VOLUME III OF IV

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Alison Renee Lee, Circuit Court Judge
R. Markley Dennis, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHANNEN F. RICKS,

APPELLANT

APPELLATE CASE NO 2016-002158

RECORD ON APPEAL

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PAGES 1001-1500

INDEX

INDEX i

PROTECTION OF PERSONS AND PROPERTY ACT HEARING TRANSCRIPT DATED AUGUST 1-3, 2016 1

TESTIMONY

DEREK RHINEHART 11

XAVIERA RICHARDSON 23

LAQUNDA RICHARDSON 56

ALVILDIA CHAMBERS 65

CHRISTOPHER WATKINS 107

CHANNEN RICKS 148

KIARA PELZER 288

TAMMY DEPACE 349

KERRY JOHNSON 357

PROTECTION OF PERSONS AND PROPERTY ACT HEARING TRANSCRIPT DATED AUGUST 8, 2016 459

TESTIMONY

AMY DURSO 488

PROTECTION OF PERSONS AND PROPERTY ACT HEARING TRANSCRIPT DATED SEPTEMBER 12, 2016 523

TESTIMONY

WHITNEY BERRY 527

KIARA PELZER 537

ARGUMENT BY MS. ZMROCZEK 544

ARGUMENT BY MS. SAMPSON 547

RULING BY THE COURT....566

COURT'S EXHIBIT #1 (STIPULATIONS FOR THE PURPOSE OF THE IMMUNITY HEARING)....574

TRIAL TRANSCRIPT DATED OCTOBER 10-13, 2016....576

JURY VOIR DIRE....588

JURY SELECTION....607

JACKSON V. DENNO HEARING....630

TESTIMONY

KERRY JOHNSON (IN CAMERA)....631

SWEARING IN THE JURY....666

OPENING STATEMENT BY MR. WILLIAMS....678

OPENING STATEMENT BY MS. ZMROCZEK....684

TESTIMONY

LARRY CRUTCHLOW....690

TOMMY GOODWIN....711

YUHANNA MUHAMMAD....727

SHEILA AULL....730

ROBERT DEAN....739

AMANDA SHARPE....755

TIMOTHY LEE....764

DAVID GOFF....791

WHITNEY BERRY....798

JACQUELIN RICHBURG....811

MICHAEL POOLE 823

RACHEL GRANT 836

DAVID J. COLLINS 844

HAROLD M. BOUKNIGHT 872

ROBERT OATES 889

BRIANNA PELZER 906

KIARA PELZER 930

XAVIER RICHARDSON 970

LATONYA LEWIS 991

BRIAN PARKER 998

AMY DURSO 1002

DOMINIQUE GREEN 1028

DOMINIQUE BOYLES 1031

TAMELA DEPACE 1036

KERRY JOHNSON 1045

MOTION FOR A DIRECTED VERDICT 1110

RULING BY THE COURT 1110

COLLOQUY REGARDING DEFENDANT'S RIGHT TO TESTIFY 1114

TESTIMONY

LAQUANDA B. RICHARDSON 1122

ALVIDIA CHAMBERS 1128

CHRISTOPHER WATKINS 1139

MATTHEW FROST 1160

CHANNEN RICKS 1177

RENEWAL OF DIRECTED VERDICT MOTION 1271

RULING BY THE COURT 1272

CHARGE CONFERENCE 1274

CLOSING ON THE LAW BY MR. WILLIAMS 1282

CLOSING ARGUMENT BY MS. ZMROCZEK 1298

CLOSING ARGUMENT BY MS. SAMPSON 1313

CHARGE ON THE LAW 1340

JURY QUESTION 1366

VERDICT 1369

POLLING OF THE JURY 1369

SENTENCING 1389

DEFENDANT'S EXHIBIT #9 (PRINTOUT FROM PHONE RECORDS) 1477

COURT'S EXHIBIT #1 (STIPULATIONS) 1496

COURT'S EXHIBIT #2 (PROPOSED JURY INSTRUCTIONS) 1498

COURT'S EXHIBIT #3 (JURY QUESTION AND SELF-DEFENSE INSTRUCTION) 1511

MOTION TO DISMISS (SPOLIATION OF EVIDENCE) 1515

INDICTMENT 1519

SENTENCE SHEET 1521

CERTIFICATE OF COUNSEL 1522

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

State's Exhibit #3 (photo); State's Exhibit #5 (photo); State's Exhibits #14 - #16 (photos); State's Exhibits #21 - #22 (photos); State's Exhibits #27 - #29 (photos); State's Exhibit #37 (photo); State's Exhibits #47 - #48 (photos); State's Exhibits #105 - #106 (photos); State's Exhibit #109 (911 call); State's Exhibit #110 (911 call); State's Exhibit #111 (911 call)

Q. Also, the power and video lines were cut by another contractor going on Building 4?
A. Okay.
Q. Do you remember now?
A. Now I do, yes.
Q. Can you tell the jury about that?
A. Yeah, there was a handicap sign somebody put in the ground and they cut the wires that were in the ground when they put the handicap sign in.
Q. And so you repaired it?
A. Correct. Repaired the wires and fixed the blown fuse and --
Q. Okay. And then it says, We replaced the broken lines, replaced the fuse, and re-aimed and focused Camera Number 7?
A. Right.
Q. So Camera Number 7 was not working prior to you coming in?
A. Correct.

MS. SAMPSON: That's it. No further questions, Your Honor.

THE COURT: Cross-examine?

MS. ZMROCZEK: No questions.

THE WITNESS: Oh, sorry.

THE COURT: Almost there. No questions.

MS. ZMROCZEK: No questions.

THE COURT: You may step down and you're free to leave.

(Witness excused.)

THE COURT: Call your next witness, please.

MS. SAMPSON: The State would call Dr. Durso.

(Witness approaches.)

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

(Witness complies.)

THE CLERK: Do you solemnly swear or affirm the testimony you give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Please have a seat, and state your full name.

THE WITNESS: My name is Amy Durso, D-U-R-S-O.

AMY DURSO,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WILLIAMS:

Q. Good afternoon, Dr. Durso.

A. Good afternoon.

Q. Dr. Durso, what is your profession?

A. I am a forensic pathologist.
Q. Okay. How long have you worked as a forensic pathologist?
A. I have worked as a forensic pathologist for six years now.
Q. And what type of training have you attended -- or let me ask you this. How much education do you have and what did you have to do to become a forensic pathologist?
A. So I first got a 2-year Bachelor's Degree in Psychology at Emory University. I then went to medical school at the University of North Carolina in Chapel Hill, where I got my M.D. And then I went on to Wake Forest University, where I spent four years doing general pathology residency and training. And then I spent an additional year at Wake Forest doing what's called a fellowship, specifically in the field of forensic pathology, which is the area of pathology where we do autopsies, examinations of the body after death to determine cause of death and document any injuries, illnesses, anything like that.

MR. WILLIAMS: Per the stipulation, Your Honor, the State is moving to qualify Dr. Durso as an expert in the field of forensic pathology.

THE COURT: Would you care to examine?

MS. ZMROCZEK: No. We have no objection to her qualification.

THE COURT: Very well. She will be permitted to render opinions in the area of forensic pathology.

MR. WILLIAMS: Thank you, Your Honor.

THE COURT: Okay.

BY MR. WILLIAMS:

Q. Let's talk about the autopsy you performed on Thomas Pauling. Do you remember the date that autopsy was performed?

A. I did that autopsy on May 26th, 2014.

Q. Okay. And what was the cause of death of Mr. Pauling?

A. Multiple gunshot wounds to the torso.

Q. How many gunshot wounds?

A. There were a total of three.

Q. And where were those gunshot wounds?

A. All three entered the back, and then I recovered a projectile from inside of the body.

MR. WILLIAMS: I'm showing the witness State's Exhibit 7 and State's Exhibit 6, which were previously marked for identification purposes.

THE COURT: Okay.

BY MR. WILLIAMS:

Q. Dr. Durso, do you recognize State's Exhibit 6 and 7?

A. Yes. These are diagrams that I made at the time of autopsy that have been blown up into a much larger size.

Q. And do they fairly and accurately depict the diagrams at the time you made them?

A. Yes.

MR. WILLIAMS: Your Honor, at this time, the State would move to enter State's Exhibits 6 and 7 into evidence and publish them to the jury.

THE COURT: Any objection?

MS. ZMROCZEK: Without objection.

THE COURT: Without objection, State's 6 and 7 are admitted, and you may publish them.

(WHEREUPON, State's Exhibit Nos. 6-7 were marked for identification and received into evidence.)

MR. WILLIAMS: Your Honor, permission for the witness to step down?

THE COURT: Absolutely.

Dr. Durso, if you will, while you're down, if you will speak loudly.

THE WITNESS: Yes.

THE COURT: And keep your voice up. Thank you very much.

(Witness steps down.)

MR. WILLIAMS: Ms. Zmroczek, could you hand Dr. Durso the pointer, please?

Publishing State's Exhibit 6 to the jury.

Publishing State's Exhibit 7 to the jury.

BY MR. WILLIAMS:

Q. All right, Dr. Durso, what was the first thing that you noticed when you saw this body?

A. So, again, when we start our autopsy, we examine the whole outside of the body, you know, from hair color, eye color, just take note of everything. But on the external examination, looking on the outside, we did -- I did see three gunshot wound entrance wounds, as well as I could actually palpate where there was a projectile just underneath the skin here on the left side of the chest, and also here on the right arm.

And do you want me to just to go through the path of each?

Q. Please.

A. So the first gunshot wound I documented, I have the entrance labeled here as D on my diagram. And I just assign letters arbitrarily just so I can

document everything. And this is on the left lower back.

So after the projectile comes in through the left lower back, it goes through the skin, the subcutaneous tissue here, it then hits the left kidney. It then also grazes the spleen, which is here in the left upper abdominal area. It then goes through the stomach. It hits the very middle part of the liver sitting here. It goes through the diaphragm. It actually goes probably upwards and it goes through the heart, the left ventricle of the heart, which is pretty vital for life. And then it goes through the left upper lobe of the lung. And then it eventually comes to rest here in the left upper chest just under the skin where I recovered what remained of the projectile at autopsy.

Q. Okay. Let me ask you this, Dr. Durso. Could you describe the lethal nature of each gunshot wound or how lethal each gunshot wound was to --

A. Right. So this went through a lot of vital organs that would cause a lot of bleeding, but most significantly this gunshot wound went through the heart. And there was over two liters of blood within his left chest cavity. So obviously the

blood is filled -- the heart is filled with blood at all times. And so a gunshot wound to this area causes rapid excessive bleeding. And you really would lose consciousness probably within a minute or so and die within a few minutes from this wound.

Q. Which one was that again, Dr. Durso?

A. This is the one that -- it's Gunshot Wound D as the entrance.

Q. Okay. What about E?

A. So Gunshot Wound E, I have labeled here, it is more on the right side of the back. That one, after it goes through the skin, the subcutaneous tissue, it goes into the right side of the chest and hits the right upper and lower lobes of the lung. And it eventually ends up in the soft tissue of the right neck, where I recovered the projectile.

Q. So how lethal was Gunshot Wound E?

A. That's quite lethal too since it hit both -- two lobes of that right lung. So that would cause bleeding and shortness of breath. And combined with the gunshot wound that entered at D it would then accelerate how fast someone would die from that wound.

Q. Tell the jury about Gunshot Wound F.

A. Sure. So Gunshot Wound F is here even further

right on the back. Then after it goes into the skin, subcutaneous tissue, it actually doesn't enter into the chest cavity. It all just kind of stays in the soft tissue. It actually exits briefly kind of in the right arm pit area. It goes back into the right upper arm. And then that's the one I could kind of palpate, feel from the outside of the body on the right arm. And so this gunshot wound that enters at F would not have been a fatal wound. That caused a little bit of bleeding, but without the other two wounds and proper medical care, he would have survived Gunshot Would F.

Q. So your expert opinion is that if he were only shot with Gunshot Wound F he would still have been alive today?

A. Yes.

Q. Thank you. Let's talk about State's Exhibit 6. Do you see any wounds outside of the body, cuts or scrapes?

A. Yes. So he had a lot of what we call abrasions or scrapes to the body. A lot of these had a very dried appearance to them, which are typical of injuries that happen right around the time of death. You know, usually, you have less blood flow because you're been shot in the heart. And

typically, you know, when you die, you fall down. And if you are on a surface such as pavement, concrete, you would be expected to have scrapes on your body as like a terminal fall. And these are consistent with a terminal fall.

There was some abrasions on his forehead, around his elbow, on both of the knees, the right hip, on the left hand here. And those are all kind of these scrapes that I see. Like I said, they are most consistent with a terminal fall of falling down onto a hard surface as you're dying.

And there were also some lacerations -- the lacerations are actually a break of the skin from striking a hard surface -- on the hand here.

Q. In your expert opinion, could the Decedent, Thomas Pauling, have suffered those artificial wounds -- or superficial wounds by jumping through a window?

A. Yes.

Q. Did you see any defensive wounds?

A. No.

Q. Let me ask you this. How far away would the barrel of the pistol have to be from Thomas Pauling's back when he was shot?

A. So there's two things we look for to determine how far away the barrel of the gun, the end of the

barrel of the gun is from someone when they are shot. We look for something called soot and we look for stippling.

So soot is actually the black particulate matter that comes out from the end of the gun with multiple stuff from the gunpowder. And so if you see soot in the wound, it is either contact or within six inches from the body. I did not see any soot in any of these wounds.

The other thing you look for is stippling, which is actually the gunpowder that travels out of the barrel with the bullet for a small distance and then actually scrapes the skin. So stippling, you would see kind of just little -- tiny little abrasions, tiny little marks around the gunshot wound. I did not see either of these in this case. And so stippling usually goes up to around 18 to 24 inches. It just kind of depends on the gun and the type of gunpowder used. So it's an estimation. But at least 18 inches away.

Other things that we have to take into consideration that I'm not aware of at autopsy is if the bullet passed through anything else. So if someone was wearing excessive layers of clothing like thick, thick heavy jacket, not just a shirt or

two, but thick, thick clothing, or if it went through a window or a wall, that would actually block the soot and stippling from reaching the body. So that is something to take into account. But without -- if someone would tell me that you were about to see that it did not go through a window or a wall, I would have to say at least 18 to 24 inches away.

Q. Okay. And you are familiar with using a tape measure; right?

A. Every day.

Q. So would you demonstrate to the jury 18 to 24 inches?

A. Sure. So from this zero to the very tip here is 18 inches. And then 24 is right here(indicating).

Q. So I want to ask you this question, Dr. Durso. When you say -- when you use that length, are you talking about where the actual shooter is standing or where the gun is located?

A. The end of the barrel of the gun.

Q. So if I stood like here, you would start measuring from where?

A. I would start measuring like from 18 inches and then -- 18 and then the body.

Q. Okay.

A. His back would be here(indicating).
Q. Okay. So if I'm the Defendant and if I'm holding the gun like this -- I could be holding it any kind of way, but if I was holding the gun like this, then Thomas Pauling would be where?
A. He would be at least this far away(indicating).
Q. Okay. And that is what?
A. That is 18 inches. But, like I said, some pathologists say 24, but the minimum is 18. It just depends on the gun.
Q. Okay. You can take your seat. Thank you so much.
(Witness returns to witness stand.)
Q. Dr. Durso, I'm going to show you some photos of the autopsy.
MR. WILLIAMS: The State is showing Dr. Durso State's Exhibits 83 through 91.
BY MR. WILLIAMS:
Q. Can you go through those documents?
A. Yes. These are all photos taken of the injuries at the time of autopsy.
Q. And do they fairly and accurately depict those injuries at the time those photos were taken?
A. Yes.
MR. WILLIAMS: Your Honor, at this time the State would move to enter State's Exhibits 83

through 91 into evidence.

THE COURT: Any objection?

MS. ZMROCZEK: No.

THE COURT: Without objection, State's 83 through 91, each being a photograph, are admitted.

(WHEREUPON, State's Exhibit Nos. 83-91 was marked for identification and received into evidence.)

MR. WILLIAMS: The State is showing Dr. Durso State's Exhibits 94 through 96.

BY MR. WILLIAMS:

Q. Can you identify those documents, Dr. Durso?

A. Yes. The first two are pictures of the X-rays that we performed prior to starting the autopsy. And then there's a picture of a projectile that we recovered at the autopsy.

Q. Okay. And do they fairly and accurately represent the photos and the projectile at the time of the autopsy?

A. Yes.

Q. Okay.

MR. WILLIAMS: Your Honor, at this time, the State would move to enter State's Exhibits 94 through 96 into evidence.

THE COURT: Any objection?

MS. ZMROCZEK: No objection.

THE COURT: Without objection, State's 94 through 96 are admitted.

(WHEREUPON, State's Exhibit Nos. 94-96 were marked for identification and received into evidence.)

BY MR. WILLIAMS:

Q. Finally, Dr. Durso, I'd like to show you State's Exhibits 98 through 100. Can you identify those documents?

A. Yes. These are additional pictures of the projectiles I recovered at the time of autopsy.

Q. And they fairly and accurately represent those projectiles at the time the photos were taken?

A. Yes.

MR. WILLIAMS: Your Honor, the State would move to enter State's Exhibits 98 through 100 into evidence.

MS. ZMROCZEK: I just couldn't hear the numbers, Your Honor.

THE COURT: 98 through 100.

MS. ZMROCZEK: No objection.

THE COURT: Without objection, State's 98 through 100 are admitted.

(WHEREUPON, State's Exhibit Nos. 98-100 were marked for identification and received into evidence.)

BY MR. WILLIAMS:

Q. Dr. Durso, I'm going to show you -- Dr. Durso, I'm going to show you State's Exhibit 87. Could you describe the injury on this picture?

A. Yes. This is the Decedent's right hand, the palm of the right hand. And these are the lacerations I was describing that come from hitting a hard surface and breaking the skin.

Q. I'm now going to show you State's Exhibit 83. Can you describe this photo to the jury, please?

A. Yes. This is Mr. Pauling's back at the time of autopsy. His head is off to your left side and the feet are down towards your right. And those are the three gunshot wound entrances on his back. Someone else put those stickers on there, the 1, 2, and 3.

Q. Using the markers that are there, which wound is the most fatal wound -- the most lethal?

A. Number 3 is the one that went through the heart.

Q. Some more photos for you, Dr. Durso. This is State's Exhibit 95. What is this a picture of?

A. If you can -- that's better. This is so -- on

gunshot wound cases, we always take X-rays. That way we know exactly what projectiles are in the body and what we need to recover at autopsy. So this is an X-ray of the chest just showing you -- those really dark white spots are parts of the projectiles that I recovered from the body. So there's two up there, kind of in the left chest area, and two down here in the right lower chest area.

Q. Okay. Finally, I have State's Exhibit 85. What is this a picture of?

A. That's the right armpit area. And so that's -- the one further away from me is where it exits briefly and then it re-enters into the right arm that's closer to me.

Q. How lethal was this gunshot?

A. This is one that would not have been lethal.

Q. Thank you, Dr. Durso. Were there any exit wounds?

A. No.

Q. Does that bear any significance?

A. Not for me.

Q. How tall was the Decedent?

A. He was 73 inches, so six feet, one inch tall.

Q. I'm showing you State's Exhibit 128. Do you recognize that document?

A. Yes. This is the autopsy report I prepared on Thomas Pauling.
Q. Okay. And do you always perform -- or prepare an autopsy report?
A. Yes, on every autopsy I prepare a complete report with my findings.
Q. Okay. And do you keep that in the normal course of your business?
A. Yes.

MR. WILLIAMS: Your Honor, at this time the State would move to enter State's Exhibit 128 into evidence.

THE COURT: Without objection?

MS. ZMROCZEK: I just haven't seen it.

THE COURT: Sure. Take your time.

(Pause.)

MS. ZMROCZEK: Without objection, Your Honor.

THE COURT: State's Exhibit 128 is admitted without objection.

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

BY MR. WILLIAMS:
Q. Thank you, Dr. Durso. Please answer any questions from Ms. Zmroczek.

CROSS-EXAMINATION

BY MS. ZMROCZEK:

Q. Hi. Sorry. The 3, 2, 1 that were on the photo, State's 83?

A. Yes, sir.

Q. Those were put by somebody else; correct?

A. Yes.

Q. Okay. I'm putting up State's 7. So 3 would correspond to which letter?

A. I would need to see the photo again.

Q. I'm trying not to make it fall. There we go.

A. 3 corresponds with D on my diagram.

Q. Okay. So the lower --

A. Lower back, yes.

Q. And you said that one traveled --

A. Upwards.

Q. Uh-huh.

A. And back to front.

Q. And that would be C?

A. No.

Q. Oh, C is over here.

A. C -- no, hold on, let me make sure. That is A.

Q. Okay. So it went all the way from here up to here?

A. Yes.

Q. Okay. And, I mean, just traveled that way?

A. Yes. Back to front and upwards.
Q. And upwards. And you're saying 18 inches -- or 18 is the minimum; right? 18 inches is the --
A. Between the barrel of the gun and his back.
Q. Right, right, right. And so -- and the direction was traveling up; right?
A. Yes.
Q. The other two would be E or F?
A. Number 2 corresponds with E.
Q. Okay. And that one also traveled which direction?
A. That one goes back to front and upwards and very minimally right to left.
Q. Okay. And F?
A. F goes back to front, upwards, and left to right.
Q. And all of these are traveling -- so one is traveling upwards right to left, one is traveling upwards minimally right to left?
A. Minimally right to left, yes.
Q. And the other one is traveling upwards, left to right?
A. Yes.
Q. Okay. I just want to make sure I had that clear. And then State's 6. We saw a photograph of the laceration on that right palm. Is that this one?
A. Yes.

Q. Okay. But you noted there were -- and I think the pictures are in. There were other indications of abrasions and/or lacerations; right?
A. Yes, there were other abrasions.
Q. Okay. And abrasions means scrapes?
A. It's a scrape. It's our word for scrape, yes.
Q. You can get those, you said, from fatal falling?
A. Yes. I see them most typically -- they can have a dried appearance, which most of these had a very dried appearance, which means that you're kind of in the process of dying already, you don't have a lot of good blood flow. When you have a lot of good blow flow, it bleeds and it's more moist appearing; whereas, if don't have good blood flow, your heart is not beating or you're bleeding out somewhere. I see them in heart attack victims, lots of different scenarios.
Q. You also see these types of abrasions when people fall to the ground for any reason; right?
A. Correct.
Q. Okay. For example, if somebody is fighting, struggling over an object and they are not the ground, you --
A. As long as they fall, I guess, on their knees, that they would have abrasions there, yes.

Q. And you stated that he was 6'1"?
A. Yes.
Q. Did you do a toxicology?
A. Yes.
Q. Why do you do toxicology in these cases?
A. It's just standard to document what was in someone's system and make sure they didn't have anything else that would have contributed to their death. So it's pretty standard in every single forensic autopsy to collect samples for toxicology.
Q. And what were the results of the toxicology in this case?
A. He had ethanol in his system, .110 in his blood, so .08 is a legal limit, so you can kind of correspond that. And he also -- his blood was also positive for the metabolites of marijuana.
Q. Okay. The numbers on the pictures and the corresponding letters, D, E, and F, are those done in any particular order? Like did D happen first or --
A. I can't tell which of those three wounds happened first. I do not know what order. I just arbitrarily assign them letters so I can document them.
Q. Okay. And so we don't know if the one that was

non-fatal happened first?
A. I have no idea.
Q. No clue. And there were only three wounds, three entrance wounds; correct?
A. Three entrance wounds, right. He was shot three times.
Q. Okay. And so after -- hypothetically, if he received F first, could he have traveled a distance?
A. He could have done anything after. If F came first, he could have done any number of things. He would have been in pain, but it would not have slowed him down.
Q. Okay. And then D or E would have both slowed him down?
A. Yes. Definitely, yes.
Q. Okay. The F would not have slowed him down?
A. Correct.
Q. Okay. You have, I think you said, standard testing for toxicology; right?
A. Yes.
Q. What drugs and alcohol -- or alcohol, obviously -- what drugs or chemicals does that test for, the standard?
A. We send it -- this one got sent to SLED. They have

a very, very extensive long list that covers, you know, pretty much all the common illegal and legal drugs. It usually doesn't cover things likes antibiotics or anything like that, but looking for things that, you know, hypertensive medications. There's a long list.

Q. All right. And does it cover Molly?

A. I don't know, to be honest with you. They change it from time to time. I'm not sure in 2014 exactly what they were testing for.

Q. And I think that Mr. Williams asked you about those scrapes on his hands or body could have come from going out of a window?

A. Yes.

Q. Would that have left blood on the window if he had gone through a window?

A. It depends how deep of a cut when it happened. You know, sometimes you fall, you scrape your hand, it doesn't immediately bleed. It just kind of depends how deep it was.

Q. Okay. And, again, the consistent -- the directions that the bullets traveled weren't consistent, but they were all consistently upwards?

A. Yes.

MS. ZMROCZEK: No further questions. Thank

you.

THE COURT: Redirect?

MR. WILLIAMS: Briefly, Your Honor.

THE COURT: Sure.

REDIRECT EXAMINATION

BY MR. WILLIAMS:

Q. So regarding the knee abrasions that we discussed, in your expert opinion, those abrasions were the result of a fatal fall?

A. Yes.

Q. Regarding the marijuana metabolites, based on what you found, is there any way possible for you to determine -- for you to determine when the Decedent actually smoked marijuana?

A. No, there -- he didn't have any active ones, like hydroxy tetrahydrocannabinol, but, you know, based on the numbers, it kind of depends how much he smoked and when, if he went back and forth, so I can't really extrapolate that, no.

Q. But you know that at some point he did smoke marijuana?

A. Yes.

Q. Regarding the gunshot wounds in the back, all of them were consistent with being shot directly in the back?

A. Yes. They were all shot in the back, yes.
Q. All right.
MR. WILLIAMS: No further questions of this witness.
THE COURT: Recross?
MS. ZMROCZEK: Yes.

RECROSS-EXAMINATION

BY MS. ZMROCZEK:
Q. He keeps asking, in your expert opinion they were from a fatal fall. I just want to clarify that.
A. Right. So the fall was not fatal. I kind of caught myself too. It's what we call a terminal fall, which means you falls because you're dying.
Q. But they could also -- had you known -- had you been provided information that he was involved in a struggle during being shot, that could also be considered?
A. Any rough abrasion, but the pattern is one I typically see and they had that dried appearance of someone -- I think they happened after he was already shot because they had that dried appearance.
Q. So the falling --
A. And the knee part, yes.
Q. Right, the knee part, right?

A. Yes.
Q. But the other abrasions on -- that are not in the same -- so that would indicate that he fell forward; right?
A. Right.
Q. So the abrasions that would be on the --
A. So the elbows, the forehead, the knees are all consistent with falling down at the end.
Q. But the other abrasions would be consistent with --
A. Like the scrape on his hands --
Q. Right.
A. -- was earlier. That didn't have that dried appearance.
Q. Okay. So there's evidence, physical evidence, that he was involved in some sort of --
A. Something hit his hand, I think.
Q. Something hit --
A. I don't know what it was.
Q. -- his hand, you don't know what it was.

MS. ZMROCZEK: Okay. Thank you.

THE COURT: Thank you.

Ms. Durso, you may come down, and you are free to leave. Thank you.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: You may call your next witness, please.

MR. WILLIAMS: Thank you, Your Honor. The State calls Dominique Green.

MS. ZMROCZEK: Your Honor, may we approach briefly?

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

(Witness approaches.)

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

(Witness complies.)

THE CLERK: Do you solemnly swear or affirm the testimony you give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Please have a seat, and state your full name for the record.

(Witness seated.)

THE WITNESS: Dominique Green.

DOMINIQUE GREEN,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WILLIAMS:
Q. Ms. Green, I'm going to need you to sit up closer to the mic, pull it closer to you. I want to ask you a couple questions, and just address the jury with your answers.
A. Okay.
Q. Dominique, do you know the Defendant, Travis -- excuse me, the Defendant, Channen Ricks?
A. I do.
Q. Do you know a gentleman by the name of Travis Tucker?
A. I do.
Q. How do you know Travis Tucker?
A. He was my boyfriend.
Q. Is he your boyfriend now?
A. No.
Q. Okay. Was he your boyfriend back on May 25th, 2014?
A. Yes.
Q. What were you doing the early morning hours of May 25th, 2014?
A. At home sleep.
Q. Who called you in the early morning hours?
A. Travis.
Q. Why did he call you?

MS. ZMROCZEK: Objection.

THE COURT: I sustain the objection. It would require hearsay unless you can lay a foundation of how she would know why he called otherwise.

BY MR. WILLIAMS:

Q. What did you do after he called?

A. I went to go pick him up.

Q. Where did you pick him up from?

A. From his dad's house.

Q. Where does his father stay?

A. In front of Mill Creek Elementary.

Q. How far is that from Richland Village?

A. It is less than two miles.

Q. Okay. Do you remember what time it was?

A. I don't.

Q. Where did you guys go after you left?

A. I went home. I took him home.

MR. WILLIAMS: No further questions for this witness, Your Honor.

THE COURT: Cross-examine?

MS. ZMROCZEK: No questions.

THE COURT: You may step down. Thank you.

(Witness steps down.)

THE COURT: Call your next witness.

MR. WILLIAMS: The State calls Dominique

Boyles.

(Witness approaches.)

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

(Witness complies.)

THE CLERK: Do you solemnly swear or affirm the testimony you give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Please have a seat, and state your full name for the record.

(Witness seated.)

THE WITNESS: Dominique Boyles.

DOMINIQUE BOYLES,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WILLIAMS:

Q. Dominique, how do you know Thomas Pauling?

A. Thomas and I were together for almost five years.

Q. How do you know Brianna Pelzer?

A. I just knew her through Thomas, and I don't really know her personally.

Q. How do you know Kiara Pelzer?

A. I don't know her personally, I just know her

through Thomas.
Q. How do you know Travis Tucker?
A. He was one of Thomas' best friends.
Q. How do you know Channen Ricks?
A. I was introduced to him by Thomas as his friend. I met him through Thomas. He told me that was his friend.
Q. How many times did you talk with Thomas on the night of May 24th going into the morning of May 25th, 2014?
A. We were talking all that night. We probably talked about five or six times that night. Up until that morning, that morning, we probably talked about three times.
Q. Was your child born during that time?
A. No.
Q. Okay. How far --
A. Well, no, no, no, my son, yes, he was born.
Q. How old was your son?
A. My son, he was one, one and a half at the time.
Q. At the time. Was Thomas in your son's life?
A. Yes.
Q. Do you remember the times that you and Thomas talked?
A. We had talked in -- like around 11:00 o'clock that

night he told me -- well, earlier that day he told me --

MS. ZMROCZEK: Objection, Your Honor.

THE COURT: Sustained to what he said.

BY MR. WILLIAMS:

Q. You can't say what he said.

A. Okay.

Q. What was his state of mind? Did he seem upset?

A. No, he seemed happy. He was just -- you know, when I talked to him he was chilling. He seemed happy.

Q. So you talked to him at 11:00 o'clock?

A. (Nods affirmatively.)

Q. When else?

A. Then I talked to him again around 4:00, and again at --

Q. When say 4:00, 4:00 a.m.?

A. Yes, 4:00 in the morning.

Q. Would that be on May 25th?

A. Yes, that's in the morning.

Q. Did he seem upset at that time?

A. No. He was happy.

Q. When did you talk to him next?

A. I talked to him again at 5:20, 5:25, 5:22.

Q. Okay. What about then, was he upset?

A. Huh-uh.

Q. Were you concerned for his safety at any point in time?
A. Huh-uh.
Q. Did you have any reason to be concerned?
A. Huh-uh.
THE COURT: Is that a no?
THE WITNESS: No. I'm sorry. He was fine.
BY MR. WILLIAMS:
Q. When was the last phone call you received from Thomas?
A. The last phone call was roughly at 5:22, 5:20, 5:22 that morning.
Q. Did you actually reach him or did he reach you?
A. Yeah, he called me.
Q. Were you upset at that -- was he upset at that time? Could you tell?
A. No, he was not.
Q. All right. What was the last call that you received?
A. What do you mean? Like, what did he say or what time it was?
Q. No, what time -- what time was it when you received the last call from his phone? What time was it?
A. 5:22, I believe -- I think. It was like 5:20 or 5:22.

Q. Was there ever a time he called and you all didn't speak?
A. The last -- the last phone call that I didn't get, like, when I answered, I didn't hear anything.
Q. Okay. What time was that?
A. That was probably about 5:30, 5:35. Right after I had just got off the phone with him.

MR. WILLIAMS: Beg the Court's indulgence.

THE COURT: All right.

(Pause.)

MR. WILLIAMS: That's all we have for this witness, Your Honor.

THE COURT: Do you have any questions?

MS. ZMROCZEK: No questions.

THE COURT: You may step down, Ms. Boyles. You are free to leave. Thank you.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: Call your next witness.

MS. SAMPSON: Beg the Court's indulgence one moment.

(Pause.)

MR. WILLIAMS: The State calls Tammy DePace.

(Witness approaches.)

THE BAILIFF: Place your left hand on the

Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you solemnly swear or affirm the testimony you give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Have a seat, and state your full name for the record.

THE WITNESS: My name is Tamela DePace.

TAMELA DEPACE,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WILLIAMS:

Q. Goods afternoon, Ms. DePace. Where do you currently work?

A. I work at Irmo Village Apartments for the Westminster Company.

Q. How many properties does Westminster Company own?

A. I believe it is 57.

Q. How long have you worked at the current property?

A. Four and a half years.

Q. Where did you work before?

A. At Richland Village.

Q. How long did you work there?

A. A year and a half.
Q. Do you remember a young lady by the name of Kiara Pelzer?
A. I do.
Q. Do you remember moving her in?
A. I do.
Q. Explain that process to us.
A. The move-in process itself?
Q. Right.
A. Well, we -- because we were a HUD subsidized community, residents go on a waiting list. They -- during the move-in process, we go through and figure what their rent is going to be, go through all the rules, the lease, a lot of paperwork that we go through with them. And part of that process is to get income information and family household information, that sort of thing.
Q. What are the restrictions regarding overnight guests?
A. Overnight guests are allowed 14 nights per year per guest. So the same guest can't stay in the apartment more than 14 nights in a given year without being considered an authorized guest or added to the lease.

MR. WILLIAMS: The State is showing the

witness State's Exhibit 129 previously marked for identification purposes. It is six -- it is seven pages, excuse me.

BY MR. WILLIAMS:

Q. Can you identify this document?

A. Yes, this is a -- what we call HUD-59. It's the paperwork that goes through the system for HUD that shows the household members, their income, the move-in date, their effective dates, whatever the recertification runs.

Q. How many people are listed on the lease?

A. Three.

Q. Who are those people?

A. Kiara Pelzer, Nivaya Pelzer, and Aiden Ricks.

Q. Could you turn to Page 2, please? What is that document?

A. This is her move-in 59.

Q. Same as the first?

A. Yes.

Q. Go to the next page, Page 3. And what is that document?

A. This is a service request that was put in for repair of a window.

Q. And what is the date on that?

A. May 27th, 2014.

Q. Okay. Could you go to Page 4, please.
A. This is an invoice that was paid out to Barry DeLeon, who is a contractor that works for the property, to pay for sheetrock and roof repair for Unit 501.
Q. What's the date on that?
A. June 5th, 2015.
Q. Okay. Turn the page for me. And is that -- what is that?
A. This is the actual invoice from Barry DeLeon for renovation. This is the bill that he sent us. The prior one was where we paid it.
Q. And the fifth page?
A. This is the invoice where we paid out for Century Glass for a window and sash replacement for Unit [redacted] The invoice date was July 25th, 2014.
Q. And the last page?
A. And this is the actual bill from the glass for that repair.
Q. Okay. And do you keep documents like this on every tenant that is at Richland Village?
A. Yes.

MR. WILLIAMS: Your Honor, at this time --

BY MR. WILLIAMS:

Q. Are these documents are a fair and accurate

depiction of the lease agreement, invoices, and bills?

A. Yes.

MR. WILLIAMS: Your Honor, at this time, the State would move to enter State's Exhibit 129 into evidence.

THE COURT: Any objection?

MS. ZMROCZEK: Your Honor, at this point we object to relevance. I don't see what this has to --

THE COURT: I'll allow it. It has some probative value, but it is cumulative for sure. I'll allow it. It is admitted, subject to objection.

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

BY MR. WILLIAMS:

Q. One last question, Ms. DePace. Does Richland -- when you were there, did Richland Village have a camera system?

A. Yes, they did.

Q. Do you remember how many cameras they had?

A. I don't. It's been a number of years. I want to say 9 or 14. I really couldn't tell you

accurately.

Q. Okay.

MR. WILLIAMS: No further questions from this witness.

THE COURT: Any questions?

MS. ZMROCZEK: Just briefly.

CROSS-EXAMINATION

BY MS. ZMROCZEK:

Q. You said you had 9 to 14 cameras?

A. That's based on 5-year-old memory. I don't want to say that that's accurate. I'm just guessing.

Q. That's fine. And you said that if somebody stayed more than 14 nights, they would have to be added to the lease?

A. That's what our rules state. If they have a guest more than 14 nights, they are supposed to come in and add it to the lease. If we're aware of it and they don't add somebody to the lease, they go into violation.

Q. They get a lease violation?

A. A lease violation for an unauthorized guest.

Q. Okay. And this was subsidized housing?

A. Yes.

Q. So y'all are required to follow those rules?

A. Yes.

Q. So -- and Ms. Pelzer signed where -- I think the paper is in there that -- she signed the rules so she knew that she couldn't have a boyfriend stay over more than 14 nights?
A. That's correct.
Q. Okay. But that a boyfriend could stay over?
A. That's correct.
Q. Okay.

MS. ZMROCZEK: Thank you.

THE COURT: Redirect?

MR. WILLIAMS: Nothing, Your Honor.

THE COURT: You may step down, and you're free to leave, Ms. DePace.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: Call your next witness.

MS. SAMPSON: May we approach, Your Honor?

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

THE COURT: Ladies and gentlemen, we'll take a break a little bit early.

Is this going to be your last witness?

MS. SAMPSON: Yes, sir.

THE COURT: All right. We need just about ten

minutes. So I'll let you go to your jury room. Don't begin your deliberations.

(WHEREUPON, the jury retires to the jury room at 2:17 p.m.)

MS. ZMROCZEK: Your Honor, I have one issue, and that is, they have a Detective Frost under subpoena. And, Your Honor, I asked Kiara Pelzer specific questions about what she told the first officer because that's what was in his report. It's my impression that they intend on calling him, but he's having feed delivered or something, I don't know, but he's under subpoena and they told him to be here and he's not here, and I want him here.

THE COURT: Thank you, Ms. Zmroczek. I was a lawyer too, and I subpoenaed people that were already subpoenaed too. So if you -- I'm sorry.

MS. ZMROCZEK: That's fine.

THE COURT: I'm not going to make them produce him because they don't have to.

MS. ZMROCZEK: Right.

THE COURT: If they're not going to call him, they don't call him.

MS. ZMROCZEK: Right.

THE COURT: Do what you can do.

MS. ZMROCZEK: I'll get him subpoenaed. Thank you, Your Honor.

THE COURT: Quick as you can.

MR. WILLIAMS: Your Honor, may I approach the bench?

THE COURT: Yes, sir.

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

(WHEREUPON, a break was taken at 2:19 p.m.)

THE COURT: Are we ready?

MS. ZMROCZEK: Yes, Your Honor.

THE COURT: Let the record reflect Mr. Ricks is present.

Are you ready to bring in our jury, Solicitor?

MR. WILLIAMS: Yes, sir.

THE COURT: Bring in our jury. Thank you so much.

(WHEREUPON, the jury came into open court at 2:28 p.m.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: Thank you, Mr. Addison.

You may call your next witness.

MS. SAMPSON: Thank you, Your Honor. The

State calls Kerry Johnson to the stand.

(Witness approaches.)

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

(Witness complies.)

THE CLERK: Do you solemnly swear or affirm the testimony you give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Please have a seat in the witness stand, and state your full name for the record.

(Witness seated.)

THE WITNESS: My name is Kerry Johnson, K-E-R-R-Y.

KERRY JOHNSON,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SAMPSON:

Q. Hi, Investigator Johnson. Your new title is what, Sergeant Johnson now?

A. Got promoted this morning to sergeant.

Q. I just want to make sure I'm calling you the right title. So where do you work?

A. With the Richland County Sheriff's Department.

Q. And how long have you been with the Sheriff's Department?
A. I've been with Richland County ten years.
Q. And where were you prior to that?
A. Prior to that, I was with the Lexington County Sheriff's Department and Columbia City Police. I began my career 30 years ago.
Q. So you've been in law enforcement 30 years?
A. Since March of 1986.
Q. Okay. So back in May of 2014, what was your job title then?
A. I was a Special Victims Unit investigator, but I had a double role of also being a primary homicide investigator. And I can explain that further.
Q. Go right ahead.
A. Every -- I think you heard one of the other investigators say there's a rotation -- we have different units in the Sheriff's Department -- larceny, burglary, robbery, so to speak. They take different investigators out of each unit and put them in a team that around every seven to eight weeks they work a rotation of evening shift, night shift. As you know, crime is 24/7, so we have to have investigators.

That particular weekend I was on-call because

it was my turn on rotation, along with several other investigators. But also I was the primary homicide investigator. So, for example, if I was scheduled to work until 3:30 that morning, that still did not exclude me from being called out in case of a homicide, which is what happened.

Q. So how do you get called out to a homicide? Do they send you an e-mail, do they call you? How does that work?

A. They call me. We all have county cell phones, of course. And they don't -- we don't turn them off. We're not allowed to turn them off. And I got called that morning by Sergeant Maldonado, who -- a sergeant runs each night shift rotation. And he informed me somewhere around 7:00 o'clock that morning that they had responded out to Universal Drive for a homicide about 5:30 that morning. And I don't remember what my schedule was that night, but he waited to call me to let me get some sleep so I would be a little bit fresher when I came out.

Q. And so some of the investigations, some things had already been started by the time you were notified; correct?

A. Yes. My office, at the time that I was in Special Victims Unit, was located at the Pineview and

Garners Ferry Road, which is not far at all from this scene on Universal. So it was very convenient for Sergeant Maldonado and Investigator Goff just to take the witnesses back to their office there. And they were in the process of taking statements and had already taken a statement, I think, from one or two of the people.

Q. Okay. So did you interview Kiara Pelzer or did somebody else?

A. I did not. Give me one moment, please. Sergeant Maldonado interviewed Kiara Pelzer. And he was still talking to her when I got there.

Q. Is that out of the ordinary for someone else to interview a witness like that?

A. Not at all. In fact, in just about every investigation, there's many people involved. There's a lot of moving parts. It's almost not possible for one person to do everything. So you learn to delegate and you learn to work as a unit, and different people do different things. So it's not at all unusual for different investigators to interview different people.

Q. So he interviewed Pelzer. Does he relay the information after the interview is over?

A. Yes. When I got to Pineview, I read Kiara's

statement, also Brianna's Pelzer's statement, and Xavier Richardson's statement. All of those who were in the house at the time, except for Travis Tucker and Channen Ricks.

Q. Okay. So the three individuals you just named, both Pelzers, both Ms. Pelzer and Richardson, they had all been interviewed and talked to by the time you even get the case?

A. That's correct.

Q. So you -- would it be fair to say that you had some information before you even started to investigate?

A. Lucky for me, quite a bit of information had already been gathered. In fact, from the statements alone and the corroboration between the three statements, I at that time had probable cause to charge Channen Ricks with murder, just by reading these statements and talking to Sergeant Maldonado.

Q. But you didn't do it at that time; correct?

A. No, ma'am.

Q. What did you do next?

A. According to my notes here, I went back out -- obviously, I had not been to the scene yet. I knew exactly where it was, but I wanted to go back out there. And I wanted to go for a few reasons. I

went there to Kiara's apartment where, as you have heard, the whole incident started, and I wanted to get a visual layout of what had happened. Of course, I observed the window busted out, and I actually found the bullet hole in the ceiling.

Q. I'm going to stop you there. How did you -- like, did you just walk in and look up, or how did that happen?

A. No, I had Kiara kind of walk me through what had happened that night. And she showed me the bedroom where Xavier was in there with the kids with the door shut and she had knocked on the door in order to get in there. They opened the door --

MS. ZMROCZEK: Your Honor, I'm going to object to him testifying to what she told him.

THE COURT: Sustained.

BY MS. SAMPSON:

Q. While you're with her and she goes about whatever she says, what did you do?

A. Well, I went in the children's bedroom. Based on the information I had, it was my understanding that the gun had been fired in that room. So I looked around and I found the bullet hole in the ceiling.

Q. So what did you do based on that?

A. I called Crime Scene Investigator Bouknight and

asked him to come back down and to photograph that bullet hole.

Q. And is that the normal procedure, that you would call someone else to take that evidence?

A. I would take it with my phone, which would have been a sufficient picture, but because of the seriousness of the crime, we would call a crime scene investigator back out there.

Q. Did you go out to where the body had been located?

A. I did. And, obviously, I wanted to see. The tape was gone. There was no more crime scene per se at that time. As you have heard, it's an apartment complex, very many people there. The crime scene had already been taken up. There was nothing on the ground. However, I knew, just from talking to everyone, where Thomas was found.

And one of the things I wanted to do also was walk around just to see if maybe the pistol had been thrown in the bushes or in the trash can, which I did, and I was unable to find anything else.

Q. And while you were there, was the crime scene still marked off or --

A. No. As I mentioned, it was already gone, already taken.

Q. Were you able -- did you look for or find any witnesses?
A. There was some people on the front porch of a building -- this is a straight building with several apartments side-by-side. And there were four to six people gathered outside. And it was obvious that they were talking about what had happened. So I approached them and asked them had anybody seen anything, and nobody would offer that they had seen anything that happened that night.
Q. So what was the next thing that happened?
A. Around 11:05 a.m., I got a call from the desk sergeant. And the desk sergeant asked me if I was working the homicide at Richland Village Apartments. I said yes. And he told me that Channen Ricks's mother was on the phone. It's Alvidia Jenkins. And he gave me a phone number and wanted me to call her.
Q. And without telling me what she said, did you call her?
A. I did call her.
Q. And what did you tell her?
A. I needed to speak to Channen.
Q. Did she provide you a phone number?
A. I believe -- no, I believe he called me. She

wanted to make sure that it was the right number to call, so --

Q. He called you?

A. Yes. At 11:17, Channen called.

Q. And what is his demeanor like?

A. He was crying, sobbing. Kept repeating, I didn't take a gun over there. I ain't no murderer. He said that several times. And I told him I needed to meet with him to talk to him. And he just kept again repeating, I ain't no murderer.

So based on the information that I already had from the statements, I asked him, How many times did you shoot?

And he said, I don't know, man. It all happened so fast.

And I said, Well, where's the gun?

He answered, I don't know what I did with it. I was drunk. He just kept crying, telling me that he was going to turn himself in, but he wanted to talk to his mother first. And his concern was bond money at that point.

MS. ZMROCZEK: Objection, Your Honor.

THE COURT: Sustained.

BY MS. SAMPSON:

Q. So what did you do after speaking with him? Did

you inform him to do anything?

A. It was at that time -- again, when we spoke, it was 11:17. I told him I'd give him until 1:00 o'clock to turn himself in. And 1:14 p.m. came, hadn't heard from him, so I called that number back that he called me on. I didn't get an answer, it went straight to voicemail. And then at 2:04 p.m., I called again, didn't get an answer, went straight to voicemail.

Q. All right. So what, if anything, did you do to go look for him?

A. Well, from there, I went back to my office and typed what we call a warrant worksheet, it's like an affidavit sheet, to get the warrant for murder. And, again, as I mentioned, you have to delegate, so I asked Sergeant Maldonado if he would go down -- this was a Sunday -- I asked if he would go down to bond court and sign the warrant for murder, which he did.

While he was doing that, I knew that his mother lived at 1029 Frasier Street, which is still not too far from there. So I went there to see if the car was there that he had been driving. And it was there. It was his mother's car, a 1999 Pontiac Bonneville. It was parked in the yard. There were

several people out in the yard. I don't know who they were. I did speak to his mother. She told me she didn't know where Channen was. And she allowed me to look in the car, which I did, to see if there was any type of evidence, mainly a gun, and there was none found. There was no gun found in the car or nothing that could have been considered evidence.

Q. Okay. So for the day of May 25th, did Mr. Ricks turn himself in to you at all?

A. He did not.

Q. So what did you do on May 26th?

A. Well, after leaving Channen Ricks's mother's house, I went out to 214 Mason Ridge Circle where Travis Tucker was supposed to be living. And nobody was home, but I left my business card with my cell phone number there. He did call me later on that afternoon and he agreed to meet with me the following morning at 10:00 o'clock at my office.

Q. So without telling me what he said, you did meet with Travis Tucker?

A. I did meet with Travis Tucker. I took his statement, which we type out statements. It's a question and answer format. He signed the statement. I notarized it, gave him a copy and he

went on his way.
Q. Okay. Did you at any point ever hear back from Mr. Ricks?
A. I did. Actually, as I was interviewing Travis Tucker, Channen called me from the same number that he had called me from the day before. And he said he was going to turn himself in, again, but wanted to talk to his mother. I told him that he had until noon or I would have to put a news release out that he was wanted. And he begged for me not to do that. So around 12:07, right after noon, I received a call from the front desk informing me that Channen Ricks was in the front parking lot of the Sheriff's Department with his family members and that he was there to turn himself in. So I went from Pineview to the Sheriff's Department and he was there.
Q. When you say the Sheriff's Department, where is that?
A. I'm sorry, Two Notch, the main headquarters at 5623 Two Notch Road.
Q. So that's where he turned himself in?
A. Yes, ma'am.
Q. So you went there?
A. Yes.

Q. And what did you observe when you arrived?
A. I could visibly see what I was hearing on the phone. He was very upset, very emotional. The word I would use is lethargic. He was moving very slowly. He is crying. Tears streaming down his face. He didn't offer any resistance whatsoever when I handcuffed him. Told him I would be taking him around the back and we would go into the building, which is what we did.
Q. I'm going to stop you. Did you go out to get him or was he already inside when --
A. No, I drove up right to him in the parking lot where he was with his family.
Q. So how many people were there? Did you --
A. I was more focused on him, but I'd say five, six people maybe.
Q. And then you take him inside?
A. Yes.
Q. Once you are inside, what did you do?
A. We went to -- now, this Monday was Memorial Day, so it was a county holiday. Normally there would be plenty of people around, but there was nobody around on this day. And we've always been taught, you know, on a homicide investigation, something as important as this, you at least try to have someone

in there with you whenever you're interviewing someone. And it just so happened that Ty Jordan, another investigator, had come up there on his day off for some reason. And I asked if he would be willing to sit in with me during this interview, and he agreed that he would.

Again, once we got inside, same thing: I'm not a murderer. I didn't take a gun over there. Lot of sobbing. Lot of crying. Lot of head shaking.

We have what we call an Advice of Rights form, which, as you know, is Miranda Rights. You've heard of people being Mirandized. And --

Q. I want to stop you for just a second because I know we're familiar, but when you take them into the -- is it a room, is it cubicles, like, where are you taking them?

A. This particular -- upstairs of headquarters, there's probably about 50 cubicles, but there are some offices that you could close the door and you have a window. In this particular office, there was a door and a window. Didn't need to shut the door, there was nobody else around but myself and Ty Jordan, the other investigator, and Mr. Ricks.

Q. And you mentioned that you went over his rights

with him. I'm going to show you what has been marked as State's Exhibit Number 5 and ask if you recognize it?

A. I do. This is a standard form that we use. It is the Richland County Sheriff's Department interrogation or Advice of Rights. And it's just like you hear them saying on TV: Before we -- do you want me to go ahead and read it?

Q. No. Is it in the same condition as when you did it with him back in --

A. It is.

Q. -- May? And is it a fair and accurate representation of that?

A. It is.

MS. SAMPSON: At this time, I'd ask that State's Exhibit Number 5 be introduced into evidence.

THE COURT: Any objection?

MS. ZMROCZEK: No.

THE COURT: Without objection, State's 5 is admitted.

THE COURT REPORTER: It is 51.

MS. SAMPSON: I'm sorry, 51.

THE COURT: 51? State's 51. Thank you.

(WHEREUPON, State's Exhibit No. 51 was admitted into evidence.)

BY MS. SAMPSON:

Q. So now you can talk about it. What do you say to him, or how do you do that form with him?

A. There's a couple of important things to note. I typed in his name there. That was done before. I typed in my name, the date and the time. The date was May 26th, 2014. The time was 12:30.

And each line, there is a check box. It's just a good way to make sure after you read it, you check it. Some investigators initial it, but it's not necessary.

I read it, and I said:

Before we ask you any questions, you must understand your rights. Check that box off.

You have the right to remain silent. Check that box off.

Anything you say can be used against you in court. Check that box off.

You have the right to talk to a lawyer for advice before we ask you any questions and to have a lawyer with you during any questions. Check that box off.

If you cannot afford a lawyer, one will be

appointed for you before any questioning if you wish. Check that box off.

And then the last line is, If you decide to answer questions now without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer. And there's a place to sign right up underneath there to indicate that that has been read to you.

But most important -- just as important is the Waiver of Rights. And that says: I, being Channen Ricks, have read this statement of my rights and I understand what my rights are. I'm willing to talk and answer questions. I understand and know what I am doing. No promises have been made to me and no pressure or coercion of any kind has been used against me.

I made sure he understood that. He signed both there. I witnessed it. And then as you can see, Investigator Ty Jordan witnessed it also.

Q. And after it was -- it is signed by two people, correct, as witnesses, I believe?

A. Yes, myself and Investigator Jordan.

Q. So -- just so the jury is clear, when you're talking about where he signs his name here, did you

make him do that or anything?
A. No, ma'am. He willingly did it.
Q. And here at the bottom where he said he was waiving his rights, did you make him sign there?
A. No, he signed it.
Q. If he hadn't signed that, what would you have done?
A. I would just put refusal to sign or refused to sign it.
Q. Would you keep talking to him if he had done that?
A. No. If he ever indicated that he would not want to talk without an attorney, all questioning would have ceased right then.
Q. So he agreed to talk to you at that point?
A. He did.
Q. So what happened at that point?
A. Again, with his demeanor, I had to be very slow and patient.
Q. What do you mean by that?
A. With his -- again, he was very lethargic. He was crying a lot. Looking at me, shaking his head. I'm no murderer. I didn't take a gun over there.

And I asked him to explain to me what happened. He said that he had gone over to the apartment and that he had a key to the apartment, but that he normally knocked. And that when he

knocked, she brings the boy, meaning his son, to the door to meet him.

But this particular night, for whatever reason, he said he tried to enter the door, that someone behind the door was blocking the door and wouldn't let him in. So he forced his way past the person. And immediately somebody that was on the floor grabbed his leg and another person began to fight with him.

He said that it was very dark inside the apartment, but he could see that somebody standing was trying to pull out a gun. So he fought with that person, but doesn't remember anything at all that happened after that.

He did state that during this incident, he got punched in the face, and he pulled his lip back to show me that he had a cut on his lip. So I took my cell phone, took a full body shot of him sitting in the chair and then asked for him to show me the cut again on his lip, and I photographed that for documentation.

While I was talking to him, at one point he says, I will talk to y'all, but I just don't feel comfortable right now talking without a lawyer.

MS. ZMROCZEK: Objection, Your Honor.

THE COURT: Sustained.

MS. SAMPSON: Beg the Court's indulgence.

(Pause.)

BY MS. SAMPSON:

Q. All right. So you were able to take pictures of him?

A. Yes.

Q. What did -- I'm going to show you what has been marked as State's Exhibit 21 and 22 and ask if you recognize them before you show them to anybody?

A. Yes. Those are the pictures that I took.

Q. And do they fairly and accurately depict what you saw that day?

A. It does.

MS. SAMPSON: I'd ask at this time to introduce State's 21 and 22 into evidence.

THE COURT: Any objection?

MS. ZMROCZEK: No objection.

THE COURT: Without objection, 21 and 22 are admitted.

(WHEREUPON, State's Exhibit No. 21-22 were marked for identification and received into evidence.)

BY MS. SAMPSON:

Q. I'm technology challenged. Is this the way that he

appeared that day to you?
A. Yes.
Q. And is this the picture that you were talking about that you took with your cell phone?
A. Yes.
Q. And did you ever talk to him about the clothing he had on?
A. The clothing?
Q. Yes.
A. At that time, no, ma'am.
Q. Were you ever able to confirm if that's the clothing he had on the night of the incident?
A. I was.
Q. And what is this picture? This is State's Exhibit 22.
A. That was the picture showing the cut on his upper lip that he was talking about he got during the altercation.
Q. And he showed you this; correct?
A. Yes.
Q. So after you -- so you're speaking with him. He gives you this information. You take these pictures. Did he ever tell you while you were speaking with him that he called 9-1-1?
A. He did not.

Q. Did he ever -- did his demeanor ever change during your conversation?
A. No. He was very -- the picture of him sitting there with his head on his hands was a great representation of his demeanor at that time. He was just very -- he was very lethargic. You could tell he was -- in my opinion, he appeared to be exhausted.
Q. And when you asked him about the gun or how many times he shot the gun, was he able to respond to that?
A. That conversation was on the cell phone earlier. We never got to that in the office.
Q. Okay. After you spoke with Mr. Ricks, what happened?
A. At one point he said he just didn't want to talk anymore.

MS. ZMROCZEK: Your Honor --

THE COURT: I sustain the objection, and I instruct the jury to disregard the statement of the sergeant and instruct him not to ever -- not to say that anymore.

THE WITNESS: Yes, sir. My apologies.

THE COURT: Yes.

BY MS. SAMPSON:

Q. What did you do after finishing speaking with him?
A. Did the paperwork necessary to book him in at the jail.
Q. What was the next step that you took?
A. After leaving the jail, I transported him myself to the jail. I made contact by phone with Ms. Latonya Lewis, who stayed at the house where Travis Tucker ran to. And I wanted to talk to her about what happened that morning.
Q. Were you able to confirm that he came there that night?
A. I was.
Q. Were you able to determine who he called after he got to her house?
A. She checked her caller ID and the number was an 803 number. And the call had come in at 7:41. I called that number, which turned out to be Travis's girlfriend, Dominique Green. And she also by phone confirmed that --

MS. ZMROCZEK: Objection, Your Honor.

THE COURT: Sustained. It would be hearsay.

BY MS. SAMPSON:
Q. Were you able to confirm whether she picked Travis up or not that morning?
A. I was able to confirm that.

Q. Were you able -- how did you confirm that he -- the clothing in that photograph was what he had on the night of the incident?
A. Later, when we obtained the security system video, I could see that it was the same clothes. But I also took a photograph of him and texted it to Kiara and asked her --
MS. ZMROCZEK: Objection, Your Honor.
THE COURT: He said he texted her and asked a question.
BY MS. SAMPSON:
Q. And you texted it to her?
A. I did.
Q. Were you able to confirm through that way that he had --
THE COURT: Sustained. That would be calling for hearsay, Solicitor.
MS. SAMPSON: Thank you, Your Honor.
BY MS. SAMPSON:
Q. Were you able to confirm by watching the video?
A. I was.
Q. Okay. And then did you ever determine who called 9-1-1?
A. Yes. On the 27th I called dispatch. And there are several ways that you -- I think I gave them a case

number assigned to the report. And with that case number, I asked them to please provide me with the name of the caller and the phone number that had called 9-1-1 that night. And they provided me with a phone number and the name of Tommy Goodwin.

Q. They didn't provide you with Channen Ricks' name?

A. No. The person that I spoke to never indicated that anyone else had called.

Q. And then -- you've already talked about the video. How did you get the video surveillance footage?

A. As I mentioned earlier, in a case like this, you have people that do different things. Investigator Mike Poole is one of the -- our people at the Sheriff's Department that goes to pull video. I explained to him that the incident had occurred at 1234 Universal Drive in between these times and asked him to go pull the video for that date between these times. Investigator Poole had been an investigator a long time. I trusted him to go get me exactly what he could. And he provided me later with, I think, a CD of the video.

Q. And I'm just going to bring this out. In your report, it says Metze. Who actually pulled the report, Poole or Metze?

A. Beg your pardon?

Q. In your report --
A. Yeah, I think I -- I think I -- I don't remember if I spoke to Metze first and he told me to call Mike Poole, but Mike Poole was the one who actually pulled the video, but in my follow-up, I think I erroneously put Brian Metze.
Q. I'm showing you what's been marked as State's Exhibit 125 and ask if you recognize that?
A. I do. This is the DVD of the surveillance video. And once I looked at it, I submitted it into evidence. This is one of our evidence --
(Phone rings.)
THE COURT: Excuse me, Solicitor.
BY MS. SAMPSON:
Q. Is it still sealed -- or is it marked -- or had you left it marked, rather?
A. It is.
Q. And does it fairly and accurately, as far as you know, depict -- because you watched that actual video; correct?
A. I did.
Q. Does it fairly and accurately depict what you were given from Mike Poole?
A. It does.
MS. SAMPSON: At this time we would ask to

introduce State's 125 into evidence.

THE COURT: Any objection?

MS. ZMROCZEK: No objection.

THE COURT: State's 125 is admitted, without objection.

(WHEREUPON, State's Exhibit No. 125 was marked for identification and received into evidence.)

BY MS. SAMPSON:

Q. And you've seen it since you've given it to me?

A. Yes.

Q. And we've watched it before?

A. Yes.

Q. And I have loaded it onto the computer. If I put it up, will you recognize it?

A. Absolutely.

Q. So is this from the video?

A. It is. That's what was provided to me by Investigator Mike Poole.

Q. And so the screens that are black, they were black when you got them?

A. Correct.

Q. So you didn't black them out or anything?

A. No.

Q. Now, I've started it to play. Now, initially it

says 4:19. Is that the correct time?
A. No. Quite common, after daylight savings time, people won't change the time on their system, so you immediately check and it's an hour off. It's supposed to be 5:00, and whatever the minutes are.
Q. And it's hard to see, but can you tell -- this is Camera 9. Do you remember which one this is facing?
A. That should be -- if I'm facing Kiara's apartment, that should be the apartment building to the right of her.
Q. And I'm going to stop it because I was talking to you. I am going to play it back. I want you to look at that camera we were just talking about. Who is that?
A. That I learned to be Travis Tucker.
Q. That's Travis Tucker?
A. Yes.
Q. Does he have a shirt on?
A. He does not.
Q. And Camera 8, which is the one right beside Camera 9, what is that of?
A. That is the back of the office building, the leasing building for the apartment complex.
Q. And who is that?

A. That's Travis Tucker running there also. He is actually running in the direction of Universal Boulevard at that time -- Universal Drive, I'm sorry.
Q. I'm going to show you what's already been introduced as State's Exhibit 112. When you say -- this is Building 5; correct?
A. Correct.
Q. That's Kiara's apartment?
A. Correct.
Q. So --
A. Yeah, her apartment's on the end of that.
Q. So when the camera shows Travis running, he ran past the building?
A. May I step down?
Q. Sure.
(Witness steps down.)
A. The screen in the upper right is Travis running here. The screen in the left is the office. He's running right behind the office here heading in the direction of Universal Drive.
Q. Why don't you stand right here just a minute to make sure I understand. So he comes from Building 5, goes around through Building 4, and comes through Building 4 and runs through there? Is that

what you're say?
A. I know that he comes from this direction. I'm not sure exactly where. I know that he runs in front of this building. And then he can be seen running this way behind the office.
Q. So the second screen where we see him standing right now is back through here?
A. Correct. From the right of this building.
Q. He's running up to Universal?
A. Correct.
Q. You can stand here while I play it. And what, if anything, happened right there?
A. He falls down. It's hard to see on this one, but he falls down and kind of rolls once and gets back up and continues running.
Q. And behind where he's running is Universal Drive?
A. Yes, it is; right here. Universal Drive comes out this way towards Garners Ferry Road.
Q. Now, as he is running away, what do you see in the camera right below that?
A. That is on the other side.
Q. It is going backwards. Okay. Go ahead.
A. That is over here, actually. And what you see there is our victim, Thomas Pauling, coming out this way from behind the building and coming out in

between these two buildings.
Q. And is that him right there?
A. It is.
Q. And it's blurry there, but does he appear to have on white bottoms?
A. He does.
Q. Fully clothed?
A. It appears from -- yes, he is. You can see his shoes and dark shirt and white pants.
Q. And where does he go?
A. He comes out right here in the parking lot and he can be seen again on the video.
Q. Right there?
A. Yes.
Q. Where is he coming out of?
A. Again, he's coming out from in between these two buildings and he's walking in this direction here. And that shot there -- or maybe one that's -- actually, looking back in this direction to Kiara's apartment. There.
Q. And is that the last time you see him?
A. That's the last time you see him on the video.
Q. And the video continues further along; correct?
A. It does.
Q. At any time do you see Channen Ricks in Camera 11

at all?
A. No.
Q. Do you ever see -- do you ever see him in that top right camera or top left camera?
A. No.
Q. So you never see him up here in any of those -- in those two cameras?
A. That's correct, never see him.
Q. And as we wait, do you remember which camera you eventually see him come into?
A. Yes. He's going to come running back the opposite way that we saw Travis Tucker running in that direction when he fell. In a few moments you'll seen Channen Ricks coming back this way running back towards this camera here in the far right.
Q. And just so we're clear, we don't have an exact time of when Thomas Pauling was shot, do we?
A. We do not.
Q. I'm going to attempt to fast forward. I'll back it up. Who is that?
A. That's Channen Ricks. That is, as you can see, the striped shirt that he had on at the time that I arrested him.
Q. And where do we see him appear again?
A. He comes out right next to the building, next to

Kiara's. And as he's walking here, he's reaching back behind his back. And then he slows his walk and he walks out of sight of that camera.

Q. And do you ever see him on any other --

A. Never again.

Q. All right, you can go ahead and sit down.

(Witness returns to witness stand.)

Q. So to be clear, the shooting is not on video?

A. That's correct.

Q. And were you able to get still shots from the videos?

A. Yes. We have a device on the computer called a snippet tool. And I can just, whatever I'm watching, snip out or even on this particular program I think there's a capture feature. And I was able to take some of those captured pictures and just insert them into my investigative follow-up.

Q. I want to hand you what's been marked as State's Exhibits 23, 24, and 25. Do you recognize those?

A. These are what I call the snippets or the still shots from the video.

Q. And do they fairly and accurately depict what you observed on the video?

A. They do.

MS. SAMPSON: At this time we would ask to introduce State's Exhibits 23 through 25.

MS. ZMROCZEK: Your Honor, they're cumulative at this point. They have the video. I just don't see --

THE COURT: Subject to the objection of counsel, I'll admit them.

MS. SAMPSON: Thank you, Your Honor.

(WHEREUPON, State's Exhibit Nos. 23-25 were marked for identification and received into evidence.)

BY MS. SAMPSON:

Q. So after -- when you asked him to get the video, did you tell him what to get?

A. I told him where to go and the dates and the times of the incident and to -- again, he's a police officer. He's an investigator. I, at that time, had no idea what was on the video. I didn't know what cameras were working or not working, so I had no idea what would be on it. And he went and viewed the footage and was able to download all this.

Q. And when evidence is turned in, are you told that it is turned in? So, for example, when the bullets are collected, they let you know that that has

happened?
A. Yes. And also on our in-house computer system, it will show you that something has been added to your case.
Q. I'm showing you what has been marked as State's Exhibit Number 130 and ask if you recognize that?
A. I recognize this. I didn't collect this, but I recognize it.
Q. What is it?
A. It's a piece of sheetrock from the bedroom ceiling that was collected by CSI Investigator Bouknight.
Q. And it was logged in?
A. It was.
Q. And it's kept in the normal course of your business?
A. It is -- was.
Q. Does it appear to be in the same shape, sealed, et cetera?
A. Yeah. Somebody would -- if they had gone into it, they would have resealed it and put another date and time on it, but it appears to be intact.
MS. SAMPSON: At this time we would ask to introduce State's Exhibit Number 130 into evidence.
THE COURT: Any objection?
MS. ZMROCZEK: Without objection, Your Honor.

THE COURT: State's Exhibit 130 is admitted, without objection.

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

MS. SAMPSON: Beg the Court's indulgence.

THE COURT: Certainly. Take your time.

(Pause.)

MS. SAMPSON: No further questions at this time.

THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MS. ZMROCZEK:

Q. Investigator Johnson, you've been an investigator for 30 years?

A. No, ma'am.

Q. Okay. You've been in law enforcement for 30 years?

A. I've been a police officer for 30 years. 25 years, maybe 24 uniform patrol, one aspect or another, and been doing investigations about five years.

Q. About five years. Being an investigator for five years, you receive training for that; right?

A. Yes, ma'am.

Q. You go to the academy?

A. You go to the academy when you first become a

police officer. You can or cannot go to training for investigations. I took a basic investigator class at the academy, yes.

Q. Did you receive any additional training to be an investigator?

A. You'd have to be more specific. I'm not -- I didn't receive any specialized training, such as crime scene, or anything like that. I did go to some interview classes.

Q. Okay. Did you learn how long they keep 9-1-1 calls for?

A. That would not have anything to do with the training, but through my experience, I think it's 90 days they keep 9-1-1 calls.

Q. So you knew that you had 90 days to get any 9-1-1 calls that were connected with this case?

A. That's correct.

Q. And you did not do that, did you?

A. I did not.

Q. But you said you called dispatch; right?

A. I called dispatch on the first or second day of the investigation and spoke with the dispatcher and asked her to give me the name and the number of the person that called 9-1-1, and she did. I was not offered any additional information at that time.

Q. At that time?
A. Correct.
Q. But you did receive an incident detailed report from them; right?
A. Correct.
Q. A 17-page incident detail report?
A. Correct.
Q. And you received that within the 90 days of this case getting started?
A. Yes.
Q. And you read that report; right?
A. Yes, ma'am.
Q. And you would see then on the very third page, it says, male caller, and a telephone number, doesn't it?
A. It is here on this third page. I cannot say that I saw that.
Q. So you didn't read it or you did?
A. I'm saying I did not see that on this page. As you can see, it's 17 pages.
Q. Right, right, right. It's Page 3 of 17.
A. Uh-huh.
Q. But when you got this, you just didn't bother to read it?
A. I'm saying I did not see that particular comment

there.
Q. So when you see that particular comment there, it says, male caller, and it gives a telephone number?
A. Correct.
Q. Whose telephone number is that?
A. I'd have to see it again. I'm not sure.
(Pause.)
A. I believe that would be Channen Ricks. For the sake of being short, without me looking, I believe that's Channen Ricks's telephone number.
Q. And how do you know that's Channen Ricks's number?
A. I later got his phone the day that I arrested him.
Q. You got his phone the day that you arrested him?
A. Correct.
Q. And what did you do with his phone the day you arrested him?
A. It was seized as evidence.
Q. But before you -- after you seized it into evidence, you manipulated it, didn't you?
A. No. I did not manipulate the evidence.
Q. Did you call it?
A. This particular phone, I was not familiar with. There's a way you can go in and look and see what the number is. Because I was not familiar with it, I was unable to find on the inside where the number

was, so I simply used it to call one of our phones so that I could identify the number.
Q. So you used his phone?
A. Correct.
Q. And you scrolled through that to do that; right?
A. I opened the phone, made a call to a number to identify the number.
Q. Did you try to figure how to identify it without doing that?
A. As I said just a minute ago, I had and was unable to do that.
Q. Okay. So before you were trying to figure out how to get the number and you ended up just calling yourself?
A. Correct.
Q. And you know typically that requires a warrant?
A. At that particular time -- I know the law had changed, but at that particular time I believe that a warrant was not required on that seized phone.
Q. Okay. So you had the seized phone the day after?
A. Correct.
Q. You had the telephone number because you called yourself?
A. Correct.
Q. And you have the incident report?

A. For the 9-1-1?
Q. Correct.
A. I didn't have it that quick, no, ma'am.
Q. You didn't have it that quick, but you had it within the 90 days?
A. Correct.
Q. And so had you investigated it, you would have seen that that was his number?
A. Had I read that more thoroughly, yes.
Q. Because, in fact, you were eventually provided with a copy of the 9-1-1 call?
A. That I -- yes, that I did not know existed; correct.
Q. And on that 9-1-1 call -- well, we can hear it later. But he tells you the same thing that he tells the 9-1-1 operator; right?
A. You'll have to be more specific.
Q. Okay. He told you that he went home and that he was jumped inside his home?
A. I would have to listen to that again to be able to answer correctly. I don't remember. It's been a while since I heard it.
MS. ZMROCZEK: Your Honor --
A. And I'm not sure that he ever identifies himself during that call.

MS. ZMROCZEK: If I may have an opportunity to set up the -- I don't know when we're going to take our afternoon break, but to set up --

THE COURT: If you have any more questions, why don't --

MS. ZMROCZEK: I do. We'll come back to it.

THE COURT: Why don't you do that and then we'll take a break.

MS. ZMROCZEK: And then I'll do it. No problem.

BY MS. ZMROCZEK:

Q. I want to talk about this interview. So the first time that you have contact with him, he contacts you; right?

A. He calls me on my cell phone.

Q. He called you; right?

A. He calls me on my cell phone.

Q. And then he turns himself in?

A. Not immediately.

Q. Right. Within 24 hours of that?

A. Correct.

Q. Okay. And Richland County -- I know it was Memorial Day, but they have the capabilities to record interviews, don't they?

A. We do not record interviews, audio or video.

Q. Let me rephrase the question. You have the capability to?
A. In that particular office that I interviewed him in, there's no recording equipment. It is not set up to audio or video record. We do not have an interview room at the Sheriff's Department that is equipped with an audio recorder or a video recorder. It's actually against our policy to do so.
Q. You have an iPhone; right?
A. I do.
Q. In fact, I believe that you took two pictures with your iPhone; right?
A. Correct.
Q. Where he told you he was attacked?
A. Correct.
Q. And he had physical injuries on his person?
A. That's correct.
Q. Does your iPhone have a recorder?
A. As I mentioned, it's against our policy to audio or video record an interview with a subject.
Q. Who decides that?
A. I can use that phone to take pictures with it. As you know, a smart phone has many uses. One of those, they have great cameras on them. The

policies and procedures are set by the sheriff.
Q. At that time, you took his phone. And you say you knew he had a key or -- what happened to his keys?
A. I do not know.
Q. You have no idea what happened to his keys?
A. Keys?
Q. Keys.
A. I have no idea.
Q. Okay.
A. He never gave me a key. He mentioned that he had a key to Kiara's apartment. And I did not get a key, or keys.
Q. You write a report, a case summary?
A. Try to add to it as I'm going, yes, ma'am.
Q. You update it and make changes; right?
A. Correct.
Q. In fact, in the academy, they teach you that when you do -- when you're the lead investigator, that you rely -- everybody relies on your report; right?
A. It's a cumulative investigation. We rely on the evidence, we rely on the statements, we rely on the written reports. It's cumulative.
Q. Okay. And those written reports are thorough?
A. Thorough and detailed as the writer makes it, yes.
Q. Accurate?

A. As with the information given, yes.
Q. And complete; right?
A. Complete is subjective. It just depends on what do you mean by complete.
Q. I mean everything that you think -- you, being the writer -- you think is important, you put in that report; right?
A. There are a lot of things that you can do throughout the course of an investigation that are important. The entire investigation is important. To actually note every single thing that you do, it would be a lot thicker than this.
Q. Right. So you put down the most important things in that report?
A. I'll put down what was important, yes.
Q. In that report, will you please tell me where it says Kiara told you that Channen fired that gun?
A. Say that again, please?
Q. In your report -- in your report -- tell me which page it says that Kiara said that she saw Channen shoot that gun?
A. On Page 2, I summarize Kiara's statement. She said that she saw Channen and Travis fighting over the gun. At one point Channen had the gun in his hand. And then Kiara said she heard one gunshot.

Q. Okay. So let me ask the question again. In that report, will you tell me where it says that she saw Channen shoot the gun in the house?
A. She said she saw the gun in Channen's hand and then she heard a shot fired.
Q. Okay. Let me ask the question again. In that report --
A. In your words that you just said, it does not say that.
Q. Thank you.
A. Again, that's inside the house.
Q. I'm sorry?
A. That's inside the house, to be clear.
Q. Right, right, right. Inside the house. Very clear.
A. Uh-huh.
Q. I want to talk about the video that we saw when we -- and we can pull it up again if you don't remember. But there were five screens; right?
A. I think so.
Q. Five different camera views?
A. Correct.
Q. And you instructed Mr. Poole, or whomever, to get only views that had movement on them?
A. I instructed Investigator Poole to get what he

would consider evidence of the crime.
Q. And we watched the video, and we can watch it again. And you saw Camera 10? That was the one on the bottom; right?
A. I'd have to take your word for that.
Q. Don't take my word.
A. The numbers are hard to see on the screen.
Q. Okay. We can watch it again.
A. Some of the camera numbers are very clearly visible, some are hard to see.
Q. All right. I'm talking about --
A. Right, Camera 10. I see it.
Q. Camera 10. You told him to record everything that had movement on it; right?
A. No, ma'am. I think you're -- that is not correct.
Q. Okay. What did you tell him?
A. I asked Investigator Poole to go and pull video of the incident. Again, Investigator Poole has been an investigator of many years. He knows what is worthy of evidence and what is not. I delegated that task to him, and he went and pulled this video, and this is what he brought me back.
Q. This is what he brought you back?
A. Correct.
Q. You've seen this video?

A. Yes, ma'am.
Q. What happens on this camera?
A. I would -- it's been a while since I've seen it. I wouldn't feel comfortable answering that until we've played it back again.
Q. Okay. Well, it's playing.
(Video played.)
Q. Does watching it again in its entirety help refresh your recollection?
A. That there was nothing on that particular camera?
Q. Nothing on that particular camera?
A. Yes, it does.
Q. Okay. You received a report from Investigator Poole that was uploaded; right?
A. Correct.
Q. And to refresh your recollection since you don't have a copy, he indicates in Camera 10 he saw movement; right?
A. He does indicate that.
Q. But he didn't get that to us; right?
A. No, hold on. I'm not sure that that's what that indicates. I think that's the time that he recorded from 4:16 to 1812, which would be 6:12 in military time. I'm not sure -- I'm not sure what those notes mean.

Q. So we don't know what happened to Camera 10's video?
A. Well, we just watched there as it was realtime, and we saw that there was nothing on that particular camera. Of course, you saw at the same time on the other camera you saw Channen Ricks running back from Universal Drive back towards his apartment, which subsequently where he got in his vehicle and left.
Q. And then called --
A. We just watched Camera 10 with nothing on it.
Q. Got in his vehicle and left, and then called 9-1-1?
A. That's correct.
Q. Okay. Not once did he speak with them, but three times?
A. I think that's correct. They had to call him back, is my understanding.
Q. They had to call him back. I'm showing you State's 112. Universal Drive is this way. Where is the apartment where you went to go look at Ms. Lewis, maybe? I can't remember which --
A. Universal Drive back to the left runs all the way down to Garners Ferry Road. There was a school down that way, and back behind that school is where Travis Tucker ran to a house. And that's where he

knocked on the lady's door who let him use the phone to call.

Q. And you didn't make any other arrests in this case, did you, besides Channen?

A. I did.

Q. Who was that?

A. Travis Tucker.

Q. What was that for?

A. Charged him with obstruction of justice.

Q. I want to talk to you briefly, Investigator Johnson, about shooting in self-defense. You received training at the academy, right, for that?

A. I received training.

Q. For self-defense?

A. I received training in shoot/don't shoot type scenarios, not necessarily self-defense.

Q. In fact, you've been involved in a shoot/don't shoot scenario, haven't you?

A. I have.

Q. You had to shoot someone?

A. That is correct.

Q. Because you were in fear for your life?

A. I had the man tell me he was about to shoot me, so I shot him, yes.

Q. And he didn't have a gun in his hand when he said

that?
A. Yes.
MS. SAMPSON: Objection.
THE COURT: Sustained.
BY MS. ZMROCZEK:
Q. You're familiar with needing -- you're familiar that someone who is threatened for their life can shoot in self-defense?
A. That is way too many variables there. You would have to be more specific for me to answer that.
Q. We'll move on.
MS. ZMROCZEK: Your Honor, if I may play that 9-1-1 call? It just may take a second to set it up.
THE COURT: Why don't we do this, let's let the jury go to the jury room and take a break.
Do not begin your deliberations. We'll be with you in about 15 minutes. That will give them time for them to set it up.
(WHEREUPON, the jury retires to the jury room at 3:39 p.m.)
THE COURT: Anything from the State before we recess?
MS. SAMPSON: No, sir.
THE COURT: Anything from the Defense?

MS. ZMROCZEK: No, sir.

THE COURT: Sergeant Johnson, during this break, if you want to step down you may do so, but do not have any conversations with any of the lawyers.

(WHEREUPON, a break was taken at 3:39 p.m.)

(WHEREUPON, the proceedings resumed at 3:49 p.m.)

THE COURT: Sergeant Johnson resume the stand.

(Witness returns to witness stand.)

THE COURT: Bring them in, Mr. Addison.

(WHEREUPON, the jury came into open court at 3:51 p.m.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: Thank you, Mr. Addison.

Thank you, ladies and gentlemen.

You may resume cross-examination.

MS. ZMROCZEK: Thank you, Your Honor.

CROSS-EXAMINATION CONTINUES

BY MS. ZMROCZEK:

Q. Investigator -- Sergeant Johnson now -- you were here when we put in State's 111 into evidence; right? The 9-1-1 call?

A. I couldn't hear you for the door closing. Say it

again?
Q. You were in here -- you were in here when we put in State's 111, the 9-1-1 call; right?
A. Was that earlier this morning?
Q. No, no, yesterday.
A. Yes.
Q. Okay.
(Plays 9-1-1.)
Q. So you had never heard that tape before it was provided to you by the Defense; right?
A. That's correct.
Q. Even though the number appeared on the call log of the incident detail -- Page 3 of the incident detail report that you got; right?
A. That is correct.
Q. And you never followed up on it?
A. I didn't see it to follow up on it.
Q. And just one last question to clarify. In your final summary report of the most important facts, on Page 2 you say, Kiara said she heard one gunshot while inside the apartment with Channen, but could not tell who fired the shot?
A. Page 2?
Q. Yes. It's a yes or no question, sir.
A. Please tell me were you're referring.

Q. I will.
A. Kiara said she heard one gunshot while she was inside the apartment with Channen, but she could not tell who fired the shot.
Q. That was your report?
A. Correct.
Q. And that was the most important information that you were providing in this case; correct?
A. There is a very important sentence before that. At one point Channen had the gun in his hand. Then Kiara said she heard a gunshot.
Q. And then the very important after that is, she didn't see who fired it? Your words; right?
A. No, but, just as important, my words, that she said she saw Channen with a gun in her hand.
Q. Okay.
A. And then heard the gunshot.
Q. Right. But in your report, your words --
A. Same report.
Q. Same report. She didn't see who fired that gun?
A. Correct.
Q. And, in fact, up until she gets on the stand and testifies, each and every other witness that you have in your report said they don't know who fired that gun; right?

A. That's correct.

MS. ZMROCZEK: Thank you. No further questions.

THE COURT: Redirect?

MS. SAMPSON: Yes, sir.

REDIRECT EXAMINATION

BY MS. SAMPSON:

Q. Investigator Johnson, Ms. Zmroczek just asked you about Kiara Pelzer's statement. Did you talk to Kiara Pelzer?

A. Investigator -- Sergeant Maldonado interviewed her.

Q. So that report where she was referencing what you wrote down, that is your summary of what you were told; correct?

A. And me going over the statement somewhat, yes.

Q. It's not what she told you?

A. Correct. They had been talking probably an hour before I got there.

Q. All right. And she asked you about the 9-1-1 call. You listened to it; correct?

A. Yes.

Q. We all just listened to it. Was everything in that 9-1-1 call correct?

A. No, actually. What jumps out to me is that he changes location somewhat, I think. And stated he

was in an abandoned house, said he was on Bluff Road. There was some noise in the background, he said it was a TV. No.

Q. Was he in an abandoned house?

A. I don't know where he was at that time.

Q. Did you hear him give his name?

A. He never did.

Q. How about that he shot Thomas Pauling?

A. He never mentioned that.

Q. Did he mention shooting a gun at all in that 9-1-1 call?

A. All he wanted to say is that they tried to kill him. And when the dispatcher asked him several times, Where are you at, he eluded that question and would not answer.

Q. And was there ever --

A. Would not answer giving a location that an officer could meet him.

Q. Was there ever a question that he knows Thomas Pauling?

A. I'm sorry, I don't remember that.

Q. Was there ever a question or any doubt that Channen Ricks knows Thomas Pauling?

A. No, there's no doubt.

Q. And Ms. Zmroczek said he made three calls. In this

entire two years that this case has been pending, have you ever heard that he told 9-1-1 ever his name?

A. Never.

Q. Have you ever been told that he told 9-1-1 that he shot anybody?

A. He never did.

Q. Now, I want to talk to you a little bit about the actual apartment. You stated that after -- you were not there when some of the investigation was done, you were --

A. When the initial investigation was done, I was not there. The initial processing of the house and the scene out in the parking lot, when that was done by the crime scene investigators, I was not there.

Q. And I want to show you what's been marked as State's Exhibit 37 and 47 through 50 and ask if you recognize those?

A. I do.

Q. And you have -- even though you didn't take the photographs, you've seen all of them; correct?

A. I have.

Q. And they're given to you as part of the investigation?

A. That's correct.

Q. And those copies of those photographs, are those a fair and accurate depiction of the photographs you were given?
A. They are.
MS. SAMPSON: I'd ask to introduce State's 37 and 47 through 50.
THE COURT: Any objection?
MS. ZMROCZEK: (Nods negatively.)
THE COURT: State's 37 and State's 47 through 50 are admitted without objection.
(WHEREUPON, State's Exhibit No. 37 was marked for identification and received into evidence.)
(WHEREUPON, State's Exhibit Nos. 47-50 were marked for identification and received into evidence.)
BY MS. SAMPSON:
Q. And state's Exhibit 37, it shows the markers; correct?
A. That's correct. Those are the markers where the shell casings were found in the parking lot.
Q. And would you agree with me this is going uphill?
A. Yes, and -- in a direction, yes.
Q. So the shooter would have been down here and the casing would be going up to --

MS. ZMROCZEK: Objection, Your Honor. I don't think he's qualified.

THE COURT: I'll overrule the objection that he's not qualified. Certainly, based on 701 I think he can render.

MS. SAMPSON: Thank you, Your Honor.

A. It's easy to conclude that the shots were not all in one spot, that there was a progression towards a certain area when the shots were fired based on the location of the casings.

Q. You can't say, even though they're in a line, whether the line started here at AE and went back to AH or the other way?

A. No way to tell.

Q. But you can just say based on where the casings are found they're in a line?

A. Correct.

Q. And I want to show you AF and AE. Those are two of the bullets that were recovered -- casings?

A. Two of the casings, yes, ma'am.

Q. And they have some damage to them; correct?

A. They do.

Q. Now, looking at Number 37, are they in the middle of the roadway?

A. They are.

Q. And AG and AH also show the other two bullet casings; correct?
A. Correct.
Q. Those are not damaged?
A. Correct.
Q. Are those closer to the curb?
A. They are.
Q. Ms. Zmroczek asked you on cross-examination about -- when we heard the call again. Was there ever any information provided to you that two people were shooting at Channen Ricks?
A. No, absolutely not. Throughout all the statements and testimony, only one gun was mentioned.
Q. And was there any evidence or anything provided to you showing that Thomas Pauling had a gun that night -- or that morning?
A. Just contrary to that, he did not have a gun.
Q. The only person you were told that had a gun was Travis?
A. Travis Tucker.
Q. And she asked you about charging Travis Tucker. What did you charge him with?
A. Charged him with obstruction of justice.
Q. And why did you do that?
A. Based on the statements, it was my belief that he

brought the gun there. And he lied during the investigation that he did not have a gun, that somebody else obviously brought the gun. So based on that, he was charged with obstruction of justice.

Q. Because he lied to you?

A. Yes.

MS. SAMPSON: Nothing further, Your Honor.

THE COURT: Recross?

MS. ZMROCZEK: Just briefly, Your Honor.

RECROSS-EXAMINATION

BY MS. ZMROCZEK:

Q. She says based on the altercation you can tell where the shooter was standing?

A. I'm not sure --

Q. I mean, based on the casings, you can tell where the shooter is standing?

A. When I fire a gun, say, for example, at a firing range, I know that when I hold a gun out the casing is going to eject to the right and back to the rear. All I can say is that if someone was standing at a certain spot and shot a gun, the casing would likely be found to the right and to the rear of that person, wherever the gun was pointing. Because I did not see this particular

shooting, I cannot state where the shooter was at the time that Mr. Ricks shot the gun.

Q. And when this -- at the time when you're at the firing range, nobody is jumping on you, are they?

A. Well, we actually do all types of training where people rush at you and you're in low light conditions and stuff, but that's kind of, again, a very subjective question.

Q. Because it can affect how things land; right?

A. I'm not -- everybody has different levels of skill. It's hard to say what one would do.

Q. Let me ask you this. Through your skill and education and training, when you shoot a bullet and it travels up, does that mean that you're shooting from below or above or facing?

A. Obviously, if a bullet is traveling up, then -- if it hits an object, then obviously someone is up underneath that object.

Q. Thank you. And then she asked you about the calls and this was the first time that you ever heard -- or a few months ago was the first time you had ever heard in two years that Channen had called 9-1-1. But you've been an investigator for five years; right?

A. Correct.

Q. And you know how to subpoena phone records?
A. Correct.
Q. You had had his cell phone number the day after this incident?
A. Correct.
Q. And you never subpoenaed cell phone records, did you?
A. Well, we downloaded the phone.
Q. Right. You downloaded the phone?
A. Correct.
Q. And that 9-1-1 call doesn't show up on your download, does it?
A. I would have to go back and look at that, but I don't think it does.
Q. But it shows up in the actual phone records?
A. Okay.
Q. Right? You've seen those?
A. I believe that's correct.
Q. And it shows up on the 9-1-1 calls?
A. He called 9-1-1. It doesn't bring Mr. Pauling back.
Q. And he said -- right, it doesn't bring Mr. Pauling back. But he called 9-1-1 and he said he was scared?
A. He said he was scared.

Q. And he said that someone shot in his house with his baby?

A. They heard the tape, you heard the tape. Yes.

MS. ZMROCZEK: Thank you.

THE COURT: All right. Mr. Johnson, you may step down.

THE WITNESS: Thank you.

(Witness steps down.)

THE COURT: Call your next witness, please.

MS. SAMPSON: Let me confer with Ms. Zmroczek for a second.

THE COURT: Sure, take your time.

(Pause.)

MS. SAMPSON: At this point, Your Honor, the State would rest.

THE COURT: Okay. Ladies and gentlemen, there are some matters of law now that I have to take up outside of your presence. I need for you to go to your jury room. We will be with you as quickly as we can.

Do not begin your deliberation and do not discuss the case among yourselves. We will be back with you soon as possible.

Thank you.

(WHEREUPON, the jury retires to the jury

room 4:09 p.m.)

THE COURT: Any motions, matters from the State at this point?

MS. SAMPSON: No, Your Honor. I'm not sure how to address this, but, to be honest, it's been a long time, I haven't had anybody actually to have to be bench warranted to come to court, so that's what we conferred about.

I would ask Your Honor at some point to take judicial notice of that, if that's even possible. What I don't want to be in is in closing and there be an issue about us not calling Travis Tucker.

I asked Ms. Zmroczek about that and said I would put up a witness. Unfortunately, that witness is ill and not here to actually serve him.

THE COURT: First of all, that would be in closing argument, and that would not be proper because it's not -- because both sides had the equal opportunity to secure his presence, so that would not be something that should be said, I wouldn't think. I don't think Ms. Zmroczek is planning to say that.

MS. SAMPSON: Then I have nothing.

THE COURT: Very well. Thank you.

MS. ZMROCZEK: Thank you.

THE COURT: Ms. Zmroczek, I will be happy to hear from you.

MS. ZMROCZEK: Thank you, Your Honor. At this point the Defense would move for a directed verdict under Rule 19. And I know that you're familiar with the arguments, but -- and, honestly, with the new case law that has been coming out as this case has been going on, I'm not sure, Your Honor, how to deal with the renewal for the Castle Doctrine hearing, but since you've heard all the evidence -- I don't know. So, you know --

THE COURT: I can tell you, based on what I've heard, I would conclude the same as Judge Lee concerning that, because I think this is a question for the jury, not so much as -- and the ones that I've heard, it's really -- I view it -- my view of it is it is really a very focused point. And the point is, is the person accused immune from prosecution? It doesn't address self-defense. It doesn't negate self-defense. It just simply says, based on the law, can you tell the State they cannot prosecute this person. And based on what I've heard, I think the State has every right to prosecute this case. And I think the issue of self-defense is certainly a very real issue here.

Or, at least, it could be.

At this juncture, your motion, of course, but for the statement, there probably is not substantial circumstantial evidence that he shot anybody, but the statement takes it over the limit as far as I'm concerned.

There's no question that there was an abundance of evidence to -- not that the State has to prove motive, but clearly there are issues that have been presented that would justify a jury concluding that, yes, his statement, I shot him, is correct, he shot them.

The inference to be drawn, I think, from my standpoint of murder versus self-defense or anything that I think overcomes and really addresses the immunity, in my perspective, is everything I've heard thus far, the altercation occurs in the house, in the apartment. The shooting, firing, in the house. There's evidence of that. There is no question and substantial circumstantial evidence is this person had three gunshot wounds outside the house. That means whatever shooting, it didn't -- and then one -- of course, one of the pathologists testified he would have been basically incapacitated initially and

would have died in minutes. So the likelihood of exiting -- there's no question that somebody knocked out the window, so there's an exit. So clearly there is a sufficient -- I think combining all of those circumstances points to and supports the charge of murder.

So that would be my ruling on your directed verdict. I don't -- I really think the case law says that they're separate. I need to revisit -- Judge Goldsmith, I think, was the one that did charge some of the things. But I don't think you really -- in this case, I think the normal self-defense will cover everything, but, again, I haven't heard, so at this point I don't have any self-defense to charge at this juncture.

MS. ZMROCZEK: Right. Exactly. And, obviously, two things. One, I want to address this spoliation motion, and then address going over his rights. Obviously, Your Honor, we -- I mean, we put in all kinds of evidence. We're going to put up a case. He's going to testify. He testified before.

THE COURT: I'm going to visit that issue, for sure, but right now I want to just focus on the motion concerning directed verdict based solely on

the State's case.

MS. ZMROCZEK: Right, right.

THE COURT: Anything else to add?

MS. ZMROCZEK: Nothing on that.

THE COURT: I think I've articulated my reasons for my ruling.

MS. ZMROCZEK: I think you have, Your Honor.

THE COURT: Okay. Now, you do -- and you mentioned several. The last list, I think, had two witnesses that you at this point wish to present for the jury's consideration potentially?

MS. ZMROCZEK: We have --

THE COURT: I mean, you listed others and I called them out.

MS. ZMROCZEK: Right, right, right. I have Alvidia Jenkins Chambers or Chambers Jenkins, I can't remember which way it goes, Laquanda Richardson, Chris Watkins, and Mr. Ricks.

THE COURT: Let me discuss -- you're not planning to rest at this point?

MS. ZMROCZEK: Right.

THE COURT: Mr. Ricks, you heard me tell the jury when we commenced this proceeding that they need not look to you to prove or disprove anything at all, that person accused of criminal offenses in

this country do not have to prove their innocence, they don't have to present any evidence, they don't have to say a word. But while -- and you have the right -- and I know you discussed this with your lawyer -- to continue to remain silent. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: I've been advised by your attorney, and I think she mentioned in opening statement, that you were desirous of taking the stand and testifying; is that correct?

THE DEFENDANT: Yes, sir.

THE COURT: And that's still your desire?

THE DEFENDANT: Yes, sir.

THE COURT: You've had the opportunity to observe what happens. Each side has a chance to ask you questions. You understand that?

THE DEFENDANT: Yes, sir.

THE COURT: You have basically -- in that vein, you have direct testimony, which would be conducted by your attorney, cross-examination by the State, redirect by your attorney, and then recross by the State. So basically four different opportunities. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Understanding -- and are you today under the influence of any alcohol or any medication?

THE DEFENDANT: No, sir.

THE COURT: Is there anything -- and the Court would observe you have been very much involved in this case, and that's very appropriate. You've been involved in discussions with your lawyer. You've been taking notes, I've observed that. You have had sufficient time to consider this very important decision; is that correct?

THE DEFENDANT: (Nods affirmatively.)

THE COURT: That is to -- whether to testify or not to testify?

THE DEFENDANT: Yes, sir.

THE COURT: And it is your decision to take the stand and testify?

THE DEFENDANT: Yes, sir.

THE COURT: Do you know of anything that's affecting the ability -- your ability to make that type of decision here today? In other words, do you have any emotional distress, any type of medication, anything at all that would affect your ability to rationally make this decision?

THE DEFENDANT: When you say emotional

distress, what you mean?

THE COURT: Well, I mean, can you think clearly?

THE DEFENDANT: Yes, sir.

THE COURT: Are you comfortable with your decision?

THE DEFENDANT: Yes.

THE COURT: And you've been -- and obviously from the get-go, that has been your decision?

THE DEFENDANT: Yes, sir.

THE COURT: So you've thought about this long before today, haven't you?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. And there's nothing that's occurred since you made that decision early on to change your mind about testifying or not testifying; is that correct?

THE DEFENDANT: No, sir.

THE COURT: Okay. And are you satisfied with your lawyer, the manner in which she's advised you on this issue?

THE DEFENDANT: Yes, sir.

THE COURT: And you understand -- you talked about various trial strategies and you understand it's your decision to put your version in before

this jury; is that correct?

THE DEFENDANT: Yes, sir.

THE COURT: And that's what you wish to do?

THE DEFENDANT: Yes, sir.

THE COURT: Thank you so much, sir. You may be seated.

(Defendant is seated.)

THE COURT: I find the Defendant has had the benefit of very competent counsel. He has indicated he is totally satisfied with her discussions concerning the right to testify or not to testify.

I find that he has demonstrated by his responses to my questions that he's made a decision, a conscious decision for himself, freely and voluntarily, without any undue influence, that he wishes to take the stand. And I find that to be one that he makes knowingly and intelligently and freely and voluntarily.

Mr. Ricks, let me just say this to you. If at any point between now and when your lawyer calls your name to be go be sworn in, if you change your mind, just let your lawyer know and we'll -- I'll excuse the jury and we will revisit this issue. Okay?

THE DEFENDANT: Thank you, sir.

THE COURT: If I don't hear from you about testifying or not testifying, then I'm going to assume you stand by your decision to take the stand. Okay?

THE DEFENDANT: Yes, sir.

THE COURT: Is that fair?

THE DEFENDANT: Yes, sir. But I only have one issue with swearing on the Bible. I don't want to do that.

THE COURT: Well, you can affirm, can't you?

MS. ZMROCZEK: We had this issue, Your Honor -- we had this issue before. He's just of the religion where --

THE COURT: I understand. You don't have to swear on the Bible. We'll say, Do you swear or affirm. That's what affirm means, that you're going -- you affirm that you're going to tell the truth. You're not swearing on the Bible.

THE DEFENDANT: Yes, I'm going to tell the truth.

THE COURT: Okay. Well, that's part of the oath. It goes quickly. We don't listen to it sometimes, but that's what she says. Do you solemnly swear or affirm. That's what affirm

means. Okay? But you don't have to put your hand on the Bible if you don't want to.

MS. ZMROCZEK: And, Your honor, we had this before. Apparently, it is --

THE COURT: I think the rules have addressed that.

MS. ZMROCZEK: I think so. Thank you, Your Honor.

THE COURT: Thank you. All right. Are you ready to present your witnesses?

MS. ZMROCZEK: We are, Your Honor. I have three -- four -- and --

THE COURT: I would assume his testimony will be longer. And I assume you probably -- I'm not trying to predict your strategy of when you call him, but I assume you will call him last?

MS. ZMROCZEK: That's exactly correct, Your Honor.

THE COURT: That would be what I would have done. That was 22 years ago when I was doing it, so.

MS. ZMROCZEK: That's correct, Your Honor.

THE COURT: Have we got some? We can go ahead and work until 5:00 o'clock?

MS. ZMROCZEK: Yes. And Mr. -- I got a

cryptic message from Frost -- because I sent somebody at lunch to serve him. And apparently he -- I think he's on his way. I can't tell from his message.

THE COURT: Do you have somebody we can take while he's on the way?

MS. ZMROCZEK: I have two people.

THE COURT: That's good.

All right. Do y'all need a break, or are you ready?

MS. ZMROCZEK: May I just use the restroom?

THE COURT: You certainly may. Take your time. No rush. We'll all just take a stretch if you need to.

(WHEREUPON, a break was taken at 4:21 p.m.)

THE COURT: Are you ready?

MS. ZMROCZEK: Yes, Your Honor.

THE COURT: The State is ready?

MS. SAMPSON: Yes, Your Honor.

THE COURT: Let's bring in our jury.

(WHEREUPON, the jury came into open court at 4:33 p.m.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: Thank you very much, Mr. Addison.

Thank you, ladies and gentlemen. We've completed the State's case. And as you recall, I mentioned to you when we started that the State is the only party that has any burden of proof in this process. But I told you that -- and that certainly Mr. Ricks doesn't have to prove or disprove anything at all, but he still has a right to present any additional testimony for your consideration if he chooses to do so.

Now, Ms. Zmroczek, does Mr. Ricks wish to present any additional testimony?

MS. ZMROCZEK: We do, Your Honor.

THE COURT: You may proceed.

MS. ZMROCZEK: Thank you. We call Laquanda Richardson, please.

(Witness approaches.)

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

(Witness complies.)

THE CLERK: Do you solemnly swear or affirm the testimony you give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Please have a seat, and state your

full name for the record.

THE WITNESS: Laquanda Briggman Richardson.

LAQUANDA B. RICHARDSON,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. ZMROCZEK:

Q. Ms. Richardson, be sure to speak up. I know it's hard. Tell the jury how old you are.

A. Thirty.

Q. And how are you related to Channen Ricks?

A. My cousin-in-law.

Q. I'm sorry?

A. Cousin-in-law.

Q. Okay. So his -- who is your husband?

A. Darryl Richardson, which is his cousin.

Q. Darryl Richardson is Channen's cousin?

A. Yes.

Q. How long were y'all married?

A. Three years, together ten.

Q. Together ten years?

A. Yes, ma'am.

Q. And has something happened to Mr. Richardson?

A. He passed away five months ago.

Q. Okay. I want to focus on May 25th, 2014. Do you remember that date?

A. Yes, ma'am.
Q. And do you remember what your husband's cell phone number was?
A. He had a few. 269 was one, and 361.
Q. Okay. What about 603-8998?
A. Yes.
Q. And that belonged to?
A. My husband, Darryl.
Q. That belonged to Darryl?
A. Yes.
Q. And did you have an occasion to -- for you and Darryl to see Channen on May 25th -- or -- yeah, May 25th, 2014?
A. Yes, ma'am.
Q. And when was that?
A. When we picked him up after the incident. We had to pick him up from the Rush's behind -- off Garners Ferry.
Q. Okay. And about what time was this?
A. It was early in the morning, around 8:00, 7:00ish, 8:00ish.
Q. So before 8:30?
A. Yes.
Q. And how did y'all know to go to the Rush's on -- behind the Rush's on Garners Ferry to pick him up?

A. Well, we had gotten a call that the incident had taken place. And when we called him, he -- I mean, we were trying to call him. He didn't answer. And then he finally called us back and was disheveled and just told us to meet him behind the Rush's. So we proceeded to go pick him up.
Q. Who was with him?
A. A friend of his. I'm not sure, just somebody he caught a ride from, I guess.
Q. Okay. And what was his state of mind?
A. Disheveled. Confused. Hurt. He just wasn't hisself.
Q. Was he crying?
A. Yes.
Q. What did you do after y'all picked him up?
A. We went and got him a room, and then we left him. We took his baby so that -- well, we really didn't know what was going on, we just took the baby so that he can kind of get hisself together. And we just dropped him off, and then we left.
Q. So you took his baby. So who else was with him?
A. Kiara.
Q. Kiara Pelzer?
A. Pelzer.
Q. And where did you take -- get that room?

A. I'm not sure of the name of the hotel, but it was over by the airport in West Columbia.
Q. And I'm going to show you what's marked as Defendant's 3 and ask you if you recognize this?
A. Yes.
Q. Okay. Is that the receipt from that room?
A. Yes.
MS. ZMROCZEK: Your Honor, at this time --
Q. And you've seen this before; right?
A. Yes.
Q. And this is exactly what you received?
A. Yes, ma'am.
MS. ZMROCZEK: Your Honor, at this time, we would move Defendant's 3 into evidence.
THE COURT: Any objection?
MR. WILLIAMS: Without objection.
THE COURT: Without objection, Defendant's 3 is admitted.
(WHEREUPON, Defendant's Exhibit No. 3 was marked for identification and received into evidence.)
BY MS. ZMROCZEK:
Q. And this is a receipt from the Masters Inn?
A. Yes, ma'am.
Q. And whose name is on that receipt?

A. My husband, Darryl Richardson.
Q. Okay. And what day is that check-in?
A. May 25th.
Q. At what time?
A. 11:07 -- no, that's check-out, I'm sorry. 8:58.
Q. 8:58?
A. Yes.
Q. And he checked out?
A. At 11:07.
Q. On the same day or the next day?
A. The next day.
Q. And were you there when they checked out?
A. Yes.
Q. And who -- when you -- when you went to go pick Channen up that next day, where were you taking him?
A. We were taking him to turn hisself in.
Q. To turn himself in?
A. Yes.
Q. Where was that?
A. At the Police Department on Two Notch.
Q. And who was with you in the car?
A. Me, my husband, Darryl, Kiara, and Channen and Aiden, his son.
Q. And his baby?

A. Yes.
Q. Okay. So Kiara actually met with Channen at the Masters Inn?
A. I'm assuming, because when we got there the next -- well, when we got there that evening to check on him, take him back cigarettes, something to drink, something to eat, he was still by hisself. When we proceeded to go the next morning, Kiara was there.
Q. Kiara was there?
A. Yes.
Q. What was he wearing? Was he wearing -- you haven't been in here. What was he wearing? Did he have on the same clothes from the night before?
A. Yeah, it was the same clothes he went out in.
Q. And when you went to go turn him in the next day, what was his demeanor?
A. Still the same. Hurt. Confused. Crying. Just upset all the way around.
Q. Please answer any questions the State may have.
A. Yes.

MR. WILLIAMS: No questions from the State, Your Honor.

THE COURT: Very well. You may come down. Thank you.

Do you wish the witness to be excused?

MS. ZMROCZEK: Yes, Your Honor.

THE COURT: You are also free to leave.

THE WITNESS: Okay.

THE COURT: Thank you.

(Witness excused.)

THE COURT: Call your next witness.

MS. ZMROCZEK: Thank you. We call Ms. Alvidia Chambers. She's coming, Your Honor.

(Witness approaches.)

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

(Witness complies.)

THE CLERK: Do you solemnly swear or affirm the testimony you give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Please have a seat, and state your full name for the record.

(Witness seated.)

THE WITNESS: My name is Alvidia Chambers.

ALVIDIA CHAMBERS,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. ZMROCZEK:

Q. Ms. Chambers, how are you related to Channen?

A. Channen is my son.

Q. And make sure that you speak up, okay?

A. Okay.

Q. Do you know Kiara Pelzer?

A. Yes.

Q. How do you know her?

A. Kiara and Channen have a son together, and they were pretty much dating each other.

Q. And do you know Thomas Pauling?

A. I have known Thomas from being with Channen. Knowing him personally, no, I don't, but I do know him from coming to my house on a couple of occasions along with Channen to support him in one occasion and just being his friend.

Q. Just being his friend?

A. Yes.

Q. May 25th, what's the importance of that day?

A. On May 25th, that's Channen's birthday.

Q. That's Channen's birthday. Were you -- where was Channen on his birthday?

A. At first, he was at home at my house. Well, home because he's my son. That's always his home, regardless of whether he leave or come back. But

Channen had been there. He changed clothes. Came in and took a shower and changed clothes. And when I got in, he was on the phone with Thomas. He was inviting Channen out to go out and party and celebrate his birthday.

Q. Okay. And you said that his home is always your home. Did he live with you all the time?

A. No.

Q. I'm sorry?

A. No.

Q. Okay. Where else did he live?

A. Channen lived with Kiara.

Q. Where was that?

A. Universal Drive.

Q. Which apartment?

A. I'm not sure.

Q. 501?

A. 501, yes.

Q. Have you been there before?

A. Yes, I've been there on several occasions. I went there a lot. I even went there taking Kiara to and from work, her doctors' appointments. I did multiple things for her. So I was there a lot.

Q. Did Channen have a car?

A. Channen only used my car.

Q. And what did he use your car for?
A. Channen used my car for almost anything he wanted to do after hours when I'm off of work. I would let him come and get my car a lot of times. He would be in the other subdivision down from our house or at Kiara's house.
Q. And did Xavier lived with you at the time?
A. Yes.
Q. And where was he the night of May 24th?
A. Xavier went to Kiara house to watch the kids. She came and picked him up from his mother's house to take him to go watch the kids while she go out.
Q. Were you aware, or do you have personal knowledge of the relationship between Kiara and Channen?
A. They go together. They live together.
Q. Did they fight?
A. Well, I mean, physical altercations, I don't actually think they fought that way. But exchange of words, of course, because there has been times when the phone would pocket dial and I could hear them arguing, bickering among each other.
Q. And then they would get back together?
A. Right back together.
Q. I want to talk about the morning of May 25th, 2014. How -- what do you first remember about that

morning?

A. I remember about that morning, it was raining. It was misty raining. It was foggy. And in the midst of the morning, my phone was going off. And I was like, Who could this be this time of the morning? But when the phone was ringing, I know it had to be something because nobody calls me that time of the morning. So I got up and I grabbed my phone and it was all this shouting in the background. And I was like, Who is the world is this?

I'm on my way to get you. I'm on my way to get you.

And I was like, What's the matter?

Channen. Channen. I'm thinking something drastic has happened.

Q. And who was that? Was that Channen on the phone?

A. No, it was Kiara.

Q. Okay. So she said she was on her way to get you?

A. Uh-huh.

Q. And did she -- how long after that phone call did she arrive at your house?

A. Oh, I mean, it was like suddenly she arrived there. And during her call, she was probably already on her way to get me, but she was just calling me so, you know, I could be up and ready to go.

Q. Okay. And she got to your house?
A. When she got to my house, Kiara, Xavier, and Brianna was in the car, along with the kids. It was misty raining and foggy and Kiara was driving extremely fast. And I told her several times, You got to slow down. It's foggy and it's raining.
Q. Now, did you ride back with them or did you have your car?
A. I rode back with Kiara to the apartment area.
Q. Where was your car?
A. Channen had my car.
Q. Okay. So you rode back with Kiara to the apartment?
A. Uh-huh.
Q. What happened when you got back to the apartment?
A. When I got back there, the ambulance -- well, the firetruck and the police was there. And I saw that they had taped off a specific area. I was really emotional because I just knew something had happened. So I walked down the street. And approaching the parking lot, I saw someone laying on the ground, and that terrified me. The police officer wouldn't let us come but so far. So Kiara had walked part of the way down there with me.
And I said, Kiara, it's someone down there on

the ground.

She said, Where?

I said, Over by that car.

She said, What they got on?

And I told her, White short pants and a blue jacket.

And she said, Oh, no, that's my cousin.

And we turned around and walked back toward her apartment.

Q. What did you do once you got back to her apartment?

A. When we got back up by the apartment, we went inside. Kiara was inside picking up stuff, so I joined in and started to help her pick up stuff.

Q. Let me ask you this. You spent a lot of time in that apartment?

A. Yes.

Q. What kind of reception do you get in there?

A. You get really bad, poor reception inside of Kiara apartment. If you're not directly by the window or outside, you get really poor reception in her apartment.

Q. When did you first talk to Channen after this?

A. When I talked to Channen, it was pretty much a little while after I had got down there. I had -- I had been calling him. And, you know, he was

trying to call me at the same time, so we didn't connect. The phone would go to voicemail. So finally after I hung up, being in the emotional state I was, I just gave up, so my phone rung and it was Channen. And he was crying furiously. He was crying furiously.

Q. What did you tell him to do?

A. I asked -- I told him that he had to come back. I said, You need to come back. You need to call the police. You need to call the police. And he was crying.

He was like, Mama, they was going to kill me. They was trying to kill me.

So I said, But you got to come back and you got to call the police.

Q. Do you know that he called the police?

A. Yeah, he called the police. And then he called me back and he said, I called them. So I asked him where was he. And he was crying so, we just lost contact at that moment, but.

Q. Let me ask you about this crying. Was he crying because he was sad? Have you heard him cry before?

A. Yes.

Q. Was it a sad crying?

A. He was broken. It was a broken-type cry. He was

hurt. He was scared. He was just --

MR. WILLIAMS: Your Honor, at this point I would object. I don't know if she has personal knowledge.

THE COURT: Sustained under 602. You have to lay a foundation for her to be able to state it.

BY MS. ZMROCZEK:

Q. When you -- what time -- or do you remember what time you left the apartment that morning?

A. When I left the apartment, it was well about -- like, 9:00, 10:00 o'clock, in between that time when I left from there.

Q. Was Kiara with you still?

A. No, I left Kiara and Xavier and all of them were still there. My friend had came, so I rode back home with him.

Q. Okay. You went back to your house?

A. Yes.

Q. On Frasier?

A. Yes.

Q. And did anybody come to your house?

A. Kiara -- well, first, some of Channen's friends had came.

Q. Okay. Did any investigators or police come?

A. Well, after a while, Investigator Johnson showed

up.
Q. Did he ask you for Channen's phone number?
A. No. He asked me did I know how to get in contact with Channen, and I told him yes.
Q. And did he ask to search the car?
A. Yes, he asked me could he search my car, and I gave him permission to search my car. And he looked in the trunk of the car and he goes to the back and then said thank you.
Q. When was the next time you talked to Channen?
A. I don't remember the exact time, but it was within the same day on the 25th that I had talked to him.
Q. Did you know where he was at that point?
A. No.
Q. Okay. Did you ever know where he was?
A. No.
Q. Okay. When is the next time you saw him?
A. The next time I saw Channen was the day that we took him over to the police headquarters for him to turn himself in.
Q. And where was that?
A. On Two Notch Road, the police precinct there.
Q. And who was with him when he turned himself in?
A. It was -- well, it was Kiara, my nephew.
Q. And your nephew is who?

A. Darryl Richardson.
Q. Okay. Darryl Richardson.
A. Laquanda Richardson, and Kiara had the baby with her.
Q. Please answer any questions the State might have.
A. Okay.
THE COURT: You may cross-examine.
MR. WILLIAMS: No questions from the State, Your Honor.
THE COURT: Thank you. You may come down.
(Witness steps down.)
MS. ZMROCZEK: Your Honor, we call -- well, I received a text message that Officer Frost is here.
THE COURT: Is he here? If he's here -- you want to check and see if he's here? If not --
MS. ZMROCZEK: If not, I still have one more witness.
THE COURT: You do? Okay.
MS. ZMROCZEK: They are going to go check for me.
THE COURT: Okay. You want to call --
MS. ZMROCZEK: I will. I'll call Chris Watkins.
(Witness approaches.)
THE BAILIFF: Place your left hand on the

Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you solemnly swear or affirm the testimony you give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, I do.

THE CLERK: Have a seat, and state your full name for the record.

(Witness seated.)

THE WITNESS: Christopher Watkins.

CHRISTOPHER WATKINS,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. ZMROCZEK:

Q. Mr. Watkins, where are you employed?

A. I'm employed at Watkins Digital Forensics and Investigations. It's a company that I own.

Q. How long have you been employed there?

A. I started my company earlier this year, in January. I'm a private investigator. Prior to that, I worked with another firm here in Columbia. I've been a private investigator for about six years.

Q. As a private investigator, are you licensed?

A. Yes. We are licensed through South Carolina Law

Enforcement Division.

Q. How long have you been a licensed investigator through SLED?

A. Since February 2010.

Q. Do you work for just defense lawyers?

A. No, I don't work just for defense lawyers.

Q. What is digital forensics?

A. Digital forensics is the area of forensic science that deals in securing, analyzing, and discovering digital evidence on electronic devices, such as phones, computers, anything that stores electronic data.

Q. Have you been qualified as an expert in court before?

A. Yes, I have been qualified as an expert in digital forensic science in South Carolina -- excuse me, United States Federal Court, South Carolina Circuit Court, General Sessions, Common Pleas, and South Carolina Family Court.

MS. ZMROCZEK: Your Honor, at this time, we would move to have Mr. Watkins -- move to have him as an expert witness in digital forensics.

THE COURT: Do you care to examine his qualifications?

MS. SAMPSON: No, sir, no objection.

THE COURT: Very well. You will be permitted to render opinions in that area.

MS. ZMROCZEK: Thank you.

BY MS. ZMROCZEK:

Q. I want to focus your attention on this case. What were you asked to analyze or to do in this case?

A. I was hired to assist with the defense in an investigative capacity, focus primarily on the digital evidence that was collected in this case, things like cell phones and call detail records from the cell service provider, as well as video that was collected.

Q. And did you generate reports from that?

A. I did. I generated multiple reports.

Q. I'm showing you what's been previously marked as Defendant's 5. Do you recognize that?

A. Yes.

Q. Is that the disk that you generated?

A. It is.

Q. And does that have several different telephone reports on it?

A. It does. It's got the call detail records and the data extracted from the cell phones included on it.

Q. Okay.

MS. ZMROCZEK: Your Honor, at this time, we

would move Defendant's 5 into evidence.

MS. SAMPSON: Without objection.

THE COURT: Without objection, Defendant's 5 is admitted.

(WHEREUPON, Defendant's Exhibit No. 5 was marked for identification and received into evidence.)

BY MS. ZMROCZEK:

Q. I'm going to show you Defendant's 9, 10, 11, 12, and 32 and ask you if those are printed portions of what's on that disk?

A. I believe all of these, except for this one, would be on that disk.

Q. Okay. And "this one" would be 32?

A. That's correct.

Q. Is 32 a separate report that you generated?

A. Yes.

Q. And that report you provided to the State as well?

A. I did.

MS. ZMROCZEK: Your Honor, at this time we would move 9, 10, 11, 12, and 32 into evidence.

THE COURT: Any objection?

MS. SAMPSON: No, sir.

THE COURT: Without objection, Defendant's 9 through 12 and Defendant's 32 are admitted.

(WHEREUPON, Defendant's Exhibit Nos. 9-12 were marked for identification and received into evidence.)

(WHEREUPON, Defendant's Exhibit Nos. 9-12 were marked for identification and received into evidence.)

BY MS. ZMROCZEK:

Q. I want to focus first on the text messages that you were able to get from the phone. What phones were you dealing with? Tell the jury which phones you had or records you had access to.

A. So we got records from Mr. Channen Ricks' phone, Mr. Thomas Pauling's phone, and Mr. --

THE COURT REPORTER: I'm sorry, I can't hear you.

A. Mr. Channen Ricks' phone, Mr. Thomas Pauling's phone, and Mr. --

Q. Is it Travis Tucker?

A. Travis Tucker. I wanted to get the first name right.

Q. And so were there other numbers that were identified on those?

A. Say that again?

Q. Were there other witness numbers that were identified?

A. There were other witness numbers identified, such as Kiara, Brianna.
Q. Kiara and Brianna Pelzer?
A. Brianna Pelzer, yes.
Q. Okay. So were you able to kind of generate -- what were you able to generate from all of these calls and call logs?
A. So what I did is I developed a timeline to show -- we focus on the date of incident, of course, but a timeline to show the incoming and outgoing communications for all parties combined so we can get a better idea of who is communicating and kind of have a better idea of what is going on.
Q. And that is what these, 9, 10, 11, and 12, are the printed portion of those conversations focusing on those times; right?
A. That's correct.
Q. Okay. And so when -- for example, when we're looking at text messages and you have the actual content of the text messages, you didn't alter any of those, did you?
A. No. The text messages were put in this report from what we received from Clear Talk.
Q. So all of these conversations are what were being texted back and forth?

A. That's correct.
Q. And then I want to talk about Defense 32. So you were provided a cell dump of Mr. Channen Ricks's phone; is that correct?
A. Yes, I was.
Q. Explain to the jury kind of what that is.
A. So when we get phones in evidence or when law enforcement does, what they will do is they'll extract the data from that phone. And from that, they will produce a report of the data so we can see calls, text messages, contacts, things of that nature.
Q. When you received that report initially, did you also request -- or did you get a subpoena for the cell phone records of Mr. Ricks?
A. That's correct. We also got the cell phone records from Clear Talk, a cell phone provider, for Mr. Ricks' phone. The purpose of doing that is you tend to get more information from those as far as phones typically don't store as much information, and getting them from the cell phone provider tends to get a little bit more.
Q. In addition to those two things, did you actually get Mr. Ricks' phone out of evidence?
A. Yes. I also had access to Mr. Ricks' phone and

Mr. Pauling's phone, and Mr. Tucker's as well.

Q. What was the purpose of getting Mr. Ricks's phone and everybody's phones out of evidence to manually review them?

A. When I was reviewing the -- what I did is I compared the phone records that were in the extraction report and the phone records that were provided from Clear Talk. And I noticed that there were some inconsistencies with calls that were not appearing on the phone that should have been because they appeared in the Clear Talk records, which would indicate that the data had been deleted.

Q. Okay. So when you say that there were inconsistencies, specifically what call were you looking for?

A. A 9-1-1 call.

Q. So you were looking for the 9-1-1 call. It was not on the extraction report?

A. It was not on the extraction report. When I got the phone, it was not in the phone as well.

Q. Was it on the phone records?

A. It is on the phone records.

Q. When you got the phone and you noticed it wasn't on the phone, what -- how -- what does that tell you?

A. It tells me that the 9-1-1 call was deleted.
Q. Manually deleted?
A. Manually deleted. And noticed also with -- following that 9-1-1 call, there's several numbers that were incoming to Mr. Ricks' phone and -- recent -- these numbers showed that these were from the 9-1-1 communications center calling him back after the call had been disconnected. So these calls were still on the phone and reported in the records, but the 9-1-1 call itself was not on the phone.
Q. And you had an opportunity to view video in this case as well?
A. Yes, I did.
Q. Was all the video that was said to be provided to you provided to you?
A. No.
Q. Were there -- what was missing?
A. There was a camera that was pointed in the direction of the apartment building of 501. We later were told that that camera was not working at the time. In addition to that, we received several camera angles from the apartment. One of them didn't contain any data at all that would be useful to this case, no movements or anything of any of

the subjects involved. And also the duration of time that we received for the video, there was a -- I've got a report that was received. If you don't mind me pulling it up real quick.

(Pause.)

So we received a form that one of the Richland County Sheriff's Department investigators had filled out while he was reviewing the video on site at the apartment complex. And it is noted that -- there is an entry noted on here that's outside of the scope of the video that we actually received. We were informed that each entry that's added to this report is an item of movement, something is going on in the video and that's why it's noted on the report. But the very first entry is not included in what was extracted and what was received.

Q. So there was movement seen, but it was never provided?

A. Correct.

Q. And I will show you Defendant's 22 and ask if you recognize that?

A. Yes.

Q. And what is that?

A. This is a basic timeline report that I generated,

just taking artifacts from the video and from the other reports from Mr. Ricks' phone log and the 9-1-1 call as well.

Q. So that's a summary of kind of a chronological timeline?

A. Correct.

MS. ZMROCZEK: Your Honor, at this time we would move Defendant's 22 in evidence.

THE COURT: Any objection?

MS. SAMPSON: No, sir.

THE COURT: Without objection, Defendant's 22 is admitted.

(WHEREUPON, Defendant's Exhibit No. 22 was marked for identification and received into evidence.)

BY MS. ZMROCZEK:

Q. Looking at that timeline, how long were you able to tell -- how much time transpired from this entire incident? What were you able to tell from your timeline?

A. You mean as far as when Mr. Ricks arrived?

Q. Correct.

A. And when, I guess, after the incident had been --

Q. The first 9-1-1 call?

A. The first 9-1-1 call? Okay. It's difficult to say

exactly when Mr. Ricks arrived, but we do have a phone call at 5:18 a.m. to Kiara. He had indicated to me that he had made this call when he turned onto Burdell from Universal Drive.

Q. And is that consistent with the phone records that shows that there was communication back and forth between Mr. Ricks and Ms. Pelzer?

A. That's correct.

Q. Okay.

A. Yes.

Q. And then --

A. So --

Q. What kind of time span?

A. So between that time and the 9-1-1 call, we're looking at a window of a little over ten minutes.

Q. And that 9-1-1 call, you had the opportunity to listen to it?

A. I did listen to it, yes.

Q. And in that 9-1-1 call, I think the jury heard it, said that, It happened about five minutes ago?

A. Yes. One of the callers did indicate that as well.

Q. So you were able to kind of narrow this down to less than a 10-minute --

A. Yes. Based on the records and looking at the video footage, it is arguable this happened in less than

ten minutes, yes.
Q. Was that the extent of your involvement in this case? In addition to doing interviews, and things like that?
A. I believe so.
Q. Please answer any questions the State may have.
A. All right.
THE COURT: Cross-examine?
MS. SAMPSON: Just briefly, Your Honor.

CROSS-EXAMINATION

BY MS. SAMPSON:
Q. Good afternoon, Mr. Watkins. We've actually talked before; correct?
A. We have, yes.
Q. You actually had to help me understand the Clear Talk records; correct?
A. Yes. Clear Talk records -- I've been dealing with cell phone records for a long time. I have a lot of experience with it. And Clear Talk records are definitely the hardest records to put together and process.
Q. And, in fact, the only way to get the records from Clear Talk is to know that a phone is from Clear Talk; correct?
A. That's correct.

Q. Like, if you didn't know the provider, you couldn't request the correct records of that?
A. Yes. And we do have ways of determining what the cell phone provider is.
Q. How do you do that?
A. We have a service that we use. We'll just punch in the number and it will tell what cell service it goes to.
Q. And that's something that you do?
A. Yes, I can do that.
Q. And the police -- the law enforcement, they did download the phones; correct?
A. Yes.
Q. Okay. And they provided that to you?
A. Yes. I provided the tracking logs.
Q. And we talked about this before, the call that is missing, can you tell -- the 9-1-1 call that is not in his phone --
A. Uh-huh.
Q. -- can you tell when that got deleted?
A. You can't. Any time you deal with deleted data, especially with phones, you're not going to be able to tell when it's deleted.
Q. And there's more than just that call deleted; correct?

A. There were other calls that appeared to have been deleted as well.
Q. And Ms. Zmroczek just had you do a timeline. 5:18, you stated was a call made by Mr. Ricks to Kiara?
A. Yes.
Q. Is there a way to know for sure that that's from Mr. Ricks to Kiara?
A. The cell phone record within the Clear Talk log is showing that's an outgoing call.
Q. Based on the numbers?
A. Based on the numbers, yes. I can't say if Mr. Ricks was holding that phone or Kiara was holding the phone.
Q. Correct. And you can't tell from that where he was, whether he was on Burdell or Universal, where he was when he made that call?
A. No, we can only see where the cell tower places him. And we just know that he was at least in the area.
Q. In that area?
A. In that area.
Q. And you said -- and I just want to clarify, that you had a 10-minute window from that 5:18 until the first 9-1-1 call?
A. A little over ten minutes.

Q. And you're talking about the call from Tommy Goodwin, not from Channen Ricks; correct?
A. No, ma'am. Mr. Ricks placed a call to 9-1-1 at 5:32 a.m.
Q. 5:32 a.m. Do we have that -- but you just said you heard that call?
A. Not that call.
Q. Correct, you don't have that call?
A. This call -- we did request the 9-1-1 calls, but we only -- we did receive a call between 9-1-1 communications and Channen Ricks. But this is not the call that he made. This is actually a recorded call when they called him back and he answered that call.
Q. So that first call, we don't know what was said in that call?
A. We have no idea.
Q. Nothing at all?
A. Right. We never received that.
Q. A couple of things I forgot. And just to be clear, I'm not sure what you got in with Ms. Zmroczek.
MS. ZMROCZEK: No objection.
Q. This was State's Exhibit Number 20. You provided this to me; correct?
A. Yes, ma'am.

Q. And is this a fair and accurate representation of what you provided me?
A. Yes.
MS. SAMPSON: I might just ask that we introduce State's Exhibit 20 into evidence.
MS. ZMROCZEK: Without objection.
THE COURT: Without objection, State's Exhibit 20 is admitted.
(WHEREUPON, State's Exhibit No. 20 was marked for identification and received into evidence.)
BY MS. SAMPSON:
Q. And one last thing. Do you still have -- I believe Ms. Zmroczek may have given you this.
A. This?
Q. Yes.
A. Okay.
Q. That is notations from Mr. Poole, Investigator Poole, correct, as to the video?
A. It's initialed MP. I would believe -- those are his initials, so I would think that -- it's not signed Poole is what I'm saying.
Q. She asked you about what that meant; correct?
A. What the document means?
Q. What the notations on the document mean?

A. Yes.
Q. Did you talk to MP or ever try to find out who that is?
A. No. We were -- at some point we requested to know what these times reflected, and we were told that they reflected movement or something was going on in the video.
Q. Told by who?
A. I don't recall.
Q. Okay. So, again, did you go talk to Investigator Poole?
A. I didn't personally talk to him.
Q. Did you ask Ms. Zmroczek who MP was?
A. Yes. And prior to -- we did at some point know that Mr. Poole was involved with this.
Q. So -- and you would agree with me that to determine what those notes mean, it would be best to ask the person who wrote them?
A. And I'm not sure who talked to him or how we got the information, but that's -- I'm under the impression that that information came from Mr. Poole.
Q. For you to know what those notes mean, the times and whatever he wrote down, whether any movement or not, it would be best to talk to the person that

took the notes; correct?
A. Right. But because I have no recollection of who talked to Mr. Poole -- I got this information talking to Ms. Zmroczek.
Q. Correct.
A. So somewhere down the line, this is where the information came from.
Q. Anything stop you from talking to Investigator Poole?
A. There was no need for me to talk to Mr. Poole.
Q. Anything stop you from talking to Mr. Poole?
A. There was nothing stopping me, but there was no need as well.
Q. Did you know he testified this week?
A. I wasn't here for that testimony, no.

MS. SAMPSON: No further questions, Your Honor.

THE COURT: Redirect?

MS. ZMROCZEK: Yes, briefly.

REDIRECT EXAMINATION

BY MS. ZMROCZEK:
Q. That service that you talked about to find out what number a call belongs to, is that exclusive to private investigators?
A. No, there are free services online. Anybody can

look that stuff up.
Q. In fact, have you dealt with Richland County before?
A. Yes.
Q. And do they have access to that service?
A. Absolutely. Anybody could get access to that.
Q. And that report that you received from Investigator Poole was provided to you from me by the State; right?
A. That's correct.
Q. And it says they were looking for any related movement to the incident; right?
A. That's what I was told, yes.
Q. And these were the dates and times that you were provided?
A. Yes.
Q. And the phone records I think that they've put in -- so there were several days of text messages on the phone records; right?
A. There were, yes.
Q. And so I think State's -- or Defense 10 is focusing on just the night of and the day of the incident?
A. Yes.
Q. But State's 20 actually has all the phone text conversations between Kiara and Channen?

A. Yes, that's correct.
Q. And it documents everything that she said to him on these texts?
A. Yes, all the text messages are documented, yes.
Q. And then he says back?
A. Yes.
Q. And all the call logs indicate when he was being called by Kiara or Brianna's phone; is that correct?
A. Yes.
Q. And those are reflected in your phone records; right?
A. That's correct.
Q. And between the hours of 4:00 and 5:00, are there calls to and from -- between the two parties?
A. Yes.

MS. ZMROCZEK: Thank you. I have no further questions.

THE COURT: Recross?

MS. SAMPSON: No, sir.

THE COURT: Thank you. You may come down, and you are free to leave.

(Witness excused.)

MS. ZMROCZEK: Thank you. Very briefly. Mr. Poole is here -- I mean, Frost, not Poole.

THE COURT: Okay.

(Witness approaches.)

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

(Witness complies.)

THE CLERK: Do you solemnly swear or affirm the testimony you give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I affirm.

THE CLERK: Have a seat, and state your full name for the record.

THE WITNESS: Matthew Frost.

MATTHEW FROST,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. ZMROCZEK:

Q. Mr. Frost, thank you for coming so late in the day.

A. Uh-huh.

Q. Where are you employed now?

A. River Burch Farms.

Q. Okay. Where were you previously employed?

A. Richland County Sheriff's Department.

Q. How long were you at Richland County Sheriff's Department?

A. Three and a half years.
Q. Did you go to the academy?
A. Yes, ma'am, I did.
Q. You received training?
A. I did.
Q. Received training on how to write reports?
A. I did.
Q. Were you involved in this case on May 25th, 2014?
A. I responded to the scene.
Q. Were you the first responder?
A. I was not. I was the second one on the scene.
Q. Second responder?
A. Yes, ma'am.
Q. Did you write a report?
A. I did.
Q. Did you put important information in that report?
A. I did.
Q. In that report -- and you have -- I think I saw you brought copy of it with you. You were putting information that you were told; correct?
A. Yes, ma'am.
Q. And you recall being told from Ms. Pelzer that Thomas Pauling --

MR. WILLIAMS: Objection, Your Honor. This is her witness and Defense counsel is leading the

witness.

THE COURT: Sustained.

MS. ZMROCZEK: Okay.

BY MS. ZMROCZEK:

Q. What do you recall Ms. Pelzer telling you about the location of Travis Tucker and Thomas Pauling?

A. The location of them? Where they were at or?

Q. Yeah, yeah, where they were at?

A. She told me previously they were at Club Torch and then they came back to her apartment.

Q. And then where were they located once they were in her apartment?

A. She never told me where Pauling and Tucker were when she arrived back. She told me they were at her apartment one time and then -- or when she got home from the club, and then the first time she told me they came home from the club with her.

Q. Okay. So she told you a couple of different stories?

A. Yes, ma'am.

Q. Okay. And then did you do a supplemental report?

A. I did.

Q. What's a supplemental report?

A. It's just additional information that can be provided in a report. It can either be

observations or stuff for investigators to follow up on, but not necessarily is required in the initial report.

Q. And in that supplemental report, what information did you learn about a gun being fired in the apartment?

A. Kiara had told me that after Ricks arrived at her apartment, he mentioned something about getting a gun. And shortly thereafter, a firearm was discharged in her apartment.

Q. Okay. And what was she doing when that firearm was discharged?

A. She was trying to open the master bedroom door, which is in the rear of the residence. She had told me it was locked.

Q. Okay. So -- and did she tell you she saw who fired that gun?

A. No, she did not.

Q. Thank you. Please answer any questions the State might have.

THE COURT: Cross?

MR. WILLIAMS: Briefly, Your Honor.

THE COURT: Sure.

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. Mr. Frost, we called you today to try to get you to come here; right?

A. Correct.

Q. You couldn't make it earlier today; right?

A. Could not.

Q. You had some problems with your chickens, or something like that?

A. Turkeys.

Q. Turkeys. All right. But you're here now; right?

A. Yes, I am.

Q. And you remember this incident; right?

A. I do.

Q. All right. You talked with Kiara Pelzer at the scene of the crime; correct?

A. Yes.

Q. Okay. Now, this report, the same report you have in front of you, she has never seen; right?

A. To my knowledge, no.

Q. You didn't show her this report, did you?

A. No, I did not show her this report.

Q. Everything that's in this report is your version of what she told you; right?

A. Correct.

MR. WILLIAMS: No further questions.

THE COURT: Redirect?

MS. ZMROCZEK: Just briefly.

REDIRECT EXAMINATION

BY MS. ZMROCZEK:

Q. When you write a report, you don't write what you think happened, do you?

A. No, I write what is told to me or else I write my observations.

Q. You write what's exactly told to you?

A. Right.

Q. And you were the very first person that talked to Kiara Pelzer?

A. I was.

Q. And she told you she didn't see who shot that gun, didn't she?

A. That question never came up.

MS. ZMROCZEK: Thank you.

THE COURT: Recross?

MR. WILLIAMS: Nothing from the State, Your Honor.

THE COURT: Thank you. You may step down, and you are free to leave, Mr. Frost.

Thank you, sir.

(Witness excused.)

THE COURT: All right. At this point we will

recess for the evening, ladies and gentlemen. Please remember you are still not at liberty to discuss this case among yourselves. I would anticipate you will have an opportunity to do that after tomorrow. We will -- I'm sure we will probably get this case to you hopefully by mid-day, or thereabouts. And then you will be able to begin your deliberations and you'll perform the function and task that you accepted when we commenced it. But please remember, until then, you're not at liberty to talk among yourselves or talk with anyone.

You also must remember that requirement and expectation that everyone has, and that is to keep that open mind that you brought with you when we started this. And I would urge you to do that. There is certainly a temptation as you get closer to the end of the evidentiary portion to start reaching conclusion, and if you do, you will have violated the oath that you took. So please remember that throughout the evening.

Have a good evening. I ask you to be in your jury room by 9:30.

Thank you.

(WHEREUPON, the jury retires to the jury

room at 5:22 p.m.)

THE COURT: Anything from the State before we recess?

MS. SAMPSON: No, sir.

THE COURT: Anything from the Defendant?

MS. ZMROCZEK: No, sir.

THE COURT: If you all have any specific requests to charge, if you will go ahead and e-mail them to me during the night. It will be fine to bring them in the morning.

MS. SAMPSON: Okay.

THE COURT: That's okay too. And I'll be happy to have that, then I can look at that so we can move through that charge conference very quickly.

Thank you so much.

MS. SAMPSON: Thank you, Your Honor.

MS. ZMROCZEK: Thank you, Your Honor.

(WHEREUPON, the proceedings concluded at 5:23 p.m.)

OCTOBER 13, 2016

(WHEREUPON, the proceedings commenced at 9:32 a.m.)

THE COURT: Did you talk to him about putting his hand on the Bible? He refuses to put his hand

on the Bible?

MS. ZMROCZEK: He did, yes.

THE COURT: That's fine. We don't need to hold the Bible.

THE CLERK: Yes, Your Honor.

THE COURT: Just when he comes up, just -- no need to come up and hold the Bible. Let him raise his hand.

THE CLERK: Yes, Your Honor.

THE COURT: Your voluntary intoxication, I'm going to wait and hear -- I've been waiting to hear that, but no problem.

MS. SAMPSON: You had just asked for them --

THE COURT: No, no. And I appreciate it. It just depends on what he says. I know you had the statement. The inference is there, but I will probably rely more heavily on that. But I have no problem, I'll charge that.

MS. SAMPSON: Thank you.

THE COURT: And act on appearances, that's in my normal --

MS. ZMROCZEK: I figured, but for whatever reason, I could not find that.

THE COURT: That's not a problem.

MS. ZMROCZEK: I poked myself in the eye and

it went crazy.

THE COURT: No problem.

Are either of you going to request voluntary manslaughter?

MS. ZMROCZEK: If they do, Your Honor, we would argue against it.

THE COURT: So you want murder or nothing?

MS. ZMROCZEK: Murder or nothing.

THE COURT: Okay. Fine with me.

MS. ZMROCZEK: And we discussed that before.

THE COURT: You better.

All right. Is the State ready to proceed?

MS. SAMPSON: Yes, sir.

THE COURT: Let the record reflect the Defendant is present.

Is the Defendant ready to proceed?

MS. ZMROCZEK: We are, Your Honor.

THE COURT: Very good. Let's bring in our jury, please.

THE BAILIFF: Yes, sir.

(WHEREUPON, the jury came into open court at 9:35 a.m.)

THE BAILIFF: The jury panel is seated, Your Honor.

THE COURT: Thank you so much. I appreciate

it.

Thank you, ladies and gentlemen. I hope you had a good evening. We are ready now to continue the matter.

MS. ZMROCZEK: May we approach briefly, Your Honor? I'm sorry.

THE COURT: I thought we were ready.

MS. ZMROCZEK: We were ready.

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

THE COURT: All right. Ladies and gentlemen, there is a matter of law that I have to take up. I apologize to you. Just for a few minutes, if you will retire to your room. You didn't know you were going to have an aerobics class this morning.

(WHEREUPON, the jury retires to the jury room at 9:37 a.m.)

MS. ZMROCZEK: I'm sorry, Your Honor.

THE COURT: Can we get them removed?

MS. ZMROCZEK: I'm sorry, Your Honor.

THE DEPUTY: You want them off?

THE COURT: Absolutely. Yes, sir, absolutely.

MS. ZMROCZEK: And as soon as he went to stand up, I heard them, and I was like -- so I apologize

for that, Your Honor.

THE COURT: But I appreciate you asking.

Mr. Ricks, let me -- while they are doing that, let me say this to you, because the first time I had to make that decision, oddly enough, it was in this circuit in 1996. And I was trying the Broad River, I call it an uprising, it was a horrible riot there. It was horrible testimony, horrible injuries to law enforcement. And one of the perpetrators was here. And, of course, they were in their prison garb, so there wasn't any question where they were. But they were in shackles. And I was next-door to now Justice Pleicones. And I asked him -- I asked him whether or not -- that the Defendant wanted to testify and, of course, he was a violent person, for sure. And I said, What should I do? Because I had been on the bench for a little over a year.

He said, Well, I'd let him -- what would you want done to you?

And I said, Well, I guess I'd want to have the privilege of walking up to the stand without chains on.

And so I told the gentleman, as I'm going to tell you, Mr. Ricks, I'm going to respect you as an

individual and expect that you will honor the dignity that this proceeding -- not just me, but the office that I hold and this process and we won't have any problem.

THE DEFENDANT: No, sir, you won't.

THE COURT: Thank you, sir. I appreciate it.

MS. ZMROCZEK: And the State wanted to address what his record --

MS. SAMPSON: I just realized. I thought she had another witness, and as we were about to start she said she didn't.

THE COURT: Okay.

MS. SAMPSON: So the Defendant has charges that I do think would be admissible if he testifies, Your Honor. He has an assault and battery of a high and aggravated nature from 2007, and he has a possession of a stolen motor vehicle and strong armed robbery from 2009.

THE COURT: What's your position?

THE DEFENDANT: I was in prison --

THE COURT: No, no, no, no, sir, not -- I appreciate it. Your lawyer will speak for that one.

Ms. Zmroczek?

MS. ZMROCZEK: Your Honor, the possession of

stolen motor vehicle, I don't -- I mean, I know that it falls within the ten years. I mean, I know that these all fall within --

THE COURT: But that even comes to the honest/dishonest part too.

MS. ZMROCZEK: You know, I think that --

THE COURT: The assault and battery, what is it, assault and battery with intent to kill?

MS. SAMPSON: It was assault and battery of a high and aggravated nature.

THE COURT: Okay.

MS. ZMROCZEK: Yeah, I mean, I think that they fall within --

THE COURT: I think they fall within the ten years. And I don't think the charge -- I've done that before where it was the same charge. And I would say you -- you can say, Have you been convicted prior to 2000, because that's the issue, really, the charge itself. This one, while it has some similarities, it's not the same. So I think it falls within the ten years and they'd be entitled to it.

MS. ZMROCZEK: Thank you. We'll cover that in the --

THE COURT: Absolutely. And you know that all

you -- you don't go into the dynamics of that charge.

MS. SAMPSON: I have no intentions of doing that.

THE COURT: I didn't think you did, but I just wanted to be sure that was not done.

MS. SAMPSON: And I just want to put on the record, just briefly, what Ms. Zmroczek and I just realized we didn't do it, she said something about not bringing in the DOC records. I have no intentions of going into him ever even being at DOC. It was literally just that he has convictions.

THE COURT: Absolutely. And you're clearly entitled to ask that. And I will charge -- my charge will say, when I talk about credibility and believability, it's a factor for them to consider. It doesn't mean you can't believe it, it's just one of those factors that you use to determine whether you believe someone.

MS. ZMROCZEK: Thank you. And, Your Honor, one of the things, Mr. Pauling had just gotten out of prison, and that's one of the reasons that they were going to reconnect and celebrate for his birthday. So if he says if he knows -- when I ask

about their relationship if he knows --

THE COURT: Listen, if he brings up he was in prison, that's up to him.

MS. ZMROCZEK: Right, right, right.

THE COURT: She's not going to bring it up.

MS. SAMPSON: They weren't in prison together.

THE COURT: Well, I understand that. Well, they may have had a common bond because they were both -- I don't know what he's going -- I mean, you can object to it if you want. I don't know why you would. If you want to, that's up to you.

MS. SAMPSON: I wouldn't want her to get into Mr. Pauling, anything about him having been in prison coming up.

THE COURT: Well, if he was in prison and he knew that, I don't know -- again, I don't know how it's going to weigh into all that's going to be testified to, so we'll take it as it comes.

MS. SAMPSON: That's fine.

THE COURT: That's -- the beauty of this job in a lot of ways is that old saying, Don't worry about it until you cross the bridge. There's no need to. So, I mean, we can hypothecate all we want.

All right. Anything else?

MS. ZMROCZEK: That's all, Your Honor.

THE COURT: Okay. Try it again, sir.

MS. ZMROCZEK: I promise that's all.

THE COURT: Thank you, Mr. Ricks. You may be seated.

(Defendant seated on witness stand.)

(WHEREUPON, the jury came into open court at 9:43 a.m.)

THE BAILIFF: The jury panel is present, Your Honor.

THE COURT: Appreciate it.

Thank you, ladies and gentlemen. I appreciate your patience with the Court.

All right. The State's ready to proceed?

MS. SAMPSON: Yes, sir.

THE COURT: And we started, does the Defendant wish to present any additional evidence for the jury's consideration?

MS. ZMROCZEK: We do, Your Honor.

THE COURT: You may proceed.

MS. ZMROCZEK: Thank you. We'd call Channen Ricks.

THE COURT: Okay, Mr. Ricks.

THE BAILIFF: Raise your right hand, please.

(Witness complies.)

THE CLERK: Do you solemnly swear or affirm the testimony you give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, ma'am.

THE COURT: State your full name for the record.

THE WITNESS: Channen Ricks.

CHANNEN RICKS,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. ZMROCZEK:

Q. Mr. Ricks, I want to make sure that you speak up, okay? It's important that we all hear you. You can pull that closer if you need to.

Tell the jury how old you are.

A. Twenty-eight years old.

Q. Yeah, you're going to have to speak a lot louder than that.

A. I'm 28 years old.

Q. Okay. There you go. And where did you last work?

A. At the Hardee's on Universal Drive.

Q. When were you working there? Up until May of 2014?

A. No, I quit a little bit before May of 2014 because I had just had a son.

Q. All right. And what is your son's name?
A. Aiden Ricks.
Q. When was he born?
A. February 13th, 2014.
Q. So he was born on February 13th of 2014?
A. Yes, ma'am.
Q. I'm not trying to embarrass you, to get this out of the way, have you been arrested before?
A. Yes, ma'am.
Q. Do you have an arrest for assault and battery of a high and aggravated nature?
A. Yes, ma'am.
Q. Possession of a stolen motor vehicle?
A. Yes, ma'am.
Q. And a strong armed robbery?
A. Yes, ma'am.
Q. And were those back in 2009?
A. Back in 2008.
Q. 2008?
A. Yes, ma'am. I made some mistakes.
Q. Since then, until this, you hadn't had any problems; right?
A. No, ma'am.
Q. Tell the jury who Kiara Ricks is.
A. Kiara Pelzer?

Q. Yes, Kiara Pelzer.
A. She's the child [sic] of my son and my stepdaughter, Nivaya P[redacted].
Q. When did you meet?
A. I knew Kiara since we were young. We grew up in the same neighborhood, you know, riding bikes and stuff like that together.
Q. When did y'all start a romantic relationship?
A. I want to say it was like April or March -- no, it was April. It was April 2013, shortly after I came home.
Q. And did she have a daughter?
A. Yes, ma'am.
Q. What was her name?
A. Nivaya P[redacted]r.
Q. And what kind of interaction did you have with Nivaya P[redacted]?
A. She was like a daughter of my own. I have a daughter, Samoya J[redacted]n, who is around the same age as Nivaya, so they immediately builded a relationship together. So we was kind of like together all the time.
Q. When -- where did you live?
A. When you say where did I live, are you referring to after I came home?

Q. Right. Where did you live?
A. I started off staying with my mama at [redacted]. Then when I start seeing Kiara, she wanted me to move in with her. So that's what I did.
Q. Okay. And when did you get a key, if you remember?
A. I can't remember the exact date, but I know it was -- I had a key to that apartment well over a year.
Q. Now, did you often go back and stay at your mom's house?
A. Yes, ma'am.
Q. Were you on the lease?
A. At my mom's house?
Q. No, no, were on the lease at Kiara's house?
A. No, ma'am.
Q. Okay. Did you know that she had subsidized housing?
A. No, ma'am.
Q. Okay. When you -- where did you pay the bills?
A. At Kiara's apartment.
Q. Okay. You helped pay the bills there?
A. Yes, ma'am.
Q. Did you have a car?
A. At first I did, but close around the time it was my birthday -- coming up on my birthday, I just had

bought a car.
Q. And your birthday is when?
A. May 25th.
Q. All right. I want to go back and talk a little bit more about you and Kiara's relationship. We've heard about y'all had some infidelity issues; right?
A. Yes, ma'am.
Q. Okay. So how did all of that get started?
A. Well, me and Kiara had a good relationship when we first start talking. We was always together. Always spent a lot of time together. Our kids was always together. I always tried to spend as much time as I could with my kids because, you know, I didn't get the opportunity to do that with my parents when I was coming up, so I just wanted to give my kids something better than what I had. So, you know, I tried to spend a lot of time with them.

As time went on, me and Kiara planned to have a son -- well, a child together. And we ended up -- I ended up finding out on Father's Day that she was pregnant. And after that, she didn't want me to like tell her family about her being pregnant. You know, I thought her mama would be kind of happy because her mama was the reason, you

know, that I took the initial steps to, you know, staying straight and being out of the streets and stuff. And, you know, she encouraged me to get a job and do good things. So I thought that she would be happy for us to have a child on the way, but Kiara insisted again for me not to tell her. And I was -- it was kind of bothering me, like, Why wouldn't you want them to know? Like, What's going on? And she was just like, It's none of their business. So I left it alone for a while.

Q. What changed that?

A. Just her grandma started saying stuff like --

MS. SAMPSON: Your Honor, I'm going to object.

THE COURT: Sustained. That would be hearsay.

BY MS. ZMROCZEK:

Q. Okay. Let me -- you can't -- I know that you're not used to testifying, but you can't say what somebody else said, okay? So let me ask you this. Why -- what started the fight between you and Kiara? What specifically started the fight between you and Kiara regarding infidelity?

A. Because when my son -- before my son was born, Kiara called me to the hospital and she informed me that she had herpes. So, you know, being that I just came home from prison, I know I didn't

contract it, so I was wondering what was going on. And she just insisted that she contracted it from me. So, you know, I started going to the doctor like twice a week, three times a week getting checked. My mom taking me back and forth to the doctor getting checked. The tests came back negative, so I was showing her the papers. And then she would say stuff like, well, she sorry and try to explain to me where she contracted it from.

So at that time, I was real upset because I felt like that she already knew and that she didn't inform me of what she had going on before we started getting into this serious relationship.

Q. So when you got into this -- when you found out this condition, did things start to kind of fall apart at that point?

A. Yes, ma'am, because I stopped wanting to have sex with her because I just didn't feel comfortable doing that no more.

Q. Okay. And were you talking to other girls?

A. Yes, ma'am.

Q. Okay. And y'all were still trying to work it out?

A. Yeah, we were still trying to work it out, mainly for the sake of my kid, because I just didn't want to walk out on my kid.

Q. All right. We have -- what the jury's going to take back with them is we have in evidence a bunch of text messages back and forth between you and Kiara. And there are messages in there where y'all say some pretty awful things to each other. How is it that -- is that how y'all would typically communicate, or is this when things got really bad?
A. I mean, we always had this type of relationship where we would kind of, you know, joke about each other's mothers. But, you know, as time started going on, I felt like the feelings about the jokes became more sincere rather than playing around.
Q. Okay. Did she threaten you?
A. Yes, ma'am.
Q. Okay. Would you then always -- what would you do after that?
A. I would just ignore her because I felt like, you know, she just wanted my attention.
Q. Okay. Would you give her your attention after that?
A. Yes, ma'am.
Q. All right. I want to move on to talk about Thomas Pauling. How do you know Thomas?
A. He was my friend.
Q. How did you know Thomas?

A. We grew up together. That's my friend.
Q. You grew up together? You went to the same elementary school?
A. No. I'm a few years older than T, but we was always in the same communities, the same area, like the majority of our lives.
Q. All right. Did y'all -- did you know Travis Tucker?
A. Yes, ma'am.
Q. How did you know Travis?
A. I knew him from being with -- around T.
Q. Okay. So were Thomas and Travis better friends or you and Thomas better friends?
A. I mean, that's really not for me to decide. I can only speak about me and his relationship.
Q. When you saw Thomas, was he with Travis a lot?
A. Well, I mean, when he would come see me, he would, you know, be by hisself. I believe he came with his son mother one time.
Q. Okay. I want to talk about why we're here today. I want to talk about May 24th, the day -- 2014, the day before your birthday. Had you spoken to Thomas?
A. Yes, ma'am.
Q. How? What did you say to him?

A. Actually, he called my phone. I was on Shop Road at my godparents' house. And I was sitting on the porch just lolly-gagging around. And he called me and told me that his phone was back on. He knew it was my birthday, that he was trying to go turn up. He asked me what was I doing for it. I told him I really didn't have no plans because, you know, I just bought this car, so I really didn't have any money to be going nowhere. But, you know, he insisted that, you know, we get up and do something.

Q. And what did y'all do?

A. Uh --

Q. What were your plans for your birthday?

A. I didn't have any.

Q. Okay. So after you spoke with Thomas and after you talked with friends, did you make plans for your birthday?

A. Yes, ma'am.

Q. Okay. And what were those plans?

A. To go out to the club.

Q. Okay. And which club?

A. Club Torch.

Q. And where is Club Torch?

A. On Hazelwood Drive.

Q. Okay. Is that close to where you lived in Richland Village?
A. Yes, ma'am.
Q. Okay. And had y'all been there before?
A. Yes, ma'am.
Q. All right. Where did you get ready that night?
A. I went down to my mom's house.
Q. Okay. Whose car did you drive that night?
A. I drove my mother's car because my car didn't have insurance at the time.
Q. Did you drive by yourself?
A. I went and picked up two of my friends.
Q. Who were those friends?
A. Derek and Arthur.
Q. All right. So you went and picked up Derek and Arthur. And where did you go after that?
A. We stayed in Washington Park for a few minutes and then we headed towards the club.
Q. All right. And you said Washington Park. I'm going to show you what's been marked as Defendant's Exhibit 1. Do you recognize that? Is that the map to get to your house, to Derek's house, and to the club and back to Derek's house?
A. Yes, ma'am.
MS. ZMROCZEK: Your Honor, at this point we'd

move in Defendant's Exhibit 1.

THE COURT: Any objection?

MS. SAMPSON: No, sir.

THE COURT: Without objection, Defendant's 1 is admitted.

MS. ZMROCZEK: Thank you.

(WHEREUPON, Defendant's Exhibit No. 1 was marked for identification and received into evidence.)

BY MS. ZMROCZEK:

Q. So what you did that night is you left your house on Frasier?

A. Yes, ma'am.

Q. And you went to Derek's house?

A. Yes, ma'am.

Q. And you said in Washington Park?

A. Yes, ma'am.

Q. And then from there y'all went to the club?

A. Yes, ma'am.

Q. All right. Now, Club Torch, where -- who was there when you went?

A. Well, when I -- when we left, we was coming up Shop Road, and we came through this little thing by CVS across the street from the Kangaroo gas station. And the club sit right behind the gas station. So

when I was at the light, I was calling T phone to see where they was. And when I was calling his phone, they was pulling up at the light on the left-hand side. So I --

Q. They who? When you say T, who do you mean?

A. When I say T, I'm speaking of Thomas.

Q. Okay.

A. So they was pulling up at the light on the left-hand side. And the light turned green, so I went across and they turned in behind me. And we all got out the car in Bojangles' parking lot.

Q. All right. So y'all were all together at Bojangles' parking lot?

A. Yes, ma'am.

Q. Did y'all go to the club together?

A. Yes, ma'am.

Q. Did y'all have drinks together?

A. Yes, ma'am.

Q. Were there any fights?

A. No, ma'am.

Q. Were there any arguments?

A. No, ma'am.

Q. Did you see Kiara there?

A. No, ma'am.

Q. Did you see Brianna there?

A. No, ma'am.
Q. Had you been talking with them?
A. Yes, ma'am.
Q. Had you been talking with them via text or on the phone?
A. I spoke to Kiara before I came to the club. You know, she texted me -- or she texted me or called me, I can't -- I'm not really sure, but one of the two. And she just told me to enjoy my birthday and that she loved me.
Q. When we look at your phone records and we see text messages or telephone calls between your phone and Brianna's phone, did you and Brianna talk?
A. Me and Brianna really didn't have that close of a relationship. I mean, she would say little stuff to me, but we didn't really.
Q. So when you were getting texts from Brianna, who were those texts from?
A. I assume to be from Kiara.
Q. Okay. From the nature of the conversation?
A. Yes, ma'am.
Q. Okay.
A. After a while.
Q. So you were out at the club with your friends. What time did you get there about?

A. About 12:00, 12:05, 12:10, something like that.
Q. And how long did y'all -- did y'all go to any of the other places or did you stay there?
A. No, we stayed in that club.
Q. And for how long?
A. Up until Derek told me that he was ready to leave.
Q. So Derek said he was ready to leave?
A. Yes, ma'am.
Q. Where was Arthur at that time?
A. He had already left with his son mama.
Q. Okay. So he had already left and Derek was ready to leave. So what did you do?
A. I asked -- I asked Bro -- Derek, I asked him, you know, just give me a minute, because I was still kind of like conversating with people.
Q. Okay. And then what happened?
A. And then I --
Q. Did y'all leave?
A. Yeah, we left.
Q. Okay. You and Derek?
A. (Nods affirmatively.)
Q. So you drove from Club Torch all the way back to his house?
A. Yes, ma'am.
Q. All right. Now, were you on the phone at this time

or when you were at the club?
A. Yes, ma'am. When I left out the club, when me and Derek was walking to the car, I think I received a text from Brianna phone, I want to say, or Kiara phone, I'm not sure, and they was asking me where I was going. And I didn't know they was in the club, so I really didn't think much to even ask them why they never said nothing to me or nothing like that, so.
Q. Were you planning on going and seeing Kiara that evening?
A. Yes, ma'am.
Q. Was that what you wanted to do?
A. I mean, that's home. My kid's there. I mean, I would have stayed out, you know, for some time, but, eventually, at the end of the day, I was going to make my way home. I didn't have any plans period, but, you know, I had other things going on.
Q. Did you have other girls asking you to come over?
A. Yes, ma'am.
Q. Were you asking to go over to other girls' house?
A. Yes, ma'am.
Q. When did that change?
A. It was raining, so -- and I was hot, so I didn't want to, you know, just be riding around.

Q. And you received -- and I'm looking at Defendant's 10. When you received a text message from Kiara and it says, Boi, lay u at bb. I'm about to cum or u with yo bitch. What did that mean to you?
A. Well, the boi, lay means, you know, stop lying. And she asked was I at BB house.
Q. And who is BB?
A. BB is my mama.
Q. Okay. And so why was she -- so were you at your mom's house?
A. No.
Q. Was she trying to figure out where you were?
A. Yeah, because I had already talked to her and I asked her where she was -- where they was. But they called me and Brianna was asking me did I have any weed and I was asking -- I told them yeah --
MS. SAMPSON: Objection, Your Honor.
BY MS. ZMROCZEK:
Q. Remember, you can't say what people --
THE COURT: Sustained. Hearsay.
BY MS. ZMROCZEK:
Q. Remember, you can't say what people told you.
A. Oh, well.
Q. Okay. So you -- they were looking for you?
A. Yes, ma'am.

Q. They were asking you to come over?
A. Yes, ma'am.
Q. Specifically, Kiara was asking you to come over?
A. Yeah, she was telling me that I was lying, that I was at my mama house, that she was on the way.
Q. Okay. So -- and then after that text message, there are several calls back and forth between your phone and Kiara's phone; right?
A. Yes, ma'am.
Q. Were you invited to go to the house that night?
A. To Kiara's apartment?
Q. Yes.
A. I didn't have to be.
Q. Okay. Were you asked to come over, though?
A. No, ma'am.
Q. Okay. At what point did you decide to go over there?
A. I mean, like I said, it was raining.
Q. Uh-huh.
A. And I didn't want to just keep riding up and down the highway. So, you know, people was taking longer to reply to my texts and answer me and stuff, so I just said I'm just going to go home.
Q. Okay. Did she know you were coming home?
A. I can't say if she knew or not.

Q. Okay. Is that something that you would have typically done?
A. Yes, ma'am.
Q. Okay. Where did you tell Derek you were going?
A. Home.
Q. Okay. And so you -- I want to talk now specifically about dropping off Derek, getting text messages from Kiara -- and did she call you as well?
A. Yes, ma'am, several times.
Q. Several times?
A. Yes, ma'am.
Q. All right. When you got home, tell the jury what happened.
A. Well, before I got home, I went to Waffle House to get something to eat. But, you know, it was kind of crowded and it was raining, so I just kind of like sat in the parking lot for a minute. I was trying to call Kiara phone to see if she wanted something to eat too. But I don't know what was going on with the phone, like the signal kept dropping, the phone calls kept hanging up.
Q. Okay. So let me ask you about that signal. How is the signal in that apartment?
A. In Kiara's apartment?

Q. Yes.
A. Real bad.
Q. All right. And you said that it kept dropping. So we'll see phone calls that were connected for a couple of seconds?
A. (Nods affirmatively.)
Q. So the phone was connecting, but then you said it kept dropping?
A. Yes, ma'am.
Q. Okay. And then what happened after that?
A. All right. So I called -- I called Kiara and I was trying to see if she wanted something to eat, but she didn't answer the phone. So I left the Waffle House and I started on my way to go home. When I was about to turn on Universal Drive, I called, but her phone was dead. So I started trying to call Brianna phone. But I didn't get an answer, so I just assumed that they was in the house doing whatever.

So I went -- I turned in the parking lot. Everything looked normal. Kiara car was parked where it was always parked at. And I pulled up in the parking spot that I park in. And I sat in the car for a second and I was just doing some last minute texting and stuff before I went in the

house.
Q. And what was the weather like?
A. It was rainy, wet, foggy.
Q. Okay. And then what did you do?
A. I got out the car and went to the door and I knocked on the door.
Q. Why did you knock on the door?
A. Because I always knock.
Q. Okay. And then did anybody answer?
A. No, ma'am.
Q. So then what did you do?
A. I took my keys out my pocket and went to open the door myself.
Q. All right. So you took your keys out of your pocket, and you went to open the door; right?
A. Yes, ma'am.
Q. Did you put your key in the door?
A. Yes, ma'am.
Q. Did you turn it?
A. Yes, ma'am.
Q. Did you open the door?
A. A little bit.
Q. And then -- when you say a little bit, why just a little bit?
A. I met resistance at the door.

Q. Okay. Explain to the jury what you mean when you say resistance.
A. I stuck my key in the door and I turned the lock. And I went to open the door and the door maybe cracked about this much(indicating). And I was kind of wondering like, you know, why the door wasn't coming open. But at that time, I still didn't really think too much of nothing.
Q. So then what did you do?
A. So I pushed past on the door to open the door up.
Q. What happened when you pushed past to open up the door?
A. When I pushed past to open up on the door and I came to inside -- I was inside the door frame now at the corner of the door at the living room, and somebody grabbed my leg. And at the same time when the person grabbed my leg, you know, somebody swung on me.
Q. Was it -- what could you see in that room?
A. I couldn't really see much. It was dark. And, you know, I really wasn't too much thinking about really looking around when somebody is grabbing me when I'm coming through.
Q. As soon as somebody grabbed you, what was your first thought?

A. I really don't know what --
Q. Did you know who was in the house?
A. No, ma'am.
Q. Were you expecting someone in the house?
A. No, ma'am.
Q. Then when you grabbed you -- when they grabbed you, what did you do?
A. I just started trying to defend myself.
Q. Okay.
A. I was punched in the face, in the head, or something like that.
Q. You got punched in the face or the head. Do you remember?
A. No, ma'am.
Q. Let me ask you, how quick was all this happening?
A. Fast.
Q. All right. Did you hear or see Kiara?
A. As we start fighting, like I heard her screaming, but I didn't know exactly what she was saying. So as I'm fighting with these guys, you know --
Q. Did you know who they were?
A. Not at first.
Q. Okay.
A. So as I'm fighting with them, like my eyes kind of adjusting to the room, like, the darkness of the

room, so I could kind of tell that the person in front of me was trying to pull something out. So --

Q. What did you think about that? What was your first thought when you saw that?

A. I just -- I don't know. I just was thinking about my kids.

Q. All right. Were your kids home?

A. Yes, ma'am.

Q. And what were you thinking about your kids?

A. Just concerned about their safety because, you know, if I come through the door and somebody attacked me, then what's going on in here with my kids in here.

Q. Okay. So did you see -- what did you see? You said they were pulling something out.

A. It appeared to be a gun.

Q. Okay. Did you know who the person -- did you know -- when did you realize who these people were? Was it while you were in the apartment or was it later?

A. It was later.

Q. Okay.

A. Right after I left out the apartment.

Q. Okay. So -- and we're going to talk about that in

a second. So let's go back to the apartment. You're in the apartment, you see someone pull out a gun. What happens?

A. I'm wrestling with him for the gun. And I hear Kiara yelling. I don't know exactly what she's saying. And, you know, I didn't want the gun to go off because my kids in here, and I didn't want to get shot by the gun either. So I let the gun go and ran around to the room to see what was going on around there.

Q. And you said ran around to the room. When you walk into the apartment -- I think that we have a drawing -- you walk into what room?

A. To my kids' room.

Q. When you first walk into the apartment, what room do you walk into?

A. The living room.

Q. Okay. So you walk into the living room. And then is there a hallway?

A. Just a real small one.

Q. Okay. So there's a -- so you walk into the living room from the front door; right?

A. Yes, ma'am.

Q. And then there's a hallway and then there are two bedrooms that go off?

A. Yes, ma'am.
Q. Okay. And when you say you ran into the bedroom, which bedroom were you talking about?
A. The first bedroom, my kids' bedroom.
Q. Over here?
A. Yes, ma'am.
Q. Okay. And so you go into here. How far into the room did you go?
A. Like, to the back of the room, like.
Q. All right. Was the door open or shut?
A. It was open.
Q. The door was open?
A. Yes, ma'am.
Q. And who else is in here?
A. At the time, I didn't know who all was in there. I just know Kiara went in there.
Q. So you and Kiara did what?
A. We was in there arguing.
Q. Okay. When you say arguing, what do you mean?
A. Like, I'm asking her what's going on. And she just keep saying, I'm sorry, I'm sorry, I'm sorry.
Q. All right. And so what did you do?
A. We were still just going back and forth. And when I turned around to walk out of the room, I was face-to-face with this guy. And he shot the gun in

the room.
Q. Who was the guy that you were face-to-face with?
A. I still didn't know at the time.
Q. Okay. Was it light or dark? Was the light on in the room?
A. No.
Q. Okay. So you go into the room. The light is not on. You and Kiara were talking?
A. (Nods affirmatively.)
Q. You turn to leave?
A. (Nods affirmatively.)
Q. And that's when you say this guy shot the gun?
A. Yes, ma'am.
Q. All right. What happened when you heard that gunshot?
A. I immediately just rushed the person and started trying to take him down to get that gun.
Q. Why?
A. Because my kids in this house and, you know, that could have been my life or one of my kids' life. I didn't know where he was aiming the gun and shooting it at. All I know is I heard a gunshot and I was going to do anything to try to protect my kids.
Q. All right. So you wrestled him? What happened

next?
A. We wrestled. We ended up back like in the hallway -- like, the hallway so small, like, it's the living room and the hallway at the same time. So it's like a real tight small area right there. So, you know, we wrestled out to that point, and then I was able to get the gun away from him.
Q. Okay. You were able to get the gun away?
A. Yes, ma'am.
Q. And then what happened?
A. And then he got up off the floor and ran towards the front door.
Q. Okay. And did he go out the front door?
A. Yes, ma'am.
Q. And then what else happened?
A. And then when I turned, I seen somebody from my peripheral going in myself and Kiara's bedroom. I didn't know who it was, so I went and looked in the room to see the window up. And I looked to see if the person had went out. And obviously they did. And I looked out the window to see if I seen anybody, but I seen nobody.
Q. Okay. So then what happened?
A. So I took my phone out my pocket and started trying to call home girl who stay in Building 14 right

behind me, and I wasn't getting no signal. So at that time I just kept trying to call and --

Q. So you had a friend that lived -- you had a friend that lived in Building 14?

A. Yes, ma'am.

Q. Okay. And so Building 5 -- Apartment 501 is right here; right?

A. Yes, ma'am.

Q. And Building 14 is right here?

A. Yes, ma'am.

Q. All right. So you were trying to call your friend at Building 14?

A. Yes, ma'am.

Q. Were you able to get signal?

A. No, ma'am.

Q. So then what did you do?

A. I turned and I was going to go back into the living room. And when I turned to go into the living room, I heard something like it was stepping -- somebody was stepping on glass, so I thought that somebody was coming back in the house. So then I immediately just turned around and went out the window. And --

Q. Well, why would you turn around and go out the window if you thought somebody was coming back in

the house?
A. Because I was scared. I didn't know whether they was -- left to get something to come back to try to hurt me. I just didn't know what was going on. I didn't want to, you know, continue getting into it with people.
Q. Okay.
A. And somebody get hurt.
Q. Was anybody else at the house at this point?
A. I don't think so.
Q. Okay. So you said you went out the window because you heard somebody walking on glass?
A. Yes, ma'am.
Q. And then what happened?
A. When I went out the window, I was going to my home girl apartment. And when I came through -- it's like a path that I always take this way to go to the apartments right there. And, you know, I was kind of frustrated, confused, didn't really know what was going on. So I was kind of like crying, emotional. And I heard somebody calling, Trav, Trav. And when I looked up to see who it was, like, he was approaching me, like, real fast and he grabbed me and we started tousling.
Q. He grabbed you?

A. Yes, ma'am.
Q. Okay. And so you're walking through to go to Building 14. You hear somebody calling out, Trav?
A. Yes, ma'am.
Q. Do you know who this is at this point?
A. Not at the moment.
Q. Okay. And then you said they came -- they ran at you?
A. Yes, ma'am.
Q. And what happened next?
A. He grabbed me. We started tousling. It was kind of like just a bunch of trying to sling around, throw-to-the-ground type deal.
Q. Okay. Was this person taller than you, shorter than you?
A. He was taller than me?
Q. Okay. A lot taller or a little bit?
A. I'm not real tall, so.
Q. Okay. Then what happened?
A. Then as we was tousling, you know, I had the gun on my side. And he tried to hip toss me, like to slam me on the ground. And the gun came out and fell on the ground. And it made a noise, like a boom, and hit the ground, whatever sound it make. It hit the ground and, you know, we both started trying to get

the gun.
Q. And now I want to talk about where -- so where had this happened -- like where did all of this -- where were you when this person came up to you?
A. Can I stand up?
MS. ZMROCZEK: Your Honor, can I ask him to step down? I want put it up on the --
THE COURT: That will be fine.
Mr. Ricks, when you step down, you need to keep your voice elevated. Speak loudly.
THE WITNESS: Yes, sir.
(Witness steps down.)
THE COURT: Position him so he's facing the court reporter, please.
BY MS. ZMROCZEK:
Q. Stand over here so that you can keep your voice up, okay? I'm going to give you the pointer. Okay. Now, I want you to point to where you were walking.
A. Well, when I came -- when I came out of 501, I came this way through here. And this is the pathway right here that I normally take to come over here. And the altercation happened in this area(indicating).
Q. Okay. So where -- when he -- which direction was he coming from?

A. He was coming from, like, this way right here. Like, he was kind of, I guess, on the sidewalk or in the road area, I'm really not sure because, like I said, I was crying, my head was down. I really wasn't paying attention until I heard the voice.
Q. And were you crying because you were sad, or why were you crying?
A. I was just confused. I didn't know what was going on. I was just trying to, you know, take everything in.
Q. And this happened -- this was all happening still pretty fast?
A. Yes, ma'am.
Q. All right. And when you say confused, you said you didn't know what was going on; right?
A. No, ma'am.
Q. All right. So what is it that in the apartment changed for you?
A. Can you be more specific?
Q. We'll come back to that. All right. So you're in the apartment -- or you're in the -- were you in the road, were you in the grass? Where were you?
A. Well, it's kind of -- I can't hardly explain. It's kind of hard to see on this -- on this picture, but it's like -- kind of like in this area, it's like

dirt, grass. It's a sidewalk real close to there too. So, you know, during the altercation, we probably could have moved from any location to -- I mean, but we stayed in the similar area to where the altercation started at, so.

Q. Okay. I'm going to show you a couple of pictures. This is State's 58. Are you able to see the area there?

A. No, ma'am.

Q. Okay. Bear with me.

(Pause.)

Q. All right. State's 52. Is that any closer?

A. I can't really tell what angle this is, but I don't -- I don't see the apartment building.

Q. Okay. We'll start with State's 61. Okay. Was it back this way or was it this way?

A. Back this way.

Q. Okay. So it's back this way?

A. Yes, ma'am.

Q. All right. Were there any lights or trees?

A. It is.

Q. Okay. Here we go. So this is back this way. So this is the grassy area you were talking about?

A. Yes, this is the area right here.

Q. I'm sorry, this is State's 57. Okay.

A. This is the area right here, along right up in here. All this little grassy sidewalk, kind of sidewalk area right here.
Q. I'm going to show you State's 131. Is that close -- is that kind of --
A. This is the exact location.
Q. Okay.
MS. ZMROCZEK: Your Honor, at this time, we would move --
MS. SAMPSON: I have no objection to them moving in State's Exhibit 131.
MS. ZMROCZEK: I know they were going to move it in.
THE COURT: That's fine. State's 131?
MS. ZMROCZEK: 131.
THE COURT: State's 131, a photograph, is admitted.
MS. ZMROCZEK: Thank you.
(WHEREUPON, State's Exhibit No. 131 was marked for identification and received into evidence.)
BY MS. ZMROCZEK:
Q. Okay. So State's 131, you say this is the whole area. Show me where.
A. I was coming -- I was coming through from back here

behind this apartment building right here. And probably like once I got up here is when I was approached by him.

Q. You know that it's Thomas now; right?

A. Yes, ma'am.

Q. Did you know it was Thomas then?

A. No, ma'am.

Q. Okay. And then you say you were -- you dropped -- or the gun got dropped out; right?

A. Yes, sir.

Q. We are back on State's 57. It was in this area?

A. Yes, it was in this -- I can't really say the exact spot because, you know, during a wrestle, you know, you can move from various areas, so I can't say the exact spot.

Q. Okay. Go ahead and have a seat.

(Witness returns to witness stand.)

Q. So when you say wrestle, are you standing up at this point?

A. When we start wrestling?

Q. Right.

A. Yes, ma'am.

Q. And is there ever a point that you get taken down?

A. As I said, he tried to hip toss me to the ground. You know, he was a little taller than me. So when

he tried to hip toss me, like, when I was going down to the ground, like, my knee hit the ground and my hand, but, like, I'm still trying to keep a steady balance so that I can try to get this gun as well.

Q. So were y'all both going for the gun?

A. Yes, ma'am.

Q. All right. Who got the gun?

A. Me.

Q. As soon as you got the gun, what did you start doing?

A. Shooting.

Q. Okay. Why?

A. I was just confused, scared, nervous, you know.

Q. When you say confused and scared, what did you think was going to happen if you didn't get the gun?

A. That I would be killed.

Q. Okay. So when you get the gun, you just start shooting?

A. Yes, ma'am.

Q. Do you know how many times you shot?

A. Not exactly. I mean --

Q. You know now how many times?

A. I know now.

Q. But when you were doing it, did you, like, stop? Did you aim? What happened?
A. I just got the gun and started firing.
Q. Did you see the person -- when you started firing, was the person still moving?
A. Yes, ma'am.
Q. Okay. When did you stop firing?
A. When I seen him go down to the ground.
Q. Okay. At that point when you saw him go down to the ground, you stopped firing. What did you do next?
A. I walked over to him.
Q. What did you realize when you walked over to him?
A. I realized that it was T on the ground.
Q. What did you say to him?
A. I was just like, Bro, get up.
Q. What did you do next?
A. I wanted to pick him up. I didn't want to leave him on the ground. So I just kept saying, Bro, you know, get up, you know.
Q. Where did you go next?
A. I just took off running.
Q. Did you go -- where did you go? Did you go back to the apartment?
A. No. I just tried to make a safe path to my car

without running into nobody else.
Q. When you say running into nobody else, how many people had jumped on you in the apartment?
A. Two.
Q. So did you know where the second person was?
A. No, ma'am.
Q. And when you were walking up, you said that you heard the person -- you heard Thomas calling for somebody?
A. (Nods affirmatively.)
Q. So did you know -- you heard him say, Trav. Did you know where Travis was at this time?
A. No, ma'am.
Q. So you got in your car?
A. Yes, ma'am.
Q. Where did you go?
A. I turned out of the apartment complex and went to the right.
Q. Okay. Did you call 9-1-1?
A. Yes, ma'am.
Q. All right. What did you tell them? What did you tell them the first time you called?
A. I mean, I called several times. So I just only know from what I've heard from --
Q. So you called them, but did they call you back?

A. Yes, ma'am.
Q. Okay. So you say when you called several times, did you call them several times or did you speak to them several times?
A. I spoke to them several times.
Q. Did you tell them where you were?
A. No, ma'am.
Q. Why not?
A. I was just scared. I had a lot on my mind. I just didn't feel safe telling nobody where I was.
Q. Didn't feel safe telling anybody where you were?
A. No, ma'am.
Q. Where did you go?
A. Well, initially I was just going to keep driving, and then I went to my cousin's house.
Q. Which cousin was that?
A. Kenny.
Q. All right. And what did you do once you got to Kenny's house?
A. I went in the house and just was crying. I just couldn't believe what just happened.
Q. What did you do with the gun?
A. I left it in his house.
Q. Left it with Kenny?
A. No, he wasn't there.

Q. Okay. So you just left it at his house?
A. Yes, ma'am.
Q. And did you -- what did you do next?
A. I started trying to use the phone to call a ride.
Q. Did you get in touch with someone?
A. I didn't.
Q. Who did you get in touch with?
A. I didn't get in touch --
Q. You didn't?
A. No.
Q. Okay. So what happened next?
A. I kind of stayed there for a while. And then the dude who was there, he was, you know, asking me was I all right. And I didn't talk to him. I just told him that I needed a ride.
Q. Okay. And where did he take you?
A. Well, after -- I stayed for a while, and I kept calling. I got in touch with my cousin, Darryl. And I asked him could he come pick me up, you know. He was asking where I was. And I told him that I could just meet him somewhere. And he told me to meet him at the Rush's on Garners Ferry Road.
Q. Okay. And then where did you go after that?
A. Well, I went -- and we pulled up at the Rush's on Garners Ferry Road and I got in the car with him

and his wife.
Q. Okay. Where did you go next?
A. They took me to get a room.
Q. To where?
A. They took me to a motel room.
Q. Okay. And why did you go there?
A. I just needed to get my thoughts together, process everything that just happened. And, you know, I was just -- I was scared, man. I didn't know, you know.
Q. Okay. Did anybody meet you at the motel?
A. Yes, ma'am.
Q. Who was that?
A. Kiara.
Q. And had you called law enforcement at this point?
A. I had already talked to the 9-1-1 dispatch, but that was it.
Q. Okay. When did you talk to Investigator Johnson?
A. While I was in the room.
Q. Okay. So you talked to him while you were in the room?
A. Yes, ma'am.
Q. And then did you turn yourself in?
A. Yes, ma'am.
Q. All right. I want to talk about that for a little

bit. You go to turn yourself in. Who drove you there?

A. My cousin Darryl and his wife.

Q. And his wife? Where was Kiara?

A. She was in the back seat with me and Aiden.

Q. Aiden, your son?

A. Yes, ma'am.

Q. Okay. And you go to where?

A. To Two Notch headquarters.

Q. All right. Do you remember speaking with Investigator Johnson?

A. Yes, ma'am, some of it.

Q. Okay.

A. I spoke to him like twice.

Q. Did you show him -- did you have your family with you?

A. Yes, ma'am.

Q. Okay. Talk a little bit about that.

A. Well, when I pulled up close to the headquarters, you know, I seen all my family standing in the parking lot. The lot was empty, so it was obvious that they was right there waiting on me. And I had already told them to just go up there, that I'd be up there -- I'd be there about 8:00.

So when my cousin was driving by, I seen

everybody, you know. It just started hitting me again what was going on. So I told them to drive past one time. So he drove past. And, you know, he was just telling me, Cuz, you got to do --

MS. SAMPSON: Objection, Your Honor.

THE COURT: Sustained.

BY MS. ZMROCZEK:

Q. You can't tell what people told you. Okay. But I don't want to focus on that, I want you to focus on what happened when you turned yourself in, okay? So you go and you turn yourself in to Investigator Johnson?

A. Yes, ma'am.

Q. What do you have on your person?

A. I had some money. I had my house keys. And I had my cell phone.

Q. What did you do with your house keys and your cell phone?

A. I gave it to Investigator Johnson.

Q. And what did you tell him?

A. I told him that this is my house key and my cell phone and that --

Q. Y'all go up into the room and talk?

A. Yes, ma'am.

Q. Okay. What do you show him on your phone?

A. Well, when we started talking, he was asking me did I know, you know, that somebody was dead, or whatever. And by this time, I know what's going on now. So I said, Yeah. And he asked -- I told him that me and, you know, Thomas was cool. And I showed him a call that I made to Thomas phone on my cell phone. And that was pretty much it so far.

Q. Okay. So you had showed him that you had called Thomas on your cell phone?

A. Yes, ma'am.

Q. All right. Did you show him that you had called 9-1-1?

A. No, ma'am, I don't believe so.

Q. Okay. But you had showed him that you called Thomas?

A. Yes, ma'am.

Q. All right. And did you give him your phone?

A. Yes, because he was asking me -- I just told him that me and Thomas was friends and that, you know, I was with him all night. And, you know, he said whatever he said, and then I was like, you know, I'm not lying to you, you know. His number right here in my phone. He asked me what was it programmed under, and I told him H. And, you know, he started asking me other questions.

Q. Okay. I want to just ask you a few more questions, Channen. When you were in the apartment and got the gun and leaving, what were your intentions?
A. My intentions was to go to my home girl house to get away from whatever was going on and just basically to tell her, because she was like a sister to me.
Q. All right. When you were in the apartment, were you in fear of losing your life?
A. Yes, ma'am.
Q. What did you -- what were you thinking when you got jumped outside?
A. I was just thinking, like, what's going on, like.
Q. What were you feeling?
A. I was scared.
Q. Okay. You were scared?
A. I was confused.
Q. What were you scared of?
A. Because this the second time that I ran into a conflict within a couple of minutes, so I really didn't know what to expect. I was just thinking that, you know, a gun was involved and they shot in the house. You know, I really just thought I was going to die.
Q. Okay.

A. So --
Q. So the second time when that gun went down and you went to -- and y'all were both going after it, what did you think?
A. I think that if I didn't get the gun that he was going to shoot me.
Q. And when you got the gun, what did you start doing?
A. I start shooting immediately.
Q. And when did you stop?
A. When I seen the person fall down to the ground.
Q. Channen, I want you to answer any questions that the State has for you, okay?
A. Okay.

THE COURT: Hold on just one second.

(Pause.)

THE COURT: Excuse me for interrupting. Thank you very much. You may cross-examine.

CROSS-EXAMINATION

BY MS. SAMPSON:

Q. So, today you told us that your relationship with Kiara was not that great when this happened?
A. I don't -- I don't know what you're trying to say. Like, what you mean?
Q. You said today that your relationship wasn't that great, that you were only staying together for the

kids. That is what you said today?
A. I said mostly for the sake of our kids, but we wanted to work our relationship out. That's all she talked about all the time.
Q. You wanted to work your relationship out. So because you wanted to work your relationship out, you were still talking to other women; right?
A. Yes, ma'am, I was.
Q. And you said that -- and I just want to make it clear. She didn't invite you over on May 25th, did she?
A. No, ma'am. She didn't have to.
Q. Did she invite you over, yes or no?
A. No, ma'am. She didn't have to.
Q. She didn't have to. Did she ask you to come over?
A. No. She gave me a key to the apartment.
Q. That night -- or, excuse me, that morning on May 25th, did she ask you to come over?
A. No, ma'am.
Q. You said that you didn't see her at all at Club Torch?
A. No, ma'am.
Q. And at Club Torch -- let's talk about that a minute. You had no problems with Travis Tucker at Club Torch, did you?

A. No, ma'am.
Q. Had no problems with Thomas Pauling at Club Torch?
A. None at all.
Q. And you said with Ms. Zmroczek that you all arrived at the club together. They came in a separate car; correct?
A. Yes, ma'am.
Q. They weren't driving their own vehicle?
A. I don't know who was driving the car that they was in.
Q. They weren't with you in a vehicle?
A. No, ma'am.
Q. And when you left, you don't know how they left Club Torch?
A. No, ma'am.
Q. While you were at the club, were you talking to different people?
A. Yes, ma'am.
Q. You were texting different people?
A. Yes, ma'am.
Q. Did you drink while you were at the club?
A. Yes, ma'am.
Q. And you said something about being high when you were talking to Ms. Zmroczek. High on what?
A. Marijuana.

Q. You been smoking marijuana all day?
A. Yes, ma'am.
Q. So you were -- how many drinks you have that night?
A. About three.
Q. All from the time you got to the club until 4:00, 4:30 when you left?
A. Yes, ma'am. I'm not a real heavy drinker.
Q. Not a heavy drinker. And you -- when you left Club Torch, you stated on direct that you took your friend -- is it Derek?
A. Yes, sir.
Q. Took him home, and you planned on going straight home to Kiara's?
A. I mean, I didn't have any specific plans, but I told Derek that I was going home.
Q. So what were your plans?
A. I just told you, I didn't have any specific plans.
Q. No plans. So no specific plans to go see Kiara?
A. No, ma'am.
Q. How about Tonda, were you -- did you have plans to go see her?
A. Yes, ma'am, I had plans to meet her.
Q. You were trying to meet with her?
A. Yes, ma'am.
Q. How about Cierra, who you call Bird, were you

trying to see her?
A. I seen her.
Q. Were you trying to see her that night -- that morning?
A. I seen her in the club.
Q. After you left the club, were you trying to see Cierra?
A. She wanted me to come on Broad River, but I told her I wasn't coming.
Q. Did you call her?
A. I'm not sure.
Q. Did y'all text back and forth?
A. Probably did.
Q. Did you talk to her?
A. I probably did. I'm not sure.
Q. You're not sure. Would seeing the records help you?
A. Yes, ma'am.
Q. What was your phone number back then, do you remember?
A. No, ma'am. If I see it, I'll remember it, though.
Q. Do you remember anyone's number that you usually dealt with back then? How about Cierra, what was her number?
A. I'm not sure.

Q. You're not sure. Was your number 363-1412?
A. Yes, ma'am.
Q. Was Cierra's number, could it have been 404-9899?
A. Could have been.
Q. I'll show you Defendant's Exhibit --
MS. SAMPSON: May I approach the witness?
THE COURT: You may.
(Complies.)
BY MS. SAMPSON:
Q. Do you agree with me that this says Channen Ricks?
A. Yes, ma'am.
Q. And that the number is 363-1412?
A. Yes, ma'am.
Q. And one of the numbers, it says Vita, and her number 800-5739?
A. Yes, ma'am.
Q. And your mother's number is listed on here; correct?
A. Yes, ma'am.
Q. And even Thomas Pauling's number is on here?
A. Yes, ma'am.
Q. We have Tonda. Her number is 546-7335?
A. Yes, ma'am.
Q. All right. We also have Brianna on here, she's 238-4832?

A. Yes, ma'am.
Q. That's correct? That's not Kiara, that's Brianna?
A. Yes, ma'am.
Q. All right. And then we have Tonda again; correct?
A. Yes, ma'am.
Q. Bunch of calls back and forth between Brianna and you; correct?
A. Yes, ma'am.
Q. And I think you said on direct, you believe this was Kiara at the time?
A. Yes, ma'am.
Q. All right. Who's Sheray?
A. A friend of mine.
Q. And she's also calling you; correct?
A. Yes, ma'am.
Q. And these are your records, but by Vita, it says potential girlfriend?
A. I don't know where that came from. That wasn't saved in my phone like that.
Q. Okay. But this is Defense Exhibit 32?
A. (Nods affirmatively.)
Q. Yes?
A. Yes, ma'am.
Q. All right. So these are all the different numbers. You don't remember them off your head. Is it fair

to say that most of time when you used your phone, you would just push a button and call that person?
A. Yes, ma'am.
Q. So not remembering the number, that's kind of normal?
A. Yes, ma'am.
Q. Can you see that okay?
A. Can you move this, please?
Q. Sure can. So can you see it now?
A. Yes, ma'am.
Q. All right. So this log goes from -- starting May 25th -- 24th through the 25th. You get calls from Vita; correct?
A. Can I pick it up?
Q. You sure can.
A. Yes, ma'am.
Q. Okay. And Vita is your friend?
A. Yes, ma'am.
Q. You also are getting calls from Cierra, 404-9899?
A. This is a text message from Vita.
Q. And from Cierra is a call. It is 12 minutes and 48 seconds?
A. Yes, ma'am.
Q. Then you're getting text back and forth; correct? This is Kiara texting you?

A. Yes, ma'am.
Q. Asking where you're at?
A. No, she said, Happy birthday, baby. Love you. Enjoy.
Q. And then --
MS. ZMROCZEK: I'm sorry?
MS. SAMPSON: She says, Happy birthday. Enjoy. I love you.
BY MS. SAMPSON:
Q. Then she says --
A. Happy birthday, baby. Love you. Enjoy.
Q. There you go. And then she says what?
A. The third one?
Q. Right here?
A. Where you at?
Q. And what do you tell her?
A. Side Pocket.
Q. And then she asked you what?
A. Where you going when you leave?
Q. And then you start talking to Vita again; right?
A. Yes, ma'am.
Q. All right. Then you start talking to Cierra?
A. Yes, ma'am.
Q. All right. Then you get some more texts from Brianna?

A. Yes, ma'am.
Q. Then you get one from Kiara?
A. Yes, ma'am.
Q. So are they both texting you or is all this from Kiara?
A. The first text from Brianna's phone, that would be Brianna. That's how she always text me.
Q. And then there's a bunch from Tonda, you agree with me there?
A. Yes, ma'am.
Q. And this goes back and forth -- I'm not going to go through the whole thing, but this goes back and forth all night, correct, where you're texting and calling different people?
A. Yes, ma'am. It was my birthday.
Q. Exactly. And around 4:05 a.m., what do you get from -- what do you text to Brianna?
A. It says, B-I-T-C-H, you out messing around?
Q. That's not what it says. You can say exactly what it says.
A. But I don't want to use profanity in here.
Q. This is a text from you to them; correct?
A. Yes, ma'am.
Q. And it says, Bitch, you out fucking? That's what it says, your text?

A. Yes, ma'am.
Q. So that's about the time that you're leaving the club; correct? Around 4:00 o'clock, 4:30 is when you decided to leave?
A. Yes, ma'am.
Q. And at that point you're not sure what you're going to do?
A. No, ma'am.
Q. So when you get home or when you get to Kiara's apartment -- I'm going to put the exhibit back up. State's Exhibit 112. I'm going to ask you to step down for a minute.
A. (Witness steps down.)
Q. Apartment 501 is Kiara's apartment -- I'm going to switch with you, sorry. 501 is Kiara's apartment; correct?
A. Yes, ma'am.
Q. I need you to speak up.
A. Yes, ma'am.
Q. Where did you park? I want you to put an X where you parked?
A. (Witness complies.)
Q. I'm going to make it a little thicker. Tell me if I do it wrong. You parked right there?
A. Yes, ma'am.

Q. And then you get out and you go in the apartment?
A. Yes, ma'am.
Q. And after -- and we'll go back to the altercation, but while I have you standing here, you exit where? From back here?
A. No.
Q. When you leave the apartment?
A. Back here.
Q. Yes. Can you put an X were you left?
A. (Witness complies.)
Q. Now, I want you to take the pen and draw where you go.
A. (Witness complies.)
Q. And where are you when you start having the second altercation? I want you to circle it.
A. (Witness complies.) This area.
Q. That whole area. And so is here where you drop the gun, where everything occurs?
A. Yes, ma'am.
Q. Right here in the circle?
A. Yes, ma'am.
Q. Not over here in the parking lot?
A. (Nods negatively.)
Q. Yes or no?
A. No, ma'am.

Q. Not over here in this parking lot?
A. No, ma'am.
Q. Right there?
A. In that area. I mean, I can't -- I'm not going to be able to be exact about this small little space right there on that paper.
Q. Didn't happen over here?
A. No, ma'am.
Q. Where do you go when you finish shooting?
A. I came over here to see who it was.
Q. So you're here when all the shooting happened?
A. I was over here in this area. I can't say I was right here, right there, back there.
Q. Within your circle? So you're saying you were within your circle?
A. In this area, all this area right here somewhere.
Q. The circle you have made, you are somewhere within that circle when you shoot?
A. Yes, ma'am.
Q. But you never go outside of that circle while shooting?
A. I don't know if I went outside or not, Ms. Sampson.
Q. Oh, you don't know. Okay. And then you walk over there?
A. Yes, ma'am.

Q. All right. And then where do you go?
A. I believe I went through --
Q. Through where?
A. (Witness complies.)
Q. And then where? Continue.
A. (Witness complies.)
Q. So you go all around the building, but you don't go between the building? I'm asking, you go around?
A. I can't remember if I went around, through, or what. I know this is pretty much the direction I came in to make it back to my car.
Q. And today you said you don't know whether you stayed in this circle or not while you were doing the shooting? You don't know?
A. No, ma'am.
Q. You can sit back down.
A. I mean --
(Witness returns to witness stand.)
Q. Was there anything impeding you when you left here? Any cars that kept you -- any traffic right here?
A. No, ma'am.
Q. And I'm -- when I say right here, I mean, in the parking lot going away from the body going up. There was no cars in the way?
A. No, ma'am.

Q. There was no trees? No falling limbs? Nothing?
A. Where you talking about?
Q. Right here in the parking lot. If Thomas falls and dies right there, there's nothing here in the parking lot?
A. I don't think so.
Q. Okay. And your car is right here?
A. Yes, ma'am.
Q. Your car worked; right?
A. Yes, ma'am.
Q. You were able to drive away?
A. Yes, ma'am.
Q. Kiara also drove away; correct?
A. Yes, ma'am.
Q. You said that inside the house, you didn't know who was in the house at all?
A. No, ma'am.
Q. But you could see a gun?
A. Yes. It was close to me.
Q. The gun was close to you. Was the person close to you?
A. Yes, they was -- we was fighting.
Q. And you didn't see their pants?
A. No.
Q. You didn't see whether they had a shirt on or not?

A. I wasn't really looking for any of that at that time.
Q. Didn't tell they had on white pants, dark pants, nothing?
A. No, ma'am.
Q. But you could see a gun in all that?
A. Yeah, because he was pulling it out right close to me. So I wasn't too much worried about what they had on or who the person was at the time.
Q. And you said today that when that gun was shot in the apartment, you were standing in front of the bedroom door?
A. No, I didn't say that.
Q. Well, where were you then?
A. I was inside the room.
Q. You were inside the room. How far in the room?
A. It's not a very big room, so.
Q. Were you by the door? By the back? Where were you?
A. I was standing in the floor in the room.
Q. You were standing in the room?
A. Yes, ma'am.
Q. You sure about that?
A. (Nods affirmatively.)
Q. And that person shoots into the room?

A. No. That person was -- came inside the room door as well and shot the gun. I didn't know if he shot straight up to the left or to the right.
Q. That person came all the way in the room to shoot?
A. You said did the --
Q. All the way in the room to shoot?
A. Yes, ma'am.
Q. The altercation in the living room was over at that point; correct?
A. Yes, ma'am.
Q. And then you go out and fight some more with them; right?
A. You got to be more specific.
Q. After they -- the gun is shot, you go back out in the hallway and fight with them some more?
A. No, I didn't just go out there and just start fighting with them.
Q. So there wasn't a fight after the shot?
A. Yeah, there was a fight after the shot, but you said that I went back out to fight with them. That's not correct.
Q. All I said was did you go back out and fight with them. Yes or no?
A. You not being specific.
Q. Did you leave the room?

A. Yes, we left the room and --
Q. Did you have an altercation?
A. The altercation started inside of the room.
Q. Oh, so they came in and you immediately start having an altercation in the room?
A. Yeah, when they fired the gun.
Q. Okay. And it spills out into the living room?
A. Yes, ma'am.
Q. And you still don't know who it is?
A. No, ma'am.
Q. You still can't see anything?
A. I really wasn't trying to see who it was at the time.
Q. Can you see anything?
A. I mean, I could see movement.
Q. You can't see color of clothing?
A. I wasn't paying attention to the color of the clothing.
Q. Okay. And you were with Travis and Thomas for three or four hours prior to this; right?
A. Yes, ma'am.
Q. When you were in that apartment scared, as you just told Ms. Zmroczek, for your life, the first person you call is a friend in Apartment 14; correct?
A. I don't know who the first person I call. I know I

tried to call her to go to her house.
Q. You tried to call her. You didn't call 9-1-1?
A. No, ma'am.
Q. You didn't check on your kids?
A. No, ma'am.
Q. You didn't check to see where Brianna, Kiara, Xavier, your nephew, anybody was?
A. No, ma'am.
Q. They weren't in the apartment, or do you know?
A. I mean, after all this went on, I don't know -- I can't say when they left, or none of that. I was just -- I was confused. I was just trying to call somebody.
Q. All right. But not 9-1-1?
A. No, ma'am.
Q. When you leave the apartment to go to Building 14, do you call 9-1-1 then?
A. No, ma'am.
Q. Now, directly after shooting Thomas, do you call 9-1-1 then?
A. Shortly after.
Q. Directly after shooting Thomas, did you call 9-1-1?
A. No, I checked on him.
Q. You checked on him. Did you call 9-1-1?
A. No, ma'am.

Q. When you got in your car to drive away, did you call 9-1-1?
A. Yes, ma'am.
Q. In your car -- so when you got in the car, you called 9-1-1?
A. Yes. I called -- I called -- I was talking to 9-1-1. That was the first call that I made.
Q. Oh, the first call you made. So you didn't talk to mother before you called 9-1-1?
A. I did, but what I'm saying is I called 9-1-1 while I was in the car. I talked to my mom first and she told me that I needed to call the police and --
Q. You talked to your mom first?
A. Yes, ma'am, because she was calling my phone.
Q. So you had time to get in your car; correct?
A. Yes, ma'am.
Q. Turn the ignition?
A. Yes, ma'am.
Q. Drive out the parking lot?
A. Yes, ma'am.
Q. Didn't call 9-1-1?
A. No, ma'am, not at that time.
Q. And when you did call 9-1-1, did you tell them your name?
A. No, ma'am, I don't believe I did from hearing the

call.
Q. Did you tell them you just shot somebody?
A. No, ma'am.
Q. Did you tell them you just left your friend bleeding in the parking lot?
A. No, ma'am.
Q. Did you tell them that they needed to go help him?
A. Yeah, I told them that they needed to send help to Richland Village Apartments.
Q. Did you say, Go help Thomas Pauling?
A. No, ma'am.
Q. In fact, when you talked to 9-1-1, you lied, didn't you?
A. What you speaking of?
Q. You told them you were in an abandoned building?
A. Yes, ma'am.
Q. You weren't?
A. No, ma'am.
Q. You told them you didn't know where you were?
A. No, I didn't say that.
Q. You didn't tell them you didn't know where you were on old Bluff Road?
A. No.
Q. Okay. I'll let the jury play the call for themselves.

MS. ZMROCZEK: Your Honor, I would ask that she refrain from those kind of comments.

THE COURT: Overruled.

BY MS. SAMPSON:

Q. Did you tell them that you were alone?

A. Yes, ma'am.

Q. That was a lie? Yes or no?

A. That I was alone?

Q. Yes.

A. After a while, I wasn't, but I was --

Q. So there was someone else there with you?

A. When I first called 9-1-1 when I was talking to them, I was alone, then I pulled up at my cousin's house.

Q. So the call that we all listened to where she asked you, Can I speak to someone else, and you say, No, I'm alone, that was a lie?

A. Yes, ma'am.

Q. And when she asked you do you need help, you tell her no?

A. I don't know if I said that.

Q. You tell her just go to Richland Village?

A. Yes, ma'am.

Q. Right? You don't tell her you shot anybody?

A. No, ma'am, I didn't.

Q. And you talked about going to the hotel to get your thoughts together. You didn't go talk to the police then, did you?
A. No, ma'am.
Q. You didn't go talk to Investigator Johnson and tell him, I had to do what I had to do?
A. No, ma'am.
Q. And, in fact, a day later, when you finally do go talk to Investigator Johnson, you tell him you don't remember what happened; correct?
A. I started talking to him and he started saying that he had already charged me with murder, so I didn't feel that it was no need for me to continue talking to him.
Q. When you're on the phone with him, do you tell him, I got hit in the face, I don't remember what happened after that?
A. He didn't ask me.
Q. So you didn't tell him that?
A. (Nods negatively.)
Q. And when you are at headquarters --
A. No, ma'am.
Q. Sorry. And when you're at headquarters, you don't tell him, I didn't remember what happened after I got hit?

A. I'm not sure about the conversation that you're speaking about. You are confusing me with your question.
Q. You went to headquarters and spoke with him?
A. Yes, ma'am.
Q. And when you spoke with him at headquarters, did you tell him that you got hit in the face when you came in the apartment and you don't remember what happened now?
A. I told him I was hit in the face and that somebody -- I told him that somebody jumped on me. I was hit in the face and I don't really remember.
Q. You don't remember anything after that?
A. Yes, ma'am.
Q. Today you remember, though?
A. Yes, ma'am, after having two and a half years to think about the events that took place.
Q. After two and a half years, you remember. When you were on -- in jail, because you were in jail for a little bit, you spoke to people on the phone; correct?
A. Yes, ma'am.
Q. You spoke to Cierra on the phone?
A. Yes, ma'am.
Q. You spoke to your mother on the phone?

A. Yes, ma'am.
Q. You spoke to Sonny on the phone?
A. Yes, ma'am.
Q. You spoke to Dre?
A. Yes, ma'am.
Q. Do you remember telling them you didn't know what happened after you got punched in the face?
A. No.
Q. So let's go through that then. On May 27th, you were in jail; correct?
A. Yes, ma'am.
Q. You spoke to Cierra; correct?
A. Yes, ma'am.
Q. Her number is 404-9899; correct?
A. I believe so.
Q. You spoke with her at 1521 hours, which would be 3:21 regular time; correct?
A. Yes, ma'am.
Q. You told her, If I had just taken my ass with you, this wouldn't have happened; correct?
A. I probably did. I'm not sure.
Q. Okay. Later that day, at 2004, which would be 8:04, you again talk to Cierra; correct?
A. I probably did.
Q. Her number again is 404-9899; correct?

A. Yes, ma'am.
Q. And you two actually discussed what happened. She asked you, How come you in there for something you didn't do; correct?
A. I don't know, I would have to hear that phone call.
Q. Oh, you need to hear the whole phone call?
A. Yes, ma'am.
Q. Well, let me ask you, did you tell her, Because I didn't do shit? Do you remember ever telling her that?
A. I don't know. I probably -- I probably did.
Q. Probably did. We'll go with, I probably did. You told her, I went home, put my keys in the lock, and mother fuckers jumped me. I remember getting punched in the face. Did you tell her that?
A. I don't know about that.
Q. You don't know?
A. No, ma'am.
Q. Did you tell her when she asked, How did someone end up dead, I don't know. I don't know how the fuck he ended up like that.
A. What?
Q. Do you remember telling her, I don't know. I don't know how the fuck he ended up like that?
A. How -- he who?

Q. Whoever you're talking about. Because she asked you, How did someone end up dead? And your response is, I don't know. I don't know how the fuck he ended up like that.
A. I don't -- I don't remember that.
Q. You didn't tell her, Bird, you know I was drunk and high. He looked me right in my face?
A. I don't remember those conversations.
Q. And you don't remember, You know you were at the club with me. I was drunk and high and all that shit?
A. Can you play it for me?
Q. Oh, I can play it. I just need to establish whether you said it or not?
A. I don't know. That was two and a half years ago. I don't remember that exact conversation.
Q. You don't remember?
A. No, ma'am.

THE COURT: Are we going to need to set up something to play? Why don't we take a break?

MS. SAMPSON: I can --

THE COURT: No, no, why don't we just take a break at this point and let you have that.

MS. SAMPSON: Perfect.

THE COURT: Ladies and gentlemen, I'm going to

let you go to your jury room. We'll be with you in about 15, 20 minutes.

Thank you.

(WHEREUPON, the jury retires to the jury room at 11:04 a.m.)

THE COURT: Anything from the State at this point?

MS. SAMPSON: No, sir.

THE COURT: Anything from the Defendant?

MS. ZMROCZEK: No, sir.

THE COURT: During this break, I would ask you not to have any conversations --

MS. ZMROCZEK: Absolutely, Your Honor.

THE COURT: -- with your client.

And you are free to step down, but do not talk with any of the lawyers, okay?

THE DEFENDANT: Can I just sit here, Your Honor?

THE COURT: You can sit right there if you want to. Is that a problem?

THE DEPUTY: No problem.

(WHEREUPON, a break was taken at 11:05 a.m.)

(WHEREUPON, State's Exhibit No. 132 was marked for identification only.)

(WHEREUPON, the proceedings resumed at 4:21 p.m.)

MS. SAMPSON: I'm trying to figure out the best way for everybody to hear it.

THE COURT: Okay. Not a problem.

MS. SAMPSON: I want to control the volume of that mic. I think I'm just going to have to play it from up there because it's more important for him than the jury.

MS. ZMROCZEK: And, Your Honor, if she wants to play it for him before playing it for the jury, then she can play it for him and ask him about it. Then at that point --

THE COURT: We've already heard you play it.

MS. ZMROCZEK: No, no, the jail --

THE COURT: Oh, the jail call?

MS. SAMPSON: Yes, these are jail phone calls, Your Honor.

MS. ZMROCZEK: I mean, obviously there's hearsay on them from other people talking.

THE COURT: Just one second. In actuality, I think you're going to have to -- I think you're right. I think you're going to have to do it up on the podium. If we had a deposition, you could, but it's not. I think -- it's set up -- and you don't

have to do this. Before we had the rule, Bob Wallace used to be -- he was the Solicitor when I first started practicing. He would say, Mr. Jones, did you make a statement to Mr. Sam Smith on such and such a date? No, I didn't. And he'd say, Did you make the statement to that gentleman on this day? And I want to let you know I'll be calling him and asking him the question. Did you? I don't know. It comes back in -- it comes in through the reply.

MS. SAMPSON: I guess I could do it that way, but I just was --

THE COURT: Well, I'm trying to expedite it. She has objected, I guess.

MS. SAMPSON: And I'm not sure what her objection is --

THE COURT: She's saying you've got -- technically -- I assume there's no argument about authentication of this document?

MS. SAMPSON: No, we stipulated.

THE COURT: It is stipulated. Then I don't -- then what's the problem?

MS. ZMROCZEK: Your Honor, we don't --

THE COURT: She's going to play him saying that. She's entitled to playing the call.

Whatever is in it is in it.

MS. ZMROCZEK: Right. I mean --

THE COURT: It is stipulated to. She's going to offer it into evidence for the purposes of playing it. I'm going to sustain -- I'm going to allow that and you can object, but I think it's proper.

MS. ZMROCZEK: Okay. You're going to allow the --

THE COURT: She can either do it one of two ways. And the sensible way of doing it is just what we do with depositions when you impeach somebody based on a prior statement and it's asked at that time. And this is, to me, analogous to a deposition, and that's the way I'm treating it. So, technically, yes, I guess you would have to say, Did you make the statement? And then call someone to present it. But this is a case where we've got -- we have him talking.

MS. ZMROCZEK: Well, no, no, that wasn't my issue, Your Honor. Clearly, I'm not explaining it very good.

THE COURT: No, you're not, or I'm not grasping it, so.

MS. ZMROCZEK: For example, when I impeach

somebody with a statement, I have to show them the statement and say, Did you say this, and then give them an opportunity to explain.

THE COURT: I understand that. That's a written statement. This is him talking.

MS. ZMROCZEK: Right.

THE COURT: The question is, Did you make a call? He knows it. He's heard it. He said, I don't remember, is what I think he said.

MS. ZMROCZEK: He hasn't heard it, that's the -- I guess that's the point.

THE COURT: If he hasn't heard it, that's not my problem.

MS. ZMROCZEK: Okay.

THE COURT: Okay. Thank you.

MS. ZMROCZEK: All right.

THE COURT: I will allow you to do it this way. Based on -- and we've been on the record. For the reasons I have stated on the record, it just seems to me to be logical. And I don't know that there is any prescribed methodology for this. I think to me it makes best sense to do it primacy and recency issue that he's been asked the questions, now he hears it -- and we're talking about his voice, we're not talking about some

transcript or something.

MS. SAMPSON: No, sir.

THE COURT: Thank you. And that's over the objection of counsel, clearly stated. Thank you.

MS. SAMPSON: Before we get the jury, can I test one thing?

THE COURT: Absolutely. Tell me when you're ready.

(Pause.)

THE COURT: Are we ready?

MS. SAMPSON: Yes, sir.

MS. ZMROCZEK: Yes, sir.

THE COURT: And, Mr. Ricks, you don't need a break?

THE DEFENDANT: No, sir.

THE COURT: You okay?

THE DEFENDANT: Yes, sir.

THE COURT: All right.

Ms. Shirley, you can bring them in. Thank you.

(WHEREUPON, the jury came into open court at 11:24 a.m.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: Thank you very much. I appreciate it.

Thank you, ladies and gentlemen. We're ready. Solicitor, you may continue.

MS. SAMPSON: Thank you, Your Honor. I'm going to move around because it's hard to see you.

CROSS-EXAMINATION CONTINUES

BY MS. SAMPSON:

Q. Okay, so I will start again. May 27th of 2014, do you remember having a phone call with Cierra?

A. No, ma'am.

Q. You don't remember having a call at all or you didn't?

A. I mean, I don't remember the call. You was going to play it.

Q. Did you call her from the jail?

A. I called her a lot.

Q. They can't call you, you have to call them; correct?

A. Yes, ma'am.

Q. And you talked to her at 8:04 p.m.?

A. I could have, possibly.

Q. Now, this says that this happened May 27th, 2014; correct? If you can't see it --

A. Can I stand up?

Q. You can stand up. Do whatever you need to do. May 27th, 2014?

A. Yes, ma'am.
Q. At 2004, which would be 8:04 p.m.?
A. Yes, ma'am.
Q. And the call number is 404-9899?
A. Yes, ma'am.
Q. Whose number is that?
A. Cierra's number.
(Plays video.)
Q. I'm going to ask you, is that you on the call?
A. Yes, ma'am.
Q. And that's Cierra on the other end?
A. Yes, ma'am.
Q. Now, for brevity's sake, do you mind if I speed up to what I asked you about or do you want to listen to the whole call?
A. I would prefer you speed up to where what you asked.
(Plays video.)
Q. So I'm going to stop it there. So, again, now you remember having the call with Cierra?
A. Yes, ma'am.
Q. And you did tell her you didn't remember what happened?
A. Yes, ma'am.
Q. And that call was on May 27th, two days after this

happened?
A. Yes, ma'am.
Q. Okay. So I'm going to ask you about another call with her. Later that day, at 9:35 p.m., did you talk to her again?
A. Probably did.
Q. And did you tell her, All I know, I got jumped, punched, and that's all I can remember?
A. That's what I heard just now, yes, ma'am.
Q. Okay. Two days later, on May 29th, are you still at the jail?
A. Yes, ma'am.
Q. Did you talk to her at 2113, which would be 9:13?
A. I probably did.
Q. Her number again is 404-9899; correct?
A. Yes, ma'am.
Q. Did you tell her, I was trying to get with you?
A. What I was saying is that instead of going there, I would rather have been somewhere else to avoid this situation, is what I meant.
Q. Oh. The only reason I went home was because I thought you hung up in my face and I kept hearing the little things you said in the club. That's what you told her; correct?
A. I'm not sure.

Q. You're not sure. Well, we'll just skip on to when you spoke to Sonny on May 30th using your mom's phone. Your mom's number is 363-1740; correct?
A. It was then.
Q. Was then; correct?
A. Yes, ma'am.
Q. And sometimes you would call and other people would get on the phone; is that correct?
A. Yes, ma'am.
Q. Do you remember talking to Sonny that morning at 10:49 a.m.?
A. I mean, I talked to him a lot, yes, ma'am.
Q. Did you tell Sonny, I didn't have a gun?
A. They already know that. They know I don't walk around with no gun.
Q. Did you tell Sonny, I didn't have a gun?
A. I'm not sure. If I heard it, I could tell you yes or no whether I said it or not.
Q. I'm going to go through everything that I think you told him and you can tell me whether you said it. Did you say, I didn't pull no trigger?
A. I don't know.
Q. I ain't shot no gun?
A. I would have to hear the phone call that you referring to to say whether I said it or not.

Q. I need you to tell me whether you remember or not before I can play it. That's how it works.
A. I don't remember. These conversations was two and a half years ago.
Q. You don't remember conversations from two and a half years ago, but you remember exactly what happened now?
A. You confusing me.
Q. Why don't we just play it?
(Plays video.)
Q. Before this goes any further, is that you on the call?
A. Yes, ma'am.
Q. And that's Sonny you're talking to?
A. Yes, ma'am.
(Plays video.)
Q. So, again, now do you remember talking to Sonny?
A. Yes, ma'am.
Q. And you told him you didn't pull no trigger; right?
A. Yes, ma'am.
Q. And you didn't have no gun?
A. Yes, ma'am.
Q. And you didn't shoot no gun?
A. Yes, ma'am.
Q. And you said that on May 30th of 2014; correct?

A. I believe that was the date, yes, ma'am.
Q. Okay. Now that we're done with that. So today you told us that you did shoot a gun?
A. Yes, ma'am, I did.
Q. So back in May 30th, you lied?
A. Back in May 30th, I didn't think it was everybody's business for me to be telling them what was going on in my case.
Q. Oh, so when you're talking to Sonny, it's not his business when you tell him you didn't pull the trigger?
A. Yeah, it's not his business.
Q. And when Cierra is asking you why you say that you're back there for no reason and you didn't do anything, it's not her business either?
A. No, ma'am, it's not.
Q. But you lied then?
A. I just didn't want them in my business.
Q. So telling them something that's not true is a lie?
A. Yes, ma'am.
Q. Okay. So you lied? Yes or no? When you talked to Cierra about what happened, you lied?
A. Yes, ma'am.
Q. When you talked to Sonny about what happened, you lied?

A. Yes, ma'am.

MS. SAMPSON: No further questions.

THE COURT: Redirect?

MS. ZMROCZEK: Yes.

REDIRECT EXAMINATION

BY MS. ZMROCZEK:

Q. Did you shoot the gun in the house, Channen?

A. No, ma'am.

Q. So did you pull the trigger in the house, Channen?

A. No, ma'am.

Q. Who did that? Do you know who did that?

A. Now I do.

Q. Well --

A. Back then, I didn't.

Q. Do you know who did that then?

A. Travis.

Q. You know that Travis did that?

A. Yes, ma'am.

Q. Did you know that Thomas did it?

A. No, ma'am.

Q. Okay. So did you lie when you said that you didn't pull the trigger inside the house?

A. No, ma'am.

Q. Okay. Every time that she's played something for you and every time that you've talked to

Investigator Johnson, you said that you were jumped?
A. Yes, ma'am.
Q. Was that a lie?
A. No, ma'am.
Q. You said you were scared for your life. Was that a lie?
A. No, ma'am.
Q. You said you didn't bring a gun to the house. Was that a lie?
A. No, ma'am, it wasn't.
Q. She asked you about what you remember. Do you remember calling 9-1-1?
A. Yes, ma'am.
Q. You remember that that call was within ten minutes of this happening?
A. I didn't know --
Q. Of this whole thing happening?
A. I know now, but I didn't know at the time.
Q. Okay. You remembered telling them exactly what you said on the tape, which we heard?
A. I don't remember. I know now because of the phone call, but --
Q. And you told them that they shot at you?
A. Yes, ma'am.

Q. And you told them that you were scared?
A. Yes, ma'am.
Q. And you were scared for your life?
A. Yes, ma'am, I was.
Q. Is that why you pulled the trigger?
A. Yes, ma'am.
Q. Is that why you pulled the trigger outside?
A. Yes, ma'am.
Q. Did you pull the trigger inside the house?
A. No, ma'am, I didn't.
Q. I want to ask you -- she asked you specifically about the jail phone calls. She said you've been in jail for a little bit. You've never gotten out of jail, have you?
A. No, ma'am.
Q. Two and a half years, you've been sitting there?
A. Yes, ma'am.
Q. Okay. And you recall a phone call with Kiara?
A. Yes, ma'am.
Q. And you asked Kiara -- and this was on April 25th, 2015. Do you remember that phone call?
A. Yes, ma'am, I do, from hearing it.
Q. And she asked -- and you asked her why she did this to you; right?
A. Yes, ma'am.

Q. You asked her that?
A. Yes, ma'am.
Q. What did she tell you?
MS. SAMPSON: Objection, Your Honor.
THE COURT: You played the phone call.
MS. SAMPSON: I didn't -- no, that phone call has never been played.
THE COURT: Okay. That wasn't what we just heard?
MS. SAMPSON: No.
THE COURT: All right, I sustain the objection.
BY MS. ZMROCZEK:
Q. Okay. Let me ask it this way. She asked you about jail phone calls?
A. Yes, ma'am.
Q. You've talked with Kiara how many times?
A. Over?
Q. Over the last two and a half years, over 100?
A. Well over 100.
Q. Okay. Close to 200?
A. Probably over 200.
Q. Okay. She asked you about text messages; right?
A. Yes, ma'am.
Q. And the text messages, the jury gets to take those

back there with them, but I want to ask -- she asked you specifically about text messages that you received; right?

A. Yes, ma'am.

Q. And she asked you about text messages with different girlfriends; right?

A. Different friends.

Q. Different friends that were girls?

A. Yes, ma'am.

Q. Did any of those friends ever say that you were going to die? That was just Kiara; right?

A. Yes, ma'am.

Q. Okay. Did any of those friends ever -- she asked you about all of these text messages, especially like the night of. Did any of those girls ever say they're not playing with you?

A. No, ma'am.

Q. That was just Kiara; right?

A. Yes, ma'am.

Q. She asked you about text messages. She asked you -- she asked you about specifically that night, May 24th, and you were texting back and forth. Did any of those people ever say, You're going to regret this?

A. No, ma'am.

Q. That was just Kiara; right?
A. Yes, ma'am.
Q. But you still went over there; right?
A. Yes, ma'am.
Q. Because that's where you stayed?
A. Yes, ma'am.
Q. She asked you about phone calls. She asked you about phone calls that you made and that were made to you; right?
A. Yes, ma'am.
Q. And the jury will take these phone records back with them. When you have incoming calls at 4:46 a.m. from Brianna Pelzer, is that Brianna or Kiara calling you?
A. Kiara.
Q. Calling you at 4:46 in the morning?
A. Yes, ma'am.
Q. That morning?
A. Yes, ma'am.
Q. She asked you about what you do and don't remember. What was your state of mind?
A. When?
Q. When this happened?
A. I was scared.
Q. What were you scared of?

A. I just thought, you know, this is my life on the line. I was just scared.
Q. When it was happening, what were you scared of?
A. Scared for my life and my kids.
Q. When you were being jumped by Thomas in the parking lot in that circle or in or around that circle, what were you afraid of?
A. That I was about to lose my life.
Q. If what?
A. If he got that gun and I didn't.
Q. If he got that gun and you didn't, you were going to lose your life, is that what you thought at that time?
A. Yes, ma'am.
Q. Is that what you thought because of what happened within those seven minutes that night?
A. Yes, ma'am.

MS. ZMROCZEK: Thank you.

THE COURT: Recross?

MS. SAMPSON: One moment.

THE COURT: Absolutely. Take your time.

(Pause.)

MS. SAMPSON: No, sir.

THE COURT: Thank you.

You may come down, sir, may step down.

(Defendant steps down.)

THE COURT: Ms. Zmroczek, you may call your next witness.

MS. ZMROCZEK: Thank you, Your Honor. The State rests -- the State has rested -- Your Honor, the Defense rests.

THE COURT: Very well. Any reply testimony, Solicitor?

MS. SAMPSON: May I briefly confer?

THE COURT: Absolutely.

(Pause.)

MS. SAMPSON: There will be no reply, Your Honor.

THE COURT: Very well. Thank you very much.

Ladies and gentlemen, at this point, that concludes the evidentiary portion of this process. As you will recall, there are four distinct processes. You've been through two. While you will not hear any more evidence, obviously, in the remaining two, it still would be improper for you to begin your deliberations individually or collectively.

I'm going to let you go to lunch now, take a break. I will ask you to return to your jury room, please, by 1:30 and we will resume to trial. When

you return, we will have the closing arguments, and then the charge on the law.

Thank you for your attention. Have a good lunch. I'll see you at 1:30.

(WHEREUPON, the jury retires to the jury room at 11:51 a.m.)

THE COURT: Any motions from the State?

MS. SAMPSON: From the State, I think I need to renew all objections and motions, but I don't believe there was anything in particular. We'll probably have a charge conference at some point.

THE COURT: And I'm going to charge the intoxication -- voluntary intoxication since there has been testimony about that now. Other than that, I think it's my normal charge. I will charge murder, obviously, and self-defense and the elements. Basically, outline -- I have always seen it as four, they say it's charged as three elements.

MS. SAMPSON: I don't know if you want to do this now or later, but I did have an objection to one of hers.

THE COURT: One of hers?

MS. SAMPSON: I'm sorry, that Ms. Zmroczek sent.

THE COURT: You have to give it to me. I don't know which one -- before we do the charge, let me get through the motions first, then we'll have a charge conference.

MS. SAMPSON: Thank you.

THE COURT: Ms. Zmroczek, I'm happy to hear from you.

MS. ZMROCZEK: Thank you, Your Honor. At this time, I am renewing my motion for a directed verdict based on not only the previous arguments, but what has been presented today. I understand the Court's ruling, especially when it came to the immunity hearing aspect of it. I do think, Your Honor, that we have now shown self-defense, which is why our next motion after renewing this motion would be, you know, to have that charged.

THE COURT: Okay. After reading -- it's clear, and this decision confirms -- State v. Curry, which is reported at 406 S.C. 364, a 2013 case, Judge Goldsmith, but Judge Goldsmith charged a portion of the statute -- and I paraphrase, stand your ground, about the right to act and assume that there was a peril even in a place where you had a right to be. And the Court said no -- and I'm really paraphrasing now -- we don't jumble the two.

The -- obviously, the defense -- common law defense of habitation, which is you're in your home, you're not required to retreat, clearly covers that. Anything else, we just move into the self-defense elements. And the self-defense elements, as we know, you didn't bring on the problem, you were in imminent danger or thought you were in imminent danger, and there was no other reasonable way to avoid it. And I really summarized it, but that's really what we have. I will not be charging any of the parts. I'll state it for your -- for purposes of your motion, the decision of Judge Lee covers the immunity issue. And I'm not addressing -- I'm not revisiting that.

MS. ZMROCZEK: Certainly.

THE COURT: So the record is clear, I'm relying on her decision that deals with all the issues surrounding the immunity issue.

With respect to the motion for directed verdict, I articulated the basis -- or denied it in the State's case. Now, it's self-defense, the jury could easily conclude that he brought on the problem by going there in the first place, Number One, which could negate -- if the jury believes that beyond a reasonable doubt would negate and say

the State had met its burden of proof to establish guilt beyond a reasonable doubt, including self-defense.

It could also rule, clearly, that while in the house there may have been something, outside is a different ballgame. And therein lies was he in imminent danger?

And the jury, in that regard, you have testimony of the person who says, I was with these people for three to four hours and doesn't know these people and he doesn't say a friend is now the person who is shot.

I can imagine a conclusion a juror could think, I don't believe that, he could say, Thomas, T, what you doing, man? What's up? And that would have been clearly -- I mean, why in the world would he be doing anything? And the jury could conclude that.

Travis is a different story, but this is Thomas, and this is a different situation all together. So for those reasons and others, I'm sure, it's a jury issue. All of that to say it's really a jury issue. But I can articulate at least some basis that I think would support a verdict of the State proving all of the elements beyond a

reasonable doubt and disproving self-defense for those reasons.

MS. ZMROCZEK: Thank you.

THE COURT: Thank you.

MS. ZMROCZEK: But you will charge self-defense?

THE COURT: I am going to charge self-defense. It's a jury issue. It clearly is a jury issue. There is no question about it because that's -- it is not a matter of law. Clearly, in this sense, he is the only person with the gun, so he has to be acting on what he perceives to be imminent danger or threat of bodily harm. And that's the jury's decision, no question about it.

And while I -- if we were in a civil case, I might have some issues there, but this is beyond a reasonable doubt, so I can't rule on whether or not he brought on the situation itself. But, anyway, yes, I will charge that. Absolutely.

MS. ZMROCZEK: Okay. Thank you.

THE COURT: You bet.

All right. Now that we addressed those, what is it? Do you have a copy of it and I can look at it real quickly and tell you. Because I've gotten what she's asking for. Again, the charge covers it

I think in --

MS. ZMROCZEK: I think it's the spoliation motion, Your Honor.

THE COURT: Oh, I'm not going to charge spoliation. I refuse to charge that. You can argue spoliation.

MS. ZMROCZEK: I can argue it?

THE COURT: Oh, absolutely. I think it's a matter of fair game for y'all, but I don't charge on it. And I decline that. If you want to put it in at the conclusion and preserve it as an exception to my charge, please do so, and we'll make it another Court's Exhibit. If you have a copy of it.

MS. ZMROCZEK: I think they printed --

MS. SAMPSON: I can give it to the Court.

THE COURT: I assume you will, we'll have it and I'll make it a Court's Exhibit 2, I think.

MS. ZMROCZEK: Thank you.

THE COURT: You bet. Because I would decline to do that for the reason that I believe it's fair game for argument because it's a factual issue. And for me to charge, I'd have to make a call. And I would agree with you that the testimony -- if the jury wants to conclude that investigating officers

did something to remove something, I guess, I mean they could certainly say that's spoliation. There's testimony about it. There's no proof how because it could have been deleted at any time.

MS. ZMROCZEK: Right.

THE COURT: So clearly the witness said that. Furthermore -- well, those are some things that you just get into it. And we don't -- but the primary reason so that I'm framing this issue for potentially -- and I know the federal court has some charges on that, but we haven't mentioned it. But if the Supreme Court wants to expand it, that's great. I'm also relying on the constitution that prohibits me from charging on the facts. So, thank you.

MS. ZMROCZEK: Thank you, Your Honor.

THE COURT: Okay. Anything else?

MS. ZMROCZEK: No, Your Honor. I don't know about your -- the charge I sent didn't -- I'm sure the Court's familiar with Belcher about that we can't infer malice?

THE COURT: I'm not charging that.

MS. ZMROCZEK: Okay, good. Use of a gun --

THE COURT: Nope, no more. You used to do it, but you can't anymore. That means every

self-defense case where you have a weapon, you can't charge inference of malice.

MS. ZMROCZEK: Okay. I just wanted to make sure.

THE COURT: I don't do that.

MS. SAMPSON: For the record, I was fine with every part of what she submitted and didn't add anything about malice or any of that.

THE COURT: If y'all have heard this once, you've probably heard it a hundred times because I notice -- I have some of my old charges prior to the charge book being developed, but I think most of us charge pretty much the same thing.

MS. ZMROCZEK: And I did ask for the Logan charge, which I think that circumstantial evidence where --

THE COURT: Has to prove -- have to be consistent in every respect?

MS. ZMROCZEK: Yes.

THE COURT: As to any issue that's there. I've incorporated that. Basically, it goes back, but it doesn't go exactly like it was before.

MS. ZMROCZEK: Yes.

THE COURT: But, anyway. Yeah, I have that. But if you think it's not correct, please address

that on -- when I ask if there's any exceptions or additions.

MS. SAMPSON: Your Honor, the only other thing, I know that Ms. Zmroczek did not want the charge of voluntary manslaughter. It's my understanding the Court is not going to give it?

THE COURT: I'm not going to charge it. To be honest with you, given what we have here, if it was Travis, maybe, but it's not.

MS. SAMPSON: I just needed that on the record.

THE COURT: And I am not charging it, and I think there's really no basis to have an action taken. I mean, there wasn't any pre -- there was an altercation -- the only evidence I have right now, other than the statement by Kiara that said that he punched Thomas and knocked him down, no other altercation of Thomas. But that may have created some issue, but you're not raising that.

MS. ZMROCZEK: (Nods negatively.)

THE COURT: So that would be the only issue of any kind of altercation that may -- to me, would give rise to a charge of voluntary manslaughter as to this victim. So I agree that it's a murder or nothing.

MS. SAMPSON: Thank you.

THE COURT: Thank you. And I assume you concur with that for purposes of the Defense?

MS. ZMROCZEK: I do, Your Honor.

THE COURT: Very well. Thank you.

MS. ZMROCZEK: And then the only thing is I know that, obviously, I put up evidence, so I didn't know if they were going to -- sometimes in Richland, I don't know how -- sometimes they charge on the law and then they come back and charge on the facts and I go in between. I don't know --

MS. SAMPSON: That's fine.

THE COURT: Well, I wish they'd hurry up and get the rule adopted, then we'd all know. But it's up to them.

Are you going to open on the law?

MS. SAMPSON: Just on the law.

THE COURT: So that's it.

MS. ZMROCZEK: So they'll open on the law. And, Your Honor, my phone has died, so I don't know what time it is.

THE COURT: What time is it?

MS. SAMPSON: 12:05.

THE COURT: It's 12:05.

MS. ZMROCZEK: It's 12:05, okay.

THE COURT: 1:30.

MS. ZMROCZEK: 1:30, we come back?

THE COURT: Uh-huh.

MS. ZMROCZEK: Okay.

THE COURT: That's you. Okay.

MS. SAMPSON: Thank you.

(WHEREUPON, a lunch break was taken at 12:02 p.m.)

(WHEREUPON, the proceedings resumed at 1:31 p.m.)

THE COURT: We have all the jurors. Is the State ready to proceed?

MS. SAMPSON: Yes, sir.

THE COURT: Is the Defendant ready to proceed?

MS. ZMROCZEK: Yes, sir.

THE COURT: Let the record reflect Mr. Ricks is present.

I want to thank those persons who have been attending the trial. I understand how difficult it has to have been for everybody involved, and my heart certainly goes out to both sides of this issue. It's a tragedy in every respect of the word. And I appreciate how respectful everyone has been.

During this part -- and I understand it

becomes necessary from time to time to have to leave, but during this part, certainly the closing arguments and the charge, if you're in, you have to stay in. I can't have movement in and out because it's distracting. So please, please, if you will honor that, I will appreciate it very much.

Thank you.

Okay. Let's bring in our jury, please.

(WHEREUPON, the jury came into open court at 1:32 p.m.)

THE BAILIFF: The jury panel is seated, Judge.

THE COURT: Thank you, ladies and gentlemen. I hope you had a good lunch. Let me say before we move into the closing arguments, let me also -- as I told you, it was truly an honor and privilege to serve with each one of you as a judge this week. And I want to commend you in your fulfillment of your responsibilities as a judge with me and judging the facts. I appreciate how attentive you've been throughout this process. You've been extremely punctual and very patient with some of the in and out of the courtroom. And I thank you for that.

And while, as I mentioned before we took our lunch recess, you will not hear evidence, please

remember that what you will hear now in these two parts is very helpful and very important. The closing arguments of the attorneys, unlike the opening statements, you've heard the evidence too, but it's very proper for them to discuss that evidence with you and suggest reasonable inferences that you may draw from that evidence. And I am confident you will find that helpful when you begin your deliberations. And, of course, I'll give you the charge, but -- and that's the part that you will have to take and apply fairly and impartially to the facts that you determine. No evidence, but very important.

So thank you for your attention. Please give your attention now to the Solicitor as she gives her -- as he gives his opening remarks.

Mr. Williams?

MR. WILLIAMS: May it please the Court, Your Honor?

THE COURT: Yes, sir. Thank you, sir.

CLOSING STATEMENT

MR. WILLIAMS: Ladies and gentlemen of the jury, before we get started, I want to first say thank you for your service and also apologize for any action that you may have taken in an offensive

manner from the State. What I know is that there has been a lot of commotion going on and coming in and coming out. I was on my phone trying to get in contact with witnesses. I do not want you to think that at all of that was done in any way, shape, or form disrespectful to you, the Court, the Defendant, or the victims in this matter. This has been a very complicated matter for us to have to undertake, and I want to make sure that you know that we have been attentive throughout the course of this trial, just as you have been attentive. So, again, any action by the State that was taken in an offensive manner, I want to apologize for that.

It is my job to talk about the law, all right? So I'm going to go through a list of -- go through some law and sort of prepare the ground for this closing argument.

The first think I want to discuss is voluntary intoxication. So we know through testimony that the Defendant admitted to smoking marijuana all day and having a couple of drinks. That does not in any way, shape, or form excuse his actions or provide a defense. That intoxication was voluntary. So there is no excuse, no defense for

involuntary intoxication. Okay?

Now, let's talk about why we're here. This is a murder trial. Murder is the killing of any person with malice aforethought, either express or inferred. Murder is the killing of any person with malice aforethought, either express or inferred. So what we know is that a killing did occur. The Defendant admitted himself to shooting the victim, Thomas Pauling, in the back three times. He killed him. We know that Thomas Pauling is dead. Dr. Durso said that the Decedent passed away due to three gunshot wounds, one even to the heart. Two of those wounds were lethal. One, he could have -- he could have lived if he was only shot that one time.

Malice aforethought. Ladies and gentlemen, we believe that when the Defendant, Mr. Ricks, when he shot Thomas Pauling three times, that was malice. He shot him three times. Not once, not twice, but three times, and killed him. Okay? We even go as far to say that once he left that apartment, once he left [redacted] when he fired that shot in the ceiling and jumped out of the window, he was on a manhunt and Thomas Pauling was his target. And we believe that's malice aforethought.

So, it's our burden. We have to prove beyond a reasonable doubt that the Defendant, Channen Ricks, committed murder. Okay?

Well, he has introduced evidence of self-defense. So we have to address that now. Okay? So let's talk about self-defense. There's several elements. I'm going to go through them all briefly.

All right. First, the Defendant must be without fault in bringing on the difficulty. If the Defendant's conduct was the type which was reasonably calculated to and did provoke a deadly assault, he would be at fault in bringing on the difficulty and would not be entitled to an acquittal based on self-defense.

So you all heard the evidence, okay? If you believe that the Defendant, Channen Ricks, was without fault in bringing on the difficulty, okay, he meets this element.

Now, we believe that's not the case. We believe that we can prove beyond a reasonable doubt that Channen Ricks was the difficulty. But for Channen Ricks showing up at Apartment 501, none of this would have never happened. But for Channen Ricks jumping out of that window and chasing Thomas

Pauling down, Thomas Pauling would not be dead. But for Channen Ricks shooting him three times in the back, Thomas Pauling would still be here today.

We don't think this applies to Mr. Ricks and we think the evidence proves that this element of self-defense does not apply beyond a reasonable doubt.

Let's go to the second element here. And the board reads, the second element of self-defense is that the Defendant was in imminent danger of death or serious bodily injury or that the Defendant actually believed he was in imminent danger or death or serious bodily injury. Okay?

So you heard the Defendant testify that if he didn't go and grab that gun when he alleges that they were struggling over the gun in that grassy knoll area that he would be shot and killed or seriously injured. Actually, he said killed, thought he would lose his life. That's what he says.

Well, let's take a couple of steps back. All right. Was the Defendant in imminent danger when he decided to jump out of the window as opposed to going to his car and leaving the scene, the first scene of the crime? Was he in imminent danger

then? I don't think so. Was he in imminent danger when he was running through the apartment complex? I don't think so. He states that he was in imminent danger when he was walking to his girlfriend's house or friend, who happened to be a girl that's like his sister, and he encountered Thomas Pauling. Okay. We don't think that's the case. We think he hunted him down. But let's just follow that line of logic.

Once they had the encounter and the gun was taken away from Thomas Pauling, allegedly, was he in imminent danger then? We don't think the facts support that. There's been testimony from Thomas Pauling's baby's mother that Thomas was not upset when she talked to him. His state of mind was normal. He didn't seem to have any issues or problems at all. So why would he have issues and problems when he was at Kiara's house? Why would he have issues and problems when he was trying to walk away from the problem, the initial issue in Apartment 501? You saw him on the videotape. He was casual after he ran. He was casually walking going away from the initial incident. We don't think the facts support that the Defendant was in any imminent danger of death or serious bodily

injury.

Let's go to this third element. The third element of self-defense is that if the Defendant was actually in imminent danger, it must be shown that the circumstances would have warranted a person of ordinary firmness and courage to strike the fatal blow to prevent death or serious bodily injury. If he believed he was in imminent danger of death or serious bodily injury, it must be shown that a reasonable prudent person of ordinary firmness and courage would have had the same belief.

In deciding whether the Defendant actually was or believed he was in imminent danger of death or serious bodily injury, you should consider all the facts and circumstances surrounding the crime, including the physical conditions and the characteristics of the Defendant and the victim.

I think this is important because we have to look at this from beginning to end. What's interesting about this case that I -- that the State didn't realize until it actually played out. It seems as if that the Defendant, Channen Ricks, was in control of the situation from the beginning to end. Even if you listen to his story, his

testimony, and take it as facts, he was able to knock on the door, enter the door, disarm a person with a gun, beat that person up, force that person to leave the room, go in and talk with his -- the mother of his child. They have whatever argument they have. Another person flees out of the back window. He then goes out of the back window. Gets into another struggle and, again, disarms that person, was able to get the gun away from that person, and then shoots them in the back three times.

If you remember the testimony, Xavier Richardson said that Travis Tucker was pacing in the hallway and he looked scared. If you remember Kiara Pelzer's testimony, she stated that she was in the room with her children. And the reason she didn't leave immediately is because she was scared because Channen had a gun.

You also remember the testimony, she said when he shot, that's when she saw Thomas flee that apartment complex.

Ladies and gentlemen, from the testimony we've seen through the course of this trial, the only person that seemed to have control of this entire situation was Channen Ricks. The only time you

mentioned -- you hear of him being scared and confused is by his own testimony. He was in control from beginning to end. We don't think this element of self-defense applies.

The final element of self-defense is that the Defendant had no other probable way to avoid the danger of death or serious bodily injury than to act as the Defendant did in this particular instance, also known as the duty to retreat.

Ladies and gentlemen, I'm not going to belabor the point. It's very clear that the Defendant, Channen Ricks, had the opportunity to retreat from Richland Village Apartments several times. He could have retreated as soon as he felt difficulty entering the house. He didn't. He decided to go in and see what was going on. Once he took that gun away from Travis Tucker and they left, he could have left with Kiara. He didn't. He had an argument. Kiara and everyone else left. He could have left with them.

Once he jumped out of the back window, he could have went to his car. He told you where he was parked. He could have left. He continued to walk throughout the apartment complex. Once he saw someone coming after him, he could have left. He

could have -- before the struggle ensued, when he saw that person, he could have ran in the other direction. But he didn't.

Thomas, according to the Defendant, ran after him and jumped him -- and jumped on him. Does that make sense? At that point in time, the Defendant is the one who has the gun. Based on what we know, Thomas fled out of the back window once he heard a gunshot. Once that gunshot was fired, he fled. He was going away from the incident. The Defendant was going in the direction towards Thomas. There was ample opportunity at several different times for the Defendant to get into his car and leave.

I'll tell you something else that is of significance. When Kiara talked with her, with the Defendant's mother, she says, Channen, Channen, Channen. You heard the Defendant's mother say that. Kiara called her on the phone said, Channen, Channen, Channen. She didn't say anything else. She didn't say Travis. She didn't say Thomas. She said, Channen, Channen, Channen. Why? Because Channen Ricks, the Defendant, was the one causing the problems here. He could have left the scene of this crime several times, but he chose not to do so. He chose to play the role of enforcer.

Let's talk about circumstantial versus direct evidence. All right. Circumstantial evidence is evidence that you have to piece together in order to come to a certain belief. An example of circumstantial evidence in this case are the shell casings that you see in the parking lot. They were numbered. There were three or four of them. The State's position is that those shell casings show how Thomas Pauling -- or show the direction Thomas Pauling was running in and shows the Defendant, Channen Ricks, engaging Thomas Pauling and that those rounds, as you heard several investigators say, were ejecting to the right and to the rear. Once you review that evidence, you can see there's a linear pattern from the first round to the last, and it's going in the direction of the Defendant -- the victim, Thomas Pauling. That's circumstantial evidence because we have no one who can definitively testify to that.

Now, direct evidence is evidence where such as the Defendant got on the stand and said he shot Thomas Pauling in the back. He said that. That comes from his own mouth. That's direct evidence. Now, there's no difference in the weight between circumstantial and direct evidence. You have to

use both direct and circumstantial evidence to come to the conclusion that the State has proved this case and met its burden beyond a reasonable doubt.

Reasonable doubt. During my career, I've heard many people come up with cute analogies and explanations for reasonable doubt. I don't think we need to do that in this case. I trust you on this. So let's read this. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt. There are very few things in this world that we know with absolute certainty. And in criminal cases, the law does not require proof that overcomes every possible doubt. If based on your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crime charged, murder in this case, you must find him guilty. If, on the other hand, you think there is a real possibility that he is not guilty, you must give him the benefit of the doubt and find him guilty.

I think this speaks for itself. But one thing I want to point out to you, in a criminal matter or in criminal cases, the law does not require proof that overcomes every doubt. The law does not require the State to come in here with a video that

shows Channen shooting the victim, Thomas Pauling, in the back. If we saw that, if we saw how all this went down, there would be no need for Channen's testimony about where he was standing or who was doing what when. We won't need a body cam. We don't need -- we don't need that; right? It has to be beyond a reasonable doubt. And so the facts and the evidence and the testimony you heard today and the evidence that we put in admitted into evidence we believe meets that burden. And we would ask you to strongly consider each photo, each piece of hard evidence, and all the testimony put into the record. And once you do that, we believe that you will be firmly convinced that the Defendant, Channen Ricks, murdered Thomas Pauling.

Last, but definitely not least -- credibility of the witnesses. Credibility of the witnesses. Number One, demeanor of the witness on the stand. Number Two, was the witness forthright or hesitant? Number Three, was the testimony of the witness consistent? Number Four, was the testimony of the witness corroborated?

So you heard testimony from lay witnesses, Brianna Pelzer, Xavier Richardson, Kiara Pelzer. You heard from Tammy DePace, Brian Parker. I think

those are the only lay witnesses. Then you heard from law enforcement. You heard from Investigator Kerry Johnson. You heard from Harold Bouknight, from David Collins, from Tim Lee. You heard from the former officer who's now a turkey farmer, Matthew Frost. At the time of this crime, all of those folks worked for law enforcement.

So when you talk about credibility, let's talk about the lay witnesses first. And I think the biggest example of this would be Channen. That's the last testimony that you heard, from Channen. What was Channen's demeanor on the stand? During direct examination, the Defendant was crying, tearful talking about this incident. Interestingly enough, on cross-examination when he was confronted with the truth, those tears quickly dried up. When he was confronted with what he said right after the incident, there were no more tears. Why is that?

Was the witness forthright or hesitant? Again, let's look at the Defendant, Channen Ricks. Again, on cross-examination -- first, direct examination. On direction examination, he answered the questions very easily, fairly easily. His lawyer stopped a few times, say, Hey, could you be a little bit more specific? But on

cross-examination, he said, Well, I think you're trying to confuse me. I don't understand what you're saying. And the questions were very simple, but he was confronted with the truth. And he was hesitant as opposed to being forthright.

Was the testimony of the witness consistent? Again, cross-examination, he says he doesn't remembered anything about pulling the trigger or ever saying on that jail phone call that he never pulled the trigger, that he had no gun. He says he doesn't remember saying right after this incident to Cierra that, you know, he didn't do it. He don't know why he's in there for no reason. But the truth -- when he was confronted with that truth, he had to say, I lied. He had said to say it. Is that credible? I would submit to you that it's not.

Let's go back to another part of Channen's testimony. It's his testimony that when he went into his daughter's room, he didn't have a gun. It's his testimony that when he went into his daughter's room, someone else came into that room also. Remember, ladies and gentlemen, he was in that room with Kiara, with Brianna, with Xavier, and the two small children. Interestingly enough,

Kiara, Brianna, Xavier never mentioned Travis Tucker or any other person coming into that room. They never did. They never did. The only person that came into that room was Channen Ricks. The only person that pulled that trigger and shot a hole in his own roof was Channen Ricks. And when you look at his testimony of how much he loves his children and how he didn't want them to be injured by that gun, is that consistent with him firing a round into the ceiling? I think not. Credibility is an issue with Channen Ricks.

Now, you may say, well, there were some other inconsistencies there. Well, the State mentioned other inconsistencies there. And I would tell you that you have to decide. You're the jury and you have to weigh all of the evidence and take it together to come back with a verdict. That's your responsibility.

The State believes that we have proved with each piece of testimony, with each piece of evidence that has been admitted into the record, that beyond a reasonable doubt Channen Ricks murdered Thomas Pauling.

And we ask that you speak the truth with your verdict.

MS. ZMROCZEK: I need to set up.

THE COURT: Ms. Zmroczek, when you're ready. Take your time.

MS. ZMROCZEK: Thank you, Your Honor.

(Pause.)

MS. ZMROCZEK: May it please the Court?

THE COURT: Yes.

MS. ZMROCZEK: Thank you.

CLOSING STATEMENT

MS. ZMROCZEK: Good afternoon. This is my last opportunity to speak with you. I imagine that may be some relief. I know that you've been sitting here trapped all week, not being able to ask questions. And hopefully what we've done is clarify for you.

Now, how I've organized my closing arguments, I've broken them down into three different sections. I don't want to take too much of your time because you've sat here all week, but I do want to point out what we think the evidence shows from our perspective.

I want to talk about my fears. I want to talk about the State's case. Then I want to talk about our case. And then Ms. Sampson gets to come up and she gets to argue after. And I assure you, that is

the hardest time for any defense attorney because I have to sit there and I don't get to a chance to come back up and say, Wait, but, but what about this, and what about this? So one thing that I'm going to ask of you is that while the State is doing their final presentation, that you ask those questions.

And the State gets the last argument because it is their burden. And I think the judge has gone over that several times, that it is the highest burden in American juris prudence. It is not preponderance of the evidence, it is not tip the scales, it is beyond a reasonable doubt. And it's true, it's not beyond all doubt. And I'm sure that I could -- I've probably told lots of creative stories about what is reasonable doubt, but I think the simplest way to explain it to you is do you have reasons, can you find a reason to doubt?

What I intend to do through this presentation is give you some of the reasons that I believe the evidence shows that Channen Ricks did not act in malice aforethought.

I told you in the beginning, and I stand by it, how Thomas Pauling died is not the question. The question is why. And why he died was because

of a life and death struggle over a gun.

My Fears. I think I addressed them in the beginning, but, again, my fear is that this is not a question -- this case doesn't turn on whether or not Channen Ricks was a bad boyfriend. That's not -- that's not part of this case. That's not what we're here for. Some of those things led us up to this, but that's not why we're here.

My fear is that the State will get up and say, But Travis brought the gun, not Thomas. Thomas had nothing to do with it. He was an innocent bystander.

When Travis and Thomas went to the apartment and Travis had the gun, and then Travis and Thomas and Channen got into that argument, got into that physical altercation, and then when Thomas was calling for Travis when they split ways in the apartment and jumped on Channen to get that gun back, that's what we're focused on. Those are the -- I say seven minutes, but really you can narrow it down to about one or two, because that's what this case is about.

We put a lot of exhibits in. And you'll get to take these exhibits back with you to the jury room. And I'll ask that you do that. And that

when you get back there -- I've never been picked on a jury. In my profession, I doubt that I will. But when you go back there, I ask that you look at all the evidence and you discuss -- and the judge is going to tell you to deliberate and to discuss. I don't know what happens back there. I imagine it may be like TV where people just start taking a vote and then maybe there's a split and some people try to convince the other people. But what I hope and I think what the judge will charge you is that each of you individually is entitled to your opinion and what are the important facts to you, and then you deliberate and discuss. And at the end, you will all decide whether or not the State has met its burden beyond a reasonable doubt.

And the judge will tell you that just because we put up a case doesn't shift that burden. That burden doesn't become the Defense's burden to show that beyond a reasonable doubt he was acting in self-defense. The burden never shifts. The burden is always on the State. Because when you're asked -- when you, the jury, are asked to come and answer an important question of fact that deals with someone's liberty, we need 12 independent people who aren't involved on either side. And the

judge will tell you that you have to set aside your emotions. And there are strong emotions. Thomas Pauling's death is tragic. I think that no one disagrees with that. I think Channen said it best. But within those seven minutes, that's what we have to focus on.

The State's case. They started off with Investigator Crutchlow, but then they put up Tommy Goodwin. And Tommy was such an innocent party to this case, I mean, he had no connections to anybody. But what he did was he called 9-1-1 and he said some very important things. He said it happened about five minutes ago. And why that's important is because when you get back in the back in your jury room is the timeline that we put together. Because, again, we've been talking about these -- we've been talking about these moments, being in the room and arguing. I think what's missed is that these moments were very fast. These things were being -- they were happening and occurring very quickly. And so the timeline was put together for that very reason, to help explain and show not what people remembered, but things that can be shown.

And Tommy Goodwin says that five minutes

before he calls, he heard bam, bam, bam, bam. Four shots immediately. Well, we know from Dr. Durso's testimony and from all the pictures that Thomas Pauling was hit three times. So we don't know what happened to that fourth shot. We don't know which time he was hit with the fatal shot. We don't know this. We don't know. But what we do know and the things that can't be changed are those four shots occurred in a rapid success. We do know, as Dr. Durso and, reluctantly, as Kerry Johnson told us, that when you fire a bullet and it goes up and to the right or up and to the left, a person is below the shooter. Mr. Williams talked to you about consistency. That is a consistent fact. That is a consistent fact of someone being on the ground, going after a gun and shooting. That's consistent.

Whitney Berry, from SLED. There's a particle associated with gunshot residue on Thomas Pauling's hand. Why is that fact important? It's important for two reasons. We don't know who shot that gun in the apartment. But if you remember, Detective Frost, who talked to Kiara, writes down in his report she did not see. In his own report, Kerry Johnson says she did not see. Kiara Pelzer later gets up and says, yes, it was Channen who shot that

bullet. But why that bullet is so important in the house is because that's what sets off this fear. That's what sets off this fear. And that's why he leaves, and he retreats and he goes somewhere else and gets jumped. That's the fear that's in his mind. Someone has shot that gun, he doesn't know who it is. So that associated particle means that either Thomas was close to whoever shot that gun or touched it. For example, that would be consistent with him fighting for it on the ground. That's why that fact is important.

Investigator Collins talked about the shell casings and the bullets. And, again, he talked about that there were four shell casings. And two of them are smushed. And we are not in any way accusing any investigator, Crutchlow or anybody, of purposely driving over and moving the bullets or squishing the bullets, not at all. They did not know that they were there. But the fact of the matter is, is that clearly they were run over. And is it possible that they weren't moved? I asked the question, Is it possible that when the car rolled over them that they stayed right there? Certainly, it's possible. Is it possible that they moved when the car rolled over them? Certainly,

it's possible. We don't know. And we can't speculate.

I imagine -- and I don't know, but I imagine that the State's going to say, Look at these shell casings, they're all in a line. But that's not necessarily accurate. They are all grouped together, which is consistent with the testimony of Tommy Goodwin, which is consistent with the testimony of Channen Ricks. Consistency with Dr. Durso's testimony that those bullets are not going the same direction. They're going -- some are right to left, some -- one is right to left, one is slightly right to left and one is left to right. But they are all consistently going up. And the judge will tell you and I think the State will tell you, you don't leave your common sense at the door. So is that consistent with somebody being on the ground, grabbing the gun and just firing? Just firing. I submit that that is consistent.

Sergeant Bouknight. Sergeant Bouknight testified about the shell casing in the room and the hole in the ceiling. And, again, the hole in the ceiling is so important because that's what sets Channen's mind frame. He was thinking about his kids. He was thinking about his life. He was

thinking about getting that gun. And Sergeant Bouknight testified on direct, it was at an oblique angle. And I said oblique? Diagonal or slanted? Oblique angle. Those were his words.

You'll have Brianna's statement. When Mr. Williams was talking about witness demeanor -- people don't want to testify. And clearly she didn't want to testify, which is why her statement is in, because her statement, which was given right after this incident, 8:30 in the morning, three hours, and she said she didn't see who shot the gun.

Xavier Richardson didn't see who shot the gun. But what Xavier Richardson did was help provide another piece of the timeline. At 5:07 a.m. he takes a picture of Thomas Pauling on the ground. And what's important about this picture? A few things stand out. His shoes are off. It's because when Channen Ricks came -- was coming into his house where he lived, Thomas wasn't awoken. Thomas had time to put his shoes on. Travis is pacing with the gun. There's one fact -- several facts, but one in particular that stands out that's consistent throughout this entire testimony, and that is Travis had that gun. Travis brought it.

Travis filled that gun with hollow points and intended to use it. And even Kiara knew that he was going to bring that gun. Told him not to. That's Xavier's testimony.

I want to talk about Kiara, because she said something that I wrote down and I found to be the key to her state of mind: I wanted to get even. And Mr. Williams came up and asked her on redirect, When you said get even -- when Channen Ricks asked you, Why did you set me up? Why did you have me come over? Why did this happen? I wanted to get even. And Mr. Williams asked her on redirect, the State asked her, What did you mean by get even? I wanted him to feel my pain. I wanted him to feel my pain. She knew he was coming back home that night. It was his birthday. She knew he was coming home. And that's where these text messages and these phone calls become so important. She wanted him to feel her pain. And feel her pain he has.

Kiara and Channen's relationship is obviously tumultuous. And you're going to have these phone records and you're going to see on the phone records when she's texting and calling Travis. And you're going to see when she's texting and calling

Channen. And I wanted to point out a few of these text messages to you so we can understand the kind of person that we're dealing with.

May 21st, 2014. We're together. You need to grow up. A family and shit. Boi, lay, once I move, I'm leaving behind that trash that ain't no good.

All this question about whether or not they were in a relationship. He had a key to the apartment. He stayed there. He paid bills. He wasn't there every night, but he certainly was welcome.

May 22nd, 2014, three days before this. Conversation about where you are. Come get me. Pick me up here. Where you left money in the apartment. These are their words. This is what their relationship was. Kiara telling him, You're so stupid. You're so dumb. That's how she treated him. Sure, he stayed and, sure, he was looking around.

Then starting on May 22nd, she's yelling about, Don't lie to me, dog. Don't lie to me. I'm going to come at you. That's not as bad as its gets.

I said it before, but I mean it this time.

Bitch, you dead to me. I saw you with my own two eyes and everything you stand for.

May 23rd. Your ass will be on CS Monday morning, Bro. I'm not playing with you. I promise on my kids. May 23rd.

May 24th. Something going to happen to me. I'm gonna sure tell everybody it's your fault. But then she goes back and says, I'm going to give up on you. We are supposed to be together. She texted him at midnight on his birthday. Happy birthday, baby. I love you.

When you read the threat on May 22nd about how you're going down -- you're going down. She set this plan in motion. I submit that the plan was that Travis was to use that gun, but he didn't. He did, he fired in the apartment, and that is what set this into motion.

Mr. Williams -- I want to talk about what Mr. Ricks testified to, and Mr. Williams reminded you about consistency and credibility. And the other consistent thing that we know throughout this trial, you heard it on the jail calls, Investigator Johnson said it, and we'll hear it again on the 9-1-1 call. They jumped me. They shot in my house. They tried to kill me. This is less than

ten minutes after this happened. Right when this happened. He had not time to process. He didn't have time to talk to a lawyer. He didn't have time to make up this story.

Why didn't he go out the front door, Mr. Williams said. Does that make sense? This picture, State's 13, shows broken glass. Channen tells you that he heard broken glass at the front door and thought they were coming back. Kiara says she left because she was afraid that they were going to come back. The video shows Thomas Pauling going one way and Travis Tucker going the other way. He went out that bedroom window because they were coming back.

Dr. Durso talked to you about the injuries and how some were consistent with -- could be consistent with falling or could be consistent with falling on the ground. And you'll have all these pictures back there and get to take a look at them. If he fell -- she said these are consistent with some sort of fighting. You have to look at all of them because there are wounds on the sides of his hands, there are wounds on his elbows, but -- not on his elbow, on his arms. And they are covered in dirt. The same type of dirt that is on his shoes.

The same type of dirt where this altercation began and continued.

Evidence of an altercation taken by Investigator Johnson. They jumped me. Pictures that the State put in about where this happened. And you'll get to see them closer. You'll get to take these pictures. You'll get to look at this mud and you'll get to see in this area if it looks like there was a scuffle, which could be consistent with a fight over a gun. You'll get to look at the mud and dirt and see if you can see slide marks. They didn't want to admit that they couldn't see shoe marks, but that's the beauty of being independent fact finders because you get to look at these.

Seven minutes. In seven minutes, this happened. And I asked Channen, When Thomas jumped you, were you in fear for your life? Yes. When you were shooting the gun, why were you doing it? Because he was going to kill me. And he stopped when he fell. And it's only then that he realized that was his friend.

These 9-1-1 calls, you'll get to have this back there. You'll get to see -- you'll get to see where Kiara and Brianna are calling Channen,

calling him at 4:46 in the morning and multiple times throughout. But what's most important is that you will see an emergency call goes out at 5:32 from Channen. And then this -- these are all the times all embedded that he speaks with emergency personnel. Well, we don't have the tape where he said his name. We don't have the tape where he -- we don't. We don't. Because for whatever reason, the investigator of 30 years with law enforcement experience didn't get them, so we can only speculate as to what they say. But what we do have and what I want to close with are the words that Channen Ricks says within ten minutes of arriving at that apartment. Because, ladies and gentlemen, that -- those words that he speaks indicates and tell you what his state of mind is.

Bear with me a moment.

(9-1-1 call played for jury.)

MS. ZMROCZEK: We were fighting for the gun. They tried to kill me. I don't want to tell you where I'm at, I'm scared. I asked Channen Ricks if he was in fear for his life and he said yes. What would happen in the parking lot if you did not get that gun? He would kill me.

Ladies and gentlemen, Thomas Pauling died over

a life and death struggle of a gun. And that's not murder and that's not malice. It was self-defense.

When I sit down, I'm going to ask you to ask those questions to the State and listen to the law and apply that law without emotion. It has been my pleasure to stand by Channen Ricks. And I give his case to you with these facts. I'm going to ask that you find him not guilty of murder.

THE COURT: Solicitor?

MS. SAMPSON: Thank you, Your Honor. May I have a moment?

THE COURT: You may. Take your time.

(Pause.)

CLOSING STATEMENT

MS. SAMPSON: Ladies and gentlemen, on May 25th, 2014, Channen Ricks became a murderer. It's that simple. He decided on that day to take the law into his own hands and kill Thomas Pauling. It's that simple. Three shots to the back is not self-defense. It's murder with malice aforethought. It's just that simple.

At the beginning of this case, my co-counsel told you that Channen Ricks is a murderer. And at this point, after three days of evidence, it's clear to me that he is. He may not be what you

picture in your head when you came to jury qualifications on Monday. He may not sound like what you thought a murderer would sound like when you sat in that jury box and took an oath to listen to the evidence and render a verdict. But make no mistake, that's exactly what he is.

Mr. Williams just went over with you the definition of murder. He told you that it's an unlawful killing of another with malice aforethought. So let's talk about that. We have the burden of proving that beyond a reasonable doubt. Sometimes I struggle with that because there can be doubt about anything; right? There can be doubt whether I'm going to wake up tomorrow. There can be doubt whether I'm going to have a car wreck when I get in the car. But is that reasonable? I don't have to prove this to you beyond all doubt. That's impossible. Beyond a reasonable doubt.

Now, Ms. Zmroczek told you she wanted you to look for that. That's not what it says. The law says it has to be reasonable doubt. Not any doubt, reasonable doubt.

First, we showed you that a killing occurred. There's absolutely no doubt about that. Thomas

Pauling is dead from three gunshot wounds. Two of which, in and of themselves, would have been fatal had they been done alone. My husband is a hunter. He gets up at 4:00 in the morning. I don't really understand that because I like to sleep. But he gets up and goes and shoots deer. And he has this thing called a kill shot, straight to the heart. Thomas Pauling had a kill shot through the back straight to the heart. He had a second shot that killed him as well. You remember Dr. Durso told you, he bled into his lungs? Remember, she talked about that? He bled so quickly and so fast that when he fell to his knees with that fatal blow, he couldn't even bleed from those scrapes. They were dry. All of us have fallen or had injuries. They immediately start to bleed. They might not like pour blood, but there's some bleed there and they eventually scab over. He fell so hard, so fast, and so much blood in other places where it shouldn't have been, he couldn't even bleed when he fell. That's killing him. That's murder.

Channen Ricks told you, Well, I did kill him, but it was self-defense. I mean, I was scared. You heard the 9-1-1 call. We're going to get to that. But he told you that it was self-defense,

that he had to do it.

Well, ladies and gentlemen, in order for it to be self-defense, you would have to ignore all of the other evidence. All of it. None of it could be true for this case to have been self-defense. And I'm going to talk to you about that.

Today we heard from Channen Ricks. And before that we got in a lot of evidence. But now I'm going to talk to you about Channen Ricks' story versus the evidence. Channen Ricks' story is, he always planned to go to Kiara's apartment. But that seemed to be change a little, one minute it was, yes, I was going to go. Then it was, well, I would have hooked up with these others girls. Then it was, oh, I'm going to go to the Waffle House. All these different things. By as Ms. Zmroczek told you, you have the evidence, you get to go look at it. The evidence shows and the texts that he only went to Kiara's after failing to meet up with the other women. She was his last resort. When he couldn't get any for his birthday from somebody else, he went to her.

His story is he had no idea who is assaulting him while in the apartment. Remember, he talked about how dark it was? Finally, his eyes got

adjusted and there's this dark gun. However, the testimony of Kiara and Xavier was that the light was on.

Now, Ms. Zmroczek doesn't want you to believe Kiara. She thinks she's just not a person that's credible. Then believe Xavier because he told you the light was on in the living room. He could see them. He just went back in the room.

Kiara also told you that Thomas identified himself. He kept saying, Hey, Bro, it's me, it's Thomas, it's T. Didn't matter to Channen Ricks. That's evidence that's not in dispute. And if you think that maybe it is, that maybe he didn't know, maybe he couldn't remember, he didn't know. Remember, they were together for three hours at a club; right? He agreed to that. They were all together. Nothing bad going on. So for three hours he's with his friend. His friend in these white shorts. His friend, who is wearing this shirt. You can see a gun in the dark, but you can't see this? Evidence that you can't change.

Someone shoots at him while he's in the hallway of the apartment. Today it became, Oh, well, they came in the room. The only person saying anybody came in the room other than Channen

Ricks in that bedroom is Channen Ricks. Kiara, Xavier said, no, the only person that came in the room was Channen.

Now, Investigator Bouknight talked to you -- and she said he said the oblique shot in the ceiling. Well, what's the only other thing he said? You would have had to be in the room for that shot to be where it was. Couldn't be outside in the hallway, anywhere else, had to be in the room. The only person in the room with a gun was Channen.

He was the last person to leave the apartment. That's what he said. Everybody else had somehow magically left. The testimony of Kiara, Xavier, and Brianna, they left, and Channen left before they did. And you know what? That makes sense. Because Kiara had to get some clothes on. They had two kids they had to gather up and get some stuff and get in the car. Channen left before they did. He didn't leave after they left.

Channen told you that there was a second altercation with the victim outside of Building 14. There was no evidence of tearing to his clothes, damage to his clothes. And I just showed you Thomas Pauling's clothes, and you'll have them back

there with you. No evidence that there was a struggle outside of Building 14.

Shoots victim immediately after altercation while standing in this grassy area. And I had him circle it today; right? So we have a diagram of the apartment; right? And he showed you how he jumped out of here, ran here and in this grassy area where everything happened; right? That was his words. I'm not twisting it around.

Well, the bullet casings were found in the parking lot on the hard pavement. We had many officers up here talking about how they eject out. How do they magically end up in the parking lot if everything happened in the grass?

Now, she talks about that maybe Frost -- or, excuse me, Agent Crutchlow -- Deputy Crutchlow might have ran them over. What did David Collins, our expert in fire marks and tool examination tell you? That even if you ran them over, they only move inches. They don't move feet.

Furthermore, Dr. Durso talked to you about how there was no stippling or soot in the wound. Because if you had a close contact wound, that's what you would expect; right? That's what she said. Channen Ricks told you, if he's to be

believed, that he for the second time is able to get a gun that dropped on the ground away from somebody and that he immediately starts shooting. Immediately. 18 to 24 inches was the closest the person was to him. The closest.

He says he walks over to the body and only then recognizes that it's Thomas. I'm going to show you a picture in a little bit. Thomas is facedown when he's dead. Doesn't move anymore. So how did he recognize him then and not earlier? He's just not telling you the truth.

Drives away from the scene and immediately calls 9-1-1. Look at the phone records that Ms. Zmroczek just waved around with you all. If you look, his mother calls first. From 5:18 to 5:32, there's no calls from him. He doesn't attempt to call 9-1-1 at all. It's not until his mother called. And she testified to that. And she said, Yeah, I told him to call 9-1-1. That's when he tries to call 9-1-1. Phone records don't lie. You've got his story versus the evidence beyond Channen's. They don't match.

The only way self-defense is applicable in this case, the only way you can find him not guilty because it's self-defense is if you don't believe

any of this and you believe this. That's all. Because you've got two choices, guilty or not guilty. And for him to be not guilty, you've got to believe this story instead of this evidence.

Now, Ms. Zmroczek is right. We have the burden of proof. Once they say it's self-defense, we have to prove to you that it isn't. But don't make the mistake of thinking we have to disprove everything about self-defense. Self-defense isn't all or nothing. If we disprove one leg, it's like a house of cards. You pull that one card out, the house falls. We've only got to disprove one, but not all.

So how do you know if there's no self-defense? The only way it's self-defense is if you believe Channen Ricks. And Channen Ricks is an admitted liar. And I don't use that word lightly. I don't like calling anybody a liar. But he got up there and told you, I lied. He lied from the beginning. He didn't just get up here and decide to lie. Y'all just heard the 9-1-1 call. He lied about where he was. He lied about being alone. He lied about being in an abandoned building. He lied by omission. He didn't tell them, By the way, I just shot my friend. My childhood friend that I grew up

with, I left him dead on the street. But don't go by there to talk to him, don't go try to help him. He didn't tell them.

Ms. Zmroczek talks about how we could have gotten the call. The calls were gotten. Had he said in anything, Hey, my name is Channen, we'd have that call. If he said, Hey, I shot Thomas, self-defense, we'd have that call. The only reason we knew to send help to Thomas Pauling is because Tommy Goodwin called. Think about that. If we only knew what Channen Ricks told 9-1-1, have no idea. Thomas Pauling is dead. We'd have no idea where to go other than somewhere in Richland Village to look for somebody who has been shot at, but he wasn't there anymore. Thank God Tommy Goodwin called 9-1-1.

And let's be clear. Tommy Goodwin didn't want to call 9-1-1. Y'all heard that call too; right? You remember that? He was one of the first ones in the purple shirt. And that call was like, Do you want anybody to come? Nope. That's exactly what he said and the way he said it. It sounded like rap a little bit. But he sounds like he's 20. Nope, I don't want any police involved. But he gets a change of heart when they say, Are you sure?

You know what, if y'all need me, here's my name and my phone number, because he knows what you're supposed to do when you've done something. He knows that you're supposed to tell people, Here I am, come help me -- or ask me questions if you need help. Channen Ricks should have done that and he didn't. He didn't even try because he's a murderer.

Now, I'm going to focus just a little bit more on what Channen Ricks said and why you can't -- you just can't trust him. When he was up there, and as Justin already told you, and you get to decide the credibility, you've got to look at how they talk when they talk to their attorney and when they talk to me. His demeanor changed. I asked him simple questions. Did you talk to somebody on the phone? I don't know. So I had to pull the call up. And y'all got to hear that call.

And he talked to Investigator Johnson, who they seemed to think didn't do his job, but he told him, I got jumped in the house. I don't know what happened after that.

On May 27th, he tells his mother and his friend beginning on the 27th through May 30th, I don't know what happened. I don't remember what

happened. I got jumped. Then it goes to, I never had a gun. I didn't pull the trigger. Not I didn't pull the trigger inside. She'd like for it to be that way. That's not what the call said. I never pulled the trigger. I didn't kill nobody. I don't know how he ended up dead.

You don't? You said you walked over there and looked at him. He's a liar, an admitted liar. You can't believe one of the parts of his story. You can't believe any of it.

So we have proved that there's been a killing. So now we've got to prove there was malice. Now, how do we prove that? I can't open up his head and think -- look to see what he was thinking. We have to look at the surrounding circumstances. Why did this happen? Ms. Zmroczek, and I'm assuming Mr. Ricks, would love for you to blame Kiara. This is all her fault. If she just hadn't been cheating on him, we wouldn't be having this right now. She cheated on him. She wanted to get even. He'd been cheating on her, she was doing it right back. That doesn't lead to murder. It might lead to a fight between them two. It might lead to somebody is leaving me over it, but it shouldn't leave to anybody being dead. And certainly not Thomas

Pauling, who's not sleeping with anybody.

So when Channen Ricks walked in that door, he knew who that was. He got -- now, did he get jumped? Did he get hit? He sure did. Because nobody expected him to be there. Kiara took extreme measures to make sure he wasn't. She called him. She texted him from her phone. She called him and texted him from Brianna's phone. He kept saying, I'm not there. I'm not coming, this that. And when she was sure he wasn't coming anywhere near her house, she called Travis said, Come on over.

How do you know that's true? Remember what Xavier told you. Xavier told you, Kiara came up and told me, Hey, let those boys in. Right? Let Travis Tucker and my cousin in. She didn't say, Let Channen in. She didn't say, Oh, by the way, Channen might come over too. She said, Let those two in when they get there. Because that's all she was expecting. So when Channen Ricks, they realize he's coming, they had an old crap moment, as my daughter would call it. What do we do now?

And as Xavier said, Thomas is sleeping. He took that picture of him. Travis starts pacing, oh. Everybody's scared of Channen. They're not

scared of Travis. They're not scared of Thomas. They're scared of Channen. With good reason, apparently. Because when he gets in that house, immediately starts fighting.

Kiara gets punched. Remember, she had the cut to her ear. She gets punched. Travis gets punched. Thomas gets punched. Channen gets punched. They're all fighting. But during that, Thomas said, Hey, it's me. Let's get this over with. Stop this. But it doesn't help. It doesn't work because Channen is mad. Kiara is sleeping and as far as he's concerned cheating. He sees Travis Tucker and now he's angry because that's a friend. And then he realizes Thomas, his friend from school, the guy he grew up with, the guy he hung out with who he was just with a few minutes ago, is part of the problem. Now, he's pissed.

And so when he gets that gun from Travis, he is going to get even. How do you know that? He goes in there and shoots that up in the ceiling.

Now, this is when everybody is scared, except for Channen. Because he's the only one armed. Travis Tucker, out the front. He's the problem; right? He said, I'm out of here. Thomas Pauling, who knows everybody, he's related to half the

people in the house, so he stays. Maybe he's trying to -- I don't know, maybe he thought things would calm down. But once Channen does that in the ceiling, what does he do? He's out the window. He doesn't even try to open the door. He said, Let me get out of here as quick as I can, and he's out a window. And because Channen Ricks is mad, because he thinks his friend has set this up, he's out the window chasing him down like a dog. He hunts him down and shoots him, not once, not twice, not three times. He actually shoots four, he just happens to miss with one. Four times is not self-defense. Three of those being in his back. This happens because Channen Ricks is mad.

At the beginning of this case, Ms. Zmroczek told you that hell hath no fury like a woman scorned. Do you remember that? I'm going to tell you right now, apparently hell hath no fury like Channen Ricks scorned. Because he's the only person who had a gun. He's the only person that did any shooting. He could have left. He could have stayed in that apartment. He could have cooled off. He chose not to. That is cold-blooded murder. He chose to shoot that gun. He chose to chase Thomas down. Murder.

Now, it is a tragedy. It's a tragedy that Thomas is dead. It's not a tragedy that Channen Ricks is charged with a crime, because he should be.

Now that we've kind of covered why this isn't self-defense a little bit, we've covered why this is murder, I want to just go through just a little bit as to what really happened. I want to go through this not looking at it through the rose-colored glasses of Channen Ricks, not looking at it through the story he'd like you to believe, but looking at it through the evidence.

Back on May 24th, 2015, Channen and Kiara were not on the best of terms. He goes out for his birthday. She decides to try to hang out too. They don't even see each other. But at some point she decides he's not coming home, he's out here trying to get with these girls, he doesn't even seem to care that it's his birthday and he's not with me, I'm going to bring Travis Tucker over.

They all go to Apartment 501. This is the bedroom that we've all been talking about; right? That's the kids' bedroom. And it's not the cleanest of bedrooms, I'll give you that. But that's where all the kids were. That's also where

Xavier and Brianna were, and eventually where Channen and Kiara ended up. But before that happened, you've got Travis and you've got Thomas.

Now, Travis and Kiara have gone in the room to do what they do. And while they're doing that, you've got the last picture ever taken of Thomas Pauling alive. He's asleep with his shoes off and his pants down. It's his cousin's house. He's not scared of anything. He has no idea what's about to happen. He's not mad. He's not upset. He just called his girlfriend, talking to her. He figured he'd sleep off his drunk and when Travis was finished, they'd leave. But, instead, Channen Ricks comes in and all hell breaks loose.

When all that happens, Thomas is out one way, Travis is out the other, and Channen shoots. And you see this, A, remember Bouknight talked about how they took that down there. And the reason all this is important -- and you'll have this back here. I want you to know, there's the door. That's the door to the room. The bullet casing is all the way in here. All the way. Remember what Bouknight told you, you had to come into the room from the door for the bullet casing to end up in here because the bullet hole's in here. Bullet

hole in the ceiling right next to the light. You had to come all the way in the room. You couldn't have been outside in the hallway while Channen was shooting. That's the evidence.

So Thomas runs. Now, this right here is the back of Kiara's apartment. So this is exactly where Thomas runs and exactly where Channen chases him down.

Now, at this point I'm going to go over with you the video that we've all seen. But this time when I talk about it, I want you to actually see it.

Now, before we hit play, this is Travis Tucker. He is running away from Kiara's apartment. He goes. He's out. While he is doing that -- and you have to remember what's going on inside the apartment. Because there's time. We don't see anything else. Travis is gone. The problem is gone. If Channen was in such fear of Travis, leave. Just get in your car and drive away. Because there's Thomas -- I mean, Travis, excuse me, running. And you'll have it back there and you'll be able to see a little bit better maybe. But right there, he runs.

What I want you to notice is as he is leaving

the apartment complex, here comes Thomas. So they're in two different parts of the apartment complex. They're nowhere near each other. Here comes Thomas. He's running. He's going to come through these two buildings. He's just getting away from Channen and the shooting that just occurred. This is the front of that building. And in just a second, you're going to see him come through there because he walked -- as he runs through here, he slows down. He starts to come out. And there he is. I want you to take a good look at that. A good look. Because you know what it is out there? Dark. And what do you see? White shorts, a shirt and white on it. You tell me why Channen Ricks couldn't see that in the house. Because I sure do see it on this video. And that, ladies and gentlemen, is the last time we ever see Thomas Pauling alive. Because when he walks off that screen, he gets shot in the back three times.

So the next photograph, the next part in time, this one, Thomas is dead. He has come through right here. Now, where -- Channen said that he was way over here, but he's dead over here. Now, what did Dr. Durso tell you? That when that shot -- that kill shot to the heart, he would have been

unconscious within a minute. Within a minute would was the longest he would go. So if they're over here and the shooting happens way over here, how did they get over there?

Now, some of you are old enough to remember. When I said grassy knoll for the first time, I said, This reminds me of JFK in the grassy knoll. My kids were like, the grassy what? All right. So they had no idea what I was talking about. Apparently, we've got a grassy knoll with magic bullets because Channen says all this happened over here, that the gun jumped out of his pocket or falls out or whatever it does, hits the grass and everybody hears it. And then he's able to wrestle it again. And it's so far away from where -- you can't even get them in the same picture. He says it all happened right here. And that when Thomas falls, that's the dry patches that we're talking about. He's shot, falls to his knees, creates dry patches.

What does all this mean? He didn't go anywhere. He immediately fell where he was shot. And it's hard to see in this one, but he's got another one on his face. So you tell me how he knew that was Thomas if he didn't know beforehand.

Because that's how he left him. He left him this way to die. Malice aforethought.

At least the police had enough respect to block him while they were trying to do their investigations. Channen Ricks, who grew up with this man, had no respect. None. He didn't even call for help for his friend.

This one is Channen. And what this is, as we talked about, is after he's leaving after these gunshots, I just want you to see his black and white shirt. Because that's him. He's walking away, not calling anybody. Not -- remember, I need to call somebody. The service is bad in the apartment. This is outside. Use your phone then. But he doesn't. Instead, he nonchalantly walks away with his hands behind back like he's putting something -- I don't know what he's doing. I know what he's not doing. He's not calling for help. He then gets in his car and drives away.

Now, I use this one because this is what Crutchlow found. So being an officer and a good officer -- we hear so much about officers not doing their job nowadays. And Ms. Zmroczek tried to bring up how Kerry Johnson might have shot somebody when he shouldn't have. He didn't shoot anybody he

shouldn't have shot. He didn't shoot any unarmed people. Channen Ricks did. Kerry Johnson didn't.

So Crutchlow, being a good officer, puts these pink markers around what he sees as soon as he gets there. And why were those markers important? Here is the grassy area. Here is the bullet casings. Bullet casings are not going to move that far. You heard him talking. There's a car here, there's a car there, there's all of this space. They're just not going to move that far. Here's another -- another angle. Look how far they are apart. I didn't make this up. The investigator, that is how they work. It's not anywhere near the grassy area that you can't even see. The bullets aren't going to magically jump off the grass into the pavement.

And I want to show you these. These are the ones she's talking about that are -- she called them smushed, he said damaged. AF, AG, AE, which is damaged, and AA, which is fine; right? So we've got two good ones and two damaged ones. And as we talked about, the two damaged ones are right here in the middle of the roadway, where they would be damaged. And the two good ones are right here. But what's important about this picture and the

most important is she talked about the upwards trajectory, that the bullets were shot and kind of went up. I want you to notice, if you're down here and that's up there, it's an incline. That's why the bullets are up. It's an incline.

And, again, I showed you the real things. I won't bother with the pictures. But what I want you to notice is with the next two, they're upside down, the holes. There's holes there. And there's holes there. And you'll have it back there. They match up. They go straight through from his shirt. And they match. Not one single bullet to the front. If you shot somebody immediately after taking a gun, immediately, why is there not one single bullet in the front? They're all in the back.

That is this case, ladies and gentlemen. It's that simple. It's murder. Usually it's not that simple, but in this case it is.

Before I get done, I'm just going to -- because I think this is so important, I want you to understand, again, we do not have to prove -- disprove all of self-defense. The first thing about self-defense is he must be without fault in bringing on the difficulty. Channen Ricks is a lot

of things, but without fault isn't one of them. He came to that apartment when he wasn't invited. He jumped out that window when he didn't need to. He chased Thomas down like he was looking for some deer. So the first leg is gone.

The second prong of self-defense is that the Defendant was actually in imminent danger. Thomas Pauling never had a gun. Did you hear one single person out of the dozens we put up there say they ever saw Thomas Pauling with a gun? Nope. There was no imminent danger to Channen Ricks. Second leg gone.

Now, we get to whether it was reasonable for him to be in fear of great bodily injury or death. How could it be reasonable? Thomas Pauling isn't armed. And the only way he is in fear of death or bodily injury is because he went outside. Now, he told you, I heard somebody yell, Trav, Trav.

Now, that shouldn't mean a dern thing to him because he told you he didn't know who it was, so why would the name Trav, Trav mean anything to you. He's not being truthful. There's no danger. It's not reasonable for him to be in fear of anybody. He's armed, they're not. Not reasonable at all. Third leg gone.

And last, but not least, he had no other probable way to avoid the danger. No other way. He told you how his car was working. He drove there. He drove away. But when you're in the apartment, just get in your car and leave. Just get in the car and leave. And if it is so bad, if it is so dangerous and you love your kids and your girlfriend so much, then how come you let them leave without you? Because you're the only one armed. You mean to tell me you let your infant son, his mother, your cousin, her cousin, your nephew, everybody in the house leave and get in the car with all this danger about, but you stayed in it? If they got away, why didn't he? No other means of avoiding the danger. He had plenty of means of avoiding the danger. Last leg gone.

I'm almost done. Unfortunately, now you've got to listen to some more people talk a little more, but we're almost done, though. As you listen to your instructions, as you go back there and deliberate, I ask that you use your common sense. Use your everyday experience. Does his version make sense or does the evidence? If you truly think his version makes sense, then you find him not guilty. That's your choice. But when you look

at all the evidence, when you look at the fact that he is a proven, admitted liar, when you look at he shot an innocent unarmed man three times in the back, to include a kill shot to the heart, it's malice aforethought, killing of another. It's murder plain and simple. I ask that you find him guilty, not just because he's charged, but because he is.

Thank you.

THE COURT: Thank you, Solicitor.

All right, ladies and gentlemen, you've heard the closing arguments of both counsel. I'm going to let you go to your jury room for about 10 or 15 minutes. Don't begin your deliberations. And we'll bring you in and then I'll give you the charge of the law.

Please retire to your jury room.

(WHEREUPON, the jury retires to the jury room at 3:10 p.m.)

THE COURT: Anything from the State before we recess?

MS. SAMPSON: No, sir.

THE COURT: Anything from the Defense?

MS. ZMROCZEK: The only thing, Your Honor, is that I know that they had all these boards with the

law. And I know that you're going to tell the jury that what the lawyers say is not the law, the law is what you charge, because obviously they didn't charge the correct circumstantial evidence and things like that. And I know that you're going to tell them that, and I just wanted to make sure.

THE COURT: All right. Thank you.

MS. ZMROCZEK: And if we can get all of the boards out of the way.

THE COURT: Let's -- everybody said you'll have these back. How are they supposed to play these?

MS. SAMPSON: Either they can come back out --

THE COURT: That's what -- I'm going to tell them that they have to come back and hear it here because we can't send it back.

MS. SAMPSON: That's fine, Your Honor.

THE COURT: Okay, thank you.

MS. SAMPSON: I think we're just all --

THE COURT: I wasn't sure if y'all had some blank computer that they could go back and play.

MS. ZMROCZEK: I'm going to buy a clean computer. We've run into this.

MS. SAMPSON: We do have one, but I will say --

THE COURT: The problem is these disks, I'm sure, have other things on it.

All right. We'll be at ease until about 15 minutes.

(WHEREUPON, a break was taken at 3:12 p.m.)

(WHEREUPON, the proceedings resumed at 3:22 p.m.)

THE COURT: Let the record reflect the Defendant is present.

Let's bring in our jury, please.

THE BAILIFF: Yes, sir.

THE COURT: Thank you.

(WHEREUPON, the jury came into open court at 3:23 p.m.)

THE BAILIFF: The jury is seated, Judge.

THE COURT: Thank you very much.

Thank you, ladies and gentlemen.

JURY CHARGE

THE COURT: It now becomes my responsibility, as I mentioned to you, as the trial judge to give you the law, which you have promised to accept and apply fairly and impartially to the facts that you will ultimately determine. And you will determine that by evaluating the evidence because, as you

know, it is your exclusive duty to evaluate and determine the value, the weight, and the truth of the evidence. And both the State and Mr. Ricks have a right to expect that you will very shortly apply that common sense and sense of logic and reason in life's experiences fairly and impartially in analyzing the evidence and deciding what you believe to be the truth and then taking the law and applying it to those facts. And when you've done that, you will have honored the commitment that you made when we started this process.

During this charge, you may hear me refer to Mr. Ricks as the Defendant or use the term Defendant. I will tell you, as I've already explained, that is just simply a term that is used to designate a party and it's just another way of identifying Mr. Ricks. Please know that that -- they are one in the same when I use it in my instruction. And that's the only significance. You would infer nothing else from that.

I told you and shared with you some things that were alleged in this document that I hold in my hand. It's called an indictment. As I told you when we started, it is not evidence. It will not accompany you to your jury room. It merely

contains the accusations accusing Mr. Ricks of committing the criminal offense of murder. To this indictment he has rendered a plea of not guilty, which, as I have also indicated, places upon the State the burden of proving his guilt beyond a reasonable doubt. And it is the sole burden of the State. Because in this country and this state, persons accused of committing a criminal offenses, such as Mr. Ricks here today, are never required to come in and prove anything at all and certainly not required to prove their innocence. Rather, the law says that everyone so accused, including Mr. Ricks, is to be presumed innocent. This presumption of innocence aren't just words. It's an active presumption which you must honor in every respect. And it is to be maintained at all times, from the commencement of this process until you begin your deliberations. And in your deliberations it remains until you each have been convinced beyond a reasonable doubt that the State has met its burden of proof.

If at the conclusion of your deliberations you have not been firmly convinced of that, then you would -- the presumption of innocence would carry the day, so to speak. It resolves the issue. He

must be found not guilty because of that presumption. As I stated, it is an active presumption.

What does it mean to prove the case beyond a reasonable doubt? As I told you, a reasonable doubt is a doubt which makes an honest, sincere, conscientious juror who is searching for the truth in a case to hesitate to act or take some action. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt.

Now, I would tell you that there are very few things in our life and in this world today that we know with absolute certainty. And the law in criminal disputes such as this does not require proof that overcomes every possible doubt. If based on your consideration of the evidence you are firmly convinced that the Defendant is guilty of the crime charged, then you must return a verdict of guilty. If, on the other hand, you feel there is a real possibility that he's not guilty, then you must give him the benefit of that doubt and find -- and return a verdict of not guilty.

I would instruct you that reasonable doubt may arise from the evidence which is in the case or

from the lack or absence of evidence in the case. And it is up to you to determine whether or not a reasonable doubt exists as to the guilt of Mr. Ricks.

I charge you that he is entitled to every reasonable doubt arising in the whole case. What does this mean? Simply this. If upon any issue of fact which would be essential for your returning a verdict of guilty you should have a reasonable doubt as to how that issue is to be resolved, I would instruct you that you must resolve it in his favor and return a verdict of not guilty.

Now, in criminal disputes and really both civil or criminal cases, it doesn't matter, evidence or cases are presented, and there are two types of evidence that you generally deal with. One, direct, the other indirect. A more common name for that is circumstantial evidence. Direct evidence, as the name would imply, generally deals with sensory perception. I saw something, I heard something, or the like. And if you are firmly convinced of that testimony, the truthfulness and reliability of that testimony, then it would establish that particular fact or circumstance.

Circumstantial evidence is when someone

testifies to a number of factors and you are firmly convinced of each of those factors. And then you link them, either through deductive or inductive reasoning and it leads you to a logical conclusion, again, about which you are firmly convinced, then it would establish that fact through that reasoning process.

I would tell you that either method can be used to present a case. And, quite often, both methods are used. And, furthermore, the law makes absolutely no distinction to the weight or the value to be given to either direct or circumstantial evidence. Nor is there any greater degree of certainty required of circumstantial evidence than direct evidence.

You are instructed to weigh all of the evidence in the case, but the law does say that to the extent that the State is relying on circumstantial evidence to prove any factor or element of a crime, it has to meet a certain test.

First, the State, as to each one of those events or circumstances upon which they're relying, must prove each one of those beyond a reasonable doubt, as you're firmly convinced of each of those facts.

Further, these facts must point conclusively to the guilt of Mr. Ricks. And they must be wholly perfectly consistent with each other in every particular respect.

I further instruct you, however, that the mere fact that circumstances brought out in a case are strongly suspicious of guilt or that circumstances are such that the Defendant's guilt is probable, that that is not enough. That is not sufficient to sustain a conviction because the proof offered by the State has to be more than mere suspicion. It has to be more than someone probably being guilty. It has to be proof which satisfies you beyond a reasonable doubt.

Now, the evidence which you will consider consists of the testimony of the witnesses and the exhibits that have been introduced through that testimony. During the trial you heard from time to time either side making an objection and you heard my ruling. That is a matter -- those objections were matters of law. They were for my consideration. And the attorneys were absolutely proper in every respect in raising those objections. Typically they dealt with our Rules of Evidence and I made a ruling. You are not to

take -- you are not to discuss, you are not to consider the fact that an attorney made an objection, nor should you consider any ruling that I made in your presence, because if you do, then you've kind of stepped into my area of responsibility.

Probably -- if I had to give you an example of how we work together to resolve this dispute, it probably is best reflected when I -- when an objection was made and I overruled the objection, I said as a matter of law I was going to allow the question to be asked and the witness to give the answer. Don't place any more -- don't place any weight on that whatsoever because if you, for instance, conclude, well, the judge allowed it, I must accept it, then you've let me step into your area of responsibility.

Quite simply, I made a ruling as a matter of law I would permit it, now it shifts to you. You decide whether you believe it or not. And, if so, how strongly you believe it. So that was the way that worked and that's how we have worked throughout this.

The same is true for this charge. If you hear something with which you differ, I respect your

right to feel that way, but you have made a commitment to accept the law as I will be giving it to you and not inject your feelings of what the law is or what it should be.

I would further remind you that the attorneys' remarks are extremely helpful and will be helpful to you when you begin your deliberations. But please remember something, although they are officers of this court, their remarks should never be considered evidence. And if you in your deliberations, your recollection differs from that of the statements of the attorneys about what a witness said or didn't say, you are instructed to disregard their remarks and accept your decision as being the final statement of what the facts said.

Let me also tell you that insofar as the record is concerned, the lady seated to my right has that responsibility. And if you differ as to what a witness said in your deliberations, we can replay testimony for you to resolve that. So you have that opportunity should that become necessary. But please remember, what the attorneys said and nothing that I say should be considered by you as to a statement of the facts of how you are to -- what you are to accept because you will analyze the

evidence and decide what you find to be credible and believable.

Also, the attorneys have -- properly so, have discussed the law with you. And if any of the statements of the attorneys -- if their statements of what the law is differs from what I'm telling you, you are instructed to disregard their remarks and accept the law as I give it to you. Why? Because for the purposes of this proceeding today, just as you are the sole judges of the facts, it is my responsibility today to be the sole judge of the law. So please remember that as you analyze the evidence in this case.

How do you decide the facts? What -- how does that -- what is that process? Truthfully, while you don't probably sit in a jury box every day, we all decide every day of our life whether we believe something or not. Certainly we have been bombarded with that over the last months. We hear a lot of things that we have to make decisions on whether we believe something or not and how strongly we believe. And we know that you are expected to do it and you know by simply applying your sense of logic and reason, your -- those factors that we all use to assist us in making that type of decision,

and you've done it. It is not something foreign to you, I assure you. Most of the time, it's subconscious, but there are times when we consciously make a decision. And you are going to do that very shortly when you begin your deliberations.

And I will tell you, there are many, many factors that assist us in making that type of decision. I'm going to discuss some of them with you now, but if I don't mention a fact or method that you've employed in your life and you found it to be reliable, please use it when you do begin the process of analyzing this evidence.

But some of the factors that you may want to consider would be the appearance of the witness. How did they appear to you, straightforward or hesitant in answering questions? Was the testimony of a witness consistent or was it inconsistent? Was it strengthened or weakened by other evidence? How did the witness come to know the facts that he or she testified to? And what was the ability of that witness to know those particular facts or circumstances? Was there a reason for a witness to give testimony which may be beneficial or detrimental to one side or the other? In other

words, was the witness biased or prejudiced in any fashion?

You have heard testimony during this trial of prior convictions of a witness. I would tell you that the only purpose that that is offered is for you to -- is as a factor to be considered. It doesn't mean that you have to disregard the witness's testimony. It just simply is another factor to be considered as you analyze and weigh the testimony of that particular witness.

In determining the credibility and believability of witnesses, you are given very wide latitude and broad discretion. You have the right to believe all of a witness's testimony, parts of a witness's testimony. You have a right to believe one witness against many, many witnesses against one. You don't make your decisions of what you find to be credible and believable arbitrarily. But if you -- because you have the right to believe all of the witness's testimony, parts of a witness's testimony, as I've said, or none of a witness's testimony.

Now, how do you ultimately make that? It's not whimsical. It's -- when you analyze the evidence, it's a logical conclusion because your

objective has been to determine the truth, regardless of the source of the evidence.

Now, when it comes to making -- to applying the law, please remember, as I told you, you don't enjoy any latitude with that. It is my job to give you the law and your job to accept it.

The order of my instruction means nothing. I had to put it in some order. The fact that I give you instructions on a particular issue or factor is not to be considered by you in any way to be a suggestion of how you are to resolve the factual issue because, as I've stated throughout, that's your sole responsibility.

Furthermore, if you disagree with, as I stated, with some principal of law, I respect your right to feel that way. And in this great country, you can take some action after this case is over, if you choose to, to make that happen. But for purposes of the proceeding today, you have to accept this law and apply that law and set aside your personal feelings. And I'm confident that each one of you will do that in making a decision.

As I mentioned to you, Mr. Ricks is charged with the offense of murder. Section 16-3-10 of our Code of Laws provides in part and defines murder

as: The killing of any person with malice aforethought, either express or implied.

In order to obtain a conviction, that is, to find Mr. Ricks guilty of the crime of murder, the State must prove beyond a reasonable doubt that he killed another person with malice aforethought.

Malice is hatred, ill-will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with the intent to inflict an injury or under circumstances that the law will infer an evil intent. Malice indicates a formed purpose and a design to do a wrongful act under circumstances that excludes any legal right to do it.

Further, there must be malice aforethought, which means that the malice must have been conceived in the mind of the Defendant prior to the act producing the fatal result.

The word aforethought is usually understood to refer to the time when the evil is conceived. The law does not require that malice must exist for any appreciable length of time, however, before the commission of the act. It may be conceived at the very moment the action is taken which results in the death of another.

Malice aforethought may be express on inferred. Now, these terms express or inferred do not mean different kinds of malice, but rather means the manner in which the malice may be shown to exist. And that, of course, may be shown either by direct or circumstantial evidence from which the inference may be drawn.

Express malice is shown when a person speaks words with express hatred or ill-will for another, or when the person prepared beforehand to do the act which was later accomplished. Malice may be inferred from conduct showing a total disregard for human life.

Now, if facts are proven beyond a reasonable doubt sufficient to raise an inference in your mind, an inference of malice, this inference would be simply an evidentiary fact to be taken in consideration with all other evidence in the case. And you may give it the weight that you should find it should receive or be entitled. You, as jurors, are free to accept or reject this permissive inference depending on your view of is facts.

I would instruct you that if malice is present in the mind of one doing the killing any length of time before the act, then its presence would be

sufficient to render the killing murder.

Criminal intent is also a necessary element of the crime of murder. And that must be proven by the State beyond a reasonable doubt.

Criminal intent is always a matter that must be determined by you by considering the circumstances surrounding the situation. So the law states that criminal intent may be inferred from the circumstances which have been shown to have existed.

The State is not required to prove motive, although the presence or absence of this evidence of motive may be considered in making your determination in this case.

Criminal intent is a state of mind that operates jointly with an act in the commission of a crime. Intent would include those consequences which represent the very purpose for which an act is done, or are known to be substantially certain to result regardless of one's design. Criminal intent is a mental state of conscious wrongdoing. And it is up to you to determine what the Defendant intended to do based on the circumstances that have been shown to have existed.

I tell you that the State must prove criminal

intent, as it must prove every other element of the crime, beyond a reasonable doubt.

Now, the Defendant has raised the defense of self-defense. Self-defense is a complete defense. And if it is established, you must find the Defendant not guilty.

The State has the burden of disproving self-defense by proof which convinces you beyond a reasonable doubt.

If you should have a reasonable doubt of the Defendant's guilt after considering all the evidence, including the evidence of self-defense, then you must find the Defendant not guilty.

On the other hand, if you have no reasonable doubt of the Defendant's guilt after considering all of the evidence, including the evidence of self-defense, then you must return a verdict of guilty.

The following elements are required to establish self-defense.

One, the Defendant must be without fault in bringing on the difficulty. If the Defendant's conduct was the type which was reasonably calculated to and did provoke a deadly assault, the Defendant would be at fault in bringing on the

difficulty and would not be entitled to an acquittal based on self-defense; that is, a rendering a verdict of not guilty.

The second element of self-defense is the Defendant was actually in imminent danger of death or serious bodily injury or that the Defendant actually believed he was in imminent danger of death or serious bodily injury. If the Defendant was actually in imminent danger, it must be shown that the circumstances would have warranted a person of ordinary firmness and courage to strike the fatal blow or to take the action which resulted in the death of another.

If the Defendant believed he was in imminent danger or serious bodily injury, it must be also shown that a reasonable person -- a reasonably prudent person of ordinary firmness and courage would have had the same or similar belief.

In deciding whether the Defendant actually was or believed he was in imminent danger of death or serious bodily injury, you should consider all of the facts and circumstances surrounding the crime, including the physical condition and characteristics of the Defendant and the victim.

The Defendant does not have to show that he

was in actual danger. It is enough if the Defendant believed he was in imminent danger and a reasonably prudent person of firmness -- ordinary firmness and courage would have had the same belief.

The Defendant has the right to act on appearances even though the Defendant's beliefs may be mistaken. It is for you to decide whether the Defendant's fear of imminent danger or death -- of death or serious bodily injury was reasonable and would have been felt by an ordinary person in the same situation.

The final element of self-defense is the Defendant had no other probable way to avoid the danger of death or serious bodily injury other than to act as he did in this particular instance.

I would further instruct you in your evaluation of self-defense and the evidence concerning self-defense, a person cannot be required to make an exact calculation as to the degree or amount of force which may be needed to avoid death or serious bodily harm. Therefore, in self-defense, the Defendant has the right to use the force needed to avoid death or serious bodily harm. The force used in self-defense does not have

to be limited to the degree or the amount of force used by the victim. The Defendant has the right to use so much force as appeared to be necessary for complete self-protection in which a person of ordinary reason and firmness would have believed to be needed to prevent death or serious bodily injury or harm.

The relative sizes, ages, and weights of the Defendant and the victim may be considered in deciding the appearance or actual need for force in self-defense and the amount of force necessary.

If the Defendant is justified in defending himself and in firing the first shot, then the Defendant is also justified in continuing to shoot until it is apparent that the danger of death or serious bodily injury has completely ended.

I also would instruct you, ladies and gentlemen, that it is the law of this state that voluntary intoxication is not an excuse for or a defense to a crime. A person who voluntarily ingests alcohol and/or drugs and thereby becomes intoxicated is no less responsible for his acts while in such condition than if one had not had anything to drink or ingested any type of drug.

If one voluntarily drinks intoxicating

liquors, wines, or beers or ingests drugs -- and/or ingests drugs and becomes intoxicated to whatever degree, and if while in that condition commits an act which would be a crime if committed by a sober person, the fact of intoxication would not relieve the intoxicated person from responsibility.

Ladies and gentlemen, throughout this entire process, you -- neither you nor I are partisans or advocates for either side. As I mentioned to you, we do not, as judges, have any friends to reward, nor do we have any enemies to punish. We are here to methodically, deliberately apply our sense of logic and reason fairly and impartially in performing the task which we have undertaken. And in so doing, it requires each one of us to set aside all human emotion. And I'll confess to you now, as I do very frequently, that's not always easy. But it is whatever everyone has a right to expect we will do. And I'm confident you will do that as well. We don't have anyone -- our feelings of concern, they have to be set aside. Situations like this have major concerns, and we all know that as human beings. You can't be motivated by any such human emotion whatsoever. You must deliberately and methodically analyze the evidence

and decide what you believe to be the true facts. And then once you make that decision, you are expected to apply the law to those facts and report that decision.

Presiding Juror, to assist you in returning -- reporting that, I've prepared a verdict form which I will be sending back with the evidence. I'd like to discuss it now with you and the other jurors.

And you'll note that it's captioned. And that means nothing. That is simply to facilitate the filing of the document.

There are two choices. And the order in which they are placed means absolutely nothing. I had to put them in some order.

And it reads thusly: We, the jury, by unanimous consent -- what does that mean? It means all 12 of you have to agree. 11 to 1 is not sufficient. It has to be 12 to 0 -- by unanimous consent find the Defendant, Channen Ricks, on the charge of murder, either guilty or not guilty.

You'll note that there's a line that precedes your choice. Whichever your choice is, if you will place a check on the line and circle it and then sign it, we will know that is your decision.

What will you be saying if it is guilty? You

will be saying that you have analyzed the evidence and you are firmly convinced that the State has proved each of the elements of the crime of murder that I have discussed with you beyond a reasonable doubt and disproved the defense of self-defense beyond a reasonable doubt. And, therefore, your verdict is guilty.

Not guilty, either you are not convinced that the State has established each of the elements required for the crime of murder, or that they established the elements of the crime of murder, but did not disprove self-defense. And as I mentioned to you, it is a complete defense. And if it is not disproven beyond a reasonable doubt, then you must return a verdict of not guilty.

I know you are anxious to get started, and you are almost there. And I told you it would be the last thing. First, let me ask you, are the first 12 jurors that were selected, do any of you do not now believe that you can continue to complete the process? If so, raise your hand.

My alternate jurors, Ms. Verba and Ms. Johnson, when the jury exits in just a few moments, I'm going to ask that you not rejoin them in their jury room. They will go to their jury

room. They will take you to another room and I'll be in shortly to tell you how much longer you need to remain with us.

I know you want to get started, but as you have noted on a couple of occasions, there's some matters of law now that I need to take up with the attorneys concerning my charge and I need to excuse you to do that. There may be some additional instructions or corrections that I need to give to you. If we do have to, we'll return you to the courtroom, including the alternates, and we'll give you that additional instruction. But if there aren't any additions, then we will gather the exhibits and deliver them to you.

When you receive your exhibits, then you may commence your deliberations. The only restriction that I place on the deliberations, is this. If at any time any juror has to leave the table for any reason, you must stop deliberating until all 12 of you are together. Otherwise, you proceed as you deem fit and proper.

Thank you again for your attention, and thank you again for the service that you are rendering to your state and to the parties in this matter.

Please retire to your jury room and wait for

the exhibits before commencing your deliberation.

(WHEREUPON, the jury retires to the jury room at 3:54 p.m.)

THE COURT: Exceptions or additions from the State?

MS. SAMPSON: No, sir.

THE COURT: Exceptions or additions from the Defendant other than the exception concerning my refusal to charge spoliation?

MS. ZMROCZEK: And the mitigating -- the only other -- Your Honor, I meant to say this. We had expert witnesses, and I don't know that --

THE COURT: Let me tell you something, you didn't have competing experts.

MS. ZMROCZEK: I didn't think so.

THE COURT: If there's a competing expert witness, I'll give it, but I say you have a right to believe all witnesses. No need to really separate them, my feeling, but I will note your request. I just declined to do it because I think I covered it with, You can believe all witnesses or parts.

MS. ZMROCZEK: Thank you, Your Honor. And then maybe when we send the bailiffs back with the evidence, just to let them know if they want to --

THE COURT: I'll do that.

MS. ZMROCZEK: Okay.

THE COURT: Okay. Thank you very much.

Any objection to the bailiffs telling them if they need to hear any of the recordings, they'll have to come to the courtroom?

MS. SAMPSON: No objection.

MS. ZMROCZEK: No objection.

THE COURT: Thank you all. I appreciate it very much.

(WHEREUPON, a break was taken at 3:55 p.m.)

(WHEREUPON, the jury was instructed to begin deliberations at 4:08 p.m.)

(WHEREUPON, Court's Exhibit No. 2 was marked for identification only.)

(WHEREUPON, the proceedings resumed at 5:16 p.m.)

THE COURT: Let the record reflect Mr. Ricks is present.

Mr. Ricks, we have a question from the jury.

All right. Let's bring in our jury, please.

(WHEREUPON, Court's Exhibit No. 3 was marked for identification only.)

(WHEREUPON, the jury came into open court at 5:17 p.m.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: Thank you very much, Ms. Sutton.

Thank you, ladies and gentlemen of the jury. What I have is now Court's Exhibit 3. It says, Four elements of self-defense.

Typically -- everybody does it differently. I'm beginning to start to do something, and I have discussed this with both sides. There are several judges that send the entire charge. I do it from time to time. It's not something customarily done, but other states do. I will send -- I'm not going to send the whole charge. Some send the whole charge. I'm only sending that portion that you're requesting, ladies and gentlemen. But if you need additional portions, just let me know and I'll be happy to send them to you. And the only thing I would ask is -- I'm going to attach it to this now Court's Exhibit and just retain it with all the other exhibits. And if you need anything else, just let us know.

Thank you very much. And we'll get it to you in just a few minutes. Thank you.

If you would -- you signed it, if you would date it for me.

THE FOREPERSON: Yes, sir.

THE COURT: No problem. Just to make sure that we have that as well. Thank you so much. Appreciate it. You may retire and continue your deliberations.

(WHEREUPON, the jury retires to continue deliberations at 5:19 p.m.)

THE COURT: Any exceptions or additions from the State?

MS. SAMPSON: No, sir.

THE COURT: Any exceptions or additions from the Defendant?

MS. ZMROCZEK: No, Your Honor.

(WHEREUPON, a break was taken at 5:19 p.m.)

(WHEREUPON, the following takes place at 5:57 p.m.)

THE COURT: When the verdict is published -- I am a human being, and my heart goes out to all of you that are hurting -- I mean that sincerely too -- but if you feel that you can't control yourself, I need for you to go ahead and leave now, because if you remain, I am going to assume that you are going to honor my request; and if you don't, then that will force me to find you in contempt of court if there is any outburst. So

please keep that in mind.

I am not trying to be harsh, I just want to continue to preserve the dignity of this process. So thank you very much for your patience.

All right, let the record reflect Mr. Ricks is present.

Is the Defendant ready to receive the verdict?

MS. ZMROCZEK: We are, Your Honor.

THE COURT: The State is ready?

MS. SAMPSON: Yes, sir.

THE COURT: Let's bring in our jury, please. Thank you, Ms. Sutton.

(WHEREUPON, the jury came into open court at 6:01 p.m.)

THE BAILIFF: The jury is seated, Judge.

THE COURT: Thank you so much. Thank you, ladies and gentlemen, I appreciate that.

Mr. Jackman, as I understand, the jury has reached a decision, sir?

THE FOREMAN: We have, Your Honor.

THE COURT: If you would pass the verdict form, please, to Ms. Sutton to deliver to me.

(Complies.)

THE COURT: Thank you so much.

(Court views.)

THE COURT: The verdict form has been properly completed and signed. If you would please assist me and publish the verdict form.

I would ask the Defendant and counsel to please rise.

(Comply.)

VERDICT

THE CLERK: Indictment Number 2016-GS-40-2836, The State of South Carolina versus Channen Frank Ricks.

We, the jury, by unanimous consent, find the Defendant, Channen Frank Ricks, on the charge of murder: Guilty.

Signed: Foreperson, Juror Number 137. October 13, 2016.

Mr. Foreman, is this your verdict and the verdict of the entire jury?

THE FOREMAN: It is.

THE COURT: Thank you very much.

Anything further from the jury?

MS. ZMROCZEK: We would ask that the jury be polled, Your Honor.

THE COURT: Okay. Ladies and gentlemen, what is going to happen now is the clerk is going to call your name and she is going to ask you

basically two questions: Is that your verdict? And is it still your verdict?

If you will just respond as your name is called. Thank you very much.

And thank you too.

THE CLERK: We use numbers.

THE COURT: You use numbers? Well, you call the numbers, that's fine. Thank you.

THE CLERK: Juror Number 242. Was this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Juror Number 66. Was this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Juror Number 256. Was this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Juror Number 183. Was this your verdict?

THE JUROR: Yes.
THE CLERK: Is it still your verdict?
THE JUROR: Yes.
THE CLERK: Juror Number 286. Was this your verdict?
THE JUROR: Yes.
THE CLERK: Is it still your verdict?
THE JUROR: Yes.
THE CLERK: Juror Number 23. Was this your verdict?
THE JUROR: Yes.
THE CLERK: Is it still your verdict?
THE JUROR: Yes.
THE CLERK: Juror Number 148. Was this your verdict?
THE JUROR: Yes.
THE CLERK: Is it still your verdict?
THE JUROR: Yes.
THE CLERK: Juror Number 137. Was this your verdict?
THE JUROR: Yes.
THE CLERK: Is it still your verdict?
THE JUROR: Yes.
THE CLERK: Juror Number 103. Was this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Juror Number 13. Was this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still our verdict?

THE JUROR: Yes.

THE CLERK: Juror Number 221. Was this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Juror Number 121. Was this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: The jury has been polled, Your Honor.

THE COURT: Thank you very much. The jury has been polled and the verdict stands.

Ladies and gentlemen, thank you very much for, again, the honor and privilege of serving with you. And I mean that truly and sincerely. I'm not

necessarily talking about your verdict or your decision because you were tasked with the job to decide the true facts and apply the law. As I commented several times -- and I mean it sincerely -- it is a delight and a pleasure and a credit to the process to have folks like you that represent this jury system so well. You did something that not everybody would like to do and I'm sure it is not something you enjoy doing, but you accepted it as a part of our, almost -- it is a duty and responsibility that we owe to our citizens of this state. And I thank you for serving it so beautifully.

You have earned an exemption for the next three years by your service, as I am sure you know. And if I happen to be holding court and you -- and I don't know that I would qualify the jury, but if I happen to and you wanted to claim that exemption, I would be proud to excuse you, but if you chose to work, it would be, again, a privilege to serve with each one of you.

You are now free to talk about your decision if you wish. There are times when persons may call you and ask questions about your decision. If you wish to talk to them, that's fine. And you

certainly are free to do so. But if you don't want to and they persist in asking you questions -- I doubt that will happen -- I have had a few occasions in my career -- but just let the clerk know. She can make me aware of it or another judge and we'll assist you.

If any of you have any questions or concerns, if you want to wait in the jury room for a few minutes I'll be happy to try to answer them, but, if not, you are now excused.

And I appreciate, again, your participation. Thank you so much. You are free to leave.

(WHEREUPON, the jury is excused at 6:07 p.m.)

THE COURT: Ms. Sutton?

THE BAILIFF: Yes, sir?

THE COURT: If any of the jurors remain, just let me know and I'll step out and try to answer them.

THE BAILIFF: Yes, sir.

THE COURT: Do you have a sentencing sheet?

MS. SAMPSON: I do, Your Honor.

THE COURT: Okay.

MS. ZMROCZEK: At this time, Your Honor, I would just ask --

THE COURT: I am going to do that. I just wanted to get that. Thank you. I didn't mean to cut you off, Ms. Zmroczek. I anticipate some motions, absolutely.

MS. ZMROCZEK: Thank you.

THE COURT: Anything from the State at this -- concerning the verdict?

MS. SAMPSON: If I can have a moment.

THE COURT: Just the verdict, right now.

MS. SAMPSON: No, sir.

THE COURT: All right, Ms. Zmroczek, I will be delighted to hear from you concerning any motions you may have.

MS. ZMROCZEK: Thank you. Your Honor, at this time we would move to set aside the verdict based on just the amount of time and the fact that there were several audio transcripts that weren't admitted that the Defense -- or, excuse me, that the jury I think had the opportunity, I don't know, I think that they may have been told that they had the opportunity to listen to, but didn't ask for. Certainly four days -- or three days of trial and less than two hours of deliberations, Your Honor, we would ask that the verdict be set aside for that reason.

THE COURT: Okay. Thank you so much. And I appreciate it. My law clerk and I were discussing that, as we do many times, How long do you think the jury is going to take? And then my observation over the years, that there really is no direct correlation with the hour -- the length of deliberations versus the length of the trial.

I have had some trials that last -- seriously, I had one that we finished, went to the jury in two and a half hours from start to finish, and the jury took five or six hours to deliberate. I have had some that lasted a week and they took 30 minutes. There is no direct correlation. And I understand they did not request that, but that doesn't mean they didn't hear it and they didn't consider it. And I understand the appearance or what creates an appearance, but it does not -- my view of the evidence, and I think I have articulated this on my rulings and motions for directed verdict, I think that the evidence was clearly there to support a verdict of guilty of murder. And I think the arguments of both sides, but certainly the arguments as to -- I think the State clearly disproved self-defense, no question about it. They could have stopped at the first one really from the

standpoint of negating self-defense. But I appreciate your position. Your motions are noted, and now the record is protected.

Thank you so much.

MS. ZMROCZEK: Thank you. And also, Your Honor, at this time we would renew our motions, especially the exception to the charge on spoliation and the application. I understand the Court's position. I just need to --

THE COURT: Oh, I understand that, and I respect you for that. Thank you very much.

And I would again -- the reasons stated for not charging spoliation and the reasons for not charging or considering -- reconsidering the immunity issues are clear. I think that stands -- they stand on their own. Well, spoliation is in the constitution and I think a fair trial was obtained in the immunity hearing and that record stands on its own.

Thank you.

MS. ZMROCZEK: Thank you, Your Honor.

THE COURT: Okay.

All right, are we ready for sentencing?

MS. ZMROCZEK: Yes, Your Honor.

THE COURT: Okay. You can talk to the

victims, and I will be happy to hear from any one of them if they wish to speak.

(Pause.)

THE COURT: Solicitor, anything further from the State?

MS. SAMPSON: Your Honor, at this point you have heard all of the evidence. He has been convicted of murder at this point. The minimum, as Your Honor is well aware, is 30 years.

He does have a record. As we stated earlier, he had an assault and battery of a high and aggravated nature in 2007; possession of stolen motor vehicle and a strong arm in 2009, which he was released from prison, as he told you, in 2013 for that.

It is the State's position that he should get something more than he could have gotten just pleading and accepting responsibility, which would have been 30. We would ask that you do that.

The family does not wish to add anything at this point.

THE COURT: Very well. Thank you very much.

Now, Ms. Zmroczek, I will be happy to hear from you and anyone that wants to speak on his behalf.

MS. ZMROCZEK: Thank you, Your Honor. I haven't had an opportunity, but I'm sure that probably a few of the family members want to speak.

THE COURT: Certainly.

MS. ZMROCZEK: I know that you know that they have been here the whole time.

THE COURT: They have.

MS. ZMROCZEK: Your Honor, Mr. Ricks is a young man who has a young son.

This situation -- you heard the testimony. The situation is one that I can't understand as far as the relationship aspect of it. I don't know why she wanted him there. I mean, I think I do. I think she clearly told us that she wanted him to feel her pain. I don't think that she, Kiara, wanted it to get out of hand like it did.

And, you know, I continue to maintain that, you know, this all happened within a very short -- I know that we dragged out the incident within the house -- I think that this all happened within a very short time period. Mr. Ricks never brought -- you know, he didn't bring the gun there. I think that he -- I know that you charged that voluntary intoxication wasn't a defense. I don't think he ever relied on that as a defense, Your Honor. I

think that the situation just escalated to something that he never expected it to.

And, I mean, clearly -- you saw him testify. He -- I don't think he is -- anybody is -- even if he got a lighter sentence -- which, of course, we are not asking for, Your Honor -- but I don't think that, you know, anybody is going to be harder on themselves than he is. This is something that he has had to live with, you know, for the last two years because Thomas was his friend.

He certainly has some things that he wants to say to the family, and he actually wrote them for me yesterday.

THE COURT: Sure.

MS. ZMROCZEK: If I may get those, and ask if there is any members of the family that would like to speak? And I believe they do. If y'all will just stand right up here.

THE COURT: And if they will just give me their full name for the purpose of the record, please.

Yes, ma'am?

DEFENDANT'S MOTHER: I just want to say to you all, I'm so sorry. I am so sorry. From Day One there was not a day that I didn't cry with you,

that I didn't pray for you.

That is my baby. And I know when your child leave you, a piece of you went too. I am just so sorry.

They were put in a situation. Being in anger, there was no control. The only thing I regret is him loving her so much, so hard. I am truly sorry.

And I plead for mercy. Please. I have a granddaughter at home just beginning to know her father when he came home. And there are times when she just burst out into tears wanting her daddy.

And as a mother, I know it is not right, but it is just something we have to live through. I just ask you to forgive him, try to forgive him.

Try to just find a way to be lenient with him. Please.

THE COURT: Thank you, ma'am.

MS. ZMROCZEK: I believe -- do you want to read the letter? He wrote a letter, Your Honor.

THE COURT: I will be happy to hear from you, sir.

THE COURT REPORTER: I am not going to be able to hear him turned away.

THE DEFENDANT: I want to talk to them.

THE COURT: I understand, but you are going to

have to control yourself because the court reporter has to take down everything you are saying.

He is not disrespecting you. We have to have a record of that. And he wants to turn, and I appreciate his willingness to do that, but we need to make sure, Mr. Ricks, that we have your wording correct. So thank you for your patience with us.

THE DEFENDANT: Well, I just want to tell T's mom that, you know, I love her so much, and I'm sorry that any of this had to happen. Nobody can ever understand the type of relationship me and him had. I wanted to help him so bad. I didn't want to leave. I was scared.

I know y'all done heard a lot about our relationship, so I know it is not a secret to how close we was. I just want you to know that it ain't never a day that went by that I didn't want to talk to you, hug you, and just give that peace that had left back to you.

I think about T's son all the time. And I just hate that Bruh can't be there for him.

I ain't never wanted none of this to happen. And I definitely didn't intend on killing my friend. I want to read this letter.

Dear T. I'm writing this letter to

share with you and your family what has been on my mind and heart for several years now.

For the last past few nights I have stayed up writing this letter in my head, and each time I find myself mentally balling the papers up because I can't find the words to convey how deeply sorry I am for causing your death.

Somehow, no matter what words I use, saying I'm sorry for robbing your family of your life seems too small of a gesture.

Every time I think back to that night I find myself asking the same question: Why? I still haven't found the answer.

It wasn't until last May that I began seeing things different. My healing started. And I was able to look at your mom and say, I'm sorry.

At that moment I was able to start forgiving myself for what had happened.

However, the real change started when our parents got to speak to one another.

My momma was able to hug your momma, and this hurt and pain my family suffered with her, and to let her know that she was never alone in her grief or loss.

We both made poor choices, and it ended up hurting not just me and you, but our kids and our parents also.

I wish I could change the past. I wish I could restore your life so that your son could have normal safety and security of having a dad in his home. And your family could enjoy just being in your presence.

I'm sorry, Bruh. Please forgive me. I know saying I'm sorry could never restore your life, but I believe in the power of atonement. And I take responsibility for my actions by dedicating my life and atone to make amends for the pain that I brought into this world for the past two and a half years.

It is just a shame what happened, but you have my word as a man and a brother that your death was not and will not be

in vain. I learned the power of forgiveness from your momma. She was able to tell my momma that she is not mad at me, to keep my head up, everything will be okay. She is a strong black woman. And she will forever hold a spot in my heart.

I know I owe your family closure, so I am doing all I can to make sure I give them the answers they have been waiting for over the past two years.

There is so much more I wish I could say. There is not enough words in the English vocabulary to explain how truly -- how I truly feel.

I love you, My dog. May your soul rest easy.

THE COURT: Thank you, sir.

MS. ZMROCZEK: Your Honor, what I was looking for -- and I didn't bring them with me -- he -- while he has obviously been in prison for -- since he turned himself in on May 26th of 2014, he has been participating in classes and Work Keys and doing everything that he can to better himself in prison. As Your Honor knows, he has to serve every

day day-for-day.

He has two young children. In addition to being a surrogate, a pseudo-parent to Navaya, who was Kiara's daughter, Your Honor, he has a daughter of his own and Aden, which you have heard about.

We would ask that the Court consider all of these factors and sentence him to the 30 years day-for-day.

THE COURT: Thank you very much.

Is there anything else?

MS. SAMPSON: Your Honor, Ms. Pauling wanted me to make sure that I told Channen that she said she forgives you. You can't turn around, but she wanted me to tell you that.

That was it, Your Honor.

THE COURT: Well, and I thank you for that.

And you summed it up very beautifully, Mr. Ricks. In fact, my law clerk and I were talking about the tragedy, and it is tragic when families know one another, as we have here, and interact with one another. And there is no question that both families are losing a loved one. And I understand.

And part of punishment -- it is multi-faceted. One is to certainly try to rehabilitate. One is

to -- and with that you listen to what the person says. You have shared a lot. You are moving in a positive way about yourself, and I commend you for that and the steps you have taken. But the other part -- and then there is another part that is just pure punishment for what you did. And that sounds cruel and harsh, but that is what we do. And then the other part -- and this is what really I think led to doing and imposing the sentence that I am going to impose is to try to deter others from making the decisions that you made. Yes, it was a very poor decision. It was easily avoidable. It really was.

The problem is we have in our society a misconception of what self-defense is. We think we can just go ahead and shoot. In this case I think probably the most poignant moment for me in the testimony was when you realized that you had killed your friend: Get up. Please. Let me undo it.

My observation -- and I have had a son who has grown up in the computer age -- I think it is the greatest injustice we have, because we don't think about the consequences. Why? Just simply push reset, start it over. We have shooting games where we win by how many people we kill. How

desensitized have we as a society become? And that is what happened.

Because, you know, one of the things that was clear, a lot of people left. All you had to do was leave. You had the gun. One of the things that gets in the way, and this is -- men have this problem, I think. I know I do. Testosterone. We get pumped up. We get -- I -- we get -- we want to control. And when we factor in temper -- and what I have to look at is a record that shows control, Number One: Strong armed robbery, assault and battery of a high and aggravated nature.

And you know what the greatest example was? I got a key, I don't have to call, I can go when I want to.

It is somebody else's house. You are in control. We can't live like that. And you, of all persons, you had a chance.

So all of that to say, I appreciate your request, Ms. Zmroczek. I don't fault you for it, the minimum sentence, I understand that, but it is not warranted in this case, but neither is life imprisonment meant for him.

You will have an opportunity to see daylight again. And I hope you will be positive. You will

have missed a lot of your life, unfortunately, but those were decisions that you made.

So -- and it is since when, May what, 26th?

MS. ZMROCZEK: May 26th, 2014.

THE COURT: Okay. Thank you.

SENTENCING

THE COURT: The sentence of the Court is you be committed to the Department of Corrections for a term of 40 years. And he is given credit for time served since May 26th, 2014.

Good luck to you, sir.

Thank you.

MS. ZMROCZEK: Thank you, Your Honor.

(WHEREUPON, the proceedings were concluded at 6:26 p.m.)

(END OF TRANSCRIPT)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Deborah M. McCurdy, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Richland County, South Carolina, on the 10th, 11th, 12th, 13th days of October, 2016.

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

March 14, 2017

s/*Deborah M. McCurdy, RPR*

Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

BY MR. WILLIAMS: [36] 136/24 141/6 147/21 152/5 155/19 163/1 164/14 178/4 216/11 236/23 245/17 297/3 300/16 301/13 302/8 303/9 303/18 304/12 304/21 313/1 332/2 354/12 355/22 388/8 396/2 417/2 427/21 439/10 440/6 443/22 450/5 453/25 456/17 461/13 465/17 588/24
BY MS. SAMPSON: [35] 56/21 62/20 65/17 69/9 115/19 123/16 134/13 180/24 189/19 198/24 209/10 222/1 235/2 248/9 261/14 269/1 290/2 314/20 317/19 318/17 319/7 320/18 321/23 323/19 324/20 423/8 425/5 470/18 485/2 489/23 496/8 524/6 576/10 580/11 648/18
BY MS. ZMROCZEK: [43] 69/19 127/19 144/19 161/11 172/6 179/2 185/13 205/4 207/10 210/9 210/23 231/9 235/16 240/24 247/6 255/1 284/20 285/10 307/12 311/7 345/4 349/7 353/7 367/5 393/2 409/20 444/1 451/7 466/7 505/12 530/11 547/5 553/24 564/14 567/7 568/6 574/15 582/20 585/16 590/3 602/11 613/9 687/5
BY THE WITNESS: [1] 141/20
COURT REPORTER: [1] 81/15
DEFENSE ATTORNEY: [2] 34/7 35/17
MR. LOVE: [1] 17/14
MR. WILLIAMS: [138] 103/2 103/5 136/7 140/1 140/12 140/22 141/4 142/8 142/20 143/4 143/16 143/20 143/25 147/19 148/4 148/9 149/15 149/25 151/11 154/11 159/3 159/18 160/4 160/12 160/22 161/1 162/23 163/12 163/20 168/2 168/18 168/24 170/23 171/2 171/19 176/24 177/2 178/22 214/12 214/17 214/21 215/9 215/20 219/1 219/21 220/20 236/6 240/7 240/13 240/17 240/20 245/14 247/1 295/15 296/2 296/8 300/12 301/5 301/24 302/7 302/20 303/15 303/23 304/6 304/10 304/17 306/24 307/7 311/1 312/23 313/11 331/9 332/25 335/16 342/24 344/25 349/1 353/2 354/10 354/15 354/22 355/1 355/3 366/16 366/25 373/18 388/6 389/24 390/2 392/4 392/7 392/21 393/23 394/21 395/10 399/24 409/14 416/6 416/11 419/10 422/4 428/22 429/6 429/21 430/9 430/19 431/3 438/14 438/23 439/8 439/21 440/15 443/9 450/2 451/2 453/2 455/17 455/24 460/7 460/10 460/22 462/24 464/22 465/3 466/2 467/10 469/3 469/16 550/15 552/20 561/1 563/7 586/23 588/21 589/24 590/18 707/17 707/21
MS. SAMPSON: [279] 12/6 12/8 12/11 12/14 12/19 12/23 16/23 21/18 28/15 29/6 32/9 32/20 33/5 33/17 34/5 34/19 35/6 35/15 36/1 36/13 37/1 37/13 37/23 38/9 38/21 39/8 39/18 40/5 40/18 41/5 41/20 42/6 42/16 46/18 47/2 47/6 48/3 48/7 48/16 48/23 49/1 49/5 49/14 50/13 51/7 55/25 62/17 65/7 69/6 69/14 73/20 73/25 74/18 76/22 78/1 79/6 79/8 79/16 79/21 80/12 81/4 81/13 81/17 82/1 82/6 82/14 82/22 83/10 83/16 83/19 84/10 84/14 85/5 85/10 85/25 86/9 86/14 115/1 122/12 123/2 124/19 126/7 127/14 134/11 135/11 135/21 149/5 154/20 154/24 180/8 183/3 185/8 188/11 188/19 188/22 188/24 191/14 191/22 198/14 202/1 204/13 204/20 207/4 210/5 210/16 211/12 212/10 213/3 213/5 213/12 214/24 221/5 221/8 223/13 223/21 229/20 231/4 234/25 235/11 247/17 254/10 254/19 254/22 260/16 260/21 263/10 263/16 267/22 267/25 268/8 271/11 271/18 275/20 279/16 284/13 284/16 285/4 289/25 293/12 294/11 294/13 295/5 295/14 313/23 314/13 314/16 317/11 317/14 318/10 318/25 320/11 321/16 323/12 324/11 324/19 326/13 326/16 327/25 328/21 329/2 329/6 330/20 394/13 419/19 420/20 421/6 421/11 421/21 422/16 424/21 426/19 427/5 460/19 467/16 467/23 469/24 484/14 484/22 489/1 489/14 493/17 495/24 502/25 503/7 504/21 505/5 505/8 520/2 520/23 524/4 527/4 528/5 530/7 533/9 533/13 534/3 534/22 545/19 565/24 567/1 567/22 574/9 576/8 580/3 582/15 584/19 592/3 592/10 592/16 593/12 593/18 594/12 597/8 597/12 598/8 599/2 599/6 600/5 600/11 600/18 601/14 607/12 613/2 618/16 636/9 645/4 653/5 656/6 674/20 674/23 675/7 676/2 676/5 676/16 677/10 677/14 677/19 680/1 680/4 680/10 681/2 687/1 690/3 690/5 690/9 693/19 693/22 694/8 694/11 695/7 695/19 695/23 696/4 700/15 702/5 703/2 703/9 703/25 704/11 704/16 704/22 705/5 705/12 738/9 738/14 763/21 764/12 764/16 764/18 764/23 789/5 790/6 792/8 793/9 799/21 800/7 800/9 803/5 811/10
MS. ZMROCZEK: [368] 15/13 15/18 28/18 29/8 32/11 33/7 33/19 34/21 36/3 36/15 37/3 37/25 38/11 38/23 39/20 40/7 40/20 41/7 41/22 42/8 42/18 46/21 47/3 47/7 47/19 47/23 48/11 49/23 50/15 50/22 51/4 51/8 51/13 53/11 55/6 55/12 55/22 65/11 69/17 73/17 74/3 74/5 74/14 75/1 75/20 76/24 77/2 77/16 77/22 78/5 78/8 80/9 80/17 81/10 84/17 84/21 85/2 85/13 85/21 86/4 86/16 109/13 109/16 122/5 122/8 127/17 132/12 134/8 135/14 135/16 135/23 140/16 142/23 144/17 147/17 148/7 148/12 149/7 149/17 150/4 150/8 150/11 154/14 159/20 159/23 161/6 162/20 163/15 171/21 172/3 177/8 177/11 177/15 178/1 178/25 180/2 185/11 188/9 191/17 198/18 202/5 204/23 207/1 209/5 210/7 210/13 210/19 211/8 212/12 212/16 212/23 212/25 215/7 220/24 223/18 231/7 234/23 235/14 235/25 240/10 245/11 247/4 247/10 254/14 260/14 263/13 268/3 271/15 279/19 284/18 285/2 289/22 294/15 295/7 295/9 307/10 310/23 312/21 313/14 326/7 328/2 328/7 329/5 329/17 330/4 330/16 332/23 335/11 348/24 352/24 354/5 354/8 354/18 367/3 373/15 385/19 388/4 392/24 393/18 393/25 394/15 394/23 409/17 416/1 416/4 419/13 422/5 424/24 426/22 426/25 429/1 430/13 439/2 439/25 440/18 440/21 443/13 443/16 449/24 451/5 452/19 453/4 454/25 455/20 458/2 460/13 465/7 466/5 467/8 468/4 468/17 468/20 468/23 468/25 469/12 475/13 478/21 484/18 488/24 489/17 491/17 492/19 493/7 496/2 503/2 504/24 510/22 510/25 511/5 511/8 520/11 520/25 521/18 524/1 527/7 527/25 530/9 533/3 534/24 535/2 537/15 538/1 538/3 538/6 538/11 538/14 538/20 543/11 544/2 544/6 544/10 544/16 544/21 544/24 545/6 545/10 545/17 546/11 546/13 550/7 550/12 552/25 553/6 563/11 563/15 563/18 563/21 565/19 566/2 566/24 567/19 574/6 579/21 580/5 582/18 584/16 584/23 587/2 590/1 590/16 592/5 592/17 593/1 593/21 593/24 594/4 594/7 594/9 594/16 595/4 595/7 595/18 595/20 595/23 597/6 597/24 598/5 598/11 598/22 599/20 600/3 600/25 601/2 601/18 601/20 612/24 613/5 633/5 636/7 636/11 636/14 636/17 656/5 668/25 675/9 675/12 676/9 676/14 676/18 677/22 678/1 678/7 678/19 678/24 679/5 679/9 679/13 679/15 680/11 687/3 693/17 694/3 696/7 697/14 699/2 699/4 699/19 700/1 700/6 700/14 700/18 701/4 701/15 701/17 701/22 702/2 702/13 702/18 702/22 703/19 704/3 704/5 704/18 704/24 705/1 705/3 705/14 722/25 723/3 723/5 723/7 723/9 737/18 763/23 764/7 764/21 789/9 789/14 789/22 790/1 790/7 792/11 793/7 794/20 799/23 800/4 800/13 802/4 802/20 802/23 803/25 804/4 804/7 805/14 806/17 810/18 814/3 814/12
THE BAILIFF: [55] 13/2 56/4 86/21 87/7 115/4 136/9 148/23 151/15 155/3 163/23 180/10 189/4 215/14 215/23 221/11 236/9 247/19 260/24 268/11 296/12 314/1 330/22 330/25 331/13 355/7 395/1 395/4 395/13 416/13 422/11 422/19 427/7 453/10 456/2 460/24 469/21 470/2 521/14 545/23 546/16 553/9 563/24 585/2 594/19 594/22 601/8 601/23 680/22 706/10 765/11 765/15 790/25 793/14 799/15 799/19
THE CLERK: [178] 31/7 31/23 32/8 32/10 32/12 32/16 32/19 32/21 32/25 33/4 33/6 33/8 33/12 33/16 33/18 33/21 33/25 34/4 34/6 34/8 34/12 34/18 34/20 34/22 35/1 35/5 35/7 35/11 35/14 35/16 35/18 35/22 35/25 36/2 36/4 36/8 36/12 36/14 36/16 36/20 36/25 37/2 37/4 37/8 37/12 37/14 37/18 37/22 37/24 38/1 38/5 38/8 38/10 38/12 38/16 38/20 38/22 38/24 39/7 39/9 39/13 39/17 39/19 39/21 39/25 40/4 40/6 40/8 40/12 40/17 40/19 40/21 40/25 41/4 41/6 41/8 41/12 41/19 41/21 41/23 42/2 42/5 42/7 42/9 42/22 56/7 56/12 56/14 90/23 91/1 91/10 115/7 115/12 136/12 136/17 151/18 151/23 155/6 155/11 164/1 164/6 180/13 180/18 189/7 189/12 216/1 221/14 221/19 236/12 236/17 247/22 248/2 261/2 261/7 268/14 268/19 296/15 296/20 314/4 314/9 331/16 331/21 355/10 355/15 395/16 395/21 416/16 416/21 422/22 423/2 427/10 427/15 453/13 453/18 456/5 456/10 461/2 461/7 470/5 470/10 546/19 546/24 553/12 553/17 564/2 564/7 585/5 585/10 593/4 593/8 601/25 794/7 795/5 795/8 795/11 795/13 795/16 795/18 795/21 795/23 796/1 796/3 796/6 796/8 796/11 796/13 796/16 796/18 796/21 796/23 797/1 797/3 797/6 797/8 797/11 797/13 797/16 797/18
THE COURT REPORTER: [4] 141/17 399/4 484/21 806/21

THE COURT: [839]
THE DEFENDANT: [30] 56/11 539/6 539/11 539/13 539/17 539/24 540/3 540/11 540/14 540/17 540/24 541/3 541/6 541/9 541/12 541/17 541/21 542/1 542/3 542/25 543/5 543/7 543/19 597/4 597/19 675/16 680/14 680/16 806/23 807/7
THE DEPUTY: [2] 595/21 675/20
THE FOREMAN: [3] 151/5 793/19 794/17
THE FOREPERSON: [1] 791/24
THE JUROR: [84] 14/9 14/11 14/15 14/18 14/21 14/24 15/3 17/11 17/22 17/25 18/2 18/8 18/11 18/15 18/17 18/22 19/1 19/5 21/10 21/13 21/15 21/22 24/13 24/16 24/20 24/23 26/18 26/23 27/1 27/5 27/12 27/19 27/23 27/25 32/6 32/18 33/2 33/14 34/1 34/14 35/3 35/13 35/23 36/9 36/22 37/10 37/20 38/6 38/18 39/3 39/5 39/15 40/2 40/14 41/2 41/14 41/17 42/3 151/2 245/13 795/10 795/12 795/15 795/17 795/20 795/22 795/25 796/2 796/5 796/7 796/10 796/12 796/15 796/17 796/20 796/22 796/25 797/2 797/5 797/7 797/10 797/12 797/15 797/17
THE WITNESS: [81] 56/16 115/11 115/15 136/1 136/16 136/20 151/22 152/1 154/17 155/10 155/14 164/5 164/9 179/13 180/5 180/17 188/15 189/11 189/15 209/7 216/5 221/2 221/18 221/21 236/3 236/16 236/19 247/14 248/1 248/5 261/6 261/10 268/18 268/22 294/18 296/19 296/23 313/17 313/19 314/8 314/12 326/10 331/20 333/3 355/14 355/18 395/20 416/20 416/23 419/16 423/1 426/23 427/14 427/17 430/24 452/23 453/17 453/21 456/9 456/13 459/6 460/16 461/6 461/9 467/13 470/9 470/13 491/22 533/6 546/23 547/1 553/2 553/16 553/20 564/6 564/10 585/9 585/12 602/4 602/7 633/10

'

'84 [1] 256/16

.

.08 [1] 447/14
.110 [1] 447/13
.40 [12] 138/13 280/3 280/4 280/5 280/25 281/10 282/19 282/23 284/13 291/12 291/14 306/11
.40 caliber [1] 138/13

0

02836 [1] 1/2
0555 [1] 153/14
0830 hours [1] 351/14
0kay [1] 188/22

1

10 [24] 12/1 130/13 148/21 234/7 252/21 255/10 255/11 258/7 258/22 301/16 302/1 302/3 516/3 516/12 516/13 517/17 518/11 567/9 567/21 569/14 583/21 618/2 763/13 777/24
10's [1] 518/1
10-13 [1] 1/9
10-16 [1] 302/5
10-minute [2] 575/23 578/23
100 [7] 440/9 440/17 440/21 440/24 441/1 690/19 690/20
102 [4] 303/12 303/17 303/25 304/2
102-107 [1] 304/4
1029 [3] 412/4 479/21 605/2
103 [4] 38/6 38/7 38/15 796/24
107 [4] 303/12 303/25 304/2 304/4
108 [4] 159/5 159/20 159/25 160/2
109 [4] 142/10 142/22 142/25 143/2
10:00 [3] 336/13 480/19 561/11
10:49 [1] 394/11
10:49 a.m [1] 684/11
10:50 [1] 394/19
10mm [1] 282/23
10th [1] 815/15
11 [17] 80/24 164/21 242/13 252/21 259/6 265/11 266/12 266/13 297/13 301/16 302/1 321/5 500/25 567/9 567/21 569/14 786/17
110 [2] 240/10 240/12
110-111 [1] 240/15
111 [7] 130/11 130/13 240/10 240/12 240/15 521/23 522/3
112 [8] 140/3 140/14 140/18 140/20 165/6 498/6 518/19 658/11
113 [2] 183/1 183/7
114 [4] 201/15 202/3 202/7 202/9
115 [3] 219/4 343/1 353/5
116 [5] 274/22 275/22 275/25 276/2 279/3
117 [4] 279/2 279/18 279/21 279/23
118 [4] 283/16 307/1 307/3 307/5
119 [6] 32/17 32/24 317/4 317/13 317/14 317/17
11:00 [2] 336/13 397/3
11:00 o'clock [3] 397/1 457/25 458/11
11:00 p.m [1] 397/2
11:03 [1] 149/3
11:04 [2] 149/11 675/5
11:05 [1] 675/22
11:05 a.m [1] 477/12
11:06 [1] 395/4
11:07 [2] 551/5 551/9
11:17 [5] 59/18 60/20 70/5 478/4 479/3
11:20 [1] 149/14
11:22 [1] 150/16
11:24 [1] 680/22
11:30 [1] 398/2
11:36 [1] 420/18
11:37 [1] 422/1
11:45 [1] 398/2
11:51 [1] 695/6
11th [1] 815/15
12 [25] 31/21 87/18 88/1 186/12 186/17 265/11 266/12 266/16 269/19 301/16 302/2 312/9 329/12 567/9 567/21 567/25 568/2 568/5 569/14 655/21 726/24 786/17 786/18 787/19 788/19
120 [4] 318/6 318/12 318/13 318/15
121 [8] 41/1 41/3 41/11 318/20 319/2 319/3 319/5 797/14
122 [5] 319/23 319/24 320/13 320/14 320/16
123 [5] 319/23 320/20 321/18 321/19 321/21
1234 [13] 24/9 117/2 117/16 152/20 153/7 156/16 159/12 165/6 218/5 249/19 298/3 374/4 494/16
124 [4] 322/23 323/14 323/15 323/17
125 [4] 495/8 496/1 496/4 496/6
126 [1] 390/1
127 [4] 424/8 424/23 425/1 425/3
128 [4] 442/24 443/11 443/18 443/20
129 [4] 205/19 463/1 465/5 465/15
12:00 [3] 398/5 398/9 616/1
12:00 o'clock [1] 291/6
12:02 [1] 705/8
12:05 [4] 616/1 704/23 704/24 704/25
12:07 [1] 481/11
12:07 p.m [1] 61/13
12:10 [1] 616/1
12:30 [1] 485/9
12:31 [1] 212/8
12:32 [1] 12/3
12:34 [1] 215/2
12:36 p.m [1] 13/2
12th [2] 425/16 815/15
13 [11] 1/9 38/17 38/19 39/2 301/16 302/2 310/2 592/21 735/7 794/15 797/4
130 [4] 504/6 504/23 505/1 505/3
131 [7] 636/4 636/11 636/14 636/15 636/16 636/19 636/23
132 [1] 675/24
137 [6] 18/23 37/19 38/4 151/6 794/14 796/19
13th [3] 603/4 603/5 815/15
14 [22] 156/3 269/15 301/16 302/2 312/13 462/20 462/22 465/25 466/9 466/13 466/16 467/4 629/25 630/4 630/9 630/12 632/3 665/24 666/16 743/22 744/2 815/19
1405078325 [1] 159/12
1412 [3] 244/5 653/1 653/12
147 [3] 41/13 41/15 42/1
148 [4] 36/21 36/23 37/7 796/14
15 [15] 148/21 149/10 186/13 186/17 294/23 295/9 301/16 302/2 304/19 394/8 394/17 520/18 675/2 763/13 765/3
1521 [1] 672/16
16 [4] 301/16 302/2 302/3 302/5
16-3-10 [1] 777/24
17 [7] 253/24 254/12 254/17 255/4 396/7 507/20 507/21
17-page [1] 507/6
171 [2] 17/12 18/3
1740 [1] 684/3
17th [2] 242/5 242/7
18 [9] 57/5 297/14 436/17 437/7 437/12 437/24 438/9 445/2 745/4
18 inches [6] 436/20 437/15 437/23 438/8 445/2 445/3
1812 [1] 517/23
183 [4] 34/13 34/15 34/25 795/24
188 [2] 14/16 24/24
19 [4] 39/4 39/6 39/12 535/5
1986 [2] 57/8 471/9
1993 [1] 270/12
1996 [1] 596/6
1999 [1] 479/24
1:00 [4] 60/21 60/22 420/10 479/3
1:08 [1] 43/3
1:12 [1] 46/16
1:13 [1] 47/11
1:14 [1] 60/24
1:14 p.m [1] 479/4
1:15 [3] 420/8 420/16 421/24
1:17 [1] 422/3
1:22 [1] 422/11
1:30 [4] 694/25 695/4 705/1 705/2
1:31 [1] 705/10
1:32 [1] 706/10

2

2-5 [1] 301/11
2-dimensional [1] 308/5
2-year [1] 428/10
20 [7] 579/23 580/5 580/8 580/9 583/24 675/2 747/23
20's [1] 153/10
200 [3] 271/6 690/21 690/22
2000 [1] 598/18
2002 [1] 297/9

2

2004 [2] 672/22 682/2
2005 [1] 297/10
2007 [2] 597/16 803/12
2008 [2] 603/18 603/19
2009 [3] 597/18 603/17 803/13
2010 [1] 565/4
2013 [3] 604/10 696/19 803/14
2014 [60] 22/16 57/12 57/13 57/24 63/18 103/9 103/21 103/25 104/14 105/15 116/11 137/21 152/21 156/15 165/7 181/17 192/6 198/13 217/23 242/7 254/6 315/18 333/22 356/3 356/16 392/12 396/19 417/6 417/21 423/23 424/2 425/16 429/13 449/9 454/18 454/21 457/10 463/25 464/16 471/10 485/9 547/24 548/13 556/24 586/8 602/23 602/24 603/4 603/5 610/21 681/7 681/21 681/25 685/25 733/4 733/13 738/16 810/22 814/4 814/10
2015 [7] 116/23 242/8 242/9 384/22 464/7 689/21 753/13
2016 [7] 1/9 12/1 80/24 329/12 592/21 794/15 815/15
2016-GS-40-02836 [1] 1/2
2016-GS-40-2836 [1] 794/8
2017 [1] 815/19
21 [19] 88/17 189/24 206/24 207/3 207/6 207/8 207/24 209/14 209/16 209/16 213/13 281/1 286/16 287/2 289/17 293/17 489/9 489/16 489/19
21-22 [1] 489/21
2113 [1] 683/13
214 [1] 480/14
21st [1] 733/4
22 [15] 50/21 88/21 286/16 287/2 289/17 489/9 489/16 489/19 489/21 490/15 544/20 573/21 574/8 574/11 574/13
221 [3] 39/14 39/24 797/9
22nd [3] 733/13 733/21 734/12
23 [16] 35/23 35/24 36/7 44/16 103/13 281/1 286/23 310/20 310/25 311/3 311/5 313/4 413/1 502/20 503/2 796/9
23-25 [1] 503/9
238 [1] 346/14
238-4832 [2] 345/24 653/25
23rd [2] 734/3 734/5
24 [10] 281/2 286/23 297/22 417/6 437/8 437/15 438/9 502/20 505/19 511/20
24 inches [3] 436/18 437/13 745/4
24-hours [1] 298/12
24/7 [1] 471/23
242 [4] 32/5 32/7 32/15 795/9
24th [14] 103/21 103/24 103/25 333/22 356/3 356/16 396/19 457/9 556/9 610/21 655/12 691/22 734/6 753/13
25 [5] 286/23 502/20 503/2 503/9 505/18
253 [5] 18/9 18/18 36/9 36/10 36/19
256 [3] 34/1 34/11 795/19
25th [45] 22/16 57/24 61/1 61/2 66/5 69/23 103/9 104/14 105/15 116/23 137/21 152/21 156/15 165/7 198/13 217/22 259/21 298/9 351/11 352/12 352/14 392/12 417/21 454/17 454/21 457/10 458/18 464/16 480/9 547/24 548/12 548/13 551/3 554/19 554/20 556/24 562/12 586/8 606/3 649/10 649/18 655/12 655/12 689/20 738/16
26 [7] 216/17 269/20 269/25 302/11 302/13 302/22 302/24
26-29 [1] 303/1
269 [1] 548/4
26th [11] 61/4 63/18 66/7 111/5 429/13 480/12 485/9 810/22 814/3 814/4 814/10
27 [3] 248/23 302/11 302/22
275 [3] 26/19 40/1 40/11
278 [3] 35/2 35/4 35/10
27th [9] 463/25 493/24 672/9 681/7 681/21 681/25 682/25 748/23 748/24
28 [7] 161/9 161/20 162/25 302/11 302/23 305/3 602/20
2836 [1] 794/8
286 [4] 35/12 35/14 35/21 796/4
29 [9] 210/12 210/15 210/18 283/19 302/11 302/23 302/24 303/1 308/9
29-30 [1] 210/22
293 [4] 27/13 28/1 33/13 33/24
29th [1] 683/10
2:00 [2] 211/25 214/23
2:04 p.m [2] 60/24 479/7
2:07 [1] 215/4
2:08 [1] 215/14
2:17 [1] 468/4
2:19 [1] 469/10
2:28 [1] 469/21
2:30 [2] 46/25 46/25

3

3-component [1] 228/1
3-dimensional [1] 308/4
3-year-olds [1] 40/16
30 [16] 153/6 153/22 210/12 210/15 210/18 210/22 471/7 471/8 505/15 505/17 505/18 737/9 801/12 803/9 803/19 811/7
305 [2] 42/3 42/12
30th [5] 684/2 685/25 686/5 686/6 748/24
31 [9] 216/18 284/23 285/4 285/6 285/8 302/11 302/23 302/24 303/4
31st [1] 88/16
32 [7] 567/10 567/14 567/16 567/21 567/25 570/2 654/20
35 [1] 259/7
36 [5] 302/12 302/23 302/24 303/7 305/10
361 [1] 548/4
363-1412 [2] 244/5 653/12
363-1740 [1] 684/3
364 [1] 696/19
37 [6] 526/17 527/5 527/9 527/11 527/18 528/23
3:00 [3] 47/1 217/13 398/19
3:00 o'clock [2] 47/2 291/8
3:00ish [2] 398/19 400/22
3:10 [1] 763/19
3:12 [1] 765/5
3:16 [1] 258/15
3:21 regular [1] 672/17
3:22 [1] 765/8
3:23 [1] 765/15
3:30 [2] 217/10 472/4
3:30 a.m [1] 400/23
3:35 [1] 47/14
3:36 [1] 295/3
3:37 [1] 295/12
3:39 [2] 520/21 521/6
3:49 [1] 521/9
3:51 [1] 521/14
3:52 [1] 295/21
3:54 [1] 789/3
3:55 [1] 790/11
3rd [1] 57/7

4

40 [6] 122/17 123/5 123/6 126/12 297/22 814/9
40-42 [1] 123/8
404 [4] 51/22 79/11 79/12 79/19
404-9899 [6] 653/3 655/19 672/14 672/25 682/4 683/15
406 [1] 696/19
41 [2] 126/1 126/9
42 [5] 122/17 123/5 123/7 123/8 125/21
45 [1] 153/22
47 [3] 526/17 527/6 527/9
47-50 [1] 527/14
48 [1] 655/21
4832 [2] 345/24 653/25
4:00 [13] 336/11 337/15 357/3 374/10 374/10 398/20 400/22 458/14 458/16 458/17 584/14 651/5 740/4
4:00 a.m [1] 458/16
4:00 o'clock [1] 658/3
4:05 a.m [1] 657/16
4:08 [1] 790/13
4:09 [1] 534/1
4:16 [3] 258/9 258/14 517/23
4:16:56 [1] 258/23
4:18 [1] 258/9
4:18:12 [1] 258/23
4:19 [1] 497/1
4:19:37 to [1] 259/2
4:19:40 [1] 259/2
4:20:02 to [1] 259/4
4:20:14 [1] 259/6
4:20:15 [1] 259/8
4:20:18 [1] 259/4
4:20:34 [1] 259/6
4:21 [3] 259/8 545/15 676/2
4:25:02 to [1] 259/10
4:25:16 [1] 259/10
4:25:38 [2] 259/13 259/15
4:25:50 [1] 259/13
4:25:58 [1] 259/15
4:30 [4] 111/13 374/11 651/6 658/3
4:33 [1] 545/23
4:36 [1] 327/23
4:38 [1] 329/11
4:46 [3] 692/12 692/16 737/1
4:49 [1] 80/23

5

5-year-old [1] 466/10
50 [6] 53/22 483/19 526/17 527/6 527/10 527/14
50/50 [1] 53/22
500 [1] 190/13
501 [19] 105/14 204/3 298/4 310/7 348/6 358/9 464/5 464/16 555/17 555/18 572/20 630/6 633/19 658/14 658/15 709/22 710/23 712/21 753/21
51 [9] 62/23 65/9 65/14 65/16 484/22 484/23 484/24 484/24 485/1
52 [8] 168/4 168/20 168/22 170/13 170/25 174/25 179/22 635/12
52-53 [1] 169/1
53 [5] 168/4 168/20 168/22 169/1 170/25
54 [8] 21/11 40/13 40/15 40/24 122/17 123/4 123/7 125/8
54-56 [1] 123/11
546-7335 [1] 653/22
55 [1] 125/4
56 [4] 122/18 123/5 123/7 123/11
5623 [1] 481/20
57 [9] 168/4 168/20 168/23 170/25 173/8 173/11 461/20 635/25 637/11
57-72 [1] 169/4
5739 [1] 653/15
58 [2] 259/16 635/7
59 [2] 463/6 463/17
5:00 [4] 337/15 497/5 544/24 584/14

5

5:00 o'clock [2] 66/2 291/8
5:00ish [1] 401/20
5:07 [1] 731/15
5:07 a.m [1] 410/4
5:16 [3] 258/14 258/25 790/17
5:17 [1] 790/25
5:18 [3] 578/3 578/23 745/15
5:18 a.m [1] 575/2
5:18:12 [1] 258/25
5:19 [2] 792/6 792/13
5:20 [3] 458/23 459/11 459/24
5:22 [6] 458/23 459/11 459/11 459/24 459/25 592/1
5:23 [1] 592/20
5:25 [1] 458/23
5:28 [2] 144/24 246/16
5:30 [2] 117/12 460/6
5:30 that [1] 472/17
5:32 [6] 117/12 127/11 579/4 579/5 737/4 745/16
5:35 [1] 460/6
5:38:49 [1] 244/1
5:39:02 [1] 244/1
5:44 [2] 162/14 162/16
5:57 [1] 792/16
5th [1] 464/7

6

6'1 [1] 447/1
6-7 [2] 373/23 430/17
6-month-old [1] 113/2
602 [1] 561/5
603-8998 [2] 70/6 548/5
61 [1] 635/15
64 [3] 169/20 179/14 179/17
66 [3] 33/1 33/11 795/14
6:00 [1] 417/24
6:01 [1] 793/14
6:07 [1] 799/13
6:10 [1] 157/13
6:12 [1] 517/23
6:26 [1] 814/15
6:50 a.m [1] 192/15

7

701 [3] 76/3 191/22 528/4
72 [5] 168/4 168/21 168/23 169/4 170/25
720 [1] 374/2
73 [3] 198/5 198/16 198/20
73 inches [1] 442/23
73-79 [1] 198/22
7335 [1] 653/22
74 [1] 199/5
75 [4] 122/18 123/4 123/7 123/14
76 [1] 200/10
77 [1] 199/25
78 [1] 199/19
79 [5] 198/5 198/16 198/21 198/22 199/13
7:00 [2] 217/11 417/25
7:00 o'clock [1] 472/15
7:00ish [1] 548/20
7:30 [1] 217/10
7:41 [1] 492/16

8

8.5 [1] 321/5
80 [5] 324/5 324/13 324/15 324/24 325/19
80 percent [1] 235/9
80-82 [1] 324/17
800-5739 [1] 653/15
803 [3] 70/6 345/24 492/15
82 [5] 324/5 324/13 324/15 324/17 325/12
83 [5] 438/16 438/25 439/4 441/12 444/4
83-91 [1] 439/6
85 [1] 442/10
87 [1] 441/6
8998 [2] 70/6 548/5
8:00 [2] 548/20 644/24
8:00ish [1] 548/21
8:04 [1] 672/23
8:04 p.m [2] 681/19 682/2
8:25 [1] 157/13
8:30 [6] 351/14 352/12 352/14 382/6 548/22 731/10
8:58 [2] 551/5 551/6

9

9-1-1 [101] 8/15 8/17 20/21 108/13 113/5 113/7 113/9 116/19 117/15 129/6 129/13 129/13 129/17 135/1 142/13 142/19 143/16 143/22 147/8 182/2 237/4 237/6 239/20 351/6 379/17 379/18 490/24 493/23 494/4 506/10 506/14 506/15 506/24 510/1 510/11 510/14 510/16 518/12 520/13 521/24 522/3 522/8 524/19 524/23 525/10 526/2 526/5 531/22 532/11 532/19 532/20 532/23 571/17 571/18 572/1 572/4 572/7 572/10 574/3 574/24 574/25 575/14 575/16 575/19 577/17 578/24 579/3 579/9 579/10 640/19 643/16 646/12 666/2 666/14 666/17 666/20 666/22 666/24 667/2 667/5 667/7 667/9 667/10 667/21 667/23 668/12 669/12 688/13 727/11 734/24 736/23 737/18 740/24 745/13 745/17 745/19 745/20 746/21 747/11 747/16 747/18
9-12 [2] 568/2 568/5
9-month [1] 222/23
90 [6] 237/14 241/10 506/14 506/15 507/8 510/5
90 percent [1] 234/7
91 [4] 438/16 439/1 439/5 439/6
92 [3] 37/9 37/11 37/17
94 [3] 439/10 439/23 440/2
94-96 [1] 440/4
95 [1] 441/24
96 [4] 439/10 439/24 440/3 440/4
979 [2] 346/2 346/3
98 [4] 440/9 440/17 440/21 440/23
98-100 [1] 441/1
9899 [6] 653/3 655/19 672/14 672/25 682/4 683/15
9:00 [1] 561/11
9:00 o'clock [1] 78/5
9:13 [1] 683/13
9:15 [1] 80/16
9:22 [1] 81/1
9:30 [6] 44/5 44/7 326/22 327/20 329/9 591/23
9:32 [1] 592/23
9:33 [1] 329/14
9:35 [1] 594/22
9:35 p.m [1] 683/4
9:37 [1] 595/18
9:38 [1] 330/25
9:42 [1] 86/21
9:43 [1] 601/8
9mm [1] 138/13

A

A-U-L-L [1] 155/1
a.m [35] 81/1 86/21 117/13 117/14 149/3 149/12 149/14 150/16 192/15 329/14 330/25 394/11 394/20 395/4 400/23 410/4 420/18 422/1 458/16 477/12 575/2 579/4 579/5 592/23 594/22 595/18 601/8 657/16 675/5 675/23 680/22 684/11 692/13 695/6 731/15
AA [2] 197/25 759/20
AB [1] 197/25
abandoned [4] 525/1 525/4 668/15 746/23
abdominal [1] 432/7
ability [13] 23/7 23/19 24/2 25/21 30/23 49/9 130/3 280/18 292/9 540/20 540/20 540/24 775/21
able [83] 62/9 72/17 72/17 76/1 87/18 100/18 100/19 106/16 122/22 131/10 186/5 187/8 193/24 194/5 194/20 195/5 201/17 227/13 238/20 239/14 239/18 243/12 255/9 265/9 281/25 282/6 282/17 284/9 285/21 286/8 289/13 289/15 299/15 299/25 300/9 325/3 352/2 363/8 413/22 414/2 414/3 425/9 477/1 489/5 490/11 491/10 492/10 492/13 492/23 492/25 493/1 493/14 493/20 502/10 502/16 503/21 510/20 561/6 568/9 569/5 569/6 574/17 574/19 575/22 577/22 591/7 629/7 629/8 630/14 635/7 660/5 662/11 714/1 714/9 723/13 745/1 755/23 757/14 806/22 808/20 808/22 809/1 810/3
about [380] 22/16 23/2 25/17 29/16 30/21 30/22 43/20 45/21 46/1 51/22 52/5 53/25 55/18 57/5 60/20 67/19 67/21 68/10 75/19 77/12 80/7 88/3 88/19 90/1 91/3 92/4 92/5 92/22 94/16 95/16 96/7 97/5 98/18 98/19 99/23 100/9 100/10 100/22 101/20 101/25 102/11 102/12 102/13 111/19 112/21 112/21 112/22 114/1 121/6 121/15 124/3 125/3 131/14 134/21 134/22 135/3 139/12 139/13 142/2 145/1 145/2 146/9 147/12 148/21 149/10 153/3 154/1 154/1 157/16 166/16 166/25 174/13 175/1 177/4 179/4 179/18 179/22 192/14 195/21 199/10 211/23 212/18 213/20 214/10 214/15 214/20 216/18 220/4 225/11 229/25 230/5 235/9 239/4 241/14 244/15 248/13 248/21 251/24 264/16 270/7 281/18 294/23 305/3 327/3 327/5 327/8 327/10 327/15 328/4 328/12 328/12 329/21 334/20 342/15 342/19 347/7 350/20 351/8 357/9 357/17 357/20 362/22 365/7 369/21 370/3 370/18 371/17 374/6 382/18 384/21 384/25 385/24 385/25 387/10 387/20 389/21 390/22 392/1 394/8 394/17 407/10 408/7 408/16 410/11 410/16 411/19 420/14 426/6 429/10 433/9 433/24 434/17 437/6 437/18 449/11 457/12 457/13 458/24 460/6 467/25 468/8 472/17 473/15 475/18 477/7 483/19 485/4 486/25 490/3 490/6 490/17 491/9 492/8 494/9 497/14 505/20 505/21 511/12 515/17 516/11 519/11 519/23 520/18 524/9 524/19 525/8 526/8 529/9 529/21 531/19 534/8 534/12 534/13 541/11 541/16 541/24 543/2 548/5 548/19 556/24 556/25 557/2 560/21 561/10 564/23 570/2 575/20 577/16 579/1 580/23 582/22 587/5 588/5 588/8 592/24 597/10 599/9 599/16 600/1 600/13 600/22 606/5 606/6 606/23 609/9 609/11 609/22 610/15 610/20 610/21 615/25 616/1 618/3 620/7 620/23 621/15 623/5 623/21 625/4 625/6 625/10 625/11 625/25 627/3 633/2 635/23 643/25 644/18 644/24 649/4 649/23 650/23 651/4 651/20 651/25 652/23 658/2 660/5 662/2 663/8 663/23 670/1 671/1 671/2 671/17 673/16 674/1 675/2 676/12 677/18 679/25 679/25 682/14 683/3

A
about... [106] 686/22 686/24 688/12 689/12 690/14 690/23 691/2 691/5 691/14 691/20 691/21 692/7 692/8 692/20 693/8 695/14 696/22 699/9 699/14 701/3 701/19 701/20 702/8 708/15 709/2 710/6 713/21 717/1 719/4 720/8 720/9 720/14 721/8 723/22 723/23 723/23 724/3 724/4 724/16 725/21 725/22 727/13 727/16 727/17 728/13 729/12 729/14 730/21 730/24 730/25 731/1 731/6 731/17 732/5 733/8 733/14 733/22 734/12 734/18 734/20 735/15 736/5 739/10 739/13 739/25 740/12 741/6 741/9 741/25 744/12 744/15 744/21 746/9 746/21 746/22 746/23 747/4 747/10 753/22 754/9 754/17 755/11 757/9 757/19 758/9 758/22 759/18 759/22 759/25 760/1 760/24 762/13 763/13 765/3 770/5 773/12 798/1 798/22 798/24 801/24 807/14 807/20 811/5 811/19 812/3 812/23
about that [1] 701/20
above [2] 288/25 531/15
abrasion [1] 451/18
abrasions [13] 434/20 435/6 436/15 446/3 446/4 446/5 446/18 446/25 450/7 450/8 452/2 452/6 452/9
absence [3] 53/5 769/1 780/12
absolute [2] 718/11 768/14
absolutely [29] 48/9 68/17 75/21 100/24 122/11 150/12 170/23 172/17 214/13 298/8 430/22 496/16 529/12 583/6 595/23 595/23 598/25 599/14 675/13 680/7 693/21 694/10 699/19 700/8 739/25 770/11 771/22 786/13 800/4
abundance [1] 536/8
abuse [2] 57/14 57/15
AC [1] 267/1
academy [7] 132/20 505/24 505/25 506/3 513/17 519/12 586/2
accelerate [1] 433/22
accept [9] 765/22 772/16 773/2 773/14 773/25 774/8 777/6 777/20 779/21
accepted [8] 91/23 92/18 93/23 93/23 94/23 102/16 591/9 798/10
accepting [1] 803/18
access [6] 45/4 277/5 568/11 570/25 583/5 583/6
accidents [1] 165/3
accompany [3] 22/11 124/12 766/25
accomplished [1] 779/11
Accord [1] 194/2
according [6] 59/17 72/13 91/8 379/12 474/22 716/4
account [1] 437/4
accuracy [1] 292/17
accurate [17] 65/5 140/10 147/12 159/14 197/14 203/20 239/25 324/9 424/18 464/25 466/11 484/12 513/25 527/2 580/1 730/6 815/11
accurately [21] 122/24 142/18 198/12 201/24 254/5 279/13 301/2 301/22 302/17 303/20 348/22 368/11 430/7 438/21 439/17 440/13 466/1 489/12 495/18 495/22 502/23
accusations [3] 22/9 97/7 767/1
accused [8] 23/3 28/25 97/18 98/5 535/18 538/25 767/8 767/12
accuses [1] 22/15
accusing [2] 729/16 767/1
accustomed [1] 327/14
acquainted [5] 14/7 16/1 16/12 17/8 19/16
acquittal [2] 710/15 782/2
across [7] 173/22 275/9 323/7 323/8 336/21 613/24 614/10
act [23] 30/14 52/4 98/18 176/16 335/5 335/7 335/10 593/20 696/22 715/8 724/21 768/8 778/9 778/13 778/18 778/23 779/11 779/25 780/16 780/18 783/6 783/16 785/4
acted [1] 306/8
acting [4] 114/23 187/5 699/12 726/19
action [7] 703/13 707/25 708/12 768/8 777/17 778/24 782/12
actions [5] 103/10 335/2 335/4 708/23 809/18
activated [1] 165/14
active [4] 153/14 450/15 767/14 768/2
activity [1] 328/14
acts [3] 26/7 26/8 784/22
actual [14] 168/12 192/22 195/25 258/18 272/5 437/18 464/10 464/18 495/19 526/9 532/15 569/19 783/1 784/10
actuality [1] 676/21
actually [83] 58/2 61/6 72/7 106/23 131/6 147/2 153/19 154/25 161/18 179/9 191/1 202/19 212/13 222/13 229/9 242/7 242/10 252/24 253/1 256/1 258/14 258/15 258/18 279/12 283/13 284/6 288/17 289/3 293/2 319/11 319/14 343/18 365/2 390/12 405/4 417/12 431/16 432/10 434/2 434/4 435/13 436/4 436/11 436/13 437/2 450/14 459/13 475/5 481/4 494/23 495/4 498/2 499/23 500/19 512/8 514/11 524/24 531/5 534/6 534/15 552/2 556/18 570/23 573/11 576/12 576/15 579/12 583/24 611/1 673/2 711/12 711/18 713/4 713/13 713/22 752/11 755/11 761/7 782/5 782/7 782/9 782/19 805/12
AD [2] 199/8 267/1
add [8] 243/20 243/22 466/17 466/18 513/14 538/3 702/7 803/20
added [7] 72/22 231/21 282/19 462/24 466/13 504/3 573/12
Addison [8] 331/2 395/1 395/6 422/13 469/23 521/12 521/16 545/25
addition [6] 133/25 270/14 570/23 572/22 576/3 811/2
additional [14] 73/24 101/10 264/15 428/16 440/11 506/4 506/25 546/8 546/11 587/24 601/17 788/8 788/12 791/15
additionally [2] 15/16 282/8
additions [6] 703/2 788/13 789/4 789/7 792/7 792/10
address [22] 164/17 218/11 237/19 237/20 237/23 238/4 238/6 238/7 238/25 238/25 239/7 239/11 242/25 417/14 454/4 534/5 535/19 537/17 537/18 597/7 702/25 710/5
addressed [3] 544/5 699/22 725/2
addresses [1] 536/16
addressing [1] 697/14
Aden [1] 811/5
adjusted [1] 742/1
adjusting [1] 624/25
administer [2] 87/5 90/22
administers [1] 190/23
admissible [3] 51/21 79/20 597/14
admission [1] 70/18
admit [5] 71/18 76/12 386/18 503/7 736/12
admitted [61] 65/15 65/23 123/7 124/11 140/19 143/1 143/9 160/1 168/23 198/21 202/8 207/7 210/19 240/13 254/16 276/1 279/22 285/7 301/10 302/3 302/25 304/3 307/4 311/3 318/14 319/3 320/15 321/10 323/15 324/15 349/4 353/4 373/22 425/2 430/16 439/5 440/3 440/24 443/18 465/13 484/21 485/2 489/20 496/4 505/1 527/10 550/18 567/4 567/25 574/12 580/8 613/5 636/17 708/21 709/8 719/9 722/21 746/16 749/8 763/2 800/18
admitting [1] 76/11
adopted [1] 704/14
adult [1] 312/7
advance [2] 87/25 92/1
Advanced [1] 181/10
advice [6] 7/22 63/10 64/1 483/11 484/6 485/22
advise [2] 62/4 192/4
advised [5] 63/14 192/10 192/23 539/8 541/20
Advisory [1] 263/1
advocates [1] 785/9
AE [3] 528/12 528/18 759/19
aerial [1] 140/11
aerobics [1] 595/16
AF [3] 199/8 528/18 759/19
affect [17] 14/24 18/11 18/25 21/13 23/7 23/19 24/1 24/19 25/21 26/25 27/18 49/9 92/9 92/24 111/2 531/9 540/23
affecting [1] 540/20
affidavit [1] 479/14
affirm [39] 56/8 91/4 115/8 136/13 151/19 155/7 164/2 180/14 189/8 216/2 221/15 236/13 247/23 261/3 268/15 296/16 314/5 331/17 355/11 395/17 416/17 422/23 427/11 453/14 456/6 461/3 470/6 543/11 543/17 543/17 543/18 543/25 543/25 546/20 553/13 564/3 585/6 585/10 602/1
affirmatively [11] 87/11 347/4 458/12 540/12 616/21 621/6 628/9 628/11 640/10 654/21 663/24
afford [2] 64/4 485/25
aforethought [15] 22/18 709/4 709/6 709/16 709/25 724/22 738/21 739/10 758/2 763/5 778/2 778/6 778/15 778/19 779/1
afraid [2] 693/7 735/10
after [186] 44/22 47/21 56/20 58/23 67/17 67/25 68/6 73/12 78/23 85/18 96/14 99/22 106/24 107/20 108/12 108/18 111/14 113/24 115/18 128/15 136/23 138/1 139/2 139/2 139/23 145/3 149/25 152/4 155/18 164/13 167/1 167/1 171/13 180/23 189/18 195/9 216/10 221/25 236/22 239/4 244/12 248/8 259/22 261/13 268/25 272/17 275/20 279/14 297/2 314/19 322/21 323/1 323/6 332/1 337/4 337/18 338/19 339/24 346/8 350/2 351/17 355/21 356/24 358/20 366/3 378/25 379/15 380/16 396/1 398/1 398/10 405/11 405/17 406/8 407/24 414/21 415/5 415/9 417/1 418/12 423/7 427/20 428/20 432/3 433/11 434/1 448/7 448/10 451/20 453/24 455/6 455/16 456/16 460/6 461/12 470/17 473/24 478/25 480/13 481/11 485/11 486/21 488/14 490/21 491/14 492/1 492/5 492/13 497/2 503/13 508/18 509/20 523/12 526/9 532/3 547/4 548/16 549/15 553/23 556/3 557/20 559/22 559/24 560/3 561/25 564/13 572/8 574/23 585/15 588/7 591/5 602/10 604/10 604/25 606/22 609/16 609/19 611/16 611/16 612/16 615/23 619/6 621/10

A
after... [43] 625/24 642/17 642/23 648/3 652/6 659/3 664/14 664/18 664/19 666/10 666/19 666/21 666/22 669/10 670/17 670/24 671/13 671/16 671/18 672/7 682/25 696/15 696/17 712/22 715/25 716/4 720/17 721/11 723/25 728/16 731/10 735/1 738/24 741/19 743/20 744/3 748/22 758/9 758/9 760/13 777/17 781/11 781/15
afternoon [21] 12/21 13/5 44/1 46/7 46/13 213/4 231/11 231/12 236/25 241/2 248/14 261/16 261/17 269/3 427/23 427/24 461/15 480/18 511/3 576/12 723/10
afterwards [1] 171/10
AG [2] 529/1 759/19
again [125] 18/2 18/17 24/23 27/25 30/9 43/1 46/13 60/5 60/20 61/1 65/21 69/22 75/14 86/25 96/15 101/3 101/22 108/25 125/2 125/10 125/13 126/4 143/8 143/11 171/25 200/12 212/4 227/11 251/20 273/17 277/23 289/10 291/9 291/22 292/12 293/10 293/25 357/16 358/4 368/24 389/16 398/7 401/6 401/22 402/22 403/8 405/15 407/5 415/14 415/15 424/16 431/11 433/6 444/10 449/21 458/14 458/14 458/23 478/10 479/2 479/8 479/15 481/7 483/7 487/16 487/19 488/20 500/12 500/16 501/24 502/5 503/16 508/6 510/20 514/18 515/1 515/6 515/11 515/18 516/3 516/8 516/18 517/5 517/8 522/1 529/9 531/7 537/13 568/23 581/10 600/16 601/2 607/6 645/2 654/4 656/20 672/23 672/25 681/7 682/19 683/5 683/15 685/17 699/25 708/12 714/8 720/20 720/21 721/7 725/3 727/16 729/13 730/22 734/23 757/15 760/6 760/22 770/5 788/22 788/23 797/24 798/20 799/11 802/12 813/25
against [19] 13/17 13/21 22/10 26/5 26/5 63/23 64/25 97/3 97/7 97/16 266/3 363/17 485/19 486/17 512/8 512/20 594/6 776/16 776/16
age [2] 604/20 812/21
agencies [1] 20/24
agency [2] 99/18 225/6
agent [3] 97/6 191/1 744/16
ages [1] 784/8
aggravated [5] 597/16 598/10 603/11 803/12 813/12
ago [17] 88/11 110/14 117/8 142/16 386/3 406/22 471/7 509/10 531/21 544/20 547/23 575/20 674/15 685/4 685/6 727/13 751/16
agree [12] 71/16 74/25 84/20 343/14 343/17 527/22 581/16 653/10 657/8 700/24 703/24 786/17
agreeable [1] 150/11
agreed [7] 65/1 65/1 212/18 480/18 483/6 487/13 742/16
agreement [3] 9/17 274/1 465/1
AH [2] 528/13 529/1
ahead [17] 48/23 226/3 226/12 267/17 303/18 315/18 319/9 357/6 471/15 484/8 499/22 502/6 544/23 592/8 637/16 792/21 812/16
aid [1] 153/2
Aiden [9] 347/19 347/21 357/19 369/8 463/14 551/24 603/2 644/5 644/6
aim [1] 639/2
aimed [1] 426/14
AIMEE [1] 1/20
aiming [1] 628/21
ain't [8] 70/7 70/22 478/7 478/10 684/23 733/6 807/17 807/22
air [3] 224/17 224/18 231/14
airbag [1] 232/2
airport [1] 550/2
AJZ [2] 15/18 15/19
alcohol [5] 25/17 448/22 448/22 540/2 784/21
alert [2] 129/15 185/25
alive [3] 434/14 754/7 756/18
all [527] 14/13 14/23 46/17 48/8 50/1 50/22 52/6 53/1 53/8 55/3 55/17 55/18 55/25 60/10 65/19 65/24 68/13 70/11 70/24 75/6 75/15 75/23 76/24 77/7 77/16 77/18 78/24 79/2 80/4 80/5 83/3 84/3 84/12 84/19 85/5 85/9 86/6 91/1 92/6 93/9 94/10 95/5 97/21 101/13 104/2 107/14 108/4 108/13 110/21 112/7 113/25 118/11 120/8 121/7 122/18 122/22 122/24 126/20 127/25 128/22 129/23 137/4 137/8 137/9 137/18 137/22 138/1 138/2 138/4 141/12 144/14 147/17 148/18 152/15 153/17 154/18 156/7 165/1 165/3 166/10 175/21 177/16 177/22 177/24 177/24 180/4 181/13 193/14 200/12 201/9 203/23 204/10 204/18 205/19 211/11 212/21 213/2 213/22 214/23 215/5 215/11 217/22 219/24 225/10 225/20 225/23 228/2 228/16 228/22 232/2 232/4 233/20 234/3 234/4 237/11 244/20 246/13 247/1 247/13 250/9 256/5 256/25 257/25 258/22 259/20 260/3 260/11 261/18 262/16 270/10 271/21 272/21 275/12 276/7 278/6 278/9 278/24 280/7 280/8 280/11 281/8 281/15 282/3 283/2 283/4 284/1 284/4 285/12 294/2 297/16 299/23 300/18 301/21 302/10 302/16 303/15 303/24 305/16 309/14 311/10 311/20 312/3 312/6 312/13 312/25 313/4 313/7 313/16 315/10 323/1 323/21 326/6 326/11 329/15 329/20 330/3 332/12 332/21 332/21 333/18 333/19 333/19 333/20 333/21 334/6 334/14 335/24 335/24 336/10 336/12 336/24 338/21 339/6 339/10 339/15 341/15 341/24 342/5 342/8 344/2 344/18 351/4 352/17 359/23 360/6 361/23 362/1 362/23 363/23 369/3 369/4 374/18 375/21 376/1 377/24 379/10 379/22 381/5 381/8 382/2 383/24 385/9 385/10 386/11 386/13 386/22 387/9 389/9 389/13 397/13 404/1 405/18 407/19 407/24 408/15 409/15 412/19 414/24 415/15 419/25 421/20 429/20 431/9 433/2 434/3 435/8 438/19 444/23 445/15 449/2 449/7 449/23 450/23 451/1 451/2 452/7 457/11 459/18 460/1 460/9 460/11 462/14 467/25 472/10 473/1 473/15 473/21 474/2 474/7 478/14 479/10 480/10 487/11 488/13 489/5 501/1 502/6 503/21 516/11 518/22 524/19 524/22 525/10 525/12 526/21 528/7 529/12 530/21 531/5 533/5 534/16 535/10 537/5 537/20 538/25 540/23 544/9 545/9 545/13 546/7 552/18 555/7 557/9 561/14 567/12 569/6 569/11 569/24 572/15 572/24 576/7 579/18 583/24 584/4 584/7 589/10 589/14 590/25 592/7 594/12 595/12 598/3 598/25 600/17 600/23 600/25 601/1 601/3 601/14 602/14 603/1 604/22 606/4 606/9 609/1 609/22 610/7 612/6 612/15 612/19 613/20 614/11 614/12 614/12 616/22 616/25 620/13 621/3 621/11 622/14 624/15 624/17 625/8 627/10 627/15 627/22 628/14 628/22 628/25 630/11 633/3 634/11 634/14 634/17 634/20 635/12 635/20 636/2 638/8 640/21 641/18 642/14 643/25 644/10 644/20 646/11 646/17 646/20 647/8 649/3 649/4 649/20 650/3 650/4 651/1 651/5 653/24 654/4 654/12 654/24 654/24 655/11 656/22 656/24 657/4 657/13 660/11 660/16 661/1 661/7 662/16 663/6 664/4 664/6 664/22 666/10 666/14 669/15 674/10 679/16 680/18 681/10 683/7 683/8 690/11 691/14 695/9 697/17 698/20 698/22 698/25 699/22 704/14 705/11 708/5 708/15 708/21 710/7 710/9 710/16 711/21 712/17 713/15 717/2 719/2 719/12 720/6 722/16 723/13 723/19 724/14 726/4 726/14 728/3 729/18 730/5 730/6 730/14 733/8 735/18 735/21 737/4 737/5 739/18 740/15 741/3 741/4 741/16 742/16 745/14 745/17 746/1 746/10 746/13 749/18 750/19 751/8 753/21 753/22 753/25 754/14 754/15 754/18 754/22 754/22 755/2 755/10 757/8 757/11 757/17 757/21 759/9 760/15 760/23 761/24 762/13 763/1 763/11 763/25 764/7 764/8 764/19 765/3 767/10 767/16 770/16 774/17 774/24 776/14 776/20 779/18 781/11 781/16 782/21 785/16 785/22 786/17 788/19 789/18 789/21 790/9 790/21 791/18 792/18 793/5 800/11 802/23 803/7 804/18 804/20 805/24 807/20 810/9 811/6 813/4 813/17 813/19
allay [1] 100/18
allegations [2] 97/4 97/7
alleged [5] 22/13 26/7 44/12 52/5 766/22
allegedly [1] 712/11
alleges [1] 711/15
allow [13] 45/21 52/21 76/3 167/25 191/19 335/15 420/14 465/11 465/13 678/6 678/8 679/17 772/11
allowed [7] 69/5 86/2 126/17 462/20 472/12 480/3 772/15
allows [2] 89/15 276/20
alluded [1] 75/18
almost [15] 44/15 52/15 52/23 197/11 202/25 242/12 264/23 426/25 456/20 473/17 556/2 762/17 762/19 787/17 798/10
alone [14] 97/8 338/10 357/18 358/5 372/4 474/14 607/10 669/5 669/8 669/13 669/17 740/3 746/22 809/4
along [15] 58/6 61/14 61/22 66/1 104/10 105/13 105/19 105/21 107/14 423/19 472/1 500/23 554/15 558/3 636/1
already [60] 24/12 30/8 46/6 68/8 78/12 83/9 83/14 84/9 92/4 92/22 101/19 111/14 135/10 153/8 153/23 165/19 166/22 168/5 173/15 173/25 179/22 190/18 193/17 199/2 204/25 242/15 318/1 322/11 356/23 358/7 358/16 374/22 399/1 399/8 402/9 446/11 451/21 468/17 472/22 473/6 474/13 476/14 476/24 476/24 478/11 482/11 494/9 498/5 557/23 608/11 616/10 616/11 618/13 643/16 644/23 670/12 676/14 684/14 748/12 766/14
also [130] 14/22 17/1 20/6 29/23 45/18 57/20 60/13 62/25 63/5 64/9 70/13 71/21 81/11 104/10 107/17

A
also... [115] 107/18 108/23 109/24 111/24 114/20 133/14 135/25 148/15 167/17 172/23 190/12 198/7 200/2 204/1 213/23 220/19 222/5 222/22 223/2 225/12 227/17 228/9 228/13 230/5 231/23 231/23 235/5 242/18 262/2 263/6 266/25 267/12 270/20 270/24 271/7 271/9 275/16 275/18 279/5 282/13 282/24 283/17 284/12 284/13 288/21 289/2 291/14 297/21 299/16 301/18 304/24 310/2 315/16 315/17 316/8 316/17 316/19 316/24 321/25 322/8 325/20 325/21 347/19 415/8 423/23 426/1 431/19 432/6 435/12 445/10 446/18 447/15 447/15 451/14 451/16 471/13 472/2 474/1 476/17 486/6 486/20 492/18 493/6 498/1 504/2 529/1 553/2 570/14 570/16 570/25 572/3 573/1 591/13 653/24 654/14 655/19 662/13 698/4 701/13 706/14 707/24 714/19 715/9 721/23 742/9 753/25 767/4 773/16 774/3 780/2 782/15 784/14 784/17 802/5 809/7
alter [2] 277/10 569/20
altercation [25] 106/22 106/25 176/8 176/10 178/19 490/18 530/13 536/17 633/22 635/2 635/5 659/3 659/15 664/8 665/2 665/3 665/5 703/15 703/18 703/22 725/16 736/1 736/3 743/22 744/3
altercations [1] 556/17
alternate [4] 42/2 42/13 87/15 787/22
alternates [8] 31/22 41/17 87/6 87/9 87/21 90/5 90/5 788/11
Alternating [1] 145/23
although [3] 52/13 773/8 780/12
Alvidia [6] 20/18 477/17 538/16 553/7 553/21 553/22
always [34] 51/17 93/6 93/19 95/11 100/5 191/3 234/3 235/24 275/4 375/18 377/4 383/14 387/19 442/1 443/3 482/23 554/24 555/6 606/11 606/12 606/13 606/13 609/8 609/15 610/5 621/22 622/8 631/17 657/7 695/17 726/21 741/11 780/5 785/17
am [61] 13/13 15/19 16/24 17/12 19/13 22/6 30/9 37/21 41/4 43/15 46/25 48/6 51/17 51/25 51/25 52/10 55/14 56/24 57/10 62/22 64/21 64/23 67/11 80/20 122/16 123/20 140/2 217/1 224/2 237/4 261/19 274/21 301/15 302/10 308/8 322/22 324/4 324/24 348/18 428/1 486/15 497/13 589/11 696/9 699/7 703/12 707/7 748/5 792/18 792/22 793/2 798/15 800/1 805/24 806/3 806/7 806/22 808/9 810/9 812/9 815/16
Amanda [4] 20/14 154/21 180/9 180/22
ambulance [8] 119/24 120/14 181/11 183/22 183/23 188/9 344/22 558/16
ambulances [1] 181/12
ambulatory [3] 184/2 184/4 186/3
amends [1] 809/20
American [1] 724/11
ammunition [5] 284/13 285/17 286/10 288/16 288/18
ammunitions [1] 231/19
among [9] 45/19 78/14 211/21 326/23 420/13 533/22 556/21 591/3 591/11
amount [5] 230/12 783/21 784/1 784/11 800/16
amounted [1] 71/5
amounts [1] 235/22
ample [1] 716/12
Amy [6] 15/14 17/12 20/4 167/13 427/18 427/19
analogies [1] 718/5
analogous [1] 678/14
analogy [1] 83/3
analysis [22] 190/15 222/9 222/10 222/16 222/24 223/5 223/16 226/2 227/8 227/10 227/11 262/9 263/9 263/13 264/7 267/19 297/18 297/19 297/20 297/23 306/24 315/16
analyst [9] 36/24 41/4 191/11 191/13 226/18 262/16 264/1 297/12 306/24
analyst's [1] 234/8
analyze [12] 23/9 99/7 222/19 227/2 229/4 229/6 566/6 773/25 774/12 776/9 776/24 785/25
analyzed [1] 787/1
analyzing [4] 94/18 565/9 766/7 775/13
and/or [3] 446/3 784/21 785/1
anger [1] 806/5
angle [12] 126/2 195/1 299/12 299/14 306/1 309/6 309/7 309/8 635/13 731/3 731/4 759/11
angles [1] 572/23
angry [4] 366/14 366/16 370/2 751/13
another [55] 25/11 50/6 53/18 58/5 63/6 83/4 88/23 101/14 102/6 125/1 139/5 182/18 193/12 200/11 201/1 237/20 274/8 274/9 274/10 277/23 316/10 328/20 387/5 419/2 426/1 483/3 488/8 504/20 505/19 564/22 597/10 683/3 700/13 714/6 714/8 721/18 731/15 739/9 757/24 759/11 759/11 763/5 766/16 776/8 778/6 778/8 778/25 779/9 782/13 788/1 799/5 808/25 811/20 811/21 812/5
answer [44] 17/16 17/17 60/10 64/7 64/22 137/6 144/15 152/13 154/13 155/23 161/4 187/10 219/9 288/19 332/9 332/10 335/19 357/25 376/14 443/24 479/6 479/8 480/24 486/4 486/14 510/21 520/10 525/15 525/17 549/3 552/19 563/5 576/6 588/19 619/22 621/13 621/17 622/9 648/11 726/23 772/13 799/9 799/18 808/17
answered [15] 60/15 67/4 70/11 70/14 339/20 339/22 339/24 375/23 418/23 418/24 419/2 460/4 478/17 579/13 720/22
answering [9] 64/9 64/10 164/18 186/1 384/15 486/5 486/6 517/4 775/17
answers [4] 332/13 376/8 454/5 810/10
antibiotics [1] 449/4
anticipate [6] 53/15 177/5 213/3 213/12 591/4 800/3
antimony [15] 224/9 224/23 228/2 228/5 228/17 228/18 230/20 231/13 231/16 231/18 233/20 233/23 233/24 234/7 234/8
anxious [1] 787/16
any [406] 14/4 14/6 15/23 15/25 16/10 16/11 17/5 17/6 19/1 19/15 19/16 20/23 20/23 20/24 21/4 21/8 21/17 22/20 22/22 23/11 23/24 23/24 24/8 25/3 25/9 25/16 25/18 25/19 26/3 26/6 26/12 26/15 27/1 27/18 28/8 28/9 28/14 28/17 28/19 28/23 29/1 30/22 32/3 42/15 42/18 43/9 44/11 44/13 44/22 44/24 50/12 50/15 51/16 54/11 62/16 63/19 64/1 64/2 64/5 64/9 64/10 64/24 65/11 65/22 65/24 68/9 68/20 68/22 73/18 73/24 74/2 76/11 77/1 78/16 80/6 82/20 83/8 83/21 84/19 86/6 87/13 88/2 89/3 89/11 89/12 89/14 89/22 93/21 93/21 94/21 95/21 99/14 101/9 101/13 102/7 103/11 112/20 121/2 126/17 127/6 131/10 133/15 133/15 135/23 140/16 142/23 144/15 145/16 146/20 148/7 148/12 149/24 150/3 150/3 154/13 156/24 158/19 158/22 158/23 159/1 159/17 161/4 163/3 163/15 165/2 165/4 166/16 170/8 171/7 171/15 171/16 176/19 178/21 183/18 185/6 185/7 188/4 190/19 194/5 194/13 195/12 196/23 198/18 200/7 200/16 200/20 201/5 202/5 204/5 207/4 210/16 212/19 216/23 217/18 217/18 218/14 218/20 223/6 225/6 225/20 225/22 226/24 227/3 227/4 231/24 251/24 254/14 257/5 260/9 260/10 265/1 265/9 267/14 268/3 272/13 272/24 276/22 279/19 281/18 283/13 292/16 292/17 298/16 300/2 300/9 306/23 309/9 310/9 310/9 311/1 315/10 320/3 320/5 321/5 321/8 325/5 325/24 327/12 327/12 327/14 327/15 327/16 330/7 330/12 336/22 348/12 353/2 354/18 360/5 362/13 363/2 364/23 364/24 370/6 373/18 374/13 380/14 387/6 390/20 393/25 398/7 402/12 402/21 404/10 404/19 407/2 411/14 417/20 419/13 424/1 424/2 424/24 428/21 430/13 434/18 435/19 436/8 436/9 438/3 439/2 439/25 442/18 442/20 443/24 446/19 447/19 448/11 450/12 450/15 451/18 459/1 459/4 460/13 465/7 466/5 477/1 480/5 481/2 482/6 484/18 485/15 485/22 485/23 486/1 486/5 486/6 486/16 489/17 496/2 500/25 501/6 502/4 504/24 506/4 506/7 506/15 506/25 511/4 519/3 521/4 521/4 525/22 527/7 529/10 529/14 534/2 537/14 539/2 540/2 540/2 540/22 540/22 542/16 542/21 546/4 546/8 546/11 550/15 552/19 561/24 563/5 567/22 569/20 572/24 572/25 574/9 576/6 577/21 581/24 583/11 588/19 592/7 596/11 597/4 601/17 603/21 611/8 611/15 613/2 614/19 614/21 616/2 617/17 618/16 635/3 635/12 635/20 648/11 651/14 651/17 661/20 661/20 663/1 675/12 675/16 679/21 685/11 691/10 691/13 691/15 691/23 694/7 694/19 695/7 697/11 701/4 702/8 702/20 703/1 703/14 703/22 707/25 708/5 708/12 708/23 709/3 709/5 712/16 712/25 722/2 724/1 729/15 729/16 739/22 741/21 746/1 747/24 749/10 752/21 759/1 769/7 770/13 770/19 772/3 772/13 772/13 774/4 776/1 777/5 777/10 778/1 778/14 778/21 779/24 784/24 785/10 785/11 785/23 787/19 788/13 788/18 788/18 788/18 790/4 790/5 792/7 792/10 792/25 799/7 799/7 799/17 800/12 803/1 805/16 807/10 815/17
anybody [39] 45/21 80/6 121/25 256/9 257/6 364/23 374/16 377/12 383/20 385/15 393/4 420/14 477/9 489/10 526/6 534/6 536/5 561/21 582/25 583/6 622/9 629/22 631/9 641/11 643/11 666/7 669/24 727/11 729/16 742/25 746/18 747/21

A
anybody... [7] 749/25 750/1 758/12 758/25 761/23 805/4 805/7
anymore [8] 34/16 45/12 139/1 491/17 491/22 701/25 745/9 747/15
anyone [35] 15/7 16/21 19/9 20/23 21/5 22/2 27/10 28/4 28/10 45/18 45/20 118/10 118/12 125/15 147/24 148/2 154/6 170/21 193/6 211/22 211/23 239/17 241/13 266/8 326/24 351/6 364/17 389/2 409/3 409/5 409/7 494/8 591/12 785/20 803/24
anyone's [1] 652/22
anything [154] 22/21 22/22 23/2 23/7 23/18 29/6 29/8 30/21 44/23 46/17 46/20 48/2 49/8 49/21 52/21 60/4 63/23 67/19 67/21 67/24 68/22 73/12 75/24 76/24 80/7 90/3 97/20 97/20 116/21 118/9 119/1 119/4 119/9 119/25 120/1 120/3 121/16 122/3 124/11 149/4 149/7 154/9 166/25 170/11 176/17 178/13 178/17 183/25 184/23 185/7 193/12 196/6 199/15 200/21 200/25 201/7 202/17 204/12 208/19 208/25 212/9 212/12 212/25 214/20 218/21 229/14 250/23 265/13 276/14 295/4 295/7 305/24 317/1 327/24 328/2 352/4 376/17 387/14 394/12 394/15 399/20 403/11 406/17 407/16 414/21 419/9 420/19 428/22 436/23 447/8 448/10 449/4 460/4 476/20 477/9 477/10 479/1 479/10 485/19 487/1 488/13 496/23 499/12 506/8 506/12 520/22 520/25 529/14 536/15 538/3 538/24 540/5 540/19 540/23 546/7 556/2 565/11 572/25 582/8 582/11 592/2 592/5 600/13 600/25 628/23 661/19 665/11 665/14 671/13 675/6 675/9 686/15 695/10 697/4 698/17 701/17 702/8 716/19 721/8 739/13 747/6 754/9 755/18 761/21 763/20 763/23 767/10 784/24 791/19 794/20 800/6 803/4 803/20 811/10
anyway [7] 49/20 50/13 55/19 359/7 401/13 699/18 702/24
anywhere [10] 122/11 156/14 188/8 294/3 297/22 313/9 743/9 750/11 757/22 759/13
apart [2] 608/16 759/12
apartment [176] 66/16 67/14 67/20 67/23 67/25 72/20 73/7 105/16 106/18 107/13 107/19 107/22 108/16 114/4 117/18 117/20 117/21 118/6 128/12 138/22 141/10 184/15 201/2 201/2 204/1 204/3 204/7 208/7 250/5 251/6 251/13 251/21 298/4 299/1 300/24 301/3 301/19 301/22 302/14 302/18 303/21 310/7 310/22 342/5 342/13 344/3 348/6 348/12 350/2 350/16 351/18 358/8 364/15 366/23 367/13 370/15 373/12 373/14 374/4 374/14 378/8 379/3 379/20 384/1 384/4 391/16 391/18 397/10 397/11 397/24 408/13 413/2 417/16 423/21 462/22 475/1 476/12 487/24 487/24 488/11 497/9 497/10 497/24 498/9 500/20 513/11 518/7 518/20 522/21 523/3 526/9 536/18 555/15 558/9 558/13 558/15 559/9 559/10 559/11 559/15 559/19 559/21 561/9 561/10 572/20 572/23 573/9 587/10 587/12 587/15 588/6 588/8 588/10 605/7 605/20 619/11 620/24 620/25 625/20 625/24 626/1 626/2 626/12 626/15 630/6 631/16 634/17 634/21 635/14 637/1 639/24 640/3 640/17 647/2 647/8 649/16 658/10 658/14 658/14 658/15 659/1 659/7 663/11 665/22 665/24 666/9 666/16 671/8 709/21 710/23 712/2 712/21 714/21 715/24 725/13 725/18 728/21 733/10 733/16 734/16 737/14 741/11 741/24 742/23 743/12 744/6 752/22 753/21 755/6 755/14 755/17 756/1 756/2 758/14 761/2 762/5
apartment's [1] 498/12
apartments [12] 24/10 24/16 165/18 182/10 298/4 298/23 461/17 477/5 477/15 631/18 668/9 715/13
apologetic [1] 68/10
apologies [1] 491/23
apologize [5] 425/15 595/14 595/25 707/24 708/13
apparent [3] 186/21 187/1 784/15
apparently [5] 544/4 545/2 751/3 752/18 757/10
appeal [1] 815/13
appealed [2] 54/13 82/24
Appeals [1] 83/24
appear [18] 15/9 16/4 19/11 21/2 22/25 23/22 24/6 25/7 25/14 26/1 28/6 29/4 279/6 342/11 500/4 501/24 504/17 775/16
appearance [13] 280/12 287/24 289/20 434/22 446/9 446/10 451/19 451/22 452/13 775/15 784/10 801/16 801/17
appearances [3] 52/4 593/20 783/7
appeared [11] 144/12 194/6 194/11 275/13 490/1 491/7 522/12 571/11 578/1 625/17 784/3
appearing [3] 93/8 446/14 571/10
appears [6] 22/7 199/20 306/17 319/18 500/8 504/21
appellate [1] 82/25
applicable [4] 45/17 256/7 256/11 745/23
application [2] 17/22 802/8
applications [1] 249/3
applications-type [1] 249/3
applied [3] 48/12 137/13 223/2
applies [2] 711/4 715/4
apply [18] 23/8 24/2 30/4 30/17 46/9 95/1 98/13 101/3 190/25 707/11 711/6 738/5 765/23 766/5 777/20 785/12 786/3 798/3
applying [5] 23/16 25/22 766/9 774/23 777/3
appoint [1] 89/16
appointed [2] 64/5 486/1
appointments [1] 555/22
appraiser [1] 33/4
appreciable [1] 778/22
appreciate [29] 17/16 46/5 49/16 55/10 75/15 87/24 330/18 331/3 395/7 420/1 593/14 594/25 596/2 597/6 597/22 601/11 601/12 680/24 705/23 706/6 706/19 790/9 792/3 793/17 799/11 801/2 802/2 807/5 813/19
apprehend [1] 160/19
apprenticeship [1] 270/8
approach [11] 122/13 135/17 177/1 188/23 300/13 419/20 453/5 467/17 469/4 595/5 653/6
approached [2] 477/8 637/3
approaches [47] 32/6 32/18 33/2 33/14 34/14 35/3 35/13 36/22 37/10 37/20 38/18 39/5 39/15 40/2 40/14 41/2 41/14 56/4 115/4 136/9 151/15 155/3 163/23 180/10 189/4 215/23 221/11 236/9 247/19 260/24 268/11 296/12 314/1 331/13 355/7 395/13 416/13 422/19 427/7 453/10 456/2 460/24 470/2 546/16 553/9 563/24 585/2
approaching [2] 558/21 631/23
appropriate [4] 23/12 30/17 100/8 540/7
appropriately [1] 186/2
approximate [2] 238/25 243/6
approximately [13] 115/24 117/12 127/13 127/14 153/9 153/13 153/22 156/14 269/20 297/14 307/23 308/6 347/22
APRIL [10] 1/18 16/24 17/8 242/5 242/7 384/22 604/9 604/10 604/10 689/20
April 17th [2] 242/5 242/7
April 2013 [1] 604/10
April 25th [1] 689/20
arbitrarily [3] 431/25 447/23 776/18
are [556] 12/9 14/4 14/5 14/9 15/23 15/24 16/10 16/16 17/4 17/5 19/14 19/22 21/4 22/4 22/11 25/3 25/9 25/18 26/3 26/4 26/11 26/12 26/20 27/14 28/13 28/14 28/17 29/15 30/6 30/14 31/2 31/18 41/16 42/15 43/7 43/19 43/24 44/23 46/2 47/17 48/2 50/10 51/19 51/20 52/2 52/19 53/1 54/1 55/11 55/12 55/18 57/17 57/18 57/19 62/14 64/21 66/7 66/21 70/16 71/2 71/5 73/24 74/10 74/12 75/16 75/18 75/21 77/6 78/12 79/13 80/15 81/24 82/12 83/4 85/4 85/17 86/14 87/5 87/6 87/9 87/18 87/22 88/4 88/24 89/23 90/3 90/4 90/5 90/5 90/11 93/8 94/11 94/22 95/14 95/14 95/16 96/7 96/21 97/12 100/7 105/5 105/21 108/13 112/1 112/11 112/12 112/16 113/22 114/2 114/9 115/25 116/6 116/9 116/15 116/16 116/16 116/16 118/7 121/6 122/19 123/7 124/5 124/10 124/10 125/2 129/6 133/12 133/16 137/3 137/12 146/16 148/15 149/23 150/7 150/24 152/23 152/23 154/17 157/6 157/7 161/15 163/18 167/5 168/14 168/23 173/1 174/16 176/5 176/21 177/22 178/12 181/11 181/12 185/23 185/25 186/1 186/2 186/5 186/25 187/1 187/6 187/6 187/8 187/9 188/14 192/2 192/3 193/21 196/16 197/13 198/21 199/7 199/10 199/16 199/22 202/14 202/15 202/16 203/5 203/7 203/11 203/12 203/15 205/8 206/1 206/12 206/14 206/21 206/22 208/6 210/13 210/18 210/25 211/20 211/21 213/13 213/16 213/16 213/25 214/10 214/20 215/8 215/18 221/2 222/16 223/11 224/6 224/15 224/16 224/17 224/22 224/23 225/13 227/19 228/9 229/3 229/6 232/19 233/2 233/13 233/20 235/10 235/25 236/3 239/25 240/9 240/13 241/4 241/10 242/24 243/3 245/8 253/2 253/17 257/8 257/19 257/22 257/22 260/3 260/18 263/6 265/1 265/4 270/8 273/5 273/6 273/8 273/10 273/19 275/18 276/11 277/12 278/2 279/5 280/20 283/13 285/14 285/15 285/16 285/19 285/21 286/8 286/9 286/11 286/11 286/13 291/16 292/14 293/17 293/20 294/9 294/18 295/15 295/25 296/2 300/23 301/10 301/18 302/3 302/14 302/25 304/2 313/19 316/14 320/1 320/7 320/23 324/8 324/8 324/11 324/15 325/15 325/16 325/16 325/20 326/3 326/5 326/10 326/22 327/14 327/17 329/1 329/1 329/4 330/19 332/16 342/23 346/12 346/17 347/7 356/1 368/23 373/22 374/21 377/2 377/14 382/8 382/20 386/14 388/23 397/21

A
are... [236] 403/25 420/9 420/9 422/4 430/4 430/16 434/22 435/2 435/4 435/8 435/9 435/13 436/1 437/9 437/17 438/19 439/5 439/13 440/3 440/11 440/24 441/9 441/16 441/16 441/20 442/2 442/5 445/15 446/2 446/22 447/18 452/2 452/7 452/22 460/16 462/18 462/20 463/11 463/13 464/25 464/25 466/16 466/24 469/12 469/16 482/19 483/16 483/19 486/13 489/11 489/19 493/24 496/20 497/5 502/21 503/23 503/25 513/1 513/23 514/8 514/9 516/7 516/9 516/10 525/14 527/1 527/4 527/10 527/20 528/15 528/18 528/23 528/25 529/4 529/6 529/7 531/4 533/17 536/9 540/1 541/5 541/19 544/9 544/11 545/9 545/17 547/8 547/10 553/2 554/2 563/19 564/16 564/24 564/25 567/10 567/25 569/14 569/24 576/19 580/20 582/25 584/4 584/11 584/14 584/22 585/20 590/22 591/2 594/3 594/17 595/3 596/3 602/16 604/24 609/4 619/7 626/24 635/7 637/11 637/18 654/16 654/24 655/19 657/4 659/14 660/17 670/21 671/2 674/19 675/15 676/17 680/10 683/10 694/17 701/7 704/16 717/5 718/10 718/15 720/1 725/19 726/12 726/22 727/2 728/8 729/15 729/15 730/6 730/10 730/11 730/14 731/18 733/14 733/16 734/9 735/20 735/22 735/23 735/24 736/25 737/4 737/12 747/25 757/5 759/7 759/11 759/17 759/18 759/22 759/24 760/5 764/11 766/18 767/9 768/12 768/17 769/15 769/15 769/21 770/1 770/5 770/10 770/16 771/6 771/8 771/25 772/1 772/1 773/6 773/8 773/13 773/24 773/25 774/7 774/10 774/22 775/3 775/4 775/7 776/12 777/11 779/14 779/21 780/19 781/19 785/8 785/11 786/2 786/12 786/13 787/2 787/8 787/16 787/17 787/18 788/20 788/23 791/8 792/19 792/23 793/8 798/22 798/23 799/1 799/10 799/12 802/2 802/15 802/23 805/6 806/10 806/25 807/2 811/22 812/2 813/16
area [76] 121/20 130/15 169/22 170/1 172/21 174/4 174/4 174/7 174/13 174/22 175/1 175/7 175/8 177/4 178/17 179/25 194/15 200/2 208/6 208/8 223/21 225/24 230/17 230/18 239/2 263/16 308/5 308/16 308/20 312/18 403/19 403/20 413/6 428/19 429/5 432/7 433/2 434/5 442/8 442/9 442/12 528/9 558/9 558/18 565/8 566/2 578/19 578/20 578/21 610/5 629/5 633/23 634/3 634/25 635/4 635/7 635/23 635/24 636/1 636/3 636/24 637/11 659/16 659/17 660/4 660/12 660/16 660/16 711/17 736/8 744/4 744/8 759/6 759/14 772/5 772/17
areas [7] 133/21 171/15 271/18 274/1 280/19 297/16 637/14
aren't [7] 43/25 94/16 425/8 726/25 759/15 767/14 788/13
arguable [1] 575/25
argue [7] 55/6 406/13 407/9 594/6 700/6 700/7 723/25
arguing [15] 340/3 340/15 341/6 341/13 405/19 405/19 405/24 405/24 406/10 406/20 407/13 556/21 627/18 627/19 727/18
argument [12] 52/9 341/18 406/17 406/23 534/17 677/18 700/22 708/18 714/5 715/19 724/8 725/15
arguments [13] 101/19 102/1 535/6 614/21 695/1 696/10 706/3 706/14 707/3 723/16 763/12 801/22 801/23
arise [4] 29/22 43/18 94/1 768/25
arisen [1] 420/3
arising [2] 171/12 769/6
arm [6] 431/19 434/5 434/6 434/8 442/14 803/13
armed [7] 597/18 603/15 751/22 761/16 761/24 762/10 813/11
armpit [2] 194/15 442/12
arms [1] 735/24
army [1] 35/25
around [99] 54/2 62/1 66/2 104/6 106/20 117/24 118/8 118/15 118/16 118/17 118/22 121/11 121/13 121/19 121/23 122/2 122/3 122/5 124/24 135/5 138/4 139/13 169/22 170/4 170/16 173/20 176/11 184/5 200/25 305/24 337/13 337/17 343/24 347/24 353/9 353/10 357/3 359/15 386/15 386/21 386/25 396/25 397/14 397/16 398/5 398/11 398/19 400/23 401/20 406/4 410/17 434/23 435/7 436/15 436/17 457/25 458/14 471/21 472/15 475/23 476/18 477/12 481/11 482/8 482/22 482/23 483/23 498/24 548/20 552/18 559/8 604/19 605/24 609/12 610/11 611/3 617/25 623/22 626/9 626/10 626/11 627/24 630/22 630/24 632/12 657/16 657/18 658/3 661/7 661/8 661/9 681/4 684/15 693/6 733/20 744/9 745/14 759/4 811/13
arrangements [2] 104/17 104/23
arrest [4] 59/24 62/2 72/7 603/10
arrested [5] 501/23 508/12 508/13 508/16 603/8
arrests [1] 519/3
arrival [3] 153/8 153/25 165/14
arrive [4] 165/23 218/18 338/17 557/21
arrived [22] 45/10 72/20 153/24 165/15 165/17 165/25 166/7 166/23 169/18 184/6 192/17 218/13 399/18 400/20 400/21 482/1 557/22 574/21 575/1 587/14 588/7 650/4
arrives [1] 108/14
arriving [1] 737/14
arson [1] 216/21
arsons [1] 216/25
artery [1] 120/17
Arthur [3] 612/14 612/16 616/9
articles [1] 327/15
articulate [1] 698/23
articulated [4] 79/12 538/5 697/20 801/18
artifacts [1] 574/1
artificial [1] 435/16
as [470] 20/12 22/19 23/15 26/4 30/1 30/12 31/12 31/25 33/4 42/2 42/13 43/6 43/12 44/1 44/12 45/24 49/22 50/3 50/8 53/24 54/7 56/20 62/13 62/22 67/13 67/13 74/6 75/17 76/5 78/7 78/16 78/18 79/9 79/10 79/11 79/25 79/25 80/3 83/8 83/8 83/11 86/4 88/23 89/9 90/5 90/5 91/15 91/18 91/19 91/23 91/24 92/3 93/4 95/17 97/6 97/14 99/6 99/18 99/20 101/18 102/21 102/25 103/10 103/14 104/13 109/4 112/23 113/21 115/18 119/5 122/16 134/25 135/1 136/23 151/2 152/4 152/17 155/18 156/9 157/24 161/20 162/7 162/7 162/9 162/9 164/13 164/22 167/17 168/14 170/1 171/10 171/14 178/10 178/14 180/23 183/6 184/6 189/18 190/4 191/16 192/18 197/9 198/4 199/21 201/14 204/21 206/24 210/12 213/14 214/2 216/10 216/17 216/17 216/19 217/21 221/25 222/5 222/25 223/1 223/15 223/17 226/18 228/19 230/13 234/10 235/25 236/22 239/7 239/12 239/16 242/19 248/8 256/22 261/13 263/8 263/12 264/21 266/22 267/8 267/12 268/25 270/25 270/25 271/2 271/4 271/4 271/7 271/13 272/10 272/11 272/12 272/15 272/15 274/15 274/21 277/13 277/18 278/7 279/1 282/20 283/15 284/7 284/7 284/23 285/17 286/7 288/1 290/9 290/20 290/20 291/5 292/16 292/25 293/11 293/16 297/2 297/12 298/1 301/6 302/18 303/21 306/12 307/15 307/16 310/19 312/9 313/4 313/19 314/19 315/8 315/9 317/9 318/8 318/19 318/23 320/9 320/9 321/14 322/22 323/2 327/5 330/12 330/14 332/1 340/5 342/11 348/19 352/11 355/21 364/4 377/2 377/2 381/13 387/22 388/23 396/1 404/10 404/10 406/5 406/5 406/9 406/9 407/8 407/8 413/1 417/1 420/21 421/1 421/14 421/15 423/7 424/20 427/20 428/2 428/4 428/24 431/16 431/16 431/24 433/7 435/2 435/4 435/11 446/24 446/24 453/24 456/16 457/5 461/12 463/18 469/3 470/17 471/23 473/19 475/1 476/12 476/24 479/15 481/4 482/24 482/25 483/12 484/2 484/9 486/10 486/19 486/22 489/9 494/11 495/7 495/18 495/18 498/6 499/19 501/9 501/21 502/1 502/19 504/5 506/7 507/19 508/17 509/10 512/20 512/23 513/14 513/24 514/1 518/3 523/14 526/16 526/23 533/19 533/19 533/23 535/7 535/13 535/15 536/6 536/6 546/2 547/4 550/3 553/23 564/13 564/24 565/10 565/13 565/15 565/22 566/11 566/11 566/15 567/18 569/2 570/19 570/19 570/20 571/1 571/21 572/13 574/3 574/21 574/21 575/21 578/2 580/19 582/13 585/15 591/17 595/24 595/24 596/24 596/25 597/10 600/18 602/10 604/20 606/13 606/14 606/19 609/10 612/20 620/8 623/24 623/24 624/18 624/20 624/24 632/20 637/24 638/4 638/10 638/10 664/2 665/22 694/17 695/18 695/18 697/6 700/11 702/20 703/23 706/14 706/16 706/18 706/24 707/15 707/16 708/11 709/20 711/23 713/23 714/1 715/8 715/9 715/14 715/14 717/12 717/20 721/5 728/9 728/10 733/23 733/23 737/11 740/10 741/16 748/11 750/21 750/23 751/12 751/12 752/6 752/6 753/8 755/25 756/9 758/8 759/4 759/4 759/21 762/19 762/20 765/21 765/21 765/25 766/13 766/14 766/23 767/4 767/9 768/2 768/5 768/15 769/3 769/10 769/19 770/21 770/24 772/11 772/18 773/2 773/14 773/16 773/18 773/23 774/8 774/10 774/12 776/6 776/9 776/21 777/4 777/12 777/14 777/23 778/1 779/20 781/1 783/16 783/20 784/3 785/9 785/10 785/17 785/20 785/23 787/12 788/4 788/20 792/2 793/18 795/3 798/3 798/10 798/15 801/3 801/23 803/8 803/10 803/14 804/11 804/12 804/25 806/12 809/24 810/25 811/20 813/1
ascertain [1] 238/20
Asian [2] 33/11 39/2
aside [9] 48/9 93/9 230/4 727/1

1400

A
aside... [5] 777/20 785/16 785/21 800/15 800/24
ask [164] 22/14 44/4 49/7 49/19 55/11 55/14 62/16 62/23 63/19 64/1 65/8 70/20 74/18 86/1 87/4 88/1 89/21 92/11 103/17 109/4 109/10 112/4 112/5 112/6 112/11 114/22 123/3 123/20 129/8 137/5 137/6 143/5 155/23 164/16 177/8 187/23 191/16 198/5 198/16 201/15 202/3 211/24 212/21 220/9 223/15 238/7 238/9 249/6 254/12 263/12 271/13 274/22 275/22 279/17 284/23 310/20 317/5 317/12 318/6 318/11 319/1 319/16 320/12 321/17 323/13 324/5 324/12 326/21 331/6 332/6 332/8 346/3 348/19 382/19 386/9 390/23 420/7 420/23 424/22 428/7 432/18 435/21 437/16 454/3 484/2 484/15 485/15 485/22 489/9 489/15 495/8 495/25 503/1 504/6 504/22 515/1 515/6 526/17 527/5 531/12 534/9 539/17 550/4 559/14 560/21 562/2 562/5 567/10 573/21 580/4 581/13 581/17 591/22 599/15 599/25 607/18 617/7 620/23 624/15 633/6 647/1 649/15 649/18 658/11 669/1 670/18 673/8 675/11 676/12 682/9 683/3 689/11 690/14 691/1 694/24 702/14 703/1 719/11 722/24 723/14 724/5 724/6 725/25 726/3 738/3 738/3 738/7 748/5 762/21 763/6 787/18 787/24 791/17 794/4 794/21 794/25 798/24 799/25 800/21 800/24 803/19 805/15 806/14 811/6
asked [136] 12/15 53/10 60/8 60/13 63/7 65/21 66/19 67/16 69/11 69/21 70/9 70/13 75/9 75/12 77/7 77/10 92/7 101/5 112/13 126/16 134/21 135/3 135/6 179/4 179/22 235/4 243/7 249/16 256/1 256/4 258/2 260/9 260/12 309/12 356/23 357/7 357/11 357/16 357/19 358/8 372/9 380/10 380/19 382/24 385/12 389/20 398/6 403/24 418/7 418/9 418/10 418/17 418/24 449/11 468/7 476/1 477/8 477/13 478/12 479/16 479/17 483/4 487/22 488/19 491/9 493/7 493/9 494/2 494/17 503/13 506/23 516/17 524/8 524/19 525/13 529/8 529/21 531/19 534/13 560/8 560/18 562/3 562/6 566/6 580/23 593/13 596/14 596/14 611/6 616/13 616/13 616/13 618/6 618/14 619/14 642/19 646/4 646/23 656/18 669/15 669/19 673/3 673/19 674/1 678/13 679/23 682/14 682/17 688/12 689/11 689/20 689/23 689/23 690/1 690/14 690/23 691/2 691/5 691/13 691/20 691/20 691/21 692/7 692/7 692/20 726/22 726/22 729/21 732/8 732/9 732/12 732/13 736/17 737/21 748/15 772/12
asking [33] 29/12 77/9 156/4 294/5 357/12 382/20 384/24 402/5 405/12 405/17 451/9 596/2 617/5 617/19 617/21 618/15 618/16 619/1 619/3 627/20 642/13 642/20 646/1 646/18 646/25 656/2 661/8 677/8 686/13 699/25 799/2 805/6 808/16
asleep [9] 105/18 105/22 107/14 358/16 374/24 377/19 377/22 400/10 754/7
aspect [3] 505/19 696/13 804/12
aspects [4] 102/13 201/3 205/25 270/17
ass [2] 672/19 734/3
assault [10] 188/2 597/15 598/7 598/8 598/9 603/10 710/13 781/24 803/11 813/11
assaulting [1] 741/23
assaults [1] 57/14
assembly [1] 42/25
assessment [2] 76/19 167/4
assessments [1] 100/7
assign [2] 431/25 447/23
assigned [10] 13/8 30/6 57/13 57/16 88/7 116/12 150/24 247/9 275/17 494/1
assist [11] 16/18 193/6 194/20 204/3 298/13 566/7 774/25 775/8 786/5 794/2 799/6
assistance [1] 43/6
ASSISTANT [6] 1/18 1/19 16/17 16/25 17/1 110/10
assisted [1] 16/25
assisting [1] 16/22
associate [1] 39/7
associated [11] 116/24 222/18 227/21 227/24 228/3 230/21 234/12 234/13 271/22 728/18 729/7
Associates [1] 35/5
association [6] 190/21 270/21 270/21 270/23 281/15 298/1
assume [21] 47/5 74/17 74/22 83/15 93/3 93/20 144/9 229/18 404/9 411/16 411/18 543/4 544/13 544/14 544/16 615/19 677/18 696/22 700/17 704/2 792/22
assumed [2] 47/9 621/18
assuming [2] 552/4 749/16
assure [7] 87/20 90/3 94/21 110/22 113/20 723/25 775/2
atone [1] 809/19
atonement [1] 809/17
attach [2] 53/13 791/17
attached [2] 237/19 238/1
attack [2] 113/19 446/16
attacked [2] 512/15 625/13
attempt [5] 238/24 266/17 365/9 501/19 745/17
attempted [2] 106/25 160/17
attempts [1] 106/10
attend [4] 190/13 263/5 270/24 316/4
attended [5] 190/13 223/2 297/21 315/23 428/6
attending [1] 705/19
attention [20] 87/23 96/24 102/23 102/24 109/10 114/20 151/9 215/19 331/7 405/25 407/15 566/5 609/18 609/19 634/5 665/17 695/3 707/14 707/15 788/22
attentive [3] 706/19 708/10 708/11
attorney [13] 1/19 1/21 37/21 68/12 91/18 242/19 487/11 539/9 539/21 539/22 724/1 748/14 772/2
attorneys [11] 96/9 101/18 102/25 256/21 707/3 771/22 773/12 773/22 774/3 774/5 788/7
attorneys' [1] 773/5
attributable [1] 265/2
attribute [1] 91/20
audio [5] 511/25 512/5 512/7 512/20 800/17
August [1] 421/14
Aull [11] 20/1 78/11 155/1 155/15 155/17 155/21 159/8 160/16 192/8 192/9 192/20
authentication [1] 677/19
authorized [1] 462/23
auto [1] 282/23
automatically [1] 243/1
autopsies [1] 428/20
autopsy [33] 7/5 9/16 167/12 167/24 168/1 176/18 177/21 195/14 276/11 276/13 278/19 315/24 316/11 320/4 429/10 429/12 429/13 430/5 431/11 432/17 436/22 438/14 438/20 439/14 439/16 439/19 440/12 441/15 442/3 443/1 443/4 443/5 447/10
available [5] 87/6 156/12 172/1 257/22 266/9
aversion [1] 55/16
avoid [7] 683/19 697/9 715/6 762/2 783/14 783/22 783/24
avoidable [1] 812/12
avoiding [2] 762/15 762/16
awake [2] 377/20 413/15
aware [11] 51/25 52/1 52/10 58/19 162/5 163/7 436/22 466/17 556/13 799/5 803/9
away [44] 54/19 85/18 108/12 113/22 130/25 214/2 274/19 292/22 312/14 417/15 435/21 435/25 436/20 437/8 438/6 442/13 499/19 547/23 629/7 629/8 647/5 661/23 662/11 662/13 667/1 709/11 712/11 712/20 712/23 714/9 715/17 716/10 745/2 745/12 755/14 755/20 756/6 757/15 758/12 758/16 758/19 762/4 762/14 806/23
awful [1] 609/5
awoken [1] 731/20

B
B-E-R-R-Y [1] 221/23
B-I-T-C-H [1] 657/18
B-R-I-A-N [1] 423/11
BA [1] 267/1
Babride [1] 38/19
baby [13] 106/9 370/5 383/2 533/2 549/17 549/18 549/21 551/25 563/3 656/3 656/11 734/11 806/2
baby's [1] 712/14
babysitting [7] 105/7 337/10 337/11 396/20 396/21 396/22 397/15
Bachelor [1] 222/22
Bachelor's [1] 428/10
back [379] 12/21 32/22 33/22 35/8 36/17 37/15 39/10 40/9 40/22 43/21 44/4 54/4 54/14 54/20 57/12 58/7 58/11 58/25 60/23 62/1 62/25 66/22 87/7 88/2 89/23 96/15 98/9 100/16 103/9 104/18 104/18 104/20 105/16 107/16 107/17 107/19 108/3 110/9 111/23 113/10 114/7 114/10 114/21 116/11 116/23 120/3 120/6 120/8 120/10 129/12 137/20 139/11 139/14 143/12 146/9 146/10 152/10 153/11 156/15 167/5 169/17 169/24 169/25 169/25 170/14 171/22 172/5 174/1 179/19 179/20 181/17 192/6 194/6 194/15 197/5 197/15 198/13 206/15 206/18 212/3 217/22 224/19 224/20 224/20 225/15 225/16 225/25 225/25 227/1 232/16 235/18 235/21 238/15 245/4 245/10 253/15 254/6 267/8 275/5 275/19 276/7 277/4 277/7 278/24 281/5 286/3 292/13 299/11 300/5 300/6 306/21 312/1 312/2 312/6 315/18 322/15 325/19 325/21 325/22 333/22 337/4 339/19 340/6 344/18 348/5 350/7 350/10 350/12 351/2 351/17 356/19 357/2 358/15 358/19 358/19 359/8 359/9 360/19 360/20 361/15 364/21 365/1 365/4 365/5 365/7 365/12 368/15 368/21 379/19 391/16 392/1 398/4 398/8 398/10 398/12 398/16 398/17 398/24 398/25 399/2 399/7 399/15 400/5 402/16 404/7 404/12 404/16 404/24 404/25 405/1 405/19 407/19 408/5 410/6 412/21 413/5

B

back... [203] 415/11 417/22 418/5 418/6 423/23 429/20 432/2 432/4 433/11 434/1 434/6 435/22 438/1 441/14 441/17 444/14 444/18 445/1 445/4 445/11 445/14 450/18 450/23 450/25 451/1 454/17 471/10 473/4 474/22 474/24 476/1 476/8 479/5 479/12 481/2 482/8 484/10 488/16 497/13 497/23 499/7 499/14 500/19 501/11 501/14 501/15 501/19 502/2 502/2 511/6 516/22 516/23 517/5 518/6 518/7 518/16 518/18 518/22 518/24 528/12 530/20 532/13 532/21 532/23 533/22 549/4 552/6 554/25 556/22 556/23 558/7 558/9 558/12 558/15 558/16 559/8 559/10 559/11 560/8 560/9 560/14 560/18 561/15 561/17 562/8 569/25 572/7 575/6 579/13 584/5 587/10 587/14 603/17 603/18 605/9 606/4 608/5 608/6 609/2 609/3 611/4 612/23 616/22 619/7 626/1 627/9 627/23 629/2 630/17 630/21 630/25 631/3 634/20 635/16 635/17 635/18 635/22 636/25 637/11 639/23 640/25 644/5 652/12 652/19 652/23 654/6 655/24 657/11 657/12 658/10 659/3 659/5 659/8 660/13 661/11 661/16 663/18 664/14 664/20 664/22 677/9 686/5 686/6 686/14 687/14 691/1 691/22 692/11 702/21 704/10 705/2 709/9 711/3 711/21 714/6 714/7 714/10 715/21 716/8 717/22 719/2 721/18 722/17 724/3 725/19 725/24 726/1 726/3 726/6 727/14 727/14 732/15 734/8 735/9 735/11 735/14 735/19 736/24 738/19 740/8 742/8 743/25 749/21 752/13 753/13 754/19 755/6 755/22 756/19 758/16 760/10 760/16 762/20 763/4 764/11 764/13 764/15 764/16 764/21 786/7 789/24 807/19 808/15

background [5] 23/18 51/11 51/12 525/2 557/9

backwards [2] 223/24 499/22

bad [12] 245/8 259/7 361/12 559/18 609/7 621/2 725/5 733/23 742/17 758/13 762/6 807/12

bag [7] 167/11 198/7 200/1 200/4 200/11 320/4 322/14

bagged [1] 320/1

bags [6] 9/8 195/12 319/10 320/2 320/6 320/7

Bailiff [2] 141/5 295/22

bailiffs [2] 789/24 790/4

baking [1] 230/6

balance [1] 638/4

ballgame [1] 698/6

balling [1] 808/7

ballistics [2] 269/23 271/3

bam [4] 728/1 728/1 728/1 728/1

bar [1] 91/6

barely [2] 181/3 203/3

barium [5] 224/9 224/23 228/2 228/5 233/20

barrel [13] 273/7 273/10 273/11 273/20 282/5 282/11 283/11 435/21 435/25 436/1 436/12 437/20 445/4

Barry [2] 464/2 464/10

base [9] 15/1 18/13 19/3 21/20 27/3 27/21 29/13 92/11 294/7

based [57] 17/24 58/22 66/25 67/1 67/1 71/7 71/8 71/8 71/21 72/1 72/4 75/18 102/9 102/18 117/15 119/23 194/20 195/1 201/19 208/2 212/23 223/13 234/8 262/10 284/10 291/13 305/17 450/11 450/16 466/10 475/20 475/24 478/11 528/4 528/9 528/15 529/25 530/3 530/13 530/16 535/12 535/21 535/22 537/25 575/24 578/10 578/11 678/13 679/18 696/10 710/15 716/7 718/14 768/17 780/23 782/2 800/15

basic [8] 91/20 152/18 186/5 190/9 220/9 317/9 506/2 573/25

basically [46] 22/9 54/24 78/25 89/9 93/12 96/10 98/20 121/15 165/2 178/10 186/2 213/21 220/11 225/19 249/23 249/24 262/2 262/6 263/5 263/21 264/4 264/6 264/22 265/20 267/13 285/12 316/23 321/5 321/7 321/10 321/10 330/8 363/9 388/21 390/10 390/25 397/17 403/12 405/23 536/25 539/19 539/23 647/6 695/17 702/21 795/1

basics [1] 190/17

basis [6] 102/6 177/2 177/6 697/20 698/24 703/13

battery [7] 597/16 598/7 598/8 598/9 603/10 803/11 813/12

Battle [1] 39/6

bb [6] 371/19 390/7 618/3 618/6 618/7 618/8

BB's [1] 371/18

be [665] 12/17 12/22 14/1 15/2 15/9 16/4 16/22 16/25 17/19 17/24 18/4 18/15 19/5 19/11 21/2 21/21 21/24 22/8 22/25 23/11 23/13 23/22 24/6 25/7 25/14 25/22 26/1 27/4 27/7 27/22 28/2 28/6 29/4 29/16 29/21 30/4 30/11 30/11 30/14 30/19 31/16 31/19 43/9 43/13 43/17 45/16 49/9 50/8 50/9 50/13 50/13 50/19 51/21 52/8 53/2 53/22 54/25 56/9 59/10 61/23 62/6 63/6 63/23 64/4 73/13 73/13 74/25 75/1 75/24 75/25 76/1 76/1 76/20 76/21 78/19 79/20 79/20 80/14 80/19 80/20 81/14 82/24 83/6 83/17 84/1 84/10 84/13 85/4 86/2 86/8 88/9 88/23 89/1 89/2 89/3 89/4 89/6 89/7 90/7 90/25 91/11 92/13 92/16 92/20 92/24 93/3 93/13 93/14 93/16 93/17 93/24 94/1 94/3 94/4 94/8 94/17 94/18 95/17 95/18 96/12 96/25 97/13 97/25 98/8 98/13 99/3 100/9 100/10 100/18 100/18 100/19 101/1 101/22 101/25 102/9 102/10 102/13 102/14 104/23 108/5 110/6 112/7 112/12 112/13 112/15 112/17 112/23 113/16 113/18 113/21 115/9 124/16 125/23 126/13 127/1 128/3 131/18 133/14 135/21 136/14 138/12 138/13 142/3 143/9 144/12 147/5 148/10 148/21 149/9 149/25 150/25 151/4 151/20 155/8 157/8 158/11 158/17 159/16 164/3 166/10 172/1 172/23 174/15 174/18 174/21 174/21 175/24 180/15 186/18 187/13 189/9 191/16 192/19 194/19 195/3 196/20 197/24 197/24 199/6 199/6 199/20 200/7 201/3 201/17 201/22 202/24 208/3 208/3 211/13 212/4 214/11 216/3 217/1 217/5 217/18 221/7 221/16 222/18 223/13 223/15 223/20 225/15 227/13 227/13 227/16 228/4 228/11 228/11 228/19 228/25 228/25 229/7 229/12 229/17 230/1 231/3 231/4 231/18 231/19 234/9 236/14 238/20 238/22 239/14 239/18 244/25 245/22 246/21 246/23 246/24 247/24 251/14 255/9 255/19 257/2 257/4 257/5 258/20 259/1 261/4 262/16 263/12 263/15 267/4 267/16 268/16 270/9 271/13 271/17 272/3 275/17 275/22 276/23 278/16 278/21 279/6 279/9 279/10 279/11 279/12 280/15 280/19 281/6 282/24 285/18 286/9 287/5 288/24 289/7 289/9 289/10 289/13 289/15 290/5 290/8 290/11 290/12 292/21 293/5 293/7 293/11 293/23 293/24 294/7 294/24 295/9 296/1 296/17 298/24 304/25 305/23 305/23 306/3 306/3 306/17 308/5 308/9 308/16 308/22 310/14 310/16 311/16 311/17 312/16 312/20 314/6 318/12 319/18 319/25 326/6 327/3 327/4 327/11 327/16 327/17 328/10 328/25 330/10 330/11 330/15 331/18 344/13 345/21 346/13 346/14 346/18 346/19 346/20 354/23 355/12 369/19 369/21 386/15 387/18 387/19 389/9 389/17 393/22 394/8 394/17 395/18 403/12 406/19 411/2 411/17 416/18 420/10 421/3 421/13 421/15 421/21 421/21 421/23 422/24 425/15 427/12 429/4 435/3 435/22 438/1 438/3 438/5 438/6 444/19 445/8 449/8 451/16 452/6 452/9 453/15 456/7 458/18 459/4 461/4 462/13 466/13 467/23 468/13 470/7 472/20 474/10 480/15 482/7 482/21 483/4 484/16 485/19 485/25 487/16 491/7 492/17 492/21 493/16 497/5 497/9 497/10 497/16 499/4 500/12 502/8 503/20 504/17 504/21 506/4 506/6 508/8 510/17 510/20 514/12 515/13 517/23 520/10 520/17 527/25 530/23 533/19 533/22 534/5 534/7 534/11 534/12 534/16 534/17 534/20 534/20 535/1 536/1 536/13 537/7 539/20 542/6 542/17 542/22 542/22 544/14 544/19 546/21 547/7 552/25 553/14 556/5 557/5 557/6 557/25 561/6 564/4 566/1 567/13 567/14 572/15 572/24 577/22 579/20 581/17 581/25 585/7 587/24 587/25 591/7 591/22 592/9 592/12 597/14 598/21 599/6 600/17 601/4 602/2 606/24 607/5 607/14 610/18 611/9 615/19 617/25 619/13 625/17 633/8 634/19 638/18 644/23 644/24 657/6 660/5 660/5 664/13 672/16 672/22 675/1 677/2 677/7 679/20 682/2 683/13 686/7 694/12 694/20 696/16 696/24 697/11 698/17 699/11 699/12 702/17 703/7 703/21 710/9 710/13 710/14 711/1 711/3 711/17 712/5 713/4 713/9 719/3 719/7 719/14 720/10 720/24 722/8 723/12 726/7 727/24 728/8 729/9 732/6 734/3 734/9 735/16 735/17 736/9 738/25 739/13 739/14 739/15 739/22 741/3 741/5 741/12 743/7 743/8 743/8 743/9 744/25 746/3 747/17 749/4 749/19 750/5 753/4 755/23 759/23 760/24 761/14 761/15 761/23 765/3 766/8 767/13 767/16 768/1 769/8 769/10 770/8 770/12 771/2 771/11 771/12 771/13 772/12 773/2 773/4 773/6 773/10 773/23 774/1 774/11 775/12 775/15 775/24 776/6 776/9 776/18 777/10 777/10 778/15 778/23 779/1 779/4 779/5 779/7 779/11 779/17 779/17 779/20 779/25 780/3 780/6 780/8 780/13 780/19 781/21 781/25 782/1 782/9 782/15 783/8 783/19 783/21 784/1 784/3 784/6 784/9 785/4 785/21 785/23 786/1 786/7 786/18 786/25 787/1 787/17 788/2 788/8 791/15 793/2 794/21 798/16 798/19 798/20 799/9 800/11 800/24 803/1 803/23 805/7 806/15 806/20 806/22

1402

B
be... [5] 807/21 809/25 810/5 813/25 814/8
bear [9] 53/23 112/5 112/11 275/10 275/16 291/14 442/20 635/10 737/17
bearing [1] 289/1
bears [3] 97/22 274/24 283/17
beat [1] 714/3
beating [1] 446/15
Beaufort [1] 54/12
beautiful [1] 91/16
beautifully [2] 798/13 811/17
beauty [5] 78/21 83/2 92/25 600/20 736/13
became [10] 30/2 57/21 58/19 67/8 68/3 88/14 270/4 609/12 738/16 742/23
because [341] 23/4 25/19 44/19 45/15 45/24 46/9 50/20 52/14 53/14 53/19 53/24 54/13 59/1 63/5 66/10 67/3 67/6 69/11 74/23 75/17 76/6 77/9 78/10 78/11 82/6 82/11 82/23 83/9 83/25 85/7 85/8 91/22 92/18 93/15 94/15 95/10 95/20 95/23 97/4 97/22 97/24 98/2 99/11 99/20 100/3 100/5 100/16 100/23 100/24 102/4 102/7 105/10 107/6 108/10 109/20 110/22 111/2 111/6 112/5 112/11 112/13 113/3 113/9 113/13 113/17 114/2 114/4 114/23 120/15 128/2 128/5 131/19 135/4 138/19 146/18 156/4 167/23 187/22 201/18 203/2 213/7 224/2 224/18 229/6 233/20 234/1 242/25 245/6 246/18 251/10 251/18 257/25 276/17 282/24 283/9 287/11 287/20 293/25 305/21 306/3 308/9 316/7 322/19 327/5 329/21 334/17 336/5 345/12 347/13 347/14 357/24 358/7 359/4 359/8 361/2 362/17 364/3 364/21 365/8 365/11 365/21 366/7 369/1 369/6 369/8 369/18 370/2 372/4 373/3 379/6 380/6 383/3 385/6 385/8 389/5 389/17 397/15 398/6 399/9 400/8 401/4 401/9 401/11 401/22 401/24 402/9 402/18 403/2 403/4 403/7 403/7 403/9 403/18 404/9 404/14 404/16 404/23 405/4 405/16 405/25 406/4 406/22 406/25 407/5 408/2 408/16 408/21 408/22 411/4 411/16 413/18 415/1 415/3 418/12 418/24 419/7 421/14 421/17 434/25 451/13 451/21 462/10 468/9 468/20 471/25 476/6 483/14 495/19 497/12 508/24 509/22 510/10 519/22 530/6 530/25 531/9 534/18 534/18 535/14 545/1 552/4 554/24 556/19 557/7 558/19 560/22 571/11 582/2 596/4 596/17 598/18 600/8 602/24 606/14 606/25 607/22 608/10 608/17 608/18 608/24 609/17 611/7 612/9 616/14 618/13 622/8 625/11 626/7 628/19 631/2 631/11 634/3 634/6 637/13 646/18 647/6 647/19 649/6 663/7 667/14 671/19 673/8 674/1 676/8 681/4 683/21 688/22 692/5 693/15 699/9 699/24 700/20 700/22 701/4 702/10 706/4 713/19 714/17 714/18 716/21 717/18 723/19 724/1 724/8 724/25 725/21 726/16 726/21 727/14 727/16 729/2 730/23 731/9 731/18 732/5 735/10 735/13 735/22 736/14 736/20 737/8 737/14 739/12 740/5 742/6 743/17 744/23 745/25 746/2 747/9 748/2 748/7 750/4 750/19 751/3 751/11 751/13 751/22 752/7 752/7 752/14 752/19 753/3 754/25 755/17 755/21 756/9 756/12 756/16 756/18 757/11 758/1 758/11 758/20 760/21 761/17 761/20 762/9 763/7 763/7 764/3 764/16 765/25 767/7 768/1 771/10 772/4 772/14 773/25 774/9 776/19 776/25 777/12 789/20 792/22 798/2 805/10 807/1 808/7 812/22 813/3
become [14] 29/17 55/9 93/18 116/23 224/17 271/21 274/18 315/21 428/8 505/25 726/18 732/18 773/21 813/1
becomes [8] 82/5 100/12 143/14 160/11 706/1 765/20 784/21 785/2
bed [9] 106/10 138/15 138/23 341/4 341/9 341/10 405/3 405/4 405/5
bedroom [46] 105/22 106/20 283/24 300/24 304/17 305/9 306/11 307/16 309/22 309/23 309/25 311/20 311/21 311/23 311/24 311/24 311/25 312/1 312/2 312/3 312/3 312/6 312/6 312/11 312/14 312/16 313/5 380/24 381/3 381/9 382/12 401/16 475/10 475/20 504/10 588/13 627/2 627/3 627/4 627/4 629/17 663/12 735/13 743/1 753/22 753/23
bedrooms [3] 299/3 626/25 753/24
been [301] 13/8 13/10 16/1 16/13 17/8 28/20 28/23 44/15 44/20 45/13 46/6 46/8 49/12 49/14 53/4 53/6 53/19 57/1 57/7 58/1 59/1 60/5 62/22 64/23 64/24 65/23 77/21 79/2 79/24 81/4 81/5 84/9 89/20 91/18 99/9 101/5 113/25 122/16 138/25 146/5 151/2 152/15 155/25 156/25 164/21 170/16 171/12 171/15 171/17 183/6 189/23 189/24 189/24 192/24 193/19 194/12 196/9 196/14 198/4 201/14 204/11 206/23 207/25 210/1 210/11 218/11 226/19 227/6 228/21 229/1 231/20 231/21 232/22 232/25 233/3 234/22 235/10 235/21 242/15 248/20 248/25 253/23 255/21 255/21 255/23 256/1 256/15 263/8 269/13 269/14 269/20 269/24 270/16 271/2 271/4 271/7 272/1 274/21 277/3 277/19 278/18 279/8 280/9 282/6 282/18 283/11 283/15 283/20 284/22 286/24 287/9 287/11 287/19 287/21 287/24 288/7 289/21 293/16 297/9 297/10 299/11 300/1 307/15 310/19 313/9 314/23 315/3 316/2 316/18 318/19 322/11 324/4 328/12 336/5 343/1 348/19 366/3 366/10 367/7 371/8 371/14 384/6 384/8 384/9 384/13 384/15 384/17 401/20 418/5 420/22 421/5 424/7 430/5 434/9 434/14 434/25 442/17 448/12 451/15 465/24 471/1 471/3 471/8 472/22 474/7 474/13 474/23 475/22 476/6 476/9 476/14 476/19 479/23 480/7 482/23 484/1 486/9 486/15 486/16 489/8 494/18 495/7 498/5 502/19 504/3 504/5 505/14 505/17 505/18 505/20 510/21 516/18 517/3 519/17 524/17 526/1 526/5 526/16 527/24 531/23 534/5 535/7 535/8 536/10 536/25 539/8 540/6 540/8 540/9 541/8 541/9 552/12 555/1 555/19 555/20 556/19 559/25 564/19 564/23 565/2 565/13 565/15 566/15 571/10 571/12 572/8 574/23 576/17 578/1 593/11 596/17 598/17 600/13 603/8 612/4 612/20 615/2 615/4 628/20 651/1 653/3 653/4 679/18 679/23 683/19 689/12 689/16 690/7 694/18 695/14 696/11 698/5 698/16 701/4 705/18 705/20 705/24 706/20 706/20 708/2 708/8 708/10 708/11 712/13 722/21 723/12 726/1 727/16 727/17 738/5 740/2 740/3 740/20 741/5 747/14 749/11 749/18 749/20 753/22 755/3 756/25 767/19 767/23 771/17 774/18 777/1 778/16 780/9 780/24 783/11 794/1 797/19 797/22 800/20 803/7 803/19 804/6 808/2 810/10 810/21 810/23
beers [1] 785/1
before [139] 44/18 46/18 46/20 47/21 48/24 61/10 62/9 63/19 64/1 64/5 66/4 67/2 68/5 69/22 80/19 80/20 82/5 87/4 87/4 93/8 95/21 96/2 97/10 102/1 103/20 103/23 138/17 149/4 162/2 168/21 176/21 190/1 193/9 212/9 227/2 242/10 263/9 275/12 276/22 277/10 279/3 290/10 292/7 295/4 315/5 319/13 320/5 327/24 356/20 360/12 361/6 365/13 366/14 371/18 374/13 375/14 375/18 377/18 384/20 394/12 399/3 400/20 402/14 402/14 402/22 403/7 403/15 406/13 415/4 419/3 420/5 420/19 461/23 474/11 481/6 484/7 485/7 485/15 485/22 486/1 489/10 496/12 508/18 509/12 520/22 522/9 523/9 524/18 537/22 541/12 541/25 543/13 544/4 548/22 550/9 552/13 555/19 560/22 565/14 576/13 577/16 583/3 592/2 594/10 598/16 602/24 603/8 607/22 608/12 610/22 612/4 615/6 620/15 621/25 667/9 676/11 677/1 680/5 685/2 685/11 696/2 702/22 706/13 706/24 707/23 716/1 728/1 733/13 733/25 741/7 743/15 743/19 754/2 755/13 760/20 763/20 778/22 779/25 789/1
Before because [1] 403/7
beforehand [3] 46/1 757/25 779/10
beg [25] 62/18 69/7 132/13 144/1 160/23 171/3 204/14 219/22 229/21 254/20 267/23 284/14 293/13 294/12 314/14 354/6 366/17 385/20 392/5 416/2 460/8 460/20 489/2 494/25 505/6
began [7] 73/5 167/23 270/12 471/7 488/8 736/1 808/18
begged [1] 481/10
begin [21] 43/12 43/13 45/25 95/22 101/6 102/15 148/20 294/24 394/7 468/2 520/17 533/21 591/7 694/21 707/8 763/14 767/17 773/7 775/5 775/12 790/13
beginning [13] 179/9 246/8 713/20 713/24 715/3 724/23 725/3 738/22 746/19 748/24 752/15 791/7 806/9
behalf [2] 175/16 803/25
behaviors [1] 186/23
behind [27] 73/2 230/18 232/13 252/18 262/7 273/6 340/3 360/20 413/6 413/22 419/7 488/5 498/20 499/5 499/16 499/25 502/2 518/24 548/17 548/25 549/5 613/25 614/10 630/1 637/1 733/6 758/16
being [116] 16/20 23/3 43/10 44/12 52/24 56/20 75/23 82/20 84/24 91/23 92/25 95/12 95/16 111/1 115/18 122/7 136/23 150/4 152/4 155/18 164/13 168/23 180/23 189/18 198/21 201/1 201/1 216/10 217/6 221/25 225/22 230/4 230/5 232/15 234/17 235/6 236/22 248/8 256/4 261/13 268/25 288/8 288/21 288/22 288/24 291/6 297/2 302/4 314/19 324/16 332/1 355/21 396/1 401/3 417/1 418/14 423/7 427/20 439/5 450/24 451/16 453/24 456/16

being... [53] 461/12 462/23 470/17 471/13 472/5 483/13 486/11 505/21 508/9 514/5 547/4 553/23 554/12 554/16 554/17 560/3 564/13 569/24 584/7 585/15 586/22 588/5 599/11 602/10 606/23 607/2 607/24 610/11 650/23 664/24 693/5 702/12 715/1 721/5 723/13 727/18 727/20 728/15 730/17 736/13 746/22 746/23 749/25 752/13 758/21 759/3 761/22 771/12 773/15 792/18 806/5 809/12 811/3
beings [1] 785/23
belabor [1] 715/10
Belcher [1] 701/20
belief [5] 529/25 713/12 717/4 782/18 783/5
beliefs [3] 24/1 25/19 783/7
believability [4] 100/1 100/6 599/17 776/12
believable [3] 100/21 774/2 776/18
believe [99] 23/13 49/11 74/15 94/3 100/15 109/7 120/4 127/11 138/11 141/24 154/22 165/17 166/5 166/6 167/18 169/24 171/9 171/14 177/3 182/8 182/11 182/14 182/15 194/14 205/15 228/18 232/9 259/21 259/22 272/5 281/3 284/6 291/13 307/21 312/19 360/8 371/21 384/19 393/17 459/24 461/20 477/25 477/25 486/22 508/8 508/9 509/18 512/12 532/18 567/12 576/5 580/13 580/20 599/18 599/20 610/18 641/21 646/13 654/9 661/2 667/25 672/15 686/1 695/10 698/14 700/21 709/17 709/24 710/17 710/20 710/21 719/10 719/13 724/20 742/4 742/6 745/25 746/1 746/4 746/15 749/9 749/10 753/11 766/8 772/20 772/21 774/17 774/21 774/22 776/14 776/15 776/19 786/1 787/20 789/18 789/21 805/17 806/18 809/16
believed [12] 133/22 138/12 196/7 711/12 713/8 713/14 745/1 782/7 782/14 782/20 783/2 784/5
believes [2] 697/24 722/19
belonged [2] 548/7 548/9
belonging [2] 169/14 265/2
belongings [2] 176/14 176/20
belongs [1] 582/23
below [3] 499/20 531/15 728/12
belt [1] 322/4
bench [14] 136/4 189/1 419/22 420/24 421/4 421/9 421/20 453/7 467/18 469/5 469/7 534/7 595/9 596/18
bend [1] 277/4
beneficial [4] 53/6 96/21 101/23 775/24
benefit [3] 542/9 718/19 768/22
BENJAMIN [1] 1/14
Berkeley [1] 13/8
Berline [2] 14/16 24/24
Berry [9] 20/11 221/10 221/22 221/24 222/3 223/15 236/3 318/1 728/17
beside [1] 497/21
besides [5] 147/23 183/14 184/23 409/8 519/4
best [13] 30/9 110/1 127/3 186/11 186/18 457/3 581/17 581/25 676/4 679/22 727/4 753/14 772/9
bet [3] 214/19 699/21 700/20
better [22] 43/22 90/11 95/2 124/10 193/22 194/21 194/25 201/20 203/1 246/6 257/4 288/4 308/9 441/25 569/12 569/13 594/11 606/17 610/12 610/13 755/23 810/24
between [45] 48/18 91/5 98/11 141/22 141/25 145/5 145/8 166/19 194/2 195/22 267/16 274/11 336/22 341/18 368/14 398/2 398/19 400/21 413/10 417/24 445/4 474/14 494/16 494/18 500/1 500/16 542/21 556/14 561/11 575/7 575/14 579/10 583/25 584/14 584/15 607/19 607/20 609/3 615/12 619/7 654/6 661/8 704/11 717/24 749/23
beyond [40] 76/20 98/13 99/1 99/4 109/9 121/16 300/3 697/25 698/2 698/25 699/16 710/1 710/21 711/6 718/3 718/8 719/7 722/22 724/13 724/14 726/15 726/19 739/11 739/18 739/18 745/21 767/5 767/19 768/4 768/9 770/23 771/13 778/5 779/14 780/4 781/2 781/8 787/4 787/6 787/14
bias [1] 93/9
biased [1] 776/1
Bible [38] 56/6 115/6 136/11 151/17 155/5 163/25 180/12 189/6 215/25 221/13 236/11 247/21 261/1 268/13 296/14 314/3 331/15 355/9 395/15 416/15 422/21 427/9 453/12 456/4 461/1 470/4 543/9 543/16 543/19 544/2 546/18 553/11 564/1 585/4 592/25 593/1 593/4 593/7
bickering [1] 556/21
big [4] 50/15 225/18 257/16 663/17
biggest [1] 720/10
bikes [1] 604/6
bill [4] 9/17 424/4 464/11 464/18
bills [4] 465/2 605/19 605/21 733/10
biohazard [1] 322/14
biology [2] 262/17 262/18
Bird [2] 651/25 674/6
bird's [1] 202/25
bird's-eye [1] 202/25
birthday [33] 104/1 104/4 111/5 111/5 367/25 368/5 372/5 387/25 411/12 411/17 554/20 554/21 554/22 555/5 599/25 605/25 605/25 606/2 610/22 611/5 611/14 611/18 615/9 656/3 656/7 656/11 657/15 732/16 734/10 734/11 741/21 753/15 753/19
bit [48] 58/16 66/1 70/21 88/22 102/3 121/22 130/22 132/11 172/12 172/14 185/20 201/20 223/24 229/25 230/9 230/14 244/8 367/16 370/18 382/5 397/4 413/24 413/25 414/1 420/11 434/10 467/22 472/20 474/12 526/8 570/22 602/24 606/4 622/22 622/23 622/24 632/17 644/1 644/18 671/20 689/13 720/25 745/8 747/23 748/9 753/6 753/8 755/23
bitch [4] 390/8 618/4 657/24 734/1
black [37] 32/15 36/7 36/19 37/7 37/17 38/15 39/12 39/24 40/11 120/21 120/22 144/9 144/10 144/10 144/12 144/13 147/24 169/13 225/18 318/21 319/19 322/3 322/4 322/4 322/5 322/6 322/6 325/1 347/1 372/19 418/3 436/4 496/20 496/20 496/23 758/10 810/6
Blackmon [1] 35/24
blame [1] 749/17
blank [1] 764/21
blanket [3] 78/19 135/6 359/14
bleach [1] 276/25
bled [2] 740/11 740/12
bleed [5] 449/19 740/14 740/16 740/17 740/20
bleeding [8] 183/24 380/7 432/23 433/3 433/20 434/10 446/15 668/6
bleeds [1] 446/13
blinds [3] 359/5 359/5 360/17
block [2] 437/3 758/4
blocking [2] 73/2 488/5
blocks [2] 238/17 243/6
blood [42] 14/5 15/24 16/11 17/6 19/14 21/5 26/13 122/5 133/22 171/12 171/16 171/17 190/14 194/7 196/9 196/12 197/17 203/8 267/7 267/8 267/13 267/15 267/15 267/15 267/15 267/20 267/21 297/20 297/23 298/2 325/14 432/24 433/1 433/1 434/24 446/12 446/14 447/13 447/15 449/15 740/17 740/19
blooded [1] 752/23
blow [5] 8/18 446/13 713/7 740/13 782/12
Blow-Up [1] 8/18
blown [3] 425/24 426/11 430/5
BLS [1] 152/18
blue [5] 34/3 34/3 118/25 144/11 559/5
Bluff [2] 525/1 668/22
blurry [1] 500/4
board [4] 54/17 178/11 263/1 711/9
boards [2] 763/25 764/9
Bob [1] 677/1
bodily [20] 699/13 711/11 711/13 712/25 713/7 713/9 713/15 715/7 761/14 761/17 782/6 782/8 782/15 782/21 783/10 783/15 783/22 783/24 784/6 784/16
body [71] 100/9 108/15 121/19 126/7 128/16 135/5 135/7 135/8 166/25 167/3 167/4 167/10 167/11 167/15 167/16 169/15 176/17 176/20 176/22 176/23 177/20 183/14 184/7 184/10 184/17 184/20 184/23 194/8 194/11 194/13 194/21 195/9 195/13 195/14 196/8 197/3 197/18 200/3 201/8 201/11 202/19 203/24 211/5 211/6 278/10 278/22 316/8 316/8 319/12 319/25 320/4 344/25 428/20 429/21 431/10 431/12 434/8 434/18 434/21 435/4 436/8 437/4 437/24 442/3 442/6 449/12 476/9 488/18 661/23 719/5 745/6
boi [5] 390/7 390/10 618/3 618/5 733/5
Bojangles' [4] 336/21 339/6 614/11 614/13
Boles [1] 20/15
bombarded [1] 774/18
bond [3] 478/20 479/18 600/8
Bonneville [1] 479/25
book [2] 492/2 702/12
boom [3] 107/8 417/25 632/23
boots [1] 287/6
born [6] 361/7 457/15 457/18 603/3 603/5 607/22
both [46] 13/11 15/3 17/25 18/15 19/5 21/22 27/5 27/22 48/19 91/18 92/14 119/5 182/2 182/3 184/9 223/3 266/12 340/23 345/20 350/23 352/15 377/6 405/18 412/17 433/18 435/7 448/14 474/6 474/6 486/19 534/18 600/9 632/25 638/6 648/3 657/4 705/21 718/1 763/12 766/3 769/13 770/9 791/8 801/22 809/5 811/22
bother [3] 411/12 507/23 760/7
bothering [1] 607/7
bottom [14] 55/15 95/13 95/17 168/15 203/3 207/12 207/24 208/19 304/24 309/19 323/7 343/7 487/3

B

bottom... [1] 516/4
bottoms [1] 500/5
bought [2] 606/1 611/8
Bouknight [26] 19/24 204/2 296/10 296/11 296/25 297/1 297/5 300/18 301/15 302/10 303/11 304/14 305/1 305/16 306/9 307/14 313/3 475/25 504/11 720/3 730/20 730/20 731/2 743/4 754/17 754/23
Boulevard [1] 498/3
bounce [2] 292/6 309/15
boundaries [1] 158/19
boundary [8] 154/3 154/7 158/24 159/2 165/24 166/2 166/3 166/4
bout [1] 390/7
Bowling [1] 37/22
box [27] 31/19 32/14 33/10 34/10 34/24 35/20 36/6 37/6 38/3 38/14 39/1 39/23 41/10 41/25 42/11 143/18 322/25 322/25 323/7 485/10 485/16 485/18 485/20 485/24 486/2 739/4 774/16
boxers [1] 367/16
boxes [1] 323/11
boy [3] 72/24 387/11 488/1
boyfriend [7] 406/16 454/14 454/15 454/17 467/3 467/6 725/5
Boyles [4] 456/1 456/14 456/15 460/15
boys [1] 750/15
brand [2] 282/25 291/17
brands [2] 273/21 282/15
brass [1] 274/15
brass-type [1] 274/15
break [32] 47/11 78/1 224/1 227/9 253/5 253/8 295/12 326/20 381/22 394/19 420/4 421/25 435/13 467/22 469/10 511/3 511/8 520/16 521/3 521/6 545/9 545/15 674/20 674/23 675/11 675/22 680/14 694/24 705/7 765/5 790/11 792/13
breakdown [1] 222/25
breaking [1] 441/11
breaks [1] 754/14
breath [1] 433/20
breathing [4] 119/16 153/12 187/4 187/12
brevity's [1] 682/13
brew [1] 110/16
Bri [9] 387/18 397/19 397/21 400/5 400/9 402/15 404/24 405/4 410/24
Brian [6] 20/1 20/13 422/18 423/6 495/6 719/25
Brianna [47] 19/19 104/11 105/8 105/20 107/21 108/19 219/12 331/12 331/25 332/5 356/17 357/1 358/14 358/23 371/11 372/17 375/6 396/11 397/22 397/23 456/21 558/3 569/2 569/3 569/4 614/25 615/13 615/14 615/17 617/4 618/15 621/17 653/24 654/2 654/6 656/25 657/7 657/17 666/6 692/13 692/13 719/24 721/24 722/1 736/25 743/15 754/1
Brianna's [10] 370/24 371/5 371/8 371/14 474/1 584/8 615/13 657/6 731/5 750/8
bridge [1] 600/22
Brief [1] 312/24
briefed [1] 192/18
briefly [32] 120/2 134/12 135/17 144/18 147/20 161/7 162/24 179/1 185/12 212/14 245/15 247/5 284/19 354/11 392/25 409/18 434/5 442/13 450/3 453/6 466/6 519/10 530/10 576/9 582/19 584/24 588/22 590/2 595/5 599/8 694/9 710/8
Briggman [1] 547/2
bright [1] 366/23
bring [49] 12/8 30/19 32/3 44/6 53/3 72/24 78/3 86/18 93/2 143/12 149/21 193/20 253/15 295/19 330/22 393/7 394/25 402/18 402/21 402/24 403/8 410/23 410/25 411/4 412/11 422/9 469/16 469/18 494/22 521/12 532/20 532/22 545/21 592/10 594/18 600/5 680/19 688/9 697/6 706/8 732/3 753/20 758/24 763/15 765/11 790/21 793/11 804/22 810/20
bringing [7] 599/10 710/10 710/13 710/18 760/25 781/22 781/25
brings [3] 22/5 488/1 600/2
brink [1] 414/11
bro [8] 377/22 377/23 383/3 616/13 639/16 639/19 734/4 742/10
broad [3] 596/7 652/8 776/13
broke [5] 103/22 227/7 253/9 253/10 360/14
broken [8] 226/24 423/16 426/13 560/25 560/25 723/17 735/7 735/8
broken-type [1] 560/25
brother [2] 110/2 809/24
brothers [3] 83/23 102/2 377/2
brought [24] 77/13 95/4 95/5 95/7 95/8 110/2 113/1 306/21 328/13 353/20 378/8 516/22 516/23 530/1 530/3 586/19 591/15 697/22 699/18 725/10 731/25 771/6 804/21 809/20
brown [5] 196/8 197/2 197/17 203/9 325/14
Bruh [6] 139/10 139/15 146/8 146/10 807/21 809/14
bruise [1] 187/18
buccal [7] 9/5 264/12 264/14 265/20 265/25 316/22 318/7
budget [1] 191/6
Buick [1] 194/3
builded [1] 604/20
building [46] 141/10 141/25 142/4 169/25 170/5 176/9 176/11 176/11 179/19 179/20 192/24 194/4 360/20 426/2 477/4 477/4 482/9 497/10 497/23 497/24 498/7 498/14 498/23 498/24 498/25 499/4 499/8 499/25 501/25 572/20 629/25 630/4 630/6 630/9 630/12 632/3 635/14 637/1 661/7 661/8 666/16 668/15 743/22 744/2 746/23 756/7
buildings [5] 203/17 203/17 500/1 500/17 756/5
bullet [71] 9/2 125/3 134/15 185/6 193/17 194/18 195/4 195/22 195/25 203/5 222/14 229/10 229/16 232/11 273/10 274/7 274/8 274/9 274/9 274/11 274/12 277/14 277/15 277/18 277/21 277/23 278/1 278/6 281/20 281/23 282/1 282/1 282/2 282/2 283/7 283/7 283/9 283/10 284/4 285/17 285/23 293/6 293/18 293/20 294/9 306/4 306/7 325/5 325/8 325/9 325/20 436/12 436/23 475/5 475/23 476/2 529/1 531/13 531/16 728/11 729/1 729/1 744/10 754/21 754/24 754/25 754/25 759/6 759/7 760/12 760/15
bullets [28] 114/11 114/13 185/7 196/3 272/25 274/4 274/13 281/17 281/18 282/16 284/4 284/9 285/14 285/15 286/5 286/11 287/18 449/22 503/24 528/19 729/13 729/17 729/18 730/10 757/11 759/14 760/2 760/5
bunch [7] 235/4 359/13 380/19 609/2 632/12 654/6 657/8
Burch [1] 585/21
Burdell [2] 575/4 578/15
burden [27] 97/19 97/23 98/2 98/12 98/19 98/22 98/25 99/12 546/4 698/1 710/1 718/3 719/10 724/9 724/11 726/15 726/17 726/18 726/18 726/20 726/20 739/11 746/6 767/5 767/6 767/20 781/7
burglary [1] 471/19
burst [1] 806/11
bushes [1] 476/19
business [18] 14/6 15/25 16/11 17/7 19/15 41/4 240/5 254/9 406/10 443/8 480/16 504/15 607/10 686/7 686/10 686/12 686/15 686/18
busted [4] 66/17 68/3 69/3 475/4
button [1] 655/2
buy [1] 764/22
bystander [2] 113/17 725/12

C

CAD [1] 201/17
caked [2] 208/25 209/2
calculated [2] 710/12 781/24
calculation [1] 783/20
caliber [12] 138/13 138/14 272/22 280/3 280/4 280/5 280/25 281/11 282/19 282/23 284/13 306/11
call [339] 8/15 8/17 31/25 46/8 50/2 56/2 57/17 57/19 59/3 61/13 71/17 74/2 77/6 77/7 88/10 96/11 113/5 113/7 113/9 113/10 114/25 115/3 117/2 117/11 117/15 118/19 124/5 129/17 129/21 130/6 136/7 139/23 142/13 142/15 142/15 142/19 143/6 143/16 143/22 143/24 144/23 147/8 151/11 154/20 163/20 165/11 175/25 180/8 181/15 188/19 215/20 217/2 217/6 217/14 218/10 218/10 221/6 221/9 225/18 236/6 237/10 237/11 237/12 237/19 237/19 237/20 237/24 237/25 237/25 238/3 238/5 238/14 238/15 238/18 238/19 238/22 238/24 239/4 239/6 239/9 239/18 243/18 243/21 243/22 243/25 244/9 244/15 244/16 245/4 245/10 245/22 245/25 246/15 246/20 246/22 247/8 247/17 247/18 249/7 249/8 260/21 260/22 268/8 268/9 269/4 271/22 296/7 296/10 298/11 299/4 311/21 312/1 313/23 316/2 325/9 326/13 329/1 330/12 331/8 355/5 360/3 360/4 375/17 379/17 384/19 395/10 395/12 416/11 418/21 418/22 418/23 419/2 419/19 421/8 421/13 421/17 421/18 422/16 422/18 427/5 427/6 434/20 451/12 453/1 454/25 455/24 459/9 459/11 459/18 459/23 460/3 460/19 463/6 467/16 468/22 468/23 469/24 471/25 472/8 472/10 472/19 476/4 476/7 477/12 477/18 477/19 477/21 478/2 479/13 480/17 481/12 483/11 492/16 495/3 502/21 508/21 509/1 509/6 510/11 510/14 510/25 518/16 518/18 519/2 520/13 521/24 522/3 522/12 524/19 524/23 525/11 529/9 532/11 533/9 544/15 544/16 546/14 549/1 549/3 553/6 553/7 557/20 557/23 560/1 560/9 560/10 560/15 563/12 563/21 563/22 566/10 566/22 569/7 571/15 571/17 571/18 572/1 572/4 572/8 572/10 574/3 574/24 574/25 575/2 575/3 575/14 575/16 575/19 577/16 577/17 577/24 578/4 578/9 578/16 578/24 579/1 579/3 579/6 579/7 579/8 579/9 579/10 579/12 579/13 579/14 579/15 579/16 582/23 584/7 596/7 601/21 620/8 620/19 621/16 629/25 630/2 630/11 640/19 640/25 641/3 642/4 646/6 651/25 652/10 655/2 655/21 665/24 665/25 666/1 666/2

C

call... [69] 666/2 666/12 666/17 666/19 666/22 666/24 667/2 667/7 667/8 667/12 667/21 667/23 668/1 668/24 669/15 673/5 673/6 676/16 677/25 678/17 679/8 681/8 681/10 681/12 681/14 681/16 681/16 682/4 682/9 682/15 682/20 682/25 683/3 684/7 684/24 685/12 688/15 688/23 689/18 689/21 690/5 690/6 694/2 700/23 721/9 734/24 737/3 737/18 740/24 745/17 745/19 745/20 746/21 747/5 747/7 747/8 747/18 747/18 747/20 748/17 748/18 749/4 750/22 758/7 758/13 794/25 795/7 798/23 813/14

call-out [1] 57/19

called [130] 22/8 25/4 31/6 37/22 43/19 50/3 58/10 58/12 59/7 59/8 59/17 60/20 60/23 60/23 61/9 61/10 69/22 70/5 77/6 98/22 103/24 104/9 119/24 120/13 120/14 201/16 217/16 218/1 218/4 218/9 234/9 242/24 243/3 246/23 265/20 267/11 278/20 351/6 357/7 357/11 357/16 357/23 358/4 358/7 367/24 379/18 389/13 428/17 436/2 454/23 455/4 455/6 459/14 460/1 472/5 472/7 472/13 475/25 477/25 478/3 478/4 479/5 479/6 479/8 481/5 481/6 490/24 492/13 492/17 493/22 493/24 494/4 494/8 502/12 506/20 506/21 506/24 509/22 511/16 518/10 518/12 531/22 532/20 532/23 538/14 549/2 549/4 560/16 560/17 560/17 560/18 579/13 584/8 589/2 607/23 611/1 611/3 615/7 618/15 621/11 621/11 621/15 640/22 640/23 640/25 641/2 643/15 646/8 646/11 646/14 667/5 667/6 667/6 667/9 667/10 669/12 681/15 716/18 727/11 740/7 745/18 747/10 747/16 750/7 750/8 750/11 754/11 759/18 766/23 795/4

caller [13] 238/8 238/10 238/12 239/6 239/16 243/21 244/7 245/21 246/5 492/15 494/3 507/14 508/3

callers [1] 575/21

calling [40] 59/10 85/18 139/25 213/3 244/2 314/23 360/23 370/19 371/7 371/8 374/19 468/10 470/23 493/16 509/13 534/12 557/24 559/25 572/7 614/1 614/2 631/21 632/3 640/8 642/18 654/14 657/14 667/14 677/7 688/13 692/14 692/16 725/17 732/24 732/25 736/25 737/1 746/18 758/12 758/18

calls [78] 108/13 116/19 116/19 129/7 129/13 136/8 151/13 154/21 163/21 180/9 181/13 188/20 215/22 236/7 237/7 237/7 237/11 237/15 239/21 239/24 240/1 240/2 240/9 241/4 241/10 241/15 241/19 242/4 243/13 244/14 313/24 331/12 371/7 371/13 384/13 416/12 453/4 455/25 460/23 470/1 506/10 506/14 506/16 511/15 511/17 525/25 531/19 532/19 542/21 557/7 569/6 570/11 571/9 572/9 578/1 579/9 584/15 615/12 619/7 620/22 621/4 654/6 655/12 655/19 676/17 689/12 690/15 692/7 692/8 692/12 728/1 732/18 734/22 736/23 745/13 745/15 745/16 747/5

calm [4] 60/7 106/21 106/24 752/3

cam [1] 719/5

came [130] 13/1 60/22 72/21 77/23 86/20 113/12 113/13 117/2 127/7 127/11 137/14 139/14 146/10 150/15 173/22 215/13 226/1 230/10 230/10 243/13 244/12 246/1 282/25 283/2 283/23 284/2 284/5 286/20 286/22 288/2 295/20 330/24 348/10 350/24 354/4 358/15 358/18 358/19 360/7 360/19 360/21 365/4 366/14 375/15 377/18 380/25 392/1 396/23 398/4 398/8 398/12 398/16 398/17 398/24 398/25 399/2 399/7 399/10 399/15 400/5 400/25 402/14 405/10 405/10 407/19 414/16 415/11 418/6 418/14 421/12 421/16 422/10 448/10 469/20 472/20 479/4 492/10 521/13 545/22 555/1 556/11 561/15 561/23 581/21 582/7 587/10 587/17 590/16 594/21 601/7 604/10 604/25 607/25 608/6 610/18 613/23 615/6 623/14 631/16 632/7 632/22 633/4 633/19 633/19 633/19 650/5 654/18 660/10 661/11 664/1 664/4 665/4 671/8 680/21 696/12 706/9 721/22 722/4 731/19 732/8 739/1 742/24 742/25 743/2 750/14 761/2 765/14 790/24 793/13 806/10

camera [60] 56/21 69/19 250/1 250/6 251/4 251/6 251/9 251/13 251/15 251/17 251/19 251/24 252/1 252/19 252/19 252/21 252/25 255/10 256/5 258/7 258/22 259/2 259/4 259/6 259/8 259/10 259/11 259/14 425/18 426/15 426/17 465/21 497/7 497/14 497/21 497/21 498/13 499/20 500/25 501/4 501/4 501/9 501/15 502/3 515/21 516/3 516/9 516/12 516/13 517/2 517/10 517/11 517/17 518/1 518/5 518/6 518/11 572/19 572/21 572/23

cameras [18] 250/7 250/16 250/21 252/3 252/12 252/20 252/21 252/24 253/1 256/7 259/16 423/20 424/2 465/23 466/9 501/7 503/19 512/25

campaigning [1] 89/14

Camron [1] 34/2

can [280] 12/9 22/14 29/13 30/10 31/3 31/3 31/4 45/6 48/24 51/9 53/5 55/17 57/23 58/17 63/14 63/23 72/24 77/25 78/6 82/2 82/10 83/11 88/5 92/24 94/25 95/1 95/3 97/9 101/2 113/16 123/18 123/21 123/22 123/22 128/20 128/23 129/8 129/17 133/14 138/10 140/6 141/12 143/20 154/8 160/9 168/9 179/6 179/6 186/11 186/18 187/10 194/25 197/15 197/24 203/2 203/16 206/8 206/10 213/11 220/8 221/6 224/6 224/10 227/15 227/15 227/17 227/19 229/25 229/25 230/8 230/15 231/18 231/19 231/23 233/18 234/6 235/7 239/11 239/12 242/25 243/4 243/5 246/3 246/6 252/10 256/24 257/2 257/5 257/7 257/9 270/9 272/14 272/15 273/4 276/8 276/16 276/18 277/1 277/5 277/17 278/24 280/15 281/18 281/19 286/12 286/12 287/17 288/20 288/24 289/1 289/3 290/7 293/2 299/6 305/22 305/23 305/23 308/1 309/2 311/9 318/5 319/9 319/13 319/16 319/24 322/24 324/22 326/4 327/9 327/17 328/8 332/7 332/8 352/5 359/4 359/5 368/20 390/6 392/16 425/7 425/13 425/13 426/6 431/25 438/11 438/18 439/12 440/9 441/12 441/25 446/7 446/8 447/14 447/23 455/3 463/5 468/25 469/3 471/14 476/19 485/4 485/19 486/19 497/6 499/4 499/11 500/8 500/12 501/21 502/6 502/13 506/1 507/20 508/23 510/14 512/23 514/8 515/18 516/2 516/8 520/7 528/5 528/15 530/13 530/16 530/21 531/9 533/20 535/12 535/21 541/2 543/11 544/23 545/5 549/18 569/11 570/10 577/10 577/17 577/20 578/17 582/25 587/24 587/25 592/13 592/14 595/20 598/17 600/10 600/23 602/15 610/14 633/5 633/6 633/16 634/19 637/14 638/4 655/7 655/8 655/9 655/9 655/14 655/15 657/19 659/9 661/16 665/14 669/16 674/12 674/13 674/21 675/17 675/19 676/12 678/6 678/10 680/5 680/19 681/23 681/24 683/8 684/20 685/2 698/13 698/23 699/23 700/5 700/7 700/16 710/21 717/14 717/18 724/18 725/20 727/24 733/2 736/11 737/11 739/13 739/14 739/15 742/20 745/24 752/6 764/8 764/13 770/8 773/19 777/17 787/20 789/21 799/5 800/8 802/25 807/10 810/9 810/24 812/16 813/14

can't [84] 51/24 79/14 92/16 95/17 110/5 112/10 112/15 112/17 114/12 141/18 167/24 177/5 182/14 182/15 194/24 230/9 287/18 288/19 305/20 306/3 326/3 360/8 404/23 406/21 408/16 415/16 447/21 450/19 458/6 462/21 518/21 528/11 538/17 543/11 545/3 568/14 577/21 578/11 578/14 599/18 605/6 607/16 607/17 615/8 618/19 618/22 619/25 634/23 635/13 637/12 637/14 645/8 660/4 660/12 661/9 665/11 665/16 666/11 681/16 681/22 699/17 701/21 701/25 702/2 706/4 728/8 730/1 742/21 742/21 748/10 748/11 749/9 749/10 749/13 757/16 759/14 764/16 785/23 792/20 804/11 807/21 808/8 811/13 813/17

cannot [10] 64/4 111/23 327/4 417/13 485/25 506/1 507/16 531/1 535/22 783/19

capabilities [1] 511/23

capability [1] 512/2

capable [1] 186/1

capacity [4] 26/16 216/16 217/14 566/8

captioned [2] 786/9 815/13

capture [1] 502/15

captured [1] 502/16

car [76] 54/22 146/18 166/20 202/17 342/6 350/22 350/25 357/5 358/3 358/14 372/1 372/2 408/5 408/18 412/14 412/15 412/16 479/23 479/24 480/4 480/6 551/22 555/24 555/25 556/1 556/2 556/4 558/3 558/8 558/10 558/11 559/3 562/5 562/6 562/7 562/8 605/23 606/1 611/8 612/8 612/9 612/9 614/11 617/3 621/21 621/24 622/5 639/25 640/14 642/25 650/5 650/9 661/11 662/7 662/9 667/1 667/4 667/4 667/11 667/15 711/24 715/22 716/13 729/22 729/25 739/15 739/16 743/19 755/20 758/19 759/8 759/9 762/3 762/5 762/6 762/13

card [2] 480/16 746/11

cards [1] 746/11

care [9] 112/19 153/15 183/16 223/17 298/24 429/1 434/12 565/23 753/19

career [4] 248/25 471/7 718/4 799/4

carefully [1] 276/23

CAROLINA [25] 1/1 1/4 1/9 13/20 16/6 20/12 20/19 34/4 42/5 91/6 97/22 137/11 152/12 222/4 271/6 271/9 428/12 564/25 565/16 565/17 565/19 794/9 815/4 815/10 815/14

carotid [1] 120/17

C
carpet [1] 292/5
carry [1] 767/24
cars [2] 661/20 661/24
cartridge [45] 9/1 195/18 197/2 198/10 199/7 203/6 222/13 272/19 272/21 273/24 274/2 280/2 280/4 280/5 280/15 281/1 281/11 284/6 284/8 285/13 285/18 285/20 286/15 287/8 289/4 289/21 290/22 290/25 291/3 291/14 292/1 293/1 293/3 299/2 300/5 300/11 300/25 305/7 305/21 305/22 306/10 306/14 306/17 306/18 309/18
cartridges [8] 206/12 280/25 283/21 285/13 285/14 285/16 285/16 292/21
case [213] 13/13 21/18 29/17 29/25 43/25 44/11 44/23 45/18 45/19 45/20 45/22 53/10 53/11 53/20 54/3 54/9 57/20 57/21 58/5 58/14 59/6 74/24 78/23 80/14 90/19 94/3 96/13 97/3 97/11 97/13 98/17 99/10 99/22 101/7 102/14 102/17 102/22 109/7 115/9 116/24 136/14 148/20 151/20 155/8 158/9 159/12 162/13 163/10 164/3 175/22 176/15 180/15 187/16 189/9 192/6 195/6 197/19 211/21 211/23 213/18 214/14 216/3 219/15 219/20 220/18 221/16 226/3 226/4 227/3 227/20 228/16 236/14 237/21 239/22 243/7 243/25 244/18 247/24 249/12 251/1 253/19 256/3 259/25 261/4 262/2 263/20 264/1 264/8 264/11 264/15 265/6 265/25 268/16 271/22 272/2 272/4 272/5 272/16 274/4 274/13 275/18 277/9 281/15 285/18 289/12 290/25 291/3 292/2 292/25 296/17 306/18 309/10 314/6 315/22 317/2 326/23 327/3 327/7 331/18 342/23 355/12 395/18 416/18 420/13 421/1 421/17 422/24 427/12 436/16 447/12 453/15 456/7 461/4 470/7 472/6 474/8 493/25 494/1 494/11 504/4 506/16 507/9 513/13 519/3 523/8 526/1 533/22 535/7 535/7 535/24 537/8 537/12 537/21 538/1 540/7 546/2 546/21 553/14 564/4 566/5 566/6 566/9 572/13 572/25 576/3 585/7 586/8 591/3 591/6 602/2 678/18 686/8 696/20 697/21 699/15 702/1 710/20 712/8 713/21 717/5 718/3 718/7 718/16 723/23 723/24 725/4 725/6 725/22 726/17 727/7 727/10 738/7 738/22 741/5 745/24 752/15 760/17 760/19 768/4 768/8 768/25 769/1 769/6 770/9 770/17 771/6 774/13 777/17 779/18 780/14 812/16 813/22 815/13
cases [33] 44/20 175/24 228/24 232/18 233/22 235/9 235/20 270/12 271/8 272/19 272/21 272/24 273/24 274/2 279/11 280/4 280/6 280/15 281/1 281/11 284/7 284/9 285/20 287/8 289/21 293/1 293/3 442/1 447/5 718/12 718/23 769/14 769/15
casing [28] 122/2 133/14 195/22 196/1 197/16 288/6 292/9 293/6 299/2 300/5 300/12 300/25 305/7 305/8 305/21 305/22 306/10 306/14 306/17 309/14 309/18 311/22 527/25 530/19 530/23 730/21 754/21 754/24
casings [51] 9/1 9/2 121/15 122/1 124/24 125/3 132/18 133/3 134/15 170/19 170/22 185/6 193/17 195/18 195/19 195/21 196/4 197/2 198/10 199/7 203/5 203/6 206/5 280/2 284/1 285/13 286/15 287/10 287/19 290/5 291/13 291/14 291/21 293/18 293/20 294/9 527/21 528/10 528/15 528/19 528/20 529/2 530/16 717/6 717/8 729/13 729/14 730/5 744/10 759/7 759/7
Castle [1] 535/9
casual [1] 712/22
casually [6] 14/6 15/25 16/12 17/7 19/16 712/22
catch [2] 321/5 321/8
caught [5] 378/19 414/13 414/14 451/12 549/9
cause [8] 71/7 98/16 428/21 429/14 432/22 433/19 474/15 778/9
caused [3] 220/10 364/20 434/10
causes [2] 286/2 433/3
causing [2] 716/22 808/9
caution [2] 74/9 74/23
cavity [4] 285/25 286/2 432/25 434/3
CD [7] 10/8 249/10 250/3 253/16 253/16 253/17 494/21
CDs [1] 242/22
ceased [1] 487/12
ceiling [23] 107/9 299/12 299/13 301/1 301/19 302/15 304/16 304/25 305/19 360/10 364/4 415/22 475/5 475/23 504/10 709/22 722/10 730/22 730/23 743/6 751/20 752/4 755/1
ceilings [1] 306/2
celebrate [2] 555/5 599/24
celebration [3] 104/1 104/4 104/12
cell [40] 7/9 10/8 66/18 70/5 238/5 243/3 243/13 246/22 346/4 346/6 346/8 346/10 472/10 480/16 488/18 490/4 491/12 511/15 511/17 532/3 532/6 548/2 566/10 566/11 566/23 570/3 570/15 570/16 570/17 570/21 576/18 577/4 577/7 578/8 578/17 645/16 645/17 645/21 646/7 646/9
cells [1] 316/20
cement [2] 203/17 203/17
center [8] 32/1 40/17 129/6 237/5 237/6 307/23 308/6 572/7
central [1] 165/11
Century [2] 194/3 464/14
certain [12] 104/6 202/24 205/25 231/18 231/19 253/8 315/17 528/9 530/22 717/4 770/20 780/19
certainly [48] 52/2 52/2 55/5 55/21 55/23 69/8 72/6 77/9 79/13 99/3 100/21 132/14 160/25 171/4 208/9 229/22 240/19 241/18 257/19 267/24 284/15 311/9 327/9 354/7 366/19 385/21 505/7 528/4 535/25 545/12 546/5 591/17 697/15 701/2 705/21 706/2 729/24 729/25 733/11 749/25 767/10 774/18 799/1 800/22 801/22 804/4 805/11 811/25
certainty [3] 718/12 768/14 770/14
CERTIFICATE [1] 815/1
certification [5] 190/19 190/24 191/7 191/9 223/6
certified [5] 182/3 190/20 205/10 263/8 297/25
certify [2] 815/10 815/16
cetera [1] 504/18
chain [9] 78/12 78/13 78/18 78/20 79/5 79/6 226/25 319/12 319/15
chains [1] 596/22
chair [4] 31/19 358/22 413/6 488/19
chairs [1] 88/5
challenge [3] 78/18 78/20 79/5
challenged [1] 489/25
chamber [1] 322/18
chambers [9] 12/12 20/18 322/18 538/16 538/16 553/8 553/21 553/22 554/2
chance [6] 58/5 121/25 143/11 539/16 724/2 813/18
change [16] 114/12 182/1 203/19 203/21 203/22 449/8 491/1 497/3 541/16 542/22 617/23 741/12 742/21 747/25 808/24 809/8
changed [13] 45/13 54/1 102/3 109/20 110/6 159/17 509/18 555/1 555/2 607/11 634/18 728/8 748/15
changes [2] 513/15 524/25
Channen [316] 1/7 13/21 59/4 59/10 59/13 59/14 61/9 61/14 61/21 63/5 63/11 63/12 63/16 65/21 70/5 103/7 105/24 105/25 106/9 106/13 106/16 107/3 107/6 107/11 107/18 107/20 108/2 108/10 108/12 108/21 108/22 109/8 109/19 109/21 109/25 110/2 111/13 111/22 112/13 113/4 113/19 113/24 114/9 114/16 264/12 264/14 266/1 266/15 333/9 333/20 334/21 336/15 340/2 340/9 340/14 340/16 341/13 341/18 341/20 343/24 343/24 345/8 345/13 347/11 347/17 352/15 352/16 353/9 353/10 356/5 356/21 357/11 357/11 357/16 359/16 359/20 360/7 360/23 360/23 361/3 361/10 361/17 363/8 363/12 363/15 363/20 364/4 364/10 364/12 364/25 365/7 365/13 366/3 366/12 366/14 367/7 368/15 368/20 370/19 374/18 374/19 375/14 376/22 377/6 377/14 377/18 377/20 378/14 378/17 379/13 380/25 381/5 382/11 384/1 384/6 384/24 387/10 387/20 388/11 389/4 390/12 390/25 391/3 391/4 391/6 391/8 392/14 392/18 393/17 396/8 402/25 403/1 403/14 406/24 409/22 411/9 412/2 414/16 454/8 457/4 474/4 474/16 477/16 477/23 478/4 480/3 480/13 481/5 481/13 486/11 494/6 500/25 501/14 501/21 508/8 508/10 508/11 514/17 514/20 514/23 514/24 515/3 518/6 519/4 522/21 523/3 523/10 523/15 525/22 529/11 531/22 547/10 548/12 551/15 551/23 552/2 554/2 554/3 554/9 554/12 554/15 554/22 555/1 555/4 555/12 555/24 555/25 556/2 556/14 557/14 557/14 557/16 558/11 559/22 559/23 560/5 562/4 562/10 562/18 568/12 568/16 570/3 579/2 579/11 583/25 601/21 602/8 602/9 647/2 648/11 653/10 687/7 687/9 710/2 710/17 710/22 710/23 710/24 711/2 713/23 714/18 714/25 715/12 716/16 716/16 716/17 716/18 716/19 716/19 716/21 716/21 716/21 716/22 717/11 719/1 719/15 720/10 720/11 720/20 722/4 722/6 722/11 722/22 724/21 725/5 725/15 725/18 727/4 728/25 730/9 731/19 732/9 733/1 735/7 736/17 736/25 737/4 737/13 737/21 738/6 738/16 738/23 740/22 741/7 741/9 741/10 742/11 742/25 743/1 743/3 743/11 743/15 743/19 743/21 744/25 746/16 746/16 747/6 747/11 748/6 748/10 750/2 750/17 750/18 750/20 750/25 751/2 751/7 751/11 751/22 752/3 752/7 752/14 752/19 753/2 753/10 753/13 754/2 754/13 754/16 755/3 755/7 755/19 756/6 756/15 756/22 757/11 758/5 758/8 759/2 760/25 761/11 786/19 794/9 794/12 811/12
Channen's [23] 112/15 337/8

C

Channen's... [21] 342/14 344/16 350/17 350/21 358/2 367/25 373/14 379/6 415/18 515/4 547/16 554/20 554/21 561/22 562/2 719/4 720/12 721/18 730/24 732/21 745/22
chaotic [1] 383/22
Chapel [1] 428/13
character [1] 51/7
characteristics [3] 291/15 713/18 782/24
charge [70] 6/14 52/14 52/15 53/3 53/14 91/7 97/5 98/7 98/19 100/3 225/6 262/3 474/16 529/22 537/6 537/11 537/15 592/8 592/14 593/18 598/15 598/16 598/19 599/2 599/15 599/16 695/2 695/11 695/12 695/15 695/15 696/2 696/4 699/5 699/7 699/19 699/25 700/4 700/5 700/9 700/12 700/23 701/19 702/2 702/12 702/13 702/15 703/5 703/7 703/23 704/9 704/10 706/3 707/10 726/10 763/16 764/3 764/4 765/19 766/12 769/5 772/24 786/20 788/7 789/9 791/9 791/12 791/13 794/12 802/7
charged [16] 98/5 99/7 108/24 519/9 529/23 530/4 670/12 695/18 696/16 696/20 718/16 753/3 763/7 768/19 777/23 804/23
charger [1] 358/22
charges [3] 597/13 701/11 702/11
charging [10] 66/24 97/6 99/17 529/21 697/11 701/14 701/22 703/12 802/13 802/14
Charleston [2] 13/7 27/16
chart [1] 186/7
chase [1] 752/25
chased [1] 761/4
chases [1] 755/7
chasing [2] 710/25 752/9
cheated [2] 387/15 749/20
cheating [7] 110/25 388/21 406/16 406/19 749/18 749/21 751/12
check [25] 47/5 59/9 120/1 120/2 130/13 200/15 217/3 255/12 258/15 485/10 485/12 485/16 485/17 485/20 485/23 486/2 497/4 551/2 551/5 552/5 563/15 563/19 666/4 666/6 786/23
check-in [1] 551/2
check-out [1] 551/5
checked [15] 63/11 63/20 63/22 63/24 64/3 64/6 64/11 119/20 492/15 551/8 551/12 608/5 608/6 666/23 666/24
chemical [1] 262/9
chemicals [1] 448/23
chemist [1] 222/7
chemistry [2] 222/22 262/19
chest [8] 431/19 432/15 432/25 433/13 434/3 442/4 442/7 442/8
chickens [1] 589/7
chief [4] 86/4 86/7 88/14 88/16
child [16] 40/16 57/14 72/25 103/22 104/17 111/7 111/16 111/16 175/23 345/8 457/15 604/2 606/20 607/5 714/5 806/2
child's [2] 312/3 334/22
childhood [1] 746/25
children [12] 105/8 105/21 107/21 342/7 364/17 365/10 399/21 409/8 714/16 721/25 722/8 811/2
children's [4] 363/21 363/24 404/18 475/20
chill [1] 362/18
chilling [5] 337/6 337/16 337/18 337/25 458/10
chips [1] 348/14
choice [4] 113/18 762/25 786/22 786/22
choices [3] 746/2 786/12 809/5
choose [3] 256/6 416/9 777/18
chooses [1] 546/9
chose [10] 50/7 91/22 421/7 421/13 716/24 716/25 752/23 752/24 752/24 798/19
Chris [2] 538/18 563/22
Christopher [3] 20/16 564/11 564/12
chronological [1] 574/4
Cierra [15] 651/25 652/7 652/23 655/19 655/21 656/22 671/23 672/12 672/23 681/8 682/11 682/20 686/13 686/22 721/12
Cierra's [2] 653/3 682/7
cigarettes [1] 552/6
circle [17] 118/16 118/17 121/17 239/2 480/14 659/15 659/20 660/14 660/15 660/17 660/18 660/20 661/13 693/6 693/6 744/5 786/23
circled [2] 117/24 118/8
circuit [13] 13/6 13/7 16/8 16/8 16/9 21/6 21/12 52/12 271/6 565/17 596/6 815/9 815/23
circumstance [1] 769/24
circumstances [17] 292/18 420/2 537/5 713/5 713/16 749/15 770/22 771/6 771/7 775/23 778/11 778/13 780/7 780/9 780/23 782/10 782/22
circumstantial [16] 536/4 536/21 702/15 717/1 717/2 717/5 717/17 717/25 718/1 764/4 769/18 769/25 770/13 770/14 770/19 779/6
citizen [1] 91/24
citizens [1] 798/11
City [4] 27/14 57/6 75/5 471/6
civil [7] 83/3 97/11 97/13 98/11 98/22 699/15 769/14
civilian [1] 154/6
civilians [1] 158/19
claim [5] 13/17 13/19 13/21 97/16 798/18
clarification [1] 73/19
clarify [5] 167/14 451/10 522/18 578/22 723/15
class [4] 138/1 291/15 506/3 595/16
classes [3] 297/22 506/9 810/23
classify [1] 286/7
clean [6] 81/20 264/23 276/14 276/16 276/20 764/22
cleanest [1] 753/24
clear [30] 67/12 71/25 77/6 201/19 228/19 445/22 486/24 501/16 502/8 515/13 515/15 569/23 570/17 571/8 571/11 576/15 576/17 576/19 576/23 576/23 578/8 579/20 649/10 696/18 697/16 715/11 738/25 747/17 802/15 813/4
clearer [1] 78/19
clearly [25] 51/22 52/9 52/24 77/14 144/8 233/18 516/9 536/9 537/4 541/3 599/14 678/21 680/4 697/3 698/4 698/16 699/8 699/10 701/6 729/20 731/7 801/20 801/23 804/14 805/3
clerk [7] 87/4 89/9 90/21 794/24 799/4 801/2 811/18
clerk's [1] 31/10
client [2] 81/10 675/14
clock [4] 147/1 147/6 147/7 291/5
close [40] 23/6 24/8 26/13 124/25 125/1 127/9 129/11 138/18 138/19 138/22 166/12 232/22 275/5 275/6 290/12 290/12 292/4 292/21 310/23 373/6 373/12 377/2 379/8 417/18 483/20 605/24 612/1 615/14 635/1 636/5 644/19 662/19 662/20 662/20 663/7 690/21 729/8 737/12 744/23 807/16
close-up [2] 124/25 125/1
close-ups [1] 166/12
closed [7] 243/8 243/16 245/21 245/23 246/1 286/14 404/16
closely [3] 124/14 241/8 292/13
closer [21] 77/13 124/23 172/12 172/14 203/2 207/24 292/12 308/24 309/1 343/15 377/11 397/5 417/10 442/15 454/2 454/3 529/6 591/17 602/15 635/12 736/6
closest [2] 745/4 745/5
closet [3] 359/12 376/17 376/18
closing [18] 6/11 6/12 6/13 101/19 102/1 521/25 534/11 534/17 695/1 706/2 706/14 707/3 707/21 708/18 723/9 723/16 738/14 763/12
closure [1] 810/8
clothed [1] 500/7
clothes [14] 106/11 113/15 324/10 367/15 367/18 493/5 552/13 552/14 555/1 555/2 743/17 743/23 743/24 743/25
clothing [21] 9/11 144/6 228/20 228/22 229/4 229/6 229/8 317/1 321/25 322/12 322/14 323/1 323/21 436/24 437/1 490/6 490/8 490/12 493/2 665/16 665/18
cloudy [1] 208/13
club [68] 104/9 104/10 104/15 104/20 106/1 260/12 334/15 335/25 336/12 336/17 336/19 336/21 346/4 346/23 356/18 356/19 356/20 356/22 356/24 356/25 357/1 357/9 372/12 372/13 372/22 372/24 373/6 373/11 373/12 374/2 374/9 387/12 587/9 587/16 587/17 611/21 611/22 611/23 611/24 612/18 612/23 613/18 613/20 613/25 614/15 615/6 615/24 616/4 616/22 617/1 617/2 617/6 649/20 649/23 649/25 650/2 650/5 650/14 650/16 650/21 651/5 651/8 652/5 652/6 658/3 674/10 683/23 742/16
clue [2] 339/9 448/3
co [1] 738/22
co-counsel [1] 738/22
coarse [1] 196/11
Coble [3] 21/11 21/16 40/15
code [3] 45/11 130/14 777/25
coercion [2] 64/24 486/16
coffee [1] 110/16
cold [1] 752/23
cold-blooded [1] 752/23
collect [26] 176/14 225/9 225/23 249/4 249/9 251/18 258/2 258/12 299/8 316/9 316/13 316/15 316/17 316/19 316/25 318/3 320/3 320/5 320/6 320/25 321/2 321/12 321/25 322/2 447/10 504/7
collected [19] 176/18 195/20 237/13 249/21 300/6 306/20 317/2 317/6 317/8 317/21 318/7 318/9 318/22 322/3 322/8 503/25 504/11 566/9 566/12
collecting [2] 225/11 315/14
collection [6] 201/9 225/5 248/19 260/10 297/18 317/24
collectively [1] 694/22
collector [1] 225/12
college [3] 18/10 33/16 223/2
Collins [12] 20/2 268/10 268/23 268/24 269/4 271/13 271/21 284/22 294/18 720/4 729/12 744/17
color [5] 169/13 431/13 431/13 665/16 665/17
colored [1] 753/10
Columbia [13] 1/9 15/15 20/15 21/7 27/15 54/5 57/6 75/6 152/11 165/11 471/6 550/2 564/22

C

combine [1] 29/24
combined [2] 433/20 569/11
combining [1] 537/4
come [161] 12/6 12/21 31/10 31/25 43/21 44/4 46/10 46/11 73/22 85/8 89/24 89/24 96/9 96/15 101/18 108/21 111/15 111/17 111/23 114/21 125/16 128/9 134/4 139/10 139/14 139/14 146/2 146/3 146/8 146/10 146/11 148/2 148/9 158/17 176/1 180/4 192/1 197/5 197/15 204/3 211/11 217/21 222/17 225/4 228/7 230/14 230/15 230/17 230/17 231/24 232/7 234/17 236/2 237/15 243/25 244/10 260/18 267/8 278/15 283/10 292/7 292/14 293/6 294/17 298/13 306/4 357/23 361/25 364/21 365/1 365/5 365/7 370/2 376/9 376/14 383/2 388/15 389/18 393/20 398/10 399/9 402/5 402/5 402/25 405/9 410/21 416/8 417/22 418/7 418/9 418/21 421/16 441/10 449/12 452/22 466/16 476/1 483/3 492/16 501/10 501/11 511/6 534/7 552/23 554/25 556/4 558/23 560/8 560/9 560/14 561/21 561/24 563/10 584/21 589/3 593/7 610/17 617/19 619/1 619/3 619/14 625/12 631/3 633/21 634/20 642/19 649/15 649/18 652/8 673/3 693/25 704/10 705/2 717/4 718/1 718/5 718/25 722/17 723/24 724/3 726/22 732/11 733/14 733/23 735/11 747/21 748/5 750/12 750/18 754/23 755/2 756/4 756/8 756/10 756/21 762/8 764/13 764/15 767/10 775/20 790/6
comes [37] 53/24 78/17 79/4 79/11 105/16 106/19 181/15 195/25 217/2 222/11 222/13 230/9 237/11 237/13 242/25 243/19 292/13 412/2 432/3 432/14 436/5 498/23 498/24 499/2 499/17 500/11 501/25 593/6 598/4 600/18 677/9 677/9 717/23 754/14 756/1 756/4 777/3
comfortable [5] 294/7 488/24 517/4 541/5 608/18
coming [61] 45/8 48/20 116/9 121/3 131/4 149/23 157/6 157/8 157/8 222/18 229/13 299/25 305/14 357/24 360/25 377/14 399/16 399/17 401/9 402/14 403/1 403/2 403/10 420/9 426/18 499/24 499/25 500/15 500/16 501/14 535/7 553/8 554/14 585/18 600/14 605/25 606/16 613/22 619/24 623/7 623/23 630/21 630/25 633/25 634/1 636/25 636/25 652/9 708/2 708/3 715/25 722/2 731/19 732/15 732/17 735/9 735/14 750/9 750/10 750/21 753/17
command [1] 156/13
commence [2] 96/3 788/16
commenced [9] 12/2 80/25 87/3 95/24 327/6 329/13 538/23 591/9 592/22
commencement [1] 767/17
commencing [1] 789/1
commend [2] 706/17 812/3
comment [2] 507/25 508/2
commented [1] 798/4
comments [2] 243/20 669/2
commission [2] 778/23 780/16
commitment [8] 30/7 30/13 30/23 46/3 90/18 95/23 766/10 773/2
commits [1] 785/3
committed [4] 156/25 710/3 785/4 814/8
committing [3] 28/25 767/2 767/8
common [20] 13/11 23/8 24/3 25/22 58/3 93/12 228/9 235/24 286/3 375/14 375/21 449/2 497/2 565/18 600/8 697/1 730/16 762/21 766/5 769/17
commonly [2] 231/13 231/16
commotion [2] 359/13 708/2
communicate [1] 609/7
communicated [2] 237/17 316/2
communicating [1] 569/12
communication [6] 79/25 89/7 237/6 366/3 390/11 575/6
communications [8] 106/3 129/1 129/4 130/2 237/5 569/11 572/7 579/11
communities [1] 610/5
community [1] 462/11
compacted [1] 83/14
company [8] 399/10 399/17 402/6 402/10 461/18 461/19 564/18 564/20
compare [6] 265/13 265/15 265/17 273/1 273/13 273/25
compared [4] 266/5 279/10 281/24 571/6
comparison [2] 265/23 273/15
comparisons [1] 284/8
competency [1] 262/25
competent [1] 542/9
competing [2] 789/14 789/16
complaining [2] 84/7 214/20
complete [11] 121/17 297/15 443/5 514/2 514/3 514/4 781/4 784/4 787/13 787/20 815/11
completed [9] 89/5 159/15 222/23 262/25 270/11 424/15 424/17 546/2 794/2
completely [3] 179/23 179/25 784/16
complex [27] 108/16 117/19 117/20 117/21 118/7 128/8 128/12 166/21 170/14 176/9 184/15 201/2 201/3 208/7 250/5 397/10 417/16 423/21 476/13 497/24 573/9 640/17 712/2 714/21 715/24 756/1 756/3
complicated [2] 321/4 708/8
complicit [1] 52/23
complies [46] 13/25 14/3 14/14 56/7 115/7 122/21 136/12 151/18 155/6 164/1 180/13 189/7 216/1 221/14 236/12 247/22 261/2 268/14 296/15 300/16 304/12 304/21 314/4 331/16 355/10 395/16 416/16 422/22 427/10 453/13 456/5 461/2 470/5 546/19 553/12 564/2 585/5 601/25 653/8 658/22 659/10 659/13 659/16 661/4 661/6 793/23
comply [3] 91/1 91/12 794/6
component [2] 228/1 228/4
components [3] 228/13 233/17 233/18
comprised [1] 13/7
computer [11] 45/3 45/4 202/23 249/3 249/24 496/14 502/12 504/2 764/21 764/23 812/21
computers [1] 565/11
conceived [3] 778/17 778/20 778/23
conceptualize [1] 110/15
concern [6] 30/22 82/23 100/18 100/23 478/20 785/21
concerned [10] 83/9 403/6 403/9 404/2 459/1 459/4 536/6 625/11 751/12 773/17
concerning [12] 24/1 51/6 330/1 330/3 535/14 537/25 542/11 783/19 788/7 789/8 800/7 800/12
concerns [2] 785/22 799/7
conclude [9] 52/22 54/24 76/5 528/7 535/13 697/22 698/17 700/25 772/15
concluded [4] 80/23 329/10 592/19 814/15
concludes [2] 326/19 694/16
concluding [1] 536/11
conclusion [17] 23/16 29/24 95/25 98/8 101/5 101/7 101/17 108/21 265/16 266/20 591/19 698/13 700/11 718/2 767/22 770/4 776/25
conclusions [3] 95/21 281/18 281/20
conclusively [1] 771/1
concrete [2] 294/2 435/3
concur [2] 330/14 704/3
condition [16] 272/11 272/12 277/11 285/1 317/23 318/8 318/23 320/9 321/14 323/2 424/20 484/9 608/15 782/23 784/23 785/3
conditions [2] 531/7 713/17
conduct [7] 13/9 44/13 44/22 44/24 710/11 779/12 781/23
conducted [3] 84/9 227/7 539/21
conducts [1] 108/17
cone [4] 229/12 229/13 229/14 232/9
confer [3] 12/15 533/10 694/9
conference [10] 136/4 189/1 419/22 453/7 467/18 469/7 592/14 595/9 695/11 696/4
conferences [1] 263/6
conferred [1] 534/8
confess [3] 93/5 95/12 785/16
confessed [4] 69/23 69/25 76/8 76/9
confession [9] 67/4 70/17 71/6 76/2 76/4 76/6 76/7 76/10 76/16
confident [5] 96/19 327/8 707/8 777/21 785/19
confirm [8] 58/13 490/11 492/10 492/23 492/25 493/1 493/14 493/20
confirmed [1] 492/19
confirms [1] 696/18
conflict [2] 330/7 647/20
conflicting [3] 129/2 129/20 134/22
confronted [5] 106/14 720/15 720/17 721/4 721/14
confuse [1] 721/2
confused [11] 409/2 549/11 552/17 631/19 634/8 634/14 638/14 638/15 647/17 666/12 715/2
confusing [2] 671/2 685/8
confusion [1] 78/11
connect [1] 560/2
connected [4] 28/10 344/1 506/16 621/4
connecting [1] 621/7
connection [5] 20/23 21/17 29/1 245/3 245/6
connections [2] 245/8 727/10
connotation [1] 76/7
conscientious [2] 98/16 768/7
conscious [5] 93/16 93/17 185/25 542/15 780/21
consciously [1] 775/4
consciousness [2] 186/4 433/4
consent [3] 786/16 786/19 794/11
consequences [2] 780/17 812/23
consider [13] 109/4 516/1 540/10 599/17 713/15 719/11 771/15 772/2 772/3 775/15 782/21 801/15 811/6
considerable [1] 282/5
consideration [12] 50/17 52/4 101/10 101/11 436/22 538/11 546/9 601/18 718/14 768/17 771/22 779/18
considered [13] 76/16 96/25 108/11 451/17 462/23 480/7 773/10 773/23 776/6 776/9 777/10 780/13 784/9
considering [4] 780/6 781/11

considering... [2] 781/15 802/14
consist [1] 94/7
consisted [1] 274/5
consistency [3] 728/14 730/9 734/20
consistent [43] 167/5 170/5 234/10 234/11 276/12 278/6 282/17 282/18 284/13 286/10 287/8 287/10 288/7 289/20 435/5 435/10 449/21 449/22 450/24 452/8 452/9 575/5 702/18 719/21 721/6 722/9 728/14 728/15 728/16 729/9 730/7 730/8 730/17 730/19 731/24 734/21 735/16 735/17 735/17 735/20 736/9 771/3 775/18
consistently [2] 449/23 730/14
consists [2] 23/10 771/16
constant [1] 79/25
constitution [3] 52/17 701/13 802/17
consult [1] 226/7
contact [13] 17/20 108/22 192/4 228/7 230/14 283/10 436/7 492/6 511/13 560/20 562/3 708/4 744/23
contacted [8] 57/25 192/2 192/8 204/2 298/9 298/13 298/18 299/9
contacting [1] 346/18
contacts [2] 511/13 570/11
contain [7] 224/8 224/23 276/7 280/2 280/3 280/24 572/24
container [6] 275/7 275/7 316/22 317/24 317/25 323/25
containers [3] 275/16 276/9 276/11
contains [5] 255/6 276/9 283/19 323/21 767/1
contaminate [1] 121/4
contempt [1] 792/25
content [1] 569/20
contesting [1] 78/13
context [2] 79/15 110/12
continue [24] 87/18 103/1 132/24 137/25 162/19 215/9 215/18 245/10 295/25 299/19 331/6 395/9 422/15 539/5 595/3 631/5 661/5 670/13 681/2 787/20 792/3 792/5 793/3 804/17
continued [5] 143/22 158/2 159/11 715/23 736/2
continues [6] 30/8 106/16 499/15 500/23 521/20 681/5
continuing [3] 270/15 270/23 784/14
contract [1] 608/1
contracted [2] 608/2 608/9
contractor [2] 426/2 464/3
contradicted [1] 100/3
contraption [1] 264/24
contrary [2] 97/25 529/17
contributed [1] 447/8
contributor [1] 266/23
control [10] 676/6 713/24 714/24 715/3 792/20 806/6 807/1 813/9 813/10 813/17
contusion [2] 183/19 187/18
convenient [1] 473/2
conversating [1] 616/15
conversation [12] 48/18 67/2 68/15 70/9 71/18 71/21 491/2 491/12 615/20 671/1 674/16 733/14
conversations [8] 521/4 569/15 569/24 583/25 674/8 675/12 685/3 685/5
convey [1] 808/8
convicted [3] 54/15 598/18 803/8
conviction [2] 771/10 778/3
convictions [2] 599/13 776/4
convince [3] 94/25 99/14 726/9
convinced [16] 98/10 99/7 99/20 718/10 718/15 719/14 767/19 767/23 768/10 768/18 769/22 770/2 770/5 770/24 787/2 787/8
convinces [1] 781/8
cool [3] 224/19 224/20 646/5
cooled [1] 752/23
cooler [1] 224/18
cools [1] 224/19
copied [3] 255/21 255/22 255/23
copies [2] 51/1 527/1
copper [2] 274/15 277/21
copy [17] 65/5 71/14 81/3 226/8 241/15 242/4 242/19 246/6 284/25 351/23 424/18 480/25 510/11 517/17 586/19 699/23 700/14
core [10] 274/16 274/19 277/14 277/19 277/20 277/24 278/2 278/6 283/7 283/10
corner [8] 126/9 126/10 169/25 203/17 359/1 359/7 359/19 623/15
coroner [9] 158/16 164/19 164/23 164/25 165/1 194/9 278/15 278/20 325/25
coroner's [5] 20/4 20/7 164/21 175/16 319/11
corporal [13] 115/16 115/21 127/23 134/15 155/15 155/21 156/6 156/8 156/11 159/8 160/16 163/18 192/8
Corporate [1] 34/3
correct [299] 18/1 45/16 49/15 58/20 60/3 66/3 66/6 66/8 71/4 71/20 74/21 83/16 87/7 116/7 121/20 127/12 128/4 128/24 129/21 130/20 131/5 131/23 133/19 134/24 135/1 135/10 142/13 145/1 145/23 157/15 158/11 158/14 158/16 159/16 160/22 162/6 162/18 163/12 174/2 174/23 175/6 175/19 196/5 197/19 197/20 199/23 200/24 202/17 204/19 205/11 205/14 207/18 208/7 208/15 211/8 224/4 228/15 230/22 241/11 242/16 243/2 244/2 244/23 245/1 245/7 245/9 249/1 258/24 259/1 259/9 259/18 265/8 266/1 266/2 266/5 266/24 267/3 267/21 267/22 278/10 278/15 283/3 284/3 287/14 290/16 290/17 290/19 293/5 294/6 296/3 308/11 311/13 312/4 312/7 312/14 323/21 324/2 326/5 329/2 329/3 329/6 330/5 330/17 330/17 344/15 351/11 352/11 352/23 368/13 368/22 370/20 371/6 371/10 371/12 371/16 371/23 372/6 372/8 374/3 374/5 374/8 377/8 377/10 377/13 378/5 378/7 378/18 378/20 379/5 379/7 379/9 379/14 379/21 379/23 382/9 383/4 383/9 383/21 383/23 384/23 385/2 385/14 387/8 387/13 387/24 393/18 416/1 425/14 425/20 426/11 426/19 444/6 446/20 448/4 448/18 467/5 467/7 472/23 474/9 474/19 486/22 490/19 495/20 496/22 497/1 498/7 498/8 498/10 499/8 499/10 500/23 501/8 502/9 506/17 507/2 507/5 507/7 508/4 508/14 509/4 509/15 509/21 509/24 510/2 510/6 510/13 511/21 512/14 512/16 512/18 513/16 515/22 516/15 516/24 517/15 518/13 518/16 519/21 522/11 522/15 523/6 523/8 523/21 524/1 524/14 524/17 524/20 524/23 526/21 526/25 527/19 527/20 528/17 528/21 529/2 529/3 529/5 531/25 532/2 532/5 532/10 532/18 536/12 539/11 540/11 541/17 542/1 544/17 544/22 567/15 569/17 570/1 570/4 570/16 573/20 574/6 574/22 575/8 576/13 576/16 576/24 576/25 577/2 577/12 577/25 578/14 579/2 579/8 579/24 580/11 580/23 582/1 582/5 583/10 584/1 584/9 584/13 586/20 589/4 589/15 589/24 650/6 653/18 654/2 654/4 654/7 654/14 655/13 655/24 657/13 657/22 658/3 658/16 662/13 664/9 664/21 665/24 667/15 670/10 671/21 672/10 672/12 672/14 672/17 672/20 672/23 672/25 673/4 681/17 681/22 683/15 683/24 684/3 684/5 684/8 685/25 702/25 764/4 807/7
corrections [6] 20/19 27/17 352/5 390/20 788/9 814/8
correctly [4] 63/1 237/23 313/8 510/21
correlation [2] 801/6 801/13
correspond [2] 444/9 447/14
corresponding [1] 447/18
corresponds [2] 444/12 445/9
corroborated [1] 719/22
corroboration [1] 474/14
couch [8] 349/21 349/25 375/4 399/23 400/24 418/16 418/16 418/17
could [190] 67/24 68/5 73/8 73/9 74/23 82/24 92/15 92/16 106/24 110/13 119/16 120/8 120/16 120/18 134/4 134/6 138/21 138/25 141/8 144/6 144/8 152/7 156/22 159/8 171/15 171/17 174/15 174/18 174/21 174/21 196/9 197/5 197/24 200/7 200/25 201/3 203/19 207/19 208/3 208/3 218/8 218/15 218/23 222/18 228/6 228/25 228/25 229/14 230/16 230/17 230/18 230/19 231/3 231/4 231/25 232/2 232/7 233/4 233/5 234/17 235/5 235/5 237/2 237/9 239/10 251/8 251/17 255/19 257/10 279/2 282/16 288/1 289/7 290/5 290/8 290/11 290/12 291/22 293/23 293/24 294/10 306/9 306/16 313/9 340/12 340/20 341/10 341/16 356/19 356/23 387/18 392/17 400/13 418/4 418/7 418/9 418/17 423/10 431/4 431/16 432/18 434/7 435/15 438/3 441/6 448/8 448/10 448/11 449/12 451/14 451/16 459/16 463/15 464/1 467/6 480/7 482/2 483/20 488/11 491/6 493/5 494/20 509/2 522/21 523/3 525/18 536/1 556/20 557/5 557/25 562/6 583/6 589/6 593/23 606/14 623/19 625/1 628/20 635/3 642/19 642/21 653/3 653/4 662/18 663/6 665/15 676/24 677/11 681/20 684/17 697/22 697/24 698/4 698/13 698/14 698/17 701/2 701/4 709/13 709/14 715/14 715/17 715/19 715/22 715/23 715/25 716/1 716/2 716/23 720/24 724/15 735/16 735/17 736/9 741/4 742/7 747/4 752/21 752/21 752/22 761/15 764/21 801/25 803/17 809/8 809/9 809/10 809/12 809/15 810/12
couldn't [35] 67/17 68/4 118/9 139/6 139/7 146/17 203/18 209/17 228/12 251/18 282/24 291/19 309/17 348/3 360/5 369/18 381/9 400/15 409/1 440/19 465/25 467/3 521/25 577/1 589/5 623/20 641/21 736/12 740/14 740/20 741/21 742/14 743/8 755/2 756/15
counsel [14] 12/16 84/16 168/6 177/3 330/3 330/14 503/7 542/9 586/25 680/4 738/22 763/12 794/4 815/17
country [6] 26/8 91/17 97/6 539/1

1410

C

country... [2] 767/7 777/16
county [51] 1/2 13/8 19/23 20/3 20/7 20/9 22/16 26/23 27/15 27/15 27/16 56/24 57/4 63/1 63/17 75/7 91/25 115/22 153/8 153/12 153/16 155/16 156/1 164/19 181/4 189/22 189/24 204/19 216/14 216/20 248/15 257/23 261/19 262/23 269/7 297/6 315/1 315/11 470/25 471/3 471/5 472/10 482/21 484/5 511/22 573/7 583/2 585/23 585/24 815/5 815/14
couple [23] 43/24 97/12 103/20 103/23 164/16 193/9 214/5 256/2 292/7 332/8 338/5 361/22 454/4 485/6 554/14 579/20 587/18 621/5 635/6 647/20 708/22 711/21 788/5
courage [5] 713/6 713/11 782/11 782/17 783/4
course [33] 44/14 65/3 68/13 90/6 103/17 105/4 150/18 223/4 223/5 240/4 254/8 271/25 315/9 320/3 322/6 387/2 443/7 472/11 475/4 504/14 514/9 518/5 536/2 536/24 556/19 569/9 596/10 596/16 707/9 708/10 714/23 779/5 805/5
courses [4] 190/13 190/14 190/17 297/23
court [80] 1/1 1/25 11/1 13/2 13/6 13/9 15/17 19/18 30/17 51/10 51/11 51/18 53/15 56/9 63/24 81/18 81/21 81/22 82/5 83/18 83/23 86/21 88/15 89/6 89/10 96/21 103/3 109/14 123/22 143/16 150/16 215/14 223/1 264/13 271/10 295/21 330/25 331/11 332/7 388/18 422/11 469/21 479/18 485/20 521/14 534/7 540/5 545/23 565/13 565/17 565/18 565/19 568/14 594/22 601/8 601/13 633/14 680/22 696/24 700/16 701/10 701/12 703/6 706/10 707/18 708/6 723/6 765/15 773/9 790/25 792/25 793/14 793/25 798/16 807/1 811/6 814/7 815/8 815/13 815/23
Court's [47] 62/18 69/7 81/7 81/15 81/15 81/23 81/25 82/9 83/11 84/1 84/2 84/10 84/13 84/14 85/1 132/13 144/1 160/23 171/3 204/14 219/22 229/21 240/18 254/20 267/23 284/14 293/13 294/12 314/14 354/6 366/17 385/20 392/5 416/2 460/8 460/20 489/2 505/6 696/12 700/13 700/18 701/20 790/14 790/22 791/4 791/18 802/9
courthouse [1] 421/12
courtroom [24] 32/1 32/23 33/23 35/9 36/18 37/16 39/11 40/10 40/23 45/21 78/3 86/9 89/25 96/3 112/16 112/17 141/6 143/13 211/22 326/24 395/4 706/22 788/11 790/6
courts [2] 271/6 271/10
cousin [22] 104/11 105/20 332/20 333/15 333/19 334/3 356/17 356/17 359/25 380/21 547/11 547/13 547/15 547/16 559/7 641/16 642/18 644/3 644/25 750/16 762/11 762/11
cousin's [4] 333/10 641/15 669/13 754/8
cousin-in-law [2] 547/11 547/13
cover [6] 277/7 404/7 449/3 449/7 537/13 598/23
coverage [1] 327/12
covered [6] 51/14 166/20 735/24 753/5 753/6 789/21
covers [7] 190/9 190/17 230/7 449/1 697/4 697/13 699/25
cracked [1] 623/5
crap [1] 750/21
crazy [2] 405/17 594/1
created [1] 703/19
creates [2] 757/19 801/16
creative [1] 724/15
credibility [11] 99/25 100/5 112/3 599/16 719/16 719/17 720/8 722/10 734/20 748/13 776/11
credible [5] 100/20 721/16 742/6 774/1 776/18
credit [3] 91/21 798/6 814/9
Creek [1] 455/11
crib [1] 312/7
crime [156] 8/14 10/17 14/19 23/4 26/8 28/21 28/24 49/5 50/2 50/12 63/6 71/11 98/5 99/6 99/19 102/12 116/20 120/25 120/25 121/4 121/9 121/19 123/24 124/2 125/9 125/10 125/16 125/22 126/4 126/13 126/18 126/20 128/1 130/18 131/2 131/3 132/5 133/24 134/3 153/14 153/23 154/1 154/3 156/21 156/23 156/23 156/24 156/25 157/12 157/14 157/20 157/25 158/2 158/3 158/4 158/5 158/6 158/13 158/20 158/24 159/1 159/10 159/11 159/14 160/17 161/15 161/23 162/3 162/13 162/20 163/4 163/7 163/11 165/15 165/20 165/22 165/24 166/9 166/11 166/17 167/2 168/12 170/20 173/13 173/15 173/25 174/5 185/2 189/22 189/25 190/1 190/4 190/9 190/15 190/20 191/7 191/11 191/17 192/20 192/21 193/8 205/16 205/23 216/24 217/3 217/16 218/2 218/17 249/4 259/22 262/7 280/11 297/7 297/10 297/12 297/16 297/23 298/1 315/1 315/9 315/10 315/16 316/10 322/16 322/16 322/17 323/6 471/23 475/25 476/7 476/7 476/11 476/13 476/22 506/8 516/1 526/15 589/15 711/25 713/16 716/24 718/16 720/6 753/3 768/19 770/20 778/4 780/3 780/17 781/2 782/22 784/20 785/4 787/3 787/10 787/11
criminal [22] 13/18 16/7 26/7 26/8 97/18 98/12 99/16 538/25 718/12 718/22 718/23 767/2 767/8 768/15 769/13 769/14 780/2 780/5 780/8 780/15 780/20 780/25
critical [1] 95/9
cross [78] 2/4 2/7 2/11 2/17 2/21 3/1 3/4 3/11 3/16 3/21 4/1 4/5 4/11 4/15 4/20 5/2 5/11 5/14 5/23 6/2 6/6 34/3 69/17 69/19 127/17 127/19 144/17 144/19 154/14 161/5 161/11 172/6 185/11 185/13 204/23 205/4 220/24 231/7 231/9 240/23 240/24 254/25 255/1 284/18 284/20 307/10 307/12 319/18 326/7 345/3 345/4 367/3 367/5 409/17 409/20 426/22 444/1 455/20 466/7 505/11 505/12 521/18 521/20 529/8 539/21 563/7 576/8 576/10 588/21 588/24 600/22 648/17 648/18 681/5 720/15 720/21 721/1 721/7
cross-examination [35] 69/17 69/19 127/17 127/19 144/19 154/14 161/11 172/6 185/11 185/13 205/4 231/9 240/23 240/24 255/1 284/20 307/12 345/4 367/5 409/20 444/1 466/7 505/12 521/18 521/20 529/8 539/21 576/10 588/24 648/18 681/5 720/15 720/21 721/1 721/7
cross-examine [18] 144/17 161/5 204/23 220/24 231/7 254/25 284/18 307/10 326/7 345/3 367/3 409/17 426/22 455/20 505/11 563/7 576/8 648/17
crowd [2] 131/1 131/3
crowded [1] 620/17
cruel [1] 812/7
crushed [2] 280/10 280/17
Crutchlow [17] 19/24 115/3 115/16 115/17 115/21 134/15 157/23 158/1 158/4 166/5 174/1 727/8 729/16 744/16 744/16 758/21 759/3
cry [3] 560/22 560/25 805/25
crying [32] 59/19 60/11 61/24 62/11 70/6 70/7 72/10 187/12 340/16 340/18 405/11 414/24 478/6 478/18 482/5 483/9 487/20 549/13 552/17 560/5 560/6 560/11 560/19 560/21 560/21 560/24 631/20 634/4 634/6 634/7 641/20 720/13
cryptic [1] 545/1
CS [1] 734/3
CSI [1] 504/11
cubicles [2] 483/16 483/19
cum [2] 390/7 618/3
cumulative [5] 213/16 465/12 503/3 513/20 513/22
cup [1] 110/16
cups [1] 110/17
curb [3] 118/19 194/3 529/6
curbs [1] 203/16
cured [1] 49/11
current [2] 57/9 461/21
currently [9] 57/16 115/21 116/6 152/9 189/21 190/20 191/9 191/11 461/16
Curry [1] 696/19
cursory [1] 330/6
curtilage [3] 166/11 169/22 178/1
curve [1] 306/4
custodian [1] 20/18
custody [6] 47/6 60/2 77/15 227/1 319/12 319/15
customarily [1] 791/10
cut [16] 49/17 66/23 103/12 107/16 187/21 233/8 267/18 292/13 426/1 426/8 449/17 488/17 488/19 490/16 751/5 800/3
cut-off [1] 233/8
cute [1] 718/5
cutout [1] 305/6
cuts [1] 434/18
cutting [1] 263/25
Cuz [1] 645/4
CVS [1] 613/23

D

D-U-R-S-O [1] 427/18
dab [1] 225/23
dad [3] 347/13 347/15 809/11
dad's [1] 455/9
daddy [2] 383/2 806/11
damage [14] 280/10 280/13 280/14 280/21 286/12 286/13 287/6 287/7 287/25 289/17 290/4 294/10 528/21 743/24
damaged [11] 278/1 280/22 280/23 287/24 290/5 529/4 759/19 759/20 759/21 759/22 759/24
Dan [2] 16/9 46/25
Danette [1] 34/15
danger [34] 402/13 697/7 697/8 698/7 699/12 711/10 711/12 711/22 711/25 712/1 712/4 712/12 712/25 713/4 713/8 713/14 715/7 761/7 761/11 761/22 762/2 762/13 762/15 762/16 782/5 782/7 782/9 782/15 782/20 783/1 783/2 783/9 783/15 784/15
dangerous [1] 762/7
Daniel [1] 21/16
dark [20] 73/7 119/7 132/7 144/10 144/11 144/11 145/21 147/3 147/4 414/1 442/5 488/10 500/9 623/20 628/4 663/3 741/25 742/1 742/20

D

dark... [1] 756/13
darkness [1] 624/25
Darryl [11] 547/15 547/16 548/8 548/9 548/12 551/1 551/23 563/1 563/2 642/18 644/3
data [10] 259/20 262/9 262/10 565/12 566/23 570/9 570/10 571/12 572/24 577/21
database [3] 237/14 279/10 282/12
databases [1] 282/14
date [35] 168/14 187/9 198/8 200/12 200/14 226/23 250/1 250/1 259/23 275/10 275/11 275/13 275/18 279/5 283/17 323/9 324/9 328/23 351/12 392/11 429/11 463/9 463/24 464/6 464/16 485/8 485/8 494/17 504/20 547/25 569/9 605/6 677/5 686/1 791/24
dated [1] 242/9
dates [4] 298/6 463/9 503/15 583/14
dating [2] 367/8 554/10
daughter [9] 111/17 347/9 369/12 604/12 604/18 604/19 750/22 811/4 811/4
daughter's [7] 105/22 107/1 107/4 107/10 107/12 721/20 721/22
David [10] 19/20 20/2 58/6 215/22 216/9 268/9 268/23 268/24 720/4 744/17
day [93] 42/25 44/2 45/8 46/16 61/4 61/10 66/4 67/2 68/5 72/6 93/6 93/7 116/4 117/1 137/22 138/1 138/1 138/2 138/4 182/4 182/17 182/21 187/9 217/24 218/25 249/16 259/21 298/12 301/4 302/19 316/3 326/16 326/19 327/23 333/25 334/1 334/10 334/11 334/24 382/5 386/13 392/13 412/10 437/11 458/1 480/9 481/6 482/20 482/23 483/3 489/13 490/1 506/21 508/12 508/13 508/15 509/20 511/23 532/3 551/2 551/10 551/10 551/11 551/15 552/15 554/19 562/12 562/18 583/22 585/18 591/6 606/21 610/21 610/22 617/16 651/1 670/8 672/22 677/7 683/4 708/21 738/17 767/25 774/16 774/17 805/24 805/25 807/17 811/1 811/1 811/1 811/8 811/8
day-for-day [2] 811/1 811/8
daylight [6] 171/11 252/17 258/12 299/25 497/2 813/24
days [21] 78/24 103/20 103/23 112/1 114/21 237/14 241/5 241/6 241/10 506/14 506/15 507/8 510/5 583/18 682/25 683/10 733/13 738/24 800/22 800/22 815/15
dead [29] 135/10 153/13 165/13 183/14 184/9 184/17 184/20 184/22 185/1 346/8 346/21 371/1 371/3 621/16 646/2 673/20 674/2 709/10 711/1 734/1 740/1 745/9 747/1 747/12 749/6 749/25 753/2 756/21 756/23
deadly [2] 710/12 781/24
deal [8] 50/15 52/18 79/11 90/15 535/9 577/21 632/13 769/16
dealing [6] 26/7 77/21 294/1 568/10 576/17 733/3
dealings [6] 14/6 15/25 16/12 17/7 19/15 59/14
deals [4] 565/9 697/17 726/23 769/19
dealt [3] 583/2 652/23 771/24
Dean [9] 20/3 163/21 164/10 164/12 164/16 168/18 171/7 178/6 194/10
DEANDREA [1] 1/14
Dear [1] 807/25
death [39] 165/1 165/4 165/4 175/23 192/10 298/15 316/1 408/8 428/20 428/21 429/14 434/24 447/9 711/10 711/13 712/25 713/7 713/9 713/14 715/7 725/1 727/3 738/1 761/14 761/16 778/25 782/5 782/8 782/13 782/20 783/9 783/10 783/15 783/22 783/24 784/6 784/15 808/10 809/25
death-involved [1] 192/10
debate [1] 101/25
DEBORAH [4] 1/24 815/8 815/21 815/23
deceased [3] 51/7 166/23 192/24
decedent [9] 104/7 144/7 166/18 168/13 176/8 435/15 442/22 450/13 709/11
decedent's [3] 168/16 169/11 441/8
December [1] 88/15
December the [1] 88/15
decide [21] 64/7 94/3 94/5 113/23 129/15 264/6 369/18 486/3 610/14 619/16 722/15 726/14 746/20 748/12 772/20 774/1 774/14 774/17 783/8 786/1 798/3
decided [8] 68/8 418/15 421/16 421/18 658/4 711/23 715/15 738/17
decides [3] 512/22 753/15 753/17
deciding [9] 23/13 23/14 50/17 98/9 345/20 713/13 766/7 782/19 784/10
decision [48] 15/2 17/24 18/13 18/14 19/3 19/4 21/20 21/21 27/3 27/4 29/14 29/25 31/12 82/18 92/9 92/11 102/5 102/8 102/17 540/11 540/16 540/21 540/24 541/6 541/9 541/15 541/25 542/15 542/15 543/4 596/5 696/18 697/13 697/17 699/14 773/14 774/25 775/4 775/9 777/22 786/2 786/4 786/24 793/19 798/2 798/22 798/24 812/12
decisions [9] 27/21 93/12 94/2 101/13 102/7 774/20 776/17 812/11 814/2
decline [2] 700/10 700/20
declined [1] 789/20
dedicating [1] 809/19
deductive [1] 770/3
deem [1] 788/21
deemed [1] 165/5
deep [2] 449/17 449/20
deeply [1] 808/9
deer [2] 740/6 761/5
defects [3] 273/7 273/8 282/5
defend [1] 624/8
Defendant [123] 1/8 1/21 10/1 12/5 12/5 13/15 13/16 13/21 13/25 14/3 46/20 48/19 50/7 71/17 86/16 90/19 91/6 97/15 97/17 97/23 98/5 101/8 102/18 103/7 103/15 103/21 103/25 104/3 104/7 104/15 105/24 106/6 108/10 149/17 215/7 266/1 295/7 328/2 333/9 334/21 356/5 394/15 396/8 403/14 438/2 454/7 454/8 542/7 542/8 592/5 594/15 594/16 596/15 597/13 601/6 601/16 675/9 694/1 705/14 708/7 708/21 709/8 709/17 710/2 710/9 710/17 711/10 711/11 711/14 711/22 712/24 713/3 713/13 713/18 713/23 715/6 715/8 715/11 716/4 716/6 716/10 716/13 716/22 717/10 717/16 717/21 718/15 719/15 720/13 720/20 761/7 765/10 766/13 766/14 768/18 778/17 780/22 781/3 781/6 781/13 781/21 781/25 782/5 782/6 782/8 782/14 782/19 782/24 782/25 783/2 783/6 783/14 783/23 784/2 784/9 784/12 784/14 786/19 789/8 792/11 793/7 794/4 794/12
Defendant's [72] 14/12 103/10 104/17 105/3 105/6 161/9 161/20 162/25 206/24 207/3 207/6 207/8 207/24 209/14 209/16 210/12 210/15 210/21 284/23 285/4 285/6 285/8 293/17 310/25 311/3 311/5 348/19 349/1 349/3 349/5 373/10 373/17 373/21 373/23 379/2 400/1 413/1 550/4 550/14 550/17 550/19 566/16 567/1 567/3 567/5 567/9 567/24 567/25 568/1 568/4 573/21 574/8 574/11 574/13 612/20 613/1 613/4 613/7 618/1 653/5 710/11 716/16 716/17 718/10 768/10 771/8 781/11 781/15 781/22 783/7 783/9 805/23
defending [1] 784/12
defense [132] 32/11 33/7 33/19 33/25 34/7 34/21 35/17 36/3 36/15 36/20 37/3 37/25 38/11 38/23 39/20 40/7 40/12 40/20 40/25 41/7 41/22 42/8 50/6 52/3 54/25 114/23 149/7 168/5 177/3 212/12 242/18 256/21 275/23 310/20 313/3 330/2 330/13 394/23 519/11 519/14 519/16 520/8 520/25 522/10 535/4 535/19 535/20 535/25 536/14 537/13 537/15 565/5 565/6 566/7 570/2 583/21 586/25 654/20 694/6 695/16 696/14 697/1 697/2 697/5 697/5 697/21 698/3 699/1 699/6 699/7 702/1 704/3 708/24 708/25 710/5 710/6 710/15 711/6 711/9 713/3 715/4 715/5 724/1 726/20 738/2 738/20 740/23 740/25 741/3 741/5 745/23 745/25 746/6 746/9 746/9 746/14 746/15 747/8 752/12 753/6 760/23 760/24 761/6 763/23 781/3 781/4 781/4 781/4 781/8 781/12 781/17 781/20 782/2 782/4 783/13 783/18 783/19 783/23 783/25 784/11 784/20 787/5 787/5 787/12 787/13 791/5 800/18 801/24 802/1 804/24 804/25 812/15
Defense's [1] 726/18
defensive [1] 435/19
define [1] 98/6
defines [1] 777/25
definitely [6] 377/11 385/17 448/16 576/20 719/16 807/23
definition [2] 98/20 739/8
definitively [1] 717/19
deformed [1] 287/2
degree [9] 262/17 262/17 262/20 292/17 428/10 770/14 783/21 784/1 785/3
delay [1] 47/17
delegate [2] 473/19 479/15
delegated [1] 516/20
DeLeon [2] 464/3 464/10
deleted [10] 571/13 572/1 572/2 572/3 577/20 577/21 577/23 577/24 578/2 701/4
deliberate [4] 726/5 726/13 762/21 801/11
deliberately [2] 785/12 785/25
deliberating [1] 788/19
deliberation [3] 87/19 533/21 789/1
deliberations [34] 43/12 45/25 89/5 90/9 95/22 95/24 100/17 101/6 102/15 124/15 148/20 294/24 327/6 394/7 468/2 520/17 591/8 694/21 707/9 763/14 767/18 767/18 767/22 773/7 773/11 773/19 775/6 788/16 788/17 790/13 792/4 792/6 800/23 801/7

D
delight [1] 798/5
delighted [1] 800/12
deliver [3] 93/11 788/14 793/22
deliverance [1] 91/5
delivered [2] 330/13 468/11
Delphia [1] 38/7
delusional [1] 187/5
demeanor [12] 66/13 112/4 414/9 478/5 487/16 491/1 491/5 552/16 719/18 720/12 731/6 748/15
demise [1] 108/6
demonstrate [1] 437/12
demonstrated [1] 542/13
demonstrates [1] 66/13
denied [4] 55/20 188/4 188/6 697/20
Dennis [1] 13/5
Denno [5] 48/1 48/6 51/10 55/25 58/17
deny [2] 68/20 213/23
DePace [8] 20/10 460/23 461/10 461/11 461/15 465/19 467/13 719/25
department [52] 12/16 19/23 20/9 20/15 20/19 27/17 36/11 36/24 56/25 57/5 61/20 63/17 115/22 116/1 152/12 155/16 156/1 158/23 165/19 165/23 216/15 217/7 222/8 248/15 248/18 254/9 259/24 261/20 263/23 269/8 269/14 297/7 297/9 314/25 315/2 315/7 322/16 470/25 471/2 471/6 471/18 481/14 481/16 481/18 484/5 494/14 512/6 551/21 573/7 585/23 585/25 814/8
depend [1] 55/1
depending [2] 288/16 779/22
depends [16] 133/6 133/7 133/8 175/22 191/6 206/19 239/8 288/23 292/24 436/18 438/10 449/17 449/19 450/17 514/3 593/15
depict [15] 198/13 201/24 254/5 279/13 301/2 301/22 302/17 303/20 304/23 430/7 438/21 489/12 495/19 495/22 502/23
depiction [4] 140/10 159/14 465/1 527/2
depictions [1] 324/9
depicts [2] 142/18 304/15
deposition [2] 676/24 678/15
depositions [1] 678/12
depth [1] 52/25
deputies [1] 176/7
deputy [33] 20/1 116/12 116/13 127/8 131/21 155/1 156/5 156/7 156/8 156/8 156/8 156/10 157/23 157/23 158/1 158/2 158/4 158/5 158/7 159/8 163/6 164/19 164/23 164/25 165/1 166/5 175/25 192/9 192/20 237/4 315/6 379/24 744/16
Dequilanea [1] 33/3
Derek [13] 20/17 612/14 612/15 616/6 616/7 616/11 616/13 616/20 617/3 620/4 620/7 651/10 651/15
Derek's [3] 612/22 612/23 613/14
dern [1] 761/19
describe [10] 13/17 138/10 144/6 305/10 313/4 341/12 388/23 432/19 441/7 441/13
described [3] 145/11 232/9 307/16
describing [1] 441/10
DESCRIPTION [3] 7/2 10/2 11/2
desensitized [1] 813/1
deserve [1] 112/14
design [2] 778/13 780/20
designate [2] 97/16 766/16
designated [2] 13/17 87/16
designation [1] 57/9
designed [3] 274/13 285/24 286/13
desire [1] 539/13
desirous [1] 539/10
desk [6] 59/4 61/14 192/2 477/12 477/13 481/12
destination [1] 229/11
destroyed [1] 242/16
detail [10] 95/15 95/18 124/14 130/4 160/11 507/6 522/13 522/14 566/10 566/22
detailed [2] 507/3 513/24
details [2] 184/19 343/18
detective [3] 216/14 468/6 728/21
detector [1] 227/17
deter [1] 812/10
determination [5] 31/14 195/7 289/16 292/16 780/14
determinations [1] 298/16
determine [34] 186/25 187/6 187/7 194/17 195/4 238/8 272/2 272/15 272/21 273/2 273/15 273/20 281/25 282/6 282/17 283/8 284/10 286/9 326/3 428/21 435/24 450/13 450/13 492/13 493/22 581/16 599/19 707/12 765/24 765/24 766/2 769/2 777/1 780/22
determined [3] 184/25 191/16 780/6
determining [4] 29/19 325/24 577/3 776/11
detract [1] 87/23
detrimental [1] 775/25
develop [3] 262/6 265/17 266/17
developed [4] 266/13 266/18 569/8 702/12
developing [1] 190/10
Development [1] 40/17
device [1] 502/12
devices [1] 565/10
diagonal [2] 309/5 731/3
diagram [6] 8/21 201/12 201/18 431/24 444/12 744/5
diagrams [3] 7/5 430/4 430/8
dial [1] 556/20
diapers [2] 370/6 370/6
diaphragm [1] 432/10
did [832]
didn't [354] 45/3 48/12 50/2 50/5 52/22 54/21 59/22 62/11 62/16 67/5 67/6 67/21 68/9 68/23 69/13 70/8 70/12 70/22 71/10 113/5 113/6 113/7 113/8 118/12 120/3 121/16 121/24 130/23 130/24 134/6 134/6 134/15 145/16 146/20 147/5 185/6 188/8 195/6 196/3 200/20 200/20 201/5 204/10 204/12 212/21 218/21 239/13 246/20 253/25 256/9 258/12 260/6 286/16 300/2 309/9 328/16 330/11 346/14 348/14 352/18 357/25 358/18 358/19 360/5 363/19 364/16 365/9 365/13 365/22 371/25 372/11 376/2 376/13 376/17 378/14 378/15 380/12 381/1 381/4 381/7 381/24 381/25 383/2 383/7 383/19 384/4 384/5 385/15 385/16 388/18 389/3 389/4 392/15 393/4 393/6 393/7 398/7 399/10 399/19 401/2 401/4 401/10 401/21 401/21 401/22 402/6 402/7 402/11 402/25 403/25 404/1 404/6 404/14 405/25 406/11 407/17 408/10 408/22 409/5 409/12 409/22 409/23 410/15 410/17 411/11 411/12 413/16 413/17 413/18 414/17 419/8 421/3 421/4 421/9 421/10 421/18 447/7 450/15 452/12 460/1 460/3 460/4 474/19 478/6 479/6 479/8 480/3 482/6 483/8 483/22 487/21 491/16 494/6 496/23 503/18 504/7 506/7 507/18 507/23 508/19 510/3 510/4 517/20 519/3 519/25 522/17 523/13 523/20 526/20 536/23 549/3 549/17 560/1 569/20 572/24 577/1 581/12 589/20 590/14 590/15 595/15 597/11 599/5 599/9 606/15 606/22 607/25 608/11 608/18 608/24 611/7 611/8 611/15 612/9 615/14 615/16 617/6 617/7 617/17 617/24 619/13 619/20 621/13 621/17 623/8 624/19 626/6 626/7 627/15 628/3 628/21 629/18 631/2 631/4 631/5 631/19 634/8 634/15 638/16 639/18 641/10 641/11 642/6 642/8 642/9 642/14 643/9 647/21 648/5 649/10 649/12 649/14 649/15 649/20 651/14 651/17 660/7 662/15 662/23 662/25 663/3 663/13 664/2 664/16 666/2 666/4 666/6 667/8 667/21 668/12 668/19 668/20 668/21 668/21 669/25 670/2 670/5 670/12 670/18 670/19 670/24 672/6 673/4 673/9 674/6 677/5 681/11 682/22 684/13 684/16 684/21 685/19 685/21 685/23 686/6 686/10 686/14 686/18 687/14 687/21 688/9 688/17 688/19 689/10 690/6 693/10 693/11 697/6 701/19 702/7 704/8 711/15 712/16 713/22 714/17 715/15 715/18 716/3 716/19 716/20 716/20 721/12 721/20 722/8 731/8 731/11 731/13 734/15 735/2 735/3 735/5 736/12 737/10 742/11 742/13 742/14 743/20 746/20 746/24 747/3 747/17 748/7 748/7 748/20 749/2 749/3 749/5 750/16 750/17 757/21 757/25 758/6 758/25 759/1 759/2 759/12 761/3 761/20 762/14 764/3 773/13 789/14 789/15 800/2 800/21 801/15 801/15 804/22 805/25 806/1 807/12 807/17 807/23 810/20
die [6] 433/5 433/22 435/1 647/24 691/11 758/2
died [8] 22/19 103/13 139/16 537/1 704/20 724/24 724/25 737/25
dies [1] 662/4
differ [2] 772/25 773/18
difference [8] 98/11 143/12 195/22 195/24 227/23 267/16 274/11 717/24
differences [2] 97/12 289/9
different [57] 48/11 90/1 119/2 126/2 129/7 133/11 133/12 163/7 175/5 179/25 182/12 184/13 196/10 197/1 201/3 203/19 224/3 224/25 225/14 252/21 252/24 252/25 285/15 289/7 357/8 388/15 406/14 406/16 446/17 471/18 471/20 473/20 473/20 473/21 473/22 494/12 515/21 531/10 539/23 566/20 587/18 650/17 650/19 654/24 657/14 691/6 691/7 691/8 698/6 698/19 698/20 716/12 723/17 741/16 756/2 779/3 808/19
differently [3] 110/6 196/11 791/6
differing [1] 50/10
differs [2] 773/11 774/6
difficult [5] 66/10 78/24 366/10 574/25 705/19
difficulty [9] 187/4 710/10 710/14 710/18 710/22 715/14 760/25 781/22 782/1
digital [8] 20/16 564/17 565/7 565/8 565/10 565/15 565/22 566/9
dignity [2] 597/2 793/3
dilute [1] 276/24
dimensional [2] 308/4 308/5
dire [1] 49/3
direct [84] 2/3 2/6 2/10 2/14 2/16 2/20 2/25 3/3 3/8 3/10 3/15 3/20 3/23 3/25 4/4 4/8 4/10 4/14

direct... [66] 4/19 4/22 4/24 5/1 5/6 5/8 5/10 5/13 5/18 5/20 5/22 6/1 6/5 56/21 70/21 115/19 136/24 152/5 155/19 164/14 180/24 189/19 207/12 216/11 222/1 236/23 248/9 261/14 269/1 297/3 314/20 332/2 332/9 355/22 371/21 396/2 417/2 423/8 427/21 453/25 456/17 461/13 470/18 539/20 547/5 553/24 564/14 585/16 602/11 651/9 654/9 717/1 717/20 717/23 717/25 718/1 720/13 720/21 731/2 769/17 769/18 770/12 770/15 779/6 801/5 801/13
directed [9] 31/19 54/7 55/22 535/4 537/7 537/25 696/9 697/19 801/19
directing [1] 291/2
direction [25] 141/15 142/1 288/6 289/4 291/3 291/6 293/9 445/5 445/10 498/2 498/21 499/2 500/17 500/19 501/13 527/23 572/20 633/24 661/10 716/3 716/11 717/9 717/16 720/22 730/11
directions [5] 114/11 114/13 186/6 373/11 449/21
directly [7] 46/10 100/4 192/3 450/24 559/19 666/19 666/22
director [2] 34/3 237/4
dirt [9] 174/14 208/21 208/22 209/1 635/1 735/25 735/25 736/1 736/11
dirty [1] 418/5
disagree [1] 777/14
disagrees [1] 727/4
disappeared [1] 419/8
disarm [1] 714/2
disarms [1] 714/8
discharged [3] 222/12 588/10 588/12
disclosed [2] 44/20 330/15
disconnected [2] 238/14 572/8
discount [1] 53/4
discourages [1] 52/13
discovering [1] 565/9
discovery [1] 79/25
discretion [2] 234/9 776/13
discriminate [1] 229/2
discuss [22] 45/18 45/19 45/20 96/17 100/17 101/18 148/20 211/20 326/23 327/4 420/13 533/22 538/19 591/3 707/5 708/19 726/4 726/5 726/13 772/1 775/9 786/8
discussed [10] 12/12 284/6 420/21 450/7 539/4 594/10 673/2 774/4 787/4 791/8
discussing [1] 801/2
discussion [3] 75/15 107/5 231/20
discussions [3] 90/10 540/8 542/11
disheveled [2] 549/4 549/11
dishonest [1] 598/5
disk [9] 257/7 257/9 257/11 257/12 258/3 259/17 566/18 567/11 567/13
disks [1] 765/1
dismiss [4] 51/3 53/9 53/11 55/20
disoriented [1] 186/25
dispatch [8] 165/12 237/8 238/24 239/1 493/24 506/20 506/21 643/16
dispatched [3] 153/7 237/10 244/25
dispatcher [3] 243/18 506/22 525/13
dispatchers [4] 129/6 238/19 239/21 240/1
dispatches [1] 129/7
disposable [1] 225/7
disprove [9] 97/24 101/9 538/24 546/6 746/8 746/10 746/12 760/23 787/12
disproved [2] 787/5 801/24
disproven [1] 787/14
disproving [2] 699/1 781/7
dispute [15] 13/18 14/24 22/5 22/23 23/3 28/9 29/18 29/25 30/22 96/11 96/23 97/18 99/17 742/12 772/8
disputes [5] 13/11 16/6 16/7 768/15 769/13
disregard [5] 491/20 773/14 774/7 776/7 779/12
disrespectful [1] 708/6
disrespecting [1] 807/3
distance [5] 288/15 289/4 374/6 436/12 448/9
distinct [2] 96/8 694/17
distinction [1] 770/11
distorted [1] 278/1
distracting [1] 706/5
distracts [1] 214/2
distress [5] 186/21 187/1 187/3 540/22 541/1
District [2] 34/17 34/18
disturb [5] 138/6 158/23 159/1 160/17 218/20
disturbances [4] 325/7 325/9 325/16 325/20
disturbed [3] 174/22 178/21 323/9
disturbing [1] 170/21
Division [4] 20/12 222/5 269/18 565/1
DNA [30] 176/16 261/24 261/24 262/6 262/16 262/20 262/24 263/1 263/8 263/13 263/23 263/23 264/1 264/21 265/1 265/5 265/9 265/12 265/19 266/3 266/21 266/23 267/19 267/19 300/8 306/22 306/24 306/24 315/17 316/23
do [839]
DOA [1] 182/18
DOC [2] 599/10 599/12
doctor [2] 608/3 608/6
doctors' [1] 555/22
Doctrine [1] 535/9
document [25] 22/6 69/3 89/10 130/16 140/6 157/16 159/9 166/10 169/18 272/12 315/12 316/9 428/21 432/1 442/25 447/6 447/23 463/5 463/16 463/21 580/24 580/25 677/19 766/22 786/11
documentation [4] 201/10 206/2 206/3 488/21
documented [9] 176/19 176/20 209/25 210/2 210/5 258/9 316/2 431/23 584/4
documenting [2] 167/9 285/1
documents [11] 84/6 219/8 243/23 244/1 260/3 438/18 439/12 440/10 464/20 464/25 584/2
Doe [1] 153/9
does [130] 12/17 20/23 23/24 47/20 75/13 85/24 98/15 99/5 112/20 116/3 116/13 116/18 117/7 125/21 126/4 153/4 164/25 181/11 181/25 182/1 184/4 187/1 197/23 199/5 199/13 201/21 201/24 217/6 220/13 225/4 228/20 230/3 230/24 237/6 238/12 242/1 243/16 243/18 244/6 249/6 249/7 252/12 263/20 271/22 271/23 275/10 275/12 276/7 278/12 278/14 279/6 279/13 280/2 280/17 280/24 283/10 283/22 283/22 287/15 288/21 288/23 304/23 323/22 337/16 343/23 348/22 351/23 366/8 390/9 397/7 420/5 442/20 448/23 449/7 455/10 461/19 465/19 472/9 473/23 489/14 495/18 495/22 495/24 497/19 497/20 500/4 500/6 500/10 500/24 504/17 512/19 515/8 517/8 517/12 517/19 531/14 532/12 532/14 546/10 566/20 566/22 570/8 571/25 601/16 708/22 711/6 716/5 718/12 718/23 718/24 735/6 752/3 752/4 757/13 757/21 762/22 762/23 768/4 768/15 769/7 770/17 774/14 778/21 782/25 783/25 786/16 791/6 801/17 803/10 803/20
doesn't [46] 73/11 75/7 84/9 87/15 89/12 100/4 112/19 114/1 213/24 230/24 231/1 234/3 370/5 434/2 449/3 449/19 488/13 507/14 532/11 532/20 532/22 535/19 535/20 546/6 599/18 698/10 698/11 702/22 721/7 721/11 725/4 726/17 726/18 729/6 742/4 745/9 745/16 749/22 751/10 751/10 752/5 753/18 758/15 769/14 776/7 801/14
dog [4] 267/15 733/22 752/9 810/16
doing [87] 12/9 44/15 48/3 55/11 58/9 64/23 75/10 90/14 137/3 137/4 137/20 173/20 193/7 197/13 214/20 217/23 248/20 248/22 248/25 250/22 250/25 260/11 260/14 269/20 275/3 288/17 292/17 292/24 315/3 333/25 334/6 335/25 337/24 339/17 358/20 359/18 364/1 382/22 387/10 396/19 403/2 403/15 403/15 403/25 405/12 406/6 425/22 428/15 428/17 454/20 479/20 486/15 505/20 509/9 544/20 570/18 576/3 588/11 596/3 599/3 608/19 611/6 621/18 621/24 638/11 639/1 648/7 661/13 678/11 698/15 698/17 719/5 724/6 736/19 749/21 754/5 755/15 758/17 758/18 758/22 778/9 779/24 785/15 798/9 810/9 810/24 812/9
Dominique [11] 20/10 20/15 453/4 453/22 453/23 454/7 455/25 456/14 456/15 456/19 492/18
Don [1] 19/24
don't [430] 17/15 20/22 26/21 31/16 34/16 43/14 43/14 43/23 44/13 45/14 48/2 50/7 51/17 51/23 52/7 52/17 52/20 52/25 53/8 54/11 55/5 55/11 55/14 55/15 59/8 60/10 60/15 68/12 70/11 70/14 70/23 70/24 70/25 71/10 73/18 74/4 74/4 75/3 76/10 76/18 78/4 78/20 79/20 79/23 80/6 82/13 82/20 83/7 83/21 83/24 83/25 84/5 84/19 84/24 84/25 85/9 89/11 89/14 90/2 93/15 93/20 94/15 94/15 95/3 97/19 97/20 97/21 100/15 100/15 101/4 101/12 102/7 110/19 112/4 121/12 121/18 122/19 124/5 128/2 138/3 139/24 148/20 150/5 150/22 157/8 162/16 162/19 171/18 173/2 194/14 202/17 208/2 209/24 212/20 213/8 213/19 213/23 214/6 214/12 227/3 229/2 238/15 250/7 252/5 252/5 255/11 255/19 255/22 256/4 260/14 273/17 278/13 280/7 280/7 280/22 280/23 286/4 287/12 287/19 287/25 291/10 307/24 308/9 309/15 309/19 309/23 311/11 319/22 327/11 327/15 327/16 329/19 334/7 334/9 334/25 335/20 335/21 337/15 338/3 338/18 339/23 342/2 343/13 343/13 343/22 345/25 346/9 346/11 346/11 346/22 347/23 349/17 350/6 351/7 352/24 353/17 357/17 357/20 359/3 365/2 369/21 374/10 376/6 376/10 376/11 379/18 380/1 381/16 381/25 386/3 386/6 386/8 386/9 392/15 397/25 398/2 401/18 402/21 406/5

D
don't... [251] 406/6 406/9 407/4 407/12 409/9 409/10 409/14 411/7 415/6 415/14 415/16 415/20 417/19 418/25 419/4 420/14 425/10 446/11 446/14 447/25 449/8 452/18 452/19 455/15 456/22 456/25 465/9 465/24 466/10 466/18 468/2 468/12 468/20 468/23 472/11 472/11 472/18 478/14 478/17 480/1 488/23 495/2 498/22 501/16 503/4 510/21 511/2 511/5 511/7 511/24 515/18 516/6 517/16 518/1 519/15 519/17 520/15 523/24 525/5 525/21 528/1 532/14 534/11 534/21 535/11 537/8 537/11 537/14 539/2 539/2 543/2 543/9 543/15 543/23 544/1 544/2 554/13 556/17 561/3 562/11 565/6 570/20 573/3 579/8 579/15 581/9 590/5 593/3 598/1 598/15 599/1 600/9 600/10 600/16 600/16 600/21 620/20 624/1 625/6 626/5 631/10 635/14 635/14 645/9 646/13 648/22 648/22 650/9 650/13 654/18 654/25 657/21 660/22 660/23 661/7 661/12 661/14 662/6 665/9 665/25 666/10 667/25 669/21 669/24 670/10 670/16 670/23 671/8 671/12 671/13 673/5 673/11 673/16 673/17 673/20 673/20 673/23 673/23 674/3 674/3 674/5 674/5 674/8 674/9 674/15 674/16 674/17 674/20 674/22 676/25 677/8 677/21 677/23 679/9 679/20 680/13 681/10 681/12 684/14 684/22 685/3 685/5 685/9 688/22 692/20 695/9 695/20 696/2 696/25 698/14 700/9 701/8 701/18 702/5 704/9 704/11 704/20 711/4 712/1 712/3 712/7 712/12 712/23 715/3 718/6 719/6 719/6 721/2 721/13 723/18 724/2 726/6 728/4 728/5 728/6 728/7 728/20 730/1 730/3 730/16 731/7 733/22 733/22 737/6 737/7 737/8 737/8 737/20 739/17 740/4 744/20 745/20 745/22 745/25 746/7 746/17 746/17 747/1 747/2 747/24 748/17 748/21 748/25 748/25 749/6 749/7 752/2 753/16 755/17 758/17 763/14 772/13 772/13 774/16 775/10 776/17 777/4 785/20 789/12 792/24 798/17 799/1 800/19 804/12 804/15 804/24 805/4 805/6 812/22 813/14 813/20
done [40] 22/13 54/6 89/18 89/22 101/25 160/8 177/21 183/11 256/2 289/12 387/14 424/13 447/18 448/10 448/11 485/7 487/6 487/9 526/10 526/12 526/14 544/20 596/20 598/15 599/6 620/2 686/2 708/5 723/14 740/3 748/3 748/6 760/20 762/17 762/19 766/9 775/1 780/19 791/10 807/14
door [120] 44/9 62/25 72/21 72/22 72/23 72/24 73/1 73/2 73/2 105/23 106/6 106/13 107/1 113/15 307/20 308/3 308/12 308/13 308/15 308/24 309/1 309/25 310/5 310/14 310/16 311/12 337/19 338/2 339/19 339/20 339/22 339/24 340/1 340/2 343/25 349/23 349/24 350/1 353/10 358/9 358/10 358/21 359/2 360/1 365/12 375/23 376/16 377/21 378/21 381/2 381/9 401/16 401/22 402/3 403/21 404/16 404/18 404/20 404/25 414/6 414/8 415/2 417/25 418/1 418/2 418/2 418/12 419/6 419/7 475/12 475/12 475/13 483/20 483/22 483/23 488/2 488/4 488/5 488/5 519/1 521/25 588/13 596/13 622/5 622/6 622/7 622/13 622/15 622/17 622/21 622/25 623/3 623/4 623/4 623/6 623/10 623/10 623/12 623/13 623/14 623/15 625/12 626/22 627/10 627/12 629/12 629/13 663/12 663/18 664/1 714/2 714/2 730/16 735/5 735/9 750/2 752/5 754/20 754/21 754/24
doorway [2] 365/14 413/18
Dorothy [1] 20/7
dose [1] 279/4
double [3] 76/7 225/19 471/13
double-sided [1] 225/19
doubt [68] 76/3 98/14 98/15 98/21 99/1 99/4 109/9 327/11 525/22 525/24 697/25 698/2 699/1 699/17 710/2 710/21 711/7 718/3 718/4 718/6 718/9 718/13 718/19 718/24 719/7 722/22 724/13 724/14 724/16 724/18 726/2 726/15 726/19 739/12 739/13 739/14 739/15 739/18 739/19 739/22 739/22 739/23 739/25 767/6 767/20 768/5 768/6 768/6 768/9 768/16 768/22 768/24 769/3 769/6 769/10 770/24 771/14 778/5 779/15 780/4 781/2 781/9 781/10 781/15 787/5 787/6 787/14 799/3
down [161] 24/17 60/7 62/15 69/12 73/22 73/23 85/8 106/21 106/24 108/15 117/4 119/14 119/15 123/18 123/19 123/25 126/14 128/9 135/16 135/20 141/3 141/4 148/9 154/16 157/2 160/9 163/17 166/19 167/23 180/4 188/13 197/10 211/11 217/3 221/1 224/1 224/19 224/20 227/1 236/2 244/8 247/13 250/22 251/3 251/4 251/5 260/18 268/5 294/17 304/24 307/24 308/2 313/17 324/22 326/10 345/12 354/21 354/22 382/6 382/20 383/1 392/19 393/20 393/21 400/8 403/16 410/11 416/8 419/15 427/2 430/21 430/23 431/3 435/1 435/11 441/16 442/8 448/13 448/15 448/17 452/8 452/22 455/22 455/23 460/15 467/12 476/1 479/17 479/18 482/5 498/15 498/17 499/13 499/14 502/6 514/13 514/15 518/23 518/24 521/3 524/13 527/24 533/6 533/8 552/23 556/5 558/6 558/20 558/24 558/25 559/24 563/10 563/11 575/22 581/24 582/6 584/21 590/21 612/7 619/20 628/17 633/7 633/9 633/12 634/4 637/23 638/2 639/8 639/9 648/2 648/10 658/12 658/13 661/16 675/15 693/25 693/25 694/1 703/17 711/1 712/8 719/3 723/17 725/21 728/22 732/6 734/13 734/13 738/3 752/3 752/9 752/10 752/25 754/8 754/18 755/8 756/10 760/3 760/9 761/4 807/2
download [9] 249/25 250/2 250/9 252/4 257/4 257/10 503/21 532/12 577/12
downloaded [11] 250/20 252/13 254/6 255/7 255/11 255/15 255/16 256/10 256/13 532/8 532/9
downs [1] 345/18
downstairs [1] 42/22
Doyle [1] 75/13
dozens [1] 761/9
Dr [29] 167/13 427/6 427/23 427/25 428/24 430/2 430/23 431/5 431/9 432/18 433/6 437/16 438/13 438/15 439/9 439/12 440/8 441/5 441/5 441/23 442/18 443/24 709/10 728/9 730/9 735/15 740/10 744/21 756/24
Dr. [1] 728/2
Dr. Durso's [1] 728/2
dragged [1] 804/19
drastic [1] 557/15
draw [4] 96/18 101/21 659/11 707/7
drawing [3] 201/12 202/19 626/13
drawn [4] 310/21 311/10 536/13 779/7
Dre [1] 672/4
dress [7] 347/1 347/1 347/3 372/15 372/17 372/18 372/19
dressed [2] 336/1 397/19
dried [8] 323/1 434/22 446/9 446/10 451/19 451/21 452/12 720/16
drink [4] 105/1 552/6 650/21 784/24
drinker [2] 651/7 651/8
drinking [1] 336/8
drinks [5] 336/9 614/17 651/3 708/22 784/25
dripped [1] 196/14
drive [43] 24/9 117/16 152/20 153/7 156/16 159/12 165/7 170/15 181/25 218/5 218/5 249/19 249/25 250/2 253/12 253/14 257/17 298/3 374/4 379/2 379/3 379/10 472/17 494/16 498/3 498/21 499/16 499/17 518/7 518/19 518/22 555/14 575/4 602/22 611/25 612/8 612/11 621/15 645/2 662/11 667/1 667/19 755/20
driven [1] 162/2
driver [2] 37/12 54/16
drives [3] 257/19 745/12 758/19
driving [20] 26/5 26/6 118/7 118/8 128/8 162/17 182/4 182/7 182/8 287/12 350/3 350/13 374/6 479/23 558/4 641/14 644/25 650/8 650/9 729/17
drop [2] 321/8 659/17
dropped [5] 104/23 549/20 637/8 637/9 745/2
dropping [5] 276/18 620/7 620/22 621/3 621/8
drove [16] 128/13 128/14 128/15 344/18 371/21 408/5 412/15 412/16 482/12 612/9 616/22 644/1 645/3 662/13 762/3 762/4
drug [1] 784/24
drugs [7] 65/22 448/22 448/23 449/3 784/21 785/1 785/2
drunk [12] 26/5 26/6 60/16 67/7 70/15 71/1 114/6 400/12 478/18 674/6 674/10 754/12
dry [5] 322/19 322/21 740/15 757/18 757/19
drying [2] 322/17 322/18
dual [1] 57/15
ducked [1] 360/10
dude [5] 139/15 139/17 146/4 146/11 642/13
due [5] 49/4 401/1 406/15 425/17 709/11
duly [31] 56/20 115/18 136/23 152/4 155/18 164/13 180/23 189/18 216/10 221/25 236/22 248/8 261/13 268/25 297/2 314/19 332/1 355/21 396/1 417/1 423/7 427/20 453/24 456/16 461/12 470/17 547/4 553/23 564/13 585/15 602/10
dumb [1] 733/18
dump [1] 570/3
duplicate [1] 83/25
duration [1] 573/1
during [47] 29/23 43/18 49/2 51/19 63/7 64/2 68/15 70/9 71/18 85/4 87/14 98/19 105/4 106/19 124/14 159/11 188/2 217/8 297/13 339/15 361/14 362/23 363/2 451/16 457/15 462/12 483/5 485/23 488/15 490/17 491/1 510/25 521/2 530/1

D

during... [13] 557/23 592/9 635/2 637/13 675/11 705/25 706/2 718/4 720/12 751/8 766/12 771/18 776/3
Durso [32] 20/4 167/13 427/6 427/18 427/19 427/23 427/25 428/24 430/2 430/23 431/5 431/9 432/18 433/6 437/16 438/13 438/15 439/9 439/12 440/8 441/5 441/5 441/23 442/18 443/24 452/22 709/11 728/10 735/15 740/10 744/21 756/24
Durso's [2] 728/2 730/10
duties [4] 16/18 89/11 115/25 116/11
duty [7] 116/6 131/14 131/15 131/17 715/9 766/1 798/11
DVD [8] 7/8 9/13 250/3 253/16 254/2 255/9 257/16 495/9
DVDs [1] 253/18
DVR [5] 249/21 249/23 252/16 252/16 258/17
dying [3] 435/11 446/11 451/13
dynamics [2] 150/21 599/1

E

e-mail [6] 78/6 80/16 242/12 249/8 472/8 592/8
each [73] 31/2 60/25 63/11 90/3 92/9 93/14 99/6 99/7 99/18 102/16 104/2 106/8 111/1 116/4 122/2 168/23 198/21 225/17 259/16 264/16 273/2 273/9 273/14 273/25 274/18 275/15 276/7 276/9 277/3 278/12 278/22 281/25 292/21 292/22 302/4 323/24 335/3 356/24 364/13 431/21 432/19 432/20 439/5 471/20 472/14 485/10 523/23 539/16 554/10 556/21 573/12 609/5 609/9 706/16 719/11 719/11 722/20 722/20 726/11 753/16 756/3 767/19 770/2 770/21 770/23 770/24 771/3 777/22 785/15 787/3 787/9 798/21 808/6
ear [5] 183/20 187/20 362/24 380/6 751/6
earlier [13] 24/13 105/10 193/16 249/16 452/12 458/1 491/12 494/11 522/4 564/20 589/5 745/10 803/10
early [16] 104/14 105/14 137/20 213/8 298/9 326/20 348/23 398/21 398/23 417/21 420/4 454/20 454/23 467/22 541/15 548/20
earned [1] 798/14
earring [3] 9/7 318/22 322/7
ease [5] 149/9 295/9 394/17 421/24 765/3
easier [3] 43/14 88/4 412/25
easiest [1] 79/3
easily [4] 697/22 720/23 720/23 812/12
easy [5] 93/6 95/11 528/7 785/18 810/17
eat [4] 552/7 620/16 620/20 621/12
eating [3] 375/1 375/2 375/4
echo [1] 138/21
edge [1] 194/3
education [5] 223/9 263/2 270/15 428/7 531/13
effect [1] 49/4
effective [2] 239/3 463/9
efforts [1] 29/24
eight [5] 252/5 261/22 350/19 471/21 602/17
either [33] 28/24 31/16 43/13 79/23 144/10 149/24 192/2 193/20 283/6 287/4 327/7 340/20 436/7 436/16 587/25 594/3 626/8 678/10 686/15 709/4 709/6 726/25 729/8 764/13 770/3 770/8 770/12 771/19 778/2 779/5 785/9 786/20 787/8
eject [11] 133/4 133/5 133/9 133/10 288/9 290/24 291/4 291/7 291/21 530/20 744/12
ejected [5] 196/2 206/12 206/14 289/5 290/22
ejecting [1] 717/13
ejection [3] 206/19 291/25 293/3
ejects [3] 107/8 133/11 290/21
elbow [2] 435/7 735/24
elbows [2] 452/7 735/23
elder [1] 57/15
electron [5] 223/4 227/11 227/14 233/9 234/1
electronic [2] 565/10 565/11
Electronics [2] 20/13 423/13
element [17] 99/6 99/9 99/14 99/18 710/19 711/5 711/8 711/9 713/2 713/3 715/4 715/5 770/20 780/2 781/1 782/4 783/13
elemental [2] 233/13 233/15
elementary [3] 356/10 455/11 610/3
elements [17] 98/7 102/12 224/8 225/1 225/1 228/9 695/17 695/19 697/5 697/6 698/25 710/7 781/19 787/3 787/9 787/11 791/5
elevated [1] 633/10
Eleven [1] 181/6
eligible [1] 90/4
eliminated [1] 266/22
Elizabeth [2] 21/11 40/15
else [77] 15/7 19/9 22/2 27/10 28/4 29/6 29/8 60/4 75/24 76/24 80/20 94/9 95/7 97/9 119/25 122/3 147/25 148/2 154/6 154/9 157/22 161/2 163/13 178/13 183/16 201/7 212/25 230/17 239/17 256/9 313/9 338/14 340/25 364/17 408/7 409/7 420/5 436/23 441/18 444/6 447/8 458/13 473/9 473/13 476/4 476/21 483/23 494/8 530/3 538/3 549/21 555/11 590/7 600/25 607/18 627/14 629/15 631/9 640/1 640/2 669/11 669/16 683/19 697/4 701/17 715/19 716/14 716/19 721/22 729/4 741/22 743/9 743/13 755/18 766/20 791/19 811/10
else's [2] 194/17 813/16
eluded [1] 525/14
embarrass [1] 603/7
embedded [1] 737/5
emergency [5] 126/19 237/7 237/7 737/3 737/6
Emory [1] 428/11
emotion [4] 112/21 738/5 785/16 785/24
emotional [11] 59/19 65/21 66/11 388/24 388/25 482/3 540/22 540/25 558/19 560/3 631/21
emotions [2] 727/2 727/2
emphasis [1] 100/25
employed [14] 19/22 21/5 26/14 56/24 57/1 261/19 270/4 273/6 564/16 564/17 564/19 585/20 585/22 775/11
employee [1] 20/22
employment [1] 262/22
empty [3] 88/4 107/10 644/21
EMS [18] 8/20 86/10 135/6 153/13 153/14 153/16 158/16 158/22 165/12 166/20 181/4 181/7 181/17 213/14 237/8 380/6 380/8 380/16
encounter [2] 286/5 712/10
encountered [2] 108/2 712/6
encouraged [1] 607/3
end [28] 49/7 87/17 91/2 203/10 250/1 250/20 293/11 361/5 382/10 382/24 419/1 435/25 436/5 437/20 452/8 498/12 591/18 617/16 673/20 674/2 682/11 713/20 713/25 715/3 726/14 744/13 754/24 814/25
ended [21] 54/12 109/24 139/24 153/15 159/11 194/9 195/10 195/11 195/13 309/18 509/13 606/20 606/21 629/2 673/21 673/24 674/4 749/6 754/2 784/16 809/5
endless [1] 111/6
ends [3] 109/19 203/13 433/15
enemies [2] 93/21 785/11
enforcement [31] 20/12 26/15 26/15 26/22 26/23 27/14 28/10 28/11 57/7 60/5 108/14 108/17 116/20 125/16 158/22 222/4 237/17 241/8 241/14 269/18 392/13 471/8 505/17 565/1 570/8 577/11 596/9 643/15 720/2 720/7 737/10
enforcer [1] 716/25
engaging [2] 328/14 717/11
Engine [1] 153/6
Engineer [1] 38/20
English [1] 810/14
enhances [1] 190/18
enjoy [7] 615/9 656/4 656/8 656/11 777/5 798/9 809/12
enough [17] 45/7 138/22 143/19 286/8 289/15 299/21 365/24 366/23 388/1 596/5 720/15 721/25 757/5 758/3 771/9 783/1 810/13
ensued [2] 114/14 716/1
ensues [1] 106/14
ensure [1] 157/6
enter [22] 73/1 107/16 140/14 142/22 159/20 168/20 301/7 302/1 302/22 303/17 303/25 307/1 414/17 430/11 434/3 438/25 439/23 440/17 443/11 465/5 488/4 714/2
entered [12] 67/14 195/4 237/21 270/4 279/10 307/15 340/14 403/21 407/8 414/21 429/20 433/21
entering [2] 67/25 715/15
enters [4] 157/1 395/3 434/9 442/14
entire [11] 87/13 121/19 316/11 514/10 526/1 574/18 714/24 731/24 785/7 791/9 794/17
entirety [1] 517/8
entitled [12] 53/1 54/25 76/15 76/19 598/22 599/15 677/25 710/14 726/11 769/5 779/20 782/1
entity [2] 13/19 223/12
entrance [8] 308/19 308/19 326/3 431/16 431/24 433/8 448/4 448/5
entrances [1] 441/17
entry [4] 126/24 573/10 573/12 573/15
envelope [4] 226/1 275/14 306/18 317/11
envelopes [1] 321/13
environment [3] 228/10 231/15 231/16
equal [1] 534/19
equally [2] 45/23 95/7
equipment [2] 85/5 512/4
equipped [1] 512/7
erroneously [1] 495/6
escalated [2] 108/5 805/1
especially [5] 298/14 577/22 691/14 696/12 802/7
ESQ [1] 1/20
essence [2] 67/4 69/25
essential [1] 769/8
essentially [3] 138/2 270/5 270/10
establish [7] 52/19 52/20 674/13 698/1 769/24 770/6 781/20
established [5] 99/10 165/20 781/5 787/9 787/11

E
establishment [1] 25/4
estimate [2] 291/12 291/20
estimation [1] 436/19
et [1] 504/17
ethanol [1] 447/13
EV [3] 7/2 10/2 11/2
evaluate [2] 94/20 766/1
evaluated [1] 223/13
evaluating [1] 765/25
evaluation [1] 783/18
even [59] 51/8 111/7 111/21 113/3 173/2 201/4 253/7 266/17 347/23 350/19 361/25 371/21 378/16 381/16 385/4 385/13 385/13 385/17 388/3 388/10 389/1 393/16 417/19 433/25 474/8 474/11 502/14 522/12 526/20 528/11 534/10 555/21 598/4 599/11 617/7 653/20 696/23 709/12 709/20 713/25 732/2 732/7 732/9 732/12 732/13 740/14 740/20 744/19 748/7 749/20 751/19 752/5 753/16 753/18 757/16 758/6 759/14 783/7 805/4
evening [14] 217/1 217/25 327/19 329/8 331/5 401/17 411/9 471/22 552/5 591/1 591/21 591/22 595/3 617/11
event [1] 242/10
events [2] 671/17 770/22
eventually [10] 106/16 173/17 339/20 432/14 433/15 501/10 510/10 617/16 740/18 754/1
ever [52] 16/1 16/13 17/8 25/10 28/9 28/23 61/1 69/11 176/21 218/1 271/2 362/13 379/18 390/11 460/1 481/2 487/10 490/6 490/11 490/23 491/1 491/1 491/21 493/22 501/3 501/3 502/4 510/24 525/16 525/19 525/22 526/2 526/5 529/10 531/20 531/21 562/15 581/2 599/11 637/23 673/9 691/10 691/13 691/15 691/23 721/9 754/6 756/17 761/10 804/25 807/11
every [40] 93/6 93/7 100/24 168/17 191/3 191/5 191/8 205/25 223/11 230/8 259/25 437/11 443/5 447/9 464/20 471/16 471/21 473/15 514/11 523/23 535/23 687/24 687/25 701/25 702/7 702/18 705/22 718/13 718/24 733/11 767/15 768/16 769/5 771/3 771/23 774/16 774/17 781/1 808/15 810/25
everybody [27] 47/17 78/21 80/20 150/11 150/23 184/8 192/22 213/19 244/21 295/14 329/24 333/20 420/5 513/19 531/10 645/1 676/4 705/20 734/7 743/13 751/21 751/25 757/14 762/12 764/10 791/6 798/8
everybody's [3] 571/3 686/6 750/25
everyday [1] 762/22
everyone [12] 47/1 49/10 88/6 148/24 152/2 366/24 476/16 591/14 705/23 715/19 767/12 785/18
everything [48] 52/12 77/8 80/2 95/4 95/15 166/13 190/9 201/18 201/22 217/17 226/20 227/4 255/6 264/2 278/8 283/25 300/4 319/10 341/12 352/11 408/7 413/23 418/10 418/11 418/19 421/1 431/13 432/1 473/18 514/5 516/13 524/22 536/17 537/13 584/2 589/22 621/21 634/10 643/8 659/18 684/19 734/2 744/8 744/14 746/9 807/2 810/5 810/24
everywhere [1] 344/22
evidence [347] 15/2 17/21 17/22 17/25 18/14 19/4 21/21 22/10 23/10 23/14 27/4 27/22 29/14 29/20 44/11 48/10 51/7 51/21 52/20 52/21 52/23 67/1 71/8 71/11 78/16 91/8 92/12 94/6 94/7 94/12 94/15 94/20 96/14 96/16 96/17 96/19 97/1 98/24 99/9 99/23 101/11 101/14 101/17 101/20 101/21 102/9 102/19 109/4 110/5 110/7 112/2 112/2 112/3 112/6 121/2 123/10 123/13 123/16 124/1 124/12 128/2 128/5 133/25 140/15 140/22 142/22 143/4 143/9 159/1 159/20 160/4 166/10 169/3 169/6 170/8 173/24 176/18 176/18 192/25 193/5 193/11 193/13 195/13 195/16 196/19 198/17 198/24 200/2 200/7 202/4 202/11 206/7 207/1 207/3 207/10 207/17 210/23 217/18 217/19 218/20 222/7 226/17 226/19 226/22 240/17 254/13 254/19 256/19 258/1 258/2 263/20 263/21 263/21 263/25 265/23 272/1 272/1 272/8 272/8 272/10 272/12 272/15 272/17 275/8 275/9 275/17 275/23 276/4 276/17 279/7 279/14 279/18 279/25 285/4 285/10 285/16 297/18 301/8 301/13 302/7 302/23 303/3 303/6 303/9 304/1 304/6 305/5 305/23 307/2 307/7 310/25 311/7 315/12 315/12 316/7 316/8 316/9 316/15 317/8 317/13 317/19 318/12 318/17 319/7 320/3 320/13 320/18 321/6 321/9 321/12 321/18 321/23 322/11 323/19 323/24 324/14 324/19 349/1 349/7 353/1 353/7 373/25 413/1 424/23 425/5 430/12 430/19 439/1 439/8 439/24 440/6 440/18 441/3 443/12 443/22 452/14 452/14 465/6 465/17 476/4 480/5 480/8 484/17 485/2 489/16 489/23 495/11 495/11 496/1 496/8 503/11 503/23 504/23 505/5 508/17 508/19 508/20 513/21 516/1 516/20 521/23 527/13 527/16 529/14 535/10 536/4 536/8 536/19 536/21 537/20 539/2 550/14 550/21 565/10 566/9 567/1 567/7 567/21 568/3 568/6 570/7 570/24 571/3 574/8 574/15 580/5 580/11 601/17 609/2 613/9 636/21 678/4 694/19 702/15 703/15 704/7 706/25 707/4 707/6 707/7 707/12 710/4 710/16 711/5 717/2 717/2 717/3 717/5 717/14 717/18 717/20 717/20 717/23 717/25 718/1 718/14 719/8 719/9 719/10 719/12 722/16 722/21 723/20 724/12 724/21 726/4 736/3 738/24 739/5 741/4 741/8 741/10 741/17 741/18 742/12 742/21 743/23 744/1 745/21 746/4 753/12 755/4 762/23 763/1 764/4 765/25 766/3 766/7 766/24 768/17 768/25 769/1 769/15 769/16 769/18 769/19 769/25 770/13 770/15 770/15 770/17 770/19 771/15 771/25 773/10 774/1 774/13 775/13 775/19 776/25 777/2 779/6 779/18 780/12 781/12 781/12 781/16 781/16 783/18 785/25 786/7 787/1 789/25 801/18 801/20 803/7 815/12
evident [1] 282/10
evidentiary [8] 172/24 173/2 173/21 174/18 207/18 591/18 694/16 779/17
evil [2] 778/11 778/20
exact [13] 194/24 288/19 305/20 358/4 501/16 562/11 605/6 636/6 637/12 637/15 660/5 674/16 783/20
exactly [43] 43/23 58/12 59/15 121/12 130/24 152/17 210/1 230/10 290/6 290/9 290/15 291/11 294/5 337/15 338/18 386/6 407/15 408/16 409/9 415/6 417/14 442/2 449/9 474/24 494/20 499/3 537/16 544/17 550/11 575/1 590/9 624/19 626/5 638/23 657/16 657/19 685/6 688/20 702/22 739/6 747/21 755/6 755/7
examination [102] 56/21 69/17 69/19 115/19 127/17 127/19 134/13 136/24 144/19 147/21 152/5 154/14 155/19 161/11 163/1 164/14 167/1 172/6 178/4 179/2 180/24 185/11 185/13 189/19 205/4 209/10 210/9 216/11 222/1 231/9 235/2 235/16 236/23 240/23 240/24 245/17 247/6 248/9 255/1 261/14 269/1 270/18 271/3 271/5 271/15 271/24 280/19 284/20 290/2 297/3 307/12 309/9 313/1 314/20 332/2 345/4 354/12 355/22 367/5 388/8 393/2 396/2 409/20 417/2 423/8 427/21 431/14 444/1 450/5 451/7 453/25 456/17 461/13 466/7 470/18 505/12 521/18 521/20 524/6 529/8 530/11 539/21 547/5 553/24 564/14 576/10 582/20 585/16 588/24 590/3 602/11 648/18 681/5 687/5 720/13 720/15 720/21 720/22 720/22 721/1 721/7 744/18
examinations [4] 222/25 262/8 272/14 428/20
examine [27] 144/17 161/5 204/23 220/24 223/17 231/7 254/25 272/25 277/6 281/4 281/9 284/18 289/16 307/10 326/7 345/3 367/3 409/17 426/22 429/1 431/11 455/20 505/11 563/7 565/23 576/8 648/17
examined [4] 272/3 272/20 277/3 279/7
examiner [4] 269/24 270/10 278/19 298/2
examiners [2] 270/6 270/22
examining [2] 271/25 272/9
example [13] 233/2 289/6 446/21 472/3 503/24 530/18 569/18 678/25 717/4 720/10 729/9 772/7 813/13
except [5] 89/23 176/17 474/3 567/12 751/21
exception [3] 700/12 789/8 802/7
exceptions [5] 703/1 789/4 789/7 792/7 792/10
excess [1] 271/6
excessive [2] 433/3 436/24
exchange [2] 39/17 556/18
exchanged [1] 356/25
excited [2] 251/14 336/2
exclude [2] 282/24 472/5
excluded [1] 266/15
excludes [1] 778/14
exclusive [4] 369/19 369/23 582/23 766/1
excuse [41] 31/3 31/3 31/4 32/21 33/20 35/7 36/16 37/14 39/9 40/8 40/21 61/19 70/4 110/17 124/8 124/19 126/9 145/25 159/8 160/12 165/6 223/8 244/1 286/15 421/10 454/8 463/3 495/13 542/24 565/16 648/16 649/17 708/23 708/25 744/16 755/21 778/10 784/19 788/7 798/19 800/18
excused [50] 32/24 33/24 35/10 36/19 37/17 39/12 40/11 40/24 43/3 46/15 135/21 136/3 148/11 148/17 150/4 154/19 163/19 180/7 188/18 211/13 211/15 211/17 212/7 221/5 221/7 236/5 247/16 260/20 268/7 294/20 313/22 326/12 327/22 354/24 355/3 393/23 394/4 416/10 419/18 420/17 427/4 452/25 460/18 467/15 552/25 553/5 584/23 590/24 799/10 799/13
excuses [1] 31/16
exemption [2] 798/14 798/18

E

exhausted [1] 491/8
exhibit [197] 62/23 65/9 65/16 81/7 81/15 81/15 81/21 82/5 83/12 84/1 84/2 84/10 84/13 85/1 122/17 123/4 123/8 123/11 123/14 125/4 125/8 125/21 126/1 126/12 140/3 140/14 140/18 140/20 141/1 142/10 142/22 143/2 159/5 159/20 159/25 160/2 160/14 161/9 162/12 162/25 168/4 168/20 169/1 169/4 169/20 170/13 170/25 179/12 183/1 183/7 198/5 198/22 199/5 199/13 199/19 199/25 200/10 201/14 202/3 202/9 207/8 209/14 210/21 219/3 219/4 240/9 240/10 240/15 253/24 254/12 254/17 274/22 275/22 276/2 279/2 279/23 283/15 285/8 293/17 300/20 300/20 300/21 300/21 301/7 301/11 302/5 302/11 303/1 303/4 303/7 303/25 304/4 304/8 304/19 305/3 305/10 307/1 307/5 310/12 310/20 311/5 313/3 317/4 317/13 317/17 318/6 318/12 318/15 318/19 319/2 319/5 319/23 320/13 320/16 321/18 321/21 323/14 323/17 324/17 324/24 325/12 325/18 343/1 349/5 353/1 353/5 373/23 390/1 392/9 400/1 424/8 424/23 425/3 429/23 429/23 430/2 430/17 431/6 431/7 434/17 439/6 440/4 441/1 441/6 441/12 441/24 442/10 442/24 443/11 443/18 443/20 463/1 465/5 465/15 484/2 484/16 485/1 489/9 489/21 490/14 495/8 496/6 498/6 503/9 504/6 504/23 505/1 505/3 526/17 527/11 527/14 527/18 550/19 567/5 568/1 568/4 574/13 579/23 580/5 580/7 580/9 612/21 613/1 613/7 636/11 636/19 653/5 654/20 658/10 658/11 675/24 700/13 700/18 790/14 790/22 791/4 791/18
exhibits [39] 7/1 10/1 11/1 23/11 81/18 81/24 81/24 81/25 82/9 84/14 89/3 89/6 94/8 168/5 212/3 301/16 301/17 302/1 302/22 303/12 303/17 324/5 324/13 430/11 438/16 438/25 439/10 439/23 440/9 440/17 502/20 503/2 725/23 725/24 771/17 788/14 788/15 789/1 791/19
exist [3] 83/16 778/21 779/5
existed [3] 510/12 780/10 780/24
exists [2] 95/3 769/3
exit [10] 44/8 44/8 137/10 299/23 326/4 400/18 403/20 442/18 537/3 659/4
exited [3] 195/4 305/15 400/20
exiting [1] 537/2
exits [3] 434/4 442/13 787/23
expand [2] 285/24 701/12
expect [13] 53/14 229/7 235/18 255/17 265/3 292/20 293/21 406/18 597/1 647/21 744/24 766/4 785/19
expectation [1] 591/14
expectations [1] 336/6
expected [6] 30/4 435/3 750/5 774/22 786/3 805/2
expecting [4] 232/14 339/3 624/4 750/20
expedite [3] 149/23 150/10 677/13
experience [6] 90/11 100/12 506/13 576/19 737/10 762/22
experiences [3] 94/19 95/2 766/6
experimented [1] 102/2
expert [19] 191/17 223/15 263/8 263/12 271/2 271/5 271/7 271/14 428/25 434/13 435/15 450/8 451/9 565/13 565/15 565/22 744/18 789/12 789/16
expertise [3] 191/20 270/16 270/24
experts [1] 789/14
explain [19] 98/18 156/22 220/5 223/25 224/6 237/2 237/9 276/8 462/7 471/14 487/22 570/6 608/9 623/1 634/23 679/3 724/17 727/22 810/14
explained [7] 59/9 61/25 64/12 66/24 67/3 494/15 766/15
explaining [1] 678/21
explanation [3] 100/19 255/20 332/14
explanations [1] 718/6
explosion [1] 224/13
express [7] 709/4 709/6 778/2 779/1 779/2 779/8 779/9
extensive [4] 89/14 190/8 262/23 449/1
extent [6] 76/14 93/10 219/14 287/7 576/2 770/18
exterior [5] 298/25 300/11 302/13 302/17 303/21
external [3] 165/21 257/19 431/14
extra [3] 298/15 298/16 420/11
extract [3] 265/9 266/17 570/9
extracted [2] 566/23 573/16
extraction [3] 571/7 571/19 571/20
extrapolate [1] 450/19
extreme [1] 750/6
extremely [8] 94/22 96/12 96/20 101/22 129/8 558/5 706/21 773/6
eye [4] 202/25 227/14 431/13 593/25
eyes [7] 124/10 193/12 298/16 409/13 624/24 734/2 741/25

F

fabric [1] 325/17
face [25] 13/23 13/24 31/11 68/1 108/15 357/13 358/5 405/21 482/6 488/16 624/10 624/12 627/25 627/25 628/2 628/2 670/16 671/7 671/10 671/12 672/7 673/15 674/7 683/22 757/24
face-down [1] 108/15
face-to-face [2] 627/25 628/2
facedown [3] 153/10 166/19 745/9
faces [1] 366/24
faceted [1] 811/24
facilitate [1] 786/10
facilitates [1] 90/9
facilitators [1] 90/11
facility [1] 322/16
facing [6] 251/6 251/13 497/8 497/9 531/15 633/13
fact [48] 66/12 68/25 85/6 88/11 94/23 96/1 131/6 131/14 132/24 185/1 186/20 294/9 368/8 368/14 402/10 406/15 411/4 473/15 474/13 510/10 512/12 513/17 519/17 523/22 576/22 583/2 668/12 670/8 726/23 728/14 728/15 728/19 729/11 729/19 731/22 736/14 763/1 769/8 769/24 770/6 771/6 772/2 775/10 777/8 779/17 785/5 800/16 811/18
factor [6] 599/17 770/19 776/6 776/9 777/9 813/9
factors [8] 95/10 599/19 770/1 770/2 774/24 775/8 775/14 811/7
facts [44] 23/14 23/17 29/20 52/16 53/23 53/25 54/11 75/19 94/2 101/13 103/20 112/22 112/23 176/5 343/18 522/19 701/14 704/11 706/19 707/12 712/12 712/24 713/16 714/1 719/7 726/12 731/23 738/7 765/23 766/9 770/25 771/1 773/15 773/24 774/10 774/14 775/20 775/22 779/14 779/22 782/22 786/1 786/3 798/3
factual [4] 51/12 54/23 700/22 777/11
failed [1] 99/20
failing [1] 741/19
fails [1] 99/13
fair [44] 15/3 17/25 18/15 19/5 21/22 25/22 27/5 27/22 30/20 49/9 50/13 50/13 65/5 77/7 77/9 92/13 92/16 92/24 94/1 94/4 102/17 102/18 140/10 142/4 158/6 159/14 195/3 228/11 229/17 239/15 293/5 324/8 344/13 424/18 464/25 474/10 484/12 527/2 543/7 580/1 654/25 700/9 700/21 802/17
fairest [2] 30/11 93/14
fairly [30] 23/8 23/17 24/2 30/5 142/18 201/24 254/5 279/13 291/16 301/2 301/21 302/16 303/20 333/7 333/12 348/22 373/6 430/7 438/21 439/17 440/13 489/12 495/18 495/22 502/23 707/11 720/23 765/23 766/6 785/13
faithful [1] 385/8
fall [19] 292/3 292/5 435/1 435/4 435/5 435/10 444/11 446/19 446/24 449/18 450/9 451/10 451/11 451/13 598/3 598/13 598/14 608/15 648/10
fallen [1] 740/15
falling [8] 292/5 435/10 446/7 451/23 452/8 662/1 735/17 735/18
falls [13] 107/9 107/10 292/2 451/13 499/13 499/14 598/2 598/21 662/3 746/12 757/13 757/18 757/19
familiar [15] 59/14 63/4 74/12 88/24 121/7 163/6 217/5 437/9 483/15 508/22 508/24 520/6 520/6 535/5 701/20
families [4] 105/5 112/14 811/20 811/22
family [35] 14/12 14/22 23/6 26/19 28/9 61/14 61/22 86/2 86/3 86/7 103/19 109/6 112/18 112/20 356/12 362/11 379/8 387/22 462/16 481/14 482/13 565/19 606/23 644/15 644/20 733/5 803/20 804/3 805/12 805/16 808/1 808/12 809/2 809/12 810/8
family's [1] 103/11
far [40] 58/9 67/13 79/10 79/25 83/8 88/8 284/7 290/15 290/20 291/20 404/10 406/5 406/9 407/8 417/15 417/18 435/21 435/25 438/6 455/12 457/17 473/1 479/22 495/18 501/15 536/6 536/17 558/23 570/19 574/21 627/7 646/7 663/16 709/21 751/12 757/15 759/8 759/10 759/11 804/11
farmer [1] 720/5
Farms [1] 585/21
farther [1] 404/24
fashion [1] 776/2
fast [19] 60/11 70/12 70/24 107/14 251/11 350/13 408/25 409/24 415/16 433/22 478/15 501/19 558/5 624/16 631/23 634/12 727/19 740/12 740/18
fatal [13] 434/9 441/21 446/7 448/1 450/9 451/10 451/11 713/7 728/6 740/2 740/13 778/18 782/12
father [7] 333/11 334/22 356/6 366/7 366/9 455/10 806/10
Father's [1] 606/21
fault [11] 84/24 710/10 710/13 710/18 734/7 749/18 760/24 761/1 781/21 781/25 813/20
favor [1] 769/12
FBI [2] 262/25 282/13

F

fear [15] 110/24 519/22 647/9 725/3 725/9 729/2 729/3 729/5 736/18 737/22 755/19 761/14 761/16 761/23 783/9
fearful [1] 364/18
fears [2] 723/22 725/2
feature [1] 502/15
February [3] 565/4 603/4 603/5
February 13th [2] 603/4 603/5
February 2010 [1] 565/4
federal [4] 15/17 271/10 565/17 701/10
Feds [1] 52/17
feed [1] 468/11
feel [26] 23/17 25/19 89/22 120/17 122/11 333/6 333/12 388/12 393/17 434/7 488/23 517/4 608/18 641/10 641/11 670/13 732/14 732/14 732/19 732/19 768/20 773/1 777/16 792/20 804/15 810/15
feeling [3] 214/8 647/14 789/19
feelings [5] 23/25 609/11 773/3 777/21 785/20
feet [8] 121/16 197/16 288/20 291/22 292/7 441/16 442/23 744/20
fell [10] 292/4 452/3 501/13 632/22 735/20 736/21 740/13 740/18 740/21 757/22
fellow [3] 100/17 100/22 101/1
fellowship [1] 428/17
felt [8] 67/9 361/11 384/3 608/11 609/11 609/17 715/14 783/11
female [16] 32/24 33/24 34/25 35/21 36/7 36/19 37/7 38/15 39/24 40/11 40/24 41/11 42/1 42/12 118/2 120/18
females [1] 388/15
Ferry [9] 58/8 357/15 473/1 499/18 518/23 548/18 548/25 642/22 642/25
few [40] 114/21 138/24 138/24 146/8 155/23 171/9 175/21 175/22 199/3 220/2 235/8 235/20 264/15 292/7 351/17 367/9 368/15 419/1 419/3 433/5 474/25 501/13 531/21 548/4 595/14 610/4 612/17 647/1 718/11 720/24 731/17 733/1 751/16 768/12 787/23 791/22 799/3 799/8 804/3 808/4
field [9] 191/17 223/16 263/13 270/15 270/24 271/3 271/14 428/18 428/25
fifth [6] 16/9 21/6 21/12 464/13 815/9 815/23
fight [21] 67/16 73/6 95/20 174/17 178/19 362/22 362/23 378/22 391/2 488/9 556/16 607/19 607/20 664/11 664/15 664/18 664/19 664/20 664/22 736/10 749/22
fighting [28] 68/2 359/17 359/23 367/20 376/20 376/21 376/21 376/23 378/23 378/24 390/22 390/24 390/25 392/18 414/22 414/23 446/21 514/23 624/18 624/20 624/24 662/22 664/17 729/10 735/21 737/19 751/4 751/8
fights [1] 614/19
figure [6] 147/1 462/13 509/8 509/12 618/12 676/3
figured [3] 151/4 593/22 754/11
file [4] 50/25 257/13 257/18 259/25
filed [3] 51/1 81/4 81/5
filing [1] 786/11
fill [2] 31/19 116/14
filled [6] 225/10 226/24 433/1 433/1 573/8 732/1
fills [1] 257/17
final [7] 87/19 326/15 522/19 715/5 724/6 773/15 783/13
finally [10] 113/24 299/15 303/11 360/2 440/8 442/10 549/4 560/3 670/8 741/25
find [51] 22/20 96/19 108/14 114/22 119/21 128/6 170/11 176/23 177/14 201/5 204/7 204/12 208/18 227/10 293/21 305/8 325/5 325/8 344/21 360/5 476/20 477/1 508/25 542/8 542/13 542/17 581/2 582/22 593/23 707/8 718/17 718/19 724/18 738/8 745/24 762/24 763/6 768/23 774/1 776/18 778/4 779/19 781/5 781/13 786/19 792/24 794/11 806/15 808/6 808/8 808/16
finders [1] 736/14
finding [3] 227/23 227/25 606/21
findings [1] 443/6
fine [34] 12/22 44/17 47/22 50/14 55/18 75/8 77/11 78/8 84/12 86/12 150/22 150/25 154/24 212/4 213/9 214/20 230/7 314/24 358/1 459/7 466/12 468/18 592/9 593/3 594/9 600/19 633/8 636/14 702/6 704/12 759/20 764/17 795/8 798/25
fingernail [10] 264/11 264/17 264/20 264/21 265/6 265/10 266/10 266/16 320/23 321/15
fingernails [5] 200/8 264/25 266/4 316/20 321/11
fingerprint [3] 273/13 297/19 316/16
fingerprints [3] 306/22 306/23 315/17
fingers [1] 120/16
finish [5] 44/22 96/9 327/7 660/9 801/10
finished [4] 300/4 358/20 754/13 801/9
finishing [1] 492/1
fire [11] 20/15 138/9 152/11 152/18 152/19 158/22 237/8 288/5 530/18 728/11 744/18
firearm [26] 132/22 132/24 224/14 272/22 272/24 273/5 273/9 273/17 273/19 273/22 282/9 282/11 282/19 284/11 288/7 288/17 288/25 289/3 289/11 291/3 291/9 291/9 291/10 291/17 588/9 588/11
firearms [14] 24/1 269/11 269/24 270/6 270/9 270/17 270/21 271/5 271/14 273/3 282/15 282/22 290/24 292/1
fired [72] 107/7 117/2 117/25 195/18 196/1 199/7 204/6 204/11 231/1 232/23 232/25 233/3 234/20 234/22 244/15 272/18 272/19 272/22 273/3 273/10 273/22 274/2 274/7 274/8 274/8 277/15 278/1 280/3 280/25 281/10 281/23 282/3 282/6 282/16 282/18 283/5 283/8 283/9 283/20 284/11 284/12 285/18 285/20 288/3 288/22 291/7 292/19 292/20 299/2 300/5 300/11 300/25 305/7 306/10 306/14 306/18 354/14 475/22 514/17 515/5 522/22 523/4 523/13 523/20 523/24 528/9 588/5 588/16 665/6 709/22 716/9 734/16
firefighter [5] 152/11 152/15 152/17 380/1 380/3
fires [1] 107/20
firetruck [1] 558/17
fireworks [1] 232/1
firing [14] 234/17 289/7 289/8 530/18 531/4 536/19 639/3 639/4 639/7 639/10 722/9 730/18 730/19 784/13
firm [6] 15/11 15/18 15/19 16/2 37/22 564/22
firmly [11] 718/9 718/15 719/14 767/23 768/10 768/18 769/21 770/1 770/5 770/24 787/2
firmness [7] 713/6 713/11 782/11 782/17 783/3 783/4 784/5
first [125] 13/15 13/19 30/14 31/12 50/1 58/3 72/23 87/18 88/5 88/8 98/3 113/8 114/25 118/14 118/16 118/21 131/22 131/24 131/25 161/24 164/22 166/6 166/14 179/10 182/9 190/12 192/16 193/2 226/17 237/24 241/13 241/16 241/18 242/3 244/9 245/25 246/13 262/16 272/9 272/16 299/1 327/2 344/13 380/2 380/3 381/14 381/15 392/3 392/20 400/24 407/8 415/1 415/17 423/10 428/10 431/9 431/23 439/13 447/19 447/22 448/1 448/8 448/11 463/18 468/8 478/20 495/3 505/25 506/21 511/12 531/20 531/21 534/16 554/23 556/25 559/22 561/22 568/8 568/19 573/15 574/24 574/25 578/24 579/15 586/10 587/16 590/11 596/4 605/24 606/11 623/25 624/22 625/4 626/15 627/4 640/22 657/6 665/23 665/25 667/7 667/8 667/11 667/13 669/12 677/3 696/3 697/23 707/23 708/19 710/9 711/24 717/15 720/9 720/21 739/24 745/15 747/19 757/6 760/23 761/5 770/21 784/13 787/18 787/18 801/25
fit [5] 253/16 257/11 257/12 257/16 788/21
five [27] 31/4 81/25 145/1 145/2 147/12 156/14 253/7 274/5 281/10 283/2 283/4 356/2 384/2 456/20 457/12 482/15 505/20 505/21 505/21 515/19 515/21 531/23 547/23 575/20 727/13 727/25 801/11
fix [2] 352/5 423/17
fixed [1] 426/11
fixing [1] 418/21
fixture [1] 307/22
flagging [4] 122/2 123/25 124/23 126/2
flakes [2] 224/11 224/15
flare [1] 232/1
fled [2] 716/8 716/9
flee [1] 714/20
flees [4] 106/18 107/12 107/18 714/6
flesh [1] 111/10
floor [26] 73/5 105/18 138/15 138/24 283/24 305/9 306/11 339/18 348/16 349/11 349/12 349/19 358/16 374/24 377/19 400/6 405/6 406/11 407/6 418/15 418/16 418/17 419/3 488/8 629/11 663/20
Florida [1] 262/21
flour [1] 230/6
flow [4] 434/24 446/12 446/13 446/14
fluids [1] 286/1
FM [1] 33/4
focus [11] 111/3 537/24 547/24 566/5 566/8 568/8 569/9 645/9 645/9 727/6 748/9
focused [5] 280/20 426/14 482/15 535/17 725/19
focusing [2] 569/15 583/21
fog [1] 132/10
foggy [6] 119/8 132/11 557/3 558/4 558/6 622/3
folks [4] 94/7 105/17 720/7 798/6
follow [14] 31/10 66/12 102/4 186/5 186/7 229/9 229/16 235/15 466/24 495/5 502/18 522/17 588/1

F

follow... [1] 712/9
follow-up [4] 66/12 235/15 495/5 502/18
followed [3] 340/3 350/24 522/16
following [7] 19/22 97/2 101/24 480/19 572/4 781/19 792/15
follows [32] 56/20 115/18 136/23 152/4 155/18 164/13 180/23 189/18 216/10 221/25 232/10 236/22 248/8 261/13 268/25 297/2 314/19 332/1 355/21 396/1 417/1 423/7 427/20 453/24 456/16 461/12 470/17 547/4 553/23 564/13 585/15 602/10
food [1] 68/20
foot [5] 133/15 170/4 170/7 405/3 405/5
footage [3] 494/10 503/21 575/25
footwear [1] 297/18
force [14] 25/10 68/16 68/22 305/13 306/8 714/3 783/21 783/24 783/25 784/1 784/3 784/10 784/11 792/24
forced [2] 73/3 488/6
Ford [1] 37/11
foregoing [1] 815/10
forehead [2] 435/6 452/7
foreign [2] 265/4 775/1
forelady [1] 88/25
foreman [2] 88/25 794/16
forensic [16] 110/5 110/6 222/7 262/20 262/24 269/10 428/1 428/2 428/4 428/9 428/18 428/25 429/5 447/10 565/8 565/16
forensics [9] 20/17 248/19 248/25 249/3 269/18 564/17 565/7 565/8 565/22
foreperson [2] 88/25 794/14
foresee [1] 329/19
Forest [2] 428/14 428/17
forever [2] 109/20 810/7
forget [2] 55/14 134/6
forgive [3] 806/14 806/14 809/14
forgiveness [1] 810/2
forgives [1] 811/13
forgiving [1] 808/23
forgot [4] 85/15 162/12 342/24 579/20
forgotten [1] 178/13
form [14] 63/10 70/17 104/3 319/12 483/11 484/4 485/5 573/6 708/6 708/23 786/6 793/22 794/1 794/3
format [2] 317/9 480/24
formed [1] 778/12
former [1] 720/5
formerly [2] 20/8 26/14
forming [1] 131/1
forms [1] 89/2
Fort [1] 39/17
forth [25] 22/12 52/9 109/5 191/14 193/21 262/25 402/16 404/7 404/12 405/19 412/21 413/5 450/18 569/25 575/6 608/5 609/3 619/7 627/23 652/12 654/6 655/24 657/11 657/13 691/22
forthright [3] 719/19 720/19 721/5
fortune [1] 88/12
forward [6] 102/22 277/1 312/20 312/21 452/4 501/19
fought [4] 68/6 73/11 488/12 556/18
found [47] 80/8 107/3 121/14 133/18 134/19 165/18 166/18 168/13 169/18 174/18 177/10 178/11 192/19 227/20 228/16 231/13 231/17 231/18 231/19 266/3 266/22 278/22 281/17 287/20 293/18 309/14 311/21 325/7 400/6 408/7 425/24 450/12 475/5 475/23 476/16 480/6 480/6 527/21 528/16 530/23 608/14 732/6 744/10 758/21 768/1 775/11 808/17
foundation [2] 455/3 561/6
founded [1] 91/17
four [48] 78/23 94/11 96/8 107/25 112/1 132/18 138/11 138/11 145/10 145/11 190/12 191/8 194/10 194/12 195/18 198/6 199/6 203/3 203/4 214/4 225/12 225/13 243/6 298/11 313/10 332/17 356/4 361/9 367/10 367/12 428/15 461/22 477/6 539/23 544/12 665/20 694/17 695/18 698/10 717/7 719/21 728/1 728/8 729/14 752/11 752/12 791/5 800/22
Fourteen [1] 156/2
fourth [1] 728/5
fragile [2] 230/5 232/4
fragment [4] 274/10 278/5 282/3 283/4
fragments [7] 233/14 233/15 281/20 283/7 284/4 285/19 316/25
frame [3] 308/3 623/14 730/24
framed [1] 22/6
framing [1] 701/9
Frank [2] 794/9 794/12
frankly [6] 51/20 65/22 75/1 75/17 76/6 88/4
Frasier [6] 379/3 412/4 479/21 561/19 605/2 613/12
free [37] 44/23 89/22 122/11 135/25 148/15 150/7 154/17 163/18 180/5 188/14 211/15 221/2 225/5 236/3 247/14 260/19 268/6 294/18 313/19 326/10 354/25 394/2 416/9 419/16 427/2 452/22 460/16 467/12 553/2 582/25 584/22 590/22 675/15 779/21 798/22 799/1 799/12
freely [2] 542/15 542/19
frequent [1] 25/4
frequently [1] 785/17
fresh [6] 199/17 199/18 208/9 209/23 210/1 351/20
fresher [1] 472/20
friend [33] 357/24 457/5 457/7 549/8 554/16 554/17 561/15 609/24 610/1 630/3 630/3 630/11 651/10 654/13 655/17 665/24 668/4 698/11 712/5 736/22 742/18 742/18 742/19 746/25 746/25 748/24 751/13 751/14 752/8 758/7 805/10 807/24 812/19
friend's [2] 110/2 114/4
friends [23] 26/14 27/13 93/21 104/5 104/8 108/11 364/14 377/9 401/9 457/3 561/22 610/12 610/13 611/17 612/12 612/13 615/24 646/19 691/7 691/8 691/10 691/13 785/10
frightening [1] 78/22
From his [1] 455/9
front [79] 31/8 31/9 59/4 61/14 61/15 61/21 74/9 74/21 82/8 106/11 106/13 139/7 143/18 146/18 157/14 194/13 194/14 198/12 200/2 229/13 229/14 235/25 283/24 304/16 305/9 306/11 307/15 307/16 310/5 310/14 310/14 310/16 311/12 311/23 311/24 311/24 312/2 313/5 325/1 325/5 325/10 325/11 325/19 349/24 349/25 350/7 350/8 351/9 352/19 359/2 362/22 365/11 365/14 366/24 381/9 390/23 409/3 409/5 444/18 445/1 445/11 445/14 455/11 477/3 481/12 481/13 499/3 589/18 625/2 626/22 629/12 629/13 663/11 735/5 735/8 751/23 756/7 760/13 760/15
Frost [24] 20/8 127/8 131/21 131/22 131/24 157/23 158/2 158/5 379/24 379/25 381/8 381/13 468/6 545/1 563/13 584/25 585/13 585/14 585/18 589/2 590/22 720/6 728/22 744/15
Frost's [1] 163/6
frustrated [1] 631/19
fuck [3] 673/21 673/24 674/4
fuckers [1] 673/14
fucking [2] 386/14 657/24
fulfillment [1] 706/17
full [36] 56/15 109/10 115/14 136/19 137/10 151/25 155/13 164/8 180/20 189/14 216/8 221/21 236/19 248/4 261/9 268/21 286/13 296/21 314/11 331/23 355/17 395/22 416/23 423/4 427/17 453/20 456/12 461/8 470/12 488/18 547/1 553/19 564/8 585/11 602/6 805/20
full-time [1] 137/10
fully [3] 400/12 400/16 500/7
fumbling [1] 406/4
fun [1] 108/5
function [1] 591/8
functions [1] 262/3
fundamental [2] 29/15 101/15
funny [1] 400/8
furiously [2] 560/5 560/6
furnishings [1] 41/19
further [71] 68/9 69/15 127/15 134/9 135/12 147/18 148/5 162/21 171/13 171/13 171/20 173/23 178/23 185/9 204/21 209/6 210/6 211/9 220/21 231/5 235/12 240/21 244/8 245/12 247/2 247/12 254/23 258/19 258/20 268/1 284/17 289/23 292/22 300/2 307/8 312/14 312/22 313/12 345/1 354/9 354/16 367/1 388/5 392/22 409/15 419/11 426/20 433/25 442/13 449/25 451/3 455/18 466/3 471/14 500/23 505/9 524/2 530/8 582/16 584/17 589/25 685/11 687/2 771/1 771/5 773/5 778/15 783/17 794/20 803/4 815/16
furthermore [4] 701/7 744/21 770/10 777/14
fury [3] 110/23 752/16 752/18
fuse [3] 425/24 426/12 426/14
fussing [1] 339/25
future [3] 55/8 103/11 166/14

G

gagging [1] 611/3
gain [1] 277/5
game [4] 50/13 77/8 700/9 700/22
games [1] 812/24
garage [2] 322/17 322/17
garb [1] 596/11
Garners [9] 58/8 357/15 473/1 499/18 518/23 548/18 548/25 642/22 642/25
Gary [1] 57/25
gas [7] 357/4 357/14 357/15 374/15 374/16 613/24 613/25
gather [5] 147/14 259/20 415/11 743/18 788/13
gathered [4] 218/14 342/7 474/13 477/6
Gathers [1] 20/21
gave [17] 184/19 191/2 246/18 246/24 253/22 342/18 351/9 367/13 392/3 477/17 480/25 493/25 513/10 560/4 562/6 645/19 649/16
GCS [2] 186/13 186/17
general [16] 1/1 13/9 13/12 52/15 169/21 172/21 173/20 187/10 228/9 228/19 250/18 299/7 305/6 428/15 565/18 815/14
generally [8] 100/12 213/23

1420

G
generally... [6] 232/16 288/10 308/16 308/18 769/16 769/19
generals [1] 166/11
generate [7] 176/3 202/23 262/9 262/10 566/13 569/5 569/6
generated [5] 182/16 566/14 566/18 567/16 573/25
gentleman [4] 88/8 454/10 596/24 677/6
gentlemen [62] 13/4 19/14 22/6 31/24 42/20 43/4 86/24 90/24 91/14 96/1 103/14 107/24 108/25 109/23 114/15 124/9 148/18 150/17 151/8 160/8 172/1 211/19 215/17 294/22 295/25 326/18 331/4 394/5 395/8 420/2 467/21 521/17 533/16 546/1 591/1 595/2 595/12 601/12 674/25 681/1 694/15 706/12 707/22 709/16 714/22 715/10 721/23 737/15 737/25 738/15 741/2 756/17 760/17 763/11 765/18 784/18 785/7 791/3 791/14 793/17 794/23 797/23
Georgia [1] 271/9
gesture [1] 808/14
get [302] 44/2 45/15 50/11 54/22 55/12 58/17 60/6 69/11 69/13 72/17 78/5 95/13 105/1 106/25 110/8 110/21 110/21 111/9 111/21 112/1 112/4 112/5 113/6 113/6 113/7 113/10 113/12 113/23 120/16 124/23 131/10 133/3 139/9 139/10 139/15 145/25 146/1 146/2 146/4 146/8 146/10 147/14 157/2 166/14 167/23 171/22 171/24 172/12 172/14 173/16 173/18 175/21 177/21 183/11 186/11 190/4 190/19 190/24 191/25 192/18 192/18 194/24 203/18 203/18 203/20 214/16 217/3 217/21 218/15 222/19 225/3 226/15 226/17 232/19 233/4 233/5 233/22 235/5 235/5 235/7 238/3 238/5 239/18 242/4 242/25 243/4 243/12 244/16 251/7 256/5 262/12 263/20 264/2 264/20 272/7 276/15 280/15 306/23 319/13 326/19 326/20 336/12 348/14 350/15 350/21 351/2 358/25 359/25 360/18 362/18 370/1 370/6 372/9 375/19 377/17 377/22 377/23 381/6 382/2 382/6 385/3 385/13 385/13 385/15 385/17 388/3 389/1 389/2 393/4 393/11 393/16 398/7 407/20 408/1 408/2 418/21 420/4 446/7 460/3 462/16 466/20 469/1 472/7 472/19 474/8 475/3 475/13 479/6 479/8 479/14 482/10 494/10 494/20 502/10 503/13 503/14 506/15 509/13 513/11 515/23 515/25 517/20 541/9 549/19 549/25 556/4 556/22 557/11 557/12 557/18 557/24 559/17 559/18 559/20 562/3 568/9 568/19 569/12 570/7 570/14 570/19 570/22 570/24 576/22 583/6 589/2 591/6 591/17 595/20 600/12 603/7 605/5 606/9 606/15 607/3 611/10 612/6 612/22 615/25 620/16 621/17 626/8 628/17 629/7 629/8 630/14 631/3 631/8 632/25 637/23 638/4 638/16 638/19 639/16 639/20 642/5 642/7 642/8 643/3 643/7 647/5 648/5 655/12 656/24 657/2 657/16 658/9 658/9 659/1 667/15 670/1 680/5 683/17 684/8 696/3 701/8 704/14 707/23 708/3 714/9 716/13 724/2 725/9 725/18 725/23 726/1 727/14 732/7 732/9 732/11 732/13 733/14 735/19 736/6 736/6 736/7 736/8 736/10 736/14 736/23 736/24 736/24 737/10 737/23 739/16 740/24 741/17 741/21 743/17 743/18 743/19 745/2 746/20 748/12 749/20 750/3 750/4 750/19 751/9 751/19 752/6 753/18 755/20 757/4 757/16 760/20 761/13 762/5 762/6 762/12 764/8 787/16 788/4 791/21 800/2 803/16 804/16 805/15 812/19 813/8 813/8 813/8
get-go [1] 541/9
gets [39] 77/13 78/24 106/10 113/15 113/24 114/5 161/23 161/24 177/20 244/24 259/25 299/20 305/13 350/22 378/21 499/14 523/22 690/25 714/7 723/24 723/25 724/8 728/25 729/5 733/24 740/4 740/6 747/25 751/3 751/5 751/6 751/6 751/7 751/7 751/18 756/19 758/19 759/4 813/6
getting [32] 67/25 74/9 117/15 129/2 129/19 134/25 173/13 213/16 235/7 241/14 303/18 336/1 351/17 384/13 388/10 397/19 507/9 570/21 571/2 588/8 608/4 608/6 608/13 615/17 620/7 630/1 631/5 655/19 655/24 673/14 731/1 756/5
gift [1] 41/19
Giglio [2] 12/13 329/24
Giles [1] 38/7
girl [6] 111/4 111/4 629/25 631/16 647/4 712/6
girlfriend [4] 492/18 654/17 754/11 762/8
girlfriend's [1] 712/5
girlfriends [1] 691/6
girls [8] 361/22 389/5 608/20 617/19 691/8 691/15 741/14 753/18
girls' [1] 617/21
give [121] 23/15 29/23 30/22 44/1 51/4 53/18 56/9 59/12 60/21 67/12 83/2 83/24 89/12 91/3 91/8 95/21 96/10 96/23 97/9 98/6 100/19 102/24 102/25 115/9 136/14 151/9 151/20 155/8 164/3 166/14 172/5 180/15 185/18 189/9 194/21 194/25 215/19 216/3 221/16 236/14 238/4 238/6 238/6 238/12 238/15 238/17 239/6 239/11 239/12 239/13 243/5 244/6 246/6 246/20 247/24 248/11 249/10 250/4 261/4 268/16 288/19 296/17 305/20 314/6 331/6 331/18 342/22 355/12 391/10 395/18 416/18 420/10 422/24 427/12 453/15 456/7 461/4 470/7 473/10 479/3 506/23 520/18 525/6 546/21 553/14 564/4 585/7 602/2 606/17 609/19 616/14 633/17 646/17 679/2 696/1 700/16 703/6 703/23 707/9 707/14 718/19 724/20 734/8 738/6 753/24 763/15 765/21 768/22 772/7 772/12 774/8 775/24 777/5 777/8 779/19 788/9 788/11 789/17 805/19 807/18 810/9
given [30] 12/13 46/9 52/14 134/2 135/1 186/7 192/3 223/12 239/16 266/25 279/4 281/8 284/1 284/5 370/13 390/17 391/17 391/24 462/22 495/23 496/10 514/1 526/23 527/3 580/14 703/8 731/9 770/12 776/12 814/9
gives [8] 51/18 100/11 100/23 203/1 490/22 508/3 707/15 707/16
giving [7] 237/18 243/21 342/15 382/19 390/14 525/17 773/2
glad [1] 329/20
Glasgow [2] 185/21 186/13
glass [9] 360/15 360/15 381/22 464/15 464/18 630/20 631/12 735/7 735/8
glasses [2] 425/8 753/10
glaze [1] 405/21
gloves [5] 225/8 276/17 276/18 276/21 277/2
go [266] 31/4 31/20 44/2 44/16 44/16 48/23 54/4 58/11 59/1 76/20 82/24 98/3 100/15 100/16 104/18 104/18 105/1 105/17 107/17 110/9 117/21 118/22 131/14 132/20 168/9 172/2 177/4 181/13 181/14 184/7 185/17 190/11 190/18 191/3 191/13 199/3 204/1 212/5 212/19 217/2 220/5 226/12 227/1 234/3 249/9 249/14 249/17 260/12 267/17 270/9 278/13 280/7 288/20 289/15 291/22 294/22 298/15 299/23 305/19 306/5 308/14 315/25 319/9 323/8 334/8 334/15 334/17 335/25 336/7 339/19 340/6 341/22 346/8 348/14 350/16 350/23 357/6 358/15 358/25 368/15 370/6 370/8 374/21 379/19 379/19 380/5 380/6 380/16 394/6 400/13 400/18 401/22 407/23 407/23 407/23 408/1 411/8 431/20 437/6 438/18 444/11 455/7 455/16 462/11 462/12 462/13 462/15 463/20 464/1 466/18 468/1 471/15 474/24 474/25 476/9 479/10 479/16 479/17 482/8 482/10 484/8 494/17 494/19 499/22 500/10 502/6 503/15 505/24 505/25 506/1 506/8 508/23 516/17 518/20 520/16 532/13 533/18 541/9 542/22 544/23 548/24 549/6 551/14 552/8 552/15 555/4 556/12 556/12 556/15 557/25 560/2 563/19 581/10 586/2 592/8 599/1 602/21 605/9 606/4 611/5 611/21 612/16 614/15 616/2 617/21 619/10 619/16 619/23 621/14 626/1 626/6 626/8 626/25 627/7 627/8 628/7 629/13 630/17 630/18 630/24 631/17 632/2 635/22 637/16 639/8 639/9 639/21 639/23 639/23 639/23 640/16 641/13 642/23 643/2 643/6 644/1 644/8 644/23 645/11 645/23 647/4 651/18 651/21 656/12 657/11 659/1 659/3 659/12 660/9 660/20 661/1 661/7 661/7 661/8 664/11 664/14 664/16 664/22 666/1 666/16 668/7 668/10 669/22 670/2 670/5 670/8 672/9 673/12 675/1 684/19 694/23 702/22 704/11 708/16 708/16 709/20 710/7 711/8 711/15 713/2 714/4 715/15 721/18 726/3 735/5 741/11 741/13 741/15 741/17 747/1 747/2 747/13 753/7 753/8 753/21 755/9 757/2 757/21 760/11 762/20 763/13 764/21 787/25 792/21 812/16 813/14
goal [2] 389/9 389/14
God [33] 56/11 91/9 115/11 136/16 151/22 155/10 164/5 180/17 189/11 216/5 221/18 236/16 248/1 261/6 268/18 296/19 314/8 331/20 355/14 395/20 416/20 423/1 427/14 453/17 456/9 461/6 470/9 546/23 553/16 564/6 585/9 602/4 747/15
godparents' [1] 611/2
goes [53] 79/25 106/11 107/4 107/9 113/15 113/20 192/22 226/22 234/4 234/5 288/15 299/18 299/23 306/6 378/21 432/4 432/8 432/9 432/10 432/11 432/13 433/12 433/13 434/1 434/5 436/17 445/11 445/14 463/7 475/18 494/14 498/24 538/17 543/23 562/8 577/8 655/11 657/11 657/12 685/11 702/21 705/21 714/7 728/11 729/4 734/8 737/3 740/6 749/1 751/20 753/14 755/15 792/18
Goff [8] 19/20 58/7 58/23 215/22

Goff... [4] 216/9 216/13 220/2 473/3
going [411] 13/13 19/13 30/9 31/2 43/23 46/3 46/25 48/6 50/11 50/13 51/23 51/24 52/7 53/8 53/9 53/11 53/22 54/12 54/22 55/1 55/12 55/14 58/16 61/11 61/25 62/7 62/14 62/15 62/22 67/11 68/18 74/18 74/22 76/12 79/17 80/15 84/6 85/4 85/16 87/2 93/9 93/11 93/13 94/10 95/4 98/9 99/25 108/13 109/1 109/2 110/20 111/1 112/1 112/10 112/12 114/5 114/21 114/22 118/21 121/5 122/16 123/20 123/20 131/7 131/19 137/5 137/6 138/3 139/3 142/4 150/7 150/12 152/16 153/25 154/25 164/16 168/3 182/23 184/20 194/19 196/20 198/2 199/3 199/6 201/22 202/13 203/21 203/21 203/22 207/12 214/10 214/11 224/8 224/15 224/16 224/17 224/19 224/20 225/20 227/18 229/3 229/6 229/9 229/12 229/15 233/19 244/22 249/14 250/13 251/10 253/23 256/5 264/16 267/17 274/21 276/6 277/9 279/1 290/13 292/2 292/3 293/1 299/19 299/19 300/18 301/15 302/10 303/11 305/12 305/12 306/7 308/8 308/16 310/19 312/20 319/25 322/22 324/4 324/24 328/18 328/19 332/6 332/8 332/12 334/16 335/12 335/15 342/4 342/22 344/20 344/24 348/18 352/21 355/5 357/8 357/23 364/21 371/18 372/9 372/21 373/4 373/10 376/18 377/17 381/6 387/23 389/17 400/22 402/16 402/18 402/23 403/8 403/12 404/10 410/23 410/25 411/17 411/22 411/23 411/24 411/25 412/25 418/15 420/3 423/19 424/7 426/2 438/13 441/5 441/6 441/12 449/13 454/2 457/9 462/13 467/23 468/19 468/22 475/6 475/14 478/19 481/7 482/10 484/1 489/8 494/22 497/12 497/13 498/5 499/22 501/11 501/19 511/2 513/14 524/15 527/22 527/25 530/20 535/8 537/18 537/20 537/21 537/23 543/3 543/18 543/18 543/20 549/18 550/3 557/4 560/12 563/19 567/9 569/13 573/14 577/22 581/6 593/11 594/3 595/16 596/24 596/25 599/11 599/24 600/5 600/9 600/17 600/17 602/18 607/8 607/13 608/1 608/3 608/12 609/1 609/11 611/9 612/20 617/6 617/10 617/16 617/18 619/23 620/4 620/21 625/13 625/25 626/9 627/20 627/23 628/23 629/17 630/17 631/4 631/15 631/20 633/17 634/8 634/15 635/6 636/4 636/12 638/1 638/6 638/16 641/14 645/2 646/3 647/5 647/13 647/24 648/3 648/6 651/12 651/15 656/19 657/11 658/6 658/10 658/11 658/14 658/23 660/4 661/23 661/23 670/1 674/19 674/25 676/7 676/22 676/23 677/24 678/3 678/5 678/5 678/8 681/4 681/12 682/9 682/19 683/3 683/18 684/19 686/7 691/11 691/23 693/11 694/23 695/12 697/23 699/7 700/4 703/6 703/7 704/8 704/16 708/2 708/16 710/7 711/24 712/23 715/10 715/16 716/10 716/11 717/16 724/5 726/5 728/16 730/4 730/10 730/11 730/14 732/3 732/22 732/23 732/25 733/23 734/6 734/8 734/13 734/13 735/11 735/12 735/12 736/20 738/3 738/7 739/14 739/15 740/24 741/6 741/9 741/13 741/15 742/17 745/7 748/9 751/19 752/17 753/20 755/9 755/16 756/4 756/8 759/7 759/10 759/15 760/20 763/12 764/1 764/5 764/14 764/22 772/11 775/4 775/9 787/24 791/11 791/17 792/22 792/23 794/24 794/24 794/25 800/1 801/4 805/7 806/22 806/25 812/10
gold [1] 318/22
Goldsmith [3] 537/10 696/20 696/20
gone [15] 62/25 300/3 449/16 476/11 476/24 487/23 504/19 724/9 754/4 755/18 755/19 761/5 761/12 761/25 762/16
gonna [1] 734/7
good [99] 13/5 42/25 45/14 46/7 55/7 80/12 81/13 85/22 86/24 86/25 88/20 109/17 127/21 127/22 135/1 137/1 137/2 137/18 144/21 144/22 152/2 152/7 155/21 155/22 161/13 181/2 205/7 205/9 211/24 212/6 214/6 215/18 231/11 231/12 236/25 241/2 248/13 251/7 251/14 261/16 261/17 269/3 295/17 324/23 327/19 329/8 329/17 331/5 331/8 333/6 336/7 345/6 345/7 355/24 355/25 356/8 361/11 362/7 362/10 369/16 370/16 370/17 386/16 396/4 396/5 411/2 417/4 417/10 420/5 420/12 422/14 425/8 427/23 427/24 446/12 446/13 446/14 485/11 545/8 576/12 591/22 594/18 595/3 606/10 607/4 678/22 695/3 701/23 706/13 723/10 733/7 751/2 756/11 756/12 758/21 759/3 759/21 759/24 814/11
Goods [1] 461/15
Goodwin [16] 20/5 136/8 136/21 136/22 144/21 147/23 246/14 246/15 494/5 579/2 727/9 727/25 730/8 747/10 747/16 747/17
Google [3] 45/1 45/6 45/13
Googled [1] 45/6
got [210] 58/12 58/13 59/3 59/7 62/5 62/5 63/16 67/2 67/15 67/16 68/1 68/2 68/8 78/1 78/23 104/6 104/25 112/8 113/6 113/8 113/25 117/23 119/17 119/18 127/4 130/12 130/21 131/2 131/3 132/4 132/5 132/7 139/20 167/2 167/3 169/21 174/7 182/10 184/18 192/14 192/15 193/9 213/20 242/3 244/12 249/11 249/20 250/25 251/5 251/8 251/12 252/11 256/6 259/13 280/23 290/8 294/10 298/22 322/22 332/10 334/14 334/15 336/14 337/4 338/19 340/4 344/16 348/5 350/23 356/20 357/14 358/11 358/20 358/25 360/2 362/24 365/9 374/13 384/1 387/7 393/11 397/13 397/18 398/1 403/13 403/15 403/20 403/21 407/25 408/3 408/5 408/18 410/6 414/13 414/14 417/25 418/1 419/3 428/10 428/13 448/25 460/7 470/22 472/12 473/12 473/25 477/12 483/7 488/15 490/17 491/13 492/14 496/21 507/23 508/12 508/13 518/8 518/12 522/14 524/18 544/23 544/25 549/16 552/4 552/5 555/3 557/8 558/1 558/2 558/6 558/15 558/16 559/4 559/10 559/11 559/24 560/14 560/15 566/22 568/12 570/16 571/20 571/24 573/3 577/20 579/21 581/19 582/3 587/15 608/14 609/7 614/11 620/13 620/15 622/5 624/12 629/11 637/2 637/9 638/8 638/10 639/3 640/14 641/18 642/18 642/25 645/4 647/2 647/11 648/7 651/5 664/13 667/1 667/4 670/16 670/25 671/7 672/7 677/17 678/19 683/7 693/10 693/11 717/21 725/15 725/15 741/8 741/25 745/21 746/2 746/3 746/12 746/18 748/13 748/18 748/21 749/1 749/12 750/3 754/3 754/3 754/8 757/10 757/23 759/21 762/14 762/18 805/5 808/25 813/14
gotcha [3] 397/6 399/18 409/2
Gotlieb [1] 20/14
gotten [8] 29/12 549/1 599/22 689/13 699/24 747/5 747/5 803/17
Gottlieb [2] 181/24 182/8
governing [1] 190/22
Government [1] 111/3
grab [2] 404/6 711/15
grabbed [12] 73/5 359/14 488/8 557/8 623/16 623/17 623/24 624/6 624/6 631/24 631/25 632/11
grabbing [2] 623/22 730/18
grabs [2] 106/11 107/21
grader [1] 224/1
granddaughter [1] 806/9
grandma [4] 407/25 408/5 412/4 607/12
grandmother's [2] 412/15 412/16
grandson [2] 417/22 417/23
grant [7] 20/2 260/23 261/11 261/12 261/16 263/12 420/25
granted [1] 54/19
grasp [1] 110/11
grasping [1] 678/24
grass [10] 175/8 292/3 292/9 292/11 292/13 634/22 635/1 744/14 757/13 759/15
grassy [11] 635/23 636/2 711/16 744/4 744/7 757/6 757/7 757/8 757/10 759/6 759/14
gray [3] 274/7 274/10 322/4
grazes [1] 432/6
great [14] 46/13 88/12 91/21 97/6 150/20 300/3 425/15 491/4 512/25 648/21 648/25 701/13 761/14 777/16
greater [3] 98/23 99/1 770/13
greatest [2] 812/22 813/13
green [9] 20/6 20/10 194/2 453/4 453/22 453/23 454/2 492/18 614/9
Greenwood [1] 80/8
grew [7] 108/10 604/5 610/1 610/2 746/25 751/15 758/5
grief [1] 809/4
grip [1] 276/19
gripping [1] 289/3
groaned [2] 139/15 146/11
groaning [2] 146/5 146/6
grooves [2] 273/20 282/10
ground [51] 54/9 118/5 118/18 119/12 133/3 139/5 139/6 139/11 146/4 146/18 146/22 178/21 194/22 198/1 208/16 208/17 232/7 289/1 289/6 293/19 310/10 344/25 360/21 426/8 426/9 446/19 446/23 476/15 558/22 559/1 632/13 632/22 632/23 632/24 632/25 637/24 638/2 638/2 639/8 639/10 639/14 639/19 648/10 696/22 708/17 728/15 729/10 730/18 731/16 735/18 745/2
group [3] 46/24 104/6 173/20
grouped [2] 293/7 730/6
grouping [1] 88/5
grow [4] 203/16 203/21 332/21 733/5
grown [2] 105/17 812/21
GS [2] 1/2 794/8
GSR [3] 9/4 317/6 320/3
guard [1] 378/19
guess [29] 45/12 48/22 50/24 75/16 88/22 121/18 139/16 142/2 146/5 146/12 255/24 259/7 328/8 341/21 378/2 397/14 397/15 407/22 418/14 446/24 549/9 574/23 596/21 634/2 677/11 677/14 678/16 679/11

1421

G

guess... [1] 701/1
guessing [2] 353/24 466/11
guesstimating [1] 147/10
guest [5] 462/21 462/21 462/23 466/15 466/21
guests [2] 462/19 462/20
guilt [10] 698/2 718/10 767/5 768/11 769/3 771/2 771/7 771/8 781/11 781/15
guilty [42] 99/3 99/3 99/4 99/5 99/11 99/15 99/17 99/19 99/21 718/15 718/17 718/18 718/20 738/8 745/24 746/2 746/3 746/3 762/25 763/7 767/3 768/1 768/18 768/20 768/21 768/23 769/9 769/12 771/12 778/4 781/6 781/13 781/18 782/3 786/20 786/20 786/25 787/7 787/8 787/15 794/13 801/21
gun [266] 51/7 51/21 59/22 60/14 60/14 62/11 67/6 70/8 70/13 70/23 70/25 70/25 73/10 106/15 106/17 107/4 107/9 110/1 110/4 111/15 113/1 113/19 113/20 113/21 113/22 113/24 114/7 114/19 133/2 133/6 133/8 133/9 138/9 195/25 204/6 222/12 222/17 222/18 229/13 230/24 231/1 231/22 231/22 232/1 232/22 232/25 233/2 234/18 234/20 234/22 269/20 273/3 273/7 273/12 274/3 282/3 282/7 283/3 283/5 283/9 283/12 284/2 284/5 284/11 284/12 286/20 286/22 288/18 288/21 288/24 290/21 291/6 291/18 292/19 293/21 306/6 306/6 316/18 328/13 353/21 353/25 358/25 359/18 359/20 359/22 363/6 363/8 363/12 363/15 363/18 363/20 365/16 365/21 365/22 365/23 366/1 377/17 378/1 378/3 378/8 379/13 381/6 381/24 393/7 393/11 393/13 402/18 403/8 403/24 408/9 408/10 408/11 408/22 409/22 410/18 410/23 412/21 414/7 414/7 415/18 415/25 435/25 436/1 436/5 436/18 437/19 437/20 438/3 438/4 438/10 445/4 475/22 478/7 478/16 480/5 480/6 483/8 487/21 488/12 491/9 491/10 514/17 514/21 514/24 514/24 515/3 515/4 519/25 523/10 523/15 523/20 523/25 525/10 529/13 529/15 529/17 529/18 530/1 530/2 530/3 530/18 530/19 530/22 530/24 531/2 588/5 588/9 588/17 590/14 625/17 626/3 626/4 626/6 626/8 626/8 627/25 628/12 628/17 628/21 629/7 629/8 632/20 632/22 633/1 637/9 638/4 638/6 638/8 638/10 638/17 638/19 639/3 641/22 647/3 647/22 648/2 648/5 648/7 659/18 662/18 662/20 663/6 663/10 664/2 664/14 665/6 684/13 684/15 684/16 684/23 685/21 685/23 686/3 687/7 688/9 693/10 693/11 699/11 701/23 711/15 711/16 712/10 714/3 714/9 714/18 715/17 716/7 721/10 721/20 722/9 725/1 725/10 725/14 725/18 728/16 728/20 729/6 729/8 730/18 731/1 731/12 731/13 731/22 731/25 732/1 732/3 734/15 736/10 736/19 737/19 737/24 738/1 742/1 742/20 743/10 745/2 749/2 751/18 752/20 752/24 757/12 760/14 761/8 761/10 804/22 813/5
gunpowder [3] 436/6 436/11 436/19
guns [5] 291/21 353/23 363/4 383/6 383/15
gunshot [90] 120/4 153/11 169/16 222/8 222/10 222/11 222/15 222/24 223/5 223/16 223/25 224/3 225/5 226/4 226/13 227/21 227/24 227/25 228/1 228/6 228/8 228/24 229/3 229/7 229/8 229/15 229/18 230/1 230/4 230/11 230/15 230/21 232/10 232/14 233/4 235/11 235/22 316/17 316/18 317/21 341/2 343/21 343/25 344/1 344/5 344/13 344/14 353/13 353/19 381/21 382/12 407/2 407/4 410/14 429/16 429/17 429/19 431/15 431/23 432/19 432/20 432/23 433/2 433/7 433/10 433/17 433/21 433/24 433/25 434/8 434/12 434/14 436/15 441/17 442/1 442/16 450/23 514/25 522/20 523/2 523/11 523/17 536/22 628/15 628/22 709/12 716/9 716/9 728/18 740/1
gunshots [8] 107/25 153/7 167/6 340/5 344/2 344/8 379/15 758/10
guy [18] 54/16 139/4 139/5 139/9 139/10 139/14 145/21 146/12 146/14 146/17 146/22 146/23 402/17 627/25 628/2 628/12 751/15 751/15
guys [6] 139/22 213/16 262/5 402/21 455/16 624/20

H

habit [1] 375/21
habitation [1] 697/2
had [445] 12/12 12/13 21/17 25/10 28/9 29/1 44/14 45/1 45/8 45/13 50/1 53/20 54/9 54/17 54/18 57/15 58/2 58/25 59/1 61/9 62/25 65/7 65/23 65/24 66/15 66/22 67/2 67/13 67/20 67/22 69/2 69/3 72/13 72/15 72/22 75/4 81/18 82/7 82/17 85/11 86/25 88/12 88/17 88/18 104/25 106/1 106/9 111/6 111/7 111/11 113/14 113/14 116/25 117/1 119/5 127/25 130/22 131/19 142/12 144/8 146/5 146/6 146/8 147/4 151/1 153/12 165/12 165/19 171/10 175/19 178/11 183/19 186/17 190/7 192/10 192/24 192/25 193/1 193/3 193/19 194/6 194/12 195/10 196/14 204/11 210/1 212/17 212/18 213/20 215/18 218/11 218/14 228/8 228/21 234/11 234/12 234/22 239/20 242/15 242/18 243/25 250/10 252/25 255/3 265/6 265/25 266/8 281/23 282/6 282/21 282/24 297/11 297/13 298/19 299/11 300/1 300/3 305/15 312/2 312/3 312/6 328/22 328/24 329/2 330/12 331/5 345/8 345/13 345/13 345/17 345/20 347/3 347/19 350/5 360/1 361/2 362/19 363/6 363/12 365/11 365/16 365/21 365/23 367/7 367/15 367/18 369/18 370/13 370/15 372/17 372/18 372/19 372/21 373/3 376/13 378/3 378/16 379/13 379/15 383/15 387/25 387/25 390/20 397/25 398/8 399/17 401/9 401/19 402/6 411/19 414/19 415/12 417/22 418/4 418/5 418/6 422/14 424/1 434/20 434/21 445/22 446/9 447/13 449/15 451/14 451/14 451/19 451/21 457/25 460/7 465/23 466/9 471/13 472/16 472/21 473/6 474/7 474/10 474/12 474/15 474/23 475/3 475/9 475/9 475/12 475/21 475/22 476/9 476/14 476/18 477/7 477/8 477/10 478/11 479/23 481/6 481/8 483/3 487/9 487/16 487/23 487/24 488/17 490/7 490/12 492/16 493/2 493/15 494/3 494/8 494/15 494/18 495/15 501/22 503/18 503/19 504/19 506/15 509/10 509/17 509/20 509/22 510/4 510/7 510/9 512/17 513/3 513/10 514/24 515/24 516/14 518/16 518/18 519/20 519/23 522/9 523/10 524/17 529/15 529/18 531/21 531/22 532/3 532/3 534/6 534/18 536/21 538/9 539/15 540/10 542/8 543/12 543/13 544/3 548/4 548/16 549/1 549/1 555/1 557/6 558/11 558/18 558/19 558/24 559/24 559/24 559/25 560/8 561/15 561/22 562/12 563/3 568/11 568/11 570/25 571/12 572/8 572/12 573/7 574/23 575/2 575/3 575/16 576/15 578/3 578/23 588/7 588/14 589/7 593/13 593/15 595/3 596/5 596/17 597/10 599/22 600/8 602/25 602/25 603/21 605/7 605/16 605/25 606/6 606/10 606/17 607/24 608/12 609/8 610/22 612/4 615/2 615/4 616/10 616/11 617/18 618/13 629/20 630/3 630/3 632/20 633/2 640/3 641/9 643/15 643/16 644/22 645/15 645/15 645/15 646/8 646/8 646/11 646/14 649/24 650/2 651/22 662/25 663/3 663/9 667/15 670/6 670/6 670/12 672/19 676/24 677/1 696/23 698/1 706/13 712/10 713/11 714/18 715/6 715/12 715/18 721/10 721/15 721/15 725/10 725/14 727/10 731/21 731/25 733/9 735/2 740/3 740/8 740/9 740/15 741/1 741/23 743/7 743/9 743/13 743/17 743/17 743/18 744/4 744/11 744/23 747/5 748/17 749/2 750/21 751/5 752/20 754/23 755/2 757/9 758/3 758/6 761/8 762/1 762/15 763/25 764/20 772/7 777/8 782/18 783/4 783/14 784/23 784/23 786/13 789/11 799/3 800/19 800/20 801/8 801/9 801/11 803/11 804/2 805/9 807/10 807/12 807/19 808/23 812/18 812/20 813/4 813/5 813/18 815/12
hadn't [10] 45/13 72/12 173/16 336/5 362/17 387/15 479/4 487/6 603/21 749/18
hair [1] 431/12
half [22] 110/16 110/17 207/12 261/22 270/7 361/9 367/10 367/12 457/20 461/22 462/1 586/1 671/16 671/18 674/15 685/4 685/6 689/16 690/19 751/25 801/10 809/21
hallway [21] 107/16 359/9 359/24 413/7 413/8 413/10 413/24 413/24 413/25 414/1 414/5 626/19 626/24 629/3 629/3 629/4 664/15 714/14 742/23 743/9 755/3
hand [121] 9/8 22/7 56/5 56/6 66/14 90/25 99/13 115/5 115/6 136/10 136/11 151/16 151/17 155/4 155/5 163/24 163/25 168/16 169/11 180/11 180/12 189/5 189/6 193/3 198/8 199/21 199/22 200/1 201/19 215/24 215/25 221/12 221/13 225/14 225/16 230/16 236/10 236/11 247/20 247/21 260/25 261/1 266/21 266/21 268/12 268/13 274/21 283/15 296/13 296/14 314/2 314/3 316/22 320/7 320/8 320/23 321/6 321/7 331/14 331/15 355/8 355/9 363/9 395/14 395/15 407/11 407/16 410/19 415/18 416/14 416/15 422/20 422/21 424/12 427/8 427/9 431/4 435/8 435/14 441/8 441/9 449/18 452/16 452/19 453/11 453/12 456/3 456/4 460/25 461/1 470/3 470/4 502/19 514/24 515/4 519/25 523/10 523/15 544/1 546/17 546/18 553/10 553/11 563/25 564/1 585/3 585/4 592/25 592/25 593/8 601/24 614/4 614/9 638/3 718/17 728/19 766/23 768/20 781/14

hand... [2] 787/21 804/16
handcuff [1] 62/1
handcuffed [1] 482/7
handed [1] 330/2
handguns [1] 274/14
handicap [2] 426/7 426/9
handicapped [1] 203/13
handing [1] 210/11
handle [8] 217/2 232/25 276/16 276/20 277/1 308/13 308/13 308/15
handled [1] 217/17
handling [1] 276/17
hands [34] 195/12 199/20 200/8 200/11 225/21 227/22 228/21 230/7 230/7 230/13 230/19 232/7 232/15 232/16 232/20 233/4 233/5 234/15 235/5 235/6 235/7 235/19 235/23 298/16 320/1 320/2 320/6 321/7 449/12 452/10 491/4 735/23 738/18 758/16
handwriting [4] 163/5 163/6 220/8 259/7
handwritten [1] 201/12
hang [3] 245/6 412/25 753/15
hanging [4] 104/22 334/3 357/13 620/22
hangs [1] 113/10
happen [30] 43/8 45/23 50/5 51/23 84/1 95/19 160/21 238/12 238/22 272/4 290/14 291/11 387/6 434/23 447/19 475/8 638/16 660/7 732/11 734/6 737/23 749/16 754/10 777/18 794/24 798/16 798/18 799/3 807/10 807/22
happened [145] 23/6 54/4 57/23 60/11 61/17 61/18 65/20 67/13 67/17 68/5 70/12 70/24 71/10 71/13 107/15 108/4 108/18 117/8 128/6 128/20 131/18 139/25 153/5 167/21 167/25 182/21 204/18 205/23 205/24 206/9 211/7 218/8 227/2 242/10 244/18 249/15 249/16 309/17 336/25 337/4 337/18 339/10 339/24 340/14 342/19 343/18 344/14 344/16 356/15 383/24 403/17 405/14 406/8 408/4 409/24 415/15 417/20 447/21 448/1 449/17 451/20 472/6 475/3 475/10 477/8 477/10 477/11 478/15 483/2 487/15 487/23 488/14 491/15 492/9 499/12 504/1 513/3 513/5 518/1 547/22 557/15 558/15 558/20 575/20 575/25 590/6 616/16 620/14 621/10 623/11 628/14 628/25 629/10 629/15 629/23 631/14 632/10 632/19 633/3 633/22 634/11 639/2 641/21 642/11 643/8 645/10 648/21 660/11 670/10 670/17 670/24 671/9 672/7 672/20 673/2 681/21 682/23 683/1 685/7 686/22 686/24 692/23 693/15 710/24 712/5 727/13 728/5 735/1 735/2 736/5 736/17 744/8 744/14 748/22 748/25 749/1 753/8 754/3 757/11 757/17 804/18 804/20 808/23 809/23 813/2
happening [8] 139/1 343/15 624/15 634/11 688/16 688/18 693/3 727/20
happens [15] 162/11 224/12 224/13 237/9 237/15 244/14 289/2 517/2 539/16 626/3 726/6 752/11 752/13 754/15 757/3
happy [21] 12/22 52/8 368/5 421/21 458/9 458/10 458/21 535/1 592/13 606/25 607/5 656/3 656/7 656/11 696/6 734/10 791/16 799/9 803/1 803/23 806/20
hard [28] 125/2 129/8 129/11 129/12 132/9 194/22 257/17 257/19 287/6 292/15 299/14 425/8 435/11 435/14 441/10 497/6 499/13 516/7 516/10 531/11 547/8 634/24 681/4 719/12 740/18 744/11 757/23 806/7
hard-soled [1] 287/6
Hardee's [1] 602/22
harder [1] 805/7
hardest [2] 576/20 724/1
hardly [2] 65/24 634/23
Harley [1] 32/19
harm [4] 699/13 783/22 783/25 784/7
Harold [5] 19/24 296/10 296/24 297/1 720/3
harsh [2] 793/2 812/7
has [189] 21/6 21/17 22/21 28/9 28/20 44/20 45/4 46/6 49/13 50/1 50/12 51/11 52/21 53/3 53/4 62/22 63/16 64/24 75/4 76/7 80/1 81/4 89/1 89/2 89/4 89/20 91/16 91/18 98/2 99/8 99/9 99/12 99/22 100/6 101/8 101/9 102/8 106/20 113/19 114/4 159/17 162/2 162/3 173/11 183/6 192/21 199/9 202/24 206/23 213/19 222/17 226/23 228/2 228/7 228/23 231/20 231/21 235/21 253/23 272/1 274/21 275/23 277/15 277/19 277/20 278/2 279/8 283/15 284/22 285/25 293/16 307/14 310/19 316/1 316/18 318/2 318/19 319/12 324/4 343/1 348/18 351/6 351/12 362/7 366/10 420/22 421/19 424/7 465/9 465/11 484/1 486/9 486/16 489/8 503/25 504/3 504/5 512/24 516/18 526/1 531/10 535/7 535/8 535/23 536/8 539/16 541/9 542/8 542/9 542/13 546/4 546/7 547/22 556/19 557/15 561/3 583/24 589/18 591/14 597/13 597/15 597/17 598/19 599/12 648/12 677/14 690/7 694/5 695/14 696/11 699/11 701/10 702/17 704/20 705/20 705/23 708/2 708/7 710/4 716/7 718/2 719/6 722/21 724/9 726/15 729/6 732/20 738/5 739/22 740/6 747/14 752/8 754/9 756/21 767/3 767/20 770/20 771/11 771/12 771/13 773/18 777/1 781/3 781/7 783/6 783/23 784/2 784/16 785/18 786/18 787/2 787/9 788/18 793/18 794/1 797/19 797/21 803/7 804/9 805/9 805/11 807/2 808/1 810/21 810/22 810/25 811/2 811/4 812/20
hasn't [5] 81/5 159/17 226/19 679/10 679/12
hate [1] 807/21
hath [3] 110/22 752/16 752/18
hatred [2] 778/7 779/9
Hauge [1] 41/3
Hauge-Kent [1] 41/3
have [1006]
haven't [16] 44/11 50/20 55/5 90/7 102/8 235/21 256/3 443/14 519/18 534/6 537/14 541/12 552/11 701/11 804/2 808/17
having [22] 29/19 87/12 113/17 187/4 193/11 214/3 230/6 230/20 277/2 282/18 332/24 468/11 600/13 659/14 665/5 671/16 681/8 681/10 682/20 708/22 749/19 809/11
Hazelwood [2] 374/2 611/25
he [1332]
he can [1] 500/12
he'd [4] 677/5 749/20 753/11 754/12
He'll [1] 191/21
he's [85] 104/5 105/19 113/25 114/1 114/3 347/21 356/11 366/7 384/9 402/23 402/24 468/11 468/12 468/13 498/19 499/9 499/16 500/16 500/17 501/11 502/1 502/1 503/16 503/17 528/2 528/4 537/21 542/14 543/13 545/3 545/6 554/24 563/14 563/15 600/9 633/13 679/8 679/23 721/13 742/18 742/22 744/25 745/9 745/11 747/23 748/7 749/8 750/21 751/12 751/13 751/17 751/22 751/23 751/25 752/1 752/4 752/6 752/8 752/19 752/20 753/17 753/17 753/19 754/7 754/8 754/10 754/10 755/15 756/4 756/4 756/5 756/23 757/14 757/19 757/23 758/9 758/11 758/16 758/17 758/18 758/18 761/22 761/24 763/7 768/21
head [19] 66/11 66/14 79/10 79/18 171/18 188/2 332/13 441/15 483/9 487/20 491/4 624/10 624/12 634/4 654/25 739/1 749/13 808/6 810/4
headed [1] 612/18
heading [3] 142/2 142/3 498/20
headquarters [14] 48/20 48/21 116/16 300/6 306/21 481/20 483/18 562/19 644/9 644/19 670/21 670/23 671/4 671/6
heads [2] 51/18 53/19
heads-up [2] 51/18 53/19
healing [1] 808/19
Health [1] 41/4
hear [94] 12/23 43/14 43/16 43/20 45/24 51/25 52/8 53/7 79/15 94/10 94/12 94/13 94/14 94/15 107/25 108/13 109/1 109/2 110/19 110/21 110/21 111/19 112/9 113/5 113/11 113/12 123/22 129/12 141/18 143/11 143/14 143/20 150/6 332/7 332/8 340/8 340/10 340/25 341/2 352/18 358/18 358/19 376/16 376/16 376/17 388/18 400/15 401/15 401/15 401/20 407/2 407/4 414/21 440/19 460/4 481/2 484/7 510/14 521/25 525/6 535/2 543/2 556/20 568/14 593/11 593/11 602/14 624/17 626/4 632/3 673/5 673/6 676/4 684/24 694/19 696/6 706/25 707/1 715/1 734/23 748/18 758/22 761/8 764/15 766/12 772/24 774/19 790/5 800/12 801/15 803/1 803/23 806/20 806/23
heard [146] 12/18 22/21 29/11 30/21 44/11 44/12 49/5 49/8 88/18 92/10 92/12 96/14 96/16 101/13 102/8 138/10 138/11 138/11 138/14 138/17 139/21 145/3 145/9 145/11 146/21 212/23 318/1 326/25 337/19 338/1 338/4 339/25 340/5 340/6 340/12 341/6 343/25 344/2 344/5 344/8 352/15 352/17 352/22 353/13 353/18 358/21 359/13 375/12 379/15 381/21 381/22 382/12 401/18 403/7 406/4 406/7 410/14 410/14 414/24 415/7 415/8 471/16 475/2 476/12 479/5 483/13 510/22 514/25 515/5 522/9 522/20 523/2 523/11 523/17 526/2 529/9 531/20 531/22 533/3 533/3 535/10 535/13 535/16 535/23 536/17 537/14 538/22 560/22 575/19 579/6 595/25 606/6 624/18 628/14 628/22 630/19 631/12 631/21 634/5 640/8 640/8 640/11 640/24 676/14 679/8 679/10 679/12 683/9 684/17 688/21 690/9 702/9 702/10 707/4 710/16 711/14 716/8 716/17 717/12 718/5 719/8 719/23 719/25 720/1 720/2 720/3 720/4 720/11 728/1 734/22 735/8 740/24 741/7 746/21 747/18 759/8 761/18 763/11 769/20 771/18 771/19 776/3 803/7 804/10 807/14 811/5
hearing [37] 43/10 48/1 48/7

H

hearing... [34] 48/23 48/24 51/10 53/21 55/25 58/18 65/10 65/13 74/20 75/10 78/25 82/8 108/18 129/9 136/6 145/8 189/3 328/16 328/23 332/25 419/24 421/3 421/8 453/9 467/20 469/9 482/2 535/10 595/11 667/25 683/22 689/22 696/13 802/18
hearings [1] 54/10
hears [2] 679/24 757/14
hearsay [6] 455/3 492/21 493/17 607/14 618/20 676/20
heart [18] 432/11 432/12 432/24 433/1 434/25 441/22 446/15 446/16 705/21 709/12 740/7 740/9 747/25 756/25 763/4 792/18 808/2 810/7
heat [2] 224/12 275/19
heat-sealed [1] 275/19
heated [1] 107/5
heavily [2] 187/12 593/17
heavy [5] 170/4 287/6 436/25 651/7 651/8
height [4] 288/25 299/13 299/13 306/2
held [11] 136/4 156/4 164/20 189/1 288/22 288/24 419/22 453/7 467/18 469/7 595/9
hell [4] 110/22 752/16 752/18 754/14
help [71] 13/10 13/12 56/11 90/21 91/8 110/7 115/11 117/7 136/16 151/22 155/10 157/16 164/5 174/21 180/17 182/20 189/11 206/8 207/16 216/5 221/18 226/10 236/16 248/1 252/6 261/6 268/18 296/5 296/19 298/7 298/20 308/12 314/8 331/20 342/19 347/13 355/14 395/20 409/1 409/2 416/20 423/1 424/4 427/14 453/17 456/9 461/6 470/9 517/8 546/23 553/16 559/13 564/6 576/15 585/9 602/4 652/16 668/7 668/8 668/10 669/19 727/22 731/14 747/2 747/9 748/5 748/6 751/10 758/7 758/18 807/12
helped [4] 193/10 194/10 204/7 605/21
helpful [8] 51/18 53/2 96/12 101/22 707/2 707/8 773/6 773/6
helping [2] 347/17 369/14
helps [4] 128/5 201/20 202/23 205/23
her [214] 12/23 16/2 49/17 49/18 59/7 59/7 104/10 104/20 105/7 105/16 105/17 106/12 106/19 106/20 106/25 107/16 107/17 107/19 107/21 110/19 110/22 111/16 186/16 187/22 188/8 188/9 223/17 223/18 334/8 334/20 334/22 336/1 338/9 338/23 338/25 339/1 339/12 340/3 342/6 344/18 346/13 346/14 346/19 346/20 347/11 347/13 347/13 347/14 369/14 387/19 399/10 401/10 401/11 402/5 402/10 402/21 404/20 404/22 404/23 405/11 405/12 405/18 405/20 405/21 408/1 408/2 408/3 411/5 411/21 415/3 421/17 429/3 456/22 456/23 456/25 456/25 462/5 463/17 473/12 475/18 477/18 477/20 477/21 477/22 492/8 492/14 492/15 493/7 493/9 493/12 497/11 498/12 506/23 523/15 524/11 542/10 554/8 555/22 555/23 557/18 557/23 557/24 558/5 559/5 559/9 559/10 559/13 559/20 561/6 563/4 586/25 587/10 587/12 587/15 587/17 588/7 588/10 589/20 589/21 600/12 604/14 605/4 606/23 606/23 606/24 606/25 607/6 607/12 608/7 608/18 609/17 609/19 618/13 618/14 621/16 624/18 627/20 647/6 649/20 651/21 651/22 651/23 652/1 652/2 652/3 652/5 652/9 652/10 652/14 652/24 653/14 653/22 656/16 666/1 666/1 666/2 669/20 669/22 669/24 672/14 672/16 672/19 672/25 673/8 673/9 673/13 673/15 673/19 673/23 674/6 677/15 681/14 681/15 681/19 682/22 683/4 683/5 683/7 683/13 683/15 683/17 683/24 686/15 689/23 690/1 697/17 707/16 714/16 716/15 716/18 731/8 731/9 732/7 732/8 732/12 732/13 732/19 732/19 741/22 749/18 749/21 750/7 750/11 751/6 754/11 762/11 804/15 806/7 806/9 806/11 807/9 809/3 809/3 809/4
here [212] 15/15 16/19 22/5 27/14 50/9 57/20 59/17 66/12 80/16 80/19 81/6 87/7 93/2 93/22 103/16 103/16 112/1 112/18 123/20 137/14 141/9 142/2 150/24 168/11 174/2 174/4 174/4 174/7 174/13 187/16 202/16 203/2 203/3 230/16 234/11 246/23 246/24 279/7 280/5 287/7 300/19 308/12 311/17 312/18 319/16 343/5 347/15 349/10 349/12 349/22 349/22 352/11 352/21 360/9 392/1 402/21 413/13 420/10 420/23 421/15 431/18 431/19 431/24 432/5 432/7 432/9 432/14 433/10 433/25 435/8 435/14 437/14 437/15 437/21 438/1 442/8 444/21 444/23 444/23 468/13 468/13 468/14 474/22 486/25 487/3 498/19 498/20 498/22 499/7 499/11 499/17 499/23 500/11 500/17 501/6 501/15 502/1 507/16 521/23 522/2 522/2 527/24 528/12 534/15 535/25 540/21 552/12 563/13 563/14 563/14 563/15 564/22 573/10 582/15 584/25 589/3 589/10 596/10 610/20 625/13 625/14 626/7 627/5 627/7 627/14 630/7 630/9 633/16 633/20 633/21 633/21 634/1 635/22 635/24 636/1 636/2 636/3 636/25 637/1 637/2 646/23 653/17 653/20 653/24 656/14 657/21 659/4 659/5 659/8 659/17 659/20 659/22 660/1 660/7 660/10 660/11 660/12 660/13 660/16 661/19 661/20 661/22 662/3 662/4 662/7 675/17 703/8 709/2 711/3 711/8 716/23 718/25 723/13 723/19 725/7 725/8 733/15 744/7 744/7 744/12 746/20 748/4 751/24 752/6 753/17 754/20 754/22 754/25 754/25 755/5 756/1 756/3 756/10 756/22 756/23 756/23 757/3 757/3 757/12 757/17 759/6 759/6 759/8 759/22 759/24 760/3 764/15 767/9 785/11 804/6 805/18 811/20
here's [2] 748/1 759/10
hereby [1] 815/10
hereto [1] 815/17
herpes [1] 607/24
hers [3] 346/21 695/22 695/23
hesitant [4] 719/19 720/19 721/5 775/17
hesitate [3] 98/17 294/3 768/8
Hey [6] 720/24 742/10 747/6 747/7 750/15 751/9
Hi [7] 42/4 205/6 237/1 241/3 417/5 444/3 470/20
hide [1] 80/7
high [14] 114/6 201/2 207/22 224/12 356/11 597/16 598/10 603/11 650/23 650/24 674/7 674/10 803/11 813/12
highest [1] 724/10
highly [1] 74/25
highway [1] 619/21
hill [3] 139/4 139/23 428/13
him [526] 14/18 14/20 17/20 48/20 49/4 54/15 54/17 54/18 54/19 54/20 54/23 59/16 59/19 59/20 59/20 60/6 60/6 60/8 60/13 60/18 60/19 60/21 60/21 61/1 61/22 61/25 62/1 62/1 62/2 62/4 62/6 62/7 62/8 62/9 62/16 62/16 63/7 63/9 63/14 64/12 64/14 65/7 65/19 65/21 66/7 66/15 66/19 66/20 66/22 66/24 66/25 67/3 67/15 67/16 68/16 68/18 68/20 68/22 69/1 70/13 71/22 72/1 72/4 72/7 72/13 72/18 72/19 73/3 73/6 74/23 76/2 76/3 76/12 77/6 77/14 77/14 88/13 88/19 103/8 103/11 108/3 111/8 111/13 111/13 111/15 114/9 114/22 120/16 139/7 139/8 139/18 146/2 146/3 146/7 146/7 146/9 146/18 167/12 167/20 178/11 191/19 194/9 204/7 328/12 328/24 333/7 333/12 336/19 336/20 340/15 356/7 356/22 356/24 357/7 357/16 357/20 357/24 358/1 358/4 358/8 359/3 362/3 362/13 362/17 362/19 364/16 365/18 367/13 368/2 368/4 368/4 368/5 368/6 368/23 369/1 369/6 370/2 370/5 370/13 371/5 371/7 371/9 371/24 371/25 372/9 372/12 372/13 372/14 373/1 375/21 377/24 378/19 378/22 380/23 380/23 381/2 381/5 381/14 381/21 381/25 382/2 382/25 384/25 385/3 385/6 385/25 386/2 386/4 386/12 386/13 386/18 387/5 387/9 387/16 388/3 388/12 388/21 389/11 389/13 389/18 390/12 391/9 392/19 392/19 400/6 402/6 402/18 403/23 403/24 404/7 404/14 406/25 407/12 407/13 409/23 411/1 411/13 413/18 414/17 415/10 415/10 418/12 418/14 419/5 419/7 421/3 421/8 421/13 421/17 421/18 448/13 448/14 448/17 455/7 455/8 455/17 457/5 457/6 458/10 458/11 458/14 458/22 458/23 459/13 460/7 468/10 468/13 468/13 468/20 468/22 468/23 469/1 475/15 475/15 476/1 478/8 478/9 478/9 478/12 478/25 479/1 479/3 479/3 479/5 479/11 480/25 481/8 482/7 482/7 482/8 482/10 482/12 482/15 482/17 484/1 484/10 485/5 485/5 487/1 487/4 487/9 487/22 488/2 488/6 488/9 488/18 488/19 488/22 489/6 490/6 490/21 490/24 491/3 491/9 491/21 492/1 492/2 492/5 493/6 494/15 494/17 494/19 499/6 500/2 500/21 500/22 501/3 501/6 501/8 501/10 501/23 501/24 502/4 503/13 503/14 503/15 508/12 508/13 508/16 511/13 512/3 516/13 516/16 516/21 518/16 518/18 519/1 519/9 519/24 525/6 525/13 525/13 525/18 529/22 529/23 534/15 536/11 544/16 544/16 545/2 548/16 548/17 548/25 549/2 549/3 549/5 549/6 549/7 549/15 549/16 549/16 549/20 549/21 551/16 551/17 552/6 552/6 552/15 554/13 554/14 554/15 556/4 556/11 556/12 559/25 560/7 560/8 560/18 560/22 561/16 562/4 562/7 562/12 562/17 562/19 562/19 562/23 565/21 572/7 578/18 579/13 581/12 581/19 584/2 592/24 593/7 596/14 596/14 596/19 599/11 600/3 600/13 610/11 610/25 611/6 616/13 626/4 628/17 628/25 629/7 633/6

him... [145] 633/13 637/3 639/8 639/9 639/12 639/13 639/15 639/18 639/19 640/11 642/14 642/15 642/19 642/20 642/21 642/22 642/25 643/20 644/14 644/15 645/20 645/21 645/25 646/4 646/6 646/8 646/11 646/14 646/17 646/18 646/20 646/24 651/12 666/23 666/24 668/7 670/6 670/9 670/11 670/14 670/15 670/15 670/19 670/24 671/4 671/6 671/7 671/10 671/11 676/9 676/11 676/12 676/12 677/8 677/8 677/24 678/19 679/5 684/12 684/20 685/19 686/10 703/17 709/10 709/19 709/20 711/2 712/8 712/15 712/21 715/1 715/25 716/5 716/5 716/5 718/17 718/19 718/20 722/9 729/10 732/3 732/14 732/14 732/19 733/17 733/19 734/10 737/1 738/8 740/10 740/21 740/22 741/24 742/22 744/4 745/5 745/10 745/16 745/19 745/24 746/3 747/1 747/2 747/2 748/11 748/15 748/21 749/8 749/19 749/20 750/5 750/7 750/7 750/8 750/8 750/24 752/9 752/9 752/10 755/8 756/8 758/1 758/1 758/4 758/11 759/8 761/14 761/19 761/23 762/24 763/6 768/22 804/13 804/14 805/3 806/7 806/14 806/14 806/15 806/23 807/11 807/12 807/21 811/7 813/23
himself [20] 61/11 61/16 391/4 478/19 479/4 480/10 481/7 481/15 481/22 510/24 511/18 542/15 551/18 562/20 562/23 709/8 742/10 784/13 810/22 810/24
hip [4] 435/8 632/21 637/24 638/1
hired [1] 566/7
his [328] 21/15 50/2 54/16 54/21 59/12 60/10 61/12 62/4 62/9 62/16 64/13 64/17 65/1 65/2 65/19 66/11 66/13 66/14 66/14 66/17 66/20 66/22 66/23 69/12 72/25 73/3 73/5 75/20 76/19 88/22 103/9 103/18 103/21 104/4 104/5 106/10 106/13 109/6 109/21 111/5 111/5 111/15 111/16 111/16 112/18 113/12 114/1 114/17 118/20 144/8 153/10 166/25 167/5 169/17 176/19 176/22 194/6 194/7 194/8 194/11 194/13 195/11 199/15 199/20 199/22 199/22 200/22 246/17 266/21 328/22 351/7 357/24 360/19 361/21 362/6 362/8 362/11 362/14 363/9 365/2 365/3 366/9 371/20 371/22 372/2 372/5 375/19 376/9 376/14 378/2 379/8 379/19 383/3 387/25 389/13 400/8 403/2 407/11 407/16 410/8 411/12 411/17 412/6 412/7 414/9 418/5 418/6 418/8 432/25 435/6 435/7 438/1 441/15 441/17 445/4 447/13 447/13 447/15 449/12 452/10 452/16 452/19 455/9 455/10 457/5 457/6 458/8 459/1 459/23 468/9 478/5 478/20 478/20 479/20 479/24 480/2 480/22 481/1 481/8 481/14 482/5 482/13 483/3 483/25 485/7 486/25 487/4 487/16 487/19 487/20 488/1 488/6 488/8 488/16 488/17 488/20 490/16 491/1 491/4 491/4 491/5 500/8 502/2 502/2 508/12 508/13 508/15 509/3 510/8 510/19 512/17 513/2 513/3 513/5 514/24 518/7 518/8 518/12 519/25 523/10 525/6 526/2 532/3 533/1 533/1 534/19 536/11 537/18 542/13 544/13 545/3 545/4 547/14 547/15 549/8 549/10 549/17 549/21 551/24 551/25 552/16 554/16 554/17 554/22 554/24 555/5 555/6 556/11 565/23 577/18 580/21 592/25 592/25 593/8 597/8 599/24 610/15 610/19 611/4 614/2 616/10 616/23 641/23 642/1 643/1 644/3 644/4 646/22 679/25 686/9 686/12 707/16 708/23 709/24 711/19 711/24 712/4 712/6 712/15 713/25 713/25 714/4 714/5 715/2 715/22 716/13 717/23 720/23 721/19 721/20 721/21 721/21 722/6 722/7 722/7 728/22 728/23 729/5 730/25 730/25 731/4 731/18 731/19 731/21 732/16 734/10 735/22 735/23 735/24 735/24 735/25 736/22 737/7 737/16 737/22 738/6 738/18 740/11 740/13 741/20 741/21 741/23 741/25 742/18 742/18 742/19 743/23 743/24 744/9 745/15 745/17 745/21 748/15 748/20 748/23 748/23 749/9 749/13 751/14 752/8 752/13 753/14 753/19 754/7 754/8 754/8 754/11 754/12 757/12 757/19 757/24 758/7 758/10 758/16 758/19 760/11 762/3 762/11 762/22 762/24 767/5 769/11 784/22 803/24 805/10 807/5 809/11 811/5
hisself [5] 549/12 549/19 551/17 552/7 610/18
hit [30] 66/15 67/25 106/23 118/1 309/15 362/24 362/25 363/2 380/10 391/1 391/6 391/8 391/9 392/14 408/23 433/18 452/16 452/17 632/24 632/24 638/2 670/16 670/25 671/7 671/10 671/12 728/4 728/6 750/4 755/13
hits [5] 432/5 432/8 433/13 531/17 757/13
hitting [2] 441/10 645/1
hold [15] 160/19 193/22 196/20 277/17 319/13 425/12 444/22 517/21 530/19 593/4 593/7 597/3 648/14 766/22 810/7
holding [9] 22/7 133/9 133/10 438/2 438/3 438/4 578/12 578/13 798/16
hole [8] 204/8 475/5 475/23 476/2 722/6 730/22 730/22 755/1
hole's [1] 754/25
holes [9] 325/5 325/8 325/9 325/15 325/16 325/20 760/9 760/9 760/10
holiday [2] 63/2 482/21
hollow [7] 285/22 285/23 285/25 286/5 286/7 286/10 732/1
Holt [1] 193/8
home [65] 40/3 41/19 45/3 113/1 113/13 117/2 131/20 137/22 138/1 138/3 138/4 230/6 327/2 347/5 364/20 374/21 383/2 387/9 391/16 399/9 399/10 412/2 412/11 454/22 455/17 455/17 480/16 510/18 510/19 554/23 554/23 554/24 555/6 555/7 561/16 587/16 587/17 604/11 604/25 607/25 617/14 617/17 619/23 619/24 620/5 620/13 620/15 621/14 625/8 629/25 631/15 647/4 651/12 651/13 651/15 658/9 673/13 683/21 697/3 732/15 732/17 753/17 806/9 806/10 809/11
Homes [1] 137/10
homicide [14] 57/15 57/17 57/18 57/18 58/4 176/16 298/14 471/13 472/3 472/6 472/7 472/17 477/14 482/24
homicides [1] 165/3
Honda [1] 194/2
honest [5] 449/8 534/5 598/5 703/8 768/6
honest/dishonest [1] 598/5
honestly [10] 92/23 343/13 343/22 346/11 346/22 349/17 358/19 409/11 419/6 535/6
honor [361] 12/24 13/3 14/10 19/2 19/6 27/2 27/6 27/17 28/19 42/17 42/23 46/19 47/20 48/13 48/18 49/6 49/7 49/24 50/17 50/23 53/12 53/17 55/14 56/1 65/10 69/16 73/18 74/4 74/6 74/19 74/21 75/3 77/4 77/20 79/7 80/13 81/6 81/11 82/3 83/12 85/6 86/11 86/22 103/4 115/2 122/6 122/13 124/20 127/16 134/10 134/12 135/13 135/18 135/22 140/13 140/23 142/21 143/5 143/17 143/21 144/2 147/20 148/6 148/10 148/13 149/8 149/16 149/18 150/2 151/3 151/3 151/12 155/1 159/19 160/5 160/13 160/24 161/3 162/24 163/14 163/22 168/6 168/19 168/25 170/24 171/21 172/4 176/25 177/1 177/16 178/24 180/3 185/10 188/23 191/15 191/23 198/15 202/2 204/22 204/24 207/2 210/14 211/14 214/13 214/18 214/22 214/25 215/8 215/10 215/15 215/21 219/2 219/23 220/21 223/14 223/19 223/22 231/6 231/8 235/1 235/13 240/8 240/11 240/14 245/15 247/3 254/11 254/15 263/11 263/14 263/17 268/2 271/12 271/19 275/21 285/3 290/1 294/14 295/6 295/15 295/16 295/23 296/9 300/13 301/6 301/25 302/8 302/21 303/16 304/7 304/11 304/18 306/25 307/9 310/24 311/2 312/24 313/13 314/17 324/20 326/14 328/1 331/1 331/10 332/24 335/12 335/17 342/25 345/2 348/25 349/2 352/25 353/3 354/11 354/23 355/2 355/4 366/18 367/2 373/16 373/20 388/7 392/5 392/23 393/24 394/22 395/5 395/11 409/16 416/7 419/12 419/20 420/21 421/9 421/10 422/12 422/17 426/21 428/24 429/7 430/10 430/20 438/24 439/22 440/16 440/20 443/10 443/17 450/3 453/3 453/5 455/19 458/3 460/12 464/23 465/4 465/8 467/11 467/17 468/5 468/7 469/2 469/4 469/13 469/22 469/25 475/14 478/22 488/25 491/18 492/20 493/8 493/18 503/3 503/8 504/25 510/23 520/12 521/15 521/19 528/1 528/6 530/8 530/10 533/14 534/4 534/9 535/3 535/8 537/19 538/7 543/13 544/3 544/8 544/11 544/18 544/22 545/18 545/20 545/24 546/12 550/8 550/13 552/22 553/1 553/8 561/2 563/9 563/12 565/20 566/25 567/20 574/7 576/9 582/17 586/24 588/22 590/20 592/17 592/18 593/5 593/9 594/5 594/17 594/24 595/6 595/19 595/21 596/1 597/1 597/15 597/25 599/21 601/1 601/10 601/19 607/13 612/25 618/17 633/6 636/8 645/5 669/1 675/13 675/18 676/10 676/18 677/23 678/21 680/23 681/3 690/4 694/4 694/5 694/13 696/8 696/14 700/3 701/16 701/18 703/3 704/4 704/20 706/6 706/15 707/19 723/4 738/10 763/24 764/17 767/15 789/11 789/23 791/1 792/12 792/23 793/8 793/20 794/22 797/20 797/24 799/22 799/24 800/14 800/23 802/6 802/21 802/24 803/6 803/9 804/1 804/8 804/25 805/6 806/19 810/19 810/25 811/4 811/11 811/15 814/13
HONORABLE [1] 1/14
honored [1] 766/10
hook [3] 104/19 106/1 106/3

H

Hooke [1] 223/2
hooked [1] 741/14
hope [9] 42/25 86/25 215/17 331/5 422/14 595/2 706/13 726/9 813/25
hoped [1] 383/2
hopefully [4] 44/6 50/24 591/6 723/14
hopes [1] 103/11
horrible [3] 596/8 596/8 596/9
Horry [1] 78/23
horse [1] 267/15
hospital [7] 177/20 315/23 315/25 316/4 316/6 316/13 607/23
hostility [1] 778/7
hot [1] 617/24
hotel [2] 550/1 670/1
hour [11] 252/16 252/18 258/11 258/13 258/17 258/18 258/20 398/11 497/4 524/17 801/6
hours [22] 104/14 190/13 297/22 297/22 298/9 298/12 351/14 351/17 454/20 454/23 511/20 556/3 584/14 665/20 672/16 698/10 731/11 742/15 742/18 800/23 801/10 801/11
house [155] 104/18 104/19 104/20 104/24 105/7 105/9 110/2 113/20 190/8 222/23 309/20 334/8 336/1 337/1 337/5 337/9 338/14 338/17 340/4 340/5 342/14 344/10 344/17 344/18 344/18 345/13 350/21 350/23 350/24 353/14 353/17 353/18 353/18 353/23 354/14 357/23 358/2 358/6 359/6 361/10 361/25 363/4 364/8 364/18 371/19 371/22 373/6 373/14 387/7 389/14 390/7 396/24 397/16 401/7 402/15 406/2 406/7 409/8 414/16 415/9 417/13 417/24 455/9 474/3 480/13 492/7 492/14 504/2 515/3 515/11 515/13 515/14 518/25 525/1 525/4 526/13 533/1 536/18 536/19 536/22 554/14 554/23 556/6 556/6 556/10 556/11 557/21 558/1 558/2 561/17 561/21 605/10 605/13 605/14 611/2 612/7 612/22 612/22 612/23 613/11 613/14 616/23 617/21 618/6 618/10 619/5 619/10 620/15 621/14 621/18 622/1 624/2 624/4 628/19 630/21 631/1 631/9 641/15 641/19 641/20 641/23 642/1 645/15 645/17 645/21 647/4 647/23 662/15 662/16 666/1 669/14 687/7 687/9 687/22 688/9 689/9 698/5 712/5 712/18 715/15 729/2 731/20 734/25 741/15 746/11 746/12 748/21 750/11 751/3 752/1 754/8 756/15 762/12 804/20 813/16
household [2] 462/16 463/8
housing [2] 466/22 605/17
how [328] 14/18 17/21 30/11 43/23 45/4 50/8 51/23 52/7 57/1 57/21 57/23 58/13 59/12 60/8 61/5 61/17 67/5 70/9 70/23 78/20 81/24 83/5 83/6 84/5 93/14 109/23 110/9 110/9 110/11 110/12 110/15 112/5 115/23 116/23 129/4 130/1 130/24 133/2 137/3 145/9 150/21 152/15 153/21 155/25 156/3 156/13 157/10 164/20 172/18 181/5 181/11 181/14 189/23 190/24 191/25 192/7 195/4 195/4 197/23 197/23 203/1 205/8 206/11 206/11 206/14 213/2 213/11 216/16 220/12 225/3 225/3 225/8 226/20 227/16 227/19 230/3 230/10 237/16 238/22 239/5 239/25 241/4 242/21 243/16 248/16 248/20 249/6 249/7 249/11 249/22 250/6 252/3 252/12 253/11 256/15 256/19 261/21 263/19 263/20 264/5 264/20 269/13 270/9 271/21 271/23 281/8 288/21 289/2 290/15 291/20 292/13 297/8 309/17 311/23 315/3 315/21 315/25 318/3 321/2 321/11 323/5 323/23 332/16 332/18 332/18 333/9 333/14 333/16 333/18 333/22 334/20 335/1 335/5 335/7 335/10 335/13 336/10 341/14 342/5 347/21 350/13 350/15 350/18 353/23 356/1 356/3 356/5 356/7 356/9 356/13 361/8 361/10 361/20 363/4 363/8 367/7 373/11 385/25 391/10 391/12 396/6 396/8 396/11 396/13 397/14 399/14 406/3 406/20 413/20 417/15 428/2 428/7 429/17 432/20 433/17 433/22 435/21 435/24 442/16 442/22 449/17 449/20 450/17 454/13 455/4 455/12 456/19 456/21 456/24 457/2 457/4 457/8 457/17 457/19 461/19 461/21 461/25 463/11 465/23 471/1 472/7 472/8 475/6 475/7 478/12 482/14 485/5 491/9 493/1 494/10 506/10 508/11 509/8 509/12 525/8 531/9 532/1 534/5 535/8 547/8 547/10 547/18 548/24 554/2 554/8 556/25 557/20 562/3 564/19 565/2 571/25 574/17 574/18 577/5 581/19 585/24 586/6 600/16 602/16 606/9 609/5 609/6 609/23 609/25 610/10 610/25 616/2 616/5 620/23 624/15 627/7 638/22 638/24 640/2 650/13 651/3 651/20 651/25 652/23 657/7 663/16 673/3 673/19 673/20 673/24 673/25 674/2 674/3 685/2 690/17 701/3 704/9 705/19 705/23 706/19 717/9 719/2 722/7 722/8 723/16 724/24 733/18 734/12 735/16 741/25 744/6 744/12 744/13 744/21 745/10 746/14 747/4 748/13 749/6 749/13 750/13 751/19 754/18 757/3 757/24 758/1 758/24 759/11 759/13 761/15 762/3 762/8 764/11 769/10 772/8 772/21 772/22 773/24 774/14 774/14 774/21 775/16 775/20 776/23 777/11 788/2 801/3 807/15 808/8 810/14 810/15 812/25 812/25
however [10] 121/13 128/23 163/5 266/15 267/17 476/15 742/1 771/5 778/22 808/24
HUD [3] 462/10 463/6 463/7
HUD-59 [1] 463/6
hue [2] 144/11 171/11
hug [2] 807/18 809/1
huge [3] 253/17 257/13 257/18
huh [34] 72/16 100/11 197/22 208/23 332/11 332/13 345/9 346/24 351/1 352/20 369/5 375/20 375/22 379/1 379/11 380/4 381/23 398/15 412/1 412/18 413/9 414/4 444/17 458/25 459/3 459/5 507/22 515/16 557/19 558/14 577/19 585/19 619/19 705/3
Huh-uh [3] 458/25 459/3 459/5
human [11] 17/18 93/1 93/2 93/15 256/25 267/15 779/13 785/16 785/23 785/24 792/18
humanly [2] 30/10 93/10
hunched [2] 118/18 118/20
hundred [2] 235/9 702/10
hung [6] 105/10 358/5 419/1 560/3 683/22 751/15
hunted [1] 712/8
hunter [1] 740/3
hunts [1] 752/9
hurry [2] 95/13 704/13
hurt [10] 369/6 385/15 389/2 393/5 549/11 552/17 561/1 631/4 631/8 809/2
hurting [2] 792/19 809/6
husband [5] 547/14 548/8 551/1 551/23 740/3
husband's [1] 548/2
hydrogen [1] 228/14
hydroxy [1] 450/16
hypertensive [1] 449/5
hypothecate [1] 600/23
hypothetically [1] 448/7

I

I'd [23] 58/11 81/23 82/11 89/20 223/15 226/7 255/24 263/11 420/7 440/8 479/3 482/15 484/15 489/15 508/6 516/5 527/5 596/19 596/21 644/23 644/24 700/23 786/7
I'll [53] 31/23 53/9 59/8 68/11 80/19 83/2 93/5 94/21 98/6 98/18 127/25 172/4 191/10 191/19 217/2 329/23 386/9 386/9 389/23 420/25 421/21 465/11 465/13 468/1 469/1 501/19 503/7 511/9 514/15 528/3 542/23 563/22 592/12 593/18 652/21 653/5 668/24 677/7 695/4 697/11 700/18 707/9 716/14 725/25 753/24 763/15 785/16 788/1 789/17 790/1 791/15 799/9 799/18
I'm [413] 13/5 24/23 32/7 34/15 34/16 35/4 35/14 36/24 37/11 42/4 42/4 47/17 50/18 53/8 53/9 53/11 57/16 58/16 59/14 59/21 59/21 62/10 68/3 72/3 77/12 82/21 83/9 83/22 84/4 84/6 87/22 91/2 93/9 93/11 93/13 95/12 96/19 114/21 114/21 116/2 116/25 117/5 117/5 118/21 121/5 123/20 129/8 129/10 129/11 130/15 130/23 137/4 137/5 137/5 137/10 141/18 142/9 145/2 150/7 152/11 156/4 159/4 162/24 163/6 164/16 164/19 168/3 173/8 174/13 174/25 181/8 182/23 189/22 190/20 191/10 191/20 197/7 198/2 198/4 199/2 202/13 204/24 205/9 206/23 207/12 210/11 213/22 214/1 214/8 214/14 214/15 214/19 216/14 219/2 221/7 222/7 227/11 233/11 237/22 241/16 241/20 246/5 250/13 250/24 250/25 251/10 251/12 253/23 257/15 259/22 260/7 261/24 262/2 263/5 264/13 264/16 267/1 270/20 276/6 278/20 279/1 289/6 289/6 289/7 297/6 297/25 300/18 300/19 303/11 303/18 307/14 308/3 310/19 324/23 327/1 327/8 329/20 332/6 332/8 332/12 332/24 335/12 335/15 339/1 340/17 340/19 341/17 341/21 341/23 342/3 342/4 342/22 342/25 345/10 352/21 353/24 353/24 354/15 361/6 363/1 363/11 363/13 365/3 365/6 367/22 370/23 372/7 372/16 373/10 377/17 378/2 379/2 381/16 382/1 382/16 388/18 388/20 389/25 390/7 391/21 392/8 397/22 399/5 399/25 409/2 409/11 409/13 412/25 417/17 418/20 423/19 424/7 424/16 425/8 429/22 436/22 438/2 438/2 438/13 441/5 441/5 441/12 442/24 444/8 444/11 449/9 454/2 459/7 466/11 468/17 468/19 470/23 475/6 475/14 481/20 482/10 483/7 484/1 484/23 486/13 487/21 489/8 489/25 494/22 495/7 497/9 497/12 498/3 498/5 499/2 501/19 502/13 504/5 506/6 507/19 507/25 508/6 510/24 513/14 515/12 516/11 517/21 517/24 517/24 518/18 525/21 530/15 531/10 534/4 535/8 536/6 537/23 543/3 543/20 544/14 547/12 549/8 550/1 550/3 551/5 552/4 555/9 555/16 556/3

I

I'm... [149] 557/11 557/11 557/14 564/17 564/21 566/15 567/9 568/14 579/21 580/22 581/19 581/20 591/5 593/10 595/6 595/19 595/21 596/24 596/25 602/20 603/7 607/13 610/4 612/19 614/6 615/8 617/5 618/1 618/3 619/23 623/23 624/20 624/24 626/4 627/20 627/21 627/21 627/21 632/18 633/17 634/3 635/6 635/25 636/4 638/3 646/22 651/7 652/11 652/15 652/25 656/6 657/11 658/10 658/11 658/14 658/23 660/4 661/8 661/22 667/10 669/17 671/1 672/21 674/25 676/3 676/7 677/13 677/15 678/5 678/5 678/15 678/21 678/23 681/3 682/9 682/19 683/3 683/25 684/17 684/19 694/23 695/12 695/24 696/6 696/24 697/14 697/14 697/16 698/21 700/4 701/9 701/13 701/19 701/22 703/7 708/16 710/7 715/10 724/4 724/14 733/6 733/22 734/4 734/7 734/8 737/21 737/21 738/3 738/7 739/14 739/15 741/6 741/8 741/15 744/9 745/7 748/9 749/16 750/9 750/9 751/24 752/17 753/20 755/9 760/20 762/17 763/12 764/14 764/22 765/1 774/6 775/9 777/21 785/19 787/24 791/7 791/11 791/13 791/17 797/25 798/9 804/2 805/24 807/9 807/25 808/12 808/21 809/14 809/15

I've [42] 101/18 164/21 168/5 189/24 190/13 223/3 235/20 262/23 269/14 269/24 270/16 289/20 297/9 471/3 496/25 505/18 517/3 535/12 535/16 535/23 536/17 538/5 539/8 540/9 555/20 564/22 573/3 576/17 593/11 598/15 640/24 699/24 702/21 718/4 723/16 723/17 724/15 726/1 766/14 776/21 777/12 786/6

IAI [1] 205/10

ID [5] 7/2 10/2 11/2 348/19 492/15

idea [19] 85/11 114/5 166/14 203/1 362/2 411/3 448/2 503/18 503/20 513/5 513/8 569/12 569/13 579/17 741/23 747/12 747/12 754/9 757/9

identification [84] 65/17 85/2 123/9 123/12 123/15 140/4 140/21 143/3 159/5 160/3 161/10 169/2 169/5 176/23 177/10 177/14 182/25 183/2 190/22 198/23 202/10 206/24 207/9 210/12 210/22 219/3 219/5 240/16 254/18 276/3 279/24 283/14 284/7 284/23 285/9 298/1 301/12 302/6 303/2 303/5 303/8 304/5 307/6 311/6 316/16 316/24 317/18 318/16 319/6 320/17 321/22 323/18 324/18 343/2 349/6 353/6 373/24 390/4 425/4 429/24 430/18 439/7 440/5 441/2 443/21 463/2 465/16 489/22 496/7 503/10 505/4 527/12 527/15 550/20 567/6 568/2 568/5 574/14 580/10 613/8 636/20 675/25 790/15 790/23

identified [12] 89/20 167/7 170/20 171/10 171/14 238/23 245/21 245/22 568/22 568/25 569/1 742/9

identifies [1] 510/24

identify [21] 13/15 15/11 16/21 19/13 140/6 159/9 167/4 169/12 169/14 207/16 211/7 306/9 306/16 340/12 391/4 439/12 440/9 463/5 509/2 509/7 509/8

identifying [3] 168/14 239/6 766/17

ignition [1] 667/17

ignore [2] 609/17 741/3

ill [3] 534/15 778/7 779/9

ill-will [2] 778/7 779/9

illegal [1] 449/2

Illinois [1] 223/3

illnesses [1] 428/22

imagine [5] 698/13 723/11 726/6 730/3 730/3

immediate [1] 28/9

immediately [22] 73/4 160/19 449/19 488/7 497/4 511/19 604/20 628/16 630/22 648/8 665/4 714/17 728/2 740/16 744/3 745/3 745/4 745/12 751/4 757/22 760/13 760/14

imminent [24] 697/7 697/8 698/7 699/12 711/10 711/12 711/22 711/25 712/1 712/4 712/12 712/25 713/4 713/8 713/14 761/7 761/11 782/5 782/7 782/9 782/14 782/20 783/2 783/9

immune [1] 535/18

immunity [13] 53/20 54/9 55/1 78/25 328/16 421/3 421/8 536/16 696/13 697/13 697/18 802/15 802/18

impact [22] 204/7 280/18 285/24 285/25 289/3 292/12 299/11 299/18 299/22 300/12 300/25 301/20 302/15 302/18 304/16 304/24 305/2 305/22 305/24 308/21 308/22 309/7

impacts [2] 194/6 204/5

impartial [6] 25/22 30/20 49/10 92/24 94/1 94/4

impartially [8] 23/8 23/17 24/2 30/5 707/11 765/23 766/6 785/13

impeach [2] 678/12 678/25

impede [1] 292/9

impeding [1] 661/19

implied [1] 778/2

imply [1] 769/19

importance [1] 554/19

important [52] 44/21 45/24 85/14 90/16 94/14 94/16 95/8 96/20 96/22 96/25 104/1 128/22 133/24 157/5 482/25 485/6 486/10 486/10 514/6 514/10 514/10 514/13 514/15 522/19 523/7 523/9 523/12 523/14 540/11 586/16 602/14 676/8 707/2 707/13 713/19 726/12 726/23 727/12 727/14 728/19 728/19 729/1 729/11 730/23 731/17 732/18 737/2 754/19 759/5 759/25 760/1 760/21

impose [1] 812/10

imposing [1] 812/9

impossible [1] 739/18

impression [6] 190/11 401/11 403/10 411/5 468/10 581/21

impressions [7] 200/22 201/4 207/21 208/1 208/3 208/4 282/9

imprisonment [1] 813/23

improper [3] 74/16 75/1 694/20

in the [1] 363/4

in this [1] 637/12

in-depth [1] 52/25

in-house [3] 190/8 222/23 504/2

incapacitated [1] 536/25

inch [2] 290/11 442/23

inches [14] 292/7 436/8 436/18 436/20 437/8 437/13 437/15 437/23 438/8 442/23 445/2 445/3 744/20 745/4

incident [54] 66/1 113/11 130/4 153/3 156/5 156/19 157/10 157/17 158/9 160/21 165/10 237/16 239/5 243/8 243/16 244/9 245/23 246/1 246/1 297/19 297/24 342/16 343/15 351/20 366/4 396/6 475/2 488/15 490/12 493/3 494/15 503/16 507/3 507/6 509/25 516/18 522/13 522/13 532/4 548/16 549/1 569/9 574/19 574/23 583/12 583/22 589/12 712/23 716/10 720/14 720/18 721/11 731/10 804/19

incline [2] 760/4 760/5

include [5] 106/5 231/25 274/7 763/4 780/17

included [6] 222/24 225/7 272/18 338/22 566/23 573/16

includes [2] 85/20 225/12

including [9] 172/21 225/10 698/2 713/17 767/12 781/12 781/16 782/23 788/11

income [2] 462/16 463/8

incoming [3] 569/10 572/5 692/12

inconsistencies [4] 571/9 571/15 722/13 722/14

inconsistency [1] 100/11

inconsistent [1] 775/18

incorporate [1] 55/3

incorporated [2] 51/15 702/21

incredibly [1] 91/19

independent [4] 44/13 44/24 726/24 736/14

independently [2] 273/1 284/9

INDEX [1] 2/1

indicate [13] 184/21 201/1 209/22 228/6 274/1 287/23 287/25 452/3 486/8 517/19 571/12 575/21 584/7

indicated [10] 66/15 252/16 255/14 255/16 279/8 487/10 494/7 542/10 575/2 767/4

indicates [8] 126/22 278/11 283/18 289/18 517/17 517/22 737/16 778/12

indicating [14] 105/23 106/6 107/8 108/1 141/9 141/14 275/8 349/22 350/1 437/15 438/1 438/6 623/5 633/23

indications [1] 446/2

indicative [1] 174/21

indictment [4] 22/9 766/23 767/3 794/8

indirect [1] 769/17

individual [9] 89/21 97/8 147/23 183/17 264/16 275/15 321/12 323/24 597/1

individual's [1] 169/15

individually [3] 319/10 694/21 726/11

individuals [1] 474/5

inductive [1] 770/3

indulgence [25] 62/18 69/7 132/13 144/1 160/23 171/3 204/14 219/22 229/21 240/18 254/20 267/23 284/14 293/13 294/12 314/14 354/6 366/17 385/20 392/6 416/2 460/8 460/20 489/2 505/6

infant [3] 113/2 165/4 762/10

infer [4] 53/5 701/21 766/20 778/11

inference [8] 536/13 593/16 702/2 779/7 779/15 779/16 779/16 779/22

inferences [3] 96/18 101/21 707/6

inferred [6] 709/5 709/6 779/2 779/2 779/12 780/8

infidelity [2] 606/6 607/21

inflict [1] 778/10

influence [11] 14/24 17/14 17/21 18/25 24/20 25/21 26/25 29/13 92/8 540/2 542/16

inform [2] 479/1 608/12

information [48] 19/18 45/15 128/22 129/2 129/20 134/23 134/25 212/19 225/10 237/16 238/1 238/13 239/7 239/15 241/20 243/19 243/22 244/20 244/24 246/25 282/12 282/14 282/19 291/18 293/4 451/15 462/16 462/17 473/24 474/11 474/12 475/21 478/11 490/22

I
information... [14] 506/25 514/1 523/7 529/10 570/19 570/20 581/20 581/21 582/3 582/7 586/16 586/20 587/24 588/4
informed [6] 176/8 251/8 251/12 472/15 573/12 607/23
informing [2] 298/18 481/12
ingested [1] 784/24
ingests [3] 784/21 785/1 785/2
initial [15] 168/11 176/10 226/23 244/12 244/14 272/17 275/9 328/22 485/12 526/12 526/13 588/3 607/1 712/20 712/23
initialed [2] 227/5 580/20
initially [13] 119/17 171/11 203/8 204/12 288/2 288/2 292/4 292/12 325/18 496/25 536/25 570/13 641/14
initials [8] 198/8 200/14 275/16 275/18 279/5 283/17 323/8 580/21
initiated [1] 391/2
inject [3] 50/19 76/15 773/3
injured [4] 182/19 362/23 711/18 722/8
injuries [13] 183/18 194/5 198/6 199/16 199/21 428/21 434/23 438/19 438/22 512/17 596/9 735/15 740/15
injury [19] 441/7 711/11 711/13 713/1 713/8 713/9 713/15 715/7 761/14 761/17 778/10 782/6 782/8 782/15 782/21 783/10 783/15 784/6 784/16
injustice [1] 812/22
Inn [3] 20/22 550/23 552/3
inner [3] 128/13 128/14 128/15
innocence [5] 26/6 539/1 767/11 767/14 767/24
innocent [6] 113/16 114/22 725/11 727/9 763/3 767/13
inoperable [1] 251/9
insert [1] 502/17
inside [59] 62/5 62/6 62/14 62/15 121/4 166/20 167/10 170/14 180/1 184/13 199/22 204/6 225/17 234/3 265/21 273/7 309/20 309/25 316/8 323/25 356/22 357/1 358/13 358/23 359/9 359/13 360/2 360/7 376/17 391/13 402/5 402/5 429/21 482/11 482/17 482/19 483/7 488/10 508/25 510/19 515/11 515/13 515/14 522/21 523/3 559/12 559/12 559/18 623/14 623/14 662/15 663/15 663/16 664/1 665/3 687/22 689/9 749/3 755/16
insisted [3] 607/6 608/2 611/10
insofar [1] 773/16
install [1] 423/15
installation [1] 423/18
installed [1] 138/19
instance [4] 92/5 715/9 772/15 783/16
instead [5] 357/24 683/18 746/4 754/13 758/15
instruct [8] 491/20 491/21 768/24 769/11 771/5 779/23 783/17 784/17
instructed [9] 98/13 101/6 102/14 515/23 515/25 770/16 773/13 774/7 790/12
instruction [6] 51/4 95/21 96/4 766/19 777/7 788/12
instructions [6] 11/5 31/10 225/8 762/20 777/9 788/9
insurance [1] 612/10
intact [8] 226/19 227/5 274/8 278/1 286/8 286/24 286/25 504/21
integrity [2] 315/12 323/8
intelligently [1] 542/18
intend [5] 73/14 385/15 468/10 724/19 807/23
intended [3] 229/11 732/2 780/23
intending [1] 80/7
intent [12] 389/9 390/11 598/8 778/10 778/12 780/2 780/5 780/8 780/15 780/17 780/21 781/1
intentional [1] 778/8
intentions [5] 106/1 599/3 599/11 647/3 647/4
interact [1] 811/21
interaction [2] 336/22 604/16
interest [1] 815/17
interesting [1] 713/21
Interestingly [2] 720/14 721/25
interior [11] 275/15 277/14 298/25 300/11 300/24 301/3 301/19 301/22 302/14 302/17 303/21
internal [1] 297/13
international [2] 190/21 297/25
internet [1] 44/17
interpret [1] 262/10
interpretations [1] 262/11
interrogate [1] 77/14
interrogation [1] 484/6
interrupt [4] 59/23 157/9 197/7 213/23
interrupted [1] 118/6
interrupting [1] 648/16
intertwined [1] 105/5
interview [13] 63/7 66/10 217/3 219/11 473/8 473/14 473/22 473/24 483/5 506/9 511/12 512/6 512/21
interviewed [8] 108/23 218/22 219/12 473/11 473/23 474/7 512/3 524/11
interviewing [8] 61/6 61/8 108/18 108/19 108/19 108/20 481/4 483/1
interviews [5] 58/10 75/6 511/24 511/25 576/3
intimate [2] 264/22 265/3
intoxicated [3] 784/22 785/2 785/6
intoxicating [1] 784/25
intoxication [9] 593/10 695/13 695/13 708/20 708/24 709/1 784/19 785/5 804/24
introduce [21] 65/9 73/14 81/24 123/4 198/16 202/3 254/12 279/18 317/13 319/2 320/12 321/18 323/13 324/13 424/23 489/16 496/1 503/2 504/23 527/5 580/5
introduced [16] 23/11 82/9 89/4 94/8 122/7 275/22 293/16 318/12 322/11 393/13 457/5 484/16 498/6 710/4 771/17 815/12
inventoried [1] 195/11
investigate [3] 216/21 216/23 474/11
investigated [2] 57/14 510/7
investigates [1] 165/1
investigating [2] 86/8 700/25
investigation [16] 108/17 152/19 157/9 160/20 191/17 297/17 473/16 482/24 506/22 513/20 514/9 514/10 526/10 526/12 526/24 530/2
investigations [7] 57/11 216/22 472/21 505/20 506/2 564/18 758/5
investigative [2] 502/17 566/8
investigator [139] 19/20 19/25 48/19 56/23 57/16 57/19 58/4 58/23 58/24 59/5 63/2 63/8 63/12 65/3 69/21 71/17 86/4 113/6 131/12 168/18 171/7 174/1 178/6 188/20 189/16 189/21 190/4 190/20 191/7 191/13 191/16 191/25 193/8 196/21 209/12 216/13 216/17 216/19 217/7 217/20 219/19 219/20 219/21 220/2 248/11 248/13 250/4 250/14 253/22 254/10 255/3 256/15 269/3 269/3 271/13 271/21 271/25 272/6 284/22 296/10 298/2 298/18 298/22 299/9 302/10 303/11 304/14 305/1 307/14 313/24 314/22 314/22 314/24 315/1 315/8 315/9 379/24 381/8 381/13 390/15 470/20 471/12 471/14 472/3 473/3 475/25 476/8 483/3 483/24 486/20 486/23 494/12 494/18 494/19 496/19 503/17 504/11 505/14 505/14 505/21 506/2 506/5 513/18 515/25 516/17 516/18 516/19 517/13 519/10 521/22 524/8 524/11 531/23 561/25 564/21 564/23 564/24 565/2 580/18 581/10 582/8 583/7 643/18 644/11 645/11 645/19 670/5 670/9 688/1 720/2 727/8 729/12 729/16 734/22 736/4 737/9 743/4 748/19 759/12
investigators [12] 471/17 471/20 471/24 472/2 473/21 485/12 526/15 561/24 573/7 582/24 588/1 717/12
invite [5] 215/11 401/5 401/8 649/10 649/13
invited [6] 105/11 113/4 339/7 378/16 619/10 761/2
inviting [1] 555/4
invoice [8] 9/14 9/17 424/13 424/18 464/2 464/10 464/14 464/16
invoices [1] 465/1
involuntary [1] 709/1
involve [1] 401/23
involved [33] 13/14 14/19 21/18 26/15 28/24 50/6 52/3 53/19 57/21 58/14 59/5 70/19 102/13 192/10 192/25 249/11 294/2 315/21 316/18 317/1 451/15 452/15 473/16 519/17 540/6 540/8 573/1 581/15 586/8 647/22 705/20 726/25 747/24
involvement [3] 163/3 219/14 576/2
involving [2] 28/10 176/8
iPad [1] 45/6
iPhone [3] 512/10 512/13 512/19
Irmo [1] 461/17
is [1599]
isn't [7] 82/17 233/16 746/7 746/9 753/5 761/1 761/15
issue [43] 49/11 50/9 54/23 79/19 82/24 213/18 225/5 291/24 328/5 328/10 421/4 468/5 534/12 535/24 535/25 537/23 541/21 542/24 543/9 543/12 543/13 598/18 678/21 679/23 697/13 697/18 698/22 698/23 699/8 699/8 700/22 701/9 702/20 703/19 703/21 705/22 712/20 722/11 767/25 769/7 769/10 777/9 777/12
issued [3] 329/2 421/2 421/21
issues [14] 45/5 77/1 77/18 257/14 257/15 345/20 536/9 606/6 697/18 699/16 712/16 712/17 712/19 802/15
it [1622]
it'd [1] 175/24
it's [277] 81/14 81/15 82/15 82/19 83/5 83/8 83/9 84/7 87/20 88/4 93/5 93/10 96/1 96/16 98/15 99/2 99/4 100/5 100/20 104/1 109/24 112/21 112/21 112/22 113/25 114/17 117/20 121/24 123/24 124/23 124/25 125/2 125/22 129/11 129/11 134/25 143/9 143/19 162/6 170/6 174/7 174/7 174/20 176/15 181/2 191/20 194/22 195/3 196/1 196/1 196/20 197/14 201/17 201/18 203/21 203/22 206/7 207/1 208/4 208/7 208/7 208/11 208/25 210/5 214/5 214/6 214/7 214/9 220/8 222/12 230/7 232/6 233/3 233/16 234/7 235/23 237/13 237/14

I

it's... [199] 237/18 237/20 237/24 239/3 243/3 244/5 249/23 249/23 252/11 252/24 255/23 257/7 258/6 258/13 258/17 263/25 265/20 267/17 267/19 267/20 270/10 288/22 288/24 291/14 292/2 292/4 292/15 293/9 294/1 347/14 349/22 359/1 374/7 392/21 403/18 403/18 406/18 425/8 425/13 433/7 436/19 446/6 446/6 446/13 447/6 447/9 451/12 463/6 465/24 468/10 473/17 473/20 476/12 477/16 479/13 480/23 484/6 485/10 485/12 497/4 497/4 497/6 499/13 500/4 504/10 504/14 506/13 507/20 507/21 510/21 512/8 512/20 513/20 513/22 517/3 517/6 522/24 524/16 528/7 531/11 534/5 534/18 535/16 541/25 547/7 558/6 558/6 558/25 564/18 566/22 573/14 574/25 577/23 580/20 580/21 587/24 598/20 599/17 599/18 600/17 602/14 607/9 629/3 629/5 631/16 634/23 634/23 634/25 634/25 635/1 635/18 637/4 663/17 676/8 676/25 676/25 678/6 678/13 681/4 686/9 686/12 686/15 686/16 695/15 695/18 696/17 697/21 698/22 698/22 699/8 700/2 700/8 700/21 700/22 702/25 703/5 703/9 703/24 704/14 704/24 704/25 705/22 706/5 707/5 710/1 715/11 717/16 721/17 721/19 721/21 724/13 724/14 728/19 729/24 730/1 731/18 734/7 736/21 738/17 738/19 738/20 738/21 738/24 739/8 742/10 742/10 742/11 745/7 745/17 745/25 746/6 746/10 746/15 751/9 753/1 753/2 753/19 753/23 754/8 757/15 757/23 759/13 760/4 760/5 760/17 760/18 760/18 761/22 763/4 763/5 766/16 766/23 767/14 775/2 776/23 776/24 776/25 786/9 791/10

item [28] 79/4 79/4 90/15 197/10 266/13 266/16 275/16 276/8 277/10 277/13 277/18 277/22 277/22 277/25 278/4 278/7 279/6 279/7 280/3 281/1 282/1 282/1 282/2 282/2 283/19 288/8 323/24 573/13

Item 11 [1] 266/13

Item 12 [1] 266/16

Item 29 [1] 283/19

Item 5 [1] 277/13

Item 6 [2] 277/18 282/1

Item 7 [2] 277/25 282/1

Item 8 [1] 277/22

items [26] 32/4 158/23 162/4 162/4 195/10 225/3 264/5 264/6 265/11 272/23 274/5 274/20 274/20 278/8 279/9 281/22 283/13 285/1 286/8 286/16 286/23 287/2 310/10 316/14 317/2 323/21

Items 21 [1] 287/2

Items 23 [1] 286/23

its [20] 79/11 89/5 97/3 99/12 99/22 229/10 272/10 272/12 277/23 299/20 305/13 345/17 517/8 698/1 718/3 726/15 733/23 767/20 779/25 802/19

itself [8] 84/8 173/24 309/8 462/8 572/10 598/19 699/18 718/21

J

jacket [22] 274/8 274/9 274/9 274/11 274/14 274/18 277/4 277/6 277/19 277/21 277/23 281/22 281/24 282/1 282/2 282/2 283/4 283/4 286/14 286/14 436/25 559/6

jacketing [3] 277/16 278/2 278/5

jackets [1] 283/9

Jackman [4] 37/21 151/6 151/7 793/18

Jackson [3] 39/17 55/25 58/17

Jacquelyn [4] 20/11 236/7 236/20 236/21

jail [20] 384/9 386/2 421/5 492/3 492/5 492/6 671/19 671/19 672/10 676/15 676/16 676/17 681/14 683/11 689/12 689/13 689/14 690/15 721/9 734/22

January [1] 564/20

jean [1] 322/3

jeans [1] 418/3

Jeffrey [1] 268/23

Jenkins [4] 20/18 477/17 538/16 538/16

jeopardize [1] 74/24

jeopardized [1] 44/19

jewelry [1] 317/1

JFK [1] 757/7

job [26] 30/9 57/9 90/10 134/4 158/18 193/7 194/17 194/17 195/3 214/21 261/23 262/6 270/5 270/11 315/8 315/9 315/19 471/10 600/20 607/4 708/15 748/20 758/23 777/5 777/6 798/2

John [1] 153/9

Johnson [50] 16/9 16/13 19/24 41/18 48/19 54/5 56/2 56/18 56/19 56/23 69/21 71/17 74/11 87/9 87/11 219/21 250/14 253/22 254/10 299/10 470/1 470/14 470/16 470/20 470/21 505/14 519/11 521/2 521/10 521/22 524/8 533/5 561/25 604/19 643/18 644/11 645/12 645/19 670/5 670/9 688/1 720/3 728/10 728/24 734/23 736/4 748/19 758/24 759/2 787/23

joined [2] 278/3 559/13

jointly [1] 780/16

joke [1] 609/9

jokes [1] 609/11

Jones [2] 36/23 677/3

Jordan [8] 63/3 63/8 63/12 65/4 483/2 483/24 486/20 486/23

Joy [1] 20/6

judge [46] 1/14 13/6 29/17 29/21 30/2 30/12 47/3 47/4 53/21 54/5 54/24 82/8 82/12 83/4 84/2 84/21 91/19 92/25 93/4 93/18 93/24 99/25 102/21 111/25 112/3 171/22 535/13 537/10 696/20 696/20 697/13 706/11 706/16 706/18 724/9 726/4 726/10 726/16 727/1 730/15 765/16 765/21 772/15 774/11 793/15 799/5

judges [6] 83/5 83/6 88/11 774/10 785/10 791/9

judging [2] 299/12 706/19

judicial [3] 13/6 534/10 815/9

July [1] 464/16

July 25th [1] 464/16

jumble [1] 696/25

jump [2] 711/23 759/15

jumped [29] 54/16 67/15 72/19 113/15 114/6 378/22 510/19 640/3 647/12 671/11 673/14 683/7 688/2 693/5 709/23 715/21 716/5 716/5 725/18 729/5 734/24 736/4 736/17 744/7 748/21 749/1 750/4 757/12 761/3

jumping [3] 435/17 531/4 710/25

jumps [1] 524/24

juncture [2] 536/2 537/15

June [3] 424/2 425/16 464/7

June 12th [1] 425/16

June 5th [1] 464/7

juries [1] 150/20

juris [1] 724/11

juror [164] 14/14 14/16 15/6 17/10 18/6 18/7 18/9 18/20 18/24 19/8 21/9 21/11 22/1 24/11 25/12 26/17 27/9 27/11 27/13 28/3 32/5 32/6 32/7 32/10 32/12 32/15 32/17 32/18 32/21 32/24 33/1 33/2 33/6 33/8 33/11 33/13 33/14 33/18 33/20 33/24 34/1 34/6 34/8 34/11 34/13 34/14 34/15 34/20 34/22 34/25 35/2 35/3 35/7 35/10 35/12 35/13 35/16 35/18 35/21 35/23 35/24 36/2 36/4 36/7 36/9 36/10 36/14 36/16 36/19 36/21 36/22 36/23 37/2 37/4 37/7 37/9 37/10 37/11 37/14 37/17 37/19 37/20 37/24 38/1 38/4 38/6 38/7 38/10 38/12 38/15 38/17 38/18 38/19 38/22 38/24 39/2 39/4 39/5 39/6 39/9 39/12 39/14 39/15 39/19 39/21 39/24 40/1 40/2 40/6 40/8 40/11 40/13 40/14 40/15 40/19 40/21 40/24 41/1 41/2 41/3 41/6 41/8 41/11 41/13 41/14 41/21 41/23 42/1 42/3 42/7 42/9 42/12 88/10 88/10 88/18 88/25 89/8 89/17 89/19 90/1 90/7 90/9 90/12 95/17 98/16 102/21 151/2 698/13 768/7 786/5 788/18 794/14 795/9 795/14 795/19 795/24 796/4 796/9 796/14 796/19 796/24 797/4 797/9 797/14

jurors [19] 31/21 49/3 91/1 91/12 92/3 92/7 100/18 100/22 101/2 137/5 151/1 199/2 332/8 705/11 779/20 786/8 787/19 787/22 799/17

jury [305] 1/14 6/14 11/5 11/6 12/6 13/1 13/3 13/24 14/4 15/23 16/10 17/5 21/4 22/12 22/21 23/24 24/8 25/3 25/9 25/16 25/18 26/3 26/12 28/8 28/20 28/23 31/2 31/19 31/24 32/13 32/16 33/9 33/12 34/9 34/12 34/23 35/1 35/19 35/22 36/5 36/8 37/5 37/8 38/2 38/5 38/13 38/16 38/25 39/3 39/22 39/25 41/9 41/12 41/24 42/10 42/16 42/24 43/2 43/22 44/5 44/25 46/10 46/15 49/2 49/3 53/22 73/15 74/10 74/21 76/5 85/9 86/18 86/20 86/22 87/21 87/22 89/4 89/8 89/9 89/16 90/24 91/10 92/3 97/10 99/18 99/19 103/14 108/25 123/23 124/9 124/12 129/5 136/5 136/6 140/24 141/1 141/8 141/12 143/6 143/19 148/22 148/25 149/2 149/2 149/21 150/15 152/13 155/24 156/22 160/6 160/14 164/17 171/1 171/23 172/2 189/2 189/3 199/9 202/13 211/25 212/5 212/7 214/11 214/15 215/11 215/13 215/15 217/5 218/8 237/2 244/4 275/12 294/23 295/2 295/2 295/19 295/20 295/22 304/9 304/14 304/19 326/21 327/20 327/22 330/22 330/24 331/1 332/10 335/24 349/9 349/9 356/15 394/7 394/10 394/10 394/25 395/3 395/5 413/4 419/23 419/24 420/7 420/17 422/9 422/10 422/12 425/7 426/6 430/12 431/6 431/7 433/24 437/12 441/13 453/8 453/9 454/4 467/19 467/20 468/1 468/3 468/3 469/8 469/9 469/16 469/18 469/20 469/22 486/24 491/20 520/16 520/16 520/20 520/20 521/13 521/15 533/19 533/25 533/25 535/15 536/10 538/23 542/1 542/24 545/21 545/22 545/24 547/8 568/10 570/6 575/19 591/23 591/25 591/25 594/19 594/21 594/23 595/10 595/11 595/17 595/17 601/7 601/9 602/16 603/24 620/13 623/1 668/24 675/1

J

jury... [76] 675/4 675/4 676/9 676/11 680/5 680/21 680/23 690/25 692/11 694/24 695/5 695/5 697/21 697/24 698/8 698/17 698/22 698/23 699/8 699/8 700/25 706/8 706/9 706/11 707/23 722/15 725/24 726/2 726/22 727/15 737/18 739/1 739/4 763/13 763/17 763/18 763/18 764/1 765/11 765/14 765/16 765/19 766/25 774/16 786/15 787/23 787/25 787/25 788/25 789/2 789/2 790/12 790/20 790/21 790/24 791/1 791/3 792/5 793/11 793/13 793/15 793/18 794/11 794/17 794/20 794/21 797/19 797/21 798/7 798/17 799/8 799/13 800/19 801/4 801/9 801/10

jury's [4] 538/11 601/18 609/1 699/13

just [537] 30/1 31/17 43/11 43/12 43/13 45/10 45/14 46/10 47/9 49/15 50/23 51/10 52/7 52/14 53/7 53/18 57/6 58/13 58/16 60/18 61/23 62/10 63/3 66/11 66/13 67/12 67/21 68/11 68/11 71/25 73/19 75/3 75/9 76/10 76/17 78/2 78/15 78/19 79/3 79/5 79/9 79/11 79/17 82/4 82/15 82/21 82/21 83/2 83/8 84/7 84/8 84/11 85/19 86/11 88/3 89/18 92/12 93/23 94/16 95/23 96/8 99/2 100/3 100/14 101/4 107/13 116/9 116/21 116/25 117/1 117/5 118/4 120/16 121/18 122/19 124/15 124/25 125/22 126/2 131/17 134/3 134/5 134/12 138/25 139/3 139/20 144/23 147/2 147/4 149/23 154/1 154/5 154/11 158/16 160/9 161/7 165/21 166/10 166/12 167/2 167/14 169/8 169/13 169/18 169/22 170/1 170/5 170/6 173/16 173/19 175/21 175/22 177/19 178/10 178/14 179/7 181/2 182/12 184/21 185/12 186/4 187/10 188/14 190/17 190/18 193/2 193/9 193/11 194/15 196/3 197/9 197/25 199/3 200/2 201/19 202/16 202/25 204/11 209/20 212/3 213/13 213/22 214/15 220/9 225/1 225/23 228/4 228/5 228/5 228/19 232/15 234/9 235/1 235/4 235/15 237/22 239/1 244/7 248/24 249/9 249/14 250/2 253/1 255/23 256/10 258/13 263/19 265/18 266/13 266/20 278/8 279/3 280/13 283/25 290/4 298/5 305/17 305/21 308/14 313/7 315/18 316/10 322/22 327/19 329/23 333/6 342/4 342/23 345/12 351/17 357/2 357/5 360/16 361/15 363/9 363/9 373/3 375/10 375/21 382/19 387/9 387/22 389/11 389/15 397/14 397/16 399/3 399/19 401/7 402/10 402/25 403/3 403/10 403/16 404/6 404/7 404/11 405/15 405/20 405/23 405/24 406/7 406/10 406/10 407/23 408/17 408/18 409/18 411/1 417/22 419/8 420/25 421/17 423/19 424/11 431/13 431/17 431/20 431/25 431/25 432/15 434/3 436/14 436/18 436/25 438/10 440/19 442/4 443/14 444/25 445/22 447/6 447/22 449/19 451/10 454/4 456/22 456/25 458/9 460/7 466/6 466/11 467/25 470/23 473/3 473/15 474/5 474/16 475/7 476/15 476/18 478/9 478/18 483/2 483/14 484/6 485/11 486/10 486/24 487/7 488/23 491/6 491/16 494/22 497/14 498/22 501/16 502/13 502/17 503/4 507/23 509/10 509/13 514/3 515/8 518/3 518/11 520/13 522/18 523/14 524/8 524/22 528/15 529/17 530/10 535/20 537/24 542/20 542/23 543/13 545/11 545/13 549/5 549/8 549/11 549/18 549/20 552/17 554/16 554/17 557/24 558/19 560/4 560/19 561/1 565/5 565/6 574/1 576/9 577/6 577/24 578/3 578/18 578/22 579/5 579/20 580/4 583/22 587/24 590/2 593/6 593/6 593/13 593/15 595/14 597/2 597/9 599/5 599/7 599/8 599/8 599/12 599/18 599/22 602/25 605/25 606/16 607/9 607/12 607/25 608/2 608/18 608/24 609/17 609/18 611/3 611/8 615/9 616/14 617/25 619/20 619/23 619/23 620/17 621/18 621/24 622/23 624/8 625/6 625/6 625/11 626/20 627/16 627/20 627/23 628/16 630/2 630/22 631/4 632/12 634/8 634/9 638/14 638/19 639/3 639/16 639/19 639/22 639/25 640/23 641/9 641/9 641/14 641/20 641/20 641/21 642/1 642/14 642/21 643/7 643/8 643/9 644/23 645/1 645/4 646/18 647/1 647/5 647/13 647/21 647/23 648/14 649/9 651/17 655/2 664/16 664/16 665/22 666/12 666/12 668/2 668/4 669/22 672/19 674/13 674/22 675/17 676/7 676/21 677/12 678/11 679/20 683/9 684/1 685/9 686/18 690/8 691/11 691/18 692/1 693/1 693/2 697/4 701/8 702/3 703/10 704/17 708/11 712/8 726/7 726/16 730/18 730/18 738/21 739/7 742/5 742/8 743/24 745/11 745/14 746/20 746/21 746/24 748/9 748/11 749/18 751/16 752/11 753/7 753/7 754/10 755/20 756/5 756/6 756/8 758/10 759/10 760/20 762/5 762/5 763/7 764/6 764/19 766/15 766/16 767/14 774/10 776/8 778/9 787/23 789/20 789/25 791/15 791/18 791/20 791/22 792/1 793/2 795/3 799/4 799/17 799/25 800/1 800/9 800/16 802/9 803/17 805/1 805/18 805/19 805/23 806/3 806/9 806/11 806/13 806/14 806/15 807/8 807/16 807/18 807/21 809/6 809/12 809/23 812/5 812/16 812/23

justice [8] 36/12 88/14 88/16 89/13 519/9 529/23 530/5 596/13

justified [2] 784/12 784/14

justify [1] 536/10

JUSTIN [8] 1/19 17/1 17/9 17/13 18/10 20/5 39/6 748/12

K

K-E-R-R-Y [2] 56/17 470/15

Kangaroo [1] 613/24

Karen [1] 36/23

Kastle [1] 267/12

Kastle-Meyer [1] 267/12

keep [38] 68/18 81/19 96/4 96/5 99/24 101/15 106/8 112/10 121/3 123/21 130/19 150/25 195/21 213/11 213/21 214/4 257/17 292/10 305/12 307/24 308/8 362/13 420/11 431/1 443/7 464/20 487/9 506/10 506/14 591/14 619/20 627/21 633/10 633/16 638/3 641/14 793/1 810/4

keeps [1] 451/9

Kelsey [1] 33/15

Kenny [2] 641/17 641/24

Kenny's [1] 641/19

Kent [1] 41/3

kept [24] 59/21 60/17 62/10 66/11 67/21 237/14 254/8 357/12 403/15 478/6 478/9 478/18 504/14 620/21 620/22 621/3 621/8 630/2 639/19 642/17 661/20 683/22 742/10 750/9

Kerry [14] 19/23 56/2 56/17 56/19 71/17 219/21 470/1 470/14 470/16 720/3 728/10 728/23 758/24 759/2

Kershaw [1] 21/7

Kevin [1] 38/19

key [26] 67/19 67/20 67/22 72/22 113/14 345/13 367/13 370/13 375/19 376/9 376/14 414/19 487/24 513/3 513/10 513/11 513/11 605/5 605/7 622/17 623/3 645/21 649/16 732/7 733/9 813/14

keys [11] 513/3 513/5 513/6 513/7 513/12 622/12 622/14 645/15 645/17 673/13 810/23

Kiara [212] 19/19 72/25 103/22 104/9 104/16 104/19 104/20 104/25 105/2 105/6 105/12 105/16 106/5 106/7 106/9 106/12 106/19 107/5 107/15 107/21 108/9 108/18 110/18 111/7 112/25 113/17 183/17 186/14 328/14 333/14 333/19 334/5 338/6 338/8 339/2 339/14 339/25 340/9 340/15 340/18 341/13 341/18 345/8 346/6 350/3 350/23 355/5 355/19 355/20 388/10 396/12 396/13 396/18 396/22 397/7 397/23 399/3 399/9 400/4 401/4 401/8 402/15 403/21 404/6 404/20 405/10 406/25 407/7 407/14 407/19 408/2 409/8 409/9 410/21 411/15 412/9 412/13 413/19 414/25 415/8 456/24 462/2 463/14 468/7 473/8 473/11 475/9 493/7 514/17 514/20 514/25 522/20 523/2 523/11 524/9 524/10 549/22 549/23 551/23 552/2 552/8 552/9 554/6 554/9 555/12 555/21 556/10 556/14 557/17 558/2 558/4 558/9 558/12 558/23 558/25 559/12 559/18 561/13 561/14 561/22 562/24 563/3 569/2 569/3 575/2 578/4 578/7 578/12 583/25 584/8 588/7 589/14 590/12 603/24 603/25 604/1 604/5 605/3 606/10 606/19 607/6 607/20 607/21 607/23 609/4 614/23 615/6 615/19 617/4 617/10 618/2 619/3 620/8 620/19 621/11 621/21 624/17 626/5 627/16 627/17 628/8 643/14 644/4 648/21 651/18 654/2 654/10 655/25 657/2 657/5 662/13 666/6 689/18 689/20 690/17 691/11 691/18 692/1 692/13 692/15 703/16 714/15 715/18 715/19 716/15 716/18 719/24 721/24 722/1 728/22 728/24 732/2 732/5 732/21 733/17 735/9 736/25 742/2 742/5 742/9 743/1 743/14 743/17 749/17 750/5 750/14 751/5 751/11 753/13 754/2 754/4 804/15

Kiara's [49] 66/16 67/20 67/22 104/24 105/7 105/8 105/20 105/21 105/22 107/4 107/11 337/1 337/4 337/9 337/12 337/23 338/17 344/18 346/8 347/9 348/6 350/16 412/20 473/25 475/1 497/9 498/9 500/19 502/1 513/11 514/22 556/6 605/14 605/20 606/5 619/8 619/11 620/25 629/17 651/13 658/9 658/14 658/15 712/18 741/11 741/19 755/6 755/14 811/4

kicked [1] 360/15

kid [2] 608/24 608/25

kid's [1] 617/14

kidney [1] 432/6

kids [55] 114/1 337/6 337/12 337/23 338/15 339/11 347/5 347/7 350/11 356/18 358/24 359/21 359/25 360/9 378/12 397/15 397/19 399/19 399/23 399/24 400/23

K

kids... [34] 403/16 404/16 404/17 405/1 405/4 407/10 408/24 409/1 410/16 475/11 556/10 556/12 558/3 606/12 606/14 606/17 625/7 625/8 625/10 625/14 626/7 628/19 628/24 649/1 649/2 666/4 693/4 730/25 734/5 743/18 753/25 757/8 762/7 809/7
kids' [11] 337/21 340/14 358/23 359/25 381/10 400/19 405/8 626/14 627/4 628/20 753/23
kill [19] 22/16 383/8 383/19 525/12 560/12 560/13 598/8 734/25 736/20 737/20 737/24 738/18 740/7 740/8 740/22 749/5 756/25 763/4 812/25
killed [8] 638/18 709/9 709/20 711/17 711/18 740/10 778/6 812/18
killing [12] 709/3 709/5 709/7 739/9 739/24 740/21 749/11 763/5 778/1 779/24 780/1 807/23
Kimberly [2] 20/21 41/3
kin [1] 815/16
kind [132] 51/14 53/18 58/3 64/24 95/12 102/2 110/20 111/11 111/11 111/12 114/20 118/20 128/5 130/2 133/15 147/14 172/9 172/16 173/5 174/7 175/7 187/2 187/22 187/23 190/7 190/22 205/18 205/22 217/4 218/16 223/24 232/10 239/2 244/8 244/21 250/10 250/11 250/16 251/14 269/21 272/13 283/13 292/16 307/25 311/9 311/12 311/16 312/14 320/3 321/8 338/18 397/16 400/12 400/20 400/21 400/25 401/4 401/5 401/10 403/23 404/2 404/10 404/24 405/3 405/5 406/10 406/17 408/17 408/21 410/9 411/6 411/8 412/24 413/6 413/22 414/1 414/10 415/13 434/3 434/5 434/7 435/8 436/14 436/18 438/3 442/7 446/10 447/14 449/19 450/17 451/11 475/9 486/16 499/14 531/7 549/19 559/17 569/5 569/12 570/6 574/4 575/13 575/22 604/16 604/21 606/25 607/7 608/15 609/9 616/15 620/16 620/17 623/6 624/24 625/1 631/19 631/20 632/11 634/2 634/23 634/24 634/25 636/2 636/5 642/12 655/4 669/2 703/22 733/2 753/5 760/2 772/5
kinds [2] 537/20 779/3
kit [7] 9/4 226/4 226/13 226/15 316/19 317/6 317/21
kitchen [5] 230/6 376/4 413/21 413/21 414/3
kits [5] 9/10 225/5 225/7 225/9 320/24
knee [4] 450/7 451/24 451/25 638/2
knees [8] 199/14 199/15 199/16 435/7 446/24 452/7 740/13 757/19
knew [58] 52/5 59/15 59/16 106/8 106/9 146/19 146/21 147/2 147/4 204/11 300/2 305/14 345/8 345/12 345/15 345/17 345/20 356/22 361/19 361/22 364/13 369/6 370/2 377/6 377/6 377/20 379/12 399/16 402/4 411/14 411/17 411/21 411/23 414/19 414/20 415/7 418/7 456/22 467/3 474/23 476/15 479/20 506/15 513/3 558/19 600/16 604/5 608/11 610/11 611/4 619/25 732/2 732/15 732/16 747/9 747/11 750/3 757/25
knife [1] 103/12
Knight's [2] 167/17 167/18
knock [16] 105/23 106/6 337/19 338/1 338/4 339/19 375/12 375/14 375/16 401/15 401/16 401/21 404/18 622/7 622/8 714/2
knocked [16] 72/21 305/24 340/1 375/23 376/8 376/13 392/19 415/3 418/1 475/12 487/25 488/1 519/1 537/3 622/6 703/17
knocking [4] 338/7 402/3 402/5 403/20
knocks [3] 72/23 107/1 338/6
knoll [4] 711/17 757/6 757/7 757/10
know [594] 14/12 14/18 14/22 20/22 30/11 43/23 44/13 46/6 49/4 50/5 50/8 51/9 51/23 52/7 53/2 53/4 53/21 53/25 54/11 59/12 60/10 60/15 64/22 67/5 67/22 68/7 68/11 69/21 70/11 70/14 70/22 70/23 70/24 70/25 75/3 76/4 78/20 79/21 80/5 80/7 81/23 82/4 82/13 82/21 83/5 84/5 84/7 85/17 87/21 89/19 90/2 92/23 93/14 95/14 96/5 99/23 100/2 103/14 104/2 108/2 110/19 113/19 114/1 117/18 118/2 121/3 124/9 124/15 129/5 130/15 138/19 138/22 139/24 143/10 146/5 162/16 162/19 167/25 171/23 173/2 174/9 187/23 204/10 208/2 208/17 212/14 213/15 213/19 217/5 218/16 220/10 220/10 220/11 228/21 241/10 242/9 255/11 255/22 256/21 256/24 269/4 280/22 280/23 287/20 287/21 287/25 289/11 291/11 291/23 291/24 294/5 309/15 309/19 309/23 310/20 311/11 312/13 315/25 323/5 323/10 323/23 327/11 327/16 329/24 332/18 332/18 333/7 333/9 333/12 333/14 333/16 334/20 334/23 335/1 335/20 339/23 342/2 346/14 347/14 349/14 349/17 349/18 353/17 356/5 356/9 360/5 361/6 361/17 361/20 364/10 364/13 366/9 366/16 369/21 370/10 374/10 375/18 376/6 376/10 376/11 378/14 378/17 380/1 381/16 381/25 384/4 384/5 391/22 392/15 396/8 396/11 396/13 396/15 396/17 397/25 399/1 399/8 399/10 399/14 401/1 401/2 401/6 401/7 401/19 401/19 401/21 401/24 402/3 402/24 403/3 403/11 404/9 404/11 405/1 405/3 405/12 405/16 405/16 405/17 406/1 406/3 406/5 406/5 406/6 406/7 406/9 406/15 407/1 407/4 407/9 407/14 408/7 408/8 408/18 408/20 408/22 408/23 409/9 409/10 409/13 410/10 411/3 411/4 411/7 411/11 411/12 412/9 412/10 413/21 413/22 414/7 414/12 415/6 415/6 415/11 415/14 415/20 415/24 417/19 418/25 419/4 431/12 434/24 435/1 442/2 447/22 447/25 449/2 449/5 449/8 449/18 450/16 450/20 452/18 452/19 454/7 454/10 454/13 455/4 456/19 456/21 456/23 456/24 456/25 456/25 457/2 457/4 458/9 468/12 471/23 478/14 478/17 480/1 480/3 482/24 483/12 483/14 486/14 495/19 499/2 499/3 503/18 503/25 508/11 509/16 509/17 510/12 511/2 511/22 512/24 513/4 518/1 523/24 525/5 530/19 532/1 535/5 535/11 535/11 539/4 540/19 542/23 547/7 548/24 549/18 554/6 554/8 554/11 554/13 557/6 557/25 559/25 560/16 561/3 562/3 562/13 562/15 576/23 577/1 578/6 578/18 579/15 581/4 581/14 581/23 582/14 593/15 595/15 598/1 598/2 598/6 598/25 600/9 600/10 600/16 600/16 604/6 605/6 605/16 606/14 606/18 606/24 607/1 607/1 607/3 607/8 607/16 607/24 607/25 608/3 609/9 609/10 609/18 609/23 609/25 610/7 610/10 610/18 611/7 611/8 611/10 615/7 616/14 617/6 617/16 617/18 617/25 618/5 619/21 619/24 620/16 620/20 623/6 623/17 623/21 624/1 624/2 624/19 624/20 624/21 625/6 625/12 625/18 625/19 626/5 626/6 627/15 627/16 628/3 628/19 628/21 628/22 629/6 629/18 631/2 631/4 631/5 631/18 631/19 632/5 632/20 632/25 634/8 634/9 634/15 635/2 636/12 637/4 637/6 637/13 637/13 637/25 638/14 638/22 638/24 638/25 639/20 639/20 640/5 640/11 640/12 640/24 642/13 642/19 643/8 643/9 643/10 644/20 645/1 645/3 646/2 646/2 646/3 646/5 646/19 646/20 646/21 646/22 646/24 647/21 647/22 647/23 648/22 650/9 650/13 654/18 660/22 660/23 661/10 661/12 661/14 662/15 664/2 665/9 665/25 665/25 666/9 666/10 668/19 668/21 669/21 672/6 673/5 673/11 673/16 673/17 673/20 673/20 673/23 673/24 674/3 674/3 674/6 674/9 674/15 677/7 677/9 679/20 683/7 684/14 684/14 684/22 687/11 687/15 687/17 687/19 688/17 688/19 688/19 688/22 693/1 695/20 696/2 696/16 697/6 698/10 701/10 701/18 703/4 704/7 704/8 704/9 704/11 704/14 704/20 708/1 708/9 708/20 709/7 709/10 716/7 718/11 721/12 721/13 723/12 726/6 728/2 728/4 728/5 728/6 728/7 728/7 728/9 728/20 729/6 729/19 730/1 730/3 734/21 742/13 742/14 743/16 746/14 748/1 748/17 748/21 748/25 749/6 750/13 751/19 752/2 754/20 756/12 757/25 758/17 758/17 761/20 763/25 764/1 764/5 766/1 766/17 768/14 774/22 774/23 775/20 775/22 785/22 786/24 787/16 788/4 789/12 789/25 791/15 791/20 798/15 798/17 799/5 799/18 800/19 804/5 804/5 804/12 804/17 804/18 804/19 804/22 804/23 805/7 805/9 806/2 806/9 806/12 807/9 807/14 807/15 807/16 809/3 809/15 810/8 811/20 813/3 813/7 813/13
knowing [2] 94/21 554/13
knowingly [1] 542/18
knowledge [12] 17/20 22/22 30/4 30/18 53/1 93/13 95/6 127/3 185/20 556/13 561/4 589/19
known [18] 20/12 104/5 108/9 167/17 176/5 264/21 265/18 265/18 265/19 265/22 267/12 333/18 356/7 356/13 451/14 554/12 715/9 780/19
knows [13] 54/1 162/2 244/21 516/19 525/19 525/23 599/25 600/1 679/8 748/2 748/4 751/25 810/25
knuckles [1] 199/23

L

L-E-E [1] 189/16
lab [3] 315/16 322/16 322/17
label [2] 283/24 323/24
labeled [4] 225/14 276/11 431/24 433/10
laboratory [12] 33/15 228/23 235/8 261/25 262/4 265/17 267/11 269/10 269/18 275/6 275/17 285/2
laceration [3] 183/19 187/20 445/24
lacerations [4] 435/12 435/13 441/9 446/3
lack [1] 769/1
ladies [62] 13/4 19/14 22/5 31/24

1432

L
ladies... [58] 42/20 43/4 86/24 90/24 91/14 96/1 103/14 107/24 108/25 109/23 114/15 124/9 148/18 150/17 151/8 160/8 172/1 211/18 215/17 294/21 295/24 326/18 331/4 394/5 395/8 420/2 467/21 521/17 533/16 546/1 591/1 595/2 595/12 601/12 674/25 681/1 694/15 706/12 707/22 709/16 714/22 715/10 721/23 737/14 737/25 738/15 741/2 756/17 760/17 763/11 765/18 784/17 785/7 791/3 791/14 793/17 794/23 797/23
lady [2] 462/2 773/17
lady's [1] 519/1
laid [2] 135/6 372/9
lamp [1] 304/25
land [1] 531/9
landed [2] 287/20 309/16
landline [4] 238/4 242/25 246/24 247/8
language [1] 100/10
Laquanda [6] 20/17 538/17 546/14 547/2 547/3 563/3
Larcennia [2] 18/9 36/10
larceny [2] 57/10 471/19
large [4] 235/22 287/5 287/22 321/9
largely [1] 280/20
larger [1] 430/5
Larry [4] 19/24 115/3 115/16 115/17
last [53] 29/10 88/21 92/13 96/1 101/24 102/10 158/12 160/16 177/9 256/2 319/23 341/14 366/22 398/16 398/17 398/17 399/2 459/9 459/11 459/18 459/23 460/3 460/3 464/17 465/19 467/23 486/3 500/21 500/22 522/18 538/9 544/16 580/13 602/21 621/24 690/19 717/15 719/16 720/11 723/11 724/8 741/20 743/12 754/6 756/17 762/1 762/16 774/19 787/18 801/8 805/9 808/4 808/18
lasted [1] 801/12
lastly [1] 135/3
lat [2] 238/16 243/5
late [5] 398/19 398/21 400/22 403/5 585/18
latent [4] 190/10 190/16 297/17 300/7
later [31] 43/20 47/22 59/11 80/9 88/14 111/19 128/24 196/16 200/9 242/12 242/13 299/9 327/17 348/10 382/5 398/11 480/17 493/4 494/21 508/12 510/15 572/21 625/21 625/22 670/8 672/22 683/4 683/10 695/21 728/24 779/11
latitude [3] 243/12 776/13 777/5
Latonya [5] 20/10 416/12 416/24 416/25 492/6
laugh [1] 386/15
Lauren [1] 35/14
law [126] 15/2 15/11 15/18 15/19 16/2 17/21 17/22 17/25 18/14 18/23 19/4 20/12 21/21 23/15 23/16 26/14 26/15 26/21 26/23 27/4 27/14 27/22 28/10 28/11 29/14 29/21 29/22 29/23 30/1 30/12 43/7 43/9 43/18 45/12 50/20 52/15 55/16 57/7 60/5 88/17 91/8 92/12 93/24 93/25 97/25 102/8 102/9 102/11 102/19 108/13 108/17 125/15 158/22 222/4 237/17 241/8 241/14 269/17 392/13 471/8 505/17 509/17 533/17 535/7 535/21 537/8 547/11 547/13 564/25 570/7 577/11 595/13 596/9 643/15 695/2 697/1 699/10 704/10 704/16 704/17 704/19 708/15 708/17 718/12 718/23 718/24 720/2 720/7 737/10 738/4 738/5 738/18 739/21 763/16 764/1 764/2 764/2 765/22 766/8 767/11 768/14 770/10 770/17 771/21 772/11 772/19 773/2 773/3 774/4 774/6 774/8 774/12 777/4 777/6 777/15 777/20 777/20 778/11 778/21 780/8 784/18 786/3 788/6 798/3 801/2 811/18
Laws [1] 777/25
lawyer [24] 63/25 64/2 64/4 64/8 64/11 67/10 69/11 75/12 330/1 468/16 485/21 485/23 485/25 486/4 486/7 488/24 539/5 540/8 541/20 542/21 542/23 597/22 720/24 735/3
lawyers [6] 94/13 521/5 565/5 565/6 675/16 764/2
lay [11] 104/2 390/7 390/10 455/3 561/6 618/3 618/5 719/23 720/1 720/9 733/5
layers [1] 436/24
laying [13] 118/11 119/11 119/14 119/15 153/10 170/18 349/11 349/12 349/19 403/16 405/6 406/11 558/21
layout [5] 10/16 203/1 310/21 413/2 475/3
lead [24] 59/5 131/12 196/21 219/19 219/20 224/8 224/23 228/2 228/4 233/19 233/22 233/24 234/6 234/7 234/10 274/16 276/18 277/14 278/5 283/5 513/18 749/22 749/22 749/23
leader [1] 261/24
leading [1] 586/25
leads [2] 184/21 770/4
learn [5] 270/9 473/19 473/19 506/10 588/5
learned [2] 497/16 810/1
lease [13] 9/17 370/10 462/14 462/24 463/11 465/1 466/14 466/17 466/18 466/20 466/21 605/12 605/14
leasing [1] 497/24
least [20] 52/6 52/13 52/21 146/21 193/17 194/12 287/21 293/7 330/3 368/17 436/20 437/7 438/6 482/25 536/1 578/18 698/23 719/16 758/3 762/1
Leatrice [1] 39/16
leave [92] 86/11 96/2 107/22 107/23 135/25 139/12 139/13 146/9 148/15 150/8 154/17 157/3 158/18 163/18 180/5 185/3 188/14 188/14 211/16 221/2 236/3 247/14 260/19 268/6 273/6 274/19 294/18 313/19 326/10 341/20 341/24 342/5 348/12 355/1 357/10 364/15 364/20 365/9 365/13 378/25 394/2 406/24 406/25 407/1 407/18 407/20 408/25 409/10 415/4 415/9 415/10 416/9 419/16 427/3 452/23 460/16 467/13 553/2 554/25 584/22 590/22 616/6 616/7 616/12 616/18 628/10 639/18 656/19 658/4 659/7 664/25 666/16 706/2 714/4 714/17 716/13 730/16 743/12 743/20 749/24 754/13 755/20 762/5 762/6 762/9 762/12 788/18 792/21 799/12 806/3 807/13 813/5
leaves [4] 148/25 718/9 729/4 768/10
leaving [16] 107/25 336/19 340/5 344/2 344/10 365/15 365/17 480/13 492/5 647/3 658/2 711/24 733/6 749/24 755/25 758/9
led [2] 725/7 812/9
Lee [18] 19/25 53/21 54/24 82/8 84/21 188/21 189/16 189/17 189/21 191/16 191/25 209/12 211/16 298/18 298/22 535/13 697/13 720/4
Lee's [2] 82/12 84/2
leeway [1] 335/15
left [181] 9/10 13/22 30/1 51/1 56/5 104/15 104/20 105/25 115/5 126/9 133/9 136/10 151/16 155/4 163/24 180/11 183/20 187/20 189/5 196/1 207/22 213/6 215/24 221/12 225/16 225/16 236/10 247/20 260/25 262/7 268/12 273/19 273/19 277/16 282/4 282/5 282/9 284/10 296/13 314/2 316/22 320/7 320/23 321/6 321/13 331/14 340/4 340/4 341/22 342/13 350/2 355/8 356/25 357/3 357/14 357/22 360/12 360/18 360/18 365/2 374/9 375/6 379/1 384/2 395/14 397/23 398/7 398/13 398/13 399/7 406/25 407/24 408/12 408/15 408/17 409/3 409/7 415/4 415/6 415/10 415/12 415/13 415/17 416/14 419/4 422/20 427/8 431/18 432/1 432/4 432/5 432/7 432/11 432/13 432/15 432/25 435/8 441/15 442/7 445/12 445/14 445/16 445/17 445/18 445/19 449/15 453/11 455/16 456/3 460/25 470/3 480/16 495/16 498/19 501/4 518/9 518/12 518/22 546/17 549/16 549/20 553/10 561/9 561/10 561/12 561/14 563/25 585/3 607/10 613/11 613/22 614/4 614/9 616/10 616/11 616/19 617/2 621/13 625/24 631/3 641/23 641/24 642/1 650/13 650/13 651/6 651/8 652/6 659/9 661/19 664/3 665/1 666/11 668/4 709/21 709/22 715/17 715/18 715/19 715/20 715/23 715/25 716/23 728/12 730/12 730/12 730/13 730/13 733/15 735/10 743/14 743/15 743/15 743/19 743/20 747/1 752/21 758/1 758/1 807/19 813/4
left-hand [2] 614/4 614/9
leg [9] 73/5 488/8 623/16 623/17 746/10 761/5 761/12 761/25 762/16
legal [4] 45/5 447/14 449/2 778/14
length [6] 270/7 437/17 778/22 779/24 801/6 801/7
lenient [1] 806/15
less [11] 112/20 113/2 374/7 384/2 434/24 455/13 575/23 575/25 734/25 784/22 800/23
let [119] 12/4 47/15 59/23 60/6 66/19 70/2 70/20 73/3 77/5 81/2 87/4 89/16 89/19 90/12 105/2 107/2 111/10 122/4 124/15 124/23 130/15 145/5 149/19 200/17 215/5 255/11 258/15 284/22 293/16 294/22 295/17 313/3 329/15 338/20 339/10 341/4 342/22 346/3 362/3 370/17 375/18 390/23 394/6 399/4 399/12 399/13 399/14 404/20 404/22 404/23 411/8 415/3 422/7 428/7 432/18 435/21 444/22 468/1 469/14 472/19 488/6 503/25 512/1 515/1 515/6 519/1 520/15 531/12 533/10 538/19 542/20 542/23 556/4 558/23 559/14 560/21 593/7 594/14 596/3 596/4 596/19 607/16 607/18 620/23 624/15 626/8 668/24 673/8 674/23 675/1 677/7 690/14 694/23 696/3 705/16 706/13 706/14 750/15 750/15 750/17 750/18 752/5 762/8 762/10 763/13 765/9 772/16 773/16 787/18 789/13 789/25 790/18 791/15 791/20 793/5 799/4 799/18 809/3 812/19
let's [53] 12/8 31/22 46/23 78/5 86/18 96/7 99/23 112/10 149/21

L

let's... [44] 182/24 213/21 214/4 214/12 215/11 239/4 295/19 330/22 339/19 382/18 394/25 407/23 407/23 407/23 408/2 412/25 420/8 429/10 434/17 520/15 545/21 594/18 626/1 649/23 672/9 706/8 709/2 710/6 711/8 711/21 712/8 713/2 717/1 718/8 720/8 720/20 721/18 739/10 747/17 751/9 764/10 765/11 790/21 793/11
lethal [8] 432/19 432/20 433/17 433/18 441/21 442/16 442/17 709/13
lethargic [3] 482/4 487/19 491/6
letter [9] 173/18 197/24 387/5 444/9 806/19 806/19 807/24 807/25 808/5
letters [8] 299/5 299/5 384/17 386/2 386/5 431/25 447/18 447/23
levels [3] 233/8 233/8 531/10
Lewis [9] 20/10 416/12 416/24 416/25 417/4 417/9 419/10 492/7 518/20
Lexington [3] 27/15 57/4 471/5
liar [5] 746/17 746/18 749/8 749/8 763/2
liberty [5] 211/20 326/23 591/2 591/11 726/24
librarian [1] 42/5
licensed [3] 564/24 564/25 565/2
lid [1] 225/25
lie [11] 669/7 669/17 686/19 687/21 688/4 688/7 688/10 733/22 733/22 745/20 746/20
lied [15] 530/1 530/6 668/12 686/5 686/17 686/21 686/22 686/25 721/15 746/19 746/19 746/21 746/22 746/22 746/23
lies [2] 76/9 698/6
lieutenant [3] 57/25 58/2 58/6
life [46] 23/7 94/19 95/2 100/12 103/9 103/12 109/19 109/20 109/22 109/24 114/17 152/18 181/10 333/19 333/20 333/21 432/12 457/21 519/22 520/7 628/20 628/20 647/9 665/23 688/6 689/3 693/1 693/4 693/8 693/12 711/19 725/1 730/25 736/18 737/22 738/1 768/13 774/17 775/11 779/13 808/13 809/9 809/16 809/19 813/22 814/1
life's [1] 766/6
lifeless [1] 108/15
lift [2] 225/18 360/16
light [24] 119/5 134/2 307/22 308/6 308/10 308/18 308/23 308/24 315/14 376/4 413/21 413/22 414/3 531/6 614/1 614/3 614/8 614/9 628/4 628/4 628/7 742/2 742/7 755/1
lighten [3] 130/22 130/23 130/24
lighter [1] 805/5
lightly [1] 746/17
lights [11] 118/22 118/23 118/25 119/4 181/16 364/8 366/22 376/1 376/2 413/20 635/20
like [278] 12/20 50/25 59/15 59/16 67/9 75/4 78/22 81/23 82/11 85/17 85/18 91/21 110/23 120/1 120/3 138/11 139/10 139/11 139/12 139/14 139/15 139/24 144/11 146/4 146/5 146/8 146/9 146/10 146/11 154/6 158/16 169/25 170/4 170/15 172/9 172/20 173/18 173/19 174/10 175/24 176/15 178/18 183/25 185/7 186/24 196/12 201/17 207/22 213/14 220/7 224/1 224/10 227/5 228/11 233/8 233/10 233/10 238/25 249/24 256/16 256/21 265/22 270/8 274/25 275/13 279/4 292/4 298/14 300/10 305/24 306/1 316/10 316/23 317/1 333/6 333/6 333/12 335/2 335/3 336/11 336/13 349/25 359/2 359/3 359/8 359/24 359/24 360/3 360/4 361/11 364/3 364/22 364/25 365/14 365/23 374/11 384/3 387/14 388/12 388/16 388/17 388/20 390/10 398/1 398/2 398/18 400/11 400/12 400/21 401/20 402/16 402/17 402/20 402/23 402/24 403/3 403/25 405/5 405/11 405/13 405/20 405/21 406/13 406/17 406/21 407/1 407/9 407/23 408/21 410/24 411/1 411/2 411/6 411/8 411/11 411/21 414/11 414/12 414/12 414/22 415/14 418/5 418/6 419/8 428/22 435/4 435/9 436/25 437/21 437/23 438/3 438/4 438/8 440/8 447/19 449/4 450/15 452/10 457/25 459/20 459/24 460/4 464/20 473/14 475/6 478/5 479/13 483/16 484/7 494/11 506/8 557/5 557/10 557/13 557/22 560/12 561/11 566/10 576/4 577/1 589/8 595/25 604/7 604/9 604/18 604/21 606/23 607/7 607/8 607/9 607/12 608/4 608/8 608/11 609/11 609/17 610/5 616/1 616/15 617/8 619/18 620/18 620/21 622/2 623/6 624/11 624/18 624/24 624/25 627/9 627/9 627/20 629/2 629/3 629/3 629/5 630/19 631/17 631/20 631/23 631/23 632/12 632/21 632/23 633/3 634/1 634/2 634/3 634/25 634/25 634/25 637/2 638/1 638/2 638/3 639/1 639/16 644/14 646/21 647/6 647/13 647/13 648/23 654/19 673/21 673/24 674/4 691/15 702/22 712/6 726/7 736/9 739/2 739/3 740/5 740/16 746/10 746/18 747/20 747/22 747/23 749/3 752/9 752/16 752/18 753/11 757/8 758/16 761/4 764/5 769/21 785/22 786/7 798/6 798/8 804/16 805/16 813/17
likelihood [1] 537/1
likely [3] 12/17 289/18 530/23
likes [1] 449/3
limbs [1] 662/1
limine [2] 51/20 53/16
limit [4] 76/14 350/14 447/14 536/5
limited [2] 97/14 784/1
line [21] 55/15 63/11 95/13 95/17 291/16 293/7 293/10 306/7 309/19 352/21 485/10 486/3 528/11 528/12 528/16 582/6 693/2 712/9 730/5 786/21 786/23
line-type [1] 293/10
linear [2] 293/22 717/15
lines [2] 426/1 426/14
link [1] 770/3
lip [8] 66/17 66/23 68/3 69/3 488/16 488/17 488/20 490/17
lips [1] 66/22
liquid [1] 224/16
liquors [1] 785/1
list [10] 79/18 273/21 282/15 282/21 283/1 449/1 449/6 462/11 538/9 708/16
listed [11] 50/3 237/23 245/23 246/18 277/13 282/22 282/24 283/24 463/11 538/13 653/17
listen [16] 112/2 142/12 239/20 510/20 543/23 575/17 575/18 600/2 682/14 713/25 738/4 739/4 762/18 762/19 800/21 812/1
listened [4] 144/23 524/20 524/22 669/15
listening [1] 78/24
literally [1] 599/12
liters [1] 432/24
little [92] 49/18 58/16 66/1 70/20 77/13 88/22 102/3 121/22 124/23 130/22 132/11 132/12 172/12 172/14 173/11 174/14 175/7 185/20 197/25 198/1 201/20 223/24 225/17 229/25 230/9 230/14 233/24 244/8 252/11 293/2 326/20 326/20 332/24 333/3 347/14 348/1 350/14 356/8 358/14 359/21 367/16 370/18 382/5 397/4 408/20 409/2 413/7 413/8 413/24 413/25 414/1 417/10 420/4 420/11 434/10 436/14 436/14 436/15 467/22 472/20 526/8 559/24 570/22 575/15 578/25 596/18 602/24 606/4 613/23 615/15 622/22 622/23 622/24 632/17 636/2 637/25 643/25 644/18 658/23 660/5 671/20 683/23 689/13 720/25 741/12 745/8 747/23 748/9 753/6 753/7 755/23 762/18
live [19] 24/15 24/17 137/17 137/23 141/8 209/22 397/7 412/3 417/6 417/7 555/7 555/11 556/15 604/23 604/24 605/1 805/9 806/13 813/17
lived [10] 397/8 412/4 479/21 555/12 556/7 612/1 630/3 630/4 709/14 731/20
liver [1] 432/9
lives [2] 24/8 610/6
living [34] 68/6 137/9 237/3 312/19 339/16 358/11 358/22 359/1 359/14 359/15 363/25 365/12 376/19 390/23 400/18 400/25 404/11 406/4 409/3 409/5 413/23 415/7 417/12 480/15 623/15 626/17 626/18 626/21 629/4 630/17 630/18 664/8 665/7 742/7
loaded [1] 496/14
lobe [1] 432/13
lobes [2] 433/14 433/19
local [1] 104/9
locate [1] 299/15
located [11] 32/1 198/11 201/8 278/17 299/1 299/2 299/12 437/19 472/25 476/9 587/11
locating [1] 288/1
location [22] 156/20 157/11 159/13 165/10 165/13 184/13 238/20 239/1 243/4 243/6 273/8 287/16 290/13 305/20 310/15 524/25 525/17 528/10 587/6 587/7 635/3 636/6
lock [2] 623/3 673/13
locked [3] 360/1 381/3 588/15
log [33] 8/14 10/17 126/22 127/1 127/3 129/25 130/1 156/21 156/23 156/24 156/24 157/12 157/14 157/20 157/25 158/2 158/3 158/4 158/5 158/6 158/13 159/10 159/15 161/23 162/13 162/20 163/4 192/21 192/21 522/12 574/2 578/8 655/11
Logan [1] 702/14
logged [2] 263/21 504/12
logic [13] 23/9 24/3 25/23 30/5 30/18 93/13 94/19 95/2 95/6 712/9 766/5 774/24 785/13
logical [5] 101/12 102/6 679/20 770/4 776/25
logistical [1] 420/2
logs [5] 8/17 161/15 569/7 577/15 584/7
lolly [1] 611/3
lolly-gagging [1] 611/3
long [68] 43/23 46/6 53/20 57/1 77/21 90/5 91/17 110/9 110/10 110/14 115/23 130/24 152/15 153/21 155/25 157/10 164/20 181/5 189/23 216/16 238/16 241/4 243/5

1434

L

long... [45] 248/16 248/20 256/15 261/21 269/13 297/8 315/3 333/18 336/10 341/14 341/15 341/17 350/15 350/18 356/7 356/13 364/3 367/7 386/3 386/13 406/20 406/22 406/23 412/10 428/2 446/24 449/1 449/6 461/21 461/25 471/1 494/19 506/10 534/6 541/11 547/18 557/20 564/19 565/2 574/17 576/18 585/24 616/2 616/5 801/3

longer [7] 49/18 147/15 344/11 347/15 544/14 619/22 788/2

longest [1] 757/2

longitude [1] 243/13

look [95] 44/17 44/23 45/11 51/19 58/11 97/23 98/1 102/21 112/2 122/18 122/20 122/22 147/5 159/21 170/8 173/23 198/5 199/17 199/18 200/17 206/5 207/19 207/24 225/3 226/12 233/7 233/19 241/20 246/3 250/11 252/10 255/24 256/12 256/13 256/14 260/12 274/1 275/12 277/8 279/4 280/8 291/5 299/17 300/2 301/17 302/12 303/12 325/3 351/11 359/5 359/10 410/17 435/24 436/2 436/3 436/10 475/7 477/1 479/11 480/4 497/14 508/23 518/20 532/13 538/24 583/1 592/13 615/11 699/23 713/20 720/20 722/7 726/3 730/4 735/19 735/21 736/7 736/10 736/14 739/21 741/17 745/13 745/15 747/14 748/13 749/14 749/15 756/12 756/12 759/11 762/25 763/1 763/2 808/20 813/10

looked [27] 48/15 52/11 59/15 122/25 145/18 146/25 178/18 196/12 200/25 204/5 235/8 256/12 402/1 418/11 419/6 419/7 475/22 495/10 562/7 621/21 629/18 629/19 629/21 631/22 674/7 714/14 749/8

looking [72] 45/8 117/4 117/5 117/10 117/24 118/4 169/21 169/23 171/13 172/23 173/21 179/19 179/20 185/23 187/2 195/9 200/24 204/9 204/24 207/15 209/20 214/3 222/15 222/17 224/7 224/22 224/25 226/10 233/11 233/12 246/9 265/1 265/4 277/12 282/4 309/7 311/17 349/10 359/12 360/6 371/24 371/25 371/25 372/2 403/22 405/21 407/7 413/19 424/3 431/14 449/4 487/20 500/19 508/9 528/23 569/19 571/16 571/18 574/17 575/15 575/24 583/11 618/1 618/24 623/22 663/1 733/19 753/9 753/10 753/12 761/4 810/19

looks [5] 169/24 170/4 174/9 310/23 736/8

loop [6] 128/11 128/13 128/13 128/14 128/14 128/15

loops [1] 128/12

loose [1] 754/14

lose [6] 245/3 245/6 433/4 693/8 693/12 711/19

losing [3] 276/19 647/9 811/22

loss [1] 809/4

lost [2] 186/4 560/19

lot [95] 55/21 61/15 61/21 62/13 72/11 163/11 166/21 168/12 171/8 180/1 193/1 198/9 201/3 203/4 203/11 207/1 213/18 233/24 250/7 253/17 292/13 292/17 293/4 294/4 298/24 342/4 347/11 369/2 370/1 403/18 405/15 414/22 414/23 414/24 432/21 432/22 434/20 434/21 446/12 446/12 462/14 473/17 481/13 482/12 483/9 483/9 483/9 487/20 500/11 514/8 514/12 526/14 527/21 555/21 555/23 556/4 558/21 559/14 576/18 600/21 602/18 606/12 606/18 610/16 614/11 614/13 620/18 621/20 632/17 641/9 644/21 644/21 659/22 660/1 661/23 662/3 662/5 667/19 668/5 681/15 684/12 693/6 708/2 717/6 725/23 737/23 741/8 744/11 744/13 760/25 774/19 807/14 812/2 813/4 814/1

lots [3] 133/12 446/17 724/15

loud [4] 138/13 138/21 143/19 386/16

louder [2] 333/3 602/18

loudly [2] 430/24 633/10

lounged [2] 397/14 397/16

love [9] 17/12 656/3 656/8 656/11 734/11 749/17 762/7 807/9 810/16

loved [6] 368/4 368/6 369/8 369/10 615/10 811/22

loves [1] 722/7

loving [1] 806/7

low [3] 132/1 138/14 531/6

lower [6] 432/1 432/4 433/14 442/8 444/13 444/14

luck [1] 814/11

Lucky [1] 474/12

lunch [18] 211/19 211/24 212/6 212/8 215/1 215/18 420/3 420/6 420/12 420/18 421/25 422/14 545/2 694/23 695/4 705/7 706/13 706/25

lung [3] 432/14 433/14 433/19

lungs [1] 740/11

luxury [1] 87/12

lying [9] 118/5 118/18 120/15 166/18 194/3 390/10 618/5 619/4 646/22

M

M.D [1] 428/13

ma'am [547] 15/5 18/4 18/8 18/11 21/24 24/22 27/1 27/19 58/15 68/19 109/15 116/8 116/10 116/22 117/9 117/17 117/22 118/3 118/16 119/3 119/13 120/2 120/9 121/8 121/10 121/21 121/24 122/23 124/4 124/7 125/1 125/5 125/7 125/12 125/14 125/18 125/25 126/5 127/5 127/10 127/13 127/24 128/7 128/10 128/18 128/21 128/25 129/3 129/14 129/16 129/18 129/22 129/24 130/5 130/15 130/17 130/23 131/9 131/11 131/13 132/2 132/5 132/8 132/19 132/21 132/23 133/1 133/13 133/17 133/20 133/23 134/2 134/17 134/20 135/2 135/11 144/25 145/4 145/7 145/13 145/15 145/17 145/20 145/22 145/24 146/24 147/2 147/13 147/16 151/23 161/19 161/22 162/1 162/7 162/10 162/15 162/19 172/11 172/13 172/15 172/19 172/22 172/25 173/4 173/7 173/10 173/12 173/15 173/19 174/3 174/6 174/12 174/24 175/2 175/9 175/13 175/15 175/18 175/20 176/4 176/6 176/13 176/24 177/15 177/22 178/1 179/21 179/24 180/18 181/2 181/18 183/8 183/10 183/15 185/8 185/16 186/8 186/10 186/15 186/19 187/15 187/25 188/3 188/5 188/7 188/9 200/14 203/6 203/9 204/15 208/25 209/13 210/3 211/8 224/5 224/7 226/5 226/11 230/2 230/23 230/25 232/5 232/8 232/12 232/21 232/24 233/1 234/14 234/16 234/19 234/21 234/23 253/4 253/13 254/1 254/4 254/10 254/21 255/5 255/8 255/14 255/18 255/24 256/8 256/18 256/20 256/23 257/1 257/3 257/10 257/16 257/21 257/24 258/5 258/8 258/10 259/3 259/5 259/19 260/2 260/4 279/5 307/17 307/19 307/21 309/6 309/11 309/13 310/1 310/4 310/6 310/8 310/11 310/18 310/23 311/14 311/19 312/5 312/8 312/10 312/12 314/15 354/20 395/21 410/7 410/9 410/13 410/20 412/20 412/22 413/9 416/21 419/16 456/10 474/20 481/23 487/2 490/10 505/16 505/23 507/12 510/3 513/14 516/15 517/1 528/20 547/21 548/1 548/14 550/12 550/24 553/17 579/3 579/25 586/3 586/13 586/21 587/20 602/5 603/6 603/9 603/12 603/14 603/16 603/20 603/23 604/13 605/11 605/15 605/18 605/22 606/8 608/17 608/21 609/14 609/21 610/9 610/24 611/19 612/3 612/5 612/24 613/13 613/15 613/17 613/19 614/14 614/16 614/18 614/20 614/22 614/24 615/1 615/3 615/21 616/8 616/24 617/2 617/12 617/20 617/22 618/25 619/2 619/9 619/15 620/3 620/10 620/12 621/9 622/10 622/16 622/18 622/20 624/3 624/5 624/14 625/9 626/23 627/1 627/6 627/13 628/13 629/9 629/14 630/5 630/8 630/10 630/13 630/15 631/13 632/1 632/4 632/9 634/13 634/16 635/9 635/19 637/5 637/7 637/22 638/7 638/21 639/6 640/6 640/13 640/15 640/20 641/1 641/7 641/12 642/2 643/12 643/22 643/24 644/7 644/12 644/17 645/13 645/24 646/10 646/13 646/16 647/10 649/8 649/12 649/14 649/19 649/22 650/1 650/7 650/12 650/15 650/18 650/20 650/22 651/2 651/7 651/19 651/22 651/24 652/18 652/21 653/2 653/11 653/13 653/16 653/19 653/21 653/23 654/1 654/3 654/5 654/8 654/11 654/15 654/23 655/3 655/6 655/10 655/16 655/18 655/23 656/1 656/21 656/23 657/1 657/3 657/10 657/15 657/23 658/1 658/5 658/8 658/17 658/19 658/25 659/2 659/19 659/21 659/25 660/2 660/8 660/19 660/25 661/15 661/21 661/25 662/8 662/10 662/12 662/14 662/17 663/5 663/22 664/7 664/10 665/8 665/10 665/21 666/3 666/5 666/8 666/15 666/18 666/25 667/3 667/14 667/16 667/18 667/20 667/22 667/25 668/3 668/6 668/11 668/16 668/18 669/6 669/18 669/23 669/25 670/4 670/7 670/22 671/5 671/14 671/16 671/22 671/24 672/1 672/3 672/5 672/11 672/13 672/18 673/1 673/7 673/18 674/18 681/9 681/18 682/1 682/3 682/5 682/10 682/12 682/21 682/24 683/2 683/9 683/12 683/16 684/6 684/9 684/12 685/13 685/15 685/18 685/20 685/22 685/24 686/1 686/4 686/16 686/20 686/23 687/1 687/8 687/10 687/18 687/20 687/23 688/3 688/5 688/8 688/11 688/14 688/25 689/2 689/4 689/6 689/8 689/10 689/15 689/17 689/19 689/22 689/25 690/2 690/16 690/24 691/4 691/9 691/12 691/17 691/19 691/25 692/2 692/4 692/6 692/10 692/17 692/19 693/14 693/17 805/22 806/17

machine [1] 273/5

mad [9] 365/8 385/6 385/10 386/15 751/11 752/7 752/14 754/10 810/4

Madam [1] 90/21

MADD [1] 26/4

made [62] 13/18 13/20 30/8 49/22 64/23 71/2 72/18 75/5 75/25 82/18 83/4 95/23 97/16 100/14 103/25

M

made... [47] 104/4 104/17 104/22 142/15 142/19 144/23 201/25 224/3 227/18 237/10 246/15 321/10 418/22 418/23 419/2 424/20 430/4 430/8 486/15 486/18 492/6 509/6 525/25 541/15 542/14 575/3 578/4 578/16 579/12 603/20 632/23 646/6 660/17 667/7 667/8 692/8 692/8 766/11 771/25 772/2 772/4 772/10 772/18 773/1 809/5 812/11 814/2
magic [1] 757/10
magically [3] 743/14 744/13 759/15
mail [6] 78/6 80/16 242/12 249/8 472/8 592/8
main [3] 39/17 182/14 481/20
mainly [2] 480/5 608/23
maintain [5] 156/21 191/6 423/16 423/20 804/17
maintained [2] 158/7 767/16
maintaining [3] 157/19 163/3 192/21
major [4] 50/9 262/19 298/12 785/22
majority [4] 177/22 229/8 229/15 610/6
make [120] 30/7 30/9 30/13 30/23 31/12 31/14 46/3 47/10 55/16 67/12 71/25 76/20 78/16 79/9 81/7 90/18 91/5 93/11 93/25 94/2 100/8 100/21 101/4 101/12 102/7 108/22 117/5 128/1 134/5 138/25 157/1 177/19 178/15 195/6 201/12 217/17 226/18 237/22 251/24 257/25 265/16 265/23 266/20 281/18 281/21 283/25 289/16 292/11 292/15 293/6 298/16 313/7 321/3 330/11 330/12 332/6 352/4 360/25 374/13 390/20 393/17 412/25 420/8 444/11 444/22 445/22 447/7 468/19 470/23 478/1 485/11 487/1 487/4 498/23 513/15 519/3 540/20 540/24 554/4 589/5 596/5 602/13 611/17 617/17 632/24 639/25 649/9 658/23 661/11 677/4 677/6 678/17 679/7 700/13 700/18 700/23 702/3 708/9 716/6 735/4 735/6 739/5 746/8 750/6 759/12 762/23 764/6 774/20 775/4 776/17 776/23 777/18 783/20 786/2 792/1 799/5 807/6 809/19 810/9 811/12
makes [12] 43/13 97/4 97/7 106/13 197/11 513/24 542/18 679/22 743/16 762/24 768/6 770/10
making [13] 13/19 343/12 347/13 347/14 386/14 388/12 771/19 774/25 775/8 777/3 777/22 780/13 812/11
Maldonado [10] 57/25 58/6 58/24 218/13 472/13 473/3 473/11 474/18 479/16 524/11
male [18] 32/15 33/11 34/11 35/10 37/17 38/4 39/2 39/12 118/2 118/17 120/18 120/20 120/22 144/6 192/23 244/7 507/14 508/3
males [1] 68/2
malice [31] 22/17 114/15 701/21 702/2 702/8 709/4 709/6 709/16 709/18 709/25 724/22 738/2 738/20 739/9 749/12 758/2 763/5 778/1 778/6 778/7 778/12 778/15 778/16 778/21 779/1 779/3 779/4 779/8 779/11 779/16 779/23
mama [7] 560/12 605/2 606/24 606/25 616/10 618/8 619/5
man [18] 60/10 70/8 70/11 70/22 113/1 113/18 139/6 139/17 141/15 418/2 478/14 519/23 643/9 698/15 758/6 763/3 804/9 809/24
management [1] 251/21
manager [1] 39/17
manhunt [1] 709/23
manipulate [2] 287/16 508/20
manipulated [3] 128/3 287/19 508/19
manner [7] 193/18 276/11 318/2 541/20 708/1 708/13 779/4
manslaughter [4] 54/15 594/4 703/5 703/23
manually [3] 571/3 572/2 572/3
manufactured [1] 273/5
Manufacturing [1] 33/4
many [52] 60/8 67/5 70/9 70/23 92/25 128/23 135/4 145/9 156/3 156/13 197/16 213/2 213/11 222/24 227/16 250/6 252/3 252/12 274/13 281/8 292/14 353/23 363/4 391/10 391/12 413/20 429/17 457/8 461/19 463/11 465/23 473/16 476/13 478/12 482/14 491/9 512/24 516/19 520/9 638/22 638/24 640/2 651/3 690/17 718/5 744/11 775/7 775/7 776/16 776/16 801/3 812/25
map [5] 10/3 142/2 142/3 373/11 612/21
Maps [1] 10/9
March [4] 57/7 471/9 604/9 815/19
marijuana [11] 25/17 65/23 72/14 72/15 447/16 450/11 450/14 450/21 650/25 651/1 708/21
mark [7] 161/8 173/22 206/5 269/11 275/4 299/7 321/13
marked [128] 62/22 65/17 85/2 122/16 123/9 123/12 123/15 128/2 132/17 132/17 133/21 134/3 134/18 140/3 140/21 143/3 159/5 160/3 161/10 161/20 169/2 169/5 175/10 182/24 183/2 183/6 193/4 193/13 193/17 193/19 194/10 195/17 195/19 198/4 198/23 201/14 202/10 206/23 207/9 210/11 210/22 219/3 219/4 240/16 253/24 254/18 273/10 274/21 275/4 276/3 279/1 279/24 283/11 283/15 284/23 285/9 299/3 301/12 302/6 303/2 303/5 303/8 304/5 306/12 307/6 310/19 311/6 316/22 317/4 317/18 318/5 318/16 318/19 319/6 320/7 320/17 321/6 321/22 322/22 323/18 324/4 324/18 325/15 343/1 348/19 349/6 353/6 373/24 390/3 424/7 425/4 429/24 430/18 439/7 440/5 441/2 443/21 463/1 465/16 476/23 484/2 489/9 489/22 495/7 495/15 495/16 496/7 502/19 503/10 504/5 505/4 526/16 527/12 527/15 550/3 550/20 566/15 567/6 568/2 568/5 574/14 580/10 612/20 613/8 636/20 675/25 790/15 790/23
marker [12] 118/23 118/24 211/3 211/5 211/6 267/1 299/7 299/16 299/16 305/8 306/13 306/14
markers [26] 173/17 193/20 193/22 195/17 197/21 197/25 198/1 198/10 199/6 199/9 199/10 199/12 202/14 202/15 203/10 203/12 293/19 293/20 299/4 305/5 315/13 441/20 527/18 527/20 759/4 759/5
marking [4] 123/25 193/11 275/10 305/7
markings [6] 273/16 273/18 274/24 282/4 284/10 291/15
Markley [1] 13/5
marks [12] 171/7 203/7 269/24 270/6 270/10 270/18 270/22 271/14 436/15 736/11 736/13 744/18
marriage [7] 14/5 15/24 16/11 17/6 19/15 21/5 26/13
married [2] 369/21 547/18
marry [1] 369/19
Mason [1] 480/14
master [15] 20/1 116/12 116/13 155/1 156/5 156/8 156/10 157/23 158/1 158/4 159/8 192/9 380/24 381/2 588/13
Master's [1] 262/19
Masters [3] 20/22 550/23 552/3
match [5] 266/6 266/8 745/22 760/11 760/12
matching [1] 282/5
material [15] 12/13 274/14 274/15 274/19 276/22 276/24 277/4 277/7 277/16 277/20 278/5 281/24 329/24 330/3 330/16
materials [2] 262/7 329/18
Mathematics [1] 137/13
Matt [1] 182/8
matter [29] 45/8 53/16 87/2 108/4 109/10 225/21 288/21 306/5 330/7 331/6 335/16 436/5 557/13 595/4 595/13 699/10 700/9 708/7 708/8 718/22 729/20 742/11 769/14 771/20 772/11 772/18 780/5 788/24 808/11
matters [10] 29/22 43/7 43/9 43/17 43/24 93/25 533/17 534/2 771/21 788/6
Matthew [7] 20/8 20/13 181/24 183/12 585/13 585/14 720/6
may [297] 14/1 18/4 21/24 22/16 23/5 27/7 28/2 29/22 32/4 45/15 45/16 45/25 49/11 50/8 50/13 51/21 53/17 54/25 57/24 58/1 61/1 61/2 61/4 63/18 67/11 69/23 73/22 76/1 79/20 79/20 87/13 88/23 89/6 91/11 93/25 96/18 97/13 97/17 100/9 100/10 100/18 100/18 101/1 101/21 102/13 103/1 103/3 103/9 103/21 103/24 103/25 104/14 105/15 109/13 109/14 112/7 114/25 116/11 116/23 122/10 122/13 122/14 126/14 135/16 135/17 135/20 137/21 140/23 140/25 142/7 143/7 144/17 148/9 148/10 148/22 151/11 152/21 154/16 154/22 156/15 159/21 160/7 161/5 163/17 165/7 166/10 166/22 171/2 171/12 171/22 171/23 171/25 172/23 177/1 178/13 180/4 181/17 188/13 188/23 192/6 198/13 205/1 207/25 211/11 211/13 215/20 217/5 217/11 217/12 217/22 221/1 227/13 227/13 234/9 236/2 247/13 254/6 255/21 260/18 268/5 272/2 280/9 289/10 290/11 292/6 293/6 293/9 293/11 294/17 296/7 298/5 298/9 299/22 300/13 300/15 304/10 308/9 312/25 313/16 315/18 326/9 331/8 331/10 333/22 338/16 351/11 352/12 352/14 354/20 354/23 356/3 356/16 392/12 393/20 395/10 396/19 416/8 417/6 417/21 419/15 419/20 423/23 427/2 429/13 430/16 452/22 453/1 453/5 454/17 454/21 455/22 457/9 457/10 458/18 460/15 463/25 467/12 467/17 469/4 469/24 471/10 480/9 480/12 484/12 485/9 498/15 511/1 520/12 520/13 521/3 521/18 533/5 542/5 545/11 545/12 546/13 547/24 548/12 548/13 551/3 552/19 552/23 554/19 554/20 556/9 556/24 563/7 563/10 576/6 580/14 584/21 586/8 590/21 595/5 600/8 601/4 601/20 602/23 602/24 606/3 610/21 648/17 649/10 649/18 653/6 653/7 655/11 672/9 681/2 681/7 681/21 681/25 682/25 683/10 684/2 685/25 686/5 686/6 691/22 693/25 693/25 694/2

1436

M
may... [55] 694/9 698/5 703/18 703/22 707/7 707/18 707/25 722/12 723/6 723/12 726/7 733/4 733/13 733/21 734/3 734/5 734/6 734/12 738/10 738/12 738/16 738/25 739/2 748/23 748/24 753/13 766/12 768/24 775/14 775/24 778/23 779/1 779/4 779/5 779/7 779/11 779/19 780/8 780/13 783/7 783/21 784/9 788/8 788/15 792/3 798/23 800/13 800/20 805/15 808/18 810/16 810/22 814/3 814/4 814/10
May 21st [1] 733/4
May 22nd [3] 733/13 733/21 734/12
May 23rd [2] 734/3 734/5
May 24 [1] 417/6
May 24th [13] 103/21 103/24 103/25 333/22 356/3 356/16 396/19 457/9 556/9 610/21 691/22 734/6 753/13
May 25th [34] 22/16 61/1 61/2 103/9 104/14 105/15 116/23 137/21 152/21 156/15 165/7 198/13 217/22 298/9 351/11 352/12 352/14 454/17 454/21 457/10 458/18 480/9 547/24 548/12 548/13 551/3 554/19 554/20 556/24 586/8 606/3 649/10 649/18 738/16
May 26th [7] 61/4 63/18 429/13 480/12 485/9 810/22 814/4
May 27th [7] 463/25 672/9 681/7 681/21 681/25 682/25 748/23
May 29th [1] 683/10
May 30th [5] 684/2 685/25 686/5 686/6 748/24
May of [1] 254/6
May the [1] 417/21
maybe [43] 54/1 58/2 70/20 75/9 76/8 78/10 92/7 95/14 97/9 138/24 138/25 143/19 174/14 207/22 234/7 259/21 336/9 336/13 337/15 341/19 347/25 350/14 350/19 357/3 397/4 418/12 420/4 476/18 482/16 500/18 505/19 518/21 623/4 703/9 726/8 742/13 742/13 742/14 744/15 752/1 752/2 755/23 789/24
Mayer [1] 34/16
McCURDY [4] 1/24 815/8 815/21 815/23
McDaniel [3] 14/17 24/24 25/1
McDaniel-Smith [2] 14/17 24/24
me [466] 12/15 13/24 29/12 29/17 46/4 47/20 49/25 50/5 50/15 51/18 52/21 53/10 58/10 59/8 59/9 59/10 59/17 59/23 60/17 60/20 60/22 60/24 61/9 61/10 61/19 64/23 64/25 66/15 66/17 66/19 67/4 67/22 68/4 69/2 69/22 70/2 70/4 70/20 71/16 72/25 76/7 77/5 80/16 80/19 81/25 84/25 87/4 89/15 90/21 92/6 92/10 92/24 93/8 93/18 94/14 94/25 100/23 110/17 111/10 121/25 122/4 124/8 124/19 124/23 126/9 129/12 137/20 138/14 138/18 139/23 145/2 145/5 145/25 153/5 159/8 160/12 165/6 168/9 179/7 184/19 192/11 194/10 200/17 223/8 229/25 230/18 244/1 248/11 249/8 249/8 249/8 249/16 250/10 251/15 252/10 254/10 255/11 256/13 256/14 258/15 274/25 284/22 286/8 286/15 293/16 298/19 298/23 299/10 306/9 306/16 308/23 313/3 316/3 319/13 319/14 319/17 330/12 337/6 338/15 338/23 338/24 338/25 339/11 341/4 341/12 346/3 356/17 356/17 356/21 356/23 357/1 357/9 357/12 357/12 357/17 357/19 357/24 358/8 358/16 359/15 361/21 365/16 370/6 370/17 372/4 380/6 382/23 382/24 383/1 388/12 388/16 388/16 388/20 390/6 390/23 391/14 392/16 396/25 398/6 399/13 399/23 400/5 400/6 400/8 408/23 409/2 409/10 410/16 412/11 417/22 418/7 418/9 418/20 418/21 421/10 425/13 428/7 431/20 432/18 435/21 437/5 442/13 442/15 442/21 444/22 454/8 457/6 458/1 458/2 459/14 463/3 464/8 472/5 472/10 472/15 472/19 472/19 473/10 474/12 475/9 475/10 477/13 477/15 477/17 477/18 477/19 477/25 478/18 479/6 480/2 480/4 480/17 480/18 480/20 481/5 481/6 481/10 481/12 483/5 484/8 486/15 486/17 487/20 487/22 488/17 488/19 494/2 494/4 494/20 494/20 495/3 495/13 496/10 496/18 506/23 508/9 511/15 511/17 512/1 513/10 514/16 514/19 515/1 515/2 515/6 516/22 519/23 519/23 520/10 522/25 524/15 524/24 527/22 531/12 533/10 538/19 538/22 542/20 551/23 557/7 557/24 557/24 558/22 558/24 559/14 560/1 560/12 560/13 560/17 560/21 562/3 562/6 563/20 565/16 572/1 573/4 575/3 576/15 579/24 580/2 581/16 582/10 582/12 583/8 587/9 587/13 587/14 587/17 588/7 588/15 590/7 592/9 594/9 596/3 596/4 597/2 605/4 606/10 606/19 606/23 607/3 607/6 607/7 607/16 607/18 607/23 607/23 608/3 608/5 608/9 608/12 610/14 610/15 610/17 611/3 611/4 611/6 614/10 615/7 615/7 615/8 615/9 615/10 615/14 615/16 616/6 616/14 617/2 617/5 617/8 618/15 618/15 619/4 619/22 620/23 623/18 623/22 624/15 625/2 625/13 630/1 631/4 631/23 631/24 632/11 632/16 632/21 632/22 635/10 636/24 637/24 637/25 638/1 638/9 642/13 642/19 642/21 643/3 643/5 644/5 644/22 645/1 645/4 646/1 646/5 646/18 646/19 646/23 646/25 647/7 648/6 648/16 649/16 649/17 652/8 653/10 657/7 657/9 658/23 662/19 663/8 667/12 670/12 670/13 670/18 671/2 671/11 673/8 673/14 674/7 674/10 674/12 678/14 679/20 679/22 680/7 684/20 685/1 685/8 686/7 690/14 696/1 696/3 700/23 701/14 703/22 706/13 706/14 706/18 721/2 732/10 732/10 733/14 733/15 733/22 733/22 734/1 734/6 734/24 734/25 736/4 736/20 737/17 737/20 737/24 738/25 742/10 744/16 748/1 748/5 748/5 748/15 749/24 750/15 751/9 752/5 753/20 755/22 756/14 757/7 757/24 762/10 766/12 772/16 773/16 787/18 789/13 791/15 791/24 792/24 793/22 794/3 799/5 799/18 800/18 805/13 805/19 807/11 809/6 809/14 810/4 810/20 811/12 811/14 812/17 812/19
mean [124] 52/8 61/23 74/20 77/18 82/4 82/19 83/7 83/18 83/21 98/15 99/5 112/19 116/3 116/18 118/10 118/24 121/18 130/1 146/21 170/2 184/4 187/1 197/8 213/8 213/18 217/6 223/8 230/24 231/1 234/13 252/19 253/6 280/9 280/13 285/22 325/25 337/16 366/8 366/9 377/4 383/5 388/10 390/9 396/18 398/21 406/14 407/12 407/22 408/20 444/25 459/20 487/18 514/4 514/5 517/25 530/16 531/14 537/19 538/13 541/1 541/2 549/2 556/17 557/22 574/21 580/25 581/17 581/23 584/25 598/1 598/2 598/12 599/18 600/9 600/23 609/8 610/14 610/17 614/5 615/15 617/14 617/14 618/4 619/18 623/1 627/19 635/4 638/23 640/23 648/23 651/14 660/4 661/17 661/22 665/15 666/10 676/19 678/2 681/12 684/12 698/16 701/1 703/14 727/10 732/13 733/25 740/23 755/21 757/21 761/19 761/21 762/10 768/4 769/7 776/7 779/3 786/16 792/19 797/25 798/4 800/2 801/14 804/13 805/3
meaning [6] 29/21 72/25 120/25 233/13 387/15 488/1
means [30] 22/18 99/6 99/17 99/19 100/2 230/21 266/14 279/9 288/1 299/22 309/5 309/25 446/5 446/10 451/13 536/22 543/17 544/1 580/24 618/5 701/25 729/7 762/15 762/16 777/7 778/16 779/4 786/10 786/13 786/16
meant [7] 64/13 217/9 278/20 580/23 683/20 789/11 813/23
measure [3] 197/10 197/14 437/10
measured [1] 195/19
measurement [1] 203/20
measurements [11] 193/10 195/15 196/23 196/25 201/10 201/22 202/1 203/22 272/19 273/18 282/8
measures [1] 750/6
measuring [2] 437/21 437/23
meat [1] 58/17
medical [6] 126/19 152/19 187/24 278/18 428/12 434/11
medication [2] 540/3 540/23
medications [1] 449/5
meet [20] 59/20 60/22 72/24 80/16 390/12 478/9 480/18 480/20 480/22 488/2 525/18 549/5 604/4 642/21 642/22 643/11 651/22 651/23 741/19 770/20
meeting [2] 249/13 249/17
meetings [1] 249/14
meets [2] 710/19 719/10
Melton [1] 167/18
member [8] 22/21 23/6 23/24 24/8 28/8 28/19 28/23 270/20
members [19] 14/4 15/23 16/10 17/5 21/4 25/3 25/9 25/16 25/18 26/3 26/4 26/12 26/20 61/15 61/22 463/8 481/14 804/3 805/16
Memorial [2] 482/20 511/23
memory [12] 117/7 153/3 157/16 182/21 218/24 226/10 246/2 252/7 298/7 342/19 424/5 466/10
men [3] 141/13 361/14 813/6
men's [1] 318/21
mental [4] 100/21 101/4 388/24 780/21
mentally [1] 808/7
mention [4] 67/19 134/22 525/10 775/10
mentioned [28] 20/25 46/24 91/15 237/24 237/24 328/4 329/20 476/24 479/15 483/25 494/11 512/20 513/10 525/9 529/13 538/9 539/9 546/3 588/8 701/11 706/24 715/1 722/1 722/13 765/21 777/23 785/9 787/13
merchandise [1] 39/17
mercy [1] 806/8
mere [2] 771/5 771/11
merely [1] 766/25
message [9] 46/9 385/25 389/20 545/1 545/4 563/13 618/2 619/6 655/20
messages [29] 111/9 111/10 112/24

M

messages... [26] 368/8 368/14 368/19 370/1 371/13 371/17 386/19 568/8 569/19 569/20 569/22 570/11 583/18 584/4 609/3 609/4 615/12 620/8 690/23 690/25 691/2 691/5 691/14 691/20 732/17 733/2
messing [1] 657/18
met [9] 99/12 218/13 457/6 552/2 622/25 698/1 718/3 726/15 767/20
metabolites [2] 447/16 450/11
metal [12] 224/8 224/9 224/10 224/10 224/14 224/15 224/16 224/18 234/2 274/7 274/10 286/14
metals [1] 227/19
meters [1] 203/16
method [3] 291/5 770/8 775/10
methodically [2] 785/12 785/25
methodology [1] 679/21
methods [1] 770/10
meticulous [1] 95/16
metric [1] 315/13
Metze [5] 20/1 494/23 494/24 495/3 495/6
Meyer [1] 267/12
mic [4] 332/7 417/10 454/3 676/7
Michael [3] 248/6 248/7 296/24
microphone [7] 31/8 31/9 32/1 32/2 145/5 333/2 397/5
microscope [5] 227/12 227/15 233/9 234/1 273/15
microscopic [4] 227/13 230/4 262/9 273/7
microscopically [4] 273/1 273/25 277/6 281/24
microscopy [1] 223/4
mid [2] 153/10 591/6
mid-20's [1] 153/10
mid-day [1] 591/6
middle [7] 203/4 225/19 356/10 356/14 432/8 528/23 759/23
Midlands [2] 33/16 35/5
midnight [4] 217/11 217/13 368/2 734/10
mids [1] 166/12
midst [1] 557/3
might [23] 23/11 89/4 94/8 99/3 101/3 151/4 152/10 227/16 229/1 251/14 255/21 330/10 411/2 563/5 580/4 588/20 699/16 740/16 744/17 749/22 749/23 750/18 758/24
Mike [7] 20/1 247/18 494/13 495/3 495/4 495/23 496/19
mile [1] 110/13
miles [2] 374/7 455/13
military [2] 271/10 517/24
Mill [1] 455/11
mind [37] 63/8 95/8 96/5 96/6 99/24 101/16 106/8 112/25 141/3 186/3 187/8 210/1 214/5 307/24 349/9 351/20 406/10 458/8 541/16 542/23 549/10 573/4 591/15 641/9 682/13 692/21 712/15 729/6 730/24 732/7 737/16 778/17 779/16 779/24 780/15 793/1 808/2
mine [8] 30/8 30/8 82/6 93/24 168/14 197/24 360/20 654/13
minimally [3] 445/12 445/17 445/18
minimum [4] 438/9 445/3 803/8 813/21
minor [1] 262/19
minute [22] 43/15 45/6 60/6 86/11 101/3 118/21 138/25 341/19 362/17 433/4 498/22 509/10 575/23 578/23 616/14 620/18 621/25 649/24 658/12 741/12 757/1 757/1
minutes [63] 108/4 109/18 109/18 109/20 110/9 110/12 110/13 110/15 110/16 110/17 111/2 113/11 114/3 114/17 114/18 145/3 147/12 148/21 149/10 153/22 193/9 253/7 294/23 295/9 341/17 350/19 350/20 374/6 384/2 394/8 394/17 419/1 419/3 433/5 468/1 497/5 520/18 537/1 575/15 575/20 576/1 578/25 595/14 612/17 647/20 655/21 675/2 688/15 693/16 725/20 727/5 727/13 727/25 735/1 736/16 736/16 737/13 751/16 763/14 765/4 791/22 799/9 801/12
Miranda [1] 483/12
Mirandized [1] 483/13
mirrored [1] 282/13
misconception [1] 812/15
miss [2] 386/13 752/12
missed [4] 193/12 257/2 727/19 814/1
missing [2] 572/18 577/17
mist [1] 208/10
mistake [2] 739/6 746/8
mistaken [1] 783/8
mistakes [1] 603/20
misting [1] 119/9
mistrial [1] 49/14
misty [4] 132/9 132/12 557/3 558/4
misunderstand [1] 84/25
Mitch [1] 167/18
mitigating [1] 789/10
mixture [1] 266/13
moaning [1] 139/11
mobile [1] 305/23
mock [1] 223/1
moist [1] 446/13
Molly [1] 449/7
molten [3] 224/17 224/20 224/24
mom [18] 40/4 112/15 137/15 137/17 139/19 139/19 139/24 351/7 360/19 379/6 379/19 412/6 412/7 608/5 667/11 667/13 807/9 808/21
mom's [12] 342/14 350/17 350/21 358/2 371/22 373/14 605/9 605/13 612/7 618/10 684/2 684/3
moment [17] 94/17 96/8 200/17 337/13 411/2 460/21 473/10 560/20 632/6 693/20 737/17 738/11 750/21 778/24 800/8 808/22 812/17
moments [4] 501/13 727/17 727/19 787/24
momma [4] 809/1 809/1 810/2 810/3
Monday [3] 482/20 734/3 739/2
money [5] 398/6 478/21 611/9 645/15 733/15
monitor [1] 243/20
monogamous [1] 389/10
month [2] 113/2 222/23
months [11] 242/13 297/14 347/24 347/24 361/9 367/9 367/10 367/12 531/21 547/23 774/19
moral [2] 23/25 25/20
more [75] 43/20 48/2 66/24 70/21 73/19 85/3 88/19 88/20 91/24 94/24 98/18 98/19 99/20 129/17 129/21 139/16 146/11 150/19 160/11 197/14 204/18 213/13 220/2 244/16 266/14 274/20 286/13 286/23 294/7 294/14 343/17 377/9 416/5 433/10 441/23 446/13 462/22 466/13 466/16 467/4 476/11 482/15 506/6 510/9 510/17 511/4 520/10 563/16 570/19 570/22 577/24 593/17 606/5 608/19 609/12 634/19 647/1 656/24 664/11 664/13 664/15 676/8 694/19 701/24 720/18 720/25 748/9 762/18 762/19 769/17 771/11 771/12 772/13 803/17 810/12
morgue [1] 195/14
morning [103] 30/19 44/6 46/6 46/12 49/8 57/24 59/18 66/2 86/24 104/13 104/14 105/11 105/15 109/17 111/14 122/25 127/21 127/22 137/1 137/2 137/21 144/22 147/3 147/5 152/2 152/7 153/17 153/19 153/20 155/21 155/22 156/17 161/13 161/14 181/2 181/2 205/7 208/10 211/2 217/11 217/12 219/11 298/10 316/4 326/22 328/7 329/17 331/8 336/11 345/6 345/7 348/23 351/15 355/24 355/25 357/4 374/10 396/4 396/5 398/22 398/23 417/4 417/21 417/25 454/20 454/23 457/9 457/13 457/13 458/17 458/19 459/12 470/22 472/4 472/13 472/16 472/17 480/19 492/9 492/24 522/4 529/16 548/20 552/8 556/24 557/1 557/2 557/4 557/5 557/8 561/9 592/10 595/16 649/17 652/4 684/10 692/16 692/18 731/10 734/4 737/1 740/4
mortem [1] 316/16
most [33] 12/17 43/9 88/24 90/16 95/9 158/7 206/1 214/8 225/7 232/18 282/18 286/12 287/7 287/10 289/18 341/19 412/12 432/22 435/10 441/21 441/21 446/8 446/9 486/10 514/13 522/19 523/7 655/1 702/12 737/2 760/1 775/2 812/17
mostly [8] 237/18 333/19 333/20 333/21 407/10 412/8 412/20 649/2
motel [2] 643/5 643/11
mother [25] 59/4 61/12 103/21 104/16 111/16 371/20 477/16 478/20 479/21 480/2 481/8 610/19 667/9 671/25 673/14 712/14 714/5 716/16 716/17 745/15 745/18 748/23 762/11 805/23 806/12
mother's [7] 344/16 389/14 479/24 480/13 556/11 612/9 653/17
mothers [2] 26/5 609/10
motion [23] 49/13 49/14 51/3 51/6 52/10 55/3 55/20 74/5 85/23 85/24 194/23 194/24 536/2 537/18 537/25 696/9 696/15 696/15 697/12 697/19 700/3 734/14 734/17
motions [19] 42/15 42/18 49/22 50/25 51/15 51/20 55/22 79/10 79/18 83/4 534/2 695/7 695/9 696/3 800/4 800/12 801/19 802/2 802/6
motivated [1] 785/23
motive [3] 536/9 780/11 780/13
motor [6] 216/21 216/24 597/17 598/1 603/13 803/13
mouth [4] 113/13 265/21 316/23 717/23
move [74] 85/7 85/12 85/16 87/20 90/6 96/12 112/8 122/10 134/16 140/14 142/22 150/21 159/20 193/14 203/15 207/3 210/15 263/19 285/4 290/11 301/7 302/1 302/22 303/17 303/25 305/23 307/1 310/25 315/18 349/1 353/1 359/3 359/4 373/17 397/5 397/5 417/9 423/19 430/11 438/25 439/23 440/17 443/11 462/8 462/12 463/9 463/17 465/5 520/11 535/4 550/14 565/21 565/21 567/1 567/21 574/8 592/14 605/4 609/22 613/1 636/9 636/12 637/14 655/8 681/4 697/4 706/14 733/6 744/20 744/20 745/9 759/7 759/10 800/15
move-in [4] 462/8 462/12 463/9 463/17
moved [6] 133/14 162/3 176/21 635/3 729/21 729/25
movement [13] 253/8 259/17 404/10 515/24 516/14 517/18 573/13 573/18 581/6 581/24 583/12 665/15 706/4

M
movements [1] 572/25
moves [1] 168/20
moving [21] 61/24 75/16 75/22 194/9 213/22 292/10 292/25 293/8 293/9 305/25 359/6 417/13 420/11 428/24 462/5 473/17 482/4 636/11 639/5 729/17 812/2
MP [3] 580/20 581/2 581/13
Mr [103] 2/10 2/12 2/14 2/16 2/18 2/20 2/22 3/8 3/15 3/17 4/4 4/6 4/10 4/12 4/14 4/16 4/19 4/22 5/1 5/3 5/6 5/8 5/10 6/2 6/9 6/11 16/23 17/4 42/18 58/19 81/2 112/9 140/5 141/2 141/5 141/23 142/11 143/23 144/5 159/7 160/15 168/8 169/7 171/6 208/14 211/16 215/6 219/7 220/1 234/15 294/18 333/5 335/18 343/4 366/21 390/5 392/10 394/25 395/6 399/11 400/2 416/8 422/7 422/13 429/9 430/1 431/8 438/17 441/4 449/11 455/5 458/5 459/8 463/4 464/24 469/23 480/9 521/16 531/2 532/20 532/22 544/25 546/6 568/13 568/13 568/16 568/16 568/17 570/3 576/12 581/15 582/10 596/3 596/25 677/3 677/4 705/16 734/19 735/5 771/2 790/18 793/18 794/16
Mr. [110] 13/22 13/23 14/7 15/10 17/9 17/20 18/24 22/10 22/15 30/16 31/4 31/11 31/14 47/6 47/15 61/3 74/11 74/13 90/19 97/3 128/17 134/1 135/9 144/21 147/23 149/19 151/7 164/16 212/14 227/22 266/22 295/18 329/16 331/2 423/12 429/15 441/14 469/14 481/3 483/24 491/14 515/23 521/12 533/5 538/18 538/22 542/20 545/25 546/10 547/22 564/16 565/21 568/12 570/15 570/18 570/24 570/25 571/1 571/1 571/2 572/5 574/2 574/21 575/1 575/7 578/4 578/7 578/12 579/3 580/18 581/22 582/3 582/11 584/25 585/18 589/2 590/22 599/22 600/13 601/4 601/23 602/13 633/9 680/13 707/17 709/17 711/4 728/13 731/6 732/8 732/12 734/18 734/19 739/7 749/17 766/3 766/13 766/17 767/1 767/9 767/12 769/4 777/23 778/4 790/20 793/5 804/8 804/21 807/6 811/18
Mr. Addison [3] 331/2 521/12 545/25
Mr. Channen [1] 568/12
Mr. Dean [1] 164/16
Mr. Frost [3] 585/18 589/2 590/22
Mr. Goodwin [2] 144/21 147/23
Mr. Jackman [1] 151/7
Mr. Johnson [2] 74/11 533/5
Mr. Justin [1] 17/9
Mr. Parker [1] 423/12
Mr. Pauling [7] 128/17 134/1 135/9 227/22 429/15 599/22 600/13
Mr. Pauling's [2] 441/14 571/1
Mr. Poole [6] 515/23 580/18 581/22 582/3 582/11 584/25
Mr. Richardson [1] 547/22
Mr. Ricks [60] 13/22 13/23 14/7 15/10 22/10 22/15 30/16 31/4 31/11 31/14 47/6 47/15 61/3 74/13 90/19 97/3 149/19 266/22 295/18 329/16 469/14 481/3 483/24 491/14 538/18 538/22 542/20 546/10 570/15 574/21 575/1 575/7 578/4 578/7 578/12 579/3 601/4 601/23 602/13 633/9 680/13 709/17 711/4 734/19 749/17 766/3 766/13 766/17 767/1 767/9 767/12 769/4 777/23 778/4 790/20 793/5 804/8 804/21 807/6 811/18
Mr. Ricks' [5] 570/18 570/24 570/25 572/5 574/2
Mr. Ricks's [1] 571/2
Mr. Tucker's [1] 571/1
Mr. Watkins [2] 564/16 565/21
Mr. Williams [10] 17/20 18/24 212/14 707/17 728/13 731/6 732/8 732/12 734/18 739/7
Ms [140] 2/3 2/4 2/6 2/7 2/8 2/11 2/17 2/21 2/23 2/25 3/1 3/3 3/4 3/5 3/6 3/10 3/11 3/12 3/13 3/16 3/18 3/20 3/21 3/23 3/25 4/1 4/2 4/5 4/8 4/11 4/15 4/17 4/20 4/24 5/2 5/4 5/11 5/13 5/14 5/15 5/16 5/18 5/20 5/22 5/23 5/24 6/1 6/3 6/5 6/6 6/7 6/10 6/12 6/13 15/13 15/22 16/23 17/4 28/22 29/8 75/9 84/16 87/11 87/11 112/9 122/15 124/21 126/11 132/16 161/5 177/13 177/18 179/16 183/5 188/13 191/24 202/12 204/17 212/20 223/23 229/24 236/3 263/18 271/20 276/5 280/1 290/4 293/15 354/14 374/1 385/23 394/2 394/4 417/9 431/4 452/22 460/15 465/19 475/17 478/24 489/4 491/25 492/22 493/11 493/19 495/14 503/12 511/11 520/5 521/21 527/17 535/1 546/10 547/7 550/22 553/7 561/7 566/4 580/14 587/4 607/15 618/18 618/21 633/15 636/22 645/7 653/9 656/9 660/22 669/4 681/6 690/13 694/2 696/6 723/24 758/23 793/12 799/15 800/3 803/23
Ms. [86] 15/10 16/2 16/20 17/8 25/1 46/21 55/9 75/15 78/11 109/13 112/8 134/21 144/15 154/13 161/4 183/17 184/9 184/12 184/13 186/14 212/17 222/3 223/15 235/4 236/25 245/19 247/14 261/16 263/12 345/6 354/23 355/24 366/22 367/7 389/20 392/11 393/4 417/4 419/10 443/25 454/2 461/15 467/1 467/13 468/15 474/6 492/6 518/20 524/8 525/25 529/8 533/10 534/13 534/21 554/2 575/7 578/3 579/21 581/13 582/4 586/22 587/5 597/24 599/8 650/4 650/24 665/23 680/19 695/24 703/4 723/2 739/20 741/16 742/4 745/14 746/5 747/4 749/16 752/15 787/22 787/23 791/2 793/22 800/11 811/11 813/20
Ms. April [1] 17/8
Ms. Aull [1] 78/11
Ms. Berry [2] 222/3 223/15
Ms. Chambers [1] 554/2
Ms. DePace [2] 461/15 467/13
Ms. Grant [2] 261/16 263/12
Ms. Green [1] 454/2
Ms. Johnson [1] 787/23
Ms. Kiara [1] 183/17
Ms. Latonya [1] 492/6
Ms. Lewis [3] 417/4 419/10 518/20
Ms. McDaniel-Smith [1] 25/1
Ms. Pauling [1] 811/11
Ms. Pelzer [16] 184/9 184/12 184/13 186/14 345/6 354/23 355/24 366/22 367/7 392/11 393/4 467/1 474/6 575/7 586/22 587/5
Ms. Richburg [3] 236/25 245/19 247/14
Ms. Sampson [2] 16/20 212/17
Ms. Shirley [1] 680/19
Ms. Sutton [2] 791/2 793/22
Ms. Verba [1] 787/22
Ms. Zmroczek [42] 15/10 16/2 46/21 55/9 75/15 109/13 112/8 134/21 154/13 161/4 235/4 389/20 443/25 468/15 524/8 525/25 529/8 533/10 534/13 534/21 578/3 579/21 581/13 582/4 597/24 599/8 650/4 650/24 665/23 695/24 703/4 723/2 739/20 741/16 742/4 745/14 746/5 747/4 749/16 752/15 800/11 813/20
much [111] 15/21 17/3 27/7 28/22 31/1 42/14 42/21 43/5 46/23 55/24 67/15 79/8 80/12 81/13 83/24 85/13 86/23 87/15 87/22 91/13 91/14 116/21 138/3 147/17 148/16 151/8 154/12 178/10 187/19 212/6 214/17 215/16 230/10 236/3 272/15 273/12 288/4 295/24 296/6 326/9 327/21 329/5 330/18 331/4 334/20 395/1 401/23 405/25 417/11 419/25 421/23 428/7 430/5 431/2 438/11 449/2 450/17 469/19 535/15 540/6 542/5 545/25 554/10 559/23 570/20 574/18 592/16 594/25 606/13 617/7 623/5 623/8 623/20 623/21 646/7 648/17 661/10 663/8 680/24 694/14 702/13 706/6 722/7 723/18 740/19 758/22 762/8 765/17 784/3 788/2 790/3 790/10 791/2 791/21 792/2 793/4 793/16 793/24 794/19 795/4 797/21 797/23 799/12 801/1 802/4 802/11 803/22 806/7 807/9 810/12 811/9
mud [3] 174/8 736/8 736/11
muddy [1] 175/7
Muhammad [3] 20/14 151/13 152/3
multi [1] 811/24
multi-faceted [1] 811/24
multiple [10] 237/15 273/3 292/20 299/5 398/14 429/16 436/6 555/23 566/14 737/1
murder [56] 23/4 58/5 70/22 76/9 98/6 98/6 98/7 102/12 103/6 103/6 103/6 103/6 103/15 108/24 111/22 111/24 114/16 114/22 474/16 479/14 479/18 536/14 537/6 594/7 594/8 670/12 695/16 703/24 709/3 709/3 709/5 710/3 718/16 738/2 738/8 738/20 739/8 740/21 749/22 752/24 752/25 753/7 760/18 763/6 767/2 777/24 777/25 778/4 780/1 780/3 786/20 787/3 787/10 787/11 794/13 801/21 803/8
murdered [4] 103/8 109/8 719/15 722/23
murderer [13] 59/21 59/22 60/17 62/10 70/8 478/7 478/10 483/8 487/21 738/16 738/23 739/3 748/8
mushroom [1] 286/3
must [43] 52/19 63/19 93/19 95/25 95/25 96/4 99/10 99/15 99/21 485/15 591/13 710/9 713/4 713/9 718/16 718/19 760/24 767/15 768/1 768/19 768/22 769/11 770/23 771/1 771/2 772/16 778/5 778/15 778/16 778/21 780/3 780/5 780/25 781/1 781/5 781/13 781/17 781/21 782/9 782/15 785/24 787/15 788/19
my [424] 12/16 13/5 13/22 14/19 15/14 16/24 17/19 21/11 22/7 29/20 30/12 33/3 34/2 41/18 44/15 45/3 45/3 45/6 45/10 52/6 52/24 56/17 59/9 59/17 61/19 63/7 64/20 64/21 66/12 66/18 70/5 70/18 75/8 75/16 79/10 79/17 81/24 82/13 82/23 83/23 84/13 86/10 88/9 90/8 91/18 93/9 93/11 93/12 93/12 93/13 96/9 97/5 100/12 100/22 102/1 102/23 110/24 117/5 118/23 118/25 119/5 120/16 122/4 123/24 137/15 137/17 137/22 138/1 138/15 138/17 138/22 138/23 139/3 139/19 152/13 154/11 156/11 157/12 164/10 167/4 167/23 171/18 177/9

M

my... [341] 183/13 198/8 200/14 200/17 202/1 210/13 214/7 220/8 221/22 226/7 227/11 230/15 246/20 246/20 252/1 257/16 258/8 262/22 264/18 264/22 270/12 270/15 274/24 275/10 275/16 275/18 275/23 277/13 277/18 277/22 277/25 278/4 279/5 281/1 283/17 283/19 283/19 284/7 297/13 298/5 299/13 309/1 315/9 323/8 328/11 328/16 330/6 332/20 333/10 333/15 333/19 333/19 333/20 333/20 333/21 334/3 356/6 356/11 356/17 356/17 356/18 357/13 357/23 358/5 358/14 358/21 358/23 358/23 358/25 359/20 359/25 359/25 360/9 360/14 361/6 362/24 366/7 366/9 370/22 371/1 376/10 377/17 380/6 380/21 381/10 383/2 388/12 391/16 391/16 396/10 396/14 401/7 401/12 401/24 402/4 402/9 403/1 406/10 407/25 408/5 409/12 411/5 412/4 412/15 415/8 417/22 417/23 418/21 425/8 427/18 428/13 431/24 443/6 444/12 454/14 457/18 457/20 461/10 468/10 470/14 471/7 472/1 472/18 472/24 474/22 475/21 476/5 479/12 480/16 480/16 480/19 485/8 486/12 486/13 488/17 491/7 491/23 495/5 502/17 506/13 511/15 511/17 516/6 518/17 523/14 529/25 535/16 536/13 536/16 537/7 538/5 538/6 542/14 547/11 548/8 551/1 551/23 553/21 554/3 554/14 554/23 554/24 555/25 556/2 556/4 557/4 557/8 557/11 557/11 558/2 558/11 559/7 560/4 561/15 562/6 562/7 562/24 564/20 589/19 590/7 593/21 599/15 604/2 604/2 604/18 605/2 605/13 605/24 605/25 606/14 606/15 606/17 607/22 607/22 608/5 608/24 608/25 609/18 609/24 610/1 611/1 611/2 611/5 612/7 612/9 612/9 612/12 615/9 617/14 617/17 618/8 619/5 619/22 621/14 622/12 622/12 623/3 623/16 623/17 624/24 625/7 625/13 626/7 626/14 627/4 628/19 628/20 628/20 628/23 629/16 629/24 629/24 631/15 632/21 634/4 638/2 638/3 639/25 641/9 641/15 642/18 643/7 644/3 644/20 644/25 645/15 645/16 645/21 645/21 646/6 646/23 647/4 647/4 654/19 657/15 661/11 667/11 667/14 669/13 672/19 673/13 674/7 678/20 679/13 683/22 686/8 686/18 693/1 693/4 693/4 693/8 695/15 696/9 700/12 702/11 703/5 704/20 705/20 708/3 708/15 718/4 723/10 723/16 723/22 725/2 725/3 725/9 726/2 732/14 732/15 734/1 734/5 734/24 738/5 738/22 740/3 746/25 746/25 747/6 748/1 748/2 750/16 750/21 757/8 765/20 766/18 766/23 771/20 771/21 772/5 773/17 774/11 777/5 777/7 787/22 788/7 789/8 789/19 792/18 792/23 799/4 801/2 801/4 801/17 801/18 806/2 807/23 808/2 808/5 808/19 809/1 809/2 809/18 809/19 809/24 810/3 810/4 810/7 810/16 811/18 812/20

myself [17] 27/16 50/19 59/2 93/7 303/18 401/23 451/12 483/23 486/23 492/5 593/25 622/13 624/8 629/17 808/6 808/16 808/23

N

nail [6] 9/10 231/22 231/22 266/19 316/19 321/2

naked [1] 227/14

name [99] 13/5 14/15 15/14 16/24 21/15 24/23 31/6 33/3 34/2 41/18 50/2 56/15 56/17 59/12 63/16 65/2 115/14 126/22 136/19 151/5 151/25 155/13 157/2 164/8 164/10 180/20 182/15 189/14 216/8 220/17 221/21 221/22 236/19 239/7 239/12 239/13 244/6 246/5 246/17 246/20 246/21 246/23 246/24 247/9 248/4 261/9 268/21 296/22 314/11 331/23 332/4 343/5 355/17 395/23 416/23 418/8 423/4 423/10 427/17 427/18 453/20 454/10 456/12 461/9 461/10 462/2 470/12 470/14 485/7 485/8 486/25 494/3 494/5 494/6 506/23 525/6 526/3 542/22 547/1 550/1 550/25 553/19 553/21 564/9 568/19 585/12 602/6 603/1 604/14 667/24 737/7 747/6 748/1 761/21 769/18 769/19 794/25 795/3 805/20

named [2] 347/19 474/5

names [1] 381/17

nanny [1] 35/14

narcotics [1] 248/23

narrow [2] 575/22 725/21

natural [2] 165/2 165/5

nature [13] 23/2 90/10 93/16 165/5 287/24 432/19 570/12 597/16 598/10 603/11 615/20 803/12 813/12

Navaya [1] 811/3

nay [1] 51/24

near [8] 138/22 192/24 194/15 196/8 231/1 750/11 756/3 759/13

necessarily [10] 100/4 101/3 158/8 231/2 231/3 235/22 519/16 588/2 730/6 798/1

necessary [14] 51/16 55/9 82/22 143/15 160/11 172/3 191/22 485/13 492/2 706/1 773/21 780/2 784/3 784/11

neck [1] 433/16

need [110] 13/12 19/17 22/13 43/7 44/3 44/10 46/11 47/5 48/25 51/19 53/8 68/12 78/15 80/19 82/4 82/21 84/6 84/7 84/10 90/15 95/5 99/24 100/22 107/22 129/15 141/20 143/11 157/8 173/23 183/21 183/24 188/6 197/14 200/8 203/2 212/20 224/1 225/9 226/7 275/1 277/4 277/5 277/7 278/13 300/2 322/23 324/22 328/5 329/21 332/12 361/1 399/5 402/19 417/9 418/20 425/10 442/3 444/10 454/2 467/25 483/22 533/18 537/9 538/24 545/9 545/14 560/9 560/9 560/10 582/10 582/13 593/3 593/7 600/23 602/15 633/9 658/18 669/19 670/13 673/6 674/13 674/19 680/13 681/24 685/1 695/8 718/7 719/3 719/5 719/6 719/6 723/1 726/24 733/4 748/1 748/5 758/12 761/3 784/10 788/2 788/6 788/7 788/9 789/18 790/5 791/14 791/19 792/21 802/9 807/5

needed [24] 59/19 60/18 67/9 158/17 192/11 197/5 203/18 218/12 298/19 298/23 299/10 359/17 385/3 477/23 478/8 642/15 643/7 667/12 668/7 668/8 703/10 783/21 783/24 784/6

needing [1] 520/6

needs [8] 79/23 81/14 89/7 244/25 272/2 276/23 330/15 366/9

negate [3] 535/20 697/24 697/25

negating [1] 802/1

negative [4] 235/24 267/20 267/21 608/7

negatively [7] 148/8 163/16 354/19 527/8 659/23 670/20 703/20

neighbor [1] 17/12

neighborhood [7] 138/17 138/20 332/22 333/10 333/17 336/15 604/6

neither [3] 785/8 813/22 815/16

nephew [8] 14/19 105/3 337/8 360/1 562/24 562/25 666/7 762/12

nervous [3] 414/11 414/12 638/14

never [57] 50/19 51/8 52/14 55/12 69/13 70/12 88/17 88/18 96/25 97/23 138/17 203/15 269/4 368/24 387/6 387/14 415/18 491/13 494/7 501/6 501/8 502/5 513/10 522/9 522/16 525/7 525/9 526/4 526/7 532/6 573/18 579/19 587/13 589/18 590/16 617/8 660/20 689/13 690/7 710/24 721/9 722/1 722/3 722/3 726/1 726/20 749/1 749/5 761/8 767/9 773/9 804/21 805/2 807/17 807/22 809/4 809/15

new [5] 55/16 82/19 138/20 470/20 535/7

news [2] 327/12 481/9

newspaper [1] 327/15

next [89] 45/8 61/3 61/4 72/6 90/15 100/15 111/25 127/6 136/7 151/10 151/11 154/20 163/20 166/19 167/8 167/21 177/8 180/8 188/19 191/10 191/12 215/19 215/20 217/10 217/12 220/16 234/20 236/6 247/17 260/21 268/8 295/25 296/7 313/23 326/13 331/7 331/9 336/25 344/23 376/16 395/10 403/17 404/5 404/15 405/14 408/4 416/11 419/19 422/16 427/5 453/1 455/24 458/22 460/19 463/20 467/16 469/24 474/21 477/11 492/4 501/25 501/25 533/9 551/10 551/11 551/15 552/4 552/8 552/15 553/6 562/10 562/17 562/18 596/13 629/1 632/10 639/11 639/17 639/21 642/3 642/11 643/2 694/3 696/15 755/1 756/20 756/20 760/8 798/14

next-door [1] 596/13

nice [3] 111/1 386/15 386/25

night [89] 104/7 104/11 104/13 104/22 105/9 105/10 108/5 110/3 111/5 113/13 116/6 116/25 119/7 122/25 127/25 129/20 138/5 138/6 138/12 153/6 153/19 167/16 193/8 217/12 303/22 334/10 334/12 336/6 337/2 342/20 345/23 353/21 353/23 356/15 360/24 361/16 362/16 363/4 364/18 364/20 366/1 366/12 366/14 370/18 370/24 370/25 372/10 387/25 390/12 393/5 396/19 400/19 401/18 403/5 408/9 457/9 457/11 457/12 458/1 471/22 472/14 472/18 475/10 477/10 488/3 490/12 492/11 493/3 494/4 529/16 552/13 556/9 583/22 592/9 612/6 612/8 613/11 619/10 646/20 649/17 651/3 652/3 657/13 691/15 691/21 693/16 732/16 733/11 808/15

nightclub [1] 104/9

nights [6] 462/20 462/22 466/13 466/16 467/4 808/4

nine [3] 152/16 189/25 248/17

Ninety [2] 241/5 241/6

Ninth [2] 13/6 52/12

Nivaya [9] 347/7 347/17 369/10 369/12 463/14 604/3 604/15 604/17 604/20

no [722] 7/2 10/2 11/2 14/8 14/25 15/8 16/3 16/15 17/23 18/12 19/2 19/10 21/1 21/14 21/19 22/3 22/24 23/21 24/5 24/17 24/21 25/6 25/13 25/25 26/10 27/2 27/20 28/5 28/12 28/16 29/3 29/7 29/9 30/25 42/19 46/19 46/22 48/1 48/6 48/9 48/15

N
no... [681] 48/17 48/21 49/10 49/14 49/22 53/14 53/14 54/14 59/21 59/22 61/2 64/23 64/24 65/16 68/17 68/19 68/21 68/24 69/15 70/7 70/22 73/21 74/1 74/7 76/25 78/17 78/20 79/5 82/11 85/1 85/6 85/11 85/20 88/4 92/10 94/24 97/8 97/19 110/23 113/21 114/4 114/15 114/16 118/3 118/8 118/10 118/11 118/13 118/16 119/3 119/22 122/6 123/14 125/18 125/20 127/15 130/23 130/25 131/11 131/13 132/5 134/9 134/17 135/12 135/24 140/17 140/20 142/24 143/2 143/21 145/17 147/2 147/15 147/18 148/1 148/4 148/5 148/13 149/6 149/8 153/12 154/11 154/15 157/7 157/21 158/8 158/21 158/25 159/3 159/18 159/24 160/2 161/9 161/19 161/22 162/21 166/5 167/16 168/2 170/12 171/18 171/20 173/15 178/16 178/20 178/22 178/23 183/1 183/4 183/23 184/1 184/11 184/24 185/8 185/9 186/21 187/1 188/9 188/12 191/18 193/15 195/5 195/8 198/19 200/19 200/20 200/20 200/21 201/6 202/6 202/9 202/18 207/8 209/6 210/5 210/6 210/17 211/9 212/11 212/13 212/22 213/1 213/5 218/21 218/23 220/21 220/25 223/7 223/19 230/25 231/2 231/5 235/12 240/11 240/21 243/11 244/7 244/11 245/12 247/2 247/11 250/10 254/15 254/17 254/23 256/4 260/14 260/17 263/14 266/7 266/11 266/18 267/9 267/16 268/1 268/4 270/8 271/16 275/23 276/2 277/15 277/20 279/20 279/23 280/24 284/17 285/8 286/18 286/21 289/12 289/23 290/13 290/15 290/18 291/23 291/24 294/14 295/6 303/4 303/7 306/5 307/5 307/8 309/11 309/13 309/24 310/11 311/5 312/22 313/11 313/12 317/17 318/15 319/5 320/16 321/21 323/17 324/23 326/8 328/3 332/14 332/23 334/19 335/23 336/17 338/11 339/9 340/11 341/3 344/11 344/12 345/1 345/10 347/15 348/4 348/9 348/13 348/15 349/5 349/15 351/7 353/5 354/9 354/16 354/25 356/19 357/12 361/4 361/15 362/2 362/15 363/3 363/19 364/16 364/19 365/16 366/2 366/13 366/16 367/1 370/4 370/12 370/22 372/11 373/2 374/17 375/1 375/25 378/15 380/13 381/1 381/4 381/7 381/25 384/5 386/8 387/17 388/5 389/19 390/13 391/7 391/19 392/3 392/21 392/22 393/8 394/14 396/16 396/17 396/18 397/12 402/2 402/19 403/8 407/9 408/10 408/14 409/11 409/15 409/23 414/18 415/1 415/19 415/21 415/23 416/5 418/3 418/4 418/20 418/22 419/2 419/6 419/11 419/14 424/25 425/3 426/20 426/23 426/25 427/1 429/2 429/2 435/20 439/3 440/1 440/22 442/19 443/20 444/20 444/22 448/2 448/3 449/25 450/15 450/19 451/3 454/16 455/18 455/21 457/16 457/18 457/18 457/18 458/9 458/21 459/6 459/7 459/17 459/22 460/14 465/15 466/3 474/20 475/9 476/11 476/24 477/25 478/7 478/10 480/6 482/12 484/9 484/19 485/1 486/15 486/15 487/2 487/5 487/10 487/21 489/18 489/21 490/10 491/3 494/7 496/3 496/6 496/24 497/2 501/2 501/5 503/18 503/20 505/3 505/9 505/16 508/20 510/3 511/9 512/4 513/5 513/8 516/15 517/21 520/24 521/1 522/5 522/5 522/24 523/14 524/2 524/24 525/3 525/24 525/24 527/11 528/14 529/12 534/4 536/7 536/20 537/2 540/4 541/18 545/13 550/19 551/5 552/21 554/13 555/8 555/10 557/17 559/7 561/14 562/3 562/14 562/16 563/8 565/6 565/25 565/25 567/5 567/23 569/22 572/17 572/25 574/10 574/13 578/17 579/3 579/17 579/22 580/9 581/4 582/2 582/10 582/12 582/15 582/16 582/25 584/17 584/20 588/18 589/19 589/21 589/25 590/7 592/4 592/6 593/6 593/12 593/14 593/14 593/17 594/2 597/5 597/21 597/21 597/21 597/21 599/3 599/10 600/22 602/24 603/23 604/9 605/14 605/14 605/15 605/18 608/19 610/4 611/7 613/3 613/7 614/20 614/22 614/24 615/1 616/4 618/11 619/15 622/10 624/3 624/5 624/14 628/6 630/1 630/15 634/16 635/9 636/10 636/19 637/7 639/25 640/6 640/13 641/7 641/12 641/25 642/10 646/13 649/12 649/13 649/14 649/16 649/19 649/22 649/24 650/1 650/2 650/12 650/15 651/18 651/18 651/19 652/21 656/3 658/8 659/6 659/24 659/25 660/2 660/8 661/15 661/21 661/24 661/25 662/1 662/1 662/17 662/24 663/5 663/13 664/1 664/16 664/23 665/10 666/3 666/5 666/8 666/15 666/18 666/23 666/25 667/22 667/25 668/3 668/6 668/11 668/18 668/20 668/23 669/7 669/16 669/20 669/25 670/4 670/7 670/13 670/22 672/8 673/18 674/18 674/22 674/22 675/8 675/10 675/21 675/24 676/15 676/15 677/5 677/18 677/20 678/20 678/20 678/23 680/2 680/15 681/9 684/15 684/18 684/21 684/23 685/19 685/21 685/23 686/14 686/16 686/21 687/2 687/8 687/10 687/20 687/23 688/5 688/8 688/11 689/10 689/15 690/6 690/10 691/17 691/25 693/23 694/12 696/24 697/8 699/9 699/14 701/3 701/18 701/24 703/13 703/17 707/12 708/25 708/25 715/6 717/18 717/24 719/3 720/18 721/10 721/13 727/3 727/10 733/6 739/5 739/25 741/23 743/2 743/23 744/1 744/22 745/16 746/14 747/11 747/12 752/16 752/18 754/9 757/9 758/6 761/11 761/22 762/1 762/2 762/14 763/22 770/11 781/14 783/14 784/22 789/6 789/18 790/7 790/8 790/14 790/22 792/1 792/9 792/12 800/10 801/5 801/13 801/24 806/6 808/11 811/21
nobody [21] 63/2 72/21 157/1 162/2 166/3 193/4 375/23 376/8 477/9 480/15 482/22 483/23 531/4 557/7 629/22 640/1 640/2 641/10 749/5 750/5 807/10
nod [1] 87/11
Nods [17] 148/8 163/16 347/4 354/19 458/12 527/8 540/12 616/21 621/6 628/9 628/11 640/10 654/21 659/23 663/24 670/20 703/20
noise [3] 347/14 525/2 632/23
non [2] 237/7 448/1
non-emergency [1] 237/7
non-fatal [1] 448/1
nonchalantly [1] 758/15
none [37] 14/9 15/9 16/5 16/16 19/12 21/3 22/4 23/1 23/23 24/7 25/8 25/15 26/2 26/11 28/7 28/13 29/5 126/19 135/15 150/1 201/6 294/16 313/15 373/19 381/16 386/4 394/1 416/7 480/6 607/9 650/3 666/11 710/23 741/4 758/6 776/21 807/22
noon [2] 481/9 481/11
Nope [4] 701/24 747/21 747/24 761/10
normal [13] 82/17 240/4 254/8 443/7 476/3 504/14 537/12 593/21 621/21 655/5 695/15 712/16 809/10
normally [7] 82/15 191/25 196/17 228/20 482/21 487/25 633/21
North [2] 271/8 428/12
Nos [21] 123/8 123/11 169/1 169/4 198/22 210/21 240/15 301/11 302/5 303/1 304/4 324/17 373/23 430/17 439/6 440/4 441/1 503/9 527/14 568/1 568/4
nose [1] 285/25
not [719] 21/14 22/10 31/13 31/15 42/17 42/21 43/10 43/15 44/7 44/8 44/14 44/22 45/16 45/16 45/18 45/19 45/19 45/21 46/3 46/8 46/9 47/22 48/6 48/7 48/9 50/4 50/7 53/8 53/9 53/11 54/25 57/16 58/9 59/1 59/25 60/1 60/17 61/2 62/10 65/12 65/24 67/15 68/5 68/17 71/9 71/25 72/4 72/13 73/8 74/17 74/21 74/22 75/4 75/21 76/9 76/15 77/3 78/2 78/12 79/20 80/20 81/15 84/6 86/12 87/18 87/20 87/23 88/1 90/4 91/22 93/5 94/10 95/11 97/18 98/9 99/2 99/3 99/15 99/19 99/19 99/21 100/3 100/20 101/3 103/16 106/5 106/24 108/1 108/8 109/2 109/24 111/22 111/24 112/21 112/21 113/15 113/17 116/15 119/17 121/25 124/16 130/23 135/7 148/19 150/24 153/12 154/8 154/23 157/21 158/8 158/21 160/21 162/11 163/5 165/1 165/4 168/2 168/10 170/23 171/18 172/3 174/9 176/15 176/17 179/8 186/4 186/25 187/17 188/9 191/20 195/3 195/5 196/10 199/22 202/1 204/13 205/25 208/25 209/2 210/5 211/3 211/20 212/19 213/9 213/17 214/1 214/14 214/19 218/23 220/8 223/7 224/25 226/24 227/13 227/15 228/22 229/3 229/5 229/6 231/2 231/3 231/21 233/19 235/23 235/24 237/20 237/23 238/12 238/20 239/3 239/6 239/16 239/17 241/20 242/7 246/5 246/23 251/15 251/25 252/1 254/10 255/11 259/22 260/8 265/2 267/14 267/20 272/24 273/2 273/16 274/2 274/16 279/11 279/11 279/12 280/11 280/17 280/24 281/4 281/6 281/6 281/14 283/10 283/11 284/6 286/5 286/18 286/21 289/11 289/15 294/23 299/23 305/25 306/22 308/14 308/20 309/7 310/20 311/10 311/10 311/12 321/4 322/23 326/23 327/9 327/13 327/13 327/18 328/1 328/18 328/19 330/6 330/11 334/23 335/10 336/17 336/19 340/10 340/17 340/19 340/20 341/15 341/17 341/21 341/23 342/4 345/21 347/13 350/19 353/24 354/15 361/6 361/17 361/23 362/1 363/1 363/11 363/14 365/3 365/4 365/6 365/23 367/16 370/22 371/11 372/13 372/16 376/7 378/2 378/17 381/16 382/1 385/8 386/4 386/22 391/21 391/22 392/20 392/21 394/7 396/18 401/4 401/8 401/11 402/10 402/18 402/23 404/9 405/19 409/5 409/13 410/21 411/1 411/2 417/17 420/13 420/23 421/7 421/13 421/16 421/16 421/17 421/18 421/18 421/19 425/9 426/17

N

not... [412] 434/9 436/8 436/16 436/22 436/25 437/6 442/17 442/21 444/11 446/15 446/22 447/22 448/12 448/17 449/9 451/11 452/2 459/17 468/13 468/19 468/22 472/5 472/12 473/1 473/10 473/15 473/17 473/21 474/23 479/22 480/11 481/10 483/8 485/13 487/10 490/25 491/21 491/21 492/24 497/20 499/2 501/18 502/8 503/19 506/6 506/12 506/18 506/19 506/24 507/19 507/25 508/6 508/20 508/22 508/24 509/19 510/12 510/24 511/19 511/25 512/4 512/5 513/4 513/11 515/8 516/15 516/20 517/21 517/24 517/24 518/14 519/16 520/17 521/4 522/22 523/4 524/16 525/15 525/17 526/10 526/12 526/15 528/4 528/7 529/4 529/12 529/17 530/2 530/15 530/25 531/10 533/21 533/21 534/4 534/12 534/15 534/17 534/18 534/20 535/8 535/15 536/3 536/8 538/19 538/24 539/1 540/14 541/16 542/11 543/3 543/19 544/14 549/8 550/1 555/16 559/19 563/15 563/16 571/9 571/18 571/20 571/21 572/10 572/21 573/15 577/17 577/22 579/2 579/7 579/11 579/21 580/21 581/19 581/25 584/25 586/11 588/2 588/18 589/6 589/21 591/2 591/10 593/23 593/24 596/15 597/2 597/21 598/20 599/6 599/10 600/5 603/7 607/6 607/17 610/14 615/8 617/5 619/25 624/22 628/7 632/6 632/18 634/3 638/23 641/8 646/22 648/21 651/7 651/8 652/11 652/15 652/16 652/25 653/1 654/2 655/4 657/11 657/19 658/6 659/22 660/1 660/4 660/22 661/13 662/25 663/17 664/21 664/24 666/14 667/22 671/1 672/21 674/14 675/12 675/15 676/5 676/25 677/15 678/21 678/23 678/23 679/12 679/25 683/25 684/1 684/17 684/18 684/25 685/1 686/9 686/12 686/15 686/16 686/19 691/16 694/19 696/10 697/3 697/11 697/14 697/14 699/10 699/17 700/4 701/22 702/25 703/4 703/6 703/7 703/9 703/12 703/19 706/25 708/4 708/22 709/19 709/19 710/14 710/20 711/1 711/6 712/14 715/10 716/24 718/12 718/18 718/23 718/24 719/16 721/17 722/10 723/13 724/11 724/12 724/14 724/21 724/24 725/3 725/5 725/6 725/6 725/6 725/8 725/10 726/14 727/23 728/23 728/24 729/15 729/18 729/18 730/5 730/10 732/3 733/8 733/23 734/4 735/2 735/23 737/23 738/1 738/2 738/8 738/19 738/25 739/2 739/21 739/22 740/16 742/5 742/12 744/9 745/10 745/11 745/17 745/24 746/2 746/3 746/13 749/2 749/4 749/25 750/1 750/9 750/9 750/25 751/1 752/10 752/10 752/10 752/12 752/23 753/2 753/9 753/10 753/14 753/17 753/19 753/23 754/8 754/10 754/10 758/12 758/12 758/18 758/18 758/22 759/7 759/10 759/13 760/12 760/14 760/18 760/22 761/22 761/23 761/24 761/24 762/1 762/25 763/7 764/2 766/24 766/24 767/3 767/10 767/23 768/1 768/15 768/21 768/23 769/2 769/12 771/9 771/9 771/25 772/1 772/1 772/20 773/3 774/18 774/21 775/1 776/24 777/10 778/21 779/3 780/11 781/6 781/13 782/1 782/3 782/25 783/25 784/19 784/23 785/5 785/10 785/17 786/17 786/20 787/8 787/8 787/12 787/14 787/15 787/19 787/24 791/10 791/11 793/2 797/25 798/8 798/9 799/10 801/14 801/17 802/13 802/13 803/20 805/6 805/25 806/12 806/22 807/3 807/15 809/6 809/25 809/25 810/3 810/13 813/22

notarized [2] 220/19 480/25

notation [1] 100/14

notations [3] 251/24 580/18 580/25

Notch [5] 481/20 481/21 551/21 562/22 644/9

note [14] 88/4 100/21 102/5 104/1 186/23 186/23 200/20 200/21 431/13 485/6 514/11 786/9 786/21 789/19

noted [11] 79/19 127/1 186/21 187/13 201/6 446/1 573/9 573/10 573/14 788/5 802/2

notes [18] 59/9 59/17 101/4 200/15 200/17 227/3 250/24 252/1 252/11 253/2 272/10 298/5 474/22 517/25 540/9 581/17 581/23 582/1

nothing [81] 17/17 43/11 53/25 56/10 88/3 94/9 101/8 111/6 115/10 136/15 143/20 151/21 155/9 161/2 163/13 164/4 176/21 180/16 189/10 204/21 216/4 221/17 236/15 247/25 261/5 268/17 295/8 296/18 314/7 330/15 331/19 338/5 355/13 394/16 395/19 402/24 404/1 410/3 416/19 422/25 427/13 453/16 456/8 461/5 467/11 470/8 476/14 480/7 517/10 517/11 518/4 518/11 530/8 534/23 538/4 541/14 546/22 553/15 564/5 579/18 582/12 585/8 590/19 594/7 594/8 602/3 617/8 617/8 623/8 662/1 662/4 663/4 703/25 725/11 742/17 746/10 766/20 773/23 777/7 786/10 786/13

notice [14] 105/4 151/1 166/16 167/1 170/18 171/7 407/16 407/17 408/12 534/10 702/11 755/25 760/3 760/8

noticeable [1] 209/4

noticed [5] 100/25 431/10 571/8 571/24 572/3

notified [3] 153/14 192/7 472/22

notify [1] 249/8

notifying [1] 154/1

noting [1] 253/2

now [173] 13/10 26/14 31/2 44/15 55/6 55/19 64/7 84/1 84/3 87/2 88/21 90/15 90/20 94/10 96/7 96/16 98/4 98/15 99/22 101/17 102/24 130/9 151/10 152/16 156/5 172/3 192/8 193/13 203/20 209/20 215/18 224/18 230/19 233/22 301/15 305/16 322/23 326/25 326/25 327/18 328/6 328/9 331/5 396/18 421/19 426/4 426/5 428/5 441/12 454/15 470/21 482/20 485/4 486/4 488/24 496/25 496/25 499/7 499/19 521/22 526/8 528/23 533/17 537/24 538/8 542/21 546/10 558/7 585/20 589/10 589/17 595/3 596/13 605/9 613/20 616/25 620/6 623/14 633/2 633/18 637/4 638/24 638/25 646/4 655/9 659/11 666/19 671/9 679/24 681/21 682/13 682/19 683/9 685/7 685/17 686/2 687/12 688/19 688/22 694/23 695/14 695/21 696/14 696/25 697/21 698/11 699/22 703/16 707/1 707/15 709/2 710/5 710/20 717/20 717/24 720/5 722/12 723/16 739/20 741/8 742/4 743/4 744/15 746/5 748/9 749/12 749/12 749/19 750/3 750/22 751/13 751/17 751/21 752/18 753/1 753/5 754/4 755/5 755/9 755/13 756/22 756/23 757/5 758/20 761/13 761/17 761/19 762/17 765/20 768/12 769/13 771/15 772/19 775/10 776/23 777/3 779/2 779/14 781/3 785/17 786/8 787/20 788/6 791/4 791/17 792/21 794/24 798/22 799/10 800/9 802/3 803/23 808/3

nowadays [1] 758/23

nowhere [2] 611/9 756/3

number [177] 14/16 18/2 18/17 19/13 24/23 24/23 27/25 31/25 32/2 32/5 32/7 32/17 33/1 33/13 34/1 34/13 34/15 35/2 35/12 35/23 35/24 36/9 36/21 36/23 37/9 37/11 37/19 38/6 38/17 39/4 39/6 39/14 40/1 40/13 41/13 42/2 42/3 42/13 46/8 59/7 59/18 60/23 61/9 62/23 70/6 76/8 81/8 87/5 125/4 125/8 125/21 130/6 130/8 151/5 159/12 173/18 179/12 192/3 192/24 194/4 197/24 199/5 199/13 199/19 202/3 233/12 239/10 244/2 244/4 247/8 272/18 274/22 275/16 275/18 279/2 282/10 282/11 282/22 311/15 320/13 324/24 325/12 325/19 345/23 346/1 346/2 346/3 346/15 346/16 397/11 424/23 426/15 426/17 441/22 445/9 448/11 465/24 477/17 477/24 478/1 479/5 480/17 481/5 484/2 484/16 492/15 492/16 492/17 494/1 494/2 494/3 494/5 504/6 504/23 506/23 507/14 508/3 508/5 508/10 508/11 508/24 508/25 509/2 509/6 509/7 509/13 509/22 510/8 522/12 528/23 532/3 548/3 562/2 577/7 579/23 582/23 646/22 652/19 652/22 652/24 653/1 653/3 653/12 653/15 653/17 653/20 653/22 655/4 672/14 672/25 682/4 682/6 682/7 683/15 684/3 697/23 719/18 719/19 719/20 719/21 748/2 770/1 794/8 794/14 795/9 795/14 795/19 795/24 796/4 796/9 796/14 796/19 796/24 797/4 797/9 797/14 813/11

Number 121 [1] 797/14

Number 13 [2] 38/17 797/4

Number 137 [2] 794/14 796/19

Number 148 [3] 36/21 36/23 796/14

Number 19 [2] 39/4 39/6

Number 221 [1] 39/14

Number 23 [2] 35/23 35/24

Number 256 [1] 34/1

Number 275 [1] 40/1

Number 286 [2] 35/12 796/4

Number 3 [1] 441/22

number 363-1412 [1] 653/1

Number 7 [2] 426/15 426/17

Number 74 [1] 199/5

Number 8 [2] 192/24 194/4

Number 82 [1] 325/12

Number 92 [2] 37/9 37/11

Number Four [1] 719/21

Number Three [1] 719/20

numbered [1] 717/7

numbers [26] 82/10 122/17 123/4 233/10 251/4 281/1 299/5 299/5 356/25 440/20 447/17 450/17 516/7 516/9 568/21 568/24 569/1 572/4 572/6 578/10 578/11 653/14 654/24 795/6 795/7 795/8

numerous [1] 214/1

nutshell [1] 98/20

O

o'clock [21] 47/1 47/2 60/22 60/22 66/2 78/5 211/25 214/24 291/6 291/8 291/8 397/1 420/10

0
o'clock... [8] 457/25 458/11 472/15 479/3 480/19 544/24 561/11 658/3
O-A-T-E-S [1] 314/13
Oates [4] 19/25 313/25 314/13 314/18
oath [14] 30/2 30/3 30/15 87/5 90/17 90/22 91/15 92/13 92/18 92/19 98/1 543/23 591/20 739/4
object [11] 274/17 335/12 446/22 465/9 475/14 531/17 531/18 561/3 600/10 607/13 678/6
objected [2] 212/15 677/14
objection [148] 65/11 65/14 122/6 123/6 135/23 135/24 140/16 140/17 140/18 142/23 142/24 142/25 148/12 148/14 150/3 159/24 160/1 168/22 176/25 177/2 177/6 177/7 191/18 198/18 198/19 198/20 202/5 202/6 202/7 207/4 207/5 207/6 210/16 210/18 212/22 223/19 240/11 240/13 254/14 254/15 254/16 263/14 271/16 275/24 275/25 279/19 279/21 285/5 285/6 301/9 302/4 302/25 304/3 307/3 311/1 311/2 311/4 317/16 318/13 319/4 320/14 321/20 323/16 324/16 349/2 349/3 353/2 353/3 353/4 354/25 373/18 373/21 393/25 424/24 424/25 425/1 429/2 430/13 430/14 430/15 439/2 439/4 439/25 440/1 440/2 440/22 440/23 443/13 443/17 443/19 455/1 455/2 458/3 465/7 465/14 478/22 484/18 484/20 488/25 489/17 489/18 489/19 491/19 492/20 493/8 496/2 496/3 496/5 503/6 504/24 504/25 505/2 520/3 527/7 527/10 528/1 528/3 550/15 550/16 550/17 565/25 567/2 567/3 567/22 567/24 574/9 574/11 579/22 580/6 580/7 586/24 613/2 613/4 618/17 636/10 645/5 677/16 680/4 690/4 690/12 695/21 771/19 772/3 772/10 772/10 790/4 790/7 790/8
objections [5] 43/19 75/25 695/9 771/20 771/24
objective [1] 777/1
objects [4] 124/10 274/6 315/14 315/17
oblique [8] 299/14 308/19 309/5 309/6 731/2 731/3 731/4 743/5
observation [4] 90/8 91/18 801/4 812/20
observations [2] 588/1 590/8
observe [10] 118/12 158/15 158/19 158/22 170/21 193/24 194/5 482/1 539/16 540/6
observed [11] 61/22 118/17 120/4 128/16 128/17 141/13 154/10 192/19 475/4 502/24 540/9
obstruction [3] 519/9 529/23 530/4
obtain [1] 778/3
obtained [4] 265/19 322/12 493/4 802/18
obvious [2] 477/7 644/21
obviously [40] 13/18 50/9 50/11 52/19 53/19 53/25 54/8 74/7 74/24 76/1 77/21 94/11 101/11 132/3 146/25 162/11 231/20 287/12 289/17 327/1 328/11 432/25 448/22 474/23 476/10 530/3 531/16 531/17 537/17 537/19 541/8 629/20 676/19 694/19 695/16 697/1 704/7 732/21 764/3 810/21
occasion [3] 334/18 548/11 554/16
occasionally [1] 286/6
occasions [9] 43/17 59/16 89/6 97/13 97/14 554/15 555/20 788/5 799/4
occupation [3] 32/3 152/8 164/18
occupied [2] 88/7 88/9
occupy [3] 87/13 88/2 89/21
occur [4] 61/5 90/20 230/3 709/7
occurred [7] 66/2 178/19 494/15 541/15 728/9 739/24 756/7
occurrence [1] 235/24
occurring [1] 727/21
occurs [3] 239/5 536/18 659/18
October [8] 1/9 12/1 80/24 329/12 421/15 592/21 794/15 815/15
October 13 [1] 794/15
oddly [1] 596/5
of many [1] 274/13
of Ms. Zmroczek [1] 144/15
off [83] 44/2 58/8 63/11 63/14 63/20 63/22 63/24 64/3 64/6 64/11 103/23 104/23 113/20 116/9 125/19 131/14 131/15 131/17 138/15 139/18 141/16 164/22 171/18 175/8 175/10 176/17 176/22 192/19 201/19 208/6 230/9 230/10 230/10 230/15 230/17 232/7 233/8 243/4 252/16 258/11 258/13 300/3 306/6 306/23 309/15 326/20 378/19 410/8 441/15 460/7 472/11 472/12 476/23 483/4 485/16 485/18 485/20 485/24 486/2 497/4 548/17 549/20 556/3 557/4 558/18 595/22 605/2 620/7 626/7 626/25 629/11 639/22 654/25 727/7 729/2 729/3 731/18 752/23 754/7 754/12 756/18 759/15 800/3
off-and-on [1] 103/23
offended [1] 31/16
offense [3] 29/1 767/2 777/24
offenses [2] 538/25 767/8
offensive [2] 707/25 708/13
offer [3] 477/9 482/6 678/4
offered [3] 506/25 771/10 776/5
office [30] 15/15 17/2 20/4 20/7 21/6 45/10 58/8 62/6 164/21 167/22 175/17 220/7 228/20 239/17 253/15 257/17 319/11 330/1 472/24 473/4 479/12 480/19 483/21 491/13 497/23 498/19 498/20 499/5 512/3 597/3
officer [22] 86/4 86/8 127/6 131/22 167/19 182/14 184/19 380/23 381/15 391/15 391/20 468/9 503/17 505/18 506/1 525/17 558/23 563/13 720/5 758/21 758/22 759/3
officers [13] 27/14 74/12 96/21 116/4 182/11 192/4 218/17 244/25 391/12 700/25 744/12 758/22 773/9
offices [3] 21/7 21/8 483/20
Official [2] 1/25 815/8
often [7] 270/25 274/14 345/15 361/10 412/19 605/9 770/9
oftentimes [1] 244/15
oh [33] 85/3 85/14 100/24 179/11 204/18 287/17 308/14 357/22 392/4 397/6 402/20 402/23 425/10 426/24 444/21 557/22 559/7 618/23 660/23 665/4 667/8 673/6 674/13 676/16 683/21 686/9 700/4 700/8 741/15 742/23 750/17 750/25 802/10
Ohio [1] 75/13
okay [618] 12/19 14/21 15/1 15/5 24/19 31/22 48/14 48/23 51/14 54/14 55/7 56/3 57/12 58/13 58/22 66/9 70/1 70/20 71/24 72/12 73/13 73/17 74/2 76/18 76/22 77/1 77/16 78/4 78/18 79/6 79/21 80/12 80/17 81/13 84/15 85/22 86/18 92/23 112/8 119/6 119/9 124/2 128/19 129/8 129/11 130/12 130/18 131/1 131/12 131/21 132/20 137/7 137/12 137/25 141/10 142/1 142/7 142/15 145/18 146/25 147/14 148/7 149/21 150/14 151/14 152/14 153/2 153/17 154/6 155/2 155/24 156/9 156/19 156/22 161/23 162/16 167/14 169/9 173/11 173/16 173/25 174/4 174/16 174/25 175/3 175/10 176/3 176/12 177/12 179/11 179/20 180/8 181/19 182/7 183/18 183/21 184/12 185/17 185/23 186/7 187/22 188/16 199/4 206/8 206/11 207/14 207/15 207/20 208/5 208/12 211/2 218/1 218/4 218/8 218/19 219/6 219/11 220/20 226/3 226/15 228/16 232/19 233/16 236/2 240/7 241/25 242/21 243/7 243/12 243/16 243/23 244/8 244/12 244/14 246/3 246/7 246/10 246/12 247/1 247/11 250/15 250/19 253/1 254/2 255/9 256/1 258/14 258/20 259/16 260/9 264/16 272/7 286/19 286/22 287/18 288/4 288/21 291/23 304/20 306/13 308/8 308/12 308/18 308/24 309/1 309/2 309/3 310/2 311/15 311/20 311/24 312/2 312/21 313/7 314/25 315/21 316/6 316/14 319/23 322/14 326/2 329/4 329/5 330/19 332/10 332/14 333/4 333/12 334/8 334/16 334/20 336/14 336/16 336/22 336/25 337/4 337/18 337/22 338/16 338/20 339/10 340/6 341/12 342/15 342/22 343/3 343/7 343/10 343/14 343/21 344/5 344/8 344/11 345/23 346/10 346/16 346/23 348/1 348/5 348/16 348/18 349/18 349/23 350/2 350/15 350/21 351/2 351/8 352/19 353/16 353/20 355/6 356/9 367/13 367/24 368/2 368/11 368/19 369/23 370/8 370/10 370/13 370/17 370/23 371/7 371/17 372/2 372/12 372/17 372/21 373/1 373/3 374/9 374/16 374/21 375/10 375/14 375/18 376/3 376/5 376/8 376/18 377/19 377/24 378/3 378/24 379/2 379/19 380/16 381/2 381/13 381/21 382/5 382/14 382/25 383/7 383/22 384/6 384/9 385/19 386/6 386/10 386/18 387/5 387/18 387/22 388/14 390/2 396/23 398/13 399/7 399/21 400/10 400/18 404/18 406/8 409/24 410/1 410/8 410/10 410/14 410/21 411/9 411/14 412/2 412/14 412/16 413/4 413/10 414/9 414/16 414/21 415/4 417/20 418/10 418/11 418/19 418/25 423/19 425/16 426/3 426/13 428/2 429/8 429/14 429/25 432/18 433/9 437/9 437/25 438/2 438/7 438/11 439/17 439/21 442/10 443/3 443/7 444/8 444/13 444/23 444/25 445/10 445/13 445/22 446/1 446/5 446/21 447/17 447/25 448/7 448/14 448/17 448/19 449/21 452/14 452/20 454/6 454/17 455/14 457/17 458/7 458/24 460/5 464/1 464/8 464/20 466/2 466/22 467/6 467/8 471/10 473/8 474/5 480/9 481/2 491/14 493/22 499/22 505/17 506/10 509/12 509/20 510/18 511/22 513/9 513/23 515/1 515/6 516/8 516/16 517/6 517/13 518/14 522/7 523/16 532/16 533/16 538/8 541/14 541/19 542/25 543/5 543/22 544/1 547/14 547/24 548/5 548/19 549/10 550/6 551/2 552/2 553/3 554/4 554/5 555/6 555/11 557/18 558/1 558/12 561/17 561/24 562/15 562/17 563/2 563/6 563/18 563/21 566/24 567/14 569/5 569/18 571/14 574/25 575/9 577/14 580/17 581/10 585/1 585/22 587/3 587/18 587/21 588/11 588/16 589/17 592/11

0
okay... [170] 592/12 594/9 597/12 598/11 601/2 601/23 602/14 602/21 605/5 605/16 605/19 605/21 606/9 607/16 607/18 608/20 608/22 609/13 609/15 609/19 610/12 610/20 611/16 611/20 611/22 612/1 612/4 612/8 614/7 615/20 615/22 616/11 616/16 616/20 618/9 618/24 619/6 619/14 619/16 619/24 620/1 620/4 620/6 620/23 621/10 622/4 622/9 623/1 624/9 624/23 625/15 625/18 625/23 625/25 626/18 626/21 627/2 627/7 627/19 628/4 628/7 629/8 629/13 629/23 630/6 631/7 631/11 632/2 632/7 632/14 632/17 632/19 633/17 633/17 633/24 635/6 635/10 635/15 635/15 635/18 635/22 635/25 636/7 636/23 637/8 637/16 638/13 638/19 639/7 639/9 640/19 641/2 642/1 642/11 642/16 642/23 643/2 643/6 643/11 643/18 643/20 644/8 644/13 644/18 645/8 645/10 645/25 646/8 646/14 647/1 647/16 647/25 648/12 648/13 654/20 655/7 655/17 660/23 662/7 665/7 665/19 668/24 672/22 675/16 676/5 678/8 679/14 679/15 680/16 681/7 683/3 683/10 686/2 686/21 687/21 687/24 688/20 689/18 690/8 690/14 690/21 690/23 691/13 696/17 699/20 701/17 701/23 702/3 704/25 705/4 705/5 706/8 709/1 709/20 710/3 710/6 710/16 710/18 711/13 712/7 764/18 790/2 790/3 794/23 799/23 801/1 802/22 802/25 810/5 814/5
old [23] 103/13 113/2 199/17 208/3 332/16 333/22 347/21 356/1 356/3 361/8 367/10 396/6 457/19 466/10 547/8 600/21 602/16 602/17 602/20 668/22 702/11 750/21 757/5
older [1] 610/4
olds [1] 40/16
omission [1] 746/24
on-call [9] 57/17 175/25 217/2 217/6 217/14 218/10 298/11 316/2 471/25
on-the-job [2] 270/5 270/11
once [82] 23/14 30/14 48/20 58/5 62/5 62/5 65/19 67/15 89/18 89/19 94/14 104/25 105/16 105/25 117/23 119/18 126/16 128/9 131/2 131/3 138/14 162/6 165/15 165/24 167/3 167/7 173/16 184/25 219/17 220/16 249/20 250/19 265/12 306/20 316/1 316/5 319/11 322/12 334/14 336/14 338/4 339/10 340/14 341/22 342/13 344/16 362/24 363/12 365/9 387/7 397/13 399/18 401/16 401/22 405/15 407/5 482/19 483/7 495/10 499/14 518/14 559/10 587/11 637/2 641/18 702/9 709/19 709/21 709/21 712/10 715/16 715/21 715/24 716/8 716/9 717/14 719/13 733/5 746/6 752/3 752/10 786/2
one [338] 29/11 41/16 49/3 49/10 49/17 49/20 50/5 51/16 53/10 54/11 54/12 54/14 64/4 68/1 70/4 74/11 76/8 79/23 82/5 82/24 83/17 85/3 85/14 85/18 88/11 88/13 90/3 90/16 93/19 94/12 94/17 94/18 94/24 95/9 95/12 97/9 97/13 97/21 99/8 99/14 99/20 99/21 100/6 102/16 107/7 113/8 113/9 113/16 116/12 118/1 118/8 118/9 118/10 118/11 118/13 119/21 124/25 125/2 129/17 129/21 131/22 131/24 131/25 137/17 139/15 146/6 146/7 146/11 146/22 150/18 157/19 158/1 158/12 161/8 161/21 163/5 166/6 167/11 168/17 169/12 181/25 181/25 182/4 182/5 182/13 182/16 182/18 182/23 184/8 194/16 200/17 204/18 208/18 214/3 217/9 217/10 217/17 218/15 225/13 225/17 227/20 227/23 228/16 229/1 230/20 235/1 235/15 243/13 244/16 244/21 246/5 248/11 250/6 251/7 252/25 253/9 257/16 259/16 266/14 267/21 273/3 274/3 276/7 277/12 278/7 278/21 278/22 279/7 279/9 280/5 281/3 282/6 283/5 283/20 283/22 284/12 288/24 293/9 299/2 310/3 312/2 328/13 328/13 328/24 329/1 329/1 329/22 330/3 336/9 340/20 343/25 347/23 349/22 349/22 353/24 353/25 353/25 354/14 356/19 363/5 363/19 364/23 364/24 366/22 386/12 389/5 389/12 389/22 391/11 391/15 393/11 393/13 393/16 398/11 410/25 418/22 418/22 419/2 425/17 433/6 433/7 433/11 434/7 441/22 442/13 442/17 442/23 444/15 445/10 445/11 445/15 445/16 445/19 445/24 447/25 448/25 451/18 457/3 457/20 457/20 460/20 464/12 465/19 468/5 471/16 473/7 473/10 473/18 476/17 485/25 488/22 491/16 494/13 495/4 495/11 497/7 497/21 499/13 500/18 505/19 509/1 512/24 514/24 514/25 516/3 522/18 522/20 523/2 523/10 528/8 529/13 531/11 536/23 536/24 537/10 537/17 542/18 543/8 548/4 554/15 563/16 567/12 567/14 572/23 573/6 575/21 580/13 586/11 587/15 596/9 597/23 598/19 599/18 599/22 599/23 610/19 615/8 626/20 628/20 645/3 648/14 653/14 656/13 657/2 676/21 678/10 680/6 693/20 695/22 695/23 696/2 697/24 706/16 709/12 709/13 709/14 716/7 716/22 717/18 718/21 719/18 724/4 725/21 727/3 730/12 730/12 730/13 731/22 731/23 735/12 741/12 746/10 746/11 746/12 747/19 749/9 751/22 752/12 754/15 756/21 757/23 757/24 758/8 758/20 760/12 760/14 761/1 761/8 762/9 764/24 766/18 769/17 770/21 770/23 775/25 776/16 776/17 777/22 779/24 781/21 784/23 784/25 785/15 798/21 801/9 801/25 803/1 804/11 805/24 808/25 811/20 811/21 811/22 811/25 811/25 813/3 813/5 813/11
one that's [1] 500/18
one's [1] 780/20
ones [11] 51/1 166/6 203/4 450/15 535/15 747/19 759/18 759/21 759/21 759/22 759/24
ongoing [3] 223/8 223/9 263/2
online [1] 582/25
onlookers [1] 131/4
only [92] 65/17 79/22 82/23 85/2 86/1 88/1 88/7 90/4 94/12 94/17 94/18 105/19 124/16 133/24 134/25 143/12 144/8 157/19 161/10 162/5 162/19 163/10 183/2 227/15 250/6 253/7 282/25 328/23 341/5 353/24 378/3 403/4 410/18 415/24 434/13 448/3 515/24 529/13 529/18 543/8 546/4 555/25 576/22 578/17 579/10 610/15 640/23 648/25 675/25 683/21 696/10 699/11 703/3 703/15 703/21 704/6 709/14 714/23 714/25 720/1 722/3 722/5 736/21 737/11 741/19 742/24 743/2 743/6 743/10 744/19 745/6 745/23 745/24 746/12 746/15 747/8 747/11 751/22 752/19 752/20 761/16 762/9 763/24 766/19 776/5 788/16 789/10 790/15 790/23 791/13 791/16 806/6
open [54] 13/1 86/20 95/8 96/4 96/6 99/24 101/15 143/16 150/15 215/13 274/25 279/3 286/2 295/20 306/16 320/4 322/23 330/24 340/2 358/9 358/10 376/16 378/21 381/9 401/22 404/20 422/10 469/20 521/13 545/22 588/13 591/15 594/21 601/7 622/12 622/15 622/21 623/4 623/7 623/10 623/11 623/13 627/10 627/11 627/12 680/21 704/16 704/19 706/9 749/13 752/5 765/14 790/24 793/13
opened [6] 299/24 340/2 404/25 415/2 475/13 509/6
opening [15] 6/9 6/10 85/5 85/19 96/9 96/11 96/15 97/2 102/25 103/2 109/16 276/6 539/9 707/4 707/16
openings [1] 85/21
operates [1] 780/16
operating [1] 252/2
operator [2] 20/21 510/16
opinion [12] 70/17 70/18 191/21 335/8 335/21 409/11 434/13 435/15 450/8 451/9 491/7 726/12
opinions [6] 191/19 223/21 263/16 271/18 429/5 566/2
opportunities [1] 539/24
opportunity [30] 124/13 124/17 142/12 143/14 160/10 218/19 220/13 239/20 255/3 287/16 390/17 390/20 391/17 391/24 511/1 534/19 539/15 572/12 575/16 591/4 606/15 679/3 715/12 716/12 723/11 773/21 800/19 800/21 804/2 813/24
oppose [1] 85/24
opposed [3] 234/10 711/23 721/5
opposite [2] 125/22 501/11
oral [1] 75/5
order [26] 50/11 83/19 102/3 102/5 126/21 191/6 201/17 203/19 222/19 262/12 265/16 270/1 272/21 273/20 305/18 320/2 447/19 447/22 475/12 717/3 741/2 777/7 777/8 778/3 786/12 786/14
ordinary [9] 406/18 473/13 713/6 713/10 782/11 782/17 783/3 783/11 784/5
organization [1] 271/1
organizations [1] 26/4
organized [1] 723/16
organs [1] 432/21
orient [1] 307/25
orientation [2] 288/23 311/16
original [1] 81/6
other [165] 28/14 28/17 73/5 74/12 75/2 77/1 79/22 86/6 86/7 87/16 88/1 88/1 88/7 89/10 89/11 89/12 93/18 94/13 99/13 100/20 102/13 104/3 104/8 106/8 110/22 111/1 124/25 125/15 125/23 126/13 126/17 126/19 127/6 133/21 138/3 146/17 146/21 157/7 158/3 170/17 171/15 171/16 184/6 188/4 203/10 206/21 207/16 216/24 225/22 230/13 232/19 260/9 260/10 264/15 266/16 272/14 273/2 273/14 273/25 274/18 277/20 278/2 279/11 281/25 282/14 283/20 288/25 292/21 292/22 313/9 320/5 335/3 344/8 356/24 359/21 361/14 361/17 363/2 364/13 415/2 418/25 434/11 436/10 436/21 445/8 445/19 446/2 446/4 452/2 452/9 471/16 472/2 483/24 499/21 502/4 518/6 519/3 523/23

1444

O

other... [67] 528/13 529/1 540/21 554/10 556/5 556/21 568/21 568/24 569/1 574/2 578/1 608/20 609/5 616/3 617/18 617/19 617/21 646/25 649/7 676/20 682/11 684/7 695/14 697/8 703/3 703/16 703/18 715/6 716/2 718/17 722/2 722/12 722/14 726/9 734/21 735/12 740/19 741/4 741/20 742/25 743/6 747/13 753/16 754/16 756/3 762/1 762/2 762/14 765/2 768/20 769/17 771/3 775/19 775/25 775/25 779/18 781/1 781/14 783/14 783/15 786/8 789/8 789/11 791/11 791/19 812/4 812/8
other's [1] 609/10
others [7] 90/11 124/11 302/14 538/13 698/21 741/14 812/10
otherwise [6] 150/6 214/12 276/19 280/17 455/4 788/20
our [109] 17/2 29/24 30/4 31/21 45/5 58/7 61/7 79/23 86/18 87/6 88/13 90/5 93/2 93/2 93/15 124/10 129/6 149/21 153/15 153/25 165/11 167/11 167/19 167/24 178/1 186/1 192/3 193/22 201/19 223/13 228/1 228/23 235/8 235/10 237/11 237/13 262/6 263/21 263/23 267/11 270/20 270/23 272/2 272/17 280/18 295/19 297/13 298/11 300/6 306/21 310/15 315/16 316/1 317/8 321/3 322/15 322/16 323/24 330/22 336/15 394/25 407/20 415/11 422/9 431/11 446/6 466/15 469/16 469/18 494/13 495/11 499/24 504/2 509/1 511/3 512/8 512/20 545/21 556/5 594/18 606/12 610/6 649/2 649/3 696/15 706/8 706/24 710/1 723/21 723/24 744/18 765/11 768/13 771/24 774/17 777/24 785/12 785/20 790/21 793/11 797/7 798/10 798/11 802/6 807/14 808/25 809/6 809/7 812/14
ours [2] 177/22 421/17
out [279] 22/20 50/2 53/23 53/24 57/19 58/3 58/25 61/15 62/13 69/2 71/6 71/7 73/10 89/24 95/1 104/5 104/22 105/10 106/10 106/19 111/10 112/6 113/12 117/2 119/17 119/18 121/13 126/23 128/6 130/2 130/19 136/5 138/23 139/2 139/25 145/18 146/12 147/1 148/2 170/14 175/21 176/2 192/22 195/25 196/2 196/9 207/22 217/2 222/12 222/13 222/17 222/18 225/10 226/24 227/18 229/13 233/18 237/8 238/24 239/1 249/9 249/17 277/21 281/22 282/23 286/20 286/22 293/1 293/10 298/13 298/15 306/3 306/5 319/9 322/19 334/3 334/15 334/16 334/17 335/5 335/25 336/5 336/7 336/10 340/4 343/25 344/10 346/4 350/23 350/24 353/10 353/12 353/13 357/14 360/13 360/13 363/9 382/18 384/2 386/16 387/18 389/4 389/7 399/2 402/1 403/2 403/23 406/17 408/7 408/18 409/2 413/13 413/19 415/10 418/11 419/6 419/7 419/23 425/18 436/5 436/11 446/15 449/13 453/8 464/2 464/14 467/19 469/8 471/20 472/5 472/7 472/16 472/20 473/13 474/22 474/24 475/4 476/8 476/9 480/1 480/14 480/23 481/10 482/10 488/12 492/17 494/22 496/23 499/17 499/24 499/25 500/11 500/15 500/16 501/25 502/3 502/14 509/12 524/24 526/14 530/19 535/7 537/3 538/14 551/5 551/8 551/12 552/14 555/4 555/4 556/12 570/24 571/3 573/8 581/2 582/22 595/10 599/22 603/7 606/21 607/2 608/14 608/22 608/23 608/25 611/21 614/11 615/24 617/2 617/15 618/12 622/5 622/12 622/14 625/2 625/16 625/24 626/2 627/24 629/6 629/13 629/20 629/21 629/24 630/22 630/24 631/11 631/15 632/3 632/22 633/19 637/9 640/17 649/3 649/5 649/6 657/18 657/24 659/1 663/7 664/11 664/14 664/16 664/20 664/22 665/7 667/19 676/3 689/13 705/21 706/4 706/22 708/3 709/23 710/25 711/23 713/22 714/6 714/7 715/21 716/8 718/22 723/20 731/18 731/23 733/1 735/5 735/13 737/3 744/7 744/12 746/11 751/16 751/23 751/24 752/4 752/6 752/6 752/8 753/14 753/15 753/17 754/15 754/16 755/15 756/11 756/13 757/12 757/13 761/3 761/9 764/9 764/13 771/6 792/18 799/18 804/16 804/19 806/11
outburst [1] 792/25
outer [3] 128/13 128/14 173/5
outgoing [2] 569/10 578/9
outline [1] 695/17
outside [46] 43/10 45/20 86/8 112/19 118/9 118/10 118/12 147/3 165/21 169/22 176/9 176/11 189/2 211/22 223/12 306/8 310/5 310/10 323/25 326/24 344/4 353/17 353/18 387/11 391/15 407/5 431/12 431/15 434/7 434/18 477/6 533/18 536/22 559/20 573/10 647/12 660/20 660/22 689/7 698/5 743/8 743/22 744/2 755/3 758/14 761/17
over [186] 31/23 44/14 44/18 44/21 52/24 57/10 59/22 70/8 70/23 74/11 74/11 80/1 80/2 82/2 82/10 82/19 90/8 93/16 93/24 106/15 110/1 110/3 111/15 111/18 113/4 114/19 118/18 118/20 123/21 135/7 138/15 138/23 139/18 142/16 144/7 146/7 150/20 158/3 158/5 162/4 190/13 190/14 194/8 195/12 198/7 199/3 200/1 200/11 204/3 204/10 219/19 225/23 226/22 227/17 233/2 249/14 249/15 255/21 255/22 255/23 261/22 261/24 278/8 278/13 280/16 287/9 287/11 287/15 287/21 289/18 289/21 290/4 290/8 290/8 290/10 294/10 311/9 312/18 334/8 337/2 339/7 342/23 344/24 350/14 359/21 360/6 360/25 361/2 361/10 361/25 366/15 370/2 389/18 392/2 399/16 399/17 401/10 402/21 410/21 412/2 412/19 432/24 444/21 446/22 467/4 467/6 473/24 478/7 483/8 483/25 487/21 487/23 499/23 514/23 524/15 536/5 537/18 550/2 559/3 562/19 575/15 578/25 596/18 605/7 617/19 617/21 619/1 619/3 619/14 619/16 627/5 633/16 633/21 639/12 639/13 649/10 649/13 649/15 649/18 659/22 660/1 660/7 660/10 660/12 660/23 664/8 680/3 690/18 690/19 690/19 690/20 690/22 692/3 711/16 724/10 725/1 729/17 729/20 729/23 729/25 732/11 736/10 737/25 739/7 740/18 744/17 744/19 745/6 749/7 749/24 750/12 750/18 751/9 753/20 755/9 756/23 756/23 757/2 757/3 757/4 757/11 774/19 777/17 801/5 810/11 812/24
overall [5] 172/9 172/20 193/11 198/9 205/18
overcomes [4] 536/15 718/13 718/24 768/16
overlook [1] 256/24
overnight [2] 462/18 462/20
overriding [1] 89/13
overrule [2] 177/7 528/3
overruled [3] 335/16 669/3 772/10
overseeing [1] 262/3
oversized [1] 321/10
overview [3] 96/10 169/21 205/22
owe [2] 798/11 810/8
own [19] 41/19 84/14 270/12 272/2 403/2 409/12 461/19 564/18 604/18 650/8 715/2 717/23 722/6 728/23 734/1 738/18 802/16 802/19 811/5
oxygen [1] 228/12

P

p.m [59] 12/3 13/2 43/3 46/16 47/12 47/14 60/24 61/13 80/23 117/13 212/8 215/2 215/4 215/14 295/3 295/13 295/21 327/23 329/11 397/2 397/3 422/3 422/11 468/4 469/11 469/21 479/4 479/7 520/21 521/7 521/9 521/14 534/1 545/16 545/23 592/1 592/20 676/2 681/19 682/2 683/4 705/8 705/10 706/10 763/19 765/6 765/8 765/15 789/3 790/11 790/13 790/17 790/25 792/6 792/14 792/16 793/14 799/14 814/15
pacing [9] 403/23 404/7 404/12 412/21 413/5 414/5 714/13 731/22 750/24
package [6] 274/24 278/11 279/12 280/24 281/6 281/7
packaging [2] 278/12 319/14
page [20] 161/18 201/21 351/12 463/15 463/20 463/20 464/1 464/8 464/13 464/17 507/6 507/13 507/16 507/19 507/21 514/20 514/22 522/13 522/20 522/23
Page 3 [2] 507/21 522/13
Page 4 [1] 464/1
pages [3] 161/16 463/3 507/20
paid [4] 464/2 464/12 464/14 733/10
pain [13] 388/12 388/24 388/24 388/24 393/17 448/12 732/14 732/15 732/19 732/19 804/15 809/2 809/20
paint [3] 171/10 171/14 196/13
pair [2] 367/16 367/17
palm [5] 225/15 225/16 316/17 441/8 445/24
Palmetto [1] 41/4
palpate [2] 431/17 434/7
panel [25] 13/24 14/5 15/24 16/10 17/6 21/4 22/21 24/8 25/4 25/9 25/16 25/18 26/3 26/12 28/8 28/20 28/23 31/25 43/2 87/21 90/6 90/13 594/23 601/9 706/11
panic [1] 407/22
panning [1] 170/16
pants [8] 322/4 400/8 500/9 559/5 662/23 663/3 663/3 754/8
paper [8] 22/8 195/12 320/2 320/7 321/5 352/19 467/2 660/6
papers [2] 608/7 808/7
paperwork [5] 63/4 424/3 462/14 463/7 492/2
paramedic [1] 181/8
paramedics [1] 181/9
paraphrase [1] 696/21
paraphrasing [1] 696/25
pardon [3] 20/20 386/13 494/25
parent [1] 811/3
parents [3] 606/16 808/25 809/7
park [5] 612/17 612/19 613/16 621/23 658/20
parked [6] 479/25 621/21 621/22 658/21 658/24 715/23

Parker [7] 20/13 20/13 422/18 423/6 423/12 423/13 719/25
parking [40] 61/15 61/21 62/13 163/10 166/21 168/12 171/8 180/1 193/1 198/9 203/4 203/11 203/13 207/1 294/4 298/24 481/13 482/12 500/11 526/14 527/21 558/21 614/11 614/13 620/18 621/20 621/23 644/21 659/22 660/1 661/23 662/3 662/5 667/19 668/5 693/5 717/6 737/23 744/11 744/13
Parole [1] 20/20
part [36] 29/15 75/2 77/10 77/12 82/20 83/9 84/7 87/22 92/13 241/16 356/11 369/21 369/23 403/12 432/9 451/24 451/25 462/15 526/23 543/22 558/24 598/5 702/7 705/25 706/2 707/10 721/18 725/6 751/17 756/20 777/25 798/10 811/24 812/5 812/5 812/8
participate [3] 87/19 92/2 216/24
participating [1] 810/23
participation [1] 799/11
particle [17] 225/18 227/21 227/24 228/1 228/3 228/4 228/17 230/20 230/21 233/8 233/17 234/9 234/10 234/11 234/13 728/17 729/7
particles [6] 222/16 224/3 224/22 227/12 230/12 233/22
particular [45] 158/9 182/4 192/6 239/9 250/5 263/20 264/11 265/6 266/19 267/6 272/23 273/9 273/12 273/19 273/22 282/16 283/12 291/10 291/16 291/21 447/19 471/25 483/18 483/21 488/3 502/14 507/25 508/2 508/22 509/17 509/18 512/3 517/10 517/11 518/4 530/25 695/10 715/8 731/23 769/24 771/4 775/22 776/10 777/9 783/16
particularly [1] 91/25
particulate [2] 225/21 436/4
parties [6] 13/13 105/14 126/17 569/11 584/15 788/24
partisans [1] 785/8
partly [2] 71/21 71/23
partner [3] 181/20 181/21 181/22
parts [12] 94/11 96/8 225/14 442/5 473/17 697/11 707/2 749/9 756/2 776/14 776/20 789/22
party [12] 13/17 13/19 97/8 97/8 97/16 190/22 201/1 546/4 555/4 727/9 766/16 815/17
pass [7] 131/19 131/20 160/9 212/3 214/12 217/19 793/21
passed [4] 217/18 436/23 547/23 709/11
passenger [2] 182/1 182/5
passing [1] 213/24
past [17] 59/14 73/3 358/2 360/13 362/20 364/4 488/6 498/14 623/10 623/11 623/13 645/3 645/3 808/4 809/8 809/21 810/11
patches [3] 182/2 757/18 757/20
path [18] 169/24 170/2 170/6 170/9 175/11 178/17 179/4 179/6 179/7 179/10 179/17 195/1 229/10 229/16 293/22 431/21 631/17 639/25
pathologist [12] 114/11 167/25 194/19 194/25 195/2 278/19 278/21 326/1 428/1 428/3 428/4 428/9
pathologists [2] 438/9 536/24
pathology [7] 20/5 276/12 428/15 428/18 428/19 428/25 429/6
pathway [1] 633/20
patience [6] 46/4 46/5 87/1 601/13 793/4 807/7
patient [6] 153/11 153/15 182/19 184/22 487/17 706/21
patrol [7] 116/2 116/16 116/17 116/18 190/3 315/6 505/19
pattern [6] 190/14 293/3 293/10 298/2 451/18 717/15
patterns [1] 291/25
Paul [1] 37/11
Pauling [97] 22/17 61/7 103/8 103/13 103/16 103/18 104/8 104/21 105/12 105/18 107/12 107/13 108/3 108/6 108/7 108/8 108/9 108/24 109/3 109/6 109/9 109/25 110/8 111/22 111/23 114/18 128/17 134/1 135/9 208/14 226/14 227/22 264/19 265/7 278/10 281/17 332/19 356/9 396/15 429/11 429/15 435/16 438/5 443/2 456/19 499/24 501/17 525/8 525/20 525/23 529/15 532/20 532/22 554/11 586/23 587/6 587/13 599/22 600/13 609/23 650/2 668/10 709/9 709/10 709/18 709/24 711/1 711/1 711/3 712/7 712/11 717/9 717/10 717/11 717/17 717/22 719/1 719/15 722/23 724/24 728/4 731/16 735/11 737/25 738/18 740/1 740/8 747/9 747/12 750/1 751/24 754/7 756/18 761/8 761/10 761/15 811/11
Pauling's [18] 103/11 108/15 109/19 109/23 110/1 112/14 112/20 234/15 435/22 441/14 568/13 568/16 571/1 653/20 712/14 727/3 728/18 743/25
pause [57] 47/19 47/25 62/20 69/9 86/13 100/11 132/15 144/4 159/23 161/1 171/5 198/3 200/18 204/16 205/3 219/25 229/23 240/20 241/24 243/10 246/4 246/11 248/12 252/9 254/22 255/13 258/16 267/25 278/25 284/16 293/14 294/13 314/16 343/11 354/8 366/20 373/9 385/22 389/24 392/7 416/4 443/16 460/10 460/22 489/3 505/8 508/7 533/13 573/5 635/11 648/15 680/9 693/22 694/11 723/5 738/13 803/3
paved [1] 292/6
pavement [11] 166/19 174/10 174/11 174/22 195/17 196/11 196/14 294/10 435/2 744/11 759/16
pay [4] 405/25 464/4 605/19 605/21
paying [3] 407/14 634/5 665/17
peace [1] 807/18
peeked [1] 139/2
peel [2] 274/19 277/7
Pelzer [75] 19/19 19/19 103/22 104/10 104/11 104/16 105/8 105/20 106/5 107/15 108/9 108/19 108/19 110/18 111/7 112/25 113/18 183/17 184/9 184/12 184/13 186/14 186/14 219/12 328/14 331/12 331/25 332/5 333/14 345/6 354/14 354/23 355/5 355/19 355/20 355/24 366/22 367/7 392/11 393/4 394/2 394/4 396/11 397/22 456/21 456/24 462/3 463/14 463/14 467/1 468/7 473/8 473/11 473/23 474/6 524/10 549/23 549/24 554/6 569/3 569/4 575/7 586/22 587/5 589/14 590/12 603/25 604/1 604/3 604/15 604/17 692/13 719/24 719/24 728/24
Pelzer's [4] 104/19 474/1 524/9 714/15
Pelzers [1] 474/6
pen [1] 659/11
pending [1] 526/1
penetrate [3] 234/2 299/22 299/22
penetrating [1] 167/5
people [89] 44/16 68/6 91/21 95/14 106/8 114/2 120/23 121/3 130/19 131/22 134/4 135/4 146/16 150/24 157/6 157/7 158/16 158/17 162/4 170/5 175/11 175/19 182/12 190/25 214/3 235/10 245/6 250/17 259/18 333/18 336/15 361/21 399/16 406/7 408/17 420/9 446/18 463/11 463/13 468/16 473/7 473/16 473/20 473/22 476/13 477/3 477/6 480/1 482/14 482/16 482/22 483/13 486/21 494/12 494/13 497/3 529/11 531/6 545/7 616/15 618/19 618/22 619/21 625/19 631/6 640/3 645/8 650/17 650/19 657/14 671/20 676/20 684/7 691/23 698/10 698/11 718/5 726/7 726/8 726/9 726/25 727/23 731/7 748/4 752/1 759/2 762/18 812/25 813/4
per [5] 58/5 428/23 462/20 462/20 476/11
perceives [1] 699/12
percent [3] 234/7 234/8 235/9
percentage [1] 233/19
perception [1] 769/20
perfect [2] 213/9 674/24
perfectly [1] 771/3
perforate [1] 299/23
perforated [1] 300/1
perform [10] 23/19 93/22 94/23 102/15 262/2 272/13 284/8 315/16 443/3 591/8
performed [7] 167/12 177/22 276/13 425/17 429/10 429/12 439/14
performing [5] 16/18 30/6 30/12 95/10 785/14
perhaps [2] 288/9 291/8
peril [1] 696/23
perimeter [2] 165/21 169/23
period [5] 213/5 257/5 410/12 617/18 804/21
periodically [2] 398/12 412/10
peripheral [1] 629/17
permission [5] 160/5 170/24 304/8 430/20 562/7
permissive [1] 779/21
permit [2] 211/22 772/19
permitted [8] 76/21 191/21 211/21 223/20 263/15 271/17 429/4 566/1
perpetrators [1] 596/10
persist [1] 799/2
person [135] 25/11 30/11 50/6 52/5 66/21 73/4 73/5 73/8 73/8 73/10 73/11 80/8 89/20 93/14 95/3 95/13 95/17 95/18 97/14 111/12 111/12 118/1 119/25 120/5 129/17 145/25 161/24 193/8 194/23 225/11 226/22 228/25 244/2 263/22 266/14 273/13 274/17 287/22 289/2 291/2 293/7 306/1 306/2 309/20 316/3 325/3 330/4 378/3 387/23 387/23 410/18 415/24 473/18 488/7 488/8 488/13 494/7 506/24 512/17 529/18 530/24 535/18 535/22 536/21 538/25 581/18 581/25 590/11 596/16 623/17 625/1 625/18 628/16 629/20 632/14 633/4 639/4 639/5 640/5 640/8 645/14 648/10 655/2 662/20 663/9 663/25 664/1 664/4 665/23 665/25 698/9 698/12 699/11 709/4 709/5 713/6 713/10 714/2 714/3 714/3 714/6 714/9 714/10 714/24 716/2 722/2 722/3 722/5 728/12 733/3 742/5 742/24 743/2 743/10 743/12 745/5 752/20 752/20 761/9 778/1 778/6 778/8 779/8 779/10 782/11 782/16 782/17 783/3 783/11 783/19 784/4 784/20 785/5 785/6 812/1
person's [3] 52/3 126/22 225/21
personal [9] 25/19 26/13 32/4 169/14 176/14 176/20 556/13 561/3

1446

P
personal... [1] 777/21
personally [4] 456/23 456/25 554/13 581/12
personnel [4] 125/16 126/19 158/23 737/6
persons [17] 19/13 19/17 19/22 20/24 31/3 44/20 88/24 90/4 90/10 93/8 95/15 97/18 330/8 705/18 767/8 798/23 813/18
perspective [5] 52/7 166/13 172/16 536/16 723/21
pertains [1] 157/24
pertinence [1] 82/13
pertinent [4] 79/14 82/12 225/10 250/17
Peyton [1] 39/16
phase [1] 191/12
phases [4] 190/9 190/11 190/12 191/12
phenolphthalein [1] 267/12
philosophy [4] 23/5 23/25 25/20 25/20
phone [232] 7/9 9/22 10/8 10/11 59/18 60/1 66/18 70/5 71/3 71/18 111/20 113/10 142/18 237/11 238/5 238/14 239/4 239/5 239/9 239/10 239/18 239/20 239/24 240/1 240/2 240/9 241/4 241/10 243/3 243/14 246/22 337/25 345/23 346/4 346/6 346/8 346/10 346/12 346/13 346/16 346/17 346/18 346/18 346/21 357/25 358/21 360/5 361/21 368/9 370/19 370/22 370/24 371/1 371/2 371/5 371/8 371/14 384/13 384/19 410/3 418/18 418/22 418/22 418/23 418/24 419/2 459/9 459/11 459/23 460/3 460/7 476/5 477/16 477/17 477/24 480/17 482/3 488/18 490/4 491/12 492/6 492/18 494/3 494/5 495/12 508/12 508/13 508/15 508/22 509/3 509/6 509/19 509/20 511/15 511/17 512/23 512/24 513/2 519/2 532/1 532/3 532/6 532/8 532/9 532/15 548/2 555/3 556/20 557/4 557/6 557/8 557/16 557/20 560/2 560/4 562/2 568/9 568/12 568/13 568/16 568/17 570/4 570/9 570/15 570/16 570/17 570/18 570/21 570/24 570/25 571/1 571/2 571/6 571/7 571/10 571/21 571/21 571/22 571/23 571/24 571/25 572/5 572/9 572/11 574/2 575/2 575/5 576/18 576/23 577/4 577/18 578/8 578/12 578/13 583/17 583/19 583/24 584/8 584/11 611/1 611/4 614/1 614/3 615/5 615/11 615/12 615/13 616/25 617/4 617/5 619/8 619/8 620/19 620/21 620/22 621/4 621/7 621/13 621/16 621/17 629/24 642/4 645/16 645/18 645/22 645/25 646/6 646/7 646/9 646/17 646/23 652/19 654/19 655/1 657/6 667/14 670/15 671/20 671/23 671/25 672/2 673/5 673/6 676/17 681/8 684/3 684/8 684/24 688/22 689/12 689/18 689/21 690/5 690/6 690/15 692/7 692/8 692/11 704/20 708/3 716/18 721/9 732/18 732/22 732/23 745/13 745/20 748/2 748/16 750/7 750/8 758/14
phones [14] 131/7 131/10 472/10 509/1 565/11 566/10 566/23 568/9 568/10 570/7 570/20 571/3 577/12 577/22
photo [4] 441/13 444/3 444/10 719/11
photograph [33] 7/15 7/16 7/18 8/5 9/20 10/5 10/13 10/20 168/24 198/21 209/20 214/9 272/11 277/10 284/25 299/7 299/8 299/15 302/4 305/11 308/5 310/13 310/17 319/21 322/20 325/1 439/5 445/23 476/1 493/2 493/6 636/16 756/20
photographed [6] 194/11 200/23 298/25 299/3 311/21 488/20
photographer's [1] 310/18
photographing [2] 135/7 135/9
photographs [37] 7/3 7/6 7/10 7/12 7/13 7/19 7/21 7/24 7/25 8/2 8/3 8/6 8/8 8/9 8/11 8/12 10/19 165/22 170/17 198/2 198/6 198/12 213/24 214/1 214/5 296/1 300/10 300/19 300/22 300/23 305/6 315/13 324/2 324/16 526/21 527/1 527/2
photography [2] 190/16 297/17
photos [21] 168/17 173/20 210/13 210/25 301/2 301/4 301/18 301/21 301/23 302/12 302/16 303/13 303/20 303/22 305/17 438/13 438/19 438/22 439/18 440/14 441/23
physical [12] 36/24 38/8 128/5 133/25 262/8 388/24 452/14 512/17 556/17 713/17 725/16 782/23
pick [18] 89/16 90/12 225/6 225/20 233/3 256/6 379/19 455/7 455/8 548/17 548/25 549/6 551/14 559/13 639/18 642/19 655/14 733/15
picked [10] 263/22 396/25 419/5 492/23 548/16 549/15 556/11 612/12 612/15 726/1
picking [3] 63/3 417/23 559/12
picture [56] 66/12 66/19 66/20 66/20 66/23 69/2 169/11 169/16 169/20 170/13 172/9 173/9 179/7 179/10 199/14 199/20 200/11 204/25 205/19 207/13 304/15 304/23 305/3 308/3 308/10 311/15 311/17 312/9 348/18 348/20 349/14 349/16 400/3 400/4 400/7 400/9 410/1 439/15 441/7 441/24 442/11 476/6 490/3 490/14 490/16 491/3 634/24 731/16 731/17 735/7 739/1 745/8 750/24 754/6 757/16 759/25
pictures [35] 69/1 132/3 166/8 168/9 168/11 168/14 168/15 171/24 172/8 172/20 173/1 193/22 199/9 205/20 208/5 208/14 300/9 302/19 307/18 439/13 440/11 446/2 447/17 489/5 489/11 490/23 502/16 512/12 512/23 635/6 728/3 735/19 736/4 736/7 760/7
piece [12] 22/8 226/21 274/7 274/10 278/12 504/10 717/3 719/12 722/20 722/20 731/15 806/3
pieces [2] 133/24 316/14
Pineview [5] 58/8 61/8 472/25 473/25 481/16
pink [13] 121/23 122/2 124/5 125/6 125/13 170/18 173/11 174/24 193/1 193/3 193/19 293/20 759/4
pinkish [1] 171/11
pissed [1] 751/17
pistol [4] 54/17 106/12 435/22 476/18
pit [1] 434/5
place [58] 32/3 56/5 63/17 84/21 108/7 115/5 136/10 151/16 155/4 163/24 176/16 177/21 180/11 184/8 184/17 189/5 200/4 215/24 221/12 236/10 247/20 260/3 260/25 268/12 275/8 294/3 296/13 314/2 321/7 331/14 355/8 390/23 395/14 397/25 401/24 402/9 415/17 416/14 422/20 427/8 453/11 456/3 460/25 470/3 486/8 546/17 549/2 553/10 563/25 585/3 671/17 696/23 697/23 772/13 772/13 786/23 788/17 792/15
placed [9] 197/21 274/24 275/19 279/14 322/14 322/18 323/1 579/3 786/13
places [7] 174/16 174/17 412/17 578/17 616/3 740/19 767/4
placing [1] 323/6
plagiarized [1] 88/22
plain [1] 763/6
Plaintiff [2] 1/5 1/19
plan [4] 46/23 78/4 734/14 734/14
planned [4] 106/3 606/19 651/12 741/11
planning [4] 296/2 534/22 538/20 617/10
plans [15] 103/25 104/4 106/4 611/7 611/14 611/17 611/20 617/17 651/14 651/16 651/17 651/18 651/18 651/20 651/22
plastic [1] 319/10
play [22] 292/15 299/6 496/25 497/13 499/11 520/12 668/24 674/12 674/13 674/20 676/7 676/11 676/12 676/14 677/24 681/13 685/2 685/9 716/25 755/13 764/11 764/21
played [9] 143/16 384/20 517/5 517/7 687/24 690/5 690/7 713/22 737/18
playing [7] 517/6 609/12 676/11 677/25 678/5 691/16 734/4
Plays [5] 522/8 682/8 682/18 685/10 685/16
plea [2] 46/25 767/3
plead [1] 806/8
pleading [1] 803/18
Pleas [2] 13/11 565/18
please [255] 13/23 14/7 14/15 15/12 16/2 16/14 16/22 17/9 19/18 20/25 22/23 23/19 24/4 24/10 25/5 25/11 25/24 26/9 26/16 28/11 29/2 30/24 31/22 31/25 32/2 32/3 32/10 32/12 32/13 32/21 32/22 33/6 33/8 33/9 33/18 33/20 33/22 34/6 34/8 34/9 34/20 34/22 34/23 35/7 35/8 35/16 35/18 35/19 36/2 36/4 36/5 36/14 36/16 36/17 37/2 37/4 37/5 37/14 37/15 37/24 38/1 38/2 38/10 38/12 38/13 38/22 38/24 38/25 39/9 39/10 39/19 39/22 40/6 40/8 40/9 40/19 40/21 40/22 41/6 41/8 41/9 41/21 41/23 41/24 42/7 42/9 42/10 44/4 44/5 44/10 56/6 56/13 83/24 87/21 90/21 90/25 91/3 96/24 102/5 102/24 103/3 109/14 115/6 115/13 136/11 136/18 141/20 144/15 148/19 148/25 149/21 151/5 151/9 151/17 151/24 152/7 154/12 155/5 155/12 155/23 161/4 163/25 164/7 164/17 179/13 180/12 180/19 182/25 189/6 189/13 211/19 211/25 214/19 215/12 215/19 215/25 216/7 219/8 221/13 221/20 236/11 236/18 247/17 247/21 248/3 260/21 261/1 261/8 268/13 268/20 295/19 296/14 301/17 302/12 302/12 303/12 304/14 305/10 314/3 314/10 326/21 326/22 327/9 327/13 330/22 331/7 331/11 331/15 331/22 332/4 332/9 333/3 335/19 355/9 393/24 395/15 416/11 416/15 416/22 417/10 420/7 422/9 422/21 423/3 427/5 427/9 427/16 431/5 431/22 441/13 443/24 453/2 453/12 453/19 456/4 456/11 461/1 463/15 464/1 470/4 470/11 473/10 494/2 514/16 514/18 522/25 533/9 546/15 546/18 546/25 552/19 553/11 553/18 563/5 564/1 576/6 585/4 588/19 591/2 591/10 591/20 594/19 601/24 633/14 655/8 694/25 700/12 702/25 706/5 706/5 706/8

P

please... [24] 706/25 707/14 707/18 723/6 763/17 765/11 766/17 773/8 773/22 774/12 775/12 777/4 788/25 790/21 793/1 793/11 793/22 794/2 794/5 805/21 806/8 806/16 809/14 812/19
pleased [1] 111/8
pleasure [3] 88/13 738/6 798/5
Pleicones [3] 88/16 89/13 596/14
plenty [2] 482/22 762/15
ploy [1] 214/2
Plymouth [1] 417/13
pocket [6] 556/20 622/12 622/15 629/24 656/17 757/12
pockets [1] 195/11
podium [1] 676/24
poignant [1] 812/17
point [136] 53/7 56/1 60/12 61/18 62/2 62/4 67/10 68/7 68/14 68/23 69/14 75/12 77/15 89/15 89/17 95/13 106/15 106/17 107/11 107/18 112/8 114/5 120/12 120/19 135/10 141/8 141/12 148/19 165/20 167/9 167/22 194/8 197/15 197/15 211/18 213/15 217/19 229/1 235/9 265/1 265/5 267/20 277/1 285/22 285/23 286/5 286/10 294/21 299/11 300/4 300/12 300/25 301/20 302/15 302/18 304/16 304/24 305/2 305/25 308/21 308/22 310/13 351/6 352/25 365/19 365/22 366/1 371/2 374/19 389/12 394/6 404/19 407/2 413/4 413/15 413/20 420/23 421/7 450/20 459/1 465/8 478/21 481/2 487/13 487/15 488/22 491/16 503/4 514/24 523/10 533/14 534/3 534/9 535/4 535/17 535/18 537/14 538/10 538/20 542/21 561/2 562/13 581/4 581/14 590/25 608/16 612/25 619/16 629/6 631/9 632/5 633/18 637/19 637/23 639/9 643/15 658/6 664/9 674/23 675/7 676/13 679/11 694/15 695/11 715/11 716/6 718/22 723/20 733/1 738/24 753/16 755/9 771/1 803/6 803/8 803/21
pointed [3] 69/2 126/8 572/19
pointer [3] 141/5 431/5 633/17
pointing [5] 170/14 209/18 306/6 365/24 530/25
points [6] 55/21 197/1 197/10 286/7 537/5 732/1
poked [1] 593/25
police [37] 57/6 139/23 139/25 148/3 153/16 154/5 237/8 344/22 351/4 352/14 352/22 379/22 380/5 380/17 380/23 381/15 382/8 471/6 503/16 505/18 506/1 551/21 558/17 558/22 560/10 560/10 560/15 560/16 560/17 561/24 562/19 562/22 577/11 667/12 670/3 747/24 758/3
policies [1] 513/1
policy [3] 75/8 512/8 512/20
polled [3] 794/22 797/19 797/22
Pontiac [1] 479/24
Poole [32] 20/1 247/18 248/6 248/7 248/11 248/13 255/3 494/13 494/18 494/24 495/4 495/4 495/23 496/19 515/23 515/25 516/17 516/18 517/14 580/18 580/19 580/22 581/11 581/15 581/22 582/3 582/9 582/10 582/11 583/8 584/25 584/25
pools [1] 122/5
poor [4] 559/18 559/20 809/5 812/12
pop [1] 247/9
porch [2] 477/3 611/3
portion [7] 277/15 278/5 569/15 591/18 694/16 696/21 791/13
portions [6] 276/10 281/23 283/4 283/5 567/10 791/15
position [16] 52/1 57/12 164/20 269/17 290/9 291/5 291/8 297/5 297/8 297/11 597/19 633/13 717/8 802/2 802/9 803/16
positioned [1] 194/23
positions [2] 55/4 156/3
positive [5] 235/11 267/17 447/15 812/3 813/25
possession [5] 51/7 597/17 597/25 603/13 803/12
possibilities [1] 111/6
possibility [2] 718/18 768/21
possible [28] 30/10 93/10 117/24 162/8 162/9 174/20 185/2 207/25 208/4 208/11 238/19 270/25 273/21 273/21 282/15 282/22 372/19 450/12 473/18 533/23 534/10 718/13 729/21 729/22 729/24 729/24 730/1 768/16
possibly [4] 30/10 118/1 229/14 681/20
post [1] 316/16
post-mortem [1] 316/16
pot [1] 110/17
potential [7] 50/3 207/16 207/17 207/18 226/25 230/12 654/17
potentially [9] 230/19 231/24 232/1 232/2 232/3 233/5 277/4 538/11 701/10
pouch [2] 275/19 275/20
pour [1] 740/17
pow [8] 108/1 108/1 108/1 108/1 145/12 145/12 145/12 145/12
Powell [1] 20/6
power [4] 89/13 426/1 809/17 810/1
practical [1] 222/25
practice [4] 15/16 30/1 58/4 257/4
practiced [2] 50/20 88/17
practicing [1] 677/3
practitioner [1] 15/20
pray [1] 806/1
pre [1] 703/14
precedes [1] 786/21
precinct [1] 562/22
predict [2] 290/13 544/15
prefer [1] 682/16
prefers [1] 83/12
pregnant [2] 606/22 606/24
prejudice [1] 93/10
prejudiced [1] 776/1
prejudicial [1] 75/1
preliminary [3] 121/1 121/14 263/24
premarked [1] 207/1
preparation [1] 335/25
prepare [4] 89/9 443/3 443/5 708/17
prepared [3] 443/1 779/10 786/6
preponderance [3] 48/10 98/23 724/12
Presbyterian [1] 40/16
prescribed [1] 679/21
presence [14] 45/22 136/5 189/2 419/23 453/8 467/19 469/8 533/18 534/19 595/10 772/4 779/25 780/12 809/13
present [37] 12/5 13/3 43/11 43/13 47/16 64/8 81/3 88/6 97/3 97/20 101/9 149/20 168/1 215/6 227/19 233/21 266/14 295/18 329/16 422/8 469/15 486/4 538/10 539/2 544/10 546/8 546/11 594/15 601/9 601/17 678/18 705/17 765/10 770/9 779/23 790/19 793/6
presentation [2] 724/6 724/19
presented [5] 74/7 99/22 536/10 696/11 769/15
presently [1] 26/21
presents [1] 122/9
presents them [1] 122/9
preserve [8] 55/8 113/8 195/12 200/1 256/19 257/25 700/11 793/3
preserved [1] 258/2
preserving [1] 315/15
preside [1] 93/24
presiding [13] 88/10 88/10 88/18 88/25 89/8 89/17 89/19 90/1 90/7 90/9 90/12 151/2 786/5
pressure [4] 64/24 224/13 286/1 486/16
presumed [1] 767/13
presumption [5] 767/13 767/15 767/24 768/2 768/3
presumptive [4] 267/6 267/10 267/11 267/13
presumptuous [1] 50/19
pretrial [5] 80/11 81/19 82/8 82/10 82/16
pretty [19] 116/21 127/9 137/18 178/10 187/19 310/23 362/7 362/10 409/11 432/12 447/9 449/2 554/10 559/23 609/5 634/12 646/7 661/10 702/13
prevent [2] 713/7 784/6
preventing [2] 365/15 365/16
prevention [1] 116/20
previous [1] 696/10
previously [11] 140/3 159/5 253/23 390/3 402/22 411/3 429/24 463/1 566/15 585/22 587/9
primacy [1] 679/22
primarily [1] 566/8
primary [6] 57/18 58/4 217/20 471/13 472/2 701/8
prime [1] 108/22
primer [7] 222/11 222/13 222/16 224/7 229/9 231/23 231/25
primers [1] 231/22
principal [1] 777/15
print [3] 130/2 190/10 297/17
printed [4] 201/25 567/10 569/15 700/15
Printout [1] 10/11
prints [4] 190/16 207/16 300/7 316/17
prior [29] 22/22 48/19 57/3 57/5 74/9 81/18 162/16 173/13 212/19 248/22 253/24 269/16 269/19 319/14 330/2 344/14 426/17 439/14 464/12 471/4 471/5 564/21 581/14 598/18 665/20 678/13 702/11 776/4 778/17
prison [11] 596/11 597/20 599/23 600/3 600/6 600/14 600/15 607/25 803/14 810/21 810/25
private [5] 43/11 564/21 564/23 564/24 582/24
privilege [5] 102/20 596/22 706/15 797/24 798/20
probability [3] 98/25 99/2 100/6
probable [6] 71/7 474/15 715/6 762/2 771/8 783/14
probably [51] 29/11 29/12 45/22 54/18 88/24 90/16 99/3 121/15 196/13 205/21 216/17 235/8 398/1 398/18 400/22 409/12 412/11 432/10 433/4 457/11 457/13 460/6 483/19 524/17 536/3 544/14 557/23 591/6 593/17 635/3 637/2 652/13 652/15 672/21 672/24 673/11 673/11 673/12 673/12 683/6 683/14 690/22 695/11 702/10 724/15 771/12 772/7 772/9 774/16 804/3 812/17

P

Probation [1] 20/20
probative [3] 52/6 330/13 465/12
problem [37] 47/23 52/17 74/7 74/8 75/8 76/10 82/20 83/8 83/21 86/12 183/4 188/4 213/10 214/6 226/25 369/23 511/10 593/12 593/18 593/24 594/2 597/4 675/20 675/21 676/5 677/22 679/13 697/7 697/23 712/20 751/17 751/23 755/18 765/1 792/1 812/14 813/7
problems [9] 227/4 589/7 603/22 649/24 650/2 712/17 712/18 712/19 716/23
procedure [3] 275/6 316/1 476/3
procedures [1] 513/1
proceed [15] 47/18 109/13 164/11 215/7 330/20 394/21 401/21 546/13 594/12 594/16 601/14 601/20 705/12 705/14 788/20
proceeded [2] 549/6 552/8
proceeding [5] 81/8 538/23 597/2 774/9 777/19
proceedings [20] 12/2 47/13 80/22 80/25 83/3 83/7 149/13 215/3 329/10 329/13 422/2 521/8 592/19 592/22 676/1 705/9 765/7 790/16 814/14 815/12
proceeds [1] 84/5
process [47] 31/5 31/17 31/20 44/19 46/2 87/1 87/24 91/16 91/20 91/21 93/22 94/11 95/25 96/3 96/7 96/23 97/11 98/11 98/12 106/23 220/5 237/9 262/5 267/19 306/21 446/11 462/7 462/8 462/12 462/15 473/5 546/5 576/21 597/3 643/7 694/16 706/20 735/2 766/11 767/17 770/7 774/15 775/13 785/8 787/21 793/3 798/6
processed [4] 167/10 298/24 300/5 300/7
processes [2] 273/6 694/18
processing [7] 167/3 190/10 190/15 297/18 298/20 320/5 526/13
produce [3] 282/15 468/19 570/10
produced [1] 282/21
producing [1] 778/18
profanity [1] 657/21
profession [3] 216/13 427/25 726/2
professional [3] 20/4 263/5 270/20
proficiency [5] 132/25 223/10 223/12 263/7 297/16
profile [2] 265/19 266/18
profiles [1] 262/6
profusely [1] 183/24
program [8] 201/16 222/23 223/10 260/1 270/5 270/6 297/14 502/15
programmed [1] 646/24
programs [1] 26/7
progression [1] 528/8
prohibited [1] 52/16
prohibits [1] 701/14
Project [1] 26/6
projectile [16] 229/10 273/23 276/9 276/10 285/23 299/18 300/1 305/12 305/15 429/21 431/17 432/3 432/16 433/16 439/15 439/18
projectiles [15] 8/24 204/5 272/18 272/20 274/17 285/15 285/19 285/20 285/21 316/25 322/9 440/12 440/14 442/2 442/6
promise [7] 30/15 30/16 30/16 94/5 172/5 601/3 734/4
promised [2] 93/8 765/22
promises [2] 64/23 486/15
promoted [1] 470/22
prone [1] 153/10
prong [1] 761/6
pronounced [2] 153/13 165/13
proof [21] 98/3 98/12 98/19 98/22 98/25 99/12 546/4 698/1 701/3 718/8 718/9 718/13 718/23 746/6 767/21 768/9 768/9 768/16 771/10 771/13 781/8
proper [9] 96/16 239/15 330/11 434/11 534/17 678/7 707/5 771/23 788/21
properly [2] 774/3 794/1
properties [1] 461/19
property [5] 25/11 263/22 324/10 461/21 464/4
propounded [1] 92/20
prosecute [2] 535/22 535/24
prosecution [1] 535/19
protect [6] 25/10 200/7 315/11 315/11 320/2 628/23
protected [4] 84/20 175/12 280/20 802/3
protecting [1] 421/1
protection [2] 378/2 784/4
proud [1] 798/19
prove [29] 97/17 97/24 98/4 101/8 103/7 107/6 109/7 109/8 536/9 538/24 539/1 546/6 702/17 710/1 710/21 739/17 746/7 749/12 749/13 760/22 767/10 767/11 768/4 770/19 770/23 778/5 780/11 780/25 781/1
proved [4] 718/2 722/19 749/11 787/3
proven [4] 112/23 763/2 779/14 780/3
proves [1] 711/5
provide [7] 187/24 298/15 477/24 494/2 494/6 708/24 731/14
provided [25] 270/25 282/13 329/19 329/25 451/15 494/4 494/20 496/18 510/10 522/10 529/10 529/14 567/18 570/3 571/8 572/15 572/16 573/19 577/14 577/15 579/23 580/2 583/8 583/15 587/25
provider [5] 566/11 570/17 570/21 577/1 577/4
provides [1] 777/25
providing [1] 523/8
proving [3] 698/25 739/11 767/5
provoke [2] 710/12 781/24
prudence [1] 724/11
prudent [3] 713/10 782/17 783/3
pseudo [1] 811/3
pseudo-parent [1] 811/3
Psychiatric [1] 35/5
psychiatrist [1] 35/5
Psychology [1] 428/11
public [1] 208/8
publish [8] 140/23 143/6 160/6 170/25 304/8 430/12 430/16 794/3
published [4] 141/1 160/14 171/23 792/17
publishing [3] 304/19 431/6 431/7
pull [31] 66/22 73/9 73/10 118/19 120/3 224/14 233/18 239/10 239/11 239/12 239/14 272/8 454/3 488/12 494/14 494/17 515/18 516/17 602/15 625/2 626/2 684/21 685/19 686/10 687/9 687/22 689/9 746/11 748/17 749/2 749/3
pulled [15] 45/10 45/11 488/16 494/23 495/5 516/21 621/22 642/24 644/19 669/13 689/5 689/7 721/10 722/5 749/5
pulling [6] 573/4 614/3 614/8 625/16 663/7 721/8
pulse [3] 119/20 120/17 153/12
pumped [2] 357/14 813/8
punch [1] 577/6
punched [14] 68/1 188/1 488/16 624/10 624/12 672/7 673/15 683/8 703/17 751/5 751/6 751/7 751/7 751/8
punctual [1] 706/21
punish [2] 93/22 785/11
punishment [2] 811/24 812/6
pure [1] 812/6
purple [1] 747/20
purpose [11] 76/13 126/24 166/8 296/4 329/23 570/18 571/2 776/5 778/12 780/18 805/20
purposely [1] 729/17
purposes [26] 65/9 65/12 74/20 75/10 81/8 82/25 83/12 84/21 140/4 159/6 219/4 219/5 280/19 283/14 323/8 343/2 390/4 421/1 421/6 429/24 463/2 678/4 697/12 704/3 774/9 777/19
push [2] 655/2 812/23
pushed [3] 623/10 623/11 623/13
put [116] 12/10 48/25 69/12 72/7 78/9 106/10 110/12 121/18 121/22 122/1 122/3 122/4 123/25 124/3 125/11 126/16 128/1 128/22 129/1 130/18 143/18 166/12 173/17 174/1 174/1 176/5 176/7 184/21 193/1 198/7 200/1 200/12 202/17 202/19 205/12 212/15 212/16 212/20 225/25 225/25 244/20 249/10 249/25 249/25 250/20 253/11 253/16 255/9 265/21 275/13 276/6 278/24 282/11 308/8 316/21 318/5 319/10 321/12 328/5 328/8 329/21 341/16 359/10 359/12 359/20 388/12 388/14 398/8 426/7 426/9 441/18 444/6 463/22 471/20 481/9 487/7 495/6 496/14 504/20 514/6 514/13 514/15 521/23 522/2 534/14 537/20 537/20 541/25 544/1 569/22 576/20 583/17 586/16 592/25 599/7 622/17 633/7 658/10 658/20 659/9 673/13 700/10 704/7 719/9 719/12 725/23 726/17 727/8 727/15 727/22 731/21 736/5 761/9 777/8 786/14 806/5
puts [3] 109/5 172/16 759/3
putting [5] 195/12 444/8 586/19 592/24 758/16
pyrotechnic [1] 232/1

Q

qualification [1] 429/3
qualifications [5] 29/11 49/2 223/18 565/24 739/2
qualified [15] 13/10 76/2 90/4 94/22 94/24 223/15 263/12 271/2 271/4 271/7 271/13 528/2 528/4 565/13 565/15
qualify [3] 92/3 428/24 798/17
quantify [1] 341/16
quarrel [1] 76/18
question [65] 11/6 17/19 29/10 29/13 49/19 70/20 74/18 75/16 76/11 92/11 109/25 113/21 160/16 165/2 177/6 177/8 177/9 177/11 204/18 212/22 235/1 241/17 309/2 327/2 335/19 338/16 360/22 366/22 382/15 382/17 437/16 465/19 480/24 493/10 512/1 515/1 515/6 522/18 522/24 525/14 525/19 525/22 531/8 535/14 536/7 536/20 537/2 590/16 596/12 671/3 677/8 679/7 699/9 699/14 724/24 724/25 725/4 726/23 729/22 733/8 772/12 790/20 801/24 808/16 811/22
questioned [1] 92/17
questioning [6] 64/2 64/5 68/13 382/8 486/1 487/11
questions [136] 22/14 28/14 28/18 62/16 63/19 64/1 64/7 64/22 69/15 73/19 77/10 92/6 92/20 112/4

Q

questions... [122] 112/6 112/12 113/23 127/15 134/9 135/12 137/6 137/7 144/15 147/18 148/5 152/13 154/13 154/15 155/23 155/24 161/4 162/22 164/17 171/20 178/23 185/9 186/1 187/10 187/11 187/23 209/7 210/6 211/10 220/2 220/9 220/12 220/22 220/25 231/5 235/12 238/8 238/9 240/21 245/13 247/2 247/12 254/23 268/1 268/3 268/4 284/17 289/24 294/14 298/17 307/8 312/23 313/12 326/8 332/9 345/1 354/9 354/16 367/1 380/19 382/21 382/24 384/25 388/5 392/22 405/18 409/16 416/5 419/11 419/13 419/14 426/21 426/23 426/25 427/1 443/24 449/25 451/3 454/4 455/18 455/21 460/13 460/14 466/3 466/5 468/8 485/15 485/22 485/23 486/4 486/14 505/9 511/4 524/3 539/17 542/14 552/19 552/21 563/5 563/8 576/6 582/16 584/18 588/19 589/25 646/25 647/1 648/11 679/24 687/2 720/23 721/3 723/14 724/7 738/4 748/5 748/16 775/17 795/1 798/24 799/2 799/7

quick [10] 121/1 122/4 128/1 173/22 469/3 510/3 510/4 573/4 624/15 752/6

quickly [9] 383/24 415/15 533/19 543/23 592/15 699/24 720/16 727/21 740/12

quit [1] 602/24

quite [6] 146/17 433/18 474/12 497/2 770/9 772/18

quits [1] 103/24

quote [2] 60/8 72/24

R

Rachel [4] 20/2 260/22 261/11 261/12

radio [2] 181/15 237/12

radius [1] 238/17

rain [1] 208/9

raining [9] 119/9 232/6 557/2 557/3 558/4 558/6 617/24 619/18 620/17

rainy [2] 132/11 622/3

raise [37] 56/6 90/25 115/6 136/11 151/17 155/5 163/25 180/12 189/6 215/25 221/13 236/11 247/21 261/1 268/13 296/14 314/3 331/15 347/17 355/9 369/14 395/15 416/15 422/21 427/9 453/12 456/4 461/1 470/4 546/18 553/11 564/1 585/4 593/7 601/24 779/15 787/21

raised [1] 781/3

raising [4] 111/17 347/13 703/19 771/23

ran [29] 126/25 141/17 141/22 141/25 146/13 146/14 266/3 290/8 290/8 294/10 360/13 360/13 360/16 364/4 492/8 498/13 518/25 626/9 626/11 627/2 629/11 632/7 647/19 712/22 716/2 716/4 744/7 744/17 744/19

random [3] 273/8 388/16 388/20

range [4] 173/6 186/9 530/19 531/4

ranging [2] 190/14 297/22

rap [1] 747/23

rapid [5] 145/14 292/22 293/5 433/3 728/9

rate [2] 185/23 207/22

rather [8] 43/21 78/19 281/1 495/16 609/12 683/19 767/11 779/3

rationally [1] 540/24

ray [2] 227/17 442/4

rays [2] 439/13 442/1

re [2] 426/14 442/14

re-aimed [1] 426/14

re-enters [1] 442/14

reach [4] 29/24 101/4 459/13 459/13

reached [2] 104/5 793/19

reaching [4] 95/20 437/3 502/1 591/19

react [1] 335/13

read [48] 22/21 45/9 51/13 52/12 54/4 62/7 62/9 62/16 63/10 63/11 63/14 64/14 64/17 64/20 65/19 75/19 80/5 83/25 111/9 112/2 327/15 327/17 327/18 329/18 342/22 343/10 352/2 352/7 390/6 392/1 392/16 425/9 425/10 425/13 473/25 484/8 485/11 485/14 486/9 486/12 507/11 507/18 507/24 510/9 718/8 734/12 806/19 807/24

reading [5] 58/23 58/24 327/14 474/17 696/17

reads [2] 711/9 786/15

ready [52] 12/5 12/6 47/17 86/14 86/16 149/15 149/17 213/10 215/7 215/9 215/18 219/9 285/18 295/14 295/15 295/25 330/19 330/19 331/5 334/15 340/4 394/21 394/23 395/8 422/4 422/14 469/12 469/16 544/10 545/10 545/17 545/19 557/25 594/12 594/16 595/3 595/7 595/8 601/14 612/6 616/6 616/7 616/11 680/8 680/10 681/1 705/12 705/14 723/2 793/7 793/9 802/23

real [20] 67/3 122/4 258/18 258/20 425/9 535/25 573/4 608/10 621/2 626/20 629/5 631/23 632/18 635/1 651/7 699/24 718/18 760/6 768/21 808/24

realize [4] 625/19 639/13 713/22 750/20

realized [5] 597/9 599/9 639/14 736/21 812/18

realizes [1] 751/14

realizing [1] 106/24

really [108] 29/15 45/16 46/2 53/20 61/23 66/12 75/18 75/19 76/13 87/15 88/20 89/11 95/9 138/21 144/11 147/5 170/17 172/2 178/10 178/14 204/10 213/16 213/17 214/7 229/2 251/11 258/25 288/19 291/19 292/15 330/15 365/23 367/16 398/18 398/18 398/21 401/23 403/5 403/9 403/18 403/18 403/18 404/1 405/17 405/25 406/11 407/14 409/24 409/25 410/17 411/11 411/12 414/12 414/24 415/16 415/16 433/3 442/5 450/19 456/22 465/25 535/16 535/17 536/15 537/8 537/12 549/17 558/18 559/18 559/20 598/19 609/7 610/14 611/7 611/8 615/8 615/14 615/16 617/7 623/8 623/20 623/21 623/22 624/1 631/19 634/3 634/4 635/13 637/12 647/20 647/23 663/1 665/12 671/12 696/25 697/9 697/10 698/23 703/13 725/20 740/4 753/8 769/13 789/18 801/5 801/25 812/8 812/13

realtime [1] 518/3

rear [7] 288/10 288/13 288/14 530/21 530/24 588/14 717/13

reason [47] 23/9 24/3 25/23 30/5 30/18 45/14 50/24 53/13 83/22 94/19 95/2 101/12 101/14 101/15 102/6 206/5 226/24 233/25 246/17 316/6 361/23 403/4 446/19 459/4 483/4 488/4 593/23 606/25 683/21 686/14 700/21 701/9 714/16 721/13 724/18 727/22 737/9 747/8 751/2 754/18 766/6 774/24 775/23 784/5 785/13 788/19 800/25

reasonable [60] 75/24 96/18 98/13 98/21 99/1 99/4 101/20 109/9 697/9 697/25 698/2 699/1 699/17 707/6 710/2 710/21 711/6 713/10 718/3 718/4 718/6 718/9 719/7 722/22 724/13 724/16 726/15 726/19 739/11 739/17 739/19 739/22 739/23 761/13 761/15 761/23 761/24 767/6 767/20 768/5 768/5 768/9 768/24 769/3 769/6 769/9 770/23 771/14 778/5 779/14 780/4 781/2 781/9 781/10 781/14 782/16 783/10 787/4 787/6 787/14

reasonably [4] 710/12 781/23 782/16 783/3

reasoning [3] 95/6 770/4 770/6

reasons [12] 49/20 474/25 538/6 599/23 679/19 698/21 699/2 724/18 724/20 728/20 802/12 802/13

recall [27] 54/8 128/23 154/8 165/6 171/19 208/19 241/18 252/5 252/5 256/4 260/11 260/14 281/14 346/25 348/16 350/2 350/5 372/12 378/24 384/19 386/9 546/2 581/9 586/22 587/5 689/18 694/17

receipt [6] 10/6 272/17 275/20 550/6 550/23 550/25

receive [21] 96/4 117/11 181/13 226/4 241/13 264/4 264/8 270/23 271/24 274/4 275/8 280/10 281/4 505/22 506/4 506/7 507/3 579/10 779/20 788/15 793/7

received [104] 61/13 81/3 123/10 123/13 123/15 140/21 143/3 160/3 165/11 169/3 169/6 198/24 202/10 205/15 206/11 207/10 210/23 218/10 226/13 237/10 240/17 242/18 254/18 270/14 272/5 272/11 272/13 274/5 276/3 276/12 279/24 281/10 283/2 283/6 285/2 285/10 301/13 302/7 303/3 303/5 303/8 304/6 307/6 311/7 317/18 318/16 318/24 319/6 320/17 321/22 323/18 324/19 349/7 353/6 373/25 425/4 430/19 439/8 440/6 441/3 443/21 448/8 459/9 459/19 459/22 465/16 481/12 489/23 496/7 503/11 505/4 507/8 517/13 519/12 519/13 519/15 527/12 527/16 550/11 550/21 563/13 567/7 568/3 568/6 569/23 570/13 572/22 573/2 573/3 573/6 573/11 573/17 574/15 579/19 580/10 583/7 586/4 586/6 613/9 617/3 618/1 618/2 636/20 691/3

receiving [2] 89/3 241/19

recency [1] 679/23

recent [1] 572/6

recently [5] 233/3 234/22 248/24 248/24 248/25

reception [3] 559/17 559/18 559/20

recertification [1] 463/10

recess [19] 46/18 46/21 148/19 149/5 149/11 211/19 212/10 215/1 294/22 295/5 327/25 394/6 394/13 420/20 520/23 591/1 592/3 706/25 763/21

reciprocal [1] 79/24

recitation [1] 75/19

recognize [37] 62/24 168/10 168/11 168/13 168/15 168/17 183/7 201/15 206/24 274/23 283/16 284/24 300/21 310/3 317/5 318/6 319/24 320/20 324/5 348/20 424/8 430/2 442/25 484/3 489/10 495/8 496/15 502/20 504/6 504/7 504/8 526/18 550/4 566/16 573/22 612/21 745/10

recognized [1] 402/4

1450

R
recognizes [1] 745/7
recollection [8] 241/22 242/1 258/8 411/14 517/9 517/16 582/2 773/11
recommend [1] 225/8
reconnect [1] 599/24
reconsidering [1] 802/14
reconstruct [2] 197/6 205/24
reconstruction [8] 190/16 205/16 205/23 206/1 270/19 297/20 297/24 297/24
reconvene [1] 46/24
record [86] 1/6 9/22 12/4 12/10 47/15 48/25 56/16 75/6 78/10 79/24 81/2 82/7 82/21 83/10 84/20 115/14 126/8 129/23 136/19 149/19 151/25 155/13 164/8 180/20 189/14 212/15 212/16 212/21 215/5 216/8 221/21 236/19 253/5 253/6 253/11 261/9 268/21 295/17 296/22 328/6 328/9 329/15 329/22 331/23 355/17 395/23 416/23 422/7 453/20 456/12 461/9 469/14 470/12 511/24 511/25 512/5 512/21 516/13 547/1 553/19 564/9 578/8 585/12 594/14 597/8 599/8 602/7 679/18 679/19 697/16 702/6 703/11 705/16 719/13 722/21 765/9 773/17 790/18 793/5 802/3 802/18 803/10 805/20 807/4 813/10 815/11
recorded [5] 237/12 253/3 253/10 517/23 579/12
recorder [3] 512/7 512/8 512/19
recording [2] 145/6 512/4
recordings [1] 790/5
records [43] 7/9 10/8 10/11 20/18 20/21 80/5 346/17 532/1 532/6 532/15 566/10 566/22 568/11 568/12 570/15 570/16 571/6 571/7 571/11 571/22 571/23 572/10 575/5 575/24 576/16 576/17 576/18 576/19 576/20 576/22 577/2 583/17 583/19 584/11 599/10 615/11 652/16 654/16 692/11 732/23 732/24 745/13 745/20
recover [1] 442/3
recovered [8] 276/10 429/20 432/16 433/16 439/16 440/12 442/6 528/19
recross [31] 2/23 3/6 3/13 3/18 4/17 5/4 5/16 135/14 148/7 163/15 178/25 179/2 210/7 210/9 235/14 235/16 247/4 247/6 294/15 313/14 354/18 392/24 393/2 451/5 451/7 530/9 530/11 539/23 584/19 590/18 693/19
RECROSS-EXAMINATION [7] 179/2 210/9 235/16 247/6 393/2 451/7 530/11
red [5] 171/7 197/2 197/17 203/7 203/9
red-brown [3] 197/2 197/17 203/9
reddish [2] 196/8 325/14
reddish-brown [2] 196/8 325/14
redirect [56] 2/8 2/12 2/18 2/22 3/5 3/12 3/17 4/2 4/6 4/12 4/16 5/3 5/15 5/24 6/3 6/7 73/20 134/11 134/13 147/19 147/21 162/23 163/1 178/3 178/4 188/11 209/9 209/10 234/25 235/2 245/14 245/17 260/16 289/25 290/2 312/24 313/1 354/10 354/12 388/6 388/8 416/6 450/2 450/5 467/10 524/4 524/6 539/22 582/18 582/20 590/1 590/3 687/3 687/5 732/8 732/12
reduced [1] 75/11
redundant [2] 76/13 83/8
refer [5] 122/4 298/5 311/23 766/12 778/20
reference [1] 166/15
referencing [3] 152/23 152/24 524/12
referred [1] 222/5
referring [6] 341/17 388/23 397/21 522/25 604/24 684/25
reflect [17] 12/4 47/15 81/2 122/24 149/19 215/5 295/17 329/15 348/22 368/11 422/7 469/14 594/14 705/16 765/9 790/18 793/5
reflected [4] 581/5 581/6 584/11 772/9
reflection [1] 239/25
reflects [1] 125/13
refrain [1] 669/2
refresh [14] 117/7 157/16 182/20 218/24 226/10 241/21 242/1 246/2 252/7 298/7 342/19 424/4 517/8 517/16
refreshing [1] 153/2
refusal [2] 487/7 789/9
refuse [1] 700/5
refused [3] 183/23 380/14 487/7
refuses [1] 592/25
regard [1] 698/8
regarding [8] 42/15 239/21 245/25 450/7 450/11 450/23 462/18 607/21
regardless [3] 554/25 777/2 780/20
Region [1] 116/12
regions [1] 129/7
regret [2] 691/24 806/6
regular [1] 672/17
rehabilitate [1] 811/25
reject [1] 779/21
rejoin [1] 787/24
related [12] 14/5 15/24 16/11 17/6 19/14 21/4 26/13 43/25 547/10 554/2 583/11 751/25
relates [1] 84/8
relation [2] 349/21 349/23
relations [1] 362/19
relationship [46] 103/23 110/25 111/11 137/18 334/20 334/24 335/3 335/5 335/6 335/7 335/11 335/14 345/17 361/3 361/5 362/7 362/10 364/12 369/20 369/22 384/7 387/3 388/22 389/4 389/10 556/14 600/1 604/8 604/21 606/5 606/10 608/13 609/8 610/15 615/15 648/20 648/24 649/3 649/5 649/6 732/21 733/9 733/17 804/12 807/11 807/15
relative [2] 784/8 815/13
relay [1] 473/23
release [1] 481/9
released [1] 803/14
relevance [1] 465/9
reliability [1] 769/23
reliable [1] 775/12
relied [3] 70/17 71/10 804/25
relief [1] 723/12
relies [1] 513/19
relieve [1] 785/5
relieved [2] 116/25 117/1
religion [1] 543/14
religious [2] 23/25 25/20
reluctantly [1] 728/10
rely [6] 195/1 513/19 513/20 513/21 513/21 593/17
relying [4] 697/17 701/13 770/18 770/22
remain [7] 63/21 148/24 485/17 539/5 788/3 792/22 799/17
remained [1] 432/16
remaining [4] 43/2 195/15 283/20 694/20
remains [1] 767/19
remarks [10] 96/9 96/20 96/24 101/22 102/23 707/16 773/6 773/9 773/14 774/7
remember [196] 44/10 59/8 63/1 67/6 67/18 67/24 68/4 68/5 73/11 92/6 93/20 96/24 100/14 103/18 103/18 105/19 107/13 109/5 109/6 114/3 121/11 121/12 127/7 128/20 152/20 156/16 157/10 160/10 166/4 174/9 181/22 182/5 182/9 182/13 182/15 192/14 209/24 211/20 217/23 218/22 226/6 245/25 249/11 249/18 250/7 251/3 252/3 298/3 305/4 326/22 334/7 334/9 336/16 337/14 337/15 338/1 338/18 342/15 342/21 343/12 343/19 343/22 346/1 346/9 346/11 346/22 348/5 352/11 352/24 380/12 381/18 382/20 382/23 385/24 386/2 386/3 386/4 386/6 389/20 390/14 390/22 396/23 397/10 397/23 398/3 398/4 400/3 404/23 406/22 407/12 417/14 418/8 420/13 424/1 425/22 426/4 429/11 455/14 457/23 462/2 462/5 465/23 472/18 488/13 495/2 497/7 501/9 510/21 515/19 518/21 525/21 538/17 547/25 548/2 556/25 557/2 561/8 562/11 589/12 591/2 591/10 591/13 591/21 605/5 605/6 618/19 618/22 624/13 644/10 652/20 652/21 652/22 654/25 661/9 670/10 670/16 670/24 671/8 671/12 671/13 671/15 671/18 672/6 673/9 673/14 673/23 674/5 674/8 674/9 674/16 674/17 679/9 681/8 681/10 681/12 682/20 682/22 683/8 684/10 685/1 685/3 685/5 685/6 685/17 688/12 688/13 688/15 688/22 689/21 692/20 707/1 714/12 714/14 714/19 721/11 721/23 728/21 740/10 740/11 741/24 742/14 742/15 747/19 748/25 750/13 751/5 752/17 754/17 754/22 755/16 757/5 758/12 773/8 773/22 774/12 777/4
remembered [4] 110/6 688/20 721/8 727/23
remembering [2] 122/1 655/4
remind [2] 93/7 773/5
reminded [1] 734/19
reminds [1] 757/7
removal [3] 167/17 195/13 201/10
remove [4] 176/17 276/23 299/17 701/1
removed [8] 92/15 214/4 231/21 276/23 278/9 278/18 322/9 595/20
removing [1] 195/10
render [13] 100/4 102/17 152/18 191/19 191/21 223/20 263/16 271/18 429/5 528/5 566/2 739/5 780/1
rendered [1] 767/3
rendering [2] 782/3 788/23
renew [3] 79/23 695/9 802/6
renewal [1] 535/9
renewed [1] 212/22
renewing [2] 696/9 696/15
renovation [1] 464/11
rent [1] 462/13
repackaged [1] 279/8
repair [4] 424/1 463/23 464/4 464/19
repaired [2] 426/10 426/11
repeat [2] 70/2 251/10
repeating [5] 59/21 62/10 252/23 478/6 478/10
repetition [2] 83/22 84/3
rephrase [2] 184/8 512/1
replaced [2] 426/13 426/14
replacement [1] 464/15
replay [2] 143/13 773/20
reply [4] 619/22 677/10 694/7 694/12

report [108] 8/20 9/16 117/5 117/7 117/10 122/4 128/19 129/1 130/4 134/21 152/23 152/24 152/24 153/2 154/11 167/23 167/23 167/24 176/3 176/7 176/10 178/15 182/16 182/20 182/23 183/9 183/11 183/13 185/15 186/20 187/14 188/15 226/7 226/8 243/8 243/16 244/9 245/23 246/2 246/8 252/6 260/5 277/13 277/18 277/22 277/25 278/4 283/19 443/1 443/4 443/5 468/9 494/1 494/23 494/24 495/1 507/3 507/6 507/11 509/25 513/13 513/19 514/7 514/14 514/16 514/19 514/19 515/2 515/7 517/13 522/14 522/19 523/5 523/18 523/19 523/20 523/24 524/12 567/16 567/18 569/22 570/10 570/13 571/7 571/19 571/20 573/3 573/13 573/15 573/25 583/7 586/14 586/16 586/18 587/21 587/23 587/25 588/3 588/4 589/17 589/17 589/20 589/21 589/22 590/5 728/23 728/23 786/3
reported [6] 83/5 83/6 154/11 178/11 572/9 696/19
reporter [13] 1/25 81/22 83/18 123/22 264/13 332/7 388/18 568/14 633/14 807/1 815/1 815/8 815/23
reporting [3] 76/18 237/15 786/6
reports [9] 182/16 262/10 513/22 513/23 566/13 566/14 566/21 574/2 586/6
represent [4] 439/17 440/13 780/18 798/7
representation [3] 484/13 491/5 580/1
Representative [1] 20/20
represented [7] 15/10 16/1 16/8 16/13 16/20 17/8 285/19
request [21] 241/13 241/19 241/21 242/3 242/9 242/12 242/18 242/19 264/8 271/24 272/6 272/7 463/22 570/14 577/2 579/9 594/3 789/20 792/23 801/14 813/20
requested [1] 581/4
requester [2] 239/8 239/16
requesting [3] 239/8 264/5 791/14
requests [4] 264/3 264/4 329/23 592/8
require [7] 79/4 455/3 718/13 718/23 718/25 768/15 778/21
required [15] 80/1 223/11 263/5 421/2 466/24 509/19 588/2 697/3 767/9 767/11 770/14 780/11 781/19 783/20 787/10
requirement [2] 191/21 591/13
requires [2] 509/16 785/15
requiring [1] 80/20
resealed [1] 504/20
research [4] 44/13 44/24 45/5 255/25
reserve [1] 156/7
reset [1] 812/24
residence [2] 184/14 588/14
residency [1] 428/15
residents [1] 462/11
residue [38] 222/8 222/10 222/11 222/11 222/16 222/24 223/5 223/16 223/25 224/3 225/5 226/4 226/13 227/22 227/24 227/25 228/1 228/6 228/8 229/7 229/8 229/9 229/15 229/18 230/1 230/4 230/11 230/15 230/22 232/10 232/14 233/4 235/11 235/22 316/17 316/18 317/21 728/18
resistance [3] 482/6 622/25 623/2
resolution [1] 96/23
resolve [9] 13/11 29/18 29/25 43/8 43/25 769/11 772/8 773/20 777/11
resolved [3] 43/10 80/15 769/10
resolves [1] 767/25
resort [1] 741/20
respect [14] 46/5 233/13 596/25 697/19 702/18 705/22 758/3 758/6 767/15 771/4 771/23 772/25 777/15 802/11
respectful [1] 705/23
respond [22] 91/3 92/10 92/19 116/19 119/24 129/5 156/19 158/17 165/9 175/24 175/25 181/15 182/12 192/11 218/12 299/11 315/10 316/3 316/6 316/9 491/10 795/3
responded [10] 58/3 58/6 58/11 165/12 175/16 182/11 182/14 315/23 472/16 586/9
responder [2] 586/10 586/12
Responders [1] 193/2
responding [4] 152/20 156/16 165/6 298/3
response [21] 14/8 15/8 16/3 16/15 17/19 19/10 21/1 22/3 22/24 23/21 24/5 25/6 25/13 25/25 26/10 28/5 28/12 29/3 30/25 329/22 674/3
responses [1] 542/14
responsibilities [5] 89/12 156/9 157/24 217/15 706/18
responsibility [17] 29/19 29/20 91/24 93/4 96/22 158/12 722/18 765/20 772/6 772/17 773/18 774/11 777/13 785/6 798/11 803/18 809/18
responsible [5] 89/1 89/3 157/19 157/22 784/22
rest [8] 44/1 86/25 288/3 292/8 432/14 533/15 538/20 810/16
restate [2] 32/2 177/11
rested [1] 694/5
restore [2] 809/9 809/16
restriction [2] 77/13 788/16
restrictions [1] 462/18
restroom [3] 68/18 154/22 545/11
rests [2] 694/5 694/6
result [6] 22/19 103/10 266/18 450/9 778/18 780/20
resulted [1] 782/12
results [3] 223/13 447/11 778/24
resume [5] 87/2 212/1 521/10 521/18 694/25
resumed [9] 47/13 149/13 215/3 422/2 521/8 676/1 705/9 765/7 790/16
retain [3] 150/23 196/10 791/18
retained [1] 149/25
Retention [1] 176/16
retest [2] 191/8 191/10
retire [5] 148/22 595/15 763/17 788/25 792/3
retired [6] 26/20 26/22 34/17 35/25 38/7 401/16
retires [13] 149/2 295/2 394/10 468/3 520/20 533/25 591/25 595/17 675/4 695/5 763/18 789/2 792/5
retreat [3] 697/3 715/9 715/12
retreated [1] 715/14
retreats [1] 729/4
retrial [2] 78/25 79/1
retrieve [2] 239/5 240/1
retrieving [1] 239/4
retry [1] 78/23
retrying [1] 78/22
return [30] 31/17 32/22 33/22 35/8 36/17 37/15 39/10 40/9 40/22 42/22 42/24 44/5 44/10 99/11 99/15 99/21 171/25 211/24 215/12 326/21 327/19 420/7 694/24 695/1 768/19 768/23 769/12 781/17 787/15 788/10
returned [5] 167/22 398/5 398/13 398/14 400/6
returning [3] 89/5 769/8 786/3
returns [8] 126/15 142/8 309/4 438/12 502/7 521/11 637/17 661/18
reveal [1] 330/7
review [15] 47/21 51/16 84/21 124/17 160/9 171/13 219/8 220/13 220/16 330/6 390/17 391/17 391/24 571/4 717/14
reviewed [3] 81/9 253/25 329/25
reviewing [2] 571/5 573/8
revisit [3] 55/21 537/9 542/24
revisiting [1] 697/14
reward [2] 93/21 785/10
rewarding [1] 112/21
Rhinehart [1] 20/17
ribbon [3] 121/23 125/6 125/13
ribbons [1] 124/6
Richardson [27] 19/20 20/17 105/3 105/7 105/21 108/20 219/13 395/12 395/25 416/9 474/6 538/18 546/15 547/2 547/3 547/7 547/15 547/16 547/22 551/1 563/1 563/2 563/3 714/13 719/24 731/13 731/14
Richardson's [1] 474/2
Richburg [7] 20/11 236/8 236/20 236/21 236/25 245/19 247/14
RICHLAND [75] 1/2 19/23 20/3 20/7 20/9 21/7 22/16 24/9 24/15 26/22 27/15 34/17 56/24 63/17 75/7 105/14 108/16 115/22 137/24 140/9 140/11 153/8 153/12 153/16 155/16 155/25 164/19 165/17 167/12 167/20 177/23 181/4 182/10 189/22 204/19 216/14 218/6 248/15 257/22 261/19 262/22 269/7 297/6 298/4 315/1 315/6 315/10 351/2 397/8 408/6 417/15 417/19 423/20 455/12 461/24 464/21 465/19 465/20 470/25 471/3 477/14 484/5 511/22 573/6 583/2 585/23 585/24 612/1 668/9 669/22 704/9 715/13 747/13 815/5 815/14
Ricks [177] 1/7 13/21 13/22 13/23 14/7 15/10 22/10 22/15 30/16 31/4 31/11 31/14 42/18 47/6 47/15 58/19 59/13 61/3 70/5 74/13 81/3 90/19 97/3 103/7 105/24 108/2 108/10 108/21 108/23 109/8 109/25 110/3 111/13 111/22 113/4 113/19 114/16 149/19 215/6 264/12 264/14 266/1 266/15 266/22 295/18 329/16 333/9 356/5 396/9 403/14 422/7 454/8 457/4 463/14 469/14 474/4 474/16 480/9 481/3 481/13 483/24 486/12 491/14 500/25 501/14 501/21 508/8 518/6 525/23 529/11 531/2 538/18 538/22 542/20 546/6 546/10 547/10 570/15 574/21 575/1 575/7 578/4 578/7 578/12 579/2 579/3 579/11 588/7 596/3 596/25 601/4 601/22 601/23 602/8 602/9 602/13 603/2 603/24 633/9 653/10 680/13 705/16 709/17 710/3 710/17 710/22 710/23 710/25 711/2 711/4 713/23 714/25 715/12 716/22 717/11 719/15 720/20 722/4 722/6 722/11 722/22 724/21 725/5 730/9 731/19 732/9 734/19 737/13 737/21 738/6 738/16 738/23 740/22 741/7 742/11 743/1 743/1 744/25 746/16 746/16 747/11 748/6 748/10 749/17 750/2 750/20 752/7 752/14 752/19 753/3 753/10 754/14 756/15 758/5 759/2 760/25 761/11 766/3 766/13 766/17 767/1 767/9 767/12 769/4 771/2 777/23 778/4 786/19 790/18 790/20 793/5 794/10 794/12 804/8 804/21 807/6 811/18

R
Ricks' [14] 59/4 63/16 109/19 112/13 494/6 568/12 568/16 570/18 570/24 570/25 572/5 574/2 741/9 741/10
Ricks's [6] 477/16 480/13 508/10 508/11 570/3 571/2
ride [6] 181/25 418/21 549/9 558/7 642/4 642/15
Ridge [1] 480/14
riding [6] 104/21 105/13 357/15 604/6 617/25 619/20
rifling [4] 273/20 282/4 282/9 282/10
right [682] 9/10 14/13 14/23 24/17 44/6 46/17 48/8 50/22 51/5 52/3 55/19 55/25 56/6 63/21 63/25 64/8 64/9 65/19 75/23 76/24 77/16 81/6 84/12 84/19 85/18 86/6 88/8 88/9 90/25 101/9 112/7 115/6 126/9 128/3 128/6 128/17 128/20 129/2 129/13 129/25 130/4 130/6 130/14 130/25 131/4 131/8 131/15 132/3 132/4 132/18 132/25 133/10 133/16 133/22 136/11 137/4 137/8 137/9 137/18 141/9 141/12 144/14 144/24 145/14 145/19 146/14 147/7 147/7 147/7 147/7 147/15 147/17 148/18 150/9 151/17 152/15 154/18 155/5 157/6 161/16 161/17 161/25 162/4 162/14 163/7 163/8 163/25 172/10 172/16 172/18 172/21 173/3 173/6 173/9 173/11 173/14 173/18 174/5 174/11 174/13 174/19 175/5 175/8 175/12 180/4 180/12 181/13 186/3 186/7 186/22 187/7 187/24 189/6 193/19 194/9 199/24 202/24 203/3 203/25 205/13 205/20 206/15 206/18 208/6 209/2 209/3 211/3 211/4 211/6 211/6 211/6 211/11 213/2 214/23 215/5 215/11 215/25 217/22 219/24 221/13 225/15 225/15 230/16 232/4 232/7 232/11 232/17 232/20 236/11 239/19 241/8 242/7 242/10 242/13 242/19 242/22 243/1 243/14 244/13 245/10 246/13 247/1 247/13 247/21 255/7 256/5 256/7 256/25 257/6 257/8 257/8 257/9 257/12 257/20 258/1 258/4 258/17 258/21 258/22 258/23 260/1 261/1 261/18 266/21 266/21 268/13 271/21 285/14 286/12 286/20 287/13 288/9 288/10 288/12 290/23 290/25 291/1 291/4 296/14 300/18 301/21 302/10 302/16 303/15 303/24 305/16 307/18 308/8 308/10 308/13 309/5 309/14 309/16 310/15 310/16 310/18 311/10 311/20 312/11 312/13 312/17 312/20 312/21 312/25 313/4 313/7 313/16 314/3 314/22 316/22 320/7 320/23 321/6 321/13 322/23 326/2 326/11 329/15 329/20 331/15 332/12 335/24 338/18 343/8 347/15 349/22 349/22 351/18 351/21 352/5 352/21 353/11 355/9 368/9 368/15 368/21 369/2 369/12 369/20 369/24 370/3 370/11 371/9 371/15 371/18 372/10 372/22 373/7 374/2 374/7 374/18 375/10 375/19 375/21 375/24 376/9 376/14 376/25 377/2 377/7 377/9 377/17 377/24 378/4 378/17 381/5 381/8 381/11 381/15 381/18 382/2 384/7 385/1 386/11 386/16 387/7 389/13 393/7 395/15 396/18 397/13 402/8 402/20 409/15 410/1 410/3 410/12 410/15 411/25 412/19 414/17 415/9 416/15 419/7 419/25 421/20 422/21 425/19 425/21 425/25 426/16 427/9 431/9 431/19 432/21 433/11 433/13 433/14 433/15 433/19 434/1 434/5 434/6 434/8 434/23 435/7 437/10 437/15 441/8 441/9 441/16 442/8 442/12 442/14 445/3 445/5 445/5 445/5 445/6 445/12 445/14 445/16 445/17 445/18 445/20 445/24 446/3 446/19 448/5 448/20 449/7 451/2 451/11 451/25 451/25 452/4 452/5 452/11 453/12 456/4 459/18 460/6 460/9 461/1 462/9 467/25 468/21 468/24 470/4 470/23 471/15 478/1 479/10 481/11 482/12 485/17 485/21 486/5 486/6 486/8 487/12 488/24 489/5 497/10 497/21 498/18 498/20 498/22 499/7 499/8 499/12 499/17 499/20 500/2 500/11 500/13 501/4 501/15 501/25 502/6 505/22 506/20 507/4 507/11 507/21 507/21 507/21 509/5 510/16 511/14 511/16 511/20 512/10 512/13 513/15 513/19 514/2 514/7 514/13 515/14 515/14 515/14 515/19 516/4 516/11 516/12 516/14 517/14 517/18 517/20 519/12 521/24 522/3 522/10 522/14 523/13 523/18 523/25 524/19 530/20 530/23 531/9 531/24 532/9 532/17 532/22 533/5 535/23 537/16 537/24 538/2 538/2 538/15 538/15 538/15 538/21 539/4 542/11 544/9 545/9 546/7 546/18 550/9 553/11 556/23 564/1 568/20 569/16 576/7 579/19 582/2 583/9 583/12 583/19 584/12 585/4 589/3 589/5 589/10 589/10 589/12 589/14 589/18 589/23 590/10 590/25 594/12 595/12 600/4 600/4 600/4 600/25 601/14 601/24 603/1 603/22 605/1 606/4 606/7 609/1 609/22 610/7 612/6 612/15 612/19 613/20 613/25 614/12 616/25 619/8 620/13 621/3 621/11 622/14 622/15 624/17 625/8 625/24 626/22 627/10 627/22 628/14 628/25 629/5 629/25 630/6 630/7 630/9 630/11 631/18 633/21 634/1 634/14 634/15 634/17 634/20 635/12 635/20 635/24 636/1 636/1 636/3 637/1 637/4 637/9 637/21 638/8 640/18 640/21 641/18 642/14 643/25 644/10 644/22 646/11 646/17 646/22 647/8 649/7 653/24 654/4 654/12 654/24 655/11 656/14 656/20 656/22 656/24 658/24 659/20 660/3 660/6 660/13 660/13 660/16 661/1 661/20 661/22 662/3 662/4 662/7 662/9 663/7 664/3 664/12 665/20 666/14 669/24 674/7 675/19 676/23 678/2 679/6 679/16 680/18 685/19 689/24 690/11 690/23 691/3 691/6 691/11 691/18 692/1 692/3 692/9 696/22 696/24 699/22 701/5 703/15 708/15 710/9 711/22 717/2 717/13 719/6 720/17 721/11 728/12 729/23 730/12 730/12 730/13 730/13 731/9 735/1 739/13 742/16 744/5 744/6 744/8 744/24 746/5 747/18 749/19 749/21 750/15 751/24 752/18 753/22 755/1 755/5 755/24 756/22 757/8 757/17 759/20 759/22 759/24 763/11 764/7 765/3 766/4 773/1 773/17 776/13 776/15 776/19 777/16 778/14 783/6 783/23 784/2 785/18 789/17 790/21 793/5 800/9 800/11 802/23 805/18 806/12 485/16 486/11 486/12 486/13 487/4 537/19
rights [25] 7/22 62/4 62/9 62/17 63/10 63/14 63/20 64/13 64/15 64/17 64/19 64/20 64/21 65/2 65/19 483/11 483/12 483/25 484/6
ring [7] 9/7 168/16 169/12 176/19 318/22 319/16 322/6
ringing [1] 557/6
rings [1] 495/12
Rio [1] 33/3
riot [1] 596/8
rise [2] 703/23 794/5
River [3] 585/21 596/7 652/8
road [19] 24/18 58/8 133/16 133/19 287/12 357/15 473/1 481/21 499/18 518/23 525/2 562/22 611/1 613/23 634/3 634/22 642/22 642/25 668/22
roadway [3] 170/19 528/24 759/23
robbery [4] 471/19 597/18 603/15 813/11
Robbie [1] 194/9
robbing [1] 808/12
Robert [9] 19/25 20/3 37/21 151/6 163/21 164/10 164/12 314/13 314/18
Robinson [1] 19/25
rode [4] 358/2 558/9 558/12 561/15
role [9] 57/15 87/16 93/4 93/20 96/22 163/10 248/18 471/13 716/25
roll [2] 120/16 292/2
rolled [7] 120/15 138/15 138/23 289/18 381/13 729/23 729/25
rolling [1] 213/11
rolls [1] 499/14
romantic [1] 604/8
roof [7] 107/8 107/20 300/1 302/15 305/15 464/4 722/6
room [222] 22/12 42/25 43/22 44/5 46/10 68/6 105/17 106/11 106/12 107/1 107/5 107/10 107/12 107/17 124/12 139/19 148/22 149/3 172/2 211/25 212/5 263/22 272/2 272/8 294/23 295/3 305/20 305/21 306/3 306/4 307/25 308/1 308/7 308/10 312/19 313/10 326/21 327/20 337/19 337/20 337/21 337/22 337/24 338/9 339/11 339/12 339/16 340/14 340/25 341/5 341/8 343/21 344/7 344/11 353/12 353/13 353/20 358/11 358/17 358/22 358/23 359/1 359/8 359/9 359/11 359/14 359/15 359/21 359/25 360/3 360/6 360/7 360/13 360/14 362/22 363/21 363/24 363/25 364/5 365/10 365/12 366/24 375/8 375/16 376/10 376/11 376/19 381/10 382/3 390/23 391/13 391/14 391/15 392/4 394/7 394/11 399/24 400/18 400/19 400/23 400/25 401/1 403/21 403/22 404/8 404/11 404/14 404/17 404/24 405/7 405/8 405/9 406/5 406/9 406/24 407/3 407/5 407/5 407/18 409/4 409/6 410/12 413/23 415/8 420/7 468/1 468/4 475/22 483/16 512/6 520/16 520/21 533/19 534/1 549/16 549/25 550/6 591/23 592/1 595/15 595/18 623/15 623/19 624/25 625/1 626/9 626/11 626/13 626/14 626/15 626/17 626/18 626/22 627/8 627/9 627/24 628/1 628/5 628/7 629/4 629/19 630/18 630/19 643/3 643/5 643/19 643/21 645/23 663/15 663/16 663/16 663/17 663/20 663/21 663/25 664/1 664/4 664/6 664/8 664/25 665/1 665/3 665/5 665/7 675/1 675/5 694/24 695/6 714/4 714/16 721/20 721/22 721/22 721/24 722/2 722/4 725/25 727/15 727/18 730/21 742/7 742/8 742/24 742/25 743/3 743/7 743/10 743/10 754/4 754/21 754/23 755/2 763/13

R

room... [9] 763/17 763/19 766/25 787/25 788/1 788/1 788/25 789/3 799/8
rooms [1] 413/11
roped [1] 192/19
rose [1] 753/10
rose-colored [1] 753/10
rotate [2] 217/11 298/11
rotation [5] 217/8 471/17 471/22 472/1 472/14
rough [1] 451/18
roughly [2] 291/20 459/11
round [16] 107/7 107/8 107/20 224/23 227/21 227/23 228/4 228/5 228/5 228/16 230/20 234/10 305/18 306/13 717/15 722/10
rounded [1] 224/21
rounds [1] 717/12
row [5] 87/7 87/13 88/2 88/8 89/23
RPR [3] 1/24 815/21 815/23
RTS [2] 186/12 186/17
rubber [1] 277/2
rule [11] 29/21 51/22 79/14 79/24 80/3 228/19 535/5 677/1 698/4 699/17 704/14
ruled [1] 212/22
rules [6] 462/14 466/15 466/24 467/2 544/5 771/24
ruling [7] 537/7 538/6 696/12 771/20 771/25 772/3 772/18
rulings [3] 93/25 94/2 801/19
run [21] 85/9 110/13 116/4 141/16 162/4 227/17 233/9 264/5 264/6 265/22 267/18 280/16 287/9 287/11 287/15 287/21 289/21 290/10 291/24 729/20 764/23
rung [1] 560/4
running [29] 54/17 79/10 139/18 141/15 250/11 250/17 259/18 498/1 498/2 498/13 498/18 498/20 499/4 499/9 499/15 499/16 499/19 501/11 501/12 501/14 518/6 639/22 640/1 640/2 712/2 717/10 755/14 755/22 756/4
runs [10] 108/12 463/10 472/14 498/25 499/3 518/22 755/5 755/7 755/24 756/9
rural [1] 37/12
rush [2] 531/6 545/13
Rush's [6] 548/17 548/24 548/25 549/5 642/22 642/24
rushed [3] 407/19 408/18 628/16

S

S.C [1] 696/19
s/Deborah [1] 815/21
sacred [1] 88/3
sad [3] 560/22 560/24 634/6
SADD [1] 26/4
safe [3] 639/25 641/10 641/11
safety [4] 403/6 459/1 625/11 809/10
said [311] 45/5 49/10 49/22 53/21 54/13 54/24 61/10 65/24 67/9 67/11 67/15 67/17 67/20 68/1 68/3 68/4 68/4 68/7 68/8 68/11 68/25 69/23 69/25 70/2 70/7 70/12 72/6 73/1 75/24 76/17 76/18 77/8 78/11 83/24 89/13 92/8 92/10 92/16 92/22 92/23 95/16 97/15 111/17 111/20 117/16 117/25 117/25 118/21 119/11 120/10 120/12 121/22 124/2 127/11 128/11 131/25 132/9 139/19 139/21 139/22 145/8 146/10 153/19 172/8 197/21 205/10 205/15 207/15 218/11 232/4 232/9 241/4 242/24 245/3 251/20 253/12 275/3 275/3 280/13 281/3 284/1 288/4 290/22 300/10 305/11 322/8 340/6 352/4 357/8 357/21 357/23 358/4 358/9 362/17 367/23 368/12 371/18 371/21 371/24 372/8 374/25 375/12 376/1 380/21 381/5 383/7 383/11 383/14 383/16 383/17 383/19 385/3 385/13 387/6 392/20 393/4 400/15 402/16 402/17 402/17 402/22 403/8 403/10 408/2 410/24 410/25 417/7 418/10 418/11 418/18 418/18 418/19 418/19 418/20 418/25 435/9 438/8 444/15 446/7 448/19 458/4 458/6 466/9 466/12 477/15 477/19 478/8 478/14 478/16 480/20 481/6 485/14 487/3 487/23 488/4 488/10 491/16 493/9 506/20 509/10 514/20 514/22 514/25 515/4 515/8 519/25 522/20 523/2 523/11 523/14 523/24 525/1 525/3 525/25 532/22 532/23 532/25 533/1 534/13 534/20 555/6 557/18 558/25 559/2 559/3 559/4 559/7 560/9 560/14 560/18 562/9 572/15 575/20 578/22 579/5 579/15 584/2 596/17 596/19 596/21 597/11 599/9 607/18 612/19 613/16 616/7 617/8 619/18 619/23 621/3 621/7 625/16 626/11 631/11 632/7 634/4 634/14 637/24 640/7 646/4 646/20 646/21 648/24 649/1 649/2 649/9 649/20 650/4 650/23 654/9 656/3 661/12 662/15 663/10 664/5 664/20 664/22 669/21 674/14 679/8 679/9 683/23 684/18 684/20 684/25 685/25 687/21 688/1 688/6 688/9 688/21 689/12 696/24 701/6 703/16 709/11 711/18 714/13 714/19 716/18 716/21 717/21 717/22 720/17 721/1 721/15 727/4 727/12 727/12 731/3 731/11 732/5 732/9 733/25 734/23 735/6 735/20 737/7 737/22 743/2 743/5 743/5 743/7 743/13 744/25 745/19 747/6 747/7 747/22 747/22 748/10 749/4 749/7 750/11 750/18 750/23 751/9 751/24 752/5 756/22 757/6 757/7 759/19 764/10 772/11 773/13 773/15 773/19 773/22 776/21 811/12
sake [5] 208/18 508/9 608/24 649/2 682/13
Sales [2] 39/16 423/18
saliva [2] 265/22 316/24
Sam [1] 677/4
same [86] 29/13 48/4 61/9 97/11 102/24 125/23 133/5 142/15 150/21 154/2 175/1 176/9 213/21 237/16 237/18 237/20 246/8 260/3 273/12 273/16 273/24 279/2 280/8 282/3 283/2 283/9 284/2 284/5 290/9 292/18 306/17 317/9 317/11 317/23 317/24 318/8 318/23 320/9 321/14 323/2 332/21 335/2 358/4 415/13 424/20 452/3 462/21 463/18 481/5 483/7 484/9 493/5 504/17 510/15 518/5 523/19 523/20 535/13 551/10 552/13 552/14 552/17 560/1 562/12 589/17 598/16 598/20 604/6 604/19 610/2 610/5 610/5 623/16 629/4 702/13 713/11 730/11 735/25 736/1 757/16 766/18 772/24 782/18 783/4 783/12 808/16
Samoya [1] 604/19
sample [6] 225/12 225/24 264/22 265/3 265/22 267/18
samples [1] 447/10
SAMPSON [58] 1/18 2/3 2/6 2/8 2/25 3/3 3/5 3/10 3/12 3/20 3/23 3/25 4/2 4/8 4/24 5/13 5/15 5/23 6/6 6/13 16/20 16/23 16/24 17/4 17/9 75/9 112/9 122/15 124/21 126/11 183/5 191/24 202/12 204/17 212/17 223/23 229/24 263/18 271/20 276/5 280/1 293/15 475/17 478/24 489/4 491/25 492/22 493/11 493/19 495/14 503/12 527/17 653/9 656/9 660/22 669/4 681/6 723/24
sand [1] 174/8
sanitize [1] 276/25
Sara [2] 41/18 87/9
Sarah [1] 32/19
sash [1] 464/15
sat [11] 62/15 66/14 88/19 399/19 418/16 418/16 419/3 620/18 621/23 723/19 739/4
satisfied [4] 99/8 99/18 541/19 542/10
satisfies [1] 771/13
save [2] 58/4 256/9
saved [1] 654/19
savings [3] 252/17 258/12 497/2
saw [75] 51/8 61/21 71/12 107/7 107/15 119/11 120/10 123/1 133/25 134/5 146/16 147/23 196/3 198/13 208/19 211/2 220/10 228/12 250/19 256/14 320/9 324/9 336/19 341/12 344/25 348/23 354/1 354/2 356/20 360/20 363/5 368/10 372/14 387/22 391/9 410/18 412/21 414/5 415/18 415/24 431/10 445/23 489/13 501/12 507/17 514/20 514/23 515/2 515/4 515/17 516/3 517/17 518/4 518/5 518/6 523/15 558/17 558/21 562/17 562/18 586/18 588/16 610/16 625/5 639/9 712/21 714/20 715/24 716/2 719/2 719/2 734/1 761/10 769/20 805/3
say [240] 43/15 49/3 51/24 53/9 60/4 63/23 67/21 71/5 72/17 74/23 76/2 77/5 78/19 79/5 93/1 97/20 101/2 102/10 110/13 118/10 121/5 122/19 126/25 129/4 130/13 130/13 142/4 145/2 146/20 150/13 158/6 170/2 173/19 174/16 193/13 193/21 194/22 195/3 197/7 197/15 217/9 228/11 229/17 230/9 231/13 235/23 239/9 239/15 248/24 250/13 252/19 255/6 267/15 278/12 280/22 283/22 283/22 289/13 289/13 293/5 324/2 337/16 341/17 343/23 344/13 345/10 362/7 362/10 368/20 368/23 371/25 376/2 382/11 386/7 386/25 389/1 396/7 396/25 397/21 398/1 398/2 398/5 398/8 398/11 398/18 398/19 398/21 400/11 400/13 400/14 400/16 400/21 400/22 401/10 401/20 403/19 404/1 408/16 409/14 411/3 411/7 414/10 414/11 415/12 415/13 417/24 420/8 424/16 437/7 437/17 438/9 458/6 458/16 459/20 465/25 466/11 471/17 474/10 481/18 482/15 485/4 485/19 491/21 498/6 499/1 507/16 513/2 514/18 515/8 521/25 522/20 525/12 528/11 528/15 530/18 530/21 531/11 534/22 539/3 540/25 542/20 543/16 568/23 571/14 574/25 578/11 596/4 598/17 598/17 599/16 604/9 604/24 607/17 608/8 609/5 610/25 614/5 614/6 615/15 617/4 618/19 618/22 619/25 622/23 623/2 627/2 627/19 628/12 634/14 636/23 637/8 637/12 637/14 637/18 638/15 639/15 640/2 640/11 641/2 648/22 655/1 657/19 660/12 661/22 663/13 666/11 668/10 668/20 669/16 677/3 677/5 678/17 679/2 679/2 684/21 684/25 686/13 691/10 691/15 691/23 695/18 697/25 698/11 698/14 698/22 701/2 706/13 707/23

1454

S
say... [32] 709/21 716/17 716/19 716/20 716/20 717/13 720/24 721/15 721/15 722/12 724/3 725/9 725/20 730/4 737/11 746/6 747/25 750/16 750/17 761/9 764/2 764/25 770/17 773/13 773/23 789/11 789/17 805/12 805/23 808/21 810/13 813/19
saying [51] 62/13 82/16 83/22 84/4 91/3 112/10 129/19 213/22 227/3 246/17 309/6 330/8 358/25 359/20 360/4 360/8 363/13 363/14 364/2 377/22 392/17 403/1 404/20 445/2 484/7 507/19 507/25 580/22 600/21 607/12 624/19 626/6 627/21 639/19 660/14 667/10 670/11 677/17 677/24 683/18 721/3 721/9 721/11 742/10 742/25 750/9 786/25 787/1 807/2 808/12 809/15
says [108] 32/9 32/11 32/20 33/5 33/7 33/17 33/19 34/5 34/7 34/19 34/21 35/6 35/15 35/17 36/1 36/3 36/13 36/15 37/1 37/3 37/13 37/23 37/25 38/9 38/11 38/21 38/23 39/8 39/18 39/20 40/5 40/7 40/18 40/20 41/5 41/7 41/20 41/22 42/6 42/8 64/16 64/19 71/16 74/11 75/11 75/12 100/11 113/7 187/18 244/7 258/14 351/14 368/21 377/17 392/17 410/4 425/16 426/13 475/19 486/11 488/23 494/23 497/1 507/14 508/3 514/17 514/20 515/2 530/13 535/20 537/9 543/24 583/11 584/5 593/15 599/25 618/3 653/10 653/14 654/16 656/7 656/10 656/12 657/18 657/19 657/20 657/24 657/25 681/21 698/9 711/20 716/16 721/7 721/10 727/25 728/24 728/25 734/8 735/9 737/13 739/21 739/22 745/6 757/11 757/16 767/12 791/4 812/2
scab [2] 265/20 740/18
scale [2] 310/21 311/10
scaled [1] 305/5
scales [1] 724/13
scanning [1] 223/4
scared [44] 109/21 114/17 341/25 342/1 342/11 365/18 408/19 408/21 408/23 408/24 408/25 414/11 532/24 532/25 561/1 631/2 638/14 638/15 641/9 643/9 647/15 647/16 647/18 665/22 688/6 689/1 689/3 692/24 692/25 693/2 693/3 693/4 714/14 714/17 715/1 737/21 740/23 750/25 751/1 751/1 751/2 751/21 754/9 807/13
SCDC [1] 212/19
scenario [3] 223/1 378/6 519/18
scenarios [2] 446/17 519/16
scene [177] 8/14 8/21 10/17 58/9 58/25 59/2 59/3 67/1 71/8 71/11 108/14 120/25 121/1 121/4 121/9 121/19 122/25 123/24 125/9 125/10 125/16 125/22 126/4 126/13 126/18 126/20 126/21 128/1 129/5 130/12 130/18 131/2 131/3 132/5 133/24 134/3 153/9 153/14 153/21 153/23 154/1 154/4 156/21 156/23 156/24 157/1 157/7 157/12 157/14 157/20 157/25 158/2 158/3 158/4 158/5 158/6 158/7 158/13 158/15 158/20 158/24 159/1 159/10 159/11 159/15 160/17 161/15 161/23 161/24 162/3 162/13 162/20 163/4 163/11 165/16 165/19 165/20 165/22 165/24 166/7 166/9 166/11 166/17 167/2 168/12 169/19 170/20 173/13 173/15 173/25 174/5 178/7 181/14 182/11 184/6 185/2 189/22 189/25 190/1 190/4 190/10 190/15 190/20 191/7 191/11 191/17 192/1 192/3 192/18 192/19 192/20 192/21 192/22 193/8 196/6 196/23 197/6 201/7 201/20 201/25 202/25 203/23 205/16 205/23 205/25 206/1 209/22 213/17 217/16 217/21 218/1 218/17 218/18 218/20 249/9 262/7 270/18 280/11 281/13 293/18 296/4 297/7 297/10 297/12 297/16 297/23 298/1 298/13 298/20 299/6 315/1 315/9 315/11 316/7 316/10 320/1 322/16 323/7 381/14 381/19 473/2 474/23 475/25 476/8 476/11 476/13 476/22 506/8 526/14 526/15 586/9 586/11 589/15 711/24 711/25 716/23 745/12
scene when [1] 381/14
ScenePD [1] 201/16
scenes [6] 163/8 206/1 206/2 217/4 249/5 315/10
schedule [1] 472/18
scheduled [1] 472/4
scheduling [1] 188/25
school [14] 18/24 34/17 34/18 45/2 256/17 356/10 356/10 356/11 356/14 428/12 518/23 518/24 610/3 751/15
schools [2] 270/8 270/17
science [4] 38/8 222/22 565/8 565/16
sciences [3] 137/13 223/3 269/10
scissors [1] 275/1
scope [1] 573/11
score [4] 185/18 186/11 186/12 186/16
scores [1] 186/9
scorned [3] 110/23 752/17 752/19
scrape [7] 264/24 316/21 321/11 446/6 446/6 449/18 452/10
scraped [1] 266/21
scrapes [8] 434/19 434/21 435/3 435/9 436/13 446/5 449/12 740/14
scraping [4] 264/21 266/16 266/19 320/24
scrapings [8] 264/12 264/17 264/20 265/7 265/10 316/20 321/2 321/15
screaming [2] 352/17 624/18
screen [8] 143/20 244/21 251/17 498/18 498/19 499/6 516/7 756/19
screens [2] 496/20 515/19
scrolled [1] 509/5
scuffle [2] 174/17 736/9
scuffling [1] 418/5
se [1] 476/11
seal [10] 226/1 226/18 227/7 227/9 274/25 275/7 275/9 275/10 279/6 283/18
sealed [7] 227/5 275/19 283/18 320/10 323/3 495/15 504/17
seals [1] 167/11
search [8] 119/4 119/5 121/1 121/14 238/16 562/5 562/6 562/7
searching [2] 98/17 768/7
seat [85] 31/13 31/15 31/18 32/10 32/12 32/13 33/6 33/8 33/9 33/18 34/6 34/8 34/9 34/20 34/22 34/23 35/16 35/18 35/19 36/2 36/4 36/5 36/14 37/2 37/5 37/24 38/1 38/2 38/10 38/12 38/13 38/22 38/24 38/25 39/19 39/22 40/6 40/19 41/6 41/8 41/9 41/21 41/23 41/24 42/7 42/10 56/13 88/7 89/21 115/13 136/18 142/7 150/22 150/24 151/24 155/12 164/7 180/19 189/13 216/7 221/20 236/18 248/3 261/8 268/20 296/21 309/2 314/10 331/22 355/16 395/22 416/22 423/3 427/16 438/11 453/19 456/11 461/8 470/11 546/25 553/18 564/8 585/11 637/16 644/5
seated [72] 13/22 14/2 15/6 15/22 17/4 18/5 18/6 18/20 19/8 21/25 22/1 25/2 27/8 27/9 28/2 28/3 32/15 33/11 34/11 34/25 35/21 36/7 37/7 38/4 38/15 39/2 39/24 41/11 56/14 86/22 91/11 115/15 136/20 148/24 152/1 155/14 164/9 180/21 189/15 215/15 248/5 261/10 268/22 295/22 296/23 314/12 331/1 331/24 355/18 395/5 395/24 422/12 423/5 453/21 456/13 469/22 470/13 521/15 542/6 542/7 545/24 553/20 564/10 594/23 601/5 601/6 680/23 706/11 765/16 773/17 791/1 793/15
seatings [1] 87/17
seats [5] 87/5 87/14 88/2 89/23 150/23
second [38] 70/4 98/11 113/9 118/16 119/1 124/8 128/11 131/24 201/21 237/25 248/11 344/14 399/15 418/23 483/14 499/6 506/21 520/13 533/11 586/11 586/12 621/24 626/1 640/5 647/19 648/2 648/14 659/14 676/21 711/8 711/9 740/9 743/21 745/1 756/8 761/6 761/11 782/4
secondary [2] 299/18 299/21
seconds [5] 138/24 138/24 341/16 621/5 655/22
secret [1] 807/15
section [6] 45/11 269/12 269/14 276/13 299/17 777/24
sections [1] 723/18
secure [4] 162/6 162/7 218/16 534/19
secured [4] 120/25 167/10 167/20 193/17
securing [1] 565/9
security [2] 493/4 809/11
see [262] 46/14 47/2 52/11 53/17 59/2 71/10 73/8 73/9 110/7 114/11 117/4 118/9 119/11 119/25 120/8 121/2 121/16 125/2 139/3 139/6 139/8 141/15 144/8 145/16 145/18 145/21 146/17 146/20 147/24 148/2 154/3 162/5 163/5 166/2 166/13 166/25 171/15 183/14 193/12 196/3 199/15 200/15 200/20 201/20 203/3 209/17 214/23 227/14 227/15 227/16 227/16 230/8 232/14 234/2 234/6 235/19 250/16 251/17 255/10 255/17 255/19 258/22 259/17 265/4 276/6 287/7 287/8 287/13 293/19 299/14 299/25 325/15 328/25 329/8 336/14 336/20 341/10 344/20 344/24 351/4 356/19 356/24 358/3 359/4 359/5 362/6 363/19 364/15 364/16 366/23 368/20 368/24 372/1 372/2 372/13 373/1 374/16 379/22 381/24 389/15 391/6 391/8 404/5 404/14 408/9 408/10 409/5 409/12 409/22 409/23 410/15 413/17 413/18 413/23 414/2 414/3 414/17 418/1 419/5 419/8 420/16 431/15 434/18 435/9 435/19 436/7 436/8 436/14 436/16 437/6 444/10 446/8 446/16 446/18 451/19 465/9 476/10 476/18 479/22 480/4 482/2 486/20 488/11 493/5 497/6 499/6 499/13 499/19 499/23 500/8 500/21 500/22 500/25 501/3 501/3 501/6 501/8 501/10 501/21 501/24 502/4 503/5 507/13 507/19 507/20 507/25 508/2 508/6 508/23 516/7 516/10 516/12 522/17 523/13 523/20 530/25 548/12 563/15 570/11 578/17 590/14 610/17 614/2 614/23 614/25 615/11 620/19 621/4 621/12 623/19 623/20 624/17 625/15 625/15 626/2 626/9 629/19 629/19 629/21 631/22

S

see... [62] 634/24 635/7 635/14 639/4 649/20 651/18 651/21 652/1 652/3 652/6 652/21 655/7 655/9 660/10 662/18 662/23 662/25 663/6 665/11 665/12 665/14 665/15 665/16 666/6 681/4 681/22 695/4 715/16 717/6 717/14 728/23 728/24 731/11 731/13 732/23 732/25 736/6 736/8 736/11 736/11 736/12 736/24 736/24 737/3 742/7 742/20 742/21 749/14 753/16 754/17 755/11 755/17 755/23 756/8 756/13 756/15 756/16 756/17 757/23 758/10 759/14 813/24
seeing [15] 182/20 228/13 246/5 336/16 348/16 361/14 361/17 362/14 362/16 372/12 424/4 605/3 617/10 652/16 808/19
seeks [1] 304/8
seem [6] 321/3 340/23 458/8 458/20 712/16 753/19
seemed [5] 458/9 458/10 714/24 741/12 748/20
seems [4] 50/9 679/20 713/23 808/13
seen [44] 52/24 55/5 71/14 161/18 161/21 199/2 235/22 289/20 362/17 368/8 403/23 404/6 406/13 407/12 407/13 408/10 414/7 443/14 477/9 477/10 496/10 499/4 500/12 501/14 510/7 516/25 517/3 526/21 532/17 550/9 573/18 589/18 629/16 629/21 629/22 639/8 644/20 644/25 648/10 652/2 652/5 695/17 714/23 755/10
sees [2] 751/12 759/4
seized [4] 508/17 508/18 509/19 509/20
select [4] 12/6 31/2 89/16 90/13
selected [14] 13/10 22/11 29/16 31/18 31/21 42/1 42/12 42/21 43/5 87/3 90/7 151/2 257/8 787/19
selection [1] 42/16
self [73] 50/6 52/3 54/25 114/23 519/11 519/14 519/16 520/8 535/19 535/20 535/25 536/14 537/13 537/15 695/16 696/14 697/5 697/5 697/21 698/3 699/1 699/6 699/7 702/1 710/5 710/6 710/15 711/6 711/9 713/3 715/4 715/5 726/20 738/2 738/20 740/23 740/25 741/3 741/5 745/23 745/25 746/6 746/9 746/9 746/14 746/15 747/8 752/12 753/6 760/23 760/24 761/6 781/4 781/4 781/8 781/12 781/17 781/20 782/2 782/4 783/13 783/18 783/19 783/23 783/25 784/4 784/11 787/5 787/12 791/5 801/24 802/1 812/15
self-defense [72] 50/6 52/3 54/25 114/23 519/11 519/14 519/16 520/8 535/19 535/20 535/25 536/14 537/13 537/15 695/16 696/14 697/5 697/5 697/21 698/3 699/1 699/6 699/7 702/1 710/5 710/6 710/15 711/6 711/9 713/3 715/4 715/5 726/20 738/2 738/20 740/23 740/25 741/3 741/5 745/23 745/25 746/6 746/9 746/9 746/14 746/15 747/8 752/12 753/6 760/23 760/24 761/6 781/4 781/4 781/8 781/12 781/17 781/20 782/2 782/4 783/13 783/18 783/19 783/23 783/25 784/11 787/5 787/12 791/5 801/24 802/1 812/15
self-protection [1] 784/4
seminars [2] 270/25 297/21
send [12] 386/18 448/25 472/8 668/8 747/9 764/16 789/24 791/9 791/11 791/12 791/12 791/16
sending [2] 786/7 791/13
senior [2] 156/7 158/7
sense [27] 23/8 23/9 24/3 24/3 25/23 25/23 30/5 30/18 93/12 93/13 94/19 95/1 95/6 197/12 679/22 699/10 716/6 730/16 735/6 743/16 762/21 762/23 762/24 766/5 766/5 774/23 785/12
sensible [1] 678/11
sensory [1] 769/20
sent [10] 54/14 175/21 244/24 279/9 281/4 448/25 464/11 545/1 695/25 701/19
sentence [6] 523/9 805/5 811/7 812/9 813/21 814/7
sentencing [4] 6/16 799/21 802/23 814/6
separate [10] 83/7 274/6 274/20 311/25 316/21 350/25 537/9 567/16 650/5 789/19
separated [3] 274/18 277/19 277/23
separates [1] 274/20
sequence [1] 170/16
sequester [1] 85/16
sequestered [1] 112/16
sequestration [3] 85/20 85/24 85/25
sergeant [31] 58/1 192/2 204/2 218/10 218/13 296/24 297/5 297/6 300/18 301/15 305/16 306/9 313/3 470/21 470/22 472/13 472/14 473/3 473/10 474/17 477/13 477/13 479/16 491/21 521/2 521/10 521/22 524/11 730/20 730/20 731/1
Sergeant Johnson [1] 521/2
series [1] 300/19
serious [19] 53/15 608/13 711/11 711/13 712/25 713/7 713/9 713/15 715/7 782/6 782/8 782/15 782/21 783/10 783/15 783/22 783/24 784/6 784/16
seriously [2] 711/18 801/8
seriousness [1] 476/7
serology [2] 262/20 262/24
serve [7] 88/15 328/24 534/15 545/2 706/16 798/20 810/25
served [6] 97/10 97/10 216/16 328/20 421/15 814/10
serves [1] 89/8
service [18] 43/1 116/19 167/17 182/2 282/12 423/18 423/20 423/23 463/22 566/11 577/6 577/7 582/22 583/5 707/24 758/13 788/23 798/15
services [3] 20/5 36/25 582/25
serving [4] 102/20 217/14 797/24 798/12
sessile [1] 184/22
SESSIONS [5] 1/1 13/9 13/12 565/18 815/14
set [35] 52/9 93/9 109/21 110/18 111/14 112/25 114/16 120/25 165/24 166/4 193/12 225/7 225/8 262/25 298/15 366/12 511/2 511/3 512/4 513/1 520/13 520/19 674/19 676/25 723/1 727/1 732/10 734/13 734/17 752/8 777/20 785/15 785/21 800/15 800/24
sets [4] 22/12 729/2 729/3 730/24
setting [3] 121/2 143/8 213/17
seven [29] 109/18 109/18 109/20 110/9 110/12 110/13 110/15 110/16 110/17 111/2 114/3 114/17 114/18 115/24 217/8 217/8 217/9 252/14 252/19 252/21 350/19 350/20 463/2 471/21 693/16 725/20 727/5 736/16 736/16
Seventeen [1] 396/8
several [50] 16/19 26/19 27/13 43/7 54/9 61/14 61/22 70/7 72/21 106/3 133/11 161/15 194/6 262/8 288/20 291/22 292/6 389/5 472/1 477/5 478/8 480/1 493/25 525/13 538/9 555/20 558/5 566/20 572/4 572/22 583/18 619/7 620/10 620/11 640/23 641/2 641/3 641/4 641/5 710/7 715/13 716/12 716/24 717/12 724/10 731/22 791/8 798/4 800/17 808/2
severity [1] 63/5
sex [3] 113/3 113/17 608/17
sexual [2] 57/14 328/14
shackles [1] 596/13
shag [1] 292/5
shaking [5] 66/11 187/13 332/13 483/10 487/20
shall [3] 56/9 91/4 91/7
shame [1] 809/23
Shandon [1] 40/16
shape [9] 104/3 224/21 224/24 225/1 227/16 232/10 504/17 708/5 708/23
share [8] 13/13 19/17 22/13 22/20 44/25 45/2 101/2 808/1
shared [3] 44/12 766/21 812/2
Sharon [2] 42/4 87/10
sharp [1] 103/12
Sharpe [5] 20/14 154/21 180/9 180/22 188/14
shavings [2] 224/10 224/15
she [363] 12/17 49/18 59/7 59/9 72/24 75/9 75/10 78/11 80/1 80/1 86/11 105/16 106/20 106/21 106/22 106/22 106/24 106/25 107/1 107/1 107/15 107/17 107/21 111/7 111/12 111/15 111/17 112/15 113/3 122/9 135/3 137/17 139/21 139/23 183/18 183/19 183/21 183/23 184/2 184/5 186/17 186/20 188/1 192/8 192/9 192/9 192/10 192/23 209/17 209/17 223/20 263/15 263/24 278/21 334/17 335/13 335/13 338/10 338/12 339/6 339/8 346/10 346/21 347/9 350/5 350/21 350/24 355/1 369/13 372/18 396/25 397/8 399/10 399/15 399/15 399/17 401/9 401/9 401/10 401/13 402/6 402/16 402/17 402/23 402/25 403/8 405/12 405/20 405/23 407/1 407/21 407/22 410/23 410/24 410/24 410/25 411/1 411/3 411/7 411/17 411/19 411/20 411/21 411/23 411/23 411/25 414/25 415/1 415/1 415/3 415/9 415/10 415/10 429/4 455/4 467/2 467/3 467/3 468/8 475/10 475/12 475/15 475/18 475/19 477/19 477/24 477/25 480/2 480/3 480/3 488/1 492/15 492/18 492/23 506/24 514/20 514/22 514/23 514/25 515/2 515/4 515/4 515/5 522/20 523/2 523/2 523/3 523/11 523/12 523/14 523/15 523/20 523/22 524/12 524/16 524/19 529/21 530/13 531/19 539/9 543/24 556/10 556/12 557/18 557/18 557/20 557/21 557/22 557/23 557/24 558/1 558/2 559/2 559/4 559/7 561/3 580/23 584/2 587/9 587/13 587/14 587/14 587/15 587/16 587/18 588/11 588/13 588/14 588/16 588/16 588/18 589/18 589/23 590/14 590/14 590/15 597/9 597/11 597/11 599/9 604/12 604/18 605/3 605/16 606/22 606/22 607/3 607/4 607/9 607/23 607/24 608/2 608/2 608/8 608/8 608/9 608/11 608/11 608/12 609/13 609/18 615/7 615/7 615/9 615/10 615/15 618/6 618/9 618/12 618/14 619/4 619/5 619/24 619/25 620/8 620/19 621/12 621/13 624/19 627/20 644/5 647/6 649/4 649/10

1456

S

she... [119] 649/11 649/12 649/13 649/14 649/15 649/15 649/16 649/18 652/8 656/3 656/7 656/10 656/12 656/18 657/7 667/11 667/14 669/2 669/15 669/19 673/2 673/19 674/1 676/10 676/12 677/14 678/10 688/12 689/11 689/12 689/23 689/23 690/3 690/14 690/23 691/1 691/5 691/13 691/20 691/20 691/21 692/7 692/7 692/20 702/7 707/15 712/15 714/15 714/15 714/16 714/17 714/19 714/20 716/16 716/19 716/20 716/20 716/20 723/25 728/23 728/24 731/7 731/11 731/11 732/5 732/15 732/16 732/18 733/18 734/8 734/9 734/13 735/10 735/10 735/20 739/20 740/11 741/20 742/5 743/5 744/15 744/24 745/18 745/18 749/18 749/19 749/20 749/21 750/6 750/7 750/7 750/10 750/11 750/16 750/17 750/18 750/19 751/5 751/6 753/15 753/17 759/18 760/1 775/21 794/25 799/5 804/13 804/14 804/14 804/15 806/11 809/3 810/2 810/3 810/5 810/6 811/12 811/13 811/13

She'd [1] 749/3

she's [24] 110/20 111/14 154/22 154/23 345/12 354/25 541/20 553/8 600/5 604/2 626/5 653/24 654/14 677/17 677/24 677/25 678/3 687/24 699/25 732/24 732/25 733/21 742/5 759/18

sheet [6] 106/21 156/24 166/20 321/5 479/14 799/21

sheetrock [4] 9/19 299/17 464/4 504/10

Sheila [4] 155/15 155/17 192/9 192/20

shell [20] 107/10 121/14 122/1 122/2 124/24 132/18 133/2 133/14 170/19 170/21 185/6 195/18 206/5 527/21 717/5 717/8 729/12 729/14 730/4 730/21

Sheray [1] 654/12

sheriff [2] 166/5 513/1

Sheriff's [40] 12/16 19/23 20/9 56/24 57/4 61/20 63/17 115/22 115/25 155/16 156/1 165/18 165/23 216/14 217/7 248/15 248/18 254/9 261/19 269/7 297/6 297/9 314/25 315/2 315/6 322/15 330/1 470/25 471/1 471/6 471/18 481/14 481/16 481/18 484/5 494/14 512/6 573/7 585/23 585/24

sheriffs [1] 153/8

Shield [1] 34/3

shift [10] 116/4 116/14 116/25 117/1 217/1 217/25 471/22 471/23 472/14 726/17

shifts [3] 116/5 726/20 772/19

Shirley [1] 680/19

shirt [26] 144/8 144/9 145/21 146/23 147/24 194/7 322/5 322/5 325/2 325/6 325/13 325/13 365/3 367/16 391/23 418/3 436/25 497/19 500/9 501/22 662/25 742/20 747/20 756/14 758/11 760/11

shirts [1] 120/3

shit [3] 673/9 674/11 733/5

shoe [13] 190/10 200/16 200/22 201/4 207/15 207/25 208/3 208/4 209/4 209/23 210/1 211/3 736/13

shoes [15] 200/22 208/14 208/20 208/24 210/25 211/7 365/3 367/17 410/8 418/4 500/9 731/18 731/21 735/25 754/7

shoot [27] 60/9 70/10 70/12 133/2 478/13 514/21 515/3 519/15 519/15 519/17 519/18 519/20 519/23 520/8 531/13 648/6 660/18 664/4 664/6 685/23 686/3 687/7 752/24 758/25 759/1 784/14 812/16

shoot/don't [2] 519/15 519/17

shooter [20] 288/11 288/12 289/13 290/25 291/1 291/2 292/16 292/24 292/25 294/3 294/5 305/18 313/8 313/9 437/18 527/24 530/14 530/17 531/1 728/13

shooting [45] 22/18 22/19 76/8 76/12 103/8 108/12 165/12 190/15 192/10 192/25 218/11 270/18 297/19 297/24 298/19 425/17 502/8 519/11 525/10 529/11 531/1 531/14 536/19 536/23 628/22 638/12 638/20 648/8 660/9 660/11 660/21 661/14 666/19 666/22 709/8 711/2 719/1 728/16 736/19 745/3 752/21 755/4 756/6 757/3 812/24

shoots [12] 113/21 114/9 290/21 663/25 714/10 740/6 742/22 744/3 751/20 752/10 752/11 754/16

Shop [2] 611/1 613/22

short [12] 59/10 103/12 103/12 213/14 282/22 322/4 406/21 410/12 508/9 559/5 804/18 804/21

shorter [1] 632/14

shortly [14] 44/7 139/2 398/1 398/6 400/20 405/10 406/25 407/19 588/9 604/10 666/21 766/4 775/5 788/2

shortness [1] 433/20

shorts [3] 322/4 742/19 756/14

shot [119] 54/18 54/20 67/5 70/24 71/19 76/12 108/3 109/25 110/3 110/8 113/25 114/19 139/20 146/6 194/12 228/21 229/17 230/24 232/13 232/15 232/15 235/6 235/7 235/10 235/18 235/21 235/25 293/21 309/20 309/20 354/14 360/10 360/12 364/4 365/13 365/25 379/13 381/24 408/23 415/20 434/13 434/25 435/23 436/2 448/5 450/24 451/1 451/16 451/21 488/18 491/10 500/18 501/17 515/5 519/24 522/22 523/4 525/8 526/6 530/22 531/2 533/1 536/4 536/11 536/12 590/14 626/8 627/25 628/12 638/22 647/22 663/10 664/2 664/2 664/14 664/18 664/19 668/2 669/24 684/23 688/24 698/12 709/14 709/18 709/19 709/22 711/17 714/20 717/21 722/5 728/5 728/6 728/20 728/25 729/6 729/8 731/11 731/13 734/24 740/7 740/8 740/9 743/5 743/8 746/25 747/7 747/14 756/19 756/24 756/25 757/19 757/22 758/24 759/1 760/2 760/13 763/3 763/4 784/13

shots [19] 117/2 117/25 138/11 138/12 138/14 138/17 139/21 145/3 145/8 198/9 244/15 292/20 502/10 502/22 528/7 528/9 728/2 728/8 738/19

should [38] 54/6 54/6 55/9 96/25 101/25 143/11 150/19 184/8 199/6 203/15 227/5 255/9 255/16 258/22 259/17 279/11 279/12 281/6 327/16 497/9 497/10 534/20 571/10 596/17 713/15 748/6 753/3 769/9 772/3 773/4 773/9 773/21 773/23 779/19 779/20 781/10 782/21 803/16

shouldn't [6] 411/4 740/20 749/24 758/25 759/1 761/19

shouting [1] 557/9

show [97] 44/9 46/11 62/22 105/25 106/2 106/4 120/23 122/16 125/21 126/21 161/20 168/3 169/22 170/1 170/17 179/6 179/6 182/23 183/6 198/2 199/5 199/13 201/14 202/13 241/21 250/17 253/23 279/1 284/22 293/16 300/18 301/15 302/11 303/11 305/5 308/4 310/19 313/3 317/4 318/5 318/19 322/22 324/4 328/16 328/18 328/19 346/17 348/18 349/9 352/21 373/10 386/9 389/23 413/1 413/4 421/4 421/18 424/7 438/13 440/8 441/5 441/6 441/12 484/1 488/17 488/19 489/8 489/10 498/5 504/3 526/16 528/18 529/1 532/11 550/3 567/9 569/8 569/10 573/21 589/20 589/21 612/20 635/6 636/4 636/24 644/15 645/25 646/11 653/5 679/1 717/8 717/9 726/18 727/23 745/8 759/17 782/25

showed [21] 66/16 124/25 148/3 157/12 168/5 218/24 252/6 253/7 305/17 325/18 475/10 490/19 561/25 572/6 646/6 646/8 646/14 739/24 743/24 744/6 760/6

shower [1] 555/2

showing [42] 81/25 140/2 142/9 159/4 162/25 173/8 174/25 198/4 206/23 219/2 233/25 253/2 275/12 300/11 300/19 300/24 301/18 302/13 307/14 310/12 342/25 349/9 379/2 389/25 392/8 399/25 429/22 438/15 439/9 442/4 442/24 462/25 490/16 495/7 504/5 518/18 529/15 566/15 578/9 608/7 710/23 779/12

shown [13] 214/11 421/19 696/14 713/4 713/9 727/24 779/4 779/5 779/8 780/9 780/24 782/9 782/16

shows [18] 233/17 259/2 328/9 328/10 463/8 498/13 527/18 532/15 532/19 575/6 717/10 719/1 723/20 724/21 735/7 735/11 741/18 813/10

shut [5] 414/6 414/8 475/12 483/22 627/10

sic [1] 604/2

side [33] 31/3 31/16 114/10 125/24 126/13 175/4 175/5 194/16 218/15 273/14 273/14 288/10 288/12 288/25 311/13 360/11 415/2 431/18 433/11 433/13 441/15 477/5 477/5 499/21 539/16 614/4 614/9 632/21 656/17 726/25 771/19 775/25 785/9

side-by-side [1] 477/5

sided [1] 225/19

sides [13] 15/3 17/25 18/15 19/5 21/22 27/5 27/23 92/14 534/18 705/21 735/22 791/8 801/22

sidetracked [1] 214/16

sidewalk [4] 634/2 635/1 636/2 636/3

sight [1] 502/3

sign [17] 64/16 65/7 71/25 72/4 220/17 220/17 319/12 319/15 421/21 426/7 426/9 479/18 486/8 487/4 487/7 487/7 786/24

signal [5] 620/21 620/23 620/24 630/1 630/14

signature [2] 343/7 351/23

signed [17] 63/12 64/12 65/2 81/4 81/12 352/9 467/1 467/2 480/24 486/18 486/21 487/5 487/6 580/22 791/23 794/2 794/14

significance [7] 87/16 154/9 166/16 417/20 442/20 716/15 766/19

significant [2] 166/25 178/18

significantly [1] 432/23

signing [1] 89/1

signs [1] 486/25

silent [3] 63/21 485/17 539/5

silently [1] 343/10

silver [3] 169/13 318/21 319/19
similar [9] 26/6 30/3 230/11 269/17 280/9 280/12 286/23 635/4 782/18
similarities [1] 598/20
simple [12] 101/12 186/5 187/10 187/11 721/3 738/17 738/19 738/21 748/15 760/18 760/19 763/6
simplest [1] 724/17
simply [23] 13/16 72/1 72/4 79/5 84/8 89/20 92/15 97/15 98/15 98/24 99/5 99/16 230/20 509/1 535/20 766/15 769/7 772/18 774/23 776/8 779/17 786/10 812/23
Simpson [2] 18/9 36/10
Simultaneously [1] 104/16
since [27] 51/10 57/7 77/20 91/17 117/7 256/16 262/22 297/9 297/10 356/8 356/14 384/7 433/18 471/9 496/10 510/22 517/3 517/16 535/10 541/15 565/4 603/21 604/5 695/13 810/21 814/3 814/10
sincere [3] 98/16 609/12 768/6
sincerely [4] 93/1 792/19 797/25 798/5
single [6] 228/3 447/9 514/11 760/12 760/15 761/8
sir [194] 12/7 14/1 14/25 15/4 18/22 19/1 19/7 21/19 24/17 24/21 26/24 27/20 27/24 28/16 29/7 29/9 42/19 46/19 46/22 47/7 47/8 56/13 73/21 74/1 76/23 83/20 84/18 86/15 135/25 136/1 136/2 137/19 138/7 140/7 140/12 141/20 142/6 142/14 142/17 142/20 143/25 144/3 148/1 148/4 148/15 149/1 149/6 149/8 152/22 153/1 153/18 154/11 154/17 164/24 165/8 166/1 166/24 168/2 168/16 169/10 170/10 170/12 171/18 178/8 178/16 178/20 178/22 179/14 180/5 180/6 188/12 210/17 211/12 212/11 212/13 217/1 219/16 220/3 221/3 221/4 260/17 295/6 298/5 298/9 300/10 300/23 301/5 301/17 301/18 301/24 302/12 302/13 302/20 303/13 303/14 303/23 306/10 306/15 307/11 313/6 313/11 313/17 313/18 313/20 313/21 317/15 322/1 326/10 326/17 328/3 329/17 330/21 330/23 340/11 340/13 394/14 394/24 395/2 397/7 422/5 422/6 444/5 467/24 469/6 469/17 491/23 520/24 521/1 522/24 524/5 539/7 539/12 539/14 539/18 539/25 540/4 540/15 540/18 541/4 541/10 541/13 541/18 541/22 542/2 542/4 542/5 543/1 543/6 543/8 565/25 567/23 574/10 584/20 590/23 592/4 592/6 594/13 594/20 595/23 597/5 597/6 597/21 601/2 601/15 613/3 633/11 637/10 651/11 675/8 675/10 680/2 680/11 680/12 680/15 680/17 693/23 693/25 705/13 705/15 707/20 707/20 763/22 765/12 789/6 791/25 792/9 793/10 793/19 799/16 799/20 800/10 806/21 810/18 814/11
sirens [1] 181/16
sister [2] 647/7 712/6
sisters [2] 83/23 102/2
sit [18] 43/21 87/7 89/22 110/19 112/1 126/14 198/1 418/15 454/2 483/5 502/6 613/25 661/16 675/17 675/19 724/2 738/3 774/16
site [1] 573/8
sitting [13] 63/8 88/13 110/14 119/14 337/17 350/7 357/5 432/9 488/18 491/3 611/2 689/16 723/13
situation [17] 45/17 75/4 76/21 366/10 393/14 401/24 683/20 698/20 699/18 713/24 714/25 780/7 783/12 804/10 804/11 805/1 806/5
situations [4] 51/21 52/2 79/13 785/21
six [18] 54/20 110/17 121/16 252/5 252/24 253/1 274/6 347/24 347/24 428/4 436/8 442/23 457/12 463/2 477/6 482/15 564/23 801/11
six feet [2] 121/16 442/23
six inches [1] 436/8
size [3] 257/13 257/18 430/6
sizes [1] 784/8
sketch [1] 202/1
sketches [1] 201/19
skill [2] 531/10 531/12
skin [9] 316/20 431/18 432/4 432/15 433/12 434/2 435/13 436/13 441/11
skip [1] 684/1
skipped [3] 66/1 121/22 338/16
slam [1] 632/21
slanted [1] 731/3
slanting [1] 309/5
SLED [16] 20/12 191/1 222/5 223/10 226/2 226/17 226/21 269/18 270/4 270/13 279/9 281/4 318/2 448/25 565/3 728/17
SLED's [1] 222/23
sleep [12] 138/5 138/6 147/4 400/11 400/12 400/13 400/17 400/24 454/22 472/19 740/5 754/12
sleeping [6] 108/8 339/18 417/24 750/1 750/23 751/11
slept [3] 65/24 72/12 72/13
slide [1] 736/11
slight [1] 289/10
slightly [6] 280/10 280/17 288/9 288/12 288/14 730/13
sling [1] 632/12
slow [4] 61/24 258/17 487/16 558/6
slowed [3] 448/13 448/14 448/17
slowly [1] 482/5
slows [3] 410/10 502/2 756/10
sluggish [2] 61/23 72/8
small [10] 66/23 124/10 187/21 436/12 626/20 629/3 629/5 660/5 721/25 808/13
smart [1] 512/24
Smith [12] 14/17 20/6 24/24 25/1 34/2 280/4 280/25 281/10 282/23 282/25 291/17 677/4
smoke [1] 450/20
smoked [4] 72/13 72/15 450/14 450/18
smoking [3] 65/23 651/1 708/21
smushed [2] 729/15 759/19
sneakers [1] 322/3
snip [1] 502/14
snippet [1] 502/13
snippets [1] 502/21
so [1030]
soak [1] 276/24
sobbing [3] 62/12 478/6 483/9
sober [1] 785/4
Social [1] 36/24
socially [5] 14/6 15/25 16/12 17/7 19/16
society [2] 812/14 813/1
sociology [2] 150/18 150/18
socks [2] 322/6 418/4
soft [4] 285/24 286/1 433/15 434/4
software [1] 249/23
solders [1] 231/19
sole [7] 15/19 29/19 97/22 767/6 774/10 774/11 777/13
soled [1] 287/6
solely [3] 71/11 71/11 537/25
solemnly [31] 115/8 136/13 151/19 155/7 164/2 180/14 189/8 210/2 221/15 236/13 247/23 261/3 268/15 296/16 314/5 331/17 355/11 395/17 416/17 422/23 427/11 453/14 456/6 461/3 470/6 543/25 546/20 553/13 564/3 585/6 602/1
SOLICITOR [47] 1/18 1/19 16/8 16/9 16/13 16/25 17/1 21/12 28/15 29/6 55/4 74/17 76/14 82/1 84/24 86/14 103/1 109/12 110/10 115/1 124/8 124/19 134/11 143/8 147/19 151/11 160/12 178/3 213/22 215/20 263/16 296/7 331/8 395/10 416/6 420/20 422/16 469/16 493/17 495/13 677/2 681/2 694/8 707/15 738/9 763/10 803/4
Solicitor's [2] 21/6 239/17
Solicitors [2] 16/17 16/17
solution [1] 276/25
some [194] 13/11 22/14 23/4 29/16 48/18 49/5 51/11 52/18 53/5 55/16 55/17 58/7 58/9 63/3 65/23 68/7 73/19 77/24 78/10 80/5 85/17 89/7 89/15 89/17 90/10 92/7 92/7 95/11 97/9 100/23 101/25 102/1 102/13 104/3 106/15 107/11 107/18 111/4 112/12 114/9 114/10 114/10 121/14 122/2 122/5 124/10 131/6 133/9 133/9 134/22 150/22 150/22 150/23 151/1 168/13 169/8 170/17 191/5 192/25 193/3 193/18 194/8 195/16 198/2 199/2 199/9 206/11 207/25 208/3 209/1 213/13 213/15 228/24 230/10 230/16 230/19 231/20 233/22 249/8 251/14 252/23 253/9 253/10 255/24 259/17 259/17 263/24 264/11 266/25 280/9 289/9 289/9 293/11 296/1 296/5 298/19 325/7 332/12 335/15 342/23 367/18 368/20 368/21 368/23 371/2 384/25 398/6 418/3 435/6 435/12 438/8 438/13 441/23 450/20 452/15 465/11 472/19 472/21 472/21 474/10 477/3 483/4 483/20 485/12 502/16 506/9 516/9 516/10 525/2 526/10 528/21 533/17 534/9 537/11 544/23 561/22 571/9 581/4 581/14 589/7 598/20 603/20 606/6 609/5 617/15 621/24 644/12 645/15 656/24 664/11 664/15 679/25 695/11 698/24 699/16 701/7 701/11 702/11 703/19 706/21 708/17 722/12 723/12 724/20 725/7 726/8 727/12 730/11 730/12 735/16 735/21 740/17 743/17 743/18 753/16 757/5 761/4 762/18 764/20 766/21 768/8 775/9 775/14 777/8 777/15 777/17 786/14 788/5 788/8 791/12 800/3 801/8 801/12 805/11
somebody [79] 66/15 73/4 89/1 89/2 95/1 139/20 146/19 185/17 185/24 186/11 187/3 187/12 228/23 229/17 232/14 233/4 235/21 250/11 271/22 287/4 287/5 327/2 330/9 330/9 338/7 358/9 360/4 381/18 383/8 387/18 414/14 418/12 426/7 444/6 446/21 466/12 466/18 473/9 488/7 488/11 504/19 530/3 537/2 545/2 545/5 549/8 607/18 623/16 623/17 623/22 623/24 625/12 629/16 630/20 630/21 630/25 631/8 631/12 631/21 632/3 640/9 646/2 666/13 668/2 671/11 671/11 678/13 679/1 730/17 741/21 745/3 747/14 748/16 749/23 758/13 758/24 760/13 761/18 813/16
somehow [5] 110/24 111/2 280/16 743/13 808/11

S

someone [60] 23/3 73/2 75/4 106/2 107/16 118/5 119/11 126/25 129/13 160/16 183/14 194/17 225/23 228/7 229/1 230/17 358/21 359/6 360/13 364/21 364/22 406/15 406/19 414/12 418/1 418/23 433/22 436/1 436/24 437/5 441/18 451/20 473/13 476/4 482/25 483/2 488/5 519/20 520/7 530/21 531/17 533/1 558/21 558/25 599/20 624/4 626/2 642/5 669/11 669/16 673/19 674/2 678/18 715/25 721/22 728/15 729/6 742/22 769/25 771/12
someone's [4] 265/18 265/21 447/7 726/24
something [126] 12/10 23/5 30/2 43/14 44/10 45/11 46/1 48/25 49/4 52/22 54/6 77/5 80/8 91/22 91/23 92/22 93/5 95/7 95/11 97/17 100/9 100/10 100/20 101/1 105/1 117/4 138/6 144/11 167/14 173/23 174/22 196/13 213/25 214/7 214/9 226/21 228/8 228/12 230/9 252/17 265/3 270/7 290/5 298/14 299/6 299/20 299/20 305/12 328/4 330/10 357/25 359/10 359/12 359/18 360/9 360/9 360/11 363/13 364/2 374/10 382/15 406/14 418/13 423/16 436/2 437/4 452/16 452/17 468/11 482/24 504/3 534/20 547/22 552/6 552/7 557/7 557/14 558/19 573/13 577/9 581/6 588/8 589/8 599/9 606/17 611/11 616/1 620/1 620/16 620/20 621/12 624/11 625/2 625/16 630/19 631/3 650/23 673/3 674/20 680/1 686/19 687/24 698/5 701/1 701/1 716/14 732/6 734/6 748/3 758/17 769/20 769/21 772/25 773/8 774/18 774/21 775/1 789/13 791/7 791/10 798/8 798/9 803/17 805/2 805/8 806/13
sometime [1] 57/24
sometimes [44] 43/17 44/16 44/25 55/13 112/7 173/1 173/4 175/21 176/1 193/2 195/5 196/18 234/4 238/3 238/3 238/5 239/2 239/3 242/24 245/8 256/24 257/2 276/18 277/6 280/15 286/4 286/4 288/14 362/3 370/9 375/16 375/16 375/17 386/22 386/23 412/7 412/8 412/10 449/18 543/24 684/7 704/8 704/9 739/12
somewhat [6] 66/10 68/10 228/9 292/6 524/15 524/25
somewhere [12] 374/11 413/13 418/20 446/16 472/15 582/6 642/21 660/16 660/17 683/19 729/4 747/13
son [32] 21/11 105/6 347/19 361/6 361/8 362/6 362/8 362/14 366/9 367/10 368/24 457/18 457/19 457/20 488/1 551/24 554/3 554/9 554/24 602/25 604/2 606/20 607/22 607/22 610/19 616/10 644/6 762/11 804/9 807/20 809/10 812/20
son's [4] 356/6 366/7 457/21 603/1
Sonic [1] 375/4
Sonic's [1] 375/3
Sonny [9] 672/2 684/2 684/10 684/13 684/16 685/14 685/17 686/9 686/24
soon [11] 162/7 162/9 217/21 294/25 364/4 533/23 595/24 623/24 638/10 715/14 759/4
soot [6] 436/2 436/4 436/7 436/9 437/3 744/22
sorry [71] 24/23 47/17 51/8 68/3 72/3 116/25 117/5 127/25 129/10 130/4 141/18 197/7 221/7 241/16 248/13 251/12 257/15 260/7 264/13 267/2 278/20 314/17 315/3 339/1 342/3 345/10 367/22 370/23 372/7 382/16 388/18 388/20 397/22 399/5 420/4 424/16 426/24 444/3 459/7 468/17 481/20 484/23 498/4 515/12 525/21 547/12 551/5 555/9 568/14 595/6 595/19 595/21 608/8 627/21 627/21 627/21 635/25 656/6 658/15 670/23 695/24 805/24 805/24 806/4 806/7 807/10 808/9 808/12 808/21 809/14 809/15
sort [9] 98/20 169/8 191/5 224/2 231/24 452/15 462/17 708/17 735/21
soul [1] 810/16
sound [3] 632/24 739/2 739/3
sounded [2] 59/16 747/22
sounding [1] 178/11
sounds [3] 197/9 747/23 812/6
source [4] 273/21 282/22 288/8 777/2
SOUTH [23] 1/1 1/4 1/9 13/20 16/6 20/11 20/19 34/4 42/5 91/6 97/22 137/11 152/12 222/4 271/6 564/25 565/16 565/17 565/18 794/9 815/4 815/9 815/14
space [3] 308/4 660/5 759/9
span [1] 575/13
speak [32] 44/2 141/20 332/6 333/1 333/3 397/4 399/6 404/1 430/24 460/2 471/19 477/23 480/2 518/14 547/7 554/4 597/22 602/13 602/18 610/15 633/10 641/3 658/18 669/16 722/24 723/11 767/25 803/2 803/24 804/3 805/17 808/25
speaking [9] 378/25 478/25 490/21 490/24 492/1 614/6 644/10 668/14 671/2
speaks [4] 718/21 737/5 737/15 779/8
special [5] 57/13 315/14 334/18 471/12 472/24
specialist [3] 33/16 35/25 36/11
specialize [1] 222/8
specialized [2] 272/14 506/7
species [1] 267/14
specific [24] 28/14 28/17 227/20 238/7 258/4 262/17 267/14 288/18 288/18 291/15 384/19 468/8 506/6 510/17 520/10 558/18 592/7 634/19 651/14 651/17 651/18 664/13 664/24 720/25
specifically [13] 78/17 231/18 269/11 286/16 294/4 428/18 571/15 607/20 619/3 620/7 689/11 691/2 691/21
speculate [3] 309/17 730/2 737/11
speeches [1] 89/14
speed [6] 58/16 207/22 226/3 350/14 682/13 682/16
spell [1] 423/10
spend [2] 606/13 606/18
spending [3] 78/23 105/9 213/18
spent [5] 347/11 428/14 428/16 559/14 606/12
spills [1] 665/7
spleen [1] 432/6
split [2] 725/17 726/8
splotches [2] 171/9 171/16
spoke [23] 61/3 92/5 184/19 298/22 479/2 491/14 494/7 495/3 506/22 611/16 615/6 641/5 644/14 671/4 671/6 671/20 671/23 671/25 672/2 672/4 672/12 672/16 684/2
spoken [3] 24/12 92/4 610/22
spoliation [13] 51/4 52/11 52/13 55/20 537/18 700/2 700/5 700/6 701/2 789/9 802/8 802/13 802/16
spot [7] 225/19 528/8 530/22 621/23 637/13 637/15 810/7
spots [1] 442/5
spread [2] 286/2 293/1
sprinklings [1] 171/16
square [1] 305/6
squish [1] 286/16
squished [1] 286/19
squishing [1] 729/18
stage [2] 101/24 407/22
stain [5] 197/17 197/17 297/20 297/23 298/2
stains [5] 195/16 196/8 197/2 203/9 325/14
stand [71] 13/23 14/7 14/13 16/2 16/14 16/23 17/9 19/17 20/25 22/23 23/20 24/4 24/10 25/5 25/12 25/24 26/9 26/16 28/11 29/2 30/24 31/7 31/11 54/8 56/2 84/14 90/25 110/19 112/24 123/20 123/21 126/15 142/8 215/22 296/11 305/18 309/4 355/16 438/12 470/1 470/12 498/22 499/11 502/7 521/10 521/11 523/22 539/11 540/17 542/17 543/4 543/5 595/24 596/22 601/6 633/5 633/16 637/17 661/18 681/23 681/24 696/21 717/21 719/18 720/12 724/23 731/18 734/2 738/6 802/16 805/18
standard [17] 48/11 98/10 98/25 99/2 99/14 206/17 206/19 265/18 265/18 265/24 275/6 316/14 447/6 447/9 448/19 448/24 484/4
standing [32] 61/21 73/9 73/10 129/11 139/18 144/7 146/7 232/22 234/20 289/7 289/14 308/8 309/21 311/16 357/2 359/8 363/17 365/14 437/18 488/11 499/6 530/14 530/17 530/22 637/18 644/20 659/4 663/11 663/20 663/21 719/4 744/4
standpoint [2] 536/14 802/1
stands [12] 15/13 17/10 18/7 18/21 21/9 24/11 26/17 27/11 731/23 797/22 802/15 802/19
start [45] 46/1 51/9 82/2 82/10 95/20 126/20 126/22 131/1 156/24 164/22 250/1 250/20 272/9 311/9 319/24 324/24 407/13 431/11 437/21 437/23 591/18 597/10 604/8 605/3 606/11 608/15 624/18 635/15 637/20 638/10 638/19 648/7 648/8 656/20 656/22 659/14 664/16 665/4 681/7 726/7 740/16 791/7 801/10 808/22 812/24
started [70] 46/2 58/9 88/12 121/2 127/4 127/5 130/22 131/4 158/1 159/10 161/23 161/24 162/6 162/13 164/22 167/2 167/9 176/9 217/3 358/13 361/15 387/11 392/18 405/24 472/22 474/11 475/2 496/25 507/9 528/12 546/3 559/13 564/20 591/16 601/16 605/2 606/9 607/12 607/19 607/20 608/3 608/13 609/10 621/14 621/16 624/8 628/16 629/24 631/24 632/11 632/25 635/5 639/3 639/4 642/4 645/1 646/1 646/25 665/3 670/11 670/11 677/3 707/23 727/7 766/11 766/24 787/16 788/4 808/20 808/24
starting [4] 262/22 439/14 655/11 733/21
startled [3] 106/7 106/7 138/18
starts [4] 745/3 750/24 751/4 756/10
state [273] 1/1 1/4 7/1 12/6 13/20 15/16 16/6 16/7 16/20 28/15 30/15 31/3 31/11 31/12 32/9 32/20 32/25 33/5 33/17 34/5 34/19 35/6 35/11 35/15 36/1 36/13 37/1 37/13 37/18 37/23 38/9 38/21 39/8 39/13 39/18 40/5 40/18 41/5 41/20 42/6

S

state... [233] 42/15 42/17 46/17 52/16 52/22 53/3 56/2 56/15 85/24 90/19 91/6 91/24 97/3 97/4 97/7 97/22 98/2 98/2 99/8 99/12 99/13 99/17 99/22 102/18 103/7 103/16 105/25 106/2 106/4 107/6 109/1 109/5 111/3 113/5 115/3 115/13 136/8 136/18 140/14 142/21 143/5 148/6 149/4 149/15 150/1 151/13 151/24 152/7 154/21 155/12 159/19 161/3 163/21 164/7 168/20 180/9 180/19 186/3 187/7 188/20 189/13 212/9 215/9 215/22 216/7 221/6 221/9 221/20 236/7 236/18 240/9 241/14 242/4 247/3 247/18 248/3 260/22 261/8 268/9 268/20 269/17 295/4 296/10 296/21 301/7 302/1 302/22 303/17 303/24 304/8 304/18 307/1 313/24 314/10 327/24 328/1 328/19 329/1 330/19 331/12 331/22 332/4 354/17 355/5 355/17 373/19 394/12 394/21 395/12 395/22 399/15 402/15 416/12 416/22 420/19 421/4 422/18 423/3 427/6 427/16 428/24 430/11 438/15 438/25 439/9 439/23 440/16 443/11 453/4 453/19 455/25 456/11 458/8 460/23 461/8 462/25 465/5 466/15 470/1 470/12 488/15 520/22 531/1 533/15 534/3 535/21 535/23 536/8 539/22 539/23 545/19 546/3 546/25 549/10 552/19 552/21 553/18 560/4 561/6 563/5 563/8 564/8 567/18 576/6 583/8 585/11 588/19 590/19 592/2 594/12 597/7 602/6 648/12 675/6 692/21 694/5 694/5 695/7 695/8 696/18 697/11 698/1 698/25 705/12 708/1 708/12 712/15 713/22 718/2 718/25 722/13 722/19 724/5 724/8 725/9 726/14 726/21 730/15 732/7 732/13 736/5 737/16 738/4 763/20 766/3 767/5 767/7 767/7 767/20 770/18 770/21 771/11 778/5 780/4 780/11 780/15 780/21 780/25 781/7 784/18 787/2 787/9 788/24 789/5 792/8 793/9 794/9 798/12 800/6 801/23 803/5 815/4 815/9

state's [238] 62/23 65/9 65/14 65/16 101/7 109/1 122/17 123/4 123/6 123/8 123/11 123/14 125/4 125/8 125/21 126/1 126/12 140/3 140/14 140/20 142/9 142/22 142/25 143/2 159/4 159/20 159/25 160/2 162/12 168/4 168/20 168/22 169/1 169/4 169/20 170/13 170/25 173/8 174/25 183/1 183/6 198/4 198/16 198/20 198/22 199/5 199/13 199/19 199/25 200/10 201/14 202/3 202/7 202/9 219/3 219/4 240/9 240/10 240/12 240/15 253/24 254/12 254/17 255/4 274/22 275/22 275/25 276/2 279/1 279/18 279/23 283/15 293/17 300/20 300/20 300/20 300/21 301/7 301/9 301/11 301/16 302/1 302/5 302/11 302/22 302/24 303/1 303/4 303/7 303/12 303/17 303/25 304/2 304/4 304/8 304/19 305/3 305/10 307/1 307/3 307/5 307/15 310/2 310/12 312/9 312/13 317/4 317/13 317/17 318/6 318/12 318/13 318/15 318/19 319/2 319/3 319/5 319/23 320/12 320/14 320/16 321/18 321/19 321/21 322/23 323/13 323/15 323/17 324/4 324/13 324/17 324/24 325/12 325/18 343/1 353/1 353/5 389/25 392/8 424/7 424/23 425/1 425/3 429/22 429/23 430/2 430/11 430/15 430/17 431/6 431/7 434/17 438/16 438/25 439/4 439/6 439/10 439/23 440/2 440/4 440/8 440/17 440/23 441/1 441/6 441/12 441/24 442/10 442/24 443/11 443/18 443/20 444/4 444/8 445/23 463/1 465/5 465/15 484/2 484/16 484/20 484/24 485/1 489/9 489/16 489/21 490/14 495/7 496/1 496/4 496/6 498/6 502/19 503/2 503/9 504/5 504/23 505/1 505/3 518/18 521/23 522/3 526/17 527/5 527/9 527/9 527/11 527/14 527/18 538/1 546/2 579/23 580/5 580/7 580/9 583/21 583/24 601/14 635/7 635/12 635/15 635/25 636/4 636/11 636/14 636/16 636/19 636/23 637/11 658/11 675/24 697/21 717/8 723/23 727/7 730/4 735/7 803/16

stated [24] 55/4 72/20 73/7 98/24 101/19 130/18 133/18 327/5 367/24 401/9 410/24 447/1 524/25 526/9 578/4 651/9 679/19 680/4 714/15 768/2 777/12 777/15 802/12 803/10

statement [74] 6/9 6/10 6/11 6/12 6/13 8/23 48/16 48/17 48/21 64/20 69/12 69/13 72/18 75/5 77/8 77/19 78/16 91/2 96/11 96/15 103/2 109/16 217/6 220/6 220/14 342/15 342/18 343/12 343/14 343/17 343/23 351/8 379/12 382/11 382/19 382/22 383/1 390/14 390/18 391/18 391/25 392/11 473/6 474/1 474/1 474/2 480/23 480/25 486/12 491/20 514/22 524/9 524/15 536/3 536/5 536/11 539/10 593/16 677/4 677/6 678/13 678/17 679/1 679/2 679/5 703/16 707/21 723/9 731/5 731/8 731/9 738/14 773/15 773/24

statements [33] 58/24 66/25 70/16 71/2 71/5 71/9 71/12 72/2 72/5 73/14 74/6 75/17 77/3 85/5 97/2 102/25 218/25 219/17 220/4 391/10 473/5 474/14 474/15 474/17 478/12 480/23 513/21 529/12 529/25 707/4 773/12 774/5 774/5

states [7] 36/11 150/23 271/8 565/17 712/3 780/8 791/11

stating [3] 59/4 82/21 409/13

station [7] 357/4 357/15 374/15 374/16 382/6 613/24 613/25

stationary [2] 118/25 203/15

statute [3] 45/7 89/15 696/21

stay [26] 40/3 86/2 127/25 228/12 290/5 292/3 292/11 316/11 334/12 336/10 361/10 361/12 361/13 383/3 412/7 412/8 412/12 412/17 455/10 462/21 467/3 467/6 605/9 616/3 629/25 706/4

Stay-at-home [1] 40/3

stayed [30] 113/14 138/2 138/23 193/10 290/9 290/18 345/15 358/8 367/20 383/6 412/8 412/9 412/12 412/19 466/12 492/7 612/17 616/4 617/15 635/4 642/12 642/17 661/13 692/5 729/23 733/10 733/19 752/22 762/13 808/5

staying [4] 238/2 605/2 607/2 648/25

stays [4] 86/3 86/4 434/4 752/1

steady [1] 638/4

step [34] 100/15 123/18 135/16 135/20 139/11 154/16 163/17 188/13 193/4 221/1 247/13 268/5 313/17 324/22 326/9 354/20 419/15 427/2 430/21 455/22 460/15 467/12 492/4 498/15 521/3 533/6 590/21 633/7 633/9 658/11 675/15 693/25 772/16 799/18

stepdaughter [1] 604/3

stepped [4] 280/16 287/4 287/21 772/5

stepping [4] 141/3 307/24 630/19 630/20

steps [19] 73/23 123/19 139/12 141/4 146/9 308/2 354/22 393/21 431/3 455/23 498/17 533/8 563/11 607/1 633/12 658/13 694/1 711/21 812/4

sterile [2] 135/6 265/21

stickers [1] 441/18

sticky [2] 227/12 299/16

still [78] 60/11 64/8 101/9 106/12 107/3 138/21 147/3 181/2 185/15 209/14 214/3 278/3 281/23 290/18 298/23 312/19 328/17 351/9 352/19 353/17 363/25 374/18 377/22 403/4 404/14 406/2 406/11 413/18 417/12 434/14 472/5 473/12 476/22 479/21 486/5 495/15 502/10 502/21 539/13 546/7 552/7 552/17 561/13 561/15 563/16 572/9 580/13 591/2 608/22 608/23 616/14 623/7 627/23 628/3 634/11 638/3 639/5 649/7 665/9 665/11 683/10 692/3 694/20 711/3 795/2 795/12 795/17 795/22 796/2 796/7 796/12 796/17 796/22 797/2 797/7 797/12 797/17 808/17

stippling [6] 436/3 436/10 436/13 436/17 437/3 744/22

stipulated [3] 677/20 677/21 678/3

stipulation [2] 81/9 428/23

stipulations [4] 11/3 77/24 80/15 81/4

stitches [1] 183/24

stolen [4] 597/17 598/1 603/13 803/12

stomach [5] 118/20 119/15 120/5 120/7 432/8

stood [2] 92/7 437/21

stop [29] 49/17 54/23 64/8 64/10 64/16 67/11 118/21 121/5 213/8 250/13 299/21 305/13 359/17 390/10 475/6 482/10 483/14 486/5 486/6 497/12 582/8 582/11 618/5 639/1 639/7 648/9 682/19 751/10 788/19

stopped [7] 68/13 337/18 608/17 639/10 720/24 736/20 801/25

stopping [1] 582/12

stops [2] 75/14 374/13

storage [3] 238/23 257/13 257/15

store [8] 41/19 41/19 105/1 348/14 358/15 400/5 410/6 570/20

stored [4] 237/13 238/23 240/4 241/4

stores [1] 565/11

stories [2] 587/19 724/16

story [11] 110/10 698/19 713/25 735/4 741/9 741/10 741/23 745/21 746/4 749/9 753/11

straight [14] 253/10 267/18 306/7 308/16 308/18 477/4 479/7 479/8 607/2 651/12 664/3 740/7 740/9 760/11

straightforward [1] 775/16

strapped [1] 383/3

strategies [2] 50/20 541/24

strategy [2] 49/25 544/15

stray [1] 157/7

streaming [1] 482/5

street [9] 336/21 379/4 412/4 417/12 479/21 558/20 605/3 613/24 747/1

streets [1] 607/2

strengthened [1] 775/19

stressed [1] 402/9

stretch [1] 545/13

strike [4] 274/17 341/4 713/6

S

strike... [1] 782/11
strikes [1] 41/16
striking [1] 435/14
string [1] 293/10
striped [7] 144/9 144/12 144/13 145/21 146/23 147/24 501/22
stripes [1] 145/23
strong [10] 23/4 23/24 23/25 25/19 597/18 603/15 727/2 803/13 810/6 813/11
stronger [1] 305/13
strongly [5] 289/2 719/11 771/7 772/21 774/21
structures [1] 203/19
struggle [16] 106/14 106/16 106/19 110/1 110/3 114/8 114/14 114/19 178/18 451/16 714/8 716/1 725/1 738/1 739/12 744/2
struggling [3] 233/2 446/22 711/16
stuck [1] 623/3
student [2] 137/10 137/11
Students [1] 26/5
study [4] 124/13 150/20 160/10 190/25
studying [2] 137/12 191/11
stuff [26] 85/10 190/23 196/11 207/22 217/4 312/3 312/7 388/16 388/20 405/13 407/20 415/12 436/6 531/7 559/12 559/13 583/1 588/1 604/7 607/3 607/12 608/8 615/15 619/23 621/25 743/18
stupid [1] 733/18
sturdy [1] 299/21
stuttering [1] 187/13
subconscious [1] 775/3
subcutaneous [3] 432/5 433/12 434/2
subdivision [1] 556/5
subject [9] 57/19 75/24 118/17 192/23 330/7 330/8 465/13 503/6 512/21
subjective [2] 514/3 531/8
subjects [1] 573/1
submission [1] 89/10
submit [7] 95/9 196/19 196/20 226/2 721/16 730/19 734/14
submitted [12] 89/2 226/20 226/21 267/4 272/1 272/25 273/18 278/7 281/22 317/9 495/10 702/7
submitting [1] 226/23
subpoena [13] 328/5 328/17 328/21 328/22 329/2 421/2 421/10 421/13 421/15 468/7 468/12 532/1 570/14
subpoenaed [7] 328/15 328/15 420/22 468/16 468/17 469/1 532/6
subsequent [1] 237/25
subsequently [1] 518/8
subsidized [3] 462/10 466/22 605/16
substance [1] 143/24
substantial [2] 536/4 536/20
substantially [1] 780/19
Subway [1] 32/19
success [1] 728/9
successfully [1] 262/24
succession [3] 145/14 292/23 293/6
such [24] 26/4 53/15 97/6 239/7 239/16 271/8 274/15 277/11 285/17 299/14 435/2 506/7 565/10 569/1 677/4 677/5 717/20 727/9 755/19 767/9 768/15 771/8 784/23 785/24
sudden [1] 165/3
suddenly [3] 80/8 105/22 557/22
suffered [2] 435/16 809/2
sufficient [7] 476/6 537/4 540/10 771/9 779/15 780/1 786/18
suggest [3] 96/18 101/20 707/6
suggesting [1] 214/1
suggestion [1] 777/11
suggestions [1] 178/13
suicides [1] 165/3
suits [1] 47/1
summarize [1] 514/22
summarized [1] 697/10
summary [4] 513/13 522/19 524/13 574/4
summed [1] 811/17
Sunday [4] 63/1 104/14 105/15 479/17
sunlight [1] 305/14
superficial [1] 435/17
supervise [1] 156/11
supervisor [8] 32/8 57/10 116/2 116/14 176/1 178/6 178/14 298/10
supervisors [1] 116/5
supplemental [3] 587/21 587/23 588/4
support [8] 152/18 178/12 181/10 554/15 698/24 712/13 712/24 801/20
supports [2] 75/20 537/5
supposed [12] 43/15 80/3 108/5 127/1 420/9 466/16 480/15 497/5 734/9 748/3 748/4 764/11
suppress [1] 75/16
suppression [1] 152/18
Supreme [2] 88/15 701/12
sure [143] 12/11 45/7 47/10 49/1 50/1 50/18 62/19 79/9 87/22 117/6 130/24 134/5 135/19 139/1 157/1 159/22 177/19 182/22 188/24 191/20 205/2 209/5 214/8 217/17 226/18 228/21 237/22 241/20 245/16 257/25 259/22 266/20 283/25 313/7 327/1 332/6 340/17 340/19 341/21 341/23 342/4 353/24 354/15 360/25 361/6 363/1 363/11 363/14 365/3 365/6 372/16 378/2 381/16 382/1 391/21 393/1 409/11 409/19 417/17 419/21 420/8 425/23 433/25 437/14 443/15 444/22 445/22 447/7 449/9 450/4 465/12 470/23 478/1 485/11 486/18 498/16 498/23 499/3 508/6 510/24 517/21 517/24 517/24 530/15 533/12 534/4 535/8 537/24 547/7 549/8 550/1 554/4 555/16 578/6 579/21 581/19 588/23 591/5 596/16 599/6 602/13 615/8 617/5 634/3 652/11 652/15 652/16 652/25 653/1 655/9 655/15 658/6 663/23 671/1 672/21 677/15 683/25 684/1 684/17 698/22 701/19 702/4 708/9 724/14 733/19 733/19 734/7 747/25 750/4 750/6 750/10 756/16 764/6 764/20 765/2 792/1 798/9 798/15 804/2 805/14 807/6 810/9 811/12
surface [10] 225/22 230/13 292/1 292/6 294/1 294/2 435/2 435/11 435/14 441/11
surfaces [1] 196/10
surprise [1] 411/21
surprised [2] 109/21 405/22
surrogate [1] 811/3
surrounding [6] 274/15 697/18 713/16 749/15 780/7 782/22
surveillance [4] 9/13 423/15 494/10 495/9
survived [1] 434/12
suspect [5] 58/19 100/13 108/22 153/13 229/1
suspicion [1] 771/11
suspicious [2] 298/14 771/7
sustain [5] 455/2 491/19 678/5 690/11 771/10
sustained [15] 198/7 228/24 229/3 458/4 475/16 478/23 489/1 492/21 493/16 520/4 561/5 587/2 607/14 618/20 645/6
Sutton [4] 791/2 793/12 793/22 799/15
swab [10] 9/5 200/8 264/12 264/14 265/21 265/25 306/22 306/23 316/23 318/7
swabbed [3] 196/6 196/7 300/7
swabs [4] 196/16 264/15 266/25 267/6
swear [39] 37/4 39/21 42/9 56/8 91/4 115/8 136/13 151/19 155/7 164/2 180/14 189/8 216/2 221/15 236/13 247/23 261/3 268/15 296/16 296/20 314/5 331/17 355/11 395/17 416/17 422/23 427/11 453/14 456/6 461/3 470/6 543/16 543/16 543/25 546/20 553/13 564/3 585/6 602/1
swearing [2] 543/9 543/19
switch [3] 154/23 154/25 658/15
swore [2] 71/6 71/7
sworn [34] 30/14 56/20 90/25 115/18 136/23 152/4 155/18 164/13 180/23 189/18 216/10 221/25 236/22 248/8 261/13 268/25 297/2 314/19 332/1 355/21 396/1 417/1 423/7 427/20 453/24 456/16 461/12 470/17 542/22 547/4 553/23 564/13 585/15 602/10
swung [1] 623/17
symbols [1] 202/24
syndromes [1] 165/4
system [13] 201/17 259/24 271/10 271/11 425/17 447/7 447/13 463/7 465/21 493/4 497/3 504/2 798/7
systems [2] 167/18 423/15

T

T's [2] 807/8 807/20
T-shirt [4] 322/5 325/2 325/13 325/13
tab [1] 227/13
table [3] 13/22 51/2 788/18
tag [2] 173/11 173/22
tagging [2] 105/19 107/14
take [142] 30/3 30/15 31/18 31/22 43/23 52/4 53/4 59/22 62/1 66/19 70/8 70/22 90/17 95/15 102/13 121/25 142/7 148/19 156/15 166/12 169/11 169/16 169/20 170/13 172/9 172/9 173/1 173/5 183/16 188/8 196/16 196/23 196/25 205/18 217/22 219/8 220/6 220/7 237/7 238/19 240/1 244/20 250/24 252/10 264/23 272/10 273/18 294/5 294/22 300/9 307/20 308/1 311/17 319/9 333/22 349/14 349/16 350/15 350/18 363/8 387/9 394/6 400/7 405/16 418/20 420/3 431/13 436/21 437/4 438/11 442/1 443/15 467/21 471/19 473/4 476/4 476/5 478/7 482/17 483/8 483/15 487/21 489/5 490/22 502/16 505/7 511/2 511/8 512/23 516/5 516/6 520/13 520/16 526/20 533/12 533/17 534/9 540/16 542/17 543/4 545/5 545/12 545/13 549/25 552/6 556/12 595/13 600/18 609/2 628/17 631/17 633/21 634/9 642/16 659/11 674/20 674/22 690/25 692/11 693/21 694/23 707/11 711/21 714/1 722/16 723/3 723/18 725/24 735/19 736/7 738/12 738/17 756/11 768/8 772/1 777/17 782/12 788/1 788/6 801/4 807/2 809/17
taken [51] 47/11 52/1 58/25 132/3 132/5 149/11 150/19 176/21 177/20 208/6 215/1 219/18 223/3 239/24 239/25 278/13 281/12 295/12

taken... [33] 298/24 310/13 319/11 351/11 382/6 394/19 421/25 438/19 438/22 440/14 469/10 473/6 476/14 476/25 521/6 545/15 549/2 637/23 672/19 675/22 703/14 705/7 707/25 708/12 712/11 736/3 754/6 765/5 778/24 779/17 790/11 792/13 812/4
taker [1] 243/18
takes [6] 93/16 110/16 214/2 536/5 731/16 792/15
taking [22] 23/15 103/9 151/9 166/8 172/20 173/20 345/12 400/3 473/5 482/7 483/17 539/10 540/9 551/15 551/17 555/21 574/1 608/5 619/21 726/7 760/14 766/8
talk [150] 43/20 45/21 59/5 59/20 60/6 60/18 61/1 61/11 62/8 63/25 64/10 64/22 65/1 67/9 68/9 68/11 68/12 68/16 78/14 85/8 94/16 96/7 97/5 98/18 99/23 100/22 101/20 102/11 102/11 137/5 169/8 211/22 211/23 212/18 218/15 220/4 229/25 239/4 251/10 264/16 327/4 327/8 327/10 351/8 370/3 370/17 371/17 380/16 382/18 387/19 389/5 391/12 391/15 410/11 420/14 429/10 434/17 457/8 458/22 478/9 478/20 481/8 485/4 485/21 486/7 486/13 487/11 487/13 488/23 490/6 491/16 492/8 511/12 515/17 519/10 524/9 526/8 556/24 559/22 569/23 570/2 570/17 571/8 571/11 576/16 576/17 576/19 576/23 576/24 578/8 581/2 581/10 581/12 581/25 582/10 591/11 591/11 592/24 599/16 606/4 609/22 610/20 610/21 615/13 620/6 625/25 633/2 642/14 643/18 643/25 644/18 645/23 649/23 652/14 667/8 670/2 670/5 670/9 672/23 675/15 683/5 683/13 708/15 709/2 710/6 714/4 717/1 720/8 720/8 723/22 723/22 723/23 732/5 734/18 735/3 739/10 741/6 741/9 747/2 748/13 748/14 748/14 748/16 755/11 762/18 798/22 798/25 802/25 806/24 807/18
talked [62] 49/18 59/15 63/9 328/12 329/25 362/22 381/14 381/15 411/19 419/1 457/11 457/13 457/24 457/25 458/10 458/11 458/14 458/23 474/7 494/9 541/23 559/23 562/10 562/12 576/12 577/16 581/19 582/3 582/22 589/14 590/11 611/17 618/13 643/16 643/20 649/4 667/11 667/13 668/12 670/1 681/19 684/12 686/21 686/24 687/25 690/17 712/15 716/15 728/13 728/22 729/12 729/13 735/15 740/11 741/24 743/4 744/21 748/19 754/17 758/9 759/22 760/1
talking [109] 46/1 49/18 58/23 60/1 66/7 68/15 77/12 111/20 114/3 121/6 124/3 125/3 139/5 174/13 175/1 179/18 195/21 199/10 212/18 328/12 336/24 337/17 337/25 339/6 347/7 357/2 358/11 358/13 361/15 363/13 364/2 366/16 381/18 384/6 384/8 384/21 384/24 385/24 385/24 387/11 387/15 388/15 392/1 402/15 411/9 411/15 411/16 411/18 437/18 457/11 473/12 474/17 476/15 477/7 486/25 487/9 488/22 488/24 490/3 490/17 497/12 497/14 516/11 524/17 579/1 582/4 582/8 582/11 606/11 608/20 615/2 615/4 627/3 628/8 635/23 646/1 649/7 650/16 650/24 656/20 656/22 662/2 667/6 669/12 670/11 670/13 674/1 676/20 678/19 679/5 679/24 679/25 684/10 685/14 685/17 686/9 720/14 727/16 727/17 731/6 744/12 753/22 754/11 757/9 757/18 759/8 759/18 798/1 811/19
talks [4] 51/22 52/12 744/15 747/4
tall [3] 442/22 442/23 632/18
taller [4] 632/14 632/16 632/17 637/25
Tamela [2] 461/10 461/11
Tammy [3] 20/9 460/23 719/25
tamper [1] 275/8
tamper-indicating [1] 275/8
tampered [1] 226/19
tank [3] 322/5 325/13 325/13
tape [42] 121/1 121/3 121/6 121/6 122/2 123/24 123/25 124/2 124/3 124/23 125/10 125/23 126/3 126/4 126/17 128/1 130/19 131/2 131/3 153/23 154/4 170/18 173/25 174/5 174/24 192/20 193/2 193/4 193/19 225/20 226/22 275/9 323/7 323/9 437/9 476/10 522/9 533/3 533/3 688/21 737/6 737/7
taped [5] 125/19 165/21 166/1 208/6 558/18
tapes [2] 242/15 242/21
target [1] 709/24
task [11] 23/19 30/6 30/12 93/23 94/23 95/10 100/1 102/15 516/21 591/9 785/14
tasked [2] 98/9 798/2
taught [1] 482/23
Tax [1] 34/3
teach [3] 40/16 132/22 513/17
teacher [1] 38/8
team [4] 173/13 173/15 175/19 471/21
tearful [1] 720/14
tearing [1] 743/23
tears [4] 482/5 720/16 720/18 806/11
technical [3] 33/16 261/24 262/3
technically [5] 55/19 131/16 131/17 677/18 678/16
technician [1] 263/24
technology [1] 489/25
Ted [1] 20/6
telephone [7] 507/14 508/3 508/5 508/10 509/22 566/20 615/12
television [1] 321/3
tell [180] 45/24 57/23 62/2 67/24 69/22 92/3 96/2 100/2 107/15 107/18 110/20 111/10 114/12 114/13 119/16 120/18 123/23 129/5 134/7 137/20 138/21 150/7 153/5 168/9 187/8 218/8 227/18 227/19 244/4 251/8 252/10 252/12 278/21 285/21 287/18 290/15 290/18 291/19 304/14 319/17 322/24 335/24 338/6 340/20 356/15 369/1 370/5 382/23 388/16 388/16 388/20 392/15 401/8 402/6 418/4 425/7 425/13 426/6 433/24 437/5 447/21 459/16 465/25 477/22 490/23 491/7 497/6 503/14 514/16 514/19 515/2 516/16 519/23 522/22 522/25 523/4 528/14 530/13 530/16 535/12 535/21 538/22 543/18 543/20 545/3 547/8 560/7 568/10 571/25 574/18 574/19 577/7 577/17 577/20 577/23 578/14 588/16 596/25 602/16 603/24 606/23 607/6 620/4 620/13 625/1 635/13 640/21 640/22 641/6 645/8 645/20 647/6 656/16 658/23 663/3 667/23 668/2 668/4 668/7 668/21 669/5 669/19 669/22 669/24 670/5 670/9 670/15 670/19 670/24 671/7 673/8 673/15 673/19 674/6 680/7 682/22 683/7 683/17 684/13 684/16 684/17 684/20 685/1 686/10 690/3 699/24 716/14 722/14 726/5 726/16 727/1 730/15 730/15 734/7 737/16 737/20 744/18 746/24 747/3 748/4 752/17 756/14 756/24 757/24 762/10 764/1 764/6 764/14 766/14 768/12 770/8 773/16 775/7 776/4 780/25 788/2 789/13 807/8 810/3 811/14
telling [29] 60/17 139/9 139/25 146/2 146/3 146/7 278/17 340/1 356/21 360/3 415/8 477/19 478/18 480/20 587/5 619/4 641/10 641/11 645/4 672/6 673/9 673/23 686/7 686/19 688/20 733/17 745/11 774/6 790/4
tells [6] 107/21 510/15 510/16 572/1 735/8 748/23
temper [1] 813/9
temptation [2] 327/3 591/17
ten [22] 31/4 57/2 113/11 190/8 190/12 190/17 203/20 350/19 350/19 467/25 471/3 547/19 547/20 575/15 576/1 578/25 598/2 598/14 598/21 688/15 735/1 737/13
tenant [1] 464/21
tend [3] 292/3 292/11 570/19
tendencies [1] 93/2
tendency [1] 95/19
tends [2] 292/11 570/21
Tennessee [1] 417/23
tent [4] 197/25 198/1 299/4 299/7
term [16] 13/9 13/16 76/4 76/6 76/10 87/15 88/18 88/20 88/22 88/23 97/15 99/5 286/3 766/13 766/15 814/9
terminal [4] 435/4 435/5 435/10 451/12
terms [9] 135/5 228/23 318/3 361/12 361/12 370/16 370/17 753/14 779/2
terrified [1] 558/22
test [16] 191/1 223/12 228/20 228/22 264/2 264/3 264/10 266/9 266/25 267/10 267/11 267/13 291/18 448/23 680/6 770/20
tested [5] 196/16 263/7 264/11 267/5 279/14
testified [46] 56/20 100/7 115/18 136/23 152/4 155/18 164/13 166/22 180/23 189/18 193/16 216/10 221/25 236/22 248/8 261/13 268/25 271/4 271/8 271/9 297/2 314/19 332/1 355/21 396/1 417/1 423/7 427/20 453/24 456/16 461/12 470/17 536/24 537/21 547/4 553/23 564/13 582/14 585/15 600/18 602/10 730/21 731/2 734/19 745/18 775/21
testifies [3] 523/23 597/15 770/1
testify [18] 50/7 50/12 76/3 112/17 149/25 213/21 537/21 540/13 540/14 540/17 542/11 542/12 596/15 711/14 717/19 731/7 731/8 805/3
testifying [7] 475/15 539/11 541/16 541/17 543/3 543/3 607/17
testimony [107] 23/10 23/12 25/17 43/18 53/24 56/9 79/16 94/7 94/9 100/3 100/9 101/10 115/9 136/14 144/14 151/20 155/8 164/3 180/15 189/9 213/25 214/10 216/3 221/16 236/14 247/24 258/6 261/4 268/16 296/5 296/17 314/6 326/19 327/1 331/18 355/12 395/18 416/18 422/24 427/12 453/15 456/7 461/4 470/7 529/13 539/20 544/13 546/8 546/11 546/21 553/14 564/4 582/15

T
testimony... [54] 585/7 596/8 602/2 694/7 695/14 698/9 700/24 701/3 708/20 712/13 714/1 714/12 714/15 714/19 714/22 715/2 719/4 719/8 719/12 719/20 719/21 719/23 720/11 721/6 721/19 721/19 721/21 722/7 722/20 728/3 730/7 730/9 730/10 731/24 732/4 742/2 743/14 769/22 769/23 771/16 771/18 773/20 775/17 775/24 776/3 776/8 776/10 776/14 776/15 776/20 776/21 776/22 804/10 812/18
testing [16] 190/23 223/8 223/10 263/24 267/7 269/21 288/17 289/11 289/12 291/10 292/18 297/15 297/16 310/9 448/19 449/10
Testosterone [1] 813/7
tests [4] 191/2 205/12 222/25 608/6
tetrahydrocannabinol [1] 450/16
text [47] 111/9 111/10 111/13 112/24 346/10 357/9 368/8 368/14 368/19 370/1 371/13 371/17 385/25 386/19 389/20 563/13 568/8 569/19 569/20 569/22 570/11 583/18 583/24 584/4 609/3 615/4 615/11 617/4 618/2 619/6 620/7 652/12 655/20 655/24 657/6 657/7 657/17 657/22 657/25 690/23 690/25 691/2 691/5 691/14 691/20 732/17 733/2
texted [14] 357/7 367/24 368/2 399/3 399/9 493/6 493/9 493/12 569/25 615/7 615/7 734/10 750/7 750/8
texting [15] 111/4 360/23 370/19 371/2 371/5 374/18 386/13 621/25 650/19 655/25 657/4 657/13 691/22 732/24 732/25
texts [8] 111/15 346/12 584/3 615/17 615/18 619/22 656/24 741/18
than [69] 43/21 49/19 78/19 86/7 87/16 89/10 90/11 94/24 95/3 99/1 100/20 112/20 113/2 124/11 125/15 126/19 129/17 129/21 138/3 147/15 179/25 216/24 224/18 244/16 266/14 274/20 285/16 286/13 288/4 289/7 305/13 313/10 343/18 374/7 377/11 384/2 455/13 462/22 466/13 466/16 467/4 514/12 575/23 575/25 577/24 602/19 606/17 609/12 610/4 632/14 632/15 632/16 637/25 676/9 695/14 703/16 715/7 734/25 742/25 747/13 770/15 771/11 771/12 783/15 784/23 789/8 800/23 803/17 805/8
thank [386] 12/23 12/24 13/4 14/1 14/9 15/1 15/5 15/14 15/21 16/4 17/3 18/4 18/19 19/7 19/11 21/2 21/24 22/4 22/25 23/22 24/6 24/22 24/25 24/25 25/7 25/14 26/1 26/11 26/18 27/7 28/2 28/6 28/13 28/22 29/4 31/1 31/23 42/14 42/21 43/5 46/4 46/23 47/3 47/4 47/24 48/14 55/23 55/24 62/5 65/15 69/18 70/3 77/17 79/7 79/8 80/12 80/13 80/17 80/18 80/21 81/13 84/14 84/23 85/13 86/5 86/23 87/1 87/24 90/13 90/23 91/13 91/14 91/25 92/1 102/20 102/23 109/11 109/12 114/20 114/24 115/2 122/8 124/18 124/20 127/18 134/8 135/16 136/1 140/19 142/7 144/14 144/18 147/17 148/9 148/16 148/23 149/1 149/9 149/10 149/21 150/17 151/7 151/8 151/12 154/12 154/16 160/13 161/7 162/21 163/17 163/18 168/18 168/25 172/3 172/4 177/17 178/2 179/15 179/17 180/2 180/3 180/5 180/6 183/3 188/10 188/13 188/17 191/23 205/9 209/6 209/8 210/8 210/20 211/9 212/2 212/6 212/23 212/24 214/17 214/22 214/25 215/12 215/16 215/17 215/21 221/1 221/3 221/4 221/8 223/22 231/8 234/24 236/1 236/3 236/4 240/14 245/12 247/11 247/14 247/15 254/23 260/15 260/19 263/17 268/5 268/6 271/19 287/10 289/23 294/16 294/17 294/18 294/19 295/1 295/10 295/11 295/24 296/6 296/7 296/9 302/8 304/11 305/16 309/2 312/22 313/15 313/16 313/18 313/20 324/20 326/9 326/11 327/21 329/4 329/7 330/18 331/2 331/4 331/10 332/16 335/17 354/20 355/2 367/4 393/19 394/3 394/9 394/18 395/1 395/6 395/8 395/11 397/7 416/5 416/8 417/11 419/10 419/15 419/17 419/25 420/16 421/21 421/22 421/23 422/13 422/17 429/7 431/1 434/17 438/11 442/18 443/24 449/25 452/20 452/21 452/23 452/24 453/3 455/22 460/16 460/17 467/9 467/14 468/15 469/1 469/18 469/23 469/25 484/24 493/18 503/8 515/10 521/16 521/17 521/19 524/2 528/6 531/19 533/4 533/7 533/24 534/24 534/25 535/3 542/5 543/1 544/7 544/9 545/25 546/1 546/14 552/24 553/4 553/7 562/9 563/10 566/3 584/17 584/21 584/24 585/18 588/19 590/17 590/21 590/23 591/24 592/16 592/17 592/18 593/19 594/25 595/2 597/6 598/23 599/21 601/4 601/12 601/21 613/6 636/18 648/16 675/3 679/15 680/3 680/4 680/19 680/24 681/1 681/3 693/18 693/24 694/4 694/14 695/3 696/5 696/8 699/3 699/4 699/20 700/19 701/14 701/16 704/1 704/2 704/5 705/6 705/18 706/7 706/12 706/22 707/14 707/20 707/24 723/4 723/8 738/10 747/15 763/9 763/10 764/7 764/18 765/13 765/17 765/18 788/22 788/22 789/23 790/3 790/9 791/2 791/3 791/21 791/22 792/2 793/4 793/12 793/16 793/16 793/24 794/19 795/4 795/5 795/8 797/21 797/23 798/12 799/12 800/2 800/5 800/14 801/1 802/4 802/5 802/11 802/20 802/21 803/22 804/1 806/17 807/7 810/18 811/9 811/16 814/5 814/12 814/13
thanks [2] 42/25 46/13
that [3236]
that's [370] 12/22 50/14 60/3 78/4 78/8 82/6 82/18 83/2 83/6 84/3 84/9 84/12 86/12 87/13 88/16 90/12 90/17 94/10 95/16 98/20 99/10 99/16 100/1 100/24 101/14 102/4 102/6 105/3 110/9 111/2 125/6 125/9 128/16 131/5 134/18 134/24 137/8 138/2 139/16 141/24 142/6 146/3 146/12 146/14 150/11 150/22 153/10 154/24 156/25 157/15 158/14 160/22 161/17 163/12 165/4 167/17 169/21 169/23 169/23 169/25 172/18 173/5 175/7 175/25 176/15 176/19 177/4 177/16 177/24 177/24 179/9 179/25 180/1 183/9 186/22 196/5 197/20 199/20 200/1 200/11 205/11 205/14 211/2 213/22 224/2 225/18 225/20 228/15 232/22 232/25 233/11 233/25 235/24 239/2 242/7 242/10 242/11 242/21 243/2 244/2 244/8 244/23 244/24 245/7 245/9 258/11 258/13 259/16 264/4 264/5 265/8 266/2 266/24 267/22 290/17 293/1 326/2 326/2 329/4 332/20 333/6 333/10 333/15 341/1 343/7 346/16 349/18 349/18 349/25 351/14 354/1 354/2 357/21 357/22 359/12 360/21 371/23 374/6 377/13 379/6 380/21 382/10 382/11 383/11 383/16 383/17 387/2 396/10 398/25 403/24 404/2 408/6 408/24 409/9 409/13 410/4 411/23 411/25 414/24 417/10 425/16 426/20 433/18 434/6 441/25 442/12 442/12 442/14 458/19 460/11 466/10 466/11 466/12 466/15 467/5 467/7 468/9 468/18 474/9 481/22 490/11 496/18 497/17 498/1 498/9 500/18 500/22 501/8 501/21 502/9 506/17 508/10 508/11 512/18 515/11 515/13 517/21 517/22 518/13 518/16 518/25 522/11 524/1 526/25 527/20 531/7 532/18 534/7 534/10 539/13 540/7 540/19 541/14 542/3 543/17 543/22 543/24 543/25 544/17 544/22 545/8 551/5 554/20 554/21 554/24 559/7 567/15 569/17 570/1 570/16 573/10 573/12 573/14 574/4 575/8 576/25 577/9 578/6 578/9 581/20 583/10 583/13 584/1 584/13 589/22 592/12 593/3 593/20 593/24 598/18 599/23 600/3 600/11 600/17 600/19 600/20 601/1 601/3 605/4 610/1 610/14 617/14 628/12 636/14 649/3 654/2 654/2 654/2 654/2 655/4 657/7 657/19 657/24 658/2 664/21 678/15 679/4 679/10 679/11 679/12 680/3 682/11 683/8 683/9 683/23 685/2 685/14 686/19 692/5 697/10 699/9 699/13 701/2 701/12 702/20 704/12 704/18 705/5 707/10 709/25 710/20 711/19 712/6 712/7 714/20 717/17 717/23 720/10 722/17 725/5 725/6 725/6 725/8 725/19 725/21 727/5 727/13 728/16 729/2 729/3 729/3 729/5 729/5 729/10 730/5 730/23 731/23 732/4 732/17 733/18 733/23 736/13 738/1 738/2 739/6 739/18 739/21 740/21 740/21 742/5 742/12 742/12 743/13 744/23 744/24 745/19 746/1 747/21 749/4 750/13 750/19 751/13 753/23 753/25 753/25 754/21 755/4 757/18 758/1 758/11 760/4 760/4 762/25 764/14 764/17 766/19 772/22 777/12 785/17 795/8 798/25
thefts [2] 216/21 216/25
their [89] 16/18 23/12 24/1 24/2 25/11 49/9 75/6 75/7 84/14 89/17 96/20 96/24 102/25 104/18 110/24 112/3 119/15 120/5 120/5 120/7 120/8 126/24 130/2 131/7 134/4 157/2 157/24 158/18 186/3 187/6 187/7 220/17 223/4 223/4 224/24 228/21 229/4 229/6 229/7 230/19 232/15 232/16 233/5 235/19 235/23 239/7 239/7 241/10 260/13 265/22 273/8 287/16 287/23 335/2 345/17 381/16 406/16 410/18 446/24 447/8 462/13 463/8 463/9 473/4 497/3 520/7 539/1 596/11 600/1 607/9 625/11 650/8 662/23 724/6 724/9 733/16 733/17 748/14 758/4 758/23 767/11 773/9 773/14 774/5 774/7 787/25 787/25 802/16 805/20
them [299] 12/8 13/24 16/18 31/7 42/22 49/7 51/1 74/7 78/1 78/2 78/3 78/6 78/12 80/16 81/25 88/10 96/17 96/23 114/9 122/9 122/20 122/22 124/5 124/13 124/17 130/15 131/6 134/7 134/18 134/19 139/25 145/11 150/4 150/25 160/19 160/19

T

them... [263] 168/10 171/22 171/25 172/5 185/18 195/19 195/19 196/19 199/3 212/3 212/4 214/7 214/12 218/15 218/15 218/16 220/7 220/9 225/6 227/14 227/15 229/19 232/3 233/23 237/8 243/21 249/10 250/9 250/10 252/23 253/9 253/9 273/1 273/14 273/25 274/24 275/19 276/14 276/14 276/15 276/16 276/16 276/18 276/19 276/20 276/20 276/22 276/24 276/25 277/1 277/6 278/24 280/7 280/9 280/14 280/18 281/3 282/11 282/18 284/11 285/2 287/4 287/13 287/15 291/15 292/11 294/10 299/6 327/17 327/18 329/19 338/20 339/3 339/7 339/10 340/20 340/23 350/24 352/17 353/9 358/12 359/17 360/3 364/23 364/24 368/10 369/16 376/23 377/6 382/23 383/1 384/15 386/10 391/13 392/15 399/12 399/13 399/14 401/2 401/3 401/5 401/8 403/22 406/4 406/6 406/13 407/9 410/21 411/4 413/4 415/7 418/24 423/16 423/17 430/8 430/12 430/16 434/22 446/8 446/16 447/23 447/24 450/24 462/15 468/19 471/21 472/11 472/12 477/8 477/8 483/15 483/17 484/7 489/10 489/10 493/25 494/2 496/21 496/23 502/17 503/7 507/4 512/25 515/24 518/14 520/18 520/19 521/12 526/21 528/21 536/12 538/14 556/21 558/7 560/18 561/14 570/21 571/4 572/23 581/18 587/7 592/9 592/10 593/13 595/20 595/22 595/25 599/17 606/18 607/8 609/2 615/2 615/4 617/7 618/16 624/24 636/10 640/21 640/22 640/25 641/3 641/4 641/5 641/6 644/23 645/2 654/25 657/22 664/11 664/15 664/17 664/20 664/23 667/23 668/2 668/4 668/7 668/8 668/15 668/19 668/21 669/5 669/13 672/6 676/20 679/1 679/3 680/19 681/16 686/7 686/18 686/19 688/20 688/24 689/1 691/1 692/12 704/15 707/5 710/7 714/10 715/20 717/7 722/8 723/17 725/2 729/15 729/23 729/25 735/19 735/22 736/6 737/10 742/8 743/25 744/17 744/19 746/24 747/3 749/23 757/16 759/19 761/1 762/8 764/6 764/15 770/3 775/9 786/14 787/24 788/14 789/19 789/25 790/4 791/16 798/25 799/9 799/19 803/2 805/12 806/24 810/10 810/20

themselves [8] 25/10 245/21 245/22 283/6 284/7 668/25 740/2 805/8

then [390] 23/13 31/13 31/18 43/14 44/18 48/20 49/6 49/7 51/6 53/13 54/18 65/2 65/19 66/21 68/7 72/6 72/18 75/2 75/12 75/23 77/2 80/14 84/12 86/19 87/18 88/5 89/4 89/20 90/8 92/10 93/15 96/14 97/2 98/8 99/10 99/15 102/14 107/9 111/19 112/18 113/19 116/11 119/1 126/1 128/11 128/14 128/15 129/15 130/9 130/10 133/14 133/21 135/3 138/4 138/18 146/2 146/22 166/12 167/10 172/12 172/14 174/13 175/23 176/3 177/19 177/19 177/24 187/20 188/6 190/12 190/25 195/17 198/9 202/21 203/10 203/25 218/14 220/17 225/24 226/25 227/7 227/9 227/10 230/13 237/19 237/20 237/25 238/4 238/7 238/16 239/13 239/16 243/20 250/3 251/15 253/14 253/21 259/2 259/14 259/24 262/19 263/6 263/22 263/25 264/14 265/12 265/22 267/20 270/12 272/13 273/18 274/9 275/9 277/1 285/13 286/15 289/17 298/13 299/16 302/14 308/3 311/15 311/20 311/25 312/6 316/25 319/15 327/8 327/9 329/25 333/23 338/6 339/6 339/25 340/3 343/24 347/19 348/5 350/23 353/13 356/23 357/19 360/9 360/10 363/10 365/25 371/3 371/5 374/9 374/21 375/8 375/12 377/6 378/21 380/5 380/16 382/5 382/10 382/23 384/7 386/15 386/21 387/5 391/1 398/8 399/3 399/23 401/6 402/23 403/8 403/11 403/23 403/25 405/10 405/11 405/20 410/14 410/25 415/2 415/8 415/10 415/13 415/15 421/4 421/16 421/19 425/24 426/13 428/11 428/13 428/16 429/20 432/5 432/6 432/7 432/13 432/14 433/22 434/1 434/6 436/13 437/15 437/24 437/24 438/5 439/15 442/14 445/23 448/14 458/14 458/24 471/11 479/7 482/17 486/3 486/19 487/12 488/19 493/22 494/9 499/4 502/2 507/13 511/7 511/9 511/18 514/25 515/4 518/10 518/12 523/10 523/12 523/17 531/16 531/17 531/19 534/23 536/23 537/18 539/22 543/3 549/4 549/16 549/20 556/22 560/17 562/9 570/2 575/11 584/5 587/10 587/11 587/15 587/16 587/21 591/7 591/10 592/13 603/21 605/3 608/8 609/15 612/18 613/18 616/16 616/17 619/6 621/7 621/10 622/4 622/9 622/11 622/23 623/9 624/6 625/13 626/18 626/24 626/24 629/7 629/10 629/11 629/15 629/16 629/23 630/16 630/21 631/14 632/7 632/19 632/20 637/6 637/8 641/15 642/12 642/23 643/23 646/21 652/19 652/23 654/4 655/24 656/5 656/10 656/12 656/18 656/20 656/22 656/24 657/2 657/8 659/1 660/23 661/1 661/5 663/14 664/11 666/17 666/20 669/13 670/3 672/9 676/12 676/13 677/21 677/22 678/17 679/2 684/4 684/5 686/17 687/14 687/15 695/2 696/3 704/6 704/10 704/14 712/1 712/12 714/7 714/10 720/1 723/23 723/24 725/14 725/16 726/8 726/13 727/8 733/21 734/8 736/21 737/4 741/13 741/14 742/6 745/7 745/10 749/1 751/14 757/14 758/14 758/19 762/8 762/24 763/15 766/8 767/23 768/19 768/21 769/23 770/2 770/5 772/4 772/16 779/25 781/13 781/17 784/13 786/2 786/23 787/14 788/13 788/15 789/24 792/24 801/4 812/5 812/7

theory [1] 54/21

there [749] 14/4 14/8 14/9 15/8 15/9 15/23 16/3 16/4 16/10 16/15 16/16 17/5 17/17 19/10 19/11 21/1 21/2 22/3 22/4 22/24 22/25 23/2 23/18 23/21 23/22 24/5 24/6 25/3 25/6 25/7 25/9 25/13 25/14 25/16 25/18 25/25 26/1 26/3 26/10 26/11 26/12 28/5 28/6 28/8 28/12 28/13 28/14 28/17 29/3 29/4 30/21 30/25 42/15 43/7 43/17 43/24 45/7 48/2 48/15 48/16 48/17 48/18 48/21 49/8 49/11 49/13 49/13 49/21 49/21 49/22 50/10 50/11 51/20 52/1 52/19 53/4 53/4 54/3 56/13 57/1 58/3 58/11 59/1 59/22 61/7 61/21 63/2 63/2 63/3 63/6 65/11 66/14 70/8 70/23 71/9 71/12 73/24 76/11 78/10 78/15 78/17 79/2 79/5 79/13 80/6 83/4 83/15 83/17 84/1 87/5 88/4 89/6 89/7 89/23 90/2 94/11 95/1 96/7 97/11 97/13 100/9 100/10 101/1 101/24 104/25 105/13 105/12 105/19 105/22 106/2 112/11 113/18 113/21 114/8 114/15 114/16 115/23 116/15 117/23 117/25 118/1 118/8 121/2 121/5 122/5 123/21 123/24 125/15 126/25 127/4 128/22 129/12 129/20 130/21 130/21 131/18 131/23 132/4 132/6 132/7 133/12 133/15 134/22 135/4 139/7 139/22 140/1 141/5 146/18 146/19 146/22 148/2 149/24 152/25 153/9 154/6 154/9 157/3 157/3 157/13 158/17 160/16 161/15 162/11 162/19 163/7 165/24 166/3 166/14 166/18 167/2 167/24 169/21 170/1 171/9 173/11 173/14 173/15 173/17 174/9 174/16 175/10 175/13 175/14 176/10 178/6 178/10 178/12 178/14 178/17 179/10 181/5 182/16 182/18 184/9 184/18 185/15 189/23 190/8 191/1 191/12 192/14 192/15 192/23 193/6 193/9 194/7 194/13 194/14 195/16 195/18 195/21 196/14 198/18 199/16 199/20 200/4 200/15 200/21 201/1 201/3 204/4 204/6 206/21 206/22 207/21 207/25 208/2 208/9 209/1 210/16 211/7 212/22 213/25 216/23 218/11 222/6 223/6 227/2 227/4 227/16 228/6 229/7 231/20 232/17 232/19 233/10 233/11 233/16 233/16 234/6 237/14 243/4 245/8 246/21 248/16 249/17 249/20 250/5 250/7 250/25 251/5 251/6 251/8 251/12 251/13 251/14 251/18 251/22 252/11 255/17 255/19 257/19 258/22 261/21 261/23 262/5 264/14 266/6 266/8 266/18 266/25 267/16 269/9 269/13 270/8 273/5 276/7 279/7 285/19 289/9 289/12 291/12 291/20 292/14 293/11 296/1 298/12 298/22 299/1 299/10 305/4 305/22 308/8 308/13 308/14 308/14 311/1 311/25 312/20 316/1 316/5 316/7 316/7 316/14 318/5 327/1 327/3 327/11 327/12 327/13 327/16 327/16 327/17 328/5 330/10 330/14 334/14 334/18 336/14 336/16 336/18 336/22 338/10 338/12 338/19 342/23 343/21 344/24 345/15 346/12 346/17 348/8 353/19 358/7 358/11 359/22 360/25 361/2 364/3 367/15 367/18 367/20 371/7 371/13 373/3 373/4 374/12 374/22 377/15 378/10 378/12 378/14 378/17 379/10 389/18 397/13 397/18 397/18 397/19 397/20 398/1 399/1 399/9 399/19 401/3 402/1 402/19 402/20 403/4 403/11 403/13 403/15 404/10 404/18 406/20 408/6 408/15 408/17 409/3 409/7 410/3 412/7 412/8 412/9 412/12 412/19 414/25 415/1 420/5 426/7 426/25 429/18 431/17 432/24 435/6 435/12 441/18 441/20 442/7 442/18 444/11 446/1 446/2 446/4 446/25 448/3 450/12 450/15 460/1 461/25 465/20 467/2 473/4 473/12 474/25 475/1 475/6 475/11 475/13 476/8 476/11 476/13 476/14 476/22 477/3 477/5 478/7 479/12 479/22 479/22 479/23 479/24 479/25 480/4 480/5 480/6 480/17 481/15 481/17 481/24 482/14 482/21 482/22 483/1 483/3 483/8 483/19 483/21 483/23 485/7 485/10 486/8 486/19 487/4 487/21 491/4 492/10 493/24 498/1 498/25 499/12 499/24 500/2 500/4 500/13 500/18

T

there... [252] 500/20 508/1 508/2 514/8 515/19 517/10 518/3 518/4 518/23 520/9 523/9 524/18 525/2 525/16 525/19 525/22 526/10 526/13 526/15 528/8 529/9 529/14 530/1 533/16 534/11 536/3 536/7 536/9 536/20 537/4 540/5 551/12 552/4 552/5 552/8 552/9 555/1 555/19 555/20 555/21 555/21 555/23 556/19 557/22 558/16 558/17 558/24 558/25 559/17 559/24 561/12 561/15 562/22 564/19 568/21 568/24 569/1 571/8 571/14 572/18 572/19 573/2 573/10 573/18 575/6 578/1 578/6 582/10 582/12 582/12 582/25 583/18 583/20 584/14 591/17 593/16 595/13 596/8 596/11 602/21 602/23 605/21 609/4 609/4 612/4 613/18 613/20 614/19 614/21 614/23 614/25 615/25 616/3 617/14 619/7 619/17 626/10 626/19 626/24 627/15 627/16 627/18 629/5 631/18 635/1 635/8 635/20 637/23 641/25 642/12 642/13 643/6 644/2 644/22 644/23 644/24 644/24 656/12 657/9 658/24 660/3 660/6 660/13 660/13 660/24 661/19 661/24 662/1 662/4 664/16 664/18 664/19 669/11 669/11 673/3 675/19 676/8 679/21 682/19 683/18 686/14 689/16 691/1 692/3 694/12 694/17 695/10 695/13 696/23 697/8 697/23 698/5 699/9 699/16 702/20 703/14 703/14 708/1 708/25 716/11 717/7 718/10 718/18 719/3 720/18 721/13 722/12 722/13 722/14 724/2 726/1 726/3 726/6 727/2 729/14 729/19 729/23 733/10 733/11 735/19 735/22 735/23 736/9 736/24 739/13 739/13 739/15 740/17 743/21 743/23 744/1 744/1 744/22 746/18 747/2 747/15 748/11 749/7 749/12 750/5 750/9 750/19 751/20 754/18 755/22 755/24 756/9 756/11 756/13 757/4 759/5 759/9 760/4 760/9 760/10 760/10 760/14 761/9 761/10 762/4 762/20 768/12 768/20 769/15 770/13 775/3 775/7 775/23 778/15 786/12 787/17 788/8 788/12 791/8 792/25 798/23 800/16 801/5 801/13 801/20 804/13 804/22 805/16 805/25 806/6 806/10 807/21 810/12 810/13 811/10 811/21 812/5

there a [1] 775/23

there any [1] 635/20

there's [89] 83/18 85/23 88/3 94/24 94/25 128/12 128/13 143/20 156/25 165/2 170/18 175/23 178/12 198/9 202/23 208/21 208/22 223/7 229/12 231/23 266/14 276/22 289/9 290/13 290/15 290/18 291/23 291/24 293/2 346/16 352/4 435/24 439/15 442/7 449/6 452/14 471/17 473/16 473/17 483/19 485/6 486/7 502/15 508/23 512/4 525/24 536/7 536/19 537/2 537/3 541/14 572/4 577/24 600/22 626/21 626/24 657/8 662/4 676/19 677/18 701/3 701/3 703/1 703/13 710/6 712/13 717/14 717/24 726/8 728/17 731/22 739/25 740/17 742/1 745/16 746/14 749/11 754/20 755/17 755/21 759/8 759/9 759/9 759/9 760/9 760/9 761/22 786/21 788/5 789/16

thereabouts [1] 591/7

thereafter [2] 44/7 588/9

thereby [1] 784/21

therefore [4] 97/25 283/11 783/22 787/6

therein [3] 76/9 98/10 698/6

these [146] 19/17 51/19 75/9 82/12 82/12 84/6 101/4 105/5 105/13 106/8 111/2 111/10 114/2 124/5 132/3 133/18 138/20 168/5 168/11 168/13 169/8 190/11 191/2 198/12 199/2 202/16 203/3 203/3 203/5 208/5 210/13 210/25 223/6 225/13 225/17 241/15 241/19 242/4 273/8 274/16 275/15 276/9 276/11 277/3 278/6 278/16 279/9 279/10 282/16 285/1 287/18 287/19 287/23 288/8 290/24 300/22 300/23 301/21 303/13 303/20 307/18 317/2 320/6 320/23 324/6 325/15 333/18 368/19 386/14 430/4 434/21 435/4 435/9 436/9 436/16 438/19 440/11 441/9 445/15 446/9 446/18 447/5 464/25 474/17 490/22 494/16 494/18 500/1 500/16 502/21 567/12 569/6 569/14 569/24 572/6 572/6 572/8 581/5 583/14 584/3 598/3 624/20 625/19 654/16 654/24 676/17 685/3 691/14 692/11 698/9 698/11 707/1 725/24 727/17 727/17 727/19 727/19 730/4 732/17 732/18 732/22 733/1 733/16 735/18 735/20 736/7 736/15 736/23 737/4 738/7 741/14 741/16 742/18 753/18 756/5 758/9 759/3 759/17 759/17 763/25 764/11 764/12 765/1 771/1 779/2 811/7

they [658] 13/20 26/21 26/22 31/6 31/13 44/9 44/16 44/17 46/10 49/8 52/18 52/23 54/1 54/13 54/14 58/7 58/10 58/25 67/15 67/16 72/19 75/6 75/18 80/8 85/17 90/5 90/6 90/6 94/15 95/15 95/16 96/14 96/21 96/22 97/19 97/20 97/21 98/3 98/4 98/4 101/19 102/25 103/22 103/24 104/21 104/25 105/9 105/10 107/23 107/25 108/1 108/10 108/14 108/20 108/22 111/11 112/12 112/17 112/19 112/23 113/8 113/10 116/14 116/14 117/25 117/25 119/14 119/15 119/16 120/7 120/15 122/19 123/2 126/23 126/23 129/15 129/15 129/23 129/25 130/2 130/3 130/16 132/22 133/4 133/5 133/16 134/18 135/7 135/9 138/18 138/19 138/19 149/25 150/7 150/21 153/25 157/2 157/3 167/24 171/23 173/16 173/16 173/17 173/17 176/21 177/10 178/12 185/25 185/25 186/2 186/4 186/5 186/25 187/6 187/8 187/9 187/10 190/25 192/3 192/5 192/19 192/25 193/1 193/1 193/3 193/3 193/4 193/19 193/21 193/22 194/15 194/22 196/9 196/10 196/16 196/21 198/14 199/7 199/18 203/15 204/25 205/12 206/14 212/18 214/16 217/21 217/21 219/17 219/19 220/9 220/10 220/10 220/16 220/16 220/17 224/16 224/16 225/13 225/24 225/24 225/25 226/1 229/2 229/18 230/18 230/18 232/16 233/5 235/25 238/15 239/9 239/9 239/10 239/12 239/13 239/24 239/25 240/4 241/10 242/24 243/19 243/20 244/15 245/22 249/6 249/6 249/16 250/10 250/13 251/15 251/20 251/20 251/22 256/13 256/14 256/19 264/17 264/18 264/23 264/24 267/8 273/2 273/10 273/15 274/14 274/17 278/17 278/18 280/8 280/10 280/15 280/23 281/12 281/15 282/6 282/17 283/8 283/11 284/11 284/12 284/12 286/4 286/4 286/9 286/9 286/12 286/13 286/19 286/19 286/21 286/22 286/22 286/24 287/20 287/20 287/23 287/24 288/2 288/2 288/3 288/9 288/20 289/10 289/18 291/22 292/2 292/4 292/5 292/6 292/7 292/11 292/12 293/9 293/11 306/3 318/1 319/13 322/21 324/8 324/11 325/16 325/16 325/20 328/12 329/1 334/23 334/25 335/3 335/21 339/12 339/13 340/3 345/20 345/21 347/19 348/10 351/25 352/4 357/8 358/15 358/18 358/19 359/4 359/5 359/16 359/17 359/22 360/1 360/4 360/5 360/5 360/14 360/15 360/15 360/16 360/21 363/25 364/1 364/2 364/2 364/3 364/9 364/13 364/13 365/12 374/23 375/7 376/3 376/20 376/21 377/1 378/14 378/17 378/22 378/23 378/24 380/10 382/19 382/20 382/23 383/6 383/14 384/4 386/6 388/16 398/4 398/5 398/6 398/7 398/10 398/11 398/13 398/13 398/16 398/17 398/24 398/24 398/25 399/2 399/2 399/7 399/7 399/18 400/20 400/21 400/24 400/25 401/12 402/14 402/14 402/15 405/18 405/23 405/24 406/1 406/6 406/9 406/20 407/8 408/15 409/12 410/10 410/11 411/6 411/16 411/16 411/18 418/24 418/25 419/1 426/8 426/9 430/7 435/9 436/1 438/21 439/17 440/13 446/8 446/22 446/24 446/25 447/7 448/25 449/8 449/10 449/23 451/1 451/9 451/14 451/19 451/20 451/21 462/11 465/22 465/23 466/13 466/15 466/16 466/18 466/18 466/20 468/6 468/10 468/12 468/20 468/23 471/19 471/22 472/8 472/8 472/10 472/11 472/16 473/5 474/6 475/13 477/7 477/10 480/2 489/12 494/4 494/6 496/20 502/23 502/25 503/4 503/25 504/19 504/20 506/10 506/14 511/23 511/24 512/25 513/17 518/16 518/18 523/24 524/17 525/12 527/4 528/21 528/22 528/23 528/25 529/7 531/4 533/3 535/21 538/23 539/2 539/2 551/12 554/9 556/15 556/15 556/16 556/18 556/22 558/18 559/4 560/12 560/13 563/19 570/8 570/10 571/11 577/11 577/14 579/13 581/6 583/5 583/11 587/7 587/8 587/9 587/10 587/11 587/11 587/14 587/17 594/5 596/3 596/10 596/12 596/12 598/12 598/14 599/23 600/6 600/8 600/8 604/20 614/2 614/3 614/5 614/8 614/10 617/5 617/6 617/8 618/14 618/15 618/24 619/1 621/18 624/6 624/21 625/16 629/20 631/2 632/7 632/7 636/12 640/25 643/3 643/5 644/22 647/22 650/5 650/8 650/9 650/11 650/13 657/4 662/22 662/25 663/3 663/8 664/14 665/4 665/6 666/9 666/11 668/7 668/8 681/16 684/14 684/14 688/24 695/18 700/15 701/2 704/8 704/9 704/10 711/16 712/10 714/5 714/6 715/17 717/6 722/3 722/3 725/17 727/7 727/8 727/20 729/18 729/19 729/20 729/21 729/23 729/24 730/6 730/14 733/8 734/24 734/24 734/25 735/9 735/10 735/13 735/24 736/4 736/12 736/12 737/11 737/20 740/3 740/14 740/15 740/16 740/17 742/15 742/16 742/24 743/15 743/16 743/17 743/18 743/19 743/20 744/12 744/13 744/19 744/20 745/22 746/6 747/25 748/13 748/14 748/14 748/20 750/19 750/20 750/21 753/16 753/21 754/5 754/18

they... [46] 757/4 757/9 758/4 759/11 759/13 759/23 760/10 760/11 760/12 761/9 762/14 763/25 764/3 764/11 764/13 764/15 764/21 766/18 771/2 771/21 771/24 773/8 775/16 785/21 786/13 787/10 787/25 788/1 789/25 790/5 799/2 800/20 800/20 801/12 801/14 801/15 801/15 801/24 802/16 803/2 804/5 804/7 805/17 805/19 806/5 810/10
they'd [3] 598/21 704/13 754/13
they'll [7] 239/1 243/22 249/8 299/4 570/8 704/19 790/5
they're [45] 85/18 94/14 107/25 111/20 112/19 149/23 157/3 172/2 187/4 187/5 187/5 187/7 197/25 220/19 235/18 235/23 237/18 280/11 280/22 287/11 292/3 377/4 382/21 468/22 503/3 526/23 528/11 528/16 537/9 691/16 730/5 730/11 750/25 751/1 751/2 751/8 754/5 756/2 756/3 757/2 759/10 760/8 760/15 761/24 770/22
they've [2] 287/21 583/17
thick [4] 436/25 436/25 437/1 437/1
thicker [2] 514/12 658/23
thing [55] 43/22 61/19 78/22 79/3 79/22 85/3 85/15 96/1 97/21 97/24 102/10 192/16 213/21 226/17 231/24 249/4 253/5 264/17 269/21 272/9 272/16 273/24 279/3 341/5 352/7 358/5 376/16 403/2 409/9 431/9 436/10 462/17 477/11 483/7 510/15 514/11 580/13 613/23 657/12 680/6 688/18 702/13 703/4 704/6 718/21 724/4 734/21 740/7 743/6 760/23 761/19 763/24 787/18 791/16 806/6
things [92] 51/17 52/18 52/19 53/10 55/17 74/10 83/25 90/16 93/19 110/5 132/17 138/20 150/10 172/16 172/23 173/1 173/21 174/18 186/24 187/2 199/11 200/24 207/16 207/17 207/17 214/16 223/24 224/25 230/14 256/25 257/2 257/22 264/3 267/4 292/14 310/9 342/23 368/11 368/20 368/21 368/23 386/12 386/25 435/24 436/21 448/11 449/3 449/5 472/21 473/20 476/17 485/6 494/12 514/8 514/13 531/9 537/11 537/17 555/23 566/10 570/11 570/23 576/3 579/20 599/22 607/4 608/15 609/5 609/7 617/18 683/23 701/7 718/11 725/7 727/12 727/20 727/23 728/8 731/18 741/16 752/2 760/6 761/1 764/5 765/2 766/21 768/13 774/20 805/11 808/19 813/3 813/5
think [274] 17/15 44/14 46/24 48/2 48/12 49/25 51/11 52/6 52/16 52/18 53/12 53/17 53/23 53/24 54/4 54/5 54/7 54/21 55/17 58/1 63/3 66/18 68/12 68/25 76/11 76/19 76/20 77/4 77/17 77/18 77/23 78/10 78/18 79/3 79/12 79/23 80/1 80/2 80/6 80/10 80/11 81/14 85/17 87/6 90/8 94/15 95/3 110/11 110/15 117/15 120/12 126/16 128/11 128/19 131/21 132/9 133/18 139/20 143/19 144/13 145/1 145/11 161/15 162/12 179/4 179/22 185/20 187/18 193/16 194/14 204/25 205/19 208/9 212/14 218/5 224/9 224/10 225/13 229/12 230/5 249/13 249/15 250/14 251/4 253/9 253/12 255/14 258/15 290/20 290/22 296/1 319/22 322/8 334/25 335/21 342/18 345/25 347/23 351/7 357/20 357/20 360/10 365/2 376/6 377/7 377/9 379/18 387/19 391/13 391/23 391/23 402/12 404/23 404/24 404/25 446/1 448/19 449/11 451/20 452/16 459/24 467/1 471/16 473/6 493/25 494/21 495/2 495/2 495/5 502/15 506/13 514/5 514/6 515/20 516/15 517/22 518/16 524/25 528/2 528/5 532/14 534/21 534/21 535/14 535/23 535/24 536/13 536/15 537/4 537/8 537/10 537/11 537/12 538/5 538/7 538/9 539/9 541/2 544/5 544/7 545/3 556/18 575/19 580/21 583/17 583/21 586/18 590/6 597/14 598/6 598/12 598/14 598/15 598/20 599/5 617/3 617/7 623/8 625/4 626/12 631/10 638/16 648/4 648/5 654/9 662/6 671/17 676/7 676/22 676/22 676/23 676/25 678/6 679/9 679/22 684/19 686/6 695/8 695/15 696/13 698/14 698/24 700/1 700/2 700/8 700/15 700/18 702/12 702/15 702/25 703/13 708/4 708/19 711/4 711/5 712/1 712/3 712/7 712/8 712/12 712/24 713/19 715/3 718/6 718/17 718/21 719/25 720/9 721/1 722/10 723/20 724/9 724/16 725/2 726/10 727/3 727/4 727/18 730/15 742/13 747/10 748/20 749/14 760/21 762/24 764/19 789/15 789/20 800/19 800/20 801/3 801/18 801/19 801/21 801/23 802/15 802/17 804/13 804/14 804/15 804/20 804/22 804/24 805/1 805/4 805/6 807/20 808/15 812/8 812/15 812/16 812/21 812/22 813/7
thinking [16] 112/7 114/1 214/15 387/10 557/14 623/21 625/6 625/10 647/11 647/13 647/21 730/24 730/25 731/1 746/8 749/14
thinks [2] 742/5 752/8
third [8] 161/18 224/1 507/13 507/16 656/13 713/2 713/2 761/25
Thirty [2] 248/17 547/9
Thirty-nine [1] 248/17
this [1029]
Thomas [238] 22/17 61/7 103/8 103/10 103/13 103/16 103/18 104/8 104/21 104/23 105/2 105/12 105/18 106/15 107/12 107/13 108/2 108/6 108/6 108/8 108/9 108/15 108/24 109/2 109/5 109/8 109/18 109/23 109/25 110/1 110/8 111/22 111/23 112/13 112/20 114/18 226/13 264/18 265/7 278/10 281/17 332/18 333/19 336/16 336/23 338/15 338/17 339/15 348/8 348/16 349/11 349/12 349/18 352/15 352/22 356/9 358/7 358/16 359/16 360/21 363/15 363/18 363/23 364/7 364/10 364/12 364/18 364/25 365/5 374/21 374/24 376/22 376/25 377/9 377/11 377/14 377/19 378/16 380/24 383/3 383/14 391/1 391/4 391/6 391/6 391/8 391/9 392/14 392/17 392/18 396/15 399/1 399/7 399/8 404/13 406/1 408/8 408/9 408/10 408/12 413/13 415/5 429/11 435/15 435/22 438/5 443/2 456/19 456/20 456/22 457/1 457/5 457/6 457/8 457/21 457/23 459/10 476/16 499/24 501/17 525/8 525/19 525/23 529/15 554/11 554/12 555/3 568/13 568/16 586/23 587/6 609/22 609/23 609/25 610/12 610/13 610/16 610/23 611/16 614/6 637/4 637/6 640/8 646/5 646/6 646/9 646/15 646/19 650/2 653/20 662/3 665/19 666/19 666/22 668/10 687/19 693/5 698/14 698/20 703/17 703/18 709/9 709/10 709/18 709/24 710/25 711/1 711/3 712/7 712/11 712/13 712/14 714/20 716/4 716/8 716/11 716/20 717/9 717/9 717/11 717/17 717/22 719/1 719/15 722/23 724/24 725/10 725/10 725/13 725/14 725/16 727/2 728/3 728/18 729/8 731/16 731/20 731/21 735/11 736/17 737/25 738/18 739/25 740/8 742/9 742/11 743/25 745/7 745/8 747/7 747/9 747/12 749/25 750/23 751/1 751/7 751/9 751/14 751/24 752/25 753/2 754/3 754/6 754/15 755/5 755/7 755/21 756/1 756/4 756/18 756/21 757/17 757/25 761/4 761/7 761/10 761/15 805/10
Thomas' [1] 457/3
Thomas's [4] 340/10 340/12 344/25 352/18
thorough [3] 84/25 513/23 513/24
thoroughly [1] 510/9
thoroughness [1] 55/10
those [224] 20/24 21/8 22/11 23/14 23/17 42/20 43/4 43/20 44/19 50/25 55/21 70/16 71/2 71/2 71/5 72/1 72/5 73/13 73/13 77/25 84/13 85/4 87/14 89/5 94/1 100/7 101/22 106/4 113/22 114/13 114/18 122/18 122/24 125/3 129/23 131/10 133/2 133/24 134/3 134/16 146/16 155/24 156/3 167/7 168/9 168/17 170/21 172/1 174/16 174/17 187/11 193/23 194/11 196/22 198/5 199/10 199/17 199/22 200/24 202/14 202/15 203/7 203/11 203/12 203/15 208/20 208/24 217/19 219/8 219/17 220/4 222/16 224/6 224/14 228/8 231/23 232/2 233/18 238/9 239/24 240/9 242/15 242/19 250/21 257/22 259/16 262/11 265/9 267/4 267/6 271/18 274/2 278/9 281/18 282/3 283/13 286/7 286/11 286/11 286/17 291/20 292/18 292/21 293/17 301/2 301/17 301/18 302/12 302/16 306/2 315/15 315/15 316/21 322/11 323/11 324/8 325/15 326/3 368/11 368/14 377/2 405/18 423/24 429/19 435/8 435/16 438/18 438/21 438/22 439/12 440/9 440/13 441/16 441/18 442/5 444/6 446/7 447/18 447/21 449/11 450/8 463/13 466/24 474/2 489/11 501/6 501/7 502/16 502/20 512/25 513/23 517/25 526/18 527/1 527/1 527/1 527/20 528/18 529/4 529/6 532/17 537/5 567/10 568/22 569/15 569/16 569/21 570/19 570/23 580/20 581/17 581/23 584/11 599/19 603/17 611/20 612/13 615/18 669/2 674/8 690/25 691/10 691/13 691/15 691/23 693/16 698/21 699/2 699/22 701/7 705/18 709/13 717/8 717/12 720/1 720/7 720/16 724/6 725/7 725/19 727/5 728/8 730/10 731/4 737/15 738/4 740/14 750/15 750/18 752/13 759/5 766/9 770/2 770/21 770/23 770/24 771/20 771/23 774/24 775/22 780/17 786/3 805/15 814/2
though [22] 95/7 111/7 113/3 158/10 201/5 231/3 232/20 243/14 250/8 253/7 266/17 333/7 361/25 378/16 522/12 526/20 528/11 619/14 652/21 671/15 762/19 783/7
thought [35] 49/19 88/19 88/20 139/21 171/12 196/9 203/8 251/7 256/7 256/10 329/21 330/10 360/14 360/15 364/21 418/12 541/11 595/7 597/9 606/24 607/4 623/25 625/5

1465

1466

T
thought... [12] 630/20 630/25 647/23 683/22 693/1 693/12 693/15 697/7 711/19 735/9 739/3 752/2
thoughts [3] 147/14 643/7 670/2
threat [2] 699/13 734/12
threaten [1] 609/13
threatened [1] 520/7
threatening [1] 54/17
three [77] 94/13 103/8 107/25 108/3 111/25 120/4 120/10 153/11 156/14 175/23 191/12 213/20 214/4 224/8 228/2 233/7 233/17 233/18 233/20 238/17 243/6 248/21 280/3 280/24 322/17 361/9 367/12 374/6 376/23 429/18 429/20 431/15 441/17 447/21 448/3 448/3 448/5 448/5 457/14 463/12 474/5 474/15 518/14 525/25 536/21 544/12 547/19 586/1 608/4 651/4 665/20 695/18 698/10 709/9 709/12 709/18 709/19 709/20 711/2 714/10 717/7 719/20 723/17 728/4 731/10 733/13 738/19 738/24 740/1 742/15 742/17 752/10 752/13 756/19 763/3 798/15 800/22
threshold [2] 233/11 233/12
throat [1] 61/19
through [171] 23/11 31/5 31/20 44/9 79/10 79/17 96/13 99/9 107/16 107/17 107/19 122/17 122/17 123/4 123/5 123/7 123/7 128/8 162/3 162/17 162/17 168/4 168/9 168/21 168/23 169/8 170/6 170/25 181/15 190/11 190/18 190/21 191/3 198/5 198/16 198/21 205/12 220/5 233/9 234/2 234/4 234/5 253/10 267/18 270/22 271/25 280/7 297/25 299/19 299/24 299/25 301/17 302/3 302/12 302/24 303/12 303/18 303/25 304/2 305/14 305/19 324/5 324/13 324/15 325/21 333/10 334/12 352/2 356/10 359/4 359/5 360/16 361/21 388/13 388/14 390/11 396/12 396/14 396/18 407/9 431/20 432/3 432/4 432/8 432/9 432/11 432/13 432/21 432/23 433/12 435/17 436/23 437/2 437/6 438/16 438/18 439/1 439/5 439/10 439/24 440/3 440/9 440/17 440/21 440/24 441/22 449/16 456/22 457/1 457/6 462/12 462/13 462/15 463/7 475/9 493/14 498/24 498/25 498/25 499/7 503/2 506/13 509/5 526/17 527/6 527/9 531/12 564/25 565/3 567/25 592/14 613/23 623/23 625/12 631/16 632/2 633/20 636/25 655/12 657/12 661/2 661/3 661/9 672/9 677/9 684/19 694/18 696/3 708/16 708/16 708/20 710/7 712/2 714/23 724/19 740/8 748/24 753/7 753/9 753/9 753/11 753/12 756/5 756/9 756/10 756/21 760/11 770/3 770/6 771/17 806/13
throughout [16] 15/16 16/7 368/19 387/2 514/9 529/12 591/21 706/20 708/10 715/24 731/24 734/21 737/2 772/23 777/12 785/7
throw [2] 49/21 632/13
throw-to-the-ground [1] 632/13
thrown [1] 476/19
thumb [4] 249/25 250/2 253/12 253/14
Thursday [1] 327/7
thus [1] 536/17
thusly [1] 786/15
tie [1] 391/23
tight [1] 629/5
til [1] 217/11
till [1] 336/11
Tim [1] 720/4
time [419] 23/12 29/22 29/22 30/17 43/9 54/1 58/2 58/12 59/11 59/23 60/4 60/25 61/3 61/24 61/24 62/12 63/11 64/9 64/10 65/2 65/8 66/13 66/18 67/8 75/25 75/25 77/21 82/9 83/4 91/17 100/8 100/25 107/24 108/8 110/14 110/20 114/2 117/10 118/8 118/22 119/1 123/3 124/16 126/23 126/23 127/9 130/21 133/22 134/2 137/10 138/18 139/16 140/13 144/16 147/1 147/5 148/3 154/2 156/4 156/25 157/2 157/3 159/15 165/14 165/20 167/9 167/19 167/22 168/3 168/15 168/19 176/1 180/1 181/22 187/9 187/17 191/1 191/15 192/9 192/14 196/7 196/12 198/8 198/15 200/9 202/2 204/10 204/21 207/2 208/18 210/14 212/1 213/19 214/11 216/23 219/8 220/22 223/14 230/8 240/8 241/18 242/3 242/15 243/23 246/15 250/20 250/20 250/24 252/16 252/17 254/11 254/24 257/5 257/5 258/12 258/13 258/18 258/20 263/11 271/12 275/21 279/17 285/3 292/25 298/10 298/12 299/1 301/6 301/23 301/25 302/21 302/23 303/16 304/7 306/25 310/24 315/19 317/12 318/11 319/1 321/17 324/12 326/6 328/24 334/8 336/7 336/12 337/2 337/13 337/14 338/1 338/8 338/14 338/16 343/15 347/11 347/21 348/8 348/12 348/25 350/5 351/21 355/4 361/3 361/8 361/14 362/13 363/2 367/11 369/3 369/4 373/16 374/9 374/11 377/20 384/1 384/2 384/11 386/22 387/10 387/14 389/6 391/18 392/20 396/6 396/23 397/9 397/23 397/25 397/25 398/4 398/9 398/16 398/17 398/17 399/2 399/15 399/22 400/10 401/19 402/1 402/12 403/3 404/8 404/13 404/19 405/16 406/1 410/4 410/12 412/3 412/12 415/7 415/13 421/5 424/22 430/4 430/8 430/10 434/23 438/20 438/22 438/24 439/18 439/22 440/12 440/14 441/14 443/10 443/15 449/9 449/9 455/14 457/15 457/20 457/21 458/20 459/2 459/16 459/21 459/22 459/22 459/23 460/1 460/5 464/23 465/4 472/22 472/24 474/3 474/7 474/15 474/19 476/12 479/2 484/15 485/8 485/9 486/5 486/7 489/15 490/10 491/5 494/19 495/25 497/1 497/2 497/3 498/3 500/21 500/22 500/25 501/17 501/22 503/1 503/17 504/21 504/22 505/7 505/10 506/25 507/1 509/17 509/18 511/13 513/2 517/22 517/24 518/5 520/19 525/5 531/2 531/3 531/20 531/21 533/12 534/6 540/10 545/13 548/19 550/8 550/13 551/4 555/7 556/7 557/5 557/7 559/14 560/1 561/8 561/9 561/11 562/10 562/11 562/17 562/18 565/20 566/25 567/20 572/22 573/2 574/7 574/18 575/13 575/14 576/18 577/21 587/15 587/16 596/5 604/22 605/24 606/12 606/14 606/18 606/19 608/10 609/10 610/19 612/10 615/25 616/9 616/25 617/15 623/7 623/16 627/15 628/3 629/4 630/2 636/8 640/12 640/22 645/3 646/3 647/19 648/2 649/4 651/5 654/10 655/1 658/2 663/2 663/9 665/13 667/15 667/22 672/17 678/14 687/24 687/25 688/19 693/13 693/21 696/9 701/4 704/21 704/22 706/1 706/1 709/15 714/25 716/6 720/6 723/3 723/19 724/1 728/6 731/21 733/25 735/2 735/3 735/3 738/12 745/1 755/10 755/17 756/17 756/20 757/6 771/18 771/19 775/2 778/20 778/22 779/25 788/18 791/10 791/10 799/24 800/15 800/16 802/6 804/6 804/21 807/20 808/6 808/15 814/9
timeframes [1] 252/25
timeline [11] 10/14 569/8 569/10 573/25 574/5 574/17 574/20 578/3 727/15 727/21 731/15
times [81] 54/20 60/8 67/5 70/7 70/10 70/23 72/21 103/8 108/3 119/5 146/12 194/12 250/1 252/24 253/2 253/8 257/8 258/4 258/9 271/7 298/6 370/1 386/16 398/14 433/2 448/6 457/8 457/12 457/14 457/23 478/8 478/12 491/10 494/16 494/18 503/15 518/15 525/14 556/4 556/19 558/5 569/16 581/5 581/23 583/14 608/4 620/10 620/11 638/22 638/24 640/23 641/2 641/3 641/4 641/5 690/17 702/10 709/9 709/18 709/19 709/20 711/2 714/11 715/13 716/12 716/24 720/24 724/10 728/4 737/2 737/5 752/11 752/12 756/19 763/3 767/16 775/3 798/4 798/23 801/3 806/10
Timothy [4] 19/25 188/21 189/16 189/17
tiny [2] 436/14 436/15
tip [2] 437/14 724/12
tire [4] 200/16 200/21 201/4 207/21
tired [2] 29/12 387/23
tissue [8] 285/24 286/1 286/2 432/5 433/12 433/15 434/2 434/4
title [3] 470/20 470/24 471/11
today [35] 43/8 46/6 137/3 137/14 213/9 242/22 253/24 343/19 379/13 392/20 434/15 540/1 540/21 541/12 589/2 589/5 610/20 648/20 648/24 649/1 661/12 663/10 671/15 686/2 696/11 711/3 719/8 741/7 742/23 744/5 767/9 768/13 774/9 774/11 777/19
today's [1] 187/9
together [64] 29/18 78/5 104/22 105/9 106/9 108/11 228/3 233/23 253/25 278/3 281/8 293/7 335/9 335/22 345/8 345/21 347/19 356/11 361/23 362/1 376/25 377/1 377/4 401/12 411/6 456/20 547/19 547/20 549/19 554/9 556/15 556/15 556/22 556/23 576/20 600/6 604/7 604/21 604/22 606/11 606/12 606/13 606/20 610/1 610/2 614/12 614/15 614/17 643/7 648/25 650/5 670/2 698/21 717/3 722/17 727/16 727/22 730/7 733/4 734/9 742/15 742/17 772/8 788/20
told [199] 59/19 60/18 60/21 62/6 78/12 90/18 99/24 110/11 111/25 139/23 185/2 186/20 188/1 191/25 204/6 250/10 251/5 251/15 256/12 256/13 256/14 256/19 281/12 298/23 299/10 305/4 318/2 328/18 352/14 352/22 353/9 356/22 356/24 357/12 357/17 357/20 357/25 358/8 358/10 359/3 359/17 361/21 368/4 368/5 372/4 372/21 373/3 380/5 380/6 380/23 381/2 381/5 381/8 381/13 381/21 381/25 382/2 382/23 382/25 383/1 383/1 383/14 385/3 392/13 392/15 401/4 401/10 402/18 402/21 406/25 409/10 410/21 410/23 411/1 415/9 415/11 457/6 458/1 458/1 468/8 468/12 475/15 477/15 478/8 479/3 480/2 481/8

told... [112] 482/7 495/3 503/15 503/23 510/18 512/15 514/17 516/13 524/14 524/16 526/2 526/5 526/5 529/18 546/5 549/5 558/5 559/5 560/8 562/4 572/21 581/5 581/8 583/13 586/20 586/22 587/9 587/13 587/14 587/17 587/18 588/7 588/15 589/23 590/7 590/9 590/14 596/24 611/4 611/6 615/9 616/6 618/16 618/22 642/15 642/20 642/21 644/23 645/2 645/8 645/21 646/4 646/18 646/24 648/20 651/15 651/17 652/8 665/23 667/12 668/8 668/15 668/19 671/10 671/11 672/19 673/13 683/24 684/20 685/19 686/3 688/24 689/1 706/15 715/22 724/15 724/23 728/10 732/3 738/23 739/8 739/20 740/10 740/22 740/25 741/17 742/6 742/9 743/21 744/25 745/19 746/19 747/11 748/12 748/20 750/14 750/14 750/15 752/16 754/23 761/18 761/20 762/3 766/21 766/23 768/5 777/4 787/17 800/20 803/14 804/14 811/12
Tommy [25] 20/5 136/8 136/21 136/22 137/1 137/9 140/6 141/3 141/8 142/1 142/12 143/24 144/6 144/14 246/14 246/15 494/5 579/1 727/8 727/9 727/25 730/8 747/10 747/15 747/17
tomorrow [7] 46/11 46/14 327/7 328/10 329/9 591/5 739/14
Tonda [4] 651/20 653/22 654/4 657/8
too [33] 44/25 129/12 138/3 138/13 139/21 174/18 257/16 394/3 401/23 405/25 408/25 433/18 451/12 468/16 468/17 479/22 520/9 592/12 598/5 620/20 623/8 623/21 635/2 663/8 707/4 723/18 747/18 750/18 753/15 792/20 795/5 806/3 808/13
took [95] 30/2 50/16 58/7 66/18 66/19 66/20 66/22 66/22 68/25 69/2 84/20 92/18 92/19 139/11 139/12 139/18 146/8 150/18 158/3 158/5 165/21 168/16 172/8 173/8 195/15 201/23 205/19 208/14 218/25 223/24 239/21 251/4 252/11 272/19 282/8 284/25 285/12 297/14 300/10 300/23 301/3 301/23 302/18 303/21 307/18 310/2 312/9 317/8 321/14 324/2 324/10 359/22 363/9 363/15 390/22 400/4 400/9 410/1 410/6 455/17 480/22 488/17 488/18 489/11 490/4 492/4 493/6 506/2 512/12 513/2 549/17 549/18 549/21 555/2 562/19 582/1 591/20 607/1 622/12 622/14 629/24 639/22 643/3 643/5 651/9 651/12 671/17 706/24 715/16 739/4 750/5 750/24 754/18 801/11 801/12
tool [9] 269/11 269/24 270/6 270/10 270/17 270/22 271/14 502/13 744/18
tools [2] 95/5 315/13
toothpick [2] 264/24 321/9
toothpick-type [1] 264/24
top [7] 63/16 171/18 322/5 323/7 325/13 501/3 501/4
Torch [26] 25/4 104/9 104/10 106/1 260/12 336/12 346/23 356/18 372/22 372/24 373/6 373/11 373/12 374/2 374/9 587/9 611/23 611/24 613/20 616/22 649/21 649/23 649/25 650/2 650/14 651/9
torso [2] 200/2 429/16
toss [3] 632/21 637/24 638/1
total [8] 52/25 190/12 216/17 274/5 274/6 281/10 429/18 779/12
totally [2] 48/11 542/10
touch [11] 184/23 185/6 218/19 218/21 230/8 230/16 230/18 642/5 642/7 642/8 642/18
touched [1] 729/9
touching [3] 232/6 234/22 319/14
tough [1] 112/12
tousling [5] 339/25 340/7 631/24 632/11 632/20
toward [1] 559/8
towards [19] 142/4 169/24 170/15 179/19 179/20 229/10 308/23 308/23 335/2 404/11 441/16 499/18 501/15 518/7 528/8 612/18 629/11 716/11 778/8
towel [2] 106/20 404/6
tower [2] 238/7 578/17
toxicology [5] 447/3 447/5 447/10 447/11 448/20
trace [6] 195/13 200/1 222/7 320/3 321/6 321/8
track [7] 194/20 200/21 200/22 201/4 201/4 207/21 227/1
tracking [1] 577/15
tracks [4] 200/16 200/16 209/23 210/2
traditionally [1] 102/4
traffic [9] 116/19 133/15 133/16 165/3 170/4 170/7 201/2 237/12 661/20
tragedy [5] 705/22 753/1 753/1 753/2 811/19
tragic [4] 109/24 111/24 727/3 811/19
tragically [1] 109/19
trained [2] 66/21 172/18
training [43] 35/25 36/11 88/13 132/22 190/5 190/7 190/8 191/3 191/5 205/13 205/16 206/11 222/19 222/21 222/23 262/13 262/15 262/23 270/1 270/3 270/5 270/11 270/11 270/14 270/15 270/24 297/11 297/13 297/21 428/6 428/16 505/22 506/1 506/4 506/7 506/13 519/12 519/13 519/15 531/5 531/13 586/4 586/6
traits [1] 93/2
trajectory [6] 194/18 194/25 290/20 309/9 325/24 760/2
transcended [1] 104/13
transcript [6] 1/6 83/15 83/19 680/1 814/25 815/11
transcripts [1] 800/17
transfer [2] 250/3 253/15
transferred [3] 153/15 230/1 264/1
transform [1] 403/11
transitioned [2] 399/24 401/1
transpired [1] 574/18
transport [5] 167/16 167/19 183/23 188/6 188/9
transported [6] 167/11 167/15 167/20 320/1 322/15 492/5
transporting [1] 195/14
trapped [1] 723/13
trash [2] 476/19 733/6
trauma [3] 185/18 186/12 186/16
Trav [8] 631/21 631/22 632/3 640/11 761/18 761/18 761/21 761/21
travel [2] 305/25 306/7
traveled [5] 444/15 444/25 445/10 448/8 449/22
traveling [6] 445/6 445/15 445/16 445/16 445/19 531/16
travels [2] 436/11 531/14
travis [178] 19/20 61/6 61/8 104/8 104/18 104/21 104/22 105/2 105/11 105/13 105/17 106/7 106/8 106/10 106/14 106/17 106/18 107/1 108/20 111/14 113/25 114/6 328/11 333/16 336/18 336/23 338/13 338/17 339/14 340/9 346/12 348/8 352/15 352/22 353/22 354/4 356/13 356/21 357/7 357/22 358/6 358/17 358/25 359/16 359/18 359/22 361/2 361/15 362/16 362/19 363/7 363/8 363/10 363/16 363/23 364/10 364/15 364/18 364/25 365/1 366/1 371/14 374/21 374/24 375/10 376/22 376/25 377/11 377/14 377/17 377/22 377/24 378/1 378/3 378/16 380/24 383/1 383/11 383/12 383/16 383/17 383/19 387/7 389/17 390/25 393/9 393/11 393/13 396/17 399/1 399/8 402/17 404/4 406/1 408/10 408/12 410/19 410/24 412/21 413/5 413/19 414/5 415/5 415/25 418/9 420/22 454/7 454/10 454/13 454/24 457/2 474/3 480/14 480/21 480/22 481/4 492/7 492/23 497/16 497/17 498/1 498/13 498/18 501/12 514/23 518/25 519/7 529/19 529/20 529/21 534/12 568/18 568/19 587/6 610/7 610/10 610/12 610/16 640/12 649/24 665/19 687/16 687/17 698/19 703/9 714/13 715/17 716/20 722/1 725/10 725/13 725/14 725/14 725/17 731/21 731/25 731/25 732/1 732/24 734/15 735/12 750/11 750/16 750/24 751/1 751/6 751/12 751/18 751/23 753/20 754/3 754/4 754/12 754/16 755/13 755/18 755/19 755/21
Travis's [2] 346/18 492/17
tread [1] 208/24
treads [1] 208/21
treat [1] 185/17
treated [2] 186/14 733/18
treating [2] 187/22 678/15
treatment [2] 187/24 380/14
tree [2] 203/16 203/21
trees [3] 202/21 635/20 662/1
trial [56] 12/21 23/16 29/23 33/21 49/24 50/20 51/19 54/13 74/24 82/13 82/14 82/18 82/18 82/19 83/13 83/14 83/15 84/2 84/3 84/9 84/11 84/13 84/16 87/14 87/17 88/11 93/25 94/6 96/13 98/8 98/22 103/15 103/17 104/2 105/5 212/1 315/15 328/18 328/23 330/2 421/6 421/14 541/24 694/25 705/19 708/11 709/3 714/23 734/22 765/21 771/18 776/3 800/22 801/7 802/17 815/12
trials [1] 801/8
triangle [2] 193/21 197/11
triangular [1] 199/12
triangulate [1] 197/8
triangulated [1] 197/1
triangulation [2] 197/9 203/12
tried [20] 49/17 54/12 60/6 73/1 77/20 218/14 338/6 488/4 525/12 606/13 606/18 632/21 637/24 638/1 639/25 666/1 666/2 734/25 737/20 758/23
tries [3] 83/5 376/8 745/20
trigger [15] 224/14 684/21 685/19 686/11 687/9 687/22 689/5 689/7 689/9 721/8 721/10 722/5 749/2 749/3 749/5
troops [2] 156/11 156/13
trouble [2] 332/25 425/17
troubles [1] 369/18
truck [1] 37/12
true [14] 23/14 91/5 91/7 100/24 242/11 417/12 686/19 724/14 741/5

T

true... [5] 750/13 772/24 786/1 798/3 815/11
Truesdale [1] 40/3
truly [8] 45/16 91/5 706/15 762/23 797/25 806/7 810/15 810/15
trunk [1] 562/8
trust [2] 718/7 748/11
trusted [1] 494/19
truth [109] 23/13 56/10 56/10 56/10 94/4 98/17 115/10 115/10 115/10 136/15 136/15 136/15 151/21 151/21 151/22 155/9 155/9 155/9 164/4 164/4 164/4 180/16 180/16 180/16 189/10 189/10 189/10 216/4 216/4 216/4 221/17 221/17 221/17 236/15 236/15 236/15 247/25 247/25 247/25 261/5 261/5 261/5 268/17 268/17 268/17 296/18 296/18 296/18 314/7 314/7 314/7 331/19 331/19 331/19 355/13 355/13 355/13 370/7 395/19 395/19 395/19 416/19 416/19 416/19 422/25 422/25 422/25 427/13 427/13 427/13 453/16 453/16 453/16 456/8 456/8 456/8 461/5 461/5 461/5 470/8 470/8 470/8 543/19 543/21 546/22 546/22 546/22 553/15 553/15 553/15 564/5 564/5 564/5 585/8 585/8 585/8 602/3 602/3 602/3 720/16 721/4 721/14 721/15 722/24 745/11 766/2 766/8 768/7 777/1
truthful [1] 761/22
truthfully [2] 92/19 774/15
truthfulness [1] 769/22
try [39] 30/10 44/21 53/8 91/5 93/11 102/16 127/25 191/5 204/7 214/14 238/14 238/15 244/20 245/4 276/19 293/2 362/13 401/23 482/25 509/8 513/14 581/2 589/2 601/2 608/9 628/23 631/3 638/4 726/9 747/2 748/7 752/5 753/15 799/9 799/18 806/14 806/15 811/25 812/10
trying [66] 55/16 73/9 73/10 81/19 102/22 106/21 110/11 110/14 145/25 208/18 214/14 234/2 308/3 359/24 366/12 382/2 387/19 391/4 400/13 400/16 403/19 444/11 488/12 509/12 544/15 549/3 560/1 560/13 588/13 596/6 603/7 608/22 608/23 611/5 618/12 620/19 621/12 621/16 624/8 625/2 628/17 629/24 630/2 630/11 632/12 632/25 634/9 638/3 642/4 648/22 651/23 652/1 652/3 652/6 665/12 666/12 676/3 677/13 683/17 708/3 712/19 721/2 752/2 753/18 758/4 793/2
Tucker [55] 19/21 61/6 61/8 104/8 104/18 104/21 105/11 105/13 106/7 106/14 106/17 106/18 108/20 111/15 113/25 114/6 328/11 333/16 336/18 356/13 396/17 420/22 454/11 454/13 457/2 474/4 480/15 480/21 480/22 481/5 492/7 497/16 497/17 498/1 501/12 518/25 519/7 529/20 529/21 534/12 568/18 568/19 587/6 587/13 610/8 649/24 714/13 715/17 722/2 735/12 750/16 751/13 751/23 753/20 755/14
Tucker's [3] 107/4 346/13 571/1
Tuesday [1] 259/22
tumultuous [1] 732/22
turkey [1] 720/5
Turkeys [2] 589/9 589/10
turn [35] 13/24 31/23 61/11 61/16 145/5 224/16 386/15 386/21 386/25 463/15 464/8 472/1 472/11 472/12 478/19 479/4 480/10 481/7 481/15 551/17 551/18 552/15 562/20 611/5 621/15 622/19 628/10 630/24 643/23 644/1 645/11 667/17 725/4 807/4 811/13
turned [30] 80/1 80/2 139/13 194/8 196/9 219/19 306/24 343/24 353/9 353/10 481/22 492/17 503/23 503/24 559/8 562/23 575/3 614/9 614/10 621/20 623/3 627/24 629/16 630/17 630/18 630/22 640/17 645/10 806/23 810/22
turns [1] 511/18
TV [6] 337/17 376/6 376/6 484/7 525/3 726/7
Twelve [1] 315/4
Twenty [5] 332/17 333/24 356/2 356/4 602/17
Twenty-eight [1] 602/17
Twenty-five [1] 356/2
Twenty-four [2] 332/17 356/4
Twenty-two [1] 333/24
twice [6] 94/13 263/7 608/4 644/14 709/19 752/10
twisting [1] 744/9
two [143] 31/22 34/18 41/16 50/10 50/25 57/6 68/2 72/1 72/5 74/10 83/5 83/6 83/6 105/21 113/16 116/5 116/5 117/8 128/12 128/23 131/22 132/17 133/21 138/25 139/12 139/22 141/13 142/16 146/11 146/16 161/16 163/7 182/12 182/16 182/18 197/1 197/9 198/9 203/10 210/13 224/25 228/13 238/17 239/20 249/13 252/25 266/5 267/16 270/7 274/19 274/20 283/5 290/11 319/23 320/7 333/24 336/9 337/23 374/7 377/2 391/13 398/11 399/16 413/10 432/24 433/18 434/11 435/24 437/1 439/13 442/7 442/8 445/8 455/13 473/7 481/20 481/21 486/21 500/1 500/16 501/7 512/12 526/1 528/18 528/20 529/1 529/10 531/22 537/17 538/9 545/7 551/21 562/22 570/23 584/15 612/12 615/9 626/24 640/4 644/9 671/16 671/18 673/2 674/15 678/10 682/25 683/10 685/3 685/5 689/16 690/19 694/18 694/20 696/25 707/1 709/12 719/19 721/25 725/21 728/20 729/14 734/1 740/1 743/18 746/2 749/23 750/19 756/2 756/5 759/21 759/21 759/22 759/24 760/8 769/15 786/12 795/1 800/23 801/9 805/9 809/21 810/11 811/2
Ty [4] 63/3 483/2 483/24 486/20
type [38] 65/22 133/6 133/8 190/24 202/17 220/8 249/3 264/24 267/14 274/15 276/17 280/20 285/15 285/21 286/11 288/7 288/18 293/10 293/25 297/11 428/6 436/19 480/5 480/23 519/15 540/21 540/22 560/25 609/8 632/13 710/11 735/25 736/1 774/25 775/8 781/23 784/24 807/11
typed [5] 220/14 351/25 479/13 485/7 485/8
types [6] 274/16 290/24 315/14 446/18 531/5 769/16
typical [3] 102/4 288/5 434/22
typically [20] 43/8 43/19 49/19 50/4 143/10 206/14 288/5 288/8 290/24 291/7 376/13 435/1 446/8 451/19 509/16 570/20 609/6 620/2 771/24 791/6
typing [1] 382/21

U

uh [34] 72/16 197/22 208/23 332/11 332/13 345/9 346/24 351/1 352/20 369/5 375/20 375/22 379/1 379/11 380/4 381/23 398/15 412/1 412/18 413/9 414/4 444/17 458/25 459/3 459/5 507/22 515/16 557/19 558/14 577/19 585/19 611/13 619/19 705/3
Uh-huh [30] 72/16 197/22 208/23 332/11 332/13 345/9 346/24 351/1 352/20 369/5 375/20 375/22 379/1 379/11 380/4 381/23 398/15 412/1 412/18 413/9 414/4 444/17 507/22 515/16 557/19 558/14 577/19 585/19 619/19 705/3
ultimate [1] 101/5
ultimately [4] 54/13 108/23 765/24 776/23
unable [6] 187/5 187/7 283/8 476/20 508/25 509/10
unanimous [3] 786/16 786/18 794/11
unarmed [2] 759/1 763/3
unauthorized [1] 466/21
uncle [14] 396/10 396/14 401/12 402/4 402/12 403/1 403/13 404/8 405/9 407/7 409/7 411/5 411/10 415/8
uncle's [1] 403/6
unclothed [1] 106/12
uncomfortable [2] 401/3 401/5
uncommon [3] 87/20 274/16 286/5
unconscious [1] 757/1
under [35] 51/22 57/6 59/24 62/2 72/7 76/3 156/13 191/22 220/17 224/12 264/24 266/4 266/9 273/14 292/18 292/18 316/20 321/8 321/11 328/17 347/24 401/11 403/9 411/5 421/13 432/15 468/6 468/12 535/5 540/2 561/5 581/20 646/24 778/11 778/13
undergone [1] 262/23
undergrad [2] 18/23 150/19
underneath [9] 64/13 64/14 64/18 120/17 200/7 234/5 431/18 486/8 531/18
understand [55] 49/16 53/16 55/1 55/4 55/11 63/20 64/21 64/22 76/1 79/2 80/4 82/16 83/1 83/1 88/5 153/21 206/8 213/8 258/11 266/20 283/25 290/21 313/8 330/14 421/2 485/16 486/13 486/14 498/23 539/6 539/17 539/24 541/23 541/24 543/15 576/15 600/7 679/4 696/11 705/19 705/25 721/2 733/2 740/5 760/22 793/18 801/13 801/16 802/8 802/10 804/11 806/25 807/11 811/23 813/21
understanding [12] 12/17 194/21 237/22 264/18 264/23 275/23 328/11 328/17 475/21 518/17 540/1 703/6
understood [3] 60/18 486/18 778/19
undertake [1] 708/9
undertaken [1] 785/14
underwear [1] 322/5
undisputed [1] 100/4
undo [1] 812/19
undue [1] 542/16
unfired [1] 285/17
unfold [2] 51/24 52/8
unfortunately [3] 534/14 762/17 814/1
uniform [3] 218/17 391/22 505/19
unique [6] 90/2 273/9 273/11 273/13 283/12 291/16
unit [15] 57/10 57/13 165/22 170/20 189/22 190/1 285/17 297/7 298/11 464/5 464/15 471/12 471/20 472/25 473/19
United [2] 36/11 565/17

U

units [2] 239/1 471/18
Universal [31] 24/9 117/3 117/16 152/20 153/7 156/16 159/12 165/7 170/15 218/5 218/5 249/19 298/3 374/4 472/16 473/2 494/16 498/2 498/3 498/21 499/9 499/16 499/17 518/7 518/19 518/22 555/14 575/4 578/15 602/22 621/15
University [8] 42/5 137/11 262/18 262/18 262/18 262/20 428/11 428/12 428/14
unlawful [1] 739/9
unless [7] 94/25 150/6 214/7 299/19 305/12 306/7 455/3
unlike [4] 96/15 203/16 326/25 707/3
unsuccessful [1] 106/22
unsuitable [1] 283/13
until [44] 31/20 51/25 60/21 62/16 64/10 88/15 88/18 89/21 95/25 96/3 101/5 101/13 112/18 148/2 148/24 157/13 217/10 327/9 328/6 421/24 457/12 472/4 479/3 481/9 486/7 517/4 523/22 544/24 578/23 591/10 600/22 602/23 603/21 616/6 634/5 651/5 713/22 745/17 765/3 767/17 767/19 784/15 788/19 808/18
untimely [1] 108/6
unusual [1] 473/21
up [366] 8/18 12/8 45/8 45/12 51/18 53/19 53/22 54/12 58/16 63/3 64/12 64/14 64/18 66/12 77/23 79/4 79/11 92/7 95/13 103/22 104/19 106/1 106/3 106/15 107/21 108/10 109/21 110/18 111/14 112/25 113/10 114/16 114/21 118/19 119/14 120/16 120/24 120/25 121/3 123/22 124/3 124/25 125/1 125/11 126/17 127/25 128/1 130/18 130/22 130/23 130/24 131/2 131/3 138/15 139/4 139/9 139/10 139/15 139/22 139/24 141/20 143/8 146/1 146/2 146/4 146/8 146/10 146/25 147/15 148/2 148/3 152/10 152/24 153/23 153/25 174/1 174/1 185/15 191/12 193/22 194/9 195/10 195/11 195/13 196/20 212/3 213/17 223/3 224/3 225/6 225/20 233/3 233/25 235/15 243/1 243/19 245/6 247/9 249/7 249/8 253/6 253/8 253/9 253/10 257/17 263/22 275/5 277/7 277/17 282/25 286/2 293/12 299/24 300/4 307/25 308/9 308/17 308/18 309/18 316/20 321/7 321/11 328/9 328/10 328/25 332/21 348/14 351/25 357/13 358/5 359/20 360/16 362/18 365/24 365/25 365/25 366/12 377/23 377/23 377/24 379/19 379/24 380/1 380/3 381/13 392/18 393/11 396/25 397/4 399/6 403/20 403/21 404/7 415/2 417/23 418/1 419/1 419/4 419/5 421/4 430/5 431/1 433/15 436/17 442/7 444/8 444/23 445/6 454/2 455/7 455/8 457/12 475/7 476/14 482/12 483/3 486/8 492/24 495/5 496/15 499/9 499/15 501/6 501/20 502/18 509/13 511/2 511/3 512/5 515/18 520/14 520/19 522/16 522/17 523/22 527/25 531/14 531/16 531/17 532/11 532/15 532/19 533/17 534/14 537/21 547/7 548/16 548/17 548/25 549/6 549/15 551/15 554/4 556/11 557/8 557/25 559/11 559/12 559/13 560/3 560/4 562/1 573/4 583/1 588/2 590/16 593/6 593/7 595/13 595/25 596/22 600/2 600/3 600/5 600/11 600/14 602/13 602/23 604/5 605/25 606/16 606/21 606/21 610/1 610/2 611/5 611/10 612/12 612/15 613/22 614/3 614/8 616/6 619/20 620/22 621/22 623/10 623/11 623/13 629/2 629/11 629/19 631/22 633/4 633/5 633/7 633/16 636/1 637/2 637/18 639/16 639/18 639/20 640/7 642/19 642/24 644/19 644/23 644/24 645/23 655/14 658/10 658/18 661/23 664/3 669/13 673/20 673/21 673/24 674/2 674/4 674/19 676/8 676/23 676/25 681/23 681/24 682/13 682/16 683/22 698/15 704/7 704/13 704/15 710/23 714/3 718/5 720/16 723/1 723/24 724/3 725/8 725/9 726/17 727/8 728/11 728/12 728/25 730/14 732/8 732/10 733/5 733/15 734/8 735/4 739/14 740/4 740/6 741/14 741/19 743/18 744/12 744/13 746/18 746/20 746/25 748/11 748/17 749/6 749/13 750/14 751/15 751/20 752/8 754/2 754/24 758/5 758/24 759/12 760/3 760/4 760/5 760/11 761/9 769/2 780/22 788/6 805/18 808/5 808/7 809/6 810/4 811/17 812/19 812/21 813/8
up on [1] 605/25
update [1] 513/15
updated [1] 45/13
updates [1] 270/23
uphill [1] 527/22
upload [1] 260/5
uploaded [2] 259/25 517/14
upon [6] 153/8 153/25 285/25 767/4 769/7 770/22
upper [7] 432/7 432/13 432/15 433/14 434/6 490/16 498/18
uprising [1] 596/7
ups [2] 166/12 345/17
upset [21] 67/3 67/8 68/8 107/3 107/7 340/21 340/23 341/21 405/11 405/20 406/19 458/8 458/20 458/24 459/15 459/15 482/3 552/18 608/10 712/14 754/10
upside [1] 760/8
upstairs [1] 483/18
upward [2] 306/1 306/5
upwards [11] 432/10 444/16 445/1 445/2 445/11 445/14 445/16 445/17 445/19 449/23 760/1
urge [1] 591/16
us [72] 13/10 22/5 57/23 79/23 83/24 87/20 89/19 93/3 95/12 112/5 112/11 116/25 117/1 128/5 129/7 154/1 157/1 175/23 187/8 190/23 192/4 194/20 194/21 223/12 227/18 238/4 238/6 238/6 238/16 238/17 239/11 239/12 239/13 243/5 276/20 282/13 298/11 307/25 308/1 308/12 308/23 321/4 322/24 340/1 350/24 356/19 360/22 397/4 407/20 415/11 462/7 464/11 517/20 534/12 549/4 549/5 558/23 607/5 648/20 686/3 702/13 708/8 725/7 728/10 740/15 774/25 775/8 785/15 788/3 791/20 804/14 807/7
USC [1] 137/12
use [57] 25/10 25/17 88/23 119/4 128/5 193/2 197/9 199/12 201/16 227/14 231/22 249/24 253/18 267/11 274/13 280/18 282/6 286/3 288/1 299/3 305/5 316/18 316/24 321/9 329/23 365/11 376/14 418/18 437/17 482/4 484/4 512/23 519/1 545/11 556/1 577/6 599/19 642/4 657/21 701/23 718/1 732/2 734/15 746/17 758/14 758/20 762/21 762/22 766/13 766/18 774/25 775/12 783/23 784/3 795/6 795/7 808/11
used [38] 13/16 27/16 63/23 64/25 85/4 88/21 97/15 110/13 170/7 203/12 225/22 254/2 267/10 282/14 299/7 346/21 358/14 369/1 370/1 375/19 397/15 418/22 436/19 485/19 486/16 509/1 509/3 555/25 556/2 607/17 655/1 677/2 701/24 766/15 770/9 770/10 783/25 784/2
useful [2] 201/18 572/24
uses [1] 512/24
using [13] 67/19 67/21 88/22 93/12 94/18 227/11 315/13 329/19 346/10 346/13 437/9 441/20 684/2
usually [17] 72/23 162/7 175/24 191/13 194/19 206/15 250/3 250/24 263/23 265/19 280/17 434/24 436/17 449/3 652/22 760/18 778/19

V

vacuum [1] 79/14
vain [1] 810/1
value [9] 172/24 173/2 173/21 174/18 207/18 330/13 465/12 766/2 770/12
vantage [1] 310/12
vaporize [1] 224/15
variables [5] 133/12 206/21 292/14 294/2 520/9
variations [1] 293/11
varies [1] 288/16
various [5] 270/16 270/16 270/17 541/24 637/14
varying [1] 291/9
vehicle [21] 119/17 119/19 123/24 133/15 139/7 194/24 207/21 216/21 216/24 287/9 287/11 289/19 289/22 518/8 518/12 597/17 598/1 603/13 650/8 650/11 803/13
vehicles [1] 280/16
vein [1] 539/20
ventricle [1] 432/11
Verba [4] 42/4 87/10 87/11 787/22
verbal [1] 332/12
verbatim [3] 401/19 406/22 407/12
verdict [69] 6/15 54/7 55/22 89/2 91/7 99/11 99/15 99/16 99/21 535/4 537/8 537/25 696/10 697/20 698/24 722/17 722/25 739/5 768/19 768/23 769/9 769/12 781/17 782/3 786/6 787/7 787/15 792/17 793/7 793/21 794/1 794/3 794/7 794/16 794/17 795/1 795/2 795/10 795/12 795/15 795/17 795/20 795/22 795/25 796/2 796/5 796/7 796/10 796/12 796/15 796/17 796/20 796/22 796/25 797/2 797/5 797/7 797/10 797/12 797/15 797/17 797/22 798/1 800/7 800/9 800/15 800/24 801/19 801/21
verify [1] 243/19
Vernis [1] 37/22
versa [1] 100/24
version [7] 67/13 75/20 110/20 541/25 589/22 762/22 762/24
versions [2] 50/10 110/22
versus [8] 233/19 233/20 536/14 717/1 741/10 745/21 794/9 801/7
vertically [1] 288/24
very [179] 12/8 17/18 27/7 31/1 42/14 42/21 43/5 45/23 45/23 46/23 59/19 61/23 65/21 72/7 74/12 78/24 79/8 79/13 80/12 81/13 85/13 87/22 88/20 91/13 91/14 92/15 96/20 96/22 96/25 101/11 102/6 119/7 119/7 119/8 122/8 124/13 148/16 151/8 154/12 159/25 168/7 170/4 186/18 196/11 212/6 220/23 230/5 230/7 230/11

1470

V

very... [130] 232/4 233/24 236/3 240/12 240/23 247/5 263/15 271/17 276/24 280/9 280/11 282/21 287/5 287/5 287/6 287/22 290/12 290/12 292/3 293/2 295/17 295/24 296/6 321/4 326/9 327/21 329/5 331/4 351/20 383/22 383/24 392/25 405/21 406/21 414/10 415/15 415/16 417/11 419/25 421/23 425/8 429/4 431/2 432/8 434/21 437/14 445/11 446/9 449/1 449/1 473/2 476/13 482/3 482/3 482/4 487/16 487/19 488/10 491/3 491/6 491/6 507/13 515/14 516/9 523/9 523/12 531/8 534/24 535/17 535/25 540/6 540/7 540/10 542/9 545/25 552/23 566/1 573/15 584/24 590/11 592/14 594/18 648/17 663/17 678/22 680/24 694/7 694/14 694/14 704/5 706/6 706/21 707/2 707/2 707/5 707/13 708/8 715/11 718/10 720/23 721/3 727/12 727/19 727/21 727/22 765/17 766/4 768/12 775/5 776/12 778/24 780/18 785/17 790/3 790/10 791/2 791/21 793/4 794/19 795/4 797/21 797/23 802/11 803/22 803/22 804/18 804/21 811/9 811/17 812/12

via [1] 615/4

vials [2] 225/12 225/17

vice [1] 100/23

victim [32] 22/17 22/19 28/20 28/25 52/5 61/7 71/19 117/24 154/5 165/13 193/24 198/6 228/22 228/22 228/25 264/18 265/2 265/4 298/19 318/22 322/9 499/24 703/24 709/8 713/18 717/17 719/1 743/22 744/3 782/24 784/2 784/9

victim's [8] 86/2 86/3 86/7 199/14 228/20 251/6 251/13 321/7

victims [7] 57/13 235/10 446/16 471/12 472/25 708/7 803/1

video [67] 7/8 248/19 249/21 251/9 251/15 251/16 251/18 253/25 254/3 256/6 257/13 257/16 257/18 258/6 260/10 423/15 426/1 493/4 493/20 494/9 494/10 494/14 494/17 494/21 495/5 495/9 495/20 496/17 500/12 500/22 500/23 502/8 502/22 502/24 503/4 503/13 503/18 511/25 512/5 512/7 512/21 515/17 516/2 516/17 516/22 516/25 517/7 518/2 566/11 572/12 572/15 573/2 573/8 573/11 573/14 574/1 575/24 580/19 581/7 682/8 682/18 685/10 685/16 718/25 735/11 755/10 756/16

videos [4] 249/4 253/17 260/13 502/11

videotape [1] 712/21

videotaping [1] 131/7

view [16] 17/21 125/22 140/11 172/10 202/25 255/3 256/6 256/9 256/21 257/7 257/9 535/16 535/16 572/12 779/22 801/17

viewed [3] 251/16 257/5 503/21

views [4] 172/21 515/21 515/24 793/25

Village [28] 24/9 24/15 105/14 108/16 137/24 140/9 140/11 165/18 182/10 218/6 298/4 351/2 397/8 408/6 417/15 417/19 423/20 455/12 461/17 461/24 464/21 465/20 477/14 612/2 668/9 669/22 715/13 747/14

violated [2] 95/22 591/20

violation [3] 466/19 466/20 466/21

violative [1] 98/1

violence [1] 28/24

violent [2] 28/20 596/16

virtue [1] 91/15

visibility [2] 121/24 132/1

visible [1] 516/10

visibly [1] 482/2

visit [1] 537/23

visual [1] 475/3

visualize [1] 296/5

Vita [6] 653/14 654/16 655/13 655/17 655/20 656/20

vital [2] 432/12 432/21

vocabulary [1] 810/14

voice [13] 101/1 123/22 307/25 340/7 340/10 340/12 352/18 402/4 431/1 633/10 633/16 634/5 679/25

voicemail [4] 60/25 479/7 479/9 560/2

voices [1] 340/7

voir [1] 49/3

volume [2] 214/6 676/6

volumes [2] 92/4 92/5

voluntarily [4] 542/16 542/19 784/20 784/25

voluntary [10] 54/15 593/10 594/3 695/13 703/5 703/23 708/19 708/25 784/19 804/23

vote [1] 726/8

W

Waffle [3] 620/15 621/13 741/15

wait [14] 43/15 43/22 45/5 95/25 101/2 151/1 218/16 218/17 328/6 501/9 593/11 724/3 788/25 799/8

waited [2] 54/19 472/19

waiting [7] 105/1 120/23 165/22 462/11 593/11 644/22 810/10

waive [1] 65/1

waiver [3] 64/14 64/18 486/11

waiving [1] 487/3

wake [3] 428/14 428/17 739/14

Wakeelah [1] 40/3

wakes [1] 106/15

waking [1] 377/24

walk [21] 54/19 348/3 380/3 407/12 407/13 475/7 475/9 476/18 502/2 608/25 626/11 626/13 626/15 626/16 626/18 626/21 627/24 660/23 684/14 712/20 715/24

walked [17] 121/13 121/13 343/24 344/24 353/10 353/12 379/24 380/1 404/25 558/20 558/24 559/8 639/12 639/13 749/7 750/2 756/9

walking [18] 114/4 118/7 118/13 162/17 170/6 184/5 403/23 500/17 502/1 596/22 617/3 631/12 632/2 633/18 640/7 712/4 712/22 758/11

walks [4] 502/3 745/6 756/18 758/15

Walkup [1] 35/4

wall [5] 357/2 360/11 363/17 437/2 437/7

Wallace [1] 677/2

walls [1] 313/10

Wanda [1] 35/24

want [210] 12/17 31/7 42/22 44/23 45/14 47/20 48/14 48/22 64/16 67/12 68/9 68/23 74/8 79/9 85/9 89/14 95/15 101/12 101/15 102/7 111/3 121/25 122/18 122/19 124/5 124/15 128/2 149/25 150/25 152/10 155/23 156/15 161/20 167/14 169/8 183/6 196/21 213/7 213/8 213/10 214/9 217/22 220/4 225/24 226/3 237/22 239/9 250/2 257/25 263/19 277/17 291/4 313/7 327/8 328/6 330/11 333/22 340/6 343/10 351/8 371/17 373/1 383/7 383/19 385/13 389/2 389/18 393/4 396/7 396/25 402/25 409/14 414/11 431/20 437/16 445/22 451/10 454/3 465/24 466/10 468/13 470/23 483/14 484/8 487/10 491/16 497/13 502/19 511/12 515/17 519/10 521/3 526/8 526/16 528/18 534/11 537/17 537/24 543/9 544/2 547/24 556/24 563/15 563/21 566/5 568/8 570/2 578/22 594/7 595/22 596/20 596/21 599/7 600/10 600/11 600/12 600/24 602/13 604/9 606/4 606/22 607/8 608/24 609/22 610/20 610/21 617/4 617/25 619/20 620/6 626/6 626/7 631/5 633/2 633/7 633/18 639/18 643/25 645/9 645/9 647/1 648/11 649/9 657/21 658/20 659/11 659/15 675/20 676/6 677/7 682/14 686/18 689/11 691/1 695/20 700/10 703/4 705/18 706/17 707/23 708/4 708/9 708/13 708/19 718/22 722/8 723/18 723/20 723/22 723/22 723/23 731/7 731/8 732/5 734/18 736/12 737/12 737/20 742/4 747/17 747/21 747/24 753/7 753/8 754/20 755/11 755/25 756/11 758/10 759/17 760/3 760/7 760/21 775/14 788/4 789/25 793/2 799/1 799/8 804/3 805/23 806/18 806/24 807/8 807/12 807/16 807/17 807/24 813/8 813/15

wanted [80] 45/9 47/9 49/20 50/24 54/22 58/13 59/1 59/5 61/11 62/8 63/6 69/3 78/9 113/3 134/5 212/15 212/17 330/9 334/17 345/21 362/18 362/18 369/19 385/13 385/17 387/6 387/9 388/3 389/1 389/5 389/7 389/15 393/16 474/24 474/25 475/2 476/10 476/17 477/18 478/1 478/19 481/7 481/10 492/8 525/12 556/2 568/19 596/15 597/7 599/6 605/3 606/16 609/18 617/13 620/19 621/12 639/18 649/3 649/5 649/6 652/8 702/3 732/7 732/11 732/14 732/14 732/19 733/1 739/20 749/20 764/6 798/18 800/2 804/13 804/14 804/16 807/12 807/22 811/11 811/14

wanting [5] 67/22 197/11 387/22 608/17 806/11

wants [9] 114/7 150/23 355/1 676/10 700/25 701/12 803/24 805/11 807/4

Warehouse [2] 32/7 39/7

warrant [16] 62/7 71/6 71/7 71/14 71/16 72/1 72/4 420/24 421/5 421/9 421/20 479/13 479/14 479/18 509/16 509/19

warranted [4] 534/7 713/5 782/10 813/22

was [1782]

Washington [3] 612/17 612/19 613/16

wasn't [83] 45/12 49/13 49/21 50/15 63/4 75/11 110/25 111/1 111/8 126/25 131/19 139/1 156/11 187/16 196/13 200/21 251/17 251/18 335/2 335/3 358/3 360/25 364/3 366/16 370/10 370/12 400/12 400/16 401/6 401/6 401/24 402/9 403/1 403/1 403/9 403/10 403/12 403/19 404/9 404/10 406/14 406/17 406/23 407/10 407/14 408/16 408/25 411/8 411/11 411/21 414/25 415/1 549/11 571/24 582/15 596/11 623/7 623/21 630/1 634/5 641/25 648/24 652/9 654/18 663/1 663/8 664/18 665/12 665/17 669/10 678/20 688/11 690/8 703/14 731/20 733/11 747/15 750/6 750/10 761/2 764/20 804/24 808/18

watch [8] 125/9 150/21 254/3 327/13 516/2 516/8 556/10 556/12

W

watched [9] 250/10 250/11 250/16 356/18 495/19 496/12 516/2 518/3 518/11
watching [7] 150/20 251/9 337/17 407/9 493/20 502/14 517/8
water [4] 68/20 203/16 228/13 276/25
Watkins [10] 20/16 20/16 538/18 563/23 564/11 564/12 564/16 564/17 565/21 576/12
waved [1] 745/14
way [144] 19/1 27/1 27/18 53/8 53/14 53/14 53/18 67/3 68/22 73/3 78/18 104/3 106/13 117/2 120/15 122/24 128/9 131/20 133/5 133/8 141/22 142/2 142/6 156/7 159/17 178/21 197/5 197/14 234/4 234/4 239/10 239/11 239/12 249/9 273/4 273/11 273/12 276/20 279/13 283/12 290/13 290/15 290/18 291/23 291/24 299/20 299/24 305/13 306/6 311/18 379/10 390/24 438/4 442/2 444/23 444/25 450/12 481/1 485/11 488/6 489/25 493/14 499/5 499/18 499/25 501/12 501/14 508/23 518/19 518/22 518/24 520/9 528/13 528/14 538/17 545/3 545/6 552/18 556/18 557/11 557/11 557/18 557/24 558/24 576/22 578/6 603/8 607/5 616/22 617/17 619/5 621/14 631/17 633/20 634/1 635/16 635/16 635/17 635/18 635/22 661/24 664/4 664/6 676/4 677/11 678/11 678/15 679/18 690/14 697/9 708/5 708/23 715/6 724/17 729/15 735/12 735/13 745/23 745/24 746/15 746/24 747/22 749/4 750/17 754/15 754/22 754/22 755/2 756/23 757/3 758/2 761/16 762/2 762/2 764/9 766/16 772/21 773/1 777/10 777/16 783/14 806/15 812/3 813/6
ways [11] 93/1 133/11 232/19 235/4 243/4 262/8 493/25 577/3 600/21 678/11 725/17
we [931]
we'd [13] 123/3 191/15 202/2 254/11 271/12 275/21 279/17 601/21 612/25 704/14 747/6 747/8 747/12
we'll [62] 43/20 78/15 85/6 85/12 94/16 97/5 98/18 102/11 102/11 102/12 148/19 148/21 149/9 193/20 193/20 211/25 214/23 238/3 238/14 238/15 238/16 264/6 272/10 273/1 273/18 294/22 295/9 298/15 299/3 299/21 316/21 394/6 394/17 467/21 511/6 511/8 520/11 520/17 542/23 543/16 545/13 577/6 598/23 600/18 621/4 634/20 635/15 659/3 673/12 675/1 684/1 695/10 696/3 700/12 700/17 734/23 763/15 765/3 788/10 788/11 791/21 799/6
we're [56] 81/19 87/2 93/1 93/22 114/3 121/6 150/24 154/25 162/5 173/19 173/20 175/1 179/8 179/17 182/3 195/5 208/17 222/15 222/17 224/7 224/22 233/18 256/25 267/17 277/9 298/13 312/19 331/5 349/10 395/8 420/3 422/14 466/17 472/12 483/15 501/16 511/2 537/20 569/18 575/14 610/20 625/25 679/24 679/25 681/1 686/2 709/2 725/7 725/8 725/19 733/3 733/4 740/24 757/18 762/19 764/19
we've [25] 93/23 213/20 328/12 482/23 496/12 517/5 546/1 576/12 606/5 676/14 678/19 679/18 714/22 723/14 727/16 727/17 746/12 749/12 753/5 753/6 753/22 755/10 757/10 759/20 764/23
weakened [1] 775/19
weapon [4] 54/22 204/11 206/20 702/1
wearing [11] 169/12 175/11 208/15 346/25 391/20 391/23 436/24 552/11 552/11 552/12 742/19
weather [1] 622/2
weed [1] 618/16
week [17] 13/8 57/17 92/21 217/8 217/9 217/10 249/14 257/10 298/11 368/17 582/14 608/4 608/4 706/16 723/13 723/19 801/12
weekend [2] 249/15 471/25
weeks [4] 88/14 217/9 368/15 471/22
weigh [4] 600/17 722/16 770/16 776/9
weight [6] 98/23 717/24 766/2 770/11 772/14 779/19
weights [2] 272/20 784/8
welcome [2] 370/15 733/12
well [187] 12/8 43/6 44/1 44/14 48/22 55/13 55/15 59/14 60/8 60/13 74/22 75/11 75/23 78/7 78/14 80/3 82/2 82/4 86/4 91/4 92/16 101/2 104/5 119/5 122/8 129/6 131/19 159/25 168/7 169/24 170/2 170/6 170/6 170/8 175/11 175/11 178/17 179/4 179/6 179/7 179/9 179/17 195/10 199/21 200/25 212/13 213/15 220/9 220/23 222/25 237/11 239/13 240/12 240/23 242/19 246/22 256/22 263/15 266/13 271/17 272/17 282/20 292/25 312/9 313/19 323/6 324/8 328/8 328/9 328/25 333/7 333/12 338/5 342/11 356/20 358/18 365/23 382/18 390/25 398/25 401/18 405/19 421/14 421/15 424/3 425/9 429/4 431/16 457/18 458/1 462/10 475/20 478/16 479/12 480/13 510/14 517/6 518/3 531/5 532/8 534/24 541/2 543/11 543/22 549/1 549/17 552/5 552/23 554/23 556/17 558/16 561/10 561/22 561/25 562/24 563/12 566/1 566/11 567/18 571/1 571/21 572/13 574/3 575/21 578/2 582/13 596/19 596/21 600/7 600/7 600/15 605/7 606/10 606/20 608/8 610/17 613/22 618/5 618/23 620/9 620/15 630/24 633/19 634/23 638/5 641/14 642/17 642/24 644/19 646/1 663/14 664/2 673/8 677/13 678/20 684/1 687/13 690/20 694/7 694/14 701/7 704/5 704/13 710/4 711/21 721/1 722/12 722/13 728/2 737/6 740/10 740/22 741/2 741/13 742/24 743/6 744/10 772/15 785/20 792/2 795/7 798/7 802/16 803/9 803/22 807/8 811/16
well-wearing [1] 175/11
well-worn [11] 169/24 170/2 170/6 170/8 175/11 178/17 179/4 179/6 179/7 179/9 179/17
went [162] 18/10 18/23 58/25 60/23 60/24 61/19 61/20 61/20 104/9 104/10 104/20 104/25 118/6 121/15 126/21 126/23 126/23 132/20 138/4 139/19 147/3 182/9 184/9 184/20 249/18 249/19 256/17 278/8 290/4 290/15 299/1 300/5 337/1 339/11 339/12 342/14 346/21 346/23 356/10 356/17 357/1 357/4 358/2 358/6 358/13 359/7 359/8 359/9 359/15 359/21 360/2 360/18 360/19 361/21 365/24 365/25 371/1 371/3 372/24 373/3 374/15 375/8 380/8 389/13 392/18 397/14 400/5 400/23 404/16 407/25 408/2 428/11 428/14 432/21 432/23 437/1 441/22 444/23 450/18 455/7 455/17 474/22 475/1 475/20 479/6 479/8 479/12 479/22 480/14 481/1 481/16 481/24 482/20 483/25 503/20 510/18 516/21 518/20 528/12 549/16 551/14 552/14 552/15 555/20 555/21 556/10 559/11 561/17 594/1 595/24 606/19 610/2 612/7 612/12 612/15 613/14 613/18 613/21 614/10 620/15 621/20 621/25 622/5 622/12 622/15 623/4 627/16 629/18 629/20 630/22 631/11 631/15 640/17 641/15 641/20 642/24 648/2 648/3 660/22 661/2 661/9 664/20 666/10 671/4 673/13 683/21 692/3 715/22 719/3 721/19 721/21 725/13 735/13 739/7 741/19 741/22 742/8 760/3 761/17 801/9 806/3 807/17
were [688] 26/14 26/22 28/24 28/25 29/1 42/21 43/5 49/22 52/23 61/15 62/15 64/13 71/12 72/17 80/22 82/12 84/16 85/15 87/3 103/12 103/22 104/22 105/2 105/9 105/13 105/14 106/2 108/11 114/10 116/11 117/25 118/23 118/25 119/14 119/15 119/16 120/7 120/15 122/1 122/5 122/22 123/9 123/12 125/15 126/17 128/8 129/2 131/6 131/10 131/14 131/14 131/17 131/22 131/25 133/22 133/24 134/18 135/4 135/7 135/9 137/20 138/18 138/19 153/6 153/21 153/25 156/5 156/9 156/13 157/10 157/19 157/24 158/12 158/15 163/7 165/9 165/14 168/1 169/2 169/5 170/19 171/23 174/5 174/17 174/17 175/14 176/7 181/17 182/4 182/18 185/2 185/3 187/22 188/1 190/1 190/2 192/7 193/6 193/7 193/16 193/24 194/5 194/13 194/14 194/15 194/23 195/16 195/16 196/8 196/10 197/25 198/23 200/16 200/22 200/24 201/6 204/5 204/9 207/15 209/22 210/22 212/18 214/3 217/23 218/1 218/4 218/9 219/18 219/19 227/4 231/1 232/13 232/13 239/24 239/24 240/4 240/16 243/7 243/12 246/20 248/22 250/7 250/17 251/22 251/22 256/5 256/7 260/9 260/12 264/17 264/18 265/9 266/25 267/4 267/6 273/3 274/2 274/2 276/10 278/6 278/9 278/17 281/8 281/12 281/12 281/15 281/17 281/22 281/24 282/3 282/17 283/4 283/6 283/6 283/8 284/1 284/5 284/11 284/12 284/12 286/9 286/21 286/22 287/2 287/20 288/2 288/3 289/18 292/20 293/18 293/21 297/17 299/10 300/9 301/12 302/6 303/2 304/5 305/4 310/10 316/5 322/9 322/21 324/18 325/3 332/21 333/23 333/25 334/6 334/16 334/23 334/25 335/3 335/10 335/13 335/21 335/24 336/2 336/6 336/8 336/19 336/24 337/6 337/19 337/20 337/22 337/24 339/3 339/6 340/1 340/3 340/5 340/15 340/21 340/25 341/4 341/5 341/8 341/10 341/25 342/1 344/2 344/5 344/9 344/11 346/3 346/25 348/8 350/7 350/11 350/13 352/2 353/20 353/23 356/3 356/18 357/1 357/5 357/8 357/15 359/16 360/4 360/23 361/3 361/11 361/12 361/14 361/23 362/1 362/16 362/22 363/2 363/4 363/23 363/23 363/25 364/1 364/8 364/9 364/10 364/13 364/17 365/12 365/18 366/12 366/14 366/22 367/20 367/25 369/1 370/16 370/17 370/18 371/2 371/5

1472

W

were... [393] 371/7 371/13 371/24 372/2 373/24 374/18 374/23 376/1 376/2 376/11 376/20 376/21 376/23 376/25 377/1 377/11 378/14 378/17 378/23 378/24 380/24 382/2 384/4 385/6 385/10 385/24 387/10 387/15 387/23 388/21 390/17 391/17 391/24 396/6 396/19 396/21 397/19 399/2 399/16 399/21 400/24 401/3 401/4 401/12 402/14 403/6 405/2 405/23 406/1 406/6 406/9 406/20 407/2 407/7 408/15 408/19 410/8 410/10 410/11 411/6 411/9 411/15 411/16 413/20 414/2 418/24 426/1 426/8 429/18 429/19 429/23 430/18 434/13 435/12 437/6 438/22 440/5 440/14 441/2 442/18 444/3 444/6 446/1 446/2 446/4 447/11 448/3 449/10 449/23 450/8 450/24 451/1 451/9 454/20 456/20 457/11 459/1 459/15 462/10 465/20 468/16 471/4 472/22 473/5 474/3 476/22 477/1 477/5 477/7 479/25 480/2 482/14 489/5 489/22 490/3 490/11 490/23 492/10 492/13 492/23 493/1 493/14 493/20 495/22 496/20 497/14 502/10 503/10 503/19 506/16 509/12 510/10 515/19 519/22 521/22 522/2 522/2 522/25 523/8 524/13 526/9 526/11 527/3 527/15 527/21 528/7 528/9 528/19 529/11 529/18 539/10 547/18 549/3 551/12 551/15 551/17 554/10 554/21 556/13 561/14 566/6 568/2 568/5 568/9 568/9 568/21 568/21 568/24 568/24 569/1 569/5 569/6 569/22 569/24 570/3 571/6 571/7 571/9 571/9 571/14 571/15 571/18 572/5 572/6 572/9 572/18 572/21 573/12 574/17 574/19 575/22 578/1 581/4 581/5 583/11 583/14 583/14 583/18 583/20 585/22 585/24 586/8 586/10 586/19 586/20 587/7 587/8 587/9 587/11 587/11 587/13 587/14 590/11 595/7 595/8 595/15 596/11 596/12 596/12 597/10 599/24 600/8 602/23 603/17 604/5 605/12 605/14 608/20 608/22 608/23 610/12 611/14 611/20 612/13 614/12 614/19 614/21 615/17 615/18 615/24 616/25 617/1 617/10 617/21 618/9 618/12 618/24 619/1 619/10 619/14 619/24 620/4 621/4 624/4 624/21 625/8 625/10 625/16 625/19 625/20 627/3 627/23 628/2 628/8 629/8 630/11 630/14 633/4 633/18 634/6 634/6 634/7 634/21 634/22 634/22 635/20 635/23 636/12 637/8 638/6 639/1 640/7 641/6 641/11 643/20 647/2 647/3 647/8 647/8 647/11 647/14 647/16 647/18 648/3 648/25 649/7 650/16 650/16 650/19 650/21 650/24 651/3 651/16 651/20 651/23 651/25 652/3 652/6 659/9 660/14 661/13 662/11 663/11 663/14 663/16 663/18 663/18 663/21 665/19 665/22 668/15 668/19 668/21 669/5 671/19 671/19 672/10 674/9 688/1 688/6 689/1 689/3 691/8 691/10 691/22 692/8 692/25 693/3 693/5 693/7 693/11 697/7 697/8 699/15 704/8 709/13 711/16 717/6 717/7 717/13 720/18 721/3 722/12 727/19 727/20 727/20 729/14 729/19 729/20 731/4 733/9 735/9 735/10 735/14 735/16 736/18 736/19 736/19 737/19 740/14 742/15 742/16 744/10 747/5 753/13 753/25 754/1 757/8 758/4 759/5 760/2 766/22 771/21 771/21 771/22 787/19 798/2 800/17 801/2 806/5 811/18 814/2 814/14

weren't [16] 131/12 132/3 175/10 286/19 309/12 366/16 367/20 376/3 449/22 600/6 650/8 650/11 666/9 668/17 729/21 800/17

Wesson [6] 280/4 280/25 281/10 282/23 282/25 291/17

west [2] 142/3 550/2

Westlaw [1] 45/4

Westminster [2] 461/18 461/19

Westmont [1] 223/3

Weston [1] 35/14

wet [7] 174/10 174/11 208/13 322/19 418/3 418/14 622/3

what [1025]

what's [57] 82/5 90/1 90/2 114/5 122/16 130/8 135/1 156/23 161/20 164/18 177/2 177/5 186/11 195/24 196/1 198/4 201/14 210/11 244/21 249/14 267/10 274/11 290/13 376/18 383/5 392/11 413/1 428/17 464/6 495/7 498/5 502/19 526/16 550/3 554/19 557/13 566/15 567/11 587/23 590/9 597/19 607/8 612/20 625/13 627/20 646/3 647/13 677/22 698/15 713/20 727/18 731/17 737/2 743/6 754/9 755/16 759/25

whatever [31] 49/11 78/15 130/14 130/14 135/9 139/17 193/3 217/2 243/21 358/20 405/18 463/9 475/18 488/3 497/5 502/13 536/23 581/24 593/22 621/19 632/24 646/3 646/21 647/5 678/1 681/24 714/5 737/9 757/13 785/2 785/18

whatsoever [4] 97/19 482/6 772/14 785/24

whelps [1] 418/6

when [676] 12/21 30/1 31/6 43/12 43/13 44/4 44/8 44/17 45/1 45/10 45/25 50/17 53/23 54/16 58/10 60/20 61/3 62/15 62/25 67/13 69/22 72/6 72/20 73/1 75/8 75/10 77/6 77/13 77/25 78/17 79/3 82/7 82/15 87/3 88/11 89/4 89/23 89/24 92/3 93/3 93/20 94/20 96/8 96/12 97/6 97/14 97/17 99/7 100/16 107/14 111/19 112/16 113/9 113/13 113/22 113/24 114/18 118/10 118/17 119/11 121/5 121/13 122/9 124/14 126/20 127/4 128/8 128/16 129/4 129/19 130/12 132/4 132/5 132/7 132/20 133/2 134/18 134/18 139/16 146/12 146/14 146/20 147/4 150/18 153/23 156/11 160/8 161/23 162/11 164/18 164/22 166/7 166/13 166/23 167/2 169/18 169/21 170/2 171/11 172/2 172/8 172/20 173/21 176/15 182/9 183/11 184/6 184/9 184/18 185/17 185/23 187/2 192/16 192/18 193/6 193/13 194/21 195/25 196/16 197/4 197/7 209/22 212/5 217/14 217/15 217/21 218/9 219/9 220/5 220/11 222/15 224/9 224/12 224/13 224/19 226/15 226/20 233/7 233/9 235/18 237/9 237/12 237/15 241/13 241/18 244/14 244/14 245/25 249/6 250/13 251/5 251/8 251/12 251/16 251/22 252/11 252/19 256/5 258/14 259/20 260/5 270/4 272/7 272/9 273/4 273/9 273/17 274/17 275/4 275/6 276/14 280/22 280/23 282/21 284/11 285/1 286/19 286/22 287/12 288/3 288/5 288/22 290/21 299/18 301/3 305/4 306/6 309/6 318/8 318/23 319/25 320/4 321/14 323/2 332/9 336/19 337/16 340/6 341/17 343/25 344/5 344/8 346/3 346/21 348/5 353/19 353/20 357/3 357/9 357/22 358/10 358/15 358/18 358/19 359/7 359/11 359/13 359/15 360/2 360/2 360/12 360/18 360/19 360/21 361/5 363/15 363/20 364/3 365/23 365/24 367/20 370/16 370/17 378/21 379/17 380/24 381/14 382/10 382/11 382/12 382/18 382/25 385/12 388/21 389/1 389/13 391/24 392/1 392/3 397/18 397/21 398/10 398/16 398/21 398/24 398/25 398/25 398/25 399/7 399/15 400/4 400/18 400/25 401/9 401/15 403/13 403/20 403/21 403/24 404/2 405/9 405/24 406/24 407/8 407/8 407/18 407/19 408/6 408/12 408/15 409/3 409/7 410/6 410/10 410/11 410/11 412/2 414/5 414/7 414/16 415/4 415/12 419/6 424/1 424/20 426/9 431/10 431/11 435/1 435/23 436/1 437/17 437/17 446/12 446/18 449/17 450/13 450/18 458/9 458/13 458/16 458/22 459/9 459/22 460/4 465/20 472/20 473/12 473/25 479/2 481/18 482/1 482/7 482/11 483/15 484/9 486/24 487/25 491/9 493/4 496/21 498/6 498/13 501/13 501/17 503/13 503/23 503/24 505/25 507/23 508/2 511/2 513/17 513/18 515/17 519/25 521/23 522/2 525/13 526/10 526/12 526/14 528/9 529/9 530/18 530/19 531/3 531/3 531/13 538/23 540/25 542/21 544/15 544/20 546/3 548/15 548/16 549/2 551/12 551/14 551/14 552/4 552/5 552/7 552/15 555/2 556/3 556/20 557/6 558/2 558/15 558/16 559/11 559/22 559/23 561/8 561/10 561/12 562/10 562/17 562/23 569/18 569/18 570/7 570/7 570/13 571/5 571/14 571/20 571/24 574/21 574/23 575/1 575/3 577/20 577/23 578/16 579/13 584/7 587/14 587/15 588/11 590/5 591/9 591/15 593/6 599/16 599/25 602/23 603/3 604/4 604/8 604/23 604/24 605/3 605/5 605/19 606/2 606/10 606/16 607/22 608/14 608/14 609/7 610/16 610/17 613/21 613/22 613/22 614/1 614/2 614/5 614/6 615/11 615/17 617/1 617/2 617/2 617/23 618/2 620/13 621/14 622/23 623/1 623/11 623/13 623/16 623/22 623/23 624/6 624/6 625/5 625/19 626/11 626/15 627/2 627/19 627/23 628/12 628/14 629/16 630/18 631/15 631/16 631/22 633/4 633/9 633/19 633/19 633/24 634/14 637/2 637/18 637/20 637/25 638/1 638/15 638/19 639/1 639/4 639/7 639/8 639/9 639/13 640/2 640/7 641/2 643/18 644/19 644/25 645/10 646/1 647/2 647/8 647/11 648/2 648/7 648/9 648/10 648/21 650/13 650/23 651/6 651/8 655/1 656/19 658/3 658/9 658/9 659/7 659/14 660/9 660/11 660/18 661/19 661/22 663/10 665/6 665/22 666/11 666/16 667/1 667/4 667/23 668/12 669/12 669/12 669/19 670/8 670/15 670/21 670/23 671/6 671/7 671/18 673/19 677/2 678/12 678/25 680/7 684/1 686/9 686/10 686/13 686/21 686/24 687/21 692/12 692/22 692/23 693/3 693/5 694/25 696/12 703/1 707/8 709/17 709/17 709/22 711/15 711/22 712/2 712/4 712/15 712/18 712/19 714/19 714/20 716/1 716/15 719/5 720/8 720/15 720/16 721/14 721/19 721/21 722/6 723/2 725/13 725/16

when... [85] 725/17 726/1 726/3 726/21 726/22 727/14 728/11 729/22 729/25 731/5 731/19 732/9 732/9 732/24 732/25 734/12 735/1 736/17 736/18 736/21 738/3 739/1 739/3 739/16 740/13 740/20 741/20 745/9 745/19 747/25 748/3 748/11 748/14 748/14 750/2 750/10 750/19 750/20 751/3 751/18 751/21 754/12 754/15 755/11 756/18 756/24 757/6 757/17 758/25 761/2 761/3 762/4 762/25 763/1 763/2 766/9 766/11 766/18 766/24 769/25 772/9 772/9 773/7 775/3 775/5 775/12 776/24 777/3 778/20 779/8 779/10 787/23 788/15 789/24 792/17 798/23 806/2 806/10 806/10 808/24 811/19 812/18 813/9 813/14 814/3
when's [1] 242/3
whenever [11] 116/14 222/12 226/17 226/21 231/22 298/22 299/24 305/11 306/5 361/11 483/1
where [351] 31/6 44/9 44/20 46/11 51/21 52/2 56/23 57/3 60/14 64/16 68/15 70/13 70/24 75/4 79/13 89/7 101/19 110/2 113/13 113/14 113/14 115/21 121/11 121/12 122/1 122/5 134/6 134/7 134/18 137/23 141/8 141/12 167/12 168/12 170/15 170/19 181/3 182/9 184/7 184/12 184/17 187/9 189/21 190/1 194/1 194/22 197/16 197/18 201/7 203/7 204/9 218/4 220/12 222/3 222/8 222/13 223/11 224/2 231/16 235/20 238/8 238/18 239/6 248/14 249/18 250/24 261/18 269/6 272/24 274/24 275/19 277/5 278/12 278/17 278/22 281/12 283/18 283/22 283/22 287/20 288/1 288/2 289/13 290/6 292/4 292/12 292/16 293/11 294/6 297/15 299/6 299/18 299/25 305/8 305/17 307/18 307/22 308/13 308/19 308/22 309/16 309/18 309/19 309/23 311/16 311/21 312/16 315/5 329/4 336/20 338/8 339/15 341/8 341/10 341/22 344/5 344/8 349/21 349/23 349/23 350/9 350/11 350/16 357/7 357/11 357/16 357/19 360/6 363/15 363/23 369/23 379/6 384/24 389/10 389/15 397/7 397/8 399/21 404/13 405/1 405/2 408/25 411/17 411/21 411/23 411/24 411/25 412/3 412/23 413/4 414/25 417/6 417/7 417/8 417/19 419/2 419/4 423/12 428/13 428/14 428/19 429/19 431/17 432/15 433/16 437/18 437/19 437/22 438/5 442/13 455/8 455/10 455/16 461/15 461/23 464/12 464/14 467/1 470/24 471/4 474/24 475/1 475/11 476/9 476/16 480/3 480/14 481/18 481/22 482/13 483/16 486/25 487/3 492/7 499/3 499/6 499/16 500/10 500/15 501/24 503/15 508/25 512/15 514/16 515/2 518/8 518/19 518/20 518/24 518/25 524/12 525/5 525/14 527/20 528/15 530/14 530/16 531/1 531/5 543/14 549/25 551/15 551/20 554/21 555/11 555/13 556/9 558/10 559/2 560/19 562/13 562/15 562/21 564/16 578/14 578/15 578/17 582/6 585/20 585/22 587/7 587/8 587/11 587/13 596/12 598/16 602/21 604/23 604/24 605/1 605/19 608/9 609/4 609/9 611/24 612/1 612/6 612/16 613/20 614/2 616/9 617/5 618/12 618/14 618/14 620/4 621/22 628/21 633/2 633/2 633/3 633/4 633/18 633/24 634/22 635/4 636/24 639/21 639/23 640/5 640/12 640/16 641/6 641/10 641/11 641/13 642/16 642/20 642/23 643/2 643/4 644/4 644/8 654/18 656/2 656/15 656/19 657/13 658/20 658/20 659/4 659/11 659/14 659/17 659/18 660/9 661/1 661/3 661/5 662/2 663/14 663/18 666/6 668/19 668/21 669/15 678/18 682/16 692/5 696/23 702/1 702/16 715/22 717/20 719/4 726/7 731/20 732/17 733/14 733/15 736/1 736/5 736/25 737/7 737/8 737/21 740/19 743/8 744/8 746/22 747/13 753/25 753/25 754/1 755/7 755/7 756/22 757/15 757/22 759/23 812/24
where's [1] 478/16
whereas [2] 266/15 446/14
WHEREUPON [159] 12/2 13/1 14/8 15/8 16/3 16/15 19/10 21/1 22/3 22/24 23/21 24/5 25/6 25/13 25/25 26/10 28/5 28/12 29/3 30/25 43/2 46/15 47/11 47/13 65/16 80/22 80/25 85/1 86/20 123/8 123/11 123/14 136/4 140/20 143/2 149/2 149/11 149/13 150/15 160/2 161/9 169/1 169/4 183/1 189/1 198/22 202/9 207/8 210/21 212/7 215/1 215/3 215/13 240/15 254/17 276/2 279/23 285/8 295/2 295/12 295/20 301/11 302/5 303/1 303/4 303/7 304/4 307/5 311/5 317/17 318/15 319/5 320/16 321/21 323/17 324/17 327/22 329/10 329/13 330/24 349/5 353/5 373/23 394/10 394/19 395/3 419/22 420/17 421/25 422/2 422/10 425/3 430/17 439/6 440/4 441/1 443/20 453/7 465/15 467/18 468/3 469/7 469/10 469/20 485/1 489/21 496/6 503/9 505/3 520/20 521/6 521/8 521/13 527/11 527/14 533/25 545/15 545/22 550/19 567/5 568/1 568/4 574/13 580/9 591/25 592/19 592/22 594/21 595/9 595/17 601/7 613/7 636/19 675/4 675/22 675/24 676/1 680/21 695/5 705/7 705/9 706/9 763/18 765/5 765/7 765/14 789/2 790/11 790/12 790/14 790/16 790/22 790/24 792/5 792/13 792/15 793/13 799/13 814/14
wherever [2] 197/16 530/24
whether [56] 31/13 31/14 67/24 76/5 98/9 101/25 118/2 119/16 168/10 185/25 185/25 186/2 186/25 187/4 187/6 231/21 273/2 292/2 327/11 330/12 334/23 340/20 345/21 361/17 391/22 407/4 492/23 528/12 540/13 554/25 578/15 581/24 596/14 599/19 631/2 661/12 662/25 674/14 684/18 684/20 684/25 685/1 699/17 713/13 725/4 726/14 733/8 739/14 739/15 761/13 769/2 772/20 774/17 774/20 782/19 783/8
which [152] 13/7 23/10 45/4 50/12 57/20 58/8 59/8 59/10 62/1 66/21 68/13 75/7 93/23 94/6 102/17 138/12 144/9 165/14 175/25 179/6 179/7 186/12 186/13 187/8 190/22 191/11 222/24 244/18 256/7 258/25 264/6 266/13 266/16 270/21 272/18 275/7 277/12 278/4 279/8 281/3 283/19 292/1 292/19 292/25 297/14 299/22 306/5 329/25 358/8 359/1 389/22 401/12 409/10 411/6 428/19 429/23 432/6 432/12 433/6 434/22 436/11 441/20 444/9 445/10 446/9 446/10 447/21 451/13 472/6 473/1 476/5 476/20 479/19 479/21 480/4 480/23 482/9 483/12 492/17 497/7 497/21 501/9 514/19 517/23 518/8 518/21 538/17 539/20 541/20 547/15 555/15 568/10 571/12 588/14 611/22 627/3 633/24 641/16 672/16 672/22 682/2 683/13 688/21 696/2 696/14 696/19 697/2 697/24 702/15 710/11 728/5 730/7 730/8 731/8 731/9 736/9 740/2 759/19 759/20 765/22 767/4 767/15 768/6 768/25 769/8 770/5 770/22 771/13 771/15 772/25 775/24 778/16 778/24 779/4 779/6 779/11 780/9 780/18 780/18 781/8 781/23 782/12 783/21 784/4 785/4 785/14 786/6 786/12 803/13 803/18 805/5 811/5
Whichever [1] 786/22
while [92] 12/9 59/3 60/5 62/15 63/9 66/16 70/7 77/9 96/25 101/8 103/15 105/1 107/11 107/24 120/23 125/15 143/8 149/23 158/15 175/13 175/14 193/7 196/15 208/16 208/17 227/12 249/13 250/22 275/3 336/5 336/11 338/5 340/25 341/4 341/5 344/2 346/8 356/8 358/14 363/23 382/21 382/21 407/2 430/23 475/18 476/22 479/20 488/22 490/23 499/11 510/22 517/3 522/21 523/2 539/3 545/6 556/12 559/24 561/25 573/8 596/3 598/19 607/10 615/23 625/20 642/12 642/17 643/19 643/20 650/16 650/21 659/4 660/20 661/13 667/10 669/10 694/18 698/4 699/15 706/24 724/5 741/24 742/22 744/4 754/5 755/3 755/15 758/4 774/15 784/23 785/3 810/21
whimsical [1] 776/24
white [37] 32/24 33/24 34/11 34/25 35/10 35/21 38/4 40/24 41/11 42/1 42/12 120/21 144/9 144/12 144/13 145/23 147/24 194/2 322/3 322/3 322/5 322/6 325/13 347/1 347/2 347/3 372/17 372/18 442/5 500/5 500/9 559/5 663/3 742/19 756/14 756/14 758/11
Whitney [6] 20/11 221/9 221/22 221/24 318/1 728/17
who [232] 13/21 14/5 15/24 16/21 17/1 19/22 20/8 22/11 24/8 26/3 26/14 43/5 54/1 57/25 61/6 71/12 89/19 97/14 105/12 106/3 108/7 108/8 108/9 110/25 110/25 110/25 111/1 111/17 112/25 113/1 113/21 114/2 126/21 127/6 129/15 137/14 139/6 139/17 141/15 146/7 146/17 154/3 157/22 158/1 162/2 162/16 162/17 166/2 166/4 181/22 182/7 183/11 183/16 218/22 219/11 219/20 220/11 220/11 226/6 226/6 226/22 228/21 228/23 228/25 229/1 232/15 235/10 238/9 246/13 250/13 251/20 264/17 278/21 309/20 328/11 328/13 328/13 334/4 336/14 337/7 337/11 337/22 338/12 338/14 338/20 338/22 338/24 339/13 339/22 342/7 349/18 353/20 354/14 362/25 363/6 364/6 364/10 364/22 366/9 371/19 376/21 380/1 380/10 381/24 383/10 390/24 390/24 391/2 393/16 396/21 397/18 397/21 399/12 402/3 404/3 404/22 414/12 414/14 415/6 415/17 415/20 418/1 418/7 418/8 419/5 454/23 463/13 464/3 472/13 474/2 480/1 492/7 492/13 493/22 494/23 495/4 497/15 497/25 501/20 512/22 519/1 519/6 520/7 522/22 523/4 523/13 523/20 523/24 547/14 549/7 549/21 551/14 551/22 557/5 557/10 557/16 562/23 562/25 569/12 581/2 581/8 581/13 581/18 581/19 582/2 588/16 590/14

1473

1474

W
who... [65] 603/24 604/19 612/13 613/20 614/5 614/5 615/17 618/7 624/2 624/21 625/18 625/19 627/14 627/15 628/2 629/18 629/25 631/22 632/5 638/8 642/7 642/13 643/13 644/1 650/9 651/25 660/10 662/15 663/9 665/9 665/12 665/25 673/25 687/11 687/11 687/15 698/9 698/12 705/18 712/5 716/7 717/18 719/5 726/25 728/20 728/22 728/25 729/7 731/11 731/13 741/23 742/19 747/14 748/19 750/3 751/16 751/25 752/20 758/5 761/20 768/7 784/20 804/9 811/3 812/20
who's [5] 114/6 339/1 654/12 720/5 750/1
whoever [4] 244/25 276/13 674/1 729/8
whole [56] 56/10 62/12 66/20 74/24 115/10 136/15 151/21 155/9 164/4 170/1 173/5 180/16 189/10 216/4 221/17 233/23 236/15 247/25 253/5 253/7 261/5 268/17 296/18 314/7 331/19 352/7 355/13 359/13 378/6 384/11 387/14 395/19 416/19 422/25 427/13 431/12 453/16 456/8 461/5 470/8 475/2 546/22 553/15 564/5 585/8 602/3 636/23 657/12 659/17 673/6 682/15 688/18 769/6 791/12 791/12 804/6
wholly [1] 771/2
whom [4] 13/17 91/7 97/16 309/15
whomever [1] 515/23
whose [6] 340/7 405/7 508/5 550/25 612/8 682/6
why [146] 48/5 53/2 55/11 66/24 78/4 82/22 84/7 90/12 92/18 97/4 97/21 99/11 100/5 100/16 102/7 110/8 111/20 137/16 138/16 156/19 157/5 165/9 165/9 169/11 169/16 169/20 170/13 173/5 176/19 186/23 186/23 197/13 200/6 203/14 212/14 229/5 334/16 336/4 337/9 339/5 339/8 341/20 341/24 344/19 357/12 360/23 361/1 361/25 362/5 362/16 365/1 365/5 365/7 365/9 365/13 365/20 366/6 371/24 371/24 372/2 372/24 378/1 384/25 385/12 389/4 389/16 400/7 401/8 401/10 402/6 402/7 405/12 407/21 408/1 408/24 409/13 411/23 411/25 421/4 447/5 454/25 455/4 498/22 511/5 511/7 520/15 529/24 573/14 600/10 607/7 607/19 610/20 617/7 618/9 622/7 622/23 623/6 628/18 630/24 634/6 638/13 641/8 643/6 674/20 674/22 685/9 686/13 689/5 689/7 689/23 696/15 698/16 709/2 712/17 712/18 716/21 720/18 721/13 724/25 724/25 725/8 727/13 728/19 729/1 729/3 729/10 731/8 732/10 732/10 732/11 735/5 736/19 748/10 749/15 753/5 753/6 756/15 759/5 760/4 760/14 761/21 762/14 774/8 804/12 808/17 812/23
wide [1] 776/12
wife [3] 643/1 644/3 644/4
wild [1] 231/14
will [343] 12/22 13/15 14/13 16/21 16/21 16/25 17/14 21/21 23/7 27/3 27/4 27/21 27/22 29/16 29/18 29/20 30/3 30/4 30/13 30/13 30/14 30/15 30/16 30/16 30/17 30/19 31/4 31/10 31/11 31/12 31/14 31/18 31/20 42/24 43/8 43/9 43/17 43/19 44/1 44/2 44/6 44/8 44/9 44/18 45/2 45/24 45/24 46/9 46/11 48/23 50/18 52/8 55/20 56/9 64/4 76/5 78/19 79/11 79/15 81/7 82/24 83/17 83/25 84/1 84/13 86/8 86/11 87/18 87/23 88/9 88/15 89/2 89/17 89/19 90/17 90/17 90/18 90/20 92/8 92/8 92/11 92/13 94/7 94/12 94/17 94/18 95/22 96/2 96/5 96/5 96/9 96/12 97/3 97/23 98/1 98/8 98/13 100/2 100/8 101/18 101/20 101/22 102/10 102/14 103/7 105/4 105/25 106/2 106/4 106/21 107/6 107/15 107/17 109/7 109/8 110/7 111/10 112/23 113/21 114/12 114/13 115/9 124/12 124/16 136/14 143/9 143/10 143/13 149/24 150/10 150/25 151/20 153/2 155/8 164/3 172/1 173/17 176/1 180/15 189/9 192/4 193/2 194/21 196/10 202/13 202/24 211/19 212/4 214/8 216/3 221/16 223/20 223/25 236/14 236/17 238/4 238/5 238/6 238/12 238/17 238/22 238/24 238/25 243/5 243/19 243/20 245/10 246/24 247/24 253/16 261/4 263/15 263/24 264/5 268/16 271/17 272/8 272/11 272/13 272/25 273/25 274/14 274/19 276/23 277/7 291/25 293/4 294/22 294/24 296/1 296/17 298/7 314/6 315/18 316/19 316/21 316/25 317/4 319/16 327/3 327/6 327/7 327/11 327/16 328/25 329/24 331/18 355/12 358/9 394/6 394/8 395/18 416/18 420/8 420/10 420/11 420/16 421/20 421/23 422/24 427/12 429/4 430/23 430/24 453/15 456/7 461/4 470/7 485/25 488/23 496/15 504/3 514/16 515/2 520/18 523/1 533/19 533/22 535/1 537/13 542/24 544/13 544/16 546/21 553/14 563/22 564/4 566/1 570/8 570/10 573/21 577/7 585/7 590/25 591/4 591/5 591/5 591/7 591/19 592/8 592/9 593/16 595/15 597/1 597/22 599/15 599/16 602/2 633/8 679/17 681/7 692/11 694/12 694/17 694/19 694/24 694/25 695/1 695/15 697/11 699/5 699/19 700/17 706/5 706/6 706/25 707/1 707/8 707/11 719/14 725/9 726/2 726/10 726/14 726/16 727/1 730/15 730/15 734/3 737/3 764/24 765/24 765/24 766/4 766/10 766/14 766/24 771/15 773/2 773/6 773/25 775/7 777/22 778/7 778/11 779/9 785/19 785/19 786/7 786/22 786/24 786/25 787/1 787/25 788/1 788/13 789/19 791/11 792/24 795/3 799/3 800/11 803/1 803/23 805/17 805/19 806/20 809/25 810/5 810/6 813/24 813/25 813/25
William [1] 35/4
WILLIAMS [80] 1/19 2/10 2/12 2/14 2/16 2/18 2/20 2/22 3/8 3/15 3/17 4/4 4/6 4/10 4/12 4/14 4/16 4/19 4/22 5/1 5/3 5/6 5/8 5/10 6/2 6/9 6/11 16/23 17/1 17/4 17/9 17/13 17/20 18/10 18/24 20/8 110/10 112/9 140/5 141/2 141/23 142/11 143/23 144/5 159/7 160/15 168/8 169/7 171/6 212/14 219/7 220/1 333/5 335/18 343/4 366/21 390/5 392/10 399/11 400/2 429/9 430/1 431/8 438/17 441/4 449/11 455/5 458/5 459/8 463/4 464/24 707/17 728/13 731/6 732/8 732/12 734/18 734/19 735/6 739/7
willing [3] 64/21 483/5 486/13
willingly [1] 487/2
willingness [2] 92/2 807/5
Wilson [1] 33/15
win [1] 812/25
wind [1] 162/3
window [42] 107/17 107/19 138/20 139/3 145/19 360/14 360/16 375/17 402/1 435/17 437/2 437/7 449/13 449/15 449/16 463/23 464/15 475/4 483/21 483/22 537/3 559/19 575/15 578/23 629/19 629/21 630/23 630/25 631/11 631/15 709/23 710/25 711/23 714/7 714/7 715/21 716/8 735/13 752/4 752/7 752/9 761/3
wines [1] 785/1
Winthrop [1] 262/18
wires [2] 426/8 426/11
wish [23] 31/13 45/1 64/6 74/2 87/14 87/19 122/12 135/21 393/22 486/2 538/10 542/3 546/10 552/25 601/17 704/13 798/23 798/25 803/2 803/20 809/8 809/8 810/12
wishes [3] 31/15 225/6 542/17
wit [2] 386/14 390/7
within [47] 113/11 114/18 154/3 154/7 158/19 158/23 159/1 166/2 166/3 166/10 174/5 208/5 208/6 238/17 241/10 243/6 259/24 278/22 305/20 315/16 432/25 433/4 433/5 436/8 507/8 510/5 511/20 562/11 578/8 598/2 598/3 598/13 598/14 598/21 647/20 660/14 660/15 660/17 688/15 693/16 727/5 737/13 757/1 757/1 804/18 804/19 804/20
without [103] 64/7 65/14 68/12 81/25 94/21 123/6 140/18 142/25 157/1 160/1 167/24 168/22 198/20 199/9 202/7 207/5 207/6 210/18 228/13 238/24 240/13 254/16 275/25 276/16 276/21 277/2 279/21 285/5 285/6 288/17 289/10 289/10 291/10 291/18 292/17 293/4 293/25 301/9 302/3 302/25 304/3 307/3 311/2 311/3 317/16 318/13 319/3 320/14 321/19 323/15 324/15 349/2 349/3 353/3 353/4 365/2 373/21 424/3 425/1 430/14 430/15 434/11 437/5 439/4 440/2 440/23 443/13 443/17 443/19 462/23 477/19 480/20 484/20 486/4 487/11 488/24 489/19 496/4 504/25 505/2 508/9 509/8 527/10 542/16 550/16 550/17 567/2 567/3 567/24 574/11 580/6 580/7 596/22 613/4 640/1 710/10 710/18 738/5 760/24 761/1 762/9 778/9 781/21
witness [260] 29/1 43/18 48/4 50/4 56/4 56/7 56/14 63/6 73/23 76/15 78/12 86/10 112/24 114/25 115/4 115/7 115/15 122/21 123/19 126/15 126/15 135/21 136/3 136/7 136/9 136/12 136/20 140/2 141/4 142/8 142/8 142/9 148/10 148/17 150/7 151/10 151/11 151/15 151/18 152/1 154/19 154/20 155/3 155/6 155/14 159/4 161/2 162/25 163/13 163/19 163/20 163/23 164/1 164/9 168/4 171/21 178/24 180/7 180/8 180/10 180/13 180/21 188/18 188/19 189/4 189/7 189/15 211/13 211/17 215/19 215/20 215/23 216/1 219/3 220/6 220/13 220/22 221/5 221/11 221/14 236/5 236/6 236/9 236/12 240/22 247/16 247/17 247/19 247/22 248/5 260/20 260/21 260/24 261/2 261/10 268/7 268/8 268/11 268/14 268/22 271/5 294/20 296/1 296/8 296/12 296/15 296/23 300/14 307/9 308/2 309/4 309/4 313/22 313/23 314/1 314/4 314/12 326/12 326/13 326/15 331/7 331/9 331/13 331/16 331/24 343/1 345/2 354/22 355/3 355/7 355/10 355/16 355/18 389/25 392/8 393/21 393/22

W

witness... [123] 395/10 395/13 395/16 395/24 399/25 416/10 416/11 416/13 416/16 419/12 419/18 419/19 422/16 422/19 422/22 423/5 427/4 427/5 427/7 427/10 429/22 430/21 431/3 438/12 438/12 451/4 452/25 453/1 453/10 453/13 453/21 455/19 455/23 455/24 456/2 456/5 456/13 460/12 460/18 460/19 460/24 461/2 463/1 466/4 467/15 467/16 467/23 469/24 470/2 470/5 470/11 470/13 473/14 498/17 502/7 502/7 521/11 521/11 523/23 533/8 533/9 534/14 534/15 546/16 546/19 552/25 553/5 553/6 553/9 553/12 553/20 563/11 563/17 563/24 564/2 564/10 565/22 568/24 569/1 584/23 585/2 585/5 586/25 587/1 590/24 597/10 601/6 601/25 633/12 637/17 637/17 653/6 658/13 658/22 659/10 659/13 659/16 661/4 661/6 661/18 661/18 694/3 701/6 719/18 719/19 719/20 719/22 720/19 721/6 731/6 772/12 773/13 773/19 775/15 775/18 775/20 775/22 775/23 776/1 776/4 776/10 776/16 789/17

witness's [7] 53/5 776/8 776/14 776/15 776/20 776/21 776/22

witnessed [5] 63/13 65/3 65/4 486/19 486/20

witnesses [42] 2/1 23/10 58/7 66/25 71/9 71/12 73/25 74/3 74/9 85/16 86/6 94/8 100/1 104/2 109/2 112/16 112/17 149/24 213/2 213/10 213/20 214/4 217/18 217/20 218/14 473/4 477/2 486/22 538/10 544/10 708/4 719/17 719/17 719/23 720/1 720/9 771/16 776/12 776/16 789/12 789/18 789/21

witnesses' [1] 112/3

woke [2] 138/14 146/25

woman [5] 110/23 112/25 113/2 752/16 810/6

women [3] 361/18 649/7 741/20

won't [11] 22/10 43/12 45/22 238/6 328/10 332/13 497/3 597/4 597/5 719/5 760/7

wonderful [2] 45/1 91/19

wondering [2] 608/1 623/6

wooden [1] 321/9

word [10] 104/6 446/6 482/4 516/5 516/6 539/3 705/23 746/17 778/19 809/24

wording [1] 807/6

words [25] 93/18 113/12 157/7 158/3 277/20 278/2 386/14 393/17 515/8 523/13 523/14 523/18 540/21 556/19 731/4 733/16 737/13 737/15 744/9 767/14 776/1 779/9 808/8 808/11 810/13

work [69] 26/21 27/16 29/18 33/3 34/16 34/16 34/17 56/23 57/3 77/25 115/21 137/10 175/19 181/3 181/11 181/19 189/21 197/23 217/10 217/11 217/12 222/3 222/4 241/8 243/17 248/14 249/6 249/7 261/18 262/2 269/6 269/7 269/10 269/11 271/23 286/4 315/5 332/13 389/4 389/7 412/11 423/12 424/13 424/17 461/16 461/17 461/23 461/25 470/24 471/22 472/4 472/9 473/19 544/24 555/22 556/3 565/5 565/6 602/21 608/22 608/23 649/3 649/5 649/6 751/11 759/13 772/8 798/20 810/23

worked [18] 57/4 91/16 115/23 167/1 181/5 235/20 248/16 248/23 261/21 297/8 428/2 428/4 461/21 564/22 662/9 720/7 772/22 772/22

working [16] 63/4 181/17 217/1 217/25 251/16 251/17 251/25 269/13 270/12 426/17 477/14 503/19 503/19 572/21 602/23 762/3

works [4] 21/12 91/16 464/3 685/2

worksheet [2] 225/9 479/13

world [7] 94/24 264/21 557/10 698/16 718/11 768/13 809/21

worn [11] 169/24 170/2 170/6 170/8 175/11 178/17 179/4 179/6 179/7 179/9 179/17

worried [4] 407/10 408/16 410/16 663/8

worry [3] 357/17 357/20 600/21

worthy [1] 516/20

would [565] 12/20 13/23 14/23 15/1 15/11 17/17 17/19 17/19 17/24 18/11 18/13 18/14 18/25 19/3 19/4 21/13 21/14 21/20 23/15 23/18 24/1 24/19 25/18 25/21 26/25 27/18 29/13 29/21 30/22 44/4 46/2 49/9 50/2 50/25 54/3 54/18 56/2 59/10 60/21 62/6 63/8 65/8 71/16 73/13 73/13 74/23 74/25 74/25 75/1 75/3 75/24 75/25 76/3 76/14 76/20 76/21 79/4 83/6 83/16 86/1 88/1 90/6 90/21 92/17 92/20 95/8 95/23 97/25 98/16 100/19 103/17 109/4 111/13 111/20 115/3 125/23 126/13 127/1 127/2 130/12 130/13 130/13 130/16 140/14 141/3 142/3 142/21 143/5 143/12 152/13 157/9 157/16 157/18 158/11 159/16 159/19 160/18 160/19 164/17 170/16 182/20 187/13 193/4 195/3 198/16 209/24 210/2 210/15 211/24 216/23 218/24 220/4 221/6 221/9 225/15 225/25 225/25 226/1 226/10 227/9 228/4 228/11 228/11 229/17 229/18 229/18 231/24 232/16 238/22 239/5 239/17 241/21 244/10 245/22 246/2 246/22 246/23 247/9 247/18 252/6 257/4 258/20 259/1 260/22 267/16 268/9 272/22 273/13 274/1 274/6 274/25 277/3 277/10 278/15 278/16 278/18 278/21 278/21 279/11 280/3 280/10 280/19 283/11 283/19 285/4 286/7 286/24 287/5 287/25 288/7 289/9 290/24 291/3 291/7 291/11 292/9 292/20 293/5 293/21 294/3 294/5 294/7 294/7 296/10 301/7 302/1 302/22 303/17 303/24 304/25 305/17 306/2 308/5 308/22 310/14 310/16 311/16 311/17 312/16 313/8 316/10 317/12 318/11 319/1 321/3 321/17 323/9 324/12 326/6 327/4 330/11 331/6 335/5 335/7 335/10 335/13 342/18 343/14 343/17 343/17 344/13 346/13 346/14 346/18 346/19 346/20 349/1 353/1 357/9 361/1 361/10 361/12 361/25 362/3 362/5 362/7 362/10 362/13 365/1 365/3 365/5 365/7 365/11 369/6 370/2 370/8 371/8 371/14 373/17 375/16 375/17 375/18 376/14 385/12 385/25 386/18 386/18 387/18 387/19 388/15 388/23 389/7 389/8 395/12 397/4 398/1 398/2 398/5 398/8 398/11 398/18 398/19 400/14 400/16 400/21 400/22 401/20 403/19 404/9 406/18 408/23 411/18 412/8 412/11 412/17 414/10 415/6 415/12 417/24 420/23 421/5 422/18 424/4 424/4 424/22 425/15 427/6 429/1 430/11 432/22 433/4 433/19 433/21 433/22 434/9 434/12 434/12 434/14 435/3 435/21 436/14 437/2 437/5 437/7 437/12 437/21 437/23 438/1 438/5 438/6 438/25 439/23 440/16 442/15 443/11 444/8 444/10 444/19 445/8 446/25 447/8 448/12 448/12 448/14 448/17 449/15 452/3 452/6 452/9 455/2 455/4 458/18 465/5 466/13 472/20 474/10 476/3 476/5 476/5 476/7 477/9 479/16 479/17 481/9 482/4 482/7 482/8 482/21 483/4 483/6 487/6 487/7 487/9 487/10 487/11 492/21 493/16 495/25 503/1 503/20 504/19 504/20 504/22 506/12 507/13 508/8 510/7 510/20 514/12 516/1 517/3 517/23 520/9 525/15 525/17 527/22 527/24 527/25 530/23 531/11 532/13 533/15 534/9 534/14 534/16 534/17 534/20 535/4 535/13 536/10 536/24 537/1 537/7 539/20 540/6 540/23 544/13 544/19 544/19 550/14 556/3 556/5 556/20 556/22 560/2 561/3 565/21 567/1 567/12 567/14 567/21 571/12 572/24 574/8 580/20 580/21 581/16 581/17 581/25 591/3 591/16 594/6 596/19 597/14 598/17 600/11 606/24 607/5 607/14 608/8 609/6 609/9 609/15 609/15 609/17 609/19 610/17 610/17 615/15 617/15 620/1 630/24 636/9 638/18 652/16 655/2 657/6 669/1 672/16 672/22 673/5 675/11 677/3 678/16 682/2 682/16 683/13 683/19 684/7 684/7 684/24 694/20 696/16 697/25 698/15 698/16 698/24 700/20 700/24 703/21 703/22 710/13 710/14 710/24 711/1 711/3 711/17 711/19 712/17 712/18 713/5 713/11 719/3 719/11 720/10 721/16 722/14 729/9 737/23 737/24 739/3 740/2 741/3 741/14 743/7 744/24 749/17 750/22 752/3 756/25 757/1 757/2 759/23 761/21 766/20 767/24 767/24 768/12 768/24 769/8 769/11 769/19 769/23 770/6 770/8 772/19 773/5 775/15 776/4 779/16 779/23 779/25 780/17 781/25 782/1 782/10 782/18 783/4 783/11 783/17 784/5 784/17 785/4 785/5 787/17 791/17 791/23 791/23 793/21 794/2 794/4 794/21 798/8 798/17 798/19 798/20 799/25 800/15 800/24 802/6 802/12 803/18 803/19 805/16 811/6

wouldn't [23] 53/2 53/6 73/3 74/19 92/17 92/24 239/14 246/21 248/24 257/11 257/12 361/13 370/5 389/18 400/11 488/6 517/4 534/21 558/23 600/12 607/8 672/20 749/19

wound [31] 194/20 195/1 228/24 229/3 308/19 308/20 431/15 431/23 432/19 432/20 432/23 433/2 433/5 433/7 433/10 433/17 433/21 433/23 433/24 433/25 434/9 434/10 434/14 436/7 436/16 441/17 441/20 441/21 442/1 744/22 744/23

wounds [32] 120/1 120/2 120/4 120/10 153/11 167/5 167/7 169/16 194/10 326/4 429/16 429/17 429/19 431/16 434/11 434/18 435/16 435/17 435/19 436/9 442/18 447/21 448/3 448/4 448/5 450/23 536/22 709/12 709/13 735/22 735/23 740/1

wrap [1] 121/11

wrapped [3] 106/20 121/12 359/14

wreck [1] 739/16

wrecker [1] 54/16

wrestle [4] 106/17 637/13 637/18 757/14

wrestled [4] 113/22 628/25 629/2 629/6

W

wrestling [2] 626/4 637/20
write [10] 250/22 382/20 513/13 586/6 586/14 590/5 590/5 590/7 590/7 590/9
writer [2] 513/24 514/6
writes [2] 183/11 728/22
writing [8] 69/12 75/11 157/2 384/17 386/2 386/4 807/25 808/5
written [9] 48/17 48/21 89/7 264/4 297/15 391/10 513/22 513/23 679/5.
wrong [8] 17/17 108/7 108/7 145/2 314/23 352/4 410/3 658/24
wrongdoing [1] 780/21
wrongful [2] 778/9 778/13
wrote [15] 251/3 251/4 251/5 252/1 306/18 382/18 382/25 386/12 387/5 524/13 581/18 581/24 732/6 805/12 806/19

X

X-ray [2] 227/17 442/4
X-rays [2] 439/13 442/1
Xavier [48] 19/19 105/2 105/7 105/20 107/22 108/20 219/12 337/6 337/7 337/23 338/15 339/11 340/2 342/9 347/5 348/12 349/16 350/9 356/18 358/10 358/11 358/14 358/23 375/6 395/12 395/25 396/4 474/2 475/11 556/7 556/10 558/2 561/14 666/7 714/12 719/24 721/24 722/1 731/13 731/14 742/2 742/6 743/2 743/14 750/14 750/14 750/23 754/1
Xavier's [1] 732/4

Y

y'all [69] 47/2 50/25 62/14 77/25 78/14 78/21 80/15 131/10 175/19 175/21 176/3 176/14 177/14 177/24 185/17 185/23 186/23 188/8 214/20 233/7 233/8 241/8 245/10 346/3 348/14 350/13 350/16 351/2 367/20 369/18 377/20 379/19 387/2 387/15 415/4 466/24 488/23 545/9 547/18 548/24 549/15 604/8 606/6 608/22 609/4 609/6 610/7 611/12 612/4 613/18 614/12 614/15 614/17 616/2 616/2 616/18 638/6 645/23 648/3 652/12 700/9 702/9 746/21 747/18 748/1 748/18 764/20 805/17 807/14
ya [1] 386/14
yard [5] 358/3 372/1 372/3 479/25 480/1
yay [1] 51/24
yeah [53] 68/10 139/22 147/9 147/11 152/11 356/24 361/19 362/24 364/9 364/13 368/10 370/25 371/1 372/14 372/18 372/20 376/15 381/10 384/21 386/3 386/17 386/24 388/2 389/8 398/23 402/20 405/23 418/10 426/7 459/14 495/2 498/12 504/19 548/12 552/14 560/17 587/8 587/8 598/12 602/18 608/23 616/19 618/13 618/16 619/4 646/4 663/7 664/19 665/6 668/8 686/12 702/24 745/19
year [18] 40/16 111/19 191/4 191/5 191/10 223/11 242/6 242/12 263/7 428/10 428/16 462/1 462/20 462/22 466/10 564/20 596/18 605/8
yearly [1] 263/6
years [88] 44/15 44/16 50/21 52/25 57/2 57/5 57/6 80/9 88/11 88/17 88/21 90/8 103/13 115/24 117/8 128/23 142/16 150/20 152/16 156/2 156/3 164/21 181/6 189/24 189/25 190/14 191/8 203/20 216/17 248/17 248/21 248/23 256/2 261/22 269/15 269/19 269/20 269/25 270/7 297/13 315/4 428/5 428/15 456/20 461/22 465/24 471/3 471/7 471/8 505/15 505/17 505/18 505/18 505/20 505/21 505/22 516/19 526/1 531/22 531/23 544/20 547/19 547/20 564/23 586/1 598/2 598/15 598/21 602/17 602/20 610/4 671/16 671/18 674/15 685/4 685/6 689/16 690/19 737/9 798/15 801/5 803/9 805/10 808/3 809/22 810/11 811/7 814/9
yell [1] 761/18
yelling [9] 339/25 340/7 352/15 352/17 352/23 360/8 405/20 626/5 733/21
yellow [14] 121/6 121/9 124/2 198/1 199/11 199/12 202/14 202/14 202/16 203/4 203/10 306/13 306/14 322/7
yes [1164]
yesterday [9] 85/15 86/25 87/2 87/3 326/25 327/5 420/22 522/5 805/13
yet [3] 59/1 347/23 474/23
yo [2] 390/8 618/4
you [4812]
you all [1] 332/21
you'd [3] 387/14 406/19 506/6
you'll [42] 83/19 94/5 94/13 94/14 96/19 110/18 110/21 110/21 111/9 111/19 113/5 113/10 113/12 114/10 124/13 143/10 160/10 212/4 368/24 420/4 501/13 510/17 591/8 725/23 731/5 735/18 736/6 736/6 736/7 736/8 736/10 736/23 736/24 736/24 743/25 754/19 755/22 755/23 760/10 764/10 786/9 786/21
you're [162] 82/16 84/6 87/14 94/10 95/4 98/10 99/7 99/25 109/1 109/2 112/9 113/17 116/17 117/4 118/4 124/3 125/3 129/19 129/19 133/8 133/10 134/25 135/25 147/10 156/5 162/11 163/7 164/18 172/18 172/20 172/21 180/5 186/7 187/2 197/10 199/10 205/10 209/20 211/15 213/17 213/18 217/14 217/15 219/9 224/25 225/11 232/6 232/22 233/12 234/1 238/1 246/8 246/17 247/14 250/22 252/23 253/1 258/17 275/3 276/6 287/12 294/1 376/18 379/8 382/19 382/21 393/16 394/2 414/3 416/9 419/16 427/2 430/23 434/25 435/11 445/2 446/10 446/15 451/13 467/12 475/18 483/1 486/24 490/21 499/1 513/18 516/15 520/6 520/6 522/25 531/3 531/6 531/14 535/5 538/19 543/17 543/18 543/19 559/19 577/22 579/1 589/10 591/10 599/14 602/18 607/16 626/2 632/2 634/20 634/21 648/22 652/16 653/1 655/24 656/2 657/13 658/2 658/6 658/6 660/11 660/14 670/15 670/23 671/1 674/1 676/22 676/22 676/23 678/8 678/23 680/7 684/1 685/14 686/9 686/14 691/23 697/2 697/3 703/19 706/3 721/1 721/3 722/15 723/2 726/21 732/22 732/23 732/25 733/17 733/18 734/13 734/13 748/2 748/4 756/8 760/3 762/4 762/9 764/1 764/5 770/24 791/13
you've [62] 89/18 92/4 92/22 92/23 95/4 96/14 101/13 248/24 256/1 256/15 269/20 368/8 384/13 384/15 384/17 471/8 483/12 494/9 496/10 496/10 505/14 505/17 516/25 519/17 526/21 531/23 532/17 535/10 539/15 540/7 540/9 541/8 541/11 550/9 677/17 687/25 689/12 689/13 689/16 690/17 694/18 702/10 706/20 706/20 707/4 723/12 723/19 745/21 746/2 746/3 748/3 748/13 754/3 754/3 754/6 762/17 763/11 766/9 772/5 772/16 775/1 775/11
young [9] 105/6 113/2 347/21 418/2 462/2 604/5 804/9 804/9 811/2
younger [1] 408/21
your [1088]
yours [3] 87/13 161/15 346/16
yourself [17] 15/11 16/21 92/6 92/15 127/9 181/19 343/10 509/14 509/23 612/11 643/23 644/1 645/10 645/11 792/21 807/1 812/3
yourselves [9] 45/19 78/14 92/4 211/21 326/24 420/14 533/22 591/3 591/11
Yuhanna [6] 20/14 151/13 152/3 152/7 152/23 153/5

Z

zero [1] 437/14
ZMROCZEK [117] 1/20 2/4 2/7 2/11 2/17 2/21 2/23 3/1 3/4 3/6 3/11 3/13 3/16 3/18 3/21 4/1 4/5 4/11 4/15 4/17 4/20 5/2 5/4 5/11 5/14 5/16 5/18 5/20 5/22 5/24 6/1 6/3 6/5 6/7 6/10 6/12 15/10 15/13 15/15 15/22 16/2 28/22 29/8 46/21 55/9 75/15 84/17 109/13 112/8 132/16 134/21 144/15 154/13 161/4 161/6 177/13 177/18 179/16 212/20 235/4 290/4 374/1 385/23 389/20 431/4 443/25 468/15 511/11 520/5 521/21 524/8 525/25 529/8 533/10 534/13 534/21 535/1 546/10 550/22 561/7 566/4 578/3 579/21 580/14 581/13 582/4 587/4 597/24 599/8 607/15 618/18 618/21 633/15 636/22 645/7 650/4 650/24 665/23 690/13 694/2 695/24 696/6 703/4 723/2 739/20 741/16 742/4 745/14 746/5 747/4 749/16 752/15 758/23 800/3 800/11 803/23 813/20


DEFENDANT'S
EXHIBIT

Source Number	Source Name	Data Type	Date	Direction	Contact Number	Contact Name	Duration (sec)	Duration (h:mm:ss)
8033631412	Ricks, Channen	Call	6/1/2014 12:41:04 PM	Outgoing	8036028912	Niecey	4	0:00:04
8033631412	Ricks, Channen	SMS	6/1/2014 9:22:12 AM	Incoming	8033632273		0	0:00:00
8033631412	Ricks, Channen	Call	6/1/2014 1:22:03 AM	Outgoing	8432507263	Truck D	3	0:00:03
8033631412	Ricks, Channen	Call	6/1/2014 1:20:08 AM	Outgoing	8432507263	Truck D	13	0:00:13
8033631412	Ricks, Channen	Call	5/31/2014 7:07:33 PM	Outgoing	8036028912	Niecey	3	0:00:03
8033631412	Ricks, Channen	Call	5/31/2014 12:40:14 PM	Outgoing	8036787599		13	0:00:13
8033631412	Ricks, Channen	Call	5/30/2014 9:23:57 PM	Outgoing	8036028912	Niecey	3	0:00:03
8033631412	Ricks, Channen	Call	5/29/2014 8:06:16 PM	Outgoing	8036028912	Niecey	5	0:00:05
8033631412	Ricks, Channen	SMS	5/29/2014 9:35:12 AM	Incoming	8036028912	Niecey	0	0:00:00
8033631412	Ricks, Channen	SMS	5/29/2014 9:35:12 AM	Incoming	8036028912	Niecey	0	0:00:00
8033631412	Ricks, Channen	SMS	5/29/2014 9:23:55 AM	Incoming	8033632273		0	0:00:00
8033631412	Ricks, Channen	SMS	5/29/2014 5:32:44 AM	Incoming	8033631093	Sharrae (female friend)	0	0:00:00
8033631412	Ricks, Channen	Call	5/28/2014 3:08:33 PM	Outgoing	8033704392		5	0:00:05
8033631412	Ricks, Channen	Call	5/28/2014 2:38:42 PM	Outgoing	8033631093	Sharrae (female friend)	16	0:00:16
8033631412	Ricks, Channen	SMS	5/28/2014 9:21:28 AM	Incoming	8033632273		0	0:00:00
8033631412	Ricks, Channen	SMS	5/27/2014 2:36:33 PM	Incoming	8033636245		0	0:00:00
8033631412	Ricks, Channen	Call	5/27/2014 2:36:16 PM	Outgoing	8094279	Investigator Johnson	7	0:00:07
8033631412	Ricks, Channen	SMS	5/26/2014 5:35:26 PM	Incoming	8034790729	Destiny	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 5:09:36 PM	Outgoing	8044027714		3	0:00:03
8033631412	Ricks, Channen	Call	5/26/2014 4:00:26 PM	Outgoing	8033616905	Blackie b	5	0:00:05
8033631412	Ricks, Channen	Call	5/26/2014 3:21:08 PM	Outgoing	8038005739	Vita (potential gf)	4	0:00:04
8033631412	Ricks, Channen	Call	5/26/2014 3:20:47 PM	Outgoing	8038005739	Vita (potential gf)	11	0:00:11
8033631412	Ricks, Channen	SMS	5/26/2014 12:48:15 PM	Incoming	8034656212		0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 12:46:22 PM	Incoming	8034656212		0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 12:40:55 PM	Incoming	8033637146	Kenny/Cousin (Lbr)	2	0:00:02
8033631412	Ricks, Channen	Call	5/26/2014 12:40:35 PM	Outgoing	8033637146	Kenny/Cousin (Lbr)	2	0:00:02
8033631412	Ricks, Channen	Call	5/26/2014 12:40:14 PM	Missed	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 12:20:19 PM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 12:20:19 PM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 12:18:25 PM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 12:18:25 PM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 12:10:28 PM	Outgoing	8033637146	Kenny/Cousin (Lbr)	54	0:00:54
8033631412	Ricks, Channen	Call	5/26/2014 12:10:28 PM	Outgoing	8033637146	Kenny/Cousin (Lbr)	54	0:00:54
8033631412	Ricks, Channen	Call	5/26/2014 12:10:18 PM	Outgoing	8033637146	Kenny/Cousin (Lbr)	52	0:00:52
8033631412	Ricks, Channen	Call	5/26/2014 12:10:04 PM	Incoming	8033637146	Kenny/Cousin (Lbr)	12	0:00:12
8033631412	Ricks, Channen	Call	5/26/2014 12:10:04 PM	Incoming	8033637146	Kenny/Cousin (Lbr)	12	0:00:12
8033631412	Ricks, Channen	Call	5/26/2014 12:10:03 PM	Incoming	8033637146	Kenny/Cousin (Lbr)	11	0:00:11
8033631412	Ricks, Channen	Call	5/26/2014 12:09:52 PM	Outgoing	8033636245		5	0:00:05
8033631412	Ricks, Channen	Call	5/26/2014 12:09:18 PM	Outgoing	8033637146	Kenny/Cousin (Lbr)	37	0:00:37
8033631412	Ricks, Channen	Call	5/26/2014 12:09:02 PM	Outgoing	8033610449	Mart	6	0:00:06
8033631412	Ricks, Channen	Call	5/26/2014 12:08:27 PM	Outgoing	8033610449	Mart	39	0:00:39
8033631412	Ricks, Channen	SMS	5/26/2014 12:07:33 PM	Incoming	3217474455	Tali	0	0:00:00

8033631412	Ricks, Channen	Call	5/26/2014 12:06:17 PM	Outgoing	8033616905	Blackie b	109	0:01:49
8033631412	Ricks, Channen	Call	5/26/2014 12:06:06 PM	Outgoing	8033616905	Blackie b	119	0:01:59
8033631412	Ricks, Channen	SMS	5/26/2014 12:05:41 PM	Incoming	3217474455	Tati	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 12:04:25 PM	Outgoing	3217474455	Tati	97	0:01:37
8033631412	Ricks, Channen	Call	5/26/2014 12:04:09 PM	Outgoing	3217474455	Tati	111	0:01:51
8033631412	Ricks, Channen	SMS	5/26/2014 12:00:09 PM	Incoming	3217474455	Tati	0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 11:58:14 AM	Incoming	3217474455	Tati	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 11:55:58 AM	Outgoing	3217474455	Tati	5	0:00:05
8033631412	Ricks, Channen	Call	5/26/2014 11:55:54 AM	Missed	3217474455	Tati	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 11:54:56 AM	Outgoing	8033616905	Blackie b	6	0:00:06
8033631412	Ricks, Channen	Call	5/26/2014 11:54:53 AM	Missed	8033616905	Blackie b	0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 11:50:34 AM	Incoming	8039796327	Toe	0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 11:48:40 AM	Incoming	8039796327	Toe	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 11:48:07 AM	Outgoing	8034662575	Dex	19	0:00:19
8033631412	Ricks, Channen	Call	5/26/2014 11:47:59 AM	Outgoing	8034662575	Dex	14	0:00:14
8033631412	Ricks, Channen	Call	5/26/2014 11:47:57 AM	Outgoing	8034662575	Dex	25	0:00:25
8033631412	Ricks, Channen	Call	5/26/2014 11:47:56 AM	Missed	8034662575	Dex	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 11:45:22 AM	Outgoing	8039796327	Toe	122	0:02:02
8033631412	Ricks, Channen	Call	5/26/2014 11:43:03 AM	Outgoing	8039796327	Toe	143	0:02:23
8033631412	Ricks, Channen	Call	5/26/2014 11:44:54 AM	Outgoing	8033636245		2	0:00:02
8033631412	Ricks, Channen	Call	5/26/2014 11:44:24 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	30	0:00:30
8033631412	Ricks, Channen	Call	5/26/2014 11:44:17 AM	Outgoing	8033636245		5	0:00:05
8033631412	Ricks, Channen	Call	5/26/2014 11:42:47 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	77	0:01:17
8033631412	Ricks, Channen	Call	5/26/2014 11:42:47 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	77	0:01:17
8033631412	Ricks, Channen	Call	5/26/2014 11:42:37 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	87	0:01:27
8033631412	Ricks, Channen	Call	5/26/2014 11:41:18 AM	Missed	8033631740	Alvildia Jenkins (Mom)	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 11:41:01 AM	Incoming	8033631740	Alvildia Jenkins (Mom)	3	0:00:03
8033631412	Ricks, Channen	Call	5/26/2014 11:41:01 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	3	0:00:03
8033631412	Ricks, Channen	Call	5/26/2014 11:39:56 AM	Incoming	8034632197	Fresh	137	0:02:17
8033631412	Ricks, Channen	Call	5/26/2014 11:39:55 AM	Incoming	8034632197	Fresh	140	0:02:20
8033631412	Ricks, Channen	Call	5/26/2014 11:39:03 AM	Outgoing	8036477473	Hustle	69	0:01:09
8033631412	Ricks, Channen	Call	5/26/2014 11:38:54 AM	Outgoing	8036477473	Hustle	200	0:03:20
8033631412	Ricks, Channen	Call	5/26/2014 11:38:46 AM	Outgoing	8033616905	Blackie b	2	0:00:02
8033631412	Ricks, Channen	Call	5/26/2014 11:38:28 AM	Incoming	8033631740	Alvildia Jenkins (Mom)	3	0:00:03
8033631412	Ricks, Channen	Call	5/26/2014 11:38:28 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	3	0:00:03
8033631412	Ricks, Channen	Call	5/26/2014 11:38:20 AM	Outgoing	8034632197	Fresh	14	0:00:14
8033631412	Ricks, Channen	Call	5/26/2014 11:38:12 AM	Outgoing	8033616905	Blackie b	34	0:00:34
8033631412	Ricks, Channen	Call	5/26/2014 11:37:57 AM	Outgoing	8034632197	Fresh	4	0:00:04
8033631412	Ricks, Channen	Call	5/26/2014 11:37:21 AM	Outgoing	8034632197	Fresh	39	0:00:39
8033631412	Ricks, Channen	Call	5/26/2014 11:37:11 AM	Outgoing	8036654690	Arthur Robinson (Dre)	5	0:00:05
8033631412	Ricks, Channen	Call	5/26/2014 11:37:06 AM	Outgoing	8036654690	Arthur Robinson (Dre)	7	0:00:07
8033631412	Ricks, Channen	Call	5/26/2014 11:36:56 AM	Outgoing	8032973007	Bully	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 11:36:46 AM	Incoming	8033631740	Alvildia Jenkins (Mom)	4	0:00:04
8033631412	Ricks, Channen	Call	5/26/2014 11:36:46 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	4	0:00:04
8033631412	Ricks, Channen	Call	5/26/2014 11:36:45 AM	Outgoing	8032306152	Gizzle	7	0:00:07
8033631412	Ricks, Channen	Call	5/26/2014 11:36:18 AM	Outgoing	8032306152	Gizzle	32	0:00:32
8033631412	Ricks, Channen	Call	5/26/2014 11:36:11 AM	Outgoing	8033610449	Mari	4	0:00:04
8033631412	Ricks, Channen	Call	5/26/2014 11:35:33 AM	Outgoing	8033610449	Mari	40	0:00:40

8033631412	Ricks, Channen	SMS	5/26/2014 11:26:31 AM	Incoming	8038005739	Vita (potential gf)	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 11:26:14 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	87	0:01:27
8033631412	Ricks, Channen	Call	5/26/2014 11:26:14 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	87	0:01:27
8033631412	Ricks, Channen	Call	5/26/2014 11:26:06 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	95	0:01:35
8033631412	Ricks, Channen	Call	5/26/2014 11:22:31 AM	Outgoing	8038005739	Vita (potential gf)	204	0:03:24
8033631412	Ricks, Channen	Call	5/26/2014 11:22:11 AM	Outgoing	8038005739	Vita (potential gf)	227	0:03:47
8033631412	Ricks, Channen	Call	5/26/2014 11:19:28 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	101	0:01:41
8033631412	Ricks, Channen	Call	5/26/2014 11:19:28 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	101	0:01:41
8033631412	Ricks, Channen	Call	5/26/2014 11:19:16 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	113	0:01:53
8033631412	Ricks, Channen	Call	5/26/2014 11:19:06 AM	Outgoing	8033636245		7	0:00:07
8033631412	Ricks, Channen	Call	5/26/2014 11:17:47 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	21	0:00:21
8033631412	Ricks, Channen	Call	5/26/2014 11:17:47 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	21	0:00:21
8033631412	Ricks, Channen	Call	5/26/2014 11:16:58 AM	Outgoing	3217474455	Tati	7	0:00:07
8033631412	Ricks, Channen	Call	5/26/2014 11:16:18 AM	Outgoing	3217474455	Tati	43	0:00:43
8033631412	Ricks, Channen	Call	5/26/2014 11:15:57 AM	Outgoing	8033610449	Mari	6	0:00:06
8033631412	Ricks, Channen	Call	5/26/2014 11:15:23 AM	Outgoing	8033610449	Mari	44	0:00:44
8033631412	Ricks, Channen	Call	5/26/2014 11:15:07 AM	Outgoing	8033610449	Mari	6	0:00:06
8033631412	Ricks, Channen	Call	5/26/2014 11:13:59 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	21	0:00:21
8033631412	Ricks, Channen	Call	5/26/2014 11:13:59 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	21	0:00:21
8033631412	Ricks, Channen	Call	5/26/2014 11:13:51 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	26	0:00:26
8033631412	Ricks, Channen	Call	5/26/2014 11:13:23 AM	Outgoing	8033633167	Bub	14	0:00:14
8033631412	Ricks, Channen	Call	5/26/2014 11:13:09 AM	Outgoing	8033633167	Bub	25	0:00:25
8033631412	Ricks, Channen	Call	5/26/2014 11:11:00 AM	Outgoing	8032628421	Klara Pelzer/Ricks	5	0:00:05
8033631412	Ricks, Channen	Call	5/26/2014 11:10:41 AM	Outgoing	8032628421	Klara Pelzer/Ricks	7	0:00:07
8033631412	Ricks, Channen	SMS	5/26/2014 11:10:26 AM	Outgoing	3217474455	Tati	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 11:09:39 AM	Outgoing	3217474455	Tati	4	0:00:04
8033631412	Ricks, Channen	Call	5/26/2014 11:09:01 AM	Outgoing	3217474455	Tati	41	0:00:41
8033631412	Ricks, Channen	SMS	5/26/2014 11:08:37 AM	Outgoing	3217474455	Tati	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 11:03:51 AM	Missed	8034656212		0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 10:50:32 AM	Missed	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 10:50:30 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 10:50:26 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 10:48:45 AM	Outgoing	8034666166		460	0:07:40
8033631412	Ricks, Channen	SMS	5/26/2014 10:48:38 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 10:48:38 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 10:48:10 AM	Outgoing	8034666166		550	0:09:10
8033631412	Ricks, Channen	Call	5/26/2014 10:46:52 AM	Incoming	8033633167	Bub	69	0:01:09
8033631412	Ricks, Channen	Call	5/26/2014 10:46:52 AM	Incoming	8033633167	Bub	69	0:01:09
8033631412	Ricks, Channen	Call	5/26/2014 10:46:52 AM	Incoming	8033633167	Bub	69	0:01:09
8033631412	Ricks, Channen	Call	5/26/2014 10:26:52 AM	Outgoing	8033636245		3	0:00:03
8033631412	Ricks, Channen	Call	5/26/2014 10:26:19 AM	Outgoing	8033633167	Bub	34	0:00:34
8033631412	Ricks, Channen	SMS	5/26/2014 10:12:34 AM	Incoming	8034662575	Dex	0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 10:12:27 AM	Incoming	8033636245		0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 10:12:20 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 10:12:14 AM	Outgoing	8033636245		3	0:00:03
8033631412	Ricks, Channen	SMS	5/26/2014 9:50:09 AM	Incoming	8034662575	Dex	0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 9:18:47 AM	Incoming	8034970610		0	0:00:00

8033631412	Ricks, Channen	SMS	5/26/2014 9:16:55 AM	Incoming	8034970610		0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 9:14:29 AM	Outgoing	8034970610		7	0:00:07
8033631412	Ricks, Channen	Call	5/26/2014 9:14:08 AM	Missed	8034970610		0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 9:09:49 AM	Incoming	8033095222	Charles Pelzer or Ashley Witherspoon	696	0:11:36
8033631412	Ricks, Channen	Call	5/26/2014 9:09:49 AM	Incoming	8033095222	Charles Pelzer or Ashley Witherspoon	713	0:11:53
8033631412	Ricks, Channen	Call	5/26/2014 8:42:40 AM	Incoming	8033610449	Mari	244	0:04:04
8033631412	Ricks, Channen	Call	5/26/2014 8:42:39 AM	Incoming	8033610449	Mari	251	0:04:11
8033631412	Ricks, Channen	Call	5/26/2014 8:40:11 AM	Incoming	8036652980		193	0:03:13
8033631412	Ricks, Channen	Call	5/26/2014 8:40:11 AM	Incoming	8036652980		402	0:06:42
8033631412	Ricks, Channen	Call	5/26/2014 8:36:29 AM	Incoming	8034662575	Dex	207	0:03:27
8033631412	Ricks, Channen	Call	5/26/2014 8:36:29 AM	Incoming	8034662575	Dex	211	0:03:31
8033631412	Ricks, Channen	Call	5/26/2014 8:26:12 AM	Outgoing	8035509683		27	0:00:27
8033631412	Ricks, Channen	Call	5/26/2014 8:25:48 AM	Outgoing	8035509683		50	0:00:50
8033631412	Ricks, Channen	Call	5/26/2014 8:22:11 AM	Outgoing	8.03363E+31		0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 8:17:54 AM	Outgoing	8036652980		5	0:00:05
8033631412	Ricks, Channen	Call	5/26/2014 8:17:50 AM	Missed	8036652980		0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 8:13:33 AM	Incoming	8033636245		0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 8:13:22 AM	Incoming	8033636245		0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 8:13:09 AM	Outgoing	8033610449	Mari	3	0:00:03
8033631412	Ricks, Channen	Call	5/26/2014 8:12:38 AM	Outgoing	8033610449	Mari	32	0:00:32
8033631412	Ricks, Channen	Call	5/26/2014 8:12:32 AM	Missed	8033610449	Mari	0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 8:12:20 AM	Outgoing	8033610449	Mari	54	0:00:54
8033631412	Ricks, Channen	Call	5/26/2014 8:12:04 AM	Outgoing	8036652980		3	0:00:03
8033631412	Ricks, Channen	SMS	5/26/2014 8:11:36 AM	Incoming	8036652980		0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 8:11:22 AM	Missed	8036652980		0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 8:11:10 AM	Outgoing	8036652980		4	0:00:04
8033631412	Ricks, Channen	SMS	5/26/2014 8:10:58 AM	Incoming	8033636245		0	0:00:00
8033631412	Ricks, Channen	SMS	5/26/2014 8:10:51 AM	Incoming	8033636245		0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 8:09:47 AM	Incoming	8033637414		166	0:02:46
8033631412	Ricks, Channen	Call	5/26/2014 8:09:47 AM	Incoming	8033637414		166	0:02:46
8033631412	Ricks, Channen	Call	5/26/2014 8:09:46 AM	Outgoing	8033610449	Mari	65	0:01:05
8033631412	Ricks, Channen	Call	5/26/2014 8:09:46 AM	Incoming	8033637414		168	0:02:48
8033631412	Ricks, Channen	SMS	5/26/2014 8:09:44 AM	Incoming	8036652980		0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 8:07:14 AM	Incoming	8035509683		42	0:00:42
8033631412	Ricks, Channen	Call	5/26/2014 8:07:13 AM	Incoming	8033637414		4	0:00:04
8033631412	Ricks, Channen	Call	5/26/2014 8:07:13 AM	Outgoing	8033637414		4	0:00:04
8033631412	Ricks, Channen	Call	5/26/2014 8:07:13 AM	Incoming	8035509683		51	0:00:51
8033631412	Ricks, Channen	Call	5/26/2014 8:05:49 AM	Outgoing	8033610449	Mari	134	0:02:14
8033631412	Ricks, Channen	Call	5/26/2014 8:05:29 AM	Outgoing	8033610449	Mari	194	0:03:14
8033631412	Ricks, Channen	Call	5/26/2014 8:03:21 AM	Incoming	8035509683		66	0:01:06
8033631412	Ricks, Channen	Call	5/26/2014 8:03:20 AM	Incoming	8035509683		68	0:01:08
8033631412	Ricks, Channen	Call	5/26/2014 8:02:24 AM	Outgoing	8033610449	Mari	108	0:01:48
8033631412	Ricks, Channen	Call	5/26/2014 8:02:09 AM	Outgoing	8033610449	Mari	187	0:02:47
8033631412	Ricks, Channen	Call	5/26/2014 8:01:05 AM	Outgoing	8033610449	Mari	5	0:00:05
8033631412	Ricks, Channen	Call	5/26/2014 8:01:02 AM	Missed	8033610449	Mari	0	0:00:00

8033631412	Ricks, Channen	SMS	5/26/2014 7:57:33 AM	Incoming	8033636245		0	0:00:00
8033631412	Ricks, Channen	Call	5/26/2014 7:57:03 AM	Outgoing	3637414		22	0:00:22
8033631412	Ricks, Channen	Call	5/26/2014 7:57:03 AM	Outgoing	8033637414		22	0:00:22
8033631412	Ricks, Channen	Call	5/26/2014 7:56:44 AM	Outgoing	3697414		39	0:00:39
8033631412	Ricks, Channen	Call	5/26/2014 7:52:09 AM	Outgoing	8035509683		4	0:00:04
8033631412	Ricks, Channen	Call	5/26/2014 7:38:29 AM	Outgoing	8035509683		10	0:00:10
8033631412	Ricks, Channen	Call	5/26/2014 6:59:18 AM	Outgoing	8033122554		12	0:00:12
8033631412	Ricks, Channen	Call	5/26/2014 6:36:18 AM	Outgoing	8033122554		3	0:00:03
8033631412	Ricks, Channen	Call	5/26/2014 6:20:24 AM	Outgoing	8033122554		4	0:00:04
8033631412	Ricks, Channen	Call	5/26/2014 6:18:06 AM	Outgoing	8033122554		4	0:00:04
8033631412	Ricks, Channen	Call	5/26/2014 5:31:21 AM	Outgoing	8035509683		10	0:00:10
8033631412	Ricks, Channen	Call	5/26/2014 1:21:31 AM	Incoming	8033633700	Nisha	2	0:00:02
8033631412	Ricks, Channen	Call	5/26/2014 1:21:31 AM	Outgoing	8033633700	Nisha	2	0:00:02
8033631412	Ricks, Channen	SMS	5/25/2014 10:55:21 PM	Incoming	8034774321	Rrw	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 10:38:54 PM	Outgoing	8034049899		2	0:00:02
8033631412	Ricks, Channen	Call	5/25/2014 10:22:49 PM	Incoming	8033633700	Nisha	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 10:22:49 PM	Outgoing	8033633700	Nisha	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 10:16:36 PM	Outgoing	8034049899		2	0:00:02
8033631412	Ricks, Channen	Call	5/25/2014 10:14:17 PM	Outgoing	8034049899		2	0:00:02
8033631412	Ricks, Channen	Call	5/25/2014 10:14:02 PM	Outgoing	8034049899		3	0:00:03
8033631412	Ricks, Channen	SMS	5/25/2014 10:06:37 PM	Incoming	8033616905	Blackie b	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 9:45:06 PM	Outgoing	8032231907	Decon Smith	4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 9:28:15 PM	Outgoing	8034049899		3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 9:28:12 PM	Missed	8034049899		0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 9:27:02 PM	Incoming	8034049899		0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 9:15:24 PM	Outgoing	8033095222	Charles Pelzer or Ashley Witherspoon	65	0:01:05
8033631412	Ricks, Channen	Call	5/25/2014 9:15:09 PM	Outgoing	8033095222	Charles Pelzer or Ashley Witherspoon	79	0:01:19
8033631412	Ricks, Channen	SMS	5/25/2014 8:21:18 PM	Incoming	8036055675		0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 8:21:10 PM	Incoming	8033633700	Nisha	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 8:21:05 PM	Incoming	8036166086	Tre	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 8:20:59 PM	Incoming	8036654690	Arthur Robinson (Dre)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 8:20:52 PM	Incoming	8032128500		0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 8:20:47 PM	Incoming	8034298359	Hope	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 8:20:04 PM	Incoming	8038005739	Vita (potential gf)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 8:20:01 PM	Incoming	8034049899		0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 8:19:55 PM	Incoming	8032231907	Decon Smith	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 8:19:49 PM	Incoming	8033636245		0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 6:58:01 PM	Outgoing	8034049899		4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 6:40:59 PM	Outgoing	8036027748	King	4	0:00:04
8033631412	Ricks, Channen	SMS	5/25/2014 6:26:21 PM	Incoming	8036055675		0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:21:52 PM	Outgoing	8032628421	Kiara Pelzer/Ricks	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 4:05:20 PM	Outgoing	8034049899		3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 4:05:06 PM	Outgoing	8034049899		3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 4:01:21 PM	Outgoing	8032231907	Decon Smith	8	0:00:08
8033631412	Ricks, Channen	Call	5/25/2014 3:54:02 PM	Outgoing	8032628421	Kiara Pelzer/Ricks	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 3:28:31 PM	Outgoing	8032231907	Decon Smith	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 3:19:03 PM	Outgoing	8032628421	Kiara Pelzer/Ricks	3	0:00:03

8033631412	Ricks, Channen	Call	5/25/2014 2:39:27 PM	Outgoing	3215573229	Rome	12	0:00:12
8033631412	Ricks, Channen	Call	5/25/2014 1:56:11 PM	Outgoing	8032628421	Kiara Pelzer/Ricks	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 1:47:12 PM	Outgoing	8032628421	Kiara Pelzer/Ricks	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 1:44:21 PM	Incoming	8033633167	Bub	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 1:44:21 PM	Outgoing	8033633167	Bub	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 1:30:50 PM	Outgoing	8035467335	Conda (female friend)	5	0:00:05
8033631412	Ricks, Channen	SMS	5/25/2014 1:25:28 PM	Incoming	8033633700	Nisha	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 1:23:40 PM	Incoming	8033633700	Nisha	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 1:23:40 PM	Incoming	8033633700	Nisha	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 1:18:21 PM	Incoming	8033633167	Bub	7	0:00:07
8033631412	Ricks, Channen	Call	5/25/2014 1:18:21 PM	Outgoing	8033633167	Bub	7	0:00:07
8033631412	Ricks, Channen	Call	5/25/2014 1:17:15 PM	Outgoing	8038005739	Vita (potential gf)	6	0:00:06
8033631412	Ricks, Channen	Call	5/25/2014 1:08:27 PM	Outgoing	8038005739	Vita (potential gf)	7	0:00:07
8033631412	Ricks, Channen	Call	5/25/2014 12:54:30 PM	Outgoing	8035467335	Conda (female friend)	4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 12:53:58 PM	Outgoing	8035467335	Conda (female friend)	11	0:00:11
8033631412	Ricks, Channen	Call	5/25/2014 12:43:03 PM	Outgoing	8032628421	Kiara Pelzer/Ricks	2	0:00:02
8033631412	Ricks, Channen	Call	5/25/2014 12:39:01 PM	Outgoing	8036027748	King	9	0:00:09
8033631412	Ricks, Channen	Call	5/25/2014 12:15:23 PM	Outgoing	8032628421	Kiara Pelzer/Ricks	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 12:09:07 PM	Outgoing	8038005739	Vita (potential gf)	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 12:08:52 PM	Outgoing	8038005739	Vita (potential gf)	6	0:00:06
8033631412	Ricks, Channen	Call	5/25/2014 11:55:34 AM	Outgoing	8032384832	Brianna Pelzer	10	0:00:10
8033631412	Ricks, Channen	Call	5/25/2014 11:52:26 AM	Outgoing	8034970610		6	0:00:06
8033631412	Ricks, Channen	SMS	5/25/2014 11:51:10 AM	Incoming	8036166086	Tre	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 11:33:46 AM	Incoming	8036654690	Arthur Robinson (Dre)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 11:33:19 AM	Outgoing	8036654690	Arthur Robinson (Dre)	5	0:00:05
8033631412	Ricks, Channen	SMS	5/25/2014 11:28:43 AM	Incoming	8032128500		0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 11:27:02 AM	Outgoing	8034632197	Fresh	7	0:00:07
8033631412	Ricks, Channen	SMS	5/25/2014 11:17:19 AM	Incoming	8034298359	Hope	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 10:46:43 AM	Outgoing	8038005739	Vita (potential gf)	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 10:46:18 AM	Outgoing	8038005739	Vita (potential gf)	7	0:00:07
8033631412	Ricks, Channen	Call	5/25/2014 10:38:48 AM	Outgoing	8034663533		5	0:00:05
8033631412	Ricks, Channen	SMS	5/25/2014 10:36:22 AM	Incoming	8038005739	Vita (potential gf)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 10:32:54 AM	Incoming	8034049899		0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 10:18:15 AM	Outgoing	8038005739	Vita (potential gf)	2	0:00:02
8033631412	Ricks, Channen	Call	5/25/2014 10:14:05 AM	Outgoing	8034639475		10	0:00:10
8033631412	Ricks, Channen	Call	5/25/2014 10:13:51 AM	Outgoing	8034639475		5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 10:13:39 AM	Outgoing	8034639475		5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 10:00:56 AM	Outgoing	8032231907	Decon Smith	4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 9:59:17 AM	Outgoing	8033610449	Mari	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 9:59:06 AM	Outgoing	8033610449	Mari	6	0:00:06
8033631412	Ricks, Channen	SMS	5/25/2014 9:55:04 AM	Incoming	8032231907	Decon Smith	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 9:53:45 AM	Outgoing	8032231907	Decon Smith	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 9:53:42 AM	Outgoing	8036652980		4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 9:51:27 AM	Outgoing	8032231907	Decon Smith	4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 9:46:39 AM	Outgoing	8036652980		5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 9:43:30 AM	Outgoing	8032231907	Decon Smith	7	0:00:07
8033631412	Ricks, Channen	Call	5/25/2014 9:38:38 AM	Outgoing	8032231907	Decon Smith	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 9:35:23 AM	Outgoing	8036055675		5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 9:32:54 AM	Outgoing	8032231907	Decon Smith	22	0:00:22

8033631412	Ricks, Channen	Call	5/25/2014 9:30:06 AM	Incoming	8037760923		1	0:00:01
8033631412	Ricks, Channen	Call	5/25/2014 9:30:05 AM	Incoming	8037760923		0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 9:28:33 AM	Outgoing	8036038998	Darrell	13	0:00:13
8033631412	Ricks, Channen	Call	5/25/2014 9:28:28 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 9:24:19 AM	Outgoing	8033636245		6	0:00:06
8033631412	Ricks, Channen	Call	5/25/2014 9:23:45 AM	Outgoing	8036038998	Darrell	16	0:00:16
8033631412	Ricks, Channen	Call	5/25/2014 9:23:25 AM	Outgoing	8036038998	Darrell	33	0:00:33
8033631412	Ricks, Channen	Call	5/25/2014 9:23:03 AM	Outgoing	8033095222	Charles Pelzer or Ashley Witherspoon	16	0:00:16
8033631412	Ricks, Channen	Call	5/25/2014 9:19:21 AM	Incoming	8033631740	Alvildia Jenkins (Mom)	69	0:01:09
8033631412	Ricks, Channen	Call	5/25/2014 9:19:21 AM	Incoming	8033631740	Alvildia Jenkins (Mom)	69	0:01:09
8033631412	Ricks, Channen	Call	5/25/2014 9:19:20 AM	Incoming	8033631740	Alvildia Jenkins (Mom)	70	0:01:10
8033631412	Ricks, Channen	Call	5/25/2014 9:19:18 AM	Outgoing	8036055675		9	0:00:09
8033631412	Ricks, Channen	Call	5/25/2014 9:16:45 AM	Outgoing	8036038998	Darrell	93	0:01:33
8033631412	Ricks, Channen	Call	5/25/2014 9:16:31 AM	Outgoing	8036038998	Darrell	106	0:01:46
8033631412	Ricks, Channen	Call	5/25/2014 9:12:06 AM	Outgoing	8036038998	Darrell	48	0:00:48
8033631412	Ricks, Channen	Call	5/25/2014 9:10:36 AM	Outgoing	8033095222	Charles Pelzer or Ashley Witherspoon	42	0:00:42
8033639740	Tucker, Travis	SMS	5/25/2014 9:09:16 AM	Incoming	611		0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 9:08:32 AM	Outgoing	8036038998	Darrell	25	0:00:25
8033631412	Ricks, Channen	Call	5/25/2014 9:08:17 AM	Outgoing	8036038998	Darrell	38	0:00:38
8033631412	Ricks, Channen	Call	5/25/2014 9:03:20 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	280	0:04:40
8033631412	Ricks, Channen	Call	5/25/2014 9:03:20 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	280	0:04:40
8033631412	Ricks, Channen	Call	5/25/2014 9:03:12 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	292	0:04:52
8033631412	Ricks, Channen	Call	5/25/2014 9:02:34 AM	Outgoing	8036038998	Darrell	21	0:00:21
8033631412	Ricks, Channen	Call	5/25/2014 9:02:20 AM	Outgoing	8036038998	Darrell	32	0:00:32
8033631412	Ricks, Channen	Call	5/25/2014 9:01:58 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 9:01:53 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	8	0:00:08
8033631412	Ricks, Channen	Call	5/25/2014 9:01:43 AM	Outgoing	8032384832	Brianna Pelzer	4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 9:01:39 AM	Outgoing	8032384832	Brianna Pelzer	6	0:00:06
8033631412	Ricks, Channen	Call	5/25/2014 9:01:29 AM	Outgoing	8032384832	Brianna Pelzer	6	0:00:06
8033631412	Ricks, Channen	SMS	5/25/2014 8:59:58 AM	Incoming	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 8:59:09 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	110	0:01:50
8033631412	Ricks, Channen	Call	5/25/2014 8:59:09 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	110	0:01:50
8033631412	Ricks, Channen	Call	5/25/2014 8:59:01 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	117	0:01:57
8033631412	Ricks, Channen	Call	5/25/2014 8:58:41 AM	Incoming	8033631740	Alvildia Jenkins (Mom)	17	0:00:17
8033631412	Ricks, Channen	Call	5/25/2014 8:58:41 AM	Incoming	8033631740	Alvildia Jenkins (Mom)	17	0:00:17
8033631412	Ricks, Channen	Call	5/25/2014 8:58:41 AM	Incoming	8033631740	Alvildia Jenkins (Mom)	17	0:00:17
8033631412	Ricks, Channen	SMS	5/25/2014 8:58:07 AM	Incoming	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 8:58:07 AM	Incoming	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 8:57:13 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	60	0:01:00
8033631412	Ricks, Channen	Call	5/25/2014 8:57:13 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	60	0:01:00
8033631412	Ricks, Channen	Call	5/25/2014 8:57:04 AM	Outgoing	8036027748	King	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 8:57:04 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	67	0:01:07
8033631412	Ricks, Channen	Call	5/25/2014 8:57:00 AM	Missed	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 8:56:56 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 8:56:48 AM	Outgoing	8032384832	Brianna Pelzer	5	0:00:05

8033631412	Ricks, Channen	Call	5/25/2014 8:56:26 AM	Outgoing	8032384832	Brianna Pelzer	23	0:00:23
8033631412	Ricks, Channen	Call	5/25/2014 8:56:18 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 8:56:13 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	7	0:00:07
8033631412	Ricks, Channen	Call	5/25/2014 8:56:00 AM	Outgoing	8032384832	Brianna Pelzer	1	0:00:01
8033631412	Ricks, Channen	Call	5/25/2014 8:55:21 AM	Outgoing	8032384832	Brianna Pelzer	36	0:00:36
8033631412	Ricks, Channen	Call	5/25/2014 8:54:35 AM	Outgoing	8036027748	King	6	0:00:06
8033631412	Ricks, Channen	Call	5/25/2014 8:54:29 AM	Outgoing	8033095222	Charles Pelzer or Ashley Witherspoon	18	0:00:18
8033631412	Ricks, Channen	Call	5/25/2014 8:48:45 AM	Outgoing	8036458636		5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 8:19:12 AM	Outgoing	8034662575	Dex	4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 8:18:55 AM	Outgoing	8034662575	Dex	9	0:00:09
8033639740	Tucker, Travis	Call	5/25/2014 8:18:26 AM	Missed	8035763008		0	00:00:00
8033631412	Ricks, Channen	Call	5/25/2014 8:12:03 AM	Incoming	8036038998	Darrell	109	0:01:49
8033631412	Ricks, Channen	Call	5/25/2014 8:12:03 AM	Incoming	8036038998	Darrell	110	0:01:50
8033631412	Ricks, Channen	Call	5/25/2014 8:11:47 AM	Outgoing	8036038998	Darrell	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 8:11:08 AM	Outgoing	8033095222	Charles Pelzer or Ashley Witherspoon	43	0:00:43
8033631412	Ricks, Channen	Call	5/25/2014 8:10:58 AM	Outgoing	8033636245		4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 8:10:53 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	6	0:00:06
8033631412	Ricks, Channen	Call	5/25/2014 8:09:35 AM	Outgoing	8033095222	Charles Pelzer or Ashley Witherspoon	49	0:00:49
8033631412	Ricks, Channen	Call	5/25/2014 8:00:31 AM	Incoming	8032628421	Kiara Pelzer/Ricks	416	0:06:56
8033631412	Ricks, Channen	SMS	5/25/2014 7:57:26 AM	Incoming	8033610449	Mari	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 7:55:35 AM	Incoming	8033610449	Mari	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 7:53:27 AM	Incoming	8036652980		73	0:01:13
8033631412	Ricks, Channen	Call	5/25/2014 7:53:26 AM	Incoming	8036652980		861	0:14:21
8033639740	Tucker, Travis	Call	5/25/2014 7:51:54 AM	Missed	8035491407		0	00:00:00
8033631412	Ricks, Channen	Call	5/25/2014 7:48:13 AM	Missed	8036038998	Darrell	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 7:46:15 AM	Incoming	8036038998	Darrell	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 7:45:46 AM	Missed	8036038998	Darrell	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 7:44:24 AM	Incoming	8036038998	Darrell	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 7:30:31 AM	Incoming	8032628421	Kiara Pelzer/Ricks	1800	0:30:00
8033631412	Ricks, Channen	Call	5/25/2014 7:30:30 AM	Incoming	8032628421	Kiara Pelzer/Ricks	861	0:14:21
8033631412	Ricks, Channen	Call	5/25/2014 7:22:57 AM	Outgoing	8034662575	Dex	455	0:07:35
8033631412	Ricks, Channen	Call	5/25/2014 7:22:38 AM	Outgoing	8034662575	Dex	2754	0:45:54
8033631412	Ricks, Channen	Call	5/25/2014 7:22:15 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	13	0:00:13
8033631412	Ricks, Channen	Call	5/25/2014 7:22:14 AM	Outgoing	8032508691		4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 7:22:00 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	26	0:00:26
8033631412	Ricks, Channen	Call	5/25/2014 7:16:32 AM	Incoming	8034662575	Dex	320	0:05:20
8033631412	Ricks, Channen	Call	5/25/2014 7:16:31 AM	Incoming	8034662575	Dex	328	0:05:28
8033639740	Tucker, Travis	Call	5/25/2014 7:11:11 AM	Missed	8037769099		0	00:00:00
8033631412	Ricks, Channen	Call	5/25/2014 7:03:12 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	796	0:13:16
8033631412	Ricks, Channen	Call	5/25/2014 7:02:55 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	1162	0:19:22
8033631412	Ricks, Channen	Call	5/25/2014 6:59:15 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	213	0:03:33
8033631412	Ricks, Channen	Call	5/25/2014 6:59:15 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	213	0:03:33
8033631412	Ricks, Channen	Call	5/25/2014 6:58:57 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	234	0:03:54
8033631412	Ricks, Channen	Call	5/25/2014 6:54:29 AM	Outgoing	8033636245		5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 6:54:24 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	7	0:00:07
8033631412	Ricks, Channen	Call	5/25/2014 6:53:29 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	33	0:00:33

8033631412	Ricks, Channen	Call	5/25/2014 6:23:29 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	1800	0:30:00
8033631412	Ricks, Channen	Call	5/25/2014 6:29:19 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	1888	0:31:28
8033631412	Ricks, Channen	Call	5/25/2014 6:22:28 AM	Outgoing	8033095222	Charles Pelzer or Ashley Witherspoon	41	0:00:41
8033631412	Ricks, Channen	Call	5/25/2014 6:15:23 AM	Missed	8035449006	Richland Cty 911	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 6:15:10 AM	Incoming	8035449006	Richland Cty 911	6	0:00:06
8033631412	Ricks, Channen	Call	5/25/2014 6:12:25 AM	Missed	8035449006	Richland Cty 911	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 6:09:01 AM	Missed	8035449006	Richland Cty 911	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 6:08:48 AM	Incoming	8035449006	Richland Cty 911	7	0:00:07
8033631412	Ricks, Channen	Call	5/25/2014 6:05:41 AM	Missed	8035449004	Richland Cty 911	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 6:05:28 AM	Incoming	8035449004	Richland Cty 911	9	0:00:09
8033631412	Ricks, Channen	Call	5/25/2014 6:00:30 AM	Missed	8035449006	Richland Cty 911	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 6:00:17 AM	Incoming	8035449006	Richland Cty 911	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 5:59:47 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	1352	0:22:32
8033631412	Ricks, Channen	Call	5/25/2014 5:59:40 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	1388	0:23:08
8033631412	Ricks, Channen	Call	5/25/2014 5:58:35 AM	Incoming	8035449004	Richland Cty 911	8	0:00:08
8033631412	Ricks, Channen	Call	5/25/2014 5:58:32 AM	Missed	8035449004	Richland Cty 911	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 5:57:44 AM	Incoming	8035449004	Richland Cty 911	9	0:00:09
8033631412	Ricks, Channen	Call	5/25/2014 5:57:41 AM	Incoming	8037338619	City of Cola PO	10	0:00:10
8033631412	Ricks, Channen	Call	5/25/2014 5:57:41 AM	Missed	8035449004	Richland Cty 911	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 5:55:19 AM	Missed	8035449006	Richland Cty 911	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 5:55:06 AM	Incoming	8035449006	Richland Cty 911	4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 5:54:13 AM	Missed	8035449006	Richland Cty 911	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 5:54:01 AM	Incoming	8035449006	Richland Cty 911	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 5:53:24 AM	Missed	8035449006	Richland Cty 911	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 5:53:11 AM	Incoming	8035449006	Richland Cty 911	6	0:00:06
8033631412	Ricks, Channen	Call	5/25/2014 5:52:48 AM	Incoming	8035449004	Richland Cty 911	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 5:52:10 AM	Missed	8035449006	Richland Cty 911	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 5:51:57 AM	Incoming	8035449006	Richland Cty 911	6	0:00:06
8033631412	Ricks, Channen	Call	5/25/2014 5:50:39 AM	Missed	8035449006	Richland Cty 911	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 5:50:27 AM	Incoming	8035449006	Richland Cty 911	11	0:00:11
8033631412	Ricks, Channen	Call	5/25/2014 5:48:29 AM	Incoming	8033631740	Alvildia Jenkins (Mom)	418	0:06:58
8033631412	Ricks, Channen	Call	5/25/2014 5:48:29 AM	Incoming	8033631740	Alvildia Jenkins (Mom)	427	0:07:07
8033631412	Ricks, Channen	Call	5/25/2014 5:43:57 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 5:43:52 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	7	0:00:07
8033631412	Ricks, Channen	Call	5/25/2014 5:39:39 AM	Incoming	8035449006	Richland Cty 911	243	0:04:03
8033631412	Ricks, Channen	Call	5/25/2014 5:39:38 AM	Incoming	8035449006	Richland Cty 911	247	0:04:07
8033631412	Ricks, Channen	Call	5/25/2014 5:38:00 AM	Incoming	8035449004	Richland Cty 911	41	0:00:41
8033631412	Ricks, Channen	Call	5/25/2014 5:38:00 AM	Incoming	8035449004	Richland Cty 911	40	0:00:40
8033631412	Ricks, Channen	Call	5/25/2014 5:37:52 AM	Incoming	8035449004	Richland Cty 911	2	0:00:02
8033631412	Ricks, Channen	Emergency Call	5/25/2014 5:32:27 AM	Outgoing	911	Emergency 911	237	0:03:57
8033631412	Ricks, Channen	Call	5/25/2014 5:30:29 AM	Incoming	8033631740	Alvildia Jenkins (Mom)	104	0:01:44
8033631412	Ricks, Channen	Call	5/25/2014 5:30:28 AM	Incoming	8033631740	Alvildia Jenkins (Mom)	105	0:01:45
8034467225	Pauling, Thomas	Call	5/25/2014 5:22:11 AM	Outgoing	8036650274	Lil Tee	12	0:00:12
8033631412	Ricks, Channen	Call	5/25/2014 5:18:39 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	6	0:00:06
8033631412	Ricks, Channen	Call	5/25/2014 5:18:01 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	41	0:00:41
8033631412	Ricks, Channen	Call	5/25/2014 5:17:45 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	10	0:00:10
8033631412	Ricks, Channen	Call	5/25/2014 5:16:58 AM	Outgoing	8032384832	Brianna Pelzer	5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 5:16:17 AM	Outgoing	8032384832	Brianna Pelzer	42	0:00:42

8033631412	Ricks, Channen	Call	5/25/2014 5:16:07 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	6	0:00:06
8033631412	Ricks, Channen	Call	5/25/2014 5:15:29 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	41	0:00:41
8033631412	Ricks, Channen	SMS	5/25/2014 5:15:15 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 5:13:27 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 5:12:21 AM	Outgoing	8035467335	Conda (female friend)	2	0:00:02
8033631412	Ricks, Channen	Call	5/25/2014 5:11:46 AM	Outgoing	8035467335	Conda (female friend)	35	0:00:35
8033631412	Ricks, Channen	SMS	5/25/2014 5:06:17 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 5:05:04 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 5:02:39 AM	Outgoing	8035467335	Conda (female friend)	3	0:00:03
8034467225	Pauling, Thomas	Call	5/25/2014 5:02:00 AM	Outgoing	8036650274	Lil Tee	6	0:00:06
8034467225	Pauling, Thomas	Call	5/25/2014 5:01:00 AM	Outgoing	8036650274	Lil Tee	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:58:26 AM	Outgoing	8035467335	Conda (female friend)	2	0:00:02
8033631412	Ricks, Channen	Call	5/25/2014 4:57:06 AM	Outgoing	8038005739	Vita (potential gf)	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 4:56:56 AM	Outgoing	8038005739	Vita (potential gf)	10	0:00:10
8033631412	Ricks, Channen	Call	5/25/2014 4:56:30 AM	Outgoing	8033636245		5	0:00:05
8033631412	Ricks, Channen	Call	5/25/2014 4:55:56 AM	Outgoing	8033633700	Nisha	37	0:00:37
8033631412	Ricks, Channen	SMS	5/25/2014 4:55:14 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:54:03 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:51:52 AM	Outgoing	8035467335	Conda (female friend)	33	0:00:33
8033639740	Tucker, Travis	Call	5/25/2014 4:51:04 AM	Outgoing	8032384832	Brianna Pelzer	59	00:00:59
8033639740	Tucker, Travis	Call	5/25/2014 4:49:17 AM	Outgoing	8032384832	Brianna Pelzer	38	00:00:38
8033639740	Tucker, Travis	Call	5/25/2014 4:48:03 AM	Outgoing	8032384832	Brianna Pelzer	19	00:00:19
8033631412	Ricks, Channen	Call	5/25/2014 4:46:29 AM	Incoming	8032384832	Brianna Pelzer	10	0:00:10
8033631412	Ricks, Channen	Call	5/25/2014 4:46:29 AM	Incoming	8032384832	Brianna Pelzer	9	0:00:09
8033631412	Ricks, Channen	Call	5/25/2014 4:46:01 AM	Outgoing	8032384832	Brianna Pelzer	4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 4:45:57 AM	Missed	8032384832	Brianna Pelzer	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 4:45:35 AM	Outgoing	8036055675		16	00:00:16
8033631412	Ricks, Channen	SMS	5/25/2014 4:42:12 AM	Incoming	8033631093	Sharrae (female friend)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 4:41:55 AM	Outgoing	8035536861		68	00:01:08
8033631412	Ricks, Channen	SMS	5/25/2014 4:41:46 AM	Incoming	8033631093	Sharrae (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:40:49 AM	Outgoing	8033631093	Sharrae (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:40:24 AM	Incoming	8033631093	Sharrae (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:40:18 AM	Incoming	8033631093	Sharrae (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:39:53 AM	Incoming	8033631093	Sharrae (female friend)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 4:39:12 AM	Outgoing	8032384832	Brianna Pelzer	61	00:01:01
8033631412	Ricks, Channen	Call	5/25/2014 4:39:03 AM	Incoming	8032384832	Brianna Pelzer	35	0:00:35
8033631412	Ricks, Channen	Call	5/25/2014 4:39:03 AM	Incoming	8032384832	Brianna Pelzer	35	0:00:35
8033631412	Ricks, Channen	SMS	5/25/2014 4:39:02 AM	Outgoing	8033631093	Sharrae (female friend)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 4:38:49 AM	Outgoing	8032384832	Brianna Pelzer	7	00:00:07
8033631412	Ricks, Channen	SMS	5/25/2014 4:38:31 AM	Incoming	8033631093	Sharrae (female friend)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:36:53 AM	Incoming	8032384832	Brianna Pelzer	12	0:00:12
8033631412	Ricks, Channen	Call	5/25/2014 4:36:04 AM	Incoming	8032384832	Brianna Pelzer	20	0:00:20
8033631412	Ricks, Channen	Call	5/25/2014 4:32:17 AM	Outgoing	8038005739	Vita (potential gf)	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 4:32:06 AM	Outgoing	8038005739	Vita (potential gf)	9	0:00:09
8033631412	Ricks, Channen	SMS	5/25/2014 4:31:23 AM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00

8033631412	Ricks, Channen	SMS	5/25/2014 4:29:25 AM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:27:16 AM	Incoming	8033631093	Sharrae (female friend)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:26:29 AM	Outgoing	8035467335	Conda (female friend)	181	0:03:01
8033631412	Ricks, Channen	Call	5/25/2014 4:25:59 AM	Outgoing	8035467335	Conda (female friend)	212	0:03:32
8033631412	Ricks, Channen	SMS	5/25/2014 4:25:52 AM	Outgoing	8033631093	Sharrae (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:25:25 AM	Incoming	8033631093	Sharrae (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:24:09 AM	Incoming	8033631093	Sharrae (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:24:05 AM	Outgoing	8033631093	Sharrae (female friend)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:24:00 AM	Outgoing	8038005739	Vita (potential gf)	3	0:00:03
8033631412	Ricks, Channen	SMS	5/25/2014 4:23:58 AM	Incoming	8033631093	Sharrae (female friend)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 4:23:57 AM	Incoming	8032384832	Brianna Pelzer	38	00:00:38
8033631412	Ricks, Channen	Call	5/25/2014 4:23:49 AM	Outgoing	8038005739	Vita (potential gf)	10	0:00:10
8033631412	Ricks, Channen	Call	5/25/2014 4:23:40 AM	Outgoing	8033612659	Val (friend)	0	0:00:00
8034467225	Pauling, Thomas	Call	5/25/2014 4:23:13 AM	Outgoing	8035424727	bb	6	0:00:06
8033631412	Ricks, Channen	Call	5/25/2014 4:22:31 AM	Outgoing	8033631093	Sharrae (female friend)	4	0:00:04
8033631412	Ricks, Channen	SMS	5/25/2014 4:22:16 AM	Incoming	8033631093	Sharrae (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:22:07 AM	Incoming	8033631093	Sharrae (female friend)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:21:56 AM	Outgoing	8033631093	Sharrae (female friend)	37	0:00:37
8033631412	Ricks, Channen	Call	5/25/2014 4:21:15 AM	Outgoing	8036654690	Arthur Robinson (Dre)	4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 4:21:10 AM	Outgoing	8036654690	Arthur Robinson (Dre)	7	0:00:07
8033631412	Ricks, Channen	SMS	5/25/2014 4:20:17 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:19:06 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:19:02 AM	Incoming	8032384832	Brianna Pelzer	0	0:00:00
8034467225	Pauling, Thomas	Call	5/25/2014 4:19:00 AM	Outgoing	8036650274	Lil Tee	176	0:02:56
8034467225	Pauling, Thomas	Call	5/25/2014 4:19:00 AM	Outgoing	8035424727	bb	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:18:09 AM	Incoming	8032384832	Brianna Pelzer	33	0:00:33
8033631412	Ricks, Channen	Call	5/25/2014 4:18:09 AM	Incoming	8032384832	Brianna Pelzer	32	0:00:32
8033639740	Tucker, Travis	Call	5/25/2014 4:18:00 AM	Outgoing	8035536861		25	00:00:25
8033631412	Ricks, Channen	Call	5/25/2014 4:17:49 AM	Outgoing	8035467335	Conda (female friend)	2	0:00:02
8033631412	Ricks, Channen	Call	5/25/2014 4:17:14 AM	Outgoing	8035467335	Conda (female friend)	34	0:00:34
8033631412	Ricks, Channen	SMS	5/25/2014 4:17:08 AM	Incoming	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:16:18 AM	Outgoing	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:15:09 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:15:04 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8034467225	Pauling, Thomas	Call	5/25/2014 4:14:43 AM	Incoming	8036650274	Lil Tee		
8033631412	Ricks, Channen	SMS	5/25/2014 4:14:31 AM	Outgoing	8032384832	Brianna Pelzer	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 4:14:26 AM	Outgoing	8032384832	Brianna Pelzer	178	00:02:58
8033631412	Ricks, Channen	SMS	5/25/2014 4:14:03 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 4:14:02 AM	Outgoing	6028313		2	00:00:02
8033631412	Ricks, Channen	SMS	5/25/2014 4:13:56 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:13:52 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:13:23 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:13:16 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:13:16 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:13:02 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:13:02 AM	Outgoing	8035467335	Conda (female friend)	2	0:00:02
8034467225	Pauling, Thomas	SMS	5/25/2014 4:13:02 AM	Incoming	8036650274	Lil Tee		

8034467225	Pauling, Thomas	SMS	5/25/2014 4:13:02 AM	Incoming	8036650274	Lil Tee		
8034467225	Pauling, Thomas	Call	5/25/2014 4:13:01 AM	Outgoing	8036788202	k		
8034467225	Pauling, Thomas	Call	5/25/2014 4:13:00 AM	Outgoing	8036650274	Lil Tee	51	0:00:51
8033631412	Ricks, Channen	SMS	5/25/2014 4:12:59 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:12:56 AM	Incoming	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:12:11 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:12:11 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:12:04 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:12:04 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:11:43 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:11:38 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:11:13 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:11:12 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:11:12 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:11:06 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:11:05 AM	Incoming	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:10:27 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	14	0:00:14
8034467225	Pauling, Thomas	SMS	5/25/2014 4:10:15 AM	Incoming	8036650274	Lil Tee		
8034467225	Pauling, Thomas	Call	5/25/2014 4:10:00 AM	Outgoing	8035424727	bb	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:09:51 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:09:51 AM	Outgoing	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:09:43 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:09:19 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:09:19 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 4:09:16 AM	Outgoing	8032384832	Brianna Pelzer	187	00:03:07
8033631412	Ricks, Channen	SMS	5/25/2014 4:09:13 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:09:03 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:08:22 AM	Incoming	8032384832	Brianna Pelzer	18	0:00:18
8033631412	Ricks, Channen	Call	5/25/2014 4:08:22 AM	Incoming	8032384832	Brianna Pelzer	18	0:00:18
8033631412	Ricks, Channen	Call	5/25/2014 4:08:06 AM	Incoming	8032384832	Brianna Pelzer	2	0:00:02
8033631412	Ricks, Channen	SMS	5/25/2014 4:07:56 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8034467225	Pauling, Thomas	SMS	5/25/2014 4:07:39 AM	Incoming	8036650274	Lil Tee		
8033631412	Ricks, Channen	SMS	5/25/2014 4:07:32 AM	Outgoing	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:07:16 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 4:07:16 AM	Incoming	8033637146	Kenny/Cousin (Lbr)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:06:38 AM	Outgoing	8032384832	Brianna Pelzer	14	0:00:14
8033631412	Ricks, Channen	Call	5/25/2014 4:06:27 AM	Outgoing	8032384832	Brianna Pelzer	23	0:00:23
8033631412	Ricks, Channen	SMS	5/25/2014 4:05:45 AM	Outgoing	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:04:50 AM	Outgoing	8032384832	Brianna Pelzer	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 4:04:47 AM	Missed	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 4:02:02 AM	Incoming	8032384832	Brianna Pelzer	43	0:00:43
8033631412	Ricks, Channen	Call	5/25/2014 4:02:02 AM	Incoming	8032384832	Brianna Pelzer	43	0:00:43
8033631412	Ricks, Channen	Call	5/25/2014 4:00:09 AM	Outgoing	8036654690	Arthur Robinson (Dre)	4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 4:00:04 AM	Outgoing	8036654690	Arthur Robinson (Dre)	7	0:00:07
8033639740	Tucker, Travis	Call	5/25/2014 3:57:55 AM	Missed	8032384832	Brianna Pelzer	0	00:00:00
8033631412	Ricks, Channen	Call	5/25/2014 3:56:48 AM	Outgoing	8035467335	Conda (female friend)	183	0:03:03
8033631412	Ricks, Channen	Call	5/25/2014 3:56:29 AM	Outgoing	8035467335	Conda (female friend)	204	0:03:24
8033631412	Ricks, Channen	Call	5/25/2014 3:56:01 AM	Outgoing	8032384832	Brianna Pelzer	13	0:00:13
8033631412	Ricks, Channen	Call	5/25/2014 3:55:45 AM	Outgoing	8032384832	Brianna Pelzer	27	0:00:27

8033631412	Ricks, Channen	SMS	5/25/2014 3:55:22 AM	Incoming	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 3:55:18 AM	Outgoing	8032384832	Brianna Pelzer	10	0:00:10
8033631412	Ricks, Channen	Call	5/25/2014 3:54:19 AM	Outgoing	8032384832	Brianna Pelzer	3	0:00:03
8033631412	Ricks, Channen	SMS	5/25/2014 3:53:31 AM	Incoming	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 3:53:20 AM	Outgoing	8035467335	Conda (female friend)	3	0:00:03
8033639740	Tucker, Travis	Call	5/25/2014 3:53:13 AM	Missed	8032384832	Brianna Pelzer	0	00:00:00
8033631412	Ricks, Channen	Call	5/25/2014 3:52:45 AM	Outgoing	8035467335	Conda (female friend)	35	0:00:35
8033631412	Ricks, Channen	SMS	5/25/2014 3:52:37 AM	Incoming	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:52:24 AM	Incoming	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:50:43 AM	Incoming	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:50:32 AM	Incoming	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 3:48:53 AM	Outgoing	8039796327	Toe	163	0:02:43
8033631412	Ricks, Channen	Call	5/25/2014 3:48:30 AM	Outgoing	8039796327	Toe	187	0:03:07
8033631412	Ricks, Channen	Call	5/25/2014 3:44:59 AM	Outgoing	8034049899		35	0:00:35
8033631412	Ricks, Channen	Call	5/25/2014 3:44:37 AM	Outgoing	8034049899		55	0:00:55
8033639740	Tucker, Travis	SMS	5/25/2014 3:44:17 AM	Incoming	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 3:41:07 AM	Outgoing	8035467335	Conda (female friend)	79	0:01:19
8033631412	Ricks, Channen	Call	5/25/2014 3:40:56 AM	Outgoing	8035467335	Conda (female friend)	90	0:01:30
8033631412	Ricks, Channen	SMS	5/25/2014 3:39:06 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:37:19 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 3:35:38 AM	Missed	8035536861		0	00:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:33:40 AM	Incoming	8035467335	Conda (female friend)	0	0:00:00
8034467225	Pauling, Thomas	SMS	5/25/2014 3:32:41 AM	Incoming	8032607111			
8033631412	Ricks, Channen	SMS	5/25/2014 3:31:48 AM	Incoming	8035467335	Conda (female friend)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 3:30:13 AM	Missed	8035536861		0	00:00:00
8033631412	Ricks, Channen	Call	5/25/2014 3:28:40 AM	Outgoing	8034663533		90	0:01:30
8033631412	Ricks, Channen	Call	5/25/2014 3:28:25 AM	Outgoing	8034663533		105	0:01:45
8033631412	Ricks, Channen	SMS	5/25/2014 3:24:11 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:22:23 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8034467225	Pauling, Thomas	SMS	5/25/2014 3:19:02 AM	Incoming	8036650274	Lil Tee		
8034467225	Pauling, Thomas	SMS	5/25/2014 3:18:45 AM	Incoming	8036650274	Lil Tee		
8033631412	Ricks, Channen	SMS	5/25/2014 3:15:34 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:15:12 AM	Incoming	8035467335	Conda (female friend)	0	0:00:00
8034467225	Pauling, Thomas	SMS	5/25/2014 3:13:58 AM	Incoming	8036650274	Lil Tee		
8033631412	Ricks, Channen	SMS	5/25/2014 3:13:47 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:13:36 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:13:19 AM	Incoming	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:11:49 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:09:54 AM	Incoming	8035467335	Conda (female friend)	0	0:00:00
8034467225	Pauling, Thomas	SMS	5/25/2014 3:08:28 AM	Incoming	3235248452	ticka		
8033631412	Ricks, Channen	SMS	5/25/2014 3:08:02 AM	Incoming	8035467335	Conda (female friend)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 3:06:47 AM	Incoming	8035536861		34	00:00:34
8034467225	Pauling, Thomas	SMS	5/25/2014 3:06:07 AM	Incoming	8036650274	Lil Tee		
8033631412	Ricks, Channen	SMS	5/25/2014 3:06:05 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:05:33 AM	Incoming	8035467335	Conda (female friend)	0	0:00:00

8033631412	Ricks, Channen	SMS	5/25/2014 3:04:17 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:03:41 AM	Incoming	8035467335	Conda (female friend)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 3:02:55 AM	Incoming	8035536861		51	00:00:51
8033631412	Ricks, Channen	SMS	5/25/2014 3:02:07 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 3:00:34 AM	Incoming	8035536861		48	00:00:48
8033631412	Ricks, Channen	SMS	5/25/2014 3:00:29 AM	Incoming	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 3:00:20 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 2:59:24 AM	Outgoing	8035536861		11	00:00:11
8034467225	Pauling, Thomas	Call	5/25/2014 2:59:20 AM	Outgoing	8034098407			
8033631412	Ricks, Channen	SMS	5/25/2014 2:58:35 AM	Incoming	8035467335	Conda (female friend)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 2:57:35 AM	Incoming	8035536861		83	00:01:23
8033631412	Ricks, Channen	SMS	5/25/2014 2:57:24 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 2:56:10 AM	Outgoing	8035467335	Conda (female friend)	0	0:00:00
8034467225	Pauling, Thomas	Call	5/25/2014 2:51:00 AM	Outgoing	8035424727	bb	2	0:00:02
8034467225	Pauling, Thomas	SMS	5/25/2014 2:50:48 AM	Incoming	3235248452	ticka		
8033639740	Tucker, Travis	Call	5/25/2014 2:48:16 AM	Incoming	8032384832	Brianna Pelzer	40	00:00:40
8033639740	Tucker, Travis	Call	5/25/2014 2:44:50 AM	Missed	8032384832	Brianna Pelzer	0	00:00:00
8033639740	Tucker, Travis	Call	5/25/2014 2:44:19 AM	Outgoing	2384238		15	00:00:15
8033639740	Tucker, Travis	Call	5/25/2014 2:43:46 AM	Outgoing	2384238		23	00:00:23
8033631412	Ricks, Channen	SMS	5/25/2014 2:41:30 AM	Outgoing	8033610449	Mari	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 2:39:43 AM	Outgoing	8033610449	Mari	0	0:00:00
8034467225	Pauling, Thomas	SMS	5/25/2014 2:39:24 AM	Incoming	3235248452	ticka		
8033631412	Ricks, Channen	SMS	5/25/2014 2:29:43 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 2:27:57 AM	Outgoing	8035536861		103	00:01:43
8033631412	Ricks, Channen	SMS	5/25/2014 2:27:56 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 2:25:28 AM	Outgoing	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 2:24:18 AM	Outgoing	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 2:00:11 AM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 1:58:18 AM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 1:57:33 AM	Incoming	8032384832	Brianna Pelzer	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 1:55:38 AM	Incoming	8032384832	Brianna Pelzer	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 1:41:03 AM	Incoming	8037671975	Vandie	26	00:00:26
8033631412	Ricks, Channen	Call	5/25/2014 1:35:41 AM	Incoming	8032384832	Brianna Pelzer	25	0:00:25
8033631412	Ricks, Channen	Call	5/25/2014 1:35:41 AM	Incoming	8032384832	Brianna Pelzer	24	0:00:24
8033639740	Tucker, Travis	Call	5/25/2014 1:31:17 AM	Outgoing	8035536861		27	00:00:27
8033639740	Tucker, Travis	Call	5/25/2014 1:30:46 AM	Outgoing	8035536861		19	00:00:19
8033639740	Tucker, Travis	Call	5/25/2014 1:28:18 AM	Incoming	8035536861		142	00:02:22
8033631412	Ricks, Channen	Call	5/25/2014 1:25:16 AM	Outgoing	8034663533		3	0:00:03
8033631412	Ricks, Channen	SMS	5/25/2014 1:20:48 AM	Outgoing	8034049899		0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 1:19:38 AM	Outgoing	8034049899		0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 1:19:09 AM	Incoming	8034049899		22	0:00:22
8033631412	Ricks, Channen	Call	5/25/2014 1:19:09 AM	Incoming	8034049899		22	0:00:22
8033631412	Ricks, Channen	Call	5/25/2014 1:18:56 AM	Missed	8034049899		0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 1:13:57 AM	Incoming	8038005739	Vita (potential gf)	74	0:01:14
8033631412	Ricks, Channen	Call	5/25/2014 1:13:57 AM	Incoming	8038005739	Vita (potential gf)	75	0:01:15
8033639740	Tucker, Travis	Call	5/25/2014 1:12:52 AM	Incoming	8035536861		12	00:00:12
8033631412	Ricks, Channen	SMS	5/25/2014 1:11:17 AM	Incoming	8038005739	Vita (potential gf)	0	0:00:00

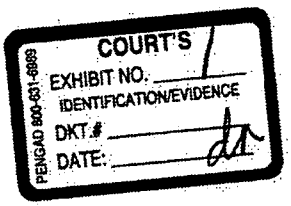
8033631412	Ricks, Channen	SMS	5/25/2014 1:09:23 AM	Incoming	8038005739	Vita (potential gf)	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 1:03:29 AM	Outgoing	8034049899		44	0:00:44
8033631412	Ricks, Channen	Call	5/25/2014 1:01:45 AM	Outgoing	8034049899		4	0:00:04
8033631412	Ricks, Channen	Call	5/25/2014 1:01:42 AM	Missed	8034049899		0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:55:05 AM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:53:11 AM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 12:39:06 AM	Outgoing	8034663533		7	0:00:07
8033631412	Ricks, Channen	SMS	5/25/2014 12:36:11 AM	Outgoing	8036055675		0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:34:24 AM	Outgoing	8036055675		0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 12:33:13 AM	Missed	8035536861		0	00:00:00
8033631412	Ricks, Channen	Call	5/25/2014 12:33:06 AM	Incoming	8036654690	Arthur Robinson (Dre)	13	0:00:13
8033631412	Ricks, Channen	Call	5/25/2014 12:33:05 AM	Incoming	8036654690	Arthur Robinson (Dre)	12	0:00:12
8033631412	Ricks, Channen	SMS	5/25/2014 12:32:20 AM	Incoming	8036055675		0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 12:32:10 AM	Missed	8035536861		0	00:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:30:26 AM	Incoming	8036055675		0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:19:50 AM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:17:57 AM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:17:12 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:16:05 AM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:15:25 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:15:09 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:14:43 AM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:14:12 AM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:13:22 AM	Outgoing	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/25/2014 12:12:47 AM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	Call	5/25/2014 12:07:55 AM	Outgoing	8034049899		45	0:00:45
8033631412	Ricks, Channen	SMS	5/25/2014 12:07:14 AM	Incoming	8038005739	Vita (potential gf)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 12:06:27 AM	Outgoing	8036028313		31	00:00:31
8033639740	Tucker, Travis	Call	5/25/2014 12:05:57 AM	Incoming	8036028313		11	00:00:11
8033631412	Ricks, Channen	Call	5/25/2014 12:05:29 AM	Outgoing	8034467225	Thomas Pauling	5	0:00:05
8033631412	Ricks, Channen	SMS	5/25/2014 12:05:22 AM	Incoming	8038005739	Vita (potential gf)	0	0:00:00
8033639740	Tucker, Travis	Call	5/25/2014 12:05:12 AM	Outgoing	8036028313		38	00:00:38
8033639740	Tucker, Travis	Call	5/25/2014 12:05:09 AM	Missed	8036028313		0	00:00:00
8033631412	Ricks, Channen	Call	5/25/2014 12:02:39 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	18	0:00:18
8033631412	Ricks, Channen	Call	5/25/2014 12:02:39 AM	Outgoing	8033631740	Alvildia Jenkins (Mom)	18	0:00:18
8033631412	Ricks, Channen	Call	5/25/2014 12:01:29 AM	Outgoing	8036027748	King	3	0:00:03
8033631412	Ricks, Channen	Call	5/25/2014 12:01:25 AM	Missed	8036027748	King	0	0:00:00
8033639740	Tucker, Travis	Call	5/24/2014 11:53:48 PM	Incoming	8036031246		44	00:00:44
8033639740	Tucker, Travis	Call	5/24/2014 11:52:17 PM	Incoming	8036028313		38	00:00:38
8034467225	Pauling, Thomas	SMS	5/24/2014 11:51:28 PM	Incoming	8036650274	Lil Tee		
8033631412	Ricks, Channen	Call	5/24/2014 11:50:48 PM	Outgoing	8035291228	Des	56	0:00:56
8033639740	Tucker, Travis	SMS	5/24/2014 11:50:32 PM	Outgoing	8035536861		0	0:00:00
8033639740	Tucker, Travis	Call	5/24/2014 11:49:47 PM	Outgoing	8035536861		16	00:00:16
8033639740	Tucker, Travis	Call	5/24/2014 11:48:19 PM	Incoming	8036031246		31	00:00:31
8033639740	Tucker, Travis	Call	5/24/2014 11:47:02 PM	Outgoing	8036031246		33	00:00:33
8033631412	Ricks, Channen	Call	5/24/2014 11:44:22 PM	Incoming	8036654690	Arthur Robinson (Dre)	20	0:00:20
8033631412	Ricks, Channen	Call	5/24/2014 11:44:21 PM	Incoming	8036654690	Arthur Robinson (Dre)	22	0:00:22
8033631412	Ricks, Channen	Call	5/24/2014 11:43:53 PM	Incoming	8035695628		50	0:00:50
8033631412	Ricks, Channen	Call	5/24/2014 11:43:52 PM	Incoming	8035695628		51	0:00:51

8033639740	Tucker, Travis	Call	5/24/2014 11:43:41 PM	Outgoing	8036028313		33	00:00:33
8033639740	Tucker, Travis	Call	5/24/2014 11:36:33 PM	Incoming	8035536861		46	00:00:46
8033631412	Ricks, Channen	SMS	5/24/2014 11:29:18 PM	Incoming	8038005739	Vita (potential gf)	0	0:00:00
8034467225	Pauling, Thomas	Call	5/24/2014 11:28:47 PM	Outgoing	8032619867			
8033631412	Ricks, Channen	Call	5/24/2014 11:27:56 PM	Incoming	8034049899		750	0:12:30
8033631412	Ricks, Channen	Call	5/24/2014 11:27:56 PM	Incoming	8034049899		768	0:12:48
8033631412	Ricks, Channen	SMS	5/24/2014 11:27:27 PM	Incoming	8038005739	Vita (potential gf)	0	0:00:00
8033639740	Tucker, Travis	Call	5/24/2014 11:27:17 PM	Incoming	8037276710	Faz	17	00:00:17
8033631412	Ricks, Channen	SMS	5/24/2014 11:26:13 PM	Outgoing	8038005739	Vita (potential gf)	0	0:00:00
8033639740	Tucker, Travis	Call	5/24/2014 11:26:01 PM	Incoming	8037276710	Faz	10	00:00:10
8033631412	Ricks, Channen	SMS	5/24/2014 11:24:26 PM	Outgoing	8038005739	Vita (potential gf)	0	0:00:00
8033639740	Tucker, Travis	Call	5/24/2014 11:19:37 PM	Missed	8035536861		0	00:00:00
8033631412	Ricks, Channen	Call	5/24/2014 11:17:48 PM	Incoming	8035299779	Vonte	37	0:00:37
8033631412	Ricks, Channen	Call	5/24/2014 11:17:48 PM	Incoming	8035299779	Vonte	37	0:00:37
8033639740	Tucker, Travis	Call	5/24/2014 11:16:19 PM	Missed	8035536861		0	00:00:00
8034467225	Pauling, Thomas	Call	5/24/2014 11:16:03 PM	Incoming	8036028313			
8033639740	Tucker, Travis	Call	5/24/2014 11:14:07 PM	Incoming	8037671975	Vandie	5	00:00:05
8033639740	Tucker, Travis	Call	5/24/2014 11:11:31 PM	Incoming	8037671975	Vandie	19	00:00:19
8033631412	Ricks, Channen	Call	5/24/2014 11:06:04 PM	Incoming	8036654690	Arthur Robinson (Dre)	12	0:00:12
8033631412	Ricks, Channen	Call	5/24/2014 11:06:04 PM	Incoming	8036654690	Arthur Robinson (Dre)	11	0:00:11
8033639740	Tucker, Travis	SMS	5/24/2014 11:04:39 PM	Incoming	8037677755	Busta	0	0:00:00
8033639740	Tucker, Travis	Call	5/24/2014 10:55:21 PM	Incoming	8036031246		48	00:00:48
8033639740	Tucker, Travis	Call	5/24/2014 10:54:14 PM	Outgoing	8037677755	Busta	29	00:00:29
8034467225	Pauling, Thomas	Call	5/24/2014 10:50:20 PM	Incoming	3174006866			
8033631412	Ricks, Channen	Call	5/24/2014 10:50:06 PM	Incoming	8033637146	Kenny/Cousin (Lbr)	80	0:01:20
8033631412	Ricks, Channen	Call	5/24/2014 10:50:06 PM	Incoming	8033637146	Kenny/Cousin (Lbr)	80	0:01:20
8033631412	Ricks, Channen	Call	5/24/2014 10:50:06 PM	Incoming	8033637146	Kenny/Cousin (Lbr)	81	0:01:21
8034467225	Pauling, Thomas	Call	5/24/2014 10:48:57 PM	Incoming	8037907922			
8033639740	Tucker, Travis	Call	5/24/2014 10:40:27 PM	Incoming	8034570912		6	00:00:06
8033639740	Tucker, Travis	Call	5/24/2014 10:39:53 PM	Incoming	8034570912		5	00:00:05
8033631412	Ricks, Channen	Call	5/24/2014 10:36:19 PM	Incoming	8038005739	Vita (potential gf)	214	0:03:34
8033631412	Ricks, Channen	Call	5/24/2014 10:36:19 PM	Incoming	8038005739	Vita (potential gf)	218	0:03:38
8033639740	Tucker, Travis	Call	5/24/2014 10:33:13 PM	Incoming	8033516036		44	00:00:44
8033639740	Tucker, Travis	SMS	5/24/2014 10:25:11 PM	Incoming	8037677755	Busta	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:20:15 PM	Incoming	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:20:07 PM	Incoming	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:18:15 PM	Incoming	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:18:15 PM	Incoming	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:18:13 PM	Incoming	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:18:13 PM	Incoming	8036027748	King	0	0:00:00
8034467225	Pauling, Thomas	Call	5/24/2014 10:17:33 PM	Incoming	No Number			
8034467225	Pauling, Thomas	Call	5/24/2014 10:17:17 PM	Outgoing	3235248452	licka		

8033639740	Tucker, Travis	Call	5/24/2014 10:14:23 PM	Missed	8037287142		0	00:00:00
8033639740	Tucker, Travis	Call	5/24/2014 10:09:43 PM	Missed	8037287142		0	00:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:08:25 PM	Outgoing	8036027748	King	0	0:00:00
8033639740	Tucker, Travis	Call	5/24/2014 10:06:54 PM	Incoming	8037164860		10	00:00:10
8033631412	Ricks, Channen	SMS	5/24/2014 10:06:38 PM	Outgoing	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:06:38 PM	Outgoing	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	Call	5/24/2014 10:06:22 PM	Outgoing	8034298359	Hope	62	0:01:02
8033631412	Ricks, Channen	SMS	5/24/2014 10:06:19 PM	Incoming	8036027748	King	0	0:00:00
8033639740	Tucker, Travis	SMS	5/24/2014 10:05:32 PM	Incoming	8037287142		0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:05:28 PM	Outgoing	8038005739	Vita (potential gf)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:04:28 PM	Incoming	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:04:28 PM	Incoming	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:03:41 PM	Outgoing	8038005739	Vita (potential gf)	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:03:21 PM	Outgoing	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:01:34 PM	Outgoing	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:01:34 PM	Outgoing	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	Call	5/24/2014 10:01:09 PM	Incoming	8038005739	Vita (potential gf)	76	0:01:16
8033631412	Ricks, Channen	Call	5/24/2014 10:01:09 PM	Incoming	8038005739	Vita (potential gf)	77	0:01:17
8033639740	Tucker, Travis	SMS	5/24/2014 10:01:02 PM	Incoming	8037287142		0	0:00:00
8033631412	Ricks, Channen	Call	5/24/2014 10:00:51 PM	Outgoing	8038005739	Vita (potential gf)	4	0:00:04
8033631412	Ricks, Channen	SMS	5/24/2014 10:00:48 PM	Incoming	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:00:42 PM	Incoming	8032628421	Klara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:00:37 PM	Incoming	8032628421	Klara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:00:32 PM	Incoming	8032628421	Klara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:00:26 PM	Incoming	8033636245		0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 10:00:20 PM	Outgoing	8038005739	Vita (potential gf)	0	0:00:00
8034467225	Pauling, Thomas	SMS	5/24/2014 10:00:11 PM	Incoming	3235248452	ticka		
8033631412	Ricks, Channen	Call	5/24/2014 10:00:05 PM	Outgoing	8038005739	Vita (potential gf)	1	0:00:01
8033631412	Ricks, Channen	Call	5/24/2014 9:59:17 PM	Outgoing	8038005739	Vita (potential gf)	3	0:00:03
8033631412	Ricks, Channen	SMS	5/24/2014 9:58:33 PM	Outgoing	8038005739	Vita (potential gf)	0	0:00:00
8033639740	Tucker, Travis	Call	5/24/2014 9:57:28 PM	Incoming	8034044585	Dnail	3	00:00:03
8034467225	Pauling, Thomas	SMS	5/24/2014 9:56:10 PM	Incoming	8036650274	Lil Tee		
8034467225	Pauling, Thomas	SMS	5/24/2014 9:54:22 PM	Incoming	8036650274	Lil Tee		
8034467225	Pauling, Thomas	Call	5/24/2014 9:54:21 PM	Outgoing	2407043133	yo		
8033639740	Tucker, Travis	Call	5/24/2014 9:53:56 PM	Incoming	8034570912		9	00:00:09
8034467225	Pauling, Thomas	Call	5/24/2014 9:52:04 PM	Outgoing	8434410136			
8033639740	Tucker, Travis	Call	5/24/2014 9:51:33 PM	Incoming	8037276710	Faz	3	00:00:03

8034467225	Pauling, Thomas	Call	5/24/2014 9:48:01 PM	Incoming	8034478073			
8033631412	Ricks, Channen	SMS	5/24/2014 9:47:57 PM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 9:47:08 PM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 9:47:08 PM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 9:43:56 PM	Incoming	8036027748	King	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 9:43:56 PM	Incoming	8036027748	King	0	0:00:00
8034467225	Pauling, Thomas	SMS	5/24/2014 9:38:38 PM	Incoming	3235248452	ticka		
8033631412	Ricks, Channen	Call	5/24/2014 9:34:29 PM	Outgoing	8032628421	Kiara Pelzer/Ricks	65	0:01:05
8033631412	Ricks, Channen	Call	5/24/2014 9:33:36 PM	Missed	8035299779	Vonte	0	0:00:00
8033631412	Ricks, Channen	Call	5/24/2014 9:32:26 PM	Outgoing	8033631740	Alvildia Jenkins (Mom)	92	0:01:32
8033631412	Ricks, Channen	Call	5/24/2014 9:32:26 PM	Outgoing	8033631740	Alvildia Jenkins (Mom)	92	0:01:32
8033631412	Ricks, Channen	Call	5/24/2014 9:30:46 PM	Incoming	8035299779	Vonte	21	0:00:21
8033631412	Ricks, Channen	Call	5/24/2014 9:30:46 PM	Incoming	8035299779	Vonte	21	0:00:21
8033631412	Ricks, Channen	SMS	5/24/2014 9:28:56 PM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8033631412	Ricks, Channen	SMS	5/24/2014 9:28:49 PM	Incoming	8033636245		0	0:00:00
8033631412	Ricks, Channen	Call	5/24/2014 9:28:36 PM	Outgoing	8032207395	Nut	8	0:00:08
8033639740	Tucker, Travis	Call	5/24/2014 9:27:41 PM	Incoming	8037276710	Faz	7	00:00:07
8033631412	Ricks, Channen	Call	5/24/2014 9:24:30 PM	Outgoing	8035299779	Vonte	4	0:00:04
8033639740	Tucker, Travis	Call	5/24/2014 9:23:02 PM	Incoming	2174184348		46	00:00:46
8033631412	Ricks, Channen	Call	5/24/2014 9:13:54 PM	Outgoing	8035299779	Vonte	6	0:00:06
8033631412	Ricks, Channen	Call	5/24/2014 9:12:44 PM	Outgoing	8035299779	Vonte	40	0:00:40
8034467225	Pauling, Thomas	SMS	5/24/2014 9:10:08 PM	Incoming	3235248452	ticka		
8034467225	Pauling, Thomas	Call	5/24/2014 9:09:29 PM	Missed	8036650274	Lil Tee		
8034467225	Pauling, Thomas	Call	5/24/2014 8:58:32 PM	Incoming	8035868587	big c		
8033631412	Ricks, Channen	SMS	5/24/2014 8:58:18 PM	Incoming	8032628421	Kiara Pelzer/Ricks	0	0:00:00
8034467225	Pauling, Thomas	Call	5/24/2014 8:57:26 PM	Outgoing	8033949966			
8033631412	Ricks, Channen	Call	5/24/2014 8:55:45 PM	Outgoing	8035299779	Vonte	7	0:00:07
8034467225	Pauling, Thomas	Call	5/24/2014 8:55:19 PM	Outgoing	8036671806			
8033631412	Ricks, Channen	Call	5/24/2014 8:54:36 PM	Outgoing	8035299779	Vonte	4	0:00:04
8033631412	Ricks, Channen	Call	5/24/2014 8:54:24 PM	Outgoing	8035299779	Vonte	5	0:00:05
8034467225	Pauling, Thomas	Call	5/24/2014 8:53:59 PM	Outgoing	8033541251	sis		
8034467225	Pauling, Thomas	Call	5/24/2014 8:50:17 PM	Incoming	8032612287			
8034467225	Pauling, Thomas	Call	5/24/2014 8:48:28 PM	Outgoing	8032621013			
8034467225	Pauling, Thomas	Call	5/24/2014 8:46:59 PM	Outgoing	8034478073			
8034467225	Pauling, Thomas	Call	5/24/2014 8:46:39 PM	Outgoing	8034478073			
8034467225	Pauling, Thomas	Call	5/24/2014 8:46:07 PM	Outgoing	8032612287			
8033631412	Ricks, Channen	Call	5/24/2014 8:36:17 PM	Incoming	8034467225	Thomas Pauling	42	0:00:42
8033631412	Ricks, Channen	Call	5/24/2014 8:36:17 PM	Incoming	8034467225	Thomas Pauling	42	0:00:42
8034467225	Pauling, Thomas	Call	5/24/2014 8:36:16 PM	Outgoing	8033631412	Channen Ricks		
8034467225	Pauling, Thomas	SMS	5/24/2014 8:23:35 PM	Incoming	8036650274	Lil Tee		
8033631412	Ricks, Channen	Call	5/24/2014 8:19:28 PM	Incoming	8035299779	Vonte	12	0:00:12
8033631412	Ricks, Channen	Call	5/24/2014 8:19:27 PM	Incoming	8035299779	Vonte	12	0:00:12
8034467225	Pauling, Thomas	Call	5/24/2014 8:19:25 PM	Outgoing	8039613084			
8034467225	Pauling, Thomas	Call	5/24/2014 8:16:42 PM	Outgoing	8036028313			
8033639740	Tucker, Travis	Call	5/24/2014 8:02:45 PM	Incoming	8034672014		7	00:00:07
8034467225	Pauling, Thomas	Call	5/24/2014 7:58:33 PM	Incoming	8032621013			

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
)	
COUNTY OF RICHLAND)	
)	
The State of South Carolina)	**STIPULATIONS**
)	
-vs-)	Indictment Number: 2016-GS-40-2836
)	
Channen Ricks,)	
)	
Defendant.)	



The State and the Defendant, by and through his attorney, Aimee Zmroczek, stipulate to the following:

1) A custodian of records is not needed to authenticate the cellphone records for the Defendant's phone obtained from Cleartalk, and they are to be considered authentic and admissible;

2) The RCSD officer who downloaded the records from the cellphones of Channen Ricks, Travis Tucker, and Thomas Pauling is not needed to authenticate records, and they are to be considered authentic and admissible;

3) A custodian of records in not needed to authenticate the South Carolina Department of Corrections' records and they are to be considered authentic;

4) A custodian of records in not needed to authenticate the records of Probation, Pardon and Parole and they are to be considered authentic;

5) A custodian of records in not needed to authenticate the receipt from the Master's Inn and it is considered to be authentic and admissible; and

6) There is no challenge to the chain of custody of the collected items, and therefore complete chain of custody does not have to be proven in order for the evidence to be admitted.

April Sampson
Assistant Solicitor

Aimee Zmroczek
Attorney for Defendant

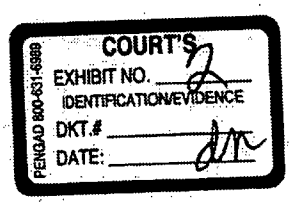
Columbia, South Carolina

October 10, 2016

THE STATE OF SOUTH CAROLINA

In the Court of General Sessions

RICHLAND COUNTY
Circuit Court Judge Dennis



The State of South Carolina

v.

Channen Ricks

JURY INSTRUCTIONS

CHARGE Murder

I NOW WILL CHARGE YOU ON THE LAW APPLICABLE TO THIS CASE. YOU MUST CONSIDER THE CHARGE AS A WHOLE AND NOT FOCUS ON SOME PORTIONS TO THE EXCLUSION OF OTHERS.

CHARGE, ARREST, INDICTMENT NOT EVIDENCE

THE INDICTMENTS CHARGE THE DEFENDANT WITH MURDER. I REMIND YOU THAT THE FACT THE DEFENDANT WAS ARRESTED, CHARGED AND INDICTED IN THIS CASE, IS NOT EVIDENCE IN THIS CASE AND CANNOT BE CONSIDERED BY YOU AS EVIDENCE OF GUILT IN THIS CASE, NOR DOES IT CREATE ANY PRESUMPTION OR INFERENCE OF GUILT. THESE DOCUMENTS ARE SIMPLY THE FORMAL WRITTEN INSTRUMENTS WHICH CONTAIN THE CHARGE(S) MADE AGAINST THE DEFENDANT. THEY ARE THE FORMAL DOCUMENTS BY WHICH THIS CASE IS BROUGHT INTO THIS COURT.

PRESUMPTION OF INNOCENCE

THE DEFENDANT HAS PLED NOT GUILTY TO THESE INDICTMENTS, AND THAT PLEA PUTS THE BURDEN ON THE STATE TO PROVE THE DEFENDANT GUILTY. A PERSON CHARGED WITH COMMITTING A CRIMINAL OFFENSE IN SOUTH CAROLINA IS NEVER REQUIRED TO PROVE HIMSELF INNOCENT.

I CHARGE YOU THAT IT IS AN IMPORTANT RULE OF THE LAW

THAT THE DEFENDANT IN A CRIMINAL TRIAL, NO MATTER WHAT THE SERIOUSNESS OF THE CHARGE MAY BE, WILL ALWAYS BE PRESUMED TO BE INNOCENT OF THE CRIME FOR WHICH THE INDICTMENT WAS ISSUED UNLESS GUILT HAS BEEN PROVEN BY EVIDENCE SATISFYING YOU OF THAT GUILT BEYOND A REASONABLE DOUBT. THIS PRESUMPTION OF INNOCENCE DOES NOT END WHEN YOU BEGIN YOUR DELIBERATIONS, BUT IT ACCOMPANIES THE DEFENDANT THROUGHOUT THE TRIAL UNLESS YOU REACH A VERDICT OF GUILT BASED ON EVIDENCE SATISFYING YOU OF THAT GUILT BEYOND A REASONABLE DOUBT.

THE PRESUMPTION OF INNOCENCE IS LIKE A ROBE OF RIGHTEOUSNESS PLACED ABOUT THE SHOULDERS OF THE DEFENDANT WHICH REMAINS WITH THE DEFENDANT UNLESS IT HAS BEEN STRIPPED FROM THE DEFENDANT BY EVIDENCE SATISFYING YOU OF THE DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT.

THE PRESUMPTION OF INNOCENCE IS NOT MERE LEGAL THEORY. IT IS NOT JUST A LEGAL PHRASE. IT IS A SUBSTANTIAL RIGHT TO WHICH EVERY DEFENDANT IS ENTITLED UNLESS YOU, THE JURY, ARE SATISFIED FROM THE EVIDENCE OF THE DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT.