

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas

RECEIVED

AUG 07 2017

The Honorable R. Markley Dennis, Jr., Circuit Court Judge S.C. SUPREME COURT

Appellate Case No. 2017-000826

David Allen Goins, ...Respondent,

v.

State of South Carolina, ...Petitioner.

APPENDIX

ALAN WILSON
Attorney General

DESHAWN H. MITCHELL
Assistant Attorney General
SC Bar No. 101813
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

ATTORNEY FOR PETITIONER

SUSAN B. HACKETT
Appellate Defender

S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29201
(803) 734-1330

ATTORNEY FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT	1
S.C. COURT OF APPEALS OPINION	643
REMITTITUR	645
PCR APPLICATION	646
RETURN.....	653
PCR HEARING TRANSCRIPT.....	660
ORDER GRANTING POST-CONVICTION RELIEF.....	713
MOTION TO RECONSIDER, ALTER OR AMEND	721
ORDER DENYING MOTION TO RECONSIDER, ALTER OR AMEND	726
CLERK'S RECORDS	727

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	:	
COUNTY OF FAIRFIELD	)	SIXTH JUDICIAL CIRCUIT
	:	
STATE OF SOUTH CAROLINA	)	
	:	
PLAINTIFF,	)	
	:	
VERSUS	:	TRANSCRIPT OF RECORD
	:	2005-GS-20-347
DAVID ALLEN GOINS,	:	2005-GS-20-348
	:	
DEFENDANT.	:	VOLUME I
	)	
		JANUARY 4, 2010
		WINNSBORO, SOUTH CAROLINA

B E F O R E:

THE HONORABLE CLIFFORD NEWMAN, JUDGE, AND A JURY

A P P E A R A N C E S:

FOR THE STATE:
DOUGLAS BARFIELD, ESQ., SOLICITOR
RILEY MAXWELL, ESQ., ASSISTANT SOLICITOR

FOR THE DEFENSE:
MICHAEL HEMLEPP, ESQ.

PHYLLIS S. BARRETT
CIRCUIT COURT REPORTER

1 MONDAY, JANUARY 4, 2010 - INDEX

2 HELEN L. COLLINS

3 DIRECT EXAMINATION BY MR. BARFIELD - PAGE 53

4 CROSS EXAMINATION BY MR. HEMLEPP - PAGE 68

5 CALVIN COLEMAN

6 DIRECT EXAMINATION BY MR. MAXWELL - PAGE 70

7 CROSS EXAMINATION BY MR. HEMLEPP - PAGE 83

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 TUESDAY, JANUARY 5, 2010 - INDEX

2 WITNESSES FOR THE STATE

3 MELISSA COOPER

4 DIRECT EXAMINATION BY MR. MAXWELL - PAGE 90

5 CROSS EXAMINATION BY MR. HEMLEPP - PAGE 98

6 JEFF SPIRES

7 DIRECT EXAMINATION BY MR. MAXWELL - PAGE 100

8 CROSS EXAMINATION BY MR. HEMLEPP - PAGE 106

9 LAJESKA WILLINGHAM

10 DIRECT EXAMINATION BY MR. BARFIELD - PAGE 107

11 PROFFERED DIRECT EXAMINATION BY MR. BARFIELD - PAGE 125

12 RESUMPTION OF DIRECT EXAMINATION BY MR. BARFIELD - PAGE 136

13 CROSS EXAMINATION BY MR. HEMLEPP - PAGE 147

14 MARY ELIZABETH YOUNG

15 DIRECT EXAMINATION BY MR. BARFIELD - PAGE 148

16 CROSS EXAMINATION BY MR. HEMLEPP - PAGE 158

17 LATISHA FANT

18 DIRECT EXAMINATION BY MR. BARFIELD - PAGE 159

19 CROSS EXAMINATION BY MR. HEMLEPP - PAGE 171

20 RE-DIRECT EXAMINATION BY MR. BARFIELD - PAGE 174

21 EDNA MAE ELGIN

22 DIRECT EXAMINATION BY MR. BARFIELD - PAGE 174

23 NO CROSS EXAMINATION

24

1 TUESDAY, JANUARY 5, 2010 - INDEX CONTINUED

2 WITNESSES

3 TAVARES ROBERTSON

4 DIRECT EXAMINATION BY MR. MAXWELL - PAGE 177

5 CROSS EXAMINATION BY MR. HEMLEPP - PAGE 194

6 RENARDO WOOD

7 DIRECT EXAMINATION BY MR. BARFIELD - PAGE 196

8 CROSS EXAMINATION BY MR. HEMLEPP - PAGE 229

9 NICHOLAS McGOOGAN

10 DIRECT EXAMINATION BY MR. BARFIELD - PAGE 243

11 CROSS EXAMINATION BY MR. HEMLEPP - PAGE 247

12 CHERYL ROBERTSON

13 DIRECT EXAMINATION BY MR. BARFIELD - PAGE 248

14 CROSS EXAMINATION BY MR. HEMLEPP - PAGE 251

15 BARBARA ROBERTSON

16 DIRECT EXAMINATION BY MR. BARFIELD - PAGE 252

17 CROSS EXAMINATION BY MR. HEMLEPP - PAGE 256

18

19

20

21

22

23

24

PAGE 1

WEDNESDAY, JANUARY 6, 2010 - INDEX

WITNESSES

MARY ANN TOLBERT

DIRECT EXAMINATION BY MR. BARFIELD - PAGE 259

CROSS EXAMINATION BY MR. HEMLEPP - PAGE 277

DONNIE ANDERSON

DIRECT EXAMINATION BY MR. BARFIELD - PAGE 286

NO CROSS EXAMINATION

STEVEN DERRICK

DIRECT EXAMINATION BY MR. BARFIELD - PAGE 287

CROSS EXAMINATION BY MR. HEMLEPP - PAGE 295

JAMES JOYNER

DIRECT EXAMINATION BY MR. BARFIELD - PAGE 296

CROSS EXAMINATION BY MR. HEMLEPP - PAGE 298

DANNY ODOM

DIRECT EXAMINATION BY MR. MAXWELL - PAGE 299

CROSS EXAMINATION BY MR. HEMLEPP - PAGE 302-303

JACKSON V. DENNO HEARING

KEITH LEWIS

DIRECT EXAMINATION BY MR. BARFIELD - PAGE 305

NO CROSS EXAMINATION

MARY ANN PHILLIPS TOLBERT

DIRECT EXAMINATION BY MR. BARFIELD - PAGE 317-318

NO CROSS EXAMINATION

WEDNESDAY, JANUARY 6, 2010 - INDEX CONTINUED

WITNESSES

DAVID ALLEN GOINS

QUESTIONS BY THE COURT - PAGE 333-335

JANICE EDWARDS ROSS

DIRECT EXAMINATION BY MR. MAXWELL - PAGE 341

CROSS EXAMINATION BY MR. HEMLEPP - PAGE 349

RE-DIRECT EXAMINATION BY MR. MAXWELL - PAGE 354

DUSTIN WILSON SMITH

DIRECT EXAMINATION BY MR. MAXWELL - PAGE 356

CROSS EXAMINATION BY MR. HEMLEPP - PAGE 359

SAMUEL CAMILLUS REIGHLEY, JR.

DIRECT EXAMINATION BY MR. BARFIELD - PAGE 359

CROSS EXAMINATION BY MR. HEMLEPP - PAGE 366

VELLO PAAVEL

DIRECT EXAMINATION BY MR. BARFIELD - PAGE 368

CROSS EXAMINATION BY MR. HEMLEPP - PAGE 385

KEITH LEWIS

DIRECT EXAMINATION BY MR. BARFIELD - PAGE 387

CROSS EXAMINATION BY MR. HEMLEPP - PAGE 403

MARY ANN PHILLIPS TOLBERT

DIRECT EXAMINATION BY MR. BARFIELD - PAGE 407

CROSS EXAMINATION BY MR. HEMLEPP - PAGE 408

Exhibit
Index

THURSDAY, JANUARY 7, 2010 - INDEX

END OF STATE'S CASE

ADVISEMENT OF DEFENDANT'S RIGHTS BY THE COURT - 427-429

WITNESSES FOR THE DEFENSE

CHRISTOPHER KAUFFIN

DIRECT EXAMINATION BY MR. HEMLEPP - PAGE 430

CROSS EXAMINATION BY MR. BARFIELD - PAGE 446

RE-DIRECT EXAMINATION BY MR. HEMLEPP - PAGE 466-467

DAVID ALLEN GOINS

DIRECT EXAMINATION BY MR. HEMLEPP - PAGE 477

CROSS EXAMINATION BY MR. BARFIELD - PAGE 514

RE-DIRECT EXAMINATION BY MR. HEMLEPP - PAGE 542

RE-CROSS EXAMINATION BY MR. BARFIELD - PAGE 544

END OF DEFENSE'S CASE

CHARGE TO JURY - 600-618

VERDICTS 622-624

1		EXHIBITS		
2	NO.	DESCRIPTION	ID.	EV.
3	S-01	MOTEL RECEIPT	170	171
4	S-02	GROCERY BAG	269	271
5	S-03	BULLET BOX	269	271
6	S-04	BULLETS	270	271
7	S-05	SLED FINGERPRINT REPORT	294	294
8	S-13	BULLET FRAGMENTS FROM HEAD	347	375
9	S-14	BULLET FRAGMENTS FROM HAND	347	375
10	S-15	SLED REPORT	366	366
11	S-26	SLED REPORT	383	383
12	S-06	PHOTO	408	408
13	S-07	PHOTO	408	408
14	S-08	PHOTO	408	408
15	S-09	PHOTO	408	408
16	S-10	PHOTO	408	408
17	S-11	PHOTO	408	408
18	S-12	PHOTO	408	408
19	S-19	MIRANDA WARNING	404	414
20	S-17	VIDEO TAPE	390	391
21	S-18	VIDEO TAPE	390	391
22	C-01	JURY NOTE		619
23	C-02	JURY NOTE		621
24				

1 MONDAY, JANUARY 4, 2010

2 THE COURT: SOLICITOR, CALL YOUR CASE.

3 MR. BARFIELD: YOUR HONOR, THIS IS CASE NUMBER 2009-GS-20-347,
4 THE STATE VERSUS DAVID ALLEN GOINS, INDICTMENT FOR ASSAULT AND
5 BATTERY WITH INTENT TO KILL; AND 2005-GS-20-348, THE STATE VERSUS
6 DAVID ALLEN GOINS, INDICTMENT FOR THE OFFENSE OF MURDER. HE IS
7 REPRESENTED BY MICHAEL HEMLEPP. THE TWO CHARGES ARE COMPANION
8 CHARGES WHICH ROSE OUT OF A SINGLE EVENT. THE STATE SEEKS TO TRY
9 BOTH OF THEM TOGETHER. THE STATE IS READY TO GO FORWARD.

10 I'VE HANDED THE COURT A WITNESS LIST. SOME OF THE WITNESSES
11 WILL BE IN COURT TODAY AS WE QUALIFY THE JURY FOR THIS TRIAL, BUT
12 MOST OF THEM WILL NOT.

13 THE COURT: FOR THE WITNESSES WHO ARE NOT HERE, DO YOU HAVE
14 SOMEONE WHO MIGHT KNOW WHAT AREA THEY'RE FROM OR SOME OTHER
15 IDENTIFYING INFORMATION THAT MIGHT ASSIST THE JURY IN DETERMINING
16 OR RESPONDING TO QUESTIONS AS TO WHETHER THEY MIGHT KNOW THESE
17 FOLKS?

18 MR. BARFIELD: YOUR HONOR, THE LAW ENFORCEMENT FOLKS,
19 OBVIOUSLY, HAVE BEEN IDENTIFIED AS SUCH ON THE WITNESS LIST. THE
20 CIVILIAN FOLKS, I'LL ASK THE PEOPLE AT MY TABLE AS I CALL THE NAMES,
21 IF THEY CAN TELL ME ANYTHING ABOUT THEM. OTHER THAN THE FACT
22 THAT I'VE TALKED TO THEM AND SUBPOENAED THEM TO BE HERE, I'M NOT
23 SURE.

24 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN, THE STATE HAS
25 CALLED FOR TRIAL, THE CASE OF THE STATE VERSUS DAVID ALLEN GOINS.

1 THIS CASE COMES INTO COURT AS THE RESULT OF AN INDICTMENT
2 RETURNED BY THE GRAND JURY OF FAIRFIELD COUNTY INDICTING AND
3 CHARGING MR. GOINS WITH MURDER, AND ALSO FOR ASSAULT AND
4 BATTERY WITH INTENT TO KILL.

5 HE HAS PLEAD NOT GUILTY TO THESE CHARGES. HE IS PRESUMED TO
6 BE NOT GUILTY OF THESE CHARGES. HE CANNOT BE FOUND GUILTY OF
7 THESE CHARGES UNLESS THE STATE PRESENTS EVIDENCE THAT CONVINCES
8 A JURY OF HIS GUILT BEYOND A REASONABLE DOUBT.

9 MR. DAVID ALLEN GOINS, IF YOU WILL STAND AND FACE THE JURY
10 PANEL.

11 (WHEREUPON DEFENDANT STANDS)
12 AND COUNSEL STANDING WITH MR. GOINS, IF YOU WILL INTRODUCE
13 YOURSELF TO THE JURY, PLEASE.

14 MR. HEMLEPP: LADIES AND GENTLEMEN OF THE JURY, MY NAME IS
15 MIKE HEMLEPP. I AM LAWYER HERE IN FAIRFIELD COUNTY. I REPRESENT
16 MR. DAVID ALLEN GOINS, WHO HAS BEEN CHARGED IN THIS CASE.

17 THE COURT: THANK YOU. THE STATE IS REPRESENTED THROUGH THE
18 SOLICITOR'S OFFICE. MR. SOLICITOR, IF YOU WILL INTRODUCE YOURSELF,
19 ONCE AGAIN, AS WELL AS ANY OTHER PARTIES WHO ARE PARTICIPATING AT
20 YOUR TABLE.

21 MR. BARFIELD: I'M DOUG BARFIELD, SOLICITOR FOR THE SIXTH
22 CIRCUIT, CHESTER, FAIRFIELD AND LANCASTER COUNTIES. RILEY
23 MAXWELL, ASSISTANT SOLICITOR HERE FOR FAIRFIELD COUNTY, WILL BE
24 PARTICIPATING IN THE TRIAL.

1 THE COURT: LADIES AND GENTLEMEN, WE ARE GOING TO DO JURY
2 SELECTION. I HAVE A NUMBER OF QUESTIONS TO ASK YOU SO THAT THE
3 STATE AND DEFENSE WILL HAVE INFORMATION THAT THEY WOULD LIKE TO
4 HAVE IN ORDER TO ASSIST IN JURY SELECTION.

5 IS ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD, OR
6 CONNECTED MARRIAGE, OR ACQUAINTANCE? IF YOU KNOW THE
7 DEFENDANT, DAVID ALLEN GOINS, PLEASE STAND.

8 (NO RESPONSE)

9 THE ALLEGED VICTIMS IN THESE CASES ARE MICHAEL ROBERTSON,
10 WHO IS THE ALLEGED VICTIM OF MURDER, AND JAMIE ROBERTSON, WHO IS
11 THE ALLEGED VICTIM OF ASSAULT AND BATTERY WITH INTENT TO KILL.
12 AND THEY ARE FROM WHAT AREA OF THIS COUNTY?

13 MR. BARFIELD: IN THE TOWN OF WINNSBORO, PROPER.

14 THE COURT: ALL RIGHT. WOULD THAT BE NEAR OR AROUND [REDACTED]
15 [REDACTED]?

16 MR. BARFIELD: YES SIR. [REDACTED] IS ACTUALLY OUT IN THE
17 COUNTY. THEY LIVED IN THE CITY, AS I UNDERSTAND IT. SOME OF THE
18 OTHER WITNESSES IN THE CASE ARE RIDGEWAY FOLKS.

19 THE COURT: ALL RIGHT. IF ANY MEMBER OF THE JURY PANEL IS
20 RELATED BY BLOOD OR CONNECTED BY MARRIAGE OR IF YOU KNOW ANY
21 OF THE ALLEGED VICTIMS, JAMIE ROBERTSON OR MICHAEL ROBERTSON,
22 PLEASE STAND.

23 (WHEREUPON JURORS STAND)

24 STARTING HERE, WHO ARE YOU, PLEASE?

25 JUROR: MY NAME IS BRAD MOBLEY.

1 THE COURT: TELL ME WHY YOU'RE STANDING.

2 JUROR: I KNOW THE WHOLE FAMILY.

3 THE COURT: YOU KNOW WHO FAMILY?

4 JUROR: THE ROBERTSON FAMILY.

5 THE COURT: THE ROBERTSON FAMILY. AND WOULD THAT FACT
6 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

7 JUROR: NO SIR, IT WOULDN'T.

8 THE COURT: IT WOULD NOT. THANK YOU. YES SIR? YOU ARE?

9 JUROR: MY NAME IS ROGER COLE.

10 THE COURT: ROGER COLE.

11 JUROR: YES SIR. MY NIECE DATED ONE OF THE ROBERTSON BOYS.

12 THE COURT: YOUR NIECE?

13 JUROR: RIGHT.

14 THE COURT: WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND
15 IMPARTIAL JUROR? COULD YOU STILL BE A FAIR AND IMPARTIAL JUROR
16 DESPITE THE FACT THAT YOU KNEW OR KNOW THE ROBERTSONS AND THE
17 RELATIONSHIP?

18 JUROR: YES SIR.

19 THE COURT: THANK YOU, SIR. YES SIR?

20 JUROR: I'M MELVIN McDANIEL. I KNEW MIKE ROBERTSON.

21 THE COURT: WOULD THAT FACT AFFECT YOUR ABILITY TO BE A FAIR
22 AND IMPARTIAL JUROR?

23 JUROR: NO, YOUR HONOR.

24 THE COURT: THANK YOU. YES MA'AM?

25 JUROR: I'M COUSINS WITH JAMIE ROBERTSON AND MIKE ROBERTSON.

1 THE COURT: WHAT DEGREE OF COUSINS? HOW CLOSE KIN ARE YOU,
2 WERE YOU?

3 JUROR: ABOUT THIRD COUSIN.

4 THE COURT: THIRD COUSIN. ANY ISSUE ON THAT, SOLICITOR?

5 MR. BARFIELD: JUST HER NAME.

6 THE COURT: WHAT YOUR NAME, MA'AM?

7 JUROR: MARTHA DADZIE.

8 THE COURT: ALL RIGHT. WOULD THAT FACT AFFECT YOUR ABILITY
9 TO BE FAIR AND IMPARTIAL?

10 JUROR: YES.

11 THE COURT: ALL RIGHT. WE WILL NOT CONSIDER YOU FOR
12 SELECTION ON THIS JURY, BUT STAY WITH US. SHE WILL NOT BE PART OF
13 THE JURY PANEL, SOLICITOR.

14 LADIES AND GENTLEMEN, THE ALLEGED DATE OF THIS INCIDENT WAS
15 ON OR ABOUT JUNE 30, 2005, AROUND 10:30 P.M., AT [REDACTED]
16 AND DID YOU SAY THAT'S IN THE CITY OR IN THE COUNTY?

17 MR. BARFIELD: THAT'S ACTUALLY JUST OUTSIDE THE CITY IN THE
18 COUNTY.

19 THE COURT: ALL RIGHT. DOES ANY MEMBER OF THE JURY PANEL
20 KNOW ANYTHING ABOUT THIS CASE OR HAVE YOU HEARD ANYTHING
21 ABOUT THIS CASE? IF SO, PLEASE STAND.

22 (WHEREUPON JURORS STAND)

23 WITHOUT SAYING ANYTHING ABOUT WHAT YOU KNOW OR WHAT
24 YOU HEARD, TELL US WHO YOU ARE. YES MA'AM?

25 JUROR: I'M VERA BELAL.

1 THE COURT: WOULD THAT FACT OF WHAT YOU KNOW OR WHAT YOU
2 HEARD OR MAY HAVE HEARD, WOULD THAT AFFECT YOUR ABILITY TO BE
3 FAIR AND IMPARTIAL?

4 JUROR: NO SIR.

5 THE COURT: THANK YOU. MR. McDANIEL?

6 JUROR: YES SIR. I'VE HEARD ABOUT IT, AND NO, YOUR HONOR, IT
7 WOULDN'T.

8 THE COURT: THANK YOU, SIR. YES SIR?

9 JUROR: KEN SEGARS, I15. AT THE TIME OF THE INCIDENT, I WAS
10 EMPLOYED AT THE DETENTION CENTER.

11 THE COURT: WOULD THE FACT THAT YOUR EMPLOYMENT AT THE
12 TIME AT THE DETENTION CENTER, DID THAT CAUSE YOU TO HAVE SOME
13 INVOLVEMENT WITH ANYONE CONNECTED WITH THE CASE?

14 JUROR: NO SIR.

15 THE COURT: WOULD THAT FACT AFFECT YOUR ABILITY TO BE FAIR
16 AND IMPARTIAL?

17 JUROR: NO SIR.

18 THE COURT: THANK YOU, SIR. I'M GOING TO CALL OUT A LIST OF
19 PEOPLE AND I NEED TO KNOW IF YOU KNOW THEM OR IF YOU ARE RELATED
20 TO THEM. DONNIE ANDERSON FROM THE SHERIFF'S OFFICE. JEREMY
21 ASHFORD, SHERIFF'S OFFICE. MELISSA COOPER, SHERIFF'S OFFICE. FRAZIER
22 CRAIG, SHERIFF'S OFFICE. JARRETT DOUGLAS, SHERIFF'S OFFICE. JIMMY
23 JOYNER, SHERIFF'S OFFICE. KEITH LEWIS, SHERIFF'S OFFICE. MIKE
24 ROSEBORO, SHERIFF'S OFFICE. JEFF SPIRES, SHERIFF'S OFFICE. FORMERLY OF
25 THE SHERIFF'S OFFICE, MARY ANN PHILLIPS TOLBERT, FORMERLY OF THE

1 SHERIFF'S OFFICE. STEVEN M. DERRICK, FROM SLED. VELLO PAAVEL, SLED.
2 SAMUEL REIGHLY, SLED. DUSTIN SMITH, SLED. DOCTOR JAMES MORRISON,
3 RICHLAND MEMORY PALMETTO RICHLAND, PALMETTO HEALTH RICHLAND.
4 DANNY ODOM, FORMERLY OF THE CORONER'S OFFICE. JOE SYLVIA,
5 FORMERLY OF THE CORONER'S OFFICE. AND DOCTOR JANICE E. ROSS OF
6 NEWBERRY PATHOLOGY ASSOCIATES.

7 IF YOU KNOW ANY OF THEM OR IF YOU ARE RELATED BY BLOOD OR
8 MARRIAGE TO ANY OF THEM, OR HAVE ANY OTHER ASSOCIATION WITH ANY
9 OF THEM, PLEASE STAND AND LET US KNOW ABOUT IT.

10 (WHEREUPON JURORS STAND)

11 STARTING WITH THE GENTLEMAN ON THE FRONT.

12 JUROR: JOHN FANTRY. YOUR HONOR, I DO NOT PRACTICE CRIMINAL
13 LAW. BUT I KNOW MOST OF THOSE OFFICIALS THROUGH MY PRACTICE AS
14 AN ATTORNEY IN FAIRFIELD COUNTY. I HAVE NOT WORKED ON THIS CASE. I
15 AM NOT FAMILIAR WITH THE FACTS OR ANYTHING OF IT. I DON'T THINK IT
16 WOULD PREJUDICE ME IN MAKING A FAIR DECISION ON ANY MATTER.

17 THE COURT: THANK YOU, SIR. YES SIR?

18 JUROR: I'M BILL HUBERT, AND I KNOW A COUPLE OF THEM, BUT I
19 DON'T THINK IT WOULD AFFECT ME AT ALL.

20 THE COURT: ANY NAMES IN PARTICULAR, MR. HUBERT?

21 JUROR: MELISSA, I THINK, IS ONE OF THEM THAT I KNOW.

22 THE COURT: MELISSA COOPER?

23 JUROR: YES SIR.

24 THE COURT: THANK YOU. YES MA'AM?

1 JUROR: I'M KAREN COOK AND I'M KIN TO DONNIE ANDERSON. HE'S MY
2 HUSBAND'S SECOND COUSIN.

3 THE COURT: YOU'RE KIN TO DONNIE ANDERSON AND HE'S YOUR
4 HUSBAND'S SECOND COUSIN.

5 JUROR: RIGHT.

6 THE COURT: IF HE SHOULD TESTIFY IN THIS CASE WOULD THAT
7 AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL?

8 JUROR: NO SIR.

9 THE COURT: THANK YOU. YES MA'AM?

10 JUROR: WELL, I'M ALMOST A LIFELONG RESIDENT OF FAIRFIELD
11 COUNTY, AND I AM A HOSPITAL EMPLOYEE. SO, I DO HAVE A CHANCE TO
12 INTERACT WITH SEVERAL PEOPLE ON THAT LIST.

13 THE COURT: WOULD THAT FACT AFFECT YOUR ABILITY TO BE FAIR
14 AND IMPARTIAL? TELL ME YOUR NAME ONE MORE TIME.

15 JUROR: VERA BELAL.

16 THE COURT: BELAL, THANK YOU. YES SIR?

17 JUROR: CARL BAUGHMAN. I KNOW MOST ALL THE SHERIFF'S
18 DEPUTIES AND THE CORONER'S OFFICE.

19 THE COURT: WOULD THAT AFFECT YOUR ABILITY TO BE FAIR AND
20 IMPARTIAL?

21 JUROR: NO SIR.

22 THE COURT: THANK YOU. YES SIR?

23 JUROR: TONY GLADDEN. I KNOW JOE SYLVIA. I'M GOOD FRIENDS AND
24 WORK WITH HIM PART-TIME.

1 THE COURT: THANK YOU WE WILL NOT CONSIDER FOR SELECTION ON
2 THIS CASE. THANK YOU.

3 JUROR: I KNOW ONE OF THE DEPUTIES.

4 THE COURT: I COULDN'T HEAR YOU.

5 JUROR: I KNOW ONE OF THE DEPUTIES.

6 THE COURT: YOU KNOW ONE OF THE DEPUTIES. WOULD THAT FACT
7 AFFECT YOUR ABILITY TO BE A FAIR JUROR. AND YOUR NAME IS?

8 JUROR: AMY O'CONNOR.

9 THE COURT: MS. O'CONNOR, THANK YOU. YES SIR?

10 JUROR: ROGER COLE. I KNOW ABOUT THREE OR FOUR OF THE NAMES
11 YOU CALLED. I GREW UP HERE IN TOWN AND COME ACROSS THEM EVERY
12 ONCE IN A WHILE.

13 THE COURT: WOULD THAT AFFECT YOUR ABILITY TO BE FAIR AND
14 IMPARTIAL?

15 JUROR: NO SIR.

16 THE COURT: THANK YOU. YES MA'AM?

17 JUROR: I KNOW A LOT OF THEM, BUT IT WOULD NOT AFFECT MY
18 ABILITY TO BE FAIR.

19 THE COURT: AND YOUR NAME IS?

20 JUROR: JAN HAYNES.

21 THE COURT: THANK YOU. YES SIR?

22 JUROR: I KNOW A FEW OF THE NAMES AS WELL. ANDREW HAGEN.
23 AND IT WILL NOT AFFECT ME.

1 THE COURT: THANK YOU. MOVING ON TO SOME ADDITIONAL FOLKS
2 WHO MAY TESTIFY IN THIS CASE, IF ANY OF YOU ARE HERE, I WOULD LIKE
3 FOR YOU TO STAND.

4 FLEMING ALEXANDER ANDERSON, JR. CALVIN COLEMAN. HELEN.
5 COLLINS. EDNA MAE ELGIN. LATISHA ELGIN, NOW LATISHA FANT. SALLIE P.
6 HARSEY, H-A-R-S-E-Y. TONY HARSEY. CHRISTOPHER JEWLYN KAUFFIN.
7 NICHOLAS McGOOGAN. BARBARA ROBERTSON. CHERYL ROBERTSON.
8 TAVARES ROBERTSON. DANIEL SHEA SIEBLES. LAJESKA WILLINGHAM.
9 RENARDO QUINTIN WOOD. MARY ELIZABETH YOUNG.

10 IF YOU KNOW ANY OF THOSE FOLKS, FRIENDS, RELATIVES,
11 ASSOCIATES OF ANY OF THEM, PLEASE STAND.

12 (WHEREUPON JURORS STAND)

13 ALL RIGHT. MS. BELAL.

14 JUROR: I AM A HOSPITAL EMPLOYEE.

15 THE COURT: GOT THAT. RIGHT. ALL RIGHT. YES SIR.

16 JUROR: I KNOW SOME OF THEM.

17 THE COURT: TELL ME YOUR NAME WHEN YOU STAND, PLEASE, SO THE
18 RECORD WILL BE STRAIGHT.

19 JUROR: BRAD MOBLEY.

20 THE COURT: THANK YOU.

21 JUROR: ROBERT MILLER.

22 THE COURT: ALL RIGHT.

23 JUROR: MELVIN McDANIEL. I SEE SOME OF THEM IN TOWN.

24 THE COURT: YES MA'AM?

25 JUROR: CYNTHIA ARMSTRONG. I KNOW SOME OF THEM.

1 THE COURT: MS. CALDWELL, IS IT?

2 JUROR: YES SIR. I KNOW SOME OF THEM.

3 THE COURT: AS TO THOSE WHO HAVE JUST SAID YOU KNOW SOME OF
4 THEM, WOULD THAT AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL,
5 AND IF SO, PLEASE STAND.

6 (NO RESPONSE)

7 LADIES AND GENTLEMEN, IF YOU OR ANY MEMBER OF YOUR FAMILY,
8 IMMEDIATE FAMILY HAVE EVER BEEN THE VICTIM OF A VIOLENT CRIME,
9 SUCH AS MURDER, RAPE, ROBBERY, BURGLARY, OR ANY OTHER VIOLENT
10 CRIME, PLEASE STAND.

11 (WHEREUPON JURORS STAND)

12 IF YOU WILL IDENTIFY YOURSELF. YES SIR?

13 JUROR: WILLIAM CLAWSON. MY SON WAS MUGGED PROBABLY
14 ABOUT SIX TO EIGHT MONTHS AGO. AND OUR HOUSE WAS BROKEN INTO
15 PROBABLY ABOUT EIGHT YEARS AGO.

16 THE COURT: THANK YOU, SIR. YES SIR?

17 JUROR: OUR DAUGHTER WAS KILLED IN 2000 IN A FELONY DUI.

18 THE COURT: THANK YOU, SIR.

19 MR. BARFIELD: HIS NAME, YOUR HONOR.

20 JUROR: STEVE CECIL.

21 THE COURT: YES MA'AM?

22 JUROR: A FRIEND OF MINE WAS MURDERED RIGHT IN FRONT OF HIS
23 HOUSE.

24 THE COURT: THANK YOU, MA'AM.

25 COURT REPORTER: JUROR'S NAME, PLEASE.

1 THE COURT: GIVE US YOUR NAME.

2 JUROR: MONICA TUCKER.

3 THE COURT: YES MA'AM?

4 JUROR: DEBORAH COOPER. MY HOUSE WAS BURGLARIZED.

5 THE COURT: THANK YOU. ANY OF YOU, IF ANY OF THAT WOULD
6 AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL, THOSE OF YOU WHO
7 SPOKE, PLEASE STAND AND LET US KNOW THAT.

8 (NO RESPONSE)

9 IF ANY MEMBER OF YOUR IMMEDIATE FAMILY HAS EVER DIED AT THE
10 HANDS OF ANOTHER PERSON, PLEASE STAND. OTHER THAN THOSE THAT
11 JUST STOOD.

12 (WHEREUPON JUROR STANDS)

13 THE COURT: YES, MR. CECIL, THANK YOU. IF YOU OR ANY MEMBER OF
14 YOUR IMMEDIATE FAMILY IS EMPLOYED IN LAW ENFORCEMENT, PLEASE
15 STAND.

16 (WHEREUPON JURORS STAND)

17 YES SIR?

18 JUROR: MY NAME IS BRYAN MOBLEY. I'VE GOT AN UNCLE WHO
19 WORKS FOR THE SHERIFF'S DEPARTMENT.

20 THE COURT: THANK YOU.

21 JUROR: DAVID JONES, I'VE GOT AN UNCLE ON THE CITY POLICE
22 FORCE.

23 THE COURT: ALL RIGHT.

24 JUROR: AMOS YOUNG. I'VE GOT A BROTHER WHO WORKS FOR THE
25 SHERIFF'S OFFICE.

1 THE COURT: ALL RIGHT.

2 JUROR: ANDREW HAGEN. I'VE GOT A BROTHER-IN-LAW THAT WORKS
3 FOR THE SHERIFF.

4 THE COURT: THANK YOU.

5 JUROR: ANNA LEITNER. MY BROTHER WORKS FOR THE CITY POLICE.

6 THE COURT: THANK YOU. NOW, LADIES AND GENTLEMEN, IF YOU
7 KNOW OF ANY REASON WHATSOEVER WHY YOU CANNOT GIVE BOTH THE
8 STATE AND THE DEFENDANT A FAIR AND PARTIAL TRIAL, PLEASE LET ME
9 KNOW AT THIS TIME BY STANDING.

10 (NO RESPONSE)

11 IF YOU KNOW OF ANY REASON WHATSOEVER WHY YOU SHOULD NOT
12 BE SELECTED TO BE A JUROR ON THIS CASE, PLEASE LET ME KNOW AT THIS
13 TIME BY STANDING.

14 (NO RESPONSE)

15 ANY OTHER QUESTIONS THAT THE STATE OR THE DEFENDANT WOULD
16 LIKE FOR ME TO ASK?

17 MR. BARFIELD: NONE FROM THE STATE.

18 MR. HEMLEPP: NONE. THANK YOU, YOUR HONOR.

19 THE COURT: LADIES AND GENTLEMEN, IF YOU WILL GIVE THE CLERK
20 YOUR ATTENTION WE WILL PROCEED NOW WITH JURY SELECTION. IF YOU
21 WILL FOLLOW HER INSTRUCTIONS.

22 CLERK OF COURT: AS I CALL YOUR NAME, PLEASE COME UP FRONT,
23 STAND RIGHT HERE IN FRONT OF THE BAR, TURN AROUND AND FACE THE
24 AUDIENCE UNTIL WE TELL YOU WHAT TO DO.

25 IS IT FIVE AND TEN?

1 THE COURT: YES MA'AM.

2 CLERK OF COURT: NUMBER 115, KENNETH SEGARS. WHAT SAY THE
3 STATE?

4 MR. BARFIELD: PLEASE PRESENT THE JUROR

5 CLERK OF COURT: WHAT SAY THE DEFENSE?

6 MR. HEMLEPP: PLEASE SEAT MR. SEGARS.

7 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE JURY BOX.

8 NUMBER 69, THEROSHA JACKSON. WHAT SAY THE STATE?

9 MR. BARFIELD: PLEASE EXCUSE THE JUROR.

10 CLERK OF COURT: YOU ARE EXCUSED FROM THIS TRIAL, MS. JACKSON.
11 PLEASE RETURN TO YOUR SEAT. NUMBER 119, AMANDA SISTARE. WHAT
12 SAYS THE STATE?

13 MR. BARFIELD: PLEASE PRESENT THE JUROR.

14 CLERK OF COURT: WHAT SAY THE DEFENSE?

15 MR. HEMLEPP: PLEASE SEAT MS. SISTARE.

16 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE JURY BOX

17 NUMBER 29, STEVEN CECIL. WHAT SAY THE STATE?

18 MR. BARFIELD: PLEASE PRESENT THE JUROR

19 CLERK OF COURT: WHAT SAY THE DEFENSE?

20 MR. HEMLEPP: PLEASE EXCUSE MR. CECIL FROM THE TRIAL OF THIS
21 CASE.

22 CLERK OF COURT: YOU ARE EXCUSED FROM THIS TRIAL. PLEASE GO
23 BACK TO YOUR SEAT.

24 NUMBER 5, CYNTHIA ARMSTRONG. WHAT SAY THE STATE?

25 MR. BARFIELD: PLEASE PRESENT THE JUROR

1 CLERK OF COURT: WHAT SAY THE DEFENSE?

2 MR. HEMLEPP: PLEASE SWEAR MS. ARMSTRONG.

3 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE JURY BOX, MS.

4 ARMSTRONG. NUMBER 11, CARLTON BAUGHMAN. WHAT SAY THE STATE?

5 MR. BARFIELD: PLEASE PRESENT THE JUROR

6 CLERK OF COURT: WHAT SAY THE DEFENSE?

7 MR. HEMLEPP: PLEASE SWEAR MR. BAUGHMAN.

8 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE JURY BOX.

9 NUMBER 87, GEORGE MATTOX. WHAT SAY THE STATE?

10 MR. BARFIELD: PLEASE PRESENT THE JUROR

11 CLERK OF COURT: WHAT SAY THE DEFENSE?

12 MR. HEMLEPP: PLEASE EXCUSE MR. MATTOX.

13 CLERK OF COURT: YOU ARE EXCUSED, MR. MATTOX. PLEASE GO BACK

14 TO YOUR SEAT.

15 NUMBER 93, JOHN MERCER.

16 MR. HEMLEPP: YOUR HONOR, MAY WE APPROACH?

17 THE COURT: YES.

18 (WHEREUPON A BENCH CONFERENCE TOOK PLACE)

19 CLERK OF COURT: WHAT SAYS THE STATE?

20 MR. BARFIELD: PLEASE EXCUSE MR. MERCER.

21 CLERK OF COURT: YOU ARE EXCUSED, MR. MERCER. PLEASE RETURN

22 TO YOUR SEAT. NUMBER 67, WILLIAM HUBERT. WHAT SAYS THE STATE?

23 MR. BARFIELD: PLEASE PRESENT THE JUROR.

24 CLERK OF COURT: WHAT SAY THE DEFENSE?

1 MR. HEMLEPP: PLEASE EXCUSE MR. HUBERT FROM THE TRIAL OF THIS
2 CASE.

3 CLERK OF COURT: YOU ARE EXCUSED FROM THIS TRIAL, MR. HUBERT.
4 PLEASE GO BACK TO YOUR SEAT.

5 NUMBER 131, NORMAN THOMPSON. WHAT SAYS THE STATE?

6 MR. BARFIELD: PLEASE EXCUSE THE JUROR.

7 CLERK OF COURT: YOU ARE EXCUSED FROM THIS TRIAL, MR.
8 THOMPSON. PLEASE RETURN TO YOUR SEAT.

9 NUMBER 53, LENORA GINYARD. WHAT SAYS THE STATE?

10 MR. BARFIELD: PLEASE PRESENT THE JUROR.

11 CLERK OF COURT: WHAT SAYS THE DEFENSE.

12 MR. HEMLEPP: PLEASE SWEAR MS. GINYARD FOR THE TRIAL OF THIS
13 CASE.

14 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE JURY BOX.

15 NUMBER 72, JASON JOHNSON. WHAT SAY THE STATE?

16 MR. BARFIELD: PLEASE PRESENT THE JUROR.

17 CLERK OF COURT: WHAT SAY THE DEFENSE?

18 MR. HEMLEPP: PLEASE SWEAR MR. JOHNSON.

19 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE JURY BOX.

20 NUMBER 96, BRYAN MOBLEY. WHAT SAY THE STATE?

21 MR. BARFIELD: PLEASE PRESENT THE JUROR.

22 CLERK OF COURT: WHAT SAY THE DEFENSE?

23 MR. HEMLEPP: PLEASE EXCUSE MR. MOBLEY FROM THE TRIAL OF THIS
24 CASE.

1 CLERK OF COURT: YOU ARE EXCUSED FROM THIS TRIAL, MR. MOBLEY.
2 PLEASE GO BACK TO YOUR SEAT.

3 NUMBER 36, DEBORAH COOPER. WHAT SAYS THE STATE?

4 MR. BARFIELD: PLEASE PRESENT THE JUROR.

5 CLERK OF COURT: WHAT SAYS THE DEFENSE?

6 MR. HEMLEPP: PLEASE PRESENT MS. COOPER FOR THE TRIAL OF THIS
7 CASE.

8 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE JURY BOX.

9 NUMBER 149, AMOS YOUNG. WHAT SAYS THE STATE?

10 MR. BARFIELD: PLEASE EXCUSE MR. YOUNG.

11 CLERK OF COURT: YOU ARE EXCUSED FROM THIS CASE, MR. YOUNG.

12 NUMBER 45, JOHN FANTRY. WHAT SAYS THE STATE?

13 MR. BARFIELD: PLEASE PRESENT THE JUROR

14 CLERK OF COURT: WHAT SAY THE DEFENSE?

15 MR. HEMLEPP: PLEASE PRESENT MR. FANTRY FOR THE TRIAL OF THIS
16 CASE.

17 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE JURY BOX.

18 NUMBER 62, JANICE HAYNES. WHAT SAY THE STATE?

19 MR. BARFIELD: PLEASE PRESENT THE JUROR.

20 CLERK OF COURT: WHAT SAY THE DEFENSE?

21 MR. HEMLEPP: PLEASE EXCUSE MS. HAYNES FROM THE TRIAL OF THIS
22 CASE.

23 CLERK OF COURT: PLEASE GO BACK TO YOUR SEAT, MS. HAYNES. YOU
24 ARE EXCUSED FROM THIS TRIAL. NUMBER 33, ROGER COLE. WHAT SAY THE
25 STATE?

1 MR. BARFIELD: PLEASE PRESENT THE JUROR.

2 CLERK OF COURT: WHAT SAY THE DEFENSE?

3 MR. HEMLEPP: PLEASE EXCUSE MR. COLE FROM THE TRIAL OF THIS
4 CASE.

5 CLERK OF COURT: YOU ARE EXCUSED FROM THIS TRIAL, MR. COLE.
6 PLEASE GO BACK TO YOUR SEAT. NUMBER 94, ROBERT MILLER. WHAT SAY
7 THE STATE?

8 MR. BARFIELD: PLEASE PRESENT THE JUROR.

9 CLERK OF COURT: WHAT SAY THE DEFENSE?

10 MR. HEMLEPP: PLEASE SEAT MR. MILLER FOR THE TRIAL OF THIS CASE.

11 CLERK OF COURT: TAKE YOUR SEAT IN THE JURY BOX, MR. MILLER.

12 NUMBER 37, SANDRA CRAIG. WHAT SAYS THE STATE?

13 MR. BARFIELD: PLEASE PRESENT THE JUROR.

14 CLERK OF COURT: WHAT SAYS THE DEFENSE?

15 MR. HEMLEPP: PLEASE SWEAR MS. CRAIG FOR THE TRIAL OF THIS
16 CASE.

17 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE JURY BOX.

18 NUMBER 49, WILLIAM GAUSE. WHAT SAYS THE STATE?

19 MR. BARFIELD: PLEASE PRESENT THE JUROR.

20 CLERK OF COURT: WHAT SAYS THE DEFENSE?

21 MR. HEMLEPP: PLEASE EXCUSE MR. GAUSE FROM THE TRIAL OF THIS
22 CASE.

23 CLERK OF COURT: YOU ARE EXCUSED FROM THIS CASE. PLEASE GO
24 BACK TO YOUR SEAT. NUMBER 35, KAREN COOK. WHAT SAYS THE STATE?

25 MR. BARFIELD: PLEASE PRESENT THE JUROR.

1 CLERK OF COURT: WHAT SAYS THE DEFENSE?

2 MR. HEMLEPP: PLEASE SWEAR MS. COOK FOR THE TRIAL OF THIS CASE.

3 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE JURY BOX, MS.

4 COOK. NUMBER 32, JAY COHEE. WHAT SAYS THE STATE?

5 MR. BARFIELD: PLEASE PRESENT THE JUROR.

6 CLERK OF COURT: WHAT SAYS THE DEFENSE?

7 MR. HEMLEPP: PLEASE EXCUSE MR. COHEE FROM THE TRIAL OF THIS

8 CASE.

9 CLERK OF COURT: YOU ARE EXCUSED FROM THIS TRIAL. PLEASE GO

10 BACK TO YOUR SEAT. NUMBER 47, DEBORAH FOSTER. WHAT SAYS THE

11 STATE?

12 MR. BARFIELD: PLEASE PRESENT THE JUROR.

13 CLERK OF COURT: WHAT SAYS THE DEFENSE?

14 MR. HEMLEPP: PLEASE SWEAR MS. FOSTER FOR THE TRIAL OF THIS

15 CASE.

16 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE JURY BOX.

17 NUMBER 143, MARCIA WEDDING. WHAT SAYS THE STATE?

18 MR. BARFIELD: PLEASE PRESENT THE JUROR.

19 CLERK OF COURT: WHAT SAYS THE DEFENSE?

20 MR. HEMLEPP: PLEASE SWEAR MS. WEDDING FOR THE TRIAL OF THIS

21 CASE.

22 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE JURY BOX.

23 THIS WILL BE FOR THE FIRST ALTERNATE. NUMBER 124, JOHN STEIGERWALD.

24 WHAT SAYS THE STATE?

25 MR. BARFIELD: PLEASE PRESENT THE JUROR.

1 CLERK OF COURT: WHAT SAYS THE DEFENSE?

2 MR. HEMLEPP: PLEASE EXCUSE MR. STEIGERWALD FROM THE TRIAL
3 OF THIS CASE.

4 CLERK OF COURT: PLEASE RETURN TO YOUR SEAT, MR. STEIGERWALD.
5 NUMBER 40, GARY DANNER. WHAT SAYS THE STATE?

6 MR. BARFIELD: PLEASE PRESENT THE JUROR.

7 CLERK OF COURT: WHAT SAYS THE DEFENSE?

8 MR. HEMLEPP: PLEASE SWEAR MR. DANNER AS AN ALTERNATE FOR
9 THE TRIAL OF THIS CASE.

10 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE JURY BOX, MR.
11 DANNER. YOU'RE OUR FIRST ALTERNATE.

12 NUMBER 140, TIMOTHY WASHINGTON. WHAT SAYS THE STATE?

13 THE COURT: MR. WASHINGTON, COME TO THE BENCH.

14 (WHEREUPON A BENCH CONFERENCE TOOK PLACE WITH MR.
15 WASHINGTON AND COUNSEL FOR THE STATE AND THE DEFENSE)

16 THE COURT: HE WILL BE STRUCK FOR CAUSE.

17 CLERK OF COURT: NUMBER 73, STEWART JOHNSON. WHAT SAYS THE
18 STATE?

19 MR. BARFIELD: PLEASE PRESENT THE JUROR.

20 CLERK OF COURT: WHAT SAYS THE DEFENSE?

21 MR. HEMLEPP: PLEASE SWEAR MR. JOHNSON AS A JUROR FOR THE
22 TRIAL OF THIS CASE.

23 CLERK OF COURT: TAKE YOUR SEAT IN THE JURY BOX, MR. JOHNSON.
24 YOU ARE OUR SECOND ALTERNATE.

1 THE COURT: ARE THERE ANY MATTERS OF LAW REGARDING THE JURY
2 SELECTION?

3 MR. BARFIELD: NONE FROM THE STATE.

4 MR. HEMLEPP: NO, THANK YOU, YOUR HONOR.

5 THE COURT: LADIES AND GENTLEMEN, YOU ARE THE JURY. YOU HAVE
6 BEEN SELECTED TO BE THE JURY IN THE TRIAL OF THIS CASE. I'M GOING TO
7 HAVE YOU ALL GO TO THE JURY ROOM WHILE I TALK TO THE FOLKS WHO
8 WERE NOT SELECTED, AND ALSO WHILE THE LAWYERS GET READY FOR THE
9 BEGINNING, THE OPENING STATEMENTS, ET AL.

10 PLEASE DO NOT DISCUSS THE CASE WHILE YOU ARE IN THE JURY
11 ROOM. I WILL HAVE YOU COME BACK IN A FEW MINUTES. PLEASE GO TO
12 THE JURY ROOM. PLEASE DO NOT TALK ABOUT THE CASE.

13 (WHEREUPON THE SELECTED JURY WENT TO THE JURY ROOM)

14 I WANT THE RECORD TO SHOW THAT MR. TIMOTHY WASHINGTON WAS
15 STRUCK FOR CAUSE PRIOR TO THE JURY SELECTION. HE SAID THAT HE DID
16 NOT WANT TO SERVE, THAT HE KNEW ALL THE FOLKS HERE AND WHAT'S
17 GOING ON AROUND HERE. HE DID NOT WANT TO BE ON JURY DUTY. I KEPT
18 HIM ON THE JURY IN SPITE OF THAT AND ASKED HIM TO BRING IT TO THE
19 COURT'S ATTENTION IF HE HAD A PROBLEM WITH ANY PARTICULAR CASE.
20 AT THE SIDEBAR, HE SAID HE KNEW THE PEOPLE AND WENT TO SCHOOL
21 WITH THE FOLKS INVOLVED IN THIS CASE. THAT WAS NOT BROUGHT TO THE
22 ATTENTION DURING THE REGULAR JURY VOIR DIRE. SO, I STRUCK HIM FOR
23 CAUSE WITHOUT OBJECTION OF THE STATE OR THE DEFENSE. IS THAT
24 CORRECT?

25 MR. HEMLEPP: IT IS, YOUR HONOR, THANK YOU.

1 MR. BARFIELD: THANK YOU.

2 THE COURT: LADIES AND GENTLEMEN, WE HAVE GOTTEN A JURY IN
3 THIS CASE. IT IS A MURDER CASE AS YOU WELL KNOW. MURDER CASES
4 USUALLY TAKE UP MOST OF THE WEEK. IF THIS CASE GOES THE DISTANCE,
5 WE MAY NOT GET ANY MORE CASES THIS WEEK. IF THAT'S THE SITUATION,
6 YOU WILL HAVE SATISFIED YOUR JURY SERVICE REQUIREMENTS.

7 OF COURSE, CASES OFTENTIMES END FOR ONE REASON OR THE OTHER.
8 MANY TIMES THEY DO NOT GO THE DISTANCE. SO WE MAY STILL NEED YOU
9 AND YOU ARE STILL ON JURY DUTY. I TELL YOU ALL THAT TO TELL YOU
10 THAT IF I WERE YOU IN THIS SITUATION, I WOULD JUST GO ABOUT MY
11 BUSINESS AND GO ON TO WORK. YOU WILL NOT BE ASKED TO COME IN IN
12 THE MIDDLE OF THE DAY. BUT YOU WILL BE ASKED TO CALL BACK AFTER
13 6:00 P.M., AND THE MESSAGE WILL EITHER BE TO TELL YOU TO CALL BACK
14 THE NEXT DAY AFTER SIX OR TELL YOU THAT YOU ARE THROUGH FOR THE
15 WEEK. IT MAY TELL YOU TO COME IN THE NEXT DAY BECAUSE OF THIS CASE
16 BEING OVER AND I'LL BE READY TO MOVE TO THE NEXT CASE.

17 THAT'S AS MUCH INFORMATION AS I CAN GIVE YOU RIGHT NOW.
18 THANK YOU FOR YOUR COOPERATION TODAY. I'LL CUT YOU LOOSE FOR THE
19 REMAINDER OF THE DAY. MADAM CLERK, ANYTHING YOU NEED TO TELL
20 THEM?

21 CLERK OF COURT: THEY NEED TO CALL TOMORROW.

22 THE COURT: YES, YOU DO NOT HAVE TO CALL AFTER SIX TODAY. YOU
23 CALL AFTER SIX BEGINNING TOMORROW. ANY QUESTIONS BY ANY JUROR?

24 JUROR: 6:00 P.M.?

25 THE COURT: VERY GOOD QUESTION. 6:00 P.M. YES MA'AM?

1 JUROR: IF WE HAVE TO COME IN, WILL IT BE IN THE MORNING OR THE
2 AFTERNOON?

3 THE COURT: WHEN YOU CALL, THE MESSAGE WILL TELL YOU WHEN
4 TO COME IN. IT'S GENERALLY IN THE MORNING, AT 10:00. THAT'S THE
5 GENERAL RULE, BUT THERE MAY BE SOME EXCEPTIONS.

6 THANK Y'ALL AND HAVE A GOOD EVENING.

7 (WHEREUPON THE REMAINING MEMBERS OF THE JURY PANEL EXITED
8 THE COURTROOM)

9 GO AHEAD, MR. HEMLEPP.

10 MR. HEMLEPP: THANK YOU, YOUR HONOR. FIRST OF ALL, WITH THIS
11 CASE, I HAD TALKED TO THE COURT IN CHAMBERS WITH SOLICITOR
12 BARFIELD PRESENT TO INFORM THE COURT THAT OVER THE WEEKEND
13 WHILE I WAS TRAINING, WORKING OUT AT THE GYM, I TORE MY TRICEPS.
14 IT'S A SITUATION THAT'S GOING TO CAUSE ME TO GO TO THE DOCTOR AND
15 PROBABLY HAVE AN MRI THIS WEEK. IF IT'S A SERIOUS INJURY, WHICH IT
16 COULD BE, IT'S PROBABLY GOING TO REQUIRE THE SURGERY BEING PRETTY
17 QUICKLY DONE. I WILL INFORM THE COURT THAT THE DOCTOR INDICATED
18 SOME TIME NEXT WEEK.

19 I HAVE AN APPOINTMENT TOMORROW AFTERNOON WITH MY
20 PHYSICIAN, DOCTOR EVAN ECKMAN OF SOUTHERN ORTHOPEDIC SPORTS
21 MEDICINE IN COLUMBIA, WHICH WAS THE EARLIEST APPOINTMENT I COULD
22 GET.

23 BASED ON THIS, THE LEVEL OF PAIN THAT I HAVE AND NEEDING TO
24 ATTEND TO THIS IN A TIMELY FASHION, I MOVE THE COURT FOR A
25 CONTINUANCE. AND I WILL PUT THAT ON THE RECORD AT THIS TIME.

1 THE COURT: SOLICITOR.

2 MR. BARFIELD: YOUR HONOR, WE TALKED ABOUT THIS IN CHAMBERS
3 THIS MORNING. I CERTAINLY DON'T WANT TO COME ACROSS LIKE I'M
4 DISPUTING WHAT MR. HEMLEPP SAYS ABOUT HIS INJURY AND DISCOMFORT.
5 I'M REALLY NOT ADDRESSING THAT. IF THAT'S THE CASE, THAT'S THE CASE.

6 THIS IS A CASE THAT IS OLD, NUMBER ONE. IT'S ONE THAT THE
7 VICTIM'S FAMILIES HAVE BEEN ON ME ABOUT FOR A LONG TIME. AND I
8 HAVE TRIED TO GET THIS THING SCHEDULED AND HAVE ASSURED THEM
9 THAT WE WOULD GET IT DONE. THEY'VE WAITED A LONG TIME, PROBABLY
10 TOO LONG.

11 WE SCHEDULED IT INITIALLY, I BELIEVE, FOR NOVEMBER. MR.
12 HEMLEPP WAS INVOLVED WITH AUTO TORTS IN ATLANTA THAT HE WAS
13 EITHER FIXING TO COME RIGHT BACK FROM OR GO BACK TO IN RELATION
14 TO THE WEEK OF COURT IN NOVEMBER. SO, HE ASKED ME THAT WE DO IT IN
15 DECEMBER OR JANUARY. SO, I HAVE SCHEDULED IT.

16 WE HAVE SUBPOENAED ALL THE WITNESSES, ALL THE PEOPLE THAT I
17 EXPECT TO BE HERE TO TESTIFY IN THE STATE'S CASE. LINED UP, SERVED
18 WITH SUBPOENAS, TALKED TO, TOLD WHAT DAY TO COME AND WHAT TIME.
19 WE'RE ALL READY TO GO.

20 CERTAINLY WE'VE GOT TO WORK AROUND A LOT OF DIFFERENT
21 THINGS WHICH IS NOT UNUSUAL IN A CASE LIKE THIS. DIFFERENT THINGS
22 COME UP AND WE HAVE TO BREAK THE SCHEDULE FOR ONE THING OR
23 ANOTHER. CERTAINLY I THINK WE CAN WORK AROUND MR. HEMLEPP'S
24 SCHEDULE, HIS APPOINTMENT.

1 IT IS NOT A LONG AND COMPLICATED CASE. IT IS IMPORTANT, AS
2 THEY ALL ARE. BUT IT IS NOT GOING TO BE A CASE THAT I WOULD HAVE
3 ANTICIPATED WOULD TAKE ALL WEEK ANYWAY. AND I THINK THERE'S
4 PLENTY OF WIGGLE ROOM DURING THIS WEEK, IF WE HAVE TO DO THAT, TO
5 GET IT ALL DONE.

6 SO, WE ARE READY TO GO FORWARD AND I WOULD ASK YOU TO DENY
7 THE MOTION FOR A CONTINUANCE.

8 THE COURT: MR. HEMLEPP, ANYTHING FURTHER?

9 MR. HEMLEPP: YOUR HONOR, I'M IN AN UNUSUAL POSITION BECAUSE
10 THE COURT, OF COURSE, WENT ON RECORD. I DON'T WANT TO ARGUE WITH
11 THE COURT. HOWEVER, THIS IS MY ONLY OPPORTUNITY TO PUT ANYTHING
12 ON THE RECORD. SO, I DON'T WANT TO BELABOR THE POINT.

13 THE ISSUE WITH AUTO TORTS, THE SOLICITOR GAVE ME NOTICE BACK
14 IN NOVEMBER OF HIS INTENT TO CALL THIS CASE THE FIRST MONDAY IN, OR
15 IT MAY HAVE BEEN THE SECOND MONDAY IN DECEMBER.

16 I WORK FOR THE SOUTH CAROLINA ASSOCIATION FOR JUSTICE WHICH
17 HAS TWO PRIMARY EVENTS A YEAR, BOTH OF WHICH ARE VERY LARGE,
18 VERY EXPENSIVE EVENTS THAT ARE A SIGNIFICANT PORTION OF OUR
19 ANNUAL BUDGET. IT WAS SCHEDULED TO BE THE DAY AFTER I CAME BACK
20 FROM AUTO TORTS, WHICH I WAS ACTUALLY HOSTING THAT EVENT.

21 SO, I WANT THE RECORD TO REFLECT THAT NOT SIMPLY THAT I WAS
22 GOING TO ATTEND THE CLE, I WAS GOING TO HOST THE CLE. IT'S ACTUALLY
23 ONE OF THE THREE MAJOR CLEs FOR SOUTH CAROLINA LAWYERS IN THE
24 CALENDAR YEAR. AND THAT WOULD BE THAT POINT.

1 THE SECOND POINT THAT I WOULD ARGUE, YOUR HONOR, THAT THE
2 AGE OF THE CASE, I WOULD ASK THE COURT TO NOT TAKE INTO
3 CONSIDERATION. I DON'T CONTROL THE DOCKET. THE SOLICITOR
4 CONTROLS THE DOCKET. I GOT NOTICE THAT THIS CASE WAS GOING TO
5 COME UP IN NOVEMBER. THE SOLICITOR WAS GRACIOUS IN ALLOWING US
6 TO MOVE THAT DATE. NOT THE COURT, BUT THE SOLICITOR, TO MOVE THAT
7 CASE TO THIS TERM OF COURT.

8 THIS IS THE FIRST TIME I'VE EVER COME BEFORE THE COURT ON THE
9 GROUNDS OF SOMETHING THAT I WOULD ASSURE YOU I WOULD PREFER NOT
10 TO HAVE, THE INJURY TO MY ARM. I ASSURE YOU. BUT I WANTED THAT ON
11 THE RECORD. THIS IS MY OPPORTUNITY TO PUT IT ON THE RECORD FOR ANY
12 FURTHER REVIEW LATER ON.

13 THE COURT: IS THERE ANYTHING THAT PREVENTS YOU FROM BEING
14 ABLE TO FUNCTION INTELLECTUALLY OR PHYSICALLY IN THE
15 PERFORMANCE OF YOUR DUTIES AS TRIAL COUNSEL?

16 MR. HEMLEPP: NO, I'M NOT GOING TO SAY THAT, YOUR HONOR. I
17 REALLY CAN'T IN ALL HONESTY TO THE COURT SAY THAT. IT HURTS, AND
18 I'M PROBABLY GOING TO TAKE MEDICINE FOR THAT. AND IF I HAVE AN
19 ISSUE WITH THAT, I MAY BRING THAT TO THE COURT'S ATTENTION LATER
20 ON.

21 THE BIGGEST ISSUE IS THE TIMING OF IT. FOR INSTANCE, IF DOCTOR
22 ECKMAN TELLS ME TOMORROW THAT HE BELIEVES I NEED AN MRI, I WOULD
23 BE COMING BACK TO THE COURT ASKING FOR CONSIDERATION IN
24 SCHEDULING THAT, BECAUSE, MOST LIKELY, HE WOULD WANT TO DO THAT
25 THIS WEEK. AND I AM, OF COURSE, DOING EVERYTHING I CAN. IF THE

1 COURT'S EVER HAD AN MRI YOU NOW HOW DIFFICULT IT IS. ESPECIALLY
2 BECAUSE THERE'S ONLY ONE MRI MACHINE THAT I CAN FIT IN; YOU KNOW,
3 THERE'S ONLY ONE OPEN MRI MACHINE. I'VE GONE THROUGH THIS BEFORE.

4 THE COURT: WELL, THIS MATTER WAS DISCUSSED IN CHAMBERS AND
5 ESSENTIALLY THE SAME MATTERS THAT HAVE BEEN PLACED ON THE
6 RECORD WERE MENTIONED TO ME IN CHAMBERS. AND WITHOUT THE AGE
7 OF THE CASE BEING THE CONTROLLING FACTOR, I DO NOTE THAT THE DATE
8 OF THE ALLEGED EVENT, JUNE 30, 2005, WAS ALMOST FIVE YEARS AGO, FOUR
9 AND A HALF YEARS AGO. THE CASE WAS INDICTED ON JULY 19, OF '05, FOUR
10 AND A HALF YEARS AGO.

11 THIS IS A MATTER THAT SHOULD BE RESOLVED. THE DEFENDANT'S
12 RIGHT TO A FAIR TRIAL OR PLACING IN JEOPARDY, HIS RIGHT TO A FAIR
13 TRIAL BASED ON COUNSEL'S INJURY OVER THE WEEKEND. I'VE BEEN
14 CAREFULLY OBSERVING THE MOVEMENTS OF COUNSEL, AND LISTENING. IT
15 APPEARS THAT THE INJURY IS TO THE LEFT SHOULDER?

16 MR. HEMLEPP: LEFT TRICEPS.

17 THE COURT: LEFT TRICEPS. AND YOU'RE RIGHT-HANDED, AND IT
18 APPEARS YOU CAN FUNCTION. IT IS OFTEN THE CASE THAT WE HAVE TO
19 PERFORM OUR JOBS DESPITE INJURIES AND DISCOMFORT. IN THIS INSTANCE,
20 I FIND THAT IT DOES NOT AFFECT THE DEFENDANT'S RIGHT TO A FAIR TRIAL,
21 AND IS NOT A JUSTIFIABLE BASIS TO CONTINUE THE CASE. I BELIEVE THAT
22 WE CAN WORK AROUND DOCTOR'S APPOINTMENTS.

23 I BELIEVE YOU HAVE INDICATED THAT YOU HAVE THE MRI
24 SCHEDULED AT 2:00 TOMORROW. WE'LL START EARLY TOMORROW
25 MORNING AND WORK UP TO 1:00 AND THEN QUIT FOR THE DAY.

1 IT IS FURTHER INDICATED THAT IF SURGERY MIGHT BE NEEDED, IT
2 PROBABLY WOULD BE NEXT WEEK, AT WHICH TIME THE CASE WOULD BE
3 OVER. ANY OTHER REQUIREMENTS BASED ON HAVING TO TAKE PAIN
4 MEDICATION, WE WILL WORK WITH THAT. WE WANT YOU AT THE TOP OF
5 YOUR GAME, AND IF THERE IS ANY ISSUE, LET ME KNOW, AND WE WILL
6 ADDRESS THAT ISSUE.

7 I DENY THE MOTION FOR A CONTINUANCE AND WE WILL GO FORWARD
8 WITH THE TRIAL.

9 MR. HEMLEPP: THANK YOU, YOUR HONOR. I HAVE A SECOND PRE-
10 TRIAL MOTION, IF I MAY.

11 THE COURT: YES SIR.

12 MR. HEMLEPP: THE VICTIM IN THIS CASE, MR. JAMES ROBERTSON,
13 THERE WERE STATEMENTS THAT WERE OBTAINED FROM HIM. THE
14 MEDICAL RECORDS OF THAT VICTIM, MR. JAMES ROBERTSON, WHILE HE WAS
15 INJURED, AND STATEMENTS WERE MADE BY HIM TO OTHERS, BUT HE WAS
16 OTHERWISE NOT-- IT CERTAINLY WAS NOT LIFE-THREATENING.

17 AND I WOULD ASK THE COURT TO CONSIDER A RULING THAT ANY
18 STATEMENTS THE STATE MIGHT ENTER THROUGH OTHER WITNESSES MADE
19 BY MR. ROBERTSON BE SUPPRESSED. I WOULD ASK THE COURT TO
20 CONSIDER REQUIRING THE STATE IF ANY STATEMENTS ARE MENTIONED,
21 THAT THE STATE PROFFER THEM BEFORE THEY ARE TESTIFIED TO, IN ORDER
22 TO PROTECT MY CLIENT'S CONSTITUTIONAL RIGHTS.

23 THE COURT: SOLICITOR.

1 MR. BARFIELD: YOUR HONOR, AT THIS JUNCTURE IN THE PROCEEDING,
2 I DON'T HAVE ANY PRESENT INTENTION TO OFFER STATEMENTS MADE BY
3 JAMIE ROBERTSON THROUGH OTHER WITNESSES IN THIS CASE.

4 MR. HEMLEPP, AS I UNDERSTAND IT, IS ASKING THAT IF I DECIDE AT
5 SOME POINT THAT I DO, THAT I PROFFER THEM OUTSIDE THE PRESENCE OF
6 THE JURY, AND I CERTAINLY WILL DO THAT. I WOULDN'T BEGIN TO TRY TO
7 TOSS SOMETHING LIKE THAT IN FRONT OF A JURY IN A MURDER CASE, AND
8 COMMITTING SOME ERROR THAT COULD RESULT IN A MISTRIAL.

9 THE COURT: ALL RIGHT. DOES THAT SATISFY YOU?

10 MR. HEMLEPP: IT DOES, YOUR HONOR. THANK YOU, SO MUCH. AND I
11 HAVE ONE FINAL MOTION I WOULD LIKE TO MAKE.

12 THE COURT: CERTAINLY.

13 MR. HEMLEPP: THIS IS A CASE IN WHICH THE WITNESSES FOR THE
14 DEFENSE AND THE WITNESSES FOR THE STATE ARE ESSENTIALLY THE SAME
15 PEOPLE. AND ACTUALLY, THERE ARE TWO ISSUES THAT I WOULD LIKE TO
16 PUT ON THE RECORD WITH REGARD TO THAT.

17 NUMBER ONE: THE SOLICITOR HAS SUBPOENAED EVERYBODY FOR
18 THE WHOLE WEEK. I WOULD ASK THAT HE NOT RELEASE ANYBODY FROM
19 SUBPOENA WITHOUT TALKING TO ME FIRST BECAUSE SOME OF THESE
20 WITNESSES, EVEN IF HE DOESN'T CALL THEM, MAY POTENTIALLY BE MY
21 WITNESSES. I WANT TO ASK THE SOLICITOR IF HE WOULD PUT THAT ON THE
22 RECORD.

23 MR. BARFIELD: THAT IS CORRECT, YOUR HONOR. I'VE SUBPOENAED
24 MANY WITNESSES, SOME OF WHOM I DO NOT INTEND TO CALL IN MY CASE IN
25 CHIEF. AND I WILL NOT RELEASE ANY OF THOSE WITNESSES SO THAT THEY

1 WILL BE AVAILABLE TO MR. HEMLEPP. I WOULD-- THEY'LL ALL BE HERE
2 TOMORROW.

3 THE COURT: ALL WITNESSES WHO HAVE RECEIVED SUBPOENAS MUST
4 BE PRESENT UNLESS EXCUSED BY THE COURT.

5 MR. HEMLEPP: THANK YOU, YOUR HONOR. ONE FINAL MOTION THAT I
6 WOULD LIKE TO MAKE. THIS IS A CASE IN WHICH THERE ARE-- THE COURT
7 HEARD THERE ARE A GOOD NUMBER OF WITNESSES. THERE ARE THIRTY-
8 TWO WITNESSES.

9 THE LAW ENFORCEMENT WITNESSES, THERE'S NO INDICATION IN THE
10 FILE THAT THERE ARE ANY LAW ENFORCEMENT WITNESSES WHO ARE EYE
11 WITNESSES TO THE EVENT ITSELF. THESE TWO INDICTMENTS AROSE FROM
12 ONE SINGLE EVENT, ONE SINGLE OCCURRENCE.

13 HOWEVER, THIS CASE IS LARGELY GOING TO REST AND FALL ON THE
14 GAZILLION EYE WITNESSES HERE WHO ARE GOING TO TESTIFY ABOUT WHAT
15 THEY SAW AND PERCEIVED AT THE TIME.

16 I WOULD ASK THE COURT TO REQUEST THE GAZILLION WITNESSES--
17 THE LAY WITNESSES, OR THE FACT WITNESSES THAT THE STATE IS GOING TO
18 PRESENT, I RECOGNIZE THAT THERE IS AN EXCEPTION FOR THE VICTIM OR
19 THE NEXT OF KIN OF THE VICTIM-- I KNOW THAT THE PARENTS, AND THE
20 MOTHERS OF THE TWO VICTIMS ARE IN THE COURTROOM. BUT THE EYE
21 WITNESSES IN THIS CASE, WE WOULD ASK BE SEQUESTERED.

22 MR. BARFIELD: YOUR HONOR, I NORMALLY-- THERE'S REALLY NOT
23 MUCH ARGUMENT THAT I CAN MAKE AGAINST THE REQUEST FOR
24 SEQUESTRATION IN A FACT-DRIVEN CASE. I WOULD SIMPLY LEAVE THAT TO
25 THE COURT'S DISCRETION. THERE ARE SOME FOLKS HERE TODAY WHO WE

1 HOPE TO BE ABLE TO CALL. NOT MANY, TWO OR THREE. WE HAVE THE
2 FACILITY TO SEQUESTER THEM.

3 THE WITNESSES ARE ALL, ON MY WITNESS LIST, AGAIN, THEY'RE NOT
4 REALLY ALL MY WITNESSES. AND WE PROBABLY NEED IN THE MORNING TO
5 KIND OF SORT THROUGH AND DECIDE WHETHER WE'RE GOING TO PUT THEM
6 ALL IN THE SAME PLACE OR SEPARATE THEM, IF YOU SEQUESTER THEM.

7 THE COURT: ALL FACT WITNESSES WILL BE SEQUESTERED UNTIL
8 THEY TESTIFY.

9 MR. BARFIELD: YES SIR.

10 MR. HEMLEPP: THANK YOU, YOUR HONOR. NOTHING FURTHER FROM
11 THE DEFENDANT.

12 THE COURT: WHAT ELSE DO WE HAVE BEFORE THE JURY COMES IN.

13 MR. BARFIELD: YOUR HONOR, LET ME TELL YOU WHAT MY PLAN IS.

14 THE COURT: ALL RIGHT.

15 MR. BARFIELD: MY PLAN IS IF YOU WOULD ALLOW US TO MAKE
16 OPENING STATEMENTS. I WON'T SAY MUCH AT ALL IN OPENING
17 STATEMENTS. I HAVE TWO SUBPOENAED WITNESSES THAT I WOULD LIKE TO
18 CALL THIS AFTERNOON. WE HAVE TWO FAIRLY BRIEF POLICE OFFICERS WE
19 CAN CALL THIS AFTERNOON, OR WE CAN CALL TOMORROW, IF WE DON'T GET
20 TO THEM. I WOULD LIKE TO GET THOSE TWO SUBPOENAED WITNESSES
21 TODAY.

22 THE COURT: ALL RIGHT. I TEND TO WORK LATE, ACTUALLY. I'M NOT
23 A REGULAR NINE TO FIVE COURT. I WANT TO GET THROUGH THIS CASE AND
24 STAY LATE IF NECESSARY. YOU CAN TRY WHICHEVER WAY YOU WANT TO. I

1 TRY NOT TO BE TOO MUCH OF AN ACTOR AND LET THE LAWYERS TRY THE
2 CASE.

3 WE DO HAVE TO ACCOMMODATE MR. HEMLEPP'S SCHEDULE
4 REGARDING HIS DOCTOR'S APPOINTMENT. BUT AS LATE AS YOU WANT TO
5 GO TODAY TO COMPENSATE FOR THAT, YOU MAY DO SO.

6 MR. BARFIELD: THANK YOU, YOUR HONOR. AT THE MAXIMUM, WE'VE
7 ONLY GOT FOUR THAT WE COULD CALL.

8 THE COURT: OKAY.

9 MR. BARFIELD: NO MORE THAN FOUR.

10 THE COURT: ALL RIGHT. WE'LL TAKE ABOUT FIVE MINUTES AND THEN
11 COME BACK.

12 (WHEREUPON COURT WAS IN RECESS AT 5:05 P.M.)

13 COURT IN SESSION - 5:16 P.M.

14 THE COURT: ANYTHING ELSE BEFORE WE BRING IN THE JURY?

15 MR. BARFIELD: NOTHING FROM THE STATE.

16 MR. HEMLEPP: NO, YOUR HONOR.

17 THE COURT: BRING IN THE JURY.

18 (WHEREUPON THE JURY ENTERED THE COURTROOM)

19 LADIES AND GENTLEMEN, IF YOU ALL WILL STAND AT THIS TIME AND
20 BE SWORN.

21 (WHEREUPON THE JURY WAS PLACED UNDER OATH BY CLERK OF COURT)

22 THE COURT: LADIES AND GENTLEMEN, YOU HAVE NOW BEEN
23 SELECTED AND NOW SWORN TO WELL AND DULY TRY THIS CASE AND
24 RENDER A TRUE VERDICT ACCORDING TO THE LAW AND ACCORDING TO THE
25 EVIDENCE. YOU HAVE SWORN THAT YOU WILL WELL AND TRULY TRY THIS

1 CASE. YOU WILL GIVE BOTH THE STATE AND THE DEFENSE A FAIR AND
2 IMPARTIAL TRIAL, AND YOU WILL RENDER A TRUE VERDICT ACCORDING TO
3 THE LAW AND ACCORDING TO THE EVIDENCE, SO HELP YOU, GOD. AND I
4 TRUST THAT YOU WILL HOLD TRUE TO THE OATH THAT YOU HAVE TAKEN.

5 I WANT TO MAKE SOME COMMENTS TO YOU BEFORE WE BEGIN THE
6 TRIAL TO GIVE YOU AN ORIENTATION AS TO THE TRIAL OF THIS CASE.

7 NOW, MANY OF YOU PROBABLY DO NOT SPEND A GOOD BIT OF TIME IN
8 THE COURTROOM EITHER LISTENING TO CASES OR OBSERVING. A COURT
9 CASE MIGHT NOT BE WHAT YOU WOULD OTHERWISE EXPECT IT TO BE FROM
10 LISTENING AND WATCHING TELEVISION, MOVIES AND THE LIKE. BUT YOU
11 HAVE AN IMPORTANT DUTY TO PERFORM IN OUR CRIMINAL JUSTICE
12 SYSTEM.

13 YOU ALL HAVE THE CONSTITUTIONAL RIGHT TO SIT ON A JURY AND
14 TO SIT IN JUDGMENT OF EVIDENCE PRESENTED IN A CASE. JUST AS I AS THE
15 JUDGE HAVE A CONSTITUTIONAL ROLE TO PLAY, YOU AS INDIVIDUAL
16 JURORS HAVE A CONSTITUTIONAL ROLE TO PLAY IN OUR JUSTICE SYSTEM.
17 AND THAT IS, FIRST OF ALL, TO HAVE THE RIGHT TO SIT ON A JURY.
18 SECONDLY, TO MAKE IMPORTANT DECISIONS THAT AFFECT YOUR
19 COMMUNITY, YOUR STATE AND YOUR NATION.

20 ANY PERSON ACCUSED OF A CRIME HAS A CONSTITUTIONAL RIGHT TO
21 A JURY TRIAL. AND ANYONE CALLED UPON TO SERVE HAS A
22 CONSTITUTIONAL RIGHT TO SERVE ON A JURY ASIDE FROM THE JURY
23 SELECTION PROCESS THAT YOU JUST PARTOOK IN.

24 NOW, THE DEFENDANT IN THIS CASE IS CHARGED WITH MURDER AND
25 ASSAULT AND BATTERY WITH INTENT TO KILL. THE ELEMENTS OF THESE

1 OFFENSES WILL BE EXPLAINED TO YOU LATER. THE CASE COMES INTO
2 COURT AS A RESULT OF THE INDICTMENT RETURNED BY THE GRAND JURY
3 OF FAIRFIELD COUNTY CHARGING HIM WITH THESE OFFENSES. THE
4 INDICTMENT, HOWEVER, IS SIMPLY THE CHARGE BY WHICH THE CASE IS
5 BROUGHT INTO COURT. IT IS IN NO WAY EVIDENCE OF ANY OF THE
6 ALLEGATIONS THAT IT CONTAINS.

7 THE DEFENDANT HAS PLEAD NOT GUILTY TO THIS INDICTMENT; TO THESE
8 INDICTMENTS. THERE ARE TWO SEPARATE INDICTMENTS. HE HAS PLEAD
9 NOT GUILTY TO THESE INDICTMENTS, AND THEREFORE THE STATE HAS THE
10 BURDEN OF PROVING EACH AND EVERY ELEMENT OF THE INDICTMENT
11 BEYOND A REASONABLE DOUBT.

12 AND IT WILL BE YOUR DUTY TO DECIDE WHETHER THE STATE HAS
13 MET THAT BURDEN. AND YOUR PURPOSE AS JURORS IS TO FIND AND TO
14 DETERMINE THE FACTS IN THIS CASE. YOU ARE THE SOLE JUDGES OF THE
15 FACTS IN THIS CASE.

16 OUT OF ALL THE FOLKS WHO WERE SUMMONED TO JURY DUTY, OUT
17 OF ALL THE FOLKS THAT LIVE HERE IN FAIRFIELD COUNTY, OUT OF ALL THE
18 FOLKS WHO LIVE IN THE STATE OF SOUTH CAROLINA, OR FOR ANY OTHER
19 PLACE IN THE WORLD, FOR THAT MATTER, ONLY THE TWELVE OF YOU WHO
20 WILL DELIBERATE CAN DECIDE THE FACTS OF THIS CASE.

21 IF AT ANY TIME I MAKE ANY COMMENT THAT YOU MIGHT INTERPRET
22 TO BE REGARDING THE FACTS OF THIS CASE, YOU MUST DISREGARD IT
23 BECAUSE THIS IS A MATTER SOLELY FOR YOU THE JURY TO DETERMINE AND
24 THE LAW DOES NOT PERMIT ME TO HAVE AN OPINION CONCERNING THE

1 FACTS OF THE MATTER BECAUSE THIS IS A MATTER SOLELY FOR YOU THE
2 JURY TO DETERMINE.

3 YOU ARE TO DETERMINE THE FACTS FROM THE TESTIMONY THAT YOU
4 WOULD HEAR AND FROM THE OTHER EVIDENCE THAT WILL BE PRESENTED
5 DURING THE COURSE OF THIS TRIAL. IT IS UP TO YOU TO DETERMINE WHAT
6 INFERENCES YOU MAY FEEL MAY BE PROPERLY DRAWN FROM THE
7 EVIDENCE.

8 AND IT'S ESPECIALLY IMPORTANT THAT YOU PERFORM YOUR DUTY OF
9 DETERMINING THE FACTS DILIGENTLY, CONSCIENTIOUSLY AND WITH A
10 MIND FOR SEEKING THE TRUTH. FOR, ORDINARILY, THERE IS NO WAY TO
11 CORRECT AN ERRONEOUS DETERMINATION OF THE FACTS BY THE JURY.

12 NOW, JUST AS YOU ARE TO DETERMINE THE FACTS OF THIS CASE,
13 EQUALLY, AND WITH EQUAL EMPHASIS, I WANT TO TELL YOU THAT THE
14 SAME LAW THAT MAKES YOU THE JUDGE OF THE FACTS MAKES ME THE
15 JUDGE OF THE LAW. AND THE LAW THAT I GIVE YOU IS THE ONLY LAW THAT
16 YOU MAY CONSIDER IN THIS CASE. AND YOU MUST ACCEPT AS CORRECT
17 THE LAW AS I GIVE IT TO YOU AT THIS TIME DURING THE TRIAL, AND WITH
18 MUCH GREATER DETAIL AT THE END OF THE TRIAL.

19 I CANNOT TELL YOU WHAT THE FACTS ARE. YOU CANNOT DISAGREE
20 WITH ME REGARDING WHAT THE LAW IS. THE COURT MUST ACCEPT THE
21 JURY'S FINDING OF THE FACTS. AND THE JURY MUST ACCEPT BY THE COURT
22 THE INSTRUCTIONS AS TO THE LAW. YOU WILL APPLY THE FACTS AS YOU
23 FIND THEM TO THE LAW AS I GIVE IT TO YOU AND ISSUE A VERDICT IN THIS
24 CASE.

1 NOW, AN IMPORTANT RULE THAT WE FOLLOW IN COURT AND THAT
2 YOU MUST FOLLOW IS THAT YOU MUST NOT DISCUSS THE CASE WITH
3 ANYONE, INCLUDING YOUR FELLOW JURORS, FRIENDS, FAMILY MEMBERS OR
4 ANYONE ELSE UNTIL I AUTHORIZE YOU TO DO SO. THAT WILL BE AFTER YOU
5 HAVE LISTENED TO ALL THE EVIDENCE AND YOU HAVE HEARD THE
6 INSTRUCTION OF LAW. THEN YOU WILL GO BACK AND DELIBERATE
7 TOGETHER. UNTIL THAT TIME, UNDER YOUR OATH, YOU ARE NOT TO
8 DISCUSS THE CASE AT ALL.

9 IF INQUIRING MINDS OR FAMILY MEMBERS MIGHT WANT TO KNOW,
10 ALL YOU CAN TELL THEM ABOUT THE CASE IS YOU'RE SITTING AS A JUROR
11 AND YOU CANNOT TALK ABOUT THE CASE. YOU CANNOT TALK ABOUT THE
12 CASE DURING A BREAK. YOU ARE PROHIBITED FROM DISCUSSING THE CASE
13 AT ALL UNTIL I AUTHORIZE YOU TO DO SO. AND THAT IS AFTER YOU HAVE
14 LISTENED TO THE ENTIRE CASE AND RECEIVED MY CHARGE ON THE LAW.

15 NOW, YOU MUST, SINCE THIS IS A RELATIVELY SMALL COURTHOUSE
16 AND A SMALL COURTROOM, WHEN YOU ARE RELEASED TO GO TO THE JURY
17 ROOM YOU MUST NOT MINGLE IN ANY AREA WHERE YOU ARE LIKELY TO
18 COME INTO CONTACT WITH ANYONE INVOLVING THIS CASE. YOU SHOULD
19 NOT SIT NEAR THEM WHEN YOU GO TO LUNCH, STAND, OR MINGLE NEAR
20 THEM. YOU MUST BE VERY VIGILANT IN THAT RESPECT.

21 YOU ARE TO DECIDE THE CASE SOLELY BASED ON WHAT IS
22 PRESENTED IN THE COURTROOM, NOT BASED ON ANY CONVERSATIONS YOU
23 MAY OVERHEAR OUTSIDE OF THE COURTROOM. AND THE ATTORNEYS HAVE
24 BEEN INSTRUCTED THAT THEY CERTAINLY ARE NOT TO TALK TO ANY OF
25 YOU.

1 SHOULD YOU SEE SOMEONE WHO MIGHT BE INVOLVED IN THIS CASE,
2 CERTAINLY IT'S OKAY TO SPEAK. BUT BASICALLY, YOU ARE TO FOLLOW MY
3 INSTRUCTIONS NOT TO BE EXPOSED TO ANY INFORMATION OR TO ANY OF
4 THE PARTIES INVOLVED IN THIS CASE OUTSIDE OF THIS COURTROOM.

5 AND DURING THE TRIAL YOU ARE NOT TO READ ANY NEWSPAPER
6 ACCOUNTS, IF THERE BE ANY, OR DO ANY INDIVIDUAL RESEARCH INTO THE
7 CASE YOU'RE NOT GOOGLE ANYTHING ABOUT THE CASE. YOU ARE NOT TO
8 ENGAGE IN ANY FORM OF INTERNET RESEARCH ON THE CASE. YOU MUST
9 CONFINE THE INFORMATION THAT YOU RECEIVE IN THIS CASE TO THE
10 TESTIMONY WHICH YOU HEAR FROM THE WITNESS STAND AND FROM THE
11 OTHER EVIDENCE THAT IS PRESENTED DURING THE COURSE OF THE TRIAL.

12 ALL OF THAT IS ENCOMPASSED IN THE OATH THAT YOU JUST TOOK TO
13 WELL AND TRULY TRY THIS CASE AND RENDER A VERDICT BASED ON THE
14 EVIDENCE AND BASED ON THE LAW AS I INSTRUCT YOU.

15 IT'S IMPORTANT THAT YOU KEEP AN OPEN MIND AND NOT DECIDE ANY
16 ISSUES IN THIS CASE UNTIL ALL OF THE EVIDENCE HAS BEEN PRESENTED
17 AND UNTIL YOU HAVE HEARD THE ARGUMENTS OF THE LAWYERS. FIRST,
18 THE OPENING ARGUMENT THAT YOU WILL HEAR AND THEN THE CLOSING
19 ARGUMENT THAT YOU WILL HEAR AT THE END OF THE CASE. AND ALSO MY
20 INSTRUCTIONS TO YOU ON THE LAW WHICH APPLIES TO THIS CASE.

21 IT IS YOUR SOLE RESPONSIBILITY IN THIS CASE TO DETERMINE THE
22 GUILT OR THE INNOCENCE OF THE DEFENDANT BASED ON THE EVIDENCE
23 THAT IS PRESENTED DURING THIS TRIAL.

24 I LOOK FORWARD TO WORKING WITH YOU ON THIS CASE AND I WILL
25 DO ALL THAT I CAN TO MAKE SURE THAT THE CASE KEEPS MOVING. I WON'T

1 MAKE YOU WORK FOR TOO LONG A TIME. AND AT ANY TIME YOU NEED A
2 BREAK FOR ANY REASON, JUST LET ME KNOW AND WE'LL TAKE A BREAK
3 IMMEDIATELY. OTHERWISE, WE WILL KEEP THE CASE MOVING.

4 AT THIS TIME WE ARE GOING TO MOVE INTO OPENING STATEMENTS.
5 GIVE THE LAWYERS YOUR ATTENTION.

6 MR. SOLICITOR.

7 MR. BARFIELD: IF THE COURT PLEASE. MR. HEMLEPP.
8 YOU DIDN'T HAVE MUCH CHOICE ABOUT BEING HERE TODAY AND I WANT
9 YOU TO KNOW I APPRECIATE YOUR BEING HERE TODAY. IT'S 5:30 IN THE
10 AFTERNOON, AND THE LAST THING YOU WANT IS FOR A LAWYER TO GET IN
11 FRONT OF YOU AND START SPEECHIFYING. SO, I'M NOT GONNA TALK BUT
12 JUST A MINUTE. BUT THERE ARE A COUPLE OF THINGS THAT I WANT TO TELL
13 YOU ABOUT BRIEFLY IN THIS CASE.

14 ON THURSDAY NIGHT, JUNE 30, 2005, ON [REDACTED] A
15 WINNSBORO ADDRESS, JUST OUT IN THE COUNTY, DAVID ALLEN GOINS SHOT
16 TWO PEOPLE. HE SHOT MICHAEL ROBERTSON IN THE BACK OF THE HEAD
17 AND HE SHOT JAMIE ROBINSON IN THE SHOULDER AND THE ARM. MICHAEL
18 ROBERTSON WAS JAMIE'S ROBERTSON UNCLE. AND THIS ALL HAPPENED AT
19 MICHAEL ROBERTSON'S HOUSE WHERE HE LIVED.

20 MICHAEL ROBERTSON ENDED UP AT FAIRFIELD HOSPITAL TO
21 PALMETTO RICHLAND, WHERE HE DIED OF HIS GUNSHOT WOUND ON JULY 3,
22 2005. JAMIE ROBERTSON SURVIVED, BUT SUBSEQUENTLY DIED, UNRELATED
23 TO THIS CASE WHATSOEVER. SO, YOU WILL NOT MEET JAMIE ROBERTSON,
24 BUT YOU WILL MEET PEOPLE WHO KNEW HIM, INCLUDING HIS MAMA.

1 DAVID ALLEN GOINS IS CHARGED WITH MURDER, FOR SHOOTING
2 MICHAEL ROBERTSON TO DEATH. AND HE IS CHARGED WITH ASSAULT AND
3 BATTERY WITH INTENT TO KILL FOR SHOOTING JAMIE ROBERTSON.

4 THE JUDGE AT THE VERY END OF THIS CASE IS GOING TO DEFINE
5 MURDER AND ASSAULT AND BATTERY WITH INTENT TO KILL, AND LOTS OF
6 OTHER LEGAL TERMS AND LEGAL PRINCIPLES TO GIVE YOU SOME GUIDANCE
7 ON HOW THE LAW WORKS AND WHAT THE LAW IS AS IT RELATES TO THIS
8 CASE WHEN HE CHARGES YOU. THAT'S ON DOWN THE ROAD JUST A LITTLE
9 WAYS.

10 ONE OF THE REASONS, THE MAIN REASON I'M NOT GOING TO SAY A
11 WHOLE LOT TO YOU RIGHT NOW IS THIS: WHAT I'M SAYING TO YOU IS NOT
12 EVIDENCE. I'VE SAID THIS TO SO MANY JURIES, AND HOPEFULLY, THIS IS THE
13 FIRST TIME YOU'VE HEARD ME SAY IT. OPENING STATEMENTS, CLOSING
14 ARGUMENTS, EVEN THE QUESTIONS THAT LAWYERS ASK, ARE NOT
15 EVIDENCE IN THE CASE. WHAT THE EVIDENCE IN THE CASE IS, IS WHAT A
16 WITNESS SAYS WHEN THE WITNESS SITS IN THAT CHAIR AND TALKS INTO
17 THAT MICROPHONE. HE ANSWERS THE QUESTIONS. THAT'S THE EVIDENCE.

18 SO, I'M NOT GOING TO TELL YOU A WHOLE LOT RIGHT NOW OTHER
19 THAN TO SIMPLY INTRODUCE THE CASE TO YOU.

20 NOW, THIS WILL SEEM TEDIOUS TO YOU. MR. HEMLEPP, MR.
21 MAXWELL, AND I, AND THE LAW ENFORCEMENT PEOPLE, AND THE
22 WITNESSES IN THE CASE, WE'VE ALL DEALT WITH THE CASE FOR SOME
23 PERIOD OF TIME NOW AND WE SHOULD KNOW EVERYTHING THERE IS TO
24 KNOW ABOUT THIS CASE. WE WOULDN'T BE DOING OUR JOBS IF WE DIDN'T.

1 ON THE OTHER HAND, YOU SHOULDN'T KNOW ANYTHING ABOUT THIS
2 CASE SO THAT YOU CAN BE A FAIR AND IMPARTIAL JURY AND ISSUE A FAIR
3 AND IMPARTIAL VERDICT AT THE END OF THE CASE. AND BECAUSE YOU DO
4 NOT KNOW ANYTHING ABOUT THE CASE, WE'VE GOT TO TELL YOU
5 EVERYTHING ABOUT THE CASE. AND THAT MIGHT SEEM TEDIOUS TO YOU.

6 I'LL ASK QUESTIONS SOMETIMES THAT SEEM LIKE STUPID QUESTIONS,
7 BUT I CAN'T PRESUME THAT YOU KNOW THE ANSWER TO THOSE QUESTIONS.
8 THAT'S WHY WE ASK THEM.

9 SO, I ASK FOR ONE THING FROM YOU RIGHT NOW: BE PATIENT. HANG
10 IN HERE WITH US. THIS IS NOT GONNA BE A CASE THAT RUNS INTO NEXT
11 WEEK. WE'RE GONNA FINISH THIS CASE IN RELATIVELY GOOD SPEED. BUT IT
12 IS GOING TO TAKE A LITTLE BIT OF DOING. SO BE PATIENT WITH US AS WE
13 GO THROUGH THIS PROCESS.

14 I WILL CALL WITNESSES. I MIGHT INTRODUCE SOME THINGS THAT ARE
15 EVIDENCE IN THIS CASE. NEEDLESS TO SAY, WHEN I GET THROUGH PUTTING
16 MY CASE UP, AND THIS CASE IS OVER, AND YOU'VE HEARD ALL THE
17 EVIDENCE AND TESTIMONY, I'LL GET BACK UP HERE AND MAKE SOME
18 CLOSING ARGUMENTS TO YOU. AND IT DOES GO WITHOUT SAYING THAT AT
19 THAT TIME I'M GOING TO ASK YOU TO FIND THAT YOUNG MAN OVER THERE,
20 DAVID ALLEN GOINS, GUILTY OF THE TWO CHARGES THAT THE STATE HAS
21 BROUGHT AGAINST HIM, WHICH ARE MURDER AND ASSAULT AND BATTERY
22 WITH INTENT TO KILL. THANK YOU.

23 MR. HEMLEPP: THERE'S AN ANCIENT CHINESE CURSE THAT GOES
24 MAKE YOU GET WHAT YOU WANT. YOUR HONOR, MAY IT PLEASE THE
25 COURT.

1 THE COURT: YES SIR.

2 MR. HEMLEPP: SOLICITOR.

3 MAY YOU GET WHAT YOU WANT. LADIES AND GENTLEMEN OF THE
4 JURY, MY NAME IS MIKE HEMLEPP. I'M A LAWYER HERE IN FAIRFIELD
5 COUNTY. I'VE PRACTICED FOR A LONG TIME. I USED TO SIT AT THIS TABLE.
6 NOW I SIT AT THAT TABLE. SO, I'VE BEEN IN THIS COURTROOM OVER AND
7 OVER AGAIN. I'VE TALKED TO MANY JURIES, AS HAS MR. BARFIELD AND MR.
8 MAXWELL.

9 BUT YOU'RE HERE FOR THE FIRST TIME TO SIT IN JUDGMENT, TO SIT ON
10 THIS CASE, TO DETERMINE THE FACTS OF THIS CASE FOR US. AND WHILE I
11 AGREE WITH SOLICITOR BARFIELD THAT THIS MAY SEEM LIKE SOMETHING
12 TEDIOUS AND HARD FOR YOU, THERE'S SOMETHING I'D LIKE YOU TO KNOW
13 FROM THE OUTSET.

14 MY CLIENT, DAVID GOINS, SEATED HERE IN THE COURTROOM, HAS
15 PLEAD NOT GUILTY TO THESE CHARGES. HE HAS TOLD THE COURT THAT HE
16 DENIES THESE CHARGES. AND UNDER THE LAW HE IS AT THIS MOMENT NOT
17 GUILTY OF THESE CHARGES. AND HE REMAINS NOT GUILTY OF THESE
18 CHARGES, REMAINS NOT GUILTY UNLESS THEY CAN PRESENT EVIDENCE
19 WHICH CONVINCES YOU TO REMOVE THAT BLANKET OF PROTECTION FROM
20 HIM.

21 SO, THE FIRST THING I'M GOING TO ASK YOU, WHILE IT MAY SEEM
22 TEDIOUS FOR YOU, THIS IS HIS ONLY CHANCE. THIS IS HIS TIME TO COME TO
23 COURT TO TELL YOU HIS SIDE. AND HE IS NOT GUILTY. THE LAW PRESUMES
24 THAT HE IS NOT GUILTY.

1 YOU KNOW, SOMETIMES PEOPLE THINK THAT THE CRIMINAL JUSTICE
2 SYSTEM IS AN ADVERSARIAL SYSTEM, YOU KNOW. THAT THERE'S
3 ADVERSARIES IN HERE, THAT THERE'S COMBAT. THAT THERE IS ONE SIDE
4 WHO SAYS THIS AND ONE SIDE WHO SAYS THAT. WHO DO YOU BELIEVE?

5 WELL, THAT'S TRUE WHEN YOU ACCUSE SOMEBODY. THAT'S NOT
6 TRUE IN CRIMINAL COURT. CRIMINAL COURT IS AN ACCUSATORY SYSTEM.
7 WE DON'T HAVE TO PRESENT ANYTHING FOR YOU TO FIND HIM NOT GUILTY.
8 THEY GOT TO DO ALL OF IT. THEY HAVE WHAT'S CALLED UNDER LAW THE
9 BURDEN OF PROOF.

10 EVERYBODY'S HEARD THAT. YOU'VE HEARD IT ON TV SHOWS, YOU'VE
11 HEARD IT ON MOVIES. THERE'S BOOKS THAT HAVE BEEN CALLED THE
12 BURDEN OF PROOF. WHAT IS THE BURDEN OF PROOF? THE BURDEN OF
13 PROOF IS THEY GOT TO CARRY THIS CASE. THEY'VE GOT TO PROVE THIS
14 CASE.

15 YOU KNOW WHAT? YOU KNOW WHAT HE NEEDS TO PROVE?
16 NOTHING. NOTHING. THEY BROUGHT THE CHARGES. THEY BROUGHT IT TO
17 COURT. THEY ARRESTED HIM. THEY SAID HE DID IT. THEY GOT TO PROVE IT
18 TO YOU.

19 AND AT THE END OF THE CASE IF THEY DIDN'T CARRY THAT BURDEN
20 OF PROOF-- AND IT'S NOT A MISTAKE, LADIES AND GENTLEMEN. IT'S NOT AN
21 INCONVENIENT TRUTH. IT'S NOT A LITTLE LOAD OF TRUTH. IT'S A BURDEN
22 OF PROOF. AND IF THEY CAN'T PROVE IT AND THEY CAN'T CARRY IT, THEN
23 THAT'S NOT GUILTY. AS HE'S RIGHT NOW, NOT GUILTY, HE REMAINS NOT
24 GUILTY.

1 SO, WHAT DO THEY PROVE? WHAT ARE THEY GONNA DO? AND HOW
2 DOES THAT PROOF WORK? WELL, THE COURT'S GONNA EXPLAIN ALL THIS AT
3 THE END. I CAN'T SPEAK THE LAW. I'M NOT A JUDGE. HE'S THE JUDGE.
4 JUDGE NEWMAN TELLS YOU WHAT LAW WILL APPLY.

5 AND ONE OF THE THINGS THAT HE MAY EXPLAIN TO YOU AT THE END
6 IS BEYOND A REASONABLE DOUBT. BEYOND A REASONABLE DOUBT. IN
7 OTHER WORDS, THE STATE, WHEN THEY HAVE TO HIT THAT NOT GUILTY OFF
8 OF MY CLIENT, THEY DON'T HAVE TO PROVE IT A LITTLE BIT. THEY DON'T
9 HAVE TO PROVE IT SUBSTANTIALLY. THEY HAVE TO PROVE IT A LOT.
10 BEYOND A REASONABLE DOUBT. IT'S THE HIGHEST BURDEN OF PROOF IN
11 ANY COURT IN THE WORLD.

12 BEYOND A REASONABLE DOUBT MEANS THAT THEY HAVE PROVEN,
13 THEY HAVE PROVEN EACH AND EVERY SINGLE ELEMENT OF EACH CHARGE
14 BEYOND ANY DOUBT THAT MY CLIENT'S GUILTY.

15 YOU DON'T COUNT THE NUMBER OF WITNESSES. YOU DON'T COUNT
16 THE NUMBER OF EXHIBITS THAT ARE PRESENTED UP HERE WITH LITTLE
17 STICKERS ON THEM. WHAT DO YOU DO? YOU LISTEN TO THE TESTIMONY.
18 YOU LISTEN TO PEOPLE.

19 IN YOUR EVERYDAY LIFE, HOW DO YOU KNOW WHETHER SOMEBODY'S
20 TELLING THE TRUTH? HOW DO YOU KNOW WHETHER THEY KNOW WHAT
21 THEY'RE TALKING ABOUT? BY LISTENING TO THEM. BY WATCHING THEM.
22 YOU KNOW WHAT THEY SAY. FOR INSTANCE, IF I ASK YOU, IS THIS A HOT
23 COURTROOM. I'M NOT IN HERE. AND I KNOW IT'S BEEN A LONG DAY.

24 BUT I ASK YOU WITH ALL THE WITNESSES PLEASE PAY ATTENTION TO
25 WHAT THEY SAY. JUDGE WHAT THEY SAY. ARE THEY IN A POSITION TO

1 KNOW ANYTHING THEY ARE TELLING YOU ABOUT THE CASE. ARE THEY IN A
2 POSITION THAT THEY WOULD HAVE A REASON TO TELL YOU WHAT THEY
3 SAW IN RELATION TO THE CHARGES. DO THEY HAVE THE ABILITY TO
4 EXPLAIN WHAT THEY SAW? BECAUSE YOU HAVE TO WEIGH THEIR
5 TESTIMONY.

6 A LITTLE BIT ABOUT THIS CASE. MY CLIENT IS GOING TO PRESENT HIS
7 SIDE IF HE DECIDES TO DO THAT. AND YOU MAY HEAR SOME TESTIMONY
8 REGARDING THIS EVENT THAT INVOLVED SELF-DEFENSE. SELF-DEFENSE,
9 DEFENDING YOURSELF. YOU MAY HEAR EVIDENCE ABOUT SELF-DEFENSE.

10 SELF-DEFENSE IN SOUTH CAROLINA, THE JUDGE IS GOING TO EXPLAIN
11 IT. JUDGE NEWMAN CAN EXPLAIN IT MUCH BETTER THAN I CAN. YOU
12 LISTEN TO HIM IN THE END WHEN HE EXPLAINS. SELF-DEFENSE IS A
13 COMPLETE DEFENSE.

14 WHAT IS MURDER? THE UNLAWFUL KILLING OF ANOTHER WITH
15 MALICE AFORETHOUGHT. IN OTHER WORDS, YOU CAN HAVE A LAWFUL
16 KILLING OF ANOTHER IN SELF-DEFENSE. AND HOW DO YOU GET THAT?
17 BECAUSE WE HAVE AN ACCUSATORY SYSTEM, HE DOESN'T HAVE TO PROVE
18 SELF-DEFENSE. HE DOESN'T HAVE TO PROVE IT. THEY HAVE TO DISPROVE IT.
19 FOR HIM TO BE FOUND GUILTY, WHICH HE IS NOT RIGHT NOW, THEY HAVE
20 TO BRING EVIDENCE SO SUFFICIENT THAT THEY CAN CARRY THEIR BURDEN
21 AND PROVE EVERY SINGLE ELEMENT. AND EVERY SINGLE ELEMENT, THEY
22 PROVE BEYOND A REASONABLE DOUBT AND ARE ABLE TO DO THAT TO THE
23 EXTENT THAT THEY CAN PROVE THAT IT WASN'T SELF-DEFENSE.

HELEN COLLINS-DIRECT EXAMINATION BY MR. BARFIELD

1 THANK YOU FOR YOUR ATTENTION. THANK YOU FOR YOUR TIME.
2 THIS IS MY CLIENT'S ONLY CHANCE. RIGHT NOW HE STANDS WHERE HE
3 SHOULD REMAIN, NOT GUILTY.

4 THE COURT: SOLICITOR.

5 MR. BARFIELD: THE STATE CALLS HELEN COLLINS.

6 THE COURT: LADIES AND GENTLEMEN OF THE JURY, I WILL EXPLAIN
7 SOMETHING TO YOU. SOME OF US HAVE DOCTOR'S APPOINTMENTS. SO,
8 WE'RE GOING TO WORK A LITTLE LATE TODAY AND START AT 8:30
9 TOMORROW MORNING, AND QUIT ABOUT 1:00 TOMORROW. SO, THAT'S WHY
10 WE'RE STILL HERE AND IT'S PUSHING 6:00. WE'LL WORK A LITTLE LATE
11 TODAY AND START AT 8:30 TOMORROW AND STOP AT 1:00 TOMORROW. AND
12 WE'LL GO FROM THERE SCHEDULE-WISE AFTER THAT.

13 HELEN L. COLLINS, DULY SWORN,
14 TESTIFIED AS FOLLOWS:

15 CLERK OF COURT: PLEASE STATE YOUR NAME.

16 A HELEN L. COLLINS

17 DIRECT EXAMINATION BY MR. BARFIELD:

18 Q MS. COLLINS, DO YOU LIVE HERE IN FAIRFIELD COUNTY?

19 A YES.

20 Q DO YOU LIVE NOW IN THE SAME PLACE THAT YOU LIVED IN
21 JUNE OF 2005?

22 A I DO.

23 Q WHAT IS YOUR-- IF YOU DON'T MIND, WHAT IS YOUR CURRENT
24 ADDRESS?

25 A [REDACTED]

HELEN COLLINS-DIRECT EXAMINATION BY MR. BARFIELD

- 1 Q IS THAT AN ADDRESS IN FAIRFIELD COUNTY?
- 2 A YES. IT'S NOW IN THE CITY ALSO.
- 3 Q SAY THAT AGAIN.
- 4 A IT'S BEEN ANNEXED IN THE CITY.
- 5 Q HOW LONG HAS YOUR ADDRESS HAS BEEN IN THAT PARTICULAR
- 6 PLACE?
- 7 A RIGHT ABOUT TEN YEARS.
- 8 Q IN JUNE OF 2005, WAS YOUR ADDRESS OUTSIDE THE CITY LIMITS?
- 9 A IT WAS.
- 10 Q DO YOU HAVE A JOB?
- 11 A YES.
- 12 Q WHERE DO YOU WORK?
- 13 A PALMETTO SOUTH.
- 14 Q IN COLUMBIA?
- 15 A YES.
- 16 Q THE HOSPITAL?
- 17 A YES.
- 18 Q HOW LONG HAVE YOU WORKED DOWN THERE?
- 19 A ABOUT SEVENTEEN YEARS.
- 20 Q ARE YOU FAMILIAR WITH THE ADDRESS OF [REDACTED]
- 21 HERE IN FAIRFIELD COUNTY, WHICH IS, I PRESUME, THE CITY OF
- 22 WINNSBORO?
- 23 A I AM.
- 24 Q OKAY [REDACTED] IS WHERE IN RELATION TO YOUR
- 25 HOUSE?

- 1 A ACROSS THE STREET.
- 2 Q DIRECTLY ACROSS THE STREET?
- 3 A YES.
- 4 Q IS YOUR PROPERTY A HOUSE OR AN APARTMENT OR A DUPLEX?
- 5 WHAT IS YOUR PROPERTY?
- 6 A IT WAS A DUPLEX AND I BOUGHT IT AND TURNED IT ALL INTO
- 7 MY HOUSE.
- 8 Q WERE YOU AT YOUR HOME ON JUNE 30, OF 2005?
- 9 A YES.
- 10 Q THAT EVENING AFTER DARK?
- 11 A YES.
- 12 Q AT THAT TIME, DID YOU KNOW-- WELL, FIRST OF ALL, LET ME
- 13 BACK UP. WHAT IS [REDACTED] WHAT TYPE OF STRUCTURE
- 14 WAS IT IN JUNE OF 2005?
- 15 A IT WAS A DUPLEX.
- 16 Q TO YOUR KNOWLEDGE, WERE BOTH PARTS OF THE DUPLEX
- 17 RENTED AT THE TIME AND OCCUPIED BY FOLKS?
- 18 A YES.
- 19 Q DID YOU KNOW ANY OF THE PEOPLE WHO LIVED IN EITHER - I'LL
- 20 CALL IT A OR B, WHICH I DON'T KNOW IF IT ACTUALLY WAS A OR B -
- 21 [REDACTED]
- 22 A YES.
- 23 Q DID YOU KNOW THOSE PEOPLE? DID YOU KNOW WHO THEY
- 24 WERE BY NAME?
- 25 A YES, I KNOW WHO IT WAS.

HELEN COLLINS-DIRECT EXAMINATION BY MR. BARFIELD

- 1 Q WHO WAS IT THAT LIVED OVER THERE?
- 2 A IF I'M FACING THAT HOUSE?
- 3 Q LOOKING FROM YOUR FRONT YARD, LOOKING ACROSS THE
- 4 STREET.
- 5 A YES. ON THE RIGHT SIDE WAS MICHAEL ROBERTSON AND ON
- 6 THE LEFT SIDE WAS MS. HARSEY.
- 7 Q MS. HARSEY?
- 8 A YES.
- 9 Q IS MS. HARSEY STILL YOUR NEIGHBOR OVER THERE?
- 10 A NO. SHE'S MOVED FROM THERE.
- 11 Q DID YOU KNOW MICHAEL ROBERTSON?
- 12 A YES.
- 13 Q KNOW HIM BY NAME?
- 14 A YES.
- 15 Q KNOW HIM BY SIGHT?
- 16 A YES.
- 17 Q DID YOU SEE HIM FAIRLY REGULARLY?
- 18 A YES.
- 19 Q JUST FROM HIM BEING ACROSS THE STREET NEIGHBOR?
- 20 A YES.
- 21 Q OTHER THAN HIM BEING YOUR NEIGHBOR DID Y'ALL HAVE ANY
- 22 BUSINESS OR SOCIAL CONNECTION AT ALL?
- 23 A NO.
- 24 Q HOW LONG HAVE YOU LIVED AT 645?
- 25 A SINCE 1981.

1 Q HAD MICHAEL BEEN THERE FOR A WHILE ACROSS THE STREET?

2 A YES. I CANNOT RECALL EXACTLY HOW LONG.

3 Q WEEKS OR MONTHS OR A HANDFUL OF YEARS?

4 A I'D SAY IT WAS A FEW MONTHS BEFORE I GOT THERE.

5 Q ON JUNE 30, 2005, TEN-ISH OR SO AT NIGHT, WHAT WERE YOU
6 DOING INSIDE YOUR HOUSE?

7 A I WAS PREPARING TO GO TO BED.

8 Q DID ANYTHING UNUSUAL OCCUR THAT YOU EITHER SAW OR
9 HEARD THAT DREW YOUR ATTENTION?

10 A YES.

11 Q WHAT WAS THAT?

12 A I HEARD A NOISE THAT SOUNDED LIKE A POPPING NOISE. AND I
13 WAS IN THE BATHROOM WHICH IS IN THE MIDDLE OF MY HOUSE. AND
14 I WENT TO MY BATHROOM DOOR BECAUSE I WAS WONDERING WHAT
15 IT WAS. I THOUGHT MAYBE IT WAS SOMETHING IN MY HOUSE
16 BECAUSE IT WASN'T IN THE BATHROOM.

17 Q DID YOU LATER DETERMINE THAT IT WAS NOT IN YOUR HOUSE?

18 A I DID.

19 Q DESCRIBE THE NOISE OTHER THAN A POPPING NOISE. DID YOU
20 KNOW WHAT IT WAS?

21 A NO. BUT I DID DETERMINE THAT IT WAS NOT IN MY HOUSE. AND
22 THEN I HEARD ANOTHER NOISE.

23 Q WHAT WAS THE OTHER NOISE THAT YOU HEARD?

24 A IT WAS A LOUDER NOISE. I CAN'T QUITE DESCRIBE IT. LIKE A
25 HEAVIER NOISE. IT WASN'T LIKE THE POPPING NOISE.

- 1 Q THE SECOND NOISE-- WELL, LET ME BACK UP. YOU HEARD THE
2 POPPING NOISE AND YOU OPENED YOUR BATHROOM DOOR AND YOU
3 WENT WHERE?
- 4 A I WENT TO THE FRONT OF MY HOUSE, BUT I DIDN'T UNLOCK MY
5 DOOR. IT WAS COMING FROM THE FRONT OF MY HOUSE.
- 6 Q THAT WAS MY NEXT QUESTION. COULD YOU TELL WHERE THE
7 NOISE WAS COMING FROM?
- 8 A SOMEWHERE IN THE STREET AREA.
- 9 Q IN THE FRONT OF HOUSE?
- 10 A WELL, I KNEW-- I WENT TO THE FRONT OF MY HOUSE, BUT I
11 DIDN'T REALLY DISCOVER WHERE, BUT IT SOUNDED LIKE IT WAS
12 OUTSIDE MY HOUSE TOWARDS THE FRONT.
- 13 Q WHERE DID YOU GO INSIDE YOUR HOUSE TO GO CHECK THE
14 FRONT?
- 15 A TO MY FRONT WINDOW.
- 16 Q DID YOU OPEN A DOOR AT THAT POINT?
- 17 A NO.
- 18 Q DID YOU EVER OPEN A DOOR, OR LATER ON AT SOME TIME?
- 19 A NO.
- 20 Q DID YOU LOOK OUT YOUR WINDOW?
- 21 A I DID.
- 22 Q WAS IT DARK OUTSIDE?
- 23 A IT WAS.
- 24 Q DO YOU REMEMBER ABOUT WHAT TIME THIS WAS?

1 A NO. AFTER LOOKING BACK AT THE STATEMENT THAT I HAD
2 WRITTEN ABOUT IT, AT THE TIME, I KNEW IT WAS BEFORE ELEVEN
3 O'CLOCK PROBABLY. I WOULD SAY APPROXIMATELY, MAYBE TEN-
4 THIRTY.

5 Q THE SECOND NOISE YOU HEARD, WHERE WERE YOU WHEN YOU
6 HEARD THE SECOND NOISE?

7 A I WAS IN MY LIVING ROOM.

8 Q WHERE DID THE SECOND NOISE COME FROM, GENERALLY
9 SPEAKING, THE DIRECTION?

10 A FROM ACROSS THE STREET.

11 Q DID YOU SEE ANYTHING AT THAT TIME ASSOCIATED WITH THAT
12 NOISE?

13 A YES.

14 Q WHAT DID YOU SEE?

15 A I SAW THAT WAS PARKED IN FRONT OF MICHAEL ROBERTSON'S
16 HOUSE, OUT ON THE STREET.

17 Q LET ME STOP YOU JUST A MINUTE. DID YOU HAVE-- HOW WELL
18 IS-- HOW GOOD WAS THE LIGHTING OUTSIDE OF YOUR HOUSE IN THE
19 STREET, STREET LIGHTS, ANY OTHER ARTIFICIAL LIGHTING OUTSIDE
20 YOUR HOUSE DURING WHAT YOU'RE DESCRIBING TO THE JURY?

21 A VERY POOR.

22 Q POOR?

23 A THERE WAS A STREET LIGHT ON THE CORNER AND THAT WAS
24 ALL.

- 1 Q DID YOU HAVE ANY LIGHTS ON IN YOUR HOUSE, BEHIND YOU?
- 2 FOR EXAMPLE, IN YOUR FRONT ROOM, DID YOU HAVE ANY LIGHT ON
- 3 IN THE FRONT ROOM?
- 4 A NOT IN THE FRONT OF MY HOUSE, NO; ONLY IN THE BATHROOM.
- 5 Q YOU HEARD THE SECOND NOISE AND YOU SAW A CAR. DO YOU
- 6 RECALL WHAT THE CAR LOOKED LIKE? COULD YOU TELL WHAT THE
- 7 CAR LOOKED LIKE?
- 8 A NO, I COULD NOT.
- 9 Q COLOR, SIZE, NUMBER OF DOORS, OR ANYTHING?
- 10 A NOT REALLY, NO.
- 11 Q THANK YOU.
- 12 A IT WAS NOT-- IT WAS A VERY SMALL COMPACT, I KNOW THAT,
- 13 BUT THAT'S ABOUT IT.
- 14 Q WHAT'D YOU SEE?
- 15 A I SAW A PERSON WITH A CLUB-LIKE KIND OF OBJECT HITTING
- 16 THE CAR.
- 17 Q DID YOU SEE THE RESULTS OF THE CAR BEING STRUCK BY
- 18 SOMETHING?
- 19 A NO.
- 20 Q DID YOU HEAR NOISE ASSOCIATED WITH THE SWINGING OF THE
- 21 CLUB?
- 22 A YES.
- 23 Q DID YOU HEAR ANY GLASS BREAKING AT ANY TIME? COULD
- 24 YOU DESCRIBE ANY GLASS BREAKING?
- 25 A NOT THAT I RECALL.

1 Q WHAT'D YOU DO WHEN-- COULD YOU SEE PEOPLE? WERE THERE
2 PEOPLE OUT THERE?

3 A YES, THERE WERE SEVERAL PEOPLE IN THE YARD AREA. THERE
4 WAS ONE PERSON AT THE CAR AND SEVERAL PEOPLE IN THE YARD,
5 SCURRYING AROUND.

6 Q COULD YOU IDENTIFY ANY OF THE PEOPLE?

7 A NO.

8 Q WHY COULD YOU NOT?

9 A BECAUSE IT WAS DARK.

10 Q WHAT DID YOU DO AFTER YOU OBSERVED WHAT YOU'VE
11 DESCRIBED TO THE JURY?

12 A WELL, I JUST SAW THE OTHER THING THAT HAPPENED AT THAT
13 POINT.

14 Q DESCRIBE THAT.

15 A ONE OF THE PEOPLE RAN OVER TO MS. HARSEY'S WINDOW, HER
16 FRONT WINDOW AT HER HOUSE AND KNOCKED ON THE WINDOW

17 Q COULD YOU TELL WHO THAT PERSON WAS WHO KNOCKED ON
18 MS. HARSEY'S WINDOW?

19 A NO.

20 Q COULD YOU TELL ANYTHING ABOUT THAT PERSON?

21 A NO.

22 Q WAS THE PERSON UP AND MOBILE?

23 A YES.

24 Q DID YOU CONTINUE TO WATCH THAT PERSON WHO WENT TO MS.
25 HARSEY'S WINDOW FOR ANY LENGTH OF TIME?

- 1 A I WAS TRYING TO TAKE IT ALL IN.
- 2 Q OKAY.
- 3 A SO, YES. I SAW THAT HAPPENING AND THE BEATING ON THE CAR
- 4 AND PEOPLE RUNNING AROUND. I DID HEAR PEOPLE SHOUTING STUFF
- 5 BUT I COULD NOT UNDERSTAND WHAT THEY WERE SHOUTING.
- 6 Q DID YOU EVER SEE WHERE THE PERSON WHO KNOCKED ON MS.
- 7 HARSEY'S WENT AFTER HE KNOCKED-- WAS IT A HE OR A SHE OR CAN
- 8 YOU SAY?
- 9 A I CAN'T SAY.
- 10 Q THAT'S FINE. DID YOU SEE WHERE THE PERSON WHO KNOCKED
- 11 ON MS. HARSEY'S WINDOW WENT AFTER THE WINDOW KNOCKING?
- 12 A NO, BECAUSE AT THAT TIME I LEFT THE WINDOW.
- 13 Q WHEN YOU LEFT THE WINDOW WHERE DID YOU GO?
- 14 A I WENT TO MY TELEPHONE, WHICH IS IN MY DINING ROOM, AND
- 15 CALLED 911.
- 16 Q DID YOU REPORT TO THE DISPATCHER WHAT WAS GOING ON
- 17 ACROSS THE ROAD FROM YOUR HOUSE?
- 18 A YES, I DID.
- 19 Q DID YOU HANG UP OR DID YOU MAINTAIN THE CONNECTION?
- 20 A I HUNG UP WHEN SHE SAID THAT THEY WOULD SEND
- 21 SOMEBODY.
- 22 Q WHERE DID YOU GO IN YOUR HOUSE TO USE THE PHONE?
- 23 A MY LIVING ROOM IS IN ONE END OF THE DUPLEX AND THE
- 24 DINING ROOM IS IN THE OTHER. SO, I WENT TO THE OTHER END.
- 25 Q DID YOU MOVE AROUND---

HELEN COLLINS-DIRECT EXAMINATION BY MR. BARFIELD

- 1 A I WAS NOT ABLE TO LOOK OUT THE WINDOW WHEN I WENT
2 FROM ONE ROOM TO THE OTHER.
- 3 Q DID YOU MOVE AWAY FROM YOUR FRONT WINDOW TO MAKE
4 THE CALL?
- 5 A YES.
- 6 Q WHERE'D YOU GO AFTER YOU MADE THE CALL?
- 7 A I WENT BACK TO THE FRONT WINDOW.
- 8 Q WHAT WAS GOING ON? DID YOU LOOK AND SEE OUT YOUR
9 FRONT WINDOW WHEN YOU WENT BACK?
- 10 A YES.
- 11 Q WHAT WAS GOING ON OUTSIDE YOUR FRONT WINDOW WHEN
12 YOU WENT BACK? LET ME ASK YOU THIS: WHERE WAS ALL THIS
13 ACTIVITY GOING ON IN RELATION TO MICHAEL ROBERTSON'S SIDE OF
14 THE DUPLEX?
- 15 A IT WAS ALL IN HIS FRONT YARD, ON HIS SIDE.
- 16 Q YOU WENT BACK TO THE WINDOW AND LOOKED OUT. WERE
17 THERE STILL PEOPLE OUT THERE?
- 18 A YES.
- 19 Q WHAT WAS GOING ON THEN?
- 20 A THERE WAS A CAR THAT HAD BEEN PARKED IN THE DRIVEWAY
21 THAT NOW HAD ITS LIGHTS ON.
- 22 Q DIFFERENT FROM THE CAR THAT WAS BEING HIT AND BEATEN
23 BY THE BAT?

1 A YES. AND THAT CAR HAD BEEN THERE THE WHOLE TIME. I JUST
2 DIDN'T THINK IT WAS IMPORTANT TO THINK ABOUT IT BECAUSE I WAS
3 WATCHING THE OTHER ONE. BUT THAT CAR HAD BEEN THERE.

4 AT THIS POINT I DON'T RECALL IF THAT'S THE CAR THAT WAS
5 THERE A LOT OR NOT. IT WAS TOO DARK FOR ME TO SEE WHAT THAT
6 CAR LOOKED LIKE. HOWEVER, THE CAR WAS THERE, THE LIGHTS
7 WERE ON AND SEVERAL PERSONS, PERHAPS ALL OF THEM, I CAN'T
8 REMEMBER, WERE AROUND THE CAR. AND I SAW PEOPLE THAT WERE
9 TRYING TO PUT SOMETHING IN THE BACK SEAT.

10 Q COULD YOU TELL WHO THE PEOPLE WERE?

11 A NO.

12 Q COULD YOU TELL WHAT IT WAS THAT THE PEOPLE WERE
13 TRYING TO PUT IN THE BACK SEAT?

14 A NO.

15 Q DID THE EFFORT APPEAR TO BE SUCCESSFUL AT SOME POINT?

16 A YES.

17 Q DESCRIBE WHAT OCCURRED THEN.

18 A OKAY. IT SEEMED THAT THEY WERE LOADING SOMETHING
19 THAT WAS KIND OF HEAVY. AND THEY GOT IT IN THE BACK SEAT AND
20 THEN THEY GOT IN THE CAR, SEVERAL PEOPLE. APPARENTLY
21 EVERYBODY DID EXCEPT FOR ONE PERSON, GOT INTO THE CAR, AND
22 THEY BACKED OFF AND TOOK OFF UP TOWARD THE PARK NEAR MAIN
23 STREET, WHICH IS ABOVE THE HOUSE.

24 Q WHEN THE CAR, YOU SEEM TO SAY THAT MAYBE SOMEBODY
25 STAYED BEHIND?

HELEN COLLINS-DIRECT EXAMINATION BY MR. BARFIELD

- 1 A YES.
- 2 Q DO YOU KNOW WHO THAT PERSON WAS?
- 3 A NO.
- 4 Q DO YOU KNOW WHERE THAT PERSON WENT?
- 5 A NO. BUT ONCE THE CAR TOOK OF THE ONE PERSON THAT WAS
- 6 LEFT THERE WALKED UP TOWARDS THE CORNER THAT HAS THE
- 7 STREET LIGHT AT IT. BUT I LEFT THE WINDOW TO GO BACK AND CALL
- 8 911.
- 9 Q SAME ROOM, SAME PHONE WHERE YOU MADE THE SECOND
- 10 CALL?
- 11 A YES.
- 12 Q DID YOU MAKE ANOTHER CALL TO 911?
- 13 A I DID.
- 14 Q DID YOU REPORT WHAT YOU JUST DESCRIBED TO THE JURY, THE
- 15 SECOND SERIES OF EVENTS THAT YOU OBSERVED?
- 16 A I DID.
- 17 Q DID YOU GET SOME INDICATION THAT SOMEBODY WAS ON THE
- 18 WAY?
- 19 A YES, THE DISPATCH OFFICE SAID THAT---
- 20 MR. HEMLEPP: OBJECTION, YOUR HONOR. HEARSAY.
- 21 MR. BARFIELD: I WITHDRAW THE QUESTION.
- 22 Q YOU CAN'T QUOTE WHAT OTHER PEOPLE SAY.
- 23 A ALL RIGHT.
- 24 Q BY THE TIME YOU MADE THE SECOND CALL HAD ANY LAW
- 25 ENFORCEMENT PERSONNEL ARRIVED IN YOUR NEIGHBORHOOD?

1 A NO. WHEN THE CAR LEFT THERE WERE NO LAW ENFORCEMENT
2 PEOPLE THERE.

3 Q OKAY.

4 A HOWEVER, AFTER I CALLED DISPATCH THE SECOND TIME, THERE
5 WERE SEVERAL POLICE CARS THAT HAD ARRIVED.

6 Q BY THE TIME YOU MADE THE SECOND CALL---

7 A THEY HAD GOT THERE, YES.

8 Q MY NEXT QUESTION WAS: AFTER THE SECOND CALL, DID YOU
9 GO BACK TO THE FRONT WINDOW?

10 A YES.

11 Q WAS THE PLACE KIND OF LIT UP BY NOW, WITH POLICE COMING
12 AND LIGHTING THINGS UP?

13 A YES, THAT KIND OF LIGHT.

14 Q DID YOU AT ANY TIME-- THE INITIAL POPPING NOISES THAT YOU
15 HEARD WHEN YOU WERE IN YOUR BATHROOM, DID YOU HEAR THAT
16 NOISE OTHER THAN THE TIME THAT YOU HEARD IT WHEN YOU WERE
17 IN THE BATHROOM?

18 A NO.

19 Q DID YOU EVER SEE ANY FIREARMS AS YOU LOOKED OUT YOUR
20 FRONT WINDOW AT ANY TIME THAT EVENING TOWARD MICHAEL
21 ROBERTSON'S HOUSE? DID YOU SEE ANY FIREARMS ON THE GROUND,
22 FIRST OF ALL?

23 A NO.

24 Q DID YOU SEE ANY FIREARMS, EITHER PISTOLS OR LONG GUNS,
25 SHOTGUNS OR RIFLES IN ANYBODY'S HANDS?

1 A NO.

2 Q DID YOU SEE ANY BLAST, ANY FIRE BLAST, LIKE A BLAST FROM
3 ANY FIREARM AT ANY TIME WHEN YOU WERE LOOKING OVER THAT
4 WAY?

5 A NO.

6 Q DID YOU AT SOME POINT OPEN YOUR DOOR THAT NIGHT?

7 A YES.

8 Q WHAT PROMPTED YOU TO OPEN YOUR DOOR?

9 A I HAD TO BE AT WORK VERY EARLY THE NEXT MORNING AND
10 THE STREET WAS BLOCKED OFF. SO, I WALKED OUT AFTER A GOOD
11 WHILE TO ASK IF I WOULD BE ABLE TO GET MY CAR OUT THE NEXT
12 MORNING. THAT'S WHY I WENT OUT, WAS TO ASK.

13 Q DID YOU TALK TO A LAW ENFORCEMENT OFFICER?

14 A YES.

15 Q AT SOME POINT DID LAW ENFORCEMENT BECOME AWARE THAT
16 MAYBE YOU HAD SEEN OR HEARD SOMETHING THEY NEEDED TO
17 KNOW ABOUT?

18 A YES.

19 Q DID THAT HAPPEN WHEN YOU WENT OUT OF YOUR HOUSE THAT
20 NIGHT OR---

21 A YES.

22 Q ---AT SOME OTHER DAY?

23 A NO, THAT NIGHT.

24 Q DID YOU GIVE-- I BELIEVE YOU PROBABLY TALKED TO THIS
25 FELLOW RIGHT HERE, JEFF SPIRES, I BELIEVE?

HELEN COLLINS-CROSS EXAMINATION BY MR. HEMLEPP

1 A I DID.

2 Q WAS IT THAT NIGHT OR THE NEXT DAY?

3 A IT WAS THAT NIGHT.

4 Q I DON'T WANT YOU TO QUOTE ANY OTHER PEOPLE, BUT DID YOU
5 ULTIMATELY LEARN THAT NIGHT BASICALLY WHAT HAD HAPPENED
6 ACROSS THE STREET? NOT WHO DID WHAT, BUT WHAT HAD
7 HAPPENED TO SOME PEOPLE.

8 A YES.

9 Q DID YOU KNOW THE YOUNG MAN NAMED JAMIE ROBERTSON?

10 A NO. WELL, I HAD SEEN HIM OVER THERE BUT I DIDN'T KNOW HIS
11 NAME.

12 Q THANK YOU, MA'AM. ANSWER ANYTHING MR. HEMLEPP HAS
13 FOR YOU.

14 MR. HEMLEPP: MAY IT PLEASE THE COURT, YOUR HONOR.

15 THE COURT: YES SIR.

16 CROSS EXAMINATION BY MR. HEMLEPP:

17 Q GOOD EVENING, MS. COLLINS.

18 A GOOD EVENING.

19 Q THANK YOU SO MUCH FOR COMING IN AND TELLING US WHAT
20 YOU OBSERVED. I HAVE A FEW QUESTIONS ABOUT YOUR TESTIMONY.
21 HAS LONG HAS MICHAEL ROBERTSON LIVED ACROSS THE STREET
22 FROM YOU?

23 A I'M TRYING TO RECALL, AND I CAN'T BE SURE. I WOULD SAY AT
24 LEAST A YEAR.

25 Q FOR A PERIOD OF TIME?

- 1 A YES.
- 2 Q YOU ALL WOULD HAVE RECOGNIZED EACH OTHER?
- 3 A YES.
- 4 Q WHERE DID HE NORMALLY PARK?
- 5 A IN HIS DRIVEWAY.
- 6 Q DID HAVE A BUSY HOUSE? WERE THERE PEOPLE COMING AND
- 7 GOING?
- 8 A YES.
- 9 Q HOW BUSY?
- 10 A WELL,---
- 11 Q THAT'S A HARD QUESTION TO ANSWER, I KNOW, BUT IN YOUR
- 12 OWN WORDS.
- 13 A WELL, I COULD TELL HE HAD A LOT OF FRIENDS AND A LOT OF
- 14 FAMILY BECAUSE THERE WAS A LOT OF RUNNING IN AND OUT.
- 15 Q AND YOUR TESTIMONY IS THAT WHILE YOU WERE ABLE TO
- 16 HEAR AN AWFUL LOT OF AN OCCURRENCE ACROSS THE STREET, IT
- 17 WOULD BE YOUR TESTIMONY, YOU DIDN'T SEE ANYBODY, ANYBODY'S
- 18 FACE. WOULD THAT BE A TRUE STATEMENT?
- 19 A THAT'S TRUE.
- 20 Q AND YOU WOULD HAVE NO IDEA WHAT BROUGHT ABOUT THIS
- 21 OCCURRENCE, WOULD YOU?
- 22 A NO.
- 23 Q AND YOU WOULD HAVE NO IDEA WHETHER ANYBODY
- 24 PURPOSELY CAUSED IT OR PUT IT INTO MOTION, WOULD YOU?
- 25 A NO.

CALVIN COLEMAN-DIRECT EXAMINATION BY MR. MAXELL

1 Q THANK YOU, MS. COLLINS. THANK YOU FOR COMING.

2 MR. HEMLEPP: THANK YOU, YOUR HONOR.

3 MR. BARFIELD: NOTHING FURTHER FOR MS. COLLINS. I WOULD
4 ASK THAT SHE BE EXCUSED AND RELEASED TO GO ABOUT HER
5 BUSINESS SUBJECT--

6 AND I WILL SAY THIS FOR EVERY WITNESS: WE MIGHT FIND
7 SOME NEED DURING THE COURSE OF THIS TRIAL TO GET SOMEONE
8 BACK UP HERE.

9 I'M NOT ASKING THAT SHE BE RELEASED FROM THE SUBPOENA,
10 BUT SIMPLY EXCUSED FROM BEING IN COURT UNLESS FURTHER
11 CALLED BY ONE PARTY OR THE OTHER.

12 MR. HEMLEPP: NO OBJECTION.

13 THE COURT: THANK YOU, MA'AM. YOU ARE EXCUSED.

14 MR. MAXWELL: YOUR HONOR, THE STATE CALLS CALVIN
15 COLEMAN.

16 CALVIN COLEMAN, DULY SWORN,
17 TESTIFIED AS FOLLOWS:

18 CLERK OF COURT: PLEASE STATE YOUR NAME FOR THE RECORD.

19 A CALVIN COLEMAN.

20 DIRECT EXAMINATION BY MR. MAXWELL:

21 Q MR. COLEMAN, ARE YOU FROM FAIRFIELD COUNTY?

22 A YES SIR.

23 Q DID YOU GROW UP AND LIVE HERE MOST OF YOUR LIFE?

24 A YES SIR.

25 Q DID YOU KNOW MICHAEL ROBERTSON?

- 1 A YES SIR.
- 2 Q PRIOR TO HIM PASSING AWAY, HAD YOU KNOWN HIM FOR A
3 LONG TIME?
- 4 A YES SIR, SINCE SCHOOL.
- 5 Q DID YOU GO TO SCHOOL WITH MR. ROBERTSON?
- 6 A YES SIR.
- 7 Q DID YOU KNOW SOME OF THE OTHER PEOPLE IN HIS FAMILY?
- 8 A YES SIR.
- 9 Q DID YOU KNOW JAMIE ROBERTSON?
- 10 A YES SIR.
- 11 Q DID YOU KNOW RENARDO WOOD?
- 12 A YES SIR.
- 13 Q IN JUNE OF 2005, DID YOU LIVE ON [REDACTED]?
- 14 A YES SIR.
- 15 Q DOES [REDACTED] INTERSECT WITH [REDACTED]
- 16 A YES SIR.
- 17 Q IS THAT IN FAIRFIELD COUNTY?
- 18 A YES SIR.
- 19 Q IS THAT KIND OF THE MILL VILLAGE OF WINNSBORO, FAIRFIELD
20 COUNTY?
- 21 A (NO RESPONSE)
- 22 Q DID YOU KNOW WHERE MICHAEL ROBERTSON LIVED AT?
- 23 A YES SIR.
- 24 Q DID HE LIVE ON [REDACTED]
- 25 A YES SIR.

- 1 Q WAS YOUR HOUSE VERY CLOSE BY MR. ROBERTSON?
- 2 A YES SIR. IT WAS ACROSS THE STREET.
- 3 Q WERE Y'ALL KIND OF ON OPPOSITE ENDS OF THE INTERSECTION?
- 4 A YES SIR.
- 5 Q BUT ON DIFFERENT STREETS?
- 6 A YES SIR.
- 7 Q DID YOU-- WERE YOU CLOSE WITH MICHAEL ROBERTSON?
- 8 A YES SIR.
- 9 Q DID Y'ALL HANG OUT?
- 10 A YES SIR.
- 11 Q DID YOU GO OVER TO HIS HOUSE FROM TIME TO TIME?
- 12 A YES SIR.
- 13 Q WHEN YOU WENT OVER THERE TO HANG OUT, DID JAMIE
- 14 ROBERTSON AND RENARDO WOOD AND OTHER PEOPLE COME BY THAT
- 15 HOUSE FROM TIME TO TIME?
- 16 A YES SIR.
- 17 Q DO YOU KNOW, OR DID YOU KNOW, BACK IN 2005, DID YOU
- 18 KNOW DAVID GOINS PERSONALLY?
- 19 A NO SIR.
- 20 Q DID YOU KNOW HIM BY NAME?
- 21 A NO SIR.
- 22 Q DID YOU KNOW HIM BY FACE?
- 23 A SORT OF.
- 24 Q WAS HE SOMEONE YOU SAW AROUND?
- 25 A YEAH.

1 Q DID YOU EVER SEE HIM OVER AT MICHAEL ROBERTSON'S HOUSE
2 PRIOR TO JUNE 30, 2005?

3 A NO SIR.

4 Q ON JUNE 30 OF 2005, WERE YOU AT MICHAEL ROBERTSON'S
5 HOUSE?

6 A YES.

7 Q DID YOU WALK OVER THERE FROM YOUR HOUSE?

8 A YES SIR.

9 Q WERE YOU OVER THERE AFTER THE SUN WENT DOWN, AT
10 NIGHT?

11 A YES SIR.

12 MR. HEMLEPP: YOUR HONOR, MAY WE APPROACH FOR JUST A
13 MOMENT?

14 THE COURT: YES SIR.

15 (WHEREUPON A BENCH CONFERENCE TOOK PLACE)

16 MR. HEMLEPP: THANK YOU, YOUR HONOR.

17 Q ON THE NIGHT OF JUNE 30, 2005, WHEN YOU WENT OVER TO
18 MICHAEL HOUSE WAS JAMIE ROBERTSON THERE?

19 A UH-HUH.

20 Q IS THAT A YES?

21 A YES SIR.

22 Q WAS RENARDO WOOD THERE?

23 A YES SIR.

24 Q WHAT WERE Y'ALL DOING?

- 1 A OKAY. (STUTTERING) THE DAY-- THE DAY BEFORE-- IT WAS--
2 MY-- IT-- MY-- MY BIRTHDAY.
- 3 Q IT WAS YOUR BIRTHDAY, THE DAY BEFORE?
- 4 A YES SIR.
- 5 Q OKAY.
- 6 A AND WE-- WE-- AND WE-- AND AFTERWARDS-- I-- BUT TWO--
7 TO FINISH UP-- MY BIRTHDAY, WE WAS THE NIGHT BEFORE.
- 8 Q WERE Y'ALL CELEBRATING?
- 9 A YES SIR.
- 10 Q YOUR BIRTHDAY FROM THE DAY BEFORE?
- 11 A YES SIR.
- 12 Q AND Y'ALL BEEN DRINKING?
- 13 A YES SIR.
- 14 Q WHILE YOU WERE DRINKING DID YOU EVER SEE DAVID GOINS
15 WHO YOU KNEW BY LOOKING AT HIS FACE, DID YOU EVER SEE HIM
16 THERE?
- 17 A NO SIR.
- 18 Q ABOUT HOW LONG HAD YOU BEEN HANGING OUT OVER AT
19 MICHAEL ROBERTSON'S HOUSE?
- 20 A I-- IT WAS-- TWO-- TWO--
21 TWO HOURS?
- 22 A IT WAS...
- 23 Q THAT NIGHT, BEFORE THE BIG EVENT HAPPENED THAT NIGHT,
24 HOW LONG HAD YOU BEEN OVER AT MICHAEL'S HOUSE HANGING
25 AROUND, DRINKING?

- 1 A I-- IT WAS-- FROM ABOUT-- ABOUT-- IT WAS ABOUT-- ABOUT--
- 2 SIX TO TEN.
- 3 Q YOU HAD BEEN OVER THERE FOR SEVERAL HOURS DRINKING?
- 4 A YES SIR.
- 5 Q DID YOU EVER SEE DAVID GOINS IN THAT PERIOD OF TIME?
- 6 A NO SIR.
- 7 Q AT SOME POINT DID YOU GO AROUND THE SIDE OF THE HOUSE?
- 8 A YES SIR. HE SAY-- IT WAS-- I HAD TO--- TO GO TO THE BUSHES.
- 9 Q TO RELIEVE YOURSELF?
- 10 A YEAH.
- 11 Q WHEN YOU LEFT-- LET ME GO BACK ONE SECOND. WHEN Y'ALL
- 12 WERE HANGING OUT, WHERE WERE Y'ALL HANGING OUT IN THE
- 13 HOUSE? INSIDE, OUTSIDE?
- 14 A OUT ON THE PORCH.
- 15 Q AT SOME POINT WERE Y'ALL HANGING OUT ON THE PORCH?
- 16 A UP-- UP-- UP--
- 17 Q WERE Y'ALL OUTSIDE DRINKING NEAR AND AROUND THE PORCH
- 18 AREA?
- 19 A YEAH. INSIDE. THEN WE COME OUTSIDE.
- 20 Q WHEN YOU WERE AROUND ON THE SIDE OF THE HOUSE, DID YOU
- 21 HEAR-- WHAT DID YOU HEAR WHEN YOU WERE AROUND THE SIDE OF
- 22 THE HOUSE?
- 23 A WELL, I-- I HEARD A CAR COME TO THE HOUSE. AND....
- 24 Q DID YOU SEE WHERE THE CAR PARKED? WAS IT ON THE
- 25 DRIVEWAY ON THE SIDE OF THE ROAD?

CALVIN COLEMAN-DIRECT EXAMINATION BY MR. MAXELL

- 1 A ON THE SIDE.
- 2 Q IN THE ROAD?
- 3 A YEAH, UH-HUH.
- 4 Q DID YOU KNOW WHOSE THE CAR WAS?
- 5 A NO SIR.
- 6 Q DID YOU SEE WHO GOT OF THE CAR?
- 7 A NO SIR.
- 8 Q DID YOU KNOW THE PERSONS WHO GOT OUT OF THE CAR?
- 9 A NO SIR.
- 10 Q DID YOU SEE THE PERSONS WHO GOT OUT OF THE CAR?
- 11 A NO SIR.
- 12 Q WHEN THEY PULLED UP, DID YOU SEE WHO WAS DRIVING THE
- 13 CAR?
- 14 A NO SIR.
- 15 Q WHAT DID YOU HEAR NEXT WHILE YOU WERE ON THE SIDE OF
- 16 THE HOUSE?
- 17 A THEM-- ALL-- I HEAR GUNSHOTS.
- 18 Q PRIOR TO HEARING THE GUNSHOTS, DID YOU HEAR ANY VOICES
- 19 OF PEOPLE TALKING?
- 20 A YEAH.
- 21 Q DID YOU HEAR MICHAEL TALKING?
- 22 A YES SIR.
- 23 Q DID YOU HEAR-- BEFORE YOU WENT OUT TO THE SIDE OF THE
- 24 HOUSE, WAS JAMIE OUT HANGING AROUND WITH Y'ALL?
- 25 A YES SIR.

CALVIN COLEMAN-DIRECT EXAMINATION BY MR. MAXELL

- 1 Q WAS RENARDO THERE?
- 2 A YES SIR.
- 3 Q BEFORE-- DID YOU HEAR WHO MICHAEL WAS TALKING TO?
- 4 A NO SIR.
- 5 Q WAS IT JAMIE?
- 6 A NO SIR.
- 7 Q WAS IT RENARDO?
- 8 A NO SIR.
- 9 Q WAS IT SOMEBODY YOU DON'T KNOW WHO IT WAS?
- 10 A NO SIR.
- 11 Q COULD YOU IDENTIFY THE VOICE OF WHO IT WAS?
- 12 A NO SIR.
- 13 Q HOW WERE THEY TALKING TO EACH OTHER?
- 14 A KIND OF LIKE-- IT WAS-- YOU KNOW-- IT WASN'T NO-- IT
- 15 WASN'T NO-- HE SAID IT WASN'T NO--
- 16 MR. HEMLEPP: YOUR HONOR.
- 17 A IT WASN'T--
- 18 MR. HEMLEPP: I OBJECT, YOUR HONOR.
- 19 A IT WASN'T NO--
- 20 MR. MAXWELL: I CAN WITHDRAW AND REPHRASE THAT
- 21 QUESTION, YOUR HONOR.
- 22 MR. HEMLEPP: HE CAN'T TESTIFY TO WHAT SOMEBODY ELSE
- 23 SAID.
- 24 THE COURT: OBJECTION SUSTAINED.

- 1 Q DON'T YOU SAY WHAT YOU HEARD THEM SAY, BUT HOW WERE
2 THEY TALKING? WERE THEY TALKING QUIETLY, LOUDLY, ARGUING,
3 HAVING A GREAT CONVERSATION? HOW WOULD YOU DESCRIBE THE
4 MANNER OF THEIR CONVERSATION?
- 5 A EACH OTHER ONE WAS-- HE SAID HE WAS--
- 6 Q WERE THEY ARGUING?
- 7 A YES SIR.
- 8 Q WAS IT TENSE?
- 9 A YEAH.
- 10 Q AT ONE POINT DID YOU WALK TOWARD THE FRONT OF THE
11 HOUSE?
- 12 A UH-HUH.
- 13 Q AS YOU WERE WALKING TOWARD THE FRONT OF THE HOUSE,
14 WHAT DID YOU HEAR?
- 15 A A GUNSHOT.
- 16 Q HOW MANY GUNSHOTS DID YOU HEAR?
- 17 A ABOUT THREE, FOUR.
- 18 Q DID YOU HEAR-- DID YOU EVER SEE ANYBODY WITH A GUN?
- 19 A NO SIR.
- 20 Q BEFORE YOU WALKED OVER TO THE SIDE OF THE HOUSE DID
21 YOU SEE ANYBODY WITH A GUN OR SEE ANY GUNS LAYING AROUND?
- 22 A NO SIR.
- 23 Q WHAT DID YOU DO WHEN YOU HEARD THE GUNSHOTS?
- 24 A I-- I-- YOU KNOW, I STARTED TO-- KIND OF DUCKING.
25 Q DUCKING?

- 1 A YES SIR.
- 2 Q DID YOU GET ON THE GROUND?
- 3 A I GOT DOWN. I MEAN, BUT, DUCKING. NO ACTUALLY ON THE
- 4 GROUND, BUT I WAS TOWARD-- TOWARD-- TOWARD-- GOT-- GOT
- 5 DOWN--
- 6 Q KIND OF KNEELED DOWN TOWARD THE GROUND?
- 7 A YES SIR.
- 8 Q WERE YOUR EYES LOOKING STRAIGHT AHEAD OR WERE YOU
- 9 KIND OF HOLDING YOUR HEAD DOWN WITH YOUR EYES LOOKING UP?
- 10 A ON THE GROUND.
- 11 Q WERE YOU STILL KIND OF ON THE SIDE OF THE HOUSE?
- 12 A YES SIR.
- 13 Q OR WERE YOU OUT FRONT?
- 14 A STILL-- ON THE-- KIND OF-- ON THE SIDE.
- 15 Q DID YOU SEE MICHAEL ROBERTSON GET SHOT? DID YOU SEE
- 16 HIM GET SHOT?
- 17 A YEAH.
- 18 Q DID YOU SEE THE PERSON? DID YOU SEE SOMEBODY SHOOT
- 19 HIM?
- 20 A ALL-- ALL I SEEN-- UM...
- 21 Q LET ME GO BACK A SECOND. COULD YOU IDENTIFY THE PERSON
- 22 WHO SHOT MICHAEL ROBERTSON?
- 23 A NO SIR.

1 Q DID YOU EVER-- THE BEST YOU CAN, EXPLAIN WHAT HAPPENED
2 NEXT AFTER YOU HEARD THE GUNSHOT AND YOU GOT UP OFF THE
3 GROUND.

4 A UM...

5 Q DID YOU SEE ANYBODY-- DID YOU SEE ANYBODY RUN
6 ANYWHERE?

7 A ACROSS-- ACROSS THE STREET TOWARD THE-- TOWARD THE---
8 TOWARD THE APARTMENTS.

9 Q COULD YOU TELL WHO THE PERSON RUNNING WAS?

10 A NO SIR.

11 Q WAS JAMIE AND RENARDO AND MICHAEL IN THE YARD AFTER
12 THE PERSON RAN AWAY? WERE THOSE THREE STILL IN THE YARD?

13 A YEAH.

14 Q COULD YOU TELL-- WAS MICHAEL HURT?

15 A YES SIR.

16 Q WAS JAMIE HURT?

17 A I-- I COULDN'T-- I COULDN'T TELL BECAUSE I-- I COULDN'T--

18 Q ABOUT JAMIE?

19 A UH-HUH. BUT I SEEN THAT HE-- I SEEN THAT HE-- HE WAS--
20 BLOOD--

21 Q WAS SOMEBODY BLEEDING?

22 A YEAH.

23 Q DID YOU HELP RENARDO AND JAMIE DO SOMETHING WITH
24 MICHAEL?

25 A YES SIR.

CALVIN COLEMAN-DIRECT EXAMINATION BY MR. MAXELL

- 1 Q WHAT DID YOU HELP THEM DO?
- 2 A I HELP-- I HELP THEM PUT HIM IN THE CAR.
- 3 Q YOU HELPED THEM PUT HIM IN THE CAR?
- 4 A UH-HUH.
- 5 Q AT SOME POINT DID YOU-- DID YOU HAVE A CELL PHONE WITH
- 6 YOU?
- 7 A YES SIR.
- 8 Q AT SOME POINT DID YOU CALL 911?
- 9 A YES SIR.
- 10 Q DID YOU TALK TO SOMEBODY ON 911? WERE YOU ABLE TO
- 11 REACH SOMEBODY WHEN YOU CALLED 911?
- 12 A WELL, -- WELL, I SEEN THE PO-- THE POLICE-- I SEEN THE
- 13 POLICE DOWN ON [REDACTED] WHEN I LOOKED UP.
- 14 Q BEFORE THE POLICE ARRIVED---
- 15 A UH-HUH.
- 16 Q ---YOU CALLED 911---
- 17 A YES SIR.
- 18 Q ---AND SAID YOU NEED HELP. IS THAT RIGHT?
- 19 A YES SIR.
- 20 Q OKAY.
- 21 A THE POLICE SAID---
- 22 MR. HEMLEPP: OBJECTION, YOUR HONOR.
- 23 A HELP---
- 24 MR. HEMLEPP: OBJECTION, YOUR HONOR.
- 25 MR. MAXWELL: I'LL REPHRASE AND WITHDRAW THAT.

CALVIN COLEMAN-DIRECT EXAMINATION BY MR. MAXELL

1 THE COURT: ALL RIGHT.

2 Q MR. COLEMAN, DID JAMIE AND RENARDO GET IN THE CAR THAT
3 YOU HELPED THEM PUT MICHAEL IN?

4 A YES SIR.

5 Q DID THEY LEAVE?

6 A YES SIR.

7 Q WAS THERE ANYBODY ELSE IN THE YARD WITH YOU WHEN
8 THEY LEFT?

9 A NO SIR.

10 Q WERE YOU THERE WHEN THE POLICE CAME?

11 A YES SIR.

12 Q DID YOU TALK TO THEM WHEN THEY ARRIVED?

13 A YES SIR.

14 Q DID YOU TELL YOUR STORY---

15 A YES SIR.

16 Q ---OF WHAT HAPPENED? AND YOU GAVE A STATEMENT? DID
17 YOU GIVE A STATEMENT?

18 A YES SIR.

19 MR. MAXWELL: BEG THE COURT'S INDULGENCE.

20 THE COURT: YES SIR.

21 Q WHEN YOU GOT UP OFF THE GROUND, MR. COLEMAN, WAS
22 MICHAEL HURT?

23 A YES SIR.

24 Q COULD YOU TELL IF MICHAEL WAS BLEEDING?

25 A YES SIR.

CALVIN COLEAN-CROSS EXAMINATION BY MR. HEMLEPP

1 Q COULD YOU TELL WHERE HE WAS BLEEDING FROM?

2 A ON HIS HEAD.

3 Q WAS HE BLEEDING FROM ANYWHERE ELSE?

4 A NO SIR.

5 MR. MAXWELL: NO FURTHER QUESTIONS, YOUR HONOR.

6 MR. HEMLEPP: MAY IT PLEASE THE COURT.

7 THE COURT: YES SIR.

8 CROSS EXAMINATION BY MR. HEMLEPP:

9 Q MR. COLEMAN, I'VE GOT ONE QUESTION FOR YOU: DID YOU SEE
10 ANYBODY SHOOT ANYBODY ELSE?

11 A NO SIR.

12 Q THANK YOU, SIR.

13 MR. HEMLEPP: THANK YOU, YOUR HONOR. I HAVE NO FURTHER
14 QUESTIONS.

15 MR. MAXWELL: NOTHING FURTHER, YOUR HONOR.

16 THE COURT: YOU MAY STEP DOWN.

17 MR. MAXWELL: MAY HE BE EXCUSED SUBJECT ONLY TO RECALL
18 IF WE NEED HIM?

19 THE COURT: YES SIR. ANYTHING FURTHER TODAY?

20 MR. BARFIELD: THAT'S ALL WE HAVE FOR TODAY, YOUR HONOR.

21 THE COURT: LADIES AND GENTLEMEN, WE'LL QUIT NOW. WE
22 WILL NEED YOU BACK AT 8:30 IN THE MORNING. PLEASE REMEMBER
23 YOU ARE NOT TO DISCUSS THE CASE WITH ANYONE. WE'LL SEE YOU IN
24 THE MORNING AT 8:30.

25 (WHEREUPON THE JURY EXITED THE COURTROOM AT 6:25 A.M.)

1 THE COURT: PLEASE HAVE JUROR CRAIG COME FORWARD.

2 (WHEREUPON JUROR SANDRA CRAIG STEPPED TO THE BAR)

3 DID YOU KNOW ANDREW PRICE IN THIS CASE?

4 MS. CRAIG: I KNOW OF HIM. I DON'T KNOW HIM PERSONALLY.

5 THE COURT: WHEN YOU WERE SELECTED ON THE JURY, DID YOU
6 SPEAK TO ANYONE OR WAVE TO ANYONE OR SAY ANYTHING TO ANYONE
7 THAT YOU KNOW?

8 MS. CRAIG: NO.

9 THE COURT: DO YOU KNOW THE DEFENDANT'S FAMILY, OR THE
10 VICTIM'S FAMILY?

11 MS. CRAIG: NO. I KNOW OF HIM, BUT PERSONALLY, NO.

12 THE COURT: DO YOU KNOW OF ANY REASON WHY YOU CANNOT BE A
13 FAIR AND IMPARTIAL JUROR IN THE TRIAL OF THIS CASE?

14 MS. SANDRA: NO.

15 THE COURT: PARDON ME?

16 MS. CRAIG: I CAN BE FAIR.

17 THE COURT: THANK YOU, MA'AM. STAND RIGHT OUTSIDE THE DOOR
18 JUST FOR A SECOND.

19 (WHEREUPON JUROR WAS ESCORTED FROM COURTROOM)

20 ANYTHING FROM THE STATE OR FROM THE DEFENSE?

21 MR. HEMLEPP: NOTHING FROM THE DEFENSE.

22 MR. BARFIELD: NO, YOUR HONOR.

23 THE COURT: HAVE HER STEP BACK IN.

24 (WHEREUPON JUROR WAS ESCORTED BACK INTO COURTROOM)

1 THE COURT: THANK YOU, MA'AM. WE'LL SEE YOU AT EIGHT-THIRTY
2 TOMORROW MORNING.

3 (WHEREUPON JUROR EXITED THE COURTROOM)

4 YES, MR. HEMLEPP?

5 MR. HEMLEPP: YOUR HONOR, I WOULD ASK AT THIS TIME, THIS CASE
6 IS AN OLD CASE. MY CLIENT, WHEN HE WAS ORIGINALLY RELEASED FROM
7 BOND THERE WAS SOMEWHAT OF AN UNUSUAL PROVISION OF BOND. AT
8 THE TIME I PRACTICED LAW IN CHESTER COUNTY. HE WENT AND LIVED IN
9 COLUMBIA, IN RICHLAND COUNTY. AND THERE WAS A PROVISION OF THE
10 BOND WHICH IS IN THE COURT'S FILE INDICATING THAT HE WOULD NOT
11 COME TO FAIRFIELD COUNTY AT ANY TIME DURING THE PENDENCY OF THIS
12 CASE.

13 FOR THE LAST FOUR AND A HALF YEARS HE HAS DONE THAT. HE HAS
14 NOT BEEN ARRESTED. HE HAS NOT BEEN ANY TROUBLE TO COMMUNITY. IN
15 FACT, HE HAS A JOB AND LIVES IN COLUMBIA. HIS FAMILY IS DOWN HERE
16 FROM PHILADELPHIA. I WOULD ASK YOU--

17 IN ADDITION, HE'S COME TO COURT. AND I'VE BEEN APPOINTED BY
18 THE COURT AS COUNSEL. BUT I'LL TELL YOU THAT HE'S BEEN VERY
19 COOPERATIVE AND HAS GOTTEN IN TOUCH WITH ME IN A DILIGENT MANNER.

20 I WOULD ASK THE COURT TO ALLOW HIM TO REMAIN OUT ON BOND
21 DURING THE PENDENCY OF THE TRIAL.

22 THE COURT: MR. SOLICITOR.

23 MR. BARFIELD: YOUR HONOR, I CERTAINLY DON'T THINK THE
24 POSITION I'M FIXING TO ESPOUSE AS A PUNITIVE MATTER AT ALL. BUT THIS
25 IS A MURDER CASE. HE HAS BEEN OUT ON BOND FOR A LONG TIME. I DON'T

1 NEED TO GET INTO THE NITPICKING OF WHETHER OR NOT HE'S BEEN HERE.
2 OF COURSE, I'M GETTING DIFFERENT THINGS FROM THE VICTIMS' FAMILY
3 ABOUT HIS PRESENCE OR ABSENCE IN FAIRFIELD COUNTY.

4 BUT IT'S A MURDER CASE. WE STARTED IT TODAY. I THINK THE
5 GENERAL RULE IS ONCE HIS CASE IS CALLED FOR TRIAL HE NO LONGER HAS
6 A BOND. AND I THINK HE OUGHT TO BE HELD IN CUSTODY THROUGH THE
7 FRUITION OF THIS CASE. BUT IT'S PRIMARILY ON THE NATURE OF THE CASE
8 AND THE POTENTIAL FOR HIM IF HE'S FOUND GUILTY.

9 THE COURT: YES SIR.

10 MR. HEMLEPP: YOUR HONOR, I WOULD POINT OUT THAT WE DON'T
11 CALL THE CASES. I'VE BEEN THE ATTORNEY ON THIS CASE SINCE 2005. THE
12 FACT THAT THIS CASE HASN'T COME TO COURT HAS NOT BEEN A RESULT OF
13 ME OR MY CLIENT. AND IN THAT ENTIRE TIME THE SOLICITOR CANNOT
14 PRESENT TO YOU ANY EVIDENCE THAT MY CLIENT WAS ANY DANGER TO
15 COMMUNITY, THAT HE DIDN'T DO ANYTHING THAT WAS NOT EXACTLY ON
16 PAR WITH WHAT THE COURT ORDERED.

17 AND IN FACT, WHILE HE DOES HAVE A MURDER CHARGE PENDING
18 TODAY, HE'S SHOWED UP, READY TO GO, WITH HIS FAMILY.

19 YOUR HONOR, I RECOGNIZE THAT HIS BOND IS UP, BUT I DON'T THINK
20 IT WOULD BE OUT OF LINE, GIVEN THE TOTALITY OF THE CIRCUMSTANCES.
21 THIS IS NOT A CASE---

22 THE COURT: I UNDERSTAND YOUR RIGHT. BUT YOU RECOGNIZE THAT
23 HIS BOND IS UP?

1 MR. HEMLEPP: YOUR HONOR, YES, I DO. I RECOGNIZE THAT. AND I AM
2 ASKING THE COURT TO EXTEND HIS BOND DURING THE PENDENCY OF THE
3 CASE.

4 THE COURT: I'M NOT A BONDSMAN. HOW CAN I EXTEND THE BOND?

5 MR. HEMLEPP: WELL, IT GIVES THE BOND ORDER, YOUR HONOR.

6 THE COURT: PARDON ME?

7 MR. HEMLEPP: THE BOND IS A COURT ORDER, YOUR HONOR, WHERE
8 HE'S ALREADY POSTED THE SURETY, TO TAKE THE TERMS OF THE COURT
9 ORDER THAT HAS BEEN GRANTED TO HIM ALREADY BY JUDGE GOLDSMITH,
10 AND ALLOW THE TERMS OF THAT ORDER, ALL THE PROVISIONS OF THAT
11 ORDER TO REMAIN IN FULL FORCE AND EFFECT DURING THE PENDENCY OF
12 THE TRIAL.

13 THE COURT: YOU WANT ME TO UNILATERALLY IMPOSE THAT ON THE
14 BONDING COMPANY WITHOUT THEM HAVING ANY OPPORTUNITY TO BE
15 HEARD?

16 MR. HEMLEPP: YOUR HONOR, WELL, ... JUST A MOMENT, YOUR
17 HONOR. I DON'T KNOW REMEMBER WHO THE BONDING COMPANY IS.

18 (PAUSE TO CONFER WITH CLIENT)

19 I BELIEVE IT'S ANDY PATON, YOUR HONOR. IF THE COURT WOULD
20 ALLOW, I'LL BE MORE THAN HAPPY TO CONTACT THE BONDSMAN, BUT I
21 CAN'T DO IT TONIGHT.

22 (PAUSE)

23 THE COURT: YES SIR.

24 MR. HEMLEPP: IF IT PLEASES THE COURT. I RECOGNIZE I CAN'T DO IT
25 TONIGHT. BUT I'D BE HAPPY TO CONTACT THE BONDSMAN AND DISCUSS IT

1 WITH THE BONDSMAN. AND IF HE CONSENTS, GET THAT TO THE COURT'S
2 SATISFACTION.

3 THE COURT: IF YOU AGREE WITH THE SOLICITOR THAT ONCE A CASE
4 IS CALLED FOR TRIAL, THE OBLIGATION OF THE BONDING COMPANY ENDS,
5 THEN THERE IS NO BOND. IF THE BONDING COMPANY AGREES THAT THEY
6 WILL STAY ON THE BOND THROUGHOUT THE TRIAL, THEN THE BONDING
7 COMPANY HAS EXTENDED THE BOND THROUGHOUT THE COURSE OF THE
8 TRIAL. BUT THE BONDING COMPANY'S JOB IS OVER WHEN THE CASE BEGINS,
9 AND IN FACT, YOU HAVE TO HAVE A PR BOND BY LETTING HIM STAY OUT OF
10 JAIL, WHICH I CERTAINLY NOT DO. SO, THAT'S THE SITUATION THAT YOU
11 HAVE.

12 MR. HEMLEPP: I LEAVE IT TO THE COURT'S DISCRETION.

13 THE COURT: WELL, HE HAS NO BOND. THE BOND IS UP ONCE THE CASE
14 BEGINS. IF THE BONDING COMPANY IS INTERESTED IN CONTINUING ON THE
15 BOND DURING THE ENTIRE TRIAL, THEN THAT'S SOMETHING THE BONDING
16 COMPANY HAS TO CERTIFY TO THE COURT. AND THEN THE COURT
17 DETERMINES THE SECOND PRONG OF THE SOLICITOR'S ARGUMENT AND
18 THAT IS WHETHER, DESPITE THE BONDING COMPANY'S WILLINGNESS TO
19 REMAIN ON THE BOND, THEN, SHOULD THE COURT REVOKE THE BOND,
20 GIVEN THE NATURE OF THE CHARGE.

21 BUT THE FIRST PRONG IS THERE IS NO BOND IN THIS CASE. IT'S BEEN
22 CALLED TO TRIAL. AND THAT BEGS THE SECOND QUESTION OF WHETHER OR
23 NOT DESPITE THE BONDING COMPANY'S WILLINGNESS, OR IF THEY'D BE
24 WILLING TO STAY ON THE BOND. THERE'S NO POINT TO EVEN CONSIDER THE
25 SECOND PRONG.

1 MR. HEMLEPP: IF IT PLEASE THE COURT. MAY I WITHDRAW MY
2 MOTION?

3 THE COURT: YES SIR.

4 MR. HEMLEPP: IF I MAY WITHDRAW MY MOTION THAT HE BE
5 RELEASED ON BOND UNTIL SUCH TIME AS I CAN TALK TO THE BONDSMAN?

6 THE COURT: ALL RIGHT. HE IS REMANDED TO CUSTODY.

7 8:30 IN THE MORNING.

8 MR. BARFIELD: THANK YOU, YOUR HONOR.

9 MR. HEMLEPP: THANK YOU, YOUR HONOR.

10 (WHEREUPON COURT WAS ADJOURNED AT 6:40 P.M.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MELISSA COOPER - DIRECT EXAMINATION BY MR. MAXWELL

1 TUESDAY, JANUARY 5, 2010 - COURT IN SESSION - 8:45 A.M.

2 THE COURT: ANYTHING BEFORE WE BRING IN THE JURY?

3 MR. BARFIELD: YOUR HONOR, ONE REAL, QUICK THING. WE CALLED
4 WITNESSES LAST NIGHT TO TRY TO REDIRECT THEM TO BE HERE AT 8:30.
5 SOME OF THEM WERE HERE WHEN I CALLED THE NAMES A MINUTE AGO. I
6 JUST NEED TO CALL THEIR NAMES AND SEE WHO ELSE MIGHT HAVE WALKED
7 IN WHILE I WAS IN THE BACK.

8 AND I WOULD ASK THAT THE BAILIFF, THERE ARE PEOPLE WHO ARE
9 COMING IN WHO NEED TO BE IN THE BACK BECAUSE THEY'RE SEQUESTERED
10 AND WE'LL JUST HAVE TO DEAL WITH THAT AS THEY COME.

11 THE COURT: ALL RIGHT.

12 (WHEREUPON SOLICITOR CALLED NAMES OF WITNESSES)

13 MR. BARFIELD: THANK YOU, YOUR HONOR.

14 THE COURT: BRING IN THE JURY.

15 (WHEREUPON THE JURY ENTERED THE COURTROOM AT 8:50 A.M.)

16 CALL YOUR NEXT WITNESS.

17 MR. MAXWELL: YOUR HONOR, THE STATE CALLS MELISSA COOPER.

18 MELISSA COOPER, DULY SWORN, TESTIFIED

19 AS FOLLOWS:

20 CLERK OF COURT: PLEASE STATE YOUR NAME.

21 A MELISSA COOPER.

22 DIRECT EXAMINATION BY MR. MAXWELL:

23 Q MS. COOPER, BY WHOM ARE YOU EMPLOYED?

24 A FAIRFIELD COUNTY SHERIFF'S OFFICE.

25 Q HOW LONG HAVE YOU BEEN WITH THE SHERIFF'S OFFICE?

1 A ABOUT EIGHT AND A HALF YEARS.

2 Q WHAT IS YOUR CURRENT POSITION WITH THE SHERIFF'S OFFICE?

3 A NARCOTICS INVESTIGATOR.

4 Q BEFORE BEING A NARCOTICS INVESTIGATOR, WHAT WAS YOUR
5 POSITION WITH THE SHERIFF'S OFFICE?

6 A I WORKED IN THE OFFICE AND THEN I BECAME A DEPUTY WITH
7 THE PATROL DIVISION.

8 Q IN JUNE OF 2005, WHAT WAS YOUR POSITION?

9 A I WAS AN OUT-ON-THE-ROAD DEPUTY.

10 Q IN GENERAL TERMS, WHAT IS A ROAD DEPUTY? WHAT IS YOUR
11 ROLE AS A ROAD DEPUTY?

12 A A ROAD DEPUTY IS RESPONSIBLE FOR RESPONDING TO 911
13 CALLS; TRAFFIC STOPS, TRAFFIC CITATIONS, JUST ASSISTING THE
14 GENERAL PUBLIC WITH ANY KIND OF A PROBLEM THEY'RE HAVING.

15 Q ON THE NIGHT OF JUNE 30 OF 2005, WERE YOU WORKING THAT
16 DAY?

17 A YES.

18 Q WERE YOU WORKING THAT NIGHT?

19 A I WAS WORKING THE NIGHT SHIFT.

20 Q WERE YOU ON PATROL?

21 A YES.

22 Q AT SOME POINT THAT NIGHT WERE YOU DISPATCHED TO A CALL
23 ON [REDACTED]

24 A YES.

1 Q DO YOU REMEMBER WHERE YOU WERE WHEN YOU GOT THE
2 CALL?

3 A I WAS AT OUR HEADQUARTERS.

4 Q WHO CALLED YOU TO TELL YOU TO GO TO A CALL?

5 A WE GET CALLS FROM GENERAL DISPATCH.

6 Q IS THAT 911?

7 A YES.

8 Q DO YOU REMEMBER GETTING A CALL AT SOME POINT THAT
9 NIGHT TO GO TO [REDACTED] DO YOU KNOW WHERE YOU WERE?

10 A YES.

11 Q WHERE WERE YOU AT WHEN YOU GOT THE CALL TO GO TO

12 [REDACTED]

13 A I WAS AT OUR HEADQUARTERS.

14 Q IS THAT CLOSE TO [REDACTED]

15 A VERY CLOSE.

16 Q HOW CLOSE, A GENERAL ESTIMATION?

17 A A COUPLE OF BLOCKS.

18 Q DO YOU KNOW WHAT TIME YOU GOT THE DISPATCH CALL?

19 A WE GOT A CALL AROUND 10:30 APPROXIMATELY.

20 Q DID YOU GO TO [REDACTED]

21 A YES.

22 Q DO YOU KNOW WHAT TIME YOU ARRIVED ON [REDACTED]

23 A AROUND 10:31.

24 Q 10:31?

25 A YES.

MELISSA COOPER - DIRECT EXAMINATION BY MR. MAXWELL

- 1 Q HOW LONG DID IT TAKE YOU TO GET THERE?
- 2 A NOT LONG AT ALL, JUST ABOUT A MINUTE.
- 3 Q WERE YOU THE FIRST LAW ENFORCEMENT OFFICER TO ARRIVE
- 4 ON [REDACTED]?
- 5 A YES.
- 6 Q PRIOR TO ARRIVING ON [REDACTED] DID YOU KNOW THE
- 7 SUBJECT OF THE CALL?
- 8 A YES.
- 9 Q WHAT WAS GOING ON?
- 10 A YES.
- 11 Q WHAT WAS IT?
- 12 A WE RECEIVED A CALL OVER DISPATCH SAYING THAT THERE
- 13 WAS GUNSHOTS FIRED AND A POSSIBLE VICTIM AT [REDACTED]
- 14 Q WHEN YOU ARRIVED AT [REDACTED] WHAT WAS THE FIRST
- 15 THING THAT YOU OBSERVED ON THAT STREET?
- 16 A THERE WAS A VEHICLE, SEVERELY DAMAGED.
- 17 Q WHERE WAS THE VEHICLE AT?
- 18 A PARKED ON THE ROAD IN FRONT OF THE ADDRESS THAT WE
- 19 RESPONDED TO.
- 20 Q NOT IN THE DRIVEWAY?
- 21 A NO.
- 22 Q DID YOU SEE ANYBODY---
- 23 A YES.
- 24 Q ---THAT CAME OUT OF THE HOUSE OR WAS ON THE SIDE OF THE
- 25 ROAD?

- 1 A YES.
- 2 Q WHO DID YOU SEE?
- 3 A I SAW MR. COLEMAN.
- 4 Q WAS THAT CALVIN COLEMAN---
- 5 A YES.
- 6 Q ---WHO TESTIFIED YESTERDAY?
- 7 A YES.
- 8 Q WHAT WAS HE DOING WHEN YOU GOT THERE?
- 9 A TRYING TO FLAG ME DOWN.
- 10 Q WERE YOUR LIGHTS ON?
- 11 A YES.
- 12 Q DID YOU-- WERE THERE ANY GUNSHOT VICTIMS OR ANYBODY
- 13 ELSE HURT AT THE SCENE ON [REDACTED] WHEN YOU GOT THERE?
- 14 A NO.
- 15 Q DO YOU KNOW-- DID YOU LEARN-- DID YOU KNOW OF
- 16 ANYBODY THAT GOT SHOT ON [REDACTED]
- 17 A YES.
- 18 Q DO YOU KNOW WHERE THEY WENT?
- 19 A YES.
- 20 Q WHERE DID THEY GO?
- 21 A THEY WERE AT FAIRFIELD MEMORIAL AT THE EMERGENCY
- 22 ROOM.
- 23 Q AND THEY LEFT TO GO TO THE HOSPITAL BEFORE YOU ARRIVED?
- 24 A CORRECT.

- 1 Q DID ANY OTHER OFFICERS COME OR ARRIVE AT [REDACTED]
- 2 ABOUT THE SAME TIME YOU DID?
- 3 A YES.
- 4 Q WHO ELSE ARRIVED?
- 5 A AT THE TIME IT WAS SERGEANT JEFF SPIRES.
- 6 Q DID YOU ARRIVE FIRST?
- 7 A YES.
- 8 Q WAS THERE ANYBODY ELSE BESIDES MR. COLEMAN IN THE
- 9 YARD OR OUT IN THE STREET ON [REDACTED]
- 10 A NOT THAT I RECALL.
- 11 Q IS [REDACTED] IN FAIRFIELD COMITY?
- 12 A YES.
- 13 Q AND WAS THAT PART OF THE COUNTY AND PART OF YOUR
- 14 DUTIES TO RESPOND TO CALLS THERE AT THAT TIME?
- 15 A YES.
- 16 Q AFTER SEEING MR. COLEMAN WHAT WAS THE NEXT THING THAT
- 17 YOU DID IN REGARDS TO [REDACTED]
- 18 A WELL, AT THIS TIME MYSELF AND SERGEANT SPIRES SECURED
- 19 THE SCENE.
- 20 Q WHAT DOES THAT ENTAIL?
- 21 A IT ENTAILS MAKING SURE THAT NO ONE COMES IN OR OUT OF
- 22 THE CRIME SCENE. WE ALSO HAVE TO NOTIFY INVESTIGATORS TO
- 23 COME OUT AND PROCESS THE SCENE.
- 24 Q DID YOU GO INTO THE YARD OF MICHAEL ROBERTSON'S
- 25 RESIDENCE?

- 1 A YES.
- 2 Q AND WAS THAT RESIDENCE [REDACTED]
- 3 A YES.
- 4 Q DID YOU SEE ANY GUNS LEFT IN THE YARD?
- 5 A NO.
- 6 Q ON THE PORCH?
- 7 A NO.
- 8 Q YOU SAID THERE WAS A CAR DAMAGED OUT FRONT. HOW WAS
- 9 IT DAMAGED?
- 10 A LIKE, GLASS BROKEN. SOMEBODY HAD TOOK SOMETHING TO IT
- 11 AND BEAT IT UP, LIKE, IT HAD BEEN TORE UP.
- 12 Q WAS THERE GLASS ON THE GROUND AROUND THE VEHICLE?
- 13 A YES.
- 14 Q WAS IT APPARENT TO YOU THAT IT HAD BEEN DAMAGED ON
- 15 [REDACTED] WHERE IT STOOD?
- 16 A YES.
- 17 Q WHERE IT WAS OUT WHEN YOU FOUND IT?
- 18 A YES.
- 19 Q MS. COLLINS TESTIFIED YESTERDAY ABOUT SEEING SOMEBODY
- 20 USE A CLUB BEATING A CAR. DID YOU SEE ANYTHING LIKE, CLUB-
- 21 LIKE, THAT COULD HAVE BEEN USED TO DAMAGE THE CAR IN THE
- 22 YARD OR AROUND THE CAR?
- 23 A NO.
- 24 Q DID YOU EVER GO INSIDE THE HOUSE?
- 25 A NO.

- 1 Q DID YOU LOOK INSIDE THE CAR THAT WAS PARKED OUT FRONT?
- 2 A I DO NOT RECALL LOOKING INSIDE.
- 3 Q DID YOU GO INSIDE OF IT?
- 4 A NO.
- 5 Q DID ANYBODY ELSE COME UPON THE SCENE WHILE YOU WERE
- 6 THERE, OTHER THAN LAW ENFORCEMENT?
- 7 A NOT THAT I RECALL.
- 8 Q AT SOME POINT DID YOU LEAVE FROM THERE STILL INVOLVED
- 9 IN THE INVESTIGATION? DID YOU GO ANYWHERE ELSE IN REGARDS TO
- 10 WHAT HAD HAPPENED?
- 11 A YES.
- 12 Q WHERE'D YOU GO?
- 13 A I WENT ACROSS THE STREET FROM THIS ADDRESS AND STARTED
- 14 SPEAKING WITH SOMEONE WHO LIVED THERE.
- 15 Q NOT MS. COLLINS, DID YOU SPEAK WITH A NEIGHBOR?
- 16 A I DID.
- 17 Q DID YOU EVER GO TO THE HOSPITAL AT ANY POINT THAT
- 18 NIGHT?
- 19 A I DON'T RECALL.
- 20 Q TO GO BACK TO THE VEHICLE FOR A SECOND, WERE THE
- 21 WINDOWS BUSTED OUT?
- 22 A YES.
- 23 Q WERE THERE OTHER DENTS TO THE BODY OF THE VEHICLE?
- 24 A YES.

1 Q DID YOU EVER SEE ANY BLOOD OR ANYTHING ON THE GROUND
2 THAT YOU CAN RECALL?

3 A NO.

4 Q WAS THE CAR PARKED OUT FRONT THE ONLY CAR PARKED IN
5 RELATION TO THE RESIDENCE AT 650-B?

6 A YES.

7 Q NO OTHER CARS IN THE DRIVEWAY OF THAT RESIDENCE?

8 A NO.

9 MR. MAXWELL: NO OTHER QUESTIONS, YOUR HONOR.

10 MR. HEMLEPP: MAY IT PLEASE THE COURT.

11 THE COURT: YES SIR.

12 MR. HEMLEPP: THANK YOU.

13 CROSS EXAMINATION BY MR. HEMLEPP:

14 Q OFFICER COOPER, GOOD TO SEE YOU AGAIN. THANK YOU FOR
15 ALL YOU DO FOR FAIRFIELD COUNTY.

16 IT WOULD BE YOUR TESTIMONY THAT YOU DIDN'T PERSONALLY
17 WITNESS ANYTHING, ANY CRIMINAL ACTIVITY HAPPENING IN THIS
18 INVESTIGATION, DID YOU?

19 A CORRECT.

20 Q AND YOU DON'T HAVE ANY PERSONAL KNOWLEDGE THAT YOU
21 CAN TELL US WITH REGARDS TO WHAT ACTS OCCURRED THAT
22 EVENING, CAN YOU?

23 A NO.

1 Q AS PART OF YOUR DUTIES WITH THIS VEHICLE THAT WAS
2 PARKED OUT FRONT THAT WAS SEVERELY DAMAGED, DID YOU, DID
3 ANYBODY IDENTIFY WHOSE CAR THAT WAS?

4 A YES.

5 Q DID YOU DO THAT?

6 A I DO NOT RECALL.

7 Q WHO WOULD HAVE DONE THAT? WHO DID THAT, THAT DAY, IF
8 YOU KNOW?

9 A I'M NOT SURE. NORMALLY, AN OFFICER WOULD RUN THE TAG
10 NUMBER.

11 Q AS THE FIRST RESPONDING OFFICER, DID-- WELL, LET ME ASK
12 YOU THIS: AS THE FIRST RESPONDING OFFICER, YOU GO AND DO YOUR
13 INVESTIGATION, WHICH IS INITIALLY, I ASSUME, TO KIND OF MAKE
14 SURE THAT EVERYBODY'S SAFE, AND THE SCENE IS SAFE.

15 DO YOU THEN TURN IT OVER TO ANOTHER OFFICER?

16 A YES.

17 Q WOULD THAT BE A DETECTIVE?

18 A YES.

19 Q AND WHO WAS THE DETECTIVE IN THIS CASE?

20 A INVESTIGATOR MARY ANNE PHILLIPS.

21 Q THANK YOU. THANK YOU FOR COMING.

22 MR. HEMLEPP: I HAVE NOTHING FURTHER.

23 MR. MAXWELL: NOTHING FURTHER, YOUR HONOR.

24 THE COURT: THANK YOU MA'AM.

1 MR. HEMLEPP: YOUR HONOR, I HAVE NO OBJECTION TO OFFICER
2 COOPER BEING RELEASED SUBJECT TO RECALL.

3 THE COURT: ALL RIGHT.

4 MR. MAXWELL: THE STATE CALLS DEPUTY JEFF SPIRES.

5 JEFF SPIRES, DULY SWORN, TESTIFIED

6 AS FOLLOWS:

7 CLERK OF COURT: PLEASE STATE YOUR NAME.

8 A JEFF SPIRES.

9 DIRECT EXAMINATION BY MR. MAXWELL:

10 Q DEPUTY SPIRES, WHO ARE YOU EMPLOYED BY?

11 A FAIRFIELD COUNTY SHERIFF'S OFFICE.

12 Q HOW LONG HAVE YOU BEEN WITH THE SHERIFF'S OFFICE?

13 A THIS WILL BE MY ELEVENTH YEAR.

14 Q WHAT IS YOUR CURRENT POSITION?

15 A CRIMINAL INVESTIGATOR.

16 Q PRIOR TO BECOMING A CRIMINAL INVESTIGATOR, DID YOU
17 HAVE ANOTHER ROLE AT THE SHERIFF'S OFFICE?

18 A YES. PRIOR TO BECOMING A CRIMINAL INVESTIGATOR, I WAS A
19 SERGEANT ON PATROL.

20 Q OKAY.

21 A AS WELL AS A LIEUTENANT, AND THEN ALSO PRIOR TO THAT, A
22 COMMUNITY POLICING ORGANIZATION.

23 Q WHAT WERE YOUR DUTIES AS A SERGEANT? WELL, IN JUNE OF
24 2005, WHAT WAS YOUR POSITION?

25 A SERGEANT ON PATROL.

1 Q WHAT WERE YOUR DUTIES AS SERGEANT ON PATROL AT THAT
2 TIME?

3 A OUR DUTIES ARE TO ANSWER ALL CALLS, TAKE INITIAL
4 REPORTS, MAKE CONTACT WITH VICTIMS, AND DO SOME MINOR
5 TRAFFIC WORK.

6 Q WERE YOU WORKING-- WERE YOU ON PATROL ON JUNE 30, 2005?

7 A THAT'S CORRECT.

8 Q DO YOU RECALL WHAT DAY OF THE WEEK THAT WAS?

9 A I BELIEVE IT WAS ON A THURSDAY NIGHT.

10 Q AND YOU WERE WORKING THAT NIGHT, THE NIGHT SHIFT?

11 A THAT'S CORRECT, 10:00 P.M. TO 6:00 A.M.

12 Q WHAT TIME DID YOU USUALLY GET OFF?

13 A 6:00 A.M.

14 Q DID YOU RECEIVE A CALL TO GO TO [REDACTED] [REDACTED]

15 [REDACTED] ON THAT THURSDAY NIGHT?

16 A THAT'S CORRECT.

17 Q DO YOU RECALL WHERE YOU WERE WHEN YOU GOT THE CALL?

18 A I BELIEVE I WAS AT THE SOUTH WINNSBORO AREA, WHICH IS

19 LESS THAN A COUPLE OF MILES FROM [REDACTED]

20 Q HOW DID YOU GET-- WHERE'D YOU GET THE CALL FROM TO--
21 HOW WERE YOU DISPATCHED?

22 A WE RECEIVED THE CALL FROM OUR 911 DISPATCH CENTER.

23 Q DID YOU GO TO [REDACTED]

24 A THAT'S CORRECT.

- 1 Q HOW LONG BETWEEN THE TIME THAT YOU GOT THE CALL DID IT
2 TAKE YOU TO ARRIVE AT [REDACTED]
- 3 A LESS THAN FIVE MINUTES.
- 4 Q WHEN YOU ARRIVED AT THE SCENE, WAS ANYBODY, WAS ANY
5 OTHER LAW ENFORCEMENT THERE?
- 6 A YES SIR, DEPUTY COOPER.
- 7 Q SO, YOU WERE THE SECOND PERSON TO ARRIVE?
- 8 A THAT'S CORRECT.
- 9 Q DID YOU SEE ANY OTHER PEOPLE STANDING AROUND OR IN THE
10 YARD OR OUT IN THE STREET ON [REDACTED]
- 11 A MS. COOPER WAS SPEAKING WITH MR. CALVIN COLEMAN, UP AT
12 THE TOP END OF THE BLOCK TOWARDS HIS RESIDENCE, AROUND THE
13 [REDACTED] AND THE [REDACTED] INTERSECTION.
- 14 Q WHAT WAS THE FIRST THING THAT YOU DID WHEN YOU GOT ON
15 [REDACTED]
- 16 A DURING THE TIME THAT I WAS IN ROUTE TO [REDACTED] WE
17 RECEIVED A CALL THAT THERE WERE TWO GUNSHOT VICTIMS AT THE
18 ER. WE GOT THE INFORMATION AND DEPUTY COOPER AND MYSELF
19 SECURED THE SCENE.
- 20 Q AGAIN, WHAT DOES SECURING THE SCENE MEAN?
- 21 A JUST PRESERVING THE CRIME SCENE SO THAT NO EVIDENCE IS
22 CONTAMINATED AND NO ONE ENTERS THE CRIME SCENE, SO WE CAN
23 PROCESS IT.
- 24 Q DID YOU GO INTO THE YARD OF [REDACTED]
- 25 A YES SIR.

- 1 Q WAS THAT MR. MICHAEL ROBERTSON'S RESIDENCE?
- 2 A THAT'S CORRECT.
- 3 Q DID YOU SEE ANY GUNS IN THE YARD?
- 4 A NO SIR, I DID NOT.
- 5 Q ON THE PORCH?
- 6 A NO SIR, I DID NOT.
- 7 Q DID YOU NOTICE THE CAR OUT FRONT?
- 8 A YES SIR, I DID.
- 9 Q WHAT WAS THE STATE OF THE CAR?
- 10 A THE CAR HAD BUSTED WINDOWS AND SOME DENTS IN IT. I
- 11 GATHERED THAT THE CAR-- THE GLASS WAS ON THE OUTSIDE ON THE
- 12 STREET AS WELL AS INSIDE THE VEHICLE. IT WAS PRETTY APPARENT
- 13 THAT THE WINDOWS WERE DAMAGED. I DIDN'T KNOW IF THE DENTS
- 14 WERE DONE AT THAT SAME TIME. BUT IT WAS APPARENT THAT THE
- 15 WINDOWS WERE BUSTED OUT AT THE LOCATION WHERE IT WAS
- 16 PARKED.
- 17 Q DID YOU LOOK INSIDE THE CAR, OTHER THAN TO SEE THE GLASS
- 18 AND GO THROUGH THE CAR?
- 19 A I DID NOT ENTER THE CAR, NO SIR.
- 20 Q DID YOU GO INSIDE THE HOUSE?
- 21 A NO SIR.
- 22 Q OTHER THAN MR. COLEMAN BEING THERE, WAS THERE
- 23 ANYBODY ELSE THAT YOU SAW OUTSIDE IN THE YARD, ON THE
- 24 STREET, ON THE SIDEWALK?

- 1 A AFTER A SHORT PERIOD OF TIME, MS. COLLINS, WHO TESTIFIED
2 YESTERDAY, AND LIVED ACROSS THE STREET, CAME OUT. I BRIEFLY
3 SPOKE WITH HER. SHE TOLD ME WHAT WAS GOING ON AND I NEED TO
4 GET A STATEMENT ABOUT WHAT SHE HAD SEEN AND WHAT SHE HAD
5 HEARD. SO, AT THE TIME I TOOK A WRITTEN STATEMENT FROM HER.
6 Q FROM MS. COLLINS?
7 A THAT'S CORRECT.
8 Q AT SOME POINT WERE INVESTIGATORS CALLED TO THE SCENE?
9 A THAT'S CORRECT.
10 Q YOU'RE CURRENTLY AN INVESTIGATOR?
11 A THAT'S CORRECT.
12 Q TELL ME HOW INVESTIGATORS ARE CALLED TO THE SCENE BY
13 PATROL DEPUTIES.
14 A INVESTIGATORS RESPONDED TO THE SCENE, NOTIFIED BY THE
15 SHIFT LIEUTENANT. THE LIEUTENANT MAKES THE CALL TO US AS
16 INVESTIGATORS AND ADVISES US OF THE SITUATION AND THEN WE
17 COME OUT.
18 Q WAS AN INVESTIGATOR CALLED TO COME TO THE SCENE AT
19 [REDACTED]
20 A YES SIR.
21 Q DID AN INVESTIGATOR COME TO [REDACTED]
22 A YES SIR, MARY ANN PHILLIPS, AT THE TIME.
23 Q DID ANYBODY ELSE COME THAT YOU WOULD HAVE CALLED?
24 A LIEUTENANT DOUGLAS, WHO WAS OUR SHIFT LIEUTENANT
25 ARRIVED, AND ALSO OUR MAJOR AT THE TIME.

1 Q DID YOU GO ANYWHERE ELSE IN REGARD TO THE INCIDENT
2 THAT HAPPENED ON [REDACTED] DID YOU GO TALK TO ANY
3 MORE WITNESSES, GO TO THE HOSPITAL OR ANYWHERE ELSE?

4 A ONLY-- AS I SAY, I STAYED ON THE SCENE WHILE THE
5 INVESTIGATOR PROCESSED THE SCENE JUST TO MAKE SURE THAT THE
6 SCENE WAS STILL SECURED AND NO ONE TRIED TO COME IN WHILE WE
7 WERE THERE.

8 EARLIER THAT FRIDAY MORNING I DID ASSIST HER IN TRYING TO
9 HELP AND LOCATE MR. GOINS, BUT WE WERE UNSUCCESSFUL AT THAT
10 TIME.

11 Q DID YOU SEE ANYTHING THAT WOULD HAVE BEEN APPARENT
12 TO YOU THAT WOULD HAVE BEEN USED TO DAMAGE THE VEHICLE
13 OUT FRONT?

14 A NO.

15 Q NOW, AGAIN, ABOUT WHAT TIME WAS THIS?

16 A IT WAS APPROXIMATELY 10:30 AT NIGHT.

17 MR. MAXWELL: NO FURTHER QUESTIONS, YOUR HONOR.

18 MR. HEMLEPP: MAY IT PLEASE THE COURT.

19 THE COURT: YES SIR.

20 MR. HEMLEPP: THANK YOU, YOUR HONOR.

21 CROSS EXAMINATION BY MR. HEMLEPP:

22 Q GOOD MORNING.

23 A GOOD MORNING, SIR.

24 Q DID YOU WITNESS ANY CRIMINAL ACTIVITY BY THIS PERSON
25 THAT NIGHT?

1 A NO SIR, I DID NOT.

2 Q DO YOU KNOW WHETHER ANYONE DETERMINED WHOSE CAR
3 THAT WAS PARKED OUT IN FRONT OF THE HOUSE THAT WAS
4 DAMAGED?

5 A I BELIEVE INVESTIGATOR PHILLIPS DETERMINED LATER ON
6 THAT IT BELONGED TO A YOUNG LADY. I'M NOT SURE OF THE
7 RELATIONSHIP TO ANY OF THE PEOPLE WHO WERE THERE.

8 Q YOU DIDN'T DO IT; INVESTIGATOR PHILLIPS DID?

9 A THAT'S CORRECT.

10 Q THANK YOU.

11 MR. HEMLEPP: I HAVE NOTHING FURTHER, YOUR HONOR.

12 MR. MAXWELL: NO FURTHER QUESTIONS, YOUR HONOR.

13 THE COURT: THANK YOU, SIR.

14 MR. HEMLEPP: AGAIN, YOUR HONOR, I HAVE NO OBJECTION TO
15 DETECTIVE SPIRES BEING RELEASED SUBJECT TO RECALL.

16 THE COURT: ALL RIGHT.

17 MR. MAXWELL: GIVE US JUST A MOMENT, YOUR HONOR.

18 (PAUSE)

19 MR. MAXWELL: THE STATE CALLS LAJESKA WILLINGHAM.
20
21
22
23
24
25

1 LAJESKA WILLINGHAM, DULY SWORN,
2 TESTIFIED AS FOLLOWS:

3 CLERK OF COURT: PLEASE STATE YOUR NAME.

4 A LAJESKA WILLINGHAM.

5 DIRECT EXAMINATION BY MR. BARFIELD:

6 Q MS. WILLINGHAM, YOU'RE DOING GOOD. YOU'VE GOT TO TALK
7 INTO THAT MICROPHONE. I'M GOING TO ASK YOU QUESTIONS FROM
8 OVER HERE. EVERYBODY OVER HERE AND EVERYBODY IN THE
9 COURTROOM NEEDS TO HEAR YOUR ANSWERS.

10 LET ME START BY ASKING YOU, HOW DO YOU SPELL YOUR FIRST
11 NAME?

12 A L-A-J-E-S-K-A.

13 Q ARE YOU CURRENTLY LIVING IN FAIRFIELD COUNTY?

14 A NO SIR.

15 Q HAVE YOU IN THE PAST LIVED IN FAIRFIELD COUNTY?

16 A YES.

17 Q DO YOU KNOW-- I'M GOING TO ASK YOU IF YOU KNOW A BUNCH
18 OF PEOPLE. AND I MIGHT ASK YOU WHETHER THEY HAVE NICKNAMES
19 OR NOT.

20 DO YOU KNOW LATISHA ELGIN, WHO I BELIEVE WHOSE LAST
21 NAME NOW IS FANT?

22 A YES SIR.

23 Q HOW DO YOU KNOW LATISHA FANT?

24 A SHE'S MY SISTER.

25 Q IS SHE OLDER OR YOUNGER THAN YOU?

- 1 A OLDER.
- 2 Q PEOPLE CALL YOUR SISTER WHAT?
- 3 A TISHA.
- 4 Q TISHA. DO YOU KNOW DAVID GOINS?
- 5 A YES SIR.
- 6 Q DO YOU SEE HIM IN THE COURTROOM TODAY?
- 7 A YES SIR.
- 8 Q WHERE IS DAVID GOINS SITTING AND WHAT'S HE GOT ON?
- 9 A HE'S SITTING OVER THERE AT THAT TABLE AND HE HAS ON A,
- 10 SOME KIND OF YELLOW SWEATER.
- 11 Q OKAY. THE BALD-HEADED FELLOW SITTING NEXT TO THE BIG
- 12 FELLOW OVER THERE?
- 13 A YES.
- 14 Q HOW LONG HAVE YOU KNOWN DAVID GOINS?
- 15 A I FIRST MET DAVID WHEN HE COME BACK HERE. I THINK IT WAS,
- 16 LIKE, '94 OR SOMETHING LIKE THAT.
- 17 Q THAT SPEAKS TO MY NEXT QUESTION. WHAT CONNECTION, IF
- 18 ANY, DID DAVID GOINS HAVE WITH YOUR SISTER, TISHA FANT?
- 19 A THEY HAVE A CHILD TOGETHER.
- 20 Q WERE THEY BOYFRIEND-GIRLFRIEND FOR SOME PERIOD OF
- 21 TIME?
- 22 A YES.
- 23 Q DID THEY LIVE TOGETHER FOR SOME PERIOD OF TIME?
- 24 A YES.

- 1 Q DID THEY-- TO YOUR KNOWLEDGE ARE THEY BOYFRIEND-
2 GIRLFRIEND NOW?
- 3 A NO.
- 4 Q BACK ON JUNE 30, OF 2005, DO YOU KNOW WHERE YOUR SISTER
5 LIVED?
- 6 A I THINK IT WAS ON [REDACTED].
- 7 Q DID SHE AND DAVID LIVE TOGETHER BACK THEN?
- 8 A YES.
- 9 Q WAS IT IN A DUPLEX?
- 10 A YES.
- 11 Q DO YOU KNOW LA MARY YOUNG?
- 12 A YES.
- 13 Q THIS GETS REAL COMPLICATED, I KNOW. HOW DO YOU KNOW
14 LA MARY YOUNG?
- 15 A WE WERE IN SCHOOL TOGETHER.
- 16 Q ON JUNE 30, OF 2005, DID LAMARIE YOUNG LIVE ANYWHERE
17 NEAR YOUR SISTER, LATISHA ELGIN FANT, AND DAVID GOINS?
- 18 A YES SIR.
- 19 Q WHERE DID LA MARY YOUNG LIVE?
- 20 A RIGHT NEXT DOOR.
- 21 Q IN THE SAME DUPLEX?
- 22 A YES.
- 23 Q THE OTHER SIDE OF THE DUPLEX?
- 24 A YES.
- 25 Q DID YOU KNOW MICHAEL ROBERTSON?

- 1 A YES.
- 2 Q DID YOU KNOW JAMIE ROBERTSON?
- 3 A YES.
- 4 Q LET ME BACK UP TO MICHAEL. SOMEBODY TOLD ME THIS A
- 5 MINUTE AGO, AND I HADN'T HEARD IT UNTIL JUST A MINUTE AGO.
- 6 DID MICHAEL HAVE A NICKNAME?
- 7 A RUNT.
- 8 Q RUNT?
- 9 A UH-HUH.
- 10 Q DID YOU KNOW RENARDO WOOD?
- 11 A YES.
- 12 Q JUST FROM LIVING IN WINNSBORO?
- 13 A WELL, I USED TO DATE DESMOND.
- 14 Q DESMOND?
- 15 A ROBERTSON.
- 16 Q ROBERTSON. IT IS COMPLICATED, ISN'T IT?
- 17 A NO, NOT REALLY.
- 18 Q OKAY, THAT'S FINE. ON JUNE 30 OF 2005, DID YOU KNOW WHERE
- 19 MICHAEL ROBERTSON LIVED?
- 20 A YES.
- 21 Q WHERE DID HE LIVE?
- 22 A I'D SAY HE LIVE ABOUT A TWO-MINUTE DRIVE AWAY FROM MY
- 23 SISTER. I DON'T REMEMBER THE NAME OF THE STREET.
- 24 Q WHAT DID MICHAEL LIVE IN?
- 25 A A DUPLEX.

- 1 Q DID YOU KNOW WHO LIVED IN THE OTHER HALF OF HIS DUPLEX?
- 2 A NO SIR.
- 3 Q LET ME SEE WHO ELSE I WANT TO ASK YOU ABOUT.
- 4 (PAUSE)
- 5 DID YOU, DO YOU KNOW TAVARES ROBERTSON?
- 6 A YES.
- 7 Q TO YOUR KNOWLEDGE, DID HE, BACK IN JUNE OF '05, DID HE
- 8 HAVE A RELATIONSHIP WITH ANY OF THE FEMALES THAT I'VE ASKED
- 9 YOU ABOUT, SOMEBODY'S BOYFRIEND?
- 10 A LA MARY.
- 11 Q MS. YOUNG?
- 12 A UH-HUH.
- 13 Q DID YOU KNOW CHRISTOPHER KAUFFIN?
- 14 A YES.
- 15 Q WHO IS HE?
- 16 A DAVID'S BROTHER.
- 17 Q ARE THEY HALF-BROTHERS, GOT THE SAME MAMA, BUT
- 18 DIFFERENT DADDIES, OR DO YOU KNOW?
- 19 A SAME MAMA, DIFFERENT DADDIES.
- 20 Q DID HE HAVE A NICKNAME?
- 21 A NOT THAT I KNOW OF.
- 22 Q DID YOU KNOW A GUY NAMED FLEMING ALEXANDER
- 23 ANDERSON?
- 24 A YES.
- 25 Q WHO IS HE?

- 1 A BOOSEY.
- 2 Q HIS NICKNAME IS BOOSEY?
- 3 A UH-HUH.
- 4 Q IS HE A FRIEND OR IS HE RELATED--
- 5 A HE KIN TO DAVID.
- 6 Q GENERALLY SPEAKING, WHAT WERE YOU DOING-- DO YOU
- 7 KNOW THAT MICHAEL AND JAMIE ROBERTSON GOT SHOT ON THE
- 8 NIGHT OF THURSDAY, JUNE 30, OF 2005?
- 9 A YES.
- 10 Q WERE YOU PRESENT ON [REDACTED] AT MICHAEL-- DO YOU
- 11 KNOW THAT HAPPENED AT MICHAEL ROBERTSON'S HOUSE?
- 12 A YES.
- 13 Q WERE YOU PRESENT AT MICHAEL ROBERTSON'S HOUSE WHEN
- 14 THAT INCIDENT OCCURRED?
- 15 A NO SIR.
- 16 Q HAD YOU BEEN THERE EARLIER IN THE DAY?
- 17 A YES SIR.
- 18 Q WHERE ELSE HAD YOU BEEN THAT DAY OR THAT EVENING TO
- 19 BE DEALING WITH THE PEOPLE THAT I'VE ASKED YOU ABOUT EARLIER
- 20 IN YOUR TESTIMONY?
- 21 A WELL, AT MY SISTER'S HOUSE---
- 22 Q WHICH SISTER?
- 23 A LATISHA.
- 24 Q OVER THERE NEXT TO LA MARY YOUNG?
- 25 A YES.

- 1 Q ALL RIGHT.
- 2 A AND I WAS JUST---
- 3 Q STOP RIGHT THERE. AND I'M GOING TO SAY STOP EVERY NOW
- 4 AND AGAIN JUST TO KIND OF GET US WHERE WE NEED TO BE.
- 5 WHAT TIME THAT THURSDAY DID PEOPLE START INTERACTING
- 6 AND VISITING WITH EACH OTHER AND MOVING AROUND? WHAT TIME
- 7 ARE WE TALKING ABOUT THAT YOU'RE GONNA PICK UP THIS STORY?
- 8 AFTERNOON, NIGHT, MORNING? WHEN WAS IT?
- 9 A AFTERNOON.
- 10 Q DAYLIGHT?
- 11 A YES.
- 12 Q JUNE 30 IS THE SUMMERTIME?
- 13 A UH-HUH.
- 14 Q WHERE DID THIS JUMP OFF FOR YOU? WHERE WERE YOU FIRST
- 15 WHEN YOU WERE INVOLVED WITH THESE FOLKS THAT I'M ASKING
- 16 YOU ABOUT?
- 17 A AT MY SISTER'S HOUSE.
- 18 Q LATISHA?
- 19 A YES.
- 20 Q IN THE AFTERNOON?
- 21 A YES.
- 22 Q WHO WAS THERE AT LATISHA'S-- ANOTHER QUESTION. AT
- 23 LATISHA'S DUPLEX, NEXT DOOR TO LAMARY YOUNG, DO THEY HAVE
- 24 PORCHES, OR LITTLE STOOPS OR SOMETHING?
- 25 A YES.

- 1 Q WERE PEOPLE HANGING AROUND OUTSIDE?
- 2 A YES.
- 3 Q ON THE PORCH, AND IN THE YARD?
- 4 A YES.
- 5 Q IS IT CLOSE TO THE STREET?
- 6 A SOMEWHAT.
- 7 Q IF SOMEBODY PULLED UP AND PULLED OVER ON THE STREET IN
- 8 FRONT OF THE DUPLEX, COULD THAT PERSON TALK TO PEOPLE ON THE
- 9 PORCH OR IN THE YARD---
- 10 A YES.
- 11 Q ---WITHOUT WALKING UP TO THE HOUSE?
- 12 A YES.
- 13 Q WHO WAS OVER THERE AT LATISHA'S? WHO WERE YOU WITH?
- 14 WHO WAS AROUND WHEN YOU WERE FIRST AT LATISHA'S?
- 15 A ME, HER AND MY YOUNGER SISTER.
- 16 Q YOUR YOUNGER SISTER IS KIND OF OUT OF THE PICTURE AND
- 17 DOESN'T REALLY HAVE ANYTHING TO DO WITH THE REST OF THIS,
- 18 DOES SHE?
- 19 A NO.
- 20 Q WHAT WERE Y'ALL DOING? GENERALLY, WHAT WERE Y'ALL
- 21 DOING OVER THERE THAT AFTERNOON?
- 22 A JUST SITTING AROUND TALKING.
- 23 Q WAS DAVID GOINS AROUND THEN?
- 24 A NO.
- 25 Q MICHAEL ROBERTSON THEN?

- 1 A NO.
- 2 Q JAMIE ROBERTSON THEN?
- 3 A NO.
- 4 Q DID YOU GO SOMEWHERE? WHAT-- WAS THERE A
5 CONVERSATION AMONGST THE THREE OF Y'ALL OVER THERE?
- 6 A I CAN'T REALLY REMEMBER.
- 7 Q AND I DON'T WANT YOU TO QUOTE ANYBODY. WERE Y'ALL JUST
8 HANGING AROUND TALKING?
- 9 A YES, PRETTY MUCH.
- 10 Q DID YOU LEAVE THERE AND GO SOMEWHERE?
- 11 A YES.
- 12 Q WHO WANTED TO GO SOMEWHERE?
- 13 A LA MARY WANTED TO GO LOOK FOR TAVARES.
- 14 Q HER BOYFRIEND?
- 15 A WHERE'D YOU GO LOOKING FOR TAVARES?
- 16 A WE WENT TO MICHAEL'S HOUSE AND WE WENT TO BARBARA'S
17 HOUSE. THEN WE WENT BACK TO MICHAEL'S HOUSE.
- 18 Q WAS TAVARES AT MICHAEL'S HOUSE OR BARBARA'S HOUSE, OR
19 AT MICHAEL'S HOUSE THE SECOND TIME?
- 20 A NO.
- 21 Q WAS ANYBODY THERE WHEN YOU WENT TO MICHAEL'S HOUSE
22 THE FIRST TIME?
- 23 A YES.
- 24 Q WHO WAS THERE?
- 25 A MICHAEL, JAMIE, AND I THINK RENARDO.

- 1 Q DID ANYTHING OCCUR WHEN Y'ALL WENT OVER TO MICHAEL'S
2 THE FIRST TIME?
- 3 A I THINK THE FIRST TIME WAS WHEN I CONFRONTED RENARDO
4 FOR SPREADING FALSE RUMORS ABOUT ME.
- 5 Q DON'T QUOTE RENARDO, BUT WERE YOU UPSET WITH RENARDO?
- 6 A YES, I WAS.
- 7 Q WHY WERE YOU-- WHAT WERE YOU UPSET WITH RENARDO
8 ABOUT?
- 9 A FOR SPREADING FALSE RUMORS.
- 10 Q DO YOU MIND TELLING US WHAT THE RUMORS WERE?
- 11 A THAT I HAVE AIDS, WHICH I DON'T.
- 12 Q THAT'S FINE. MICHAEL WAS THERE THEN?
- 13 A YES.
- 14 Q JAMIE WAS THERE THEN?
- 15 A YES.
- 16 Q AND RENARDO WAS THERE THEN?
- 17 A YES.
- 18 Q DAVID GOINS WASN'T?
- 19 A NO.
- 20 Q DID DAVID GOINS HAVE ANYTHING TO DO WITH WHAT YOU AND
21 RENARDO WERE ARGUING ABOUT?
- 22 A NO.
- 23 Q AT THAT TIME?
- 24 A NO.
- 25 Q WHERE'D YOU GO AFTER YOU LEFT MICHAEL'S THE FIRST TIME?

- 1 A TO BARBARA'S HOUSE.
- 2 Q WAS IT STILL DAYLIGHT AFTERNOON?
- 3 A YES.
- 4 Q WAS TAVARES AT BARBARA'S HOUSE?
- 5 A NO.
- 6 Q BARBARA WOULD BE TAVARES' AUNT?
- 7 A HIS MOTHER.
- 8 Q HIS MOTHER. YES, THAT'S CORRECT. WHERE'D YOU GO AFTER
- 9 YOU LEFT BARBARA'S HOUSE?
- 10 A BACK TO MICHAEL'S HOUSE.
- 11 Q WHO WAS OVER THERE WHEN YOU GOT BACK TO MICHAEL'S
- 12 HOUSE?
- 13 A MICHAEL AND JAMIE AND RENARDO.
- 14 Q WAS THERE A CONVERSATION AMONGST THE PEOPLE WHEN
- 15 YOU GOT BACK TO MICHAEL'S HOUSE?
- 16 A EVERYBODY JUST WAS TALKING, YOU KNOW. ME AND
- 17 RENARDO STARTING HAVING A LOT OF WORDS. MICHAEL CAME OVER
- 18 AND SAID, Y'ALL CUT THAT OUT. AND YOU KNOW, I DID WHAT HE
- 19 SAID, SO I CUT IT OUT.
- 20 Q MICHAEL WANTED Y'ALL TO QUIT ARGUING?
- 21 A YES.
- 22 Q LET ME BACK UP. WHO WAS TRAVELING WITH YOU WHEN YOU
- 23 GO TO MICHAEL'S AND BARBARA'S AND THEN BACK TO MICHAEL'S?
- 24 YOU AND LA MARY?
- 25 A YES.

1 Q AND WHO ELSE?

2 A THAT'S ALL.

3 Q JUST THE TWO OF Y'ALL?

4 A UH-HUH.

5 Q MICHAEL WANTED YOU TO QUIT ARGUING. WHAT DID YOU AND
6 MS. YOUNG DO?

7 A WELL, WE SAT AROUND THERE FOR A LITTLE BIT.

8 Q AT MICHAEL'S?

9 A AND WE WAS TALKING TO JAMIE, AND THEN WE LEFT AND WENT
10 BACK TO HER HOUSE.

11 Q NOW, AT SOME POINT DURING SOME OF THESE CONVERSATIONS,
12 DID DAVID GOIN'S NAME COME UP---

13 A YES.

14 Q ---IN RELATION TO SOME FEMALE?

15 A YES.

16 Q WHO WAS THE FEMALE?

17 A IT WAS---

18 MR. HEMLEPP: OBJECTION, YOUR HONOR. THAT WOULD BE
19 HEARSAY.

20 THE COURT: OBJECTION OVERRULED.

21 Q LISTEN CAREFULLY TO MY QUESTION. I'M NOT ASKING YOU TO
22 SAY WHAT ANYBODY SAID AT THIS POINT. OKAY? AND I'LL STOP YOU
23 IF YOU START DOING THAT.

24 DID DAVID GOINS NAME-- THIS IS A YES OR NO, SO FAR. DID
25 DAVID GOINS' NAME COME UP IN CONNECTION WITH SOME FEMALE?

1 A YES.

2 Q WHO WAS THE FEMALE THAT DAVID GOINS' NAME---

3 MR. HEMLEPP: YOUR HONOR, I WOULD LIKE TO RENEW MY
4 OBJECTION. THAT IS HER RELATING WHAT SOMEBODY ELSE SAID. IT'S
5 A FACT BEING PUT INTO EVIDENCE OF WHICH SHE DOESN'T HAVE
6 PERSONAL KNOWLEDGE.

7 THE COURT: SOLICITOR.

8 MR. BARFIELD: LET ME ASK HER A DIFFERENT QUESTION. I WILL
9 MOVE AWAY FROM THAT QUESTION AT THIS POINT AND ASK A
10 DIFFERENT QUESTION.

11 THE COURT: ALL RIGHT. SUSTAIN THE OBJECTION.

12 MR. BARFIELD: YES SIR.

13 Q DID YOU, WITH YOUR MOUTH, HAVE A CONVERSATION WITH
14 YOUR SISTER, LATISHA ELGIN, ABOUT DAVID GOINS SOMETIME THAT
15 EVENING, THAT AFTERNOON, THAT EVENING?

16 A YES.

17 Q DO NOT QUOTE ANYBODY ELSE. I WANT YOU TO TELL THE JURY
18 WHAT YOU OUT OF YOUR MOUTH TOLD YOUR SISTER, LATISHA ELGIN,
19 IN RELATION TO THIS SUBJECT.

20 A WHAT I TOLD HER WAS WHAT I WAS TOLD.

21 Q I UNDERSTAND.

22 MR. BARFIELD: YOUR HONOR, I WANT TO---

23 MR. HEMLEPP: YOUR HONOR. I APOLOGIZE, SOLICITOR. YOUR
24 HONOR, MAY I MAKE A MOTION OUTSIDE THE PRESENCE OF THE JURY?

25 THE COURT: YES SIR.

1 MR. HEMLEPP: THANK YOU.

2 THE COURT: LADIES AND GENTLEMEN, I WILL ASK YOU TO GO
3 TO THE JURY ROOM AT THIS TIME. PLEASE DO NOT DISCUSS THE CASE.

4 (WHEREUPON THE JURY EXITED THE COURTROOM AT 9:27 A.M.)

5 MR. HEMLEPP: YOUR HONOR, AS IN JUMPING UP AND DOWN, I
6 WOULD ASK THE COURT TO CONSIDER IF THE SOLICITOR COULD
7 PROFFER THE TESTIMONY. THEN WE WOULD HAVE AN OPPORTUNITY
8 TO JUDGE THE TESTIMONY OUTSIDE THE PRESENCE OF THE JURY. AND
9 PERHAPS NARROW THE TESTIMONY AND MAKE IT MORE EFFICIENT.

10 MR. BARFIELD: I'LL BE HAPPY TO DO THAT.

11 THE COURT: I'M NOT GOING TO HEAR A PATTERN OF STREAMING
12 TESTIMONY.

13 MR. HEMLEPP: YES SIR, I UNDERSTAND.

14 THE COURT: AND YOU OBJECT TO THE TESTIMONY?

15 MR. HEMLEPP: I DO OBJECT, YOUR HONOR. NUMBER ONE: I
16 OBJECT TO THE RELEVANCE TO THE FACTS AT HAND WHAT SHE'S
17 GOING TO TESTIFY TO. SHE'S ALREADY SAID THAT SHE DIDN'T SEE
18 ANYTHING HAPPEN. THIS APPARENTLY HAPPENED BEFORE THIS
19 INCIDENT BETWEEN THE TWO. SO, I WOULD QUESTION THE
20 RELEVANCE OF IT.

21 AND I UNDERSTAND THE SOLICITOR HAS NOT HAD AN
22 OPPORTUNITY LAY A FOUNDATION FOR THAT. SO, I DON'T THINK
23 THAT'S A PROPER MOTION TO MAKE AT THIS TIME. WHICH IS ONE OF
24 THE REASONS I SUGGESTED A PROFFER.

1 SECOND OF ALL: THE WITNESS' OWN STATEMENT WAS SHE
2 ONLY REPEATED WHAT SHE WAS TOLD, WHICH WOULD BE CLEARLY
3 HEARSAY, CLEARLY HEARSAY. IF THE SOLICITOR WERE GOING TO
4 CONTINUE WITH THIS LINE OF QUESTIONING, I CAN JUST ENVISION ME
5 JUMPING UP AND OBJECTING TO EVERY QUESTION, WHICH I'D BE
6 HAPPY TO DO. BUT I THINK IT'S HEARSAY AND IRRELEVANT.

7 MR. BARFIELD: YOUR HONOR, YOU GOT TO HEAR IT TO BE ABLE
8 TO BE ABLE TO MAKE A RULING ON IT.

9 THE COURT: ALL RIGHT.

10 MR. BARFIELD: AND I'LL BE HAPPY-- SOME OF WHAT I'M FIXING
11 TO ASK, ELICIT FROM THIS WITNESS CLEARLY IS GOING TO BE
12 HEARSAY, AND IS NOT GOING TO BE ADMISSIBLE BEFORE THE JURY.
13 BUT I'M GOING TO GET HER TO TELL THE WHOLE STORY SO YOU'LL
14 KNOW WHAT THIS IS ALL ABOUT.

15 THE COURT: ALL RIGHT.

16 **PROFFER BY MR. BARFIELD:**

17 Q YOU CAN ANSWER ANYTHING I ASK RIGHT NOW BECAUSE THE
18 JURY'S NOT IN HERE.

19 A OKAY.

20 Q WAS THERE A CONVERSATION OVER AT MICHAEL ROBERTSON'S
21 HOUSE THAT INVOLVED DAVID GOINS AND SOME GIRL?

22 A YES.

23 Q WHO WAS THE GIRL?

24 A VICKY COLE.

25 Q WHO WAS TALKING ABOUT DAVID GOINS AND VICKY COLE?

- 1 A MICHAEL.
- 2 Q WHAT DID MICHAEL SAY ABOUT DAVID-- MICHAEL
- 3 ROBERTSON?
- 4 A YES.
- 5 Q WHAT DID MICHAEL SAY ABOUT DAVID GOINS AND VICKY
- 6 COLE?
- 7 A THAT DAVID WAS SLEEPING WITH HER.
- 8 Q AT SOME POINT THAT DAY DID YOU AND YOUR SISTER, LATISHA
- 9 ELGIN HAVE A CONVERSATION ABOUT WHAT MICHAEL ROBERTSON
- 10 SAID ABOUT DAVID GOINS SLEEPING WITH VICKY COLE?
- 11 A YES.
- 12 Q WHEN DID THAT CONVERSATION BETWEEN YOU AND LATISHA
- 13 OCCUR?
- 14 A FIRST OF ALL, WHEN DID THAT CONVERSATION BETWEEN YOU
- 15 AND LATISHA OCCUR?
- 16 A AFTER ME AND LA MARY WENT BACK TO HER HOUSE.
- 17 Q AND LA MARY'S HOUSE IS NEXT DOOR TO LATISHA'S?
- 18 A YES.
- 19 Q WAS LATISHA HOME?
- 20 A YES.
- 21 Q DID YOU AND LATISHA TALK?
- 22 A YES.
- 23 Q TELL US WHAT YOU SAID TO LATISHA ABOUT DAVID GOINS AND
- 24 VICKY COLE. NOT WHAT MICHAEL SAID. TELL ME YOUR WORDS TO
- 25 YOUR SISTER, LATISHA. WHAT WERE YOUR WORDS TO YOUR SISTER?

1 A I TOLD HER THAT MICHAEL TOLD THAT DAVID WAS SLEEPING
2 WITH VICKY COLE.

3 MR. BARFIELD: YOUR HONOR, I INTEND TO ATTEMPT TO ELICIT
4 THE WITNESS' LAST ANSWER IN THE PRESENCE OF THE JURY. IT IS NOT
5 HEARSAY BECAUSE I'M NOT OFFERING IT TO PROVE THAT DAVID
6 GOINS WAS SLEEPING WITH VICKY COLE.

7 I'M OFFERING IT TO PROVE THAT DAVID GOINS' GIRLFRIEND HAD
8 KNOWLEDGE OF AN ALLEGATION WHICH I SUBMIT AS OTHER THINGS
9 ARE PRESENTED IN THIS CASE, PROVIDE A MOTIVE FOR THE EVENTS
10 THAT WERE TO OCCUR LATER ON.

11 I'M NOT OFFERING IT TO PROVE THAT DAVID GOINS WAS
12 SLEEPING WITH VICKY COLE. IT'S MORE OF A NOTICE THING GOING TO
13 MOTIVE WHICH WILL BE A PATTERN WHICH PERHAPS, I HOPE, WILL BE
14 THROUGH SOME OTHER WITNESSES LATER ON THIS MORNING.

15 AND IT'S HER WORDS. WHAT SHE SAYS IS NOT HEARSAY.

16 THE COURT: MR. HEMLEPP.

17 MR. HEMLEPP: IF I UNDERSTAND THE TESTIMONY, THE
18 TESTIMONY IS THAT THIS WITNESS, MS. WILLINGHAM, TOLD LATISHA
19 FANT THAT DAVID WAS HAVING AN AFFAIR WITH VICKY COLE. AND
20 THAT'S THE TESTIMONY YOU'RE SEEKING TO ELICIT.

21 MR. BARFIELD: SHE SAID THAT-- THE MORE COMPLETE ANSWER
22 WAS THIS WITNESS TOLD HER SISTER THAT MICHAEL ROBERTSON
23 SAID THAT HER BOYFRIEND, DAVID GOINS, WAS SLEEPING WITH VICKY
24 COLE.

1 I'M NOT OFFERING IT TO PROVE THAT DAVID GOINS WAS
2 SLEEPING WITH VICKY COLE. IT SIMPLY SHOWS THAT THE
3 DEFENDANT'S GIRLFRIEND HAD KNOWLEDGE OF THAT ALLEGATION.
4 THE GIRLFRIEND'S GONNA TESTIFY LATER, THE FORMER GIRLFRIEND.

5 AND IT DOESN'T REALLY MATTER-- I'M REALLY NOT EVEN
6 TRYING TO PROVE THAT MICHAEL SAID IT. THE ISSUE IS THAT LATER
7 ON DAVID GOINS HAD SOME KNOWLEDGE OF AN ALLEGATION THAT
8 MICHAEL SAID. I'M NOT TRYING TO PROVE THAT DAVID GOINS WAS
9 SLEEPING WITH VICKY COLE OR THAT MICHAEL SAID IT, JUST THAT
10 WORD GOT BACK TO HIM THAT THAT OCCURRED. AND IT GOES TO
11 MOTIVE, PERHAPS, IN THIS CASE. I'M SIMPLY SAYING IT'S NOT
12 HEARSAY.

13 MR. HEMLEPP: IT'S NOT RELEVANT, YOUR HONOR. IT PERHAPS
14 IS RELEVANT-- IT PERHAPS COULD BE RELEVANT ONCE WE GET DOWN
15 THE LINE OF MS. FANT TELLING MY CLIENT WHERE IT CAME FROM.
16 IT'S NOT RELEVANT BECAUSE IT'S ALL HEARSAY. IT'S ALL COMING
17 FROM MICHAEL ROBERTSON WHO I CANNOT CROSS EXAMINE.

18 IT IS HEARSAY STATEMENT. IT'S AN OUT-OF-COURT STATEMENT
19 OF FACTS TO ANOTHER WITNESS TO ANOTHER WITNESS, TO MY
20 CLIENT, WHICH IS APPARENTLY THE CHAIN THAT THE SOLICITOR IS
21 TRYING TO CREATE.

22 HE CAN CREATE THAT WITH MS. FANT. AND I-- THAT MAY BE
23 RELEVANT. BUT THIS, HOW MS. FANT FOUND OUT, HOW MS. FANT
24 DISCUSSING WITH THE DEFENDANT MAY BE RELEVANT, MAY BE
25 RELEVANT, I CONCUR. BUT THIS IS NOT RELEVANT.

1 THE COURT: WHAT DID YOU SAY TO YOUR SISTER, MA'AM?

2 A I TOLD HER THAT MICHAEL TOLD ME THAT DAVID WAS
3 SLEEPING WITH VICKY COLE.

4 THE COURT: THANK YOU. WHAT DO YOU WANT HER TO TELL
5 THE JURY?

6 MR. BARFIELD: EXACTLY THAT. I WANT HER TO SAY-- I INTEND
7 TO ASK HER IN FRONT OF THE JURY, DID YOU HAVE A CONVERSATION
8 WITH YOUR SISTER ABOUT DAVID GOINS AND VICKY COLE, AND
9 DELIVER THE SAME RESPONSE SHE JUST GAVE TO YOU.

10 AND LET ME TELL YOU THIS, JUDGE: MS. FANT, LATISHA IS
11 ACROSS THE HALL. SHE'S AN UPCOMING WITNESS. CERTAINLY I
12 INTEND TO CALL HER AND GET HER TO SAY THAT MS. WILLINGHAM
13 TOLD HER THAT. BUT IF I HAD CALLED HER FIRST, THEN MR. HEMLEPP
14 WOULD OBJECT BECAUSE WHAT MS. WILLINGHAM TOLD HER WOULD
15 BE HEARSAY, IF MS. WILLINGHAM HAD NOT PREVIOUSLY TESTIFIED.

16 SO, I'M JUST TRYING TO DO IT IN A LOGICAL ORDER. I'LL BE
17 HAPPY TO BRING MS. FANT IN AND PROFFER HER BEFORE YOU MAKE A
18 RULING ON THIS IF YOU WANT ME TO.

19 THE COURT: SHE'S GONNA SAY WHAT?

20 MR. BARFIELD: SHE'S GONNA SAY THAT, I THINK,-- YOU KNOW
21 HOW THEY DIFFER. SHE'S GONNA SAY THAT LAJESKA WILLINGHAM,
22 HER SISTER, TOLD HER THAT MICHAEL ROBERTSON SAID MY
23 BOYFRIEND, DAVID GOINS, IS SCREWING AROUND WITH VICKY COLE.
24 AND I CONFRONTED DAVID GOINS ABOUT IT. SHE'S GONNA SAY THAT I

1 TALKED TO DAVID ABOUT IT. THAT'S IT. AND SUBSEQUENT TO ALL
2 THIS IS WHEN MICHAEL ROBERTSON GOT SHOT AND KILLED.

3 MR. HEMLEPP: YOUR HONOR. AND I APOLOGIZE, SOLICITOR.

4 THE COURT: YES SIR.

5 MS. HEMLEPP: YOUR HONOR, WHEN MS. WILLINGHAM TESTIFIES
6 TO THIS, I'M GOING TO BE ABLE TO GO UP THERE TO MS. WILLINGHAM
7 AND ASK DO YOU WHETHER OR NOT HE WAS HAVING AN AFFAIR WITH
8 VICKY COLE. AND SHE'S GONNA SAY SHE DOESN'T, BECAUSE SHE'S
9 ALREADY SAID THAT.

10 AND MS. FANT, DO YOU KNOW WHETHER HE'S HAVING AN
11 AFFAIR? AND SHE'S GONNA SAY, NO, I DON'T; I WAS TOLD THAT.

12 I CAN'T DO THAT WITH MICHAEL ROBERTSON. I CAN'T CROSS
13 EXAMINE HIM.

14 MR. BARFIELD: YOUR HONOR, THIS IS THE BOTTOM LINE ON
15 THIS: IT DON'T MATTER WHETHER MICHAEL ROBERTSON SAID IT.
16 WHAT MATTERS FROM MY PERSPECTIVE IN MY CASE IS WHETHER
17 DAVID GOINS THOUGHT MICHAEL ROBERTSON SAID IT. IT GOES TO HIS
18 STATE OF MIND AND IT GOES TO MOTIVE.

19 IT'S NOT BEING OFFERED TO PROVE THAT MICHAEL ROBERTSON
20 ACTUALLY SAID IT, OR THAT DAVID GOINS WAS ACTUALLY SLEEPING
21 WITH VICKY COLE. IT SIMPLY IS A STATE OF MIND, MOTIVE AND
22 EXPLANATION, PERHAPS, IF THE JURY DECIDES TO BELIEVE IT, AS TO
23 WHY THESE EVENTS OCCURRED AT 10:30 THURSDAY NIGHT.

24 THE COURT: HOW DOES THE DEAD MAN STATUTE APPLY TO
25 THIS, OR DOES IT?

1 MR. BARFIELD: IS THAT DIRECTED TO ME OR TO MR. HEMLEPP?

2 THE COURT: TO BOTH OF YOU. FIRST TO YOU.

3 MR. BARFIELD: GIVE ME JUST ONE SECOND, JUDGE.

4 (PAUSE)

5 YOUR HONOR, ARE YOU REFERRING TO RULE 804?

6 THE COURT: IN PART, YES.

7 MR. BARFIELD: WELL, I WILL SAY THIS: CLEARLY MICHAEL
8 ROBERTSON IS UNAVAILABLE BECAUSE HE IS DEAD. AND I WOULD
9 CONCEDE THAT UNDER RULE 804 THAT THERE ARE HEARSAY
10 EXCEPTIONS THAT APPLY FOR THE UNAVAILABLE. MICHAEL
11 ROBERTSON IS UNAVAILABLE BECAUSE HE IS DEAD.

12 AND I AGREE THAT THE EXCEPTIONS UNDER SUBSECTION B OF
13 RULE 804 DON'T APPLY. IT'S NOT FORMER TESTIMONY. IT'S NOT A
14 DYING DECLARATION. IT'S NOT A STATEMENT AGAINST INTEREST.
15 IT'S NOT A STATEMENT OF PERSONAL FAMILY HISTORY. SO, IT
16 DOESN'T COME IN THAT WAY.

17 MY ARGUMENT TO YOU IS THAT UNDER THE GENERAL HEARSAY
18 RULE IT IS NOT HEARSAY BECAUSE IT'S NOT BEING OFFERED TO PROVE
19 THE CONTENT OF THE STATEMENT. IT'S SIMPLY BEING OFFERED TO
20 PROVE STATE OF MIND AND MOTIVE.

21 THE COURT: MY QUESTION WAS: THE APPLICABILITY OF THE
22 DEAD MAN'S STATUTE WHICH BARS THE TESTIMONY OF A PERSON
23 WITH AN INTEREST FROM TESTIFYING REGARDING THE
24 CONVERSATION WITH THE DECEASED INDIVIDUAL.

1 MR. BARFIELD: WELL, YOUR HONOR, I WOULD SIMPLY ARGUE
2 TO YOU THAT THE DEAD MAN'S STATUTE DOESN'T APPLY TO THIS
3 CRIMINAL PROCEEDING. THE DEAD MAN'S STATUTE I THINK IS MORE
4 APPLICABLE TO SITUATIONS LIKE A WILL CONTEST, FOR EXAMPLE. A
5 POTENTIAL TAKER UNDER A LOST WILL COMES IN AND SAYS THE GUY
6 THAT IS NOW DEAD SAYS I WANT YOU TO HAVE THIS EIGHTY ACRES
7 OF LAND. HE WOULD CERTAINLY STAND TO GAIN IF THAT TESTIMONY
8 IN A PROBATE PROCEEDING WERE ADMISSIBLE, AND THE COURT
9 CONCLUDED, YEAH, I AGREE THAT HE INTENDED FOR YOU TO HAVE
10 THIS LAND, HERE'S THE LAND.

11 THAT'S NOT WHAT WE HAVE IN THIS CASE. I DON'T THINK THE
12 DEAD MAN'S STATUTE APPLIES.

13 THE COURT: MY NEXT QUESTION IS WHY DOESN'T IT APPLY?

14 MR. BARFIELD: BECAUSE-- WELL, SIMPLY PUT, WE'RE QUOTING
15 MICHAEL ROBERTSON. AND THIS WITNESS IS THEORETICALLY
16 QUOTING MICHAEL ROBERTSON. THIS WITNESS STANDS TO GAIN
17 NOTHING BY BEING ALLOWED TO QUOTE MICHAEL ROBERTSON IN
18 THIS CRIMINAL PROCEEDING. THIS IS NOT ABOUT ANY KIND OF
19 ECONOMIC INTEREST OR FINANCIAL GAIN THAT ANYBODY STANDS TO
20 REALIZE AS A RESULT OF THE TESTIMONY THAT IS OFFERED TO THIS
21 JURY.

22 THE COURT: MR. HEMLEPP, ANY COMMENT?

23 MR. HEMLEPP: I DO, YOUR HONOR. THE CONUNDRUM THAT
24 THE SOLICITOR FINDS HIMSELF IN IS HE'S GOT A CONVERSATION WITH
25 SOMEBODY WHO HAS DIED. THE LAW RECOGNIZING THAT THERE'S NO

1 WAY OF PROVING THE TRUTH OR VERACITY OF SOMETHING THAT
2 SOMEBODY SAID AFTER THEY'VE PASSED, VERSUS WHETHER OR NOT
3 THIS IS RELEVANT.

4 HIS ARGUMENT FOR RELEVANCE IS THAT IT GOES TO-- IF I
5 UNDERSTAND HIM, THAT IT GOES TO MOTIVE. MOTIVE IS A STATE OF
6 MIND OF THE DEFENDANT, NOT OF THE WITNESS, NOT OF A
7 DECLARANT, NOT OF A GIRLFRIEND OF SOMEBODY.

8 IF HE'S TRYING TO PROVE MOTIVE IT NEEDS TO BE REGARDING
9 THE DEFENDANT. I STILL GO BACK TO THIS IS NOT RELEVANT. IT
10 DOESN'T GO TO ANYBODY'S STATE OF MIND. AND IT'S A DANGEROUS
11 TERRITORY WHERE YOU WOULD NOT ONLY HAVE THE QUESTION OF
12 THE ADMISSIBILITY. AND I UNDERSTAND HIS ARGUMENT. BUT I STILL
13 THINK YOU HAVE A QUESTION. IT'S HEARSAY WITHIN HEARSAY.

14 BUT YOU HAVE THE DEAD MAN'S STATUTE, WHICH I DON'T
15 KNOW THAT IT IS EXCEPTED FOR MURDER CASES. I DON'T KNOW THAT
16 THERE IS A STATUTORY EXCEPTION FOR MURDER CASES.

17 THE SOLICITOR ARGUES, WELL, THAT APPLIES TO OTHER TYPES
18 OF CASES. AS FAR AS I KNOW, IT APPLIES TO CONVERSATIONS WITH
19 DECEASED PERSONS BEING TESTIFIED ABOUT IN COURT UNDER OATH,
20 IN COURTS OF RECORD, WHICH WOULD BE THIS.

21 YOUR HONOR, I STILL ARGUE THAT THIS IS NOT ADMISSIBLE.
22 NOT DOUBTING THE VERACITY OF MS. WILLINGHAM. BUT UNDER THE
23 RULES IT'S NOT ADMISSIBLE BECAUSE (A) IT'S NOT RELEVANT; AND (B)
24 WE'RE WALKING ONTO DANGEROUS TERRITORY OF RUMOR.

1 THE COURT: THE FIRST PREMISE I DISAGREE WITH YOU IS
2 RELEVANCE. I BELIEVE THAT IT IS RELEVANT. BECAUSE IT GOES TO A
3 THEORY, FORMS A PART OF THE REASON FOR MOTIVE, WHY THE GUY
4 WAS THERE, WHY HE WAS KILLED. IF THE JURY BELIEVES THAT THE
5 DECEDENT WAS CLAIMING THAT THE DEFENDANT WAS CHEATING ON
6 HIS GIRLFRIEND AND HE GOT MAD ABOUT IT AND KILLED HIM. THAT'S
7 THE STATE'S THEORY. AND HOW THE DEFENDANT LEARNED ABOUT
8 ALL THIS WOULD BE RELEVANT.

9 SO, THE FIRST PART OF YOUR PREMISE THAT IT'S NOT
10 RELEVANT, I DISAGREE. SO, PICK IT UP ON THE SECOND PART.

11 MR. HEMLEPP: YES SIR. IT'S CLEARLY A CONVERSATION WITH
12 SOMEBODY WHO'S DECEASED. AND UNLESS THE DEAD MAN'S
13 STATUTE HAS AN EXCEPTION FOR CRIMINAL CASES, I BELIEVE IT
14 WOULD APPLY.

15 I ALSO DISAGREE WITH THE STATE'S ASSERTION THAT IT WOULD
16 NOT BE HEARSAY, AND THAT THEY ARE OFFERING IT FOR THE TRUTH.

17 AND YOUR HONOR, IF I COULD-- I DON'T WANT TO VIOLATE THE
18 RULE OF ARGUING AFTER THE COURT HAS RULED. BUT ON THE ISSUE
19 OF RELEVANCE, IF I COULD MAKE JUST ONE MORE POINT ON THAT?

20 THE COURT: SURE.

21 MR. HEMLEPP: I RECOGNIZE THAT THIS MAY BE LOGICALLY
22 RELEVANT, RELEVANT UNDER THE RULES. BUT FOR IT TO BE LEGALLY
23 RELEVANT, OF COURSE, YOU HAVE THE SECOND PRONG. AND THE
24 SECOND PRONG IS THAT ITS PROBATIVE VALUE OUTWEIGHS ITS
25 PREJUDICIAL NATURE.

1 WHAT HE'S ATTEMPTING TO PROVE IS THE STATE OF MIND OF
2 THE DEFENDANT. THIS IS A STATEMENT THAT WENT FROM MICHAEL
3 ROBERTSON TO HER TO SOMEBODY ELSE. SHE'S NOT GOING TO
4 TESTIFY ABOUT ANY CONVERSATION WITH DAVID GOINS. THE
5 CONVERSATION BETWEEN THE GIRLFRIEND AND DAVID GOINS, I
6 WOULD BE HARD PRESSED TO ARGUE THAT. AND OF COURSE, LIKE
7 YOU, JUDGE, I HAVEN'T HEARD IT. BUT I'D BE HARD PRESSED TO
8 ARGUE THAT THE STATE DOESN'T HAVE THE RIGHT TO PROVE MOTIVE.

9 THE FACT THAT THERE IS A LOGICAL CHAIN MAY MAKE IT
10 RELEVANT, BUT THAT DOESN'T NECESSARILY MAKE IT LEGALLY
11 RELEVANT WHERE ITS PROBATIVE VALUE OUTWEIGHS ITS
12 PREJUDICIAL NATURE.

13 HERE YOU HAVE A CONVERSATION THAT CLEARLY-- CLEARLY
14 IT'S A CONVERSATION THAT CAN'T BE DISCUSSED IN HERE BECAUSE
15 MICHAEL ROBERTSON IS UNAVAILABLE. IT CAN'T BE VERIFIED. IT
16 CAN'T BE WEIGHED BY THE JURY. AND YET, IT'S GOING TO BE
17 DISCUSSED THAT THIS OTHER GIRL KNOWS ABOUT IT.

18 THAT DOESN'T GO TO MOTIVE. THAT GOES TO HOW RUMORS
19 GET STARTED.

20 YOUR HONOR, I WOULD RESPECTFULLY ASK THE COURT TO
21 CONSIDER THAT, ABOUT WHETHER OR NOT ITS PROBATIVE VALUE
22 OUTWEIGHS ITS PREJUDICIAL NATURE.

23 THE COURT: THIS WITNESS WANTS TO TESTIFY THAT MICHAEL
24 ROBERTSON TOLD HER THAT THE DEFENDANT WAS CHEATING ON HER
25 SISTER.

1 MR. BARFIELD: YOUR HONOR, IN THE PRESENCE OF THE JURY, I
2 DON'T INTEND TO GET THAT DETAIL OUT OF THIS WITNESS. I'M SIMPLY
3 ASKING---

4 THE COURT: I THOUGHT YOU SAID YOU WANT HER TO TESTIFY.

5 MR. BARFIELD: NO. I WANT HER TO TESTIFY THAT SHE TOLD
6 HER SISTER. I DON'T INTEND TO ASK HER, DID YOU HEAR MICHAEL
7 ROBERTSON SAY---

8 THE COURT: YOU WANT HER TO SAY THAT SHE TOLD HER
9 SISTER THAT MICHAEL ROBERTSON TOLD HER THAT GOINS WAS
10 CHEATING ON HER SISTER.

11 MR. BARFIELD: THAT'S CORRECT, YES SIR. I DO INTEND TO ASK
12 HER THAT. BUT I DO NOT INTEND TO GET INTO DETAILS OF
13 CONVERSATIONS WITH HER. AND AGAIN, I'M NOT OFFERING IT TO
14 PROVE THAT GOINS WAS CHEATING ON HER SISTER OR EVEN THAT
15 MICHAEL ROBERTSON SAID IT, JUST THAT THE GIRLFRIEND GAINED
16 SOME KNOWLEDGE OF A POTENTIAL PROBLEM WITH HER BOYFRIEND.
17 AND THE GIRLFRIEND, I ANTICIPATE, IS GOING TO COME IN HERE IN A
18 FEW MINUTES AND SAY THAT SHE CONFRONTED MR. GOINS ABOUT
19 THAT KNOWLEDGE.

20 IT IS RELEVANT. IT COULDN'T BE MORE RELEVANT. I
21 CERTAINLY THINK IT GOES TO MOTIVE. I DON'T THINK IT--
22 EVERYTHING I DO INDICATE, I HOPE IT'S PREJUDICIAL. THAT'S KIND OF
23 THE INTENT IN TRYING TO PRESENT EVIDENCE THAT WOULD BE
24 SUFFICIENT FOR A CONVICTION. BUT I DON'T BELIEVE IT'S UNDULY
25 PREJUDICIAL. AND I SIMPLY AGAIN ARGUE THAT IT'S NOT HEARSAY.

1 WE'RE NOT TRYING TO PROVE THE TRUTH OF THE MATTER ASSERTED,
2 SIMPLY THAT THE WITNESSES DOWN THE CHAIN HAD KNOWLEDGE
3 GETTING BACK TO DAVID GOINS, THE DEFENDANT.

4 THE COURT: I FIND THAT THE DIRECT STATEMENTS OF THE
5 DECEDENT, THOSE STATEMENTS ARE BARRED BY THE DEAD MAN'S
6 STATUTE. AND THAT THE DEAD MAN'S STATUTE APPLIES TO ALL
7 TESTIMONY IN ALL CASES, INCLUDING CRIMINAL CASES.

8 SO, THEREFORE, THIS WITNESS CANNOT TESTIFY THAT MICHAEL
9 ROBERTSON TOLD HER THAT HE WAS CHEATING ON HER. SO, I
10 SUSTAIN THAT OBJECTION.

11 MR. HEMLEPP: THANK YOU.

12 THE COURT: WHETHER SHE CAN IN SOME WAY TALK ABOUT
13 HER CONVERSATION WITH HER SISTER WITHOUT STATING THAT HER
14 INFORMATION CAME FROM THE DECEDENT. YOU CAN ASK HER THAT
15 QUESTION.

16 MR. BARFIELD: ALL RIGHT. LET ME DO A LITTLE RUN FIRST.
17 LET ME DO ANOTHER DRY RUN REAL QUICK.

18 Q MS. WILLINGHAM, I'M GOING TO START OVER AND ASK YOU A
19 FEW QUESTIONS.

20 WHEN YOU WERE AT MICHAEL ROBERTSON'S HOUSE ON THE
21 AFTERNOON OF JUNE 30, 2005, WAS MICHAEL ROBERTSON THERE?

22 A YES.

23 Q WAS JAMIE ROBERTSON THERE?

24 A YES.

25 Q WAS RENARDO WOOD THERE?

- 1 A YES.
- 2 Q WAS LA MARY YOUNG THERE WITH YOU?
- 3 A YES.
- 4 Q WAS ANYBODY ELSE THERE DURING THESE CONVERSATIONS?
- 5 A NO.
- 6 Q WAS DAVID GOINS THERE?
- 7 A NO.
- 8 Q WAS VICKY COLE THERE?
- 9 A NO.
- 10 Q DON'T QUOTE ANYBODY. WAS THERE A CONVERSATION-- WERE
- 11 ALL FIVE OF YOU ALL WITHIN EARSHOT OF EACH OTHER?
- 12 A WELL, I WAS SITTING IN MY CAR. MICHAEL CAME UP TO MY CAR
- 13 AND THEN JAMIE CAME UP. LA MARY GOT OUT OF MY CAR AND THEN
- 14 LA MARY CAME AND RENARDO WAS OFF ON THE SIDE.
- 15 Q DID YOU HEAR A CONVERSATION ABOUT DAVID GOINS AND
- 16 VICKY COLE? NOT WHAT ANYBODY SAID, BUT DID YOU HEAR IT?
- 17 A NO.
- 18 Q HOW DID YOU GAIN THAT KNOWLEDGE?
- 19 A FROM MICHAEL ROBERTSON.
- 20 Q THAT'S WHAT I'M TALKING ABOUT. DID YOU HEAR ANY AMONG
- 21 YOUR GROUP TALKING ABOUT DAVID GOINS AND VICKY COLE?
- 22 A YES, I---
- 23 Q YES, THAT'S ENOUGH. STOP RIGHT THERE. WHO WAS AROUND .
- 24 WHEN YOU HEARD THE CONVERSATION ABOUT DAVID GOINS AND
- 25 VICKY COLE? WHO WAS THERE WITHIN EARSHOT?

1 A ME AND MICHAEL.

2 Q WAS ANYBODY ELSE STANDING RIGHT THERE WITH YOU TO
3 HEAR THAT CONVERSATION?

4 A NOT RIGHT BESIDE OF ME. BUT THEY COULD HAVE.

5 Q THAT'S FINE. LATER ON THAT DAY DID YOU HAVE A
6 CONVERSATION WITH YOUR SISTER, LATISHA ELGIN?

7 A YES.

8 Q DID YOU TALK TO LATISHA ELGIN ABOUT DAVID GOINS AND
9 VICKY COLE?

10 A YES.

11 Q DON'T ANSWER BY SAYING WHERE YOU GOT THE INFORMATION.
12 BUT WHAT DID YOU TELL YOUR SISTER ABOUT DAVID GOINS AND
13 VICKY COLE?

14 A THAT DAVID WAS MESSING AROUND WITH VICKY COLE.

15 MR. BARFIELD: YOUR HONOR, I WOULD PROPOSE TO OFFER
16 TESTIMONY IN THAT FASHION IN THE PRESENCE OF THE JURY.

17 THE COURT: ANYTHING FURTHER?

18 MR. HEMLEPP: THE WITNESS TESTIFIED THAT SHE LEARNED
19 THIS INFORMATION WHILE SHE AND MICHAEL ROBERTSON WERE
20 TALKING. WHILE SOMEBODY COULD HAVE BEEN WITHIN EARSHOT, IT
21 WAS JUST THE TWO OF THEM. THAT IS AN ARTFUL WAY OF
22 ADMITTING WHAT HAS BEEN RULED INADMISSIBLE.

23 THE SECOND PART OF WHAT SHE SAID TO MS. FANT, NOT
24 INDICATING WHERE SHE FOUND IT, WOULD BE HER STATEMENTS. AND
25 SHE IS SUBJECT TO CROSS EXAMINATION.

1 BUT THE INITIAL PART OF THIS, OF HOW SHE LEARNED THE
2 INFORMATION, THAT IS JUST ARTFULLY USING QUESTIONS TO ADMIT
3 EVIDENCE THAT YOU HAVE RULED INADMISSIBLE.

4 THE COURT: SHE CAN TESTIFY AS TO WHAT SHE TOLD HER
5 SISTER, BUT SHE CANNOT TESTIFY AS TO HOW SHE GOT THE
6 INFORMATION.

7 MR. BARFIELD: THANK YOU.

8 THE COURT: THAT IS THE RULING OF THE COURT. WE'LL TAKE
9 ABOUT THREE MINUTES.

10 (WHEREUPON THE COURT WAS IN RECESS AT 9:50 A.M.)

11 COURT IN SESSION - 9:56 A.M.

12 THE COURT: BRING IN THE JURY.

13 (WHEREUPON THE JURY ENTERED THE COURTROOM)

14 MR. BARFIELD, YOU MAY PROCEED.

15 RESUMPTION OF DIRECT EXAMINATION OF WITNESS WILLINGHAM BY

16 MR. BARFIELD:

17 Q MS. WILLINGHAM, LET'S BACK TRACK JUST A LITTLE BIT,

18 BECAUSE I'VE KIND OF FORGOTTEN WHERE WE ARE.

19 YOU TESTIFIED A FEW MINUTES AGO THAT YOU WERE OVER AT MICHAEL

20 ROBERTSON'S HOUSE. IS THAT CORRECT?

21 A YES.

22 Q DAYLIGHT AFTERNOON?

23 A YES.

24 Q WAS MICHAEL THERE?

25 A YES.

- 1 Q WAS JAMIE ROBERTSON THERE?
- 2 A YES.
- 3 Q WAS RENARDO WOOD THERE?
- 4 A YES.
- 5 Q YOU WERE THERE. WHO WERE YOU WITH?
- 6 A LA MARY.
- 7 Q YOUNG?
- 8 A YES.
- 9 Q WAS ANYBODY ELSE THERE?
- 10 A NO.
- 11 Q DID YOU ARGUE WITH ANYBODY THERE WHILE YOU WERE
- 12 THERE?
- 13 A YES.
- 14 Q WHO DID YOU ARGUE WITH?
- 15 A RENARDO.
- 16 Q WOOD?
- 17 A YES.
- 18 Q ABOUT AIDS, THAT YOU HAD AIDS?
- 19 A YES.
- 20 Q DID YOU LEAVE?
- 21 A YES.
- 22 Q HOW WERE YOU TRAVELING THAT DAY?
- 23 A IN MY CAR.
- 24 Q DID LA MARY HAVE A CAR THEN?
- 25 A NO.

1 Q WAS DAVID GOINS EVER THERE AT MICHAEL ROBERTSON'S
2 WHEN YOUR TIFF WITH RENARDO WOOD OCCURRED?

3 A NO.

4 Q WHEN YOU LEFT MICHAEL ROBERTSON'S, DID YOU AND LA
5 MARY YOUNG LEAVE TOGETHER?

6 A YES.

7 Q WHERE DID YOU GO?

8 A BACK TO LA MARY'S HOUSE.

9 Q WAS ANYBODY AT LA MARY'S HOUSE WHEN YOU GOT BACK?

10 A NO.

11 Q WAS ANYBODY NEXT DOOR AT LATISHA ELGIN'S AND DAVID
12 GOONS' HOUSE?

13 A YES.

14 Q WAS LATISHA THERE?

15 A YES.

16 Q WAS DAVID THERE?

17 A NO.

18 Q WAS ANYBODY ELSE THERE?

19 A NO.

20 Q DID YOU AND LATISHA HAVE A CONVERSATION ABOUT DAVID
21 GOINS?

22 A YES.

23 Q DON'T QUOTE ANYBODY. BUT WHAT DID YOU TELL LATISHA
24 ABOUT DAVID GOINS? AND IF I NEED TO STOP YOU, I WILL. IF I SAY

1 STOP, YOU STOP. BUT WHAT DID YOU TELL LATISHA ABOUT DAVID
2 GOINS WHEN YOU GOT BACK TO MARY YOUNG'S HOUSE?

3 A IT'S HARD TO ANSWER THAT QUESTION.

4 Q WELL, WITHOUT TALKING ABOUT ANYBODY OTHER THAN
5 DAVID GOINS AND SOME OTHER FEMALE, WHAT DID YOU TELL
6 LATISHA?

7 A YOU WANT ME TO SAY WHAT I SAID, BECAUSE I DON'T---

8 Q HOLD ON.

9 THE COURT: ASK A LEADING QUESTION.

10 Q DID YOU TALK TO LATISHA ABOUT DAVID GOINS AND VICKY
11 COLE?

12 A YES.

13 Q WHAT DID YOU TELL LATISHA ABOUT DAVID GOINS AND VICKY
14 COLE? THAT SIMPLE ISSUE, DAVID GOINS AND VICKY COLE. NOT
15 ANYBODY ELSE.

16 A HE WAS MESSING WITH HER.

17 Q SAY THAT AGAIN.

18 A HE WAS MESSING WITH HER.

19 Q DID YOU KNOW WHO VICKY COLE WAS?

20 A NOT REALLY.

21 Q ABOUT WHAT TIME OF DAY WAS THIS THAT YOU TOLD LATISHA
22 THAT DAVID GOINS WAS MESSING WITH VICKY COLE?

23 A MAYBE ABOUT 5:00 P.M.

- 1 Q AS OF JUNE 30, 2005, HOW LONG HAD DAVID GOINS AND LATISHA
2 ELGIN, YOUR SISTER, BEEN SEEING EACH OTHER? YEARS OR WEEKS
3 OR MONTHS?
- 4 A IT WAS, LIKE, A YEAR, OR SOMETHING LIKE THAT.
- 5 Q HOW OLD WAS THEIR CHILD THEN?
- 6 A IT SEEM LIKE.... I DON'T REALLY KNOW.
- 7 Q THAT'S FINE. DID LATISHA-- DID ANYBODY LEAVE FROM OTHER
8 THERE, FROM LATISHA'S OR MARY YOUNG'S, AFTER YOU AND LATISHA
9 HAD THAT CONVERSATION?
- 10 A LATER ON.
- 11 Q LATER ON, WHO LEFT?
- 12 A ME AND LATISHA.
- 13 Q IN WHOSE AUTOMOBILE?
- 14 A MINE.
- 15 Q I THINK I ASKED YOU THIS. DID YOU KNOW WHAT DAVID GOINS
16 DROVE?
- 17 A IT WAS A CAPRICE.
- 18 Q DO YOU REMEMBER WHAT COLOR IT WAS?
- 19 A BURGUNDY.
- 20 Q DO YOU KNOW TECHNICALLY WHOSE CAR IT WAS?
- 21 A IT WAS IN MY SISTER'S NAME.
- 22 Q DAVID DROVE IT REGULARLY?
- 23 A YES.
- 24 Q WHEN YOU AND LATISHA-- YOU SAID YOU AND LATISHA LEFT.
25 RIGHT?

- 1 A RIGHT.
- 2 Q HOW WERE Y'ALL DRIVING?
- 3 A IN MY CAR.
- 4 Q WHERE DID Y'ALL GO?
- 5 A TO GEE-GEE'S HOUSE.
- 6 Q WHO IS GEE-GEE?
- 7 A DAVID'S SISTER.
- 8 Q WHERE DID SHE LIVE?
- 9 A WITH BOOSEY.
- 10 Q BEFORE Y'ALL WENT TO GEE-GEE'S DID ANYBODY LEAVE FROM
- 11 OTHER THERE AND GO SOMEWHERE?
- 12 A NO.
- 13 Q DID ANYBODY COME OVER THERE BEFORE Y'ALL WENT TO GEE-
- 14 GEE'S?
- 15 A NO.
- 16 Q DID YOU EVER SEE DAVID THAT AFTERNOON?
- 17 A YES.
- 18 Q TALK TO ME ABOUT THAT. TALK TO THEM ABOUT THAT. WHEN
- 19 AND WHERE DID YOU SEE DAVID GOINS?
- 20 A HE HAD GOT OFF OF WORK AND HE CAME TO THE HOUSE.
- 21 Q THAT'S WHAT I'M TALKING ABOUT. THIS IS ALL BEFORE
- 22 ANYBODY GOES TO GEE-GEE'S?
- 23 A AFTER, IT WAS AFTER.
- 24 Q WELL, WHAT DID YOU DO-- DID YOU GO TO GEE-GEE'S?
- 25 A YES.

- 1 Q DID YOU STAY THERE LONG?
- 2 A YES.
- 3 Q DID YOU LEAVE GEE-GEE'S?
- 4 A YES.
- 5 Q WHO LEFT GEE-GEE'S?
- 6 A ME AND MY SISTER.
- 7 Q LATISHA?
- 8 A LATISHA.
- 9 Q WHERE'D Y'ALL GO?
- 10 A BACK TO LATISHA'S HOUSE.
- 11 Q DID ANYBODY LEAVE AFTER YOU GOT BACK TO LATISHA'S
- 12 HOUSE?
- 13 A YES.
- 14 Q WHO LEFT?
- 15 A DAVID LEFT.
- 16 Q WELL, WHEN Y'ALL GOT BACK TO LATISHA'S HOUSE, WAS DAVID
- 17 THERE?
- 18 A IT WAS BACK AND FORTH. ONE OF US LOOKING FOR THE OTHER
- 19 AND---
- 20 Q TELL THE JURY ABOUT THAT. WHO WAS GOING AND COMING.
- 21 A WELL, ME AND MY SISTER WAS AT HER HOUSE, WAS AT LA
- 22 MARY'S HOUSE ON THE PORCH. AND SHE LEFT TO GO TO GEE-GEE'S
- 23 HOUSE.
- 24 Q SHE---
- 25 A SHE LEFT BY HERSELF?

1 Q LATISHA?

2 A UH-HUH. TO GO TO GEE-GEE'S HOUSE. AND DAVID CAME AND I
3 SAID, TISHA LOOKING FOR YOU. HE SAID THAT---

4 Q STOP. TISHA LEFT TO GO TO GEE-GEE'S AND DAVID CAME. IS
5 THAT CORRECT?

6 A UH-HUH.

7 Q WAS LATISHA THERE WHEN DAVID GOT THERE?

8 A NO.

9 Q WAS HE LOOKING FOR HER?

10 A HE WASN'T LOOKING FOR HER. THAT WAS HIS SISTER'S HOUSE.

11 Q DID DAVID LEAVE?

12 A YES.

13 Q WAS LATISHA THERE WHEN DAVID LEFT?

14 A NO.

15 Q DID LATISHA COME BACK?

16 A YES.

17 Q WAS DAVID GONE WHEN LATISHA CAME BACK?

18 A YES.

19 Q DID DAVID COME BACK?

20 A YES.

21 Q WAS LATISHA THEN THERE WHEN DAVID CAME BACK?

22 A YES.

23 Q WHAT HAPPENED NEXT? WHAT TIME IS IT NOW?

24 A IT'S DARK.

25 Q NIGHTTIME?

- 1 A UH-HUH.
- 2 Q WHAT HAPPENED NEXT?
- 3 A HE TOLD HER COME ON, AND THEY LEFT TO THEIR HOUSE AND I
- 4 STAYED OUTSIDE ON LA MARY'S PORCH.
- 5 Q HOW LONG DID DAVID AND LATISHA STAY INSIDE THEIR HOUSE?
- 6 A IT WASN'T LONG.
- 7 Q A FEW MINUTES?
- 8 A YES.
- 9 Q DID ANYBODY COME BACK OUT OF THEIR HOUSE?
- 10 A YES.
- 11 Q WHO CAME OUT FIRST?
- 12 A DAVID CAME FIRST.
- 13 Q WHAT DID HE DO?
- 14 A HE GOT IN HIS CAR AND LEFT.
- 15 Q THE CAPRICE?
- 16 A YES.
- 17 Q DID LATISHA LEAVE WITH HIM?
- 18 A NO.
- 19 Q WAS ANYBODY ELSE OVER THERE WITH DAVID WHEN THAT
- 20 PART OF IT WAS GOING ON? ANY OTHER FRIENDS OR GUYS OR
- 21 AUTOMOBILES OVER THERE AT LA MARY'S AND DAVID'S DUPLEX?
- 22 A I DON'T THINK SO.
- 23 Q DID YOU FIND OUT THAT NIGHT THAT SOMETHING HAD
- 24 HAPPENED OVER AT MICHAEL ROBERTSON'S HOUSE?
- 25 A WELL, ME AND MY SISTER---

- 1 Q YES OR NO FIRST.
- 2 A YES.
- 3 Q HOW DID YOU FIND OUT THAT SOMETHING HAPPENED AT
- 4 MICHAEL ROBERTSON'S HOUSE?
- 5 A WHEN ME AND MY SISTER HAD LEFT.
- 6 Q WHICH SISTER?
- 7 A LATISHA. WE LEFT HER HOUSE AND SHE ASKED ME TO TAKE
- 8 HER TO GEE-GEE'S HOUSE.
- 9 Q ABOUT HOW LONG AFTER DAVID GOINS LEFT IN THE CAPRICE
- 10 DID YOU AND LATISHA LEAVE TO GO TO GEE-GEE'S?
- 11 A IT WAS A WHILE.
- 12 Q AN HOUR, TWENTY MINUTES?
- 13 A HALF HOUR, I THINK.
- 14 Q AT THAT TIME DID YOU KNOW ANYTHING HAD HAPPENED?
- 15 A NO SIR.
- 16 Q WHEN YOU LEFT TO GO TO GEE-GEE'S DID YOU FIND OUT
- 17 SOMETHING HAD HAPPENED?
- 18 A I FIGURED SOMETHING HAD HAPPENED BECAUSE THE POLICE
- 19 HAD THE ROAD BLOCKED OFF AROUND MICHAEL'S HOUSE.
- 20 Q DID YOU SEE THE CAPRICE?
- 21 A YES.
- 22 Q HAD YOU RODE SOMEWHERE NEAR MICHAEL'S HOUSE?
- 23 A YES.
- 24 Q HAD YOU RODE SOMEWHERE NEAR MICHAEL'S HOUSE?
- 25 A YES.

- 1 Q WHERE WAS IT?
- 2 A IN FRONT OF MICHAEL'S HOUSE.
- 3 Q INSIDE WHERE THE YELLOW TAPE WAS?
- 4 A YES.
- 5 Q COULD YOU TELL ANYTHING ABOUT IT?
- 6 A NO.
- 7 Q YOU COULDN'T TELL IF IT WAS DAMAGED OR ANYTHING AT
- 8 THAT POINT?
- 9 A NO SIR.
- 10 Q DID Y'ALL STOP AND TALK TO ANYBODY WHEN Y'ALL SAW THE
- 11 POLICE TAPE AND THE CAPRICE IN FRONT OF MICHAEL'S HOUSE?
- 12 A NO.
- 13 Q DID YOU GO BACK BY THERE LATER?
- 14 A WHEN WE CAME BACK FROM GEE-GEE'S HOUSE, MY SISTER AND
- 15 ME AND LA MARY.
- 16 Q DID Y'ALL TALK TO THE POLICE SOMETIME THAT NIGHT?
- 17 A YES.
- 18 Q THANK YOU, MA'AM. ANSWER ANYTHING MR. HEMLEPP ASKS
- 19 YOU.
- 20 MR. HEMLEPP: YOUR HONOR, MAY WE APPROACH?
- 21 THE COURT: YES SIR.
- 22 (WHEREUPON A BENCH CONFERENCE TOOK PLACE)
- 23
- 24
- 25

1 CROSS EXAMINATION BY MR. HEMLEPP:

2 Q TO YOUR KNOWLEDGE, IS RENARDO RELATED TO JAMIE OR
3 TAVARES OR MICHAEL ROBERTSON?

4 A YES SIR.

5 Q DO YOU KNOW HOW THEY'RE RELATED?

6 A THEY'RE BROTHERS.

7 Q AND THE FIRST TIME YOU WENT THERE, THERE WAS A, YOU
8 ARGUED BECAUSE HE WAS SPREADING RUMORS ABOUT YOU?

9 A YES, RENARDO.

10 Q THAT'S A LOT OF DRAMA. I MEAN, THAT'S A LOT OF DRAMA. I
11 MEAN, THAT'S A HORRIBLE RUMOR TO SPREAD ABOUT SOMEBODY.

12 A UH-HUH.

13 Q WAS THAT COMMON TO HAVE DRAMA LIKE THAT GOING ON?

14 A WITH ME OR WITH...?

15 Q WITH THEM?

16 A YEAH.

17 Q OKAY. YOU DIDN'T SEE ANYBODY COMMIT ANY CRIMINAL ACTS
18 THAT NIGHT, DID YOU?

19 A NO SIR.

20 Q AND YOU DON'T KNOW ANYTHING ABOUT WHO DID WHAT TO
21 WHOM?

22 A NO SIR.

23 Q THANK YOU FOR COMING.

24 MR. HEMLEPP: THANK YOU, YOUR HONOR.

25 THE COURT: ANYTHING FURTHER?

1 MR. BARFIELD: NOTHING FURTHER FROM THIS WITNESS, YOUR
2 HONOR.

3 THE COURT: YOU MAY STEP DOWN.

4 MR. BARFIELD: YOUR HONOR, AGAIN, I WILL SAY THIS EACH
5 TIME. WE WOULD ASK THAT SHE BE EXCUSED TO LEAVE THE
6 COURTHOUSE, BUT NOT RELEASED FROM THE SUBPOENA SHOULD
7 SOME NEED ARRIVE FOR US TO CALL HER AND HAVE HER COME BACK.

8 THE COURT: ALL RIGHT. ALL WITNESSES ARE EXCUSED ONCE
9 THEY LEAVE THE WITNESS STAND. THEY ARE ALL SUBJECT TO BEING
10 RECALLED. NONE OF THEM ARE RELEASED FROM THEIR SUBPOENAS
11 UNLESS RELEASED BY THE COURT. THAT COVERS EVERYBODY.

12 MR. BARFIELD: THANK YOU, JUDGE.

13 THE COURT: ALL RIGHT.

14 MR. BARFIELD: THE STATE CALLS MARY ELIZABETH YOUNG.

15 MARY ELIZABETH YOUNG, DULY
16 SWORN, TESTIFIED AS FOLLOWS:

17 CLERK OF COURT: PLEASE STATE YOUR NAME.

18 A MARY ELIZABETH YOUNG.

19 DIRECT EXAMINATION BY MR. BARFIELD:

20 Q DO YOU HAVE A NICKNAME?

21 A LA MARY.

22 Q LA MARY. DO YOU LIVE HERE IN FAIRFIELD COUNTY NOW?

23 A YES SIR.

24 Q HAVE YOU LIVED IN FAIRFIELD COUNTY ALL YOUR LIFE?

25 A YES SIR.

- 1 Q I'M GOING TO ASK YOU ABOUT A BUNCH OF PEOPLE TO SEE IF
2 YOU KNOW THEM. FIRST OF ALL, DO YOU KNOW LAJESKA
3 WILLINGHAM?
- 4 A YES.
- 5 Q DO YOU KNOW LATISHA ELGIN, WHO IS NOW LATISHA FANT?
- 6 A YES.
- 7 Q DO YOU KNOW DAVID GOINS NOW?
- 8 A I KNOW WHO HE IS.
- 9 Q DID YOU KNOW DAVID GOINS BACK IN MAY OF 2005?
- 10 A NOT REALLY, NO.
- 11 Q WELL, I GUESS MY QUESTION IS: IF YOU SAW HIM, DID YOU
12 KNOW THAT WAS DAVID GOINS?
- 13 A YES.
- 14 Q WERE Y'ALL FRIENDS?
- 15 A NO.
- 16 Q DID YOU KNOW HE WAS BOYFRIEND WITH LATISHA ELGIN?
- 17 A YES.
- 18 Q DID YOU KNOW-- AND ALL THESE QUESTIONS I'M ASKING YOU
19 ABOUT NOW ARE BACK IN JUNE OF 2005. DID YOU KNOW TAVARES
20 HARSEY?
- 21 A YES.
- 22 Q HOW DO YOU KNOW TAVARES HARSEY?
- 23 A I HAVE KIDS BY HIM.
- 24 Q BACK IN JUNE OF 2005, WERE Y'ALL AN ACTIVE, HOT NUMBER,
25 BOYFRIEND AND GIRLFRIEND ACTIVELY THEN?

- 1 A YES.
- 2 Q ARE YOU NOW?
- 3 A NO, NOT NOW.
- 4 Q DID YOU KNOW RENARDO WOOD?
- 5 A YES.
- 6 Q DID YOU KNOW A GUY NAMED FLEMING ALEXANDER
- 7 ANDERSON, JR.?
- 8 A NOT AS THAT NAME.
- 9 Q DID YOU KNOW ANYBODY WITH THE NICKNAME, BOOSEY?
- 10 A I DID KNOW A GUY GO BY THAT.
- 11 Q DID YOU KNOW NICHOLAS McGOOGAN?
- 12 A YES, I THINK.
- 13 Q DID YOU KNOW A GUY NAMED CHRISTOPHER KAUFFIN?
- 14 A NOT REALLY, NO.
- 15 Q THAT'S FINE. BEFORE JUNE 30 OF 2005, DID YOU LIVE AT A
- 16 DIFFERENT ADDRESS?
- 17 A YEAH, [REDACTED].
- 18 Q IS THAT IN WINNSBORO?
- 19 A YES.
- 20 Q DID YOU MOVE SOMETIME SHORTLY BEFORE JUNE 30, 2005?
- 21 A YES.
- 22 Q WHERE'D YOU MOVE TO?
- 23 A I WAS ON [REDACTED], AND I MOVED TO [REDACTED].
- 24 Q AND WHEN YOU MOVED-- WELL, LET ME BACK UP. ON JUNE 30,
- 25 WERE YOU LIVING ON [REDACTED]?

- 1 A YEAH.
- 2 Q WHERE WERE YOU LIVING BEFORE THAT?
- 3 A ON [REDACTED].
- 4 Q WHEN YOU MOVED TO [REDACTED] WHAT KIND OF BUILDING
- 5 DID YOU MOVE TO?
- 6 A A DUPLEX.
- 7 Q WHO LIVED IN THE OTHER SIDE OF YOUR DUPLEX?
- 8 A DAVID AND LATISHA.
- 9 Q IS THAT HOW YOU WOULD KNOW WHO DAVID WAS, BY SEEING
- 10 HIM OVER THERE?
- 11 A YEAH.
- 12 Q WERE YOU AT YOUR HOUSE SOMETIME IN THE AFTERNOON OF
- 13 JUNE 30, 2005?
- 14 A YES.
- 15 Q DID YOU AT SOME POINT THAT DAY GO OVER TO-- DID YOU
- 16 KNOW MICHAEL ROBERTSON?
- 17 A YES.
- 18 Q DID YOU KNOW JAMIE ROBERTSON?
- 19 A YES.
- 20 Q ARE THEY IN TO YOUR BOYFRIEND, TAVARES?
- 21 A YES.
- 22 Q DID YOU AT SOME POINT THAT DAY GO OVER TO MICHAEL
- 23 ROBERTSON'S HOUSE?
- 24 A YES.
- 25 Q WHO WERE YOU OVER THERE WITH?

- 1 A LAJESKA AND LATISHA.
- 2 Q WILLINGHAM?
- 3 A UH-HUH.
- 4 Q YOU GOT TO SAY, YES OR NO.
- 5 A YES.
- 6 Q DON'T TELL ME WHAT ANYBODY SAID, BUT WAS THERE SOME
- 7 ARGUING GOING ON OVER YONDER AT MICHAEL'S HOUSE THAT
- 8 AFTERNOON?
- 9 A YES.
- 10 Q WHO WAS THE ARGUING BETWEEN?
- 11 A LAJESKA AND RENARDO.
- 12 Q WAS MICHAEL THERE?
- 13 A YES.
- 14 Q DID HE RUN Y'ALL OFF, SORT OF?
- 15 A YES.
- 16 Q DID Y'ALL GO, EVENTUALLY GO BACK TO YOUR HOUSE, WHICH
- 17 IS NEXT DOOR TO LATISHA'S HOUSE?
- 18 A YES.
- 19 Q WAS LAJESKA WITH YOU WITH YOU WHEN YOU WENT BACK
- 20 THERE?
- 21 A YES.
- 22 Q WAS LATISHA OVER THERE?
- 23 A YES.
- 24 Q I'M NOT ASKING YOU TO QUOTE A CONVERSATION. BUT DID
- 25 YOU HEAR LAJESKA HAVE SOME CONVERSATION THAT AFTERNOON

1 WITH LATISHA ELGIN ABOUT THINGS THAT HAD BEEN GOING ON OVER
2 AT MICHAEL'S HOUSE?

3 A YES.

4 Q NOT WHAT SHE SAID.

5 A NO.

6 Q DID DAVID GOINS COME HOME, COME OVER SOME TIME THAT
7 EVENING OR THAT NIGHT?

8 A YES.

9 Q WAS IT DAYLIGHT OR DARK WHEN DAVID GOINS CAME OVER
10 THERE?

11 A GETTING DARK.

12 Q DON'T QUOTE CONVERSATIONS. DID YOU SEE DAVID HAVE A
13 CONVERSATION? WERE YOU PRESENT WHEN DAVID GOINS HAD
14 CONVERSATIONS WITH PEOPLE OUT AND ABOUT AT YOUR DUPLEX?

15 A YES.

16 Q WHO WAS HE TALKING TO?

17 A HIS GIRLFRIEND.

18 Q LATISHA?

19 A YES.

20 Q HOW WAS DAVID TRAVELING THAT AFTERNOON, THAT
21 EVENING, THAT NIGHT?

22 A IN A BURGUNDY CAR.

23 Q DID YOU KNOW WHOSE CAR IT WAS?

24 A LATISHA'S.

25 Q DID YOU HEAR DAVID SAY ANYTHING TO LATISHA?

- 1 A I HEARD HIM ASK FOR A KEY.
- 2 Q DID SHE GIVE HIM A KEY?
- 3 A YES.
- 4 Q DON'T QUOTE LATISHA. I'M NOT ASKING YOU WHAT LATISHA
- 5 SAID. DID YOU HEAR DAVID SAY ANYTHING ELSE?
- 6 A NO.
- 7 Q ABOUT WHAT TIME WAS THAT, WHEN DAVID GOT A KEY FROM
- 8 LATISHA?
- 9 A I DON'T KNOW, SHORTLY AFTER HE GOT THERE.
- 10 Q WAS IT NIGHTTIME?
- 11 A YES.
- 12 Q DO YOU KNOW WHAT THE KEY WAS FOR? THAT'S A YES OR NO,
- 13 FIRST.
- 14 A YES.
- 15 Q DO YOU KNOW BECAUSE OF SOMETHING DAVID SAID OR
- 16 BECAUSE OF WHAT SOMEBODY ELSE SAID?
- 17 A SOMEBODY ELSE.
- 18 Q ALL RIGHT. DID DAVID LEAVE?
- 19 A YES.
- 20 Q WHAT DID HE LEAVE IN?
- 21 A THE BURGUNDY CAR.
- 22 Q DID HE SAY WHERE HE WAS GOING?
- 23 A NOT TO ME.
- 24 Q DID HE LEAVE IN THE CAR BY HIMSELF IN THE CAR?
- 25 A HE DID.

- 1 Q WAS ANYBODY ELSE OVER THERE? DID ANYBODY ELSE COME
2 OVER WHILE DAVID WAS THERE OR RIGHT AFTER LEFT, OR WHILE HE
3 WAS THERE?
- 4 A BOOSEY AND CHRIS COME OVER THERE.
- 5 Q BOOSEY, IS THAT ANDERSON?
- 6 A I GUESS. I DON'T KNOW THAT NAME.
- 7 Q SOMEBODY YOU KNOW AS BOOSEY?
- 8 A YES.
- 9 Q AND YOU SAY CHRIS IS?
- 10 A A GUY DRIVING A WHITE TRUCK.
- 11 Q WHAT IS HIS CONNECTION WITH ANYBODY?
- 12 A HE AND BOOSEY FRIENDS WITH DAVID.
- 13 Q AND THEY WERE IN A WHITE TRUCK?
- 14 A YEAH. THEY WAS IN A TRUCK AND THEY LEFT WITH THE CAR.
- 15 Q THEY ALL LEFT, ONE BEHIND THE OTHER?
- 16 A YEAH. DAVID LEFT FIRST AND THEN THEM.
- 17 Q DID YOU SEE DAVID GOINS ANY MORE AT THAT TIME?
- 18 A NO.
- 19 Q DID YOU SEE BOOSEY OR CHRIS ANYMORE AT THAT TIME,
20 EITHER ONE OF THEM?
- 21 A YES. THEY---
- 22 Q DON'T QUOTE ANYBODY. WHO DID YOU SEE?
- 23 A I REMEMBER CHRIS.
- 24 Q WHERE DID YOU SEE CHRIS?
- 25 A IN A WHITE TRUCK. HE HAD COME BACK AND SAID THAT---

- 1 Q HOLD ON, HOLD ON. DON'T QUOTE HIM. YOU CAN'T SAY WHAT
2 HE SAID. HE CAME BACK TO WHERE?
- 3 A IN FRONT OF MY HOUSE.
- 4 Q YOUR HOUSE?
- 5 A UH-HUH.
- 6 Q YOU GOT TO SAY YES OR NO.
- 7 A YES.
- 8 Q WAS HE DRIVING THE WHITE TRUCK?
- 9 A YES.
- 10 Q DON'T QUOTE HIM. DON'T TELL WHAT HE SAID. BUT DID HE
11 HAVE A CONVERSATION WITH SOMEBODY?
- 12 A YES.
- 13 Q DID HE STAY THERE OR DID HE LEAVE?
- 14 A HE LEFT.
- 15 Q DID TISHA STAY THERE OR DID SHE LEAVE?
- 16 A SHE LEFT.
- 17 Q HOW DID SHE GET HERSELF AWAY?
- 18 A I'M NOT SURE.
- 19 Q DID TISHA HAVE CHILDREN LIVING OVER THERE WITH HER?
- 20 A YES.
- 21 Q DO YOU KNOW HOW MANY?
- 22 A TWO.
- 23 Q DID THE CHILDREN GO WHEN TISHA LEFT?
- 24 A YES.

1 Q HAD MICHAEL ROBERTSON BEEN TO YOUR HOUSE ANY TIME
2 THAT DAY?

3 A YES.

4 Q WHY DID HE COME TO YOUR HOUSE?

5 A HE ASKED ME FOR A CAR.

6 Q EXPLAIN WHAT THE DEAL WAS WITH THE CAR. DID YOU HAVE A
7 CAR?

8 A YES.

9 Q WAS IT A CAR THAT WAS WORKING?

10 A NO. I HAD TOLD MICHAEL THAT I WANTED HIM TO COME AND
11 MOVE IT TO [REDACTED].

12 Q WHERE WAS YOUR CAR BEFORE MICHAEL CAME TO MOVE IT?

13 A ON [REDACTED].

14 Q WHERE YOU USED TO LIVE?

15 A UH-HUH.

16 Q YOU GOT TO SAY YES OR NO.

17 A YES.

18 Q WHERE WAS MICHAEL GOING TO MOVE YOUR CAR TO?

19 A HE WAS SUPPOSED TO MOVE IT TO [REDACTED] TO WHERE I
20 MOVE.

21 Q TO WHERE YOUR NEW PLACE?

22 A UH-HUH.

23 MR. BARFIELD: BEG THE COURT'S INDULGENCE.

24 (PAUSE)

25 Q DID IT EVER GET MOVED?

1 A NO.

2 Q THANK YOU, MA'AM. ANSWER ANYTHING MR. HEMLEPP MIGHT
3 WANT TO ASK YOU.

4 MR. HEMLEPP: MAY IT PLEASE THE COURT.

5 THE COURT: YES SIR.

6 CROSS EXAMINATION BY MR. HEMLEPP:

7 Q MS. YOUNG, DID YOU SEE ANYBODY ON THAT DAY COMMIT ANY
8 CRIMINAL ACT?

9 A NO.

10 Q DID YOU SEE ANYBODY INJURE ANY OTHER PERSON?

11 A NO.

12 Q OKAY. THANK YOU.

13 A NO.

14 MR. HEMLEPP: THANK YOU, YOUR HONOR.

15 MR. BARFIELD: THAT'S ALL OF THIS WITNESS.

16 THE COURT: THANK YOU, MA'AM. YOU MAY STEP DOWN.

17 MS. BARFIELD: MS. YOUNG, MAY LEAVE THE COURT HOUSE,
18 BUT YOU ARE STILL UNDER SUBPOENA. SO, DON'T LEAVE TOWN. WE
19 MIGHT NEED TO CALL YOU BACK.

20 A OKAY.

21 MR. BARFIELD: THANK YOU.

22 THE COURT: CALL YOUR NEXT WITNESS.

23 MR. BARFIELD: THE STATE CALLS LATISHA FANT.

24

25

LATISHA FANT - DIRECT EXAMINATION BY MR. BARFIELD

159

1 LATISHA FANT, DULY SWORN, TESTIFIED AS

2 FOLLOWS:

3 CLERK OF COURT: PLEASE STATE YOUR NAME.

4 A LATISHA FANT.

5 DIRECT EXAMINATION BY MR. BARFIELD:

6 Q MS. FANT, DO YOU CURRENTLY LIVE IN FAIRFIELD COUNTY?

7 A YES.

8 Q DID YOUR NAME USED TO BE LATISHA ELGIN?

9 A YES.

10 Q DO YOU KNOW DAVID ALLEN GOINS?

11 A YES.

12 Q DO YOU SEE HIM IN THE COURTROOM TODAY?

13 A YES.

14 Q WHERE'S HE SITTING? WHAT'S HE WEARING?

15 A OVER THERE WITH THAT LIGHT SWEATER ON.

16 Q WHAT IS YOUR CONNECTION WITH DAVID ALLEN GOINS?

17 A HE USED TO BE MY BOYFRIEND.

18 Q ARE Y'ALL CURRENTLY ROMANTICALLY INVOLVED?

19 A NO.

20 Q WERE Y'ALL ROMANTICALLY INVOLVED FOR SOME PERIOD OF
21 TIME, INCLUDING JUNE 30, 2005?

22 A YES.

23 Q HOW LONG HAD Y'ALL BEEN IN A RELATIONSHIP BEFORE JUNE
24 30, 2005, APPROXIMATELY?

25 A ABOUT EIGHTEEN MONTHS.

- 1 Q HOW LONG DID YOUR RELATIONSHIP CONTINUE AFTER JUNE 30,
2 2005?
- 3 A WELL, HE WAS LOCKED UP.
- 4 Q WHEN DID Y'ALL BREAKUP? WHEN DID Y'ALL QUIT BEING
5 GIRLFRIEND AND BOYFRIEND?
- 6 A I THINK MARCH OR APRIL OF '06.
- 7 Q HOW OLD IS YOUR CHILD?
- 8 A THREE.
- 9 Q WHEN THIS ALL OCCURRED, WERE YOU EXPECTING A CHILD OR
10 DID YOU HAVE THE CHILD WITH DAVID?
- 11 A I HAD THE CHILD.
- 12 Q WERE YOU AND DAVID LIVING TOGETHER ON JUNE 30, 2005?
- 13 A I FORGOT THE NAME OF THE STREET, OVER BY THE BASEBALL
14 PARK.
- 15 Q WAS IT [REDACTED]?
- 16 A YES.
- 17 Q WHAT KIND OF STRUCTURE WAS IT THAT YOU WERE LIVING IN?
- 18 A A DUPLEX.
- 19 Q WHO LIVED IN THE OTHER SIDE OF THE DUPLEX?
- 20 A MARY YOUNG.
- 21 Q WERE YOU AND MARY FRIENDS?
- 22 A WE WASN'T REAL FRIENDS, BUT I GUESS WE WAS BECAUSE HE
23 WAS HANGING OUT WITH HER BOYFRIEND.
- 24 Q HE BEING?
- 25 A DAVID.

- 1 Q WAS HANGING OUT WITH MARY'S BOYFRIEND?
- 2 A YES.
- 3 Q WHO WAS?
- 4 A TAVARES.
- 5 Q TAVARES HARSEY?
- 6 A YES.
- 7 Q YOUR SISTER, LAJESKA WILLINGHAM, WAS SHE A FRIEND OF
- 8 MARY'S?
- 9 A WELL, SHE WAS A FRIEND, YOU KNOW, WE TALKED.
- 10 Q DID YOU SEE-- SOMETIME ON THE AFTERNOON OR EVENING OF
- 11 JUNE 30, 2005, DO YOU RECALL TALKING TO YOUR SISTER, LAJESKA,
- 12 ABOUT DAVID GOINS?
- 13 A YES.
- 14 Q YOU AND WHO?
- 15 A ME AND MY SISTER.
- 16 Q AT YOUR HOUSE?
- 17 A YES.
- 18 Q THIS IS A YES OR NO, FIRST. DID LAJESKA TELL YOU ABOUT
- 19 DAVID AND SOME OTHER GIRL? THAT'S A YES OR NO AT THIS POINT.
- 20 A NO, IT WAS NARDO.
- 21 Q THAT'S FINE. DID YOU AT SOME POINT THAT-- WELL, WHO IS
- 22 THE GIRL WE'RE TALKING ABOUT, THE OTHER GIRL?
- 23 A VICKY COLE.
- 24 Q DID YOU KNOW VICKY COLE?
- 25 A YES.

1 Q WHEN YOU SAY NARDO, ARE YOU TALKING ABOUT RENARDO
2 WOOD?

3 A YES.

4 Q DON'T TELL ME WHAT RENARDO WOOD SAID. BUT WHEN DID
5 YOU AND RENARDO WOOD HAVE A CONVERSATION ABOUT VICKY
6 COLE?

7 A THAT EVENING.

8 Q WHERE DID THAT OCCUR?

9 A AT OUR HOUSE.

10 Q AT SOME POINT THAT EVENING DID YOU SEE DAVID GOINS OVER
11 AT YOUR HOUSE, OR AT THE DUPLEX?

12 A YES.

13 Q DID YOU CONFRONT DAVID ABOUT HIM AND VICKY COLE?

14 A YES.

15 Q HOW DID THAT HAPPEN? DESCRIBE THE CONVERSATION
16 BETWEEN YOU AND DAVID ABOUT VICKY COLE.

17 A I TOLD HIM WHAT NARDO TOLD ME ABOUT HIM GOING OVER TO
18 SEE VICKY.

19 Q AND DAVID SAID WHAT?

20 A I TOLD HIM-- I TOLD DAVID THAT NARDO TOLD ME THAT HE
21 BEEN GOING OVER TO SEE VICKY.

22 Q DID DAVID RESPOND TO THAT?

23 A HE SAID THAT AIN'T TRUE.

24 Q ABOUT WHAT TIME OF THE DAY OR NIGHT WAS IT THAT YOU
25 AND DAVID GOINS HAD THAT CONVERSATION?

- 1 A IT WAS NIGHT.
- 2 Q DARK?
- 3 A NO, IT WASN'T DARK. IT WAS AFTER HE GOT OFF OF WORK, SO I
- 4 THINK IT WAS SOME TIME AFTER SEVEN O'CLOCK THAT NIGHT.
- 5 Q OKAY.
- 6 A I DON'T KNOW IF IT WAS DARK YET OR NOT.
- 7 Q SOME TIME AFTER SEVEN O'CLOCK?
- 8 A YES.
- 9 Q WERE YOU UPSET?
- 10 A YES, I WAS UPSET.
- 11 Q DID DAVID AT SOME POINT LEAVE THE DUPLEX?
- 12 A YES, HE DID.
- 13 Q LET ME ASK YOU A COUPLE OF QUESTIONS ABOUT AN
- 14 AUTOMOBILE. DID YOU HAVE AN AUTOMOBILE THAT WAS TITLED IN
- 15 YOUR NAME?
- 16 A YES.
- 17 Q WHAT KIND OF CAR WAS IT?
- 18 A IT WAS A CAPRICE.
- 19 Q WHAT COLOR WAS IT?
- 20 A BURGUNDY.
- 21 Q WHO DROVE IT MOST OF THE TIME?
- 22 A DAVID.
- 23 Q DID YOU BUY IT FROM DAVID?
- 24 A YES.

- 1 Q WAS THE CAR OVER THERE WHEN YOU AND DAVID HAD THIS
2 CONVERSATION ABOUT VICKY COLE?
- 3 A WAS IT OVER?
- 4 Q AT YOUR DUPLEX?
- 5 A YES.
- 6 Q DID HE LEAVE AT SOME POINT THAT EVENING?
- 7 A YOU KNOW, HE WENT OUT, YES.
- 8 Q DID HE LEAVE BY HIMSELF OR DID HE LEAVE WITH ANYBODY
9 RIDING WITH HIM? AFTER Y'ALL HAD THE CONVERSATION ABOUT
10 VICKY COLE.
- 11 A HIM AND FLEMING ANDERSON, THEY WERE RIDING TOGETHER.
- 12 Q DOES FLEMING ANDERSON HAVE A NICKNAME?
- 13 A BOOSEY.
- 14 Q DO YOU KNOW WHO CHRISTOPHER KAUFFIN IS?
- 15 A YES.
- 16 Q WHO IS HE?
- 17 A DAVID'S BROTHER.
- 18 Q DID YOU SEE CHRIS KAUFFIN ANY TIME THAT NIGHT?
- 19 A YES, I DID.
- 20 Q WHERE WAS HE AND WHAT WAS HE TRAVELING IN?
- 21 A HE HAD A-- WELL, ALL OF THEM WAS RIDING TOGETHER. BUT
22 HE HAVE A WHITE TRUCK.
- 23 Q KAUFFIN HAD A WHITE TRUCK?
- 24 A YES.

1 Q HOW LONG AFTER YOU AND DAVID GOINS HAVE THE
2 CONVERSATION ABOUT VICKY COLE DID HE LEAVE THAT EVENING,
3 THAT NIGHT?

4 A THAT WAS, LIKE, A HOUR LATER.

5 Q DID HE AT ANY POINT ASK YOU FOR ANYTHING OR GET
6 ANYTHING FROM YOU?

7 A HE ASKED ME FOR MONEY.

8 Q DID YOU GIVE HIM MONEY?

9 A YES, THAT'S WHAT I ALWAYS GIVE HIM.

10 Q HOW LONG HAD YOU AND DAVID LIVED IN THE DUPLEX?

11 A I THINK, LIKE, MAYBE A MONTH.

12 Q WHERE DID Y'ALL LIVE BEFORE THAT?

13 A I STAYED AT [REDACTED].

14 Q BY YOURSELF OR WITH DAVID?

15 A WITH DAVID.

16 Q DID Y'ALL STILL HAVE ACCESS TO THAT APARTMENT?

17 A NO, I DIDN'T.

18 Q WHEN DAVID LEFT-- AT SOME POINT DID CHRIS KAUFFIN'S
19 WHITE TRUCK LEAVE THERE?

20 A I DON'T KNOW WHEN.

21 Q DID YOU SEE DAVID GOINS AGAIN THAT NIGHT?

22 A YES, AFTER HE RODE-- WELL, HE CAME BACK AND HE ASKED
23 FOR MONEY AND HE LEFT. AFTER THAT, I DIDN'T SEE HIM NO MORE
24 THAT NIGHT.

1 Q THAT'S WHAT I WANT TO ASK YOU ABOUT. DAVID ASKED YOU
2 FOR MONEY AND HE LEFT?

3 A YES.

4 Q WERE ANDERSON AND KAUFFIN THERE WHEN DAVID CAME AND
5 GOT THE MONEY FROM YOU?

6 A WHEN HE GOT THE MONEY FROM ME, ANDERSON WAS AT THE
7 HOUSE.

8 Q AFTER HE LEFT WITH THE MONEY, DID YOU SEE ANY MORE
9 THAT NIGHT?

10 A NO.

11 Q DID YOU LEAVE-- LET ME BACK UP. DID YOU FIND OUT THAT
12 SOMETHING HAD HAPPENED? DO YOU-- DID YOU KNOW MICHAEL
13 ROBERTSON?

14 A YES.

15 Q DID YOU KNOW JAMIE ROBERTSON?

16 A YES.

17 Q DID YOU FIND OUT THAT SOMETHING HAD HAPPENED TO HIM,
18 TO THEM THAT NIGHT OVER AT MICHAEL'S DUPLEX?

19 A WELL, HE HAD-- I ASKED MY SISTER TO TAKE ME TO GO TO
20 DAVID SISTER'S HOUSE.

21 Q YOUR SISTER, LAJESKA?

22 A YES. SO, WE GOT IN HER CAR---

23 Q TO GO WHERE?

24 A TO DAVID SISTER'S HOUSE.

25 Q WHO IS DAVID'S SISTER?

- 1 A AKEELAH GOINS.
- 2 Q AND SHE HAS A NICKNAME?
- 3 A GEE-GEE.
- 4 Q AND SHE LIVES WHERE?
- 5 A AT WINNFELD WEST.
- 6 Q AND Y'ALL WERE GONNA GO TO GEE-GEE'S?
- 7 A YES.
- 8 Q ON THE WAY DID YOU FIND OUT SOMETHING WAS GOING ON?
- 9 A ON THE WAY WE SEEN THE CAR PARKED OVER AT MICHAEL
- 10 ROBERTSON'S HOUSE.
- 11 Q WHOSE CAR?
- 12 A DAVID'S.
- 13 Q THE BURGUNDY CAPRICE?
- 14 A YES.
- 15 Q COULD YOU TELL IF ANYTHING WAS WRONG WITH IT?
- 16 A NO, NOT AT THAT TIME.
- 17 Q WERE THE POLICE THERE WHEN YOU SAW THE PARKED AT
- 18 DAVID'S---
- 19 A NO.
- 20 Q ---AT MICHAEL'S?
- 21 A NO.
- 22 Q HOW DID YOU FIND OUT SOMETHING HAD HAPPENED? HOW
- 23 MANY TIMES DID Y'ALL GO TO GEE-GEE'S THAT NIGHT?
- 24 A ONE TIME, I THINK. I THINK ONE TIME.
- 25 Q HOW DID YOU FIND OUT SOMETHING HAD HAPPENED?

1 A WHEN WE CAME BACK THROUGH WE SEEN THE POLICE OUT
2 THERE TAPING OFF THE YARD.

3 Q WAS THE CAR THERE? DID YOU SEE THE CAR AT THAT POINT?

4 A YES, IT WAS THERE.

5 Q COULD YOU TELL ANYTHING ABOUT THE CAR WHEN YOU SAW
6 IT?

7 A NO, BECAUSE IT WAS, LIKE, THE WAY THE CAR WAS PARKED WE
8 COULDN'T SEE ANYTHING.

9 Q DID YOU TALK TO THE POLICE ANY TIME THAT NIGHT?

10 A YEAH, LATER ON THAT NIGHT WHEN THEY PULLED ME OVER.

11 Q WERE THEY LOOKING FOR SOMEBODY?

12 A YES, FOR DAVID.

13 Q WAS HE WITH YOU?

14 A NO, HE WAS NIGHT.

15 Q YOU DIDN'T SEE DAVID ANY MORE THAT NIGHT?

16 A NO, I DIDN'T.

17 Q DID YOU SEE EITHER FLEMING ANDERSON OR CHRIS KAUFFIN
18 ANY MORE THAT NIGHT SOMEWHERE?

19 A NO.

20 Q DID YOU END UP BACK UP AT YOUR DUPLEX THAT NIGHT AT
21 SOME POINT?

22 A NO, I DIDN'T GO BACK OVER THERE.

23 Q WHERE DID YOU GO?

24 A I WENT TO MY MAMA'S HOUSE.

25 Q FROM YOUR MAMA'S HOUSE DID YOU GO SOMEWHERE ELSE?

- 1 A YEAH, MY COUSIN SENT ME TO A MOTEL.
- 2 Q ALL RIGHT. I'M GOING TO SHOW YOU-- WHO IS YOUR COUSIN?
- 3 A EDNA ELGIN.
- 4 Q WHERE DOES SHE LIVE? WHERE DID SHE LIVE THEN? IN
- 5 WINNSBORO, DOWN TOWARDS RIDGEWAY OR WHERE?
- 6 A SHE STAY IN WINNSBORO.
- 7 Q I'M GOING TO SHOW YOU THIS AND ASK YOU IF YOU CAN
- 8 IDENTIFY THIS PIECE OF PAPER. TAKE A LOOK AT IT, THE DATES ON IT,
- 9 THE NAMES ON IT, AND TELL ME IF YOU CAN IDENTIFY IT.
- 10 A YES, IT'S A RECEIPT.
- 11 Q IT'S A RECEIPT, IN WHOSE NAME, FIRST OF ALL?
- 12 A EDNA ELGIN.
- 13 Q YOUR COUSIN?
- 14 A YES.
- 15 Q IT'S A RECEIPT FROM WHAT BUSINESS?
- 16 A DAYS INN.
- 17 Q THE DAYS INN IS WHERE?
- 18 A IN COLUMBIA.
- 19 Q FOR A MOTEL ROOM?
- 20 A YEAH.
- 21 Q IS THAT WHAT YOU'RE REFERRING TO WHEN YOU SAY YOUR
- 22 SISTER RENTED YOU A MOTEL ROOM?
- 23 A MY COUSIN.
- 24 Q YOUR COUSIN. I'M SORRY.
- 25 A YES.

LATISHA FANT - DIRECT EXAMINATION BY MR. BARFIELD

1 Q WHAT DATE WAS THAT ROOM RENTED?

2 A JULY 1.

3 Q OF 2005?

4 A YES.

5 Q DID YOU GO TO THAT MOTEL AND STAY AT THAT MOTEL?

6 A YES.

7 Q DO YOU REMEMBER HOW LONG YOU STAYED AT THAT MOTEL?

8 A NOT REALLY.

9 MR. BARFIELD: BEG THE COURT'S INDULGENCE.

10 (PAUSE)

11 Q WE'LL COME BACK TO THE RECEIPT IN JUST A MINUTE. WHEN

12 DID YOU NEXT SEE DAVID GOINS?

13 A DAVID DIDN'T COME BACK.

14 Q DID HE EVER COME STAY AT THE MOTEL WITH YOU?

15 A NO, HE DID NOT.

16 Q SO, YOU DIDN'T SEE HIM AT ALL?

17 A NO, I DIDN'T.

18 Q TILL HE GOT ARRESTED?

19 A YEAH, HE WAS ARRESTED.

20 MR. HEMLEPP: THAT'S NOT RESPONSIVE.

21 Q WHEN YOU MEANT TO THE MOTEL, DID YOU TAKE YOUR

22 CHILDREN WITH YOU?

23 A YEAH, I DID.

24 MR. BARFIELD: YOUR HONOR, I WOULD SUBMIT AS STATE'S

25 EXHIBIT NUMBER ONE THE DOCUMENT WHICH IS THE COPY THAT THE

1 WITNESS IDENTIFIED AS THE MOTEL RECEIPT IN THE NAME OF HER
2 COUSIN FOR THE DAYS INN FOR HER ROOM.

3 MR. HEMLEPP: BEG THE COURT'S INDULGENCE.

4 (PAUSE)

5 MR. BARFIELD: DO YOU OBJECT?

6 MR. HEMLEPP: NO.

7 MR. BARFIELD: I MEAN, RIGHT NOW, DO YOU OBJECT TO IT
8 GOING INTO EVIDENCE?

9 MR. HEMLEPP: NO.

10 THE COURT: ADMITTED WITHOUT OBJECTION.

11 (WHEREUPON STATE'S EXHIBIT NUMBER ONE WAS ADMITTED INTO
12 EVIDENCE WITHOUT OBJECTION)

13 Q THANK YOU, MS. FANT. PLEASE ANSWER ANY QUESTIONS MR.
14 HEMLEPP HAS FOR YOU.

15 MR. HEMLEPP: MAY IT PLEASE THE COURT.

16 THE COURT: YES SIR.

17 CROSS EXAMINATION BY R. HEMLEPP:

18 Q IS IT MS. FANT?

19 A YES.

20 Q MS. FANT, ON THAT DAY, DID YOU SEE ANYBODY COMMIT ANY
21 CRIMINAL ACT?

22 A NO, I DIDN'T.

23 Q DID YOU SEE ANYBODY HURT ANYBODY ELSE?

24 A NO, I DIDN'T.

- 1 Q YOU HAD GONE TO MIKE ROBERTSON'S HOUSE, AND YOU SAW
2 THE CAR, AND YOU SAW THE POLICE CARS. IS THAT RIGHT?
- 3 A WELL, THE FIRST TIME WE CAME, WE SAW THE CAR. AND WE
4 CAME BACK AND SEEN THE POLICE TAPING OFF THE SCENE.
- 5 Q SO, YOU BECAME AWARE THAT SOMETHING HAPPENED?
- 6 A YES.
- 7 Q THAT'S WHEN YOU-- HOW MANY CHILDREN DID YOU HAVE AT
8 THE TIME?
- 9 A AT THE TIME, I HAD THREE.
- 10 Q YOU HAD THREE CHILDREN? AND DID ALL THREE CHILDREN GO
11 WITH YOU?
- 12 A YES.
- 13 Q HOW OLD ARE THEY?
- 14 A WELL, BACK THEN, THEY WAS BABIES.
- 15 Q IT MIGHT HELP IF YOU COULD TELL US HOW OLD THEY ARE
16 NOW.
- 17 A MY OLDEST, HE FIVE.
- 18 Q OKAY.
- 19 A MY GIRL, SHE FOUR.
- 20 Q OKAY.
- 21 A AND NOW, I HAVE A TWO-YEAR OLD.
- 22 Q SO, THAT'S NOW, AND THEY WOULD HAVE BEEN ABOUT FOUR A
23 HALF YEARS YOUNGER THEN?
- 24 A YES.

1 Q SO, YOU TOOK YOUR CHILDREN AND YOU LEFT AND WENT TO
2 YOUR MAMA'S?

3 A YES.

4 Q AND THEN YOU WENT TO A MOTEL?

5 A YES.

6 Q WHY?

7 A BECAUSE HE WAS THREATENING ME AND---

8 MR. BARFIELD: OBJECTION, HEARSAY.

9 Q YOU CAN'T TESTIFY TO WHAT ANYBODY TOLD YOU.

10 THE COURT: ANY RESPONSE TO THE OBJECTION?

11 MR. HEMLEPP: I AGREE, YOUR HONOR. I'LL REPHRASE THE
12 QUESTION.

13 THE COURT: THE JURY WILL DISREGARD THE RESPONSE.

14 Q YOU WENT TO COLUMBIA AND GOT A MOTEL ROOM. DID YOU
15 TAKE YOUR CHILDREN?

16 A YES, I DID.

17 Q WAS IT BECAUSE YOU WERE AFRAID?

18 A YES.

19 Q WERE YOU AFRAID OF DAVID?

20 A NO.

21 Q THANK YOU.

22 MR. HEMLEPP: I HAVE NO FURTHER QUESTIONS.

23 THE COURT: ANYTHING FURTHER?

24

25

EDNA MAE ELGIN - DIRECT EXAMINATION BY MR. BARFIELD

1 RE-DIRECT EXAMINATION BY MR. BARFIELD:

2 Q WHEN YOU-- BY THE TIME YOU LEFT TO GO TO COLUMBIA, DID
3 YOU KNOW THAT IT WAS, HAD BEEN SAID THAT DAVID HAD SHOT
4 MICHAEL AND JAMIE?

5 A YES.

6 Q THAT'S FINE. THANK YOU, MA'AM.

7 THE COURT: ANYTHING FURTHER?

8 MR. HEMLEPP: NOTHING, YOUR HONOR.

9 THE COURT: YOU MAY STEP DOWN.

10 MR. BARFIELD: WE CALL EDNA ELGIN AS THE STATE'S NEXT
11 WITNESS.

12 EDNA MAE ELGIN, DULY SWORN,
13 TESTIFIED AS FOLLOWS:

14 CLERK OF COURT: PLEASE STATE YOUR NAME.

15 A EDNA MAE ELGIN.

16 DIRECT EXAMINATION BY MR. BARFIELD:

17 Q MS. ELGIN, DO YOU NOW LIVE IN FAIRFIELD COUNTY?

18 A NO SIR.

19 Q DID YOU USED TO LIVE IN FAIRFIELD COUNTY?

20 A YES SIR.

21 Q DO YOU KNOW LATISHA ELGIN, NOW LATISHA FANT?

22 A YES SIR.

23 Q ARE Y'ALL RELATED?

24 A YES SIR, I'M HER COUSIN.

1 Q NOW, OTHER THAN STUFF YOU MIGHT HAVE HEARD FROM
2 OTHER PEOPLE, DO YOU KNOW ANYTHING ABOUT WHAT HAPPENED TO
3 MICHAEL AND JAMIE ROBERTSON ON JUNE 30, 2005, FROM BEING
4 THERE OR SEEING ANY OF IT YOURSELF?

5 A NO SIR.

6 Q WERE YOU LIVING IN WINNSBORO WHEN ALL THAT WENT
7 DOWN?

8 A YES SIR.

9 Q DID YOU FIND OUT SOMETIME THE DAY, THE NIGHT THAT IT
10 HAPPENED, OR THE NEXT MORNING, THAT SOMETHING HAD
11 HAPPENED?

12 A I FOUND OUT LATER ON THAT NIGHT.

13 Q DID LATISHA ELGIN COME TO YOU AT SOME POINT THAT NIGHT
14 OR EARLY THE NEXT MORNING?

15 A SHE CAME EARLY IN THE MORNING.

16 Q DID SHE HAVE THE KIDS WITH HER?

17 A YES SIR.

18 Q DID Y'ALL GO SOMEWHERE?

19 A YEAH. SHE ASKED ME WOULD I GET HER A ROOM IN COLUMBIA,
20 BECAUSE SHE WAS SAYING THAT HER BABY DADDY WAS IN TROUBLE.

21 Q THAT'S FINE. LISTEN TO THE QUESTION. DID SHE COME TO
22 YOUR HOUSE? THAT'S A YES OR NO.

23 A NO SIR.

24 Q DID SHE CALL?

25 A SHE CALLED ME.

- 1 Q DID Y'ALL MEET UP SOMEWHERE?
- 2 A I WENT AND GOT HER.
- 3 Q FROM HER DUPLEX OR FROM HER MAMA'S HOUSE?
- 4 A FROM HER MOTHER HOUSE.
- 5 Q DID YOU TAKE LATISHA ELGIN SOMEWHERE?
- 6 A YES SIR.
- 7 Q WHERE DID YOU TAKE HER?
- 8 A I TOOK HER TO THE MOTEL.
- 9 Q NOW, I'M GOING TO SHOW YOU WHAT HAS BEEN INTRODUCED
- 10 INTO EVIDENCE AS STATE'S EXHIBIT NUMBER ONE. I'M GOING TO ASK
- 11 YOU, IS THAT THE RECEIPT FOR THE MOTEL ROOM THAT YOU RENTED
- 12 FOR LATISHA ELGIN?
- 13 A YES SIR.
- 14 Q DID YOU STAY THERE WITH HER?
- 15 A NO SIR.
- 16 Q DID YOU SEE DAVID GOINS AT ANY TIME DURING ANY OF THIS?
- 17 A NO SIR.
- 18 Q THANK YOU, MA'AM. ANSWER ANYTHING MR. HEMLEPP ASKS
- 19 YOU.
- 20 MR. HEMLEPP: I HAVE NOTHING. THANK YOU, YOUR HONOR.
- 21 THE COURT: YOU MAY STEP DOWN.
- 22 MR. BARFIELD: YOU MAY LEAVE, BUT YOU'RE NOT BEING
- 23 RELEASED. YOU CAN STAY IN THE COURTROOM, OR YOU CAN LEAVE
- 24 THE COURTHOUSE. YOU'RE STILL UNDER SUBPOENA. IF ANYBODY
- 25 NEEDS YOU, WE'LL GIVE YOU A CALL.

1 THE COURT: AT THIS TIME, WE'LL TAKE OUR MORNING RECESS.
2 (WHEREUPON THE JURY EXITED THE COURTROOM AT 10:50 A.M. AND
3 THE COURT WAS IN RECESS)

4 COURT IN SESSION - 11:15 A.M.

5 THE COURT: BRING IN THE JURY.
6 (WHEREUPON THE JURY ENTERED THE COURTROOM)

7 MR. MAXWELL: YOUR HONOR, THE STATE CALLS TAVARES
8 ROBERTSON.

9 TAVARES ROBERTSON, DULY SWORN,
10 TESTIFIED AS FOLLOWS:

11 CLERK OF COURT: PLEASE STATE YOUR NAME FOR THE RECORD.

12 A TAVARES ROBERTSON.

13 DIRECT EXAMINATION BY MR. MAXWELL:

14 Q MR. ROBERTSON, SPELL YOUR FIRST NAME.

15 A T-A-V-A-R-E-S.

16 Q THANK YOU. I'M GOING TO ASK YOU IF YOU KNOW SOME
17 PEOPLE AND HOW YOU KNOW THEM AND IF YOU'RE KIN TO THEM OR
18 NOT.

19 DO YOU KNOW MICHAEL ROBERTSON?

20 A YES SIR.

21 Q ARE YOU KIN TO MICHAEL ROBERTSON?

22 A YES SIR.

23 Q HOW ARE YOU KIN TO MICHAEL ROBERTSON?

24 A THAT'S MY UNCLE.

25 Q IS THAT YOUR MOTHER'S BROTHER?

- 1 A YES SIR.
- 2 Q ARE YOU KIN TO OR DO YOU KNOW JAMIE ROBERTSON?
- 3 A YES SIR.
- 4 Q HOW ARE YOU KIN TO HIM, OR HOW DO YOU KNOW HIM?
- 5 A JAMIE IS MY FIRST COUSIN.
- 6 Q DO YOU KNOW RENARDO WOOD?
- 7 A THAT'S MY COUSIN, TOO.
- 8 Q HOW ARE RENARDO AND JAMIE KIN?
- 9 A BROTHERS.
- 10 Q DO YOU KNOW MARY YOUNG?
- 11 A YES SIR.
- 12 Q HOW DO YOU KNOW MARY YOUNG?
- 13 A THAT'S MY BABY MAMA.
- 14 Q YOU HAVE CHILDREN WITH MS. YOUNG?
- 15 A YES SIR.
- 16 Q HOW MANY CHILDREN DO YOU HAVE WITH MS. YOUNG?
- 17 A FOUR.
- 18 Q HOW LONG HAVE YOU BEEN, OR WHEN DID YOU START DATING
- 19 MARY YOUNG?
- 20 A LIKE, EIGHT YEARS.
- 21 Q DO YOU KNOW LATISHA ELGIN OR LATISHA FANT?
- 22 A YES.
- 23 Q DO YOU KNOW-- HOW DO YOU KNOW MS. ELGIN, LATISHA
- 24 ELGIN?
- 25 A NEXT DOOR WHERE I USED TO LIVE.

- 1 Q I'LL GET BACK TO THAT IN JUST A SECOND. DO YOU KNOW
2 LAJESKA WILLINGHAM?
- 3 A YES SIR.
- 4 Q HOW DO YOU KNOW MS. WILLINGHAM?
- 5 A FROM SCHOOL.
- 6 Q HAVE YOU KNOWN HER FOR A LONG TIME?
- 7 A YES SIR.
- 8 Q DO YOU KNOW DAVID GOINS?
- 9 A YES SIR.
- 10 Q DO YOU SEE DAVID GOINS IN THE COURTROOM?
- 11 A YES SIR.
- 12 Q TELL THE JURY WHAT DAVID GOINS IS WEARING AND WHERE
13 HE'S SITTING.
- 14 A (NO RESPONSE)
- 15 Q IS HE SITTING AT THIS TABLE OVER HERE?
- 16 A YES SIR.
- 17 Q IS HE WEARING A GOLD SWEATER?
- 18 A YES SIR.
- 19 Q BACK IN JUNE OF 2005, WHERE WERE YOU-- WERE YOU LIVING
20 WITH MARY YOUNG?
- 21 A YES SIR.
- 22 Q WHERE WERE Y'ALL LIVING?
- 23 A ON [REDACTED].
- 24 Q WAS A DUPLEX?
- 25 A YES SIR.

- 1 Q WAS ANYBODY LIVING WITH Y'ALL TWO BESIDES YOUR KIDS?
- 2 A NO SIR.
- 3 Q WHO LIVED ON THE OTHER SIDE OF THE DUPLEX?
- 4 A DAVID GOINS AND LATISHA.
- 5 Q LATISHA ELGIN?
- 6 A YES SIR.
- 7 Q DID YOU KNOW MR. DAVID GOINS AND LATISHA TO BE
- 8 TOGETHER? WERE THEY DATING?
- 9 A YES SIR.
- 10 Q ON JUNE 30, 2005, THE EARLY PART OF THE AFTERNOON, WHERE
- 11 WERE YOU AT AND WHAT WERE YOU DOING? LATE IN THE
- 12 AFTERNOON ON THE 30TH.
- 13 A ME AND RENARDO AND MICHAEL AND JAMIE ROBERTSON, WE
- 14 WAS WALKING AROUND THE VILLAGE AREA.
- 15 Q THE VILLAGE AREA?
- 16 A YES SIR.
- 17 Q WHERE WERE Y'ALL WALKING? WAS IT STILL DAYLIGHT
- 18 OUTSIDE?
- 19 A YES SIR.
- 20 Q WHERE HAD Y'ALL BEEN BEFORE YOU STARTED WALKING?
- 21 A WE WAS OVER AT MIKE'S HOUSE.
- 22 Q AT MICHAEL'S HOUSE?
- 23 A UH-HUH.
- 24 Q WHERE DID THE FOUR OF Y'ALL WALK TO?
- 25 A LIKE, AROUND, JUST WALKING.

- 1 Q DID YOU GO TO THE STORE AT SOME POINT?
- 2 A YES SIR. WE STOP AT THE STORE.
- 3 Q AT THE STORE DID YOU SEE DAVID GOINS?
- 4 A YES SIR.
- 5 Q DID YOU SEE WHO HE WAS WITH?
- 6 A HE WASN'T WITH NOBODY.
- 7 Q IS IT STILL DAYLIGHT OUTSIDE?
- 8 A YES SIR.
- 9 Q DID YOU TALK WITH DAVID GOINS?
- 10 A YEAH, I HAVE.
- 11 Q WHAT WAS THE SUBJECT OF THE CONVERSATION?
- 12 A I DON'T REMEMBER THE WORDS, LIKE, JUST HANGING OUT,
- 13 TALKING.
- 14 Q WAS IT JUST A GREETING?
- 15 A YEAH.
- 16 Q DID MICHAEL, OR JAMIE, OR RENARDO TALK WITH DAVID
- 17 GOINS?
- 18 A NO SIR.
- 19 Q DID Y'ALL LEAVE FROM THE STORE?
- 20 A YES SIR.
- 21 Q WERE Y'ALL STILL WALKING?
- 22 A YES SIR.
- 23 Q DID YOU SEE DAVID LEAVE THE STORE?
- 24 A NOT AT THE TIME.
- 25 Q PRESUMABLY, Y'ALL LEFT BEFORE HE DID?

- 1 A YES SIR.
- 2 Q WHEN Y'ALL LEFT THE STORE, WHERE DID Y'ALL WALK TO?
- 3 A WE STOPPED AT MY MOM'S HOUSE.
- 4 Q WHO IS YOUR MOTHER?
- 5 A BARBARA ROBERTSON.
- 6 Q IS THAT ON THE WAY?
- 7 A ON THE WAY.
- 8 Q TO WHERE?
- 9 A MIKE'S HOUSE.
- 10 Q DID AT SOME POINT RENARDO LEAVE Y'ALL?
- 11 A YES SIR.
- 12 Q DO YOU KNOW WHERE HE WENT?
- 13 A HE WENT TO MIKE'S HOUSE.
- 14 Q Y'ALL STOPPED, BUT HE DIDN'T?
- 15 A YES SIR.
- 16 Q HOW LONG DID YOU SPEND AT YOUR MOTHER'S HOUSE?
- 17 A I WOULD SAY PROBABLY, LIKE, FIVE MINUTES.
- 18 Q WHERE DID Y'ALL GO WHEN Y'ALL LEFT YOUR MOTHER'S
- 19 HOUSE?
- 20 A BACK TO MIKE'S HOUSE.
- 21 Q STILL WALKING?
- 22 A YES SIR.
- 23 Q AGAIN, WAS MICHAEL WITH YOU?
- 24 A YES SIR.
- 25 Q WAS JAMIE WITH YOU?

- 1 A YES SIR.
- 2 Q WAS ANYBODY ELSE WITH Y'ALL?
- 3 A YES SIR.
- 4 Q DID Y'ALL GET BACK TO MICHAEL'S HOUSE?
- 5 A YES SIR.
- 6 Q DO YOU KNOW WHAT STREET MICHAEL LIVED ON?
- 7 A [REDACTED]
- 8 Q [REDACTED]
- 9 A YES SIR.
- 10 Q WAS THAT A DUPLEX, KIND OF A STRUCTURE?
- 11 A YES SIR.
- 12 Q WHEN YOU WERE WALKING UP TOWARDS THE HOUSE DID YOU
- 13 SEE ANYBODY OUT IN THE YARD OR ON THE PORCH?
- 14 A YES SIR.
- 15 Q OUTSIDE THE HOUSE?
- 16 A YES SIR.
- 17 Q WHO DID YOU SEE?
- 18 A RENARDO WOOD AND LAJESKA AND MARY.
- 19 Q MARY YOUNG, YOUR GIRLFRIEND?
- 20 A YES SIR.
- 21 Q AND LAJESKA WILLINGHAM?
- 22 A YES SIR.
- 23 Q WHAT WAS GOING ON? DON'T SAY WHAT ANYBODY SAID. BUT
- 24 WHAT WAS GOING ON BETWEEN THEM? WERE THEY TALKING? WHAT
- 25 WAS GOING ON?

- 1 A THEY WAS ARGUING.
- 2 Q ARGUING BETWEEN WHO?
- 3 A LAJESKA AND RENARDO.
- 4 Q LAJESKA WILLINGHAM AND RENARDO?
- 5 A YES SIR.
- 6 Q WHAT DID YOU DO AFTER YOU GOT UP CLOSE TO THE HOUSE?
- 7 WHAT WENT ON AFTER Y'ALL WALKED UP, YOU, MICHAEL AND JAMIE?
- 8 A I WAS JUST, LIKE, YOU KNOW, WHAT'S GOING ON. AND MY
- 9 UNCLE WAS, LIKE, GET THEM OUT OF THE YARD. HE DIDN'T WANT
- 10 THEM IN THE YARD.
- 11 Q HE WANTED THEM TO LEAVE?
- 12 A YES SIR.
- 13 Q WHO DID HE WANT TO LEAVE?
- 14 A LAJESKA WILLINGHAM AND MARY.
- 15 Q WHAT DID YOU DO AFTER YOU KNEW THAT HE TOLD YOU HE
- 16 WANTED THEM TO LEAVE?
- 17 A I TELL THEM WHAT HE SAY, THEY HAD TO LEAVE.
- 18 Q HOW DID YOU MAKE LAJESKA WILLINGHAM LEAVE?
- 19 A WELL, I---
- 20 Q WERE YOU ABLE TO MAKE LAJESKA WILLINGHAM LEAVE?
- 21 A WELL, NOT AT THE MOMENT.
- 22 Q WHAT WERE YOU TRYING TO DO TO GET HER TO LEAVE?
- 23 A TELLING HER TO GO ON AND GET OUT OF THE YARD.
- 24 Q LET'S GO BACK ONE SECOND. WERE MARY AND LAJESKA IN A
- 25 CAR?

- 1 A YES SIR.
- 2 Q WHOSE CAR WERE THEY IN?
- 3 A LAJESKA'S CAR.
- 4 Q LAJESKA'S CAR?
- 5 A UH-HUH.
- 6 Q DID YOU LEAVE MIKE ROBERTSON'S AT SOME POINT?
- 7 A (NO RESPONSE)
- 8 Q DID YOU LEAVE THAT RESIDENCE?
- 9 A YEAH, MIKE'S HOUSE, YEAH.
- 10 Q HOW DID YOU LEAVE?
- 11 A WALKED.
- 12 Q WALKED?
- 13 A YES SIR.
- 14 Q WHO WERE YOU WITH WHEN YOU LEFT?
- 15 A NO ONE.
- 16 Q DID YOU LEAVE BEFORE LAJESKA AND MARY OR AFTER
- 17 LAJESKA AND MARY?
- 18 A BEFORE.
- 19 Q WHERE DID YOU WALK TO?
- 20 A TO MARY'S HOUSE.
- 21 Q IS THAT WHERE YOU WERE STAYING AT THE TIME?
- 22 A YES SIR.
- 23 Q HOW LONG OF A WALK WAS THAT, ROUGHLY? HOW LONG DID
- 24 IT TAKE YOU TO GET THERE?
- 25 A ABOUT FIFTEEN, TWENTY MINUTES.

- 1 Q WHEN YOU GOT BACK-- WHEN YOU LEFT MICHAEL'S HOUSE TO
2 WALK BACK TO [REDACTED], WHO WAS AT, WHO WAS STILL AT
3 MICHAEL'S HOUSE?
- 4 A I CAN'T SAY.
- 5 Q WAS MICHAEL THERE?
- 6 A YEAH.
- 7 Q WAS JAMIE THERE?
- 8 A UH-HUH.
- 9 Q WAS RENARDO THERE?
- 10 A YES SIR.
- 11 Q WAS LAJESKA THERE?
- 12 A YES.
- 13 Q WAS MARY THERE?
- 14 A YES.
- 15 Q DO YOU REMEMBER ANYBODY ELSE THAT MAY HAVE BEEN
16 THERE?
- 17 A HUH-UH.
- 18 Q DID YOU EVER SEE DURING THAT TIME DAVID GOINS AT
19 MICHAEL ROBERTSON'S HOUSE?
- 20 A (NO RESPONSE)
- 21 Q DID YOU SEE DAVID AT MICHAEL'S HOUSE THAT AFTERNOON,
22 OR THAT EARLY PART OF THAT EVENING?
- 23 A HUH-UH.
- 24 Q SAY YES OR NO.
- 25 A HUH-UH. NO, HE WASN'T THERE.

- 1 Q SHE CAN'T WRITE DOWN YES OR NO.
- 2 A NO.
- 3 Q DO YOU KNOW WHO CHRIS KAUFFIN IS?
- 4 A HIS BROTHER.
- 5 Q WHOSE BROTHER?
- 6 A DAVID.
- 7 Q DAVID'S BROTHER?
- 8 A YES.
- 9 Q DID YOU EVER SEE CHRIS KAUFFIN AT MICHAEL'S HOUSE THAT
- 10 AFTERNOON OR THE EARLY PART OF THAT EVENING?
- 11 A I CAN'T SAY.
- 12 Q DO YOU KNOW FLEMING ANDERSON?
- 13 A YES SIR.
- 14 Q DO YOU REMEMBER IF YOU SAW FLEMING ANDERSON AT
- 15 MICHAEL'S HOUSE THE LATE PART OF THAT AFTERNOON OR THE
- 16 EARLY PART OF THAT EVENING ON THURSDAY NIGHT?
- 17 A NO, I CAN'T SAY.
- 18 Q WHEN YOU GOT BACK TO MARY' HOUSE, OR YOUR HOUSE,
- 19 WALKING, WAS IT STILL LIGHT OUTSIDE OR WAS IT TURNING DARK?
- 20 A IT WAS DARK.
- 21 Q WHO WAS AT MARY'S SIDE OF THE DUPLEX WHEN YOU GOT
- 22 BACK?
- 23 A LATISHA AND LAJESKA AND DAVID.
- 24 Q WHO WAS IN MARY'S SIDE? WAS MARY THERE?
- 25 A YEAH.

- 1 Q DID MARY AND LAJESKA BEAT YOU BACK THERE IN THE CAR?
- 2 A YEAH.
- 3 Q DID YOU SEE LATISHA THERE?
- 4 A YES SIR.
- 5 Q WAS SHE OUT IN THE YARD, OR IN HER PART OF THE DUPLEX, OR
- 6 IN MARY'S PART OF THE DUPLEX?
- 7 A NO.
- 8 Q WHERE WAS SHE?
- 9 A SHE WAS OUT THERE IN THE PART OF HER YARD OF THE DUPLEX.
- 10 Q WAS DAVID THERE?
- 11 A YES SIR.
- 12 Q WHERE WAS DAVID? WAS HE INSIDE, OUTSIDE?
- 13 A OUTSIDE.
- 14 Q DID YOU GO INSIDE YOUR PART WHERE YOU WERE STAYING?
- 15 A YES SIR.
- 16 Q WHO WAS INSIDE THERE?
- 17 A JUST ME AND MARY AND THE KIDS.
- 18 Q DID YOU HEAR SOMETHING GOING ON OUTSIDE THAT MADE
- 19 YOU, CAUGHT YOUR ATTENTION?
- 20 A YES SIR.
- 21 Q WITHOUT SAYING WHAT ANYBODY SAID OR THE SPECIFIC
- 22 WORDS YOU HEARD, WHAT WAS GOING ON OUTSIDE?
- 23 A WHY I CAME OUT THE DOOR?
- 24 Q WHAT MADE YOU COME OUTSIDE?
- 25 A THERE WAS A LOT OF COMMOTION AND ARGUING.

- 1 Q ARGUING?
- 2 A UH-HUH.
- 3 Q WHO WAS ARGUING?
- 4 A LATISHA WAS SAYING SOMETHING TO DAVID ABOUT---
- 5 Q DON'T SAY WHAT SHE SAID. WAS LATISHA AND DAVID ARGUING
- 6 OR HAVING SOME TYPE OF CONFRONTATION?
- 7 A UH-HUH.
- 8 Q WAS ANYBODY ELSE INVOLVED IN THE ARGUMENT OR
- 9 CONFRONTATION THAT YOU SAW?
- 10 A YEAH, LAJESKA.
- 11 Q LAJESKA WILLINGHAM?
- 12 A YES SIR.
- 13 Q DID YOU HEAR ANYTHING THAT DAVID SAID WHILE THEY WERE
- 14 ARGUING IN THE YARD?
- 15 A YES SIR.
- 16 Q WHAT DID DAVID SAY?
- 17 A HE SAY HE GONNA SHOOT THAT NIGGER.
- 18 Q DID HE SAY ANYTHING ELSE?
- 19 A HE ASK LAJESKA, I MEAN, HER SISTER, SAY....
- 20 Q BE CLEAR, NOW.
- 21 A THE OLDER SISTER OF LAJESKA WAS THERE AND SHE GAVE
- 22 DAVID THE KEYS TO GO GET SOME BULLETS.
- 23 Q TO GET SOME BULLETS?
- 24 A YEAH.

- 1 Q AGAIN, STATE IT CLEARLY. WHAT DID DAVID SAY HE WAS
2 GONNA GO DO?
- 3 A (NO RESPONSE)
- 4 Q AGAIN, REPEAT WHAT YOU SAID A MINUTE AGO. SAY IT AS
5 CLEARLY AS YOU CAN.
- 6 A HE SAY HE GONNA SHOOT THAT NIGGER.
- 7 Q DO YOU KNOW WHO WAS REFERRING TO? AT THE TIME DID YOU
8 KNOW WHO HE WAS REFERRING TO?
- 9 A YEAH, YES.
- 10 Q BEFORE YOU SAY WHO, HOW DO YOU KNOW WHO HE WAS
11 REFERRING TO?
- 12 A BECAUSE OF WHAT WAS SAID EARLIER.
- 13 Q WHAT WENT ON AT MICHAEL'S HOUSE EARLIER?
- 14 A YES.
- 15 Q WHO WAS HE TALKING ABOUT GOING TO SHOOT?
- 16 A MIKE.
- 17 Q MICHAEL? IS THAT RIGHT?
- 18 A YES SIR.
- 19 Q DID YOU SEE-- OR DID DAVID SAY ANYTHING ABOUT A GUN?
- 20 A NO SIR.
- 21 Q AFTER DAVID SAID THAT, WHAT DID DAVID DO?
- 22 A HE LEFT.
- 23 Q HOW DID HE LEAVE? DID HE LEAVE BY FOOT OR IN A CAR?
- 24 A CAR.
- 25 Q DO YOU KNOW WHOSE CAR IT WAS?

- 1 A IT WAS HIS CAR.
- 2 Q WHAT KIND OF CAR WAS IT?
- 3 A A BURGUNDY. I GUESS IT WAS A...
- 4 Q A RED CAR, A BURGUNDY-TYPE CAR?
- 5 A BURGUNDY.
- 6 Q DID HE LEAVE WITH ANYBODY ELSE?
- 7 A I CAN'T SAY.
- 8 Q OTHER THAN YOU, DAVID, MARY, LAJESKA, AND LATISHA, WAS
- 9 ANYBODY ELSE THERE OR DID ANYBODY ELSE SOME THERE? DID YOU
- 10 SEE ANYBODY AROUND?
- 11 A I CAN'T TELL YOU.
- 12 Q DID YOU KNOW IF CHRIS KAUFFIN EVER COME THERE?
- 13 A YES SIR.
- 14 Q WHAT WAS HE DRIVING?
- 15 A A WHITE TRUCK.
- 16 Q DID HE END UP LEAVING IN THAT WHITE TRUCK?
- 17 A YES SIR.
- 18 Q HE WASN'T RIDING WITH DAVID, WAS HE?
- 19 A NO SIR.
- 20 Q DO YOU KNOW IF ANYBODY ELSE WAS RIDING IN THE RED,
- 21 BURGUNDY CAR WITH DAVID?
- 22 A NO SIR.
- 23 Q NOBODY WAS?
- 24 A NO SIR.
- 25 Q WHO LEFT FIRST, DAVID OR CHRIS KAUFFIN?

- 1 A DAVID.
- 2 Q HOW LONG AFTER DAVID LEFT DID CHRIS KAUFFIN LEAVE?
- 3 A I WOULD SAY, IT WAS, LIKE, ABOUT TWENTY MINUTES.
- 4 Q WHEN DAVID LEFT, HOW LONG-- WHEN DAVID LEFT, HOW LONG
- 5 AFTER THAT DID CHRIS KAUFFIN LEAVE?
- 6 A (NO RESPONSE)
- 7 Q DID HE LEAVE [REDACTED], THE [REDACTED] DUPLEX?
- 8 A YES SIR.
- 9 Q WHAT WAS THE TIME BETWEEN DAVID LEAVING AND CHRIS
- 10 LEAVING?
- 11 A (NO RESPONSE)
- 12 Q WAS IT RIGHT AT EACH OTHER, TEN MINUTES, THIRTY MINUTES,
- 13 AN HOUR?
- 14 A YEAH, I WOULD SAY THAT.
- 15 Q WHAT?
- 16 A LIKE, THIRTY MINUTES.
- 17 Q DID YOU SEE DAVID GOINS ANY MORE THAT NIGHT?
- 18 A NO SIR.
- 19 Q DID YOU SEE CHRIS KAUFFIN ANY MORE THAT NIGHT?
- 20 A NO SIR.
- 21 Q DID, AT SOME POINT, YOU LEARNED THAT YOUR UNCLE
- 22 MICHAEL HAD BEEN SHOT?
- 23 A YES SIR.

1 Q HOW DID YOU, WITHOUT-- WHO DID YOU LEARN IT FROM, THAT
2 SOMETHING HAD HAPPENED OVER THERE AT THE HOUSE AND THAT
3 MICHAEL GOT HURT?

4 A PEOPLE COME BACK TELLING ME.

5 Q DIFFERENT PEOPLE?

6 A YES SIR.

7 Q DID YOU EVER GO TO [REDACTED] ANY MORE THAT NIGHT?

8 A NO SIR.

9 MR. MAXWELL: BEG THE COURT'S INDULGENCE.

10 (PAUSE)

11 Q YOU SAID SOMETHING EARLIER ABOUT DAVID ASKING
12 SOMEBODY ABOUT SOME KEYS, OR THERE WAS A CONVERSATION
13 ABOUT KEYS?

14 A YES SIR.

15 Q WHAT DID DAVID SAY ABOUT THE KEYS?

16 A I CAN'T EXPLAIN, BUT I JUST HEARD LAJESKA SISTER'S HAD SAID
17 THAT---

18 Q DON'T SAY WHAT SHE SAID. THE CONVERSATION ABOUT KEYS
19 WAS BETWEEN WHO?

20 A DAVID AND LATISHA.

21 Q DID EVER SEE ANY KEYS OR ANYTHING? DID YOU SEE ONE OR
22 THE OTHER GIVE THE OTHER KEYS, OR DO ANYTHING WITH KEYS?

23 A YEAH, LATISHA GAVE DAVID THE KEYS.

24 Q WHERE DID HE GO WHEN HE HAD THE KEY?

25 A I CAN'T TELL YOU.

1 Q DID HE GO BACK INSIDE THE HOUSE OR DID HE LEAVE?

2 A HE LEAVE, HE LEFT.

3 Q HE LEFT?

4 A UH-HUH.

5 Q YOU NEVER HEARD DAVID SAY ANYTHING ABOUT A GUN? DID

6 YOU EVER HEAR DAVID SAY ANYTHING ABOUT A GUN?

7 A NO SIR.

8 MR. MAXWELL: NO FURTHER QUESTIONS, YOUR HONOR.

9 THE COURT: CROSS EXAMINATION.

10 MR. HEMLEPP: MAY IT PLEASE THE COURT, YOUR HONOR.

11 THE COURT: YES SIR.

12 **CROSS EXAMINATION BY MR. HEMLEPP:**

13 Q MR. ROBERTSON, I GET THE SENSE THAT YOU AND YOUR UNCLE
14 WERE CLOSE?

15 A YES SIR.

16 Q WELL, I JUST WANT TO SAY, BEFORE I ASK YOU ANY QUESTIONS,
17 THAT I'M SORRY FOR YOUR LOSS. I'M SORRY HE'S DEAD.

18 MR. BARFIELD: YOUR HONOR, I OBJECT. THAT'S NOT A
19 QUESTION. THAT'S NOT THE PROPER WAY FOR A LAWYER TO ADDRESS
20 A WITNESS.

21 MR. HEMLEPP: I'LL WITHDRAW IT, YOUR HONOR.

22 Q MR. ROBERTSON, AT THE TIME THAT THIS HAPPENED Y'ALL, YOU
23 AND MICHAEL, DID YOU SPEND A LOT OF TIME TOGETHER?

24 A DID ME AND MIKE SPEND TIME TOGETHER?

25 Q UH-HUH. YEAH. DID Y'ALL SPEND A LOT OF TIME TOGETHER?

- 1 A ME AND MICHAEL?
- 2 Q YES. WAS HE ONE OF YOUR GOOD FRIENDS, SOMEBODY YOU
- 3 HUNG AROUND WITH A LOT?
- 4 A YES SIR.
- 5 Q THAT'S WHAT IT SOUNDS LIKE TO ME. WHEN YOU WALKED OUT
- 6 OF THE HOUSE AND YOU HEARD, WHAT YOU TOLD MR., YOU HEARD
- 7 THE DEFENDANT SAY, I'M GONNA SHOOT SOMEBODY. WHAT'D HE
- 8 SAY?
- 9 A HE SAY HE GONNA SHOOT THAT NIGGER.
- 10 Q WHEN YOU HEARD HIM SAY THAT, YOU INDICATED THAT YOU
- 11 BELIEVED IN YOUR MIND THAT HE WAS REFERRING TO YOUR UNCLE
- 12 MICHAEL. IS THAT TRUE?
- 13 A TRUE.
- 14 Q DID YOU HAVE A PHONE?
- 15 A NO SIR.
- 16 Q DID MARY HAVE A PHONE?
- 17 A NO SIR.
- 18 Q DID YOU KNOW ANYBODY WITH A PHONE?
- 19 A NOT AT THE TIME.
- 20 Q YOU DIDN'T KNOW ANYBODY WITH A PHONE?
- 21 A HUH-UH.
- 22 Q DID MICHAEL HAVE A PHONE?
- 23 A YEAH, MIKE HAVE A PHONE.
- 24 Q DID YOU KNOW HIS PHONE NUMBER?
- 25 A YES, I DID.

1 Q DID YOU ATTEMPT TO CALL HIM AND TELL HIM AND WARN HIM?

2 A I CAN'T WARN HIM IF I DON'T KNOW NOBODY TO USE THEY
3 PHONE.

4 Q OKAY.

5 A UH-HUH.

6 Q YOU ALSO TESTIFIED THAT LATISHA GAVE DAVID THE KEYS?

7 A UH-HUH.

8 Q AND THAT YOU BELIEVE THAT KEY WAS TO GET SOME BULLETS?

9 A YES SIR.

10 Q TO YOUR KNOWLEDGE, HAS LATISHA EVER BEEN ARRESTED IN
11 THIS CASE?

12 A NO SIR.

13 Q OKAY. THANK YOU.

14 MR. MAXWELL: NO FURTHER QUESTIONS, YOUR HONOR.

15 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.

16 MR. BARFIELD: THE STATE CALLS RENARDO WOOD.

17 **RENARDO WOOD, DULY SWORN,**

18 **TESTIFIED AS FOLLOWS:**

19 CLERK OF COURT: PLEASE STATE YOUR NAME.

20 A RENARDO WOOD.

21 **DIRECT EXAMINATION BY MR. BARFIELD:**

22 Q DO PEOPLE CALL YOU SOME SHORTER VERSION OF YOUR NAME
23 SOMETIMES?

24 A NARD.

25 Q HOW OLD ARE YOU?

1 A 22.

2 Q I'M GOING TO ASK YOU ABOUT SOME PEOPLE TO SEE IF YOU
3 KNOW THEM OR IF YOU'RE CONNECTED TO THEM. FIRST OF ALL, JAMIE
4 ROBERTSON, YOU KNOW HIM?

5 A MY BROTHER.

6 Q MICHAEL ROBERTSON?

7 A MY UNCLE.

8 Q DO YOU KNOW LAJESKA WILLINGHAM?

9 A I KNOW OF HER.

10 Q HOW ABOUT MARY ELIZABETH YOUNG?

11 A YES SIR.

12 Q HOW ABOUT TAVARES ROBERTSON?

13 A MY COUSIN.

14 Q DID YOU KNOW THAT HE AND MS. YOUNG WERE BOYFRIEND-
15 GIRLFRIEND AND HAVE CHILDREN TOGETHER?

16 A YES SIR.

17 Q LATISHA ELGIN, NOW KNOWN AS LATISHA FANT, DO YOU KNOW
18 HER?

19 A SOMEWHAT.

20 Q DO YOU KNOW DAVID GOINS?

21 A SOMEWHAT.

22 Q BACK IN MAY OF 2005, IF YOU HEARD THE NAME DAVID GOINS
23 WOULD YOU KNOW WHO PEOPLE WERE TALKING ABOUT?

24 A YES SIR.

- 1 Q IF YOU SAW DAVID GOINS ON THE STREET, WOULD YOU KNOW
2 THAT'S WHO THAT WAS BY NAME?
- 3 A YES SIR.
- 4 Q WERE YOU AND DAVID GOINS CLOSE?
- 5 A NO SIR.
- 6 Q DID YOU KNOW WHERE DAVID GOINS-- DID YOU KNOW WHO
7 DAVID GOINS' GIRLFRIEND WAS BACK IN MAY OF '05?
- 8 A YES SIR.
- 9 Q WHO WAS IT?
- 10 A LATISHA.
- 11 Q DID YOU KNOW WHERE DAVID GOINS LIVED BACK IN MAY OF
12 2005?
- 13 A WITH LATISHA.
- 14 Q DID YOU KNOW WHERE THAT WAS?
- 15 A NEXT DOOR TO MARY YOUNG.
- 16 Q WHERE DID YOUR UNCLE MICHAEL LIVE IN MAY OF 2005?
- 17 A ACROSS THE STREET FROM LATISHA AND MARY.
- 18 Q ON WHAT STREET DID MICHAEL LIVE?
- 19 A I'M NOT SURE.
- 20 Q THAT'S FINE. IS THAT IN FAIRFIELD COUNTY?
- 21 A YES SIR.
- 22 Q DID ANYBODY LIVE OVER THERE WITH MICHAEL?
- 23 A NO SIR.
- 24 Q DID HE HAVE A WIFE OR A GIRLFRIEND OR CHILDREN LIVING
25 THERE WITH HIM?

- 1 A HE HAD FRIENDS.
- 2 Q WERE PEOPLE IN AND OUT OF THERE?
- 3 A YES SIR.
- 4 Q THAT'S FINE. BUT NOBODY LIVED WITH HIM?
- 5 A HUH-UH.
- 6 Q DIDN'T HAVE A WIFE OR A GIRLFRIEND OR ANYTHING LIVING
- 7 THERE?
- 8 A NOT AS I KNOW OF.
- 9 Q DO YOU KNOW-- DID YOU KNOW A GUY NAMED CHRISTOPHER
- 10 KAUFFIN?
- 11 A YES SIR.
- 12 Q HOW'D YOU KNOW HIM? WHAT CONNECTION DID HE HAVE WITH
- 13 YOU?
- 14 A DAVID'S BROTHER.
- 15 Q DID YOU KNOW A GUY NAMED FLEMING ANDERSON, SOME
- 16 PEOPLE REFERRED TO AS BOOSEY?
- 17 A YES SIR.
- 18 Q HOW DID YOU KNOW HIM?
- 19 A FROM THE AREA.
- 20 Q WHAT WERE YOU DOING-- WHERE DID YOU LIVE BACK IN MAY
- 21 OF 2005?
- 22 A [REDACTED]
- 23 Q HERE IN WINNSBORO?
- 24 A YES SIR.

- 1 Q DID YOU EVER SPEND TIME OVER AT MICHAEL'S HOUSE. DID
2 YOU HANG OUT WITH MICHAEL AND JAMIE AND SPEND TIME OVER AT
3 THEIR HOUSES?
- 4 A A LOT.
- 5 Q WHAT WERE YOU DOING ON THE AFTERNOON OF JUNE 30, 2005?
- 6 A (NO RESPONSE)
- 7 Q THE DAY ALL THIS HAPPENED.
- 8 A JUST HANGING OUT WITH THEM AT THE HOUSE.
- 9 Q AT SOME POINT WERE YOU OUT WALKING WITH A BUNCH OF
10 THEM?
- 11 A YES SIR.
- 12 Q WHO WERE YOU WALKING WITH?
- 13 A MY UNCLE AND MY BROTHER AND MY COUSIN.
- 14 Q NOW, I'M GOING TO ASK YOU TO DO THIS SO THAT EVERYBODY
15 CAN KEEP UP WITH STUFF. DON'T USE RELATIONS AT THIS POINT, USE
16 NAMES. FIRST NAMES MIGHT DO. IF I NEED TO ASK YOU SOMETHING
17 MORE ABOUT THE NAME I WILL.
- 18 YOU AND WHO WERE WALKING?
- 19 A ME, JAMIE, MICHAEL, TAVARES.
- 20 Q DID Y'ALL END UP AT A STORE SOMEWHERE?
- 21 A YES SIR.
- 22 Q WHAT STORE DID YOU END UP AT?
- 23 A FOUR-WAY STORE.
- 24 Q DID YOU LEAVE THE STORE AND GO TO BARBARA ROBERTSON'S
25 HOUSE?

- 1 A YES SIR.
- 2 Q THAT'S TAVARES MOTHER?
- 3 A MOTHER.
- 4 Q DID YOU LEAVE AND GO TO MICHAEL'S HOUSE?
- 5 A YES SIR, BY MYSELF.
- 6 Q BY YOURSELF. WHO WAS AT-- WHAT TIME OF DAY WAS IT
- 7 WHEN ALL THIS WAS GOING ON? APPROXIMATELY, MORNING,
- 8 AFTERNOON, NIGHT?
- 9 A AFTERNOON.
- 10 Q DAYLIGHT?
- 11 A UH-HUH.
- 12 Q STILL LIGHT OUTSIDE?
- 13 A REAL LIGHT.
- 14 Q WHEN YOU GOT TO MICHAEL'S HOUSE, WHO WAS THERE, WHEN
- 15 YOU GOT THERE?
- 16 A LAJESKA AND MARY.
- 17 Q DID YOU SEE WHERE THEY CAME FROM?
- 18 A OFF A SIDE STREET.
- 19 Q DID ANYTHING HAPPEN BETWEEN YOU AND LAJESKA
- 20 WILLINGHAM AND MARY YOUNG WHEN THERE WAS JUST THE THREE
- 21 OF Y'ALL THERE? WAS ANYTHING GOING ON?
- 22 A YES SIR. WE ALL CHANGED WORDS WITH EACH OTHER.
- 23 Q WHAT WERE YOU ARGUING WITH THEM ABOUT? WHAT WAS
- 24 THE DISPUTE?
- 25 A THAT SOMEBODY HAVE AIDS.

1 Q WHAT'S THIS WHOLE THING ABOUT AIDS? TRY TO SQUARE US
2 AWAY ON IT. WHO WERE YOU ASKING ABOUT SOMEBODY HAVING
3 AIDS? WHAT WAS THAT ALL ABOUT?

4 A I DON'T KNOW. BACK THEN, LAJESKA OR SOMEONE SAYING I
5 HAVE AIDS FOR SOME REASON. I DON'T KNOW.

6 Q WAS IT TALK AMONGST Y'ALL ABOUT PEOPLE SLEEPING
7 AROUND WITH EVERYBODY?

8 A YES SIR.

9 Q WAS THERE ANY TALK WHEN THERE WAS JUST THE THREE OF
10 Y'ALL THERE ABOUT DAVID GOINS OR MICHAEL ROBERTSON BEING
11 INVOLVED IN THIS SLEEPING AROUND STUFF, PEOPLE HAVING AIDS,
12 ANY OF THAT?

13 A YES SIR. IT WAS, LIKE, -- OKAY. IF I GOT IT-- LAJESKA SISTER
14 GOT IT FROM A PERSON THAT DAVID WAS MESSING WITH. AND I
15 SUPPOSE TO HAVE IT, TOO.

16 Q DID OTHER PEOPLE COME TO THE HOUSE WHILE THIS
17 CONVERSATION WAS GOING ON?

18 A YES SIR. WHILE WE WAS ARGUING, MY UNCLE, MY BROTHER.

19 Q GIVE ME NAMES AGAIN.

20 A MICHAEL AND JAMIE. AND THEY CAME UP.

21 Q WERE YOU AND THE GIRLS STILL YAKKING WHEN MICHAEL AND
22 JAMIE CAME UP?

23 A YES SIR.

24 Q DON'T QUOTE MICHAEL. BUT DID MICHAEL DO SOMETHING OR
25 WANT SOMETHING DONE?

- 1 A HE WANTED EVERYBODY TO GET OUT OF HIS JOB ARGUING
2 BECAUSE HE GOT NEIGHBORS.
- 3 Q DID ANYBODY LEAVE?
- 4 A A FEW MORE WORDS WAS SAID AND EVERYBODY LEFT.
- 5 Q YOU SAY EVERYBODY. DID THE TWO GIRLS LEAVE?
- 6 A YES SIR, THE TWO GIRLS LEFT.
- 7 Q THE SAME WAY THEY CAME?
- 8 A YES SIR.
- 9 Q DID TAVARES LEAVE?
- 10 A I DON'T REMEMBER IF HE DID OR NOT.
- 11 Q THAT'S FINE. YOU SAY EVERYBODY LEFT. WHO ELSE LEFT?
- 12 A JUST THOSE TWO GIRLS. ME, JAMIE AND MICHAEL STAYED.
- 13 Q WHEN THE GIRLS LEFT, YOU AND MICHAEL AND JAMIE WERE
14 STILL THERE. WERE Y'ALL INSIDE? DESCRIBE-- THIS IS A DUPLEX.
15 RIGHT?
- 16 A YES SIR.
- 17 Q IS IT BUILT ON A SLAB OR IS IT UP OFF THE GROUND?
- 18 A IT'S BUILT ON A SLAB.
- 19 Q HERE COMES A SET OF STUPID QUESTIONS. DOES IT HAVE A
20 FRONT DOOR?
- 21 A YES SIR.
- 22 Q DOES IT GOT A BACK DOOR?
- 23 A YES SIR.
- 24 Q ON THE FRONT, IS THERE A STOOP OR A PORCH?
- 25 A PORCH.

- 1 Q IS IT BIG ENOUGH TO SIT ON?
- 2 A YES SIR.
- 3 Q HOW MANY PEOPLE COULD SIT ON THE FRONT PORCH OF THE
- 4 DUPLEX, OF MICHAEL'S SIDE OF THE DUPLEX?
- 5 A I CAN'T SAY HOW MANY.
- 6 Q WAS IT A BIG PORCH?
- 7 A SOMEWHAT.
- 8 Q WERE THERE CHAIRS AND STUFF OUT THERE?
- 9 A YES SIR.
- 10 Q WAS THE STEPS PRETTY MUCH LEVEL WITH THE GROUND?
- 11 A YES SIR.
- 12 Q WHEN YOU GO IN THE FRONT DOOR, WHAT'S THE MAIN ROOM
- 13 THAT YOU GO INTO?
- 14 A THE LIVING ROOM.
- 15 Q IS THERE WHERE MOST OF THE ACTIVITY OCCURRED, SITTING
- 16 AROUND WATCHING TV, DRINKING BEER, WHATEVER WAS GOING ON?
- 17 A YES SIR.
- 18 Q DO YOU KNOW HOW MANY BEDROOMS IN THE DUPLEX?
- 19 A ONE AND A HALF.
- 20 Q DID YOU EVER STAY OVER THERE AT NIGHT?
- 21 A SOMETIMES.
- 22 Q NOW, BY THE TIME-- IS IT NIGHTTIME NOW? DOES IT GET TO BE
- 23 NIGHTTIME WHILE YOU'RE STILL OVER THERE?
- 24 A YES SIR.
- 25 Q IS MICHAEL STILL THERE WHEN IT'S DARK?

- 1 A YES SIR.
- 2 Q AND IS JAMIE STILL THERE WHEN IT'S DARK?
- 3 A YES SIR.
- 4 Q DID YOU SEE DAVID GOINS THAT NIGHT AT MICHAEL'S
- 5 APARTMENT?
- 6 A YES SIR.
- 7 Q DO YOU KNOW HOW HE GOT THERE?
- 8 A YES SIR.
- 9 Q HOW'D HE GET THERE?
- 10 A DROVE HIS CAR.
- 11 Q DESCRIBE THE CAR.
- 12 A A BURGUNDY CAPRICE.
- 13 Q ONE OF THEM BIG, OLD CAPRICES?
- 14 A YES SIR.
- 15 Q HAD YOU SEEN THAT CAR BEFORE?
- 16 A YES SIR, HE BEEN DRIVING IT.
- 17 Q THAT'S MY NEXT QUESTION. IS THAT THE CAR YOU NORMALLY
- 18 ASSOCIATED WITH DAVID GOINS?
- 19 A YES SIR.
- 20 Q WAS ANYBODY IN THE CAR WITH DAVID WHEN HE GOT THERE?
- 21 A NO SIR.
- 22 Q WHERE'D HE STOP THE CAR?
- 23 A RIGHT IN FRONT OF MY UNCLE'S HOUSE.
- 24 Q HOW FAR FROM THE STREET TO THE FRONT DOOR, IF YOU
- 25 PARKED RIGHT THERE BESIDE THE STREET? BETWEEN ME AND YOU, IS

- 1 THE CAR THAT CLOSE TO THE DOOR? DO I NEED TO BE CLOSER OR DO
2 I NEED TO BE FARTHER BACK?
- 3 A GO ON BACK.
- 4 Q (SOLICITOR MOVING IN COURTROOM) SO, BACK HERE?
- 5 A RIGHT THERE, BACK THERE, WHERE THE CAR WAS PARKED.
- 6 Q ABOUT RIGHT HERE?
- 7 A YES SIR.
- 8 Q SO, WHEN DAVID PARKED THE CAR ON THE ROAD, HE'S ABOUT
9 AS CLOSE AS I AM TO YOU, TO THE FRONT DOOR OF THE HOUSE?
- 10 A YES SIR.
- 11 Q DID ANYBODY ELSE COME WHEN DAVID CAME?
- 12 A YES SIR.
- 13 Q WHO?
- 14 A HIS BROTHER, CHRIS, AND---
- 15 Q CHRIS KAUFFIN?
- 16 A YES SIR. AND FLEMING.
- 17 Q WOULD THAT BE FLEMING ANDERSON?
- 18 A YES SIR.
- 19 Q DID YOU KNOW FLEMING ANDERSON BY THE NICKNAME,
20 BOOSEY?
- 21 A YES SIR. THAT'S HIS NAME I KNOW HIM BY, BOOSEY.
- 22 Q HOW DID KAUFFIN AND ANDERSON GET OVER THERE?
- 23 A IN KAUFFIN'S TRUCK.
- 24 Q WHAT KIND OF TRUCK DOES KAUFFIN HAVE?
- 25 A A WHITE, LIKE, SMALL MODEL TRUCK.

RENARDO WOOD - DIRECT EXAMINATION BY MR. BARFIELD

- 1 Q LIKE A LITTLE S-10, SOMETHING LIKE THAT?
- 2 A SOMETHING LIKE THAT.
- 3 Q WHERE DID DAVID GOINS PARK THE CAPRICE?
- 4 A IN FRONT OF MY UNCLE'S HOUSE.
- 5 Q RIGHT IN FRONT?
- 6 A YES SIR.
- 7 Q DID HE PULL OFF THE ROAD, OR WAS IT STOPPED IN THE ROAD?
- 8 A IT WAS LIKE RESTING IN THE ROAD, HE PULLED RIGHT BESIDE
- 9 THE ROAD.
- 10 Q OFF THE SHOULDER JUST A LITTLE BIT?
- 11 A YEAH.
- 12 Q WHERE DID KAUFFIN PARK HIS TRUCK?
- 13 A BEHIND HIM, LIKE, MAYBE TWO CAR LENGTHS BEHIND HIM.
- 14 Q HOW SOON AFTER DAVID GOINS GOT THERE IN THE CAPRICE DID
- 15 KAUFFIN PULL UP IN THE WHITE TRUCK?
- 16 A IT WAS, LIKE, RIGHT BEHIND HIM.
- 17 Q ABOUT THE SAME TIME?
- 18 A YES SIR.
- 19 Q WHERE WAS MICHAEL WHEN DAVID AND KAUFFIN AND
- 20 ANDERSON PULLED UP?
- 21 A ON HIS PORCH.
- 22 Q SITTING OR STANDING?
- 23 A SITTING.
- 24 Q WHERE WAS JAMIE WHEN GOINS AND KAUFFIN PULLED UP?
- 25 A ON THE PORCH STEPS.

- 1 Q WHERE WERE YOU WHEN THEY PULLED UP?
- 2 A IN THE HOUSE, IN THE LIVING ROOM WATCHING TV.
- 3 Q HOW DID YOU KNOW THEY WERE THERE?
- 4 A BECAUSE THE LIVING ROOM AT THE DOOR, AND FROM WHERE I
- 5 WAS SITTING COULD SEE EVERYTHING OUT THE DOOR, YOU KNOW.
- 6 AND ME AND MY UNCLE, WE WAS TALKING TO EACH OTHER OUT THE
- 7 SCREEN DOOR.
- 8 Q BEFORE GOINS AND KAUFFIN GOT THERE Y'ALL GOT TO
- 9 TALKING?
- 10 A YES SIR. WE WAS JUST TALKING. AND I WAS BACK AND FORTH
- 11 ANYWAY.
- 12 Q WAS THERE A SCREEN DOOR ON THE FRONT DOOR?
- 13 A YES SIR.
- 14 Q WAS THE MAIN DOOR OPEN?
- 15 A YES SIR.
- 16 Q WAS THERE ANYTHING TO KEEP YOU FROM SEEING OUT THE
- 17 DOOR?
- 18 A NO SIR.
- 19 Q WAS THERE ANYTHING KEEPING YOU FROM TALKING OUT THE
- 20 DOOR?
- 21 A NO SIR.
- 22 Q DID YOU SEE THE CARS PULL UP?
- 23 A YES SIR.

- 1 Q I WANT YOU TO JUST WALK US THROUGH IT. I AM GONNA STOP
2 YOU IF I NEED TO. WHAT DID GOINS DO WHEN HE PULLED UP? DID HE
3 GET OUT?
- 4 A YES SIR.
- 5 Q WHERE'D HE GO?
- 6 A TO UNCLE'S YARD.
- 7 Q HOW CLOSE TO THE PORCH?
- 8 A REAL CLOSE, LIKE, MAYBE TWO FEET AWAY FROM THE PORCH.
- 9 Q WAS MICHAEL STILL SITTING?
- 10 A NO SIR.
- 11 Q DID HE STAND UP?
- 12 A HE GOT OFF THE PORCH.
- 13 Q DID JAMIE STAND UP?
- 14 A YES SIR.
- 15 Q DID YOU GO OUTSIDE OR DID YOU STAY INSIDE WHEN DAVID
16 WALKED UP TO THE PORCH?
- 17 A MY BROTHER HAD CAME IN AND SAY DAVID WAS OUTSIDE.
- 18 Q YOUR BROTHER, MEANING JAMIE?
- 19 A YES SIR.
- 20 Q DID YOUR BROTHER HAVE TO TELL YOU DAVID WAS OUTSIDE,
21 OR DID YOU KNOW DAVID WAS OUTSIDE?
- 22 A I KNEW HE WAS OUTSIDE.
- 23 Q JAMIE CAME IN THE HOUSE.
- 24 A YES SIR.

- 1 Q WHERE DID JAMIE GO WHEN HE CAME IN? DID HE COME ALL
2 THE WAY INTO THE ROOM?
- 3 A NO SIR.
- 4 Q WHAT'D HE DO?
- 5 A HE JUST CAME IN ENOUGH INTO THE FRONT DOOR AND OPEN
6 THE SCREEN DOOR AND SAY DAVID AND SOME PEOPLE WAS OUT
7 THERE.
- 8 Q DID JAMIE STEP BACK OUT?
- 9 A YES SIR.
- 10 Q DID YOU GET UP?
- 11 A YES SIR.
- 12 Q DID YOU GO OUT?
- 13 A YES SIR.
- 14 Q DID YOU HEAR ANYTHING THAT JAMIE WAS COMING IN THE
15 HOUSE TO TELL YOU THAT THERE WERE PEOPLE OUT THERE?
- 16 A YES SIR.
- 17 Q WHAT'D YOU HEAR?
- 18 A THEY WAS SAYING SOMETHING ABOUT SELLING THE BACON.
19 Q SAY AGAIN.
- 20 A THEY WAS TALKING ABOUT SELLING THE BACON OR
21 SOMETHING.
- 22 Q YOU SAY YOU HEARD SOMEBODY TALKING?
- 23 A YES SIR.
- 24 Q COULD YOU TELL WHO WAS TALKING?
- 25 A DAVID.

- 1 Q DAVID GOINS?
- 2 A YES SIR.
- 3 Q I WANT TO ASK YOU THIS DIRECTLY. DID YOU HEAR DAVID
- 4 GOINS SAY ANYTHING WHEN HE WALKED UP TO THE PORCH?
- 5 A NO, NOT WALKING UP TO THE PORCH.
- 6 Q DID YOU HEAR DAVID GOINS SAY ANYTHING AFTER HE WALKED
- 7 UP TO THE PORCH?
- 8 A YES SIR.
- 9 Q WHAT DID HE SAY?
- 10 A THAT'S WHAT'S UP.
- 11 Q THAT'S WHAT'S UP?
- 12 A YES SIR. YOU SELLING THE BACON.
- 13 Q YOU SELLING THE BACON?
- 14 A YES SIR.
- 15 Q DID YOU KNOW WHAT DAVID GOINS MEANT BY THAT'S WHAT'S
- 16 UP?
- 17 A NO SIR.
- 18 Q DID YOU KNOW WHAT DAVID GOINS MEANT BY YOU SELLING
- 19 THE BACON?
- 20 A NO SIR.
- 21 Q IS THAT CODE FOR ANYTHING THAT YOU KNOW OF?
- 22 A NO SIR.
- 23 Q ARE YOU INSIDE WHEN YOU HEARD THAT?
- 24 A NO SIR. I WAS, LIKE, COMING OUTSIDE, RIGHT BEHIND JAMIE.

- 1 Q NOW, I'M GOING TO ASK YOU THIS NOW BEFORE I FORGET. AT
2 THE POINT THAT YOU ARE DESCRIBING THIS EVENT, DID YOU EVER
3 SEE MICHAEL ROBERTSON WITH ANY KIND OF A FIREARM? A
4 HANDGUN OR A LONG GUN, WHICH WOULD BE A SHOTGUN OR A RIFLE.
5 A NO SIR.
6 Q AT ANY TIME THAT AFTERNOON, HAD YOU SEEN HIM TO BE IN
7 POSSESSION OF A FIREARM?
8 A NO SIR.
9 Q DID YOU BROTHER, JAMIE ROBERTSON, SAME QUESTION. WAS
10 HE IN POSSESSION OF A HANDGUN OR A LONG GUN, WHICH WOULD BE
11 A RIFLE OR A SHOTGUN OR ANY KIND OF FIREARM?
12 A NO SIR.
13 Q SAME QUESTION ABOUT YOU. AT ANY TIME DURING THESE
14 EVENTS WERE YOU IN POSSESSION OF A HANDGUN OR A LONG GUN,
15 WHICH WOULD BE A RIFLE OR A SHOTGUN OR ANY KIND OF FIREARM?
16 A NO SIR.
17 Q DID ANY OF THE THREE OF Y'ALL AT ANY POINT DURING WHAT
18 YOU'RE DESCRIBING TO US PULL OUT AND PRESENT, USE, POINT, FIRE
19 ANY KIND OF A FIREARM?
20 A NO SIR.
21 Q HOW ABOUT GUNS, STICKS, KNIVES, BATS, ANYTHING ELSE,
22 OTHER THAN-- WELL, DID ANYBODY HAVE ANYTHING ELSE AT SOME
23 POINT?
24 A YES SIR.
25 Q WHO HAD WHAT?

- 1 A A CANE, JAMIE.
- 2 Q JAMIE?
- 3 A YES SIR.
- 4 Q WE'LL COME BACK AND TALK ABOUT THE CANE. OTHER THAN
- 5 THE CANE, DID EITHER OF THE THREE OF Y'ALL HAVE ANY KIND OF
- 6 WEAPON, GUN, STICKS, KNIVES, BOTTLES BROKEN OFF, ANYTHING
- 7 THAT WOULD HURT SOMEBODY, OTHER THAN JAMIE AND THE CANE?
- 8 A NO SIR. YES SIR. I HAD A STICK, A LITTLE STICK.
- 9 Q WHERE'D THE LITTLE STICK COME FROM?
- 10 A OFF SIDE OF THE HOUSE.
- 11 Q WE'LL COME BACK AND TALK ABOUT THE CANE AND THE STICK
- 12 IN A MINUTE. BUT I'LL GO AHEAD AND ASK YOU A PRELIMINARY
- 13 QUESTION ABOUT THE CANE AND THE STICK.
- 14 A YES SIR.
- 15 Q WHEN JAMIE CAME IN THE HOUSE AND TOLD YOU DAVID WAS
- 16 OUT THERE, DID HE HAVE THE CANE THEN?
- 17 A NO SIR.
- 18 Q WHEN HE TOLD YOU THAT, DID YOU HAVE THE STICK THEN?
- 19 A NO SIR.
- 20 Q DID THEY COME INTO PLAY LATER?
- 21 A YES SIR.
- 22 Q NOW, YOU WALKED OUTSIDE AFTER HEARING DAVID GOINS SAY
- 23 WHAT HE SAID. YOU'RE WALKING OUTSIDE. WHAT HAPPENS NEXT?
- 24 A A GUN FIRING.
- 25 Q A GUN FIRING?

RENARDO WOOD - DIRECT EXAMINATION BY MR. BARFIELD

- 1 A YES SIR.
- 2 Q FROM WHAT DIRECTION DID THE GUNFIRE COME?
- 3 A IT WAS FROM THE HOUSE, LIKE, ON THE RIGHT-HAND SIDE.
- 4 Q ON THE OUTSIDE?
- 5 A YES SIR.
- 6 Q ON THE FRONT OF THE HOUSE?
- 7 A YES SIR.
- 8 Q GUNFIRE. ONE SHOT OR MULTIPLE SHOTS?
- 9 A MULTIPLE SHOTS.
- 10 Q WHEN YOU HEARD THE GUNFIRE, DID YOU LOOK IN THE
- 11 DIRECTION THAT YOU HEARD THE GUN FIRE FROM?
- 12 A YES SIR.
- 13 Q TELL US WHAT YOU SAW WHEN YOU HEARD THE GUNFIRE AND
- 14 LOOKED.
- 15 A MY UNCLE ON THE GROUND.
- 16 Q YOUR UNCLE MICHAEL?
- 17 A YES SIR.
- 18 Q ON THE GROUND HOW?
- 19 A WITH HIS HANDS UP, ON HIS KNEES.
- 20 Q ALL RIGHT. STOP. WHEN YOU HEARD GUNFIRE AND LOOKED
- 21 OVER, DID YOU SEE YOUR UNCLE MICHAEL?
- 22 A YES SIR.
- 23 Q WAS HE ON HIS KNEES WHEN YOU SAW HIM?
- 24 A YES SIR.
- 25 Q WAS ANYBODY NEAR HIM?

RENARDO WOOD - DIRECT EXAMINATION BY MR. BARFIELD

215

- 1 A YES SIR.
- 2 Q WHO WAS NEAR HIM?
- 3 A DAVID.
- 4 Q DAVID GOINS?
- 5 A YES SIR.
- 6 Q DID YOU SEE A FIREARM?
- 7 A YES SIR.
- 8 Q WHAT KIND OF FIREARM?
- 9 A A SMALL HANDGUN.
- 10 Q COULD YOU TELL MUCH ABOUT THE HANDGUN?
- 11 A NO SIR.
- 12 Q ARE YOU SURE IT WAS A HANDGUN?
- 13 A YES SIR.
- 14 Q WHO HAD THE HANDGUN?
- 15 A DAVID.
- 16 Q DAVID GOINS?
- 17 A YES SIR.
- 18 Q WHERE DID HE HAVE THE HANDGUN?
- 19 A IN HIS HAND.
- 20 MR. BARFIELD: PERMISSION FOR THE WITNESS TO STEP DOWN
- 21 BRIEFLY?
- 22 THE COURT: YES SIR.
- 23 Q COME DOWN HERE.
- 24 (WHEREUPON WITNESS EXITED WITNESS STAND FOR
- 25 DEMONSTRATION)

1 YOU'VE GOT TO TALK LOUD BECAUSE YOU AIN'T GOT A
2 MICROPHONE NOW.

3 I'M MICHAEL. TELL ME WHERE HE WAS, TO SHOW THE JURY
4 HOW THEY WERE POSITIONED WHEN YOU HEARD THE GUNFIRE AND
5 LOOKED OVER AT THEM. WHAT DO I NEED TO DO FIRST?

6 A GET DOWN ON YOUR KNEES.

7 Q ALL RIGHT. (WHEREUPON SOLICITOR DROPS TO KNEES)

8 A THIS WOULD BE THE FRONT DOOR RIGHT HERE.

9 Q I'M FACING THE FRONT DOOR?

10 A NO, FACE THIS WAY, LIKE, TOWARDS.

11 Q SLIDE THAT OVER THERE TO BE THE FRONT DOOR, SO THAT I
12 WILL BE WHERE HE WAS IN RELATION TO THE FRONT DOOR.

13 A ALL RIGHT.

14 Q TELL ME WHERE TO GO.

15 A LIKE THIS RIGHT HERE.

16 Q FACING AWAY FROM THE FRONT DOOR?

17 A YES SIR.

18 Q ALL RIGHT.

19 A AND HE WAS, LIKE, RIGHT HERE.

20 Q WHO IS HE?

21 A DAVID GOINS.

22 Q I CAN'T SEE. WHAT YOU DOING BEHIND MY HEAD?

23 A I'M DOING THE SAME WAY HE WAS DOING IN THE SHOOTING
24 MODE.

25 Q YOUR HAND IS THE PISTOL?

- 1 A YES SIR.
- 2 Q STAND UP HERE NEXT TO ME WHERE HE WAS, AND JUST STAY
- 3 THERE FOR A MINUTE AND LET THE JURY SEE WHERE THE TWO OF
- 4 THEM WERE POSITIONED.
- 5 (WITNESS MAINTAINS POSITION)
- 6 IS THAT THE WAY IT WAS?
- 7 A YES SIR.
- 8 Q AND WHERE WERE YOU WHEN YOU WERE SEEING THIS?
- 9 A RIGHT ON THE PORCH.
- 10 Q RIGHT OUTSIDE THE DOOR?
- 11 A YES SIR.
- 12 Q RIGHT THERE AT THEM?
- 13 A YEAH. ME AND MY BROTHER WAS COMING OUT AND
- 14 EVERYTHING. AND IT MIGHT SOUND LIKE IT TOOK SECONDS, BUT
- 15 EVERYTHING HAPPENED, LIKE, FAST. EVERYTHING HAPPENED, LIKE,
- 16 NOT EVEN SECONDS; LIKE, SPLIT SECONDS. AND ME AND HIM WAS
- 17 COMING OUT AND WE SAW THEM LIKE THIS RIGHT HERE. IT WAS ALL
- 18 IN A SPLIT SECOND.
- 19 Q YOU CAN STEP BACK UP.
- 20 (WHEREUPON WITNESS RETURNED TO WITNESS STAND)
- 21 WHAT WAS MICHAEL DOING WITH HIS HANDS WHEN HE WAS IN
- 22 THAT POSITION?
- 23 A (WITNESS INDICATES RAISING OF HANDS)
- 24 Q USE YOUR WORDS TO DESCRIBE WHERE HIS HANDS WERE.
- 25 A UP.

- 1 Q UP. DID HE HAVE ANYTHING IN HIS HANDS?
- 2 A NO SIR.
- 3 Q DID YOU EVER SEE YOUR UNCLE MICHAEL IN PHYSICAL
- 4 CONTACT WITH DAVID GOINS?
- 5 A NO SIR.
- 6 Q DID YOU EVER SEE MICHAEL HIT DAVID?
- 7 A NO SIR.
- 8 Q DID YOU EVER SEE MICHAEL HOLDING ONTO DAVID GOINS'
- 9 FEET?
- 10 A YEAH, AS HE WAS GOING DOWN.
- 11 Q WHEN YOU HEARD THE GUNFIRE, COULD YOU TELL-- WHEN
- 12 YOU HEARD THE GUNFIRE-- HOW MANY TIMES DID YOU HEAR
- 13 GUNFIRE?
- 14 A FOUR TIMES.
- 15 Q YOU HEARD FOUR SHOTS, OR YOU HEARD GUNFIRE, TWO
- 16 DIFFERENT SETS OF GUNFIRE?
- 17 A YEAH, TWO DIFFERENT SETS.
- 18 Q AND THE FIRST SET OF GUNFIRE, THAT'S WHEN YOU SAW THEM,
- 19 MICHAEL ON HIS KNEES AND DAVID STANDING BEHIND HIM?
- 20 A YES SIR.
- 21 Q COULD YOU TELL IF MICHAEL HAD BEEN SHOT OR WAS INJURED
- 22 AFTER THE FIRST SET OF GUNFIRE?
- 23 A YES SIR.
- 24 Q HOW DO YOU KNOW?

1 A BECAUSE HE WAS ON HIS KNEES ON THE SET OF GUN-- I MEAN,
2 ON THE FIRST TIME. THE SECOND TIME HE WAS ON THE GROUND.

3 Q WE AIN'T GOT TO THE GROUND YET. WHEN YOU SAW HIM ON
4 HIS KNEES AFTER YOU HEARD GUNFIRE THE FIRST TIME, COULD YOU
5 TELL IF HE WAS HIT?

6 A NO SIR. HE WAS ON HIS KNEES.

7 Q THAT'S FINE. WHERE WAS-- WHERE DID YOU AND JAMIE GO
8 WHEN YOU STEPPED OUT THE DOOR AND SAW DAVID GOINS OVER
9 MICHAEL ROBERTSON WITH A PISTOL POINTED AT HIS HEAD?

10 A WELL, JAMIE RUSHED TOWARD DAVID.

11 Q DID JAMIE GET HIS HANDS ON DAVID?

12 A NOT REALLY, BECAUSE AS HE WAS REACHING HIS HAND OUT,
13 DAVID SWUNG AROUND AND SHOT AT HIM.

14 Q ALL RIGHT. WHERE WERE YOU WHEN DAVID SHOT JAMIE?

15 A LIKE, STANDING HALFWAY ON THE PORCH AND HALFWAY OFF
16 THE STEPS.

17 Q DID JAMIE-- HOW MANY TIMES-- DO YOU KNOW-- DO YOU
18 KNOW HOW MANY TIMES DAVID SHOT JAMIE THAT TIME?

19 A YES SIR.

20 Q THAT TIME?

21 A YES SIR.

22 Q ONE SHOT OR MULTIPLE SHOTS?

23 A MULTIPLE SHOTS.

24 Q DO YOU KNOW IF JAMIE GOT HIT?

25 A YES SIR.

- 1 Q HOW DO YOU KNOW JAMIE GOT HIT?
- 2 A BECAUSE WE HAD TO TAKE HIM TO THE EMERGENCY ROOM.
- 3 Q RIGHT THEN HOW DID YOU KNOW JAMIE GOT HIT? COULD YOU
- 4 SEE A BULLET GOING INTO HIM, OR COULD YOU SEE HIM BLEEDING OR
- 5 ANYTHING THEN?
- 6 A NO SIR.
- 7 Q DID JAMIE GO DOWN WHEN DAVID SHOT AT HIM?
- 8 A NO SIR.
- 9 Q WHAT DID DAVID DO AFTER HE SHOT AT JAMIE?
- 10 A HE STARTED RUNNING OFF.
- 11 Q NOW, HAD DAVID SHOT AGAIN AT MICHAEL YET?
- 12 A NO SIR.
- 13 Q TELL US ABOUT. TELL US ABOUT MICHAEL GOING DOWN. HOW
- 14 DID THAT HAPPEN?
- 15 A HE WENT DOWN AS WE WAS COMING OUT THE DOOR. AND HE
- 16 WASN'T UP NO MORE. IT WAS JAMIE WAS RUNNING AFTER DAVID.
- 17 Q DID YOU SEE DAVID GOINS SEE MICHAEL ROBERTSON?
- 18 A YES SIR.
- 19 Q DID YOU SEE MICHAEL ROBERTSON GO TO THE GROUND?
- 20 A YES SIR.
- 21 Q WHEN HE WENT DOWN FROM HIS KNEES TO THE GROUND, DID
- 22 HE GO FACE DOWN?
- 23 A YES SIR.
- 24 Q DID JAMIE EVER GET HIS HANDS ON DAVID GOINS?
- 25 A HE WASN'T NEVER ABLE TO PUT HIS HANDS ON HIM.

1 Q WHAT DID DAVID DO-- DID HE DO ALL OF HIS SHOOTING AT
2 MICHAEL BEFORE HE SHOT AT JAMIE?

3 A NO SIR.

4 Q ALL RIGHT. EXPLAIN THE SEQUENCE. JUST RUN US THROUGH IT
5 REAL QUICK.

6 A HE SHOT MICHAEL. AND THEN AS HE WAS SHOOTING MICHAEL
7 WE WAS COMING OUT THE DOOR. THEN JAMIE STARTING RUNNING
8 TOWARD HIM AND REACHING OUT WITH HIS HANDS. SOON AS HE SAW
9 JAMIE REACHING OUT, HE TURNED OFF AND SHOT AT JAMIE.

10 Q OKAY.

11 A AND I WAS JUST STANDING THERE. AND WHEN HE WAS
12 SHOOTING AT JAMIE HE WAS RUNNING OFF BACK TOWARDS THE
13 TRUCK.

14 Q ALL RIGHT. STOP. HE SHOT MICHAEL AND THEN HE SHOT JAMIE.
15 HE DIDN'T SHOOT MICHAEL ANYMORE AFTER HE SHOT JAMIE. IS THAT
16 WHAT YOU'RE SAYING?

17 A YES SIR.

18 Q THAT'S CORRECT?

19 A YES SIR.

20 Q YOU SAID HE WAS RUNNING OFF WHEN HE SHOT AT JAMIE.
21 WHERE WAS HE RUNNING?

22 A TOWARDS HIS BROTHER'S TRUCK.

23 Q DID YOU EVER-- DID HE HAVE THE PISTOL IN HIS HAND WHEN
24 HE RAN?

- 1 A I DON'T KNOW AT THAT TIME BECAUSE I WAS AT MICHAEL,
2 TRYING TO SEE WHAT WAS GOING ON.
- 3 Q WHEN WAS THE LAST TIME YOU SAW THE PISTOL?
- 4 A WHEN IT WAS TAKEN OUT ON MY BROTHER, WHEN HE WAS
5 TRYING TO CHASE HIM.
- 6 Q DID DAVID HAVE THE GUN WHEN YOU SAW MICHAEL CHASE
7 DAVID?
- 8 A NO, JAMIE CHASE DAVID.
- 9 Q I'M SORRY. DID DAVID HAVE THE GUN WHEN YOU SAW JAMIE
10 CHASE DAVID?
- 11 A YES SIR.
- 12 Q DID YOU EVER SEE THAT GUN AGAIN FROM THAT DAY UNTIL
13 THIS DAY?
- 14 A NO SIR.
- 15 Q WHERE DID-- LET'S BACK UP. WHERE WAS KAUFFIN AND
16 ANDERSON WHEN ALL THIS WAS GOING ON?
- 17 A ABOUT TWENTY FEET, MAYBE.
- 18 Q WHAT WERE THEY NEAR? WERE THEY NEAR THE ROAD, NEAR
19 THE HOUSE, UP THE STREET?
- 20 A MORE NEAR THE HOUSE, AND NEAR, LIKE, THE ROAD ALSO,
21 WHERE THE TRUCK WAS PARKED.
- 22 Q IF I'M STANDING AT THE FRONT DOOR, AND YOU CAME OUT OF
23 THE FRONT DOOR, AND YOU SAY SOME OF THIS STUFF WAS
24 HAPPENING A LITTLE BIT TO THE RIGHT OF THE FRONT DOOR. IS THAT
25 RIGHT?

- 1 A YES SIR.
- 2 Q AND THEY WERE PARKED ON UP TO THE RIGHT?
- 3 A NO SIR. THEY WAS PARKED---
- 4 Q TO THE LEFT?
- 5 A ---TO THE LEFT. YES SIR.
- 6 Q DID THEY EVER COME RIGHT UP TO WHERE THINGS WAS
- 7 HAPPENING?
- 8 A NO SIR.
- 9 Q WHERE DID KAUFFIN AND ANDERSON GO WHEN THE SHOOTING
- 10 STARTED?
- 11 A THEY WAS REALLY NOT UP CLOSE. WHEN THE SHOOTING
- 12 START, THEY HEAD TO THE TRUCK.
- 13 Q DID THEY TAKE OFF AT SOME POINT?
- 14 A YES SIR.
- 15 Q DO YOU KNOW AT WHAT POINT THEY LEFT, STARTED MOVING,
- 16 ON FOOT, OR IN THE TRUCK OR OTHERWISE?
- 17 A WHEN DAVID DONE THE SHOOTING, THAT'S WHEN THEY WENT
- 18 BACK TO THE TRUCK AND I AIN'T SAW THEM NO MORE.
- 19 Q DID YOU SEE THE TRUCK LEAVE?
- 20 A YES SIR.
- 21 Q DID THE TRUCK LEAVE BY GOING ON BY THE HOUSE AND UP THE
- 22 ROAD, OR DID IT TURN AROUND AND GO OUT THE WAY IT CAME, OR
- 23 WHAT?
- 24 A THEY BACKED ALL THE WAY UP.
- 25 Q BACKED UP?

RENARDO WOOD - DIRECT EXAMINATION BY MR. BARFIELD

- 1 A THEY BACKED ALL THE WAY UP TOWARDS THE APARTMENTS.
- 2 Q SO, THE TRUCK LEFT THE SAME WAY IT CAME IN, BUT BACKING
- 3 UP?
- 4 A UH-HUH.
- 5 Q WHERE DID DAVID GO? WAS HE RUNNING THE OPPOSITE WAY
- 6 FROM THE TRUCK AT FIRST, OR WAS HE RUNNING TOWARDS THE
- 7 TRUCK?
- 8 A RUNNING TOWARDS THE TRUCK.
- 9 Q DID YOU SEE DAVID GET AWAY FROM THERE?
- 10 A YES SIR.
- 11 Q HOW DID HE GET AWAY FROM THERE?
- 12 A HE IN HIS BROTHER'S TRUCK.
- 13 Q IN THE WHITE TRUCK?
- 14 A YES SIR.
- 15 Q ABOUT HOW LONG AFTER THE YAK-YAKKING WITH THE GIRLS
- 16 OVER AT MICHAEL'S HOUSE EARLIER THAT DAY, OR THAT EVENING,
- 17 DID THE SHOOTING OCCUR?
- 18 A ABOUT THREE HOURS.
- 19 Q DID JAMIE EVER GO TO THE GROUND THAT YOU SAW AFTER
- 20 HE'D BEEN SHOT?
- 21 A NO SIR.
- 22 Q HOW DID YOU FIND OUT THAT HE HAD TAKEN A BULLET?
- 23 A WHEN HE SAID.
- 24 Q DID YOU SEE ANY INJURY ON HIM, ANY BLOOD ON HIM?
- 25 A YES SIR.

1 Q WHERE WAS JAMIE BLEEDING?

2 A FROM HIS ARM AND HIS SHOULDER.

3 Q DID YOUR UNCLE MICHAEL EVER MOVE ON HIS OWN FROM
4 BEING FACE DOWN ON THE GROUND IN HIS FRONT YARD AFTER HE
5 WAS SHOT?

6 A NO SIR.

7 Q MS. COLLINS TESTIFIED YESTERDAY ABOUT SOMEBODY
8 BEATING ON A CAR OVER THERE AT MICHAEL'S HOUSE. TELL ME
9 ABOUT THAT. TELL THEM ABOUT THAT.

10 A I DON'T KNOW TOO MUCH, BUT, YOU KNOW, EVERYTHING
11 HAPPENED SO FAST.

12 Q WELL, LET'S TALK ABOUT THAT FIRST. WELL, LET ME FINISH UP
13 ABOUT THE CAR. DO YOU KNOW WHETHER SOMEBODY TORE UP
14 DAVID GOINS' BURGUNDY IMPALA OUT THERE IN FRONT OF THE
15 HOUSE?

16 A YES SIR.

17 Q DO YOU KNOW WHO DID IT?

18 A JAMIE.

19 Q WHAT'D HE DO IT WITH?

20 A HIS CANE.

21 Q DID JAMIE-- WHEN DID JAMIE PUT THE CANE IN HIS HAND. TELL
22 ME ABOUT THAT.

23 A AFTER HE HAD LEFT, I MEAN, EVERYTHING HAPPENED SO QUICK.

24 Q LET ME ASK YOU THIS QUESTION: DID YOU HAVE-- DID JAMIE
25 HAVE THE CANE WHILE, BEFORE THE SHOOTING OCCURRED?

- 1 A NO SIR.
- 2 Q DID YOU HAVE THE STICK OFF THE SIDE OF THE HOUSE BEFORE
- 3 THE SHOOTING OCCURRED?
- 4 A NO SIR.
- 5 Q DID YOU SEE JAMIE BEATING ON THE CAR?
- 6 A NOT REALLY.
- 7 Q DID YOU KNOW HE WAS?
- 8 A YES SIR.
- 9 Q COULD YOU HEAR HIM?
- 10 A YES SIR.
- 11 Q COULD YOU HEAR GLASS BREAKING?
- 12 A YES SIR.
- 13 Q HAVE YOU GOT ANY IDEA HOW THE RADIO GOT SNATCHED OUT
- 14 OF THE CAR AND THROWN INTO THE YARD?
- 15 A THE RADIO SNATCHED OUT?
- 16 Q YES, DID YOU KNOW THAT?
- 17 A NO SIR.
- 18 Q TO YOUR KNOWLEDGE, DID ANYBODY PUT ANYTHING INTO
- 19 DAVID GOINS' CAR WHILE IT WAS SITTING OVER THERE THAT NIGHT?
- 20 A NO SIR.
- 21 Q WHAT HAPPENED WITH MICHAEL? FROM BEING FACE DOWN IN
- 22 THE YARD, TELL ME HOW YOU DID SOMETHING FOR MICHAEL?
- 23 A TRIED TO PICK HIM UP AND PUT HIM IN MY CAR.
- 24 Q DID HE END UP IN YOUR CAR?
- 25 A YES SIR.

RENARDO WOOD - DIRECT EXAMINATION BY MR. BARFIELD

- 1 Q DID HE GET DRIVEN SOMEWHERE?
- 2 A YES SIR.
- 3 Q TO WHERE?
- 4 A TO THE HOSPITAL HERE IN WINNSBORO.
- 5 Q HERE IN WINNSBORO. DID HE GET TAKEN-- DID YOU SEE HIM?
- 6 DID YOU GET A LOOK AT HIM WHILE YOU WERE DEALING WITH HIM?
- 7 A YES SIR.
- 8 Q DID HE HAVE INJURIES?
- 9 A YES SIR.
- 10 Q WHAT DID YOU SEE?
- 11 A HE HAS BEEN SHOT IN THE HAND.
- 12 Q WHICH HAND, DO YOU REMEMBER?
- 13 A NO SIR.
- 14 Q OKAY.
- 15 A AND HE HAD GOT SHOT IN THE HEAD.
- 16 Q YOU COULD SEE THAT HE HAD BEEN SHOT IN THE HEAD?
- 17 A YES SIR.
- 18 Q DID HE GO SOMEWHERE FROM FAIRFIELD MEMORIAL HOSPITAL?
- 19 A YES SIR.
- 20 Q WHERE?
- 21 A HE WENT TO RICHLAND MEMORIAL.
- 22 Q HOW'D HE GET THERE?
- 23 A HELICOPTER.
- 24 Q DID YOU SPEND TIME AT THE HOSPITAL IN COLUMBIA WHILE HE
- 25 WAS AT RICHLAND? DID YOU GO DOWN THERE?

RENARDO WOOD - DIRECT EXAMINATION BY MR. BARFIELD

- 1 A YES SIR.
- 2 Q DO YOU KNOW WHETHER JAMIE WENT TO THE DOCTOR OR
3 HOSPITAL ANYWHERE?
- 4 A WHEN WE WENT TO THE HOSPITAL IN COLUMBIA.
- 5 Q I'M GOING TO STOP YOU RIGHT THERE. THAT NIGHT AFTER YOU
6 KNEW MICHAEL WAS GOING TO COLUMBIA IN A HELICOPTER, DID
7 YOUR FAMILY, YOU AND OTHERS IN YOUR FAMILY DRIVE TO
8 COLUMBIA?
- 9 A YES SIR.
- 10 Q DID JAMIE GO TO COLUMBIA TO THE HOSPITAL?
- 11 A YES SIR.
- 12 Q DID HE GET TREATED DOWN THERE FOR HIS INJURIES?
- 13 A YES SIR.
- 14 Q CALVIN COLEMAN, WAS HE AROUND FOR SOME OF THIS THAT
15 NIGHT?
- 16 A HE WAS AROUND. HE HELPED ME PUT MY UNCLE IN THE CAR.
- 17 Q OKAY. DID YOU DRIVE THE CAR TO THE HOSPITAL?
- 18 A YES SIR.
- 19 Q DID JAMIE RIDE TO THE HOSPITAL WITH YOU?
- 20 A YES SIR.
- 21 Q YOU AND MICHAEL AND JAMIE WAS ON THE WAY TO THE
22 HOSPITAL?
- 23 A YES SIR.
- 24 Q I'M GOING TO ASK YOU AGAIN, MR. WOOD. OTHER THAN THE
25 CANE THAT JAMIE HAD AND THE STICK THAT YOU HAD FROM THE SIDE

RENARDO WOOD - CROSS EXAMINATION BY MR. HEMLEPP

1 OF THE HOUSE THAT YOU SAID Y'ALL BOTH PUT IN YOUR HANDS
2 AFTER THE SHOOTING, DID ANYBODY OTHER THAN DAVID ALLEN
3 GOINS HAVE ANY KIND OF A FIREARM OR A WEAPON OUT BEING USED
4 THAT NIGHT WHEN YOUR UNCLE AND YOUR BROTHER GOT SHOT?

5 A NO SIR.

6 Q WAS DAVID GOINS, CHRISTOPHER KAUFFIN AND FLEMING
7 ANDERSON'S VISIT TO MICHAEL'S HOUSE THAT NIGHT A SOCIAL TYPE
8 OF VISIT?

9 A NO SIR.

10 Q WAS THERE ANY SITTING AROUND, DRINKING BEER, PARTYING
11 AND CARRYING ON AMONG THEM, THE SIX OF YOU?

12 A NO SIR.

13 Q FROM THE TIME-- IF YOU CAN, FROM THE TIME DAVID GOINS
14 WHEELED THAT BURGUNDY CAPRICE UP IN FRONT OF MICHAEL'S
15 HOUSE TO THE TIME HE WAS RUNNING OFF INTO THE NIGHT, HOW
16 LONG DID IT TAKE FROM WHEN HE PULLED UP TO WHEN HE WAS
17 RUNNING OFF IN THE DARK?

18 A TWO OR THREE MINUTES.

19 Q THANK YOU, SIR. ANSWER ANYTHING MR. HEMLEPP HAS.

20 MR. HEMLEPP: MAY IT PLEASE THE COURT.

21 THE COURT: YES SIR.

22 **CROSS EXAMINATION BY MR. HEMLEPP:**

23 Q WERE YOU TELLING EVERYBODY THAT LAJESKA HAD AIDS?

24 A NO SIR.

25 Q YOU WEREN'T TELLING EVERYBODY THAT?.

- 1 A NO SIR.
- 2 Q DID YOU ARGUE WITH HER ABOUT THAT?
- 3 A YES SIR.
- 4 Q SHE CAME OVER THERE AND YOU WERE THERE AT MICHAEL'S
- 5 HOUSE AND Y'ALL ARGUED ABOUT IT.
- 6 A YES SIR.
- 7 Q AND THAT DAY, I UNDERSTAND THE SOLICITOR ASKED YOU
- 8 ABOUT Y'ALL DRINKING, WHATEVER, WITH DAVID AND CHRIS AND
- 9 FLETCHER. BUT YOU'D BEEN DRINKING BEFORE THAT, BEFORE THEY
- 10 SHOWED UP, HADN'T YOU?
- 11 A NO SIR.
- 12 Q HAD MICHAEL BEEN DRINKING?
- 13 A YES SIR.
- 14 Q HAD JAMIE BEEN DRINKING?
- 15 A YES SIR.
- 16 Q BUT YOU HADN'T HAD ANYTHING?
- 17 A NO SIR.
- 18 Q HOW LONG HAD YOU BEEN THERE PRIOR TO DAVID SHOWING
- 19 UP?
- 20 A I WAS WITH THEM THE WHOLE DAY.
- 21 Q THE WHOLE DAY?
- 22 A YES SIR.
- 23 Q WHO DID YOU SEE THERE ALL DAY?
- 24 A ME AND JAMIE ROBERTSON AND MICHAEL ROBERTSON.
- 25 Q ANYBODY ELSE?

- 1 A OTHERS CAME, YOU KNOW, THROUGHOUT THE DAY.
- 2 Q WELL, YOU SAW LAJESKA, RIGHT, BECAUSE YOU ARGUED WITH
- 3 HER?
- 4 A YES SIR.
- 5 Q SO, WAS SHE THERE OR NOT?
- 6 A I SAID YEAH.
- 7 Q SO, WAS ANYBODY ELSE THERE?
- 8 A LAJESKA CAME WITH MARY.
- 9 Q AND MARY?
- 10 A YES SIR.
- 11 Q WAS ANYBODY ELSE THERE?
- 12 A YES SIR.
- 13 Q WHO WAS THAT?
- 14 A DAVID WAS THERE. CHRIS, HIS BROTHER WAS THERE. BOOSEY
- 15 WAS THERE.
- 16 Q ANYBODY ELSE?
- 17 A THE NEXT DOOR NEIGHBOR WAS THERE.
- 18 Q WHO WAS THAT?
- 19 A THE LADY, I DON'T KNOW HER NAME.
- 20 Q DID SHE COME OUT AND HANG OUT WITH Y'ALL?
- 21 A NAH, SHE CAME OUT TO SEE, YOU KNOW, WHATEVER.
- 22 Q WAS SHE REALLY IN HER HOUSE?
- 23 A YEAH.
- 24 Q JUST CAME OUT AND LOOK BECAUSE Y'ALL WERE THERE?
- 25 A YES SIR.

- 1 Q BUT YOU DIDN'T HAVE ANYTHING TO DRINK ALL DAY?
- 2 A NO SIR.
- 3 Q WHEN YOU CAME OUT OF THE HOUSE YOU TESTIFIED-- YOU DID
- 4 MORE THAN TESTIFY; YOU CAME DOWN AND YOU ACTED WITH THE
- 5 SOLICITOR ABOUT WHAT YOU SAW. WAS THAT ON THE FRONT PORCH?
- 6 A NO SIR.
- 7 Q WHERE WAS THAT?
- 8 A RIGHT IN FRONT OF THE HOUSE.
- 9 Q RIGHT IN FRONT OF THE HOUSE?
- 10 A YES SIR.
- 11 Q HOW FAR IN FRONT OF THE HOUSE?
- 12 A THIS IS THE FRONT OF THE HOUSE, THIS, RIGHT HERE.
- 13 Q OKAY. NOW, YOU'RE INDICATING THE WIDTH OF THE WITNESS
- 14 BOX.
- 15 A YES SIR.
- 16 Q SO, IT WOULD BE ABOUT THAT DISTANCE?
- 17 A YES SIR.
- 18 Q SO, THAT DISTANCE FROM THE FRONT PORCH?
- 19 A YES SIR.
- 20 Q SO, THERE WOULD BE THE WIDTH OF THE FRONT PORCH, AND
- 21 THE BACK DISTANCE AS WELL?
- 22 A UH-HUH.
- 23 Q SO, YOU WERE ABLE TO SEE CLEARLY?
- 24 A YES SIR.

RENARDO WOOD - CROSS EXAMINATION BY MR. HEMLEPP

- 1 Q THE WAY THAT YOU WERE HOLDING YOUR HANDS TO THE
2 SOLICITOR, IS THAT WHAT YOU SAW DAVID DOING?
- 3 A YES SIR.
- 4 Q YOU'RE SURE?
- 5 A YES SIR.
- 6 Q IT WAS JUST LIKE THAT?
- 7 A YES SIR.
- 8 Q YOU DON'T WANT TO CHANGE ANYTHING?
- 9 A NO SIR.
- 10 Q WERE YOU THERE WHEN THE POLICE CAME?
- 11 A NO SIR. I HAD LEFT WHEN SOON AS IT HAPPENED.
- 12 Q DID YOU EVER TALK TO THE POLICE?
- 13 A MAYBE LATER ON THE WEEK, SOMETIME AROUND.
- 14 Q DID THEY TAKE A STATEMENT FROM YOU, A WRITTEN
15 STATEMENT?
- 16 A YES SIR.
- 17 Q YOU TOLD THEM EVERYTHING YOU KNEW.
- 18 A YES SIR.
- 19 Q DID YOU TELL THEM THAT CHRIS AND BOOSEY HAD COME AT
20 THE SAME TIME AS DAVID?
- 21 A YES SIR. THEY PULLED IN RIGHT BEHIND EACH OTHER.
- 22 Q DID YOU TELL THE POLICE THAT?
- 23 A NO SIR.

1 Q WHEN DAVID AND BOOSEY PULLED UP RIGHT BEHIND-- I'M
2 SORRY. CHRIS KAUFFIN AND BOOSEY PULLED UP RIGHT BEHIND
3 DAVID, HOW FAR WAS THEIR CAR FROM HIS CAR?

4 A I'D SAY HIS CAR WAS, LIKE, MAYBE TWO CAR LENGTHS FROM
5 THEM BECAUSE IT WAS, LIKE, A DRIVEWAY, TWO CAR LENGTHS AND A
6 DRIVEWAY, AND HIS BROTHER PARKED THERE.

7 Q OKAY. SINCE YOU'RE FACING THIS WAY, IT KIND OF MAKES
8 MORE SENSE. WE'RE LOOKING OUT OF THE HOUSE.

9 A YES.

10 Q AND THERE'S THE FRONT YARD?

11 A UH-HUH.

12 Q WHERE'S THE DRIVEWAY?

13 A RIGHT HERE.

14 Q OVER HERE?

15 A UH-HUH.

16 Q AND THERE'S A CAR IN FRONT OF IT?

17 A TWO CAR LENGTHS.

18 Q AND WHO IS HE?

19 A DAVID.

20 Q AND THEN THE WHITE TRUCK WAS OVER HERE?

21 A YES SIR. RIGHT BEHIND THE DRIVEWAY.

22 Q AND WHEN THEY PULLED UP IN THE WHITE TRUCK, WHAT'D
23 THEY DO?

24 A GOT OUT.

25 Q WERE YOU INSIDE?

RENARDO WOOD - CROSS EXAMINATION BY MR. HEMLEPP

- 1 A YES SIR.
- 2 Q SO, WHEN YOU SAY THEY GOT OUT, HOW DO YOU KNOW?
- 3 A BECAUSE MY BROTHER SAID THEY WAS OUTSIDE AND I CAME
- 4 OUT.
- 5 Q AND YOU SAW THEM WHAT?
- 6 A THEM WALKING.
- 7 Q SO, WHEN YOU CAME OUT OF THE FRONT DOOR, AND WE'RE
- 8 STANDING AT THE FRONT DOOR, ---
- 9 A UH-HUH.
- 10 Q ---WHERE DID YOU SEE THEM WALKING?
- 11 A RIGHT TOWARDS THE BACK OF THE ROOM.
- 12 Q WELL, IF I'M THE FRONT DOOR, WHY DON'T YOU POINT TO
- 13 WHERE YOU SAW THEM?
- 14 A (WITNESS INDICATES BY POINTING)
- 15 Q OKAY. SO, OFF TO THE LEFT?
- 16 A YES SIR.
- 17 Q AND THEY WERE WALKING TOWARDS THE YARD?
- 18 A YES SIR.
- 19 Q HOW BIG IS THIS YARD? IS IT OUT IN THE COUNTRY?
- 20 A NO SIR.
- 21 Q IT'S IN TOWN?
- 22 A YES SIR.
- 23 Q IS IT AS BIG AS THIS COURTROOM?
- 24 A HUH-UH.
- 25 Q IT'S NOT THAT BIG?

RENARDO WOOD - CROSS EXAMINATION BY MR. HEMLEPP

- 1 A NO SIR.
- 2 Q ABOUT HALFWAY TO THE AUDIENCE OVER THERE?
- 3 A NO SIR.
- 4 Q SHORTER THAN THAT? WHAT ABOUT JUST A LITTLE BIT BACK?
- 5 A YEAH, ABOUT THAT BIG, THE YARD, UH-HUH.
- 6 Q SO, THE FRONT PORCH WHERE YOU'RE SITTING?
- 7 A YES SIR.
- 8 Q WHAT WERE THEY DOING?
- 9 A THEY WAS GETTING OUT AND WALKING TOWARDS WHERE THIS
- 10 WAS GOING ON.
- 11 Q THIS WAS ALSO-- HOW LONG-- OKAY. WHEN YOU FIRST SAW
- 12 CHRIS AND BOOSEY.
- 13 A UH-HUH.
- 14 Q IT WASN'T OUT FRONT, IT WASN'T OVER THERE. THEY'RE
- 15 WALKING, THEY SHOWED UP?
- 16 A YES SIR.
- 17 Q ABOUT TO THERE WHERE YOU POINTED?
- 18 A UH-HUH.
- 19 Q HOW LONG FROM THAT POINT WHERE YOU SAW THEM TO YOU
- 20 SEEING DAVID WITH THE PISTOL?
- 21 A ALL OF IT WAS, LIKE,-- IT ALL HAPPENED AT THE SAME TIME.
- 22 LIKE, I WALKED OUT, SEE HIM, SEE HIM, BAM, BAM, AND THEY TOOK
- 23 OUT, YOU KNOW. IT WAS ALL JUST LIKE THAT. YOU KNOW WHAT I'M
- 24 SAYING. IT WASN'T NO-- JUST FAST.

1 Q THIS MAY BE A HARD QUESTION TO ANSWER. WOULD YOU SAY
2 THAT YOU'VE SEEN THEM WALKING TOWARDS YOU AND YOU'VE SEEN
3 DAVID WITH THE GUN AND THAT HAPPENED VIRTUALLY AT THE SAME
4 TIME?

5 A (NO RESPONSE)

6 Q I MEAN, I KNOW YOU GOT TO TURN YOUR HEAD. BUT YOU SAW
7 ONE THING. WHEN YOU WALKED OUT AND YOU TAKE IT ALL IN?

8 A UH-HUH.

9 Q IS THAT RIGHT?

10 A YES SIR.

11 Q WHERE BOOSEY AND CHRIS RUNNING?

12 A NOT WHEN I CAME OUT THEY WASN'T RUNNING. AFTER THE
13 GUNSHOTS WAS FIRED THEY STARTED RUNNING AND RUN BACK TO
14 THEIR TRUCK.

15 Q SO, THEY WERE JUST WALKING?

16 A YEAH. THEY WAS WALKING TOWARDS THE PORCH, I GUESS.

17 Q WHY WERE THEY THERE?

18 A I GUESS TO FOLLOW AROUND THEY BROTHER.

19 Q NOW, THAT IS A PART OF THE STORY YOU DIDN'T TELL THE
20 POLICE ABOUT.

21 A ABOUT WHAT PART OF THE STORY?

22 Q ABOUT BOOSEY AND CHRIS.

23 A WHAT YOU MEAN?

24 Q WHEN THEY TOOK YOUR STATEMENT YOU DIDN'T TELL THEM
25 ABOUT THAT, THAT THEY WERE THERE.

1 A IT'S A LOT OF STUFF THAT I DIDN'T PUT IN THAT STATEMENT AT
2 THE TIME BECAUSE I WAS MAD, UPSET, AND REALLY I AIN'T WANT TO
3 FILL OUT NONE OF THE PAPERWORK AT THAT TIME. BUT I TOLD THE
4 TRUTH IN MY STATEMENT.

5 Q WHY DIDN'T YOU WANT TO TELL THE POLICE WHAT HAD
6 HAPPENED TO YOUR UNCLE?

7 A I TOLD THEM WHAT HAD HAPPENED TO MY UNCLE.

8 Q WELL, DID YOU THINK SOMEBODY WOULD GET IN TROUBLE FOR
9 THIS?

10 A FOR WHAT?

11 Q FOR SHOOTING YOUR UNCLE.

12 A I KNOW SOMEONE WAS GONNA GET IN TROUBLE FOR IT.

13 Q AND YOU SAW IT?

14 A YES SIR.

15 Q YOU WERE THERE?

16 A YES SIR.

17 Q YOU DIDN'T THINK IT WAS IMPORTANT TO TELL THE POLICE
18 EVERYTHING YOU KNEW?

19 A YEAH, I TOLD THEM EVERYTHING THAT I KNEW.

20 Q NO, YOU DIDN'T. YOU JUST TOLD ME THAT YOU DIDN'T TELL
21 THEM ABOUT CHRIS AND BOOSEY BEING THERE. YOU DIDN'T THINK
22 THAT WAS IMPORTANT?

23 A THAT WAS IMPORTANT.

- 1 Q WHEN YOU WERE IN THE HOUSE-- BEFORE THIS WENT DOWN,
2 YOU WERE IN THE HOUSE. JAMIE CAME TO THE FRONT DOOR, WHAT
3 DID HE DO? JUST POKE HIS HEAD IN AND SAY THEY'RE HERE?
- 4 A UH-HUH.
- 5 Q WHERE WERE YOU? WHAT WERE YOU DOING?
- 6 A PLAYING A GAME.
- 7 Q VIDEO GAME?
- 8 A YES SIR.
- 9 Q ON THE TV?
- 10 A YES SIR.
- 11 Q COULD YOU SEE THE DOOR?
- 12 A YES SIR.
- 13 Q WERE YOU ON, LIKE, A CHAIR OR A SOFA OR SOMETHING LIKE
14 THAT?
- 15 A YES SIR.
- 16 Q WAS IT FACING THE FRONT DOOR?
- 17 A NO SIR.
- 18 Q IT WAS FACING WHICH WAY?
- 19 A IT WAS FACING THE TV.
- 20 Q OKAY. SO, IF I'M AT THE FRONT DOOR, WHICH WAY WERE YOU
21 FACING? AND YOU CAN POINT IF YOU WANT TO.
- 22 A ALL RIGHT. IF YOU WAS AT THE FRONT DOOR, YOU COULD SEE
23 OUT THE ROOM.
- 24 Q AND JAMIE CAME IN AND SAID THEY WERE HERE?
- 25 A YES SIR.

RENARDO WOOD - CROSS EXAMINATION BY MR. HEMLEPP

- 1 Q WHAT'D YOU DO THEN?
- 2 A TAKE OUT BEHIND HIM.
- 3 Q YOU TOOK OFF BEHIND HIM?
- 4 A UH-HUH.
- 5 Q RIGHT BEHIND HIM?
- 6 A YES SIR.
- 7 Q AND IMMEDIATELY WHAT YOU SAW WAS MICHAEL ON HIS
- 8 KNEES?
- 9 A YES SIR.
- 10 Q AND DAVID HOLDING A GUN. AND THEN, THAT'S EXACTLY HOW
- 11 HE WAS HOLDING THE GUN?
- 12 A YES SIR.
- 13 Q THE WAY HE DEMONSTRATED, THAT'S HOW HE WAS HOLDING
- 14 IT?
- 15 A YES SIR.
- 16 Q SO, YOU DIDN'T SEE ANYTHING THAT HAPPENED BEFORE THAT,
- 17 DID YOU?
- 18 A BEFORE WHAT?
- 19 Q BEFORE THAT. YOU DIDN'T SEE A GUN BEFORE THAT, DID YOU?
- 20 A UH...
- 21 Q THE SOLICITOR ASKED YOU THAT. THE SOLICITOR ASKED YOU,
- 22 DID YOU A HANDGUN, DID YOU SEE A LONG GUN, DID YOU SEE A
- 23 PISTOL, DID YOU SEE ANYTHING LIKE THAT, AND YOU SAID NO.
- 24 A YEAH, HE SAID BEFORE THAT. I DID SEE THAT GUN. WHEN I
- 25 COME OUT I DID SEE A GUN.

- 1 Q IM TALKING ABOUT BEFORE YOU WALKED OUT OF THE HOUSE---
- 2 A UH-HUH.
- 3 Q ---AND SAW THE GUN---
- 4 A UH-HUH.
- 5 Q ---RIGHT UP ON HIM LIKE THAT.
- 6 A YEAH.
- 7 Q DID YOU SEE WHERE THAT GUN CAME FROM?
- 8 A YES SIR.
- 9 Q REALLY, WHERE?
- 10 A FROM WHEN JAMIE WAS SHOT, YOU KNOW.
- 11 Q YOU ALREADY TESTIFIED THAT YOU CAME OUT OF THE HOUSE.
- 12 YOU WERE SITTING THERE IN THE LIVING ROOM. YOU WERE PLAYING
- 13 A GAME. AND JAMIE CAME IN THE HOUSE. HE WALKED IN, HE SAY
- 14 THEY'RE HERE. AND YOU GOT UP, YOU WALKED OUT. AND YOU SAID
- 15 TO THE SOLICITOR-- YOU NOT ONLY SAID TO THE SOLICITOR, YOU
- 16 MOVED TO THE FRONT DOOR AND HE HAD HIM ON HIS KNEES, AND
- 17 YOU SAID, WHAT DID I SEE, I SAW THAT.
- 18 A UH-HUH.
- 19 Q YOU DIDN'T SAY I SAW THAT. NOW, YOU'RE SAYING THAT.
- 20 WELL, WHAT WAS IT? DID YOU SEE THIS---
- 21 A I SAW---
- 22 Q ---OR DID YOU SEE THAT?
- 23 THE COURT: COUNSEL, YOU'RE MAKING AN ARGUMENT, AND
- 24 THEN YOU'RE ASKING A QUESTION. YOU HAVE TO ASK THE QUESTION
- 25 AND ALLOW THE WITNESS TO ANSWER. DON'T ARGUE.

RENARDO WOOD -RE-DIRECT EXAMINATION BY MR. BARFIELD

1 MR. HEMLEPP: YES SIR.

2 THE COURT: PROCEED.

3 MR. HEMLEPP: YES SIR, THANK YOU.

4 Q DID YOU SEE DAVID GOINS PULL THE GUN OUT OF HIS POCKET
5 OR OUT OF HIS PERSON?

6 A YES SIR.

7 Q YOU DID?

8 A YES SIR.

9 Q SO, THE FIRST THING YOU SAW WAS HIM PULLING IT OUT?

10 A NO SIR. LIKE I SAID, IT WAS ALL, IT WAS ALL FAST IN ONE
11 MOVEMENT. THAT'S HOW IT WAS, ALL IN ONE MOVEMENT. BOOM,
12 BOOM, YOU KNOW.

13 Q BUT EVENTUALLY YOU SAW IT, RIGHT, YOU SAID?

14 A YES SIR.

15 Q THANKS.

16 RE-DIRECT EXAMINATION BY MR. BARFIELD:

17 Q MR. WOOD, TAKE A LOOK AT THAT PIECE OF PAPER AND TELL
18 ME IF YOU KNOW WHAT IT IS.

19 A YES SIR.

20 Q WHAT IS THAT? DON'T READ IT, BUT JUST TELL ME WHAT IT IS.

21 A MY STATEMENT.

22 Q AND IN YOUR STATEMENT, DID YOU TELL THE POLICE ABOUT
23 CHRISTOPHER KAUFFIN AND FLEMING ANDERSON BEING OUT THERE
24 WHEN ALL THIS HAPPENED?

25 A RIGHT HERE?

1 Q IN THAT STATEMENT, DID YOU TELL THE POLICE ABOUT THAT,
2 ABOUT KAUFFIN AND ANDERSON BEING THERE. READ IT AS LONG AS
3 YOU NEED TO READ IT.

4 A OH, YES SIR, I TOLD THEM THAT.

5 Q THANK YOU.

6 MR. BARFIELD: NOTHING FURTHER.

7 MR. HEMLEPP: NOTHING ELSE FOR THIS WITNESS.

8 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.

9 MR. BARFIELD: THE COURT CALLS NICHOLAS McGOOGAN.

10 NICHOLAS McGOOGAN, DULY SWORN,

11 TESTIFIED AS FOLLOWS:

12 CLERK OF COURT: PLEASE STATE YOUR NAME.

13 A NICHOLAS McGOOGAN.

14 Q MR. McGOOGAN, I'M GOING TO ASK YOU JUST A FEW QUESTIONS.
15 DO YOU LIVE HERE IN FAIRFIELD COUNTY?

16 A YES SIR.

17 Q DO YOU KNOW DAVID GOINS?

18 A YES SIR.

19 Q DO YOU SEE DAVID GOINS IN THE COURTROOM TODAY?

20 A YES SIR.

21 Q WHERE IS HE SITTING AND WHAT IS HE WEARING?

22 A HE'S SITTING OVER THERE AT THAT TABLE WEARING A BROWN
23 SWEATER.

24 Q I'M GOING TO ASK YOU THIS QUESTION, AND THEN I'M GOING TO
25 ASK YOU SOME OTHER QUESTIONS OF ANOTHER NATURE:

1 WERE YOU PRESENT WHEN-- FIRST OF ALL, DID YOU KNOW
2 THAT MICHAEL ROBERTSON AND JAMIE ROBERTSON GOT SHOT ON
3 JUNE 30, OF 2005?

4 A YES SIR.

5 Q WERE YOU PRESENT WHEN ANY OF THAT HAPPENED?

6 A NO SIR.

7 Q AT ANY TIME ON JUNE 30, 2005, WERE YOU OVER AT MICHAEL
8 ROBERTSON'S HOUSE?

9 A NO SIR.

10 Q DO YOU KNOW FLEMING ANDERSON?

11 A YES SIR.

12 Q DO YOU KNOW HIM BY A NICKNAME?

13 A I KNOW HIM BY FLEMING.

14 Q HAVE YOU HEARD ANYBODY CALL HIM BOOSEY?

15 A YES SIR.

16 Q IS THAT ONE AND THE SAME?

17 A YES SIR.

18 Q DID YOU SEE FLEMING ANDERSON-- DID YOU SEE DAVID GOINS
19 AND FLEMING ANDERSON SOMETIME THE NIGHT OF THURSDAY, JUNE
20 30, 2005?

21 A YES SIR.

22 Q WHERE DID YOU SEE THEM?

23 A AT MY HOUSE.

24 Q WHERE WAS YOUR HOUSE THEN?

25 A [REDACTED]

NICHOLAS McGOOGAN-DIRECT EXAMINATION BY MR. BARFIELD

- 1 Q IS THAT THE SAME PLACE IT IS NOW?
- 2 A NO SIR.
- 3 Q WAS IT NIGHTTIME?
- 4 A YES SIR.
- 5 Q WERE YOU EXPECTING THEM?
- 6 A NO SIR.
- 7 Q DO YOU KNOW HOW THEY GOT THERE?
- 8 A NO SIR.
- 9 Q DID YOU SEE A CAR OUTSIDE?
- 10 A NO SIR.
- 11 Q HOW DID YOU KNOW SOMEBODY WAS THERE?
- 12 A THEY KNOCK ON MY BACK DOOR.
- 13 Q DID YOU GO TO YOUR BACK DOOR?
- 14 A YES SIR.
- 15 Q WHO DID YOU SEE AT YOUR BACK DOOR?
- 16 A BOOSEY, FLEMING.
- 17 Q DON'T QUOTE FLEMING, BUT DID YOU AND FLEMING ANDERSON
- 18 TALK?
- 19 A YES SIR.
- 20 Q DID YOU SEE DAVID GOINS?
- 21 A YES SIR.
- 22 Q WHERE WAS DAVID GOINS?
- 23 A STANDING AT MY BACK DOOR.
- 24 Q DID YOU AND DAVID GOINS TALK?
- 25 A YES SIR.

NICHOLAS McGOOGAN-DIRECT EXAMINATION BY MR. BARFIELD

- 1 Q WHAT DID YOU AND DAVID GOINS TALK ABOUT?
- 2 A THEY ASKED ME FOR A RIDE.
- 3 Q A RIDE TO WHERE?
- 4 A TO WINFIELD WEST.
- 5 Q WHAT IS WINFIELD WEST?
- 6 A AN APARTMENT COMPLEX.
- 7 Q DID THEY ASK YOU FOR A RIDE TO ANY PARTICULAR
- 8 APARTMENT OR THE APARTMENT OF ANY PARTICULAR PERSON?
- 9 A NO SIR. THEY JUST ASKED FOR A RIDE TO THE APARTMENTS.
- 10 Q DID DAVID GOINS TELL YOU WHY HE NEEDED A RIDE?
- 11 A AT THE TIME THEY SAY SOMEBODY WAS FIGHTING WITH HIS
- 12 GIRLFRIEND.
- 13 Q DID YOU NOTICE-- DID YOU KNOW WHO HIS GIRLFRIEND WAS?
- 14 A NO SIR.
- 15 Q DID YOU NOTICE ANYTHING ABOUT DAVID GOINS' CLOTHES; IN
- 16 PARTICULAR HIS SHIRT?
- 17 A HE HAD BLOOD ON IT.
- 18 Q WAS IT TORN IN ANY WAY?
- 19 A NOT REALLY.
- 20 Q HOW WAS DAVID GOINS ACTING?
- 21 A I MEAN, THEY WAS ACTING, LIKE, YOU KNOW, LIKE, -- I DON'T
- 22 KNOW HOW THEY WAS ACTING.
- 23 Q DID ANYBODY, EITHER OF THE TWO OF THEM TALK TO YOU
- 24 ABOUT WHAT HAPPENED? DID YOU KNOW WHAT HAD HAPPENED?
- 25 A NO SIR.

1 Q DID YOU GO ANYWHERE NEAR THE HOSPITAL ON THE WAY TO
2 WINFIELD WEST?

3 A YES SIR, WE WENT BEHIND THE HOSPITAL ON THE WAY, AND
4 CUT THROUGH THE HOSPITAL LOT AND COME OUT ON THE SIDE OF
5 THE HOSPITAL ON 321.

6 Q WAS THERE ANY ACTIVITY AROUND THE ER SECTION OF THE
7 HOSPITAL WHEN YOU WENT THROUGH THE HOSPITAL LOT?

8 A YES SIR.

9 Q DID DAVID GOINS SAY ANYTHING ABOUT THE HOSPITAL?

10 A HE SAY THEY WAS A SHOOTING.

11 Q AT SOME POINT DID YOU FIND OUT THAT MICHAEL AND JAMIE
12 ROBERTSON HAD BEEN SHOT?

13 A YES SIR, THE NEXT MORNING I HAD SEEN IT ON THE NEWS
14 CHANNEL.

15 Q ON THE NEWS?

16 A YES SIR.

17 Q THANK YOU, SIR. ANSWER ANYTHING MR. HEMLEPP HAS.

18 MR. HEMLEPP: MAY IT PLEASE THE COURT.

19 THE COURT: YES SIR.

20 CROSS EXAMINATION BY MR. HEMLEPP:

21 Q MR. McGOOGAN.

22 A UH-HUH.

23 Q DID YOU SEE ANYBODY COMMIT ANY CRIMINAL ACTS THAT
24 NIGHT?

25 A NO SIR.

CHERYL ROBERTSON - DIRECT EXAMINATION BY MR. BARFIELD

1 Q DID YOU SEE ANYBODY HARM ANYBODY ELSE?

2 A NO SIR.

3 Q THANK YOU.

4 MR. HEMLEPP: I HAVE NOTHING ELSE, YOUR HONOR.

5 MR. BARFIELD: I HAVE NOTHING ELSE FOR THIS WITNESS, YOUR
6 HONOR.

7 THE COURT: STEP DOWN, SIR. YOU ARE EXCUSED.

8 MR. BARFIELD: MR. McGOOGAN, YOU MAY LEAVE THE
9 COURTHOUSE. YOU ARE STILL UNDER SUBPOENA. IF SOMEBODY
10 NEEDS YOU, WE'LL CALL YOU. BUT, OTHERWISE, YOU MAY LEAVE IF
11 YOU'D LIKE TO.

12 THE STATE CALLS CHERYL ROBERTSON.

13 CHERYL ROBERTSON, DULY SWORN,
14 TESTIFIED AS FOLLOWS:

15 CLERK OF COURT: PLEASE STATE YOUR NAME.

16 A CHERYL ROBERTSON.

17 DIRECT EXAMINATION BY MR. BARFIELD:

18 Q MS. ROBERTSON, JUST A VERY FEW, BRIEF QUESTIONS. YOU'VE
19 BEEN HERE THE WHOLE TIME AND YOU'VE HEARD ALL OF US TALK
20 ABOUT ALL THE ROBERTSON FOLKS, AND THIS INCLUDES JAMIE
21 ROBERTSON.

22 JAMIE ROBERTSON WAS RELATED TO YOU HOW?

23 A MY OLDEST SON.

24 Q I'M GOING TO JUMP WAY AHEAD AND THEN WE'RE GONNA GO
25 BACK TO JUNE OF 2005.

- 1 A YES SIR.
- 2 Q IS JAMIE ALIVE NOW?
- 3 A NO SIR.
- 4 Q WHEN DID HE DIE?
- 5 A THREE YEARS AGO.
- 6 Q ALL RIGHT, MA'AM. DO YOU NEED SOME WATER?
- 7 A NO SIR.
- 8 Q HIS DEATH WASN'T RELATED AT ALL TO WHAT WE'RE IN COURT
- 9 ABOUT TODAY. IS THAT CORRECT?
- 10 A NO SIR.
- 11 Q NOW, DID YOU FIND OUT ON JUNE 30, SOMETIME THE NIGHT OF
- 12 JUNE 30, 2005, THAT YOUR SON, JAMIE ROBERTSON HAD BEEN SHOT?
- 13 A YES SIR.
- 14 Q DID YOU FIND OUT THAT NIGHT?
- 15 A YES SIR.
- 16 Q WHEN DID YOU FIRST SEE JAMIE AFTER HE HAD BEEN SHOT?
- 17 A AT THE HOSPITAL IN WINNSBORO.
- 18 Q IN WINNSBORO?
- 19 A YES SIR.
- 20 Q DID AN AMBULANCE TAKE HIM TO THE HOSPITAL IN
- 21 WINNSBORO?
- 22 A NO SIR.
- 23 Q DID HE GET TREATED AT THE HOSPITAL IN WINNSBORO?
- 24 A NO SIR.
- 25 Q COULD YOU TELL THAT HE WAS INJURED?

CHERYL ROBERTSON - DIRECT EXAMINATION BY MR.BARFIELD

- 1 A YES SIR.
- 2 Q COULD YOU SEE HIS INJURY?
- 3 A YES SIR.
- 4 Q WHERE DID HE HAVE INJURY?
- 5 A TOO HIS SHOULDER AND HIS ARM.
- 6 Q NOW, DID YOU ACTUALLY SEE WHAT IT LOOKED LIKE?
- 7 A IT WAS A HOLE IN HIS ARM.
- 8 Q HOW ABOUT HIS SHOULDER? DID YOU SEE IT?
- 9 A HE HAD A HOLE IN HIS SHOULDER.
- 10 Q WAS HE BLEEDING SOME?
- 11 A HE HAD BEEN.
- 12 Q DID HE HAVE ON CLOTHES ON THE OUTSIDE, ON THE OUTSIDE OF
- 13 HIS BODY THAT HAD ANY HOLES IN THEM THAT YOU COULD SEE?
- 14 A NO.
- 15 Q YOU JUST DON'T REMEMBER OR HE DIDN'T?
- 16 A I DON'T REMEMBER.
- 17 Q DID Y'ALL GO TO COLUMBIA THAT NIGHT BECAUSE OF
- 18 MICHAEL'S SITUATION?
- 19 A YES SIR.
- 20 Q DID JAMIE GET SOME TREATMENT AT THE HOSPITAL, AT
- 21 PALMETTO RICHLAND IN COLUMBIA THAT NIGHT?
- 22 A YES SIR.
- 23 Q DID HE GET ADMITTED INTO THE HOSPITAL?
- 24 A NO SIR.
- 25 Q DID THEY TREAT HIM AT THE ER?

1 A YES SIR.

2 Q THANK YOU, MA'AM. THAT'S ALL. ANSWER ANYTHING MR.
3 HEMLEPP HAS.

4 MR. HEMLEPP: MAY IT PLEASE THE COURT.

5 THE COURT: YES SIR.

6 CROSS EXAMINATION BY MR. HEMLEPP:

7 Q MRS. ROBERTSON, HOW OLD WAS JAMIE AT THE TIME?

8 A TWENTY-SEVEN.

9 Q TWENTY-SEVEN YEARS OLD?

10 A YES SIR.

11 Q THANK YOU, MA'AM.

12 MR. HEMLEPP: I HAVE NOTHING FURTHER.

13 MR. BARFIELD: NOTHING FURTHER FOR THIS WITNESS.

14 THE COURT: THANK YOU, MA'AM. YOU MAY STEP DOWN.

15 MR. BARFIELD: THE STATE CALLS BARBARA ROBERTSON.

16

17

18

19

20

21

22

23

24

25

- 1 A YES. THEY SAID HE BEEN SHOT AND I LEFT TO GO TO THE
2 HOSPITAL.
- 3 Q DID YOU SEE MICHAEL AT THE HOSPITAL IN FAIRFIELD, IN
4 WINNSBORO?
- 5 A YES.
- 6 Q COULD YOU TELL THAT HE WAS HURT?
- 7 A YES.
- 8 Q COULD YOU SEE INJURIES ON HIS PERSON?
- 9 A NO, NOT REALLY.
- 10 Q COULD YOU TELL IF HE WAS BLEEDING? DID YOU SEE BLOOD?
- 11 A NOT AT WINNSBORO, NO.
- 12 Q DID HE GO FROM WINNSBORO TO SOMEWHERE ELSE?
- 13 A YES.
- 14 Q WHERE ELSE DID HE GO TO?
- 15 A TO RICHLAND MEMORIAL HOSPITAL TO THE ER.
- 16 Q HOW DID HE GET TO RICHLAND MEMORIAL?
- 17 A BY HELICOPTER.
- 18 Q DID YOU AND YOUR FAMILY GO TO COLUMBIA AND SPEAK WITH
19 HIM AT THE HOSPITAL?
- 20 A YES.
- 21 Q DID YOU GET TO SEE HIM IN THE HOSPITAL AT THAT POINT FOR
22 THE NEXT---
- 23 A YES.
- 24 Q ---THREE OR FOUR DAYS?
- 25 A YES.

1 Q DID YOU SEE THAT HE HAD INJURIES WHEN YOU SAW HIM IN
2 THE HOSPITAL?

3 A YES.

4 Q WHAT INJURIES DID YOU SEE ON MICHAEL WHILE YOU WERE
5 THERE AT THE HOSPITAL?

6 A WHEN HE WAS AT RICHLAND MEMORIAL THERE IN THE ER,
7 WHEN WE WENT ON DOWN THERE IN THE ER FIRST, THE DOCTOR IN
8 THE ER HAD TOLD US---

9 Q STOP RIGHT THERE. YOU WON'T LIKE THIS, BUT YOU CAN'T
10 QUOTE A DOCTOR. OKAY? I'M JUST ASKING YOU WHAT---

11 A OKAY, YEAH, BUT I SEEN WHERE HE HAD-- WHEN I WENT TO THE
12 ER, WHEN I WENT DOWN TO WHERE HE WAS, THEY HAD MACHINES
13 AND STUFF HOOKED ON HIM AND HIS HAND WAS WRAPPED UP. AND
14 HE WAS JUST LAYING THERE AND I HOLD HIS HAND. AND I WENT TO
15 PRAYING AND I ASKED GOD TO KEEP MY BROTHER TRUST.

16 MY BROTHER DIDN'T BOTHER NOBODY. AND I TOLD HIM TO
17 SQUEEZE MY HAND AND HE KINDA DID LIKE THAT. AND I JUST FELT
18 LIKE MY BROTHER WAS GONNA MAKE IT.

19 Q DID YOU SEE THAT HE HAD INJURIES, MS. ROBERTSON? THAT'S
20 WHAT YOU'VE GOT TO ANSWER.

21 A HIS HAND WAS WRAPPED UP. I COULDN'T SEE THE BACK OF HIS
22 HEAD. HE WAS LAYING ON THE BACK OF HIS HEAD.

23 Q DID HE EVER REGAIN CONSCIOUSNESS THAT YOU'RE AWARE OF
24 WHILE HE WAS IN THE HOSPITAL?

25 A NO.

1 Q DID HE DIE IN PALMETTO RICHLAND HOSPITAL?

2 A YES.

3 Q WHAT DAY DID HE DIE?

4 A JULY 3.

5 Q OF 2005?

6 A YES. ON A SUNDAY.

7 Q OKAY.

8 A AND HE WAS AT THE HOSPITAL THE WHOLE TIME.

9 Q THAT'S FINE. NOW, DO YOU KNOW THAT AN AUTOPSY WAS
10 DONE?

11 A YES.

12 Q AND AFTER THE AUTOPSY, DID Y'ALL HAVE MICHAEL A PROPER
13 FUNERAL?

14 A YES.

15 Q WAS IT AN OPEN CASKET FUNERAL?

16 A YES.

17 Q DID YOU SEE HIM AFTER HIS DEATH, TO BE ABLE TO SAY THAT
18 WAS YOUR BROTHER, MICHAEL ROBERTSON?

19 A YES.

20 Q THANK YOU, MA'AM. THAT'S THE ONLY THING I HAVE. ANSWER
21 ANYTHING MR. HEMLEPP HAS FOR YOU.

22 MR. HEMLEPP: MAY IT PLEASE THE COURT.

23 THE COURT: YES SIR.

24

25

1 CROSS EXAMINATION BY MR. HEMLEPP:

2 Q MS. ROBERTSON, YOU AND YOUR BROTHER, YOU BOTH LIVED
3 HERE IN WINNSBORO AT THE TIME?

4 A YES.

5 Q DID YOU SEE EACH OTHER OFTEN?

6 A ALL THE TIME.

7 Q DID YOU LIVE FAR AWAY FROM HIS HOUSE?

8 A NOT TOO CLOSE.

9 Q WAS IT CLOSE ENOUGH TO WALK IT?

10 A YOU COULD.

11 Q SO, YOU COULD SEE EACH OTHER OFTEN?

12 A YES.

13 Q DID HE LIVE WITH ANYBODY?

14 A NO. HE HAD HIS OWN PLACE.

15 Q DID HE HAVE ANY CHILDREN?

16 A A BOY.

17 Q AND ONE FINAL THING. WHERE WAS HE WORKING AT THE TIME?

18 A HE HAD-- HE WAS DOING HIS OWN WORK, DOING LANDSCAPING
19 WORK.

20 Q THANK YOU, MA'AM.

21 MR. HEMLEPP: NOTHING FURTHER, YOUR HONOR.

22 MR. BARFIELD: NOTHING ELSE FOR THIS WITNESS.

23 THE COURT: THANK YOU, MA'AM. YOU MAY STEP DOWN.

1 WEDNESDAY, JANUARY 6, 2010 - COURT IN SESSION 9:53 A.M.

2 THE COURT: ANYTHING BEFORE WE BRING IN THE JURY?

3 MR. BARFIELD: YES, YOUR HONOR. I HAD MENTIONED TO YOU
4 EARLIER THAT THIS MORNING, PROBABLY, THAT I INTEND TO GET
5 INTO CERTAIN STATEMENTS MADE BY THE DEFENDANT IN THIS CASE.
6 THERE IS A PAGE AND A HALF WRITTEN STATEMENT. THERE ARE ALSO
7 TWO VIDEOTAPES OF THE INTERVIEW. MR. HEMLEPP HAS SEEN
8 PORTIONS OF THE VIDEO AND IT'S ALL BEEN ACCESSIBLE TO HIM.

9 WE HAVE A WRITTEN MIRANDA WAIVER. THE MIRANDA
10 PROCESS IS ON THE FIRST VIDEO. I WOULD SIMPLY POINT THAT OUT
11 TO THE COURT.

12 MR. HEMLEPP AND I HAVE DISCUSSED IT AND I'VE ASKED HIM IF
13 HE FEELS THE NEED FOR A JACKSON V. DENNO HEARING, OR IF WE CAN
14 AGREE THAT THE REQUIREMENTS OF MIRANDA HAVE BEEN MET. I'M
15 READY TO DO WHATEVER NEEDS TO BE DONE ON THAT. THIS WOULD
16 BE THE PERFECT TIME. I'M NOT GOING TO IMMEDIATELY GO INTO THE
17 STATEMENTS, BUT THAT'S GOING TO COME UP THIS MORNING.

18 THE COURT: DURING THE FIRST OR SECOND WITNESSES?

19 MR. BARFIELD: NO SIR, PROBABLY THIRD OR FOURTH.

20 THE COURT: ALL RIGHT. LET'S GET STARTED WITH THE JURY
21 AND THEN WE'LL ADDRESS THAT ISSUE.

22 MR. BARFIELD: YES SIR.

23 THE COURT: BRING IN THE JURY.

24 (WHEREUPON THE JURY ENTERED THE COURTROOM)

25 GOOD MORNING.

1 WEDNESDAY, JANUARY 6, 2010 - COURT IN SESSION - 9:30 A.M.

2 THE COURT: BRING IN THE JURY.

3 (WHEREUPON THE JURY ENTERED THE COURTROOM)

4 GOOD MORNING. THE STATE MAY PROCEED.

5 MR. BARFIELD: WE CALL MARY ANN PHILLIPS TOLBERT.

6 MARY ANN TOLBERT, DULY SWORN, TESTIFIED AS FOLLOWS:

7 CLERK OF COURT: PLEASE STATE YOUR NAME.

8 A MARY ANN PHILLIPS TOLBERT.

9 DIRECT EXAMINATION BY MR. BARFIELD:

10 Q MS. TOLBERT, CURRENTLY BY WHOM ARE YOU EMPLOYED?

11 A WACKENHUT CORPORATION.

12 Q BACK IN JUNE OF 2005, BY WHOM WERE YOU EMPLOYED?

13 A FAIRFIELD COUNTY SHERIFF'S OFFICE.

14 Q HOW LONG-- FROM WHEN TO WHEN WERE YOU EMPLOYED BY
15 THE FAIRFIELD COUNTY SHERIFF'S OFFICE?

16 A JUNE OF 1998 TO JULY OF 2008.

17 Q IN JUNE OF 2005, WHAT WAS YOUR JOB WITH THE FAIRFIELD
18 COUNTY SHERIFF'S OFFICE?

19 A I WAS AN INVESTIGATOR.

20 Q DID YOU GET CALLED OUT ON JUNE 30, OF 2005, TO BECOME THE
21 PRIMARY INVESTIGATOR ON A HOMICIDE, WHAT TURNED INTO A
22 HOMICIDE CASE THAT OCCURRED ON [REDACTED] HERE IN
23 FAIRFIELD COUNTY NEAR THE TOWN OF WINNSBORO?

24 A YES SIR.

25 Q DID YOU ACTUALLY GO OUT THAT NIGHT?

- 1 A YES SIR.
- 2 Q AND DO YOU RECALL ABOUT WHAT TIME IT WAS THAT YOU
- 3 WENT OUT?
- 4 A CLOSE TO 10:30.
- 5 Q ALL RIGHT.
- 6 A AT NIGHT.
- 7 Q WHAT WAS THE ADDRESS THAT YOU WENT TO?
- 8 A CAN I LOOK AT MY NOTES?
- 9 Q YOU CERTAINLY MAY.
- 10 A (PAUSE TO REVIEW NOTES) [REDACTED]
- 11 Q WERE THERE OFFICERS ON THE SCENE WHEN YOU GOT THERE?
- 12 A YES SIR.
- 13 Q UNIFORMED DEPUTIES WITH THE SHERIFF'S OFFICE?
- 14 A YES SIR.
- 15 Q WERE THERE ANY EMERGENCY MEDICAL SERVICE ACTIVITY AT
- 16 THAT SCENE AT ANY TIME THAT NIGHT TO YOUR KNOWLEDGE?
- 17 A NO SIR.
- 18 Q WERE THERE VICTIMS THERE WHEN YOU WERE THERE?
- 19 A NO SIR.
- 20 Q TO YOUR KNOWLEDGE, WERE THERE VICTIMS THERE WHEN ANY
- 21 LAW ENFORCEMENT WAS THERE?
- 22 A NO SIR.
- 23 Q HOW MANY VICTIMS ARE THERE IN THIS CASE?
- 24 A TWO.

1 Q THE VICTIMS-- OF COURSE, THIS IS A MURDER CASE AND AN
2 ASSAULT AND BATTERY WITH INTENT TO KILL. THE VICTIM OF THE
3 MURDER CASE IS WHO?

4 A MICHAEL ROBERTSON.

5 Q I'M GOING TO JUMP AHEAD AND WE'LL COME BACK. WAS
6 MICHAEL ROBERTSON DECEASED AS A RESULT OF THIS CASE ANY
7 TIME THE NIGHT OF JUNE 30, 2005?

8 A NO SIR.

9 Q AND WHO WAS THE VICTIM OF THE ASSAULT AND BATTERY
10 WITH INTENT TO KILL CHARGE?

11 A JAMIE ROBERTSON.

12 Q WERE EITHER ONE OF THEM AT THE SCENE WHEN YOU GOT
13 THERE?

14 A NO SIR.

15 Q WERE ANY CIVILIANS THAT YOU RECALL AT THE SCENE WHEN
16 YOU GOT THERE?

17 A NOT AT THAT RESIDENCE.

18 Q HAD THE SCENE BEEN SECURED WHEN YOU GOT THERE?

19 A YES SIR.

20 Q HOW BROAD AN AREA ENCOMPASSED THE SCENE?

21 A A BLOCK.

22 Q HOW WAS THE SCENE MARKED OFF?

23 A THEY HAD MARKED IT OFF WITH EVIDENCE TAPE.

24 Q YELLOW CRIME SCENE TAPE?

25 A YES SIR.

1 Q DID IT APPEAR THAT EVERYTHING WAS SECURE WHEN YOU GOT
2 THERE?

3 A YES SIR.

4 Q FROM YOUR INVESTIGATION AND FILE CAN YOU TELL US ABOUT
5 HOW LONG IT WAS FROM WHEN THE CALL-- DID LAW ENFORCEMENT
6 RESPOND AS A RESULT OF A 911 CALL OR CALLS?

7 A YES SIR.

8 Q FROM THE SHERIFF'S DEPARTMENT INFORMATION, ABOUT WHEN
9 WAS THE CALL? WHEN DID THIS CALL COME IN TO THE SHERIFF'S
10 OFFICE?

11 A CAN I LOOK AT MY NOTES?

12 Q YES MA'AM.

13 A (PAUSE TO REVIEW NOTES) THEY WERE THERE IN THREE
14 MINUTES. THE CALL CAME IN AT 22:28 AND THEY ARRIVED ON THE
15 SCENE AT 22:30.

16 Q LAW ENFORCEMENT WAS ON THE SCENE WITHIN THREE
17 MINUTES OF THE 911 CALL COMING IN?

18 A YES SIR.

19 Q DO YOU KNOW HOW LONG AFTER INITIAL LAW ENFORCEMENT
20 GOT THERE YOU GOT THERE? WITHIN MINUTES OR HOURS?

21 A IT WAS ABOUT FIFTEEN TO TWENTY MINUTES.

22 Q I'M GOING TO MOVE AHEAD A BIT. DID YOU DETERMINE-- DID
23 YOU GET BRIEFED BY SOMEBODY WITH LAW ENFORCEMENT ON THE
24 SCENE OF GENERALLY WHAT YOU HAD?

25 A YES SIR.

1 Q AS PART OF THAT BRIEFING, DID YOU LEARN THE IDENTITIES OF
2 MICHAEL AND JAMIE ROBERTSON?

3 A YES SIR.

4 Q THAT THEY WERE GUNSHOT VICTIMS?

5 A YES SIR.

6 Q DID YOU DETERMINE FROM THE BRIEFING WHERE THEY MIGHT
7 BE WHEN YOU GOT INVOLVED IN THE CASE?

8 A I ASKED THE RESPONDING SERGEANT AND HE SAID THE
9 HOSPITAL.

10 Q WHEN YOU GOT TO-- WAS THAT FAIRFIELD MEMORIAL
11 HOSPITAL HERE IN WINNSBORO?

12 A YES SIR.

13 Q WAS MICHAEL ROBERTSON AT FAIRFIELD MEMORIAL WHEN
14 YOU GOT THERE?

15 A YES SIR.

16 Q WAS HE IN A CONDITION AND WERE YOU ABLE TO SPEAK WITH
17 MICHAEL ROBERTSON?

18 A NO SIR.

19 Q AT ANY TIME FROM WHEN THIS CASE OCCURRED UNTIL TODAY
20 WERE YOU ABLE TO SPEAK WITH MICHAEL ROBERTSON?

21 A NO SIR.

22 Q DO YOU KNOW WHERE MICHAEL ROBERTSON WENT FROM
23 FAIRFIELD MEMORIAL HOSPITAL?

24 A TO RICHLAND MEMORIAL.

1 Q ARE YOU AWARE THAT HE DIED ON JULY 3, 2005, AT RICHLAND
2 MEMORIAL HOSPITAL?

3 A YES SIR.

4 Q DID YOU SEE JAMIE ROBERTSON AT FAIRFIELD MEMORIAL
5 HOSPITAL?

6 A YES SIR.

7 Q DO NOT QUOTE HIM, BUT DID YOU HAVE SOME CONVERSATION
8 WITH JAMIE ROBERTSON AT THE HOSPITAL?

9 A YES SIR.

10 Q DO YOU KNOW WHERE HE WENT FROM FAIRFIELD MEMORIAL
11 HOSPITAL?

12 A HE ALSO WENT TO RICHLAND.

13 Q LET'S GO BACK TO THE SCENE.

14 A YES SIR.

15 Q WAS A SUSPECT OR ANY SUSPECTS DEVELOPED THAT NIGHT
16 WHILE YOU WERE BEGINNING YOUR INVESTIGATION?

17 A A SUSPECT WAS DEVELOPED.

18 Q AND THE NAME OF THE SUSPECT IS WHAT?

19 A DAVID GOINS.

20 Q DO YOU SEE DAVID GOINS IN THE COURTROOM TODAY?

21 A YES SIR.

22 Q WHERE IS HE SITTING AND WHAT IS HE WEARING?

23 A HE'S AT THE DEFENDANT'S TABLE, AND HAS ON AN OVERCOAT,
24 JACKET, AND COLLARED SHIRT.

1 Q LET'S JUMP AHEAD AGAIN. WAS DAVID GOINS TAKEN INTO
2 CUSTODY ANY TIME THE NIGHT OF JUNE-- WELL, WAS HE DEVELOPED
3 AS A SUSPECT THE NIGHT OF JUNE 30, OF '05?

4 A YES SIR.

5 Q DO YOU KNOW IF AT SOME POINT WHETHER A WARRANT WAS
6 SOUGHT FROM THE MAGISTRATE FOR HIS ARREST?

7 A IT WAS.

8 Q DO YOU HAVE THAT INFORMATION IN THE FILE?

9 A I DO. (PAUSE TO RETRIEVE INFORMATION FROM FILE)

10 Q THAT'S FINE.

11 A HE WAS CHARGED WITH ASSAULT AND BATTERY WITH INTENT
12 TO KILL, TWO COUNTS, ON JULY 1, 2005.

13 Q THE NEXT MORNING AFTER THIS INCIDENT HAPPENED?

14 A YES SIR.

15 Q THIRTY DAYS IN THE MONTH OF JUNE?

16 A YES.

17 Q TWO COUNTS OF ASSAULT AND BATTERY WITH INTENT TO KILL.

18 WHY NOT A COUNT OF MURDER ON JULY 1, OF '05?

19 A BECAUSE MICHAEL ROBERTSON WAS STILL ALIVE.

20 Q DID THE SHERIFF'S OFFICE MAKE EFFORTS OVER THE NEXT FEW
21 DAYS TO TRY TO LOCATED DAVID ALLEN GOINS?

22 A YES SIR.

23 Q BETWEEN JULY 1,-- DID ANYBODY START LOOKING FOR HIM ON
24 THE NIGHT OF JUNE 30, OR DO YOU KNOW?

25 A YES SIR.

1 Q FROM THE NIGHT OF JUNE 30, OF '05 UNTIL JULY 5, OF '05, WAS
2 THE SHERIFF'S OFFICE ABLE TO LOCATE DAVID ALLEN GOINS?

3 A NO SIR.

4 Q WAS HE TAKEN INTO CUSTODY ON JULY 5, 2005?

5 A YES SIR. HE TURNED HIMSELF IN.

6 Q TURNED HIMSELF IN. CAME TO YOUR OFFICE DOWN THERE ON
7 COLUMBIA ROAD?

8 A YES SIR.

9 Q NOW, LET'S GO BACK TO THE SCENE. I APOLOGIZE FOR JUMPING
10 AROUND. DID YOU HAVE OCCASION TO EXAMINE THE SCENE WHERE
11 THESE EVENTS OCCURRED ON THE NIGHT OF JUNE 30, OF '05?

12 A YES SIR.

13 Q DID YOU EXAMINE THE EXTERIOR-- ARE YOU AWARE THIS WAS
14 A DUPLEX APARTMENT?

15 A YES SIR.

16 Q DID YOU EXAMINE THE EXTERIOR, PORCH, YARD, DRIVEWAY,
17 STREET---

18 A YES SIR.

19 Q ---SURROUNDING THE DUPLEX?

20 A YES SIR.

21 Q DID YOU HAVE OCCASION TO EXAMINE THE INTERIOR OF THE
22 APARTMENT AT SOME POINT?

23 A WE DID A WALK THROUGH THAT NIGHT, BUT DID NOT TAKE
24 ANYTHING INTO EVIDENCE.

1 Q WERE ANY FIREARMS FOUND ANYWHERE THAT YOU EXAMINED
2 INSIDE THE DUPLEX, ON THE PORCH, IN THE YARD, ON THE DRIVEWAY,
3 THE ROAD, ANYWHERE AROUND THAT DUPLEX? WERE ANY
4 FIREARMS OBSERVED, SEIZED AND TAKEN INTO EVIDENCE?

5 A NO SIR.

6 Q WAS ANY FIREARM EVER RECOVERED RELATED TO THIS CASE
7 THAT WE BELIEVE IS THE WEAPON THAT WAS USED TO SHOOT THE
8 VICTIM?

9 A NO SIR.

10 Q WERE THERE AUTOMOBILE-- ARE YOU AWARE HOW THE
11 VICTIMS GOT TO FAIRFIELD MEMORIAL HOSPITAL, GENERALLY
12 SPEAKING?

13 A ONE OF THE RELATIVES PUT THEM IN THE CAR, PUT MICHAEL IN
14 THE CAR. AND ALSO JAMIE WAS IN THE CAR.

15 Q WAS AN AMBULANCE EVER CALLED TO [REDACTED] WHERE
16 THIS OCCURRED TO YOUR KNOWLEDGE?

17 A NOT TO MY KNOWLEDGE.

18 Q WERE THERE OTHER AUTOMOBILES AT THE LOCATION AT THE
19 INCIDENT SCENE WHEN YOU WERE BEGINNING YOUR INVESTIGATION?

20 A THERE WAS A CAPRICE PARKED ON THE STREET.

21 Q ANY AUTOMOBILES THAT YOU MADE NOTE OF AS FAR AS BEING
22 OF ANY SIGNIFICANCE AT THAT LOCATION?

23 A NOT THAT I CAN RECALL.

24 Q NOW, THE CAPRICE, IS THAT A CHEVROLET?

25 A YES SIR.

- 1 Q A BIG, OLD CAR?
- 2 A YES SIR.
- 3 Q DO YOU REMEMBER WHAT COLOR IT WAS?
- 4 A BURGUNDY.
- 5 Q WHERE WAS THE CAPRICE PARKED IN RELATION TO THE
- 6 INCIDENT?
- 7 A IT WAS IN FRONT OF THE DUPLEX, IN FRONT OF THAT SIDE.
- 8 Q WAS IT PARKED ALONG THE STREET OR ON THE SIDE OF THE
- 9 STREET?
- 10 A PARALLEL TO THE HOUSE. IT WAS PARKED RIGHT ON THE SIDE
- 11 OF THE ROAD IN FRONT OF THE HOUSE.
- 12 Q WAS THERE ANYTHING UNUSUAL ABOUT THE APPEARANCE OF
- 13 THE CAPRICE WHEN YOU SAW IT THERE AT THE CRIME SCENE?
- 14 A THE WINDOWS WERE BUSTED OUT. IT LOOKED LIKE SOMEONE
- 15 HAD TAKEN A BAT TO IT AND BEATEN THE TAR OUT OF IT.
- 16 Q ALL OF THE WINDOWS BUSTED OUT OR JUST SOME OF THEM, OR
- 17 DO YOU RECALL?
- 18 A THE FRONT ONE AND THE SIDE. I'M NOT SURE ABOUT THE BACK
- 19 ONE.
- 20 Q WHEN YOU SAY FRONT, ARE YOU TALKING ABOUT THE
- 21 WINDSHIELD OR THE PASSENGER WINDOW?
- 22 A THE WINDSHIELD AND THE PASSENGER WINDOW.
- 23 Q WAS ANYTHING THAT YOU BELIEVE IS RELATED TO THE CAR
- 24 FOUND ANYWHERE OUTSIDE THE CAR?

1 A IT WAS A RADIO THAT APPEARED TO BE TAKEN FROM INSIDE
2 THE CAR THAT WAS LAYING IN THE YARD.

3 Q WAS THERE A PLACE INSIDE THE CAR THAT APPEARED TO BE
4 MISSING A RADIO?

5 A YES SIR.

6 Q DID YOU FIND ANYTHING INSIDE THE CAR OF SIGNIFICANCE
7 THAT YOU TOOK POSSESSION OF AND SEIZED AS EVIDENCE IN THE
8 CASE?

9 A THERE WAS A BOX OF BULLETS INSIDE OF A BLACK BAG THAT
10 YOU GET AT THE GROCERY STORE, THAT KIND OF PLASTIC, BLACK
11 BAG.

12 Q ALL RIGHT. I'M GOING TO SHOW YOU A COUPLE OF THINGS.
13 YOU CAN EXAMINE THIS TO WHATEVER EXTENT YOU NEED TO. TELL
14 ME IF YOU RECOGNIZE WHAT'S INSIDE THAT BAG?

15 A IT'S A BLACK, PLASTIC SHOPPING BAG.

16 Q DOES IT APPEAR TO BE THE BAG THAT YOU FOUND INSIDE THE
17 CAR?

18 A YES SIR.

19 Q I'M GOING TO SHOW YOU ANOTHER ITEM. LET ME ASK YOU
20 THIS: DID YOU SEE WHAT YOU BELIEVE TO BE THIS BAG?

21 A YES SIR, A BAG AND THE BULLETS.

22 Q WELL, WE'LL COME TO THE BULLETS IN A MINUTE. WHEN YOU
23 SEIZED IT, DID YOU PUT IT IN SOME CONTAINER?

24 A YES SIR.

25 Q THIS BLACK, GROCERY, LITTLE BAG?

- 1 A YES SIR.
- 2 Q IS THAT YOUR SHERIFF'S OFFICE, FAIRFIELD COUNTY SHERIFF'S
3 OFFICE CASE NUMBER THAT'S ASSOCIATED WITH THIS INCIDENT?
- 4 A YES SIR.
- 5 Q DID YOU SECURE THAT, MAINTAIN IT, IN A SECURE POSSESSION
6 FOR SOME PERIOD OF TIME?
- 7 A YES SIR.
- 8 Q AND WE'LL TALK ABOUT WHAT ELSE HAPPENED TO IT, WHICH
9 WE'LL TALK ABOUT IN A MINUTE.
- 10 I'LL SHOW YOU ANOTHER BAG. LOOK AT WHAT'S IN THAT BAG
11 AND TELL ME IF YOU CAN IDENTIFY WHAT'S IN THAT BAG?
- 12 A IT'S AN EMPTY BOX WITH THE NAME OF REMINGTON BULLETS.
- 13 Q IS REMINGTON A BRAND?
- 14 A YES, IT IS.
- 15 Q THE INDICATED QUANTITY OR NUMBER OF BULLETS THAT
16 WOULD COME IN THAT BOX WHEN IT'S NEW OFF THE SHELF, WHAT'S
17 INDICATED ON THAT BOX?
- 18 A 550.
- 19 Q IS THAT THE BOX THAT YOU'RE TALKING ABOUT THAT YOU
20 FOUND INSIDE THE CAR?
- 21 A YES SIR.
- 22 Q THE BOX AS IT IS, IS THIS ALSO YOUR EVIDENCE BAG?
- 23 A YES SIR.
- 24 Q YOUR HANDWRITING AND YOUR CASE NUMBER?
- 25 A YES SIR.

- 1 Q THE BOX WHEN YOU FOUND IT, DID IT CONTAIN BULLETS?
- 2 A YES SIR.
- 3 Q WAS THE BOX INSIDE THE PLASTIC BAG?
- 4 A YES SIR.
- 5 Q NOW, I'M GOING TO HAND YOU ANOTHER ENVELOPE. AND I'M
- 6 GOING TO TELL YOU, DO NOT PULL THE SMALLER BAG OUT OF THE
- 7 BIGGER BAG BECAUSE THERE'S A HOLE IN IT. BUT LOOK AT THAT AND
- 8 TELL ME IF YOU CAN IDENTIFY WHAT'S IN THAT.
- 9 A THIS IS THE BULLETS THAT WERE IN THE BOX.
- 10 Q DOES THE INTERIOR BAG ALSO BEAR YOUR HANDWRITING AND
- 11 YOUR CASE NUMBER?
- 12 A YES SIR.
- 13 Q DID YOU COUNT THOSE BULLETS AT ANY TIME?
- 14 A NO SIR.
- 15 Q WAS IT A BUNCH OF THEM?
- 16 A YES SIR.
- 17 Q WHEN YOU FOUND THE BULLETS, WHERE WERE THEY?
- 18 A THE BULLETS WERE INSIDE THE BOX.
- 19 Q OKAY.
- 20 A THE BOX WAS INSIDE OF THE BLACK BAG.
- 21 Q OKAY.
- 22 A ON THE FLOORBOARD.
- 23 Q WE'LL GET TO THAT. WHEN YOU SEIZED THESE ITEMS, ALL
- 24 THREE: THE BOX WITH THE BULLETS, WHICH WAS ACTUALLY ONE

1 ITEM; AND THEN THE BAG, DID YOU MAINTAIN ALL OF THAT IN YOUR
2 CUSTODY?

3 A YES SIR.

4 Q AND AT SOME POINT WITHIN THE NEXT HANDFUL OF DAYS, DID
5 YOU TURN IT OVER TO SOMEBODY TO DO SOMETHING WITH?

6 A TO DONNIE ANDERSON.

7 Q WAS DONNIE ANDERSON AT THE TIME ALSO AN INVESTIGATOR
8 WITH THE FAIRFIELD COUNTY SHERIFF'S OFFICE?

9 A YES SIR.

10 MR. BARFIELD: YOUR HONOR, AT THIS TIME, I WOULD OFFER
11 THE BLACK, PLASTIC BAG, AND THE BROWN BAG AS STATE'S NUMBER
12 TWO. I WOULD OFFER THE BOX, REMINGTON BOX AND THE OTHER
13 GROCERY BAG AS STATE'S NUMBER THREE. AND I WOULD OFFER
14 FINALLY THE THIRD BAG, WHICH CONTAINS AMMUNITION AS STATE'S
15 NUMBER FOUR.

16 THE COURT: ANY OBJECTION?

17 MR. HEMLEPP: NO OBJECTION.

18 THE COURT: ADMITTED WITHOUT OBJECTION.

19 (WHEREUPON STATE'S EXHIBIT NUMBERS TWO, THREE AND FOUR
20 WERE ADMITTED INTO EVIDENCE WITHOUT OBJECTION)

21 Q NOW, MS. TOLBERT, LET ME ASK YOU SOME QUESTIONS ABOUT
22 THESE ITEMS AND THE CAR. FIRST OF ALL, DO YOU RECALL THAT THIS
23 IS A FOUR-DOOR AUTOMOBILE?

24 A I DON'T RECALL.

1 Q WHERE-- I'M GOING TO REFER TO THE BAG, AND WHEN I SAY:
2 THE BAG, I MEAN THE BAG THAT CONTAINED THE BOX THAT
3 CONTAINED THE BULLETS.

4 WHERE WAS THE BLACK, PLASTIC BAG FOUND INSIDE THAT
5 CAR?

6 A IT WAS ON THE PASSENGER SIDE FLOORBOARD.

7 Q WAS THE BOX INSIDE, WAS THE REMINGTON BOX INSIDE THE
8 BAG CLOSED?

9 A YES SIR.

10 Q WERE THERE LOOSE BULLETS ANYWHERE INSIDE THE CAR BUT
11 OUTSIDE THE BAG?

12 A NO SIR.

13 Q WAS THERE ANYTHING ELSE INSIDE OR CAUGHT IN THE BLACK,
14 PLASTIC BAG?

15 A NO.

16 Q WAS THERE GLASS ELSEWHERE INSIDE THE CAR?

17 A YES SIR.

18 Q DID YOU NOTICE GLASS STREWN AWAY FROM THE CAR
19 ANYWHERE AROUND THE CAR? DOES THAT QUESTION MAKE ANY
20 SENSE?

21 A I UNDERSTAND WHAT YOU'RE SAYING. I DIDN'T NOTICE ANY ON
22 THE OUTSIDE.

23 Q WAS ANYTHING ELSE OF SIGNIFICANCE FOUND IN THE CAR?

24 A NO SIR.

25 Q WERE THERE ANY FIREARMS FOUND INSIDE THE CAR?

1 A NO SIR.

2 Q I'M GOING TO ASK YOU SOME GENERAL QUESTIONS ABOUT
3 YOUR INVESTIGATION. DURING THE COURSE OF YOUR
4 INVESTIGATION-- YOU TOLD US YOU HAD A SUSPECT. DID YOU
5 DURING THE COURSE OF THE INVESTIGATION LEARN THE IDENTITY OF
6 PEOPLE, NUMBER ONE, WHO HAD BEEN PRESENT WHEN THE
7 SHOOTINGS OCCURRED?

8 A YES SIR.

9 Q WERE THEY FOUND AND INTERVIEWED BY LAW ENFORCEMENT?

10 A YES SIR.

11 Q DID YOU ALSO AT SOME POINT LEARN THE IDENTITY OF PEOPLE
12 WHO HAD INTERACTED WITH THE DEFENDANT, VICTIMS AND
13 WITNESSES EARLIER IN THE DAY OR EVENING, BUT WERE NOT
14 PRESENT WHEN THE SHOOTINGS OCCURRED?

15 A YES SIR.

16 Q WERE THEY IDENTIFIED AND FOUND AND TALKED TO AND
17 INTERVIEWED?

18 A YES SIR.

19 Q DID YOU LEARN THAT MICHAEL ROBERTSON DIED ON JULY 3,
20 2005?

21 A YES SIR.

22 Q AS A RESULT OF HIS DEATH, CONCERNING THE CHARGE OR
23 CHARGES AGAINST DAVID ALLEN GOINS, DID YOU TAKE SOME
24 FURTHER ACTION?

25 A YES SIR.

1 Q WHAT WAS THAT?

2 A I OBTAINED A MURDER WARRANT.

3 Q DO YOU RECALL WHAT DAY THE MURDER WARRANT WAS
4 OBTAINED?

5 A JULY 5, 2005.

6 Q DO YOU KNOW IF THAT WAS ACTUALLY OBTAINED BEFORE OR
7 AFTER DAVID GOINS WAS IN CUSTODY? DO YOU RECALL?

8 A NO SIR.

9 Q THAT'S FINE. DID YOU AT SOME POINT THROUGH THE COURSE
10 OF THE INVESTIGATION RECEIVE INFORMATION OR LEARN WHAT THE
11 DEAL WAS WITH THE CAR BEING TRASHED IN THE YARD?

12 A YES SIR.

13 Q DID YOU FIND OUT HOW THAT HAPPENED?

14 A YES SIR.

15 Q HOW DID THAT HAPPEN?

16 A SOME OF THE PEOPLE THERE WERE BEATING ON THE CAR.

17 Q OKAY. ONE MORE QUESTION ABOUT THE ITEMS THAT YOU
18 FOUND IN THE CAR. YOU MENTIONED A MINUTE AGO THAT THERE
19 WAS GLASS IN THE CAR AND THE BLACK, PLASTIC BAG. DID YOU SAVE
20 ANY OF THAT GLASS FOR ANY REASON?

21 A IT WAS SEALED IN THE BAG WITH THE OTHER ITEMS AND SENT
22 TO SLED.

23 Q FOR WHAT PURPOSE WAS IT TO SEND THE BAG, THE REMINGTON
24 BOX, AND THE BULLETS-- WELL, LET ME ASK YOU, DID THE BULLETS
25 EVER GO TO SLED?

1 A NO SIR.

2 Q FOR WHAT REASON DID YOU SEND THE BLACK, PLASTIC BAG
3 AND THE REMINGTON BOX TO SLED?

4 A FOR PRINT EVIDENCE.

5 Q SOMEBODY ELSE IS GOING TO TALK ABOUT THAT IN A MINUTE.
6 BUT TO YOUR KNOWLEDGE, WAS THAT PROCESS FOLLOWED
7 THROUGH.

8 A YES SIR.

9 Q I'M GOING TO JUMP WAY AHEAD. ON JULY 5, 2005, DID YOU
10 HAVE OCCASION TO TALK TO DAVID ALLEN GOINS AFTER HE WAS IN
11 CUSTODY?

12 A YES SIR.

13 Q WAS THAT AN INTERVIEW PROCESS?

14 A YES SIR.

15 Q WAS IT A VIDEOTAPED INTERVIEW PROCESS?

16 A YES SIR.

17 Q DID YOU START IT OR DID YOU CONCLUDE IT?

18 A I CONCLUDED IT.

19 Q DO YOU KNOW WHO STARTED IT?

20 A CHIEF LEWIS.

21 MR. BARFIELD: YOUR HONOR, AT THIS TIME THAT'S ALL THE
22 QUESTIONS I HAVE FOR MS. TOLBERT. I DO RESERVE MY RIGHT AND
23 WILL NEED TO CALL HER AGAIN CONCERNING OTHER MATTERS ON
24 THIS CASE.

25 THE COURT: ALL RIGHT. CROSS EXAMINE.

1 MR. HEMLEPP: THANK YOU, YOUR HONOR.

2 CROSS EXAMINATION BY MR. HEMLEPP:

3 Q DETECTIVE TOLBERT.

4 A YES SIR.

5 Q WELL, I'VE ALWAYS KNOWN YOU AS A DETECTIVE, AND I KNOW

6 THAT'S NOT YOUR TITLE NOW, BUT I'LL PROBABLY USE IT

7 THROUGHOUT THIS.

8 A OKAY.

9 Q AS THE LEAD INVESTIGATOR, AS THE LEAD DETECTIVE ON THE
10 CASE, YOUR RESPONSIBILITIES WOULD INCLUDE INVESTIGATING THE

11 SCENE?

12 A YES SIR.

13 Q AND FINDING WITNESSES?

14 A YES SIR.

15 Q TALKING TO PEOPLE TO DEVELOP THE CASE?

16 A YES SIR.

17 Q WOULD YOU ALSO MAINTAIN THE CASE FILE?

18 A YES SIR.

19 Q WAS THERE AN INTERNAL PROCESS BY WHICH YOU-- DID YOU
20 HAVE THE AUTHORITY TO DECIDE WHO WOULD BE CHARGED OR WAS
21 THERE AN INTERNAL PROCESS WITHIN THE SHERIFF'S DEPARTMENT?

22 HOW DID YOU DECIDE WHEN SOMEBODY WAS GONNA GET
23 CHARGED FOR THE CRIME?

24 A WE WOULD HANDLE IT OURSELF.

25 Q WOULD THAT BE TRUE IN THIS CASE?

- 1 A YES SIR.
- 2 Q AND IN THIS CASE, FOR THIS INCIDENT, HOW MANY PEOPLE
- 3 WERE CHARGED?
- 4 A I'LL HAVE TO LOOK.
- 5 Q THAT'S FINE.
- 6 A (PAUSE TO LOOK THROUGH FILE)
- 7 I DON'T SEE IN HERE, BUT I'M PRETTY SURE IT WAS TWO.
- 8 Q AND OF COURSE, ONE OF THEM IS MR. GOINS.
- 9 A MR. GOINS AND HIS BROTHER.
- 10 Q DO YOU RECALL HIS NAME?
- 11 A CHRISTOPHER KAUFFIN.
- 12 Q OF COURSE, I RECOGNIZE THAT YOU HAD MANY CASES WHILE
- 13 YOU WERE AT THE SHERIFF'S DEPARTMENT, AND IT'S BEEN FOUR AND
- 14 A HALF YEARS.
- 15 A YES.
- 16 Q SO, IF YOU NEED TO LOOK AT YOUR NOTES, PLEASE FEEL FREE
- 17 TO DO SO. THOSE WERE THE ONLY TWO PEOPLE CHARGED?
- 18 A YES SIR.
- 19 Q DID YOU DETERMINE HOW MANY PEOPLE ACTUALLY
- 20 WITNESSED THE INCIDENT? AND BY THE INCIDENT, I'M REFERRING TO
- 21 THE SHOOTING.
- 22 A I BELIEVE IT WAS RENARDO WOOD, JAMIE ROBERTSON,
- 23 MICHAEL ROBERTSON, CHRISTOPHER KAUFFIN, FLEMING ANDERSON,
- 24 AND THE DEFENDANT, DAVID GOINS.
- 25 Q SO, THERE WERE FIVE PEOPLE THERE?

1 A SIX, I BELIEVE.

2 Q SIX?

3 A YES SIR.

4 Q I COUNTED WRONG. I'M SORRY. THERE WAS RENARDO. AND I
5 DIDN'T MEAN TO MESS YOU UP. IT WAS RENARDO, JAMIE, MICHAEL,
6 CHRIS KAUFFIN, FLEMING ANDERSON, AND THE DEFENDANT. SIX
7 PEOPLE THERE?

8 A YES SIR.

9 Q NOW, OF COURSE, MICHAEL, WAS HE UNCONSCIOUS EVER AT A
10 TIME WHEN YOU TRIED TO TALK TO HIM? IS THAT WHY YOU WERE
11 UNABLE TO TALK TO HIM?

12 A HE WAS UNCONSCIOUS WHEN I TRIED TO TALK TO HIM.

13 Q AND THEN HE DIED?

14 A YES SIR.

15 Q SO, YOU---

16 A HE NEVER REGAINED CONSCIOUSNESS.

17 Q AND THEN, JAMIE ROBERTSON, ARE YOU AWARE THAT HE HAS
18 SINCE PASSED?

19 A YES SIR.

20 Q SO, THERE'S REMAINING FOUR PEOPLE: CHRIS KAUFFIN, THE
21 DEFENDANT, FLEMING ANDERSON, AND RENARDO WOOD.

22 A RIGHT.

23 Q DID YOU OBTAIN A SEARCH WARRANT FOR THE HOUSE?

24 A NO SIR.

25 Q WHY DID YOU DECIDE NOT TO DO THAT?

1 A AT THE TIME WE HAD NO INFORMATION THAT ANYBODY
2 WOULD HAVE BEEN IN THE HOUSE AT THE TIME. NOTHING WAS
3 STATED THAT THIS INCIDENT HAD OCCURRED INSIDE.

4 AND SO, AFTER WE HAD TALKED WITH THE DEFENDANT'S
5 BROTHER, I BELIEVE, THE NEXT DAY, AND THEN WHEN WE TALKED
6 WITH HIM, THE DEFENDANT, ABOUT FIVE DAYS LATER. BUT WE DID
7 DO A CURSORY SEARCH IN THE HOUSE AT THE TIME WE WERE CALLED
8 OUT.

9 Q WHEN YOU SAY YOU DID A CURSORY SEARCH, THAT MEANS
10 YOU DIDN'T OBTAIN A SEARCH WARRANT, BUT YOU HAD PERMISSION
11 TO GO INSIDE?

12 A WE HAD PERMISSION.

13 Q WAS THERE ANYTHING IN THE HOUSE OR IN THE YARD THAT
14 APPEARED TO BE THE IMPLEMENT USED TO DAMAGE THE CAR?

15 A I BELIEVE THERE WAS A BAT IN THE YARD, LAYING ON THE
16 PORCH.

17 Q DID YOU SEIZE THAT?

18 A I DON'T THINK WE DID.

19 Q NOW, OF COURSE, WE'VE NOT HEARD A LOT OF TESTIMONY
20 ABOUT THE ACTUAL INCIDENT. BUT THERE HAS BEEN TESTIMONY
21 THAT THERE WAS MORE THAN ONE BULLET, MORE THAN ONE SHOT.

22 A YES SIR.

23 Q WE'VE HAD TESTIMONY FROM A NEIGHBOR ACROSS THE STREET
24 THAT THERE WAS MORE THAN ONE, THAT SHE HEARD MULTIPLE
25 SOUNDS.

- 1 A RIGHT.
- 2 Q DID YOU ATTEMPT TO FIND BULLETS IN THE YARD?
- 3 A YES SIR, AND WE DIDN'T FIND ANY?
- 4 Q HOW DO YOU GO ABOUT DOING THAT?
- 5 A WE DIDN'T ACTUALLY LOOK FOR ACTUAL BULLETS. WE LOOK
- 6 FOR CASINGS. AND BASICALLY, THAT, WHICH I DID, AND THE GRASS
- 7 WAS PRETTY LOW.
- 8 Q WAS THAT THAT NIGHT?
- 9 A THAT NIGHT. AND WE ALSO CAME BACK THAT DAY, THE NEXT
- 10 DAY, WHEN IT GOT DAYLIGHT AND LOOKED AGAIN.
- 11 Q IN PROCESSING THE CRIME SCENE DID YOU TAKE
- 12 PHOTOGRAPHS?
- 13 A YES SIR. IT WAS DARK. THERE REALLY WASN'T MUCH TO TAKE
- 14 EXCEPT FOR THE CAR. I THINK THERE WAS A SMALL SPOT IN THE
- 15 YARD THAT MAY HAVE HAD A DROP OF BLOOD ON IT. WE TOOK A
- 16 PICTURE OF THE HOUSE. BUT OTHER THAN THAT, THERE REALLY
- 17 WASN'T ANYTHING TO PHOTOGRAPH.
- 18 Q DO YOU REMEMBER WHO, AS THE LEAD INVESTIGATOR, DO YOU
- 19 REMEMBER WHO TOOK THE PHOTOGRAPHS?
- 20 A IT WAS ME.
- 21 Q DO YOU REMEMBER TAKING PHOTOGRAPHS OF THE SCENE?
- 22 A YES SIR.
- 23 Q AND DO YOU REMEMBER WHAT DID YOU DO WITH THOSE
- 24 PHOTOGRAPHS?
- 25 A THEY WERE DELIVERED TO THE CASE FILE.

- 1 Q HAVE YOU SEEN THOSE PHOTOGRAPHS?
- 2 A YES SIR.
- 3 Q I MEAN, AT---
- 4 A AFTER THEY WERE SENT BACK, YES.
- 5 Q NO, I MEAN, AT THE TIME, YOU ACTUALLY HAD THEM
- 6 DEVELOPED AND YOU LOOKED THROUGH THEM?
- 7 A YES SIR.
- 8 Q AND THEN PUT THEM IN THE CASE FILE?
- 9 A THERE WEREN'T MANY BECAUSE LIKE I SAID, THERE WASN'T
- 10 MUCH TO TAKE PICTURES OF.
- 11 Q AND JUST BECAUSE WE'RE IN A COURTROOM AND WE HAVE A
- 12 JURY, WHEN YOU SAY NOT VERY MANY, WHAT DOES THAT MEAN?
- 13 YOU'RE NOT TALKING ABOUT STACKS OF PHOTOGRAPHS?
- 14 A MAYBE TWENTY OR SO, NOT VERY MANY.
- 15 Q MUST HAVE BEEN A COUPLE DOZEN?
- 16 A YES SIR.
- 17 Q HOW MANY WITNESSES DID YOU PERSONALLY INTERVIEW?
- 18 A I REMEMBER TALKING TO CALVIN COLEMAN. I TALKED TO MS.
- 19 HARSEY NEXT DOOR. I KNOW I TALKED TO A MARY YOUNG. I TALKED
- 20 WITH RENARDO. I TALKED WITH JAMIE. I THINK THERE WAS ANOTHER
- 21 COUSIN THAT I MAY HAVE TALKED TO AND THAT I GOT A STATEMENT
- 22 FROM.
- 23 I THINK I RELIED ON ANOTHER OFFICER TO TALK WITH MS.
- 24 COLLINS WHO I BELIEVE SHE SAID SHE HAD HEARD THE SHOTS. AND

1 LET'S SEE... OH, I TALKED TO DANIEL SEIBLES. I TALKED WITH, I
2 BELIEVE, DAVID'S BROTHER.

3 Q THAT'S MR. KAUFFIN?

4 A YES SIR.

5 Q DID YOU EVER TALK TO THE DEFENDANT'S GIRLFRIEND?

6 A I BELIEVE ANOTHER OFFICER TALKED TO HER.

7 Q DID YOU EVER TALK TO TAVARES ROBERTSON?

8 A YES.

9 Q DO YOU REMEMBER, AND YOU MAY NEED TO LOOK AT YOUR
10 NOTES. DID YOU TAKE A STATEMENT FROM TAVARES ROBERTSON?

11 A I'M PRETTY SURE I DID.

12 Q NOW THE VEHICLE THAT WAS OUT FRONT, WHEN YOU FIRST
13 CAME TO THE CRIME SCENE, DID YOU KNOW HOW IT WAS RELATED?

14 A I KNEW IT WAS RELATED, APPARENTLY, BUT I DIDN'T KNOW
15 HOW IT GOT THERE.

16 Q WERE YOU ABLE TO DETERMINE WHO OWNS THAT CAR?

17 A I BELIEVE IT WAS DETERMINED IT WAS THE DEFENDANT'S
18 GIRLFRIEND'S CAR.

19 Q HOW DID YOU DETERMINE THAT? WAS THAT THROUGH
20 WITNESS STATEMENTS, OR DID YOU RUN THAT THROUGH THE
21 DEPARTMENT OF MOTOR VEHICLES?

22 A WE PROBABLY RAN IT THROUGH THE DMV, BUT WE ALSO GOT A
23 STATEMENT FROM THE WITNESSES AS TO WHOSE CAR IT WAS.

1 Q WELL, LET ME ASK YOU THIS: AT WHAT POINT DID YOU FORM
2 THE BELIEF THAT THAT CAR BELONGED TO THE DEFENDANT'S
3 GIRLFRIEND?

4 A IT WAS AT THE TIME THAT WE WERE INTERVIEWING AT THE
5 HOSPITAL.

6 Q OF THE WITNESSES THAT YOU INTERVIEWED, WITHOUT SAYING
7 WHAT ANY OF THEM SAID, WHO WAS THE FIRST PERSON THAT YOU
8 INTERVIEWED, THAT YOU REMEMBER?

9 A JAMIE.

10 Q JAMIE. AND I BELIEVE-- IF I'VE GOT THIS WRONG, PLEASE TELL
11 ME. DID YOU SAY WHEN THE SOLICITOR ASKED YOU, THE FIRST PLACE
12 YOU WENT WAS THE HOSPITAL?

13 A YES SIR. DO YOU WANT TO KNOW WHY I WENT TO THE
14 HOSPITAL?

15 Q SURE.

16 A THE REASON WHY I WENT TO THE HOSPITAL IS BECAUSE WHEN I
17 WAS THERE ON THE SCENE, I WAS CALLING AND TRYING TO FIND OUT,
18 YOU KNOW, THE STATUS OF THE SITUATION AT THE SCENE, AND IF
19 THEY TRANSPORTED ANYONE WHO TALKED TO THE VICTIM AT THE
20 SCENE. AND AT THAT POINT NO ONE HAD TALKED TO THE VICTIM. SO,
21 THAT'S WHY I WENT TO THE HOSPITAL.

22 Q ONE FINAL QUESTION. MR. GOINS, THE DEFENDANT IN THIS
23 CASE, DAVID GOINS, YOU TESTIFIED ON DIRECT EXAMINATION THAT
24 YOU WERE AT THE SHERIFF'S DEPARTMENT ON THE FIFTH, WHEN HE
25 TURNED IN.

1 A I WENT TO THE SHERIFF'S DEPARTMENT.

2 Q OH, YOU WENT TO THE SHERIFF'S DEPARTMENT. HAD HE
3 ALREADY DONE THAT?

4 A HE WAS ON HIS WAY, AND I GOT A PHONE CALL THAT HE WAS
5 ON HIS WAY TO THE SHERIFF'S DEPARTMENT.

6 Q WHO ACTUALLY ARRANGED THAT WITH THE DEFENDANT? WAS
7 IT YOU OR WAS IT DETECTIVE LEWIS? WHO ARRANGED THAT?

8 A I DON'T REMEMBER.

9 Q HOW MANY DEPUTIES WERE ACTIVELY INVOLVED IN THIS
10 INVESTIGATION?

11 A FROM THE START?

12 Q YES. WE HAVE DEPUTY COOPER, DEPUTY SPIRES. AND I'M NOT
13 REFERRING TO ANY SLED AGENTS, OR AGENTS OF DIFFERENT
14 AGENCIES.

15 A I THINK IT WAS FOUR THERE AT THE SCENE.

16 Q UH-HUH.

17 A THAT WERE PROCESSING. THEN MAJOR CAME OUT.

18 Q MAJOR?

19 A AND BASICALLY ME AND THE OTHER INVESTIGATORS THAT
20 WERE WORKING AT THE TIME. PRIMARILY ON THIS CASE EVERYBODY
21 ASSISTED, WORKING WITH EVERYONE GATHERING THE EVIDENCE.

22 Q THANK YOU, DETECTIVE.

23 MR. HEMLEPP: THANK YOU, YOUR HONOR. I MAY HAVE SOME
24 QUESTIONS LATER, BUT I HAVE NO QUESTIONS NOW.

1 MR. BARFIELD: NOTHING FURTHER FROM THIS WITNESS AT THIS
2 TIME.

3 THE COURT: YOU MAY STEP DOWN.

4 MR. BARFIELD: THE STATE CALLS DONNIE ANDERSON.

5

6 DONNIE ANDERSON, DULY SWORN,
7 TESTIFIED AS FOLLOWS:

8 CLERK OF COURT: PLEASE STATE YOUR NAME.

9 A MY NAME IS DONNIE ANDERSON. I WAS FORMERLY EMPLOYED
10 BY THE FAIRFIELD COUNTY SHERIFF'S OFFICE.

11 DIRECT EXAMINATION BY MR. BARFIELD:

12 Q MR. ANDERSON, HOW LONG WERE YOU-- FROM WHEN TO WHEN
13 WERE YOU EMPLOYED BY THE FAIRFIELD COUNTY SHERIFF'S OFFICE?

14 A FROM OCTOBER OF '89 TO OCTOBER OF 2006.

15 Q WERE YOU AN INVESTIGATOR WITH THE FAIRFIELD COUNTY
16 SHERIFF'S OFFICE WHEN THIS INCIDENT OCCURRED ON JUNE 30, 2005?

17 A YES SIR.

18 Q WERE YOU STILL EMPLOYED IN THAT CAPACITY ON JULY 7, 2005?

19 A YES SIR.

20 Q I'M GOING TO SHOW YOU STATE'S EXHIBIT ONE AND TWO AND
21 THREE. JUST EXAMINE THEM TO WHATEVER EXTENT YOU NEED TO.

22 A (PAUSE FOR WITNESS TO EXAMINE EXHIBITS)

23 Q ARE THOSE ITEMS FAMILIAR TO YOU?

24 A YES SIR.

1 Q DID YOU TAKE THESE TWO ITEMS TO THE STATE LAW
2 ENFORCEMENT DIVISION TO BE LOGGED IN TO THE FORENSIC LAB ON
3 JULY 7, 2005?

4 A YES SIR.

5 Q DID YOU DO ANYTHING TO MANIPULATE THEM, TO CHANGE THE
6 APPEARANCE OF THEM, CHANGE ANYTHING ABOUT THEM AT ALL
7 WHEN THEY WERE IN YOUR POSSESSION TO TAKE THEM TO SLED?

8 A NO SIR.

9 Q THANK YOU, SIR. ANSWER ANYTHING MR. HEMLEPP HAS.
10 MR. HEMLEPP: I HAVE NOTHING. THANK YOU, YOUR HONOR.
11 THE COURT: YOU MAY STEP DOWN.

12 MR. BARFIELD: THE STATE CALLS STEVEN DERRICK.

13 STEVEN DERRICK, DULY SWORN,
14 TESTIFIED AS FOLLOWS:

15 CLERK OF COURT: PLEASE STATE YOUR FULL NAME.

16 A STEVEN DERRICK.

17 DIRECT EXAMINATION BY MR. BARFIELD:

18 Q MR. DERRICK, BY WHOM WERE YOU LAST EMPLOYED?

19 A THE STATE LAW ENFORCEMENT DIVISION, COMMONLY KNOWN
20 AS SLED. I WAS WITH SLED FROM 1989 TO 2005.

21 Q ARE YOU RETIRED NOW?

22 A I AM.

23 Q ARE YOU ENJOYING IT?

24 A LIFE IS GOOD. THANK YOU.

1 Q WHEN YOU WORKED AT SLED, AND SPECIFICALLY WHEN YOU
2 WORKED AT SLED DURING THE YEAR 2000, WHAT WAS YOUR JOB AT
3 SLED?

4 A I WORKED IN THE DEPARTMENT OF FINGERPRINT
5 IDENTIFICATION.

6 Q DURING YOUR EARLIER YEARS AT SLED, DID YOU ACTUALLY
7 RESPOND TO CRIME SCENES?

8 A YES SIR. I DID RESPOND TO CRIME SCENES, BUT I HANDLED
9 FINGERPRINTS.

10 Q NOW, IN CONNECTION WITH THIS CASE, DID YOU, OR TO YOUR
11 KNOWLEDGE, ANYBODY ELSE FROM SLED RESPOND TO THE CRIME
12 SCENE?

13 A NO SIR.

14 Q DID YOU AT SOME POINT AFTER THESE EVENTS OCCURRED GET
15 CALLED UPON TO DO SOME LATENT PRINT WORK ON THIS CASE?

16 A YES SIR.

17 Q IN CONNECTION-- WELL, WHERE DID YOU GET YOUR COLLEGE
18 DEGREE? WE'VE GOT TO GO THROUGH THIS PART.

19 A I HAVE A BACHELOR OF SCIENCE FROM FRANCIS MARION
20 COLLEGE IN HOUSTON, TEXAS.

21 MR. HEMLEPP: BEG THE COURT'S INDULGENCE FOR A MOMENT,
22 YOUR HONOR MAY I CONFER WITH COUNSEL?

23 THE COURT: YES SIR.

24 (WHEREUPON COUNSEL CONFER)

1 MR. BARFIELD: YOUR HONOR, I'M GOING TO OFFER MR. DERRICK
2 AN EXPERT WITNESS IN THE AREA OF FINGERPRINT IDENTIFICATION. I
3 BELIEVE MR. HEMLEPP STIPULATES TO THAT.

4 MR. HEMLEPP: THAT'S CORRECT. NO OBJECTION.

5 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN, HE'S AN
6 EXPERT IN THE FIELD OF LATENT FINGERPRINTS.

7 Q I'M GOING TO ASK YOU A FEW GENERAL QUESTIONS BEFORE WE
8 GET INTO THE NUTS AND BOLTS OF THIS. FIRST OF ALL, WHAT IS A
9 LATENT FINGERPRINT?

10 A A LATENT FINGERPRINT IS THE PRINT LEFT BY THAT IS CAUSED
11 BY THE PORES IN THE HAND THAT ARE TRANSFERRED TO SURFACES.

12 Q WHAT DO YOU CALL IT A LATENT PRINT?

13 A BECAUSE A FINGERPRINT IN MOST CASES IS NOT SOMETHING
14 THAT YOU WOULD SEE. REQUIRES THE APPLICATION OF A CHEMICAL
15 TO MAKE IT VISIBLE.

16 Q HOW DOES IS A LATENT FINGERPRINT PRESERVED FOR STUDY
17 BY YOU?

18 A WE NEVER SEIZE AN ITEM THAT IS NOT PROCESSED TO SEE IF
19 THERE ARE PRINTS. AND WE DETERMINE WHAT WOULD BE THE
20 APPROPRIATE TECHNIQUE THAT WOULD YIELD THE BEST POSSIBLE
21 PRINT.

22 Q ARE THERE DIFFERENT PROCESSES FOR DIFFERENT SURFACES?

23 A YES SIR.

24 Q GIVE US A COUPLE OF EXAMPLES TO PRESERVE A LATENT
25 FINGERPRINT.

1 A ALL RIGHT. TO PRESERVE A FINGERPRINT, BASICALLY, I MORE
2 SO, TO GIVE THE ABSORB TECHNIQUE CARBON FIBER TO GIVE THE
3 RIDGE DETAIL

4 Q CARBON FIBER WOULD BE LIKE FINGERPRINT DUST?

5 A YES SIR.

6 Q THE BLACK STUFF?

7 A YES SIR.

8 Q GO AHEAD.

9 A SO WE USE THAT TECHNIQUE TO INTERACT WITH SUCH AS
10 CARDBOARD, PLASTIC. THERE ARE OTHER TECHNIQUES WHICH ARE
11 NOT CHEMICAL-RELATED BUT, SUCH AS THE BLACK POWDER, VAPOR
12 SPRAY ON AN OBJECT WE USE THAT

13 Q WE'RE GOING TO ASSUME SOME THINGS FOR A MINUTE. ASSUME
14 THAT YOU EXAMINE AN ITEM. HYPOTHETICALLY, NOT IN THIS CASE.
15 BUT YOU EXAMINE AN ITEM AND YOU DETERMINE THAT THERE IS
16 SOME RIDGE DETAIL THERE AND YOU WANT TO PRESERVE THAT
17 LATENT FINGERPRINT, AND YOU ARE SUCCESSFUL IN DOING SO.

18 IF YOU'VE GOT A PRESERVED LATENT FINGERPRINT WHAT DO
19 YOU NEED TO FIGURE OUT WHOSE IT IS?

20 A ONCE RIDGE DETAIL HAS BEEN DEVELOPED, WHAT I NEED THEN
21 IS WHAT IS COMMONLY REFERRED TO AS A FINGERPRINT CARD. THAT
22 IS A CARD THAT HAS A FINISH ON THAT CARD ON CONTRASTING
23 WHITE BACKGROUND THAT OUTLAYS THE RIDGE SIZE. IN ADDITION
24 TO THAT, THERE IS A KNOWN STANDARD OF WHAT ON THE
25 FINGERPRINT SHOULD SHOW FOR AN INDIVIDUAL.

1 Q WOULD THIS KNOWN STANDARD BE THE TYPE OF A, PERHAPS A
2 SUSPECT OR A DEFENDANT OR A WITNESS OR SOMEBODY WHO JUST
3 HAPPENED TO BE AT THE SCENE WHERE THE EVENT OCCURRED?

4 A YES SIR.

5 Q AGAIN, YOU'VE GOT TO PRESERVE LATENT PRINTS AND YOU'VE
6 GOT A KNOWN STANDARD FOR SOMEBODY THAT YOU WANT TO SEE IF
7 THIS LATENT PRINT BELONGS TO THIS KNOWN PERSON.

8 THE GENERAL PROCESS TO COMPARE THE LATENT PRINTS TO
9 THE KNOWN FINGERPRINT, HOW DO YOU DETERMINE IF ONE AND THE
10 OTHER ARE FROM THE SAME PERSON?

11 A ONCE RIDGE DETAIL HAS BEEN DEVELOPED AND EXAMINED, I
12 LOOK AT THE RIDGE DETAIL, FIRST OF ALL, TO SEE IF IT IS A KNOWN
13 STANDARD THAT WARRANTS IT TO ADHERE TO A KNOWN STANDARD.

14 THERE ARE THREE ELEMENTS OF EXAMINATION OF THAT
15 RIDGE. THE SIMPLEST ONE IS SOME OF THOSE RIDGES THESE
16 COMMON SAMPLES OF THE MOST OBVIOUS. THESE ARE THE RIDGES
17 THAT ARE IN A PATTERN THAT ACTUALLY COMPARES TO THE KNOWN
18 STANDARD AND THEY IDENTIFY THAT LATENT.

19 Q IS THERE ANY MAGIC NUMBER OF-- IF YOU GET SOMETHING
20 BACK ON THE LATENT TO MATCH SOMETHING IN THE KNOWN
21 STANDARD, WHAT DO YOU CALL THAT RESULT?

22 A THAT WOULD BE AN IDENTIFICATION.

23 Q IS THERE ANY MAGIC NUMBER OF IDENTIFICATION FROM THE
24 LATENT TO THE KNOWN PRINT? HAVE YOU GOT TO HAVE TEN,
25 FIFTEEN, TWENTY? IS THERE ANY STANDARD THAT YOU HAVE TO

1 FOLLOW TO SAY THE LATENT PRINT WAS MADE BY THIS PERSON
2 WHOSE PRINTS WE KNOW WE HAVE?

3 A THERE IS NO MAGIC NUMBER. WE HAVE TO IDENTIFY THE
4 STANDARD THAT LOOKS TO THAT SAME FINGERPRINT.

5 Q ONE OTHER GENERAL QUESTION. DO WE ALL HAVE UNIQUE
6 FINGERPRINTS?

7 A YES.

8 Q TO YOUR KNOWLEDGE, ARE THERE ANY TWO PEOPLE ON THE
9 FACE OF THIS EARTH THAT WOULD HAVE THE SAME PRINTS FOR THE
10 SAME FINGER?

11 A NO TWO PEOPLE HAVE EVER BEEN MATCHED AS HAVING THE
12 SAME FINGERPRINTS.

13 Q ALL OF THAT SAID, DID WE MAKE ANY MATCHES IN THIS CASE?

14 A NO.

15 Q I'M GOING TO HAND YOU STATE'S EXHIBIT TWO AND THREE AND
16 ASK YOU TO TAKE A MOMENT AND LOOK AT THEM AND TELL ME,
17 WITH WHATEVER HANDLING YOU NEED TO DO TO THEM, IF YOU CAN
18 IDENTIFY THEM?

19 A (PAUSE TO HANDLE EXHIBITS) YES SIR, I CAN IDENTIFY BOTH
20 ITEMS.

21 Q WHEN YOU GET AN ITEM INTO YOUR POSSESSION TO DO LATENT
22 PRINT IDENTIFICATION ON, DO YOU MARK IT SOMEHOW SO THAT
23 WHEN YOU COME INTO COURT FOUR AND A HALF YEARS LATER YOU
24 CAN SAY YES, I HAD THIS IN MY HAND AND I WORKED WITH IT?

- 1 A ONCE I GET AN ITEM IN MY POSSESSION, I PROCESS IT AND I
2 LABEL EACH ITEM WITH THE SLED CASE NUMBER AND MY INITIALS.
- 3 Q AND DO BOTH OF THOSE ITEMS IN THOSE TWO BAGS-- I THINK
4 NUMBER TWO IS GOING TO BE THE BLACK, PLASTIC BAG, AND NUMBER
5 THREE IS GOING TO BE THE REMINGTON BOX. DO BOTH OF THEM
6 HAVE YOUR MARKINGS ON THEM TO INDICATE THAT YOU DEALT WITH
7 THEM IN PROCESSING?
- 8 A YES, THEY BOTH HAVE THE CASE NUMBER AND MY INITIALS.
- 9 Q DID YOU PROCESS THE BLACK, PLASTIC BAG TO SEE IF YOU
10 COULD DEVELOP ANY LATENT FINGERPRINTS FROM IT?
- 11 A YES SIR.
- 12 Q WERE YOU ABLE TO?
- 13 A THERE WAS NO LATENT PRINTS ON IT.
- 14 Q DOES THAT MEAN THAT NOBODY EVER TOUCHED IT?
- 15 A NO. THAT PARTICULAR TYPE PLASTIC BAG IS ONE OF THE
16 WORST THINGS THAT WE EVER GET IN THE LAB TO WORK WITH.
- 17 Q DID YOU EXAMINE THE REMINGTON BOX, STATE'S EXHIBIT
18 NUMBER THREE, TO DETERMINE IF YOU COULD DEVELOP ANY LATENT
19 PRINTS ON IT?
- 20 A YES SIR.
- 21 Q IT SEEMS TO HAVE THAT BLACK POWDER ON IT. DOES IT?
- 22 A YES SIR.
- 23 Q IS THAT HOW YOU PROCESSED THE BOX?
- 24 A YES.
- 25 Q DID YOU FIND ANY LATENT PRINTS ON THE REMINGTON BOX?

1 A THERE WERE PARTIALS LISTED THERE ON THE BOX, BUT
2 NOTHING THAT WE COULD USE TO COME TO ANY CONCLUSION THAT
3 THE LATENT PRINT COULD BE IDENTIFIED WITH IT.

4 Q BASED UPON THAT RESULT, WAS THERE ANY NEED FOR YOU TO
5 HAVE ANY KNOWN PERSON'S FINGERPRINTS FOR COMPARISON?

6 A NO SIR.

7 Q WAS THERE ANYTHING TO COMPARE WITH SOMEBODY'S KNOWN
8 FINGERPRINTS?

9 A THERE WAS NOTHING TO COMPARE TO.

10 Q DID YOU PREPARE A REPORT INDICATING WHAT YOU JUST TOLD
11 THE JURY?

12 A YES SIR.

13 Q I'M GOING TO HAND YOU A PIECE OF PAPER AND ASK YOU IF
14 YOU CAN IDENTIFY WHAT THAT IS?

15 A YES SIR, THIS IS THE REPORT I FILED.

16 MR. BARFIELD: YOUR HONOR, AT THIS TIME, I WILL OFFER THE
17 REPORT AS STATE'S EXHIBIT NUMBER FIVE.

18 THE COURT: MR. HEMLEPP.

19 MR. HEMLEPP: NO OBJECTION.

20 THE COURT: ADMITTED WITHOUT OBJECTION.

21 (WHEREUPON STATE'S EXHIBIT NUMBER FIVE WAS ADMITTED INTO
22 EVIDENCE WITHOUT OBJECTION)

23 Q THAT'S ALL THE QUESTIONS I HAVE, MR. DERRICK. THANK YOU.
24 ANSWER ANYTHING MR. HEMLEPP HAS.

25 MR. HEMLEPP: MAY IT PLEASE THE COURT.

1 THE COURT: YES SIR.

2 CROSS EXAMINATION BY MR. HEMLEPP:

3 Q AGENT DERRICK--

4 THE COURT: IF I MAY APPROACH THE WITNESS, YOUR HONOR?

5 THE COURT: YES SIR.

6 Q I'M HANDING YOU WHAT'S MARKED AS STATE'S EXHIBIT

7 NUMBER FIVE. THAT'S YOUR REPORT IN THIS CASE.

8 A YES SIR.

9 Q AND THERE IS INFORMATION IN THE TOP, RIGHT-HAND CORNER
10 THAT IDENTIFIES THE CASE. IT HAS THE CASE NUMBER, THE DATE.
11 IT'S GOT THE NAME OF THE SUSPECT AND THE VICTIMS. IS THAT A
12 CONCLUSION ON YOUR PART?

13 A NO SIR.

14 Q WHY IS THAT INFORMATION THERE?

15 A THAT IS THE INFORMATION THAT IS TRANSFERRED FROM THE
16 INITIAL LOGGING SHEET WHEN THE EVIDENCE WAS RECEIVED.

17 Q SO, THE INFORMATION HERE, THE NAME OF THE VICTIMS AND
18 THE SUBJECT, THAT'S JUST TO IDENTIFY THE CASE?

19 A THAT'S JUST INFORMATION.

20 Q SO, THAT'S NOT PART OF YOUR TESTIMONY, THAT YOU'VE
21 REACHED THAT CONCLUSION?

22 A NO SIR. MY TESTIMONY IS IN THE PARAGRAPHS IN THE BODY OF
23 THE DOCUMENT.

1 THE COURT: YES SIR.

2 CROSS EXAMINATION BY MR. HEMLEPP:

3 Q AGENT DERRICK--

4 THE COURT: IF I MAY APPROACH THE WITNESS, YOUR HONOR?

5 THE COURT: YES SIR.

6 Q I'M HANDING YOU WHAT'S MARKED AS STATE'S EXHIBIT

7 NUMBER FIVE. THAT'S YOUR REPORT IN THIS CASE.

8 A YES SIR.

9 Q AND THERE IS INFORMATION IN THE TOP, RIGHT-HAND CORNER
10 THAT IDENTIFIES THE CASE. IT HAS THE CASE NUMBER, THE DATE.
11 IT'S GOT THE NAME OF THE SUSPECT AND THE VICTIMS. IS THAT A
12 CONCLUSION ON YOUR PART?

13 A NO SIR.

14 Q WHY IS THAT INFORMATION THERE?

15 A THAT IS THE INFORMATION THAT IS TRANSFERRED FROM THE
16 INITIAL LOGGING SHEET WHEN THE EVIDENCE WAS RECEIVED.

17 Q SO, THE INFORMATION HERE, THE NAME OF THE VICTIMS AND
18 THE SUBJECT, THAT'S JUST TO IDENTIFY THE CASE?

19 A . THAT'S JUST INFORMATION.

20 Q SO, THAT'S NOT PART OF YOUR TESTIMONY, THAT YOU'VE
21 REACHED THAT CONCLUSION?

22 A NO SIR. MY TESTIMONY IS IN THE PARAGRAPHS IN THE BODY OF
23 THE DOCUMENT.

1 Q THANK YOU FOR CLARIFYING THAT FOR ME. AND WITH ALL
2 DUE RESPECT, YOUR TESTIMONY TODAY IS I LOOKED FOR
3 FINGERPRINTS AND I DIDN'T FIND ANYTHING. IS THAT TRUE? .

4 A THAT'S CORRECT.

5 Q THANK YOU.

6 MR. BARFIELD: THAT'S ALL FOR MR. DERRICK. WE ASK THAT HE
7 BE EXCUSED AND RELEASED FROM HIS SUBPOENA.

8 MR. HEMLEPP: I HAVE NO OBJECTION.

9 THE COURT: THANK YOU, SIR.

10 MR. BARFIELD: THE STATE CALLS JIMMY JOYNER.

11 JAMES JOYNER, DULY SWORN, TESTIFIED AS
12 FOLLOWS:

13 CLERK OF COURT: PLEASE STATE YOUR NAME FOR THE RECORD.

14 A JAMES JOYNER.

15 DIRECT EXAMINATION BY MR. BARFIELD:

16 Q MR. JOYNER, BY WHOM ARE YOU EMPLOYED?

17 A FAIRFIELD COUNTY SHERIFF'S OFFICE.

18 Q HOW LONG HAVE YOU BEEN EMPLOYED BY THE SHERIFF'S
19 OFFICE?

20 A TWENTY-TWO YEARS.

21 Q DO YOU DO SEVERAL DIFFERENT THINGS FOR THE SHERIFF'S
22 OFFICE?

23 A I DO.

24 Q ONE OF THEM BEING EVIDENCE CUSTODIAN FOR ITEMS THAT
25 ARE SEIZED IN PARTICULAR CASES THAT ARE TAKEN BY

1 INVESTIGATORS AND UNIFORMED DEPUTIES AND SOMETIMES SENT TO
2 SLED, AND SOMETIMES NOT SENT TO SLED? ARE YOU IN CHARGE OF
3 THE EVIDENCE AT THE SHERIFF'S OFFICE?

4 A THAT'S CORRECT.

5 Q I'M GOING TO SHOW YOU STATE'S EXHIBITS TWO, THREE, AND
6 FOUR. I DON'T KNOW IF YOU NEED TO HANDLE THEM OR NOT. BUT
7 TAKE A LOOK AT THEM AND TELL ME IF YOU'RE FAMILIAR WITH
8 THOSE ITEMS?

9 A I AM.

10 Q ARE THOSE ITEMS THAT WERE SEIZED IN THIS CASE THAT WE
11 ARE HERE FOR THIS WEEK?

12 A THEY ARE.

13 Q DID THEY COME INTO YOUR POSSESSION AFTER THEY WERE, AT
14 VARIOUS JUNCTURES AFTER THEY WERE RECEIVED BY LAW
15 INVESTIGATOR, SPECIFICALLY INVESTIGATOR PHILLIPS AT THE TIME?

16 A YES SIR.

17 Q DID YOU PRESERVE THESE ITEMS AT ALL TIMES THEY WERE IN
18 YOUR CUSTODY IN A LOCKED, SECURED EVIDENCE ROOM IN THE
19 SHERIFF'S OFFICE?

20 A THAT'S CORRECT.

21 Q DID YOU PULL THEM OUT AND BRING THEM TO COURT HERE
22 WITH YOU TODAY FOR THE PURPOSES OF THIS PROCEEDING??

23 A I DID.

24 MR. BARFIELD: THAT'S ALL THE QUESTIONS I HAVE FOR MR.
25 JOYNER.

JAMES JOYNER - CROSS EXAMINATION BY MR. HEMLEPP

1 MR. HEMLEPP: MAY IT PLEASE THE COURT.

2 THE COURT: YES SIR.

3 CROSS EXAMINATION BY MR. HEMLEPP:

4 Q INVESTIGATOR JOYNER? WHAT'S YOUR TITLE?

5 A LIEUTENANT.

6 Q I'M SORRY. I DIDN'T MEAN TO DEMOTE YOU. LIEUTENANT

7 JOYNER, IS THIS THE ONLY ITEMS IN EVIDENCE?

8 A NO, IT'S NOT.

9 Q ARE THERE PHOTOGRAPHS?

10 A NO, I HAVE NO PHOTOGRAPHS.

11 Q THERE HAS BEEN TALK OF A RADIO THAT CAME FROM---

12 A YES SIR.

13 Q IS THE RADIO IN EVIDENCE?

14 A IT IS.

15 Q HAVE YOU BROUGHT ALL OF THE EVIDENCE TO COURT TODAY?

16 A YES.

17 Q THANK YOU.

18 MR. HEMLEPP: NOTHING ELSE FOR THIS WITNESS, YOUR HONOR.

19 MR. BARFIELD: NOTHING FURTHER FOR THIS WITNESS, YOUR
20 HONOR.

21 THE COURT: THANK YOU, SIR. YOU ARE EXCUSED.

22 MR. MAXWELL: THE STATE CALLS DANNY ODOM.

23

24

25

1 DANNY ODOM, DULY SWORN, TESTIFIED AS

2 FOLLOWS:

3 CLERK OF COURT: PLEASE STATE YOUR NAME.

4 A DANNY ODOM.

5 DIRECT EXAMINATION BY MR. MAXWELL:

6 Q MR. ODOM, BACK IN JUNE OF 2005, WERE YOU EMPLOYED BY
7 FAIRFIELD COUNTY?

8 A I WAS DEPUTY CORONER FOR FAIRFIELD COUNTY.

9 Q AS A DEPUTY CORONER, WHAT WERE YOUR DUTIES? WHAT
10 WOULD YOU DO?

11 A WE HELP THE CORONER ON INVESTIGATING DEATHS, IF IT'S
12 NECESSARY. WE TRANSPORT BODIES FOR AUTOPSIES AS IS
13 NECESSARY. WE CERTIFY THE DEATHS.

14 Q ON JULY 3, AROUND JULY 3, OF 2005, WAS THE CORONER'S
15 OFFICE CONTACTED ABOUT A DEATH AT PALMETTO RICHLAND
16 HOSPITAL IN COLUMBIA?

17 A YES SIR.

18 Q WAS IT A FAIRFIELD COUNTY DEATH THAT HAPPENED A FEW
19 DAYS BEFORE?

20 A MY UNDERSTANDING IS THAT IT WAS FROM A SHOOTING HERE
21 IN FAIRFIELD COUNTY.

22 Q ONCE THAT CALL WAS RECEIVED BY THE CORONER'S OFFICE,
23 WHAT DID YOU DO AFTER THAT?

24 A MR. SYLVIA NOTIFIED ME TO ASK ME IF I COULD TAKE THE
25 DECEASED OVER TO NEWBERRY.

1 Q WHO IS MR. SYLVIA?

2 A MR. SYLVIA WAS THE CORONER AT THAT TIME.

3 Q IS THAT JOEL SYLVIA?

4 A JOEL SYLVIA.

5 Q JOE SYLVIA?

6 A THAT'S CORRECT.

7 Q DID YOU GO TO PALMETTO RICHLAND HOSPITAL?

8 A I DID NOT GO AT THAT DAY. I CALLED THEM AND ASKED THEM
9 IF THEY COULD HOLD THE DECEASED TILL THE NEXT MORNING. WE
10 HAD AN AUTOPSY SCHEDULED FOR 10:00. I TOLD THEM I WOULD BE
11 THERE AT 8:30 TO PICK UP THE BODY.

12 Q IT WAS SUNDAY WHEN YOU LEARNED THAT MICHAEL
13 ROBERTSON, THERE WAS A DEAD BODY AT PALMETTO RICHLAND, AND
14 YOU WENT AND PICKED IT UP ON MONDAY?

15 A THAT'S CORRECT.

16 Q WHEN YOU GOT TO PALMETTO RICHLAND, WHAT DID YOU DO
17 WHEN YOU GOT THERE ON MONDAY MORNING?

18 A I NOTIFIED SECURITY I WAS THERE TO PICK UP A DECEASED.
19 THEY GAVE ME THE PAPERWORK AND LET ME INTO THE MORGUE AND
20 I PUT HIM ON A STRETCHER, PUT HIM INTO THE AMBULANCE, AND
21 TRANSPORTED HIM TO NEWBERRY.

22 Q WHO WAS THE DECEASED YOU WERE PICKING UP?

23 A MR. ROBERTSON.

24 Q MICHAEL ROBERTSON?

25 A MICHAEL ROBERTSON.

1 Q HOW WAS HE IDENTIFIED WHEN YOU WENT TO PICK HIM UP
2 THAT DAY?

3 A I RECEIVED A VRT FROM THE SECURITY, AND ALSO THE
4 PAPERWORK THAT WAS WITH HIM.

5 Q HOSPITAL RECORDS?

6 A NO, I DIDN'T GET ANY HOSPITAL RECORDS. I GOT A COPY OF HIS
7 DEATH CERTIFICATE AND VRT.

8 Q IDENTIFYING THE BODY AS MICHAEL ROBERTSON?

9 A THAT'S CORRECT.

10 Q WHERE DID YOU-- WHEN YOU LEFT PALMETTO RICHLAND WITH
11 THE BODY, WHERE DID YOU GO?

12 A WENT TO NEWBERRY HOSPITAL TO THE MORGUE WHERE THEY
13 DID THE AUTOPSY.

14 Q DID YOU SIGN ANY PAPERWORK? HOW DID YOU TURN OVER
15 THE BODY TO NEWBERRY HOSPITAL?

16 A WHEN WE GO INTO THE MORGUE ROOM, THERE IS A LOG BOOK
17 THERE. WE SIGN IN AT THE TIME OF WHERE WE CAME FROM. WHEN
18 WE LEAVE, WE SIGN OUT.

19 Q DID YOU LEAVE THE BODY AT NEWBERRY HOSPITAL FOR---

20 A NO SIR, I STAYED WITH IT. AND AFTER THE AUTOPSY, I
21 TRANSPORTED IT OVER HERE.

22 Q YOU BROUGHT THE BACK?

23 A I BROUGHT THE BODY TO WINNSBORO AND TURNED IT OVER TO
24 GLOVER FUNERAL HOME.

1 Q BOTH TIMES YOU SIGNED THE BODY IN AND SIGNED THE BODY
2 OUT?

3 A THAT'S CORRECT.

4 Q AND YOU TOOK IT WHERE?

5 A GLOVER FUNERAL HOME.

6 Q BASED ON WHAT WAS KNOWN ABOUT WHAT HAD HAPPENED TO
7 MICHAEL ROBERTSON, DID THE CORONER'S OFFICE ORDER OR
8 REQUEST THE AUTOPSY?

9 A I'M PRETTY SURE, BUT I DON'T KNOW FOR A FACT. ALL I KNOW
10 IS MR. SYLVIA CALLED ME AND ASKED ME IF I COULD TAKE IT OVER
11 TO NEWBERRY FOR AN AUTOPSY.

12 Q AND AS FAR AS YOU KNOW THERE WAS AN AUTOPSY DONE?

13 A YES SIR, IT WAS. I WAS THERE.

14 MR. MAXWELL: NO FURTHER QUESTIONS, YOUR HONOR.

15 MR. HEMLEPP: MAY IT PLEASE THE COURT.

16 THE COURT: YES SIR.

17 CROSS EXAMINATION BY MR. HEMLEPP:

18 Q MR. ODOM.

19 A YES SIR.

20 Q A LOT OF THE MEMBERS OF OUR JURY MAY NOT KNOW MUCH
21 ABOUT LAW ENFORCEMENT OR GOVERNMENT IN GENERAL, HOW IT
22 WORKS IN SOUTH CAROLINA. AND ON TV, THE CORONER GOES TO THE
23 SCENE AND COLLECTS BLOOD AND FINGERPRINTS AND DOES THE
24 AUTOPSY.

1 IN FAIRFIELD COUNTY, WOULD IT BE SAFE TO SAY THAT OF THE
2 DUTIES OF THE CORONER WITH REGARDS TO A DEATH, ONE OF THE
3 PRIMARY FUNCTIONS IS TO KEEP A RECORD?

4 A THAT'S CORRECT.

5 Q AND ANOTHER FUNCTION WOULD BE TO SECURE THE BODY?

6 A THAT'S CORRECT.

7 Q SO, YOUR OFFICE, THE CORONER'S OFFICE, YOUR INVOLVEMENT
8 WAS YOU WERE THE KEEPER OF THE RECORDS WITH REGARDS TO THE
9 DEATH OF MICHAEL ROBERTSON?

10 A YES SIR.

11 Q AND YOU TRANSPORTED THE BODY WHERE THE BODY NEEDED
12 TO GO?

13 A THAT'S CORRECT.

14 Q YOU DON'T HAVE ANY KNOWLEDGE OF THIS INVESTIGATION.
15 YOU DIDN'T INVESTIGATE THIS CASE?

16 A NO SIR.

17 Q DID ANYBODY IN THE CORONER'S OFFICE INVESTIGATE THIS
18 CASE?

19 A I COULDN'T ANSWER THAT. I KNOW I DIDN'T.

20 Q THANK YOU, SIR. THANK YOU FOR COMING.

21 MR. HEMLEPP: THANK YOU, YOUR HONOR.

22 MR. MAXWELL: NO FURTHER QUESTIONS, YOUR HONOR.

23 THE COURT: THANK YOU, SIR.

24 MR. MAXWELL: WE ASK THAT MR. ODOM BE RELEASED FROM
25 HIS SUBPOENA.

1 THE COURT: HE WILL BE RELEASED.

2 MR. BARFIELD: YOUR HONOR, I THINK THIS IS AN APPROPRIATE
3 TIME FOR US TO TAKE A BREAK TO DISCUSS SOME OTHER MATTERS
4 BEFORE WE PROCEED.

5 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN, WE WILL
6 TAKE A BREAK AT THIS TIME.

7 (WHEREUPON THE JURY EXITED THE COURTROOM AT 11:00 A.M.)

8 MR. BARFIELD: YOUR HONOR, IF WE COULD TAKE UP THE
9 JACKSON V. DENNO MATTER AT THIS TIME.

10 THE COURT: YES SIR. WE'LL PROCEED.

11 MR. HEMLEPP: YOUR HONOR, THERE IS A WRITTEN STATEMENT
12 WITH A RIGHTS SHEET THAT IS ON THE FRONT THAT IS, THAT APPEARS
13 TO BE CORRECTLY FILLED OUT. I HAVE SPOKEN TO MY CLIENT AND
14 HE DID IN FACT GO AND HE CONFIRMED THAT RIGHTS SHEET.

15 THERE IS A VIDEOTAPE OF THAT INTERVIEW APPROXIMATELY
16 TWO HOURS AND FORTY MINUTES LONG THAN, FRANKLY, THE
17 SOLICITOR AND I SAW TOGETHER FOR THE FIRST TIME THIS WEEK. IT'S
18 A LONG TAPE.

19 IN VIEWING THE TAPE, CONTAINED ON THE TAPE IS CHIEF
20 DEPUTY LEWIS GIVING RIGHTS TO MY CLIENT. MY CLIENTS RESPONDS
21 PERFECTLY.

22 HAVING SAID THAT, OUR CHIEF RESIDENT JUDGE FOR MANY,
23 MANY YEARS, DON RUSHING, TOOK THE POSITION THAT THE
24 QUESTION OF WHETHER A JACKSON VERSUS DENNO SHOULD BE HELD

KEITH LEWIS DIRECT EXAMINATION BY MR. BARFIELD

305

1 IS A QUESTION FOR THE COURT, NOT A QUESTION FOR THE
2 DEFENDANT.

3 IF THE COURT WERE TO HOLD A JACKSON VERSUS DENNO
4 HEARING, I DON'T KNOW OF ANY REASON WHY I WOULD OBJECT TO
5 WHETHER OR NOT MY CLIENT'S CONSTITUTIONAL RIGHTS HAVE BEEN
6 VIOLATED.

7 THE COURT: AS TO THE STIPULATION THAT THE STATEMENTS
8 WERE FREELY AND VOLUNTARILY GIVEN, THE COURT WILL MAKE
9 THAT DETERMINATION.

10 MR. HEMLEPP: OKAY.

11 THE COURT: HEARING NO STIPULATION, YOU MAY PROCEED.

12 MR. BARFIELD: WE CALL CHIEF DEPUTY LEWIS.

13 KEITH LEWIS, DULY SWORN,
14 TESTIFIED AS FOLLOWS:

15 CLERK OF COURT: PLEASE STATE YOUR NAME.

16 A KEITH LEWIS.

17 DIRECT EXAMINATION BY MR. BARFIELD:

18 Q CHIEF LEWIS, BY WHOM ARE YOU EMPLOYED?

19 A FAIRFIELD COUNTY SHERIFF'S OFFICE.

20 Q ARE YOU THE CHIEF DEPUTY OF THE SHERIFF'S OFFICE?

21 A I AM.

22 MR. HEMLEPP: YOUR HONOR, FOR THE PURPOSES OF THIS
23 HEARING, I CERTAINLY WOULD STIPULATE TO CHIEF DEPUTY LEWIS'
24 QUALIFICATIONS TO PROVIDING INFORMATION FOR THIS HEARING.

25 MR. BARFIELD: I'LL CUT TO THE CHASE.

1 Q DID DAVID ALLEN GOINS TURN HIMSELF IN ON A MURDER
2 WARRANT IN THIS CASE ON JULY 5, OF 2005?

3 A HE DID.

4 Q DID YOU BECOME AWARE THAT HE TURNED HIMSELF IN?

5 A I DID.

6 Q WAS SOME CONTACT MADE WITH YOU BY, I THINK, HIS MOM
7 AND HIS GIRLFRIEND, MAYBE, DIRECTLY WITH YOU ABOUT HIM NOW
8 BEING IN CUSTODY?

9 A THAT'S CORRECT.

10 Q AS A RESULT OF THAT CONTACT, DID YOU UNDERTAKE TO GET
11 HIM BROUGHT FROM THE FAIRFIELD COUNTY DETENTION CENTER TO
12 THE FAIRFIELD COUNTY SHERIFF'S OFFICE FOR AN INTERVIEW IN THE
13 INTERVIEW ROOM AT THE SHERIFF'S OFFICE?

14 A YES SIR.

15 Q IS THERE-- ARE THERE ACTUALLY TWO VHS VIDEOTAPES OF
16 DAVID GOINS BEING INTERVIEWED BY YOU AND ALSO BY
17 INVESTIGATOR MARY ANN, THEN PHILLIPS, OF THE SHERIFF'S OFFICE?

18 A IT IS.

19 Q ARE THE TAPES TO YOUR KNOWLEDGE, COMBINED, ABOUT TWO
20 HOURS AND FORTY-FIVE MINUTES LONG?

21 A THAT IS CORRECT. AND THAT IS WHY THERE ARE TWO TAPES.
22 ONE TAPE ACTUALLY RAN OUT AND A NEW TAPE HAD TO BE PUT IN.

23 Q DID YOU CONDUCT THE FIRST PART OF THE INTERVIEW WHICH
24 IS BASICALLY ABOUT THE FIRST FORTY-FIVE MINUTES OF IT?

25 A I DID.

- 1 Q ARE YOU IN AND OUT A TIME OR TWO DURING THE PROCESS?
- 2 A I AM.
- 3 Q THE BULK, OR THE REMAINDER OF THE INTERVIEW, WAS THAT
- 4 DONE BY INVESTIGATOR PHILLIPS, NOW TOLBERT?
- 5 A I BELIEVE SO.
- 6 Q YOU HAVEN'T SEEN ALL OF IT YOURSELF?
- 7 A I HAVE NOT.
- 8 Q WHEN YOU GOT MR. GOINS BEFORE YOU, FIRST OF ALL, WAS HE
- 9 IN CUSTODY?
- 10 A HE WAS.
- 11 Q HAD HE ALREADY BEEN BOOKED INTO THE DETENTION CENTER?
- 12 A HE HAD.
- 13 Q WAS HE ALREADY DRESSED OUT IN CLEMSON UNIVERSITY
- 14 ORANGE COVERALLS?
- 15 A THAT'S CORRECT.
- 16 Q DID HE ALSO HAVE-- YOU CAN'T SEE IT IN THE TAPE, BUT DID HE
- 17 HAVE ANYTHING ON HIS LEGS AND FEET TO BE BROUGHT FROM THE
- 18 DETENTION CENTER TO THE SHERIFF'S OFFICE? WAS HE SHACKLED?
- 19 DO YOU KNOW OR REMEMBER?
- 20 A YES. OUR POLICY WHEN WE TRANSPORT IS THAT THEY ARE LEG-
- 21 SHACKLED AND HANDCUFFED.
- 22 Q WAS HE HANDCUFFED TO BE BROUGHT TO THE DETENTION
- 23 CENTER WITH A BELLY CHAIN AND HANDCUFFS WITH HIS HANDS
- 24 CUFFED TO HIS WAIST?

1 A I CAN'T REMEMBER FOR SURE, BUT IT IS OUR POLICY TO
2 HANDCUFF.

3 Q DOES THE TAPE SHOW WHAT HE WAS WEARING AND WHAT HIS
4 RESTRAINT SITUATION WAS WHEN YOU BEGAN THE INTERVIEW WITH
5 HIM?

6 A IF I'M NOT MISTAKEN THE TAPE SHOWS HIM IN THE JUMPSUIT.
7 HE WAS NOT HANDCUFFED WHILE HE WAS THERE.

8 Q I'M GOING TO ASK YOU A GENERAL QUESTION. FIRST OF ALL,
9 I'LL HAND YOU A DOCUMENT WHICH IS THREE PAGES STAPLED
10 TOGETHER AND ASK YOU FIRST OF ALL IS THAT AN ORIGINAL
11 DOCUMENT?

12 A IT IS.

13 Q CAN YOU IDENTIFY WHAT THOSE THREE PIECES OF PAPER ARE?
14 FIRST OF ALL, WHAT'S THE FIRST PAGE?

15 A THE FIRST PAGE IS THE FAIRFIELD COUNTY SHERIFF'S OFFICE
16 WAIVER OF RIGHTS FORM.

17 Q RELATING TO MR. GOINS AND YOUR INTERVIEW WITH HIM ON
18 JULY 5, 2005?

19 A THAT'S CORRECT.

20 Q IS THAT A DOCUMENT THAT YOU AND HE PREPARED?

21 A IT IS.

22 Q WHAT ARE THE SECOND TWO PAGES?

23 A THE SECOND AND THIRD PAGE IS THE ACTUAL STATEMENT
24 THAT MR. GOINS WROTE HIMSELF.

1 Q AT SOME POINT OF NOT TOO VERY FAR INTO THE INTERVIEW
2 DID YOU ASK HIM, EITHER ASK HIM TO, OR ASK HIM IF HE WANTED TO,
3 JUST WRITE IT OUT HIMSELF?

4 A I DID.

5 Q AND ARE THOSE LAST TWO PAGES THE RESULT OF HIM WRITING
6 OUT A STATEMENT?

7 A IT IS.

8 Q IS THAT HIS STATEMENT?

9 A IT IS.

10 Q I'M GOING TO ASK YOU A FEW QUESTIONS ABOUT THE MIRANDA
11 WARNING. DID YOU READ-- DID YOU GO OVER WITH DAVID ALLEN
12 GOINS WHAT HIS CONSTITUTIONAL RIGHTS WERE, WHAT WE
13 NORMALLY CALL MIRANDA WARNINGS?

14 A I DID.

15 Q PRIOR TO DOING THAT, DID YOU DETERMINE HOW HOLD HE
16 WAS?

17 A I DID.

18 Q DID YOU NOTE THAT ON THE DOCUMENT?

19 A YES SIR. HE WAS THIRTY-ONE YEARS OF AGE AT THAT TIME.

20 Q DID YOU DETERMINE WHAT HIS EDUCATIONAL BACKGROUND
21 WAS?

22 A I DID, AND HE INFORMED ME THAT HE FINISHED WITH A GED.

23 Q DID YOU DETERMINE WHETHER HE COULD READ AND WRITE?

24 A I DID, AND HE INDICATED HE COULD.

1 Q DID YOU HIM RIGHTS ABOUT RIGHTS FROM THAT FIRST PAGE OF
2 THAT DOCUMENT, WHAT HIS MIRANDA RIGHTS, CONSTITUTIONAL
3 RIGHTS WERE?

4 A I DID. I PRETTY MUCH TURNED THE FORM WHERE HE COULD SEE
5 AND READ IT AS I WAS READING IT TO HIM.

6 Q NOW, LET ME ASK YOU. EVERYTHING WE HAVE BEEN TALKING
7 ABOUT SINCE YOU GOT ON THE STAND, IS IT ON THE VIDEOTAPE?

8 A IT IS ON THE VIDEOTAPE.

9 Q GENERALLY SPEAKING, AS YOU'RE GOING THROUGH THOSE
10 RIGHTS, DID YOU, NUMBER ONE, DID YOU PUT SOME IDENTIFYING
11 INFORMATION ON TAPE ONE OF THAT DOCUMENT TO INDICATE WHO
12 YOU WERE TALKING TO AND WHAT THE CASE WAS, BASICALLY THE
13 FAIRFIELD COUNTY SHERIFF'S OFFICE CASE NUMBER, AND THE DATE
14 AND THE TIME, AND ALL THAT STUFF?

15 A I DID.

16 Q WHAT IS THE IDENTIFYING INFORMATION ON THAT DOCUMENT?

17 A PRETTY MUCH THAT THIS WAIVER RIGHTS IS BEING READ TO
18 DAVID ALLEN GOINS, HIS AGE, ET CETERA, HIS EDUCATION, WHO I AM.

19 Q OKAY.

20 A WHAT I WANT TO INTERVIEW HIM ABOUT, WHAT CHARGE HE'S
21 BEEN CHARGED WITH.

22 Q OKAY.

23 A AND OF COURSE, THERE'S SIX DIFFERENT LINES THAT ACTUALLY
24 BREAK DOWN HIS MIRANDA WARNINGS.

25 Q WE'RE GOING TO COME TO THAT IN A MINUTE.

- 1 A OKAY.
- 2 Q DOWN AT THE BOTTOM IS THERE A PLACE FOR HIM TO SIGN HIS
- 3 NAME?
- 4 A IT IS A PLACE FOR HIM TO SIGN HIS NAME, DATE, TIME, AND TO
- 5 SIGN.
- 6 Q DID HE SIGN HIS NAME?
- 7 A HE DID.
- 8 Q IS THERE A DATE AND A TIME ON IT?
- 9 A IT IS.
- 10 Q WHAT IS THE DATE AND TIME?
- 11 A JULY 5, OF '05 AT 10:15 A.M.
- 12 Q IS THERE A PLACE FOR YOU TO SIGN AS THE PERSON WHO IS
- 13 ADMINISTERING THOSE MIRANDA WARNINGS?
- 14 A IT IS.
- 15 Q IS ALL THAT FILLED OUT?
- 16 A IT IS.
- 17 Q TELL THE COURT WHAT RIGHTS YOU TOLD MR.-- LET ME BACK
- 18 UP. WHEN YOU GO THROUGH THOSE SEPARATE RIGHTS, DO YOU DO
- 19 THEM ONE AT A TIME?
- 20 A I DO THEM ONE AT A TIME.
- 21 Q AFTER YOU DO IT, DID YOU ASK MR. GOINS IF HE UNDERSTOOD
- 22 EACH ONE OF THEM?
- 23 A I DID.

1 Q AFTER YOU ASKED HIM IF HE UNDERSTOOD, AND HE INDICATED
2 THAT HE DID, DID YOU GET HIM TO INITIAL THERE BESIDE EACH ONE
3 OF THOSE RIGHTS TO INDICATE THAT HE DID UNDERSTAND?

4 A YES, I DID.

5 Q TELL US JUST BRIEFLY WHAT THE RIGHTS WERE THAT YOU
6 TOLD HIM THAT HE HAD.

7 A THE FIRST THING THAT I READ WAS, I INFORMED MR. GOINS
8 THAT HE HAD THE RIGHT TO REMAIN SILENT, AND THAT MEANS THAT
9 HE DOES NOT HAVE TO SAY ANYTHING OR ANSWER ANY QUESTIONS. I
10 ASKED HIM IF HE UNDERSTOOD THAT; HE INDICATED THAT HE DID.
11 AND I ASKED HIM IF HE WOULD PUT HIS INITIALS ON THE LINE BESIDE
12 THAT QUESTION, AND HE DID SO.

13 Q GO AHEAD, ONE BY ONE, LET'S GO THROUGH THEM.

14 A ALL RIGHT. THE SECOND ONE WAS: ANYTHING THAT YOU SAY
15 CAN BE USED AGAINST YOU IN A COURT OF LAW. AND I ASKED HIM IF
16 HE UNDERSTOOD IT, AND HE INDICATED THAT HE DID AND SIGNED OFF
17 ON IT.

18 NUMBER THREE: THAT HE HAS THE RIGHT TO TALK TO A
19 LAWYER AND HAVE A LAWYER BE WITH HIM NOW TO ADVISE HIM
20 AND TO HELP HIM BEFORE OR DURING QUESTIONING. I ASKED HIM IF
21 HE UNDERSTOOD IT AND HE INDICATED THAT HE DID, AND SIGNED OFF
22 ON IT.

23 I ALSO ADVISED HIM IF HE WANTED TO HAVE A LAWYER WITH
24 HIM BEFORE AND DURING QUESTIONING BUT COULD NOT AFFORD TO
25 PAY A LAWYER, THAT ONE WOULD BE PROVIDED TO HIM AT NO COST

1 WHILE I'M QUESTIONING HIM. I ASKED HIM IF HE UNDERSTOOD THAT.
2 HE INDICATED THAT HE DID AND HE SIGNED OFF ON IT.

3 NUMBER FIVE: IF HE DECIDES TO ANSWER QUESTIONS NOW
4 WITHOUT A LAWYER HE STILL HAS THE RIGHT TO STOP ANSWERING
5 QUESTIONS ANY TIME HE WANTED TO DURING THE INTERVIEW. AND
6 HE INDICATED THAT HE UNDERSTOOD THAT AND SIGNED OFF ON IT.

7 NUMBER SIX: HE WAS INFORMED THAT HE ALSO HAD THE RIGHT
8 TO STOP ANSWERING QUESTIONS UNTIL HE HAS TALKED TO A
9 LAWYER. AND HE SIGNED OFF ON THAT.

10 Q THAT'S ALL OF THEM?

11 A YES SIR.

12 Q THAT'S A COMPLETELY FILLED OUT FORM?

13 A IT IS.

14 Q NOW, LET ME ASK YOU SOME GENERAL QUESTIONS. NOT HOW,
15 BUT DID YOU KNOW DAVID ALLEN GOINS BEFORE YOU MET HIM IN
16 THE INTERVIEW ROOM THAT DAY?

17 A NOT REALLY KNOW HIM, BUT I KNEW HIM WHEN I SAW HIM. I
18 NEVER HAD ANY DEALINGS WITH HIM.

19 Q ALL RIGHT.

20 A THIS BEING A SMALL COUNTY, I KNEW OF HIM.

21 Q DID MR. GOINS AT ANY TIME APPEAR TO HAVE ANY DIFFICULTY
22 UNDERSTANDING THE WORDS AND PHRASES THAT YOU WERE USING
23 TO EXPRESS WHAT WAS HAPPENING?

24 A NO SIR. AND IF I'M NOT MISTAKEN, I ALSO PURCHASED MR.
25 GOINS A SOFT DRINK.

- 1 Q WE'RE GOING TO TALK ABOUT THAT LATER.
- 2 A OKAY.
- 3 Q DID YOU HAVE ANY DIFFICULTY UNDERSTANDING THE WORDS
- 4 AND PHRASES HE WAS USING TO EXPRESS HIMSELF TO YOU?
- 5 A NO SIR.
- 6 Q DID HE EVER ASK ANY QUESTIONS ABOUT HIS CONSTITUTIONAL
- 7 RIGHTS?
- 8 A NO SIR.
- 9 Q DID HE EVER TELL YOU THAT HE WANTED TO INVOKE ANY OF
- 10 HIS CONSTITUTIONAL RIGHTS?
- 11 A NO SIR.
- 12 Q DID HE IN FACT TELL YOU THAT HE WAS GOING TO WAIVE HIS
- 13 RIGHTS AND TALK TO YOU ABOUT THE CASE?
- 14 A HE DID.
- 15 Q AND DID HE DO SO BY, NUMBER ONE, WRITING OUT HIS
- 16 STATEMENT, AND ALSO ENGAGING IN CONVERSATION FOR TWO
- 17 HOURS AND FORTY-FIVE MINUTES?
- 18 A THAT'S CORRECT.
- 19 Q DID HE DO ANYTHING TO INDICATE TO YOU THAT HE DID NOT
- 20 UNDERSTAND WHAT HE WAS THERE FOR AND WHAT Y'ALL WERE
- 21 DOING WHILE HE WAS THERE IN YOUR PRESENCE?
- 22 A NO SIR.
- 23 Q WE'VE TALKED ABOUT RESTRAINTS. HE MIGHT HAVE HAD
- 24 ANKLE SHACKLES ON, HE MIGHT NOT; WE DON'T KNOW.
- 25 A I DON'T THINK HE HAD THEM ON.

1 Q OTHER THAN THE OFFICERS THAT ARE SEEN ON THE VIDEOTAPE
2 IN AND OUT, YOU'RE THERE, MARY ANN PHILLIPS IS THERE AT ONE
3 POINT. I THINK GREY BONEY IS THERE AT ONE POINT. ANY OTHER
4 OFFICERS IN THERE DURING THAT TIME THAT YOU KNOW OF?

5 A NOT THAT I KNOW OF.

6 Q DID ANY OFFICERS EVER MAKE ANY SHOW OF FORCE TO MR.
7 GOINS, PRESENT GUNS TO HIM OR-- ACTUALLY, DO Y'ALL TAKE YOUR
8 GUNS OFF WHEN YOU GO INTO THE INTERVIEW ROOM?

9 A MOST OF THE TIME, YES SIR.

10 Q DID ANYBODY THREATEN HIM WITH ANY GUNS OR ANY FORCE?

11 A NO SIR.

12 Q DID MR. GOINS ASK-- WELL, FIRST OF ALL, DID HE APPEAR TO BE
13 UNDER, NUMBER ONE, ANY PHYSICAL DISCOMFORT?

14 A NO SIR.

15 Q DID HE APPEAR TO BE UNDER ANY MENTAL DISTRESS?

16 A NO SIR.

17 Q WAS HE CRYING, CARRYING ON, ANYTHING LIKE THAT?

18 A NO SIR.

19 Q DID HE EVER ASK YOU-- WE'RE GOING TO TALK ABOUT WHAT
20 YOU GAVE HIM IN A MINUTE. BUT DID HE EVER ASK YOU FOR
21 ANYTHING THAT YOU TURNED HIM DOWN ON, THAT YOU KNOW OF?

22 A NO SIR.

23 Q WAS HE EVENTUALLY-- DID HE MAKE A PHONE CALL? YOU
24 MIGHT NOT KNOW THIS, BUT DO YOU KNOW WHETHER ON THE TAPE IT
25 SHOWS HIM MAKING A PHONE CALL?

- 1 A I DON'T KNOW THAT.
- 2 Q DID YOU GIVE HIM A COLD DRINK?
- 3 A I DID.
- 4 Q WHAT WAS HE DRINKING?
- 5 A I BELIEVE A MOUNTAIN DEW.
- 6 Q DO YOU KNOW WHETHER AT SOME POINT DURING THIS PROCESS
- 7 GREY BONEY TOOK HIM OUT AND LET HIM SMOKE?
- 8 A I DO KNOW THAT HE DID HAVE A SMOKE BREAK.
- 9 Q DID HE EVER SAY THAT I NEED TO GO PEE,---
- 10 A NO.
- 11 Q --- AND Y'ALL DIDN'T LET HIM OR ANYTHING TO THAT?
- 12 A NO SIR.
- 13 Q DID ANYBODY PROMISE DAVID GOINS ANYTHING TO GET HIM TO
- 14 TALK ABOUT WHY HE WAS BEING INTERVIEWED?
- 15 A NO SIR.
- 16 Q DID ANYBODY USE ANY FORCE OR MAKE ANY THREATS
- 17 AGAINST HIM TO GET HIM TO TALK ABOUT WHY HE WAS BEING
- 18 INTERVIEWED?
- 19 A NO SIR.
- 20 Q WAS THIS INTERVIEW AT ANY POINT, BASED ON YOUR MEMORY,
- 21 A HEATED EXCHANGE? WAS THERE ANYTHING THAT GOT OUT OF
- 22 HAND? WAS THERE ANY TABLE BANGING OR YELLING OR SCREAMING
- 23 OR CUSSING OR ANYTHING FROM EITHER SIDE, OR FROM EITHER
- 24 PARTY TO THIS PROCESS?
- 25 A NOT DURING MY INTERVIEW WITH HIM.

1 Q OKAY.

2 A NOT WHEN I WAS IN THE ROOM, NO SIR.

3 MR. BARFIELD: YOUR HONOR, THAT'S ALL I HAVE OF CHIEF

4 DEPUTY LEWIS AT THIS POINT.

5 MR. HEMLEPP: YOUR HONOR, I HAVE NO QUESTIONS FOR

6 DEPUTY LEWIS.

7 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.

8 MR. BARFIELD: YOUR HONOR, I NEED TO CALL MS. TOLBERT

9 ABOUT THIS ISSUE.

10 (WHEREUPON WITNESS TOLBERT TAKES THE STAND)

11 THE COURT: YOU ARE STILL UNDER OATH, MA'AM.

12 MARY ANN PHILLIPS TOLBERT, BEING

13 REMINDED OF PREVIOUS OATH BY THE COURT, TESTIFIED AS

14 FOLLOWS:

15 DIRECT EXAMINATION BY MR. BARFIELD:

16 Q MS. TOLBERT, WERE YOU AT ALL INVOLVED IN THE MIRANDA
17 WARNING PROCESS OF DAVID ALLEN GOINS DURING THIS INTERVIEW
18 ON JULY 5, 2005?

19 A NO SIR.

20 Q HAD THAT ALL BEEN DONE BY THE TIME YOU GOT THERE?

21 A YES SIR.

22 Q WAS THERE ANY BREAK? WAS THIS ONE, CONTINUOUS
23 INTERVIEW, MEANING DAVID ALLEN GOINS WAS IN THE INTERVIEW
24 ROOM FROM WHEN KEITH LEWIS UNTIL YOU FINISHED UP WITH HIM,
25 OTHER THAN MAYBE GO OUT AND SMOKE OR GO TO THE BATHROOM?

- 1 A YES SIR.
- 2 Q HE WASN'T TAKEN TO THE DETENTION CENTER AND BROUGHT
- 3 BACK LATER TO START AGAIN?
- 4 A NO SIR.
- 5 Q I ASSUME YOU DIDN'T RE-MIRANDIZE HIM AT ANY POINT?
- 6 A NO SIR.
- 7 Q DID HE AT ANY TIME IN YOUR PRESENCE INVOKE ANY OF HIS
- 8 CONSTITUTIONAL RIGHTS TO REMAIN SILENT, TO HAVE A LAWYER, TO
- 9 STOP TALKING?
- 10 A NO SIR.
- 11 Q WAS THERE ANY YELLING AND SCREAMING OR TABLE BANGING
- 12 DURING YOUR PART OF THE INTERVIEW WITH MR. GOINS?
- 13 A NOT THAT I RECALL, NO SIR.
- 14 Q WAS IT A FAIRLY PLEASANT CONVERSATION OTHER THAN THE
- 15 TOPIC WASN'T PLEASANT PERHAPS?
- 16 A IT WAS NORMAL, I GUESS, FOR THAT SITUATION. THERE WAS
- 17 NEVER ANY SCREAMING.
- 18 Q NOW, I'M HANDING YOU THIS THREE-PAGE DOCUMENT. THE
- 19 FIRST PAGE, WHICH YOU'VE PROBABLY SEEN, YOU DON'T HAVE
- 20 ANYTHING TO DO WITH, REALLY. THE OTHER TWO PAGES, WHAT ARE
- 21 THE OTHER TWO PAGES?
- 22 A IT'S A WRITTEN STATEMENT THAT HE WROTE OUT, HIS
- 23 STATEMENT.
- 24 Q IS THAT SOMETHING HE PROBABLY ACTUALLY WROTE OUT
- 25 BEFORE YOU CAME INTO THE ROOM?

1 A I THINK HE STARTED WRITING IT BEFORE I CAME IN.

2 Q DID YOU LOOK AT IT AT SOME POINT WHILE YOU WERE IN THE
3 INTERVIEW PROCESS?

4 A I DID.

5 Q DID YOU AND HE GO OVER IT TO SOME DEGREE?

6 A YES.

7 Q DID HE AT SOME POINT SIGN HIS NAME TO IT AND ADOPT THAT
8 AS HIS STATEMENT?

9 A YES SIR.

10 Q DID YOU ALSO SIGN IT?

11 A I DID.

12 Q NOW, THERE'S A LITTLE FAMILY TREE, KIND OF A DEAL, GOING
13 ON AT THE BOTTOM OF THAT. DO YOU REMEMBER WHAT THAT WAS
14 ALL ABOUT?

15 A HE WAS EXPLAINING TO ME WHO HE WAS RELATED TO.

16 Q BOYFRIEND AND GIRLFRIEND, STUFF LIKE THAT?

17 A YES SIR.

18 MR. BARFIELD: YOUR HONOR, THAT'S ALL I HAVE OF MS.
19 TOLBERT AT THIS TIME.

20 THE COURT: ANY QUESTIONS, MR. HEMLEPP?

21 MR. HEMLEPP: NOTHING FOR THE PURPOSES OF THIS HEARING.

22 THE COURT: THANK YOU, MA'AM.

23 MR. BARFIELD: YOUR HONOR, FOR THE PURPOSE OF THIS
24 HEARING, I WOULD OFFER TO THE COURT THE MIRANDA WARNING,
25 ALONG WITH THE TWO-PAGE STATEMENT ATTACHED TO IT AS EITHER

1 A COURT'S EXHIBIT OR A STATE'S EXHIBIT FOR IDENTIFICATION.
2 HOWEVER THE COURT WOULD LIKE ME TO DO IT.

3 THE COURT: COURT'S EXHIBIT.
4 (WHEREUPON DOCUMENTS WERE MARKED AS COURT'S EXHIBIT
5 NUMBER ONE)

6 THE COURT: COURT'S EXHIBITS ARE GIVEN TO THE COURT.

7 MR. BARFIELD: YOUR HONOR, FOR YOUR PURPOSES WE DO
8 HAVE A VIDEOTAPE WHICH HAS THIS PROCESS THAT'S BEEN
9 DESCRIBED TO, IF YOU WOULD LIKE TO SEE IT BEFORE YOU MAKE A
10 RULING.

11 THE COURT: ARE THERE ANY ADDITIONAL WITNESSES?

12 MR. BARFIELD: NOT CONCERNING THIS ISSUE, NO SIR.

13 THE COURT: ANY WITNESSES FOR THE DEFENSE?

14 MR. HEMLEPP: BEG THE COURT'S INDULGENCE.

15 (PAUSE)

16 NOTHING FROM THE DEFENSE, YOUR HONOR.

17 THE COURT: THE COURT FINDS THAT THE EVIDENCE THAT THE
18 STATE WAS GIVEN BY THE DEFENDANT, AFTER BEING INFORMED OF
19 HIS CONSTITUTIONAL RIGHTS, AND THAT THEY WERE FREELY AND
20 VOLUNTARILY MADE. THEY ARE THEREFORE ADMITTED INTO
21 EVIDENCE.

22 MR. BARFIELD: THANK YOU, YOUR HONOR. AT THIS POINT IT'S
23 MY INTENTION TO OBVIOUSLY CHIEF DEPUTY LEWIS AND MS.
24 TOLBERT TO GO THROUGH THE SAME PROCESS IN THE PRESENCE OF
25 THE JURY. AND AGAIN, WE DO HAVE THE VIDEOTAPES WHICH IS THE

1 TAPES WHICH ARE IN LENGTH ABOUT TWO HOURS AND FORTY-FIVE
2 MINUTES.

3 MY PLAN FOR THE TAPES IS THIS: I DON'T INTEND TO SHOW THE
4 WHOLE THING. THEY ARE CERTAINLY AVAILABLE TO MR. HEMLEPP.
5 AND CERTAINLY UNDER THE RULES OF EVIDENCE, IF I DON'T SHOW
6 SOME THINGS THAT HE WANTS TO SHOW ON THEM, HE'S GOT THE
7 RIGHT TO SHOW THEM HIMSELF.

8 MY INTENTION WOULD BE TO CALL THE TWO, LIVE WITNESSES,
9 HAVE THE MACHINE IN HERE AND THE TAPE SET UP IN IT, AND FOR ME
10 TO SIT OVER THERE BY THE MACHINE AND STOP IT WHEN I WANT TO
11 STOP IT AND GO TO THE NEXT SECTION. IT WILL BE A LITTLE TEDIOUS,
12 BUT I WILL TRY TO MAKE IT WORK.

13 THERE'S FRANKLY SOME THINGS ON THE TAPE THAT I THINK
14 UNDER ANYBODY'S VIEW WOULD NOT BE LEGALLY ADMISSIBLE IN
15 THIS PROCEEDING, STUFF THAT I WOULDN'T ATTEMPT TO INTRODUCE
16 OTHERWISE. AND I'M JUST GOING TO SHOW CERTAIN PORTIONS OF
17 THE VIDEO, AND THEN TURN IT OVER TO MR. HEMLEPP FOR
18 WHATEVER HE WANTS TO DO WITH IT.

19 THE COURT: ALL RIGHT.

20 MR. HEMLEPP: MAY WE APPROACH?

21 THE COURT: YES SIR.

22 (WHEREUPON A BENCH CONFERENCE TOOK PLACE)

23 MR. HEMLEPP: YOUR HONOR, BASED UPON OUR BENCH
24 CONFERENCE I WOULD ASK THE COURT TO ALLOW ME TIME TO
25 CONFER WITH MY CLIENT.

1 THE COURT: ALL RIGHT. WE'LL TAKE A BREAK FOR TEN
2 MINUTES OR SO.

3 MR. HEMLEPP: THANK YOU, JUDGE.

4 (WHEREUPON THE COURT WAS IN RECESS AT 11:25)

5

6

7

8

9

10

11

COURT IN SESSION - 11:50 A.M.

12

THE COURT: BRING IN THE JURY?

13

(WHEREUPON THE JURY ENTERED THE COURTROOM.)

14

15

16

17

18

19

20

21

LADIES AND GENTLEMEN OF THE JURY, OFTEN DURING A TRIAL,
IT BECOMES NECESSARY FOR THE COURT TO TAKE UP MATTERS
OUTSIDE OF YOUR PRESENCE. WE WERE DOING SOME OF THAT WHILE
YOU WERE IN THE JURY ROOM, AND WE NEED TO DO MORE OF THAT
BEFORE WE CAN CONTINUE WITH THE TRIAL TESTIMONY. RATHER
THAN KEEP YOU THERE WE WILL LET YOU ALL GO UNTIL THE TIME WE
NEED YOU TO COME BACK, WHICH WILL BE ABOUT 2:00. SO, WE'LL LET
YOU GO UNTIL 2:00.

22

(WHEREUPON THE JURY EXITED THE COURTROOM)

23

ANYTHING ELSE BEFORE WE BREAK?

24

MR. BARFIELD: NO SIR.

25

MR. HEMLEPP: NO, THANK YOU, YOUR HONOR.

1 THE COURT: WE'LL BREAK FOR LUNCH UNTIL 2:00.

2 (WHEREUPON THE COURT WAS IN LUNCH RECESS AT 11:55 A.M.)

3 COURT IN SESSION - 2:15 P. M.

4 THE COURT: ALL RIGHT, GENTLEMEN.

5 MR. HEMLEPP: MAY IT PLEASE THE COURT.

6 THE COURT: YES SIR.

7 MR. HEMLEPP: WE'RE READY TO GO FORWARD, YOUR HONOR,
8 WITH THE MATTER REGARDING THE VIDEOTAPE.

9 THE COURT: YES SIR.

10 MR. HEMLEPP: AND I HAD ASKED THE COURT TO GIVE ME SOME
11 TIME TO CONFER WITH MY CLIENT OVER LUNCH AND WATCH THE
12 VIDEOTAPE. AND I DIDN'T KNOW IF THE COURT WANTED TO
13 CONCLUDE THAT BEFORE WE BROUGHT THE JURY BACK IN.

14 THE COURT: I HAD RULED ON IT ALREADY AND THE SOLICITOR
15 WAS TELLING ME HOW HE PLANNED TO PROCEED. I DID ASK YOU
16 WHETHER YOU HAD ANY FURTHER COMMENTS BASED ON THE
17 RULING.

18 MR. HEMLEPP: I DIDN'T KNOW THAT THE COURT HAD ALREADY
19 RULED. SO, MY UNDERSTANDING-- WE'RE GOING TO PROCEED. THE
20 SOLICITOR IS GOING TO SEEK TO ADMIT THE ENTIRE TAPE THAT HE'S
21 GOING TO PUBLISH A PORTION OF, BUT THE ENTIRE TAPE WILL COME
22 IN.

23 THE COURT: NOW, IF YOU WANT TO HEAR SOME TESTIMONY ON
24 THE ISSUE OF VOLUNTARINESS---

25 MR. HEMLEPP: NO, YOUR HONOR.

1 THE COURT: ---THEN I'LL REOPEN IT AND GIVE YOU THE
2 OPPORTUNITY.

3 MR. HEMLEPP: NO SIR. THAT'S FINE. THE COURT HAS RULED ON
4 THE VOLUNTARINESS OF THE STATEMENT. AND IT'S ALL THE SAME. IT
5 WAS ALL CONTEMPORANEOUS TO EACH OTHER. THE RIGHTS ARE ALL
6 THE SAME AND CONTAINED ON THE VIDEOTAPE.

7 I KNEW THAT AT THE TIME WE BROKE THE SOLICITOR HAD TOLD
8 THE COURT THAT HE PLANNED TO SHOW PORTIONS OF IT, AND NOT
9 THE WHOLE THING. I BELIEVE THAT THE COURT'S RULING IS THAT THE
10 ENTIRE, BOTH VIDEOTAPES, THE ENTIRE EPISODE HAS TO BE
11 ADMITTED UNDER THE RULE OF COMPLETENESS, AND THE SOLICITOR
12 WOULD BE ABLE TO SHOW WHATEVER HE WANTED TO SHOW.

13 THE COURT: I HAVE NOT VIEWED THE VIDEOTAPE. I RULED ON
14 THE ISSUE OF VOLUNTARINESS.

15 MR. HEMLEPP: YES SIR.

16 THE COURT: IF THERE ARE SEPARATE ISSUES CONCERNING
17 ITEMS THAT SHOULDN'T GET REDACTED, BASED ON THE, BASED ON
18 CERTAIN THINGS CONTAINED IN THE VIDEOTAPE, WHICH WOULD BE
19 UNDULY PREJUDICIAL THEN I NEED TO KNOW ABOUT IT. I'M NOT
20 ORDERING THE SOLICITOR TO PUBLISH ANY PORTION OF THE TAPE
21 WHICH MIGHT OTHERWISE BE INADMISSIBLE. SUCH WAS HIS
22 REPRESENTATION THAT HE WOULD NOT PUBLISH ANY IMPROPER
23 PORTION OF THE VIDEO OF THE STATEMENT.

1 AND IF YOU HAVE-- IF THE COURT NEEDS TO ORDER ANYTHING
2 REDACTED, I'LL BE HAPPY TO. I'M NOT EXACTLY SURE WHAT THE
3 PROCESS WOULD BE.

4 MR. BARFIELD: YOUR HONOR, AGAIN, TO STATE MY INTENTION.
5 MY INTENTION IS-- BOTH TAPES WILL BE INTRODUCED INTO
6 EVIDENCE. MY INTENTION IS TO PUBLISH ONLY THE PORTIONS
7 THEREOF. MR. HEMLEPP CERTAIN HAS THE RIGHT TO PUBLISH
8 PORTIONS THEREOF THAT I DON'T. ANY PUBLICATIONS I NEED OR HIM,
9 WOULD BE SUBJECT TO OBJECTIONS FOR INADMISSIBLE EVIDENCE
10 FOR WHATEVER REASON.

11 AND MY FURTHER UNDERSTANDING IS THAT TECHNICALLY
12 THOUGH, THE DEVICES THEMSELVES ARE DIFFERENT. THE EVIDENCE
13 WILL BE ONLY THE PORTIONS THAT ARE PUBLISHED. SO, IF THE JURY
14 SUBSEQUENTLY DECIDED WE WANT TO SEE THE TAPE AGAIN, THEY'LL
15 ONLY BE ABLE TO SEE STUFF THEY SAW DURING MY CASE OR MR.
16 HEMLEPP'S CASE.

17 IS THAT CORRECT?

18 THE COURT: MR. HEMLEPP?

19 MR. HEMLEPP: I APOLOGIZE, YOUR, HONOR. AND I'M GLAD
20 WE'RE HAVING THIS TIME TOGETHER BECAUSE THAT WAS NOT MY
21 UNDERSTANDING OF WHAT WE WERE DOING. MY UNDERSTANDING,
22 AND THIS IS IN PART BASED ON DISCUSSIONS WE'VE HAD OFF THE
23 RECORD. SO, I NEED TO MAKE IT COMPLETE.

24 THE COURT: THAT'S PRECISELY WHY I DON'T HAVE OFF-THE-
25 RECORD, IN-CHAMBERS DISCUSSIONS.

1 MR. HEMLEPP: YES SIR.

2 THE COURT: ALL DISCUSSIONS ARE ON THE RECORD---

3 MR. HEMLEPP: YES SIR.

4 THE COURT: ---AND ON THE RECORD---

5 MR. HEMLEPP: YES SIR.

6 THE COURT: ---WITH ME DURING A TRIAL.

7 MR. HEMLEPP: YES SIR. THE DEFENSE'S CONTENTION IS UNDER
8 THE RULES, WE DON'T OBJECT TO BOTH TAPES COMING IN AS
9 EVIDENCE IN THEIR ENTIRETY, THE JURY BEING ABLE TO WATCH ALL
10 OF THEM. I UNDERSTAND THAT ONCE THEY'RE IN EVIDENCE THE
11 SOLICITOR CAN PUBLISH ANY PORTION THAT HE WISHES TO PUBLISH.

12 THAT TO ME MEANS ONCE THEY'RE ADMITTED, THEY'RE
13 ADMITTED. THEY'RE NOT SUBJECT TO FURTHER OBJECTION AND
14 THEY'RE ADMITTED AS EVIDENCE. THEY ARE EVIDENCE. THEY ARE
15 STAMPED. THE JURY CAN TAKE THE TELEVISION IN THE BACK ROOM
16 OR COME BACK IN HERE AND WATCH THEM IN THEIR ENTIRETY OR A
17 PORTION, HOWEVER THEY CHOOSE. WE CONSENT TO THAT.

18 THE COURT: ALL RIGHT. SOLICITOR, WHAT PORTION OF THE
19 VIDEOS DO YOU BELIEVE MIGHT CONTAIN OBJECTIONABLE EVIDENCE?

20 MR. BARFIELD: WELL, THERE'S SOMETHING TO MR. HEMLEPP
21 SAYING-- THERE'S NO SECRET ABOUT ANY OF THIS. AND I'LL BE VERY
22 FRANK WITH YOU ABOUT IT.

23 FROM A CLEARANCE STANDPOINT THERE IS A GOOD BIT OF
24 DISCUSSION-- LET ME STATE THIS: I'VE GOT TEN PAGES OF NOTES
25 WITH TIMES NOTED FROM MY VIEWING OF THE TAPES. THERE IS A

1 FAIRLY SUBSTANTIAL DISCUSSION BETWEEN, I THINK, INVESTIGATOR
2 TOLBERT AND MR. GOINS ABOUT HIS CRIMINAL RECORD, AND THE
3 FACT THAT HE'D BEEN IN PRISON AND THAT TEN YEARS AGO HE GOT
4 OUT OF PRISON. THAT ALL REVOLVES AROUND A DISCUSSION
5 CONCERNING WHY HE WOULD HAVE HAD A GUN OR MAYBE NOT HAVE
6 HAD A GUN. SO, THAT CLEARLY IS INADMISSIBLE.

7 OF COURSE, MR. HEMLEPP COULD AGREE TO HAVING IT
8 ADMITTED; I DON'T KNOW. BUT ORDINARILY IT WOULD NOT BE
9 ADMISSIBLE.

10 THERE IS ALSO A GOOD BIT OF DISCUSSION IN THE TAPES ABOUT
11 THE CHARACTER AND REPUTATION OF THE ROBERTSON BOYS, FOR
12 LACK OF A BETTER WAY TO PUT IT. I WOULD CERTAINLY NOT WANT
13 THE JURY TO HEAR THAT AND I THINK IT WOULD NOT BE ADMISSIBLE
14 UNDER ORDINARY CIRCUMSTANCES BECAUSE IT-- WELL, I JUST THINK
15 IT'S NOT ADMISSIBLE.

16 THERE'S ALSO A GOOD BIT OF DISCUSSION IN THE VIDEOTAPE
17 BETWEEN THE OFFICERS AND MR. GOINS ABOUT BOND PROCEDURES
18 AND PRELIMINARY HEARING PROCEDURES AND GRAND JURY
19 PROCEEDINGS AND THINGS LIKE THAT.

20 THERE IS ALSO, FRANKLY, DISCUSSION IN THE VIDEOTAPE IN
21 TWO PLACES ABOUT THE ISSUE OF SELF-DEFENSE. INITIALLY, WHEN
22 CHIEF DEPUTY LEWIS IS TALKING TO MR. GOINS THERE IS SOME BRIEF
23 DISCUSSION ABOUT WHETHER IT'S SELF-DEFENSE OR NOT, AND CHIEF
24 DEPUTY LEWIS WAS SORT OF NONCOMMITTAL ABOUT THAT, AND I
25 THINK MADE SOME COMMENT, WELL, IT MIGHT BE, I DON'T KNOW.

1 LATER ON IN THE TAPE THERE'S AN INVESTIGATOR WHO HAD
2 NOTHING TO DO WITH THIS CASE, BUT SIMPLY TOOK MR. GOINS
3 OUTSIDE TO SMOKE A CIGARETTE AND BROUGHT HIM BACK IN. AND
4 AT THAT POINT MR. GOINS ASKED THAT INVESTIGATOR,
5 INVESTIGATOR GREG BONEY, YOU KNOW, WHAT DO YOU THINK I'M
6 LOOKING AT HERE. INVESTIGATOR BONEY SAYS, WELL, BASED ON
7 WHAT I'VE HEARD YOU SAY, IT LOOKS LIKE SELF-DEFENSE TO ME.

8 WELL, I DON'T THINK THAT'S RELEVANT. I DON'T THINK IT'S
9 ADMISSIBLE. AND I CERTAINLY WOULDN'T WANT THAT PUBLISHED TO
10 THE JURY.

11 THAT'S JUST A FEW OF THE EXAMPLES OF SOME THINGS THAT
12 ARE ON THIS TAPE THAT I DON'T THINK WOULD BE ADMISSIBLE.

13 THE COURT: MR. HEMLEPP.

14 MR. HEMLEPP: THANK YOU, YOUR HONOR. WITH REGARD TO
15 MY CLIENT, THE DISCUSSION WITH REGARD TO MY CLIENT'S PRIOR
16 HISTORY, MY CLIENT'S EYES ARE OPEN IN THIS CASE, AND WE'VE
17 TALKED ABOUT THAT IN DEPTH.

18 THERE ARE REASONS FOR THE DEFENSE WHERE THE SOLICITOR
19 SEEKS TO ADMIT THE VIDEOTAPES, THAT WE WAIVE ANY OBJECTIONS
20 TO THAT. NOW, OF COURSE, IT WOULD BE OBJECTIONABLE IF THE
21 SOLICITOR TRIED TO DO THAT OVER OUR OBJECTIONS, BUT WE WOULD
22 WAIVE OUR OBJECTIONS.

23 NUMBER TWO: THE REPUTATION OF THE VICTIMS AS MY CLIENT
24 PERCEIVED IT IS AN ELEMENT OF SELF-DEFENSE. THE THIRD PRONG OF
25 SELF-DEFENSE IS THAT A REASONABLY PRUDENT PERSON OF

1 ORDINARY FIRMNESS AND COURAGE WOULD BELIEVE HIMSELF TO BE
2 IN DANGER. THE REPUTATION OF A PERSON FORMS A PLEA FOR MY
3 CLIENT. SO, I THINK IT ACTUALLY IS VERY RELEVANT.

4 THE COURT: WHAT TYPE OF REPUTATION IS THAT BASED ON
5 THE VIDEO?

6 MR. HEMLEPP: A REPUTATION OF VIOLENCE.

7 THE COURT: ALL RIGHT.

8 MR. HEMLEPP: NOW, WITH REGARDS TO COMMENTS THAT LAW
9 ENFORCEMENT MAY HAVE MADE REGARDING THE NATURE OF THIS:
10 NUMBER ONE - CHIEF DEPUTY LEWIS' COMMENT IS NOT A STATEMENT.
11 CHIEF DEPUTY LEWIS, HE IS AS THE SOLICITOR SAID, VERY
12 NONCOMMITTAL IN WHAT HE SAID.

13 DETECTIVE BONEY'S COMMENT OR STATEMENT, I WOULD
14 AGREE TO A CURATIVE INSTRUCTION TO THE JURY, THAT THEY ARE
15 THE FINDERS OF FACT, THAT THEY GET TO WEIGH THE EVIDENCE AS
16 THEY WANT TO.

17 BUT THEY'RE SEEKING TO INTRODUCE IT, AND THAT'S A
18 REPRESENTATIVE OF THE STATE THE FACT THAT THEY SAID
19 SOMETHING THAT HURTS THEIR CASE, WELL, THAT'S WHAT WE DO IN
20 COURT, IS WE INTRODUCE STATEMENTS THAT HURT THE OTHER SIDE.
21 THAT'S WHAT HAPPENS. IT WAS SAID BY A REPRESENTATIVE OF THE
22 STATE IN AN INTERVIEW THAT THEY CAUSED TO HAVE HAPPEN.

23 THE COURT: ALL RIGHT. SOLICITOR.

24 MR. BARFIELD: OBVIOUSLY, EVERYTHING ON THOSE TAPES IS
25 STUFF GENERATED BY THE STATE OF SOUTH CAROLINA. BUT JUST

1 BECAUSE THE STATE OF SOUTH CAROLINA IS RESPONSIBLE FOR THE
2 PRODUCTION OF THAT VIDEOTAPE DOESN'T MEAN THAT ALL OF THE
3 INFORMATION ON IT IS ADMISSIBLE EVIDENCE.

4 I THINK THAT-- I DON'T CARE WHETHER WE SAID IT OR MADE IT
5 OR CAUSED IT TO HAPPEN, IT'S STILL GOT TO MEET THE TEST OF BEING
6 ADMISSIBLE EVIDENCE. AND THE STATEMENT BY AN INVESTIGATOR
7 WHO IS NOT WORKING ON THE CASE, THAT IT LOOKS LIKE SELF-
8 DEFENSE TO ME, I THINK IN THOSE STRETCHES IS MIS-LEVELING.

9 MR. HEMLEPP: YOUR HONOR, THE STATE HAS AN OBLIGATION.
10 THEY'RE NOT AN ORDINARY PARTY. THEY ARE THE STATE. THEY
11 BROUGHT THEM. THE STATE BRINGS THE EVIDENCE. THEY HAVE THE
12 BURDEN. THEY HAVE TO PROVE IT. AND UNDER THE LAW THEY ALSO
13 HAVE TO PROVIDE US WITH NOT ONLY EXCULPATORY INFORMATION,
14 BUT -- I MEAN, NOT ONLY INCULPATORY INFORMATION, BUT
15 EXCULPATORY INFORMATION.

16 THE FACT IS SOMETHING EXCULPATORY ON THIS TAPE DOES
17 NOT MAKE IT IN AND OF ITSELF INADMISSIBLE.

18 THE COURT: WHAT'S EXCULPATORY?

19 MR. HEMLEPP: WELL, IF YOU ACCEPT THAT DETECTIVE BONEY,
20 THAT HIS STATEMENT, WELL, IT LOOKS LIKE SELF-DEFENSE TO ME,
21 THAT IS POTENTIALLY EXCULPATORY.

22 THE COURT: IN WHAT CONTEXT IS THAT STATED?

23 MR. BARFIELD: CAN I ADDRESS THAT?

24 THE COURT: YES SIR.

25 MR. BARFIELD: GREY BONEY HAPPENED TO BE THERE.

1 THE COURT: NO, NO. (IN RESPONSE TO A CELL PHONE RINGING)

2 MR. BARFIELD: THE INTERVIEW WAS CONDUCTED IN AN
3 INTERVIEW ROOM IN WHICH YOU ENTER THROUGH THE
4 INVESTIGATOR'S OFFICE AT THE SHERIFF'S OFFICE. SO, THERE ARE
5 PEOPLE IN AND OUT OF THE INVESTIGATIONS OFFICE. GREY BONEY
6 JUST HAPPENED TO BE THERE THE DAY GOINS WAS BEING
7 INTERVIEWED. AT SOME POINT GOINS WANTED TO SMOKE A
8 CIGARETTE. INVESTIGATOR TOLBERT ASKED GREY BONEY TO TAKE
9 HIM OUTSIDE AND LET HIM SMOKE. GREG BONEY TOOK HIM OUTSIDE
10 TO LET HIM SMOKE. THEY'RE ABSENT FROM THE VIDEO FOR SOME
11 EIGHT, TEN, TWELVE MINUTES. THEY COME BACK IN.

12 BONEY, AGAIN, IS NOT INVOLVED IN THE INVESTIGATION, IS NOT
13 INVOLVED IN THE TAKING OF THE STATEMENT. HE'S THERE SIMPLY TO
14 TAKE HIM OUT TO SMOKE AND BRING HIM BACK IN. AND ACTUALLY
15 GOT HIM A BOTTLE OF WATER LATER ON.

16 BUT THE DEFENDANT AT SOME POINT IN SOME WORDS SAYS TO
17 BONEY, WHAT DO YOU THINK I'M LOOKING AT HERE. AND BONEY
18 SAYS BACK TO HIM, SOUNDS LIKE SELF-DEFENSE TO ME. BUT BONEY
19 PREFACED THAT WITH BASED ON WHAT YOU'RE TELLING, SOUNDS
20 LIKE SELF-DEFENSE TO ME.

21 I DON'T THINK THAT'S EXCULPATORY. IT'S JUST AN OFF-THE-
22 CUFF COMMENT BY AN INVESTIGATOR WHO'S NOT INVOLVED IN THIS
23 CASE.

24 THE COURT: BUT IT'S PART OF THE INTERROGATION PROCESS?

1 MR. BARFIELD: IT'S PART OF THE-- I WOULD ARGUE THAT IT'S
2 NOT PART OF THE INTERROGATION PROCESS BECAUSE BONEY WASN'T
3 INVOLVED IN THE INTERROGATION. HE WAS INVOLVED IN PROVIDING
4 A CREATURE COMFORT TO THE DEFENDANT. IT'S ON THE TAPE. WE
5 MADE THE TAPE. BUT I DON'T THINK IT'S EXCULPATORY AND I DON'T
6 THINK IT'S ADMISSIBLE.

7 THE COURT: ANYTHING ELSE ON THIS ISSUE?

8 MR. BARFIELD: I HAVE A QUESTION TO ADDRESS TO THE COURT
9 FOR MR. HEMLEPP.

10 THE COURT: GO AHEAD.

11 MR. HEMLEPP: I'M CURIOUS IF THERE IS ANYTHING ON THE TAPE
12 WITH MR. HEMLEPP, IF THERE'S ANYTHING ON THIS TWO HOURS AND
13 FORTY-FIVE MINUTES' WORTH OF RECORDING THAT MR. HEMLEPP
14 SAYS IT SHOULD NOT BE PRESENTED TO THE JURY. THAT'S JUST MAKE
15 ME NOT BE SO NERVOUS IF I'M SITTING THERE PLAYING STUFF AND
16 GOT THE BUTTON IN MY HAND.

17 IS THERE ANYTHING ON THERE THAT HE THINKS IS NOT
18 ADMISSIBLE AND THAT IF IT GETS PUBLISHED TO THE JURY, HE'S
19 GONNA STAND UP AND SAY IT'S A MISTRIAL?

20 MR. HEMLEPP: THERE IS INFORMATION ON THIS TAPE IN THIS
21 INTERVIEW THAT IS INCULPATORY. FOR INSTANCE, THERE IS A PERIOD
22 OF TIME IN HERE, IF YOU WERE MY CLIENT-- AND IF I WERE GOING TO
23 OBJECT TO THAT-- OF COURSE, I DON'T LIKE IT.

24 THE ONLY PART THAT WOULD BE, FROM MY PERSPECTIVE,
25 SOMETHING THAT I COULD AS AN OFFICER OF THE COURT IN GOOD

1 FAITH ARGUE THAT THAT IS INADMISSIBLE WOULD BE ANY
2 DISCUSSION REGARDING MY CLIENT'S PRIOR CRIMINAL HISTORY.
3 BECAUSE, OF COURSE, THE STATE CAN'T INTRODUCE THAT.

4 HOWEVER, THAT DISCUSSION IN MY OPINION, AND THIS IS THE
5 OPINION OF MY CLIENT AFTER WE'VE DISCUSSED IT AND HE'S HAD AN
6 OPPORTUNITY TO SEE IT, THAT THAT ENTIRE DISCUSSION ACTUALLY
7 HELPS HIM. WE ARE IN A POSITION TO WAIVE ANY OBJECTION TO
8 THAT.

9 THE COURT: ALL RIGHT.

10 MR. HEMLEPP: SO, GIVEN THE FACT THAT WE'VE DONE THAT,
11 THE ANSWER WOULD BE NO.

12 THE COURT: YOU'VE MADE THAT POINT ALREADY.

13 MR. HEMLEPP: YES SIR. I, OF COURSE, WANT TO OBJECT FOR
14 THE RECORD ON THAT. BUT THE SHORT ANSWER IS NO.

15 THE COURT: YOU'VE MADE THAT POINT TWICE NOW THAT
16 YOU'VE WAIVED ANY REFERENCE TO PRIOR CRIMINAL HISTORY ON
17 THE VIDEO.

18 MR. HEMLEPP: YES SIR.

19 THE COURT: MR. GOINS, IF YOU WILL STAND AND RAISE YOUR
20 RIGHT HAND AND BE SWORN.

21 (WHEREUPON DEFENDANT, DAVID ALLEN GOINS, WAS PLACED
22 UNDER OATH BY THE COURT)

23 YOU'VE HEARD YOUR LAWYER SAY THAT YOU WANT TO WAIVE
24 ANY REFERENCE ON THAT VIDEO TO YOUR PAST CRIMINAL RECORD.
25 IS THAT CORRECT?

1 MR. GOINS: YES SIR.

2 THE COURT: DO YOU WAIVE THAT REFERENCE ON THE VIDEO
3 TO YOUR CRIMINAL HISTORY?

4 MR. GOINS: YES SIR.

5 THE COURT: THE REASON I RAISE THAT QUESTION WITH YOU,
6 MR. GOINS, IS THAT A PERSON ACCUSED OF A CRIME HAS A
7 CONSTITUTIONAL RIGHT TO BE REMAIN SILENT. AND THE ASSERTION
8 OF THAT RIGHT CANNOT BE HELD AGAINST THEM IN ANY WAY. AND
9 IN ADDITIONAL TO THAT, A PERSON ACCUSED OF A CRIME, AS PART OF
10 THE RIGHT TO REMAIN SILENT, HAS THE RIGHT TO NOT ALLOW THE
11 JURY TO KNOW THAT YOU HAVE A PAST CRIMINAL HISTORY.

12 THEREFORE, UNLESS YOU WANT THE JURY TO KNOW ABOUT
13 YOUR PAST CRIMINAL HISTORY, THAT PORTION WILL NOT BE TOLD TO
14 THE JURY BY THE SOLICITOR OR PLAYED TO THE JURY BY THE
15 SOLICITOR WHEN THE SOLICITOR PLAYS THIS TAPE TO THE JURY.

16 DO YOU UNDERSTAND THAT?

17 MR. GOINS: YES SIR.

18 THE COURT: YOUR LAWYER HAS SAID THAT HE BELIEVES AND
19 THAT HE HAS TALKED WITH YOU ABOUT THIS, AND YOU ALL BELIEVE
20 THAT THIS REALLY HELPS YOU, THAT YOU WANT THAT PART OF IT
21 PLAYED TO THE JURY AND YOU THEREFORE WAIVE YOUR RIGHT TO
22 NOT HAVE YOUR RECORD PUBLISHED TO THE JURY. DO YOU?

23 MR. GOINS: YES SIR.

24 THE COURT: AND YOU UNDERSTAND THAT THE JURY WILL
25 KNOW THROUGH THE PLAYING OF THE VIDEO EITHER BY THE

1 SOLICITOR OR BY YOUR LAWYER THAT YOU HAVE A CRIMINAL
2 HISTORY AND THAT YOU HAVE BEEN IN PRISON BEFORE. IS THAT
3 RIGHT?

4 MR. GOINS: YES SIR.

5 THE COURT: AND YOU'VE WATCHED THE VIDEO DURING LUNCH.
6 IS THAT RIGHT?

7 MR. GOINS: YES SIR.

8 THE COURT: AND YOU KNOW WHAT'S GONNA OUT FROM THAT
9 VIDEO?

10 MR. GOINS: YES SIR.

11 THE COURT: AND YOU AGREE WITH WHAT'S GONNA COME OUT
12 FROM THE VIDEO BASED ON YOUR CONVERSATIONS WITH YOUR
13 LAWYER?

14 MR. GOINS: YES SIR.

15 MR. HEMLEPP: YOUR HONOR. AND I APOLOGIZE FOR
16 INTERRUPTING THE COURT. THIS IS OF COURSE BASED UPON THE IDEA
17 THAT THE COMPLETE CONVERSATION ABOUT THAT IS COMPLETE. A
18 PART OF IT, PIECE MEALING IT IS DIFFICULT. THE COMPLETE
19 CONVERSATION WITH REGARDS TO THAT IS THE REASON WHY MY
20 CLIENT IS CHOOSING TO PLAY THE VIDEO.

21 THE COURT: WHETHER THAT COMPLETE CONVERSATION IS
22 PLAYED, YOU ALL NOW AGREE TO PLAY THAT PORTION UNDER THE
23 DOCTRINE OF COMPLETENESS BY THE STATE AND THE DEFENSE? OR
24 DO YOU WANT ME TO RULE FIRST ON THE QUESTIONS RAISED BY MR.
25 HEMLEPP?

1 MR. BARFIELD: YOUR HONOR, IN THE INTEREST OF TIME AND
2 ALSO IN THE INTEREST OF NOT PUTTING STUFF BEFORE THE JURY
3 THAT I DON'T WANT THEM TO HEAR, IT IS STILL MY INTENTION TO SIT
4 THERE WITH THE CONTROL AND PLAY PORTIONS. IT IS NOT MY
5 INTENTION TO PLUG IT IN AND PLAY TAPE ONE FROM START TO
6 FINISHED, AND PLUG IT IN AND PLAY TAPE TWO FROM START TO
7 FINISH.

8 MY INTENTION IS TO PLAY SELECTIVE PORTIONS. MR. HEMLEPP
9 UNDER THE DOCTRINE OF COMPLETENESS CAN PLAY WHATEVER
10 OTHER PORTIONS HE WANTS TO PLAY. THAT IS MY INTENTION.

11 THE COURT: ALL RIGHT. MY RULING IS THAT BASED ON WHAT
12 HAS BEEN REPRESENTED AND AGREED WITH THE DEFENSE'S
13 ARGUMENT, THE CHARACTER OF THE VICTIMS AS ALLEGED BY THE
14 DEFENDANT, THAT THAT IS AN ELEMENT THAT THE JURY CAN
15 CONSIDERING IN CONSIDERING THE DEFENSE OF SELF-DEFENSE.

16 THAT BECAUSE THE ENTIRE TAPE IS ADMITTED, THAT THAT
17 PORTION OF IT IS ADMITTED AS WELL. THE DEFENDANT WAIVES HIS
18 RIGHT TO HAVE HIS CRIMINAL RECORD REFERENCED AND THAT IS
19 SUBMITTED TO THE JURY AS WELL.

20 THE COMMENT BY THE OFFICER THAT THAT MIGHT BE A,
21 SOUNDS LIKE SELF-DEFENSE, IT'S IMPOSSIBLE FOR THE COURT TO
22 GAUGE THE IMPACT OF THAT COMMENT ON THE DEFENDANT'S
23 WILLINGNESS TO GIVE A STATEMENT OR TO CONTINUE GIVING A
24 STATEMENT.

1 SO, THEREFORE, I RULE THAT THAT PORTION OF IT IS
2 ADMISSIBLE OF IT AS WELL. THE WHOLE PORTION ABOUT COURT
3 PROCEDURES, THAT'S PROBABLY NOT TOTALLY RELEVANT. AS PART
4 OF THE TRADE IF EITHER PARTY WANTS TO PRESENT THAT TO THE
5 JURY, THEN SO BE IT.

6 MY VIEW IS THAT THE ENTIRE VIDEO IS ADMISSIBLE. NOTHING'S
7 INADMISSIBLE GIVEN THE CURRENT STATUS OF THE SITUATION.

8 MR. BARFIELD: NO SIR. JUST FOR FURTHER CLARIFICATION.
9 NEITHER I-- WELL, TWO CLARIFICATIONS.

10 THE COURT: YOU CAN PLAY WHAT YOU WANT.

11 MR. BARFIELD: RIGHT, SIR.

12 THE COURT: AND HE CAN PLAY WHAT HE WANTS.

13 MR. BARFIELD: RIGHT, SIR. AND MR. HEMLEPP IS TELLING ME, I
14 BELIEVE, THAT THERE IS NOTHING ON THE STATE THAT IS
15 OBJECTIONABLE TO HIM. IS THAT CORRECT?

16 MR. HEMLEPP: I BELIEVE I'VE PUT THAT ON THE RECORD.

17 MR. BARFIELD: NOW, AM I FORECLOSED FROM OBJECTING TO
18 PUBLICATION OF SOME PORTION OF THE TAPE AT THE TIME THAT IT IS
19 PUBLISHED? MY UNDERSTANDING-- YOU REALLY CAN'T RULE-- I
20 DON'T MEAN TO BE SPEAKING FOR YOU, JUDGE. BUT YOU CAN'T
21 REALLY RULE ON WHETHER-- MAYBE YOU CAN. BUT YOU HAVEN'T
22 HEARD THE TAPE.

23 THE COURT: RIGHT.

24 MR. BARFIELD: THERE MIGHT BE OTHER STUFF ON THERE AT
25 SOME POINT THAT I WANT TO JUMP UP AND OBJECT TO WHEN MR.

1 HEMLEPP'S TRYING TO PLAY THAT PORTION OF THE TAPE. ARE YOU
2 SAYING THAT I CANNOT OBJECT TO ANY OF THE CONTENTS OF THE
3 TAPE?

4 THE COURT: I'M RULING BASED ON WHAT I'VE HEARD AT THIS
5 POINT. IF THERE'S SOMETHING ELSE THAT I HAVEN'T HEARD-- AS YOU
6 SAY, I HAVEN'T HEARD THE TAPE. I WILL ALLOW BOTH SIDES THE
7 OPPORTUNITY TO OBJECT TO ANYTHING IN PARTICULAR THAT YOU
8 WANT TO.

9 MR. BARFIELD: THANK YOU.

10 THE COURT: OVER AND ABOVE WHAT I'VE ALREADY, THE
11 ISSUES I'VE ADDRESSED.

12 MR. BARFIELD: THANK YOU.

13 THE COURT: ALL RIGHT.

14 MR. HEMLEPP: I'M SORRY, YOUR HONOR. AND I KNOW THAT
15 THIS IS BELABORED, BUT IT'S A VERY COMPLEX ISSUE. IMAGINE IF THE
16 SOLICITOR PUTS THIS INTO EVIDENCE AND THE COURT ALLOWS IT
17 INTO EVIDENCE. I'VE ALREADY PUT ON THE RECORD THAT I'M NOT
18 GOING TO OBJECT TO IT COMING INTO EVIDENCE.

19 HE PUBLISHES A PORTION. I PUBLISH A PORTION. THE JURY IS
20 DELIBERATING AND THEY SAY WE WOULD LIKE TO SEE THE WHOLE
21 TAPE. IT'S IN EVIDENCE. NOW, THAT WOULD MEAN THAT AT THAT
22 POINT THAT HE'S WAIVED ANY OBJECTION TO IT.

23 THE COURT: WELL, I DON'T KNOW. I DON'T WANT TO
24 SPECULATE ABOUT HOW I WOULD RESPOND TO A JURY QUESTION.
25 THAT'S A LOT OF QUESTIONS.

1 MR. HEMLEPP: YES SIR. I CAN JUST ENVISION THE FACT THAT
2 THE JURY MAY WANT TO-- THIS IS AN IMPORTANT PIECE OF EVIDENCE
3 AND PROBABLY ONE OF THE MOST IMPORTANT FOR BOTH PARTIES.
4 AND I WOULD IMAGINE THAT THE JURY MAY WANT TO HEAR A
5 PORTION OF THE ENTIRE TAPE.

6 THE COURT: THEY MAY OR MAY NOT.

7 MR. BARFIELD: LET ME MAKE AN ANALOGY WHICH MIGHT FLY,
8 IT MIGHT NOT. WE HAVE AN IN-CAMERA HEARING ABOUT THE
9 ADMISSIBILITY OF SOME EVIDENCE WITH LIVE WITNESS TESTIMONY,
10 LIKE WE HAVE DONE SO FAR ON THE JACKSON V. DENNO THING.
11 WE'VE GOT A WITNESS WHO'S TESTIFIED OUTSIDE THE PRESENCE OF
12 THE JURY AND THEN WHO SUBSEQUENTLY TESTIFIES IN THE
13 PRESENCE OF THE JURY AND SOME THINGS MIGHT HAVE BEEN SAID
14 OUTSIDE THE PRESENCE OF THE JURY THAT HAVE BEEN TESTIFIED TO
15 IN THE PRESENCE OF THE JURY.

16 THE JURY LATER COMES BACK AND WANTS TO HEAR THAT
17 WITNESS' TESTIMONY. THEY'RE ONLY GOING TO HEAR WHAT WAS
18 PRESENTED TO THEM WHILE THEY WERE IN THE COURTROOM.

19 THE COURT: YES.

20 MR. BARFIELD: THE SAME SORT OF DEAL WITH THE VIDEOTAPE.
21 IF THEY DON'T HEAR IT IN THE COURTROOM IT'S NOT TESTIMONY, I
22 DON'T THINK. THE TAPE ITSELF, THE OBJECT IS INTRODUCED AS AN
23 EXHIBIT. BUT WORDS ON IT ARE NOT IN THE RECORD OF THIS CASE
24 UNLESS THEY'VE HEARD IT BECAUSE THE COURT REPORTER HAS
25 TAKEN IT DOWN.

1 THE COURT: I WILL AGREE WITH THE SOLICITOR THAT THE JURY
2 CANNOT HEAR EVIDENCE FOR THE FIRST TIME DURING
3 DELIBERATIONS. SO, IF IT'S SOMETHING YOU WANT THEM TO
4 CONSIDER, IT HAS TO BE PRESENTED DURING THE TRIAL.

5 MR. HEMLEPP: YES SIR. THANK YOU, YOUR HONOR.

6 THE COURT: ALL RIGHT. WE'LL TAKE ABOUT A TWO MINUTE
7 BREAK BEFORE WE BRING THE JURY IN, UNLESS YOU'VE GOT
8 SOMETHING ELSE.

9 MR. BARFIELD: LET ME JUST TELL YOU WHAT MY PLAN IS. I'VE
10 GOT A LITTLE BIT OF FORENSIC EVIDENCE, THE AUTOPSY. MY
11 INTENTION IS TO KNOCK THAT STUFF OUT AND THEN WE'LL DEAL
12 WITH THE STATEMENT AND THE TAPE.

13 THE COURT: ALL RIGHT. WE'LL TAKE A SHORT BREAK, ABOUT
14 THREE MINUTES, AND THEN WE'LL PRESS ON.

15 (WHEREUPON THE COURT WAS IN RECESS AT 2:53 P.M.)

16 COURT IN SESSION - 2:59 P.M.

17 THE COURT: BRING IN THE JURY.

18 (WHEREUPON THE JURY ENTERED THE COURTROOM)

19 LADIES AND GENTLEMEN, WE ARE NOW READY TO PRESS ON
20 WITH THIS CASE. MR. FANTRY, I'M GOING TO APPOINT YOU TO SERVE
21 AS THE FOREPERSON OF THE JURY. IF YOU WILL SWITCH SEATS, SO
22 THAT YOU WILL BE IN THE FOREPERSON'S SEAT.

23 MR. FANTRY, AS THE FOREPERSON, IT WILL BE YOUR
24 RESPONSIBILITY TO SERVE AS THE SPOKESPERSON FOR THE JURY, TO
25 PRESIDE OVER THE JURY DELIBERATIONS, AND TO BRING TO THE

JANICE ROSS - DIRECT EXAMINATION BY MR. BARFIELD

341

1 COURT ANY CONCERNS THAT YOUR FELLOW JURORS MAY HAVE. AND
2 ALSO TO COMPLETE THE VERDICT FORM REPRESENTING THE
3 UNANIMOUS VERDICT OF THE JURY, ONCE YOU REACH THAT POINT.

4 MR. FANTRY: THANK YOU, YOUR HONOR.

5 THE COURT: THANK YOU. NOW, WE ARE CONTINUING ON WITH
6 THE STATE'S CASE. YOUR NEXT WITNESS, SOLICITOR.

7 MR. MAXWELL: YOUR HONOR, THE STATE CALLS DOCTOR
8 JANICE ROSS.

9 JANICE ELIZABETH ROSS, DULY SWORN,
10 TESTIFIED AS FOLLOWS:

11 CLERK OF COURT: PLEASE STATE YOUR NAME.

12 A JANICE ELIZABETH ROSS.

13 DIRECT EXAMINATION BY MR. MAXWELL:

14 Q DOCTOR ROSS, WHERE DO YOU WORK?

15 A IN NEWBERRY, SOUTH CAROLINA AT NEWBERRY PATHOLOGY
16 ASSOCIATES.

17 Q WHAT IS THE MAIN DUTY OR THE MAIN THING THAT NEWBERRY
18 PATHOLOGY ASSOCIATES DOES?

19 A WE DO AUTOPSIES FOR VARIOUS AGENCIES OF THE STATE.

20 Q DO YOU HAVE A COLLEGE DEGREE?

21 A USC, A DEGREE IN BIOLOGY.

22 Q DO YOU HAVE FURTHER EDUCATION?

23 A YES. I HAVE A MASTER'S, MB FROM UPSTATE MEDICAL CENTER
24 IN SYRACUSE, NEW YORK. AND I'VE DONE FOUR-PLUS YEARS IN
25 TRAINING IN PATHOLOGY.

1 Q ARE YOU A BOARD CERTIFIED PHYSICIAN IN THE FIELD OF
2 FORENSIC PATHOLOGY?

3 A YES.

4 Q HOW MANY AUTOPSIES-- HOW LONG HAVE YOU BEEN A
5 LICENSED PHYSICIAN?

6 A 33 YEARS.

7 Q HAS THE ENTIRE 33 YEARS BEEN SPENT DOING FORENSIC
8 PATHOLOGY?

9 A YES.

10 Q HOW MANY AUTOPSIES DO YOU ESTIMATE YOU'VE DONE IN
11 YOUR 33 YEARS?

12 A ABOUT A THOUSAND.

13 Q HAVE YOU EVER TESTIFIED IN COURT IN REGARDS TO YOUR
14 WORK PERFORMING AUTOPSIES?

15 A YES.

16 MR. MAXWELL: YOUR HONOR, AT THIS TIME I WOULD OFFER
17 DOCTOR ROSS AS AN EXPERT IN FORENSIC PATHOLOGY.

18 MR. HEMLEPP: NO OBJECTION, YOUR HONOR.

19 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN, THIS
20 WITNESS IS AN EXPERT WITNESS IN FORENSIC PATHOLOGY. OUR
21 RULES OF EVIDENCE PROVIDE THAT EXPERT WITNESSES WHO ARE
22 PEOPLE BY VIRTUE OF THEIR EDUCATION, TRAINING OR EXPERIENCE,
23 HAVE DEVELOPED SOME EXPERTISE AND ARE ABLE TO EXPRESS
24 THEMSELVES IN EXPERTISE IN THEIR PARTICULAR FIELD OR CALLING.

1 THOSE WITNESSES, ONCE QUALIFIED BY THE COURT, CAN OFFER
2 OPINIONS AS TO CERTAIN MATTERS THAT OTHER LAY WITNESSES
3 CANNOT, AND ALSO STATE THE BASIS FOR THEIR OPINION. THIS
4 WITNESS IS SUCH A WITNESS.

5 YOU MAY PROCEED.

6 Q DOCTOR ROSS, ON JULY 4, OF 2005, DID NEWBERRY PATHOLOGY
7 RECEIVE A BODY FROM THE FAIRFIELD COUNTY CORONER'S OFFICE?

8 A YES.

9 Q WAS AN AUTOPSY REQUESTED BY THE FAIRFIELD COUNTY
10 CORONER'S OFFICE?

11 A YES.

12 Q DO YOU KNOW WHERE THE BODY CAME FROM?

13 A FAIRFIELD COUNTY.

14 Q DO YOU KNOW IF IT WAS IN A HOSPITAL SOMEWHERE ELSE?

15 A YES, IN A HOSPITAL IN COLUMBIA, SOUTH CAROLINA.

16 Q WHEN THE BODY WAS RECEIVED BY NEWBERRY PATHOLOGY
17 ASSOCIATES, HOW DID YOU IDENTIFY WHO IT WAS AND WHERE IT
18 CAME FROM?

19 A WE LOOK FOR AN IDENTIFICATION BAND, WHICH HE HAD ON A
20 HOSPITAL BAND. AND WE ASK THE CORONER ALSO.

21 Q WHO WAS THE DECEASED, THE BODY YOU GOT FROM THE
22 FAIRFIELD COUNTY CORONER'S OFFICE?

23 A A MR. MICHAEL ROBERTSON WITH A DATE OF BIRTH OF [REDACTED]

24 [REDACTED]

1 Q WOULD THAT HAVE MADE HIM 38 YEARS OLD AT THE TIME OF
2 HIS DEATH?

3 A YES.

4 Q DID YOU PERFORM AN AUTOPSY ON MR. ROBERTSON?

5 A YES.

6 Q IN BRIEF, GENERIC TERMS, WHAT DID YOU DO IN THE COURSE OF
7 PERFORMING THE AUTOPSY?

8 A HE CAME TO US WITHOUT CLOTHING, SO WE DIDN'T HAVE ANY
9 CLOTHING TO LOOK AT. WE DID AN EXTERNAL EXAMINATION TO
10 LOOK OVER THE OUTSIDE OF THE BODY FOR ANY EVIDENCE OF
11 INJURIES OR NATURAL DISEASE. WE DID A TYPE OF INTERNAL ORGAN
12 EXAMINATION AS PART OF THE AUTOPSY.

13 Q WERE THERE EXTERNAL INJURIES?

14 A YES.

15 Q WHAT TYPE OF EXTERNAL INJURIES?

16 A THERE WERE TWO GUNSHOT WOUNDS. ONE WAS COVERED UP
17 WITH A PIECE OF SURGICAL INCISION.

18 Q DID THEY APPEAR TO BE RECENT WOUNDS?

19 A YES.

20 Q WHERE WERE THE WOUNDS?

21 A THERE WAS A SURGICAL INCISION THAT WAS SUTURED AND
22 WAS HEALING IN THE BACK OF THE HEAD. BY X-RAY, WE ALSO X-RAY
23 THE BODIES BEFORE WE START. AND WE SAW THAT THERE WERE
24 PIECES OF BULLET IN THE HEAD. AND THERE WAS ALSO A GUNSHOT
25 WOUND IN THE BACK OF HIS RIGHT HAND.

1 Q I'LL COME BACK TO THOSE WOUNDS IN A SECOND. WERE THERE
2 ANY OTHER WOUNDS TO THE EXTERIOR PARTS OF THE BODY?

3 A NOTHING RECENT, NO.

4 Q DID YOU DETERMINE IF THERE WAS ANY PROBLEM INTERNALLY
5 THAT COULD HAVE CONTRIBUTED TO MR. ROBERTSON'S DEATH?

6 A THE BRAIN WAS LACERATED BY A BULLET, AND THERE WAS A
7 SLIGHTLY ENLARGED HEART.

8 Q WAS THERE ANY EVIDENCE OF ANY OTHER LIFE-THREATENING
9 DISEASES?

10 A NO.

11 Q ANY OTHER INTERNAL INJURIES OTHER THAN THE TWO BULLET
12 WOUNDS?

13 A NO.

14 Q IF YOU WOULD, GO INTO MORE DETAIL AS TO THE EXACT PLACE
15 WHERE THE BULLET ENTERED MR. ROBERTSON'S HEAD.

16 A YES. I WOULD SAY THE BULLET WOUND IN THE SKULL WHICH
17 WAS COVERED UP BY THE SURGICAL WOUND. WHEN WE LOOKED AT
18 THE SKULL WE COULD SEE A WHOLE OTHER HOLE IN THE BACK OF
19 THE SKULL, JUST TO THE RIGHT OF THE MID-LINE.

20 WHEN WE LOOKED AT THE BRAIN INTERNALLY WE COULD SEE
21 THAT THE BULLET PASSED FROM BACK TO FRONT, AND SLIGHTLY TO
22 THE RIGHT. WE RETRIEVED TWO PIECES OF METAL BULLET FROM THE
23 RIGHT SIDE OF THE BRAIN.

24 Q DID THE BULLET ENTER FROM THE BACK SIDE OF THE HEAD?

25 A YES.

1 Q DID IT TAKE A STRAIGHT PATH, OR ANY OTHER...?

2 A PRETTY MUCH STRAIGHT FROM THE BACK AND SLIGHTLY TO
3 THE FRIGHT.

4 Q WHAT TYPE OF CALIBER WAS THE WOUND CONSISTENT WITH?

5 A I DETECTED BULLET FRAGMENTS AND IT LOOKED TO BE OF A
6 SMALL CALIBER.

7 Q AND DID YOU DETERMINE THAT BASED ON THE PATH OF THE
8 FRAGMENTS?

9 A JUST LOOKING AT THE FRAGMENTS.

10 Q DID YOU TAKE-- DID YOU REMOVE THE BULLET FROM THE
11 HEAD?

12 A YES.

13 Q DID YOU REMOVE THE BULLET FROM THE HAND?

14 A YES.

15 Q WOULD YOU TAKE A LOOK AT WHAT I'M HANDING YOU AND
16 EXPLAIN WHAT THAT IS?

17 A YES. WHEN WE GET EVIDENCE FROM AN AUTOPSY LIKE THIS,
18 WE PHOTOGRAPH THEM AND WE PUT THEM IN A CONTAINER WITH A
19 LABEL THAT WE INITIAL AND THEN SEAL UP FOR CHAIN OF EVIDENCE
20 PURPOSES.

21 THIS CONTAINER IS LABELED FOR BALLISTICS AND CONTAINS
22 TWO BULLET VIALS. ONE CONTAINS BULLETS, THE TWO METAL
23 BULLETS FROM THE HEAD. AND THE OTHER ONE HAS THE BULLET
24 FROM THE RIGHT HAND.

1 Q HOW DID YOU IDENTIFY THOSE AS THE BULLETS REMOVED
2 FROM THE VICTIM?

3 A I HAVE PHOTOGRAPHS OF THE BULLETS.

4 Q ARE THERE MARKINGS ON-- WHAT DID YOU PUT THE BULLETS
5 IN WHEN YOU REMOVED THEM?

6 A WE PUT THEM IN A LABELED CONTAINER.

7 Q DO THE LABELS IDENTIFY WITH THE BODY OF MR. ROBERTSON?

8 A YES. THE LABEL CONTAINS THE NAME OF THE PERSON, OUR
9 AUTOPSY NUMBER, AND WHERE THE BULLETS CAME FROM.

10 Q AFTER YOU PLACED THE BULLET FRAGMENTS INTO THE
11 LABELED BOTTLES, WHAT DID YOU DO WITH THE BOTTLES?

12 A THEY'RE PUT IN A PLASTIC CONTAINER AND SEALED WITH A
13 HEAT SEAL.

14 Q ARE THOSE PLACED SOMEWHERE, TO BE SENT WHERE?

15 A THEY'RE SENT TO SLED.

16 MR. MAXWELL: YOUR HONOR, AT THIS TIME I WOULD ASK THAT
17 THE BULLETS BE MARKED FOR IDENTIFICATION PURPOSES, AS STATE'S
18 EXHIBIT SIX?

19 THE COURT: ALL RIGHT.

20 MR. MAXWELL: EXHIBIT THIRTEEN, YOUR HONOR.

21 THE COURT: ALL RIGHT.

22 MR. MAXWELL: YOUR HONOR, I COULD, I WOULD LIKE TO MARK
23 THE CONTAINER CONTAINING THE BULLET FRAGMENTS FROM THE
24 HEAD AS THIRTEEN, AND THE FRAGMENT FROM THE HAND AS
25 NUMBER FOURTEEN)

1 THE COURT: ARE YOU GOING TO TAKE THEM OUT OF THE BAG
2 OR HOW WILL YOU PROCEED?

3 MR. MAXWELL: I'LL TAKE THEM OUT OF THE BAG.

4 (WHEREUPON CONTAINER WITH BULLET FRAGMENTS FROM HEAD OF
5 VICTIM WAS MARKED AS STATE'S EXHIBIT NUMBER THIRTEEN FOR
6 IDENTIFICATION PURPOSES. AND CONTAINER WITH BULLET FROM
7 HAND OF VICTIM AS MARKED AS STATE'S EXHIBIT NUMBER FOURTEEN
8 FOR IDENTIFICATION PURPOSES)

9 Q DOCTOR ROSS, TO GO BACK TO THE WOUND TO MR.
10 ROBERTSON'S HEAD, WAS IT CONSISTENT WITH SOMEONE STANDING,
11 THE SHOOTER STANDING BEHIND MR. ROBERTSON?

12 A YES.

13 Q IS IT CONSISTENT WITH SOMEONE FROM, POSSIBLY AN
14 ELEVATED POSITION?

15 A IT WOULD BE, YES.

16 Q AFTER THE COMPLETION OF THE AUTOPSY, WHAT WAS DONE
17 WITH THE BODY IN ORDER TO GET IT BACK TO FAIRFIELD COUNTY?

18 A WE SEW HIM UP, AND THE TRANSPORT FOR FAIRFIELD COUNTY
19 TRANSPORTS THE BODY BACK. WE KEEP THE BULLETS, WHICH ARE
20 SIGNED FOR AND PICKED UP BY DUSTIN SMITH.

21 Q DOCTOR ROSS, TO A REASONABLE DEGREE OF MEDICAL
22 CERTAINTY, WERE YOU ABLE TO DETERMINE THE CAUSE OF DEATH OF
23 MR. ROBERTSON?

24 A YES.

25 Q WHAT WAS THAT CAUSE OF DEATH?

1 A THE LACERATION OF THE BRAIN DUE A GUNSHOT WOUND.

2 MR. MAXWELL: BEG THE COURT'S INDULGENCE, YOUR HONOR.

3 (PAUSE)

4 NO FURTHER QUESTIONS, YOUR HONOR.

5 MR. HEMLEPP: MAY IT PLEASE THE COURT.

6 THE COURT: YES SIR.

7 CROSS EXAMINATION BY MR. HEMLEPP:

8 Q DOCTOR ROSS, YOU PREPARED A REPORT AS PART OF THE
9 PROCESS OF DOING AN AUTOPSY OF MR. ROBERTSON?

10 A YES.

11 Q IN YOUR REPORT YOU MAKE A REFERENCE REGARDING THE
12 GUNSHOT WOUND TO THE HAND. YOU MAKE A REFERENCE OF
13 POWDERED STIPPLING OR TATTOOING.

14 COULD YOU TAKE A MOMENT AND EXPLAIN TO THIS JURY WHAT
15 YOU MEAN BY THAT?

16 A I REFERRED TO THE FACT THAT THERE WAS NO POWDERED
17 STIPPLING OR TATTOOING. WHEN A BULLET COMES OUT OF A GUN,
18 THERE'S ALSO SOME RESIDUAL POWDERY SOOT THAT COMES OUT OF
19 A GUN ALSO.

20 SO, THE POWDERY SOOT ONLY GOES A CERTAIN DISTANCE. THE
21 BULLET WILL CONTINUE. SO, IF THE BULLET, THE GUN IS CLOSE
22 ENOUGH TO THE SKIN WHERE THAT POWDERED TATTOOING, OR THAT
23 POWDER HITS THE SKIN ALONG WITH THE BULLET, THEN YOU WILL
24 SEE LITTLE MARKS.

1 THE ABSENCE OF THAT INDICATES WHAT WE CALL THE RANGE
2 OF A GUNSHOT WOUND'S DISTANCE. IT DEPENDS ON THE CALIBER OF
3 THE BULLET, THE TYPE OF GUN, ET CETERA, ON HOW FAR THAT IS, BUT
4 USUALLY A COUPLE FEET ANYWAY.

5 Q THE STIPPLING AND THE TATTOOING THAT'S COMING OUT FROM
6 THE GUN, IS THAT EXPLOSION WHEN THE BULLET IS FIRED?

7 A YES.

8 Q AND IT COMES OUT OF THE BARREL?

9 A YES.

10 Q AND THAT WOULD GET ON SOMEBODY'S SKIN?

11 A IF IT'S CLOSE ENOUGH.

12 Q THAT'S AN INTERESTING AREA OF SCIENCE, IS IT NOT?

13 A YES.

14 Q I MEAN, YOU CAN TELL THE DIRECTION AND THE DISTANCE THAT
15 THE GUN WAS FROM THE WOUND FROM LOOKING AT THAT, IF IT'S
16 PRESENT?

17 A YOU CAN TELL THE DISTANCE, YES.

18 Q IS THERE A WIDER AREA OF THAT IN A GUNSHOT IF THE GUN IF
19 FARTHER AWAY?

20 A YES.

21 Q SO, IN THE WOUND, THE SECOND GUNSHOT WOUND, DID YOU
22 FIND THAT PRESENT?

23 A NO, I DID NOT.

24 Q SO, THAT WOULD INDICATE TO YOU THAT WAS AT A DISTANCE?

25 A CORRECT.

1 Q NOW, WITH REGARD TO THE FATAL WOUND, DID YOU LOOK FOR
2 THAT THERE?

3 A I LOOKED FOR IT, YES.

4 Q AND DID YOU FIND IT THERE?

5 A NO. AS I STATED, THE SURGEON HAD CUT THROUGH THE
6 ENTRANCE WOUND, AND IT HAD BEEN WASHED OFF, CLEANED UP.

7 Q SO, RESIDUE WOULD NOT HAVE BEEN THERE?

8 A NO. IN STIPPLING, BURNING POWDER MAY HAVE LEFT LITTLE
9 MARKS, BUT I DID NOT SEE THAT.

10 Q SO, BURNING POWDER COULD HAVE LEFT MARKS, BUT YOU
11 DIDN'T SEE THAT THERE?

12 A CORRECT.

13 Q WOULD IT BE YOUR OPINION THAT THAT WOUND WAS-- BY
14 DISTANCE, DO YOU MEAN REALLY FAR OR JUST-- HOW FAR WOULD
15 DISTANCE MEAN?

16 A IT WOULD DEPEND ON THE GUN, THE CALIBER, AND THE LENGTH
17 OF THE BARREL, ET CETERA; ANYWHERE FROM A FOOT TO TWENTY
18 FEET, PERHAPS.

19 Q SO, IT COULD BE-- SO, DISTANCE COULD BE AS CLOSE AS THAT?

20 A YES.

21 Q WHERE WAS THIS WOUND ON MR. ROBERTSON'S HEAD?

22 A IN THE VERY BACK OF THE HEAD, JUST THE RIGHT OF THE MID-
23 LINE, A HALF AN INCH TO THE RIGHT OF THE MIDLINE.

1 Q WHEN YOU SAY MIDLINE-- AND I APOLOGIZE. I'M NOT A
2 PHYSICIAN AND KNOW ANYTHING ABOUT THAT. WHEN YOU SAY
3 MIDLINE, WHAT DO YOU MEAN?

4 A THE MIDDLE OF THE FACE, AND GOES ALL THE WAY THROUGH
5 TO THE BACK OF THE SKULL.

6 Q HOW WOULD YOU DESCRIBE HOW-- IF YOU CAN DESCRIBE THE
7 MIDLINE FROM HERE BEING ON EITHER SIDE OF THE MIDLINE, HOW DO
8 YOU DESCRIBE HOW HIGH OR LOW IT IS ON THERE?

9 A WE MEASURE FROM THE TOP OF THE HEAD. SO, THIS WAS TWO
10 INCHES BELOW THE TOP OF THE HEAD AND ONE-HALF INCH TO THE
11 RIGHT OF THE MIDLINE.

12 Q OKAY. DID THAT BULLET COME FROM A STRAIGHT LINE?

13 A YES.

14 Q SO, FROM THAT, WERE YOU ABLE TO DETERMINE-- WHAT WAS
15 THE DIRECTION OF THE BULLET, IF IT WENT-- YOU HAVE TESTIFIED
16 THAT IT WENT SLIGHTLY TO THE RIGHT. DID IT GO UP OR DOWN?

17 A IT WENT PRETTY STRAIGHT. BUT AGAIN, YOU HAVE TO-- SEE,
18 THE HEAD CAN BE TILTED IN ANY DIRECTION.

19 Q SO, IF IT WENT PRETTY STRAIGHT, WOULD IT BE SAFE TO SAY,
20 AND WOULD IT BE CONSISTENT WITH YOUR OPINION, RATHER, THAT
21 THAT MEANS, THAT ONLY TELLS YOU THE HEAD FELL, WOULD BE ON
22 THE SAME PLANE AS THE WEAPON? THAT DOESN'T NECESSARILY
23 MEAN THE POSITION OF THE BODY, OR ANYTHING LIKE THAT?

24 A YES.

1 Q YOU HAVE DRAWN CONCLUSIONS FROM YOUR AUTOPSY AND
2 YOUR EXAMINATION OF THE BODY. DO YOU PERSONALLY DO ANY
3 TOXICOLOGY TESTS?

4 A NO. WE COLLECT SPECIMENS. AND LIKE I SAY, THE BULLETS,
5 AND BLOOD, URINE, WHATEVER ELSE WE COLLECT, WE LABEL IT ON
6 THE CONTAINER AND SEAL IT FOR EVIDENCE.

7 IN THIS CASE THE SPECIMENS WERE SENT, PICKED UP THE
8 EVIDENCE.

9 Q WHO WOULD HAVE PICKED IT UP?

10 A A REPRESENTATIVE FROM SLED, WITH TOXICOLOGY.

11 Q COULD YOU JUST FOR A MOMENT TELL THE JURY WHAT
12 TOXICOLOGY MEANS?

13 A TOXICOLOGY IS THE SCIENCE OF INVESTIGATING AND
14 ANALYZING DRUGS OF DIFFERENT KINDS, INCLUDING ALCOHOL.

15 Q WOULD A TOXICOLOGY TEST AT SLED DETERMINE WHETHER OR
16 NOT DRUGS OR ALCOHOL WERE PRESENT? THAT'S WHAT THE PURPOSE
17 OF THAT TEST IS? WHAT IS THE PURPOSE OF THE TEST?

18 A TO DETERMINE WHETHER OR NOT DRUGS OR ALCOHOL ARE
19 PRESENT.

20 Q SO, AT THE TIME OF THE AUTOPSY YOU DIDN'T KNOW. IS THAT
21 FACT IMPORTANT TO YOU IN DRAWING A CONCLUSION AS TO THE
22 CAUSE AND MANNER OF DEATH?

23 A SOMETIMES.

24 Q DOES SLED REPORT BACK TO YOU THE RESULTS?

25 A YES.

JANICE ROSS - RE-DIRECT EXAMINATION BY MR. MAXWELL

1 Q DID THEY IN THIS CASE?

2 A YES.

3 Q DID THAT AFFECT YOUR DECISION WITH REGARD TO CAUSE AND
4 MANNER OF DEATH?

5 A NO, IT DID NOT.

6 Q CAN YOU SHARE WITH US WHAT THE RESULTS WERE?

7 A POSITIVE FOR BLOOD ALCOHOL, 1.19 PERCENT. AND IN REGARDS
8 TO BENZODIAZAPENE, A SMALL PERCENTAGE, BUT NEITHER ONE
9 WOULD BE LETHAL.

10 Q NEITHER ONE OF THEM WOULD CAUSE DEATH.

11 A THAT'S CORRECT.

12 Q THANK YOU, DOCTOR ROSS, AND THANK YOU FOR COMING TO
13 WINNSBORO.

14 MR. HEMLEPP: THANK YOU, YOUR HONOR. I HAVE NO FURTHER
15 QUESTIONS AT THIS TIME.

16 MR. MAXWELL: BEG THE COURT'S INDULGENCE FOR JUST A
17 MINUTE, YOUR HONOR.

18 THE COURT: ALL RIGHT.

19 (PAUSE)

20 MR. MAXWELL: MAY IT PLEASE THE COURT.

21 THE COURT: YES SIR.

22 RE-DIRECT EXAMINATION BY MR. MAXWELL:

23 Q DOCTOR ROSS, YOU SAID THERE WAS SOME BLOOD THAT WAS
24 ALSO SENT DOWN TO SLED?

25 A YES.

1 Q DID YOU DRAW THE BLOOD FROM THE BODY OR WAS IT
2 ALREADY DRAWN OUT AT THE HOSPITAL?

3 A WE TOOK SOME-- I'M SORRY. THE BLOOD WE WERE SENT WERE
4 TUBES FROM THE HOSPITAL FROM HIS ADMISSION. SO, THEY WERE
5 DRAWN AT THE HOSPITAL BEFORE HE WAS GIVEN A TRANSFUSION.
6 WE ALSO RECEIVED SENT SOME OTHER FLUIDS FROM THE AUTOPSY
7 ITSELF.

8 Q THE BLOOD THAT WAS SENT FROM THE HOSPITAL TO YOU, THAT
9 WAS TRANSPORTED ALONG WITH THE BODY---

10 A YES.

11 Q ---BY THE CORONER'S OFFICE?

12 A YES.

13 Q AND YOU INCLUDED THAT IN THE PACKAGE YOU SEALED FOR
14 SLED ALONG WITH THE BULLETS FOR THEM TO PICK UP?

15 A YES.

16 Q WOULD THE GUNSHOT WOUND TO THE BACK OF THE HEAD BE
17 CONSISTENT WITH MR. ROBERTSON ON HIS KNEES, POSSIBLY WITH HIS
18 HEAD TILTED DOWN, POINTED DOWN A LITTLE BIT, AND THE GUN
19 BEING SHOT FROM BEHIND?

20 A YES.

21 Q FROM SOMEONE STANDING UP, WITH HIM DOWN ON HIS KNEES,
22 WITH HIS HEAD TILTED FORWARD?

23 A YES.

24 MR. MAXWELL: NO FURTHER QUESTIONS, YOUR HONOR.

25 THE COURT: ANYTHING FURTHER?

1 MR. HEMLEPP: NOTHING FURTHER, THANK YOU, YOUR HONOR.

2 MR. MAXWELL: THANK YOU, DOCTOR ROSS. YOUR HONOR, MAY
3 SHE BE EXCUSED AND RELIEVED FROM HER SUBPOENA?

4 THE COURT: YES SIR. THANK YOU, MA'AM.

5 MR. MAXWELL: YOUR HONOR, THE STATE CALLS DUSTIN SMITH.

6 DUSTIN WILSON SMITH, DULY SWORN,

7 TESTIFIED AS FOLLOWS:

8 CLERK OF COURT: PLEASE STATE YOUR NAME.

9 A DUSTIN WILSON SMITH.

10 DIRECT EXAMINATION BY MR. MAXWELL:

11 Q MR. SMITH, BY WHOM ARE YOU EMPLOYED?

12 A I WORK FOR THE SOUTH CAROLINA LAW ENFORCEMENT
13 DIVISION.

14 Q WHAT IS YOUR POSITION WITH SLED?

15 A I AM CURRENTLY A TEAM LEADER IN THE TOXICOLOGY
16 DEPARTMENT.

17 Q HOW LONG HAVE YOU WORKED FOR SLED?

18 A APPROXIMATELY ELEVEN YEARS.

19 Q BACK IN 2005, WERE YOU EMPLOYED WITH SLED?

20 A YES, I WAS.

21 Q WHAT WAS YOUR POSITION THEN?

22 A I WAS A TOXICOLOGIST.

23 Q AND BACK IN 2005, SPECIFICALLY JULY OF 2005, WHERE WERE
24 YOU LIVING?

25 A I LIVED IN NEWBERRY, SOUTH CAROLINA.

DUSTIN SMITH - DIRECT EXAMINATION BY MR. MAXWELL

1 Q OTHER THAN YOUR JOB AS A TOXICOLOGIST AT THAT TIME, DID
2 YOU DO SOMETHING OUT OF COURTESY WITH NEWBERRY
3 PATHOLOGY?

4 A I DID. IT WAS AS MUCH FOR THE STATE AS MUCH AS IT WAS FOR
5 NEWBERRY PATHOLOGY. ONCE A WEEK I WOULD STOP BY AND
6 RETRIEVE EVIDENCE THAT NEWBERRY PATHOLOGY HAD READY TO BE
7 TRANSPORTED TO SLED FOR TOXICOLOGY TESTING OR FOR OTHER
8 FORENSIC TESTING. I DID DO THAT AS A COURTESY.

9 Q YOU WOULD PICK UP STUFF FROM NEWBERRY PATHOLOGY AND
10 TAKE IT TO SLED?

11 A THAT'S CORRECT. WHEN I WOULD PICK IT UP, I WOULD SIGN FOR
12 IT AND WOULD TRANSPORT IT TO SLED. AND I WOULD PASS IT TO THE
13 LOG-IN TECHNICIANS WHO WOULD THEN LOG IT IN TO EVIDENCE THAT
14 DAY.

15 Q ON JULY 11, 2005, DID YOU PICK UP SOMETHING FROM
16 NEWBERRY PATHOLOGY AND TRANSPORT IT TO SLED?

17 A YES, I DID.

18 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S
19 EXHIBITS THIRTEEN AND FOURTEEN. DO YOU RECOGNIZE THOSE?

20 A YES. THESE WOULD BE THE PLASTIC VIALS OF BULLET
21 FRAGMENTS.

22 Q ARE THOSE TWO OF THE THINGS THAT YOU PICKED UP FROM
23 NEWBERRY PATHOLOGY ON JULY 11, OF '05?

24 A THEY ARE TWO OF THE THINGS, YES.

DUSTIN SMITH - DIRECT EXAMINATION BY MR. MAXWELL

1 Q AND HOW WERE THEY SEALED WHEN YOU PICKED THEM UP
2 FROM NEWBERRY PATHOLOGY?

3 A BOTH ITEMS WERE PLACED INTO A PLASTIC, HEAT-SEALED
4 POUCH THAT HAD BEEN HEAD-SEALED, AND THE PATHOLOGIST HAD
5 INITIALED ACROSS THE HEAT SEAL.

6 Q WERE THE BULLETS INITIALLY IN THOSE CONTAINERS?

7 A THEY WERE IN THE CONTAINERS, AND THEY WERE PLACED INTO
8 AN ADDITIONAL POUCH THAT HAD BEEN HEAT-SEALED.

9 Q WHERE DID YOU TAKE THEM?

10 A I THEN TOOK THAT EVIDENCE AND TRANSPORTED IT TO SLED
11 WHERE I PASSED IT TO THE LOG-IN TECHNICIANS AT SLED, WHERE
12 THEY LOGGED IT INTO EVIDENCE.

13 Q WHEN IT WAS LOGGED IN, WAS IT GIVEN A LAB NUMBER?

14 A YES, IT WAS. EVERY CASE THAT COMES INTO THE SLED
15 LABORATORY IS GIVEN A UNIQUE LABORATORY NUMBER. THIS
16 PARTICULAR LABORATORY NUMBER WAS L0507808.

17 Q DID YOU ALSO PICK UP BLOOD AT THE SAME TIME YOU PICKED
18 UP THE BULLETS IN REGARD TO THE CASE?

19 A I DID. I PICKED UP BLOOD AS WELL AS VARIOUS OTHER
20 BIOLOGICAL SPECIMENS.

21 Q WERE THOSE TAKEN TO SLED?

22 A THEY WERE. THEY WERE ALL TAKEN AT THE SAME TIME.

23 Q AGAIN, LOGGED IN JUST AS THE BULLETS WERE?

24 A YES, IN THE SAME MANNER. THEY WERE GIVEN TO THE LOG-IN
25 TECHNICIANS AND THEY WERE LOGGED INTO EVIDENCE.

SAMUEL REIGHLEY-DIRECT EXAMINATION BY MR. BARFIELD

1 MR. MAXWELL: NO FURTHER QUESTIONS OF THIS WITNESS.

2 CROSS EXAMINATION BY MR. HEMLEPP:

3 Q AGENT SMITH, DID YOU PERFORM ANY TESTS ON THESE ITEMS?

4 A I DID NOT DO ANY TESTS, NO. I NEVER HAD ANY DIRECT
5 CONTACT WITH THE EVIDENCE.

6 Q SO, YOUR TESTIMONY IS REGARDING THE TRANSPORTATION OF
7 IT?

8 A THAT'S CORRECT.

9 Q THANK YOU.

10 MR. HEMLEPP: I HAVE NO FURTHER QUESTIONS, YOUR HONOR.

11 MR. MAXWELL: WE HAVE NOTHING FURTHER OF THIS WITNESS,
12 YOUR HONOR.

13 MR. BARFIELD: WE WOULD ASK THAT HE HANG AROUND FOR
14 JUST A FEW MINUTES.

15 THE COURT: ALL RIGHT, SIR.

16 MR. BARFIELD: WE CALL CAL REIGHLEY.

17 SAMUEL CAMILLUS REIGHLEY, JR., DULY

18 SWORN, TESTIFIED AS FOLLOWS:

19 CLERK OF COURT: PLEASE STATE YOUR NAME.

20 A SAMUEL CAMILLUS REIGHLEY, JR.

21 DIRECT EXAMINATION BY MR. BARFIELD:

22 Q MR. REIGHLEY, I'M NOT GOING TO CALL YOU CAL, BUT DO
23 PEOPLE CALL YOU CAL?

24 A YES SIR.

25 Q BY WHOM ARE YOU EMPLOYED?

1 A WITH THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION,
2 COMMONLY REFERRED TO AS SLED.

3 Q YOU'VE GOT A CAST ON YOUR HAND. IS THAT A JOB-RELATED
4 INJURY?

5 A YES SIR.

6 Q IS THAT WHY YOU CAN'T GET A NECKTIE AROUND YOUR NECK?

7 A THAT'S CORRECT.

8 Q WHAT DO YOU CURRENTLY DO WITH SLED?

9 A CURRENTLY, I AM A LIEUTENANT WITH THE SOUTH CAROLINA
10 INFORMATION AND INTELLIGENCE CENTER, WHICH IS A STATE-WIDE
11 INTELLIGENCE CENTER FOR THE STATE.

12 Q WHAT SECTION OF SLED DID YOU COME TO THE INFORMATION
13 CENTER FROM?

14 A I WAS WORKING OUT OF THE DETECTIVE SERVICE DIVISION.
15 BEFORE THAT I WORKED FOR THE FORENSIC DEPARTMENT. AND I
16 WORKED IN THE TOXICOLOGY DEPARTMENT.

17 Q WERE YOU WORKING IN THE SLED TOXICOLOGY DEPARTMENT
18 BACK IN 2005?

19 A YES SIR.

20 Q AT THAT TIME WERE YOU A FORENSIC TOXICOLOGIST?

21 A YES SIR. I WORKED AT THE DEPARTMENT FOR SEVEN YEARS IN
22 THE FORENSIC TOXICOLOGY DEPARTMENT, ENTERED THEIR TRAINING
23 PROGRAM, AND SUCCESSFULLY COMPLETED THAT TO BECOME A
24 CERTIFIED FORENSIC TOXICOLOGIST.

1 Q HAVE YOU TESTIFIED IN COURTS IN THIS STATE BEFORE AND
2 BEEN OFFERED AS AN EXPERT WITNESS IN FORENSIC TOXICOLOGY?

3 A YES SIR. I'VE BEEN QUALIFIED AS AN EXPERT IN MUNICIPAL
4 COURT, MAGISTRATE'S COURT, GENERAL SESSIONS COURT
5 APPROXIMATELY FORTY-FIVE TIMES.

6 Q HAVE YOU EVER BEEN OFFERED AS AN EXPERT IN FORENSIC
7 TOXICOLOGY AND BEEN DENIED QUALIFICATIONS AS AN EXPERT IN
8 FORENSIC TOXICOLOGY?

9 A NO SIR.

10 MR. BARFIELD: YOUR HONOR, AT THIS TIME, I WOULD OFFER
11 MR. REIGHLEY AS AN EXPERT WITNESS IN---

12 Q WELL, LET ME ASK YOU THIS QUESTION: DID YOU DO SOME
13 WORK ON THE CASE THAT WE'VE SUBPOENAED YOU HERE FOR
14 TODAY?

15 A YES SIR, I DID.

16 Q DID YOUR WORK RESULT IN YOU REACHING SOME CONCLUSION
17 WHICH WAS EMBODIED IN A WRITTEN REPORT?

18 A YES SIR.

19 Q AND YOUR WORK AND YOUR REPORT WERE DONE WHEN,
20 GENERALLY SPEAKING? THE DATE OF YOUR REPORT WAS WHAT?

21 A THE DATE OF THIS PARTICULAR REPORT WAS NOVEMBER 4,
22 2005.

23 Q AT THAT TIME WERE YOU A FORENSIC TOXICOLOGIST IN GOOD
24 STANDING WITH THE STATE LAW ENFORCEMENT DIVISION?

25 A YES SIR, I WAS.

1 MR. BARFIELD: YOUR HONOR, AT THIS TIME I WOULD OFFER MR.
2 REIGHLEY AS AN EXPERT WITNESS IN FIELD OF FORENSIC
3 TOXICOLOGY.

4 MR. HEMLEPP: NO OBJECTION.

5 THE COURT: HE IS SO ADMITTED.

6 Q A COUPLE OF GENERAL QUESTIONS.

7 A YES SIR.

8 Q AS A FORENSIC TOXICOLOGIST WITH SLED DID YOU FROM TIME
9 TO TIME RECEIVE SAMPLES OF FLUIDS PERHAPS TAKEN FROM DEAD
10 BODIES?

11 A YES SIR.

12 Q DID THAT INCLUDE BLOOD?

13 A YES SIR.

14 Q WOULD YOU UNDERTAKE TO STUDY THOSE SAMPLES TO
15 DETERMINE IF THERE'S ANYTHING IN THEM OF ANY SIGNIFICANCE OR
16 INTEREST?

17 A YES SIR. WHENEVER I WOULD RECEIVE EVIDENCE, INITIALLY I
18 WOULD MAKE SURE ONCE I RECEIVED THE EVIDENCE, I WOULD MAKE
19 SURE THAT IT WAS STILL INTACT, THAT IT WAS IN AN UNSEALED,
20 TAMPER-PROOF EVIDENCE BAG. IN REFERRING TO THAT, IT DOES NOT
21 MEAN THAT IT CANNOT BE TAMPERED WITH, BUT YOU CAN TELL IF IT
22 HAS BEEN BY OBSERVING THE CONDITION OF THE BAG.

23 ONCE I AM CONFIDENT IT IS SECURE AND HASN'T BEEN
24 TAMPERED WITH, THEN I START ANALYSIS ON THAT PARTICULAR

1 SAMPLE AND GO THROUGH A BATTERY OF TESTS IN ORDER TO
2 DETERMINE VARIOUS PROPERTIES.

3 Q DID YOU GET A SAMPLE WHICH IS IDENTIFIED BY SLED LAB
4 NUMBER L0507808, AND FURTHER IDENTIFIED WITH VICTIM, MICHAEL
5 ROBERTSON, SOMETIME AFTER JULY 1, OF 2005?

6 A YES SIR, I DID.

7 Q DID YOU GET SOME OTHER STUFF THAT YOU DIDN'T NEED TO DO
8 ANY TESTING ON?

9 A YES SIR. WHAT I RECEIVED IN THIS PARTICULAR CASE, I
10 RECEIVED A PRE-TRANSFUSION BLOOD SAMPLE, WHICH IS LABELED
11 TRAUMA M05050456. IN ADDITION TO THAT I ALSO RECEIVED A VIAL
12 SAMPLE LABELED MICHAEL ROBERTSON, SA05-435. GASTRIC
13 SAMPLES, BRAIN TISSUE SAMPLES, TISSUE SAMPLES AND POST-
14 MORTEM BLOOD. THE ANALYSIS THAT I PERFORMED WAS ON PRE-
15 TRANSFUSION BLOOD.

16 Q IS THAT CONSISTENT WITH WHAT DOCTOR ROSS SAID A MINUTE
17 AGO ABOUT RECEIVING PRE-TRANSFUSION BLOOD THAT WAS TAKEN
18 FROM MICHAEL ROBERTSON WHEN HE WAS ADMITTED TO THE
19 HOSPITAL?

20 A POSSIBLY, YES.

21 Q NOW, LET ME ASK YOU THIS: IS THERE ANYTHING LEFT FOR ME
22 TO HAND YOU OR FOR YOU TO WAVE AROUND IN FRONT OF THE JURY
23 TO SAY THIS IS THE BLOOD I WORKED ON?

24 A NO, IT'S NOT. ONCE WE TAKE A SAMPLE, AND I TAKE THEM
25 THROUGH THE ANALYSIS ON THE SAMPLES, THE CASE IS COMPLETED

1 AND WE GENERATE A REPORT AND SEND IT BACK TO THE CORONER'S
2 OFFICE, AND ALSO TO THE PATHOLOGY, NEWBERRY PATHOLOGY.

3 AND AT THAT POINT THE SAMPLE IS STORED IN THE SAME
4 REFRIGERATED AREAS THEY WERE WHEN WE RECEIVED THEM, AND
5 THEY ARE STORED AND ARE SECURED. AND AFTER A CERTAIN PERIOD
6 OF TIME IF THE CORONER'S OFFICE OR PATHOLOGY DO NOT ASK FOR
7 THE SAMPLES THEY ARE DESTROYED.

8 Q IN THIS CASE, WERE THE BLOOD SAMPLES THAT YOU TESTED
9 DESTROYED AFTER A CERTAIN PERIOD OF TIME?

10 A YES, THEY WERE.

11 Q NOW, LET ME ASK YOU SOME SPECIFIC QUESTIONS ABOUT
12 THESE SAMPLES. FIRST OF ALL: DID YOU TEST THE SAMPLES FOR
13 WHAT WE LOOSELY CALL ALCOHOL?

14 A YES, I DID.

15 Q WHEN I SAY ALCOHOL, ARE WE TALKING ABOUT ALCOHOL THAT
16 WE'RE TALKING ABOUT THAT'S IN DRINKING ALCOHOL?

17 A THAT'S CORRECT.

18 Q DID YOU FIND THE PRESENCE OF ALCOHOL IN THE BLOOD
19 SAMPLES FROM MICHAEL ROBERTSON?

20 A YES, I DID.

21 Q AND DID YOU PUT IT-- WE ALL KNOW ABOUT DUI. WE KNOW
22 ABOUT .10, WHICH IS WHAT THE STANDARD USED TO BE. IT'S .08, IS
23 WHAT THE STANDARD NOW IS. DID YOU PUT IT IN THE SAME TERMS IN
24 YOUR REPORT?

25 A YES, I DID.

1 Q WHAT LEVEL OF ALCOHOL WAS FOUND IN THE SAMPLE OF
2 BLOOD YOU TESTED FROM MICHAEL ROBERTSON?

3 A I PERFORMED THE ANALYSIS AND THE RESULT THAT I RECEIVED
4 WAS A 0.119 PERCENT, BASED ON VOLUME.

5 Q NOW, IS THAT A WHOLE BUNCH?

6 A IT'S ENOUGH THAT IT WOULD ALTER JUDGMENT, YES.

7 Q AT THE TIME, DO YOU KNOW WHAT THE DUI LIMIT WAS? WAS IT
8 .10 THEN, OR HAD IT GONE TO .08?

9 A I CAN'T RECALL WHEN THE LAW CHANGED, BUT IT WAS .08
10 TOXICITY.

11 Q DID YOU FIND ANY DRUG IN THE BODY THAT YOU NOTED IN
12 YOUR REPORT?

13 A YES. I RECEIVED A, OR FOUND .14 MILLIGRAMS PER LITER OF
14 MEDALAZAM IN THE BLOOD.

15 Q WHAT IS MEDALAZAM?

16 A MEDALAZAM IS KNOWN AS A BENZODIAZAPENE WHICH IS THE
17 CLASS OF DRUGS THAT PARTICULAR DRUG COMES FROM. THAT
18 PARTICULAR DRUG IS TYPICALLY USED IN PRE-OPERATIVE
19 PROCEDURES AS A SEDATION, FOR SEDATION PRIOR TO OPERATION,
20 SURGERIES.

21 Q DID YOU KNOW THE SUBJECT, MICHAEL ROBERTSON HAD BEEN
22 HOSPITALIZED?

23 A WHEN THE SAMPLE CAME IN IT STATED THAT HE HAD BEEN
24 HOSPITALIZED AND HAD RECEIVED DRUGS.

25 Q IS MEDALAZAM A STREET DRUG?

1 A NOT USUALLY. AS I SAY, WE SEE IT TYPICALLY IN OPERATIVE
2 PROCEDURES, PRE-OPERATIVE PROCEDURES THAT PEOPLE RECEIVE IN
3 THE HOSPITAL.

4 Q DID YOU TEST THE BLOOD SAMPLES FOR OTHER DRUGS WHICH
5 WE WOULD NORMALLY CALL ILLEGAL DRUGS, LIKE MARIJUANA,
6 COCAINE, CRACK, SPEED, THAT KIND OF STUFF?

7 A YES, I DID.

8 Q DID YOU FIND ANY OTHER SUBSTANCES IN THE SAMPLES OF
9 BLOOD?

10 A NO SIR, I DIDN'T.

11 Q I'M GOING TO SHOW YOU A THREE-PAGE DOCUMENT. CAN YOU
12 IDENTIFY THAT THAT IS?

13 A YES SIR. IT'S A COPY OF THE REPORT I GENERATED IN
14 NOVEMBER OF 2005.

15 Q THAT'S THE REPORT THAT CONTAINS THE FINDINGS THAT YOU
16 JUST TESTIFIED ABOUT?

17 A YES SIR.

18 MR. BARFIELD: YOUR HONOR, AT THIS TIME, I WOULD ASK TO
19 SUBMIT THIS REPORT AS STATE'S EXHIBIT NUMBER 15.

20 MR. HEMLEPP: NO OBJECTION, YOUR HONOR.

21 THE COURT: ADMITTED WITHOUT OBJECTION.

22 (WHEREUPON STATE'S EXHIBIT NUMBER FIFTEEN WAS ADMITTED INTO
23 EVIDENCE WITHOUT OBJECTION)

24 Q THANK YOU, SIR. ANSWER ANYTHING MR. HEMLEPP HAS.

25 MR. HEMLEPP: MAY IT PLEASE THE COURT.

SAMUEL REIGHLEY-CROSS EXAMINATION BY MR. HEMLEPP

1 THE COURT: YES SIR.

2 CROSS EXAMINATION BY MR. HEMLEPP:

3 Q MEDALAZAM?

4 A YES.

5 Q YOU FOUND THAT IN THE BLOOD?

6 A THAT'S CORRECT.

7 Q AS AN EXPERT IN TOXICOLOGY, THAT'S MOST LIKELY
8 SOMETHING THAT WOULD BE ADMINISTERED MEDICALLY AT THE
9 HOSPITAL?

10 A THAT'S CORRECT.

11 Q ALCOHOL, ETHANOL, IS THAT LIKELY TO BE ADMITTED
12 MEDICALLY AT THE HOSPITAL?

13 A NO, IT'S NOT.

14 Q THANK YOU.

15 MR. HEMLEPP: NOTHING FURTHER, YOUR HONOR.

16 MR. BARFIELD: NOTHING ELSE OF THIS WITNESS.

17 THE COURT: THANK YOU, SIR.

18 MR. BARFIELD: I WOULD ASK THAT THEY STAY WITH US FOR A
19 FEW MINUTES.

20 THE STATE CALLS VELLO PAAVEL.

21

22

23

24

25

1 VELLO PAAVEL, DULY SWORN, TESTIFIED AS

2 FOLLOWS:

3 CLERK OF COURT: PLEASE STATE YOUR NAME.

4 A VELLO PAAVEL, SPELLED V-E-L-L-O P-A-A-V-E-L.

5 DIRECT EXAMINATION BY MR. BARFIELD:

6 Q BY WHOM ARE YOU EMPLOYED?

7 A I WORK FOR THE SOUTH CAROLINA LAW ENFORCEMENT
8 DIVISION, COMMONLY KNOWN AS SLED.

9 Q HOW LONG HAVE YOU BEEN EMPLOYED BY SLED?

10 A ALMOST TWENTY-THREE YEARS.

11 Q WHAT IS YOUR CURRENT JOB AT SLED?

12 A I'M THE SUPERVISOR OF THE FINANCE DEPARTMENT, THE
13 LATENT PRINT DEPARTMENT, THE FIREARMS DEPARTMENT, THE
14 TOXICOLOGY DEPARTMENT, AND REQUESTED DOCUMENTS
15 DEPARTMENT.

16 Q I'M LUCKY TO HAVE GOTTEN YOU IN TODAY, I GUESS, WITH ALL
17 THAT STUFF YOU GOT TO KEEP WITH UP.

18 A YES, I'M PRETTY BUSY.

19 Q NOW, BACK IN 2005, WAS YOUR ROLE A LITTLE MORE LIMITED
20 AT SLED?

21 A YES SIR. I WAS A FIREARMS EXAMINER WORKING IN THE
22 FIREARMS DEPARTMENT IN THE FORENSIC SERVICES LABORATORY.

23 Q ARE YOU STILL CONSIDERED A FIREARMS EXAMINER?

24 A YES SIR. I STILL WORK A FEW CASES WHEN I HAVE A CHANCE;
25 TAKE PROFICIENCY TESTS.

VELLO PAAVEL-DIRECT EXAMINATION BY MR. BARFIELD

1 Q HOW LONG HAVE YOU BEEN A FIREARMS EXAMINER WITH
2 SLED?

3 A I STARTED IN THE FIREARMS DEPARTMENT IN 1987, IN APRIL.
4 INITIALLY, FOR THE FIRST TWO YEARS MY PRIMARY CONCERN WAS
5 LATENT PRINTS AND CRIME SCENE PROCESSING.

6 IN 1989, I SWITCHED OVER TO FIREARMS AND FIREARMS
7 IDENTIFICATION. SO FROM APPROXIMATELY MAY OF 1989, I'VE BEEN
8 STRICTLY WORKING FIREARMS AND FIREARMS IDENTIFICATION
9 CASES.

10 Q HAVE YOU BEEN CALLED UPON OVER THOSE MANY YEARS TO
11 APPEAR IN COURTS IN THIS STATE TO TESTIFY AS AN EXPERT IN
12 FIREARMS IDENTIFICATION?

13 A YES SIR, I HAVE.

14 Q A BUNCH OF TIMES?

15 A A LITTLE OVER THREE HUNDRED TIMES AS AN EXPERT.

16 MR. BARFIELD: YOUR HONOR, AT THIS TIME I WOULD OFFER MR.
17 PAAVEL AS AN EXPERT IN FIREARMS IDENTIFICATION.

18 MR. HEMLEPP: YOUR HONOR, I'D LIKE TO VOIR DIRE THE
19 WITNESS ON HIS QUALIFICATIONS FOR A MOMENT.

20 THE COURT: YOU MAY.

21 MR. HEMLEPP: THANK YOU.

22 VOIR DIRE BY MR. HEMLEPP:

23 Q AGENT PAAVEL, MY NAME IS MIKE HEMLEPP. I'M A LAWYER
24 HERE IN FAIRFIELD COUNTY.

25 A YES SIR.

VELLO PAAVEL-DIRECT EXAMINATION BY MR. BARFIELD

1 Q A FIREARMS EXAMINER, WHAT DOES HE DO?

2 A WHAT I DO IS EXAMINE FIREARMS, AMMUNITION, AMMUNITION
3 COMPONENTS, SUCH AS FIRED BULLETS AND CARTRIDGE CASES. I TRY
4 TO DETERMINE WHETHER OR NOT BULLETS IN CASES ARE FIRED BY
5 PARTICULAR FIREARMS. I EXAMINE FIREARMS TO DETERMINE IF
6 THEY'RE WORKING PROPERLY.

7 I ALSO IN THE ABSENCE OF A FIREARM, IF I HAVE A FIRED
8 BULLET, TRY TO TELL WHAT CALIBER IT MAY BE, WHAT TYPE OF
9 FIREARM IT COULD HAVE COME FROM.

10 AND IN THE CASE OF MULTIPLE SPECIMENS, I DETERMINE
11 WHETHER MORE THAN ONE GUN WAS USED TO FIRE A PARTICULAR
12 SPECIMEN.

13 I ALSO DO GENERAL TOOL MARK ANALYSIS OF WHICH
14 FIREARMS IDENTIFICATION IS A SPECIALIZED FIELD. IN GENERAL
15 TOOL MARK IDENTIFICATION I MAY EXAMINE, SAY, PRY MARKS ON A
16 DOOR, OR A CHAIN THAT'S BEEN CUT BY A BOLT CUTTER, OR PRY
17 MARKS ON A CASH BOX OR SOMETHING LIKE THAT TO DETERMINE IF A
18 PARTICULAR TOOL WAS USED TO PRY OPEN OR MARK THAT
19 PARTICULAR ITEM.

20 THAT'S MY GENERAL DUTIES AS A FIREARMS EXPERT.

21 Q SO, IN ORDER TO BE AN EXPERT IN FIREARMS EXAMINATION
22 YOU WOULD NEED TO STUDY HOW MARKS ARE MADE?

23 A CORRECT.

24 Q AND YOU WOULD NEED TO STUDY THE MECHANICS OF
25 FIREARMS AND BULLETS?

1 A THAT'S CORRECT.

2 Q WOULD YOU ALSO NEED TO STUDY THE TYPE AND MODEL AND
3 MAKE OF FIREARMS?

4 A YES SIR. THAT IS PART OF OUR TRAINING PROGRAM AND THAT'S
5 WHAT I HAVE DONE.

6 Q SPECIFICALLY, MY QUESTION GOES TO THAT PORTION OF BEING
7 A FIREARMS EXAMINER. HOW DO YOU GO ABOUT LEARNING THE
8 MAKES AND MODELS AND TYPES OF FIREARMS?

9 A WELL, FIRST OF ALL, IN MY CASE, IT'S BEEN A HOBBY OF MINE
10 SINCE I WAS ABOUT TWELVE YEARS OLD. AND PRIOR TO LAW
11 ENFORCEMENT, I WAS ACTUALLY IN THE FIREARMS FIELD. I WORKED
12 AT A GUN SHOP IN COLUMBIA, AND FOR A SHORT PERIOD OF TIME
13 MANAGED THAT GUN SHOP. SO, FIREARMS HAVE BEEN A HOBBY OF
14 MINE. I'VE LITERALLY BEEN STUDYING THEM SINCE, LITERALLY SINCE
15 I WAS A TEEN.

16 IN THE FIELD OF FIREARMS IDENTIFICATION, THE WAY
17 SOMEONE LEARNS ABOUT FIREARMS IS IN THE TRAINING PROGRAM
18 THEY'RE REQUIRED TO TAKE VARIOUS TYPES OF COMMON FIREARMS
19 THAT WE ENCOUNTER IN CASE WORK, EXAMINE THEM, TAKE THEM
20 APART, SEE HOW THEY WORK, PUT THEM BACK TOGETHER, SO YOU'RE
21 FAMILIAR WITH HOW THEY FUNCTION.

22 ALSO, I HAVE BEEN ADMITTED AND OTHER EXAMINERS IN THIS
23 ARMS SCHOOL THAT'S PUT ON BY VARIOUS MANUFACTURERS THAT
24 WILL SHOW HOW FIREARMS WORK, HOW TO REPAIR THEM AND HOW
25 TO RECOGNIZE ANY PROBLEM OR DEFECT WITH THEM.

1 Q SO, AND I HOPE THAT I'M UNDERSTANDING. THE
2 IDENTIFICATION OF A TYPE OF FIREARM FROM A PIECE OF A FIREARM
3 OR AN IDENTIFICATION OF A TYPE OF BULLET FROM IDENTIFYING
4 INFORMATION, THAT'S PART OF BEING A FIREARMS EXAMINER. AND
5 YOU RECEIVED ON THE JOB TRAINING FOR THAT, AS WELL AS IT'S
6 BEEN A HOBBY OF YOURS FOR SOME TIME?

7 A YES, IT'S BEEN A HOBBY OF MINE. PLUS, I'VE ALSO HAD THE
8 OPPORTUNITY TO TAKE A FEW OTHER COURSES IN SPECIALIZED
9 TECHNIQUES OF FIREARMS EXAMINATION.
10 BUT FOR THE MOST PART, IN ORDER TO LEARN FIREARM AND TOOL MARK
11 IDENTIFICATION-- AND AGAIN, TOOL MARK IDENTIFICATION IS I'M
12 LOOKING AT MARKINGS THAT HAVE BEEN LEFT ON A BULLET OR A
13 CARTRIDGE CASE AS A RESULT OF A FIREARM ACTING UPON THAT
14 ITEM, AND DOING MICROSCOPIC COMPARISON OF AN UNKNOWN WITH
15 A TEST SAMPLE, OR WITH AN UNKNOWN, OR WAS UNKNOWN, AND AT
16 LEAST HAVE COMMON ORIGIN.

17 THAT'S ON THE JOB TRAINING. YOU HAVE TO LITERALLY DO
18 THAT OVER AND OVER AND OVER AND OVER UNDER SUPERVISION
19 BEFORE A QUALIFIED EXAMINER. THAT'S HOW MOST OF THAT IS
20 DONE.

21 Q SO, HAVING A WORKING KNOWLEDGE OF MODELS AND MAKES
22 OF FIREARMS AND WEAPONS AND BULLETS AND CARTRIDGES,
23 PROJECTILES IS PART OF BEING A FIREARMS EXPERT?

24 A YES SIR.

1 MR. HEMLEPP: YOUR HONOR, I HAVE NO PROBLEMS WITH THIS
2 WITNESS AND I CERTAINLY WOULD AGREE THAT HE IS AN EXPERT IN
3 FIREARMS IDENTIFICATION AND EXAMINATION.

4 Q THANK YOU, MR. PAAVEL.

5 A YES IR.

6 THE COURT: SO ORDERED.

7 RESUMPTION OF DIRECT EXAMINATION BY MR. BARFIELD:

8 Q DID YOU, IN CONNECTION WITH A CASE WHICH ASSIGNED SLED
9 NUMBER L0507808, RECEIVE TECHNICALLY THREE ITEMS?

10 TECHNICALLY, WE HAVE THREE ITEMS.

11 A YES SIR. I RECEIVED-- IT WAS LISTED AS ONE PARTICULAR
12 ITEM,---

13 Q RIGHT.

14 A ---BUT THERE WERE TWO, SEPARATE VIALS OR CONTAINERS IN
15 HERE. I ACTUALLY BROKE THEM DOWN INTO SUB ITEMS. THIS
16 PARTICULAR ITEM ENDED UP BEING NUMBER EIGHT ON THE LIST OF
17 EVIDENCE. AND I CREATED A SUB-ITEM, MAKING THEM ITEMS 8.1, 8.2,
18 TO DIFFERENTIATE THE TWO VIALS AND THEIR CONTENTS.

19 Q I'M GOING TO HAND YOU TWO ITEMS MARKED FOR
20 IDENTIFICATION PURPOSES AS STATE'S EXHIBITS THIRTEEN AND
21 FOURTEEN. TAKE ALL THE TIME YOU NEED TO LOOK AT THE
22 CONTAINERS AND PACKAGING. OPEN THEM UP IF YOU NEED TO. AND
23 I'M GOING TO ASK YOU SOME QUESTIONS ABOUT THEM.

24 A ALL RIGHT, SIR.

1 (PAUSE TO EXAMINE STATE'S EXHIBITS THIRTEEN AND
2 FOURTEEN)

3 Q I'M GOING TO ASK YOU SOME QUESTIONS WHILE YOU'RE
4 PUTTING ALL THAT STUFF BACK TOGETHER.

5 A GO AHEAD.

6 Q WHEN YOU GET SOMETHING AT SLED, SPECIFICALLY-- WELL,
7 ARE YOU LOOKING AT BULLETS OR BULLET FRAGMENTS RIGHT
8 THERE?

9 A YES SIR. WHAT THESE CONTAINERS ARE, AND I'LL CALL THEM
10 VIALS, OR MORE TECHNICALLY PLASTIC BOTTLES. I RECEIVED THESE
11 TWO BOTTLES IN A HEAT-SEALED, PLASTIC POUCH INSIDE ANOTHER
12 CONTAINER.

13 INSIDE EACH OF THESE BOTTLES WAS A SAMPLE OR A SPECIMEN.
14 IN PARTICULAR, IN NUMBER THIRTEEN, STATE'S EXHIBIT NUMBER
15 THIRTEEN, THERE WAS A BULLET AND A BULLET FRAGMENT. AND
16 THAT WAS INDICATED AS BEING FROM THE HEAD.

17 THE OTHER ITEM, STATE'S EXHIBIT NUMBER FOURTEEN, THAT
18 PARTICULAR BOTTLE CONTAINS A SPECIMEN THAT IS A SINGLE, FIRED
19 BULLET.

20 Q WAS IT IDENTIFIED AS COMING FROM ANY PARTICULAR PLACE?

21 A YES SIR. THAT WAS FROM, INDICATED AS COMING FROM THE
22 HAND.

23 Q DO YOU ACTUALLY PUT SOME MARKS ON THE METAL SO THAT
24 YOU'LL BE ABLE TO SIT IN THAT CHAIR AND LOOK AT IT AND SAY I
25 SCRATCHED SOMETHING ON THERE?

1 A YES. THAT'S EXACTLY WHAT I WAS DOING WHEN I WAS
2 LOOKING RIGHT THERE. IN ORDER FOR ME TO IDENTIFY A SPECIMEN,
3 WE TAKE A PHOTOGRAPH. BUT WE ALSO, WHEN THERE'S ROOM ON
4 THE SPECIMEN TO DO SO, TRY TO MARK AT LEAST THE ITEM NUMBER
5 AND YOUR INITIAL. AND IF THERE'S ROOM TO DO SO, THE ACTUALLY
6 LABORATORY CASE NUMBER.

7 AND ON THESE SPECIMENS, I HAVE PLACED MY ITEM NUMBER
8 INITIAL NUMBER ON THERE. I ALSO MARKED THE BOTTLE IT CAME
9 FROM WITH THE SLED LABORATORY CASE NUMBER, THE ITEM
10 NUMBER AND MY INITIAL. THOSE ARE PRESENT. AND THEY ARE ALSO
11 PUT ON THE EXTERNAL CONTAINERS.

12 Q NOW, ON THIRTEEN AND FOURTEEN FOR IDENTIFICATION, ARE
13 THESE ITEMS THAT YOU RECEIVED IN CONNECTION WITH THIS CASE
14 THAT YOU WORKED ON?

15 A THAT'S CORRECT.

16 MR. BARFIELD: YOUR HONOR, AT THIS TIME I WOULD OFF
17 STATE'S THIRTEEN AND FOURTEEN AS EXHIBITS RATHER THAN FOR
18 IDENTIFICATION ONLY. I THINK THEY JUST WENT IN FOR
19 IDENTIFICATION PREVIOUSLY.

20 MR. HEMLEPP: NO OBJECTION.

21 THE COURT: THEY ARE ADMITTED.

22 (WHEREUPON STATE'S EXHIBITS THIRTEEN AND FOURTEEN WERE
23 ADMITTED INTO EVIDENCE WITHOUT OBJECTION)

24 Q I'M GOING TO JUMP WAY AHEAD AND THEN WE'LL COME BACK.

25 A OKAY.

1 Q GENERALLY SPEAKING, DO YOU GET-- WELL, IS THE BULLET,
2 THE PIECE OF METAL THAT COMES OUT OF A CARTRIDGE CASE?

3 A YES SIR. THAT'S THE TERM THAT'S USED BY MANY PEOPLE. THE
4 BULLET IS THE PROJECTILE. THAT IS THAT PIECE OF METAL THAT
5 COMES OUT THE END OF THE BARREL AND GOES TOWARD A TARGET
6 AND ULTIMATELY STRIKES SOME SORT OF A TARGET.

7 IT IS NORMALLY FOUND INSIDE A CARTRIDGE CASE. AND THE
8 WHOLE CONSUMMATION OF THE CARTRIDGE CASE, THE BULLET, THE
9 GUNPOWDER THAT ACTUALLY PROPELS THE BULLET, AND THE
10 PRIMER, BEING A CARTRIDGE.

11 IN MANY INSTANCES, PEOPLE WILL CALL THAT WHOLE, UNFIRED
12 CARTRIDGE A BULLET. BUT WHEN I'M TALKING ABOUT A BULLET, I'M
13 TALKING ABOUT THE METALLIC PORTION THAT GOES DOWN THE
14 BARREL AND STRIKES A TARGET.

15 Q I'M GOING TO JUMP WAY AHEAD. WE AIN'T GOT A GUN IN THIS
16 CASE, DO WE?

17 A I NEVER WAS SUBMITTED A FIREARM FOR IDENTIFICATION,
18 CORRECT.

19 Q ALL RIGHT. I DO WANT YOU TO EXPLAIN VERY BRIEFLY,
20 THOUGH, WHEN YOU GET A BULLET OR A BULLET FRAGMENT, HOW
21 YOU DETERMINE WHETHER YOU CAN MATCH IT TO ANY PARTICULAR
22 FIREARM.

23 A IN GENERAL IN A CASE LIKE THIS, WHEN I RECEIVE ONLY A
24 FIRED BULLET, WHAT I TRY TO DO, FIRST OF ALL, IS DOCUMENT WHAT
25 I HAVE, MARK IT. AND THEN I'LL TAKE CERTAIN MEASUREMENTS OF

1 IT. I'LL WEIGH IT, TRY TO DETERMINE THE BULLET'S DIAMETER. NOTE
2 WHAT, HOW THE BULLET IS CONSTRUCTED. IS IT A LEAD BULLET. IN
3 THIS PARTICULAR CASE, IT'S A LEAD BULLET AND IT HAS A GREENISH
4 COLOR COPPER PLATING ON VARIOUS PARTS OF THE BULLET.

5 I WILL TRY TO DETERMINE WHETHER THE BULLET DISPLAYED
6 ANY RIFLING IMPRESSIONS ON IT. RIFLING IS A SERIES OF GROOVES
7 THAT'S PLACED INSIDE A GUN BARREL IN ORDER TO CAUSE A BULLET
8 TO SPIN. AND WHEN THAT BULLET GOES DOWN THAT BARREL, THAT
9 RIFLING ACTUALLY ENGAGES AND ENGRAVES, OR MARKS THE
10 BULLET.

11 THAT'S WHAT I USED TO TRY TO DETERMINE WHETHER A
12 BULLET CAME FROM A PARTICULAR GUN. IF I DON'T HAVE THAT GUN
13 OR THAT FIREARM, THAT'S WHAT I DO.

14 THEN WHAT I'LL DO IS LOOK AT THE RIFLING IMPRESSIONS THAT
15 ARE ON THERE, DETERMINE HOW MANY LANDS AND GROOVES ARE ON
16 THERE, OR THE IMPRESSIONS THAT WERE LEFT BY THE RIFLING; WHAT
17 ARE THEIR DIMENSIONS AND WHAT DIRECTION ARE THEY MOVING. IS
18 IT TO THE LEFT OR TO THE RIGHT.

19 AND THEN ONCE I HAVE ALL THAT INFORMATION, IF I HAVE
20 SUITABLE INFORMATION, I CAN PLUG THAT INFORMATION INTO AN FBI
21 DATA BASE THAT CAN GIVE ME AN IDEA OF THE TYPES OR BRANDS OF
22 FIREARMS THAT COULD HAVE FIRED THOSE BULLETS BASED ON
23 THOSE MARKS AND CHARACTERISTICS.

24 THEN I DO AN ADDITIONAL STEP. IF THERE ARE ANY RIFLING
25 IMPRESSIONS THERE, I HAVE TO EXAMINE THOSE MICROSCOPICALLY.

1 TO DETERMINE WHETHER OR NOT THOSE RIFLING IMPRESSIONS MAY
2 BE SUITABLE FOR IDENTIFICATION OF A PARTICULAR FIREARMS.

3 IN SOME CASES, DEPENDING ON WELL THE BULLET IS MARKED,
4 YOU KNOW, I MAY HAVE MARKINGS THERE THAT ARE SUITABLE FOR
5 IDENTIFICATION. OR IF THE BULLET IS BADLY DAMAGED, THEY MAY
6 NOT BE SUITABLE FOR IDENTIFICATION OF A PARTICULAR FIREARM.

7 Q NOW, WITH RESPECT TO-- WELL, WE DID NOT SEND YOU A
8 FIREARM TO COMPARE.

9 A CORRECT.

10 Q LET ME JUST ASK YOU THIS: WITH RESPECT TO THIRTEEN AND
11 FOURTEEN-- AND I THINK THIRTEEN IS A BULLET AND A FRAGMENT
12 AND FOURTEEN IS A BULLET. IS THAT CORRECT?

13 A THAT'S CORRECT.

14 Q WAS THERE ENOUGH RIFLING ON ANY OF THAT FOR YOU TO
15 HAVE BEEN ABLE TO COMPARE IT TO A SPECIFIC FIREARM ON ANY
16 ONE OF THOSE THREE DIFFERENT PIECES OF METAL?

17 A THERE'S ACTUALLY ONE ENOUGH THAT I POTENTIALLY COULD
18 HAVE ON ONE OF THE FRAGMENTS. ON ONE, THAT WOULD HAVE BEEN
19 THE ONE FROM THE HEAD, THIRTEEN. THAT HAD VIRTUALLY NO
20 INFORMATION ON IT THAT COULD BE USED TO IDENTIFY WITH A
21 FIREARM.

22 THE SECOND FRAGMENT, THE BULLET FROM THE HAND, THAT HAD ENOUGH
23 INFORMATION ON IT THAT IF I WOULD HAVE HAD A TEST SPECIMEN TO
24 COMPARE IT TO, ANY OTHER SUSPECT FIREARM TO COMPARE IT TO, I
25 WOULD HAVE HAD TO DO A MICROSCOPIC COMPARISON. BUT I'VE

1 INDICATED IN MY NOTES THAT IT MAY OR MAY NOT BE SUITABLE FOR
2 IDENTIFICATION, AS THERE ARE VERY LIMITED MARKINGS ON IT.

3 Q NOW, WERE YOU ABLE TO DETERMINE-- TELL THE JURY WHAT
4 CALIBER MEANS WHEN WE'RE TALKING ABOUT AMMUNITION.

5 A CALIBER OF AMMUNITION, IT MEANS SEVERAL THINGS. BUT
6 GENERALLY, WE'RE TALKING ABOUT THE DIAMETER OF THE BULLET.
7 SOMETIMES IT INDICATES THE DIAMETER OF THE INSIDE OF THE
8 BARREL.

9 AND IN SOME OLDER, OBSOLETE CALIBERS, CALIBER CAN
10 ACTUALLY BEEN SEEN. IT'S NOT REALLY RELATED TO THE ACTUAL
11 BULLET DIAMETER OR ITS TESTING, USING THE OLD, ARCHAIC
12 METHOD OF MEASUREMENT.

13 BUT IN GENERAL, WHEN I TALK ABOUT CALIBER, WE'RE
14 TALKING ABOUT THE BULLET'S DIAMETER OR THE NAME OF THE
15 AMMUNITION, SUCH AS NINE MILLIMETER LUGER CALIBER
16 AMMUNITION, OR TWENTY-TWO LONG RIFLE CALIBER AMMUNITION.
17 THAT GIVES YOU A NAME FOR CARTRIDGE IDENTIFICATION.

18 Q WERE YOU ABLE, WITH RESPECT TO EXHIBIT THIRTEEN AND
19 FOURTEEN, THE THREE PIECES OF METAL IN THESE TWO PLASTIC
20 BOTTLES, WERE YOU ABLE TO DETERMINE A CALIBER FOR THOSE
21 PIECES OF METAL, THOSE BULLETS, AND PIECES OF BULLETS?

22 A YES SIR. THEY WERE MOST CONSISTENT WITH BULLETS I
23 WOULD FIND IN TWENTY-TWO CALIBER AMMUNITION, IN PARTICULAR
24 TWENTY-TWO REM FIRE AMMUNITION THAT THE BARREL IS SHORT;

1 TWENTY-TWO LONG OR TWENTY-TWO LONG RIFLE CALIBER
2 AMMUNITION.

3 Q WHEN YOU'RE TALKING ABOUT TWENTY-TWO CALIBER, ARE WE
4 TALKING ABOUT THE DIAMETER OF THE BULLET, THE DIAMETER OF
5 THE INSIDE OF THE BARREL OR SOMETHING ELSE?

6 A IN THAT PARTICULAR INSTANCE, IT'S VIRTUALLY THE SAME. IT
7 HAS A BULLET WHOSE DIAMETER IS JUST OVER .22 INCHES; HENCE,
8 THEY CALL IT TWENTY-TWO CALIBER.

9 Q A LITTLE OVER ONE-FIFTH OF AN INCH WIDE?

10 A YES SIR.

11 Q DO YOU SOMETIMES-- IF YOU HAVE MULTIPLE BULLETS OR
12 BULLET FRAGMENTS, DO YOU SOMETIMES, EVEN IF YOU DON'T HAVE A
13 GUN HAVE SOME INTEREST IN KNOWING WHETHER THOSE BULLETS
14 OR BULLET FRAGMENT HAVE SIMILAR MARKINGS THAT WOULD TELL
15 YOU THEY WERE FIRED FROM THE SAME BARREL?

16 A YES. THAT'S A COMMON QUESTION WE ENCOUNTER WHEN YOU
17 HAVE MULTIPLE BULLETS, DID ONE OR MORE FIREARMS FIRE THOSE
18 BULLETS.

19 IN THIS PARTICULAR INSTANCE, I COULD NOT TELL POSITIVELY
20 WHETHER THEY WERE FIRED BY ONE FIREARM OR BY TWO FIREARMS,
21 DUE TO THE LACK OF MARKINGS THAT WERE PRESENT ON THE
22 BULLETS.

23 Q HOW COMMON IS TWENTY-TWO REM FIRE AMMUNITION?

24 A IT'S PROBABLY ONE OF THE MOST COMMON CALIBERS OF
25 AMMUNITION THAT YOU WILL ENCOUNTER. IN THE UNITED STATES,

1 MILLIONS OF ROUNDS OF TWENTY-TWO AMMUNITION IS MADE EVERY
2 YEAR.

3 Q IF I GO TO A GUN SHOP AND WANT TO BUY TWENTY-TWO AMMO,
4 AM I GOING TO SPEND LESS THAN I'M GOING TO SPEND FOR JUST A
5 ABOUT ANY OTHER CALIBER OF AMMO?

6 A YES SIR. UNLESS YOU'RE BUYING SOME SORT OF INCREDIBLY
7 EXPENSIVE MATCH GRADE TARGET AMMUNITION, MOST TWENTY-TWO
8 AMMUNITION IS RELATIVELY INEXPENSIVE COMPARED TO CENTER
9 FIRE AMMUNITION, SAY NINE MILLIMETER OR FORTY-FIVE, OR THINGS
10 LIKE THAT.

11 AMMUNITION OBVIOUSLY HAS GOTTEN EXTREMELY EXPENSIVE
12 IN THE PAST FEW YEARS BECAUSE OF THE WAR EFFORT, BUT
13 GENERALLY TWENTY-TWO REM FIRE AMMUNITION IS LESS EXPENSIVE
14 THAN OTHER AMMUNITION.

15 Q IS TWENTY-TWO REM FIRE AMMUNITION COMMON OBTAINABLE
16 IN PACKAGES OF MASS QUANTITIES?

17 A YES SIR. TYPICALLY YOU SEE IT IN BOXES OF FIFTY ROUNDS.
18 YOU MAY ALSO SEE BOXES OF ONE HUNDRED. AND THEN YOU HAVE
19 WHAT ARE KNOWN AS MULTI-PACKS. MULTI-PACKS, SOME OF THE
20 COMMON MULTI-PACK PACKS LOOK LIKE LITTLE MILK CARTONS.

21 CLEARLY, THEY LOOK LIKE VERY SMALL MILK CARTONS. SOME
22 OF THEM HOLD THREE HUNDRED PLUS ROUNDS. SOME OF THEM HOLD
23 UP TO FIVE HUNDRED ROUNDS. IT'S NOT UNCOMMON TO FIND A BULK
24 PACKAGE AMMUNITION WHEN YOU GO TO ANY OF THE BIG CHAIN
25 STORES OR GUN SHOPS.

1 Q OTHER THAN WHAT I'VE ASKED YOU AND WHAT YOU'VE
2 ANSWERED CONCERNING STATE'S EXHIBITS THIRTEEN AND
3 FOURTEEN, DID YOU DO ANY FURTHER TESTING OR REACH ANY
4 FURTHER CONCLUSIONS ABOUT THE ITEMS IN THESE TWO EXHIBITS?

5 A NO SIR, NOT THROUGH MY INITIAL EXAMINATION.

6 Q WERE YOU ABLE TO DEVELOP A LIST OF POTENTIAL FIREARMS
7 THAT COULD HAVE FIRED THESE BULLETS AND FRAGMENTS?

8 A YES SIR. IF YOU REMEMBER, I MENTIONED SOMETHING ABOUT
9 MEASURING THE DIMENSIONS OF THE RIFLING AND THE NUMBER OF
10 LANDS AND GROOVES, AND THE DIRECTION OF THE TWISTS, AND
11 USING THE FBI DATA BASE TO GENERATE A LIST OF POSSIBLE BRAND
12 FIREARMS.

13 AND THAT'S ONLY BASED ON CLASS CHARACTERISTICS. THAT'S
14 ONLY BASED ON HOW MANY LANDS AND GROOVES ARE ON THE
15 BULLETS, THE DIMENSIONS, AND THE RIFLING AND THE DIRECTION OF
16 THE TWISTS AND THE CALIBER.

17 BASED ON THAT INFORMATION ALONE, THE LIST HAS ROUGHLY ONE
18 HUNDRED POSSIBILITIES AS A MATTER OF BRAND OR ORIGIN. AND
19 THE LIST WAS SO LARGE I DIDN'T EVEN PROVIDE IT IN THE REPORT.

20 Q DID YOU PREPARE A WRITTEN REPORT CONCERNING YOUR
21 FINDINGS?

22 A YES SIR.

23 Q I'M GOING TO HAND YOU A COPY OF A PIECE OF PAPER. CAN
24 YOU TELL ME WHAT THAT IS?

1 A YES SIR. THAT'S A COPY OF THE REPORT THAT I ISSUED IN THIS
2 CASE.

3 MR. BARFIELD: YOUR HONOR, AT THIS TIME, I'D OFFER AGENT
4 PAAVEL'S REPORT AS THE NEXT STATE'S EXHIBIT, WHICH WILL BE
5 SIXTEEN.

6 MR. HEMLEPP: WITHOUT OBJECTION.

7 THE COURT: ADMITTED WITHOUT OBJECTION.

8 (WHEREUPON STATE'S EXHIBIT NUMBER SIXTEEN WAS ADMITTED INTO
9 EVIDENCE WITHOUT OBJECTION)

10 Q I HAVE A HANDFUL OF ADDITIONAL QUESTIONS. I'M GOING TO
11 SHOW YOU STATE'S EXHIBIT NUMBER FOUR. TAKE A MINUTE AND
12 LOOK AT THE CONTENTS OF THE BAG.

13 A OKAY. (PAUSE TO REVIEW CONTENTS OF BAG)

14 Q MY INITIAL QUESTION IS: BEFORE YOU CAME HERE TODAY HAD
15 YOU EVER SEEN OF WHAT'S IN THAT BAG?

16 A NO SIR. I SAW THIS EARLIER TODAY FOR THE FIRST TIME.

17 Q GENERALLY SPEAKING, WHAT IS IN THAT BAG?

18 A THERE'S A BAG, AND INSIDE THE BAG IS ANOTHER BAG, AND
19 INSIDE THAT BAG APPEARS TO BE SEVERAL HUNDRED TWENTY-TWO
20 LONG RIFLE CALIBER CARTRIDGES. THESE ARE STAMPED WITH THE
21 REMINGTON BRAND. THEY HAVE THE GOLDEN COLORED, BRASS
22 BULLET, WHICH IS A HOLLOW POINT BULLET.

23 Q I'M GOING TO ALSO SHOW YOU A BAG WHICH IS STATE'S EXHIBIT
24 NUMBER THREE. TAKE A LOOK AT THAT FOR A MINUTE AND THEN I'LL
25 ASK YOU A COUPLE OF QUESTIONS.

VELLO PAAVEL-DIRECT EXAMINATION BY MR. BARFIELD

- 1 A OKAY. (PAUSE TO REVIEW CONTENTS OF BAG)
- 2 Q BEFORE YOU CAME HERE TODAY HAD YOU EVER SEEN WHAT'S
- 3 IN THAT BAG?
- 4 A NO SIR.
- 5 Q WHAT IS IN THAT BAG?
- 6 A THIS IS A REMINGTON BRAND AMMUNITION BOX THAT IS
- 7 MARKED .22 GOLDEN BULLET BONUS PACK. THERE SHOULD HAVE
- 8 BEEN 550 CARTRIDGES IN HERE. IT INDICATES IT IS A HOLLOW POINT
- 9 BULLET.
- 10 Q I'M SHOWING A LITTLE HANDFUL OF STATE'S EXHIBIT NUMBER
- 11 FOUR, WHICH YOU IDENTIFIED AS TWENTY-TWO BULLETS.
- 12 A TWENTY-TWO LONG RANGE RIFLE CARTRIDGES. THE
- 13 AMMUNITION THAT'S IN THE SOLICITOR'S HAND IS THE TYPE OF
- 14 AMMUNITION THAT I WOULD EXPECT TO FIND IN THIS BOX.
- 15 Q NOW, FIRST OF ALL, LET ME ASK YOU THIS: ARE YOU ABLE IN
- 16 ANY WAY WHATSOEVER WITH THE THREE PIECES OF METAL IN
- 17 STATE'S NUMBERS THIRTEEN AND FOURTEEN TO SAY WHETHER THIS
- 18 METAL WAS ONCE ONE OF THEM BULLETS?
- 19 A NO SIR. I CANNOT SAY WITH ANY SORT OF ABSOLUTE
- 20 CERTAINTY THAT ANY OF THESE THREE BULLET FRAGMENTS CAME
- 21 OUT OF THAT BOX OF AMMUNITION.
- 22 I CAN GO AS FAR AS SAYING THEY'RE SIMILAR IN
- 23 CONSTRUCTION AND SIMILAR IN CALIBER. AND BY CONSTRUCTION, I
- 24 MEAN THEY ARE THAT BRASS, OR GOLD COLOR BULLETS. THE
- 25 BULLETS FROM THE AUTOPSY ARE CONSISTENT WITH BEING .22 REM

1 FIRED CALIBER CARTRIDGES, OR BULLETS FROM .22 REM FIRED
2 CALIBER CARTRIDGES.

3 YOU HAVE GOT .22 CALIBER LONG RIFLE CALIBER CARTRIDGES
4 IN THIS BAG OVER HERE, WHICH IS A REM FIRED CARTRIDGE. IT'S ONE
5 OF THE CALIBERS THAT I SAID IT'S CONSISTENT WITH.

6 SO, THE FIRED PROJECTILES OF BOTH THESE ARE CONSISTENT IN
7 CALIBER, CONSTRUCTION AND BRAND TO THE UNFIRED AMMUNITION
8 THAT'S IN THIS STATE'S EXHIBIT.

9 Q THANK YOU. I BELIEVE THAT'S ALL I HAVE. ANSWER ANYTHING
10 MR. HEMLEPP HAS.

11 CROSS EXAMINATION BY MR. HEMLEPP:

12 Q IS IT SAFE TO SAY THAT THAT'S THE MOST COMMON BULLET IN
13 AMERICA?

14 A I DON'T HAVE ALL THE STATISTICS ON IT, BUT I WILL AGREE
15 WITH YOU THAT THAT'S-- I WON'T SAY THIS PARTICULAR BRAND IS.
16 BUT A .22 LONG RIFLE CALIBER CARTRIDGE, OR A .22 LONG RIFLE
17 CALIBER IS PROBABLY THE MOST POPULAR CALIBER OF AMMUNITION
18 AND FIREARM THAT YOU ENCOUNTER IN THE UNITED STATES.

19 Q HOW DIFFICULT IS IT TO BUY?

20 A NOT VERY DIFFICULT. I MEAN, VIRTUALLY ALL GUN SHOPS
21 WILL HAVE. WAL-MARTS WILL HAVE IT. K-MART DOESN'T SELL
22 AMMO. ANY HARDWARE STORES, WELL-STOCKED SPORTING GOODS
23 STORES TYPICALLY WILL HAVE SOME SORT OF .22 LONG RIFLE
24 CALIBER AMMUNITION.

VELLO PAAVEL-CROSS EXAMINATION BY MR. HEMLEPP

1 Q JUST OUT OF CURIOSITY, YOU'VE ENJOYED, I'M SURE BEEN AN
2 OUTDOORSMAN AND ENJOYED FOR A LONG TIME. WHAT KIND OF
3 GUNS DO YOU HAVE?

4 A ACTUALLY THE FIRST ONE THAT I FIRED WAS A .22.

5 Q SO TWENTY-TWOS ARE EVERYWHERE?

6 A UNLESS IT'S A STATE THAT PROHIBITS FIREARMS IN CERTAIN
7 AREAS. IN THIS PART OF THE UNITED STATES, IN THE SOUTHEAST.
8 AND REALLY, IN ANY PART OF THE UNITED STATES WHERE YOU HAVE
9 PEOPLE WHO GO IN FOR HUNTING AND THAT SORT OF STUFF,
10 VIRTUALLY EVERYBODY HAS SOME SORT OF .22 IN THEIR HOUSE.

11 Q THANK YOU, SIR. I HAVE NOTHING FURTHER.

12 MR. BARFIELD: NO FURTHER QUESTIONS. AND I WOULD ASK
13 THAT HE, ALONG WITH MR. REIGHLEY AND MR. SMITH BE RELEASED
14 FROM THEIR SUBPOENAS.

15 THE COURT: ALL RIGHT. THANK YOU. YOU ALL ARE RELEASED
16 FROM YOUR SUBPOENAS.

17 MR. BARFIELD: YOUR HONOR, AT THIS TIME, I AM READY TO
18 GET INTO MATTERS WITH OFFICERS FROM THE SHERIFF'S OFFICE
19 CONCERNING THE STATEMENTS AND THE VIDEOTAPES.

20 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN, WE WILL
21 TAKE A LITTLE BREAK NOW AND WE WILL COME BACK FOR MORE
22 TESTIMONY. DO NOT DISCUSS THE CASE DURING THE BREAK.

23 (WHEREUPON THE JURY EXITED THE COURTROOM AT 4:05 P.M.)

24 TO EVERYONE IN THE COURTROOM, AND ALL OF YOU ARE
25 LADIES AND GENTLEMEN. GENERALLY, WHEN I SAY LADIES AND

1 GENTLEMEN, I'M TALKING TO THE JURY. AND WHEN I EXCUSE THE
2 JURY, THAT'S NOT AN OPPORTUNITY FOR EVERYONE TO MOVE
3 AROUND. WAIT UNTIL THE JURY, AND WHEN I GET UP, THEN YOU GET
4 UP. AND I'M GETTING UP, AND WE'RE TAKING A BREAK.

5 MR. BARFIELD: THANK YOU, JUDGE.

6 (WHEREUPON THE COURT WAS IN RECESS AT 4:06 P.M.)

7 COURT IN SESSION - 4:25 P.M.

8 THE COURT: BRING IN THE JURY.

9 (WHEREUPON THE JURY ENTERED THE COURTROOM)

10 MR. BARFIELD, CALL YOUR NEXT WITNESS.

11 MR. BARFIELD: THANK YOU, YOUR HONOR. THE STATE CALLS
12 KEITH LEWIS.

13 YOUR HONOR, WHILE HE'S COMING UP, MAY I BORROW COURT'S
14 EXHIBIT ONE?

15 THE COURT: YES SIR. THE COURT REPORTER HAS THAT AND
16 WILL GIVE THAT TO YOU.

17 MR. BARFIELD: THANK YOU, SIR.

18 KEITH LEWIS, DULY SWORN, TESTIFIED

19 AS FOLLOWS:

20 CLERK OF COURT: PLEASE STATE YOUR NAME.

21 A KEITH LEWIS.

22 DIRECT EXAMINATION BY MR. BARFIELD:

23 Q BY WHOM ARE YOU EMPLOYED?

24 A FAIRFIELD COUNTY SHERIFF'S OFFICE.

1 Q HOW LONG HAVE YOU BEEN EMPLOYED BY THE FAIRFIELD
2 COUNTY SHERIFF'S OFFICE?

3 A I'VE BEEN IN LAW ENFORCEMENT FOR THIRTY-YEARS, ALL OF
4 THAT WITH THE SHERIFF'S OFFICE, EXCEPT FOR FIVE YEARS WITH THE
5 TOWN OF UNION.

6 Q WHAT IS YOUR CURRENT TITLE AND JOB AT THE SHERIFF'S
7 OFFICE?

8 A I AM THE CHIEF DEPUTY.

9 Q WHICH MEANS SECOND UNDER THE SHERIFF?

10 A I'M THE ASSISTANT SHERIFF.

11 Q WHAT WAS YOUR JOB WITH THE FAIRFIELD COUNTY SHERIFF'S
12 OFFICE IN JUNE AND JULY OF 2005?

13 A THE SAME.

14 Q DID YOU, OTHER THAN WHAT WE'RE GOING TO TALK ABOUT
15 HERE IN A FEW MINUTES, DID YOU HAVE FEET ON THE GROUND
16 WORKING THE CASE OF THE SHOOTING OF MICHAEL AND JAMIE
17 ROBERTSON, OTHER THAN THE PART WE'RE GOING TO TALK ABOUT
18 TODAY?

19 A I DID.

20 Q DID YOU KNOW THAT DAVID ALLEN GOINS WAS A SUSPECT IN
21 THE SHOOTING?

22 A I DID.

23 Q DID YOU KNOW FROM JUNE 30, 2005, THAT NIGHT, UNTIL JULY 5,
24 OF 2005, HE WAS WANTED?

25 A I DID.

1 Q DID YOU BECOME AWARE ON JULY 5, OF 2005, THAT THAT DAY
2 HE TURNED HIMSELF IN?

3 A I DID.

4 Q DID HE GET TAKEN TO THE FAIRFIELD COUNTY DETENTION
5 CENTER, BOOKED IN, DRESSED OUT, LIKE ANY OTHER INMATE WOULD
6 BE?

7 A YES, HE DID.

8 Q AND AT SOME POINT DID YOU UNDERTAKE TO HAVE A SIT-
9 DOWN AND CHAT WITH DAVID ALLEN GOINS ABOUT WHY HE WAS IN
10 JAIL?

11 A I DID.

12 Q HOW DID YOU GET INVOLVED IN THE INTERVIEW PROCESS WITH
13 MR. GOINS?

14 A I OFFERED-- I TALKED WITH SOME OF MR. GOINS' FAMILY. I
15 BELIEVE IT WAS HIS MOTHER AND MAYBE A SISTER, OR HIS
16 GIRLFRIEND, EARLIER THAT DAY ABOUT HIS WELL BEING. AND I TOLD
17 THEM THAT I WOULD HAVE HIM BROUGHT DOWN AND I WOULD
18 INTERVIEW HIM.

19 Q WAS HE BROUGHT DOWN FROM THE DETENTION CENTER TO
20 SOME OTHER LOCATION?

21 A HE WAS BROUGHT FROM THE DETENTION CENTER DOWN TO THE
22 FAIRFIELD COUNTY SHERIFF'S OFFICE TO OUR INTERVIEW ROOM.

23 Q IS THERE A ROOM AT THE SHERIFF'S OFFICE THAT IS GENERALLY
24 SPEAKING THE INVESTIGATOR'S ROOM?

25 A YES.

1 Q ARE THERE DESKS IN AN OPEN ROOM WHERE EACH
2 INVESTIGATOR SITS TO DO HIS WORK?

3 A YES SIR. THERE'S APPROXIMATELY FIVE DESKS IN THE ROOM.

4 Q IS THERE A ROOM OFF THAT ROOM WHICH YOU CALL THE
5 INTERVIEW ROOM?

6 A YES SIR.

7 Q DOES THAT ROOM HAVE A WINDOW INTO IT IN WHICH YOU CAN
8 SEE INTO THE INTERVIEW ROOM BUT NOT OUT OF THE INTERVIEW
9 ROOM?

10 A YES SIR.

11 Q ON JULY 5, 2005, WAS IT EQUIPPED WITH VIDEO AND AUDIO
12 MONITORING AND RECORDING EQUIPMENT?

13 A YES SIR.

14 Q COULD YOU TALK WITH SOMEBODY IN THE INTERVIEW ROOM
15 AND VIDEO AND AUDIO TAPE WHAT'S GOING ON?

16 A YES SIR.

17 Q GENERALLY SPEAKING, DID THAT OCCUR IN THIS CASE? DID
18 YOU VIDEO AND AUDIO TAPE YOUR INTERVIEW AND MARY ANN
19 TOLBERT'S INTERVIEW WITH DAVID ALLEN GOINS?

20 A YES SIR.

21 Q I'M GOING TO SHOW YOU TWO TAPES. TAKE A MINUTE AND
22 LOOK AT THEM. NUMBER ONE: CAN YOU IDENTIFY WHAT THOSE
23 TAPES ARE?

24 A THESE ARE THE VIDEO TAPES FROM THE INTERVIEW WITH
25 DAVID GOINS?

1 Q HAVE YOU WATCHED A PORTION OF THAT DURING OUR
2 PROCEEDINGS THIS WEEK?

3 A I HAVE.

4 Q AND YOU KNOW THAT'S WHAT'S ON THEM?

5 A YES SIR.

6 MR. BARFIELD: YOUR HONOR, I THINK WE'RE IN AGREEMENT ON
7 THIS. I'M GOING TO OFFER THE TWO TAPES. ONE IS MARKED GOINS
8 INTERVIEW - 7/5/05 - 10:14 A.M. TO 12:15, AND THAT'S STATE'S EXHIBIT
9 SEVENTEEN. I AM OFFERING IT INTO EVIDENCE.

10 THE COURT: ANY OBJECTION?

11 MR. HEMLEPP: ONE MOMENT, PLEASE, YOUR HONOR.

12 (PAUSE)

13 YOUR HONOR, I HAVE NO OBJECTION. I WAS SPEAKING WITH
14 THE SOLICITOR ABOUT PUTTING TWO DIFFERENT NUMBERS ON TWO
15 DIFFERENT TAPES. I HAVE NO OBJECTION TO EITHER ONE.

16 THE COURT: THEY ARE ADMITTED WITHOUT OBJECTION.

17 MR. BARFIELD: I AM IN FACT GOING TO OFFER THE OTHER TAPE
18 WHICH IS MARKED GOINS - 7/5/05, CONTINUED AT 12:14 TO 1:00, AS
19 STATE'S NUMBER EIGHTEEN.

20 THE COURT: ADMITTED WITHOUT OBJECTION.

21 (WHEREUPON STATE'S EXHIBITS SEVENTEEN AND EIGHTEEN WERE
22 ADMITTED INTO EVIDENCE WITHOUT OBJECTION)

23 Q DID YOU START THE PROCESS WITH GOINS?

24 A I DID.

KEITH LEWIS-DIRECT EXAMINATION BY MR. BARFIELD

- 1 Q DID SOMEBODY WITH THE SHERIFF'S OFFICE, ANOTHER
2 INVESTIGATOR CONCLUDE THE PROCESS WITH GOINS?
- 3 A YES, THEY DID.
- 4 Q WHO WAS THAT OTHER PERSON?
- 5 A INVESTIGATOR MARY ANN PHILLIPS, WHO IS NOW MARY ANN
6 TOLBERT.
- 7 Q WHEN GOINS-- GENERALLY SPEAKING, AGAIN, EVERYTHING
8 YOU ARE GOING TO TALK TO US ABOUT RIGHT NOW, IS ALL OF THAT
9 ON THOSE TAPES?
- 10 A YES.
- 11 Q WAS GOINS IN CUSTODY WHEN THESE TAPES STARTED?
- 12 A YES.
- 13 Q I'M GOING TO HAND YOU COURT'S EXHIBIT NUMBER ONE, WHICH
14 IS A THREE-PAGE DOCUMENT. LOOK AT IT AND THEN TELL ME IF YOU
15 KNOW WHAT IT IS.
- 16 A YES, I DO.
- 17 Q WHAT IS THE FIRST PAGE OF THAT, GENERALLY, NOT
18 SPECIFICALLY. THE FIRST PAGE IS WHAT?
- 19 A THE FIRST PAGE IS A FAIRFIELD COUNTY SHERIFF'S OFFICE
20 WAIVER OF RIGHTS FORM.
- 21 Q CONCERNING MR. GOINS IN THIS CASE?
- 22 A IT IS.
- 23 Q WHAT ARE THE OTHER TWO PAGES?

1 A THE NEXT TWO PAGES ARE HANDWRITTEN PAGES WHICH MR.
2 DAVID GOINS WROTE. I HAD ASKED HIM TO WRITE OUT WHAT
3 HAPPENED. THAT IS HIS HANDWRITTEN STATEMENT.

4 Q IS THE HANDWRITTEN STATEMENT PART OF THE VIDEO TAPED
5 PROCESS?

6 A IT IS.

7 Q YOU CAN HOLD ON TO THAT. LOOK AT THE FIRST PAGE AND
8 LET'S TALK ABOUT THAT A LITTLE BIT.

9 IS THE FIRST PAGE FILLED OUT COMPLETELY? ARE THERE
10 BLANKS AND SPACE TO PUT SPECIFIC INFORMATION ON THAT SHEET?

11 A YES, IT IS.

12 Q IS EVERYTHING FILLED OUT?

13 A YES SIR.

14 Q IS IT IDENTIFIED BY DAVID GOINS' NAME AS THE INTERVIEWEE
15 IN THE PROCESS?

16 A IT IS.

17 Q DID YOU INDICATE HOW OLD HE WAS ON THERE?

18 A YES, I DID.

19 Q DID YOU INDICATE HOW MUCH EDUCATION HE HAD
20 SOMEWHERE ON THAT DOCUMENT?

21 A YES, I DID.

22 Q IS THERE ANY OTHER-- DOES IT HAVE AN ADDRESS ON THAT
23 FORM?

24 A IT HAS THE ADDRESS OF WHERE HE LIVES.

KEITH LEWIS-DIRECT EXAMINATION BY MR. BARFIELD

- 1 Q IS THERE A PLACE ON THAT FORM FOR HIM TO SIGN HIS NAME
2 WHEN THAT PART OF THE PROCESS IS OVER WITH?
- 3 A WHEN THE FORM IS COMPLETED?
- 4 Q RIGHT.
- 5 A YES.
- 6 Q ULTIMATELY, DID DAVID GOINS SIGN HIS NAME ON THAT
7 DOCUMENT?
- 8 A YES, HE DID.
- 9 Q IS THERE A PLACE FOR YOU TO SIGN AS THE INTERVIEWER?
- 10 A THE PLACE WHERE I SIGNED IS AS A WITNESS THAT HE SIGNED
11 THE STATEMENT.
- 12 Q DID YOU SIGN IT ULTIMATELY?
- 13 A I DID.
- 14 Q IS THERE ALSO A PLACE ON THERE TO PUT WHAT DATE IT IS AND
15 WHAT TIME THAT PROCESS WAS UNDERTAKEN?
- 16 A YES, IT IS.
- 17 Q WHAT WAS THE DATE AND TIME?
- 18 A THE DATE IS JULY 5 OF 2005, AND THE TIME IS 10:15 A.M.
- 19 Q DOES THAT FIRST PAGE OF THAT DOCUMENT THERE IN YOUR
20 HAND CONTAIN IN A PRINTED MANNER THE CONSTITUTIONAL RIGHTS
21 THAT DAVID GOINS HAD AS THE INTERVIEW PROCESS BEGAN, WHAT
22 WE NORMALLY WOULD CALL THE MIRANDA WARNING?
- 23 A YES, IT DOES.
- 24 Q ARE THEY BROKEN DOWN ONE BY ONE?

1 A YES SIR. THEY'RE BROKEN DOWN INTO SIX DIFFERENT
2 SENTENCES.

3 Q IS THERE A PLACE NEXT TO EACH ONE OF THEM FOR MR. GOINS
4 TO INITIAL TO INDICATE THAT, NUMBER ONE, HE HAD READ IT, AND HE
5 UNDERSTOOD IT?

6 A THAT'S CORRECT.

7 Q DID YOU GO THROUGH THOSE SIX MIRANDA WARNINGS WITH
8 MR. GOINS ONE BY ONE?

9 A I DID GO THROUGH EACH OF ONE, AND HE INITIALED ONE BY
10 ONE. AND HE SIGNED EACH ONE WHEN WE FINISHED THAT ONE. I
11 DIDN'T WAIT FOR HIM TO DO ALL SIX AND HAVE HIM SIGN IT. HE
12 SIGNED EACH ONE AS WE DID THEM.

13 Q AGAIN, IS ALL OF THAT SHOWN ON THIS VIDEOTAPE?

14 A IT IS.

15 Q VERY BRIEFLY, TELL US WHAT THE SIX WERE.

16 A BRIEFLY, NUMBER ONE, IT SAYS-- AND I'M GOING TO READ IT
17 THE WAY IT'S PRINTED ON THIS PAPER.

18 NUMBER ONE SAYS THAT: I HAVE THE RIGHT TO REMAIN
19 SILENT. THAT MEANS I DO NOT HAVE TO SAY ANYTHING OR ANSWER
20 ANY QUESTIONS.

21 I ASKED MR. GOINS IF HE UNDERSTOOD THAT. HE INDICATED
22 THAT HE DID AND HE PUT THE INITIALS, DAG, BESIDE NUMBER ONE.

23 NUMBER TWO: ANYTHING I SAY CAN BE USED AGAINST ME IN A
24 COURT OF LAW.

1 AGAIN, I ASKED HIM IF HE UNDERSTOOD AS I EXPLAINED IT TO
2 HIM. HE DID AND HE SIGNED IT AND INITIALED IT.

3 NUMBER THREE: I HAVE THE RIGHT TO TALK TO A LAWYER AND
4 HAVE A LAWYER HERE WITH ME NOW TO ADVISE AND HELP BEFORE
5 AND DURING THE QUESTIONING.

6 HE INDICATED HE UNDERSTOOD THAT AND HE SIGNED OFF ON
7 IT.

8 NUMBER FOUR: IF I WANT TO HAVE A LAWYER WITH ME BEFORE
9 AND DURING QUESTIONING, BUT CANNOT AFFORD TO PAY A LAWYER,
10 ONE WILL BE PROVIDED TO ME AT NO COST BEFORE AND WHILE I AM
11 QUESTIONED.

12 HE UNDERSTOOD THAT AND SIGNED OFF ON IT.

13 NUMBER FIVE: IF I DECIDE TO ANSWER QUESTIONS NOW
14 WITHOUT A LAWYER, I STILL HAVE THE RIGHT TO STOP ANSWERING
15 QUESTIONS WHENEVER I WANT TO.

16 HE INDICATED HE UNDERSTOOD THAT AND SIGNED OFF ON IT.

17 AND NUMBER SIX: I ALSO HAVE THE RIGHT TO STOP
18 ANSWERING QUESTIONS UNTIL I HAVE TALKED TO A LAWYER.

19

20 AND HE SIGNED OFF ON IT.

21 Q WAS THE FORM WAS COMPLETED IN ITS ENTIRETY, ALL PLACES
22 INITIALED, SIGNATURES OBTAINED?

23 A YES SIR. HE INDICATED THAT HE HAD FINISHED HIGH SCHOOL
24 WITH A GED AND THAT HE COULD READ, AND HIS ADDRESS WAS ■■■

1 [REDACTED] AT THE TIME. AND HE INDICATED THAT HE
2 WAS 31 YEARS OF AGE IN 2005.

3 Q NOW, DID YOU-- DID MR. GOINS INDICATE THAT HE
4 UNDERSTOOD THOSE RIGHTS THAT YOU EXPLAINED AND READ TO
5 HIM?

6 A YES, HE DID.

7 Q DID HE SAY-- DID YOU HAVE ANY DIFFICULTY UNDERSTANDING
8 WORDS AND PHRASES HE WAS USING TO EXPRESS THE THOUGHTS
9 THAT HE USED?

10 A NO SIR.

11 Q DID HE APPEAR TO HAVE ANY DIFFICULTY UNDERSTANDING
12 THE WORDS AND PHRASES YOU WERE USING TO EXPRESS THOUGHTS
13 TO HIM?

14 A NO.

15 Q DID HE EVER TELL YOU, I DON'T UNDERSTAND ANY OF THE
16 STUFF YOU WERE EXPLAINING TO HIM?

17 A NO, HE DIDN'T.

18 Q DID HE EVER ASK YOU ANY QUESTIONS TO INDICATE TO YOU
19 THAT HE DID NOT UNDERSTAND ANY OF THE STUFF YOU HAD
20 EXPLAINED TO HIM?

21 A NO, HE DID NOT.

22 Q DID HE AT ANY TIME-- DID HE INDICATE TO YOU THAT HE
23 WANTED TO WAIVE ALL OF THOSE SIX, ENUMERATED RIGHTS AND
24 TALK TO YOU ABOUT THE CASE?

25 A HE DID.

1 Q DID HE AT ANY TIME DURING THE PROCESS WHEN YOU WERE
2 INVOLVED WITH HIM SAY, STOP, I DO WANT TO INVOKE ANY OF THOSE
3 SIX RIGHTS; I DON'T WANT TO TALK; I WANT A LAWYER, AND I WANT
4 THIS TO BE OVER?

5 DID HE EVER STOP THE INTERVIEW AND INVOKE ANY OF HIS
6 CONSTITUTIONAL RIGHTS?

7 A NO, HE DID NOT.

8 Q DID HE MAKE A STATEMENT, NUMBER ONE, BY GIVING A
9 WRITTEN STATEMENT, AND ALSO BY TALKING AND ANSWERING
10 QUESTIONS THAT WERE VIDEO RECORDED?

11 A HE DID.

12 Q DO YOU KNOW ABOUT HOW LONG THIS PROCESS WAS FROM
13 WHEN YOU STARTED IT TILL INVESTIGATOR TOLBERT FINISHED IT?

14 A I WOULD SAY OVER TWO AND A HALF HOURS, CLOSE TO TWO
15 AND A HALF HOURS. AND THAIS ONE REASON THAT THE VIDEO TAPE,
16 ONE TAPE ACTUALLY RAN OUT AND WE HAD TO UNLOAD IT AND PUT
17 A NEW TAPE IN.

18 Q WAS ALL OF IT DONE IN THE SAME PLACE?

19 A SAME PLACE AND THE SAME DATE AND TIME.

20 Q WAS GOINS DRESSED OUT IN ORANGE, FAIRFIELD COUNTY
21 DETENTION CENTER COVERALLS?

22 A YES SIR.

23 Q THIS WAS SUMMERTIME, JULY 5, ACTUALLY. I ASSUME IT WAS
24 HOT. HE DIDN'T HAVE ON A COAT OR ANYTHING?

25 A NO SIR.

1 Q DO YOU RECALL WHETHER HE HAD LEG SHACKLES ON DURING
2 THE INTERVIEW?

3 A I DON'T THINK HE DID BECAUSE I REMEMBER HIM STANDING UP
4 AND SHOWING ME, WHEN HE WAS EXPLAINING TO ME SOME OF THE
5 THINGS THAT HAD OCCURRED. HE ACTUALLY WAS DEMONSTRATING
6 WHAT HE SAID HAPPENED TO HIM.

7 Q OKAY.

8 A AND THE BEST I RECALL, IT'S OUR POLICY WHEN WE TRANSPORT
9 PRISONERS TO HANDCUFF THEM AND USE LEG IRONS. BUT
10 NORMALLY, WHEN I GET THEM IN THE INTERVIEW ROOM, I REMOVE
11 THE LEG IRONS AND THE HANDCUFFS, UNLESS I HAVE SOME REASON
12 TO FEEL THREATENED.

13 Q AS I RECALL, WE CAN'T ACTUALLY SEE HIS FEET. SO, YOU DON'T
14 KNOW WHETHER OR NOT THEY WERE ON OR OFF?

15 A NO, I REALLY CAN'T REMEMBER.

16 Q HOW ABOUT HANDCUFFS, DID HE HAVE HANDCUFFS ON AT
17 SOME POINT?

18 A HE DID HAVE HANDCUFFS ON WHEN HE WAS TRANSPORTED BUT
19 THEY WERE TAKEN OFF IN THE INTERVIEW ROOM.

20 Q DO YOU RECALL, AND THE TAPE WILL SHOW UP. DO YOU
21 RECALL WHETHER HE HAD A BELLY CHAIN ON THAT THE HANDCUFFS
22 WERE PART OF THAT BASICALLY RESTRAINED HIS HANDS AND ARMS
23 TO HIS WAIST?

24 A I JUST DON'T RECALL THAT. I'M SURE THE VIDEO WILL SHOW IT.

25 Q DURING THE INTERVIEW WERE HIS HANDS FREE?

KEITH LEWIS-DIRECT EXAMINATION BY MR. BARFIELD

1 A HIS HANDS WERE FREE.

2 Q DID Y'ALL GIVE HIM ANYTHING TO MAKE HIS VISIT IN THE
3 INTERVIEW ROOM AS COMFORTABLE AS POSSIBLE?

4 A I OBTAINED A SOFT DRINK FOR HIM. AND THERE WAS A TIME
5 WHEN HE WANTED A SMOKE BREAK, AND WE ACTUALLY STOPPED
6 AND LET HIM HAVE A CIGARETTE BREAK.

7 Q DID HE AT ANY TIME, NUMBER ONE, COMPLAIN OF OR APPEAR
8 TO BE IN ANY PHYSICAL DISCOMFORT?

9 A NO.

10 Q SAME QUESTION: DID HE AT ANY TIME COMPLAIN OF OR
11 APPEAR TO BE IN ANY MENTAL DISTRESS?

12 A NO.

13 Q DID HE AT ANY TIME MAKE ANY REQUEST FOR ANY TYPE OF
14 CREATURE COMFORT, LIKE A BATHROOM BREAK OR SOMETHING,
15 THAT Y'ALL WOULDN'T LET HIM HAVE?

16 A NO SIR.

17 Q WHILE YOU WERE INVOLVED IN THIS PROCESS, DID ANYBODY
18 MAKE ANY PROMISES TO DAVID GOINS TO GET HIM TO TALK TO YOU
19 ABOUT THIS CASE?

20 A NO.

21 Q DID ANYBODY DURING THE PROCESS WHILE YOU WERE
22 INVOLVED USE ANY COERCION AGAINST HIM OR MAKE ANY THREATS
23 TO HIM TO GET HIM TO TALK TO Y'ALL ABOUT THIS CASE?

24 A NO.

1 Q DID YOU MAKE IT CLEAR TO HIM WHAT YOU WANTED TO TALK
2 TO HIM ABOUT?

3 A I DID.

4 Q DID HE APPEAR TO HAVE A FULL UNDERSTANDING OF WHY HE
5 WAS IN JAIL?

6 A HE DID. AND IT'S ALSO ON THIS WAIVER FORM THAT IT IS THE
7 CRIME OF MURDER.

8 Q NOW, DID YOU TALK TO HIM FOR THIRTY, FORTY-FIVE MINUTES,
9 YOURSELF, WITH NOBODY ELSE IN THE ROOM ON VIDEOTAPE ABOUT
10 THE CASE?

11 A YES, I DID.

12 Q DID HE TELL YOU WHAT HE SAID HAPPENED?

13 A HE DID.

14 Q NOW, LET ME JUST GO AHEAD AND DISCUSS THE CASE. DID HE
15 CLAIM THAT HE SHOT BECAUSE A GUN GOT PULLED ON HIM?

16 A HE DID.

17 Q NOW, AT SOME POINT DURING THE TIME THAT YOU WERE
18 TALKING TO HIM WAS THERE A DISCUSSION USING THE PHRASE, SELF-
19 DEFENSE?

20 A YES.

21 Q DID YOU EVER TELL HIM THAT YOU THOUGHT IT WAS OR YOU
22 THOUGHT IT WASN'T? EXPLAIN TO THE JURY WHY THAT DISCUSSION
23 CAME UP.

24 A WELL, A LOT OF INVESTIGATORS, WHEN WE INTERVIEW
25 SOMEONE, OF COURSE, WHEN WE'RE INTERVIEWING THAT PERSON,

KEITH LEWIS-DIRECT EXAMINATION BY MR. BARFIELD

1 YOU WAS NOT AT THAT SCENE. SO, YOU PERSONALLY DON'T KNOW
2 WHAT HAPPENED.

3 AND OF COURSE, WHAT YOU DO, BESIDES MAKING HIM FEEL
4 COMFORTABLE AND RELAXED, AND YOU GET HIM TO TELL YOU WHAT
5 HAPPENED. AND A LOT OF TIMES YOU'RE GOING TO GET WHAT THEY
6 WANT YOU TO HEAR. AND A LOT OF TIMES YOU HAVE TO TAKE WHAT
7 THEY TELL YOU AND OBTAIN OTHER DURING THE INVESTIGATION
8 AND SEE IF THAT EVIDENCE MATCHES THE CLAIMS THAT HE'S
9 MAKING. AND THAT'S THE WAY WE DO THINGS.

10 Q SO, IS IT ONE INTERVIEW TECHNIQUE, YOU KIND OF PUMP HIM
11 UP AND GET HIM GOING AND HE'LL WANT TO FREELY TALK TO YOU
12 ABOUT WHAT HAPPENED? DO YOU KIND OF, SORT OF AGREE WITH HIM
13 ABOUT THINGS?

14 A WELL, SOMETIMES YOU AGREE WITH HIM ABOUT THINGS. AND
15 THEN JUST FROM BEING AN INVESTIGATOR AND INTERVIEWING
16 PEOPLE, YOU KIND OF LEARN WHEN YOU CAN CONFRONT THEM AND
17 MAKE THEM REALIZE THAT YOU DON'T QUITE BELIEVE EVERYTHING
18 THEY'RE TELLING YOU.

19 AND IN THIS VIDEOTAPE I'M SURE YOU'LL SEE A FEW TIMES
20 WHERE HE INDICATED A CERTAIN THING HAPPENED OR IT WENT A
21 CERTAIN WAY, AND THEN YOU'LL SEE WHERE I JUST WASN'T SURE OF
22 THAT, BASED ON WHAT I ALREADY KNEW.

23 AND AFTER I KIND OF TALKED WITH HIM ABOUT IT, HE CHANGES
24 IT AND THEN TOLD ME THIS HAPPENED A DIFFERENT WAY. AND YOU
25 JUST HAVE TO DO THAT TO FIND OUT.

KEITH LEWIS-CROSS EXAMINATION BY MR. HEMLEPP

1 Q DID YOU AT ANY TIME CONCLUDE FOR YOURSELF AS A LAW
2 ENFORCEMENT OFFICER, NUMBER ONE, THAT IT WAS SELF-DEFENSE?

3 A NO SIR, I DID NOT.

4 Q AS A RESULT OF THE INVESTIGATION WAS HE CHARGED WITH
5 MURDER?

6 A HE WAS CHARGED WITH MURDER.

7 MR. BARFIELD: YOUR HONOR, THAT'S ALL THAT I HAVE AT THIS
8 TIME FOR CHIEF DEPUTY LEWIS. I RESERVE THE RIGHT TO RECALL HIM
9 BUT DON'T THINK THAT I WILL NEED TO, IN RESPONSE TO, PERHAPS,
10 THE VIDEO PORTION OF THE INTERVIEW. I'M DONE WITH THIS
11 WITNESS.

12 HOWEVER, I WILL BE CALLING FORMER INVESTIGATOR TOLBERT TO THE
13 STAND. I INTEND TO CALL THEM BOTH AS WITNESSES AND CONCLUDE
14 MY EXAMINATION AND CONCLUDE THE CROSS EXAM AND GET INTO
15 THE VIDEO AFTER THE WITNESSES

16 THE COURT: ALL RIGHT, SIR. CROSS EXAMINATION.

17 MR. HEMLEPP: THANK YOU, YOUR HONOR. IT PLEASE THE
18 COURT.

19 **CROSS EXAMINATION BY MR. HEMLEPP:**

20 Q CHIEF DEPUTY LEWIS, I UNDERSTAND THAT YOU ARE GOING TO
21 USE DIFFERENT TECHNIQUES WHEN YOU ARE INTERROGATING
22 PEOPLE. SOMETIMES YOU'RE GOING TO BE NICE. SOMETIMES YOU'RE
23 GOING TO BE ROUGHER. SOMETIMES YOU MIGHT BE A LITTLE HARSH,
24 OR EVEN BE A LITTLE ANGRY. I THINK EVERYBODY HAS HEARD OF
25 GOOD COP/BAD COP. IS THAT RIGHT?

KEITH LEWIS-CROSS EXAMINATION BY MR. HEMLEPP

- 1 A THAT'S CORRECT.
- 2 Q SO, THAT MAKES SENSE.
- 3 A YES SIR.
- 4 Q BUT YOU JUST MADE A COMMENT WHEN THE SOLICITOR WAS
- 5 TALKING TO YOU. YOU SAID, YES, WE DECIDED TO CHARGE HIM WITH
- 6 MURDER. YOU DECIDED TO CHARGE HIM WITH MURDER BEFORE YOU
- 7 EVER TALKED TO HIM. ISN'T THAT RIGHT?
- 8 A YES, BASED ON THE EVIDENCE THAT WE HAD FROM THE CRIME
- 9 SCENE AND THE STATEMENTS THAT WE HAD FROM THE WITNESSES,
- 10 YES SIR.
- 11 Q SO, HE WAS CHARGED WITH MURDER BEFORE ANYBODY
- 12 TALKED TO HIM?
- 13 A THAT'S CORRECT. THERE'S ALSO BEEN TIMES THAT AFTER WE
- 14 GOT INVOLVED IN A CASE WE WOULD GO TO THE SOLICITOR'S OFFICE
- 15 AND ASK THE SOLICITOR TO REVIEW THAT CASE BEFORE WE PURSUE
- 16 THE CHARGE, AS EVIDENCE WAS BROUGHT TO US AND MAYBE
- 17 CHANGED FROM WHAT WE ORIGINALLY THOUGHT.
- 18 Q I UNDERSTAND THAT, AND I'M NOT SAYING-- BUT AT THE TIME
- 19 THAT HE GAVE THIS STATEMENT AND HE TOLD YOU A STORY THAT
- 20 INVOLVED THE VICTIM BEING THE AGGRESSOR, HE HAD ALREADY
- 21 BEEN SERVED WITH A WARRANT, THE WARRANT HAD ALREADY BEEN
- 22 OBTAINED, HE HAD ALREADY GONE TO THE DETENTION CENTER, HE
- 23 WAS DRESSED IN DETENTION CENTER CLOTHES, HE HAD COME TO THE
- 24 SHERIFF'S DEPARTMENT IN SHACKLES. IS THAT NOT CORRECT?

KEITH LEWIS-CROSS EXAMINATION BY MR. HEMLEPP

1 A I'M NOT SURE IF HE HAD BEEN CHARGED WITH A MURDER
2 WARRANT AT THAT TIME. WE HAD AN ASSAULT AND BATTERY
3 WARRANT THAT---

4 Q THEN WHY WAS HE IN THE DETENTION CENTER?

5 A WELL, WE HAD AN ASSAULT AND BATTERY WITH INTENT TO
6 KILL WARRANT ON HIM EARLIER BECAUSE OF THE OTHER VICTIM,
7 JAMIE ROBERTSON. AND WHEN THIS FIRST HAPPENED, BEFORE
8 MICHAEL PASSED AWAY, HE WAS CHARGED WITH AN ASSAULT AND
9 BATTERY WITH INTENT TO KILL.

10 I'M NOT SURE EXACTLY WHEN THE ACTUAL MURDER WARRANT
11 WAS SERVED ON MR. GOINS. I FEEL COMFORTABLE SAYING HE WAS
12 ARRESTED ON THE ABWIK WARRANT.

13 Q HE WAS ARRESTED BASED UPON THE INCIDENT THAT HAPPENED
14 AT MICHAEL ROBERTSON'S HOUSE?

15 A THAT IS CORRECT.

16 Q AND WHETHER YOU HAD PHYSICALLY OBTAINED A MURDER
17 WARRANT-- AT THE TIME THERE WERE TWO ABWIK WARRANTS?

18 A THAT'S CORRECT.

19 Q SO, IF HE HAD BEEN SERVED WITH ONE, IS IT LIKELY HE'D BEEN
20 SERVED WITH THE OTHER?

21 A YES. IF MR. MICHAEL ROBERTSON, HE WOULD HAVE BEEN
22 SERVED WITH BOTH OF THEM, THE ASSAULT AND BATTERY
23 WARRANTS.

24 Q OKAY. YOU TESTIFIED UNDER OATH WHEN THE SOLICITOR WAS
25 TALKING TO YOU THAT YOU KNEW THAT HE WAS WANTED.

KEITH LEWIS-CROSS EXAMINATION BY MR. HEMLEPP

- 1 A YES.
- 2 Q THAT HE HAD TURNED HIMSELF IN?
- 3 A YES.
- 4 Q HE HAD TURNED HIMSELF IN TO THE SHERIFF'S DEPARTMENT,
5 AND AT THE TIME WENT TO THE DETENTION CENTER, WAS BOOKED
6 AND PROCESSED?
- 7 A YES.
- 8 Q SO, HE WAS ARRESTED BEFORE ANYONE TALKED TO HIM. IS
9 THAT NOT CORRECT?
- 10 A THAT IS CORRECT. BUT I'M SAYING THAT I DON'T KNOW THAT
11 HE WAS ARRESTED ON THE MURDER WARRANT. I JUST DON'T KNOW.
- 12 Q OKAY.
- 13 A THAT'S WHAT I'M SAYING. HE WAS---
- 14 Q BUT HE WAS ARRESTED---
- 15 A YES.
- 16 Q ---FOR A CRIME?
- 17 A HE WAS. WHEN I INTERVIEWED HIM AND TALKED TO HIM,
18 MICHAEL ROBERTSON HAD PASSED AWAY AND I KNEW THAT THAT
19 CHARGE WOULD BE UPGRADED TO A MURDER CHARGE IF THE
20 EVIDENCE SUSTAINED THE CHARGE.
- 21 Q DID YOU EVER OBTAIN A MURDER WARRANT?
- 22 A ME, PERSONALLY, HAVE I---
- 23 Q NO, NO, NO, I'M SORRY. IN THIS CASE.
- 24 A I DON'T THINK I OBTAINED THIS WARRANT.
- 25 Q THAT WASN'T PART OF YOUR DUTIES IN THIS CASE?

MARY ANN TOLBERT - DIRECT EXAMINATION BY MR. BARFIELD

1 A NO.

2 MR. HEMLEPP: I HAVE NOTHING FURTHER.

3 THE COURT: ANYTHING FURTHER?

4 MR. BARFIELD: NOTHING ELSE FROM CHIEF DEPUTY LEWIS. I
5 WOULD ASK THAT HE BE ALLOWED TO LEAVE THE COURTHOUSE IF HE
6 NEEDS TO, BUT STILL SUBJECT TO BEING CALLED LATER ON, IF NEED
7 BE.

8 THE COURT: ALL RIGHT.

9 MR. BARFIELD: WE CALL MARY ANN TOLBERT.

10 MARY ANN TOLBERT, HAVING BEEN
11 REMINDED OF PREVIOUSLY BEING PLACED UNDER OATH, TESTIFIED AS
12 FOLLOWS:

13 DIRECT EXAMINATION BY MR. BARFIELD:

14 Q I WANT TO GO BACK A LITTLE BIT BEFORE WE GET INTO YOUR
15 INTERACTION WITH MR. GOINS. I'M GOING TO SHOW YOU A SERIES OF
16 PHOTOGRAPHS WHICH ARE MARKED FOR IDENTIFICATION PURPOSES
17 AS STATE'S EXHIBITS SIX, SEVEN, EIGHT, NINE, TEN, ELEVEN AND
18 TWELVE.

19 IF YOU WILL, TAKE A MINUTE TO LOOK AT THEM AND THEN I'LL
20 AS YOU SOME QUESTIONS.

21 (PAUSE TO REVIEW EXHIBITS)

22 ARE THOSE THE PHOTOGRAPHS THAT YOU TESTIFIED YOU TOOK
23 WHEN YOU TESTIFIED EARLIER TODAY?

24 A YES, THEY ARE.

1 Q DO THEY ACCURATELY DEPICT WHAT IS SHOWN IN THEM, THE
2 HOUSE, THE CAR, AND SOME OTHER STUFF?

3 A YES SIR.

4 MR. BARFIELD: YOUR HONOR, AT THIS TIME, I OFFER THE
5 PHOTOGRAPHS AS STATE'S EXHIBITS SIX, SEVEN, EIGHT, NINE, TEN,
6 ELEVEN AND TWELVE. I SHOWED THEM TO MR. HEMLEPP AFTER WE
7 LOCATED THEM DURING THE BREAK AND I DON'T THINK HE'S GOT ANY
8 PROBLEM WITH THEM.

9 MR. HEMLEPP: NO OBJECTION, YOUR HONOR.

10 THE COURT: ADMITTED WITHOUT OBJECTION.

11 (WHEREUPON STATE'S EXHIBITS SIX, SEVEN, EIGHT, NINE, TEN, ELEVEN
12 AND TWELVE WERE ADMITTED INTO EVIDENCE WITHOUT OBJECTION

13 MR. BARFIELD: I WANT TO BRIEFLY GO THROUGH THEM WITH
14 THE WITNESS, AND PERMISSION TO PUBLISH THEM TO THE JURY AFTER
15 SHE DESCRIBES EACH ONE.

16 THE COURT: YES SIR.

17 Q STATE'S NUMBER SIX IS WHAT?

18 A A PICTURE OF THE RESIDENCE WHERE THE INCIDENT TOOK
19 PLACE.

20 Q IS THAT MICHAEL ROBERTSON'S DOOR?

21 A YES SIR.

22 Q HIS HOUSE?

23 A YES, HIS FRONT DOOR.

24 Q STATE'S NUMBER SEVEN, WHAT'S THAT? THAT'S KIND OF A
25 DARK PICTURE, BUT WHAT IS IT?

1 A STANDING MIDWAY IN FRONT, ON THE CONCRETE SIDEWALK
2 LOOKING BACK TOWARDS MICHAEL'S HOUSE, YOU CAN SEE THE
3 ROADWAY.

4 Q AND YOU CAN SEE WHAT APPEARS TO BE THE FRONT END OF A
5 CAR. IS THAT THE BURGUNDY CHEVY?

6 A YES SIR, THAT'S THE BURGUNDY CHEVY.

7 Q STATE'S NUMBER EIGHT, WHAT'S THAT A PICTURE OF? WELL,
8 LET ME ASK YOU THIS: DO ALL THESE PICTURES OF THE CAR SHOW
9 WHAT THE CAR LOOKED LIKE WHEN YOU FIRST SAW IT WHEN YOU
10 GOT THERE TO THE SCENE?

11 A YES SIR.

12 Q WHAT'S NUMBER EIGHT?

13 A NUMBER EIGHT IS A PICTURE OF THE DRIVER'S SIDE OF THE
14 BURGUNDY CHEVY CAPRICE. THE FRONT WINDSHIELD IS BUSTED. SO
15 IS THE DRIVER'S SIDE WINDOW BUSTED, AND ALSO THE BACK GLASS.

16 Q WHAT'S NUMBER NINE, SAME CAR?

17 A SAME CAR WITH THE FRONT WINDSHIELD BUSTED.

18 Q WHAT'S NUMBER TEN, SAME CAR?

19 A SAME CAR, BUT FROM THE REARVIEW WITH THE BACK WINDOW
20 BUSTED OUT, SHOWING THE VEHICLE TAG.

21 Q AND IS THIS THE CAR THAT YOU ATTRIBUTED TO DAVID GOINS
22 AND HIS GIRLFRIEND?

23 A YES SIR.

24 Q STATE'S NUMBER ELEVEN, WHAT'S THAT A PICTURE OF?

1 A THIS IS A PICTURE FROM, LIKE, THE REAR PASSENGER'S SIDE,
2 DEPICTING THE BACK WINDOW GLASS BUSTED OUT, PLUS ALL THREE
3 WINDOWS ON THE SIDE PASSENGER SIDE BUSTED OUT.

4 Q NOW, AS FAR AS YOU KNOW, DID ANYBODY MOVE THE CAR?

5 A I DON'T BELIEVE SO.

6 Q WELL, AS FAR AS YOU KNOW FROM THE INVESTIGATION, IS THIS
7 WHERE THE CAR WAS WHEN THE INCIDENT OCCURRED?

8 A THAT'S WHAT WE DETERMINED.

9 Q AS FAR AS YOU KNOW, AFTER LAW ENFORCEMENT GOT THERE
10 BUT BEFORE YOU TOOK THESE PICTURES, DID ANYBODY MOVE THE
11 CAR?

12 A NO SIR.

13 Q NOW, STATE'S NUMBER TWELVE, WHAT'S THAT A PICTURE OF?
14 IS THAT A PICTURE OF THE INTERIOR OF THE SAME CAR?

15 A THIS IS A PICTURE OF THE INTERIOR, YOU KNOW, PASSENGER
16 SIDE, FLOOR BOARD.

17 Q FRONT?

18 A THE FRONT FLOOR BOARD WHICH IS THE BLACK BAG THAT
19 CONTAINED THE BOX THAT THE .22 BULLETS WERE IN. AND IT ALSO
20 DEPICTS A SMALL PART OF WHERE THE RADIO WAS.

21 Q LOOKS LIKE SOME WIRES RIGHT THERE IN THE MIDDLE. IS THAT
22 WHAT THAT IS?

23 A YES SIR.

24 Q DOES IT ALSO SHOW WHAT APPEARS TO BE GLASS ALL IN THE
25 INSIDE OF THE CAR?

1 A YES SIR, AND ALSO THE BACK.

2 Q IS THIS PHOTOGRAPH-- WAS THE STUFF SHOWN IN THIS
3 PHOTOGRAPH, IS THAT EXACTLY WHERE IT WAS AND HOW IT WAS
4 WHEN YOU FIRST SAW IT?

5 A YES SIR.

6 Q TO YOUR KNOWLEDGE, DID ANYBODY FROM LAW
7 ENFORCEMENT MANIPULATE WHAT'S SHOWN IN THIS PICTURE BEFORE
8 YOU TOOK THIS PICTURE?

9 A NO SIR.

10 Q NOW, IS THIS PICTURE SHOWING STATE'S NUMBER TWO, THE
11 BLACK BAG?

12 A YES SIR.

13 Q AND IS IT SHOWING STATE'S NUMBER THREE, THE REMINGTON
14 AMMO BOX?

15 A YES SIR.

16 Q AND IS STATE'S NUMBER FOUR, THE BAG OF BULLETS, WHAT
17 WAS INSIDE THAT AMMO BOX?

18 A YES SIR.

19 Q ON JULY 5, OF 2005, DID DAVID GOINS GET TAKEN INTO
20 CUSTODY?

21 A YES SIR.

22 Q DID YOU KNOW THAT HE WAS IN CUSTODY? DID YOU LEARN
23 THAT HE WAS IN CUSTODY?

24 A YES SIR.

1 Q DID HE CALL YOU OR SOMEBODY CALL YOU AND SAY I'M
2 COMING IN, OR DID HE JUST SHOW UP?

3 A NO. ACTUALLY, THE CHIEF DEPUTY CALLED ME AND LET ME
4 KNOW THAT HE WAS TURNING HIMSELF IN AND ASKED ME TO MEET
5 THEM AT THE SHERIFF'S OFFICE AND HELP WITH THE INTERVIEW.

6 Q DID YOU GO IN AND CONDUCT AN INTERVIEW?

7 A I DID. AT THE TIME THAT I GOT THERE I DIDN'T RECALL EARLIER
8 TODAY THAT HE WAS ALREADY IN CUSTODY. I KNEW THAT HE HAD
9 COME AND TURNED HIMSELF IN TO THE SHERIFF'S OFFICE. WHICH HE
10 SAID HE WAS ALREADY, HAD BEEN READ HIS RIGHTS BEFORE I GOT TO
11 THE OFFICE.

12 Q I'M GOING TO SHOW YOU WHAT I SHOWED CHIEF DEPUTY LEWIS
13 A FEW MOMENTS AGO WHICH HAS BEEN MARKED AS A COURT EXHIBIT
14 UP TO THIS POINT, A THREE-PAGE DOCUMENT.

15 FIRST OF ALL, ARE YOU FAMILIAR WITH THE FIRST PAGE OF
16 THAT DOCUMENT?

17 A YES SIR. THIS IS THE SHERIFF'S DEPARTMENT WAIVER OF
18 RIGHTS FORM.

19 Q OTHER THAN SEEING IT AFTER IT WAS ALREADY COMPLETED,
20 DID YOU HAVE ANYTHING TO DO WITH THE AUTHORIZING OF THAT
21 FIRST PAGE?

22 A NO SIR.

23 Q DID YOU BECOME AWARE DURING THE TIME THAT YOU WERE
24 WITH MR. GOINS THAT CHIEF DEPUTY LEWIS HAD ASKED HIM OR
25 ALLOWED HIM TO WRITE DOWN A HANDWRITTEN STATEMENT?

1 A YES SIR.

2 Q WHAT ARE THE SECOND TWO PAGES OF THAT DOCUMENT?

3 A THE SECOND TWO PAGES ARE THE WRITTEN STATEMENT THAT
4 DAVID GOINS MADE. IT STARTED WITH CHIEF DEPUTY LEWIS.

5 Q DID HE FINISH IT UP WITH YOU?

6 A I WAS THERE.

7 Q DID DAVID GOINS SIGN HIS NAME ON THE SECOND PAGE OF
8 THAT STATEMENT, ADOPTING IT AS HIS STATEMENT?

9 A HE DID, AND I ALSO WITNESSED IT.

10 Q NOW, THERE'S SOME---

11 A THERE'S GRAFFITI ON---

12 Q WHAT'S THAT GRAFFITI ALL ABOUT?

13 A IT'S KIND OF LIKE A FAMILY TREE THAT KIND OF SHOWS WHO AS
14 WHO, AND HOW THIS PERSON WAS RELATED TO THIS PERSON AND SO
15 ON.

16 Q WAS THAT ALL CONCERNING PEOPLE WHOSE NAMES HAD COME
17 UP AS BEING WITNESSES OR BOYFRIENDS OR GIRLFRIENDS OR
18 SOMETHING?

19 A YES SIR. AND HE WAS TELLING US WHO WAS THE GIRLFRIEND
20 OF THIS ONE OR THAT ONE.

21 Q NOW, THE HANDWRITING, THE NARRATIVE PORTION OF THE
22 STATEMENT, IS THAT IN DAVID GOINS' HAND?

23 A YES SIR.

24 MR. BARFIELD: YOUR HONOR, AT THIS TIME I WOULD OFFER THE
25 STATEMENT AS STATE'S NUMBER NINETEEN.

MARY ANN TOLBERT - DIRECT EXAMINATION BY MR. BARFIELD

1 MR. HEMLEPP: NO OBJECTION, YOUR HONOR.

2 THE COURT: ADMITTED WITHOUT OBJECTION.

3 (WHEREUPON STATE'S EXHIBIT NINETEEN, PREVIOUSLY MARKED AS
4 COURT'S EXHIBIT ONE, WAS ADMITTED INTO EVIDENCE WITHOUT
5 OBJECTION)

6 Q MS. TOLBERT, I WAS ASKING CHIEF DEPUTY LEWIS EARLIER
7 ABOUT THE INTERVIEW PROCESS. AND I WANT TO ASK YOU, AT ANY
8 TIME--- WELL, FIRST OF ALL, PRETTY MUCH, WERE ALL OF YOUR
9 DEALINGS WITH DAVID GOINS ON VIDEOTAPE AS FAR AS YOU KNOW?

10 A YES SIR.

11 Q YOU HAVEN'T SAT DOWN AND WATCHED THE TWO HOURS AND
12 FORTY-FIVE MINUTES WORTH, HAVE YOU?

13 A NO SIR.

14 Q TO YOUR RECOLLECTION, DID DAVID GOINS AT ANY TIME
15 INVOKE ANY OF HIS CONSTITUTIONAL RIGHTS, MIRANDA RIGHTS
16 WHILE YOU WERE INTERVIEWING HIM?

17 A NO SIR.

18 Q DID HE EVER SAY, I DON'T WANT TO TALK ANYMORE, I WANT A
19 LAWYER, I WANT TO GO HOME? DID HE STOP THE INTERVIEW AT ANY
20 TIME?

21 A NO SIR.

22 Q WAS THERE ANY YELLING AND SCREAMING BETWEEN THE TWO
23 OF Y'ALL OR BANGING ON THE TABLE?

24 A NO SIR, IT WAS VERY CALM.

1 Q WHILE HE WAS WITH YOU, DID HE EVER GET OUT OF SORTS,
2 PHYSICALLY, MENTALLY, OR EMOTIONALLY, SO THAT YOU FELT LIKE
3 THERE WAS A PROBLEM WITH THE PROCESS CONTINUING?

4 A NO SIR.

5 Q WAS HE KEPT AS REASONABLY COMFORTABLE AS YOU CAN BE
6 WHEN YOU'RE IN JAIL LIKE THAT?

7 A YES SIR.

8 Q DO YOU KNOW IF HE HAD A SMOKE BREAK?

9 A YES SIR.

10 Q DID HE HAVE SOMETHING TO DRINK?

11 A I'M SURE HE HAD A DRINK, WE ALL HAD ONE, SOFT DRINK.

12 Q THANK YOU, MA'AM.

13 MR. BARFIELD: THAT'S ALL I HAVE OF THIS WITNESS AT THIS
14 TIME, SUBJECT TO RECALL IF I NEED TO.

15 MR. HEMLEPP: MAY IT PLEASE THE COURT.

16 THE COURT: YES SIR.

17 **CROSS EXAMINATION BY MR. HEMLEPP:**

18 Q MS. TOLBERT, YOU WERE THE LEAD INVESTIGATOR IN THIS
19 CASE?

20 A YES SIR.

21 Q SO, YOUR PORTION OF THE INTERVIEW WENT FAIRLY EXTENSIVE
22 INTO THE FACTS OF THIS CASE?

23 A YES SIR.

1 Q AND YOU KNEW THAT MR. GOINS HAD TURNED HIMSELF IN
2 VOLUNTARILY TO THE SHERIFF'S DEPARTMENT WHEN HE FOUND OUT
3 THAT HE WANTED, AND THAT'S HOW THIS INTERVIEWED OCCURRED?

4 A AFTER SEVERAL DAYS.

5 Q YES, BUT HE TURNED HIMSELF IN?

6 A YES SIR.

7 Q WAS HE COOPERATIVE?

8 A YES SIR.

9 Q WAS HE AT ALL COMBATIVE WITH YOU?

10 A NO SIR.

11 Q DID HE APPEAR HESITANT TO TALK TO YOU?

12 A NO SIR.

13 Q DID HE APPEAR EAGER TO TALK TO YOU?

14 A UH, I---

15 Q TO TELL YOU SIDE?

16 A TO A CERTAIN EXTENT.

17 Q WITH REGARDS TO INTERVIEWING HIM ABOUT THIS INCIDENT,
18 WAS-- HOW LONG HAD YOU BEEN WITH THE SHERIFF'S DEPARTMENT?

19 A IN 2005, I HAD BEEN THERE FOR SEVEN YEARS.

20 Q SO, WOULD YOU SAY THAT A KNOWLEDGE OF THE COMMUNITY
21 WAS IMPORTANT IN UNDERSTANDING THE FACTS OF THIS CASE?

22 A YES SIR.

23 Q AND IN FACT, DID YOU AND MR. GOINS TALK ABOUT HOW
24 PEOPLE WERE RELATED?

25 A YES SIR.

MARY ANN TOLBERT - CROSS EXAMINATION BY MR. HEMLEPP

1 Q AND THAT'S PART OF THAT LITTLE DRAWING?

2 A YES SIR.

3 Q WHO WAS DATING WHO, WHO KNOWS WHO, AND THAT KIND OF
4 STUFF?

5 A RIGHT.

6 Q AND WAS HE COOPERATIVE WITH YOU ON THAT?

7 A YES SIR.

8 Q THANK YOU.

9 MR. HEMLEPP: NOTHING FURTHER.

10 MR. BARFIELD: NOTHING ELSE FROM MS. TOLBERT AT THIS
11 TIME. AGAIN, WE WOULD ASK THAT SHE BE ALLOWED TO LEAVE THE
12 COURTHOUSE AND IF I NEED HER I KNOW HOW TO GET IN TOUCH WITH
13 HER. AND CERTAINLY WE WILL MAKE HER AVAILABLE TO MR.
14 HEMLEPP IF HE HAS SOME FURTHER NEED FOR HER.

15 THE COURT: ALL WITNESSES ARE EXCUSED SUBJECT TO BEING
16 RECALLED.

17 MR. BARFIELD: THANK YOU. YOUR HONOR, AT THIS TIME IT IS
18 MY INTENTION TO PUBLISH SOME PORTIONS OF THE VIDEOTAPE. IT IS
19 NOT MY INTENTION TO WATCH TWO AND THREE-QUARTERS HOURS
20 BEFORE WE LEAVE HERE TODAY. BUT I AM READY IF THE COURT WILL
21 ALLOW.

22 THE COURT: YES SIR.

23 MR. BARFIELD: AND WITH THE COURT'S PERMISSION I'M GOING
24 TO PULL ME A CHAIR OVER THERE SO I CAN WORK THE REMOTE
25 CONTROL.

1 THE COURT: YES SIR.

2 (WHEREUPON SOLICITOR BARFIELD PROCEEDED TO SET UP STATE'S
3 EXHIBIT NUMBER SEVENTEEN, VIDEOTAPE FOR VIEWING AND SAID
4 VIDEOTAPE WAS PLAYED FOR AND VIEWED BY THE JURY)

5 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE'VE
6 BEEN WATCHING THIS FOR A WHILE AND WE'LL TAKE A RECESS AT
7 THIS TIME.

8 (WHEREUPON THE JURY EXITED THE COURTROOM AND THE COURT
9 WAS IN RECESS AT 5:35 P.M.)

10 COURT IN SESSION - 5:46 P.M.

11 THE COURT: ANYTHING BEFORE WE BRING THE JURY BACK IN?

12 MR. BARFIELD: NO, YOUR HONOR.

13 MR. HEMLEPP: NO SIR, THANK YOU.

14 THE COURT: BRING IN THE JURY.

15 (WHEREUPON THE JURY ENTERED THE COURTROOM)

16 THE COURT: SOLICITOR, YOU MAY RESUME PLAYING THE
17 VIDEO.

18 (WHEREUPON STATE'S EXHIBIT NUMBER SEVENTEEN, VIDEOTAPE,
19 RESUMED PLAYING FOR THE JURY)

20 MR. BARFIELD: YOUR HONOR, AT THIS TIME, I NEED TO CHANGE
21 VIDEOTAPES.

22 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN OF THE JURY,
23 AT THIS TIME I WILL ASK YOU TO STEP OUT WHILE WE TAKE CARE OF
24 THIS AND WE'LL GET YOU BACK IN HERE SHORTLY.

25 (WHEREUPON THE JURY EXITED THE COURTROOM AT 6:35 P.M.)

1 COURT IN SESSION - 6:41 P.M.

2 THE COURT: BRING IN THE JURY.

3 (WHEREUPON THE JURY ENTERED THE COURTROOM AND THE PLAYING
4 OF STATE'S EXHIBIT NUMBER EIGHTEEN, VIDEOTAPE, COMMENCED,
5 ENDING AT 6:55 P.M.)

6 THE COURT: LADIES AND GENTLEMEN OF THE JURY, THAT'S IT
7 FOR TODAY. I'LL ASK THAT YOU BE HERE AT 9:30 IN THE MORNING. DO
8 NOT DISCUSS THE CASE. HAVE A GOOD EVENING)

9 (WHEREUPON THE JURY EXITED THE COURTROOM AS 6:55 P.M.)

10 THE COURT: MR. HEMLEPP, I UNDERSTAND THAT THERE IS SOME
11 PARTS OF THE VIDEOS THE DEFENDANT MIGHT WANT TO PUBLISH. IS
12 THAT SOMETHING YOU ARE SEEKING TO DO AT THIS TIME OR AS PART
13 OF YOUR CASE?

14 MR. HEMLEPP: AS PART OF OUR CASE, YOUR HONOR.

15 THE COURT: SO, THEREFORE, SO THAT IT WILL NOT CREATE AN
16 UNREASONABLE DELAY FOR TOMORROW I EXPECT THAT YOU WILL
17 NEED TO HAVE ACCESS TO THIS OR A COPY OF IT. DO YOU HAVE A
18 COPY OF IT?

19 MR. HEMLEPP: I DO NOT.

20 THE COURT: I WILL GIVE YOU AN OPPORTUNITY TO PUBLISH
21 WHATEVER YOU WANT TO, THE PARTS OF THE TAPE. HOW WILL WE
22 DO THAT?

23 MR. BARFIELD: IT'S IN EVIDENCE. THERE IS NO EXPERT COPY OF
24 IT, BUT WE'LL DO WHATEVER WE NEED TO, TO MAKE SURE MR.
25 HEMLEPP KNOWS WHAT HE WANTS TO PLUG IN AND PLAY. HE

1 SUGGESTED PRIVATELY TO ME THAT I PUT ON THE RECORD FROM
2 WHERE TO WHERE I PLAYED ON THIS TAPE, AND I'VE GOT A SUMMARY
3 OF THAT IF HE WANTS THAT.

4 MR. HEMLEPP: YOUR HONOR, MY REASONING BEING THAT THE
5 RECORD WOULD REFLECT WHAT PORTIONS OF THE TAPE WERE
6 PUBLISHED BY THE SOLICITOR SO THAT WHEN I PUBLISH MY
7 PORTIONS, I CAN DO THAT AS WELL AND COVER THAT.

8 THE COURT: DO YOU HAVE A RECOMMENDATION THAT YOU
9 CAN PUT ON THE RECORD AT THIS TIME?

10 MR. BARFIELD: YES SIR.

11 THE COURT: ALL RIGHT, SIR. DO THAT AT THIS TIME.

12 MR. BARFIELD: YOUR HONOR, TAPE NUMBER ONE, I STARTED
13 THE TAPE-- AND THE TIMES I'M REFERRING TO ARE THE TIMES THAT
14 APPEAR ON THE SCREEN. I STARTED THE TAPE AT 10:15. I PLAYED IT
15 UNTIL 10:46. I STARTED IT AGAIN AT 11:29 AND I PLAYED IT UNTIL THE
16 END OF THAT TAPE WHICH IS APPROXIMATELY 12:14. AND THEN I
17 PLUGGED IN TAPE NUMBER TWO AND I STARTED IT AT 12:34, AND I
18 PLAYED IT UNTIL APPROXIMATELY UNTIL 12:45. THAT'S IT.

19 MR. HEMLEPP: YOUR HONOR, THAT'S VERY CLOSE TO THE
20 NUMBERS I HAVE WRITTEN DOWN AS WELL.

21 THE COURT: ALL RIGHT. AND HOW MANY ADDITIONAL TAPES
22 WOULD-- DO YOU HAVE A DEFENSE?

23 MR. BARFIELD: I DO NOT ANTICIPATE ANY ADDITIONAL
24 EVIDENCE OR TESTIMONY, BUT IT'S LATE IN THE DAY AND I NEED TO

1 LOOK BACK AT MY NOTES AND MAKE SURE I'VE NOT LEFT ANYTHING
2 OUT. I ANTICIPATE FIRST THING IN THE MORNING RESTING.

3 THE COURT: ALL RIGHT. AND WILL YOU BE READY TO GO
4 FORWARD AT THAT TIME WITH WHATEVER YOU HAVE?

5 MR. HEMLEPP: YES, YOUR HONOR. OF COURSE, WHEN THE
6 SOLICITOR RESTS, I WILL ASK FOR SOME TIME WITH MY CLIENT, BUT
7 I'LL BE READY TO GO FORWARD.

8 THE COURT: NOW, JUST FOR PURPOSES OF ASSISTING THE
9 COURT IN PREPARING THE JURY CHARGES, AND I HAVEN'T HEARD
10 AND DON'T HAVE A CLUE AS TO WHAT TYPE OF CHARGES THAT YOU
11 MIGHT REQUEST IN ADDITION TO SELF-DEFENSE.

12 MR. HEMLEPP: YOUR HONOR, CERTAINLY I WOULD LIKE TO
13 READ THE COURT'S SELF-DEFENSE CHARGE THAT THE COURT PLANS
14 ON USING, PROBABLY---

15 THE COURT: YOU WILL NOT BE ABLE TO READ MY CHARGE.

16 MR. HEMLEPP: YES SIR. WELL, OF COURSE, NOT HAVING TO LET
17 SOMEBODY GET THE DROP ON YOU, THE ELEMENTS OF SELF-DEFENSE
18 IS SELF-DEFENSE IS A COMPLETE DEFENSE.

19 IN ADDITION, YOUR HONOR, I'D LIKE TO, AND I DON'T KNOW IF
20 THE SOLICITOR IS GOING TO SEEK IT, BUT THE CASE OF STATE VERSUS
21 BELCHER FROM LAST OCTOBER, I THINK IS VERY APPLICABLE IN THIS
22 CASE.

23 THE COURT: WHAT'S THAT ABOUT:

1 MR. HEMLEPP: THAT IS THE CASE THAT HELD THAT WHEN SELF-
2 DEFENSE IS ALLEGED IN THE CASE THAT IT CAN'T IMPLY MALICE WITH
3 THE USE OF A DEADLY WEAPON.

4 MR. BARFIELD: I AGREE THAT'S THE LAW. IF THE CLAIM IS
5 MADE-- IF A DEFENSE IS OFFERED UP OF SELF-DEFENSE, THEN THE
6 BELCHER CASE SAYS THE COURT SHOULD NOT CHARGE THE
7 INFERENCE OF MALICE FROM THE USE OF A DEADLY WEAPON. THE
8 COURT ALSO SAID, THOUGH, THAT I CAN ARGUE MALICE FROM THE
9 USE OF A DEADLY WEAPON.

10 THE COURT: ALL RIGHT.

11 MR. BARFIELD: I AGREE THAT'S WHAT THE RECENT CASE SAID.

12 MR. HEMLEPP: AND THE SOLICITOR IS RIGHT; IT GOES TO THE
13 JURY CHARGE.

14 THE COURT: ALL RIGHT. THAT'S HELPFUL.

15 MR. HEMLEPP: TO BE HONEST, YOUR HONOR, I HAVEN'T GONE
16 BEYOND THAT IN LOOKING IN MY NOTES AS FAR AS A CHARGE
17 CONFERENCE. I MAY HAVE AN ADDITIONAL ONE IN THE MORNING,
18 BUT IT'S PROBABLY JUST YOUR STANDARD CHARGE.

19 THE COURT: FOR EXAMPLE, I USE THE CHARGE OF MURDER,
20 GUILTY OR NOT GUILTY OF MURDER, MURDER, MANSLAUGHTER,
21 ACCIDENT, INVOLUNTARY. JUST IF YOU KNOW AT THIS POINT?

22 MR. HEMLEPP: YOUR HONOR, I DON'T KNOW AT THIS POINT.

23 THE COURT: ALL RIGHT.

24 MR. HEMLEPP: AND THERE'S A REASON WHY I DON'T KNOW. I
25 JUST HAVEN'T DECIDED ON THAT.

1 THE COURT: ALL RIGHT. I'LL PREPARE AN ALTERNATIVE JUST
2 TO COVER ALL THAT.

3 MR. HEMLEPP: YES SIR.

4 THE COURT: ANYTHING ELSE?

5 MR. HEMLEPP: NO SIR.

6 THE COURT: 9:30, IT IS. I'LL SEE EVERYONE TOMORROW
7 MORNING.

8 (WHEREUPON COURT WAS ADJOURNED AT 7:05 P.M.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	:	
COUNTY OF FAIRFIELD	)	SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA	)	
	:	
PLAINTIFF,	)	
	:	
VERSUS	:	TRANSCRIPT OF RECORD
	)	2005-GS-20-347
DAVID ALLEN GOINS,	:	2005-GS-20-348
	)	
DEFENDANT.	:	VOLUME IV
	)	

JANUARY 7, 2010
WINNSBORO, SOUTH CAROLINA

B E F O R E:

THE HONORABLE CLIFFORD NEWMAN, JUDGE, AND A JURY

A P P E A R A N C E S:

FOR THE STATE:
DOUGLAS BARFIELD, ESQ., SOLICITOR
RILEY MAXWELL, ESQ., ASSISTANT SOLICITOR

FOR THE DEFENSE:
MICHAEL HEMLEPP, ESQ.

PHYLLIS S. BARRETT
CIRCUIT COURT REPORTER

1 THURSDAY, JANUARY 7, 2010 - COURT IN SESSION 9:40 A.M.

2 THE COURT: SOLICITOR.

3 MR. BARFIELD: YOUR HONOR, I INTEND TO REST WHEN THE JURY
4 COMES BACK IN. I DON'T KNOW IF THIS THE TIME THAT YOU WILL
5 TALK TO MR. GOINS ABOUT HIS RIGHTS OR NOT. BUT I INTEND TO
6 REST.

7 THE COURT: ALL RIGHT. MR. HEMLEPP, DO YOU HAVE ANY
8 MOTIONS OR MATTERS OF LAW YOU WANT TO RAISE WITH THE
9 COURT?

10 MR. HEMLEPP: I DO, YOUR HONOR. I WOULD FIRST MOVE FOR A
11 DIRECTED VERDICT ON ALL CHARGES FOR THE STATE FAILING TO
12 MEET ITS BURDEN BEYOND A REASONABLE DOUBT ON THE ELEMENTS
13 OF MURDER AND ASSAULT AND BATTERY WITH INTENT TO KILL.

14 THE COURT: ANY RESPONSE, SOLICITOR?

15 MR. BARFIELD: YOUR HONOR, I THINK THERE IS SUFFICIENT
16 EVIDENCE FOR THE CASE TO GO TO THE JURY AT THIS POINT VIEWED
17 IN THE LIGHT MOST FAVORABLE TO THE STATE. CERTAINLY, THERE IS
18 EVIDENCE FROM THE TAPES, FROM THE DEFENDANT'S OWN WORDS
19 THAT HE ALLEGES HE DID THIS IN SELF-DEFENSE. BUT THERE IS
20 OTHER EVIDENCE THAT SAYS THAT NOBODY ELSE WAS ARMED AND IT
21 WAS NOT SELF-DEFENSE. AND I THINK IT IS, THERE IS CERTAINLY
22 SUFFICIENT EVIDENCE FOR IT TO GO TO THE JURY.

23 THE COURT: I AGREE WITH THE SOLICITOR, AND I DENY YOUR
24 MOTION.

1 MR. HEMLEPP: THANK YOU, YOUR HONOR. I WOULD ALSO, ON
2 THE CHARGE OF ASSAULT AND BATTERY WITH INTENT TO KILL, I
3 WOULD ALSO MOVE BEFORE THE COURT FOR A DIRECTED VERDICT
4 AGAINST ASSAULT AND BATTERY WITH INTENT TO KILL FOR THE
5 LESSER, INCLUDED OFFENSE OF ASSAULT AND BATTERY OF A HIGH
6 AND AGGRAVATED NATURE FOR LACK OF MALICE.

7 THE COURT: SOLICITOR.

8 MR. BARFIELD: MY RESPONSE TO THAT IS THE SAME MALICE
9 THAT SUPPORTS THE CHARGE OF MURDER IS GOING TO THE JURY AS
10 TO THE VICTIM, MICHAEL ROBERTSON, SUPPORTS THE CHARGE OF
11 ASSAULT AND BATTERY WITH INTENT TO KILL GOING TO THE JURY AS
12 IT RELATES TO THE VICTIM, JAMIE ROBERTSON.

13 THE PROOF AT THIS POINT IN THE STATE'S CASE IF BELIEVED BY
14 THE JURY IS THAT THE DEFENDANT HAD A PISTOL AND THAT HE FIRED
15 HIS PISTOL AT BOTH BY HIS OWN WORDS ON THE VIDEOTAPES. AND I
16 DON'T SEE HOW MALICE IS PRESENT AT GUN SHOTS POINTED AT ONE
17 VICTIM AND IS NOT PRESENT AT GUN SHOTS POINTED AT ANOTHER.

18 THE COURT: MR. HEMLEPP.

19 MR. HEMLEPP: YOUR HONOR, THE STATE HAS A WITNESS, THAT'S
20 RENARDO WOOD, WHO TESTIFIED THAT HE BELIEVED THAT WHAT THE
21 DEFENDANT MEANT WHEN HE SAID I'M GOING TO SHOOT THAT, AND
22 HE USED AN EXPLETIVE REGARDING A RACIAL EPITHET, HE BELIEVED
23 THAT WHAT THAT MEANT THAT HE WAS GOING TO SHOOT MICHAEL
24 ROBERTSON.

25 I CONCEDE THAT THAT IS EVIDENCE OF ACTUAL MALICE THAT

1 THE STATE HAS PRESENTED. HOWEVER, THERE IS NO EVIDENCE
2 OF ACTUAL MALICE WITH REGARD TO JAMIE ROBERTSON OTHER
3 THAN THE INFERENCE OF THE USE OF A DEADLY WEAPON. AND I
4 WOULD ARGUE, THOUGH, IN THE STATE VERSUS BELCHER, THE SELF-
5 DEFENSE CASE, THAT WOULD NOT APPLY.

6 THE COURT: HOW ABOUT THE PORTION OF THE LAW THAT SAYS
7 MALICE MAY BE INFERRED FROM THE CONDUCT SHOWING A TOTAL
8 DISREGARD FOR HUMAN LIFE? WAS THAT DONE AWAY WITH IN
9 BELCHER, AS WELL?

10 MR. HEMLEPP: IT WAS NOT, YOUR HONOR.

11 THE COURT: ALL RIGHT. THERE IS INFERENCE TO DRAWN FROM
12 SHOOTING SOMEONE THAT YOU HAD MALICE TOWARDS THEM. AND I
13 DENY THE MOTION.

14 MR. HEMLEPP: THANK YOU, YOUR HONOR.

15 MR. BARFIELD: NOTHING FROM THE STATE.

16 MR. HEMLEPP: NOTHING FURTHER, YOUR HONOR.

17 THE COURT: WHO WILL BE THE DEFENSE'S FIRST WITNESS?

18 MR. HEMLEPP: CHRIS KAUFFIN.

19 THE COURT: CHRIS KAUFFIN. WHILE THE JURY IS OUT, I WILL
20 ADDRESS YOUR CLIENT CONCERNING HIS RIGHT TO TESTIFY OR NOT
21 TESTIFY AT THIS TIME. OR LATER? OR AT ALL?

22 MR. HEMLEPP: YOUR HONOR, MY INTENTION, FOR SCHEDULING
23 PURPOSES, AND OF COURSE, SUBJECT TO CHANGE, AND SUBJECT TO
24 TALKING TO MY CLIENT, IS TO CALL WITNESSES AND PUBLISH A
25 PORTION OF THE TAPE. AND THEN IF MY CLIENT CHOOSES, FOR HIM TO

1 TESTIFY AT THAT TIME AS OUR LAST WITNESS. I'LL LEAVE IT TO THE
2 COURT'S DISCRETION AS TO WHETHER OR NOT TO DO IT NOW OR
3 LATER.

4 THE COURT: I'LL DO IT NOW. MR. GOINS, IF YOU WILL STAND AT
5 THIS TIME AND BE SWORN. RAISE YOUR RIGHT HAND AND THE CLERK
6 WILL SWEAR YOU.

7 (WHEREUPON THE DEFENDANT, DAVID ALLEN GOINS, WAS
8 PLACED UNDER OATH)

9 THE COURT: MR. GOINS, THE SOLICITOR HAS SAID HE IS GOING
10 TO REST, AND THAT WILL BE IT FOR THE STATE'S CASE. AND IT IS TIME
11 FOR YOU TO PRESENT YOUR DEFENSE, OR ANY DEFENSE YOU MIGHT
12 WISH TO PRESENT IN THIS CASE.

13 AT THIS TIME, I AM GOING TO EXPLAIN TO YOU CERTAIN OF
14 YOUR RIGHTS. IF YOU DO NOT UNDERSTAND ANYTHING THAT I SAY,
15 LET ME KNOW AND I'LL BE HAPPY TO EXPLAIN IT IN MORE DETAIL OR
16 ANSWER ANY QUESTIONS YOU MIGHT HAVE CONCERNING THIS. DO
17 YOU UNDERSTAND?

18 MR. GOINS: YES, YOUR HONOR.

19 THE COURT: WE HAVE NOW REACHED THE STAGE OF THE TRIAL
20 WHERE AS I HAVE INDICATED THAT IT IS TIME FOR YOU, WHERE YOU
21 MAY PRESENT YOUR DEFENSE.

22 YOU HAVE THE RIGHT TO CLAIM THE PROTECTION GIVEN TO
23 YOU BY THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE
24 UNITED STATES. THIS AMENDMENT STATES IN PART THAT NO PERSON
25 SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS

1 AGAINST HIMSELF. AND THIS MEANS THAT YOU CANNOT BE
2 REQUIRED TO TESTIFY IN THIS CASE. YOU DO, HOWEVER HAVE A
3 RIGHT TO TESTIFY ON YOUR OWN BEHALF IF YOU WOULD LIKE TO.
4 HOWEVER NO ONE CAN MAKE YOU TESTIFY. THIS IS A PERSONAL
5 RIGHT AND NO ONE CAN WAIVE THIS RIGHT EXCEPT FOR YOU.

6 IF YOU DECIDE TO TESTIFY, YOU WILL BE SUBJECT TO THE SAME
7 RULES THAT GOVERN ANY OTHER WITNESS AND YOU MAY BE
8 EXAMINED AND CROSS EXAMINED ON ANY RELEVANT ISSUE IN THIS
9 CASE.

10 IN ADDITION, IF YOU HAVE ANY CONVICTIONS INVOLVING
11 DISHONESTY OR FALSE STATEMENTS OR FOR CRIMES PUNISHABLE BY
12 IMPRISONMENT FOR MORE THAN ONE YEAR, AND I DETERMINE THAT
13 THE PROBATIVE VALUE OF ADMITTING THIS EVIDENCE OUTWEIGHS
14 ITS PREJUDICIAL EFFECT TO YOU, THE SOLICITOR THEN WILL BE ABLE
15 TO INTRODUCE YOUR RECORD TO ATTACK YOUR CREDIBILITY.

16 NOW, IF YOU DECIDE TO TESTIFY, THIS DECISION ON YOUR PART
17 WILL BE FREELY, VOLUNTARILY AND INTELLIGENTLY MADE BY YOU,
18 WITH KNOWLEDGE OF THE PROTECTIONS GIVEN TO YOU BY THE FIFTH
19 AMENDMENT OF THE CONSTITUTION, AS I'VE JUST EXPLAINED, AND
20 THE CONSEQUENCES OF YOUR DECISION TO TESTIFY.

21 NOW, IF YOU DECIDE NOT TO TESTIFY, I WILL INSTRUCT THE
22 JURORS THAT THEY CANNOT GIVE THE FACT THAT YOU DID NOT
23 TESTIFY ANY CONSIDERATION WHATSOEVER, AND THAT THERE IS TO
24 BE NO, ABSOLUTELY NO PREJUDICE TO YOU BECAUSE YOU DID NOT
25 TESTIFY.

1 IT'S LEFT ENTIRELY UP TO YOU WHETHER OR NOT YOU TESTIFY.
2 DO YOU UNDERSTAND?

3 MR. GOINS: YES SIR, YOUR HONOR.

4 THE COURT: YOU MAY TALK WITH YOUR LAWYER A LITTLE
5 MORE ABOUT IT. MR. HEMLEPP HAS INDICATED THAT YOU ALL HAVE
6 OTHER WITNESSES TO PRESENT AND THEN YOU'LL MAKE A DECISION
7 LATER ON. YOU MAY TALK TO YOUR LAWYER, YOUR FAMILY, YOUR
8 FRIENDS OR ANYONE ELSE YOU WOULD LIKE TO TALK TO ABOUT IT.
9 BUT THE FINAL DECISION WILL BE MADE ENTIRELY UP TO YOU.

10 DO YOU UNDERSTAND EVERYTHING I'VE EXPLAINED?

11 MR. GOINS: YES SIR, YOUR HONOR.

12 THE COURT: DO YOU HAVE ANY QUESTIONS ABOUT IT?

13 MR. GOINS: NO SIR, YOUR HONOR.

14 THE COURT: DO YOU WANT TO TALK TO YOUR LAWYER ANY
15 MORE ABOUT THAT ISSUE, THAT QUESTION ABOUT WHETHER OR NOT
16 YOU SHOULD TESTIFY?

17 MR. GOINS: YES SIR, YOUR HONOR.

18 THE COURT: YOU'VE ALREADY TALKED TO HIM SOME ABOUT IT?

19 MR. GOINS: YES SIR, YOUR HONOR.

20 THE COURT: WE'LL GIVE YOU THAT OPPORTUNITY AS THE TRIAL
21 PROGRESSES. AND MR. HEMLEPP, WE WILL REVISIT THAT ISSUE AT A
22 LATER TIME IN THE TRIAL.

23 MR. HEMLEPP: THAT'S PERFECT. THANK YOU, YOUR HONOR.

24 THE COURT: VERY GOOD. ARE WE READY FOR THE JURY?

25 MR. BARFIELD: THE STATE'S READY.

CHRISTOPHER KAUFFIN-DIRECT EXAMINATION BY MR. HEMLEPP

1 THE COURT: BRING THEM ON.

2 (WHEREUPON THE JURY ENTERED THE COURTROOM)

3 GOOD MORNING, LADIES AND GENTLEMEN OF THE JURY. WE
4 ARE STILL IN TRIAL WITH THE STATE'S CASE. SOLICITOR.

5 MR. BARFIELD: YOUR HONOR, THAT'S THE CASE FOR THE STATE
6 OF SOUTH CAROLINA.

7 THE COURT: LADIES AND GENTLEMEN, THE STATE HAS RESTED.
8 AND NOW, IT IS THE DEFENSE'S TIME. WE'LL TURN TO MR. HEMLEPP,
9 YOUR FIRST WITNESS.

10 MR. HEMLEPP: THANK YOU, YOUR HONOR. THE DEFENSE CALLS
11 MR. CHRISTOPHER KAUFFIN TO THE STAND.

12 CHRISTOPHER KAUFFIN, DULY SWORN,
13 TESTIFIED AS FOLLOWS:

14 CLERK OF COURT: PLEASE STATE YOUR NAME.

15 A CHRISTOPHER KAUFFIN.

16 DIRECT EXAMINATION BY MR. HEMLEPP:

17 Q MR. KAUFFIN, COULD YOU SPELL YOUR LAST NAME FOR THE
18 COURT REPORTER?

19 A K-A-U-F-F-I-N.

20 Q HOW OLD ARE YOU?

21 A I'M 25.

22 Q WHERE DO YOU LIVE?

23 A IN COLUMBIA.

24 Q HAVE YOU EVER TESTIFIED IN A COURTROOM BEFORE IN FRONT
25 OF A JURY?

- 1 A NO SIR.
- 2 Q IF YOU COULD SPEAK UP LOUDLY AND CLEARLY SO THEY CAN
3 UNDERSTAND YOU. CAN YOU DO THAT FOR ME?
- 4 A YES SIR.
- 5 Q YOU LIVE IN COLUMBIA. ARE YOU EMPLOYED RIGHT NOW?
- 6 A YES SIR.
- 7 Q WHERE DO YOU WORK?
- 8 A I'D RATHER NOT SAY.
- 9 Q BUT YOU DO WORK?
- 10 A YES SIR.
- 11 Q YOU WORK IN COLUMBIA?
- 12 A YES SIR.
- 13 Q HAVE YOU HAD THAT JOB FOR A WHILE?
- 14 A YES SIR.
- 15 Q WE'RE GOING TO GET BACK TO THAT. ARE YOU MARRIED,
16 SINGLE OR DIVORCED?
- 17 A SINGLE.
- 18 Q YOU'RE SINGLE. AND DO YOU LIVE BY YOURSELF IN COLUMBIA?
- 19 A NO SIR.
- 20 Q DO YOU LIVE WITH YOUR FAMILY?
- 21 A NO SIR.
- 22 Q DO YOU HAVE A GIRLFRIEND?
- 23 A NO SIR.
- 24 Q HAVE YOU EVER LIVED IN WINNSBORO?
- 25 A YES SIR.

- 1 Q WHEN DID YOU LIVE IN WINNSBORO?
- 2 A THE LAST TIME I WAS HERE I WAS PROBABLY ABOUT
- 3 SEVENTEEN.
- 4 Q AND DO YOUR PARENTS LIVE IN WINNSBORO? DO EITHER OF
- 5 YOUR PARENTS LIVE IN WINNSBORO?
- 6 A MY MAMA STAYS HERE.
- 7 Q WHAT'S HER NAME?
- 8 A ALEA KAUFFIN.
- 9 Q SAY AGAIN.
- 10 A ALEA KAUFFIN.
- 11 Q DO YOU HAVE ANY BROTHERS AND SISTERS?
- 12 A YES SIR.
- 13 Q HOW MANY BROTHERS?
- 14 A I HAVE THREE BROTHERS AND THREE SISTERS.
- 15 Q ARE YOU RELATED TO THE DEFENDANT, DAVID GOINS?
- 16 A YES SIR, MY BROTHER.
- 17 Q THAT'S YOUR BROTHER. YOU HAVE DIFFERENT LAST NAMES.
- 18 DO YOU HAVE DIFFERENT FATHERS?
- 19 A YES SIR.
- 20 Q BUT THE SAME MOTHER?
- 21 A YES SIR.
- 22 Q ARE YOU AND THE DEFENDANT CLOSE? DO YOU ALL HAVE THE
- 23 OPPORTUNITY TO SEE EACH OTHER FROM TIME TO TIME?
- 24 A YES SIR.
- 25 Q AND DO YOU EVER TALK WITH THE DEFENDANT?

1 A YES SIR.

2 Q IN 2005, IN JUNE OF 2005, WAS THAT A PERIOD OF TIME THAT YOU
3 LIVED IN WINNSBORO?

4 A NO SIR.

5 Q YOU LIVED IN COLUMBIA?

6 A YES SIR.

7 Q DID YOU HAVE THE OPPORTUNITY DURING THAT TIME TO COME
8 AND VISIT WITH YOUR BROTHER FROM TIME TO TIME AND SEE HIM?

9 A YES SIR.

10 Q DO YOU REMEMBER SEEING HIM ON JUNE 30, OF 2005, HERE IN
11 FAIRFIELD COUNTY?

12 A YEAH, I THINK SO.

13 Q IF YOU DON'T MIND, TELL THE JURY A LITTLE BIT ABOUT THAT
14 DAY AND HOW YOU GOT TO SEE YOUR BROTHER AND WHAT YOU ALL
15 DID THAT DAY. GIVE US A FEEL FOR WHAT WAS GOING ON.

16 A ALL RIGHT. ON THE DAY I WENT, CALLED UP TO MY BROTHER'S
17 HOUSE AND WE WENT TO PICK UP SOME BEER. WE WERE SUPPOSED TO
18 BE PARTYING WITH THE ROBERTSONS AT THEIR HOUSE, AT THEIR
19 APARTMENT.

20 WE STAYED OVER THERE AND WE HUNG FOR A WHILE AND
21 THAT'S WHEN THE SHOOTING OCCURRED.

22 Q YOU WERE THERE FOR THE SHOOTING?

23 A YES SIR.

24 Q WHO ELSE WAS THERE AT THE TIME THAT THIS SHOOTING
25 OCCURRED?

CHRISTOPHER KAUFFIN-DIRECT EXAMINATION BY MR. HEMLEPP

- 1 A I THINK IT WAS NARDO, JAMIE, AND MICHAEL AND ME AND
2 DAVID.
- 3 Q HOW LONG HAD Y'ALL BEEN THERE?
4 A MAYBE TWO OR THREE HOURS.
- 5 Q ON THAT DAY DID YOU HAVE A GUN?
6 A NO SIR.
- 7 Q DID DAVID HAVE A GUN?
8 A NO SIR.
- 9 Q WERE YOU DRIVING IN THE SAME CAR?
10 A NO SIR.
- 11 Q YOU WERE IN DIFFERENT CARS?
12 A YES SIR.
- 13 Q WHAT KIND OF CAR WERE YOU IN?
14 A I HAD A '97, S-10 TRUCK.
- 15 Q WHY WERE YOU IN SEPARATE CARS?
16 A BECAUSE I STAY IN COLUMBIA AND THERE WAS ANOTHER
17 PARTY I WAS GOING TO BACK HOME IN COLUMBIA.
- 18 Q WHAT WAS THE PARTY ABOUT?
19 A WE WAS JUST HANGING OUT. WE WAS JUST HANGING OUT
20 DRINKING. WE WAS WAITING ON SOME OF THEM TO COME UP AND
21 HANG OUT WITH SO WE COULD PLAY WITH THE PLAY STATION.
- 22 Q WAS THERE A PLAY STATION AT THE HOUSE?
23 A NO, WE HAD THE PLAY STATION AT DAVID'S HOUSE.
- 24 Q WAS EVERYBODY FRIENDS?
25 A YES SIR.

1 Q WHAT KIND OF CAR DID DAVID HAVE?

2 A DAVID HAVE A CAPRICE.

3 Q WHAT COLOR WAS IT?

4 A I THINK IT WAS RED, EITHER RED OR BURGUNDY.

5 Q NOW, YOU MADE A REFERENCE A MOMENT AGO TO A SHOOTING
6 THAT OCCURRED.

7 A UH-HUH.

8 Q WAS THERE AN ARGUMENT BETWEEN ANYBODY AT THE TIME,
9 WHEN Y'ALL WERE OUT THERE DRINKING BEER?

10 A IT WAS A ARGUMENT. IT WAS AN EXCHANGE OF WORDS. BUT I
11 WASN'T CLOSE ENOUGH TO REALLY HEAR WHAT THE EXCHANGE OF
12 WORDS WERE. I KNOW MICHAEL SAID Y'ALL GET THE FUCK OUT OF
13 MY YARD. AND THAT'S WHEN I GOT MY BEER AND I WAS PUTTING IT
14 BACK IN MY TRUCK, GETTING READY TO LEAVE.

15 Q BUT DO YOU KNOW WHY HE SAID THAT?

16 A I DON'T.

17 Q WHEN THAT HAPPENED, WHAT DID DAVID DO?

18 A WHENEVER HE SAID, Y'ALL GET THE FUCK OUT OF MY YARD, I'M
19 NOT SURE WHAT EXACTLY DAVID WAS DOING. BUT THEY WAS MORE
20 OFF. THEY WERE MAYBE IN THE FRONT OF THE HOUSE TOGETHER,
21 AND MICHAEL, AND I WAS A LITTLE CLOSER TO MY TRUCK-- WHEN
22 THAT HAPPENED I WAS GATHERING MY STUFF UP.

23 MR. HEMLEPP: YOUR HONOR, MAY I APPROACH THE WITNESS?

24 THE COURT: YES SIR.

- 1 Q LET'S SAY YOU ARE STANDING IN THE FRONT DOOR OF THE
2 HOUSE LOOKING AT THE FRONT YARD. OKAY?
- 3 A OKAY.
- 4 Q YOU GOT THAT?
- 5 A YES SIR.
- 6 Q IS THERE A PORCH IN FRONT OF YOU?
- 7 A YES SIR.
- 8 Q AND THE STREET'S THAT WAY. OKAY?
- 9 A OKAY.
- 10 Q POINT TO YOUR CAR.
- 11 A MY CAR WAS THAT WAY.
- 12 Q WOULD THAT BE BEHIND THE HOUSE?
- 13 A NO.
- 14 Q WHAT STREET IS THAT?
- 15 A [REDACTED]
- 16 Q OKAY. HERE'S THE FRONT DOOR, HERE'S THE PORCH. THERE'S
17 THE STREET OUT THERE.
- 18 A MY CAR WAS OVER THERE.
- 19 Q OKAY. YOUR CAR WAS OVER THERE. WAS THERE A DRIVEWAY?
- 20 A I DON'T REMEMBER. I DON'T THINK THERE WAS A DRIVEWAY.
- 21 Q WOULD YOU POINT TOWARD DAVID GOINS' CAR?
- 22 A DAVID GOINS' CAR, HIS CAR WAS IN FRONT OF THE HOUSE, IN
23 FRONT OF THE HOUSE.
- 24 Q SO, IF YOU'RE AT THE FRONT DOOR, POINT TO THAT CAR.
- 25 A (WITNESS INDICATES WITH INDEX FINGER)

1 Q RIGHT THERE. SO, WHEN THIS EXCHANGE OF WORDS YOU
2 HEARD, WHERE WERE YOU STANDING? POINT TO WHERE YOU WERE
3 STANDING.

4 A OVER THERE.

5 Q TOWARDS YOUR TRUCK. AND WHERE WAS THE DEFENDANT
6 STANDING?

7 A OVER THIS WAY.

8 Q OVER TOWARDS THE RIGHT?

9 A YEAH.

10 Q AND WHERE WAS MICHAEL ROBERTSON?

11 A HE WAS OVER HERE.

12 Q AND WHERE WAS JAMIE ROBERTSON?

13 A THEY WERE OVER HERE WITH ME. JAMIE AND RENARDO WERE
14 OVER HERE WITH ME.

15 Q NOW, CHRISTOPHER, PICKING IT UP FROM THERE, IN YOUR OWN
16 WORDS, TO THE BEST OF YOUR RECOLLECTION, WOULD YOU PLEASE
17 TELL THE JURY, STEP BY STEP, WHAT HAPPENED IN MICHAEL
18 ROBERTSON'S YARD THAT NIGHT?

19 A I HEARD HIM SAY GET THE FUCK OUT OF MY YARD.

20 Q HOLD ON JUST A MINUTE. I DON'T THINK THE MIC IS WORKING.

21 (PAUSE FOR TECHNICAL DIFFICULTIES)

22 Q PLEASE RESTATE WHAT YOU SAID.

23 A AFTER HE SAY GET THE FUCK OUT OF MY YARD, HE SAID
24 SOMETHING TO THE EFFECT, I'M GONNA SHOW THIS NIGGER, OR
25 SOMETHING ALONG LIKE THAT.

1 SO, HE PULLED THE GUN OUT AND WAVED IT, AND POINTED IT
2 AT MY BROTHER. AND HE TOLD JAMIE AND RENARDO TO GO GET, TO
3 GET THE OTHER GUN, BECAUSE WE GONNA SHOW THIS NIGGER, OR
4 SOMETHING LIKE THAT.

5 SO, JAMIE AND RENARDO RAN IN THE HOUSE AND THAT'S WHEN
6 THE STUFF WOULD HAPPEN WITH MICHAEL AND MY BROTHER. THEY
7 RASSLED (SIC) THEY WAS RASSLIN' (SIC) ON THE GROUND AND THE
8 GUN WAS-- I DON'T KNOW WHEN THE GUN WENT OFF. BUT WHEN HE
9 GOT UP, I KNOW MY BROTHER HAD THE GUN, AND I THINK HE
10 SHOOTING AT JAMIE FIRST. AND MICHAEL HAD HIS LEG AND HE SHOT
11 AT MICHAEL AS WELL.

12 Q THEN WHAT HAPPENED?

13 A THEN HE RAN.

14 Q WHAT DID YOU DO?

15 A I HAD GOT IN MY TRUCK AND I BACKED UP. I BACKED UP. HE
16 RAN PAST ME. AND MICHAEL,-- JAMIE AND RENARDO TOOK THE
17 RIFLES AND THE SHOTGUNS THAT THEY HAD AND THEY BUSTED HIS
18 WINDOWS OUT OF THE CAR.

19 Q THEY BUSTED IT WITH THE RIFLE?

20 A YES, THE HANDLE OF THE GUNS.

21 Q YOU SAW THAT HAPPEN?

22 A YES SIR.

23 Q I HAND YOU FOUR PHOTOGRAPHS THAT HAVE BEEN MARKED
24 STATE'S EXHIBITS EIGHT THROUGH ELEVEN, EIGHT, NINE, TEN AND

1 ELEVEN. CAN YOU IDENTIFY WHAT'S IN THOSE PHOTOGRAPHS? AND
2 PLEASE SPEAK UP.

3 A THIS ONE IS MY BROTHER'S CAR WITH THE WINDOWS BUSTED
4 OUT.

5 Q YOU SAW THAT HAPPEN?

6 A YES SIR.

7 Q AT THAT POINT WERE YOU SCARED?

8 A YES SIR.

9 Q WHY?

10 A BECAUSE I KNOW HOW THEY IS AND---

11 MR. BARFIELD: OBJECTION, YOUR HONOR. I ASK THAT BE
12 STRUCK, I KNOW HOW THEY IS. I DON'T KNOW WHAT THAT MEANS,
13 WHO HE'S TALKING ABOUT. I DON'T THINK IT'S RELEVANT.

14 THE COURT: OBJECTION SUSTAINED.

15 Q YOU WERE THERE AT THE TIME?

16 A YES SIR.

17 Q BECAUSE OF THAT, DID YOU WANT TO STAY AROUND, OR DID
18 YOU LEAVE?

19 A I LEFT.

20 Q AT THE TIME THAT YOU LEFT WERE JAMIE AND RENARDO STILL
21 BEATING ON THE CAR?

22 A YES SIR.

23 Q SO, YOU DIDN'T SEE THEM FINISH BEATING ON THE CAR?

24 A NO.

25 Q WHERE WAS MICHAEL AT THAT TIME?

- 1 A I THINK MICHAEL WAS STILL IN THE YARD.
- 2 Q AT ANY TIME DURING THIS EVENT, DID DAVID GOINS HAVE A
- 3 PISTOL PRIOR TO GETTING THE PISTOL FROM MICHAEL?
- 4 A NO SIR.
- 5 Q AT ANY TIME DURING THIS EVENT, DID YOU HAVE A PISTOL?
- 6 A NO SIR.
- 7 Q HAD YOU BEEN WITH DAVID EARLIER THAT EVENING?
- 8 A YEAH, WE WERE TOGETHER EARLIER.
- 9 Q AT ANY TIME PRIOR TO MICHAEL ROBERTSON HAVING A PISTOL
- 10 AND DAVID GETTING IT FROM HIM, AT ANY TIME PRIOR TO THAT DID
- 11 YOU SEE DAVID GOINS WITH A GUN?
- 12 A NO SIR.
- 13 Q DID YOU SEE DAVID GOINS WITH ANY BULLETS OR CARTRIDGES
- 14 OR WEAPONS?
- 15 A NO SIR.
- 16 Q WHEN Y'ALL WENT TO MICHAEL ROBERTSON'S HOUSE, WERE
- 17 Y'ALL IN A GOOD MOOD?
- 18 A YEAH.
- 19
- 20 Q WERE Y'ALL CELEBRATING?
- 21 A YEAH.
- 22 Q WHAT WAS DAVID'S STATE OF MIND? WAS HE IN A GOOD MOOD?
- 23 A YEAH.
- 24 Q WAS HE AGITATED?
- 25 A NO.

- 1 Q DO YOU KNOW HIS GIRLFRIEND?
- 2 A YES SIR.
- 3 Q HAD YOU SEEN HER THAT DAY?
- 4 A YES SIR.
- 5 Q WAS SHE AGITATED?
- 6 A HUH-UH.
- 7 Q WAS THIS ANYTHING MORE THAN Y'ALL JUST JOINING INTO
- 8 SOME KIND OF A PARTY?
- 9 A NO.
- 10 Q DURING THE TUSSLING WITH MICHAEL ROBERTSON, DID DAVID
- 11 EVER APPEAR TO TRY TO GET AWAY?
- 12 A YES.
- 13 Q HE TRIED TO RUN AWAY?
- 14 A UH-HUH.
- 15 Q GET OUT OF THE YARD?
- 16 A UH-HUH.
- 17 THE COURT: SIR, YOU MUST ANSWER. YOU'RE JUST MUMBLING.
- 18 A YES SIR.
- 19 THE COURT: USE WORDS.
- 20 A YES SIR.
- 21 Q WHY DIDN'T HE RUN AWAY?
- 22 A MICHAEL ROBERTSON HAD HIS LEGS.
- 23 Q WHAT DO YOU MEAN BY THAT? EXPLAIN THAT TO THE JURY.
- 24 A HE HAD, HE WAS HOLDING ON TO HIS LEGS, ONTO DAVID'S LEGS
- 25 SO HE COULDN'T GET AWAY.

- 1 Q WHILE HE WAS HOLDING ONTO HIS LEGS, WHERE WAS JAMIE?
- 2 A JAMIE WAS COMING OUT OF THE HOUSE POINTING A SHOTGUN
- 3 OR A RIFLE AT DAVID.
- 4 Q JAMIE HAD A GUN AS WELL?
- 5 A UH-HUH.
- 6 Q YOU NEED TO ANSWER YES OR NO.
- 7 A YES SIR.
- 8 Q WHEN THIS OCCURRED-- YOU TESTIFIED EARLIER THAT YOU
- 9 DIDN'T, YOU DIDN'T HEAR HOW THIS ALL BEGAN. YOU DIDN'T HEAR
- 10 THE WORDS, THE CONVERSATION, HOW THE ARGUMENT BEGAN
- 11 BETWEEN MICHAEL AND DAVID. IS THAT CORRECT?
- 12 A YES SIR.
- 13 Q BUT THAT YOU HEARD MICHAEL SAY---
- 14 A GET THE FUCK OUT OF MY YARD.
- 15 Q GET OUT OF MY YARD.
- 16 A YES SIR.
- 17 Q WHEN HE SAID THAT, YOU KNOW, THIS IS A BUNCH OF GUYS
- 18 AND THEY'RE ALL PARTYING AND THEY'RE ALL IN THE YARD AND
- 19 THEY'RE ALL DRINKING BEER. WAS HE JOKING?
- 20 A I DON'T...
- 21 Q MICHAEL ROBERTSON, WAS HE JOKING?
- 22 A I SERIOUSLY DON'T THINK HE WAS JOKING.
- 23 Q WHY NOT?
- 24 A HE WASN'T SMILING.
- 25 Q DID HE APPEAR ANGRY?

- 1 A YEAH.
- 2 Q DID HE APPEAR UPSET?
- 3 A YEAH.
- 4 Q DID HE APPEAR EMOTIONAL?
- 5 A NO, IT WASN'T EMOTIONAL.
- 6 Q WAS HIS VOICE BREAKING?
- 7 A YES SIR.
- 8 Q AT DAVID?
- 9 A YES SIR.
- 10 Q OR AT EVERYBODY?
- 11 A AT EVERYBODY. IT WAS PRETTY LOUD.
- 12 Q WHAT HAPPENED AFTER THAT? AFTER YOU HEARD THE
- 13 SHOOTING, AFTER YOU HAD GONE OVER THERE TO PARTY, GONE OVER
- 14 THERE TO CELEBRATE, YOU HAD OBSERVED MICHAEL AND DAVID GET
- 15 INTO AN ARGUMENT?
- 16 A UH-HUH.
- 17 Q MICHAEL SAID GET OUT. HE'S MAD, PULLS OUT A GUN, THERE'S
- 18 A SHOT---
- 19 MR. BARFIELD: YOUR HONOR, THERE'S NOT A QUESTION IN THIS.
- 20 MR. HEMLEPP: THERE IS A QUESTION IN THIS.
- 21 THE COURT: OBJECTION SUSTAINED.
- 22 MR. BARFIELD: HE'S TESTIFYING.
- 23 Q AFTER ALL OF THAT, WHERE DID YOU GO?

- 1 A FIRST I RODE OVER TO DAVID AND TISHA'S HOUSE AND TOLD
2 TISHA TO LEAVE HER HOUSE, SHE MIGHT NEED TO GO TO HER MOM'S
3 HOUSE AND TOLD HER WHAT HAD HAPPENED.
- 4 Q WAS TISHA AT ALL INVOLVED IN THIS?
- 5 A HUH-UH.
- 6 Q SO, WHY DID YOU GIVE HER THAT ADVICE?
- 7 A I DIDN'T WANT NOTHING TO HAPPEN TO TISHA AND HER FAMILY.
- 8 Q THIS IS A YES OR NO QUESTION. DID YOU BELIEVE THAT DAVID
9 WAS GOING TO HARM HER?
- 10 A NO SIR.
- 11 Q DID SHE LEAVE AND GO TO HER MOM'S HOUSE?
- 12 A SHE WAS LEAVING THEN.
- 13 Q WHAT DID YOU DO THEN?
- 14 A I (INAUDIBLE)
- 15 Q YOUR MIC HAS GONE OUT AGAIN. YOU MIGHT NEED TO FACE
16 THE JURY AND SPEAK A LITTLE LOUDER. SAY THAT AGAIN.
- 17 A I LEFT AND I WENT TO BI-LO, THE ONE RIGHT NEAR THERE. I
18 THINK I TRIED USING MY CELL PHONE. THEN I WENT TO WINNFIELD
19 WEST APARTMENTS. AND I THINK I HID OUT OVER THERE AT
20 WINNFIELD WEST FOR ABOUT A COUPLE OF HOURS. THEN THE POLICE
21 CAME AND THEY CAME TO SEARCH MY TRUCK, LOOKED OVER MY CAR
22 PRETTY GOOD.
- 23 Q NOW, LET ME ASK YOU THAT. YOU HID OUT WHILE THE POLICE
24 SEARCHED YOUR TRUCK?
- 25 A YEAH.

CHRISTOPHER KAUFFIN-DIRECT EXAMINATION BY MR. HEMLEPP

- 1 Q SO, THE POLICE WERE THERE?
- 2 A AT WINNFELD WEST.
- 3 Q THEY WERE AT WINNFELD WEST?
- 4 A SEARCHING MY TRUCK.
- 5 Q IF THE POLICE WERE THERE SEARCHING YOUR TRUCK, WERE
- 6 YOU HIDING FROM THE POLICE?
- 7 A NO, I WASN'T HIDING FROM THE POLICE. I WAS HIDING FROM,
- 8 BECAUSE OF THE SHOOTING.
- 9 Q DID THE POLICE FIND ANYTHING IN YOUR TRUCK?
- 10 A I DON'T KNOW. IF THEY DID, I NEVER DID HEAR ABOUT IT.
- 11 Q WERE YOU EVER QUESTIONED OR ARRESTED FOR ANYTHING
- 12 THAT WAS IN YOUR TRUCK?
- 13 A NO SIR.
- 14 Q DO YOU REMEMBER WHO SEARCHED YOUR CAR?
- 15 A THE OFFICERS THAT SEARCHED MY CAR, I DON'T KNOW THEY
- 16 NAMES.
- 17 Q WERE THEY CITY OR COUNTY?
- 18 A (NO RESPONSE)
- 19 Q WERE THEY DEPUTIES OR WERE THEY CITY POLICE?
- 20 A I THINK THEY WERE SOME OF BOTH.
- 21 Q WHEN YOU AND DAVID WENT TO 650-B, MICHAEL'S HOUSE DID
- 22 YOU HAVE THE INTENTION OF HURTING ANYBODY?
- 23 A NO SIR.
- 24 Q HAD DAVID EXPRESSED AN INTENTION TO HURT ANYBODY?
- 25 A NO SIR.

1 Q WHAT WAS THE REASON FOR GOING TO THAT HOUSE?

2 A TO HANG OUT.

3 Q WHEN THE SHOOTING OCCURRED DID DAVID CAUSE THE
4 ALTERCATION?

5 A NO SIR.

6 Q AT ALL?

7 A NO SIR.

8 Q MR. KAUFFIN, THANK YOU FOR COMING TODAY.

9 MR. HEMLEPP: YOUR HONOR, I HAVE NO FURTHER QUESTIONS
10 OF THIS WITNESS.

11 Q ANSWER ANYTHING THE SOLICITOR MAY HAVE.

12 A YES SIR.

13 THE COURT: LADIES AND GENTLEMEN, I WILL EXCUSE YOU FOR
14 A FEW MINUTES WHILE WE HAVE SOMEONE LOOK AT THE MIC. IT'S
15 BEEN GOING IN AND OUT ALL WEEK.

16 (WHEREUPON THE JURY EXITED THE COURTROOM AT 10:15 A.M.)

17 COURT IN SESSION - 10:35

18 THE COURT: THE JURY IS BACK. CROSS EXAMINATION.

19 MR. BARFIELD: THANK YOU, YOUR HONOR. MAY IT PLEASE THE
20 COURT.

21 THE COURT: YES SIR.

22 CROSS EXAMINATION BY MR. BARFIELD:

23 Q MR. KAUFFIN, YOU ARE THE YOUNGER BROTHER OF DAVID
24 ALLEN GOINS?

25 A YES SIR.

- 1 Q AND Y'ALL ARE PRETTY CLOSE, I BELIEVE YOU SAID A MINUTE
2 AGO?
- 3 A YES SIR.
- 4 Q YOU LOVE EACH OTHER?
- 5 A YES SIR.
- 6 Q MAINTAIN FREQUENT CONTACT WITH EACH OTHER?
- 7 A YES SIR.
- 8 Q HANG OUT?
- 9 A YES SIR.
- 10 Q DRINK BEER TOGETHER?
- 11 A UH-HUH.
- 12 Q PARTY TOGETHER?
- 13 A YES SIR.
- 14 Q TALK ALL THE TIME, TALK ABOUT THINGS?
- 15 A YES SIR.
- 16 Q TALK ABOUT GIRLS?
- 17 A UH-HUH.
- 18 Q YOU GOT TO SAY YES OR NO.
- 19 A YES.
- 20 Q TALK ABOUT JOBS?
- 21 A YEAH.
- 22 Q TALK ABOUT FAMILY MATTERS?
- 23 A YEAH.
- 24 Q AND YOU'RE 27 NOW, I THINK?
- 25 A YES SIR.

1 Q HOW OLD IS HE NOW?

2 A I DON'T KNOW.

3 Q I KNOW IT'S BEEN A WHILE, BUT I WANT TO SHOW YOU SOME
4 PAPERWORK. TAKE A MINUTE AND LOOK OVER THAT, AND WHEN
5 YOU'VE LOOKED OVER IT ENOUGH, TELL ME WHETHER YOU KNOW
6 WHAT IT'S ABOUT. LOOK UP AND I'LL ASK YOU SOME QUESTIONS
7 ABOUT IT.

8 A (PAUSE TO REVIEW DOCUMENTS) OKAY. YOU CAN ASK YOUR
9 QUESTIONS.

10 Q DO YOU KNOW WHAT THAT'S ABOUT?

11 A YES.

12 Q IS THAT AN INCIDENT REPORT FROM THE FAIRFIELD COUNTY
13 SHERIFF'S OFFICE CONCERNING THE TIME THAT THEY SEARCHED
14 YOUR TRUCK?

15 A YES SIR.

16 Q AND WHAT DATE DID THAT OCCUR? LOOK ON THE FIRST PAGE,
17 TOP, LEFT-HAND CORNER. THERE SHOULD BE A DATE UP THERE
18 SOMEWHERE.

19 A 7/2/05.

20 Q WHICH IS TWO DAYS AFTER DAVID GOINS SHOT AND KILLED
21 MICHAEL ROBERTSON, ISN'T IT?

22 A IT IS ACCORDING TO THIS, SIR.

23 Q SO, IT IS NOT TRUE THAT THE POLICE, THE SHERIFF'S OFFICE
24 SEARCHED YOUR TRUCK WHILE YOU HID OUT FOR A COUPLE OF

1 HOURS AT WINNFELD WEST ON THE NIGHT THAT THIS HAPPENED, IS
2 IT?

3 A THEY DID SEARCH MY TRUCK.

4 Q SO, THEY SEARCHED YOUR TRUCK TWICE?

5 A YEAH, ON THE NIGHT THAT THIS OCCURRED THEY SEARCHED
6 MY TRUCK.

7 Q ARE YOU SURE THAT IS NOT WHAT YOU'RE REFERRING TO, THE
8 JULY 2, INCIDENT?

9 A THIS WAS THE NEXT TIME THEY SEARCHED MY TRUCK. I
10 WATCHED THEM SEARCH MY TRUCK WITH A FLASHLIGHT. AND THEY
11 LOOKED ON THE BACK OF MY TRUCK.

12 Q WHILE YOU WERE HIDING OUT IN WINNFELD WEST. IS THAT
13 CORRECT?

14 A YES.

15 Q AND WHILE THE SHERIFF'S OFFICE WAS OUT THERE SEARCHING
16 YOUR TRUCK, WHILE YOU HID OUT AT WINNFELD WEST, TELL ME
17 WHAT CONVERSATION YOU HAD WITH THE DEPUTIES WHO WERE
18 SEARCHING YOUR TRUCK WHO WERE OBVIOUSLY INVESTIGATING
19 WHAT WAS SOON GONNA TURN INTO A HOMICIDE? WHAT DID YOU
20 TELL THE DEPUTIES WHEN YOU WENT OUT THERE AND TOLD THEM
21 ALL ABOUT WHAT YOU KNEW?

22 A I REALLY DON'T UNDERSTAND.

23 Q WHAT DID YOU TELL THE DEPUTIES WHEN YOU WENT OUT
24 THERE THAT NIGHT? DID YOU GO OUT THERE THAT NIGHT WHILE
25 THEY SEARCHED YOUR TRUCK?

1 A YEAH. I CAME STRAIGHT TO THE SHERIFF'S DEPARTMENT AND
2 ASKED IF THEY WERE GONNA SEARCH MY TRUCK.

3 Q NO SIR. MY QUESTION TO YOU IS: DID YOU GO OUT THERE
4 WHILE THE DEPUTIES WERE SEARCHING YOUR TRUCK, OR DID YOU
5 CONTINUE TO HIDE OUT IN WINNFIELD WEST?

6 A NO, I CONTINUED TO HIDE OUT.

7 Q SO, THE FIRST OPPORTUNITY YOU HAD-- NO, WAIT, LET ME
8 BACK UP.

9 WHEN GUNFIRE ERUPTED ON [REDACTED] ON JUNE 30 OF
10 2005, YOU GOT IN YOUR TRUCK AND TOOK OFF. RIGHT?

11 A YES SIR.

12 Q AND HID OUT. RIGHT?

13 A YES SIR.

14 Q YOU DIDN'T CALL LAW ENFORCEMENT TO TELL THEM THEN
15 WHAT HAD HAPPENED OR WHAT YOU SAW, DID YOU?

16 A I DO NOT WORK HERE IN FAIRFIELD COUNTY.

17 Q [REDACTED] I THINK IN YOUR TESTIMONY A MINUTE AGO
18 YOU SAID Y'ALL WERE OVER AT THE ROBERTSON'S, WHICH IS NEAR
19 THE SHERIFF'S OFFICE. IS THAT RIGHT?

20 A YES SIR.

21 Q WHEN YOU GOT IN YOUR TRUCK AND CRANKED IT UP, DID YOU
22 GET IT IN IT AND DRIVE AWAY FROM WHERE HE WAS JUST SHOT,
23 MICHAEL ROBERTSON, ACROSS THE ROAD TO THE SHERIFF'S OFFICE TO
24 TELL THEM WHAT HAPPENED?

25 A NO SIR.

- 1 Q YOU RAN AND HID, DIDN'T YOU?
- 2 A YES SIR.
- 3 Q WHAT DID FLEMING ANDERSON DO WHILE HE WAS OVER ON
- 4 [REDACTED] WHEN DAVID GOINS SHOT AND KILLED MICHAEL
- 5 ROBERTSON?
- 6 A I'M NOT SURE.
- 7 Q HE WASN'T THERE, WAS HE?
- 8 A I'M NOT SURE.
- 9 Q WELL, YOU'RE NOT SURE?
- 10 A NO.
- 11 Q YOU WERE THERE, WEREN'T YOU?
- 12 A YES, I WAS.
- 13 Q HOW TORE UP WERE YOU?
- 14 A I WAS PRETTY UPSET.
- 15 Q LET ME ASK YOU THIS, MR. KAUFFIN: ARE YOU NOT SURE IF
- 16 FLEMING ANDERSON WAS THERE BECAUSE YOU WERE TORE UP? IS
- 17 THAT WHY YOU DON'T KNOW IF HE WAS THERE?
- 18 A I DON'T THINK I KNOW HOW TO ANSWER.
- 19 Q NO SIR. WERE YOU ON [REDACTED] WHEN DAVID GOINS
- 20 SHOT AND KILLED MICHAEL ROBERTSON?
- 21 A YES SIR.
- 22 Q YOU TOLD US A MINUTE AGO DAVID GOINS WAS THERE,
- 23 CHRISTOPHER KAUFFIN WAS THERE, MICHAEL ROBERTSON WAS
- 24 THERE, JAMIE ROBERTSON WAS THERE AND RENARDO WOODS WAS
- 25 THERE. YOU KNOW THOSE FIVE PEOPLE WERE THERE?

- 1 A YES SIR.
- 2 Q BUT YOU CAN'T TELL US WHETHER FLEMING ANDERSON WAS
- 3 THERE?
- 4 A I NEVER SAID FLEMING ANDERSON WAS THERE.
- 5 Q MY QUESTION TO YOU IS THIS: WAS FLEMING ANDERSON THERE
- 6 THAT NIGHT?
- 7 A NO SIR, FLEMING ANDERSON WASN'T THERE.
- 8 Q DO YOU KNOW WHY HE WOULD HAVE SAID HE WAS?
- 9 A NO SIR. I HAVE NO IDEA WHY HE WOULD SAY HE WAS THERE.
- 10 Q WHO IS FLEMING ANDERSON?
- 11 A FLEMING ANDERSON IS MY COUSIN'S-- THAT'S MY COUSIN'S EX-
- 12 BOYFRIEND.
- 13 Q WHICH COUSIN ARE YOU TALKING ABOUT?
- 14 A ANNETTE NELSON.
- 15 Q SO, IF FLEMING ANDERSON SAID HE WAS THERE, HE AIN'T
- 16 TELLING THE TRUTH. IS THAT WHAT YOU'RE TELLING US?
- 17 A NO, I DIDN'T SEE FLEMING ANDERSON THERE.
- 18 Q WHERE DO YOU WORK?
- 19 A IN COLUMBIA.
- 20 Q WHERE DO YOU WORK?
- 21 A I'D RATHER NOT SAY.
- 22 Q WHERE DO YOU WORK?
- 23 A I'D RATHER NOT SAY.
- 24 Q WHY DON'T YOU WANT TO SAY WHERE YOU WORK?
- 25 A FROM FEAR OF RETALIATION.

- 1 Q WHERE DO YOU WORK?
- 2 A I JUST SAID I'D RATHER NOT SAY.
- 3 Q WHAT ELSE WOULD YOU RATHER NOT SAY ABOUT THIS CASE?
- 4 A WHERE I WORK.
- 5 Q WHO DO YOU LIVE WITH?
- 6 A MY GRANDPARENTS.
- 7 Q WHAT'S THEIR NAMES?
- 8 A I'D RATHER NOT SAY.
- 9 Q WHAT ELSE WOULD YOU RATHER NOT SAY ABOUT THIS CASE?
- 10 A ANYTHING REALLY ABOUT MY PERSONAL LIFE, LIKE WHERE I'M
- 11 STAYING, WHERE I WORK. I DON'T WANT TO TALK ABOUT ANY OF
- 12 THAT.
- 13 Q MR. KAUFFIN, YOU ARE THE BROTHER OF THE DEFENDANT IN
- 14 THIS CASE AND YOU ARE A WITNESS IN THIS CASE WHO WAS PRESENT
- 15 WHEN THE CRIMES OCCURRED.
- 16 A YES SIR.
- 17 Q YOU'RE IN THE MIDDLE OF IT AND YOU CAN'T JUST NOT SAY.
- 18 WHAT ELSE ARE YOU NOT TELLING US ABOUT THIS CASE?
- 19 A THE ONLY THING THAT I DON'T WANT TO TALK ABOUT IS WHERE
- 20 I STAY AND WHERE I WORK. I'D RATHER NOT TALK ABOUT THAT.
- 21 Q HAVE YOU BEEN HIDING OUT FOR THE LAST FIVE YEARS?
- 22 A I'D BEEN HIDING.
- 23 Q WE DIDN'T HAVE ANY TROUBLE FINDING YOU, DID WE?
- 24 A YEAH, YOU DID. I CALLED UP HERE ACTUALLY.

CHRISTOPHER KAUFFIN-CROSS EXAMINATION BY MR. BARFIELD

- 1 Q YOU KNEW WE WERE LOOKING FOR YOU AND YOU GOT A
2 SUBPOENA SERVED ON YOU. ISN'T THAT CORRECT?
- 3 A I GOT MY SUBPOENA SERVED ON ME WHEN I CAME UP HERE.
- 4 Q I UNDERSTAND. WE FOUND YOU, DID WE NOT?
- 5 A I CALLED Y'ALL. I CAME UP HERE.
- 6 Q I DON'T WANT TO SPLIT HAIRS WITH YOU, MR. KAUFFIN. BUT
7 YOU DIDN'T JUST CALL BECAUSE ALL OF A SUDDEN YOU THOUGHT
8 MAYBE I NEED TO GET IN TOUCH WITH THEM UP THERE. IT'S YOU
9 KNEW WE WERE LOOKING FOR YOU FOR THIS CASE. RIGHT?
- 10 A YEAH. BUT I CALLED.
- 11 Q ALL RIGHT. YOU TOLD US A LITTLE BIT AGO THAT WHEN
12 MICHAEL ROBERTSON SAID TO YOU AND DAVID GOINS, GET THE F OUT
13 OF MY YARD, YOU WERE OVER TOWARD YOUR TRUCK. RIGHT?
- 14 A YES SIR.
- 15 Q AND YOU TOLD US A MINUTE AGO WHEN MICHAEL ROBERTSON
16 SAID THAT, THAT JAMIE ROBERTSON AND RENARDO WOODS WERE
17 OVER THERE WITH YOU. RIGHT?
- 18 A YES SIR.
- 19 Q AND WHEN MICHAEL ROBERTSON SAID THAT, YOU DETERMINED
20 YOU WERE GONNA LEAVE. RIGHT?
- 21 A YES SIR.
- 22 Q AND WHEN MICHAEL ROBERTSON SAID THAT, DAVID GOINS
23 DIDN'T WALK OVER TOWARD HIS CAR AND GET IN IT AND LEAVE, DID
24 HE?
- 25 A NO SIR.

1 Q SO, IT'S YOUR TESTIMONY THAT WHEN MICHAEL ROBERTSON
2 TOLD JAMIE AND RENARDO TO GO GET HIS GUN, THEY LEFT FROM
3 YOUR TRUCK AND WALKED ALL THE WAY INTO THE HOUSE. IS THAT
4 YOUR TESTIMONY?

5 A NO SIR. THEY WASN'T AT MY TRUCK.

6 Q YOU SAID A MINUTE AGO THEY WERE OVER THERE WITH YOU.
7 WHERE YOU WANT THEM TO BE?

8 A IN THE YARD. THEY WERE CLOSER IN THE YARD TO MY TRUCK
9 THAN MICHAEL AND THEM.

10 Q THEY WERE CLOSER TO YOU THAN THEY WERE TO DAVID GOINS
11 AND MICHAEL ROBERTSON. RIGHT?

12 A YES SIR.

13 Q AND YOUR TESTIMONY IS THEY LEFT FROM BEING CLOSER TO
14 YOU TO GO OVER BACK TOWARD THEM AND INTO THE HOUSE. IS
15 THAT RIGHT?

16 A YES SIR.

17 Q AND YOU CLEARLY SAID YOU HEARD MICHAEL ROBERTSON
18 TELL THEM TO GO GET GUNS OUT OF THE HOUSE AND THEY HEADED
19 FOR THE HOUSE. IS THAT TRUE?

20 A YES SIR.

21 Q AND DAVID GOINS JUST STOOD RIGHT THERE WHILE ALL THAT
22 WAS GOING ON AND DIDN'T MAKE ANY EFFORT TO LEAVE, DID HE?

23 A NO. MICHAEL HAD DAVID BY HIS LEGS.

24 Q AND HOW MUCH HAD YOU HAD TO DRINK THAT NIGHT?

25 A I DON'T REMEMBER.

1 Q WELL, WHAT WERE YOU DRINKING?

2 A I THINK I HAD SOME BEER AND I THINK I HAD SOME VODKA. I
3 HAD A COUPLE OF SHOTS OF VODKA.

4 Q HOW MANY BEERS DID YOU DRINK?

5 A I DON'T KNOW.

6 Q TWELVE?

7 A I DON'T KNOW.

8 Q I'M NOT GOING TO ASK YOU TO GUESS, BUT LET ME JUST START
9 WITH THE NUMBERS? DID YOU HAVE ONE?

10 A YES, I HAD ONE.

11 Q DID YOU HAVE A SIX-PACK?

12 A I HAD, LIKE, SIX. I HAD A CASE OF BUD LIGHT AND I HAD A CASE
13 OF BUDWEISER. HOW MANY I DRUNK I DON'T REMEMBER HOW MANY I
14 ACTUALLY DRUNK. I HAD A LOT.

15 Q A LOT OF BEER?

16 A YES.

17 Q HOW MUCH HAD DAVID GOINS DRUNK THAT NIGHT?

18 A I DON'T KNOW.

19 Q DID YOU SEE HIM DRINKING?

20 A YES.

21 Q FROM SEEING HIM DRINKING, WOULD YOU SAY HE HAD A LOT
22 TO DRINK THAT NIGHT?

23 A I'D SAY HE HAD A COUPLE, LOOK LIKE A COUPLE.

24 Q YOU THREW BACK MORE THAN A COUPLE?

25 A I THREW BACK MY FAIR SHARE.

1 Q WHAT KIND OF GUN WAS THIS THAT DAVID SHOT MICHAEL
2 WITH?

3 A I'M NOT SURE.

4 Q WAS IT A HANDGUN?

5 A YES SIR.

6 Q I THINK IN SOME STATEMENT SOMEWHERE YOU DESCRIBED IT
7 AS A BLACK GUN. YOU SAID IT HAD TO BE BLACK, IN YOUR
8 STATEMENT TO LAW ENFORCEMENT. IS THAT CORRECT?

9 A YES SIR.

10 Q WAS IT A REVOLVER OR A SEMI-AUTOMATIC?

11 A I DON'T KNOW.

12 Q IS IT YOUR TESTIMONY THAT JAMIE ROBERTSON WENT IN THE
13 HOUSE AND THAT RENARDO WOODS WENT IN THE HOUSE, AND THAT
14 BOTH OF THEM CAME BACK OUT OF THE HOUSE, AND THAT EACH OF
15 THEM HAD A LONG GUN IN HIS POSSESSION WHEN THEY CAME OUT OF
16 THE HOUSE?

17 A YES SIR, THOSE TYPE WEAPONS.

18 Q LONG GUNS, NOT PISTOLS?

19 A NOT PISTOLS.

20 Q SO, IT'S YOUR TESTIMONY THAT AT [REDACTED] MICHAEL
21 ROBERTSON HAD A PISTOL WHICH GOT TAKEN AWAY FROM HIM.
22 THAT'S YOUR STORY. AND THAT JAMIE HAD A LONG GUN AND THAT
23 RENARDO WOOD HAD A LONG GUN. AND ALL OF THEM WERE OUT IN
24 THE YARD WHEN THIS STRUGGLE WAS GOING ON. IS THAT YOUR
25 TESTIMONY?

CHRISTOPHER KAUFFIN-CROSS EXAMINATION BY MR. BARFIELD

- 1 A THEY HAD-- YES, THAT'S MY TESTIMONY.
- 2 Q AND THAT THE ONLY SHOTS FIRED WERE FROM THE HANDGUN
- 3 THAT WE KNOW NOW WAS IN DAVID GOINS' HANDS WHEN IT WAS ALL
- 4 OVER WITH. IS THAT YOUR TESTIMONY?
- 5 A YES SIR.
- 6 Q WHEN YOU WENT TO BI-LO TO USE YOUR CELL PHONE, WHO
- 7 WERE YOU GONNA CALL?
- 8 A I THINK I WAS GONNA CALL COLUMBIA. I WAS GONNA CALL
- 9 COLUMBIA AND I WAS GONNA CALL MY MOM. AND I WAS GONNA
- 10 CALL MY GIRLFRIEND.
- 11 Q BUT YOU DIDN'T CALL ANYBODY?
- 12 A NO, I DIDN'T.
- 13 Q SO, YOU WENT TO WNNFIELD WEST AND DIDN'T CALL ANYBODY
- 14 FROM THERE EITHER?
- 15 A NO SIR.
- 16 Q BUT YOU DID GO BY LATISHA'S HOUSE, DAVID GOINS'
- 17 GIRLFRIEND---
- 18 A UH-HUH.
- 19 Q ---TO TELL HER TO GET OUT OF TOWN. RIGHT?
- 20 A YES SIR. I TOLD HER TO GO TO HER MOM'S HOUSE.
- 21 Q WHAT DID YOU TELL HER DAVID HAD DONE?
- 22 A I DON'T THINK I TOLD HER THAT DAVID HAD DONE ANYTHING. I
- 23 JUST TOLD HER TO GO OVER TO HER MOM'S HOUSE, TO LEAVE AND GO
- 24 OVER TO HER MOM'S HOUSE.

1 Q SO, YOU DRIVE UP OVER AT HER HOUSE AND BUST IN OVER
2 THERE AND JUST SAY, LATISHA,---

3 A I NEVER GOT OUT OF MY TRUCK.

4 Q SO, YOU PULLED UP OVER AT LATISHA'S HOUSE AND ROLLED
5 THE WINDOW DOWN AND SHE COMES OUT AND YOU SAY, LATISHA, GO
6 OVER TO YOUR MOM'S HOUSE---

7 A YEAH.

8 Q ---WITHOUT EXPLANATION?

9 A YEAH.

10 Q DIDN'T TELL HER WHY?

11 A NO.

12 Q AND THIS TEN-THIRTY, ELEVEN O'CLOCK AT NIGHT BY THEN?

13 A I DON'T RECALL WHAT TIME IT WAS.

14 Q IT WAS DARK, WASN'T IT?

15 A YEAH.

16 Q AND SHE DIDN'T ASK YOU WHY YOU WERE TELLING HER TO GO
17 OVER TO HER MOM'S HOUSE?

18 A NO, I DON'T REMEMBER HER TELLING ME, ASKING ME I TOLD
19 HER TO GO OVER TO HER MOM'S HOUSE.

20 Q WAS IT CUSTOMARY FOR YOU TO TELL HER TO GO HERE AND
21 THERE?

22 A NO, I DON'T NORMALLY DO THAT.

23 Q YOU DID THAT NIGHT, THOUGH?

24 A YEAH.

25 Q DID YOU STAY THERE UNTIL SHE GOT IN HER CAR AND LEFT?

1 A NO, I LEFT.

2 Q YOU LEFT?

3 A YEAH.

4 Q DID YOU KNOW ANYBODY HAD BEEN SHOT WHEN YOU LEFT

5 [REDACTED]

6 A I WASN'T SURE-- I WASN'T SURE IF HE WAS SHOT OR WHAT ALL

7 WENT DOWN.

8 Q DID YOU HEAR ANYBODY HOLLER, LIKE YOU'RE HURT?

9 A NO.

10 Q DID YOU SEE ANYBODY LYING ON THE GROUND WHEN YOU

11 DROVE OFF FROM OVER YONDER?

12 A YES SIR.

13 Q MICHAEL ROBERTSON?

14 A YES SIR.

15 Q DID YOU WALK OVER THERE TO SEE HOW HE WAS DOING?

16 A NO SIR.

17 Q NOW, TELL US ALL ABOUT YOUR LITTLE TRIP TO COLUMBIA

18 WHEN DAVID GOINS WAS BEING TAKEN DOWN TO HIS UNCLE-- I CAN'T

19 REMEMBER HIS UNCLE'S NAME. TELL THIS JURY ABOUT TAKING

20 DAVID GOINS TO COLUMBIA AND HIDING HIM OUT DOWN THERE.

21 A I NEVER TOOK DAVID GOINS TO COLUMBIA.

22 Q SO, IF HE SAID YOU DID, HE'S NOT TELLING THE TRUTH. IS THAT

23 RIGHT?

24 A NO.

1 Q SO, IF DAVID GOINS SAID YOU TOOK HIM TO COLUMBIA, HE AIN'T
2 TELLING THE TRUTH?

3 A NO SIR.

4 Q TELL US ABOUT DAVID GIVING YOU THIS PISTOL.

5 A I NEVER GOT A PISTOL FROM DAVID GOINS.

6 Q SO, IF HE TOLD LAW ENFORCEMENT THAT YOU GAVE HIM THE
7 PISTOL, THAT HE GAVE YOU THE PISTOL IN COLUMBIA FOR YOU TO
8 GET RID OF, HE AIN'T TELLING THE TRUTH. IS THAT RIGHT?

9 A THAT IS CORRECT.

10 Q YOU DID GIVE A STATEMENT IN THIS CASE ON JULY 1, OF 2005,
11 WHICH I ASSUME WAS THE MORNING AFTER THIS HAPPENED. IS THAT
12 RIGHT?

13 A YES SIR.

14 Q IS THAT A COPY OF YOUR STATEMENT?

15 A IT DOES APPEAR TO BE A COPY OF MY STATEMENT.

16 Q TAKE A MINUTE AND READ OVER ALL YOU NEED TO READ OVER.

17 A I DON'T NEED ANY TIME.

18 Q ARE YOU GOOD WITH IT?

19 A YES SIR.

20 Q DO YOU REMEMBER TELLING THE POLICE SOMETHING ABOUT
21 AN ARGUMENT OVER THE RIMS WHEN YOU WERE OVER THERE THAT
22 NIGHT?

23 A NO, I DON'T RECALL TELLING THEM ABOUT ANY ARGUMENT
24 ABOUT ANY RIMS.

1 Q DOES YOUR STATEMENT TALK ABOUT AN ARGUMENT OVER
2 RIMS?

3 A I DON'T KNOW.

4 Q WELL, LOOK AT IT. THAT'S WHAT I WANT YOU TO DO.

5 A (PAUSE TO REVIEW STATEMENT) I'M GONNA GIVE YOU YOUR
6 RIMS.

7 Q DID YOU SAY SOMETHING TO THE POLICE ABOUT THE RIMS
8 THAT NIGHT.

9 A IT SAYS, I'M GONNA GIVE YOU YOUR RIMS, MICHAEL SAID, IN MY
10 STATEMENT.

11 Q YOU JUST DON'T REMEMBER THAT NOW?

12 A RIGHT.

13 MR. BARFIELD: BEG THE COURT'S INDULGENCE.

14 (PAUSE)

15 Q AND IT'S YOUR TESTIMONY Y'ALL WERE OVER THERE FOR A
16 COUPLE OF HOURS BEFORE ALL THIS BLEW UP?

17 A YES.

18 Q TWO TO THREE HOURS. IS THAT CORRECT?

19 A ROUGHLY, YEAH.

20 Q DO YOU REMEMBER THAT DAVID WORKED THAT DAY?

21 A YEAH, I THINK HE DID WORK THAT DAY.

22 Q SO, NONE OF THIS STARTED UNTIL AFTER 7:00?

23 A I DON'T REMEMBER WHAT TIME. I DON'T REMEMBER WHAT TIME
24 IT WAS.

25 Q BECAUSE YOU WERE DRINKING SO MUCH?

1 A NO, I JUST DON'T REMEMBER.

2 Q A COUPLE OF OTHER REAL, QUICK THINGS. WHEN YOU GAVE
3 YOUR STATEMENT WHICH I SHOWED YOU A MINUTE AGO, DID YOU
4 TELL THE POLICE ABOUT THE CAR THAT WAS TRASHED WHEN YOU
5 GAVE YOUR ORIGINAL STATEMENT?

6 A YES SIR.

7 Q IS IT IN THERE?

8 A I DON'T KNOW.

9 Q WELL, MY QUESTION IS THIS: IS THAT YOUR STATEMENT FROM
10 JULY 1, OF 2005, ABOUT WHAT YOU SAW AND HEARD WHEN THIS
11 INCIDENT HAPPENED?

12 A YES SIR.

13 Q YOU'VE GOT TO SPEAK UP.

14 A YES SIR.

15 Q WHEN YOU GAVE THAT STATEMENT DID YOU TELL THE POLICE
16 THAT THE CAR GOT TRASHED, THAT DAVID GOINS' CAR GOT TRASHED
17 OUT THERE BY MICHAEL AND---

18 A YES SIR.

19 Q WELL, LET ME ASK THE QUESTION A DIFFERENT WAY. IS THERE
20 INFORMATION ABOUT THE CAR GETTING TRASHED IN YOUR WRITTEN
21 STATEMENT?

22 A NO SIR.

23 Q OKAY.

24 A BUT I DIDN'T WRITE MY STATEMENT.

25 Q I UNDERSTAND. YOU SIGNED IT. RIGHT?

1 A YES SIR. I SIGNED IT. THAT'S WHAT THEY WERE ASKING ME
2 ABOUT. THEY DIDN'T ASK ME ABOUT DAVID'S CAR, BUT I TOLD THEM
3 ABOUT DAVID'S CAR GETTING TRASHED.

4 Q BETWEEN JUNE 30, OF 2005 AND JULY 5, OF 2005,-- LET ME BACK
5 UP.

6 IF I TELL YOU THAT DAVID GOINS TURNED HIMSELF IN AND GOT
7 LOCKED UP ON JULY 5, OF 2005, DO YOU KNOW WHETHER THAT'S
8 ACCURATE OR NOT?

9 A YEAH, I THINK SO.

10 Q BETWEEN JUNE 30, OF 2005, AND JULY 5, OF 2005, THE NIGHT THE
11 INCIDENT HAPPENED, UNTIL DAVID GOINS WAS IN JAIL, HOW MANY
12 TIMES DID YOU TALK TO HIM?

13 A I THINK I TALKED TO DAVID, MAYBE, ONE TIME.

14 Q ON THE TELEPHONE?

15 A YES SIR.

16 Q WHAT DAY, IF YOU RECALL, BETWEEN JUNE 30, AND JULY 5,---

17 A THAT DAVID NEEDED TO TURN HIMSELF IN.

18 Q WHERE WAS HE WHEN YOU TALKED TO HIM? ON THE WAY IN OR
19 WAS HE IN?

20 A HE WAS ON THE WAY IN. I THINK HE WAS AT-- I CAN'T
21 REMEMBER THE NAME OF THE GAS STATION ON 34. I THINK IT WAS
22 HIGHWAY 34.

23 Q SO, IT'S YOUR TESTIMONY THAT FROM THE MOMENT YOU
24 DROVE OFF OF [REDACTED] AFTER THE SHOOTING HAD STARTED
25 AND STOPPED---

1 A UH-HUH.

2 Q ---AND YOU SAW DAVID GOINS RUN BY YOUR TRUCK, YOU
3 DIDN'T SEE HIM AGAIN, DIDN'T SEE HIM AGAIN AT ALL UNTIL HE WAS
4 IN JAIL. IS THAT CORRECT?

5 A NO, I SEEN HIM THE DAY HE TURN HIMSELF IN.

6 Q OKAY. FROM THE MOMENT HE RAN BY YOUR TRUCK AFTER THE
7 SHOOTING HAD STOPPED---

8 A UH-HUH.

9 Q ---UNTIL THE DAY HE TURNED HIMSELF IN, IT'S YOUR
10 TESTIMONY YOU DIDN'T SEE HIM AT ALL?

11 A YES SIR, THAT'S RIGHT.

12 Q AND YOUR TESTIMONY IS THAT YOU ONLY TALKED TO HIM ONE
13 TIME ON THE TELEPHONE, WHICH WAS ALSO THE DAY HE TURNED
14 HIMSELF IN?

15 A YES SIR.

16 Q WHERE YOU WERE OVER AT THE DUPLEX WHERE DAVID AND
17 LATISHA LIVED, NEXT DOOR TO WHERE LA MARY AND TAVARES
18 LIVED, AT ANY TIME ON JUNE 30, BEFORE Y'ALL WENT TO MICHAEL
19 ROBERTSON'S HOUSE?

20 A YES SIR.

21 Q IS THAT WHERE Y'ALL LEFT FROM TO GO OVER TO MICHAEL
22 ROBERTSON'S HOUSE?

23 A YES SIR.

24 Q AND IT'S YOUR TESTIMONY THAT FLEMING ANDERSON DIDN'T
25 RIDE OVER WITH YOU IN YOUR TRUCK?

1 A NO SIR.

2 Q THANK YOU. IS IT YOUR TESTIMONY THAT DAVID SHOT AT
3 JAMIE FIRST AND THEN SHOT AT MICHAEL?

4 A I'M NOT SURE, IF IT WAS JAMIE FIRST OR IF IT WAS MICHAEL
5 FIRST.

6 Q WHEN DID DAVID SHOOT AT RENARDO?

7 A I DON'T...

8 Q DID HE?

9 A I DON'T KNOW. I DON'T KNOW IF HE WAS SHOOTING-- I DON'T
10 KNOW WHO HE WAS SHOOTING AT, AT ANY PARTICULAR TIME.

11 Q HOW MANY TIMES DID DAVID SHOOT? DID YOU COUNT?

12 A NO.

13 Q SEVERAL?

14 A I DON'T KNOW. I DON'T RECALL I HEARD GUNSHOTS.

15 Q THANK YOU.

16 MR. BARFIELD: THAT'S ALL, YOUR HONOR.

17 THE COURT: RE-DIRECT.

18 MR. HEMLEPP: MAY IT PLEASE THE COURT.

19 THE COURT: YES SIR.

20 **RE-DIRECT EXAMINATION BY MR. HEMLEPP:**

21 Q I HAVE JUST A FEW THINGS TO ASK YOU FROM WHAT THE
22 SOLICITOR ASKED YOU.

23 WHEN DID YOU GET THE SUBPOENA TO COME TO COURT? WHEN
24 DID YOU ACTUALLY GET IT?

25 A WHEN I CAME HERE TO THE COURTHOUSE.

- 1 Q WHEN WAS THAT?
- 2 A LAST TERM, THE LAST MONDAY. I DON'T KNOW.
- 3 Q WHO GAVE YOU THE SUBPOENA?
- 4 A ONE OF THE DEPUTIES.
- 5 Q DID YOU MEET WITH THE SOLICITOR'S OFFICE?
- 6 A I TALKED TO MY EMPLOYER, AND THEN I TALKED TO THE
- 7 SOLICITOR OVER THE PHONE.
- 8 Q PRIOR TO THIS TERM OF COURT?
- 9 A YES SIR.
- 10 Q PRIOR TO THE MONDAY WHEN THIS CASE BEGAN HAVE YOU
- 11 AND I EVER MET?
- 12 A NO.
- 13 Q HAVE WE EVER SPOKEN?
- 14 A NO.
- 15 MR. HEMLEPP: BEG THE COURT'S INDULGENCE.
- 16 THE COURT: YES SIR.
- 17 Q THANK YOU, MR. KAUFFIN.
- 18 MR. HEMLEPP: I HAVE NOTHING FURTHER, YOUR HONOR.
- 19 THE COURT: ANYTHING FURTHER FROM THE STATE?
- 20 MR. BARFIELD: NO SIR.
- 21 THE COURT: STEP DOWN.
- 22 MR. HEMLEPP: WE WOULD ASK THAT MR. KAUFFIN BE EXCUSED.
- 23 MR. BARFIELD: NO OBJECTION.
- 24 THE COURT: YOU ARE EXCUSED. NEXT WITNESS, MR. HEMLEPP.

1 MR. HEMLEPP: YES SIR. IF I COULD HAVE JUST A MOMENT WITH
2 MY CLIENT.

3 THE COURT: YES SIR.

4 (PAUSE)

5 LADIES AND GENTLEMEN, AT THIS TIME I WILL HAVE YOU GO TO
6 THE JURY ROOM. PLEASE DO NOT DISCUSS THE CASE.

7 (WHEREUPON THE JURY EXITED THE COURTROOM AT 10:55 A.M.)

8 MR. GOINS, WE REVIEWED EARLIER YOUR CONSTITUTIONAL
9 RIGHT TO TESTIFY OR NOT TO TESTIFY. HAVE YOU MADE A DECISION
10 AS TO WHETHER OR NOT YOU WILL TESTIFY?

11 MR. GOINS: YES SIR.

12 THE COURT: ARE YOU GOING TO TESTIFY?

13 MR. GOINS: YES SIR, YOUR HONOR.

14 THE COURT: AND THAT'S A DECISION THAT YOU'VE MADE OF
15 YOUR OWN FREE WILL?

16 MR. GOINS: YES SIR, YOUR HONOR.

17 THE COURT: ALL RIGHT. ANY QUESTIONS OF ME CONCERNING
18 THAT?

19 MR. GOINS: NO SIR, YOUR HONOR.

20 THE COURT: ALL RIGHT. WE'LL TAKE ABOUT TWO MINUTES
21 AND THEN BRING IN THE JURY.

22 MR. HEMLEPP: YOUR HONOR, WITH REGARD TO MY CLIENT
23 TAKING THE STAND, I HAVE A COPY OF THE NCIC REPORT THAT THE
24 SOLICITOR'S OFFICE PROVIDED TO ME. IF THE COURT COULD MAKE
25 THE DETERMINATION OF WHETHER ANY OF THESE CHARGES ARE

1 CHARGES THAT WOULD BE IMPEACHABLE PRIOR TO HIS TAKING THE
2 STAND.

3 THE COURT: YOU'RE ASKING FOR AN ADVISORY RULING?

4 MR. HEMLEPP: WELL, ACTUALLY, NO SIR. BECAUSE IT WON'T
5 CHANGE. I MEAN, CERTAINLY THERE ARE CHARGES ON HERE THAT
6 ARE NOT ADMISSIBLE. THERE ARE CHARGES THAT ARE REMOTE.

7 THERE'S ONE CHARGE THAT MAY BE THE SUBJECT OF A
8 HEARING BEFORE THE COURT. IN 1996 HE SERVED A SENTENCE FOR
9 DISTRIBUTION OF COCAINE. HE SERVED AN ACTIVE SENTENCE IN 1996.
10 HE WAS RELEASED IN 1999. WE WOULD TAKE THE STANDPOINT THAT
11 IT'S BEEN TEN YEARS SINCE HIS RELEASE FROM PRISON.

12 THERE IS ANOTHER CHARGE, A FAILURE TO STOP FOR BLUE
13 LIGHT, WHICH IS SUBSEQUENT TO THAT AND THAT WAS IN 1999, FOR
14 WHICH HE RECEIVED THREE YEARS' PROBATION.

15 WE WOULD CONTEND THAT THOSE WOULD NOT BE, WOULD BE
16 TOO REMOTE.

17 THE COURT: WE'LL TAKE A FEW MINUTES' BREAK.

18 MR. HEMLEPP: YES, YOUR HONOR.

19 (WHEREUPON THE COURT WAS IN RECESS AT 11:00 A.M.)

20 COURT IN SESSION - 11:08 A.M.

21 THE COURT: SOLICITOR.

22 MR. BARFIELD: YES, YOUR HONOR. THERE IS SOME STUFF
23 WHICH IS OVER TEN YEARS OLD WHICH I'M NOT WORRIED ABOUT. I
24 UNDERSTAND WHAT THE RULE SAYS AND I'VE NOT INDICATED ANY
25 INTENTION TO GO BACK BEYOND TEN YEARS.

1 BUT HE DID DO-- LET ME TELL YOU WHAT THE RECORD SAYS
2 AND THEN I'LL TELL YOU WHAT MY ARGUMENT IS.

3 HE GOT CONVICTED ON 4/24 OF '96 FOR A SECOND OFFENSE,
4 CRACK COCAINE CHARGE, FOR WHICH HE GOT EIGHT YEARS.
5 PROBATION AND PAROLE HAS CHECKED AND THEY'RE STILL
6 CHECKING SOMETHING ELSE. BUT THEY CHECKED, AND HE MAXED--
7 HE COMPLETED THE ACTIVE PORTION OF THAT SENTENCE IN '99 AND
8 CAME OUT ON PAROLE. I AM WAITING ON THEM TO COME IN AND
9 TELL ME WHEN HIS PAROLE TERMINATED TO BE ABLE TO TELL YOU
10 WHETHER THAT'S WITHIN TEN YEARS. AND I'LL KNOW THAT IN JUST A
11 SECOND.

12 HE GOT OFF COMMUNITY SUPERVISION ON SEPTEMBER 11, OF
13 2000, ACCORDING TO PROBATION AND PAROLE. SO, THAT WOULD PUT
14 HIM COMPLETING HIS SENTENCE WITHIN TEN YEARS ON THAT
15 OFFENSE.

16 THEN THE OTHER CHARGE WAS A FAILURE TO STOP FOR BLUE
17 LIGHT AND SIREN, WHICH WOULD ORDINARILY CARRY MORE THAN A
18 YEAR, SO IT WOULD BE ADMISSIBLE. HIS COURT DATE ON THAT WAS
19 6/20 OF 2000. HE GOT NINE MONTHS SUSPENDED TO TWENTY-ONE
20 DAYS, WHICH I PRESUME WAS TIME SERVED, AND ONE YEAR
21 PROBATION. AND THAT'S CLEARLY, THAT SENTENCE WAS CLEARLY
22 NOT COMPLETED WITHIN TEN YEARS OF TODAY'S DATE.

23 SO, I THINK BOTH OF THOSE ARE ADMISSIBLE FOR
24 IMPEACHMENT PURPOSES. I WOULD FURTHER ARGUE TO YOU THAT
25 THE DEFENDANT HAS WAIVED ANY OBJECTION TO THE INTRODUCTION

1 OF THOSE TWO PRIORS BECAUSE MR. HEMLEPP AGREED WHEN WE
2 PLAYED THE VIDEOTAPE THAT TESTIMONY ABOUT HIM BEING IN
3 PRISON OR GETTING OUT TEN YEARS AGO WAS NOT OBJECTIONABLE
4 AND AGREED FOR THE JURY TO HEAR IT.

5 SO, I WOULD PROPOSE TO ASK IF HE HAD A DRUG CONVICTION
6 IN '96, AND A BLUE LIGHT CONVICTION IN 2000.

7 THE COURT: MR. HEMLEPP.

8 MR. HEMLEPP: THANK YOU, YOUR HONOR. AS AN OFFICER OF
9 THE COURT I HAVE DIFFICULTY ARGUING ABOUT THE TIME PERIOD ON
10 THE FAILURE TO STOP FOR A BLUE LIGHT. I THINK WHETHER IT'S
11 RELEVANT OR NOT IS ANOTHER ISSUE. BUT CERTAINLY IT'S WITHIN
12 THE RULE.

13 WITH REGARD TO THE DISTRIBUTION CASE, THAT IS JUST
14 BARELY IN THE RULE. IT IS NOT JANUARY OF 2010. THIS WAS NINE
15 YEARS, SIX MONTHS OR SO AGO. I WOULD ARGUE FOR THE COURT TO
16 CONSIDER THAT.

17 IF THE COURT MAKES THE DETERMINATION THAT THAT IS AN
18 IMPEACHABLE OFFENSE, I WOULD ASK THE COURT TO AT THAT TIME,
19 THAT THE SOLICITOR NOT BE ALLOWED TO SAY THAT IT WAS A
20 SECOND OFFENSE. THAT IS IN FACT GETTING INTO A CONVICTION
21 PRIOR TO, CERTAINLY OUTSIDE THE RULE. AND CERTAINLY HE
22 WOULD BE ALLOWED TO DO HIS DUE TIME IN PRISON WITH REGARDS
23 TO THAT.

24 MR. BARFIELD: AND I DON'T INTEND TO-- I DON'T THINK THE
25 RULE LETS ME GO INTO A WHOLE LOT OF DETAIL. I DON'T INTEND TO

1 DO ANYTHING OTHER THAN ELICIT THAT HE WAS CONVICTED OF A
2 DRUG OFFENSE AND GOT AN ACTIVE PRISON SENTENCE IN 1996. AND
3 THEN THE BLUE LIGHT IN 2000.

4 AND I WOULD ARGUE THAT THERE IS SIMPLY NO PREJUDICE
5 BECAUSE THE JURY'S ALREADY EVIDENCE THAT HE, NUMBER ONE,
6 USED TO HAVE TO RUN FROM KEITH LEWIS WHEN HE WAS SELLING
7 DRUGS. AND, NUMBER TWO, HE GOT OUT OF PRISON TEN YEARS AGO.
8 THAT'S BEFORE THE JURY ALREADY BY CONSENT.

9 THE COURT: WHAT'S THE STATE'S POSITION CONCERNING THE
10 RULES AND THE RULING OF THE COURT IN STATE V. GREEN AND STATE
11 VERSUS DUNLAP THAT DRUG OFFENSES GENERALLY ARE NOT
12 CONSIDERED PROBATIVE.

13 MR. BARFIELD: WELL, YOUR HONOR, AGAIN, THE RULE, THE
14 CURRENT RULE BASICALLY SAYS THAT-- THAT MIGHT BE THE CASE.
15 BUT THE RULE PROVIDES THAT, PUNISHABLE BY DEATH OR
16 IMPRISONMENT IN EXCESS OF ONE YEAR.

17 I THINK IF YOU HAVE CONCERNS-- THE RULE CLEARLY SAYS
18 THAT IF IT CARRIES MORE THAN A YEAR IT CAN BE USED FOR
19 IMPEACHMENT PURPOSES. IF YOU HAVE CONCERNS ABOUT THE
20 NATURE OF THE OFFENSE, THEN I DON'T THINK YOU SHOULD. BUT IF
21 YOU DO, I STILL THINK I OUGHT TO BE ABLE TO ASK HIM THEN IF HE
22 WAS CONVICTED IN 1996 OF SOMETHING THAT CARRIED MORE THAN A
23 YEAR.

24 AND AGAIN, I WOULD SIMPLY ARGUE TO YOU THAT THERE'S NO
25 PREJUDICE TO HIM BECAUSE HE HAS CONSENTED TO ALLOW

1 TESTIMONY BEFORE THIS JURY BY WAY OF THE VIDEOTAPE THAT HE
2 USED TO RUN FROM KEITH LEWIS WHEN HE WAS SELLING DRUGS.

3 THE COURT: WELL, THE RULE IS THE BEGINNING POINT.

4 MR. BARFIELD: I UNDERSTAND.

5 THE COURT: BEYOND THE RULE THE COURT MUST PERFORM AN
6 ANALYSIS TO DETERMINATE WHETHER THE PROBATIVE VALUE IS
7 OUTWEIGHED BY THE PREJUDICIAL EFFECT. AND PART OF THAT
8 ANALYSIS, THE COURT MUST CONSIDER THE TYPE OF OFFENSES AND
9 ALL THE OTHER CRITERIA AS OUTLINED IN THE CASES OF STATE V.
10 GREEN AND STATE VERSUS DUNLAP.

11 MR. BARFIELD: I---

12 THE COURT: THE FOLLOWING FACTORS SHOULD BE
13 CONSIDERED BY THE JUDGE WHEN UNDERTAKING HIS ANALYSIS TO
14 IMPUTE THE VALUE OF A PRIOR CRIME AT THE POINT IN TIME OF THE
15 CONVICTION AND THE WITNESS' SUBSEQUENT HISTORY, THE
16 SIMILARITY BETWEEN THE PAST CRIME, THE CRIME CHARGED
17 ACCORDING TO THE DEFENDANT'S TESTIMONY AND THE NEUTRALITY
18 OF THE CREDIBILITY ISSUE. BUT THERE IS NO-- YOU KNOW, WE DON'T
19 LOOK AT THE RULE AND THEN RULE ON IT.

20 MR. BARFIELD: NO SIR, I---

21 THE COURT: WE DON'T RULE AND THEN ENGAGE IN AN
22 ANALYSIS. IN DUNLAP, WHICH WAS A DRUG CASE WHERE THE
23 LAWYER, THE DEFENSE LAWYER ADMITS DURING OPENING THAT THE
24 DEFENDANT HAD A PRIOR CRIMINAL HISTORY, THEN OBJECTED
25 DURING ITS INTRODUCTION INTO THE RECORD.

1 THE COURT ADDRESSED TWO SIMILAR ISSUES TO THE ONE
2 CONCERNING THIS CASE. NUMBER ONE IS THE QUESTION OF WAIVER,
3 NUMBER ONE. AND SECONDLY, SINCE THE-- AND SECONDLY, HE WAS
4 ON TRIAL FOR A DRUG CASE AND THE STATE WAS TRYING TO
5 INTRODUCE HIS DRUG RECORD.

6 AND THEN, NUMBER THREE, THE GENERAL QUESTION AS TO THE
7 PROBATIVE VALUE OF A DRUG RECORD AS IT RELATES TO THE
8 IMPEACHMENT VALUE OF THE DRUG RECORD. HAVING ONE, A PERSON
9 WHO'S BEEN INVOLVED IN DRUGS, IT'S NOT AUTOMATIC THAT THAT
10 PERSON IS MOST LIKELY, MORE LIKELY THAN NOT TO TELL A LIE, AND
11 THE RELEVANCE.

12 MR. BARFIELD: YES SIR.

13 THE COURT: AND THAT'S THE THIRD PART OF THE QUESTION.

14 MR. BARFIELD: WELL, MY RESPONSE TO THE QUESTION IS THIS:
15 OBVIOUSLY, IF I WERE TRYING HIM FOR A DISTRIBUTION OF CRACK
16 COCAINE TODAY I WOULD NOT BE ON VERY SOLID GROUND ASKING
17 YOU TO LET ME PUT IN A '96 CONVICTION FOR THE SAME OFFENSE. I
18 MEAN, CLEARLY THE COURT KNOWS AND MR. HEMLEPP KNOWS AND I
19 KNOW IF THE CRIMES ARE SIMILAR, THEN THE PREJUDICIAL EFFECT IS
20 MUCH GREATER.

21 THIS IS A DRUG CONVICTION FROM '96 BEING OFFERED
22 CONCERNING HIS CREDIBILITY IN A MURDER CASE. I DON'T THINK THE
23 JURY-- THERE'S NO REASON FOR THE JURY TO CONCLUDE THAT
24 BECAUSE HE HAD A DRUG CONVICTION IN '96 THAT HE COMMITTED HIS
25 MURDER.

1 I THINK WE'RE CLEAN ON THE ABSENCE OF PREJUDICE FROM
2 DRUGS IN THIS CASE BECAUSE WE'RE NOT TRYING A DRUG CASE.

3 AND THE OTHER THING, AGAIN, IS, AND I'VE SAID THIS, AND I
4 WON'T SAY IT AGAIN, I PROMISE. I ARGUED TO YOU THERE IS NO
5 PREJUDICE BECAUSE HE HAS CONSENTED TO ALLOW THE JURY TO
6 HEAR WORDS FROM HIS OWN MOUTH THAT HE USED TO SELL DRUGS.
7 IT'S JUST NOT PREJUDICIAL BECAUSE THEY'VE ALREADY HEARD IT
8 WITH HIS BLESSING.

9 AND CERTAINLY, YOU WOULD GIVE THE JURY AN INSTRUCTION
10 THAT PRIOR CONVICTION IS NOT FOR THEM TO CONCLUDE THAT HE
11 COMMITTED THIS OFFENSE BECAUSE THE PRIOR CONVICTION IS
12 SIMPLY SOMETHING FOR THEM TO USE WHEN THEY'RE DECIDING
13 CREDIBILITY ISSUES.

14 THE COURT: MR. HEMLEPP.

15 MR. HEMLEPP: YOUR HONOR, AS THE COURT KNOWS, WHEN THE
16 COURT IS REQUIRED TO RULE ON EVIDENCE, EVERY STATEMENT
17 STANDS ON ITS OWN. THAT ARE TWO DIFFERENT STATEMENTS WHICH
18 REFER TO THE SAME MATTER CAN BE, THEY CAN BE SCRUTINIZED
19 UNDER EVIDENCE ANALYSIS ONCE THEY'VE BEEN DEEMED ALLOWED
20 TO BE ADMISSIBLE AND THE OTHER STATEMENT BEING ALLOWED TO
21 BE INADMISSIBLE. THAT'S CLEAR.

22 THE STATEMENTS THAT MY CLIENT ON THE RECORD WAIVED
23 WERE GENERAL STATEMENTS ABOUT PRIOR CRIMINAL ACTIVITY.
24 THAT'S DIFFERENT THAN A SPECIFIC CRIME. THE STATEMENT THAT
25 WAS IN EVIDENCE WAS THAT HE HAD DEALINGS WITH KEITH LEWIS

1 BEFORE AND THAT HE HAD BEEN IN PRISON YEARS BEFORE. THAT
2 WAS IT.

3 SO, I WANT TO MAKE THAT POINT WITH REGARD TO THE
4 WAIVER. I WOULD ARGUE THAT AN OBJECTION OR A WILLINGNESS TO
5 NOT OBJECT, WHICH WE HAVE THE RIGHT TO DO, ABOUT TWO
6 STATEMENTS ON THE SAME MATTER DON'T NECESSARILY WEIGH INTO
7 THE ANALYSIS. THAT'S NUMBER ONE.

8 YOUR HONOR, NUMBER TWO: IF UNDER THE LAW A DRUG
9 CONVICTION DOES NOT NECESSARILY GO TO THE TRUTHFULNESS OF
10 THE DEFENDANT, THEN HOW IS IT RELEVANT TO THE MURDER CASE?
11 BECAUSE AS THE SOLICITOR SAID, REALLY, JUST BECAUSE HE GOT
12 CONVICTED IN 1996 OF A DRUG CONVICTION DOESN'T MEAN THAT HE
13 COMMITTED THIS MURDER. SO, WHAT WOULD BE THE PROBATIVE
14 VALUE OF INTRODUCING IT?

15 THE COURT: ANYTHING FURTHER ON THIS ISSUE?

16 MR. BARFIELD: NO SIR, NOT FROM THE STATE.

17 MR. HEMLEPP: NO, YOUR HONOR.

18 THE COURT: ALL RIGHT. I THINK IT WAS A RELATIVELY CLOSE
19 ISSUE CONSIDERING THAT EVERY CASE SHOULD STAND ON ITS OWN."
20 AND THE DEFENDANT'S CREDIBILITY TODAY SHOULD NOT
21 NECESSARILY BE JUDGED BY SOMETHING HE DID IN 2001. IS THAT--?

22 MR. BARFIELD: THE DRUG CONVICTION WAS ACTUALLY IN '96.
23 HE COMPLETED PAROLE IN 2001, 2000.

1 THE COURT: THE CONVICTION WAS FOURTEEN YEARS AGO FOR
2 OFFENSES THAT MIGHT HAVE OCCURRED FIFTEEN YEARS AGO WHEN
3 HE WAS-- HOW OLD IS HE NOW?

4 MR. HEMLEPP: 36, YOUR HONOR.

5 THE COURT: FIFTEEN YEARS AGO, 21 YEARS OLD, ON THE ONE
6 HAND. ON THE OTHER HAND, THE SOLICITOR TOOK THE POSITION
7 THAT I'M NOT GOING TO INTRODUCE THAT EVIDENCE. THE DEFENSE
8 SAYS, I WANT YOU TO INTRODUCE THAT EVIDENCE. AND THE
9 EVIDENCE THAT THE DEFENDANT WANTED INTRODUCED IS EVIDENCE
10 THAT HE HAD BEEN IN PRISON. THEN HE SAID PART OF THAT, I'VE
11 BEEN IN PRISON BUT I'VE GOTTEN MY LIFE TOGETHER AND Y'ALL
12 HAVEN'T HAD ANY TROUBLE OUT OF ME SINCE.

13 WELL, I THINK THE WAIVER FACTOR TIPS IT IN FAVOR OF THE
14 STATE BECAUSE THE-- THOUGH I HAVE SOME QUESTION ABOUT THE
15 GENERAL PROBATIVE VALUE OF INTRODUCING A DRUG CONVICTION, I
16 THINK THAT THE WAIVER TIPS THE ADMISSIBILITY FACTOR IN FAVOR
17 OF THE STATE.

18 I PREFACE THE RULING THAT'S ALREADY BEEN MADE. IT'S JUST
19 A QUESTION OF WHY WERE YOU IN THERE. HE SAID HE WANTED TO AT
20 THE TIME THAT HE WAIVED THE INTRODUCTION OF THE RECORD
21 EARLIER IN THE ACKNOWLEDGMENT OF THE TRIAL. THAT'S THE
22 RULING OF THE COURT.

23 MR. BARFIELD: THANK YOU, JUDGE.

24 THE COURT: NOW, BRING THEM ON.

25 (WHEREUPON THE JURY ENTERED THE COURTROOM AT 11:25 A.M.)

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

1 ALL RIGHT. THE JURY IS BACK. CALL YOUR NEXT WITNESS,
2 PLEASE.

3 MR. HEMLEPP: THANK YOU, YOUR HONOR. WE CALL THE
4 DEFENDANT, DAVID ALLEN GOINS.

5 DAVID ALLEN GOINS, DULY SWORN,
6 TESTIFIED AS FOLLOWS:

7 CLERK OF COURT: PLEASE STATE YOUR NAME FOR THE RECORD.

8 A DAVID ALLEN GOINS.

9 DIRECT EXAMINATION BY MR. HEMLEPP:

10 Q COULD YOU PLEASE STATE YOUR FULL NAME, AND SPELL YOUR
11 LAST NAME FOR THE COURT REPORTER, PLEASE?

12 A YES SIR. MY NAME IS DAVID ALLEN GOINS, G-O-I-N-S.

13 Q HOW OLD ARE YOU?

14 A 36.

15 Q WHERE DO YOU LIVE?

16 A I'M LIVING IN COLUMBIA.

17 Q WHERE DID YOU GROW UP?

18 A IN WINNSBORO.

19 Q YOU GREW UP IN WINNSBORO?

20 A YES SIR.

21 Q DO YOU STILL HAVE FAMILY HERE?

22 A YES SIR.

23 Q WHO LIVES HERE?

24 A MY MOM, MY SISTERS, AND THAT'S PRETTY MUCH IT. OH, AND
25 MY KIDS, MY CHILDREN.

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

- 1 Q HOW MANY CHILDREN DO YOU HAVE?
- 2 A SIX.
- 3 Q ARE YOU WORKING RIGHT NOW?
- 4 A YES SIR.
- 5 Q WHERE DO YOU WORK?
- 6 A FOR A ROOFING COMPANY.
- 7 Q WHAT'S THE NAME OF THAT ROOFING COMPANY?
- 8 A SIMPSON'S ROOFING.
- 9 Q HAVE YOU EVER TESTIFIED IN COURT BEFORE A JURY?
- 10 A NO SIR.
- 11 Q ARE YOU A LITTLE NERVOUS TODAY?
- 12 A YES SIR.
- 13 Q IF YOU WOULD, SPEAK UP LOUDLY, AND TELL THE JURY THE
- 14 ANSWERS TO MY QUESTIONS, AND MAKE SURE YOU'RE CLEAR, AND
- 15 ANSWER IN WORDS, SO THAT THE COURT REPORTER CAN GET
- 16 EVERYTHING YOU SAY. WILL YOU DO THAT FOR ME?
- 17 A YES SIR.
- 18 Q DID YOU KNOW MICHAEL AND JAMIE ROBERTSON? DID YOU
- 19 KNOW THEM?
- 20 A YES SIR.
- 21 Q HOW DID YOU KNOW THEM?
- 22 A I KNEW THEM FROM ACQUAINTANCES, LIKE, TWO OTHER
- 23 PEOPLE. LIKE, I HAD MY FRIEND-- MY GIRLFRIEND I USED TO MESS
- 24 WITH, SHE HAD SISTERS WHO USED TO MESS WITH ONE OF THEM'S
- 25 NEPHEW. SO, YOU KNOW, THAT'S HOW I KNEW THEM.

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

- 1 Q HOW LONG DID YOU KNOW THEM?
- 2 A PROBABLY BEEN KNOWING THEM A COUPLE OF YEARS.
- 3 Q IN 2005, WERE YOU LIVING HERE IN WINNSBORO?
- 4 A YES SIR.
- 5 Q WHERE DID YOU LIVE?
- 6 A I LIVED ON WHAT THEY USED TO CALL [REDACTED]
- 7 Q DID YOU LIVE WITH ANYBODY?
- 8 A YES SIR.
- 9 Q WHO'D YOU LIVE WITH?
- 10 A I LIVED WITH MY GIRLFRIEND, MY SON AND A DAUGHTER.
- 11 Q YOUR GIRLFRIEND, WHAT'S HER NAME?
- 12 A HER NAME IS LATISHA FANT.
- 13 Q AND YOUR SON, HOW OLD WAS YOUR SON AT THE TIME?
- 14 A I'M NOT QUITE SURE. HE WAS A BABY, THOUGH.
- 15 Q WERE YOU WORKING AT THAT TIME?
- 16 A YES SIR.
- 17 Q WHERE DID YOU WORK?
- 18 A I WORKED FOR UNIROYAL-GOODRICH.
- 19 Q HOW LONG HAD YOU BEEN WITH UNIROYAL?
- 20 A I HAD BEEN WORKING THERE, MAYBE, I WANT TO SAY TWO
- 21 MONTHS. BECAUSE I HAD A PROBATIONARY PERIOD, BECAUSE I USED
- 22 TO WORK AT MASTER TIRE BEFORE I FINALLY GOT ON WITH
- 23 UNIROYAL.
- 24 Q SO, IN OTHER WORDS, YOU WERE IN YOUR PROBATIONARY
- 25 PERIOD AT WORK?

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

- 1 A YES SIR.
- 2 Q HOW LONG HAD YOU BEEN WITH MASTER TIRE?
- 3 A I HAD PROBABLY BEEN WITH MASTER TIRE ABOUT, PROBABLY
- 4 A YEAR OR SO.
- 5 Q IN JUNE OF 2005, YOU WERE LIVING WITH YOUR GIRLFRIEND ON
- 6 [REDACTED] AND YOU WERE WORKING AT UNIROYAL. DID YOU
- 7 HAVE THE OPPORTUNITY TO SEE SOME OF YOUR FAMILY FROM TIME
- 8 TO TIME?
- 9 A YES SIR.
- 10 Q DO YOU KNOW CHRIS KAUFFIN?
- 11 A YES SIR.
- 12 Q HOW ARE YOU TWO RELATED?
- 13 A HE'S MY BROTHER.
- 14 Q YOU AND HE FROM TIME TO TIME HAD AN OPPORTUNITY TO GET
- 15 TOGETHER?
- 16 A YES SIR.
- 17 Q DO YOU REMEMBER ON JUNE 30, 2005, THE DATE IN QUESTION IN
- 18 THIS CASE, DID YOU GO TO WORK?
- 19 A YES SIR, I DID.
- 20 Q TELL US WHAT DID YOU DO FOR UNIROYAL?
- 21 A I REMOVE THE SPOOLS AND IT ALL STARTS OVER.
- 22 Q AND IS THAT WHAT YOU HAD DONE THAT DAY?
- 23 A YES SIR.
- 24 Q DO YOU REMEMBER WHAT SHIFT YOU WORKED?
- 25 A ACTUALLY, I WAS ON A ROTATION SHIFT.

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

- 1 Q WHAT DOES THAT MEAN?
- 2 A WELL, LIKE, I MIGHT WORK FROM SEVEN IN THE MORNING THIS
- 3 WEEK. THE NEXT WEEK I WOULD DROP TO, LIKE, SEVEN AT NIGHT TO
- 4 SEVEN IN THE MORNING.
- 5 Q DO YOU REMEMBER ON THAT DATE WHEN YOU WORKED?
- 6 A YES SIR.
- 7 Q WHAT WERE THE HOURS THAT YOU WORKED THAT DAY?
- 8 A I WORKED FROM SEVEN IN THE MORNING TILL SEVEN IN THE
- 9 AFTERNOON.
- 10 Q AND AFTER YOU GOT OFF WORK WHERE DID YOU GO?
- 11 A I WENT TO MY HOUSE.
- 12 Q WAS THERE ANYONE AT YOUR HOUSE?
- 13 A YES SIR.
- 14 Q WHO WAS AT YOUR HOUSE?
- 15 A IF I'M NOT MISTAKEN, IT WAS MY BABY MOTHER AND HER
- 16 SISTER, IF I'M NOT MISTAKEN.
- 17 Q WHEN YOU SAID YOUR BABY MOTHER, WHAT'S HER NAME?
- 18 A LATISHA FANT.
- 19 Q DID LATISHA HAVE A NICKNAME?
- 20 A UH...
- 21 Q WHAT DO YOU CALL HER?
- 22 A TISHA.
- 23 Q TISHA?
- 24 A YES SIR.
- 25 Q AND WHO IS HER SISTER?

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

- 1 A LAJESKA WILLINGHAM.
- 2 Q WHILE YOU WERE THERE WITH TISHA AND LAJESKA, DID YOU
3 ALL HAVE AN ARGUMENT?
- 4 A NO SIR.
- 5 Q WHY DON'T YOU TELL THE JURY? AFTER YOU GOT OFF WORK
6 AND WENT HOME, TELL US WHAT HAPPENED WHEN YOU WENT HOME.
7 STEP BY STEP, WHAT DID YOU DO?
- 8 A ALL RIGHT. WELL, FIRST, I USUALLY HAVE A ROUTINE. LIKE,
9 WHAT I USUALLY DO WHEN I GET HOME, I USUALLY GO HOME, FEED
10 MY DOG, PROBABLY WALK HIM, BECAUSE YOU KNOW, THEY BE IN THE
11 HOUSE ALL DAY, OR WHATEVER. I USUALLY WALK HIM.
- 12 THEN I COME BACK HOME, TAKE A SHOWER, YOU KNOW, GET A
13 BEER, MAYBE JUST RELAX, FALL BACK AND GET ON MY GAME, OR
14 WHATEVER. THAT'S USUALLY WHAT I DO.
- 15 Q GET ON YOUR GAME. DO YOU MEAN LIKE A VIDEO GAME?
- 16 A YES SIR, A PLAY STATION TWO.
- 17 Q WHAT KIND OF DOGS DO YOU HAVE?
- 18 A AT THE TIME I HAD A SIX-WEEK OLD PIT BULL.
- 19 Q WHAT WAS HIS NAME?
- 20 A HIS NAME WAS SOLDIER.
- 21 Q DID YOU DO THAT THAT DAY. IS THAT THE ROUTINE THAT YOU
22 FOLLOWED THAT DAY?
- 23 A YES SIR.
- 24 Q AND DID YOU HAVE AN OPPORTUNITY TO BE TALKING TO TISHA
25 AND LAJESKA?

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

- 1 A I TALKED TO THEM BRIEFLY. YES SIR, I TALKED TO THEM. I
2 HAD A CHANCE TO TALK TO THEM BRIEFLY THAT DAY.
- 3 Q DID TISHA GIVE YOU ANYTHING?
- 4 A YOU GAVE ME A FEW DOLLARS, SOMETIMES TO BUY STUFF.
- 5 Q DID SHE GIVE YOU A KEY?
- 6 A NO SIR.
- 7 Q AND DID YOU AT ANY POINT LEAVE THE HOME?
- 8 A YES SIR.
- 9 Q WHAT TIME WAS THAT?
- 10 A I'M NOT QUITE SURE, BUT IT WAS PERHAPS A COUPLE OF HOURS,
11 YOU KNOW, AFTER I RETURNED HOME FROM WORK.
- 12 Q WHILE YOU WERE THERE THOSE COUPLE OF HOURS, DID
13 ANYBODY COME OR GO FROM YOUR HOUSE?
- 14 A MY BROTHER CAME BY.
- 15 Q AND BY YOUR BROTHER, IS THAT CHRIS?
- 16 A YES SIR.
- 17 Q WHAT'D Y'ALL DO?
- 18 A WELL, HE CAME OVER AND HE SAID, HE, LIKE, WHAT YOU
19 GONNA DO TODAY. I WAS, LIKE, I REALLY COULDN'T DO MUCH THAT
20 DAY BECAUSE I DIDN'T GET PAID TILL THE NEXT DAY. SO, I WAS, LIKE,
21 I AIN'T DOING MUCH. I JUST GOING, YOU KNOW, TO SIT AROUND AND
22 PLAY GAMES, SINCE I AIN'T GOT NO MONEY.
- 23 Q HE'S, LIKE, HE HAS MONEY, OR WHATEVER. AND HE'S, LIKE, DO I
24 WANT TO GO OUT WITH HIM, AND DRINKING OR WHATEVER. SO, I
25 WAS, LIKE, COOL, YOU KNOW. AND THAT WAS IT.

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

- 1 Q DID Y'ALL LEAVE?
- 2 A YES SIR.
- 3 Q WHEN YOU LEFT, WERE LAJESKA AND TISHA STILL THERE?
- 4 A YES SIR.
- 5 Q HOW DID YOU LEAVE?
- 6 A WE LEFT IN MY BROTHER'S-- HE HAD A S-10 PICKUP TRUCK.
- 7 Q DO YOU KNOW-- HAVE YOU EVER SEEN A BURGUNDY CAPRICE?
- 8 A YES SIR.
- 9 Q WHOSE CAR IS THAT? WHO OWNED A BURGUNDY CAPRICE AT
- 10 THE TIME?
- 11 A I DID AT THE TIME, YES SIR, I DID, SIR.
- 12 Q DID YOU OWN IT?
- 13 A WELL, ACTUALLY, MY GIRLFRIEND, IT WAS IN MY GIRLFRIEND
- 14 NAME, BUT IT WAS REALLY MY CAR.
- 15 Q WHERE WAS THAT WHEN YOU LEFT IN THE S-10 PICKUP?
- 16 A I'M NOT REALLY SURE. I THINK IT WAS IN THE YARD, THOUGH. I
- 17 THINK SO. I'M NOT SURE.
- 18 Q WHEN Y'ALL LEFT IN THE PICKUP TRUCK WHERE'D YOU GO?
- 19 A WE WENT TO THE STORE TO GET SOME BEER.
- 20 Q WHAT STORE WAS THAT?
- 21 A WE WENT TO THE FOUR-WAY, BEHIND THE FOUR-WAY DINER
- 22 AREA, LIKE, A LITTLE CORNER STORE RIGHT THERE.
- 23 Q WAS THAT FAR FROM YOUR HOME?
- 24 A NO SIR, NOT TOO FAR.

1 Q PICKING IT UP FROM THAT POINT, WHEN YOU AND CHRIS HAD
2 GONE TO FOUR-WAY, TELL THE JURY FROM THAT POINT ON, STEP BY
3 STEP, WHAT HAPPENED TO YOU THAT EVENING.

4 ON OCCASION, I MAY STOP YOU AND ASK YOU TO CLARIFY. BUT
5 IN YOUR OWN WORDS, TELL THE JURY WHAT HAPPENED THAT NIGHT.

6 A OKAY. FIRST IT WAS LIKE THIS: I GOT HOME. LIKE I SAID, I
7 WALKED MY DOG, AND THEN I FED MY DOG. AND WHEN MY BROTHER
8 CAME BY AND I WAS TELLING HIM, YOU KNOW, THAT I DON'T HAVE NO
9 MONEY OR WHATEVER, SO I WASN'T GONNA DO NOTHING THAT DAY.

10 SO, HE WAS TELLING ME, YOU KNOW, HE HAD MONEY, SO IF I
11 WANTED TO DRINK WITH HIM I COULD. SO I-- SO, WE LEFT TOGETHER
12 IN HIS TRUCK TO GO PICK UP THE BEER.

13 BUT BEFORE THAT, I WAS SUPPOSED TO BE HANGING WITH MY
14 NEIGHBOR. HIS NAME IS-- I CAN'T REALLY THINK OF HIS NAME AT THE
15 MOMENT. HE A ROBERTSON, THOUGH. HE HAD TOLD ME THE DAY
16 BEFORE THAT HE WAS GONNA HAVE SOME MONEY AND WE SUPPOSED
17 TO DO SOME STUFF, YOU KNOW. LIKE, TO ME, HE WAS ALWAYS
18 SAYING, YOU KNOW, BEING AS I HAD LOOKED OUT FOR HIM, HE WAS
19 GONNA RETURN THE FAVOR.

20 SO, WHEN I GOT HOME, HE WASN'T AT HOME. SO, THEN MY
21 BROTHER CAME AND I LEFT WITH MY BROTHER. BUT IN THE PROCESS
22 OF THAT, WHEN WE WAS GOING TO THE STORE, I HAD SAW HIM. I HAD
23 SAW HIM. IT WAS HIM, JAMIE, MIKE-MIKE.

24 Q WHO IS MIKE-MIKE?

25 A IT'S, LIKE, HIS COUSIN.

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

1 Q IT'S NOT MICHAEL ROBERTSON?

2 A NOT AT THE TIME.

3 Q OKAY.

4 A AND I SAW THEM WALKING. WE SAW THEM AT THE STORE. SO,
5 WHEN WE WAS AT THE STORE-- MATTER OF FACT, HIS NAME TAVARES.
6 HE CAME OVER TO THE TRUCK, AND HE WAS, LIKE, HE WANTED ME TO
7 HOLD HIS MONEY FOR HIM BECAUSE HE HAD SAID, LIKE, WHENEVER
8 YOU GET MONEY OR WHATEVER---

9 MR. BARFIELD: OBJECTION, HEARSAY.

10 THE COURT: SUSTAINED.

11 Q YOU CAN'T TESTIFY TO WHAT ANYBODY ELSE SAID.

12 A ALL RIGHT. I'M SORRY. WHATEVER. HE WAS-- WELL, ANYWAY,
13 WHATEVER, --

14 Q YOU HAD A CONVERSATION.

15 A I HAD A CONVERSATION WITH HIM AND SO WE TALKED A LITTLE
16 BIT, EXCHANGED WORDS, LIKE I WAS GONNA COME OVER THERE AND
17 SEE HIM. AND HE TOLD ME HE WAS JUST GOING OVER---

18 MR. BARFIELD: I OBJECT AGAIN. FIRST OF ALL, IT'S HEARSAY,
19 AND I DON'T KNOW WHO HE'S TALKING ABOUT. IT'S STILL HEARSAY.

20 MR. HEMLEPP: I AM SORRY, YOUR HONOR.

21 THE COURT: ALL RIGHT.

22 Q YOU CAN'T TESTIFY TO WHAT OTHER PEOPLE TOLD YOU.

23 A OKAY. I'M SORRY.

24 Q YOU CAN TESTIFY TO WHAT YOU SAID BUT NOT WHAT OTHERS
25 SAID.

1 A OKAY. WHATEVER. SO, I TALKED TO HIM. WE JUST TALKED.
2 AND I TOLD HIM THAT I WAS GONNA COME OVER THERE, AND YOU
3 KNOW, EXCHANGE A COUPLE OF BEERS WITH HIM. SO, AND HE LEFT,
4 AND WAS WALKING, AND WE WAS STILL IN THE TRUCK.

5 SO, ME AND MY BROTHER RODE AROUND FOR A LITTLE WHILE.
6 AND THEN WE EVENTUALLY WENT OVER TO THE HOUSE ON-- I'M NOT
7 REALLY SURE OF THE NAME OF THE STREET. BUT WE WENT OVER TO
8 MIKE'S HOUSE. AND WE SAT OUT THERE FOR A WHILE, DRINKING OR
9 WHATEVER AND---

10 Q NOW, LET ME ASK YOU THIS: WHEN YOU SAID YOU DROVE
11 AROUND FOR A WHILE, WHAT WERE Y'ALL DOING? WHEN YOU AND
12 CHRIS WERE JUST DRIVING AROUND FOR A WHILE AFTER YOU WENT
13 TO THE STORE?

14 A WE WAS JUST DRINKING BEER. I DIDN'T HAVE, LIKE, -- WE HAD
15 A TWELVE-PACK OF BUD LIGHT IN THE TRUCK, AND A PACK OF
16 BUDWEISER. BECAUSE I WAS DRINKING BUD LIGHT. SO, WE HAD RODE
17 AROUND. AND THEN---

18 Q I'M SORRY. AT SOME POINT DID YOU GO GET YOUR CAR?

19 A YES SIR.

20 Q WHEN WAS THAT?

21 A AFTER WE CAME FROM RIDING AROUND, WE WENT BACK TO MY
22 HOUSE AND-- OH, I KNOW. I KNOW EXACTLY WHAT I HAD WENT BACK
23 TO GET MY CAR. BECAUSE DURING THAT DAY MY BROTHER SAY HE
24 WAS GOING OUT THAT NIGHT. SO, I WAS THINKING, YOU KNOW, IF WE
25 WAS TOGETHER, YOU KNOW, I WOULD HAVE TO TAKE HIM BACK. SO,

1 WE COULD JUST PART WAYS. I COULD DRIVE MY CAR AND HE COULD
2 DRIVE OFF IN HIS TRUCK.

3 SO, WE WENT BACK TO MY HOUSE. I GOT MY CAR AND WE RODE
4 OVER TO MIKE'S HOUSE AND SAT OVER THERE FOR A WHILE DRINKING
5 BEER OR WHATEVER. AND MIKE, ---

6 Q LET ME STOP YOU FOR A MOMENT. WHEN YOU GOT OVER TO
7 MICHAEL ROBERTSON'S HOUSE, DO YOU KNOW WHAT TIME IT WAS.

8 A NOT EXACTLY. I WANT TO SAY IT HAD TO BEEN, MAYBE,....

9 Q WAS IT DARK?

10 A UH,... I THINK IT WAS MAYBE DUSK-DARK, OR IT MIGHT HAVE
11 BEEN DARK. I'M NOT QUITE SURE. BUT I THINK IT WAS DARK. BUT I'M
12 NOT QUITE SURE. I THINK IT WAS BEING DARK. BECAUSE IT WAS,
13 LIKE, ALREADY SEVEN WHEN I HAD GOT OFF. AND, LIKE, WE RODE
14 AROUND FOR, LIKE, A HOUR OR TWO. SO, ACTUALLY IT WAS DARK.

15 Q OKAY. SO, IT WOULD HAVE HAD TO HAVE BEEN DARK?

16 A RIGHT.

17 Q WHEN YOU GOT TO MICHAEL ROBERTSON'S HOME, WHO WAS
18 THERE?

19 A IT WAS JAMIE, MIKE... AND MIKE... JAMIE, MIKE, RENARDO,
20 AND MY BROTHER AND ME. AND I THINK IT WAS, LIKE, ONE MORE
21 OTHER PERSON, SOME GUY NAMED HEZEKIAH, SOMETHING LIKE THAT.
22 I THINK HE WAS THERE, TOO.

23 Q DID YOU KNOW HIM VERY WELL?

24 A NO SIR.

25 Q SO, YOU ONLY KNOW HIM BY HIS NICKNAME?

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

- 1 A YES SIR.
- 2 Q I HAND YOU WHAT HAS BEEN MARKED AS STATE'S EXHIBIT
- 3 NUMBER SIX, WHICH HAS BEEN ADMITTED INTO EVIDENCE. CAN YOU
- 4 IDENTIFY THIS?
- 5 A IT LOOKS LIKE MIKE'S HOUSE.
- 6 Q IN 2005?
- 7 A YES SIR.
- 8 Q WHAT IS THAT RIGHT THERE?
- 9 A IT LOOK LIKE THE FRONT PORCH.
- 10 Q SO, WHEN YOU ARRIVED AT THE HOME ON THAT EVENING AND
- 11 ALL THOSE GUYS WERE THERE, WHERE WAS EVERYBODY?
- 12 A THEY WAS, LIKE,... SOME OF THEM WAS IN THE YARD AND I
- 13 THINK-- I'M NOT REALLY SURE. I KNOW WHO WAS OUTSIDE, THOUGH,
- 14 IN THE YARD, IN THE YARD, YEAH.
- 15 Q ANYBODY ON THE FRONT PORCH?
- 16 A I THINK IT WASN'T NOBODY ON THE FRONT PORCH.
- 17 Q ANYBODY INSIDE THAT YOU KNOW OF?
- 18 A NOT TO MY KNOWLEDGE.
- 19 Q DID ANYBODY GO INSIDE OR COME BACK OUT WHILE YOU WERE
- 20 THERE?
- 21 A I CAN'T REALLY RECALL. IT'S BEEN SO LONG AGO.
- 22 Q SO, YOU ARRIVED AT THE HOME AND THERE ARE SIX GUYS
- 23 OUTSIDE. WAS EVERYBODY DRINKING?
- 24 A YES SIR.
- 25 Q DID YOU SEE EVERYBODY DRINKING?

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

- 1 A NOT REALLY. I MEAN, I AIN'T SEEN EVERYBODY DRINKING, BUT,
2 YOU KNOW, I ASSUMED SO.
- 3 Q DID YOU SEE JAMIE DRINKING?
- 4 A YES SIR.
- 5 Q DID YOU SEE MICHAEL ROBERTSON DRINKING?
- 6 A YES SIR.
- 7 Q DID YOU SEE RENARDO DRINKING?
- 8 A NO SIR.
- 9 Q SO, IF HE WAS OR WASN'T, YOU DON'T KNOW?
- 10 A NO SIR.
- 11 Q YOU WERE HAVING SOME BEER?
- 12 A SIR?
- 13 Q YOU WERE DRINKING?
- 14 A YES SIR.
- 15 Q HOW ABOUT CHRIS?
- 16 A YES SIR.
- 17 Q WHEN YOU ARRIVED AT THE HOME, WERE YOU IN A GOOD
18 MOOD?
- 19 A YES SIR.
- 20 Q WAS ANYTHING BOTHERING YOU?
- 21 A NO SIR.
- 22 Q HOW ABOUT CHRIS?
- 23 A NO SIR.
- 24 Q WHY DID Y'ALL GO OVER THERE?

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

1 A WE WAS JUST GOING OVER TO EXCHANGE DRINKS, PARTY A
2 LITTLE BIT.

3 Q WERE YOU MAD AT ANYBODY?

4 A NO SIR.

5 Q WHEN YOU GO OVER THERE TO THE RESIDENCE, EVERYBODY
6 THERE WAS DRINKING BEER. PLEASE PICK IT UP FROM THAT POINT OF
7 Y'ALL SHOWING UP, YOU AND CHRIS SHOWING UP. TELL THE JURY
8 WHAT HAPPENED.

9 A OKAY. WE WENT-- I, WE WENT OVER THERE AND STARTED
10 DRINKING OR WHATEVER. AND YOU KNOW, IT WAS, LIKE, WE WAS
11 TALKING ABOUT CARS, OR WHATEVER. SO, WE STARTED TALKING
12 AND MIKE, HE WAS TELLING ME SOMETHING ABOUT SOME KIND OF
13 STUFF THAT HAD HAPPENED EARLIER, A INCIDENT THAT HAPPENED
14 EARLIER WHILE I WAS AT WORK. AND I WAS TELLING HIM I DIDN'T
15 KNOW NOTHING ABOUT IT.

16 AND AT THAT POINT HE GOT AGITATED AND IT WAS, LIKE, HE
17 WAS MAD. YOU KNOW WHAT I'M SAYING? HE FELT LIKE I HAD
18 DISRESPECTED HIM BECAUSE I TOLD HIM I DIDN'T WANT TO HEAR IT.

19 Q NOW, THE INCIDENT EARLIER, THAT IS NOT AN INCIDENT YOU
20 WERE PRESENT AT?

21 A NO SIR.

22 Q DID IT INVOLVE YOU AT ALL?

23 A NO SIR.

24 Q WAS HE IRRITATED ABOUT IT?

25 A YES SIR.

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

1 Q WERE YOU?

2 A NO SIR.

3 Q THANK YOU. CONTINUE.

4 A SO, AFTER HE WAS TELLING ME ABOUT THE INCIDENT AND I
5 WAS TELLING HIM NO, I WASN'T THERE, I DIDN'T HAVE ANYTHING TO
6 DO WITH IT. SO, I MEAN, MAYBE, LIKE, TWO OR THREE WEEKS BEFORE
7 THAT HE HAD PULLED MY CAR TO THE SHOP BECAUSE I HAD TO GET A
8 TRANSMISSION. SO, I HAD BORROWED A RIM OF HIS, WHICH WAS,
9 LIKE, ON MY FRONT, PASSENGER-SIDE, FRONT. SO, HE WAS TELLING
10 ME, YOU KNOW, HE WANTED ME TO TAKE THAT RIM OFF RIGHT NOW
11 IN THE MIDDLE OF THE ROAD.

12 SO, I WAS TELLING HIM, I COULDN'T GET A RIM TODAY, AND I
13 COULDN'T DRIVE THE CAR WITHOUT THE RIM. HE SAID IT DIDN'T
14 MATTER, AND HE DIDN'T CARE. HE SAID HE WAS GOING TO SHOW ME
15 WHAT HE WAS TALKING ABOUT OR WHATEVER. SO, THAT WHEN HE
16 PRODUCED A GUN AND TELL HIS NEPHEW, GET THE OTHER GUN, OR
17 WHATEVER.

18 Q OKAY. NOW, I'M GOING TO STOP YOU THERE. HE ASKED YOU TO
19 TAKE THE RIM OFF OF A CAR. WAS IT YOUR CAR?

20 A YES SIR.

21 Q NOW, THERE IS SOME PHOTOGRAPHS THAT HAVE BEEN
22 ADMITTED BY THE STATE SHOWING A DAMAGED CAR. CAN YOU
23 IDENTIFY THAT CAR?

24 A YES SIR. THIS IS THE CHEVY CAPRICE I USED TO HAVE.

- 1 Q NOW, AT THE TIME THAT THIS WHOLE CONVERSATION TOOK
2 PLACE, WAS IT DAMAGED LIKE THIS?
- 3 A NO SIR.
- 4 Q DID IT HAVE ANYTHING WRONG WITH IT?
- 5 A NO SIR.
- 6 Q DID IT HAVE A RADIO?
- 7 A YES SIR. AND IF YOU LOOK, YOU CAN SEE THE RIM RIGHT HERE.
8 YOU CAN SEE THE RIM THAT I WAS TELLING YOU ABOUT. IT'S ON THE
9 FRONT, RIGHT SIDE.
- 10 Q AND YOU'RE POINTING TO STATE'S EXHIBIT NUMBER ELEVEN?
- 11 A THAT'S CORRECT.
- 12 Q AND POINT TO THE CAR, THE RIM THAT'S DIFFERENT.
- 13 A THIS ONE ON THE PASSENGER SIDE. I HAD TO BORROW IT FROM
14 HIM TO GET MY CAR PULLED.
- 15 Q AFTER YOU TALKED TO HIM AND HE TOLD YOU TO GIVE THE RIM
16 BACK, AT THAT POINT, WAS HE AGITATED?
- 17 A VERY MUCH SO.
- 18 Q WAS HIS VOICE RAISED?
- 19 A YES SIR.
- 20 Q WERE YOU AGITATED?
- 21 A NO SIR.
- 22 Q CONTINUE ON WITH THE STORY AND TELL THE JURY WHAT
23 HAPPENED.
- 24 A SO, AFTER HE TOLD ME TO TAKE THE RIM OFF MY CAR, AND I
25 WAS TRYING TO EXPLAIN TO HIM, YOU KNOW, I COULDN'T GET

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

1 ANOTHER RIM RIGHT THEN IN THE MIDDLE OF THE NIGHT. AND HE
2 WAS, LIKE, HE DIDN'T CARE, OR WHATEVER. THEN, LIKE, HE WAS
3 GONNA SHOW ME AND ALL THIS. AND HE PRODUCED A GUN FROM
4 UNDER HIS SHIRT.

5 Q WHAT'D THE GUN LOOK LIKE?

6 A IT WAS BLACK, A BLACK GUN. PROBABLY ABOUT THIS LONG OR
7 SO, A BLACK GUN.

8 Q A BIG GUN?

9 A IT WAS PROBABLY, LIKE, A PISTOL.

10 Q HOW DID HE PRODUCE IT FROM UNDER HIS SHIRT?

11 A I THINK HE HAD, LIKE, A FRONT-- HE REACHED IN THE FRONT
12 PART OF HIS SHIRT. I MEAN, FROM HIS PANTS. YOU KNOW, LIKE IN
13 THE FRONT OF HIS PANTS. YOU KNOW, LIKE, HE REACHED IN AND
14 RIGHT IN HERE. HE HAD ON, LIKE, A LONG SHIRT.

15 Q WAS HE SITTING DOWN OR WAS HE STANDING UP?

16 A HE WAS STANDING UP.

17 Q HOW FAR AWAY FROM HIM WERE YOU?

18 A WE WAS IN TALKING DISTANCE. WE WASN'T FAR FROM EACH
19 OTHER. PROBABLY AS FAR AS FROM HERE.

20 Q WAS HE AS FAR AWAY AS I AM FROM YOU?

21 A NO SIR.

22 Q WAS HE AS FAR AWAY AS I AM FROM YOU?

23 A MAYBE A LITTLE CLOSER THAN THAT. HE WAS A LITTLE
24 CLOSER, PROBABLY RIGHT ABOUT THERE, WHERE YOU STOPPED.

25 Q SO, A LITTLE LONGER THAN ARM'S DISTANCE?

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

- 1 A RIGHT.
- 2 Q AND AT THAT POINT, HE DID WHAT?
- 3 A HE PULLED THE GUN OUT OF HIS PANTS, SIR.
- 4 Q WAS HE FACING YOU AT THE TIME?
- 5 A YES SIR.
- 6 Q WHAT DID HE DO WITH THE GUN?
- 7 A HE PULLED IT UP TOWARDS ME. THEN I GRABBED HIS ARM. HE
- 8 WAS, LIKE, -- I WAS LITTLER THAN HIM. SO, HE PUSHED ME DOWN,
- 9 BUT I WAS STILL HOLDING ONTO THE GUN BECAUSE I DIDN'T WANT
- 10 HIM TO SHOOT ME WITH IT.
- 11 SO WE RASLED (SIC) WITH THE GUN FOR, LIKE, I DON'T KNOW.
- 12 IT WAS ALL HAPPENING SO FAST. BUT I DID COME UP. I CAME UP WITH
- 13 THE GUN IN MY HAND. SO, I WAS STILL TRYING TO LEAVE AND I WAS
- 14 TRYING TO GET AWAY BECAUSE MY CAR WAS, LIKE,-- MY CAR WAS,
- 15 LIKE, RIGHT IN FRONT OF THE HOUSE.
- 16 SO, I WAS TRYING TO GO BACKWARDS AND GET AWAY. BUT HE
- 17 HAD GRABBED ONTO THE BOTTOM OF MY LEGS, LIKE, IN A MOTION
- 18 LIKE THAT, HE HAD GRABBED ME LIKE THIS. SO, WHEN HE WAS
- 19 GRABBING ME I WAS STILL TRYING TO GET AWAY. BUT THE WAY HE
- 20 HAVE MY LEGS, I WAS FALLING.
- 21 SO, I GOT HIM LOOSE AND GOT MY BALANCE TO GET AWAY. YOU KNOW
- 22 WHAT I'M SAYING? AND BY THIS TIME, HIS NEPHEW WAS COMING OUT
- 23 OF THE HOUSE WHEN I GOT UP THE SECOND TIME, AND HE HAD A
- 24 RIFLE OR A SHOT GUN. HE WAS, LIKE, TRYING TO---

1 Q I APOLOGIZE. WHEN YOU SAY HIS NEPHEW, WHO ARE YOU
2 REFERRING TO?

3 A JAMIE ROBERTSON.

4 Q OKAY. CONTINUE.

5 A SO, WHEN HE PULLED THE GUN ON ME, WHEN JAMIE ROBERTSON
6 ON ME, THEN MIKE WAS TRYING TO HOLD MY LEGS AND SHOOT ME.
7 BUT I WAS GONNA RASSLE (SIC) HIM AND TRYING TO GET HIM OFF MY
8 LEGS. SO, I FELL, AND I GOT BACK UP AND HE WAS HOLDING ME LIKE
9 THIS.

10 SO, WHEN I STOOD UP THE NEXT TIME, YOU KNOW, I WAS
11 TRYING, YOU KNOW, TO GET HIM OFF ME BEFORE HE HAD SHOT ME.
12 BECAUSE I THOUGHT I WAS ABOUT TO DIE. SO, I START SHOOTING AT
13 THEM AND THEN-- I DON'T REMEMBER IF I SHOT DOWN FIRST, BUT I
14 KNOW I HAD SHOT AT JAMIE. AND I DIDN'T KNOW IF I HAD HIT HIM
15 BECAUSE THE SIMPLE FACT THAT HE COULDN'T GET THE GUN LOADED
16 BECAUSE IT WAS CLICKING. SO, HE TURNED HIS GUN AROUND LIKE
17 BAT OR A STICK OR SOMETHING, AND HE WAS SWINGING AT ME LIKE
18 THIS.

19 SO, I HAD WENT DOWN AND I SHOT. AND THEN MIKE LET MY
20 LEGS GO, AND I STARTED OUT AND I TOOK OUT RUNNING. I DIDN'T GO
21 TO THE CAR BECAUSE RENARDO, HE HAVE A RIFLE. SO, I COULDN'T
22 GET TO MY CAR IN TIME, BECAUSE I FELT LIKE, IF I TRY TO GET IN THE
23 CAR, YOU KNOW WHAT I'M SAYING, HE GONNA KILL ME. SO, I RAN UP
24 THE STREET.

1 MR. HEMLEPP: YOUR HONOR, MAY WE MARK THIRTY SECONDS
2 ON THE CLOCK?

3 THE COURT: YES SIR.

4 MR. HEMLEPP: BEGINNING NOW.

5 (PAUSE FOR THIRTY SECONDS TO PASS)

6 Q THIRTY SECONDS. DID ALL OF THIS HAPPEN IN MORE TIME THAN
7 THAT OR LESS TIME THAN THAT? WAS IT FASTER THAN THAT?

8 A REALLY, I COULDN'T REALLY SAY. YOU KNOW, I WAS FIGHTING
9 FOR MY LIFE. I WAS SCARED AND I WAS TRYING TO GET AWAY. SO, IT
10 JUST HAPPENED LIKE, (SNAP OF FINGERS). IT JUST HAPPENED SO FAST.
11 EVERYTHING, LIKE, JUST FLASHED, BOOM, BOOM.

12 Q DID THAT WHOLE EVENT, HIM PULLING THE GUN, STRUGGLING
13 WITH THE GUN, SHOOTING, THEN JAMIE, THEN SHOOTING, THEN
14 RUNNING AWAY, DID IT SEEM TO BE AT THE TIME SHORTER OR
15 LONGER THAN THAT? SHORTER OR LONGER?

16 A IT SEEMED SHORTER.

17 Q DID YOU KNOW AT THE TIME WHETHER YOU HAD HIT ANYBODY,
18 WHETHER YOU HAD SHOT ANYBODY?

19 A NO SIR.

20 Q WHAT WERE YOU FEELING AT THE TIME?

21 A I WAS SCARED AND I WAS TRYING TO GET AWAY. I WAS IN FEAR
22 FOR MY LIFE. THAT'S WHY I WAS TRYING TO GET AWAY.

23 Q NOW, WHEN JAMIE HAD THE RIFLE, AND WAS POINTING IT AT
24 YOU---

25 A YES SIR.

DAVID GOINS - DIRECT EXAMINATION BY MR. HEMLEPP

1 Q ---COULD YOU GET AWAY THEN?

2 A NO SIR.

3 Q WHY NOT?

4 A BECAUSE HIS UNCLE MIKE WAS HOLDING MY LEGS FROM THE
5 BOTTOM, CLOSE TOGETHER, LIKE, YOU KNOW, LIKE, WRAPPED TIGHT
6 IN A HOLD MOTION.

7 MR. HEMLEPP: JUDGE, CAN THE WITNESS LEAVE THE WITNESS
8 STAND?

9 THE COURT: ALL RIGHT.

10 Q STEP DOWN FOR A MOMENT.

11 (WHEREUPON THE WITNESS EXITED THE WITNESS STAND FOR
12 DEMONSTRATION)

13 I'M GOING TO BE YOU.

14 A RIGHT.

15 Q YOU BE MICHAEL.

16 A RIGHT.

17 Q TELL ME WHAT HE DID AND WHAT YOU DID. SHOW THE JURY.

18 A HE HAD MY LEGS. HE HAD BOTH OF THEM LIKE THAT. AND I
19 COULDN'T REALLY GET AWAY WITH MY LEGS CLOSE TOGETHER LIKE
20 THIS. SO, I ENDED UP FALLING BACK. I WAS TRYING TO GET AWAY,
21 BUT I COULDN'T. SO, I COULDN'T GET HIM UP OFF ME, NO KIND OF
22 WAY. IT WAS, LIKE, I COULDN'T.

23 Q I'M YOU.

24 A RIGHT.

25 Q WHERE IS JAMIE?