

Volume I

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Case No. 2009-CP-40-00235

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S.C. SUPREME COURT

State of South Carolina

Petitioner,

v.

Shanna M. Kranchick,
#283157

Respondent.

APPENDIX

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STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Reginald I. Lloyd, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHANNA M. KRANCHICK,

APPELLANT

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
: COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,)

PLAINTIFF,)

VERSUS)

SHANNA MARIE KRANCHIK)

DEFENDANT.)

TRANSCRIPT OF RECORD

02-GS-40-894

02-GS-40-895

02-GS-40-897

VOLUME I

JULY 11, 2005
COLUMBIA, SOUTH CAROLINA

B E F O R E:

THE HONORABLE REGINALD I. LLOYD, JUDGE, AND A JURY

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

FOR THE STATE:

KATHRYN LUCK CAMPBELL, ESQ., ASSISTANT SOLICITOR

AARON S. JOPHLIN, ESQ., ASSISTANT SOLICITOR

FOR THE DEFENSE:

DEBORAH AHRENS, ESQ., ASSISTANT PUBLIC DEFENDER

LAUREN H. MOBLEY, ESQ., ASSISTANT PUBLIC DEFENDER

PHYLLIS S. BARRETT
CIRCUIT COURT REPORTER

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1 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN. WE ARE
2 READY TO PICK A JURY FOR THIS CASE. JUROR SELECTION IS VERY
3 MUCH LIKE WHAT YOU ALL WENT THROUGH THIS MORNING WITH
4 QUALIFICATION. I THINK JUDGE MANNING QUALIFIED YOU ALL AND
5 ASKED YOU A BUNCH OF QUESTIONS. I'M GOING TO ASK YOU A BUNCH
6 OF QUESTIONS. THOSE QUESTIONS ARE ACTUALLY DESIGNED AROUND US
7 FIGURING OUT WHETHER OR NOT YOU ALL MEET THE STATUTORY
8 REQUIREMENTS IN ORDER TO BE ALLOWED TO ACTUALLY BE IN THIS
9 POOL. THERE ARE CERTAIN STATUTORY REQUIREMENTS WHICH ALLOW
10 YOU TO SERVE AS JURORS, AND THAT'S WHAT THAT PROCESS WAS
11 RELATED TO THIS MORNING. THERE ARE ALSO SOME STATUTES WHICH
12 GIVE SOME EXCEPTIONS TO JURY DUTY, AND THAT'S WHAT YOU ALL
13 WENT THROUGH AS WELL.

14 LADIES AND GENTLEMEN, THIS PROCESS ACTS PRETTY MUCH LIKE
15 THAT. THE ONLY DIFFERENCE IS, IS THAT THE QUESTIONS THAT I AM
16 GOING TO BE ASKING YOU ARE MORE RELATED TO THIS SPECIFIC CASE,
17 WHEREAS THOSE QUESTIONS THIS MORNING WERE JUST SORT OF
18 GENERAL. OUR GOAL IS TO PICK A FAIR AND IMPARTIAL JURY FOR
19 BOTH THE STATE AND DEFENDANT IN THIS CASE, TO TRY THIS CASE.

20 I WILL TELL YOU NOW THAT NONE OF THESE QUESTIONS ARE
21 MEANT TO EMBARRASS ANYBODY OR PUT YOU ON THE SPOT OR ANYTHING.
22 IF THERE IS ANY QUESTION THAT I ASK THAT YOU DON'T REALLY WANT
23 TO DISCUSS OUT IN FRONT OF THE REST OF THE JURY PANEL, JUST
24 TELL ME WHEN YOU STAND, AND TELL ME YOU WANT TO DISCUSS IT
25 WITH ME, AND I'LL BRING YOU UP ONE AT THE TIME AT THE SIDE BAR

1 AND WE WILL DISCUSS IT WITH COUNSEL AND MYSELF UP HERE, NEAR
2 THE COURT REPORTER. AS I SAID, WE DON'T MEAN TO EMBARRASS
3 ANYBODY OR PRY INTO ANYTHING, BUT WE DO HAVE TO MAKE SURE THAT
4 WE GET FAIR AND FULL ANSWERS TO ALL OUR QUESTIONS SO THAT BOTH
5 SIDES WILL GET A FAIR AND IMPARTIAL JURY FOR THE TRIAL.

6 LADIES AND GENTLEMEN, BEFORE I WILL ASK YOU THOSE
7 QUESTIONS, I WILL ASK YOU TO STAND AT THIS TIME AND THE CLERK
8 WILL GIVE YOU A LITTLE, SHORT OATH, AND THEN I'LL TALK TO YOU
9 A LITTLE BIT MORE.

10 (WHEREUPON THE JURY POOL WAS PLACED UNDER OATH BY THE
11 CLERK OF COURT)

12 THE COURT: THANK YOU VERY MUCH. LADIES AND GENTLEMEN,
13 THE FIRST FEW QUESTIONS I'M GOING TO ASK YOU ARE DESIGNED TO
14 FIND OUT WHETHER OR NOT YOU KNOW OR ARE RELATED TO ANY OF THE
15 PARTICIPANTS, SOME OF THE ACTUAL PARTICIPANTS IN THIS CASE.

16 MANY OF THESE QUESTIONS WILL BE THE SAME ONES OVER AND
17 OVER AGAIN. I'LL INTRODUCE SOME FOLKS TO YOU AND ASK YOU IF
18 YOU ARE RELATED TO THEM OR IF YOU KNOW THEM IN ANY WAY.

19 I WILL ASK YOU, LADIES AND GENTLEMEN, IF YOU ARE RELATED
20 TO ANY OF THESE INDIVIDUALS. BY THAT I MEAN IF YOU ARE NOW
21 CURRENTLY RELATED TO THEM OR IF YOU'VE EVER BEEN RELATED TO
22 THEM IN THE PAST, SUCH AS THINGS MAY HAVE CHANGED AS A RESULT
23 OF A DIVORCE OR SOMETHING LIKE THAT. IF YOU'VE EVER BEEN
24 RELATED TO SOMEBODY, YOU WILL BE INCLUDED IN THE QUESTION OF
25 WHETHER OR NOT YOU ARE RELATED TO THEM.

1 I WILL ALSO ASK YOU IF YOU KNOW THESE PEOPLE IN ANY WAY.
2 BY THAT, I MEAN, YOU'RE BEST FRIENDS, WENT CAMPING TOGETHER,
3 GREW UP TOGETHER, IF YOU'RE NEIGHBORS, IF YOU SEE EACH OTHER
4 IN THE GROCERY STORE ON OCCASION, JUST KNOW EACH OTHER FROM
5 WORK. IF YOU KNOW THESE PEOPLE IN ANY CAPACITY WHATSOEVER, IF
6 YOU WILL PLEASE STAND, AND I'LL COME BACK TO YOU AND ASK YOU
7 SOME FOLLOW-UP QUESTIONS.

8 LADIES AND GENTLEMEN, AGAIN, THIS SHOULD NOT TAKE VERY
9 LONG. AFTER THAT WE BEGIN THE JURY SELECTION PROCESS.

10 THIS IS THE MATTER OF THE STATE OF SOUTH CAROLINA VERSUS
11 SHANNA MARIE KRANCHIK. AND I'M GOING TO TELL YOU ABOUT THE
12 INDICTMENTS AT THIS POINT. SOME OF MY QUESTIONS LATER ON WILL
13 BE RELATED TO THESE AND I WILL EXPLAIN THAT TO YOU A LITTLE
14 MORE LATER.

15 I DO REMIND EVERYBODY AT THIS POINT NOW THAT WE ARE
16 BEGINNING THE SELECTION PROCESS THAT, LADIES AND GENTLEMEN,
17 THE FACT THAT THESE ARE INDICTMENTS, THEY ARE NOT EVIDENCE IN
18 THE CASE. THE JURY WHICH IS SELECTED TO TRY THIS CASE WILL BE
19 TOLD ONCE AGAIN THAT THE INDICTMENTS ARE NOT EVIDENCE. THE
20 INDICTMENTS ARE JUST THE LEGAL PAPERS, SO TO SPEAK, THAT BRING
21 THIS CASE UP HERE AND TELL US WHAT THE CHARGES ARE THAT THE
22 STATE IS ALLEGING AGAINST THE DEFENDANT.

23 SO, I DO ASK THAT YOU BEAR THAT IN MIND AS I TELL YOU
24 THAT THE DEFENDANT IS CHARGED UNDER THE INDICTMENT WITH FELONY
25 DRIVING UNDER THE INFLUENCE RESULTING IN GREAT BODILY INJURY;

1 CAUSING DEATH WHILE OPERATING A VEHICLE WHILE UNDER THE
2 INFLUENCE OF DRUGS OR ALCOHOL; AND CHILD ENDANGERMENT. AGAIN,
3 THOSE ARE THE INDICTMENTS IN THIS CASE AGAINST THE DEFENDANT,
4 SHANNA MARIE KRANCHIK.

5 I'LL EXPLAIN A LITTLE BIT MORE ABOUT THIS INCIDENT IN MY
6 QUESTIONS TO YOU, BUT I WILL FIRST BEGIN BY INTRODUCING TO YOU
7 THE DEFENDANT IN THIS CASE. I'LL ASK IF SHE WILL STAND AND
8 FACE THE JURY POOL.

9 (WHEREUPON DEFENDANT STANDS AND FACES JURY POOL)

10 LADIES AND GENTLEMEN, I'LL ASK IF ANY MEMBER OF THE JURY
11 PANEL IS RELATED BY BLOOD, MARRIAGE OR OTHERWISE KNOWS IN ANY
12 CAPACITY, MS. SHANNA MARIE KRANCHIK. IF YOU DO, PLEASE STAND.

13 (NO RESPONSE)

14 LADIES AND GENTLEMEN, MS. KRANCHIK IS REPRESENTED BY
15 ATTORNEYS, MS. DEBORAH AHRENS, AND MS. LAUREN MOBLEY. THEY
16 ARE STANDING IN FRONT OF YOU AS WELL. I'LL ASK IF ANY MEMBER
17 OF THE JURY PANEL IS RELATED BY BLOOD, MARRIAGE OR OTHERWISE
18 KNOWS IN ANY CAPACITY, EITHER MS. AHRENS OR MS. MOBLEY. OR IF
19 YOU'VE EVER BEEN REPRESENTED BY THESE ATTORNEYS OR KNOW
20 SOMEBODY WHO HAS BEEN REPRESENTED BY THESE ATTORNEYS. IF YOU
21 DO, PLEASE STAND.

22 (NO RESPONSE)

23 LADIES AND GENTLEMEN, THE STATE OF SOUTH CAROLINA IS
24 REPRESENTED IN THIS CASE BY KATHRYN LUCK CAMPBELL AND MR.
25 AARON JOPHLIN. THEY ARE ASSISTANT SOLICITORS WITH THE FIFTH

1 CIRCUIT SOLICITOR'S OFFICE. THE FIFTH CIRCUIT IS COMPRISED OF
2 RICHLAND AND KERSHAW COUNTY. I'LL ASK IF ANY MEMBER OF THE
3 JURY PANEL IS RELATED BY BLOOD, MARRIAGE OR OTHERWISE KNOWS IN
4 ANY CAPACITY, EITHER MS. CAMPBELL OR MR. JOPHLIN. IF SO,
5 PLEASE STAND.

6 (NO RESPONSE)

7 LADIES AND GENTLEMEN, I'M GOING TO GIVE YOU A LIST OF
8 POTENTIAL WITNESSES IN THIS CASE. ALL OR SOME OF THESE
9 WITNESSES MAY BE CALLED DURING THE TRIAL OF THIS CASE. I
10 WOULD ASK YOU TO WAIT UNTIL I GET TO THE END OF THE LIST AND
11 THEN I WILL COME BACK AND ASK YOU IF YOU KNOW OR ARE RELATED
12 TO THESE INDIVIDUALS. IF ANY OF THESE INDIVIDUALS ARE PRESENT
13 AS I GO THROUGH THE LIST, IF YOU WOULD PLEASE STAND AS I CALL
14 OUT YOUR NAME. STAND IN FRONT OF THE JURY SO THEY CAN SEE
15 YOU.

16 LANCE CORPORAL J. B. BAKER, SERGEANT J. D. DAY, SERGEANT
17 E. J. TALBOT, SERGEANT ROB LEE, LANCE CORPORAL G. R. CARROLL,
18 LIEUTENANT E. R. MAFFETT, STANFORD E. OWENS, DONALD ADAMS,
19 PASANTE TRAPP, DONALD WARD, DANIEL F. SHARPE, TROOPER M. S.
20 QUEEN, LANCE CORPORAL D. L. GILBERT, SERGEANT C. B. HUGHES, JO
21 ANN BACHELOR, OF THE SOUTH CAROLINA DEPARTMENT OF MOTOR
22 VEHICLES, MARIE WEARING, OF THE SOUTH CAROLINA DEPARTMENT OF
23 MOTOR VEHICLES, CHRIS EARLOVE, KAREN PACK, DOCTOR CLAY
24 NICHOLS, ABNER BURROUGHS, TRACY PROCTOR, W. H. HARRINGTON,
25 GREG ROCK, CHRISTI WEEKS, DOCTOR JOHN L. EADY, LIEUTENANT TOM

1 COLLINS, AND BILL O'NEILL. MR. O'NEILL IS THE GENTLEMAN
2 STANDING IN THE BACK. AND DOCTOR WILLIAM BREWER.

3 I'LL ASK IF ANY MEMBER OF THE JURY PANEL IS RELATED BY
4 BLOOD, MARRIAGE OR OTHERWISE KNOWS IN ANY CAPACITY WHATSOEVER
5 ANY OF THE INDIVIDUALS WHOSE NAMES I HAVE CALLED. IF SO,
6 PLEASE STAND.

7 (WHEREUPON JUROR STANDS)

8 YES MA'AM?

9 JUROR: I USED TO WORK WITH GREG ROCK.

10 THE COURT: YOUR NAME, MA'AM?

11 JUROR: MELANIE DAVIS.

12 THE COURT: YOU USED TO WORK DIRECTLY WITH HIM OR FOR
13 HIM?

14 JUROR: YES SIR, WITH HIM AT PROVIDENCE BAPTIST, AND ALSO
15 AT THE CORRECTIONS DEPARTMENT. I'M EMPLOYED BY THE SOUTH
16 CAROLINA DEPARTMENT OF CORRECTIONS.

17 THE COURT: YOU WORKED WITH HIM IN ONE OF THE
18 INSTITUTIONS?

19 JUROR: YES SIR. AT ALL OF THE INSTITUTIONS. I'M THE
20 DIRECTOR OF LABORATORY SERVICES.

21 THE COURT: DO YOU WORK DIRECTLY WITH INMATES AT ALL?

22 JUROR: OCCASIONALLY, YES.

23 THE COURT: WHAT EXACTLY DO YOU DO?

1 JUROR: I'M IN CHARGE OF THE CLINICAL LAB. WE DRAW
2 BLOOD. WE GO INTO INSTITUTIONS, HELP THE NURSES WITH THEIR
3 DUTIES.

4 THE COURT: IN TERMS OF YOUR RELATIONSHIP WITH GREG ROCK,
5 DID YOU SEE HIM A LOT, HAVE MUCH INTERACTION WITH HIM?

6 JUROR: WE USED TO WORK TOGETHER AT PROVIDENCE BAPTIST,
7 PROBABLY ABOUT SIX YEARS AGO.

8 THE COURT: YOU DON'T SEE HIM IN ANY OTHER CAPACITY?

9 JUROR: NO.

10 THE COURT: MA'AM, THE FACT THAT HE IS A POTENTIAL
11 WITNESS IN THIS CASE, BASED UPON YOUR KNOWLEDGE OF HIM IN THE
12 PAST AND HAVING WORKED WITH HIM IN A WORKING ENVIRONMENT,
13 WOULD THAT CAUSE YOU TO WEIGH HIS TESTIMONY ANY DIFFERENTLY
14 THAT THAT OF ANY OTHER WITNESS?

15 JUROR: NO.

16 THE COURT: YOU WOULDN'T BE MORE INCLINED OR LESS
17 INCLINED TO BELIEVE HIM BASED ON WHAT YOU KNOW OF HIM OUTSIDE
18 THIS COURTROOM?

19 JUROR: NO, I WOULD NOT.

20 THE COURT: DO YOU THINK YOU COULD BE FAIR AND IMPARTIAL
21 IN THIS TRIAL EVEN THOUGH HE IS A POTENTIAL WITNESS?

22 JUROR: YES.

23 THE COURT: THANK YOU, MA'AM. I'LL LEAVE YOU IN. THANK
24 YOU, MA'AM.

1 I'LL ASK IF ANY MEMBER OF THE JURY PANEL IS RELATED BY
2 BLOOD, MARRIAGE OR OTHERWISE KNOWS IN ANY CAPACITY WHATSOEVER
3 ANY OTHER MEMBER OF THE JURY PANEL?

4 (NO RESPONSE)

5 THE REASON I ASK THAT IS BECAUSE I HAD A MOTHER-DAUGHTER
6 A COUPLE OF WEEKS AGO.

7 LET ME ASK IF ANY MEMBER OF THE JURY PANEL OR ANY MEMBER
8 OF YOUR FAMILY, IMMEDIATE FAMILY, IS CURRENTLY EMPLOYED BY OR
9 HAS BEEN EMPLOYED IN THE PAST BY ANY LOCAL, STATE, OR FEDERAL
10 LAW ENFORCEMENT AGENCY. THAT WOULD INCLUDE ANY PROSECUTOR'S
11 OFFICE. ALSO, THAT MEANS ANY STATE LAW ENFORCEMENT AGENCY,
12 ANY SHERIFF'S OFFICE, ANY POLICE AGENCY, ANY MILITARY POLICE
13 DEPARTMENT, ANY FEDERAL LAW ENFORCEMENT, CORRECTIONAL
14 INSTITUTION, AS WELL AS ANY PROSECUTOR'S OFFICE, BOTH STATE,
15 LOCAL AND FEDERAL.

16 (WHEREUPON A NUMBER OF JURORS STAND)

17 WE'LL START ON THE END. EACH ONE OF YOU AS I COME BACK
18 TO YOU, IF YOU WILL JUST GIVE ME YOUR NAME AND YOUR JUROR
19 NUMBER.

20 JUROR: MELANIE DAVIS, AGAIN. MY JUROR NUMBER IS 71. MY
21 HUSBAND IS EMPLOYED WITH THE SOUTH CAROLINA ARMY NATIONAL
22 GUARD WITH THEIR CRIME DETECTION AND INTERDICTION DETACHMENT
23 WHICH WORKS VERY CLOSELY WITH LOCAL LAW ENFORCEMENT.

24 THE COURT: THE FACT THAT YOUR HUSBAND IS EMPLOYED IN A
25 CAPACITY THAT DOES WORK VERY CLOSELY WITH LAW ENFORCEMENT,

1 WOULD THAT CAUSE YOU IN ANY WAY TO WEIGH THE TESTIMONY ANY
2 DIFFERENTLY FOR ONE SIDE THAN THE OTHER IN THIS PARTICULAR
3 CASE?

4 JUROR: I DO NOT BELIEVE SO.

5 THE COURT: WOULD YOU BE ABLE TO SET SIDE YOUR HUSBAND'S
6 EXPERIENCES WITH LAW ENFORCEMENT AND ANY JOBS THAT HE'S DONE
7 AND VIEW THE EVIDENCE AND TESTIMONY FAIRLY FOR THE STATE AS
8 WELL AS FOR THE DEFENDANT.

9 JUROR: AGAIN, I THINK SO.

10 THE COURT: IS THERE ANY DOUBT IN YOUR MIND AS TO WHETHER
11 YOU COULD OR COULD NOT?

12 JUROR: NO.

13 THE COURT: AND WHEN YOU SAY YOU THINK SO, YOU'RE SAYING
14 YOU WOULD DO THAT?

15 JUROR: YES.

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

17 JUROR: MY HUSBAND IS A POLICE OFFICER WITH THE CITY OF
18 COLUMBIA.

19 THE COURT: YOUR NAME?

20 JUROR: DONNA AULD, JUROR NUMBER 8.

21 THE COURT: AND HE'S CURRENTLY A CITY OF COLUMBIA POLICE
22 OFFICER?

23 JUROR: YES.

1 THE COURT: AND AGAIN, MA'AM, THE SAME QUESTION, GIVEN
2 HIS PROFESSION, WOULD THAT IN ANY WAY FACTOR INTO HOW YOU
3 WOULD WEIGH THE EVIDENCE AND TESTIMONY IN THIS CASE?

4 JUROR: NO SIR.

5 THE COURT: YOU WOULD BE ABLE TO SET ASIDE HIS WORK
6 EXPERIENCE AND HIS EXPERIENCES THAT I'M SURE HE'S RELATED TO
7 YOU ON OCCASIONS AND VIEW THE EVIDENCE FAIRLY FOR BOTH THE
8 STATE AND THE DEFENDANT?

9 JUROR: YES SIR.

10 THE COURT: THANK YOU, MA'AM. YES MA'AM?

11 JUROR: I'M JUROR NUMBER 67, DONNA DANTZLER. MY HUSBAND
12 WORKS FOR THE DEPARTMENT OF CORRECTIONS AT BROAD RIVER.

13 THE COURT: HE'S CURRENTLY EMPLOYED AS A CORRECTIONS
14 OFFICER?

15 JUROR: YES.

16 THE COURT: THE SAME QUESTION MA'AM. GIVEN HIS CAREER
17 AND HIS WORKING ENVIRONMENT, WOULD THAT IN ANY WAY FACTOR INTO
18 YOU BEING ABLE TO GIVE BOTH THE STATE AND THE DEFENDANT A FAIR
19 TRIAL?

20 JUROR: YEAH.

21 THE COURT: IT WOULD?

22 JUROR: I WOULD BE ABLE TO GIVE A FAIR TRIAL.

23 THE COURT: OKAY. YOU'D BE ABLE TO GIVE BOTH SIDES A
24 FAIR TRIAL?

25 JUROR: YES.

1 THE COURT: THANK YOU, MA'AM. YES MA'AM?

2 JUROR: I'M JUROR 85, SUSAN ELWOOD. MY SON-IN-LAW IS A
3 SPECIAL INVESTIGATOR WITH THE INTERNAL AUDIT DIVISION OF THE
4 IRS.

5 THE COURT: BY THE WAY, MY NAME IS CASEY MANNING...

6 (LAUGHTER)

7 THE COURT: THE FACT THAT YOUR SON-IN-LAW IS EMPLOYED IN
8 THAT CAPACITY, WOULD THAT IN ANY WAY CAUSE YOU TO BE UNABLE TO
9 SET ASIDE THAT AND GIVE BOTH SIDES, THE STATE AND THE DEFENSE,
10 A FAIR TRIAL?

11 JUROR: NO.

12 THE COURT: YOU COULD BE FAIR TO BOTH THE STATE AND TO
13 THE DEFENDANT?

14 JUROR: YES.

15 THE COURT: THANK YOU, MA'AM. YES SIR?

16 JUROR: MY NAME IS MANUEL MARTINEZ, JUROR 157. I'M
17 ORIGINALLY FROM MIAMI, FLORIDA. I HAVE SEVERAL FAMILY MEMBERS
18 WHO HAVE WORKED FOR THE CITY OF MIAMI AS WELL AS DADE COUNTY
19 AS POLICE OFFICERS. I HAVE SOME FRIENDS, CLOSE FRIENDS WHO
20 ARE STATE TROOPERS. I, MYSELF, WORKED, OR WAS GOING THROUGH
21 THE HIRING PROCESS FOR THE CORRECTIONS DEPARTMENT OF DADE
22 COUNTY BEFORE I ACCEPTED MY CURRENT JOB IN SOUTH CAROLINA.

23 THE COURT: THE SAME QUESTION FOR YOU, SIR. WOULD THAT IN
24 ANY WAY FACTOR INTO YOUR ABILITY TO BE FAIR TO BOTH SIDES?

25 JUROR: I BELIEVE IT WOULD.

1 THE COURT: IT WOULD?

2 JUROR: YES SIR.

3 THE COURT: I WAS GOING TO ASK YOU, AS WELL, BEING FROM
4 THAT WELL, ARE YOU A HURRICANE, GATOR, SEMINOLE?

5 JUROR: HURRICANE.

6 THE COURT: THAT WOULD QUALIFY YOU TO BE ON THE JURY.

7 (LAUGHTER)

8 THE COURT: BUT GIVEN THAT, DO YOU BELIEVE THAT YOUR
9 EXPERIENCE WOULD IMPEDE YOUR ABILITY TO BE FAIR TO BOTH SIDES?

10 JUROR: I'VE BEEN VERY CLOSE TO IT, AND CLOSE TO IT
11 STILL. SO, I THINK IT WOULD.

12 THE COURT: AND IN THIS CASE, YOU DON'T BELIEVE YOU COULD
13 TOTALLY SET ASIDE THIS CASE AND VIEW THIS CASE SOLELY BASED ON
14 THE TESTIMONY AND EVIDENCE PRESENTED AT TRIAL?

15 JUROR: NO, I DON'T.

16 THE COURT: I APPRECIATE YOUR HONESTY. I'M GOING TO SET
17 YOU ASIDE. CAN I GET YOUR NAME AGAIN, SIR?

18 JUROR: MANUEL MARTINEZ.

19 THE COURT: THANK YOU. I'M GOING TO SET YOU ASIDE ON
20 THIS PARTICULAR CASE. IF YOU WOULD JUST HAVE A SEAT AND I'LL
21 LET ALL OF YOU GO AT ONE TIME. YES MA'AM?

22 JUROR: I'M JUROR 142, HELEN KING. ABOUT FIFTEEN YEARS
23 AGO, I WAS EMPLOYED BY THE STATE DEPARTMENT OF CORRECTIONS AT
24 THE STATE PARK FACILITY WORKING AS A CORRECTIONS OFFICER.

1 THE COURT: WOULD YOU BE ABLE TO SET ASIDE THE
2 EXPERIENCE, MA'AM, AND BE FAIR TO BOTH THE STATE AND DEFENDANT
3 IN THIS CASE?

4 JUROR: UH-HUH.

5 THE COURT: WOULD YOU BE ABLE TO BASE THE TESTIMONY AND
6 EVIDENCE YOU HEAR AND VIEW AS A JUROR AND BE ABLE TO BASE
7 YOUR VERDICT SOLELY ON WHAT YOU HEAR AND SEE IN COURT?

8 JUROR: YES SIR.

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

10 JUROR: MY NAME IS ROSETTA ROBERSON. MY JUROR NUMBER
11 IS 205. I HAVE A FAMILY MEMBER WHO IS A COUNTY ATTORNEY.

12 THE COURT: THE COUNTY ATTORNEY HERE IN RICHLAND COUNTY?

13 JUROR: YES.

14 THE COURT: THE COUNTY ATTORNEY OR THE SOLICITOR'S
15 OFFICE?

16 JUROR: PRIVATE ATTORNEY.

17 THE COURT: PRIVATE ATTORNEY?

18 JUROR: YES.

19 THE COURT: DO THEY DO CRIMINAL WORK?

20 JUROR: SAY AGAIN?

21 THE COURT: DO THEY DO CRIMINAL WORK?

22 JUROR: YES.

23 THE COURT: ARE THEY PART OF THE PRIVATE BAR OR ARE THEY
24 PART OF THE COUNTY ATTORNEY'S OFFICE?

1 JUROR: NO, A PRIVATE ATTORNEY WHO WORKS IN THIS COUNTY,
2 NOT FOR THE COUNTY.

3 THE COURT: THEY DO CRIMINAL DEFENSE WORK?

4 JUROR: YES.

5 THE COURT: THE FACT THAT THEY DO CRIMINAL DEFENSE WORK,
6 WOULD THAT IN ANY WAY FACTOR INTO HOW YOU WOULD WEIGH THE
7 EVIDENCE AND TESTIMONY IN THIS CASE?

8 JUROR: NO.

9 THE COURT: THE FACT THAT YOU HAVE A RELATIVE WHO IS A
10 CRIMINAL DEFENSE LAWYER, YOU STILL WOULD BE ABLE TO BE FAIR TO
11 BOTH THE STATE AND THE DEFENDANT IN THIS CASE?

12 JUROR: YES.

13 THE COURT: OKAY. THANK YOU, MA'AM. YES MA'AM?

14 JUROR: I DECIDED TO STAND UP AFTER EVERYBODY ELSE DID.
15 I HAVE BEEN A TEACHER AT THE WILLIAM S. HALL PSYCHIATRIC
16 INSTITUTE FOR THE PAST TWENTY-FOUR YEARS. MOST OF MY KIDS UP
17 THERE ARE DEPARTMENT OF JUVENILE JUSTICE

18 THE COURT: YOUR NAME, MA'AM?

19 JUROR: I'VE BEEN WORKING WITH A LOT OF JUVENILES WITH
20 CRIMINAL CHARGES.

21 THE COURT: GIVE US YOUR NAME, PLEASE, MA'AM.

22 JUROR: SUSAN FAULK, JUROR NUMBER 88.

23 THE COURT: GIVEN YOUR LINE OF WORK, MA'AM, THE SAME
24 QUESTION. WOULD THAT IN ANY FACTOR INTO YOUR ABILITY TO BE
25 FAIR TO BOTH THE DEFENDANT AND THE STATE?

1 JUROR: NO.

2 THE COURT: IT WOULDN'T CAUSE YOU TO BE MORE BIASED
3 TOWARDS OR AGAINST EITHER THE STATE OR THE DEFENDANT?

4 JUROR: NO.

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

6 JUROR: MY NUMBER IS 245. I HAVE VARIOUS COUSINS WHO
7 WORK IN THE DEPARTMENT OF CORRECTIONS.

8 THE COURT: ALL RIGHT, MS. WATKINS. YOU HAVE
9 RELATIVES THAT ARE EMPLOYED AS CORRECTIONAL OFFICERS?

10 JUROR: YES, I DO.

11 THE COURT: WOULD THAT IN ANY FACTOR INTO YOUR ABILITY TO
12 BE FAIR TO BOTH THE STATE AND THE DEFENSE?

13 JUROR: NO.

14 THE COURT: YOU COULD GIVE BOTH SIDES A FAIR TRIAL?

15 JUROR: YES.

16 THE COURT: THANK YOU, MA'AM. THE NEXT QUESTION I WAS
17 GOING TO ASK YOU, LADIES AND GENTLEMEN, IS WHETHER OR NOT
18 THERE'S ANYBODY WHO EITHER THEMSELVES, OR HAS A FAMILY MEMBER,
19 A CLOSE FAMILY MEMBER WHO HAS IN THE PAST OR IS CURRENTLY
20 EMPLOYED WITH ANY CRIMINAL DEFENSE LAW PRACTICE. BY THAT I
21 MEAN ANY PRIVATE LAW PRACTICE, OR FOR EXAMPLE, PUBLIC
22 DEFENDER'S OFFICE, EITHER THE STATE SIDE OR THE FEDERAL SIDE,
23 FOR THE PUBLIC DEFENDER. A PUBLIC DEFENDER AT ANY LEVEL.

24 YES MA'AM?

1 JUROR: MY FAMILY HAS A RELATIVE WHO IS A DEFENSE
2 ATTORNEY IN RICHLAND COUNTY?

3 THE COURT: IS THIS YOUR COUSIN?

4 JUROR: NO, A RELATION.

5 THE COURT: ARE THEY CLOSE ENOUGH THAT THEY ARE SOMEBODY
6 WHO TALKS TO YOU ABOUT THE CASES?

7 JUROR: NO, NO.

8 THE COURT: THE FACT THAT YOU DO HAVE, AS YOU SAID
9 EARLIER, A RELATIVE WHO IS A CRIMINAL DEFENSE LAWYER---

10 JUROR: RIGHT.

11 THE COURT: ---YOU SAID THAT WOULD NOT BIAS YOU FOR OR
12 AGAINST THE STATE OR AGAINST THE DEFENSE?

13 JUROR: THAT'S RIGHT.

14 THE COURT: THANK YOU, MA'AM. YES MA'AM?

15 JUROR: MY DAUGHTER IS TOMMY THOMAS' LEGAL SECRETARY, AND
16 HE WORKS IN CRIMINAL LAW.

17 THE COURT: THE SAME QUESTION, MA'AM. THE FACT THAT SHE
18 IS EMPLOYED WITH A CRIMINAL DEFENSE PRACTICE, WOULD THAT IN
19 ANY WAY CAUSE ANY BIAS FOR OR AGAINST THE STATE OR THE
20 DEFENSE?

21 JUROR: I WOULD HOPE NOT, PROBABLY NOT.

22 THE COURT: WHEN YOU SAY PROBABLY NOT, WOULD YOU BE ABLE
23 TO SET ASIDE YOUR DAUGHTER'S WORK EXPERIENCES AND WHAT SHE MAY
24 HAVE RELATED TO YOU AND BE FAIR TO BE BOTH SIDES?

25 JUROR: YES SIR.

1 THE COURT: IS THERE ANY DOUBT IN YOUR MIND AS TO WHETHER
2 YOU COULD DO THAT?

3 JUROR: NO, I DON'T THINK SO.

4 THE COURT: YOU HESITATED A LITTLE BIT. DO YOU HAVE SOME
5 DOUBT?

6 JUROR: I CAN BE FAIR.

7 THE COURT: WOULD YOU HAVE NO DOUBT THAT YOU COULD WEIGH
8 THE VERDICT BASED SOLELY WHAT YOU HEAR HERE IN THE COURTROOM
9 DURING THE TRIAL?

10 JUROR: YES SIR. WHAT EVER YOU TOLD US TO DO, I COULD
11 RULE UPON IT.

12 THE COURT: YOU WOULD TAKE THE EVIDENCE AND TESTIMONY
13 THAT YOU WOULD HEAR HERE IN COURT AND TAKE THE CHARGE ON THE
14 LAW AS I WOULD GIVE IT TO YOU AND YOU COULD APPLY THAT FAIRLY
15 TO BOTH SIDES?

16 JUROR: YES.

17 THE COURT: THANK YOU, MA'AM. IS THERE ANY MEMBER OF THE
18 JURY PANEL WHO EITHER BELONGS TO OR HAS CONTRIBUTED TO ANY
19 ORGANIZATION THAT HAS AS ITS PRIMARY PURPOSE THE PROMOTION OF
20 LAW ENFORCEMENT OR VICTIMS' RIGHTS?

21 NOW, LADIES AND GENTLEMEN, THAT MIGHT INCLUDE GROUPS, BUT
22 NOT LIMITED TO, LIKE MADD, MOTHERS AGAINST DRUNK DRIVERS,
23 CAVE, OR THE SOUTH CAROLINA TROOPERS ASSOCIATION OR ANY
24 SIMILAR ASSOCIATION. IF ANY OF YOU HAVE VOLUNTEERED OR
25 CONTRIBUTED TO ANY OF THOSE ORGANIZATIONS.

1 JUROR: MY NAME IS ANNA G. McCREARY. I'M JUROR 161. I
2 HAVE CONTRIBUTED TO TWO, THE MADD ASSOCIATION, AND I HAVE
3 CONTACTED QUITE A FEW YEARS AGO, CAVE.

4 THE COURT: LET ME ASK YOU, MA'AM. THE FACT THAT YOU DID
5 CONTRIBUTE TO MADD-- THIS CASE INVOLVES, WHICH I WILL GO INTO
6 IN A LITTLE MORE DETAIL SHORTLY, BUT IT DOES INVOLVE,
7 OBVIOUSLY, ALLEGATIONS THAT REVOLVE AROUND THE INDICTMENT,
8 ISSUES REGARDING POTENTIAL DRIVING UNDER THE INFLUENCE. WOULD
9 THAT FACT THAT YOU CONTRIBUTED TO MADD IN ANY WAY INFLUENCE
10 YOUR ABILITY TO BE FAIR?

11 JUROR: NO.

12 THE COURT: YOU WOULD BE ABLE TO SET ASIDE THE FACT THAT
13 YOU WERE A CONTRIBUTOR TO MADD AND WEIGH THE EVIDENCE AND
14 TESTIMONY AND CHARGE ON THE LAW FAIRLY FOR BOTH THE STATE AND
15 FOR THE DEFENSE?

16 JUROR: YES SIR.

17 THE COURT: THANK YOU, MA'AM. YES MA'AM?

18 JUROR: I'M A MEMBER OF THE PROFESSIONAL PEACE OFFICERS
19 ASSOCIATION.

20 THE COURT: THE FACT THAT YOU ARE A MEMBER OF THAT
21 ORGANIZATION, MA'AM, WOULD THAT IN ANY FACTOR INTO YOUR
22 ABILITY TO BE FAIR TO BOTH THE STATE AND THE DEFENDANT?

23 JUROR: IT SHOULD NOT.

1 THE COURT: YOU'D BE ABLE TO SET ASIDE BEING A MEMBER OF
2 THAT ASSOCIATION AND NOT HAVE ANY BIAS FOR OR AGAINST THE
3 STATE OR THE DEFENDANT?

4 JUROR: I SHOULD NOT.

5 THE COURT: Y'ALL MAKE ME NERVOUS WHEN YOU HESITATE. AND
6 IT SEEMS LIKE I'M PRESSING Y'ALL ON THAT. BUT LADIES AND
7 GENTLEMEN, IF Y'ALL WERE ON EITHER SIDE OF THIS COURTROOM
8 RIGHT HERE ABOVE THAT BAR, THE WHOLE REASON WE GO THROUGH THIS
9 IS TO MAKE SURE JURORS, THE TWELVE PEOPLE WHO ACTUALLY GO BACK
10 IN THERE AND DECIDE THAT CASE, WILL ONLY DECIDE THAT CASE ON
11 YOUR OATH, THAT YOU WILL TAKE BEFORE WE START THIS CASE, BASED
12 ON WHAT YOU HEAR HERE IN COURT, THE EVIDENCE, THE TESTIMONY
13 THAT I ALLOW IN, AND THE CHARGE ON THE LAW THAT I WOULD GIVE
14 YOU AT THE CONCLUSION OF THE CASE.

15 SO, WHEN Y'ALL HESITATE A LITTLE BIT, THAT'S WHY I'M
16 PROBING YOU A LITTLE BIT ABOUT THAT, BECAUSE THAT, BASED ON
17 YOUR OATH THAT YOU ALL TAKE AS JURORS IN CASES, IS ONE OF THE
18 MOST FUNDAMENTAL RIGHTS WE HAVE IN THIS COUNTRY.

19 JUROR: PERSONALLY, YOUR HONOR, I WOULD TRY BE FAIR, BUT
20 THE ONLY THING THAT WOULD BOTHER ME IF SOMEONE IS CONVICTED
21 AND THEY WOULD BE HOUSED IN ONE OF OUR INSTITUTIONS, AND I DO
22 GO INTO THEM ON A REGULAR BASIS. THAT'S THE ONLY THING THAT
23 WOULD BOTHER ME.

24 THE COURT: I'LL TALK TO YOU A LITTLE BIT MORE ABOUT
25 THAT. AT THE VERY END I'LL BRING YOU UP AND TALK TO YOU A

1 LITTLE BIT ABOUT THAT. JUST BY BEING A MEMBER OF THAT
2 ORGANIZATION, WOULD THAT FACTOR IN?

3 JUROR: NO.

4 THE COURT: THANK YOU, MA'AM. YES MA'AM?

5 JUROR: WHEN YOU SAY CONTRIBUTE, DO YOU MEAN TIME?

6 THE COURT: EITHER CONTRIBUTE MONEY OR TIME.

7 JUROR: WELL, BOTH MY HUSBAND AND I CONTRIBUTE TO THE
8 SOUTH CAROLINA TROOPERS ASSOCIATION.

9 THE COURT: YOUR NAME?

10 JUROR: MY NAME IS ANNE SIEFER. I'M NOT SURE OF MY JUROR
11 NUMBER.

12 THE COURT: LET ME ASK YOU, FIRST-- WOULD THE FACT THAT
13 YOU CONTRIBUTED TO WHAT ASSOCIATION?

14 JUROR: SOUTH CAROLINA TROOPERS ASSOCIATION.

15 THE COURT: TROOPERS. THE FACT THAT YOU HAVE CONTRIBUTED
16 TO THAT ASSOCIATION, WOULD THAT IN ANY WAY FACTOR INTO OR
17 AFFECT YOUR DELIBERATIONS IN THIS CASE?

18 JUROR: NO SIR, NOT AT ALL.

19 THE COURT: YOU WOULD BE ABLE TO SET ASIDE THE FACT THAT
20 YOU ARE A CONTRIBUTOR TO THAT ORGANIZATION AND WEIGH THE
21 EVIDENCE AND TESTIMONY OF ALL WITNESSES FAIRLY FOR BOTH SIDES?

22 JUROR: I WOULD BE ABLE TO DO THAT.

23 THE COURT: SAME QUESTION, MA'AM. WOULD ANY OF THAT
24 WEIGH INTO HOW YOU WOULD VIEW THIS CASE?

25 JUROR: NO.

1 THE COURT: AND YOU COULD BE FAIR TO BOTH THE DEFENSE AND
2 THE STATE?

3 JUROR: YES SIR.

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

5 JUROR: I AM A CONTRIBUTOR TO THE STATE TROOPERS
6 ASSOCIATION.

7 THE COURT: AND COULD I GET AGAIN YOUR NAME FOR THE
8 RECORD, MA'AM?

9 JUROR: ROSETTA ROBERSON.

10 THE COURT: AND THE SAME QUESTION. WOULD THAT IN ANY WAY
11 INFLUENCE YOUR ABILITY TO BE FAIR TO BOTH THE STATE AND THE
12 DEFENSE?

13 JUROR: NOT IN ANY WAY.

14 THE COURT: THANK YOU, MA'AM. ANYONE ELSE?

15 (NO RESPONSE)

16 IS ANY MEMBER OF THE JURY PANEL EVER TESTIFIED FOR A
17 WITNESS IN A CRIMINAL CASE? IN A CRIMINAL CASE, HAS ANYBODY
18 EVER BEEN CALLED AS A WITNESS FOR EITHER THE DEFENSE OR THE
19 STATE? YES MA'AM?

20 JUROR: ROBERTA CUSTODIO, NUMBER 64. AND MY---

21 THE COURT: DON'T TELL ME. LET ME ASK FIRST OF ALL AND
22 FIND OUT WHO HAS. DON'T TELL ME ANYTHING ABOUT THE CASE.
23 YOUR NAME AGAIN?

24 JUROR: ME?

25 THE COURT: YES MA'AM.

1 JUROR: 64.

2 THE COURT: YOU'VE BEEN CALLED TO TESTIFY BEFORE IN A
3 CRIMINAL CASE?

4 JUROR: YES, I HAVE.

5 THE COURT: YES MA'AM? I'LL COME BACK TO YOU.

6 JUROR: 71, MELANIE DAVIS.

7 THE COURT: YOU AS WELL WERE CALLED AS A WITNESS AND
8 ACTUALLY TESTIFIED IN A CRIMINAL CASE?

9 JUROR: YES SIR.

10 THE COURT: YES SIR?

11 JUROR: JOHN NEMO, NUMBER 185. I WAS CALLED IN A COURT
12 MARTIAL FOR A SOLDIER IN MY UNIT.

13 THE COURT: DON'T DO INTO ANY DETAILS YET. LET ME ASK,
14 ANYBODY ELSE?

15 (NO RESPONSE)

16 I'M GOING TO ASK YOU THREE TO LINE UP ALONG THIS WALL AND
17 I'LL BRING YOU DOWN ONE AT A TIME, AND WE'LL DISCUSS THIS WITH
18 COUNSEL.

19 (WHEREUPON THE COURT QUESTIONED JURORS IN-CAMERA)

20 IF YOU WILL JUST STATE YOUR NAME FOR THE RECORD.

21 JUROR: MELANIE DAVIS.

22 THE COURT: OKAY.

23 JUROR: I TESTIFIED IN A CASE INVOLVING A PATIENT IN A
24 CASE BECAUSE I HAD DRAWN BLOOD FROM THAT PATIENT.

25 THE COURT: YOUR ROLE IN TESTIFYING IN THAT CASE WAS?

1 JUROR: IT WAS WITH THE PATIENT, THE METHOD OF DRAWING,
2 ET CETERA.

3 THE COURT: DID YOU ACTUALLY TEST THE VICTIM?

4 JUROR: NO.

5 THE COURT: BUT YOUR JOB WAS TO DRAW BLOOD.

6 JUROR: I'M A MEDICAL TECHNOLOGIST. PART OF MY JOB IS TO
7 DRAW THE BLOOD. IN SOME SITUATIONS I ALSO TEST. IN THAT
8 PARTICULAR JOB I DID NOT TEST.

9 THE COURT: PART OF YOUR JOB IS TO ALSO TEST THE BLOOD?

10 JUROR: YES.

11 THE COURT: OKAY.

12 JUROR: AND I ALSO DO, IF THERE IS A CASE WHERE A
13 SOLICITOR NEEDS BLOOD FOR TESTING FROM SOMEONE WHO IS IN THE
14 DEPARTMENT OF CORRECTIONS, I'M THE ONE THAT DOES THE LEGAL
15 BLOOD DRAWING FOR THAT, AND GIVE THAT EVIDENCE OVER TO THE
16 PERSON THAT REQUESTED IT.

17 THE COURT: THE FACT THAT YOU DO SOME TESTING AND YOU
18 HAVE TESTIFIED FOR THE STATE, WOULD THAT WEIGH IN TO HOW YOU
19 WOULD VIEW THE EVIDENCE IN THIS CASE?

20 JUROR: IT SHOULDN'T.

21 THE COURT: AND YOU DON'T BELIEVE THAT YOUR JOB
22 EXPERIENCE, WHAT YOU DO, AS WELL AS TESTIFYING, IN TERMS OF
23 COLLECTING BLOOD SAMPLES, WOULD AFFECT OUR ABILITY TO BE A
24 FAIR AND IMPARTIAL JUROR?

25 JUROR: NO.

1 THE COURT: YOU DID STATE EARLIER THAT YOU HAD SOME
2 CONCERN ABOUT COMING INTO CONTACT WITH INMATES?

3 JUROR: YES.

4 THE COURT: WHEN YOU COME INTO CONTACT WITH INMATES, HOW
5 IS THAT?

6 JUROR: IT DEPENDS. I AM IN CHARGE OF THE LAB. EACH
7 INSTITUTION HAS THEIR OWN. SO, I MEAN, EACH INSTITUTION,-- MY
8 OFFICE IS ACTUALLY IN KIRKLAND CORRECTIONAL INSTITUTION AT THE
9 RECEPTION AND EVALUATION CENTER. AND THEN I GO TO THE OTHER
10 ONES IN THE COMPLEX, PROBABLY TWO TO THREE TIMES A MONTH, AND
11 THE OTHER INSTITUTIONS ONCE A YEAR.

12 THE COURT: DO YOU GO IN? DO THEY BRING INMATES TO YOU?

13 JUROR: WE GET A PASS IN. ONCE YOU GO INTO THE MEDICAL
14 AREA, YOU DON'T HAVE AN ESCORT, YOU CAN JUST WALK BY YOURSELF.
15 OF COURSE, THERE ARE OFFICERS THERE. BUT THEY DO CALL THEM
16 INTO MEDICAL SERVICES.

17 THE COURT: AND THOSE ARE MADE WITH CORRECTIONAL
18 OFFICERS?

19 JUROR: NOT ALWAYS. THERE IS A MEDICAL AREA WHERE THERE
20 AREN'T ANY.

21 THE COURT: BUT IT'S NOT IN THE GENERAL INMATE
22 POPULATION?

23 JUROR: NO, NOT IN THOSE AREAS.

24 THE COURT: DO YOU FEEL AT ALL UNEASY ABOUT SITTING IN A
25 CRIMINAL TRIAL BECAUSE OF THAT?

1 JUROR: I THINK I WOULD BECAUSE IF SOMETHING WERE TO
2 HAPPEN AND I WOULD GO IN TO TEST THIS PERSON IN OUR
3 INSTITUTIONS, IT WOULD MAKE ME FEEL UNCOMFORTABLE, YES.

4 THE COURT: IF YOU WERE DELIBERATING ON THIS CASE AND
5 THERE SHOULD BE A GUILTY VERDICT, DO YOU THINK YOU WOULD BE
6 INFLUENCED BY YOUR EXPERIENCE?

7 JUROR: I DON'T THINK THAT WOULD BE.

8 THE COURT: DO YOU THINK YOU CAN MAKE A DETERMINATION
9 FAIRLY FOR BOTH SIDES ON THE ISSUE OF GUILT?

10 JUROR: I DON'T THINK I WOULD HAVE A PROBLEM WITH THAT.

11 THE COURT: I'M GOING TO LEAVE YOU IN. THANK YOU.

12 (WHEREUPON JUROR RETURNS TO SEAT)

13 THE COURT: YES MA'AM, PLEASE STATE YOUR NAME.

14 JUROR: MY NAME IS ROBERTA CUSTODIO, JUROR 64.

15 THE COURT: YES MA'AM.

16 JUROR: MY HUSBAND IS SERVING TIME IN A CORRECTIONAL
17 INSTITUTION IN SOUTH CAROLINA NOW. HE WAS CONVICTED IN THIS
18 COURTROOM. HE HAD A PLEA AND THEY, MR. GIESE AND MR. MYERS
19 REVOKED IT AT THE LAST MINUTE. I HAD TO TESTIFY IN THE APPEAL
20 GOING TO THE SUPREME COURT BASED ON THE MATTER OF REVOKING
21 BECAUSE HE HAD PRODUCED THE EVIDENCE. SO, I HAD TO TESTIFY
22 WITH SEVERAL OTHER ATTORNEYS, THAT THEY HAD DONE THAT, THAT
23 HAD ACTUALLY LIED UNDER OATH.

24 THE COURT: WAS THIS A PCR HEARING?

25 JUROR: IT'S A PCR, RIGHT.

1 THE COURT: NOW, YOU SAY MR. GIESE AND MR. MYERS. WHICH
2 MR. MYERS?

3 JUROR: I BELIEVE IT'S DONNIE MYERS.

4 THE COURT: DONNIE MYERS IS NOT THE SOLICITOR FOR THIS
5 CIRCUIT.

6 JUROR: WELL, HE WAS OF THE---

7 THE COURT: MR. GIESE IS THE SOLICITOR---

8 JUROR: RIGHT, YEAH, MR. GIESE. AND HIS PUBLIC DEFENDER
9 WAS LEE FAGGIOLA AND HIS ATTORNEY RIGHT NOW IS J. D. ELLIOTT.

10 THE COURT: BUT YOU SAY MR. MYERS---

11 JUROR: YEAH, DONNIE MYERS, I BELIEVE IT WAS HIM, PART OF
12 THE SOLICITOR, TOO. THEY ALL HAD A GROUP MEETING. I MEAN,
13 I---

14 THE COURT: DID HE HAVE CHARGES INITIALLY IN LEXINGTON
15 COUNTY?

16 JUROR: RICHLAND, LEXINGTON AND KERSHAW, ABOUT FIVE YEARS
17 AGO.

18 THE COURT: AND THE PLEA WAS WITHDRAWN.

19 JUROR: WE WERE DOING A PLEA AND WE HAD PRODUCED THE
20 EVIDENCE AND TOLD THEM WHAT HAPPENED. MR. GIESE SAID THAT WE
21 CAN'T HONOR THE PLEA BECAUSE THIS IS NOT WHAT WE THOUGHT IT
22 WAS. AND SO, THEY PULLED THE PLEA.

23 THE COURT: WHEN WAS THIS?

24 JUROR: THIS WAS MAY OF 2000. I HAVE THE DOCUMENTATION
25 FROM IT.

1 THE COURT: WERE YOU A WITNESS?

2 JUROR: NO SIR. I WAS A WITNESS OCTOBER OF LAST YEAR,
3 THIS OCTOBER.

4 THE COURT: LAST YEAR?

5 JUROR: YES SIR, IT WAS TWO YEARS AGO. THIS COMING
6 OCTOBER WILL BE TWO YEARS. I TESTIFIED HERE IN ONE OF THESE
7 COURTROOMS. I BELIEVE IT WAS 2-A. I'M NOT SURE. BUT IT WAS
8 MY TESTIMONY THAT THESE MEETINGS HAD TAKEN PLACE AND ALL THE
9 ATTORNEYS THAT WERE THERE BELIEVED THAT MR. CUSTODIO HAD A
10 PLEA, AND HE BELIEVED THAT HE HAD A PLEA. BUT THERE WAS NO
11 WRITTEN DOCUMENTATION OF IT BECAUSE THERE WERE THINGS IN THE
12 TRANSCRIPT---

13 THE COURT: I DON'T REALLY NEED THOSE DETAILS.

14 JUROR: AND I HAVE ALL THE DOCUMENTATION.

15 THE COURT: THE FACT THAT YOU WERE A WITNESS IN THAT
16 CAPACITY, DOES THAT IN ANY WAY FACTOR INTO---

17 JUROR: I'VE REALLY THOUGHT ABOUT THAT WITH ALL MY HEART
18 AND I ABSOLUTELY BELIEVE THAT I CAN PUT THAT ASIDE AND BE A
19 GOOD JUROR.

20 THE COURT: YOU UNDERSTAND THAT MR. GIESE IS THE
21 SOLICITOR?

22 JUROR: YEAH, I DO. AND THAT'S REAL HARD FOR ME BECAUSE,
23 FACING HIM THIS MORNING, I BROKE DOWN AND CRIED. IT WAS SO
24 TRAUMATIC FOR ME COMING BACK IN HERE.

1 THE COURT: YES MA'AM. I THINK I'M GOING TO EXCUSE YOU
2 FROM THIS CASE. YOU MAY RETURN TO YOUR SEAT.

3 (WHEREUPON JUROR RETURNS TO SEAT)

4 THE COURT: YES SIR. IF YOU WOULD, PLEASE STATE YOUR
5 NAME.

6 JUROR: JOHN NEMO.

7 THE COURT: YES SIR.

8 JUROR: I'M AN OFFICER IN THE MILITARY, AND IN LATE 2000,
9 AFTER GETTING TO MY UNIT, WE HAD ABOUT THIRTEEN PEOPLE WHO
10 TESTED POSITIVE FOR COCAINE. WE HAD A LOT OF COURT MARTIALS.
11 AND IN ONE OF THE COURT MARTIALS, I WAS CALLED IN. AND I
12 DON'T KNOW IF YOU KNOW HOW MILITARY COURTS WORK, BUT EVEN
13 AFTER YOU PLEAD GUILTY, YOU HAVE TO EXPLAIN WHY YOU'RE GUILTY.
14 AND THEY WERE TRYING TO DECIDE WHAT THE PUNISHMENT WAS GOING
15 TO BE. AND AT THAT PHASE ONE OF THE SOLICITORS HAD CALLED ME
16 TO TESTIFY ABOUT THEIR WORK ETHIC AND SOME OTHER STUFF.

17 THE COURT: HAVING HAD THOSE EXPERIENCES, WOULD THAT IN
18 ANY WAY BIAS YOU OR INFLUENCE YOU, OR DO YOU THINK IT MIGHT IN
19 THIS CASE? WOULD YOU BE ABLE TO BE FAIR AND IMPARTIAL AND
20 VIEW THE TESTIMONY FAIRLY FROM BOTH SIDES?

21 JUROR: I DON'T SEE ANY REASON WHY THAT WOULD INFLUENCE
22 ME.

23 THE COURT: THANK YOU.

24 (WHEREUPON JUROR RETURNS TO SEAT AND IN-CAMERA VOIR DIRE
25 OF JURORS IS ENDED)

1 THE COURT: THIS CASE, AS I SAID, INVOLVES ALLEGATIONS IN
2 THE INDICTMENTS OF GREAT BODILY INJURY AND DEATH AS A RESULT
3 OF AN AUTOMOBILE COLLISION THAT OCCURRED ON OR ABOUT JANUARY
4 23, 2002, ON I-20. AND THE INDICTMENTS ALLEGE THAT THE
5 DEFENDANT, IN BASIC TERMS, WAS UNDER THE INFLUENCE WHICH
6 CAUSED THE COLLISION.

7 I WOULD ASK IF ANY MEMBER OF THE JURY PANEL, OR ANY CLOSE
8 MEMBER OF THE JURY PANEL'S FAMILY HAS THEMSELVES BEEN THE
9 VICTIM OF AN AUTOMOBILE COLLISION WHERE THE DRIVER WAS ALLEGED
10 TO HAVE BEEN UNDER THE INFLUENCE, AND THERE WAS AT LEAST
11 GREAT, BODILY INJURY AS A RESULT OF THAT CAR WRECK.

12 (WHEREUPON JURORS STAND)

13 JUROR: IF I'VE BEEN DISMISSED, DO I HAVE TO STAND UP?

14 THE COURT: NO MA'AM. YOU'RE FINE. THANK YOU.

15 THE COURT: DON'T GO INTO ANY DETAILS, LADIES AND
16 GENTLEMEN. I JUST NEED YOUR NAMES, JUROR NUMBER, IF YOU
17 REMEMBER IT, AND I'LL BRING YOU UP ONE AT A TIME.

18 JUROR: DAVID VIRTUE, 241.

19 JUROR: 220, JIM SOWERS.

20 THE COURT: ANYBODY ELSE WHO EITHER THEMSELVES OR A
21 FAMILY MEMBER WHO HAVE BEEN INVOLVED IN AN AUTOMOBILE WRECK
22 WHERE THE DRIVER OF THE CAR INVOLVED IN THAT WRECK WAS
23 ALLEGED TO HAVE BEEN UNDER THE INFLUENCE, AND THAT WRECK
24 RESULTED IN AT LEAST GREAT BODILY INJURY TO ANYBODY?

25 JUROR: SHAREN CLELLAND.

1 THE COURT: ANYBODY ELSE?

2 (WHEREUPON JURORS STAND)

3 THE COURT: IF YOU WILL ALL LINE UP AGAIN AND I'LL BRING
4 YOU DOWN ONE AT THE TIME.

5 (WHEREUPON THE COURT QUESTIONED JURORS IN-CAMERA)

6 YES MA'AM. IF YOU WILL JUST STATE YOUR NAME FOR THE
7 RECORD.

8 JUROR: SHAREN CLELLAND. MY MOTHER AND UNCLE WERE KILLED
9 IN A WRECK.

10 THE COURT: AND THAT WAS IN A WRECK WHERE SOMEBODY WAS
11 ALLEGED TO BE DRIVING UNDER THE INFLUENCE?

12 JUROR: YES.

13 THE COURT: WAS ANYBODY PROSECUTED?

14 JUROR: I DON'T KNOW.

15 THE COURT: YOU UNDERSTAND THE ALLEGATIONS OF THIS CASE?

16 JUROR: UH-HUH.

17 THE COURT: WAS ANYBODY ARRESTED?

18 JUROR: NO, I DON'T THINK SO.

19 THE COURT: HAVING GONE THROUGH THAT EXPERIENCE, AND
20 UNDERSTANDING THE ALLEGATIONS OF THIS CASE, WOULD THAT CAUSE YOU
21 TO HAVE ANY BIAS FOR OR AGAINST THE DEFENDANT OR FOR OR
22 AGAINST THE STATE?

23 JUROR: NO.

24 THE COURT: SO, YOU WOULDN'T HAVE A HARD TIME SETTING
25 ASIDE THAT EXPERIENCE AND RENDERING A FAIR AND JUST VERDICT?

1 JUROR: NO, I DON'T THINK I CAN DO THAT.

2 THE COURT: I APPRECIATE YOUR HONESTY. I'M GOING TO SET
3 YOU ASIDE. PLEASE RETURN TO YOUR SEAT.

4 (WHEREUPON JUROR RETURNS TO SEAT)

5 THE COURT: YES SIR. YOUR NAME AND NUMBER?

6 JUROR: DAVID VIRTUE, NUMBER 241. I WAS INVOLVED IN AN
7 ACCIDENT WITH A DRUNK DRIVER WHO WAS SUBSEQUENTLY
8 REHABILITATED AT THE REHABILITATION CENTER.

9 THE COURT: WAS ANYBODY PROSECUTED?

10 JUROR: YES, THE DRIVER.

11 THE COURT: HAVING GONE THROUGH THAT EXPERIENCE, AND
12 BEING AWARE OF THE ALLEGATIONS IN THIS CASE, WOULD YOU BE ABLE
13 TO SET THAT EXPERIENCE ASIDE AND GIVE BOTH SIDES A FAIR AND
14 IMPARTIAL TRIAL?

15 JUROR: I DON'T THINK I COULD.

16 THE COURT: OKAY, SIR. I'M GOING TO SET YOU ASIDE. YOU
17 MAY RETURN TO YOUR SEAT.

18 (WHEREUPON JUROR RETURNS TO SEAT)

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

20 JUROR: DEBORAH WILSON, 254. MY HUSBAND AND I WERE
21 INVOLVED IN AN ACCIDENT AND HE WAS INJURED WITH A DRUNK DRIVER
22 WHEN I WAS 23 YEARS OLD.

23 THE COURT: 23?

24 JUROR: YES SIR.

25 THE COURT: WAS THE DRIVER ARRESTED OR PROSECUTED?

1 JUROR: I DON'T THINK SO.

2 THE COURT: WAS YOUR HUSBAND SERIOUSLY INJURED?

3 JUROR: YES, SERIOUSLY.

4 THE COURT: I'M GLAD YOU SHARED THAT EXPERIENCE WITH US.

5 GIVEN THE NATURE OF THIS CASE AND THE ALLEGATIONS OF THIS

6 CASE, AND YOUR HUSBAND'S EXPERIENCE, WOULD YOU BE ABLE TO SET

7 THAT ASIDE AND GIVE BOTH SIDES A FAIR TRIAL?

8 JUROR: NO, I DON'T THINK I COULD.

9 THE COURT: THANK YOU, MA'AM. I WILL EXCUSE YOU FROM
10 THIS CASE. YOU MAY RETURN TO YOUR SEAT.

11 (WHEREUPON JUROR RETURNS TO SEAT)

12 THE COURT: YES SIR, YOUR NAME.

13 JUROR: 220, JAMES SOWERS.

14 THE COURT: YES SIR.

15 JUROR: MY BROTHER-IN-LAW IN 1984, WAS KILLED BY A DRUNK
16 DRIVER.

17 THE COURT: GIVEN THAT EXPERIENCE, WOULD YOU BE ABLE TO
18 SET THAT ASIDE AND GIVE BOTH SIDES A FAIR TRIAL IN THIS CASE?

19 JUROR: NO.

20 THE COURT: I APPRECIATE YOUR HONESTY. I'M GOING TO SET
21 YOU ASIDE IN THIS CASE.

22 (WHEREUPON JUROR RETURNS TO SEAT AND IN-CAMERA VOIR DIRE
23 OF JURORS IS ENDED)

24 THE COURT: THANK YOU, LADIES AND GENTLEMEN. AS I SAID,
25 THIS INCIDENT IS ALLEGED TO HAVE OCCURRED ON INTERSTATE 20

1 DURING THE AFTERNOON OF JANUARY 23, 2002. I WOULD ASK IF ANY
2 MEMBER OF THE JURY PANEL BELIEVES THAT THEY HAVE ANY PERSONAL
3 KNOWLEDGE ABOUT ANY OF THE FACTS INVOLVED IN THIS CASE, OR
4 BELIEVE THAT YOU MAY HAVE HEARD SOMETHING, EITHER THROUGH THE
5 MEDIA OR THROUGH SOMEBODY ELSE JUST TALKING TO YOU. IF THERE
6 IS ANYBODY ON THE JURY PANEL WHO BELIEVES THAT THEY HAVE ANY
7 PERSONAL KNOWLEDGE OF THE FACTS ABOUT THIS CASE, OTHER THAN
8 WHAT YOU'VE HEARD HERE IN COURT TODAY?

9 (NO RESPONSE),

10 THE COURT: LADIES AND GENTLEMEN, LET ME ASK IF ANY
11 MEMBER OF THE JURY PANEL-- I APPRECIATE YOUR PATIENCE AND
12 YOUR HONESTY AS WE'VE GONE THROUGH THIS. MY LAST QUESTION TO
13 YOU IS WHETHER OR NOT ANYBODY ON THE JURY PANEL IS AWARE OF
14 ANY REASON WHATSOEVER, IF I'VE NOT ALREADY EXCUSED YOU, WHY
15 YOU DON'T BELIEVE THAT YOU COULD BE FAIR AND IMPARTIAL AND
16 GIVE BOTH THE STATE AND THE DEFENDANT A FAIR AND IMPARTIAL
17 TRIAL, DECIDING THIS CASE SOLELY BASED ON WHAT YOU HEAR HERE
18 IN COURT IN THE WAY OF EVIDENCE AND TESTIMONY AND CHARGES ON
19 THE LAW?

20 IS THERE ANYBODY WHO DOUBTS THAT THEY COULD GIVE BOTH
21 SIDES A FAIR TRIAL FOR ANY REASON WHATSOEVER, WHETHER IT'S
22 SOMETHING THAT I'VE ASKED YOU ABOUT TODAY OR ANY OTHER REASON?
23 IS THERE ANY REASON THAT YOU MIGHT HAVE THAT WOULD KEEP YOU
24 FROM BEING FAIR AND IMPARTIAL?

25 (WHEREUPON JURORS STAND)

1 THE COURT: YES MA'AM. IF Y'ALL COULD GIVE YOUR NAMES
2 AND YOUR NUMBERS AND I WILL BRING Y'ALL DOWN ONE AT A TIME.

3 THE COURT: YES MA'AM?

4 JUROR: DEBORAH WILSON, 254.

5 THE COURT: YES MA'AM?

6 JUROR: DE ANN DUNN, NUMBER 78.

7 THE COURT: YES MA'AM.

8 JUROR: KAE HENDERSON, NUMBER 110.

9 THE COURT: IF YOU WILL LINE UP HERE AND WE WILL BRING
10 YOU DOWN ONE AT A TIME.

11 (WHEREUPON JURORS WERE QUESTIONED IN-CAMERA)

12 THE COURT: YES MA'AM.

13 JUROR: KAE HENDERSON. I DON'T WANT ANYTHING TO DO WITH
14 ANYTHING THAT HAS ANYTHING TO DO WITH ALCOHOL OR DRUGS. I AM
15 VERY, VERY AGAINST THAT. AND I'M JUST NOT SURE THAT I
16 COULD---

17 THE COURT: THIS CASE, ITSELF, THE ALLEGATIONS INVOLVE
18 ALCOHOL. AND YOU WOULD HAVE A PROBLEM WITH THAT?

19 JUROR: YES SIR.

20 THE COURT: AND IF THE ALLEGATIONS WERE THAT SHE WAS
21 UNDER THE INFLUENCE OF ANYTHING OTHER THAN ALCOHOL, WOULD YOU
22 FEEL THE SAME WAY?

23 JUROR: YES SIR.

1 THE COURT: IT'S JUST THE FACT THAT ANYBODY ACTUALLY
2 ALLEGED TO BE UNDER THE INFLUENCE THAT YOU HAVE A VERY STRONG
3 FEELING ABOUT?

4 JUROR: I FEEL VERY STRONGLY ABOUT THAT.

5 THE COURT: AND YOU DON'T BELIEVE YOU COULD SET THIS
6 ASIDE?

7 JUROR: NO, I'M SURE I COULD NOT.

8 THE COURT: THANK YOU. I APPRECIATE YOUR HONESTY. I'LL
9 SET YOU ASIDE FROM THIS PARTICULAR TRIAL.

10 (WHEREUPON JUROR RETURNS TO SEAT.)

11 THE COURT: YES MA'AM.

12 JUROR: DE ANN DUNN, 110. SINCE THIS CASE INVOLVES
13 ALCOHOL AND I FEEL THAT ALCOHOL MAKES A BAD ENVIRONMENT. AND
14 I JUST DON'T FEEL THAT SINCE ALCOHOL IS ONE OF THE ALLEGATIONS
15 THAT I CAN BE FAIR.

16 THE COURT: IF THE ALLEGATIONS WERE INVOLVING ANYTHING
17 OTHER THAN ALCOHOL, HOW WOULD YOU FEEL ABOUT THAT?

18 JUROR: IF THEY INVOLVED ANYTHING OTHER THAN ALCOHOL?

19 THE COURT: IF IT WAS ALLEGED THAT THE ACCUSED WAS JUST
20 UNDER THE INFLUENCE OF ANYTHING.

21 JUROR: RIGHT. I DON'T THINK THAT I COULD DO IT, BE
22 FAIR.

23 THE COURT: BUT ALCOHOL IS YOUR MAIN OBJECTION.

24 JUROR: RIGHT.

1 THE COURT: THANK YOU, MA'AM. WE'LL SET YOU ASIDE ON
2 THIS ONE.

3 (WHEREUPON JUROR RETURNS TO SEAT)

4 THE COURT: YES MA'AM.

5 JUROR: DEBORAH WILSON.

6 THE COURT: YES MA'AM.

7 JUROR: I THINK THE DEFENDANT IS A STUDENT, A PARENT OF A
8 STUDENT, OR A STUDENT IN A DRUG EDUCATION CLASS AT THE
9 WOMEN'S INSTITUTE.

10 THE COURT: AT THE WOMEN'S INSTITUTE?

11 JUROR: YES.

12 THE COURT: WHEN DO YOU THINK SHE WAS THERE?

13 JUROR: IT WOULD HAVE BEEN MORE THAN TWELVE YEARS AGO.

14 THE COURT: IF YOU KNOW HER IN THAT CAPACITY, OR IN ANY
15 OF THOSE CAPACITIES, WOULD IT CAUSE YOU TO HAVE ANY-- DO YOU
16 THINK YOU COULD BE FAIR TO BOTH SIDES IN THIS CASE?

17 JUROR: WELL, IF SHE'S THE ONE THAT WAS IN THAT DRUG
18 EDUCATION CLASS AND I'M SAYING SHE HAS A DISEASE. AND THERE AT
19 THE CENTER, WE TRY TO HELP PEOPLE WITH THAT. BUT AFTER I
20 LISTEN TO HER AND I MIGHT BE ABLE TO BE FAIR. BUT I'M JUST
21 NOT SURE IF I CAN BE FAIR OR NOT.

22 THE COURT: AND YOU DEAL WITH SUBSTANCE ABUSE ISSUES?

23 JUROR: UH-HUH, DRUG EDUCATION.

1 THE COURT: WOULD THE FACT THAT SHE WAS A STUDENT OR NOT
2 IN THE PAST, AND I UNDERSTAND YOU ARE SYMPATHETIC. BUT WOULD
3 THE FACT THAT SHE HAD BEEN A STUDENT OR...?

4 JUROR: WELL, BECAUSE DRUG ADDICTION, OR ALCOHOL
5 ADDICTION, IT'S A DISEASE, AND THAT IS SOMETHING THAT I TRY TO
6 HELP PEOPLE WITH.

7 THE COURT: WOULD THE FACT - AND LET'S JUST ASSUME SHE
8 WASN'T ASSOCIATED WITH THAT PROGRAM - WOULD THE FACT OF THE
9 ALLEGATIONS IN THIS CASE, WOULD THAT FACTOR INTO HOW YOU WOULD
10 WEIGH THE EVIDENCE AND THE TESTIMONY?

11 JUROR: I PROBABLY COULD BE FAIR.

12 THE COURT: BUT BECAUSE SHE WAS ASSOCIATED WITH YOUR
13 PROGRAM, THEN YOU MIGHT BE SYMPATHETIC TOWARDS THE DEFENSE?
14 IS THAT RIGHT?

15 JUROR: I WOULD BE SYMPATHETIC TOWARDS HER BECAUSE I
16 UNDERSTAND THE ADDICTION, AND PROBABLY LISTENING TO MOST OF
17 THE TRIAL, I WOULD REMEMBER HER. SHE WAS EITHER A STUDENT OR
18 THE PARENT OF A STUDENT.

19 THE COURT: AND THAT WAS TWELVE YEARS AGO?

20 JUROR: UH-HUH. BUT THE THING IS, I UNDERSTAND THE
21 ADDICTION AND THE PROBLEMS WITH THAT.

22 THE COURT: WHAT INSTITUTION IS THE WOMEN'S CENTER
23 ASSOCIATED WITH?

24 JUROR: RICHLAND DISTRICT ONE.

25 THE COURT: AND YOU SAY THAT WAS TWELVE YEARS AGO?

1 JUROR: YES.

2 THE COURT: DO YOU THINK IF SHE WAS A FORMER STUDENT THAT
3 YOU COULD VIEW THE EVIDENCE FAIRLY FOR BOTH THE STATE AND THE
4 DEFENSE?

5 JUROR: YES. BUT I'M PRETTY SURE I REMEMBER HER.

6 THE COURT: ALL RIGHT. I THINK I'LL EXCUSE YOU FROM THIS
7 CASE. THANK YOU, MA'AM.

8 (WHEREUPON IN-CAMERA VOIR DIRE ENDED)

9 THE COURT: LADIES AND GENTLEMEN, I APPRECIATE YOUR,
10 THOSE OF YOU WHO WERE QUESTIONED, I APPRECIATE YOUR HONESTY.
11 AND THE REST OF YOU, I APPRECIATE YOUR PATIENCE.

12 COUNSEL, ANYTHING FURTHER ON VOIR DIRE?

13 MS. CAMPBELL: NOTHING FROM THE STATE.

14 MS. AHRENS: NOTHING FROM THE DEFENSE, YOUR HONOR.

15 THE COURT: LADIES AND GENTLEMEN, WE WILL BEGIN THE JURY
16 SELECTION PROCESS. IF I'VE ALREADY TOLD YOU THAT YOU ARE
17 EXCUSED, WE WILL NOT CALL YOU FOR THIS PARTICULAR TRIAL. BUT
18 IF YOU'LL WAIT UNTIL WE DO SELECT THE JURY TO LEAVE, AND
19 EVERYBODY CAN LEAVE AT ONE TIME.

20 IF YOU WILL LISTEN TO MADAM CLERK, SHE WILL TELL YOU WHAT
21 TO DO AS FAR AS SELECTION IS CONCERNED.

22 CLERK OF COURT: LADIES AND GENTLEMEN, AS I CALL YOUR
23 NAME, IF YOU WILL PLEASE COME FORWARD TO THE FRONT OF THE
24 COURTROOM, BRING WITH YOU ANY PERSONAL BELONGINGS THAT YOU
25 HAVE AND STATE YOUR NAME AND YOUR OCCUPATION.

1 NUMBER 259, MAYNARD WILLIAMS.

2 JUROR: MY NAME IS MAYNARD ALVIN WILLIAMS. I'M RETIRED
3 MILITARY. I'M NOW EMPLOYED WITH CIVIL SERVICE AT FORT JACKSON
4 AT THIS TIME AS A SQUAD TECHNICIAN.

5 WHAT SAYS THE STATE?

6 MS. CAMPBELL: PLEASE PRESENT MR. WILLIAMS.

7 CLERK OF COURT: WHAT SAYS THE DEFENSE?

8 MS. AHRENS: PLEASE SEAT THIS JUROR.

9 CLERK OF COURT: PLEASE HAVE A SEAT IN THE JURY BOX.

10 NUMBER 204, SHANDON RICHARDSON.

11 JUROR: MY NAME IS SHANDON RICHARDSON. I'M PRESENTLY A
12 STUDENT AT DENMARK TECH.

13 CLERK OF COURT: WHAT SAYS THE STATE?

14 MS. CAMPBELL: PLEASE EXCUSE MS. RICHARDSON

15 CLERK OF COURT: PLEASE HAVE A SEAT IN THE BACK OF THE
16 COURTROOM. NUMBER 8, DONNA AULD.

17 JUROR: MY NAME IS DONNA AULD. I'M A FLIGHT ATTENDANT.

18 CLERK OF COURT: WHAT SAYS THE STATE?

19 MS. CAMPBELL: PLEASE PRESENT MS. AULD.

20 CLERK OF COURT: WHAT SAYS THE DEFENSE?

21 MS. AHRENS: PLEASE EXCUSE MS. AULD.

22 CLERK OF COURT: PLEASE HAVE A SEAT IN THE BACK OF
23 COURTROOM. NUMBER 55, GARRY CORBETT.

24 JUROR: MY NAME IS GARRY CORBETT. I WORK AT HANSEN
25 BRICKYARD.

1 CLERK OF COURT: WHAT SAYS THE STATE?

2 MS. CAMPBELL: PLEASE PRESENT MR. CORBETT.

3 CLERK OF COURT: WHAT SAYS THE DEFENSE?

4 MS. AHRENS: PLEASE SEAT MR. CORBETT.

5 CLERK OF COURT: PLEASE HAVE A SEAT IN THE JURY BOX.

6 NUMBER 48, SHAREN CLELLAND.

7 JUROR: MY NAME IS SHAREN CLELLAND. I'M A STAY AT HOME
8 MOM.

9 CLERK OF COURT: WHAT SAYS THE STATE?

10 MS. CAMPBELL: PLEASE PRESENT MS. CLELLAND.

11 CLERK OF COURT: WHAT SAYS THE DEFENSE?

12 MS. AHRENS: PLEASE SEAT MS. CLELLAND.

13 CLERK OF COURT: PLEASE HAVE A SEAT IN THE JURY BOX.

14 NUMBER 6, LATASHA ANDERSON.

15 JUROR: MY NAME IS LATASHA ANDERSON. I AM A STAY AT HOME
16 MOM.

17 CLERK OF COURT: WHAT SAYS THE STATE?

18 MS. CAMPBELL: PLEASE EXCUSE MS. ANDERSON.

19 CLERK OF COURT: PLEASE HAVE A SEAT IN THE BACK OF THE
20 COURTROOM. NUMBER 218, ANN SIEFER.

21 JUROR: MY NAME IS ANN SIEFER. I WORK FOR THE DEPARTMENT
22 OF HEALTH AND ENVIRONMENTAL CONTROL AS AN INSPECTOR.

23 CLERK OF COURT: WHAT SAYS THE STATE?

24 MS. CAMPBELL: PLEASE PRESENT MS. SIEFER.

25 CLERK OF COURT: WHAT SAYS THE DEFENSE?

1 MS. AHRENS: PLEASE SEAT MS. SIEFER.

2 CLERK OF COURT: PLEASE HAVE A SEAT IN THE JURY BOX.
3 NUMBER 71, MELANIE DAVIS.

4 JUROR: MY NAME IS MELANIE DAVIS. I'M A CLINICAL LAB
5 DIRECTOR FOR THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS.

6 CLERK OF COURT: WHAT SAYS THE STATE?

7 MS. CAMPBELL: PLEASE PRESENT MS. DAVIS.

8 CLERK OF COURT: WHAT SAYS THE DEFENSE?

9 MS. AHRENS: PLEASE EXCUSE MS. DAVIS.

10 CLERK OF COURT: PLEASE HAVE A SEAT IN THE BACK OF THE
11 COURTROOM. NUMBER 85, SUSAN ELWOOD.

12 JUROR: MY NAME IS SUSAN ELWOOD. I AM A HEALTH HOME CARE
13 MANAGER FOR AN ORTHOPEDIC CLINIC.

14 CLERK OF COURT: WHAT SAYS THE STATE?

15 MS. CAMPBELL: PLEASE PRESENT MS. ELWOOD.

16 CLERK OF COURT: WHAT SAYS THE DEFENSE?

17 MS. AHRENS: PLEASE SEAT THIS JUROR.

18 CLERK OF COURT: PLEASE HAVE A SEAT IN THE JURY BOX.
19 NUMBER 67, DONNA DANTZLER.

20 JUROR: MY NAME IS DONNA DANTZLER. I AM AN
21 ADMINISTRATIVE SPECIALIST AT THE DEPARTMENT OF MENTAL HEALTH.

22 CLERK OF COURT: WHAT SAYS THE STATE?

23 MS. CAMPBELL: PLEASE PRESENT MS. DANTZLER.

24 CLERK OF COURT: WHAT SAYS THE DEFENSE?

25 MS. AHRENS: PLEASE SEAT MS. DANTZLER.

1 CLERK OF COURT: PLEASE HAVE A SEAT IN THE JURY BOX.

2 NUMBER 185, JOHN NEMO.

3 JUROR: JOHN NEMO, CAPTAIN IN THE UNITED STATES ARMY.

4 CLERK OF COURT: WHAT SAYS THE STATE?

5 MS. CAMPBELL: PLEASE PRESENT MR. NEMO.

6 CLERK OF COURT: WHAT SAYS THE DEFENSE?

7 MS. AHRENS: PLEASE SEAT MR. NEMO.

8 CLERK OF COURT: PLEASE HAVE A SEAT IN THE JURY BOX.

9 NUMBER 30, CLAUDIA BROOKS.

10 JUROR: CLAUDIA BROOKS, EIGHTH GRADE ENGLISH TEACHER.

11 CLERK OF COURT: WHAT SAYS THE STATE?

12 MS. CAMPBELL: PLEASE EXCUSE MS. BROOKS.

13 CLERK OF COURT: PLEASE HAVE A SEAT IN THE BACK OF THE
14 COURTROOM. NUMBER 120, RICHARD HUTCHINSON.

15 JUROR: RICHARD HUTCHINSON. I'M A SELF-EMPLOYED REAL
16 ESTATE PROFESSIONAL.

17 CLERK OF COURT: WHAT SAYS THE STATE?

18 MS. CAMPBELL: PLEASE PRESENT MR. HUTCHINSON.

19 CLERK OF COURT: WHAT SAYS THE DEFENSE?

20 MS. AHRENS: PLEASE SEAT MR. HUTCHINSON.

21 CLERK OF COURT: PLEASE HAVE A SEAT IN THE JURY BOX.

22 NUMBER 32, JOHN BROWDER.

23 JUROR: I'M JOHN BROWDER, SELF-EMPLOYED.

24 CLERK OF COURT: WHAT SAYS THE STATE?

25 MS. CAMPBELL: PLEASE EXCUSE MR. BROWDER.

1 CLERK OF COURT: PLEASE HAVE A SEAT IN THE BACK OF THE
2 COURTROOM. STRIKE COUNT IS FOUR FOR THE STATE AND TWO FOR THE
3 DEFENSE. NUMBER 98, SUSAN GIBBS.

4 JUROR: SUSAN GIBBS. I'M EMPLOYED AT PCA.

5 CLERK OF COURT: WHAT SAYS THE STATE?

6 MS. CAMPBELL: PLEASE PRESENT MS. GIBBS.

7 CLERK OF COURT: WHAT SAYS THE DEFENSE?

8 MS. AHRENS: PLEASE SEAT MS. GIBBS.

9 CLERK OF COURT: PLEASE TAKE A SEAT IN THE JURY BOX.
10 NUMBER 102, AVA GOODWIN.

11 JUROR: MY NAME IS AVA GOODWIN. I EMPLOYED AT SEAWELL'S.

12 CLERK OF COURT: WHAT SAYS THE STATE?

13 MS. CAMPBELL: PLEASE PRESENT MS. GOODWIN.

14 CLERK OF COURT: WHAT SAYS THE DEFENSE?

15 MS. AHRENS: PLEASE SEAT MS. GOODWIN.

16 CLERK OF COURT: PLEASE HAVE A SEAT IN THE JURY BOX.

17 NUMBER 88, SUSAN FAULK.

18 JUROR: MY NAME IS SUSAN FAULK. I'M A TEACHER AT WILLIAM
19 S. HALL PSYCHIATRIC INSTITUTE AND I TEACH AT THE DEPARTMENT OF
20 JUVENILE JUSTICE.

21 CLERK OF COURT: WHAT SAYS THE STATE?

22 MS. CAMPBELL: PLEASE PRESENT MS. FAULK.

23 CLERK OF COURT: WHAT SAYS THE DEFENSE?

24 MS. AHRENS: PLEASE EXCUSE MS. FAULK.

1 CLERK OF COURT: PLEASE HAVE A SEAT IN THE BACK OF THE
2 COURTROOM. NUMBER 31, PATRICIA BROOKS.

3 JUROR: MY NAME IS PATRICIA BROOKS. I'M RETIRED FROM
4 SCHOOL DISTRICT TWO.

5 CLERK OF COURT: WHAT SAYS THE STATE?

6 MS. CAMPBELL: PLEASE PRESENT MS. BROOKS.

7 CLERK OF COURT: WHAT SAYS THE DEFENSE?

8 MS. AHRENS: PLEASE SEAT MS. BROOKS.

9 CLERK OF COURT: PLEASE HAVE A SEAT IN THE JURY BOX.
10 NUMBER 104, SHEILA GREEN.

11 JUROR: MY NAME IS SHEILA GREEN. I'M A HOUSEKEEPER WITH
12 PALMETTO BAPTIST.

13 CLERK OF COURT: WHAT SAYS THE STATE?

14 MS. CAMPBELL: PLEASE PRESENT MS. BROOKS.

15 CLERK OF COURT: WHAT SAYS THE STATE?

16 MS. AHRENS: PLEASE SEAT MS. GREEN.

17 CLERK OF COURT: PLEASE HAVE A SEAT IN THE JURY BOX.

18 THE COURT: WE'LL HAVE TWO ALTERNATES.

19 CLERK OF COURT: NUMBER 128, MARKCUS JOHNSON.

20 JUROR: MY NAME IS MARKCUS JOHNSON. I'M A WELDER.

21 CLERK OF COURT: WHAT SAYS THE STATE?

22 MS. CAMPBELL: PLEASE EXCUSE MR. JOHNSON.

23 CLERK OF COURT: PLEASE HAVE A SEAT IN THE BACK OF THE
24 COURTROOM. NUMBER 196, LUDMILA PONOMAREV.

1 JUROR: MY NAME IS LUDMILA PONOMAREV. I AM A STUDENT AND
2 I CURRENTLY WORK PRODUCTION.

3 CLERK OF COURT: DOES THE STATE CHALLENGE FOR CAUSE?

4 MS. CAMPBELL: YOUR HONOR, MAY WE APPROACH?

5 THE COURT: YES MA'AM.

6 (WHEREUPON A BENCH CONFERENCE TOOK PLACE)

7 MS. CAMPBELL: PLEASE PRESENT THE JUROR.

8 CLERK OF COURT: WHAT SAYS THE DEFENSE?

9 MS. AHRENS: PLEASE SEAT THIS JUROR.

10 CLERK OF COURT: PLEASE HAVE A SEAT IN THE JURY BOX.

11 NUMBER 57, JOREE CORRELL.

12 JUROR: MY NAME IS JOREE CORRELL AND I WORK AT THE FRESH
13 MARKET.

14 CLERK OF COURT: WHAT SAYS THE STATE?

15 MS. CAMPBELL: PLEASE PRESENT THE JUROR.

16 CLERK OF COURT: WHAT SAYS THE DEFENSE?

17 MS. AHRENS: PLEASE SEAT THIS JUROR.

18 CLERK OF COURT: PLEASE HAVE A SEAT IN THE JURY BOX.

19 THE COURT: COUNSEL, ANYTHING WE NEED TO TAKE UP AS TO
20 JURY SELECTION?

21 MS. CAMPBELL: NOTHING FROM THE STATE, YOUR HONOR.

22 MS. AHRENS: NOTHING FROM THE DEFENSE.

23 THE COURT: LADIES AND GENTLEMEN, THOSE OF YOU WHO WERE
24 SELECTED FOR THE JURY, WE HAVE SOME MATTERS THAT WE NEED TO
25 TAKE UP OUTSIDE OF YOUR PRESENCE. WE'LL GET ALL THOSE THINGS

1 BEFORE YOU COME IN IN THE MORNING. WE'LL BE ABLE TO START
2 AND GET YOU ALL SWORN IN IN THIS CASE AND START THE OPENING
3 ARGUMENTS IN THIS CASE.

4 OVERNIGHT, I ASK THAT YOU NOT DISCUSS ANYTHING ABOUT THE
5 CASE OR ANYTHING RELATED TO IT. I KNOW YOU HAVEN'T HEARD
6 ANYTHING ABOUT IT AT THIS POINT. I ASK THAT YOU NOT DISCUSS
7 ANYTHING RELATED TO THE CASE, ANY OF THE FACTS OR ANYTHING
8 THAT WE HAVE DISCUSSED DURING JURY SELECTION.

9 YOU AS JURORS IN THIS CASE WILL HEAR ME SAY THIS OVER AND
10 OVER AGAIN EVERY TIME WE TAKE A BREAK AND ANY TIME WE BREAK
11 FOR THE DAY. I REMIND YOU OF THAT AND EXPLAIN TO YOU WHY.
12 THE CONCEPT IS THAT ONCE YOU BEGIN TO DISCUSS THE CASE,
13 DISCUSS ANY ASPECT OF IT, ANY TESTIMONY OR ANY PIECE OF
14 EVIDENCE THAT HAS BEEN INTRODUCED, UNTIL YOU'VE HEARD IT ALL
15 ANY INITIAL DISCUSSIONS MEANS THAT YOU BEGIN TO MAKE UP YOUR
16 MIND ABOUT THINGS, YOU BEGIN TO FORM OPINIONS ABOUT EVIDENCE
17 AND TESTIMONY. AND YOU SHOULD NOT DO THAT. UNDER YOUR OATH
18 THAT YOU WILL TAKE IN THE MORNING YOU WILL SWEAR NOT TO DO
19 THAT. YOU WILL ACTUALLY WAIT UNTIL YOU GET ALL THE EVIDENCE
20 AND TESTIMONY AND ACTUALLY RECEIVE THE CHARGE UNDER THE LAW
21 THAT YOU ARE TO APPLY TO THE FACTS IN THIS CASE.

22 SO, I ASK THAT YOU NOT DISCUSS THE TESTIMONY AND EVIDENCE
23 AS WE TAKE BREAKS AND OVERNIGHT. I KNOW YOU HAVEN'T HEARD
24 ANYTHING AT THIS POINT, BUT I DO ASK THAT YOU NOT DISCUSS THE
25 CASE AT THIS POINT.

1 AS YOU LEAVE, THE BAILIFF WILL ACTUALLY SHOW YOU THE JURY ROOM
2 THAT YOU WILL USE THROUGHOUT THIS TRIAL. ONLY YOU ALL WILL BE
3 IN THAT JURY ROOM DURING THIS TRIAL AND THAT'S WHERE YOU WILL
4 ACTUALLY REPORT TO IN THE MORNING. IF YOU CAN BE THERE, WE'LL
5 BE READY TO GO RIGHT AT 9:30. SO, BE THERE A FEW MINUTES
6 BEFORE THEN AND WE'LL BE READY TO BRING YOU OUT RIGHT AT 9:30
7 AND BEGIN THE TRIAL IN THE MORNING BECAUSE WE WON'T DELAY
8 THIS. WE WILL BRING YOU OUT RIGHT AT 9:30 IN THE MORNING AND
9 YOU WILL HEAR OPENING STATEMENTS FROM BOTH SIDES.

10 SO, ONCE AGAIN, I ASK YOU NOT TO TALK ABOUT ANYTHING
11 RELATED TO THE TRIAL OR THE JURY SELECTION PROCESS. THERE ARE
12 A LOT OF OTHER THINGS YOU CAN TALK ABOUT. FOR EXAMPLE, WE ARE
13 AT 52 DAYS AND COUNTING UNTIL COLLEGE FOOTBALL FOLKS.

14 (LAUGHTER)

15 THE COURT: Y'ALL HAVE A GOOD NIGHT AND A SAFE JOURNEY
16 HOME AND WE'LL SEE Y'ALL IN THE MORNING.

17 (WHEREUPON THE SELECTED JURY EXITED THE COURTROOM AT 4:31
18 P.M.)

19 THE COURT: LADIES AND GENTLEMEN WHO WERE NOT SELECTED TO
20 BE ON THE JURY, I APPRECIATE YOUR PATIENCE THROUGHOUT THE VERY
21 IMPORTANT PROCESS, LITERALLY, ONE OF THE VITAL RIGHTS THAT WE
22 HAVE AS CITIZENS. SOMEONE SAID EARLIER THAT THEY WOULD O WHAT
23 I TELL THEM TO DO. THE REALITY IS, LADIES AND GENTLEMEN, THAT
24 I DON'T DECIDE THE CASES, YOU ALL DO. YOU ALL MAKE THOSE

1 IMPORTANT DECISIONS IN THE TRIAL. SO, I APPRECIATE YOUR
2 PATIENCE AS WE WENT THROUGH THE PROCESS.

3 I WILL SEND YOU ALL BACK DOWNSTAIRS AND THEY WILL GIVE
4 YOU FURTHER INSTRUCTIONS AS WHAT TO DO FOR TOMORROW AND
5 POTENTIALLY FOR THE REST OF THE WEEK. AGAIN, I APPRECIATE
6 YOUR PATIENCE THIS MORNING AND AFTERNOON AND WE WILL SEE YOU
7 ALL LATER ON THIS WEEK.

8 (WHEREUPON THE REMAINDER OF THE JURY PANEL EXITED THE
9 COURTROOM)

10 THE COURT: ALL RIGHT. WE'LL DEAL WITH ANY MOTIONS THAT
11 WE HAVE. I BELIEVE THERE WAS MENTIONED A JACKSON V. DENNO,
12 AND WE CAN SAVE THAT FOR LAST.

13 MS. CAMPBELL: YOUR HONOR, WHAT I WOULD PROPOSE, AND I
14 DON'T THINK ANYBODY OPPOSES THIS, COURT'S EXHIBIT TWO, I'VE
15 MARKED THE PRE-TRIAL TESTIMONY FROM OFFICER BAKER AT THE LAST
16 HEARING. IT WAS BEFORE YOU, JUDGE. AND WE WOULD PROPOSE THAT
17 THAT WOULD BE SUFFICIENT AS FAR AS MAKING IT A PART OF THIS
18 RECORD BECAUSE THAT MATTER WAS DECIDED BY YOU, AND YOU'VE
19 HEARD THE TESTIMONY BEFORE. WE WOULD PROPOSE THAT TO EXPEDITE
20 SOME THINGS.

21 THE COURT: HE'S THE ONE IN IRAQ?

22 MS. CAMPBELL: NO SIR, HE'S HERE.

23 THE COURT: OKAY. THIS IS---

24 MS. CAMPBELL: AND HE'LL BE TESTIFYING IN FRONT OF THE
25 JURY, TOO. THIS IS JUST TO, AS FAR AS FAR AS THE JACKSON V.

1 DENNO HEARING, IT'S PART OF THE VOLUNTARINESS OF THE
2 STATEMENT. WE WOULD JUST ASK THAT WE INCORPORATE WHAT'S BEEN
3 MARKED AS NUMBER TWO INTO THE RECORD.

4 MS. AHRENS: WE'RE NOT GOING TO OBJECT TO THE
5 INTRODUCTION OF STATEMENTS, THOUGH THERE HAVE BEEN SOME
6 OBJECTIONS IN THE PAST.

7 THE COURT: BASED ON THE FACT THAT I DID HEAR THIS CASE
8 IN THE PAST AND ADMITTED STATEMENTS UNDER JACKSON V. DENNO,
9 WITHOUT ANY OBJECTIONS OR ISSUES RAISED BY THE DEFENSE, I'LL
10 RENEW MY RULING OF THAT.

11 MS. AHRENS: YES, YOUR HONOR. I GUESS I'LL JUST GO AHEAD
12 AND GO THROUGH THESE IN ORDER. THE FIRST MOTION I HAVE-- AND
13 THIS SHOULDN'T TAKE TOO LONG. THE FIRST MOTION I HAD WAS ONE
14 THAT WAS ACTUALLY HEARD BY JUDGE PIEPER IN JUNE OF 2004.
15 BECAUSE THAT'S A DIFFERENT JUDGE THAN YOUR HONOR, IN ORDER TO
16 PRESERVE THIS FOR APPEAL, WHAT WAS RULED AT THAT POINT, AND
17 ADMITTED NEEDS TO BE PLACED ON THE RECORD. I'VE ADMITTED TO
18 RECUSE THE SOLICITOR'S OFFICE BASED ON FAULT IN FACT.

19 CANDY SANDERS IS AN EMPLOYEE OF THE SOLICITOR'S OFFICE.
20 I BELIEVE SHE WORKS THERE IN AN ADMINISTRATIVE CAPACITY. SHE
21 IS THE DAUGHTER OF THE DECEDENT IN THIS CASE, GENE CROFT. SHE
22 WOULD BE, OF COURSE, UNDER THE CONSTITUTIONAL PROVISIONS THAT
23 REGARD VICTIMS, CLASSIFIED AS A VICTIM IN THIS CASE.

24 FOR THAT REASON, BECAUSE SHE'S EMPLOYED BY THE RICHLAND
25 COUNTY SOLICITOR'S OFFICE, I HAVE REQUESTED THAT THE ENTIRE

1 OFFICE BE RECUSED. IT CERTAINLY WASN'T BASED ON ANYTHING THAT
2 MS. CAMPBELL HAS DONE. MS. CAMPBELL IS ACTUALLY THE PERSON
3 WHO BROUGHT TO MY ATTENTION THE FACT THAT MS. SANDERS WAS
4 EMPLOYED BY HER OFFICE.

5 BUT BECAUSE OF THE APPEARANCE OF IMPROPRIETY THAT MIGHT
6 BE CREATED BY HAVING THE OFFICE THAT EMPLOYED THE VICTIM
7 PROSECUTE A DEFENDANT WHO ALLEGEDLY CREATED THAT VICTIM'S
8 VICTIM STATUS, I THOUGHT IT WAS APPROPRIATE TO REQUEST TO
9 RECUSE THE SOLICITOR'S OFFICE, YOUR HONOR.

10 THE COURT: MS. CAMPBELL, WHAT'S YOUR RESPONSE?

11 MS. CAMPBELL: YOUR HONOR, SHE DID BECOME EMPLOYED BY OUR
12 OFFICE SUBSEQUENT TO THE FIRST TRIAL. SHE WAS NOT, JUST FOR
13 THE RECORD TO BE KEPT STRAIGHT, EMPLOYED AT THE TIME OF THE
14 INITIAL, THE FIRST TRIAL IN FRONT OF YOU, YOUR HONOR. JUDGE
15 COOPER DID HEAR THIS MOTION, YOUR HONOR, AND HE DID RULE ON
16 IT.

17 THE COURT: I THINK IT HAS BEEN AN ISSUE REGARDING PLEAS
18 OR PLEA OFFERS, SINCE THE FIRST MISTRIAL, THIS HAS BEEN A
19 TRIAL. SO,...

20 MS. AHRENS: AND AGAIN, YOUR HONOR, FOR THE RECORD, I AM
21 CERTAINLY NOT ALLEGING THAT THE STATE HAS SAID ANYTHING OR
22 DONE ANYTHING THAT HAS MADE PARTICULARLY SUSPICIOUS OF THEIR
23 MOTIVATIONS IN THE CASE. I THINK THAT THE LAW OF RECUSAL
24 REGARDS THE APPEARANCE OF IMPROPRIETY, AS WELL AS ACTUAL
25 IMPROPRIETY, AND THAT'S WHY I HAVE RAISED THE ISSUE.

1 THE COURT: I RESPECTFULLY DENY THE MOTION TO RECUSE.
2 MS. CAMPBELL, I THINK IT WAS, WHO VIGOROUSLY TRIED THIS CASE
3 THE FIRST GO ROUND. I UNDERSTAND THAT STATUS HAS CHANGED
4 SINCE THE FIRST TRIAL. SO, I DENY YOUR MOTION TO RECUSE THE
5 SOLICITOR'S OFFICE.

6 MS. AHRENS: THE FIRST OF THESE MOTIONS SHOULD BE PRETTY
7 QUICK. THE SECOND ONE IS TO REVIEW OUR DISCOVERY MOTION. I
8 DON'T BELIEVE THAT THERE'S ANY ADDITIONAL DISCOVERY SINCE
9 OCTOBER OF 2003, WHEN THE CASE WAS LAST TRIED. CERTAINLY,
10 NOTHING HAS BEEN BROUGHT TO MY ATTENTION, BUT IF THERE'S
11 ANYTHING ADDITIONAL THAT THE STATE INTENDED TO INTRODUCE THAT
12 HASN'T BEEN PROVIDED, I CERTAINLY NEED TO PLACE ON THE RECORD
13 A RENEWAL OF MY DISCOVERY MOTION.

14 THE COURT: MS. CAMPBELL.

15 MS. CAMPBELL: I'VE PROVIDED EVERYTHING. SHE'S HAD
16 ACCESS. SHE'S AWARE OF WHAT HAS DEVELOPED SINCE THE LAST
17 TRIAL, AND IT APPEARS TO BE VERY SIMILAR.

18 THE COURT: ALL RIGHT.

19 MS. AHRENS: YOUR HONOR, THE THIRD MOTION I HAVE IS TO
20 SEQUESTER THE WITNESSES IN THIS CASE. I'VE TALKED TO MS.
21 CAMPBELL. IT APPEARS THAT THE ONLY WITNESS THAT IS GOING TO
22 BE TESTIFYING WHO DID NOT TESTIFY AT THE LAST TRIAL IS
23 POSSIBILITY SERGEANT DAY. HE IS HER CASE OFFICER, SO, HE IS
24 THEREFORE ENTITLED TO BE IN THE COURTROOM. SO, I WOULD
25 WITHDRAW MY MOTION TO SEQUESTER THE WITNESSES.

1 MS. CAMPBELL: THE ONLY THING I CAN'T ANTICIPATE IS BASED
2 UPON WHATEVER SHE PUTS UP IN DEFENSE, I MAY HAVE REPLY
3 WITNESSES THAT WERE NOT CALLED LAST TIME, BUT THAT WOULD BE
4 BASED ON WHAT SHE WOULD PUT UP.

5 MS. AHRENS: I WOULD ASK THAT ANYONE WHO WAS NOT A
6 PARTICIPANT IN THE FORMER TRIAL WOULD BE SEQUESTERED. THAT
7 WOULD BE MY ONLY REQUEST, YOUR HONOR. I THINK THAT SINCE
8 EVERYBODY WATCHED THE FORMER TRIAL, I DON'T THINK THERE'S ANY
9 POINT IN SEQUESTERING INDIVIDUALS WHO TESTIFIED IN THAT TRIAL.
10 BUT IF THERE'S ANYONE WHO MAY BE TESTIFYING IN THIS TRIAL WHO
11 DID NOT TESTIFY IN THE LAST TRIAL, I WOULD REQUEST THAT THEY
12 BE SEQUESTERED.

13 THE COURT: I CAN'T REMEMBER THE ENTIRE OF THIS TRIAL
14 FROM THE LAST TIME. THERE WERE PEOPLE WHO WERE POTENTIALLY
15 PRESENT WHO WERE NOT NECESSARILY, WHO MAY NOT TESTIFY, WHO
16 WATCHED THE FIRST TRIAL. ARE THOSE THE ONES YOU'RE SEEKING TO
17 SEQUESTER?

18 MS. AHRENS: YOUR HONOR, I HAVE ACTUALLY SEEN THE STATE'S
19 POTENTIAL WITNESS LIST, WHICH UPON MY LOOKING AT IT AND
20 COMPARING IT TO THE LAST ONE, IT APPEARS TO BE IDENTICAL TO
21 THE STATE'S LAST WITNESS LIST FROM 2003. SEVERAL WITNESSES
22 WERE NOT CALLED. I'D SAY ALMOST HALF OF THEM. AND I KNOW
23 MANY OF THEM ARE PEOPLE THAT THE STATE INTENDS TO CALL AT THIS
24 TRIAL. I WOULD ASK THAT ANYONE THAT THE STATE DID NOT CALL AT
25 THE LAST TRIAL, THAT THEY INTEND TO CALL AT THIS TRIAL, OR IN

1 THIS CASE THEY MAY CALL AT THIS TRIAL, I WOULD ASK THAT THEY
2 BE SEQUESTERED WITH THE EXCEPTION OF SERGEANT DAY, WHO IS THE
3 CASE OFFICER.

4 THE COURT: MS. CAMPBELL, DO YOU INTEND TO CALL THEM?

5 MS. CAMPBELL: NO, YOUR HONOR, BUT WE ARE GOING TO
6 PROFFER THEM.

7 THE COURT: THEN, I'LL GRANT THE MOTION.

8 MS. AHRENS: OKAY, YOUR HONOR. WITH RESPECT TO SEPTEMBER
9 4, I BELIEVE I SAID ON THE RECORD, I DON'T BELIEVE I NEED ANY
10 MORE INFORMATION ABOUT RECORDS, SO I WOULD---

11 THE COURT: BEFORE WE PASS ON THE SEQUESTER MOTION, ARE
12 WE CONCERNED WITH LAY WITNESSES OR LAW ENFORCEMENT?

13 MS. AHRENS: BOTH, ACTUALLY, YOUR HONOR.

14 MS. CAMPBELL: I WON'T THINK SHE WOULD HAVE A RIGHT ON
15 LAW ENFORCEMENT, BUT I WILL MAKE SURE THAT ANY LAY WITNESSES,
16 OF COURSE, ARE SEQUESTERED, YOUR HONOR. THAT'S THE WAY WE
17 USUALLY DO IT.

18 THE COURT: I DON'T NORMALLY, UNLESS THERE'S SOME ISSUE
19 AS TO TESTIMONY FROM LAW ENFORCEMENT, I DON'T NORMALLY
20 SEQUESTER THEM. YOU DON'T REMEMBER, FROM LOOKING AT THE
21 TRANSCRIPT, WERE THERE ANY LAW ENFORCEMENT OFFICERS ON THE
22 WITNESS LIST THAT DIDN'T TESTIFY LAST TIME?

23 MS. AHRENS: WITH REGARD TO TODAY, YOUR HONOR, I BELIEVE
24 THAT THE ONLY ONE THAT STATE BROUGHT TO MY ATTENTION WAS THEY
25 PLAN TO CALL OTHER INDIVIDUALS WHO ARE EMPLOYED BY LAW

1 ENFORCEMENT, AND I DON'T BELIEVE THAT ALL OF THEM WERE CALLED.
2 I THINK THAT THE MAJORITY OF THEM WERE. I THINK THAT EVERYONE
3 WHO WAS NOT CALLED WAS A MEMBER OF THE MIDLANDS ACCIDENT
4 RECONSTRUCTION TEAM. AND THE PERSON WHO IS GOING TO BE
5 TESTIFYING ON THEIR BEHALF IS GOING TO BE SERGEANT DAY, THE
6 STATE HAS TOLD ME THAT SHE WILL BE SEEKING TO INTRODUCE
7 TESTIMONY OF LIEUTENANT, I BELIEVE, MAFFETT, WHO, AS WE
8 DISCUSSED IN CHAMBERS, IS DEPLOYED TO IRAQ AT THIS POINT.

9 SO, I ACTUALLY DON'T BELIEVE THAT DESPITE THE FACT OF THE
10 RECONSTRUCTION TEAM THERE ARE OFFICERS WHO WEREN'T CALLED.
11 AND I THINK THEY WILL BE CALLED.

12 THE COURT: I'LL GRANT YOUR MOTION.

13 MS. AHRENS: WITH RESPECT TO NUMBER FOUR I THINK THAT
14 UNLESS THE STATE HAS ANY RECORDS ON ANY OF THE WITNESSES IT
15 INTENDS TO CALL-- I THINK I RECALL THAT THE STATE HAS THE
16 ISSUE OF THE DEFENDANT'S RECORD AND ANY OF THE DEFENDANT'S
17 WITNESSES' RECORDS AT THE TIME THE DEFENDANT CHOOSES TO PUT UP
18 A CASE.

19 MS. CAMPBELL: FOR THE RECORD, THE DEFENDANT DOES HAVE A
20 PRETTY EXTENSIVE JUVENILE RECORD AS WELL AS AN ADULT RECORD.
21 SHE'S GOT BURGLARY, PETIT LARCENY, DISTURBING SCHOOL, AND SOME
22 OTHER CHARGES AS A JUVENILE WHICH ARE WITHIN THE TEN-YEAR
23 PERIOD.

24 MS. AHRENS: AND CERTAINLY IF SHE CHOOSES TO TESTIFY, WE
25 CAN TAKE THAT UP, YOUR HONOR.

1 MS. CAMPBELL: OKAY.

2 MS. AHRENS: THE SIXTH ISSUE ON THERE, THE STATE AND I
3 ALREADY DISCUSSED ACTUALLY DURING THE BREAK, YOUR HONOR, WILL
4 THEY BE SEEKING TO INTRODUCE THE EVIDENCE OF THE SIMPLE
5 MARIJUANA POSSESSION.

6 MS. CAMPBELL: NO.

7 MS. AHRENS: SO, I DON'T NEED TO MOVE TO SUPPRESS THAT.

8 MS. CAMPBELL: TO CLARIFY THAT, YOUR HONOR, THERE WAS
9 MARIJUANA THAT WAS FOUND ON THE PASSENGER IN THE CAR. BECAUSE
10 OF PROCEDURAL SAFEGUARDS AND EVERYTHING, WE WILL NOT
11 INTRODUCING THAT. HOWEVER, THE STATE ALSO SEEN THE STATEMENT
12 OF THE OFFICER REGARDING THE SMELL OF MARIJUANA COMING FROM
13 THE CAR. WE WILL BE INTRODUCING THAT EVIDENCE, AND SHE'S
14 AGREED THAT THAT'S A PROBLEM.

15 MS. AHRENS: YES, JUDGE, THAT'S WHAT I HAVE AN OBJECTION
16 TO. THERE WAS MARIJUANA. JUST FOR THE RECORD, THERE WAS
17 MARIJUANA THAT WAS FOUND ON MY CO-DEFENDANT, DONALD ADAMS, THE
18 PASSENGER IN THE CAR. SHE WAS ACQUITTED OF THAT. SO, WE WILL
19 BE SEEKING TO SUPPRESS ANY--IF THE STATE IS PLANNING TO
20 INTRODUCE THAT FOR ANY OTHER REASON WE WILL BE SEEKING TO
21 SUPPRESS THAT, BUT THE STATE HAS AGREED THAT THEY WILL NOT BE
22 DOING THAT.

23 THE LAST THING I HAVE, THERE IS A MAIT VIDEO TAPE THAT
24 WAS ACTUALLY A RECONSTRUCTION TAPE; VIDEOTAPED A SCENE, AS
25 WELL AS DID AN REENACTMENT OF WHAT THEY BELIEVE MS. KRANCHIK

1 DID TO GET OFF THE HIGHWAY AFTER THE COLLISION. THE TAPE THAT
2 THEY PROVIDED TO US HAS TWO PORTIONS, THE SECOND OF WHICH IS
3 THE RECONSTRUCTION OF WHAT THEY BELIEVE MS. KRANCHIK DID. I
4 HAVE NO OBJECTION TO THAT.

5 THE FIRST PORTION VIDEOTAPED -- AND THIS MAY GET A
6 LITTLE TRICKY, BECAUSE THE VIDEOTAPE WAS INTRODUCED THROUGH
7 LIEUTENANT MAFFETT AT THE PREVIOUS TRIAL. THE SPECIFIC
8 OBJECTION I HAVE-- ACTUALLY, TWO OBJECTIONS I HAVE. ONE OF
9 WHICH I THINK IS PRETTY EASY TO REMEDY. I THINK THE PRIMARY
10 REASON THE STATE IS SEEKING TO INTRODUCE THAT VIDEOTAPE IS IT
11 SHOWS VISUALLY THE DAMAGE TO VEHICLES AND SOME MARKS ON THE
12 GROUND AND SO FORTH. I HAVE NO PROBLEM WITH THAT.

13 THE PROBLEM IS, AND MAYBE I'VE JUST WATCHED IT TOO MANY
14 TIMES, BUT IF YOU TURN UP THE AUDIO ON THE TAPE YOU CAN HEAR
15 THE OFFICERS AT THE SCENE COMMENTING ON WHAT THEY BELIEVE
16 HAPPENED. AND I WOULD HAVE AN OBJECTION TO THAT COMING IN.
17 IT'S NOT, "OH, I SEE THIS MARK ON THE GROUND." IT'S, "OH, SHE
18 MUST HAVE DONE THIS". AND I DO HAVE AN OBJECTION TO THAT
19 COMING IN. SO, IF THE STATE WOULD BE AGREEABLE, I WOULD ASK
20 THAT THE SOUND BE TURNED OFF ON THAT PORTION OF THE VIDEOTAPE.

21 THE OTHER OBJECTION I HAVE, AND IT'S VERY SPECIFIC. AS I
22 SAID, THEY'RE GOING TO BE SEEKING IN THIS-- THERE'S A PORTION
23 OF THAT VIDEOTAPE THAT SHOWS THE CAB OF THE CAR. I'M NOT
24 OBJECTING TO THE OUTSIDE OF IT. THERE'S ALSO A PORTION THAT
25 SHOWS THE INSIDE OF THE CAB, WITH THE BLUE BLANKET THAT'S

1 DRAPED OVER THE DECEDENT. AND I WAS WONDERING IF THE STATE
2 WOULD BE AGREEABLE TO JUST REDACTING THAT SPECIFIC PORTION OF
3 THE VIDEOTAPE. I THINK THAT IT'S VERY PREJUDICIAL. OF
4 COURSE, THEY MAY NOT BE MAKING AN ISSUE IN THIS CASE OF HOW
5 MR. CROFT DIED.

6 MS. CAMPBELL: YOUR HONOR, IF I MAY, WITH REGARD TO THE
7 SOUND, I DON'T HAVE A PROBLEM WITH INTRODUCING IT WITH THE
8 SOUND TURNED OFF ON THE PART THAT SHE OBJECTS TO. I BELIEVE
9 IT'S THE FIRST PART WHERE THEY'RE SHOWING THE SCENE. AS FAR AS
10 THE OFFICERS' COMMENTS AT THE SCENE, I THINK THAT WOULD BE
11 PROPER. HOWEVER, ON REDACTING THAT PART OF THE TAPE THAT
12 SHOWS THE INTERIOR CAB, IT IS VERY-- IT IS AS PRISTINE AS WE
13 COULD PUT IT, OR MAKE IT IN THIS CASE. IT'S NOT SHOWING THE
14 BODY, IT'S NOT SHOWING ANYTHING. THERE'S A BLANKET. THAT'S
15 WHAT IS SEEN. AND I'LL LET YOU REVIEW THAT, JUDGE, BEFORE WE
16 ACTUALLY PUT THAT IN. IT CAME IN IN THE LAST TRIAL AND WE
17 THINK IT IS APPROPRIATE IN THIS CASE FOR THEM TO SEE THE
18 DAMAGE AND EVERYTHING.

19 MS. AHRENS: AND, YOUR HONOR, IT WASN'T OBJECTED TO IN
20 THE LAST TRIAL. SO, THERE WAS CERTAINLY NO RULING ON THAT.
21 AGAIN, I DON'T THINK IT'S NECESSARILY - AND THE STATE CAN
22 ARGUE THIS ABOUT WHETHER IT'S RELEVANT TO RELEASE THE
23 VIDEOTAPE - BUT I DON'T THINK IT'S RELEVANT TO WHETHER OR NOT
24 MS. KRANCHIK WAS THE INSTIGATOR OF THE ACCIDENT. AND I JUST
25 HOPE WE ARE NOT GOING TO BE MAKING AN ISSUE OF HOW MR. CROFT

1 DIED. SO, I'M NOT SURE WHAT RELEVANCE THE CONDITION OF THE
2 INSIDE OF THE CAB HAS TO HER GUILT IN THIS CASE.

3 I THINK THAT ANYONE WHO'S BEEN INVOLVED IN AN ACCIDENT OR
4 SEEN AN ACCIDENT ON THE SIDE OF THE HIGHWAY KNOWS WHAT IT
5 MEANS WHEN YOU SEE BLINKING LIGHTS ON A CAR. AND I JUST THINK
6 FOR THAT REASON IT WOULD BE VERY PREJUDICIAL AND IT'S NT
7 OUTWEIGHED THE PROBATIVE VALUE OF DOING THAT.

8 THE COURT: I'LL DEAL WITH THAT TOMORROW AT THE TIME WHEN
9 THE VIDEOTAPE IS PROFFERED.

10 MS. AHRENS: THAT'S IT FOR THE DEFENSE.

11 THE COURT: OKAY.

12 MS. CAMPBELL: THE ONLY THINK FOR THE STATE, YOUR HONOR,
13 THAT I WOULD LIKE TO TAKE UP IS THERE ARE TWO WITNESSES FOR
14 THE STATE. I JUST WANTED TO PUT THIS ON THE RECORD TO MAKE
15 SURE BECAUSE WE HAVE TO MAKE A SHOWING OF UNAVAILABILITY UNDER
16 804-A, I BELIEVE. AND I THINK THE DEFENSE AND I ARE PRETTY
17 MUCH—

18 BUT, BASICALLY, SERGEANT MAFFETT, WHO TESTIFIED IN THE
19 LAST TRIAL, IS IN IRAQ, YOUR HONOR. HE IS UNAVAILABLE AND
20 WILL NOT BE BACK UNTIL, AT THE EARLIEST, SOMETIME LATE THIS
21 YEAR OR EARLY NEXT YEAR. I ACTUALLY HAVE CERTAIN DAYS AND HE
22 ASKED ME TO CONTACT HIM THROUGH EMAIL. AND HE IS STILL
23 UNAVAILABLE. AS AN OFFICER OF THE COURT I WOULD REPRESENT
24 THAT.

1 WILL HAVE HIM HERE TOMORROW MORNING. WE HAVE NOT BEEN ABLE TO
2 LOCATE A WITNESS AS WELL. YOU MAY RECALL FROM HIS TESTIMONY
3 AT THE LAST TRIAL, WE HAVE BEEN UNABLE TO LOCATE HIM, BUT WE
4 WILL HAVE MY INVESTIGATOR HERE FOR YOUR HONOR.

5 THE COURT: OKAY. WITHOUT OBJECTION, THEN, I WILL NOT
6 ISSUE MR. SHARP'S, AND IS IT, MR. MAFFETT?

7 MS. CAMPBELL: MAFFETT, M-A-F-F-E-T-T.

8 THE COURT: MR. MAFFETT'S TESTIMONY TOMORROW, BECAUSE,
9 LIKE YOU SAY, ON THE RECORD, HE IS UNAVAILABLE. ANYTHING
10 FURTHER?

11 MS. CAMPBELL: NOTHING FURTHER, YOUR HONOR.

12 MS. AHRENS: NOTHING FROM THE DEFENSE.

13 THE COURT: COUNSEL, I DO THANK YOU. WE WENT A LITTLE
14 LONGER THAN ANTICIPATED, BUT WE TOOK CARE OF SOME THINGS. SO,
15 THANK YOU, AND I WILL SEE YOU IN THE MORNING.

16 (WHEREUPON DEFENSE'S PRE-TRIAL MOTIONS WERE MARKED AS
17 COURT'S EXHIBIT ONE)

18 MS. CAMPBELL: THANK YOU, YOUR HONOR.

19 MS. AHRENS: THANK YOU, YOUR HONOR.

20 (WHEREUPON COURT WAS ADJOURNED AT 5:30 P.M.)
21
22
23
24
25

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
: COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,)
: PLAINTIFF,)
: VERSUS) TRANSCRIPT OF RECORD
: 02-GS-40-894
SHANNA MARIE KRANCHIK) 02-GS-40-895
: 02-GS-40-897
: DEFENDANT.)

VOLUME II

JULY 12, 2005
COLUMBIA, SOUTH CAROLINA

B E F O R E:

THE HONORABLE REGINALD I. LLOYD, JUDGE, AND A JURY

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

FOR THE STATE:
KATHRYN LUCK CAMPBELL, ESQ., ASSISTANT SOLICITOR
AARON S. JOPLIN, ESQ., ASSISTANT SOLICITOR

FOR THE DEFENSE:
DEBORAH AHRENS, ESQ., ASSISTANT PUBLIC DEFENDER
LAUREN H. MOBLEY, ESQ., ASSISTANT PUBLIC DEFENDER

PHYLLIS S. BARRETT
CIRCUIT COURT REPORTER

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16

17 EXHIBITS

18	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
19	S-02	DIAGRAM	85	135
20	S-03	PHOTO	87	88
21	S-04	PHOTO	87	88
22	S-05	PHOTO	87	88
23	S-06	PHOTO	87	88
24	S-07	PHOTO	87	88
25	S-08	PHOTO	87	88

TUESDAY, JULY 12, 2005 - EXHIBITS

1				
2	NO.	DESCRIPTION	ID.	EV.
3	S-09	PHOTO	87	88
4	S-10	PHOTO	87	88
5	S-11	PHOTO	87	88
6	S-12	PHOTO	87	88
7	S-13	PHOTO	87	88
8	S-14	PHOTO	87	88
9	S-15	PHOTO	158	159
10	S-16	PHOTO	158	159
11	S-17	PHOTO	158	159
12	S-18	PHOTO	158	159
13	S-19	PHOTO	158	159
14	S-20	PHOTO	159	160
15	S-21	PHOTO	159	160
16	S-25	PHOTO	160	161
17	S-28	PHOTO	160	161
18	S-32	PHOTO	158	159
19	S-33	PHOTO	158	159
20	S-34	PHOTO	158	159
21	S-35	PHOTO	158	159
22	S-36	PHOTO	159	160
23	S-45	PHOTO	160	160
24	S-46	PHOTO	160	160
25	S-47	PHOTO	160	161

1 TUESDAY, JULY 12, 2005 - EXHIBITS

2	NO.	DESCRIPTION	ID.	EV.
3	S-23	PHOTO	160	160
4	S-24	PHOTO	160	160
5	S-22	PHOTO	160	160
6	S-29	PHOTO	160	161
7	S-30	PHOTO	160	161
8	S-31	PHOTO	160	161
9	S-01	STATEMENT OF DEFENDANT	196	302
10	S-53	PHOTO	310	312
11	S-54	TIRE RIM	310	312
12	S-26	BLOOD/URINE SAMPLE EVIDENCE BAG	258	259
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14	S-38	PHOTO	288	289
15	S-39	PHOTO	288	289
16	S-40	PHOTO	288	289
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18	S-42	PHOTO	288	289
19	S-43	PHOTO	288	289
20	S-51	PHOTO	293	293
21	S-53	PHOTO	310	312
22	S-52	VIDEOTAPE	301	302
23	C-03	JURY NOTE		
24	C-04	JURY NOTE		

1 TUESDAY, JULY 12, 2005 - COURT IN SESSION - 9:30 A.M.

2 THE COURT: MS. AHRENS, DO YOU HAVE SOMETHING TO PUT ON
3 THE RECORD?

4 MS. AHRENS: YES, YOUR HONOR. I DO HAVE MY INVESTIGATOR
5 HERE THIS MORNING, ELLIOTT MCNEELY. I JUST HAVE A FEW MORE
6 MATTERS TO PUT ON THE RECORD TODAY.

7 AT THE PREVIOUS TRIAL THE ONE WITNESS THE DEFENSE PUT UP
8 WAS A GENTLEMAN BY THE NAME OF PASANTE TRAPP. MY ADDRESS
9 THAT WE HAD ON FILE FOR HIM, WHICH WAS THE ADDRESS WHERE WE
10 HAD BEEN ABLE TO REACH HIM IN OCTOBER OF 2003. HE WENT OUT
11 THERE THREE OR FOUR TIMES, AND FINALLY WAS ABLE TO MAKE
12 CONTACT WITH SOMEONE AT THAT RESIDENCE. AND THE PERSON AT
13 THAT RESIDENCE INFORMED HIM THAT THERE WERE TRAPPS CURRENTLY
14 LIVING AT THAT RESIDENCE, BUT THEY DIDN'T KNOW WHERE THE
15 TRAPPS HAD GONE.

16 MR. MCNEELY THEN WENT TO THE ADULT EDUCATION PROGRAM
17 WHERE MR. TRAPP WAS ENROLLED DURING THE LAST TRIAL. THE ONLY
18 ADDRESS THAT THEY HAD ON HIM WAS THE SAME ADDRESS THAT WE HAD
19 AND MR. TRAPP WAS NO LONGER ATTENDING THAT SCHOOL.

20 AS AN OFFICER OF THE COURT, YOUR HONOR, I WILL TELL YOU
21 THAT I CHECKED THE VARIOUS CORRECTIONAL FACILITIES AROUND
22 RICHLAND COUNTY AND HE DOES NOT APPEAR TO BE HOUSED IN ANY.
23 SO, THEREFORE, I BELIEVE HE IS AN UNAVAILABLE WITNESS. WE
24 HAVE ATTEMPTED TO SUBPOENA HIM, BUT CANNOT FIND HIM. WE WOULD
25 JUST ASK THAT SHOULD THE DEFENSE ELECT TO, IF I PUT UP A CASE,

1 THAT WE BE PERMITTED TO GO AHEAD AND INTRODUCE HIS TESTIMONY
2 AT THE PRIOR, HIS PRIOR TESTIMONY FROM A HEARING WHERE HE WAS
3 CROSS EXAMINED BY MS. CAMPBELL. HE IS UNAVAILABLE AS A
4 WITNESS AT THIS TIME, YOUR HONOR.

5 THE COURT: ANY OBJECTION FROM THE STATE?

6 MS. CAMPBELL: NO, YOUR HONOR.

7 THE COURT: WE'LL ALLOW THE READING OF THE PRIOR
8 TESTIMONY, THE SAME THING WE'LL TREAT THE OTHER TWO WITNESSES
9 WE ADDRESSED YESTERDAY. IT'S MY UNDERSTANDING THAT BOTH SIDES
10 WILL HAVE SOMEBODY FROM THEIR RESPECTIVE OFFICES TO DO THAT.

11 MS. AHRENS: YES, YOUR HONOR. WE'VE ALREADY AGREED THAT
12 WE WILL GET CLERKS FROM OUR OFFICES TO DO THAT, YOUR HONOR.

13 THE COURT: WE'LL, JUST BASED ON OUR DISCUSSION IN
14 CHAMBERS, WE'LL EXPLAIN TO THE JURY, OBVIOUSLY, THAT THESE
15 WITNESSES ARE UNAVAILABLE AND TESTIMONY WILL BE READ FROM A
16 PRIOR HEARING.

17 MS. AHRENS: THANK YOU, YOUR HONOR.

18 THE COURT: ANYTHING FURTHER WE NEED TO TAKE UP BEFORE WE
19 BRING IN THE JURY?

20 MS. CAMPBELL: NOTHING FROM THE STATE.

21 THE COURT: LET'S BRING IN THE JURY.

22 (WHEREUPON THE JURY ENTERED THE COURTROOM AT 10:00 A.M.)

23 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN. I HOPE
24 THE JURY IS READY TO GET STARTED THIS MORNING. LADIES AND
25 GENTLEMAN, AT SOME POINT I WILL APPOINT A FOREPERSON TO LEAD

1 THE JURY. YOUR DUTIES DURING THE TRIAL WON'T BE ANY
2 DIFFERENT. THERE'S NO RHYME OR REASON AS TO WHEN I DO IT. AT
3 SOME TIME DURING A BREAK I WILL TELL YOU WHO THE FOREPERSON
4 WILL BE AND HE'LL ACTUALLY SIT WHERE THIS GENTLEMAN IS SITTING
5 ON THE FRONT CORNER IN HERE. HE WON'T HAVE TO DO ANYTHING
6 DIFFERENT FROM ANY OTHER JUROR DURING THE TRIAL. IF THE JURY
7 NEEDS SOMETHING DURING THE TRIAL, HE'LL BE THAT LIAISON AND
8 LET ME KNOW IF YOU NEED SOMETHING. BUT HE WILL HAVE SOME
9 ADDITIONAL DUTIES DURING THE COURSE OF THE DELIBERATIONS AND I
10 WILL INFORM HIM OF THOSE AT THE VERY END OF THE CASE, WHEN I
11 CHARGE THE JURY ON THE LAW.

12 BEFORE WE GET STARTED, BEFORE WE HEAR OPENING STATEMENTS,
13 I WILL ASK THAT YOU ALL RISE, AND RAISE YOUR RIGHT HANDS AND
14 THE CLERK IS GOING TO ADMINISTER THE OATH.

15 (WHEREUPON THE JURY WAS PLACED UNDER OATH)

16 THE COURT: LADIES AND GENTLEMEN, I'M SURE YOU ALL KNOW
17 THAT CASES ARE OPENED WITH OPENING STATEMENTS FROM BOTH THE
18 STATE AND THE DEFENSE. I WILL GIVE THEM A CHANCE TO MAKE
19 THOSE STATEMENTS TO YOU MOMENTARILY.

20 I WILL TELL YOU NOW THAT AT THE CONCLUSION OF THE CASE
21 WHEN I DO CHARGE YOU, THAT THE OPENING STATEMENTS YOU HEAR,
22 LIKE THE CLOSING ARGUMENTS, AND FOR THAT MATTER, QUESTIONS
23 FROM LAWYERS, ARE NOT EVIDENCE AND ARE NOT TO BE CONSIDERED BY
24 YOU DURING YOUR DELIBERATIONS. THE EVIDENCE, I WILL TELL YOU
25 NOW, IS THE TESTIMONY FROM A WITNESS ON THE WITNESS STAND, AND

1 ANY EXHIBITS THAT ARE ALLOWED INTO EVIDENCE. THOSE EXHIBITS
2 THAT ARE MADE A PART OF THE RECORD AND ARE IN EVIDENCE YOU'LL
3 ACTUALLY HAVE IN THE JURY ROOM WITH YOU DURING YOUR
4 DELIBERATIONS. THAT'S THE EVIDENCE THAT YOU WILL CONSIDER.
5 THERE MAY BE SOME MATTERS THAT COUNSEL AGREE ON AND STIPULATE
6 ON THE FACTS THAT COME BEFORE YOU.

7 OTHERWISE, THESE ARE NOT EVIDENTIARY ARGUMENTS OR
8 STATEMENTS THAT COUNSEL WILL MAKE TO YOU AT THE BEGINNING AND
9 THE CLOSE OF THE CASE. IT IS A CHANCE AT THE VERY BEGINNING
10 OF THE CASE FOR THEM TO TELL YOU WHAT THE EVIDENCE THEY
11 BELIEVE WILL SHOW YOU DURING THE COURSE OF THE TRIAL. THAT'S
12 THE PURPOSE OF OPENING STATEMENTS.

13 CLOSING ARGUMENTS ARE A CHANCE FOR THEM TO ARGUE TO YOU
14 WHAT THEY BELIEVE THE EVIDENCE WAS THAT WAS PRESENTED DURING
15 THE TRIAL AND THE INFERENCES YOU SHOULD MAKE FROM THAT.

16 I DO ASK THAT YOU GIVE BOTH SIDES VERY CLOSE ATTENTION
17 DURING THE OPENING STATEMENTS WHEN THEY WILL TELL YOU WHAT
18 THEY BELIEVE THE RECORD WILL SHOWING DURING THE COURSE OF THE
19 TRIAL.

20 COUNSEL ON BOTH SIDES READY?

21 MR. JOPHLIN: YES, YOUR HONOR.

22 MS. MOBLEY: YES, YOUR HONOR.

23 MR. JOPHLIN: MAY IT PLEASE THE COURT.

24 THE COURT: MR. JOPHLIN.

1 MR. JOPHLIN: THANK YOU, YOUR HONOR. GOOD MORNING,
2 LADIES AND GENTLEMEN.

3 (WHEREUPON JURY RESPONDS IN KIND)

4 MR. JOPHLIN: PEOPLE NOWADAYS ARE FINDING MORE AND MORE
5 WAYS TO GET HIGH. I KNOW YOU'VE ALL HEARD THAT MANY STATES
6 HAVE JUST RECENTLY ENACTED LAWS PROVIDING CERTAIN OVER THE
7 COUNTER MEDICATIONS, SUCH AS SUDAFED, BE PLACED BEHIND THE
8 COUNTER IN PHARMACIES BECAUSE PEOPLE ARE USING THESE TO GET
9 HIGH. SOUTH CAROLINA HASN'T DONE SO, HASN'T PASSED SUCH A
10 LAW, BUT, STILL, MANY STORES IN OUR STATE HAVE DONE IT
11 VOLUNTARILY BECAUSE PEOPLE USE THESE DRUGS, JUST COMMON,
12 EVERYDAY DRUGS, INAPPROPRIATELY. AND THAT'S WHAT THIS CASE IS
13 ABOUT, INAPPROPRIATE USE OF EVERYDAY DRUGS.

14 THIS INCIDENT OCCURRED JANUARY 23, 2002, IN THE NORTHEAST
15 PORTION OF RICHLAND COUNTY, ON I-20, RIGHT BEFORE EXIT FOUR,
16 I-77, AND ALPINE ROAD. A MERCURY, FOUR-DOOR, TAURUS, FORD
17 TAURUS, WAS DRIVING RIGHT ALONG THE INSIDE LANE, NEAR THE
18 MEDIAN. DRIVING ALONG, THEY STARTED VEERING OFF. I DON'T
19 KNOW IF Y'ALL ARE FAMILIAR WITH THE RUMBLE STRIP THAT SORT OF
20 WAKES YOU UP IF YOU GET OFF THE ROAD, JERKS YOU BACK INTO
21 AWARENESS. IT STARTED VEERING OFF INTO THAT.

22 AND RIGHT AS IT'S ABOUT TO APPROACH THAT, IT MADE A HARD
23 RIGHT, RIGHT TOWARDS THE ON-RAMP OF I-77. RIGHT AT THAT TIME,
24 A BOBTAIL TRUCK, WHICH IS A TRACTOR TRAILER WITHOUT THE
25 TRACTOR PART, IT WAS COMING ONTO I-20. IT WAS IN THE

1 ACCELERATION LANE, AND RIGHT AS IT WAS IN THAT ACCELERATION
2 LANE, THAT TAURUS POPPED THE BACK END OF IT.

3 A TRUCK THAT BIG, JUST A MERE TAP, IT'S GONNA HAVE SOME
4 EFFECT ON IT. IT SPUN, WENT THROUGH THOSE CABLES THAT ARE SET
5 UP IN THE MEDIAN, TORE THROUGH THOSE, WENT INTO THE OTHER SIDE
6 OF TRAFFIC.

7 NOW, ON THE OTHER SIDE, THE WEST-BOUND LANE, COMING HERE
8 INTO TOWN, WAS AN EIGHTEEN-WHEELER DUMP TRUCK THAT WAS
9 CARRYING SOME SAND. HE COULDN'T STOP IN TIME. HE'S COMING
10 ALONG, HERE'S THE BOBTAIL, AND HE HIT IT. (CLAP OF HANDS) IT
11 THREW THAT BOBTAIL UPSIDE DOWN. THE TRACTOR TRAILER WENT INTO
12 THE MEDIAN. LUCKILY, THE CABLE BARRIERS DID STOP IT. SO, IT
13 DIDN'T GO BACK INTO THE OTHER SIDE OF TRAFFIC AND CAUSE EVEN
14 MORE DAMAGE.

15 THERE ARE MANY VICTIMS, MANY PLAYERS IN THAT ACCIDENT.
16 MANY PEOPLE WERE AFFECTED. AND THAT BOBTAIL TRAILER THAT WAS
17 INITIALLY HIT AND WAS COMING OFF THE ON-RAMP, GENE CROFT, HE
18 WAS THE DRIVER, UNFORTUNATELY, HE PASSED AWAY THAT DAY.
19 DANIEL SHARPE, WHO WAS HIS PASSENGER, HE CAME AWAY WITH SEVERE
20 INJURIES BECAUSE OF THAT WRECK.

21 IN THE TRACTOR TRAILER COMING FROM THE OPPOSITE
22 DIRECTION, STANFORD OWENS, IS SEATED HERE TODAY, HE ALSO
23 SUFFERED SEVERE INJURIES.

24 AND IN THE FORD TAURUS THAT STARTED OFF THE CHAIN
25 REACTION, THERE WERE FOUR PASSENGERS: DONALD WARD, WHO WAS A

1 FOURTEEN-YEAR OLD SITTING IN THE BACK SEAT; PASANTE TRAPP, A
2 FIFTEEN YEAR OLD, SITTING IN THE BACK SEAT; DON ADAMS, WHO WAS
3 A PASSENGER IN THAT CAR. AND THE DRIVER WAS THE DEFENDANT,
4 MS. SHANNA KRANCHIK.

5 AS A RESULT OF THAT ACCIDENT ON JANUARY 23, 2002, MS.
6 KRANCHIK WAS CHARGED WITH THREE CRIMES: FELONY DUI RESULTING
7 IN GREAT BODILY INJURY; FELONY DUI RESULTING IN DEATH; AND
8 CHILD ENDANGERMENT.

9 MY NAME IS AARON JOPHLIN. I'M A SOLICITOR HERE IN
10 RICHLAND COUNTY. SITTING AT THE STATE'S TABLE IS MS. LUCK
11 CAMPBELL. AND IT'S OUR JOB TO PROSECUTE ALL CRIMES WHICH ARE
12 COMMITTED HERE IN RICHLAND COUNTY. WE HAVE TO PROVE TO YOU
13 THE JURY THAT MS. KRANCHIK COMMITTED THESE CRIMES, WHICH WE
14 ALLEGE SHE DID. WE HAVE THE BURDEN OF PROOF OF PROVING EACH
15 AND EVERY ONE OF THE ELEMENTS OF THE CRIMES SHE COMMITTED.

16 THE FIRST CRIME, FELONY DUI, HAS ALL-ENCOMPASSED GREAT
17 BODILY INJURY, IT'S ALL ENCOMPASSED IN ONE STATUTE. IT
18 BASICALLY ALLEGES THAT IF A PERSON DRIVES IN THIS STATE WHILE
19 UNDER THE INFLUENCE OF DRUGS OR ALCOHOL, OR A COMBINATION OF
20 THE TWO, AND WHILE DRIVING DOES AN ACT FORBIDDEN BY THE LAW,
21 OR NEGLECTS ANY DUTY IMPOSED UPON THEM BY DRIVING, AND WHICH
22 ACT OR NEGLECT CAUSES SERIOUS BODILY INJURY OR DEATH TO
23 SOMEONE OTHER THAN THEMSELVES, IS GUILTY OF A FELONY. AND WE
24 SOMETIMES CALL IT FELONY DUI.

1 GREAT BODILY INJURY AS USED IN THAT STATUTE IS DEFINED AS
2 BODILY INJURY WHICH CREATES A SUBSTANTIAL RISK OF DEATH OR
3 CAUSES A SERIOUS, PERMANENT DISFIGUREMENT, OR EXTENDED OR
4 PROLONGED INJURY TO A BODILY MEMBER.

5 NOW, NOTICE IN THAT DEFINITION, THE LEGISLATURE USES THE
6 WORD, DRUGS. THE LEGISLATURE, WHEN THEY CRAFT A STATUTE, THEY
7 TAKE GREAT PAINS IN CHOOSING EACH AND EVERY WORD THAT'S USED.
8 AND IN THIS STATUTE THEY DECIDED TO USE THE WORD, DRUGS. AND
9 THEY CREATED NO FURTHER DEFINITION FOR IT. THEY DIDN'T SAY
10 WHERE IT WAS ILLEGAL DRUGS, WHICH IS MARIJUANA, COCAINE,
11 HEROIN. THEY DIDN'T SAY WHETHER IT WAS PRESCRIPTION DRUGS.
12 THEY DIDN'T SAY WHETHER IT WAS OVER-THE-COUNTER MEDICATIONS.
13 THEY SIMPLY SAID, DRUGS. AND THE REASON WHY IS BECAUSE THE
14 LAW, THE LEGISLATURE, THEY REALIZE THAT ANY DRUG, IF TAKEN
15 PROPERLY, SUCH AS SLEEPING MEDICINE; OR, IF TAKEN IN EXCESS OR
16 ABUSED INAPPROPRIATELY; ANY DRUG CAN IMPAIR SOMEONE'S ABILITY
17 TO DRIVE.

18 NOW, THE DEFENDANT'S ALSO CHARGED WITH CHILD
19 ENDANGERMENT. A PERSON OVER THE AGE OF EIGHTEEN YEARS OLD IS
20 GUILTY OF CHILD ENDANGERMENT IF THEY HAVE IN THEIR CAR ONE OR
21 MORE PASSENGERS UNDER THE AGE OF SIXTEEN. AND SHE HAD A
22 FIFTEEN-YEAR OLD AND A FOURTEEN-YEAR OLD.

23 IN ADDITION TO THAT, THE PERSON HAS TO COMMIT ONE OF
24 THREE CRIMES: FAILURE TO STOP FOR A SIGNAL, DRIVING UNDER THE

1 INFLUENCE OF DRUGS OR ALCOHOL, AND FELONY DUI, WHICH THIS
2 DEFENDANT IS CHARGED WITH.

3 NOW, AS I SAID BEFORE, WE HAVE TO PROVE EACH AND EVERY
4 ONE OF THESE ELEMENTS TO YOU BEYOND A REASONABLE DOUBT. AND
5 WHAT IS REASONABLE DOUBT? WHAT IS PROOF BEYOND A REASONABLE
6 DOUBT? IT'S PROOF THAT LEAVES YOU THE JURY FIRMLY CONVINCED
7 OF THE DEFENDANT'S GUILT. IT'S NOT ABSOLUTE CERTAINTY GUILT,
8 IT'S JUST FIRMLY CONVINCED OF THE DEFENDANT'S GUILT.

9 DURING THE COURSE OF THIS HEARING, JUDGE LLOYD, HE'S THE
10 JUDGE OF THE LAW. HE WILL INSTRUCT YOU THE JURY AS HE'S
11 ALREADY THIS MORNING ON CERTAIN ASPECTS OF THE LAW. AND IF
12 ANYTHING HE SAYS IS DIFFERENT FROM WHAT YOU HEAR FROM ANY OF
13 THE ATTORNEYS IN THIS, HIS RULING SHOULD BE FOLLOWED.

14 HOWEVER, DURING THE COURSE OF THIS TRIAL, Y'ALL ARE THE
15 JUDGES OF FACT. YOU'RE THE TRYERS OF FACT. EACH ONE OF YOU
16 IS WEARING A BLACK ROBE TODAY. IT'LL BE UP TO YOU TO LISTEN
17 TO THE FACTS AND EVIDENCE THAT WE THE STATE PRODUCE. IT'LL BE
18 UP TO YOU TO DETERMINE WHETHER THIS DEFENDANT COMMITTED THE
19 CRIMES THAT WE ALLEGED SHE DID.

20 SOME OF THE EVIDENCE THAT WE ARE GOING TO PRODUCE WILL BE
21 WITNESS TESTIMONY. AND THERE'LL BE SEVERAL WITNESSES IN THIS
22 TRIAL, SOME OF WHICH I WILL START BRIEFING FOR YOU.

23 YOU'RE GONNA HEAR FROM LIEUTENANT COLLINS OF THE HIGHWAY
24 PATROL. HE WAS ONE OF THE SUPERVISORS OUT THERE ON THE SCENE
25 AND HE'S JUST GONNA GIVE YOU AN OVERVIEW OF WHAT HAPPENED,

1 SOME OF THE PLAYERS INVOLVED, AND THE VEHICLES INVOLVED, WHERE
2 THEY ENDED UP.

3 THEN YOU'RE GONNA HEAR FROM STANFORD OWENS, ONE OF THE
4 VICTIMS IN THE CASE, WHO WAS DRIVING THE EIGHTEEN-WHEELER
5 COMING IN THE OPPOSITE DIRECTION. HE'LL DESCRIBE TO YOU WHAT
6 HE SAW RIGHT BEFORE HE HIT THAT BOBTAIL, AND THE INJURIES HE
7 SUSTAINED.

8 YOU'RE GONNA HEAR FROM THE PATHOLOGIST WHO DID THE
9 AUTOPSY ON GENE CROFT, THE VICTIM WHO DIED IN THE CASE. AND
10 YOU'RE GONNA HEAR HOW HE DIED, THE CAUSE OF HIS DEATH.

11 YOU'RE ALSO GOING TO HEAR FROM LANCE CORPORAL JEFF BAKER.
12 AND I ASK YOU TO LISTEN CLOSELY TO JEFF BAKER'S TESTIMONY.
13 LANCE CORPORAL BAKER WAS THE FIRST OFFICER ON THE SCENE. HE
14 WITNESSED WHERE ALL THE VEHICLES ENDED UP. HE CALLED THE
15 EMERGENCY UNITS THERE. HE MET THEM THERE. BUT HE IS ALSO THE
16 FIRST PERSON TO MAKE CONTACT WITH THE DEFENDANT. YOU WILL
17 HEAR HIM DESCRIBE HOW HE WALKED UP. AND THERE WERE EMT
18 VEHICLES THAT WERE HERE, FIRE VEHICLES OVER HERE, HIGHWAY
19 PATROL EVERYWHERE, PEOPLE EVERYWHERE. PEOPLE WERE STILL STUCK
20 IN VEHICLES. NO ONE HAS BEEN TAKEN OUT OF THE VEHICLES AS OF
21 YET.

22 BUT AS HE APPROACHED THE DEFENDANT, SHE WAS SITTING IN
23 HER VEHICLE, THAT FORD TAURUS, HER LEGS HANGING OUT OF THE
24 DRIVER'S SIDE, SMOKING A CIGARETTE. HOW WHEN HE WENT UP TO
25 TALK TO HER SHE INITIALLY DENIED EVEN DRIVING. HOW SHE

1 THOUGHT SHE WAS GOING THE OTHER DIRECTION, COMING INTO TOWN.
2 HOW SHE SEEMED VERY MELLOW THROUGH ALL THE CHAOS GOING ON,
3 UNSTEADY ON HER FEET. HOW HE SMELLED A DISTINCTIVE ODOR ABOUT
4 HER, WHICH HE BELIEVED TO BE MARIJUANA. WHICH THEN LED HIM TO
5 GO AHEAD AND ISSUE SOME FIELD SOBRIETY TESTS, WHICH ULTIMATELY
6 LED TO HER ARREST ON THESE CHARGES.

7 ANOTHER WITNESS YOU'RE GOING TO HEAR FROM IS GREG ROCK.
8 HE'S A TOXICOLOGIST WITH THE SOUTH CAROLINA LAW ENFORCEMENT
9 DIVISION AND HE'S GOING TO TELL YOU ABOUT THE BLOOD AND URINE
10 SAMPLES TAKEN FROM THE DEFENDANT AND THE TESTS HE PERFORMED ON
11 THOSE SAMPLES. HE'S ALSO GOING TO TELL YOU ABOUT THE RESULTS
12 OF THOSE TESTS. I'M NOT GONNA SPOIL IT. I'M NOT GONNA GIVE
13 YOU EVERYTHING IN THIS OPENING STATEMENT. BUT HE DID FIND
14 THREE SUBSTANCES IN HER BODY. ONE WAS MARIJUANA. AND HE
15 FOUND A VERY EXCESSIVE AMOUNT OF TWO OTHER SUBSTANCES,
16 ANTIHISTAMINES AND COUGH SUPPRESSANTS, OVER-THE-COUNTER
17 MEDICATIONS, LADIES AND GENTLEMEN.

18 YOU'RE ALSO GONNA HEAR FROM SEVERAL OTHER WITNESSES, SOME
19 EYE WITNESSES WHO SAW THE WRECK AS IT WAS HAPPENING. YOU'RE
20 GOING TO HEAR FROM DOCTOR JOHN EADY, WHO WAS STANFORD OWENS'
21 TREATING PHYSICIAN. ALL THESE WITNESSES YOU'RE GONNA LISTEN
22 TO. YOU'RE GONNA HAVE TO JUDGE THEIR CREDIBILITY IN ORDER TO
23 DETERMINE WHO YOU'RE GONNA BELIEVE, WHO YOU'RE NOT. BECAUSE
24 YOU AS THE JURY, YOU DON'T HAVE TO BELIEVE EVERYTHING A

1 WITNESS TELLS YOU. YOU CAN BELIEVE ALL, PART OR NOTHING OF
2 WHAT A WITNESS TELLS YOU.

3 NOW, HOW DO YOU DETERMINE THAT? THERE ARE FIVE QUESTIONS
4 WE ASK EACH AND EVERY WITNESS. SO, FIVE QUESTIONS YOU NEED TO
5 ASK YOURSELF IN LISTENING. FIRST: WHAT IS THE WITNESS'
6 DEMEANOR ON THE STAND. SECOND: WAS THE WITNESS FORTHRIGHT
7 WITH THEIR TESTIMONY? WERE THEY SORT OF HESITANT, HOLDING
8 STUFF BACK WHILE TESTIFYING? WAS THE WITNESS' TESTIMONY
9 CONSISTENT FROM THE TIME OF THIS ACCIDENT UNTIL TODAY? WAS
10 THAT WITNESS' TESTIMONY CORROBORATED THROUGH THE TESTIMONY OF
11 OTHER WITNESSES? AND FINALLY: DID THAT WITNESS HAVE ANY
12 REASON TO BE PREJUDICED OR BIASED IN ANY WAY?

13 WE ASK YOU THE JURY, AFTER HEARING ALL THE EVIDENCE, ALL
14 THE FACTS, ALL THE WITNESSES' TESTIMONY, AND AFTER APPLYING
15 JUDGE LLOYD'S RULINGS AND THE LAW OF THE CASE TO THE FACTS AND
16 THE WITNESSES' TESTIMONY TO RETURN A VERDICT OF GUILTY AGAINST
17 THIS DEFENDANT FOR FELONY DUI, CAUSING GREAT BODILY INJURY. A
18 VERDICT OF GUILTY FOR FELONY DUI, CAUSING DEATH. AND A
19 VERDICT OF GUILTY FOR CHILD ENDANGERMENT. THANK YOU.

20 THE COURT: THANK YOU, MR. JOPHLIN. MS. MOBLEY.

21 MS. MOBLEY: THANK YOU, YOUR HONOR. MAY IT PLEASE THE
22 COURT. GOOD MORNING, LADIES AND GENTLEMEN.

23 (WHEREUPON JURY RESPONDS IN KIND)

24 YOU JUST HEARD THE STATE BEGIN TO DESCRIBE TO YOU A TRULY
25 TRAGIC ACCIDENT, A REAL TRAGEDY. AN ACCIDENT THAT KILLED A

1 MAN, GENE CROFT, AND SERIOUSLY INJURED TWO OTHERS, STANFORD
2 OWENS AND DANIEL SHARPE. I IMAGINE, LIKE HE SAID, THAT YOU
3 ARE GOING TO HEAR FROM A PATHOLOGIST ABOUT INJURIES THAT
4 KILLED GENE CROFT. AND I IMAGINE THEY'RE GOING TO HAVE
5 DOCTORS, AS HE SAID, THAT ARE GOING TO TELL YOU A LITTLE BIT
6 ABOUT THE INJURIES THAT WERE SUSTAINED BY MR. OWENS AND MR.
7 SHARPE.

8 AND YOU'RE GOING TO SEE PHOTOGRAPHS OF THIS ACCIDENT.
9 YOU ARE GOING TO SEE PHOTOGRAPHS OF CARS THAT ARE CRUMPLED.
10 YOU ARE GOING TO SEE SOME TRULY SHOCKING THINGS THROUGHOUT THE
11 COURSE OF THIS TRIAL. OKAY? THIS IS AN INTERSTATE ACCIDENT.
12 THOSE PHOTOGRAPHS ARE MEMORABLE.

13 YOU ARE GOING TO HEAR TESTIMONY ABOUT THE ACCIDENT, WHAT
14 HAPPENED. THEY'RE GONNA TAKE YOU THROUGH ALL OF THIS. AND A
15 LOT OF IT IS GOING TO BE TRULY SHOCKING. IT'S GOING TO BE
16 GUT-WRENCHING. IT IS GOING TO PRODUCE THIS REACTION, AND YOU
17 THINK, WELL, SOMEONE HAS TO BE TO BLAME FOR THIS. THAT IS THE
18 REACTION. IT IS A NATURAL INSTINCT TO WANT TO BLAME SOMEONE
19 WHEN A TRAGEDY LIKE THIS HAPPENS.

20 OUR SOCIETY, JUST OUR BASIC HUMAN INSTINCT, JUST RIGHT
21 HERE, YOU WANT TO BELIEVE THAT THIS STUFF CAN'T HAPPEN. BUT
22 IT DOES AND UNFORTUNATELY, IT HAS. AND I UNDERSTAND THIS
23 DESIRE TO WANT TO LAY THE BLAME SOMEWHERE.

24 BUT THAT'S NOT WHY YOU'RE HERE. YOU ARE IN THIS
25 COURTROOM TODAY, YOU, EACH OF YOU, IN THIS COURTROOM TODAY IN

1 A GOOD MORNING.

2 Q IF YOU WOULD, PLEASE TELL US YOUR CURRENT POSITION
3 AND WHERE YOU'RE EMPLOYED.

4 A I'M EMPLOYED WITH THE HIGHWAY PATROL AND I'M
5 CURRENTLY ASSIGNED TO THE DISTRICT OFFICE HERE IN
6 COLUMBIA.

7 Q WHAT IS IT YOU DO WITH THE HIGHWAY PATROL?

8 A CURRENTLY IT SEEMS TO BE MOST OF MY RESPONSIBILITIES
9 FALL UNDER ADMINISTRATIVE OFFICER AS FAR AS ASSISTING
10 WITH THE RUNNING OF SIX COUNTIES WITH THE HIGHWAY PATROL.

11 Q HOW LONG HAVE YOU BEEN WITH THE HIGHWAY PATROL?

12 A SINCE AUGUST OF 1988.

13 Q IF YOU COULD, JUST GIVE US SOME BACKGROUND OF WHAT
14 YOU'VE DONE SINCE YOU'VE BEEN THERE, ANY CERTIFICATIONS,
15 TRAINING.

16 A MY ORIGINAL LAW ENFORCEMENT EXPERIENCE BEGAN IN
17 1986. I WAS EMPLOYED WITH THE COLUMBIA CITY POLICE
18 DEPARTMENT, A CLASS ONE, CERTIFIED POLICE OFFICER. I WAS
19 THEN HIRED IN AUGUST OF '88, TO COME TO THE HIGHWAY
20 PATROL; ATTENDED A TWELVE-WEEK BASIC AT THE ACADEMY;
21 ASSIGNED TO SPARTANBURG COUNTY, WHERE I PATROLLED UP
22 THERE FOR TWO YEARS.

23 LATER ON, I TRANSFERRED TO COLUMBIA, TWO YEARS

24 LATER; PATROLLED COLUMBIA; WAS ASSIGNED TO THE DRUG

1 INTERDICTION TEAM FOR JUST OVER A YEAR; ALSO WORKING
2 AROUND COLUMBIA.

3 I WAS A SUPERVISOR IN LEXINGTON COUNTY AS A ROAD
4 CORPORAL FOR FOUR AND A HALF YEARS. I ALSO WAS A
5 SERGEANT IN RICHLAND COUNTY DURING THE TIME, I GUESS,
6 WHICH ENCOMPASSES THIS INCIDENT THAT WE HERE FOR.

7 I WAS ASSIGNED TO RICHLAND COUNTY AS AN ENFORCEMENT
8 SUPERVISOR FOR JUST OVER TWO YEARS. DURING THE COURSE OF
9 MY CAREER, I HAVE BEEN CERTIFIED IN ACCIDENT. I HAD A
10 HUNDRED TWENTY HOUR ACCIDENT RECONSTRUCTION COURSE I HAD
11 TO GO THROUGH. I'M DATA MASTER CERTIFIED, BREATHALYZER
12 CERTIFIED, RADAR CERTIFIED. OF COURSE, ANNUAL RE-
13 CERTIFICATIONS ON ALMOST EVERY ONE OF THE QUALIFICATIONS
14 THAT I'VE HAD BEFORE.

15 Q SO, BACK IN 2002, YOUR EMPLOY WAS AN ENFORCEMENT
16 SERGEANT HERE IN RICHLAND COUNTY AT THE TIME OF THIS
17 ACCIDENT?

18 A YES.

19 Q DID YOU HAVE AN OPPORTUNITY IN JANUARY OF 2002, TO
20 RESPOND TO THE ACCIDENT?

21 A YES.

22 Q WHAT WAS YOUR ROLE IN RESPONDING TO THE ACCIDENT?

23 A ON THE SCENE SUPERVISOR.

24 Q WHO ELSE FROM THE HIGHWAY PATROL WAS THERE AT THE
25 TIME?

1 A LANCE CORPORAL BAKER WAS ALREADY ON THE SCENE WHEN I
2 GOT THERE. MINDY QUEEN WAS ANOTHER TROOPER THAT WAS ON
3 THE SCENE PRIOR TO MY ARRIVAL. I BELIEVE THAT WAS IT
4 FROM THE HIGHWAY PATROL.

5 Q IF YOU WOULD, BRIEFLY DESCRIBE THE SCENE AS YOU
6 ARRIVED.

7 A I WAS COMING FROM DOWNTOWN. IT WAS GETTING INTO THE
8 AFTERNOON RUSH HOUR. TRAFFIC WAS ALREADY STARTING--
9 TRAFFIC WAS ALREADY HEAVY APPROACHING THE SCENE. I WAS
10 COMING FROM DOWNTOWN, WHICH IS DOWN I-20, HEADING TOWARDS
11 FLORENCE. JUST WHEN I WAS GETTING ABOUT TO THE EXIT TO
12 GET OFF TO EITHER 77 OR ALPINE ROAD, TRAFFIC WAS STARTING
13 TO BACK UP.

14 AS I CRESTED THE HILL CREST WHERE THE BRIDGE GOES
15 OVER, ALPINE ROAD, ALPINE ROAD BRIDGE. ALPINE ROAD IS
16 RUNNING UP UNDERNEATH IT. AS SOON AS I CRESTED THE HILL
17 I COULD SEE THE COLLISION, THE FIRE DEPARTMENT VEHICLES,
18 A BUNCH OF MANGLED CARS ON BOTH SIDES OF THE ROAD.

19 Q SO, EMERGENCY PERSONNEL WERE ALREADY THERE OR THEY
20 WERE COMING ALONG AS YOU WERE APPROACHING?

21 A THEY WERE COMING AND ALREADY ON THE SCENE.

22 Q IF YOU COULD, DESCRIBE WHAT PORTION OF INTERSTATE 20
23 WE'RE TALKING ABOUT.

24 A IF YOU'RE EASTBOUND, HEADING BACK TOWARD FLORENCE,
25 AS SOON AS YOU CROSS OVER ALPINE ROAD, YOU'VE GOT AN

1 ENTRANCE RAMP, OR ACCELERATION LANE ON YOUR RIGHT, WHERE
2 TRAFFIC COMING OFF 77 THAT'S GOING NORTHBOUND CAN EXIT
3 OFF TO GET OFF I-20. AND ALSO TRAFFIC COMING ON, FROM
4 ALPINE ROAD, CAN EXIT AND MERGE IN WITH THE 77 NORTHBOUND
5 TRAFFIC. AS SOON AS THOSE LANES MERGE TOGETHER, THEY
6 BOTH MERGE ONTO I-20 EASTBOUND.

7 Q AND WHERE IN RELATION TO THOSE LANES MERGING FROM I-
8 77 GOING ON I-20 EASTBOUND, WHERE IN RELATION TO THAT
9 MERGER DID THIS ACCIDENT HAPPEN?

10 A IT BEGAN APPROXIMATELY WHERE YOU CAN ENTER FROM THAT
11 EXIT, ACCELERATION LANE ONTO I-20, WHERE THE WHITE LINE
12 IS NO LONGER SOLID, WHERE YOU CAN START MERGING IN WITH
13 TRAFFIC. THERE IS AN ADDITIONAL ACCELERATION LANE WHERE
14 THERE'S THREE LANES THERE, AND YOU STILL HAVE A THREE-
15 LANE PORTION.

16 Q SO, AT THE SPOT WHERE IT OCCURRED, THERE WERE STILL
17 THREE LANES ON I-20?

18 A WHICH WAY.

19 Q EASTBOUND WHERE THIS OCCURRED?

20 A THAT'S CORRECT.

21 Q I'M GOING TO BRING UP HERE A DIAGRAM TO HELP YOU
22 EXPLAIN TO THE JURY A LITTLE BETTER. THIS IS ALREADY
23 MARKED STATE'S EXHIBIT TWO.

24 THE COURT: ARE YOU ENTERING THE EXHIBIT, MR.
25 JOPHLIN?

1 MR. JOPHLIN: NO, NOT THIS, JUST FOR DEMONSTRATION
2 PURPOSES NOW.

3 THE COURT: THAT'S STATE'S NUMBER TWO FOR ID
4 PURPOSES.

5 MR. JOPHLIN: MAY THE WITNESS STEP DOWN, YOUR HONOR?

6 THE COURT: YES SIR.

7 (WHEREUPON WITNESS EXITS WITNESS STAND FOR
8 DEMONSTRATION WITH STATE'S EXHIBIT NUMBER TWO)

9 Q IF YOU COULD, JUST BRIEFLY EXPLAIN TO THE JURY WHAT
10 THEY'RE LOOKING AT HERE.

11 A THIS IS A DIAGRAM OF I-20. THIS IS INDICATING THE
12 77 MILE MARKER OF I-20. THIS COULD BE COMING INTO
13 COLUMBIA AND THIS IS THE EASTBOUND LANE GOING TO
14 FLORENCE, ALSO INDICATING THE 77 MILE MARKER. THIS
15 LITTLE INDICATION HERE IS WHERE IT INDICATES THAT THERE'S
16 A SIGN POSTED THAT THE LANE ENDS, INDICATING TO TRAFFIC
17 TO START MERGING TO THE LEFT.

18 Q AND THE ACCIDENT HAPPENED ON WHICH SIDE OF THAT?

19 A IT WOULD HAVE BEEN ON THE EASTBOUND SIDE.

20 Q OKAY. IF YOU WOULD, HAVE A SEAT.

21 (WHEREUPON WITNESS RETURNS TO WITNESS STAND)

22 COULD YOU DESCRIBE TO THE JURY THE VEHICLES THAT
23 BECAME INVOLVED IN THIS ACCIDENT?

24 A YES. THERE WAS A 1997, FOUR-DOOR, FORD, BURGUNDY-
25 IN-COLOR. THAT WAS THE FIRST VEHICLE. THE SECOND

1 VEHICLE WAS A 2001, TRACTOR. I BELIEVE IT'S A WESTERN,
2 IS THE MAKE OF THAT TRACTOR. AND THE THIRD VEHICLE WAS A
3 2000, A BOBTAIL TRACTOR, THAT WAS AGAINST THE TRUCK.

4 Q WHAT DO YOU MEAN WHEN YOU SAY, BOBTAIL TRACTOR?

5 A MOST PEOPLE REFER TO IT AS A TRACTOR-TRAILER,
6 TRACTOR AND TRAILER, EIGHTEEN-WHEELER. BUT THE BOBTAIL
7 IS JUST THE TRACTOR PORTION, THE ENGINE WITHOUT THE
8 ATTACHED TRAILER.

9 Q AND YOU MENTIONED A TRACTOR-TRAILER?

10 A YES.

11 Q WHAT IS EXACTLY, OR CAN YOU EXPLAIN?

12 A IT'S JUST A VERY HEAVY, DUMP TRUCK. IT'S LARGE
13 ENOUGH TO WHERE IT'S A TRACTOR-TRAILER SIZED DUMP TRUCK.
14 IT DOES HAVE THE HYDRAULICS, YOU KNOW, TO LIFT THE BED OF
15 THE TRUCK, AND ACTUALLY TO DUMP THE CONTENTS OF THE
16 TRAILER.

17 Q AND IF YOU COULD, DESCRIBE THE RESTING SPOTS OF
18 THOSE VEHICLES WHEN YOU CAME UPON THE SCENE.

19 A THE FORD TAURUS WAS ON THE EASTBOUND SIDE OF
20 TRAFFIC, OVER IN THE GRASSY, RIGHT SHOULDER OF THE ROAD,
21 STILL ON THE EASTBOUND SIDE. IT WAS PARKED WITH THE BACK
22 END, OR STOPPED WITH THE BACK END UP AGAINST THE
23 EMBANKMENT. WHEN YOU'RE GOING EASTBOUND, THE INTERSTATE
24 IS ACTUALLY LOWER THAN THE ROAD AND THERE'S AN EMBANKMENT

1 TO THE RIGHT. AND THAT'S WHERE THE BACK END OF THAT
2 VEHICLE WAS.

3 IN THE MEDIAN, UPSIDE DOWN AND BACKWARDS, ON THE
4 WESTBOUND SIDE, SITTING IN THE GRASS MEDIAN, WAS THE
5 BOBTAIL TRACTOR, TRUCK. AND THEN, OF COURSE, IN THE
6 MEDIAN ALSO WAS THE TRACTOR TRAILER DUMP TRUCK. IT WAS
7 STRADDLING AND CAUGHT UP AND ENTANGLED IN THE CABLE
8 BARRIERS.

9 Q LET ME GO BACK. WHAT'S THE SPEED LIMIT ON THIS
10 SECTION OF I-20?

11 A IT'S SIXTY MILES PER HOUR.

12 Q OKAY.

13 MR. JOPHLIN: BEG THE COURT'S INDULGENCE.

14 THE COURT: OKAY.

15 (PAUSE)

16 Q WHO WAS THE LEAD INVESTIGATOR ON THE SCENE OF THIS
17 ACCIDENT?

18 A THE PATROL ASSIGNS THE FIRST OFFICER ON THE SCENE,
19 WHICH WOULD HAVE BEEN JEFF BAKER, AS THE LEAD
20 INVESTIGATOR.

21 Q OKAY, THANK YOU. NOW, I'M GOING TO SHOW YOU WHAT'S
22 BEEN MARKED AS STATE'S EXHIBITS THREE THROUGH FOURTEEN.
23 THESE ARE SOME PHOTOS TAKEN AT THE SCENE. I WOULD ASK
24 YOU TO FLIP THROUGH THOSE AND SEE IF THEY FAIRLY AND
25 ACCURATELY DEPICT WHAT WAS AT THE SCENE THAT DAY.

1 (PAUSE TO PERUSE PHOTOS)

2 A YES SIR.

3 MR. JOPHLIN: YOUR HONOR, AT THIS TIME I WOULD LIKE
4 TO MOVE INTO EVIDENCE STATE'S EXHIBITS THREE THROUGH
5 FOURTEEN, PHOTOGRAPHS.

6 MS. MOBLEY: YOUR HONOR, MAY I VIEW THE PHOTOS?

7 THE COURT: YES MA'AM.

8 (PAUSE FOR DEFENSE COUNSEL TO VIEW PHOTOS)

9 MS. MOBLEY: WITHOUT OBJECTION, YOUR HONOR.

10 THE COURT: RECEIVED INTO EVIDENCE WITHOUT
11 OBJECTION.

12 (WHEREUPON STATE'S EXHIBITS THREE THROUGH FOURTEEN WERE
13 ADMITTED INTO EVIDENCE WITHOUT OBJECTION)

14 MR. JOPHLIN: THANK YOU, YOUR HONOR. MAY THE
15 WITNESS STEP DOWN?

16 THE COURT: YES SIR.

17 Q LIEUTENANT, IF YOU COULD STEP DOWN BRIEFLY, WE'LL GO
18 OVER THESE WITH THE JURY.

19 (WHEREUPON WITNESS EXITS WITNESS STAND FOR
20 DEMONSTRATION WITH STATE'S EXHIBITS NUMBER THREE THROUGH
21 FOURTEEN)

22 IF YOU WOULD, PLEASE TELL THE JURY EXACTLY WHAT
23 WE'RE LOOKING AT IN THESE PICTURES. THIS IS STATE'S
24 EXHIBIT NUMBER THREE.

1 A OKAY. THIS IS THE PHOTO DEPICTING THE DEFENDANT'S
2 VEHICLE, THE BURGUNDY, FORD TAURUS, AND WHERE IT CAME TO
3 REST. IT ALSO HAS THE MARKS THAT WE FOUND AT THE
4 ACCIDENT SCENE THAT WE BELIEVE INDICATED THE PATH OF THE
5 VEHICLE'S TRAVEL TO THE REST.

6 Q AND IS THIS ALSO SHOWING SOME EMERGENCY VEHICLES
7 OVER HERE?

8 A THAT'S CORRECT.

9 Q EMERGENCY WORKERS. OKAY.

10 A THIS IS A CLOSE-UP VIEW OF THAT '87 TAURUS, ALSO
11 INDICATING THE DAMAGE ON THE FRONT OF THE VEHICLE.

12 Q THAT WAS STATE'S EXHIBIT FOUR?

13 A YES.

14 MR. JOPHLIN: YOUR HONOR, REQUEST PERMISSION TO
15 PUBLISH THESE TO THE JURY.

16 THE COURT: YES SIR.

17 (WHEREUPON EXHIBITS WERE PUBLISHED TO JURY)

18 Q AND STATE'S EXHIBIT NUMBER FIVE?

19 A THIS IS SHOWING THE PATH THE BOBTAIL TRUCK TOOK TO
20 ITS POINT OF REST.

21 Q AND THAT'S IT IN THE MIDDLE.

22 A YES.

23 Q AND THAT'S THE TRUCK GENE CROFT WAS DRIVING?

24 A YES SIR.

25 Q STATE'S EXHIBIT SIX.

1 A SAME PHOTO, JUST CLOSER.

2 Q CLOSER, OKAY. AND THESE ARE THE CABLE WIRES IN THE
3 CENTER OF THE MEDIAN?

4 A YES.

5 Q IF YOU WILL, DESCRIBE THE VIEW OF THAT VEHICLE.

6 A WHAT YOU'RE LOOKING AT IS THE FRONT OF THE CAB AND
7 UPSIDE DOWN. THE TOP WOULD HAVE BEEN RIGHT HERE. AND,
8 OF COURSE, THE WHEELS SHOULD HAVE BEEN UP HERE.

9 Q AND STATE'S NUMBER SEVEN.

10 A THIS IS A CLOSER VIEW OF THE SAME VEHICLE. THIS IS
11 A PICTURE THAT'S BEEN TAKEN FROM THE WESTBOUND SIDE.
12 THESE ARE THE FUEL TANKS AND THIS WHERE THE WHEELS SHOULD
13 HAVE BEEN ATTACHED ON THE AREA HERE.

14 Q SO, THE WHEELS WERE ACTUALLY OFF THE VEHICLE BY THE
15 TIME YOU'D GOTTEN THERE?

16 A YES, THEY WERE RIPPED OFF.

17 Q STATE'S EXHIBIT NUMBER EIGHT.

18 A THIS, AGAIN, IS MR. CROFT'S VEHICLE TAKEN FROM THE
19 WESTERLY DIRECTION, LOOKING BACK TOWARDS COLUMBIA.
20 YOU'RE LOOKING AT THE BACK SIDE OF THE VEHICLE. AND
21 THAT'S THE BOBTAIL TRACTOR.

22 SAME VEHICLE, AGAIN. THIS IS JUST LOOKING AT THE
23 DRIVER'S DOOR FROM THE EASTBOUND SIDE.

24 Q STATE'S EXHIBIT NUMBER TEN. CAN YOU DESCRIBE THAT
25 FOR THE JURY?

1 A I GUESS THE SUBJECT OF THIS PICTURE WHERE THE FRONT
2 AXLE WHERE IT WAS RIPPED OFF AND WHERE IT CAME TO REST
3 AFTER THE ACCIDENT.

4 Q AND, IS THERE, THE DUMP TRAILER, IS THAT IN THIS
5 PHOTO?

6 A YES. IF YOU LOOK JUST BEYOND THE WHEELS, THE
7 TRACTOR DUMP TRAILER THAT WAS TRAVELING WESTBOUND HEADING
8 TOWARD COLUMBIA, YOU CAN FOLLOW ITS PATH INTO THE MEDIAN
9 GOING OVER THE CABLE BARRIERS AND WHERE IT CAME TO REST
10 IN THE CENTER OF THE ROADWAY.

11 Q SO, WHERE IN RELATION TO THAT BOBTAIL AND THAT DUMP
12 TRAILER WERE THESE TIRES?

13 A THE BOBTAIL WOULD HAVE BEEN BACK HERE.

14 Q SO, RIGHT AROUND HERE?

15 A YES. THIS IS THE GLASS FROM THE FRONT WINDSHIELD.

16 Q SO, THE TIRES ARE ACTUALLY IN BETWEEN THE BOBTAIL
17 AND THE DUMP TRAILER?

18 A YES.

19 Q IN THE MEDIAN?

20 A YES.

21 Q THIS IS STATE'S EXHIBIT NUMBER ELEVEN.

22 A THIS IS ANOTHER PICTURE OF THE DUMP, TRACTOR-
23 TRAILER, WHERE IT CAME TO REST, AND ALSO A CLOSER UP
24 PHOTO OF THE PATH IT FOLLOWED AFTER THE IMPACT.

25 Q TWELVE THROUGH FOURTEEN.

1 A THIS, AGAIN, IS THE DUMP TRAILER. YOU CAN SEE THE
2 IMPACT TO THE FRONT HERE, AND ALSO A SIDE VIEW.

3 Q SAME DUMP TRAILER?

4 A THE SAME TRAILER, ALSO SHOWING ADDITIONAL IMPACT.

5 Q AND FINALLY, STATE'S EXHIBIT NUMBER FOUR.

6 A THIS IS THE CAB PORTION OF THE DUMP TRAILER.

7 Q THIS IS THE VEHICLE STANFORD OWENS WAS IN?

8 A YES.

9 Q THANK YOU. YOU CAN HAVE A SEAT.

10 (WHEREUPON WITNESS RETURNS TO WITNESS STAND)

11 AS A RESULT OF THIS ACCIDENT WERE THERE ANY

12 FATALITIES?

13 A YES SIR.

14 Q WHO WAS THAT?

15 A GENE CROFT. HE WAS THE DRIVER OF THE BOBTAIL
16 TRACTOR.

17 Q WERE THERE ANY INJURIES?

18 A YES. INJURIES WERE SUSTAINED TO STANFORD OWENS, WHO
19 WAS THE DRIVER OF VEHICLE NUMBER TWO WHICH WAS THE DUMP
20 TRACTOR-TRAILER. AND ALSO THE PASSENGER, DANIEL SHARPE,
21 WHO WAS THE PASSENGER WITH MR. CROFT.

22 Q DID YOU HAVE ANY DEALINGS WITH THE DEFENDANT IN THIS
23 CASE, MS. KRANCHIK?

24 A NO.

25 Q WHO WAS DEALING WITH HER DURING THIS INCIDENT?

1 A JEFF BAKER. THAT WAS HIS RESPONSIBILITY, WAS TO
2 STAY WITH THE DRIVER OF THE VEHICLE. I MAINTAINED THE
3 SCENE UNTIL WE COULD GET THE ACCIDENT RECONSTRUCTION
4 TEAM, OR THE MAIT TEAM ON THE SCENE. AND HE FOCUSED WITH
5 HER, THE DRIVER OF THAT VEHICLE.

6 Q YOU MENTIONED ABOUT THE MAIT TEAM. WHO ELSE
7 ENCOMPASSING THE HIGHWAY PATROL WAS CALLED OUT TO THIS
8 ACCIDENT?

9 A IT WAS THE ACCIDENT RECONSTRUCTION TEAM, OR THE MAIT
10 TEAM. IT'S AN ACRONYM FOR MULTI-ACCIDENT INVESTIGATION
11 TEAM, MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM.

12 Q SO, THEY COME OUT THERE AND THEIR PURPOSE IS JUST TO
13 RECONSTRUCT WHAT HAPPENED?

14 A YES. THEY ACTUALLY SURVEY THE SITE ON TWO-SCALE
15 DIAGRAMS. THEY HAVE ALL THE SPEED FORMULAS TO DETERMINE
16 SPEED PRIOR AND AT DEAD-IMPACT.

17 Q DO YOU RECALL WHO IT WAS, THEIR NAMES, WHO
18 RESPONDED?

19 A THERE WAS MAFFETT, JAMES DAY. THOSE ARE THE TWO
20 THAT I RECALL.

21 MR. JOPHLIN: BEG THE COURT'S INDULGENCE.

22 THE COURT: OKAY.

23 (PAUSE)

24 Q THANK YOU, SIR. THAT WOULD BE ALL I WOULD HAVE.

25 PLEASE ANSWER ANY QUESTIONS FOR THE DEFENSE.

1 THE COURT: MS. MOBLEY.

2 MS. MOBLEY: THANK YOU, YOUR HONOR.

3 CROSS EXAMINATION BY MS. MOBLEY:

4 Q LIEUTENANT, I'M LAUREN MOBLEY, AND I JUST HAVE A
5 COUPLE OF QUESTIONS. YOU WERE SHOWN STATE'S EXHIBIT
6 NUMBER THREE, IF I MAY SHOW YOU THAT AGAIN.

7 YOU INDICATED THAT YOU RESPONDED AS THE ON-SCENE
8 SUPERVISOR. IS THAT CORRECT?

9 A YES MA'AM.

10 Q IS IT YOUR UNDERSTANDING THAT THAT WAS WHERE MS.
11 KRANCHIK'S CAR CAME TO REST, OR WAS IT TURNED ON THE
12 SIDE?

13 A WHEN I GOT ON THE SCENE THAT'S THE POSITION THAT IT
14 WAS IN.

15 Q OKAY. THANK YOU. THAT'S ALL I WANTED TO ASK ABOUT
16 THAT. YOU INDICATED THAT JEFF BAKER WAS THE FIRST PERSON
17 ON THE SCENE THAT RESPONDED TO THE ACCIDENT. IS THAT
18 CORRECT?

19 A ONE.

20 Q ONE OF THE FIRST?

21 A ONE OF THE FIRST.

22 Q ABOUT HOW LONG DID YOU GET THERE AFTER HIM? MAYBE
23 THIRTY MINUTES OR SO?

24 A APPROXIMATELY, THIRTY TO FORTY-FIVE MINUTES,
25 SOMEWHERE IN THERE.

1 Q SO, YOU ARRIVED AT THE SCENE A LITTLE BIT AFTER THE
2 ACCIDENT OCCURRED AFTER YOU WERE CALLED OUT THERE.
3 CORRECT?

4 A CORRECT.

5 Q DID YOU SPEAK WITH ANY OF THE INDIVIDUALS IN THE RED
6 TAURUS?

7 A NO MA'AM.

8 Q IN SHANNA KRANCHIK'S CAR?

9 A NO MA'AM.

10 Q AND YOU DIDN'T SPEAK TO SHANNON KRANCHIK, DID YOU?

11 A NO, I DID NOT.

12 Q AND YOU DIDN'T HAVE ANY DEALINGS WITH HER AT THE
13 SCENE, DID YOU?

14 A NO, I DID NOT.

15 Q SO, ACTUALLY, YOU WERE THERE IN A SUPERVISORY
16 CAPACITY AND CERTAINLY, YOU WOULDN'T BE ABLE TO TELL US
17 ANYTHING THAT WAS GOING ON INSIDE THE CAR BEFORE OR
18 DURING THE ACCIDENT, INSIDE SHANNON KRANCHIK'S CAR.
19 CORRECT?

20 A CORRECT.

21 Q YOU INDICATED, I BELIEVE, TO MR. JOPHLIN, THAT EMS
22 HAD ALSO BEEN CALLED OUT AS A RESULT OF THIS?

23 A EMS, FIRE DEPARTMENT, YES.

24 Q THE WHOLE SHOOTING MATCH?

25 A YES.

1 Q OKAY.

2 A IT WAS A BIG CROWD OF EMERGENCY WORKERS THERE.

3 Q RIGHT. AND ARE YOU AWARE THAT EMS DID HAVE CONTACT
4 WITH SHANNA KRANCHIK AT SOME POINT?

5 A JUST KNOWING THEIR PROCEDURES, I WOULD SAY THAT THEY
6 DID.

7 Q OKAY. AND THERE WERE SOME MINOR INJURIES TO SOME OF
8 THE PEOPLE IN SHANNA KRANCHIK'S CAR. IS THAT CORRECT?

9 A NOT THAT I RECALL. AND FROM THE ACCIDENT REPORT
10 THERE WERE NOT INDICATIONS OF ANY INJURIES TO ANYBODY IN
11 HER CAR, NOT EVEN POSSIBLE INJURIES WERE INDICATED.

12 Q WAS IT INDICATED THAT THE AIR BAGS WERE DEPLOYED?

13 A THERE WAS AN AIR BAG THAT WAS DEPLOYED ON THE FRONT
14 PASSENGER SIDE OF THE FORD TAURUS.

15 Q BUT AGAIN, YOU CAN'T TELL US ANYTHING ABOUT WHAT WAS
16 ACTUALLY GOING ON INSIDE THE CAR WHEN ALL THIS WAS
17 HAPPENING. CORRECT?

18 A THAT'S CORRECT.

19 MS. MOBLEY: I HAVE NO FURTHER QUESTIONS. THANK
20 YOU.

21 THE COURT: MR. JOPHLIN, ANYTHING ON RE-DIRECT?

22 MR. JOPHLIN: NOTHING FURTHER, YOUR HONOR.

23 THE COURT: YOU MAY STEP DOWN, SIR. THANK YOU.

24 MS. CAMPBELL: YOUR HONOR, AT THIS TIME, THE STATE
25 WOULD ASK TO INTRODUCE DANIEL SHARPE'S TESTIMONY.

1 THE COURT: LADIES AND GENTLEMEN, TWO OR THREE TIMES
2 DURING THE COURSE OF THIS TRIAL YOU MAY HEAR SOME
3 TESTIMONY READ TO YOU. THESE WITNESSES ARE UNAVAILABLE
4 TO BE HERE PHYSICALLY FOR THIS TRIAL AT THIS POINT. WHAT
5 WILL HAPPEN IS SOMEBODY WILL READ IN THE TESTIMONY FROM
6 THE PRIOR HEARING AND THAT TESTIMONY WAS GIVEN IN A SWORN
7 CAPACITY. THE ATTORNEYS WILL BE EXAMINING THOSE
8 WITNESSES, BOTH DIRECT AND CROSS EXAMINATION.

9 FOR YOUR PURPOSES, LADIES AND GENTLEMEN, YOU ARE TO
10 TREAT THAT TESTIMONY JUST LIKE YOU WOULD ANY OTHER
11 TESTIMONY OF A LIVE WITNESS SITTING THERE. YOU WILL
12 WEIGH THE CREDIBILITY AND THE VALUE AND ALL OF THAT, JUST
13 AS YOU WOULD IF THAT PERSON WERE HERE IN PERSON.
14 UNFORTUNATELY, THEY ARE NOT PHYSICALLY ABLE TO BE HERE,
15 SO THIS WILL BE THE WAY THAT THIS TESTIMONY WILL COME
16 INTO THE RECORD.

17 MS. CAMPBELL: YOUR HONOR, WITH YOUR PERMISSION, I
18 WILL ASK A MEMBER OF MY OFFICE, MS. NATAKIA BROWN, TO
19 READ THE WITNESS' TESTIMONY.

20 THE COURT: YES MA'AM. LADIES AND GENTLEMEN, THESE
21 WITNESSES WERE SWORN AND UNDER OATH. ALL OF THE
22 WITNESSES WERE SWORN AND UNDER OATH.

23 MS. CAMPBELL: MS. BROWN, IF YOU WILL JUST START
24 WITH MR. DANIEL SHARP'S TESTIMONY, DOING IT QUESTION, AND

1 THEN READ WHAT THE QUESTION WAS, AND THEN ANSWER, AND
2 READ WHAT THE ANSWER WAS FOR THE JURY, PLEASE.

3 (WHEREUPON THE READING OF THE PRIOR, SWORN TESTIMONY OF
4 WITNESS, DANIEL SHARPE, WAS READ INTO THE RECORD BY
5 NATAKIA BROWN, AS FOLLOWS:

6 DIRECT EXAMINATION OF DANIEL SHARPE BY MS. CAMPBELL:

7 Q MR. SHARPE, WHERE DO YOU LIVE?

8 A CAYCE.

9 Q HOW LONG HAVE YOU LIVED IN THE COLUMBIA AREA?

10 A I RETIRED FROM THE ARMY IN '74 AND HAVE BEEN IN
11 CAYCE EVER SINCE. IT HAS BEEN MY HOME ALL MY LIFE.

12 Q ALL YOUR LIFE?

13 A CORRECT.

14 Q SINCE 1974?

15 A CORRECT.

16 Q WHAT BRANCH OF THE MILITARY, SIR?

17 A ARMY.

18 Q HOW LONG?

19 A TWENTY YEARS.

20 Q WHEN YOU RETIRED HAD YOU BEEN IN THE COLUMBIA AREA
21 BEFORE? IS THAT HOW YOU BECAME FAMILIAR WITH IT?

22 A YES.

23 Q AND YOU HAVE DECIDED TO RETIRE HERE?

24 A IT'S MY HOME. CORRECT.

1 Q ONCE YOU HAD RETIRED BACK IN 1974, DID YOU FIND ANY
2 OTHER EMPLOYMENT AFTER YOUR RETIREMENT FROM THE MILITARY?

3 A YES.

4 Q WHAT KIND OF EMPLOYMENT, SIR, HAVE YOU HAD OVER THE
5 LAST TWENTY YEARS?

6 A TWENTY-THREE YEARS AT FORT JACKSON AS A FEDERAL
7 CIVILIAN.

8 Q AS A FEDERAL CIVILIAN? AND WHAT DID YOUR DUTIES
9 INCLUDE THERE, SIR?

10 A BRANCH CHIEF, MOTOR TRANSPORT.

11 Q SUBSEQUENT TO THAT, AFTER TWENTY-THREE YEARS OF
12 DOING THAT, IN THE LAST SEVEN YEARS, DID YOU SEEK
13 EMPLOYMENT IN OTHER AREAS?

14 A YES.

15 Q AND CAN YOU TELL THE JURY WHAT OTHER EMPLOYMENT
16 OPPORTUNITIES YOU HAD IN THE PAST SEVEN YEARS?

17 A PART-TIME DRIVER FOR TRUCK COMPANY, MOVING THEIR
18 EQUIPMENT TO AND FROM.

19 Q MOVING THEIR EQUIPMENT TO AND FROM FOR A TRUCK
20 COMPANY?

21 A YES.

22 Q AND SPECIFICALLY, WAS ONE OF THOSE COMPANIES A
23 COMPANY CALLED PENSKE?

24 A CORRECT.

1 Q WHERE IS THE PENSKE COMPANY LOCATED? IS THAT HERE
2 IN COLUMBIA OR SOMEWHERE ELSE?

3 A IT'S IN COLUMBIA NEAR THE POST OFFICE COMPLEX OFF OF
4 77.

5 Q OFF OF I-77?

6 A CORRECT.

7 Q IN CAYCE?

8 A CORRECT.

9 Q WHEN DID YOU FIRST START WORKING FOR THE PENSKE
10 CORPORATION?

11 A BEST GUESS WOULD BE SIX MONTHS PRIOR.

12 Q SIX MONTHS PRIOR TO THE ACCIDENT WE'RE HERE ON
13 TODAY?

14 A CORRECT?

15 Q SO THAT WOULD HAVE BEEN SOMETIME IN THE SUMMER TO
16 EARLY FALL OF 2001?

17 A I WOULD THINK EARLY SUMMER.

18 Q AGAIN, YOU MENTIONED THAT PART OF YOUR DUTIES THERE
19 WERE MOVING EQUIPMENT FROM PLACE TO PLACE?

20 A CORRECT.

21 Q EXPLAIN TO THE JURY EXACTLY WHAT YOU WOULD BE
22 ACCOMPLISHING WHEN YOU MOVE EQUIPMENT SUCH AS TRACTOR
23 TRAILERS AND THINGS OF THAT NATURE.

24 A WE WOULD RELOCATE THEM TO A SITE WHERE THE CUSTOMER
25 IS GOING TO PICK THEM UP. WE WOULD PICK EQUIPMENT UP AND

1 BRING THEM BACK TO THE MAIN TERMINAL HERE AND TAKE STUFF
2 OUT TO THE SECONDARY TERMINAL.

3 Q SO, YOU ACTUALLY WOULD MOVE THE TRAILER OR TRUCK
4 PART AND THOSE WERE SEPARATE PARTS. RIGHT? I'M KIND OF
5 STUPID.

6 A OR A COMBINATION OF.

7 Q OR A COMBINATION OF?

8 A IT COULD BE AS SMALL AS A ONE-TON TRUCK, LIKE A U-
9 HAUL.

10 Q LIKE A U-HAUL, ONE-TON TRUCK. SO, THAT ONE-TON
11 TRUCK, THAT'S ALL ONE PIECE?

12 A YES.

13 Q BUT THE TRACTOR TRAILERS YOU WERE ALSO INVOLVED IN
14 MOVING, THOSE ALSO HAD TWO PARTS. RIGHT? I DON'T MEAN
15 TO BE STUPID.

16 A WE WERE NOT TOWING A TRAILER THAT DAY.

17 Q THAT DAY. AND THAT'S REFERRED TO AS A BOBCAT?

18 A BOBTAIL.

19 Q BOBTAIL. THAT JUST MEANS YOU JUST WERE MOVING THE
20 ENGINE PART, BUT NOT THE TRAILER THAT PULLS.

21 A OKAY.

22 Q IS THAT RIGHT?

23 A THAT'S RIGHT.

- 1 Q I GOT IT. I DIDN'T KNOW IF I WAS. DID YOU EVER
2 HAVE AN OCCASION DURING YOUR WORK AT PENSKE TO MEET A MAN
3 NAMED GENE CROFT?
- 4 A YES.
- 5 Q HOW DID YOU MEET MR. CROFT?
- 6 A HE WAS A FELLOW DRIVER.
- 7 Q OKAY. AND AS A FELLOW DRIVER, DID HE ALSO
8 PARTICIPATE IN THE MOVING OF THESE DIFFERENT BOBTAILS,
9 THINGS LIKE THAT?
- 10 A YES.
- 11 Q OKAY. I WANT TO TURN YOUR ATTENTION, NOW, SIR - NOW
12 THAT I'VE STUMBLERD THROUGH THAT SOMEWHAT - BACK TO
13 JANUARY 23, 2002. WERE YOU WORKING THAT DAY?
- 14 A YES.
- 15 Q CAN YOU TELL THE JURY WHEN YOU BECAME IN YOUR WORK?
16 THAT MORNING, THAT AFTERNOON, WHENEVER IT WAS?
- 17 A TWELVE-THIRTY.
- 18 Q TWELVE-THIRTY?
- 19 A IN THE DAY.
- 20 Q EARLIER THAT DAY HAD YOU BEEN WORKING OR HAD YOU
21 BEEN---
- 22 A I WAS TENDING TO OTHER BUSINESS.
- 23 Q OTHER BUSINESS INCLUDING?
- 24 A I WENT ON SICK CALL FOR AN ANNUAL PHYSICAL
25 REQUIREMENT AT THE VA HOSPITAL.

- 1 Q OKAY. SO, YOU HAD A PHYSICAL EARLIER THAT DAY?
- 2 A YES.
- 3 Q THEN LATER THAT AFTERNOON, AROUND LUNCHTIME, AROUND
- 4 TWELVE-THIRTY, YOU ACTUALLY WENT TO WORK AT PENSKE?
- 5 A YES.
- 6 Q WHERE DID YOU GO TO WORK THAT DAY, SIR?
- 7 A TO THE TERMINAL.
- 8 Q TO THE TERMINAL?
- 9 A IN CAYCE.
- 10 Q IS THAT THE ONE OFF OF I-77?
- 11 A THAT'S CORRECT.
- 12 Q WHEN YOU GOT TO WORK THAT DAY, WHAT WERE YOUR
- 13 DUTIES? WHAT WERE YOU SUPPOSED TO BE DOING?
- 14 A GENE AND I WERE TRANSPORTED BY COMPANY CAR.
- 15 Q YES SIR?
- 16 A OVER TO THE INTERNATIONAL DEALER.
- 17 Q OKAY. AND WHEN YOU SAY GENE, IS THAT MR. CROFT THAT
- 18 I ASKED YOU ABOUT EARLIER?
- 19 A THAT IS MR. CROFT.
- 20 Q AND HE WAS ALSO A DRIVER OR, HE HELPED MOVE TRUCKS
- 21 AROUND, TOO? RIGHT?
- 22 A YES.
- 23 Q OKAY. AND YOU AND MR. CROFT WENT OVER TO ANOTHER
- 24 PART OF TOWN TO ANOTHER INTERNATIONAL TRUCKING PORT?

1 A INTERNATIONAL TRUCK PORT RIGHT THERE OFF OF BLUFF
2 ROAD.

3 Q ON BLUFF ROAD. THAT'S NOT TOO FAR FROM 77 EITHER,
4 IS IT, SIR?

5 A NO, IT IS NOT.

6 Q AND ONCE YOU GOT OVER TO BLUFF ROAD, THE
7 INTERNATIONAL TRUCKING PLACE IS ON BLUFF ROAD, WHAT WERE
8 YOU DOING?

9 A WE WERE PICKING UP A TRACTOR TO GO OVER TO THE
10 FLORENCE AREA TO GET ANOTHER TRACTOR AND SEVERAL TRAILERS
11 TO BRING BACK TO THE TERMINAL.

12 Q OKAY. SO, LET ME GET THIS STRAIGHT. YOU WERE
13 PICKING UP THE TRACTOR. IS THAT THE ENGINE PART?

14 A YES.

15 Q BUT NOT THE TRAILER PART?

16 A YES.

17 Q AND YOU WERE SUPPOSED TO TRANSPORT IT OVER TO THE
18 FLORENCE AREA WHERE YOU WERE SUPPOSED TO GET MORE
19 TRACTORS AND TRAILERS?

20 A WE WERE GOING TO MOVE THE ONE TRACTOR TO THE
21 FLORENCE AREA.

22 Q YES SIR.

23 A TO GET ANOTHER TRACTOR AND PICK UP TWO TRAILERS AND
24 BRING THEM BACK TO COLUMBIA.

1 Q AND THAT'S WHY THERE WERE TWO OF YOU GOING UP THERE,
2 TO BRING TWO TRACTOR TRAILERS?

3 A CORRECT.

4 Q I GOT YOU. SO, THERE WERE TWO OF YOU RIDING IN THE
5 TRACTOR PART OF THE TRUCK, THE ENGINE?

6 A MR. CROFT WAS DRIVING; I WAS RIDING.

7 Q OKAY. MR. CROFT WAS DRIVING AT THAT POINT AND YOU
8 WERE RIDING. YOU WERE ON YOUR WAY TO FLORENCE.
9 APPROXIMATELY WHAT TIME WAS THAT, SIR, DO YOU REMEMBER,
10 THAT YOU LEFT THE INTERNATIONAL PLACE?

11 A TWO-THIRTY-ISH.

12 Q AND IN ORDER TO GET TO FLORENCE TELL THIS JURY WHAT
13 ROUTE YOU WERE TAKING THAT DAY.

14 A OUT TO 77.

15 Q YES SIR.

16 A NORTH UP TO 20.

17 Q NORTH UP TO 20.

18 A AND TAKE THE EXIT ONTO 20 HEADING TOWARDS CAMDEN.

19 Q AND THAT'S THE MOST DIRECT ROUTE TO GET TO CAMDEN,
20 WHICH ULTIMATELY LEADS YOU TO FLORENCE. IS THAT CORRECT?

21 A I BELIEVE THAT TO BE.

22 Q THAT DAY MR. CROFT WAS DRIVING. RIGHT?

23 A YES MA'AM.

24 Q YOU LEFT THAT INTERNATIONAL PLACE AROUND TWO-THIRTY?

25 A YES MA'AM.

1 Q AND AS YOU WERE DRIVING NORTH ON 77 DID YOU
2 EXPERIENCE ANY PROBLEMS AT THAT POINT WHILE YOU WERE ON
3 77?

4 A NO MA'AM.

5 Q AND AS YOU APPROACHED I-20, DID YOU, IN FACT, EXIT
6 ONTO I-20, GOING TOWARDS FLORENCE OR CAMDEN, WHICHEVER
7 ONE YOU WANT TO CALL IT?

8 A YES.

9 Q AND CAN YOU TELL THE JURY, AS YOU WERE EXITING, WHAT
10 HAPPENED? AS YOU WERE MERGING ONTO I-20, WHAT HAPPENED?

11 A AS WE WERE MERGING ONTO I-20, THE TRACTORS HAD AN
12 ABUNDANCE OF MIRRORS. I COULD SEE IN THE MIRROR THAT A
13 CAR WAS LOSING IT. AS IT GOT UP PAST UP AND BESIDE US
14 YOU COULD SEE IT OUT THE WINDOW. THERE WAS A TAURUS
15 LOSING IT AND HEADING TOWARD THE CABLES.

16 Q YES SIR. WHEN YOU SAY A TAURUS, WHAT LANE WERE YOU
17 IN AT THAT POINT WHEN YOU FIRST SAW A TAURUS?

18 A WE WERE IN THE FEED-UP, RIGHT-HAND LANE.

19 Q THE WHAT?

20 A THE LANE THAT FEEDS INTO I-20, THE THIRD ONE ON THE
21 RIGHT.

22 Q AT THAT POINT WHEN YOU WERE MERGING IN, BECAUSE YOU
23 HADN'T MERGED YET, HOW MANY LANES WERE THERE WHEN YOU
24 FIRST SAW THE TAURUS ON YOUR SIDE OF THE ROAD?

1 A THERE'S TWO LANES IN THAT MAIN FREEWAY, AND THE ONE
2 WE WERE MERGING. THAT WOULD COME TO THREE.

3 Q THREE? SO, THERE WERE THREE SEPARATE LANES AT THAT
4 POINT?

5 A YES.

6 Q ON YOUR SIDE OF THE ROAD?

7 A YES.

8 Q AND THERE'S A MEDIAN AND THERE'S THE OTHER SIDE OF
9 THE ROAD?

10 A YES.

11 Q AT THAT POINT WHEN YOU SAW THE TAURUS YOU'RE
12 REFERRING TO, YOU SAY YOU SAW IT LOSING CONTROL?

13 A YES.

14 Q WHERE WAS IT HEADED WHEN YOU FIRST SAW IT?

15 A FAR LEFT LANE IN THE GRAVEL.

16 Q FAR LEFT LANE IN THE GRAVEL. SO, YOU'RE IN THE FAR,
17 RIGHT-HAND LANE?

18 A CORRECT.

19 Q AND THE FAR LEFT-HAND LANE, IS IT HEADED INTO THE
20 MIDDLE OF THE ROAD OR OFF THE ROAD INTO THE MEDIAN?

21 A BETWEEN THE ASPHALT AND THE MEDIAN THERE'S A GRAVEL
22 STRIP.

23 Q INTO THE GRAVEL STRIP. THEN WHAT DID YOU DO?

1 A I SAW IT HEAD TOWARDS THE CABLES AND THEN IT
2 IMMEDIATELY JERKED TO THE RIGHT AND CAME BACK ACROSS THE
3 ROAD AND HIT US.

4 Q SO, IT DIDN'T EVEN GET COMPLETELY INTO THE MEDIAN,
5 DID IT, WHEN YOU SAW IT?

6 A NO. THE GRAVEL STRIP AND MAYBE THIS FAR ON THE
7 GRASS.

8 Q AND THEN IT CAME WHICH DIRECTION?

9 A BACK ACROSS THE FREEWAY AND HIT OUR REAR AXLE AND
10 TURNED US.

11 Q ON WHICH SIDE, YOUR SIDE OR MR. CROFT'S SIDE, WHO
12 WAS DRIVING?

13 A THE DRIVER'S SIDE.

14 Q AND HOW FAST DID THIS HAPPEN?

15 A INSTANT. IT WAS A BAD TURN, GOING FIFTY, SIXTY. IT
16 WAS RATHER RAPID.

17 Q RAPID?

18 A AT LEAST RAPID, YEAH.

19 Q DID IT TAKE MINUTES, SECONDS?

20 A IT HAD TO BE SECONDS.

21 Q AND AS THIS HAPPENED, YOU DESCRIBED IT TO THE JURY,
22 DID IT HAPPEN FASTER THAN YOU WERE ABLE TO DESCRIBE IT TO
23 THEM?

24 A I'M SURE.

1 Q OKAY. WERE YOU ABLE TO ACTUALLY FEEL THE IMPACT
2 WHEN THE TAURUS CAME ACROSS THE LINE AND HIT THE LEFT,
3 REAR, THE LEFT, REAR SIDE OF YOUR BOBTAIL?

4 A YOU CAN FEEL A SLIGHT IMPACT. YES, WAS FELT.

5 Q A SLIGHT IMPACT.

6 A AND WE TURNED SIDEWAYS.

7 Q AND YOU TURNED SIDEWAYS. WHAT HAPPENED TO THE
8 VEHICLE YOU WERE IN?

9 A THE REAR END CAME AROUND.

10 Q YES SIR.

11 A WE SLID INTO THE MEDIAN.

12 Q YES SIR.

13 A HIT THE CABLES.

14 Q YES SIR.

15 A SPUN AROUND ON THE FRONT BUMPER.

16 Q YES SIR.

17 A THE DUMP TRUCK IMPACTED US.

18 Q THE DUMP TRUCK. THAT WOULD BE THE DUMP TRUCK COMING
19 FROM THE OPPOSITE DIRECTION THERE ON I-20?

20 A CORRECT.

21 Q AND ONCE YOU IMPACTED WITH THE DUMP TRUCK, WHAT
22 HAPPENED?

23 A I DON'T KNOW.

24 Q YOU DON'T KNOW. I'M GOING TO SHOW YOU TWO
25 PHOTOGRAPHS. DO YOU RECOGNIZE THOSE, SIR?

1 A CORRECT.

2 Q AND DID THE AMBULANCE RESPOND THAT DAY?

3 A YES.

4 Q DID YOU HAVE TO GO TO THE HOSPITAL?

5 A YES.

6 Q DID YOU SUSTAIN ANY INJURIES THAT DAY BECAUSE OF THE
7 ROAD?

8 A YES MA'AM.

9 Q AND CAN YOU TELL THE JURY WHAT SOME OF YOUR INJURIES
10 WERE THAT DAY?

11 A A TORN ROTATOR CUFF, FIVE BROKEN RIBS. TWO OF THEM
12 WILL NOT HEAL. THEY'RE WIGGLING AROUND AS WE SPEAK. I
13 BROKE A SHOULDER BLADE, DAMAGED LUNG. I HAD VERTEBRAE
14 FUSED IN MY NECK THREE MONTHS AGO. I'M STILL SEEING THE
15 PHYSICIANS TO BE REPAIRED.

16 Q AND AT THIS POINT DO YOU STILL HAVE FURTHER
17 OPERATIONS SCHEDULED?

18 A THAT IS CORRECT.

19 Q AND THOSE ARE TO TRY TO REPAIR WHAT?

20 A IT'S FOR ANY AGGRAVATING, EXISTING CONDITION.

21 Q AND THE DAMAGE, THE SCARRING TO YOUR LUNGS, IS THAT
22 PERMANENT?

23 A YES.

24 Q AND YOU MENTIONED THAT YOU HAVE TWO RIBS THAT WON'T
25 HEAL. DO THE DOCTORS PERCEIVE THOSE GETTING BETTER?

1 A AT THIS TIME IT'S PERCEIVED TO BE PERMANENT.

2 THEY'RE HEALED OVER THE ENDS THAT ARE LOOSE. THERE'S
3 VERY LITTLE THEY CAN DO FOR THEM.

4 Q AND YOUR SHOULDER, SIR?

5 A REPAIRED THAT.

6 Q THE ACCIDENT THAT DAY, WHEN YOU WERE COMING, WHEN
7 YOU WERE MERGING IN, YOU WERE IN THAT THIRD LANE ON THE
8 FAR RIGHT. DO YOU KNOW HOW FAST YOU WERE GOING THAT DAY?

9 A YES. WE WERE DOING UNDER THE SPEED LIMIT, WHICH IS
10 SIXTY. AND WE WERE BUILDING TO ENTER, BUT THE TRACTORS
11 DO NOT ACCELERATE THAT FAST. THEY DO NOT RUN THAT FAST
12 IN THOSE CASES.

13 Q YES SIR. SO, YOU WERE DOING SOMETHING RIGHT AROUND,
14 LESS THAN SIXTY?

15 A YES.

16 Q AND THE BURGUNDY VEHICLE?

17 A I DON'T KNOW.

18 Q DID YOU EVER SAY WHAT COLOR IT WAS? DO YOU
19 REMEMBER?

20 A NO, I DID NOT. I SAID IT WAS A TAURUS.

21 Q DO YOU REMEMBER IT BEING A TAURUS?

22 A YES.

23 Q AND WHEN YOU FIRST SAW IT OUT OF THE CORNER OF YOUR
24 EYE OVER TO THE LEFT, HOW FAST WAS IT MOVING AS IT WAS
25 OUT OF CONTROL? COULD YOU TELL?

1 A WELL, RAPIDLY SUFFICIENT TO BE COMING PAST US."

2 MS. CAMPBELL: AND CAN YOU CONTINUE ON DOWN,
3 STARTING ON LINE ELEVEN.

4 "Q REALLY, JUST A COUPLE OF THINGS FOR YOU. YOU AND
5 MR. CROFT WERE TRAVELING IN THE TRACTOR, NO TRAILER
6 ATTACHED?

7 A CORRECT.

8 Q LET ME MAKE SURE I'M STRAIGHT ABOUT THAT. ON YOUR
9 WAY TO FLORENCE, AS I UNDERSTAND IT, WE'RE REFERRING TO
10 WHAT'S MARKED AS STATE'S EXHIBIT TWO. WE TALKED ABOUT
11 THERE BEING WHERE THE ACCIDENT HAPPENED TWO LANES, AN
12 ACCELERATION LANE, BASICALLY. RIGHT?

13 A YES.

14 Q OKAY. SO, AT THAT POINT OF THE ACCIDENT, THE
15 INTERSTATE WAS THREE LANES WIDE AT THAT POINT IN TIME?

16 A CORRECT.

17 Q AND YOU WERE IN THE PASSENGER SEAT OF THE TRACTOR.
18 CORRECT?

19 A CORRECT.

20 Q AND YOU HAD, YOU ALL, YOU AND MR. CROFT IN THE
21 TRACTOR, WERE IN THE ACCELERATION LANE AND YOU MERGED
22 ONTO 20 FROM 77. IS THAT CORRECT?

23 A YES.

24 Q SO YOU WOULD HAVE BEEN IN THE RIGHT-HAND SEAT, THE
25 RIGHT-HAND SIDE OF THE TRACTOR?

1 A CORRECT.

2 Q AND AT THE POINT IN TIME WHEN YOUR ATTENTION WAS
3 DRAWN TO THIS TAURUS, FIRST DRAWN TO THE TAURUS-- OKAY.
4 WELL, NOW,-- I NEED TO-- I'M SORRY. I NEED TO BACK UP
5 JUST A SECOND.

6 WHEN YOU COME OFF 77 ONTO 20 AT THAT INTERCHANGE
7 THERE THAT YOU WERE COMING OFF, IT'S WHAT, ONE LANE WIDE
8 AT THAT POINT, THE 77 PORTION FEEDING INTO 20, OR IS IT
9 TWO LANES WIDE? JUST A QUESTION.

10 A YOU HAVE AN OPPORTUNITY SWING AROUND TO ANOTHER
11 ROAD. ONLY ONE LANE ENTERS INTO THE FREEWAY.

12 Q MAYBE STARTS AT TWO, ONE FEEDS OFF AND ONLY ONE
13 FEEDS INTO 20. CORRECT?

14 A CORRECT.

15 Q OKAY. THAT'S FINE. AND YOU ALL HAD BEEN OCCUPYING
16 THAT LANE. RIGHT? YOU ALL CAME IN ON THAT ONE LANE
17 FEEDING FROM 77?

18 A YES.

19 Q AND AT THE POINT IN TIME WHEN YOUR ATTENTION IS
20 FIRST DRAWN TO THE TAURUS, IT IS WHERE IN RELATION TO THE
21 TRACTOR? I UNDERSTAND FROM YOUR TESTIMONY IT WAS ON THE
22 EXTREME, WHAT I WOULD CALL THE INSIDE LANE.

23 A YES.

24 Q CLOSEST TO THE INSIDE MEDIAN?

25 A YES.

1 Q OKAY. WAS IT IN FRONT OF THE TRACTOR YOU AND MR.
2 CROFT WERE TRAVELING IN, ABOUT HOLD EVEN TO IT, BEHIND
3 IT? THAT'S WHAT I MEAN WHEN I SAY WHERE IN RELATION TO
4 IT.

5 A IT WAS BEHIND US.

6 Q OKAY.

7 A TO BE SEEN IN THE MIRRORS.

8 Q OKAY.

9 A AND IT WAS FISHTAILING AND THEN IT WENT INTO THE
10 GRAVEL PART. ALL OF A SUDDEN IT COMES BACK ACROSS THE
11 ROAD TO US.

12 Q AND, OF COURSE, YOU DON'T SIT THERE AND CLAIM TO
13 HAVE SEEN ANYTHING THAT WAS GOING ON INSIDE THAT CAR AT
14 THAT POINT?

15 A I DO NOT.

16 Q WHAT YOU TELL US IS WHAT YOU SAW THE CAR DO. RIGHT?

17 A SAY THAT AGAIN, PLEASE.

18 Q WHAT YOU CAN TELL US IS JUST WHAT YOU SAW THE CAR
19 DO?

20 A I'M THINKING I SAW THE CAR LOSING IT.

21 Q OKAY. AS FAR AS ANYTHING THAT MIGHT BE GOING ON IN
22 THE CAR, YOU HAVE NO IDEA AT THAT POINT?

23 A NOT A CLUE.

24 MS. CAMPBELL: THAT CONCLUDES THE READING OF THE
25 TESTIMONY, YOUR HONOR.

1 THE COURT: THANK YOU, MA'AM. THE STATE CAN CALL
2 THE NEXT WITNESS.

3 MR. JOPHLIN: THE STATE WOULD CALL STANFORD OWENS.

4 STANFORD OWENS, DULY SWORN, TESTIFIED
5 AS FOLLOWS:

6 CLERK OF COURT: PLEASE HAVE A SEAT IN THE WITNESS
7 STAND AND STATE YOUR FULL NAME FOR THE RECORD.

8 (NO RESPONSE)

9 THE COURT: STATE YOUR NAME, PLEASE.

10 A STANFORD OWENS, O-W-E-N-S.

11 DIRECT EXAMINATION BY MR. JOPHLIN:

12 Q MR. OWENS, HOW ARE YOU DOING THIS MORNING?

13 A JUST FINE.

14 Q WOULD YOU JUST TELL THE JURY A LITTLE BIT ABOUT
15 YOURSELF, HOW ARE YOU, WHERE ARE YOU FROM?

16 A I'M SIXTY-ONE YEARS OLD AND I LIVE IN CAMDEN, SOUTH
17 CAROLINA.

18 Q HOW LONG HAVE YOU LIVED IN CAMDEN?

19 A I'VE BEEN IN CAMDEN ALL MY LIFE.

20 Q WHAT DO YOU DO FOR-- WHAT'S YOUR OCCUPATION? WHAT
21 DO YOU DO?

22 A I'M A TRUCK DRIVER. I BEEN DRIVING FOR FORTY-TWO
23 YEARS.

24 Q WERE YOU A TRUCK DRIVER IN THE EARLY PART OF 2002?

25 A YES SIR.

1 Q WHERE WERE YOU EMPLOYED AT THAT POINT IN TIME, IN
2 JANUARY OF 2002?

3 A TUCKER TRUCKING, OUT OF CAMDEN, SOUTH CAROLINA.

4 Q WHAT DID YOU DO FOR TUCKER TRUCKING?

5 A I DROVE MATERIALS FOR GOLF COURSES. WE HAUL
6 MATERIALS THAT BUILDS GOLF COURSES FOR THE CONTRACTORS.

7 Q SO, TUCKER TRUCKING, Y'ALL JUST TRANSPORT THE
8 MATERIALS FROM ONE PLACE, TAKING IT TO THE GOLF COURSE.
9 CORRECT?

10 A THAT'S CORRECT.

11 Q OKAY.

12 A THAT'S CORRECT.

13 Q BACK ON JANUARY 23, 2002, WHEN THIS ACCIDENT
14 HAPPENED, WERE YOU WORKING THAT DAY?

15 A YES SIR.

16 Q WERE HAD YOU COME FROM?

17 A I COME FROM LUGOFF, SOUTH CAROLINA, THE SAND PIT
18 OVER THERE.

19 Q WHAT WERE YOU DOING THAT DAY AT THE SAND PIT?

20 A PARDON ME?

21 Q WHAT WERE YOU DOING THAT DAY AT THE SAND PIT?

22 A I HAD PICKED UP A LOAD OF GOLF COURSE SAND AND WAS
23 TAKING IT DOWN TO AIKEN, SOUTH CAROLINA.

24 Q SO, YOU WERE HEADED TO AIKEN?

25 A (NO VERBAL RESPONSE)

1 Q WHAT ROAD WERE YOU TRAVELING TO GET FROM LUGOFF TO
2 AIKEN?

3 A INTERSTATE 20.

4 Q SO, YOU WERE GOING FROM LUGOFF TO AIKEN. YOU WERE
5 GOING WESTBOUND?

6 A YES SIR.

7 Q ON I-20?

8 A YES SIR.

9 Q OKAY. WHAT KIND OF VEHICLE WERE YOU DRIVING THAT
10 DAY?

11 A I WAS DRIVING A 2001 WESTERN STAR.

12 Q WHAT KIND OF VEHICLE WAS THAT?

13 A THAT'S A TRACTOR TRAILER, EIGHTEEN-WHEELER.

14 Q OKAY. DID YOU HAVE ANY PASSENGERS WITH YOU? WERE
15 YOU BY YOURSELF?

16 A I WAS ALONE.

17 Q WERE THERE ANY OTHER-- WERE YOU WORKING THAT DAY IN
18 COOPERATION WITH ANY OTHER VEHICLES FROM TUCKER TRUCKING
19 ON THE ROAD?

20 A THEY WAS ANOTHER DRIVER FOLLOWING ME DOWN THE
21 INTERSTATE. I WAS TRAINING HIM. AND I HAD SLOWED DOWN,
22 LET HIM CATCH UP. HE HAD GOT CAUGHT IN THAT CLEMSON ROAD
23 TRAFFIC OUT THERE, AND I WAS WAITING FOR HIM TO CATCH UP
24 TO ME.

1 Q SO, ARE YOU FAMILIAR-- I KNOW YOU SAID YOU ARE A
2 TRUCK DRIVER. SO, YOU ARE PROBABLY FAMILIAR WITH THE
3 INTERSTATE SYSTEM RIGHT AROUND THE MIDLANDS AREA?

4 A YES SIR.

5 Q ARE YOU FAMILIAR WITH THE INTERSECTION OF I-20 AND
6 I-77?

7 A YES SIR.

8 Q ON JANUARY 23, 2002, WHEN THIS ACCIDENT OCCURRED, IF
9 YOU CAN JUST TELL THE JURY WHAT HAPPENED. I KNOW YOU'VE
10 ALREADY STARTED WITH SLOWING DOWN AT CLEMSON ROAD. IF
11 YOU COULD JUST TELL THE JURY WHAT HAPPENED THAT DAY AS
12 YOU APPROACHED THAT INTERSECTION.

13 A I WAS WESTBOUND ON INTERSTATE 20 GOING TOWARDS,
14 GOING TO AIKEN WHEN I SAW THIS VEHICLE ON THE EASTBOUND
15 SIDE FISHTAILING AND SWERVING. I DIDN'T KNOW WHAT CAUSED
16 IT TO DO THAT. I KNOW IT WAS A TRACTOR WITH NO TRAILER
17 BEHIND IT.

18 THE FIRST THOUGHT COME TO MY MIND WAS SOMEBODY
19 BETTER LOOK OUT, 'CAUSE HE CAN'T HOLD IT. HE WAS TRYING,
20 BUT HE COULDN'T. THE NEXT THING I KNEWED, IT WAS IN MY
21 FACE AND IT KNOCKED ME OUT. AND THAT'S ALL I CAN
22 REMEMBER ABOUT IT.

23 IT JUST HAPPENED SO QUICK, SO FAST I DIDN'T HAVE
24 TIME TO EVEN LOOK OUT MY MIRRORS TO SEE IF I COULD MISS

1 HIM, OR DODGE HIM OR ANYTHING LIKE THAT. HE WAS JUST
2 RIGHT THERE IN FRONT OF ME AND I COULDN'T...

3 Q MR. OWENS, YOU ARE TALKING ABOUT THAT BOBTAIL
4 FISHTAILING ON THE OTHER SIDE. DID YOU HAVE A CHANCE TO
5 EVER SEE WHAT CAUSED IT TO FISHTAIL?

6 A I NEVER DID GET A CHANCE. IT HAPPENED SO QUICK.
7 AND I WAS WATCHING THE TRAFFIC AROUND ME AND TRYING TO
8 LOOK OUT FOR MY TRAINEE BEHIND ME AT THE SAME TIME. I
9 DIDN'T SEE WHAT CAUSED THE TRUCK TO FISHTAIL.

10 Q OKAY. AND DID YOU SEE ANY OTHER VEHICLES OUT OF
11 CONTROL---

12 A NO SIR.

13 Q ---RIGHT ABOUT THAT SAME TIME IN THAT AREA?

14 A NO SIR.

15 Q I'M GOING TO SHOW YOU A FEW PICTURES FROM THAT DAY.
16 THIS IS STATE'S EXHIBIT TWELVE, THIRTEEN AND FOURTEEN
17 THAT HAVE ALREADY BEEN ADMITTED.

18 MR. JOPHLIN: YOUR HONOR, MAY I APPROACH THE
19 WITNESS?

20 THE COURT: YES SIR.

21 AND IF I COULD JUST GET YOU TO LOOK AT THOSE. WHAT
22 VEHICLE IS THAT?

23 A THAT'S THE 2001 WESTERN STAR.

24 Q OKAY.

25 A THAT'S WHAT I WAS DRIVING.

1 Q AND WHAT PORTION OF THE TRUCK IS THAT?

2 A THAT'S THE CAB PORTION.

3 Q OKAY.

4 A THAT'S THE DRIVER'S SEAT. THAT'S THE RIDER'S SEAT.

5 THE STEERING WHEEL THAT'S ALL-- THE STEERING WHEEL WAS
6 STUCK IN MY HAND AND THEY HAD TO TAKE IT WITH ME TO THE
7 HOSPITAL.

8 Q THE STEERING WHEEL WAS?

9 A YES.

10 Q IF YOU CAN DESCRIBE...

11 A THAT'S THE TRAILER, THE 2001 RHODES TRAILER. THAT'S
12 THE TRAILER I WAS PULLING ON THE TRACTOR.

13 Q AND FINALLY, THIS ONE.

14 A THAT'S THE TRACTOR AND TRAILER THAT ENDED UP IN THE
15 MEDIAN RIGHT THERE.

16 Q OKAY.

17 A THAT'S WHY I DIDN'T HIT THE TRUCK.

18 Q HOW DID YOU GET OUT OF THE VEHICLE THAT DAY AFTER
19 THE ACCIDENT, MR. OWENS?

20 A I WAS EXTRADITED BY THE RICHLAND COUNTY EMTS, THE
21 RESCUE PEOPLE.

22 Q YOU'RE SAYING YOU TOOK THE STEERING WHEEL WITH YOU
23 TO THE HOSPITAL. SO, YOU WERE TRANSPORTED TO THE
24 HOSPITAL?

25 A YES SIR.

1 Q THAT AFTERNOON?

2 A YES SIR.

3 Q AND WHAT INJURIES DID YOU SUSTAIN?

4 A I SUSTAINED-- MY RIGHT ANKLE WAS BROKEN COMPLETELY
5 OFF. MY LEFT KNEE WAS COMPLETELY SHEARED OFF BY THE
6 DASH. THIS SHOULDER WAS BROKEN. ALL MY RIBS WAS BROKEN
7 ON THE OTHER SIDE. MY CHEST BONE WAS BROKE WHERE THE
8 STEERING COLUMN HIT ME IN THE CHEST. I HAD A BIG GASH ON
9 THE SIDE OF MY HEAD HERE WHERE I HIT THE DOOR POST. AND
10 I LOST THE HEARING IN MY LEFT EAR.

11 Q SINCE THIS ACCIDENT HAVE YOU BEEN CONTINUING TO HAVE
12 TO SEEK MEDICAL TREATMENT, MEDICAL CARE?

13 A YES SIR.

14 Q WHO DO YOU GO SEE FOR THAT?

15 A I WENT TO PALMETTO RICHLAND MEMORIAL HOSPITAL TO THE
16 ORTHOPEDIC SURGEONS OVER THERE. THEY THE ONES THAT
17 TREATS ME.

18 Q OKAY. DO YOU HAVE TO SEE AN ORTHOPEDIC SURGEON
19 NAMED JOHN EADY?

20 A YES SIR.

21 Q AND HE TREATS YOU?

22 A YES SIR.

23 Q OKAY. AND SINCE THIS ACCIDENT OCCURRED, HAVE YOU
24 BEEN ABLE TO RETURN BACK TO WORK?

25 A NO SIR.

1 Q SO, YOU'RE DISABLED AS FAR AS---

2 A YES SIR.

3 Q ---EMPLOYMENT?

4 A YES SIR.

5 Q AND HAVE YOU RECEIVED A DISABILITY RATING?

6 A I HAVE RECEIVED A HUNDRED PERCENT DISABILITY
7 RATINGS.

8 Q A HUNDRED PERCENT?

9 A A HUNDRED PERCENT, YES SIR.

10 MR. JOPHLIN: BEG THE COURT'S INDULGENCE.

11 THE COURT: YES SIR.

12 (PAUSE)

13 Q AND BECAUSE, AS A RESULT OF THIS ACCIDENT, YOU ARE
14 DISABLED NOW?

15 A YES SIR.

16 Q WHAT KIND OF THINGS HAS THAT DISABILITY PROHIBITED
17 YOU FROM DOING THAT YOU WERE ABLE TO DO BEFORE THE
18 ACCIDENT?

19 A RIGHT NOW I'M NOT ABLE TO DO ANYTHING. I CAN'T PLAY
20 BALL NO MORE LIKE I USED TO. I HAVE TROUBLE GOING
21 DOWNSTAIRS. I HAVE TO HAVE A RAILING TO HOLD ON TO, TO
22 GO UP AND DOWN STAIRS. MORE OR LESS, SPEAKING ON JANUARY
23 23, 2002, MY WORLD QUIT TURNING.

24 Q SO, THIS HAS SUBSTANTIALLY AFFECTED EVERY PORTION OF
25 YOUR LIFE?

1 A YES SIR.

2 Q THANK YOU VERY MUCH. ANSWER ANY QUESTIONS FOR THE
3 DEFENSE.

4 A YES SIR.

5 MS. AHRENS: YOUR HONOR, BRIEFLY.

6 THE COURT: YES MA'AM.

7 CROSS EXAMINATION BY MS. AHRENS:

8 Q GOOD MORNING, MR. OWENS. YOU WERE IN THE WESTBOUND
9 LANE?

10 A YES MA'AM.

11 Q IS THAT RIGHT?

12 A YES MA'AM.

13 Q OF I-20?

14 A YES MA'AM.

15 Q WHAT YOU SAW IN THE EASTBOUND LANE WAS A TRUCK, OR A
16 BOBBED-TAIL TRUCK, TRACTOR TRAILER FISHTAILING?

17 A YES MA'AM.

18 Q AND THE NEXT THING YOU KNEW IT COLLIDED WITH YOU?

19 A YES MA'AM.

20 MS. AHRENS: I HAVE NOTHING FURTHER FOR THIS
21 WITNESS, YOUR HONOR.

22 THE COURT: ANYTHING ON RE-DIRECT?

23 MR. JOPHLIN: NO SIR.

24 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.

25 LADIES AND GENTLEMEN, AT THIS TIME WE WILL TAKE ABOUT A

1 TEN-MINUTE BREAK. I WILL ASK YOU TO GO TO THE JURY ROOM,
2 AND DO NOT DISCUSS THE CASE. THANK YOU.

3 (WHEREUPON THE JURY EXITED THE COURTROOM AT 11:16 A.M.)

4 COURT IN SESSION - 11:30 A.M.

5 THE COURT: IS THE STATE READY TO PROCEED?

6 MS. CAMPBELL: YES, YOUR HONOR.

7 THE COURT: IS THE DEFENSE READY?

8 MS. AHRENS: YES, YOUR HONOR..

9 THE COURT: CALL YOUR NEXT WITNESS.

10 MS. CAMPBELL: YOUR HONOR, THE STATE CALLS TRACY
11 PROCTOR.

12 TRACY PROCTOR, DULY SWORN,
13 TESTIFIED AS FOLLOWS:

14 CLERK OF COURT: PLEASE HAVE A SEAT IN THE WITNESS
15 CHAIR AND STATE YOUR NAME.

16 A MY NAME IS TRACY O'NEAL PROCTOR.

17 DIRECT EXAMINATION BY MS. CAMPBELL:

18 Q MR. PROCTOR, WHERE ARE YOU EMPLOYED?

19 A I OWN MY OWN BUSINESS. IT'S SECURITY PLUS, A
20 SECURITY FIRM.

21 Q A SECURITY FIRM?

22 A YES MA'AM.

23 Q WHERE IS YOUR BUSINESS LOCATED, SIR?

24 A LAKE VIEW, SOUTH CAROLINA.

1 Q AND YOUR SECURITY FIRM, TELL ME WHAT KIND OF
2 SECURITY YOU FURNISH. WHAT DO YOU DO?

3 A JUST GENERAL SECURITY. MOSTLY ALL THE ELECTRONIC
4 STUFF.

5 Q SURVEILLANCE CAMERAS, THINGS OF THAT NATURE?
6 THAT'S RIGHT.

7 Q AND YOU HAVE A JOB THAT TAKES YOU ALL OVER THE
8 STATE. IS THAT CORRECT?

9 A YES MA'AM.

10 Q I WANT TO TURN YOUR ATTENTION BACK TO JANUARY 23, OF
11 2002, A COUPLE OF YEARS AGO. DID YOU HAVE A JOB OUTSIDE
12 OF COLUMBIA THAT DAY?

13 A YES MA'AM. WE WERE WORKING AROUND THE FLORENCE AREA
14 IN DARLINGTON.

15 Q IN DARLINGTON?

16 A YES MA'AM.

17 Q THAT DAY WAS ANYBODY ELSE WORKING WITH YOU WHEN YOU
18 WENT TO DARLINGTON THAT MORNING TO DO YOUR JOB?

19 A YES MA'AM. ONE OF MY EMPLOYEES NAMED CHRIS
20 DEARLOVE.

21 Q AND THAT DAY WHEN Y'ALL WENT TO-- WHEN DID Y'ALL
22 ACTUALLY LEAVE TO GO TO WORK THAT DAY IN FLORENCE?

23 A WE LEFT THAT MORNING ABOUT EIGHT, EIGHT-FIFTEEN THAT
24 MORNING.

1 Q AND DURING THE COURSE OF-- IT WAS JUST THE TWO OF
2 YOU THAT WENT TO FLORENCE?

3 A YES MA'AM.

4 Q AND Y'ALL GOT THERE AND WERE BASICALLY PUTTING IN
5 SOME ELECTRONIC EQUIPMENT. IS THAT CORRECT?

6 A YES MA'AM. WE WENT DOWN THERE TO FINISH UP A JOB
7 THAT WE GOT CONTRACTED TO DO BY ANOTHER SECURITY FIRM.

8 Q THAT AFTERNOON, DID Y'ALL COME BACK INTO THE
9 COLUMBIA AREA?

10 A YES MA'AM.

11 Q AND IN ORDER TO GET TO DARLINGTON OR FLORENCE FROM
12 THE COLUMBIA AREA, WHAT'S THE MOST DIRECT ROUTE? WHAT
13 ROUTE DID YOU TAKE THAT DAY?

14 A WE TOOK I-20.

15 Q AND I-20, TO GO TO FLORENCE, IT ACTUALLY COMES PAST
16 CAMDEN AND THEN COMES IN INTO THE COLUMBIA AREA. IS THAT
17 CORRECT?

18 A YES MA'AM.

19 Q AND WAS IT THAT AFTERNOON THAT YOU WERE ACTUALLY
20 RETURNING TO THE COLUMBIA AREA?

21 A YES MA'AM.

22 Q AND WHAT KIND OF VEHICLE WERE YOU RIDING IN THAT
23 DAY?

24 A WE WERE RIDING IN MY SECURITY VAN. IT'S A E-150,
25 CARGO VAN.

1 Q AN E-150 CARGO VAN?

2 A UH-HUH.

3 Q WHO WAS DRIVING THAT AFTERNOON?

4 A CHRIS DEARLOVE WAS.

5 Q SPECIALLY THAT AFTERNOON, SPECIFICALLY AROUND THREE
6 O'CLOCK THAT AFTERNOON, DID Y'ALL APPROACH WHERE I-77 AND
7 I-20 CROSS? WERE YOU COMING INTO TOWN?

8 A YES MA'AM.

9 Q SO, YOU WOULD HAVE BEEN IN THE EASTBOUND LANE COMING
10 INTO THE COLUMBIA AREA?

11 A YES MA'AM.

12 Q FROM THE CAMDEN OR FLORENCE AREA?

13 A YES MA'AM.

14 Q AND WHICH LANE WERE Y'ALL TRAVELING IN AS YOU
15 APPROACH I-77?

16 A WE WERE ON THE INSIDE LANE, CLOSEST TO THE MEDIAN.

17 Q CLOSEST TO THE MEDIAN?

18 A YES MA'AM.

19 Q AS YOU WERE COMING INTO COLUMBIA IN THE EASTBOUND
20 LANE, IN THAT CLOSEST TO THE MEDIAN LANE, DID SOMETHING
21 CATCH YOUR ATTENTION THAT DAY AS YOUR WERE APPROACHING I-
22 77?

23 A YES MA'AM. AS WE WERE APPROACHING COLUMBIA, JUST
24 OUT OF THE CORNER OF MY EYE, SOMETHING CAUGHT MY
25 ATTENTION THAT IT COMING TOWARDS US, DIRECTLY TOWARD US.

1 Q AND THE CAR YOU SAW, WHAT LANE DID YOU OBSERVE IT IN
2 AS IT WAS COMING IN THE MEDIAN TOWARDS YOU, COMING IN THE
3 OPPOSITE DIRECTION?

4 A WHEN I FIRST OBSERVED IT, IT WAS ALL THE WAY IN THE
5 MIDDLE LANE.

6 Q WHEN YOU OBSERVED IT IN THE MIDDLE LANE, DID YOU
7 OBSERVE ANY TRUCK RIGHT IN FRONT OF IT OR ANYTHING
8 CUTTING IT OFF?

9 A NO MA'AM.

10 Q AND THAT WAS JUST THE CAR YOU SAW COMING IN THE
11 MIDDLE LANE OVER TO THE LANE CLOSEST TO THE MEDIAN?

12 A RIGHT.

13 Q DID IT EVER GO INTO THE MEDIAN?

14 A IT DID GET INTO THE MEDIAN. IT WAS JUST PROBABLY
15 THE REAR TIRES.

16 Q AND WHEN YOU SAY IT WENT INTO THE MEDIAN, IT WAS--
17 WHAT KIND OF-- WHAT WAS THE MEDIAN MADE OF IN THAT AREA?

18 A IT KIND OF WENT FROM ASPHALT TO GRASS.

19 Q IS THERE LIKE A LITTLE STRIP IN BETWEEN, KIND OF,
20 THAT CAN HAVE GRAVEL SOMETIMES?

21 A RIGHT. IT WAS THE LITTLE CUT-OUT STRIP THAT KIND OF
22 WAKES YOU UP, GETS YOUR ATTENTION IF YOU START TO GO OFF
23 THE ROAD.

24 Q AND WHEN YOU SAW THAT CAR, DO YOU REMEMBER WHAT
25 COLOR IT WAS?

1 A I'M GOING TO SAY DARK GREEN.

2 Q DO YOU REMEMBER GIVING A STATEMENT ABOUT THE CASE?

3 A RIGHT.

4 Q AND WHEN YOU GAVE THE STATEMENT, THAT WAS SHORTLY
5 AFTER ALL THIS HAPPENED?

6 A YES MA'AM.

7 Q DO YOU REMEMBER STATING THAT THE CAR WAS BURGUNDY OR
8 RED IN COLOR?

9 A IT MIGHT HAVE BEEN. I DON'T HAVE A GOOD MEMORY.

10 Q I UNDERSTAND. AND WHEN YOU SAW THE CAR, THOUGH, IS
11 FIRST WHEN IT STARTED COMING IN THE MIDDLE LANE-- WAS
12 THE FRONT END KIND OF HEADING TOWARDS THE MEDIAN?

13 A YES MA'AM.

14 Q AND AT SOME POINT YOU SAID IT ACTUALLY CHANGED
15 DIRECTIONS?

16 A IT DID.

17 Q AND TELL THE JURY WHERE IT WENT AND WHAT YOU SAW
18 HAPPEN.

19 A WELL, IT STARTED COMING AT US. I IMMEDIATELY
20 REACHED OVER AND TOUCHED MY EMPLOYEE, CHRIS, ON THE
21 SHOULDER, POINTING OUT THE FACT THAT THE CAR WAS OUT OF
22 CONTROL. IT WAS LIKE IT WAS HEADING IN A PATH TO HIT US.

23 SO, AT THAT TIME, I GOT HIS ATTENTION. THE CAR WAS
24 CONTINUOUSLY HEADING OUT OF CONTROL. IT LOOKED LIKE IT
25 WAS GONNA GO BACKWARDS INTO THE MEDIAN BECAUSE IT WAS

1 CONTINUOUSLY MAKING A U-TURN, YOU MIGHT SAY, AS IT WAS
2 COMING TOWARD US.

3 Q THE BACK OF THE CAR WAS KIND OF SPINNING AROUND?

4 A LIKE IT WAS MAKING A TURN.

5 Q UH-HUH.

6 A WHEN IT DID THAT IT WAS AT THE POINT THAT THE REAR
7 OF THE CAR WAS ABOUT TO COME OFF OF THE ASPHALT. THEN,
8 LIKE A ROCKET, IT SHOT BACK ACROSS THE TRAFFIC THAT IT
9 WAS COMING WITH, LOSING IT.

10 Q AND, AT THAT POINT DID YOU SEE WHAT HAPPENED TO THE
11 CAR?

12 A YES MA'AM. IT IMMEDIATELY STARTED CATCHING UP WITH
13 TRAFFIC THAT HAD ALREADY PASSED IT. IT MISSED THE
14 TRACTOR TRAILER THAT WAS IN THE INSIDE LANE AND HIT THE
15 BOB-CAT THAT WAS IN THE OUTSIDE LANE.

16 Q THAT WOULD BE THE LANE MERGING IN RIGHT THERE?

17 A YES MA'AM. THERE WAS TWO TRUCKS, KIND OF TRAVELING
18 SIDE BY SIDE, ONE PULLING A TRAILER, ONE WITHOUT.

19 Q DID YOU SEE WHETHER EITHER OF THOSE TRUCKS EVER CUT
20 THAT CAR OFF?

21 A NO MA'AM.

22 Q DID YOU SEE IT ACTUALLY IMPACT THE TRUCK?

23 A I DID.

24 Q AND WHERE DID IT IMPACT?

25 A IT HIT THE BOBCAT IN THE REAR AXLE.

1 Q AND WHEN YOU SAY, BOBCAT, DO YOU MEAN THE BOBCAT IS
2 ENGINE PART OF THE TRUCK?

3 A WELL, I MEAN, THE BOBCAT IS BASICALLY THE TRACTOR
4 ITSELF.

5 Q THE TRACTOR ITSELF?

6 A YES.

7 Q THAT PULLS THE TRAILER?

8 A YES.

9 Q AND THAT DAY, THE CAR, AS YOU SAW THE CAR WHEN IT
10 CAME BACK TRAFFIC ACROSS AND IMPACTED, IT HIT THE BACK OF
11 THE BOBCAT?

12 A RIGHT.

13 Q AND THE TRUCKS THAT IT HIT, DID YOU SEE ANY OF THOSE
14 TRUCKS CHANGING LANES OR ANYTHING LIKE THAT?

15 A NO MA'AM.

16 Q THE CAR WAS THE ONLY VEHICLE YOU SAW COMING ACROSS
17 THE RAMP AND GOING BACK?

18 A RIGHT. THAT WAS THE ONLY VEHICLE THAT LOOKED LIKE
19 IT WAS OUT OF CONTROL, OUT OF ITS LANE, OR EVEN SWITCHING
20 LANES AT THE TIME, THAT I COULD TELL.

21 Q AFTER YOU SAW IT IMPACT THE TRAILER, DID YOU OBSERVE
22 WHAT HAPPENED THROUGH YOUR REARVIEW MIRROR?

23 A WELL, AT THIS POINT, I'M BASICALLY OBSERVING ALL
24 THAT'S HAPPENING. I'M BASICALLY LOOKING OUT OF THE

1 DRIVER'S SIDE OF THE WINDOW, HIS WINDOW, TO SEE WHAT WAS
2 GOING ON.

3 Q UH-HUH.

4 A AT THAT TIME I SEEN IT GO INTO THE REAR AXLE OF THE
5 TRUCK. WE'RE DRIVING A VAN.

6 Q RIGHT.

7 A SO YOU HAVE TO TAKE INTO CONSIDERATION THAT THERE
8 WERE SPACES AT THAT POINT THAT I CANNOT SEE BECAUSE WE
9 DONE GOT TOO FAR AWAY.

10 Q OKAY.

11 A I KNEW THAT WHEN THAT CAR HIT, WAS GONNA HIT, I SEEN
12 IT HIT THE TRACTOR TRAILER, I KNEW THERE WAS GONNA BE,
13 THAT SOMETHING ELSE WAS GONNA HAPPEN. IT WAS JUST
14 OBVIOUS.

15 I CONTINUED TO LOOK OUT THE BACK OF THE TRUCK TO SEE
16 WHAT WAS GONNA HAPPEN. I SEEN THE TRACTOR TRAILER GOING
17 ACROSS THE MEDIAN, GOING DOWN INTO THE MEDIAN AND COMING
18 BACK INTO ONCOMING TRAFFIC AND I BELIEVE IT WAS ON ITS
19 BACK AT THAT POINT IN TIME.

20 Q SO, YOU ACTUALLY SAW THE TWO TRUCKS---

21 A SLIDING.

22 Q SLIDING.

23 A YEAH, I SEEN THEM COME TOGETHER.

24 Q AND AT THAT POINT YOU'RE BEYOND---

25 A WE WERE BEYOND THAT POINT, YEAH.

1 Q AND WHO WAS DRIVING YOUR VAN THAT DAY? WAS IT YOU?

2 A CHRIS DEARLOVE, ONE OF MY EMPLOYEES.

3 Q THE NEXT DAY DID YOU THINK IT WAS WISE TO CONTACT

4 THE HIGHWAY PATROL OR THE POLICE?

5 A WE DID THAT NIGHT.

6 Q THAT NIGHT. AND DID YOU JUST TELL THEM WHAT YOU HAD

7 OBSERVED?

8 A YES MA'AM, WE DID.

9 Q AND Y'ALL WERE IN-- THE ENTIRE TIME YOU WERE

10 OBSERVING EVERYTHING, Y'ALL WERE IN THE INSIDE LANE NEXT

11 TO...?

12 A RIGHT.

13 Q CAN YOU STEP DOWN FOR ONE SECOND, SIR?

14 (WHEREUPON WITNESS EXITS WITNESS STAND FOR

15 DEMONSTRATION WITH STATE'S EXHIBIT NUMBER TWO)

16 I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S

17 EXHIBIT TWO, WHICH IS IN EVIDENCE.

18 THE COURT: STATE'S EXHIBIT TWO IS JUST MARKED FOR

19 ID.

20 MS. CAMPBELL: THEN, AT THIS TIME, YOU HONOR, WE

21 WOULD OFFER IT INTO EVIDENCE.

22 MS. AHRENS: WITHOUT OBJECTION.

23 THE COURT: WITHOUT OBJECTION, IT IS RECEIVED.

24 (WHEREUPON STATE'S EXHIBIT TWO WAS ADMITTED INTO EVIDENCE

25 WITHOUT OBJECTION)

1 Q MR. PROCTOR, YOU INDICATED--- WERE YOU AWARE OF
2 WHAT THE SPEED LIMIT WAS THAT DAY?

3 A I WASN'T DRIVING, SO I WASN'T PAYING ATTENTION TO
4 THE SPEED LIMIT.

5 Q DO YOU KNOW ABOUT HOW FAST Y'ALL WERE GOING THAT
6 DAY?

7 A I'D SAY ABOUT SIXTY, SIXTY-FIVE.

8 Q AND Y'ALL WERE COMING INTO THE COLUMBIA AREA. IS
9 THAT CORRECT?

10 A YES MA'AM.

11 Q AND Y'ALL WERE ACTUALLY IN THIS FAR LANE RIGHT HERE?

12 A YES MA'AM.

13 Q IS THAT RIGHT?

14 A YES MA'AM.

15 Q AND WHERE WAS THE CAR WHEN YOU FIRST SAW IT? PLEASE
16 POINT THAT OUT.

17 A IF WE WERE HERE, I'D SAY, I SAW THE CAR SOMEWHERE
18 AROUND IN HERE.

19 Q RIGHT ABOUT THERE. AND THEN IT STARTED GOING IN
20 WHAT DIRECTION?

21 A IT WAS COMING AT US LIKE THIS AND WE WERE
22 CONTINUOUSLY MOVING TOWARD IT.

23 Q AND THEN WHEN IT STARTED TO HIT THE MEDIAN, THAT'S
24 WHEN IT...?

1 A WELL, AT THIS POINT IT ALMOST TURNED-- IT HAD
2 STARTED TURNING. I RECKON IT WAS TRYING TO GET ITSELF
3 BACK UNDER CONTROL, STARTED GETTING BACK THIS WAY, ACROSS
4 TRAFFIC THIS WAY.

5 Q WHERE WAS THE BOBCAT WHEN YOU SAW THE IMPACT?

6 A WHEN THE CAR WAS TURNING IN THIS DIRECTION, I WOULD
7 SAY IT PROBABLY CAME ON UP THE HIGHWAY FURTHER, LIKE, UP
8 IN HERE. IT PROBABLY HIT THE BOBCAT RIGHT HERE, AND THE
9 TRACTOR TRAILER. THESE TWO VEHICLES WERE KIND OF LIKE
10 NECK-AND-NECK, THE TRAFFIC TRAILER. IT HIT MISSED THE
11 TRAILER AND WENT INTO THE REAR OF THE BOBCAT.

12 Q THANK YOU, SIR. YOU CAN GET BACK ON THE STAND.

13 (WHEREUPON WITNESS RETURNS TO WITNESS STAND)

14 AND I BELIEVE AT THAT TIME YOU ACTUALLY CONTACTED
15 AUTHORITIES ABOUT WHAT YOU HAD SEEN?

16 A NO MA'AM. MY EMPLOYEE DID AND THEY SENT THE HIGHWAY
17 PATROL OUT.

18 Q ALL RIGHT. SO, Y'ALL ACTUALLY GAVE A STATEMENT THE
19 NEXT DAY?

20 A THAT DAY.

21 Q THAT DAY. THANK YOU.

22 MS. CAMPBELL: NOTHING FURTHER, YOUR HONOR.

23 THE COURT: CROSS EXAMINATION.

24 MS. AHRENS: THANK YOU, YOUR HONOR. MAY IT PLEASE
25 THE COURT.

1 CROSS EXAMINATION BY MS. AHRENS:

2 Q YOU GAVE A WRITTEN STATEMENT IN THIS CASE? IS THAT
3 RIGHT?

4 A YES MA'AM.

5 Q DID YOU HAVE A CHANCE TO READ THAT OVER BEFORE
6 SIGNING IT?

7 A YES MA'AM.

8 Q DO YOU HAVE A COPY OF IT WITH YOU TODAY?

9 A THEY GOT A COPY OF IT.

10 Q DO YOU HAVE IT UP THERE WITH YOU?

11 A NO MA'AM.

12 MS. AHRENS: YOUR HONOR, MAY I APPROACH THE WITNESS?

13 THE COURT: YES MA'AM.

14 Q IF YOU WOULD, JUST LET ME KNOW IF THAT IS A COPY OF
15 THE STATEMENT THAT YOU SIGNED.

16 A YES MA'AM.

17 Q COULD YOU JUST TELL ME THE DATE THE DATE THAT'S ON
18 THE STATEMENT? I BELIEVE IT'S ON THE NEXT PAGE.

19 A THE TWENTY-FOURTH.

20 Q AND THAT WOULD BE THE DAY AFTER THE ACCIDENT?

21 A YES MA'AM.

22 Q NOW, YOU DO A FAIR AMOUNT OF TRAVELING IN THE COURSE
23 OF YOUR JOB. IS THAT FAIR TO SAY?

24 A YES MA'AM.

1 Q SO, IT'S NOT AN UNUSUAL THING FOR YOU TO BE OUT ON
2 THE HIGHWAY, IS IT?

3 A NO MA'AM.

4 Q AND YOU PROBABLY WOULDN'T NOTICE, WOULD IT FAIR TO
5 SAY, IF SOMEONE'S JUST DRIVING NORMALLY ON THE HIGHWAY?

6 A NO MA'AM.

7 Q WHAT DREW YOUR ATTENTION TO THE CAR IN THIS CASE IS
8 THAT IT WAS DOING SOMETHING UNUSUAL. IS THAT FAIR TO
9 SAY?

10 A YES MA'AM.

11 Q WHAT IT WAS DOING UNUSUAL WAS IT WAS HEADING TOWARD
12 YOU.

13 A YES MA'AM.

14 Q AND YOU TESTIFIED ON DIRECT THAT WHEN YOU FIRST SAW
15 THE CAR IT WAS IN THE MIDDLE LANE?

16 A RIGHT.

17 Q SO, WHEN YOU ALSO TESTIFIED THAT IT WAS CROSSING
18 LANES OF TRAFFIC, WHAT YOU MEAN IS IT'S CROSSING FROM THE
19 MIDDLE LANE INTO THE INNER LANE. IS THAT RIGHT?

20 A EXACTLY.

21 Q THEN I BELIEVE YOU TESTIFIED, AND I JUST WANT TO BE
22 CLEAR ON THIS, THE CAR GETS A LITTLE INTO THE MEDIAN AND
23 THEN STARTS SHOOTING BACK IN THE OTHER DIRECTION.

24 A OKAY.

1 Q AND YOU TESTIFIED THAT THE VEHICLE SHOT BACK IN THE
2 OTHER DIRECTION?

3 A YES MA'AM.

4 Q YOU WERE IN THE PASSENGER SEAT OF THE VEHICLE YOU
5 WERE TRAVELING IN?

6 A YES MA'AM.

7 Q AND BY THE TIME YOU SEE THE RED CAR, OR THE GREEN
8 CAR, OR WHATEVER COLOR CAR IT IS, IT WAS ALREADY
9 BASICALLY OUT OF CONTROL?

10 A YES MA'AM.

11 Q YOU DIDN'T SEE ANYTHING CAUSE IT TO GO OUT OF
12 CONTROL?

13 A NO MA'AM. I JUST SAW A CAR COMPLETELY OUT OF
14 CONTROL.

15 Q YOU DID TESTIFY, THOUGH, THAT YOU SAW TWO DIFFERENT
16 TRUCKS NEAR IT?

17 A YES MA'AM.

18 Q IS THAT CORRECT? ONE OF THEM WAS IN THE MIDDLE
19 LANE, AND ONE OF THEM WAS IN, I GUESS, THE MERGING LANE
20 OR THE FAR LANE?

21 A YES MA'AM.

22 Q AND YOU DIDN'T SEE WHAT WAS GOING ON INSIDE THAT
23 CAR. IS THAT FAIR TO SAY?

24 A NO MA'AM.

1 MS. AHRENS: BEG THE COURT'S INDULGENCE FOR JUST A
2 MOMENT.

3 THE COURT: YES MA'AM.

4 (PAUSE)

5 MS. AHRENS: NO FURTHER QUESTIONS, YOUR HONOR.

6 THE COURT: ANY RE-DIRECT?

7 MS. CAMPBELL: NO SIR. MAY HE BE EXCUSED?

8 MS. AHRENS: NO OBJECTION.

9 THE COURT: WITHOUT OBJECTION, SIR, YOU ARE EXCUSED.
10 THANK YOU FOR COMING.

11 MS. CAMPBELL: THE STATE CALLS CHRIS DEARLOVE.

12 CHRISTOPHER DEARLOVE, DULY

13 SWORN, TESTIFIED AS FOLLOWS:

14 CLERK OF COURT: PLEASE HAVE A SEAT IN THE WITNESS
15 STAND AND STATE YOUR NAME.

16 A MY NAME IS CHRISTOPHER DEARLOVE.

17 DIRECT EXAMINATION BY MS. CAMPBELL:

18 Q MR. DEARLOVE, WHERE ARE YOU EMPLOYED?

19 A EXCUSE ME?

20 Q WHERE DO YOU WORK?

21 A SECURITY PLUS.

22 Q SECURITY PLUS. I BELIEVE THAT WAS YOUR EMPLOYER WHO
23 WAS JUST UP HERE BEFORE YOU?

24 A YES MA'AM.

1 Q AND HOW LONG HAVE YOU BEEN WORKING FOR SECURITY
2 PLUS?

3 A I'D SAY ABOUT FIVE YEARS.

4 Q TELL THE JURY BRIEFLY WHAT KIND OF JOBS Y'ALL DO,
5 WHAT Y'ALL DO.

6 A INSTALL SECURITY SYSTEMS.

7 Q YOU'RE GOING TO HAVE TO SPEAK UP JUST A LITTLE YOU
8 SO SHE CAN HEAR YOU.

9 A WE INSTALL BURGLAR ALARMS AND FIRE ALARMS AND OTHER
10 KINDS OF SECURITY EQUIPMENT.

11 Q I WANT TO TURN YOUR ATTENTION BACK TO JANUARY 23,
12 2002. THAT MORNING DID Y'ALL LEAVE TOWN TO GO TO
13 FLORENCE TO DO A JOB?

14 A YES MA'AM.

15 Q Y'ALL WERE THERE FOR SEVERAL HOURS THAT DAY. IS
16 THAT CORRECT?

17 A YES MA'AM.

18 Q THAT AFTERNOON, THOUGH, DID Y'ALL COME BACK TO
19 COLUMBIA?

20 A YES MA'AM.

21 Q THAT AFTERNOON, WHAT KIND OF VEHICLE WERE Y'ALL
22 DRIVING?

23 A A E-150 VAN.

24 Q AN E-150 VAN?

25 A YES MA'AM.

1 Q I DON'T MEAN TO REPEAT EVERYTHING THAT YOU SAID, BUT
2 YOU'RE KIND OF SOFT-SPOKEN. AS Y'ALL WERE COMING BACK
3 INTO COLUMBIA, WHAT ROAD WERE YOU TAKING?

4 A I-20.

5 Q AND AS YOU APPROACHED THE COLUMBIA AREA-- WHO WAS
6 DRIVING?

7 A I WAS.

8 Q THAT AFTERNOON DID SOMETHING AS YOU WERE APPROACH--
9 YOU'RE FAMILIAR WITH WHERE I-20 AND I-77 COME TOGETHER?

10 A YES MA'AM.

11 Q AS YOU ALL WERE APPROACHING, Y'ALL WERE COMING INTO
12 TOWN. WHICH, I KEEP CALLING IT THE EASTBOUND LANE, BUT
13 IT'S THE WESTBOUND LANE. IT'S THE LANE COMING INTO TOWN
14 FROM FLORENCE?

15 A WESTBOUND, YES MA'AM.

16 Q AND AS Y'ALL WERE COMING IN AND APPROACHING THE I-77
17 INTERSECTION, DID SOMETHING GET YOUR ATTENTION OR SOMEONE
18 GET YOUR ATTENTION?

19 A YES MA'AM. MR. PROCTOR REACHED OVER AND GRABBED ME
20 BY THE SHOULDER AND TOLD ME TO LOOK OUT, WE WAS ABOUT TO
21 GET HIT BY A VEHICLE.

22 Q YOU WERE THE DRIVER, SO HE WAS TELLING YOU TO LOOK
23 OUT?

24 A YES MA'AM.

1 Q SO, THE BACK WAS ACTUALLY KIND OF CURVED AROUND?

2 A YEAH, IT STARTED DOING LIKE THIS. I GUESS YOU WOULD
3 CALL IT A POWER SLIDE.

4 Q A POWER SLIDE?

5 A YES MA'AM.

6 Q AND THEN WHERE DID IT HEAD?

7 A WHEN IT GOT BACK ONTO THE ASPHALT, IT JUST KIND OF
8 SHOT BACK IN THAT DIRECTION.

9 Q SHOT BACK IN THAT DIRECTION. AND THAT WOULD BE BACK
10 TOWARDS THE FAR SIDE, AWAY FROM YOU?

11 A YES MA'AM.

12 Q DID YOU SEE ANY KIND OF A COLLISION?

13 A YES MA'AM. I SEEN THE CAR HIT THE BACK OF THE
14 BOBTAIL TRUCK. THE LAST THING I COULD SEE IS WHERE THE
15 VEHICLE GOT STOPPED, AND IT HAD FLIPPED UP ON IT'S SIDE
16 AND THAT'S ALL I SAW BECAUSE I WAS LOOKING IN MY REARVIEW
17 MIRROR AND I WAS CUT OFF.

18 Q WHEN YOU LOOKED OVER AT ANY POINT DID YOU SEE ANY
19 TRUCK CUT IN FRONT OR CUT HER OFF OR ANYTHING OF THAT
20 NATURE?

21 A NO MA'AM.

22 Q SO, BY THE TIME SHE SHOT BACK OVER SOME OTHER TRUCKS
23 HAD COME UP?

24 A I DIDN'T NOTICE ANY OTHER VEHICLES.

25 Q OKAY.

1 A I NOTICED THE CAR AND SAW IT CUT BACK ACROSS.

2 Q SO, YOU DIDN'T SEE ANY OTHER VEHICLES, TRUCKS OR
3 ANYTHING, CUTTING HER OFF, CAUSING THE WRECK?

4 A NO MA'AM.

5 Q DID YOU THEN-- YOU SAID YOU GOT CUT OFF AFTER YOU
6 SAW THE COLLISION WITH THE BOBTAIL?

7 A YES MA'AM.

8 Q WHAT PART OF THE BOBTAIL DID YOU ACTUALLY SEE HER
9 COLLIDE WITH?

10 A IT WAS THE BACK PORTION OF IT.

11 Q THE BACK PORTION.

12 A YES MA'AM.

13 Q WERE YOU ABLE TO OBSERVE ANYTHING MORE AFTER--
14 YOUR VISION GOT CUT AFTER THAT. RIGHT?

15 A I LOOKED FOR HER IN THE REAR MIRROR AND I COULD SEE
16 THE TRUCK WHERE IT WAS ALMOST UP ON ITS SIDE.

17 Q ALMOST UP ON ITS SIDE.

18 A YEAH, IT WAS LIKE THIS, AT A SLIGHT ANGLE.

19 Q DO YOU KNOW WHETHER OR NOT IT FLIPPED?

20 A I DO NOT.

21 Q BUT YOU KNOW IT WAS KIND OF AT AN ANGLE?

22 A YES MA'AM.

23 Q OKAY. AND DID YOU SEE ANY OTHER COLLISIONS?

1 A I WAS WATCHING THE RED CAR AND I WAS LOOKING IN THE
2 REARVIEW MIRROR AND I SEEN THE OTHER TRUCK KIND OF LAYING
3 ON ITS SIDE.

4 Q AND THE OTHER TRUCK WAS A TRACTOR TRAILER?

5 A YES MA'AM.

6 Q I BELIEVE IT WAS THE NEXT DAY YOU ALL CONTACTED--OR
7 MAYBE, ACTUALLY, THAT DAY, YOU ALL CONTACTED THE HIGHWAY
8 PATROL?

9 A WE CONTACTED THEM THAT DAY AND THE NEXT DAY THEY
10 CAME OUT AND TOOK OUT STATEMENTS.

11 Q AND YOU GAVE THEM THE INFORMATION ABOUT WHAT YOU SAW
12 AND WHO WAS OUT OF CONTROL?

13 A YES MA'AM.

14 Q BY THE WAY, YOU DON'T KNOW SHANNA KRANCHIK IN ANY
15 WAY, DO YOU?

16 A NO MA'AM.

17 MS. CAMPBELL: NOTHING FURTHER.

18 MS. AHRENS: MAY IT PLEASE THE COURT, YOUR HONOR.

19 THE COURT: YES MA'AM.

20 CROSS EXAMINATION BY MS. AHRENS:

21 Q GOOD MORNING, MR. DEARLOVE. HOW ARE YOU?

22 A PRETTY GOOD.

23 Q OKAY. WHAT INITIALLY DREW YOUR ATTENTION TO THE CAR
24 THAT WE'VE BEEN TALKING ABOUT WAS TRACY PROCTOR. IS THAT
25 RIGHT?

1 A YES MA'AM.

2 Q THAT WAS A PASSENGER IN YOUR VEHICLE?

3 A YES MA'AM.

4 Q AND BEFORE THAT, YOU HADN'T NOTICED ANYTHING?

5 A NO MA'AM.

6 Q BY THE TIME HE POINTS THE CAR OUT TO YOU, IT'S
7 ALREADY IN THE INSIDE LANE, GOING INTO THE MEDIAN, AND
8 COMING TOWARD YOU?

9 A YES MA'AM.

10 Q IS THAT RIGHT?

11 A YES MA'AM.

12 Q AND I GUESS THE REASON YOUR ATTENTION WAS BEING
13 DRAWN TO IT WAS IT WAS LOOKING LIKE IT MIGHT RUN INTO
14 YOU.

15 A YES MA'AM.

16 Q IS THAT RIGHT?

17 A YES MA'AM.

18 Q IT NEVER ACTUALLY CAME ACROSS THE MEDIAN. IS THAT
19 RIGHT?

20 A NO, IT DIDN'T.

21 Q IT DIDN'T REALLY GET OFF THE ROAD, DID IT?

22 A WELL, I'D SAY THE FRONT END OF IT STARTING GOING OFF
23 THE ROAD AND IT CORRECTED, AND THEN WHEN SHE CORRECTED,
24 THE BACK END ACTUALLY GOT OFF INTO THE GRAVEL. SO, MAYBE
25 A LITTLE BIT INTO THE GRAVEL.

1 Q BUT IT DIDN'T COME ALL THE WAY INTO THE GRAVEL?

2 A IT GOT RIGHT THERE, BUT THEN THAT'S WHEN SHE

3 CORRECTED AND IT SHOT BACK ACROSS THE TRAFFIC.

4 Q WELL, LET'S BACK UP A LITTLE BIT. YOU'RE TALKING

5 ABOUT WHAT SHE DID. YOU ACTUALLY DIDN'T SEE WHAT WAS

6 GOING ON INSIDE THE CAR, DID YOU?

7 A NO.

8 Q SO, WHAT YOU SAW IS WHEN YOU SAW HER COMING TOWARD

9 YOU?

10 A YES.

11 Q AND I BELIEVE YOU TESTIFIED THAT YOU SEE IT IN THE

12 MEDIAN, AND SUDDENLY IT STARTS SHOOTING BACK ACROSS THE

13 ROAD. IS THAT RIGHT?

14 A YES.

15 Q AND YOU GAVE YOUR STATEMENT TO THE HIGHWAY PATROL

16 THE NEXT DAY.. CORRECT?

17 A YES MA'AM.

18 Q AND I BELIEVE YOU TESTIFIED ON DIRECT THAT YOU DID

19 AT SOME POINT SEE THE CAR THAT WE'RE TALKING ABOUT FLIP

20 UP ON ITS SIDE. IS THAT RIGHT? AND YOU'RE NOT SURE

21 WHETHER OR NOT IT LANDED?

22 A I SAW IT KIND OF LAYING UP ON ITS SIDE AND I NOT

23 SURE IF I SAW IT DROP BACK. I COULD BARELY SEE IT FROM

24 MY REARVIEW MIRROR, THE EDGE OF THE CAR, LAYING ON ITS

25 SIDE.

1 Q YOU NEVER SAW WHAT WAS GOING ON INSIDE OF THE CAR.

2 A NO MA'AM.

3 Q IS THAT FAIR TO SAY?

4 A YES MA'AM.

5 Q AND WHEN YOU'RE TALKING ABOUT THE POSITION OF THE
6 CAR, WHATEVER POSITION IT WAS IN, IT'S FAIR TO SAY IT WAS
7 NOT IN THE POSITION THAT A CAR WOULD NORMALLY BE IN?

8 A YES MA'AM.

9 MS. AHRENS: NOTHING FURTHER, YOUR HONOR.

10 MS. CAMPBELL: NOTHING FURTHER, YOUR HONOR. MAY
11 THIS WITNESS BE EXCUSED?

12 MS. AHRENS: NO OBJECTION, YOUR HONOR.

13 THE COURT: WITHOUT OBJECTION, SIR, YOU ARE EXCUSED.
14 THANK YOU FOR COMING.

15 MS. CAMPBELL: THE STATE CALLS OFFICER JEFF BAKER.

16 JEFFREY BRYAN BAKER, DULY SWORN,
17 TESTIFIED AS FOLLOWS:

18 CLERK OF COURT: PLEASE HAVE A SEAT ON THE WITNESS
19 STAND AND STATE YOUR NAME.

20 A JEFFREY BRYAN BAKER.

21 DIRECT EXAMINATION BY MS. CAMPBELL:

22 Q OFFICER BAKER, WHERE ARE YOU EMPLOYED?

23 A THE SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY AND
24 THE SOUTH CAROLINA HIGHWAY PATROL.

25 Q YOU WORK WITH THE HIGHWAY PATROL?

1 A YES.

2 Q WHAT IS YOUR RANK THERE?

3 A LANCE CORPORAL.

4 Q HOW LONG HAVE YOU BEEN WITH THE HIGHWAY PATROL?

5 A SINCE 1996.

6 Q AT SOME POINT, SINCE 1996, DID YOU DO A BRIEF STINT
7 WITH ANOTHER LAW ENFORCEMENT AGENCY?

8 A YES MA'AM. I WORKED WITH THE COLUMBIA COLLEGE
9 POLICE DEPARTMENT, A FEMALE COLLEGE ON NORTH MAIN IN
10 COLUMBIA AS A TRAFFIC ENFORCEMENT OFFICER.

11 Q AND SUBSEQUENT TO DOING THAT, WORKING WITH THE
12 COLUMBIA COLLEGE PEOPLE, DID YOU THEN COME BACK TO THE
13 HIGHWAY PATROL?

14 A YES MA'AM.

15 Q YOU HAVE BEEN WITH THEM PRETTY MUCH SINCE 1996?

16 A YES MA'AM.

17 Q TELL THIS JURY BASICALLY WHAT YOUR DUTIES INCLUDE AS
18 A MEMBER OF THE HIGHWAY PATROL.

19 A BASICALLY, I'M A TROOPER. I PATROL THE ROADWAYS,
20 INVESTIGATE ACCIDENTS, TRAFFIC ENFORCEMENT, DUI
21 DETECTION, THINGS OF THAT NATURE, ASSISTING DISABLED
22 MOTORISTS.

23 Q PART OF YOUR DUTIES INCLUDE RESPONDING TO SCENES OF
24 ACCIDENTS?

25 A YES.

1 Q WHETHER DRIVING UNDER THE INFLUENCE IS INVOLVED OR
2 NOT?

3 A YES MA'AM.

4 Q IS THAT CORRECT?

5 A YES MA'AM.

6 Q WHERE ARE YOU CURRENTLY STATIONED?

7 A SUMTER COUNTY.

8 Q SUMTER COUNTY. I WANT TO TURN YOUR ATTENTION BACK
9 TO JANUARY OF 2002. WHERE WERE YOUR DUTIES-- YOU WERE
10 WORKING FOR THE HIGHWAY PATROL AT THAT POINT?

11 A YES MA'AM.

12 Q WHERE WERE YOUR DUTIES? WHAT AREA WERE YOU
13 PATROLLING THEN?

14 A I WAS CURRENTLY STATIONED TO PATROL IN RICHLAND
15 COUNTY. THAT AFTERNOON, OR THAT DAY I WAS ASSIGNED TO
16 THE NORTHEAST PART OF TOWN, WHICH IS EAST OF I-77 AND
17 NORTH OF 20, OR PERCIVAL ROAD, NORTH, COVERING 20.

18 Q SO, THAT INCLUDED THE AREA, ROUGHLY, INCLUDING THE
19 INTERSECTION WHERE I-77 AND I-20 COME TOGETHER?

20 A YES MA'AM.

21 Q WHAT SHIFT WERE YOU WORKING THAT DAY?

22 A DAY SHIFT.

23 Q WHAT HOURS DOES THAT INCLUDE?

24 A SEVEN A.M. TO SEVEN P.M.

1 Q THAT AFTERNOON, DID YOU HAVE, DID YOU RESPOND TO AN
2 ACCIDENT NEAR THE INTERSECTION OF I-20 AND I-77?

3 A YES MA'AM.

4 Q WHAT KIND OF CALL HAD GONE OUT TO YOU?

5 A I RECEIVED NOTIFICATION FROM OUR DISPATCH CENTER
6 THAT THERE WAS A MULTI-VEHICLE COLLISION ON I-20, JUST
7 EAST OF I-77, WITH ALL THE LANES BLOCKED, EASTBOUND AND
8 WESTBOUND.

9 Q AT THAT POINT, WHERE WERE YOU?

10 A I WAS ON ALPINE ROAD, RUNNING RADAR BETWEEN TWO
11 NOTCH ROAD AND I-20.

12 Q AND THIS CALL WENT OUT TO YOU, BUT WENT OUT TO OTHER
13 PEOPLE AS WELL. CORRECT?

14 A YES MA'AM.

15 Q ONCE YOU GOT THE CALL-- DO YOU REMEMBER WHAT TIME
16 OF DAY IT WAS?

17 A IT WAS AROUND THREE O'CLOCK.

18 Q WHAT DID YOU DO?

19 A I ADVISED THEM THAT I WAS IN ROUTE TO IT. I CAME
20 RIGHT UP TO THE I-20 ON-RAMP AND AS SOON AS I GOT ON
21 RIGHT THERE AT THE SCENE OF THE ACCIDENT.

22 Q NOW, JUST FOR EDIFICATION, WHERE I-77 COMES INTO I-
23 20, ALPINE ROAD IS ACTUALLY PART OF THAT EXIT. IS THAT
24 CORRECT?

25 A YES MA'AM.

1 Q SO, YOU WERE, NEEDLESS TO SAY, VERY CLOSE TO WHERE
2 THE ACCIDENT ACTUALLY HAPPENED?

3 A YES MA'AM.

4 Q HOW LONG DID IT TAKE YOU TO GET THERE THAT
5 AFTERNOON? DO YOU REMEMBER?

6 A A MINUTE, MINUTE AND A HALF, TWO MINUTES, NOT THAT
7 LONG.

8 Q AND WHEN YOU GOT UP TO THE SCENE-- YOU ACTUALLY
9 CAME UP ALPINE ROAD AND WERE ABLE TO GET ON 20?

10 A YES MA'AM.

11 Q WHAT DID YOU FIND?

12 A TRAFFIC WAS STOPPED IN ALL DIRECTIONS. THERE WAS A
13 RED TAURUS VEHICLE ON THE RIGHT SHOULDER NEXT TO WHERE
14 THE EMBANKMENT STARTS TO RISE. THERE WAS A BLACK
15 EIGHTEEN-WHEELER WITH A DUMP BODY IN THE MEDIAN AGAINST
16 THE CABLES. AND THERE WAS A PENSKE, WHITE, BOBTAIL TRUCK
17 UPSIDE DOWN WITH HEAVY DAMAGE EAST OF THAT.

18 Q IF WE'RE COMING UP, AND YOU'RE GOING UP 77 AND GOING
19 ON 20, TOWARDS FLORENCE, THE RED VEHICLE WAS LOCATED ON
20 THE RIGHT-HAND SIDE OF THE ROAD?

21 A YES MA'AM.

22 Q AND YOU MENTIONED THAT THERE WERE TWO TRUCKS
23 INVOLVED. WHERE WERE THEY LOCATED?

24 A THEY WERE IN THE MEDIAN.

25 Q IN THE MEDIAN, IN BETWEEN?

1 A YES MA'AM.

2 Q YOU MENTIONED THAT ONE OF THOSE TRUCKS WAS ACTUALLY
3 UPSIDE DOWN?

4 A YES MA'AM.

5 Q WHICH TRUCK WAS THAT?

6 A THE PENSKE TRUCK, THE WHITE BOBTAIL, WAS UPSIDE
7 DOWN.

8 Q SO, WHEN WE'RE TALKING ABOUT THOSE TRUCKS, THERE'S
9 THE WHITE, PENSKE, BOBTAIL?

10 A YES MA'AM.

11 Q AND THERE'S ANOTHER TRUCK THAT'S A TRACTOR TRAILER,
12 THAT'S GOT BOTH PARTS. RIGHT?

13 A YES MA'AM.

14 Q AND THAT TRUCK WAS ACTUALLY BLACK, A STERLING
15 TRACTOR TRAILER?

16 A YES MA'AM.

17 Q WHEN YOU GOT TO THE TRUCK, WHAT DID YOU FOCUS ON
18 RIGHT AWAY?

19 A BASICALLY, TO PREVENT ANYTHING FROM GETTING ANY
20 WORSE THAN IT ALREADY HAS, IDENTIFY OPERATORS OF
21 VEHICLES, LOCATE INJURED PEOPLE SO EMS CAN HELP THEM FIND
22 THEM SO THEY CAN TREAT THEM FASTER. ACTUALLY, I GOT TO
23 THE SCENE BEFORE THE EMS DID.

24 Q SO, YOU WERE THE FIRST OFFICER ON THE SCENE?

25 A YES MA'AM.

1 Q SO, THE FIRST THING YOU'RE TRYING TO DO IS MAKE SURE
2 IT DOESN'T GET ANY WORSE?

3 A YES MA'AM.

4 Q AND THE MAKE SURE THAT ANYBODY WHO NEEDS HELP GETS
5 IT?

6 A YES MA'AM.

7 Q SHORTLY AFTER YOU ARRIVED WERE ADDITIONAL EMERGENCY
8 VEHICLES THERE ON THE SCENE?

9 A YES MA'AM.

10 Q AND WOULD THAT INCLUDE EMT WORKERS AND AMBULANCES?

11 A YES MA'AM.

12 Q FIRE DEPARTMENT?

13 A YES MA'AM.

14 Q AND OTHER HIGHWAY PATROL OFFICERS?

15 A YES MA'AM.

16 Q WERE Y'ALL ABLE TO EFFECTIVELY-- OR I GUESS IT
17 ACTUALLY HAPPENED. BOTH LANES HAD TO BE BLOCKED OFF THAT
18 DAY?

19 A YES MA'AM. AT THAT POINT ALL LANES OF TRAFFIC WERE
20 SHUT DOWN. NO TRAFFIC WAS MOVING.

21 Q I WANT TO SHOW YOU SOME PHOTOGRAPHS OF THE SCENE
22 THAT DAY. THE FIRST VEHICLE YOU MENTIONED WAS A RED
23 TAURUS. IS THAT CORRECT?

24 A YES MA'AM.

1 Q I'M GOING TO SHOW YOU WHAT HAS BEN PUT INTO EVIDENCE
2 AS STATE'S EXHIBITS THREE AND FOUR. DO YOU RECOGNIZE
3 THOSE?

4 A YES MA'AM.

5 Q I'M ALSO GOING TO SHOW YOU STATE'S EXHIBITS
6 NINETEEN, EIGHTEEN, SEVENTEEN, SIXTEEN, FIFTEEN, THIRTY-
7 TWO, THIRTY-THREE, THIRTY-FOUR, THIRTY-FIVE AND THIRTY-
8 SIX, AS WELL AS AN INTERIOR SHOT, WHICH IS STATE'S
9 EXHIBIT TWENTY-FIVE. CAN YOU SEE IF YOU RECOGNIZE THOSE?

10 A (PAUSE TO PERUSE PHOTOS) YES MA'AM.

11 Q DO THOSE PHOTOGRAPHS, DO THOSE FAIRLY AND ACCURATELY
12 REPRESENT THE SCENE AS IT APPEARED THAT DAY WHEN YOU WERE
13 OUT THERE?

14 A YES MA'AM.

15 Q AND THOSE PHOTOGRAPHS SPECIFICALLY SHOW SHOTS OF, I
16 BELIEVE, THE RED TAURUS. IS THAT CORRECT?

17 A YES MA'AM.

18 MS. CAMPBELL: YOUR HONOR, AT THIS TIME, I AM
19 OFFERING THOSE PHOTOGRAPHS INTO EVIDENCE.

20 MS. AHRENS: YOUR HONOR, THOSE ARE GOING TO, I
21 BELIEVE, BE WITHOUT OBJECTION. IF I COULD JUST HAVE A
22 MOMENT TO LOOK AND SEE WHAT SPECIFIC PHOTOGRAPHS THEY
23 ARE. I HAVEN'T HAD A CHANCE TO LOOK AT ALL THE STATE'S
24 PHOTOGRAPHS AND---

25 MS. CAMPBELL: SHE'S SEEN EVERYTHING.

1 MS. AHRENS: ---I JUST WANT TO BE SPECIFIC.

2 THE COURT: YES MA'AM.

3 (PAUSE FOR DEFENSE COUNSEL TO PERUSE PHOTOGRAPHS)

4 THE COURT: WHAT EXHIBIT NUMBERS ARE THOSE?

5 MS. CAMPBELL: IT'S STATE'S FIFTEEN THROUGH
6 NINETEEN, AND THEN TWENTY-FIVE THROUGH...

7 MS. AHRENS: THESE ARE WITHOUT OBJECTION, YOUR
8 HONOR.

9 MS. CAMPBELL: TWENTY-FIVE, AND THIRTY-TWO THROUGH
10 THIRTY-SIX.

11 THE COURT: WITHOUT OBJECTION, THEY'RE IN.

12 MS. CAMPBELL: THANK YOU, SIR.

13 (WHEREUPON STATE'S EXHIBITS FIFTEEN THROUGH NINETEEN,
14 STATE'S EXHIBIT TWENTY-FIVE, AND STATE'S EXHIBITS THIRTY-
15 TWO THROUGH THIRTY-SIX WERE ADMITTED INTO EVIDENCE
16 WITHOUT OBJECTION)

17 Q THE FIRST TRUCK YOU MENTIONED WAS A WHITE, PENSKE
18 BOBTAIL?

19 A YES MA'AM.

20 Q AND I'LL SHOW YOU STATE'S EXHIBIT FIVE THROUGH TEN,
21 AND THOSE ARE ALREADY IN EVIDENCE. I'LL ASK YOU IF YOU
22 RECOGNIZE THOSE?

23 A (PAUSE TO PERUSE PHOTOS). YES MA'AM.

24 Q AND I'LL SHOW YOU STATE'S EXHIBITS TWENTY AND
25 TWENTY-ONE.

1 A (PAUSE TO PERUSE PHOTOS) YES MA'AM.

2 Q STATE'S EXHIBIT TWENTY-EIGHT.

3 A (PAUSE TO PERUSE PHOTOS) YES MA'AM.

4 Q AND THEN, FINALLY, STATE'S EXHIBITS FORTY-FIVE
5 THROUGH FORTY-SEVEN. DO YOU ALSO RECOGNIZE THOSE?

6 A (PAUSE TO PERUSE PHOTOS) YES MA'AM.

7 Q AND ARE THOSE VARIOUS SHOTS OF THE WHITE, PENSKE,
8 BOBTAIL AS IT APPEARED THAT DAY?

9 A YES MA'AM.

10 MS. CAMPBELL: YOUR HONOR, AT THIS TIME, I AM
11 OFFERING THOSE PHOTOGRAPHS INTO EVIDENCE.

12 MS. AHRENS: WITHOUT OBJECTION, YOUR HONOR.

13 THE COURT: THEY ARE ADMITTED.

14 (WHEREUPON STATE'S EXHIBITS TWENTY AND TWENTY-ONE,
15 STATE'S EXHIBIT TWENTY-EIGHT, AND STATE'S EXHIBITS FORTY-
16 FIVE THROUGH FORTY-SEVEN WERE ADMITTED INTO EVIDENCE
17 WITHOUT OBJECTION)

18 Q THE THIRD AUTOMOBILE THAT WAS INVOLVED IN THIS--
19 AND I'M SHOWING YOU STATE'S ELEVEN THROUGH FOURTEEN. DO
20 YOU RECOGNIZE THOSE?

21 A (PAUSE TO PERUSE PHOTOS) YES MA'AM.

22 Q I'LL ALSO SHOW YOU STATE'S EXHIBITS TWENTY-THREE,
23 TWENTY-FOUR AND TWENTY-TWO. DO THOSE ALSO SHOW THE
24 BLACK, STERLING TRACTOR TRAILER?

25 A (PAUSE TO PERUSE PHOTOS) YES MA'AM.

1 Q AND, FINALLY, STATE'S EXHIBITS TWENTY-NINE THROUGH
2 THIRTY-ONE.

3 A (PAUSE TO PERUSE PHOTOS) YES MA'AM.

4 Q AND THOSE ALL SHOW THOSE VEHICLES ON THAT AFTERNOON?

5 A YES MA'AM.

6 MS. CAMPBELL: YOUR HONOR, AT THIS TIME, I AM
7 OFFERING THOSE ADDITIONAL PHOTOGRAPHS INTO EVIDENCE.

8 MS. AHRENS: WITHOUT OBJECTION, YOUR HONOR.

9 THE COURT: THANK YOU, COUNSEL. THEY ARE ADMITTED
10 WITHOUT OBJECTION.

11 (WHEREUPON STATE'S EXHIBITS ELEVEN THROUGH FOURTEEN,
12 STATE'S EXHIBITS TWENTY-TWO THROUGH TWENTY-FOUR, AND
13 STATE'S EXHIBITS TWENTY-NINE THROUGH THIRTY-ONE WERE
14 ADMITTED INTO EVIDENCE WITHOUT OBJECTION)

15 MS. CAMPBELL: MAY THE WITNESS STEP DOWN?

16 THE COURT: YES MA'AM.

17 (WHEREUPON WITNESS EXITS WITNESS STAND FOR
18 DEMONSTRATION WITH PHOTO EXHIBITS)

19 Q FIRST THING, COME ON THIS SIDE SO SHE CAN HEAR AND
20 SEE YOU. HERE'S A POINTER IF YOU WANT TO USE IT.

21 STATE'S EXHIBIT TWO, CAN YOU TELL THE JURY, WHAT
22 AREA OF THE HIGHWAY DOES THIS REPRESENT?

23 A THIS IS THE SECTION OF THE ROADWAY WHERE THE ON-
24 RAMP, THIS THIRD LANE RIGHT HERE, THE ON-RAMP FROM I-77
25 NORTH, AND ALPINE ROAD, THE ON-RAMP, ACCELERATION LANE

1 HEADING TOWARDS FLORENCE. THESE ARE THE LANES HEADING
2 BACK TOWARD COLUMBIA.

3 Q I GET IT MIXED UP. I SAY IT WRONG. WHICH ONE'S
4 EASTBOUND?

5 A THE THREE LANES ARE EASTBOUND.

6 Q THE THREE LANES ARE EASTBOUND?

7 A YES MA'AM.

8 Q AND THAT'S GOING TOWARDS FLORENCE?

9 A YES MA'AM.

10 Q AND THESE THREE LANES OVER HERE, THAT'S COMING
11 ACTUALLY INTO TOWN?

12 A YES MA'AM.

13 Q AND YOU MENTIONED THAT WHEN YOU GOT THERE YOU SAW,
14 THE FIRST VEHICLE YOU NOTICED WAS THE RED TAURUS?

15 A YES MA'AM.

16 Q WOULD YOU SHOW THE JURY ON STATE'S EXHIBIT TWO
17 APPROXIMATELY WHICH WAY IT WAS HEADED?

18 A IT WAS OFF TO THE SHOULDER, WHERE THE RISE STARTS UP
19 JUST PAST THE QUARTER MILE AREA.

20 Q AND THE TRUCKS, YOU MENTIONED TWO OF THE TRUCKS WERE
21 IN THE MEDIAN. CAN YOU SHOW APPROXIMATELY WHERE THOSE
22 TRUCKS WERE IN THE MEDIAN?

23 A THE WHITE, PENSKE TRUCK WAS A LITTLE FARTHER EAST,
24 PARTIALLY ON THE ROADWAY, PARTIALLY IN THE MEDIAN. THE

1 Q LET ME SHOW YOU SOME ADDITIONAL PHOTOGRAPHS.

2 STATE'S EXHIBIT NUMBER EIGHTEEN. DO YOU RECOGNIZE THAT?

3 A YES MA'AM.

4 Q WHAT IS THAT?

5 A THAT'S THE FRONT VIEW OF THE TAURUS.

6 Q AND THAT'S HOW IT WAS POSITIONED, KIND OF NEXT TO

7 THE HIGHWAY ON THE HILL?

8 A YES MA'AM.

9 Q AND, AGAIN, THAT WOULD BE NEXT TO THE OUTGOING LANE,

10 TOWARDS FLORENCE?

11 A YES MA'AM.

12 Q AND FINALLY, I'LL SHOW YOU STATE'S EXHIBIT NINETEEN.

13 DO YOU RECOGNIZE THAT?

14 A YES MA'AM.

15 Q AND AGAIN, IS THAT JUST ANOTHER SHOT?

16 A YES MA'AM.

17 Q I'LL SHOW YOU SOME SHOTS OF THE BACK OF THE VEHICLE.

18 STATE'S EXHIBIT NUMBER FOUR, DO YOU RECOGNIZE THAT?

19 A YES MA'AM.

20 Q IS THAT-- I NOTICED THAT THE FRONT BUMPER, ONE

21 CORNER, IS ACTUALLY SMASHED IN.

22 A YES MA'AM.

23 Q AND STATE'S EXHIBIT NUMBER SEVENTEEN, IS THAT A

24 CLOSER SHOT?

25 A THAT'S THE OPPOSITE CORNER.

1 Q THE OPPOSITE CORNER. WHAT WAS THE GENERAL CONDITION
2 OF THE VEHICLE? WERE YOU ABLE TO MAKE A DETERMINATION IN
3 OBSERVING THESE?

4 A YES MA'AM.

5 Q WOULD YOU TELL THE JURY WHAT THAT WAS?

6 A THE TAURUS HAD HEAVY DAMAGE ON THE FRONT, RIGHT
7 CORNER, WHERE IT APPEARED IT HAD STRUCK THE REAR OF THE
8 WHITE, PENSKE TRUCK.

9 Q THAT'S SHOWN IN STATE'S EXHIBIT THIRTY-FIVE?

10 A YES MA'AM.

11 Q WAS THERE ANY OTHER DAMAGE TO THE SAME CAR?

12 A MINOR DAMAGE ON THE INSIDE FROM THE AIR BAG
13 DEPLOYMENT. MINOR DAMAGE ON THE PASSENGER'S SIDE.

14 Q AND WERE SOME OF THE TIRES ACTUALLY FLAT?

15 A YES MA'AM.

16 Q WOULD THAT HAVE RESULTED FROM THE COLLISION?

17 A ONLY IF IT WAS SLIDING SIDEWAYS BEFORE IT CAME TO
18 REST AND THE WHEELS WOULD HAVE LOCKED AND CAUSED THAT.

19 Q AND I'LL SHOW YOU STATE'S EXHIBIT THIRTY-TWO. DO
20 YOU RECOGNIZE THAT?

21 A YES.

22 Q WHAT IS THAT?

23 A THAT IS A CLOSE-UP PICTURE OF THAT FRONT, RIGHT
24 CORNER WHERE IT ACTUALLY STRUCK THE HUB OF THE EIGHTEEN

1 WHEELER AND THE WHITE PAINT TRANSFERRED WHERE IT MADE
2 CONTACT WITH THE CAR.

3 Q YOU MENTIONED THAT ONE OF THE AIR BAGS WAS DEPLOYED.
4 I'LL SHOW YOU STATE'S EXHIBIT TWENTY-FIVE.

5 A YES MA'AM.

6 Q WHAT DOES THAT SHOW?

7 A IT SHOWS THE INTERIOR OF THE BURGUNDY TAURUS. THE
8 RIGHT AIR BAG WAS DEPLOYED AND WAS NOT TUCKED BACK IN.
9 THE DRIVER'S AIR BAG WAS DEPLOYED AND SOMEBODY HAD TUCKED
10 IT BACK INTO THE STEERING WHEEL.

11 Q WAS THAT DONE PRIOR TO YOU GETTING THERE?

12 A I'M NOT SURE.

13 Q YOU'RE NOT SURE, BUT THE AIR BAG HAD BEEN DEPLOYED
14 AND WAS JUST STUCK BACK IN?

15 A YES MA'AM.

16 Q THE WHITE PENSKE. I'M GOING TO SHOW YOU WHAT HAS
17 BEEN MARKED AS STATE'S EXHIBIT NUMBER FORTY-SEVEN. DO
18 YOU RECOGNIZE THAT?

19 A THAT'S THE PENSKE TRUCK UPSIDE DOWN, A FRONT SHOT.
20 IT'S ACTUALLY THE FRONT OF THE VEHICLE.

21 Q THAT'S THE FRONT?

22 A YES MA'AM. THAT THE RADIATOR, THAT BLACK SPOT IS
23 ACTUALLY RADIATOR.

24 Q AND IT'S ACTUALLY UPSIDE DOWN?

25 A YES MA'AM.

1 Q I'LL SHOW YOU STATE'S EXHIBIT NUMBER FORTY-SIX. DO
2 YOU RECOGNIZE THAT?

3 A YES MA'AM.

4 Q WHAT DOES THAT SHOW?

5 A THAT'S THE FRONT WHEELS OF THE PENSKE TRUCK THAT
6 WERE KNOCKED OFF AFTER THE COLLISION.

7 Q I'LL SHOW WHAT'S BEEN MARKED AS STATE'S EXHIBIT
8 FORTY-FIVE. DO YOU RECOGNIZE THAT?

9 A YES MA'AM.

10 Q WHAT IS THAT?

11 A THAT IS THE RIM OF THE ONE OF THE DRIVE WHEELS WHERE
12 THE BURGUNDY TAURUS ACTUALLY MADE CONTACT WITH THE
13 VEHICLE. IT SHOWS THE RED PAINT TRANSFERRED FROM THE
14 FRONT OF THE TAURUS.

15 Q SO, STATE'S EXHIBIT FORTY-FIVE ACTUALLY SHOWS THE
16 RED PAINT FROM THE TAURUS?

17 A YES MA'AM.

18 Q I'LL SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
19 TWENTY-EIGHT. WHAT DOES THAT SHOW?

20 A THAT'S ANOTHER VIEW OF THE WHITE, PENSKE TRUCK.

21 Q ACTUALLY, IT'S AN OPPOSITE VIEW?

22 A SO, THAT'S FROM THE FLORENCE SIDE, LOOKING BACK WEST
23 TO COLUMBIA.

24 Q STATE'S EXHIBIT NUMBER TWENTY, WHAT IS THAT?

1 A THAT'S THE HOOD OF THE PENSKE TRUCK LAYING ON THE
2 CABLES.

3 Q IS THAT HOW IT WAS WHEN YOU FOUND IT?

4 A YES.

5 Q WHICH IS BETTER SHOWN IN STATE'S EXHIBIT TWENTY-ONE,
6 I BELIEVE?

7 A YES MA'AM. IT'S RIGHT THERE NEXT TO THE EMERGENCY
8 LANE.

9 Q STATE'S EXHIBIT FIVE, WHAT DOES THAT SHOW?

10 A THAT SHOWS THE SKID MARKS LEFT BY THE PENSKE TRUCK
11 AS IT WAS SLIDING AROUND SIDEWAYS AND MOVING BACK TOWARD
12 THE MEDIAN BEFORE IT STRUCK THE CABLES.

13 Q STATE'S EXHIBIT SIX, AGAIN.

14 A THAT'S ANOTHER VIEW OF THE PENSKE TRUCK AND SOME OF
15 THE SKID MARKS IT MADE, PRIOR TO HITTING THE CABLES.

16 Q STATE'S EXHIBIT NUMBER SEVEN.

17 A THAT'S ANOTHER PICTURE OF THE WHITE, PENSKE TRUCK
18 LOOKING AT THE BOTTOM SIDE, THE WESTBOUND LANE.

19 Q STATE'S EXHIBIT EIGHT, NINE AND TEN.

20 A MORE OF THE WHITE PENSKE TRUCK AS IT LAID AT REST.

21 Q AND THAT'S HOW IT APPEARED WHEN YOU GOT THERE?

22 A YES MA'AM.

23 Q THE FINAL TRUCK YOU MENTIONED WAS A BLACK, STERLING,
24 TRACTOR TRAILER?

25 A YES MA'AM.

1 Q LET'S START WITH THIS PHOTO, WHICH IS STATE'S
2 EXHIBIT ELEVEN.

3 A YES MA'AM.

4 Q AND ACTUALLY SHOWS THE CAB OF THE TRAILER THERE?

5 A YES MA'AM.

6 Q STATE'S EXHIBIT NUMBER TWELVE, WHAT DOES THAT SHOW?

7 A THAT SHOWS A SIDE VIEW OF THE DUMP TRUCK.

8 Q STATE'S EXHIBIT NUMBER THIRTEEN AND FOURTEEN, WHAT
9 DO THOSE SHOW?

10 A MORE OF THE DRIVER'S SIDE VIEW OF THE DUMP TRUCK.

11 Q STATE'S EXHIBITS THIRTY-ONE AND TWENTY-TWO, WHAT DO
12 THOSE SHOW?

13 A THOSE ARE PHOTOGRAPHS WHEN THEY WERE DOING
14 PHOTOGRAPHS THE NEXT DAY?

15 Q THE NEXT DAY?

16 A WHEN I BELIEVE THE MAIT TEAM WENT OUT AND DID AN
17 INSPECTION ON IT.

18 Q AND THAT WOULD HAVE BEEN AFTER THE-- YOU WERE A
19 PART OF THE MAIT TEAM OF THE INVESTIGATION?

20 A YES MA'AM.

21 Q AND, FINALLY, STATE'S EXHIBIT NUMBER FOUR?

22 A THAT'S THE LEFT SIDE WHEELS OF THE DUMP TRUCK, THE
23 REAR AXLE.

24 Q YOU CAN GET BACK ON THE STAND.

25 (WHEREUPON WITNESS RETURNS TO WITNESS STAND)

1 Q ONCE YOU HAD GOTTEN THERE AND EVERYTHING, WERE YOU
2 ABLE TO DETERMINE WHO WAS ACTUALLY IN EACH OF THE
3 VEHICLES?

4 A IN THE VEHICLES?

5 Q YES.

6 A AND THAT'S PART OF YOUR DUTIES AND PART OF THE
7 INVESTIGATION?

8 A YES MA'AM.

9 Q AND TAKING THEM IN WHATEVER ORDER YOU WANT TO, WERE
10 YOU ABLE TO DETERMINE HOW PEOPLE WERE ACTUALLY TRAVELING
11 THAT DAY IN THE TAURUS?

12 A YES MA'AM.

13 Q HOW MANY WERE THERE?

14 A THERE WERE FOUR.

15 Q I WON'T LIST THEIR NAMES RIGHT NOW. THERE WERE FOUR
16 PEOPLE IN THERE?

17 A YES MA'AM.

18 Q I BELIEVE THERE WERE TWO ADULTS AND TWO CHILDREN?

19 A YES MA'AM.

20 Q WERE YOU ABLE TO DETERMINE HOW MANY PEOPLE WERE IN
21 THE PENSKE BOBTAIL, THE WHITE PENSKE BOBTAIL?

22 A YES MA'AM.

23 Q HOW MANY PEOPLE WERE IN THERE?

24 A THERE WERE TWO.

25 Q WHAT WERE THEIR NAMES?

1 A GENE CROFT AND DANIEL SHARPE WERE IN THE PENSKE
2 TRUCK.

3 Q AND FINALLY, THE THIRD VEHICLE, HOW MANY PEOPLE WERE
4 ACTUALLY IN THAT TRUCK BEFORE THE COLLISION THAT DAY?

5 A THERE WAS ONLY ONE.

6 Q WHO WAS THAT?

7 A STANFORD OWENS.

8 Q MR. OWENS?

9 A YES MA'AM.

10 Q PART OF YOUR DUTIES ALSO INCLUDE TO MAKE SURE WHAT
11 KIND OF MEDICAL ATTENTION EVERYONE NEEDED?

12 A YES MA'AM.

13 Q WERE YOU ABLE TO DETERMINE THE TYPES OF INJURIES
14 EVERYONE SUSTAINED THAT DAY?

15 A YES MA'AM.

16 Q WHAT INJURIES DID MR. OWENS SUSTAIN?

17 A HE WAS INJURED SEVERELY FROM THE WAIST DOWN. WHEN I
18 GOT THERE, IT WAS MY FIRST ASSUMPTION THAT HE HAD PASSED,
19 FROM THE DAMAGE TO THE VEHICLE. BUT, MOST OF HIS
20 INJURIES WERE FROM THE MIDSECTION DOWN, BECAUSE OF THE
21 CRUSHING OF THE VEHICLE.

22 Q WERE THEY ABLE TO GET HIM OUT OF THE VEHICLE?

23 A YES MA'AM.

24 Q DID THEY HAVE ANY PROBLEMS DOING THAT?

1 A IT TOOK THEM SOME TIME. THEY HAD TO USE MECHANICAL
2 MEANS, THE JAWS OF LIFE, THE EXTRACTION TOOL, TO GET HIM
3 OUT.

4 Q SO, HE WAS ACTUALLY, HAD TO BE REMOVED. THE JAWS OF
5 LIFE, IS IT THAT SAW THING?

6 A IT'S THE HYDRAULIC CUTTERS AND SPREADERS THAT THEY
7 USE TO PRY OPEN VEHICLES.

8 Q SO, SOME OF THESE PHOTOS WERE TAKEN AFTER HE WAS
9 ACTUALLY-- BECAUSE THE PRIORITY WAS TO GET HIM OUT OF
10 THE TRUCK?

11 A YES MA'AM.

12 Q AND HE WAS THEN TRANSFERRED TO THE HOSPITAL FROM THE
13 SCENE THAT DAY?

14 A YES MA'AM.

15 Q THE PEOPLE IN THE WHITE PENSKE TRUCK, WHAT WAS THEIR
16 CONDITION?

17 A ONE GENTLEMAN WAS DETERMINED DEAD AT THE SCENE, MR.
18 CROFT. DAVID SHARPE ACTUALLY EXITED THE VEHICLE UNDER
19 HIS OWN POWER RIGHT AFTER THE COLLISION.

20 Q WAS SOMEONE THERE HELPING HIM AT THE SCENE?

21 A YES MA'AM. A FEMALE THAT WAS PASSING BY STOPPED.
22 APPARENTLY HE WAS WANDERING AROUND AND SHE LED HIM BACK
23 INTO THE MEDIAN.

1 Q AND MR. CROFT, WAS HE DETERMINED TO BE DEAD THERE AT
2 THE SCENE OR DID HE HAVE TO BE TRANSFERRED TO THE
3 HOSPITAL?

4 A HE WAS PRONOUNCED DEAD AT THE SCENE.

5 Q THE THIRD VEHICLE, THE TAURUS, WERE YOU ABLE TO
6 DETERMINE WHETHER OR NOT ANY OF THOSE, THE FOUR PEOPLE IN
7 THAT CAR REQUIRED ANY MEDICAL ATTENTION?

8 A THAT WAS NONE APPARENT TO ME. JUST FROM SPEAK WITH
9 MS. KRANCHIK, THEY PUT A BAND-AID ON HER ARM FOR AN
10 APPARENT AIR BAG BURN THAT SHE SUSTAINED.

11 Q NOW, THE AIR BAG BURN, DID YOU OBSERVE WHERE THE
12 ACTUAL BANDAGE OR THE BURN WAS?

13 A IT WAS ONE OF HER FOREARMS. I'M NOT SURE WHICH ARM
14 IT WAS.

15 Q WOULD THAT HAVE BEEN CONSISTENT WITH THE PERSON
16 DRIVING WHEN THE AIR BAG DEPLOYED?

17 A YES MA'AM.

18 Q DID ANYONE FROM THE TAURUS, ANYONE ELSE FROM THE
19 TAURUS REQUIRE ANY KIND OF MEDICAL ATTENTION?

20 A NO MA'AM.

21 Q WERE EMTS THERE? WERE THEY ALLOWED, GIVEN THE
22 OPPORTUNITY TO GET MEDICAL ATTENTION IF THEY NEEDED IT?

23 A YES MA'AM.

1 Q WERE YOU ABLE TO OBSERVE ANY OTHER INJURIES, OTHER
2 THAN THE AIR BAG BURN ON MS. KRANCHIK, TO THOSE FOUR
3 PEOPLE?

4 A NO MA'AM.

5 Q THE PEOPLE THAT WERE IN THE TAURUS, WERE YOU ABLE TO
6 DETERMINE THEIR AGES?

7 A YES MA'AM.

8 Q AND SPECIFICALLY, I BELIEVE, THERE WERE TWO YOUNG
9 MEN IN THE BACK SEAT?

10 A YES MA'AM.

11 Q WHAT WERE THEIR NAMES?

12 A DONALD WARD AND PASANTE TRAPP.

13 Q DONALD WARD AND PASANTE TRAPP?

14 A YES MA'AM.

15 Q WHAT WERE THEIR AGES?

16 A MR. TRAPP WAS FIFTEEN AND MR. WARD WAS FOURTEEN.

17 Q THE PEOPLE IN THE FRONT SEAT, WERE YOU ABLE TO GET
18 THEIR NAMES?

19 A YES MA'AM.

20 Q WHAT WERE THEIR NAMES?

21 A SHANNA KRANCHIK AND DONALD ADAMS.

22 Q HOW OLD IS MS. KRANCHIK?

23 A (PAUSE)

24 Q OR, DO YOU HAVE HER DATE OF BIRTH?

25 A 7/31/83.

1 Q '83?

2 A THAT'S MS. KRANCHIK'S BIRTH DATE.

3 Q OKAY.

4 A MR. ADAMS' BIRTH DATE IS 6/9/80.

5 Q I WANT TO TAKE YOUR ATTENTION-- WHEN YOU FIRST GOT
6 TO THE SCENE THAT DAY, DID YOU APPROACH MS. KRANCHIK?

7 A YES MA'AM.

8 Q TELL THE JURY WHAT YOU DID INITIALLY AND WHAT SHE
9 WAS DOING.

10 A INITIALLY, WHEN I GOT TO THE SCENE AND WHEN I
11 APPROACHED HER, SHE WAS SITTING IN THE DRIVER'S SEAT.
12 THE DOOR WAS OPEN. HER FEET WAS HANGING OUT, SITTING ON
13 THE GROUND. SHE WAS SITTING IN THE CAR SMOKING.

14 Q YOU SAID SHE WAS SITTING IN THE DRIVER'S SEAT. IS
15 THAT CORRECT?

16 A YES MA'AM.

17 Q I WANT TO SHOW YOU THIS, STATE'S EXHIBIT NUMBER
18 FOUR.

19 A YES MA'AM.

20 Q SHE WOULD HAVE BEEN SITTING IN THIS SEAT?

21 A YES MA'AM.

22 Q WERE ANY OF THE OTHER PEOPLE THAT YOU HAD DETERMINED
23 TO BE IN THAT VEHICLE, WERE THEY IN THAT VEHICLE STILL?

24 A NO MA'AM.

25 Q WHERE WERE THEY?

1 A STANDING IN THE MEDIAN NEXT TO THE CABLES.

2 Q SO, THEY WERE ACTUALLY ACROSS THE FIRST SET OF LANES
3 INTO THE MEDIAN?

4 A YES MA'AM.

5 Q AND SHE WAS THE ONE THAT YOU INITIALLY APPROACHED?

6 A YES MA'AM.

7 Q WHEN YOU WENT UP TO HER INITIALLY, AS SHE WAS

8 SITTING THERE SMOKING, WHAT WERE YOU TRYING TO ASSESS AT

9 THAT POINT? WHAT WERE YOU TRYING TO DETERMINE?

10 A WHO WAS DRIVING THE VEHICLE AND TO FIND OUT WHAT
11 HAPPENED.

12 Q DID YOU ASK MS. KRANCHIK ANY QUESTIONS ABOUT THAT
13 WHEN YOU FIRST APPROACHED HER?

14 A YES MA'AM.

15 Q WHAT WERE YOU ASKING HER?

16 A I ASKED HER WHAT HAPPENED, WHO WAS DRIVING. I
17 ASSUMED SINCE SHE WAS SITTING IN THE DRIVER'S SEAT THAT
18 SHE WAS DRIVING. SO, I ASKED HER FOR HER DRIVER'S
19 LICENSE.

20 Q WHEN YOU ASKED HER WHO WAS DRIVING, WHO DID SHE TELL
21 YOU WAS DRIVING THAT DAY?

22 A SOMEONE ELSE. SHE POINTED BACK ACROSS THE MEDIAN
23 AND REFERRED ME BACK TO DONALD ADAMS.

1 Q SO, WHEN YOU FIRST APPROACHED HER THAT DAY RIGHT
2 AFTER THE ACCIDENT AS SHE'S SITTING THERE, SHE POINTED TO
3 SOMEONE ELSE AND SAID SOMEONE ELSE WAS DRIVING?

4 A YES MA'AM.

5 Q AND AT THAT POINT, DID YOU GO AHEAD AND GET HER
6 DRIVER'S LICENSE?

7 A NO MA'AM.

8 Q AND AT THAT POINT DID YOU TRY TO MAKE A FURTHER
9 DETERMINATION WHO WAS ACTUALLY DRIVING?

10 A YES MA'AM. I WENT INTO THE MEDIAN TO WHERE THE
11 OTHER PEOPLE WERE AND SPOKE WITH MR. ADAMS.

12 Q AND WHEN YOU SPOKE WITH MR. ADAMS DID YOU ALSO HAVE
13 THE OPPORTUNITY TO SPEAK TO THE OTHER TWO YOUNG MEN WHO
14 WERE IN THE BACK SEAT?

15 A YES MA'AM.

16 Q AND BASED ON THAT CONVERSATION DID YOU DETERMINE
17 THAT YOU NEEDED TO GO BACK AND SPEAK WITH MS. KRANCHIK
18 AGAIN?

19 A YES MA'AM.

20 Q BECAUSE THEY INDICATED SHE WAS THE DRIVER?

21 A YES MA'AM.

22 Q IN THE MEDIAN, WHAT WERE THEY DOING OVER IN THE
23 MEDIAN?

24 A STANDING THERE WATCHING EVERYTHING THAT WAS GOING
25 ON.

1 Q DID YOU THEN GO BACK AND MAKE CONTACT WITH MS.
2 KRANCHIK AGAIN?

3 A YES MA'AM.

4 Q WHERE WAS SHE AT THIS POINT?

5 A STILL SITTING IN THE DRIVER'S SEAT.

6 Q WHAT HAPPENED THEN?

7 A I WENT BACK TO HER AND ASKED HER AGAIN IF SHE WAS
8 DRIVING BECAUSE THE OTHER GENTLEMAN HAD REFERRED ME BACK
9 TO HER. AFTER SPEAKING TO HER ABOUT WHERE THEY WERE
10 GOING AND WHERE THEY WERE COMING FROM SHE EVENTUALLY GOT
11 BACK TO TELLING ME SHE WAS, IN FACT, DRIVING.

12 Q WHEN YOU SAID YOU ASKED HER ABOUT WHERE THEY WERE
13 GOING AND WHERE THEY WERE COMING FROM, WHAT INFORMATION
14 DID SHE GIVE YOU ABOUT THAT?

15 A SHE SAID THEY WERE COMING FROM WAL-MART AND GOING TO
16 THE CVS PHARMACY. SHE SEEMED KIND OF CONFUSED. I ASKED
17 HER TO POINT WHICH DIRECTION THEY WERE TRAVELING AND SHE
18 POINTED WESTBOUND, BACK TOWARD THE CITY.

19 I ASKED HER WHICH CVS PHARMACY SHE WAS GOING TO.
20 SHE SAID THE ONE ON CLEMSON. AND I CONFIRMED CLEMSON
21 ROAD, THAT'S EASTBOUND. EVENTUALLY SHE GOT HER
22 DIRECTIONS STRAIGHTEN OUT, BUT INITIALLY SHE WAS POINTING
23 BACK WEST, THAT THEY WERE TRAVELING AWAY FROM CLEMSON
24 ROAD.

1 Q DURING THIS TIME, YOU WERE ACTUALLY GETTING CLOSE TO
2 HER AT THIS POINT?

3 A YES MA'AM.

4 Q DESCRIBE FOR THE JURY WHAT HER DEMEANOR WAS LIKE.

5 A SHE SEEMED KIND OF MELLOWED. SHE WAS DRAWING ON HER
6 CIGARETTE FAIRLY HEAVILY. SHE JUST SEEMED DISORIENTED,
7 CONFUSED.

8 Q WAS SHE UPSET OR EXCITED?

9 A NO MA'AM.

10 Q DID YOU HAVE AN OPPORTUNITY TO IN YOUR CONVERSATIONS
11 WITH HER NOTICE ANY TYPE OF ODOR OR ANYTHING?

12 A NOT INITIALLY, BECAUSE SHE WAS SMOKING. I HAD TO
13 ASK HER TO PUT HER CIGARETTE OUT. WHEN I WENT BACK TO
14 TALK TO HER AFTER SPEAKING WITH THE GENTLEMEN IN THE
15 MEDIAN, I OBTAINED HER DRIVER'S LICENSE. I TOLD HER TO
16 SIT TIGHT BECAUSE SHE WAS CONFUSED. I WAS GOING TO GIVE
17 HER A FEW MINUTES TO REGAIN HER COMPOSURE. I WANTED TO
18 SPEAK TO OTHER PEOPLE ON THE SCENE.

19 THEN I CAME BACK TO HER AND THAT'S WHEN I STARTED
20 PICKING UP AN ODOR OF MARIJUANA, MARIJUANA SMOKE, AS IF
21 SOME HAD BEEN SMOKED IN THE VEHICLE OR IN HER PRESENCE.

22 Q AND DID YOU TRY TO DETERMINE WHETHER OR NOT IT WAS
23 COMING FROM THE VEHICLE OR FROM HER PRESENCE?

1 A YES MA'AM. I ASKED HER TO STEP AWAY FROM THE
2 VEHICLE AND UP NEXT TO MY PATROL CAR TO DETERMINE IF IT
3 WAS COMING FROM HER PERSON OR FROM THE VEHICLE.

4 Q AND WERE YOU ABLE TO DETERMINE WHERE THE SMELL OR
5 THE ODOR YOU NOTICED WAS COMING FROM?

6 A YES MA'AM. ONCE WE GOT UP TO MY PATROL VEHICLE, THE
7 SMELL WAS STILL COMING FROM HER PERSON.

8 Q AT ANY POINT IN THIS EXCHANGE DID SHE ASK YOU ANY
9 QUESTIONS ABOUT ANY OF THE OTHER PEOPLE INVOLVED IN THE
10 ACCIDENT?

11 A NO MA'AM.

12 Q DID YOU CONTINUE-- DID SHE-- DID YOU ASK HER WHAT
13 HAD HAPPENED TO CAUSE THE ACCIDENT?

14 A YES MA'AM.

15 Q WHAT DID SHE TELL YOU RIGHT THERE AFTER-- SHE
16 DENIED BEING THE DRIVER AND THEN SHE ADMITTED BEING THE
17 DRIVER?

18 A YES MA'AM.

19 Q AT THIS POINT WHAT DID SHE TELL YOU HAPPENED?

20 A SHE SAID THAT THE TRUCK, THE EIGHTEEN WHEELER CUT
21 HER OFF AND SHE LOCKED DOWN ON HER BRAKES AND LOST
22 CONTROL.

23 Q DO YOU REMEMBER TESTIFYING AT THE PRIOR HEARING?

24 A YES MA'AM.

1 Q AND AT THE BOTTOM OF THAT PAGE, I BELIEVE, YOU WERE
2 ASKED THAT QUESTION?

3 A YES MA'AM.

4 Q DO YOU REMEMBER SPECIFICALLY WHAT SHE SAID?

5 A YES MA'AM.

6 Q WHAT WAS IT?

7 A SHE SAID THE BOBTAIL TRAILER SWERVED INTO HER LANE,
8 CAUSING HER TO LOSE CONTROL AND THEY STRUCK TOGETHER.

9 Q THE BOBTAIL TRAILER SWERVED INTO HER LANE WAS HER
10 FIRST STORY, OR WAS THE NEXT STORY SHE HAD?

11 A YES MA'AM.

12 Q YOU MENTIONED HER DEMEANOR. IN TALKING WITH HER DID
13 YOU DECIDE THAT YOU NEEDED TO PERFORM SOME FIELD SOBRIETY
14 TESTS?

15 A YES MA'AM.

16 Q TELL THE JURY WHY YOU DECIDED TO DO THAT ON THE
17 SCENE THAT DAY.

18 A BASED ON HER REACTIONS TO MY QUESTIONS, HER
19 APPEARANCE, HER DEMEANOR. WHILE WE WERE TALKING SHE WAS
20 KIND OF SWAYING. SHE WAS UNSTEADY ON HER FEET. IT
21 APPEARED SHE WAS UNDER THE INFLUENCE OF SOMETHING.

22 Q AND YOU WERE AWARE SHE'D JUST BEEN IN A WRECK?

23 A YES MA'AM.

24 Q EVEN THOUGH SHE HADN'T SUSTAINED ANY KIND OF MAJOR
25 INJURIES, SHE HAD BEEN IN A WRECK?

1 A YES MA'AM.

2 Q COULD THAT JUST NOT BE ATTRIBUTED TO THE WRECK?

3 A SOME THINGS CAN, BUT JUST HER OVERALL BEING AND THE
4 TIME FRAME FROM THE INITIAL CONTACT THAT I MADE WITH HER
5 AND THE THIRTY-PLUS MINUTES THAT HAD ELAPSED, HER
6 DEMEANOR HADN'T CHANGED; IT WAS CONSTANT.

7 Q WHAT'S A FIELD SOBRIETY TEST?

8 A IT'S A STANDARDIZED EXERCISE THAT WE ASK PEOPLE TO
9 PERFORM TO TRY TO DETERMINE IF PEOPLE ARE UNDER THE
10 INFLUENCE OF DRUGS OR ALCOHOL OR A COMBINATION THEREOF.

11 Q SO, IT'S KIND OF A TOOL THAT YOU HAVE TO TRY TO
12 DETERMINE THAT A PERSON MAY BE IMPAIRED OR MAY NOT?

13 A YES MA'AM.

14 Q ARE YOU TRAINED IN ANY WAY IN ADMINISTERING FIELD
15 SOBRIETY TESTS?

16 A YES MA'AM.

17 Q WHAT KIND OF TRAINING HAVE YOU GONE THROUGH FOR
18 THAT?

19 A WHEN I FIRST GOT INTO LAW ENFORCEMENT BACK IN 1994,
20 I WENT THROUGH AN EIGHT-WEEK ACADEMY COURSE FOR THE
21 RICHLAND COUNTY SHERIFF'S DEPARTMENT AND WE HAD A BASIC
22 COURSE OF DOING A FIELD SOBRIETY TEST, WHICH INCLUDES A
23 HORIZONTAL GAZE NISTAGMUS, ONE-LEGGED STAND, AND AN
24 ALPHABET TEST.

1 WHEN I GOT ON THE PATROL IN '96, WE HAD ADDITIONAL
2 TRAINING, THE WALK AND TURN, WHICH SOME PEOPLE KNOW AS
3 WALKING THE WHITE LINE; THE ONE-LEGGED STAND, AND THE
4 HORIZONTAL GAZE NISTAGMUS.

5 Q AND THAT AFTERNOON YOU THOUGHT IT WOULD BE PRUDENT
6 TO ADMINISTER SOME FIELD SOBRIETY TESTS?

7 A YES MA'AM.

8 Q AND AT THIS POINT YOU DON'T KNOW THE RESULTS OF ANY
9 BLOOD TESTING OR ANYTHING THAT MAY HAVE BEEN DONE?

10 A NO MA'AM.

11 Q TELL THE JURY, WALK THEM THROUGH. WHAT TEST DID YOU
12 FIRST ASK HER TO PERFORM, OR THAT PERFORMED ON HER.

13 A I FIRST ASKED HER TO TAKE THE HORIZONTAL GAZE
14 NISTAGMUS TEST.

15 Q THE HORIZONTAL GAZE NISTAGMUS TEST?

16 A YES MA'AM.

17 Q IT SOUNDS COMPLICATED.

18 A IT'S POINTING A FINGER AND POINTING A PEN.

19 Q OKAY. AND DID YOU EXPLAIN TO HER WHAT SHE WAS
20 SUPPOSED TO DO?

21 A YES MA'AM.

22 Q AND BASICALLY, IT'S TO FOLLOW A PEN OR A FINGER AS
23 IT GOES IN FRONT OF THE EYE?

24 A YES MA'AM.

1 Q WHAT ARE YOU TRAINED TO LOOK FOR AND WHAT DOES IT
2 INDICATE?

3 A BASICALLY, WHAT YOU LOOK FOR IS WHENEVER YOU MOVE
4 YOUR EYES FROM LEFT TO RIGHT, WHEN THEY START GETTING
5 OFF-CENTER AND SO MANY DEGREES OUT, IT MEANS SOMEONE IS
6 UNDER THE INFLUENCE OF DRUGS OR ALCOHOL THEREOF. THE
7 EYES WILL ACTUALLY TWITCH; THEY WON'T TRY TO MOVE.

8 Q AND YOU'VE BEEN TRAINED IN LOOKING FOR THIS?

9 A YES MA'AM.

10 Q WHEN YOU ACTUALLY HAD TO TRY TO FOLLOW YOUR FINGER,
11 OR WAS IT A PEN?

12 A IT WAS MY FINGER.

13 Q YOUR FINGER?

14 A YES MA'AM.

15 Q THAT DAY WHAT HAPPENED?

16 A WELL, PART OF THE INSTRUCTIONS IS YOU EXPLAIN TO THE
17 PERSON TO HOLD THEIR HEAD PERFECTLY STILL. THEIR EYES
18 NEED TO BE THE ONLY THING THAT MOVES. AS I WAS MOVING MY
19 FINGER FROM LEFT TO RIGHT SHE TURNED HER HEAD, FOLLOWED
20 WITH HER HEAD. I EXPLAINED TO HER TO HOLD HER HEAD
21 STILL.

22 ONCE SHE BEGAN TO FOLLOW THOSE INSTRUCTIONS, THEN
23 SHE WOULD GET OFF CENTER. HER EYES WEREN'T TRACKING
24 SMOOTHLY. WHEN THEY WOULD GET OUT TO THE MAXIMUM DEGREE

1 THEY WOULD TRY TO JUMP AND RESET. THEY WERE GLASSY.

2 THEY WERE BLOODSHOT.

3 Q DID YOU FEEL IT APPROPRIATE AT THAT POINT-- WELL,
4 USUALLY WHEN YOU DO A FIELD SOBRIETY TESTS, YOU DO MORE
5 THAN ONE?

6 A YES MA'AM.

7 Q DID YOU DO AN ADDITIONAL FIELD SOBRIETY TEST?

8 A YES MA'AM.

9 Q AND WHAT WAS THAT?

10 A I ALSO DID A VERTICAL GAZE, WHICH IS GOING UP AND
11 DOWN. IT'S SIMILAR TO THE HORIZONTAL, BUT YOU'RE LOOKING
12 FOR THE EYES LOOKING SMOOTHLY UP AND DOWN. AND WHEN THEY
13 GET UP HIGH TO SEE IF THEY BOUNCE, KIND OF LIKE A
14 BASKETBALL.

15 Q WHEN YOU ADMINISTERED THAT TEST WAS SHE ABLE TO
16 FOLLOW YOUR DIRECTIONS AT THAT TIME?

17 A YES MA'AM.

18 Q WHAT HAPPENED WHEN YOU ADMINISTERED THAT TEST?

19 A AS INDICATED, THEY DIDN'T TRACK SMOOTHLY. THEY WERE
20 NOT-- WHEN THEY GOT UP THEY WOULD BOUNCE.

21 Q WHAT DID THAT INDICATE TO YOU IN YOUR TRAINING?

22 A THERE WAS SOMETHING IN HER SYSTEM THAT WAS AFFECTING
23 HER.

24 Q AT ANY POINT THAT DAY DID YOU EVER SMELL ALCOHOL ON
25 HER?

1 A NO MA'AM.

2 Q AND IF YOU DON'T SMELL ALCOHOL, HOW DO CHARGE ANYONE
3 WITH FELONY DUI?

4 A WELL, THAT CAN BE UNDER THE INFLUENCE OF OTHER
5 SUBSTANCES, ILLEGAL DRUGS, OVER THE COUNTER MEDICATIONS,
6 OR PRESCRIPTION MEDICATIONS.

7 Q ONCE YOU PERFORMED THOSE FIELD SOBRIETY TESTS, DID
8 YOU ACTUALLY PARTICIPATE IN ADDITIONAL FIELD SOBRIETY
9 TESTS?

10 A YES MA'AM. I BEGAN TO ASK HER IF SHE HAD ANY LEG
11 PROBLEMS BECAUSE I WAS GOING TO DO THE ONE-LEGGED STANCE
12 WHERE YOU STAND ON ONE LEG AND HOLD THE OTHER LEG UP, PUT
13 YOUR HANDS DOWN BY YOUR SIDE.

14 WHEN I STARTED TO ASK HER QUESTIONS TO PREPARE HER
15 FOR THAT TEST SHE BEGAN TO ASK ME QUESTIONS.

16 Q WHAT KIND OF QUESTIONS WAS SHE ASKING YOU?

17 A WHY I WAS HAVING HER DO THAT. I EXPLAINED TO HER
18 THAT IT WAS THOUGHT THAT SHE MAY BE UNDER THE INFLUENCE
19 OF SOMETHING. AND THEN SHE JUST BASICALLY STATED THAT
20 SHE WASN'T UNDER THE INFLUENCE.

21 Q AND WHEN YOU ASKED HER TO PARTICIPATE IN THE ONE-
22 LEGGED STAND, DID SHE COMPLY?

23 A NO MA'AM.

24 Q WHAT DID SHE DO?

1 A SHE JUST KEPT ASKING QUESTIONS AND STATED SHE WAS
2 NOT UNDER THE INFLUENCE.

3 Q WOULD SHE FOLLOW YOUR INSTRUCTIONS AND DO THE ONE-
4 LEGGED STAND?

5 A NO MA'AM, SHE DIDN'T.

6 Q SHE NEVER DID?

7 A NO MA'AM.

8 Q DID YOU ATTEMPT TO DO ANY OTHER FIELD SOBRIETY TESTS
9 THERE ON THE SCENE?

10 A YES MA'AM.

11 Q WHAT ADDITIONAL TEST DID YOU GIVE HER THE
12 OPPORTUNITY TO PARTICIPATE IN?

13 A I ASKED HER IF SHE KNEW HER ALPHABET. I WAS GOING
14 TO HAVE HER SAY HER ALPHABET, STARTING WITH THE LETTER,
15 F, AND STOPPING WITH THE LETTER, P.

16 Q WHAT HAPPENED WHEN YOU ASKED HER TO-- DID SHE SAY
17 SHE KNEW HER ALPHABET?

18 A I BELIEVE SO.

19 Q WOULD SHE COMPLY WITH WHAT YOU WERE REQUESTING OF
20 HER?

21 A NO MA'AM.

22 Q WHAT DID SHE DO?

23 A SHE KEPT ASKING WHY I WAS ASKING HER TO DO THAT AND
24 STATING SHE WAS NOT UNDER THE INFLUENCE.

25 Q HER DEMEANOR CONTINUED TO BE THE SAME?

1 A YES MA'AM.

2 Q YOU MENTIONED EARLIER SHE WAS ACTUALLY UNSTEADY ON
3 HER FEET?

4 A YES MA'AM.

5 Q BASED ON YOUR OBSERVATIONS THAT AFTERNOON-- DID YOU
6 ATTEMPT TO DO ANY OTHER FIELD SOBRIETY TESTS?

7 A NO MA'AM.

8 Q WHY NOT?

9 A SHE HAD NOT COMPLIED WITH TWO OF THE THREE THAT I
10 HAD ATTEMPTED.

11 Q AND THE ONE THAT YOU WERE ABLE TO DO INDICATED SHE
12 WAS UNDER THE INFLUENCE?

13 A BASED ON YOUR OBSERVATIONS THAT AFTERNOON, THE FIELD
14 TESTS YOU WERE ABLE TO DO, AND EVERYTHING YOU OBSERVED,
15 WHAT DID YOU DO?

16 A I PLACED HER UNDER ARREST FOR DRIVING UNDER THE
17 INFLUENCE.

18 Q FOR DRIVING UNDER THE INFLUENCE?

19 A YES MA'AM.

20 Q AND THAT WOULD BE THE FIRST THING THAT YOU DID
21 BEFORE SOMEONE IS ULTIMATELY CHARGED WITH FELONY DRIVING
22 UNDER THE INFLUENCE?

23 A YES MA'AM.

24 Q AND AT THAT POINT, YOU DIDN'T KNOW HOW MANY PEOPLE
25 WERE DEAD OR INJURED. IS THAT CORRECT?

1 A YES MA'AM.

2 Q AND, AGAIN, AT THAT POINT, WHEN YOU WERE THERE THAT
3 AFTERNOON, BASED ON YOUR EXPERIENCE YOU PLACED HER UNDER
4 ARREST FOR FELONY DRIVING UNDER THE INFLUENCE, DID YOU
5 KNOW WHAT THE BLOOD TESTS WERE GONNA SHOW?

6 A NO MA'AM.

7 Q WHEN YOU PLACED HER UNDER ARREST WHERE DID YOU TAKE
8 HER?

9 A TO RICHLAND MEMORIAL HOSPITAL.

10 Q BEFORE I GET AWAY FROM THE SCENE, THERE WERE A LOT
11 OF TROOPERS INVOLVED IN THIS. IS THAT CORRECT?

12 A YES MA'AM.

13 Q BUT YOU WERE THE ONE DEALING WITH MS. KRANCHIK?

14 A YES MA'AM.

15 Q THAT AFTERNOON, THE OTHER PASSENGERS IN THE CAR, DO
16 YOU KNOW WHAT HAPPENED TO THEM?

17 A THE TWO JUVENILES WERE ASKED TO STAY AT THE SCENE.
18 WE NEEDED TO GET WRITTEN STATEMENTS FROM THEM. BUT A
19 PASSERBY WAS COMING BY THAT THEY KNEW AND THEY LEFT THE
20 SCENE.

21 Q AND MR. ADAMS WAS STILL THERE AT THE SCENE?

22 A YES MA'AM.

23 Q BUT THE TWO JUVENILES TOOK OFF?

24 A YES MA'AM.

1 Q AND YOU HAD ASKED THEM TO STAY SO YOU COULD GET
2 STATEMENTS?

3 A YES MA'AM.

4 Q WHEN YOU LEFT THE SCENE, WHERE WERE YOU GOING AGAIN?
5 I'M SORRY.

6 A RICHLAND MEMORIAL EMERGENCY ROOM.

7 Q WHY WERE YOU GOING THERE?

8 A TO DO A BLOOD DRAW REQUEST AND A URINE COLLECTION.

9 Q AT ANY POINT DURING THIS TIME DID MS. KRANCHIK
10 COMPLAIN OF ANY ILLNESSES OR ANY INJURIES OR ANYTHING
11 THAT NEEDED TREATMENT?

12 A NO MA'AM.

13 Q WHEN YOU TOOK HER DOWN TO THE RICHLAND MEMORIAL
14 EMERGENCY ROOM, YOU WERE GETTING A BLOOD DRAW?

15 A BLOOD AND URINE.

16 Q WHAT'S THE PURPOSE OF THAT?

17 A TO DETERMINE IF THERE'S ANYTHING IN THE SYSTEM IN
18 THE WAY OF DRUGS, ILLEGAL, LEGAL OR PRESCRIPTION.

19 Q AND THAT'S STANDARD WHEN SOMEONE'S BEEN PLACED UNDER
20 ARREST FOR DRIVING UNDER THE INFLUENCE OR FELONY DRIVING
21 UNDER THE INFLUENCE?

22 A YES MA'AM.

23 Q THAT AFTERNOON, WHEN YOU TOOK HER DOWN THERE WERE
24 YOU ABLE TO GET A QUALIFIED MEDICAL PERSONNEL, SUCH AS A
25 NURSE, TO DRAW THE BLOOD?

1 A YES MA'AM.

2 Q WERE YOU PRESENT WHEN THE BLOOD WAS ACTUALLY DRAWN?

3 A YES MA'AM.

4 Q AND HOW IS THE BLOOD DRAWN AND HOW IS IT STORED
5 AFTER IT'S DRAWN?

6 A THEY DRAW IT INTO A TUBE AND WE ESCORT THEM TO THE
7 LAB. THEY DIP IT IN, I BELIEVE, IT'S CALLED PARAFFIN
8 WAX. THAT WAY IT SEALS THE INTEGRITY OF IT SO NOTHING
9 ELSE CAN BE INJECTED INTO IT, AND THEN THEY HAND IT
10 DIRECTLY TO US.

11 Q AND THAT WAS DONE IN THIS CASE?

12 A YES MA'AM.

13 Q AND SO, THE BLOOD WHEN YOU GOT IT WAS ACTUALLY IN A
14 SEALED TUBE?

15 A YES MA'AM.

16 Q AND YOU WERE THERE WHEN IT WAS ACTUALLY DRAWN AND
17 GIVEN TO YOU?

18 A YES MA'AM.

19 Q AND THE ONLY OTHER PERSON WHO HAD EVEN ANY CONTACT
20 WITH THE BLOOD WAS THE NURSE, WHOSE NAME I BELIEVE WAS
21 MS. WEEKS, THAT ACTUALLY DREW IT?

22 A YES MA'AM.

23 Q DID YOU ALSO-- WERE YOU ABLE TO GET A URINE SAMPLE
24 THAT AFTERNOON?

25 A YES MA'AM.

1 Q HOW WAS THAT DONE?

2 A THE NURSE ESCORTED MS. KRANCHIK INTO A RESTROOM,
3 PRESENTED HER WITH A COLLECTION CONTAINER AND SHE GAVE
4 THE SAMPLE.

5 Q AND THAT WOULD BE THE SAME NURSE, I BELIEVE, MS.
6 WEEKS?

7 A YES MA'AM.

8 Q AND ONCE SHE COLLECTED THE URINE SAMPLE WAS IT
9 SEALED IN ANY WAY?

10 A YES MA'AM. SHE PUT THE LID BACK ON THE CONTAINER
11 AND THEN SHE PUT EVIDENCE TAPE OVER THE TOP OF IT.

12 Q AT THE TIME THE BLOOD AND URINE WERE DRAWN, DO YOU
13 KNOW APPROXIMATELY HOW LONG AFTER YOU WENT TO THE SCENE,
14 APPROXIMATELY HOW MANY HOURS LATER THAT WAS DRAWN? DO
15 YOU KNOW?

16 A I'M NOT SURE. AN HOUR, HOUR AND A HALF.

17 Q BEFORE I MOVE ON, THE BLOOD AND THE URINE THAT YOU
18 COLLECTED THERE IN THE HOSPITAL THAT AFTERNOON, WHAT DID
19 YOU DO IT?

20 A I PLACED IT INTO EVIDENCE BAGS THAT WE HAVE WITH THE
21 HIGHWAY PATROL. I SEALED THEM. I FILLED OUT THE
22 INFORMATION ON THE FRONT OF THE BAGS AND KEPT THEM IN MY
23 POSSESSION.

24 Q WHEN YOU SAY YOU KEPT THEM IN YOUR POSSESSION, THAT
25 NIGHT, COULD YOU TAKE THEM TO SLED THAT NIGHT?

J. B. BAKER-DIRECT EXAMINATION BY MS. CAMPBELL

- 1 A NO MA'AM. SLED WAS CLOSED.
- 2 Q IN THAT CASE, WHERE DID YOU TAKE THE BLOOD?
- 3 A I TOOK THE BLOOD AND THE URINE HOME WITH ME AND
- 4 SECURED IT IN MY REFRIGERATOR AT MY RESIDENCE.
- 5 Q DID ANYONE ELSE HAVE ACCESS TO YOUR REFRIGERATOR OR
- 6 ANYTHING?
- 7 A NO MA'AM. I LIVED BY MYSELF AT THAT TIME.
- 8 Q THE NEXT DAY YOU ACTUALLY TOOK IT TO SLED?
- 9 A YES MA'AM.
- 10 Q WAS IT STILL IN THE SAME SEALED FORM? WAS THERE ANY
- 11 EVIDENCE THAT IT HAD BEEN TAMPERED WITH, THAT ANYONE HAD
- 12 GOTTEN TO IT OR ANYTHING LIKE THAT?
- 13 A NO MA'AM. IT WAS IN THE SAME STAGE.
- 14 Q AND NO ONE BROKE IN THE HOUSE THAT NIGHT OR ANYTHING
- 15 LIKE THAT?
- 16 A NO MA'AM.
- 17 Q SO, WHEN YOU SUBMITTED IT TO SLED IT WAS STILL IN
- 18 THE SAME SEALED CONDITION AS WHEN YOU GOT IT FROM THE
- 19 NURSE?
- 20 A YES MA'AM.
- 21 Q AND SHE HAD DRAWN IT FROM MS. KRANCHIK?
- 22 A YES MA'AM.
- 23 Q AFTER GETTING THE URINE AND THE BLOOD, DID YOU THEN
- 24 PROCEED TO THE RICHLAND COUNTY DETENTION CENTER?
- 25 A YES MA'AM.

1 Q WHY WERE YOU GOING THERE?

2 A ONE: SO, SHE COULD BE BOOKED AND PROCESSED IN BY
3 THE DETENTION CENTER BECAUSE SHE HAD BEEN PLACED UNDER
4 ARREST. BUT PRIOR TO THAT I WAS GOING TO OFFER A BREATH
5 TEST.

6 Q IS THAT DONE IN EVERY CASE?

7 A YES.

8 Q AND A BREATH TEST, UNLIKE A BLOOD TEST, DOES IT TEST
9 FOR SOMETHING DIFFERENT?

10 A YES MA'AM.

11 Q WELL, BLOOD CAN TEST FOR ALCOHOL, DRUGS OR ANYTHING.
12 RIGHT?

13 A YES MA'AM.

14 Q BUT THE BREATH TEST, CAN THAT TEST FOR THE PRESENCE
15 OF SAY, MARIJUANA?

16 A NO MA'AM.

17 Q BUT YOU OFFERED IT TO HER THAT AFTERNOON?

18 A YES MA'AM.

19 Q IS THAT PART OF THE PROTOCOL?

20 A YES MA'AM.

21 Q WHAT WERE THE RESULTS OF THE BREATH TEST?

22 A 0.00.

23 Q BASED ON YOUR OBSERVATIONS, THE ODORS YOU OBSERVED
24 AND EVERYTHING LIKE THAT, WERE YOU SURPRISED BY THAT?

25 A NO MA'AM.

1 Q WAS THERE ANY EVIDENCE AT ANY POINT THAT MADE YOU
2 THINK SHE HAD BEEN DRINKING?

3 A NO MA'AM.

4 Q AFTER OFFERING THAT TEST, DID YOU THEN HAVE AN
5 OPPORTUNITY TO TAKE A WRITTEN STATEMENT FROM MS.
6 KRANCHIK?

7 A YES, I DID.

8 Q LET ME BACK UP FOR A MINUTE. WHEN YOU WERE AT THE
9 SCENE THAT DAY, DID YOU ACTUALLY ADVISE HER OF HER
10 RIGHTS?

11 A YES MA'AM.

12 Q TELL THE JURY WHEN THAT HAPPENED AND HOW THAT
13 HAPPENED?

14 A AT THE POINT WHEN SHE WAS PLACED UNDER ARREST SHE
15 WAS HANDCUFFED. I ADVISED HER SHE WAS UNDER ARREST AND I
16 TOLD HER HER RIGHTS AT THAT TIME.

17 Q WHEN YOU SAY HER RIGHTS, WHAT RIGHTS DID YOU TELL
18 HER THAT DAY?

19 A I ADVISED HER SHE HAD RIGHT TO REMAIN SILENT.
20 ANYTHING THAT SHE SAID COULD BE USED AGAINST HER IN
21 COURT. SHE HAD THE RIGHT TO AN ATTORNEY DURING ANY
22 QUESTIONING. IF SHE COULDN'T AFFORD ONE, ONE WOULD BE
23 APPOINTED BY THE STATE.

24 Q WHY DID YOU DO THAT?

25 A THAT'S HOW WE'RE TRAINED BY THE HIGHWAY PATROL.

1 Q THAT'S TO PROTECT EACH DEFENDANT'S RIGHTS?

2 A YES MA'AM.

3 Q WHEN YOU ADVISED HER OF HER RIGHTS, DID SHE SEEM TO
4 UNDERSTAND WHAT YOU WERE SAYING TO HER?

5 A YES.

6 Q DID YOU LATER ADVISE HER OF HER RIGHTS AGAIN?

7 A TWO OTHER TIMES, ACTUALLY.

8 Q WHEN WERE THOSE?

9 A DURING THE TESTING PROCEDURE FOR THE DATAMASTER, OUR
10 INSTRUCTIONS ARE TO START OUT WITH THE MIRANDA RIGHTS
11 ONCE MORE PRIOR TO THE TESTING PROCEDURE. THE SECOND
12 TIME IS IN WRITING, WHEN SHE GAVE HER VOLUNTARY
13 STATEMENT.

14 Q I'LL SHOW YOU STATE'S EXHIBIT ONE. DOES THIS HAVE
15 THE RIGHTS AT THE TOP OF IT?

16 A YES MA'AM.

17 Q SO, SHE WAS ACTUALLY ADVISED OF HER RIGHTS ON THREE
18 DIFFERENT OCCASIONS?

19 A YES MA'AM.

20 Q AT ANY POINT DID SHE TELL YOU SHE DIDN'T WANT TO
21 TALK TO YOU ANYMORE?

22 A NO MA'AM.

23 Q AT ANY POINT DID SHE ASK FOR A LAWYER OR ANYTHING OF
24 THAT NATURE?

25 A NO MA'AM.

1 Q DID SHE INDICATE SHE WOULD COOPERATE AND GIVE YOU A
2 STATEMENT?

3 A YES MA'AM.

4 Q STATE'S EXHIBIT ONE, WHAT IS THAT?

5 A THIS IS THE SOUTH CAROLINA DEPARTMENT OF PUBLIC
6 SAFETY, SOUTH CAROLINA HIGHWAY PATROL, AFFIDAVIT WITH
7 MIRANDA RIGHTS.

8 Q AND THE TOP PART OF THAT STATE'S EXHIBIT ONE, WHO
9 FILLED THAT OUT?

10 A I DID.

11 Q AND WHAT INFORMATION IS ON THE TOP PART?

12 A IT HAS THE STATE, COUNTY, THE NAME OF THE SUSPECT,
13 HER ADDRESS, PHONE NUMBER, SOCIAL SECURITY NUMBER, DATE
14 OF BIRTH, WHO SHE'S IN THE PRESENCE OF, WHICH WAS MYSELF,
15 AND THE DATE AND TIME.

16 Q WHAT WAS THE DATE AND TIME OF THAT STATEMENT?

17 A JANUARY 23, 2002, AT 7:35 P.M.

18 Q 7:35 P.M. AND THE ACCIDENT HAPPENED FOUR AND A HALF
19 HOURS EARLIER?

20 A YES MA'AM.

21 Q AROUND 3:00 P.M.?

22 A YES MA'AM.

23 Q AND AT THE TIME YOU AGAIN ADVISED HER OF HER RIGHTS.
24 CORRECT?

25 A YES MA'AM.

1 Q THE SAME ONES YOU JUST TALKED ABOUT?

2 A YES MA'AM.

3 Q AND, YOU THEN GIVE HER AN OPPORTUNITY TO GIVE HER
4 STATEMENT?

5 A YES MA'AM.

6 Q WHOSE WRITING IS THAT ON THE STATEMENT PART?

7 A THE STATEMENT WAS WRITTEN BY HER.

8 Q BY HER?

9 A YES MA'AM.

10 Q AND AT THAT POINT SHE WAS ABLE TO WRITE?

11 A YES MA'AM.

12 Q WERE YOU THERE WHILE SHE WAS GIVING THE STATEMENT?

13 A YES MA'AM.

14 Q DID YOU GIVE HER AN OPPORTUNITY TO REVIEW IT AFTER
15 SHE WROTE IT?

16 A YES MA'AM.

17 Q AND I BELIEVE THERE'S A SIGNATURE DOWN HERE. WHOSE
18 SIGNATURE IS THAT?

19 A THAT'S MS. KRANCHIK'S.

20 Q IS THIS MS. KRANCHIK'S WRITING ON THIS PART?

21 A YES MA'AM.

22 MS. CAMPBELL: YOUR HONOR, AT THIS TIME WE OFFER
23 STATE'S EXHIBIT ONE INTO EVIDENCE.

24 MS. AHRENS: WITHOUT OBJECTION, YOUR HONOR.

1 THE COURT: IT IS RECEIVED WITHOUT OBJECTION. THANK
2 YOU, COUNSEL.

3 (WHEREUPON STATE'S EXHIBIT ONE WAS ADMITTED INTO EVIDENCE
4 WITHOUT OBJECTION.)

5 Q CAN YOU JUST READ FOR THE JURY WHAT HER STATEMENT
6 WAS AT 7:30 THAT NIGHT?

7 A "DONALD ADAMS CALLED AND WOKE ME UP TO SEE WHAT I
8 WAS DOING. THEN HE SAID HE WAS COMING OVER. SO, WHEN HE
9 GOT TO MY HOUSE, I ASKED HIM TO TAKE ME TO THE STORE.
10 ME, DONALD, PASANTE, AND DONALD RODE TO THE STORE. WE
11 WENT TO THE ARBORWOOD SO DONALD COULD BUY SOME MARIJUANA.
12 AFTER WE LEFT WE WENT TO WAL-MART ON FOREST DRIVE. WHEN
13 WE ACCOMPLISHED OUR TASK, DONALD TOLD ME TO DRIVE BECAUSE
14 HE WAS UNDER THE INFLUENCE.

15 SO, I TOOK CONTROL OF THE CAR AND TOOK THE HIGHWAY
16 BY FORT JACKSON. WHEN I ENTERED THE INTERSTATE, DONALD
17 TOLD ME TO GO TO CLEMSON SO WE COULD GO TO CVS AND IT
18 WOULD BE FASTER. SO, AS I WAS COMING OFF OF 77, I HIT I-
19 20. A WHITE MACK TRUCK PULLED IN FRONT OF ME. THAT'S
20 WHEN I SLID ON BRAKES AND DONALD GRABBED THE WHEEL AND
21 THE CAR DID A 360 AND THAT'S WHEN THE CRASH HAPPENED."

22 Q AND THAT WAS HER STATEMENT?

23 A YES MA'AM.

24 Q AND DID YOU GIVE HER AN OPPORTUNITY TO ADD ANYTHING
25 ELSE SHE MIGHT WANT TO PUT IN THERE?

1 A YES MA'AM.

2 Q AND THAT WAS ACTUALLY THE THIRD STATEMENT SHE HAD
3 GIVEN THAT DAY ABOUT WHAT HAPPENED?

4 A YES MA'AM.

5 Q THE CAR THAT WAS ACTUALLY BEING DRIVEN THAT DAY, DO
6 YOU REMEMBER WHO IT WAS REGISTERED TO?

7 A A LISA NUNN OUT OF ELLOREE, SOUTH CAROLINA.

8 Q DO YOU KNOW WHETHER OR NOT SHE HAD ANY RELATIONSHIP
9 TO ANY OF THE OCCUPANTS OF THE CAR?

10 A NO MA'AM.

11 Q YOUR ROLE THAT DAY AT THE SCENE WAS BASICALLY TO TRY
12 TO FIGURE OUT WHAT HAPPENED THERE, TO GET THE STORIES?

13 A YES MA'AM.

14 Q MAKE A DETERMINATION. IN EVERY CRASH THAT HAPPENS,
15 IN TRAGIC ACCIDENTS THAT HAPPENS, IS SOMEONE ALWAYS
16 PLACED UNDER ARREST?

17 A NO MA'AM.

18 Q IN YOUR OPINION, ON THIS DAY, WAS SHANNA KRANCHIK,
19 WAS HER ABILITY TO DRIVE IMPAIRED?

20 A YES MA'AM.

21 Q AND THAT WAS PRIOR TO YOU KNOWING ANY RESULTS FROM
22 ANY DRUG TESTING OR ANYTHING LIKE THAT?

23 A YES MA'AM.

24 Q YOU'RE FAMILIAR WITH THE TERM CALLED THE MAIT TEAM?
25 M-A-I-T, IT'S SPELLED, I BELIEVE?

1 A YES MA'AM.

2 Q AND WHAT DOES THE MAIT TEAM DO?

3 A THEY COME OUT WITH SURVEY EQUIPMENT AND MAP THE
4 SCENE, TAKE LOTS OF MEASUREMENTS, PHOTOGRAPHS, VIDEO.
5 THEY HAVE COMPUTER PROGRAMS THAT THEY CAN ENTER THE
6 INFORMATION INTO AND BASICALLY RECONSTRUCT THE ACCIDENT.

7 Q RECONSTRUCT THE ACCIDENT?

8 A YES MA'AM.

9 Q AND WAS THE MAIT TEAM CALLED OUT TO THIS COLLISION?

10 A YES MA'AM.

11 Q ARE YOU FAMILIAR WITH SOME OF THE MEMBERS OF THE
12 MAIT TEAM?

13 A YES MA'AM.

14 Q INCLUDING SERGEANT DAY?

15 A YES MA'AM.

16 Q LIEUTENANT MAFFETT?

17 A YES MA'AM.

18 Q AND YOUR ROLE WOULD NOT HAVE BEEN TO RECONSTRUCT THE
19 ACCIDENT THAT DAY, WAS IT?

20 A YES MA'AM.

21 Q BUT THE MAIT TEAM DID RESPOND AND THEY CAME AND
22 RECREATED IT?

23 A YES MA'AM.

1 Q THE PERSON WHO WAS IMPAIRED, THE PERSON YOU PLACED
2 UNDER ARREST FOR FELONY DUI, SHE WAS ADDITIONALLY CHARGED
3 WITH CHILD ENDANGERMENT. IS THAT CORRECT?

4 A YES MA'AM.

5 Q AND THAT'S BECAUSE OF THE FOURTEEN-YEAR AND FIFTEEN-
6 YEAR OLD IN THE BACK SEAT?

7 A YES MA'AM.

8 Q IT'S AGAINST THE LAW TO DRIVE DRUNK WITH CHILDREN IN
9 THE CAR?

10 A YES MA'AM.

11 Q THE PERSON THAT YOU PLACED UNDER ARREST THAT DAY AND
12 WHO GAVE THE STATEMENTS, DO YOU SEE HER IN THE COURTROOM?

13 A YES MA'AM.

14 Q CAN YOU IDENTIFY HER FOR THE JURY?

15 A SHE'S SITTING IN THE BLACK JACKET BETWEEN THE TWO
16 ATTORNEYS.

17 MS. CAMPBELL: YOUR HONOR, MAY THE RECORD REFLECT
18 THAT HE'S IDENTIFIED THE DEFENDANT?

19 THE COURT: YES MA'AM.

20 Q THANK YOU, SIR. PLEASE ANSWER ANY QUESTIONS DEFENSE
21 COUNSEL HAS FOR YOU.

22 MS. AHRENS: MAY IT PLEASE THE COURT.

23 THE COURT: YES MA'AM.

24

25

1 CROSS EXAMINATION BY MS. AHRENS:

2 Q LANCE CORPORAL BAKER, IS THAT RIGHT?

3 A YES MA'AM.

4 Q YOU WERE NOT ACTUALLY A WITNESS TO THE COLLISION
5 ITSELF. IS THAT CORRECT?

6 A CORRECT.

7 Q YOU ARRIVE AT THE SCENE BECAUSE YOU'RE DISPATCHED,
8 THERE'S A CALL THAT THERE'S BEEN A COLLISION?

9 A YES MA'AM.

10 Q DO YOU HAVE VIDEOTAPE EQUIPMENT ON YOUR VEHICLE?

11 A YES MA'AM.

12 Q DOES THAT VIDEOTAPE EQUIPMENT ON YOUR VEHICLE?

13 A YES MA'AM.

14 Q WAS THAT VIDEOTAPE EQUIPMENT ACTIVATED AT THE SCENE
15 THAT DAY?

16 A I ATTEMPTED TO ACTIVATE IT, BUT IT DID NOT.

17 Q SO, UNDER SOME CIRCUMSTANCES WE MIGHT HAVE A
18 VIDEOTAPE OF SOME OF THESE ACTIVITIES, BUT WE DON'T HAVE
19 ONE HERE. IS THAT FAIR TO SAY?

20 A YES MA'AM.

21 Q WHEN YOU WERE SPEAKING WITH MS. KRANCHIK, WERE YOU
22 TAKING NOTES?

23 A SOME ON THE LITTLE, STICKY NOTES, YES MA'AM.

1 Q DID YOU PROVIDE THOSE NOTES TO THE STATE, ANY NOTES
2 THAT YOU MIGHT HAVE TAKEN? OR DO YOU HAVE THEM WITH YOU
3 TODAY?

4 A THEY WERE COMPILED INTO THE FATALITY PACKET.

5 Q SO, YOU FILLED OUT A REPORT AT A LATER POINT?

6 A YES MA'AM.

7 Q IS THAT RIGHT?

8 A YES MA'AM.

9 Q AND THAT WAS SOMETIME AFTER YOU HAD PROCESSED THE
10 SCENE. IS THAT FAIR TO SAY?

11 A IT WAS THAT EVENING.

12 Q DO YOU REMEMBER WHAT TIME IT WAS?

13 A NO MA'AM. IT WAS AFTER I TURNED MS. KRANCHIK OVER
14 TO THE DETENTION CENTER AND RETURNED BACK TO THE OFFICE.

15 Q SO, THAT WOULD PROBABLY BE SOMETIME AFTER EIGHT P.M.
16 IS THAT FAIR TO SAY?

17 A YES MA'AM.

18 Q SO, WHEN YOU'RE TESTIFYING TODAY ABOUT THE
19 CONVERSATION YOU WERE HAVING WITH MS. KRANCHIK AND THE
20 THINGS THAT WERE HAPPENING AT THE SCENE, THAT'S BASED, I
21 SUPPOSE, IN PART ON YOUR MEMORY, OR MAYBE YOU REFRESHED
22 YOUR MEMORY WITH A REPORT YOU WROTE AFTERWARDS. IS THAT
23 FAIR TO SAY?

24 A YES MA'AM.

1 Q NOW, YOU HAD AN OPPORTUNITY TO VIEW THE TAURUS THAT
2 MS. KRANCHIK WAS DRIVING. IS THAT CORRECT?

3 A VIEW IT?

4 Q YOU SAW IT?

5 A YES MA'AM.

6 Q I BELIEVE YOU TESTIFIED ON DIRECT THAT THERE WAS
7 HEAVY DAMAGE TO THE FAR, RIGHT CORNER?

8 A YES MA'AM.

9 Q IS THAT RIGHT? AND YOU ALSO TESTIFIED ON DIRECT
10 THAT BOTH AIR BAGS HAD DEPLOYED WITHIN THE VEHICLE?

11 A YES MA'AM.

12 Q AND YOU TESTIFIED ON DIRECT THAT, IN FACT, MS.
13 KRANCHIK, TO YOUR UNDERSTANDING, HAD AN AIR BAG BURN ON
14 ONE OF HER ARMS. CORRECT?

15 A WHAT I NOTICED, SHE HAD A BAND-AID THAT SOMEONE HAD
16 PLACED ON HER, AND THAT'S WHAT I UNDERSTAND IT WAS FROM.

17 Q YOU WERE INVESTIGATING THE SCENE. CORRECT?

18 A YES MA'AM.

19 Q BASED ON YOUR INVESTIGATION OF THIS SCENE, WERE YOU
20 ABLE TO DETERMINE THAT MS. KRANCHIK, BASED ON YOUR
21 INVESTIGATION, SUSTAINED AN AIR BAG BURN ON HER ARM?

22 A YES MA'AM.

23 Q WHO PUT THE BANDAGE ON HER ARM?

24 A EMERGENCY PERSONNEL.

25 Q SO, SHE INTERACTED WITH EMERGENCY PERSONNEL?

1 A YES MA'AM.

2 Q OTHER THAN YOURSELF AND THE EMERGENCY PERSONNEL, ARE
3 YOU AWARE IF SHE INTERACTED WITH ANY OTHER OFFICERS OR
4 ANY OTHER EMERGENCY PERSONNEL ON THE SCENE?

5 A NO MA'AM.

6 Q WHEN YOU APPROACHED THE FORD TAURUS, MS. KRANCHIK
7 WAS ACTUALLY SITTING IN THE DRIVER'S SEAT. CORRECT?

8 A YES MA'AM.

9 Q AND I BELIEVE YOU TESTIFIED ON DIRECT THAT YOU ASKED
10 HER WHO HAD BEEN DRIVING. IS THAT CORRECT?

11 A YES MA'AM.

12 Q ANY POSSIBILITY THAT YOU ASKED HER WHOSE CAR IT WAS?

13 A NO MA'AM.

14 Q BUT YOU WEREN'T TAKING NOTES AT THE TIME?

15 A JUST JOTTING DOWN LITTLE BITS OF INFORMATION THAT I
16 OBSERVED.

17 Q OKAY. AND YOU DIDN'T HAVE A VIDEOTAPE OF THE TIME?

18 A NO.

19 Q AND SHE HAD JUST BEEN IN, IS IT FAIR TO SAY, WAS A
20 FAIRLY SERIOUS ACCIDENT. IS THAT FAIR TO SAY?

21 A A MAJOR COLLISION, YES MA'AM.

22 Q AND I BELIEVE YOU DESCRIBED HER DEMEANOR AS BEING
23 MELLOWED. IS THAT RIGHT?

24 A YES MA'AM.

25 Q AND THAT WAS WHEN YOU FIRST APPROACHED HER?

1 A FROM INITIAL CONTACT THROUGHOUT THE WHOLE SERIES OF
2 CONTACTS WITH HER.

3 Q DO YOU RECALL TESTIFYING ON DIRECT THAT AT SOME
4 POINT-- AND MAYBE I'M GETTING AHEAD OF MYSELF. JUST
5 CORRECT ME IF I'M WRONG ABOUT THIS. YOU SPEAK TO MS.
6 KRANCHIK. YOU CROSS THE HIGHWAY AND YOU SPEAK TO THE
7 PASSENGERS FROM HER VEHICLE. YOU COME BACK AND YOU SPEAK
8 TO HER AGAIN. IS THAT RIGHT?

9 A YES MA'AM.

10 Q AND I BELIEVE YOU TESTIFIED ON DIRECT THAT AFTER
11 SPEAKING TO HER THAT SECOND TIME YOU LEFT HER SO SHE
12 COULD REGAIN HER COMPOSURE.

13 A YES MA'AM.

14 Q IS THAT RIGHT?

15 A YES MA'AM.

16 Q SO, SHE NEEDED TO REGAIN HER COMPOSURE?

17 A SHE APPEARED CONFUSED AND DIDN'T KNOW WHICH WAY SHE
18 WAS GOING. SO, I GAVE HER SOME TIME TO REGAIN HER
19 THOUGHTS. YES MA'AM.

20 Q OKAY. AND YOU DON'T CLAIM TO BE AN EXPERT IN
21 TRAUMA. IS THAT RIGHT?

22 A WHAT TYPE OF TRAUMA?

23 Q THE PSYCHOLOGICAL EFFECT OF TRAUMA, FOR EXAMPLE.

24 A I HAVE A BACHELOR'S DEGREE IN PSYCHOLOGY. THAT'S
25 ABOUT THE EXTENT OF IT.

1 Q OKAY.

2 A I'M NOT AN EXPERT.

3 Q OKAY. SO, YOU'RE NOT TRAINED IN WHAT KIND OF
4 REACTIONS PEOPLE HAVE TO ACCIDENTS?

5 A NO MA'AM, JUST FROM EXPERIENCE FROM BEING IN LAW
6 ENFORCEMENT AND INVESTIGATING ACCIDENTS.

7 Q OKAY. AND YOU DON'T KNOW MS. KRANCHIK PERSONALLY?

8 A NO MA'AM.

9 Q YOU DON'T KNOW WHAT HER DEMEANOR IS NORMALLY LIKE.
10 IS THAT FAIR TO SAY?

11 A NO MA'AM.

12 Q YOU JUST INTERACTED WITH HER ON THIS ONE OCCASION.

13 A YES MA'AM.

14 Q NOW, YOU DESCRIBED SOME FIELD TESTS, I BELIEVE
15 THAT'S HOW THE STATE CHARACTERIZED THEM, THAT YOU
16 PERFORMED ON MS. KRANCHIK WHEN YOU INTERACTED WITH HER?

17 A YES MA'AM.

18 Q YOU DON'T KNOW THE SCIENTIFIC BASIS BEHIND THOSE
19 TESTS; YOU'RE JUST TRAINED ON HOW TO ADMINISTER THEM. IS
20 THAT RIGHT?

21 A I'M TRAINED TO INSTRUCT AND ADMINISTER THEM AND
22 INTERPRET WHAT WE OBSERVE.

23 Q IN OTHER WORDS, YOU'RE TRAINED IN WHAT TO LOOK FOR
24 BUT YOU DON'T KNOW THE SCIENTIFIC REASONS BEHIND THAT.
25 IS THAT FAIR TO SAY?

1 A YES MA'AM.

2 Q AND AFTER YOU PERFORM THOSE TESTS AND ARREST
3 SOMEBODY, YOU TAKE THEM FOR BLOOD OR URINE TESTS OR
4 BREATH TESTS. IS THAT RIGHT?

5 A YES MA'AM.

6 Q AND THAT'S BECAUSE YOU WOULD WANT THAT TO SEE IF
7 THEY'RE UNDER THE INFLUENCE. IS THAT RIGHT?

8 A YES MA'AM.

9 Q NOW, IF WE COULD BACK UP FOR JUST A MOMENT WITH
10 THE--- I WANT TO BE CLEAR ABOUT THIS. THERE WERE THREE
11 PASSENGERS IN THE CAR WITH MS. KRANCHIK. IS THAT RIGHT?

12 A YES MA'AM.

13 Q DONALD ADAMS IS IN THE FRONT SEAT; AND PASANTE TRAPP
14 AND DONALD WARD ARE IN THE BACK SEAT. IS THAT RIGHT?

15 A YES MA'AM.

16 Q AND YOU DESCRIBED, AND WE'VE BEEN OVER IT AGAIN IN
17 CROSS, THAT YOU HAD SPOKEN TO THESE INDIVIDUALS AFTER
18 FIRST SPEAKING TO MS. KRANCHIK. IS THAT RIGHT?

19 A YES MA'AM.

20 Q DID YOU PERSONALLY EVER GO BACK AND SPEAK TO THEM
21 AGAIN AFTER THAT?

22 A I SPOKE TO THE TWO JUVENILES, I BELIEVE IT WAS THE
23 NEXT DAY AT THE RICHLAND COUNTY DETENTION CENTER, WHERE I
24 WAS ABLE TO GET WRITTEN STATEMENTS FROM THEM.

1 Q OKAY. BUT ON THE SCENE THAT EVENING, OR THAT
2 AFTERNOON, DID YOU SPEAK TO THEM AGAIN AFTER THAT INITIAL
3 CONTACT, PERSONALLY?

4 A NO MA'AM.

5 Q OKAY. MS. KRANCHIK PROVIDED YOU WITH THE WRITTEN
6 STATEMENT THAT WE'VE HEARD BEING REFERRED TO THAT'S BEEN
7 INTRODUCED INTO EVIDENCE. CORRECT?

8 A YES MA'AM.

9 Q AND YOU - AND I BELIEVE YOU TESTIFIED TO THIS ON
10 DIRECT - WOULD GIVE SOMEONE AN OPPORTUNITY TO READ OVER
11 THAT STATEMENT. CORRECT?

12 A YES MA'AM.

13 Q SHE ACTUALLY WROTE THAT OUT HERSELF. IS THAT RIGHT?

14 A SHE DIDN'T READ IT OUT LOUD TO ME.

15 Q WROTE IT OUT. I'M SORRY.

16 A YES MA'AM.

17 Q OKAY. AND SHE HAD AN OPPORTUNITY TO READ IT OVER
18 BEFORE SIGNING IT? CORRECT?

19 A YES MA'AM.

20 Q SO, THAT'S SOMETHING THAT SHE HAD A CHANCE TO REVIEW
21 AND SHE SIGNED AT THE BOTTOM. CORRECT?

22 A YES MA'AM.

23 Q AND SHE ACTUALLY VOLUNTEERS THAT STATEMENT THAT THE
24 PASSENGER IN HER CAR WENT TO BUY MARIJUANA ON THAT DAY.
25 IS THAT CORRECT?

1 A YES MA'AM.

2 Q AND IN THAT STATEMENT SHE ALSO MAKES A REFERENCE TO
3 A MACK TRUCK. IS THAT CORRECT?

4 A YES MA'AM.

5 Q AND SHE DESCRIBES A MACK TRUCK. IS THAT RIGHT?

6 A YES MA'AM.

7 Q THAT GETS IN HER WAY?

8 A YES MA'AM.

9 Q OKAY. DO YOU KNOW WHAT MAKE THE BOBTAIL TRACTOR
10 TRAILER WAS?

11 A IT WAS A STERLING.

12 Q THAT'S A DIFFERENT MAKE THAN A MACK?

13 A YES MA'AM.

14 Q IS IT FAIR TO SAY THAT, AT LEAST WHILE YOU WERE
15 WORKING THE SCENE, THAT THIS WAS A PRETTY BUSY SCENE, A
16 LOT OF PEOPLE THERE?

17 A YES MA'AM.

18 Q A LOT OF DIFFERENT PERSONNEL?

19 A YES MA'AM.

20 Q A LOT OF DIFFERENT VEHICLES.

21 MS. AHRENS: BEG THE COURT'S INDULGENCE FOR A
22 MOMENT.

23 THE COURT: YES MA'AM.

24 (PAUSE)

1 Q JUST VERY BRIEFLY, DID YOU SEARCH MS. KRANCHIK WHEN
2 YOU ARRESTED HER?

3 A YES, PATTED HER DOWN.

4 Q IT'S ORDINARY FOR YOU TO SEARCH SOMEONE WHEN YOU'RE
5 ARRESTING SOMEONE. IS THAT FAIR TO SAY?

6 A YES MA'AM.

7 Q DID YOU FIND ANY PARAPHERNALIA OR ANY MARIJUANA OR
8 ANYTHING LIKE THAT ON HER?

9 A NO MA'AM.

10 Q OKAY. DID YOU SEARCH THE CAR THAT SHE HAD BEEN
11 DRIVING?

12 A NO MA'AM.

13 Q YOU DIDN'T HAVE AN OPPORTUNITY TO LOOK INSIDE THE
14 CAR THAT SHE'D BEEN DRIVING?

15 A NO MA'AM. OTHER OFFICERS DID THAT.

16 Q DO YOU RECALL WHICH OFFICERS DID THAT AT THE SCENE?

17 A I BELIEVE IT WAS TROOPER DONNY GILBERT AND TROOPER
18 MINDY QUEEN.

19 Q SO, GILBERT AND QUEEN WERE THE INDIVIDUALS WHO
20 LOOKED IN THE CAR?

21 A YES MA'AM.

22 Q SO, JUST TO CLARIFY THIS, AT THE TIME THAT MS.
23 KRANCHIK WAS GIVING HER STATEMENT, SHE'S ALREADY UNDER
24 ARREST. CORRECT?

25 A YES MA'AM.

1 Q SHE'S ALREADY DOWN AT THE DETENTION CENTER.

2 CORRECT?

3 A YES MA'AM. DURING THE DATAMASTER TEST, THERE'S A
4 TWENTY-MINUTE OBSERVATION PERIOD WHEN WE HAVE TO OBSERVE
5 SOMEONE. AT THAT POINT I GAVE HER A PEN, GAVE HER THE
6 STATEMENT FORMS, AND SHE USED THAT TWENTY-MINUTE
7 OBSERVATION PERIOD TO GIVE HER SIDE OF THE STORY.

8 Q OKAY. BUT THAT POINT SHE NOT ONLY KNOWS THAT SHE'S
9 UNDER ARREST, BUT THAT SHE'S UNDER ARREST FOR FELONY
10 DRIVING UNDER THE INFLUENCE. IS THAT FAIR TO SAY?

11 A AT THAT POINT, SHE WAS JUST ADVISED IT WAS A DRIVING
12 UNDER THE INFLUENCE.

13 Q OKAY. BUT AT THAT POINT SHE UNDERSTANDS THAT SHE'S
14 BEING ACCUSED OF HAVING INGESTED SOMETHING ILLEGAL AND
15 DRIVEN A CAR?

16 A YES MA'AM.

17 Q CORRECT?

18 A YES MA'AM.

19 MS. AHRENS: NO FURTHER QUESTIONS, YOUR HONOR.

20 THE COURT: ANYTHING ON RE-DIRECT?

21 MS. CAMPBELL: ONE OR TWO, YOUR HONOR.

22 RE-DIRECT EXAMINATION BY MS. CAMPBELL:

23 Q CORPORAL, SHE ASKED YOU ABOUT YOUR NOTES. YOU TOOK
24 NOTES THAT AFTERNOON?

25 A YES.

1 Q AND I BELIEVE YOU HAVE BEFORE YOU-- THERE ARE
2 MULTIPLE REPORTS IN THIS CASE. BUT, THOSE WERE ALL
3 INCORPORATED INTO YOUR FORMAL REPORT LATER THAT EVENING?

4 A YES MA'AM.

5 Q THANK YOU, SIR.

6 THE COURT: ANYTHING ON RE-CROSS?

7 MS. AHRENS: JUST EXTREMELY BRIEFLY.

8 RE-CROSS EXAMINATION BY MS. AHRENS:

9 Q DO YOU HAVE A COPY OF YOUR REPORT UP THERE WITH YOU
10 THAT WE HAVE BEEN REFERRING TO?

11 A I HAVE A COPY OF THE ACCIDENT REPORT. ALL MY OTHER
12 REPORTS...

13 MS. CAMPBELL: THEY'RE IN THIS NOTEBOOK.

14 Q JUST WHILE I'M LOOKING FOR IT, WHAT WE'RE REFERRING
15 TO, WHAT YOU'RE REFERRING TO, DESCRIBING THE NOTES THAT
16 YOU TOOK, AMONG OTHER THINGS, YOU HAD A TYPEWRITTEN, KIND
17 OF NARRATIVE. IS THAT RIGHT?

18 A YES MA'AM.

19 Q DO YOU REMEMBER WHEN YOU ACTUALLY TYPED THAT UP?

20 A THE EVENING OF THE COLLISION?

21 Q THAT EVENING?

22 A YES MA'AM.

23 Q OKAY. DO YOU REMEMBER WHEN A BOND HEARING WAS HELD
24 ON MS. KRANCHIK?

25 A IT WAS THE NEXT DAY. I'M NOT SURE.

1 MS. AHRENS: YOUR HONOR, MAY I APPROACH THE WITNESS?

2 THE COURT: YES MA'AM.

3 MS. CAMPBELL: YOUR HONOR, MAY WE APPROACH THE
4 BENCH?

5 THE COURT: YES MA'AM.

6 (WHEREUPON A BENCH CONFERENCE TOOK PLACE)

7 Q JUST VERY BRIEFLY. DID YOU TYPE UP THE WHOLE THING
8 AT ONCE?

9 A YES MA'AM.

10 MS. AHRENS: MAY I APPROACH THE WITNESS, YOUR HONOR?

11 THE COURT: YES MA'AM.

12 Q IS THIS THE TYPEWRITTEN NARRATIVE THAT YOU'VE BEEN
13 REFERRING TO?

14 A YES MA'AM.

15 Q AND YOU SAY THAT THERE WAS A BOND HEARING THE NEXT
16 DAY. IS THAT RIGHT?

17 A WHAT EVER WEEK THAT WAS.

18 Q DO YOU SEE ANY MENTION OF THE BOND HEARING IN YOUR
19 NARRATIVE. DON'T STATE WHAT IT SAYS, BUT DO YOU SEE ANY
20 MENTION OF ONE?

21 A (PAUSE TO PERUSE NOTES) THERE'S A TAG AT THE BOTTOM
22 OF IT.

23 Q AND YOU MENTION THAT IN YOUR NARRATIVE?

24 A YES MA'AM.

25 Q OKAY.

1 MS. AHRENS: NO FURTHER QUESTIONS, YOUR HONOR.

2 THE COURT: THANK YOU. CORPORAL, YOU MAY STEP DOWN.

3 LADIES AND GENTLEMEN OF THE JURY, THIS IS A GOOD TIME FOR

4 US TO BREAK FOR LUNCH. WE WILL START BACK AT 2:30.

5 DURING THE LUNCH BREAK, DO NOT DISCUSS ANY OF THE

6 EVIDENCE OR TESTIMONY YOU'VE ALREADY HEARD OR SEEN THUS

7 FAR. BE BACK IN YOUR JURY ROOM AND WE'LL START AT 2:30.

8 Y'ALL ENJOY YOUR LUNCH AND I'LL SEE YOU THEN.

9 (WHEREUPON THE JURY EXITED THE COURTROOM AT 1:00 P.M.)

10 THE COURT: WE'LL SEE YOU ALL AT 2:30.

11 (WHEREUPON THE LUNCH RECESS WAS TAKEN)

12 COURT IN SESSION - 2:48 P.M.

13 THE COURT: COUNSEL.

14 MS. AHRENS: YES, YOUR HONOR. I DON'T THINK IS ANY

15 WORSE, REALLY, THAN WHAT I ALLOWED IN, PROBABLY. AND I'M

16 JUST GONNA OBJECT TO WHAT SHE SAYS. BUT I'M GONNA

17 WITHDRAW MY OBJECTION FROM THE PRE-TRIAL MOTIONS.

18 THE COURT: ANYTHING ELSE BEFORE THE JURY COMES IN?

19 MS. AHRENS: NOTHING FROM THE DEFENSE, YOUR HONOR.

20 THE COURT: ANYTHING FROM THE STATE?

21 MS. CAMPBELL: YOUR HONOR, I DO HAVE ONE MATTER THAT

22 I WANT TO BRING UP. IT CAME OUT IN THE LAST WITNESS,

23 CORPORAL BAKER. ON CROSS EXAMINATION SHE ASKED HIM

24 QUESTIONS ABOUT DID YOU FIND ANY MARIJUANA ON HER. I

25 THINK THAT WAS PROPER. BUT THEN SHE WENT FURTHER THAN

1 THAT AND STARTED TALKING ABOUT WHO HAD SEARCHED THE CAR
2 AND WHETHER OR NOT ANY MORE WAS FOUND.

3 GRANTED, I MEAN, WE'RE NOT SAYING THAT SHANNA
4 KRANCHIK HAD ANY MARIJUANA ON HER. BUT, YES, MARIJUANA
5 WAS FOUND ON THE PASSENGER IN THE CAR, WHERE SHE'S TRYING
6 TO SAY THERE WAS NO DRUG PARAPHERNALIA, NO NOTHING,
7 WITHIN HER REACH, IS, I GUESS, WOULD BE THE ASSUMPTION.

8 MY POSITION IS NOW SHE'S OPENED THE DOOR TO THAT
9 EVIDENCE COMING IN. WE HAD THIS DISCUSSION AT PRE-TRIAL
10 AND I SPECIFICALLY SAID I WOULD NOT GO INTO IT. THAT'S
11 WHY I WANT TO BRING IT TO THE COURT'S ATTENTION, BECAUSE
12 I DON'T WANT TO GO INTO SOMETHING I SAID I WOULDN'T.

13 BUT, YOU KNOW, NOW, THE INFERENCE IS IN FRONT OF
14 THIS JURY, CLEARLY, THAT, YOU KNOW, THERE WAS NO
15 MARIJUANA OF ANY SORT ANYWHERE AROUND. YES, THERE WAS
16 AND IT WAS TESTED AND IT WAS POSITIVE. IT JUST HAPPENED
17 TO BE ON THE CO-DEFENDANT. NO, NOT THE CO-DEFENDANT, BUT
18 THE GUY IN THE CAR.

19 THE COURT: THE MARIJUANA THAT WE'RE TALKING ABOUT
20 WAS IN A BAG. IS THAT RIGHT?

21 MS. CAMPBELL: IT WAS IN A BAGGIE, RIGHT, YOUR
22 HONOR. AND I THINK IT WAS LOCATED IN---

23 MS. AHRENS: IT WAS JUST IN A BAG, UNSMOKED, YOUR
24 HONOR.

25 THE COURT: AND THIS WAS NOT SMOKED?

1 MS. AHRENS: NO, YOUR HONOR, IT WAS NOT. AND FOR
2 THAT REASON, AND WE TALKED ABOUT THIS IN CHAMBERS, I
3 THINK, AND CLARIFIED. I THINK I ENDED KIND OF THAT
4 CORPORAL BAKER DID TESTIFY THAT HE SMELLED MARIJUANA. I
5 THINK I'M ENTITLED TO ASK HIM ABOUT ANY EVIDENCE HAVING
6 BEEN SMOKED. UNSMOKED MARIJUANA, YOUR HONOR, WOULD NOT
7 BE THAT EVIDENCE. SHE WAS SPECIFICALLY ACQUITTED OF THAT
8 MARIJUANA CHARGE. AND IN ADDITION, THAT'S NOT SMOKED
9 MARIJUANA. BUT THEY ARE CERTAINLY ENTITLED TO POINT OUT
10 THAT THERE ISN'T ANY SMOKED MARIJUANA ON HER, THAT THERE
11 AREN'T ANY MARIJUANA BUTTS THAT HAVE BEEN PRODUCED, ANY
12 EVIDENCE THAT MARIJUANA HAS BEEN SMOKED. THEY DID
13 PRODUCE SOME EVIDENCE THAT IT HAD BEEN SMOKED WHICH WAS
14 CORPORAL BAKER TESTIFYING THAT HE SMELLED THE ODOR OF
15 MARIJUANA.

16 CERTAINLY, I THINK I'M ENTITLED TO POINT TO THE
17 ABSENCE OF ANYTHING TO CORROBORATE THAT. AND I DON'T
18 THINK THAT I OPENED THE DOOR BY SAYING SOMETHING ABOUT
19 THAT WHEN THE ITEM THAT MS. CAMPBELL IS REFERRING TO IS
20 MARIJUANA THAT IS SPECIFICALLY NOT ROLLED, NOT SMOKED, IN
21 NO WAY SUGGESTS THAT ANYONE HAS SMOKED IT. AND IT CAN'T
22 HAVE BEEN SMOKED WHEN IT IS STILL IN ITS GREEN LEAFY
23 FORM.

24 MS. CAMPBELL: I'M NOT SAYING IT'S SMOKED MARIJUANA.
25 I'M SAYING IT'S MARIJUANA. SHE ASKED IF THERE WAS ANY

1 MARIJUANA IN THE CAR. I THINK WE CAN PLAY BACK HER
2 QUESTION. I'LL BE GLAD TO, BUT THAT'S HOW I TOOK IT, AND
3 THAT'S WHAT I HEARD.

4 THE INFERENCE IS THAT SHE DIDN'T EVEN HAVE ANY
5 MARIJUANA ON HER, WHICH IS TRUE, AND WE WILL STIPULATE
6 THAT. HOWEVER, WE WOULD LIKE FOR HER TO STIPULATE THAT
7 THE GUY WHO WAS SITTING NEXT TO HER HAD PLENTY. NOT TO
8 PUT IT THAT WAY, BUT, YOU KNOW.

9 AND I WASN'T GONNA BRING IT UP, JUDGE. I UNDERSTOOD
10 YOUR RULING BACK IN CHAMBERS. AND, YOU KNOW, WE HAVE NOT
11 MENTIONED IT AND I WOULD NOT HAVE BECAUSE OF THE RULING
12 OF THE COURT. BUT, I MEAN, HOW CAN SHE WANT-- YOU KNOW,
13 IT'S LIKE SHE WANTS THE GOOD PART BUT NOT THE BAD.

14 THE COURT: WELL, I THINK THAT THERE IS GOING TO BE
15 AMPLE DISCUSSION THROUGHOUT REGARDING THE SMELL OF
16 MARIJUANA IN THE CAR. AS I RECALL, THERE WAS ABSOLUTELY
17 NO PARTIALLY SMOKED MARIJUANA CIGARETTES OR ANYTHING
18 FOUND IN THE CAR?

19 MS. AHRENS: THAT'S CORRECT, YOUR HONOR. AND I
20 BELIEVE THERE WILL BE TESTIMONY TO THAT EFFECT. IN FACT,
21 THE PEOPLE WHO SEARCHED THE CAR, AND I DON'T KNOW WHETHER
22 OR NOT THEY'RE GOING TO TESTIFY AT THIS TRIAL, BUT AT THE
23 LAST TRIAL SPECIFICALLY TESTIFIED THEY DIDN'T FIND IN THE
24 CAR AND THAT THEY DIDN'T HAVE ANYTHING TO BRING IN THAT

1 THEY RECALL. I WOULD ASSUME THAT IF THEY HAD FOUND ANY
2 OF THAT EVIDENCE THEY WOULD HAVE BROUGHT IT IN.

3 MY POSITION WOULD BE MARIJUANA THAT IS NOT SMOKED IS
4 JUST NOT RELEVANT TO THE QUESTION OF WHETHER OR NOT MY
5 CLIENT WAS INTOXICATED. IT JUST DOESN'T-- SHE CAN'T,
6 LOGICALLY CANNOT BE INTOXICATED FROM SOMETHING THAT HAS
7 NOT BEEN CONSUMED.

8 MS. CAMPBELL: WELL, IF WE HAD FOUND COLD PILLS IN
9 HER CARS AND WE WOULD BRING THEM AND THEY WOULD BE
10 LOGICALLY RELEVANT EVEN THOUGH THEY HAD NOT CONSUMED AND
11 SHE WAS HIGH ON COLD MEDICINE. THEREFORE, LIKEWISE, THE
12 MARIJUANA THAT IS FOUND IN HER CAR OR ON A PASSENGER IN
13 THE CAR THAT HAS NOT BEEN CONSUMED IS RELEVANT.

14 MS. AHRENS: YOUR HONOR, SHE'S BEEN ACQUITTED OF
15 THAT CHARGE.

16 MS. CAMPBELL: I'M NOT ACCUSING HER OF GUILT. I'M
17 SAYING WHETHER OR NOT IT'S AVAILABLE. I MEAN, WE'VE GOT
18 MARIJUANA IN HER SYSTEM. WE'VE GOT IN HER STATEMENT THAT
19 DONNY WAS GOING TO BUY MARIJUANA. AND WE'VE GOT
20 MARIJUANA ON DONNY.

21 THE COURT: IN TERMS OF BOTH SIDES OF THE ARGUMENT,
22 TO BE ABLE TO ARGUE TO THE JURY REGARDING THE MARIJUANA,
23 WHAT DOES THE DEFENSE WANT TO BE ABLE TO DO?

24 MS. AHRENS: ALL I WANT TO BE ABLE TO ARGUE IS THAT
25 IF YOU HAD BEEN SMOKING MARIJUANA YOU MIGHT EXPECT TO

1 FIND SOME EVIDENCE OF SMOKED MARIJUANA EITHER ON HER
2 PERSON OR IN HER VEHICLE. AND WE DISCUSSED THIS IN
3 CHAMBERS. I UNDERSTOOD YOUR HONOR, AND I STAND TO BE
4 CORRECTED ABOUT THIS, BUT I UNDERSTOOD YOUR HONOR TO HAVE
5 DISTINGUISHED BETWEEN MARIJUANA THAT HAD BEEN SMOKED OR
6 PARTLY SMOKED, AND MARIJUANA THAT HAD NOT BEEN SMOKED.
7 THERE.

8 AS TO HER MARIJUANA INTOXICATION, THERE WAS
9 TESTIMONY TO THAT AT THE LAST TRIAL, AND THERE'S GOING TO
10 BE AGAIN THIS TIME. THAT'S CONCEDED. BUT SHE'S BEEN
11 SPECIFICALLY ACQUITTED OF OWNING THE MARIJUANA THAT IS
12 NOT SMOKED, IS IN A BAG, BUT IS IN SOMEONE'S SOCK IN THE
13 VEHICLE. AND I UNDERSTOOD YOUR HONOR TO HAVE SAID IN
14 CHAMBERS THAT I WASN'T OPENING THE DOOR WITH THE ARGUMENT
15 THAT THERE ISN'T---

16 THE COURT: THE ISSUE ABOUT HER HAVING MARIJUANA IN
17 HER SYSTEM, AS I RECALL, THAT RELATED TO SOME ISSUE ABOUT
18 THE TIME PERIOD?

19 MS. AHRENS: YES, YOUR HONOR. AND I BELIEVE THAT
20 THE STATE'S POSITION WOULD BE, IN ORDER TO FIND, OR PROVE
21 HER GUILTY, THAT SHE SMOKED IT MORE THAN LESS RECENTLY.
22 OBVIOUSLY, IF SHE HAD SMOKED IT A MONTH AGO, SHE WOULDN'T
23 STILL BE INTOXICATED. IF SHE HAD SMOKED IT AN HOUR PRIOR
24 TO DRIVING SHE WOULD STILL BE INTOXICATED. SO, THE

1 TIMING OF THAT INTOXICATION IS GOING TO MAKE A BIG
2 DIFFERENCE.

3 MS. CAMPBELL: THE TESTIMONY AS FAR AS THIS TIME
4 BEING DIFFERENT FROM THE LAST TIME THAT I'M AWARE OF, THE
5 TIME PERIOD WORKED-- I MEAN, HER BLOOD IS DRAWN AT FIVE
6 O'CLOCK. AND THE TESTIMONY WAS IT COULD HAVE BEEN
7 INGESTED FROM ONE TO EIGHT HOURS PRIOR TO THAT.

8 THE COURT: AS I RECALL, THERE WAS SOME ADDITIONAL
9 TESTIMONY, OTHER THAN JUST HER STATEMENT, ABOUT THE
10 PURCHASE OF THE MARIJUANA.

11 MR. CAMPBELL: I BELIEVE THAT CAME IN THROUGH THEIR
12 WITNESS, MR. PRATT.

13 MS. AHRENS: THAT'S CORRECT, YOUR HONOR.

14 MS. CAMPBELL: IN HER STATEMENT, IT TALKS ABOUT
15 PURCHASING MARIJUANA.

16 THE COURT: RIGHT.

17 MS. CAMPBELL: AND THAT'S ALREADY IN. SPECIFICALLY,
18 WE WENT TO ARBORWOOD SO THAT DONNY COULD BUY SOME
19 MARIJUANA. AFTER WE LEFT WE WENT TO THE WAL-MART.

20 MS. AHRENS: AND YOUR HONOR, IF THAT'S OPENING THE
21 DOOR THEN-- WE ALWAYS KNEW AT PRE-TRIAL THAT THAT
22 STATEMENT WAS COMING IN. I THOUGHT WE SPECIFICALLY
23 DISCUSSED AT PRE-TRIAL THAT THE MARIJUANA ITSELF WAS NOT
24 GOING TO. WE KNEW AT PRE-TRIAL THAT THAT STATEMENT WAS
25 COMING IN.

1 SO, IF THE ARGUMENT IS GOING TO BE SHE ADMITS IN HER
2 STATEMENT THAT SOMEONE PURCHASED MARIJUANA AND THEREFORE,
3 THE MARIJUANA, ITSELF, COMES IN, THAT'S SOMETHING THAT I
4 WOULD THINK WOULD HAVE BEEN DECIDED AT PRE-TRIAL.

5 THE COURT: YOU WANT THE DOOR TO BE OPEN TO ARGUE
6 THAT THEY WERE NOT SMOKING MARIJUANA AT THE TIME OF THE
7 ACCIDENT?

8 MS. AHRENS: ABSOLUTELY, YOUR HONOR. AND I JUST
9 DON'T THINK UNSMOKED MARIJUANA HAS ANYTHING TO DO WITH
10 THAT BAG OF GRASS THAT'S IN THE SOCK.

11 THE COURT: YOU'RE NOT ARGUING TO THE JURY THAT...
12 YOU'RE NOT GOING TO ARGUE THAT THERE WAS NO MARIJUANA.

13 MS. AHRENS: I AM NOT GOING TO ARGUE THAT THERE WAS
14 NO MARIJUANA. I AM GOING TO ARGUE THAT THERE WAS NO
15 EVIDENCE OF MARIJUANA HAVING BEEN SMOKED OTHER THAN THE
16 OFFICER'S TESTIMONY THAT HE SMELLED MARIJUANA, AND THE
17 TOXICOLOGIST'S REPORT, AND THAT THERE'S SOME ISSUES WITH
18 THE TIMING. THAT'S ALL, YOUR HONOR.

19 BUT IF THE OFFICER IS GOING TO TESTIFY THAT HE
20 SMELLS THE ODOR OF MARIJUANA WHEN HE OPENS THE DOOR OF
21 THE CAR, I THINK I HAVE TO BE ABLE TO ARGUE THAT THERE'S
22 NOTHING IN THE CAR THAT WOULD PRODUCE THAT ODOR. AND
23 CERTAINLY, MARIJUANA IN A BAG THAT HASN'T BEEN SMOKED IS
24 NOT GOING TO PRODUCE THAT ODOR. I THINK THAT I'M

1 ENTITLED TO ARGUE SOMETHING ABOUT HIS CREDIBILITY ON
2 THAT.

3 THE COURT: WE WON'T GO BEYOND THAT IN TERMS OF
4 DISCUSSING THE ODOR OF MARIJUANA.

5 MS. CAMPBELL: AND, AGAIN, YOUR HONOR, I JUST DON'T
6 WANT THE INFERENCE TO THE JURY TO BE THAT THERE'S NO
7 MARIJUANA AND THEY COULDN'T HAVE BEEN SMOKING IT.

8 THE COURT: I THINK THE JURY WILL KNOW,
9 PARTICULARLY, GIVEN THE TIME PERIOD, THAT IF THERE WAS
10 MARIJUANA SMOKED IN THE CAR, THERE'S NOT NECESSARILY
11 GOING TO BE A JOINT LEFT FROM THAT, THAT SOMETHING ELSE
12 COULD HAVE HAPPENED TO IT IN THE ACCIDENT. BUT YOU'RE
13 FREE TO ARGUE THAT.

14 MS. CAMPBELL: WELL, YOUR HONOR, GOING DOWN THERE
15 ROAD, IT'S, LIKE, THERE WAS NO MARIJUANA. WELL, THERE IS
16 MARIJUANA, WHICH JUST CORROBORATES SOMEWHAT WHAT HE SAID.

17 THE COURT: BUT I THINK THAT---

18 MS. CAMPBELL: I UNDERSTAND HER ARGUMENT TO A
19 DEGREE, BUT I'M JUST CONCERNED THAT, YOU KNOW, SHE MIGHT
20 TAKE IT---

21 THE COURT: WELL, I THINK THE DEFENSE CAN ARGUE TO
22 THE JURY THAT THERE WAS NO EVIDENCE OF SMOKING FOUND IN
23 THE CAR.

24 MS. AHRENS: THANK YOU, YOUR HONOR.

1 THE COURT: BUT I WOULDN'T TELL THE JURY THAT THERE
2 WAS NO MARIJUANA FOUND.

3 MS. AHRENS: WE WON'T DO THAT, YOUR HONOR.

4 THE COURT: THE JURY CAN DRAW THEIR INFERENCES AND
5 WAIVE CREDIBILITY. THE CORPORAL TESTIFIED THAT THERE WAS
6 THE SMELL OF MARIJUANA COMING FROM THE CAR. SO, THE JURY
7 WILL BE ABLE TO JUDGE THE CREDIBILITY. I DON'T THINK YOU
8 CAN ARGUE THAT THERE WAS NO MARIJUANA PRESENT.

9 MS. AHRENS: WE WOULD NOT DO THAT, YOUR HONOR.

10 MS. CAMPBELL: AND YOUR HONOR, IF I COULD, AND MAYBE
11 I MISUNDERSTOOD THE QUESTIONS AS I HEARD THEM, BUT MY
12 UNDERSTANDING OF WHAT SHE'S ASKING WAS, YOU DIDN'T FIND
13 ANY MARIJUANA IN THE CAR. AND THAT WAS MY CONCERN--

14 THE COURT: I UNDERSTAND.

15 MS. CAMPBELL: I'M NOT TRYING TO MINCE WORDS HERE,
16 BUT, YEAH, HE DIDN'T FIND ANY IN THE CAR BECAUSE HE
17 DIDN'T HAVE IT ON HIM, YOU KNOW.

18 MS. AHRENS: I THINK THE TESTIMONY WAS HE WAS NOT
19 THE OFFICER WHO SEARCHED THE CAR.

20 THE COURT: I THINK THERE IS SOME-- I MEAN, THERE
21 IS CERTAINLY HER STATEMENT ABOUT THE PURCHASE OF
22 MARIJUANA, AND THE CORPORAL SMELLING MARIJUANA. THE JURY
23 HAS THE ABILITY TO DRAW ANY INFERENCE THAT THEY WANT TO
24 FROM THAT TESTIMONY. I DON'T THINK COUNSEL SHOULD GO SO
25 FAR AS TO ARGUE THERE WASN'T ANY MARIJUANA AT ALL.

1 THE COURT: ANYTHING ELSE?

2 MS. CAMPBELL: NO SIR, YOUR HONOR.

3 MS. AHRENS: NO SIR.

4 THE COURT: PLEASE BRING IN THE JURY.

5 (WHEREUPON THE JURY ENTERED THE COURTROOM AT 2:48 P.M.)

6 THE COURT: LADIES AND GENTLEMEN, I APPRECIATE YOUR
7 PATIENCE. WE HAD TO TAKE UP SOME MATTERS OUTSIDE YOUR
8 PRESENCE. AND I APOLOGIZE FOR MAKING YOU WAIT. WE ARE
9 READY TO CONTINUE AT THIS POINT. THE STATE MAY CALL ITS
10 NEXT WITNESS.

11 MR. JOPHLIN: THANK YOU, YOUR HONOR. THE STATE
12 CALLS DOCTOR JOHN EADY.

13 JOHN EADY, DULY SWORN, TESTIFIED
14 AS FOLLOWS:

15 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE
16 WITNESS STAND AND STATE YOUR FULL NAME.

17 A JOHN EADY.

18 DIRECT EXAMINATION BY MR. JOPHLIN:

19 Q HOW ARE YOU DOING THIS AFTERNOON, DOCTOR?

20 A I'M GOOD, THANK YOU.

21 Q WOULD YOU TELL US WHERE YOU'RE EMPLOYED?

22 A I'M THE CHAIRMAN OF THE DEPARTMENT OF ORTHOPEDICS AT
23 THE UNIVERSITY OF SOUTH CAROLINA SCHOOL OF MEDICINE AT
24 TWO MEDICAL PARK, RICHLAND HOSPITAL.

1 Q IF YOU WOULD JUST BRIEFLY GO THROUGH YOUR
2 EDUCATIONAL AND PROFESSIONAL BACKGROUND FOR US.

3 A WHERE WOULD YOU LIKE FOR ME TO START? I CAN START
4 WITH HIGH SCHOOL. I GRADUATED FROM JOHNSONVILLE HIGH
5 SCHOOL OVER IN FLORENCE COUNTY IN 1959. I ATTENDED THE
6 COLLEGE OF CHARLESTON FROM 1959 TO 1962. I WAS ACCEPTED
7 TO MEDICAL SCHOOL AFTER THREE YEARS. I ATTENDED THE
8 MEDICAL COLLEGE OF SOUTH CAROLINA AT THE MEDICAL
9 UNIVERSITY OF SOUTH CAROLINA FROM 1962 TO 1966. I GOT MY
10 BACHELOR OF SCIENCE IN MEDICINE INABSENTIA FROM THE
11 COLLEGE OF CHARLESTON WHILE I WAS IN MEDICAL SCHOOL
12 BECAUSE I WAS ACCEPTED TO MEDICAL SCHOOL AFTER THREE
13 YEARS. I GRADUATED FROM THE MEDICAL UNIVERSITY IN 1966.

14 I WAS IN THE AIR FORCE AT THE TIME AND I WAS SENT TO
15 USAF HOSPITAL AT ANDREWS AIR FORCE BASE IN MARYLAND, JUST
16 OUTSIDE OF DC FOR MY INTERNSHIP. I GRADUATED FROM THERE
17 IN 1967. FROM THERE I WENT TO THE AIR FORCE SCHOOL OF
18 AEROSPACE MEDICINE AND BECAME A FLIGHT SURGEON. I
19 GRADUATED FROM THAT IN OCTOBER OF 1967.

20 FROM THERE I WAS ASSIGNED TO SANDHOFEN AIR FORCE
21 BASE IN GERMANY AS A FLIGHT SURGEON. I WAS MOVED FROM
22 THERE TO WIESBADEN AIR FORCE BASE IN GERMANY IN 1968 AND
23 SERVED THERE UNTIL 1971.

24 IN 1971 I RETURNED TO THE MEDICAL UNIVERSITY OF
25 SOUTH CAROLINA AND STUDIED TO BE AN ORTHOPEDIC SURGEON.

1 I GRADUATED FROM THE MEDICAL UNIVERSITY ORTHOPEDIC
2 SURGEON COLLEGE AND FROM THERE I WAS SENT TO ENGLAND AS
3 AN ORTHOPEDIST AND FLIGHT SURGEON. I WAS THERE UNTIL
4 1978.

5 IN 1978, I WENT TO THE UNIVERSITY OF FLORIDA ON AN
6 ORTHOPEDIC ONCOLOGY FELLOWSHIP. IN 1979, I WAS
7 REASSIGNED TO THE UNIVERSITY OF TEXAS MEDICAL CENTER IN
8 SAN ANTONIO TEXAS AS THE CHIEF OF TRAINING. I BECAME THE
9 CHAIRMAN OF TRAINING IN 1979 TO 1980. I RETIRED FROM THE
10 AIR FORCE IN 1985 AND WENT TO WORK AT THE UNIVERSITY OF
11 TEXAS AT SAN ANTONIO SCIENCE CENTER AS AN ASSOCIATE
12 PROFESSOR.

13 IN 1986, I CAME BACK TO SOUTH CAROLINA AND PRACTICED
14 IN ORANGEBURG UNTIL 1989. IN 1989, I CAME TO THE
15 UNIVERSITY OF SOUTH CAROLINA AS AN ASSOCIATE PROFESSOR IN
16 ORTHOPEDIC ONCOLOGY. I BECAME A PROFESSOR OR ORTHOPEDICS
17 IN 1995. IN 1998, I BECAME A PROFESSOR OF ORTHOPEDIC
18 ONCOLOGY. I AM PRESENTLY HEAD OF THE RICHLAND CAMPUS AS
19 PROFESSOR OF ORTHOPEDIC ONCOLOGY.

20 Q AS FAR AS YOUR CURRENT DUTIES AT THE UNIVERSITY, DO
21 YOU STILL SEE PATIENTS?

22 A YES.

23 Q ON A REGULAR BASIS?

1 A I'M THE ONLY ORTHOPEDIC SURGICAL ONCOLOGIST IN THIS
2 AREA, SO I SEE PEOPLE WITH BONE TUMORS ALL THE WAY DOWN
3 TO BROKEN BONES AS PART OF MY DUTIES.

4 MR. JOPHLIN: YOUR HONOR, AT THIS TIME, WE WOULD
5 OFFER DOCTOR EADY AS AN EXPERT IN THE FIELD OF ORTHOPEDIC
6 SURGERY.

7 MS. AHRENS: WITHOUT OBJECTION, YOUR HONOR.

8 THE COURT: THE DOCTOR IS FOUND SO QUALIFIED AND MAY
9 TESTIFY AS SUCH.

10 MR. JOPHLIN: THANK YOU, YOUR HONOR.

11 Q DOCTOR, IF YOU COULD EXPLAIN TO THE JURY EXACTLY
12 WHAT THE FIELD OF ORTHOPEDIC SURGERY IS.

13 A IT'S THE DIAGNOSIS AND MANAGEMENT OF MUSCULAR
14 SKELETAL CONDITIONS; THAT IS, CONDITIONS THAT HAVE TO DO
15 WITH BONES AND JOINTS, TENDONS, MUSCLES, NERVES IN THE
16 EXTREMITIES OF THE MUSCULAR SKELETAL SYSTEM.

17 Q BACK IN JANUARY OF 2002, WHAT WAS YOUR POSITION AS
18 FAR AS SEEING PATIENTS AT RICHLAND MEMORIAL HOSPITAL?

19 A I WAS IN THE GENERAL DEPARTMENT AND I SUPERVISED THE
20 RESIDENCY TRAINING PROGRAM. AND I TOOK CALLS FOR THE
21 GENERAL SURGERY TRAUMA TEAM ON THE SUPPORT FOR THE
22 ORTHOPEDIC TRAUMA SURGEONS PROBABLY ABOUT ONCE A WEEK.

23 Q WITHIN THAT TRAUMA SURGEON TEAM, HOW DOES AN
24 ORTHOPEDIST FIT INTO THAT STRUCTURE?

1 A THE GENERAL SURGERY TRAUMA TEAM ARE THE MANAGERS OF
2 THE TEAM. AND THE TEAM IS COMPOSED OF A NEUROSURGEON,
3 THE GENERAL SURGEONS, ORTHOPEDIC SURGEONS AND ANY OTHER
4 ADDITIONAL PERSONNEL WHO ARE NEEDED ON AN AD HOC BASIS OR
5 AS NEEDED BASIS. BUT FOR THE BASIC TEAM THERE'S A
6 NEUROSURGEON, A GENERAL SURGEON AND THE ORTHOPEDIST.
7 ABOUT SIXTY PERCENT OF ALL MOTOR VEHICLE ACCIDENTS
8 INVOLVE ORTHOPEDIC CONDITIONS OR INJURIES TO THE
9 EXTREMITIES OR PELVIS OR SPINE. SO, WE'RE ON THAT TEAM
10 CONSTANTLY, AS ARE THE NEUROSURGEONS.

11 THE GENERAL SURGEONS MANAGE THE GENERAL CONDITION OF
12 A PERSON, THE HEART, THE LUNGS, THE BLOOD PRESSURE,
13 KEEPING THE BLOOD MANAGED, AND THEIR GENERAL MEDICAL
14 CONDITION, TO MEND THE BROKEN PIECES.

15 Q TAKING YOU BACK TO JANUARY 23, 2002, DID YOU HAVE
16 THE INCIDENCE TO INTERACT WITH MR. STANFORD OWENS?

17 A YES.

18 Q WHAT WOULD THAT INTERACTION HAVE BEEN THAT DAY?

19 A I WAS ON CALL THAT NIGHT AND MR. OWENS CAME IN TO
20 THE TRAUMA SERVICE. WHEN A PATIENT COMES INTO THE TRAUMA
21 SERVICE, THEY COME INTO WHAT'S CALLED THE TRAUMA BAY.
22 THEY HAVE ACUTE, LIFE-THREATENING INJURIES; THAT IS, LOSS
23 OF BLOOD, HEART PROBLEMS, LUNG PROBLEMS ARE MANAGED, AND
24 THEN WE ARE ASKED TO SEE THEM FOR MANAGEMENT OF THEIR
25 ORTHOPEDIC CONDITION.

1 HE HAD AN OPEN LEFT PATELLA FRACTURE. THAT MEANS
2 THE BONE WAS EXPOSED TO THE OUTSIDE THROUGH THE SKIN. HE
3 HAD A COMMUNITE RIGHT DISTAL FIBULA AND TIBIA FRACTURE.
4 COMMUNITE MEANS BROKEN INTO MANY PIECES, DOWN AT THE
5 ANKLE JOINT. AND HE ALSO HAD A SCAPULA FRACTURE OF HIS
6 LEFT SCAPULA, THAT'S THE SHOULDER BLADE, INVOLVES THE
7 BODY OF THE SHOULDER BLADE, JUST PROXIMAL TO THE PLACE
8 WHERE THE JOINT IS.

9 Q AND THOSE WERE JUST THE INJURIES THAT CONCERNED YOU
10 AS AN ORTHOPEDIST?

11 A YES.

12 Q WERE THERE ANY OTHER INJURIES THAT REQUIRED CARE
13 OUTSIDE YOUR EXPERTISE?

14 A HE HAD MULTIPLE FACIAL LACERATIONS AND THOSE WERE
15 ADDRESSED BY THE TRAUMA TEAM.

16 Q FROM AN ORTHOPEDIC STANDPOINT, WHAT PROCEDURES WERE
17 PERFORMED IN ORDER TO TREAT HIM WHEN HE CAME IN?

18 A ON THE TWENTY-FOURTH WE TOOK HIM TO THE OPERATING
19 ROOM AND WASHED OUT THE OPEN PATELLA FRACTURE; THAT IS,
20 THE BONES THAT WERE EXPOSED TO THE OUTSIDE, TAKING A
21 SALINE FLUID, OR A FLUID THAT IS COMPATIBLE WITH BODY
22 TISSUE AND YOU DO YOUR BEST TO WASH OUT THE SAND, THE
23 GRASS, THE DIRT AND WHATEVER IS IN THE WOUND AND MAKE IT
24 AS CLEAN AS POSSIBLE BEFORE YOU PUT IT BACK TOGETHER.

1 WE FIXED HIS PATELLA BY PUTTING TWO SCREWS TO PUT IT
2 BACK TOGETHER IN A STABLE CONDITION. AND THE TIBIA AND
3 FIBULA FRACTURE WAS SO BROKEN UP THERE WAS NO WAY TO
4 APPROPRIATELY PUT IN METAL WITHOUT STRIPPING ALL THE
5 TISSUES OFF THE BROKEN PIECES. AND IF YOU STRIP TISSUE
6 OFF THE BROKEN PIECES, THEN YOU ELIMINATE THE BLOOD
7 SUPPLY AND THE BONE DIES.

8 SO, THE MOST APPROPRIATE WAY TO TREAT THIS
9 PARTICULAR TYPE OF FRACTURE WAS WITH LIMITED SCREW
10 FIXATION IN THE BROKEN PIECES THAT FIT AT THE ANKLE,
11 WHERE THE ANKLE JOINT IS AND THEN PUT ON WHAT'S CALLED AN
12 EXTERNAL FIXATOR. IF THIS IS THE LEG, YOU PUT IN PINS IN
13 THE LEG AND PINS IN THE ANKLE JOINT AND PUT A FRAME ON
14 THE OUTSIDE AND STAPLE IT AND STABILIZE THE LEG. THAT IS
15 THE BEST RESULTS OF HEALING OF THE FRACTURE IN THE
16 APPROPRIATE POSITION.

17 HIS SCAPULA FRACTURE WAS BROKEN INTO A NUMBER OF
18 PIECES, TOO. BUT BECAUSE IT WAS WRAPPED IN A SLING OF
19 MUSCLE, IT IS USUALLY ADEQUATE TO TREAT THAT WRAPPING,
20 WHICH WE DID.

21 Q AFTER ALL THIS TREATMENT, WHEN WAS MR. OWENS
22 DISCHARGED FROM THE HOSPITAL?

23 A THE SIXTH OF FEBRUARY, 2002.

24 Q HE WAS ADMITTED ON JANUARY 23?

25 A YES.

1 Q HAVE YOU SEEN MR. OWENS FOR FOLLOW-UP CARE AT THIS
2 TIME?

3 A YES.

4 Q ABOUT HOW LONG, HOW MANY TIMES HAVE YOU SEEN HIM, OR
5 HOW OFTEN DO YOU SEE MR. OWENS?

6 A MY NOTES REFLECT FROM 2002, UNTIL 2003, AND
7 APPROXIMATELY MONTHLY DURING THAT TIME. IF YOU WANT THE
8 DATES, I CAN GIVE THEM TO YOU.

9 Q I DON'T THINK THAT'S NECESSARY. BUT PRETTY MUCH
10 ROUTINELY MONTHLY FROM 2002 TO 2003?

11 A THE PROBLEM WITH ANKLE FRACTURES, THE LONG-TERM
12 CONCERN, THE MOST ACUTE CONCERN IS THE PATELLA INJURY CAN
13 GET INFECTED BECAUSE ONCE THE PATELLA IS OPEN TO THE
14 OUTSIDE AIR, ESPECIALLY IF IT IS CONTAMINATED WITH DIRT
15 OR GRASS OR WHATEVER GETS INTO THE FRACTURE, YOU WORRY
16 ABOUT THE AREA GETTING INFECTED. BUT AFTER ABOUT FIVE OR
17 SIX WEEKS THAT WORRY GOES DOWN TO LESS THAN ABOUT FIVE
18 PERCENT.

19 THE PROBLEM WITH THE RIGHT, DISTAL TIBIA FRACTURE IS
20 THAT, THE BEST WAY I CAN EXPLAIN IT, WHICH I DO TO MY
21 CHILDREN IF YOU HAVE A POTATO IN THE PANTRY AND YOU STEP
22 ON IT IN THE NIGHT IN THE DARK AND YOU FEEL IT SQUISH,
23 AND YOU PICK IT UP AND LOOK AT IT, AND IT'S OKAY. BUT IF
24 YOU IN THE NEXT DAY OR TWO YOU CUT IT OPEN AND IT'S DARK

1 INSIDE BECAUSE THE PULP OF THE POTATO HAS BEEN SQUISHED
2 AND THE AIR GETS TO IT.

3 AND THE CARTILAGE OF THE ARTICULAR SURFACE WHICH
4 GETS SMASHED IN THIS KIND OF INJURY, WHETHER IT BE THE
5 ANKLE OR THE HIP OR THE KNEE, THAT CARTILAGE GETS SMASHED
6 AND THE CELLS THAT MAINTAIN THE CARTILAGE DIE.

7 THE MATRIX STAYS AROUND FOR A WHILE, UP TO ABOUT TWO
8 YEARS. THEN IT SLOWLY DETERIORATES OVER THAT TIME AND
9 ARTHRITIS SETS IN AND THAT PROCESS OCCURS. SO, YOU WANT
10 TO GET IT BACK AS GOOD AS YOU CAN AND WATCH IT TO TRY TO
11 DECREASE THAT POSSIBILITY.

12 Q SO, BESIDES THE SEVERITY OF THE BONE BREAKAGE THERE
13 IS ALSO THE SEVERITY, JUST THE SIDE EFFECTS FROM THE BONE
14 JUST BEING EXPOSED TO ALL THE DAMAGE THEREIN, OUTSIDE THE
15 EXPOSED AREA?

16 A THAT'S CORRECT.

17 Q WERE YOU ABLE TO GIVE MR. OWENS A PROGNOSIS OF HOW
18 HE WOULD HEAL, WHAT TO EXPECT AS A RESULT OF HIS
19 INJURIES?

20 A THE SCAPULA FRACTURE, SINCE IT DIDN'T INVOLVE HIS
21 JOINT WHERE THE ARM HOLE AND THE SHOULDER BLADE COME
22 TOGETHER, IT WILL HEAL WITHOUT A SIGNIFICANT AMOUNT OF
23 PROBLEMS, IF THE ALIGNMENT OF THE JOINT IS APPROPRIATE.
24 THE ALIGNMENT IS NOT, THEN YOU HAVE SOME PROBLEMS WITH
25 THAT. HIS WAS ADEQUATE TO GIVE HIM A BONE THAT WOULD

1 HEAL AND MOTION OF THE SHOULDER THAT IT'S APPROPRIATE FOR
2 DAILY ACTIVITIES. REACHING ABOVE THAT CAN SOMETIMES BE A
3 PROBLEM.

4 THE LEFT PATELLA, THE SAME IS TRUE WITH THE LEFT
5 PATELLA. IF YOU REALIGN THE ARTICULAR CARTILAGE
6 APPROPRIATELY THE BONE HEALS AND THEN THE ONLY THING THAT
7 YOU HAVE TO WORRY ABOUT IS THAT LYMPH, OR THAT CRACK
8 WHERE THE PIECES OF CARTILAGE COME TOGETHER AND THAT
9 NEVER HEALS BACK TO NORMAL CARTILAGE.

10 AS HUMANS, WE HAVE ALL THE CARTILAGE WE'RE EVER
11 GOING TO GET WHEN WE'RE ABOUT AGE THIRTY, AND FROM
12 THEREON WE HAVE TO EXIST WITH WHAT WE HAVE. AND IF THAT
13 CARTILAGE GETS DAMAGED IN YOUR LIFETIME, THEN IT HAS
14 PERMANENT, RESIDUAL EFFECTS OF SOME ARTHRITIC PROBLEMS.

15 THE SAME THING WITH THE ANKLE. IN THE ANKLE,
16 BECAUSE IT HAS A VERY SHORT ARC RANGE OF MOTION, IT'S
17 VERY SUSCEPTIBLE TO LOSING MOTION AND BECOMING STIFF,
18 ALONG WITH THIS ARTHRITIC CONDITION.

19 Q AND THE SCAPULA YOU'RE TALKING ABOUT, THAT'S THE
20 SHOULDER BLADE?

21 A YES, THE SHOULDER BLADE.

22 Q AND THE PATELLA IS THE KNEECAP?

23 A THE KNEECAP, YES.

24 Q YOU WERE SAYING THERE WAS NO EVIDENCE OF INFECTION?

25 A THAT'S CORRECT.

1 Q HE'S GONE PAST THAT STAGE. AS FAR AS MOTION IN HIS
2 RIGHT ANKLE, LEFT KNEE, HOW IS THE PROGNOSIS PERTAINING
3 TO THE MOTION, THE PROBABILITY OF HIM MOVING HIS LEGS AS
4 HE DID BEFORE?

5 A HE DID LOSE MOTION IN BOTH PLACES. AND ON THE
6 EIGHTH OF APRIL, 2003-- THERE'S SOMETHING CALLED AN AMA
7 GUIDE TO THE DEGREE OF IMPAIRMENT, WHICH WE DEPEND ON TO
8 DETERMINE THE LOSS OF MOTION, THE LOSS OF FUNCTION, IF
9 YOU HAVE NEUROLOGIC INJURY, IF YOU HAVE A TENDON INJURY.
10 AND YOU GO TO THAT GUIDE TO DETERMINE THE DEGREE OF
11 IMPAIRMENT BASED ON THE LOSS OF MOTION AND IT GIVES YOU
12 PERCENTAGES. AT THAT POINT I GAVE HIM A COMBINED VALUE
13 OF TWENTY-SIX PERCENT DEGREE OF IMPAIRMENT. NOW, THAT
14 DOESN'T MEAN THAT THAT'S A DISABILITY BECAUSE A
15 DISABILITY THAT HAS TO DO WITH A DEGREE OF IMPAIRMENT
16 PLUS WHAT YOUR ENJOYMENT WAS AND WHAT YOUR CAPABILITY IS
17 BASED ON THE DEGREE OF IMPAIRMENT THAT YOU HAVE.

18 Q AND THAT TWENTY-SIX PERCENT, DOES THAT SAY HE HAS
19 LOST TWENTY-SIX PERCENT OR HE ONLY HAS TWENTY-SIX PERCENT
20 REMAINING?

21 A THAT'S THE AMOUNT OF THE LOSS OF MOTION THAT YOU
22 HAVE, GOING TO THE TABLE, THAT'S INTERPRETED AS PERCENT
23 OF IMPAIRMENT OF THE WHOLE PERSON, OR THE IMPAIRMENT OF
24 THE LEG.

1 Q AND SINCE THIS TIME, ALL THROUGH YOUR TREATMENT OF
2 HIM, HAS HE REACHED THE BEST MEDICAL IMPROVEMENT THAT'S
3 HE GOING TO HAVE AT THIS POINT?

4 A YES SIR. I THINK HE'S REACHED WHAT'S CALLED MAXIMUM
5 MEDICAL IMPROVEMENT. AFTER ABOUT TWO YEARS, YOU'RE WHERE
6 YOU'RE GONNA GET INsofar AS IMPROVEMENT IS CONCERNED.

7 Q YOU WERE TALKING ABOUT THE AMA GUIDE IN DECIDING THE
8 PERCENTAGE OF LOSS.

9 A THAT'S THE AMERICAN MEDICAL ASSOCIATION GUIDE.

10 Q YOU DIDN'T BRING OUT ANY KIND OF FACTOR FOR PAIN OR
11 SUFFERING OR CONTINUING PAIN. IS THERE ANY WAY TO
12 QUANTIFY THAT?

13 A I DON'T KNOW HOW TO QUANTIFY IT, SIR. THERE IS A
14 SECTION IN THE AMA GUIDE THAT TALKS ABOUT PAIN ASSOCIATED
15 WITH SOME DEFINABLE ENTITY; THAT IS, IF YOUR NERVE IS CUT
16 THERE IS A PAIN ASSOCIATED WITH THAT BECAUSE THE NERVE
17 GETS A SCAR. I DON'T KNOW HOW TO QUANTIFY. NOBODY KNOWS
18 HOW TO QUANTIFY PAIN FOR INDIVIDUALS. SO, I DON'T COUNT
19 THAT.

20 Q SO, BASICALLY, JUST LOSS OF MOTION. THAT WOULD
21 INCLUDE LOSS OF MOTION, WHICH MAY BE RELATED TO PAIN?

22 A YES.

23 Q THAT COULD RELATE AS WELL?

24 A YES.

1 Q IN YOUR OPINION, IS MR. OWENS GOING TO SUFFER
2 PROTRACTED LOSS OR IMPAIRMENT OF FUNCTION OF HIS RIGHT
3 AND LEFT LEGS AS A RESULT OF THESE INJURIES THAT OCCURRED
4 THAT NIGHT?

5 A HE WILL EXPERIENCE THAT FOR THE REST OF HIS LIFE,
6 YES.

7 MR. JOPHLIN: BEG THE COURT'S INDULGENCE.

8 THE COURT: YES SIR.

9 (PAUSE)

10 Q THANK YOU, DOCTOR. PLEASE ANSWER ANY QUESTIONS THE
11 DEFENSE MAY HAVE FOR YOU.

12 THE COURT: CROSS EXAMINATION.

13 MS. AHRENS: THANK YOU, YOUR HONOR. WE DON'T HAVE
14 ANY QUESTIONS FOR THIS WITNESS.

15 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.

16 MS. JOPHLIN: YOUR HONOR, MAY THIS WITNESS BE
17 EXCUSED?

18 MS. AHRENS: NO OBJECTION.

19 THE COURT: WITHOUT OBJECTION, YOU ARE EXCUSED,
20 DOCTOR.

21 MR. JOPHLIN: MAY IT PLEASE THE COURT. THE STATE
22 WOULD CALL CHRISTI WEEKS.

23

24

25

1 CHRISTI WEEKS-WOOTEN, DULY SWORN,

2 TESTIFIED AS FOLLOWS:

3 CLERK OF COURT: PLEASE TAKE YOUR SEAT IN THE

4 WITNESS STAND AND STATE YOUR FULL NAME FOR THE RECORD.

5 A MY NAME IS CHRISTI WEEKS-WOOTEN.

6 DIRECT EXAMINATION BY MR. JOPHLIN:

7 Q HOW ARE YOU DOING THIS AFTERNOON?

8 A FINE, THANK YOU.

9 Q YOU ARE CHRISTI WEEKS-WOOTEN. SINCE JANUARY OF
10 2002, HAVE YOU CHANGED YOUR LAST NAME OR GOTTEN MARRIED?

11 A YES.

12 Q AND DOCUMENTATION FROM THAT TIME PERIOD WOULD SHOW
13 YOUR NAME AS?

14 A CHRISTI WEEKS.

15 Q THANK YOU. WOULD YOU TELL THE JURY WHERE YOU'RE
16 EMPLOYED?

17 A I'M CURRENTLY WORKING AT THE SOUTH CAROLINA HEART
18 CENTER.

19 Q BACK IN JANUARY, 2002, WHERE WERE YOU EMPLOYED?

20 A RICHLAND MEMORIAL IN THE EMERGENCY ROOM.

21 Q WHAT IS IT THAT YOU DID?

22 A I'M AN R.N.

23 Q DO YOU HAVE ANY PROFESSIONAL LICENSES ASSOCIATED
24 WITH THAT POSITION, BEING AN R.N.?

25 A YES. I HAVE COLLEGE CERTIFICATIONS.

1 Q ARE YOU CERTIFIED BY THE STATE BOARD OF NURSING?

2 A YES.

3 Q BEFORE COMING TO RICHLAND MEMORIAL-- I'M SORRY.

4 STRIKE THAT. AS PART OF YOUR DUTIES BACK IN 2002, AT
5 RICHLAND MEMORIAL, AS PART OF YOUR DUTIES, DID YOU DRAW
6 BLOOD AND TAKE SAMPLES OF BODILY FLUIDS?

7 A YES.

8 Q WAS PART OF THAT FOR THE PURPOSE OF LAW ENFORCEMENT
9 PERSONNEL?

10 A AT TIMES.

11 Q AT TIMES. IF YOU COULD, JUST BRIEFLY DESCRIBE THE
12 PROCEDURE USED TO TAKE A BLOOD SAMPLE.

13 A THEY COME IN SEALED KITS SO THEY CAN'T BE TAMPERED
14 WITH BEFOREHAND. YOU OPEN THE KIT. YOU HAVE TO KEEP IN
15 YOUR SIGHT OR IN YOUR HANDS AT ALL TIMES BECAUSE YOU HAVE
16 TO SIGN THE CHAIN OF CUSTODY.

17 THERE ARE TWO CONTAINERS FOR EVERYTHING. IF YOU
18 TOOK URINE, YOU HAVE TWO URINE CUPS. IF YOU TOOK BLOOD,
19 THERE ARE TWO BLOOD VIALS.

20 WHEN YOU OBTAIN YOUR SAMPLE, YOU GIVE ONE TO THE
21 OFFICER AND YOU HAVE TO SIGN THE CHAIN OF COMMAND. AND
22 THEN GENERALLY, YOU GIVE ONE TO THE PATIENT SO THEY CAN
23 DO THEIR OWN, INDEPENDENT ANALYSIS. THEY HAVE TO SIGN
24 AND YOU HAVE TO SIGN YOUR NAMES ON THE CHAIN OF CUSTODY.

1 Q AS FAR AS THE BLOOD SAMPLE, THAT'S DONE IN THE
2 PRESENCE OF---

3 A THE OFFICER.

4 Q THE OFFICER. AND THE URINE SAMPLE, HOW DOES THAT
5 DIFFER, THE PROCEDURE DIFFER FROM THAT?

6 A IF THEY HAVE A FOLEY, YOU MIGHT TAKE IT STRAIGHT
7 FROM THEIR FOLEY CATHETER. OTHERWISE, THEY JUST PEE IN A
8 CUP.

9 Q AND THAT'S DONE IN A SEPARATE AREA?

10 A YES. I'M SORRY. IF IT'S A FEMALE YOU GO IN THERE
11 WITH THEM, AND IF IT'S A MALE, YOU WOULD GET ONE OF THE
12 MALE NURSES TO GO IN THERE. BUT YOU PUT THEIR NAME ON IT
13 AND YOU WANT TO BE IN THERE.

14 Q SO, SOMEONE'S IN THERE, BUT IT'S USUALLY OUTSIDE OF
15 THE OFFICER'S PRESENCE?

16 A YES.

17 Q WERE YOU WORKING THE NIGHT, OR AFTERNOON OF JANUARY
18 23, 2002?

19 A UH-HUH.

20 Q AT RICHLAND MEMORIAL?

21 A YES.

22 Q DID YOU COME INTO CONTACT WITH THE DEFENDANT IN THIS
23 CASE, SHANNA KRANCHIK?

24 A YES.

25 Q AND WHAT WAS THE PURPOSE OF THAT INTERACTION?

1 A I BELIEVE SHE WAS BROUGHT IN FOR A BLOOD AND ALCOHOL
2 TESTING.

3 Q DID YOU TAKE BLOOD AND URINE SAMPLES FROM HER?

4 A UH-HUH.

5 Q DO YOU REMEMBER WHAT TIME SHE CAME IN?

6 A I THINK IT WAS RIGHT AT FIVE O'CLOCK.

7 Q RIGHT AT FIVE O'CLOCK.

8 A UH-HUH.

9 Q IS THE SKIN AREA PREPPED IN ANY WAY BEFORE A BLOOD
10 SAMPLE WAS TAKEN?

11 A JUST WITH SOAP AND WATER WHEN IT'S FOR A LEGAL BLOOD
12 ALCOHOL. NORMALLY, WE USE ALCOHOL PADS, BUT YOU DON'T DO
13 THAT WHEN YOU'RE DOING IT FOR A LEGAL.

14 Q AND ALL THE PROCEDURES YOU JUST DESCRIBED, THE
15 PREPARATION OF THE SKIN, TAKING TWO VIALS OF BLOOD IN THE
16 OFFICER'S PRESENCE, SIGNING FORMS, WAS THAT ALL DONE IN
17 THIS CASE?

18 A UH-HUH.

19 Q AND THE SAME WITH THE URINE SAMPLE, THE PROCESS YOU
20 DESCRIBED FOR US, WAS THAT DONE IN THIS CASE AS WELL?

21 A UH-HUH.

22 Q WAS THAT A YES?

23 A YES, IT WAS.

24 Q IF I COULD JUST SHOW YOU THIS TO REFRESH YOUR
25 MEMORY. WOULD YOU LET THE JURY KNOW, ACCORDING TO THIS

1 FORM, WHAT THE PROCEDURES WERE THAT WERE USED, WHAT
2 PROTOCOL WAS USED IN MARKING WHICH SAMPLES WERE TAKEN,
3 CLEANING THE AREA BEFORE YOU TOOK IT.

4 A IT'S CHECKED ON HERE THAT I GOT URINE AND BLOOD.

5 Q OKAY. AND ON THAT DAY WHEN SHANNA KRANCHIK CAME IN,
6 DID SHE REQUIRE ANY OTHER KIND OF MEDICAL PROCEDURES OR
7 TREATMENT?

8 A I BELIEVE SHE SIGNED A WAIVER THAT SHE DIDN'T
9 RECEIVE ANY MEDICAL TREATMENT.

10 Q OKAY. THE VIALS OF BLOOD AND THE URINE SAMPLES,
11 AFTER YOU TOOK THEM, DID YOU TURN THEM OVER TO THE
12 OFFICER, WHO TURNED THEM OVER TO THE DEFENDANT?

13 A YES, I DID.

14 Q IN BOTH INSTANCES?

15 A YES. THE BLOOD WE GIVE THEM IS SEALED IN WAX SO IT
16 CAN'T BE TAMPERED WITH.

17 Q IS THERE ANY OTHER KIND OF PRECAUTIONARY PROCEDURES
18 TAKEN?

19 A THE URINE BOTTLE'S GOT A STRIP THAT WE PUT AROUND
20 THE TOP AND IT CAN'T BE BROKEN, MESSED WITH.

21 Q DO Y'ALL INITIAL OR SIGN?

22 A UH-HUH. YOU HAVE TO INITIAL THE STRIPS AND INDICATE
23 WHEN YOU GAVE THEM THE SAMPLES AND ALL THAT.

24 Q AND ALL OF THAT, THE SEALING AND THE INITIALING, IS
25 THAT DONE IN FRONT OF THE OFFICER AND IN FRONT OF THE

1 PATIENT WHOSE BLOOD IS DRAWN AND WHOSE URINE SAMPLE IS
2 TAKEN?

3 A GENERALLY, YOU WANT AS MANY PEOPLE TO SEE IT AS
4 POSSIBLE.

5 Q AND IN THIS CASE, WAS THAT DONE, TO YOUR
6 RECOLLECTION?

7 A YES.

8 Q THAT'S ALL THE QUESTIONS I HAVE. IF YOU WOULD,
9 PLEASE ANSWER ANY QUESTIONS FOR DEFENSE COUNSEL.

10 THE COURT: CROSS EXAMINATION.

11 MS. AHRENS: THANK YOU, YOUR HONOR. I DON'T HAVE
12 ANY QUESTIONS FOR THIS WITNESS.

13 THE COURT: MS. WEEKS, YOU MAY STEP DOWN.

14 MR. JOPHLIN: MAY THIS WITNESS BE EXCUSED, YOUR
15 HONOR?

16 MS. AHRENS: NO OBJECTION, YOUR HONOR.

17 THE COURT: WITHOUT OBJECTION, THE WITNESS IS
18 EXCUSED. THE STATE MAY CALL ITS NEXT WITNESS.

19 MR. JOPHLIN: MAY IT PLEASE THE COURT. THE STATE
20 CALLS DOCTOR CLAY NICHOLS.

21 **CLAY NICHOLS, DULY SWORN,**
22 TESTIFIED AS FOLLOWS:

23 CLERK OF COURT: PLEASE TAKE YOUR SEAT ON THE
24 WITNESS STAND AND STATE YOUR FULL NAME FOR THE RECORD.

25 A CLAY NICHOLS.

1 DIRECT EXAMINATION BY MR. JOPHLIN:

2 Q HEY, DOCTOR NICHOLS, HOW YOU DOING?

3 A FINE. YOURSELF?

4 Q I'M FINE, THANK YOU. WOULD YOU PLEASE TELL THE JURY
5 WHERE YOU'RE EMPLOYED?

6 A RICHLAND MEMORIAL HOSPITAL IN THE DEPARTMENT OF
7 PATHOLOGY.

8 Q HOW LONG HAVE YOU BEEN IN THAT CAPACITY?

9 A ALMOST FIVE YEARS NOW.

10 Q IF YOU COULD, JUST BRIEFLY TELL US A LITTLE BIT
11 ABOUT YOUR EDUCATIONAL BACKGROUND, STARTING WITH
12 UNIVERSITY?

13 A I RECEIVED MY BACHELOR OF SCIENCE DEGREE FROM THE
14 UNIVERSITY OF OKLAHOMA IN 1981. I RECEIVED MY M.D.
15 DEGREE ALSO FROM OKLAHOMA IN 1985. AFTER THAT I ENTERED
16 A RESIDENCY PROGRAM IN ANATOMIC AND FORENSIC PATHOLOGY AT
17 MUSC. I COMPLETED THAT IN 1990. I WAS ON THE FACULTY AT
18 MUSC UNTIL I ENTERED PRIVATE PRACTICE HERE IN COLUMBIA IN
19 2000. WHEN I WAS ON FACULTY I TAUGHT FORENSIC PATHOLOGY
20 TO MEDICAL STUDENTS, RESIDENTS AND FELLOWS.

21 I HOLD AN UNRESTRICTED LICENSE TO PRACTICE MEDICINE
22 AND SURGERY IN THE STATE OF SOUTH CAROLINA. I AM BOARD
23 CERTIFIED IN BOTH ANATOMIC AND FORENSIC PATHOLOGY ACROSS
24 THE COUNTRY.

1 MR. JOPHLIN: YOUR HONOR, AT THIS TIME, WE WOULD ASK
2 THE COURT TO DECLARE DOCTOR CLAY NICHOLS AS AN EXPERT IN
3 THE FIELD OF FORENSIC AND ANATOMIC PATHOLOGY.

4 MS. AHRENS: WITHOUT OBJECTION.

5 THE COURT: WITHOUT OBJECTION, THE DOCTOR IS
6 QUALIFIED TO TESTIFY AS AN EXPERT.

7 Q DOCTOR, IF YOU COULD, BRIEFLY INFORM US WHAT THE
8 FIELD OF PATHOLOGY IS AND WHAT DOES IT ENCOMPASS.

9 A PATHOLOGY IS THE FIELD OF MEDICAL PRACTICE THAT
10 DEALS WITH THE LABORATORY DIAGNOSIS OF DISEASE. RATHER
11 THAN SEEING PATIENTS AS PART OF OUR PRACTICE, WE SEE
12 PARTS OF PATIENCE. ANY TIME THAT WE HAVE ANY SORT OF
13 TISSUE REMOVED, A MOLE, OR AN APPENDIX, OR A BIOPSY OR
14 SOMETHING OF THAT NATURE, IT IS SENT TO THE PATHOLOGIST
15 WHERE IT IS LOOKED AT UNDERNEATH A MICROSCOPE, LOOKING
16 FOR THE PRESENCE OR ABSENCE OF DISEASE.

17 ANOTHER THING THAT A PATHOLOGIST IS TRAINED TO DO IS
18 PERFORM AN AUTOPSY, WHICH IS THE DISSECTION OF AN
19 INDIVIDUAL IN ORDER TO DETERMINE THE CAUSE OF DEATH.

20 IN THE FIELD OF FORENSIC PATHOLOGY YOU HAVE
21 ADDITIONAL TRAINING ON TOP OF THAT WHICH DEALS WITH THE
22 INVESTIGATION OF PEOPLE DYING OF SUSPICIOUS OR EVENTFUL
23 DEATHS.

24 Q SO, AS PART OF YOUR DUTIES AT RICHLAND MEMORIAL
25 HOSPITAL, DO YOU PERFORM AUTOPSIES?

1 A THOSE ARE PRETTY MUCH MY ONLY DUTIES AT RICHLAND
2 MEMORIAL.

3 Q OKAY. AND IF YOU COULD JUST EDUCATE US A LITTLE
4 BIT. WHAT EXACTLY DOES AN AUTOPSY ENTAIL?

5 A IT ENTAILS LOOKING AT AN INDIVIDUAL FIRST
6 EXTERNALLY. THEN WE PERFORM A SECTION WHERE ALL THE
7 ORGANS ARE REMOVED, ONE BY ONE. THEY ARE INVENTORIED AND
8 WEIGHED. THE SECOND, PARTS OF THOSE TISSUES FROM THOSE
9 ORGANS ARE SUBMITTED FOR MICROSCOPIC EXAMINATION.

10 AT THE SAME TIME, LIQUID TISSUE, SUCH AS BLOOD URINE
11 ARE COLLECTED AND SENT TO US FOR PATHOLOGIC EVALUATION.
12 THEN AT THE END A REPORT IS PUT TOGETHER FOR A FINAL
13 CAUSE OF DEATH.

14 Q WHEN YOU FIRST RECEIVE A REQUEST FOR AN AUTOPSY, DO
15 YOU KNOW ANYTHING AT ALL ABOUT THE STORY BEHIND THE
16 PATIENT, HOW THEY DIED, OR WHAT YOU'RE LOOKING FOR OR
17 ANYTHING OF THAT NATURE?

18 A USUALLY, BUT NOT ALWAYS. I USUALLY GET A PHONE CALL
19 WITH A HISTORY, A SHORT HISTORY, WHICH IS THE STORY
20 BEHIND HOW THE PERSON DIED, IF IT'S KNOWN.

21 Q BACK IN JANUARY OF 2002, DID YOU HAVE A CHANCE TO
22 PERFORM AN AUTOPSY ON GENE CROFT?

23 A YES, I DID.

24 Q HOW OLD WAS GENE CROFT AT THE TIME HE DIED?

25 A I BELIEVE HE WAS SIXTY-TWO YEARS OLD.

1 Q WHEN WAS THIS AUTOPSY PERFORMED?

2 A JANUARY 24, 2002, AT 9:30 A.M.

3 Q DID YOU RECEIVE ANY KIND OF BACKGROUND AS TO WHAT
4 HAPPENED TO MR. CROFT?

5 A YES, I DID. THE HISTORY I RECEIVED WAS THAT MR.
6 CROFT WAS DRIVING A BOBTAIL TRACTOR TRAILER AND WAS
7 CLIPPED BY ANOTHER CAR, SUBSEQUENTLY WENT THROUGH THE
8 WIRE BARRIERS AND HIT ANOTHER EIGHTEEN-WHEELER AND WAS
9 DECLARED DEAD AT THE SCENE.

10 Q WHAT WERE YOUR FINDINGS, IF ANY, FROM THE EXTERNAL
11 EXAMINATION OF MR. CROFT?

12 A THE TYPICAL FINDINGS ARE MAINLY DUE TO POST-DEATH
13 TRAUMA. IT'S NOT NECESSARILY THE EXTERNAL EXAMINATION
14 THAT WAS PERTINENT. IT WAS THE EXAMINATION OF MR.
15 CROFT'S HEAD. IF YOU'D LIKE, I CAN GO INTO THAT NOW.

16 Q ARE YOU SPEAKING OF THE INTERNAL?

17 A THAT'S CORRECT.

18 Q YEAH, OKAY. GO AHEAD.

19 A FIRST OF ALL, WHEN WE EXAMINE A PERSON'S HEAD - AND
20 I DON'T MEAN TO BE GRAPHIC - BUT IT REQUIRES THAT THE
21 SCALP, THE TOP PART OF THE HEAD IS ACTUALLY PEELED BACK
22 SO WE CAN EXAMINE THE UNDERNEATH PART OF THE SCALP.

23 THERE WAS A LARGE AREA OF BRUISING, CALL A SUBGALEAL
24 HEMORRHAGE WAS IDENTIFIED UNDERNEATH THAT. SO, IT WAS

1 THE CASE THE MR. CROFT HAD ALREADY HAD SOME SORT OF
2 TRAUMA OR BLOW TO THE TOP OF HIS HEAD.

3 HIS SKULL WAS NOT FRACTURED. HOWEVER, WHEN WE
4 REMOVED HIS BRAIN, THERE WAS WHAT'S CALLED A SUBDURAL
5 HEMATOMA OR A SUBDURAL HEMORRHAGE, WHICH IS A COLLECTION
6 OF BLOOD BETWEEN THE MAIN COVERING OF THE BRAIN CALLED
7 THE DURA, AND THE BRAIN ITSELF. THAT WAS A SIGNIFICANT
8 FINDING.

9 AND IN ADDITION, BENEATH, UNDER THE ADDITIONAL
10 PROTECTIVE LAYER OF THE BRAIN CALLED THE ARACHNOID, THERE
11 WAS HEMORRHAGE AROUND THAT AS WELL. SO, IT INDICATED
12 THAT THERE WAS SIGNIFICANT BLUNT TRAUMA TO MR. CROFT'S
13 HEAD AS A RESULT OF THE TRAFFIC ACCIDENT.

14 Q WERE THERE ANY FINDINGS IN YOUR EXTERNAL EXAMINATION
15 THAT WOULD HAVE CONTRIBUTED TO THAT HEMORRHAGING INSIDE
16 OF THE HEAD?

17 A WELL, HE WAS OBVIOUSLY HIT TO THE HEAD. AND IN
18 ADDITION, FURTHER EXAMINATION ALSO IDENTIFIED FACIAL
19 FRACTURES, WHICH PRETTY MUCH CRUSHED HIS FACE.

20 Q WHICH COULD HAVE HAD A DIRECT EFFECT ON THE INSIDE
21 OF THE HEAD?

22 A YES, IT WAS ALL PART OF IT.

23 Q AND AS FAR AS ANY TISSUE EXAM, LIQUID TESTS, YOU
24 KNOW, THE BLOOD, URINE, ET CETERA, WERE THERE ANY
25 TOXICOLOGICAL EXAMINATIONS DONE OF THE TISSUE?

1 A YES, THERE WERE.

2 Q WHAT WERE THE FINDINGS OF THOSE EXAMINATIONS?

3 A IT WAS ESSENTIALLY NEGATIVE TOXICOLOGY, NO BLOOD
4 ETHANOLS IDENTIFIED, NO SUBSTANCE OF DRUGS WAS IDENTIFIED
5 ON A GENERAL TOX SCREEN.

6 Q AND AS A RESULT OF YOUR EXTERNAL AND INTERNAL
7 EXAMINATION OF MR. CROFT, WERE YOU ABLE TO DEVELOP AN
8 OPINION WITHIN A REASONABLE DEGREE OF MEDICAL CERTAINTY
9 AS TO THE CAUSE OF MR. CROFT'S DEATH?

10 A YES, I DID.

11 Q WHAT WOULD THAT BE?

12 A MR. CROFT DIED AS A RESULT OF CLOSED HEAD INJURY DUE
13 TO A MOTOR VEHICLE TRAFFIC COLLISION WITH MULTIPLE
14 VEHICLES INVOLVED WHERE HE WAS THE DRIVER.

15 Q IS THAT MEDICAL OPINION CONSISTENT WITH THE STORY
16 YOU RECEIVED WHEN YOU FIRST SAW HIM?

17 A YES, IT IS.

18 Q THANK YOU. I HAVE NO FURTHER QUESTIONS. YOU CAN
19 JUST ANSWER ANY QUESTIONS DEFENSE HAS.

20 MS. AHRENS: I HAVE NO QUESTIONS FOR THE DOCTOR,
21 YOUR HONOR.

22 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.

23 MR. JOPHLIN: YOUR HONOR, MAY HE BE EXCUSED?

24 MS. AHRENS: I HAVE NO OBJECTION, YOUR HONOR.

1 THE COURT: WITHOUT OBJECTION, YOU ARE EXCUSED.

2 THANK YOU FOR COMING.

3 MS. CAMPBELL: MAY WE APPROACH, YOUR HONOR?

4 THE COURT: YES MA'AM.

5 (WHEREUPON A BENCH CONFERENCE TOOK PLACE)

6 THE COURT: LADIES AND GENTLEMEN OF THE JURY, AT

7 THIS TIME WE ARE GOING TO TAKE A SHORT RECESS. I WOULD

8 ASK WHILE YOU ARE ON BREAK, PLEASE DO NOT DISCUSS THE

9 EVIDENCE YOU HAVE SEEN OR HEARD THUS FAR. PLEASE FOLLOW

10 THE BAILIFF TO THE JURY ROOM.

11 (WHEREUPON THE JURY EXITED THE COURTROOM AT 3:27 P.M. AND

12 COURT WAS IN RECESS)

13 COURT IN SESSION

14 THE COURT: JUROR NUMBER 218 HAD A MEDICAL EMERGENCY

15 WITH HER CHILD. I LET HER GO AND WE'LL REPLACE HER WITH

16 THE FIRST ALTERNATE, JUROR 196.

17 MS. CAMPBELL: JUDGE, I'D LIKE TO TELL THE COURT,

18 AND I'VE ALREADY TOLD DEFENSE COUNSEL, THAT IT CAME TO MY

19 ATTENTION AFTER THE BREAK THAT SERGEANT DAY WAS HAVING A

20 CONVERSATION WITH SERGEANT LEE OUT IN THE HALLWAY AND A

21 JUROR WALKED BY. I DON'T KNOW THAT SHE HEARD ANYTHING.

22 SHE JUST WALKED BY. WE HAVE NO INDICATION THAT SHE HEARD

23 ANYTHING, BUT OUT OF AN ABUNDANCE OF CAUTION, I WANTED TO

24 BRING THAT TO THE COURT'S ATTENTION. THEY WEREN'T

25 DISCUSSING ANYTHING ABOUT THE CASE, AND I DON'T EVEN KNOW

1 THAT SHE HEARD ANYTHING, BUT I JUST WANTED TO BRING IT TO
2 THE COURT'S ATTENTION.

3 THE COURT: WHEN WE BREAK FOR THE DAY, Y'ALL CAN
4 POINT HER OUT BEFORE THEY LEAVE, AND---

5 MS. CAMPBELL: THE MIDDLE ONE ON THE FRONT ROW.

6 BAILIFF: THE MIDDLE ONE ON THE FRONT ROW.

7 MS. CAMPBELL: WE'LL FIND OUT WHICH ONE SHE IS.

8 THE COURT: OKAY, AND WE CAN JUST TALK TO HER AT THE
9 BREAK FOR THE DAY.

10 MS. CAMPBELL: YES SIR, THANK YOU. I THINK SHE'S
11 JUROR 85.

12 THE COURT: OKAY. ANYTHING ELSE?

13 MS. AHRENS: NOTHING FROM THE DEFENSE, YOUR HONOR.

14 THE COURT: IS THE STATE READY?

15 MS. CAMPBELL: THE STATE IS READY.

16 THE COURT: IS THE DEFENSE READY?

17 MS. AHRENS: YES, YOUR HONOR.

18 THE COURT: PLEASE BRING IN THE JURY.

19 (WHEREUPON THE JURY ENTERED THE COURTROOM AT 3:57 P.M.)

20 THE COURT: LADIES AND GENTLEMEN, I APPRECIATE YOUR
21 PATIENCE. THE FIRST ALTERNATE, YOU CAN NOW BE PART OF
22 THIS JURY. THAT'S WHY Y'ALL ARE HERE, IF SOMETHING COMES
23 UP WITH ONE OF THE OTHER JURORS. THE OTHER JUROR HAD A
24 FAMILY EMERGENCY AND SHE'S BEEN EXCUSED. SO WE WILL USE
25 THE FIRST ALTERNATE AND JUST CONTINUE ON.

1 THE STATE MAY CALL ITS NEXT WITNESS.

2 MS. CAMPBELL: MAY IT PLEASE THE COURT.

3 THE COURT: YES MA'AM.

4 MS. CAMPBELL: THE STATE CALLS GREGORY ROCK.

5 GREGORY L. ROCK, DULY SWORN

6 TESTIFIED AS FOLLOWS:

7 CLERK OF COURT: PLEASE TAKE YOUR SEAT ON THE

8 WITNESS STAND AND STATE YOUR FULL NAME FOR THE RECORD.

9 A GREGORY L. ROCK.

10 DIRECT EXAMINATION BY MS. CAMPBELL:

11 Q MR. ROCK, WHERE ARE YOU EMPLOYED?

12 A CURRENTLY?

13 Q CURRENTLY.

14 A I'M EMPLOYED BY JOHNSON AND JOHNSON.

15 Q JOHNSON AND JOHNSON LABORATORIES?

16 A IT'S ORTHOCLINICAL DIAGNOSTICS, WHICH IS PART OF

17 JOHNSON AND JOHNSON.

18 Q JOHNSON AND JOHNSON IS WHAT TYPE OF COMPANY?

19 A IT'S A LARGE, GLOBAL COMPANY. THEY HAVE OVER TWO

20 HUNDRED COMPANIES UNDER THEIR UMBRELLA.

21 Q WHAT DO YOU CURRENTLY DO FOR JOHNSON AND JOHNSON?

22 A I INSTALL LABORATORY INSTRUMENTATION FOR HOSPITALS,

23 DOCTORS' OFFICES.

24 Q THINGS OF THAT NATURE?

25 A YES MA'AM.

1 Q BACK IN 2002, WHERE WERE YOU EMPLOYED?

2 A I WAS EMPLOYED AT THE SOUTH CAROLINA LAW ENFORCEMENT
3 DIVISION.

4 Q THAT'S COMMONLY KNOWN AS SLED?

5 A YES MA'AM.

6 Q WHAT WERE YOUR DUTIES AT SLED?

7 A AT SLED I WAS A FORENSIC TOXICOLOGIST.

8 Q WHAT DOES A FORENSIC TOXICOLOGIST DO?

9 A A FORENSIC TOXICOLOGIST IS A PERSON OR SCIENTIST WHO
10 ANALYZES BIOLOGICAL SPECIMENS FOR THE PRESENCE OR ABSENCE
11 OF ALCOHOL, DRUGS OR OTHER POISONS THAT MAY BE PRESENT.

12 Q CAN YOU TELL THIS JURY A LITTLE BIT ABOUT YOUR
13 EDUCATION AND TRAINING IN THE FIELD OF FORENSIC
14 TOXICOLOGY?

15 A I HAVE A BACHELOR OF SCIENCE DEGREE IN MEDICAL
16 TECHNOLOGY FROM THE UNIVERSITY OF SOUTH CAROLINA. I HAVE
17 BEEN TRAINED THROUGH SLED IN THEIR TOXICOLOGY PROGRAM
18 WHICH CONSISTS OF ABOUT A YEAR-LONG TRAINING WHERE WE
19 UNDERGO BOOK WORK AND ORAL TESTING AND WRITTEN TESTING.
20 THEN WE HAVE TO PERFORM A MINIMUM AMOUNT OF ANALYSIS IN
21 ORDER TO TEST FOR COMPETENCY TEST TO BECOME A FORENSIC
22 TOXICOLOGIST. THEN YOU FINALLY HAVE TO BE SIGNED OFF BY
23 THE CHIEF TOXICOLOGIST.

1 Q WERE YOU, IN FACT, -- DID YOU GO THROUGH THIS
2 TRAINING PROGRAM AND WERE YOU ACTUALLY CERTIFIED IN YOUR
3 DEPARTMENT AS A FORENSIC TOXICOLOGIST?

4 A YES MA'AM, I WAS.

5 Q OVER THE COURSE OF TIME, HOW LONG WERE YOU ACTUALLY
6 A FORENSIC TOXICOLOGIST AT SLED?

7 A APPROXIMATELY THREE AND ONE-HALF YEARS.

8 Q AND DURING THE FIRST YEAR IS WHEN YOU DID YOUR
9 TRAINING?

10 A YES MA'AM.

11 Q AND THEN OVER THE NEXT TWO AND A HALF YEARS YOU
12 CONTINUED AS A FORENSIC TOXICOLOGIST?

13 A CORRECT.

14 Q AND THE LABORATORY AT SLED, IS IT ACCREDITED IN ANY
15 WAY?

16 A IT IS. WE'RE ACCREDITED BY THE ASCLD, WHICH IS THE
17 AMERICAN SOCIETY OF CRIME LAB DIRECTORS, WHICH IS A
18 WORLDWIDE ORGANIZATION WHICH SPECIFICALLY ACCREDITS
19 FORENSIC LABS. THAT'S THEIR SPECIALTY. THEY DO REGULAR
20 HOSPITAL LABS, BUT AGAIN THEY ARE SPECIFICALLY GEARED
21 TOWARD FORENSICS.

22 Q WHEN YOU SAY A FORENSIC LABORATORY, BASICALLY, THE
23 TESTING THAT'S DONE AT SLED IS DONE FROM CRIME SCENES
24 TYPICALLY. IS THAT CORRECT?

25 A CORRECT.

1 Q AND FORENSIC TOXICOLOGY, THE AREA WHERE YOU WORKED,
2 TYPICALLY Y'ALL TEST FLUIDS SUCH AS BLOOD OR URINE?

3 A CORRECT, BODY FLUIDS MOSTLY.

4 Q BODY FLUIDS MOSTLY. AND YOU ARE TESTING FOR THE
5 PRESENCE OF WHAT?

6 A ALCOHOL AND DRUGS, OR OTHER POISONS THAT MAY BE
7 PRESENT.

8 Q ALCOHOL OR DRUGS OR ANY OTHER POISONS THAT MAY
9 PRESENT IN THE BLOOD STREAM?

10 A YES.

11 Q AND YOU HAVE TESTIFIED BEFORE AND HAVE BEEN
12 QUALIFIED, I KNOW, ON A NUMBER OF OCCASIONS AS AN EXPERT
13 IN THE FIELD OF FORENSIC TOXICOLOGY?

14 A I HAVE. I BELIEVE THIS IS MY TENTH TIME.

15 MS. CAMPBELL: YOUR HONOR, AT THIS TIME WE WOULD
16 OFFER AN EXPERT IN FORENSIC TOXICOLOGY.

17 MS. AHRENS: WITHOUT OBJECTION.

18 THE COURT: WITHOUT OBJECTION, THE WITNESS IS
19 DECLARED AN EXPERT IN THE FIELD OF FORENSIC TOXICOLOGY
20 AND MAY TESTIFY AS SUCH.

21 Q BEFORE WE GET INTO-- SPECIFICALLY, WHEN YOU WOULD
22 SEE CERTAIN SAMPLES IN ANY CASE, BASICALLY, TYPICALLY DO
23 YOU GET BLOOD AND URINE?

24 A IF IT'S POSSIBLE, WE GET BLOOD AND URINE AND OCULAR,
25 IF IT'S AVAILABLE.

1 Q OCULAR IS WHAT?

2 A THE FLUID FROM YOUR EYE.

3 Q BUT THAT CAN'T BE TAKEN FROM LIVE PEOPLE, CAN IT?

4 A NO, ONLY FROM DEAD.

5 Q OKAY. SO, TYPICALLY, WHEN YOU ARE TESTING FOR BLOOD

6 ALCOHOL OR POISONS OR DRUGS IN SOMEBODY'S SYSTEM, THE

7 BEST WAY FOR Y'ALL TO DO IT IS THROUGH BLOOD AND/OR

8 URINE. IS THAT CORRECT?

9 A YES.

10 Q TURNING YOUR ATTENTION TO THIS CASE, DID YOU RECEIVE

11 CERTAIN ITEMS TO BE TESTED CONCERNING SHANNA KRANCHIK?

12 A I DID. I RECEIVED ONE TUBE OF BLOOD AND ONE

13 CONTAINER OF URINE.

14 Q AND WHEN YOU RECEIVED THOSE ITEMS, WHAT CONDITION

15 WERE THEY IN? OR HOW DID YOU GET THEM? TELL THE JURY

16 HOW THE ITEMS WERE TAKEN TO SLED AND HOW YOU WOULD HAVE

17 RECEIVED IT.

18 A TYPICALLY, THE WAY WE RECEIVE A SAMPLE IS FROM THE

19 EVIDENCE PROCESSING AREA WHERE THE EVIDENCE IS ACTUALLY

20 BROUGHT IN BY LAW ENFORCEMENT OR A CUSTODIAN WHO DOES LAW

21 ENFORCEMENT.

22 THEY BRING THE SAMPLE TO SLED. IT'S LOGGED IN, PUT

23 IN THE COMPUTER AS A CERTAIN CASE. IN THIS SPECIFIC

24 CASE, A CASE NUMBER WAS ASSIGNED TO IT. THEN IT'S LOGGED

1 IN AND PUT IN A LOCKER OR A REFRIGERATOR THAT'S LOCKED
2 FOR FORENSIC TOXICOLOGY PERSONNEL TO PICK UP.

3 Q IN THIS CASE, DID YOU, IN FACT, GO TO THAT LOCKER OR
4 REFRIGERATED AREA AND PICK UP THE ITEMS IN THIS CASE?

5 A YES MA'AM.

6 Q I'LL SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
7 TWENTY-SIX. DO YOU RECOGNIZE THAT?

8 A YES MA'AM.

9 Q AND WHEN THE ITEMS ARE SUBMITTED TO YOU, THE ACTUAL
10 TUBE, ITSELF, IS SEALED IN WAX IN A CERTAIN WAY. IS THAT
11 RIGHT?

12 A IT DEPENDS ON THE AGENCY. IF THEY HAVE A WAX
13 SEALER, THEY WILL USE THAT. MOST OF THE TIME WE GET IT
14 WITH A PIECE OF EVIDENCE TAPE ACROSS IT---

15 Q THAT'S WITH A URINE SAMPLE?

16 A RIGHT, URINE AND BLOOD. THAT'LL INDICATE WHETHER
17 THE SPECIMEN HAS BEEN TAMPERED WITH.

18 Q AND WHEN YOU GOT STATE'S EXHIBIT TWENTY-SIX, WERE
19 THOSE ITEMS, THE URINE AND THE BLOOD, WOULD THOSE HAVE
20 ACTUALLY BEEN SEALED IN THAT BAG?

21 A YES. THEY WOULD HAVE BEEN SEALED IN THIS ACTUAL
22 EVIDENCE BAG. THIS IS WHAT THE SAMPLES GET PLACED INTO
23 WHEN THEY COME TO SLED. THIS IS A TYPICAL PLASTIC BAG.
24 THE WAY IT'S SEALED, WE HEAT-SEAL IT, AND IT'S SEALED AND
25 INITIALED AND DATED BY THE EVIDENCE-- WELL, ACTUALLY THE

1 PERSON THAT BROUGHT IT IN. BUT IT'S WITNESSED BY THE
2 EVIDENCE CUSTODIAN AND IT'S PLACED INTO A LOCK BOX.

3 AND THIS IS A TAMPER-EVIDENT BAG. SO, ANY TYPE OF
4 CUTS OR ABRASIONS THAT WOULD CAUSE IT TO BE POSSIBLY
5 TAMPERED WITH WOULD BE EVIDENT AT THAT POINT.

6 Q WHEN YOU INITIALLY RECEIVED STATE'S EXHIBIT TWENTY-
7 SIX, - IT'S CUT UP NOW - BUT WHEN YOU RECEIVED, WAS THERE
8 ANY EVIDENCE OF ANY TAMPERING, OR THAT ANYONE HAD ALTERED
9 THE ITEMS IN ANY WAY?

10 A NO, THERE WAS NOT.

11 Q SO, THE BAG ITSELF, STATE'S EXHIBIT TWENTY-SIX, WAS
12 ACTUALLY SEALED IN A PROPER MANNER?

13 A YES MA'AM.

14 MS. CAMPBELL: YOUR HONOR, AT THIS TIME WE WOULD
15 OFFER STATE'S EXHIBIT TWENTY-SIX INTO EVIDENCE.

16 MS. AHRENS: MAY I HAVE A MOMENT TO EXAMINE IT, YOUR
17 HONOR?

18 THE COURT: YES MA'AM.

19 (PAUSE TO EXAMINE EVIDENCE)

20 MS. AHRENS: WITHOUT OBJECTION, YOUR HONOR.

21 THE COURT: WITHOUT OBJECTION, IT IS RECEIVED.

22 (WHEREUPON STATE'S EXHIBIT TWENTY-SIX WAS ADMITTED INTO
23 EVIDENCE WITHOUT OBJECTION)

24 Q IN ADDITION TO THAT, ONCE YOU OPENED UP STATE'S
25 EXHIBIT TWENTY-SIX, YOU ALSO CHECKED TO MAKE SURE THAT

1 THE ACTUAL SEALS, WHATEVER THEY MAY BE, ARE IN PROPER
2 CONDITION. IS THAT CORRECT?

3 A YES MA'AM.

4 Q AND WAS ALL THAT DONE IN THIS CASE?

5 A YES MA'AM.

6 Q WAS THERE ANY EVIDENCE ANYONE HAD TAMPERED WITH,
7 ALTERED OR CHANGED EITHER THE BLOOD OR URINE IN ANY WAY?

8 A THERE'S NO INDICATION.

9 Q ONCE YOU RECEIVED THESE ITEMS, ARE THERE CERTAIN
10 PROTOCOLS IN YOUR LABORATORY IN PLACE TO MAKE SURE THAT
11 THE TESTING IS DONE IN A PROPER MANNER?

12 A YES MA'AM. WE HAVE A SPECIFIC PROTOCOL WHICH WE
13 FOLLOW TO INSURE THAT THESE SAMPLES ARE NOT CONTAMINATED
14 OR CROSS-CONTAMINATED WITH ANY OTHER SAMPLES OR POSSIBLY
15 MIXED UP.

16 Q OKAY. NOW, THE SAMPLES THEMSELVES, THE URINE AND
17 THE BLOOD, WAS THERE ANY POSSIBILITY IN THIS CASE, THAT
18 THOSE HAD BEEN MIXED UP IN ANY WAY?

19 A NO MA'AM.

20 Q ONCE YOU RECEIVED THESE ITEMS, TELL THE JURY, WHAT'S
21 THE INITIAL TESTING YOU DO?

22 A ON BASICALLY EVERY SAMPLE WE GET WE DO A-- IF WE
23 GET A REQUEST FOR BLOOD ALCOHOL WE'LL DO A BLOOD ALCOHOL
24 AND A URINE DRUG SCREEN, IF WE HAVE URINE. IF WE DON'T
25 GET THE URINE WE TRY TO DO IT ON A BLOOD SAMPLE.

1 Q IN THIS CASE, WHAT TYPE OF TESTING HAD BEEN
2 REQUESTED?

3 A IN THIS CASE, A BLOOD ALCOHOL AND DRUG SCREEN WERE
4 REQUESTED.

5 Q AND IS THAT TYPICAL IN ANY KIND OF DUI OR FELONY DUI
6 CASE?

7 A YES MA'AM.

8 Q TYPICALLY, WHEN YOU THINK OF DRIVING UNDER THE
9 INFLUENCE, YOU THINK OF ALCOHOL ONLY. IS THAT NOT TRUE?

10 A IN MOST CASES, IT IS. BUT THERE ARE CASES WHERE YOU
11 ONLY HAVE DRUGS, DRIVING UNDER THE INFLUENCE OF DRUGS
12 WITHOUT ALCOHOL.

13 Q IN THIS CASE, I BELIEVE, YOU SAID THE INITIAL TEST
14 YOU DID WAS FOR ALCOHOL. IS THAT CORRECT?

15 A CORRECT.

16 Q WHEN YOU DID THE TESTING FOR ALCOHOL, DID YOU TEST
17 THAT THROUGH THE URINE OR THE BLOOD?

18 A WE TEST THE BLOOD FOR ALCOHOL.

19 Q AND WHEN YOU DID YOUR TESTING FOR ALCOHOL, WHAT WERE
20 YOUR RESULTS?

21 A NO ALCOHOL WAS FOUND.

22 Q NEGATIVE. IS THAT CORRECT?

23 A CORRECT.

1 Q AND ONCE YOU DID THE INITIAL TESTING FOR THE
2 PRESENCE OF ALCOHOL, DID YOU THEN GO AHEAD AND DEFER THE
3 TESTING ON THE BLOOD?

4 A NOT AT THAT POINT. SINCE I HAD THE URINE, WE
5 SCREENED THE URINE FOR DRUGS.

6 Q TELL THE JURY, WHY DO YOU DO THAT FIRST RATHER THAN
7 GOING AHEAD AND TESTING THE BLOOD?

8 A WE SCREEN THE URINE BECAUSE IT'S A-- YOU SEE THE
9 BREAKDOWN OF ACTUAL DRUGS THAT ARE THERE, THAT ARE
10 PRESENT. AND MOSTLY, THE INSTRUMENTS THAT WE USE ARE
11 GEARED TOWARD URINE SCREENING THEMSELVES. SO, IT'S BOTH
12 EASIER AND IT DETECTS MORE DRUGS AT THAT TIME.

13 Q OKAY. SO, YOU DO THE INITIAL SCREENING ON THE URINE
14 SAMPLE IF YOU'RE ABLE TO GET IT?

15 A CORRECT.

16 Q AND IN THIS CASE, THIS IS THE BLOOD ALCOHOL, YOU
17 DIDN'T NEED TO DO ANY FURTHER TESTING OF THE URINE, DID
18 YOU, FOR ALCOHOL?

19 A NO, WE DON'T.

20 Q SO, AT THIS POINT WE'RE TESTING THE URINE. AND WHAT
21 ARE YOUR RESULTS?

22 A WE SCREEN IT FOR A PANEL OF ILLICIT DRUGS. THE ONLY
23 DRUGS WE FOUND THAT WAS POSITIVE IN THE URINE WAS THE
24 MARIJUANA, METABOLITE FOR MARIJUANA.

25 Q OKAY. THE MARIJUANA METABOLITE?

1 A CORRECT.

2 Q IS THERE AN ABBREVIATION I CAN USE FOR THAT?

3 A YOU CAN USE THC-Z003.

4 Q OKAY.

5 A THAT'S JUST A BREAKDOWN OF THE MARIJUANA.

6 Q AND THAT'S WHEN YOU'RE DOING A SCREEN AND TESTING
7 FOR CERTAIN ILLEGAL DRUGS. IS THAT CORRECT?

8 A CORRECT.

9 Q AND MARIJUANA IS AN ILLEGAL DRUG IN THIS STATE.
10 CORRECT?

11 A YES.

12 Q YOU ALSO TESTED FOR OTHER ILLEGAL DRUGS, SUCH AS
13 COCAINE OR OTHER DRUGS?

14 A I DID. I CHECKED FOR COCAINE, MARIJUANA,
15 BENZODIAZEPINE, BARBITURATES, AND THESE WERE ALL
16 NEGATIVE.

17 Q ALL NEGATIVE. IN ADDITION TO TESTING FOR THAT IN
18 THE URINE, DID YOU ALSO DO SOME TESTING FOR SOME LEGAL
19 DRUGS?

20 A I DID.

21 Q AND DRUGS, WHETHER PRESCRIPTION LEGAL OR OVER-THE-
22 COUNTER LEGAL, WHY DO YOU TEST FOR THOSE IF A PERSON CAN
23 HAVE THOSE LEGALLY?

1 A THOSE, IN HIGHER CONCENTRATIONS, THEY CAN IMPAIR
2 YOUR ABILITY TO DRIVE. SO, WE DO CHECK FOR THOSE KINDS
3 OF DRUGS ALSO.

4 Q WHAT OTHER DRUGS DID YOU TEST FOR, THAT WERE FOUND
5 IN THE URINE?

6 A I FOUND-- IN THE URINE WE CAN CATCH A WIDE VARIETY
7 OF DRUGS, LIKE OVER-THE-COUNTER. YOU CAN SEE TYLENOL,
8 YOU CAN SEE ASPIRIN, YOU CAN SEE ANY KIND OF COUGH
9 SUPPRESSANTS OR ANY KIND OF ANTIHISTAMINES. AND IN THIS
10 CASE I FOUND ANTIHISTAMINES AND A COUGH SUPPRESSANT DRUG
11 IN THE URINE.

12 Q A COUGH SUPPRESSANT?

13 A YES MA'AM.

14 Q WERE YOU ABLE TO QUANTIFY THOSE AMOUNTS IN THE
15 URINE?

16 A WE DON'T QUANTITATE IN THE URINE. BUT IN THE BLOOD
17 I WAS ABLE TO.

18 Q AT THIS POINT, THOUGH, YOU TESTED THE BLOOD FOR THE
19 PRESENCE OF ALCOHOL AND IT WAS NEGATIVE.

20 A YES MA'AM.

21 Q YOU TESTED THE URINE AND IT CAME UP POSITIVE FOR
22 METABOLITES OF MARIJUANA. WHAT DID THAT INDICATE TO YOU
23 RIGHT THERE?

24 A THAT THE PERSON WAS EXPOSED TO MARIJUANA WITHIN THE
25 LAST THREE DAYS. SINCE IT'S ONLY URINE WE CAN SAY

1 EXACTLY HOW CLOSE IT WAS. WE CAN GIVE A RANGE OF UP TO
2 TWO OR THREE DAYS.

3 Q JUST FROM THE URINE. WHEN YOU SAY EXPOSED TO, WOULD
4 THAT BE CONSISTENT WITH SMOKING MARIJUANA?

5 A YES.

6 Q NOT JUST THAT SHE WAS IN THE ROOM WITH MARIJUANA?

7 A NO. WE SET OUR LIMITS HIGH ENOUGH WHERE WE RULE OUT
8 ANY SECOND-HAND EXPOSURE.

9 Q SO, THIS INDICATED TO YOU THAT THIS ISN'T SECOND-
10 HAND EXPOSURE; THAT IN THE LAST THREE-DAY PERIOD, YOU CAN
11 ALREADY NARROW IT DOWN TO THAT, THAT SHE HAD SMOKED
12 MARIJUANA?

13 A YES.

14 Q AND IN ADDITION TO THAT, YOU ALSO FOUND THE PRESENCE
15 OF ANTIHISTAMINES AND COUGH SUPPRESSANT. IS THAT
16 CORRECT?

17 A CORRECT.

18 Q AND THEN YOU DECIDED, I GUESS, TO GO AHEAD AND TEST
19 THE BLOOD?

20 A YES.

21 Q WHY DID YOU NEED TO DO ANY FURTHER TESTING AT THIS
22 POINT?

23 A THE URINE IS ONLY A SCREEN THAT KIND OF GIVES US A
24 DIRECTION TO GO. SO, ONCE WE FIND SOMETHING IN THE
25 URINE, WE GO TO THE BLOOD. FROM THE BLOOD WE ARE ABLE TO

1 GET A SPECIFIC QUANTITY OF THE ACTUAL DRUG THAT'S
2 PRESENT.

3 Q WHAT WERE YOUR FINDINGS WHEN YOU ACTUALLY TESTED HER
4 BLOOD?

5 A I FOUND---

6 Q LET'S DO ILLEGAL SUBSTANCES FIRST.

7 A IT WAS SIXTY MICROGRAMS.

8 Q SIXTY. HOW DO YOU ABBREVIATE MICROGRAMS?

9 A MGPL. MICROGRAMS PER LITER.

10 Q OF WHAT?

11 A THAT WOULD BE THE MARIJUANA METABOLITE.

12 Q THAT WAS CONSISTENT WITH WHAT YOU WERE ABLE TO SEE
13 IN THE URINE; YOU WERE JUST ABLE TO BE MORE SPECIFIC WITH
14 THE BLOOD?

15 A CORRECT.

16 Q TAKING-- BEFORE WE GET TO THE REST OF THE DRUGS,
17 JUST THE FINDING OF THE MARIJUANA METABOLITE IN THAT
18 QUANTITY, WAS THAT SIGNIFICANT TO YOU?

19 A YES MA'AM. THAT WAS A SIGNIFICANT AMOUNT OF
20 METABOLITE.

21 Q WHEN YOU SAY A SIGNIFICANT AMOUNT AND YOU USE THESE
22 TERMS, WHAT DOES THAT MEAN?

23 A SIGNIFICANT, I GUESS, IN TOXICOLOGICAL TERMS WOULD
24 BE MORE THAN THE NORMAL AMOUNT THAT WE TYPICALLY SEE.

25 Q THAT'S A LOT OF MARIJUANA?

1 A YES MA'AM. MARIJUANA METABOLITES.

2 Q MARIJUANA METABOLITES. AND THE FACT THAT IT WAS
3 MARIJUANA METABOLITES, EXPLAIN TO US THE DIFFERENCE
4 BETWEEN IF IT WAS JUST THC AND NOT THE THC METABOLITE.
5 WHAT'S THE DIFFERENCE, MARIJUANA VERSUS MARIJUANA
6 METABOLITE IN YOUR BLOOD?

7 A ANY TIME YOU INGEST A DRUG OR ALCOHOL OR ANYTHING
8 YOUR BODY IS GOING TO BREAK IT DOWN INTO A SERIES OF
9 METABOLITES. AND DEPENDING ON THE DRUG, WE CAN ESTIMATE
10 OR GIVE A TIME FRAME OF USAGE.

11 AND IN THIS CASE, THE MARIJUANA, THE ACTUAL
12 MARIJUANA, ITSELF, VERY QUICKLY. SO, RARELY DO WE SEE
13 THE ACTUAL MARIJUANA. IT'S USUALLY GONE WITHIN, SAY, UP
14 TO AN HOUR, IT'S USUALLY GONE. THERE'S NO WAY OF
15 CHECKING THAT. AND THAT'S WHERE THE METABOLITES COME
16 INTO PLAY.

17 THERE'S THREE-- OR, MARIJUANA, I THINK, HAS TWO
18 MORE METABOLITES THAT WE LOOK FOR SPECIFICALLY. WE HAVE
19 A CARBOXY METABOLITE AND A HYDROXY METABOLITE. AGAIN,
20 THE HYDROXY, IT COMES AND GOES REALLY QUICK. SO, AGAIN,
21 WE RARELY SEE THAT. SO, MOST OF THE TIME WE SEE THE
22 METABOLITES THAT ADHERE AND MOST OF THE TIME THAT'S
23 CARBOXY METABOLITE, WHICH IS THE LAST BREAKDOWN YOU SEE
24 IN THE MARIJUANA THAT WE CHECK FOR.

1 Q IN YOUR EXPERIENCE AS A TOXICOLOGIST, YOU ARE ALSO
2 FAMILIAR WITH TIME PERIODS AFFECT THIS?

3 A YES.

4 Q AND YOU MENTIONED THAT THIS WAS AN EXTREMELY HIGH
5 AMOUNT OF METABOLITES?

6 A A SIGNIFICANT AMOUNT.

7 Q IT'S A SIGNIFICANT AMOUNT, BUT IT'S MORE THAN USUAL?

8 A CORRECT.

9 Q OR MORE THAN NORMAL. AND WOULD THIS BE CONSISTENT
10 WITH THE TIME PERIOD SHE WOULD HAVE INGESTED IT PRIOR TO
11 THE BLOOD TEST? IS THERE A TIME PERIOD?

12 A I'M NOT SURE EXACTLY WHAT THE TIME PERIOD IS. WITH
13 THIS AMOUNT OF METABOLITES, I WOULD SAY WITHIN THE LAST
14 EIGHT HOURS, JUST TO NARROW IT DOWN.

15 Q ARE YOU FAMILIAR WITH THE TIME THE BLOOD WAS DRAWN?

16 A I DON'T HAVE THAT INFORMATION.

17 Q OKAY. BUT THIS WOULD HAVE ACCURATELY REFLECTED THE
18 LEVEL OF MARIJUANA METABOLITES WAS AT THE TIME THE BLOOD
19 WAS DRAWN. IS THAT CORRECT?

20 A YES.

21 Q SO, IF I'M TELLING YOU THE BLOOD WAS DRAWN AT FIVE
22 O'CLOCK, THEN SHE WOULD HAVE INGESTED IT ONE TO EIGHT
23 HOURS EARLIER?

24 A YES MA'AM.

1 Q SO, THAT WOULD BE CONSISTENT-- IF THE BLOOD IS
2 DRAWN AT FIVE O'CLOCK, THAT WOULD BE CONSISTENT WITH HER
3 HAVING INGESTED, SMOKED MARIJUANA, SAY, ABOUT TWO-THIRTY
4 THAT AFTERNOON, OR EIGHT HOURS BEFORE FIVE O'CLOCK?

5 A YES, THAT'S A POSSIBILITY.

6 Q SO, THAT COULD BE ANYWHERE FROM NINE THAT MORNING
7 UNTIL FOUR THAT AFTERNOON?

8 A CORRECT.

9 Q THAT LEVEL OF MARIJUANA, IS IT GOING TO AFFECT A
10 PERSON'S ABILITY TO DRIVE?

11 A WELL, THE METABOLITE ITSELF DOES NOT. IT'S AN
12 INACTIVE METABOLITE.

13 Q THE SMOKING OF MARIJUANA THAT WOULD PRODUCE THAT
14 AMOUNT OF METABOLITE IN YOUR BLOOD, WOULD THAT AFFECT,
15 WOULD THAT IMPAIR SOMEONE'S ABILITY TO DRIVE?

16 A OH, YES MA'AM.

17 Q ANYBODY'S ABILITY?

18 A ANYBODY'S ABILITY.

19 Q THAT ALONE WOULD?

20 A CORRECT.

21 Q YOU MENTIONED THAT THERE WERE OTHER DRUGS THAT WERE
22 REVEALED IN TESTING?

23 A YES MA'AM.

24 Q AND I BELIEVE YOU REFERRED TO THEM AS AN
25 ANTIHISTAMINE AND A COUGH SUPPRESSANT?

1 A YES MA'AM.

2 Q WHAT WERE YOUR FINDINGS OF THOSE?

3 A 0.5 MILLIGRAMS, MG PER LITER, OF PHLORPHTNIRANINE,
4 THE ANTIHISTAMINE. AND WE ALSO HAD 1.3 MILLIGRAMS, MG
5 PER LITER OF METHORPHAN, AND THAT IS THE COUGH
6 SUPPRESSANT.

7 Q OKAY.

8 A AND ONE MORE.

9 Q ONE MORE?

10 A OF THE COUGH SUPPRESSANT. 0.24 MILLIGRAMS PER LITER
11 OF METHORPHINAN.

12 Q AND THAT'S A METABOLITE?

13 A YES.

14 Q ANYTHING ELSE?

15 A THAT'S IT.

16 Q IN YOUR EXPERTISE AS A FORENSIC TOXICOLOGIST, WOULD
17 THOSE AMOUNTS-- WELL, THESE ARE LEGAL DRUGS?

18 A CORRECT.

19 Q THAT CAN BE PRESCRIBED OR THAT CAN BE PURCHASED AT
20 THE COUNTER?

21 A CORRECT, OVER THE COUNTER.

22 Q WERE THESE AMOUNTS SIGNIFICANT?

23 A THESE AMOUNTS WERE VERY SIGNIFICANT.

24 Q CAN YOU EXPLAIN TO THE JURY WHY?

1 A BOTH THE COUGH SUPPRESSANT AND THE ANTIHISTAMINE ARE
2 NORMALLY SEEN OR TAKEN AT VERY LOW DOSAGES, APPROXIMATELY
3 ANYWHERE FROM .01 TO .05. IN THIS CASE, THEY WERE
4 EXTREMELY HIGH, ALMOST TWENTY TO THIRTY TIMES THAT LEVEL.

5 Q SO, WHEN YOU SAY YOU NORMALLY SEE, IS THAT A
6 THERAPEUTIC DOSAGE, WHERE YOU SEE A POINT-WHATEVER NUMBER
7 YOU JUST SAID?

8 A YES, A THERAPEUTIC DOSAGE.

9 Q AND THE AMOUNT OF JUST THE ANTIHISTAMINE, YOU SAY
10 WAS TWENTY TO THIRTY TIMES WHAT A NORMAL PERSON WOULD
11 TAKE?

12 A YES MA'AM.

13 Q AND WHAT EFFECT-- WHY WOULD ANYBODY TAKE THIRTY
14 DOSAGES?

15 A IT COULD EITEHR BE AN ACCIDENT OR THEY COULD TAKE IT
16 IN HOPES OF GETTING A HIGH OFF OF IT.

17 Q AND WHAT EFFECT WOULD THAT HAVE IF YOU TAKE TWENTY
18 TO THIRTY TIMES THE NORMAL DOSAGE? AND LET'S FORGET THE
19 MARIJUANA EFFECT. OF AN ANTIHISTAMINE, WHAT EFFECT WOULD
20 THAT HAVE ON A PERSON?

21 A YOU WOULD TEND TO HAVE POSSIBLY HALLUCINOGENIC
22 EFFECTS. YOU WOULD HAVE A SEDATIVE EFFECT. YOU WOULD
23 HAVE A VERY, MUSCLE RELAXING EFFECT. JUST A WIDE RANGE
24 OF EFFECTS.

1 Q SO, TYPICALLY, WHEN YOU SAY IT WOULD HAVE A
2 HALLUCINOGENIC EFFECT, IS THIS WHAT KNOWN AS, OR, DO SOME
3 PEOPLE TAKE THIS TO GET HIGH?

4 A YES, IT HAS A RECREATIONAL DRUG USE.

5 Q AND IN ORDER TO GET HIGH OFF IT YOU HAVE TO TAKE IT
6 IN LARGE QUANTITIES?

7 A CORRECT.

8 Q LIKE THIS?

9 A YES MA'AM.

10 Q AND TAKING THIS DRUG ALONE, JUST THE ANTIHISTAMINE,
11 AT THE TWENTY TO THIRTY TIMES THE NORMAL AMOUNT SHE TOOK
12 IT, WOULD HAVE IMPAIR ANYBODY'S ABILITY TO DRIVE?

13 A YES MA'AM.

14 Q THE NEXT DRUG, THE COUGH SUPPRESSANT. WAS THAT
15 AMOUNT SIGNIFICANT?

16 A YES MA'AM. IT WAS AROUND TWENTY TO THIRTY TIMES THE
17 NORMAL DOSAGE.

18 Q TWENTY TO THIRTY TIMES THE NORMAL DOSE OF THE COUGH
19 SUPPRESSANT. WHAT EFFECT WOULD THIS HAVE ON A PERSON
20 THAT TAKES THAT AMOUNT OF A COUGH SUPPRESSANT?

21 A YOU WOULD GET THE SAME EFFECT THAT YOU WOULD WITH
22 THE ANTIHISTAMINE. YOU MIGHT HAVE THE SEDATIVE, THE
23 EUPHORIA, THE HALLUCINOGENIC.

24 Q AND WHEN YOU SAY SEDATIVE, THAT WOULD RELAX A
25 PERSON?

1 A RELAX, YES. SLOW YOU DOWN.

2 Q SLOW YOU DOWN. LIKE MELLOWING SOMEONE OUT?

3 MS. AHRENS: OBJECTION, YOUR HONOR.

4 THE COURT: WHAT'S YOUR OBJECTION?

5 MS. AHRENS: OBJECTION TO LEADING.

6 THE COURT: REPHRASE THE QUESTION.

7 Q THE WAY YOU DESCRIBED IT, BASICALLY. AGAIN, WHY
8 WOULD ANYONE WANT TO TAKE THAT MUCH COUGH SUPPRESSANT?

9 A IT COULD HAVE A MELLOWING EFFECT, OR IT COULD MAKE
10 YOU FEEL BETTER.

11 Q AND AGAIN, THAT'S DONE AS A RECREATIONAL, FOR
12 RECREATIONAL USE?

13 A YES. THERE'S A TENDENCY FOR THAT IN THE YOUNGER
14 CROWD, THE YOUNGER GENERATION.

15 Q THAT DRUG, ALONE, JUST THE COUGH SUPPRESSANT, HOW
16 MANY TIMES IS THAT THE NORMAL AMOUNT?

17 A ABOUT TWENTY TO THIRTY TIMES.

18 Q AND THAT AMOUNT OF JUST THE COUGH SUPPRESSANT ALONE,
19 WOULD THAT IMPAIR ANYONE'S ABILITY TO OPERATE AN
20 AUTOMOBILE?

21 A YES MA'AM.

22 Q AND THE TIME PERIOD THAT THESE OVER-THE-COUNTER
23 DRUGS WERE TAKEN, WERE THOSE ACTIVE IN HER SYSTEM?

24 A YES. THE ANTIHISTAMINE AND THE COUGH SUPPRESSANTS
25 WERE, YES.

1 Q AND THAT WOULD BE CONSISTENT WITH HER HAVING
2 INGESTED THOSE SOMETIME PRIOR TO THE THREE O'CLOCK WRECK?

3 A YES, I WOULD SAY THAT.

4 Q EACH, THE MARIJUANA, ALONE; THE ANTIHISTAMINE,
5 ALONE; AND THE COUGH SUPPRESSANT, ALONE; WOULD HAVE MADE
6 IT SO THAT SHE COULD NOT SAFELY DRIVE AN AUTOMOBILE. IS
7 THAT CORRECT?

8 A THAT'S CORRECT.

9 Q THE COMBINATION OF MARIJUANA AND ANY DRUG, DRUGS
10 SUCH AS THIS, AND IN THESE AMOUNTS, HOW WOULD THAT HAVE
11 AFFECTED? DO THEY CANCEL EACH OTHER OUT OR DO THEY
12 BUILD?

13 A IT WOULD BUILD ON EACH OTHER. THEY HAVE WHAT'S
14 CALLED AN ADDITIVE EFFECT. WITH ONE ALONE, AND YOU ADD
15 ANOTHER, YOU'RE GOING TO GET, NOT NECESSARILY TWICE THE
16 EFFECT, BUT YOU HAVE MORE EFFECT OF JUST ONE ALONE.

17 Q COULD ANYONE TAKING, ESPECIALLY, THESE KINDS OF
18 DRUGS, SAFELY-- WOULD THEIR ABILITY-- THEY COULD NOT
19 SAFELY DRIVE AN AUTOMOBILE?

20 A NO, THEY COULD NOT.

21 Q AND IS IT YOUR OPINION, AS AN EXPERT IN THIS FIELD,
22 THAT HER ABILITY WOULD HAVE BEEN IMPAIRED?

23 A YES, SHE WOULD HAVE DEFINITELY BEEN IMPAIRED.

24 Q DO DRUGS SUCH AS THESE, ANTIHISTAMINES, COUGH
25 SUPPRESSANTS, CAN YOU GET THEM AT A LOCAL DRUG STORE?

1 A YES. YOU CAN GET THEM AT WAL-MART, YOU CAN GET THEM
2 AT WALGREEN'S, CVS, PRETTY MUCH ANYWHERE WHERE THEY SELL
3 OVER-THE-COUNTER MEDICATIONS.

4 Q AND IN THE HUGE QUANTITIES YOU'RE TALKING ABOUT,
5 TAKING THEM FOR RECREATIONAL USE, TYPICALLY, HOW DO THEY
6 TAKE THEM?

7 A IF YOU BUY-- THEY USUALLY COME IN A BOX, A LARGE
8 BOX, AND YOU WOULD HAVE TO TAKE MOST OF THE BOX TO GET
9 THAT EFFECT.

10 Q CAN YOU BUY THESE DRUGS AT WAL-MART?

11 A YOU COULD.

12 Q COULD YOU BUY THEM AT CVS?

13 A YES.

14 MS. CAMPBELL: BEG THE COURT'S INDULGENCE.

15 THE COURT: YES MA'AM.

16 (PAUSE)

17 Q THANK YOU, SIR. PLEASE ANSWER ANY QUESTIONS DEFENSE
18 HAS FOR YOU.

19 THE COURT: CROSS EXAMINATION.

20 MS. MOBLEY: MAY IT PLEASE THE COURT.

21 THE COURT: YES MA'AM.

22 CROSS EXAMINATION BY MS. MOBLEY:

23 Q GOOD AFTERNOON, MR. ROCK.

24 A GOOD AFTERNOON.

1 Q YOU INDICATED THERE WAS TESTING DONE. CAN YOU TELL
2 US WHAT SORT OF TESTING YOU DID?

3 A THE SCREEN TESTING USES THE FCIE METHOD, DONE ON A
4 COMPUTER.

5 Q OKAY.

6 A AND THE BLOOD ALCOHOL IS DONE ON A GASCHROMOTOGRAPHY
7 METHOD.

8 Q OKAY.

9 A ON THE BLOOD, WE DO A GASCHROMOTOGRAPHY AND
10 GASPECTROMETRY METHODOLOGY.

11 Q NOW, LET ME GET THIS STRAIGHT. A GASCHROMOTOGRAPHY
12 AND A WHAT? AND WHAT WAS THE OTHER ONE?

13 A FOR THE SCREEN?

14 Q FOR THE BLOOD.

15 A FOR THE ALCOHOL WE DO A GASCHROMOTOGRAPHY.

16 Q AND CAN YOU TELL US WHAT A GASCHROMATOGRAPH IS?
17 LET'S FIND OUT A LITTLE BIT ABOUT WHAT WE'RE TALKING
18 ABOUT HERE.

19 A OKAY.

20 Q TELL US WHAT THAT IS.

21 A FIRST OF ALL, A GASCHROMATOGRAPH IS THE GOLD
22 STANDARD IN THE DRUG INDUSTRY FOR ANALYZING BLOOD
23 ALCOHOL. IT'S VERY SPECIFIC TO THE ALCOHOL ITSELF. IT
24 HAS VERY LITTLE, IF ANY, INTERFERENCE FROM OTHER
25 SUBSTANCES. DO YOU WANT TO KNOW HOW IT WORKS?

1 Q WELL, ACTUALLY, I'M MORE INTERESTED IN THE TYPES OF
2 TESTING. I BELIEVE YOU SAID THE BLOOD-- IS THERE A
3 GASCHROMATOGRAPH DONE ON THE BLOOD?

4 A YES.

5 Q CAN YOU TELL US HOW THAT IS USED?

6 A SIMILAR TO THE BLOOD ALCOHOL GASCHROMATOGRAPH METHOD
7 THAT IS USED, BUT THE ACTUAL CPNS IS SHORT-TERM.

8 Q CPNS?

9 A RIGHT. AND THE WAY THAT WORKS IS, WE TAKE THE
10 SAMPLE OF BLOOD, WE TAKE A PORTION OF THAT BLOOD AND WE
11 CALL IT EXTRACTING OR PULL OUT ALL THE BLOOD ITSELF UNTIL
12 WE GET RID OF ALL THE VARIOUS MATERIALS, THE RED BLOOD
13 CELLS AND EVERYTHING THAT IS LEFT IN THE BLOOD. AND ALL
14 THAT IS LEFT IS THE ACTUAL SAMPLE OF THE DRUG ITSELF, IF
15 THERE IS A DRUG PRESENT.

16 AND WE TAKE THAT DRUG AND SUSPEND IT IN THE ETHANOL
17 OR METHANOL. THEN WE PUT IT ON THE GASCHROMATOGRAPH
18 WHICH ACTUALLY SEPARATES THE COMPOUNDS INTO THEIR
19 RESPECTIVE COMPONENTS BASED ON THE CHEMICAL PROPERTIES.
20 AND FROM THERE IT TRAVELS THROUGH BASICALLY A FILTER. IT
21 GOES THROUGH A FILTER AND BREAKS APART IF THERE IS
22 ANYTHING THERE. AND ONCE IT'S FILTERED OUT IT GETS
23 DETECTED, OR FILTERED OUT AGAIN, I GUESS, AND MORE
24 SPECIFICALLY IN THE GAS SPECTROMETER PART.

1 Q AND THOSE ARE, ONCE THEY ARE FILTERED OUT WHAT
2 HAPPENS THEN? ONCE THEY ARE FILTERED OUT, WHAT HAPPENS.
3 DO YOU GET SOME SORT OF A PRINTOUT TELL YOU WHAT ALL IS
4 GOING ON? WHAT HAPPENS?

5 A WELL, ONCE THEY FILTER OUT, IT DOESN'T SAY EXACTLY
6 WHAT IT IS AT THE TIME. WE HAVE TO USE THE STANDARDS TO
7 DETERMINE EXACTLY WHAT IT IS.

8 Q IS THERE A STANDARD FOR EACH DIFFERENT TYPE OF
9 SUBSTANCE?

10 A IN THIS CASE WE RUN A-- IF WE DON'T KNOW IT'S THERE
11 TO BEGIN WITH, WE RUN A GENERAL STANDARD.

12 Q WHAT WOULD THE GENERAL STANDARD BE?

13 A THAT WOULD BE FCS5258.

14 Q SO, THAT STANDARD WOULD PICK UP ANY NUMBER OF
15 SUBSTANCES. IS THAT CORRECT?

16 A WHAT THAT SHOWS IS THE ACTUAL SEQUENCE OF THE ACTUAL
17 OPERATION TO SHOW THAT IT IS FUNCTIONING PROPERLY.

18 Q SO, IT'S LIKE AN INTERNAL STANDARD?

19 A YES, AN INTERNAL STANDARD.

20 Q I BELIEVE YOU SAID YOU HAVE YOUR REPORT WITH YOU,
21 THE BLOOD REPORT. IS THAT CORRECT?

22 A CORRECT.

23 Q AND YOU NOTE THERE IS NO BLOOD ALCOHOL FOUND IN THE
24 BLOOD IS ON THE CHART. IS THAT CORRECT?

25 A CORRECT.

1 Q AND CAN YOU PLEASE GIVE US THE NUMBER AGAIN FOR THE
2 CARBOXY METABOLITE.

3 A 60 MICROGRAMS.

4 Q 60 MICROGRAMS.

5 A PER LITER.

6 Q PER LITER.

7 A RIGHT.

8 Q HOW MUCH OF THAT-- I'M TRYING TO GET A SENSE HERE.

9 HOW MUCH OF THAT-- WHAT KIND OF NUMBER IS THAT? HOW
10 MUCH IS THAT TOTAL PER LITER?

11 A 61 MILLION.

12 Q 61 MILLION.

13 A CORRECT.

14 Q AND THAT 61 MILLION OF METABOLITE, IS I BELIEVE YOUR
15 TESTIMONY. IS THAT CORRECT?

16 A CORRECT.

17 Q IT'S A METABOLITE OF MARIJUANA, BUT NOT ACTUAL
18 MARIJUANA?

19 A YES.

20 Q BECAUSE YOUR REPORT WOULD HAVE INDICATED THAT IT WAS
21 STRAIGHT THC HAD THE MARIJUANA BEEN ACTIVE IN HER SYSTEM
22 IS THAT CORRECT?

23 A YES.

1 Q SO, THE METABOLITE IS NOT THC, WHICH IS SORT OF
2 COMMON KNOWN AS WHAT GIVES YOU, I GUESS, A HIGH, FOR LACK
3 OF A BETTER WORD?

4 A RIGHT.

5 Q AND I BELIEVE YOU TESTIFIED ON DIRECT THAT THIS
6 COULD HAVE BEEN SMOKED UP TO EIGHT HOURS PRIOR TO THE
7 BLOOD SAMPLE BEING DRAWN AROUND FIVE O'CLOCK. IS THAT
8 CORRECT?

9 A CORRECT.

10 Q AND I BELIEVE MS. CAMPBELL GAVE US A RANGE FROM
11 AROUND NINE TO FOURTEEN HOURS. SO, IS THAT ABOUT
12 ACCURATE?

13 A YES.

14 Q SO, IT COULD HAVE BEEN IN THE MORNING?

15 A COULD HAVE BEEN.

16 Q ARE YOU FAMILIAR WITH THE DIFFERENCES IN HOW A
17 METABOLITE WOULD BREAK DOWN IN ONE'S BODY IF, SAY,
18 SOMEONE HAD SMOKED MARIJUANA ONE TIME, VERSUS SOMEONE
19 WHO'S BEEN SMOKING MARIJUANA EVERY DAY FOR THE PAST
20 COUPLE OF YEARS? WOULD THERE BE A DIFFERENCE IN THE
21 BREAKDOWN?

22 A YES.

23 Q COULD YOU TELL WHAT THAT DIFFERENCE WOULD BE?

24 A IN WHAT WE CALL A CHRONIC USER, SOMEBODY WHO MAY
25 SMOKE EVERYDAY OR A COUPLE OF TIMES A DAY, THEY WOULD

1 TEND TO GET THE MARIJUANA-- IT WOULD TEND TO BE ABSORBED
2 IN YOUR FAT CELLS. IF THEY WERE A CHRONIC USER AND WE
3 TESTED THEIR URINE, THEY COULD TEST POSITIVE AND NOT HAVE
4 SMOKED FOR UP TO THREE TO FOUR WEEKS, BECAUSE IT'S SLOWLY
5 LEACHING OUT OF THE FAT TISSUE. SO, AGAIN, IT COULD
6 POSSIBLY FROM THAT LONG AGO IF A PERSON IS A CHRONIC
7 SMOKER.

8 WHEREAS, IF YOU HAD SMOKED IT ONLY ONE TIME, YOU
9 WOULDN'T HAVE THAT STORAGE IN YOUR FAT CELLS. AND YOU
10 WOULDN'T SEE THAT METABOLITE IN YOUR URINE.

11 Q SO, WE'VE GOT 60 MICROGRAMS OF METABOLITES WHICH
12 COULD HAVE BEEN SMOKED EIGHT HOURS, POSSIBLY UP TO
13 TWENTY-FOUR, FORTY-EIGHT, WHAT HAVE YOU, HOURS PRIOR TO
14 THE BLOOD SAMPLE BEING DRAWN. IS THAT WHAT YOU'RE
15 TELLING ME?

16 A I WOULDN'T SAY ANY GREATER THAN TWENTY-FOUR AT MOST,
17 DUE TO THE LEVEL. I WOULD SAY AROUND EIGHT.

18 Q OKAY. SO, GIVEN THE 60 MICROGRAMS PER LITER IT
19 COULD HAVE BEEN UP TO TWENTY-FOUR HOURS AT THE MOST,
20 GIVEN THE RIGHT CONDITIONS.

21 A POSSIBLY, YES.

22 Q POSSIBLY, YES. OKAY. SO, YOU CAN'T TELL US WITH
23 ANY MEDICAL CERTAINTY THAT SHE SMOKED MARIJUANA TWO HOURS
24 BEFORE THE ACCIDENT VERSUS FOURTEEN HOURS BEFORE THE
25 ACCIDENT?

1 A NO, I CAN'T SAY THAT.

2 MS. MOBLEY: BEG THE COURT'S INDULGENCE.

3 THE COURT: YES MA'AM.

4 (PAUSE)

5 MS. MOBLEY: I DON'T HAVE ANYTHING FURTHER, YOUR
6 HONOR.

7 THE COURT: ANYTHING ON RE-DIRECT?

8 MS. CAMPBELL: NOTHING FURTHER, YOUR HONOR.

9 THE COURT: MR. ROCK, YOU MAY STEP DOWN.

10 MS. CAMPBELL: MAY HE BE EXCUSED, YOUR HONOR?

11 MS. MOBLEY: NO OBJECTION, YOUR HONOR.

12 THE COURT: THANK YOU, SIR. YOU ARE FREE TO LEAVE.
13 NEXT WITNESS FOR THE STATE.

14 MS. CAMPBELL: THE STATE CALLS ROB LEE.

15 ROBERT IRA LEE, DULY SWORN,
16 TESTIFIED AS FOLLOWS:

17 CLERK OF COURT: PLEASE TAKE YOUR SEAT ON THE
18 WITNESS STAND AND STATE YOUR FULL NAME.

19 A ROBERT IRA LEE.

20 DIRECT EXAMINATION BY MS. CAMPBELL:

21 Q SERGEANT LEE, WHERE ARE YOU EMPLOYED?

22 A I AM EMPLOYED WITH THE SOUTH CAROLINA HIGHWAY PATROL
23 WITH THE MAIT TEAM.

24 Q WHAT IS THE MAIT TEAM?

1 A THE MAIT TEAM IS BASICALLY AN ACRONYM FOR MULTI-
2 DISCIPLINARY ACCIDENT INVESTIGATION. MULTI-DISCIPLINARY
3 MEANS WE CAN DO MORE THAN ONE DISCIPLINE. WE DEAL WITH
4 HUMAN FACTORS, ENVIRONMENTAL FACTORS, VEHICLE FACTORS.
5 SO, WE COVER A WIDE RANGE OF FACTORS, AND A LARGE RANGE
6 OF DISCIPLINES. SO, IT'S MULTI-DISCIPLINARY.

7 Q AND AS PART OF THE MAIT TEAM ARE YOU ONE OF THE
8 PEOPLE WHO ARE CALLED IN TO DO WHAT WE CALL ACCIDENT
9 RECONSTRUCTION?

10 A THAT'S CORRECT.

11 Q TELL THIS JURY BASICALLY WHEN YOU'RE CALLED TO--
12 WELL, FIRST OF ALL, LET ME GO INTO YOUR TRAINING AND
13 STUFF. CAN YOU TELL THIS JURY A LITTLE BIT ABOUT YOUR
14 EDUCATE AND YOUR TRAINING IN THE FIELD OF ACCIDENT
15 RECONSTRUCTION?

16 A YES MA'AM. I STARTED WITH THE HIGHWAY PATROL IN
17 1994, AND I STARTED GETTING RECONSTRUCTION TRAINING
18 THROUGH THE PATROL. SINCE I'VE BEEN TRAINING THROUGH THE
19 PATROL, I'VE TAKEN TRAINING AT THE UNIVERSITY OF NORTH
20 FLORIDA, THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY,
21 OBVIOUSLY, AND THE NORTH CAROLINA CRIMINAL JUSTICE
22 ACADEMY, MICHELIN TIRE.

23 I'VE CREDITED A THOUSAND HOURS OF ACCIDENT
24 RECONSTRUCTION RELATED COURSES. I'VE RECONSTRUCTED OVER
25 TWO HUNDRED FIFTY COLLISIONS. I'VE INVESTIGATED OVER

1 TWENTY-FIVE HUNDRED MOTOR VEHICLE COLLISIONS. I AM THE
2 REGION COMMANDER FOR THE MAIT TEAM UNIT OUT OF FLORENCE,
3 SOUTH CAROLINA.

4 I AM AN INSTRUCTOR AND DO ACCIDENT RECONSTRUCTION
5 FOR THE SOUTH CAROLINA HIGHWAY PATROL. I AM AN ADJUNCT
6 INSTRUCTOR FOR THE SOUTH CAROLINA CRIMINAL JUSTICE
7 ACADEMY. I AM A CERTIFIED INSTRUCTOR WITH THE CRIMINAL
8 JUSTICE ACADEMY. I'M ON THE BOARD OF DIRECTORS FOR THE
9 SOUTH CAROLINA ASSOCIATION OF RECONSTRUCTION
10 SPECIALISTS. I'M ALSO A MEMBER OF THE NATIONAL
11 ASSOCIATION OF PROFESSIONAL ACCIDENT RECONSTRUCTION
12 SPECIALISTS.

13 Q AND YOU'VE TESTIFIED BEFORE AS AN EXPERT IN THE AREA
14 OF ACCIDENT RECONSTRUCTION?

15 A RIGHT. THIS WOULD BE MY TWENTY-FIRST TIME.

16 MS. CAMPBELL: YOUR HONOR, AT THIS TIME, WE WOULD
17 OFFER SERGEANT LEE AS AN EXPERT IN THE AREA OF ACCIDENT
18 RECONSTRUCTION.

19 MS. AHRENS: WITHOUT OBJECTION, YOUR HONOR.

20 THE COURT: WITHOUT OBJECTION, THE WITNESS IS SO
21 QUALIFIED AS AN EXPERT IN THE AREA OF ACCIDENT
22 RECONSTRUCTION.

23 Q TELL THIS JURY, WHEN YOU GO TO A SCENE, WHEN A
24 TRAFFIC ACCIDENT OCCURS, AND YOU GO AND YOU'RE THERE TO
25 RECONSTRUCT THE SCENE, TELL THE JURY TYPICALLY WHAT TYPES

1 OF THINGS YOU DO AND WHAT YOU'RE ABLE TO DETERMINE FROM
2 THE EVIDENCE THERE.

3 A SINCE IT IS A MAIT TEAM WE HAVE MORE THAN ONE MEMBER
4 GO OUT TO A SCENE. IN THIS PARTICULAR SCENE, THERE WAS
5 FOUR OF US: MYSELF, LIEUTENANT MAFFETT, SERGEANT DAY,
6 CORPORAL DAY AT THE TIME, AND I WAS A CORPORAL THEN; AND
7 LANCE CORPORAL CARROLL.

8 TYPICALLY, WHAT WE DO IS EVERYBODY HAS THEIR OWN
9 PROCESS WHAT THEY DO. MY PARTICULAR INVOLVEMENT, I TAKE
10 THE PHOTOGRAPHS. I IDENTIFY EVIDENCE, BOTH WITH THE
11 VEHICLE AND ON THE ROADWAY. GIVE THAT TO THE COMMANDER,
12 WHICH WAS LIEUTENANT MAFFET AT THE TIME, AND WE DOCUMENT
13 IT.

14 WE IDENTIFY DOCUMENTED EVIDENCE ON THE SCENE. WE
15 SECURE THAT EVIDENCE AND TAKE IT BACK TO OUR OFFICE AND
16 IDENTIFY AND ANALYZE THE EVIDENCE TO DETERMINE WHAT
17 HAPPENED IN THE MOTOR VEHICLE COLLISION.

18 Q AT MY REQUEST, I BELIEVE YOU HAVE REVIEWED A NUMBER
19 OF PHOTOGRAPHS THAT WERE TAKEN AT THE SCENE THAT DAY. IS
20 THAT CORRECT?

21 A YES MA'AM.

22 Q AND THOSE WERE ACTUAL PHOTOGRAPHS-- TURNING YOUR
23 ATTENTION TO JANUARY 23, 2002, WERE THOSE THE PHOTOGRAPHS
24 YOU ACTUALLY TOOK THAT AFTERNOON WHEN YOU WERE OUT THERE?

1 A YES MA'AM. THAT'S HOW I WAS EMPLOYED WITH THE MAIT
2 TEAM IN COLUMBIA, SOUTH CAROLINA, BEFORE MY PROMOTION TO
3 SERGEANT IN FLORENCE.

4 Q AND ON THAT AFTERNOON, APPROXIMATELY WHAT TIME WAS
5 IT THAT YOU AND LIEUTENANT MAFFETT AND SERGEANT DAY
6 RESPONDED OUT THERE?

7 A I'M SORRY, I DON'T HAVE THE EXACT TIME, BUT IT WAS
8 SHORTLY AFTER THE COLLISION. WE WERE AT THE OFFICE ON
9 SHOP ROAD AND WE WERE CALLED TO THE SCENE OF THE ACCIDENT
10 AND IT WAS VERY SHORTLY AFTER WHEN WE GOT THERE.

11 Q WHEN YOU ARRIVED THERE, WAS THE SCENE SECURE?

12 A THE SCENE WAS SECURE, YES MA'AM. WHEN WE ARRIVED,
13 THEY WERE ROUTING THE TRAFFIC AROUND THE COLLISION SCENE.
14 ALL THE VEHICLES WERE OUT THERE.

15 Q THE VEHICLES WERE STILL THERE?

16 A YES MA'AM, AND THE DECEASED WAS STILL IN THE
17 VEHICLE.

18 Q YOU NEVER HAD ANY CONTACT WITH MS. KRANCHIK, THOUGH.
19 IS THAT CORRECT?

20 A NO MA'AM.

21 Q AND YOU SAID THAT THE DECEASED WAS STILL IN THE
22 VEHICLE?

23 A YES MA'AM.

24 Q AND DID IT TAKE SOME PRETTY HEROIC EFFORTS TO GET
25 HIM OUT OF THAT?

1 A YES MA'AM.

2 Q ONCE Y'ALL GOT THERE-- BRIEFLY TELL THE JURY WHAT
3 YOU OBSERVED WHEN YOU FIRST GOT THERE.

4 A I OBSERVED A NUMBER OF TIRE MARKS ON THE ROADWAY
5 SURFACE TRAVELING OUT OF COLUMBIA TOWARDS FLORENCE. I
6 NOTICED A BURGUNDY-REDDISH CAR ON THE RIGHT SHOULDER OF
7 THE EASTBOUND LANE. I NOTICE A VEHICLE THAT HAD
8 OVERTURNED, THE BOBTAIL TRACTOR TRAILER. I NOTICED
9 ANOTHER VEHICLE, A TRACTOR TRAILER IN THE WESTBOUND
10 MEDIAN.

11 Q AND WHEN YOU GOT THERE, I BELIEVE YOU SAID YOUR
12 INITIAL DUTY THAT AFTERNOON WAS TO PHOTOGRAPH THE SCENE
13 AS IT IS WHEN YOU GOT THERE?

14 A THAT'S CORRECT. I WALKED THROUGH THE SCENE,
15 IDENTIFIED THE EVIDENCE. ONCE I IDENTIFY AS MUCH
16 EVIDENCE AS I CAN AND DO THE INITIAL WALK-THROUGH, I
17 SECURE MY THIRTY-FIVE MILLIMETER CAMERA AND I TAKE
18 PHOTOGRAPHS STARTING AT THE BEGINNING OF THE SCENE AND
19 WORKING MY WAY THROUGH.

20 Q AND YOU DID THAT IN THIS CASE?

21 A YES MA'AM.

22 Q THERE ARE MANY PHOTOGRAPHS IN EVIDENCE. I WANT TO
23 SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT NUMBER
24 THREE. DO YOU RECOGNIZE THAT?

25 A YES MA'AM. THAT'S THE CAR ON THE EASTBOUND SHOULDER.

1 Q THE CAR ON THE EASTBOUND SHOULDER. AND THERE ARE
2 NUMEROUS FIRE ENGINES AND OTHER THINGS IN THIS
3 PHOTOGRAPH?

4 A THAT'S CORRECT. AND NUMEROUS PHOTOGRAPHS.

5 Q SO, RESCUE EFFORTS WERE GOING ON AT THE SAME TIME
6 Y'ALL WERE OUT THERE TO OBSERVE THE SCENE. IS THAT
7 CORRECT?

8 A THAT'S CORRECT.

9 Q I NOTICE, EVEN IN THIS PICTURE, THOUGH, IT SEEMS
10 LIKE THERE'S SOME PAINT MARKS ON THE GROUND. CAN YOU
11 EXPLAIN TO THE JURY HOW THOSE GOT THERE?

12 A YES MA'AM. ONCE THESE TIRE MARKS ARE IDENTIFIED AS
13 EVIDENCE DURING THE COURSE OF THE INVESTIGATION, WE GO
14 BACK AND START MARKING THAT EVIDENCE. SO, LATER, WHEN WE
15 USE OUR SURVEY EQUIPMENT AND MAP THE SCENE AND DRAW A
16 DIAGRAM TO SCALE, WE DON'T HAVE TO RE-IDENTIFY EVIDENCE.
17 ONCE WE IDENTIFY IT, WE PAINT IT AND THEN WE GOT BACK AND
18 WE ARE ABLE TO USE EVERY ONE OF THOSE LITTLE PAINT MARKS
19 TO MAP OUT OUR DIAGRAM.

20 IT ALSO SERVES THE PURPOSE IN THE FACT THAT IF YOU
21 COME BACK AT THE END OF THE DAY AND MAP IT, OR IF IT
22 STARTS RAINING THAT NIGHT, THE EVIDENCE IS IDENTIFIED AS
23 MARKED, AND IT'S SECURE, WE WOULD LIKE TO SAY, SO WE CAN
24 IDENTIFY IT AND MAP IT AT A LATER DATE.

1 Q I'M SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
2 EXHIBIT THIRTY-SEVEN THROUGH FORTY-THREE, AND ASK YOU TO
3 LOOK AT THOSE PHOTOGRAPHS AND SEE IF YOU RECOGNIZE THOSE
4 PHOTOS.

5 A YES MA'AM.

6 Q AND YOU'VE HAD AN OPPORTUNITY TO LOOK THROUGH THESE?

7 A YES MA'AM.

8 Q WERE THESE ALL PHOTOGRAPHS THAT WERE TAKEN OUT THERE
9 AT THE SCENE THAT DAY, OR THE NEXT DAY WHEN Y'ALL WERE
10 DOING ADDITIONAL INVESTIGATING?

11 A THAT'S CORRECT.

12 MS. CAMPBELL: YOUR HONOR, AT THIS TIME WE WOULD
13 OFFER THOSE INTO EVIDENCE.

14 MS. AHRENS: I HAVEN'T HAD A CHANCE TO LOOK AT THEM.

15 (PAUSE FOR COUNSEL TO PERUSE EXHIBITS)

16 MS. AHRENS: WITHOUT OBJECTION, YOUR HONOR.

17 THE COURT: WITHOUT OBJECTION, THE EXHIBITS ARE
18 RECEIVED.

19 (WHEREUPON STATE'S EXHIBITS THIRTY-SEVEN THROUGH FORTY-
20 THREE WERE ADMITTED INTO EVIDENCE WITHOUT OBJECTION)

21 Q I NOTICE, AGAIN, IN STATE'S EXHIBIT FORTY-THREE
22 THERE ARE SOME PAINT MARKS OR SQUARES DRAWN RIGHT THERE?

23 A THAT'S CORRECT. YES MA'AM. THAT TIRE MARK IS
24 IDENTIFIED AND MARKED.

1 Q AND BASICALLY, THE MARK IS PUT AROUND IT SO THAT THE
2 NEXT DAY WHEN Y'ALL COME BACK-- IN THIS CASE, Y'ALL DID
3 SOME WORK THERE AT THE SCENE THAT NIGHT. IS THAT RIGHT?

4 A YES, WE WORKED THAT NIGHT. AND WE LOST DAYLIGHT, SO
5 WE CAME BACK THE NEXT DAY.

6 Q AND, SPECIFICALLY, I KNOW THAT MANY OF THESE
7 PHOTOGRAPHS MEMORIALIZE THINGS SUCH AS SKID MARKS AND
8 THINGS LIKE THAT. IS THAT CORRECT?

9 A YES MA'AM.

10 Q IN FACT, IN STATE'S THIRTY-NINE, IT SHOWS TWO SETS
11 OF SKID MARKS?

12 A THAT'S CORRECT.

13 Q SO, YOU WERE ABLE TO COME BACK THE NEXT DAY AND DO
14 SOME ADDITIONAL WORK?

15 A THAT'S CORRECT.

16 Q WHAT WERE Y'ALL DOING THE NEXT DAY WHEN YOU WENT
17 BACK?

18 A THE NEXT DAY WE MAPPED THE SCENE, MEANING WE USED
19 THE SURVEYING EQUIPMENT AND WE USED A COMPUTER-ASSISTED
20 DRAWING PROGRAM, MEANING WE WERE ABLE TO DRAW THINGS TO
21 SCALE, PLACE THE VEHICLES AT IMPACT, ALL BASED ON THE
22 EVIDENCE WE COLLECTED.

23 Q AND WHEN Y'ALL ARE DOING ACCIDENT RECONSTRUCTION,
24 BASICALLY Y'ALL ARE TRYING TO FIND OUT WHY TYPES OF
25 THINGS ABOUT THE ACCIDENT?

1 A YES MA'AM. HOW THE VEHICLES INTERACTED,
2 CONTRIBUTORY FACTORS, FINDINGS AND CONCLUSIONS, SO THAT
3 WE ARE ABLE TO GIVE OPINIONS BASED ON A COMBINATION OF
4 FACTORS.

5 Q AND I BELIEVE, IN THIS PARTICULAR CASE, SOME
6 SPECIFIC THINGS YOU WERE LOOKING AT IS YOU WANTED TO MAKE
7 SURE THE ROAD CONDITIONS DIDN'T CONTRIBUTE. IS THAT
8 CORRECT?

9 A THAT'S CORRECT. WE'VE GOT WHAT'S CALLED A NON-FILM
10 MATRIX WHICH DEALS WITH PRE-CRASH, CRASH, AND POST-CRASH,
11 THREE HOURS. AND IT'S THREE SECTIONS WE DEAL WITH:
12 ENVIRONMENT, VEHICLE, AND HUMAN FACTORS.

13 THE ENVIRONMENTAL FACTOR DEAL WITH THE ROADWAY,
14 WEATHER CONDITIONS AND SO FORTH. AND WE DETERMINED THAT
15 NO ENVIRONMENTAL FACTORS CONTRIBUTED TO THIS CASE.

16 Q SUCH AS AN OIL SPILL OR A WET ROAD OR ANYTHING OF
17 THAT NATURE?

18 A THAT'S CORRECT.

19 Q IN ADDITION TO THAT, YOU ALSO TRY TO FIND OUT WHO
20 CAUSED THE ACCIDENT, OR IN THIS CASE, A MULTI-CAR
21 COLLISION, OR A MULTI-VEHICLE COLLISION.

22 A THAT'S CORRECT.

23 Q WERE Y'ALL ABLE TO MAKE A DETERMINATION AS TO WHAT
24 SET OFF THIS CHAIN OF EVENTS?

1 A YES MA'AM. THE DEFENDANT WAS-- THE DEFENDANT LOST
2 SPEED AND LOST CONTROL OF HER MOTOR VEHICLE WHICH CAUSED
3 IT TO SWERVE OR YAW. AT THAT POINT SHE LOST CONTROL OF
4 HER VEHICLE. SHE YAWED INTO THE REAR OF THE BOBTAIL
5 TRACTOR TRAILER, CAUSING IT TO GO INTO A SIDE-SPLIT,
6 CAUSING IT TO GO INTO THE MEDIAN, GO OVER SOME CABLE
7 BARRIERS AND STRIKE ANOTHER COMMERCIAL VEHICLE.

8 IT ROTATED BOTTOMLY ON ITS ROOF, CAUSING THE DEATH
9 OF THE DRIVER IN THE BOBTAIL TRUCK. THEN THE DEFENDANT'S
10 CAR YAWED OFF THE ROADWAY AND CAME TO REST ON THE
11 SHOULDER.

12 Q AND THIS WORD, YAW, WHAT DOES IT MEAN?

13 A A YAW IS WHEN A TIRE THAT'S FREE TO ROTATE AND SPIN.
14 ON A SKID MARK, TIRES LOCK AND IT CAN'T SPIN AND LOCKS
15 THE TIRES UP. THAT'S WHEN YOU SMELL RUBBER AND SEE WHITE
16 SMOKE AND THE VEHICLE LOCKS. THE TIRES ARE NOT FREE TO
17 ROTATE. THEY ARE BOUND BY THE BRAKING MECHANISM. IN A
18 POST-COLLISION SITUATION THEY CAN BE BOUND BY SOME POST-
19 COLLISION FACTOR, YOU KNOW, DAMAGE.

20 IN THIS PARTICULAR CASE, WHEN THE DEFENDANT LOST
21 CONTROL OF THE MOTOR VEHICLE, OFF ON THE ROLL STRIP
22 PORTION OF THE EASTBOUND LANE, HER TIRES WERE FREE TO
23 ROTATE, AND IT WAS THEN WHAT WE CALL STRIATION, WHICH IS
24 LITTLE GAPS IN THE TIRE MARKS. AND THEY'RE USUALLY AT A
25 SPECIFIC ANGLE, WHICH IS ROUGHLY AROUND FORTY-FIVE

1 DEGREES. THESE STRIATIONS WERE IN THE TIRE MARKS OF THE
2 DEFENDANT'S VEHICLE, AND THIS PARTICULAR TIRE WAS FREE TO
3 ROTATE.

4 Q YOU SAY, FREE TO ROTATE. IF I JUST PUT MY BRAKES ON
5 A LITTLE BIT, CAN I STILL HAVE A YAW IF I'M SPINNING OUT
6 OF CONTROL?

7 A YOU CANNOT HAVE A YAW WITH A BRAKING SITUATION.

8 Q THERE CAN BE NO BRAKING. SO, IF SOMEONE CUTS IN
9 FRONT OF YOU AND YOU BRAKE, THERE'S NOT GONNA BE A YAW
10 FACTOR?

11 A THAT'S CORRECT.

12 Q EVEN IF YOU SLIGHTLY BRAKE?

13 A THAT'S CORRECT.

14 Q BECAUSE THAT WOULD CAUSE A SKID?

15 A THAT'S CORRECT.

16 Q I'M SHOWING YOU STATE'S EXHIBITS FIFTY-TWO AND
17 FIFTY-THREE, WHICH ARE ACTUALLY THE SAME PHOTOGRAPH. ONE
18 IS A LITTLE BIT LARGER THAN THE OTHER. FIFTY-ONE AND
19 FIFTY-THREE, EXCUSE ME. DO YOU RECOGNIZE THAT?

20 A YES MA'AM. THAT'S WHERE THE DEFENDANT LOST CONTROL
21 OF HER VEHICLE. ALSO, ANOTHER INDICATION THAT IT'S A
22 YAW, IN THAT THE REAR TIRES OUT-TRACKED THE OTHER TIRES.
23 WHEN YOU SEE A CAR SPIN AROUND, YOU WILL SEE THE FRONT
24 TIRES INSIDE THE REAR TIRES. SO, THAT'S WHAT WE CALL

1 OUT-TRACKING. IN THIS PARTICULAR VEHICLE, WHEN SHE LOST
2 CONTROL, SHE WAS OUT-TRACKING. HER---

3 Q WHEN YOU SAY OUT---

4 A ---REAR TIRES WERE TRACKING OUTSIDE OF HER FRONT
5 TIRES.

6 Q SO, HER REAR WAS ACTUALLY SPINNING AROUND TOWARDS
7 THE MEDIAN?

8 A THAT'S CORRECT.

9 Q UNTIL SHE WAS ABLE TO THEN YAW---

10 A UNTIL SHE STRUCK THE BOBTAIL OF THE TRUCK TRACTOR
11 AND SHE GOT RE-DIRECTED.

12 Q BASED ON THE EVIDENCE YOU FOUND ON THE SCENE,
13 THOUGH, WERE YOU ABLE TO DETERMINE WHERE THE OUT OF
14 CONTROL PART, WHERE THE YAW ACTUALLY STARTED?

15 A YES MA'AM. THE PHOTOGRAPH WHERE THE ORANGE PAINT
16 STARTS IS WHERE SHE WAS ALREADY IN A YAW, WHERE SHE WAS
17 ALREADY TRACKING OUTSIDE OF HER FRONT TIRES. SO, SHE HAD
18 ALREADY LOST CONTROL OF THE MOTOR VEHICLE WHEN SHE
19 STARTED MARKING ON THE ROADWAY.

20 Q NOW, STATE'S EXHIBIT FIFTY-THREE-- THAT WOULD BE
21 THIS LITTLE PINK MARK IN THE MIDDLE?

22 A YES MA'AM.

23 Q SO, AT THAT POINT WHERE SHE'S THERE, HER CAR IS
24 ALREADY OUT OF CONTROL?

25 A YES MA'AM.

1 Q SHE WAS BRAKING?

2 A SHE WAS NOT BRAKING AT THAT PARTICULAR TIME, NO
3 MA'AM.

4 Q AND AT THAT POINT WERE YOU ABLE TO SEE THE DIRECTION
5 THAT HER CAR WENT?

6 A YES MA'AM.

7 Q WHICH WAY DID IT GO?

8 A SHE WAS ROTATING CLOCKWISE.

9 Q SHE WAS ROTATING CLOCKWISE. SO, HER BACK TIRES
10 WOULD HAVE BEEN OVER HERE?

11 A THE BACK TIRES WOULD HAVE BEEN THE FURTHEREST AWAY
12 FROM IT.

13 Q THE FURTHEREST AWAY. THE MOST IN THE MEDIAN?

14 A YES MA'AM. HER FRONT TIRES ARE THE ONES THAT ARE
15 MARKED ORANGE, CLOSEST TO THE MEDIAN, AND HER REAR TIRES
16 ARE THE FURTEHREST AWAY.

17 Q AND THE REAR TIRES ARE FURTHEREST AWAY. SO, SHE
18 WOULD HAVE BEEN LITERALLY IN A SWINGING MOTION?

19 A SHE WOULD HAVE ALREADY BEEN ROTATING, YES MA'AM.

20 Q AND THERE WAS NO BRAKING DONE?

21 A THAT'S CORRECT, NOT WHEN SHE FIRST STARTED ROTATING.

22 Q WERE YOU ABLE TO FOLLOW THEM AS THEY WENT ACROSS THE
23 ROAD TO THE POINT---

1 A YES MA'AM. WE FOLLOWED THEM FROM WHERE THEY STARTED
2 TO WHERE THEY WENT TO REST ON THE SHOULDER. THERE'S
3 MARKS UP THERE AND UNDER HER TIRES.

4 Q WAS THERE ANY INDICATION AT ANY POINT THAT SHE WAS
5 BRAKING?

6 A NO MA'AM.

7 Q THEY WERE ALL YAW MARKS?

8 A YES MA'AM.

9 Q THERE ARE A BUNCH OF SKID MARKS OUT THERE THAT DAY.
10 IS THAT CORRECT?

11 A YES MA'AM. THE WESTBOUND TRUCK LEFT SKID MARKS
12 WHERE IT APPLIED EMERGENCY BRAKES PRIOR TO STRIKING THE
13 TRACTOR.

14 Q AND, IN FACT, YOU WERE ABLE TO TRACK IN ONE OF THESE
15 PHOTOGRAPHS, I BELIEVE, WERE THE BOBTAIL LOST CONTROL?

16 A YES MA'AM, WHERE THE BOBTAIL LOST CONTROL, ALL THE
17 TIRES WERE MARKED.

18 Q WOULD THAT INDICATE WHETHER OR NOT HE WAS TRYING TO
19 BRING IT BACK INTO CONTROL?

20 A YES. HE WAS TRYING TO BRING IT BACK INTO CONTROL.

21 Q THESE OBSERVATIONS YOU ARE MAKING YOU ALSO ACTUALLY
22 - AND I WON'T GO INTO ALL THIS RIGHT NOW BECAUSE I
23 BELIEVE LIEUTENANT MAFFETT'S TESTIMONY WILL - LOOKED AT
24 THE ACTUAL VEHICLES THEMSELVES AS FAR AS POINT OF IMPACT
25 AND THINGS OF THAT NATURE?

1 A THAT'S CORRECT.

2 Q WERE YOU ABLE TO DETERMINE WHERE THE POINT OF IMPACT
3 WAS ON THE RED TAURUS, LOOKING AT STATE'S EXHIBIT FOUR?

4 A THAT'S CORRECT. THE RIGHT SIDE. THERE'S ALSO A
5 CIRCULAR PATTERN THAT INDICATES WHERE IT STARTED ON THE
6 WHEEL WELL.

7 Q AND I BELIEVE ON ONE OF THESE, THERE IS EVEN SOME
8 RED PAINT WHERE SHE STRUCK THE WHEEL?

9 A YES MA'AM.

10 Q THE NEXT DAY Y'ALL WENT BACK AND DID SOME TESTING.
11 IS THAT CORRECT?

12 A IT WAS ALMOST A WEEK LATER.

13 Q I'M SORRY, A WEEK LATER. THE NEXT WEEK Y'ALL WENT
14 BACK AND DID SOME TESTING. AT THAT POINT DID YOU BECOME
15 AWARE OF WHAT MS. KRANCHIK'S STORY WAS?

16 A YES MA'AM. WE GOT A COPY OF HER STATEMENT.

17 Q AND IN ADDITION TO THAT, AS A MEMBER OF THE MAIT
18 TEAM, WERE YOU ABLE TO CALCULATE THINGS ABOUT THE SCENE
19 AND THE SPEED SHE HAD BEEN TRAVELING?

20 A THAT'S RIGHT. HER SPEED WAS CALCULATED AND ALSO HER
21 PERFORMANCE.

22 Q WAS HER SPEED ABOVE, BELOW, OR AT THE SPEED LIMIT
23 THERE?

24 A ABOVE THE SPEED LIMIT.

25 Q WHAT IS THE SPEED LIMIT WHERE THE ACCIDENT HAPPENED?

1 A SIXTY MILES AN HOUR.

2 Q AND HER SPEED WAS?

3 A SIXTY-NINE MILES AN HOUR.

4 Q TELL THE JURY, JUST GENERALLY, HOW DO YOU CALCULATE
5 SPEED, OR HOW DID YOU DO IT IN THIS CASE? HOW IS THAT
6 DONE GENERALLY?

7 A BASICALLY, WHEN THE VEHICLE'S OUT-TRACKING AND GOING
8 IN A CIRCULAR MOTION, YOU TAKE A PART OF THAT CIRCULAR
9 MOTION, FIGURE OUT THE RADIUS. IT TELLS YOU THE RADIUS
10 FOOTAGE THAT THAT VEHICLE'S GONNA TRAVEL TO GET TO THAT
11 CIRCUMFERENCE, MINUS THE FRICTION OF THE ROADWAY SURFACE.
12 THE ROADWAY IS LIKE SANDPAPER AND SERVES AS A FRICTION
13 VALUE. SO, YOU ALLOW THAT FRICTION VALUE WITH THE RADIUS
14 THAT YOU CALCULATE, GIVING WHAT WE CALL THE MIDDLE
15 FORMULA. AND WE APPLY THAT TO THE FORMULA AND GET OUR
16 RADIUS AND FRICTION VALUE. AND GIVEN THE RADIUS AND THAT
17 PARTICULAR FRICTION VALUE WE'RE SCIENTIFICALLY CERTAIN
18 THAT SHE WAS RUNNING SIXTY-NINE MILES AN HOUR.

19 Q SIXTY-NINE MILES AN HOUR?

20 A YES MA'AM. TO THE POINT WHERE SHE STARTING MARKING
21 ON THE ROADWAY. OBVIOUSLY, SHE HAD ALREADY LOST CONTROL
22 AND SHE HAD ALREADY LOST A CERTAIN AMOUNT OF ENERGY
23 BECAUSE SHE WAS SLIDING Laterally. SO, THAT WAS THE
24 MINIMUM SPEED SHE WAS TRAVELLING AT THAT PARTICULAR
25 POINT.

1 Q AND THAT'S GIVING HER THE BENEFIT OF THE DOUBT
2 REGARDING HER SPEED?

3 A THAT'S CORRECT. SHE'S ALREADY DISSIPATED A CERTAIN
4 AMOUNT OF SPEED BECAUSE SHE'S ALREADY IN A CYCLE AND
5 LOSING ENERGY.

6 Q ONCE Y'ALL HAD REVIEWED HER STATEMENT, YOU WERE
7 AWARE THAT SHE INDICATED THAT SHE WAS COMING DOWN OFF, I
8 BELIEVE, 77, MERGING ONTO I-20?

9 A THAT'S CORRECT. SHE WAS TRAVELING ON 77. SHE
10 EXITED 77 ONTO THE FEEDER LANE TO I-20.

11 Q ONTO I-20?

12 A THAT'S CORRECT.

13 Q AND AT THAT POINT, A WEEK LATER, Y'ALL WERE GOING
14 BACK AND DOING FURTHER TESTING?

15 A YES MA'AM.

16 Q I WAS DOING THE TASK OF RUNNING SEVERAL TESTS AS TO
17 THE SPEED LIMIT AND AT HER KNOWN SPEED TO SEE IF I COULD
18 MAKE HER CONDITION WHERE SHE LOST CONTROL. I PUT OUT
19 SOME CONES. AND I WANTED TO SEE IF I COULD MIMIC HER
20 VEHICLE MANEUVER TO SEE IF AT THAT PARTICULAR POINT IF
21 SHE WAS ABLE TO LOSE CONTROL.

22 Q AND YOU WERE BASICALLY TRYING TO FIGURE OUT IF SHE
23 COULD HAVE LEGALLY GOTTEN OVER THAT FAR IN THAT LANE THAT
24 FAST?

1 A THAT'S CORRECT. WHEN YOU ENTER THE FEEDER LANE, YOU
2 PROBABLY KNOW THIS NOW BECAUSE I'VE MENTIONED IT TO YOU.
3 BUT WHEN YOU GO INTO A FEEDER LANE, THE WHITE LINES, OR
4 FOG LINES, ARE FATTER BECAUSE YOU'VE GOT TWO WHITE
5 LINES, IN FACT, INSTEAD OF ONE, THAT MERGE TOGETHER, AND
6 BECOME A DASH. AND YOU SEE ON THE HIGHWAY WHERE THE
7 WHITE LINE IS. ONCE IT ENDS IT BECOMES A DASH, AND WHEN
8 IT BECOMES A DASH YOU CAN MOVE OVER.

9 SO, I WANTED TO KNOW IF-- AND ONCE YOU ESTABLISH
10 THIS, YOU HAVE TO ESTABLISH FROM ONE LANE TO THE NEXT
11 LANE, ASKING FOR PERMISSION, USING A TURN SIGNAL, TO GO
12 FROM ONE LANE TO THE NEXT.

13 SO, I WANTED TO SEE IF SHE COULD LEGALLY GET TO THE
14 POSITION WHERE SHE WAS AT WHEN SHE LOST CONTROL BY
15 ESTABLISHING HERSELF IN THE LANE PROPERLY AND SIGNALING,
16 AND THEN HER SPEED COULD BE CALCULATED FROM THAT.

17 Q SO, AT THAT POINT YOU KNEW SHE WAS SPEEDING?

18 A WE KNOW SHE WAS SPEEDING.

19 Q WHICH IS A VIOLATION OF THE LAW?

20 A THAT'S CORRECT.

21 Q AND IN ADDITION TO THAT YOU WANTED TO SEE IF SHE WAS
22 GOING ANYTHING ELSE ILLEGALLY?

23 A THAT'S CORRECT.

24 Q DID YOU ACTUALLY VIDEOTAPE SOME OF YOUR RUNS IN
25 ATTEMPTING TO ESTABLISH YOUR THEORY?

1 A YES MA'AM. I SECURED A CAR FROM OUR DEPOT THAT HAD
2 A VIDEO CAMERA IN IT AND I RECORDED THE TESTS THAT I
3 PERFORMED THAT DAY. ALSO, WE HAD ANOTHER TROOPER ON THE
4 ROADWAY THAT STOPPED TRAFFIC ON I-20. SO, THIS WAS A
5 CONTROLLED TEST. SO, THESE MANEUVERS, EVEN THOUGH THEY
6 WERE ILLEGAL, THEY WERE CONTROLLED, AND NO DANGER TO
7 ANYONE ELSE EXCEPT ME AND THE TROOPER.

8 Q OKAY. HAVE YOU AT MY REQUEST REVIEWED THE
9 VIDEOTAPE?

10 A YES MA'AM.

11 Q DOES IT ACCURATELY REFLECT THE TESTING YOU DID?

12 A YES MA'AM.

13 Q AND IN ADDITION TO THAT, AT THE BEGINNING OF THIS
14 TAPE--- I BELIEVE LATER THAT AFTERNOON AT THE SCENE
15 Y'ALL WERE ABLE TO VIDEO ON THE DAY IT HAPPENED, Y'ALL
16 WERE ALSO ABLE TO GET IT ON VIDEO LATER THAT AFTERNOON,
17 AT THE SCENE?

18 A THAT'S CORRECT. THE SCENE WAS VIDEOTAPED?

19 Q AND IS THAT SHOWN ON THIS TAPE?

20 A I DON'T KNOW IF THAT VIDEOTAPE SHOWS IT.

21 Q ALL RIGHT. AND THIS IS THE VIDEOTAPE THAT YOU MADE
22 AT THE SCENE?

23 A YES MA'AM.

24 MS. CAMPBELL: YOUR HONOR, AT THIS TIME, I WOULD
25 MOVE TO ENTER STATE'S FIFTY-TWO INTO EVIDENCE.

1 MS. MOBLEY: NO OBJECTION, YOUR HONOR.

2 THE COURT: IT IS ADMITTED WITHOUT OBJECTION.

3 (WHEREUPON STATE'S EXHIBIT ONE WAS ADMITTED INTO EVIDENCE
4 WITHOUT OBJECTION.)

5 Q OFFICER, COULD YOU STEP DOWN HERE FOR A MINUTE?

6 A YES MA'AM.

7 (WHEREUPON WITNESS EXITS WITNESS STAND FOR DEMONSTRATION
8 WITH STATE'S EXHIBIT NUMBER FIFTY-TWO, A VIDEOTAPE)

9 Q AND IF YOU COULD, PLEASE SPEAK LOUDLY. WHAT DOES
10 THIS DEPICT?

11 A THIS IS LOOKING EASTBOUND ON I-20 TOWARDS FLORENCE.
12 ONE OF THE MAIT MEMBERS IS IDENTIFYING THE TIRE MARKS AND
13 PUTTING THE PAINT DOWN THAT YOU'LL SEE IN THE PHOTOGRAPHS
14 THAT I MENTIONED EARLIER.

15 Q AND I NOTICE THAT---

16 A THIS IS THE DEFENDANT'S TIRE MARKS AS IT GOES ACROSS
17 THE EASTBOUND LANE WHILE SHE'S OUT OF CONTROL. THAT'S
18 ME. AND THAT'S ONE WHERE THE GUYS ARE PAINTING THE TIRE
19 MARKS WHERE SHE'S RUNNING ACROSS THE ROADWAY.

20 Q THE CAR THAT'S IN THE BACKGROUND, WHOSE IS THAT?

21 A THIS IS THE DEFENDANT'S VEHICLE. AND OBVIOUSLY,
22 THERE WERE A LOT OF VEHICLES OUT THERE, WRECKER SERVICES,
23 EMERGENCY PERSONNEL. THAT'S THE TRUCK IN THE MIDDLE OF
24 THE MEDIAN.

1 AGAIN, THIS IS IDENTIFYING THE TIRE MARKS. HE'S
2 PAINTING. BACK IN THIS AREA IS WHERE THE BOBTAIL TIRES
3 START, THE TRUCK THAT HAD GOTTEN STRUCK. YOU CAN SEE
4 THAT THEY'RE GOING THIS WAY AND THE DEFENDANT'S VEHICLE
5 IS GOING THIS WAY.

6 THAT'S THE DEFENDANT'S.

7 Q RIGHT THERE?

8 A YES MA'AM.

9 Q WHAT IS THIS RIGHT HERE?

10 A THIS IS THE TRUCK TRACTOR THAT WAS ACTUALLY STRUCK
11 BY THE DEFENDANT'S VEHICLE. AND IT CAME ACROSS THE---

12 Q DID IT COME ACROSS---

13 A I'M SORRY. THESE ARE THE TIRE MARKS WHERE IT GOES
14 ACROSS THE CABLE BARRIER. IT CATCHES IT AND IT GOES
15 ACROSS THE CABLE BARRIER AND COMES UP. YOU CAN SEE
16 EVIDENCE OF IT RIGHT HERE WHERE IT COMES ACROSS THE
17 CABLES. THESE CABLES ARE DESIGNED TO STOP AN AUTOMOBILE
18 AT A SPEED LIMIT OF SEVENTY MILES AN HOUR. THEY'RE NOT
19 REALLY DESIGNED TO STOP A TRUCK OF THAT SIZE. HOWEVER,
20 IT DID RE-DIRECT IT, DOING A REALLY GOOD JOB OF KEEPING
21 IT FROM CROSSING THE MEDIAN AND HITTING ANYBODY ELSE.

22 THIS IS THE VEHICLE THAT THE DECEASED WAS IN,
23 COVERED UP.

24 Q WHAT IS THIS PART?

1 A THAT'S THE BACK PART OF THE TRUCK. THAT'S
2 FIBERGLASS, JUST ALL COSMETIC, THE ACTUAL DAMAGES.

3 Q AND YOU MARKED THIS?

4 A THAT'S CORRECT. AND WE HAVE A PLUG IN THE VIDEO FOR
5 THE AUDIO. THAT WAY YOU DON'T HEAR TRAFFIC OR HEAR OTHER
6 PEOPLE YELLING COMMANDS. WE JUST USE THE VIDEO TO GIVE
7 YOU A VISUAL DOCUMENTATION OF THE SCENE WITHOUT THE
8 AUDIO. THERE ARE TIMES WHEN WE TAKE THE PLUG OUT BUT WE
9 DON'T WHEN WE'RE ON THE SCENE.

10 THAT WAS THE OTHER TRUCK THAT WAS INVOLVED IN THE
11 ACCIDENT. AND THIS, RIGHT HERE, IS ACTUALLY THE AXLE
12 UNDER THE TRUCK, KNOCKED DOWN THE ROAD THERE.

13 Q WHICH TRUCK?

14 A THE AXLE WAS KNOCKED DOWN SEVERAL YARDS FROM THERE.
15 THIS WAS THE CAUSE-- THE VEHICLE THAT LOST CONTROL WAS
16 CAUSED BY THE DEFENDANT AND IT CAUSED THIS IMPACT AND
17 CAUSED THE TRUCK TO SUSTAIN DAMAGE.

18 Q AND THESE TWO CLOSE-UP SHOTS SHOW THE DAMAGE TO THE
19 TRUCK?

20 A THAT'S CORRECT. THESE ARE THE TIRE MARKS OF THE
21 TRUCK TRACTOR THAT WAS TRAVELING WESTBOUND. IT MADE
22 IMPACT. NOW, HE'S LOST CONTROL AND HE'S TRAVELING TO THE
23 LEFT AND HE'S RE-DIRECTED BY THE CABLE BARRIER, ONCE HE
24 GETS THERE.

1 AND AS YOU CAN SEE, IF YOU CAN REMEMBER WHERE THE
2 BOBTAIL TRUCK WAS, YOU CAN SEE HOW FAR AWAY THE AXLE WAS
3 THAT I WAS TALKING ABOUT.

4 AS YOU CAN SEE, WE IDENTIFIED THE TIRE MARKS SO THAT
5 WE COULD COME BACK AT A LATER DATE AND MAP THE SCENE.

6 THEY JUST WALK REAL SLOW SO YOU CAN GET A GOOD
7 PERSPECTIVE. IF YOU WALKED A REGULAR WALK THROUGH THERE
8 YOU WOULDN'T BE ABLE TO VIEW IT.

9 YOU CAN SEE THE CABLE BARRIER, WHERE IT'S ANGLED UP,
10 AND THAT HELPS TRAP MORE OF THE TRUCK.

11 Q AND THAT'S WHAT KEPT IT FROM GOING BACK INTO THE
12 OTHER LANE?

13 A THAT'S CORRECT.

14 Q AND THAT'S A CLOSE-UP.

15 A AND WE'RE GOING TO SEE WHERE THE TIRES WERE CUT ON
16 IMPACT, ON THE TRUCK. THIS IS AN IMPACT. YOU CAN SEE
17 THE TIRE, THAT'S HOW THE VEHICLE PITCHED, WHEN IT CAME
18 OVER THE CABLE AND PITCHED UP AND SMACKED THAT TIRE.
19 THAT'S ABOUT TWELVE FEET HIGH, ROUGHLY. YOU CAN ACTUALLY
20 SEE THE LUG NUTS, AND THE CIRCULAR PATTERN OF THE TIRE.

21 AND THIS IS THE TOP OF THE TRAILER. SO, WHEN THE
22 VEHICLE CAME ACROSS THE MEDIAN IT PITCHES UP AND ROTATES
23 THE VEHICLE, JUST LIKE PUSHING A RAG DOLL OUT OF THE WAY.
24 IT'S GOT SO MUCH ENERGY, JUST GOING THE SPEED LIMIT,
25 THROWS IT OUT OF THE WAY.

1 YOU CAN SEE WHERE IT JUST CAME ACROSS, WHERE IT CAME
2 ACROSS THE WHOLE AREA. THIS IS WHERE WE WERE ABLE TO
3 MAKE A REFERENCE, TO SHOW WHERE THE TIRES WERE WHEN IT
4 GOT STRUCK BY THE TRAILER.

5 CAN YOU BACK THAT UP?

6 Q BACK IT UP.

7 A YOU CAN SEE THE DAMAGE RIGHT THERE TO THE RIGHT
8 FRONT. THEN YOU SEE THE PAINT TRANSFER INTO THIS WHEEL
9 WELL. WHEN VEHICLES INTERACT IT TRANSFERS. YOU CAN
10 SEE THE RED. YOU CAN SEE THE CIRCULAR PATTERN. IT'S NOT
11 AS WELL-DEFINED AS THE ONE ON THE TRAILER IS DEFINED, BUT
12 YOU CAN SEE IT.

13 WE WANTED TO SECURE THIS RIM, SO WE HAD TO ACTUALLY
14 CUT THE RIM TO GET IT OFF THE TIRE. AND THAT'S WHY YOU
15 SEE THE LITTLE CUTS ON THE TIRE, TO GET THE RIM.

16 Q SO, Y'ALL HAD TO CUT IT?

17 A YES.

18 Q AND OBVIOUSLY, IT'S GETTING LATE.

19 A IT'S GETTING REAL LATE. AND THINGS AREN'T PERFECT
20 IN A PERFECT WORLD. YOU CAN SEE THESE HERE. THE
21 TROOPER'S CAR IS PARKED HERE AND OBVIOUSLY THAT'S WHERE
22 SHE STARTED. THE TROOPER'S VEHICLE IS PARKED HERE. THIS
23 IS THE TROOPER PAINTING THE MARKS, LIEUTENANT MAFFETT.

24 THE FIELD TESTS THAT WE RAN, WE USED SIXTY MILES AN
25 HOUR, IF I REMEMBER CORRECTLY.

1 Q I'LL BACK UP.

2 A YOU SEE THOSE TWO LINES, AND YOU CANNOT ENTER THAT
3 ROADWAY UNTIL THOSE LINES TURN INTO FAT LINES. SEE,
4 THIS WAS A LOT SMALLER, AND SEE, THEY'RE TWICE THE SIZE,
5 THE DOUBLE LINE.

6 NOW, YOU CAN MOVE OVER. I MOVED OVER. I
7 ESTABLISHED MYSELF, PUT ON MY TURN SIGNAL, MOVED OVER
8 AGAIN. AND THAT CONE, THE TWO CONES I JUST PASSED WAS
9 WHERE THE DEFENDANT HAD STARTED LEAVING MARKS ON THE
10 ROADWAY.

11 Q WHAT ABOUT THE ONES ON THIS SIDE?

12 A THIS IS A TWO-LANE SWERVE. I'M NOT GOING TO
13 ESTABLISH MYSELF. I'M JUST GONNA SWERVE OVER WITHOUT
14 ASKING FOR PERMISSION. THERE'S THE TWO CONES RIGHT
15 THERE. I CAN MAKE THAT VEHICLE MANEUVER, WHICH MEANS IF
16 I JUST SHOOT ACROSS TWO LANES, THREE LANES OF TRAFFIC, I
17 CAN GET INTO THE POSITION TO LOSE CONTROL, WHERE SHE LOST
18 CONTROL.

19 Q AT WHAT SPEED?

20 A AT SIXTY MILES AN HOUR. I'M DOING A PROPER TWO-LANE
21 CHANGE AGAIN AT SIXTY MILES AN HOUR. I DIDN'T HAVE MY
22 STOP WATCH FOR THE FIRST TEST. SO, I RE-DID THE TEST
23 USING MY STOP WATCH.

1 AGAIN, NOW, I ASKED FOR PERMISSION TO MOVE OVER,
2 MOVE OVER, MOVE OVER AGAIN, AND I CAN'T GET OVER THERE TO
3 MAKE THE VEHICLE MOVE BY ESTABLISHING MYSELF PROPER.

4 I TESTED THIS TEST FOUR AT HER SPEED THAT SHE WAS
5 RUNNING, SIXTY-NINE MILES AN HOUR, SEVENTY MILES AN HOUR.
6 RIGHT THERE I'M GONNA DO IT. I'M GONNA DO A LANE SWERVE.
7 I'M GONNA JUST SWERVE RIGHT OVER AND DON'T ASK FOR
8 PERMISSION. THERE'S CONES IN THE PROPER POSITION.

9 THIS IS THE SAME SPEED, SEVENTY MILES AN HOUR. I'M
10 GONNA DO A PROPER, TWO-LANE CHANGE, WHICH MEANS I'LL MOVE
11 OVER EACH LANE AND ASK FOR PERMISSION. THERE'S PLENTY
12 ENOUGH TIME TO LOSE CONTROL THERE.

13 THOSE WERE THE FIVE TESTS THAT I DID. ACTUALLY IT
14 WAS FOUR TESTS. I RE-DID THAT ONE TEST.

15 (WHEREUPON WITNESS RETURNS TO WITNESS STAND)

16 Q NOW, PRIOR TO YOUR DOING THIS TEST AT THAT POINT,
17 YOU ALREADY KNOW THAT SHE WAS VIOLATING THE LAW BY
18 SPEEDING. CORRECT?

19 A THAT'S CORRECT. WE CALCULATED HER SPEED, AND THEN
20 SHE'S SPEEDING AT THE POINT WHERE SHE'S MAKING THIS
21 YAWING.

22 Q AND BASED ON THAT, USING YOUR TESTING AND EVERYTHING
23 YOU DID, WERE YOU ABLE TO DETERMINE IF SHE HAD VIOLATED
24 ANY OTHER LAWS?

1 A THAT'S CORRECT. I DETERMINED SHE HAD TO DO ONE OF
2 TWO THINGS. EITHER SHE MADE A LANE SWERVE AND SHE JUST
3 SWERVED RIGHT ACROSS THE LANES AND DON'T ASK FOR
4 PERMISSION, DON'T ESTABLISH HERSELF, JUST CUT ACROSS THE
5 LANES. SHE COULD HAVE DONE THAT.

6 OR THE OTHER THING SHE COULD HAVE DONE, IS CROSS
7 THAT DOUBLE WHITE LINE AT ANY TIME PRIOR TO BECOMING
8 ESTABLISHED, YOU COULD HAVE COME OVER TO THIS POSITION TO
9 LOSE CONTROL.

10 SO, SHE COULD HAVE DONE ONE OF THOSE TWO THINGS AND
11 BOTH OF THEM ARE OBVIOUSLY VIOLATIONS OF THE LAW.

12 Q EITHER ONE OF THEM WOULD BE. SO, THERE'S NO WAY SHE
13 COULD LEGALLY GET OVER TO WHERE SHE LOST CONTROL?

14 A THAT'S CORRECT. EITHER AT THE SPEED LIMIT OR ABOVE
15 THE SPEED LIMIT SHE COULD NOT HAVE GOTTEN HER VEHICLE IN
16 THE POSITION SHE DID, DOING IT LEGALLY.

17 Q AND, OF COURSE, THE MORE FACTORS IN THIS, THE MORE
18 LIKELY SHE WAS TO LOSE CONTROL?

19 A THAT'S CORRECT. THE MORE FACTORS, THE LESS TIME YOU
20 HAVE TO REACT, BECAUSE SHE WAS ROUGHLY RUNNING FOURTEEN
21 FEET PER SECOND FASTER THAN SHE SHOULD HAVE BEEN RUNNING,
22 HAD SHE BEEN DOING THE SPEED LIMIT.

23 Q AND BASED ON YOUR OBSERVATION OF THE SCENE, WAS
24 THERE ANY INDICATION SHE EVER TRIED TO APPLY BRAKES OR
25 ANYTHING OF THAT NATURE?

1 A THE ONLY EVIDENCE THAT WE DOCUMENTED AND SAW AT THE
2 SCENE IS THAT SHE OVER-CORRECTED AND LOST CONTROL OF THE
3 VEHICLE.

4 Q THE ITEMS THAT WE SAW YOU CUTTING OFF THE TRUCK,
5 SHOW HERE AS STATE'S EXHIBIT FIFTY-THREE, DO YOU
6 RECOGNIZE THOSE?

7 A YES MA'AM. THAT'S THE TIRES AND THE RIM THEY CUT
8 OFF THE TRUCK.

9 Q THE RIM THAT THEY CUT OFF THE TRUCK.

10 A YES MA'AM.

11 Q NOW, WHY WOULD THEY TAKE THIS INTO EVIDENCE. CAN
12 YOU SHOW THE JURY?

13 A SURE.

14 (WHEREUPON WITNESS EXITS WITNESS STAND FOR
15 DEMONSTRATION WITH STATE'S EXHIBIT NUMBER FIFTY-THREE)

16 A THIS IS THE INTERIOR.

17 Q THE INTERIOR.

18 A THIS IS THE SIDE, THIS SIDE FACING, YOU CAN SEE ALL
19 THE DUST AND EVERYTHING. YOU CAN SEE IN HERE, THE RED
20 PAINT FROM THE DEFENDANT'S VEHICLE, ALL THE WAY AROUND,
21 UP IN HERE. YOU CAN SEE IT UP IN HERE. THIS IS WHERE
22 SHE CAME INTO THE TRUCK, CAUGHT HIS REAR END TO OUT-TRACK
23 WITH HIS FRONT. SO, SHE CAN HAVE A YAW ONE OF TWO WAYS.
24 THE FIRST ONE IS THE WAY, YOU KNOW, OVER-CORRECT, OR
25 OVER-STEER, OR THERE COULD BE OUT-TRACKING AROUND A CURVE

1 TO CAUSE HER REAR END TO OUT-TRACK FROM THE FRONT. AND
2 THE OTHER WAY, SOME OF THE ENERGY COMING IN CAN CAUSE YOU
3 TO GO INTO A SIDE-SLIP.

4 AND OBVIOUSLY, SHE CAME IN AND HIT THIS RIM, THIS
5 TIRE, AND CAUSED HIM TO DO WHAT SHE WAS DOING PRIOR. HE
6 LOST CONTROL. HE HAD NO CONTROL. ONE HE STARTS SLIDE-
7 SLIPPING, ONCE HIS OUTSIDE REARS OR TRACKING OUTSIDE THE
8 FRONT, HE HAS NO MORE CONTROL. HE'S JUST ALONG FOR THE
9 RIDE.

10 HE WENT ACROSS. HE WENT, YOU KNOW, THROUGH THIS
11 EMERGENCY LANE ACROSS THE LANES OF TRAVEL, EASTBOUND INTO
12 THE MEDIAN. HE CAME ACROSS THE CABLE BARRIER. THE
13 VEHICLE PITCHED UP AND GOT SMACKED BY THAT EIGHTEEN-
14 WHEELER, FLIPPED AROUND AND LANDED ON ITS TOP.

15 Q WAS THERE ANY EVIDENCE IN YOUR INVESTIGATION THAT
16 MR. CROFT CONTRIBUTED IN ANY WAY?

17 A HE CONTRIBUTED IN NO WAY TO THIS COLLISION.

18 (WHEREUPON WITNESS RETURNS TO WITNESS STAND)

19 MS. CAMPBELL: YOUR HONOR, AT THIS TIME, THE STATE
20 WOULD MOVE INTO EVIDENCE EXHIBIT FIFTY-THREE, OR FIFTY-
21 FOUR. WE CAN KEEP IT FIFTY-THREE AND MARK THE PHOTOGRAPH
22 FIFTY-FOUR.

23 THE COURT: ANY OBJECTION?

24 MS. AHRENS: WITHOUT OBJECTION, YOUR HONOR.

25 THE COURT: THANK YOU, MA'AM. WITHOUT OBJECTION.

1 (WHEREUPON STATE'S EXHIBITS FIFTY-THREE AND FIFTY-
2 FOUR WERE ADMITTED INTO EVIDENCE WITHOUT OBJECTION)

3 MS. CAMPBELL: THAT'S ALL WE HAVE, YOUR HONOR.

4 MS. AHRENS: YOUR HONOR, MAY WE APPROACH?

5 THE COURT: YES MA'AM.

6 (WHEREUPON A BENCH CONFERENCE TOOK PLACE)

7 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE ARE
8 GOING TO TAKE A RECESS FOR JUST A FEW MINUTES. PLEASE
9 DON'T DISCUSS THE CASE. I'LL GET YOU BACK IN HERE IN
10 ABOUT FIVE MINUTES.

11 (WHEREUPON THE JURY EXITED THE COURTROOM AT 5:20 P.M.)

12 MS. AHRENS: I WILL WITHDRAW MY EARLIER MOTION THAT
13 WE DISCUSSED AT THE BENCH, YOUR HONOR.

14 THE COURT: IS THE STATE READY?

15 MS. CAMPBELL: JUST FOR SCHEDULING PURPOSES, ARE WE
16 GOING TO TAKE ANY MORE TESTIMONY TODAY?

17 THE COURT: WHAT ELSE DO YOU HAVE?

18 MS. CAMPBELL: WE HAVE THE CROSS EXAMINATION OF THE
19 WITNESS.

20 THE COURT: ALL RIGHT. WE'LL DO THAT. BRING THE
21 JURY IN.

22 (WHEREUPON THE JURY ENTERED THE COURTROOM AT 5:37 P.M.)

23 THE STATE MAY CROSS EXAMINE.

24 MS. AHRENS: THANK YOU. MAY IT PLEASE THE COURT.
25

1 CROSS EXAMINATION BY MS. AHRENS:

2 Q SERGEANT LEE, YOU'RE A MEMBER OF THE ACCIDENT
3 RECONSTRUCTION TEAM?

4 A YES MA'AM.

5 Q ONE OF THE THINGS THAT YOU DO AS A MEMBER OF THAT
6 ACCIDENT RECONSTRUCTION TEAM IS YOU COMPILE A REPORT. IS
7 THAT CORRECT?

8 A THAT'S CORRECT.

9 Q YOU ARE THE ACTUAL PERSON WHO FILED THE REPORT IN
10 THIS CASE. IS THAT CORRECT?

11 A I WROTE THE REPORT.

12 Q IN COMPOSING THAT REPORT, WHAT KIND OF INFORMATION
13 WOULD YOU BE RELYING ON?

14 A THE TROOPER'S REPORT, WITNESS' STATEMENTS, THE TO-
15 SCALE DRAWINGS THAT WE DID, OUR PHOTOGRAPHS, OUR VIDEO,
16 ANY EVIDENCE THAT WAS TAKEN FROM THE SCENE. WE ANALYZE
17 AND SCRUTINIZE ALL THAT.

18 Q SO, ONE OF THE THINGS THAT YOU LOOK AT IN THESE
19 CASES IS WITNESS' STATEMENTS. IS THAT RIGHT?

20 A THAT'S RIGHT.

21 Q BECAUSE, EVEN THOUGH THERE IS A LOT OF SCIENCE THAT
22 YOU USE, THERE IS A HUMAN ELEMENT TO THESE ACCIDENTS.
23 RIGHT?

24 A YES MA'AM. EVEN THOUGH I DO WRITE THE REPORT, WE DO
25 HAVE A HUMAN FACTOR SPECIALIST WHO DEALS IN THE HUMAN

1 FACTORS OF THE CASE. AND HE WOULD ACTUALLY READ THE
2 STATEMENTS AND ANALYZE THE STATEMENTS AND THEN WE WOULD
3 TALK TO HIM AND HE WOULD TELL US WHAT, YOU KNOW, WHAT HE
4 FOUND, AND IT WOULD BE COMPILED INTO A REPORT.

5 Q OKAY. BUT YOU'RE THE ONE WHO ACTUALLY COMPILED THIS
6 REPORT?

7 A I ACTUALLY WROTE IT.

8 Q OKAY. AND DO YOU RECALL IN COMPILING THAT REPORT,
9 RELYING AT ALL ON STATEMENTS THAT MS. KRANCHIK GAVE?

10 A WE RELIED ON HER STATEMENT.

11 Q WAS THAT A CONSIDERATION? WOULD ANYONE REVIEW THAT?

12 A RIGHT. CORPORAL DAY WOULD HAVE REVIEWED THAT. HE
13 IS THE HUMAN FACTOR SPECIALIST.

14 Q DO YOU KNOW FROM YOUR COMPILATION OF THIS REPORT
15 WHETHER ANY OTHER STATEMENTS WERE REVIEWED?

16 A WELL, KNOWING THE WAY OUR TEAM OPERATES, CORPORAL
17 DAY WOULD HAVE REVIEWED EVERY STATEMENT THAT WE HAVE.
18 AND THEN WE HAVE A TEAM MEETING WHERE WE SIT DOWN AND
19 TALK ABOUT THE REPORT AND TALK ABOUT WHAT OUR FINDINGS
20 ARE GOING TO BE, WHAT OUR CONCLUSIONS ARE GOING TO BE.
21 AND WE ALL CONCUR. AND ONCE WE ALL REACH A CONSENSUS
22 THEN THE REPORT IS COMPILED AT THAT POINT.

23 Q DO YOU REMEMBER IN YOUR COMPILATION OF THIS REPORT
24 WHETHER OR NOT STATEMENTS BY DONALD WARD AND PASANTE
25 TRAPP WERE REVIEWED?

1 A THEY WERE REVIEWED.

2 Q DO YOU RECALL TESTIFYING AT A PRIOR HEARING WITH
3 RESPECT TO THIS CASE?

4 A RIGHT. I SAID THAT I DIDN'T REVIEW THEIR
5 STATEMENTS.

6 Q OKAY. WAS THAT THE TRUTH?

7 A THAT'S THE TRUTH. I DID NOT. CORPORAL DAY WOULD
8 HAVE REVIEWED THE STATEMENTS. HE WOULD HAVE DISCUSSED
9 THEM WITH US.

10 Q OKAY.

11 A I DID NOT READ THEIR STATEMENTS, NO.

12 Q OKAY. SO, WHEN, AT A PRIOR HEARING WHEN YOU SAID
13 YOU HAD NOT READ THOSE STATEMENTS, YOU DID ELABORATE AND
14 SAY, OH, BUT WE DISCUSSED THEM. IS THAT CORRECT?

15 A IT NEVER WENT THAT FAR.

16 Q OKAY.

17 A I THINK, AS A MATTER OF FACT, I THINK SHE CUT ME OFF
18 AT THAT POINT.

19 Q AND YOU TESTIFIED ON DIRECT BASICALLY ABOUT THE
20 MARKS THAT WERE OUT ON THE ROAD?

21 A YES MA'AM.

22 Q AND ONE OF THE MARKS THAT WAS ON THE ROAD I BELIEVE
23 YOU DESCRIBED AS A YAW MARK THAT WAS CAUSED BY THE FORD
24 TAURUS?

25 A THAT'S CORRECT.

1 Q AND THAT'S THE CAR THAT IT HAS BEEN ESTABLISHED THAT
2 MS. KRANCHIK WAS DRIVING?

3 A YES MA'AM.

4 Q AND THE YAW MARK STARTS AT THE AREA AROUND THE
5 MEDIAN. CORRECT?

6 A THAT'S CORRECT. AROUND THE RUMBLE STRIP, THAT STRIP
7 THAT ALERTS YOU WHEN YOU'RE RUNNING OFF THE ROADWAY.
8 THERE MAY BE A MORE TECHNICAL NAME FOR IT, BUT I DON'T
9 KNOW WHAT IT IS.

10 Q OKAY. SO, THE YAW MARKS START AT THE RUMBLE STRIP
11 AND START HEADING BACK TOWARDS THE INSIDE LANE?

12 A STARTED BACK TOWARDS THE MIDDLE.

13 Q OKAY. STARTING AT THE MIDDLE AND THEN HEADING BACK
14 OVER WHERE THE FORD TAURUS CAME TO REST?

15 A THAT'S CORRECT.

16 Q AND PRIOR TO THAT, ARE THERE ANY SKID MARKS?

17 A NO MA'AM, THAT'S CORRECT.

18 Q SO, THERE AREN'T ANY SKID MARKS PRIOR TO THE YAW
19 MARKS STARTING AND HEADING BACK OVER TO THE RIGHT-HAND
20 LANE?

21 A THAT'S CORRECT.

22 Q AND I BELIEVE YOU THEORIZED ON DIRECT THAT THAT MARK
23 MIGHT HAVE BEEN CAUSED BY OVER-CORRECTING IN THE PRIOR
24 HEARING. IS THAT CORRECT?

25 A THAT'S MY OPINION, THAT SHE OVER-CORRECTED.

1 Q WELL, LET'S JUST BACK UP A SECOND. WHEN YOU SAY,
2 OVER-CORRECTING, IT MEANS THAT THE STEERING WHEEL IS
3 GOING TO THE SIDE THAT THE CAR IS ACTUALLY TRAVELING IN.
4 IS THAT CORRECT?

5 A THAT'S RIGHT. THE VEHICLE IS HEADED TOWARDS THE
6 MEDIAN. ACTUALLY, IT HAS TO TRAVEL CLOSER INTO THE
7 MEDIAN AND SNAPS BACK TO THE RIGHT.

8 Q IT SNAPS BACK TO THE RIGHT?

9 A THAT'S CORRECT.

10 Q YOU TESTIFIED ON DIRECT - AND I JUST WANT TO MAKE
11 SURE WE'RE CLEAR ABOUT THIS - ABOUT THE DEMONSTRATIONS,
12 OR I GUESS, THE REENACTMENTS THAT YOU PERFORMED AFTER THE
13 COLLISION OCCURRED?

14 A YES MA'AM.

15 Q AND IN THAT DEMONSTRATION YOU WERE TESTING WAS WHAT
16 SPEED YOU WOULD NEED TO BE GOING IF YOU OBEYED THE FOG
17 LINES THAT MARK THE HIGHWAY FEEDER LANE WHEN YOU START
18 HEADING TOWARD THE MIDDLE LANE. IS THAT CORRECT?

19 A I WAS TRYING TO DETERMINE IS IT POSSIBLE TO HAVE A
20 VEHICLE IN THE POSITION THAT IT WAS WHEN SHE LOST CONTROL
21 DO A PROPER LANE CHANGE OR SHE HAD TO AN ILLEGAL LANE
22 CHANGE.

23 Q AND I JUST WANT TO BE CLEAR, BECAUSE IT'S ON THE
24 VIDEOTAPE. THE ONLY TESTS THAT YOU WERE DOING WERE TESTS
25 THAT INVOLVED A VEHICLE OBEYING THE FOG LINES INITIALLY

1 AND THEN BEGINNING TO CROSS THE ROAD, BUT ALTERNATIVELY
2 SOMEONE WHO CROSSED THE FOG LINES AND THEN BEGAN TO CROSS
3 THE ROAD. IS THAT CORRECT?

4 A WHICH WOULD BE AN ILLEGAL MOVE.

5 Q OKAY. BUT YOU DIDN'T ACTUALLY PERFORM THAT TEST ON
6 THE VIDEOTAPE. CORRECT?

7 A NO. I MEAN, OBVIOUSLY, IF I WOULD TRAVEL DOWN THE
8 HIGHWAY A HALF MILE SHE COULD HAVE CROSSED OVER ANYWHERE
9 BETWEEN THERE AND THE FOG LINE, WHICH WOULD HAVE BEEN
10 ILLEGAL MANEUVER, BUT SHE WOULD HAVE BEEN IN A POSITION
11 TO MAKE THAT.

12 Q SHE COULD HAVE CROSSED OVER THOSE FOG LINES AND THEN
13 FROM THAT POINT START LEGALLY CHANGING LANES?

14 A SHE COULD HAVE ILLEGALLY CROSSED THE FOG LINE AND
15 LEGALLY MADE THE VEHICLE MANEUVER.

16 Q OKAY. AND IN YOUR-- BUT THAT'S NOT SOMETHING YOU
17 HAVE ON THE VIDEOTAPE. CORRECT?

18 A NO MA'AM.

19 Q IN TRYING TO RECONSTRUCT THOSE MARKS AND SO FORTH
20 OUT THERE ON THE HIGHWAY, I DON'T SUPPOSE YOU DID ANY
21 SORT OF TESTS ON WHAT MIGHT HAPPEN IF SOMEONE ELSE IN
22 YOUR CAR STARTED PLAYING WITH THE STEERING WHEEL, DID
23 YOU?

24 A NO MA'AM.

25 MS. AHRENS: BEG THE COURT'S INDULGENCE.

1 THE COURT: YES MA'AM.

2 (PAUSE)

3 MS. AHRENS: NO FURTHER QUESTIONS, YOUR HONOR.

4 THE COURT: RE-DIRECT.

5 MS. CAMPBELL: YES, YOUR HONOR.

6 RE-DIRECT EXAMINATION BY MS. CAMPBELL:

7 Q SHE WAS GOING AT LEAST SIXTY-NINE MILES PER HOUR.

8 RIGHT?

9 A YES MA'AM.

10 Q AT LEAST, PROBABLY MORE?

11 A YES MA'AM.

12 Q AND SHE ASKED YOU ABOUT YAW MARKS. RIGHT?

13 A YES MA'AM.

14 Q AND WHERE THEY STARTED OVER THERE ON THE MEDIAN?

15 A YES MA'AM.

16 Q WAS HER CAR OUT OF CONTROL PRIOR TO YAW MARKS

17 ACTUALLY SHOWED UP?

18 A SHE WAS OUT OF CONTROL. THE VEHICLE HAD TO BE OUT
19 OF CONTROL BECAUSE THE WEIGHT HAS TO SHIFT TO THAT LEFT
20 SIDE TO START LOADING THE TIRES TO MAKE THEM MAKE THOSE
21 MARKS.

22 Q SO, HER CAR WOULD HAVE BEEN OUT OF CONTROL BEFORE
23 HER TURNING THAT WHEEL INTO THAT MEDIAN?

24 A THAT'S CORRECT.

25 Q AND SHE'S GOING AT LEAST SIXTY-NINE MILES AN HOUR?

1 A THAT'S CORRECT.

2 Q REGARDLESS OF HOW MANY OTHER LAWS SHE VIOLATED
3 GETTING THERE?

4 A THAT'S CORRECT.

5 Q THANK YOU.

6 MS. AHRENS: MAY IT PLEASE THE COURT?

7 THE COURT: YES MA'AM.

8 RE-CROSS EXAMINATION BY MS. AHRENS:

9 Q ACTUALLY YAW MARKS SHOW WHEN THE TIRES START
10 ROTATING OUT OF CONTROL. IS THAT RIGHT?

11 A THE TIRES ARE FREE TO ROTATE AND THE CAR STARTS OUT-
12 TRACKING ITSELF, THE REAR TIRES START OUT-TRACKING THE
13 FRONT TIRES.

14 Q YOU'VE INVESTIGATED A NUMBER OF CASES BEFORE.
15 RIGHT?

16 A HUNDREDS.

17 Q PEOPLE LOSE CONTROL OF VEHICLES AND REGAIN CONTROL
18 OF THEM. IS THAT RIGHT?

19 A YES MA'AM. BUT NOT IN THE YAW STAGE. ONCE THE
20 TIRES OUT-TRACK, UNLESS YOU HAVE--- IF YOU WATCH NASCAR,
21 OBVIOUSLY, THEY CAN REGAIN CONTROL BECAUSE THEY HAVE SO
22 MUCH HORSE POWER THAT THEY CAN OVERCOME CENTRIFUGAL
23 FORCE. YOUR NORMAL PASSENGER AUTOMOBILE WOULD NOT HAVE
24 THAT. THIS PARTICULAR AUTOMOBILE DID NOT HAVE THE
25 CAPABILITY TO OVERTAKE AND REGAIN CONTROL.

1 Q BUT THE YAW MARKS STARTED AT THE MEDIAN. CORRECT?

2 A YES MA'AM.

3 MS. AHRENS: NO FURTHER QUESTIONS, YOUR HONOR.

4 THE COURT: YOU MAY STEP DOWN. THANK YOU, SIR.

5 LADIES AND GENTLEMEN OF THE JURY WE ARE GOING TO BREAK

6 FOR THE EVENING. I WOULD ASK THAT OVERNIGHT YOU NOT

7 DISCUSS THE EVIDENCE AND ANYTHING YOU HAVE SEEN OR HEARD

8 THUS FAR. WE'LL SEE Y'ALL AGAIN AT NINE-THIRTY IN THE

9 MORNING.

10 (WHEREUPON THE JURY EXITED THE COURTROOM AT 5:46 P.M.)

11 THE COURT: IS THERE ANYTHING ELSE WE NEED TO TAKE

12 UP BEFORE WE ADJOURN?

13 MS. CAMPBELL: THERE ARE A COUPLE OF THINGS THAT THE

14 STATE HAS, BUT THEY CAN WAIT UNTIL IN THE MORNING, YOUR

15 HONOR.

16 THE COURT: AS I UNDERSTAND, THERE IS SOME MORE

17 TRIAL TESTIMONY TO BE READ INTO THE RECORD, AND YOU HAVE

18 ONE MORE WITNESS, AND THAT'S THE STATE'S CASE?

19 MS. CAMPBELL: UNLESS THERE'S SOMETHING ELSE I

20 HAVEN'T COVERED, YES SIR.

21 THE COURT: AT SOME POINT IN THE MORNING WE'LL GO

22 OVER THE DEFENDANT'S RIGHT TO TESTIFY OR NOT TO TESTIFY.

23 I'M SURE Y'ALL HAVE GONE OVER THAT WITH HER. BUT AFTER

24 THE STATE RESTS IN THE MORNING WE'LL COVER THAT, AND THE

1 DEFENSE WILL BE READY AT THAT POINT TO MAKE THAT
2 DECISION.

3 MS. AHRENS: YES, YOUR HONOR. AND I JUST WANT TO
4 PUT THIS RECORD, WE DO HAVE ONE WITNESS WHO CURRENTLY IS
5 INCARCERATED IN A STATE DETENTION CENTER AND WE WILL GO
6 AHEAD AND PUT HIM UP TOMORROW.

7 THE COURT: ALL RIGHT. WE'LL NEED TO GO OVER THE
8 PRIOR RECORD, IF ANY, OF THE DEFENDANT.

9 MS. CAMPBELL: I BELIEVE SHE'S GOT A BURGLARY, ARMED
10 ROBBERY, DISTURBING SCHOOLS, ARMED ROBBERY. I'LL GET YOU
11 A LIST AND HAVE IT READY IN THE MORNING.

12 THE COURT: OKAY. WE'LL DO THAT AND WE'LL BE READY
13 TO GET INTO THE DEFENSE'S CASE IMMEDIATELY AFTER THE
14 STATE RESTS.

15 THANK YOU, COUNSEL. WE'LL SEE YOU ALL IN THE
16 MORNING.

17 (WHEREUPON COURT WAS ADJOURNED AT 5:55 P.M.)

18

19

20

21

22

23

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25

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
:
COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,)

PLAINTIFF,)

VERSUS)

SHANNA MARIE KRANCHIK)

DEFENDANT.)

TRANSCRIPT OF RECORD

02-GS-40-894

02-GS-40-895

02-GS-40-897

VOLUME III

JULY 13, 2005
COLUMBIA, SOUTH CAROLINA

B E F O R E:

THE HONORABLE REGINALD I. LLOYD, JUDGE, AND A JURY

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

FOR THE STATE:

KATHRYN LUCK CAMPBELL, ESQ., ASSISTANT SOLICITOR

AARON S. JOPLIN, ESQ., ASSISTANT SOLICITOR

FOR THE DEFENSE:

DEBORAH AHRENS, ESQ., ASSISTANT PUBLIC DEFENDER

LAUREN H. MOBLEY, ESQ., ASSISTANT PUBLIC DEFENDER

PHYLLIS S. BARRETT
CIRCUIT COURT REPORTER

1 WEDNESDAY, JULY 13, 2005 - INDEX

2 WITNESSES FOR STATE'S CASE

3 E. R. MAFFETT (AS READ BY DANA OWENS)

4 DIRECT EXAMINATION BY MS. CAMPBELL - PAGE 337

5 CROSS EXAMINATION BY MR. STRICKLER - PAGE 397

6 JAMES DAY

7 DIRECT EXAMINATION BY MS. CAMPBELL - PAGE 409

8 CROSS EXAMINATION BY MS. AHRENS - PAGE 435

9 RE-DIRECT EXAMINATION BY MS. CAMPBELL - PAGE 444

10 RE-CROSS EXAMINATION BY MS. AHRENS - PAGE 445

11 EXHIBITS

12	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
13	S-36	PHOTO	413	414
14	S-21	PHOTO	413	414
15	S-20	PHOTO	413	414
16	S-28	PHOTO	413	414
17	S-51	PHOTO	413	414
18	S-53	PHOTO	413	414
19	S-48	DIAGRAM	421	422
20	S-49	DIAGRAM	422	422
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22	S-44	PHOTO	457	457

23

24

25 END STATE'S CASE

1 DEFENSE'S CASE

2 WITNESSES

3 PASANTE TRAPP (AS READ BY JOANNA DELANEY

4 DIRECT EXAMINATION BY MR. STRICKLER - PAGE 480

5 CROSS EXAMINATION BY MS. CAMPBELL - PAGE 502

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7

8 NO EXHIBITS DURING DEFENSE'S CASE - END DEFENSE'S CASE

1 WEDNESDAY, JULY 13, 2005 - COURT IN SESSION - 10:20 A.M.

2 THE COURT: YES MA'AM, MS. AHRENS.

3 MS. AHRENS: WE HAD TALKED YESTERDAY ABOUT SETTling
4 THE RECORD OF THE DEFENSE WITNESSES. I THINK THAT WAS
5 SOMETHING THAT THE STATE WANTED TO GO AHEAD AND TAKE UP
6 FIRST THING THIS MORNING. THE STATE HAS PROVIDED ME WITH
7 A COPY OF MS. KRANCHIK'S RAP SHEET, FROM WHAT I CAN SEE,
8 IS TWO COUNTS OF BURGLARY SECOND, ONE COUNT OF PUBLIC
9 DISORDERLY CONDUCT, ONE COUNT OF PETIT LARCENY, AND ONE
10 COUNT OF DISTURBING SCHOOLS. I THINK THE BURGLARY AND
11 PETIT LARCENY IS CLEARLY ELIGIBLE TO BE USED TO IMPEACH
12 THE DEFENDANT. THE PUBLIC DISORDERLY CONDUCT I DOUBT
13 WOULD EVEN FALL INTO THAT CATEGORY. AND I THINK THE
14 DISTURBING SCHOOLS IS SOMETHING THAT WOULD BE IN YOUR
15 HONOR'S DISCRETION TO ADMIT IT. I THINK, GIVEN THE FACT
16 THAT THE STATE DOES HAVE SOME CRIMES FOR WHICH TO IMPEACH
17 MS. KRANCHIK, AND GIVEN THAT IT'S NOT THE SORT OF OFFENSE
18 THAT I THINK IS ORDINARILY INDICATIVE OF DEFENDANT'S
19 TRUTHFULNESS, I WOULD ARGUE THAT THAT OFFENSE WOULD NOT
20 BE IMPEACHABLE TOWARDS MS. KRANCHIK.

21 MS. CAMPBELL: THE ONLY ONE SHE LEFT OUT IS THE
22 ARMED ROBBERY.

23 MS. AHRENS: OH, I APOLOGIZE, YOUR HONOR. I
24 WAS JUST LOOKING AT HER JUVENILE RECORD.

1 MS. CAMPBELL: AND WE DON'T DISAGREE WITH THE
2 OTHERS, THE BURGLARIES AND THE PETIT LARCENY AND THE
3 ARMED ROBBERY, TO IMPEACH HER WITH.

4 THE COURT: SO, YOU DON'T OBJECT TO THE
5 DISTURBING SCHOOLS?

6 MS. AHRENS: THE ONLY REASON I BROUGHT THAT UP
7 IS BECAUSE I BELIEVE THAT'S IN YOUR HONOR'S DISCRETION.

8 THE COURT: WHAT ABOUT THE REST OF THE DEFENSE
9 WITNESSES?

10 MR. AHRENS: I KNOW THAT MR. TRAPP'S IS IN THE
11 RECORD.

12 MS. CAMPBELL: YES, IT'S IN THE RECORD.

13 MS. AHRENS: IT'S ALREADY IN THE RECORD, SO,
14 WE'RE NOT GOING TO ENTER ANY OBJECTION TO THAT. THE
15 ONLY OTHER WITNESS THAT THE DEFENSE WILL PRODUCE IS
16 DONALD WARD. HIS ATTORNEY IS HERE IN THE COURTROOM. I
17 HAVE NOTIFIED HIM THAT MR. WARD WOULD BE TRANSPORTED THIS
18 MORNING. AND I HAVE BEEN PROVIDED A COPY OF HIS RAP
19 SHEET. HE DOES HAVE PENDING CHARGES. AND I KNOW FROM
20 LOOKING AT OUR FAMILY COURT SYSTEM, ALTHOUGH I DON'T HAVE
21 A COPY OF HIS RAP SHEET, HE DOES HAVE A RECORD OF
22 JUVENILE CONVICTIONS. SO, I WILL NEED A COPY OF THAT.

23 MS. CAMPBELL: I'LL BE GLAD TO PROVIDE A COPY OF
24 THAT TO THE DEFENSE. SHE TOLD ME SHE HAD ALREADY PULLED
25 IT HERSELF. HE DOES HAVE A '99, SHOPLIFTING CONVICTION;

1 A 2001, ANOTHER SHOPLIFTING CONVICTION. HE HAS ANOTHER
2 2002 OFFENSE, YOUR HONOR, AND I NEED TO FIND OUT WHAT
3 THAT IS. IT'S PROBABLY ADMISSIBLE. HE'S GOT A SIMPLE
4 ASSAULT AND BATTERY. THAT WOULD NOT BE ADMISSIBLE. AND
5 IN 2004, HE HAD ANOTHER SHOPLIFTING CONVICTION, AND A
6 SIMPLE POSSESSION OF MARIJUANA. I WOULD READILY ADMIT
7 THE SIMPLE POSSESSION OF MARIJUANA IS NOT.

8 AS AN ADULT, YOUR HONOR, HE HAS PENDING FROM
9 SEPTEMBER OF LAST YEAR TWO ARMED ROBBERIES AND AN
10 ATTEMPTED ARMED ROBBERY. PURSUANT TO STATE VERSUS NEELY
11 AND STATE VERSUS DUNN, WE WILL BE ATTEMPTING-- WE WILL
12 NOT GO INTO THE POSSIBLE SENTENCES HE IS FACING.
13 HOWEVER, YOUR HONOR, HE IS FACING DISPOSITION OF THOSE
14 CHARGES NOW.

15 THE COURT: ALL THREE OF THOSE ARE PENDING NOW?

16 MS. CAMPBELL: PENDING NOW. HE WAS SCHEDULED
17 TO PLEA TWO WEEKS AGO, AND HE CHOSE NOT TO PURSUE IT. WE
18 ARE GOING TO BE TRYING HIM ON THOSE CASES NEXT WEEK, ONE
19 AT A TIME.

20 MS. AHRENS: WELL, YOUR HONOR, ACTUALLY THAT
21 RAISES A RELATED POINT THAT WE NEED TO GET TO, THE PLEA
22 THAT WAS SCHEDULED.

23 MS. CAMPBELL: HE WAS SCHEDULED TO PLEA AND
24 THERE WAS SOME TALK FROM MS. AHRENS AND MR. DAY ABOUT HOW
25 HE WANTED TO TESTIFY. THE STATE'S POSITION IS THAT IF HE

1 IS WANTING TO TESTIFY AGAINST MS. KRANCHIK, AND THERE
2 BEING SOME KIND OF A RELATIONSHIP. AND OUR POSITION
3 WOULD BE PURSUANT TO GILLIAN, AND ALL THOSE CASES I
4 HANDED UP TO YOUR HONOR, JUST AS WHEN THEY TESTIFY, THE
5 STATE HAS A RIGHT, WHEN THEY TESTIFY, AND THE DEFENSE HAS
6 A RIGHT TO OFFER DEFENSES. WE WOULD BE ATTEMPTING TO
7 NOT GO INTO THE SENTENCES. I THINK THE CASES CLEARLY
8 STATE THAT WE SHOULD NOT GO INTO THAT. BUT ALL THE
9 CASES, INCLUDING GILLIAN, STATE THAT WE HAVE A RIGHT TO
10 GO INTO SPECIFIC PORTIONS IN THOSE CASES, ACCORDING TO
11 THE DEFENSES THE DEFENSE IS RAISING. HOWEVER, YOUR
12 HONOR, THERE IS PREJUDICE EITHER WAY. WE WOULD,
13 THEREFORE, NOT BE GETTING INTO ANY POSSIBLE SENTENCE THAT
14 THE STATE WOULD BE IMPOSING, BUT AT THIS POINT WE HAVE
15 PENDING CHARGES THAT WE ARE PROSECUTING, THAT WE HAVE
16 PENDING TWO ARMED ROBBERIES AND ONE ATTEMPTED ARMED
17 ROBBERY.

18 MS. AHRENS: YOUR HONOR, IF I MAY RESPOND. THE
19 DEFENDANT HAS A SIXTH AMENDMENT RIGHT TO CONFRONT
20 WITNESSES AGAINST HIM. THERE IS NO RECIPROCAL RIGHT BY
21 THE STATE TO DEAL SPECIFICALLY WITH THE DEFENDANT'S SIX
22 AMENDMENT RIGHT TO CROSS EXAMINE WITNESSES, TO CONFRONT
23 THOSE WITNESSES, AND TO EXAMINE POTENTIAL BIASES. THE
24 REASON THE DEFENDANT IS ORDINARILY ALLOWED TO EXAMINE THE
25 STATE'S WITNESSES FOR THOSE BIASES IS BECAUSE THE STATE

1 PROSECUTES THE WITNESS, THE STATE HOLDS THOSE PENDING
2 CHARGES, AND THEREFORE, CERTAINLY, THAT WITNESS HAS EVERY
3 INCENTIVE TO GO AHEAD AND TESTIFY TO HELP OUT THE STATE.
4 THAT'S CERTAINLY NOT THE CASE HERE.

5 I WOULD TELL THE COURT THAT BASICALLY WE DO NOT
6 WISH TO VOIR DIRE THE WITNESS. I DID WITH MR. DEYSACH'S
7 PERMISSION, GO DOWN TO SPEAK WITH MR. WARD TO EXPLAIN
8 WHAT WE WERE DEALING WITH HERE, SPECIFICALLY BECAUSE HE
9 WAS SCHEDULED FOR A PLEA AND A TRIAL, AND THERE WAS SOME
10 CONFUSION ON HIS PART AS TO WHAT HE WAS DOING HERE. HE
11 NEEDED TO KNOW HE WAS NOT BEING BROUGHT UP HERE TO PLEA,
12 BUT TO TESTIFY IN THE TRIAL, AND I WANTED TO EXPLAIN TO
13 HIM WHAT HE IS DOING HERE.

14 HE EXPRESSED CERTAIN CONCERNS ABOUT TESTIFYING IN
15 THIS TRIAL BASED ON THE FACT THAT THE PERSON, AND I GUESS
16 HE DIDN'T REALIZE THIS BEFORE, BUT THE PERSON THAT WE
17 TALKED TO THEN IS ACTUALLY THE PERSON WHO WAS TALKING TO
18 THEM.

19 BUT CERTAINLY I DON'T THINK THAT THERE IS THE EFFECT
20 HERE THAT THE STATE IS TALKING ABOUT. I DON'T THINK THE
21 STATE HAS THE RIGHT, BECAUSE IT DOES NOT HAVE THE SIXTH
22 AMENDMENT RIGHTS THAT THE DEFENDANT DOES, TO GO INTO
23 THOSE CHARGES, AND FURTHER---

24 THE COURT: IT SEEMS TO MEET THE OTHER CRITERIA, AND
25 CAN BE CROSSED ON PRIOR BAD ACTS---

1 MS. AHRENS: PRIOR BAD ACTS ARE---

2 THE COURT: ---EVEN IF THEY'RE NOT ALREADY SUBJECT
3 TO CONVICTION.

4 MS. AHRENS: WELL, THEY CAN BE CROSSED ON PRIOR BAD
5 ACTS, IF THOSE PRIOR BAD ACTS CAN BE PROVEN. I JUST
6 THINK WE'RE GOING TO BE GETTING INTO HIS CASE, WHEN THE
7 PROSECUTOR IS THE SAME PROSECUTOR WHO IS PROSECUTING HIM
8 FOR THAT CASE.

9 THE COURT: WELL, YOU HAVE THE CLEAR, CONVINCING
10 STANDARD---

11 MS. AHRENS: RIGHT.

12 THE COURT: WHICH IS AN EVIDENTIARY ISSUE WHICH IS
13 SOMETHING THAT GOES BEFORE A JURY FOR CLEAR AND
14 CONVINCING, AND THEN THAT WOULD BE THE TEST THAT WOULD
15 DETERMINE THE SIXTH AMENDMENT RIGHTS.

16 MS. AHRENS: I UNDERSTAND YOUR ARGUMENT.

17 THE COURT: THE STATE HAS THE RIGHT TO CROSS EXAMINE
18 THE WITNESS AS TO WHETHER OR NOT THE PRIOR BAD ACTS WERE
19 PROVED BY CLEAR AND CONVINCING EVIDENCE.

20 MS. AHRENS: WELL, YOUR HONOR, I WOULD SAY THAT I
21 UNDERSTAND YOUR ARGUMENT, BUT I'VE BEEN DOING CASE LAW
22 RESEARCH ON THIS AND I HAVE NOT BEEN ABLE TO FIND
23 ANYTHING DIRECTLY ON POINT OR EVEN CLOSE TO ON POINT, TO
24 BE HONEST, YOUR HONOR. AND I THINK, AT LEAST FROM MY
25 VIEW, THE DEFENDANT IS GOING TO HAVE AN ISSUE HERE IF THE

1 PROSECUTOR HAS HER WITNESSES' STATEMENTS IN HAND AND IS
2 GOING TO BE CROSS EXAMINING HIM ABOUT, OR BASICALLY
3 PUTTING ON THE RECORD EVIDENCE OF VALID CHARGES THAT HE
4 HAS PENDING THAT SHE PERSONALLY IS PROSECUTING. THAT IS
5 GOING TO BE EXTREMELY PREJUDICIAL TO HIM AS A WITNESSES
6 AND I THINK IT MAY END UP---

7 THE COURT: WHAT DIFFERENCE DOES IT MAKE IF IT'S MS.
8 CAMPBELL OR SOMEBODY IN HER OFFICE? IT'S STILL A PUBLIC
9 RECORD AND ANY OTHER PROSECUTOR WOULD USE THAT PUBLIC
10 RECORD.

11 MS. AHRENS: I UNDERSTAND THAT, YOUR HONOR, BUT I
12 THINK THAT THERE IS A SPECIFIC PREJUDICE WHEN YOU'RE
13 BEING EXAMINED OR CROSS EXAMINED BY THE PROSECUTOR WHO
14 REPRESENTS THE AGENCY WHO IS PROSECUTING YOU.

15 THE COURT: WELL, WHEN'S THE TRIAL?

16 MS. AHRENS: I DON'T KNOW ANYTHING ABOUT THAT, YOUR
17 HONOR. I AM NOT HIS ATTORNEY. I'M SIMPLY ENTERING MY
18 OBJECTION TO THE PROSECUTOR GOING INTO PENDING CHARGES.

19 THE COURT: WELL, I'M NOT SURE IF-- HE'S ALREADY
20 REJECTED THE PLEA THAT WAS OFFERED, OR ANYTHING THAT WAS
21 ON THE TABLE. IF HE WISHES TO PLEAD STRAIGHT UP, THEN IT
22 WILL BE PUT ON THE RECORD DURING THE FACTS OF THE CASE
23 THAT HE WISHES TO PLEA STRAIGHT UP, AND THAT THERE ARE NO
24 LONGER ANY OFFERS ON THE TABLE.

1 MS. AHRENS: WELL, GOING INTO PRIOR BAD ACTS AND THE
2 OFFERS ON THOSE PRIOR BAD ACTS AND GETTING HIM TO
3 TESTIFY. I DON'T KNOW IF MS. CAMPBELL IS GOING TO GO
4 INTO THAT OR NOT. AND I'M JUST RESPONDING TO WHAT THE
5 PROSECUTION HANDED UP TO YOU REGARDING THE RATIONALE OF
6 WHY THEY SHOULD BE ABLE TO GO INTO PENDING CHARGES WHICH
7 ORDINARILY WOULD NOT BE ADMISSIBLE, YOUR HONOR.

8 THE COURT: WELL, THE RULE ON PRIOR BAD ACTS REALLY
9 HASN'T COME INTO THE PICTURE, TO BE SUBJECT TO CROSS
10 EXAMINATION.

11 MS. AHRENS: WELL, YOUR HONOR, AS I SAY, I THINK WE
12 WOULD HAVE TO HAVE A SEPARATE HEARING WITH WITNESSES
13 ABOUT THAT.

14 THE COURT: I MEAN, IF THERE ARE SOME CRIMES WHICH
15 OTHERWISE INFRINGE UPON THE RULES THAT DEAL WITH BIAS,
16 THEN THERE MIGHT SOME COMPLICATION, BUT I THINK WE HAVE
17 TO WAIT AND SEE IF THAT ISSUE IS RAISED. WE'RE DEALING
18 WITH PRIOR BAD ACTS AND I DON'T REALLY SEE ANY
19 CONFRONTATION.

20 MS. AHRENS: I JUST DON'T SEE WHY WE HAVE TO GO INTO
21 PETIT CRIMINAL CHARGES, YOUR HONOR.

22 MS. CAMPBELL: SO, THAT'S THE ARGUMENT OF THE
23 DEFENSE, THAT THE STATE WILL SHOW BIAS?

24 MS. AHRENS: I THINK THAT IT WAS TWO PARTS. IT WAS
25 PARTLY THAT THE SPECIFIC THINGS THAT YOU MIGHT ASK ABOUT

1 WOULD VIOLATE THE WITNESS' SIXTH AMENDMENTS RIGHT UNDER
2 CONFRONTATION LAWS. IN ADDITION TO THAT, THE SPECIFIC
3 RATIONALE OF THE STATE AS TO WHY THEY'RE ALLOWED TO DO
4 THAT, WHICH IS WHEN YOU HAVE A WITNESS WHO IS PUT UP BY
5 THE STATE WHEN THE STATE ACTUALLY HOLDS THAT WITNESS'
6 FATE IN THE STATE'S HANDS, AND THAT SHOWS BIAS BY THE
7 STATE.

8 HERE WE HAVE A WITNESS ON A DATE IN 2002, THE DAY
9 AFTER THIS ACCIDENT, WHO GAVE HIS VERSION OF THE EVENTS
10 TO THE POLICE, LONG BEFORE THESE CHARGES WERE EVER
11 PENDING.

12 THE COURT: WE'RE REALLY-- THE RULE ALLOWS EITHER
13 SIDE TO GO INTO CERTAIN CIRCUMSTANCES AND PRIOR BAD ACTS,
14 SUBJECT TO IMPEACHMENT.

15 MS. AHRENS: HERE AGAIN, WE DON'T KNOW IF IT'S
16 PREJUDICIAL OR PROBATIVE. AND YOUR HONOR, THIS WITNESS
17 IS ONLY SIXTEEN YEARS OLD. THERE ARE A NUMBER OF CRIMES
18 MENTIONED AND SHE WILL BE ABLE TO DEMONSTRATE PRIOR ACTS
19 AND CRIMINAL CONVICTIONS AND HE HAS A PROBLEM. I THINK
20 WE JUST HAVE A POTENTIAL SITUATION FOR DETECTING BIAS ON
21 THE PART OF---

22 THE COURT: WELL, IT'S NOT JUST A BIAS ISSUE,
23 THOUGH. IT'S A CREDIBILITY ISSUE.

24 MS. AHRENS: AND I THINK, YOUR HONOR, THE STATE
25 COULD ARGUABLY BE ENTITLED TO PROBE THAT IF HE CHANGES

1 SUBSTANTIALLY FROM WHATEVER VERSION OF EVENTS HE GAVE
2 BEFORE THESE CHARGES WERE PENDING. BUT IF HE GIVES A
3 VERSION OF EVENTS IN 2002, LATER, YOU KNOW, BEFORE THESE
4 CHARGES WERE PENDING, AND HE GIVES THE EXACT SAME VERSION
5 OF THE EVENTS IN 2005, I DON'T SEE HOW THOSE NEW CHARGES
6 PROVIDE WITH HIM ANY BIAS, IF HE GIVES THE SAME STORY
7 BOTH TIMES. THERE'S NO REASON FOR HIM-- HE'S NOT
8 TELLING ANY VERSION OF EVENTS. HE'S NOT DEVELOPED ANY
9 REASON TO LIE. HE'S GIVING THE SAME STORY BOTH TIMES.

10 AND I DON'T KNOW WHAT HE'S GOING TO TESTIFY TO, BUT
11 I THINK THE ONLY OPPORTUNITY FOR BIAS THE STATE IS GOING
12 TO HAVE IS IF HE STRAYS CONSIDERABLY FROM THE STORY THAT
13 HE FIRST GAVE TO A NEW STORY AFTER THE NEW CHARGES. AND
14 CERTAINLY, I CAN'T SAY WHAT THAT BIAS WOULD BE, GIVEN
15 THAT---

16 THE COURT: IT'S NOT JUST A BIAS ISSUE. HE'S NO
17 DIFFERENT FROM ANY OTHER WITNESS THAT TESTIFIES. IT'S A
18 CREDIBILITY ISSUE FOR THE JURY TO DETERMINE.

19 MS. AHRENS: WELL, MAYBE I'M SAYING BIAS, BUT I MEAN
20 CREDIBILITY AS WELL. I DON'T THINK THERE IS A
21 CREDIBILITY ISSUE THAT ARISES OUT OF THESE SAME CHARGES
22 IF HE GIVES THE SAME VERSION OF EVENTS BEFORE AND AFTER
23 THE CHARGES.

24 THE COURT: WHEN DO Y'ALL PLAN TO CALL HIM?

1 MS. AHRENS: WELL, AT THIS RATE-- I EXPECTED AT
2 NINE-THIRTY, YOUR HONOR, BUT IT LOOKS LIKE ELEVEN-THIRTY
3 OR TWELVE. I DON'T KNOW HOW MUCH MORE THE STATE IS GOING
4 TO PUT UP. I KNOW THAT THEY HAVE A WITNESS' TESTIMONY TO
5 READ AS WELL. IT MIGHT BE RIGHT BEFORE LUNCH; IT MIGHT
6 BE RIGHT AFTER LUNCH, WHENEVER THE STATE FINISHES THEIR
7 CASES.

8 THE COURT: MS. CAMPBELL, WHAT DOES THE STATE PLAN
9 TO BRING IN ON THIS WITNESS?

10 MS. CAMPBELL: IT WOULD BE THAT HE HAS PENDING IN
11 OUR OFFICE AND WE ARE PROSECUTING HIM FOR ARMED ROBBERY
12 AND ATTEMPTED ARMED ROBBERY. WE ARE NOT GOING INTO
13 SENTENCES OR ANYTHING ELSE LIKE THAT, BUT THOSE ARE THE
14 PENDING CHARGES AGAINST HIM.

15 THE COURT: I THINK THE COURT WOULD HAVE TO DO A
16 HEARING.

17 MS. CAMPBELL: WE CAN DO A BRIEF HEARING.

18 THE COURT: WELL, WE NEED TO GET SOMEONE UP HERE AND
19 WE CAN DO A HEARING OUTSIDE THE PRESENCE OF THE JURY. I
20 UNDERSTAND YOUR OBJECTION, MS. AHRENS, BUT I'M NOT SURE--
21 I DON'T KNOW THAT THE RULE CONTEMPLATES ANY DIFFERENCE
22 BETWEEN WHETHER THE STATE IS ENTITLED TO GO INTO
23 OTHERWISE ADMISSIBLE, PRIOR BAD ACTS NOT YET SUBJECT TO
24 CONVICTION.

1 MS. AHRENS: I UNDERSTAND, YOUR HONOR. BUT IN
2 CRAWFORD VERSUS WASHINGTON, IT IS ESTABLISHED VERY
3 CLEARLY THAT THE DEFENDANT HAS THE RIGHT OF CONFRONTATION
4 THAT IS SEPARATE AND APART FROM THE RULES OF EVIDENCE.
5 AND THAT IT VIOLATES DEFENDANT'S SPECIFIC SIXTH AMENDMENT
6 RIGHT TO CONFRONTATION WHEN---

7 THE COURT: ALL CRAWFORD SAYS IS SHE HAS THE RIGHT--

8 MS. AHRENS: RIGHT, BECAUSE OF THE CONFRONTATION.
9 AND BECAUSE THAT IS A SEPARATE, FREE-STANDING PROVISION
10 IT PROVIDES THE DEFENSE WITH THE RIGHT TO CROSS EXAMINE
11 AND GO INTO THINGS THAT THEY OTHERWISE MIGHT NOT BE
12 ENTITLED TO CROSS EXAMINE BECAUSE OF THAT. I THINK THE
13 DEFENSE'S RIGHT IS APPLICABLE UNDER THAT STATE AND I
14 THINK THAT THE SUPREME COURT IS CLEAR ABOUT THAT.

15 THE COURT: THAT'S UNDER THE CONFRONTATION LAW ISSUE
16 WHICH, I'M NOT QUITE SURE I AGREE WITH YOU THAT THIS IS A
17 CONFRONTATION. I DON'T SEE THE DIFFERENCE IN THESE PRIOR
18 BAD ACTS AND ANY OTHERS.

19 MS. AHRENS: I UNDERSTAND, YOUR HONOR. I THINK THEY
20 HAVE TO ESTABLISH THE VALIDITY OF THEIR CHARGES BY CLEAR
21 AND CONVINCING EVIDENCE. I THINK THIS IS EXTREMELY
22 PREJUDICIAL AND I WANT THE RECORD TO BE CLEAR WE ARE
23 DEALING WITH A SIXTEEN-YEAR OLD---

24 THE COURT: THIS IS A DEFENDANT WHO OBVIOUSLY WAS
25 WAIVED UP.

1 MS. AHRENS: AND, YOUR HONOR, I DON'T THINK WE NEED
2 TO GET INTO THAT. THAT'S BETWEEN HIM AND HIS ATTORNEY.
3 AND THAT WOULD BE SUBJECT TO ATTORNEY-CLIENT
4 COMMUNICATION, AND I SPECIFICALLY WOULD NOT ASK ABOUT
5 THAT. BUT, CERTAINLY, IF YOU'RE BEING CHARGED AS AN
6 ADULT, FOR EXAMPLE, AND YOU'RE HAVING A DISCUSSION ABOUT
7 THE VALIDITY OF THE EVIDENCE, THE FACT THAT HE IS SIXTEEN
8 YEARS OLD WOULD COME INTO PLAY, EVEN THOUGH HE'S BEING
9 CHARGED AS AN ADULT AND HIS AGE IS A CONSIDERATION FOR
10 THE COURT IN A NUMBER OF MATTERS.

11 THE COURT: WELL, HE CERTAINLY HAS A RIGHT TO A JURY
12 TRIAL AND HIS ONLY OPTIONS NOW ARE TO GO TO TRIAL OR TO
13 PLEAD STRAIGHT UP. THAT SHOULD REMOVE THE CARROT AND THE
14 STICK FROM THE STATE.

15 I'LL GIVE YOU A CHANCE TO GO OVER THAT AND WE'LL GET
16 INTO THAT AFTER LUNCH.

17 MS. AHRENS: THANK YOU, YOUR HONOR.

18 MS. CAMPBELL: THANK YOU, YOUR HONOR.

19 THE COURT: ALL RIGHT, THEN. WE'LL PROCEED USING
20 THE ALTERNATE JUROR.

21 MS. CAMPBELL: THAT'S FINE, YOUR HONOR.

22 THE COURT: LET'S BRING IN THE JURY.

23 MS. AHRENS: BEFORE THE JURY COMES IN, YOUR HONOR.
24 I JUST NOW HAD A CHANCE TO READ THIS. RULE 404-B STATES
25 THAT ADMISSIBILITY OF OTHER CRIMES, WRONGS OR ACTS IS NOT

1 ADMISSIBLE. IT'S ADMISSIBLE TO SHOW MOTIVE, IDENTITY,
2 THE ABSENCE OF A MISTAKE OR ACCIDENT OR INTENT. I DON'T
3 SEE ANYTHING IN THERE ABOUT CREDIBILITY, YOUR HONOR.

4 THE COURT: ABOUT WHAT?

5 MS. AHRENS: ABOUT JUDGING THE WITNESS' CREDIBILITY.
6 IT DOESN'T SAY ANYTHING ABOUT ADMITTING PRIOR BAD ACTS OR
7 CRIMES TO PROVE A PERSON'S NOT CREDIBLE. AND I AM SURE
8 YOUR HONOR IS FAMILIAR WITH THE EXCEPTIONS UNDER LYLE. I
9 DON'T SEE 404-B BEING APPLICABLE HERE WITH RESPECT TO
10 JUDGING MY WITNESS' CREDIBILITY.

11 THE COURT: I KNOW WHAT THE STANDARDS ARE.

12 MS. AHRENS: I JUST WANTED TO BE SURE THE RECORD IS
13 CLEAR ABOUT 404-B.

14 THE COURT: THANK YOU. PLEASE BRING IN THE JURY
15 (WHEREUPON THE JURY ENTERED THE COURTROOM AT 10:45 A.M.)

16 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN. I
17 APOLOGIZE FOR THE DELAY IN BRINGING Y'ALL OUT. WE HAD
18 SOME MATTERS WE HAD TO TAKE CARE OF ON THE RECORD.

19 WE ARE READY TO CONTINUE AT THIS POINT. THE STATE
20 MAY PRESENT ITS NEXT WITNESS.

21 MS. CAMPBELL: MAY IT PLEASE THE COURT. THE STATE
22 WOULD PRESENT THE TESTIMONY OF E. R. MAFFETT AS READ BY
23 DANA OUTEN.

24 THE COURT: AGAIN, LADIES AND GENTLEMEN, THIS IS
25 ANOTHER WITNESS WHO IS PHYSICALLY UNABLE TO BE HERE AND

1 WE WILL HEAR THE TESTIMONY FROM A PRIOR HEARING THAT WAS
2 RECORDED, UNDER OATH.

3 YOU MAY PROCEED.

4 MS. CAMPBELL: THANK YOU, YOUR HONOR.

5 (WHEREUPON THE SWORN TESTIMONY OF E. R. MAFFETT WAS READ
6 INTO THE RECORD BY DANA OUTEN)

7 DIRECT EXAMINATION BY MS. CAMPBELL:

8 Q LIEUTENANT MAFFETT, WHERE ARE YOU EMPLOYED?

9 A SOUTH CAROLINA HIGHWAY PATROL.

10 Q HOW LONG HAVE YOU WORKED THERE?

11 A THIS MARCH WILL BE ELEVEN YEARS.

12 Q AND WHAT DO YOU DO FOR THE HIGHWAY PATROL?

13 A I'M THE LIEUTENANT IN CHARGE OF THE MIDLANDS MULTI-
14 DISCIPLINARY ACCIDENT INVESTIGATION TEAM.

15 Q IS THAT WHAT'S COMMONLY REFERRED TO AS THE MAIT
16 TEAM?

17 A RIGHT.

18 Q THAT WOULD BE M-A-I-T?

19 A RIGHT.

20 Q AND AS THE SUPERVISOR OF THE MAIT TEAM, CAN YOU TELL
21 THE JURY WHAT YOUR RESPONSIBILITIES INCLUDE?

22 A MY RESPONSIBILITY AS A SUPERVISOR OVER BASICALLY A
23 COLLISION RECONSTRUCTION UNIT. WE DO OTHER THINGS, BUT
24 WE RECONSTRUCT THE MOST SEVERE, COMPLICATED COLLISIONS IN
25 THE STATE. WE DO WORK FOR OTHER AGENCIES, SLED, THE

1 POLICE DEPARTMENT, THE SHERIFF'S DEPARTMENT. WE GO IN
2 AND HELP THEM WITH THINGS THEY MAY NOT BE TRAINED IN, MAP
3 SCENES. I AS SUPERVISOR DO RECONSTRUCTION WORK MYSELF.
4 I AM A LIAISON BETWEEN OTHER AGENCIES AND MY UNIT.

5 Q CAN YOU TELL THE JURY A LITTLE BIT ABOUT YOUR
6 TRAINING, EDUCATION, AND QUALIFICATIONS IN ACCIDENT
7 RECONSTRUCTION?

8 A YES. I HAVE A BACHELOR'S OF SCIENCE DEGREE FROM
9 CLEMSON UNIVERSITY. HOWEVER, IT'S NOT IN ACCIDENT
10 RECONSTRUCTION. THEY DON'T HAVE THAT UP THERE. I WAS
11 TRAINING TO BE A PHARMACIST BEFORE I CAME ON WITH THE
12 HIGHWAY PATROL.

13 WHEN I CAME ON IN EARLY '87 I WAS STATIONED IN
14 PICKENS COUNTY, STATIONED BACK IN CLEMSON. FOR THREE
15 YEARS I WAS A ROAD ENFORCEMENT TROOPER. THEN, LUCKILY, I
16 GOT SOME TRAINING IN COLLISION RECONSTRUCTION. THEY SENT
17 ME TO A BASIC COURSE TO START OFF WITH, WHICH HAPPENED TO
18 BE IN BOISE, IDAHO, WITH THE IDAHO STATE POLICE. THE
19 COURSE WAS SPONSORED BY NORTHWESTERN UNIVERSITY OUT OF
20 CHICAGO. THAT WAS THE BOTTOM LINE OF MY TRAINING.

21 IN THE YEAR '89, I GOT ENOUGH COURSES FOR A WHOLE
22 YEAR. FROM THAT POINT ON UNTIL '95, I WAS THE
23 ENFORCEMENT TROOPER RECONSTRUCTIONIST. IN '95, THE
24 GOVERNOR AND THE DEPARTMENT OF PUBLIC SAFETY DECIDED THEY
25 WANTED A FULL-TIME UNIT DEVOTED TO NOTHING BUT THESE

1 SEVERE COLLISIONS. AT THAT TIME WE GOT \$300,000 TO FUND
2 A FULL-TIME UNIT FOR TRAINING AND EQUIPMENT. WE THEN
3 SELECTED TWENTY PERSONNEL TO BE TRAINED. WE WENT TO
4 SCHOOL FOR A YEAR UNTIL WE WENT ON LINE AS A FULL-TIME
5 UNIT IN JANUARY OF 1996. SINCE THAT POINT WE CONSTANTLY
6 UPDATE CLASSES, SEMINARS, CONFERENCES, EVERYTHING THAT WE
7 CAN GET AND CAN AFFORD TO DO FOR COLLISION
8 RECONSTRUCTION. AT THIS POINT I HAVE A LITTLE OVER TWO
9 THOUSAND HOURS IN RECONSTRUCTION AND RELATED CLASSES.

10 Q YOU SAID OVER THE LAST TEN YEARS YOU HAVE BEEN
11 INVOLVED IN A NUMBER OF COLLISION TEAMS INVOLVING
12 FATALITIES AND OTHER SERIOUS INJURIES?

13 A YES. SINCE WE WENT ON LINE NINETY-NINE PERCENT OF
14 OUR COLLISIONS ARE FATAL COLLISIONS. WE INVESTIGATE THE
15 SCENE THAT INVOLVE THE INJURIES THEMSELVES. HOWEVER, WE
16 DO FELONY DUI AND WE ALSO DO THE GREAT BODILY INJURY TYPE
17 COLLISIONS ALSO.

18 Q SO, ANY COLLISION, REGARDLESS IF IT'S DUI OR INJURY
19 OR NOT, IF THERE'S A FATALITY OR SERIOUS BODILY INJURY
20 INVOLVED YOU MAY BE CALLED TO THE SCENE?

21 A YES, POSSIBLY.

22 Q AND THE PURPOSE OF GOING TO THE SCENE IS TO COLLECT
23 EVIDENCE THERE AT THE SCENE?

24 A WHEN WE GET TO THE SCENE WE ANALYZE THE EVIDENCE,
25 THE MARKS ON THE ROAD, THE VEHICLES THEMSELVES, HOW THEY

1 MOVE PRE-IMPACT, AT IMPACT AND POST-IMPACT. WE TAKE INTO
2 ACCOUNT WITNESS' STATEMENTS AND COMPUTER ANALYZE THE
3 STUFF TO DETERMINE WHAT HAPPENED AT IMPACT. ONCE WE
4 DECIDE WHAT HAPPENED AT IMPACT AND ANYTHING PRIOR TO
5 IMPACT, WE LOOK AT THAT TO SEE WHAT MIGHT HAVE BEEN GOING
6 ON PRIOR TO THE COLLISION. IF WE FIND OUT THERE IS A
7 VIOLATION OF THE LAW THEN WE'LL LOOK AT THAT AND SEE IF
8 THE PERSON WAS ACTUALLY VIOLATING THE LAW WHEN THE
9 COLLISION ACTUALLY OCCURRED.

10 THEN ONCE WE ARE THERE WE TYPE UP A REPORT AND IT'S
11 SENT OUT TO THE AGENCY OF THE HIGHWAY PATROL DISTRICT
12 THAT REQUIRED US TO COME IN. FROM TIME TO TIME WE
13 TESTIFY IN COURT.

14 Q OKAY. SO, YOU HAVE BEEN QUALIFIED AS AN EXPERT IN
15 COURT IN ACCIDENT RECONSTRUCTION?

16 A THIRTY-EIGHT TIMES TO DATE.

17 MS. CAMPBELL: YOUR HONOR, AT THIS TIME WE WOULD
18 OFFER HIM AS AN EXPERT IN ACCIDENT RECONSTRUCTION.

19 THE COURT: ANY OBJECTION, MR. STRICKLER?

20 MR. STRICKLER: I HAVE NO VOIR DIRE FOR THE
21 GENTLEMAN, SIR.

22 THE COURT: OKAY. THERE BEING NO OBJECTION TO YOUR
23 QUALIFICATIONS, YOU ARE SO QUALIFIED, SIR. YOU MAY
24 TESTIFY AS AN EXPERT.

25 A THANK YOU, YOUR HONOR.

1 MS. CAMPBELL: THANK YOU, YOUR HONOR.

2 Q LIEUTENANT, LET ME TAKE YOU BACK TO JANUARY 23,
3 2002. DID YOU HAVE OCCASION TO RESPOND TO A SCENE OUT ON
4 I-20 THAT AFTERNOON?

5 A I DID, MA'AM.

6 Q AND APPROXIMATELY WHAT TIME DID YOU GET THERE?

7 A WE WERE NOTIFIED AT 15:52 HOURS. WE ARRIVED ON THE
8 SCENE AT 4:04 P.M.

9 Q 4:04 P.M. IS WHEN YOU ACTUALLY ARRIVED AT THE SCENE?

10 A YES.

11 Q AND WERE YOU THE ONLY ACCIDENT RECONSTRUCTIONIST ON
12 THE SCENE THAT DAY?

13 A NO. ACTUALLY THE WHOLE TEAM WENT THAT DAY. WE WERE
14 ALL IN THE OFFICE, SO WE ALL RESPONDED. THERE WAS A
15 TOTAL OF FIVE OF US THAT WENT OUT THERE THAT DAY.

16 Q AND ALL THE OTHER PEOPLE THERE, THEY WERE MEMBERS OF
17 YOUR DIVISION?

18 A THE MAIT PERSONNEL, YES.

19 Q THE MAIT PERSONNEL. WHEN YOU GET TO THE SCENE,
20 WOULD YOU TELL THE JURY WHAT IT WAS LIKE WHEN YOU GET OUT
21 THERE AT 4:04 IN THE AFTERNOON?

22 A BASICALLY ALL THE VEHICLES WERE STILL LIKE THEY WERE
23 WHEN THE ACCIDENT OCCURRED. OBVIOUSLY, THEY WERE IN
24 THEIR FINAL RESTING POSITION. ALL THE MARKS WERE STILL
25 THERE. THE EASTBOUND LANES GOING TOWARDS FLORENCE WERE

1 BASICALLY SHUT DOWN. THE WEST WAS STILL SLOW AND THEN WE
2 SHUT EVERYTHING DOWN.

3 WE LOOK AT THE SCENE AS A CRIME SCENE, YOU KNOW. WE
4 PROTECT THE SCENE AS A CRIME SCENE AND ANYBODY THAT'S IN
5 IT HAS NO REASON TO BE THERE. TRAFFIC WAS MOVING, MOVING
6 VERY SLOW, TRAFFIC ON THE EASTBOUND SIDE.

7 Q AND WHEN YOU GOT THERE, HAD THE SCENE BEEN SECURED
8 IN A PROPER MANNER?

9 A YES.

10 Q WHEN YOU GOT THERE, I BELIEVE YOU TESTIFIED ALL
11 THREE OF THE VEHICLES WERE STILL THERE IN THE POSITION
12 WHERE THEY HAD COME TO REST?

13 A YES. THEY WERE THERE AND THEY STILL HAD THE EMS
14 TRUCKS THERE AND STILL THE FIRE DEPARTMENT THERE. OF
15 COURSE, THEY ARE REQUIRED TO STAY THERE IN CASE OF ANY
16 FLAMMABLE TYPE SITUATION THAT MAY OCCUR.

17 Q TELL THE JURY WHY IT IS IMPORTANT FOR YOU TO BE ABLE
18 TO EXAMINE THESE VEHICLE BEFORE THEY ARE MOVED AND BEFORE
19 THE MARKS ARE OCCLUDED OR ANYTHING?

20 A OBVIOUSLY, WE LIKE TO LOOK AT THE VEHICLES, LIKE TO
21 LOOK AT HOW THEY'RE STRUCK, THE DAMAGE THAT THEY MADE,
22 WHERE THEY LANDED AT, MARK THAT WHERE THEY CAME TO REST.
23 THINGS LIKE THAT LETS US TELL WHAT HAPPENED IN THE
24 COLLISION, HOW THE VEHICLES MOVED BEFORE IMPACT AND HOW
25 THEY MOVED AFTER THE IMPACT WITH EACH OTHER.

1 ALSO, WE DON'T WANT ANY VEHICLES MOVED. WHEN THEY
2 ROLL OVER, LIKE THE BOBTAIL UPSIDE DOWN, THEY HAVE TO
3 STAY THAT WAY.

4 Q BEFORE I GO ANY FURTHER, WHAT WERE THE WEATHER
5 CONDITIONS LIKE ON THAT AFTERNOON, AROUND THE TIME OF THE
6 ACCIDENT?

7 A IT WAS CLOUDY, OVERCAST. IT WAS A LIGHT MIST IN THE
8 AIR. THE ROADS WERE NOT COMPLETELY WET, BUT HAD A SLIGHT
9 DAMPNESS TO IT.

10 Q WHEN YOU GOT TO THE SCENE, WHAT IS THE FIRST THING
11 YOU DO WHEN YOU GET TO THE SCENE AS A TEAM?

12 A WELL, THE FIRST THING I DO AS A SUPERVISOR IS I GO
13 MEET WITH THE SUPERVISOR. AT THAT POINT, MOST OF THE
14 TIME, THAT'S ABOUT AN HOUR, AN HOUR AND A HALF AFTER THE
15 WRECK OCCURRED.

16 Q YES SIR.

17 A YOU KNOW, IF IT'S A NIGHTTIME WRECK, WE HAVE TO GET
18 UP IN THE MIDDLE OF THE NIGHT AND MAYBE DRIVE HALFWAY
19 ACROSS THE STATE. SINCE IT WAS ONLY A FEW MINUTES AWAY,
20 WE GOT THERE RELATIVELY QUICK.

21 I MET WITH THE SUPERVISOR, WHICH WAS LIEUTENANT
22 COLLINS, WHO TESTIFIED YESTERDAY. HE WAS THE SUPERVISOR
23 ON THE SCENE.

24 Q YES SIR.

1 A HE EXPLAINED WHAT HE DID AND BASICALLY WE LOOK AT
2 ISSUES, WHAT ISSUES DID HE HAVE THAT HE WANTED US TO TRY
3 TO ADDRESS IN THE COLLISION.

4 Q AND IN THIS COLLISION, SPECIFICALLY, WHAT, IF
5 ANYTHING, WHAT ISSUES WERE YOU TRYING TO ADDRESS?

6 A WELL, IT WAS A COMPLICATED COLLISION. SO, ONE OF
7 THE THINGS HE WANTED US TO TELL HIM IS HOW THE COLLISION
8 OCCURRED.

9 Q YES SIR.

10 A AND WE DOCUMENT THE EVIDENCE. WE ALSO MADE A SCALE
11 DRAWING. WE ALSO-- HE ASKED FOR SPEED CALCULATIONS, IF
12 WE COULD, ON ANY OF THE VEHICLES.

13 Q ON ANY OF THE VEHICLES. SO, WHEN YOU'RE GETTING OUT
14 TO THE SCENE AND SPECIFICALLY TO THIS SCENE, YOU'RE
15 TRYING TO DETERMINE HOW THE COLLISION OCCURRED, WHAT
16 SPEED THE PEOPLE WERE TRAVELING.

17 A UH-HUH.

18 Q BASICALLY, WHAT CAUSED THE ACCIDENT.

19 A YES MA'AM.

20 Q AND IN DOING THAT, BEFORE MAKING ANY FINAL REPORT,
21 DO YOU VIEW WITNESS' STATEMENTS AND THINGS OF THAT
22 NATURE?

23 A YES. WE HAVE ONE PERSON THAT IS TRAINED ON THE TEAM
24 WHO IS A HUMAN FACTOR SPECIALIST AND HE GETS THE WITNESS'
25 STATEMENTS. IN THIS CASE, SERGEANT COLLINS, LIEUTENANT

1 COLLINS, NOW, SAID THAT THEY WOULD BE HANDLING ALL THE
2 HUMAN FACTOR PART OF IT. THE ALCOHOL, WAS THE PERSON
3 UNDER THE INFLUENCE. THEY HAD ALREADY BASICALLY TAKEN
4 CARE OF THE STATEMENTS ON THE SCENE. I REALIZED ALL THAT
5 WAS DONE THE NEXT DAY, BUT THEY DID HANDLE THAT. WE
6 BASICALLY IN THIS SITUATION HANDLED WHAT WE CALL THE
7 VEHICLE DYNAMIC, HOW THE VEHICLE REACTED IN THE COLLISION
8 TO DETERMINE HOW THE ACCIDENT OCCURRED.

9 Q WHILE YOU WERE ON THE SCENE THERE THAT DAY, WHO--
10 INITIALLY, WHEN YOU GET THERE, DO YOU ALSO TAKE A VIDEO
11 OF THE AREA?

12 A YES. WE TRY TO PHOTOGRAPH AND VIDEO ALL SCENES.

13 Q OKAY. THERE HAVE BEEN A NUMBER OF PHOTOGRAPHS THAT
14 HAVE BEEN INTRODUCED AND I AM GOING TO SHOW YOU A NUMBER
15 OF THOSE. WERE THOSE PHOTOGRAPHS THAT TAKEN THAT DAY
16 UNDER YOUR SUPERVISION?

17 A YES, THEY WERE.

18 Q LIEUTENANT, EXACTLY WHERE ON I-20 DID THIS ACCIDENT
19 TAKE PLACE?

20 A IT HAPPENED SHORTLY BEFORE THE, ON I-20, JUST AFTER
21 I-77 AND ALPINE ROAD, WHERE ALPINE ROAD IS UNDERNEATH I-
22 20, JUST AFTER WHERE THE ENTRANCE RAMP STARTS TO MERGE
23 INTO I-20, JUST RIGHT AFTER THE I-77 MILE MARKER
24 EASTBOUND.

1 Q I'M GOING TO SHOW YOU WHAT HAS BEEN MARKED AS
2 STATE'S EXHIBIT TWO. IT'S ALREADY BEEN INTRODUCED INTO
3 EVIDENCE. DO YOU RECOGNIZE THIS BLOW-UP?

4 A YES. THAT'S THE ROADWAY THAT WAS CREATED FROM DOING
5 A FORENSIC MAPPING TO MAKE A SCALE DRAWING.

6 Q WAS THAT DONE-- WAS THE MAP DONE BY-- IT'S GOT ALL
7 OF YOUR NAMES ON IT INVESTIGATING THIS CASE.

8 A YES.

9 Q AND SPECIFICALLY, WHAT DOES STATE'S EXHIBIT TWO SHOW
10 TO THE JURY?

11 A WELL, THAT'S THE ENTIRE ROADWAY. THIS WAY, THE
12 EASTBOUND LANES GO TOWARDS FLORENCE. IN THE CENTER WHERE
13 YOU SEE THESE LITTLE THINGS HERE, THAT REPRESENTS GRASS
14 IN THE MEDIAN. THERE'S A CABLE BARRIER IN THE MEDIAN AND
15 THIS IS THE WESTBOUND LANE.

16 ON THIS SIDE, YOU HAVE THREE LANES. THIS WOULD BE,
17 AS I SAID EARLIER, THIS ENTRANCE LANE OR FEEDER LANE INTO
18 THE EASTBOUND LANE. AND HERE WERE TWO LANES, NUMBER ONE,
19 AND TWO LANES THAT WERE CONSTANTLY RUNNING. THEN, OF
20 COURSE, ON THE WESTBOUND SIDE, YOU HAVE THE TWO LANES
21 ALSO. THESE OUTER EDGES REPRESENT THE EDGE OF THE
22 PAVEMENT. THIS IS THE EMERGENCY LANE ON BOTH SIDES.

23 Q ON BOTH SIDES. SO, THIS HAS THIS LINE DOWN THE
24 MIDDLE. THAT WOULD BE WHAT WE CALL THE CABLES?

1 A THAT'S THE CABLE BARRIER THEY STARTED INSTALLING IN
2 THE FALL OF 2000.

3 Q THAT WE'VE HEARD ABOUT?

4 A YES.

5 Q TO TRY TO PREVENT CROSS OVER COLLISIONS?

6 A RIGHT.

7 Q AND THAT'S THE IMPACT OF THE ACCIDENT. IS THAT
8 CORRECT?

9 A THAT'S CORRECT.

10 Q AND THEN YOU ALSO HAVE THIS, IS THE LANE GOING
11 TOWARDS FLORENCE OR CAMDEN.

12 A YES.

13 Q AND THIS IS THE LANE THAT FEEDS BACK INTO COLUMBIA,
14 AND THE INTERSECTION IS RIGHT HERE, ISN'T IT?

15 A YES.

16 Q AND THE SPEED LIMIT DOWN HERE AS INDICATED-- WHAT
17 WAS THE SPEED LIMIT AT THAT POINT ON THE ROAD THAT DAY?

18 A SIXTY MILES PER HOUR.

19 Q AND THAT'S FOR THIS ENTIRE AREA. IS THAT CORRECT?

20 A YES.

21 Q AND YOU ALSO HAVE A POINT HERE TO A LITTLE STOP
22 THERE. AND YOU'VE ALSO GOT IT BLOWN UP HERE. WHAT DOES
23 THAT INDICATE?

24 A THAT INDICATES THAT THIS THIRD LANE, HERE, WHICH IS
25 AN ENTRANCE LANE COMING FROM I-77, ALPINE ROAD, IT

1 ESSENTIALLY RUNS OUT AND ALL TRAFFIC SHOULD START MERGING
2 INTO THE SECOND LANE HERE.

3 Q BUT PRIOR TO, THIS IS THE SIGN THAT INDICATES THAT
4 THE LANE GOING TO SPARTANBURG IS LEFT AT THAT POINT?

5 A RIGHT. THAT LETS YOU KNOW THAT THAT LANE WILL RUN
6 OUT UP THE ROAD HERE, SO TRAFFIC NEEDS TO GET OVER.

7 Q AND THEN FINALLY, YOU ALSO HAVE A MODEL 77 BLOWN UP
8 HERE. IT POINTS TO WHERE THAT'S INDICATED?

9 A YES.

10 Q WHAT IS THAT?

11 A THAT'S THE EXIT SIGN OUT THERE THAT INDICATES THE 77
12 MILE MARKER.

13 Q AND THERE'S ONE ON EITHER SIDE OF THE ROAD THAT'S
14 INDICATED ON THIS?

15 A YES.

16 Q AND, OF COURSE, STATE'S EXHIBIT TWO, THIS IS YOUR
17 DIAGRAM BLOWN UP WITHOUT ANY OF YOUR FINDINGS ON IT?

18 A CORRECT.

19 Q NOW, YOU GOT OUT THERE THAT DAY AND I BELIEVE YOU
20 INDICATED YOU TOOK A NUMBER OF PHOTOGRAPHS?

21 A YES, MY TEAM DID.

22 Q EXCUSE ME? YOUR TEAM DID?

23 A I DID TAKE SOME MYSELF.

24 MS. CAMPBELL: BEG THE COURT'S INDULGENCE.

25 THE COURT: YES MA'AM.

1 (PAUSE)

2 Q I'M GOING TO SHOW YOU A NUMBER OF PHOTOGRAPHS THAT
3 HAVE ALREADY BEEN INTRODUCED, SPECIFICALLY STATE'S
4 EXHIBITS SIX, TWENTY-ONE AND TWENTY. I'LL LET YOU LOOK
5 AT ALL THESE, STATE'S SEVEN AND NINE, AND ASK YOU TO LOOK
6 AT THOSE.

7 A YES MA'AM.

8 Q WHAT DO THOSE REPRESENT?

9 A THIS REPRESENTS THE SCENE WITH THE VEHICLES, POST-
10 IMPACT AT THE FINAL RESTING POSITION AND THE DEBRIS FROM
11 THESE VEHICLES.

12 Q IS THAT HOW THE SCENE LOOKED THAT DAY WHEN YOU GOT
13 OUT THERE?

14 A YES MA'AM.

15 Q SPECIFICALLY, THOSE INDICATE WHAT THE POSITION OF
16 THE PENSKE BOBTAIL TRUCK WAS?

17 A YES. IT SHOWS THE MEDIAN. ONE OF THEM SHOWS THE
18 MEDIAN. THIS ONE SHOWS THE MEDIAN WHERE THE PENSKE
19 BOBTAIL TRUCK WAS AT ITS FINAL REST, UPSIDE DOWN IN THE
20 MEDIAN. YOU CAN ALSO TELL THE MARK THAT IT MADE AS IT
21 CROSSED THE MEDIAN, STRIKING THE CABLE BARRIERS AND
22 KNOCKING IT DOWN.

23 Q UH-HUH.

24 A THIS ONE HERE IS JUST A CLOSER-UP PICTURE OF THE
25 PENSKE TRUCK UPSIDE DOWN.

1 Q YES SIR.

2 A THIS ONE HERE SHOWS THE FRONT END OF THE TRUCK
3 WHICH, AS YOU'LL NOTICE, THE STEER AXLES ARE GONE. THESE
4 ARE THE TIRES ON THE FRONT THAT STEERED THE TRUCK. THERE
5 HAD BEEN, BY THE IMPACT OF THE TRACTOR TRAILER, IT
6 KNOCKED THE STEER AXLES LOOSE. IT SENT THEM DOWN THE
7 ROAD INTO THE MEDIAN A GOOD BIT AWAY. THIS ONE HERE IS
8 JUST A REVERSE VIEW OF THE BOBTAIL.

9 Q A REVERSE VIEW OF THE BOBTAIL THAT WE JUST SAW?

10 A YES. THIS ONE IS JUST THE HOOD. THE HOOD ON THE
11 TRUCK ARE HELD BY A COUPLE OF BOLTS AT THE BOTTOM. THEY
12 JUST FLIP UP. IT TAKES A LOT OF FORCE TO KNOCK THAT
13 LOOSE. IT'S MADE OF FIBERGLASS.

14 HERE, IT'S GETTING A LITTLE BIT DARK. IT'S AROUND
15 FIVE-THIRTY. IT'S STARTING TO GET A LITTLE FOGGY OUT
16 THERE. BASICALLY THOSE ARE THE SAME PICTURES AS THE
17 FIRST ONE SHOWING THE MEDIAN AND THE TRUCK.

18 Q THIS IS A REVERSE VIEW, AND THIS IS AN ADDITIONAL
19 PHOTOGRAPH THAT MAY AID YOU IN EXPLAINING TO THE JURY.

20 A YES. THIS IS A REVIEW.

21 Q LET ME GET IT INTO EVIDENCE FIRST.

22 A I'M SORRY.

23 Q DOES THIS FAIRLY AND ACCURATELY DEPICT THE SCENE AS
24 YOU SAW IT THAT DAY?

25 A YES.

1 MS. CAMPBELL: YOUR HONOR, AT THIS TIME, I WOULD
2 OFFER THIS INTO EVIDENCE.

3 THE COURT: OKAY.

4 MR. STRICKLER: WITHOUT OBJECTION.

5 THE COURT: WITHOUT OBJECTION, IT'S ADMITTED.

6 Q I'M SORRY. NOW, YOU CAN EXPLAIN STATE'S EXHIBIT
7 TWENTY-EIGHT.

8 A IT'S A REVERSE VIEW LOOKING AT THE WEST SIDE OF THE
9 MEDIAN SHOWING THE BOBTAIL LAYING IN THE MEDIAN.

10 Q THERE WAS ANOTHER TRUCK INVOLVED IN THAT COLLISION
11 THAT DAY, WAS THERE NOT?

12 A YES, THERE WAS. THERE WAS A WESTERN STAR TRACTOR
13 PULLING A DUMP TRUCK.

14 Q AND I WANT TO SHOW YOU STATE'S EXHIBITS ELEVEN,
15 THIRTEEN, FOURTEEN, TWENTY-FOUR AND TWELVE AND ASK YOU TO
16 LOOK AT THOSE. DO YOU RECOGNIZE THEM?

17 A YES MA'AM.

18 Q DO THOSE FAIRLY AND ACCURATELY DEPICT THE TRAILER
19 AS IT APPEARED, OR THE SECOND TRACTOR TRAILER AS IT
20 APPEARED THAT DAY?

21 A YES MA'AM. THIS ONE HERE SHOWS THE MARK FROM, AFTER
22 THE GENTLEMAN DRIVING THE TRACTOR TRAILER LOCKED UP THE
23 BRAKES AND WAS STRUCK. HE DIDN'T HAVE CONTROL OF THE
24 VEHICLE. THIS SHOWS THE MARKS INTO THE MEDIAN. AS YOU
25 CAN FOLLOW THESE MARKS HERE IT GOES ON THE CABLE AND THEN

1 THE CABLE KIND OF RE-DIRECTS, AND BACK TOWARDS THE WAY HE
2 ORIGINALLY TRAVELED ON THE EDGE OF THE ROAD.

3 Q SO THE CABLE ACTUALLY PREVENTED THAT FROM CROSSING
4 INTO THE INCOMING TRAFFIC?

5 A YES. THERE'S THE POSSIBILITY IF THAT CABLE HADN'T
6 BEEN THERE THAT VEHICLE WOULD HAVE WENT BACK INTO
7 EASTBOUND LANE OF TRAFFIC COMING IN THE OPPOSITE
8 DIRECTION.

9 THIS ONE HERE SHOWS THE IMPACT LOCATION AT THE STEER
10 AXLE THAT WAS KNOCKED OUT FROM THAT BOBTAIL. IT STRUCK
11 THE CENTER WHERE THE TIRE, YOU CAN SEE THE ROUND
12 INDENTATION ON IT WHERE THE CENTER OF THE STEER AXLE
13 STRUCK THE TRAILER NINE FEET UP IN THE AIR.

14 THIS ONE HERE SHOWS THE WESTERN STAR TRACTOR. THE
15 IMPACT TOOK PLACE WITH THE TRACTOR BEFORE AND WENT
16 THROUGH THE CAB WITH AN ANGLE AND THEN STRUCK THE TRAILER
17 WHICH IS OBVIOUSLY TURNED.

18 Q YES SIR.

19 A AND THIS ONE HERE SHOWS THE TRACTOR SITTING AT A
20 FINAL REST, HOW THE CABLE RE-DIRECTED IT AT ITS FINAL
21 REST.

22 Q AT THE BOTTOM OF THE PICTURE IS SOMEONE WITH A
23 CAMERA.

24 A YES. THAT WAS ONE OF THE INVESTIGATORS.

25 Q THIS SHOWS WHAT? I'M SORRY.

1 A THAT SHOWS THE VEHICLE AT FINAL REST, THE TRACTOR
2 TRAILER. YOU CAN SEE HOW IT WAS. IT WENT INTO THE
3 MEDIAN AT AN ANGLE AND THEN THE CABLE WAS RE-DIRECTING IT
4 BACK, ALMOST BACK TO ITS PROPER LANE. IT CAME BACK ONTO
5 THE ROAD.

6 Q AND FINALLY?

7 A THIS ONE HERE SHOWS THE IMPACT AFTER THE VEHICLE WAS
8 STRUCK, CAB AND TRAILER. AS THE BOBTAIL ROTATED BACK
9 TOWARD THE MEDIAN, IT ALSO MADE CONTACT. THIS WOULD BE A
10 FIFTH AXLE. IT DOESN'T RUN ALL THE TIME, BUT IF THEY
11 HAVE A HEAVY LOAD THEY CAN PUT DOWN ANOTHER AXLE TO
12 SPREAD THE WEIGHT OUT. THIS WOULD BE A FIFTH AXLE. IT
13 WAS TURNED UNDERNEATH FROM THE IMPACT WITH THE BOBTAIL,
14 THE REAR END, THEN WENT TO WHAT WE CALL A TRAILER, ONE
15 AXLE WITH A DAMAGE RIM WAS DAMAGED ALSO.

16 Q I'M GOING TO SHOW THREE ADDITIONAL PHOTOGRAPHS.

17 WOULD THOSE ALSO HELP YOU EXPLAIN THE SCENE TO THE JURY
18 TODAY?

19 A MA'AM.

20 Q WOULD THOSE PHOTOGRAPHS ALSO HELP YOU IN YOUR
21 EXPLANATION TO THE JURY?

22 A YES MA'AM.

23 Q DO THOSE FAIRLY AND ACCURATELY SHOW THE SCENE AS YOU
24 SAW IT THAT DAY?

25 A YES MA'AM.

1 MS. CAMPBELL: YOUR HONOR, AT THIS TIME WE WOULD
2 OFFER INTO EVIDENCE THREE ADDITIONAL PHOTOS.

3 MR. STRICKLER: NO OBJECTION.

4 THE COURT: I UNDERSTAND THERE ARE MORE. DO YOU
5 WANT TO GO AHEAD AND PUT THEM ALL IN, MS. CAMPBELL?

6 MS. CAMPBELL: YES. I CAN GO AHEAD IF HE DOESN'T
7 HAVE ANY OBJECTION TO THEM.

8 MR. STRICKLER: THESE ARE THE ONES SHE HAS ALREADY
9 SHOWN THE WITNESS. SHE GAVE ME SOME ADDITIONAL ONES. I
10 HAVE NO OBJECTION TO THEM EITHER.

11 MS. CAMPBELL: WHAT ABOUT THESE? I SHOWED YOU
12 THESE.

13 MR. STRICKLER: THOSE ARE THE ADDITIONAL ONES YOU
14 SHOWED ME. I HAVE NO OBJECTION TO THOSE.

15 THE COURT: THANK YOU.

16 (WHEREUPON STATE'S EXHIBITS NUMBER THIRTY THROUGH FORTY-
17 SEVEN ARE MARKED FOR IDENTIFICATION)

18 Q I'LL SHOW YOU SOME ADDITIONAL PHOTOGRAPHS OF THE
19 SECOND TRUCK INVOLVED. CAN YOU EXPLAIN THOSE TO THE
20 JURY?

21 A YES MA'AM. THIS IS JUST A REAR VIEW OF THE SAME
22 MARKS AFTER THE WESTERN STAR VEHICLE WAS STRUCK. THE
23 BOBTAIL, THE DRIVER, OBVIOUSLY, LOST CONTROL AND WENT
24 INTO THE MEDIAN. THE CABLE BARRIER CAUGHT IT, KEPT IT
25 FROM CROSSING THE MEDIAN AND CARRIED IT BACK IN THE

1 DIRECTION WHERE IT WAS, YOU KNOW, TO THE WESTBOUND SIDE.
2 THAT SHOWS THE MARKS IN THE FINAL REST POSITION.

3 Q IN THE FINAL REST POSITION?

4 A YES.

5 Q OKAY.

6 A THE REAR OF THE TRAILER. THIS ONE HERE BASICALLY,
7 IT SHOWS THE OCCUPANT COMPARTMENT OF THE WESTERN STAR
8 TRACTOR TRAILER, TRUCK PORTION, WHICH I BELIEVE MR. OWENS
9 WAS THE DRIVER. IT ALSO SHOWS A LITTLE BIT OF DAMAGE
10 THAT HAPPENED FROM THE IMPACT. A LITTLE BIT OF THAT
11 DAMAGE IS FROM THE EXTRICATION OF GETTING HIM OUT.

12 Q AND THE FINAL VEHICLE, DO YOU HAVE THAT IN FRONT OF
13 YOU?

14 A THIS WAS AFTER THE VEHICLE WAS TOWED THE NEXT DAY.
15 IT WAS AT THE WRECKER SERVICE. IT SHOWS THE FRONT OF THE
16 VEHICLE HAD DAMAGE TO THE TRAILER PORTION, TOO.

17 Q BUT FOR THE RECORD, STATE'S EXHIBIT THIRTY-ONE IS
18 ACTUALLY THE VEHICLE THE NEXT DAY?

19 A YES.

20 Q SO, THAT'S A COMBINATION OF THE DAMAGE AND ALSO THE
21 DAMAGE THAT WAS DONE WHEN HE WAS EXTRICATED FROM THE CAB?

22 A YES.

23 Q AND FINALLY, I WANT TO SHOW YOU A SERIES OF
24 PHOTOGRAPHS, STATE'S EXHIBITS TWENTY-FIVE, NINETEEN,

1 FOUR, FIFTEEN, SIXTEEN, SEVENTEEN, AND EIGHTEEN FOR THE
2 RECORD. DO YOU RECOGNIZE THOSE?

3 A YES MA'AM. THIS IS THE FORD TAURUS SHOWING THE
4 OCCUPANT AREA, SHOWING THE DRIVER'S AIR BAG HAD BEEN
5 PUSHED BACK UP INTO THE STEERING COLUMN.

6 Q SO, IT HAD INFLATED AT SOME POINT?

7 A YES. THIS SHOWS THE REAR OF THE CAR SITTING AT
8 FINAL RESTING POSITION AND THE BOTTOM OF IT SHOWS WHERE
9 THE EMBANKMENT STARTS UP.

10 Q YES SIR.

11 A THIS HERE SHOWS THE FRONT VIEW AND THE DAMAGE TO THE
12 FORD TAURUS AT FINAL REST.

13 Q YES SIR.

14 A THIS SHOWS THE RIGHT, REAR VIEW OF THE FORD TAURUS.
15 YOU CAN SEE THE TIRES ARE DEFLATED. THAT MEANS FROM THE
16 VEHICLE SLIDING OFF THE ROAD AND THE TIRES BROKE FROM THE
17 RIM.

18 Q YES SIR.

19 A BOTH OF THEM OF THE RIGHT SIDE ARE CURVED. THIS
20 SHOWS THE LEFT SIDE. BASICALLY THIS IS WHAT WE CALL
21 INDUCED DAMAGE. THIS DID NOT OCCUR FROM IMPACT ON THE
22 LEFT SIDE. WELL, IT DID OCCUR FROM IMPACT, BUT WE HAVE
23 TWO TYPES OF DAMAGE CALLED CONTACT AND INDUCED. CONTACT
24 IS THE ACTUAL IMPACT. INDUCED IS THE RIPPLING EFFECT, I

1 BELIEVE THAT WAS INDUCED EARLIER CAUSING DAMAGE TO THE
2 OTHER SIDE.

3 Q BUT IF THE CAR'S IMPACT IS SUSTAINED ON ITS LEFT
4 SIDE YOU HAVE DAMAGE THAT RESULTS ON THAT FROM THE RIGHT
5 SIDE?

6 A YOU HAVE DAMAGE ALL THE WAY TO THE CAR TO THE VERY
7 BACK. IT'S CALLED, IT'S A RIPPLING EFFECT. WE CALL IT
8 INDUCED DAMAGE. IT DIDN'T COME FROM THE ACTUAL IMPACT,
9 BUT JUST FROM THE FORCE OF THE IMPACT, RIPPLING THROUGH
10 THE CAR, BENDING AND CRUMPLING THE METAL.

11 Q OKAY.

12 A THIS IS THE LEFT, FRONT BUMPER OF THE CAR SHOWING
13 THE SLIGHT INDENTATION OF THE TRUCK. THIS HERE SHOWS THE
14 VEHICLE AT FINAL RESTING SHOT FROM THE MEDIAN. I TOOK
15 THAT PICTURE ALSO.

16 Q SHOT FROM THE MEDIAN?

17 A YES.

18 Q SO, THAT'S THE CAR AS YOU LOOK AT IT FROM THE
19 MEDIAN THAT DAY AFTER IT CAME TO REST?

20 A YES. RIGHT.

21 Q I'M GOING TO SHOW YOU SOME ADDITIONAL PHOTOGRAPHS
22 AND ASK YOU TO PULL FOR ME STATE'S EXHIBITS THIRTY-TWO
23 THROUGH THIRTY-FIVE. DO YOU RECOGNIZE THOSE?

24 A YES MA'AM, I DO, ALL OF THEM.

25 Q AND THOSE ARE ADDITIONAL PHOTOS OF THE GRAY CAR?

1 A YES, THEY ARE.

2 Q AND WHAT DO THESE SHOW, SIR?

3 A WELL, THE LEFT, FRONT BUMPER, THIS IS THE PRIMARY
4 IMPACT BETWEEN THE FORD TAURUS AND THE BOBTAIL TRAILER.
5 THE INITIAL DAMAGE THAT CAUSED THE INITIAL CHAIN REACTION
6 OF THE COLLISION.

7 Q SO, THIS STATE'S EXHIBIT, THIS SHOWS THE INITIAL
8 DAMAGE FROM THE IMPACT BETWEEN THE TAURUS AND THE PENSKE
9 BOBTAIL?

10 A YES MA'AM. THIS HERE SHOWS THE RIGHT SIDE OF THE
11 VEHICLE AND THE RIGHT, REAR TIRE THAT'S DEFLATED.
12 BASICALLY, WHEN THIS VEHICLE SLID UP TO THE EDGE OF THE
13 EMBANKMENT THERE WAS A LITTLE BIT OF A MOTION IN THE
14 VEHICLE THAT CAUSED IT TO FLIP AND ROLL UP ON ITS SIDE.
15 BYSTANDERS ACTUALLY PUSHED THE VEHICLE BACK DOWN ON ITS
16 FOUR TIRES.

17 Q WAS THE VEHICLE ACTUALLY ROLLED ON ITS SIDE?

18 A THE VEHICLE WAS ROLLED UP ON ITS RIGHT SIDE. PRIOR
19 TO US GETTING THERE SOMEBODY PUSHED THE VEHICLE BACK
20 DOWN.

21 Q OKAY.

22 A THIS SHOWS THE MARK MADE BY THE VEHICLE AFTER IT
23 STRUCK THE BOBTAIL. ONCE IT STRUCK THE BOBTAIL IT THEN
24 ROTATED COUNTER-CLOCKWISE OFF THE ROAD TO A FINAL REST.

25 Q OKAY. IT'S FINAL.

1 A THIS IS A MORE GENERAL VIEW OF THE DAMAGE TO THE
2 RIGHT FRONT OF THE TRUCK AFTER IT STRUCK THE BOBTAIL. IT
3 STRUCK THE TIRE AND REAR WHEEL AREA.

4 Q I'M GOING TO SHOW YOU ADDITIONAL PHOTOS AND I'M
5 GOING TO ASK YOU TO TALK ABOUT THEM IN A MINUTE. I'M
6 GOING TO SHOW STATE'S EXHIBITS THIRTY-THREE THROUGH
7 FORTY-SEVEN. ARE THESE ALSO ADDITIONAL PHOTOS THAT WERE
8 TAKEN OUT THERE THAT DAY DURING THE RECONSTRUCTION?

9 A YES MA'AM, THEY ARE.

10 Q AND I'LL GET BACK TO THOSE IN A MINUTE. ONCE YOU
11 WERE OUT THERE THAT DAY, MARKING THE ENTIRE SCENE IN
12 THESE PHOTOGRAPHS, WAS THERE ALSO A VIDEO TAKEN AT THAT
13 SCENE?

14 A YES.

15 Q AND I'LL GET BACK TO THAT IN A MINUTE. THE VIDEO
16 WAS TAKEN SO THAT PERHAPS AT A LATTER DATE YOU CAN SHOW
17 THE JURY WHAT THE MARKS ARE AND WHAT'S SIGNIFICANT?

18 A YES MA'AM.

19 Q CAN YOU TELL THE JURY, ONCE YOU GOT OUT AT THAT
20 SCENE WHAT, IF ANY EVIDENCE YOU OBSERVED AND WHAT WAS
21 SIGNIFICANT IN MAKING YOUR CALCULATIONS AS TO WHAT
22 HAPPENED THAT DAY?

23 A YES MA'AM. AS FAR AS COLLISION RECONSTRUCTION WE
24 LOVE MARKS ON THE ROAD. MARKS TELL THE TALE. MARKS TELL
25 WHAT HAPPENED. MARKS ALLOW US TO CALCULATE HOW FAST THE

1 VEHICLES WERE GOING. THE FIRST THING I GO LOOKING FOR
2 AND THE INVESTIGATORS GO LOOKING FOR ARE MARKS ON THE
3 ROADWAY.

4 IN THIS CASE THERE WERE A NUMBER OF MARKS LEFT ON
5 THE ROADWAY. ACTUALLY, EACH VEHICLE MADE MARKS OUT
6 THERE. OBVIOUSLY, YOU LOOK AT THOSE FINAL REST
7 POSITIONS. YOU LOOK AT THE DAMAGE TO THE VEHICLES THAT
8 TELL WHERE THE IMPACT WAS, HOW THEY IMPACTED AND HOW THEY
9 WERE FORCED TO WHERE THEY ENDED UP.

10 Q OKAY. AND ONCE YOU GOT OUT THERE THAT DAY, AND I
11 DON'T KNOW WHICH WAY YOU WANT TO TAKE THIS, IF YOU WANT
12 TO TAKE IT VEHICLE BY VEHICLE. WERE YOU ABLE TO
13 DETERMINE THE SEQUENCE OF EVENTS THAT CAUSED THIS FATAL,
14 THREE-CAR COLLISION?

15 A YES MA'AM.

16 Q CAN YOU TELL THE JURY WHAT YOU FOUND? I'LL GET
17 BACK TO-- YOU MADE SOME DIAGRAMS IN THIS CASE, DID YOU
18 NOT?

19 A YES, I DID.

20 Q AND I SHOW YOU, FIRST OFF, BEFORE WE GET THERE, YOU
21 CAN GET UP IN FRONT OF THE JURY AND EXPLAIN. THAT MIGHT
22 BE EASIER. I'LL SHOW YOU THE FIRST OF THESE. IT'S JUST
23 A TAX MAP OF THE GENERAL AREA.

24 A YES MA'AM.

25 Q AND THIS DID OCCUR IN RICHLAND COUNTY, DID IT NOT?

1 A IT DID.

2 Q AND THEN, ADDITIONALLY, THERE ARE TWO OTHER DIAGRAMS
3 THAT I BELIEVE YOU PREPARED?

4 A YES, WE PREPARED THEM.

5 Q OTHER THAN BEING BLOWN UP, DO THOSE FAIRLY AND
6 ACCURATELY DEPICT THE DIAGRAMS THAT YOU PREPARED.

7 A YES.

8 MS. CAMPBELL: YOUR HONOR, AT THIS TIME, WE OFFER
9 THESE THREE INTO EVIDENCE.

10 MR. STRICKLER: WITHOUT OBJECTION.

11 THE COURT: THANK YOU. WITHOUT OBJECTION, THEY ARE
12 ADMITTED.

13 Q AND LIEUTENANT, I'M GOING TO ASK YOU TO STEP DOWN,
14 IF YOU CAN. LEAVE THOSE ITEMS WITH THE CLERK. WE'RE
15 GOING TO REFER BACK TO THE PHOTOS THAT SHOW EXACTLY WHAT
16 HAPPENED. IF YOU'LL COME RIGHT OVER TO THE SIDE SO THAT
17 THE COURT REPORTER CAN HEAR YOU. HERE'S A POINTER, IF
18 THAT WILL HELP.

19 A YES MA'AM.

20 Q THE FIRST OF THESE I JUST WANT TO SHOW FOR THE JURY.
21 IT SHOWS THE GENERAL AREA WHERE THE ACCIDENT OCCURRED.

22 A SURE. AS YOU SEE THE EXIT FOR I-77 AND IT GETS TO
23 WHERE IT CROSSES I-20 AT THIS LOCATION. IF YOU WANT TO
24 GET ON 8-20, EASTBOUND TOWARDS FLORENCE, YOU EXIT OFF AT
25 THIS LOCATION HERE. NOW, WHEN YOU EXIT OFF YOU ACTUALLY

1 GET INTO THIS LANE THAT ALREADY EXITED OFF I-20 AND IT
2 WILL CARRY YOU ONTO ALPINE ROAD. THEY WILL BOTH COME
3 TOGETHER. RIGHT NOW YOU'RE NOT TRAVELING ACTUALLY ON I-
4 20 AT THIS POINT; YOU'RE IN A FEEDER LANE.

5 AT THIS POINT HERE THE ROAD FORKS OFF UNLESS YOU GO
6 DOWN ALPINE ROAD, WHICH RUNS HERE, OR YOU CAN GO LEFT AND
7 CONTINUE ON IN THE FEEDER LANE THAT CROSSES HERE. THIS
8 BEING THE WESTBOUND. THIS BEING THE EASTBOUND OF I-20.
9 THIS IS A FEEDER LANE AND YOU CONTINUE AT THIS LOCATION.

10 IF YOU'RE GETTING OFF ALPINE ROAD, YOU THEN COME UP
11 THIS ENTRANCE RAMP WHICH ACTUALLY FEEDS INTO AND COMES
12 BACK TOGETHER HERE. THESE TWO LANES BECOME ONE AT THIS
13 LOCATION AND THE ACCIDENT OCCURRED ON UP HERE A LITTLE
14 WAYS FURTHER.

15 Q LOOKING AT THE REFLECTION OF STATE'S EXHIBIT TWO,
16 WHICH IS THE ONE GENERALLY THAT WE JUST REFERRED TO WHICH
17 SHOWS THE AREA WHERE IT OCCURRED. IS THAT CORRECT?

18 A YES. THE FEEDER LANE MERGING INTO ONE AND THEY COME
19 TOGETHER AT THIS LOCATION DOWN HERE. THEN THIS IS THE
20 FEEDER LANE HERE THAT WE CALL THE NUMBER THREE LANE.

21 Q AS PART OF YOUR INVESTIGATION YOU SAY YOU LIKE TO
22 SEE MARKS AND THINGS ON THE ROAD. I'M GOING TO SHOW YOU
23 WHAT HAS BEEN MARKED AS STATE'S EXHIBIT THIRTY-NINE. DO
24 YOU RECOGNIZE THAT?

1 A THIS IS THE SAME ROADWAY. WHAT IT HAS, IT HAS ALL
2 THE EVIDENCE MARKED WE MARKED OUT THERE, PLUS THE VEHICLE
3 IN ITS FINAL REST POSITION.

4 WE DO THIS, WHAT'S CALLED FORENSIC MAPPING. IT'S
5 KIND OF LIKE A SURVEY INSTRUMENT. SOME PEOPLE HAVE HAD
6 PROPERTY SURVEYED OR CONDUCTED SURVEYS. AND SO WE CALL
7 IT A TOTAL STATION, WE CAN GO OUT THERE AND MAP THIS
8 WHOLE THING, EVIDENCE, ROADWAY, RELEVANT THINGS TO THE
9 COLLISION AND COME BACK. BASICALLY, RESPONDERS COME IN,
10 AND AS YOU SEE HERE WITH THIS ROADWAY, THE EVIDENCE
11 MARKED. ALL THE THINGS HERE ARE ADDED IN. THERE ARE
12 SIGNS THAT ARE RELEVANT OUT THERE AND THE VEHICLE
13 REPRESENT WHERE THE ACCIDENT OCCURRED.

14 THIS ONE WE'VE GOT MARKED HERE LEFT BY THE FORD
15 TAURUS. WE HAVE GOT MARKS AS IT SPINS OFF THE ROAD.
16 THESE ARE IN RED. AND HERE YOU HAVE THE MARKED FORD
17 TAURUS AT FINAL REST POSITION.

18 HERE YOU HAVE YAW MARKS HERE THAT SHOWS THE VEHICLE
19 STARTING TO ROTATE, THE BOBTAIL. IT GOES INTO THE MEDIAN
20 AND THEN GETS DRAWN INTO THE TRACTOR TRAILER COMING THIS
21 DIRECTION.

22 HERE YOU HAVE SOME SKID MARKS AS THE DRIVER, HE
23 OBVIOUSLY KNOWS SOMETHING IS GETTING READY TO OCCUR. HE
24 DID HAVE A LITTLE BIT OF SKID MARKS TRYING TO REACT TO
25 THIS. IMPACT TOOK PLACE AND THEN HE HAD NO CONTROL AS

1 THE VEHICLE GOES INTO THE MEDIAN, CATCHES THE WIRE HERE.
2 INSTEAD OF GOING ACROSS THE ROAD, IT GOES BACK TO THIS
3 POSITION.

4 Q WHAT IS THE PURPOSE OF THOSE WIRES?

5 A WELL, THESE WIRES ARE MADE FOR CARS, PASSENGERS AND
6 PASSENGER VEHICLES. THEY'RE NOT MADE FOR COMMERCIAL
7 VEHICLE. THEY'RE ONLY ABOUT TWENTY-SEVEN, TWENTY-EIGHT
8 INCHES TALL. BUT IN THIS SITUATION HERE, IT DID CATCH UP
9 ON TOP OF THE WIRE AND KEPT IT FROM GOING INTO THE LANE.

10 Q BUT AS YOU HAVE MENTIONED BEFORE, THE PENSKE TRUCK,
11 THE WHITE TRUCK THAT MR. CROFT WAS DRIVING, ACTUALLY DID
12 CROSS OVER THERE.

13 A YES. WHEN IT ROTATED IT WENT INTO THE MEDIAN WITH
14 SUCH TREMENDOUS FORCE, THIS VEHICLE GOING INTO THE
15 MEDIAN, IT JUST WENT RIGHT THROUGH IT, RIGHT THROUGH IT.
16 THE REAR TIRES KIND OF CAUGHT IT. THE CABLE THREW IT
17 AROUND TO THE RIGHT, RIGHT BEFORE THE IMPACT.

18 Q AND THAT WOULD BE IMPACT FROM THE OTHER TRUCK THAT
19 WAS COMING IN THIS DIRECTION?

20 A YES MA'AM.

21 Q NOW, BEFORE I GET TO THESE PHOTOS, I'M GOING TO SHOW
22 YOU ANOTHER DOCUMENT THAT'S PREPARED, I BELIEVE. IS THIS
23 STATE'S EXHIBIT FIFTY?

24 A YES.

25 Q AND WHAT DOES THIS SHOW IN DETAIL?

1 A THIS IS WHAT WE CALL A SEQUENCE OF EVENTS DIAGRAM.
2 IT SHOWS WHAT OCCURRED IN THE COLLISION. THE ONLY THING
3 IT DOESN'T HAVE ON HERE IS THE FINAL REST OF EACH OF THE
4 VEHICLES, BUT IT SHOWS WHAT OCCURRED AND WHERE.

5 Q OKAY. AND I'LL GET BACK TO THAT IN A MINUTE. YOU
6 MENTIONED THAT THERE WERE MARKS AND THINGS. I'M GOING TO
7 SHOW YOU A SERIES OF PHOTOGRAPHS. YOU CAN GO THROUGH
8 THEM IN WHATEVER ORDER YOU LIKE. YOU REFERRED TO SOME OF
9 THEM MARKED AS SIGNIFICANT. TAKE YOUR TIME TO GO THROUGH
10 THEM IN ANY ORDER YOU WANT AS TO WHAT MAYBE YOU USED TO
11 RECONSTRUCT THAT SCENE.

12 A MAY I HAVE A MINUTE?

13 Q YES SIR. I MIXED SOME UP. I'M SORRY.

14 A OKAY. ALL RIGHT. THIS, I GUESS YOU WOULD CALL IT A
15 CHAIN REACTION EVENT BECAUSE YOU ACTUALLY HAVE TWO
16 COLLISIONS HERE. THE FIRST PART OF THE COLLISION
17 STARTED-- I'M LOOKING FOR ANOTHER PICTURE.

18 Q I'VE GOT MORE OVER HERE, TOO.

19 A ON THE EDGE OF THE MEDIAN WITH THE STRIP.

20 Q THIS MIGHT BE THE ONE YOU NEED.

21 A WELL, THIS ONE, THERE'S ONE MORE. I'M SHOWING HERE
22 THE FIRST EVIDENCE OF ANY MARKS ON THE ROAD OCCUR AT THIS
23 LOCATION RIGHT HERE. THIS SHOWS THE EVIDENCE AS RUN OFF
24 THE ROAD, HAD RUN OFF THE EDGE OF THE ROAD IN THIS AREA.
25 THIS ONE SHOWS THAT PART OF THE, IT IS THE AREA RIGHT

1 HERE OFF THE LEFT SIDE OF THE NUMBER ONE LANE. SOME
2 MIGHT REFER TO IT AS THE HAMMER LANE.

3 Q YES SIR.

4 A THIS IS CALLED THE RUMBLE STRIP. BASICALLY, AS YOU
5 KNOW, IF INATTENTION OCCURS AND ALL OF A SUDDEN YOU DRIFT
6 OFF THE EDGE OF THE ROAD, THESE BUMPS WILL WAKE YOU UP
7 AND SAY, HEY, I'M NOT IN MY PROPER LANE. SO THAT THE
8 FIRST EVIDENCE ACTUALLY OCCURRED AT THE LEFT, FRONT TIRE.
9 YOU CAN SEE HERE WHERE I'VE DRAWN IN THIS CAR RIGHT HERE.
10 THE VEHICLE RUNS OFF THE RUMBLE LANE, EXCUSE ME, THE
11 RUMBLE STRIP. ALL OF A SUDDEN THERE'S A COMPLETE VEER.
12 IT STARTS BACK ACROSS NUMBER ONE, TWO INTO THE THIRD
13 LANE.

14 YOU CAN SEE IN THE FIRST PHOTOGRAPH YOU CAN SEE THE
15 PAINT HERE. WE MARKED EVERYTHING WITH ORANGE PAINT.

16 Q CAN YOU STATE THE STATE' EXHIBIT FOR ME?

17 A 5-44.

18 Q 44.

19 A SORRY. THERE WERE TWO MARKS. ONE BY THE LEFT
20 FRONT; ONE BY THE LEFT REAR TIRE CAR ON THE DRIVER SIDE.
21 THIS MARK IS WHAT WE CALL A YAW MARK. A YAW MARK IS
22 DIFFERENT THAN A SKID MARK. A LOT OF US WOULD THINK OF A
23 SKID MARK WHEN YOU GO DOWN THE ROAD AND LOCK THE BRAKES.
24 YOU HAVE NO CONTROL. YOU'RE LIKE A PASSENGER AT THAT
25 POINT.

1 THE YAW MARK IS MADE FROM STEERING. IT'S NOT A
2 BRAKING MANEUVER. IT'S LIKE IF YOU'RE GOING DOWN THE
3 ROAD AND I GUESS THE BEST I CAN SAY IS YOU ARE GOING DOWN
4 THE ROAD AND ALL OF A SUDDEN YOU WENT OFF THE SHOULDER OF
5 THE ROAD, EITHER ASLEEP OR INATTENTIVE. ALL OF A SUDDEN
6 YOU WAKE UP AND JERK THE STEERING WHEEL AND SHOOT BACK
7 ONTO THE ROAD.

8 WHEN YOU NORMALLY MAKE DRIVING DOWN THE ROAD OR YOU
9 MAKE A LOW SPEED TURN, YOUR REAR TIRE TRACKS INSIDE OF
10 YOUR FRONT TIRE. WHEN YOU MAKE A HIGH SPEED TURN,
11 BASICALLY YOUR REAR TIRE FOLLOWS RIGHT BEHIND THE FRONT
12 TIRE.

13 WITH A YAW MARK-- A YAW MARK IS MADE BY A VEHICLE
14 OUT OF CONTROL. THE REAR TIRE OUT TRACKS THE FRONT TIRE.
15 EVERYTHING HAS A CENTER OF MASS. YOUR BODY HAS A CENTER
16 OF MASS. ALL VEHICLES HAVE A CENTER OF MASS. BASICALLY,
17 THE BEST PLACE WHERE I CAN TELL YOU WHERE THE CENTER OF
18 MASS OF A VEHICLE IS, IF YOU'RE SITTING AT THE STEERING
19 WHEEL AND YOU LOOK OVER TO THE RIGHT AT THE CONSOLE RIGHT
20 DOWN THERE BESIDE YOU, WHERE THAT DASH COMES DOWN, THAT'S
21 A CLOSE PROXIMATION OF THE CENTER MASS OF YOUR VEHICLE.
22 THAT MEANS IF YOU WERE TO HOLD A BIG STICK ON TOP OF A
23 POLE YOU FOCUS IT ON THAT ONE POINT DOWN TO THE END. ALL
24 RIGHT.

1 WHEN A VEHICLE GOES INTO A CURVE OR THE STEERING
2 WHEEL TURNS QUICKLY AND THE VEHICLE WILL MAKE A QUICK
3 TURN, THE REAR TIRES SOMETIMES WILL COME OUT TRACK THE
4 FRONT TIRES. THE REASON THAT HAPPENS, YOU'VE GOT FORCES,
5 WITHOUT GETTING TOO DEEP, YOU HAVE A THING CALL
6 CENTRIFUGAL FORCE.

7 YOU HAVE GOT THE FORCE OF TRYING TO PUSH IT OFF THE
8 ROADWAY AND IN CENTRIFUGAL FORCE THE TIRES ARE TRYING TO
9 KEEP ON THE ROADWAY, THE FRICTION OF THE ROAD WAS HOLDING
10 IT ON. THIS CENTRIFUGAL FORCE PUSHES OFF THE ROADWAY.
11 THAT MEANS THE REAR TIRES START TO OUT TRACK YOUR FRONT
12 TIRES. THEN WE CALL YAW HAS OCCURRED. THE VEHICLE HAS
13 BASICALLY-- IF I CAN USE A MODEL.

14 Q YES.

15 A IF THE MODEL IS HERE. THIS OBVIOUSLY DOES NOT
16 REPRESENT THE ACTUAL CAR. IT'S JUST A MODEL CAR. IF YOU
17 PUT A PENCIL HERE. IF I PUT IT UP LIKE THIS, THEN THE
18 CAR STARTS YAWING. IT STARTS TO ROTATE AROUND THE CENTER
19 MASS. THE TIRES USE FRICTION. THE REAR TIRES USE
20 TRACTION AND START ROTATING ON THE FRONT TIRES. THAT IS
21 WHAT WE CALL YAW.

22 WE HAVE A CERTAIN THING CALL YAW, PITCH AND ROLL.
23 AN AIRPLANE ROLLS LIKE THIS. THIS MAY BE ROLLING. THIS
24 SIDE MAY BE PITCHING. THEN IT GOES AND COMES LIKE THIS.
25 IT'S CALLED YAW. THIS HAPPENS IN A CAR. WHEN THAT

1 OCCURS CERTAIN MARKS CAN BE MADE ON THE ROAD. THESE
2 MARKS ARE CALLED YAW MARKS. THESE MARKS HERE INDICATE--
3 HERE IS A BETTER ONE HERE. THE TRACK IS SHOWN. SHE IS
4 COMING FROM THE EDGE OF THE ROAD AND SHE SEES MARKS. SHE
5 IS HEADED TOWARD THE NUMBER THREE LANE. YOU SEE THE
6 PAINT AND THE MARK OF THAT VEHICLE. THIS WOULD THEN BE
7 THIS MARK HIT IT LIKE THAT. ALL RIGHT.

8 ONCE WHEN WE HAVE PULLED THE NUMBER THREE LINE, THIS
9 IS WHAT WE HEARD SO MUCH ABOUT THE BOBTAIL, THE TRACTOR
10 WITHOUT THE TRAILER. WHEN SHE WAS HEADED TOWARD THE
11 NUMBER THREE LANE, SHE OBVIOUSLY HAS TO BE GOING FASTER
12 THAN THE TRUCK TO COME FROM THIS LANE TO CATCH UP WITH
13 THIS TRUCK.

14 SO, THEY CAUGHT THE TRUCK AT THIS LOCATION HERE,
15 THIS LEFT, REAR TIRE AREA. THAT THEN THREW THE TRUCK
16 INTO A YAW. IT'S KIND OF LIKE IF YOU'RE WATCHING RACING,
17 NASCAR, YOU START GOING AROUND THE TRACK, YOU SEE ONE CAR
18 SLIDE UP BESIDE THE OTHER CAR. ONE CAR COMES DOWN AND
19 HE'LL GO UP. HE TAPS THAT RIG. AT SPEEDS LIKE THAT IT
20 DOESN'T TAKE NOTHING TO THROW THAT RIG IN OUT FROM
21 UNDERNEATH IT. AND THAT'S WHAT OCCURRED IN THIS
22 COLLISION HERE. ALL RIGHT.

23 SO, THEN WE HAVE THE IMPACT FROM THE RIGHT, FRONT TO
24 THE LEFT, REAR OF THE TRUCK HERE. AT THAT POINT IT TOOK--
25 - THE FRICTION BROKE LOOSE BETWEEN THE REAR TIRES AND

1 THE TRUCK AND THE ROADWAY FRICTION BROKE LOOSE. WELL,
2 THEN THESE MARKS WOULD BE HERE. THE TRUCK'S GOING DOWN
3 THE ROAD AND HITS IT, SHOVES IT RIGHT AND THE REAR TIRES
4 BROKE LOSE. THE VEHICLE START TO ROTATE, WHAT WE CALL
5 COUNTER-CLOCKWISE, FROM THE DRIVER'S SIDE.

6 YOU CAN SEE A NUMBER OF TIRES HERE. WELL, A BOBTAIL
7 HAS TEN TIRES ON IT. WELL, IT HAS GOT DUALS FRONT, SIDE
8 BY SIDE. THAT'S WHY YOU SEE SO MANY. THESE THERE BEING
9 THE REAR TIRES OF THE VEHICLES. THIS ONE HERE IS THE
10 RIGHT, FRONT TIRES. SO, THAT VEHICLE STARTED TO ROTATE
11 OUT OF THE WAY.

12 CLOSE UP, A MORE CLOSER VIEW OF THE SAME THINGS,
13 THESE MARKS YOU SEE HERE AFTER THE CAR STRUCK THE
14 BOBTAIL, IT THEN BEGAN A ROTATION. BASICALLY, AFTER IT
15 STRUCK IT LIKE THIS, THIS VEHICLE STARTED TO ROTATED AND
16 HEAD ACROSS THE ROADWAY. THIS VEHICLE JUST CONTINUED ON
17 AND THE MOMENTUM BETWEEN THESE TWO CAUSED THIS VEHICLE TO
18 ROTATE OFF ONTO THE SHOULDER.

19 Q AND THAT WOULD BE THE FORD TAURUS YOU'RE TALKING
20 ABOUT ROTATING OFF ONTO THE SHOULDER?

21 A YES MA'AM.

22 Q THANK YOU.

23 A THEN YOU CAN SEE THESE MARKS. IF YOU FOLLOW THEM
24 YOU CAN SEE THAT CURVE OVER THERE. THAT'S THE ROTATION
25 POINT WHERE IT JUST ROTATED TO A FINAL REST.

1 HERE IS ANOTHER VIEW FOLLOWING THOSE MARKS FROM THE
2 BOBTAIL AS THEY ROTATE. IN LANE NUMBER THREE, HE STARTED
3 TO CROSS LANE NUMBER TWO AND HEADED TOWARD THE MEDIAN.
4 NOW, JUST INSIDE, THESE ARE NOT SKID MARKS. THESE ARE,
5 THE TIRES ARE TURNING. THERE IS NO BRAKING INVOLVED IN
6 IT.

7 BASICALLY THE TIRE IS ROLLING ONTO THE SIDEWALK.
8 THAT'S WHAT'S MAKING THOSE REMARKS. THIS IS A BETTER ONE
9 SHOWING THE WHEELS. THESE ARE THE RIGHT TIRES. IF YOU
10 HAVE A GOT A WEIGHT SHIFT GOING TO THE RIGHT IT'S GOING
11 THIS WAY. THERE'S A WEIGHT SHIFT PUSHING IT TO THE
12 RIGHT, CENTRIFUGAL MARKS. THAT CAUSING THESE MARKS.

13 HERE'S THE RIGHT SIDE, REAR TIRE. HERE'S THE RIGHT
14 SIDE-- WELL, BOTH OF THESE ARE REARS. NUMBER TWO DRIVE
15 AXLE WE CALL IT, AND THE NUMBER ONE DRIVE AXLE. HERE IS
16 THE RIGHT FRONT. YOU CAN SEE A FAINT ONE RIGHT IN HERE.
17 THAT'S THE LEFT FRONT SHOWING THE ROTATION.

18 THIS HERE IS THE REVERSE OF THE SAME MARKS SHOWING
19 IT COMING ACROSS. THIS IS THE CLOSE UP VIEW WE CONTINUED
20 EARLIER. THESE ARE THE MARKS OF THE CAR AS IT ROTATED
21 OFF THE ROADWAY. OKAY.

22 THIS IS A PHOTO I'M SHOWING THE REAR TIRES DRIVING
23 AXLE AND THE FRONT TIRE AS IT GOES INTO THE MEDIAN. AS
24 YOU CAN TELL RIGHT HERE, OBVIOUSLY, THIS TRUCK IS KIND OF
25 LIKE IT'S GOING ONTO THE MEDIAN. IT HAS ROTATED AROUND

1 THE CENTER MASS INTO THE MEDIAN. AT THAT POINT WHEN IT
2 WENT INTO THE MEDIAN, THIS CAUSED THE REAR TIRES OF THE
3 TRUCK AND KIND OF CAUSED IT ROTATE LIKE THIS, A QUICK
4 ROTATION BACK TOWARD THE DIRECTION THAT IT IS GOING ON
5 THE FRONT END.

6 AS THE WESTERN STAR WAS COMING DOWN THE ROAD IN THE
7 NUMBER ONE LANE, WESTBOUND, AT THIS POINT THESE MARKS,
8 THESE PAINT MARKS INDICATE WHERE THE DRIVER'S STARTED TO
9 LOCK UP HIS BRAKES. HE SAW THE VEHICLE GOING INTO THIS
10 ROADWAY, HEADED TOWARD THIS LANE OF TRAVEL. YOU SEE
11 THEM STARTING HERE AND YOU CAN SEE SOME GOING ON THERE.
12 OBVIOUSLY THE PHOTOGRAPHS DON'T THEM THAT WELL. THEY SHOW
13 THEM UP BUT OBVIOUSLY DON'T SHOW THEM LIKE YOU WOULD SEE
14 THEM ON THE ROADWAY ITSELF.

15 THIS IS A REVERSE VIEW OF THE SAME MARKS AND YOU SEE
16 WHERE I HAVE IT CIRCLED HERE IN PINK. THESE ARE--
17 THAT'S THE IMPACT LOCATION OF THE BOBTAIL AND THE TRUCK
18 TRACTOR, EIGHTEEN WHEELER.

19 HERE IS A NETHER MODEL OF A TRACTOR TRAILER.
20 OBVIOUSLY IT IS NOT LIKE THAT. THIS IS WHAT WE CALL A
21 SEMI TRAILER. THIS HAD A DUMP TRAILER. WHAT I MEAN BY A
22 DUMP TRAILER IS A SAND TRAP HAS A HYDRAULIC BOOM
23 UNDERNEATH IT. AND HERE IS THE PTO, IT PUSHES THE FRONT
24 OF THAT TRAILER UP AND LETS ALL THE SAND OUT AND LETS THE
25 TAILGATE LOOSE.

1 BASICALLY WHAT OCCURRED HERE WAS HE WENT INTO, THIS
2 VEHICLE STARTED INTO THIS YAW, HE'S COMING ACROSS THE
3 MEDIAN LIKE THAT. HE CATCHES THE CABLE. THE CABLE
4 THROWS IT BACK LIKE THAT AND THE VEHICLE STRIKES THE
5 TRACTOR TRAILER IN THIS LOCATION. YOU SAW THAT DAMAGE ON
6 THE TRUCK. IT JUST KIND OF LIFTS IT UP LIKE A LITTLE
7 RAMP. IT PICKS IT UP.

8 YOU SAW IN ONE OF THESE PICTURES THE TIRE GOES INTO
9 THE TRAILER ITSELF. THAT WOULD BE ONE OF THE PICTURES
10 HERE. YOU CAN SEE THE-- IT WENT THROUGH HERE, THE
11 RIGHT, FRONT TIRE. THIS IS NINE FEET OFF THE GROUND
12 BECAUSE YOU HAVE A SLOPE HERE OFF THE CENTER OF THAT.

13 THE LAST THING IS THESE MARKS HERE. ONCE HE GETS
14 IMPACTED AND GETS HUNG UP WITH THE TRACTOR TRAILER, HE
15 BECOMES AN OCCUPANT OR A PASSENGER. HE HAS NO CONTROL.
16 HE'S ALREADY TRAPPED INSIDE THE VEHICLE. SO THE VEHICLE
17 GOES WHERE IT WANTS TO GO AT THAT POINT. IT GOES DOWN IN
18 THE MEDIAN. IT'S ALREADY LOCKED UP.

19 IT TAKES A WHILE FOR A TRACTOR TRAILER, ONCE YOU
20 LOCK UP THE AIR BRAKE SYSTEM, THEY JUST DON'T UNLOCK,
21 THINGS LIKE THAT. IT TAKES A LITTLE BIT OF TIME.

22 HE HITS THE CABLE. YOU CAN SEE HERE. HERE IS THE
23 IMPACT OF THE BOBTAIL. THAT WAS NOT THE IMPACT. THIS
24 TRUCK IS KNOCKED A HUNDRED AND SEVENTY-SEVEN FEET FROM
25 WHERE IT ENDED UP IN THE MEDIAN.

1 Q OKAY. YOU MENTIONED SOME YAW MARKS. I'M GOING TO
2 GIVE YOU PICTURES. DO YOU RECOGNIZE THAT?

3 A YES. THIS IS THE ONE I WAS LOOKING FOR.

4 Q DOES THAT FAIRLY AND ACCURATELY DEPICT THE SCENES AT
5 THE ACCIDENT?

6 A YES.

7 MS. CAMPBELL: YOUR HONOR, AT THIS TIME I WILL OFFER
8 THIS INTO EVIDENCE.

9 MR. STRICKLER: WITHOUT OBJECTION.

10 THE COURT: WITHOUT OBJECTION. THANK YOU, SIR.
11 WITHOUT OBJECTION, IT'S ADMITTED.

12 Q STATE'S EXHIBIT FIFTY-ONE, CAN YOU EXPLAIN THAT TO
13 THE JURY?

14 A YES MA'AM. THIS IS A PICTURE OF THE EASTBOUND SIDE
15 OF THE CAR. AND THERE YOU SEE THE MARKS IN THE OPPOSITE
16 DIRECTION. THIS IS FROM THE TRACTOR TRAILER.

17 ALSO, IT'S THE NEXT STATE PICTURE, TWENTY-FOUR. ON
18 HERE YOU CAN SEE TWO MARKS. THIS IS PAINT. THAT'S ON
19 THE LEFT FRONT SIDE, THE LEFT FRONT TIRE AS IT COMES
20 BACK ONTO THE ROAD AFTER THE RUMBLE STRIP.

21 SLIGHTLY ON DOWN THIS LANE, ACTUALLY ABOUT TWO FEET
22 DISTANCE, YOU SEE ANOTHER MARK COMING OFF. THIS IS FROM
23 THE LEFT REAR TIRE. THAT THEN SHOWS WHAT WE WERE TALKING
24 ABOUT EARLIER. THE REAR TIRE STARTED ROTATING OUT OF THE
25 TRACK BEFORE THE FRONT TIRE. THAT THEN MAKES WHAT WE

1 CALL A YAW MARK ON THE ROAD. THE TIRES HAD RUN OFF THE
2 RUMBLE STRIP. AT THIS POINT IT STARTED BACK ON THE
3 ROADWAY.

4 Q THAT DAY AT THE SCENE YOU ALSO TOOK A VIDEO OF THE
5 SCENE?

6 A YES MA'AM, WE DID.

7 Q WOULD THAT ALSO ASSIST YOU IN EXPLAINING THINGS TO
8 THE JURY?

9 A YES MA'AM. I KNOW THAT IT USUALLY DOES A BETTER JOB
10 THAN THE PICTURES.

11 Q AND YOU REVIEWED THIS VIDEO AT MY REQUEST?

12 A YES.

13 Q DOES IT FAIRLY AND ACCURATELY DEPICT THE SCENE AS IT
14 WAS THAT DAY WHEN YOU GOT THERE?

15 A YES.

16 MS. CAMPBELL: YOUR HONOR, AT THIS TIME I WOULD
17 OFFER INTO EVIDENCE--

18 MR. STRICKLER: THE VIDEO OF THE SCENE. I HAVE NO
19 OBJECTION.

20 THE COURT: OKAY. WITHOUT OBJECTION, IT'S ADMITTED.

21 Q OFFICER, AS A PART OF YOUR DUTIES THAT DAY, WAS
22 THERE ALSO SOME DRIVING TESTS RUN?

23 A YES MA'AM. ABOUT A WEEK LATER WE DID SOME DRIVING
24 TESTS. JUST THE VIDEO CAMERA SITTING ON THE DASH TO SHOW

1 COMING UP THE EMERGENCY LANE AND MERGING INTO TO THIS
2 ROADWAY HERE.

3 Q DOES THIS TAPE FAIRLY AND ACCURATELY DEPICT THOSE
4 VIDEOS THAT YOU TOOK?

5 A YES MA'AM.

6 MS. CAMPBELL: YOUR HONOR, AT THIS TIME, -- WE'VE GOT
7 BOTH OF THEM ON THE SAME TAPE. I'LL JUST INTRODUCE ALL
8 OF THEM AS ONE.

9 THE COURT: OKAY.

10 MR. STRICKLER: I DON'T KNOW IF HE PARTICIPATED IN
11 THE TESTING AREA. I DON'T KNOW IF THERE'S A FOUNDATION.

12 THE COURT: ESTABLISH A FOUNDATION.

13 Q DID YOU PARTICIPATE IN THE REENACTMENT OF THOSE
14 TESTS THAT DAY?

15 A NO. SERGEANT GROVER LEE WILL TESTIFY ABOUT THAT
16 PORTION ABOUT THE ACTUAL VIDEO.

17 Q OKAY. BUT HAVE YOU HAD ANY OPPORTUNITY TO VIEW
18 THOSE?

19 A OH, YES MA'AM.

20 Q DO THOSE FAIRLY AND ACCURATELY DEPICT THE AREA GOING
21 ON THE ROADWAY?

22 A YES MA'AM.

23 MS. CAMPBELL: I CAN PUT THAT PART IN SO THAT
24 THERE'S AUTHENTICATION.

1 THE COURT: YOUR OBJECTION IS PRESERVED. I'LL GIVE
2 YOU A CHANCE TO GET BACK TO IT.

3 MR. STRICKLER: THANK YOU.

4 Q I'LL GET BACK TO THOSE DIAGRAMS IN A MOMENT. LET ME
5 MOVE TO THAT. OKAY, LIEUTENANT.

6 A THIS IS THE EASTBOUND LANE WHERE THAT COLLISION
7 OCCURRED. YOU CAN SEE ALL THE EMERGENCY VEHICLES. THIS
8 IS APPROXIMATELY 4:20 THAT AFTERNOON. AT THAT POINT YOU
9 SEE ME COMING IN AND I'M MARKING, MARKING WITH ORANGE
10 PAINT. AS YOU CAN SEE OUT THERE, THERE ARE SOME OF THE
11 MARKS MADE ON THE ROAD FROM THE FORD TAURUS AS IT HEADED
12 BACK TOWARD-- THIS IS NOT A ONE, TWO, THE FEEDER LANE TO
13 THE OUTSIDE.

14 HERE IS ANOTHER VEHICLE. YOU CAN SEE THE MARKS
15 PRETTY WELL BESIDE THE CAR. IT COMES FROM NUMBER ONE
16 ACROSS NUMBER TWO LANE. AT THIS POINT HERE, THE IMPACT
17 OCCURS RIGHT IN THIS AREA RIGHT HERE. YOU CAN SEE THE
18 FORD TAURUS OVER THERE STARTING TO MOVE AROUND. YOU CAN
19 SEE THE-- HERE ARE SOME OF THE TRACTOR TRAILER MARKS AS
20 IT LOSES IT.

21 THESE MARKS HERE, SCUFF MARKS FROM THE FORD TAURUS,
22 AS IT GOES OFF THE ROAD AND ROTATES IN THE AREA IN FINAL
23 REST. HERE ARE THE PICTURES YOU SAW EARLIER. THE MARKS
24 OF THE CARS ARE HERE. THEN THE STEER AXLE OR THE DRIVE
25 AXLE FROM THE RIGHT SIDE OF THE BOBTAIL, THEY ROTATED

1 AWAY. THE MARKS AGAIN, THIS IS A ROTATION POINT HERE,
2 THE FORD TAURUS AT FINAL REST. THIS STARTS TO GET CLOSER
3 AND CLOSER.

4 LIKE I SAID EARLIER, THIS VEHICLE ACTUALLY ROSE UP
5 ON ITS RIGHT SIDE. IT TOOK A LITTLE BIT OF FORCE JUST
6 TO PROP IT UP. IT DIDN'T PUSH BACK OVER VERY EASILY.
7 THAT'S THE DITCH EMBANKMENT. THE EMBANKMENT BACKS UP ON
8 THE FINAL DITCH AREA. THE LEFT FRONT TIRES ARE STILL IN
9 PLACE. THE RIGHT SIDE TIRES HAVE DEFLATED.

10 WE GOT TO THE MARKS. THE RIGHT, NUMBER ONE DRIVE
11 AXLE AND RIGHT, NUMBER TWO DRIVE AXLE, AND HERE'S THE
12 RIGHT, FRONT STEER AXLE OF THE BOBTAIL AS IT ROTATES AND
13 GOES OFF THE ROADWAY.

14 ONCE THE PICTURES WERE TAKEN AND THE MARKS WERE
15 MARKED, THEN WE OPEN UP THIS LANE NUMBER TWO. THIS LANE
16 AREA TRAVELS SLOWLY BACK TOWARDS FLORENCE. AS YOU CAN
17 SEE, HERE ARE THE BARRIER CABLES AS THE VEHICLE GOES INTO
18 THE CABLES. IT'S GOING IN AT THIS ANGLE RIGHT HERE.

19 YOU CAN SEE THE DISTANCE BETWEEN THE DRIVE AXLE AND
20 THE STEER AXLE, THE AREA CALLED THE WHEEL BASE. YOU CAN
21 SEE IN HERE WHERE IT GETS OFF THE ROAD. THESE CABLES
22 HELD IT JUST SLIGHTLY. THEY CAUGHT THE REAR AXLES. JUST
23 THE FORCE OF HIM GOING IN WITH HIS REAR STOPPING, THE
24 FRONT, YOU KNOW, HAS TO KEEP GOING, AND HE SLUNG IT LIKE
25 THAT. SLUNG IT RIGHT INTO THE TRACTOR TRAILER GOES BY.

1 ALL THIS STUFF IN HERE IS JUST OBVIOUSLY DEBRIS.
2 HERE'S THE ONE, JUST ONE OF THE CABLE FOUNDATION. THESE
3 CABLES ARE POWERFUL, TWENTY-SEVEN AND TWENTY-EIGHT.
4 THESE THINGS ARE MADE TO BREAK LOSE. HERE IS THE BOBTAIL
5 UPSIDE DOWN. AND IT'S COVERED UP HERE BECAUSE THE
6 GENTLEMAN IS STILL INSIDE HERE. HE COULD NOT BE MOVED
7 OUT, CUT OUT UNTIL WE FLIPPED IT OVER, DUE TO THE WAY IT
8 WAS LAYING. WE USUALLY STOP THEM AT THE SCENE BEFORE WE
9 DID THAT, BUT THE STANDARD IS TO COVER IT UP SO THAT
10 ONLOOKERS CANNOT SEE.

11 HERE IS THE HOOD. IT WAS CUT LOOSE, KNOCKED LOOSE,
12 KNOCKED FROM THE BODY IT FELL ON AND ENDED UP RIGHT
13 BEHIND IT IN THE CABLES. THESE ARE THE MARKS OF THE
14 BOBTAIL COMING OFF THE OPPOSITE SIDE.

15 HERE IS YOUR STEER AXLE. THE TRACTOR TRAILER IS WAY
16 DOWN HERE. THE STEER AXLE ACTUALLY IS HERE. YOU CAN SEE
17 WHERE THE IMPACT WAS. IT'S, LIKE, 177 FEET. YOU SEE THE
18 TRAILER TRUCK COME OFF THE ROAD AND GET INTO THE CABLE,
19 KIND OF PULLING BACK TO THE RIGHT.

20 THIS, OBVIOUSLY, IS A PICTURE OF THE BOBTAIL. THIS
21 ONE IS COMING AROUND THE OUTER SIDE. YOU CAN SEE THE
22 BOBTAIL. YOU CAN SEE IT TORE UP THE ROAD HERE PRETTY
23 WELL, JUST SEEING THE IMPACT LOCATION RIGHT HERE. THE
24 FRONT OF THE TRUCK, THE DRIVING AXLES ARE HERE. YOU CAN
25 SEE HE LOCKED IT UP AT THE ROAD THERE.

1 Q WHEN YOU'RE SAYING HE LOCKED IT UP, WHAT DO YOU MEAN
2 BY THAT?

3 A I MEAN HE EMERGENCY APPLIED HIS BRAKES.

4 Q AND THAT MARKER IS APPARENTLY WHERE HE TRIED TO?

5 A YOU DON'T SEE DOUBLES HERE. AIR BRAKES ARE A LITTLE
6 BIT DIFFERENT THAN PASSENGER CAR BRAKES. DUE TO THE
7 WEIGHT OF THE VEHICLE, A LOT OF TIMES SOME OF THEM, STEER
8 AXLES CAUSE THE AIR TO LOCK UP IN THE TRUCK WHEN YOU HAVE
9 THESE THINGS TO REDUCE YOU, TO PREVENT FROM LOCKING UP.
10 BUT THIS IS THE WEIGHT ON THE TRUCK. THEY WEIGH 81,600
11 POUNDS. BUT THAT 188,000 WHERE HE IS UNDER HIS LIMIT.
12 BUT HE WAS LEADING WITH THAT. BUT DUE TO THE WEIGHT OF
13 THESE TRUCKS, EVEN THOUGH THEY ARE BRAKING, SOMETIMES IT
14 TAKES A WHILE FOR ALL THAT TIRES TO LOCK UP.

15 HERE'S THE REAR OF THE VEHICLE. I THINK YOU JUST
16 SAW THE PICTURE A MINUTE AGO WHERE THE STEER AXLE WENT.
17 THIS END IS THE LEFT-SIDE TIRE WHICH YOU SAW THE RIGHT
18 HERE. HERE IS THE IMPACT LOCATION OF WHERE THE CAR FIRST
19 STRUCK IT. YOU SEE THE GRASS THAT'S IN THE GROUND AND
20 THE TIRE. THAT'S TYPICAL OF A CAR RUNNING OFF THE ROAD,
21 SLIDING SIDEWAYS. IT DUG UP THE GROUND AND THE TIRE.

22 THIS TYPE VEHICLE, WE CALL IT A BOBTAIL, BUT IT'S
23 ALSO WHAT WE CALL A CONVENTIONAL BOBTAIL, MEANING IT HAS
24 THE ENGINE IN THE FRONT OF THE CAB. YOU'VE GOT TO
25 CONTEND WITH ALL THAT. THAT'S DIFFERENT FROM THIS. THIS

1 IS WHAT WE CALL A CAB OVER. IN OTHER WORDS, THE ENGINE
2 IS ACTUALLY RIGHT UNDERNEATH THE DRIVER. SO, THIS WHOLE
3 CAR WOULD COME OVER. IN THIS SITUATION JUST THE HOOD IS
4 OVER AGAINST THE ENGINE.

5 ONE OF THE MAIN REASONS THE FIRE DEPARTMENT IS OUT
6 HERE IS BECAUSE YOU HAVE THE VEHICLES GOING AROUND.
7 OBVIOUSLY, THIS IS THE PASSENGER SIDE OF THE VEHICLE
8 HERE. HERE IS THE ENGINE COMPARTMENT. YOU CAN SEE THE
9 STEER AXLE HERE. THE STEER AXLE UNDERNEATH IS GONE.

10 ALL RIGHT. HERE ARE THE MARKS WE SHOWED YOU EARLIER
11 FROM THE TRACTOR TRAILER. THESE ARE OBVIOUSLY SKID
12 MARKS. THESE ARE FROM THE MARKS YOU SAW EARLIER THAT WE
13 CALL YAW MARKS. THESE MARKS HERE, THE DRIVER HAS LOCKED
14 IT UP, NOT MUCH REACTION TIME. HE DIDN'T HAVE MUCH TIME
15 TO APPLY HIS BRAKES AND SLIDE BEFORE. THE IMPACT IS
16 PLACED RIGHT HERE. THEN YOU'VE GOT THE TRACTOR, WHICH IS
17 ABOUT FIFTY, HOW EVER LONG THIS ONE IS, PROBABLY FIFTY TO
18 SIXTY FEET LONG. THE MARKS BACK IT UP. THERE'S NOT MUCH
19 MARKS GOING ON BEFORE AN IMPACT.

20 WE HAVE GOT THE IMPACT AND AS THE VEHICLE ROLLED
21 AWAY AND DIGS UP ASPHALT FROM THE ROAD, ALL THIS IS
22 DEBRIS FROM THE TRUCK WHEN THEY COLLIDE. AT THIS POINT
23 THE TRACTOR TRAILER WOULD HAVE MORE MOMENTUM OR SPEED
24 THAN THE BOBTAIL WHICH IS THE REASON EVERYTHING IS THROWN

1 BACK THE WAY THAT THE TRACTOR TRAILER IS GONE, BECAUSE HE
2 OBVIOUSLY LOST THE YAW MARKS AND THINGS LIKE THAT.

3 THE TRACTOR TRAILER HAS NOT LOST VERY MUCH SPEED.
4 AS YOU SEE DOWN HERE THERE'S A STEER AXLE. THEN YOU CAN
5 FOLLOW THE MARKS AS THEY GO ALL THE WAY SLIGHTLY TO THE
6 LEFT OF THE MEDIAN. OF COURSE, THE REASON AT THIS POINT
7 WHERE HE SHOOTS DOWN AT AN ANGLE, HE WAS GOING OFF THE
8 ROAD. IT SHOOTS DOWN AT AN ANGLE.

9 THE FRICTION ON THE GRASS IS LESS THAN THE FRICTION
10 ON THE ROADWAY AND THAT KIND OF LETS HIM GO IN THAT
11 DIRECTION. OF COURSE, YOU HAVE THAT, THE DOWNSLOPING TO
12 THE CENTER. IT'S WHERE THE DRAINAGE GOES DOWN. THEN AT
13 THIS POINT HERE IS YOUR CABLES.

14 YOU PUT THE CABLES RIGHT IN THE MEDIAN ON EACH SIDE.
15 THEY VARY FROM TIME TO TIME. HE GOES IN AND CATCHES THE
16 CABLE HERE. YOU SEE THE ANGLE HE'S GOING IN. HE WOULD
17 BE CONFINED TO THIS LANE ON THE OPPOSITE SIDE OF THE ROAD
18 IF THE CABLE HADN'T CAUGHT IT AND KIND OF STRADDLED IT.
19 IT CAUGHT HIM AND CARRIED HIM BACK. THE RIGHT FRONT
20 TIRES OF THE STEER AXLE IS WHAT ACTUALLY PULLED HIM BACK.

21 AS WE SEE THIS TRACTOR TRAILER, AS WE SAID EARLIER,
22 YOU HEARD THE TESTIMONY ABOUT THE DUMP TRUCK. UNDERNEATH
23 HERE YOU HAVE THIS HYDRAULIC BOOM THAT PUSHES UP THE
24 FRONT. AGAIN, LIKE AT THE REAR, I BELIEVE IT HAS THESE
25 THINGS THAT CAN PUSH UP HERE. IN ANY CASE, YOU CAN PULL

1 A LEVER RIGHT HERE IN THE FRONT. THIS DAMAGE HERE, THESE
2 ARE THE TRAILER AXLES, NUMBER THREE AND NUMBER TWO. I'M
3 SORRY, NUMBER TWO. NUMBER ONE IS THE ASSIST. THIS IS
4 ONE THAT HAS A LITTLE BOOM TO DISTRIBUTE THE WEIGHT, TO
5 CARRY A LITTLE MORE SO IT WON'T HAVE TOO MUCH WEIGHT ON
6 THIS AXLE. IT HELPS THEM OUT WITH THEIR WEIGHT
7 DISTRIBUTION WHEN THEY GET WEIGHED BY THE TRANSPORT
8 POLICE, WHAT'S THE OTHER STUFF, LIKE THAT.

9 AS HE CUTS IN FRONT OF THE TRAILER, AS WE SAID
10 EARLIER, AND WENT INTO THE MEDIAN LIKE THIS, THE CABLE
11 CAUGHT IT, THREW IT BACK CLOCKWISE. WHEN IT IMPACTED UP
12 HERE IT THREW IT BACK. IT THREW IT BACK COUNTER-
13 CLOCKWISE ON THESE REAR TIRES AND DID ALL THAT DAMAGE.
14 ALL THIS HAPPENED VERY QUICKLY AS THE TRUCK TRAILER IS
15 GOING BY. IT IMPACTED UP HERE. THE TRAILER IS COMING
16 BY, IT'S TURNED. HE CATCHES SOME FAST ACTION, BUT AS HE
17 GOES BY, ACTUALLY THIS HERE IS THE ASSIST AXLES TO GO UP
18 AND DOWN. OKAY.

19 WE'RE GETTING TO THE TRACTOR TRAILER PORTION HERE
20 NOW. WE HAVE DAMAGE ALL IN THIS AREA. THE TIRES ARE
21 SPLIT OPEN FROM THE IMPACT. YOU'VE GOT A WHOLE MASS
22 ENGINE. WE'VE GOT A TRUCK UP HERE BY THE SPARE AXLE AND
23 THEN YOU HAVE THE REST OF THE TRUCK DOWN TOWARD THE
24 GROUND. ALL THIS IS WHAT WE CALL CONTACT DAMAGE.

1 NOW, WE'RE LOOKING UP HERE. THIS IS THE IMPACT.
2 YOU CAN SEE THE WHEELS, THE ROUND OUTLINES OF THE BLACK
3 TIRE UP HERE, AND THE CENTER OF IT WHERE IT'S IN THE
4 TRAILER. THIS CENTER TO THE GROUND IS NINE FEET. YOU
5 CAN ACTUALLY SEE HERE, HERE IS THE, SETTING ON THE WHEEL
6 ON THE IMPACT OF THE TRAILER. JUST SHOWING YOU ALL THE
7 INNER CABLES THAT YOU'RE FAMILIAR WITH. IT'S THE AIR
8 THAT GOES TO THE SYSTEM ON THE TRAILER, UNLOCKS THE
9 BRAKES AND MOVES AND ALSO APPLY BRAKES, YOU KNOW, THINGS
10 LIKE THAT.

11 ALL THESE TIRES HERE, ALL THE TIRES ON THESE TRUCKS
12 WENT OFF THE AIR SYSTEM, UNLIKE THE CAR. WE START SEEING
13 THE CAB OF THE WESTERN STAR TRUCK, ALL THIS STUFF HERE
14 YOU CAN SEE. IT SHOWS A CLOSE UP. YOU CAN ALSO SEE
15 SQUARED OFF POINTS. THAT'S WHERE THE JAWS OF LIFE RIPPED
16 THE METAL PART WHERE THEY COULD GET TO HIM.

17 THIS HERE, THIS TRUCK YOU SEE OVER HERE, HE SAYS
18 THAT WAS HIS TRAINING GUY WHO WAS FOLLOWING. THAT'S HIS
19 TRUCK OVER THERE PARKED. OF COURSE, YOU CAN SEE ALL THE
20 DAMAGE AROUND IT. YOU CAN SEE THE STEERING WHEEL IS
21 BROKE. YOU CAN SEE THE DAMAGE THERE, THE IMPACT
22 LOCATION. I BELIEVE MR. OWENS HAD SOME BROKEN RIBS AND
23 STUFF. A LOT OF TIMES IF YOU HAVE A FORCE IN FRONT OF
24 YOU, YOU GO TOWARDS THE FORCE. IT HITS YOU. YOUR BODY
25 GOES TOWARDS THE STEERING WHEEL AND CAUSES CHEST DAMAGE.

1 THAT'S JUST SHOWING THE FRONT OF THE WESTERN STAR.
2 THE INITIAL IMPACT OCCURRED IN THIS AREA HERE. AS YOU
3 CAN SEE THERE'S NOT MUCH DAMAGE IN THIS AREA HERE WHERE
4 THE IMPACT CATCHES THAT, THE BACK OF HIS TIRE CATCHES
5 THAT CABLE.

6 THEN WE'VE GOT THIS UP-SLOPE FROM THE CENTER OF THE
7 MEDIAN GOING UP. THAT TO ASSIST IN THE LAUNCHING OF THE
8 TRUCK. THAT'S WHY YOU DON'T HAVE A LOT OF DAMAGE IN THIS
9 AREA HERE. IT ALL STOPS UP HERE AS IT GOES BY.

10 THAT'S JUST SHOWING THE FRONTAL VIEW. BASICALLY
11 THIS HERE IS COMING TO A STOP. THIS IS WHAT WE CALL A
12 SNOW PLOW. THE TIRES ARE TURNED TO THE SIDE AND IT'S
13 JUST PUSHING THE DIRT AWAY. THAT'S SLOWING THE VEHICLE
14 DOWN TO ITS FINAL STOP, ITS RESTING PLACE.

15 HERE IS THAT ASSIST AXLE. BASICALLY, IT BROKE THAT
16 LOOP. IT TURNED IN THE OPPOSITE DIRECTION. I MEAN TO
17 THE LEFT. THIS IS THE RIM OF THE BOBTAIL, THE LEFT, REAR
18 RIM. YOU CAN SEE IT DENTED ON IMPACT. LET ME MAKE SURE
19 THIS IS RIGHT. THIS IS IT. THESE ARE THE RED PAINT
20 MARKINGS ON THE SIDE OF IT. THIS IS FRONT THE RIGHT,
21 FRONT BUMPER. THE PAINT TRANSFERRED FROM THE TAURUS AS
22 IT WENT INTO THAT TIRE. YOU SEE THE PAINT UP IN THERE.
23 YOU SEE PAINT ALL THROUGH THERE.

24 THIS IS THE FORD TAURUS, THE FRONTAL VIEW TO THE
25 LEFT. RIGHT, FRONT YOU SEE THE DAMAGE. THE IMPACT TO

1 THE BOBTAIL ON THE RIGHT REAR. YOU CAN SEE HERE THE AIR
2 BAG ON THE PASSENGER'S SIDE EXPLODED. THAT'S A COMMON
3 THING HERE. WHEN THEY EXPLODE U, THEY EXPLODE OUT. IT
4 HAS ENOUGH FORCE. THEY'RE NOT SUPPOSED TO EXPLODE RIGHT
5 IN FRONT OF YOU, BUT THEY UP, TOO. A LOT OF TIMES, IF
6 THERE'S ENOUGH FORCE WITH IT COMING OUT, IT WILL BREAK OR
7 SHATTER THE WINDSHIELD.

8 THIS IS DAMAGE TO THE RIGHT BRAKE AS YOU CAN SEE.
9 THERE'S A CIRCULAR MOTION HERE. THE BLACK, RUBBER PAINT
10 IN THIS AREA MUST HAVE COME FROM THE TRANSFER OF THE TIRE
11 RUBBER COMPOUND ONTO IT. IT'S ON THE RIGHT SIDE. AS WE
12 SAID EARLIER, THIS ROSE UP. YOU CAN SEE SOME OF THE
13 MARKS HERE UP ON THE TIRES. THE TIRE'S INFLATED.

14 Q WHAT CAUSED THAT?

15 A WHAT CAUSED THAT WAS THE VEHICLE GOING SIDEWAYS.
16 THERE'S ENOUGH FORCES IN THE GROUND AND THE TIRES FOR THE
17 TIRES TO INFLATE AND SEPARATE FROM THE RIM. THAT KIND OF
18 STRIPS THE VEHICLE, THROWS IT UP ON ITS SIDE. A LOT OF
19 TIMES THE VEHICLE IS BASICALLY AT A STOP WHICH IS THE
20 LOADING UP MOTION TO DO IT. A LOT OF TIMES WHEN THEY DO
21 IT THEY'LL CONTINUE TO SPLIT IF THERE'S A LOT OF SPEED.

22 NOW WE'RE LOOKING AT THE DRIVER'S SIDE OF THE
23 VEHICLE AT THIS POINT. HERE'S YOUR DRIVER'S AIR BAG. IT
24 HASN'T BEEN DEFLATED. AS WE SAID EARLIER, IT WAS PUSHED
25 BACK TOGETHER AND PUSHED BACK IN THERE.

1 AS I SAID, THE DEFENDANT WAS SITTING IN THE DRIVER'S
2 SEAT WHEN TROOPER BAKER WAS TALKING TO HER. THIS IS THE
3 REGISTRATION OF THE CAR SAYING IT WAS OWNED BY LISA
4 McDONALD OF CAMP CREEK COURT, ELGIN, A 1996 FORD TAURUS.
5 A LOT OF TIMES HERE IS THE SERIAL NUMBER OR WHAT WE CALL
6 THE VIN. IT'S THE VEHICLE IDENTIFICATION NUMBER. IT'S
7 BASICALLY A SERIAL NUMBER OF THE CAR. BASICALLY THAT'S
8 LOOKING AT THE CONSOLE AREA.

9 THIS IS JUST ANOTHER LOCATION OF WHERE THE SERIAL
10 NUMBER CAN BE FOUND IN THE CAR, INSIDE THE DOOR FRAME.
11 IT SAYS IT'S MANUFACTURED IN 8/96. ANYTHING IN THE CAR
12 MANUFACTURED ACTUALLY COMES THE FOLLOWING YEAR, '97. ALL
13 THIS WE SAID EARLIER, THIS IS INDUCED DAMAGE.

14 THE IMPACT TOOK PLACE OVER HERE. YOU CAN SEE
15 THERE'S NOT MUCH DAMAGE HERE. IT'S JUST TUMBLING OFF AT
16 A CONTACT OR COMING APART. THIS IS JUST A MINOR CONTACT
17 IN THE COLLISION SEQUENCE HERE.

18 THIS IS THE ACTUAL CONTACT AREA OF THE VEHICLE AS IT
19 GOES INTO THE WHEEL AREA OF THE TRUCK HERE. IT COMES IN
20 AT THAT ANGLE HERE, IS WHAT CAUSED THAT. YOU CAN SEE
21 HERE BLACK RUBBER. SOME RIGHT THERE ON THE WHEEL AT THE
22 FRONT END AND THE OTHER SIDE OF THE WHEEL. AND ALL THIS
23 COMES FROM THE RIM HERE.

24 THIS IS JUST SHOWING THE CAB. I MEAN, EXCUSE ME,
25 THE CONVENTIONAL TRUCK. THE FRONT END. BASICALLY, THESE

1 VEHICLES, MOST OF THEM NOW ARE MADE OF FIBERGLASS UP IN
2 THE FRONT. IT WAS JUST DONE OFF THE VEHICLE FROM THE
3 IMPACT. IT WAS DONE FIRST AND DURING THE SAME SEQUENCE
4 THE TRUCK KIND OF LAID OVER IMPASSIVELY. I BELIEVE THIS
5 IS JUST BEHIND THE BOBTAIL.

6 NOW, AT THIS POINT WE DECIDED TO TAKE THIS RIM AS
7 EVIDENCE. BASICALLY, WHAT WE'RE DOING, THE RIM WOULD NOT
8 COME OFF. WE WERE CUTTING OFF THE TIRE. THIS IS
9 ACTUALLY-- YOU SAW THE WRECKER DRIVER WITH MR. GILBERT.
10 HE HAS THE EQUIPMENT TO DO THAT. WE DO, TOO. IT'S OUR
11 TRUCK, BUT HE VOLUNTEERED TO ASSIST US. HE WAS TAKING
12 HIM FROM THERE. BASICALLY, THE REASON WE'RE TAKING IT IS
13 THE PAINT TRANSFER.

14 OBVIOUSLY, THIS IS ON THE DRIVER'S SIDE, BACK, REAR
15 WHEEL, LEFT SIDE. HERE WE SEE, THIS IS THE GLASS FROM
16 THE CAR. THIS IS BASICALLY THE FIRST EVIDENCE OF IMPACT
17 BETWEEN THE TWO. AS THE TIRE GOES UP INSIDE THIS WHEEL
18 WELL, IT OBVIOUSLY BREAKS THE GLASS FROM THE RIGHT FRONT.
19 THIS IS SHOWING GLASS FROM THE ROADWAY, THE IMPACT
20 BETWEEN THE TIRE AND THE CAR.

21 SOME OF IT YOU SEE, MOST OF IT IN THIS LOCATION
22 HERE. THIS IS WHERE MOST OF IT OCCURRED, OF COURSE,
23 GOING DOWN THE ROAD. OF COURSE, SOME GLASS WOULD BE
24 PICKED UP AND CARRIED BY CAR, DRAWN BY THE FORCE OF IT

1 WHEN IT GOES BY, AND THAT'S WHAT YOU SEE A LITTLE BIT OF
2 DOWN THE ROAD. YOU SEE MOST OF IT IN THIS LOCATION HERE.

3 WHAT WE HAVE GOT HERE, HERE IS THE RUMBLE STRIP WE
4 TALKED ABOUT THAT THE TAURUS RAN UP ON. THIS STARTS WITH
5 THIS CAR. YOU CAN SEE THE LITTLE DOTS IN HERE. THAT'S
6 THE STOP. THAT WOULD BE THE END OF THE SCENE.

7 Q OKAY. I WANT YOU TO TAKE THE STAND FOR A MINUTE.
8 LIEUTENANT, YOU MENTIONED THAT YOU TOOK THE RIMS OF THE
9 TIRE INTO EVIDENCE THAT DAY?

10 A YES MA'AM, WE DID.

11 Q AND I SHOW THIS OVER HERE, IS THAT THE RIM YOU TOOK
12 INTO EVIDENCE?

13 A IT IS.

14 MS. CAMPBELL: YOUR HONOR, AT THIS TIME, WE MARK IT
15 INTO EVIDENCE, BUT I'LL MOVE IT LATER IF THAT'S OKAY.

16 THE COURT: OF COURSE. ANY OBJECTION?

17 MR. STRICKLER: NO.

18 THE COURT: OKAY, IT'S ADMITTED.

19 MS. CAMPBELL: STATE'S EXHIBIT FIFTY-THREE.

20 Q AFTER YOU GATHERED ALL THE EVIDENCE OUT THERE AT THE
21 SCENE WERE YOU ABLE TO MAKE A DETERMINATION, SIR, AS TO
22 WHAT HAPPENED THAT DAY AS FAR AS THE WRECK WAS CONCERNED?

23 A YES MA'AM.

24 Q CAN YOU EXPLAIN TO THE JURY, BASED ON THE EVIDENCE
25 AT THE SCENE, WHAT HAPPENED?

1 A BASED ON THE EVIDENCE AT THE SCENE, THE BOBTAIL WAS
2 TRAVELING OFF OF I-77 ONTO I-20 IN THE SAME LANE. THE
3 FORD TAURUS WAS BEHIND THE BOBTAIL GOING IN THE SAME
4 DIRECTION FOR THE SAME PURPOSE OF GETTING ON I-20. THE
5 TAURUS MOVED ACROSS, LEFT THE THIRD LANE, ENTRANCE LANE,
6 SHOT ACROSS THE LANE OF TRAFFIC, ALMOST WENT INTO THE
7 MEDIAN. THEN IT SWERVED BACK. DURING THAT IT'S OUT OF
8 CONTROL. IT HEADS TOWARDS THE BOBTAIL, STRIKING IT IN
9 THE REAR. THEN A CHAIN REACTION OCCURRED, CAUSING THE
10 OTHER DAMAGE COLLISION.

11 Q SO, BASICALLY, THE EVIDENCE YOU FOUND AT THE SCENE
12 THAT DAY, YOU FOUND THAT THE TAURUS WAS TRAVELING ACROSS
13 THE THREE LANES OF TRAFFIC TO THE LEFT, TOWARD THE
14 MEDIAN?

15 A YES.

16 Q AND IT GOES, YOU MENTIONED THE YAW MARKS?

17 A YES.

18 Q THAT WAS IN THE VIDEO AND THE PHOTOGRAPH. RIGHT?

19 A YES.

20 Q IT GOES SLIGHTLY OFF THE ROAD?

21 A YES, ONTO THE RUMBLE STRIP.

22 Q ONTO THE RUMBLE STRIP WHICH IS RIGHT THERE, NEXT TO
23 THE MEDIAN, THE GRASSY MEDIAN AND THE ROAD?

24 A YES.

1 Q AND AT THAT POINT IT CUTS BACK ACROSS, TOWARDS THE
2 OUTSIDE LANE?

3 A YES.

4 Q WHERE MR. CROFT WAS DRIVING HIS TRUCK?

5 A YES.

6 Q AT ANY POINT WERE YOU ABLE TO DETERMINE THE SPEED OF
7 ANY OF THE VEHICLES INVOLVED IN THIS WRECK?

8 A YES. THAT WAS ONE OF THE ISSUES REQUESTED, THE
9 SPEED OF THE CARS. YES, WE WERE ABLE TO DETERMINE THE
10 SPEED OF THE CARS.

11 Q AND WHAT WAS THE SPEED OF THE CARS? HOW WERE YOU
12 ABLE TO DO THAT, FIRST?

13 A WELL, BY USING THAT MARK, THE YAW MARKS ON THE LEFT
14 FRONT AND THE LEFT REAR, THEY'LL ALLOW US-- THERE ARE
15 CALCULATIONS YOU CAN DO FROM BOTH MARKS, FROM MEASURING
16 THOSE MARKS TO DETERMINE THE SPEED OF THE VEHICLE.

17 Q WERE YOU ABLE TO DETERMINE-- DID YOU DETERMINE THE
18 POINT AT WHICH THE YAW MARKS WAS MADE?

19 A THAT'S WHERE THE VEHICLE LEAVES THE RUMBLE STRIP AND
20 STARTS BACK ON THE PAVEMENT PORTION. AT THAT POINT,
21 THREE OF THE VEHICLES IS WHERE WE CALCULATED.

22 Q AND WHAT WERE YOU ABLE TO DETERMINE THE SPEED OF
23 THAT VEHICLE WAS AT THAT POINT?

24 A SIXTY-NINE MILES PER HOUR MINIMUM SPEED.

25 Q SIXTY-NINE MILES PER HOUR?

1 A YES.

2 Q AT THE POINT THAT IT'S ON THE RUMBLE STRIP GOING
3 BACK ONTO THE PAVEMENT?

4 A AS IT'S COMING BACK ONTO THE PAVEMENT FROM THE
5 RUMBLE STRIP.

6 Q IT'S GOING SIXTY-NINE MILES PER HOUR AT THAT POINT?

7 A YES MA'AM.

8 Q AND JUST FOR CLARIFICATION, THE FIRST MARK WE MADE
9 REFERENCE TO ANY OF THE SERIES, THE YAW MARKS OVER HERE
10 ON THE LEFT. IS THAT CORRECT?

11 A YES MA'AM.

12 Q WERE THERE ANY SKID MARKS PRIOR TO THAT?

13 A NO MA'AM.

14 Q WERE THERE ANY SKID MARKS IN THIS ENTIRE SCENE
15 ASSOCIATED WITH THAT CAR?

16 A NO MA'AM.

17 Q AND IF A PERSON IS GOING ON, LET'S SAY, AT SIXTY
18 MILES AN HOUR AND SLAMS ON BRAKES, WOULD YOU EXPECT TO
19 SEE SKID MARKS?

20 A IF HE'S EMERGENCY APPLYING THE BRAKES, YES.

21 Q YOU ALSO, AS PART OF YOUR TESTIMONY, HAVE BEEN ASKED
22 TO, AND YOU'VE ALREADY STATED THIS, BUT I WANT TO MAKE
23 SURE I UNDERSTAND, AT ANY PART DURING THIS PROCESS, WAS
24 THERE ANY EVIDENCE THAT MR. CROFT'S TRUCK LEFT THIS FAR,
25 RIGHT LANE?

1 A NO MA'AM. HE WAS CONTINUING ON, CONTINUING ON IN
2 THE FEEDER LANE OR THE ENTRANCE LANE.

3 Q AND COULD HE HAVE VEERED OFF INTO THE SECOND OR
4 THIRD LANE OVER?

5 A NOT AND GOTTEN BACK TO THE LOCATION HE WAS AT WHEN
6 HE GOT HIT.

7 Q OKAY. NOW, THAT'S WHAT I'M TRYING TO GET AT. HE
8 COULDN'T HAVE VEERED IN FRONT OF HER AND GOTTEN BACK OVER
9 THERE?

10 A NO MA'AM.

11 Q NOT WHEN SHE WAS GOING SIXTY MILES AN HOUR?

12 A NO. SHE WAS OBVIOUSLY, HAD TO TRAVELING A SPEED
13 HIGHER THAN HIM TO BE BEHIND HIM, THEN GET OVER ACROSS
14 THREE LANES OR TWO LANES AND THEN GET BACK AND THEN BE
15 THE VEHICLE IN FRONT. SHE OBVIOUSLY HAD TO HAVE A HIGHER
16 SPEED THAN HIM BECAUSE SHE CAUGHT UP WITH HIM.

17 Q ALSO, IN YOUR REVIEW OF ALL THE EVIDENCE AND
18 WHATEVER STATEMENTS OR ANYTHING ELSE, WERE THERE ANY
19 INDEPENDENT WITNESSES THAT WERE ABLE TO SEE THIS? WAS
20 THERE ANY EVIDENCE THAT ANY TRUCK VEERED IN FRONT OF HER
21 AT ANY POINT?

22 A NO MA'AM. WE DID HAVE ANY EVIDENCE OF ANY OTHER
23 VEHICLES AROUND.

24 MS. CAMPBELL: THAT'S ALL. BEG THE COURT'S
25 INDULGENCE.

1 THE COURT: YES MA'AM.

2 Q AT YOUR INSTRUCTION, DID TROOPER LEE ACTUALLY GO
3 BACK TO THE SCENE AND REENACT THE SERIES OF EVENTS THAT
4 WOULD HAVE HAPPENED HAD THE CAR VEERED OVER TO THE RUMBLE
5 LANE AND GET BACK OVER THERE?

6 A I WOULDN'T SAY REENACT, BUT HIS VEHICLE WAS TO COME
7 BACK DOWN THAT LANE OF TRAVEL, ENTER THE RAMP AND MARK
8 THE CONE WHERE SHE FIRST LOST CONTROL OF THAT RUMBLE
9 STRIP AND GIVE US A VIDEO COMING DOWN AT THE ROAD, AT
10 SEVERAL DIFFERENT SPEEDS, AND LOOKING AT THE TIME IT
11 TAKES TO GET OVER THERE TO THAT LOCATION.

12 Q OKAY. AND IN ANY SCENARIO THAT YOU WERE ABLE TO
13 IMAGINE WAS SHE MOVING LEGALLY ACROSS THE LANE TO GET
14 OVER INTO THE LEFT LANE TO GET OFF THE ROAD?

15 A THERE'S NO WAY SHE COULD HAVE GOTTEN INTO THAT
16 LOCATION WITHOUT JUMPING CONTINUOUS LANES AT ONE TIME,
17 WHICH WOULD BE A VIOLATION OF THE LAW, IMPROPER LANE
18 CHANGE.

19 Q IN ADDITION TO THE SPEED?

20 A YES MA'AM.

21 Q I DON'T HAVE ANYTHING FURTHER. PLEASE ANSWER ANY
22 QUESTIONS MR. STRICKLER MAY HAVE.

23 THE COURT: MR. STRICKLER, BEFORE YOU BEGIN, WE NEED
24 TO TAKE A SHORT BREAK.

25 MS. CAMPBELL: EXCUSE ME, JUDGE.

1 THE COURT: THAT'S ALL RIGHT, LADIES AND GENTLEMEN
2 OF THE JURY, I'M GOING TO LET YOU TAKE A SHORT BREAK.
3 WE'LL TAKE A SHORT, TEN-MINUTE BREAK. AS YOU RETURN TO
4 YOUR JURY, I ASK THAT YOU NOT DISCUSS THE TESTIMONY OR
5 EVIDENCE THAT YOU HAVE HEARD OR SEEN THUS FAR. THANK
6 YOU.

7 OKAY, LIEUTENANT, YOU CAN STEP DOWN. DURING THIS
8 BREAK I ASK THAT YOU---"
9 (WHEREUPON THE READING OF TESTIMONY OF LIEUTENANT MAFFETT
10 WAS INTERRUPTED.)

11 MS. CAMPBELL: YOUR HONOR, I APOLOGIZE FOR
12 INTERRUPTING, BUT MAY WE APPROACH?

13 THE COURT: YES MA'AM. LET ME SEND THE JURY OUT.
14 LADIES AND GENTLEMEN OF THE JURY, AT THIS TIME I WILL ASK
15 YOU TO GO TO THE JURY ROOM. WE'RE GOING TO TAKE YOUR
16 LUNCH ORDERS WHILE YOU ARE ON BREAK.

17 I ASK THAT YOU NOT DISCUSS ANY OF THE TESTIMONY AND
18 EVIDENCE YOU'VE HEARD THUS FAR. WE'LL BRING YOU BACK OUT
19 AS SOON AS POSSIBLE.

20 (WHEREUPON THE JURY EXITED THE COURTROOM AT 11:59 A.M.)

21 MS. AHRENS: YOUR HONOR, I WANT TO BRING TO THE
22 COURT'S ATTENTION SOME OUT OF COURT, OUT OF THE PRESENCE
23 OF THE JURY STATEMENTS THAT YOUR HONOR MADE. AND I JUST
24 DIDN'T WANT THE JURY TO HEAR THOSE. I'M TALKING ABOUT
25 THE REFERENCE TO THE PRIOR HEARING, THAT'S ALL.

1 THE COURT: WAS THIS EARLY ON? I KIND OF GOT LOST
2 IN THERE.

3 MS. AHRENS: YES SIR. THIS IS ABOUT THE SPECIFIC
4 CONDUCT OF MY CLIENT, COMMENTS ON MY CLIENT'S CONDUCT.
5 AND I THOUGHT THAT WAS PARTICULARLY INAPPROPRIATE FOR THE
6 JURY TO HEAR, YOUR HONOR.

7 THE COURT: I'M ALSO A LITTLE BIT CONCERNED ABOUT
8 THE RECORD BEING DESCRIBED TO THE JURY.

9 MS. CAMPBELL: I BELIEVE THAT CAN BE CORRECTED, YOUR
10 HONOR, BY A CURATIVE INSTRUCTION TO THE JURY ON WHAT THEY
11 SHOULD CONSIDER.

12 MS. AHRENS: BUT WE'RE TALKING ABOUT THE PRIOR
13 HEARING. THERE MAY HAVE BEEN AN EVIDENTIARY HEARING FOR
14 ALL THE JURY WOULD KNOW.

15 THE COURT: WELL, THAT'S WHAT I'M CONCERNED ABOUT,
16 THE JURY HEARING ABOUT ANYTHING REFERRING TO THE PRIOR
17 TRIAL.

18 MS. AHRENS: I UNDERSTAND YOUR CONCERN.

19 THE COURT: I CAN GIVE THE JURY A CURATIVE
20 INSTRUCTION.

21 MS. CAMPBELL: YOUR HONOR, AS FAR AS WE'RE
22 CONCERNED, THAT WOULD SOLVE ANY PROBLEM.

23 MS. AHRENS: THAT'S FINE, YOUR HONOR.

24 MS. CAMPBELL: WE'RE READY TO READ THE CROSS
25 EXAMINATION PORTION OF THE PRIOR TESTIMONY.

1 THE COURT: BRING IN THE JURY.

2 (WHEREUPON THE JURY ENTERED THE COURTROOM AT 12:29 P.M.)

3 LADIES AND GENTLEMEN OF THE JURY, WE'LL TAKE A BREAK
4 WHEN YOUR LUNCH GETS HERE. AT THIS TIME WE WILL RESUME
5 THE READING OF THE PRIOR TESTIMONY OF OFFICER MAFFETT,
6 STARTING WITH THE CROSS EXAMINATION.

7 YOU MAY PROCEED.

8 MS. CAMPBELL: THANK YOU, YOUR HONOR.

9 (WHEREUPON THE READING OF THE TESTIMONY OF E. R. MAFFETT,
10 WAS RESUMED BY DANA OUTEN)

11 CROSS EXAMINATION BY MR. STRICKLER

12 Q GOOD AFTERNOON, LIEUTENANT. HOW ARE YOU?

13 A GOOD AFTERNOON, SIR.

14 Q JUST A FEW QUESTIONS, ACTUALLY. I HAVE
15 SUBSTANTIALLY LESS THAN WHAT YOU JUST WENT THROUGH ON
16 DIRECT, I PROMISE YOU, SIR.

17 A YES SIR.

18 Q I HAVE WHAT I BELIEVE TO BE A COMPLETE COPY OF THE
19 MAIT REPORT GENERATED IN THIS CASE.

20 A IF THIS IS THE ONE I PROVIDED TO THE SOLICITOR, IT
21 SHOULD BE A COMPLETE COPY.

22 Q YES SIR. THIS IS THE REPORT OF THE TEAM THAT YOU
23 JUST TALKED ABOUT DURING YOUR DIRECT TESTIMONY RELATING
24 TO THIS INCIDENT. RIGHT?

25 A YES SIR, IT IS.

1 Q AND YOU COLLECT A LOT OF INFORMATION AND YOU PROCESS
2 PUTTING THAT REPORT, RECORD TOGETHER. RIGHT?

3 A YES SIR, WE DO.

4 Q YOU HAVE A FAIR AMOUNT RELATED TO THE ACTUAL
5 SEQUENCE OF EVENTS OF THAT ACCIDENT. CORRECT?

6 A YES SIR.

7 Q I HAVE JUST A FEW OTHER THINGS I'D LIKE TO GO
8 THROUGH, IF WE COULD, INVOLVING WHAT'S BEEN REFERRED TO
9 AS THE BOBTAIL TRUCK, THE PENSKE TRUCK. WHAT BRAND OF
10 VEHICLE WAS THAT?

11 A I BELIEVE IT'S A STERLING MODEL.

12 Q STERLING. IS THAT A MAKE?

13 A MAKE, I'M SORRY.

14 Q STERLING. THAT IS A MAKE OF A TRUCK, I TAKE IT?

15 A YES.

16 Q NOW, FINALLY I'VE LOCATED WHAT'S BEEN MARKED AS
17 STATE'S FIFTY-ONE. IF I UNDERSTAND YOUR TESTIMONY
18 THAT'S A PHOTOGRAPH THAT SHOWS THE BEGINNING OF THE YAW
19 MARKS. I BELIEVE THE TERM IS THE YAW MARKS WERE
20 ASSOCIATED WITH THE CAR. IS THAT CORRECT?

21 A YES SIR, IT IS.

22 Q THOSE ARE THE FIRST MARKS ASSOCIATED WITH THE
23 VEHICLES IN THIS CASE. CORRECT?

24 A YES SIR.

1 Q OKAY. IF I UNDERSTAND, THOSE BEGIN RIGHT ON THE
2 SIDE OF THE RUMBLE STRIP?

3 A YES SIR.

4 Q OKAY. AND YOU GOT THEM MARKED WITH A COUPLE OF
5 ORANGE MARKS. ONE SET RIGHT ON THE STRIP. AND ONE SET,
6 I THINK, IS JUST RIGHT ON THE PAVED SURFACE, A LITTLE
7 FURTHER DOWN FROM THE RUMBLE STRIP. IS THAT CORRECT?

8 A RIGHT. THERE'S ONE HERE AND THEN ONE ON THE YELLOW
9 LINE AND SEVERAL MORE ON DOWN.

10 Q OKAY. IF I CAN HOLD THIS UP AND HAVE YOU SHOW-- IF
11 YOU CAN HOLD IT UP AND SHOW IT TO THE JURY WHAT WE'RE
12 TALKING ABOUT.

13 A THIS WOULD THE LEFT, FRONT TIRE THAT COMES BACK ON
14 THE ROAD. THERE IS ANOTHER PAINT MARK IN THE CENTER OF
15 THE YAW MARK. THERE'S ANOTHER ONE AND THERE'S ANOTHER
16 ONE DOWN. THE REASON WE DO THAT, OBVIOUSLY, WE COME BACK
17 AND MAP IT IF WE NEED TO FIND EXACTLY THE SAME DAY OR
18 WHATEVER. ALSO IT PICKS UP THE PHOTOGRAPH, TOO.

19 Q RIGHT.

20 A THERE'S ANOTHER HERE FROM THE LEFT, REAR TIRE AS IT
21 COMES ON.

22 Q OKAY. NOW, THE POINT THAT-- THESE ARE THE FIRST
23 MARKS THAT YOU FOUND IN THIS CASE. CORRECT?

24 A YES SIR, IT IS.

1 Q YOU DID NOT, FOR EXAMPLE, FIND SKID MARKS COMING TO
2 THIS POINT ACROSS THE HIGHWAY?

3 A NO, THERE WERE NO SKIDS AT ALL.

4 Q OKAY. YOU DID, FOR EXAMPLE, LOCATE TIRE MARKS IN
5 THE GRAVEL OR THE GRASS IN THE MEDIAN PRIOR TO THIS MARK,
6 RIGHT, AT THE RUMBLE?

7 A NO, WE DIDN'T.

8 Q HAVE YOU LOCATED EITHER OF THESE THINGS I ASKED YOU
9 ABOUT? YOU HAVE MADE NOTE OF THAT AND HAVE DOCUMENTED
10 JUST IN THE FASHION THAT YOU DID PROCEED. RIGHT?

11 A RIGHT, ABSOLUTELY.

12 Q THAT WOULD BE SIGNIFICANT AS TO THIS CASE. CORRECT?

13 A YES.

14 Q NOW, I TAKE IT FROM A DESCRIPTION OF WHAT I HAVE
15 SEEN THAT YOU AND YOUR TEAM DID A VERY THOROUGH JOB OF
16 EXAMINING THE SCENE AT THIS CASE?

17 A THANK YOU, SIR.

18 Q THAT'S ONE OF THE REASONS THIS TEAM WAS ESTABLISHED.

19 A YES SIR, IT WAS.

20 Q ALL RIGHT, OKAY. SO, WE CAN TAKE IT AS A GIVEN THAT
21 HAD THERE BEEN ANY MARKS PRIOR TO THOSE YOU WOULD HAVE
22 DOCUMENTED THEM. YOUR TEAM WOULD HAVE DOCUMENTED THEM
23 AND WE WOULD HAVE SEEN EVIDENCE OF IT HERE TODAY.
24 CORRECT?

25 A ABSOLUTELY, YES SIR.

1 Q BECAUSE THOSE HAVE BEEN IN SOME FASHION CONTRIBUTING
2 TO OR ASSOCIATED WITH THIS WHOLE INCIDENT WE'RE TALKING
3 ABOUT?

4 A YES, IT WOULD.

5 Q OKAY. NOW, WHAT YOU CAN'T TELL US FROM THE
6 EXAMINATION OF THE SCENE IS WHAT, IF ANYTHING, MAY HAVE
7 GONE ON INSIDE THE CAR TO BEGIN THIS YAW?

8 A NO.

9 Q I MEAN, YOU COULD PUT A LOT OF STUFF TOGETHER FROM
10 THE PHYSICAL EVIDENCE AT THE SCENE, BUT EXACTLY WHAT
11 TRANSPIRED INSIDE THAT CAR IS NOT ONE OF THOSE THINGS YOU
12 CAN PUT TOGETHER. CORRECT?

13 A NOT PRIOR TO THOSE MARKS.

14 Q RIGHT. UNLESS THOSE MARKS START YOU HAVE A VEHICLE
15 THAT'S OUT OF CONTROL AT THAT POINT.

16 A WHAT IT'S DOING, YES SIR.

17 Q OKAY. SO, AS I HEARD YOUR TESTIMONY ONCE THOSE
18 MARKS START, THE CAR IS ALMOST OPERATING ON ITS OWN AT
19 THAT POINT BECAUSE IT IS OUT OF CONTROL.

20 A WELL, IT'S--. A DRIVER CAN BRING IT BACK, BUT PRIOR
21 TO A DRIVER BEING ABLE OR THE LADY BEING ABLE TO BRING
22 IT BACK IT STRUCK THE TRUCK.

23 Q RIGHT, RIGHT, OKAY. AND YOU WEREN'T-- YOUR UNIT
24 WAS NOT CONCERNED WITH THE PROCESSING OF THE INTERIOR OF
25 THE CAR ITSELF, I TAKE IT?

1 A WE EXAMINED THE INTERIOR AT THE SCENE, THE CONTROLS
2 AND THINGS LIKE THAT, BUT NOTHING OTHER THAN AN
3 EXAMINATION OF WHAT'S GOING ON, THINGS LIKE STEERING, THE
4 RADIO, THINGS LIKE THAT.

5 Q YOUR FOCUS, THE FOCUS OF YOUR TEAM IS ON ACCESS OF
6 THE CAR, FOCUS OF THE ACCIDENT, THEN, I TAKE IT?
7 CORRECT?

8 A YES. EVERYTHING ELSE, OTHER THAN AN ACTUAL
9 COLLISION, IS HANDLED BY THE RICHLAND COUNTY TROOPER.

10 Q OKAY. YOU CAN'T TELL ME FROM YOUR EXAMINATION OF
11 THE SCENE, YOU CAN'T TELL ME WHAT THE TRAFFIC WAS LIKE
12 HEADING WESTBOUND ON 20 AT THE POINT THAT DAY. CORRECT?

13 A I CAN'T TELL YOU FROM MARKS AND THE DAMAGE OUT THERE
14 THAT WAS FOUND. THAT'S WHAT WITNESSES' STATEMENTS, WE
15 RELY ON THOSE.

16 Q OKAY. YOU INDICATED IN RESPONSE TO A QUESTION FROM
17 MS. CAMPBELL THAT THERE WERE NO SKID MARKS ASSOCIATED,
18 ONCE AGAIN. JUST WHAT I WENT THROUGH BEFORE WITH STATE'S
19 FIFTY-ONE, THERE WAS NO SIGN THAT THE BRAKES WERE LOCKED
20 UP. IS THAT THE RIGHT TERM?

21 A UH-HUH.

22 Q PRIOR TO THIS YAW MARK BEGINNING?

23 A NO.

1 Q I BELIEVE YOUR RESPONSE WAS THAT ONE WOULD BE
2 EXPECTED TO BE THERE IF THERE HAD BEEN AN EMERGENCY SLAM
3 ON OF THE BRAKES. IS THAT CORRECT?

4 A RIGHT. IF SOMEBODY APPLIED, OBVIOUSLY APPLIED THE
5 BRAKES, YOU KNOW, LIKE THAT, HITTING THE PEDAL IN AN
6 EMERGENCY SITUATION, THE BRAKES WOULD LOCK UP WITH ENOUGH
7 FORCE. IT'S NOT TO SAY THAT SOMEBODY CAN'T BE SLOW IN
8 TAPPING THE BRAKES. THERE COULD BE BRAKING GOING ON, BUT
9 I CAN'T ACCOUNT FOR THAT.

10 Q AND YOU COULD EVEN APPLY, I MEAN, AT SOME POINT
11 BRAKES LOCK UP?

12 A YES.

13 Q WE ALL AGREE TO THAT?

14 A YES.

15 Q YOU CAN APPLY BRAKES WITH SOME DEGREE OF FORCE PRIOR
16 TO THEM LOCKING UP?

17 A YES, THAT'S CALLED THRESHOLD BRAKING.

18 Q SO, WHAT YOU CAN SAY IS YOU SEE NO SIGNS OF BRAKING
19 ASSOCIATED WITH THE CAR. YOU SEE NO SIGNS OF BRAKING,
20 BUT YOU CAN'T RULE OUT BRAKING HAPPENING. YOU CAN'T RULE
21 OUT BRAKING HAVING OCCURRED WITH A FORCE THAT WASN'T
22 SUFFICIENT TO CAUSE THE BRAKES TO LOCK UP?

23 A CORRECT, CORRECT.

1 Q SO, IF YOU DON'T LOCK UP THE BRAKES, WHEN YOU LOCK
2 UP THE BRAKES, THE TIRES ON THE CAR QUIT ROTATING. IS
3 THAT RIGHT?

4 A YES.

5 Q AND THAT'S WHAT? THAT'S A SKID ACROSS THE ROAD?

6 A NORMALLY, YES.

7 Q AND THAT'S WHAT LEAVES THE MARKS ON IT?

8 A YES.

9 Q OBVIOUSLY, WE ALL BRAKE OUR CARS MULTIPLE TIMES
10 EVERY DAY WE USE THEM. WE DON'T USE SKID MARKS EVERY
11 TIME BECAUSE WE'RE NOT LOCKING UP THE BRAKES. RIGHT?

12 A RIGHT.

13 MR. STRICKLER: I JUST WANT TO MAKE SURE-- JUST A
14 FEW MORE QUESTIONS.

15 Q NOW, LIEUTENANT, LET ME GET THIS STRAIGHT, TOO.
16 WERE YOU ABLE TO CALCULATE THE SPEED THAT CAR WAS GOING
17 WHEN IT VEERED OFF THE YAW MARK WHEN IT WAS COMING BACK
18 ON THE PAVEMENT. IS THAT CORRECT?

19 A COMING BACK ON THE PAVEMENT?

20 Q COMING BACK ON THE PAVEMENT. SO, AT THAT POINT,
21 EVEN IF THE BRAKES HAD BEEN HIT, THAT CAR STILL AT THAT
22 POINT WAS GOING SIXTY-NINE MILES AN HOUR?

23 A YES.

24 Q NOW, YOU'VE HAD AN OPPORTUNITY TO REVIEW MS.
25 KRANCHIK'S STATEMENT. WAS THAT TRUE?

1 A I DID.

2 Q NOW, LET ME GET THIS STRAIGHT, TOO. SHE ASKED YOU
3 ABOUT WHAT KIND OF TRUCK THE PENSKE TRUCK WAS, THE WHITE
4 TRUCK. AND YOU'VE BEEN DOING TRAFFIC FOR HOW LONG,
5 TWENTY YEARS, FIFTEEN?

6 A SEVENTEEN, ALMOST.

7 Q SEVENTEEN YEARS. TO THE COMMON CONSUMER LIKE ME,
8 WHO DOESN'T KNOW TRUCKS, WOULD YOU REFER TO A TRAILER
9 TRUCK AS A MACK TRUCK?

10 A SURE. JUST NORMALLY WHATEVER COMES OFF THE HEAD.
11 THERE'S ALL DIFFERENT TYPES OF VEHICLES, YOU KNOW.

12 Q MACK TRUCK?

13 A RIGHT, MACK TRUCK.

14 Q SO, IT'S A BIG TRUCK WITH A TRAILER THAT USUALLY HAS
15 A TRAILER?

16 A I'VE HEARD IT SAID BIG, MACK TRUCK.

17 Q THAT'S WHAT I'M GETTING AT. OKAY. THAT'S WHAT I'M
18 GETTING AT. IN REVIEWING HER STATEMENT, MS. KRANCHIK,
19 AND THIS IS HER OWN WRITING, HER VERSION OF WHAT
20 HAPPENED, AND YOU HAD AN OPPORTUNITY TO REVIEW THAT
21 STATEMENT?

22 A I DID.

23 Q AND HER STATEMENT SAID IT HAPPENED THAT WAY?

24 A YES SIR.

25 Q WHAT HAPPENED?

1 A YES SIR. YES, I BELIEVE THAT HAPPENED.

2 Q AND BEYOND THAT, SHE SAID A MACK TRUCK PULLED IN
3 FRONT OF ME. THAT'S WHEN I SLAMMED ON THE BRAKES DONALD
4 GRABBED THE WHEEL AND WE DID A 360. IS THERE ANY
5 EVIDENCE THAT THAT HAPPENED IN THIS WRECK?

6 A WHAT I CONSIDER A 360, YEAH, THAT OCCURRED.

7 Q THAT OCCURRED?

8 A AFTER THE IMPACT WITH THE BOBTAIL.

9 Q AFTER THE IMPACT WITH THE BOBTAIL?

10 A YES.

11 Q IS THERE ANY EVIDENCE OF ANY TRUCK, ANY MACK TRUCK
12 PULLING IN FRONT OF HER?

13 A NO.

14 Q WAS THERE ANY EVIDENCE THAT SHE SLAMMED ON THE
15 BRAKES?

16 A NOT EMERGENCY, NO.

17 Q SO, IF SHE HADN'T BEEN BRAKING, SHE WOULD HAVE
18 CONTRIBUTED TO AN ACCIDENT, ISN'T IT?

19 A YES.

20 Q SO, IF SHE HAD BEEN SLAMMING ON THE BRAKES SHE WAS
21 GOING FASTER THAN SIXTY-NINE MILES AN HOUR?

22 A THE THING YOU HAVE TO THINK ABOUT IN SLAMMING ON THE
23 BRAKES, YOU CAN'T SLAM ON THE BRAKES AND GO INTO A YAW.

24 Q OH, I DIDN'T KNOW THAT.

1 A YOU CAN SLAM ON THE BRAKES. YOU HAVE TO RELEASE
2 OFF THE BRAKES. THEN IT'S A SKIDDING MOTION, NOT A
3 BRAKING MOTION.

4 Q OKAY. SO, LET ME GET THIS STRAIGHT. WHEN SHE IS
5 YAWING ON THAT SIDE OF THAT ROAD OVER HERE?

6 A CORRECT.

7 Q THERE IS NO BRAKING OCCURRING?

8 A NO, THAT'S THE STEERING MOVING ON.

9 Q NOW, WHAT DO YOU HAVE REGARDING MS. KRANCHIK? DO
10 YOU STILL HAVE HER STATEMENT IN FRONT OF YOU?

11 A NO, I DO NOT.

12 Q OKAY, I GOT ONE. YOU DON'T REALLY HAVE TO TRY TO
13 READ IT. THERE IS THE STATEMENT THAT'S IN EVIDENCE AT
14 THIS TIME, MS. KRANCHIK'S STATEMENT. AT THAT POINT I
15 BELIEVE YOU INDICATED I BELIEVE SHE DID COME OFF OF 77
16 OFF OF 20?

17 A YES.

18 Q OKAY. A WHITE, MACK TRUCK PULLED OUT IN FRONT OF
19 ME. I SLAMMED ON BRAKES. DONALD GRABBED THE WHEEL. THE
20 CAR DID A 360. WHICH EVENTUALLY IT DID. RIGHT?

21 A YES, IT DID A 360.

22 Q AND THAT'S WHEN THE CRASH HAPPENED? THAT'S WHAT YOU
23 HAD TO SAY?

24 A THE 360 WAS AFTER THE CRASH.

1 Q OKAY. HOW LONG DID THE ENTIRE SEQUENCE OF EVENTS
2 TAKE FROM THE YAW MARKS TO HITTING THE TRUCK?

3 A TO HITTING THE TRUCK?

4 Q TO HITTING THE REAR WHEEL OF THE--

5 A WELL, YOU'RE PROBABLY TALKING A MATTER OF A HALF A
6 SECOND, OR A SECOND AND A HALF AT THE MOST.

7 Q OKAY. I'M GOING TO SAY TWO SECONDS. THAT'S WHAT
8 I'VE GOT. RIGHT?

9 A RIGHT.

10 Q OKAY. SO, I'M SURE YOU HEARD-- UNFORTUNATELY, THE
11 YAW HAPPENED SO FAST. RIGHT?

12 A IT DID.

13 Q THINGS HAPPEN VERY FAST WHEN YOU'RE DEALING WITH
14 SPEED. RIGHT?

15 A YES.

16 Q OKAY. NOW, THIS STATEMENT DOES NOT SAY THAT SHE HIT
17 THE WHITE, MACK TRUCK THAT SHE SAID SHE BRAKED FOR.

18 A IT DOESN'T SAY ANYTHING ABOUT HITTING A TRUCK.
19 CORRECT.

20 Q BECAUSE THAT'S WHEN THE CRASH HAPPENED, IS WHAT SHE
21 SAYS. THAT'S THE END OF THE STATEMENT?

22 A CORRECT.

23 Q SO, THE STATEMENT READS: A, NOT THE, WHITE, MACK
24 TRUCK, A WHITE, MACK TRUCK PULLED IN FRONT OF ME. I

1 SLAMMED ON BRAKES AND DONALD GRABBED THE WHEEL. THE CAR
2 DID A 360. THAT'S WHEN THE ACCIDENT HAPPENED. RIGHT?

3 A YES SIR. THAT'S WHAT THE STATEMENT SAYS."

4 (WHEREUPON THE READING OF TESTIMONY WAS COMPLETED)

5 MS. CAMPBELL: THAT'S ALL WE HAVE, YOUR HONOR.

6 THE COURT: THANK YOU.

7 MS. CAMPBELL: THE STATE CALLS JAMES DAY.

8 JAMES DAY, DULY SWORN, TESTIFIED AS

9 FOLLOWS:

10 DIRECT EXAMINATION BY MS. CAMPBELL:

11 Q PLEASE STATE YOUR NAME.

12 A JAMES DAY.

13 Q SERGEANT DAY, WHERE ARE YOU EMPLOYED?

14 A SOUTH CAROLINA HIGHWAY PATROL.

15 Q WHAT DO YOU DO THERE?

16 A I AM NOW EMPLOYED WITH THE MULTI-DISCIPLINARY

17 ACCIDENT INVESTIGATION TEAM, WHICH IS KNOWN AS THE MAIT

18 UNIT.

19 Q TELL THE JURY A LITTLE BIT ABOUT YOUR EDUCATION AND
20 HOW YOU BECAME SUPERVISOR OVER THE MAIT TEAM.

21 A AFTER HIGH SCHOOL LOCALLY, I RECEIVED A BACHELOR'S
22 DEGREE OF ACCOUNTING AT THE UNIVERSITY OF SOUTH CAROLINA
23 AT AIKEN. IN 1985, I WAS HIRED BY THE HIGHWAY PATROL, IN
24 MARCH OF '85. I WAS STATIONED IN SUMTER COUNTY AS A ROAD
25 TROOPER. MY DUTIES AT THAT TIME WAS TO ENFORCE TRAFFIC

1 LAWS ON THE ROADS OF SOUTH CAROLINA IN THE SUMTER COUNTY
2 AREA.

3 IN 1987, I TRANSFERRED TO RICHLAND COUNTY. I WORKED
4 IN RICHLAND COUNTY FOR NINE YEARS AS A ROAD TROOPER. MY
5 JOB AGAIN WAS ENFORCING THE TRAFFIC LAWS, INVESTIGATING
6 ACCIDENTS AND TO RECEIVE ALL THE TRAINING.

7 IN 1994, THEY PUT OUT A CALL FOR ALL WHO WANTED TO
8 BE IN RECONSTRUCTION, WHO WANTED TO FURTHER THEIR
9 INVESTIGATIVE SKILLS. I JOINED THE RECONSTRUCTION UNIT
10 IN 1995. FOR THE WHOLE YEAR OF 1995, WE WENT TO SCHOOL
11 TO LEARN ABOUT RECONSTRUCTION. THERE AGAIN, THAT WOULD
12 BE HOW TO RECONSTRUCT ACCIDENTS INVOLVING MULTIPLE
13 VEHICLES.

14 IN 1996, THEY PICKED TWENTY PEOPLE TO HEAD UP THE
15 FULL-TIME TEAM. I WAS CHOSEN TO WORK IN THE MIDLANDS
16 AREA. I WAS WORKING FOR LIEUTENANT MAFFETT. AT THAT
17 TIME HE WAS SERGEANT MAFFETT AND I WAS CORPORAL DAY.
18 SINCE THEN WE'VE BOTH BEEN PROMOTED.

19 AND I'VE BEEN WORKING ON THE MAIT TEAM EVER SINCE
20 AND HAVE BEEN WORKING ON THE MAIT TEAM NOW FOR ALMOST TEN
21 YEARS.

22 Q SO, DO YOU HAVE SPECIALIZED TRAINING IN THE FIELD OF
23 ACCIDENT RECONSTRUCTION?

24 A YES MA'AM, I HAVE OVER TWO THOUSAND HOURS OF REGULAR
25 RECONSTRUCTION SKILLS AND ADDITIONAL DISCIPLINES. SOME

1 OF THE DISCIPLINES WOULD HAVE TO DO WITH VEHICLES. IT
2 COULD BE MOTORCYCLES, COMMERCIAL VEHICLES. IT
3 ENCOMPASSES MANY DIFFERENT FACETS OF RECONSTRUCTION.

4 MS. CAMPBELL: YOUR HONOR, AT THIS TIME, I WOULD
5 OFFER SERGEANT DAY AS AN EXPERT IN ACCIDENT
6 RECONSTRUCTION.

7 MS. AHRENS: YOUR HONOR, I DON'T HAVE ANY OBJECTION
8 TO HIS QUALIFICATIONS AS AN EXPERT, BUT I HAVE AN
9 UNRELATED OBJECTION THAT I WILL MAKE AT THE APPROPRIATE
10 TIME. THANK YOU, YOUR HONOR.

11 MS. CAMPBELL: YOUR HONOR, I THINK WE OFFERED HIM AS
12 AN EXPERT.

13 THE COURT: IS THAT WITHOUT OBJECTION?

14 MS. AHRENS: NO OBJECTION.

15 THE COURT: THANK YOU. HE IS QUALIFIED AS AN EXPERT
16 WITHOUT OBJECTION.

17 Q SERGEANT DAY, I WANT TO TURN YOUR ATTENTION BACK TO
18 JANUARY 23, OF 2002. WERE YOU WORKING THAT DAY?

19 A YES MA'AM.

20 Q DID YOU HAVE OCCASION TO RESPOND TO THIS ACCIDENT
21 THAT OCCURRED AT THE INTERSECTION NEAR I-20 AND I-77?

22 A YES MA'AM, I DID.

23 Q AND BRIEFLY, IT'S BEEN STATED BEFORE, BRIEFLY, THIS
24 WAS A THREE-CAR ACCIDENT. CORRECT?

1 A A THREE-VEHICLE ACCIDENT, ONE BEING AN AUTOMOBILE,
2 TWO BEING COMMERCIAL VEHICLE TRUCKS.

3 Q OKAY. A THREE-VEHICLE ACCIDENT. WHO ALL RESPONDED
4 FROM YOUR TEAM THAT DAY?

5 A THE WHOLE TEAM RESPONDED. I ARRIVED ON THE SCENE
6 APPROXIMATELY, ABOUT THIRTY MINUTES AFTER THE OTHER THREE
7 GUYS ARRIVED.

8 Q THE AREA WHERE THIS WRECK OCCURRED, DID THAT OCCUR
9 IN RICHLAND COUNTY?

10 A YES MA'AM. THE NORTHEASTERN PART OF RICHLAND
11 COUNTY, ON I-20, RIGHT AT ALPINE ROAD.

12 Q BEFORE I GET ANY FURTHER, THE PERSON WHO IS ACTUALLY
13 IN CHARGE OF THIS TEAM, I BELIEVE WAS LIEUTENANT MAFFETT,
14 WHO WE JUST HEARD HIS TESTIMONY?

15 A THAT'S CORRECT. LIEUTENANT MAFFETT WOULD BE IN
16 CHARGE, SUPERVISOR.

17 Q AND HE IS NOW WITH US. WHERE IS HE?

18 A HE IS IN KUWAIT. HE IS IN THE NATIONAL GUARD AND
19 HIS UNIT GOT CALLED UP LAST AUGUST. HE'S NOT EXPECTED TO
20 BE BACK UNTIL THE FIRST OF THE YEAR.

21 Q THE ROAD CONDITIONS, WHAT WERE THEY LIKE THAT DAY
22 WHEN YOU GOT OUT THERE?

23 A IT WAS DAMP, CLOUDY. IT WAS NOT RAINING.

24 Q AND DID THE ROAD CONDITIONS HELP DETERMINE
25 ULTIMATELY WHAT Y'ALL'S FINDINGS WERE IN THIS CASE? DID

1 THE ROAD CONDITIONS CONTRIBUTE IN ANY WAY TO THIS
2 ACCIDENT THAT DAY?

3 A NO MA'AM, THEY DID NOT.

4 Q AND THAT'S THE CONCLUSION YOU ALL CAME TO BASED ON
5 YOUR TRAINING AND EVERYTHING?

6 A YES MA'AM.

7 Q WHEN YOU FIRST GOT TO THE SCENE, I BELIEVE,
8 GENERALLY, THERE ARE PHOTOGRAPHS TAKEN. IS THAT CORRECT?

9 A YES MA'AM. THERE WERE PHOTOGRAPHS TAKEN THROUGHOUT
10 THE WHOLE TIME WE WAS THERE AND SOME TAKEN THE NEXT DAY.

11 Q I'M GOING TO SHOW YOU WHAT HAS BEEN MARKED AS
12 STATE'S EXHIBIT THIRTY-SIX, TWENTY-ONE, TWENTY, TWENTY-
13 EIGHT, AND THEN, I BELIEVE, FIFTY-ONE AND FIFTY-THREE.
14 DO YOU RECOGNIZE THOSE?

15 A YES MA'AM. THESE WERE PICTURES THAT WERE TAKEN THE
16 NIGHT OF THE COLLISION AND THEY WERE ALSO TAKEN THE NEXT
17 DAY.

18 Q JUST FOR THE RECORD, ALL OF THE PHOTOGRAPHS THAT
19 WERE ENTERED INTO EVIDENCE IN THIS CASE WERE TAKEN EITHER
20 THAT AFTERNOON OR EARLY EVENING, OR THE NEXT DAY?

21 A THAT'S CORRECT.

22 Q OTHER THAN THE VIDEO WHICH SERGEANT LEE TALKED
23 ABOUT.

24 A YES MA'AM.

1 MS. CAMPBELL: YOUR HONOR, AT THIS TIME WE WOULD
2 OFFER THESE PHOTOS INTO EVIDENCE.

3 MS. AHRENS: IF I COULD TAKE A MOMENT TO LOOK AT
4 THESE.

5 THE COURT: YES MA'AM.

6 (PAUSE TO PERUSE PHOTOS)

7 MS. AHRENS: NO OBJECTION, YOUR HONOR.

8 THE COURT: THANK YOU. WITHOUT OBJECTION, THEY ARE
9 ADMITTED.

10 (WHEREUPON STATE'S EXHIBITS THIRTY-SIX, TWENTY-ONE, TWENTY,
11 TWENTY-EIGHT, FIFTY-ONE AND FIFTY-THREE WERE ADMITTED INTO
12 EVIDENCE WITHOUT OBJECTION)

13 Q BRIEFLY, AND I WANT TO GO OVER IT BRIEFLY. BUT
14 THERE'S SOME TESTIMONY FROM LIEUTENANT MAFFETT. WERE YOU
15 ABLE TO GET A GOOD LOOK AT THE ACTUAL-- THE FIRST ITEM I
16 WANT TO TALK TO YOU ABOUT IS THE--

17 MS. CAMPBELL: YOUR HONOR, MAY HE STEP DOWN?

18 THE COURT: YES MA'AM.

19 MS. CAMPBELL: I THINK IT MAY SPEED THINGS UP.

20 (WHEREUPON WITNESS EXITS WITNESS STAND FOR DEMONSTRATION
21 WITH PHOTO EXHIBITS.)

22 Q THE FORD TAURUS. BASED ON YOUR CONCLUSIONS THAT YOU
23 MADE-- YOUR INVESTIGATION, I BELIEVE, RAN INTO SEVERAL
24 WEEKS. IS THAT CORRECT? BEFORE YOU MADE ALL YOUR
25 CONCLUSIONS?

1 A YES MA'AM. THE ACTUAL INVESTIGATION CAN TAKE
2 ANYWHERE FROM THIRTY TO NINETY DAYS.

3 Q WHEN YOU GOT TO THE SCENE THAT DAY AND WERE ABLE TO
4 OBSERVE, THE FIRST VEHICLE I WANT TO TALK TO YOU ABOUT IS
5 THE RED TAURUS. IS THAT CORRECT?

6 A YES MA'AM.

7 Q AND I'LL SHOW YOU THIS, WHICH IS STATE'S EXHIBIT
8 NUMBER THIRTY-FIVE. DO YOU RECOGNIZE THAT?

9 A YES MA'AM. THAT IS A PICTURE SHOWING THE RIGHT
10 SIDE, THE RIGHT, FRONT CORNER OF THE FORD TAURUS.

11 Q THAT'S THE RIGHT, FRONT CORNER?

12 A YES MA'AM, THAT'S CORRECT.

13 Q DOES THAT PICTURE SHOW THE POINT OF IMPACT?

14 A YES MA'AM. THAT WAS DETERMINED TO BE THE POINT OF
15 IMPACT WITH THE LEFT, REAR DRIVE AXLE OF THE STERLING.

16 Q AND THAT WOULD BE STATE'S EXHIBIT FIFTY-FOUR, I
17 BELIEVE?

18 A THAT'S CORRECT. THAT IS THE RIM THAT THE TRUCK WAS
19 STRUCK BY THE TAURUS.

20 Q AND THAT WOULD BE THE BACK OF THE ENTIRE, OF THE
21 BOBTAIL?

22 A THAT'S CORRECT. IF I CAN SHOW YOU THE MODEL CAR, I
23 CAN SHOW A LITTLE BIT BETTER ON THESE.

24 Q OKAY.

1 A THESE ARE JUST MODELS THAT WE HAVE AROUND THE OFFICE
2 THAT WE UTILIZE IN OUR INVESTIGATION. ACTUALLY SOME OF
3 THEM ARE MY KIDS' TOYS.

4 WHAT I'M REFERRING TO, THE SECOND DRIVE, ACTUALLY IS
5 THIS TIRE RIGHT HERE, ON THE LEFT SIDE OF THE VEHICLE.
6 THE LEFT SIDE OF THE VEHICLE WOULD BE-- AS YOU'RE
7 DRIVING THE VEHICLE, THE LEFT SIDE OF THE VEHICLE IS THE
8 DRIVER'S SIDE. THE RIGHT SIDE WOULD BE THE PASSENGER
9 SIDE. AS WE REFER TO LEFT AND RIGHT, THAT'S WHAT WE
10 MEAN. BUT THIS IS THE ACTUAL LOCATION WHERE THE RIMS
11 CAME FROM WOULD BE THE LEFT, REAR DRIVE AXLE.

12 Q AND THE POINT OF IMPACT THAT WAS MADE WITH THE OTHER
13 CAR WAS THE?

14 A WOULD BE THE RIGHT, FRONT CORNER.

15 Q THE PASSENGER, FRONT CORNER?

16 A THAT'S CORRECT. THE PASSENGER, FRONT CORNER IS
17 WHERE THE IMPACT WAS.

18 Q WE'VE ALSO HEARD SOME TESTIMONY THAT CERTAIN MARKS
19 ARE IMPORTANT IN THIS CASE. I'LL SHOW YOU STATE'S
20 EXHIBIT FIFTY-THREE. DO YOU RECOGNIZE THAT?

21 A YES MA'AM.

22 Q AND THAT'S JUST REALLY A BLOW-UP OF STATE'S EXHIBIT
23 FIFTY-ONE?

24 A THAT'S CORRECT.

25 Q AND WOULD YOU TELL THE JURY WHAT THAT SHOWS?

1 A THIS INDICATES OR SHOWS THE YAW MARKS THAT WERE
2 REFERRED TO IN EARLY TESTIMONY BEGINNING ON THE RUMBLE
3 STRIPS. THIS WOULD BE THE LEFT FRONT. A LITTLE BIT
4 FURTHER DOWN YOU SEE THE LEFT REAR COMING OFF THE RUMBLE
5 STRIP.

6 Q STATE'S EXHIBIT FORTY-FOUR, IS THAT AN ADDITIONAL
7 PHOTOGRAPH OF THE SAME YAW MARKS?

8 A YES MA'AM. THAT'S THE ADDITIONAL. AS YOU CAN SEE
9 THE ORANGE PAINT, IT SHOWS THEM GOING ACROSS THE, FROM
10 THE NUMBER ONE LANE, INTO THE NUMBER TWO LANE, TOWARD THE
11 NUMBER THREE LANE, WHICH WOULD BE THE ENTRANCE LANE, OR
12 THE FEEDER LANE TO I-20.

13 Q AND THIS EXHIBIT, STATE'S EXHIBIT FORTY-FOUR, WAS
14 THAT TAKEN THAT AFTERNOON WHILE THE EMERGENCY PEOPLE WERE
15 THERE OR AT A LATER DATE?

16 A AT A LATER DATE. THAT WAS TAKEN ON THE FOLLOWING
17 DAY.

18 Q FINALLY, ONCE THE IMPACT IS MADE, I'M GOING TO SHOW
19 YOU WHAT IS MARKED AS STATE'S EXHIBIT THIRTY-FOUR. DOES
20 THAT SHOW THE PATH OF THE TWO VEHICLES, WHICH WOULD BE
21 THE PENSKE TRUCK AND THE TAURUS?

22 A NO. THIS PARTICULAR PICTURE, HERE, SHOWS THE PATH
23 OF THE FORD TAURUS.

24 Q OKAY.

1 A AFTER THE IMPACT WITH THE PENSKE TRUCK. IT SHOWS
2 THE ROTATION THAT WAS REFERRED TO EARLIER, THE 360
3 ROTATION. THIS IS PART OF THE ROTATION OF THAT VEHICLE
4 AS IT ROTATES OFF THE ROADWAY.

5 Q AND FINALLY, I'LL SHOW YOU STATE'S EXHIBIT THIRTY-
6 SIX. WHAT DOES THAT SHOW?

7 A THIRTY-SIX IS JUST ANOTHER PHOTO OF THE YAW MARK.
8 IT CONTINUES THROUGH, LIKE I SAID, THROUGH THE NUMBER ONE
9 LANE THROUGH THE NUMBER TWO LANE, TO THE IMPACT LOCATION
10 WITH THE PENSKE TRUCK.

11 Q AND AGAIN, THAT'S TALKING ABOUT THE MARKS IN THE
12 ROAD. STATE'S EXHIBIT THIRTY-NINE.

13 A EXHIBIT THIRTY-NINE SHOWS THE MARKS AFTER IMPACT
14 FROM THE FORD TAURUS AS IT ROTATES OFF ONTO THE RIGHT
15 SHOULDER. ALSO, IT SHOWS THE YAW MARKS, OR THE MARKS
16 FROM THE PENSKE TRUCK AS IT ROTATES ACROSS I-20 EASTBOUND
17 LANES TOWARDS THE MEDIAN.

18 Q STATE'S EXHIBIT FIVE, DO YOU RECOGNIZE THAT?

19 A YES MA'AM. THAT'S THE SAME MARKS THAT WERE LEFT BY
20 THE PENSKE STERLING TRUCK. THIS MARK HERE WOULD BE THE
21 FRONT TIRES. THESE WOULD BE YOUR DRIVE AXLES. AS SHOWN
22 IN THE MODEL VEHICLE, AS THE VEHICLE IS ROTATING AROUND,
23 IT'S LEAVING MARKS FROM THE RIGHT-SIDE TIRES AS IT GOES
24 ACROSS.

1 Q AND I BELIEVE STATE'S EXHIBIT FORTY-ONE IS JUST THE
2 SAME MARKS BUT AT A DIFFERENT ANGLE?

3 A THAT'S A REVERSE SHOT FROM THE MEDIAN BACK ACROSS TO
4 WHERE THE MARKS BEGAN.

5 Q AND STATE'S EXHIBIT FORTY-SEVEN JUST SHOWS THE FINAL
6 RESTING PLACE AFTER THE SECOND IMPACT?

7 A YES MA'AM. THIS IS THE FINAL REST AFTER THE
8 STERLING WAS STRUCK BY THE WESTERN STAR. AND THIS IS
9 ALSO, LIKE I SAID, FINAL REST OF THE VEHICLE. AND,
10 OBVIOUSLY, YOU SEE THE MARKS IN THE MEDIAN WHERE THEY
11 WENT OVER THE CABLES AND CAME OUT TOWARDS THE WESTBOUND
12 LANES.

13 Q I'M GOING TO SHOW WHAT'S MARKED AS STATE'S EXHIBIT
14 FORTY-TWO. THAT'S IN THE OTHER LANE. WHAT DOES THAT
15 SHOW?

16 A THESE ARE THE EMERGING, BRAKING LOCKS THAT WERE
17 REFERRED TO EARLIER FROM THE WESTERN STAR, THE DUMP
18 TRUCK, OR THE TRACTOR TRAILER PULLING THE DUMP TRAILER.
19 YOU CAN SEE THE SKID MARKS HOW STRAIGHT THEY ARE. AND AT
20 THIS POINT IS WHERE THE IMPACT TOOK PLACE. WHERE IT WAS
21 STRAIGHT, IT NOW CHANGES. AND THE OTHER PICTURES WILL
22 INDICATE AND SHOW YOU WHERE THE VEHICLE WENT INTO THE
23 MEDIAN. BUT AT THIS POINT THEY'RE STRAIGHT.

24 Q STATE'S EXHIBIT TEN?

1 MS. AHRENS: YOUR HONOR, I'M GOING TO RENEW MY
2 OBJECTION AT THIS POINT. WE'RE GOING THROUGH THE SAME
3 PHOTOGRAPHS WE'VE GONE THROUGH BEFORE. AND REALLY, IT'S
4 CUMULATIVE AT THIS POINT.

5 MS. CAMPBELL: YOUR HONOR, HE'S JUST SHOWING THE
6 TRACK. I'M NOT TRYING TO GO THROUGH JUST THE SCENE
7 ITSELF, JUST TRYING TO SHOW THE TRACK WHERE THE CARS
8 WENT. I THINK I HAVE A RIGHT TO PROVE THAT.

9 THE COURT: DIDN'T WE HAVE ONE OF THE OTHER
10 WITNESSES TESTIFY?

11 MS. CAMPBELL: NOT AS TO THIS SPECIFIC THING. AND
12 OTHER THAN-- THE ONLY WITNESS WHO EVEN TOUCHED ON IT WAS
13 LIEUTENANT MAFFETT AND THIS JURY DIDN'T HAVE, SINCE HE'S
14 NOT AVAILABLE, DIDN'T HAVE THE LUXURY OF ACTUALLY SEEING
15 THE PHOTOS.

16 MS. AHRENS: ACTUALLY, YOUR HONOR, OFFICER LEE
17 TESTIFIED AS WELL.

18 THE COURT: I'LL LET IT CONTINUE, BUT I REALLY DON'T
19 WANT TO GO BACK OVER THINGS WE'VE ALREADY BEEN OVER.

20 A THESE ARE THE MARKS LEFT BY THE WESTERN STAR, GOES
21 INTO THE MEDIAN AND ENDS UP AT FINAL REST, TRAVELS TO
22 FINAL REST IN THE MEDIAN.

23 Q AND THE INITIAL IMPACT ON THE WESTERN STAR WAS
24 WHERE?

1 A THE INITIAL IMPACT TO THE WESTERN STAR WAS TO THE
2 LEFT, FRONT FROM THE STERLING. AS YOU CAN SEE IN THIS
3 PHOTOGRAPH, THE DAMAGE STARTS ON THE LEFT, FRONT CORNER,
4 AND CONTINUES WITH EXHIBIT NUMBER THIRTEEN, THE RIGHT,
5 FRONT WHEELS OF THE STERLING, THE TRACTOR, SHOWS YOU THE
6 CIRCULAR MOTION AND THE MARKS ON THE TRAILER ITSELF.

7 Q AS PART OF YOUR INVESTIGATION, DID Y'ALL ALSO CREATE
8 SOME-- ACTUALLY TWO OF THESE WERE CREATED BY YOU AND ONE
9 IS JUST A TAX MAP. ARE YOU FAMILIAR WITH THESE?

10 A YES MA'AM, I AM.

11 Q AND I'LL SHOW YOU STATE'S EXHIBIT FORTY-EIGHT. DO
12 YOU RECOGNIZE THAT?

13 A YES MA'AM.

14 Q AND IS THAT THE GENERAL AREA THAT WE'RE TALKING
15 ABOUT?

16 A YES MA'AM.

17 Q AND STATE'S EXHIBIT FORTY-NINE, AND I BELIEVE FIFTY,
18 DO YOU RECOGNIZE THESE TWO ITEMS?

19 A YES MA'AM. THESE ARE THE SEQUENCE OF EVENTS AND
20 FINAL REST THAT WE MAPPED AT THE SCENE.

21 MS. CAMPBELL: YOUR HONOR, AT THIS TIME WE WOULD
22 OFFER INTO EVIDENCE THESE THREE PHOTOS.

23 MS. AHRENS: YOUR HONOR, IF I MIGHT HAVE THE
24 OPPORTUNITY TO TAKE A LOOK AT THEM.

25 THE COURT: YES MA'AM.

1 (PAUSE TO PERUSE PHOTOS)

2 MR. AHRENS: YOUR HONOR, THE TAX MAP IS CERTAINLY
3 WITHOUT OBJECTION. MY ONLY QUESTION, AND IT WOULD JUST
4 BE A CLARIFICATION, NOT NECESSARILY AN OBJECTION, BUT THE
5 QUESTION OF WHETHER OR NOT THESE ARE DRAWN TO SCALE, JUST
6 FOR THE PURPOSE OF WHAT THEY'RE BEING ADMITTED TO SHOW.

7 THE COURT: I THINK WE NEED TO ASK THE WITNESS THAT.

8 A YES MA'AM, THEY ARE DRAWN TO SCALE.

9 MS. AHRENS: NO OBJECTION, YOUR HONOR.

10 THE COURT: THANK YOU. THEY ARE ADMITTED INTO
11 EVIDENCE WITHOUT OBJECTION.

12 (WHEREUPON STATE'S EXHIBITS FORTY-EIGHT, FORTY-NINE AND FIFTY
13 WERE ADMITTED INTO EVIDENCE WITHOUT OBJECTION)

14 MS. CAMPBELL: THANK YOU, YOUR HONOR.

15 Q OFFICER, I'M SHOWING YOU STATE'S EXHIBIT NUMBER
16 FORTY-EIGHT. WHAT DOES THIS SHOW?

17 A THIS IS THE INTERSECTION OF ALPINE ROAD, I-20, EAST,
18 AND WESTBOUND. THESE ARE SIDE STREETS.

19 Q IF YOU'RE COMING FROM WAL-MART ON FOREST DRIVE, WHAT
20 WOULD BE THE MOST DIRECT ROUTE TO GET TO THE CVS ON
21 CLEMSON ROAD?

22 A THE QUICKEST ROUTE TO GET THERE WOULD BE TO GET ON
23 FOREST DRIVE AND GET ON I-77, INTERSTATE 77, TRAVEL 77
24 TILL YOU GET TO I-20; TAKE THE EXIT RAMP.

25 Q THIS IS I-77 RIGHT DOWN HERE?

1 A YES MA'AM. ON THE FAR, LEFT-HAND SIDE.

2 Q WHICH WAY WOULD IT BE IF YOU COME FROM THE WAL-MART
3 ON FOREST DRIVE?

4 A I-77 WOULD BE NORTHBOUND.

5 Q SO, THE WAL-MART, YOU WOULD BE COMING FROM THIS
6 DIRECTION?

7 A YES MA'AM.

8 Q OKAY.

9 A IT WOULD SOUTH OF THIS LOCATION. YOU WOULD TRAVEL
10 NORTH ON I-77. AS YOU COME UP ON I-20, YOU WOULD TAKE
11 THE EXIT RAMP THAT FEEDS INTO EITHER ALPINE ROAD OR FEEDS
12 YOU TO I-20, EASTBOUND.

13 Q AND THAT GOES RIGHT HERE?

14 A YES MA'AM.

15 Q OKAY.

16 A YOU WOULD TRAVEL UP. AT THIS POINT HERE, YOU
17 ACTUALLY ALSO HAVE TRAFFIC EXITING OFF I-20, TO ALPINE.
18 SO, YOU'RE ACTUALLY MERGING INTERSTATE 20 AND 77
19 TOGETHER.

20 Q AND AT THIS POINT, THIS IS A SEPARATE ROAD FROM I-
21 20?

22 A YES MA'AM.

23 Q THESE FEEDER LANES ARE SEPARATE?

1 A THEY'RE SEPARATE BECAUSE IT'S ACTUALLY AN EXIT RAMP
2 FOR I-20 AND IT'S AN ENTRANCE RAMP TO GET ON THE FEEDER
3 TO GET ON I-20.

4 Q OKAY. AND AS IT CONTINUES ON, I SEE IT SPLITS HERE?

5 A THAT'S CORRECT. THE RIGHT LANE, IF YOU WOULD STAY
6 IN THE RIGHT LANE ON THE BOTTOM, YOU WOULD GO TO ALPINE
7 ROAD. THE LEFT LANE--- WELL, ACTUALLY THE LEFT, TWO
8 LANES CONTINUE STRAIGHT ON TO GET ON I-20, EASTBOUND.

9 Q AND THEN IT MERGES INTO I-20, EASTBOUND WHERE?

10 A UP HERE IN THE NORTH-HAND CORNER. WHAT HAPPENS IS,
11 AS YOU'RE COMING ON THE FEEDERS TWO LANE, TO START OFF
12 WITH. AND AS YOU MOVE ON PAST ALPINE ROAD, THOSE TWO
13 LANES BECOME ONE LANE. AND THEN YOU MERGE INTO TRAFFIC
14 ON I-20.

15 Q AND THAT'S THE AREA WE'VE BEEN TALKING ABOUT?

16 A YES MA'AM.

17 Q I'LL SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
18 FORTY-NINE. CAN YOU TELL THE JURY, WAS THIS ACTUALLY
19 GENERATED BY YOUR TEAM?

20 A YES MA'AM. THIS IS A SCALED DRAWING OF THE SCENE.
21 ANY TIME WE WORK IN REENACTMENTS OR RECONSTRUCTION OF A
22 COLLISION SCENE, WE GO BACK AND FORENSICALLY MAP THE
23 SCENE. MAPPING THE SCENE MEANS THAT OUR DRAWING IS DONE
24 TO SCALE. BECAUSE WHEN YOU'RE WORKING IN NUMBERS IN THE
25 RECONSTRUCTION FIELD EVERYTHING IS DONE TO SCALE.

1 Q WHAT DOES THIS REPRESENT?

2 A THIS DRAWING HERE REPRESENTS THE EVIDENCE LOCATED AT
3 THE SCENE WHICH YOU SEE THE SKID MARKS. AND ALSO THE
4 FINAL REST OF ALL THE VEHICLES AS THEY WERE THAT DAY.

5 Q HERE, I BELIEVE THERE'S A MARK HERE THAT STARTS
6 AND ENDS UP OVER HERE. WHAT DOES THAT REPRESENT?

7 A THIS IS THE YAW MARK THAT WE REFERRED TO. THIS
8 WOULD BE THE LEFT, REAR MARK FROM THE FORD TAURUS, THE
9 YAW MARKS. THESE RED MARKS GOING ACROSS TO HERE, TO THE
10 FINAL REST, ARE THE MARKS LEFT BY THE FORD TAURUS AFTER
11 IMPACT WITH THE PENSKE TRUCK.

12 Q THERE'S BEEN SOME QUESTION ABOUT WHETHER OR NOT THE
13 FORD TAURUS ACTUALLY DID, WHAT IS CALLED A 360, OR A
14 COMPLETE TURN. IS THAT WHAT OCCURRED?

15 A NOT IN THE AREA THAT SHE, MS. KRANCHIK REFERS TO IN
16 HER STATEMENT. THE 360 THAT WE'RE DISCUSSING HERE
17 OCCURRED AFTER THE IMPACT WITH THE PENSKE TRUCK. BOTH
18 VEHICLES ROTATED AT THAT POINT. THESE RED MARKS YOU SEE
19 HERE WHERE IT CAME TO REST IS WHERE SHE DID A 360.

20 Q SO, THAT WAS AFTER THE IMPACT THAT SHE HAD WITH THE
21 PENSKE TRUCK?

22 A THAT'S CORRECT.

23 Q YOU ALSO, I THINK, HAVE SOME MARKS HERE THAT SHOW
24 WHERE THE ACTUAL BOBTAIL ENDS UP. CAN YOU JUST BRIEFLY
25 SHOW THAT TO THE JURY?

1 A THOSE ARE THE PHOTOGRAPHS THAT WERE SHOWED EARLIER.
2 THESE ARE THE MARKS THAT WERE CREATED FROM THE BOBTAIL
3 AFTER THE IMPACT WITH MS. KRANCHIK'S FORD TAURUS. WHEN
4 SHE STRUCK THE VEHICLE IN THE LEFT, REAR TIRE OR THE
5 DRIVE AXLE, IT CAUSED THE VEHICLE TO ROTATE COUNTER-
6 CLOCKWISE. SO, THE VEHICLE ROTATING IN A COUNTER-
7 CLOCKWISE MODE AND SLIDING ACROSS THE ROAD, IT'S CREATING
8 THOSE MARKS.

9 Q AND FINALLY, THE THIRD VEHICLE THAT BECAME INVOLVED
10 IN THIS DID NOT BECOME INVOLVED UNTIL AN IMPACT OVER ON
11 THE OTHER SIDE OF THE ROAD. IS THAT CORRECT?

12 A YES MA'AM, THAT'S CORRECT.

13 Q THAT'S MR. OWENS' VEHICLE?

14 A YES MA'AM, THAT'S MR. OWENS. AS I STATED EARLIER,
15 IN SOME OF THE PHOTOGRAPHS YOU CAN SEE LINES THAT ARE
16 EMERGENCY BRAKE AND SKID MARKS. THOSE ARE WHERE HE
17 APPLIED THE BRAKES AND---

18 Q WHERE MR. OWENS APPLIED BRAKES?

19 A THAT'S CORRECT. MR. OWENS APPLIED BRAKES ATTEMPTING
20 TO STOP AND THAT'S WHY THEY'RE STRAIGHT, IN A STRAIGHT
21 LINE. THEN YOU HAVE MARKS THAT ACTUALLY GO COUNTER-
22 CLOCKWISE INTO THE MEDIAN AND REVERTS BACK TO WHAT WE
23 CALL CLOCKWISE. WE REFER, WHEN WE TALK ABOUT COUNTER-
24 CLOCKWISE, OUR MARKS IS IF THEY'RE SLIGHTLY, IF THEY'RE

1 GOING THIS WAY, THEN THEY'RE GONNA BE COUNTER-CLOCKWISE.

2 THEN, CLOCKWISE, THIS WAY.

3 Q AND, IN FACT, HE ENDED UP ENTERING THE MEDIAN
4 HIMSELF?

5 A HE CAME-- YES MA'AM. HE ENTERED THE MEDIAN.

6 FORTUNATELY, THE CABLE BARRIERS WERE ABLE TO SLOW HIM

7 DOWN ENOUGH TO STOP THE VEHICLE AND HE CAME TO REST IN

8 THE MEDIAN.

9 Q BEFORE HE ENTERED THE OTHER SIDE?

10 A THAT'S RIGHT.

11 Q OKAY.

12 A SO, ACTUALLY, HE ACTUALLY PENETRATED THE CABLE

13 BARRIERS AND CAME ACROSS. BUT HE WAS ABLE TO SLOW DOWN

14 ENOUGH AND THE CABLE BARRIERS WERE ABLE TO SLOW HIM DOWN

15 ENOUGH THAT HE DIDN'T GO ANY FURTHER.

16 Q AVOIDING ANY OTHER TRAFFIC?

17 A THAT'S CORRECT.

18 Q BEFORE I GO ANY FURTHER, WAS THERE ANY EVIDENCE THAT

19 MR. CROFT IN ANY WAY CONTRIBUTED TO THIS ACCIDENT?

20 A NO MA'AM, THERE WAS NO EVIDENCE THAT WE COULD FIND

21 THAT HE CONTRIBUTED IN ANY MANNER TO THIS COLLISION.

22 Q AND IN THAT SAME MANNER, MR. OWENS, DID HE IN ANY

23 WAY CONTRIBUTE TO THIS ACCIDENT?

24 A NO MA'AM.

1 Q AND FINALLY, EXHIBIT FIFTY, CAN YOU JUST SHOW
2 EXACTLY WHAT THAT SHOWS?

3 A WHAT WE'RE SHOWING IN THIS DIAGRAM HERE IS THE
4 SEQUENCE OF EVENTS. WE GO BACK AND SCALE THE VEHICLES.
5 THESE ARE SCALED TO THE SIZE OF THE CARS AND THE TRUCKS
6 OR WHATEVER WE'RE USING THAT WE SCALE THEM TO EXACTLY.
7 EVEN THE TRAILERS THAT YOU SEE HERE ARE TO SCALE. WE
8 MAKE MEASUREMENTS AND MAKE SURE THAT WE ARE EXACT.

9 THE FORD TAURUS IS SHOWN AT THE BEGINNING OF THE YAW
10 MARK AND TRAVELED THROUGH THE YAW MARK. AND THEN THE
11 IMPACT WITH THE WHITE, PENSKE, STERLING BOBTAIL IS SHOWN
12 HERE. IT OCCURRED IN THE THIRD LANE, WHICH IS THE FEEDER
13 LANE TO GET ON I-20, EASTBOUND. AT THAT POINT AFTER
14 IMPACT, AS I STATED EARLIER, THE TAURUS MAKES OR KNOCKS
15 THE TRUCK IN A COUNTER-CLOCKWISE ROTATION, CAUSING IT TO
16 SLIDE ACROSS THE ROAD.

17 THE FORD TAURUS, AFTER MAKING CONTACT, ROTATED ALSO
18 COUNTER-CLOCKWISE AND CREATED THESE MARKS UNTIL IT CAME
19 TO FINAL REST OVER IN THIS AREA.

20 THE PENSKE, WHITE TRUCK HEADED ACROSS THE ROADWAY IN
21 A COUNTER-CLOCKWISE, PENETRATED THE CABLE BARRIERS, WENT
22 ACROSS THE MEDIAN. AS SOON AS IT CAME UP FROM THE
23 WESTBOUND SIDE THE WESTERN STAR HIT IT IN, LIKE, SECONDS,
24 A SPLIT SECOND. THE WESTERN STAR MADE CONTACT, VIOLENTLY
25 ROTATING THE STERLING BACK AROUND AND UPSIDE DOWN.

1 THEN YOU SEE THE WESTERN STAR CONTINUE OFF THE
2 ROADWAY, THROUGH THE MEDIAN, AND WOULD HAVE COME TO REST
3 RIGHT HERE AT THE END OF THE MARKS.

4 Q DID YOU THE BLOW-UP SHOWING THE POINT OF IMPACT OF
5 THE TWO, SEPARATE COLLISIONS?

6 A THAT'S CORRECT. THOSE ARE BLOW-UPS. IT'S KIND OF
7 HARD TO SEE WHEN IT'S SMALL, SO WE BLOW IT UP SO YOU CAN
8 ACTUALLY SEE THE IMPACTS.

9 Q THANK YOU, SIR. YOU CAN RETURN TO YOUR SEAT.
10 (WHEREUPON WITNESS RETURNS TO WITNESS STAND)

11 THE SPEED LIMIT ON I-20, AS WELL AS I-77, WHAT WAS
12 THE SPEED LIMIT THERE?

13 A SIXTY MILES AN HOUR.

14 Q AND AS YOU COME UP THAT RAMP FROM I-77 TO I-20, DOES
15 THE SPEED LIMIT GO UP?

16 A NO MA'AM.

17 Q AND, IN FACT, WOULD IT GO DOWN?

18 A THE EXIT RAMP WOULD GO DOWN AS YOU'RE EXITING FROM
19 I-77 TO 20 TO THAT RAMP. THE SPEED LIMIT DOESN'T START
20 UNTIL YOU GET ON THE INTERSTATE.

21 Q JANUARY 23, WHAT DAY OF THE WEEK WAS THAT?

22 A IT WAS A WEDNESDAY.

23 Q IN YOUR REVIEW OF THE EVIDENCE, THERE'S BEEN SOME
24 TALK ABOUT ANOTHER TRUCK, COULD MR. CROFT'S TRUCK HAVE
25 LEFT THE LANE IT WAS FEEDING IN ON AND GO OVER TO EITHER

1 SECOND OR THE THIRD LANE OVER AND GOTTEN BACK TO WHERE HE
2 WAS WHERE THE IMPACT OCCURRED?

3 A NO MA'AM. THERE'S NO WAY POSSIBLE.

4 Q DID YOU ALSO REVIEW A NUMBER OF STATEMENTS IN THIS
5 CASE?

6 A YES MA'AM. ONE OF MY PRIMARY JOBS ON THE MAIT TEAM
7 IS TO LOOK AT THE FACTORS AND THE STATEMENTS WERE PART OF
8 MY JOB TO LOOK AT THEM AND MAKE SURE THAT THE OFFICERS IN
9 THE FIELD DID A GOOD ENOUGH JOB IN THE INTERVIEWS. SO, I
10 REVIEWED THOSE AND DISCUSSED THAT WITH THE TEAM.

11 Q AND YOU DID REVIEW MS. KRANCHIK'S STATEMENT?

12 A THAT'S CORRECT.

13 Q AS WELL AS THE STATEMENTS OF THE TWO EYE WITNESSES
14 WHO CAME FORWARD, I BELIEVE, MR. DEARLOVE AND MR.
15 PROCTOR?

16 A THAT'S CORRECT.

17 Q AS WELL AS SOME STATEMENTS OF SOME JUVENILES THAT
18 WERE TAKEN AT A LATER DATE?

19 A THEY WERE TAKEN THE NEXT DAY.

20 Q DID THAT FACTOR INTO YOUR CONCLUSIONS?

21 A ABSOLUTELY.. IN THE RECONSTRUCTION FIELD YOU CAN'T
22 RELY ON ONE INFORMATION OR ONE PIECE OF EVIDENCE. YOU'VE
23 GOT TO LOOK AT THE TOTALITY OF THE WHOLE COLLISION. AND
24 IF YOU DON'T LOOK AT WITNESS' STATEMENTS AND INFORMATION
25 THAT YOU'VE GATHERED, THEN YOU'RE REALLY NOT DOING A GOOD

1 JOB. YOU HAVE TO LOOK AT THE WHOLE TOTALITY OF THE
2 COLLISION.

3 Q AND THE STATEMENTS THAT WERE GIVEN BY THE FOURTEEN
4 AND FIFTEEN YEAR OLDS, WAS WELL AS MS. KRANCHIK'S
5 STATEMENTS, WERE THOSE STATEMENTS CONSISTENT OR
6 INCONSISTENT?

7 A THEY WERE VERY INCONSISTENT.

8 Q THERE WAS NO EVIDENCE OF ANY SMOKED MARIJUANA IN HER
9 CAR THAT DAY, WAS IT?

10 A NO MA'AM.

11 Q THERE WAS AN APARTMENT COMPLEX AT THE TIME THAT WAS
12 CALLED ARBORWOOD. DO YOU KNOW WHERE THAT'S LOCATED?

13 A IT'S MY UNDERSTANDING THAT IT'S CHANGED IT'S NAME,
14 BUT IT WAS LOCATED ON PERCIVAL ROAD.

15 Q AND HER STATEMENT YOU DID REVIEW. YOU'RE AWARE OF
16 THE STATEMENT SHE GAVE AT THE SCENE?

17 A YES MA'AM.

18 Q AND THEN THE STATEMENT SHE GAVE LATER THAT EVENING
19 WHEN SHE WAS AFFORDED THE OPPORTUNITY TO WRITE DOWN WHAT
20 SHE HAD TO SAY?

21 A YES MA'AM.

22 Q AND YOU REVIEWED THOSE?

23 A YES MA'AM.

24 Q FROM HER VERSION, FINAL VERSION OF WHAT HAPPENED,
25 COULD THIS---

1 MS. AHRENS: YOUR HONOR, I'M GOING TO OBJECT. WE
2 WENT THROUGH ALL THIS BEFORE. EVERYTHING HAS BEEN GONE
3 THROUGH BEFORE.

4 THE COURT: MS. CAMPBELL, WHAT DO YOU SAY?

5 MS. CAMPBELL: WELL, THEY'VE MADE A BIG DEAL ABOUT
6 WHO REVIEWED WHAT STATEMENTS. I'M BRINGING IN THIS
7 WITNESS TO TELL THEM WHAT HIS CONCLUSIONS WERE.

8 THE COURT: I DON'T THINK WE NEED TO GO INTO THAT.

9 MS. AHRENS: YOUR HONOR, MAY WE APPROACH?

10 THE COURT: IS HE GOING TO SAY ANYTHING DIFFERENT
11 FROM WHAT WE'VE HEARD?

12 MS. CAMPBELL: YES SIR, I THINK SO.

13 MS. AHRENS: YOUR HONOR, MAY WE APPROACH?

14 THE COURT: YES MA'AM.

15 (WHEREUPON A BENCH CONFERENCE TOOK PLACE)

16 THE COURT: I'LL ALLOW IT.

17 MS. CAMPBELL: THANK YOU, YOUR HONOR.

18 Q SERGEANT, BASED ON YOUR REVIEW OF THE STATEMENT THAT
19 I'VE JUST HANDED YOU WRITTEN BY SHANNA KRANCHIK, HER
20 VERSION OF WHAT HAPPENED, COULD IT HAVE HAPPENED THAT
21 WAY?

22 A NO MA'AM. SHE DEFINITELY GOT ON I-77 AND GOT ON I-
23 20. FOR IT TO HAVE HAPPENED THE WAY SHE STATED, SHE
24 WOULD HAVE HAD TO HAVE VIOLATED SEVERAL LAWS.

1 Q COULD SHE HAVE-- THE 360, COULD THAT HAVE OCCURRED
2 BEFORE THE WRECK?

3 A NO MA'AM. IT DID NOT.

4 Q JUST A FINAL TWO OR THREE QUESTIONS. THE YAW MARKS,
5 THE POINT AT WHICH THEY START, WOULD SHE HAVE BEEN, WAS
6 THAT THE FIRST MOMENT THAT SHE WOULD HAVE BEEN OUT OF
7 CONTROL?

8 A NO MA'AM. SHE WOULD ACTUALLY HAVE BEEN OUT OF
9 CONTROL PRIOR TO THAT. THE YAW MARKS OCCUR WHEN THE
10 STEERING INPUT IS PUT INTO-- WHEN YOU PUT THE STEERING
11 INPUT IN, THE VEHICLE STARTS TO OUT-TRACK. AT THAT
12 POINT, ONCE THE FORCE IS PUT ON THE OUT-TRACK, THEN YOUR
13 MARKS START. BUT THE ACTUAL OUT OF CONTROL WOULD BEGIN
14 PRIOR TO THAT.

15 Q OKAY. THERE WAS SOME TESTIMONY EARLIER WHICH HAS
16 BEEN REPEATED, THAT AT THE POINT WHERE HER YAW MARKS
17 START, HER SPEED WOULD HAVE BEEN AT LEAST SIXTY-NINE
18 MILES AN HOUR?

19 A YES MA'AM. IT WOULD HAVE BEEN AT THE POINT WHERE
20 THE FORD TAURUS HAD YAWED, WHICH WOULD HAVE BEEN IN LANE
21 ONE AND LANE TWO OF THE ROADWAY.

22 Q AND IN ORDER FOR THERE TO BE A FELONY DUI, THERE HAS
23 TO BE SOME VIOLATION OF THE LAW. CORRECT?

24 A YES MA'AM.

1 Q WOULD SHE HAVE BEEN IN VIOLATION OF THE LAW IN THIS
2 CASE AT THE TIME THE ACCIDENT OCCURRED?

3 A YES MA'AM, ABSOLUTELY.

4 Q AND WHAT WOULD THAT HAVE INCLUDED?

5 A IT WOULD HAVE INCLUDED, FIRST OF ALL, SHE'S DRIVING
6 TOO FAST, AT SIXTY-NINE MILES AN HOUR. THE SPEED LIMIT
7 IS SIXTY. AND IT'S WET, DAMP ROAD, WHICH MEANS SHE'S
8 DRIVING TOO FAST FOR CONDITIONS ON THE ROADWAY ITSELF.

9 TWO, SHE WOULD HAVE HAD TO CROSS THE WHITE LINE TO
10 GET IN POSITION AT THAT SPEED, TO LOSE CONTROL OF THE
11 VEHICLE. SO, SHE'S VIOLATING THE LAW BY SWITCHING LANES
12 AND MULTIPLE LANES WITHOUT ALLOWING PEOPLE TO KNOW THAT
13 SHE'S SWITCHING LANES.

14 Q WOULD HER DRIVING ON THAT HAVE BEEN CONSIDERED
15 RECKLESS DRIVING?

16 A YES MA'AM. SHE WOULD HAVE BEEN DRIVING IN A
17 RECKLESS MANNER.

18 Q FINALLY, DID YOU COME TO A CONCLUSION AS TO THE
19 CHAIN OF EVENTS AS SHE EXITED OFF THAT RAMP, WHAT
20 HAPPENED AS SHE EXITED?

21 A YES MA'AM. SHE CAME OFF I-77, CAME UP ON THE
22 TRACTOR TOO QUICK, DECIDED TO-- SHE WENT FROM THE THIRD
23 LANE INTO THE FIRST LANE. THEN SWITCHED LANES ALL THE
24 WAY OVER TO THE NUMBER ONE LANE WHERE SHE LOST CONTROL OF
25 IT AND STEERED IT RIGHT, TO GO INTO THE YAW. THEN,

1 STRIKING THE PENSKE TRUCK AND LOSING, CAUSING THE PENSKE
2 TRUCK DRIVER TO LOSE CONTROL, AND GO ONTO THE WESTBOUND
3 AND STRIKE THE WESTERN STAR TRUCK.

4 Q SO, WHO WAS RESPONSIBLE FOR THIS ACCIDENT?

5 MS. AHRENS: YOUR HONOR, I OBJECT.

6 THE COURT: SUSTAINED.

7 Q PLEASE ANSWER ANY QUESTIONS FOR THE DEFENSE.

8 THE COURT: CROSS EXAMINATION.

9 CROSS EXAMINATION BY MS. AHRENS:

10 Q GOOD AFTERNOON, SERGEANT DAY. I WON'T KEEP YOU TOO
11 LONG.

12 A THAT'S FINE.

13 Q NOW, YOU A MEMBER OF THE ACCIDENT RECONSTRUCTION
14 TEAM. CORRECT?

15 A YES MA'AM. AT THIS POINT I AM THE SUPERVISOR UNTIL
16 LIEUTENANT MAFFETT RETURNS.

17 Q AND I JUST TO WANT MAKE SURE I'M CLEAR ABOUT THIS.
18 YOU'VE BEEN TESTIFYING TODAY BASED ON THE REPORT THAT
19 YOUR TEAM CONSTRUCTED AFTER THIS COLLISION. CORRECT?

20 A BASED ON OUR REPORT, THAT'S CORRECT.

21 Q OKAY.

22 A ALL THE INFORMATION GATHERED, THAT'S CORRECT.

23 Q OKAY. AND WE'VE HEARD TESTIMONY FROM SERGEANT LEE?

24 A THAT'S CORRECT.

25 Q SERGEANT MAFFETT?

1 A LIEUTENANT MAFFETT.

2 Q THEY'RE ALSO MEMBERS OF THAT SAME TEAM. CORRECT?

3 A THEY'RE---

4 Q THEY WERE AT THE TIME?

5 A SERGEANT LEE, THAT'S CORRECT. THEY WERE AT THE
6 TIME. SERGEANT LEE IS NOW OVER THE PEEDEE TEAM.

7 Q AND THEY WERE TESTIFYING IN REFERENCE TO THAT SAME
8 REPORT. CORRECT?

9 A YES MA'AM. WHAT WE DO WHEN WE DO A RECONSTRUCTION,
10 WE DON'T JUST DO INDIVIDUALS. WE ALSO COMPILE IT
11 TOGETHER. WE SIT DOWN AND DISCUSS THE ISSUES THAT WE'RE
12 LOOKING AT. ONCE THERE IS A REPORT COMPILED - IN THIS
13 CASE, SERGEANT LEE COMPILED IT FOR US - IT'S THEN
14 DISTRIBUTED OUT TO ALL THE MEMBERS WITHIN THE TEAM. WE
15 READ THAT REPORT TO MAKE SURE THE REPORT IS WRITTEN
16 CORRECTLY.

17 Q OKAY. SO YOU GUYS ALL SIT DOWN AND ACTUALLY TALK
18 BEFORE WRITING THE REPORT?

19 A YES MA'AM.

20 Q AND THEN THERE'S ONE REPORT THAT'S WRITTEN AT THE
21 CONCLUSION OF ALL OF YOU GUYS?

22 A THAT'S RIGHT. ONE MEMBER IS GIVEN THE TASK OF
23 COMPILING THE REPORT TOGETHER. AND THEN ONCE IT'S PUT
24 TOGETHER WE ARE GIVEN A COPY OF IT TO READ.

1 Q NOW, LET ME JUST TAKE ONE OF THESE FOR THE PURPOSES
2 OF ILLUSTRATING. I AM SHOWING WHAT'S BEEN MARKED AS
3 STATE'S EXHIBIT FIFTY. AND JUST TO MAKE SURE THAT I'M
4 CORRECT, THIS IS THE WESTBOUND LANE AND THIS IS THE
5 EASTBOUND LANE?

6 A YES MA'AM.

7 Q AND YOU TESTIFIED ON DIRECT THAT YOU HAD THE
8 OPPORTUNITY TO REVIEW A NUMBER OF STATEMENTS IN THIS
9 CASE. CORRECT?

10 A YES, I DID.

11 Q AND THOSE STATEMENTS CAME FROM SOME PEOPLE WHO WERE
12 INVOLVED IN THE INCIDENT AND SOME PEOPLE WHO WERE DRIVING
13 BY. CORRECT?

14 A THAT'S CORRECT, FROM THE WESTBOUND SIDE AND THE
15 EASTBOUND SIDE.

16 Q OKAY. ON THE EASTBOUND SIDE-- ACTUALLY, LET'S
17 START WITH THE WESTBOUND SIDE. ON THE WESTBOUND SIDE,
18 THAT'S WHERE TRACY PROCTOR AND CHRIS DEARLOVE, WHOM WE
19 HEARD FROM EARLIER, THAT'S WHY THEY WERE TRAVELING.
20 CORRECT?

21 A THAT'S CORRECT. THEY WERE IN THE NUMBER ONE LANE.
22 IT'S THE SAME LANE THAT THE WESTERN STAR IS LOCATED ON
23 THAT DRAWING THERE.

1 Q AND SANFORD OWENS, WHOM WE ALSO HEARD FROM, WHO WAS
2 ACTUALLY INVOLVED IN THE COLLISION, HE'S ALSO IN THAT
3 WESTBOUND LANE. CORRECT?

4 A THAT'S CORRECT. HE IS THE DRIVER OF THAT WESTERN
5 STAR.

6 Q AND TRACY PROCTOR AND CHRIS DEARLOVE, THEY GAVE
7 THEIR STATEMENTS ON JANUARY 24, THE DAY AFTER THE
8 COLLISION. IS THAT RIGHT?

9 A YES MA'AM. WHAT THEY DID, MY UNDERSTANDING IS THAT
10 THEY CALLED THAT NIGHT, BUT IT WAS TAKEN UNTIL THE NEXT
11 DAY.

12 Q AND THERE WERE ACTUALLY SOME STATEMENTS FROM A
13 COUPLE OF OTHER DRIVERS OVER IN THIS LANE. IS THAT
14 CORRECT?

15 A YES MA'AM.

16 Q I BELIEVE THEY WERE KAREN PACK AND EDNA BURROUGHS.
17 IS THAT RIGHT?

18 A YES MA'AM.

19 Q THERE WERE ALSO SOME STATEMENTS FROM PEOPLE ON THE
20 EASTBOUND SIDE. CORRECT?

21 A I'M TRYING TO REMEMBER WHO THEY WERE.

22 Q WELL, LET'S JUST START WITH THIS: THERE WERE
23 STATEMENTS FROM THE PEOPLE WHO WERE IN MS. KRANCHIK'S
24 VEHICLE. CORRECT?

25 A THAT'S CORRECT.

1 Q THERE'S A STATEMENT FROM MS. KRANCHIK?

2 A YES MA'AM.

3 Q A STATEMENT FROM, I GUESS, EACH OF HER PASSENGERS.

4 THERE WERE THREE OF THEM. CORRECT?

5 A CORRECT.

6 Q THERE WAS ALSO A STATEMENT FROM A PASSENGER WHO WAS

7 IN THE VEHICLE WHO WAS ONE OF THE VICTIMS IN THIS CASE,

8 DANIEL SHARPE. CORRECT?

9 A CORRECT.

10 Q SO, OTHER THAN THE PEOPLE WHO WERE ACTUALLY INVOLVED

11 IN THE COLLISION YOU DON'T HAVE OTHER STATEMENTS THAT YOU

12 WERE ABLE TO REVIEW FROM PEOPLE WHO WERE TRAVELING IN THE

13 EASTBOUND LANE. CORRECT?

14 A I DON'T REMEMBER ANY. CORRECT.

15 Q AND I THINK YOU TESTIFIED TO THIS ON DIRECT: IS IT

16 FAIR TO SAY ALL THIS HAPPENED VERY QUICKLY?

17 A YES MA'AM. THIS WOULD HAVE HAPPENED IN A FIVE-

18 SECOND SPAN, PROBABLY, NO MORE THAN TEN SECONDS.

19 Q AND YOU, I ASSUME, HAVE LOOKED AT A LOT OF THESE

20 SORTS OF COLLISIONS?

21 A MA'AM.

22 Q YOU'VE LOOKED AT A LOT OF THESE SORTS OF COLLISIONS.

23 IS THAT RIGHT?

24 A YES MA'AM. I'VE BEEN IN PROBABLY SOMEWHERE CLOSE TO

25 FIVE HUNDRED RECONSTRUCTION'S.

1 Q IS IT FAIR TO SAY THAT OFTEN PEOPLE WHO ARE INVOLVED
2 IN COLLISIONS MAY BE A LITTLE BIT CONFUSED ABOUT WHAT
3 ACTUALLY HAPPENED?

4 A YES MA'AM. SOME PEOPLE DON'T ACTUALLY TELL YOU WHAT
5 EXACTLY HAPPENED. THE PHYSICAL EVIDENCE ACTUALLY TELLS
6 YOU WHAT HAPPENED.

7 Q AND SOMETIMES THAT MIGHT BE BECAUSE THEY'RE LYING
8 ABOUT WHAT HAPPENED. RIGHT?

9 A SOMETIMES, THAT'S CORRECT.

10 Q AND SOMETIMES IT MIGHT BE BECAUSE THEY'RE GENUINELY
11 MISTAKEN ABOUT WHAT HAPPENED. IS THAT FAIR TO SAY?

12 A SOMETIMES THE WITNESSES DON'T SEE IT EXACTLY THE
13 SAME. THEY MIGHT NOT BE PAYING ATTENTION TO THE SAME
14 THINGS THAT SOMEBODY ELSE IS PAYING ATTENTION TO. OR
15 THEY SEE THE AFTERMATH AND ASSUME WHAT HAPPENED PRIOR TO
16 THE ACCIDENT.

17 Q AND YOU'VE HAD PEOPLE WHO HAVE BEEN INVOLVED IN
18 COLLISIONS CONFUSED, EVEN THOUGH THEY WERE RIGHT THERE IN
19 THE MIDDLE OF THE COLLISION, ABOUT WHAT EXACTLY HAPPENED,
20 HAVEN'T YOU?

21 A YES MA'AM.

22 Q HAVEN'T YOU AT SOME POINT PROBABLY HAD SOMEONE WHO
23 TOLD YOU, I WAS SLAMMING ON BRAKES, AND THEY WERE
24 ACTUALLY SLAMMING ON THE ACCELERATOR?

1 A I DON'T REMEMBER ANYTHING OF THAT NATURE. IF
2 SOMEONE TELLS ME THEY WERE SLAMMING ON BRAKES, THEN I'M
3 LOOKING FOR PHYSICAL EVIDENCE ON THE ROADWAY TO TELL ME
4 THAT THEY ACTUALLY SLAMMED ON BRAKES.

5 Q SO, YOU'VE NEVER HAD IN YOUR, IN ALL THIS
6 EXPERIENCE, ANYONE GET CONFUSED ABOUT WHICH PEDAL THEY'RE
7 PUSHING?

8 A I'VE HAD ONE COLLISION THAT I'VE WORKED, AND THAT
9 WAS WHEN I FIRST CAME ON IN 1986, WHERE AN INDIVIDUAL
10 ACTUALLY WENT TO APPLY THE BRAKES AND MISSED THE BRAKE
11 AND HIT THE ACCELERATOR AND CAUSED THE WRECK. THAT'S
12 THE ONLY ONE THAT I REMEMBER WORKING.

13 Q OKAY. I JUST WANT TO CLARIFY SOMETHING ABOUT THE
14 VARIOUS TRUCKS. AGAIN, YOU DID HAVE A CHANCE TO REVIEW
15 THE WITNESS STATEMENTS IN THIS CASE. RIGHT?

16 A YES MA'AM.

17 Q AND ONE OF THOSE STATEMENTS THAT YOU REVIEWED, AND
18 YOU HEARD THE TESTIMONY, I BELIEVE, OF THAT PERSON
19 YESTERDAY, TRACY PROCTOR'S STATEMENT. CORRECT?

20 A YES MA'AM.

21 Q DO YOU REMEMBER HIM SAYING SOMETHING ABOUT SEEING A
22 COUPLE OF DIFFERENT TRUCKS AROUND MS. KRANCHIK'S CAR?

23 A HE MENTIONED THAT THERE WAS ACTUALLY A TRACTOR
24 TRAILER THAT WAS ACTUALLY IN FRONT OF MR. CROFT'S
25 VEHICLE. AS MR. CROFT'S VEHICLE WAS COMING UP IN THE

1 THIRD LANE, THIS VEHICLE WOULD HAVE BEEN IN THE NUMBER
2 TWO LANE, AT THAT POINT WHERE YOU'VE GOT THREE LANES.

3 THE NUMBER TWO LANE WAS NOT-- WHEN I SAY LANES ONE,
4 TWO AND THREE, I'M REFERRING TO NUMBER ONE LANE IS THE
5 LANE AT THE MEDIAN; NUMBER TWO LANE WOULD BE THE MIDDLE
6 LANE; NUMBER THREE WOULD BE THE OUTSIDE LANE. AND THAT'S
7 WHAT WE REFER TO IN RECONSTRUCTION LANGUAGE.

8 Q OKAY. WELL, YOU TESTIFIED ON DIRECT THAT IT WOULD
9 HAVE BEEN IMPOSSIBLE, AT LEAST BASED ON YOUR
10 INVESTIGATION OF THIS COLLISION, FOR MR. CROFT TO HAVE
11 GOTTEN OVER A COUPLE OF LANES, OR OVER A LANE AND GOTTEN
12 BACK INTO THE POSITION WHERE HE WAS. CORRECT?

13 A CORRECT.

14 Q COULD IT HAVE BEEN POSSIBLE FOR A TRUCK THAT WASN'T
15 INVOLVED IN THIS COLLISION TO HAVE DONE THAT?

16 A THERE WAS NO EVIDENCE OF ANY OTHER VEHICLE INVOLVED.

17 Q OKAY. WOULD IT HAVE BEEN POSSIBLE FOR ANOTHER TRUCK
18 OR ANOTHER VEHICLE TO HAVE DONE THAT?

19 A YOU MEAN---

20 Q WOULD THAT BE POSSIBLE?

21 A TO GO FROM THE THIRD LANE ALL THE WAY OVER TO THE
22 FIRST LANE OR... ?

23 Q TO HAVE SWERVED IN FRONT OF MS. KRANCHIK'S VEHICLE.
24 WOULD IT BE POSSIBLE?

25 A ANYTHING'S POSSIBLE.

1 Q AND WHEN YOU TALKED ON DIRECT ABOUT IT BEING
2 IMPOSSIBLE FOR MR. CROFT TO HAVE GONE OVER - AND I'M JUST
3 WANTING TO MAKE SURE I UNDERSTAND THAT - INTO THIS LANE
4 OR THIS LANE, IF HE'S COMING FROM THIS LANE. IS THAT
5 CORRECT?

6 A HE WAS IN THE FEEDER LANE, THAT'S CORRECT. THAT
7 WOULD BE MERGING ONTO I-20. FOR HIM TO GO ALL THE WAY
8 OVER INTO THE NUMBER ONE LANE AND THEN COME ALL THE WAY
9 BACK ACROSS IN THAT TIME FRAME, AND FOR THE IMPACT TO
10 TAKE PLACE WHERE IT TOOK PLACE, THAT'S CORRECT.

11 Q OKAY. AND THAT MAKES SENSE. DOES IT MAKE SENSE TO
12 YOU THAT THE TRUCK HAD SWERVED SLIGHTLY TO MAKE IT BACK
13 INTO POSITION?

14 A NO MA'AM.

15 Q A TRUCK SWERVING EVEN THE TINIEST BIT?

16 A SURE, IT CAN SWERVE, BUT NOT IN WHAT YOU'RE
17 REFERRING TO, A LITTLE BIT INTO THAT LANE.

18 Q AND IT DIDN'T SWERVE AT ALL?

19 A I CAN'T TELL YOU IT DIDN'T SWERVE AT ALL, BUT
20 THERE'S NO WAY THAT THAT TRUCK HAD ANY, WAS ABLE TO GET
21 OVER THERE TO GET BACK INTO POSITION TO BE HIT BY THE
22 FORD TAURUS.

23 Q I'M JUST TRYING TO BE CLEAR ABOUT THIS. WHAT DO YOU
24 MEAN BY OVER THERE AND GET BACK? GET BACK INTO ANOTHER
25 LANE?

1 A YES MA'AM.

2 Q OKAY. WHAT IF THE TRUCK SWERVED MAYBE A HALF A FOOT
3 INTO ANOTHER LANE. NOT THE WHOLE TRUCK INTO THE LANE BUT
4 JUST A LITTLE INTO THE LANE?

5 A ANYTHING'S-- ANYBODY CAN DO THAT.

6 Q THAT WOULD BE POSSIBLE?

7 A YES MA'AM.

8 MS. AHRENS: BEG THE COURT'S INDULGENCE.

9 THE COURT: YES MA'AM.

10 (PAUSE)

11 MS. AHRENS: NOTHING FURTHER, YOUR HONOR.

12 THE COURT: ANYTHING ON RE-DIRECT?

13 MS. CAMPBELL: JUST ONE QUESTION.

14 RE-DIRECT EXAMINATION BY MS. CAMPBELL:

15 Q HAD SHANNA KRANCHIK NOT BEEN SPEEDING ACROSS THESE
16 LANE IMPROPERLY NO MATTER WHO SWERVED IN FRONT OF HER,
17 WOULD THIS ACCIDENT HAPPENED?

18 A YES MA'AM, IT WOULD.

19 Q IT WOULD HAVE HAPPENED ANYWAY?

20 A IT WOULD HAVE HAPPENED BECAUSE SHE LOST, SHE WENT SO
21 FAR OVER THAT SHE LOST CONTROL OF HER VEHICLE AT THE
22 RUMBLE STRIP AND SHE OVER-CORRECTED, CAUSING IT TO GO OUT
23 OF CONTROL.

24 Q AND WERE SPEEDING, DRIVING TOO FAST FOR CONDITIONS,
25 THOSE WERE THE MAJOR CONTRIBUTORS TO THIS ACCIDENT?

1 A YES MA'AM, THEY ARE.

2 Q SHE ASKED ABOUT SOMEONE NOT REMEMBERING THINGS IN
3 THE PROPER ORDER. IN YOUR EXPERIENCE, IS SOMEONE WHO MAY
4 BE RESPONSIBLE FOR AN ACCIDENT, MIGHT THEY WANT TO POINT
5 FINGERS SOMEWHERE ELSE?

6 A QUITE A BIT. THEY ALWAYS WANT TO POINT AT SOMEBODY
7 ELSE, THAT'S RIGHT.

8 Q THANK YOU.

9 THE COURT: ANYTHING ON RE-CROSS?

10 MS. AHRENS: JUST VERY BRIEFLY.

11 RE-CROSS EXAMINATION BY MS. AHRENS:

12 Q DO PEOPLE SOMETIMES GET MESSED UP ABOUT WHAT ORDER
13 THINGS HAPPEN IN AND THEY'RE NOT LYING? CORRECT?

14 A YES MA'AM.

15 MS. AHRENS: THANK YOU, YOUR HONOR. NO FURTHER
16 QUESTIONS.

17 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.
18 ANYTHING ELSE?

19 MS. CAMPBELL: BEG THE COURT'S INDULGENCE? MAY WE
20 APPROACH?

21 (WHEREUPON A BENCH CONFERENCE TOOK PLACE)

22 MS. CAMPBELL: YOUR HONOR, THE STATE RESTS.

23 THE COURT: THANK YOU. LADIES AND GENTLEMEN, I'M
24 GOING TO GO AHEAD AND LET Y'ALL TAKE LUNCH. YOUR LUNCH
25 IS HERE AND SET UP IN THE JURY ROOM FOR YOU. WHILE

1 YOU'RE DOING THAT, WE'RE GOING TO TAKE UP SOME MATTERS

2 THAT WE HAVE TO DO AT THIS POINT IN THE CASE ANYWAY.

3 SO, WE'LL BRING YOU BACK OUT AT TWO-THIRTY TO RESUME.

4 SO, ENJOY YOUR LUNCH AND WE'LL SEE YOU AT TWO-THIRTY.

5 (WHEREUPON THE JURY EXITED THE COURTROOM AT 1:31 P.M. FOR
6 THE LUNCH RECESS)

7 MS. AHRENS: YOUR HONOR, AT THIS TIME I WOULD JUST
8 LIKE TO PUT ON THE RECORD MY EARLIER OBJECTION THE NATURE
9 OF SERGEANT DAY'S TESTIMONY. DOES YOUR HONOR THINK I
10 NEED TO DO ANYTHING FURTHER?

11 THE COURT: NO, WE'LL JUST NOTE IT, THAT THERE WAS
12 AN OBJECTION MADE TO THE NATURE OF THE TESTIMONY OF THAT
13 WITNESS, AND THAT IT WAS A CONTINUING OBJECTION, AND THAT
14 I OVERRULED IT.

15 MS. AHRENS: THANK YOU, YOUR HONOR. I JUST WANTED
16 TO MAKE SURE THAT THAT WAS CLEAR FOR THE RECORD. I THINK
17 AT THIS POINT, ALSO FOR THE RECORD, I NEED TO PUT ON
18 RECORD MY MOTION FOR A DIRECTED VERDICT, RENEWING, OF
19 COURSE, ALL PREVIOUS MOTIONS AND OBJECTIONS. TAKING THE
20 EVIDENCE IN THE LIGHT MOST FAVORABLE TO THE STATE THERE
21 IS INSUFFICIENT EVIDENCE TO CONVICT MS. KRANCHIK OF THESE
22 CHARGES.

23 SPECIFICALLY, MY ARGUMENT AT THIS POINT THIS WOULD
24 BE THAT THERE IS INSUFFICIENT EVIDENCE THAT SHE
25 PERSONALLY, ACTUALLY CAUSED THIS ACCIDENT, WHICH LED TO

1 THE SERIOUS BODILY INJURY AND DEATH OF VARIOUS VICTIMS IN
2 THIS CASE. SO, OBVIOUSLY, AT THIS POINT I WOULD ALSO
3 MAKE THAT MOTION, YOUR HONOR.

4 THE COURT: ANY RESPONSE TO THAT?

5 MS. CAMPBELL: YOUR HONOR, THE STATE'S POSITION IS
6 THAT THE EVIDENCE SPEAKS FOR ITSELF AS FAR AS IN THE
7 LIGHT MOST FAVORABLE TO THE STATE.

8 THE COURT: AT THIS POINT, I THINK IT IS A QUESTION
9 TO BE DETERMINED BY THE JURY AND I WILL RESPECTFULLY DENY
10 YOUR MOTION. ANYTHING FURTHER?

11 MS. AHRENS: I THINK THAT'S IT, JUDGE. THERE ARE
12 SOME MATTERS THAT WE DISCUSSED THIS MORNING THAT RELATED
13 TO VARIOUS POTENTIAL WITNESSES.

14 THE ONLY THING THAT I THINK I WOULD CHANGE FROM
15 THIS MORNING, THIS MORNING I HAD PUT ON THE RECORD, AND
16 THAT MS. CAMPBELL AND I BOTH DISCUSSED, WHAT MS.
17 KRANCHIK'S PRIOR CONVICTIONS ARE. I HAVE HAD AN
18 OPPORTUNITY TO ACTUALLY SIT HERE AND READ THE FAMILY
19 COURT ORDER THAT THE STATE HAS GIVEN ME. A WEEK EARLIER
20 WE SAID THERE WAS A DISTURBING SCHOOLS, WHICH WOULD NOT
21 BE ADMISSIBLE; DISORDERLY CONDUCT, WHICH WOULD NOT BE
22 ADMISSIBLE; TWO BURGLARIES AND ONE PETIT LARCENY. AND A
23 REVIEW OF THE COURT ORDER THAT SHE HAS GIVEN ME ACTUALLY
24 SAYS, FOR WHAT IT'S WORTH, IT IS ONE BURGLARY AND ONE
25 PETIT LARCENY, THAT SHE WOULD BE ABLE TO USE EACH OF

1 THOSE. AND, IN ADDITION, OF COURSE, THE ARMED ROBBERY ON
2 HER ADULT RECORD.

3 THE COURT: WHAT SAYS THE STATE?

4 MS. CAMPBELL: YOUR HONOR, I DON'T HAVE ANYTHING TO
5 SAY DIFFERENTLY. IF I FIND ANOTHER ONE, I WILL BRING IT
6 TO THE COURT'S ATTENTION.

7 THE COURT: AS TO MR. WARD, THE ISSUE OF HIS
8 CONVICTIONS, I WAS LOOKING AT THAT WHILE THE TESTIMONY
9 WAS GOING ON. I THINK 608-B DOES APPLY. OBVIOUSLY, THE
10 STATE IN THIS INSTANCE WOULD HAVE TO PROVE IT BY
11 EXTRINSIC EVIDENCE, IF IT IS SOMETHING THAT CAN BE
12 PROVEN, CAN BE INQUIRED OF.

13 MS. CAMPBELL: AND, OF COURSE, THE ONLY THING THAT
14 SHOWS BIAS IS THAT HE HAS PENDING CHARGES, THAT WE CAN GO
15 INTO THE SUBSTANCE OF THE CHARGES.

16 THE COURT: Y'ALL KEEP SAYING BIAS AND I'M NOT SURE...
17 WHAT I WAS INTERESTED ABOUT WAS THE 608-B.

18 MS. CAMPBELL: THE CREDIBILITY, YOUR HONOR.

19 THE COURT: THE CREDIBILITY ISSUE. BUT BIAS, I'M
20 NOT QUITE SURE WHAT Y'ALL ARE SAYING.

21 MS. CAMPBELL: AND I CAN GO INTO IT FURTHER, BUT
22 BIAS AND CREDIBILITY, YOUR HONOR.

23 THE COURT: WHEN Y'ALL SAY BIAS, IT'S JUST ANY
24 APPELLATE RECORD, I'M NOT QUITE SURE WHAT BIAS HE WOULD
25 HAVE IN REGARD TO....

1 MS. CAMPBELL: YOUR HONOR, UNDER 608-B AND C, I
2 THINK IF IT FALLS UNDER EITHER ONE OF THOSE, I THINK WE
3 CAN GO INTO THAT. BIAS, ANYTHING SHOWN TO REPRESENT,
4 SHALL BE IMPEACHED AND I JUST THINK THAT...

5 THE COURT: IF THE STATE HAS ANY CHARGES AGAINST HIM
6 HOW WOULD YOU BE BENEFITED BY THAT?

7 MS. CAMPBELL: WELL, AS FAR AS WHAT WE HAVE AS FAR
8 AS WITNESSING THESE EVENTS. IN THE LAST TRIAL, YOUR
9 HONOR MAY REMEMBER, HE WAS NEVER EVEN FOUND. IT WAS ONLY
10 BECAUSE OF THESE PENDING CHARGES THAT HE'S COME FORWARD.

11 MS. AHRENS: YOUR HONOR, HE IS IN THE DETENTION
12 CENTER. HE DID NOT COME FORWARD. I LOCATED HIM WHEN HE
13 OTHERWISE MIGHT NOT BE ABLE TO BE LOCATED. HE HAS NO
14 CHOICE ABOUT WHERE HE IS.

15 MS. CAMPBELL: BUT IT WAS IN THE RECORD FROM LAST
16 TIME THAT THEY DID TRYING TO LOCATE HIM AND HE WAS NOT
17 COOPERATIVE AND WOULD NOT COME FORWARD.

18 THE COURT: I CAN UNDERSTAND THE DEFENSE POSSIBLY...
19 I DON'T KNOW WHAT'S HE'S GONNA TESTIFY TO. I'M NOT SURE
20 ANYBODY KNOWS WHAT HE'S GONNA TESTIFY TO. THERE COULD
21 POTENTIALLY BE SOME BIAS ISSUES, POTENTIALLY. TO ME, THE
22 PENDING CHARGES WEIGH ON THE CREDIBILITY ISSUE AND I
23 THINK 608-B WOULD PROBABLY NEGATE THE NEED TO BRING THAT
24 OUT, IF THERE ARE OTHER WITNESSES.

1 MS. AHRENS: YOUR HONOR, MY QUESTION WOULD BE IF THE
2 STATE HAS IN ANY WAY-- IF THE INFERENCE THAT THE STATE
3 WISHES TO DRAW IN CLOSING, OR PLANS TO DRAW IN QUESTIONS,
4 OR IN ANY WAY, IF THIS IS WHAT THEY ARE PLANNING TO DO,
5 IS BASED ON WHAT MS. CAMPBELL JUST SAID, THEY PLAN TO
6 SUGGEST THAT MR. WARD IS TESTIFYING WITH ANIMUS TOWARD
7 THE STATE, I WOULD JUST ASK THAT I BE ALLOWED TO ASK HIM
8 IS HOW THE PENDING CHARGES, IF THEY DO AFFECT HIS
9 TESTIMONY HERE TODAY. IF THAT'S WHAT THEY ARE TRYING TO
10 DO.

11 THE COURT: JUST REVIEWING THE CASES, I THINK IF
12 WE'RE GONNA GET INTO THE PENDING CHARGES, IT BECOMES A
13 FAIR GAME ISSUE FROM THE STANDPOINT... I ACTUALLY THINK,
14 IN ALL HONESTY, FROM THE CASES THAT THE DEFENSE CAN RAISE
15 THE ISSUE OF POTENTIAL SENTENCES. IN THE CASES IT
16 DISCUSSED WHETHER OR NOT THE WITNESS IN THIS CASE IS
17 POTENTIALLY HOPING TO GET SOME RECOMMENDATION FOR
18 LENIENCY AT SOME POINT IN THE FUTURE IN EXCHANGE FOR HIS
19 TESTIMONY. I GUESS THAT DEPENDS ON WHAT HE TESTIFIES TO.
20 I THINK CERTAINLY AT THE LEVEL THAT YOU JUST INDICATED
21 THE BIAS IS A POTENTIAL.

22 MS. AHRENS: OKAY. WHAT I'M TALKING ABOUT IS THEM
23 OPENING THE DOOR TALKING ABOUT THE FACT THAT HE HAS
24 PENDING CASES.

25 THE COURT: I WOULD SAY THEY CAN'T GET INTO THAT.

1 MS. CAMPBELL: NO SIR, WE WOULD NOT.

2 MS. AHRENS: THANK YOU, YOUR HONOR.

3 THE COURT: I THINK WE'LL HAVE TO WAIT AND SEE WHAT
4 HE TESTIFIES TO.

5 I NEED TO GO OVER HER RIGHTS WITH MS. KRANCHIK. MS.
6 KRANCHIK, IF YOU WOULD PLEASE STAND.

7 (WHEREUPON DEFENDANT STANDS)

8 MS. KRANCHIK, AT THIS POINT THE STATE HAS RESTED
9 THEIR CASE. AND I'M SURE YOU'VE HAD THIS DISCUSSION WITH
10 BOTH MS. AHRENS AND MS. MOBLEY. I'M SURE THEY'VE ALREADY
11 EXPLAINED THOSE TO YOU. I JUST WANT TO GO OVER THIS WITH
12 YOU ON THE RECORD.

13 DO YOU UNDERSTAND, MA'AM, THAT THE STATE IN A
14 CRIMINAL TRIAL ALWAYS BEARS THE BURDEN OF PROOF IN A
15 TRIAL?

16 (NO RESPONSE)

17 DO YOU UNDERSTAND WHAT I AM SAYING BY THE BURDEN OF
18 PROOF? THE STATE CARRIES THE-- IN A TRIAL, CIVIL OR
19 CRIMINAL, SOMEBODY HAS TO PROVE CERTAIN FACTS IN ORDER
20 TO-- IN A CIVIL CASE TO RECOVER ANYTHING, THE PLAINTIFF
21 WILL HAVE TO PROVE CERTAIN FACTS, IN ORDER TO BE ENTITLED
22 TO RECOVERY. IN A CRIMINAL CASE, THE STATE HAS TO
23 PROVE CERTAIN FACTS IN ORDER TO GET A CONVICTION. THERE
24 ARE DIFFERENT STANDARDS THAT APPLY IN THIS CASE. THE
25 STANDARD OF BEYOND A REASONABLE DOUBT IN TERMS OF THE

1 LEVEL THAT THEY HAVE TO REACH IN TERMS. HAVE YOU HEARD
2 THAT TERM BEFORE?

3 MS. KRANCHIK: YES SIR.

4 THE COURT: OKAY. THE STATE AT ALL TIMES DURING THIS
5 TRIAL, IF YOU DECIDE TO PUT ON A CASE OR NOT PUT ON A
6 CASE, THEY HAVE THAT BURDEN OF PROOF, OF COMING FORWARD
7 WITH ENOUGH EVIDENCE AND TESTIMONY TO CONVINCE THE JURY
8 BEYOND A REASONABLE DOUBT THAT YOU ARE GUILTY OF THE
9 CHARGES. DO YOU UNDERSTAND THAT?

10 MS. KRANCHIK: YES SIR.

11 THE COURT: IT IS NOT CONTINGENT ON WHETHER OR NOT
12 YOU PUT ON ANY EVIDENCE OR TESTIMONY AT ALL. DO YOU
13 UNDERSTAND THAT?

14 MS. KRANCHIK: YES SIR.

15 THE COURT: THAT MEANS AT THIS POINT IN THE TRIAL,
16 ONCE THE STATE HAS RESTED ITS CASE, YOU HAVE A DECISION
17 TO MAKE AS TO WHETHER YOU WANT TO PUT ON ANY EVIDENCE OR
18 TESTIMONY. DO YOU UNDERSTAND THAT?

19 MS. KRANCHIK: YES SIR.

20 THE COURT: THAT'S TOTALLY A DECISION OF YOURS. YOU
21 HAVE TO DO THAT. YOUR ATTORNEYS CAN ADVISE YOU AND I'M
22 SURE YOU HAVE HAD THOSE DISCUSSIONS WITH YOUR ATTORNEYS
23 IN TERMS OF ANY STRATEGY AT ANY POINT. BUT, ULTIMATELY,
24 ANY DECISION OF WHETHER YOU WANT TO PUT ON EVIDENCE OR
25 TESTIMONY, AS WELL AS TESTIFY YOURSELF OR NOT TESTIFY,

1 THOSE ARE YOUR DECISIONS TO MAKE. DO YOU UNDERSTAND
2 THAT?

3 MS. KRANCHIK: YES SIR.

4 THE COURT: NO ONE CAN THREATEN YOU OR FORCE YOU IN
5 ANY WAY TO DO ONE THING OR ANOTHER. DO YOU UNDERSTAND
6 THAT?

7 MS. KRANCHIK: YES SIR.

8 THE COURT: AT THIS POINT IF YOU DECIDE YOU WANT TO
9 PUT ON EVIDENCE AND TESTIMONY WHEN WE BRING THE JURY BACK
10 OUT AFTER LUNCH, JUST LIKE THE STATE HAS CALLED
11 WITNESSES, YOU WOULD BE ALLOWED TO CALL WITNESSES AND
12 OFFER EVIDENCE. DO YOU UNDERSTAND THAT?

13 MS. KRANCHIK: YES SIR.

14 THE COURT: YOU HAVE A RIGHT UNDER THE FIFTH
15 AMENDMENT OF THE UNITED STATES CONSTITUTION TO EXERCISE
16 YOUR RIGHT NOT TO TESTIFY, NOT TO TAKE THE WITNESS STAND.
17 NOBODY CAN MAKE YOU TESTIFY. DO YOU UNDERSTAND THAT?

18 MS. KRANCHIK: YES SIR.

19 THE COURT: IF YOU DECIDE NOT TO TAKE THE WITNESS
20 STAND, PART OF MY CLOSING INSTRUCTIONS TO THE JURY WHEN I
21 CHARGE THEM ON THE LAW WHICH APPLIES UNDER THEIR OATH,
22 ONE OF THE CHARGES I WILL GIVE THEM IS THAT THEY CANNOT
23 CONSIDER THE FACT THAT YOU CHOSE NOT TO TESTIFY, HOLD
24 YOUR SILENCE AGAINST YOU. DO YOU UNDERSTAND THAT?

25 MS. KRANCHIK: YES SIR.

1 THE COURT: THAT MEANS ONCE THEY GET BACK THERE THEY
2 CAN'T DISCUSS IT DURING THEIR DELIBERATIONS.

3 MS. KRANCHIK: YES SIR.

4 THE COURT: OF COURSE, YOU CAN ALSO CHOOSE TO
5 TESTIFY. YOU HAVE THAT RIGHT AS WELL.

6 MS. KRANCHIK: YES SIR.

7 THE COURT: WE'VE BEEN DISCUSSING YOUR PRIOR RECORD
8 AND YOU HAVE HEARD THOSE DISCUSSIONS. DO YOU UNDERSTAND
9 THAT IF YOU TAKE THE WITNESS STAND, JUST LIKE ALL THE
10 OTHER WITNESSES, YOU ARE SUBJECT TO CROSS EXAMINATION BY
11 THE OTHER SIDE?

12 MS. KRANCHIK: YES SIR.

13 THE COURT: THERE ARE ALSO UNDER OUR RULES CERTAIN
14 PRIOR CONVICTIONS OF YOURS THAT WOULD BE ALLOWED TO BE
15 DISCUSSED ON CROSS EXAMINATION OF YOU. DO YOU UNDERSTAND
16 THAT?

17 MS. KRANCHIK: YES SIR.

18 THE COURT: AND THAT WOULD BE EVIDENCE THAT WOULD BE
19 PRESENTED TO THE JURY.

20 MS. KRANCHIK: YES SIR.

21 THE COURT: HAS ANYBODY TRIED YOU TO FORCE YOU TO DO
22 ANYTHING AGAINST YOUR WILL IN MAKING A DECISION ABOUT
23 WHETHER YOU WISH TO TESTIFY OR NOT?

24 MS. KRANCHIK: NO SIR.

1 THE COURT: NOBODY'S PRESSURED YOU OR PROMISED YOU
2 ANYTHING, ANY KIND OF A REWARD OR ANYTHING LIKE THAT, TO
3 GET YOU TO DO ONE OR THE OTHER?

4 MS. KRANCHIK: NO SIR.

5 THE COURT: HAVE YOU HAD A CHANCE TO ADEQUATELY
6 DISCUSS WITH YOUR ATTORNEYS WHETHER OR NOT YOU WISH TO
7 TESTIFY?

8 MS. KRANCHIK: YES SIR.

9 THE COURT: DURING THE LUNCH BREAK, Y'ALL CAN HAVE
10 FURTHER DISCUSSIONS AND WHEN YOUR RETURN, AND I DON'T
11 KNOW WHETHER Y'ALL ARE GONNA PUT ON ANY CASE OR NOT, BUT
12 AFTER THAT, THE NEXT STEP WOULD BE THE CLOSING ARGUMENTS
13 AND THEN CHARGE THE JURY ON THE LAW, AND LET THEM BEGIN
14 THEIR DELIBERATIONS. DO YOU UNDERSTAND THAT?

15 MS. KRANCHIK: YES SIR.

16 THE COURT: DO YOU UNDERSTAND THAT WHETHER OR NOT
17 YOU OFFER OTHER WITNESSES AND EVIDENCE HAS NOTHING TO DO
18 WITH YOUR DECISION ABOUT WHETHER YOU WISH TO TESTIFY OR
19 NOT?

20 MS. KRANCHIK: YES SIR.

21 THE COURT: THANK YOU, MA'AM. COUNSEL, HAS THERE
22 BEEN A DECISION MADE? I KNOW YOU HAD A WITNESS LIST
23 PROVIDED. HAS THERE BEEN A DECISION MADE ABOUT HOW YOU
24 WILL PROCEED WITH YOUR CASE?

1 MS. AHRENS: I BELIEVE WE DO INTEND TO PUT UP A
2 CASE, YOUR HONOR.

3 THE COURT: WITH THAT UNDERSTOOD, FROM EARLIER
4 DISCUSSIONS, THERE'S NO ANY ANTICIPATION OF ANY LESSER,
5 INCLUDED OFFENSES IN THIS CASE?

6 MS. AHRENS: I BELIEVE SO. I WOULD LIKE TO WAIT AND
7 SEE ONCE WE PUT OUR WITNESSES UP ON THE STAND, YOUR
8 HONOR.

9 THE COURT: LET ME ASK, COUNSEL, IS THERE ANY
10 BELIEVE THAT THE ATTORNEY FOR WARD WILL BE HERE?

11 MS. AHRENS: I CONTACTED MR. DEYSACH'S OFFICE. HE
12 WAS HERE THIS MORNING. I ASSUME HE UNDERSTANDS SORT OF
13 WHAT THE COURT SCHEDULE IS. I ORIGINALLY TOLD HIM I
14 EXPECTED HIM AROUND ONE-THIRTY. I'LL BE HAPPY TO CONTACT
15 HIM AGAIN AND LET HIM KNOW THAT MY GUESS IS THAT WE WILL
16 START BACK UP AT TWO-THIRTY. AND DEPENDING ON HOW LONG
17 IT TAKES, WE WILL NEED HIM AVAILABLE FOR MR. WARD'S, HIS
18 CLIENT'S TESTIMONY. AND THAT SHOULD TAKE ABOUT AN HOUR
19 OR SO. AND THAT WOULD GET US TO AT LEAST THREE-THIRTY,
20 THREE-FORTY-FIVE, WHICH WOULD BE AS SOON AS I COULD CALL
21 HIM.

22 THE COURT: THE OTHER WITNESS IS GOING TO BE MR.
23 TRAPP'S PRIOR TESTIMONY TO BE READ INTO THE RECORD?

1 MS. AHRENS: WE ALSO HAVE AN EXPERT WITNESS WHO
2 WE'VE INCLUDED ON THE WITNESS LIST. I DON'T BELIEVE I
3 PLAN TO CALL HIM.

4 THE COURT: WELL, WE'LL TRY TO FINISH UP THE
5 TESTIMONY TODAY AND WE CAN ARGUE AND CHARGE IN THE
6 MORNING.

7 MS. AHRENS: THANK YOU, YOUR HONOR.

8 THE COURT: WE'LL TAKE A BREAK UNTIL ABOUT TWO-
9 THIRTY.

10 (WHEREUPON THE COURT WAS IN RECESS FOR LUNCH)

11 COURT IN SESSION - 2:45 P.M.

12 THE COURT: IS THE STATE READY?

13 MS. CAMPBELL: YES SIR. YOUR HONOR, I DID CHECK
14 WITH THE COURT REPORTER OVER LUNCH. SHE DOES HAVE
15 EXHIBIT NUMBER FORTY-FOUR, WHICH IS TO BE ENTERED INTO
16 EVIDENCE, WHICH IS ACTUALLY THE PHOTOGRAPH I USED WITH
17 THE LAST WITNESS. I'VE SPOKEN WITH MS. AHRENS AND I
18 DON'T BELIEVE THERE'S ANY OBJECTION.

19 MS. AHRENS: THAT'S CORRECT, YOUR HONOR. NO
20 OBJECTION.

21 THE COURT: THAT'S FINE. IT WILL BE ADMITTED.

22 (WHEREUPON STATE'S EXHIBIT NUMBER FORTY-FOUR WAS ADMITTED
23 WITHOUT OBJECTION)

24 DOES MR. WARD'S ATTORNEY HAVE A COPY OF HIS
25 STATEMENT?

1 MR. DEYSACH: I HAVE, YOUR HONOR.

2 THE COURT: IS THERE ANYTHING ELSE WE NEED TO TAKE
3 UP BEFORE WE BRING THE JURY IN?

4 MS. CAMPBELL: NOTHING FROM THE STATE, YOUR HONOR.

5 MS. AHRENS: YOUR HONOR, WE DO HAVE ONE MATTER THAT
6 WE NEED TO TAKE UP THAT RELATES TO MR. WARD. HIS
7 ATTORNEY IS HERE. JUST FOR THE RECORD, YOUR HONOR, I
8 SPOKE TO MR. WARD THIS MORNING AND HE REPRESENTED AT THAT
9 TIME THAT HE WAS NERVOUS ABOUT TESTIFYING, BUT WANTED TO
10 TESTIFY. THE SPECIFIC SOURCE OF HIS NERVOUSNESS WHEN I
11 SPOKE TO HIM WAS ABOUT THE PENDING CHARGES THAT WE HAD
12 DISCUSSED.

13 I HAVE SINCE THEN SPOKEN TO HIS ATTORNEY, WHO WAS
14 PRESENT DURING THE ENTIRE COLLOQUY. HE HAS SPOKEN TO MR.
15 WARD AND MR. WARD IS NOW REPRESENTING THAT HE WOULD LIKE
16 TO EXERCISE HIS FIFTH AMENDMENT RIGHT NOT TO TESTIFY. I
17 DON'T BELIEVE SINCE HE WAS NOT CHARGED IN THIS INCIDENT,
18 OR ACCUSED OF HAVING DONE ANYTHING WRONG THAT HE HAS A
19 FIFTH AMENDMENT RIGHT NOT TO TESTIFY HERE. BUT I THINK
20 THAT HIS ATTORNEY, IT WOULD BE MORE APPROPRIATE TO HAVE
21 HIM TO SPEAK TO YOU DIRECTLY. AND IF WE COULD HAVE SOME
22 GUIDANCE FROM YOUR HONOR ON THAT.

23 THE COURT: YES MA'AM. YES SIR?

24 MR. IAN DEYSACH: THANK YOU, YOUR HONOR. MR. WARD
25 DOESN'T WANT TO TESTIFY BECAUSE HE'LL BE CROSS EXAMINED

1 BY THE SAME AGENCY AND THE SAME SOLICITOR THAT'S
2 PROSECUTING HIS PENDING ARMED ROBBERY AND ATTEMPTED ARMED
3 ROBBERY CHARGES. AND SO, AS MS. AHRENS SAID, HAS
4 REPRESENTED TO ME THAT HE WISHES TO AVOID TESTIFYING, IF
5 AT ALL POSSIBLE. AND SO, I GUESS WHAT I WANTED TO MAKE
6 SURE THAT IF HE COMPELLED TO TESTIFY THAT HE IS BEING
7 FORCED TO TESTIFY. HE IS NOT GOING THIS BECAUSE HE WANTS
8 TO. IF HE HAS A CHOICE HE WOULDN'T TESTIFY.

9 I'D ALSO LIKE TO MAKE SURE THAT ANY QUESTIONS ABOUT
10 HIS PENDING CHARGES ARE BASICALLY JUST LIMITED TO THE
11 FACT THAT, YES, THEY ARE PENDING CHARGES AND NOTHING
12 MORE.

13 THOSE ARE MY MAJOR CONCERNS AS HE PREPARES TO
14 TESTIFY. IF THERE IS ANY WAY THAT HE CAN AVOID
15 TESTIFYING... AND WITH THE FIFTH AMENDMENT, ALTHOUGH, YOU
16 KNOW, LOOKING AT IT, HE'S NOT CHARGED IN THIS CASE. AND
17 SO IT WOULD BE KIND OF A TORTURED READING OF THE FIFTH
18 AMENDMENT TO HAVE IT APPLY HERE.

19 THE COURT: I'M NOT SURE ANY INTERPRETATION UNDER
20 THESE CIRCUMSTANCES WOULD APPLY TO THE FIFTH AMENDMENT,
21 FOR HIM TO NOT TESTIFY AT ALL. IS HIS NERVOUSNESS IS
22 THAT HE BELIEVES THAT THERE WILL BE SOME RETALIATION IN
23 SOME WAY?

24 MR. DEYSACH: YOU KNOW, I THINK THAT, IF HE FEELS
25 LIKE HIS TESTIMONY PRECEDES A CHOICE TO TESTIFY OR NOT,

1 HE'S CHOOSING TO TESTIFY. AND IF WHAT HE TESTIFIED TO
2 WERE IN SOME WAY HELPFUL TO THE DEFENSE, THAT HIS FEAR
3 THAT THE PROSECUTION WOULD VIEW THAT AS AN ATTEMPT TO
4 KIND OF FOIL THEIR EFFORTS IN THIS CASE. AND SO, THAT'S
5 WHY IT'S IMPORTANT THAT HE UNDERSTAND, OR THAT THERE BE
6 SOME SORT OF JUDICIAL NOTICE OR SOMETHING THAT HE IS
7 COMPELLED TO TESTIFY. HIS FEAR IS THAT MS. CAMPBELL
8 MIGHT THINK THAT HE'S CHOOSING, THAT HE WANTS TO HELP MS.
9 KRANCHIK IN THIS CASE AND THAT THAT MIGHT ADVERSELY
10 AFFECT HIS PENDING CHARGES.

11 WHETHER THAT'S REASONABLE OR NOT, TO HIM, A
12 SEVENTEEN YEAR OLD, GOING MAYBE TO THE EIGHTH GRADE, YOU
13 KNOW,... AND CERTAINLY NOT HAVING GONE TO LAW SCHOOL OR
14 NOT THAT FAMILIAR WITH THE TRIAL PROCESS, THAT'S THE
15 PERCEPTION THAT HE FEELS. HE HAS A FEAR THAT THERE WOULD
16 BE REPRISALS.

17 MS. CAMPBELL: I DID HAND THIS CASE OFF TO BE
18 HANDLED BY ANOTHER SOLICITOR OFFICE SO THERE WOULDN'T BE
19 AN APPEARANCE OF ANYTHING.

20 THE COURT: I THOUGHT HE WAS GOING TO TRIAL.

21 MS. CAMPBELL: HE WAS SCHEDULED TO PLEAD WEEK BEFORE
22 LAST.

23 THE COURT: BUT I THOUGHT HE WAS---

24 MS. CAMPBELL: PURSUANT TO AN APPEARANCE BEFORE YOU.
25 IT WAS INDICATED IT WAS A PLEA. THE PLEA WAS DONE, THE

1 DEAL WAS WORKED OUT, IS MY INFORMATION. I DIDN'T HANDLE
2 IT, SO I DON'T KNOW. I HANDED IT OFF. AND THEN, OF
3 COURSE, WHEN HE RENEGED ON THE PLEA, WE THEN PUT IT ON
4 THE TRIAL DOCKET.

5 THE COURT: IT WAS IN FRONT OF ME?

6 MR. DEYSACH: NO, YOUR HONOR.

7 MS. CAMPBELL: THE APPEARANCE WAS IN FRONT OF YOU.

8 MR. DEYSACH: THE APPEARANCE WAS.

9 MS. CAMPBELL: HIS PLEA, OF COURSE, WAS NOT GONNA BE
10 IN FRONT OF YOU, BUT IT MAY BE NOW.

11 THE COURT: I'M NOT QUITE SURE WHAT...

12 MS. CAMPBELL: AT HIS APPEARANCE, HIS LAWYER, MR.
13 DEYSACH, HERE, INDICATED HE WANTED TO PLEA.

14 THE COURT: WAS THIS THE WEEK I WASN'T UP HERE?

15 MR. DEYSACH: IT MAY HAVE BEEN. I HAVE TROUBLE
16 SPECIFICALLY REMEMBERING THE APPEARANCE. I KNOW THAT WE
17 SET THE PLEA AT THAT APPEARANCE.

18 MS. CAMPBELL: WHICH HE WOULD TAKE.

19 MR. DEYSACH: THE DEBATE HAS COME AND GONE.

20 MS. CAMPBELL: HE WAS BROUGHT UP AS A PLEA. I'M NOT
21 EVEN THE PERSON HANDLING THE CASE NOW.

22 MR. DEYSACH: HE HAD THE OPPORTUNITY TO PLEAD.
23 THERE WAS NO PLEA OFFER, AS IT WERE, BUT HE HAD THE
24 OPPORTUNITY TO PLEAD.

1 MS. CAMPBELL: THERE WAS AN OFFER, WAS MY
2 UNDERSTANDING BY THE JUDGE, WHICH WAS QUITE FAVORABLE.

3 MR. DEYSACH: RIGHT. EVERYTHING HE WAS GETTING..
4 ANY BENEFIT HE WAS GETTING FROM PLEADING WAS COMING FROM
5 THE JUDGE, NOT FROM THE SOLICITOR'S OFFICE AT THAT TIME.
6 AT THAT POINT HE HAD THE OPPORTUNITY TO PLEAD. SO, YOU
7 KNOW, NOW, HE'S OPENED HIMSELF UP TO GETTING TRIED
8 WHENEVER.

9 THE COURT: ARE YOU PREPARED TO CALL HIM FIRST, MS.
10 AHRENS?

11 MS. AHRENS: I WILL PROBABLY CALL HIM SECOND. IF
12 YOU WANT TO MAKE IT CLEAR ON THE RECORD, THOUGH. I'M NOT
13 SURE HOW TO HANDLE IT. BUT I DO WANT TO MAKE IT CLEAR
14 THAT I DID HAVE A TALK WITH HIM THIS MORNING AND A
15 COLLOQUY. AND MS. CAMPBELL HAD SAID AT THE TIME THAT SHE
16 WAS PROSECUTING HIM. SHE HAS SAID SHE WOULD TRY HIS ARM
17 ROBBERIES ONE BY ONE, WHICH, OF COURSE, WE ALL
18 UNDERSTAND.

19 BUT I CAN'T SPECULATE WHAT MR. DEYSACH AND MR. WARD
20 WOULD HAVE TALKED ABOUT. THAT WOULD BE PRIVILEGED. THEY
21 CERTAINLY HAD THE OPPORTUNITY TO TALK ABOUT THAT. I
22 THINK EVERYONE UNDERSTANDS THAT MEANS THEY'RE SEEKING
23 LIFE WITHOUT PAROLE, AND THAT CONVERSATION WAS HELD ON
24 THE RECORD THIS MORNING BEFORE YOUR HONOR. PRIOR TO THAT
25 CONVERSATION, HE HAD TOLD ME THAT HE WAS GOING TO

1 TESTIFY. SUBSEQUENT TO THAT COLLOQUY, NOW, HE SEEMS TO
2 BE VERY CONCERNED ABOUT TESTIFYING. AND MY CONCERN IS
3 THAT HE'S BECOME FEARFUL OF TESTIFYING AND MAKING
4 STATEMENTS. AND THAT IS A SERIOUS CONCERN FOR ME IN THIS
5 CASE.

6 MS. CAMPBELL: YOUR HONOR, I DON'T THINK I EVER
7 MENTIONED LIFE WITHOUT PAROLE, NOR DO I HAVE ANY
8 INTENTION. I DON'T EVEN KNOW IF THIS DEFENDANT QUALIFIES
9 FOR LIFE WITHOUT PAROLE. THIS WAS A SERIES OF ARMED
10 ROBBERIES CLOSELY RELATED IN TIME. AND THAT DECISION
11 HASN'T REALLY CROSSED ANYONE'S MIND. WHEN I SAY IT'S
12 BEING TRIED ONE BY ONE, I MEAN THAT WE WOULD TRY HIM
13 UNTIL WE GET A CONVICTION. I DON'T MEAN TO MISREPRESENT
14 ANYTHING TO THE COURT.

15 THE COURT: WELL, THAT'S WHAT I WAS TRYING TO
16 UNDERSTAND. I COULDN'T FIGURE OUT WHAT HIS FEAR WAS. I
17 MEAN, AT TRIAL, YOU EITHER WIN OR LOSE.

18 MS. CAMPBELL: AND I DON'T KNOW IF MS. AHRENS HAS
19 REPRESENTED TO HIM THAT I WOULD COME AFTER HIM, BUT I
20 HAVE A PROBLEM WITH THAT, BECAUSE, YOU KNOW, THAT'S
21 SETTING HIM UP TO SAYING SOMETHING ON THE STAND ABOUT THE
22 FEAR OF REPRISAL FROM ME.

23 THE COURT: WELL, I'M JUST TRYING TO UNDERSTAND
24 WHERE THE POTENTIAL IS FOR HIS FEAR OF REPRISAL IS.
25 THAT'S WHAT I CAN'T FIGURE OUT.

1 MS. AHRENS: YOUR HONOR, I BELIEVE I SPECIFICALLY
2 TOLD HIM, AND PERHAPS I WAS BEING SOMEWHAT DISINGENUOUS
3 ABOUT IT, BUT AGAIN, THE SOLICITOR'S OFFICE IS NOT
4 ALLOWED TO TAKE OUT ON YOU, YOU BEING SUBPOENAED BY ME TO
5 TESTIFY IN A COURT OF LAW, SO DON'T WORRY ABOUT THAT.
6 SUBSEQUENTLY, OF COURSE, WE HAD THAT COLLOQUY.

7 CERTAINLY, I'M NOT SAYING MS. CAMPBELL WAS SAYING ON
8 THE RECORD THAT SHE WAS INTENDING TO SEEK LIFE WITHOUT
9 PAROLE. WHAT I'M SAYING IS THAT CERTAINLY ALL OF US WHO
10 WORK IN THE COURT HAVE, UNDERSTAND THAT TRYING AN ARMED
11 ROBBERY ONE BY ONE, ARMED ROBBERY UNDER THE SOUTH
12 CAROLINA LAW, TWO STRIKES AND YOU'RE OUT. THAT IS LIFE
13 WITHOUT PAROLE. THAT'S WHAT I FELT SHE WAS SAYING WHEN
14 SHE SAID SHE WAS TRYING THESE ONE BY ONE.

15 AND, AS I SAID, I CANNOT SPECULATE AND DO NOT KNOW
16 WHAT MR. DEYSACH AND MR. WARD TALKED ABOUT, BUT I'M VERY
17 CONCERNED ABOUT HOW THE TESTIMONY MAY BE INFLUENCED OR
18 INTIMIDATED. NOT NECESSARILY ON PURPOSE, BUT I AM
19 CONCERNED ABOUT THAT.

20 THE COURT: IF THE DEFENSE IS GONNA CALL HIM AND PUT
21 HIM ON THE STAND, HE'S GONNA BE CROSSED, REGARDLESS, BY
22 MS. CAMPBELL.

23 MS. CAMPBELL: I'LL BE GLAD TO GO AHEAD AND MAKE
24 SURE... I WILL REPRESENT TO THE COURT I WILL NOT BE THE

1 ONE PROSECUTING IN MY OFFICE, IF THAT RELIEVES.... SHE'S
2 JUST BASICALLY SAID I'M GONNA RETALIATE.

3 MS. AHRENS: I DID NOT SAY THAT, YOUR HONOR.

4 THE COURT: I UNDERSTAND THAT MR. WARD HAD SOME FEAR
5 THAT---

6 MS. CAMPBELL: I GUESS SHE SAID I WAS BEING
7 DISINGENUOUS IF I WOULDN'T RETALIATE.

8 THE COURT: NOW, THAT'S....

9 MS. CAMPBELL: I MEAN, HE WAS CHARGED WITH THESE
10 CRIMES---

11 THE COURT: SHE SAID SHE WAS BEING DISINGENUOUS IN
12 NOT SAYING---

13 MS. CAMPBELL: ---BEFORE I HAD ANY IDEA HE WAS A
14 WITNESS IN THIS CASE.

15 THE COURT: I UNDERSTAND THAT. BUT I GUESS I'M NOT
16 QUITE SURE... I GUESS WE'RE BACK TO HE GETS CALLED BY THE
17 DEFENSE AS A WITNESS.... AT LEAST YOU'RE WILLING TO NOT
18 CROSS HIM ON THE PENDING ARMED ROBBERY CHARGES. I GUESS
19 I'M NOT QUITE SURE HOW THAT AFFECTS WHETHER OR NOT HE'S
20 FEARFUL OF RETALIATION.

21 MS. AHRENS: WELL, PART OF HIS CONCERN, YOUR HONOR,
22 IS THAT HE'S GONNA END BEING ASKED QUESTIONS ABOUT HAD WE
23 DISCUSSED WHAT THE STATE WOULD BE ALLOWED TO ASK HIM.
24 BUT I WOULD SAY, AS I SAID THIS MORNING, IT'S MY
25 OBJECTION TO HAVE THE STATE IN THIS CASE CROSS EXAMINE

1 ABOUT THOSE CHARGES AND MAKING THOSE CHARGES AND USING
2 THEM TO IMPEACH HIM IS THAT THE STATE CAN PROSECUTE HIM.
3 AND MAYBE THIS ISN'T TRUE AT THIS PARTICULAR MOMENT, BUT
4 THIS MORNING WHEN WE HAD THE COLLOQUY, MS. CAMPBELL WAS
5 STILL PROSECUTING MR. WARD SPECIFICALLY, HERSELF. AND I
6 HAVE SOME CONCERNS AT THIS POINT THAT MR. WARD IS GOING
7 TO FEEL VERY INTIMIDATED ABOUT TESTIFYING TODAY.

8 THE COURT: WELL, IF I TAKE OFF THE TABLE THE
9 PENDING, ARE Y'ALL TELLING ME THAT THAT FEAR GOES AWAY
10 FROM HIM?

11 MS. AHRENS: I'M NOT NECESSARILY---

12 THE COURT: THAT HE WOULD NOT LONGER---

13 MS. CAMPBELL: JUDGE, WE CAN'T KNOW---

14 MS. AHRENS: THE TWO DON'T HAVE ANYTHING TO DO WITH
15 EACH OTHER.

16 THE COURT: I'M NOT QUITE SURE. MAYBE I CAN BRING
17 HIM OUT HERE. WHETHER THEY ASK HIM ABOUT THESE PENDING
18 CHARGES OR NOT, AND ONLY ASK HIM, ARE THESE CHARGES
19 PENDING AGAINST YOU, WHICH IS THE ONLY THING I'M GOING TO
20 ALLOW THEM TO ASK HIM. I MEAN, HE'S GONNA HAVE THE SAME
21 FEAR, IS HE NOT?

22 MS. AHRENS: I'M NOT SURE THAT'S TRUE. I'M NOT SURE
23 IF THAT'S SOMETHING YOU OR I UNDERSTAND OR PERCEIVE. I
24 THINK THAT IF YOU ARE SITTING THERE IN THE WITNESS SEAT
25 AS A SEVENTEEN-YEAR OLD KID WHO DOESN'T DO THIS EVERYDAY,

1 AND THE PERSON WHO'S PROSECUTING YOU, OR AT LEAST THE
2 PERSON WHO WAS PROSECUTING YOU AN HOUR AGO, COMES AT YOU
3 AND SAYS, DON'T YOU HAVE PENDING ARMED ROBBERY CHARGES,
4 YOU KNOW, SHE'S PROSECUTING, I THINK THAT THAT'S THE SORT
5 OF THING THAT WOULD BE INTIMIDATING FOR HIM. AND I STILL
6 HAVE MY OTHER OBJECTION ABOUT HIM BEING IMPROPERLY
7 EXAMINED ABOUT THESE PENDING CHARGES. SO, I'M TRYING TO
8 BE CLEAR ABOUT THIS. THAT'S MY SPECIFIC OBJECTION TO HIM
9 TESTIFYING.

10 THE COURT: I DON'T KNOW WHAT HE'S AFRAID OF.

11 MS. CAMPBELL: CAN I TALK TO HIS LAWYER FOR A MOMENT
12 AND MAYBE WE CAN CLEAR IT UP?

13 THE COURT: WELL, LET ME HEAR FROM HIM.

14 MS. CAMPBELL: I DID NOT KNOW HE WAS A WITNESS IN
15 THIS CASE. AND THERE WAS NO OFFER AT THAT POINT. AND
16 BASICALLY HE WAS SCHEDULED TO PLEAD IN FRONT OF A JUDGE
17 AVAILABLE. IT WAS ONLY AT A LATER TIME THAT IT WAS
18 BROUGHT TO MY ATTENTION THAT HE WAS A WITNESS IN THIS
19 CASE. I JUST DIDN'T PUT IT TOGETHER.

20 MS. AHRENS: AND YOUR HONOR, HE HAS A REAL FEAR OF
21 REPRISAL IN THIS SITUATION.

22 THE COURT: ALL RIGHT. I'M NOT QUITE SURE.. UNLESS
23 HE TELLS ME THAT, I'M NOT QUITE SURE HOW TO GET THAT ONE
24 QUESTION OFF THE TABLE, TO CHANGE THAT FEAR. I DO FIND
25 HE UNDERSTANDS THE POTENTIAL ISSUE OF LIFE WITHOUT,

1 SOMETHING HE WOULD HAVE A FEAR ABOUT, THE POTENTIAL FEAR,
2 WHETHER THEY GET TO ASK THAT QUESTION OF NOT.

3 BRING HIM UP HERE AND LET ME EXAMINE HIM ON THE
4 RECORD, PLEASE.

5 I'M JUST NOT QUITE SURE. IF I TOOK THAT OFF THE
6 TABLE... IS THERE SOMETHING Y'ALL DON'T WANT THE STATE TO
7 DO UNDER THAT ONE QUESTION?

8 MS. CAMPBELL: JUDGE, THEY'RE TRYING TO BOOT STRAP
9 THAT ONE QUESTION WITH THIS FEAR THEY'VE CREATED. I
10 THINK THE FEAR THAT---

11 THE COURT: AND I'M JUST ASKING---

12 MS. CAMPBELL: THE FEAR, I THINK, IS THE SAME THING.
13 FROM WHAT HIS LAWYER SAYS, IT'S THE FEAR THAT I'M GOING
14 TO RETALIATE IF HE TESTIFIES IN SOME WAY FAVORABLE TO THE
15 DEFENDANT.

16 MS. AHRENS: YOUR HONOR, I THINK THE ONLY WAY THAT
17 THAT WOULD END UP COMING UP, OTHER THAN THAT ONE QUESTION
18 IF HE GETS UP THERE AND STARTS TO TESTIFY AND REBUKE ME
19 AND ANSWER MY QUESTIONS, I MIGHT ASK THAT HE BE DECLARED
20 A HOSTILE WITNESS. AND AGAINST THE BACKDROP OF ALL THIS,
21 I THINK YOU WOULD UNDERSTAND WHY.

22 MS. CAMPBELL: UNDER THE RULES, ANY SIDE CAN IMPEACH
23 THEIR OWN WITNESS.

24 THE COURT: I THINK SHE WAS TALKING ABOUT NOT
25 IMPEACHING.

1 MS. AHRENS: IF SHE DOES START TO---

2 MS. CAMPBELL: UNDER THE RULES YOU CAN IMPEACH YOUR
3 OWN WITNESS.

4 MS. DEYSACH: YOUR HONOR, DO I GET A CHANCE TO TALK
5 TO MR. WARD BEFORE YOU BRING HIM OUT FOR YOUR COLLOQUY,
6 AND LET HIM KNOW WHAT YOU'RE GOING TO ASK HIM QUESTIONS
7 ABOUT?

8 THE COURT: YES, YOU'LL HAVE A CHANCE TO DO THAT.

9 MS. DEYSACH: DO I DO THAT IN THE BACK OR DO I NEED
10 TO DO IT IN FRONT OF THE OTHERS?

11 THE COURT: YOU JUST NEED TO INSTRUCT HIM ON WHY
12 HE'S HERE AND WHY HE'S GOING TO BE ASKED QUESTIONS.

13 MR. DEYSACH: YES SIR.

14 (WHEREUPON MR. DEYSACH WAS GIVEN A RECESS TO CONFER WITH
15 DONALD WARD)

16 (WHEREUPON DONALD WARD WAS BROUGHT BEFORE THE COURT, WITH
17 HIS ATTORNEY, MR. DEYSACH)

18 THE COURT: MR. WARD, THE REASON WE'VE BROUGHT YOU
19 IN HERE, YOU'RE THE ONLY PERSON WE HAVEN'T HEARD FROM IN
20 THIS WHOLE PROCESS. I UNDERSTAND THERE IS SOME
21 TREPIDATION ON YOUR PART ABOUT TESTIFYING.

22 MR. DEYSACH: YOUR HONOR, I'M NOT SURE HE
23 UNDERSTANDS TREPIDATION.

24 THE COURT: ALL RIGHT. YOU HAVE SOME FEAR ABOUT
25 TESTIFYING?

1 MR. WARD: YES SIR.

2 THE COURT: EVERYBODY ELSE HAS EXPLAINED TO ME WHAT
3 YOUR FEAR IS, BUT I WOULD LIKE FOR YOU TO TELL ME WHAT
4 YOUR FEAR IS, WITHOUT GETTING INTO THE FACTS ABOUT YOUR
5 CASE OR ANYTHING LIKE THAT.

6 MR. WARD: I FEEL IF I WOULD TESTIFYING IN THIS CASE
7 THE SOLICITOR MIGHT HOLD SOME GRUDGE AGAINST ME OR
8 SOMETHING.

9 THE COURT: WHAT IS YOUR FEAR THAT THEY WOULD DO?
10 AS I UNDERSTAND, YOU HAVE REQUESTED A TRIAL. WHAT
11 EXACTLY DO YOU FEAR WOULD HAPPEN? WHEN YOU SAY HOLD A
12 GRUDGE AGAINST YOU, WHAT DO YOU MEAN EXACTLY?

13 MR. WARD: LIKE, SHE MIGHT, LIKE,... I DON'T KNOW HOW
14 TO SAY IT.

15 THE COURT: YOU HAVE SOME PENDING CHARGES AGAINST
16 YOU, TWO COUNTS OF ARMED ROBBERY AND ONE ATTEMPTED ARMED
17 ROBBERY. IS THAT RIGHT?

18 MR. WARD: YES SIR.

19 THE COURT: I'VE BEEN ASKED BY THE STATE THAT THEY
20 WOULD BE ALLOWED TO ASK YOU A QUESTION ABOUT YOUR PENDING
21 CHARGES, BUT THAT'S ALL THEY WOULD BE ALLOWED TO ASK YOU
22 ABOUT THAT. DO YOU HAVE SOME FEAR ABOUT THAT QUESTION?
23 OR IS IT JUST YOUR FEAR ABOUT TESTIFYING IN GENERAL THAT
24 YOU THE STATE WOULD HAVE SOMETHING AGAINST YOU?

25 (NO RESPONSE)

1 FOR EXAMPLE, IF I LET THEM ASK YOU DO YOU HAVE THESE
2 PENDING CHARGES, IS THAT WHAT'S CAUSING YOU SOME FEAR?
3 OR IS THE FACT THAT YOU WOULD JUST MERELY BE UP ON THAT
4 WITNESS STAND AND BE CROSS EXAMINED THAT YOU FEAR?

5 MR. WARD: IT WOULD BE THAT.

6 THE COURT: THE SECOND ONE?

7 MR. WARD: YEAH, THE FIRST.

8 THE COURT: SO, THE FACT THAT YOU'RE JUST ON THE
9 WITNESS STAND IS WHAT YOU ARE AFRAID OF?

10 MR. WARD: I TOLD HER, I FEEL LIKE IF I TESTIFY, I
11 KNOW I'M GONNA GET HURT OR SOMETHING.

12 THE COURT: YOU'RE SEVENTEEN?

13 MR. DEYSACH: HE'S SEVENTEEN.

14 THE COURT: MY QUESTION BOILS DOWN TO, IS THERE
15 ANYTHING IN PARTICULAR THAT YOU ARE AFRAID OF MS.
16 CAMPBELL ASKING YOU OR GETTING TO ASK YOU ON THE WITNESS
17 STAND? OR IS IT THE FACT THAT YOU WOULD BE ON THE
18 WITNESS STAND, AND YOU BELIEVE THAT YOUR TESTIMONY WOULD
19 HELP MS. KRANCHIK THAT THERE WOULD BE SOME RETALIATION?

20 MR. WARD: I'M NOT AFRAID OF HER ASKING ME ABOUT IT.
21 IT'S JUST THAT....

22 THE COURT: IS THERE SOMETHING IN PARTICULAR THAT
23 YOU BELIEVE SHE WOULD BE ABLE TO DO TO YOU?

24 MR. WARD: NO SIR.

1 THE COURT: WHAT ARE YOU AFRAID OF MS. CAMPBELL
2 DOING TO YOU IF YOU TESTIFY?

3 MR. WARD: MS. CAMPBELL WILL BE TRYING ME?

4 THE COURT: I UNDERSTAND THAT AS OF THIS MORNING,
5 SHE WOULD BE THE ONE TRYING THE CASE.

6 MR. WARD: AND IT'S HER JOB TO SEE TO IT THAT I GET
7 TRIED. RIGHT?

8 THE COURT: TO SEE TO IT THAT YOU GET PROSECUTED.
9 IT'S HER JOB TO PRESENT THE STATE'S CASE AND PRESENT
10 EVIDENCE AND TESTIMONY TO GET YOU CONVICTED. THE
11 SENTENCE WILL BE IMPOSED ON YOU BY THE COURT.

12 MR. WARD: WELL, THAT'S WHAT I'M AFRAID OF.

13 THE COURT: WELL, YOU UNDERSTAND, THE STATE HAS
14 NOTHING TO DO WITH THE SENTENCING. THEY CAN IN SOME
15 INSTANCES AND MAKE DEALS WITH YOU, AND RECOMMEND AND
16 NEGOTIATE BETWEEN YOU AND YOUR LAWYER. BUT ULTIMATELY,
17 THE SENTENCING IS A DECISION THE JUDGE MAKES. THE
18 SOLICITOR AND YOUR LAWYER CAN PRESENT WHATEVER
19 RECOMMENDATION OR NEGOTIATIONS YOU HAVE REACHED, BUT THE
20 JUDGE IS NOT BOUND BY THAT. SO, SHE'S GOT NOTHING TO DO
21 WITH YOUR SENTENCING.

22 MR. DEYSACH: YOUR HONOR, I HATE TO INTERRUPT YOU.
23 IN HIS CASE, HE HAS A MANDATORY MINIMUM. AND I HAVE
24 EXPLAINED TO HIM THAT IT IS WITHIN THE SOLICITOR'S
25 DISCRETION THAT WOULD TAKE A PLEA TO THAT CHARGE AND

1 REDUCE IT. AND IN FACT, ON OF THE CONFLICTS THAT WE'RE
2 HAVING IN OUR OWN RELATIONSHIP IS THIS DISAGREEMENT OVER
3 WHAT THE POSSIBLE RANGE OF SENTENCING IS FOR AN ARMED
4 ROBBERY, THAT HE DOESN'T NECESSARILY BELIEVE ME WHEN I
5 TELL HIM THERE'S A MINIMUM OF TEN. SO, I JUST WANTED TO
6 ADD THAT.

7 THE COURT: AS I UNDERSTAND IT, AT THIS POINT,
8 THERE'S NEVER BEEN A PLEA OFFER.

9 MR. DEYSACH: CORRECT.

10 THE COURT: AND NOT ONLY HAS THERE NEVER BEEN A PLEA
11 OFFER, BUT HE HAD THE EARLIER OPPORTUNITY TO ENTER A PLEA
12 AND DECIDED NOT TO. IS THAT CORRECT?

13 MR. DEYSACH: YES SIR.

14 THE COURT: AND AT THIS POINT HE IS PROCEEDING TO A
15 TRIAL?

16 MR. DEYSACH: HE IS PROCEEDING TOWARD A TRIAL. HE'S
17 BEEN AVERSE TO BOTH A PLEA AND A TRIAL. NEITHER ONE OF
18 THEM SOUND LIKE GOOD OPTIONS TO HIM.

19 THE COURT: AND IS THERE A MENTION OF A THIRD
20 OPTION?

21 MR. DEYSACH: THAT'S WHAT HE IS HOPING FOR.

22 THE COURT: YOUR FEAR, YOUNG MAN, IS THAT IF YOU GET
23 CONVICTED, YOU JUST DON'T WANT TO DO TIME. IS THAT IT?

24 MR. WARD: NO, NOT THAT I DON'T WANT TO DO TIME,
25 IT'S JUST THE TIME SPAN.

1 THE COURT: YOU UNDERSTAND THAT THAT'S GOING TO
2 ULTIMATELY BE AN ISSUE FOR A TRIAL JUDGE TO DECIDE THAT?

3 MR. WARD: YES SIR.

4 THE COURT: AND YOU'RE HOLDING OUT A HOPE THAT THEIR
5 STILL GOING TO REDUCE THE CHARGES? IS THAT WHAT YOU'RE
6 FEARFUL OF?

7 MR. WARD: YES SIR.

8 THE COURT: THAT THEY MAY NOT REDUCE THE CHARGES?

9 MR. WARD: YES SIR.

10 THE COURT: YOU UNDERSTAND THAT THERE IS A TRACKING
11 SYSTEM, THAT THE REASON YOU HAVE FIRST AND SECOND
12 APPEARANCES IS TO FIND OUT WHETHER OR NOT YOU'RE GONNA
13 PLEA TO THE CHARGES OR GO TO TRIAL ON THE CHARGES. ONCE
14 YOU STATE YOU WANT A TRIAL, THEN ANY OFFERS FROM THE
15 STATE, PLEA OFFERS, GO OFF THE TABLE AND YOU HAVE TO
16 STAND TRIAL. DO YOU UNDERSTAND THAT?

17 MR. WARD: YES SIR.

18 THE COURT: SO, EVEN IF YOU WERE TO BE CONVICTED ON
19 THOSE CHARGES, SENTENCING IS A MATTER FOR THE COURT. DO
20 YOU UNDERSTAND?

21 MR. WARD: YES SIR.

22 THE COURT: DOES THAT ALLEVIATE ANY OF YOUR
23 CONCERNS?

24 MR. WARD: YES SIR.

1 THE COURT: YOUR ATTORNEY JUST PUT ON THE RECORD
2 SOME ISSUE ABOUT A MISUNDERSTANDING ABOUT SENTENCING
3 RANGE FOR ARMED ROBBERIES. I DON'T WANT YOU TO TELL ME
4 WHAT Y'ALL TALKED ABOUT, BUT YOU UNDERSTANDING THERE IS A
5 RANGE OF SENTENCING ON SOME CHARGES, INCLUDING ARMED
6 ROBBERY?

7 MR. WARD: YES SIR.

8 THE COURT: SO, YOU UNDERSTAND HE'S NOT LYING TO YOU
9 OR MISLEADING YOU ABOUT THE SENTENCES ON ARMED ROBBERY?

10 MR. WARD: I AGREE WITH THAT, THAT I COULD GET A
11 YOUTH SENTENCE ON THE ARMED ROBBERY.

12 THE COURT: I DON'T WANT TO GET TOO MUCH INTO THE
13 CONVERSATION THAT YOU'VE HAD WITH YOUR ATTORNEY. Y'ALL
14 CAN DISCUSS THAT, I'M SURE, ABOUT THAT ISSUE.

15 I DON'T KNOW HOW TO ALLEVIATE YOUR CONCERNS ABOUT
16 WHAT HE'S TELLING YOU. WOULD YOU BELIEVE IT IF HE SHOWED
17 IT TO YOU?

18 MR. WARD: YES SIR.

19 THE COURT: I'LL LET Y'ALL WORK THAT OUT LATER. BUT
20 YOU UNDERSTANDING THE SENTENCING IS THE COURT'S FUNCTION
21 AND NOT THE PROSECUTOR'S FUNCTION?

22 MR. WARD: I UNDERSTAND THAT.

23 THE COURT: ARE YOU STILL FEARFUL OF RETALIATION IF
24 YOU TESTIFY?

25 MR. WARD: YES SIR.

1 THE COURT: IS THERE ANYTHING I CAN DO TO ALLEVIATE
2 THAT FEAR?

3 MR. WARD: HE SAID I HAVE TO LEAVE IT UP TO THE
4 COURT.

5 THE COURT: I'M TALKING ABOUT IN ORDER TO GO FORWARD
6 WITH THIS TRIAL, IF THE DEFENSE DECIDES TO CALL YOU, IS
7 THERE ANYTHING I CAN DO TO ALLEVIATE THAT FEAR THAT YOU
8 HAVE OF RETALIATION? IS THERE ANYTHING I CAN DO RIGHT
9 NOW?

10 MR. DEYSACH: YOUR HONOR, IF I MIGHT. I THINK THAT--
11 AND FROM WHAT I'VE HEARD, AND MAYBE WE CAN ASK MR. WARD
12 THIS, IF MS. CAMPBELL WERE NOT TO BE IN CHARGE OF THE
13 PROSECUTION OF HIS PENDING CHARGES, YOU MIGHT ASK HIM
14 WHETHER OR NOT THAT WOULD DO ANYTHING TO ALLEVIATE HIS
15 FEAR.

16 THE COURT: ARE YOU JUST AFRAID OF MS. CAMPBELL?

17 MR. WARD: INCLUDING THAT LADY RIGHT BEHIND HER,
18 INCLUDING THAT ONE.

19 THE COURT: SHE'S WHO YOU'RE AFRAID OF?

20 MR. WARD: YES SIR.

21 THE COURT: IF SOME OTHER ATTORNEY FROM THE
22 SOLICITOR'S OFFICE WERE IN CHARGE OF TRYING YOUR CASE,
23 WOULD THAT ALLEVIATE YOUR CONCERNS?

24 MR. WARD: YES SIR.

1 THE COURT: AS I UNDERSTOOD FROM MS. CAMPBELL, SHE
2 SAID SHE WOULD HAND THIS CASE OVER TO ANOTHER ATTORNEY.
3 MS. WEISS IS HERE. MS. WEISS, ARE YOU PREPARED TO TAKE
4 OVER THIS CASE?

5 MS. WEISS: YOUR HONOR, I'VE HAD THIS CASE FOR
6 APPROXIMATELY THREE WEEKS. I HAD IT PRIOR TO THE JUNE
7 13, PLEA, WHICH WAS THE PLEA DATE SET FOR THE SECOND
8 APPEARANCE. AS SOON AS MS. CAMPBELL REALIZED THIS WAS
9 THE PERSON TO BE CALLED, SHE HANDED THIS CASE OVER TO ME,
10 SEVERAL WEEKS AGO.

11 I THINK THE CONFUSION WAS MR. DEYSACH INDICATED
12 THERE WAS NO OFFER BECAUSE MS. CAMPBELL HADN'T MADE AN
13 OFFER. AND I SAID THAT THIS HAD COME FROM A HIGHER PLACE
14 IN MY OFFICE. MS. CAMPBELL IS HIGHER UP IN MY OFFICE
15 THAN I AM. AND I WAS NOT GOING TO MAKE AN OFFER ON A
16 CASE THAT SHE FELT, UNRELATED TO THIS CASE, FELT IT WAS
17 INAPPROPRIATE TO MAKE AN OFFER, THAT I WOULD NOT MAKE AN
18 OFFER.

19 HOWEVER, THIS IS NOW MY CASE. I'VE BEEN BACK IN
20 CHAMBERS WITH MR. DEYSACH, TALKING TO THE JUDGE ABOUT
21 THIS CASE, ABOUT THE PLEA IN THIS CASE. AND THE JUDGE
22 MADE IT VERY CLEAR AT THAT TIME WHAT HE WAS GONNA
23 SENTENCE MR. WARD TO. AND WE WERE READY TO GO FORWARD AT
24 THAT POINT. MR. WARD REFUSED TO GO FORWARD AND I'VE HAD

1 THE FILE EVER SINCE. I'VE HAD THE FILE SINCE THE MIDDLE
2 OF JUNE AS MY CASE.

3 THE COURT: ANY PROBLEM WITH MS. WEISS HANDLING THE
4 CASE?

5 MR. WARD: NO SIR.

6 THE COURT: YOU'RE NOT SCARED OF HER?

7 MR. WARD: NO SIR.

8 THE COURT: WE'VE HAD SOME OTHER DISCUSSIONS ABOUT
9 THE CHARGES. YOUR ATTORNEY WILL BE HERE, SHOULD THAT BE
10 A PROPER ISSUE TO BE RAISED. HE WILL RAISE THAT WITH YOU
11 AND YOU CAN SAY I NEED TO TALK TO MY ATTORNEY ABOUT THAT.
12 AS I UNDERSTAND, THERE ARE NO CHARGES, POTENTIAL CHARGES
13 AGAINST YOU AS A RESULT OF THIS PARTICULAR INCIDENT
14 INVOLVING THE CHARGES AGAINST MS. KRANCHIK.

15 I WILL TELL YOU AT THIS POINT THAT I DON'T THINK
16 THEY WILL BE QUESTIONING YOU ABOUT THAT SORT OF THING
17 HERE ON THE WITNESS STAND TODAY. THE FACT THAT MS. WEISS
18 IS NOW HANDLING THE CASE MAY ALLEVIATE YOUR FEAR ANYWAY.

19 WE'LL BRING YOU BACK OUT WHEN IT'S TIME TO HEAR YOUR
20 TESTIMONY. MS. CAMPBELL WILL NOT HANDLE YOUR CASE.

21 MR. WARD: THAT'S FINE.

22 THE COURT: DO YOU FEEL A LITTLE BIT BETTER?

23 MR. WARD: YES SIR.

24 THE COURT: THANK YOU, SIR.

25 MR. WARD: THANK YOU.

1 THE COURT: ANYTHING ELSE FROM THE DEFENSE?

2 MS. AHRENS: NO SIR, THANK YOU.

3 THE COURT: AS I UNDERSTAND, MR. WARD WILL BE YOUR
4 SECOND WITNESS, AND MR. TRAPP IS YOUR FIRST?

5 MS. AHRENS: THAT'S CORRECT. THE READING OF MR.
6 TRAPP'S TESTIMONY.

7 THE COURT: OKAY. THANK YOU, MR. DEYSACH. PLEASE
8 BRING IN THE JURY.

9 (WHEREUPON THE JURY ENTERED THE COURTROOM AT 2:30 P.M.)

10 THE COURT: GOOD AFTERNOON, LADIES AND GENTLEMEN.
11 WE APPRECIATE YOUR PATIENCE WAITING BACK THERE. WE HAD
12 TO TAKE UP SOME MATTERS THAT CAME UP OUTSIDE OF YOUR
13 PRESENCE. AT THIS POINT WE'RE READY TO CONTINUE. BEFORE
14 WE BROKE FOR LUNCH, THE STATE HAD RESTED. NOW WE ARE
15 READY TO HEAR THE DEFENSE'S SIDE OF THE CASE. IS THE
16 DEFENSE READY?

17 MS. AHRENS: YES SIR. AT THIS TIME, THE STATE
18 PRESENTS MR. PASANTE TRAPP. AS WE DISCUSSED EARLIER, HE
19 IS UNAVAILABLE AND A MEMBER OF OUR STAFF WILL BE READING
20 HIS TESTIMONY FROM THE PRIOR HEARING.

21 THE COURT: THANK YOU. LADIES AND GENTLEMEN, THIS
22 IS THE LAST TESTIMONY THAT WE WILL HAVE DUE TO THE
23 PHYSICAL UNAVAILABILITY OF THE WITNESS. THIS TESTIMONY
24 WAS TAKEN AT ANOTHER HEARING OUTSIDE OF YOUR PRESENCE,
25 BUT UNDER OATH, WITH ANOTHER COURT REPORT AND ANOTHER

1 JUDGE, AS WELL, SO THAT TESTIMONY COULD BE READ TO YOU AT
2 THIS TRIAL.

3 YOU MAY PROCEED.

4 MS. AHRENS: THANK YOU, YOUR HONOR. AT THIS TIME,
5 MS. JOANNA DELANY, OF OUR OFFICE WILL READ MR. TRAPP'S
6 TESTIMONY.

7 (WHEREUPON THE TESTIMONY OF PASANTE TRAPP, WAS READ INTO THE
8 RECORD BY MS. DELANY)

9 DIRECT EXAMINATION BY MR. STRICKLER:

10 Q PASANTE, IF YOU COULD PLEASE SIT FORWARD. LET ME
11 MOVE THIS MICROPHONE A LITTLE BIT CLOSER TO YOU. MAKE
12 SURE YOU SPEAK IN THERE. AND FOR THE BENEFIT OF THE
13 COURT REPORTER, CAN YOU SPELL YOUR FIRST NAME?

14 A P-A-S-A-N-T-E, HYPHEN

15 Q P-A-S-A-N-T-E, HYPHEN?

16 A YES SIR.

17 Q THANK YOU, PASANTE. PASANTE, HOW OLD ARE YOU NOW?

18 A SEVENTEEN.

19 Q SEVENTEEN. NOW, TURN YOUR CHAIR A LITTLE BIT.

20 OKAY. TURN YOUR CHAIR. I WANT TO MAKE SURE EVERYONE CAN
21 HEAR YOU. OKAY. HAVE YOU EVER TESTIFIED IN COURT
22 BEFORE?

23 A NO SIR.

24 Q OKAY. JUST TRY TO RELAX AND WE'LL TALK A LITTLE

25 BIT. YOU'RE SEVENTEEN NOW. WHAT IS YOUR DATE OF BIRTH?

- 1 A 4/12/86.
- 2 Q 4/12?
- 3 A 4/12/86.
- 4 Q 4/12/86. SO IN JANUARY OF 2001, YOU WOULD HAVE BEEN
- 5 HOW OLD, '86?
- 6 A FIFTEEN.
- 7 Q YOU WERE WORKING YOUR WAY TOWARD SIXTEEN AT THAT
- 8 POINT?
- 9 A YES SIR.
- 10 Q FIFTEEN IN JANUARY OF 2001. OKAY. AND WHERE ARE
- 11 YOU FROM, PASANTE?
- 12 A COLUMBIA.
- 13 Q HAVE YOU LIVED HERE ALL YOUR LIFE?
- 14 A YES SIR.
- 15 Q WHO DO YOU STAY WITH HERE IN TOWN?
- 16 A MY STEPFATHER.
- 17 Q YOUR STEPFATHER. AND HOW FAR HAVE YOU GONE IN
- 18 SCHOOL, PASANTE?
- 19 A SIR?
- 20 Q HOW FAR HAVE YOU GONE IN SCHOOL?
- 21 A WHAT DO YOU MEAN BY THAT?
- 22 Q HOW MANY GRADES HAVE YOU GONE THROUGH?
- 23 A ALL OF THEM.
- 24 Q ALL.
- 25 A TO THE TWELFTH.

- 1 Q TO THE TWELFTH. AND YOU GRADUATED?
- 2 A NO SIR.
- 3 Q NO. ARE YOU IN SCHOOL NOW?
- 4 A YES SIR.
- 5 Q WHERE ARE YOU IN SCHOOL NOW?
- 6 A ROGERSON ADULT EDUCATION ON OLD CLEMSON ROAD.
- 7 Q DID YOU JUST START THERE?
- 8 A YES SIR.
- 9 Q WHEN DID YOU START THERE?
- 10 A ABOUT TWO MONTHS AGO.
- 11 Q SO, YOU'RE GOING TO GET YOUR HIGH SCHOOL DIPLOMA,
- 12 YOUR GED THROUGH THEM?
- 13 A YES SIR.
- 14 Q DO YOU KNOW HOW MUCH MORE YOU'VE GOT TO GO TO GET
- 15 YOUR HIGH SCHOOL DIPLOMA OR YOUR GED?
- 16 A TWO AND A HALF MORE WEEKS.
- 17 Q TWO AND A HALF MORE WEEKS. OKAY. NOW, PASANTE, LET
- 18 ME ASK YOU, BACK IN 2001, DID YOU PLEAD GUILTY TO
- 19 SHOPLIFTING OVER IN FAMILY COURT AS A JUVENILE?
- 20 A I DIDN'T. NO, I PLEADED NOT GUILTY.
- 21 Q OKAY. AND THEN THE JUDGE FOUND YOU GUILTY?
- 22 A NO. HE HAD MORE, LIKE,... I HAD, LIKE, ANOTHER
- 23 CHARGE. FOR THEM TO DROP MY OTHER CHARGE I HAD... FOR
- 24 THEM, LIKE, THEY CHARGED ME WITH SHOPLIFTING SO THEY
- 25 COULD DROP MY OTHER CHARGE, SOMETHING LIKE THAT.

1 Q OKAY. BUT YOU PICKED UP A CHARGE OF SHOPLIFTING
2 OVER THERE IN 2001?

3 A YES SIR.

4 Q AND THEN IN 2002, YOU WERE ADJUDICATED GUILTY IN
5 FAMILY COURT AGAIN AS A JUVENILE FOR ASSAULT AND BATTERY
6 OF A HIGH AND AGGRAVATED NATURE. RIGHT?

7 A YES SIR.

8 Q NOW, DO YOU KNOW SHANNA KRANCHIK?

9 A YES SIR.

10 Q OKAY. HOW LONG HAVE YOU KNOW HER FOR, ROUGHLY?

11 A AT THE TIME I MET HER, ABOUT FOUR MONTHS, MAYBE.

12 Q ABOUT FOUR MONTHS BEFORE THIS TIME?

13 A NO. BY ME KNOWING HER WHEN I FIRST MET HER, I BEEN
14 KNOWING HER ABOUT FOUR OR FIVE MONTHS.

15 Q BEFORE THIS INCIDENT?

16 A YEAH, BEFORE THIS INCIDENT.

17 Q OKAY. AND YOU'VE BEEN OVER TO HER HOUSE BEFORE?

18 A YES SIR.

19 Q WHAT WAS THE NATURE OF YOUR RELATIONSHIP WITH HER?

20 A FRIEND.

21 Q A FRIEND?

22 A YES SIR.

23 Q DID YOU, WERE YOU EVER INTIMATE TOGETHER?

24 A YES SIR.

25 Q DID YOU REGARD HER AS BOYFRIEND-GIRLFRIEND?

1 A NO SIR.

2 Q DO YOU KNOW A FELLOW BY THE NAME OF DONALD ADAMS?

3 A I DON'T REALLY KNOW HIM, BUT... YOU KNOW WHAT I'M

4 SAYING?. I KNOW HIM THROUGH SOMEBODY ELSE. I HANG

5 AROUND HIM BUT I DON'T KNOW HIM LIKE A FRIEND OR

6 ASSOCIATE.

7 Q YOU KNOW WHO HE IS?

8 A YES SIR.

9 Q HAVE YOU HAD CONTACT WITH HIM BEFORE?

10 A MEANING?

11 Q DID YOU EVER TALK WITH HIM BEFORE, JUST IN PASSING?

12 A NOT, LIKE, TALKING, AS IN WHAT'S UP, SOMETHING LIKE

13 THAT.

14 Q NO CONVERSATION OF ANY GREATER CONSEQUENCE OR

15 ANYTHING LIKE THAT?

16 A (SHAKES HIS HEAD)

17 Q AND HOW ABOUT A FELLOW BY THE NAME OF DONALD WARD?

18 DO YOU KNOW HIM?

19 A YES SIR.

20 Q HOW LONG HAVE YOU KNOW DONALD WARD FOR?

21 A JUST ABOUT ALL MY LIFE.

22 Q OKAY. IS HE ANY KIN TO YOU?

23 A YES SIR.

24 Q WHAT KIN IS HE TO YOU?

25 A MY COUSIN.

1 Q HE'S YOUR COUSIN. IS HE OLDER OR YOUNGER THAN YOU
2 ARE? DO YOU KNOW?

3 A YOUNGER.

4 Q ABOUT A YEAR YOUNGER THAN YOU?

5 A PROBABLY SO, YES SIR.

6 Q NOW, LET ME ASK YOU THIS: DO YOU REMEMBER THE DAY
7 OF THE ACCIDENT IN THIS CASE?

8 A YES SIR.

9 Q CAN WE TALK ABOUT THAT DAY A LITTLE BIT?

10 A YES SIR.

11 Q ON THAT DAY, DID YOU HAVE OCCASION TO SEE SHANNA
12 KRANCHIK? DID YOU SEE SHANNA THAT DAY?

13 A YES SIR.

14 Q OKAY. DID YOU SEE DONALD ADAMS THAT DAY?

15 A YES SIR.

16 Q DID YOU SEE DONALD WARD THAT DAY?

17 A YES SIR.

18 Q OKAY. IF YOU CAN, TELL US HOW YOU CAME TO SEE
19 SHANNA. HOW DID IT COME ABOUT?

20 A WELL, I WAS IN THE HOUSE AND WE HAD HOOKED UP. WE
21 DIDN'T HAVE ANYTHING TO DO THAT DAY.

22 Q WHO IS WE? I'M SORRY.

23 A MY LITTLE COUSIN, DONALD WARD, I TOLD HIM, YOU KNOW
24 WHAT I'M SAYING, MY NEIGHBORHOOD WAS BORING. I PROBABLY

1 WOULD GO DOWN THE STREET AND HANG WITH MY HOME GIRL FOR
2 THE DAY OR TRY TO DO SOMETHING.

3 Q WHO WAS THAT GONNA BE THAT YOU WERE GONNA HANG WITH?

4 A SHANNA.

5 Q GO AHEAD.

6 A SO, WE JUST WENT DOWN TO HER HOUSE AND STARTED JUST
7 CHILLING.

8 Q THAT'S YOU AND DONALD, WENT DOWN TO HER HOUSE?

9 A YES SIR.

10 Q DO YOU HAVE ANY IDEA WHAT TIME OF DAY THIS WAS?

11 A SOME TIME IN THE MORNING, SOMEWHERE IN THERE.

12 Q I MEAN, YOU WEREN'T LOOKING AT YOUR WATCH OR
13 ANYTHING AT THAT POINT?

14 A NO.

15 Q YOUR BEST GUESS IS ABOUT ELEVEN O'CLOCK?

16 A IN THE MORNING.

17 Q WHEN YOU FIRST GOT THERE DID YOU USE SOME MARIJUANA
18 IN HER HOUSE?

19 A NO SIR.

20 Q OKAY. DID SHANNA USE ANY MARIJUANA IN HER HOUSE?

21 A NO SIR.

22 Q DID YOUR LITTLE COUSIN, DONALD WARD, USE ANY
23 MARIJUANA IN HER HOUSE?

24 A NO SIR.

25 Q HAVE YOU IN THE PAST SMOKED MARIJUANA WITH SHANNA?

- 1 A YES SIR.
- 2 Q BEFORE THAT DAY YOU SMOKED MARIJUANA?
- 3 A (NODS IN THE AFFIRMATIVE)
- 4 Q OKAY. ON THAT DAY AT HER HOUSE, DID YOU SMOKE ANY
- 5 MARIJUANA?
- 6 A NO SIR.
- 7 Q DID YOU SEE HER SMOKING MARIJUANA?
- 8 A NO SIR.
- 9 Q OKAY. NOW, AT SOME POINT IN TIME, WHILE YOU WERE AT
- 10 THE HOUSE, DID YOU HAVE SOME OCCASION TO COME IN CONTACT
- 11 WITH DONALD ADAMS?
- 12 A NO. I THINK-- NOT ME.
- 13 Q OKAY.
- 14 A BUT I GUESS HE HAD CALLED AND SAID HE WANTED---
- 15 Q YOU CAN'T TALK ABOUT ANY CONVERSATION. DID YOU SEE
- 16 DONALD AT SOME POINT THAT DAY?
- 17 A YES SIR.
- 18 Q OKAY. WHEN DID YOU FIRST SEE HIM?
- 19 A WHEN HE CAME TO SHANNA'S HOUSE.
- 20 Q SO HE CAME TO SHANNA'S HOUSE?
- 21 A UH-HUH.
- 22 Q DO YOU HAVE ANY IDEA WHEN THAT WAS?
- 23 A UH-UH. STILL IN THE MORNING, THOUGH.
- 24 Q OKAY. SOMETIME AFTER YOU GOT THERE?
- 25 A YEAH.
-

1 Q OKAY. AT THE POINT HE CAME TO SHANNA'S HOUSE, YOU
2 WERE THERE?

3 A YES SIR.

4 Q DONALD WARD WAS THERE?

5 A YES SIR.

6 Q SHANNA WAS THERE. RIGHT?

7 A YES SIR.

8 Q NOW, WHAT HAPPENED AFTER YOU GOT TO SHANNA'S HOUSE?

9 A WE WERE JUST DOWN THERE JUST CHILLING.

10 Q WHAT DOES IT MEAN, YOU WERE CHILLING?

11 A WE WERE SITTING AROUND WATCHING TV, YOU KNOW.

12 Q OKAY.

13 A WHEN WE COULD SEE WHAT WE WERE GONNA DO THAT DAY.

14 DONALD HAD COME THROUGH---

15 Q I'M SORRY. YOU REALLY TO SAY DONALD WARD OR

16 DONALD ADAMS.

17 A DONALD ADAMS CAME THROUGH AND ASKED. YOU KNOW WHAT

18 I'M SAYING?. YOU KNOW WHAT I'M SAYING?. HE WANTED TO

19 BUY SOME MARIJUANA.

20 Q HE WANTED TO GET SOME MARIJUANA?

21 A YES SIR.

22 Q THIS IS WHO?

23 A DONALD ADAMS.

24 Q DONALD ADAMS. OKAY.

1 A HE WANTED TO BUY, YOU KNOW WHAT I'M SAYING, SOME
2 MARIJUANA.

3 Q OKAY.

4 A THAT WAS OUR MISSION, JUST TO GO GET THE MARIJUANA
5 THEN.

6 Q DO YOU KNOW HOW DONALD ADAMS GOT TO THE HOUSE? HE
7 WALK OVER, DRIVE OVER WHAT?

8 A HE HAD DROVE OVER.

9 Q DROVE. LET ME SHOW WHAT'S MARKED AS STATE'S FOUR.
10 DO YOU SEE THE CAR IN THIS PICTURE?

11 A (NODS IN THE AFFIRMATIVE)

12 Q DO YOU RECOGNIZE THAT CAR?

13 A YES SIR.

14 Q WHAT CAR IS THAT?

15 A THAT TAURUS.

16 Q YES.

17 A THAT HE WAS DRIVING.

18 Q OKAY. SO, WHEN HE CAME OVER TO SHANNA'S HOUSE, HE
19 WAS DRIVING THIS CAR?

20 A (NODS IN THE AFFIRMATIVE)

21 Q OKAY. ALL RIGHT. SO, I BELIEVE YOU'RE AT THE POINT
22 WHERE DONALD WANTED TO GO GET SOME MARIJUANA. OKAY. AND
23 SO WHAT DID YOU ALL DO?

24 A WE HAD WENT TO GET SOME MARIJUANA. WE WERE GOING TO
25 GET SOME MARIJUANA.

1 Q OKAY. AND TELL US WHAT HAPPENED?

2 A AND DO I TELL YOU EVERYTHING?

3 Q SURE.

4 A WELL, WE WENT TO SOME APARTMENT COMPLEX AND GOT SOME
5 MARIJUANA.

6 Q OKAY. LET ME STOP YOU. WHEN YOU WENT TO THE
7 APARTMENT COMPLEX WHO WAS DRIVING?

8 A I CAN'T EVEN REMEMBER. I CAN'T RECALL.

9 Q YOU CAN'T RECALL?

10 A HUH-UH.

11 Q WAS IT YOU?

12 A HUH-UH, NO. I KNOW I WASN'T DRIVING. I KNOW THAT.

13 Q OKAY. WAS IT YOUR LITTLE COUSIN, DONALD WARD?

14 A UH-UH.

15 Q YOU CAN'T REMEMBER IF IT WAS SHANNA DRIVING AT THAT
16 POINT OR DONALD ADAMS WAS DRIVING AT THAT POINT?

17 A UH-UH.

18 THE COURT: I NEED YOU TO SAY YES OR NO. THE COURT
19 REPORTER CAN'T TAKE THAT DOWN.

20 A NO SIR. I CAN'T RECALL.

21 Q OKAY. THAT'S FINE IF YOU CAN'T RECALL. WHEN YOU
22 GOT TO THE APARTMENT COMPLEX, WHO WENT INTO THE APARTMENT
23 COMPLEX TO GET THE MARIJUANA?

24 A I BELIEVE BOTH, I GUESS.

25 Q DO YOU REMEMBER GIVING A STATEMENT TO OFFICER---

1 MS. CAMPBELL: OBJECTION, YOUR HONOR. HE HAS TO
2 RELY ON WHAT HE SAID. HE CAN'T RELY ON SOMETHING ELSE
3 BEFORE HE CAN IMPEACH HIS OWN WITNESS. HE SAID BOTH.

4 THE COURT: I'M NOT SURE WHAT YOU'RE GETTING READY
5 TO DO, MR. STRICKLER.

6 MR. STRICKLER: CERTAINLY NOT IMPEACH MY OWN
7 WITNESS.

8 THE COURT: WHY DON'T YOU APPROACH.

9 (WHEREUPON A BENCH CONFERENCE TOOK PLACE)

10 THE COURT: THANK YOU. YOUR OBJECTION IS SUSTAINED.

11 Q PASANTE, THIS WAS HOW LONG AGO, JANUARY, OF 2002,
12 THAT THIS THING HAPPENED?

13 A YES SIR.

14 Q OKAY. NOW, MOVING ON TOWARD, WHAT, OVER A YEAR AND
15 A HALF AGO?

16 A YES SIR.

17 Q DO YOU HAVE AN INDEPENDENT RECOLLECTION OF WHETHER
18 BOTH SHANNA AND DONALD WENT INTO THE APARTMENT, OR
19 WHETHER IT WAS JUST ONE OR THE OTHER? DO YOU REMEMBER?

20 A BOTH OF THEM GOT OUT OF THE CAR, BUT I COULDN'T SEE
21 BECAUSE, LIKE, THE APARTMENT COMPLEX, IT'S LIKE YOU COULD
22 DOWN THE SIDE OF THE BUILDING. I DIDN'T KNOW WHO WENT
23 AROUND OR WENT INSIDE AND KNOCKED ON THE DOOR. I DON'T
24 KNOW. YOU KNOW WHAT I'M SAYING?. I WASN'T PAYING
25 ATTENTION.

1 Q OKAY. LET ME ASK YOU THIS: AFTER YOU GET BACK IN
2 THE CAR, OKAY, DID YOU HAVE OCCASION TO STOP AT A STORE
3 SOMEWHERE? WAS THAT BEFORE OR AFTER THE MARIJUANA WAS
4 PURCHASED?

5 A THAT WOULD HAVE BEEN AFTER THE MARIJUANA WAS
6 PURCHASED.

7 Q OKAY. WERE YOU PRESENT WHEN ANY MARIJUANA WAS
8 PURCHASED?

9 A I WAS IN THE CAR.

10 Q YOU WERE IN THE CAR?

11 A I WAS AWARE MARIJUANA WAS BEING PURCHASED, BUT I
12 WASN'T THERE.

13 Q OKAY. DID YOU SEE WHO PURCHASED ANY MARIJUANA?

14 A (WITNESS SHAKES HEAD IN NEGATIVE)

15 Q OKAY. DID YOU SEE ANY MARIJUANA IN THE CAR?

16 A NO SIR.

17 Q AFTER THEY GOT BACK IN THE CAR YOU DIDN'T SEE ANY
18 MARIJUANA?

19 A NO SIR.

20 Q OKAY. AFTER THAT STOP DID YOU HAVE OCCASION TO GO
21 THE STORE, OR DID YOU GO TO THE STORE AFTER THAT TIME?

22 A WE WENT TO THE STORE AFTER.

23 Q AFTER, YOU THINK?

24 A YEAH. AFTER WE CAME FROM THE MARIJUANA PLACE.

25 Q OKAY. AND DO YOU REMEMBER WHAT STORE IT WAS?

1 A WAL-MART OFF FOREST DRIVE.

2 Q OKAY. AND WHO WENT IN THE STORE THEN?

3 A EVERYBODY.

4 Q EVERYBODY, TO THE BEST OF YOUR MEMORY. AFTER YOU
5 GOT OUT OF THE STORE-- DO YOU REMEMBER WHO DROVE TO THE
6 STORE?

7 A UH-UH.

8 Q NO. ONCE AGAIN.

9 A NO SIR.

10 Q YES SIR OR NO SIR. YOU DON'T REMEMBER WHO DROVE THE
11 CAR TO THE STORE?

12 A NO SIR.

13 Q COULD HAVE BEEN DONALD, COULD HAVE BEEN HAVE SHANNA,
14 AS FAR AS YOU REMEMBER NOW?

15 A YES SIR.

16 Q IS THAT CORRECT? IT DEFINITELY WASN'T YOU OR DONALD
17 WARD. RIGHT?

18 A NO SIR.

19 Q NOW, AFTER YOU HAD GONE TO THE STORE, WHAT HAPPENED
20 THEN?

21 A WE GO TO-- WE WERE ABOUT TO GO TO SOME OTHER PLACE
22 SOMEWHERE, OR SOMETHING LIKE THAT. SO, THE OTHER GUY--
23 I DON'T KNOW WHERE WE WERE GOING. I KNOW WE GOT OUT ON
24 THE HIGHWAY, GOING TOWARDS, BACK HOME.

25 Q OKAY. NOW, GOING BACK HOME WITH YOU WHERE?

1 A CANDLEWOOD.

2 Q WHERE IS THAT LOCATED?

3 A AT THE END OF ABOUT, TWO NOTCH ROAD-- TWO NOTCH
4 ROAD-- LET ME THINK..

5 Q HOW FAR OUT TWO NOTCH?

6 A ABOUT THIRTY MINUTES.

7 Q A WAYS OUT?

8 A SIR?

9 Q IT'S A WAYS OUT TWO NOTCH, THEN?

10 A SIR? NO, IT'S NOT THAT FAR. IT'S ABOUT THIRTY
11 MINUTES FROM THE STORE WHERE WE WAS AT.

12 Q OKAY. ABOUT THIRTY MINUTES FROM THE STORE, YOU
13 SAID. OKAY. WHEN YOU LEFT THE STORE, WHO WAS DRIVING
14 THE CAR?

15 A SHANNA.

16 Q OKAY. HOW DID THAT COME ABOUT?

17 A DON WAS TALKING ABOUT SOMETHING ABOUT SOMETHING.
18 TALKING ABOUT WHETHER OR NOT HE HAD TO DRIVE BECAUSE HE
19 WAS INCARCERATED OR SOME JUNK HE WAS SAYING.

20 Q DONALD SAID SOMETHING ABOUT HE DIDN'T WANT TO DRIVE?

21 A YEAH, SOMETHING LIKE. SHANNA WAS, LIKE, SAYING, YOU
22 KNOW WHAT I'M SAYING, LET ME DRIVE, NO, I'LL DRIVE THE
23 CAR. YOU KNOW WHAT I'M SAYING?.

24 Q OKAY.

1 A HE WAS, LIKE, WELL, YOU GO AHEAD. YOU KNOW WHAT I'M
2 SAYING?. LIKE THAT.

3 Q SO YOU LEFT THE STORE?

4 A YES SIR.

5 Q TELL US WHAT HAPPENED.

6 A TO GET BACK ON THE HIGHWAY. YOU KNOW WHAT I'M

7 SAYING?. WE'RE DRIVING AND STUFF LIKE THAT. WE'D

8 DRIVING DRIVE A LITTLE BIT AND LISTEN TO MUSIC AND STUFF.

9 Q WHERE WERE YOU?

10 A IN THE BACK SEAT.

11 Q ON THE PASSENGER'S SIDE OR THE DRIVER'S SIDE?

12 A BEHIND DONALD ADAMS.

13 Q AND WHERE WAS DONALD ADAMS?

14 A IN THE FRONT, RIGHT SEAT.

15 Q THE PASSENGER'S SEAT?

16 A YES SIR.

17 Q SO, YOU WERE BEHIND DONALD ADAMS IN THE CAR?

18 A YES SIR.

19 Q AND WAS DONALD WARD IN THE CAR AT THAT POINT IN THE
20 TIME?

21 A YES SIR.

22 Q AND WHERE WAS HE?

23 A RIGHT SITTING BESIDE ME.

24 Q SO, HE WOULD BE BEHIND SHANNA, WHO WAS DRIVING. IS
25 THAT RIGHT?

1 A YES SIR.

2 Q OKAY. ALL RIGHT. SO, YOU DRIVE FOR A WHILE.

3 YOU'RE SITTING IN THE BACK SEAT. ANY DRUGS BEING USED AT

4 THAT POINT IN TIME?

5 A NO SIR.

6 Q OKAY. NO MARIJUANA BEING SMOKED?

7 A NO SIR.

8 Q IN FACT, IF I UNDERSTAND YOUR TESTIMONY, YOU HAVEN'T

9 EVEN SEEN ANY MARIJUANA; YOU JUST KNEW THEY WERE GOING TO

10 GET SOME?

11 A KNEW THEY HAD IT, LIKE THAT.

12 Q OKAY. ALL RIGHT. AT SOME POINT IN TIME DID YOU GET

13 TO INTERSTATE 20?

14 A YES SIR.

15 Q DO YOU REMEMBER WHAT HAPPENED AS FAR AS THE ACCIDENT

16 GOES?

17 A WE WERE DRIVING. YOU KNOW WHAT I'M SAYING?.

18 THERE'S A TRUCK RIGHT BEHIND US. YOU KNOW WHAT I'M

19 SAYING?.. TRYING TO GET OVER. YOU KNOW WHAT I'M SAYING?..

20 Q TRYING TO GET OVER, LIKE IN FRONT OF YOU?

21 A YES. TRYING TO GET IN FRONT OF US.

22 Q WHAT LANE WERE YOU IN?

23 A IN THE LEFT LANE.

24 Q THE ONE THAT'S CLOSEST TO THE MEDIAN?

25 A YEAH. THE ONE IN THE MIDDLE OF THE STREET.

1 Q SO, YOU'RE IN THE LEFT LANE. DID THE TRUCK TRY TO
2 GET OVER IN FRONT OF YOU?

3 A YES SIR.

4 Q AND WHAT HAPPENED NEXT?

5 A SHA, YOU KNOW WHAT I'M SAYING, STARTED SLOWING DOWN,
6 LIKE.

7 Q WHEN YOU SAY SHA, WHO'S THAT?

8 A SHANNA.

9 Q SHANNA. OKAY.

10 A STARTED SLOWING DOWN TOWARDS THE LEFT. STARTED
11 SLOWING DOWN AND STUFF. THEN THE DUDE, DONALD ADAMS,
12 SNATCHED THE STEERING WHEEL. THAT'S WHEN WE STARTED
13 FLIPPING, STUFF LIKE THAT.

14 Q OKAY. LET ME GO THROUGH THIS AGAIN. THE TRUCK IS
15 COMING OVER-- THE TRUCK IS COMING AND STARTS TO COME IN
16 FRONT OF YOU. IS THAT CORRECT?

17 A YES SIR.

18 Q AND YOU'RE IN THE LEFT-HAND LANE. IS THAT CORRECT?

19 A YES SIR.

20 Q AND YOU SAY SHA, OR SHANNA, STARTS SLOWING DOWN?

21 A YES SIR.

22 Q WAS SHE SKIDDING OR SLOWING DOWN?

23 A IT WAS, LIKE, BEARING TO THE LEFT LIKE THAT. IT
24 WASN'T NO...

1 Q OKAY. SO, SHE'S SLOWING DOWN AND EASING OVER TO THE
2 LEFT?

3 A YEAH.

4 Q SO, THE TRUCK CAN GET IN FRONT OF HER?

5 A (NODS IN THE AFFIRMATIVE)

6 Q OKAY. AND THEN WHAT HAPPENED?

7 A DONALD ADAMS SNATCHED THE STEERING WHEEL AND WE HIT
8 THE BACK OF THAT PERSON'S TRUCK. WE JUST STARTED, GOT
9 INTO THE CRASH.

10 Q OKAY. NOW, THE TRUCK YOU HIT WAS NOT THE TRUCK THAT
11 WAS PULLING IN FRONT OF YOU. YOU WENT ACROSS THE ROAD
12 AND HIT A TRUCK. RIGHT? CAN YOU REMEMBER?

13 A I CAN'T REMEMBER. I JUST KNOW THAT WE HIT A TRUCK
14 THAT WAS BESIDE US.

15 Q OKAY. ONCE THAT WHEEL GOT JERKED, EVERYTHING
16 HAPPENED PRETTY FAST, I TAKE IT?

17 A GOT INTO A WRECK.

18 Q YEAH. IT HAPPENED VERY FAST. RIGHT? WHERE WAS THE
19 TRUCK THAT SHANNA WAS SLOWING AND EASING OVER TO THE
20 LEFT?

21 A THE TRUCK WAS OVER HERE.

22 Q IN THE LANE RIGHT NEXT TO YOU?

23 A I BELIEVE SO.

24 Q AND COMING TO THE LANE THAT YOU WERE ALL IN?

25 A I BELIEVE SO.

1 Q SO, THAT'S WHAT YOU WERE EASING OVER FROM?

2 A YEAH. LIKE, TO THE LEFT, YES SIR.

3 Q AND YOUR TESTIMONY IS THAT DONALD ADAMS---

4 A YEAH. HE HAD DONE, LIKE, REACHED OVER, JERKED THE
5 STEERING WHEEL. THEN WE WENT OVER THERE AND IT HIT THE
6 TRUCK. THEN WE SPUN BACK AROUND AND GOT INTO THE WRECK
7 AND STUFF LIKE THAT.

8 Q OKAY. SO, DO YOU KNOW WHERE THE TRUCK WAS THAT YOU
9 ENDED UP HITTING, WHAT LANE IT WAS IN?

10 A NO SIR.

11 Q YOU JUST DON'T REMEMBER THAT?

12 A I PROBABLY COULD REMEMBER, BUT NOT, NO SIR.

13 Q IS THERE ANY QUESTION IN YOUR MIND WHAT HAPPENED AS
14 FAR AS THE CAR GOING OUT OF CONTROL AND GOING ACROSS THE
15 ROAD?

16 A SIR?

17 Q ANY QUESTION IN YOUR MIND WHAT HAPPENED TO CAUSE
18 THAT CAR TO GO OUT OF CONTROL AND TO CAUSE THAT CAR TO GO
19 ACROSS THE ROAD?

20 A SAY THAT AGAIN, ONE MORE TIME, SIR.

21 Q OKAY. WHAT HAPPENED TO MAKE THE TAURUS, THE CAR YOU
22 WERE IN, TO GO OUT OF CONTROL AND RUN INTO THE OTHER CAR,
23 THE TRUCK?

24 A DONALD.

25 Q DONALD?