 Q Did Casey want to be videotaped during the interview?

2 A I believe at one time he didn't want to be and then
3 it was kind of back and forth whether he wanted to be
4 videotaped.

5 Q All right. And are you sure one way or the other
6 whether we have any videotape of that process?

7 A I remember there was a video camera, I'm assuming --
8 I can't remember how all of the interview went, but --

9 Q That's fine. Are you aware that in evidence in the
10 Chester County Sheriff's Office there's an eight
11 millimeter recording?

12 A Yes, sir, I know that.

13 Q Is that -- typically an 8-millimeter recording means
14 videotape?

15 A Yes, sir.

16 Q Are you aware we are sending that to Sled to get them
17 to make a copy of it so we can find out what's really on
18 it?

19 A Yes, sir.

20 Q And if that is an 8-millimeter videotape, is that of
21 the same time that was going on when the audiotape was
22 made that was on the disc?

23 A Yes, sir.

24 Q At some point did you become aware that Casey Perkins
25 either had a lawyer or that some lawyer had contacted law

1 enforcement on his behalf?

2 A I knew he had an attorney at the time. What it is
3 we -- I had received a request that he wanted to speak to
4 me and I contacted --

5 Q Well, let's talk about the attorney thing -- well,
6 let's talk about -- we'll talk about that first. I'm
7 going to show you what's been introduced into evidence as
8 Court's Exhibit Number 3. Are you familiar with that
9 document?

10 A Yeah. I remember the document was sent to me. This
11 was a request -- it was an inmate request slip and I can't
12 remember who I got it from but I knew that he wanted to
13 speak to me and at one time I think he had been
14 interviewed before and he requested an attorney.

15 Q All right. And when you say he you're talking about
16 Casey Perkins?

17 A Yeah.

18 Q And that document I think shows on its face that it
19 was dated September 7th?

20 A Yes, sir.

21 Q Did you become aware some time in the day September
22 7th that Casey Perkins had sent that the message to you
23 that he wanted to talk to you?

24 A Yes, sir.

25 Q Did you take action about that request that day?

1 A Yes, sir, I contacted the solicitor's office. I
2 knew -- spoke to the investigators and knew that he had
3 requested an attorney, there's no way I could talk to him
4 unless he could waive his rights. I contacted Solicitor
5 Justice at the time.

6 Q All right. I'm going to stop you before we get too
7 much further into that. You say that you knew Casey had
8 some involvement with an attorney or some attorney had
9 represented himself to be Casey's lawyer. Did you know a
10 name at that time of who the lawyer was?

11 A I believe it was Todd Rutherford at the time.

12 Q Did you ever yourself talk to Todd Rutherford that
13 you recall? If you don't recall, that's fine.

14 A I can't recall. I think I did but I can't really
15 recall.

16 Q All right. Did you ever receive anything in writing
17 from Todd Rutherford or his office saying that he
18 represented Casey Perkins on this matter?

19 A Not that I recall.

20 Q Is there anything in your file in writing from Tommy
21 Robertson indicating that he represented Casey Perkins?

22 A No, sir, nothing that I can recall.

23 Q Now, Casey Perkins sent you a note from the jail
24 saying, "I want to talk to you, Sheriff Benson." What did
25 you do before you set up an interview?

1 A We had to make sure that he would agree to speak to
2 us and that the solicitor knew the situation, that he
3 wanted to speak to us. He had requested an attorney at an
4 earlier date so there was no way we could speak to him.
5 We had to get a document set up. And the solicitor had
6 contacted I think it was Todd Rutherford, an attorney, and
7 they worked out some type of an arrangement or -- that
8 Mr. Rutherford wasn't his attorney. But he drew up a
9 document stating, you know --

10 Q When you say solicitor, are you referring to John
11 Justice?

12 A Yes, sir.

13 Q Did you directly contact Solicitor Justice or did
14 somebody in your investigative staff do that or do you
15 recall?

16 A They spoke to him and I remember speaking to him
17 about it, too.

18 Q Was the purpose of talking to Solicitor Justice to
19 make sure that y'all could proceed with the interview in
20 the proper fashion?

21 A Yes, sir. We didn't want to violate his rights in
22 any way.

23 Q Now, did your office or you -- I guess you personally
24 at some point come into possession of a document --
25 actually two originals of a document that you believed

1 would allow you to proceed with the interview?

2 A Yes, sir.

3 Q I'm handing you what has been marked as Court's
4 Exhibits 4 and 5. Take a minute and look at those two
5 pieces of paper and then I'm going to ask you some
6 questions about them.

7 A Yes, sir.

8 Q Are those two documents, the typed portion of them at
9 least, identical? Is it the same thing, just two printed
10 copies of it?

11 A Same thing.

12 Q Now, do you know where those -- when I say that
13 document I am talking about both of them, do you know
14 where that document came from? How did it come to the
15 sheriff's office?

16 A This is what the solicitor advised us to do and he
17 gave us what we should put in there. And then I can't
18 remember whether they sent us the information about how it
19 should be typed up and we typed it or they typed it and
20 sent it to us, one of the two.

21 Q So what you are saying is either the solicitor told
22 you what to put in it and y'all put it together or the
23 solicitor put it together and just sent it to you in its
24 current form, you don't know which.

25 A No, sir, I can't remember.

1 Q Explain to me why there are two of them.

2 A The purpose of it was to make sure the solicitor's
3 office had a copy of it in case they needed one, but that
4 was my purpose. We had one for the case file and one for
5 the solicitor in case there was any questions that came up
6 later.

7 MR. BARFIELD: I would offer those as Court's 4 and 5
8 I believe.

9 Q Did all of what we have just talked about occur
10 before you got face to face with Casey Perkins on
11 September 7th of 2005?

12 A Yes, sir. We had all of that typed up and then he
13 was advised of all of this and if he wanted to continue on
14 he could sign it.

15 Q Did you make your investigative team aware that Casey
16 wanted to talk to you?

17 A Yes, sir.

18 Q Did y'all gather up at the sheriff's office?

19 A Yes, sir. State Law Enforcement Division and
20 investigators with the sheriff's office were aware of what
21 the situation was and that he wanted to speak to me.

22 Q Now, did you make arrangements to have Casey walked
23 from the detention center to the interview room in the
24 sheriff's office?

25 A Yes, sir.

1 Q And was the recording equipment setup prior to him
2 being brought in?

3 A As far as I remember, I can't totally recall.

4 Q You were the person that Casey indicated in the note
5 he wanted to talk to; is that correct?

6 A Yes, sir.

7 Q Did you arrange to have Major James McNeil present
8 or --

9 A Yes, sir.

10 Q When Casey got into your -- were you in the room
11 before he came in or do you recall?

12 A I believe I walked in the room with him, I can't
13 recall.

14 Q That's fine. Was there any conversation about this
15 case before you got into the interview room, any
16 conversation with Casey Perkins about this case before you
17 got into the interview room?

18 A No, sir.

19 Q Did you go out to his cell in the detention center to
20 talk to him about it before he was brought up front?

21 A No. I don't remember going over it. I remember
22 being over in the detention center side, I would see him
23 every once in a while but there wasn't a conversation
24 about anything.

25 Q Now, when you got Casey -- when Casey was brought in

1 your presence in the interview room in the sheriff's
2 office, did you read him his Miranda rights?

3 A Yes, sir.

4 Q Did you do that on a written Miranda waiver form?
5 Did you do it in writing?

6 A Yes, sir.

7 Q Now, I'm handing you Court's Exhibit Number 6. Do
8 you recognize that document?

9 A Yes, sir, I sure do.

10 Q Generally speaking, what is that document?

11 A It's advisement of the rights of Miranda.

12 Q Is that the original of the document?

13 A Yes, sir.

14 Q And does that document pertain to the interview that
15 you are fixin' to talk with us about with Casey Ray
16 Perkins on September 7th of 2005?

17 A Yes, sir.

18 Q Did you prepare that document yourself?

19 A Yes, sir.

20 Q Is it your handwriting on it except perhaps
21 signatures of other people or initials of other people?

22 A Yes, sir.

23 Q Did you read that document in its entirety to Casey
24 Perkins before conducting an interview or an interrogation
25 or whatever you want to call it?

- 1 A Yes, sir. What I do is I will go over the rights, I
2 will read the line by line, explain to them, "If you don't
3 understand let me know and I'll explain it to you in
4 further detail. And if you do understand it go ahead and
5 initial by what I just read you."
- 6 Q Did you go through it line by line or at least
7 paragraph by paragraph with Casey Perkins?
- 8 A Yes, sir.
- 9 Q Did you fill out the stuff at the top before you
10 started doing that?
- 11 A Yes, sir, I sure did.
- 12 Q And did you ask him as to each element of his Miranda
13 warnings whether he understood?
- 14 A Yes, sir.
- 15 Q Did he indicate as to each piece of his Miranda
16 warnings that he did understand?
- 17 A Yes, sir.
- 18 Q Did he put his initials on each blank as appropriate
19 by each piece of the Miranda warnings?
- 20 A Yes, sir, he sure did.
- 21 Q Did you get all of the way to the bottom?
- 22 A Yes, sir, sure did.
- 23 Q Did you read him what is delineated there at the
24 bottom that paragraph saying waiver of rights?
- 25 A Yes, sir.

1 Q Did you ask him if he wanted to waive his rights and
2 talk to you?

3 A Yes, sir. And I also explained to him at any time
4 during the interview that if he wanted to stop us at any
5 time and we would stop the interview.

6 Q Did he indicate he wanted to waive the rights and
7 talk to you?

8 A Yes, sir, he signed the document.

9 Q And did he sign the document?

10 A Yes, sir.

11 Q And is there a date by his signature?

12 A Yes, sir, September 7th of 2005.

13 Q Did you sign the document as a witness?

14 A Yes, sir.

15 Q With the same date?

16 A Yeah, same date. And it had the time on here.

17 Q What time was it?

18 A It was 2:05 p.m.

19 Q There's another signature in there, whose signature
20 is that?

21 A Shane Stewart, he's an investigator with the
22 sheriff's office.

23 Q Same date by his signature?

24 A Yes, sir.

25 Q And he is currently out of the country but will be

1 back by December; is that correct?

2 A Yes, sir, he's in Afghanistan.

3 MR. BARFIELD: And, Your Honor, again without having
4 him publish the entire document I will stand on the
5 language on the document much like we did with the other
6 Miranda warning that we put in yesterday.

7 MR. DUNN: No objection.

8 MR. BARFIELD: It speaks for itself.

9 Q Did you know Casey Perkins before the murder of Judy
10 Hinson?

11 A Yes, sir.

12 Q Had you had -- and I'm not asking for details or
13 circumstances -- but had you had dealings with him in the
14 past before this incident?

15 A I've had conversations with him. I would see him and
16 his mother at different places, we would stop and talk.

17 Q Well, that's my question. Have you had conversations
18 with Casey Perkins prior to this case arising?

19 A Yes, sir.

20 Q And in the past had you ever had any difficulties in
21 communicating with Casey Perkins?

22 A No, sir.

23 Q Did you know about how old he was?

24 A Approximately.

25 Q And at the time you were taking the statement, did

1 you indicate what his birth date was on the rights waiver
2 form?

3 A Yes, sir.

4 Q And did you know how much education he had prior to
5 taking the statement on September 7th? Did you know how
6 much education he had?

7 A No, sir. I didn't know how much education he had.

8 Q Did you get into any questions and answers about his
9 level of formal education?

10 A No. I don't recall doing that, I'm not sure.

11 Q That's fine. Did you in some fashion satisfy
12 yourself that he understood what was going on?

13 A Yes, sir.

14 Q During your interaction with Casey Perkins on
15 September 7th when you were doing the Miranda warnings and
16 beginning to take the statement, did he at any time appear
17 to have any difficulty communicating with you?

18 A No, sir.

19 Q Did you have any difficulty understanding the words
20 and thoughts he was expressing with words?

21 A No, sir.

22 Q Did he appear to have any difficulty understanding
23 the words and the thoughts you were expressing with words?

24 A No, sir.

25 Q Did he ever ask you any questions about his Miranda

1 rights?

2 A No, sir.

3 Q Did he ever say anything or do anything to make you
4 believe he did not understand his Constitutional rights to
5 remain silent and to have a lawyer?

6 A No, sir.

7 Q Now, did he waive his right and give you a statement?

8 A Yes, sir.

9 Q Jump way ahead. Was the statement ever reduced to
10 writing?

11 A I didn't do any writing at the time.

12 Q Let me ask the question a different way. Did y'all
13 ever prepare a written statement for the defendant's
14 review and signature if he said it was okay?

15 A Anytime we have a written statement.

16 Q But in this case is there a written statement that
17 resulted from this interview is what I'm asking?

18 A To be honest with you I'm not really sure if they did
19 a written statement. My purpose was there to -- he wanted
20 to talk to me and I was letting everyone else do the other
21 parts of it.

22 Q But nobody -- as far as you know nobody ever
23 presented Casey Perkins a written statement for him to
24 sign; is that correct?

25 A Not that I know of.

1 Q Okay. Thank you. Now, about how long did this
2 interview process go on September 7th of '05? Several
3 hours?

4 A For hours.

5 Q Do you recall whether Casey Perkins was still dressed
6 out in a jump suit when he gave a statement?

7 A If I recall, yes.

8 Q Do you recall whether his hands were restrained in
9 any fashion with handcuffs or anything?

10 A No.

11 Q You don't recall or they weren't?

12 A I don't recall.

13 Q Do you recall whether there were any restraints other
14 than handcuffs like shackles or anything?

15 A There might have been some leg irons, I can't -- but
16 going back I just don't remember him having any handcuffs
17 on him.

18 Q Okay. In the interview room itself during this
19 process how many people were there including Casey
20 Perkins?

21 A Usually three; me and the investigator and Casey
22 Perkins and that's pretty much it.

23 Q Was anybody in the room with him that had on a patrol
24 officer's uniform?

25 A No, sir, not as I recall.

1 Q Did you have insignia or indicia like a badge or
2 something to indicate who you were?
3 A Yes, sir, I usually keep my badge on me.
4 Q Do you recall whether you had your gun on your side?
5 A Probably not. Most of the times I do interviews with
6 people I don't carry my weapon in the interview room.
7 Q Do you recall whether Major McNeil had a badge on?
8 A Yes, sir.
9 Q Did you -- do you recall whether he had a gun on?
10 A I can't recall.
11 Q Was there a telephone in the room where the interview
12 was going on?
13 A No, sir.
14 Q Was there a telephone in the building? If Casey
15 Perkins had needed a telephone, was there a telephone
16 available to him?
17 A Yes, sir. There was one in the adjacent office.
18 Q At anytime during this process, did Casey Perkins ask
19 you to use the telephone to call somebody?
20 A Not that I remember.
21 Q Now, again I am not trying to get to you remember
22 everything that occurred because it took a long time and
23 because there's at least a video recording of it, but I do
24 want to ask you some general questions about the process.
25 Were there times when the interview stopped where y'all

1 took a break?

2 A Yeah.

3 Q And did you ever leave the room?

4 A I left the room, Major McNeil left the room, Casey
5 Perkins left the room.

6 Q For what purpose would Casey Perkins have left the
7 room?

8 A Take a cigarette break, take him outside for a
9 cigarette break, take him to the restroom or we would take
10 a break to get something to drink.

11 Q Do breaks of that nature occur during this interview?

12 A Yes, sir.

13 Q Was Casey Perkins in any apparent distress or
14 discomfort during this interview process?

15 A No, sir.

16 Q Were you aware of any medical conditions that he
17 complained of that was causing him pain or discomfort?

18 A No, sir.

19 Q Did he have any injuries of any kind that you were
20 aware of?

21 A No, sir.

22 Q Was there anything about his physical condition that
23 caused you any concern about trying to take a statement
24 from this fellow?

25 A No, sir.

1 Q At any time during this hours long interview process,
2 did Casey Perkins say to you or anybody else who was
3 involved in the process, "I'm invoking my right to remain
4 silent and I don't want to talk anymore?"

5 A No, sir.

6 Q At any time during the interview process did Casey
7 Perkins invoke his right to have a lawyer and say, "I'm
8 going to stop talking now, I want a lawyer?"

9 A No, sir.

10 Q I am handing you Court's Exhibits 4 and 5. Before
11 you started delving into the facts of the interview
12 process, what did you do with those two piece of paper,
13 Court's Exhibits 4 and 5?

14 A Advised him of what was on the document, had him look
15 it over, read it to him, if he understood what was on
16 there just to sign it and then I witnessed it.

17 Q An did you, in fact, read it verbatim, word for word
18 as typed?

19 A Yes, sir.

20 Q And did you ask him if he understood those things?

21 A Yes, sir.

22 Q And did you ask him if he wanted to sign it?

23 A Yes, sir.

24 Q And did you ask him if wanted to talk to you?

25 A Yes, sir.

- 1 Q And did Casey Perkins actually sign both documents?
- 2 A Yes, sir, sure did.
- 3 Q I think you probably -- and did you sign as witness
- 4 on both documents?
- 5 A Yes, sir.
- 6 Q And I think the time is written on both documents, is
- 7 that accurate; is that correct?
- 8 A Yes, sir, 1:59 p.m.
- 9 Q Did Casey have any questions at all about the
- 10 contents of that document, 4 and 5?
- 11 A No, sir.
- 12 Q Did he have any concern at all about talking to you
- 13 without Todd Rutherford being present?
- 14 A No, sir.
- 15 Q Did he at any time say, "No, I've changed my mind. I
- 16 do want Todd Rutherford to come up here before I give you
- 17 I an interview?
- 18 A No, sir.
- 19 Q I'm going to ask you a couple of general questions
- 20 and then I'm going to ask you a few details about the
- 21 interview process. Did you at any time or anybody else
- 22 interviewing Casey Perkins on September 7th of '05 promise
- 23 him anything to get him to talk to you about the murder of
- 24 Judy Hinson?
- 25 A No, sir.

1 Q Did you or anybody else during the interview process
2 at any time make any threats or try to coerce Casey
3 Perkins by threatening physical or legal harm to him to
4 get him to talk to you about the murder of Judy Hinson?

5 A No, sir.

6 Q Did Casey Perkins put any conditions on his talking
7 to you about the murder of Judy Hinson?

8 A No, sir.

9 Q Was there something he wanted before he was going to
10 talk?

11 A There was a comment made about getting the death
12 penalty.

13 Q Tell us about that. What was Casey's desire? What
14 did he ask you?

15 A Asked if he could get the death penalty if he is
16 charged and convicted of murder and I told him I couldn't
17 promise him anything like that.

18 Q Is there a right smart amount of the conversation
19 between the two of y'all on the audio about that?

20 A As far as I remember.

21 Q Did you ever promise him, "Yes, we will make sure you
22 get the death penalty if you talk to us?"

23 A No, sir.

24 Q By the time -- well, let me back up. I think your
25 prior previous testimony in this hearing has indicated

1 that Casey Perkins was actually arrested on an unrelated
2 charge the day after Judy Hinson's murder, which would
3 have been August 28th of 2005. Between August 28th of
4 2005 -- let me back up. There was also testimony in this
5 hearing, I think, that the last person that interviewed
6 Casey Perkins concerning this case was Tommy Robinson on
7 the day he was arrested on August 28th of 2005. Between
8 then, Tommy Robertson's last interview with Casey Perkins
9 on August 28th and your interview with Casey Perkins on
10 September 7th of 2005, to your knowledge did anybody make
11 any attempt to interview Casey Perkins about this case?

12 A No, sir.

13 Q Did anybody, you included, send out any notes to
14 Casey Perkins, you know, call us if you want to talk or
15 anything like that?

16 A No, sir.

17 Q Did anybody with the sheriff's office or Sled or any
18 other law enforcement agency to your knowledge do anything
19 to entice -- first of all to initiate conversations with
20 Casey Perkins?

21 A No, sir.

22 Q Or to entice him to talk to y'all?

23 A No, sir.

24 Q All right. By September 7th of 2005 when this
25 interview was being conducted, did investigators have a

1 pretty good idea on what had happened at Judy Hinson's
2 house on August 27th? Number one, specifically relating
3 to how she died, did you know how she died?

4 A Yes, sir.

5 Q Generally speaking. All right. Did you know was
6 there at least an apparent point of entry or exit in this
7 house?

8 A There was a window that was removed, that's what I
9 remember. There was a window missing, the screen was
10 knocked out and I can't remember about the front door, I
11 believe the door might have been unlocked.

12 Q That's fine.

13 A The main thing I remember was the screen being out of
14 the window.

15 Q Were there items found at the crime scene that were
16 of significance to the investigation?

17 A I remember there was a cigarette lighter that was
18 recovered outside of the window, that's the only thing I
19 can recall now.

20 Q Did the sheriff's office have information about
21 clothing that Casey Perkins had been wearing at some point
22 at night or into the early morning of the homicide? I'm
23 not asking you what, but did you know what kind of stuff
24 people had seen him wearing?

25 A The next door neighbor remembers what he was wearing

1 the night before.

2 Q Okay. So was there some amount of detail in the --
3 within the knowledge of investigators about this case by
4 the time you interviewed Casey Perkins on September 7th?

5 A Yes, sir.

6 Q Prior to the interview with Casey Perkins by you on
7 September 7th, did you or to your knowledge anybody else
8 with the sheriff's office provide any details to Casey
9 Perkins about the crime scene, the nature of the crime,
10 the cause of death or anything else?

11 A No, sir. We weren't disclosing anything about the
12 crime scene to anyone.

13 Q That was my next question. Was there anything
14 publicly said about the crime scene, the facts of the
15 case, the nature of the injury, anything like that?

16 A No. The only thing that was disclosed was that there
17 was a homicide, a victim and that it was being
18 investigated.

19 Q Okay. Did you interview Casey Perkins?

20 A Yes, sir.

21 Q Did he ultimately incriminate himself on the homicide
22 of Judy Hinson?

23 A Yes, sir.

24 Q Did he tell you things that you knew weren't true?

25 A I can't recall. I know there was -- we were trying

1 to work towards that, he was telling me things that
2 weren't true and I knew it wasn't true.

3 Q Did you tell him you knew he wasn't telling you the
4 truth?

5 A Yes, sir.

6 Q Did he ultimately provide you -- I'm going to call it
7 a confession -- did he ultimately confess to you details
8 that are consistent with the crime scene, the nature of
9 Ms. Hinson's injuries and the facts of the case as y'all
10 developed them through the investigation?

11 A Yes, sir.

12 Q During this interview process, did you have any
13 difficulty understanding the words and phrases and
14 thoughts that Casey Perkins was expressing to you?

15 A No, sir, I understood what he was saying.

16 Q Did he appear to have any difficulty understanding
17 what you and McNeil were telling him or expressing to him?

18 A No, sir.

19 Q Did he appear to you to be mentally retarded or
20 mentally challenged or anything?

21 A No, sir.

22 Q I'm handing you what appears to be a Perkins DVR or
23 audio recording of the interview that you and Major McNeil
24 did with Casey Perkins, it has been marked as Court's
25 Exhibit Number 7. To your knowledge is that a copy of it

1 at least?

2 A Yes, sir. An individual in our IT unit, he made
3 copies of that, it should be the disc.

4 Q Okay. And the original, I guess, is in evidence but
5 this as far as you know is a copy?

6 A Yes, sir.

7 Q And does it speak for itself pretty much?

8 A Yes, sir.

9 Q All right?

10 MR. BARFIELD: Your Honor, at this time I would offer
11 this as Court's Number 7.

12 MR. DUNN: No objection.

13 MR. BARFIELD: And with that said that's all I have
14 for Sheriff Benson at this time.

15 THE COURT: And Mr. Dunn.

16 MR. DUNN: Yes, sir. May it please the Court?

17 CROSS EXAMINATION

18 BY MR. DUNN:

19 Q Sheriff Benson, where is the recording device in that
20 room?

21 A From what I remember it was a digital recorder, a
22 small recorder of some type.

23 Q Like one of those little three or four inches by one
24 inch that you can buy at Best Buy or Radio Shack?

25 A Yes, sir.

1 Q You just download that into a computer just at the
2 sheriff's office?

3 A A computer, yes, sir.

4 Q Where would that device have been placed?

5 A Either on the desk or -- I can't recall right now.

6 Q It's not generally hidden, is it?

7 A No, sir.

8 Q At some point during that interview you talk about --
9 or you talk with Casey about wanting to videotape it,
10 correct?

11 A Yes, sir.

12 Q Was there a camera actually sitting on a tripod or
13 sitting somewhere in that room that was visible?

14 A I can't recall. But if we had -- any camera we put
15 in the room it's going to be big enough for you to see.

16 Q Does the sheriff's office have cameras for purposes
17 of interrogations?

18 A We've had several cameras in there.

19 Q And back in 2005 you had a video camera?

20 A It wasn't mine, but as far as the sheriff's office --
21 investigations probably brought it in there, I don't keep
22 one myself.

23 Q Do you recall when you got the I believe it has been
24 marked as Court's Exhibit Number 3, the inmate request
25 from, Mr. Perkins, do you remember when you received that?

- 1 A Not exactly.
- 2 Q Do you remember seeing that, though?
- 3 A Yes, sir.
- 4 Q Okay.
- 5 A I mean, that was the reason of putting everything
6 together. When I got the request I -- since all of this
7 occurred around 2:00 it had to be earlier that day.
- 8 Q When you got that request, did you make it a priority
9 at that point?
- 10 A Yes, sir.
- 11 Q Speaking with someone who wants to talk to you about
12 a murder is a priority in your office, correct?
- 13 A Yes, sir.
- 14 Q It's not something that would be buried at the bottom
15 of the request forms, correct?
- 16 A No, sir.
- 17 Q Did you personally ever speak with Todd Rutherford?
- 18 A I'm trying to remember if I did, I'm thinking I did.
19 I spoke to him in the past over other cases so whether I
20 spoke to him about this case or not -- I've spoke to him
21 in the past but I'm not sure if I spoke to him about this.
22 But I am thinking I did, but to be honest with you let's
23 say I'm not really sure.
- 24 Q Was there something -- did y'all receive something in
25 writing from Mr. Rutherford?

1 A Not as I recall.

2 Q What was the -- what made you aware that Todd
3 Rutherford may have had some sort of involvement in this
4 matter? There was enough of an involvement, wouldn't you
5 say, that you all put it in writing for Casey to sign?

6 A I can't remember whether the solicitor stated that he
7 had been using -- Solicitor Justice at the time stated
8 that he thought Todd Rutherford was representing him or
9 what the situation was, but that's how it came about. And
10 I know that the solicitor had spoke to Todd Rutherford
11 because he told me that he had and that's why he had this
12 thing written up.

13 Q So you prepared what's been marked as Exhibits 4 and
14 5 at the instructions of John Justice?

15 A Either he had it typed up at his office -- it's not
16 on my letterhead so -- it's not on his letterhead. So
17 either -- he had it typed up and sent it over the way it
18 is now.

19 Q During the actual interview -- well let's go back to
20 this, I can't remember if I asked you this yesterday so I
21 will ask it to you again. In your course of -- you have
22 been in law enforcement for how long now?

23 A About 22 years.

24 Q In some various capacity or another, correct?

25 A Yes, sir.

1 Q And during your 22 years in law enforcement, have you
2 ever taken any courses or special training on
3 interrogation methods?

4 A They had training in both of those in the different
5 classes -- I have taken classes in homicide, arson, sexual
6 abuse, child abuse, I've got numerous classes, and just
7 most of the classes consist of some type of interview
8 technique.

9 Q Have you ever been trained or instructed in what's
10 call the Reid method?

11 A I have heard of the Reid method but I can't --
12 everyone we've had we've had guidelines on how we're going
13 to conduct interviews. Sometimes it depends on the type
14 of case we were working how we were going to handle the
15 interview.

16 Q Have you ever read the manual put out by Inbault and
17 Reid?

18 A Not as I recall.

19 Q When I use the word interview and interrogation, the
20 two words interview and interrogation as it relates to
21 methods, in your opinion is it the same thing or do those
22 two words cause you to have two different thoughts as far
23 as --

24 A They are two different things. I was in the
25 courtroom yesterday when Agent Wilkes was in here and I

1 went along basically with what he said, you know. An
2 interview is a fact-gathering type of questioning and the
3 other one is when you are talking with -- you think he's
4 either a suspect or -- he's a suspect in the case or we
5 already know that he's a suspect.

6 Q Is it fair to say on September 7th of 2005 when you
7 are speaking to Mr. Perkins that this is an interrogation
8 setting?

9 A Yes.

10 Q And part of the purpose of an interrogation is to
11 illicit from your suspect incriminating statements,
12 correct?

13 A Pardon me?

14 Q I said part of the interrogation method is for you to
15 try to illicit from the suspect statements that
16 incriminate him in whatever charge you think he's
17 participated in?

18 A Just find out what he's willing to tell us and
19 whether we can collaborate the information he gives us or
20 not.

21 Q Okay. On the CD that we've been introduced into
22 evidence, the very first part of that is you instructing
23 Mr. Perkins about Exhibits Number 4 and Number 5.

24 A Uh-huh.

25 Q Correct? Let me phrase it like this, the very first

1 thing you went over with Mr. Perkins were those two pieces
2 of paper, correct?

3 A I did these before the Miranda.

4 Q Did you have any conversations with Mr. Perkins on
5 that date prior to you going over Exhibits Number 4 and 5
6 with him?

7 A I can't recall.

8 Q During this interview or interrogation process
9 Mr. Perkins was handcuffed, correct?

10 A I really can't recall. Initially if someone is in
11 jail for a suspect in a murder they are going to keep the
12 cuffs on or keep the leg irons on until they get him to
13 the location they want to take him to. As far as the
14 interview room I can't recall whether he had the handcuffs
15 on. For some reason I think they might have been off at
16 one time but I remember them being on him when he came in
17 there. I can't completely recall the whole situation.

18 Q Do you remember him asking within the first five or
19 ten minutes of him wanting to drink something?

20 A No, sir, not right off hand.

21 Q Do you remember him telling you he was actually
22 having trouble drinking whatever it was he was drinking
23 because of the cuffs?

24 A I can't recall. I haven't listened to the interview
25 in awhile.

1 Q You didn't stay in the room the whole time with
2 Mr. Perkins, correct?

3 A Not the whole time, I was back and forth.

4 Q A couple of times you went back to make a couple of
5 phone calls to deal with other matters.

6 A Yes, sir, as far as I remember.

7 Q When you did that who remained in the room with him?

8 A To be honest with you I can't remember. There was
9 someone with him at the time.

10 Q Was there ever anybody in that room besides Major
11 McNeil?

12 A I'm thinking there was, I can't recall.

13 MR. DUNN: I'm not sure how the Court is going to
14 want to deal with this, some of what is on the CD I am
15 going to have to play at this point now and maybe in a
16 couple of minutes because there's a couple of things that
17 I think that are very pertinent to what we're dealing with
18 here, which is mostly the handcuff issue and whether or
19 not Mr. Perkins ever asked to leave to go back to his
20 cell. I can represent to the Court that what I have on my
21 computer is what was given to me by the solicitor's
22 office, I don't want to pursue anything --

23 MR. BARFIELD: I'm not going to dispute that. I've
24 heard it and if he plays something I don't recognize and
25 I've got a question I'll take it up. I am satisfied he is

1 listening to the same thing I have been listening to.

2 MR. DUNN: All right. Your Honor, this is very hard
3 to hear so I'm going to bring it up here with the Court's
4 permission.

5 Q Sheriff, I'm going to start playing the tape and what
6 I want you to do if you can identify the voices that we
7 hear to begin with. All right?

8 A Yes, sir.

9 Q So that we can try to establish whether or not who is
10 saying what.

11 (A portion of the CD was played.)

12 A That sounds like Shane Stewart there.

13 Q Is that Shane Stewart?

14 A Sounds like Shane.

15 Q Were you present during that conversation when they
16 were talking about the coffee?

17 A I can't recall.

18 Q Because the reason why I ask it is part of it sounds
19 like he can't do something and to me it sounded like he
20 was having trouble with handcuffs. Do you remember that
21 conversation?

22 A No, sir.

23 Q That's fine. I'm not trying to put anything in your
24 mouth, I'm just trying to see what we can get here. Now,
25 when you started talking to -- would it be fair to say the

1 first ten or 15 minutes of this conversation was mostly
2 about Mr. Perkins' desire to have the death penalty?

3 A It came up in the conversation. I can't remember
4 whether it was the first part of it or -- I know that that
5 was part of the conversation at some time or another.

6 Q And he I wanted the dealt penalty, correct?

7 A That's what he asked for.

8 Q In your opinion did you ever promise him the death
9 penalty?

10 A No, sir.

11 Q Did you ever say anything that could be construed as
12 promised him the death penalty?

13 A Only thing I can tell him, I said, "I can't promise
14 you anything. That's going to be left up to the courts
15 and how they proceed with the case," from what I remember.

16 Q Do you recall him asking -- do you recall telling him
17 that in order for the death penalty to occur in the case
18 that there has to be certain circumstances than just
19 besides somebody dying?

20 A I believe I did.

21 Q Do you remember going through what those
22 circumstances were?

23 A I know there has to be other aggravating
24 circumstances along with a murder to be considered a death
25 penalty case.

1 Q I guess my question is do you remember going through
2 what those aggravating circumstances are?

3 A I can't recall.

4 Q Do you remember Mr. Perkins asking for probation
5 right after he asked for the death penalty?

6 A I can't recall that either.

7 Q Did you find it unusual that he was wanting the death
8 penalty in order to talk to you?

9 A I guess it can be. I've had people to ask for
10 unusual things every time I have some type of interview.

11 Q You said you've been in law enforcement for 22 years
12 or 23 years?

13 A Twenty-two.

14 Q In those 22 years, how many times has a suspect told
15 you that they wanted the death penalty?

16 A About once or two other times, I can't recall the
17 cases, but --

18 Q It would be something you would remember, though,
19 don't you think?

20 A Yeah. I know some people have asked for things like
21 that before.

22 Q Did you ever speak with Carolyn Perkins during the
23 course of this investigation?

24 A Yes, sir, sure did.

25 Q Did you ever threaten her with any kind of jail time?

1 A Not that I recall.

2 Q Did you ever tell her that she was going to be
3 charged as an accessory if she wasn't cooperating?

4 A Not that recall.

5 Q Did you ever tell Casey that you were going to charge
6 his mama or his daddy as an accessory because of -- if he
7 didn't confess to killing Judy Hinson?

8 A Not that I remember.

9 Q Do you recall telling Casey Perkins that you had to
10 have a reason to put him in jail, that you just couldn't
11 put him in jail without -- there had to be a reason behind
12 you putting him in jail?

13 A I'm not -- can you clarify that a little bit?

14 Q Sure. Casey sends a note to you, right?

15 A Yes, sir.

16 Q Through channels but the note came to you?

17 A Yes, sir.

18 Q And according to the note it says he wants to cop a
19 deal and talk to you, right?

20 A Yes, sir.

21 Q When he first -- during the first part of that
22 interview or interrogation he wasn't giving you any kind
23 of details, was he?

24 A No, sir.

25 Q He was saying he wanted the death penalty, right?

1 A Basically I think the way it was -- and this is what
2 I'm trying to remember is that if he discussed it could he
3 get the death penalty, I think that was the way it was
4 being brought across from what I recall.

5 Q He wanted to talk to you, right?

6 A Yes, sir.

7 Q But he wasn't really telling you anything that you
8 didn't really already know at the first part of the
9 process.

10 A He wasn't giving us correct information, that's why
11 it lasted such a good period of time in there.

12 Q Well, that's -- I guess that's where I'm going with
13 all of this. He's not telling you information that is
14 collaborating what had happened to Ms. Hinson at the
15 beginning.

16 A Well, he would give you a little bit here and there
17 just kind of along the point.

18 Q But at the same time he was asking for the death
19 penalty, right?

20 A Yes, sir.

21 Q He was asking to go to jail, right?

22 A For --

23 Q He just said he wanted to go to jail, didn't he?

24 A I remember the death penalty, I can't remember the
25 jail part.

1 Q Would it be fair to say that during this three or --
2 three and a half hours, three hours and 15 minutes,
3 however long you want to call it, that -- he gave
4 different statements during this time period, correct?

5 A Different information here and there.

6 Q And during times the facts of what he said happened
7 changed, correct?

8 A Yes, sir.

9 Q And without going into too much detail he just -- do
10 you ever recall Mr. Perkins saying that he wanted to go
11 back to his jail cell?

12 A Not that I can recall.

13 (A portion of the CD is played.)

14 Q Is that your voice?

15 A Yes, sir.

16 Q Now, the question that I asked you so we're all back
17 on the same page is did Mr. Perkins ask to be taken to the
18 back? Do you remember if he did or not?

19 A I can't recall.

20 (A portion of the CD was played.)

21 Q Now, you heard about you telling him you could take
22 him to the back, correct?

23 A Yes, sir.

24 Q Does that help refresh your memory of that
25 conversation three years and a month ago?

1 A Now that I listened to it I remember something, but
2 no, not that --

3 Q Do you recall whether he actually said, "I want to go
4 to the back?"

5 A Not memory but I suggested that based on this. So
6 apparently at one time -- if he still wanted to go, if he
7 would have said, "Let's go ahead to the back," we would
8 have gone to the back.

9 Q Do you recall speaking with the coroner or
10 pathologist about the manner of the death of Ms. Hinson?

11 A I spoke to a lot of people during that time.

12 Q Do you recall whether or not Mr. Perkins had been
13 charged with murder at the time -- on September 7th that
14 this conversation had occurred?

15 A I can't recall whether he had been charged with it at
16 the time or not.

17 Q Whose decision would it have been to have charged him
18 with murder?

19 A The lead investigator?

20 Q That would have been your decision?

21 A It's left up to the investigator to decide whether
22 he's going to charge him with it. Anytime they say
23 they're going to bring a charge on someone -- if they came
24 to me I cannot recall to be honest with you.

25 Q Going back to Todd Rutherford for a second. Do you

1 recall during that conversation that Mr. Perkins said --
2 beginning of the conversation you said, "You want to talk
3 to me but you have a lawyer and I can't talk to you
4 without you signing this piece of paper waiving your right
5 to Todd Rutherford." Do you remember that?

6 A I think I remember something about it.

7 Q Something along those lines. Do you remember
8 Mr. Perkins saying, "It doesn't really matter, I can't pay
9 for Mr. Rutherford's services," or something to that
10 affect?

11 A To be honest with you I really can't remember a lot
12 of -- I haven't listened to the tape and I'm just trying
13 to reflect back to three years ago, or over three years
14 ago.

15 Q Do you remember if you ever were talking about
16 getting him a public defender or court appointed attorney?

17 A I can't recall.

18 Q Do you recall whether or not he had applied for the
19 public defender on this process?

20 A I'm not sure.

21 Q Do you know whether he had had a bond hearing on the
22 murder charge at this point in the process? By this I
23 mean by September 7th.

24 A I'm not sure.

25 Q You've had other dealings with Mr. Perkins in the

1 past?

2 A I have spoke to him in the past. One day we were in
3 the Wal-Mart and him and his mother were in there, I think
4 they were living in Great Falls at the time and he was
5 living in Great Falls. It was an incident he was involved
6 with and he was discussing it with me and just asking what
7 he needed to do. It wasn't a case that I was working on,
8 I don't believe the sheriff's office was working on it at
9 the time, I can't recall who was looking into it, but we
10 had a discussion that day.

11 Q Would it be fair to characterize Mr. Perkins'
12 intelligence as below average?

13 A He has always carried on a good conversation when I
14 spoke to him.

15 Q You can have a conversation with people with low
16 intelligence, wouldn't you say?

17 A I have. But based on -- the way he discussed things
18 with me he could carry on a conversation. We could change
19 subjects and he would keep in line with what we were
20 talking about, so --

21 MR. DUNN: I don't have any further questions, Your
22 Honor.

23 FURTHER REDIRECT EXAMINATION

24 BY MR. BARFIELD:

25 Q Again, what occurred is on the audiotape; is that

1 correct?

2 A Yeah. If it is on audiotape that's what happened.

3 MR. BARFIELD: Thank you. No other questions.

4 MR. DUNN: I don't have anything on recross.

5 The witness, JAMES MCNEIL, was first duly sworn and
6 testified as follows, on:

7 DIRECT EXAMINATION

8 BY MR. BARFIELD:

9 Q State your name, please, sir.

10 A James Preston McNeil, Jr.

11 Q And Agent McNeil, you're employed by whom?

12 A Chester County Sheriff's Office.

13 Q How long by the Chester County Sheriff's Office?

14 A Approximately 19 years.

15 Q What is your current job with the Chester County
16 Sheriff's Office?

17 A I'm chief investigator.

18 Q What was your job with the Chester County Sheriff's
19 Office in August of 2005?

20 A I was chief investigator.

21 Q Were you still a Major then?

22 A Yes, sir.

23 Q Did you participate in the investigation of the
24 murder of Judy Hinson on Debruhl Road on August 27th of
25 2005?

1 A I did.

2 Q Did you continue to work on the case until the matter
3 was resolved and solved?

4 A Yes, sir, I did.

5 Q Did you become aware that Casey Perkins was a suspect
6 in the case?

7 A Yes, sir, I did.

8 Q Did you become aware that he got arrested on a charge
9 unrelated to this case but has remained in custody and was
10 subsequently charged with the murder of Judy Hinson?

11 A That's correct.

12 Q All right. And did you know Casey Perkins prior to
13 the murder of Judy Hinson?

14 A No, I didn't.

15 Q Never seen him, heard him, heard of him, talked to
16 him or anything?

17 A No, I didn't.

18 Q Did you meet him during the course of your
19 investigation of this case?

20 A We did.

21 Q Did you participate in an interrogation or
22 questioning or interview of Casey Perkins in the sheriff's
23 office on September 7th of 2005?

24 A I did.

25 Q With whom did you question Casey Perkins?

- 1 A With Sheriff Benson.
- 2 Q Are you aware that it was audio recorded?
- 3 A I was.
- 4 Q Have you prior to today in preparation for this
- 5 hearing listened to the audio recording?
- 6 A Yes, I have. It has been awhile.
- 7 Q But you have listened to it at some point?
- 8 A Yes, sir.
- 9 Q I'm not going to ask you too many details about
- 10 what's on the tape, but do you believe the tape, number
- 11 one, covers the entire interview?
- 12 A No. I don't think it covers the entire interview.
- 13 Q What part of the interview was not on there?
- 14 A I'm thinking maybe the video part of it is my
- 15 understanding, it's not the whole part of the interview.
- 16 Q Repeat that answer.
- 17 A The video portion of the interview I don't think is
- 18 entirety, I think it maybe off or on, I'm not sure.
- 19 Q That's fine. The audio recording, though, does it
- 20 pretty much cover the entire interview as far as you know?
- 21 A Yes, sir, I think it does.
- 22 Q From your perspective does it speak for itself?
- 23 A Yes, it does.
- 24 Q Were you present when the Miranda warnings were
- 25 read -- well, let me back up. Were you present -- let me

1 just show you a couple of things first.

2 A All right.

3 Q I'm showing you Court's Exhibits Number 4 and 5.

4 Just glance at them for as long as you need to and then

5 I'm going to ask you a couple of quick questions about

6 them. I'll tell you they're pretty much the same thing,

7 just two originals.

8 A Yes, sir.

9 Q Have you ever seen that before? Do you know what
10 that is?

11 A Yes, sir, I do.

12 Q Were you present when Sheriff Benson went over those
13 documents with Casey Perkins?

14 A I was in another room when he went over them.

15 Q You didn't actually hear what was said when this
16 happened?

17 A No, sir.

18 Q Were you present when Sheriff Benson went over Casey
19 Perkins' Miranda warnings prior to the interview, which
20 is -- I'll tell you is shown as Court's Exhibit Number 6?

21 A I was in another room.

22 Q Didn't hear that happen either?

23 A No, sir.

24 Q It appears that Shane Stewart was a witness to the
25 Miranda warnings.

1 A It appears that way.

2 Q Do you recall Shane Stewart, an investigator with the
3 Chester County Sheriff's Office, being present for part of
4 the interview?

5 A That's correct.

6 Q For the bulk of the interview, who conducted the
7 interview?

8 A Sheriff Benson.

9 Q And were you present for most of it?

10 A I was.

11 Q All right. Did Casey Perkins give a statement which
12 was audio recorded?

13 A He did.

14 Q Did that statement incriminate him in the murder of
15 Judy Hinson?

16 A It did.

17 Q At any time during the process of the interview, did
18 Casey Perkins say, "I want to invoke my right to remain
19 silent and not talk anymore?"

20 A I did not hear that.

21 Q At any time during the interview process -- let me
22 tell you this, you have got to talk loud because we have
23 all had trouble hearing each other -- at any time during
24 the interview process did Casey Perkins invoke his right
25 to have a lawyer and say, "I'm going to stop talking now,

1 I want to go get me a lawyer," or, "I want y'all to go get
2 me a lawyer?"

3 A Not in my presence.

4 Q At any time -- do you recall whether Casey was in a
5 detention center jump suit, do you recall one way or
6 another?

7 A I can't recall what he was in.

8 Q Do you recall whether he was handcuffed or shackled
9 one way or the other?

10 A I can't recall.

11 Q Okay. Do you recall what you had on that day?

12 A Just plain clothes.

13 Q Do you normally dress in plain clothes?

14 A Yes, sir, I do.

15 Q Would you have had a badge on you somewhere?

16 A Yes, sir.

17 Q Do you recall whether you had a sidearm on you during
18 the interview?

19 A I hardly ever wear a sidearm where it's showing. I
20 had one on my ankle or either one in my pocket, that's
21 just what I do.

22 Q Would there have been any difference on the day
23 Perkins was interviewed that you would have had one on
24 your side and showing?

25 A No, sir.

1 Q Did you ever pull out a sidearm or handgun during the
2 interview process and show it to Perkins or make any
3 threats to him with it?

4 A No, sir.

5 Q During the interview process, which I think we all
6 agree was pretty lengthy, were there breaks in it?

7 A Yes, sir, there was.

8 Q Were there times when you left the room?

9 A Yes, sir.

10 Q Were there times when Sheriff Benson left the room?

11 A Yes, sir.

12 Q Were there times when Shane Stewart was in the room
13 and out of the room?

14 A Yes, sir.

15 Q Was Shane Stewart in there for most of it or a little
16 bit of it?

17 A As I recall Shane was in there at the beginning, him
18 and the sheriff, and at some point in time Shane didn't go
19 back in, I went in as a replacement.

20 Q Were there times when Casey Perkins was out of the
21 interview room?

22 A Yes.

23 Q Were there comfort breaks for him or anybody else,
24 bathroom breaks, Coca Cola breaks, smoke breaks or
25 anything that you recall?

1 A Yes, sir, I recall that.

2 Q All right. Did Casey Perkins ever ask to use the
3 telephone to call somebody, a family member or friend or
4 anybody non-law enforcement that you recall?

5 A I can't recall actually using the phone.

6 Q Did Casey Perkins ever ask for any creature comforts
7 again like a bathroom break, a soda break, a smoke break,
8 any kind of request that he made that y'all wouldn't give
9 him?

10 A Well, if he needed a break he got a break.

11 Q Did he appear to be under any level of physical
12 discomfort?

13 A No, sir.

14 Q Hurting, sick, injured or anything like that?

15 A Didn't indicate it to me.

16 Q Did you have any trouble understanding what Casey
17 Perkins was saying, the words and the thoughts behind
18 those words?

19 A No, I understand it. I didn't have any problem.

20 Q Did he appear to have any difficulty understanding
21 what you or Benson or Stewart or anybody else was saying
22 and trying to convey to him?

23 A It appeared to me that he understood what they were
24 saying.

25 Q Did he ever say or do anything to make you believe

1 that he didn't understand what was going on?

2 A No, sir.

3 Q Now, you're a pretty big fellow.

4 A Yes, sir.

5 Q How was your relationship with Perkins during the
6 interview process? And that's kind of an open-ended
7 question. But for example, was it contentious, was it
8 cordial or was it was there anything out of the ordinary
9 about it?

10 A No, sir. I'm pretty much well direct. I ask direct
11 questions, that's just my way of doing interviews, it
12 works best for me?

13 Q At any point did you use your size as a coercion tool
14 to get Casey Perkins to talk?

15 A No, sir.

16 Q By hovering over him or leaning over him in a chair
17 or anything like that?

18 A No, sir.

19 Q Did he talk about the murder of Judy Hinson?

20 A He did.

21 Q Were you aware of the details of the investigation?
22 Namely the facts and circumstances of the crime scene, the
23 facts and circumstances of the injuries to Judy Hinson,
24 the facts and circumstances developed from witnesses about
25 what Casey Perkins had been wearing and where he had been

1 seen the night or into the early morning hours that Judy
2 Hinson died? Did you have those details in your head or
3 in a file when you did this interview?

4 A Yes, sir, I had them in my head.

5 Q Did Casey Perkins talk about stuff relating to Ms.
6 Hinson's murder that were not consistent with what y'all
7 knew to be true at some points?

8 A At some points.

9 Q When he told you something -- well, if he said
10 something you knew not to be true, did y'all call his hand
11 on it?

12 A I did.

13 Q How would you do that?

14 A Like I said, I'm just more of a direct line of
15 question guy. I recall something about a door and --
16 which Perkins stated that the door just opened by itself.
17 And I can recall saying that, you know, a door don't open
18 by itself, and that's just the way that I asked my
19 questions. You know, a door don't open by itself,
20 somebody open the door. And he understood what I was
21 saying and --

22 Q Was there a conversation that occurred during this
23 interview that wasn't directly related to the crime? Let
24 me ask you a do you recall situation: Were y'all
25 interested where Casey Perkins had been the Friday night

1 into the Saturday morning that this crime occurred?

2 A Yes, sir.

3 Q Did you at some point gain knowledge that at some
4 point Friday he and one of his buddies, and I don't recall
5 the name, did some auto repair work?

6 A That's correct.

7 Q Did y'all talk -- did Casey Perkins talk about what
8 he was trying to do to help his buddy get his truck back?

9 A He did.

10 Q Did Casey ultimately confess to these events or to
11 this crime by providing details that matched what you knew
12 to be factual in this case?

13 A He did.

14 Q Do you recall any condition that Casey had in order
15 to talk to the sheriff about this case? Was there
16 anything that he wanted in exchange for him talking about
17 Judy Hinson's murder?

18 A I recall Mr. Perkins stating that he wanted the death
19 penalty.

20 Q Was there substantial conversations about that during
21 this interview?

22 A Yes, it was.

23 Q And did anybody, you or the sheriff or anybody else
24 promise him, "Yeah, we'll get you the death penalty if you
25 will tell us what you know about Judy Hinson's death?"

1 A No, sir.

2 Q Again, did anybody promise him anything to get him to
3 talk about this case?

4 A No, sir.

5 Q Did anybody threaten him or coerce him in any manner
6 to get him to talk about this case?

7 A No, sir.

8 Q Did anybody lay hands on him during the interview?

9 A No, sir.

10 Q Did he cause any problems during the interview?

11 A No, he didn't.

12 Q Did he buck, try to run or turn the tables over, do
13 anything physically aggressive during the interview?

14 A No, he didn't.

15 Q Did any law enforcement officer get physically
16 aggressive with Casey during the interview?

17 A No.

18 MR. BARFIELD: Thank you, sir. I don't have anymore
19 questions. Answer anything Mr. Dunn or the Judge may
20 have.

21 THE COURT: Mr. Dunn?

22 MR. DUNN: Thank you, Your Honor. If it may please
23 the Court?

24 CROSS EXAMINATION.

25

- 1 BY MR. DUNN:
- 2 Q Major McNeil, did you ever transport Casey to the
3 hospital to be checked out by the doctor before he could
4 do the polygraph?
- 5 A No, sir, I didn't.
- 6 Q Have you ever taken Casey to the hospital?
- 7 A No. I never took him to the hospital.
- 8 Q Have you ever transported him anywhere?
- 9 A I haven't, no.
- 10 Q Solicitor asked whether or not you or Shane Stewart
11 or Sheriff Benson left the room for that three hours and
12 15 minutes. Did Casey ever leave the room?
- 13 A Yes, he did.
- 14 Q Why?
- 15 A I think he had to go to the bathroom. I had to go to
16 the bathroom one time because it was a long interview and
17 I came into the interview after Shane Stewart -- Shane and
18 the sheriff actually started the interview and at one of
19 the breaks Shane didn't go back in, I went back in.
- 20 Q During that interview, was Casey's hands handcuffed?
- 21 A I can't recall whether he was restrained or not.
- 22 Q Were his legs shackled?
- 23 A I just can't recall.
- 24 Q What was he wearing?
- 25 A I can't recall whether he was in an orange jump suit

1 or not, I just can't remember.

2 Q Did you do any of the field work in the Hinson murder
3 case?

4 A Yes, sir.

5 Q Did you ever talk with Casey outside of that? I know
6 that the statement was given September 7th, but did you
7 ever talk to Casey at any other point during that process?

8 A No, sir.

9 Q Did you ever talk to Carolyn Perkins?

10 A I talked with his mother.

11 Q What was the nature of that conversation?

12 A We went to her house to search her house, talked with
13 her several times.

14 Q Did she give you permission to search her house?

15 A She did.

16 Q Did you ever threaten her with being arrested for
17 interfering with the investigation?

18 A No, sir.

19 Q Did you ever tell her she would be charged as an
20 accessory?

21 A No.

22 Q Did you ever tell her you would take everything away
23 from her or her husband?

24 A No.

25 Q Did you ever threaten Casey with putting his mother

1 or father in jail?

2 A No.

3 Q Would it be fair to characterize -- besides this one
4 time on September 7th, did you have any prior
5 conversations with Casey Perkins?

6 A No.

7 Q That was your one and only time you ever heard him
8 talk?

9 A That's correct.

10 Q Did you ever form an opinion as to what you thought
11 his intelligence was?

12 A No.

13 Q Would it be fair to characterize his intelligence as
14 low or below average?

15 A No. He was -- I understood what he was saying and it
16 appeared to me that he understood what I was saying.

17 Q Is it possible to understand what somebody is saying
18 and yet they still have low intelligence?

19 A It's very possible.

20 Q Did you find it unusual that he wanted the death
21 penalty?

22 A Yes.

23 Q I didn't hear how long you have been a cop. You have
24 been a cop for a pretty long time, right?

25 A Nineteen years.

1 Q In 19 years how many other times have you ever heard
2 defendants say they want the death penalty?

3 A I've never heard anybody say they wanted the death
4 penalty.

5 Q Before or since?

6 A I have never heard anybody.

7 Q Casey is your one example of that, right?

8 A Yes, sir.

9 Q Pretty unusual, isn't it?

10 A Yes, sir.

11 Q Did it cause you any concern that maybe not
12 everything was clicking?

13 A No, sir. That was his statement, he just said he
14 wanted the death penalty.

15 Q He said it more than once, right?

16 A Yeah, he said it more than once.

17 Q It was -- that conversation about the death penalty
18 lasted more than a couple of minutes, didn't it?

19 A Yes, sir.

20 Q During that time it didn't strike you as odd that
21 maybe the elevator wasn't going to the top or maybe there
22 was something wrong with him asking for the death penalty?

23 A No, sir.

24 Q I think the solicitor characterized this as a
25 confession. Would you classify it or characterize it as a

1 confession?

2 A I would.

3 Q Is it your understanding that Mr. Perkins wanted to
4 talk to the sheriff?

5 A Yes, sir. It was my understanding that he was going
6 to speak with the sheriff.

7 Q By that I mean it's your understanding that
8 Mr. Perkins initiated this conversation, correct?

9 A My understanding, yes, sir.

10 Q And yet when the sheriff started talking to
11 Mr. Perkins about it he wasn't forthcoming right away
12 about the facts of the case, was he?

13 A No, he wasn't.

14 Q It took the sheriff awhile to get anywhere on it,
15 didn't it?

16 A That's correct.

17 Q That's one of the reasons why it lasted for three
18 hours, right?

19 A Yes, sir.

20 Q Didn't that strike you as a little odd that he wanted
21 to come talk to y'all about the murder but it took so long
22 to get to the facts of the case?

23 A I've been in interviews longer than that, sir.

24 Q Well, I understand that. My question was he wanted...
25 to talk to the sheriff --

- 1 A Yes, sir.
- 2 Q -- under apparently under the guides of confessing,
3 right?
- 4 A Uh-huh.
- 5 Q That's a yes, right?
- 6 A Yes.
- 7 Q And yet it took quite awhile to get to the point
8 where he was giving facts that you thought were consistent
9 with the case, correct?
- 10 A That's correct.
- 11 Q That didn't strike you a little odd that the sheriff
12 had to do that much work to get the confession out of him?
- 13 A Not at that time.
- 14 Q Would it be fair to say that during that three hour
15 and 15 minutes or however long it was, three hours and 15
16 minutes was about right, correct?
- 17 A That's correct.
- 18 Q But Mr. Perkins gave more than one story, didn't he?
- 19 A He did.
- 20 Q In fact, he changed the story throughout that
21 process, didn't he?
- 22 A If I recall he did.
- 23 Q And by that I mean the means of how allegedly
24 Ms. Hinson died changed, correct?
- 25 A That's correct.

- 1 Q And until you got what you were looking for at which
2 point it was possibly put on videotape?
- 3 A It was. I can recall the video starting and stopping
4 I believe it was, more or less at the ladder part of the
5 interview.
- 6 Q Who operated that video recorder?
- 7 A The sheriff.
- 8 Q The sheriff did?
- 9 A Uh-huh.
- 10 Q Where was the video recorder located?
- 11 A It was actually in the room that we were doing the
12 interview.
- 13 Q All right. Where in the room?
- 14 A As you walk in it would be over in the left-hand
15 corner.
- 16 Q And what did the video camera look like?
- 17 A It was one of the older videos, a little bit bigger
18 than the small ones they have now.
- 19 Q It is not a digital one.
- 20 A I don't think it was digital.
- 21 Q Some kind where you stick a tape or some kind in it
22 and records for you?
- 23 A Yes, sir.
- 24 Q Were you present when Mr. Perkins gave his -- when
25 Miranda was read to him?

1 A I was in the room adjacent to the actual interview
2 room.

3 Q So you heard them go over Miranda?

4 A I heard them going over the Miranda warnings, yes,
5 sir.

6 Q And it never appeared to you that he didn't
7 understand what was being said?

8 A No, it didn't.

9 Q Were you present when Todd Rutherford's name was
10 brought up?

11 A No, sir.

12 Q Did you hear any of that conversation about Todd
13 Rutherford?

14 A I didn't hear information on Todd Rutherford.

15 Q Were you aware that Todd Rutherford may or may not
16 have been his lawyer at that point?

17 A I wasn't aware of that at all.

18 Q Did you ever hear of him having an attorney up to the
19 point when y'all talked to him on September 7th?

20 A No, sir.

21 Q You didn't know if he was represented or not?

22 A No, I didn't.

23 Q Did you know if he was ever given an opportunity to
24 ask for a public defender at that point?

25 A No at that point, no, sir.

1 Q He wasn't or you don't know?

2 A I don't know.

3 Q You never had any prior dealings with Mr. Perkins,
4 correct?

5 A No, sir.

6 Q Are you aware of whether there were any other
7 suspects in this case?

8 A Not -- to my knowledge there were no other suspects
9 in this case.

10 Q Mr. Perkins was it; is that right?

11 A Yes, sir.

12 MR. DUNN: No further questions.

13 MR. BARFIELD: I don't have any further questions of
14 Major McNeil and ask that he be excused if he would like
15 to.

16 MR. DUNN: No problem.

17 MR. BARFIELD: Your Honor, at this time that is all
18 that the State would offer on this issue again at this
19 time. I would ask two things: I would ask that the
20 State's part of the record remain open for the time being
21 for a couple of reasons. Number one, you have got the DVR
22 or the audio record that you have got to listen to which
23 is in the record. I have sent a copy of the same to Sled
24 today to see if they can clean it up. It might be that
25 they clean it up and Mr. Dunn agree that it is an accurate

1 version and we might want to give you a clean one. I
2 would ask you to wait on that. Also, as I said yesterday
3 and as you have heard testimony about, there is apparently
4 an eight millimeter perhaps video recording of all or some
5 portion of this interview which I would like to supplement
6 the record with if Mr. Dunn and I agree. And beyond
7 that -- of course, that is physical items that I might
8 want to supplement the record with. Beyond that, of
9 course you have now heard the testimony of Todd Rutherford
10 and some involvement that he has in this case. At this
11 point in the proceedings without having heard from the
12 other side I am satisfied that the State has met its
13 burden to show a waiver of the right to counsel, but if I
14 determine in reply or some other procedural posture that
15 Mr. Rutherford needs to have his say in this matter then I
16 don't want to close that door at this point and the Court
17 might on its own might want to hear from Mr. Rutherford.

18 MR. DUNN: Your Honor, I have no problems with
19 holding the record open, I was going to ask that myself.
20 I would like to be given the opportunity -- I anticipate
21 having a couple of witnesses today. I have not spoken
22 with Mr. Rutherford at all. I think after listening to
23 all of the testimony it may be at least as part of what I
24 have to do to see if he has any recollection, he may or
25 may not have to be called as a witness, I don't know. The

1 other thing is I would like to be given an opportunity to
2 make legal arguments, which I can't do today at this
3 point, I don't think it would be appropriate especially
4 since you have not listened to that tape -- or CD. I am
5 open to do it between now and December 15th. There is no
6 more terms of court here that you are presiding over but I
7 don't have any problems traveling to another county if we
8 need to and have that heard.

9 MR. BARFIELD: I agree that Mr. Dunn's requests are
10 prudent. I think we can get together and arrange that.

11 MR. DUNN: I have no problems traveling. We would
12 just have to make arrangements to get Casey brought over
13 to wherever we go so I think that needs to be taken into
14 account, the logistical burden that would be placed on the
15 detention center here.

16 (A recess was taken.)

17 MR. DUNN: And Your Honor, I call Carolyn Perkins.
18 The witness, CAROLYN PERKINS, was first duly sworn
19 and testified as follows, on:

20 DIRECT EXAMINATION

21 BY MR. DUNN:

22 Q Ms. Perkins, you're going to have it speak up because
23 it is hard to hear. Please state your full name.

24 A Carolyn Ann Perkins.

25 Q And how old are you, Ms. Perkins?

- 1 A Fifty-five.
- 2 Q What is your highest level of education?
- 3 A The 11th grade.
- 4 Q All right. And where do you live?
- 5 A [REDACTED].
- 6 Q Are you related to Casey Perkins?
- 7 A I am his mother.
- 8 Q When Casey was a child, did he have any -- did Casey
- 9 graduate from high school?
- 10 A No.
- 11 Q He did not?
- 12 A No.
- 13 Q Did Casey attend high school?
- 14 A Not regular school.
- 15 Q What kind of school did he attend?
- 16 A Special education.
- 17 Q Why was he in special education?
- 18 A He had seizures. He had disordered seizures, the
- 19 kind that people can't detect in the early stage and he
- 20 would go to asleep and he would fall asleep. They would
- 21 come and tell me about it, "Casey is not paying
- 22 attention," they said. I said, "He's getting plenty of
- 23 sleep." So we had to take him to different doctors. They
- 24 started doing brain scans on Casey and they said that his
- 25 brain had been partially destroyed, he was having disorder

1 seizures and regular doctors could not detect that. And
2 if you would press Casey he would do what you wanted him
3 to do.

4 Q We'll get into that in a second. As far as his
5 education goes, did he have trouble reading and writing
6 when he was in school?

7 A Yes.

8 Q Which one, reading?

9 A Yes.

10 Q Writing?

11 A Yes.

12 Q Did he have trouble understanding what he read?

13 A Yes.

14 Q Has Casey ever been approved for social security
15 disability or SSI?

16 A Yes, sir.

17 Q Which one?

18 A SSI.

19 Q Why was he approved for SSI?

20 A His ability to complete a job and hold a job.

21 Q And do you remember how long ago that was that he got
22 approved for SSI?

23 A He has been drawing it awhile, I don't remember
24 exactly how long.

25 Q It has been awhile?

- 1 A It has been a long while?
- 2 Q Did you have any involvement in that process?
- 3 A Yes.
- 4 Q What involvement did you have?
- 5 A I oversee his money.
- 6 Q Did Social Security Administration ask you to be his
- 7 overseer?
- 8 A Yes.
- 9 Q Why is that?
- 10 A Because he wasn't capable of taking care of his own
- 11 money.
- 12 Q Do you remember, did you help him through the process
- 13 of obtaining SSI?
- 14 A Yes.
- 15 Q Why did you have to help him?
- 16 A Because he didn't understand how to do it.
- 17 Q As far as reading and writing part of it?
- 18 A Yes.
- 19 Q Let's fast forward to August of 2005. Were you ever
- 20 present any time that the law enforcement officers were
- 21 speaking with Casey?
- 22 A I wasn't in the room with them but I was down at the
- 23 substation when they was questioning Casey and I was down
- 24 at the sheriff's office when they were giving him the lie
- 25 detector test.

1 Q In fact, did you transport him there to those
2 meetings?

3 A The first one when he went to the substation Ed
4 Dufett went with Casey and I followed Ed, and Ed had to
5 leave so I stayed there until they got through and me and
6 Casey went back home.

7 Q Whose idea was it for Casey to go to the down
8 sheriff's station the first time?

9 A The law wanted to talk to him and Ed told them, said,
10 "I will go down there and talk to them."

11 Q I'm not worried about what Ed said, let's just talk
12 about what you know, all right?

13 A Okay.

14 Q The first time would have been on the day after
15 Ms. Hinson died or --

16 A Yes.

17 Q Okay. And that's the day that Ed took him down.

18 A Yes.

19 Q How did you know that the law was looking for him?

20 A They come to my house and they asked me if Casey was
21 home and I told them no, he had gone. At one point he
22 went with Donald and then he came back from working with
23 Donald, it was Ed. But they asked me where Casey was at
24 and I told them he was gone but when he come back I told
25 him they wanted to talk to him.

1 Q Did you have to talk to him into wanting to go down
2 to the sheriff's station?

3 A No.

4 Q He was willing to do it himself?

5 A Yes.

6 Q On the day that he gave -- went to the lie detector
7 test, did you take him down to that polygraph?

8 A Yes.

9 Q Did you have to talk him in to that?

10 A No.

11 Q Were you present during the polygraph?

12 A I was in another room.

13 Q The day that -- the day that Casey was arrested, were
14 you present when he was arrested?

15 A Yes.

16 Q Do you remember them reading -- do you know -- when I
17 say Miranda rights, do you know what Miranda rights are?

18 A Yes.

19 Q Do you know that you have the right to remain silent?

20 A Yes.

21 Q You've heard that before on TV?

22 A Yes.

23 Q Do you remember whether or not the police read Casey
24 the Miranda rights?

25 A No.

1 Q Okay. It would be really helpful if you would wait
2 until I get done because he has got to type it down. So
3 you don't ever remember Miranda being read?

4 A No.

5 Q Did they treat Casey rough?

6 A Yes.

7 Q How so?

8 A When they told -- when they took a hold of Casey he
9 said that he had heard that whoever done the crime had
10 scratch marks on their chest, scratch marks, and he took
11 his hands like this and he pulled his shirt open and he
12 said, "You see, I have no scratch marks on me."

13 Q We're talking about Casey, right?

14 A Yes. And then when they pushed him down on the car
15 and handcuffed him, and I told them at that point I did
16 get loud I said, "You don't have to handle him that way."

17 Q After that then they took him away, right?

18 A Right.

19 Q Did you ever see Casey after that besides just at the
20 glass in the detention center?

21 A No.

22 Q Did any officer ever threaten you in any manner?

23 A When they were looking for Casey's clothes at my
24 house. I had explained to them if Casey had greasy
25 clothes or anything I instructed Casey to not wear them in

1 the house. They told me that I had hauled the garbage
2 off -- Casey had throwed his clothes in the garbage and I
3 had hauled them off and I told them no, that I did not
4 haul Casey's clothes off.

5 Q How did they threaten you, though?

6 A They said that I hauled his clothes off.

7 Q Did it go any further than that?

8 A No.

9 Q Did they threaten to put you in jail?

10 A No.

11 Q At any point did any officer ever threaten to put you
12 in jail?

13 A No.

14 Q Did Casey ever tell you that the cops threatened to
15 put you in jail?

16 A Yes.

17 Q When did that happen?

18 A Me and Casey had a conversation before he made a plea
19 and I told Casey that they were hunting for his clothes
20 and they accused me of hauling his clothes off. And Casey
21 said, "The law is going to get you, Mama." And I said,
22 "No, they can't, I haven't done nothing."

23 Q What was Casey's -- how was he acting when he told
24 you that?

25 A Casey was so stressed out. He was emotionally

1 disturbed, he was saying he wanted to die, that they
2 weren't going to believe nothing he said. He said, "I
3 know how the law has treated me in the past and they're
4 out to get me and they're going to get me one way or the
5 other. Nothing I say they're going to believe what I
6 say."

7 Q Did he tell you that he was going to give any kind of
8 statement to the police?

9 A He said, "If they will give me the death penalty."

10 Q He told you that?

11 A Yes.

12 Q Did he also tell you that he didn't do it?

13 A Yes.

14 Q Did you ask him why he would want the death penalty
15 if he didn't do it?

16 A Yes.

17 Q What did he tell you?

18 A He said because he was tired of living and tired of
19 being accused of stuff he didn't do.

20 Q Okay. Do you have any idea why he was tired of
21 living?

22 A He was so stressed out.

23 Q Over what?

24 A Well, he had several problems prior to this. My
25 mother passed away, his brother got killed, and then

- 1 another girl had put him in jail.
- 2 Q Okay. Do you remember when your mother had died?
- 3 A My mother passed away in April.
- 4 Q Of 2005?
- 5 A Yes.
- 6 Q Was Casey close to his grandmother?
- 7 A Yes.
- 8 Q What kind of contact did he have with her?
- 9 A Casey was -- when we lived in Tennessee we stayed
- 10 with my mother.
- 11 Q Okay. And what is Casey's brother name?
- 12 A Tracy.
- 13 Q When did Tracy die?
- 14 A Memorial Day weekend.
- 15 Q Of what year?
- 16 A Same year.
- 17 Q How did he die?
- 18 A He was in a car accident.
- 19 Q Was that here? Where was that at?
- 20 A Tennessee.
- 21 Q Was Casey close to his brother?
- 22 A They had several conversations. Yes, he was close to
- 23 his brother.
- 24 Q How did Casey take his grandmother's death?
- 25 A Very hard because he couldn't go see her. He hadn't

1 seen her in a long time and when she passed away he
2 couldn't go up there.

3 Q How come?

4 A He was on probation and nobody -- somebody had to
5 stay with his dad, we couldn't transport him back to
6 Tennessee.

7 Q So he didn't get to go to his grandmother's funeral?

8 A No.

9 Q How did he take his brother's death?

10 A He took it hard. He was in jail when his brother got
11 killed.

12 Q Did he go to his brother's funeral?

13 A No. He didn't know until he got out of jail, I
14 didn't tell him in jail.

15 Q When you say he took it hard, can you elaborate a
16 little bit on that?

17 A He said it should have been him instead of his
18 brother.

19 Q Why did he say that?

20 A He was -- he had been through so much stuff
21 emotionally.

22 Q When you say him, who do you mean?

23 A Casey has been through so much stuff emotionally, he
24 was just tired of living.

25 Q Did he ever tell you that he was tired of living?

1 A Yes, several times.

2 Q Was this about the same time as he got arrested for
3 Ms. Hinson's death?

4 A Yes.

5 Q A little while ago you were getting into the idea
6 that Casey will do whatever you want him to do?

7 A Yes.

8 Q What do you mean by that?

9 A What I'm talking about is if somebody is pushing Casey,
10 like the law is drilling him and saying did you do this or
11 did you do that, Casey will say he done anything to just
12 get you to leave him alone. We had trouble with him with
13 that in school, the teachers would tell me he will say
14 stuff that he didn't even do, why is he doing this?

15 MR. BARFIELD: Your Honor, I'm going -- I know the
16 nature of the hearing and I have kind of not been
17 objecting to hearsay but a lot of what she's saying is
18 hearsay and specifically quoting a teacher saying that --
19 I know what the purpose of this hearing is but I object,
20 that's hearsay.

21 MR. DUNN: Your Honor, I'm certainly not trying to
22 illicit any truth out of what these teachers said, I'm
23 just trying to get into this thought pattern.

24 MR. BARFIELD: But essentially he is, though.
25 Because he is saying a teacher said he will do anything

1 that you tell him to do and he's trying to get you to to do
2 conclude that he did what law enforcement told him to do.
3 He is trying to offer that for the truth of the matter
4 asserted.

5 MR. DUNN: I am more concerned about what Ms. Perkins
6 has to say than I am teachers in the past. I'll coral her
7 as much as I can, Your Honor.

8 THE COURT: And the Court.

9 MR. DUNN: I don't deny it's hearsay, Your Honor. It
10 is an evidentiary hearsay, though.

11 THE COURT: I agree. And the Court is aware of the
12 hearsay rules. It's highly unlikely the Court is going to
13 rely on any hearsay as a substance for any ruling of the
14 Court.

15 MR. DUNN: Yes.

16 Q Ms. Perkins, all that we just said is you can only
17 say what you know and what you heard the teachers say, you
18 can't tell me what teachers and doctors said.

19 A Okay.

20 Q Let me get my train of thought back. So had you ever
21 personally seen examples in Casey's life where he did
22 things because people told him to do it?

23 A Yes.

24 Q Give me an example.

25 A We go back to when he was in school.

1 Q Anything more recent than back in school time?

2 A Well, let's put it this way, I don't know if you can
3 use this. The reason I was appointed as Casey's payee was
4 to make sure that people didn't take his money away from
5 him. They can talk him into getting his money and like
6 that.

7 Q Had that been an issue in the past with him losing
8 money?

9 A Yes.

10 Q Now, that was something that you agreed to social
11 security to be his payee, I guess?

12 A Yes.

13 Q To take care of his money?

14 A Yes.

15 Q All right. How many times did Casey tell you that he
16 had been told that somebody was going to put you in jail?

17 A Several times.

18 Q Where were you at during those times?

19 A At the jail.

20 Q And during those times was it before or after he
21 talked to Benson if you even know?

22 A I don't know.

23 Q Did he ever tell you why he gave the statement to
24 police?

25 A So they wouldn't put me in jail.

1 Q That's what he told you?

2 A Yes.

3 Q Do you remember when that happened?

4 A Yes.

5 Q I think it was after they charged him with murder. I

6 asked him why he give a statement when he didn't do it.

7 How did you become aware that he gave a statement?

8 A They come to my house and they said Casey had give a

9 statement and told them where his clothes was. That is

10 the first awareness I knew of it.

11 Q They served you the search warrant, didn't they?

12 A I don't remember a search warrant at that time.

13 MR. DUNN: I don't have any further questions, Your

14 Honor. Please answer any questions that Mr. Barfield may

15 have for you.

16 MR. BARFIELD: Just a few, Ms. Perkins.

17 CROSS EXAMINATION

18 BY MR. BARFIELD:

19 Q Casey gets SSI?

20 A Yes.

21 Q Does he still get it?

22 A No.

23 Q Because he's incarcerated?

24 A Right.

25 Q How much was he getting before he got arrested?

- 1 A 600.
- 2 Q A month?
- 3 A Yes.
- 4 Q And you are payee of his check?
- 5 A Yes.
- 6 Q Meaning it has got his name on it but he can't do
7 nothing with it, you have got to endorse it and put it in
8 the bank or whatever.
- 9 A Yes.
- 10 Q He did work for people and earned money, though, did
11 he not?
- 12 A He would work for people but he didn't earn no money.
13 They didn't pay him.
- 14 Q Have you heard the audiotape of his statement to
15 Sheriff Benson?
- 16 A No.
- 17 Q Have you ever listened to that?
- 18 A No.
- 19 Q If I told you that -- he's a pretty good mechanic,
20 isn't he?
- 21 A He works on his cars.
- 22 Q He could fix a car, can't he?
- 23 A Sometimes.
- 24 Q Okay. Overhaul an engine, couldn't he?
- 25 A Yes.

1 Q He did that for some people on the side, did he not?

2 A I don't know -- I don't recollect him completely

3 overhauling an engine for somebody else.

4 Q But generally speaking, though, he did mechanic jobs

5 for folks from time to time, did he not?

6 A Sometimes with their help, not by himself completely.

7 Q And got paid money sometimes to do it, right?

8 A I didn't see the money.

9 Q Well, do you reckon maybe that's because he didn't

10 see his money that you got from social security, maybe --

11 is it reasonable to think that maybe he would do some odd

12 jobs to have some pocket money?

13 A No.

14 Q It's possible, though, isn't it?

15 A No. Because --

16 Q Let me ask you this -- I'm sorry, I interrupted. You

17 finish your answer.

18 A Because when Casey got his check Casey got his needs.

19 If he needed something I went and got what Casey needed.

20 I had to keep account of what Casey had.

21 Q And mama decided what Casey needed, right?

22 A Not completely. If Casey wanted something extra, if

23 he wanted a new pair of shoes or he wanted different stuff

24 and it was reasonable he got it.

25 Q So mama says Casey can make decisions about his own

1 life and decide what he needs and what he don't need,
2 right?

3 A That's not the point. The point is that Casey didn't
4 handle his own money. We're talking about shoes and
5 clothes, if he needed it he got it, stuff he didn't need
6 he didn't get. I made the decision, not Casey.

7 Q That's right. And I'm guessing he always agreed with
8 you about that.

9 A Yes.

10 Q So whatever mama said is the way it was and he never
11 disagreed with you; is that correct?

12 A What kind of point are you getting at? Explain
13 yourself.

14 Q Well, I'm supposed to be asking questions. But I
15 will explain myself as far as I can go.

16 A Okay.

17 Q How old was Casey when he got arrested for Judy
18 Hinson's murder? 30 what? Born in '71?

19 A Yeah.

20 Q So he would have been 34?

21 A Yeah.

22 Q How long has he been on SSI?

23 A He's been on SSI for awhile, I can't specifically
24 tell you.

25 Q Well, give me some idea. Was he on SSI for ten

1 years? 20 years?

2 A No. About -- close to ten, seven or eight years.

3 Q So from his mid-twenties on he was getting a check.

4 A Uh-huh.

5 Q And from day one mama is getting his check as payee,
6 right?

7 A Right.

8 Q Now, is it your testimony today that that young man
9 sitting over yonder could make no adult life decisions for
10 himself, is that what you're saying?

11 A I am saying I made them for him.

12 Q All right. Okay. I'm taking that answer. You're
13 saying that you made the decisions for him.

14 A For his needs for his check.

15 Q You're not saying that he couldn't make them, you're
16 just saying that you did make them, is that the way you're
17 expressing it?

18 A I'm saying he didn't always make wise decisions.

19 Q All right. Did he sometimes make wise decisions --
20 I'm not trying to trick you, I'm just trying to find out
21 what your position is about your son's ability to make
22 adult decisions about things. And let me ask you a
23 question, did he ever make a wise decision about anything?

24 A About anything?

25 Q Yes.

1 A Yes, he has.

2 Q So he's not incapable of making grown-up decisions,
3 is that accurate?

4 A No.

5 Q It's not accurate?

6 A He sometimes -- let me -- can I explain myself?

7 Q You may.

8 A Casey, sometimes he don't make adult decisions. It's
9 how he is stressed out is when he don't make the right
10 decisions. If you're pushing Casey and if you're pushing
11 Casey, do you understand where I'm coming from?

12 Q I understand exactly what you're saying.

13 A That's what I'm trying to explain. Casey will tell
14 you what you want for you to leave him alone. It was just
15 like the jail, I said, "Casey, do not say something you
16 didn't do." I couldn't talk to Casey because Casey was so
17 riled up, so depressed. Then I asked Benson to send him
18 to the doctor because he was so depressed. He wanted to
19 die. He said, "I want the death penalty." So I went and
20 talked to Benson, I asked Benson to send him to a mental
21 institution to get him some help and some medicine. He
22 said, "I will." So they sent him there. I asked Benson,
23 I said, "Is what Casey told you, is he accurate what
24 happened down there?" And he said. "No, it's something
25 similar to what happened." I was worried about Casey. I

1 was afraid he would try to kill himself in that jail and
2 I'm telling you the truth.

3 Q Now, I understood everything that you said to me but
4 we get back right to the question I asked before --

5 A No, Casey can't make accurate decisions.

6 Q Are you saying that he can never make a responsible
7 adult decision, is that your position that he can never
8 make a responsible adult decision?

9 A From what I'm around Casey and I'm his mother
10 sometimes he can, but not always.

11 Q Okay.

12 A Not always.

13 Q And again, I'm not trying to twist you up. So now
14 you're conceding that sometimes Casey can make responsible
15 adult decisions, is that accurate?

16 A It's according to what environment Casey is in, we're
17 going again.

18 Q Okay. Thank you, ma'am. Did he never have money in
19 his pocket?

20 A Casey has had money in his pocket but not big money,
21 \$5, \$10, \$15 like that.

22 Q Did he sometimes go into a business and pull money
23 out of his pocket and make a purchase?

24 A Yes.

25 Q You know -- I don't know if you know because you

1 haven't heard the tape and I guess you haven't read the
2 entire sheriff's office file -- but there's something in
3 the file somewhere that says he had just bought him a pair
4 of shoes.

5 A Yes.

6 Q Did he buy them shoes or did you buy them shoes?

7 A No, he bought those shoes.

8 Q He went to a store, tried on shoes, paid for them and
9 walked out with them?

10 A Yes.

11 Q Okay. Thank you. Nobody in law enforcement ever
12 threatened to arrest you; is that correct?

13 A Not at my house, no.

14 Q All right. Nobody in law enforcement spoke words to
15 you and said, "We are going to lock you up," did they?

16 A No.

17 Q Casey at some point said, "Mama, they're going to
18 lock you up." Is that what you're testifying about?

19 A And we're going to go back -- when they asked me
20 where Casey's clothes was I told them that sometimes Casey
21 threw -- they couldn't find Casey's clothes and I said, "I
22 tell Casey if he has got anything on his close to throw it
23 in the trash." I said, "The trash is sitting out at the
24 back of the house, you're welcome to go look in it." They
25 went out there, they couldn't find Casey's clothes, they

1 asked me if I hauled them off and I said, "No, sir. I
2 never hauled Casey's clothes off."

3 Q Again. My question is this: Nobody from law
4 enforcement ever personally told you, "We're going to
5 arrest you for being involved in this case," did they?

6 A They never told me.

7 Q Casey simply said to you at some point or maybe two
8 or three times, "They're going to arrest you."

9 A And may I say something else?

10 Q Well, ma'am, I'm going to ask that you not say
11 anything else. I would prefer that you answer the
12 questions that I'm asking, your lawyer can get back up if
13 he needs to.

14 A Okay.

15 Q All right. Now, do you agree that the date that
16 Casey got hauled out of your yard was the date -- see if
17 you agree with this: I believe the evidence shows that
18 Judy Hinson's body was discovered at 1:30 or 2:00 in the
19 morning on August 27th, and that the police came to your
20 house and talked to Casey the same date but daylight
21 hours, and then they came back the next -- which would
22 have been still the 27th. Then they came back the next
23 day, the 28th, and talked to him in your yard about the
24 polygraph and took him up town for the polygraph. And
25 then they came back the next day, which would have been

1 the 29th, and arrested him. Do you agree that he was
2 arrested on the 29th of August of 2005?

3 A I think that was the date but I'm not sure.

4 Q And do you agree based on what you know now that the
5 day he gave the note to the jailer, which got handed to
6 the sheriff, and the day he gave his statement was that
7 three and a half hour tape was all about, was
8 September 7th?

9 A I only know what y'all read. I don't know the -- I
10 don't remember the exact date that the statement was gave.

11 Q Well, you know that he talked to the sheriff and gave
12 a statement.

13 A Yes.

14 Q Is it accurate that between when they carried him off
15 in handcuffs and the day he gave the statement as far as
16 you know he was in jail? You've got to say yes or no.

17 A Yes.

18 Q And from the day they carted him off from your house
19 in handcuffs and the day he gave the statement, nobody
20 from the sheriff's office or Sled or anybody else came out
21 there and tried to arrest you, is that accurate?

22 A No.

23 Q It's not accurate?

24 A Explain --

25 Q Well, let me get the answer again.

1 A Okay.

2 Q From the day he got arrested until the day he talked
3 to the sheriff and gave his statement -- I'll ask a direct
4 question -- did anybody from law enforcement come to your
5 house and talk about arresting you or your husband or any
6 other family members? And that's a yes or no and you can
7 explain it all you want.

8 A There was a threat made, yes.

9 Q Did anybody from law enforcement come to you and
10 threaten to arrest you or your husband?

11 A No.

12 Q The threat made is the same thing you were saying a
13 minute ago, Casey said they were going to lock you up, is
14 that what you're talking about?

15 A No.

16 Q Then who threatened to arrest you?

17 A It was a threat -- at that time we thought his name
18 was Buddy Felks, they come out there to get Casey's car
19 and he told my husband that he was going to cause us to
20 lose everything we had and he was going to make sure that
21 Casey pulled time.

22 Q Did you hear Buddy Wilkes say that or did your
23 husband tell you that Buddy Wilkes said that?

24 A My husband did.

25 Q Let me ask you this -- and I mean this, ma'am, not

1 with any disrespect whatsoever, but you talk about Casey
2 not knowing what's going on in this world, your husband is
3 completely out of it, isn't he?

4 A Not quite.

5 Q He has severe intellectual and mental health
6 disabilities, does he not?

7 A He has mental disabilities.

8 Q And he talks crazy talk regularly, doesn't he?

9 A Not all of the time.

10 Q Well, were you there the first day that law
11 enforcement came to your house when your husband starts
12 talking about the million dollars and the jamming stuff up
13 peoples insides?

14 A I wasn't standing right over there.

15 Q Did you hear any of that talk?

16 A No.

17 Q That's crazy talk, though, if he said it, ain't it?

18 A It don't sound right.

19 Q Has Casey ever been on anybody's payroll, meaning
20 going to work somewhere on a consistent basis?

21 A Not lately.

22 Q Well --

23 A I don't know of it.

24 Q Well, did he work at any car lots or auto dealerships
25 as a mechanic?

- 1 A In Rock Hill.
- 2 Q As an adult?
- 3 A He couldn't hold the job.
- 4 Q Well --
- 5 A He started but he couldn't hold the job.
- 6 Q So he went to work?
- 7 A He couldn't do it.
- 8 Q Let me ask you a couple of questions and you can
- 9 explain all you want. He got him a job somewhere, right?
- 10 A Yeah.
- 11 Q He had him a car that ran, right?
- 12 A Partial.
- 13 Q Sometimes it did and sometimes it didn't, right?
- 14 A Right.
- 15 Q But when it didn't run he could usually get it
- 16 running, couldn't he?
- 17 A Not all of time, sometimes he could.
- 18 Q Well, ma'am, I tell you what, I can change a battery
- 19 but that's about as far as it goes with me, too. I
- 20 couldn't fix a car. But he got a job, right?
- 21 A Uh-huh.
- 22 Q And he had a driver's license, right?
- 23 A Uh-huh.
- 24 Q And he had a car which sometimes ran, right?
- 25 A Uh-huh.

1 Q And for some period of time he would get in his car
2 and he would ride from Chester County to Rock Hill to go
3 to work, right?

4 A Yes.

5 Q And he had a work uniform, right?

6 A Not at that place he didn't.

7 Q At some other places he had work uniforms.

8 A Yeah.

9 Q So he was employed somewhere else as an adult on
10 somebody's payroll.

11 A He worked for a guy in Rock Hill in the Mercedes
12 place.

13 Q Is that where the Mercedes shirts came from?

14 A Right.

15 Q He worked for a Mercedes dealership, one of the most
16 expensive cars made in the world, he worked at a
17 dealership for them, right?

18 A Under guidance. He didn't hold the job long, maybe a
19 week.

20 Q Did you make him give you his payroll checks?

21 A No.

22 Q So he could use that money however he wanted to use
23 it.

24 A No.

25 Q Well, what happened to it?

1 A I don't remember him getting much money from there
2 because he didn't work there.

3 Q Well, ma'am, he might be slow but he ain't so slow
4 that he works for nothing.

5 A Oh, yes, he has.

6 Q So you're saying all of these different places he
7 worked that had uniforms and stuff he never got a
8 paycheck?

9 A I didn't see one.

10 Q That ain't saying he didn't get one though, is it?

11 A I can't say that. Some places he worked I know he
12 didn't get no paid money.

13 MR. BARFIELD: Thank you. That's all.

14 REDIRECT EXAMINATION

15 BY MR. DUNN:

16 Q Carolyn, how long did Casey work at the Mercedes
17 place?

18 A He didn't work there long. He went up there and he
19 knowed that guy for years and he tried to get a job and he
20 couldn't hold it. He didn't work there long.

21 Q How long?

22 A A week I guess.

23 Q All right. Why did he lose the job?

24 A Concentration.

25 Q Who told you that, Casey or somebody else?

- 1 A The guy he works for.
- 2 MR. BARFIELD: Objection.
- 3 MR. DUNN: I'm just trying to get through this, Your
- 4 Honor.
- 5 MR. BARFIELD: Go ahead, I'm sorry.
- 6 Q So as far as you know the reason he lost that job is
- 7 he was not able to maintain his ability to concentrate.
- 8 A Right.
- 9 Q Before that what job did he hold, do you remember?
- 10 A He had another job with a guy down here in Chester
- 11 and he couldn't hold that one either.
- 12 Q What was he doing?
- 13 A Mechanic work.
- 14 Q How long?
- 15 A A week. He couldn't remember what to put on the
- 16 vehicle and he lost the job.
- 17 Q Casey has a car right now, doesn't he?
- 18 A Yes.
- 19 Q Where is it?
- 20 A It's at another place being put back together.
- 21 Q At the time that Judy Hinson died where was that car?
- 22 A Sitting in my yard apart.
- 23 Q It was up on blocks, right?
- 24 A Yeah.
- 25 Q It was taken apart?

1 A The engine was.

2 Q How long had it been in that state?

3 A For awhile.

4 MR. DUNN: All right. No further questions.

5 MR. BARFIELD: I have nothing further. Thank you,
6 ma'am.

7 THE COURT: Thank you, ma'am, you may step down.

8 MR. DUNN: Your Honor, I call Casey Perkins.

9 THE COURT: My recollection of the matters that we
10 had in the pretrial conference relating to the testimony
11 of the defendant, Mr. Perkins, is that nothing that he
12 says during this -- I guess during this testimony that we
13 anticipate he is going to give would be used against him
14 in the case in chief against him, subject however to the
15 caveat that if he -- such -- that any testimony he gives
16 here might nevertheless be used if he does testify
17 inconsistent with this testimony for impeachment purposes?

18 MR. BARFIELD: I think that's the law of the state.

19 THE COURT: Now, do you agree with that so far?

20 MR. DUNN: I don't know if it's the law of the state
21 but that's my understanding, Your Honor.

22 THE COURT: That's the ruling of the Court.

23 Secondly, that the parameters of the testimony here will
24 be in the area of Jackson v. Denno.

25 MR. BARFIELD: I agree with that.

1 MR. DUNN: Yes, sir. Thank you.

2 The witness, CASEY RAY PERKINS, was first duly sworn
3 and testified as follows, on:

4 DIRECT EXAMINATION

5 BY MR. DUNN:

6 Q Casey, please state your full name.

7 A Casey Ray Perkins.

8 Q You're going to have to speak up a lot louder than
9 that, man.

10 A Casey Ray Perkins.

11 Q What is your date of birth, Casey?

12 A [REDACTED].

13 Q That makes you how old today?

14 A Thirty-six, fixin' to be 37.

15 Q And how far in school did you go?

16 A Almost to the 11th grade.

17 Q And why did you stop?

18 A I really couldn't learn, I just couldn't comprehend
19 nothing. They had already pushed me through school
20 anyways.

21 Q What grade were you in at the time you stopped?

22 A 10th grade.

23 Q How old were you at that time?

24 A Maybe 16 or 17.

25 Q You're going to have to speak up some more.

1 A Sixteen or 17.

2 Q Prior to being incarcerated at the Chester County
3 Detention Center, were you on SSI?

4 A Yes.

5 Q As far as you know why were you receiving SSI?

6 A Ability, couldn't comprehend certain things and
7 remember certain things.

8 Q How much money a month were you getting for SSI?

9 A Right at 600.

10 Q Was anybody handling your money?

11 A My mom was.

12 Q Why?

13 A Because I -- anybody can talk me out of it or get me
14 to spend it on something I don't need to be spend it on.

15 Q The reason why I ask the question, Casey, was did you
16 voluntarily give up the right to handle your own money
17 from social security or did social security make you do
18 that arrangement?

19 A Social security made me do it.

20 Q When was the last job you held, Casey?

21 A Corvette and body shop and that was the last one. I
22 really wasn't getting paid for doing that job, it was just
23 basically just for the fun of it.

24 Q Let's try to stick to the question that I ask. So
25 you work for the Corvette and body shop. How long did you

1 work there?

2 A Maybe a week and a half.

3 Q Why did you stop working there?

4 A I screwed up more than I could fix them.

5 Q How so?

6 A Well, like I forgot to tighten the valves down on one
7 car, I walked away from it, came back to it and I forgot
8 to tighten the valves down and put the valve covers back
9 and started the car up and it bent all of the valves in
10 the car.

11 Q Did you get paid any money for that job?

12 A No.

13 Q During that week and a half you worked?

14 A No.

15 Q You didn't get any money at all?

16 A I maybe got maybe \$20.

17 Q Why did you work for so long if you weren't being
18 paid any money?

19 A I just did it to have something to do, keep my mind
20 occupied.

21 Q Before you worked at the Corvette place, where did
22 you work?

23 A Junior Gunter's Mercedes Benz.

24 Q How long did you work there?

25 A I don't know, maybe two days or so, three days.

1 Q Why did you only work there for a couple of days?

2 A First of all I messed up one car, it was one of his
3 private cars, I put a timing chain in it and it tightened
4 the tensioner down too tight and broke the arm on it.

5 Q Were you fired?

6 A No. He said to not worry about it, just put another
7 tensioner -- put the second tensioner on it and put the
8 engine back together.

9 Q You only worked there a couple of days. Did you
10 leave voluntarily or were you fired?

11 A I left voluntarily because I didn't want to mess up
12 no more cars and I was getting stressful any way.

13 Q Did you get paid any money for that job?

14 A No.

15 Q Have you been paid any money in the last three or
16 four years prior to being incarcerated this time, did you
17 have any jobs where you actually made money?

18 A Not really, no. The most I ever made was on the side
19 was like maybe \$60 bucks putting a gas tank in.

20 Q Okay. You've been here the last few days where we
21 have gone over the statements that you gave, correct?

22 A Correct.

23 Q All right. Casey, I'm going to hand you what's been
24 marked as Exhibit Number 1. Do you recognize that?

25 A Yes, sir.

1 Q On page number two -- I believe it's on page number
2 two there's a signature. Is the signature on page one
3 yours?

4 A It looks like my signature.

5 Q On page number two, is that your signature yours?

6 A I couldn't swear to it.

7 Q Does it look like it?

8 A Kind of.

9 Q Do you remember giving this statement to Officer
10 Perry?

11 A I remember giving it to one of the officers, yes,
12 sir.

13 Q All right. The handwriting in the body of this, this
14 is not your handwriting, though, is it?

15 A No, sir.

16 Q Somebody else wrote it, correct?

17 A Correct.

18 Q Did you read over it before you signed this form?

19 A No, sir.

20 Q How come?

21 A I was really depending on that he's being truthful
22 with the whole statement.

23 Q So you put your name on something that you didn't
24 read over.

25 A Yes, sir.

1 Q Do you remember where you were when you signed this
2 piece of paper?

3 A Not right off hand.

4 Q I believe Officer Perry said that you were down at
5 one of the police stations, does that sound about right?

6 A Possibly, yes, sir.

7 Q I'm going to hand you what's been marked as Exhibit
8 Number 2. Do you see the signature, Mr. Perkins?

9 A Yes, sir.

10 Q Is that your signature?

11 A It looks like my signature.

12 Q Do you remember participating in a polygraph?

13 A Yes, sir.

14 Q Where was that done?

15 A Chester County Detention Center.

16 Q Do you remember who administered that polygraph? Do
17 you remember?

18 A Not off the top of my head.

19 Q Buddy Wilkes said he did it, does that sound about
20 right?

21 A Possibly, yeah.

22 Q Do you know who -- you saw Buddy Wilkes testify,
23 correct?

24 A Yes, sir.

25 Q Did you recognize him when he testified?

- 1 A Yes, sir.
- 2 Q Is he the person who testified about the polygraph?
- 3 A I can't remember about the polygraph, I really can't.
- 4 Q Before the polygraph was administered Officer Wilkes
- 5 or Sheriff Benson said they came to talk to you and your
- 6 dad, do you remember that?
- 7 A Yes, sir.
- 8 Q Were you there during that conversation?
- 9 A Yes, sir.
- 10 Q Do you remember saying -- or do you remember Special
- 11 Agent Wilkes saying that -- or do you remember your dad
- 12 saying that somebody in Tennessee had shoved broom sticks
- 13 into peoples orifices?
- 14 A Yes, sir.
- 15 Q Do you remember your dad saying that?
- 16 A Yes, sir.
- 17 Q Do you remember Officer Wilkes pointing up towards
- 18 Judith Hinson's house and saying that's what's happened to
- 19 her?
- 20 A That's what Buddy -- Mr. Wilkes said, yes, sir.
- 21 Q Did you say anything after that?
- 22 A He turned to me and I said, "I didn't do it."
- 23 Q During that conversation did he say he thought you
- 24 did it?
- 25 A Yes, sir.

1 Q But you denied it.

2 A Yes, sir. He said I had no remorse about the
3 situation.

4 Q And during that conversation they asked you to come
5 down and give a polygraph, correct?

6 A Correct.

7 Q A lie detector test?

8 A Uh-huh.

9 Q You went and did that?

10 A Yes, sir.

11 Q All right. Did anybody make you do that?

12 A Well, it was me, it was a statement made, "Well, it
13 will make you look better if you take the polygraph test."

14 Q Okay. Anyone force you or threaten you to do that?

15 A No, sir.

16 Q When you got down there you signed what's been marked
17 as Exhibit Number 2, correct?

18 A Correct.

19 Q Do you remember them reading over this form with you?

20 A No, sir.

21 Q When I say you have Miranda rights, do you know what
22 Miranda rights are?

23 A No, sir.

24 Q Have you ever heard of Miranda rights?

25 A No, sir.

- 1 Q Have you ever heard anybody tell you you have got the
2 right to remain silent?
- 3 A I've heard that before.
- 4 Q And that anything you say can be will be used against
5 you in a court of law?
- 6 A Yes, sir.
- 7 Q All right. You've heard that before?
- 8 A I've heard that before.
- 9 Q And you have the right to talk to a lawyer, right,
10 you've heard that before?
- 11 A Yes, sir.
- 12 Q Do you remember them telling you all of that before
13 you signed this form?
- 14 A I don't remember them saying that, no, sir.
- 15 Q And it's your testimony that you don't understand
16 Miranda.
- 17 A Yes, sir.
- 18 Q Do you understand what it means to be silent?
- 19 A Sometimes, sometimes not. I mean, it depends.
- 20 Q What do you mean?
- 21 A Sometimes I can go and if I think it's a wrong
22 situation I won't be quiet about it.
- 23 Q Do you understand what it means to have a lawyer
24 present?
- 25 A My understanding is to have a lawyer present you're

1 allowed to have somebody present to listen in to the
2 conversation.

3 Q And why would you want to have your lawyer present?

4 A I don't know. I don't know what good it's going to
5 do.

6 Q On the day that you gave your polygraph, were you
7 handcuffed?

8 A I can't remember if I was or wasn't.

9 Q After you took that polygraph, did anybody tell you
10 whether or not you had been -- that you had failed it or
11 not passed it or something to that affect?

12 A No, sir. The only thing that was said, Buddy said,
13 "I know you did a crime and we're going to make you
14 confess to it."

15 Q Did Buddy's attitude toward you change -- how long
16 did that process last with a polygraph? How long were you
17 there?

18 A About an hour, maybe hour and a half.

19 Q How long total were you there that day?

20 A Whole police station, maybe two and a half hours or
21 three.

22 Q Did his behavior towards you change during that day?

23 A Yes, sir.

24 Q How did it change?

25 A He went from being calm before the polygraph, after

1 the polygraph he started getting hateful with me:

2 Q How do you mean?

3 A Started catching an attitude, "We're going to prove
4 you did it no matter what." And he stated, "Personally I
5 will see to it that you will be prosecuted to the
6 extreme."

7 Q Anytime that you gave the polygraph or talked to
8 Wilkes during that day before or after the polygraph, did
9 you ever ask to use the bathroom?

10 A I can't remember if I did or didn't.

11 Q Were you denied being able to use the bathroom?

12 A I don't recall it.

13 Q Were you denied being able to eat any food if you
14 were hungry?

15 A No, sir.

16 Q Were you ever denied any water?

17 A No, sir.

18 Q Did you understand what was going on at the time
19 during the polygraph?

20 A Sort of I didn't and kind of I did. I was really
21 confused about it, I didn't know which way it was turning.

22 Q What were you confused about?

23 A If it's going to help me, in other words, or if it
24 just is like the one they done in another county where my
25 heart rate would speed up and I would fail it too. I was

1 confused about the whole thing anyway.

2 Q Why were you confused?

3 A I didn't really understand it.

4 Q Did you ever ask for any kind of clarity?

5 A I tried to. He said, "Don't worry about it, I know
6 what I'm doing." That's what Buddy said.

7 Q Did you have any health conditions or health problems
8 at any time that you gave that polygraph and talked with
9 Buddy Wilkes?

10 A I had what they call it, severely depression and I
11 also had physical problems as well.

12 Q What were your physical problems?

13 A Back pains. When I was young I got my back busted up
14 in the log woods and all of that stress going on cutting
15 on my back and stuff, then sometimes my kidneys will act
16 up.

17 Q Do you remember being arrested?

18 A Yes, sir.

19 Q When you were arrested, did any of the officers there
20 read your Miranda outside of your house?

21 A No, sir.

22 Q Do you remember at what point after you were arrested
23 that they read you your rights?

24 A Once they stopped the vehicle.

25 Q Where was that?

1 A I can't remember the road, it was by Carolina Tanks
2 right before you get to the bridge and they pulled over
3 right before you --

4 Q Why did they stop the car, do you know?

5 A They wanted me to make a confession before we got to
6 the jailhouse.

7 Q That's what they told you?

8 A Yes, sir.

9 Q Did you start talking to the cops immediately after
10 you got arrested that you didn't do it?

11 A Yes, sir.

12 Q What happened when you got to the jail?

13 A They took me in, they put me in the interrogation
14 room and they said, "We're going to get it out one way or
15 the other."

16 Q Where was the interrogation room, do you remember?

17 A I know it was somewhere in the building. I know it
18 was on the right-hand side.

19 Q What did it look like?

20 A It looked like a small room with a dark window, it
21 was real small and it has one door to it.

22 Q Were you handcuffed?

23 A Yes, sir.

24 Q Did they ever take your handcuffs off of you?

25 A No, sir.

- 1 Q How long did they talk to you?
- 2 A Hours.
- 3 Q How long?
- 4 A Roughly guessing maybe two, three, somewhere in
5 there.
- 6 Q What was the nature of their questions? How were
7 they talking to you?
- 8 A Some of them was pretty quiet about it and calm and
9 some of them was rude and disrespectful.
- 10 Q How many officers were there?
- 11 A Maybe ten or 11.
- 12 Q This is right after you were arrested?
- 13 A Yes, sir.
- 14 Q Did you see --
- 15 A There were a bunch of people around me.
- 16 Q They were all coming in that room?
- 17 A Yes, sir. In and out, in and out.
- 18 Q Any of those officers who testified today or
19 yesterday, were any of those officers there?
- 20 A Yes, sir.
- 21 Q Who?
- 22 A McNeil was there, Mr. McNeil, Buddy was there and
23 Benson was there, and I can't think of the other one's
24 name, perry and Kelly, Kelly was there.
- 25 Q Is this at the same time that you gave the recorded

1 statement to Benson or is this a separate occasion?

2 A Separate occasion.

3 Q During that time that you spoke with -- after you
4 were arrested in the interrogation room, did anybody
5 threaten you?

6 A Not physical. But they said one of the officers
7 stated -- I don't remember the name -- he said, "You might
8 as well go ahead and confess it, we already got the
9 evidence, we have got everything we need to prosecute
10 you."

11 Q Did anybody threaten your physical well-being?

12 A Not well-being, no, sir.

13 Q Did anybody point a gun at you?

14 A No, sir.

15 Q Anybody rough you up?

16 A No, sir.

17 Q Anybody threaten your family?

18 A The law did threaten to lock my family up, yes, they
19 did.

20 Q That day or a different day?

21 A That day and different days.

22 Q On that day how did they threaten your family?

23 A They said, "You will cooperate or we're going to
24 start doing an investigation on your parents and prosecute
25 them as well."

1 Q How did that make you feel?

2 A That made me feel terrible. I don't want my parents
3 going to jail.

4 Q Did you hear Lieutenant Robertson testify today?

5 A Yes, sir.

6 Q Do you remember him?

7 A Yes, sir.

8 Q You do remember him?

9 A Yes, sir.

10 Q He says that you told him to go ahead and put him in
11 jail -- to put you in jail and give you the death penalty,
12 do you remember that?

13 A Yes, sir, so they would leave my parents alone.

14 Q All right. Casey, I'm going to hand you what's been
15 marked as Exhibit Number 3. That is called a prisoner
16 inmate request slip or something, right?

17 A Yes, sir.

18 Q Have you ever seen that before?

19 A No, sir.

20 Q You have never seen that?

21 A No, sir.

22 Q Is that your handwriting?

23 A No, sir.

24 Q Is that your signature?

25 A It looks like mine but because I don't sign my middle

1 name with an A.

2 Q Apart from that, did the rest of it look like your
3 signature?

4 A Sort of -- no -- sort of but -- the first does but
5 not the last of it, no, sir.

6 Q Did you ever make a request to speak with Sheriff
7 Benson?

8 A On account on one occasion where the CO had come back
9 in the block and told me that I needed -- which the CO's
10 name was Doster -- stated that I need to make a confession
11 so my parents won't be locked up. And I said, "Let me go
12 ahead and speak to Sheriff Benson."

13 Q Did you talk to Sheriff Benson after that?

14 A It was days later.

15 Q Do you remember talking to Sheriff Benson?

16 A Yes, sir.

17 Q How long did that conversation with Sheriff Benson
18 last?

19 A Hours.

20 Q Did Sheriff Benson make you sign anything before he
21 talked to you?

22 A Yes, sir.

23 Q What did he make you sign, do you remember?

24 A No, sir. It was all kinds of paperwork, I don't know
25 what it was.

1 Q I'm going to hand you what's been marked as Exhibits
2 4 and 5. Look at those, please, sir. Have you ever seen
3 those forms before, Casey?

4 A Not that I remember, no, sir.

5 Q Both of those have signatures on them, don't they?

6 A Yes, sir.

7 Q It says Casey Perkins. Are those your signatures?

8 A It looks like my signatures, yes, sir.

9 Q Do you remember signing those forms?

10 A No, sir. I don't I remember signing a bunch of
11 paperwork.

12 Q Sheriff Benson testified earlier that he read those
13 forms to you. Do you remember him reading those to you?

14 A No, sir. I ain't saying he didn't, I'm just saying I
15 don't remember.

16 Q Do you remember Sheriff Benson telling you that Todd
17 Rutherford told you not to talk to him?

18 A No, sir.

19 Q You don't remember that?

20 A No, sir.

21 Q Did you ever hire Todd Rutherford?

22 A No, sir.

23 Q Do you know if your family ever talked to Todd
24 Rutherford?

25 A No, sir, I don't.

1 Q Do you remember telling Sheriff Benson that you
2 couldn't afford Todd Rutherford?

3 A Yes, sir.

4 Q You do remember that?

5 A Yes, sir.

6 Q Why did you tell him that?

7 A I made a statement because he said, "You need a
8 lawyer." And I said, "I can't afford a lawyer." I said
9 "Todd Rutherford, I can't afford him, he's too expensive."
10 That's when he said, "The Court will appoint you a
11 lawyer."

12 Q Do you remember having a bond hearing for the murder
13 charge?

14 A Yes, sir.

15 Q When was that, do you remember?

16 A I have no idea.

17 Q Do you remember having a bond hearing for the charge
18 against Angie?

19 A Yeah, seems like.

20 Q The second time you were arrested for her?

21 A Yeah.

22 Q Were the bond hearings at the same time or different
23 times.

24 A Different times.

25 Q Were you given bonds in either one of those charges?

1 A I was given a bond on Angie, it was way up there. On
2 the murder charge I was denied a bond, the judge said he
3 would send it to another judge.

4 Q All right. I'm going to hand you what's been marked
5 as Exhibit Number 6. Do you recognize it?

6 A I recognize the signatures, yes, sir.

7 Q Whose signatures are those?

8 A Mine.

9 Q Do you remember signing that form?

10 A No. I remember signing it in that order, a bunch of
11 them all of the way down.

12 Q So is it possible that you signed this?

13 A Yes, sir. It's possible, yes.

14 Q When you signed that form, did anybody threaten you
15 or coerce you to sign them?

16 A No, sir. Not at the time, no, sir.

17 Q Did you have any questions about what you were
18 signing?

19 A No, sir.

20 Q Did you understand what you are signing?

21 A No, sir.

22 Q Did you ever ask anybody to explain them to you?

23 A No, sir.

24 Q Why not?

25 A I didn't care nothing about it.

1 Q How come?

2 A Like I said, I suffered from depression and I had
3 already been convicted of a murder which I didn't commit.
4 Then they turn around and harass me even more about stuff
5 so I said, "Go ahead and do what you have got to do, I
6 don't care."

7 Q You have been convicted of another murder?

8 A Well, trying to be convicted.

9 Q They're trying to convict you of murder.

10 A Yes, sir.

11 Q Okay. During the statement -- that statement of
12 Sheriff Benson, do you remember him telling you that it
13 was being recorded?

14 A It sounded like he said something about it, yes, sir.

15 Q Do you remember him asking you to video record it?

16 A Yes, sir.

17 Q And what was your response?

18 A I said no.

19 Q During the time that you gave that statement, did you
20 ever have -- did they ever deny you the use of the
21 bathroom?

22 A They said try to make it less as possible.

23 Q Less as possible?

24 A Yes, sir.

25 Q But they didn't deny it to you?

- 1 A No, sir.
- 2 Q Were you able to eat anything?
- 3 A I didn't eat nothing during the whole conversation.
- 4 Q Did you ever ask for food?
- 5 A No, sir.
- 6 Q Did you ever ask for water?
- 7 A No. One of the detectives asked me if I wanted
- 8 something to drink.
- 9 Q Did you ever ask to smoke anything?
- 10 A Actually they offered it.
- 11 Q Did you smoke?
- 12 A Yes, sir.
- 13 Q Were you handcuffed during that interview by Benson?
- 14 A Yes, I was.
- 15 Q Are you sure?
- 16 A Yes, sir.
- 17 Q How were you handcuffed?
- 18 A Like I am right now.
- 19 Q Hands in front of you?
- 20 A Yes, sir.
- 21 Q Anybody beat you or threaten to beat you?
- 22 A No, sir.
- 23 Q Point a gun at you?
- 24 A No, sir.
- 25 Q Hit you with a stick or anything?

1 A No, sir.

2 Q Mace you?

3 A No.

4 Q Was it your decision to talk to Benson that day or
5 did somebody -- they just bring you to them?

6 A Actually somebody brought me to them.

7 Q Did you want to talk to Benson?

8 A Sort of yeah, sort of no.

9 Q Why would it be sort of yeah?

10 A Once they told me my parents are going to be locked
11 up I might as well go ahead and do something anyway.

12 Q Did you ever ask to be taken back to your jail cell
13 during that interview?

14 A Yes, sir.

15 Q Did they take you back?

16 A No, sir.

17 Q Who did you tell that you wanted to go back?

18 A Benson.

19 Q And what was his response?

20 A He looked at me like I was stupid.

21 Q Did he say anything to you?

22 A He said something, I don't remember what it was.

23 Q Did you ask more than once?

24 A Yes, sir. When we were outside in the hallway I
25 asked him again and he said, "I ain't through yet."

- 1 Q Now, during that conversation to Benson you told
2 Benson a bunch of stuff, right?
- 3 A Yes, sir.
- 4 Q Why did you tell Benson what you told him?
- 5 A Well, I figured if they were going to prosecute me
6 anyway and throw the book at me why not. I'll give them a
7 story that's worth to listen to.
- 8 Q Was it helping you any to talk to them?
- 9 A Well, it kept my parents out of jail.
- 10 Q I didn't hear you.
- 11 A It kept my parents out of jail.
- 12 Q Did Benson talk to you the entire time you were down
13 in the interrogation room?
- 14 A No, he didn't.
- 15 Q What did Benson do?
- 16 A He come and went.
- 17 Q All right. And when he left, what happened?
- 18 A He come back, then he brought some paper with him and
19 they had pictures and writing on it as well.
- 20 Q Writing on what?
- 21 A On the paper.
- 22 Q Do you remember what it was?
- 23 A Some of it was stating what the crime scene was about
24 and the pictures was photos of Ms. Judy Hinson.
- 25 Q Where was Ms. Hinson in these photographs?

1 A In a room, looked like a bedroom.

2 Q They showed you pictures of her?

3 A Yes, sir.

4 Q When Benson left the room, did any officer remain in
5 the room?

6 A There's always somebody in there continuously.

7 Q Who all was in there, do you remember?

8 A One was Shane Stewart, McNeil and another officer, I
9 ain't familiar with who he was. It was a police officer.

10 Q What did he look like?

11 A Black hair, kind of tall, built.

12 Q White guy? Black guy?

13 A White guy.

14 Q Did the officers talk to you when Benson was gone?

15 A Yes, sir.

16 Q What did they talk to you about?

17 A They were telling me to go ahead and make the
18 statement and give them what the sheriff wanted.

19 Q Okay. Did anybody ever promise you anything to give
20 a statement to Benson?

21 A Sort of, yeah.

22 Q What do you mean by sort of?

23 A To me I took it as a promise because Benson said that
24 he would okay the death penalty in other words.

25 Q You had asked Benson for the death penalty?

1 A Yes.

2 Q Why?

3 A I ain't going to sit in prison the rest of my life
4 and I'm tired of living anyway.

5 Q Why were you tired of living.

6 A There's too much in this world that I can't cope
7 with.

8 Q Like what?

9 A I can't stand my brother being dead, my grandmom
10 being dead then my grandpa died, it's just too much. Then
11 my wife left me, then Angie, she started her stuff with
12 me, accusing lies on me and stuff, which I didn't do.

13 Q Do you remember officer -- or Mr. Cheek testifying
14 yesterday?

15 A Yes, sir.

16 Q He says that on Friday the 9th that you told him that
17 you killed that woman. Do you remember telling that to
18 him?

19 A I never said no such thing.

20 Q Did you ever have any problems with Cheek?

21 A Yes, sir.

22 Q What kind of problems did you have with Cheek?

23 A Me and Cheek never could get along.

24 Q Why?

25 A He was always down-looking me because of the charge.

1 and he's always told me, he said, "You shouldn't have done
2 something like that."

3 Q Any other detention officers give you problems?

4 A A few of them did, yes, sir.

5 Q Any of them tell you that you need to confess or
6 cooperate or something along those lines?

7 A Sergeant Chino (phonetically), he's one of them. He
8 told me I need to confess, that he knew what happened at
9 the crime scene and he went around -- I got witnesses to
10 prove this -- went around the jailhouse telling people
11 what I done to the victim.

12 Q Did anybody at the detention center ever threaten
13 you?

14 A Yeah.

15 Q How so?

16 A Inmates. Does that count?

17 MR. BARFIELD: I'm sorry, I didn't hear the question,
18 Your Honor.

19 Q I said did anybody in the detention center ever
20 threaten him. Did any officers ever threaten you?

21 A Not bodily harm but they always get me for little
22 stuff, put stuff in my cell and stuff and say I had it,
23 which I didn't sometimes.

24 Q I am talking about before you talked to Benson, did
25 he revoke any of your privileges?

1 A They took my rec. and put me on lockdown and max.

2 Q Did any of that have any bearing on talking to

3 Benson?

4 A I think it did, yes, sir.

5 Q Why?

6 A Because they figured the more they could harass me

7 and the more I would probably go ahead and give in as

8 well.

9 Q Did you ever tell any of these officers during the
10 investigation of Judy Hinson's death, did you ever tell

11 anybody that you wanted a lawyer?

12 A At one point in time I probably have.

13 Q Do you remember specifically if you told anybody you
14 wanted a lawyer?

15 A No, sir.

16 Q Lieutenant Robertson said that you invoked your right
17 to a lawyer, do you remember that?

18 A No, sir.

19 MR. DUNN: Beg the Court's indulgence one minute.

20 THE COURT: Yes, sir.

21 (Break in proceedings.)

22 MR. DUNN: Nothing further.

23 CROSS EXAMINATION

24 BY MR. BARFIELD:

25 Q How old were you the day you got arrested?

1 A Thirty-three or 34.

2 Q Prior to the day of your arrest, do you agree you got
3 arrested for failure to change your address as a sex
4 offender?

5 A I agree to them terms.

6 Q That's what you got arrested for initially, right?

7 A Yes, sir.

8 Q While you were in jail at the detention center on
9 that charge, I think it was September 2nd, they served you
10 with the murder warrant; is that right?

11 A Yes, sir.

12 Q Now, prior to your arrest in your yard on
13 August 28th -- August 29th -- prior to your arrest on
14 August 29th of 2005 how many times in your life had you
15 been arrested by police officers?

16 A Twice.

17 Q Just twice?

18 A I think so, just twice.

19 Q How many times have you been read Miranda warnings
20 during those two arrests?

21 A I've been read my rights to.

22 Q How many times have you had your rights read to you
23 prior to this case?

24 A Maybe once that I can recall.

25 Q Pardon?

- 1 A Maybe once that I can recall.
- 2 Q Okay. Did you confess in that case?
- 3 A No, sir. I kept telling them that I didn't do it.
- 4 Q So they read you your rights, you knew you could shut
- 5 up or talk, right, in that prior case, right?
- 6 A I guess, yeah.
- 7 Q And you shut up. You said, "I am going to invoke my
- 8 rights, I'm going no keep my mouth shut and I am not going
- 9 to confess," is that true, in the first case you got read
- 10 Miranda on?
- 11 A I didn't shut up.
- 12 Q You didn't confess, though.
- 13 A I was guilty, I told them I was guilty.
- 14 Q Wait a minute, I don't understand.
- 15 A The first time I was ever got arrested I told them I
- 16 was guilty.
- 17 Q You said a minute ago you got read Miranda and you
- 18 didn't do it so you didn't say anything to them, is that
- 19 accurate?
- 20 A He said, "I am going to read you your rights."
- 21 Q When I say Miranda I am talking about your rights.
- 22 A Okay.
- 23 Q You got read your rights and you did not confess, is
- 24 that what you said a minute ago?
- 25 A That's when I first got arrested in my entire life.

1 I was arrested on traffic violations and I told them I was
2 guilty.

3 Q The first time they read you your rights that wasn't
4 on a traffic violation, was it?

5 A Yes, sir.

6 Q The second time they read you your rights, do you
7 remember that?

8 A The second time? Yes, sir.

9 Q What happened that time?

10 A I told them I didn't do it and they read me my rights
11 and put me in a holding cell.

12 Q You did not confess, right?

13 A I did not confess, no.

14 Q So you understood after you got read your rights that
15 second time that you didn't have to talk to them and
16 confess.

17 A No, sir. I did make a statement at that time.

18 Q Now, I want to go back over just a couple of things
19 with you. Some time during the daylight hours on
20 August 27th somebody got word to you that the sheriff's
21 office wanted to talk to you; is that correct?

22 A Yes, sir.

23 Q And you knew where to go; is that correct?

24 A I didn't know where to go.

25 Q Well, who took you to the sheriff's office or to the

- 1 substation?
- 2 A Ed Devack.
- 3 Q And you talked to Phillip Perry, right?
- 4 A Yes, sir.
- 5 Q And you knew why he was talking to you, right?
- 6 A No. I didn't know what was going on.
- 7 Q Well, when you got there and you started talking to
- 8 Phillip Perry you were not under arrest; is that correct?
- 9 A Right.
- 10 Q And you knew that Phillip Perry was trying to figure
- 11 out what, if anything, you knew about Judy Hinson's
- 12 murder.
- 13 A When I was -- recognized that they were trying to see
- 14 where my whereabouts were, that's what I understood.
- 15 Q Let me ask you this first then: When you got to
- 16 wherever Phillip Perry was that day, August 27th, did you
- 17 know that Judy Hinson had been killed?
- 18 A That morning I think it was like 8:30 to 9:00.
- 19 Q You knew Judy Hinson had been murdered, right?
- 20 A Yes, sir, by a neighbor.
- 21 Q And then some time later that day you went to see
- 22 Phillip Perry, right?
- 23 A I think it was on a Sunday.
- 24 Q I don't know what day it was but the day Judy
- 25 Hinson's body was found when it got daylight some time

1 later that day you went to see Phillip Perry, right?

2 A Yes, sir.

3 Q And he wanted to know where you had been that night,
4 right?

5 A Yes, sir.

6 Q And you knew that he was interested in that because
7 maybe they were thinking about you as the person who
8 killed Judy Hinson; is that right?

9 A I never thought about that.

10 Q It never occurred to you that, "I am up here talking
11 to the police because my neighbor got killed and they want
12 to know where I was." You never put those two and two
13 together?

14 A No, sir.

15 Q You talked to a police officer that day, Phillip
16 Perry, and you did not confess, isn't that true?

17 A True.

18 Q The next day, August 28th, Buddy Wilkes and Sheriff
19 Robby Benson and Michael Green with Sled came out to your
20 house; is that true?

21 A Yes, sir.

22 Q And you and your daddy and I don't know who else, but
23 you and your daddy are out in the yard at your house; is
24 that true?

25 A True.

1 Q And they are there to talk about whether you're going
2 to take a polygraph test or not; is that true?

3 A True.

4 Q And you knew then that they were still talking about
5 Judy Hinson's murder; is that true?

6 A True.

7 Q And while in your yard with those three police
8 officers you did not confess, did you?

9 A No, I did not confess.

10 Q And you agreed to take a polygraph test; is that
11 true?

12 A To clear my name, yes, sir.

13 Q And later that day your mama took you to the
14 sheriff's office, didn't she?

15 A Yes, sir.

16 Q To take the polygraph test, right?

17 A Yes, sir.

18 Q And you agreed to take it, right?

19 A Yes, sir.

20 Q And Buddy Wilkes talked to you some before he
21 actually gave you the test and put the stuff on your arms,
22 didn't he?

23 A Yes, sir. I remember him putting the stuff on my
24 arms.

25 Q Well, he talked to you a good bit before he did that,

1 right?

2 A Yes, sir.

3 Q And then he put the little probes or whatever they
4 are on your arms or your head or -- I don't know, I have
5 never had one -- he wired you up to some stuff and gave
6 you the test, right?

7 A Yes, sir.

8 Q And you agreed to do that, right?

9 A Yes, sir.

10 Q After you took the test he told you, "Bo, you failed
11 the test."

12 A He did not say anything this time.

13 Q He got rough with you, didn't he?

14 A He said, "I know you're guilty now."

15 Q He treated you like crap, didn't he?

16 A Yes.

17 Q And he wanted you to confess that day, didn't he?

18 A Uh-huh.

19 Q And you didn't confess, did you?

20 A No. I was not going to confess.

21 Q He put the heat on you and you stood up to it and did
22 not confess, right?

23 A Sort of, yeah.

24 Q He treated you like crap, didn't he?

25 A Not really.

- 1 Q He accused you of all kinds of stuff, didn't he?
- 2 A Yeah.
- 3 Q You knew he was thinking that you were the man that
- 4 killed Judy Hinson, right?
- 5 A Yeah.
- 6 Q He wanted you to admit it, didn't he?
- 7 A That's what he wanted.
- 8 Q But you still stood there, poked your chest out and
- 9 said, "No." You did not confess; is that true?
- 10 A That's true.
- 11 Q Thank you. All right. They let you go home, didn't
- 12 they?
- 13 A Yeah.
- 14 Q And the next day Buddy Wilkes, Michael Green come
- 15 back out, this time, though, they have got papers, they're
- 16 going to arrest you, aren't they?
- 17 A Yes, sir.
- 18 Q And they did, didn't they?
- 19 A Yes, sir.
- 20 Q And you didn't want to go, did you?
- 21 A No, I didn't want to go.
- 22 Q And they got nasty with you and treated you like
- 23 crap, didn't they?
- 24 A Yeah.
- 25 Q And they wanted you to confess in that car on the way

1 to the jail, didn't they?

2 A Yes, sir.

3 Q And you stood your ground and said, "No. I'm not
4 going to confess to this, on the way to the jail," didn't
5 you?

6 A Yes.

7 Q They got you to the sheriff's office and you put you
8 in a little old room, didn't they?

9 A Yes.

10 Q And the two of them double-teamed on you again in
11 that little room, didn't they?

12 A Yeah.

13 Q And they treated you like crap some more.

14 A Yeah.

15 Q And they pointed their fingers at you and accused you
16 of all kinds of meanness, didn't they?

17 A Yep.

18 Q And they wanted you to confess, didn't they?

19 A Yes.

20 Q And you stood your ground and said, "No, I am not
21 going to confess," didn't you?

22 A Yes, sir.

23 Q And then they lead you out of that room and take you
24 out of the back and low and behold there's another
25 alligator there, Tommy Robertson, who is going to grill

- 1 you some more; isn't that true?
- 2 A Yes, sir.
- 3 Q And they pass you off to him and let him chew on you
- 4 for awhile, don't they. Is that true?
- 5 A Yes, sir.
- 6 Q And he treated you like crap too, didn't he?
- 7 A Not really.
- 8 Q And he wanted you to confess, didn't he?
- 9 A He just started asking me a bunch of questions.
- 10 Q He looked at you and said, "I know you did it,"
- 11 didn't he?
- 12 A Sort of like that.
- 13 Q And he wanted you to confess, didn't he?
- 14 A Yes, sir.
- 15 Q And you stood your ground and said, "No, I'm not
- 16 going to confess," and you didn't confess, did you?
- 17 A I didn't.
- 18 Q All right. And that's all on August 29th of 2005, do
- 19 you agree that's when that happened?
- 20 A I agree to them terms.
- 21 Q And you go into the -- back into the jail and you sit
- 22 there?
- 23 A Yes, sir.
- 24 Q The rest of August 29th, August 30th August 31st,
- 25 September 1st, September 2nd, September 3rd, September

- 1 4th, September 5th, September 6th and September 7th, -
2 September 8th, September 9th -- no, September 7th. All of
3 the way to September 7th nobody bothered you when got
4 locked up in the back until September 7th, did they?
- 5 A There was harassment going on, yes, sir.
- 6 Q Well, you didn't talk to Phillip Perry anymore while
7 you were in the jail, did you?
- 8 A No, sir.
- 9 Q Who was the first guy that wanted you to confess, you
10 didn't talk to him anymore, did you?
- 11 A No, sir.
- 12 Q You didn't talk to Buddy Wilkes anymore, did you?
- 13 A I didn't see anymore detectives or police.
- 14 Q You didn't see nobody but correctional officers.
- 15 A No, sir.
- 16 Q And that whole time you ain't confessed either.
- 17 A No, sir.
- 18 Q While you are sitting out there in the jail. And
19 then on September 7th you talk to a correctional officer,
20 you fill out this thing that you want to get word to the
21 sheriff that you want to talk to him, you fill that out
22 and turn it back in and they send it to the sheriff, do
23 you agree with that?
- 24 A I don't agree to them terms.
- 25 Q You didn't does that?

1 A I don't think I did.

2 Q You don't think you did or you know you didn't.

3 A I don't think I did.

4 Q So all of this is made up. What Ms. Dunnerford said
5 on the witness stand this morning, you believe she just
6 lied and made that up.

7 A I ain't going to say she's lying. Ms. Dunnerford
8 signs up on a lot of papers.

9 Q Well, let me ask you this: Did you write anything on
10 this sheet of paper? Let me just ask you first. You can
11 hold it your hands if you want to, I ain't worried about
12 you holding it. Just look at it and you tell me if you
13 put any marks on that piece of paper.

14 A It don't look like my handwriting, I'll be honest
15 with you.

16 Q You can answer it any way that you want but I am
17 asking you, did you put any marks on that piece of paper?

18 A From my recollection, no, sir.

19 Q So you deny that you filled out a request to talk to
20 the sheriff about the murder case.

21 A Yes, sir.

22 Q I believe you testified a moment ago that you did
23 talk to some correctional officer and asked to talk to the
24 sheriff; is that true?

25 A I did. He told me to confess, that they were going

1 to lock my parents up and I said, "I will go ahead and
2 talk to the sheriff then."

3 Q Do you know who that was that you talked to?

4 A That was Cheeks.

5 Q Pardon?

6 A Sergeant Cheeks at the time.

7 Q So the same guy who testified yesterday that you
8 admitted Ms. Hinson to is the guy that you said you wanted
9 to talk to the sheriff to.

10 A Yes, sir. In my statement I did not admit to
11 nothing.

12 Q Do you agree that you sent word to the sheriff one
13 way or the other that you wanted to talk to him?

14 A Yes, sir, I agree to that.

15 Q So from August 29th until September 7th you ain't
16 confessed nothing to nobody, and all of the sudden on
17 September 7th you give this statement that we -- that
18 everybody will hear the videotape -- or the audiotape on
19 later on?

20 A Yes, sir.

21 Q And you admit -- have you heard any of that tape?

22 A No, sir.

23 Q Have you and Mr. Dunn sat down and listened to it
24 yet?

25 A No, sir.

1 Q Did you hear the two or three little bits of pieces . .
2 that he played here in the courtroom today.

3 A I heard somewhat of it, I couldn't make out the
4 voices.

5 Q Okay.

6 A Or what was actually being said.

7 Q Well, let me just ask you this: Do you agree --
8 maybe you can't answer but because you ain't heard the
9 tape, but --

10 A I have read the transcripts if that helps.

11 Q Well, all right, that helps. Whether the transcripts
12 are accurate or not none of us really know. But do you
13 agree that this is kind of sort of a summary that
14 Mr. Dunn's office put together from what is on that tape?

15 A Sort of. I will say sort of, yes, sir.

16 Q Do you agree that you're out there talking to them at
17 the sheriff's office when that tape is made with which
18 this is typed up?

19 A Yes, sir.

20 Q All right. So you admit that you made the statement?

21 A Yes, sir.

22 Q And whatever is on the tape, your voice is your
23 voice?

24 A Is what I said.

25 Q All right. But you are just basically saying now

1 that, "I lied, I made it all up and it ain't true," is
2 that what you're saying?

3 A That's what I am saying, yes, sir.

4 MR. BARFIELD: Okay. Thank you, that's all.

5 MR. DUNN: No redirect.

6 THE COURT: Thank you, sir. You may step down.

7 MR. DUNN: I don't have anything further today. Like
8 I told the Court earlier, I'm going to talk to
9 Mr. Rutherford, I believe. I guess my inquiry to the
10 Court is whether or not the Court at this point wants to
11 have testimony of Mr. Rutherford or if that's something
12 that the Court is going to want before making his decision
13 in this matter.

14 THE COURT: Well, the record is still open, we agreed
15 that the record is still open. I say the record is still
16 open, when I say it's still open I think it's still open
17 for both sides.

18 (END OF THE HEARING.)

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1 I, the undersigned Michael C. Watkins, Official Court
2 Reporter for the Sixth Judicial Circuit of the State of
3 South Carolina, do hereby certify that the foregoing is a
4 true, accurate and complete transcript of record of the
5 proceedings had and evidence introduced in the trial of
6 the captioned case, relative to appeal, in the Court of
7 General Sessions for Chester County, South Carolina, on
8 the 21st and 22nd days of October, 2008.

9 I do further certify that I am neither of kin,
10 counsel, nor interest to any party hereto..

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December 3, 2008.

A handwritten signature in dark ink, appearing to read "Michael C. Watkins", written over a horizontal line.

Court Reporter

1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF CHESTER
4 05-GS-12-438
5
6
7 STATE OF SOUTH CAROLINA
8 VS.
9 CASEY RAY PERKINS
10
11 LANCASTER, SOUTH CAROLINA
12 NOVEMBER 21, 2008
13 BEFORE THE HONORABLE BROOKS GOLDSMITH
14
15 APPEARANCES
16 FOR THE STATE: DOUG BARFIELD
17 FOR THE DEFENDANT: GEOFF DUNN
18 REPORTED BY: MICHAEL C. WATKINS
19 OFFICIAL COURT REPORTER
20
21
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1 THE COURT: Solicitor?

2 MR. BARFIELD: Your Honor, this is the State of South
3 Carolina vs. Casey Ray Perkins. This is a Chester County
4 case, the indictment number is 2005-GS-12-438, the charge
5 is murder. If you recall, I am sure you do back on
6 October 21st and I think probably October 22nd of this year
7 over in Chester a hearing was conducted before you pursuant
8 to Jackson vs. Denno for the purpose of the Court's
9 consideration in ruling on the admissibility of several
10 statements or conversations that the defendant, Casey
11 Perkins, had with various law enforcement agents
12 investigating this Chester County homicide case. We did
13 go, I think, part of a whole day and part of another day.
14 Certain exhibits were introduced as Court's exhibits at
15 that time which includes some Miranda waiver forms, some
16 statements that Mr. Perkins made, and probably most
17 importantly also a disc which contains about three and a
18 quarter hours worth of interview done by Sheriff Robby
19 Benson with Mr. Perkins. There are a couple of issues. We
20 are here today to conclude the Jackson v. Denno hearing,
21 there are a couple of issues that I need to put on the
22 record and then I will offer some additional evidence
23 concerning this issue. I believe it was Court's Exhibit 7
24 if I'm correct, which is a disc containing the three hour
25 and 15 some odd minute interview of Mr. Perkins by Sheriff

1 Benson. We introduced that at the last hearing. I think
2 you had it in your possession so that you could listen to
3 it. I haven't point blank asked you, but I think you
4 probably have listened to it between then and now.

5 THE COURT: That is correct.

6 MR. BARFIELD: There was also discussions at that time
7 about whether the state law enforcement division could work
8 with that disc and clean it up some so that it was better
9 audible, Sled has not -- cannot make that disc any better
10 than it is. I am informed, though, that Sled -- that's a
11 court presentation system which they will make available to
12 us along with an operator for the trial of this case which
13 is scheduled for December 15th which will make it hearable
14 by all concerned at the trial. So I do not have anything
15 better to provide the Court today concerning that disc. We
16 will have the equipment for the trial which I am told will
17 make it hearable by all. In addition to that, Your Honor,
18 when Mr. Dunn and I were working on this case prior to
19 beginning the Jackson vs. Denno hearing we went to the
20 sheriff's office and they dragged out all of the evidence
21 that had been retained by the sheriff's office in this
22 case, and then in the course of that we discovered
23 something that was labeled as an 8-millimeter tape, an
24 8-millimeter video and audio. We did not know what was on
25 that tape and we didn't have any equipment to watch an

1 8-millimeter tape so we sent that 8-millimeter tape to
2 Sled. Sled produced for us discs which contained what is
3 on that 8-millimeter tape. Mr. Dunn has a copy of it, I
4 have a copy of it, we have had a pretrial pre-hearing
5 conference with you this morning about it. I am informed
6 from looking at the disc of the 8-millimeter tape that it
7 is actually part of the three hour, 15 minute interview.
8 The first part of the 8-millimeter tape is several minutes
9 of video showing Mr. Perkins going through the process of
10 waiving Mr. Todd Rutherford's presence during the
11 questioning that was to ensue, which you heard some
12 testimony about at the first hearing. It also shows
13 Mr. Perkins being read his Miranda rights both originally
14 and going over them in writing and signing and initialing
15 his Miranda waiver, you've seen that this morning, that's
16 several minutes of that. Then the tape gets cutoff at
17 Mr. Perkins' request and then the audio of the last 25
18 minutes or so -- or 20 or 25 minutes of the three hour, 15
19 minute interview is captured on this 8-millimeter tape
20 which you did not listen to this morning. But Mr. Dunn and
21 I both heard it and I think we are both convinced it's just
22 a different recording of the same conversation that you got
23 on Court's Number 7. So I want to put up Sheriff Benson
24 again this morning to attempt to authenticate the disc of
25 the 8-millimeter recording so that I can offer it for the

1 Court's consideration also on the Jackson v. Denno issue.
2 And then the last thing from the State's perspective is as
3 you recall Todd Rutherford is an attorney from Richland
4 County, his name came up in this case. As we put on the
5 record at the prior hearing I'm not real sure under the
6 circumstances under which all of that occurred, but
7 obviously Lawyer Rutherford communicating with either or
8 both the Chester County Sheriff's Office or the solicitor's
9 office over in Chester shortly after Mr. Perkins was
10 arrested, made some representation that he was, in fact,
11 going to be Mr. Perkins' lawyer, apparently told somebody
12 that he talked to not to talk to Perkins. If you recall
13 further at the first hearing on Jackson v. Denno we offered
14 evidence that Mr. Perkins initiated conversations of the
15 sheriff by handing the jailer a note saying, "I want to
16 talk to the sheriff." They brought him in and that's when
17 the waiver process began. I talked to Mr. Rutherford very
18 briefly earlier this week, passed him onto Mr. Dunn who I
19 think had a conversation with him some time this week, and
20 from the State's perspective Mr. Rutherford's involvement
21 in this case at this point is not an issue. I think from
22 Mr. Dunn's conversation with me this morning at this point
23 in the proceedings Mr. Rutherford's participation in this
24 case is not an issue at this Jackson v. Denno hearing. I
25 just want to put that on the record. With all of that said

1 barring any initial comments made by Mr. Dunn, I am ready
2 to call the sheriff.

3 THE COURT: Mr. Dunn?

4 MR. DUNN: No, sir.

5 THE COURT: Solicitor?

6 MR. BARFIELD: Call Robby Benson.

7 The witness, ROBBY BENSON, was first sworn and
8 testified as follows, on:

9 DIRECT EXAMINATION

10 BY MR. BARFIELD:

11 Q State your name, please, sir.

12 A Robby Benson.

13 Q And you are, in fact, the sheriff of Chester County?

14 A Yes, sir.

15 Q And you testified in the hearings of October 21st and
16 22nd on this case of Casey Perkins over in Chester?

17 A Yes, sir.

18 Q I'm going to kind of jump right to it. You were the
19 principal interviewer of Mr. Perkins during the three hour
20 15 minute some odd interview that's on Court's Exhibit
21 Number 7, the first disc in this case; is that correct?

22 A Yes, sir, I was.

23 Q And are you aware that an 8-millimeter recording was
24 also made of some portions of that interview?

25 A Yes, sir.

1 Q Did the Chester County Sheriff's Office maintain that
2 8-millimeter tape in its evidence room for purposes of
3 this case?

4 A Yes, sir.

5 Q And to your knowledge, did the state law enforcement
6 division make us a couple of discs which have the contents
7 of that 8-millimeter tape on it?

8 A Yes.

9 Q I'm going to hand you something and ask you first of
10 all, can you identify what that is? Generally speaking,
11 not specifically, but generally what is that that you have
12 got in your hand?

13 A It's a DVD and it's written on here, "Copy of
14 8-millimeter Perkins interview 9/7/05."

15 Q All right. Now, have you this morning looked at at
16 least the initial portions of contents of that disc that
17 is in your hand?

18 A Yes, we watched the video.

19 Q Are you familiar with what's contained on that disc?

20 A Yes, sir, I am.

21 Q What is contained on that disc?

22 A This is where he initially started doing the Miranda
23 for Mr. Perkins and his waiver of wanting to have an
24 attorney present during the interview.

25 Q All right. And is the initial portions of that disc

1 actually video and audio?

2 A Yes, sir.

3 Q And is there some portion of that disc the end
4 portion that's just audio with no video?

5 A Yes, sir, that's correct.

6 Q Does that disc accurately reflect what is shown on it
7 and what is audible on it, namely portions of the three
8 hour, 15 minute interview with Casey Perkins?

9 A Yes, sir, it does.

10 MR. BARFIELD: Your Honor, at this time I would offer
11 the disc as the next Court's Exhibit. I'm not sure if it
12 would be eight or --

13 THE COURT: Mr. Dunn?

14 MR. DUNN: No objection.

15 THE COURT: Admitted.

16 MR. BARFIELD: No further question of Sheriff Benson
17 at this time.

18 THE COURT: Just a couple of quick questions.

19 REDIRECT EXAMINATION

20 BY MR. DUNN:

21 Q Sheriff, when was the last time -- we watched that
22 video this morning, correct?

23 A Yes, sir.

24 Q Prior to today, when was the last time you saw that
25 video?

- 1 A I hadn't seen it.
- 2 Q Okay. Did you listen to the end of that tape?
- 3 A No, sir. I haven't listened to the end of the tape.
- 4 Q All right. When you went over -- you were aware of
- 5 Todd Rutherford's apparent representation of Mr. Perkins
- 6 in this matter, correct?
- 7 A According to this, yes, I was.
- 8 Q Do you remember if you received anything in writing
- 9 from Mr. Rutherford?
- 10 A From what I remember there was a conversation between
- 11 the then solicitor, which was John Justice, and Todd
- 12 Rutherford from what I remember and that's when I received
- 13 the letter from the solicitor to present it to Mr. Perkins
- 14 to waive the right for an attorney.
- 15 Q So you never received anything in writing from
- 16 Mr. Rutherford then?
-
- 17 A No, sir, not that I remember.
- 18 Q It was just based on your conversations with
- 19 Mr. Justice?
- 20 A From what I remember, yes, sir.
- 21 Q Did you interrogate Mr. Perkins at all after he was
- 22 arrested prior to the interview that's shown on that three
- 23 hour tape?
- 24 A I know I spoke to him but I don't know if I did an
- 25 interrogation. I don't think it was an interrogation or

1 interview or anything like that, so --

2 Q What was it to the best of your recollection?

3 A I spoke to him but I can't remember what all was
4 discussed with him.

5 Q Is there a white room or an interrogation or
6 interview room over in the sheriff's office that's painted
7 white?

8 A We have several rooms that are block walls that are
9 painted white. There are rooms in the detention center
10 that are white, several rooms throughout the building,
11 yes.

12 Q I guess what I'm getting at on the videotape the room
13 that we see is wood paneling, right?

14 A Yes, sir.

15 Q There are other interrogation rooms over there that
16 aren't wood paneling?

17 A Not interrogation rooms. Based on our type of
18 facility we have one room that's designated to do
19 interviews with but a lot of times sometimes it's occupied
20 by other people who might have to do interviews in other
21 parts of the building.

22 Q All right. Where you aware of why the video didn't
23 cut back on at the end of 8-millimeter tape that's being
24 introduced as Exhibit Number 8?

25 A I'm not really sure. The lense cap might have been

1 off, I'm not sure.

2 Q But you were the operator of that camera?

3 A I know I turned it off, I can't remember who turned
4 it on.

5 MR. DUNN: I don't have any further questions, Your
6 Honor.

7 MR. BARFIELD: No further questions from Sheriff
8 Benson, Your Honor. Other than argument, that's all.

9 THE COURT: The State rests. Mr. Dunn?

10 MR. DUNN: I don't have further evidence to put up,
11 Your Honor.

12 THE COURT: Okay. Before I forget, I still have
13 Courts Exhibit Number 7 with me. I can take this to
14 Chester Monday and file it with the Clerk.

15 MR. BARFIELD: It makes no difference to me. I
16 certainly don't want it.

17 THE COURT: Actually I can do the same thing, with the
18 court reporter's permission, with the new Exhibit 8 or I
19 can give them both court reporter.

20 MR. BARFIELD: I have no preference as long as
21 Mr. Dunn and I don't have to deal with it.

22 THE COURT: You wish to make arguments?

23 MR. BARFIELD: Well, I don't mind making the first
24 argument. He filed the motions to suppress, it makes no
25 difference to me. If you want me to go first, I don't

1 mind.

2 THE COURT: Just whichever way you want it.

3 MR. BARFIELD: I don't care, probably Mr. Dunn.

4 THE COURT: All right.

5 MR. DUNN: Your Honor, my client gave a number of
6 statements to law enforcement, some of them I think would
7 be fair to say they weren't innocuous and some of which are
8 incriminating. I think we have five or six statements that
9 have been made. The ones that I'm going to concentrate on,
10 Your Honor, are what has been labeled as the interrogation
11 of Sheriff Benson, I think it's Exhibits Number 7 and 8. I
12 think that the rest of them at this point are -- I will
13 leave it up to the Court's discretion. These are the ones
14 that we have heard evidence of whether or not Miranda was
15 waived, everything else is just a he said/she said and I'll
16 just allow the Court to rule as the Court will on those;
17 specifically, the interview with Lieutenant Wilkes, Buddy
18 Wilkes after he did his polygraph as well as the interview
19 between Lieutenant Wilkes and Mr. Perkins at Mr. Perkins'
20 house where Mr. Perkins, Sr. -- excuse me -- Billy Perkins
21 was present. I'll allow the Court just to -- it is --
22 those are what they are. I would like the Court to
23 suppress them but I will leave it up to the Court's
24 discretion. Specifically, Your Honor, going to the
25 interview on September 7, 2005, I have a number of

1 arguments, Your Honor. A couple of them are based on
2 current law, some of them are novel and I'm just making the
3 Court aware of it. These are novel arguments and I don't
4 have any law to base them on and just protecting the
5 record, Your Honor. Your Honor, the case of State v.
6 Arrowwood, which is 375 South Carolina 359, it's a 2007
7 case, says that a statement may not be extracted by any
8 sort of threat of violence or obtained by any direct or
9 implied promises however slighted by the exertion of
10 improper influence. Moreover a statement may not be
11 induced by promise of leniency only if -- excuse me,
12 moreover a statement made may not be induced by promise of
13 leniency only if so connected with inducement has to be a
14 conveyance of the promise pertinent inquiry as always is
15 whether the defendant was over formed. Your Honor, I would
16 argue that in this particular interview in which it
17 happened near the beginning of it, Mr. Perkins asked for
18 the sheriff to promise him the death penalty, and if the
19 Court may remember listening to that it sounds like the
20 sheriff at some point says he can't promise it but he
21 leaves the room and appears to go make a phone call with
22 the solicitor's office and when he came back it doesn't
23 sound like he promised it directly. But he went into the
24 circumstances in which it would have to be presented in
25 order to have a death penalty case to be sought. Your

1 Honor, I would argue this was an improper promise by the
2 sheriff albeit a slight promise and by going through the
3 criteria of what makes the aggravating circumstances of a
4 death penalty that it gave Mr. Perkins false hope that he
5 could get the death penalty if he gave a confession or gave
6 a confession that implicated himself in the murder of
7 Mrs. Hinson. Your Honor, my second argument is that
8 Mr. Perkins was arrested, I think it was August 25th of
9 2005, and he was arrested for the -- Judge, I think it was
10 failure to register as a sex offender is the charge, he was
11 not charged with the murder until September 2, 2005 --
12 excuse me, September 4th of 2005 and then he gave this
13 confession on September 7th. Your Honor, my argument
14 basically is that by placing him in jail and holding him on
15 a charge that they did not -- in my opinion they did not
16 have a probable cause to arrest him for murder, that
17 effectively coerced him into giving a statement that they
18 tried to give out. In addition he was also charged with a
19 CSC charge on September -- I want to say September 2nd, I
20 think it was a couple of days after he was arrested --
21 after he was arrested on the murder charge and that was an
22 old charge if my memory serves me correctly, had actually
23 been dismissed prior to August but was brought back up
24 after he was arrested. Again, I think it all goes to we're
25 looking for reasons, that the sheriff is looking for

1 reasons to keep Mr. Perkins in jail on a murder charge even
2 though we don't have the evidence that we need to charge
3 him with, good enough evidence to charge him with the
4 murder. In fact, that evidence, in my opinion, Your Honor,
5 did not come about until September 7th when he gave a
6 statement that apparently is incriminating or certainly is
7 incriminating in this matter, but that basically an
8 improper arrest led to coercion overcoming Mr. Perkins and
9 forcing him to give his confession. Your Honor, the rest
10 of my arguments are for the lack of a better words, I just
11 called novel arguments, I don't have a legal basis, but
12 these are things that I would like to put on the record so
13 if the court of appeals needs to look at it they can
14 certainly look at it. Your Honor, I would argue that in
15 any case in which a murder charge is being investigated in
16 which a murder suspect is being interviewed or interrogated
17 that it should be videotaped in its entirety so that we
18 don't get to where we have the idea or the argument at
19 least from our side that he was -- his will was overcome or
20 that he was fed information to give to the sheriff's
21 office. We have an audio recording but the problem with an
22 audio recording is you never really know if it is going the
23 whole time. It's a whole lot harder to hear breaks in an
24 audio recording than it is in a video recording. Obviously
25 if there's something paused or stopped you can tell just

1 based on what you are seeing. When you are trying to
2 listen to it you generally have a good idea of what's going
3 on but not always. Your Honor, my next argument would be
4 that any time in a murder charge such as this one a person
5 is arrested that a lawyer should be consulted, not just
6 that they are advised they have the right to a lawyer but
7 they should have the right to consult with a lawyer before
8 they can make a waiver that's effective, that they
9 understand what they are waiving and have that opportunity
10 to speak with a lawyer. I believe, Your Honor, there was
11 testimony that Mr. Perkins did not understand what he was
12 doing, he did not understand what he was doing whether he
13 waived Miranda and he did not understand Miranda. My
14 argument basically is that the lawyer should be consulted
15 and it happened -- not just the fact that he knew there was
16 a lawyer out there but that he had an opportunity to speak
17 to a lawyer before he could waive his right to Miranda.

18 And again, Your Honor, I understand that's not the law now,
19 I'm just arguing that it should be the law. Your Honor, my
20 other argument that piggy backs with that one is that
21 Mr. Perkins did not understand Miranda. He testified that
22 he did not understand Miranda and in order to make an
23 intelligent waiver even under existing law that you need to
24 understand what you are waiving and he testified that he
25 did not understand it and that while he has had Miranda

1 read to him in the past he did not understand all of the
2 implications of it. My last argument, the audiotape.
3 About two-thirds of the way through the interview at one
4 point the sheriff asks Mr. Perkins if he wants to go back
5 to his room -- back to his cell. From what I could tell
6 from listening to it it did not sound like the sheriff was
7 getting the information that he wanted and basically asked
8 Casey if he would like to go back to his cell and have a
9 chance to think about it before he came back and not be
10 wasting his time in essence and it sounded like to me that
11 Casey -- or excuse me, Mr. Perkins did, in fact, ask him to
12 take him back to his cell but it never happened, they kept
13 on talking. And he eventually gave another statement and
14 he finally gave his final statement which is caught on an
15 8-millimeter tape, Your Honor. Your Honor, for all of the
16 forgoing reasons I would ask that the Court suppress the I
17 think exhibit number seven and eight, specifically the
18 interview with the sheriff that were audio taped and
19 videotaped.

20 THE COURT: Thank you, sir. Mr. Barfield?

21 MR. BARFIELD: Your Honor, let me briefly address the
22 conversations that are not specifically the three hour and
23 15 minute interview. The statement taken by Phillip Perry
24 on August 27th, it is not particularly incriminating but I
25 think the evidence is uncontroverted that Miranda had been

1 given prior to that statement and again, there was no
2 incriminating information provided in that statement. I
3 certainly intend to probably have some evidence about that
4 at the trial, so --

5 THE COURT: I'm sorry, you said it -- you said you do
6 wish to?

7 MR. BARFIELD: Yes, sir. I certainly -- I'm not
8 giving up my -- despite any statements I make in this
9 argument that some of these conversations were not
10 incriminating conversations, I do not waive my right to try
11 to introduce evidence to those conversations at the trial.

12 THE COURT: And that was?

13 MR. BARFIELD: The August 27th statement by Phillip
14 Perry, which is a written statement and I believe there was
15 evidence that Miranda was given.

16 THE COURT: That was Exhibit 1?

17 MR. BARFIELD: Yes, sir, Court's Exhibit 1, that's
18 correct. I guess my argument is I think that there's
19 evidence Miranda was given before that statement was taken
20 and there's no evidence controverting that fact and there's
21 no suggestion in the record of this Jackson v. Denno
22 hearing that it was not a freely and voluntarily and
23 knowingly given statement.

24 THE COURT: Okay.

25 MR. BARFIELD: Your Honor, the next piece of this was

1 the conversation on August 28th of 2005 and I don't know if
2 you have my little summary of these bits and pieces that I
3 had typed up and prepared. If you don't, that's fine. He
4 was talked to by Buddy Wilkes and the sheriff was present
5 and Michael Green was present, this all occurred at
6 Mr. Perkins' house where his dad was present, there's a
7 summary of those. There was testimony from Buddy Wilkes
8 concerning what that conversation was about that was not a
9 custodial situation and I don't think under any
10 circumstances there was any evidence that would make that
11 conversation inadmissible. That was the day that they went
12 out to see if Mr. Perkins would come up and take the
13 polygraph. Then on August -- the next piece of this is
14 August 29th of 2005, which was, in fact, the day that
15 Mr. Perkins was arrested, I think he was arrested.
16 Frankly, I don't recall from the testimony whether he was
17 arrested before the polygraph or after.

18 THE COURT: After.

19 MR. BARFIELD: It was after, that's correct. The
20 whole polygraph process, Your Honor, was testified about by
21 Buddy Wilkes of Sled. We have Court's Exhibit Number 2,
22 which is the Miranda warnings concerning that series of
23 discussions with Mr. Perkins. Again, certainly don't
24 intend to offer any evidence of the polygraph itself, but
25 there were comments and statements made by Mr. Perkins, he

1 was not under arrest so it was not custodial. Miranda did
2 not apply but Miranda was given and I think there's nothing
3 in the record to suggest that Miranda wasn't given. Number
4 two, that the statement was involuntary or unknowing. Then
5 under the next piece of this -- and, of course, there were
6 several people who testified concerning the whole -- well,
7 I withdraw those comments. Your Honor, the next piece of
8 this, Your Honor, was the Court's Exhibit Number 3, which
9 is the note that Sabrina Dunnerford with the detention
10 center testified about. That was a note that we contend
11 Mr. Perkins wrote initiated on his own without anybody in
12 law enforcement taking the ball first. He handed the note
13 to Ms. Dunnerford, it ended up with the sheriff and it
14 ended up as Court's Number 3, that's what got the whole
15 ball rolling about this three hour, 15 minute interview.
16 There's nothing in the report to suggest that anybody
17 threatened Mr. Perkins or promised him anything to get him
18 to hand out a note to say he wanted to talk to the sheriff
19 and I think we are certainly on solid ground from that
20 point on. Then, Your Honor, beyond that I need to talk
21 briefly about the three hour, 15 minute interview and I am
22 going to collectively refer to Court's 7 and 8 when I am
23 talking about that. I won't use those numbers anymore
24 after this probably. But you have heard the long version
25 on the original disc, you have now seen the first few

1 minutes of the short version on the disc that we introduced
2 today which is actually number eight, just of couple of
3 things about that and specifically responding to Mr. Dunn's
4 argument concerning Mr. Perkins' desire to receive the
5 death penalty in exchange for making a statement. There is
6 lots of conversations in that interview about that. I will
7 argue to you that the sheriff clearly -- made it very clear
8 to Mr. Perkins that that was not his call, that he could
9 not say, "We will give you the death penalty." There's
10 conversations between the two of them about what kinds of
11 cases might warrant the death penalty, but the sheriff
12 never once promised Casey Perkins that, "Yeah, if will you
13 talk to me about this case we will give you the death
14 penalty." It is clear from the sheriff's comments that it
15 wasn't his call, that he didn't have the power to make that
16 decision and he nowhere during that interview intimated to
17 Mr. Perkins that, yeah, that's something we can do. When
18 we went out of the room and came back and they had further
19 conversation about it or not and even if it occurred that
20 way chronologically he never came in there and said, "Yeah,
21 I have got the green light, we will give you the death
22 penalty. Give it up, tell us what you did with
23 Mr. Hinson." So I just think that argument at that fails.
24 The second argument of Mr. Dunn's is that holding
25 Mr. Perkins from August 29th through September 7th, which I

1 guess is probably a week and a day or two, about nine days,
2 in and of itself having him in custody was a method of
3 coercing him into giving a statement. I would argue to you
4 this first of all, clearly Mr. Perkins was arrested on
5 August 29th and clearly he was being held in confinement in
6 the Chester County Detention Center. There's no evidence
7 in the record that at any time from the day of his arrest
8 until the day of the statement on September 7th that
9 anybody from law enforcement went to Casey Perkins and
10 said, "You need to talk to us about this case. You need to
11 confess," you need to do this, you need to do that. It
12 appears from the record that from the date of his arrest he
13 basically sat back in the back silent without any
14 involvement from law enforcement other than the ordinary
15 and usual contact he would have with jailers until he
16 decided at some point to talk to the Sheriff, and on
17 September 7th handed up that note saying he wanted to talk
18 to the sheriff. So I think the mere fact of confinement
19 for nine or ten days is not evidence of coercion to get him
20 to make a statement. The suggestion that he would sit back
21 there in the detention center for how many days that was
22 and then decide, "Well, because they are holding me if I
23 gave a statement maybe I can get out of here," is not
24 consistent with Mr. Perkins' desire to get the death
25 penalty in this case. My argument is that he's not

1 thinking about getting out of jail, he's thinking about
2 dying over what he had done and his request for the death
3 penalty is not consistent with him breaking after some
4 number of days in jail and giving a statement in order to
5 be released on bond for whatever he thought might would
6 happen, it is not consistent. Mr. Dunn argued that the
7 entire interview should have been videotaped, it wasn't. I
8 don't think that's the law in this state. As you now know
9 from hearing Court's Exhibit 7 and seeing a portion of
10 Court's Exhibit Number 8 there's not a video of it at
11 Mr. Perkins' request. He simply didn't want to have his
12 face on -- or a picture of him talking about the things
13 that he was going to talk about. It is not the law in this
14 state and I don't think that's a reason for excluding the
15 statement. Mr. Dunn also argued that any time somebody is
16 arrested for murder before he waives his right he ought to
17 consult with a lawyer. I don't think that's the law in
18 this state either and I don't think that's a basis for
19 excluding the statement. Beyond that I would argue that
20 Mr. Perkins was aware that there was a lawyer out there at
21 least speaking up for him and on his own without any
22 prompting by anybody determined he didn't want that lawyer,
23 or apparently any lawyer to be involved with him when he
24 gave this three hour, 15 minute interview. The last two
25 arguments I'm going to make, which are that Mr. Perkins

1 didn't understand Miranda and that some point during the
2 interview there was discussions with him going back to the
3 jail side because he wasn't telling them what they believed
4 to be the truth about these events, I will eventually
5 include them in my final argument concerning this entire
6 matter. You have had the opportunity to hear the
7 conversation that Mr. Perkins had with the sheriff and you
8 have had the opportunity to hear and see a portion of it on
9 states -- on Court's Number 8. I submit to you that
10 there's nothing in what you have heard or seen that
11 suggests promises or threats or coercion in any manner.
12 It's probably a stretch to even say that the conversation
13 got very heated during that three hours and 15 minutes,
14 that Mr. Perkins was with Sheriff Benson, Sheriff Benson
15 has a very level, low-toned voice, he didn't raise his
16 voice. He was very courteous to Mr. Perkins. As you now
17 know from Court's Number 8, Mr. Perkins was brought in, he
18 was unhandcuffed, he was allowed to sit freely at the end
19 of the table, he was allowed to get up, move around, he
20 even had to get up and let the sheriff go by when the
21 sheriff cut the video portion off. Mr. Perkins was brought
22 a cup of coffee. Mr. Perkins and the sheriff engage in
23 normal sounding conversations about a very, very serious
24 matter. Mr. Perkins didn't appear to be in any kind of
25 physical distress, he didn't appear to be in any kind of

1 mental distress, he was not crying and carrying on and he
2 didn't appear to be nervous. He didn't appear to be
3 unwilling in any manner to discuss these events with the
4 sheriff. The sheriff again on the other hand maintained a
5 level tone with Mr. Perkins pretty much throughout, did not
6 make any threats to him, did not make any promises to him.
7 It obvious to them listening to the long version that they
8 knew it was not correct because they had already done an
9 investigation to some degree and had a lot of information
10 about the case. They knew what Mr. Perkins was telling
11 them about a lot of issues wasn't the truth but they didn't
12 twist his arm, they didn't beat on him, they didn't scream
13 at him, they didn't make threats to him to get him -- they
14 implored him to tell the truth certainly and he eventually,
15 we submit, did to a fairly large degree. The sheriff did
16 at some point say, "Look, you know, we know you are not
17 telling us the truth. Do you want to go back to the other
18 side and think about it?" That never happened.
19 Mr. Perkins -- it didn't happen because Mr. Perkins didn't
20 want it to happen. He eventually decided, "Yeah, I'm going
21 to sit right here and I'm going to be a man and I'm going
22 to tell you what I did," and that's exactly what he did.
23 Mr. Perkins concerning the Miranda warnings, number one,
24 the sheriff did an excellent job with. First the waiver of
25 Mr. Rutherford's presence for the questioning. We have two

1 printed versions of the same thing, but two copies of that.
2 The sheriff kept one and he let Mr. Perkins have the other
3 one under his nose to read and look at while they went
4 through that process, nothing coercive about that. There's
5 nothing on the video part that you have seen that shows us
6 that Mr. Perkins didn't understand what that was all about,
7 and, in fact, made comments to tell us he knew exactly what
8 that was all about. Same thing with Miranda. The sheriff
9 handed Mr. Perkins the original form that Mr. Perkins
10 eventually put his initials on and signed, the sheriff read
11 from a blank copy of the form. It's interesting to me that
12 Mr. Perkins had all of these little lines by the Miranda
13 warnings and he actually waited for the sheriff to read
14 each warning one at a time. You can see on the video the
15 sheriff read the warning, Perkins would initial it, sheriff
16 would go to the next one, Perkins would initial it all of
17 the way down the line including the waiver line, then
18 Perkins signed it. There's nothing in there to suggest
19 that he didn't understand any of that. There's nothing in
20 there that suggests that anybody coerced him in to signing
21 that waiver and there's nothing in there that suggests that
22 the statement should not be admissible. At the prior
23 hearing there was testimony about Mr. Perkins and his
24 mental limitations, if there are any. I would argue to you
25 after you've now heard and seen what you've heard and seen

1 that Mr. Perkins is a very smart guy. I argue to you that
2 there's nothing from that that you've heard or seen that
3 tells us he has any kind of mental deficiencies. He might
4 not have gone so far in school, he might not be able to
5 take a complicated math test and make a good grade but he's
6 a smart guy. He speaks very intelligently, he -- it's
7 almost impressive of how well he speaks and submit we are
8 not dealing with somebody who has got some type of
9 deficiencies that make what occur inadmissible in the trial
10 of this case. And based on all of that I think everything
11 that the State has offered both in October and today should
12 be admissible. Certainly a jury will have to make that
13 call, but I believe the threshold question was does it get
14 to a jury and I submit that everything that we have offered
15 should get to the jury. Thank you.

16 MR. DUNN: Your Honor, if I may respond just briefly?

17 THE COURT: Certainly.

18 MR. DUNN: Your Honor, I would not say that the
19 testimony wasn't unanimous that there wasn't coercion
20 because there was certainly testimony from Mrs. Carolyn and
21 Casey Perkins both that they felt like Mrs. Perkins was
22 being threatened with jail if he didn't cooperate -- if
23 Casey didn't cooperate, so there's evidence out there. The
24 Court has to decide the weight of that evidence but it's
25 not uncontroverted. Your Honor, I would also argue that

1 coercion doesn't have to be conveyed in a vagrant manner.
2 I would agree with the solicitor that the sheriff doesn't
3 yell and scream at his interview, that doesn't mean he's
4 not still trying to get Mr. Perkins to say what he wants
5 him to say. Coercion can be found in different manners and
6 be conveyed in different manners and I would just go back
7 to saying that by going through the aggravated
8 circumstances that he was giving Casey the ability to get
9 the death penalty if he said what needed to be said. And,
10 Your Honor, if you would just look at the totality of that
11 what the solicitor has called the long interview, which is
12 probably appropriate, Mr. Perkins' story changes during
13 that three hour period to where he gives more and more
14 details to it that would certainly be the aggravating
15 circumstances that would be needed if the death penalty was
16 going to be sought. Your Honor, I would just object to
17 calling Mr. Perkins very intelligent. I think that
18 listening to his speech he may not be mentally retarded but
19 I would certainly say he's not very intelligent. Your
20 Honor, the rest of it we will just -- and just the one
21 other thing that I did address before that I think should
22 be addressed rather quickly, Your Honor. The note that he
23 gave to Sergeant Dunnerford in the detention center that
24 was passed on to the sheriff, we would argue that that was
25 given under coercion, going back to the idea of

1 Mr. Perkins, that they were looking to put Mr. Perkins'
2 mother in jail if he didn't cooperate with them. There is
3 evidence in the record for the Court to consider that there
4 could be coercion on that. I think the rest of the
5 statements were not given while Mr. Perkins was in custody
6 and actually, Your Honor, the one that was not addressed by
7 either me or the sheriff or the solicitor this time around
8 was the statement given to Shaun Cheek on September 9th
9 (sic). The Court may remember he was a corrections officer
10 at the time but that was one of the statements that the
11 solicitor offered up. That, Your Honor -- I would say that
12 I would leave it at the Court's discretion, that he said
13 what he said on that one, there was no witnesses, it is
14 just Mr. Perkins' word against Mr. Cheek's word about what
15 may have been said that day. Thank you, Your Honor.

16 THE COURT: Thank you, sir. If there's nothing
17 further the Court is prepared to rule. Preliminarily I
18 find that there was no evidence that would cause the Court
19 to be concerned about the defendant's capacity to
20 understand what he was questioned about at these various
21 dates and various times. It appears to the Court that he
22 did communicate with the sheriff for instance and with
23 others who were interviewing him, questioning him and
24 sometimes when they weren't questioning him, but when he
25 was communicating with them it did not appear to the Court

1 that he had any trouble understanding what was being said
2 to him at the time. First of all I find that all of the
3 statements that are in question here were made voluntarily.
4 And secondly, all required Miranda warnings were, in fact,
5 given and understood by the defendant and waived when
6 required. The Court finds that all of statements are
7 admissible. The Court adopts -- in case I have missed
8 something here -- the arguments and accepts the arguments
9 of the solicitor as to the admissibility of all of the
10 statements and likewise rejects the arguments of the
11 defendant as to the inadmissibility of these statements,
12 and I guess that really means that all of the exhibits I
13 find to be admissible even though they weren't specifically
14 addressed here this morning and in all of the statements
15 that we have been referring to would be admissible. Any
16 questions about the ruling of the Court or comments about
17 the ruling from the State?

18 MR. BARFIELD: Nothing from the State. And, of
19 course, I understand that I would have to go through the
20 process and introduce them at the trial of the case and I
21 intend to do so.

22 MR. DUNN: That's fine with me, just make sure a
23 foundation was still laid for that evidence at the
24 appropriate time.

25 THE COURT: Sure. For purposes of this hearing the

1 Court is making those findings.

2 MR. DUNN: Thank you, Judge.

3 THE COURT: Anything else from this case? Otherwise
4 it is adjourned.

5 (END OF THE HEARING.)

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1 I, the undersigned Michael C. Watkins, Official Court
2 Reporter for the Sixth Judicial Circuit of the State of
3 South Carolina, do hereby certify that the foregoing is a
4 true, accurate and complete transcript of record of the
5 proceedings had and evidence introduced in the trial of
6 the captioned case, relative to appeal, in the Court of
7 General Sessions for Lancaster County, South Carolina, on
8 the 21st day of November, 2008.

9 I do further certify that I am neither of kin,
10 counsel, nor interest to any party hereto.

11

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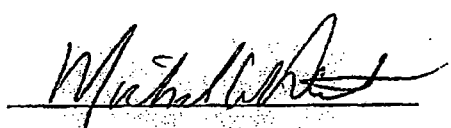
February 6, 2009.

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Michael C. Watkins
Court Reporter

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1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF CHESTER
4 05-GS-12-438

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7 STATE OF SOUTH CAROLINA
8 VS.
9 CASEY RAY PERKINS

10
11 CHESTER, SOUTH CAROLINA
12 DECEMBER 15-19, 2009
13 BEFORE THE HONORABLE BROOKS P. GOLDSMITH

14
15 APPEARANCES

16 FOR THE STATE: DOUG BARFIELD
17 FOR THE DEFENDANT: GEOFFERY DUNN, BRADLEY JORDAN
18 REPORTED BY: MICHAEL C. WATKINS
19 OFFICIAL COURT REPORTER

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VOIR DIRE

1 THE COURT: Solicitor, call your case.

2 MR. BARFIELD: Your Honor, State calls the case of
3 Casey Ray Perkins, indicted for murder

4 THE COURT: Ladies and gentlemen of the jury panel,
5 please give me your attention. We are about to begin the
6 trial of the case of State of South Carolina vs. Casey Ray
7 Perkins. Let me read the indictments to you -- and I will
8 explain later the significance of an indictment -- but they
9 allege in part that said Casey Ray Perkins did on
10 August 27th of 2005 feloniously, willfully and with malice
11 kill one Judith Sharon Hinson in violation of the laws of
12 this state. I tell you all of that because I'm going to
13 ask you some questions in just a moment concerning your
14 knowledge, or lack of knowledge with that event. Before I
15 do that, what I'm going to ask the attorneys involved in
16 this case to do is to stand, identify themselves to you,
17 ~~identify any other attorneys who are going to be involved~~
18 in this case assisting them, identify any witnesses that we
19 are aware of that would potentially testify in this case
20 and then I would ask Mr. Dunn to identify his client, the
21 defendant, and then I will ask you questions. So I ask you
22 to listen to what they tell you and what they say because
23 I'm going to ask you some questions concerning your
24 knowledge or relationship with these individuals whose
25 names you're going to hear or whose faces you're going to

VOIR DIRE

1 see. And I'm going to ask the attorneys if they would, if
2 any of the potential witnesses are in the courtroom at this
3 time to ask such a witness to stand briefly so that you
4 might view the face of that witness. We will begin that
5 process with the Solicitor, Mr. Barfield.

6 MR. BARFIELD: If the Court please? My name is Doug
7 Barfield, the Solicitor with the Sixth Judicial Circuit.
8 Other prosecutors in our Chester Office who could be
9 involved in this proceeding would be Chris Taylor, the
10 deputy solicitor; Jason Davis, an assistant solicitor;
11 Sandra Hickman, also an assistant solicitor. Also seated
12 next to me is Fred Stewart, our investigator. All of us
13 will have perhaps roles from time to time during these
14 proceedings. I'm going to call the names actually of 52
15 potential witnesses, Your Honor, very few of whom are in
16 the courtroom at the moment, but I will call them and
17 identify them by employment or otherwise. Cathy Bell, an
18 investigator with the Chester County Sheriff's Office.
19 Robert H. Benson, sheriff of Chester County. Michael Carr
20 formerly of the Chester County Sheriff's Office at the
21 detention center. Shaun Cheek, formerly of the Chester
22 County Sheriff's Office at the Chester County Detention
23 Center. Jim Darby, Chester County Sheriff's Office. Chris
24 Devinney, Chester County Sheriff's Office, he's present
25 here today but not in the courtroom at the moment. Sabrina

VOIR DIRE

1 Dunifer at the Chester County Sheriff's Office at the
2 detention center. Michael Garcia at the Chester County
3 Sheriff's Office. Rick Howard, formerly of the Chester
4 County Sheriff's Office, I believe he's now a trooper with
5 the South Carolina Highway Patrol. John Kelly, Chester
6 County Sheriff's Office. Rod Killian, Chester County
7 Sheriff's Office. Wayne Levister, Chester County Sheriff's
8 Office. Doug McMurray, Chester County Sheriff's Office.
9 James McNeil, Chester County Sheriff's Office. Dale
10 Miller, Chester County Sheriff's Office. Jamie Mitchell
11 with the Chester County Sheriff's Office. Phillip Perry
12 with the sheriff's office. Bobby Sprouse, sheriff's
13 office. James Stewart formerly of the sheriff's office.
14 Darryl Washington, formerly of the sheriff's office. Your
15 Honor, those are all law enforcement witnesses local. We
16 have some agents and employees of the South Carolina Law
17 ~~Enforcement Division, otherwise known as Sled. Potential~~
18 witnesses, Steven R. Curtis, Michael C. Green, G. Alex
19 Layton, Lieutenant Emily B. Reinhart, Tommy Robertson,
20 Patty Ruff, R-u-f-f, Melissa L. Skipper, Jennifer M.
21 Stoner, Alfred C. Stuckey, III, Robin A. Taylor, Keith
22 Thrower, Buddy Wilkes, Kenny Williamson. All of those are
23 now or formerly employed by the State Law Enforcement
24 Division. Your Honor, some medical witnesses are Phillip
25 Jackson, who is employed -- or was at the time at least --

VOIR DIRE

1 with the Chester County Emergency Medical Services, I think
2 he might be employed in the same capacity but in York
3 County now. Mike Williams, also at the time was Chester
4 County Emergency Medical Services. Terry Tinker who is the
5 corner for Chester County, and Tommy Williams is an
6 assistant coroner here in Chester County. And E. Earl
7 Jenkins, M.D. of York Pathology Associates. And next, Your
8 Honor, moving to what I loosely call civilian witnesses,
9 not law enforcement and not medical folks, and some of them
10 are present today. Albert Nixon Amman, Jr. who is present.
11 John Bernat, Danielle C. Brodeur, present. Ed Devatt,
12 Junior Gunter. Amanda Hinson, present. William Louthan.
13 Carolyn Perkins is present. Robert A -- also known as
14 Bob -- Rush. Robby Rush. Jewel Shipwash. Don Wilson.
15 Mary Wilson and Zachary Wilson. Your Honor, I believe that
16 is everyone on my list.

17 THE COURT: Thank you, Mr. Barfield. And Mr. Dunn?

18 MR. DUNN: May it please the Court, Your Honor? Good
19 afternoon, my name is Geoff Dunn, I work with the York
20 County bar, I live down here in Chester. With me today is
21 Brad Jordan also in my office. I represent Casey Perkins.
22 And a lot of these names I'm fixin' to read the solicitor
23 has already read, I'm going to go through these rather
24 quickly. Carolyn Pekins, Ed Devatt, Bob Rush, John Bernat,
25 Nicholas Topings, who is not here at this time. Robin

VOIR DIRE

1 Taylor with Sled, Melissa Skipper with Sled, Mr. Williamson
2 with Sled, Steven Curtis with Sled, Yale Zamore, who is a
3 public defender, I believe he's not in the courtroom at
4 this point. Dr. Sue Parker Medthallo who is with the South
5 Carolina Department of Mental Health down in Columbia.
6 Allen Hursch who I know is not here. Bronna Showsky who is
7 not present at this time. Cameron Bunky, John Revels who
8 is now the chief of police I believe in Fort Lawn, or he
9 may still be with Great Falls, I think he is in the process
10 of switching. And then we may have a couple of people who
11 testified just as to medical records. Thank you, Your
12 Honor.

13 THE COURT: Thank you, Mr. Dunn. Now, ladies and
14 gentlemen, let me ask you these questions. Is there any
15 member of the jury panel ever been related by blood or
16 related by marriage to any of the following categories of
17 ~~people: Related by blood or related by marriage to any of~~
18 the attorneys who have been identified, that's one
19 category; to the defendant, Mr. Perkins, or to any of the
20 witnesses who were identified by the attorneys? If so,
21 please stand. And give us your name and juror number
22 beginning with the lady closest to me.

23 THE JUROR: Tiffany Thomason, number 112.

24 THE COURT: And you are related or were related to
25 who?

VOIR DIRE

1 THE JUROR: Well, my husband wasn't listed but I know
2 he testified in the pretrial, so I don't know -- or he was
3 subpoenaed to talk about this at some point.

4 MR. DUNN: Your Honor, he testified at the Jackson v.
5 Denno hearing.

6 THE COURT: But other than that you aren't related to
7 any of the other witnesses?

8 MR. DUNN: Not to anybody else.

9 THE COURT: Thank you, ma'am. And your name and
10 number, please, ma'am?

11 THE JUROR: I can't remember my number but my name is
12 Jessa Weeks.

13 MR. DUNN: Number 26.

14 THE CLERK: Number 26, Your Honor.

15 THE COURT: Yes, ma'am, Ms. Weeks. You are related to
16 who?

17 THE JUROR: I'm related to one of the witnesses,
18 Darrell Washington.

19 THE COURT: You are related now to Darrell Washington?

20 THE JUROR: Yes, sir, that's my uncle.

21 THE COURT: I need to ask you a question. How are you
22 related to Darrell Washington?

23 THE JUROR: He is my uncle.

24 THE COURT: He is your uncle. Next question may seem
25 silly to you, but do you know him?

VOIR DIRE

1 THE JUROR: Yes, sir.

2 THE COURT: Okay. Some people don't know their
3 relatives. Do you associate with him?

4 THE JUROR: Yes, sir.

5 THE COURT: I'm going to get a little more detail in a
6 second. How often do you see your uncle in a week?

7 THE JUROR: In a week I would say probably about three
8 times.

9 THE COURT: Would the fact -- let me ask you this:
10 How is he your uncle, through which side of the family?

11 THE JUROR: He's my mother's brother.

12 THE COURT: Does he come to your home?

13 THE JUROR: Not as often.

14 THE COURT: Do you go to his home?

15 THE JUROR: Not as often.

16 THE COURT: How do you see each other?

17 ~~THE JUROR: He comes to my grandmother's house.~~

18 THE COURT: I see. Well, let me ask you this
19 question: Would the fact that he is your uncle interfere
20 with your ability to be fair and impartial in this case?

21 THE JUROR: No, sir.

22 THE COURT: Did you say no?

23 THE JUROR: Uh-huh.

24 THE COURT: Do you believe you could actually listen
25 to the evidence in this case and make a decision that would

VOIR DIRE

1 be fair to the State and to the defendant?

2 THE JUROR: Yes, sir.

3 THE COURT: Despite the fact that one of the witnesses
4 may be your uncle?

5 THE JUROR: Yes, sir.

6 THE COURT: Thank you. Is any member of the jury
7 panel -- or is any member of the jury panel or a member of
8 your family a close, personal or social friend to any of
9 the attorneys, the defendant, Mr. Perkins, or with any of
10 the witnesses who were identified to you by the attorneys?
11 If so, please stand. I'm going to start on the right over
12 here.

13 THE JUROR: Leroy Davis. And I know -- I'm the
14 co-director or committee man for the democratic party, so I
15 know all of the people who ran for office on the democratic
16 card.

17 THE COURT: Does that mean you know Mr. Barfield?

18 THE JUROR: I sure do. I know Mr. Stewart, I know
19 Mr. Benson.

20 THE COURT: Sorry?

21 THE JUROR: I know Mr. Stewart, I know Mr. Benson and
22 I know Mr. Barfield.

23 THE COURT: Now, is that how you came to know all
24 three of them?

25 THE JUROR: Yes, sir.

VOIR DIRE

1 THE COURT: Is that your only connection to them?

2 THE JUROR: Yes, sir. In some cases I would act in
3 their behalf and in behalf of their opponents sometimes.

4 THE COURT: So that means they ran as democrats and
5 you were supporting them?

6 THE JUROR: In the general election, yes.

7 THE COURT: Have you ever been to their homes, the
8 homes of any of them?

9 THE JUROR: The ones here? No, sir.

10 THE COURT: Do you belong to any social or paternal
11 organizations with any of the three of those individuals?

12 THE JUROR: To the democratic party. And I'm also
13 close friends with Mr. Lee, but he is the one who ran
14 against Mr. Barfield.

15 THE COURT: Mr. Tyree Lee?

16 THE JUROR: Yes, sir. We have known each other for a
17 lifetime.

18 THE COURT: Would the fact that you knew them as
19 you've described to us in a political setting interfere
20 with your ability to be fair in this case?

21 THE JUROR: I can't honestly say. I mean, naturally
22 I'm going to -- people that I know real well.

23 THE COURT: Do you consider yourself friends of
24 theirs?

25 THE JUROR: Yes, I would say so.

VOIR DIRE

1 THE COURT: I'm not going to ask them how they feel
2 about you.

3 THE JUROR: Yes, I do. I have known Mr. Stewart for
4 probably 40 years.

5 THE COURT: All right. Thank you, Mr. Davis. And
6 yes, sir?

7 THE JUROR: I'm Edward Murphy, juror 81. I work for
8 Chester County so I obviously have some dealings with
9 Sheriff Benson, Officer Shuler, I work with him I think
10 with the security of York facility here with the emergency
11 management director. Mr. Jordan is my county councilman.
12 I'm also a fire chief under Mr. Jordan and his community.
13 We attend the same religious facility. That's my status.

14 THE COURT: Any of those individuals, do you see them
15 in any social settings? You mentioned church.

16 THE JUROR: I would say Mr. Jordan, we attend several
17 things together.

18 THE COURT: Do you consider yourself a friend of
19 Mr. Jordan?

20 THE JUROR: Yes.

21 THE COURT: I'm not going to ask him what he thinks.
22 But would your relationship with these individuals
23 interfere with your ability to be fair and impartial in
24 this case?

25 THE JUROR: No, sir, I wouldn't think so.

VOIR DIRE

1 THE COURT: Do you think you could listen to the
2 evidence and still weigh the evidence and be fair to both
3 the State and to the defense?

4 THE JUROR: Yes, sir.

5 THE COURT: All right. Thank you, Mr. Murphy. And
6 let me start on my far left, the gentlemen -- yes, sir,
7 with the glasses on.

8 THE JUROR: My name is Tommy F. Dickerson.

9 THE COURT: Who do you know?

10 THE JUROR: I know just about all of the solicitors.

11 THE COURT: You're going to have to speak up a little
12 bit.

13 THE JUROR: I said I know all of the solicitors, all
14 of the names because I'm in the funeral business myself and
15 ain't too many people that I don't know. And I'm in the
16 business where I cannot make enemies, I have to make
17 friends, otherwise I won't be in no business.

18 THE COURT: Well, that's kind of the way a lot of
19 people are in their business for themselves.

20 THE JUROR: Yeah.

21 THE COURT: So --

22 THE JUROR: And you asked the question do you know,
23 there ain't too much that I don't know, considering --

24 THE COURT: Let me ask you this question,
25 Mr. Dickerson, out of any of those individuals do any of

VOIR DIRE

1 them visit with you in your home?

2 THE JUROR: Well, they may visit with my business.

3 THE COURT: In a professional capacity or just come to

4 your business?

5 THE JUROR: Both of them.

6 THE COURT: Both. I understand.

7 THE JUROR: I have to depend on them to be most of my

8 funerals or whatnot, whatever I might need them to do.

9 THE COURT: Yes, sir. Do you know any of these

10 individuals outside of that capacity?

11 THE JUROR: Yes, sir.

12 THE COURT: Tell me how you know them other than that

13 with your business.

14 THE JUROR: Well, one of the things you mentioned was

15 McNeil, he's a good friend of mine.

16 THE COURT: Mr. McNeil?

17 THE JUROR: Yes, sir.

18 THE COURT: And how long have you known him?

19 THE JUROR: I assume the sheriff is, too.

20 THE COURT: How long have you known the sheriff?

21 THE JUROR: I've been knowing him most of all of his

22 career.

23 THE COURT: How long did you know Mr. McNeil?

24 THE JUROR: I know him before his career with the

25 sheriff's department and still familiar with him.

VOIR DIRE

1 THE COURT: Well, let me ask you, Mr. Dickerson, the
2 relationship that you described to us with these
3 individuals, would that relationship interfere with your
4 ability to be fair and impartial in this case?

5 THE JUROR: It may be, it may very well be.

6 THE COURT: In other words you don't think you would
7 be able to listen to the evidence and weigh the evidence
8 and be fair to both sides?

9 THE JUROR: I can't afford to go out of business. You
10 understand, we all have to make a living. If I had your
11 job I would be fine.

12 THE COURT: Thank you, Mr. Dickerson. And the lady
13 closest to you, yes, ma'am?

14 THE JUROR: I am Sandra Wilson, my juror number is
15 125.

16 THE COURT: Yes, ma'am.

17 THE JUROR: Mr. Jordan's daughter and my daughter are
18 best friends, they are in the same class at school and I
19 have been to his home numbers of times and he has always
20 been to mine. Also, my husband is very goods friends with
21 Robby. They, I believe, started first grade together and
22 have been friends all of their life.

23 THE COURT: The sheriff?

24 THE JUROR: Yes.

25 THE COURT: You know what I am going to ask you.

VOIR DIRE

1 THE JUROR: I think I can be impartial if that's what
2 you are going to ask me.

3 THE COURT: That's my question. I'm going to call
4 them friendships, if you will, despite those do you think
5 you could sit on a jury, listen to the evidence and be fair
6 and impartial to both sides?

7 THE JUROR: I will try. I will do my best to do that
8 I think I would be --

9 THE COURT: You believe you could be fair and
10 impartial?

11 THE JUROR: Yes, sir.

12 THE COURT: Okay. That's what I need you to say.
13 Yes, sir?

14 THE JUROR: I'm William Hollingsworth, I don't
15 remember my number.

16 THE COURT: Give us one second, Mr. Hollingsworth.

17 THE CLERK: 147.

18 THE JUROR: I work with Chester County 911. I'm
19 familiar with about everybody officer that was mentioned.
20 I'm also a former police officer and quit in '95, I worked
21 with several of them. So I'm familiar with about every one
22 of them.

23 THE COURT: You yourself are now not a commissioned
24 law enforcement officer?

25 THE JUROR: No, sir.

VOIR DIRE

1 THE COURT: Tell me when you say you worked with the
2 911 system. What is it that you do with the 911 system?

3 THE JUROR: I'm a dispatcher.

4 THE COURT: I'm sorry?

5 THE JUROR: I'm a dispatcher.

6 THE COURT: And when you serve as a dispatcher I need
7 for you to tell me this for the record, tell me what it is
8 that you do.

9 THE JUROR: We take the calls that come in, we
10 dispatch officers or EMS or whoever is --

11 THE COURT: Well, do you actually dispatch a specific
12 officer or do you report what needs to be done to someone
13 else?

14 THE JUROR: No, sir, I dispatch the officers.

15 THE COURT: So you're in charge of where Officer Jones
16 goes for instance or whether it's Jones or Johnson who is
17 selected.

18 THE JUROR: Yes, sir.

19 THE COURT: Now, Mr. Hollingsworth, that means that
20 you know these officers and -- well, I forgot to ask you
21 this, how long have you been doing that?

22 THE JUROR: Nine years -- correction, eight years.

23 THE COURT: So you deal with some law enforcement
24 officers from the sheriff's department everyday?

25 THE JUROR: Yes, sir.

VOIR DIRE

1 THE COURT: Everyday that have you worked, I guess?

2 THE JUROR: Yes, sir.

3 THE COURT: Mr. Hollingsworth, let me ask you this, do
4 you believe you could serve as a juror and be fair and
5 impartial in this case?

6 THE JUROR: Yes, sir.

7 THE COURT: Do you think you could?

8 THE JUROR: Yes, sir.

9 THE COURT: All right. Thank you, sir. And yes, sir?

10 THE JUROR: James Mobley, and I don't remember my
11 number either.

12 THE CLERK: Number 78.

13 THE JUROR: Detective Jamie Mitchell, me and him
14 served in the Great Falls Masonic Lodge together. The last
15 two years I have been the master there and he has been my
16 senior order.

17 THE COURT: Now, does that mean that the two of y'all
18 are close?

19 THE JUROR: I consider us friends.

20 THE COURT: All right. Is that your relationship with
21 him or do you have another relationship with him in other
22 places?

23 THE JUROR: That's the only place I know him.

24 THE COURT: Would that fact interfere with your
25 ability to serve as a juror in this case?

VOIR DIRE

1 THE JUROR: No, sir. I'm an honest man and believe in
2 giving everybody that honesty.

3 THE COURT: Do you believe that you could listen to
4 the evidence and weigh the evidence fairly and give both
5 the State and the defense a fair and impartial trial?

6 THE JUROR: Yes, sir.

7 THE COURT: Thank you, Mr. Mobley. Has any member of
8 the jury panel formed or expressed any opinion about any
9 matter or any issue involved in this case? If so, please
10 stand. Is any member of the jury panel aware of any bias
11 or any prejudice that they might have towards either the
12 State or the defendant in this case? If so, please stand.
13 Has any member of the jury panel had a relative or close
14 personal friend that has ever been killed by another
15 person? If so, please stand. And give us your name and
16 numbers starting with my right again.

17 THE JUROR: Edward Murphy, juror 81. My
18 brother-in-law was killed.

19 THE COURT: How long ago would that have been?

20 THE JUROR: Twenty-four years.

21 THE COURT: Killed by another person?

22 THE JUROR: Yes, sir, with a gun.

23 THE COURT: Did that occur in this county?

24 THE JUROR: No, sir, Lancaster.

25 THE COURT: Yes, ma'am, the lady closest to me.

VOIR DIRE

1 THE JUROR: Christine Rogers, I don't know my number.

2 THE CLERK: 101.

3 THE COURT: And Ms. Rogers?

4 THE JUROR: My oldest brother was killed in
5 Blackstock, South Carolina, it has been about 25 years ago.

6 THE COURT: Twenty-five years ago your brother was
7 killed in Blackstock by another person?

8 THE JUROR: Yes, sir.

9 THE COURT: Was a weapon involved?

10 THE JUROR: Yes, sir, he was shot.

11 THE COURT: Thank you, Ms. Rogers. And yes, ma'am,
12 the lady in the white?

13 THE JUROR: I am Jenny Pressley, and I don't remember
14 my number.

15 THE CLERK: Number 153, Your Honor.

16 THE JUROR: And Ms. Pressley, tell me about your
17 situation.

18 THE JUROR: My cousin was murdered in Lowreys.

19 THE COURT: Who was?

20 THE JUROR: A cousin.

21 THE COURT: First cousin or second cousin?

22 THE JUROR: Well, she was my husband's second cousin.

23 THE COURT: In Lowreys, murdered in Lowreys how long
24 ago?

25 THE JUROR: Probably about 20 years I would say.

VOIR DIRE

1 THE COURT: And behind you, Ms. Pressley, is a lady in
2 the back row.

3 THE JUROR: Vivian C. Simpson, I don't know my number.

4 THE CLERK: Number 154, Your Honor.

5 THE COURT: Yes, ma'am, Ms. Simpson?

6 THE JUROR: My niece was killed by her husband with a
7 knife, he slit her throat about 15 years ago.

8 THE COURT: Was that in this county?

9 THE JUROR: In Chester County.

10 THE COURT: Thank you, Ms. Simpson. And yes, sir?

11 THE JUROR: Tommy Dickerson.

12 THE COURT: And yes, sir.

13 THE JUROR: I had two brothers that were murdered.

14 THE COURT: And when and how long ago, I mean?

15 THE JUROR: It has been about 25 or 30 years ago, not
16 in this county.

17 THE COURT: Thank you, Mr. Dickerson. Has any of the
18 jury panel or member of your immediate family ever been the
19 victim of a house breaking or burglary of a residence? If
20 so, please stand. Has any member of the jury panel or
21 member of your immediate family ever been a victim of a
22 sexual crime? If so, please stand. Is there any member of
23 the jury panel that was a member of the grand jury which
24 issued the indictment in this case? If so, please stand.
25 Is any member of the jury panel or member of your immediate

VOIR DIRE

1 family ever been a member of a law enforcement agency
2 whether it be state, federal, county or military, you or a
3 member of your immediate family? If so, please stand.

4 THE JUROR: I had an uncle had --

5 THE COURT: For the record, though, I need your name
6 and number.

7 THE JUROR: Leroy Davis, 22 I believe it is. My
8 uncle, who is deceased now, was a member of the Chester
9 County Sheriff's Department.

10 THE COURT: How long was he last a member of the
11 sheriff's department?

12 THE JUROR: It was in the sixties, he died while he
13 was still in service.

14 THE COURT: How long ago was that?

15 THE JUROR: It was in the sixties. It's an uncle that
16 I lived with, my parents -- one was deceased and one was
17 unable to take care of me so pretty -- he was like my
18 father.

19 THE COURT: Thank you, sir. And your name and number
20 again?

21 THE JUROR: 112, Tiffany Thomason. My husband works
22 for the sheriff's office.

23 THE COURT: Is there any member of the jury panel who
24 is a member of or a contributor to any group which has as
25 its primary concern the promotion of law enforcement or

VOIR DIRE

1 victim's rights. This would include but would not be
2 limited to such organizations referred to as MADD or SADD
3 or CAVE or any such similar organization? If so, please
4 stand. Is any member of the jury panel --

5 THE JUROR: Dickerson again. I contribute to the
6 South Carolina Trooper's Association.

7 THE JUROR: Your Honor, 81, Edward Murphy, same group,
8 Trooper's Association.

9 THE COURT: You contributed to them?

10 THE JUROR: Yes, sir.

11 THE COURT: Okay. Thank you. Now, does any member of
12 the jury panel know of any reason whatsoever why he or she
13 should not serve as a juror in this case, with particular
14 emphasis being placed on your ability to be fair and
15 impartial to both the State and to the defendant? If so,
16 please stand. Other than the written questions in a --

17 yes, sir?

18 THE JUROR: As I just stated I'm in the funeral
19 business, my job is to make these --

20 THE COURT: All right, sir. Thank you, sir. Other
21 than the written questions submitted to the Court, any
22 additional questions by the State?

23 MR. BARFIELD: None from the State.

24 THE COURT: Any additional from the defendant?

25 MR. DUNN: No, sir, just what was written down.

VOIR DIRE

1 THE COURT: The Court will go ahead and make a ruling
2 on individuals who have answered questions this morning.
3 As to juror number 22, Davis, the Court is going to
4 disqualify that individual and excuse that individual from
5 sitting on this jury. And the same as to juror number 28,
6 Mr. Dickerson, the Court is also going to excuse and exempt
7 from jury duty. The two cases the Court took under
8 advisement, I told those individuals that I would let them
9 know whether they would be required to stay or not and I'm
10 not going to require this week -- excuse from jury duty
11 this week; jurors number 86, Mr. Oliver -- Olive, I'm sorry
12 Mr. Olive, and juror number 34, Ms. Ellis, I believe -- I'm
13 excusing both of you from jury duty this week. You've got
14 to stay with us though. Madam Clerk, are we ready to
15 select a jury?

16 MR. BARFIELD: State is ready.

17 MR. DUNN: Defense is ready.

18 THE CLERK: Yes, sir, Your Honor. As I call your name
19 or number just remain -- just stand and remain standing
20 where you are until the questions are asked to you. Number
21 106, William C. Shepard. What says the State?

22 MR. BARFIELD: Please present the juror.

23 THE CLERK: What says the defendant?

24 MR. DUNN: Please seat the juror, Your Honor.

25 THE CLERK: Number 72, Kio J. McCrorey. What says the

VOIR DIRE

1 State?

2 MR. BARFIELD: Please present the juror.

3 THE CLERK: What says the defendant?

4 MR. DUNN: Please seat the juror.

5 THE CLERK: Number 116, Doretha Ward. What says the

6 State?

7 MR. BARFIELD: Please present the juror.

8 THE CLERK: What says the defendant?

9 MR. DUNN: Please strike the juror.

10 THE CLERK: Juror number 78, James K. Mobley. What

11 says the State?

12 MR. BARFIELD: Please present the juror.

13 THE CLERK: What says the defendant?

14 MR. DUNN: Please excuse the juror.

15 THE CLERK: Number 154, Vivian C. Simpson. What says

16 the State?

17 MR. BARFIELD: Please present the juror.

18 THE CLERK: What says the defendant?

19 MR. DUNN: Please excuse the juror.

20 THE CLERK: Number 125, Sanna Wilson. What says the

21 State?

22 MR. BARFIELD: Please present the juror.

23 THE CLERK: What says the defendant?

24 MR. DUNN: Please excuse the juror.

25 THE CLERK: Number 16, Lahoma A. Coleman. What says

VOIR DIRE

1 the State?

2 MR. BARFIELD: Please present the juror.

3 THE CLERK: What says the defendant?

4 MR. DUNN: Please seat the juror.

5 THE CLERK: Juror number 113, Virginia L. Thompson.

6 What says the State?

7 MR. BARFIELD: May Mr. Dunn and I approach the bench?

8 (A bench conference was held.)

9 THE COURT: Ms. Thomason, I'm going to grant your
10 request to be exempted from jury service this week, you are
11 excused. Thank you for staying with us.

12 THE CLERK: Juror number 105, Jason K. Sawyer. What
13 says the State?

14 MR. BARFIELD: Present the juror.

15 THE CLERK: What says the defendant?

16 MR. DUNN: Please seat the juror.

17 THE CLERK: Number 84, Donald H. Nolan. What says the
18 State?

19 MR. BARFIELD: Please present the juror.

20 THE CLERK: What says the defendant?

21 MR. DUNN: Please seat the juror.

22 THE CLERK: Number 126, Cynthia Windsor. What says
23 the State?

24 MR. BARFIELD: Please present the juror.

25 THE CLERK: What says the defendant?

VOIR DIRE

1 MR. DUNN: Please excuse the juror.

2 THE CLERK: Juror number 141, Amos Feaster. What says
3 the State/

4 MR. BARFIELD: Please excuse the juror from this
5 trial.

6 THE CLERK: Number 97, Tammy S. Minter. What says the
7 State?

8 MR. BARFIELD: Please present the juror.

9 THE COURT: What says the defendant?

10 MR. DUNN: Please seat the juror.

11 THE CLERK: Juror number 27, Billy Dixon. What says
12 the State?

13 MR. BARFIELD: Please present the juror.

14 THE CLERK: What says the defendant?

15 MR. DUNN: Please seat the juror.

16 THE CLERK: Juror number 95, Eric M. Ratford. What
17 says the State?

18 MR. BARFIELD: Please excuse the juror from this
19 trial.

20 THE CLERK: Number 153, Jean W. Pressley. What says
21 the State?

22 MR. BARFIELD: Present the juror.

23 THE CLERK: What says the defendant?

24 MR. DUNN: Please excuse the juror.

25 THE CLERK: Number 13, Mary E. Cherry. What says the

VOIR DIRE

1 State?

2 MR. BARFIELD: Please present the juror.

3 THE CLERK: What says the defendant?

4 MR. DUNN: Excuse the juror.

5 THE CLERK: Juror number 94, Timothy D. Pressley.

6 What says the State?

7 MR. BARFIELD: Excuse the juror from this trial.

8 THE CLERK: Number 56, Sheka Houston. What says the

9 State?

10 MR. BARFIELD: Please present the juror.

11 THE CLERK: What says the defendant?

12 MR. DUNN: Excuse the juror.

13 THE CLERK: Number 147, William E. Hollingsworth, Jr.

14 What says the State?

15 MR. BARFIELD: Please present the juror.

16 THE CLERK: What says the defendant?

17 MR. DUNN: Please excuse the juror.

18 THE CLERK: Juror number 112, Tiffany R. Thomason.

19 What says the State?

20 MR. BARFIELD: Your Honor, can we approach for a
21 second?

22 (A bench conference was held.)

23 THE COURT: I'm going to excuse this juror from
24 requiring them to sit on the jury.

25 THE CLERK: Juror number 11, Cheryl H. Bradley. What

VOIR DIRE

1 says the State?

2 MR. BARFIELD: Please present the juror.

3 THE CLERK: What says the defendant?

4 MR. DUNN: Please seat the juror.

5 THE CLERK: Justin L. Patrick. What says the State?

6 MR. BARFIELD: Please excuse the juror from this
7 trial.

8 THE CLERK: Number 21, Watler B. Cunningham. What
9 says the State?

10 MR. BARFIELD: Please excuse the juror from this
11 trial.

12 THE CLERK: Juror number ten, Dale M. Bowse, Jr. What
13 says the State?

14 MR. BARFIELD: Please present the juror.

15 THE CLERK: What says the defendant?

16 MR. DUNN: Please seat the juror.

17 THE CLERK: Juror number 55, Gwendolyn D. Hope. What
18 says the State?

19 MR. BARFIELD: Please present the juror.

20 THE CLERK: What says the defendant?

21 MR. DUNN: Seat the juror.

22 THE CLERK: Juror number 135, Lewis J. Colvin. What
23 says the State?

24 MR. BARFIELD: Please present the juror.

25 THE CLERK: What says the defendant?

VOIR DIRE

- 1 MR. BARFIELD: Seat the juror.
- 2 THE CLERK: Juror number 92, Susan M. Pleasant. What
- 3 says the State?
- 4 MR. BARFIELD: Please present the juror.
- 5 THE CLERK: What says the defendant?
- 6 MR. DUNN: Excuse the juror.
- 7 THE CLERK: Juror number 59, Phyllis O. Kay. What
- 8 says the State?
- 9 MR. BARFIELD: Please present the juror.
- 10 THE CLERK: And the defendant?
- 11 MR. DUNN: Seat the juror.
- 12 THE CLERK: I believe that is 12.
- 13 THE COURT: Two alternates, numbers one and two.
- 14 THE CLERK: Number 81, Edward Y. Murphy, Jr. What
- 15 says the State?
- 16 MR. BARFIELD: Please present the juror.
-
- 17 THE CLERK: What says the defendant?
- 18 MR. DUNN: Please excuse the juror.
- 19 THE JUROR: Number 53, Kevin G. Hinman. What says the
- 20 State?
- 21 MR. BARFIELD: Please excuse the juror from this
- 22 trial.
- 23 THE CLERK: Number 137, Curtis P. Dallas. What says
- 24 the State?
- 25 MR. BARFIELD: Please present the juror.

VOIR DIRE

- 1 THE CLERK: What says the defendant?
- 2 MR. DUNN: Seat the juror.
- 3 THE CLERK: Number 26, Jessica N. Dewese. What says
- 4 the State?
- 5 MR. BARFIELD: Please present the juror.
- 6 THE CLERK: What says the defendant?
- 7 MR. DUNN: Please strike the juror.
- 8 THE CLERK: Number 82, Odell Murray. What says the
- 9 State?
- 10 MR. BARFIELD: Please present the juror.
- 11 THE CLERK: What says the defendant?
- 12 MR. DUNN: Please seat the juror.
- 13 THE COURT: Any matters concerning the composition and
- 14 selection of the jury that needs to be resolved from the
- 15 State's perspective?
- 16 MR. BARFIELD: Can I have a few seconds before I
-
- 17 answer that question?
- 18 THE COURT: All right, sir.
- 19 (Break in proceedings.)
- 20 MR. BARFIELD: Your Honor, I do have a matter
- 21 concerning the composition of the jury.
- 22 (Bench conference was held.)
- 23 THE COURT: I am going to let you take a long lunch
- 24 break until 3:00. Any questions on what to do? I'm sorry
- 25 it took so long, I need everyone back at 3:00, including

PRETRIAL MOTIONS

1 the 12 of you -- fourteen of you. Nobody is to discuss
2 this case with anybody and let nobody talk to you about the
3 case. That applies to everyone on the jury panel is that
4 during the lunch break you don't discuss the case with
5 anybody, don't let anybody else discuss the case with you.
6 If they try to discuss the case with you please tell them
7 you can't let them do that and if they persist please
8 report them to your clerk of court when we return. I don't
9 have any reason to think anybody is going to do that, I
10 just want to let you have those instruction. Thank you,
11 see you back at 3:00.

12 (The jury left the courtroom.)

13 THE COURT: And Solicitor?

14 MR. BARFIELD: Your Honor, I believe I argued to the
15 Court that Mr. Dunn used his preemptory challenges in a
16 discriminatory manner. This is a case involving a male
17 allegedly committing a crime against a female. Mr. Dunn
18 had ten preemptory challenges, he exercised all ten of
19 them, eight of the ten were to strike members of the female
20 sex. There were two males that he struck, of note were
21 one, a 911 dispatcher and, number two, a brother in the
22 Mesonic Temple of one of the witnesses in the case from the
23 sheriff's office. So I believe he has basically tried to
24 eliminate as many women from the jury as he could with no
25 reason other than the fact that they are female.

PRETRIAL MOTIONS

1 THE COURT: We will have to go to lunch, come back and
2 do those one at a time.

3 (A lunch break was taken.)

4 THE COURT: Are we ready to hear the solicitor's
5 motions concerning the jury strikes batson motions? Which
6 the specific jurors are you referring to, Solicitor?

7 MR. BARFIELD: Well Your Honor, the females that were
8 struck were 116 Ward, 154 Simpson, 125 Wilson, 126 Windsor,
9 153 Pressley, 13 Cherry, 56 Houston, and 92 Pleasant.

10 THE COURT: Mr. Dunn?

11 MR. DUNN: Yes, Your Honor, please the Court? I want
12 to take these a little bit out of order because I have got
13 them in my order on my own sheet, Your Honor. Juror number
14 154, I struck her, she had a niece that was killed by
15 somebody with a knife 15 years ago, it was a murder trial,
16 I don't want anybody in the jury that has had to deal with
17 it before. I don't know what her sympathies on that whole
18 case were, Your Honor. Number 153, Jean Pressley, Your
19 Honor, she's a retired school teacher. It has been my
20 experience in other cases when I have dealt with cases of a
21 sexual matter teachers aren't very friendly. Also, her
22 husband, Your Honor, had a second cousin who was murdered,
23 again. Her husband had a second cousin that murdered in
24 Lowreys 20 something years ago. Again, I didn't want to
25 put anybody on the jury that has had to deal with a murder

PRETRIAL MOTIONS

1 in the past, Your Honor. 126, Windsow, she is a CNA, I
2 don't remember where she said she was a CNA at but she's a
3 CNA. Part of our strategy was to keep all medical
4 personnel off of this jury due to the type of questions
5 that were going to be asked. 125, Your Honor, Sandra
6 Wilson is somebody that Mr. Jordan knows. Based on that
7 knowledge we didn't think -- she wasn't the type person
8 that we wanted on a jury, Your Honor. She was a good
9 friend of Mr. Jordan's wife, it was just our -- apparently
10 her husband is also friends with the sheriff. This was
11 somebody we didn't feel comfortable with on the jury, Your
12 Honor.

13 THE COURT: That was which one?

14 MR. DUNN: 125, Sandra Wilson.

15 THE COURT: Okay.

16 MR. DUNN: Your Honor, 116, the reasons were that

17 she's unemployed and was someone that we didn't feel
18 comfortable with based on her unemployment.

19 THE COURT: Hold on, the reason was that she is
20 unemployed?

21 MR. DUNN: Yes, sir. I've got a case that I will
22 reference here in a second.

23 THE COURT: All right.

24 MR. DUNN: Number 92, Susan Pleasant, she's somehow
25 related to one of the ladies in my office.

PRETRIAL MOTIONS

1 THE COURT: Related to someone in your office?

2 MR. DUNN: Yes, sir. They are also close and it was
3 based on a conversation that I had with the lady in my
4 office, I was told I didn't want her on my jury and the
5 lady in my office is someone I have got a high opinion of
6 and listen to her opinion when she renders it to me.
7 Number 56, Your Honor, is a school teacher. As I said
8 earlier it has been my experience with sexual type cases I
9 don't want school teachers on my juries whether they are
10 male or female. It's not based on gender concerns, it's
11 based in part with teachers. Your Honor, 13, Mary Cherry,
12 she is disabled, Your Honor, has no employment. She was
13 one of those that we just had a good feeling about as we
14 were discussing jurors. Which I believe only leaves me
15 with my alternate, number 26; is that right?

16 THE COURT: Female?

17 MR. DUNN: Yes, sir. And she was -- her uncle was one
18 of the police officers in this case if I'm not mistaken, I
19 don't remember which officer it was -- Washington, Your
20 Honor.

21 THE COURT: Her uncle was one of the --

22 MR. DUNN: Was one of the officers that was named if
23 I'm not mistaken as a potential witness or he works for the
24 police department, Darrell Washington. I think those are
25 all of the jurors. Specifically I would just have a couple

PRETRIAL MOTIONS

1 of things I would like to say as part of this, Your Honor.

2 THE COURT: Sure.

3 MR. DUNN: Your Honor, our jury panel, all 14 of them,
4 is composed of five black males, four white males, two
5 white females and three black females. If you break it
6 down just by gender we've got nine that are males and five
7 that are females. I think the juror panel itself shows
8 that there was not -- there is not a Batson issue. Two of
9 the first three or two of the first four jurors that were
10 struck were females, or that were seated on the jury panel
11 were females. And I would also point out, Your Honor, just
12 for the Court's attention that the State exercised six
13 strikes, five as they're allowed under the statute and one
14 for the alternate, and all six of those were males. So I
15 actually -- the defense actually struck both males and
16 females from the jury, the State only struck one gender.

17 I'm not raising it as an issue, just pointing it out to the
18 Court that, you know, it could be an issue and I don't
19 think it's relevant. As I said, Your Honor, we have
20 reasons for all of our strikes. I also direct the Court's
21 attention to a case that came out of this court, 2006, I
22 believe it was a supreme court case, State vs. Rayfield, a
23 Chester County case, it's 369 South Carolina 106, it's a
24 2006 case, Your Honor. Your Honor, at the -- I can't read
25 my own handwriting.

PRETRIAL MOTIONS

1 THE COURT: What was the site on again?

2 MR. DUNN: I'm sorry, Your Honor, 369 South Carolina
3 106. Basically says, Your Honor, that the lack of
4 employment or place of employment is a reason for a strike.
5 It also says, Your Honor, that reasons given once they are
6 shown to be none race neutral neither have to be persuasive
7 nor plausible. Your Honor, we've given I think valid
8 reasons for all of our strikes and as such, Your Honor, we
9 would ask you to deny the State's motion.

10 THE COURT: Thank you, Mr. Dunn. Mr. Barfield?

11 MR. BARFIELD: Just one second, Your Honor, if I could
12 have just a moment.

13 (Break in proceedings.)

14 MR. BARFIELD: Your Honor, generically speaking
15 Mr. Dunn has argued several things. As to two of the
16 jurors that he struck, which would be 153, Pressley, and
17 56, Houston, one of the reasons on Pressley and the only
18 reason expressed on Houston was that they were teachers. I
19 would point out to the Court that Mr. Dunn did seat female
20 juror number 55, Hope, who is a teacher, and female juror
21 number 59, Kay, who was a school administrator. So I'll
22 argue to you that his argument that he is striking school
23 personnel doesn't carry much water.

24 THE COURT: Let's just stay with that right now, I
25 will let you finish in a minute. Mr. Dunn?

PRETRIAL MOTIONS

1 MR. DUNN: Your Honor, as it relates to number 55,
2 one, my understanding is I think she's -- it sounded like
3 she was a preschool teacher. But even regardless of what
4 type of teacher she is, that was juror number ten, neither
5 one of us had strikes up to that point. I had no choice
6 even I wanted to employ my strategy I didn't have any
7 strikes left to strike her with. Number ten got seated
8 based on the fact that there was no strikes left. And then
9 on the other one, Your Honor, the other one is not a school
10 teacher, she is a school administrator. I only have ten
11 strikes, I've got to choose them, I took teachers over
12 administrators. Part of it has to do with -- there's lots
13 of reasons but it has been my experience that teachers,
14 specifically teachers who deal with children day in and day
15 out as opposed to even people in the school are more
16 sympathetic to the State in sex type of crimes cause
17 problems with those type of juries. I had a jury last year
18 up in York County where a sexually violent predator case,
19 two-thirds of the jury panel that were selected were former
20 school teachers. It has just been my experience that I
21 don't want those type of jurors on these type cases, and I
22 don't have any response other than that.

23 MR. BARFIELD: I don't have any response other than
24 I'm not sure at what point Mr. Dunn ran out of strikes.
25 Obviously by the time we had the last juror he was out of

PRETRIAL MOTIONS

1 strikes. Your Honor, another argument is that as to jurors
2 number 116, Ward, and 13, Cherry, again both females.
3 Mr. Dunn's reasoning on those two was that they were
4 unemployed and he said generally he is just uncomfortable
5 with unemployed folks on his juries. I would point out
6 that jurors that he seated include, again, juror number
7 ten, Bowser, who is unemployed, and juror number 135,
8 Colvin, who is unemployed. Again, I don't know at what
9 point he ran out of strikes but there were two males on
10 this jury that were also unemployed.

11 THE COURT: Mr. Dunn?

12 MR. DUNN: Your Honor, relates to number 116, I don't
13 think I said all unemployed people -- I don't think I said
14 anything about all unemployed people, I just said
15 unemployed can be a category. My client told me he didn't
16 want her on the jury, I listened to my client. We had just
17 one of those feelings by looking at her that we didn't feel
18 comfortable with her. As far as it relates to number 13,
19 Your Honor, she's a disabled lady in her fifties, I've got
20 a victim whose disabled in her fifties, I didn't want to
21 put her on the jury. I think disability is something I can
22 strike a person for, it doesn't have to be plausible, it
23 doesn't have to be persuasive, it's just gender neutral,
24 Your Honor.

25 THE COURT: Solicitor?

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1 MR. BARFIELD: One more moment. Your Honor, just by
2 way of further argument, concerning the nature of the
3 jurors Mr. Dunn struck, I'm going to run down the list real
4 quick and just give you their ages. And the relevance of
5 that is the victim in this case apparently was 57 years old
6 at the time of her death, the victim was 57. Juror 116,
7 Ward, 56 years of age. Juror number 154, Simpson, 56 years
8 of age. Juror number 125, Wilson, 48 years of age. Juror
9 number 126, Windsor, young, 27 years of age. Juror number
10 153, Pressley, 62 years of age. Juror number 13, Cherry,
11 52 years of age. And juror number 56, Houston, 31 years of
12 age, fairly young. And juror number 92, Pleasant, 30 years
13 of age. So out of the eight females that he struck five of
14 eight of those were in what I would call the general age
15 range of the victim, which I think again suggests that he
16 just didn't want females on the jury.

17 THE COURT: I'm curious, we have how many females are
18 on the jury?

19 MR. BARFIELD: Five.

20 MR. DUNN: And, Your Honor, I would just will actually
21 point out that 12 are going to hear the case, five are
22 females.

23 THE COURT: Say again?

24 MR. DUNN: Your Honor, I would point out that out of
25 the 12 main jurors five of them are females, the two

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1 alternates are both males. So even -- it's almost as
2 evenly split as you can make it as you would probably want
3 the jury.

4 THE COURT: You're saying if one more female had
5 gotten on the jury --

6 MR. DUNN: Well, I mean, 50/50. I don't think that
7 there's -- that the law has ever said there has to be a
8 certain percentage, but five out of 12 is almost as close
9 as six out of six.

10 THE COURT: Anything further, Solicitor?

11 MR. BARFIELD: Nothing further from the State.

12 THE COURT: All right. The Court is going to deny the
13 State's motion.

14 MR. BARFIELD: Thank you, Judge.

15 THE COURT: Which means our jury that was selected.

16 MR. DUNN: I don't have any motions as it relates to
17 the jury. I just have the pretrial motions.

18 THE COURT: Pretrial motions. Is this a good time to
19 try to resolve some or all?

20 MR. BARFIELD: It is. Your Honor, I can go on the
21 record and probably just quickly eliminate any issues
22 concerning several of the motions --

23 THE COURT: Okay.

24 MR. BARFIELD: -- without Mr. Dunn having to argue
25 about them. Motion number one is Rule Five and Brady. I

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1 believe I have given him everything that I have, and
2 additional things have come in from time to time and I have
3 supplemented discovery with additional things being sent to
4 him.

5 MR. DUNN: Your Honor, I am in no way accusing the
6 solicitor of hiding anything from me, I do not believe he
7 has. Just in case something pops up half way through trial
8 I'm just protecting the record. But I do believe the
9 solicitor has done everything.

10 THE COURT: So there's nothing specific on one, so
11 let's move on.

12 MR. DUNN: No, sir.

13 MR. BARFIELD: Prior convictions and prior bad acts.
14 I will say first of all that I don't have anything that I
15 characterize as Lyle evidence that I intend to use in this
16 case. He does have a record of a conviction for committing
17 a lewd act on a minor and assault and battery of a high and
18 aggravated nature. I do know the assault and battery of a
19 high and aggravated nature is clearly within the ten year
20 time limit, there's some question about the lewd act and I
21 am trying to get the documentation on that, but if it's
22 something that I can use -- and, of course, the rule I
23 think says that I can go beyond the ten if I get your
24 permission. But I intend to pursue those two matters if
25 Mr. Perkins testifies, but that's all of them.

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1 THE COURT: All right.

2 MR. BARFIELD: Number three we talked about briefly at
3 a side bar. I simply don't think I can address that motion
4 unless and until something develops at trial that causes me
5 to think that I need to present something in reply.

6 THE COURT: Let me see if Mr. Dunn has any further
7 thoughts on that. We did discuss it at a side bar.

8 MR. DUNN: I haven't had a chance to look at any
9 further since we had our side bar. Like I was saying
10 before, Your Honor, what I'm looking for is making sure
11 that not necessarily convictions but actions, if he has
12 been accused of the past of sexual crimes that never went
13 to trial that were dismissed. Certainly a lewd act on a
14 minor child is -- certainly a lewd act on a minor is a
15 sexual crime. The facts in this case are of a sexual
16 nature, my concern really more than anything else, Your
17 Honor, is if I raise a defense of accident or defense of
18 involuntary manslaughter where the victim and the defendant
19 are engaged in consensual sexual acts if that opens up the
20 door to start bringing in some of his past convictions for
21 sex crimes, sexual acts of a deviant nature.

22 THE COURT: Let me make sure just I understand so
23 we're all on the same page. I think you're saying is that
24 you may ask one of the State's witnesses, is that conduct
25 that you've described consistent with consensual sexual --

1 or were you aware that in the past he may have had
2 consensual or something?

3 MR. DUNN: Yes, sir, something of that nature, any of
4 the witnesses that are called.

5 MR. BARFIELD: And I think he always was saying that
6 the audiotape that we intend to play includes his client
7 saying consent.

8 MR. DUNN: Numerous times, Your Honor.

9 THE COURT: Now, let's talk about the first scenario.
10 If the question is asked of a witness what's the State's
11 position about consensual sex first of all?

12 MR. DUNN: Yes, sir.

13 MR. BARFIELD: I might be missing something but I
14 really don't envision a circumstance under which any
15 witness that's on the witness stand is going to be able to
16 say whether that sounds like it was consensual sex or not

17 and actually the witnesses that would testify at least on
18 my witness list are clearly going to say it doesn't sound
19 like consensual sex. That being said, I do not think that
20 if a witness says, yeah, that sounds like consensual sex
21 that let's me bring in every person that Mr. Perkins has
22 had sex with that wasn't consensual in his past and show
23 that he has taken advantage of people before. I might be
24 missing the whole point.

25 MR. DUNN: I can just be misunderstanding 403B, Your

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1 Honor, but it talks about prior bad acts. I'm just --
2 Mr. Perkins gives numerous statements in that, for lack of
3 a better word, the marathon confession he gave. It's the
4 jury's determination as the trier of facts to believe or
5 disbelieve whatever statement is given by defendant of
6 whether or not it's a confession. If they latch on to the
7 idea that maybe not the one where he implicates himself for
8 murder but just for consensual sex, if they latch on to
9 that, I'm just worried about not that -- it's not that I'm
10 worried, I just want to make sure that I am not opening the
11 back door -- or the back door is not being opened up for
12 the State to try to come in and show based on all of these
13 other allegations of other people in the past of
14 Mr. Perkins that he has done deviant sexual practices or
15 things that were let's say consensual. It may be something
16 we have to go on a case by case scenario as we got through
17 the trial, but I can envision possibly a pathologist being
18 asked and I can envision the officers who were speaking
19 with that it occurred when Mr. Perkins made the statements
20 be asked on cross examination, "Didn't he say it was
21 consensual? Yes, he did." At that point we have
22 introduced evidence that it could be consensual. Of
23 course, the State could during its presentation try to show
24 that there's just no way it was consensual. Like I said,
25 Your Honor, I'm trying to I guess limit the solicitor as

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1 much as I can in pretrial so I can plan my own defense if I
2 have to raise one. And there's a certain Pandora's Box I
3 did not want to open up this week and it would be
4 definitely trying to parade in other people in Mr. Perkins'
5 past talking about his sexual practice as it relates to
6 unlawful activity.

7 MR. BARFIELD: The only way I can respond to that is
8 this way, we're not going to have to rely on Mr. Dunn
9 asking a witness a question on the witness stand for there
10 to be evidence in front of this jury that it was consensual
11 because I've got an audiotape in which Perkins repeatedly
12 said, "We were fooling around." So my case in chief is
13 going to include evidence that there was at least initially
14 consensual sexual activity between the defendant and the
15 deceased. I have never intended and still at this point
16 don't intend to bring other people that Mr. Perkins has had
17 consensual or forcible sex with. Now, that is not to say
18 that if some bomb shell comes out in this case there might
19 be something that I want to look at and try to do, but I
20 don't have any Lyle witnesses subpoenaed.

21 THE COURT: I think I know the solicitor well enough
22 to know what he's going to say but I'm going to ask it
23 anyway, if you get to that point where you think you might
24 want to based on what's being said or heard, that you may
25 wish to go down that road we will take a break and discuss

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1 that road before we go down the road.

2 MR. BARFIELD: Sure, absolutely. I would not put
3 somebody -- I think even under the rule I'm required to
4 make a showing of the Lyle evidence before I parade it in
5 front of a jury. It ain't going to be a surprise, it can't
6 be under the rules.

7 MR. DUNN: I'm just here trying to protect the record,
8 Your Honor. I don't think the solicitor is going to do
9 anything dishonest or uncandid.

10 THE COURT: I'm convinced of the same thing. "So
11 that's the best we can do with that, I think. Let's move
12 on.

13 MR. BARFIELD: Number four, I certainly don't intend
14 to have anybody to utter the word polygraph in this
15 courtroom.

16 MR. DUNN: As a caveat, though, during that polygraph
17 test that was given by Agent Wilkes, he wrote down a number
18 of answers and questions that Casey was asked --
19 Mr. Perkins was asked. My motion, Your Honor, is to
20 eliminate the reference to that it was a polygraph and the
21 results of the polygraph, not necessarily the questioning
22 that was done during the polygraph, we just can't refer to
23 it as a polygraph. But during the questioning certain
24 questions were asked of my client and certain responses
25 were elicited and I just want the Court to be aware I am

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1 not trying to limit those, only reference to and the
2 results of the polygraph.

3 MR. BARFIELD: Certainly don't intend to do that. And
4 kind of as a practice run at the Jackson v. Denno hearing
5 although it was just in front of Your Honor we tip-toed
6 around using the word polygraph and I don't intend to get
7 in to that.

8 THE COURT: Five?

9 MR. BARFIELD: Number five, I certainly don't intend
10 to present evidence that Mr. Perkins is on the sex offender
11 registry.

12 THE COURT: Okay.

13 MR. BARFIELD: Lyle, again, we've covered that several
14 times. I don't have any Lyle evidence that I'm
15 intending --

16 MR. DUNN: That's a repeat, Your Honor.

17 MR. BARFIELD: Number seven, rap sheets of State's lay
18 witnesses. I requested them earlier this morning, I think
19 Investigator Stewart has gone to the sheriff's office to
20 actually pick them up and we will share that with Mr. Dunn.

21 MR. DUNN: I would just ask that I get them before the
22 witnesses get put on the stand, that's all.

23 MR. BARFIELD: Your Honor, number eight, motion for
24 pretrial hearing to determine pretrial identification.
25 There is no lineup, there's no show up, there's no

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1 identification of Mr. Perkins by any witness who purports
2 to have been an eye witness to the crime or his escape from
3 the crime scene. I don't think that's an issue in the
4 case. People are going to identify Casey Perkins as the
5 defendant in this case based on the investigation but
6 nobody is going to say that they saw him climbing out the
7 back window or running through the yard.

8 MR. DUNN: Just making sure, Your Honor.

9 THE COURT: Move to nine.

10 MR. BARFIELD: Motion to sequester factual witnesses.
11 Your Honor, it's a nightmare logistics wise. I don't have
12 any great argument against it, I know it's done fairly
13 often but in this case every witness has his own story to
14 tell and they're all going to be subject to cross
15 examination and I just don't see the need for it.

16 MR. DUNN: Your Honor, it's my position that there
17 will be inconsistencies in some of the statements
18 especially as Mr. Barfield labeled it, the lay witnesses.
19 I'm not so much concerned about the officers and Sled
20 agents and that sort of thing, I'm more worried about the
21 everyday folks who didn't have a hand in the investigation
22 that they be sequestered and make sure that their testimony
23 is not tainted by what they hear in the courtroom before
24 their testimony.

25 MR. BARFIELD: I can give you a little bit more

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1 insight into that. There are 12 lay witnesses that I sent
2 for today, two of whom are the daughters of the victim, one
3 of whom is the fiancée' of one of the daughters. At least
4 as to the daughters I think they've got a right to sit here
5 and be in this courtroom every minute of the proceeding,
6 their mama was murdered we allege. The other witnesses
7 I've told all to be here this afternoon and they should all
8 be here now. They're obviously not in the courtroom at
9 this moment but we probably could sequester this
10 afternoon's witnesses from not a terribly logistics
11 nightmare standpoint if you want to do it. The rest of the
12 witnesses in the case are basically non-lay witnesses, they
13 are either law enforcement or emergency medical people or
14 sled people or people like that.

15 MR. DUNN: I realize there is a logistics concern. I
16 would at least direct that motion to factual lay witnesses.

17 I think that professionals have probably testified enough
18 to know what they're supposed to do and not to do.

19 THE COURT: Generally I would grant them sequestered
20 over here on this side. Your proposals about this
21 afternoon, explain it one more time as a possible --

22 MR. BARFIELD: I've got 12 witnesses, you know, we
23 bite off a lot more than we can chew and I laid this case
24 out like I hoped it would go, which included putting up 12
25 witnesses today. They're all lay witnesses, most of them

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1 are very brief witnesses but they are all probably
2 congregated in the back right now. I don't want them
3 sequestered but if you're going to sequester them it's
4 not --

5 THE COURT: They may be, for instance, in the grand
6 jury room.

7 MR. BARFIELD: They probably are, that's where I have
8 asked law enforcement to put them.

9 THE COURT: That won't be such a bad deal, let's do
10 that for today.

11 MR. BARFIELD: That's sounds fine, Your Honor.

12 THE COURT: Witnesses that we're referring to as lay
13 witnesses, I won't order them in sequestration, it would
14 merely mean that they would not be in the courtroom until
15 after they testify, correct?

16 MR. DUNN: Yes, sir.

17 THE COURT: That's the only -- that's what it means.

18 MR. BARFIELD: And I presume that you would also
19 instruct the witness when the witness climbs off the
20 witness stand not to talk to a witness who hadn't
21 testified.

22 THE COURT: Not unless there was a motion would I do
23 that. I don't do that unless there is a motion to.

24 MR. DUNN: Do you want us to make those
25 contemporaneously as the witnesses get off or just as a

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1 general rule, Your Honor?

2 THE COURT: Just as a general rule.

3 MR. DUNN: Your Honor, I would make a motion that
4 witnesses as they leave the stand be instructed not to talk
5 to each other about what they testified to. One would
6 think it's common sense but you're dealing with folks that
7 aren't part of the court system and you don't take anything
8 for granted.

9 THE COURT: Unless I miss something here is the way
10 this thing is going to go down, or should go down, is lay
11 witness number one is going to come in and testify
12 somewhere along the way and then take a seat. Witness
13 number two is coming in and testifying and going to have a
14 seat.

15 MR. BARFIELD: I'm probably going to move to excuse
16 lots of them so they can go on about their business.

17 THE COURT: Why is it going to be necessary that they
18 don't talk to each other?

19 MR. DUNN: I'm just trying to make sure that my client
20 gets as fair a trial as possible, Your Honor.

21 THE COURT: I just don't see the need for it, so I'm
22 going to deny the motion.

23 MR. BARFIELD: Number ten is pictures of the victim
24 and pictures of the autopsy. I'll tell you first of all I
25 have no intention of offering into evidence at this point,

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1 unless something else develops, I have no intention of
2 offering any autopsy photographs. I've got a pathologist
3 who is going to describe the injuries to the victim. If
4 something develops and it just becomes necessary then
5 certainly the Court has got to see if it passes mustard
6 before it goes in. But I also do not intend to offer
7 pictures of the victim in a deceased state, with one minor
8 exception. Mr. Dunn has got copies of photographs that I
9 have got, there is one picture which shows her feet along
10 the floor parallel to the floor and extending beyond the
11 corner of a bed. It's a fairly distant shot, it's not a
12 bloody shot, it shows only her feet and it is probably
13 going to be offered only for the purpose of showing where
14 her body was in relation to that room and that picture also
15 shows another room that was significant in the case,
16 picture by picture.

17 THE COURT: He says he's only going to offer one
18 picture. We'll take that up when it comes up.

19 MR. BARFIELD: Next not calling the interview with Mr.
20 Perkins a confession.

21 MR. DUNN: Your Honor, I would like for the solicitor
22 not to refer to the interview as a confession during his
23 opening statement, maybe just when they interviewed him
24 they got some information --

25 MR. BARFIELD: I would argue that Mr. Dunn can refer

1 to what he thinks it is and I can argue to the jury
2 whatever I want to about whether he confessed or just
3 simply talked to law enforcement and it got reported while
4 he was doing so.

5 MR. DUNN: Your Honor, I would make an argument that
6 he can do that during his closing arguments but he's trying
7 to convince the triers of fact who has to make the
8 determination whether that statement was a confession, that
9 he is, in fact, allowed to do that, that the police
10 officers while they're giving their testimony should have
11 and other folks referred to as a statement given by
12 Mr. Perkins. I think it's ultimately the trier of facts
13 has the decision of whether or not that is indeed a
14 confession, as such calling it a confession is an argument
15 an argument that should be better reserved for closing
16 arguments.

17 THE COURT: I'm going to deny the motion, but if they
18 use those terms, the witnesses you can cross examine them,
19 "You were just referring -- you said confession, aren't you
20 just referring to statements?"

21 MR. BARFIELD: Yes, sir, I understand.

22 THE COURT: Number 12.

23 MR. BARFIELD: I'm not sure what the basis of that is.

24 MR. DUNN: Can we come back to that one, Your Honor,
25 and make that the last one because it is going to take the

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1 most time.

2 THE COURT: All right.

3 MR. BARFIELD: And I can tell you for the Court's
4 purposes I am a long way from offering any statements of
5 Mr. Perkins in this case so it might not even be something
6 we need to deal with this afternoon, I don't know.

7 THE COURT: Let's skip it, let's try not to get to it
8 today.

9 MR. DUNN: Try not to?

10 MR. BARFIELD: That suits me.

11 THE COURT: With one condition, though, nothing is
12 offered today.

13 MR. BARFIELD: Certainly. Thirteen, I think we can
14 get to later, again, that's a redaction of the record
15 statement and that's going to be a nightmare, we're just
16 going to have to work it out. Fourteen, Your Honor, I

17 think I know who the voices are and I can tell him who I
18 think they are but I don't know in what forum he wants
19 those voices identified.

20 MR. DUNN: If the solicitor can tell me who he thinks
21 they are I can go to his officers and find out if they are
22 indeed the people he thinks they are. Right now I have got
23 officer one and officer two, I just want to make sure I
24 know who it is and for cross examination purposes I'm
25 asking the appropriate questions.

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1 MR. BARFIELD: The three primary voices that I believe
2 I hear on the tape are Sheriff Benson, Detective James
3 McNeil and Shane Stewart is somewhere in there briefly.
4 I'm sure there are other voices that you can hear but I
5 don't think they are substantively participating in the
6 interview.

7 THE COURT: Anything else?

8 MR. DUNN: Yes, sir, just two more quick things, Your
9 Honor. I think now is the best time as any to raise the
10 issue that was raised on that side bar a little while ago
11 when you told me that I could protect the record regarding
12 the voir dire questions that were asked. Your Honor, just
13 as a general rule I would ask that the voir dire
14 questioning that I made it part -- that I presented to the
15 Court be made a part of the court record for appeal
16 purposes in that so since you denied about 80 percent of my
17 questions so that it's in the record. And then the other
18 question, Your Honor -- issue, Your Honor, had to do with
19 when the --

20 THE COURT: Okay. Let me go ahead, one at a time on
21 defendant's motions in limine.

22 MR. DUNN: Yes, sir.

23 THE COURT: That's not what I am looking for. On the
24 defendant's proposed voir dire.

25 THE COURT: Yes, sir. Go ahead, Mr. Dunn, side bar.

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1 MR. DUNN: The side bar issue had to do with certain
2 voir dire questions that were asked by the Court.
3 Specifically a question was asked along the lines of did
4 you have a close friend or relative who was killed by
5 another person, i.e. murdered. There were five folks that
6 responded to that; jurors 81, 101, 153 and 154 and 28.
7 Your Honor, just as a matter of record, I guess, after
8 those questions were asked and the answers were elicited by
9 potential jurors there was no follow-up from any of those
10 in determining whether or not that --

11 THE COURT: What were those jurors again?

12 MR. DUNN: Eighty-one, 101, 153, 154, and 28.

13 THE COURT: Got you. Go ahead.

14 MR. DUNN: There were no follow-up questions asked of
15 them, how they felt about it or whether or not they thought
16 they could be impartial and fair based on a new set of
17 facts. I know the Court asked generally if there's
18 anything about what has been going on but there was nothing
19 specific about those questions themselves. And with this
20 being a murder trial it concerns me as Mr. Perkins'
21 attorney that we may have had to -- that potential jurors
22 could be put on this jury that had these issues -- issues
23 as far as it relates to having loved ones or close friends
24 that were murdered. As it was, Your Honor, I know I had to
25 strike at least two of those if not three of those were

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1 struck and that was a good part of the reason why. I
2 remember one had a niece -- I think it was two -- had to
3 use at least 20 percent of my jury strikes to try to cover
4 up on that, Your Honor.

5 THE COURT: The Court remembers that conversation we
6 had at a side bar and the Court denied your motion.

7 MR. DUNN: Yes, sir.

8 THE COURT: Anything else?

9 MR. BARFIELD: I don't believe so, Your Honor, I
10 just --

11 THE COURT: Are we ready for the jury panel?

12 MR. DUNN: Just one more issue before the jury comes
13 in, I think the Court is going to address it. But it
14 appears we may have media today and I would ask that the
15 jury panel -- once we swear the jury that they be
16 instructed not to read the newspapers, especially Channel 9

17 and the News and Reporter here in town because I saw both
18 of those folks here in the courtroom.

19 THE COURT: All right. Don't let me forget it.

20 MR. DUNN: Yes, sir.

21 (All jurors returned to the courtroom.)

22 THE COURT: Welcome back, ladies and gentlemen, all of
23 you.

24 (The remaining panel was excused.)

25 THE COURT: Is the State ready to proceed and defense

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1 ready to proceed?

2 MR. BARFIELD: May we approach?

3 (A bench conference was held.)

4 THE COURT: Madam Clerk, please swear our jury.

5 (At this time the jury was sworn.)

6 THE COURT: Ladies and gentlemen of the jury, as you
7 have heard we are about to begin the trial of the State of
8 South Carolina vs. Casey Ray Perkins. What I am -- I am
9 just going to tell you a few things about what's going to
10 happen or how it's going to happen and how we are going to
11 proceed. The indictment in this case charges, as I've told
12 you, the defendant, Casey Ray Perkins, with the crime of
13 murder. The elements of the crime will be explained to you
14 later. I tell you, though, that the indictment is simply
15 the charge that causes this case to be brought into the
16 court and it is not in any sense evidence of any of the
17 allegations that it contains. The defendant has pled not
18 guilty to this charge and that has placed the burden then
19 upon the State to prove each and every element of the crime
20 to your satisfaction beyond a reasonable doubt. And it
21 will be your duty, ladies and gentlemen, to determine
22 whether the State meets and has met its burden of proof.
23 Your purpose as jurors is to determine the facts of this
24 case. You are the sole judges of the facts of this case,
25 and if at any time I make any comment or do anything that

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1 causes you to believe that I have an opinion about the
2 facts of the case, you must put that out of your mind
3 because I am not permitted to express an opinion about the
4 facts of the case in your presence, again, the reason being
5 because you decide what the facts are. I decide what the
6 law is and I tell you what the law is and I rule on
7 evidence that's admitted or not admitted in the court. The
8 evidence that you will be receiving for the most part will
9 be sworn testimony of the witnesses who will take the
10 witness stand. There may be other evidence, though,
11 documents can be introduced, all kinds of things can be
12 introduced into evidence. But the only facts that you may
13 consider are those that are presented to you in this
14 courtroom by testimony or otherwise admitted into evidence
15 by the Court. The first thing that's going to happen is
16 that the solicitor on behalf of the State will make an
17 opening argument to you, will make an opening statement to
18 you where he tells you what he thinks this case is going to
19 show. The attorney for the defendant is entitled to do the
20 same thing. After they do that then we will have that
21 evidence presented to you. Once all of the evidence is
22 presented then I will tell you about the law and charge you
23 about the law that applies to this case. You then retire
24 to your jury room, deliberate, decide what the facts are,
25 apply them to the law and reach a just verdict. Until that

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1 time, though, the law prohibits you from discussing any
2 part of the case with anyone else or even among yourselves
3 even in the jury room, even during breaks in the jury room.
4 The law says that you cannot discuss the case. One of the
5 reasons is the law wants you to have an open mind until you
6 receive all of the facts before you start deciding what
7 they are and what is right and wrong. Couple of other
8 things and I will quit talking. From time to time you may
9 have an attorney object to evidence the other is attempting
10 to introduce, it will be my duty to decide whether they can
11 introduce the evidence or not. The attorneys may ask to
12 see me at a side bar or I may ask to see them at a side bar
13 and I may ask you to step into the jury room while I speak
14 to them outside of your presence, and I'm getting ready to
15 do that in just a few minutes. The reason that that's
16 done, though, is not to try and keep secrets from you, not
17 to try to do things behind your back, but because sometimes
18 in hearing legal motions or matters it requires me to
19 discuss the facts of the case, and as I told you earlier I
20 am prohibited from discussing the facts in your presence.
21 So almost always when we ask you to step out of the room or
22 I confer with the attorneys away from your ears it's
23 because we're discussing a matter of law, even a small
24 matter, and I may have to discuss the facts of the case and
25 I can't do it in your presence. Having said all of that,

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1 I'm going to ask you to take a five minute break in the
2 jury room, maybe seven minutes, while I discuss with the
3 lawyers some matters of law. But as soon as we do that
4 we're going to come back and get moving. I'm going to let
5 the bailiffs take you to the jury room.

6 (The jury left the courtroom.)

7 MR. DUNN: One quick question, the daughters and
8 fiancée are not sequestered under the victim's rights act,
9 but, Your Honor, I am not familiar with that enough as to
10 give my opinion on that, I just raise my former objections
11 to the facts witnesses in general.

12 THE COURT: And these aren't victims but witnesses?

13 MR. BARFIELD: Yes, sir. These two young ladies are
14 the daughters of the victim and are witnesses in the case.
15 On your left is the fiancée of one of them who is not
16 related by blood and not related by marriage yet, but a
17 witness also, a fact witness.

18 THE COURT: Who are going to be potentially called?

19 MR. BARFIELD: Probably not this afternoon now, but
20 they are among the first group of witnesses that I'm
21 planning on calling.

22 THE COURT: Same motion as before?

23 MR. DUNN: Yes, sir.

24 THE COURT: No additional argument?

25 MR. DUNN: No, sir.

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1 THE COURT: I am going to permit them to stay.

2 MR. DUNN: Thank you.

3 THE COURT: Blair hearing?

4 MR. BARFIELD: Yes, sir. Mr. Perkins was evaluated
5 for competency to stand trial and I am fixin' to hand up to
6 the Court the original report that was received by my
7 office addressed to John R. Justice dated August 11th of
8 2006 which is the cover letter, and then the report
9 indicates that the evaluation was actually done on three
10 different dates; January 4, May 3rd and July 12th of '06.
11 Mr. Dunn has a copy of that, we have talked about it. I
12 would ask the -- I do not believe we are not offering
13 anything outside of the four corners of the report.

14 MR. DUNN: I have no witnesses to offer myself, Your
15 Honor, and the report stands unopposed, I guess.

16 MR. BARFIELD: Of course, the report does find him
17 competent to stand trial and I would ask the Court to make
18 the requisite findings absent some further showing on the
19 issue.

20 THE COURT: Anything further?

21 MR. DUNN: No, sir.

22 MR. BARFIELD: Nothing from the State?

23 THE COURT: Anything further other than this from
24 either side before we bring the jury back other than your
25 three minutes?

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1 MR. BARFIELD: Nothing, just a couple of minutes to
2 get organized.

3 THE COURT: I am going to read this while you take
4 your three minutes and get organized.

5 MR. BARFIELD: Thank you.

6 (Break in proceedings.)

7 THE COURT: Solicitor and Mr. Dunn, I have read the
8 evaluation by the department of mental health dated
9 August 11th of 2006, I find -- unless it is further argued
10 and we can decide it, I find the defendant is competent and
11 adopt report, I think I need to make this the next Court's
12 Exhibit 2.

13 (The reports were received as Court's 10 and 11.)

14 (The jury returned to the courtroom.)

15 THE COURT: Welcome back once again, ladies and
16 gentlemen. I believe we are ready to receive opening

17 statements from the attorneys.

18 MR. BARFIELD: If the Court please? Mr. Dunn? Ladies
19 and gentlemen? This is an opening statement in a case
20 that's going to take us a little while to do this week.
21 One of the things the Judge will tell you at some point is
22 that what the lawyers say is not evidence, especially when
23 I'm up here making an opening statement. What I am telling
24 you is not the evidence in the case, and for that reason I
25 don't say a whole lot in an opening statement. The purpose

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1 of the opening statement is basically to kind of introduce
2 you to the case, give you some idea of what is to come. An
3 opening statement I kind of liken to the christening of a
4 new ship. You build a ship, it's in dry dock up on big
5 platforms, at some point somebody cracks a bottle of
6 champagne against the hull of the ship and the ship slides
7 down into the water and it sets sail and that's what this
8 opening statement is all about. We're going to christen
9 this ship and this ship is the State of South Carolina vs.
10 Casey Ray Perkins. Mr. Perkins is charged with murder.
11 When the ship hits the water the test is does it float? Is
12 the boat going to float? Is it going to sail across the
13 ocean and reach its destination? And that's what the
14 evidence and testimony in this case are going to be all
15 about as we start calling witness this afternoon and into
16 tomorrow and for however long it takes to tell you
17 everything there is to know about this case. In a nutshell
18 this is what this case is about: Early Saturday morning,
19 August 27th of 2005, at [REDACTED], which was the
20 home of Judith "Judy" Hinson, that's where it happened, it
21 happened sometime 1:30 or 2:00 in the morning. You will
22 hear some people describe events and times so that you will
23 know when it happened. But some time that early morning,
24 on that Saturday morning, August 27 of 2005, Casey Ray
25 Perkins ends up inside of the home of his neighbor, Judy

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1 Hinson. He lives also on Debruhl Road, the same
2 neighborhood, he ends up in the home. And the bottom line
3 is while Casey Perkins is in that home he takes his hand
4 and rams it inside Judy Hinson's vagina to the distance of
5 about a foot, and as he does and as he comes back out rips
6 and tears internal organs, including her aorta. And as she
7 is lying there on the floor in her bedroom next to her bed
8 in her house, her life blood flows out of her and she dies
9 there in her floor. That's it. That's the case in a
10 nutshell. Now, it isn't going to be that quick because
11 there are a lot of witnesses that I'm going to call and for
12 everyone witness I call Mr. Dunn gets to ask questions just
13 like I ask questions, and we're going to lay this thing out
14 for you and it's going to take awhile. And I tell you that
15 because I want you to know now that it's going to take a
16 while and it's going to seem kind of tedious because you
17 don't know anything about this case and you shouldn't, and
18 we've got to tell you everything there is to know about
19 this case, step by step, bit by bit, detail by detail and
20 it takes awhile. So be patient. That's the most important
21 thing I ask you at this point is just to be patient. I
22 told you that I was going to christen the ship and I have
23 cracked the champagne bottle against the hull of this big
24 ship, which is the State vs. Casey Perkins and the boat is
25 sliding into the water, and as we call these witnesses I am

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1 convinced that by the time that this case is over and the
2 ship has sailed across the ocean to you, the jury, who have
3 got to decide whether he did it or not, it's going to be
4 floating high in the water. The test will have been
5 passed, the boat floated and you're going to come back with
6 a verdict of guilty against Casey Ray Perkins for the
7 murder of Judy Hinson. Thank you.

8 THE COURT: Thank you, Solicitor Barfield. Mr. Dunn?

9 MR. DUNN: Thank you, Your Honor. If it please the
10 Court? Good afternoon. My name is Geoffrey Dunn, I
11 represent Casey Perkins for the charges that you have heard
12 about. The solicitor a little while ago said that he has
13 christened the ship of State vs. Casey Ray Perkins and that
14 the test will come at the end of the week whether or not
15 that ship floats. And I submit to you that based on what
16 you hear this week for however many days it takes us to get
17 there that there will be so many holes in the ship of State
18 vs. Casey Ray Perkins that that ship is going to sink as
19 soon it hits the water, that once Judge Goldsmith gives you
20 the case to go make the decision that you will have no
21 decision to make but to return a verdict of not guilty.
22 Solicitor said that Ms. Perkins died at the hand --
23 Solicitor said that Mrs. Hinson died at the hands of Mrs.
24 (sic) Perkins. What he didn't tell you that you will see
25 evidence this week is that there's a lack of evidence tying

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1 Mr. Perkins to this crime. What I am asking you to do and
2 Mr. Perkins is asking you to do is that as you listen to
3 all of the evidence that you ask yourself certain
4 questions. Where are the fingerprints? Where is the DNA?
5 Where is the blood? Where are the eye witnesses? And I
6 submit to you that you are not going to hear a whole lot of
7 that type of evidence because there is simply not that
8 much, if any, forensic evidence tying Mr. Perkins to this
9 murder. You're going to hear evidence about statements
10 that Mr. Perkins said that he did. And I ask you to ask
11 yourself questions when you hear that evidence as well, how
12 many different statements are being told to you? How many
13 different statements did Mr. Perkins make? Why are they so
14 wildly inconsistent? Were these statements elicited out of
15 him in a manner from the police causing Casey to give
16 statements that were inaccurate? I submit to you that you
17 will hear testimony this week that that confession, that
18 statement that Casey gives, that it's the silver bullet
19 that the State is hoping for. Is not there. There's just
20 simply no way to rely upon that statement for you to come
21 back with a finding of guilt. There are three things, or
22 three legs of every stool that the defendant sits on in a
23 criminal case, in which the solicitor also sits on and our
24 justice system sits on; all suspects are innocent until
25 proven guilty. We have all heard that one. If you watched