

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas
Post Conviction Relief

RECEIVED

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Honorable Maite Murphy, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No: 2017-001595

Willie Bell, Jr., #254817,

Petitioner,

vs.

State of South Carolina

Respondent.

APPENDIX
VOLUME I OF III

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STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

COURT OF GENERAL SESSIONS
FIRST JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

CASE NO. 06-GS-38-00751

versus

VOLUME 1 OF 2
TRANSCRIPT OF RECORD

WILLIE BELL, JR.,

DATE:

DEFENDANT

MARCH 12, 2007

BEFORE:

HONORABLE JAMES C. WILLIAMS, JR., PRESIDING JUDGE
AND A JURY.

APPEARANCES:

DAVID PASCOE, ESQUIRE
SOLICITOR
DON SORENSON, ESQUIRE
DEPUTY SOLICITOR
ROB CLARIDAY, ESQUIRE
ASSISTANT SOLICITOR

FOR THE STATE

DOUG MELLARD, ESQUIRE
MARGARET (PEGGY) HINDS, ESQUIRE
PUBLIC DEFENDERS

FOR THE DEFENDANT

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1 DATE:

2 MARCH 12, 2007

3 (State's Exhibits One through Twenty-two
4 marked for identification only.)

5 (Court's Exhibits One and Two
6 marked and filed.)

7 THE COURT: THIS IS THE STATE
8 VERSUS?

9 SOLICITOR PASCOE: WILLIE BELL, YOUR
10 HONOR.

11 THE COURT: AND THE INDICTMENT
12 NUMBER?

13 SOLICITOR PASCOE: FOR ONE COUNT OF
14 MURDER IN INDICTMENT NUMBER 2006-GS-38-0751.

15 THE COURT: AND I UNDERSTAND WE'RE
16 HERE FOR SOME PRETRIAL MOTIONS, THIS TRIAL TO BE
17 SCHEDULED TO START IN THE MORNING?

18 SOLICITOR PASCOE: YES, YOUR HONOR.

19 THE COURT: ALRIGHT. MR. MELLARD,
20 ARE Y'ALL READY?

21 MR. MELLARD: WE'RE READY FOR TRIAL.
22 WE DO HAVE A MOTION, THE DEFENDANT WOULD LIKE A MOTION
23 TO BE HEARD, WE'D LIKE THE MOTION TO BE HEARD OUTSIDE
24 THE PRESENCE OF THE PROSECUTION.

25 THE COURT: ALRIGHT, SIR.

1 SOLICITOR, HOW ABOUT TAKE ALL YOUR WITNESSES AND
2 EVERYBODY OUT OF THE COURTROOM.

3 SOLICITOR PASCOE: YES, SIR. I'LL
4 DO THAT RIGHT NOW.

5 (Whereupon, Prosecutors and all
6 witnesses leave the courtroom.)

7 THE COURT: I ASSUME THERE'S NO
8 OBJECTION TO MR. BROWN BEING IN THE BACK ROOM, MR.
9 ANDREW BROWN?

10 MR. MELLARD: NO OBJECTION, YOUR
11 HONOR.

12 THE COURT: ALRIGHT, LET ALL THE
13 COURT OFFICIALS AND PERSONNEL WHO ARE PRESENT IN THE
14 COURTROOM UNDERSTAND THAT THIS IS A MATTER BASICALLY EX
15 PARTE BETWEEN THE DEFENSE AND THE COURT, AND SO NOTHING
16 THAT'S SAID IN THIS COURTROOM SHOULD BE REPEATED TO
17 ANYBODY UNDER ANY CIRCUMSTANCES AT ANYTIME.

18 ALRIGHT, SIR.

19 MR. MELLARD: YOUR HONOR, AT THIS
20 TIME I BELIEVE MR. BELL WOULD LIKE TO MAKE A MOTION TO
21 HAVE US REMOVED AS COUNSEL IN THIS CASE.

22 THE COURT: ALRIGHT, MR. BELL.

23 DEFENDANT BELL: YOUR HONOR, I WOULD
24 LIKE TO HAVE THEM REMOVED FROM THE CASE. I FEEL LIKE MY
25 CASE WASN'T HANDLED RIGHT FROM THE BEGINNING. I WOULD

1 LIKE TO SAY, THEY JUST STARTED -- TO ME, TO ME, NOW, I
2 CALLED, I MEAN, I CALLED DOUG IN DECEMBER, RIGHT. I
3 CALLED HIM, I SAID, LISTEN, CAN I PLEASE GET THE REST OF
4 HALF OF MY MOTION, RIGHT? HE SAID HE WAS GOING TO GET
5 IT TO ME. NOW, IT POP UP IN FEBRUARY THEY'RE TALKING
6 ABOUT TRIAL. A BUNCH OF PEOPLE THEY TALKED TO, THEY'RE
7 STILL TALKING TO PEOPLE TODAY. AND I FELL LIKE, I MEAN,
8 THEY STILL -- I'VE GOT A BUNCH OF PEOPLE, I MEAN, FOR
9 ONE, I THINK I SHOULD HAVE HAD REAL LAWYERS ON THIS
10 CASE, BUT THEY'RE STILL TALKING TO PEOPLE TODAY, JUDGE,
11 YOUR HONOR, THEY'RE STILL TALKING TO PEOPLE TODAY. I
12 DON'T THINK THERE WAS ENOUGH TIME ON THIS CASE, FOR
13 NUMBER ONE, THEY'RE POPPING UP WITH TRIAL AT THE LAST
14 MINUTE, I MEAN, THERE'S A LOT OF PEOPLE, THEY AIN'T
15 TALKED TO NONE OF THE PROSECUTION WITNESSES, THEY NEVER
16 SENT NOBODY TO -- THEY AIN'T TALKED TO NONE OF THEM YET.
17 I MEAN, AND HOW IS THAT, YOUR HONOR? I DON'T BELIEVE I
18 WILL HAVE A FAIR TRIAL, BECAUSE IT AIN'T NOBODY, THEY
19 NEVER SENT NO INVESTIGATOR OUT, AND THEY AIN'T TALKED TO
20 THE PROSECUTION WITNESSES YET OR NOTHING. AND THIS CASE
21 IS A VERY SERIOUS CASE. LIKE I SAY, I'M GOING ALL THE
22 WAY WITH IT BECAUSE I DIDN'T DO IT. SO, BUT I FEEL LIKE
23 THEY'RE NOT, I FEEL LIKE, HONESTLY, I FEEL LIKE THEY'RE
24 WORKING WITH THE PROSECUTION TEAM.

25 THE COURT: WELL, I CAN PRETTY WELL

1 ASSURE YOU THEY'RE NOT WORKING WITH THE PROSECUTION
2 TEAM. NOW, LET ME TELL YOU ONE OTHER THING, YOU KNOW,
3 YOU'RE TALKING ABOUT REAL LAWYERS, THEY ARE REAL
4 LAWYERS.

5 DEFENDANT BELL: I MEAN, I DIDN'T
6 MEAN TO SAY THAT LIKE THAT, I'M SORRY.

7 THE COURT: WELL, YOU SHOULDN'T HAVE
8 SAID THAT.

9 DEFENDANT BELL: I'M SORRY, YOUR
10 HONOR. I'M SORRY FOR THAT.

11 THE COURT: THEY ARE REAL LAWYERS
12 AND THEY WORK FOR A LOT LESS MONEY THAN THEY COULD WORK
13 OUT THERE ON THE STREET AND HIRING PRIVATE COUNSEL, YOU
14 KNOW, SO, YOU NEED TO APOLOGIZE TO THEM TO START WITH
15 FOR SAYING THAT.

16 DEFENDANT BELL: I KNOW, I APOLOGIZE
17 TO THE COURT, AND I APOLOGIZE TO THEM. I APOLOGIZE TO
18 THE COURT.

19 THE COURT: THE SECOND THING, MS.
20 HINDS HAS BEEN PROSECUTING CASES IN THIS COURTROOM A
21 LONG TIME, I DON'T KNOW EXACTLY HOW LONG, BUT I THINK
22 SHE WAS PROSECUTING BEFORE I WENT ON THE BENCH AND I'VE
23 BEEN ON THE BENCH EIGHT AND A HALF YEARS. SHE KNOWS
24 WHAT SHE'S DOING. MR. MELLARD, I DON'T KNOW EXACTLY HOW
25 LONG MR. MELLARD HAS BEEN PRACTICING BECAUSE HE DIDN'T

1 COME HERE RIGHT OUT OF SCHOOL, BUT HE'S ONLY BEEN HERE,
2 WHAT, YOU'VE BEEN HERE LIKE THREE YEARS, HAVEN'T YOUR?

3 MR. MELLARD: ABOUT, CLOSE TO TWO,
4 YOUR HONOR.

5 THE COURT: AND I MEAN, BOTH OF THEM
6 ARE EXPERIENCED ATTORNEYS WHO KNOW WHAT THEY ARE DOING.

7 DEFENDANT BELL: YOUR HONOR, ---

8 THE COURT: NOW, BESIDES THAT, YOU
9 TELL ME WHAT WITNESSES THERE IS THAT YOU THINK THEY
10 SHOULD HAVE TALKED TO THAT THEY HAVE NOT TALKED TO.

11 DEFENDANT BELL: THEY SHOULD HAVE
12 TALKED TO THE MAIN WITNESSES ABOUT THE CAR IN AUGUSTA,
13 THEY SHOULD HAVE TALKED TO ALL THOSE WITNESSES. THEY
14 NEVER SENT NOBODY OVER THERE. I TOLD THEM, I'M TELLING
15 THE TRUTH. ALRIGHT. IT'S ONE THING, THEY SAID THEY
16 FOUND BLOOD ON MY SHOE. IT CAN'T BE TRUE BECAUSE I GOT
17 THESE SHOES FROM ANOTHER GUY. THEY NEVER SENT NOBODY
18 OVER THERE TO TALK TO THE GUY, BECAUSE THE SHOES AIN'T
19 MY SIZE. THEY SAID THEY FOUND MY MAMA'S BLOOD ON THEM,
20 THAT CAN'T BE TRUE BECAUSE THE SHOES AIN'T MY SIZE.
21 THEY AIN'T EVEN SENT NOBODY OVER THERE TO TALK TO THE
22 GUY WHO I GOT THE SHOES FROM TO SEE WHAT SIZE SHOE HE
23 WEARS. WHY THEY AIN'T TEST HIS BLOOD AND SEE IF THAT'S
24 HIS BLOOD ON THE SHOE? YOU SEE WHAT I'M SAYING, YOUR
25 HONOR? THEY AIN'T -- FOR ME, I FEEL LIKE IF I KEEP, I

1 MEAN, THEY MAYBE DIDN'T HAVE ENOUGH TIME OR SOMETHING,
2 BUT I MEAN, I FEEL LIKE I AIN'T GETTING A FAIR CHANCE
3 HERE. BECAUSE IT'S NOT FAIR, THEY CLAIM THAT BLOOD WAS
4 ON MY SHOE, AND I TOLD MY LAWYERS WHERE I GOT THE SHOES
5 FROM, RIGHT? AND THEY NEVER SENT NOBODY OVER THERE TO
6 EVEN TALK TO THE GUY TO FIND OUT -- OKAY, DNA TESTING,
7 THEY JUST TOOK MY DNA, YOU KNOW, A COUPLE OF WEEKS AGO.
8 WELL, IF THEY'RE SO SURE THIS IS MY BLOOD ON THE CLOTHES
9 WHY DID THEY TAKE MY DNA? AND THEY JUST TOOK IT A WEEK
10 AND A HALF AGO. IF THEY'RE SO -

11 THE COURT: WELL, IT WOULD BE THE
12 STATE THAT WOULD BE PUTTING UP EVIDENCE ABOUT THE DNA,
13 WHETHER IT MATCHED YOU OR WHETHER IT WAS YOUR BLOOD ON
14 THE SHOE OR YOUR MOTHER'S OR SOME OTHER PERSON THAT THEY
15 COULDN'T IDENTIFY, AND IT REALLY WOULDN'T -- IF IT
16 WASN'T YOURS AND IT WASN'T YOUR MOTHER'S IT REALLY
17 WOULDN'T MATTER WHOSE IT WAS. THE CRUCIAL QUESTION IS
18 WHETHER THE STATE, ON IT IS GOING TO BE THAT IT MATCHED
19 YOUR BLOOD OR THAT IT MATCHED YOUR MOTHER'S BLOOD.

20 DEFENDANT BELL: YEAH, BUT IN MY
21 CASE THEY'RE SAYING THAT IT MATCHED MY MOTHER'S BLOOD,
22 AND IT COULDN'T HAVE MATCHED MY MOTHER'S BLOOD BECAUSE
23 I GOT THE SHOES FOUR DAYS LATER.

24 THE COURT: WELL, ---

25 DEFENDANT BELL: THIS IS NOT MY SIZE

1 OF SHOE, AND MY FAMILY WILL TELL YOU, I ONLY, I ONLY
2 WEAR BROWN, I ONLY WEAR BOOTS. AND I WAS WORKING ALL
3 THAT WEEK. AND HERE, AIN'T NO MORTAR ON THOSE SHOES,
4 AIN'T NO CONCRETE ON THOSE SHOES. SO, WHY IS CONCRETE
5 ON MY PANTS AND SHIRT AND NOT ON MY SHOES? BECAUSE
6 THOSE SHOES ARE NOT MINE. SO, AND I FEEL LIKE THEY
7 DIDN'T, I MEAN, I MEAN, I FEEL LIKE, I MEAN, EITHER THEY
8 DON'T HAVE -- I MEAN, JUDGE, IF THEY'RE DOING A GOOD
9 JOB, LIKE I SAY, YOUR HONOR, HOW CAN THEY STILL BE
10 TALKING TO PEOPLE TODAY? MY LIFE IS ON THE LINE. I
11 DON'T KNOW WHAT THEY DID IN THE PAST. MAYBE THEY DID
12 SOMETHING THE PAST THAT HELPED SOMEBODY, BUT MY LIFE IS
13 ON THE LINE TODAY. AND I FEEL LIKE, THEY'RE STILL
14 TALKING TO PEOPLE TODAY. THEY'RE STILL, SOMEBODY, AN
15 INVESTIGATOR TALKED TO A PERSON TODAY, AND I'VE GOT A
16 TRIAL TOMORROW.

17 THE COURT: WELL, OTHER THAN THE
18 QUESTION OF THE SHOES, WHAT IS IT THEY HAVE NOT DONE
19 THAT YOU THINK THAT THEY SHOULD HAVE DONE?

20 DEFENDANT BELL: ALRIGHT, THE PERSON
21 WHO THEY SAY I SOLD THE CAR TO, NOBODY WENT AND TALKED
22 TO THIS GUY. NOBODY WENT AND TALKED TO THIS GUY. I
23 MEAN, HOW IS THAT FAIR, YOUR HONOR? IF THIS IS A MAIN
24 FACT IN THE CASE, AND HERE NOBODY WENT AND TALKED TO
25 THIS GUY. BUT HERE YET, PASCOE CAN SEND WHOEVER HE WANTS

1 IN AND GET FORTY-FIVE PEOPLE OR WHATEVER HE DO, LIKE HE
2 ALWAYS DO, AND HERE I AIN'T GOT NOBODY TO DEFEND ME.

3 THE COURT: ALRIGHT, OTHER THAN THE
4 SHOES AND THE PERSON THE CAR WAS --

5 DEFENDANT BELL: HE GOT THREE PEOPLE
6 FROM AUGUSTA COMING DOWN HERE TO SUBPOENA, HE DONE
7 SUBPOENAED THEM, RIGHT? WHY HAVEN'T MY LAWYERS SENT AN
8 INVESTIGATOR TO TALK TO THOSE PEOPLE?

9 THE COURT: WELL, I'LL ASK THEM THAT
10 IN A MINUTE.

11 DEFENDANT BELL: I MEAN, I WOULD
12 LIKE TO KNOW, MY LIFE IS ON THE LINE HERE.

13 THE COURT: WELL, I'M GOING TO GET
14 TO THAT BUT I WANT TO GET ALL YOUR COMPLAINTS, AND I'VE
15 GOT THREE.

16 DEFENDANT BELL: YEAH. AND I GOT
17 MORE PEOPLE WHO I HAD WANTED THEM TO TALK TO, AND
18 THEY'RE TELLING ME THEY SENT SOMEBODY OVER THERE TO TALK
19 TO THEM BUT THEY CAN'T FIND THE PERSON. HOW CAN THEY
20 FIND THE PERSON IF I NEVER GAVE THEM THE DIRECTION WHERE
21 THE PERSON LIVES?

22 THE COURT: WELL, WHY DIDN'T YOU
23 GIVE IT TO THEM?

24 DEFENDANT BELL: BECAUSE THEY NEVER
25 ASKED ME. THE NAMES I GAVE THEM, SHE CAME IN ONE DAY

1 AND JUST ASKED ME THE NAMES. AND SHE SAID, I'M GOING TO
2 GET BACK WITH YOU, BUT THE INVESTIGATOR NEVER FIND OUT
3 WHERE THESE PEOPLE LIVE. AND HERE SHE JUST MARK, THEY
4 MARK WHO THEY WANT TO SUBPOENA. AND MY LIFE IS ON THE
5 LINE HERE.

6 THE COURT: WELL, MR. BELL, YOU
7 KNOW, THEY'RE NOT MIND READERS. AND SO, THEY HAVE TO
8 DEPEND ON YOU TO TELL THEM STUFF THAT YOU THINK WILL
9 HELP THEM AND TELL THEM IN A TIMELY MANNER. THEY CAN'T
10 THINK SOMETIME OF EVERY QUESTION THAT THEY MIGHT NEED TO
11 ASK YOU.

12 DEFENDANT BELL: BUT, YOUR HONOR, --

13 -

14 THE COURT: ALRIGHT.

15 DEFENDANT BELL: THE OFFICER CAN
16 TELL YOU, I WAS BEEN TRYING TO GET YOUR ADDRESS SO I CAN
17 WRITE TO YOU TO TELL YOU, I MEAN, BUT -- THIS DIDN'T POP
18 UP TODAY, NOW. I BEEN -- ASK TERRY, I WAS BEEN TRYING
19 TO GET YOUR ADDRESS SO I CAN WRITE YOU TO TELL YOU,
20 BECAUSE I BELIEVE IT'S NOT FAIR. ALRIGHT, ONE THING,
21 THIS CASE TO ME, THEY DONE PUT IT OUT THERE SO FAR,
22 RIGHT, AND THE EVIDENCE DON'T EVEN BACK -- I MEAN, AND
23 NOW, THEY'VE GOT ALL, THEY'VE GOT FORTY-FIVE WITNESSES,
24 AND ALL THIS, AND HERE AIN'T NOBODY TALKING TO NOBODY
25 FOR ME. I MEAN, A COUPLE OF PEOPLE THEY SEND, THEY

1 TALKED TO, BUT I FEEL LIKE THE PEOPLE WHO THE
2 PROSECUTION COULD SUBPOENA, DON'T I HAVE A RIGHT TO SEND
3 AN INVESTIGATOR, I MEAN, THE INVESTIGATOR SUPPOSED TO GO
4 AND TALK TO THEM IN MY BEHALF?

5 THE COURT: WELL, AN INVESTIGATOR
6 COULD GO, BUT THEY DON'T HAVE TO TALK TO THE
7 INVESTIGATOR.

8 DEFENDANT BELL: NO, LIKE I'M
9 SAYING, I KNOW THEY DON'T HAVE TO TALK HIM, BUT CAN'T I,
10 DON'T I -- I MEAN, DON'T I HAVE A RIGHT TO SEND SOMEBODY
11 OUT THERE TO TALK TO THEM?

12 THE COURT: THEY COULD. I MEAN,
13 THAT'S SOMETHING, CERTAINLY, SOMETHING THAT'S POSSIBLE
14 FOR THEM TO DO, YES, SIR.

15 DEFENDANT BELL: I MEAN, EVEN ABOUT
16 THE SHOE, IF THE GUY, THE PERSON WHO I TELL THEM I GOT
17 THE SHOES FROM, THEY AIN'T EVEN SENT -

18 THE COURT: ALRIGHT. WE'RE GOING TO
19 TALK ABOUT THE SHOE AND THE PERSON WHO BOUGHT THE CAR,
20 AND THE OTHER WITNESSES IN GEORGIA. NOW, WHAT ELSE?

21 DEFENDANT BELL: AND I GOT A COUPLE
22 MORE WITNESSES AROUND HERE I NEED FOR THEM TO TALK TO
23 FOR ME.

24 THE COURT: WHO?

25 DEFENDANT BELL: A GUY NAMED HENRY

1 JOHNSON.

2 THE COURT: ALRIGHT, NOW, WHO IS MR.
3 HENRY JOHNSON?

4 DEFENDANT BELL: HE'S A GUY I USED
5 TO WORK FOR THAT'S GOT HIS OWN BRICK MASON COMPANY, SIR.

6 THE COURT: AND HE KNOWS SOMETHING
7 ABOUT THE KILLING OF YOUR -

8 DEFENDANT BELL: NO, I MEAN, HE
9 DON'T -- JUDGE, LIKE I SAY, I DON'T EVEN KNOW NOTHING
10 ABOUT THE KILLING SO I KNOW HE DON'T KNOW NOTHING ABOUT
11 THE KILLING, BUT HE CAN TELL HOW MY PERSONALITY WITH MY
12 MOTHER, I MEAN, HE'S BEEN AROUND US FOR YEARS, FOR
13 TWENTY-THREE YEARS, YOU SEE WHAT I'M SAYING? AND THIS
14 IS SOMETHING, YOU KNOW -

15 THE COURT: ALRIGHT, SO HE'S A
16 CHARACTER WITNESS.

17 DEFENDANT BELL: I MEAN, IT'S A LOT
18 OF OTHER PEOPLE.

19 THE COURT: WHO ELSE?

20 DEFENDANT BELL: I DONE TOLD THEM
21 ABOUT THE GUARDS, I MEAN, IT'S A GUARD OVER THERE I NEED
22 FOR THEM TO TALK TO.

23 THE COURT: ABOUT WHAT, WHO IS THE
24 GUARD?

25 DEFENDANT BELL: MS. MINTZ, A LADY

1 NAMED MS. MINTZ. JUDGE, LIKE I SAY, I DON'T KNOW WHAT
2 THESE PEOPLE ARE GOING TO SAY, NOW, BUT I KNOW I'M JUST,
3 I DON'T KNOW WHAT THEY'RE GOING TO SAY, BECAUSE I'M NOT
4 TRYING TO COERCE NOBODY, NO WITNESS OR NOTHING LIKE
5 THAT.

6 THE COURT: WELL, WHAT WOULD MS.
7 MINTZ KNOW ABOUT IT?

8 DEFENDANT BELL: BECAUSE ONE OF THE
9 PERSONS THAT PASCOE SUBPOENAED IS A GUARD, AND IT'S AN
10 INCIDENT THAT SHE WAS THERE WHEN SOMETHING HAPPENED,
11 IT'S AN INCIDENT THAT SHE CAN TELL THE COURT ABOUT.

12 THE COURT: MS. MINTZ?

13 DEFENDANT BELL: YEAH, MS. MINTZ.

14 THE COURT: BUT YOU DON'T KNOW WHAT
15 IT'S ABOUT?

16 DEFENDANT BELL: YEAH, I -- IT'S --
17 PASCOE SUBPOENAED ONE OF THE GUARDS, RIGHT? AND SHE WAS
18 THERE WHEN THE LADY SPIT IN MY FOOD, AND I FEEL LIKE
19 THEY SPIT IN MY FOOD COME FROM A REACTION OF SOMETHING
20 SHE'S TRYING TO GET BACK AT ME NOW. SHE SAID I SAID
21 SOMETHING TO HER. YOU SEE WHAT I'M SAYING?

22 THE COURT: YOU SAW HER SPIT IN YOUR
23 FOOD?

24 DEFENDANT BELL: I SAW THE SPIT ON
25 THE FOOD AND MS. MINTZ WAS RIGHT THERE, AND SHE BROUGHT

1 THE TRAY FROM THE OTHER SIDE OF THE BUILDING, WHAT SHE'S
2 NOT ALLOWED TO DO AT A-ONE, SHE'S NOT ALLOWED TO DO.
3 EVEN A WHITE SHIRT WOULD SAY, NO, YOU'RE NOT ALLOWED TO
4 DO THAT. I MEAN, SHE ONLY BROUGHT ONE TRAY, AND THAT
5 WAS MY TRAY, AND THE FOOD CART AIN'T EVEN CAME IN YET.

6 THE COURT: ALRIGHT, WE'VE GOT HENRY
7 JOHNSON AND MS. MINTZ.

8 DEFENDANT BELL: IT'S A COUPLE MORE,
9 AND IT JUST, JUST LIKE I SAID, I -- TO ME, TO ME, YOUR
10 HONOR, I FEEL LIKE IF I KEEP IT AT THE PACE I'M GOING
11 NOW, PASCOE KNOW IT, YOU KNOW IT, AND EVERYBODY ELSE
12 KNOW IT, I'M GOING TO GET CONVICTED.

13 THE COURT: I DON'T KNOW IT, BECAUSE
14 I DON'T KNOW ANYTHING ABOUT YOUR CASE.

15 DEFENDANT BELL: OH, ALRIGHT.

16 THE COURT: NOW, BUT --

17 DEFENDANT BELL: IT IS OTHER PEOPLE,
18 OTHER PEOPLE THAT I NEED THEM TO TALK TO.

19 THE COURT: ALRIGHT. BUT YOU'VE GOT
20 TO TELL ME WHO. I JUST CAN'T TAKE, I MEAN, I'VE GOT TO
21 HAVE -- YOU'VE GOT TO HAVE SPECIFIC REASONS AND NAME THE
22 PEOPLE, YOU JUST CAN'T SAY, OTHER PEOPLE.

23 DEFENDANT BELL: ALRIGHT. ONE OF
24 THEM IS ROBBIE SIMMONS.

25 THE COURT: ROBBIE SIMMONS. AND

1 WHAT DOES -- WHO IS MR. SIMMONS?

2 DEFENDANT BELL: THAT'S MY MOTHER'S
3 SON-IN-LAW. HE'S THE OWNER OF THE VEHICLE. I THINK HE
4 SHOULD BE IN THE COURTROOM. I MEAN, THAT'S WHAT I WOULD
5 THINK IF I WAS A LAWYER. I MEAN, HOW IN THE WORLD THEY
6 DON'T WANT TO SUBPOENA HIM, I DON'T KNOW.

7 THE COURT: WELL, DO YOU KNOW WHAT
8 HE WOULD SAY?

9 DEFENDANT BELL: YOUR HONOR, THE
10 ONLY THING I WANT HIM, TO TELL THE TRUTH. I DON'T CARE
11 WHAT THEY SAY AS LONG AS THEY TELL THE TRUTH. THAT'S
12 ALL I'M CONCERNED ABOUT IS THE TRUTH.

13 THE COURT: BUT YOU DON'T KNOW --

14 DEFENDANT BELL: I DON'T CARE WHAT
15 THEY SAY AS LONG AS THEY TELL THE TRUTH.

16 THE COURT: ALRIGHT, WHO ELSE?

17 DEFENDANT BELL: HAVE YOU GOT
18 BARBARA WASHINGTON? YOU AIN'T GOT BARBARA WASHINGTON?
19 BARBARA WASHINGTON.

20 THE COURT: ALRIGHT, AND WHO IS SHE?

21 MS. HINDS: THEY TALKED TO BARBARA
22 WASHINGTON, IT WOULDN'T HELP HIM.

23 DEFENDANT BELL: WELL, SCOTTS --

24 THE COURT: WAIT A MINUTE, WHO IS
25 MS. WASHINGTON?

1 DEFENDANT BELL: THAT'S MOTHER'S --
2 WELL, WE'LL TALK ON THAT ONE. SHE SAID SHE SENT
3 SOMEBODY OUT THERE TO TALK TO HER. SCOTTS HIGH, HE OWNS
4 HIS OWN BUSINESS. WHY I WANT TO SEND SOMEBODY TO HIM,
5 BECAUSE SYMPATHETICALLY, PASCOE SAID THAT MY MOTHER --
6 I MEAN, SOMEBODY TOLD PASCOE AND HE SUBPOENAED, THAT MY
7 MOTHER NEVER LET ME DRIVE THE CAR, AND THIS GUY SAW ME
8 DRIVE THE CAR MANY TIMES.

9 THE COURT: AND WHAT'S THE NAME?

10 DEFENDANT BELL: SCOTTS D. HIGH.

11 THE COURT: HIGH?

12 DEFENDANT BELL: YEAH, HIGH.

13 THE COURT: HIS LAST NAME IS HIGH?

14 DEFENDANT BELL: HE GOT HIS OWN
15 BUSINESS OUT THERE, I USED TO DRIVE TO HIS SHOP.

16 THE COURT: ALRIGHT. WHO ELSE?

17 DEFENDANT BELL: AND I WOULD LIKE --
18 I DON'T KNOW, CAN YOU -- THE GUY -- CAN I GET -- CAN YOU
19 TEST A GUY FOR DNA, I MEAN, FOR THE BLOOD ON THE SHOE?
20 BECAUSE THIS IS VERY IMPORTANT IN MY CASE. BECAUSE
21 THEY'RE SAYING IT'S MY MAMA'S BLOOD ON THE SHOES AND IT
22 CAN'T BE MY MAMA'S BLOOD. THE OWNER, THE GUY WHO I GOT
23 THE SHOES FROM HIS HOUSE IS AN OLD MAN, CAN YOU SEND
24 SOMEBODY OUT THERE TO TEST HIS DNA AND SEE IF IT MATCH
25 UP, BECAUSE IT GOT TO BE A MISTAKE, BECAUSE I GOT THESE

1 SHOES, YOUR HONOR JIMMY WILLIAMS, JUST LIKE I SAID, FOUR
2 DAYS LATER, AND MY MOTHER'S BLOOD COULDN'T HAVE BEEN ON
3 THEM. I ONLY OWN ONE PAIR OF SHOES BECAUSE I JUST LEFT
4 THE RESTITUTION CENTER AND WALKED OFF FROM THE
5 RESTITUTION CENTER, AND I LEFT ALL MY CLOTHES THERE. I
6 ONLY HAD ONE PAIR OF SHOES, THAT WAS BROWN BOOTS. AND
7 LIKE I'M SAYING, IT AIN'T NO WAY IN THE WORLD THAT MY
8 MOTHER'S BLOOD COULD BE ON THESE SHOES LIKE PASCOE
9 CLAIMS, IT COULDN'T HAVE BEEN, BECAUSE I GOT THE SHOES
10 THAT SUNDAY. I WEAR A SIZE NINE AND A HALF, A NINE AND
11 A HALF, BUT WHAT I DID, I SNEAKED THE SHOES OUT THE GUY,
12 REALLY, I STOLE THEM, YOU KNOW WHAT I'M SAYING, HE
13 DIDN'T GIVE THEM TO ME, BUT I STOLE THEM OUT OF HIS
14 CLOSET BECAUSE MY BOOTS WAS GETTING HEAVY. MY BOOTS,
15 THEY WAS GETTING HEAVY ON ME, SO I GOT THE SHOES BECAUSE
16 THEY WAS LIGHT. BUT THEY WAS A TEN AND A HALF, I WEAR
17 A NINE AND A HALF, THESE ARE NOT MY SHOES. SO I MEAN,
18 WHAT MY LAWYER'S TELLING ME NOW, THEY FOUND MY MAMA'S
19 BLOOD ON THE SHOES, I FELT LIKE I AIN'T GETTING A FAIR
20 PLAY OUT THE GATE, BECAUSE THOSE ARE NOT MY SHOES, AND
21 MY MOTHER'S BLOOD, NO WAY IN THE WORLD COULD BE ON THOSE
22 SHOES.

23 THE COURT: ALRIGHT. WHO ELSE?

24 DEFENDANT BELL: I MEAN, THAT'S ALL
25 I CAN THINK OF RIGHT NOW, YOUR HONOR.

1 THE COURT: ALRIGHT, LET ME HEAR,
2 WHO WANTS TO SPEAK?

3 MS. HINDS: YOUR HONOR, I THINK
4 WE'LL BOTH ADDRESS IT. MY UNDERSTANDING IS THAT MR.
5 MELLARD WAS APPOINTED TO THIS CASE IN MARCH OF O-SIX.
6 THIS IS NOT A NEW CASE TO HIM. I WAS ASKED TO HELP IN
7 JANUARY OF THIS YEAR BECAUSE HE HAD GOTTEN A TRIAL DATE,
8 WE KNEW WE HAD A COUPLE OF MONTHS, AND TWO HEADS ARE
9 BETTER THAN ONE, QUITE HONESTLY.

10 THERE HAS BEEN SO MANY MIS-
11 CHARACTERIZATIONS I DON'T KNOW WHERE TO START. THE
12 BOTTOM LINE ON THE SHOES, THEY WERE ON HIS FEET.

13 THE COURT: THEY WERE WHAT?

14 MS. HINDS: THE SHOES THAT HE KEEPS
15 CLAIMING WERE NOT HIS, WE CAN'T SEEM TO MAKE HIM
16 UNDERSTAND THE DISTINCTION BETWEEN HIM OWNING THE SHOES
17 AND THEM BEING ON HIS FEET WHEN HE WAS ARRESTED. WE
18 HAVE SPOKEN WITH, WE RETAINED A DNA EXPERT, WE HAD HIM
19 REVIEW ALL OF THE SLED ANALYSIS, AND WE'RE ADDRESSING
20 THAT ISSUE, BUT HE JUST DOESN'T SEEM TO GET THAT, HE
21 SEEMS TO THINK THAT BECAUSE HE DIDN'T BUY THE SHOES THAT
22 SHOULD BE ENOUGH.

23 THE COURT: WELL, ---

24 MS. HINDS: YOUR HONOR, WE HAVE HAD,
25 NOT ONE, NOT TWO, NOT THREE, BUT FOUR DIFFERENT PRIVATE

1 INVESTIGATORS WORKING ON THIS CASE, AND THAT WAS LONG
2 BEFORE I WAS EVEN BROUGHT IN. EVERY LEAD -- MY
3 UNDERSTANDING IS, AND I'LL LET DOUG ADDRESS THIS IN MORE
4 DETAIL, BUT MY UNDERSTANDING IS THAT UP UNTIL DECEMBER
5 HE BASICALLY HADN'T GIVEN DOUG ANYBODY TO GO LOOK UP OR
6 TALK TO, OR WHATEVER.

7 DEFENDANT BELL: I NEVER KNOW HE --

8 THE COURT: WAIT A MINUTE, I'LL HEAR
9 FROM YOU IN A MINUTE, NOW, YOU LET THEM TALK. THEY
10 DIDN'T INTERRUPT YOU.

11 DEFENDANT BELL: OKAY, SORRY, YOUR
12 HONOR, I'M SORRY ABOUT THAT, YOUR HONOR.

13 MS. HINDS: ONCE WE GOT THE LIST WE
14 HAVE BEEN DILIGENT IN RUNNING DOWN EVERYBODY WHO EVEN
15 TANGENTIALLY COULD HAVE BEEN RELATED TO HIS DEFENSE. I
16 WILL TELL YOU SPECIFICALLY, BARBARA WASHINGTON WE
17 ATTEMPTED TO CONTACT, SHE WOULD NOT TALK WITH US.
18 JANIE, WE'VE GOT HER SUBPOENAED. HE SEEMS TO TAKE ISSUE
19 WITH THE FACT THAT WE WERE TALKING WITH WITNESSES THIS
20 MORNING. YES, WE WERE GOING OVER TESTIMONY AGAIN AND
21 TRYING TO MAKE SURE THAT ALL OF OUR I'S WERE DOTTED AND
22 OUR T'S WERE CROSSED. IF ANYTHING, I DON'T THINK WE'VE
23 EVER HAD A CASE THAT WAS THIS COMPLICATED IN TERMS OF
24 THE SHEAR NUMBER OF PEOPLE THAT WE'VE BEEN ASKED TO RUN
25 DOWN, AND IT HAS BEEN COMPLICATED SOMEWHAT TO THE POINT

1 THESE -- MANY OF THESE WITNESSES ARE TRANSIENT PEOPLE,
2 THEY'RE NOT PEOPLE THAT ARE EASY TO FIND. MANY OF THE
3 NAMES HE GAVE US WERE ALIASES OR NICK NAMES THAT HE
4 COULDN'T EVEN ATTACH A REAL NAME TO. EVEN THOSE WE
5 ATTEMPTED TO RUN DOWN. AND I'LL LET MR. MELLARD FINISH
6 UP.

7 THE COURT: YES, SIR, MR. MELLARD.

8 MR. MELLARD: I MEAN, I CAN JUST
9 TELL YOU THAT AS FAR AS THE, I BELIEVE HE BROUGHT UP
10 SOMETHING ABOUT A GUARD. WE SUBPOENAED THE GUARD'S
11 RECORDS FROM THE CRIMINAL JUSTICE ACADEMY SO WE COULD
12 IMPEACH THIS GUARD. WE'VE ALSO BROUGHT SOMEBODY DOWN
13 FROM SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO WE
14 THOUGHT MIGHT HAVE BEEN A WITNESS IN THAT PARTICULAR
15 INSTANCE TO INTERVIEW THEM. MS. HINDS ALREADY TALKED
16 ABOUT THE DNA EXPERT. AS FAR AS ROBBIE SIMMONS, WE
17 DON'T HAVE HIM UNDER SUBPOENA, WE'VE GOT HIS WIFE UNDER
18 SUBPOENA WHO IS THE AUNT OF MR. BELL, AND WHO CAN
19 TESTIFY AS TO THE CAR, WHICH IS WHAT HE WANTED MR.
20 ROBBIE SIMMONS TO TESTIFY TO. I THINK, OTHERWISE, ---

21 THE COURT: AND HE WOULD BE
22 TESTIFYING THAT MR. HIGH, I MEAN, MR. BELL HAD DRIVEN
23 THE CAR?

24 MR. MELLARD: THAT'S WHAT -- YES.

25 MS. HINDS: WE HAVE NUMEROUS OTHER

1 WITNESSES, WE HAVE SEVERAL OTHER WITNESSES THAT CAN
2 ALREADY TESTIFY TO THAT SAME THING.

3 THE COURT: TESTIFY TO THAT SAME
4 FACT? ALRIGHT.

5 MS. HINDS: AS A MATTER OF FACT,
6 THE, MS. JANNIE SIMMONS IS ACTUALLY MORE ON POINT
7 BECAUSE SHE AND MR. BELL HAD DISCUSSIONS SPECIFICALLY
8 ABOUT HIM TAKING THAT CAR, AND THE FACT THAT HE HAD
9 TAKEN IT SO MANY TIMES IN THE PAST, AND IF HE WERE TO
10 TAKE IT AGAIN SHE WAS GOING TO CALL IT IN AS STOLEN.

11 THE COURT: ALRIGHT. WHAT ABOUT
12 HENRY JOHNSON, A CHARACTER WITNESS?

13 MR. MELLARD: WE HAVE BEEN DEBATING
14 WHETHER WE EVEN WANT TO OPEN THE DOOR OF CHARACTER IN
15 THIS PARTICULAR CASE.

16 THE COURT: WELL, YOU UNDERSTAND,
17 MR. BELL, THAT IT WOULD BE ALMOST IMPOSSIBLE TO GET A
18 CHARACTER WITNESS TO TESTIFY UNLESS YOU TESTIFY FIRST.

19 DEFENDANT BELL: YOUR HONOR, IT'S
20 SOMETHING ELSE I WANT TO OPEN UP TO. LIKE I SAID, THEY
21 -- SINCE -- AND JUST LIKE I SAID, SINCE THEY, SINCE I
22 GAVE THE NAMES THEY WAS WORKING HARD, AND I'M NOT GOING
23 TO LIE, AND I RESPECT THEM FOR THAT, I FEEL LIKE THEY
24 WAS WORKING ON SATURDAYS, TOO, AND I MEAN, I GIVE THEM
25 CREDIT, DOUG WAS DOING A GOOD JOB. BUT I FEEL LIKE, I

1 FEEL LIKE THE STATE DIDN'T, I MEAN, I FEEL LIKE I DON'T
2 NEED NO MORE LAWYERS BECAUSE I FEEL COMFORTABLE WITH
3 THESE GUYS RIGHT HERE, I DO, BUT I FEEL LIKE THE STATE
4 DIDN'T GIVE THEM ENOUGH TIME, AND I FEEL LIKE THE STATE
5 JUST RUSHED THEM AND IT GOT THEM RUSHING. AND A LOT OF
6 PEOPLE I DID SEND THEM TO, AND JUST LIKE I SAY, YOU
7 CAN'T MAKE THEM TALK, YOU CAN'T MAKE A PERSON TELL THE
8 TRUTH. I'M COMFORTABLE WITH THESE GUYS, YOU KNOW WHAT
9 I'M SAYING, DOUG, AND YOU KNOW, AND I KNOW THEY'RE
10 BUSTING THEIR -- I KNOW THEY'RE GOING ALL OUT, YOU SEE
11 WHAT I'M SAYING? BUT I FEEL LIKE THE STATE JUST GOT
12 THEM SO, TIME -- TIME --

13 THE COURT: WELL, WHAT ELSE IS IT
14 YOU WANT THEM TO DO? WHAT WERE THEY GOING TO DO IF THEY
15 GET MORE TIME?

16 DEFENDANT BELL: LOOK, YOUR HONOR,
17 THE SIMPLE FACT IS, SOMEBODY HAD THREATENED MY --
18 THREATENING PHONE CALL, RIGHT, MY MOTHER. THE GUY WHO
19 I FIGURE, WHO I TOLD, I CALLED HIM ON IT AND I SAID,
20 HEY, MAN, DID YOU THREATEN MY MOM? NOW, YOU KNOW HE'S
21 NOT GOING TO COME ON THE STAND -- THEY DONE TRIED TO
22 TALK TO HIM, I GIVE THEM THAT. HE KEEPS SAYING HE DON'T
23 KNOW NOTHING ABOUT IT. BUT I JUST WANT THEM TO GET THE
24 PHONE RECORDS TO SHOW, YOU KNOW WHAT I'M SAYING, YOU
25 KNOW, THE PHONE RECORDS OF WHO CALLED, BECAUSE YOU SEE,

1 WE GOT A THREATENING PHONE CALL RIGHT BEFORE THAT, ABOUT
2 A WEEK BEFORE THAT. I MEAN, I MEAN, I JUST WANT TO
3 KNOW, CAN WE GET THE PHONE RECORDS, OR -- I KNOW THEY
4 PROBABLE DON'T DO NOTHING, THOUGH.

5 THE COURT: WELL, JUST TO HAVE THE
6 PHONE RECORDS IS NOT GOING TO SHED MUCH LIGHT ON
7 ANYTHING. AND LET ME TELL YOU, THE STATE HAS TO PROVE
8 YOU DID IT, THEY HAVE TO PROVE BEYOND A REASONABLE DOUBT
9 TO ALL TWELVE JURORS THAT YOU DID IT. THEY DON'T HAVE
10 TO PROVE SOMEBODY ELSE DID NOT DO IT. THERE'S A
11 DIFFERENCE THERE, THEY HAVE TO PROVE AND CONVINCE ALL
12 TWELVE OF THOSE JURORS THAT YOU ARE THE MAN WHO
13 COMMITTED THIS MURDER. AND IF THERE'S A REASONABLE
14 DOUBT ON THE PART OF ONE JUROR OVER THERE, THEY CAN'T
15 FIND YOU GUILTY. SO, WHEN YOU SAY, SOMEBODY MIGHT HAVE
16 MADE A THREAT, WELL, THAT MIGHT HAVE SOME BEARING ON IT,
17 BUT THAT -- IF THE STATE PROVES AND CONVINCES THE JURY
18 THAT YOU DID IT, THE JURY'S GOING TO AUTOMATICALLY
19 ELIMINATE ANY OTHER POSSIBLE PEOPLE, IF THEY'RE
20 CONVINCED THAT YOU DID IT. IF THEY THINK SOMEBODY ELSE
21 COULD HAVE DONE IT, THEN THEY'RE GOING TO FIND YOU NOT
22 GUILTY. YOU DON'T HAVE TO PROVE SOMEBODY ELSE DID IT,
23 ALL YOUR LAWYERS HAVE TO DO IS CREATE A REASONABLE DOUBT
24 ON THE PART OF ONE OR MORE JURORS THAT YOU'RE THE ONE
25 THAT DID IT.

1 DEFENDANT BELL: YES, SIR.

2 THE COURT: NOW, WE'VE HAD A LOT OF
3 JURORS WALK OUT OF HERE AND SAY, WELL, I THINK THEY DID
4 IT, BUT I WASN'T CONVINCED BEYOND A REASONABLE DOUBT, SO
5 WE VOTED NOT GUILTY.

6 I DON'T KNOW ANYTHING ABOUT YOUR
7 CASE. I NEVER HEARD OF IT THAT I REMEMBER UNTIL THE
8 MOTION A COUPLE OF WEEKS AGO, AND WE DIDN'T GET INTO
9 ANYTHING THEN EXCEPT -- WELL, YOU WERE HERE -- ABOUT THE
10 DNA. SO, I DON'T KNOW ANYTHING ABOUT YOUR CASE. YOU
11 SAID SOMETHING A WHILE AGO ABOUT EVERYBODY FIGURED YOU
12 WERE GOING TO BE CONVICTED. I DON'T KNOW ABOUT THAT.

13 BUT MR. MELLARD, ARE YOU PREPARED TO
14 TRY THE CASE, HAVE YOU -- YOU'VE GOT FULL DISCOVERY, TO
15 YOUR KNOWLEDGE, FROM THE STATE, HAVE YOU NOT?

16 MR. MELLARD: TO MY KNOWLEDGE, I DO,
17 YOUR HONOR.

18 THE COURT: AND HAVE YOU FOLLOWED IT
19 ALL UP, ARE YOU PREPARED TO TRY THE CASE?

20 MR. MELLARD: WE'RE PREPARED, YOUR
21 HONOR.

22 THE COURT: MS. HINDS, DO YOU AGREE?

23 MS. HINDS: I DO.

24 THE COURT: YOU SEE, THEY'VE GOT
25 STATEMENTS FROM THE WITNESSES, AND IF THE STATE TRIES TO

1 COME IN HERE AND BRING UP SOMETHING NEW THEY'RE NOT
2 GOING TO BE SUCCESSFUL IN GETTING THAT IN. IF THEY TRY
3 TO GET SOME TESTIMONY THAT'S A SURPRISE TO YOUR CLIENTS,
4 AND MOST PROBABLY THEY'RE NOT GOING TO GET IT BEFORE THE
5 JURY -- I MEAN, SURPRISE TO YOUR LAWYERS, MR. BELL --
6 THEY'RE NOT GOING TO BE ABLE TO GET IT IN.

7 NOW, THEY TELL ME THEY'VE GOTTEN ALL
8 THE INFORMATION FROM THE STATE, THEY'VE GOT A DNA
9 EXPERT. HOPEFULLY, I DON'T KNOW WHAT HE'S GOING TO
10 TESTIFY TO, I DIDN'T ASK THEM, BUT THAT'S A SECOND
11 PERSON THAT'S EXAMINED THE BLOOD ON THAT SHOE. AND THE
12 QUESTION REALLY IS ONLY WHETHER IT'S YOURS. IF IT'S NOW
13 YOURS IT DOESN'T MATTER WHOSE IT IS. IT'S JUST NOT
14 YOURS, THEY CAN'T SAY WHOSE IT IS. SO, THAT WOULD ALL
15 GO TO PROVING WHETHER YOU DID IT. OBVIOUSLY, IF THERE'S
16 SOMEBODY ELSE'S BLOOD ON THE SHOE, THAT'S -- THE JURY
17 COULD DECIDE, WELL, HE DIDN'T DO IT BECAUSE THAT'S NOT
18 HIS BLOOD.

19 DEFENDANT BELL: NO, ONE THING I
20 WANTED -- COULD THEY TEST ANOTHER GUY'S BLOOD? BECAUSE,
21 YOU SEE, THIS IS A DNA --

22 THE COURT: WELL, THERE'S A
23 PROCEDURE THEY COULD GO THROUGH, THEY MIGHT BE
24 SUCCESSFUL AND MIGHT NOT BE SUCCESSFUL, DEPENDING UPON
25 HOW MUCH EVIDENCE THEY COULD CONVINCE THE COURT WAS THAT

1 THAT WAS A REASONABLE THING TO DO, TO TEST THAT BLOOD.
2 IT WOULD BE HARD TO SAY, BECAUSE THAT PARTY IS NOT A --
3 THAT PERSON IS NOT A PARTY, A WITNESS, IF THEY HAVE NO
4 REASON TO THINK HE'S A SUSPECT -

5 DEFENDANT BELL: ALRIGHT. LIKE I
6 SAY, TO ME, I MEAN, YOU'RE PROBABLY RIGHT, BUT JUST LIKE
7 I SAY, HE'S A WITNESS FOR THE STATE, RIGHT, AND I THINK
8 THIS IS A VERY IMPORTANT PART OF THE CASE. IF I'M
9 TELLING THEM, I'M NOT SAYING OTHER BLOOD, I'M JUST
10 SAYING THE BLOOD ON THE SHOE IT COULDN'T HAVE BEEN MINE.
11 THEY SAID -- I MEAN, EVEN THOUGH THE DNA SAID IT'S MINE,
12 OR MY MOM'S OWN, BUT IT COULDN'T HAVE BEEN MY MOM'S
13 OWN, BECAUSE I GOT THE SHOES FOUR DAYS LATER, RIGHT. I
14 WANT TO KNOW, CAN THEY HAVE SOMEBODY TO TEST THIS GUY
15 WHO I GOT THE SHOES FROM?

16 THE COURT: IT'S POSSIBLE, I CAN'T
17 TELL YOU.

18 DEFENDANT BELL: BECAUSE I JUST WANT
19 TO, I JUST WANT TO GET HIM TESTED BECAUSE THIS IS A VERY
20 IMPORTANT PIECE OF THE CASE.

21 THE COURT: WELL, WHO IS HE?

22 DEFENDANT BELL: FRANK COURTLEY.

23 THE COURT: AND WHERE IS HE?

24 DEFENDANT BELL: THEY GOT HIS
25 ADDRESS AND STUFF, THEY GOT HIS ADDRESS. YOU GOT HIS

1 THING, RIGHT?

2 MS. HINDS: HE'S A WITNESS FOR THE
3 STATE.

4 DEFENDANT BELL: HE'S A WITNESS FOR
5 THE STATE.

6 THE COURT: OH, HE IS?

7 DEFENDANT BELL: UH HUH.

8 THE COURT: AND HIS NAME'S COURTLEY?

9 MS. HINDS: COLTER.

10 THE COURT: COLTER. AND YOU SAY
11 THEY WERE HIS SHOES?

12 DEFENDANT BELL: YEAH, I MEAN, I GOT
13 THEM OUT OF HIS CLOSET, I STEAL, I MEAN, I STOLE THEM
14 OUT OF HIS CLOSET.

15 THE COURT: HAS MR. COLTER GIVEN ANY
16 KIND OF STATEMENT ABOUT THE SHOES?

17 DEFENDANT BELL: I DON'T EVEN THINK
18 HE KNOW ABOUT IT. I DON'T THINK HE EVEN KNOW ABOUT THE
19 SHOES, BECAUSE AIN'T NOBODY TALKED TO HIM.

20 THE COURT: WELL, I DON'T KNOW IF
21 THAT COULD BE DONE OR NOT, BUT I'LL KEEP THAT UNDER
22 CONSIDER.

23 ANYTHING ELSE YOU WANT TO SAY, MR.
24 BELL?

25 DEFENDANT BELL: AND JUST LIKE I

1 SAY, JANNIE, JANNIE'S HUSBAND, I WANT HIM SUBPOENAED NOT
2 ONLY FOR THE CAR REASON, BUT FOR OTHER REASONS. I MUST
3 HAVE HIM, I NEED HIM THERE, I NEED HIM.

4 THE COURT: WELL, YOUR LAWYERS WOULD
5 BE FOOLISH TO PUT SOMEBODY ON THE STAND -

6 DEFENDANT BELL: NO, NO, I MEAN, --
7 MS, HINDS, CAN I GET ROBBIE?

8 MS. HINDS: TELL US WHAT YOU WANT.

9 DEFENDANT BELL: ON THE HORSE THING,
10 HE CAN VERIFY, THAT'S TWO -

11 MS. HINDS: WE'LL TALK TO HIM.

12 DEFENDANT BELL: ALRIGHT.

13 THE COURT: ALRIGHT. THE ONLY THING
14 I CAN SEE THAT YOU THINK THEY SHOULD HAVE DONE THAT THEY
15 HAVEN'T DONE IS TRYING TO GET MR. COLTER'S DNA TESTED.
16 I'LL -- WE'LL TALK ABOUT THAT.

17 ALRIGHT, ANYTHING ELSE, MR. BELL?

18 DEFENDANT BELL: NO, THAT'S IT, YOUR
19 HONOR.

20 THE COURT: ALRIGHT. WELL, AS OF
21 RIGHT NOW I'M DENYING YOUR MOTION.

22 WE'RE GOING TO HEAR -- I DON'T KNOW
23 WHAT MOTIONS WE'VE GOT TO HEAR THIS AFTERNOON, AND THEN
24 IF I NEED TO I'LL HEAR YOU AGAIN. ALRIGHT, SIR?

25 DEFENDANT BELL: ALRIGHT, I

1 APPRECIATE IT.

2 THE COURT: BRING BACK IN THE STATE,
3 PLEASE.

4 (Whereupon, Prosecutors and
5 witnesses enter the courtroom.)

6 THE COURT: ALRIGHT, SOLICITOR, YOU
7 MAY PROCEED.

8 SOLICITOR PASCOE: THANK YOU, YOUR
9 HONOR, WE'RE READY TO START ON A DENNO HEARING, YOUR
10 HONOR. THE STATE WOULD CALL LIEUTENANT CRAIG COLLIER.

11 THE COURT: COME AROUND, PLEASE,
12 SIR.

13 CLERK: PUT YOUR LEFT HAND ON THE
14 BIBLE AND RAISE YOUR RIGHT HAND.

15 (Whereupon, Timothy Craig Collier, Sr.,
16 is duly sworn.)

17 CLERK: THANK YOU. YOU MAY BE
18 SEATED AND STATE YOUR FULL NAME.

19 WITNESS: MY NAME IS TIMOTHY CRAIG
20 COLLIER, SENIOR.

21 THE COURT: YES, SIR.

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

1 sequential continuation of record.)

1 DIRECT EXAMINATION OF T. CRAIG COLLIER, SR.,

2 BY SOLICITOR PASCOE:

3 Q. WHERE DO YOU WORK, LIEUTENANT COLLIER?

4 A. STATE LAW ENFORCEMENT DIVISION.

5 Q. AND HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT
6 ALTOGETHER?

7 A. ABOUT ELEVEN YEARS.

8 Q. AND AS PART OF YOUR DUTIES AT SLED DO YOU TAKE
9 STATEMENTS FROM SUSPECTS?

10 A. YES, SIR, I DO.

11 Q. WERE YOU INVOLVED IN THE ARREST OF THE DEFENDANT,
12 WILLIE BELL, FOR THE MURDER OF MS. AMIE BELL?

13 A. YES, SIR, I WAS.

14 Q. WHEN WAS THE DEFENDANT ARRESTED?

15 A. MARCH SIXTEENTH OF LAST YEAR.

16 Q. OKAY. AND BY WHO?

17 A. MYSELF.

18 Q. OKAY. WHERE WAS THE DEFENDANT TAKEN AFTER HE WAS
19 ARRESTED?

20 A. TO THE ORANGEBURG COUNTY SHERIFF'S OFFICE.

21 Q. AND WAS HE IN YOUR PRESENCE THE ENTIRE TIME AFTER
22 HIS ARREST?

23 A. HE WAS.

24 Q. AND WAS THE DEFENDANT, MR. BELL, MISTREATED BY
25 ANYONE WHILE HE WAS IN YOUR CUSTODY?

1 A. NO, SIR, HE WAS NOT.

2 Q. DID YOU AT ANYTIME ATTEMPT TO TAKE A STATEMENT
3 FROM HIM?

4 A. WE DID.

5 Q. AND WHO ELSE WAS WITH YOU WHEN YOU ATTEMPTED TO
6 TAKE A STATEMENT FROM THE DEFENDANT?

7 A. SERGEANT KEITH BONNETTE AND INVESTIGATOR ROMAN
8 RODRIGUEZ.

9 Q. OKAY. DID YOU GO OVER ANYTHING WITH THE DEFENDANT
10 BEFORE Y'ALL TOOK A STATEMENT FROM HIM?

11 A. WE DID.

12 Q. AND WHAT DID YOU GO OVER WITH HIM?

13 A. HIS MIRANDA WARNING.

14 Q. LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S
15 EXHIBIT THREE FOR ID, DO YOU RECOGNIZE THAT?

16 A. YES, SIR, I DO.

17 Q. WHAT DO YOU RECOGNIZE THAT TO BE?

18 A. THIS IS THE MIRANDA FORM WE USED ON THAT DATE WITH
19 MR. BELL.

20 Q. THE EXACT SAME ONE YOU USED WITH MR. BELL?

21 A. YES, SIR, IT APPEARS TO BE.

22 Q. AND IS IT IN THE SAME CONDITION AS IT WAS IN BACK
23 ON MARCH THE SIXTEENTH?

24 A. YES, SIR.

25 Q. AND WHEN DID YOU GO OVER THOSE RIGHTS WITH THE

1 DEFENDANT?

2 A. ELEVEN:THIRTY-SEVEN A.M., ON MARCH SIXTEENTH, TWO
3 THOUSAND SIX.

4 Q. AND IF YOU COULD, GO OVER THE ADVICE OF RIGHTS FOR
5 THE COURT AS Y'ALL DID FOR THE DEFENDANT ON MARCH
6 THE SIXTEENTH?

7 A. OKAY. IT'S BROKEN DOWN INTO TWO PARTS, THE
8 ADVISEMENT OF RIGHTS, AND THEN THE WAIVER OF
9 RIGHTS AT THE BOTTOM. WE HAVE THE DEFENDANT
10 INITIAL BESIDE EACH OF THE RIGHTS, WE READ IT TO
11 THEM READ IT ALONG WITH US, AND HE UNDERSTANDS IT
12 WE HAVE HIM INITIAL BESIDE EACH ONE OF THEM, WHICH
13 HE DID.

14 Q. OKAY.

15 A. AND THEN HE SIGNED AT THE BOTTOM OF THE ADVISEMENT
16 OF RIGHTS THAT HE UNDERSTOOD HIS RIGHTS, HE SIGNED
17 THERE. AND THEN WE HAVE THE WAIVER OF RIGHTS.

18 Q. OKAY.

19 A. WE READ THAT TO HIM, AS WELL, AND HE SIGNED THAT
20 HE WANTED TO TALK TO US.

21 Q. GO OVER THE RIGHTS, THOUGH, ON STATE'S EXHIBIT ONE
22 AS Y'ALL WENT OVER THEM WITH HIM, WHAT HIS RIGHTS
23 ARE?

24 A. OKAY. WE READ, "YOU HAVE THE RIGHT TO REMAIN
25 SILENT. ANYTHING YOU SAY CAN BE USED AGAINST YOU

1 IN COURT." HE INITIAL BESIDE THAT ONE,
2 DESIGNATING THAT HE UNDERSTOOD IT. "YOU HAVE THE
3 RIGHT TO TALK TO AN ATTORNEY AND HAVE HIM PRESENT
4 WHILE YOU ARE BEING QUESTIONED." HE INITIALED
5 BESIDE THAT ONE, AS WELL. "IF YOU CANNOT AFFORD
6 AN ATTORNEY ONE WILL BE APPOINTED TO REPRESENT YOU
7 BEFORE ANY QUESTIONING, IF YOU WISH." HE
8 INITIALED BESIDE THAT ONE. "AND YOU CAN DECIDE AT
9 ANYTIME TO EXERCISE YOUR RIGHTS AND NOT ANSWER
10 QUESTIONS OR MAKE STATEMENTS." HE INITIALED
11 BESIDE THAT ONE. AND THEN HE SIGNED SAYING HE
12 UNDERSTOOD ALL HIS RIGHTS.

13 Q. OKAY. DID THE DEFENDANT EVER, IN YOUR OPINION,
14 APPEAR TO HAVE ANY PROBLEMS UNDERSTANDING HIS
15 RIGHTS?

16 A. NO, HE DID NOT HAVE ANY PROBLEMS.

17 Q. AND THAT IS HIS SIGNATURE AT THE END OF THAT, OF
18 THE RIGHTS?

19 A. YES, IT IS.

20 Q. DID YOU GO OVER THE WAIVER OF RIGHTS WITH HIM, AS
21 WELL?

22 A. WE DID. IT READS, "I HAVE READ THE STATEMENT OF
23 MY RIGHTS AND I UNDERSTAND MY RIGHTS. I AM
24 WILLING TO MAKE A STATEMENT AND ANSWER QUESTIONS
25 WITHOUT A LAWYER PRESENT. I UNDERSTAND AND KNOW

1 WHAT I AM DOING. NO PROMISES HAVE BEEN MADE TO ME
2 AND NO THREATS, PRESSURE, OR COERCION OF ANY KIND
3 HAVE BEEN USED AGAINST ME." AND THEN HE SIGNED
4 THERE AS WELL.

5 Q. OKAY. AND DID THE DEFENDANT UNDERSTAND THAT
6 WAIVER OF RIGHTS?

7 A. YES, HE DID.

8 Q. AND HE ACKNOWLEDGED SUCH BY SIGNING?

9 A. YES, SIR.

10 Q. OKAY. AND WHO SIGNED AS WITNESSES TO THE ADVICE OF
11 RIGHTS?

12 A. KEITH BONNETTE AND MYSELF.

13 Q. IN YOUR ELEVEN YEARS AS A LAW ENFORCEMENT OFFICER
14 HAVE YOU EVER DEALT WITH PEOPLE WITH DIMINISHED
15 MENTAL CAPACITY?

16 A. I HAVE.

17 Q. AND DID THE DEFENDANT APPEAR IN YOUR OPINION TO
18 HAVE A DIMINISHED MENTAL CAPACITY THAT DAY?

19 A. NO, SIR.

20 Q. DID HE UNDERSTAND ALL OF HIS RIGHTS?

21 A. YES, SIR.

22 Q. DID YOU OR ANYONE THREATEN THE DEFENDANT TO GIVE
23 YOU A STATEMENT THAT DAY?

24 A. NO, SIR.

25 Q. DID YOU DENY HIM ANY RIGHTS OR COMFORTS SUCH AS

1 FOOD TO TAKE HIS STATEMENT?

2 A. NO, SIR.

3 Q. DID YOU PROMISE HIM ANYTHING FOR HIS STATEMENT?

4 A. NO, SIR.

5 Q. DID YOU OR ANYONE COERCE HIM TO GIVE YOU A
6 STATEMENT?

7 A. NO, SIR.

8 Q. AND DID THE DEFENDANT, ON MARCH SIXTEENTH, GIVE
9 YOU A STATEMENT?

10 A. HE GAVE US A VERBAL STATEMENT.

11 Q. AND WAS THAT VERBAL STATEMENT FREELY AND
12 VOLUNTARILY GIVEN?

13 A. IT WAS.

14 Q. OKAY. COULD YOU TELL THE COURT WHAT THE EXTENT OF
15 THAT VERBAL STATEMENT WAS ON THE SIXTEENTH OF
16 MARCH?

17 A. WE WERE ASKING HIM ABOUT THE CASE INVOLVING HIS
18 GRANDMOTHER, AND MR. BELL WAS ASKED IF HE WAS
19 RESPONSIBLE FOR THE DEATH OF HIS GRANDMOTHER, AND
20 HE SAID, HE MADE THE STATEMENT THAT HE DID NOT
21 STAB HIS GRANDMA, AT WHICH TIME I WAS KIND OF
22 TAKEN ABACK BECAUSE AT THAT POINT WE HAD NOT
23 HEARD, OR WERE AWARE OF ANY STAB WOUNDS TO THE
24 VICTIM. I WENT OUTSIDE AND CALLED THE PATHOLOGIST
25 ON THE TELEPHONE AND SHE ADVISED THAT IT WAS,

1 INDEED A STAB WOUND TO THE VICTIM. SHORTLY AFTER
2 THAT THE DEFENDANT INVOKED HIS RIGHT TO AN
3 ATTORNEY.

4 Q. OKAY. PRIOR TO -

5 THE COURT: THE DEFENDANT WHAT?

6 A. INVOKED HIS RIGHT TO AN ATTORNEY.

7 COURT REPORTER: TO WHAT?

8 A. I'M SORRY.

9 COURT REPORTER: TO AN ATTORNEY?

10 Q. OR TO NOT TALK ANYMORE?

11 A. THAT'S CORRECT.

12 Q. OKAY. NOW, BEFORE GOING OUT AND MAKING THE PHONE
13 CALL DID THE DEFENDANT SAY WHERE HE HAD HEARD,
14 WHERE HE CAME UP WITH THE FACT THAT ---

15 A. YES, HE SAID THAT HE HAD HEARD IT ON TELEVISION.

16 Q. ABOUT THAT HIS GRANDMOTHER WAS STABBED, HE HEARD
17 IT ON TELEVISION?

18 A. YES.

19 Q. OKAY. NOW, DID THE DEFENDANT GIVE ANYMORE
20 STATEMENT OTHER THAN SAYING HE DIDN'T STAB HIS
21 GRANDMOTHER OR MAMA, AND THAT HE HAD HEARD THAT ON
22 TELEVISION?

23 A. NO, SIR.

24 Q. OKAY. AND AFTER HE INVOKED, SAID HE DIDN'T WANT
25 TO TALK ANYMORE, DID YOU OR ANYONE ATTEMPT TO TALK

1 TO HIM ANYMORE?

2 A. NO, SIR.

3 Q. AND SO, WHEN THE DEFENDANT SAID HE DIDN'T WANT TO
4 TALK ANYMORE, WHAT DID Y'ALL DO WITH HIM?

5 A. I GOT UP AND WALKED OUT OF THE ROOM.

6 Q. OKAY.

7 SOLICITOR PASCOE: I BEG THE COURT'S
8 INDULGENCE. PLEASE ANSWER ANY QUESTIONS THE DEFENSE HAS
9 FOR YOU.

10 A. YES, SIR.

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

1 CROSS-EXAMINATION OF T. CRAIG COLLIER, SR.,

2 BY MR. MELLARD:

3 Q. ALRIGHT, THIS MEETING TOOK PLACE AT THE ORANGEBURG
4 COUNTY SHERIFF'S OFFICE, IS THAT CORRECT?

5 A. YES, SIR.

6 Q. OKAY. AND SINCE YOU WERE AT THE ORANGEBURG COUNTY
7 SHERIFF'S OFFICE, YOU WOULD HAVE HAD THE ABILITY
8 TO MAYBE WRITE THIS STATEMENT DOWN IF YOU WOULD
9 HAVE WANTED TO WRITE IT DOWN, ISN'T THAT CORRECT?

10 A. YES, SIR.

11 Q. OKAY. YOU COULD HAVE -- IN FACT, YOU COULD HAVE
12 ALLOWED HIM TO WRITE THE STATEMENT IF YOU WOULD
13 HAVE WANTED TO. OKAY, BUT YOU DIDN'T WRITE THAT
14 STATEMENT DOWN, DID YOU?

15 A. I DID NOT WRITE IT DOWN, NO, SIR.

16 Q. OKAY. AND YOU DIDN'T GET HIM TO WRITE THAT
17 STATEMENT DOWN, DID YOU?

18 A. NO, SIR.

19 Q. ALRIGHT. NOW, YOUR TESTIMONY IS THAT HE GAVE AN
20 ORAL STATEMENT?

21 A. YES, SIR.

22 Q. OKAY. AND THE SUBSTANCE OF THE STATEMENT IS THAT
23 HE SAID HE DID NOT STAB HIS GRANDMOTHER AND THAT
24 HE SAW THAT ON T.V.?

25 A. YES, SIR.

1 Q. OKAY. IS THAT ALL HE TOLD YOU?

2 A. TO THE BEST OF MY RECOLLECTION, YES.

3 Q. OKAY. NOTHING ELSE IS GOING TO BE ADDED, THAT'S
4 IT, THAT'S THE SUBSTANCE OF WHAT YOU KNOW?

5 A. THAT'S THE BEST OF MY RECOLLECTION, YES, SIR.

6 Q. OKAY. NOW, YOU'RE AN EXPERIENCED LAW ENFORCEMENT
7 OFFICER, RIGHT?

8 A. YES, SIR.

9 Q. OKAY. YOU'VE CONDUCTED INTERVIEWS BEFORE?

10 A. I HAVE.

11 Q. AND YOU UNDERSTAND THE IMPORTANCE OF HAVING A
12 WRITTEN STATEMENT, DON'T YOU?

13 A. YES, SIR.

14 Q. OKAY. AND BECAUSE A WRITTEN STATEMENT, THAT WOULD
15 BE SIGNED BY THE PERSON WHO WAS INTERVIEWED,
16 RIGHT?

17 A. I'M SORRY?

18 Q. A WRITTEN STATEMENT, YOU COULD HAVE HAD THE PERSON
19 WHO WAS BEING INTERVIEWED TO SIGN THAT STATEMENT?

20 A. YES, SIR.

21 Q. OKAY. AND NOTHING COULD BE ADDED TO THAT
22 STATEMENT, CORRECT?

23 A. THAT'S CORRECT.

24 Q. OKAY. AND THERE WOULD BE NO QUESTION AS TO WHAT
25 THE PERSON WHO WAS INTERVIEWED HAD SAID, IF IT WAS

1 A WRITTEN STATEMENT, ISN'T THAT CORRECT?

2 A. THAT'S CORRECT.

3 Q. OKAY. NOW, THERE'S, THERE WOULD BE NO ALLEGATIONS
4 THAT YOU WERE MAKING THIS STATEMENT UP, RIGHT, IF
5 IT WAS WRITTEN?

6 A. (NODS HEAD)

7 Q. OKAY. BUT YOU DIDN'T TAKE THAT STATEMENT IN
8 WRITING?

9 A. HE DIDN'T GIVE A WRITTEN STATEMENT, HE GAVE AN
10 ORAL STATEMENT.

11 Q. RIGHT. AND YOU NEVER GAVE HIM AN OPPORTUNITY TO
12 TAKE A WRITTEN STATEMENT?

13 A. ABSOLUTELY, YES. I DON'T DO THIS UNLESS I'M
14 TRYING TO GET A WRITTEN STATEMENT. HE DECIDED NOT
15 TO WRITE ONE.

16 Q. DID YOU PUT A PIECE OF PAPER IN FRONT OF HIM?

17 A. I DON'T RECALL IF I DID OR NOT, SIR.

18 Q. SO, YOU QUESTIONED HIM, YOU DID HAVE A PIECE OF
19 PAPER, YOU NEVER ASKED HIM TO WRITE IT DOWN,
20 NOTHING OF THAT SORT, THIS IS JUST ALL YOUR WORD
21 VERSUS HIS WORD?

22 A. WELL, IT WAS MY WORD AND THE OTHER TWO WHO WERE IN
23 THE ROOM.

24 Q. OKAY. WHO ELSE WAS IN THE ROOM?

25 A. ROMAN RODRIGUEZ AND KEITH BONNETTE.

1 Q. AND THEY WERE ALL IN THE ROOM?

2 A. YES, SIR.

3 Q. OKAY. HOW SOON AFTER HE WAS ARRESTED WAS THIS?

4 A. IMMEDIATELY, PROBABLY WITHIN THIRTY MINUTES.

5 Q. WITHIN THIRTY MINUTES?

6 A. I WOULD SAY SO, YES, SIR.

7 Q. OKAY. AND IT'S MY UNDERSTANDING THAT AFTER THIS IS
8 OVER YOU CALLED THE PATHOLOGIST?

9 A. YES, SIR, THAT'S CORRECT.

10 Q. OKAY. DO YOU KNOW WHEN THE PATHOLOGISTS ISSUED
11 THEIR ORIGINAL REPORT?

12 A. I DO NOT, SIR, I WAS NOT AT THE AUTOPSY.

13 Q. OKAY. DID YOU EVER SPEAK TO ANYBODY, SLED, OR LAW
14 ENFORCEMENT, ABOUT THE PATHOLOGY REPORT PRIOR TO
15 MARCH SIXTEENTH?

16 A. I DON'T RECALL, SIR.

17 Q. YOU DON'T RECALL?

18 A. NO, SIR.

19 Q. HOW ABOUT MR. RODRIGUEZ, DID YOU HEAR HIM TALK
20 ABOUT THE ---

21 A. I DON'T RECALL, I DIDN'T GO TO IT, LIKE I SAID.
22 WE HAD OTHER AGENTS THAT ATTENDED THE AUTOPSY.

23 Q. OKAY. AND WERE YOU THE FIRST PERSON THAT TALKED
24 TO MR. BELL AFTER HE WAS ARRESTED, DID YOU ARREST
25 HIM?

1 A. I PUT THE HAND CUFFS ON HIM, YES, SIR.

2 Q. ALRIGHT. WERE YOU WITH HIM THE ENTIRE TIME, FROM
3 THE TIME YOU PUT THE HAND CUFFS ON HIM UNTIL THE
4 TIME THAT HE SUPPOSEDLY MADE THIS STATEMENT?

5 A. YES, SIR.

6 Q. YOU NEVER LEFT HIS SIDE?

7 A. I DON'T BELIEVE SO. HE RODE IN OUR CAR TO THE
8 SHERIFF'S OFFICE.

9 Q. OKAY.

10 MR. MELLARD: ONE SECOND. THAT'S
11 ALL WE'VE GOT.

12 THE COURT: REDIRECT?

13 SOLICITOR PASCOE: NO, YOUR HONOR,
14 THANK YOU.

15 THE COURT: THANK YOU, SIR, YOU MAY
16 STEP DOWN.

17 SOLICITOR PASCOE: THE STATE CALLS
18 DEPUTY ROMAN RODRIGUEZ, YOUR HONOR.

19 THE COURT: COME AROUND, PLEASE,
20 SIR. RAISE YOUR -- YOU DON'T WEAR YOUR LITTLE BEANY HAT
21 ANYMORE, DO YOU?

22 WITNESS: NO, SIR.

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

25 (Whereupon, Roman E. Rodriguez

1 is duly sworn.)

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

4 WITNESS: MY NAME IS DEPUTY ROMAN E.
5 RODRIGUEZ.

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7 part of record has been omitted. Headers on testimony
8 pages and hard page breaks between testimony are now
9 required by the Court. See next ensuing page for
10 sequential continuation of record.)

1 DIRECT EXAMINATION OF ROMAN E. RODRIGUEZ

2 BY SOLICITOR PASCOE:

3 Q. AND YOU WORK FOR THE ORANGEBURG COUNTY SHERIFF'S
4 OFFICE, SIR?

5 A. THAT'S CORRECT.

6 Q. HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT
7 ALTOGETHER?

8 A. ABOUT SEVENTEEN YEARS.

9 Q. AND AS PART OF YOUR DUTIES DO YOU TAKE STATEMENTS
10 FROM SUSPECTS?

11 A. YES, I DO.

12 Q. AND WERE YOU PRESENT ON MARCH THE SIXTEENTH WHEN
13 THE DEFENDANT GAVE HIS VERBAL STATEMENT ABOUT NOT
14 STABBING HIS GRANDMOTHER?

15 A. YES, I WAS.

16 Q. LET ME ASK YOU THIS, AT SOME POINT IN TIME DID THE
17 DEFENDANT INVOKE THAT HE DIDN'T WANT TO TALK
18 ANYMORE?

19 A. THAT'S CORRECT.

20 Q. OKAY. DID YOU OR ANYONE ATTEMPT TO TAKE A
21 STATEMENT FROM THE DEFENDANT AFTER HE INVOKED HIS
22 RIGHT TO REMAIN SILENT?

23 A. NO, WE DIDN'T.

24 Q. DID YOU OR ANYONE ATTEMPT TO COERCE OR FORCE THE
25 DEFENDANT TO GIVE YOU A STATEMENT AFTER HE INVOKED

1 HIS RIGHTS ON MARCH THE SIXTEENTH?

2 A. NO, WE DIDN'T.

3 Q. DID YOU OR ANYONE YOU KNOW EVEN ATTEMPT TO REACH
4 OUT AND TAKE A STATEMENT FROM THE DEFENDANT AFTER
5 HE INVOKED HIS RIGHTS?

6 A. NO, WE DIDN'T.

7 Q. DID YOU END UP TAKING A WRITTEN STATEMENT FROM THE
8 DEFENDANT AT SOME POINT?

9 A. I BELIEVE IT WAS MARCH THE NINETEENTH.

10 Q. OKAY. AND TELL THE COURT HOW THAT CAME ABOUT?

11 A. WHILE I WAS WORKING THE JAILERS MADE CONTACT WITH
12 ME AND TOLD ME TO COME OVER TO THE JAIL BECAUSE
13 THE DEFENDANT WANTED TO SPEAK TO ME.

14 Q. OKAY. AND WHAT DID YOU DO?

15 A. I WENT OVER TO THE JAIL, I CALLED HIM UP FRONT,
16 THE ALLOWED ME TO GO BEHIND THE JAIL IN ONE OF THE
17 CONFERENCE ROOMS AND TALK WITH HIM, AND HE SAID HE
18 WANTED TO TALK TO ME, SO I BROUGHT HIM OVER TO THE
19 SHERIFF'S OFFICE.

20 Q. OKAY. AND YOU SAID YOU BELIEVE THAT THAT WAS ON
21 MARCH THE NINETEENTH?

22 A. MARCH NINETEENTH.

23 Q. AND I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS
24 STATE'S EXHIBIT ONE, AND THAT MIGHT BE ABLE TO
25 REFRESH YOUR MEMORY, TOO. DO YOU RECOGNIZE THAT

1 DOCUMENT?

2 A. YES, I DO.

3 Q. WHAT DO YOU RECOGNIZE THAT TO BE?

4 A. HIS MIRANDA WARNINGS AND HIS WAIVER OF RIGHTS TO
5 SPEAK TO US.

6 Q. THE ONE ON MARCH THE NINETEENTH?

7 A. MARCH NINETEENTH.

8 COURT REPORTER: SOLICITOR, I
9 BELIEVE YOU HAD ME MARK THOSE A COURT'S EXHIBIT.

10 Q. COURT'S EXHIBIT, I'M SORRY, THAT'S COURT'S EXHIBIT
11 NUMBER WHAT? NUMBER ONE?

12 A. NUMBER ONE.

13 Q. COURT'S EXHIBIT NUMBER ONE.

14 SOLICITOR PASCOE: THANK YOU, MS.
15 HARRY DOT.

16 Q. WAS ANYONE ELSE PRESENT WITH YOU WHEN YOU WENT
17 OVER THAT ADVICE OF RIGHTS WITH THE DEFENDANT?

18 A. ON THE NINETEENTH JUST MYSELF.

19 Q. OKAY. IS THAT, COURT'S EXHIBIT ONE, IS IT IN THE
20 SAME CONDITION AS IT WAS IN BACK ON MARCH THE
21 NINETEENTH, TWO THOUSAND AND SIX?

22 A. YES, IT IS.

23 Q. THE EXACT SAME ONE YOU WENT OVER WITH THE
24 DEFENDANT, WILLIE BELL?

25 A. YES, IT IS.

1 Q. IF YOU COULD, GO OVER THE RIGHTS FOR THE COURT
2 LIKE YOU DID FOR THE DEFENDANT THAT DAY?

3 A. WELL, FIRST OF ALL WE WOULD GO OVER THEM AND I
4 WOULD ASK HIM, I WOULD READ NUMBER ONE, I WOULD
5 READ, "YOU HAVE THE RIGHT TO REMAIN SILENT.
6 ANYTHING YOU SAY CAN BE USED AGAINST YOU IN
7 COURT." AND I WOULD ASK HIM IF HE UNDERSTANDS
8 THAT. AND IF HE'S TOLD ME HE UNDERSTOOD I WOULD
9 GET HIM TO PUT HIS INITIALS BY EACH ONE.

10 Q. OKAY.

11 A. THEN I WENT ON TO THE SECOND ONE, IT SAYS, "YOU
12 HAVE A RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE
13 WE ASK YOU ANY QUESTIONS, AND TO HAVE HIM PRESENT
14 WITH YOU DURING THE QUESTIONING." I ASKED HIM IF
15 HE UNDERSTOOD THAT, HE PUT HIS INITIALS SAYING
16 THAT HE DID. THE THIRD QUESTION I ASKED HIM WAS,
17 I ADVISED HIM OF HIS RIGHTS, "IF YOU CANNOT AFFORD
18 A LAWYER ONE WILL BE APPOINTED FOR YOU BEFORE ANY
19 QUESTIONING IF YOU WISH." I ASKED HIM AGAIN IF HE
20 UNDERSTOOD, HE PUT HIS INITIALS AND STATED THAT HE

21 UNDERSTOOD. THE FOURTH ONE WAS, "IF YOU DECIDE TO
22 ANSWER QUESTIONS WITHOUT A LAWYER PRESENT," I
23 ADVISED HIM, "YOU STILL HAVE THE RIGHT TO STOP
24 ANSWERING AT ANYTIME." HE MARKED HIS INITIALS
25 SAYING THAT HE UNDERSTOOD AGAIN. THE LAST

1 QUESTION I ASKED HIM, "YOU ALSO HAVE A RIGHT TO
2 STOP ANSWERING AT ANYTIME UNTIL YOU TALK TO A
3 LAWYER." HE INITIALED HIS INITIALS AND STATED
4 THAT HE UNDERSTOOD.

5 Q. OKAY. AND WHO SIGNED AFTER THE ADVICE OF RIGHTS,
6 WHOSE SIGNATURE IS THAT, THAT IT SAYS, "I
7 UNDERSTAND MY RIGHTS"?

8 A. WILLIE BELL'S SIGNATURE.

9 Q. OKAY. AND DID THE DEFENDANT UNDERSTAND HIS RIGHTS
10 IN YOUR PRESENCE?

11 A. YES, HE DID.

12 Q. OKAY. DID YOU ALSO GO OVER THE WAIVER OF RIGHTS
13 WITH THE DEFENDANT?

14 A. YES, I DID.

15 Q. IF YOU COULD, GO OVER THAT FOR THE COURT LIKE YOU
16 DID WITH THE DEFENDANT?

17 A. THEN I READ THE WAIVER OF RIGHTS TO HIM, AND IT
18 STATES THAT, "I HAVE READ THE STATEMENT OF MY
19 RIGHTS AND UNDERSTAND WHAT MY RIGHTS ARE. I'M
20 WILLING TO MAKE A STATEMENT AND ANSWER QUESTIONS.
21 I DO NOT WANT A LAWYER AT THIS TIME. I UNDERSTAND
22 AND KNOW WHAT I AM DOING. NO PROMISES OR THREATS
23 HAVE BEEN MADE TO ME, NO PRESSURE OR COERCION OF
24 ANY KIND HAS BEEN USED AGAINST ME." AND I ASKED
25 HIM IF HE UNDERSTOOD THAT, AND HE SAID HE DID, AND

1 HE SIGNED.

2 Q. OKAY. AND THAT'S HIS SIGNATURE ON THE WAIVER OF
3 RIGHTS?

4 A. THAT'S HIS SIGNATURE.

5 Q. AND WHOSE SIGNATURE IS THAT AS A WITNESS?

6 A. MY SIGNATURE.

7 Q. OKAY. AND HOW LONG HAVE YOU BEEN IN LAW
8 ENFORCEMENT, SIR?

9 A. SEVENTEEN YEARS.

10 Q. IN YOUR SEVENTEEN YEARS HAVE YOU DEALT WITH PEOPLE
11 WITH DIMINISHED MENTAL CAPACITY?

12 A. YES, SIR.

13 Q. AND DID THE DEFENDANT APPEAR TO HAVE DIMINISHED
14 MENTAL CAPACITY THAT DAY?

15 A. NO, SIR, HE UNDERSTOOD EVERYTHING THAT WAS SAID.

16 Q. OKAY. HE UNDERSTOOD ALL OF HIS RIGHTS?

17 A. YES, HE DID.

18 Q. DID YOU FORCE HIM TO GIVE YOU A STATEMENT?

19 A. NO, I DIDN'T.

20 Q. COERCE HIM TO GIVE YOU A STATEMENT?

21 A. NO, I DIDN'T.

22 Q. DENY HIM ANY COMFORTS SUCH AS USE OF THE BATH ROOM
23 OR WATER TO GET A STATEMENT?

24 A. NO, I DIDN'T.

25 Q. AND WHO APPROACHED WHO TO GIVE A STATEMENT?

1 A. HE APPROACHED THE JAILERS, AND THE JAILERS MADE
2 CONTACT WITH ME, AND I WENT OVER TO THE JAIL AND
3 SPOKE WITH HIM.

4 Q. AND DID YOU CONFIRM WITH HIM BEFORE TAKING A
5 STATEMENT THAT HE WANTED TO TALK TO YOU?

6 A. YES, I DID.

7 Q. OKAY. AND DID HE GIVE YOU A STATEMENT, SIR?

8 A. YES, HE DID.

9 Q. WAS IT FREELY AND VOLUNTARILY GIVEN?

10 A. YES, IT WAS.

11 Q. DO YOU RECOGNIZE WHAT'S BEEN MARKED AS COURT'S
12 EXHIBIT TWO?

13 A. YES, I DO.

14 Q. AND WHAT DO YOU RECOGNIZE THAT TO BE?

15 A. HIS STATEMENT THAT HE GAVE ME.

16 Q. OKAY. AND THAT'S A WRITTEN STATEMENT?

17 A. A WRITTEN STATEMENT.

18 Q. IS IT IN THE SAME CONDITION AS IT WAS IN ON MARCH
19 NINETEENTH, TWO THOUSAND AND SIX?

20 A. YES, IT IS.

21 Q. WHO ACTUALLY WROTE OUT THE STATEMENT?

22 A. I WROTE THE STATEMENT OUT FOR HIM, AND I ALLOWED
23 HIM TO SIGN IT.

24 Q. WHY?

25 A. HE ASKED ME TO WRITE THE STATEMENT FOR HIM, SO I

1 WROTE OUT THE STATEMENT. THE FIRST THING I WROTE
2 WAS, "I, WILLIE BELL, AM ALLOWING ROMAN RODRIGUEZ
3 OF THE ORANGEBURG COUNTY SHERIFF'S OFFICE, TO
4 WRITE THIS STATEMENT FOR ME. THE HANDWRITING IS
5 NOT MINE BUT THE WORDS ARE." AND RIGHT AT THE END
6 OF THAT I GOT HIM TO SIGN HIS NAME THERE.

7 Q. I'VE GOT YOU. AND SO, WHOSE WORDS ARE THAT
8 STATEMENT?

9 A. IT'S MY HANDWRITING BUT HIS WORDS.

10 Q. AND HOW MANY PAGES IS THAT STATEMENT?

11 A. THREE PAGES.

12 Q. AND DID THE DEFENDANT SIGN THE BOTTOM OF THE
13 STATEMENT ACKNOWLEDGING THAT THAT WAS HIS
14 STATEMENT?

15 A. YES, HE DID.

16 Q. AND DID YOU GIVE HIM AN OPPORTUNITY TO READ IT
17 BEFORE YOU GOT HIM TO SIGN IT?

18 A. YES, I DID.

19 Q. OKAY. AND DID HE ACKNOWLEDGE TO YOU THAT THAT WAS
20 HIS STATEMENT?

21 A. YES, HE DID.

22 Q. LET'S SEE NOW, AND DO YOU HAVE THE ADVICE OF
23 RIGHTS?

24 SOLICITOR PASCOE: YOUR HONOR,
25 THAT'S ALL I HAVE. LET ME PASS THEM UP, THAT'S THE

1 ADVICE OF RIGHTS FOR MARCH THE SIXTEENTH, AND DEFENSE
2 COUNSEL HAS THE ADVICE OF RIGHTS AND THE STATEMENT FROM
3 MARCH THE NINETEENTH.

4 THE COURT: ALRIGHT.

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6 part of record has been omitted. Headers on testimony
7 pages and hard page breaks between testimony are now
8 required by the Court. See next ensuing page for
9 sequential continuation of record.)

1 CROSS-EXAMINATION OF ROMAN E. RODRIGUEZ

2 BY MR. MELLARD:

3 Q. LET'S TALK ABOUT THE MARCH SIXTEENTH ORAL
4 STATEMENT. OKAY, YOU AGREE WITH ME THAT THIS IS A
5 SOMEWHAT IMPORTANT STATEMENT, CORRECT?

6 A. YES, IT IS.

7 Q. AND DID YOU TAKE ANY NOTES AT THAT MEETING?

8 A. I CAN'T REMEMBER IF I DID.

9 Q. OKAY. YOU WERE IN A MEETING, THE DEFENDANT WAS IN
10 THE MEETING?

11 A. UH HUH.

12 Q. HE WAS IN THE MEETING, AND THERE WAS ONE OTHER
13 PERSON IN THE MEETING, CORRECT, IT WAS SERGEANT
14 BONNETTE IN THE MEETING?

15 A. THAT'S CORRECT.

16 Q. OKAY. DID ANYBODY TAKE ANY NOTES OF THIS MEETING?

17 A. I CAN'T -- I KNOW I DIDN'T TAKE NOTES BUT I
18 BELIEVE IT WAS SERGEANT BONNETTE, BUT I'M NOT
19 SURE, I'M NOT A HUNDRED PER CENT SURE.

20 Q. OKAY. BUT YOU DIDN'T TAKE NOTES?

21 A. NO, I DIDN'T, I WAS LISTENING.

22 Q. OKAY. SO, YOU EXPECT US TO BELIEVE THAT ONE YEAR
23 AFTER THIS STATEMENT WAS ALLEGEDLY GIVEN, YOU
24 REMEMBER EXACTLY WHAT WAS SAID?

25 A. YES, I DO.

1 Q. OKAY. IT MADE THAT MUCH OF AN IMPRESSION ON YOU
2 THAT THERE'S NO WAY THAT YOU WOULD FORGET WHAT WAS
3 SAID?

4 A. I COULDN'T FORGET THAT, I REMEMBER WHAT HE SAID.

5 Q. AND WHAT EXACTLY DID HE SAY?

6 A. IN REFERENCE TO THE STATEMENT HE MADE ABOUT NOT
7 STABBING HIS GRANDMOTHER.

8 Q. AND WHAT EXACTLY WAS IT THAT HE SAID?

9 A. HE SAID HE WOULD NEVER STAB HIS GRANDMOTHER, STAB
10 HER.

11 Q. SO, WHAT YOU HEARD WAS THAT HE WOULD NEVER STAB
12 HIS GRANDMOTHER?

13 A. RIGHT.

14 Q. ANYTHING ELSE?

15 A. THAT'S IT.

16 Q. OKAY. THAT'S WHAT YOU HEARD AND NOTHING ELSE?

17 A. LET ME CORRECT THAT A LITTLE BIT, I MEAN, HE KEEPS
18 REFERRING TO HIS GRANDMOTHER AS HIS MOTHER, BUT I
19 KNOW IT'S HIS GRANDMOTHER.

20 Q. SO, WHAT DID HE SAY, DID HE SAY, MY MOM, OR MY
21 GRANDMOTHER?

22 A. WELL, HIS MAMA. HE WOULD NEVER STAB HIS MAMA.
23 BUT I KNEW HE WAS REFERRING TO HIS GRANDMOTHER,
24 THAT'S WHAT WE WERE TALKING ABOUT.

25 Q. OKAY. NOW, LET'S MOVE OVER HERE TO THE MARCH

1 NINETEENTH WRITTEN STATEMENT. OKAY, NOW YO SPOKE
2 TO WILLIE BELL ON MARCH NINETEENTH?

3 A. YES, I DID.

4 Q. AND YOU WERE BY YOURSELF, IT WAS JUST YOU AND HIM?

5 A. THAT'S CORRECT.

6 Q. AND THIS IS WHERE, THE DETENTION CENTER?

7 A. NO. I BROUGHT HIM OVER TO THE SHERIFFS OFFICE.

8 Q. OKAY. TO THE SHERIFF'S OFFICE, AT ABOUT WHAT,
9 ABOUT TWELVE:FIFTY IN THE MORNING?

10 A. IT WAS ABOUT TWELVE:FIFTY, SOMETHING LIKE THAT.

11 Q. OKAY. SO, YOU KNEW HE WAS BEING HELD BY LAW
12 ENFORCEMENT AT THE TIME, RIGHT?

13 A. THAT'S CORRECT, HE WAS BACK IN DETENTION.

14 Q. OKAY. AND YOU KNEW THE IMPORTANCE OF GIVING HIM
15 THESE MIRANDA WARNINGS?

16 A. YES, I DID.

17 Q. OKAY. AND YOU KNEW THAT WHATEVER HE SAID WOULD
18 PROBABLY USED AT THE TRIAL OF THIS CASE, ISN'T
19 THAT CORRECT?

20 A. THAT'S CORRECT.

21 Q. OKAY. BUT YOU DIDN'T ALLOW HIM TO WRITE THE
22 STATEMENT, YOU WROTE THE STATEMENT INSTEAD?

23 A. HE WANTED ME TO WRITE THE STATEMENT FOR HIM, SO
24 THAT'S WHY I WROTE IT THE WAY I DID.

25 Q. SO, HE ASKED YOU, YOU DIDN'T ASK HIM, CAN I WRITE

1 IT FOR YOU, ---

2 A. NO.

3 Q. --- HE SPECIFICALLY ASKED YOU ---

4 A. YES.

5 Q. --- TO WRITE THIS STATEMENT?

6 A. THAT'S CORRECT, HE WANTED ME TO WRITE THE
7 STATEMENT FOR HIM.

8 Q. OKAY. NOW, THE TESTIMONY IS THAT YOU GAVE -- THAT
9 HE GAVE THAT WRITTEN STATEMENT THAT IS IN
10 EVIDENCE, IS THAT CORRECT?

11 A. THAT'S CORRECT.

12 Q. OKAY. THAT'S THE ONLY STATEMENT IN WRITING THAT HE
13 GAVE TO YOU?

14 A. TO ME.

15 Q. AT NO OTHER TIME ON ANY OTHER DAY DID HE GIVE A
16 WRITTEN STATEMENT TO YOU?

17 A. THAT'S THE ONLY ONE I CAN REMEMBER RIGHT NOW, I'LL
18 HAVE TO LOOK THROUGH MY NOTES OR SOMETHING, BUT
19 THAT'S THE ONLY ONE I CAN REMEMBER.

20 Q. YEAH, I WOULD APPRECIATE IF YOU WOULD DO THAT,
21 BECAUSE IF THERE'S ANOTHER WRITTEN STATEMENT I'D
22 LIKE TO KNOW ABOUT IT.

23 A. THAT'S THE ONLY WRITTEN STATEMENT.

24 Q. OKAY. LET'S BACK UP TO MARCH SIXTEENTH, THAT ORAL
25 STATEMENT, EXCUSE ME. ON MARCH SIXTEENTH HAD YOU

1 HEARD ANYTHING ABOUT THE PATHOLOGIST'S REPORT?

2 A. PRIOR TO?

3 Q. PRIOR TO MARCH SIXTEENTH?

4 A. I CAN'T REMEMBER IF I DID.

5 Q. YOU DID OR YOU CAN'T REMEMBER YOU DID, OR YOU
6 DIDN'T?

7 A. NOT WHILE WE WERE -- WHEN WE ARRESTED HIM I DIDN'T
8 HEAR ANYTHING ABOUT IT DURING THE TIME THAT WE
9 ARRESTED HIM.

10 Q. WHEN WAS THE FIRST TIME YOU HEARD ABOUT THE
11 PATHOLOGIST'S REPORT.

12 A. SOMETIME AFTERWARD.

13 Q. SOMETIME AFTERWARD WHAT DAY?

14 A. THE, AFTER THE SIXTEENTH.

15 Q. SEVENTEENTH, EIGHTEENTH?

16 A. I DON'T REMEMBER, IT WAS A LITTLE TIME AFTERWARDS.

17 Q. WITHIN A WEEK?

18 A. POSSIBLY, I DON'T KNOW THE EXACT DATE AND TIME.

19 MR. MELLARD: ONE SECOND. THAT'S

20 ALL I'VE GOT.

21 THE COURT: REDIRECT?

22 SOLICITOR PASCOE: NO, YOUR HONOR,
23 THANK YOU.

24 THE COURT: ALRIGHT, THANK YOU, SIR.
25 THAT'S ALL WE HAVE WITH REGARDS TO

1 BOTH STATEMENTS, YOUR HONOR.

2 THE COURT: IS THERE ANY EVIDENCE
3 FROM THE DEFENSE?

4 MR. MELLARD: YEAH, WE WOULD CALL
5 WILLIE BELL TO THE STAND, YOUR HONOR.

6 THE COURT: COME AROUND, MR. BELL.

7 CLERK: RAISE YOUR RIGHT HAND AND
8 PLACE YOUR LEFT HAND ON THE BIBLE.
9 (Whereupon, Willie Bell, Jr.,
10 is duly sworn.)

11 CLERK: THANK YOU, PLEASE HAVE A
12 SEAT AND STATE YOUR FULL NAME.

13 WITNESS: WILLIE BELL, JUNIOR.

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

1 DIRECT EXAMINATION OF WILLIE BELL, JR.,

2 BY MR. MELLARD:

3 Q. OKAY. LET'S TALK ABOUT THE MARCH SIXTEENTH
4 STATEMENT. OKAY, YOU'VE HEARD THE STATE TESTIFY
5 THAT YOU GAVE A STATEMENT TO THE EFFECT OF, YOU
6 DID NOT STAB YOUR MAMA?

7 A. UH HUH.

8 Q. ALRIGHT. NOW, I WANT YOU TO TALK ABOUT THIS
9 STATEMENT. IT'S MY UNDERSTANDING THIS STATEMENT,
10 THEY'RE SAYING IT WAS ORAL, IS THAT CORRECT?

11 A. NO, SIR.

12 Q. ALRIGHT.

13 A. IT WAS AN ORAL STATEMENT BUT THEN THEY -- LET ME
14 TELL YOU WHAT HAPPENED. WHEN I FIRST GOT LOCKED
15 UP, WHEN I FIRST CAME TO JAIL HE BROUGHT ME IN ---

16 Q. HE BEING WHO?

17 A. THAT TALL GUY RIGHT THERE, I DON'T KNOW HIS NAME.

18 THE COURT: THE ONE ON THE LEFT?

19 A. YEAH, THE OFFICER RIGHT THERE, HE BROUGHT ME IN.

20 THE COURT: MR. COLLIER.

21 A. YEA.

22 THE COURT: ALRIGHT.

23 A. ALRIGHT. THEN ME AND MR. RODRIGUEZ AND A HEAVY SET
24 DARK SKINNED SLED BLACK LADY, BUT ME AND MR.
25 RODRIGUEZ WAS TALKING AND WE WAS TALKING ORAL. AND

1 THEN HE COME UP THERE AND HE WAS, LIKE, AFTER WE
2 FINISHED TALKING I SAID, MAN, I SAID, MR.
3 RODRIGUEZ, I SAID, WHAT YOU THINK HAPPENED TO MY
4 MOM, MY MOTHER? AND HE SAID, MAN, SHE HAD TO HAVE
5 BEEN STABBED BECAUSE WE FOUND BLOOD ALL OVER THE
6 CAR. HE SAID, WE FOUND BLOOD ALL OVER THE CAR.
7 THEN THE OTHER LADY WAS THERE, TOO, I DON'T SEE
8 HER IN THE COURTROOM, AND SHE SAID, YEAH, WE FOUND
9 BLOOD ALL OVER THE CAR. AND I SAID, AND THAT'S
10 WHEN I SAID, I DIDN'T STAB MY MOTHER. AND THEN,
11 THE STATEMENT HE WROTE IS A STATEMENT I WROTE
12 BECAUSE I LEFT OUT SOMETHING ON THIS STATEMENT
13 RIGHT HERE. THE FIRST STATEMENT I WROTE ON THE
14 SIXTEENTH, BECAUSE I TOLD HIM A COUPLE OF TIMES
15 AND HE WROTE IT DOWN, I SAID, -- AND I FORGOT, I
16 FORGOT IT ON THIS STATEMENT, THAT WHEN I WAS
17 GETTING READY TO GET IN THE CAR I TOUCHED AN ALARM
18 BUTTON AND THE ALARM WENT OFF, -- TOOT, TOOT, LIKE
19 THAT. AND I SAID, MR. RODRIGUEZ, I SAID, MY MOM
20 NEVER HEARD THAT ALARM. AND HE WROTE THE
21 STATEMENT, AND THEN I TOLD HIM, HE SAID, TELL ME
22 WHAT HAPPENED THAT NIGHT. AND THEN I TOLD HIM I
23 LEFT. IN THE FIRST STATEMENT I DIDN'T TOLD HIM
24 ABOUT THE TRUCK, I MET A TRUCK IN THE ROAD. I
25 DIDN'T TOLD HIM ABOUT THE TRUCK. I TOLD HIM I WAS

1 RIDING ALL IN SANTEE AND STUFF LIKE THAT, AND
2 FORGOT WHAT ELSE I HAD SAID.

3 Q. OKAY. LET ME ASK YOU -- JUST HOLD ON A SECOND,
4 NOW, AS FAR AS THE ORAL STATEMENT THAT THEY TALKED
5 ABOUT, IT'S YOUR TESTIMONY TODAY THAT YOU SPOKE TO
6 RODRIGUEZ BEFORE YOU GAVE THAT STATEMENT?

7 A. I TALKED TO MR. RODRIGUEZ.

8 Q. OKAY. AND RODRIGUEZ SAID SOMETHING ABOUT YOUR MOM
9 HAVING BEEN STABBED?

10 A. NO, I ASKED HIM, I HAD ASKED HIM, ---

11 Q. UH HUH.

12 A. --- I HAD ASKED HIM, I SAID, AFTER WE FINISHED
13 TALKING, I SAID, MR. RODRIGUEZ, I SAID, HOW DID
14 THEY SAY MY MOM DIED? AND HE SAID, WELL, I THINK
15 SHE WAS STABBED BECAUSE WE FOUND BLOOD ALL OVER
16 THE CAR, BLOOD ALL IN THE CAR.

17 Q. OKAY. NOW, AFTER THAT, IS THAT WHEN YOU SAID, I
18 DID NOT STAB MY MOTHER?

19 A. YEAH. THAT'S WHEN I SAID, I DIDN'T STAB MY
20 MOTHER. THEN WHEN THE OTHER, MS., WHAT DO YOU
21 CALL HER, WANDA OR SOMEBODY BEEN IN THERE, THERE'S
22 ANOTHER LADY BEEN IN THERE, SHE WASN'T IN THERE,
23 IT WAS ANOTHER LADY WAS IN THERE, A SLED, ANOTHER
24 BLACK LADY.

25 Q. OKAY. NOW, ON MARCH SIXTEENTH I BELIEVE YOU JUST

1 TESTIFIED YOU GAVE A WRITTEN STATEMENT?

2 A. A WRITTEN STATEMENT, HE WROTE IT, HE WROTE IT FOR
3 ME.

4 Q. WHO IS HE?

5 A. MR. RODRIGUEZ.

6 Q. THE GENTLEMAN SITTING RIGHT OVER THERE ---

7 A. YES, MR. RODRIGUEZ.

8 Q. --- THAT JUST TESTIFIED A MINUTE AGO?

9 A. YEAH.

10 Q. ROMAN RODRIGUEZ?

11 A. YEAH, HE WROTE IT AND I SIGNED IT.

12 Q. OKAY. YOU SIGNED IT?

13 A. YEAH.

14 Q. AND LET ME ASK YOU THIS ---

15 A. AND THE LADY, AND THE LADY SIGNED IT AS A WITNESS,
16 THE SLED WHO WAS IN THERE, SHE SIGNED IT, TOO, AS
17 A WITNESS.

18 Q. ALRIGHT. LET ME ASK YOU THIS, YOU GAVE THEM
19 MIRANDA RIGHTS?

20 A. UH HUH.

21 Q. OKAY. YOU DID THAT, RIGHT?

22 A. YEAH.

23 Q. MARCH SIXTEENTH?

24 A. YES, SIR.

25 Q. HOW MANY TIMES DID YOU DO THIS ON MARCH SIXTEENTH?

1 A. ONE TIME.

2 Q. ONE TIME. WAS THAT BEFORE THE WRITTEN STATEMENT
3 OR WAS IT BEFORE YOU GAVE THE ORAL STATEMENT?

4 A. THAT WAS BEFORE I GAVE THE ORAL STATEMENT.

5 Q. OKAY. IT WAS BEFORE YOU GAVE THE ORAL STATEMENT.

6 A. YEAH.

7 Q. WAS THAT BEFORE -- WELL, LET ME ASK YOU THIS, WHAT
8 -- ALRIGHT, WHO WROTE THE WRITTEN STATEMENT?

9 A. MR. RODRIGUEZ DID.

10 Q. HE WROTE IT. DID YOU SIGN THE WRITTEN STATEMENT?

11 A. I SIGNED IT AND THE LADY, THE OTHER LADY, SHE
12 SIGNED IT AS A WITNESS.

13 Q. OKAY. ALRIGHT. LET'S TALK ABOUT THE MARCH
14 NINETEENTH STATEMENT.

15 A. ALRIGHT.

16 Q. OKAY?

17 A. ALRIGHT, ON MARCH NINETEENTH, I REMEMBER THAT DAY
18 JUST LIKE IT WAS YESTERDAY, BECAUSE THAT WAS THE
19 FIRST TIME THAT MY FAMILY CAME TO SEE ME. MY
20 FAMILY CAME TO SEE ME THAT DAY. SINCE THEN ---

21 Q. I'VE GOT YOU.

22 A. --- BECAUSE I DON'T FIGURE, I DONE FIGURE ALL MY
23 FAMILY GOING TO CUT ME LOOSE. SO, I WAS LAYING
24 DOWN IN THE CELL, AND A GUARD TOLD ME, A MS.
25 BROWN, SHE CAME UP TO ME, AND SHE SAID, SHE SAID,

1 BELL, SHE SAID, SOMEBODY WANT TO SEE YOU UP FRONT.
2 AND I SAID, WELL, I SAID, I DON'T WANT TO TALK TO
3 NO MORE POLICE, MAN, I SAID, I DON'T WANT TO TALK
4 TO NO MORE POLICE. SO, SHE SAID, NO, SHE SAID,
5 THIS IS YOUR FAMILY. SO, WHEN I WENT TO SEE MY
6 FAMILY, MY SISTERS -- I CALL THEM MY SISTERS BUT
7 THEY'RE MY AUNTS, JAMIE WAS TALKING TO ME, ANNA
8 WAS TALKING TO ME, AND THEY SAID, WILLIE, WE KNOW
9 YOU AIN'T KILLED MAMA, AND THE WHOLE FAMILY, WE
10 KNOW HOW YOU TREAT MAMA, AND THIS AND THAT. AND
11 THEN, SHE SAID, LISTEN, SHE SAID, RODRIGUEZ GOT IN
12 TOUCH WITH US, WE GOT INTO -- I DON'T KNOW WHETHER
13 HE CALLED THEM OR THEY CALLED HIM, BUT SHE SAID
14 THEY TALKED TO MR. RODRIGUEZ, HE SAID, HE WAITING
15 AND HE WANT TO TALK TO YOU AGAIN. AND SHE SAID,
16 WILLIE, PLEASE TALK TO THAT MAN, HE CAN HELP YOU.
17 I DIDN'T GOT IN TOUCH WITH HIM, HE WAS ALREADY
18 WAITING, AFTER I FINISHED TALKING TO MY FAMILY HE
19 WAS ALREADY WAITING, LIKE, IN THE LITTLE GATE
20 AREA, ---

21 Q. UH HUH.

22 A. --- AS YOU COME IN, HE WAS WAITING ALREADY. AND
23 JAMIE BEG ME, AND MY FAMILY BEG ME, SHE SAID,
24 WILLIE, HE'S TRYING TO HELP YOU. SHE SAID,
25 PLEASE, PLEASE TALK TO HIM. IF YOU KNOW ANYTHING

1 TALK TO HIM. AND THEN, AFTER I FINISHED MY
2 VISITATION I WENT AROUND THERE AND HE WAS STANDING
3 AT THE GATE, AND HE SAID, COME ON, WILLIE, LET ME
4 TALK TO YOU. AND THAT'S WHEN HE TOOK ME OVER
5 THERE, AND THAT'S WHEN HE WROTE THE STATEMENT.
6 AIN'T NOBODY BUT ME AND HIM. AND HE SAID, THE
7 FIRST THING HE ASKED, HE TOOK SOMETHING, I THINK
8 HE HAD THE OTHER STATEMENT, TOO, AND HE SAID, MAN,
9 LISTEN, MAN, HE SAID LISTEN ---

10 Q. THE OTHER STATEMENT BEING THE ---

11 A. THE SIXTEENTH, HE HAD THAT RIGHT THERE.

12 Q. THE MARCH SIXTEENTH?

13 A. HE SAID, BILL, I'M GOING TO TRY, -- HE SAID, THIS
14 IS OFF THE RECORD. HE SAID, I'M TRYING TO HELP
15 YOU, MAN, BECAUSE THESE PEOPLE GOING TO -- HE
16 SAID, I'M TRYING TO HELP YOU. AND HE SAID, I FEEL
17 THAT YOU DIDN'T DO IT. AND HE SAID, MAN, LISTEN,
18 THAT AIN'T WHAT HAPPENED. BUT TELL, REALLY TELL
19 WHAT HAPPENED. AND THAT'S WHEN I TOLD HIM, THE
20 NINETEENTH STATEMENT.

21 Q. ALRIGHT. NOW, LET ME ASK YOU, DID YOU SIGN THE
22 NINETEENTH STATEMENT?

23 A. YEAH, I SIGNED THAT, TOO.

24 Q. OKAY. AND WERE YOU ALLOWED TO READ THE STATEMENT?

25 A. NO, I DIDN'T READ IT BECAUSE HE SAID, HE HAD GOT A

1 LOT OF PHONE CALLS THAT DAY, SOMETHING ABOUT,
2 BECAUSE I MADE A JOKE WITH HIM, BECAUSE HE SAID
3 SOMEBODY HAD -- ABOUT THE PHONE CALLS, HE SAID,
4 THE PHONE, HE HAD GOT A LOT OF CELL PHONE CALLS,
5 BECAUSE EVEN BEFORE I FINISHED THE STATEMENT HE
6 WAS, LIKE, HE HAD GOT A COUPLE OF PHONE CALLS,
7 BECAUSE I MADE A JOKE WITH HIM, I SAID, MANY, YOU
8 NEED TO BE HOME WITH YOUR FAMILY TODAY, ABOUT A
9 GIRL OR SOMETHING. AND HE WAS RUSHING, EVEN
10 BEFORE I FINISHED THE STATEMENT HE HAD GOT A
11 COUPLE OF -- HE HAD GOT A COUPLE OF CELL PHONE
12 CALLS. SO, HE WAS, LIKE, YEAH, I'M GOING TO
13 FINISH THIS STATEMENT. SO, HE TALKED TO SOMEBODY,
14 ON THE NINETEENTH HE TALKED TO A FEMALE, AND HE
15 SAID, WELL, I'M RIGHT HERE WRITING A STATEMENT,
16 WHEN I FINISH THAT THEN I'LL COME OVER THERE, OR
17 WHATEVER.

18 Q. SO, YOU WERE NOT ALLOWED TO READ THE STATEMENT
19 BEFORE YOU SIGNED IT?

20 A. NO, I DIDN'T READ IT.

21 Q. WHAT ABOUT MAKING CHANGES TO THE STATEMENT, WERE
22 YOU ALLOWED TO MAKE CHANGES TO THE STATEMENT?

23 A. NO, I AIN'T MADE NO CHANGES.

24 Q. OKAY. ALRIGHT. AT ANYTIME DURING THIS MARCH
25 NINETEENTH INTERVIEW DID YOU INVOKE YOUR RIGHT TO

1 REMAIN SILENT?

2 A. ASK THE QUESTION AGAIN?

3 Q. I'M SORRY. YOU KNOW HOW YOU'VE GOT THESE MIRANDA
4 RIGHTS?

5 A. YEAH.

6 Q. YOU KNOW YOU'VE SEEN THEM ON T.V., AND STUFF?

7 A. YEAH.

8 Q. YOU HAVE THE RIGHT TO REMAIN SILENT, DID YOU
9 INVOKE THAT, DID YOU SAY, I WANT TO REMAIN SILENT,
10 QUIT TALKING TO ME AT ANYTIME?

11 A. ARE YOU TALKING ABOUT IN THE FIRST STATEMENT?

12 Q. NO, ON MARCH NINETEENTH.

13 A. NO, I DIDN'T SAY THAT.

14 Q. OKAY. HOW ABOUT YOUR RIGHT TO HAVE AN ATTORNEY
15 PRESENT, DID YOU SAY, HEY, I WANT AN ATTORNEY?

16 A. NO, I SIGNED EVERYTHING, I DIDN'T -- I FIGURED HE
17 WAS TRYING TO -- BECAUSE HE WAS, LIKE, HE WAS
18 TRYING TO COACH THE STATEMENT. HE WAS, LIKE, WE
19 KNOW THIS PERSON, WE KNOW YOU BEEN THERE. OR THE
20 FIRST THING, ABOUT THE TIME, HE WAS, LIKE, HE WAS,
21 LIKE, I'M GOING TO ADD UP THIS HERE, HOW LONG DID
22 IT TAKE YOU TO DO THIS. AND HE WAS, LIKE, REALLY
23 LIKE HE WAS TRYING TO HELP ME.

24 Q. OKAY. SO, IT'S YOUR TESTIMONY TODAY THAT YOU
25 BELIEVED WHEN YOU GAVE THE STATEMENT THAT HE WOULD

1 WRITE IT DOWN?

2 A. YEAH, BECAUSE HE HAD ME CONVINCED THAT HE WAS
3 TRYING TO HELP ME. HE EVEN BOUGHT ME A SODA.

4 Q. OKAY. ALRIGHT. AND YOU WERE NOT ALLOWED TO READ
5 THIS STATEMENT?

6 A. I MEAN, IT WAS REALLY MY FAULT WHY, I JUST AIN'T
7 READ IT BECAUSE HE WAS IN A RUSH. HE SAID HE WAS
8 IN A RUSH, AND HE WAS, LIKE, WELL, BELL, MONDAY
9 MORNING, IN THE MORNING I'M GOING TO COME BACK AND
10 WE'RE GOING TO GO OVER THIS.

11 Q. DID HE COME BACK MONDAY MORNING?

12 A. NO, HE CAME BACK ANOTHER TIME, BUT IT WAS ABOUT A
13 TEST OR SOMETHING, THAT'S WHEN HE TOOK ME TO
14 COLUMBIA.

15 MR. MELLARD: OKAY. ALRIGHT, NO
16 MORE QUESTIONS.

17 THE COURT: CROSS-EXAMINATION?

18 SOLICITOR PASCOE: YES, YOUR HONOR.
19 DO YOU HAVE THE ADVICE OF RIGHTS?

20 THE COURT: YES, SIR, I HAVE BOTH OF
21 THEM RIGHT HERE. I DON'T KNOW WHY ONE OF THEM IS RED.

22 SOLICITOR PASCOE: ONE OF THEM IS A
23 COURT'S EXHIBIT.

24 THE COURT: YEAH, I SEE THAT, ONE IS
25 A STATE'S.

1 CROSS-EXAMINATION OF WILLIE BELL, JR.,

2 BY SOLICITOR PASCOE:

3 Q. MR. BELL, THIS IS WITH REGARDS TO THE SIXTEENTH,
4 THE STATEMENT ON THE SIXTEENTH, YOU TESTIFIED ON
5 DIRECT THAT YOU DIDN'T GIVE ANY STATEMENT, THAT
6 VERBAL STATEMENT ABOUT NOT STABBING YOUR MOTHER
7 UNTIL AFTER THEY HAD READ YOU YOUR RIGHTS?

8 A. NO, WHEN I FIRST GOT IN THERE, THE FIRST THING I
9 READ -- THE FIRST THING HE DID, HE GAVE ME THAT,
10 THAT'S THE FIRST THING RIGHT THERE, YEAH.

11 Q. SO, THEY READ YOU YOUR RIGHTS BEFORE YOU GAVE ANY
12 STATEMENT?

13 A. YES, HE READ IT.

14 Q. AND YOU UNDERSTOOD YOUR RIGHTS?

15 A. YEAH.

16 Q. AND YOU FREELY WAIVED YOUR RIGHTS AND GAVE THE
17 POLICE A STATEMENT?

18 A. YEAH, A WRITTEN -- A ORAL STATEMENT AND A WRITTEN.
19 I DIDN'T KNOW THAT WAS AN ORAL STATEMENT, I
20 THOUGHT THEY WAS JUST TALKING TO ME, I DIDN'T KNOW
21 NOTHING ABOUT NO ORAL, BUT YOU KNOW, THEY WAS -- I
22 DIDN'T KNOW NOTHING ABOUT NO ORAL STATEMENT, I WAS
23 THINKING THAT THEY WAS JUST TALKING TO ME IN
24 GENERAL, I DIDN'T KNOW THAT WAS, YOU KNOW, THAT
25 WAS AN ORAL STATEMENT, I WAS JUST, THOUGHT THEY

1 WAS JUST TALKING TO ME.

2 Q. BUT YOU VOLUNTARILY SPOKE WITH THEM AFTER THEY
3 READ YOU YOUR RIGHTS, CORRECT?

4 A. YEAH, I TALKED TO THEM, YEAH.

5 Q. ALRIGHT. IS IT YOUR TESTIMONY THAT YOU GAVE A
6 WRITTEN STATEMENT ON THE SIXTEENTH?

7 A. YEAH, I DID, I DID. YOUR HONOR, I MEAN,
8 SOLICITOR, I DID. HE WROTE IT, MR. RODRIGUEZ
9 WROTE IT, BECAUSE I SPECIFICALLY SAID I PRESSED AN
10 ALARM BUTTON AND THE CAR ALARM WENT OFF, AND I
11 WAS, LIKE, WONDERING WHY MY MAMA DIDN'T HEAR THE
12 ALARM.

13 Q. WHAT ARE YOU TALKING ABOUT, WHY, WHAT DO YOU MEAN,
14 WHY YOUR MOTHER WOULDN'T HEAR THE ALARM?

15 A. SO, SEE, WHAT HAPPENED IS, WHEN I LEFT HE WAS,
16 LIKE, I SAID, MAN, I PRESSED THE ALARM BUTTON.
17 AND HE WAS, LIKE, WELL, WHY SHE DIDN'T HEARD THE
18 ALARM, OR SOMETHING LIKE THAT. I SAID, WELL, I
19 SAID, SHE HAD TO HAVE BEEN IN THE BATH ROOM,
20 BECAUSE I -- THAT WAS AMAZING TO ME. SEE WHAT I'M
21 SAYING?

22 Q. UH HUH.

23 A. AND HE WROTE THAT DOWN, AND HE WAS, LIKE, WELL,
24 WE'LL FIGURE THAT OUT, BELL, AND THIS AND THAT.

25 Q. AND IT'S YOUR TESTIMONY THEN, ON THE SIXTEENTH,

1 THE DAY THEY READ YOU YOUR RIGHTS, YOU SPOKE WITH
2 THEM AND YOU ALSO DID A WRITTEN STATEMENT ON THE
3 SIXTEENTH?

4 A. YEAH, HE WAS THERE, WE DID A WRITTEN STATEMENT.

5 Q. IS IT YOUR TESTIMONY THAT YOU DIDN'T INVOKE YOUR
6 RIGHT TO REMAIN SILENT AND TELL THEM YOU DIDN'T
7 WANT TO TALK TO THEM ANYMORE?

8 A. AFTER EVERYTHING WAS OVER WITH, THE WRITTEN
9 STATEMENT, WHAT YOU'RE TALKING ABOUT, THAT WHEN I
10 SAID I DIDN'T WANT TO TALK TO THEM NO MORE, THIS
11 WHAT HE TALKING ABOUT, AFTER I DID THE WRITTEN
12 STATEMENT, THE ORAL -- WHAT THEY CALL THE ORAL
13 STATEMENT, AND A WRITTEN STATEMENT, HE PUT
14 EVERYTHING UP. THEY STILL WAS TALKING. THAT'S
15 WHEN THAT GUY RIGHT THERE WALKED BACK IN AND A
16 LITTLE SHORT, WHITE POLICE, AND THEY KEEP SAYING,
17 YOU KILL YOUR MAMA, YOU KILL YOUR MAMA. AND
18 RODRIGUEZ, YOU KNOW, EVERYBODY IN MY FACE -- YOU
19 KILL YOUR MAMA, YOU DID IT, BILL, YOU'RE A SORRY,
20 YOU KNOW, SO AND SO, YOU A SORRY MOTHER FUCKER,
21 YOU DID IT, YOU DID IT. AND THAT'S -- AND I START
22 TO CRYING, AND I SAID, I DON'T WANT TO TALK NO
23 MORE, I NEED A LAWYER.

24 Q. OKAY. SO, EVERYTHING YOU SAID ON THE SIXTEENTH
25 WAS AFTER YOU READ YOUR RIGHTS. NOW, ON THE

1 NINETEENTH, WHEN MR. ROD -- WHEN DEPUTY RODRIGUEZ
2 CAME TO TALK TO YOU AGAIN ON THE NINETEENTH ---

3 A. UH HUH.

4 Q. --- DO YOU RECOGNIZE COURT'S EXHIBIT ONE?

5 A. WHAT'S THAT? YEAH, YEAH, YEAH, YEAH. I SEE THAT,
6 YEAH.

7 Q. IS THAT THE ADVICE OF RIGHTS HE WENT OVER WITH
8 YOU?

9 A. YES.

10 Q. AND YOU UNDERSTOOD YOUR RIGHTS?

11 A. YEAH.

12 Q. AND YOU SIGNED YOUR RIGHTS SAYING YOU UNDERSTOOD
13 THEM?

14 A. YEAH.

15 Q. AND YOU ALSO SIGNED A WAIVER OF RIGHTS?

16 A. YEAH.

17 Q. AND YOU UNDERSTOOD THAT WAIVER OF RIGHTS, CORRECT?

18 A. YEAH.

19 Q. AND DID YOU VOLUNTARILY GIVE DEPUTY RODRIGUEZ
20 COURT'S EXHIBIT NUMBER TWO, WHICH IS THE
21 STATEMENT?

22 A. YES.

23 Q. AND YOU ASKED HIM TO WRITE THAT STATEMENT OUT FOR
24 YOU BECAUSE OF YOUR HANDWRITING?

25 A. NO, I DIDN'T SAY THAT, HE SAID HE WOULD WRITE IT,

1 HE SAID, HE WOULD WRITE IT, HE SAID HE WAS IN A
2 RUSH, SO -- BUT ME AND HIM TALKED FOR A WHILE, WE
3 WAS TALKING FOR A MINUTE BEFORE WE EVEN GOT TO THE
4 STATEMENT.

5 Q. AND WHOSE SIGNATURE IS THAT RIGHT THERE?

6 A. THAT'S MY SIGNATURE, NOW, I SIGNED IT.

7 Q. IT SAYS, "I, WILLIE BELL, IS ALLOWING ROMAN
8 RODRIGUEZ OF THE ORANGEBURG COUNTY SHERIFF'S
9 OFFICE, TO WRITE THIS STATEMENT FOR ME?

10 A. YES, SIR.

11 Q. THE HANDWRITING IS NOT MINE BUT THE WORDS ARE?

12 A. YEAH, BUT I DIDN'T NEVER ASK HIM TO WRITE IT, NOW,
13 HE VOLUNTEERED TO WRITE IT, BUT I SAID, WELL, I'LL
14 SIGN IT.

15 Q. AND WHOSE NAME IS IT?

16 A. I SIGNED IT, YES, SIR.

17 Q. OKAY. AND THIS WAS THE STATEMENT. AND WHO
18 INITIALED ---

19 A. I SIGNED THAT.

20 Q. --- THE BOTTOM OF PAGE THREE?

21 A. I DID THAT, I DID THAT.

22 Q. NOW, AND THEN, AT THE BOTTOM OF PAGE FOUR, IT
23 SAYS, "I HAVE READ THE ABOVE THOROUGHLY, I HAVE
24 MADE THE NECESSARY CORRECTIONS AND INITIALED EACH
25 TO MAKE THIS A FACTUAL AND COMPLETE

1 REPRESENTATION." WHOSE SIGNATURE IS THAT RIGHT
2 AFTER THAT REPRESENTATION?

3 A. I SIGNED THAT. AND I WANT TO ASK YOU ANOTHER
4 THING, THE WITNESS -- WHAT'S YOUR DEFINITION OF A
5 WITNESS? SOMEBODY WHO SEES SOMETHING, RIGHT?
6 WELL, AIN'T NO WAY, AIN'T NOBODY BEEN IN THERE BUT
7 ME AND HIM.

8 Q. OKAY.

9 A. SO, WHERE THEM TWO WITNESSES CAME FROM?

10 SOLICITOR PASCOE: OBJECTION, YOUR
11 HONOR ---

12 A. OH, OKAY, OKAY.

13 THE COURT: HE DOESN'T WANT YOU
14 ASKING QUESTIONS.

15 A. OH, I'M SORRY, I'M SORRY.

16 Q. AND THAT'S YOUR SIGNATURE, CORRECT?

17 A. YES.

18 Q. OKAY.

19 SOLICITOR PASCOE: I BEG THE COURT'S
20 INDULGENCE. THAT'S ALL I'D HAVE, YOUR HONOR, THANK YOU.

21 MS. HINDS: YOUR HONOR, JUST
22 BRIEFLY.

23 THE COURT: YES, MA'AM.

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

1 REDIRECT EXAMINATION OF WILLIE BELL, JR.,

2 BY MS. HINDS:

3 Q. MR. BELL, CAN YOU READ?

4 A. YES, SIR, YES, MA'AM, I MEANT.

5 Q. CAN YOU WRITE?

6 A. YES, MA'AM.

7 Q. BUT YOU DIDN'T WRITE THAT STATEMENT?

8 A. NO, MA'AM, I DIDN'T.

9 Q. WHY DIDN'T YOU JUST WRITE IT YOURSELF?

10 A. I MEAN, HE, LIKE, SO VOLUNTARILY, AND YOU KNOW,
11 HE'LL WRITE IT, LET HIM WRITE IT. I JUST DON'T
12 KNOW, HE JUST ASK ME, YOU KNOW, HE JUST HAD THE
13 PEN AND STUFF, HE WAS, LIKE, YOU KNOW, HE SAID,
14 I'M GOING TO WRITE IT, YOU JUST TELL ME WHAT
15 HAPPENED AND I'M GOING TO WRITE IT, AS YOU TELL ME
16 I'M GOING TO WRITE IT. BEFORE HE DID THAT, HE
17 WAS, LIKE, SIGN THAT HE'S GOING TO WRITE IT, AND I
18 SIGNED IT. HE WAS, LIKE, AS YOU TELL ME HE WAS
19 GOING TO WRITE IT DOWN. SO, I JUST FIGURED IT WAS
20 FASTER.

21 MS. HINDS: NO FURTHER QUESTIONS.

22 THE COURT: ALRIGHT, SIR, NOW YOU
23 CAN STEP DOWN. THANK YOU, SIR.

24 ANY OTHER EVIDENCE FROM THE DEFENSE?

25 MR. MELLARD: NOTHING, YOUR HONOR.

1 THE COURT: ANYTHING IN REPLY FROM
2 THE STATE?

3 SOLICITOR PASCOE: NO, YOUR HONOR,
4 THANK YOU.

5 THE COURT: ALRIGHT, I'LL BE GLAD TO
6 HEAR YOUR ARGUMENTS. I GUESS THIS IS A MOTION TO
7 SUPPRESS, SO -

8 MR. MELLARD: YES, SIR, IT IS A
9 MOTION TO SUPPRESS.

10 THE COURT: --- I'LL HEAR YOU FIRST
11 AND LAST.

12 ARGUMENT BY MR. MELLARD ON MOTION TO SUPPRESS

13 MR. MELLARD: LET'S LOOK AT THE
14 MARCH SIXTEENTH ORAL STATEMENT, FIRST OF ALL. WHAT
15 THEY'RE GOING TO TRY TO DO IS USE THIS STATEMENT --
16 THEY'RE GOING TO TRY TO USE THIS STATEMENT AGAINST THE
17 DEFENDANT BY TRYING TO SHOW THAT THERE IS NO WAY THAT HE
18 COULD HAVE KNOWN ABOUT THE ALLEGED STABBING IN THIS
19 INCIDENCE, AND THAT THAT WAS JUST SOMETHING THAT HE JUST
20 VOLUNTEERED OUT OF THE BLUE. BUT WHAT YOU'VE HEARD IS
21 THAT RODRIGUEZ, BEFORE HE EVEN GAVE THAT STATEMENT, KIND
22 OF COACHED HIM ON IT, I MEAN, HE BASICALLY SAID, HEY,
23 YOU KNOW, YOUR MOM HAS BEEN STABBED, THERE'S BLOOD ALL
24 IN THE CAR. AND AT THAT POINT, IN RESPONSE TO THAT IS
25 WHERE HE SAID, I DIDN'T STAB MY MOM. SO, I MEAN, THIS

1 IS NOT SOME FREELY AND VOLUNTARY STATEMENT, I MEAN, THIS
2 IS SOME SORT OF RESPONSE TO A COACHING BY THE SHERIFF'S
3 OFFICE. I MEAN, THEY'RE GOING TO MIS-CHARACTERIZE THIS
4 THING AND IT'S NOT FREELY AND VOLUNTARILY GIVEN. AND
5 THAT'S THE BASIS FOR OUR SUPPRESSION OF THAT ORAL
6 STATEMENT.

7 AS FAR AS THE WRITTEN STATEMENT OF
8 MARCH NINETEENTH, RODRIGUEZ WROTE IT, BELL WASN'T
9 ALLOWED TO READ IT, AND HE WENT THERE AND TALKED TO
10 RODRIGUEZ BECAUSE HE THOUGHT RODRIGUEZ WAS TRYING TO
11 HELP HIM, AND THAT'S WHAT RODRIGUEZ WAS TRYING TO PUT
12 OFF TO EVERYBODY, HIS FAMILY MEMBERS AND ALL, GO GET
13 WILLIE, BRING HIM HERE, TRYING TO HELP HIM. WHAT WE'VE
14 GOT IS, WE'VE GOT A STATEMENT THAT WAS NOT READ BY THE
15 DEFENDANT, HE SIGNED IT, BUT HE DID NOT READ IT, AND
16 IT'S OUR OPINION THAT IT WAS NOT FREELY AND VOLUNTARILY
17 GIVEN, AND THAT'S WHAT WE'D MOVE TO SUPPRESS.

18 THE COURT: ALRIGHT, MR. PASCOE.

19 ARGUMENT BY SOLICITOR PASCOE ON MOTION TO SUPPRESS

20 SOLICITOR PASCOE: YOUR HONOR, WITH
21 REGARDS TO THE MARCH SIXTEENTH STATEMENT, THE DEFENDANT
22 EVEN HIMSELF TESTIFIED THAT HE WAS READ HIS RIGHTS
23 BEFORE HE GAVE ANY STATEMENT, HE UNDERSTOOD HIS RIGHTS,
24 AND HE FREELY AND VOLUNTARILY WAIVED THOSE RIGHTS. AS
25 FAR AS ANY CONTRADICTIONS BETWEEN WHAT HIS STATEMENTS

1 ARE, THAT WOULD ALL GO TO WEIGHT WITH THE JURY, IT HAS
2 NOTHING TO DO WITH THE VOLUNTARINESS OF THE STATEMENT.

3 WITH REGARDS TO THE NINETEENTH
4 STATEMENT, IT JUST COMES DOWN TO WHETHER THE STATE HAS
5 PROVEN BEYOND A PREPONDERANCE OF THE EVIDENCE THAT THAT
6 STATEMENT WAS VOLUNTARILY GIVEN, AND THAT HE ACTUALLY
7 HAD PEOPLE APPROACH DEPUTY RODRIGUEZ AND THAT'S WHY
8 RODRIGUEZ WANTED TO GO TALK TO HIM. AND THAT'S DEPUTY
9 RODRIGUEZ'S TESTIMONY, I BELIEVE IT'S CREDIBLE. I
10 BELIEVE IT WOULD GO TO WEIGHT IN FRONT OF THE JURY IF
11 THE DEFENDANT ELECTS TO TESTIFY IN FRONT OF THE JURY AS
12 TO HOW CREDIBLE IT IS. BUT I WOULD ALSO SAY, FINALLY,
13 ON THE NINETEENTH, THE DEFENDANT AGAIN ADMITS THAT HE
14 WAS READ HIS RIGHTS, UNDERSTOOD HIS RIGHTS, AND
15 VOLUNTARILY WAIVED HIS RIGHTS BEFORE GIVING THAT
16 STATEMENT. SO, I'D ASK THAT BOTH STATEMENTS BE ADMITTED
17 INTO EVIDENCE.

18 THE COURT: ANY RESPONSE?

19 MR. MELLARD: JUST THAT IT WAS NOT
20 FREELY AND VOLUNTARILY GIVEN, THAT'S OUR POSITION.

21 RULING OF THE COURT ON MOTION TO SUPPRESS.

22 THE COURT: ALRIGHT, WELL, ALL OF
23 THE EVIDENCE FROM BOTH THE STATE AND THE DEFENSE WOULD
24 INDICATE THAT HE WAS GIVEN HIS RIGHTS ON BOTH OCCASIONS,
25 UNDER MIRANDA, THAT HE UNDERSTOOD THOSE RIGHTS; THAT HE

1 WAS NOT PROMISED ANYTHING AS A REWARD OR HOPE OF REWARD
2 OR ANYTHING OF THAT NATURE; THAT HE WAS NOT THREATENED
3 OR ANY TYPE OF COERCION OR DURESS WHEN HE GAVE EACH OF
4 THE STATEMENTS, BOTH OF THEM, IT APPLIES THE SAME TO
5 EACH OF THE TWO STATEMENTS.

6 AND SO I DO FIND THAT THE
7 STATEMENTS, BOTH THE ORAL STATEMENT ON THE SIXTEENTH,
8 AND THE WRITTEN STATEMENT ON THE NINETEENTH, WERE GIVEN
9 FREELY AND VOLUNTARILY, THAT HE WAS AFFORDED THE
10 PROTECTION OF MIRANDA, AND THAT HE KNOWINGLY AND
11 INTELLIGENTLY WAIVED HIS RIGHTS UNDER THE FIFTH AND
12 SIXTH AMENDMENTS WHEN HE MADE THOSE STATEMENTS. AND SO,
13 BOTH OF THOSE STATEMENTS WOULD BE ADMISSIBLE.

14 I THINK MOST OF YOUR OBJECTIONS DO
15 GO TO THE WEIGHT OF THE STATEMENTS, THE WEIGHT THE JURY
16 MIGHT GIVE THEM, THE CREDIBILITY OF THE WITNESSES THAT
17 MIGHT TESTIFY ABOUT THOSE STATEMENTS, BUT I WOULD DENY
18 YOUR MOTION TO SUPPRESS EACH OF THE STATEMENTS.

19 ALRIGHT, MR. PASCOE, WHAT'S NEXT?

20 SOLICITOR PASCOE: YOUR HONOR, THE
21 STATE CALLS LIEUTENANT BAMBERG FOR THE PURPOSE OF A NEAL
22 VERSUS BIGGERS HEARING.

23 THE COURT: ALRIGHT.

24 CLERK: PLEASE PLACE YOUR LEFT HAND
25 ON THE BIBLE AND RAISE YOUR RIGHT HAND.

1 (Whereon, Rhonda Ray Bamberg
2 is duly sworn.)

3 CLERK: THANK YOU, YOU MAY BE
4 SEATED, AND PLEASE STATE YOUR FULL NAME.

5 WITNESS: RHONDA RAY BAMBERG.

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

1 DIRECT EXAMINATION OF RHONDA R. BAMBERG

2 BY SOLICITOR CLARIDAY:

3 Q. AND LIEUTENANT BAMBERG, WHERE ARE YOU EMPLOYED?

4 A. ORANGEBURG COUNTY SHERIFF'S OFFICE.

5 Q. AND FOR HOW LONG HAVE YOU BEEN EMPLOYED THERE?

6 A. APPROXIMATELY SEVEN YEARS.

7 Q. AND WHAT, HOW LONG HAVE YOU BEEN EMPLOYED AS A
8 LIEUTENANT?

9 A. APPROXIMATELY TWO YEARS.

10 Q. OKAY. AND WHAT ARE YOUR DUTIES AS A LIEUTENANT?

11 A. I OVERSEE THE DAY TO DAY OPERATIONS OF THE
12 CRIMINAL INVESTIGATION DIVISION.

13 Q. AND LIEUTENANT BAMBERG, WERE YOU WORKING FOR THE
14 SHERIFF'S DEPARTMENT BACK IN MARCH OF TWO THOUSAND
15 AND SIX?

16 A. YES, I WAS.

17 Q. AND WERE YOU INVOLVED IN THE INVESTIGATION OF
18 WILLIE BELL?

19 A. YES, I WAS.

20 Q. CAN YOU PLEASE EXPLAIN TO THE COURT WHAT LED YOU
21 TO CONTACT A MR. FRANK COLTER?

22 A. YES. ON THE SIXTEENTH OF MARCH, AFTER MR. BELL
23 GAVE A STATEMENT TO THE OTHER INVESTIGATORS, IN
24 HIS STATEMENT HE HAD USED A GENTLEMAN WHICH LATER
25 WAS IDENTIFIED AS MR. COLTER, AS AN ALIBI WITNESS

1 A. YES, I DID, I PICKED HIM UP AT HIS RESIDENCE THAT
2 MORNING.

3 Q. AND WHERE DID Y'ALL CONDUCT THE MEETING?

4 A. WE CAME TO THE SHERIFF'S OFFICE.

5 Q. AND SO YOU, IN FACT, HAD AN OPPORTUNITY TO CONDUCT
6 A PHOTO LINEUP IN THIS CASE FOR MR. COLTER?

7 A. I DID.

8 Q. AND HOW WAS THAT LINEUP PUT TOGETHER?

9 A. IT WAS PUT TOGETHER FROM THE DATA BASE FROM THE
10 JAIL DATA BASE, AND IT HAD MR. BELL IN IT.

11 Q. OKAY. LIEUTENANT BAMBERG, LET ME SHOW YOU STATE'S
12 EXHIBIT FOR PURPOSE OF IDENTIFICATION FOUR, DO YOU
13 RECOGNIZE THAT?

14 A. YES, I DO.

15 Q. AND WHAT IS THAT?

16 A. THAT IS THE PHOTOGRAPHIC LINEUP THAT I SHOWED TO
17 MR. COLTER.

18 Q. ON THE SEVENTEENTH?

19 A. ON THE SEVENTEENTH, CORRECT.

20 Q. OKAY. HOW MANY PICTURES WERE USED THERE?

21 A. SIX.

22 Q. ARE THERE ARE ALWAYS SIX USED?

23 A. YES, THERE ARE.

24 Q. AND OF ALL SIX OF THOSE PHOTOS, ARE THEY ALL
25 SIMILAR IN RACE?

1 A. YES, THEY ARE.

2 Q. ARE THEY SIMILAR IN SIZE?

3 A. YES, THEY ARE.

4 Q. FACIAL FEATURES, AGE, EVERYTHING?

5 A. YES.

6 Q. IS THERE ANYTHING UNDULY SUGGESTIVE ABOUT ONE OF
7 THOSE PICTURES AS OPPOSED TO ANY OTHER PICTURES?

8 A. NO, THERE'S NOT.

9 Q. OKAY. ARE THE PICTURES IN BLACK AND WHITE OR ARE
10 THEY IN COLOR?

11 A. THEY'RE IN COLOR.

12 Q. OKAY. AND WHAT, IF ANYTHING, DID YOU TELL MR.
13 COLTER PRIOR TO SHOWING HIM THAT LINEUP?

14 A. NOTHING MORE THAN SHOWING HIM THE LINEUP, THAT IF
15 HE SAW THE PERSON THAT WAS AT HIS RESIDENCE, IF HE
16 COULD PICK HIM OUT.

17 Q. BUT YOU DIDN'T SUGGEST WHICH PICTURE TO CHOOSE IN
18 ANY WAY?

19 A. NO.

20 Q. DID YOU IN ANY WAY -- DID YOU TELL HIM THAT MR.
21 BELL WAS, IN FACT, IN THAT LINEUP?

22 A. NO, I DID NOT.

23 Q. OKAY. DID HE MANAGE TO PICK OUT ONE OF THE
24 PHOTOS?

25 A. YES, HE DID.

1 Q. AND WHAT NUMBER WAS THAT?

2 A. THAT WAS NUMBER FIVE.

3 Q. AND WHO IS NUMBER FIVE?

4 A. MR. BELL.

5 Q. AND DO YOU SEE MR. BELL HERE TODAY IN THE
6 COURTROOM?

7 A. YES.

8 Q. OKAY. APPROXIMATELY HOW LONG DID IT TAKE MR.
9 COLTER TO PICK THE PHOTO OUT?

10 A. NOT VERY LONG.

11 Q. A MATTER OF MINUTES, SECONDS?

12 A. SECONDS.

13 Q. SECONDS?

14 A. YES.

15 Q. OKAY. AND AGAIN, DID YOU IN ANY WAY SUGGEST TO
16 MR. COLTER WHICH ONE TO PICK?

17 A. NO.

18 Q. OKAY. WHAT, IF ANYTHING, DID YOU GET MR. COLTER
19 TO DO AFTER HE HAD PICKED OUT ONE OF THE PHOTOS?

20 A. AFTER HE HAD PICKED OUT THE PHOTO I GOT HIM TO PUT
21 HIS INITIALS, THE DATE AND THE TIME THAT HE PICKED
22 IT OUT.

23 Q. SO, THAT'S DENOTED ON STATE'S EXHIBIT FOUR?

24 A. THAT IS.

25 Q. OKAY. AND IS THAT LINEUP THAT YOU HAVE RIGHT

1 THERE, IS THAT IN SUBSTANTIALLY THE SAME CONDITION
2 AS IT WAS THAT DAY?

3 A. IT IS.

4 Q. HAS IT BEEN ALTERED, DELETED, MODIFIED OR CHANGED
5 IN ANY WAY SINCE THAT TIME?

6 A. NO, OTHER THAN YOU GUYS ADDING THAT STATE'S
7 EXHIBIT.

8 Q. OKAY. AND AGAIN, WHICH PHOTO DID MR. COLTER PICK
9 OUT?

10 A. NUMBER FIVE.

11 Q. AND WHO WAS THAT?

12 A. MR. BELL.

13 MR. CLARIDAY: THANK YOU, NOTHING
14 FURTHER.

15 THE COURT: CROSS-EXAMINATION.

16 MR. MELLARD: JUST A COUPLE OF
17 QUESTIONS.

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

1 CROSS-EXAMINATION OF RHONDA R. BAMBERG

2 BY MR. MELLARD:

3 Q. YOU CONDUCTED THE MEETING AT THE SHERIFF'S OFFICE?

4 A. I DID.

5 Q. AND THAT WAS ON MARCH SIXTEENTH?

6 A. NO, THE SEVENTEENTH.

7 Q. THE SEVENTEENTH. OKAY, AND YOU WENT AND GOT MR.
8 COLTER?

9 A. THAT IS CORRECT.

10 Q. OKAY. WHO ALL WAS PRESENT WITH YOU ON THE RIDE
11 THERE?

12 A. JUST ME AND MR. COLTER.

13 Q. HOW ABOUT ON THE RIDE TO THE STATION?

14 A. ME AND MR. COLTER.

15 Q. OKAY. DID YOU GIVE HIM A RIDE BACK?

16 A. I DON'T KNOW IF I'M THE ONE THAT ACTUALLY TOOK --
17 I DON'T THINK I TOOK HIM HOME, I THINK SOMEBODY
18 ELSE TOOK HIM HOME.

19 Q. OKAY. WHEN HE MADE THIS IDENTIFICATION WHO WAS
20 PRESENT?

21 A. I BELIEVE IT WAS JUST MYSELF.

22 Q. NOBODY ELSE?

23 A. NO.

24 Q. OKAY. DID HE MAKE THE IDENTIFICATION AS SOON AS
25 HE GOT TO THE STATION?

- 1 A. WELL, AFTER, OF COURSE, YOU KNOW, YOU SIT DOWN AND
2 ---
- 3 Q. OKAY. LET'S THINK ABOUT THIS. YOU DRIVE HIM TO
4 THE STATION, HE COMES IN AND HE SITS DOWN
5 SOMEWHERE, RIGHT?
- 6 A. UH HUH. RIGHT.
- 7 Q. WHAT DO YOU DO?
- 8 A. GET THE PHOTO LINEUP.
- 9 Q. OKAY. YOU LEAVE HIM TO GO GET THE PHOTO LINEUP?
- 10 A. NO, I BELIEVE IT WAS IN THE CASE JACKET.
- 11 Q. OKAY. IT'S IN THE CASE JACKET. THEN WHAT DO YOU
12 DO?
- 13 A. SHOW HIM THE PHOTO LINEUP.
- 14 Q. OKAY. AND YOU ONLY SHOWED HIM THIS ONE PHOTO
15 LINEUP HERE?
- 16 A. UH HUH. JUST THIS ONE RIGHT HERE.
- 17 Q. JUST THAT ONE, ---
- 18 A. RIGHT.
- 19 Q. --- AND THAT'S THE ONE THAT'S STATE'S EXHIBIT
20 FOUR?
- 21 A. CORRECT.
- 22 Q. OKAY. YOU DIDN'T SHOW HIM ANY OTHER LINEUPS,
23 OTHER THAN THE SIX WE HAVE RIGHT THERE?
- 24 A. NO, JUST THIS ONE RIGHT HERE.
- 25 Q. HOW WAS MR. COLTER, WHAT WAS HIS DEemeanor LIKE?

1 A. HE'S A QUIET TYPE OF PERSON.

2 Q. ALRIGHT. ON THAT PARTICULAR DAY, DID YOU NOTIFY
3 HIM YOU WERE COMING TO GET HIM?

4 A. YEAH, I TALKED TO HIM -- THIS WAS THE SIXTEENTH I
5 WENT OUT AND I TALKED TO HIM BASED ON WHAT MR.
6 BELL HAD TOLD THE INVESTIGATORS. I WAS TRYING TO
7 VERIFY WHAT MR. BELL HAD TOLD THEM.

8 Q. OKAY. AND WHAT WAS IT THAT YOU WERE TRYING TO
9 VERIFY?

10 A. THE FACT THAT MR. BELL STATED TO THE INVESTIGATORS
11 THAT HE HAD GONE TO THIS GENTLEMAN'S HOUSE WITH
12 TWO OTHER PEOPLE AND HE WAS SMOKING CRACK AT THAT
13 RESIDENCE, AND THAT THAT IS THE FIRST TIME HE
14 ACTUALLY SAW ON THE NEWS THAT HIS GRANDMOTHER HAD
15 BEEN MURDERED.

16 Q. OKAY. AND WHEN YOU GOT TO MR. COLTER'S HOUSE WAS
17 ANYBODY ELSE THERE BESIDES MR. COLTER?

18 A. NO, THERE WAS JUST MR. COLTER THERE.

19 Q. ALRIGHT.

20 MR. MELLARD: ONE SECOND. THAT'S
21 ALL THE QUESTIONS WE HAVE.

22 THE COURT: REDIRECT?

23 SOLICITOR CLARIDAY: NOTHING
24 FURTHER.

25 THE COURT: THANK YOU, MA'AM, YOU

1 MAY STEP DOWN.

2 SOLICITOR PASCOE: AND THAT'S ALL WE
3 HAVE ON THAT, YOUR HONOR. MR. COLTER, HE'S JUST GOING
4 TO TESTIFY LATER IN THE WEEK, WE DON'T WANT TO HAVE TO
5 BRING HIM UP TODAY AND LATER IN THE WEEK.

6 THE COURT: IS HE GOING TO BE HERE
7 TOMORROW?

8 SOLICITOR PASCOE: I DON'T THINK SO,
9 I THINK IT'S GOING TO BE ON WEDNESDAY MORNING.

10 THE COURT: ALRIGHT, ANYTHING ELSE
11 FROM THE STATE?

12 SOLICITOR PASCOE: THAT'S ALL, YOUR
13 HONOR.

14 THE COURT: YES, SIR. PRETRIAL FOR
15 THE DEFENSE?

16 MR. MELLARD: AS FAR AS -- I MEAN,
17 AS FAR AS NEAL VERSUS BIGGERS, I MEAN, THEY WERE ARGUING
18 HOW MR. COLTER -- I MEAN, ---

19 THE COURT: YES, THAT'S JUST PART OF
20 THE TESTIMONY FROM THE STATE. CERTAINLY, WE WOULD HAVE
21 TO HEAR FROM MR. COLTER.

22 SOLICITOR PASCOE: WE JUST WANTED TO
23 GET THAT OUT OF THE WAY.

24 THE COURT: YES, SIR.

25 MR. MELLARD: LET ME JUST -- YOUR

1 HONOR, IN THE TRIAL IT'S MY UNDERSTAND THAT THERE ARE
2 PICTURES OF THE DECEASED THAT WERE TAKEN DURING THE
3 INVESTIGATION, THE PICTURES ARE OF THE BODY WHICH WAS
4 BURNED VERY, VERY BADLY.

5 THE COURT: I'LL NEED TO SEE THE
6 PICTURES.

7 MR. MELLARD: OKAY.

8 THE COURT: NO USE TO EVEN TALK
9 ABOUT THEM. I NEED TO SEE THE PICTURES THE SOLICITOR
10 INTENDS TO INTRODUCE AND THEN I'LL HEAR THE DEFENSE'S
11 OBJECTION, PICTURE BY PICTURE.

12 SOLICITOR PASCOE: WE CAN GET THEM
13 RIGHT NOW, YOUR HONOR.

14 THE COURT: ALRIGHT, THAT'S GOOD.
15 DO IT RIGHT NOW.

16 SOLICITOR PASCOE: THIS IS STATE'S
17 EXHIBITS EIGHTEEN AND NINETEEN, YOUR HONOR, AND ALSO ONE
18 PHOTO IN STATE'S EXHIBIT SEVEN.

19 THE COURT: ALRIGHT, LOOK AT ALL
20 THOSE, MR. MELLARD, AND TELL ME IF YOU OBJECT TO ALL OF
21 THEM. IF NOT, WHICH ONES DO YOU OBJECT TO? DO YOU
22 OBJECT TO ALL OF THEM?

23 MR. MELLARD: YEAH, WE OBJECT TO ALL
24 THREE, YOUR HONOR.

25 THE COURT: ALRIGHT, LET ME SEE

1 THEM. I'M LOOKING AT DEFENDANT'S SEVEN, CENTER COLUMN,
2 TOP PICTURE.

3 COURT REPORTER: DEFENDANT'S?

4 THE COURT: MA'AM.

5 SOLICITOR PASCOE: STATE'S SEVEN,
6 I'M SORRY, STATE'S SEVEN.

7 THE COURT: STATE'S -- I'M SORRY,
8 STATE'S SEVEN. NOW, THAT PICTURE SHOWS THE BODY?

9 SOLICITOR PASCOE: YES, SIR.

10 THE COURT: IT LOOKS KIND OF LIKE
11 THAT'S THE BACK OF THE LADY, WITH HER HEAD TO THE LEFT?

12 SOLICITOR PASCOE: WITH THE HEAD
13 STRAIGHT DOWN, YES, SIR.

14 THE COURT: ALRIGHT, NOW, STATE'S
15 EIGHTEEN AND STATE'S NINETEEN SHOW CLOSER UP PICTURES OF
16 THE SAME?

17 SOLICITOR PASCOE: YES, SIR -- WELL,
18 NO, ONE OF THEM IS WHEN -- STATE'S -- LET ME SEE --
19 STATE'S EIGHTEEN IS WHEN THEY FINALLY, WHEN THEY TURNED
20 HER BODY OVER, AND YOU GET A GOOD SHOT AT THE VICTIM'S
21 HEAD. STATE'S NINETEEN I'LL CONCEDE PRETTY MUCH SHOWS
22 THE SAME THING BUT IT'S A MUCH BETTER CLOSE UP TO SHOW
23 THE EXTENT OF THE DAMAGE TO THE VICTIM'S BODY.

24 THE COURT: WELL, I GUESS FIRST YOU
25 NEED TO TELL ME WHY YOU THINK ANY OF THEM NEED TO COME

1 IN.

2 SOLICITOR PASCOE: TO SHOW OBVIOUSLY
3 THE EXTENT OF DAMAGE TO THE VICTIM'S BODY, YOU KNOW, ONE
4 THING ABOUT THIS CASE IS THAT SHE'S SO BADLY BURNED YOU
5 CAN'T IDENTIFY NECESSARILY WHERE HER PRE-MORTEM INJURIES
6 ARE, AND I THINK IT'S VERY PROBATIVE AND RELATIVE FOR
7 THE JURY TO SEE THEM TO GET AN UNDERSTANDING OF THAT.

8 THE COURT: DO YOU WANT TO BE HEARD
9 ON THAT QUESTION, BASICALLY WHETHER ANY OF THE THREE OF
10 THEM IS ADMISSIBLE? I'LL BE GLAD TO HEAR YOU, MR.
11 MELLARD.

12 MR. MELLARD: I WOULD SAY NONE OF
13 THEM ARE, YOUR HONOR.

14 THE COURT: I KNOW YOU SAID THAT,
15 BUT I WANT -- GIVE ME YOUR REASONS NOW. YOU'VE HEARD
16 WHY THE STATE THINKS HE NEEDS TO GET IN PICTURES OF THE
17 BODY.

18 MR. MELLARD: YOUR HONOR, THIS IS A
19 MURDER CASE, AND WHAT YOU'RE GOING TO HEAR DURING THIS
20 TRIAL IS THAT THE VICTIM WAS DECEASED PRIOR TO THE FIRE.
21 YOU'RE ALSO GOING TO HEAR THAT THE PATHOLOGISTS ARE
22 GOING TO COME BACK THAT, THE LAST REPORT WE GOT WAS, THE
23 CAUSE OF DEATH WAS A TRAUMA OF AN UNDETERMINED ORIGIN.
24 THEY DON'T KNOW. NOW, THIS, ALL IT DOES IS SHOW A
25 CHARRED BODY, IT DOES NOTHING TO GO TO THE MURDER TRIAL,

1 BECAUSE SHE WAS ALREADY DEAD PRIOR TO THE FIRE, AND IT'S
2 NOTHING BUT PREJUDICIAL. I MEAN, THE JURY WILL TAKE ONE
3 LOOK AT THAT AND, I MEAN, WE'LL HAVE EMOTION INVOLVED IN
4 THIS TRIAL INSTEAD OF JUST LOOKING AT THE FACTS. YOU
5 KNOW, ANY TESTIMONY AS TO THE CONDITION OF THE BODY THEY
6 CAN GET THROUGH WITNESS TESTIMONY. IT HAS NOTHING --
7 YOU KNOW, THE FIRE FIGHTERS, THE PATHOLOGISTS, ANY OF
8 THOSE PEOPLE. THEY DON'T NEED TO HAVE HORRIFIC PICTURES
9 IN THIS TRIAL.

10 THE COURT: WELL, I THINK ONE THING
11 THAT YOU SAID, THAT THE CAUSE OF DEATH IS TRAUMA OF
12 UNDETERMINED ORIGIN, AND THE STATE DOESN'T REALLY KNOW,
13 I THINK THE PICTURES EXPLAIN WHY THE STATE DOESN'T KNOW.
14 JUST LIKE MR. PASCOE SAID, THE EXTENT OF THE DAMAGE TO
15 THE BODY. SO, I OVERRULE YOUR OBJECTION AS TO
16 PHOTOGRAPH NUMBER SEVEN, THAT'S THE ONE ON THE POSTER.

17 NOW, MR. PASCOE, YOU'RE GOING TO
18 HAVE TO CONVINCE ME THAT YOU NEED THESE OTHER TWO.

19 SOLICITOR PASCOE: OKAY.

20 THE COURT: THEY ARE VERY
21 PREJUDICIAL, THEY ARE MORE INFLAMMATORY, CERTAINLY, I
22 MEAN, I THINK THE PHOTOGRAPH ON POSTER NUMBER SEVEN
23 SHOWS THE EXTENT OF THE DAMAGE, IT'S A PRETTY TELLING
24 PHOTOGRAPH IN ITSELF, AND RIGHT NOW I DON'T SEE WHERE
25 PHOTOGRAPHS EIGHTEEN AND NINETEEN ADD ANYTHING

1 SIGNIFICANT TO THAT.

2 SOLICITOR PASCOE: I BEG THE COURT'S
3 INDULGENCE.

4 THE COURT: SURE.

5 SOLICITOR PASCOE: AT THIS TIME,
6 YOUR HONOR, COULD I JUST AGREE NOT TO TRY TO PUT IN
7 EIGHTEEN AND NINETEEN, BUT THERE MAY BE SOME POINT
8 DURING THE TRIAL WHERE I MIGHT FIND WHERE IT COULD BE
9 RELEVANT TO A WITNESS'S TESTIMONY, AT WHICH TIME OUTSIDE
10 THE PRESENCE OF THE JURY I'LL BRING IT UP?

11 THE COURT: AT THIS TIME I DENY THE
12 DEFENSE'S MOTION AS TO THE PHOTOGRAPH ON EXHIBIT SEVEN,
13 EXHIBIT SEVEN BEING A POSTER WITH EIGHT PHOTOGRAPHS, AND
14 WE ARE SPECIFICALLY TALKING ABOUT THE OBJECTION TO THE
15 PHOTOGRAPH IN THE CENTER COLUMN, THE TOP PHOTOGRAPH IN
16 THE CENTER COLUMN. I DENY THE DEFENSE'S OBJECTION ON
17 THE GROUNDS I JUST STATED, I THINK IT'S NECESSARY TO
18 SHOW THE JURY EXACTLY WHAT HAPPENED HERE.

19 I GRANT THE DEFENSE'S MOTION AS TO
20 EXHIBITS EIGHTEEN AND NINETEEN. CERTAINLY, IF THE STATE
21 THINKS AT SOME POINT IN TIME THEY ARE FREE TO MAKE THAT
22 MOTION AGAIN AND I'LL BE GLAD TO HEAR THE DEFENSE ON IT
23 AT THAT TIME.

24 COURT REPORTER: I THINK THOSE ARE
25 EXHIBITS EIGHT AND NINE.

1 THE COURT: INSTEAD OF EIGHTEEN AND
2 NINETEEN?

3 COURT REPORTER: YES, SIR.

4 SOLICITOR PASCOE: ARE YOU SURE? I
5 THINK IT'S EIGHTEEN AND NINETEEN.

6 COURT REPORTER: WELL, OH, NO, I'M
7 SORRY.

8 SOLICITOR PASCOE: THAT'S EIGHTEEN
9 AND NINETEEN, YEAH, IT'S EIGHTEEN AND NINETEEN.

10 COURT REPORTER: OKAY, YOU'RE
11 CORRECT.

12 THE COURT: I'M REALLY HAPPY THAT
13 I'M NOT SEEING THINGS THAT AREN'T THERE. I KNOW I DON'T
14 SEE THINGS THAT ARE THERE SOMETIMES.

15 ANYTHING ELSE FROM THE DEFENSE?

16 MR. MELLARD: YES. THEY HAVE A
17 GENTLEMAN BY THE NAME OF SOLOMON YOUNG ON THE WITNESS
18 LIST. IF THEY PLAN TO CALL HIM WE'RE GOING TO NEED AT
19 SOME POINT MAYBE TO HAVE A COMPETENCY HEARING JUST TO
20 DETERMINE WHETHER OR NOT HE REALLY CAN TESTIFY. HE'S
21 KIND OF A, I DON'T KNOW HOW TO REALLY DESCRIBE THIS, BUT
22 WE WOULD NEED A COMPETENCY EXAMINATION, WE WOULD NEED TO
23 GO INTO THAT ISSUE OF COMPETENCY, YOUR HONOR.

24 THE COURT: DO YOU INTEND TO CALL
25 HIM, SOLICITOR?

1 SOLICITOR PASCOE: IF WE DO I
2 PROMISE TO LET THE DEFENSE KNOW.

3 THE COURT: ALRIGHT.

4 SOLICITOR PASCOE: AND THEN WE'LL DO
5 THAT.

6 THE COURT: ALRIGHT.

7 MR. MELLARD: OKAY. WE WOULD ALSO
8 MOVE IN LIMINE. THERE WAS, OBVIOUSLY, THERE'S A
9 POLYGRAPH EXAM. I DON'T THINK THEY'RE GOING TO TALK
10 ABOUT IT, BUT I'D JUST LIKE TO SAY THAT, YOU KNOW,
11 THAT'S NOT SOMETHING THAT WE NEED TO GO INTO. NOW, I --

12 THE COURT: YOU DO NOT INTEND TO GO
13 INTO THAT, ARE YOU, MR. PASCOE?

14 SOLICITOR PASCOE: NO, SIR.

15 THE COURT: YOU NEED TO TELL MR.
16 BELL NOT TO MENTION GOING TO COLUMBIA FOR SOME TESTS, ---

17 MR. MELLARD: YES, SIR.

18 THE COURT: --- BECAUSE THE JURY
19 MIGHT FIGURE OUT WHAT THAT IS, IS HE TESTIFIES, OF
20 COURSE.

21 MR. MELLARD: ALSO, I BELIEVE
22 THEY'RE PLANNING -- I DON'T KNOW IF THEY'RE GOING TO PUT
23 CERTAIN WITNESS STATEMENTS INTO EVIDENCE, BUT IF THEY DO
24 WE'D LIKE A CHANCE TO MAYBE LOOK AT THEM AHEAD OF TIME
25 AND REDACT OUT WHAT WE NEED TO REDACT OUT. I BELIEVE

1 JAMES GILMORE HAS SOME STUFF IN HIS STATEMENT WHAT ARE
2 OPINIONS. MY UNDERSTANDING IS, THEY'RE GOING TO GIVE
3 LIVE TESTIMONY AS TO HIM, BUT IF THEY DO TRY TO PUT IN
4 THAT STATEMENT WE'D LIKE A CHANCE TO REDACT.

5 THE COURT: ALRIGHT, SIR. WELL, I'M
6 SURE YOU'LL BE HEARD ON IT IF THEY ATTEMPT TO INTRODUCE
7 ANY STATEMENT.

8 MR. MELLARD: THERE'S A WESLEY
9 STALLINGS FROM GEORGIA. IF HE TESTIFIES WE WOULD ASK
10 THAT YOU LIMIT HIS TESTIMONY TO WHAT OCCURRED WITH A
11 FELLOW BY THE NAME OF HORACE RAINES. I BELIEVE HE'S,
12 HIS TESTIMONY IS THAT WESLEY STALLINGS MET WITH THIS
13 HORACE RAINES AND GOT SOME CLOTHING. HE ALSO DID OTHER
14 THINGS, HE MET WITH PEOPLE LIKE RED T, SUPREME TONE,
15 PEOPLE THAT HE CAN'T IDENTIFY, AND SUPPOSEDLY, THESE
16 PEOPLE GAVE ALL THESE STATEMENTS THAT MR. BELL ALLEGEDLY
17 SAID. THEY ARE TOTALLY HEARSAY, IT VIOLATES THE HEARSAY
18 RULE, AND WE'D ASK THAT THEY NOT GET INTO THAT
19 PARTICULAR LINE OF QUESTIONING.

20 THE COURT: MR. PASCOE.

21 SOLICITOR PASCOE: IF IT'S HEARSAY
22 I'M NOT, I'M PROBABLY NOT GOING TO GET INTO IT, YOUR
23 HONOR.

24 THE COURT: ALRIGHT.

25 MR. MELLARD: WE'D ALSO ASK THAT YOU

1 SEQUESTER THE WITNESSES IN THIS CASE. THIS IS A VERY
2 SERIOUS CASE.

3 THE COURT: ALRIGHT, WELL, YOU NEED
4 TO GO OVER WITH THE SOLICITOR WHICH WITNESSES
5 SPECIFICALLY YOU ARE REQUESTING THAT THEY SEQUESTER, AND
6 ANY THAT THE STATE OBJECTS TO SEQUESTERING I'LL BE GLAD
7 TO DEAL WITH THOSE FIRST THING IN THE MORNING.

8 MR. MELLARD: OKAY, WE'LL DO THAT,
9 YOUR HONOR.

10 THE COURT: I DON'T USUALLY
11 SEQUESTER PROFESSIONAL EXPERT WITNESSES OR POLICE
12 OFFICERS UNLESS THERE'S SOME REASON.

13 MR. MELLARD: YES, SIR.

14 THE COURT: SO, THAT'S THE REASON
15 Y'ALL NEED TO GO OVER THE LIST. IF YOU CAN'T AGREE I'LL
16 TAKE IT UP IN THE MORNING.

17 MR. MELLARD: AND I BELIEVE THAT'S
18 ALL WE HAVE AT THIS TIME.

19 THE COURT: ANYTHING ELSE FROM THE
20 STATE?

21 SOLICITOR PASCOE: NO, YOUR HONOR,
22 THANK YOU.

23 THE COURT: ALRIGHT, WE'LL BE IN
24 RECESS UNTIL NINE:THIRTY IN THE MORNING.

25 LET ME SEE YOU LAWYERS IN THE BACK

1 A MINUTE.

2 (Recess for the day)

3 DATE:

4 MARCH 13, 2006

5 THE COURT: ALRIGHT, SOLICITOR, YOU
6 MAY CALL YOUR CASE.

7 SOLICITOR PASCOE: THANK YOU, YOUR
8 HONOR. AT THIS TIME THE STATE CALLS THE CASE OF THE
9 STATE VERSUS WILLIE BELL FOR INDICTMENT NUMBER 2006-GS-
10 38-0751, FOR ONE COUNT OF MURDER.

11 THE COURT: ALRIGHT, SIR.

12 LADIES AND GENTLEMEN, AS YOU'VE
13 HEARD, THE STATE HAS CALLED A CASE AGAINST MR. WILLIE
14 BELL, JUNIOR. MR. WILLIE BELL IS CHARGED IN THIS
15 INDICTMENT WITH THE CRIME OF MURDER.

16 NOW, LADIES AND GENTLEMEN, THIS
17 INDICTMENT IS SIMPLY A PIECE OF PAPER DRAWN UP TO ADVISE
18 MR. BELL OF THE CHARGES HE'S FACING. IT'S NOT EVIDENCE
19 IN THIS CASE. TO THE CHARGES CONTAINED IN THIS
20 INDICTMENT MR. BELL HAS PLED NOT GUILTY. THAT PLACES
21 THE BURDEN ON THE STATE OF PROVING HIM GUILTY BEYOND A
22 REASONABLE DOUBT. A PERSON CHARGED WITH COMMITTING ANY
23 CRIMINAL OFFENSE IN SOUTH CAROLINA IS NEVER PRESUMED TO
24 BE INNOCENT -- I MEAN, HE'S NEVER PRESUMED TO BE GUILTY,
25 BUT ALWAYS PRESUMED TO BE INNOCENT, AND SO, AS HE SITS

1 IN THE COURTROOM TODAY HE'S PRESUMED INNOCENT, AND HE
2 HAS PLED NOT GUILTY TO THESE CHARGES.

3 I'M GOING TO READ YOU THESE CHARGES
4 SO THAT YOU WILL KNOW WHAT THE CASE IS ABOUT, AND THEN
5 I'M GOING TO ASK YOU SOME QUESTIONS. BOTH THE STATE AS
6 THE PROSECUTING AGENCY, AND THE DEFENSE IN THIS CASE IS
7 ENTITLED TO A FAIR AND IMPARTIAL JURY. AND WHAT WE MEAN
8 BY THAT IN THE LAW IS, A JURY WHICH CAN BASE ITS
9 DECISION IN THIS CASE BASED SOLELY ON THE TESTIMONY AND
10 THE EVIDENCE IN THIS CASE AND MY INSTRUCTIONS TO YOU ON
11 THE LAW. IT MEANS A JURY WHICH WOULD NOT BE INFLUENCED
12 BY SOMETHING THAT THEY KNOW OR SOME EXPERIENCE THAT THEY
13 MIGHT HAVE HAD OUTSIDE OF THIS COURTROOM OR SOME
14 OPINIONS THAT THEY HELD OR HOLD VERY STRONGLY WHICH
15 MIGHT INFLUENCE THAT VERDICT. AND SO, MY QUESTIONS ARE
16 ASKED JUST FOR THAT REASON, TO GET INFORMATION AND TO BE
17 SURE THAT BOTH THE STATE AND THE DEFENSE HAS A FAIR AND
18 IMPARTIAL JURY. SO, PLEASE UNDERSTAND THAT, AND AS I
19 ASK THESE QUESTIONS IF YOU WOULD PREFER NOT TO SPEAK
20 PUBLICLY PLEASE COME FORWARD AND SHARE THAT INFORMATION
21 WITH ME, BUT DO NOT HOLD BACK ANY INFORMATION WHICH
22 MIGHT BE REQUIRED BY ANY OF THE QUESTIONS THAT I'M GOING
23 TO ASK YOU.

24 LADIES AND GENTLEMEN, THE STATE
25 ALLEGES IN THIS INDICTMENT, NUMBER 2006-751, THAT WILLIE

1 BELL, JUNIOR, DID, IN ORANGEBURG COUNTY, ON OR ABOUT
2 MARCH EIGHTH OR NINTH, TWO THOUSAND AND SIX, KNOWINGLY
3 AND INTENTIONALLY KILL ANNA W. BELL WITH MALICE
4 AFORETHOUGHT, SUCH MALICE BEING EITHER EXPRESSED OR
5 IMPLIED. AND THIS OCCURRED IN VIOLATION OF THE LAW IN
6 SOUTH CAROLINA. AS I SAID, LADIES AND GENTLEMEN, MR.
7 BELL HAS PLED NOT GUILTY TO THE CHARGES IN THIS
8 INDICTMENT.

9 MR. BELL, WOULD YOU STAND, PLEASE,
10 AND FACE THE JURY SO THEY CAN IDENTIFY YOU?
11 (Whereupon, the defendant stands.)

12 THE COURT: LADIES AND GENTLEMEN,
13 THIS IS MR. WILLIE BELL, JUNIOR.

14 THANK YOU, SIR, YOU MAY BE SEATED.

15 IS THERE ANY MEMBER OF THE JURY
16 PANEL RELATED BY BLOOD, CONNECTED BY MARRIAGE, A CLOSE
17 PERSONAL FRIEND OF MR. WILLIE BELL, JUNIOR, OR IF YOU
18 KNOW MR. BELL PERSONALLY OR BY REPUTATION, IN ANY
19 CAPACITY WHATSOEVER, WOULD YOU PLEASE STAND?

20 (Negative response from jury panel.)

21 THE COURT: LADIES AND GENTLEMEN,
22 MR. BELL IS BEING REPRESENTED BY MR. DOUG MELLARD, MR.
23 MELLARD IS STANDING, AND MS. PEGGY HINDS, BOTH WITH THE
24 PUBLIC DEFENDER'S OFFICE.

25 THANK YOU, MR. MELLARD AND MS.

1 HINDS.

2 IS THERE ANY MEMBER OF THE JURY
3 PANEL RELATED BY BLOOD, CONNECTED BY MARRIAGE, A CLOSE
4 PERSONAL FRIEND, HAVE ANY KNOWLEDGE OR ACQUAINTANCE WITH
5 EITHER OF THESE ATTORNEYS OR ANY OF THE OTHER ATTORNEYS
6 IN THE PUBLIC DEFENDER'S OFFICE WHO I NAMED EARLIER?
7 WOULD YOU PLEASE STAND.

8 (Negative response from jury panel.)

9 THE COURT: LADIES AND GENTLEMEN,
10 THE CASE IS BEING PROSECUTED BY MR. PASCOE -- MR.
11 PASCOE, WOULD YOU STAND -- MR. ROB CLARIDAY WHO IS
12 SEATED NEXT TO HIM, TO HIS LEFT, AND MR. DON SORENSON,
13 WHO'S STANDING AT THIS TIME, ALL MEMBERS OF THE
14 SOLICITOR'S OFFICE HERE IN ORANGEBURG COUNTY.

15 THANK YOU, YOU MAY BE SEATED.

16 IS THERE ANY MEMBER OF THE JURY
17 PANEL RELATED BY BLOOD, CONNECTED BY MARRIAGE, CLOSE
18 PERSONAL FRIEND, HAVE ANY KNOWLEDGE OR ACQUAINTANCE WITH
19 EITHER OF THESE THREE SOLICITORS OR ANY OTHER MEMBERS OF
20 THE STAFF OF THE SOLICITOR'S OFFICE? IF SO, WOULD YOU
21 PLEASE STAND.

22 (Affirmative response from jury panel.)

23 THE COURT: YES, MA'AM, YOUR NAME,
24 PLEASE?

25 JUROR RAUCH: WANDA RAUCH.

1 THE COURT: MS. RAUCH.

2 JUROR RAUCH: MR. SORENSON
3 PROSECUTED THE GENTLEMAN WHO MURDERED MY SONS TWO YEARS
4 AGO.

5 THE COURT: ALRIGHT. AND WOULD THAT
6 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR TO
7 BOTH -

8 JUROR RAUCH: NO, SIR.

9 THE COURT: --- LET ME FINISH, FOR
10 BOTH THE STATE AND THE DEFENSE IN THIS CASE?

11 JUROR RAUCH: NO.

12 THE COURT: THANK YOU, MA'AM, YOU
13 ARE QUALIFIED TO SERVE. PLEASE REMEMBER THAT MS. WALKER
14 IS WRITING THIS DOWN AND WE TALK OVER EACH OTHER ALL THE
15 TIME BECAUSE WE CAN TALK AND LISTEN, BUT SHE CAN'T
16 LISTEN TO TWO PEOPLE, AND SO WE HAVE TO HELP HER THAT
17 MUCH, IT'S VERY DIFFICULT.

18 LADIES AND GENTLEMEN, MS. ANNA W.
19 BELL LIVED AT TWO TWENTY-TWO DOLOMITE ROAD, HOLLY HILL,
20 SOUTH CAROLINA, AND ON OR ABOUT SIX:THIRTY IN THE
21 MORNING OF MARCH THE NINTH, TWO THOUSAND AND SIX, HER
22 HOME WAS DISCOVERED ON FIRE. THE HOME WAS DESTROYED
23 COMPLETELY, AND AFTER THE FIRE WAS PUT OUT MRS. BELL'S
24 BODY WAS DISCOVERED IN THE RUINS OR WRECKAGE OF THAT
25 HOME, AND THAT IS WHAT HAS LED TO THE CHARGES AGAINST

1 MR. WILLIE BELL, JUNIOR, WHO I UNDERSTAND WAS MRS.
2 BELL'S, THE VICTIM'S GRANDSON. I DON'T, I'M SURE THAT
3 WHEN THIS HAPPENED THERE WAS SOMETHING IN THE NEWSPAPER
4 ABOUT IT. IT MIGHT HAVE BEEN ON T.V. OR RADIO, I REALLY
5 DON'T KNOW. BUT IF YOU HAVE ANY KNOWLEDGE ABOUT THIS
6 CASE FROM ANY SOURCE WHATSOEVER, WOULD YOU PLEASE STAND
7 AT THIS TIME. IF YOU LEARNED SOMETHING ABOUT IT WHEN IT
8 HAPPENED OR AT ANYTIME SINCE THEN I NEED TO KNOW.

9 (Affirmative response from jury panel.)

10 THE COURT: ALRIGHT. WE'LL START
11 OVER HERE ON THE FRONT ROW. YOUR NAME, PLEASE, SIR?

12 JUROR BRYANT: WILLIE BRYANT.

13 THE COURT: MR. BRYANT, HOW DID YOU
14 LEARN ABOUT THIS?

15 JUROR BRYANT: FROM THE NEWSPAPER,
16 AND I'M SOMEWHAT A PERSONAL FRIEND OF THE FAMILY.

17 THE COURT: ALRIGHT, WOULD THAT FACT
18 ALONE AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL
19 JUROR IN THIS CASE?

20 JUROR BRYANT: YES, SIR.

21 THE COURT: ALRIGHT, SIR, I'LL
22 EXCUSE YOU, MR. BRYANT, YOU CAN JUST REMAIN SEATED, BUT
23 I'LL EXCUSE YOU FROM SERVING ON THIS JURY.

24 YES, SIR, YOUR NAME, PLEASE?

25 JUROR DAVIS: I HEARD ABOUT IT ON

1 THE NEWS AND -

2 THE COURT: YOUR NAME, PLEASE?

3 JUROR DAVIS: OH, ONEAL DAVIS.

4 THE COURT: MR. DAVIS.

5 JUROR DAVIS: I HEARD ABOUT IT ON
6 THE NEWS, IN THE NEWSPAPER, AND I DON'T LIVE TOO FAR
7 FROM HOLLY HILL.

8 THE COURT: ALRIGHT. WOULD THAT
9 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN
10 THIS CASE?

11 JUROR DAVIS: NO, SIR.

12 THE COURT: CAN YOU PUT ASIDE
13 EVERYTHING THAT YOU READ IN THE NEWSPAPER AND BASE YOUR
14 DECISION SOLELY ON WHAT YOU HEAR IN THIS COURTROOM?

15 JUROR DAVIS: YES, SIR.

16 THE COURT: ALRIGHT, YOU'RE
17 QUALIFIED TO SERVE. THANK YOU, SIR.

18 YES, MA'AM, YOUR NAME?

19 JUROR ELLIS: NANCY ELLIS, I HEARD
20 IT FROM THE NEWSPAPER.

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

23 JUROR ELLIS: NO.

24 THE COURT: YOU CAN PUT ASIDE WHAT
25 YOU READ IN THE NEWSPAPER?

1 JUROR ELLIS: YES.

2 THE COURT: DO YOU REMEMBER WHAT YOU
3 READ? DON'T TELL ME, JUST TELL ME IF YOU DO REMEMBER OR
4 DON'T REMEMBER ANY DETAILS?

5 JUROR ELLIS: NOT REALLY, I JUST
6 REMEMBER READING IT.

7 THE COURT: ALRIGHT. BUT YOU CAN
8 PUT ASIDE THAT AND DECIDE THIS CASE SOLELY ON WHAT YOU
9 HEAR IN THE COURTROOM?

10 JUROR ELLIS: YES.

11 THE COURT: THANK YOU, MA'AM, YOU'RE
12 QUALIFIED.

13 YES, SIR, YOUR NAME, I BELIEVE, MR.
14 WASHINGTON?

15 JUROR WASHINGTON: YES. AND YOU
16 KNOW, I HEARD IT FROM PEOPLE AND THE NEWSPAPER AND ALL
17 THAT, TOO. I USED TO STAY IN HOLLY HILL.

18 THE COURT: ALRIGHT. SO, YOU'VE
19 HEARD PEOPLE DISCUSSING IT?

20 JUROR WASHINGTON: YES.

21 THE COURT: HAVE YOU TALKED ABOUT IT
22 YOURSELF WITH OTHER PEOPLE?

23 JUROR WASHINGTON: I GUESS I HAVE.

24 THE COURT: WOULD THAT AFFECT YOUR
25 ABILITY TO BE A FAIR AND IMPARTIAL JUROR?

1 JUROR WASHINGTON: IT MIGHT.

2 THE COURT: ALRIGHT, SIR, I
3 UNDERSTAND, I'LL EXCUSE YOU FROM SERVING ON THIS CASE,
4 BUT YOU NEED TO REMAIN WITH US, PLEASE, SIR.

5 YES, SIR, YOUR NAME?

6 JUROR ROBINSON: MELVIN ROBINSON.

7 THE COURT: MR. ROBINSON.

8 JUROR ROBINSON: I HEARD FROM THE
9 NEWS AND THE NEWSPAPER.

10 THE COURT: ALRIGHT. DO YOU HAVE
11 ANY PERSONAL KNOWLEDGE OF ANYTHING THAT OCCURRED?

12 JUROR ROBINSON: NO, SIR.

13 THE COURT: HAVE YOU HEARD PEOPLE
14 TALKING ABOUT IT?

15 JUROR ROBINSON: NO, SIR.

16 THE COURT: HAVE YOU FORMED ANY
17 OPINION ABOUT IT YOURSELF?

18 JUROR ROBINSON: NO, SIR.

19 THE COURT: CAN YOU PUT ASIDE WHAT
20 YOU READ IN THE NEWSPAPER AND BASED YOUR DECISION IN
21 THIS CASE SOLELY ON WHAT YOU HEAR IN THE COURTROOM?

22 JUROR ROBINSON: YES, SIR.

23 THE COURT: ALRIGHT, SIR, THANK YOU,
24 SIR, YOU'RE QUALIFIED TO SERVE. THANK YOU, SIR.

25 YES, MA'AM, YOUR NAME, PLEASE.

1 JUROR AVELSGAARD: BETTY AVELSGAARD.

2 THE COURT: YES, MA'AM.

3 JUROR AVELSGAARD: I REMEMBER
4 HEARING ABOUT IT ON THE NEWS AND READING IT IN THE
5 NEWSPAPER.

6 THE COURT: ALRIGHT. WOULD ANYTHING
7 THAT YOU READ INFLUENCE YOUR DECISION IN THIS CASE?

8 JUROR AVELSGAARD: NO, IT WOULD NOT.

9 THE COURT: CAN YOU PUT ASIDE THAT
10 AND BASE YOUR DECISION SOLELY ON WHAT YOU HEAR IN THE
11 COURTROOM?

12 JUROR AVELSGAARD: YES, SIR.

13 THE COURT: YOU'VE NOT FORMED ANY
14 OPINION ABOUT THE CASE?

15 JUROR AVELSGAARD: NO, SIR.

16 THE COURT: THANK YOU, MA'AM, YOU
17 ARE QUALIFIED TO SERVE.

18 YES, MA'AM, YOUR NAME?

19 JUROR SINGLETON: BETTY SINGLETON.

20 THE COURT: YES, MA'AM.

21 JUROR SINGLETON: I SAW AND HEARD IT
22 ON THE NEWS, AND READ IT IN THE NEWSPAPER.

23 THE COURT: ALRIGHT. AND WOULD
24 ANYTHING THAT YOU SAW OR HEARD INFLUENCE YOUR DECISION
25 IN THE CASE?

1 JUROR SINGLETON: NO, SIR.

2 THE COURT: HAVE YOU EVER DISCUSSED
3 IT WITH ANYONE?

4 JUROR SINGLETON: NO, SIR.

5 THE COURT: HAVE YOU FORMED ANY
6 OPINION ABOUT IT?

7 JUROR SINGLETON: NO, SIR.

8 THE COURT: AND YOU CAN PUT ASIDE
9 WHAT YOU SAW IN THE NEWSPAPER AND BASE YOUR DECISION
10 SOLELY ON WHAT YOU HEAR IN THE COURTROOM?

11 JUROR SINGLETON: YES, SIR.

12 THE COURT: THANK YOU, MA'AM, YOU'RE
13 QUALIFIED TO SERVE.

14 YES, SIR?

15 JUROR JOHNSON: RODNEY JOHNSON.

16 THE COURT: YES, SIR?

17 JUROR JOHNSON: THE NEWS.

18 THE COURT: ALRIGHT. AND WOULD THAT
19 FACT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL
20 JUROR IN THIS CASE?

21 JUROR JOHNSON: NO, SIR.

22 THE COURT: YOU CAN PUT THAT ASIDE
23 AND BASE YOUR DECISION SOLELY ON WHAT YOU HEAR IN THE
24 COURTROOM?

25 JUROR JOHNSON: YES, SIR.

1 THE COURT: ALRIGHT, THANK YOU, SIR,
2 YOU'RE QUALIFIED TO SERVE.

3 YES, MA'AM, YOUR NAME, PLEASE, IN
4 THE PINK?

5 JUROR CAPERS: OKAY. MIRIAM T.
6 CAPERS, AND I HEARD ABOUT IT ON THE NEWS AND READ IT IN
7 THE NEWSPAPER AS WELL.

8 THE COURT: ALRIGHT. AND WOULD
9 ANYTHING THAT YOU READ IN THE NEWSPAPERS INFLUENCE YOUR
10 DECISION IN THIS CASE?

11 JUROR CAPERS: NO, SIR.

12 THE COURT: HAVE YOU FORMED AN
13 OPINION ABOUT THE CASE?

14 JUROR CAPERS: NO, SIR.

15 THE COURT: CAN YOU PUT ASIDE WHAT
16 YOU HEARD OR READ ABOUT THE CASE AND BASE YOUR DECISION
17 SOLELY ON WHAT YOU HEAR IN THE COURTROOM?

18 JUROR CAPERS: YES, I CAN.

19 THE COURT: THANK YOU, MA'AM, YOU'RE
20 QUALIFIED TO SERVE.

21 YES, MA'AM, MS. RAUCH, I BELIEVE?

22 JUROR RAUCH: YES, SIR. I READ IT
23 IN THE NEWSPAPER.

24 THE COURT: ALRIGHT, AND WOULD
25 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR?

1 JUROR RAUCH: NO, SIR.

2 THE COURT: AND YOU CAN PUT THAT
3 ASIDE AND BASE YOUR DECISION SOLELY ON WHAT YOU HEAR IN
4 THE COURTROOM?

5 JUROR RAUCH: YES, SIR.

6 THE COURT: THANK YOU, MA'AM.

7 YES, MA'AM, YOUR NAME?

8 JUROR JENKINS: LAURA JENKINS.

9 THE COURT: MS. JENKINS, WHAT WAS
10 THE SOURCE OF YOUR INFORMATION?

11 JUROR JENKINS: I HEARD IT -

12 THE COURT: I CAN'T HEAR YOU, AND
13 THE COURT REPORTER CAN'T HEAR YOU. CAN YOU MOVE OVER A
14 LITTLE BIT?

15 JUROR JENKINS: I HEARD IT ON THE
16 NEWS AND OTHER PEOPLE TALKING ABOUT IT.

17 THE COURT: YOU HEARD PEOPLE TALKING
18 ABOUT IT?

19 JUROR JENKINS: YES, SIR.

20 THE COURT: HAVE YOU PARTICIPATED IN
21 ANY OF THOSE DISCUSSIONS WITH ANYBODY ABOUT IT?

22 JUROR JENKINS: NOT REALLY, NO.

23 THE COURT: HAVE YOU FORMED ANY
24 OPINION ABOUT IT?

25 JUROR JENKINS: SOMEWHAT.

1 THE COURT: ALRIGHT, I'LL EXCUSE YOU
2 FROM SERVING ON THIS CASE. THANK YOU, MA'AM, THANK YOU
3 FOR TELLING ME THAT, BUT JUST REMAIN WITH US.

4 YES, SIR, YOUR NAME?

5 JUROR HARRISON: JERMAINE HARRISON.

6 THE COURT: YES, SIR?

7 JUROR HARRISON: I'VE HEARD ABOUT
8 IT, AND SEEN IT ON THE NEWS, AND TALKED ABOUT IT
9 BRIEFLY.

10 THE COURT: YOU TALKED ABOUT IT WITH
11 OTHER PEOPLE?

12 JUROR HARRISON: YES, SIR, WITH
13 PEOPLE THAT I KNOW FROM THAT AREA.

14 THE COURT: ALRIGHT. HAVE YOU FORMED
15 ANY OPINION ABOUT THE CASE?

16 JUROR HARRISON: YES.

17 THE COURT: ALRIGHT, SIR, I'LL
18 EXCUSE YOU FROM SERVING ON THE CASE. THANK YOU VERY
19 MUCH.

20 ANYONE ELSE, LADIES AND GENTLEMEN?
21 (Negative response from jury panel.)

22 THE COURT: NOW, LADIES AND
23 GENTLEMEN, I'M GOING TO READ YOU THE NAMES OF SOME
24 INDIVIDUALS WHO MAY TESTIFY AS WITNESSES IN THIS CASE.
25 THERE ARE MORE THAN FORTY OF THEM. I DON'T KNOW IF ALL

1 OF THEM WILL TESTIFY OR NOT, BUT THEY ALL HAVE SOME
2 KNOWLEDGE ABOUT THIS CASE OR THEY WOULDN'T BE ON THIS
3 LIST AS PROSPECTIVE WITNESSES. IF THE WITNESSES ARE
4 PRESENT IN THE COURTROOM, AND MOST OF THEM ARE NOT GOING
5 TO BE BECAUSE THEY COULDN'T ALL TESTIFY HERE THIS
6 MORNING, BUT IF THEY ARE PRESENT IN THE COURTROOM I
7 WOULD ASK THOSE WITNESSES TO STAND WHEN I CALL THEIR
8 NAMES, AND I'LL CALL YOUR ATTENTION TO THAT IF I SEE ONE
9 STANDING, LADIES AND GENTLEMEN. WHEN I CALL THIS
10 INDIVIDUAL'S NAME IF YOU RECOGNIZE THIS PERSON OR IF YOU
11 THINK YOU MIGHT RECOGNIZE THIS PERSON PLEASE STAND AT
12 THAT TIME. PLEASE DO NOT WAIT UNTIL I HAVE ASKED ALL
13 FORTY SOMETHING NAMES, BECAUSE BY THAT TIME YOU WILL
14 HAVE FORGOTTEN WHOSE NAME IT IS THAT YOU MIGHT HAVE
15 RECOGNIZED. BUT IF YOU THINK YOU MIGHT KNOW THEM FROM
16 ANY SOURCE WOULD YOU PLEASE STAND WHEN I CALL THEIR
17 NAMES. FIRST, BERNARD HARRISON. EMMA DINGLE.

18 (Affirmative response from jury panel.)

19 THE COURT: YES, MA'AM, YOUR NAME,
20 PLEASE.

21 JUROR RANDOLPH: DAWN RANDOLPH.

22 THE COURT: MS. RANDOLPH, YOU KNOW
23 MS. DINGLE?

24 JUROR RANDOLPH: YES.

25 THE COURT: HOW DO YOU KNOW HER?

1 JUROR RANDOLPH: SHE'S MY FATHER'S
2 FRIEND.

3 THE COURT: ALRIGHT. AND WOULD THE
4 FACT, IF SHE'S A WITNESS IN THIS CASE; WOULD THAT AFFECT
5 YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS
6 CASE?

7 JUROR RANDOLPH: UH HUH.

8 THE COURT: IT WOULD? ALRIGHT, I'LL
9 EXCUSE YOU -- BUT BEFORE I DO THAT, WELL, YOU WON'T NEED
10 TO ANSWER ANY OTHER QUESTIONS, I'M EXCUSING YOU NOW,
11 BECAUSE YOU MIGHT KNOW THE NEXT PERSON I'M CALLING.

12 FIRST, ANYBODY ELSE ON MS. EMMA
13 DINGLE?

14 (Negative response from jury panel.)

15 THE COURT: ALRIGHT, THE NEXT
16 WITNESS IS GREGORY DINGLE. THIS IS MR. GREGORY DINGLE
17 STANDING -- TURN AROUND, PLEASE, SO THEY CAN IDENTIFY
18 YOU. THANK YOU, SIR.

19 HAZEL MIDDLETON, SENIOR. MR.
20 MIDDLETON IS STANDING. MR. MIDDLETON, YOU MIGHT HAVE TO
21 STEP OUT BEHIND THAT POST. I DON'T KNOW WHY THEY CAN'T
22 BUILD COURT HOUSES WITHOUT POSTS, BUT I'M NOT AN
23 ENGINEER AND I GUESS IT WOULD FALL ON OUR HEADS, SO WE
24 HAVE TO PUT UP WITH THEM.

25 (Affirmative response from jury panel.)

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

2 JUROR MIDDLETON: DEBORAH MIDDLETON,
3 I'M RELATED TO HAZEL.

4 THE COURT: ALRIGHT. AND IF MR.
5 MIDDLETON IS A WITNESS IN THIS CASE WOULD THAT INFLUENCE
6 YOU IN YOUR DECISION IN THIS CASE?

7 JUROR MIDDLETON: NO, SIR, IT
8 WOULDN'T.

9 THE COURT: IT WOULD NOT. YOU'RE NOT
10 INFLUENCED BY THE FACT THAT -- IT'S A DISTANT RELATION?

11 JUROR MIDDLETON: YES, IT IS.

12 THE COURT: THAT WOULDN'T INFLUENCE
13 YOU AT ALL?

14 JUROR MIDDLETON: NO, IT WOULDN'T.

15 THE COURT: THANK YOU, MA'AM, YOU
16 ARE QUALIFIED TO SERVE.

17 YES, SIR, MR. DAVIS, I BELIEVE, NEAL
18 DAVIS?

19 JUROR DAVIS: YES, SIR.

20 THE COURT: ALRIGHT, SIR.

21 JUROR DAVIS: I KNEW HIM, I GREW UP
22 WITH HIM AND I WENT TO SCHOOL WITH HIM AND EVERYTHING,
23 SO I KNOW HIM FOR A WHILE.

24 THE COURT: ALRIGHT. AND WOULD THE
25 FACT THAT YOU KNOW MR. MIDDLETON, WOULD THAT INFLUENCE

1 YOUR DECISION IN THIS CASE?

2 JUROR DAVIS: NO, SIR.

3 THE COURT: THANK YOU, SIR, YOU ARE
4 QUALIFIED TO SERVE.

5 FRANK COLTER. JAMES GILMORE, JUNIOR.
6 LOVESTA JAMES. SOLOMON YOUNG. MURIEL CAPERS. BERTHA
7 JACKSON. WALTER MYERS. JOE BRUNSON. JAMIE OR JAMES
8 SELLERS. LEON GOODWIN. HORACE RAINEY. KAREEM TAYLOR.
9 JANNIE SIMMONS. ANN WALLACE. HENRY JOHNSON. DR.
10 ROBERT RHAME. DR. JANICE ROSS. WALT TURNER. MR.
11 TURNER IS AN INVESTIGATOR FOR THE SOLICITOR'S OFFICE,
12 HE'S STANDING IN THE BACK. THANK YOU, MR. TURNER.

13 (Affirmative response from jury panel.)

14 THE COURT: YES, SIR, MR. WEEKS?

15 JUROR WEEKS: I HAD THE PLEASURE OF
16 TEACHING MR. TURNER MANY YEARS AGO.

17 THE COURT: WELL, I'LL TAKE IT THAT
18 YOU, IT WAS A PLEASURE AND YOU'RE NOT USING THAT
19 SARCASTICALLY. BUT WOULD THAT AFFECT YOUR ABILITY TO BE
20 A FAIR AND IMPARTIAL JUROR IN THIS CASE?

21 JUROR WEEKS: NO, SIR.

22 THE COURT: THANK YOU, SIR.

23 YES, SIR, YOUR NAME?

24 JUROR KENDRICK: MR. TURNER
25 INVESTIGATED AN ATTEMPTED BURGLARY AT MY HOUSE.

1 THE COURT: ALRIGHT, THANK YOU, SIR.

2 YOUR NAME?

3 JUROR KENDRICK: MIKE KENDRICK.

4 THE COURT: MR. KENDRICK, WOULD THAT

5 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN

6 THE CASE

7 JUROR KENDRICK: NO, SIR.

8 THE COURT: THANK YOU, SIR, YOU'RE

9 QUALIFIED TO SERVE.

10 ANYONE ELSE?

11 (Negative response from jury panel.)

12 THE COURT: DEPUTY WESLEY STALLINGS,

13 LADIES AND GENTLEMEN, FROM THE RICHLAND COUNTY, GEORGIA,

14 SHERIFF'S OFFICE. I THINK THAT'S AROUND AUGUSTA, DEPUTY

15 WESLEY STALLINGS, HE'S NOT HERE YET. STEPHEN SHULER

16 FROM THE EUTAWVILLE FIRE DEPARTMENT. MR. SHULER IS

17 STANDING TO YOUR LEFT. THANK YOU, MR. SHULER. GEORGE

18 BONNETTE, JUNIOR, OF THE ORANGEBURG COUNTY CORONER'S

19 OFFICE.

20 (Affirmative response from jury panel.)

21 THE COURT: YES, SIR, MR. WEEKS.

22 JUROR WEEKS: MR. BONNETTE AND I GO

23 TO CHURCH TOGETHER.

24 THE COURT: ALRIGHT. AND WOULD THAT

25 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN

1 THIS CASE?

2 JUROR WEEKS: NO, SIR.

3 THE COURT: THANK YOU, SIR.

4 LADIES AND GENTLEMEN, A CORRECTIONAL
5 OFFICER FROM THE ORANGEBURG-CALHOUN DETENTION CENTER,
6 VICTORIA BASKIN.

7 NOW, THE FOLLOWING WITNESSES ARE
8 MEMBERS OF THE ORANGEBURG COUNTY SHERIFF'S OFFICE:
9 DETECTIVE ROMAN RODRIGUEZ. DETECTIVE RODRIGUEZ IS
10 STANDING BEFORE YOU AT THIS TIME. THANK YOU, SIR.

11 (Affirmative response from jury panel.)

12 THE COURT: YES, SIR, YOUR NAME,
13 PLEASE.

14 JUROR DOUGLAS: JAMES DOUGLAS. HE'S
15 A FRIEND OF MINE.

16 THE COURT: WOULD THAT AFFECT YOUR
17 ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE,
18 SIR?

19 JUROR DOUGLAS: NO, SIR, IT WOULDN'T.

20 THE COURT: ALRIGHT, THANK YOU, SIR,
21 YOU ARE QUALIFIED TO SERVE.

22 DEPUTY A. R. STATEN. KEITH
23 BONNETTE. HE WAS FORMERLY WITH THE DEPARTMENT.
24 LIEUTENANT RHONDA BAMBERG. SERGEANT GERALD CARTER.
25 NOW, LADIES AND GENTLEMEN, THE FOLLOWING WITNESSES ARE

1 WITH THE STATE LAW ENFORCEMENT DIVISION, COMMONLY CALLED
2 SLED: SPECIAL AGENT MELISSA SKIPPER. SPECIAL AGENT
3 CRAIG COLLIER, SENIOR. MR. COLLIER IS STANDING BEFORE
4 YOU. STEWART ROBERTSON. ANDY WEIR. LIEUTENANT EMILY
5 RHINEHART. CAROL BROOKS. JANICE BRYSON. TIMOTHY
6 GRAMBOW. ALEX LAYTON. BROOKE REED. MARSHAL LEITZEL.
7 HUE TANG. ADRIENNE RILEY. SHEREE BROWN.

8 LADIES AND GENTLEMEN, HAS ANY MEMBER
9 OF THE JURY PANEL EVER BEEN EMPLOYED BY OR HAD A CLOSE
10 RELATIVE OR FRIEND EMPLOYED BY ANY LAW ENFORCEMENT
11 AGENCY? IF SO, I NEED YOU TO STAND. IF YOU OR A CLOSE
12 MEMBER OR FAMILY MEMBER OR FRIEND HAS BEEN EMPLOYED BY
13 ANY TYPE OF LAW ENFORCEMENT AGENCY.

14 (Affirmative response from jury panel.)

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

16 JUROR LIGHTFOOT: JOANN LIGHTFOOT.
17 MY EX-SON-IN-LAW IS A DEPUTY AT THE SHERIFF'S
18 DEPARTMENT.

19 THE COURT: BUT I DIDN'T CALL HIS
20 NAME?

21 JUROR LIGHTFOOT: NO, YOU DIDN'T.

22 THE COURT: ALRIGHT. WOULD THAT
23 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN
24 THIS CASE?

25 JUROR LIGHTFOOT: NO, IT WOULD NOT.

1 THE COURT: THANK YOU, MA'AM, YOU
2 ARE QUALIFIED TO SERVE.

3 YES, MA'AM?

4 JUROR CALIANESE: I HAVE THREE VERY
5 GOOD FRIENDS WHO ARE POLICE OFFICERS, AND MY SON-IN-LAW
6 IS A POLICE OFFICER.

7 THE COURT: CAROL CALIANESE. CAROL
8 CALIANESE.

9 THE COURT: ALRIGHT. AND ARE ANY OF
10 THOSE LOCAL?

11 JUROR CALIANESE: NO.

12 THE COURT: AND WOULD THAT FACT
13 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN
14 THIS CASE?

15 JUROR CALIANESE: IT COULD.

16 THE COURT: ALRIGHT, I'LL EXCUSE
17 YOU. THANK YOU.

18 YES, MA'AM. I SEE YOU JUST
19 REMEMBERED SOMETHING.

20 JUROR DAVIS: I KNOW A MAN WORKING
21 AS A DETECTIVE HERE, AND IT WOULD NOT.

22 THE COURT: ALRIGHT. AND -- BUT I
23 DIDN'T CALL HIS NAME?

24 JUROR DAVIS: NO.

25 THE COURT: SANDRA DAVIS.

1 JUROR DAVIS: ALRIGHT, MS. DAVIS,
2 THANK YOU.

3 YES, SIR, YOUR NAME, PLEASE?

4 JUROR ZEIGLER: DETECTIVE BECKY
5 WHITMAN, FROM ORANGEBURG. SHE WAS A, IS A PERSONAL
6 FRIEND, WAS A NEIGHBOR WHEN I FIRST GOT MARRIED.

7 THE COURT: ALRIGHT, SIR, AND YOUR
8 NAME?

9 JUROR ZEIGLER: MY NAME IS TIM
10 ZEIGLER.

11 THE COURT: MR. ZEIGLER, WOULD THAT
12 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN
13 THIS CASE?

14 JUROR ZEIGLER: NO, YOUR HONOR.

15 THE COURT: THANK YOU, SIR.

16 YES, SIR?

17 JUROR FULMER: RICHARD FULMER, MY
18 BROTHER-IN-LAW IS A POLICEMAN IN BAMBERG.

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

21 JUROR FULMER: NO, SIR.

22 THE COURT: THANK YOU, SIR.

23 YES, MA'AM, YOUR NAME?

24 JUROR AVELSGAARD: BETTY AVELSGAARD.
25 MY NEPHEW AND MY BROTHER-IN-LAW ARE BOTH POLICEMEN, BUT

1 THEY ARE IN CALIFORNIA.

2 THE COURT: ALRIGHT. AND WOULD THAT
3 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN
4 THIS CASE?

5 JUROR AVELSGAARD: NO, IT WOULD NOT.

6 THE COURT: THANK YOU, MA'AM.

7 YES, SIR, YOUR NAME?

8 JUROR WHITE: TREMAINE WHITE.

9 THE COURT: YES, SIR?

10 JUROR WHITE: NEPHEW OF EMANUEL
11 RANDOLPH. HE WAS AN OFFICER AT SOUTH CAROLINA STATE, BUT
12 IT WON'T AFFECT ME.

13 THE COURT: IT WOULD NOT AFFECT YOU?

14 JUROR WHITE: NO, SIR.

15 THE COURT: THANK YOU, SIR.

16 YES, SIR?

17 JUROR WILLIAMS: JAMES WILLIAMS. I
18 WAS AN OFFICER, I WAS A CAPTAIN, -- AND BOTH OF MY
19 DAUGHTERS ARE IN CORRECTIONS, TOO.

20 THE COURT: ALRIGHT. WOULD THAT
21 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN
22 THIS CASE?

23 JUROR WILLIAMS: IT PROBABLY WILL.

24 THE COURT: ALRIGHT, SIR, I'LL
25 EXCUSE YOU FROM SERVING IN THIS CASE. THANK YOU, SIR.

1 ANYONE ELSE?

2 (Negative response from jury panel.)

3 THE COURT: LADIES AND GENTLEMEN, I
4 ASK THE SAME QUESTION AS TO A PROSECUTING AGENCY. IF
5 YOU OR ANY CLOSE MEMBER OF YOUR FAMILY OR FRIEND HAS
6 EVER BEEN EMPLOYED BY OR WORKED CLOSELY WITH ANY
7 PROSECUTING AGENCY SUCH AS THE SOLICITOR'S OFFICE IN
8 THIS COUNTY OR ANY OTHER COUNTY, THE ATTORNEY GENERAL'S
9 OFFICE, A FEDERAL PROSECUTOR OR A MILITARY PROSECUTOR,
10 WOULD YOU PLEASE STAND?

11 (Affirmative response from jury panel.)

12 THE COURT: YES, SIR, YOUR NAME,
13 PLEASE?

14 JUROR COOK: CHUCK COOK.

15 THE COURT: YES, SIR.

16 JUROR COOK: MY FRIEND IS A
17 MAGISTRATE IN NORTH, I DON'T KNOW WHAT CATEGORY THAT
18 MIGHT FALL UNDER.

19 THE COURT: WELL, I'M GLAD YOU
20 MENTIONED THAT. WOULD THAT AFFECT YOUR ABILITY TO BE A
21 FAIR AND IMPARTIAL JUROR IN THIS CASE?

22 JUROR COOK: NO, SIR.

23 THE COURT: THANK YOU, SIR, YOU ARE
24 QUALIFIED.

25 HAS ANY MEMBER OF THE JURY PANEL OR

1 A CLOSE FAMILY FRIEND OR MEMBER -- FRIEND OR FAMILY
2 MEMBER EVER BEEN THE VICTIM OF A VIOLENT CRIME, SUCH AS
3 MURDER, ARMED ROBBERY, RAPE, A SERIOUS MATTER?

4 (Affirmative response from jury panel.)

5 THE COURT: YES, MA'AM, MS. RAUCH.

6 JUROR RAUCH: MY SON WAS MURDERED
7 TWO YEARS AGO, CHRISTMAS.

8 THE COURT: ALRIGHT. AND WOULD THAT
9 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN
10 THIS CASE?

11 JUROR RAUCH: NO, SIR.

12 THE COURT: THANK YOU, MA'AM, YOU'RE
13 QUALIFIED TO SERVE.

14 YES, MA'AM, YOUR NAME?

15 JUROR ELLIS: NANCY ELLIS. MY
16 SISTER-IN-LAW WAS MURDERED.

17 THE COURT: HOW LONG AGO?

18 JUROR ELLIS: ABOUT TWELVE YEARS
19 AGO.

20 THE COURT: AND WOULD THAT AFFECT
21 YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS
22 CASE?

23 JUROR ELLIS: IT MIGHT.

24 THE COURT: ALRIGHT, I'LL EXCUSE YOU
25 FROM SERVING. PLEASE REMAIN WITH US.

1 MS. RAUCH, I NEED TO ASK YOU, WAS
2 THAT IN THIS COUNTY?

3 JUROR RAUCH: YES, SIR.

4 THE COURT: AND IS THAT CASE STILL
5 PENDING?

6 JUROR RAUCH: NO, SIR.

7 THE COURT: ALRIGHT. IT'S BEEN
8 RESOLVED?

9 JUROR RAUCH: YES, SIR.

10 THE COURT: THANK YOU, MA'AM.

11 YES, MA'AM, YOUR NAME?

12 JUROR RANDOLPH: NORA RANDOLPH. I
13 HAD AN UNCLE KILLED IN CHICAGO.

14 THE COURT: ALRIGHT. IN CHICAGO.

15 HOW LONG AGO?

16 JUROR RANDOLPH: I DON'T KNOW HOW
17 LONG AGO.

18 THE COURT: ALRIGHT. WOULD THAT
19 FACT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL
20 JUROR IN THIS CASE?

21 JUROR RANDOLPH: UH HUH.

22 THE COURT: MA'AM?

23 JUROR RANDOLPH: YES.

24 THE COURT: ALRIGHT, I'LL EXCUSE YOU
25 FROM SERVING IN THIS CASE.

1 CLERK: SHE'S ALREADY EXCUSED, YOUR
2 HONOR.

3 THE COURT: OH. OKAY.
4 YES, SIR?

5 JUROR SHIVERS: NAYRONE SHIVERS.

6 THE COURT: YES, SIR?

7 JUROR SHIVERS: YES, I HAD A SISTER
8 AND TWO COUSINS THAT WERE MURDERED.

9 THE COURT: ALRIGHT. AND WOULD THAT
10 FACT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL
11 JUROR IN THIS CASE?

12 JUROR SHIVERS: NO, SIR.

13 THE COURT: THANK YOU, SIR.

14 YES, SIR, I BELIEVE IT'S MR.
15 WASHINGTON?

16 JUROR WHITE: WHITE.

17 THE COURT: MR. WHITE. ALRIGHT,
18 SIR.

19 JUROR WHITE: I HAVE SEVERAL FRIENDS
20 AND FAMILY THAT HAVE BEEN BURGLARIZED, OR SOMETHING
21 HAPPENED TO THEM IN THE LAST COUPLE OF MONTHS IN THIS
22 COUNTY.

23 THE COURT: ALRIGHT. WOULD THAT
24 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN
25 THIS CASE?

1 JUROR WHITE: YES, SIR.

2 THE COURT: ALRIGHT, I'LL EXCUSE YOU
3 ALSO.

4 ANYONE ELSE?

5 (Negative response from jury panel.)

6 THE COURT: HAS ANY MEMBER OF THE
7 JURY PANEL, OR A CLOSE FAMILY MEMBER OR FRIEND EVER BEEN
8 A MEMBER OF OR CONTRIBUTED TO ANY ORGANIZATION SUCH AS
9 MADD, SADD, CAVE, OR CADRE, WHICH HAS AS ITS GOAL THE
10 SUPPORT OF VICTIM'S RIGHTS OR LAW ENFORCEMENT? IF SO,
11 WOULD YOU PLEASE STAND. IF YOU OR A CLOSE FAMILY MEMBER
12 OR FRIEND HAS EVER BEEN A MEMBER OF OR CONTRIBUTED TO
13 ANY SUCH ORGANIZATION WOULD YOU PLEASE STAND.

14 (Negative response from jury panel.)

15 THE COURT: LADIES AND GENTLEMEN, AS
16 I TOLD YOU, THE CHARGE AGAINST MR. BELL IS MURDER. IF
17 THAT FACT ALONE WOULD AFFECT YOUR ABILITY TO BE A FAIR
18 AND IMPARTIAL JUROR IN THIS CASE, OR ANYTHING ELSE THAT
19 YOU'VE HEARD ABOUT THE FACTS IN THIS PARTICULAR CASE
20 WOULD AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL
21 JUROR FOR BOTH THE STATE AND THE DEFENSE, WOULD YOU
22 PLEASE STAND.

23 (Affirmative response from jury panel.)

24 THE COURT: YES, MA'AM?

25 JUROR LITTLE: COULD I COME UP?

1 THE COURT: YES, MA'AM, YOU MAY.

2 (Whereupon, a bench conference
3 is had with Juror Little out of the
4 hearing of the court reporter.)

5 THE COURT: HAS ANY MEMBER OF THE
6 JURY PANEL EVER RECEIVED ASSISTANCE FROM ANY TYPE OF
7 VICTIM'S ADVOCACY PROGRAM? IF SO, WOULD YOU PLEASE
8 STAND. PLEASE STAND.

9 (Affirmative response from jury panel.)

10 THE COURT: YES, MA'AM, MS. DAVIS,
11 YOU RECEIVED ASSISTANCE?

12 JUROR DAVIS: YES, FROM MR.
13 BONNETTE, AND I'M STILL RECEIVING IT.

14 THE COURT: ALRIGHT, AND WOULD THAT
15 FACT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL
16 JUROR IN THIS CASE?

17 JUROR DAVIS: NO, SIR.

18 THE COURT: THANK YOU, MA'AM, YOU
19 ARE QUALIFIED TO SERVE.

20 ALRIGHT, LADIES AND GENTLEMEN, IS
21 THERE ANY OTHER MEMBER OF THE JURY PANEL WHO NEEDS TO
22 SPEAK WITH ME PRIVATELY ABOUT ANY MATTER? IF SO, WOULD
23 YOU PLEASE COME FORWARD. COME FORWARD. IF IT MIGHT
24 INFLUENCE YOUR DECISION IN THIS CASE, WHETHER I HAVE
25 ASKED ABOUT IT, OR WHETHER IT'S SOMETHING I HAVE NOT

1 ASKED ABOUT, WOULD YOU PLEASE COME FORWARD.

2 (Whereupon, a bench conference
3 is had with Juror Johnson out of
4 the hearing of the court reporter.)

5 THE COURT: ALRIGHT, ANYONE ELSE?
6 ALRIGHT, ANYTHING ELSE FROM THE STATE?

7 SOLICITOR PASCOE: YES, YOUR HONOR,
8 I'D LIKE TO APPROACH WITH DEFENSE COUNSEL..

9 THE COURT: ALRIGHT.
10 (Whereupon, a bench conference
11 is had out of the hearing of
12 the court reporter.)

13 THE COURT: ANYTHING ELSE FROM THE
14 STATE?

15 SOLICITOR PASCOE: NO, YOUR HONOR,
16 THANK YOU.

17 THE COURT: ALRIGHT, HAVE YOU GOT
18 EVERYBODY?

19 CLERK: UH HUH.

20 THE COURT: WE'VE GOT ENOUGH, I'M
21 SURE.

22 ALRIGHT, ANYTHING ELSE FROM THE
23 STATE BEFORE WE SELECT A JURY?

24 SOLICITOR PASCOE: NO, YOUR HONOR.

25 THE COURT: ANYTHING FROM THE

1 DEFENSE?

2 MR. MELLARD: YOUR HONOR, THERE ARE
3 THE THREE THAT WE REQUESTED, NUMBER THIRTEEN, SEVENTEEN
4 AND NINETEEN, WHICH WERE NOT ASKED.

5 THE COURT: THAT'S RIGHT, I'M SORRY.
6 I WILL MAKE -- I HAD DECLINED TO ASK YOUR QUESTIONS
7 NUMBER THIRTEEN, SEVENTEEN AND NINETEEN, AND I WILL GIVE
8 MS. WALKER YOUR REQUESTS AT THIS TIME SO THAT IT WILL BE
9 NOTED IN THE RECORD.

10 (Court's Exhibit One
11 marked and filed.)

12 THE COURT: LADIES AND GENTLEMEN,
13 THIS IS THE METHOD THAT WE USE TO DRAW THE JURY. UNDER
14 OUR SYSTEM BOTH THE STATE AND THE DEFENSE HAVE A RIGHT
15 TO EXCUSE A CERTAIN NUMBER OF PEOPLE FROM SERVING ON THE
16 JURY. THEY CAN DO THIS FOR ANY REASON WHATSOEVER, THEY
17 DO NOT HAVE TO GIVE ANY REASON TO DO SO. AND SO, IN
18 JUST A FEW MINUTES THE CLERK, WHO HAS ALL OF YOUR NAMES
19 IN THIS LITTLE DRUM OVER HERE IN A LITTLE CAPSULE, WILL
20 TAKE OUT ONE NAME, OPEN THAT CAPSULE, AND SHE'LL READ
21 THAT NAME. IF THAT NAME IS YOURS I WOULD ASK THAT YOU
22 COME PLEASE AND STAND RIGHT AT THIS LITTLE SPEAKER
23 PLATFORM HERE, BUT THEN TURN AROUND AND FACE THE BACK
24 DOOR SO THE LAWYERS CAN GET ONE LAST LOOK AT YOU. I'M
25 SURE YOU'LL FEEL RATHER UNCOMFORTABLE, BUT IT WON'T LAST

1 VERY LONG, AND I TELL THE JURIES, I HAVE NEVER LOST A
2 JUROR, NEVER HAD ONE TO FAINT OR ANYTHING OF THAT
3 NATURE, IT'S JUST NOT THAT BAD. YOU CAN JUST KIND OF
4 CLOSE YOUR EYES AS TO WHAT'S GOING ON AROUND YOU. BUT
5 THAT'S THE WAY OUR SYSTEM WORKS. AND THE STATE WILL
6 STATE A POSITION, AND THEN THE DEFENSE. AND YOU MAY BE
7 SELECTED TO SERVE ON THIS JURY, YOU'LL BE ASKED TO SIT
8 IN THE JURY BOX, OR YOU MAY BE EXCUSED FOR SOME REASON
9 AND YOU CAN GO BACK AND HAVE A SEAT. DON'T BE OFFENDED
10 IF YOU'RE EXCUSED, I CAN NEVER FIGURE OUT USUALLY WHY
11 THEY'RE EXCUSING SOMEBODY, AND I DON'T WASTE MY TIME
12 TRYING. SO, I HOPE YOU WON'T BE BOTHERED BY THAT EITHER
13 WAY. BUT THAT'S HOW WE'LL PROCEED.

14 MR. PASCOE, ARE YOU READY?

15 SOLICITOR PASCOE: YES, YOUR HONOR.

16 THE COURT: MR. MELLARD?

17 MR. MELLARD: YES, SIR.

18 THE COURT: IS THE CLERK READY?

19 CLERK: YES, SIR.

20 THE COURT: THE STRIKES WILL BE FIVE

21 AND TEN. AND YOU MAY PROCEED.

22 CLERK: DOES THE STATE WAIVE THE
23 PRESENCE OF THE JURY BOX AND ALLOW THE CLERK TO DRAW?

24 SOLICITOR PASCOE: DO WE WAIVE IT?.

25 YES, MA'AM.

1 CLERK: DOES THE DEFENSE?

2 MR. MELLARD: WE DO.

3 CLERK: JUROR NUMBER ONE EIGHTY,
4 ALBERT WHITE.

5 THE COURT: ALRIGHT, MR. WHITE, YOU
6 CAN SHOW THEM HOW EASY THIS IS. JUST STAND RIGHT UP
7 THERE AND TURN AROUND AND LOOK AT THE BACK. COME UP
8 THIS WAY A LITTLE FARTHER.

9 CLERK: UP TO THIS PODIUM, MR.
10 WHITE.

11 THE COURT: THERE YOU GO, SO THE
12 LAWYERS CAN SEE YOU. GOOD, THAT'S GOOD. THANK YOU,
13 SIR.

14 CLERK: WE HAVE JUROR NUMBER ONE
15 EIGHTY, MR. WHITE, WHAT SAYS THE STATE?

16 SOLICITOR PASCOE: PLEASE PRESENT
17 MR. WHITE.

18 CLERK: WHAT SAYS THE DEFENSE?

19 MR. MELLARD: ONE MINUTE, SIR.

20 THE COURT: YES, SIR.

21 MR. MELLARD: PLEASE SEAT THIS
22 JUROR.

23 THE COURT: ALRIGHT, MR. WHITE, YOU
24 CAN HAVE A SEAT IN THE JURY BOX. THANK YOU, SIR.

25 CLERK: JUROR NUMBER ONE FORTY-

1 SEVEN, JASON SKINNER. WE HAVE JUROR NUMBER ONE FORTY-
2 SEVEN, MR. SKINNER, WHAT SAYS THE STATE?

3 SOLICITOR PASCOE: PLEASE PRESENT MR.
4 SKINNER.

5 CLERK: WHAT SAYS THE DEFENSE?

6 MR. MELLARD: PLEASE SEAT THIS JUROR.

7 CLERK: MR. SKINNER, PLEASE HAVE A
8 SEAT IN THE JURY BOX.

9 JUROR NUMBER FORTY-THREE, SANDRA
10 DAVIS. WE HAVE JUROR NUMBER FORTY-THREE, MS. DAVIS,
11 WHAT SAYS THE STATE?

12 SOLICITOR PASCOE: PLEASE PRESENT
13 MS. DAVIS.

14 CLERK: WHAT SAYS THE DEFENSE?

15 MR. MELLARD: PLEASE EXCUSE MS.
16 DAVIS.

17 CLERK: YOU'RE EXCUSED BY THE
18 DEFENSE.

19 JUROR NUMBER FIFTEEN, ABRAHAM
20 BLYTHER. WE HAVE JUROR NUMBER FIFTEEN, MR. BLYTHER,
21 WHAT SAYS THE STATE?

22 SOLICITOR PASCOE: PLEASE PRESENT
23 MR. BLYTHER.

24 CLERK: WHAT SAYS THE DEFENSE?

25 MR. MELLARD: PLEASE SEAT THE JUROR.

1 CLERK: HAVE A SEAT IN THE JURY BOX,
2 MR. BLYTHER.

3 JUROR NUMBER ONE FORTY-FIVE, CAROLYN
4 SIMPSON. WE HAVE JUROR NUMBER ONE FORTY-FIVE, MS.
5 SIMPSON, WHAT SAYS THE STATE?

6 SOLICITOR PASCOE: PLEASE PRESENT
7 MS. SIMPSON.

8 CLERK: WHAT SAYS THE DEFENSE?

9 MR. MELLARD: PLEASE SEAT THIS
10 JUROR.

11 CLERK: HAVE A SEAT IN THE JURY BOX,
12 MS. SIMPSON.

13 JUROR NUMBER EIGHTY-NINE, RODNEY
14 JOHNSON. WE HAVE JUROR NUMBER EIGHTY-NINE, MR. JOHNSON,
15 WHAT SAYS THE STATE?

16 SOLICITOR PASCOE: PLEASE PRESENT
17 MR. JOHNSON.

18 CLERK: WHAT SAYS THE DEFENSE?

19 MR. MELLARD: PLEASE EXCUSE MR.
20 JOHNSON.

21 CLERK: YOU'RE EXCUSED BY THE
22 DEFENSE.

23 JUROR NUMBER TWENTY-FOUR, CARRIE
24 BURKE. WE HAVE JUROR NUMBER TWENTY-FOUR, MS. BURKE,
25 WHAT SAYS THE STATE?

1 SOLICITOR PASCOE: PLEASE PRESENT

2 MS. BURKE.

3 CLERK: WHAT SAYS THE DEFENSE?

4 MR. MELLARD: PLEASE SEAT MS. BURKE.

5 CLERK: HAVE A SEAT IN THE JURY BOX,

6 MS. BURKE.

7 JUROR NUMBER THIRTY-EIGHT, CHARLES
8 COOK. WE HAVE JUROR NUMBER THIRTY-EIGHT, MR. COOK, WHAT
9 SAYS THE STATE?

10 SOLICITOR PASCOE: PLEASE PRESENT

11 MR. COOK.

12 CLERK: WHAT SAYS THE DEFENSE?

13 MR. MELLARD: PLEASE EXCUSE MR.

14 COOK.

15 CLERK: YOU'RE EXCUSED BY THE
16 DEFENSE.

17 JUROR NUMBER TWENTY, HARRY BRECHT.
18 WE HAVE JUROR NUMBER TWENTY, MR. BRECHT, WHAT SAYS THE
19 STATE?

20 SOLICITOR PASCOE: PLEASE PRESENT

21 MR. BRECHT.

22 CLERK: WHAT SAYS THE DEFENSE?

23 MR. MELLARD: PLEASE PRESENT MR.

24 BRECHT.

25 CLERK: HAVE A SEAT IN THE JURY BOX,

1 MR. BRECHT.

2 JUROR NUMBER ONE O EIGHT, CHARLES
3 MATHIS. WE HAVE JUROR NUMBER ONE O EIGHT, MR. MATHIS,
4 WHAT SAYS THE STATE?

5 SOLICITOR PASCOE: PLEASE PRESENT
6 MR. MATHIS.

7 CLERK: WHAT SAYS THE DEFENSE?
8 MR. MELLARD: PLEASE EXCUSE MR.
9 MATHIS.

10 CLERK: YOU'RE EXCUSED BY THE
11 DEFENSE.

12 JUROR NUMBER ONE SIXTY-ONE, MYRA
13 THOMAS. WE HAVE JUROR NUMBER ONE SIXTY-ONE, MS. THOMAS,
14 WHAT SAYS THE STATE?

15 SOLICITOR PASCOE: PLEASE PRESENT
16 MS. THOMAS.

17 CLERK: WHAT SAYS THE DEFENSE?
18 MR. MELLARD: PLEASE EXCUSE MS.
19 THOMAS.

20 CLERK: YOU'RE EXCUSED BY THE
21 DEFENSE.

22 JUROR NUMBER NINETY-EIGHT, MICHAEL
23 KENDRICK. WE HAVE JUROR NUMBER NINETY-EIGHT, MR.
24 KENDRICK, WHAT SAYS THE STATE?

25 SOLICITOR PASCOE: PLEASE PRESENT

1 MR. KENDRICK.

2 CLERK: WHAT SAYS THE DEFENSE?

3 MR. MELLARD: PLEASE EXCUSE MR.

4 KENDRICK.

5 CLERK: YOU'RE EXCUSED BY THE

6 DEFENSE.

7 JUROR NUMBER FORTY, KAMI CROOK. WE

8 HAVE JUROR NUMBER FORTY, MS. CROOK, WHAT SAYS THE STATE?

9 SOLICITOR PASCOE: PLEASE PRESENT

10 MS. CROOK.

11 CLERK: WHAT SAYS THE DEFENSE?

12 MR. MELLARD: PLEASE SEAT MS. CROOK.

13 CLERK: HAVE A SEAT IN THE JURY BOX.

14 JUROR NUMBER FORTY-FOUR, JAMES

15 DOUGLAS. WE HAVE JUROR NUMBER FORTY-FOUR, MR. DOUGLAS,

16 WHAT SAYS THE STATE?

17 SOLICITOR PASCOE: PLEASE PRESENT MR.

18 DOUGLAS.

19 CLERK: WHAT SAYS THE DEFENSE?

20 MR. MELLARD: PLEASE EXCUSE MR.

21 DOUGLAS.

22 CLERK: YOU'RE EXCUSED BY THE

23 DEFENSE.

24 THE COURT: WE HAVE ZERO AND SEVEN.

25 CLERK: JUROR NUMBER ONE ELEVEN,

1 DEBORAH MIDDLETON. WE HAVE JUROR NUMBER ONE ELEVEN, MS.

2 MIDDLETON, WHAT SAYS THE STATE?

3 SOLICITOR PASCOE: PLEASE PRESENT

4 MS. MIDDLETON.

5 CLERK: WHAT SAYS THE DEFENSE?

6 MR. MELLARD: ONE SECOND, YOUR

7 HONOR.

8 THE COURT: SURE.

9 MR. MELLARD: PLEASE SEAT THIS

10 JUROR.

11 CLERK: HAVE A SEAT IN THE JURY BOX,

12 MS. MIDDLETON.

13 JUROR NUMBER ONE FORTY-SIX, MINNIE

14 SINGLETON. WE HAVE JUROR NUMBER ONE FORTY-SIX, MS.

15 SINGLETON, WHAT SAYS THE STATE?

16 SOLICITOR PASCOE: PLEASE PRESENT

17 MS. SINGLETON.

18 CLERK: WHAT SAYS THE DEFENSE?

19 MR. MELLARD: PLEASE SEAT MS.

20 SINGLETON.

21 CLERK: HAVE A SEAT IN THE JURY BOX,

22 MS. SINGLETON.

23 JUROR NUMBER TWENTY-SEVEN, NICHOLAS

24 BUTLER. WE HAVE JUROR NUMBER TWENTY-SEVEN, MR. BUTLER,

25 WHAT SAYS THE STATE?

1 SOLICITOR PASCOE: PLEASE PRESENT

2 MR. BUTLER.

3 CLERK: WHAT SAYS THE DEFENSE?

4 MR. MELLARD: PLEASE SEAT MR.

5 BUTLER.

6 CLERK: HAVE A SEAT IN THE JURY

7 BOX, MR. BUTLER.

8 JUROR NUMBER NINE, SALLY BEARD. WE

9 HAVE JUROR NUMBER NINE, MS. BEARD, WHAT SAYS THE STATE?

10 SOLICITOR PASCOE: PLEASE PRESENT

11 MS. BEARD.

12 CLERK: WHAT SAYS THE DEFENSE?

13 MR. MELLARD: PLEASE SEAT MS. BEARD.

14 CLERK: HAVE A SEAT IN THE JURY BOX,

15 MS. BEARD.

16 JUROR NUMBER ONE TEN, SYLVIA

17 MELLARD. WE HAVE JUROR NUMBER ONE TEN, MS. MELLARD,

18 WHAT SAYS THE STATE?

19 SOLICITOR PASCOE: PLEASE PRESENT

20 MS. MELLARD.

21 CLERK: WHAT SAYS THE DEFENSE?

22 MR. MELLARD: PLEASE EXCUSE MS.

23 MELLARD.

24 CLERK: YOU'RE EXCUSED BY THE

25 DEFENSE.

1 JUROR NUMBER THREE, BETTY
2 AVELSGAARD. WE HAVE JUROR NUMBER THREE, MS. AVELSGAARD,
3 WHAT SAYS THE STATE?

4 SOLICITOR PASCOE: PLEASE PRESENT
5 MS. AVELSGAARD.

6 CLERK: WHAT SAYS THE DEFENSE?

7 MR. MELLARD: PLEASE EXCUSE THIS
8 JUROR.

9 CLERK: YOU'RE EXCUSED BY THE
10 DEFENSE.

11 JUROR NUMBER NINETY-THREE, PORTIA
12 JONES. WE HAVE JUROR NUMBER NINETY-THREE, MS. JONES,
13 WHAT SAYS THE STATE?

14 SOLICITOR PASCOE: PLEASE PRESENT
15 MS. JONES.

16 CLERK: WHAT SAYS THE DEFENSE?

17 MR. MELLARD: PLEASE SEAT MS. JONES.

18 CLERK: HAVE A SEAT IN THE JURY BOX,
19 MS. JONES.

20 THE COURT: ALRIGHT, LET'S GET TWO
21 ALTERNATES, PLEASE. THE STRIKES WILL BE ONE AND TWO FOR
22 EACH.

23 CLERK: JUROR NUMBER FIFTY-SIX,
24 RICHARD FULMER. WE HAVE JUROR NUMBER FIFTY-SIX, MR.
25 FULMER, WHAT SAYS THE STATE?

1 SOLICITOR PASCOE: PLEASE PRESENT

2 MR. FULMER.

3 CLERK: WHAT SAYS THE DEFENSE?

4 MR. MELLARD: YOU'RE EXCUSED BY THE
5 DEFENSE.

6 JUROR NUMBER ONE FIFTY-FOUR, VETA
7 SUGICK. WE HAVE JUROR NUMBER ONE FIFTY-FOUR, MS.
8 SUGICK, WHAT SAYS THE STATE?

9 SOLICITOR PASCOE: IS IT PRONOUNCED
10 MS. SUGICK? IS IT MS. SUGICK?

11 CLERK: YES.

12 SOLICITOR PASCOE: PLEASE PRESENT
13 MS. SUGICK.

14 CLERK: WHAT SAYS THE DEFENSE?

15 MR. MELLARD: PLEASE SEAT THIS JUROR.

16 CLERK: HAVE A SEAT IN THE JURY BOX,

17 MS. SUGICK.

18 JUROR NUMBER TWENTY-ONE, AZAVIEA
19 BROWN. WE HAVE JUROR NUMBER TWENTY-ONE, MS. BROWN, WHAT
20 SAYS THE STATE?

21 SOLICITOR PASCOE: PLEASE PRESENT

22 MS. BROWN.

23 CLERK: WHAT SAYS THE DEFENSE?

24 MR. MELLARD: PLEASE SEAT MS. BROWN.

25 CLERK: HAVE A SEAT IN THE JURY BOX,

1 MS. BROWN.

2 THE COURT: ANY MATTERS REGARDING
3 JURY SELECTION FROM THE STATE?

4 SOLICITOR PASCOE: I DON'T BELIEVE
5 SO, YOUR HONOR, COULD I HAVE ONE MINUTE, THOUGH?

6 THE COURT: YES, SIR.

7 SOLICITOR PASCOE: THANK YOU.
8 NOTHING FROM THE STATE, YOUR HONOR, THANK YOU.

9 THE COURT: FROM THE DEFENSE?

10 MR. MELLARD: NOTHING FROM US, YOUR
11 HONOR.

12 THE COURT: ALRIGHT. LADIES AND
13 GENTLEMEN, WE'RE GOING TO START THIS TRIAL IN ABOUT SIX
14 MINUTES, SO I'M GOING TO GIVE YOU A BRIEF BREAK TO
15 RETIRE TO YOUR JURY ROOM FOR JUST A MINUTE. PLEASE DO
16 NOT TALK ABOUT THIS CASE, AND I'LL EXPLAIN TO YOU WHY
17 WHEN YOU COME BACK OUT. DON'T SAY ANYTHING ABOUT THIS
18 CASE. PLEASE FOLLOW THE BAILIFF TO THE JURY ROOM AND IT
19 WILL BE JUST A FEW MINUTES BEFORE WE GET STARTED.

20 (Whereupon, the jury retires
21 to the jury room and the
22 following takes place out of
23 the presence of the jury.)

24 THE COURT: ANYTHING FROM THE STATE
25 BEFORE I BRING IN THE JURY?

1 SOLICITOR PASCOE: NO, YOUR HONOR.

2 THE COURT: FROM THE DEFENSE?

3 MR. MELLARD: NO, YOUR HONOR.

4 THE COURT: ALRIGHT. ARE YOU GOING
5 TO MAKE THE OPENING?

6 MS. HINDS: YES, SIR.

7 THE COURT: OKAY. BRING THEM IN,
8 PLEASE.

9 MA'AM, YOU HAVE A CAMERA. YOU KNOW
10 NOT TO PHOTOGRAPH THE JURY, DON'T YOU?

11 PHOTOGRAPHER: YES, YOUR HONOR.

12 THE COURT: ALRIGHT, GOOD. THANK
13 YOU, MA'AM. I KNOW MR. T AND D BACK THERE KNOWS THE
14 RULES.

15 (Whereupon, the jury
16 enters the courtroom.)

17 BAILIFF: YOUR HONOR, ALL OF THE
18 JURORS AND THE ALTERNATES ARE SEATED IN THE JURY BOX.

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

21 LADIES AND GENTLEMEN, IF YOU WILL
22 STAND AT THIS TIME THE CLERK WILL ADMINISTER TO YOU THE
23 JUROR'S OATH.

24 CLERK: PLEASE RAISE YOUR RIGHT
25 HAND.

1 (Whereupon, the jury is duly
2 sworn and impaneled.)

3 THE COURT: THANK YOU VERY MUCH, YOU
4 MAY BE SEATED.

5 LADIES AND GENTLEMEN, AS I TOLD YOU
6 EARLIER, YOU ARE THE JURORS IN THE CASE, YOU'RE TO
7 DECIDE THE FACTS IN THE CASE, YOU'RE TO DECIDE WHAT THE
8 TRUTH IS IN THE CASE. I'M THE JUDGE OF THE LAW, I
9 PRESIDE AND I RULE OVER EVIDENTIARY ISSUES AND THAT TYPE
10 OF THING. I CAN'T -- I MIGHT HAVE TO ASK YOU TO STEP
11 OUT TO THE JURY ROOM WHILE I TAKE UP A MATTER OF LAW
12 THAT DOESN'T CONCERN YOU. PLEASE DON'T BE OFFENDED IF I
13 DO THAT. WHEN YOU BEGIN YOUR DELIBERATIONS THAT'S
14 ENTIRELY YOUR RESPONSIBILITY.

15 I ASKED YOU NOT TO TALK ABOUT THE
16 CASE, AND I ASKED FOR SEVERAL REASONS: NUMBER ONE, AS
17 I TOLD YOU, YOU ARE TO BASE YOUR DECISION IN THIS CASE
18 BASED SOLELY ON THE TESTIMONY AND THE EVIDENCE THAT YOU
19 HEAR IN THIS COURTROOM AND NOTHING ELSE. IF YOU START
20 TALKING ABOUT THE CASE WITH SOMEONE OUT THERE ON THE
21 STREET OR WHEN YOU GO TO LUNCH YOU MIGHT FIND THEY KNOW
22 SOMETHING ABOUT THE CASE AND THEY WILL VOLUNTEER
23 SOMETHING TO YOU ABOUT THE CASE. WELL, THAT WOULD
24 DISQUALIFY YOU TO SERVE AS A JUROR BECAUSE YOU RECEIVED
25 SOME INFORMATION OUTSIDE OF THIS COURTROOM.

1 IN ADDITION, IF YOU START TALKING
2 ABOUT IT AMONG YOURSELVES YOU'LL START FORMING AN
3 OPINION, AND YOU'LL START MAKING UP YOUR MIND ABOUT THE
4 CASE. WELL, NOT ONLY ARE YOU LIMITED TO WHAT YOU HEAR
5 IN THE COURTROOM, BUT YOU ARE ALSO REQUIRED TO CONSIDER
6 EVERYTHING THAT YOU HEAR IN THE COURTROOM. THAT MEANS
7 THE FIRST WITNESS AS WELL AS THE LAST WITNESS, AND MY
8 INSTRUCTIONS TO YOU ON THE LAW. THAT WILL BE THE FINAL
9 THING THAT YOU WILL HEAR, MY INSTRUCTIONS ON THE LAW.
10 AND SO, IT'S VERY IMPORTANT THAT YOU NOT TALK ABOUT THE
11 CASE AMONG YOURSELVES OR WITH ANYONE ELSE, THAT YOU NOT
12 GO BACK AND GET ON THE INTERNET AND TRY TO FIND OUT
13 SOMETHING ABOUT THE CASE. YOU DON'T DEAL WITH THIS CASE
14 EXCEPT IN THE COURTROOM, THAT'S VERY IMPORTANT, PLEASE
15 REMEMBER THAT.

16 I ALSO TOLD YOU EARLIER THAT THE
17 STATE HAS THE BURDEN OF PROOF IN THIS CASE. THE
18 DEFENDANT HAS PLED NOT GUILTY, HE DOESN'T HAVE TO PROVE
19 A THING. THE STATE HAVING THE BURDEN OF PROOF, THEY GO
20 FIRST. AND THE FIRST THING THAT WE WILL HAVE IN THE
21 TRIAL STARTING IN JUST A FEW MINUTES WILL BE THE OPENING
22 STATEMENTS, AND THE ATTORNEYS WILL TELL YOU WHAT THEY
23 THINK THE FACTS ARE GOING TO SHOW, WHAT THEY THINK THE
24 EVIDENCE IS GOING TO BE IN THIS CASE. AND THEN WE'LL
25 PROBABLY RECESS FOR LUNCH. AFTER WE COME BACK FROM

1 LUNCH THE STATE WILL BEGIN TO PRESENT ITS CASE, AND THEY
2 WILL DO THAT BY CALLING WITNESSES, I'M SURE THEY'LL HAVE
3 EXHIBITS. I DON'T KNOW BUT VERY LITTLE MORE ABOUT THE
4 CASE THAN YOU DO AT THIS TIME, WE'LL LEARN ABOUT THIS
5 CASE TOGETHER. BUT THE STATE PUTS UP ITS CASE. THE
6 DEFENDANT, NOT HAVING ANY BURDEN OF PROOF, DOES NOT HAVE
7 TO TESTIFY, DOES NOT HAVE TO OFFER ANY WITNESSES. BUT
8 IF HE CHOOSES TO DO SO HE WOULD DO THAT AFTER THE STATE
9 RESTS, OR AFTER THE STATE FINISHES WITH THEIR TESTIMONY
10 AND THEIR WITNESSES.

11 ONCE YOU'VE HEARD ALL OF THE
12 TESTIMONY AND ALL OF THE EVIDENCE THAT YOU'RE GOING TO
13 HEAR IN THE CASE, THEN I'LL COME TO YOU -- WELL, THE
14 ATTORNEYS WILL COME BACK FIRST AND MAKE THEIR CLOSING
15 ARGUMENTS TO YOU. THEY'LL TRY TO PERSUADE YOU TO SEE
16 THE FACTS IN THE CASE IN FAVOR OF THEIR RESPECTIVE
17 POSITIONS, BECAUSE AS I SAID, YOU ARE THE JUDGE OF THE
18 FACTS, YOU DETERMINE WHAT THE TRUTH IS. THEN I WILL
19 CHARGE YOU ON THE LAW, I WILL TELL YOU WHAT THE LAW IS
20 IN SOUTH CAROLINA THAT MIGHT APPLY TO THIS CASE,
21 DEPENDING UPON WHAT YOU FIND THE FACTS TO BE IN THIS
22 CASE. AND THEN YOU CAN BEGIN YOUR DELIBERATIONS, BUT
23 NOT UNTIL THAT TIME.

24 SO, PLEASE GIVE THE ATTORNEYS YOUR
25 ATTENTION NOW AS THEY ADDRESS YOU, MR. PASCOE FIRST,

1 FOLLOWED BY MS. HINDS FOR THE DEFENSE, AND THEN AS I
2 SAID, WE WILL PROBABLY BREAK FOR LUNCH AND COME BACK A
3 LITTLE LATER.

4 IF YOU HAVE ANY QUESTIONS OR
5 PROBLEMS OR DIFFICULTIES ANYTIME DURING THIS TRIAL,
6 RAISE YOUR HAND OR CALL THEM TO THE ATTENTION OF THE
7 BAILIFF WHEN WE TAKE A BREAK AND WE'LL TRY TO ADDRESS
8 ANY NEED THAT YOU HAVE.

9 THANK YOU VERY MUCH FOR YOUR
10 COOPERATION.

11 MR. PASCOE.

12 SOLICITOR PASCOE: MAY IT PLEASE THE
13 COURT.

14 THE COURT: YES, SIR.

15 OPENING STATEMENT BY SOLICITOR PASCOE

16 MALICE -- A COLD, EVIL, MALIGNANT
17 HEART, A PERSON VOID OF SOCIAL RESPONSIBILITY. THESE
18 ARE THE ELEMENTS NECESSARY TO COMMIT MURDER. THE TRAITS
19 OF A MAN WHO NEEDED CRACK COCAINE SO BADLY THAT HE WOULD
20 KILL HIS OWN GRANDMOTHER. AND IN MARCH OF LAST YEAR
21 THAT WAS THE DEFINITION OF THAT MAN RIGHT THERE, THE
22 DEFENDANT, WILLIE BELL. SPECIFICALLY, AND AS YOU HEAR
23 FROM THE EVIDENCE, THAT WAS THE DEFINITION OF THAT MAN
24 ON MARCH EIGHTH AND NINTH OF TWO THOUSAND AND SIX, WHEN
25 HE KILLED HIS OWN GRANDMOTHER, SEVENTY-EIGHT YEAR OLD

1 ANNA BELL. HE MURDERED HER BY MEANS THAT HE THINKS ONLY
2 HE KNOWS ABOUT, BECAUSE SOME TIME AFTER THE KILLING HE
3 BURNED HER BODY BEYOND RECOGNITION. BUT FORTUNATELY,
4 OUR LAWS DON'T REWARD MURDERERS FOR TRYING TO DESTROY
5 AND CONCEAL EVIDENCE. AND YOUR JOB, LADIES AND
6 GENTLEMEN, IS NOT TO TELL US HOW THE DEFENDANT KILLED
7 MS. ANNA BELL, IT'S NOT TO EVEN TELL US WHY HE KILLED
8 MS. ANNA BELL, ALTHOUGH I SUBMIT, AT THE END OF THIS
9 CASE YOU'LL KNOW WHY. YOUR JOB IS JUST TO TELL US
10 WHETHER HE'S RESPONSIBLE OR NOT.

11 SEVENTY-EIGHT YEAR OLD ANNA BELL, A
12 FRIEND, A MOTHER, A GRANDMOTHER, MURDERED BY THE
13 DEFENDANT. AND I SUBMIT, WE'LL PROVE THAT THE DEFENDANT
14 DID IT, WE'LL PROVE THAT THE DEFENDANT DID IT BECAUSE HE
15 WANTED HER CAR TO GO ON A CRACK BINGE, AND MORE
16 IMPORTANTLY, WE'LL PROVE THAT THE DEFENDANT DID IT
17 BECAUSE AFTER HE BURNED HER BODY, BURNED HER HOUSE DOWN,
18 AFTER HE SOLD HER CAR IN ANOTHER STATE, HE THOUGHT HE'D
19 GET AWAY WITH THIS CRIME. BUT IN THIS CRIME OF
20 ISOLATION, AND THAT'S WHAT THIS IS, MURDER IS LIKE THIS,
21 THEY'RE NOT GOING TO HAPPEN IN FRONT OF WITNESSES,
22 THEY'RE NOT GOING TO CALL THEIR FRIENDS AND SAY, HEY,
23 COME SEE WHAT I'M DOING. BUT IN THIS CRIME OF ISOLATION
24 THE DEFENDANT LEFT BEHIND A TRAIL OF EVIDENCE AND A
25 TRAIL OF DECEIT AND BETRAYAL THAT LEAD DIRECTLY TO HIS

1 GUILT, HOLDING HIM RESPONSIBLE FOR THIS HORRENDOUS
2 MURDER.

3 LADIES AND GENTLEMEN, GOOD
4 AFTERNOON. AGAIN, MY NAME IS DAVID PASCOE, AND I'M THE
5 SOLICITOR FOR ORANGEBURG COUNTY. I'LL BE TRYING THIS
6 CASE THIS WEEK WITH MY DEPUTY SOLICITOR DON SORENSON,
7 AND MY ASSISTANT SOLICITOR ROB CLARIDAY. SOME OTHER
8 PEOPLE AT THE STATE'S TABLE ARE, FOR THIS WEEK WILL BE
9 LIEUTENANT CRAIG COLLIER, OF THE SOUTH CAROLINA LAW
10 ENFORCEMENT DIVISION, AND DEPUTY ROMAN RODRIGUEZ OF THE
11 ORANGEBURG COUNTY SHERIFF'S OFFICE. THEY ARE TWO OF THE
12 LEAD INVESTIGATORS IN THIS CASE. ALSO AT THE STATE'S
13 TABLE IS MY PERSONAL PARALEGAL, MS. JENNIFER JACQUES,
14 AND MR. GREG DINGLE, WHO IS ONE OF THE GRANDSONS OF THE
15 VICTIM, MS. ANNA BELL, IN THIS CASE. AND ON BEHALF OF
16 THEM, ON BEHALF OF THE STATE OF SOUTH CAROLINA, I WANT
17 TO THANK YOU FOR YOUR SERVICE, BECAUSE YOUR SERVICE IS
18 IMPORTANT.

19 TODAY IS NOT JUST THE DEFENDANT'S
20 DAY IN COURT BUT IT'S THE STATE'S, TOO. IT'S ANNA
21 BELL'S DAY IN COURT FINALLY. AND MOST IMPORTANT OF ALL,
22 IT'S YOUR DAY IN COURT TO TELL THE WORLD WHAT THE TRUTH
23 IS ABOUT THIS HORRENDOUS MURDER.

24 AS JUDGE WILLIAMS TOLD YOU, THE
25 DEFENDANT IS CHARGED WITH ONE COUNT OF MURDER. AND

1 MURDER, WHILE IT'S ONE OF THE MOST HEINOUS CRIMES A
2 PERSON CAN COMMIT, IT HAS ONE OF THE SHORTEST AND
3 SIMPLEST DEFINITIONS OF ANY CRIME ON OUR BOOKS. MURDER
4 IS DEFINED, VERY SIMPLY, AS THE UNLAWFUL KILLING OF
5 ANOTHER WITH MALICE AFORETHOUGHT, EITHER EXPRESSED OR
6 IMPLIED. THAT'S IT. THE UNLAWFUL KILLING OF ANOTHER
7 WITH MALICE AFORETHOUGHT.

8 THUS, TO HAVE MURDER ALL YOU HAVE TO
9 ESTABLISH IS MALICE. AND MALICE HAS A NUMBER OF
10 DEFINITIONS. IT'S A PERSON WITH A DEPRAVED, MALIGNANT
11 HEART, A PERSON VOID OF SOCIAL RESPONSIBILITY, RECKLESS
12 DISREGARD FOR THE WELFARE OF ANOTHER. MALICE HAS NO
13 TIME LIMIT, IT CAN HAPPEN AT THE BLINK OF AN EYE, THE
14 SNAP OF A FINGER, THAT FAST. THAT'S MURDER, THE
15 UNLAWFUL KILLING OF ANOTHER WITH MALICE AFORETHOUGHT.

16 AND AS THE JUDGE TOLD YOU, AS MR.
17 BELL SITS THERE, HE IS PRESUMED INNOCENT. BUT WITH
18 EVERY WITNESS THAT YOU GET TO HEAR FROM, AND WITH EVERY
19 PIECE OF EVIDENCE THAT YOU GET TO SEE, THAT IS OUR
20 OPPORTUNITY TO STRIP AWAY THAT PRESUMPTION OF INNOCENCE.
21 AND LADIES AND GENTLEMEN, WE'RE NOT GOING TO STRIP AWAY
22 THE DEFENDANT'S PRESUMPTION OF INNOCENCE WITH JUST ONE
23 PIECE OF EVIDENCE, BUT WITH ALL OF THE EVIDENCE PUT
24 TOGETHER, WHEN YOU SEE IT AS A TOTAL PICTURE.

25 THE STANDARD OF PROOF FOR WHICH THE

1 STATE MUST PROVE THE DEFENDANT'S GUILT IS JUST PROOF
2 BEYOND A REASONABLE DOUBT. THIS PHRASE MEANS EXACTLY AS
3 IT SOUNDS. IT'S NOT PROOF BEYOND ANY DOUBT OR PROOF
4 BEYOND ALL DOUBT, IT'S JUST PROOF BEYOND A REASONABLE
5 DOUBT. THE SIMPLE FACT OF THE MATTER IS, WE HAVE DOUBTS
6 ABOUT EVERYTHING IN THIS WORLD. SOME MAY DOUBT WHETHER
7 THE EARTH REVOLVES AROUND THE SUN. BUT YOU HAVE TO ASK
8 YOURSELF, IS IT REASONABLE? AND IN ESSENCE, WHAT PROOF
9 BEYOND A REASONABLE DOUBT MEANS IS, AFTER YOU'VE LOOKED
10 AT THE EVIDENCE, IF YOU ARE FIRMLY CONVINCED, JUST
11 FIRMLY CONVINCED OF THE DEFENDANT'S GUILT, YOU MUST FIND
12 HIM GUILTY. AND I SUBMIT, THE EVIDENCE WILL LEAVE YOU
13 MUCH, MUCH MORE THAN FIRMLY CONVINCED.

14 THE EVIDENCE WILL BE THAT SEVENTY-
15 EIGHT YEAR OLD ANNA BELL, WHO WAS USUALLY REFERRED TO AS
16 MS. AMIE BELL, MS. AMIE BELL LIVED OFF OF DOLEMITE ROAD
17 IN A FAIRLY SECLUDED PART OF HOLLY HILL HERE IN
18 ORANGEBURG COUNTY. MS. BELL WAS A VERY CARING PERSON,
19 SHE TOOK CARE OF A NUMBER OF PEOPLE, INCLUDING HER
20 THIRTY-SEVEN YEAR OLD GRANDSON, THE DEFENDANT, WILLIE
21 BELL. THE DEFENDANT LIVED IN A TRAILER JUST FEET BEHIND
22 HER HOUSE OFF OF DOLEMITE DRIVE, OR DOLEMITE ROAD. THE
23 EVIDENCE WILL BE THAT ON THE MORNING OF THURSDAY NIGHT,
24 AND THURSDAY, MARCH THE NINTH, THAT MORNING MS. BELL WAS
25 SUPPOSED TO GO ON A TRIP WITH SOME OTHER FAMILY MEMBERS

1 OUT OF TOWN, OUT OF STATE. SHE NEVER GOT THERE, BECAUSE
2 AT SIX:TWENTY-FIVE THAT THURSDAY MORNING A MR. HAZEL
3 MIDDLETON SAW THAT HER HOUSE WAS ON FIRE WHEN HE WAS
4 DRIVING TO WORK. THE FIRE DEPARTMENT GOT CALLED TO HER
5 HOUSE. THE HOUSE, BY SIX:THIRTY-SEVEN A.M., WAS ALREADY
6 FULLY ENGULFED WITH FLAMES. THEY WERE ABLE TO PUT THE
7 FIRE OUT, AND THE HOPE WAS THAT NOBODY WAS IN THE HOUSE.
8 AND THE REASON THEY HOPED AND THOUGHT THIS WAS THAT MS.
9 BELL'S VEHICLE, A RED FORD CONTOUR, WAS ALREADY GONE
10 FROM THE SCENE, THEY HAD HOPED THAT SHE HAD ALREADY GONE
11 ON HER TRIP. THAT HOPE TURNED INTO FEAR AND PANIC LATER
12 THAT MORNING, AFTER PUTTING THE FIRE OUT, AND THEY FOUND
13 A BODY IN THE BEDROOM. THEY FOUND A BODY IN THE BED.
14 THEY FOUND A BODY COMPLETELY FACE DOWN, I MEAN, HEAD AND
15 ALL, COMPLETELY FACE DOWN IN THE BED. IT WAS THE BODY
16 OF MS. AMIE BELL, BURNED BEYOND RECOGNITION. THE POLICE
17 IMMEDIATELY WANT TO KNOW TWO THINGS: WHERE IS HER RED
18 FOR CONTOUR THAT SHE DRIVES, AND WHERE IS THE DEFENDANT,
19 WILLIE BELL, BECAUSE HE WAS MISSING? AN AUTOPSY WAS
20 DONE ON MS. BELL'S BODY, AND EVEN THOUGH I SUBMIT THE
21 DEFENDANT TRIED TO DESTROY EVIDENCE, AND AS YOU'LL HEAR
22 SHE WAS BURNED SO BADLY YOU CAN'T TELL WHERE MOST OF HER
23 INJURIES WOULD HAVE OCCURRED, THE PATHOLOGIST WAS ABLE
24 TO DETERMINE THAT THIS WAS A HOMICIDE. AND SHE WAS ALSO
25 ABLE TO DETERMINE THAT THE FIRE HAD ABSOLUTELY NOTHING

1 TO DO WITH MS. BELL'S DEATH. ARSON EXPERTS WENT TO THE
2 VICTIM'S HOME THAT MORNING, THE MORNING OF THE FIRE, AND
3 NOT ONLY DID THEY DETERMINE THAT THE FIRE, OR THE HOUSE
4 WAS INTENTIONALLY SET ON FIRE, BUT THAT THE FIRE WAS SET
5 IN AND AROUND THE VICTIM'S BEDROOM. THE MORNING OF
6 MARCH THE NINTH, A BOLO, A SEARCH WAS PUT OUT FOR THOSE
7 TWO THINGS, THE VICTIM'S CARE, THE RED FORD CONTOUR, AND
8 THE DEFENDANT, WILLIE BELL. THEY WOULDN'T LOCATE -- THE
9 POLICE WOULDN'T LOCATE THE DEFENDANT FOR ANOTHER WEEK
10 BECAUSE HE NEVER RETURNED HOME, HE NEVER CAME BACK TO
11 HIS HOUSE. THE BREAK CAME, LADIES AND GENTLEMEN, ON THE
12 FOLLOWING TUESDAY - TUESDAY, MARCH THE FOURTEENTH, WHEN
13 THE POLICE LOCATED THE VICTIM'S CAR AT A MOTEL IN
14 AUGUSTA, GEORGIA. THE POLICE WOULD LEARN ON THAT
15 TUESDAY HOW THE DEFENDANT HAD BEEN ON A CRACK BINGE
16 SINCE MARCH THE NINTH. THEY ALSO LEARNED THAT THE
17 DEFENDANT HAD SOLD HIS GRANDMOTHER'S RED FORD CONTOUR TO
18 A DRUG DEALER AT THAT MOTEL IN AUGUSTA, GEORGIA. THE
19 POLICE ALSO LOCATED SOME CLOTHES THAT THEY BELIEVED WERE
20 DISCARDED AT THE MOTEL BY THE DEFENDANT, WILLIE BELL.
21 FINALLY, ON THURSDAY, MARCH THE SIXTEENTH, WHEN THE
22 POLICE HAD INFORMATION THAT THE DEFENDANT WAS BACK IN
23 ORANGEBURG BECAUSE A DRUG DEALER HAD GIVEN THE DEFENDANT
24 A RIDE BACK TO ORANGEBURG, ON THAT THURSDAY, MARCH
25 SIXTEENTH, THE POLICE LOCATED THE DEFENDANT IN ANOTHER

1 VEHICLE, AND THEY FINALLY CAPTURED THE DEFENDANT AFTER
2 A CAR CHASE. DEFENDANT WOULDN'T PULL OVER, IT WAS A CAR
3 CHASE, AND HE WAS FINALLY ARRESTED.

4 NOW, THIS IS JUST SOME, SOME OF THE
5 EVIDENCE THAT YOU'RE GOING TO HEAR ABOUT IN THIS CASE.
6 BECAUSE YOU'RE ALSO GOING TO HEAR, FOR EXAMPLE, ABOUT
7 HOW AFTER THEY ARRESTED THE DEFENDANT ON THAT THURSDAY,
8 MARCH SIXTEENTH, THEY READ HIM HIS RIGHTS, AFTER THE
9 DEFENDANT WAS READ HIS RIGHTS ONE OF THE FIRST
10 STATEMENTS HE MAKES IS, I DIDN'T STAB MY MAMA, IS HOW HE
11 REFERRED TO HIS GRANDMOTHER, THAT HE DIDN'T STAB HIS
12 GRANDMOTHER. NOW, THIS IS SIGNIFICANT, LADIES AND
13 GENTLEMEN, BECAUSE THE POLICE, ON THURSDAY, MARCH
14 SIXTEENTH, AS YOU'LL HEAR, THEY DIDN'T KNOW ANYTHING
15 ABOUT A STABBING. ALL THEY KNOW IS THAT THEY HAD A
16 BURNED BODY. THEY DIDN'T KNOW ANYTHING ABOUT A
17 STABBING. IT WAS SO SIGNIFICANT THAT ONE OF THE
18 OFFICERS IN THE ROOM CALLED THE PATHOLOGIST RIGHT AFTER
19 THAT STATEMENT, MOMENTS AFTER THAT STATEMENT, AND YOU'LL
20 HEAR, THE PATHOLOGIST WILL TESTIFY TO THIS, THAT EVEN
21 THOUGH MS. BELL'S BODY WAS SO BADLY BURNED THAT SHE
22 CAN'T TELL WHERE SHE MAY HAVE BEEN STABBED ON MOST OF
23 HER BODY, THAT THERE IS ONE PLACE IN HER BACK, ONE PLACE
24 IN HER BACK WHERE MS. BELL HAS A STAB WOUND.

25 YOU'RE ALSO GOING TO HEAR ABOUT

1 THOSE CLOTHES THAT THE POLICE BELIEVE WERE DISCARDED BY
2 THE DEFENDANT AT THE MOTEL IN AUGUSTA, GEORGIA, THAT NOT
3 ONLY DO THOSE CLOTHES HAVE DNA ON THEM CONSISTENT WITH
4 THE DEFENDANT'S, WHICH IS WHAT YOU WOULD EXPECT IF
5 SOMEBODY WEARS CLOTHES THAT MAYBE THEIR SKIN CELLS WILL
6 BE ON THE CLOTHING, BUT THE VICTIM'S BLOOD, A DROP OF
7 THE VICTIM'S BLOOD IS ON ONE OF THE PANTS LEGS TO THE
8 SWEAT PANTS ON THOSE CLOTHES THROWN AWAY IN GEORGIA.
9 AND AGAIN, THIS IS JUST SOME OF THE EVIDENCE THAT YOU'RE
10 GOING TO HEAR ABOUT IN THIS CASE, AS YOU SEE HOW THE
11 DIRECT EVIDENCE AND THE CIRCUMSTANTIAL EVIDENCE COME
12 TOGETHER AND PROVE THE DEFENDANT'S GUILT BEYOND A
13 REASONABLE DOUBT.

14 IN CLOSING, I WANT TO THANK YOU
15 AGAIN FOR YOUR SERVICE. AND IF I COULD I WANT TO THROW
16 JUST ONE LAST THING OUT AT YOU, WHICH IS THAT WHILE
17 THERE ARE NO CLASSES ON HOW TO BE A GOOD JUROR, I
18 SUBMIT, EACH AND EVERY ONE OF YOU HAVE BEEN TRAINING FOR
19 THIS JOB YOUR ENTIRE LIFE. SOME OF YOU HAVE BEEN
20 TRAINING AS TEACHERS, AS EQUIPMENT OPERATORS, AS
21 PARENTS, AND IT'S THIS DIVERSITY OF EXPERIENCE YOU'RE
22 ASKED TO BRING TOGETHER, USE YOUR COMMON SENSE. AND
23 THAT'S WHAT, THE GREAT THING ABOUT A JURY SYSTEM IS, IS
24 THAT WE RELY ON YOUR COMMON SENSE TO RENDER A VERDICT.
25 VERDICT COMES FROM THE LATIN WORD, VERE DICTO, IT MEANS

1 TO SPEAK THE TRUTH. ALL I'M ASKING YOU IS THAT YOU TELL
2 US WHAT THE TRUTH IS ABOUT MARCH EIGHTH AND MARCH NINTH
3 OF TWO THOUSAND AND SIX, AND I SUBMIT IF YOU DO THAT THE
4 ONLY TRUTHFUL VERDICT YOU CAN RENDER IS THAT THE
5 DEFENDANT, WILLIE BELL, IS GUILTY OF MURDER.

6 THANK YOU.

7 THE COURT: THANK YOU, SIR.

8 MS. HINDS.

9 MS. HINDS: THANK YOU, YOUR HONOR.

10 OPENING STATEMENT BY MS. HINDS

11 AS YOU'VE HEARD, I'M PEGGY HINDS,
12 AND THIS IS DOUG MELLARD, AND THIS IS WILLIE BELL, WHO
13 WE REPRESENT HERE THIS MORNING.

14 I AGREE WITH THE SOLICITOR ABOUT ONE
15 POINT, HE SITS THERE RIGHT NOW AN INNOCENT MAN. HE'S
16 ACCUSED OF A CRIME THAT HE DID NOT COMMIT. WILLIE BELL
17 SITS THERE AN INNOCENT MAN ACCUSED OF A CRIME THAT HE
18 DID NOT COMMIT.

19 ANYTIME SOMEBODY IS WRONGLY,
20 FALSELY, UNJUSTLY ACCUSED, IT'S WRONG. BUT IN THIS CASE
21 IT'S A COMPOUNDED TRAGEDY, BECAUSE AS YOU HAVE HEARD,
22 MR. BELL IS ACCUSED OF KILLING HIS GRANDMOTHER, THE
23 GRANDMOTHER WHO RAISED HIM, THE GRANDMOTHER WHO, FOR ALL
24 INTENTS AND PURPOSES, WAS HIS MAMA. SHE RAISED HIM FROM
25 THE TIME HE WAS LITTLE. IN FACT, HE DIDN'T REFER TO HER

1 AS GRANDMOTHER, NOT NANA, NO MEMAW, HE REFERRED TO HER
2 AS MAMA.

3 WHAT YOU'RE GOING TO HEAR IN
4 TESTIMONY IS ALSO THAT SHE WAS HIS HEART, AS WELL AS THE
5 HEART OF THAT FAMILY.

6 NOW, THE JUDGE HAS EXPLAINED TO YOU
7 THAT AN INDICTMENT IS NOT EVIDENCE, IT'S JUST A PIECE OF
8 PAPER THAT'S MAKING AN ACCUSATION. AN ACCUSATION DOES
9 NOT MEAN GUILT. JUST BECAUSE SOMEBODY IS ACCUSED OF
10 SOMETHING DOES NOT MEAN THEY'RE GUILTY. WHAT I WILL
11 TELL YOU, AND WHAT WE CAN ALL AGREE ON HERE THIS MORNING
12 IS THAT THE ACCUSATION THAT THEY'VE MADE AGAINST MR.
13 BELL IS TERRIBLE. TO BE ACCUSED OF A MURDER, AND TO BE
14 ACCUSED OF THE MURDER OF A FAMILY MEMBER IS HORRIBLE.
15 BUT I ASK YOU TO REMEMBER NOT TO CONFUSE THE SERIOUSNESS
16 AND THE HORRIBLNESS OF THE CRIME WITH GUILT, BECAUSE
17 THE STATE MUST PROVE TO YOU BEYOND A REASONABLE DOUBT,
18 AND THAT'S EACH AND EVERY ONE OF YOU, NOT ONE OF YOU,
19 TWO OF YOU, SEVEN OF YOU, THE STATE'S GOT TO CONVINCE
20 ALL OF YOU THAT WILLIE BELL COMMITTED THE ACTS THAT
21 THEY'RE SAYING THAT HE DID. I TELL YOU, OR I SUBMIT TO
22 YOU THAT THE STATE'S NOT GOING TO BE ABLE TO DO SO, NOT
23 WITH WHAT THEY'RE WANTING TO PRESENT TO YOU.

24 THIS IS A CASE THAT'S GOING TO RELY
25 HEAVILY ON CIRCUMSTANTIAL EVIDENCE. THEY ARE NOT GOING

1 TO PRODUCE, AS YOU'VE HEARD, ANY WITNESS WHO SAW MR.
2 BELL HARM HIS GRANDMOTHER IN ANY WAY. THEY ARE NOT
3 GOING TO PRODUCE A WITNESS SHOWING THAT HE SET THE FIRE.
4 RATHER, THEY'RE GOING TO BE ASKING YOU TO MAKE LEAPS OF
5 FAITH, BASICALLY, TO JUMP TO CONCLUSIONS ABOUT WHAT
6 HAPPENED ON MARCH EIGHTH AND NINTH. I WANT YOU TO
7 LISTEN TO THE STATE'S EXPLANATION, THEIR STORY, AND ASK
8 YOURSELVES, WHY WOULD WILLIE BELL DO THIS, WHAT WOULD HE
9 POSSIBLY HAVE TO GAIN BY DOING THIS? WHAT POSSIBLE
10 REASON WOULD HE HAVE TO KILL HIS MAMA, HIS HEART?

11 THE TESTIMONY WILL BE THAT WILLIE
12 LIVED BEHIND HIS MAMA IN A TRAILER JUST A FEW FEET AWAY,
13 AS THE SOLICITOR STATED. HE WAS A FREQUENT GUEST AT HIS
14 MAMA'S. WHY WOULD HE GO THERE? HE WOULD GO THERE
15 BECAUSE BASICALLY HIS MAMA TOOK CARE OF HIM. HIS MAMA
16 COOKED FOR HIM, HIS MAMA CLEANED FOR HIM, HIS MAMA
17 BOUGHT HIM CLOTHES, AND YOU WILL HEAR TESTIMONY THAT HIS
18 MAMA GAVE HIM MONEY ALL THE TIME. HE DIDN'T NEED TO
19 KILL HER. AS A MATTER OF FACT, WHAT POSSIBLE REASON
20 WOULD HE HAVE FOR KILLING HER? YOU WILL HEAR TESTIMONY
21 THAT SHE ALSO INDULGED HIM WHEN HE BORROWED THE CAR. ON
22 THE NIGHT BEFORE HER BODY WAS DISCOVERED MS. BELL WAS
23 PLANNING ON TAKING A TRIP THE NEXT DAY. AS A MATTER OF
24 FACT SHE WAS ON HER WAY TO A FUNERAL, BECAUSE SHE WAS A
25 CARING PERSON AND NEEDED TO BE WITH OTHER RELATIVES.

1 WELL, WHAT WAS SHE DOING THE NIGHT BEFORE THAT TRIP?
2 SHE WAS COOKING, SHE WAS HOME COOKING. SHE WAS COOKING
3 FOR WILLIE. SHE WAS COOKING WILLIE'S FAVORITE DINNER,
4 BEANS AND RICE, SO THAT HE WOULD BE WELL FED AND TAKEN
5 CARE OF WHILE SHE WAS GONE. DOES THAT SOUND LIKE THE
6 KIND OF RELATIONSHIP WHERE WILLIE WOULD KILL HIS MAMA?
7 WHAT POSSIBLE REASON?

8 NOW, THE STATE WILL TELL YOU THAT
9 THEY DON'T HAVE TO HAVE A MOTIVE, SO THEY'RE GOING TO
10 SUPPLY SOME REASONS WHY THEY THINK YOU SHOULD BELIEVE
11 THAT WILLIE DID THIS, BUT I WANT YOU TO USE YOUR COMMON
12 SENSE, JUST AS THE SOLICITOR STATED. WHY WOULD WILLIE
13 BELL KILL THE ONE PERSON IN THIS WORLD WHO PUT UP WITH
14 HIS FAULTS, WHO PUT UP WITH HIS SHORT COMINGS, WHO TOOK
15 CARE OF HIM, WHO COOKED FOR HIM, FED HIM, CLOTHED HIM,
16 WAS ALWAYS THERE FOR HIM, AND GAVE HIM MONEY WHENEVER HE
17 ASKED FOR IT? YOU'RE GOING TO HEAR TESTIMONY FROM OTHER
18 FAMILY MEMBERS, LADIES AND GENTLEMEN, FAMILY MEMBERS WHO
19 QUITE HONESTLY WERE REAL TIRED OF WILLIE AND HIS
20 ACTIONS, THOUGHT HE NEEDED TO GROW UP SOME MORE. THEY
21 WERE TIRED OF SOME OF HIS SO CALLED FRIENDS COMING TO
22 THE HOUSE TRYING TO CON MAMA OUT OF MONEY. THEY WERE
23 TIRED OF HIM BORROWING THE CAR. YOU'RE GOING TO HEAR
24 TESTIMONY FROM JANNIE SIMMONS, THAT'S MR. BELL'S AUNT
25 AND MS. BELL'S DAUGHTER, YOU'RE GOING TO HEAR TESTIMONY

1 THAT SHE WAS THE ONE THAT ACTUALLY BOUGHT THAT CAR FOR
2 MS. BELL, AND SHE DIDN'T LIKE WILLIE TAKING IT, SHE WAS
3 TIRED OF WILLIE TAKING IT. HE HAD TAKEN THAT CAR SO
4 MANY TIMES, AND SHE HAD WARNED HIM IF HE TOOK IT AGAIN
5 SHE WAS GOING TO REPORT IT STOLEN BECAUSE SHE DIDN'T
6 WANT HIM TAKING THE CAR. IT WAS WELL KNOWN IN THE FAMILY
7 THAT WILLIE TOOK THAT CAR ALL THE TIME.

8 NOW, LET'S TALK ABOUT WHAT THE STATE
9 IS GOING TO SHOW YOU AND WHAT THEY'RE NOT GOING TO SHOW
10 YOU, BECAUSE WHAT THEY DON'T PROVIDE FOR YOU IS GOING TO
11 BE VERY IMPORTANT IN THIS CASE. THEY'RE NOT GOING TO BE
12 ABLE TO PROVIDE YOU EVEN BASIC INFORMATION. THEY CAN'T
13 TELL YOU WHEN SHE DIED, THEY CAN'T TELL YOU HOW SHE
14 DIED, AND THEY CAN'T TELL YOU WHY SHE DIED. THEY CAN'T
15 ANSWER THOSE QUESTIONS.

16 NOW, THERE'S GOING TO BE TESTIMONY
17 FROM THE MEDICAL EXPERTS, THERE WAS AN INITIAL AUTOPSY
18 DONE THE DAY AFTER HER BODY WAS DISCOVERED. AT THAT
19 TIME, IN THAT REPORT THAT THEY GAVE THEY LISTED THE
20 CAUSE OF DEATH AS, PENDING INVESTIGATION. THEY COULDN'T
21 DETERMINE A CAUSE OF DEATH, THEY DIDN'T KNOW. ALL THEY
22 KNEW AT THAT POINT WAS THAT SHE HAD DIED BEFORE THE
23 FIRE. AND THEY KNEW THAT BECAUSE THERE WAS SOOT IN HER
24 LUNGS, NO FIRE DAMAGE TO HER TRACHEA, NO SMOKE
25 INHALATION. BUT THAT'S ALL THEY KNEW AT THAT POINT.

1 THE CORONER LISTED THE TIME OF DEATH, BASICALLY RELYING
2 ON THE TIME OF THE FIRE. WHY? BECAUSE HE DIDN'T KNOW.
3 THE PATHOLOGIST DOES NOT KNOW WHAT THE ACTUAL CAUSE OF
4 DEATH WAS. THEY DON'T HAVE A TIME, THEY DON'T KNOW, DID
5 IT HAPPEN THAT MORNING, DID IT HAPPEN SEVERAL HOURS
6 EARLIER, IN THE MIDDLE OF THE NIGHT? NOBODY CAN TELL
7 YOU, LADIES AND GENTLEMEN, NOBODY CAN TELL YOU.

8 WE COULD TALK ABOUT HOW SHE DIED.
9 THIS WAS NOT LABELED A HOMICIDE UNTIL THE PATHOLOGIST
10 DID AN AMENDED REPORT A WHILE LATER. AND IN THAT
11 AMENDED REPORT, WHICH DID SAY AT THAT POINT, HOMICIDE,
12 YOU'RE GOING TO HEAR TESTIMONY THAT THE REASON FOR THAT
13 CHANGE WAS BECAUSE OF THE ARSON INVESTIGATION. IN OTHER
14 WORDS, ONCE IT WAS DETERMINED THAT THE FIRE WAS PROBABLY
15 SET, IT WAS THE PATHOLOGIST'S OPINION, THAT THEREFORE,
16 IT WAS A HOMICIDE. SO, IN OTHER WORDS, IF THERE HAD
17 BEEN NO ARSON THERE WOULD BE NO MURDER. THAT'S KIND OF
18 LIKE THE TAIL WAGGING THE DOG. THE PATHOLOGIST IS GOING
19 TO TESTIFY TO YOU THAT MS. BELL DIED OF UNDETERMINED
20 TRAUMA, UNDETERMINED TRAUMA. IT'S A FANCY WAY OF SAYING
21 THEY DON'T KNOW HOW SHE DIED. CERTAINLY, THEY DON'T
22 KNOW WHY. DOES ANY OF THIS MAKE ANY SENSE? IT DOESN'T
23 MAKE SENSE TO THE FAMILY. THE FAMILY WILL TELL YOU THAT
24 WILLIE AND HIS GRANDMOTHER HAD A SPECIAL BOND, THAT THEY
25 LOVED EACH OTHER VERY, VERY MUCH, AND THAT THE

1 ACCUSATIONS THAT THE STATE ARE MAKING DO NOT MAKE
2 SENSE. THE STATE IS TRYING TO HAVE YOU LOOK AT THE FACT
3 THAT WILLIE HAD TAKEN THE CAR AND WAS DRIVING THAT CAR,
4 AND TRYING TO TELL YOU THAT BECAUSE HE WAS IN THAT CAR
5 AND WAS UNACCOUNTED FOR FOR A WHILE, THAT HE'S GUILTY OF
6 MURDER. THAT'S A GIANT LEAP, LADIES AND GENTLEMEN, A
7 GIANT LEAP, ESPECIALLY WHEN YOU KNOW HE TOOK THE CAR ON
8 A REGULAR BASIS.

9 LADIES AND GENTLEMEN, PLEASE KEEP IN
10 MIND, AS HE STATED TO YOU, THE BURDEN OF PROOF THAT IS
11 ON THE STATE. THEY MUST CONVINCE YOU BEYOND A
12 REASONABLE DOUBT. AND NO, THAT'S NOT JUST ANY DOUBT, BUT
13 IT IS, IF IT WOULD MAKE A REASONABLE PERSON HESITATE TO
14 ACT. PLEASE CONSIDER THE EVIDENCE CAREFULLY. LOOK AT
15 WHAT THEY DELIVER TO YOU, AND MORE IMPORTANTLY, LOOK AT
16 WHAT THEY CAN'T TELL YOU. AND USE YOUR REASONABLE
17 NATURE TO MAKE THE RIGHT DETERMINATION. I BELIEVE AT
18 THE END OF THIS CASE YOU WILL SEE THAT WILLIE BELL IS
19 NOT GUILTY.

20 THANK YOU.

21 THE COURT: THANK YOU, MA'AM.

22 LADIES AND GENTLEMEN, WE WILL STOP
23 HERE FOR LUNCH, AND WE'LL START BACK BY THAT CLOCK AT
24 TWO:THIRTY, BUT BY MY WATCH WE'RE GOING TO START BACK AT
25 TWO O'CLOCK. SO, FORGET ABOUT THAT CLOCK, WE'RE TRYING

1 TO GET IT TAKEN DOWN. IT BOTHERS ME WHEN A CLOCK SITS
2 THERE DOING NOTHING AND IT JUST CONFUSES US ALL THE TIME
3 ABOUT WHAT TIME IT IS. IT'S TWELVE:THIRTY NOW. WE'LL
4 START BACK AT TWO O'CLOCK. PLEASE BE BACK IN THE JURY
5 ROOM. THE BAILIFF WILL TAKE YOU OUT THROUGH THE BACK
6 AND SHOW YOU HOW TO COME BACK DIRECTLY INTO THE JURY
7 ROOM WITHOUT COMING THROUGH THE COURTROOM. DON'T COME
8 BACK TO THE COURTROOM, WHEN YOU COME BACK YOU GO RIGHT
9 ON DOWN THE HALL AND COME INTO THE JURY ROOM BACK THERE,
10 AND PLEASE REMEMBER, DON'T TALK WITH ANYONE ABOUT THE
11 CASE. WE'LL SEE YOU AT TWO O'CLOCK. THANK YOU VERY
12 MUCH, YOU ARE EXCUSED. PLEASE FOLLOW THE BAILIFF.

13 (Whereupon, the jury
14 leaves the courtroom,
15 and the following takes
16 place out of the presence
17 of the jury.)

18 THE COURT: ANYTHING ELSE FROM THE
19 STATE BEFORE WE RECESS?

20 SOLICITOR PASCOE: NO, YOUR HONOR,
21 THANK YOU.

22 THE COURT: FROM THE DEFENSE?

23 MR. MELLARD: NO, YOUR HONOR.

24 THE COURT: ALRIGHT, WE'LL BE IN
25 RECESS UNTIL TWO O'CLOCK.

1 (Recess)

2 THE COURT: ANYTHING FROM THE STATE
3 BEFORE WE BRING IN THE JURY?

4 SOLICITOR PASCOE: NO, SIR.

5 THE COURT: FROM THE DEFENSE?

6 MR. MELLARD: NO, SIR.

7 THE COURT: ALRIGHT, BRING IN THE
8 JURY, PLEASE, MA'AM.

9 SOLICITOR PASCOE: YOUR HONOR, JUST
10 ONE SECOND.

11 THE COURT: WAIT A MINUTE.

12 MR. PASCOE: --- I WANTED MY
13 INVESTIGATOR IN HERE.

14 THE COURT: WELL, WE CAN START
15 WITHOUT HIM.

16 (Whereupon, the jury enters
17 the courtroom.)

18 THE COURT: MY ALTERNATE JURORS, SIT
19 ANYWHERE BACK THERE YOU WANT TO SIT, AND EVERYBODY ELSE
20 WILL JUST FILE IN AND TAKE THE FRONT TWO ROWS. IT REALLY
21 DOESN'T MAKE A LOT OF DIFFERENCE ONE WAY OR THE OTHER.

22 BUT WE'RE READY TO GET STARTED,
23 LADIES AND GENTLEMEN, SO SOLICITOR, YOU MAY CALL YOUR
24 FIRST WITNESS.

25 SOLICITOR CLARIDAY: THE STATE CALLS

1 HAZEL MIDDLETON.

2 THE COURT: COME AROUND, PLEASE,
3 SIR.

4 CLERK: MR. MIDDLETON, IF YOU WILL,
5 TAKE THAT BIBLE AND SIT IT ON THE END, RIGHT HERE IN
6 FRONT OF YOU.

7 WITNESS: SIT IT ON THE END?

8 CLERK: SIT IT ON THE END RIGHT
9 THERE IN FRONT OF YOU.

10 WITNESS: RIGHT HERE?

11 CLERK: UH HUH. PLACE YOUR LEFT
12 HAND ON IT AND RAISE YOUR RIGHT.

13 (Whereupon, Hazel Lee Middleton, Sr.,
14 is duly sworn.)

15 CLERK: HAVE A SEAT AND STATE YOUR
16 FULL NAME, PLEASE.

17 WITNESS: MY NAMES IS HAZEL LEE
18 MIDDLETON, SENIOR.

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

1 DIRECT EXAMINATION OF HAZEL LEE MIDDLETON, SR.

2 BY SOLICITOR CLARIDAY:

3 Q. OKAY, MR. MIDDLETON, WHERE DO YOU LIVE?

4 A. [REDACTED], HOLLY HILL.

5 Q. THAT'S IN HOLLY HILL?

6 A. UH HUH.

7 Q. MR. MIDDLETON, DID YOU KNOW THE VICTIM IN THIS
8 CASE, MS. ANNA BELL?

9 A. YES.

10 Q. AND DID YOU KNOW HER FAMILY?

11 A. YES, I DID.

12 Q. AND HOW WAS THAT?

13 A. THROUGH FAMILY MEMBERS, GRAVE DANIEL, AND ALSO
14 WILLIE.

15 Q. SO, YOU KNEW THE DEFENDANT, AS WELL?

16 A. YES, I DID.

17 Q. OKAY. SO, WERE YOU FAMILIAR WITH WHERE THE VICTIM
18 LIVED?

19 A. YES.

20 Q. AND WHERE WAS THAT?

21 A. DOWN THE STREET FROM ME ABOUT A -- I'D SAY A HALF
22 A MILE, ON TONY BAY ROAD.

23 Q. SO, IT WAS OFF OF TONY BAY ROAD?

24 A. OFF OF TONY BAY, YES, IT WAS.

25 Q. TO YOUR KNOWLEDGE DID ANYONE ELSE LIVE AT THAT

- 1 ADDRESS?
- 2 A. YES.
- 3 Q. AND WHO WAS THAT?
- 4 A. WILLIE DID.
- 5 Q. OKAY. SO, HOW FAR AGAIN WOULD YOU ESTIMATE THAT
- 6 Y'ALL LIVED FROM EACH OTHER?
- 7 A. OH, ABOUT A HALF A MILE, SOMEWHERE IN THAT AREA.
- 8 Q. OKAY. MR. MIDDLETON, WHY TYPE OF WORK DO YOU DO?
- 9 A. SELF-EMPLOYED MASONRY WORKER.
- 10 Q. AND WHAT TIME DO YOU NORMALLY GET UP TO LEAVE IN
- 11 THE MORNING?
- 12 A. I USUALLY GET UP AROUND FIVE:FORTY-FIVE, AND
- 13 USUALLY LEAVE HOME AROUND SIX:TWENTY A.M.,
- 14 SOMETHING LIKE THAT.
- 15 Q. OKAY. AND ON YOUR WAY TO WORK WOULD YOU HAVE TO
- 16 PASS BY MS. BELL'S HOME?
- 17 A. YES.
- 18 Q. AND THAT'S EVERY MORNING?
- 19 A. EVERY MORNING.
- 20 Q. OKAY. DO YOU REMEMBER THE MORNING OF MARCH NINTH,
- 21 TWO THOUSAND AND SIX?
- 22 A. YES, I DO.
- 23 Q. AND CAN YOU PLEASE DESCRIBE TO THE JURY THE EVENTS
- 24 OF THAT MORNING?
- 25 A. WELL, WHEN I WAS TRAVELING TOWARD HOLLY HILL, THE

1 MAIN ROAD THAT I USUALLY GO TO GO TO WORK, I
2 NOTICED A FIRE IN THAT AREA. I IMMEDIATELY CALLED
3 GREG, BECAUSE YOU KNOW, I KNOW HE HAVE HORSES AND
4 BARN. OVER THERE, SO THAT WAS MY INITIAL THOUGHT,
5 THAT MAYBE A BARN WAS ON FIRE OR SOMETHING. AND
6 THEN WHEN I CALLED HIM, THAT'S WHEN I ---

7 Q. OKAY. LET ME ASK YOU SOME MORE SPECIFIC
8 QUESTIONS, WHAT ROAD WERE YOU TRAVELING ON THAT
9 DAY WHEN YOU NOTICED THE FIRE?

10 A. ON TONY BAY ROAD.

11 Q. AND IS THAT THE ROAD THAT YOU NORMALLY TRAVEL ON
12 EVERY DAY?

13 A. YES.

14 Q. OKAY. MR. MIDDLETON, I'M SHOWING YOU WHAT'S BEEN
15 MARKED AS STATE'S EXHIBIT TWENTY FOR THE PURPOSES
16 OF IDENTIFICATION.

17 MR. MELLARD: LET ME SEE THAT?

18 Q. CAN YOU PLEASE TAKE A LOOK AT THAT?

19 MR. MELLARD: YOUR HONOR, JUST -- WE
20 WOULD OBJECT, I DON'T THINK THEY CAN AUTHENTICATE THAT,
21 WHICH IS WHAT THEY'RE TRYING TO DO HERE.

22 THE COURT: WELL, I DON'T KNOW, THEY
23 HAVEN'T TRIED YET.

24 SOLICITOR CLARIDAY: AT THIS POINT
25 WE'RE JUST, WE HAVE IT FOR IDENTIFICATION.

1 THE COURT: ALRIGHT.

2 Q. AND WHAT IS THAT THAT I JUST HANDED YOU?

3 A. IT'S AN AERIAL MAP.

4 Q. OKAY. AND WHAT'S DEPICTED IN THAT AERIAL MAP?

5 A. THE RESIDENCE, AND TONY BAY ROAD, THE RESIDENCE OF
6 MS. BELL.

7 Q. OKAY. AND YOU CAN SEE THE VICTIM'S HOUSE FROM
8 THAT?

9 A. OH, YES.

10 Q. AND HOW DO YOU KNOW THAT WAS THE VICTIM'S HOUSE?

11 A. WELL, THAT'S ACTUALLY THE AREA THAT I -- I COULD
12 SEE IT COMING ACROSS THE FIELD FROM THIS
13 DIRECTION.

14 Q. OKAY. AND CAN YOU ALSO ---

15 A. AND THAT'S THE ONLY HOUSE RIGHT IN THAT AREA.

16 Q. OKAY. CAN YOU ALSO SEE TONY BAY ROAD?

17 A. YES.

18 Q. OKAY. AND CAN YOU TELL WHICH DIRECTION YOU WERE
19 TRAVELING THAT DAY WHEN YOU NOTICED THE FIRE?

20 A. YES. SOMEWHERE SOUTHWEST.

21 Q. OKAY. AND DOES THAT PICTURE ACCURATELY, FAIRLY
22 AND ACCURATELY DEPICT THE AREA THAT SURROUNDED THE
23 VICTIM'S HOUSE AT THAT TIME?

24 A. YES, YES, IT DOES.

25 Q. OKAY. AND THE ROAD YOU WERE TRAVELING ON THAT DAY

1 AS WELL?

2 A. YES.

3 SOLICITOR CLARIDAY: YOUR HONOR, AT
4 THIS TIME THE STATE MOVES TO HAVE EXHIBIT TWENTY
5 ADMITTED INTO EVIDENCE.

6 THE COURT: YES, SIR?

7 MR. MELLARD: NO OBJECTION, YOUR
8 HONOR.

9 THE COURT: THANK YOU, SIR.
10 ADMITTED WITHOUT OBJECTION.

11 SOLICITOR CLARIDAY: THANK YOU, YOUR
12 HONOR.

13 Q. NOW, MR. MIDDLETON -

14 COURT REPORTER: STATE'S TWENTY.

15 (State's Exhibit Twenty
16 marked and filed.)

17 Q. MR. MIDDLETON, HOW COULD YOU SEE THE FIRE THAT
18 MORNING AS YOU WERE TRAVELING ON TONY BAY?

19 A. IT WAS LIKE A BALL, LIKE A BALL OF FIRE TO THE
20 RIGHT SIDE. I MEAN, IT WAS REAL VISIBLE, IT WAS
21 REAL VISIBLE AS I TRAVELED DOWN THE ROAD.

22 Q. WAS IT CLEAR, WAS THE WEATHER CLEAR THAT MORNING
23 THAT YOU COULD SEE?

24 A. YES, IT WAS.

25 Q. OKAY. WHAT DID YOU DO AT THAT POINT WHEN YOU

1 FIRST NOTICED THE FIRE?

2 A. I IMMEDIATELY CALLED GREG.

3 Q. HOW DID YOU KNOW HIS NUMBER?

4 A. GREG IS ACTUALLY MY INVESTOR.

5 Q. YOUR INVESTOR?

6 A. YES, HE IS.

7 Q. OKAY. AT WHAT TIME WAS IT WHEN YOU CALLED MR.
8 DINGLE?

9 A. IT WAS APPROXIMATELY SIX:TWENTY-FIVE IN THE
10 MORNING.

11 Q. OKAY. AND WHAT DID HE SAY WHEN YOU CALLED HIM?

12 A. WELL, HE TOLD ME TO -- I ASKED HIM -- THE FIRST
13 QUESTION I ASKED HIM WAS, WAS ANYBODY THERE OR
14 ANYTHING, AND HE TOLD ME, HE SAID HIS GRANDMAMA
15 WAS SUPPOSED TO BE GONE. AND HE TOLD ME TO GO
16 CHECK IT OUT WHILE HE WAS GOING TO CALL THE FIRE
17 DEPARTMENT. AND THAT'S WHEN I WENT DOWN TO THE
18 HOUSE.

19 Q. SO WHAT, IF ANYTHING, DID YOU DO AFTER YOU MADE
20 THAT CALL?

21 A. I IMMEDIATELY TURNED AROUND AND WENT TO THE
22 RESIDENCE.

23 Q. SO, YOU ACTUALLY WENT TO THE SCENE OF THE FIRE?

24 A. YES, I DID.

25 Q. OKAY. AND DID ANYONE APPEAR TO BE AT THE RESIDENCE

- 1 AT THAT TIME?
- 2 A. NOT AT THE MOMENT.
- 3 Q. AND WHY IS THAT?
- 4 A. BECAUSE WHAT HE HAD DESCRIBED TO ME AS THE CAR, IT
- 5 WASN'T THERE, AND I KNEW THE CAR.
- 6 Q. HOW DID HE DESCRIBE THE CAR?
- 7 A. HE TOLD ME HIS -- WELL, I KNEW THE CAR BECAUSE HE
- 8 TOLD ME THAT HIS GRANDMAMA WAS SUPPOSED TO BE
- 9 GOING WITH SOMEONE. AND IF THE CAR WASN'T THERE
- 10 THEN SHE WOULDN'T HAVE BEEN THERE. SO, ONCE I GOT
- 11 THERE, THAT KIND OF EASED MY TENSION.
- 12 Q. OKAY. AND WHAT KIND OF CAR WAS THAT?
- 13 A. A RED CONTOUR.
- 14 Q. AND IT WAS NOT THERE AT THE TIME?
- 15 A. NO, IT WASN'T.
- 16 Q. OKAY. SO, WHEN YOU FIRST ARRIVED AT THE SCENE OF
- 17 THE FIRE WHERE DID THE FIRE APPEAR TO BE
- 18 CONCENTRATED, WHAT PART OF THE HOUSE?
- 19 A. IT WAS TO THE RIGHT SIDE OF THE MIDDLE, MIDDLE-
- 20 WAYS THE HOUSE.
- 21 Q. OKAY. MR. MIDDLETON, I'M SHOWING YOU WHAT'S BEEN
- 22 MARKED AS STATE'S EXHIBIT ONE FOR PURPOSES OF
- 23 IDENTIFICATION. CAN YOU TELL US WHAT SIDE OF THE
- 24 HOUSE IT WAS THAT YOU NOTICED THE FIRE?
- 25 A. ON THE RIGHT SIDE WHERE THE BEDROOM IS.

1 Q. OKAY. SO, OFF THE FRONT OF THE ---

2 A. OFF THE FRONT, OFF THE FRONT OF THE HOUSE.

3 Q. OKAY. SO, RIGHT IN HERE?

4 A. RIGHT IN THERE.

5 Q. OKAY. HAD YOU EVER BEEN IN MS. BELL'S HOME
6 BEFORE?

7 A. NO, I HAVEN'T.

8 Q. OKAY. AND ARE YOU SURE THAT'S WHERE THE FIRE WAS
9 CONCENTRATED AT MORE IN?

10 A. YES.

11 Q. HOW ARE YOU SURE?

12 A. I'M A CONTRACTOR AND I KIND OF KNOW AREAS OF A
13 HOUSE, AND I KNOW IT WAS MIDDLE-WAYS.

14 Q. IS THAT BECAUSE YOU SAW IT WITH YOUR EYES?

15 A. I SAW IT WITH MY EYES.

16 Q. OKAY. AND HOW LONG DID YOU STAY ON THE SCENE THAT
17 MORNING?

18 A. APPROXIMATELY FIFTEEN, TWENTY MINUTES AFTER THE
19 FIRE DEPARTMENT SHOWED UP.

20 Q. OKAY. AND WHILE YOU WERE THERE DID ANYONE RESPOND
21 TO THE FIRE?

22 A. YES.

23 Q. AND WHO WAS THAT, DO YOU REMEMBER?

24 A. EUTAWVILLE FIRE DEPARTMENT DID.

25 Q. OKAY. AND HOW LONG WAS IT AFTER YOU ARRIVED?

1 A. OH, APPROXIMATELY TEN MINUTES.

2 Q. AND FINALLY, DURING THE WHOLE TIME THAT YOU WERE
3 THERE AT THE SCENE THAT MORNING DID YOU EVER SEE
4 THE DEFENDANT AND DID THE VICTIM'S CAR EVER
5 REAPPEAR?

6 A. NO.

7 MR. CLARIDAY: THANK YOU, SIR, I
8 DON'T HAVE ANYMORE QUESTIONS.

9 THE COURT: MR. MELLARD.

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

1 CROSS-EXAMINATION OF HAZEL LEE MIDDLETON, SR.,

2 BY MR. MELLARD:

3 Q. WHAT TIME DID YOU ORIGINALLY SEE THE FIRE?

4 A. AROUND SIX:TWENTY-FIVE A.M.

5 Q. AND YOU SAID IT WAS A CLEAR DAY?

6 A. YES.

7 Q. YOU SAID YOU SAW SMOKE?

8 A. I ACTUALLY, I ACTUALLY SAW A BALL OF FIRE COMING
9 FROM THE RIGHT SIDE.

10 Q. HOW CAN YOU STATE THAT THE FIRE WAS IN THE BED
11 ROOM?

12 A. I SAID IN THE MIDDLE WAYS, AND ON THAT DIAGRAM
13 THAT HE SHOWED ME.

14 Q. BUT YOU DON'T KNOW WHAT'S INSIDE THAT HOUSE?

15 A. NO, SIR.

16 Q. YOU DID NOT GO INTO THAT HOUSE?

17 A. NO.

18 Q. OKAY. YOU CALLED MR. DINGLE AT WHAT TIME?

19 A. APPROXIMATELY SIX:TWENTY-FIVE.

20 Q. AT SIX:TWENTY-FIVE?

21 A. UH HUH.

22 Q. OKAY. I'M ALMOST THROUGH.

23 MR. MELLARD: ONE SECOND. NO MORE
24 QUESTIONS, YOUR HONOR.

25 THE COURT: ANY REDIRECT?

1 SOLICITOR CLARIDAY: NO, SIR.

2 THE COURT: THANK YOU, SIR, YOU MAY
3 STEP DOWN.

4 ANY OBJECTION TO EXCUSING THIS
5 WITNESS?

6 MR. MELLARD: NONE FROM US.

7 THE COURT: YOU MAY BE EXCUSED IF
8 YOU'D LIKE, OR YOU'RE WELCOME TO REMAIN WITH US.

9 WITNESS: THANK YOU.

10 THE COURT: THANK YOU, SIR.

11 NEXT WITNESS.

12 SOLICITOR PASCOE: STEPHEN SHULER.

13 (Whereupon, witness
14 enters the courtroom.)

15 CLERK: MR. SHULER, PLACE YOUR LEFT
16 HAND ON THE BIBLE AND RAISE YOUR RIGHT.

17 (Whereupon, Stephen Whitfield Shuler
18 is duly sworn.)

19 CLERK: HAVE A SEAT AND STATE YOUR
20 FULL NAME.

21 WITNESS: STEPHEN WHITFIELD SHULER.

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

1 DIRECT EXAMINATION OF STEPHEN W. SHULER

2 BY SOLICITOR PASCOE:

3 Q. GOOD AFTERNOON, SIR.

4 A. GOOD AFTERNOON.

5 Q. AND WHERE DO YOU LIVE?

6 A. IN EUTAWVILLE.

7 Q. OKAY. WHERE DO YOU CURRENTLY WORK?

8 A. WITH THE CITY OF CHARLESTON FIRE DEPARTMENT.

9 Q. AND HOW LONG HAVE YOU BEEN WITH THE CHARLESTON
10 FIRE DEPARTMENT?

11 A. SINCE JUNE OF TWO THOUSAND AND FOUR.

12 Q. OKAY. AND YOU ACTUALLY GET PAID OR COMPENSATED FOR
13 WORKING AS A FIREMAN FOR CHARLESTON, CORRECT?

14 A. RIGHT.

15 Q. OKAY. WHERE ELSE ARE YOU A VOLUNTEER FIREMAN?

16 A. I VOLUNTEER IN EUTAWVILLE.

17 Q. AND HOW LONG HAVE YOU BEEN A VOLUNTEER FIREMAN FOR
18 EUTAWVILLE?

19 A. ABOUT EIGHT YEARS.

20 Q. SO, YOU'VE BEEN A FIREMAN FOR HOW LONG?

21 A. SINCE MAY OF NINETEEN NINETY-NINE.

22 Q. EIGHT YEARS NOW?

23 A. EIGHT YEARS.

24 Q. HOW MANY FIRES DO YOU THINK YOU'VE RESPONDED TO
25 AND PUT OUT IN THE LAST EIGHT YEARS?

1 A. PROBABLY OVER A THOUSAND.

2 Q. A LOT?

3 A. YES.

4 Q. SPECIFICALLY WITH THE EUTAW FIRE DEPARTMENT,
5 EUTAWVILLE FIRE DEPARTMENT, WHAT AREAS DO YOU GET
6 CALLED TO GO TO?

7 A. WE HAVE AN AUTOMATIC AID IF, YOU KNOW, WE GET A
8 CALL FOR A HOUSE FIRE, IF IT'S IN EUTAWVILLE WE
9 WILL AUTOMATICALLY CALL HOLLY HILL AND VANCE. IF
10 IT'S IN HOLLY HILL THEY USUALLY CALL EUTAWVILLE
11 AND VANCE, AND IT'S THREE DEPARTMENTS TO ANY
12 PARTICULAR HOUSE FIRE. THAT'S AUTOMATIC AID. WE
13 ALSO HAVE A MUTUAL AID, IF ANOTHER DEPARTMENT
14 OTHER THAN THOSE THREE NEEDS US. WE HAVE GONE TO
15 SANTEE, WE'VE WENT, WHEN THE PEANUT FACTORY CAUGHT
16 ON FIRE ON THE OTHER SIDE OF THREE O ONE NEAR ---

17 Q. CAMERON?

18 A. --- CAMERON, WE WENT TO THAT, AS WELL.

19 Q. SO, THAT WAS WITH THE MUTUAL AID FOR THOSE, BUT --

20 -

21 A. RIGHT.

22 Q. --- SO, IF THERE'S A FIRE IN HOLLY HILL YOU
23 AUTOMATICALLY RESPOND?

24 A. RIGHT.

25 Q. AND THAT WOULD [REDACTED]

1 A. RIGHT.

2 Q. AND ALONG WITH WHAT OTHER FIRE DEPARTMENTS WOULD
3 YOU RESPOND TO FOR A FIRE IN HOLLY HILL?

4 A. HOLLY HILL, EUTAWVILLE AND VANCE.

5 Q. AND DESCRIBE TO THE JURY, HOW OFTEN ARE YOU ON
6 CALL AS A VOLUNTEER FIREMAN?

7 A. EVERY DAY I'M NOT WORKING WITH THE CITY.

8 Q. SO, HOW DO THEY GET A HOLD OF YOU IF THEY NEED
9 YOU?

10 A. WE HAVE TELEPHONE PAGERS, RADIO PAGERS AND WALKIE-
11 TALKIE RADIOS.

12 Q. OKAY. AND SIR, DID YOU RECEIVE A CALL AT
13 APPROXIMATELY SIX:TWENTY-SIX ON THE MORNING OF
14 THURSDAY, MARCH NINTH, TWO THOUSAND AND SIX?

15 A. YES, I DID.

16 Q. AND WHAT WERE YOU DOING THAT MORNING AT
17 SIX:TWENTY-SIX?

18 A. I WAS STILL IN BED SLEEPING.

19 Q. OKAY. AND HOW DID YOU RECEIVE THE CALL?

20 A. I KEEP MY RADIO AND MY RADIO PAGER AND STUFF RIGHT
21 THERE IN MY BEDROOM BY MY BED. ALL OF THAT WENT
22 OFF, I WOKE UP, AND IMMEDIATELY RESPONDED TO THE
23 CALL.

24 Q. AND WHERE DID YOU GET CALLED TO GO TO?

25 A. TO [REDACTED] DRIVE.

1 Q. AND HOW FAR IS [REDACTED] DRIVE FROM
2 WHERE YOU WERE LIVING AT THE TIME?

3 A. FIVE OR SIX MILES.

4 Q. OKAY. SO, HOW LONG WOULD IT TAKE YOU TO GET FROM
5 YOUR HOUSE TO DOLEMITE DRIVE?

6 A. SEVEN OR EIGHT MINUTES.

7 Q. OKAY. AND, IN FACT, HOW LONG DID IT TAKE YOU THAT
8 MORNING TO GET THERE?

9 A. THE FIRE DEPARTMENT GOT THE CALL AT SIX:TWENTY-
10 EIGHT, WE RESPONDED AT SIX:THIRTY-ONE, THAT'S, YOU
11 KNOW, GETTING UP AND GETTING DRESSED, GETTING IN
12 MY PICKUP TO GO. AT SIX:THIRTY-SEVEN I WAS ON THE
13 SCENE, WHICH IS SIX MINUTES.

14 Q. OKAY. WHO WERE THE FIRST FIREMEN AT THE SCENE?

15 A. I WAS THE FIRST ONE ON SCENE.

16 Q. OKAY. AND WHAT TIME DID YOU TESTIFY YOU GOT TO
17 THE SCENE, APPROXIMATELY?

18 A. AT SIX:THIRTY-SEVEN.

19 Q. AND BY THE TIME YOU GOT TO THE HOUSE AT
20 SIX:THIRTY-SEVEN, DESCRIBE FOR THE JURY THE WAY
21 THE HOUSE LOOKED?

22 A. THE HOUSE WAS MOST OF THE WAY FULLY INVOLVED IN
23 FIRE, MAINLY ON THE RIGHT SIDE OF THE HOUSE.

24 Q. HOW DID YOU GO ABOUT PUTTING IT OUT?

25 A. WHEN OUR TRUCK -- WE GOT THERE FIRST, IT'S NOT

1 ~~TECHNICIAN~~ WE WERE THE FIRST TRUCK
2 ON THE SCENE, WE WENT AHEAD AND IMMEDIATELY PULLED
3 TWO INCH AND THREE QUARTER HAND LINES, WE TOOK ONE
4 TO EACH SIDE OF THE HOUSE. THE HOUSE WAS TOO FAR
5 INVOLVED FOR US TO TRY TO MAKE ENTRY INTO THE
6 HOUSE, SO WE IMMEDIATELY WENT TO THE EXTERIOR AND
7 STARTED TRYING TO PUT THE FIRE OUT.

8 Q. HOW LONG DID IT TAKE YOU TO FINALLY PUT THE FIRE
9 OUT?

10 A. PROBABLY FIFTEEN, TWENTY MINUTES.

11 Q. OKAY. AND AFTER YOU PUT THE FIRE OUT, WHAT DO YOU
12 DO THEN, WHAT'S YOUR JOB THEN?

13 A. AFTER THE FIRE IS OUT WE GO AROUND AND MAKE SURE
14 IT'S, IT'S NOT WHAT WE CALL HOT SPOTS, YOU KNOW,
15 ANYTHING THAT'S STILL SMOLDERING AND STUFF THAT
16 COULD CATCH BACK ON FIRE BURNING..

17 Q. OKAY. AND YOU DID THAT IN THIS CASE?

18 A. RIGHT.

19 Q. AND WERE YOU ABLE, BASED ON YOUR EXPERIENCE,
20 HAVING GONE TO MAYBE, TO AS MANY AS A THOUSAND
21 FIRES, WERE YOU ABLE TO DETERMINE WHERE THE FIRE
22 STARTED IN THIS HOUSE?

23 A. NOT EXACTLY, SOMEWHERE TO THE RIGHT SIDE.

24 Q. AND I'LL TELL YOU WHAT, USING STATE'S EXHIBIT ONE

25 -

1 MR. MELLARD: I'M GOING TO OBJECT,
2 YOUR HONOR, I DON'T THINK HE'S CAPABLE OF TELLING WHAT,
3 OR GIVING AN OPINION AS TO WHERE THIS FIRE STARTED.

4 COURT REPORTER: SOLICITOR, I
5 HAVEN'T TAKEN THE ID OFF OF THAT, IT WAS -

6 SOLICITOR PASCOE: WE HAVEN'T PUT IT
7 IN YET, WE'RE JUST USING IT AS DEMONSTRATIVE FOR RIGHT
8 NOW.

9 COURT REPORTER: OH, I'M SORRY.
10 OKAY.

11 THE COURT: DO YOU WANT TO BE HEARD
12 ON HIS OBJECTION?

13 SOLICITOR PASCOE: YES. HE'S GONE
14 TO A THOUSAND FIRES, I THINK -- AND THEN HE WAS TALKING
15 ABOUT WHERE HE PUT THE HOT SPOTS OUT. I THINK HE CAN
16 TESTIFY TO THAT WITHOUT -

17 THE COURT: I THINK HE'S QUALIFIED TO
18 ANSWER THAT QUESTION, BASED ON HIS EIGHT YEARS OF
19 EXPERIENCE. GO AHEAD.

20 Q. I'M SHOWING YOU STATE'S EXHIBIT ONE WHILE YOU'RE -
21 - YEAH, THIS IS ONE, YEAH, WHILE YOU'RE UP THERE.
22 WHERE WAS THE HOT SPOTS OF THE FIRE, WHERE WAS IT
23 CONCENTRATED?

24 A. THE BIGGEST PORTION OF THE FIRE WAS CONCENTRATED
25 ON THE WHOLE RIGHT SIDE, BEDROOM, BEDROOM, IT WAS

1 STARTING TO GET TO THE FRONT PORCH. THE LIVING
2 ROOM, THE DEN, AND THE REAR PORCH WAS ALSO BURNING
3 WHEN WE GOT THERE.

4 Q. SO, THE HOTTEST SPOTS WOULD BE CONCENTRATED, AS
5 YOU TESTIFIED TO, ON THIS RIGHT SIDE RIGHT HERE?

6 A. RIGHT.

7 Q. OKAY. AND, IN FACT, DID YOU MAKE ANY DISCOVERIES
8 THAT MORNING IN THAT RIGHT SIDE OF THE HOUSE WHERE
9 THE HOTTEST SPOTS WERE?

10 A. YES, WE DID.

11 Q. OKAY. AND WHAT DID YOU FIND IN THAT PART OF THE
12 HOUSE?

13 A. WE FOUND WHAT WE BELIEVED TO BE SOME TYPE OF BODY
14 REMAINS. AT THE POINT OF TIME WHEN WE FOUND THEM
15 WE WEREN'T SURE EXACTLY WHAT IT WAS.

16 Q. YES, SIR. LET ME SHOW YOU WHAT'S BEEN MARKED AS
17 ID FOR STATE'S EXHIBIT SEVEN. TAKE A GOOD LOOK AT
18 ALL THOSE PHOTOS AND TELL ME IF YOU RECOGNIZE
19 WHERE THESE PHOTOS ARE FROM?

20 A. THIS IS THE BED RIGHT HERE THAT THE BODY WAS -

21 THE COURT: JUST GENERALLY, DO YOU
22 RECOGNIZE THOSE PHOTOS?

23 A. YES, YES.

24 Q. WHAT ARE THESE PHOTOS OF?

25 A. THAT'S OF THE HOUSE.

1 Q. AFTER Y'ALL PUT THE FIRE OUT?

2 A. AFTER WE PUT THE FIRE OUT.

3 Q. THE HOUSE AT [REDACTED]

4 A. RIGHT.

5 Q. AND DOES THIS FAIRLY AND ACCURATELY DEPICT THE WAY
6 THE HOUSE LOOKED AFTER Y'ALL PUT THE FIRE OUT?

7 A. YES, IT DOES.

8 SOLICITOR PASCOE: I'D ASK THAT
9 STATE'S EXHIBIT SEVEN BE ADMITTED INTO EVIDENCE.

10 THE COURT: ANY OBJECTION?

11 MR. MELLARD: ONE SECOND, YOUR
12 HONOR.

13 THE COURT: CAN I ASK YOU JUST TO
14 TAKE THIS PEN OR SOMETHING AND PUT, AND NUMBER THOSE
15 PHOTOGRAPHS?

16 SOLICITOR PASCOE: ABSOLUTELY, YEAH,
17 THAT WILL BE -

18 THE COURT: IT WOULD MAKE IT A LOT
19 EASIER TO KEEP UP WITH THEM.

20 SOLICITOR PASCOE: WE'LL DO IT A, B,
21 C.

22 THE COURT: OR ONE, TWO, THREE WOULD
23 BE FINE. I DON'T CARE.

24 SOLICITOR PASCOE: I GET, I'VE
25 ALREADY GOT -- TOO MANY NUMBERS WILL CONFUSE ME.

1 THE COURT: ALRIGHT.

2 MR. MELLARD: NO OBJECTION.

3 THE COURT: ALRIGHT, I NOTE YOUR
4 PREVIOUS OBJECTION TO, I GUESS IT'S PHOTOGRAPH D?

5 SOLICITOR PASCOE: D. IT WOULD BE
6 PHOTOGRAPH D, YES, SIR, ON STATE'S EXHIBIT SEVEN.

7 MR. MELLARD: RIGHT. PLEASE NOTE
8 OUR PREVIOUS OBJECTION.

9 THE COURT: ALRIGHT. AND THAT'S
10 OVERRULED. THE EXHIBIT IS ADMITTED.

11 COURT REPORTER: STATE'S SEVEN.

12 (State's Exhibit Seven
13 marked and filed.)

14 SOLICITOR PASCOE: THANK YOU, MA'AM.

15 Q. NOW, YOU'VE JUST TESTIFIED ABOUT FINDING A BODY,
16 NOT KNOWING WHETHER IT'S ACTUALLY HUMAN OR WHAT?

17 A. RIGHT.

18 Q. AND THAT'S DEPICTED IN D?

19 A. CORRECT.

20 Q. SEVEN-D. AND THAT ACTUALLY DEPICTS THE WAY Y'ALL
21 FOUND THE BODY THAT MORNING?

22 A. RIGHT.

23 Q. SIR, WHEN WERE YOU ABLE TO LEARN THAT THIS BODY
24 WAS INDEED A HUMAN BODY, AND WHAT DID YOU DO?

25 A. WELL, INITIALLY WE HEARD THAT THERE WAS A LARGE

1 DOG THAT WAS, STAYED THERE IN AND OUT OF THE
2 RESIDENCE, AND WE WERE TOLD THAT THE LADY THAT
3 LIVED THERE WAS GONE ON A TRIP. SO, WE, WE
4 ASSUMED THAT THAT WAS, YOU KNOW, SHE HAD LEFT THE
5 DOG IN THE HOUSE AND THEN THE FIRE GOT TO THE DOG.
6 WE LATER LEARNED THAT IT WAS INDEED A HUMAN BODY.
7 LOOKING CLOSELY AT IT AND THEN FOUND WHAT WE
8 BELIEVED TO BE A PIECE OF A SOCK AROUND THE ANKLE
9 PART OF THE BODY. AT THAT POINT IN TIME WE DIDN'T
10 DO ANYTHING ELSE WITH IT. WE STARTED BACKING
11 EVERYBODY UP, AND IT WAS THERE, AND WENT AHEAD AND
12 CALLED THE SHERIFF'S DEPARTMENT AND HAD THEM COME
13 IN.

14 Q. AND HOW WAS THE BODY LAYING DOWN ON THAT BED
15 SPRING?

16 A. I GUESS IT WOULD BE LAYING ON THE LEFT SIDE.

17 Q. JUST COMPLETELY FACE DOWN?

18 A. SORT OF.

19 Q. OKAY. DID YOU -- HOW DID -- WELL, LET ME ASK YOU
20 THIS, DID YOU TAMPER WITH THE BODY ANYMORE?

21 A. NO.

22 Q. IN FACT, WHO ENDED UP GETTING CALLED TO THE SCENE?

23 A. THE SHERIFF'S DEPARTMENT AND SLED.

24 Q. OKAY. SO, IT WASN'T EVEN YOUR JOB TO EVEN MESS
25 WITH THE BODY?

1 A. NO.

2 Q. OKAY. DID YOU ASSIST LAW ENFORCEMENT OFFICERS AND
3 THE CORONER, THOUGH, IF THEY NEEDED IT?

4 A. YES, WE DID.

5 Q. AND DID YOU GIVE A STATEMENT AT APPROXIMATELY
6 THREE:TWENTY THAT AFTERNOON?

7 A. YES.

8 Q. OKAY. WHAT TIME DID YOU END UP LEAVING THE SCENE
9 THAT DAY?

10 A. WE LEFT WITH THE FIRE DEPARTMENT AT ABOUT A
11 QUARTER TO TEN.

12 Q. OKAY.

13 A. WE WENT AND GOT OUR TRUCKS AND FILLED THEM UP WITH
14 WATER AND GOT THE HOSE PUT BACK ON THEM, AND GOT
15 THEM READY TO PUT BACK IN SERVICE. WE THEN LEFT
16 THE STATION THIRTY OR FORTY MINUTES LATER AND WENT
17 BACK TO THE RESIDENCE TO HELP SLED AND THE CORONER
18 WITH WHATEVER THEY NEEDED HELP WITH.

19 Q. HOW MUCH DEBRIS WAS ON THE VICTIM'S BODY?

20 A. IT WASN'T REALLY ANYTHING ON HER.

21 Q. OKAY. YOU DIDN'T HAVE TO LIFT ANYTHING OFF OF HER
22 BODY?

23 A. NO.

24 SOLICITOR PASCOE: I BEG THE COURT'S
25 INDULGENCE.

1 THE COURT: YES, SIR.

2 SOLICITOR PASCOE: THANK YOU, SIR,
3 ANSWER ANY QUESTIONS THAT MR. MELLARD HAS FOR YOU.

4 THE COURT: YES, SIR.

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

1 CROSS-EXAMINATION OF STEPHEN W. SHULER

2 BY MR. MELLARD:

3 Q. OKAY. YOU WERE DISPATCHED AT SIX:TWENTY-SIX A.M.,
4 IS THAT CORRECT?

5 A. THAT IS CORRECT.

6 Q. OKAY. IT'S MY UNDERSTANDING YOU WERE SLEEPING AT
7 THE TIME?

8 A. YES.

9 Q. HOW CAN YOU BE SURE ABOUT THE TIME?

10 A. OUR DISPATCH RECORDS IT, AND I'VE GOT THE DISPATCH
11 REPORT RIGHT THERE.

12 Q. OKAY. SO, YOU'RE BASING IT ON THE DISPATCH
13 REPORT?

14 A. THAT WOULD BE CORRECT.

15 Q. OKAY. AND I BELIEVE YOU ARRIVED AT SIX:THIRTY-
16 SEVEN A.M.?

17 A. THAT WAS -- LET'S SEE, YES.

18 Q. AND AGAIN, I ASSUME YOU'RE BASING THAT ON THE TIME
19 ON THE DISPATCH REPORT?

20 A. RIGHT.

21 Q. OKAY. YOU WERE THE FIRST PERSON ON THE SCENE?

22 A. YES, I WAS.

23 Q. ALRIGHT. AND IN FIGHTING THIS FIRE, IT'S MY
24 UNDERSTANDING A GAS HEATER WAS REMOVED FROM THE
25 HOUSE?

1 A. RIGHT.

2 Q. IS THAT CORRECT?

3 A. YES.

4 Q. AND THIS GAS HEATER WAS LOCATED IN THE BEDROOM, IS
5 THAT CORRECT?

6 A. RIGHT.

7 Q. AND A SET OF KEYS WAS ALSO FOUND IN THE BEDROOM?

8 A. RIGHT.

9 Q. AND SOME MONEY WAS FOUND IN THE BEDROOM?

10 A. RIGHT.

11 Q. OKAY. DID YOU SEE ANY KEROSENE LAMPS IN THIS
12 HOUSE?

13 A. I DON'T REMEMBER ANY KEROSENE LAMPS, NO.

14 Q. ALRIGHT. PRIOR TO FINDING THE BODY YOU WERE
15 INSIDE THIS HOUSE?

16 A. RIGHT.

17 Q. OKAY. YOU AND HOW MANY OTHER PEOPLE WERE INSIDE
18 THIS HOUSE FIGHTING THIS FIRE?

19 A. WE WEREN'T REALLY IN THE HOUSE FIGHTING FIRE, IT
20 WAS TOO, TOO HEAVILY ENGULFED IN FLAMES. WE PUT
21 MOST OF IT OUT FROM THE OUTSIDE, AND THEN JUST A
22 FEW OF US WENT THROUGH THE HOUSE, YOU KNOW,
23 HITTING HOT SPOTS AND PUTTING THE COAL EMBERS OUT
24 AND STUFF.

25 Q. OKAY. WHEN YOU FOUND THE BODY YOU SAID THERE WAS

1 NO DEBRIS ON THE BODY?

2 A. RIGHT.

3 Q. WHERE WAS THE ROOF?

4 A. IT HAD BURNED AWAY, THE ROOF, WALLS, EVERYTHING
5 WAS GONE ON THAT SIDE.

6 Q. ALRIGHT. WHAT KIND OF ROOF WAS IT?

7 A. IT WAS A TIN ROOF.

8 Q. A TIN ROOF?

9 A. UH HUH.

10 Q. OKAY. HAD THE ROOF COLLAPSED INWARD?

11 A. THERE WASN'T ANYTHING THERE, I DON'T KNOW.

12 Q. THE TIN HAD ENTIRELY ---

13 A. YEAH.

14 Q. --- BURNED AWAY? OKAY. SO, YOU DON'T KNOW WHAT
15 HAPPENED TO THIS ROOF?

16 A. HUH UH.

17 Q. ALRIGHT.

18 MR. MELLARD: THAT'S ALL THE
19 QUESTIONS WE HAVE, YOUR HONOR.

20 THE COURT: REDIRECT?

21 SOLICITOR PASCOE: NO, SIR. THANK
22 YOU.

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

25 ANY OBJECTIONS TO EXCUSING THIS

1 WITNESS?

2 MR. MELLARD: NO OBJECTION FROM ME,
3 YOUR HONOR.

4 THE COURT: YOU MAY BE EXCUSED IF
5 YOU'D LIKE, SIR, THANK YOU FOR COMING. YOU'RE WELCOME TO
6 REMAIN WITH US.

7 CALL YOUR NEXT WITNESS.

8 ~~XXXXXXXXXXXX~~ XXXXXXXXXXXX THE STATE CALLS
9 GREG DINGLE.

10 (Whereupon, witness
11 enters the courtroom.)

12 THE COURT: COME AROUND, PLEASE,
13 SIR.

14 CLERK: PUT YOUR LEFT HAND ON THE
15 BIBLE AND RAISE YOUR RIGHT HAND.

16 (Whereupon, Gregory Anthony Dingle
17 is duly sworn.)

18 CLERK: HAVE A SEAT AND STATE YOUR
19 FULL NAME.

20 WITNESS: GREGORY ANTHONY DINGLE.

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

1 DIRECT EXAMINATION OF GREGORY A. DINGLE

2 BY SOLICITOR PASCOE:

3 Q. GOOD AFTERNOON, GREGORY.

4 A. GOOD AFTERNOON.

5 Q. WHERE ARE YOU FROM, GREGORY?

6 A. HOLLY HILL.

7 Q. AND WHERE DO YOU CURRENTLY LIVE?

8 A. I LIVE AT [REDACTED], HOLLY HILL.

9 Q. HOLLY HILL. WHAT TYPE OF WORK DO YOU DO?

10 A. I'M AN INSURANCE AGENT AND INVESTMENTS ADVISOR.

11 Q. AND AS WE JUST HEARD, YOU ACTUALLY INVEST FOR MR.

12 MIDDLETON?

13 A. YES, SIR.

14 Q. HOW ARE YOU RELATED TO THE VICTIM, MS. ANNA BELL?

15 A. THAT IS MY GRANDMOTHER.

16 Q. AND WAS SHE SEVENTY-EIGHT BACK IN MARCH OF TWO

17 THOUSAND AND SIX?

18 A. YES, SIR.

19 Q. OKAY. WHAT WAS HER EXACT NAME?

20 A. ANNA WASHINGTON BELL.

21 Q. BUT EVERYBODY KNEW HER AS?

22 A. AMIE BELL.

23 Q. OKAY. AND HOW WAS HER HEALTH BACK IN MARCH OF TWO

24 THOUSAND AND SIX?

25 A. SHE WAS IN GOOD HEALTH.

1 Q. OKAY. COULD SHE GET AROUND?

2 A. YES, SHE COULD.

3 Q. AND DID SHE TAKE CARE OF OTHER PEOPLE?

4 A. YES, SHE DID.

5 Q. AND TELL THIS JURY, WHO WAS THE MATRIARCH OF YOUR
6 FAMILY BACK IN TWO THOUSAND AND SIX?

7 A. SHE WAS.

8 Q. WHO COOKED SUNDAY DINNER FOR YOU EVERY WEEK?

9 A. SHE DID.

10 Q. AND WHEN I SAY, WHO COOKED SUNDAY DINNER, WHO ALL
11 CAME TO HER HOUSE FOR SUNDAY DINNER?

12 A. ON MOST SUNDAYS HER FIVE DAUGHTERS, SON-IN-LAWS,
13 GRANDCHILDREN.

14 Q. A BIG FAMILY?

15 A. YES.

16 Q. AND HOW ARE YOU RELATED TO THE DEFENDANT, MR.
17 WILLIE BELL?

18 A. HE'S MY COUSIN, FIRST COUSIN.

19 Q. AND HOW OLD WAS HE BACK IN MARCH OF TWO THOUSAND
20 AND SIX?

21 A. THIRTY-SIX.

22 Q. OKAY. WHERE WAS -- AND ABOUT TO BE THIRTY-SEVEN?

23 A. YES.

24 Q. OKAY. WHERE WAS THE DEFENDANT LIVING BACK IN
25 MARCH OF TWO THOUSAND AND SIX?

- 1 A. IN A TRAILER DIRECTLY BEHIND THE HOUSE.
- 2 Q. OKAY. AND WHEN YOU SAY, DIRECTLY BEHIND, HOW FAR
- 3 BEHIND THE HOUSE WAS HIS TRAILER?
- 4 A. ACTUALLY ABOUT FROM WHERE I AM TO THE BACK DOOR,
- 5 TO THE DOOR.
- 6 Q. OKAY. PRETTY CLOSE?
- 7 A. YES.
- 8 Q. OKAY. SO, WHO FED THE DEFENDANT?
- 9 A. MY GRANDMOTHER DID.
- 10 Q. WHO TOOK CARE OF HIS UTILITIES?
- 11 A. SHE DID.
- 12 Q. OKAY. AND I ASKED YOU EARLIER WHETHER YOUR
- 13 GRANDMOTHER TOOK CARE OF OTHER PEOPLE. WHO ELSE
- 14 DID SHE LITERALLY TAKE CARE OF FOR THE FAMILY?
- 15 A. SOLOMON YOUNG, WHO WAS HER NEPHEW THAT HAD BEEN
- 16 LIVING WITH HER SINCE HE WAS NINE OR TEN YEARS
- 17 OLD.
- 18 Q. OKAY. AND WHY DID SHE TAKE CARE OF SOLOMON?
- 19 A. HIS MOTHER PASSED AWAY WHEN HE WAS VERY YOUNG, AND
- 20 SOLOMON IS, HE'S MENTALLY CHALLENGED.
- 21 Q. OKAY. AND WHAT TYPE OF PERSON IS SOLOMON?
- 22 A. PASSIVE.
- 23 Q. YEAH. JUST NICE, PASSIVE, INCAPABLE OF HURTING
- 24 ANYONE?
- 25 A. I WOULD SAY.

1 Q. YEAH. BUT YOU TESTIFIED HE'S MENTALLY
2 HANDICAPPED, MENTALLY CHALLENGED?

3 A. YES.

4 Q. WHAT ABOUT MS. CAPERS?

5 A. MERRILL CAPERS, WHO WAS A DISTANT RELATIVE, SHE
6 CAME TO LIVE WITH MY GRANDMOTHER SEVERAL YEARS AGO
7 WHEN HER MOTHER PASSED AWAY.

8 Q. OKAY. AND NOW THAT YOUR GRANDMOTHER IS GONE, MS.
9 BELL IS GONE, ARE OTHER FAMILY MEMBERS TAKING CARE
10 OF MERRILL AND SOLOMON?

11 A. YES.

12 Q. LET ME ASK YOU THIS, OTHER THAN MAYBE YOUR OWN
13 MOTHER, IS THERE ANYBODY THAT'S MORE SPECIAL TO
14 YOU THAN YOUR GRANDMOTHER, MS. BELL?

15 A. MY GRANDMOTHER IS VERY SPECIAL TO ME.

16 Q. TELL THE JURY HOW OFTEN YOU SAW YOUR GRANDMOTHER?

17 A. I SAW HER PRACTICALLY EVERY DAY.

18 Q. OKAY. AND WHY -- OTHER THAN WANTING TO SEE YOUR
19 GRANDMOTHER, WHY DID YOU SEE YOUR GRANDMOTHER
20 EVERY DAY?

21 A. WELL, I HAD HORSES THAT I KEPT AT HER PLACE, AND I
22 NEVER MOVED THEM BECAUSE SHE LOOKED FORWARD TO
23 GETTING UP AND SEEING THEM IN THE MORNING, AND YOU
24 KNOW, JUST WATCHING THEM. AND SHE WOULD EVEN GIVE
25 THEM WATER DURING THE DAY AND THAT KIND OF THING.

1 Q. OKAY. LET ME SHOW YOU WHAT'S BEEN MARKED AS
2 STATE'S EXHIBIT TWENTY, WHICH IS ALREADY IN
3 EVIDENCE, THAT'S A LITTLE DISTANT SHOT OF THE
4 LAND.

5 A. UH HUH.

6 Q. DO YOU ACTUALLY SEE THE LITTLE HOUSE AND THE
7 TRAILERS ON IT?

8 A. YES.

9 Q. OKAY. AND MAYBE POINTING ON STATE'S EXHIBIT
10 TWENTY, WHERE WOULD YOUR HORSES BE?

11 A. THEY WOULD BE, THIS BEING -- ALRIGHT, WHERE THE
12 DRIVEWAY IS COMING INTO THE HOUSE, THERE'S A FENCE
13 THAT COMES FROM HERE, GOES UP TO HERE, BACK
14 AROUND, AND ON TO THE BACK OF THE HOUSE.

15 Q. AND THIS HOUSE IS IN A PRETTY SECLUDED AREA?

16 A. YES.

17 Q. ANY OTHER HOUSES AROUND RIGHT THERE?

18 A. NO, NO OTHER HOUSES BACK THERE.

19 SOLICITOR PASCOE: MAY I JUST
20 PUBLISH IT TO THE JURY, YOUR HONOR, AND LET THEM SEE IT?

21 THE COURT: YES, SIR.

22 (Whereupon, State's Exhibit Twenty
23 is published to the jury.)

24 Q. DID YOUR COUSIN HAVE A CAR, MR. WILLIE BELL, DID
25 HE HAVE A CAR BACK IN MARCH OF TWO THOUSAND AND

1 SIX?

2 A. NO, SIR.

3 Q. DID YOUR GRANDMOTHER HAVE A CAR BACK THEN?

4 A. YES, SHE DID.

5 Q. DID SHE EVER ALLOW ANYONE TO DRIVE THAT CAR BY
6 THEMSELVES OR ON THEIR OWN?

7 A. NOT TO MY KNOWLEDGE, SHE DID NOT.

8 Q. OKAY. DID YOUR GRANDMOTHER EVER GIVE THE
9 DEFENDANT PERMISSION TO USE THE CAR TO YOUR
10 KNOWLEDGE?

11 A. NO.

12 Q. LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S
13 EXHIBIT TEN, DO YOU RECOGNIZE THAT?

14 A. YES, I DO.

15 Q. WHAT DO YOU RECOGNIZE THAT TO BE?

16 A. THAT IS A NINETEEN NINETY-EIGHT FORD CONTOUR THAT
17 MY GRANDMOTHER DROVE, MY GRANDMOTHER'S CAR.

18 Q. OKAY. YOUR GRANDMOTHER'S CAR BACK IN MARCH OF TWO
19 THOUSAND AND SIX?

20 A. YES.

21 Q. OKAY.

22 SOLICITOR PASCOE: I'D ASK THAT
23 STATE'S EXHIBIT TEN BE ADMITTED INTO EVIDENCE.

24 THE COURT: ANY OBJECTION?

25 MR. MELLARD: NO OBJECTION, YOUR

1 HONOR.

2 THE COURT: ADMITTED WITHOUT
3 OBJECTION.

4 COURT REPORTER: STATE'S TEN.

5 (State's Exhibit Ten
6 marked and filed.)

7 SOLICITOR PASCOE: OKAY. THANK YOU.

8 Q. WHERE DID YOUR GRANDMOTHER KEEP STATE'S TEN?

9 A. SHE KEPT IT PARKED IN FRONT OF THE HOUSE.

10 Q. DO YOU KNOW WHERE YOUR GRANDMOTHER KEPT HER CAR
11 KEYS?

12 A. NO, SIR, I DO NOT.

13 Q. OKAY. DID YOUR GRANDMOTHER HAVE MONEY IN THE
14 HOUSE?

15 A. I DON'T KNOW BUT, I MEAN, SHE -- IT WOULD NOT
16 SURPRISE ME.

17 Q. WELL, LET ME ASK YOU THIS, BUT YOU STATED BEFORE,
18 WHERE WOULD YOUR MOTHER HAVE TO KEEP HER MONEY, OR
19 GRANDMOTHER?

20 A. SHE, SHE WOULD -- IF SHE HAD MONEY SHE WOULD HAVE
21 IT HIDDEN.

22 Q. AND WHY WOULD SHE HAVE TO HIDE THE MONEY?

23 A. BECAUSE SHE WOULD HAVE TO HIDE IT FROM MY COUSIN.
24 BECAUSE HE HAS TAKEN MONEY FROM HER BEFORE.

25 Q. AND WHEN YOU SAY, YOUR COUSIN, IS THAT THE

1 DEFENDANT, WILLIE BELL?

2 A. WILLIE BELL, YES, SIR.

3 Q. HE WOULD TAKE MONEY FROM YOUR GRANDMOTHER?

4 A. YES.

5 Q. NOW, LET ME ASK YOU SOME QUESTIONS ABOUT MARCH
6 EIGHTH, TWO THOUSAND AND SIX, OKAY, THAT'S THAT
7 WEDNESDAY. APPROXIMATELY WHAT TIME DID YOU GO TO
8 YOUR GRANDMOTHER'S HOUSE THAT NIGHT, THAT
9 WEDNESDAY NIGHT BEFORE THE FIRE?

10 A. UM, IT WAS APPROXIMATELY SEVEN, SEVEN:FIFTEEN.

11 Q. AND HOW DO YOU KNOW THAT?

12 A. WELL, BECAUSE I WENT, I WENT TO FEED THE HORSES,
13 BECAUSE I HAD A MEETING LATER THAT NIGHT.

14 Q. I'VE GOT YOU. AND HOW LONG DID YOU STAY AT YOUR
15 GRANDMOTHER'S HOUSE DURING THAT TIME THAT NIGHT?

16 A. APPROXIMATELY THIRTY MINUTES.

17 Q. OKAY. AND IN THE THIRTY MINUTES THAT YOU WERE
18 THERE, AROUND SEVEN:FIFTEEN, WAS THE DEFENDANT,
19 WILLIE BELL, THERE AT ANYTIME WHEN YOU WERE THERE?

20 A. NO, HE WAS NOT.

21 Q. OKAY. AND WHAT DID YOU DO WHEN YOU WERE AT YOUR
22 GRANDMOTHER'S HOUSE THAT NIGHT?

23 A. I CHECKED ON THE HORSES, WHICH IS, THAT'S THE
24 FIRST THING THAT I NORMALLY DO. AND THEN, ONCE
25 DOING THAT, I COME IN THE HOUSE AND I CHECK ON MY

- 1 GRANDMOTHER AND TALK WITH HER BEFORE I LEAVE.
- 2 Q. AND HOW WAS YOUR GRANDMOTHER DOING WHEN YOU TALKED
- 3 TO HER THAT NIGHT?
- 4 A. SHE WAS DOING FINE.
- 5 Q. HOW DID SHE APPEAR?
- 6 A. SHE APPEARED TO BE DOING JUST FINE.
- 7 Q. FINE AND HEALTHY?
- 8 A. YEAH, AND LOOKING FORWARD TO GOING ON HER TRIP.
- 9 Q. WELL, THE NEXT THING I WANT TO ASK YOU, WHAT WAS
- 10 YOUR GRANDMOTHER PLANNING ON DOING THE VERY NEXT
- 11 MORNING?
- 12 A. SHE WAS TRAVELING TO NEW JERSEY TO GO TO HER
- 13 NEPHEW'S FUNERAL.
- 14 Q. WAS SHE GOING TO GO WITH SOME OTHER FAMILY
- 15 MEMBERS?
- 16 A. YES, SHE WAS GOING TO DRIVE OVER TO HARLEYVILLE
- 17 AND MEET UP WITH SOME FAMILY MEMBERS THERE AND
- 18 THEY WERE GOING TO DRIVE TO CHARLESTON TO CATCH
- 19 THE TRAIN.
- 20 Q. AND HOW WAS SHE GOING TO GO TO HARLEYVILLE?
- 21 A. IN HER CAR.
- 22 Q. OKAY. AND HAD SHE BEEN MAKING, DOING PREPARATIONS
- 23 FOR SPECIFICALLY MERRILL AND SOLOMON AND THE
- 24 DEFENDANT BEFORE SHE WAS GOING TO LEAVE THE NEXT
- 25 MORNING?

1 A. YES, ACTUALLY WHEN I LEFT THAT NIGHT I TOOK MURIEL
2 TO A FAMILY MEMBER'S HOUSE WHERE SHE WAS GOING TO
3 BE STAYING UNTIL MY GRANDMOTHER RETURNED.

4 Q. OKAY.

5 A. AND WHENEVER SHE WAS GOING TO BE GONE OUT OF TOWN
6 OVERNIGHT SHE WOULD MAKE SURE THAT THERE WAS
7 ENOUGH FOOD AND PREPARATIONS MADE FOR WILLIE AND
8 SOLOMON TO HAVE UNTIL SHE RETURNED. AND SHE ALSO
9 ASKED THAT I WOULD FEED HER CATS AND HER CHICKENS
10 UNTIL SHE RETURNED, WHEN I CAME TO FEED THE
11 HORSES.

12 Q. WHICH WOULD BE AT LEAST ONCE A DAY?

13 A. AT LEAST ONCE A DAY, YES. AND THE TIME THAT SHE -
14 - WHEN SHE WAS OUT OF TOWN I CAME TWICE A DAY.

15 Q. AND AT WHAT TIMES OF THE DAY WOULD YOU COME THEN?

16 A. IT WOULD BE IN THE MORNING BETWEEN EIGHT AND NINE
17 IN THE MORNING, AND THEN AGAIN IN THE EVENING.

18 Q. SO, STARTING ON MARCH THE NINTH, YOU INTENDED TO
19 BE THERE AT LEAST TWICE A DAY?

20 A. EXACTLY.

21 Q. AND WHO WAS GOING TO TAKE CARE OF SOLOMON?

22 A. SOLOMON WAS, FAMILY MEMBERS WOULD BE CHECKING ON
23 HIM WHILE SHE WAS GONE.

24 Q. INCLUDING YOURSELF?

25 A. INCLUDING MYSELF.

1 Q. OKAY. DO YOU KNOW WHAT TIME YOUR GRANDMOTHER WAS
2 LEAVING THAT NEXT MORNING, ON THURSDAY NIGHT?

3 A. I DON'T KNOW EXACTLY WHAT TIME BUT I KNOW THAT SHE
4 WAS PLANNING TO LEAVE PRETTY EARLY. I DON'T KNOW
5 THE EXACT TIME.

6 Q. NOW, AND WE KIND OF HIT ON THIS, BUT WHEN YOU
7 LEFT, APPROXIMATELY WHAT TIME DO YOU THINK YOU
8 LEFT YOUR GRANDMOTHER'S HOUSE ON WEDNESDAY, MARCH
9 THE EIGHTH?

10 A. I LEFT, IT WAS BETWEEN SEVEN -- IT WAS DEFINITELY
11 BETWEEN SEVEN:THIRTY AND SEVEN:FORTY-FIVE.

12 Q. AND THE FIRST PLACE -- AND WHO WAS WITH YOU WHEN
13 YOU LEFT HER HOUSE?

14 A. MURIEL CAPERS.

15 Q. AND WHERE DID YOU TAKE MURIEL?

16 A. I TOOK HER TO MY UNCLE'S HOUSE.

17 Q. OKAY. AND THAT'S BECAUSE YOUR GRANDMOTHER TOLD
18 YOU TO DO THAT, RIGHT?

19 A. RIGHT.

20 Q. AND WAS THAT THE LAST NIGHT THAT YOU SAW YOUR
21 GRANDMOTHER, MS. AMIE BELL?

22 A. THAT'S THE LAST TIME I SAW HER.

23 Q. AND SHE WAS FINE WHEN YOU LEFT HER?

24 A. SHE WAS FINE WHEN I LEFT HER.

25 Q. AND TELL US HOW YOU WOKE UP ON THURSDAY, MARCH THE

1 NINTH?

2 A. I GOT A CALL FROM HAZEL MIDDLETON, AND HE TOLD ME
3 THAT, HE CALLED ME AND SAID, YOU KNOW, I SEE A
4 FIRE AT YOUR GRANDMOTHER'S HOUSE, IN THE AREA.
5 AND I SAID, WELL,-- AND HE SAID, CALL NINE ONE
6 ONE. AND I SAID, WELL,-- I CALLED NINE ONE ONE
7 AND -- I CALLED NINE ONE ONE, I GOT DRESSED AND I
8 RUSHED OVER THERE.

9 Q. OKAY. HAZEL CALLED YOU AT APPROXIMATELY WHAT
10 TIME?

11 A. APPROXIMATELY SIX:TWENTY-FIVE.

12 Q. OKAY. AND AS SOON AS YOU GOT DRESSED YOU WENT
13 WHERE?

14 A. TO MY GRANDMOTHER'S HOUSE.

15 Q. AND HOW FAR DID YOU LIVE FROM YOUR GRANDMOTHER'S
16 HOUSE?

17 A. FOUR MILES.

18 Q. SO, HOW LONG DID IT TAKE YOU TO GET THERE?

19 A. IT PROBABLY TOOK ME ABOUT EIGHT MINUTES, SEVEN OR
20 EIGHT MINUTES.

21 Q. THAT'S COUNTING PUTTING YOUR CLOTHES ON AND
22 EVERYTHING?

23 A. UH HUH.

24 Q. AND WHAT DID YOU SEE WHEN YOU FIRST GOT TO YOUR
25 GRANDMOTHER'S HOUSE?

- 1 A. WHEN I FIRST GOT THERE, WHEN I DROVE UP, TO THE
2 RIGHT SIDE OF THE HOUSE THERE WAS A FIRE. AND BY
3 THIS TIME ON THAT SIDE THE FIRE HAD GONE UP THAT
4 SIDE OF THE HOUSE, UP TO THE ROOF. AND THEN I SAW
5 MR. MIDDLETON AND SOLOMON, ANNIE AND TOMMY PROFIT,
6 AND JOHN LAMBRIGHT, THEY WERE STANDING IN THE
7 FIELD NEXT TO THE HOUSE.
- 8 Q. OKAY. WAS HAZEL THERE?
- 9 A. YES, HE WAS.
- 10 Q. WAS SOLOMON THERE?
- 11 A. YES.
- 12 Q. WAS THE DEFENDANT, WILLIE BELL, THERE?
- 13 A. NO.
- 14 Q. WHAT ELSE WASN'T THERE THAT MORNING THAT YOU
15 IMMEDIATELY SAW WASN'T THERE?
- 16 A. WELL, MY GRANDMOTHER'S CAR WAS NOT THERE.
- 17 Q. OKAY.
- 18 A. AND THAT WAS, YOU KNOW, THAT WAS A GREAT, YOU
19 KNOW, RELIEF TO ME BECAUSE I THOUGHT THAT, YOU
20 KNOW, SHE HAD ALREADY GONE. YOU KNOW, SHE WAS AN
21 EARLY PERSON SO, YOU KNOW, SHE'S ALREADY GONE, SO
22 YOU KNOW, AT THAT POINT I'M NOT WORRIED ABOUT THE
23 HOUSE.
- 24 Q. OKAY. AND THE ONLY PERSON THAT DROVE THAT CAR
25 WAS?

1 A. MY GRANDMOTHER.

2 Q. SO, WHAT DID YOU END UP DOING DURING THAT TIME AT
3 THE SCENE?

4 A. I WAITED UNTIL THE FIRE DEPARTMENT GOT THERE,
5 WITHIN MINUTES AFTER I GOT THERE, AND JUST WAITED
6 UNTIL THEY PUT THE FIRE OUT.

7 Q. AND TELL THE JURY WHEN YOUR RELIEF ABOUT YOUR
8 GRANDMOTHER HOPEFULLY BEING ON THE TRIP TURNED
9 INTO PANIC AND FEAR?

10 A. WELL, LATER THAT MORNING, YOU KNOW, THEY FOUND
11 WHAT THEY THOUGHT WAS A BODY IN THE HOUSE, AND
12 FROM THAT POINT, YOU KNOW, WE TRIED TO MAKE SOME
13 CALLS TO VERIFY WHETHER OR NOT MY GRANDMOTHER HAD
14 ACTUALLY, YOU KNOW, MADE IT TO HARLEYVILLE AND HAD
15 GOTTEN ON THE TRAIN.

16 Q. AND HOW WERE YOU ABLE TO DETERMINE THAT SHE DIDN'T
17 MAKE THE TRIP?

18 A. I TRAVELED WITH THE CHAPLIN TO HARLEYVILLE TO TALK
19 TO FAMILY MEMBERS THERE ABOUT WHETHER OR NOT MY
20 GRANDMOTHER ACTUALLY CAME TO HARLEYVILLE, AND THE
21 MEMBER THAT WAS THERE GAVE THE CHAPLIN HER
22 HUSBAND'S CELL PHONE NUMBER WHO MY GRANDMOTHER WAS
23 SUPPOSED TO BE TRAVELING WITH. AND THE CHAPLIN
24 CALLED MR. WASHINGTON AND HE TOLD THEM THAT SHE
25 NEVER MADE IT TO THE TRAIN STATION. THAT SHE NEVER

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3 THE SCENE?

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23 SUPPOSED TO BE TRAVELING WITH. AND THE CHAPLIN
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25 NEVER MADE IT TO THE TRAIN STATION. THAT SHE NEVER

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20 GRANDMOTHER ACTUALLY CAME TO HARLEYVILLE, AND THE
21 MEMBER THAT WAS THERE GAVE THE CHAPLIN HER
22 HUSBAND'S CELL PHONE NUMBER WHO MY GRANDMOTHER WAS
23 SUPPOSED TO BE TRAVELING WITH. AND THE CHAPLIN
24 CALLED MR. WASHINGTON AND HE TOLD THEM THAT SHE
25 NEVER MADE IT TO THE TRAIN STATION. THAT SHE NEVER

1 MADE IT TO HARLEYVILLE OR THE TRAIN STATION.

2 Q. DID YOU EVER DISCOVER THAT DAY, ON MARCH THE
3 NINTH, WHO HAD YOUR GRANDMOTHER'S CAR, OR WHERE
4 THE CAR WAS ON MARCH THE NINTH?

5 A. NO.

6 Q. DESCRIBE FOR THE JURY HOW MUCH FAMILY AND HOW
7 MANY FRIENDS BEGAN TO CONVERGE IN HOLLY HILL ON
8 MARCH THE NINTH, TENTH AND ELEVENTH BECAUSE OF THE
9 DEATH OF YOUR GRANDMOTHER?

10 A. WELL, I MEAN, THERE -- SEVERAL PEOPLE CAME, YOU
11 KNOW, ONCE THE WORD GOT OUT THAT THERE WAS A FIRE
12 AND THAT, YOU KNOW, POSSIBLY, YOU KNOW, MY
13 GRANDMOTHER HAD PERISHED IN THE FIRE, AND THERE
14 WERE SEVERAL PEOPLE THAT CAME THAT DAY, AND FOR
15 THE NEXT FEW DAYS UNTIL THE FUNERAL.

16 Q. WHEN DID THE DEFENDANT, WILLIE BELL, RETURN TO THE
17 HOME ON MARCH THE NINTH?

18 A. NOT AT ALL.

19 Q. WHEN ON MARCH THE NINTH DID THE DEFENDANT CALL YOU
20 OR ANY OTHER MEMBER OF YOUR FAMILY THAT YOU KNOW
21 OF?

22 A. TO MY KNOWLEDGE HE DIDN'T CALL ANYONE.

23 Q. WHEN WAS YOUR GRANDMOTHER'S FUNERAL?

24 A. ON MARCH THE FOURTEENTH.

25 Q. SO, THAT WOULD BE ON TUESDAY, MARCH THE

1 FOURTEENTH?

2 A. YES.

3 Q. AND WAS THE DEFENDANT AT YOUR GRANDMOTHER'S
4 FUNERAL?

5 A. NO, SIR.

6 Q. AND WHEN, ON MARCH NINTH, TENTH, ELEVENTH, ALL THE
7 WAY THROUGH THE FIFTEENTH OF MARCH DID THE
8 DEFENDANT EVER CALL YOU OR ANY MEMBER OF YOUR
9 FAMILY, TO YOUR KNOWLEDGE?

10 A. NONE TO MY KNOWLEDGE.

11 Q. AND YOU HAVE A FAIRLY CLOSE FAMILY, AS YOU ALLUDED
12 TO?

13 A. YES, SIR.

14 Q. LET ME SHOW YOU STATE'S EXHIBIT SEVEN-A, OKAY,
15 THIS IS YOUR GRANDMOTHER'S BED, DO YOU RECOGNIZE
16 WHAT THAT IS?

17 A. IT LOOKS TO BE THE HEAD OF A WOOD SPLITTER.

18 Q. A WOOD SPLITTER. DID Y'ALL HAVE A WOOD SPLITTER
19 AT THE HOUSE, OR DID YOUR GRANDMOTHER HAVE A WOOD
20 SPLITTER AT THE HOUSE?

21 A. SHE, SHE HAD A WOOD SPLITTER BECAUSE SHE BURNED
22 WOOD, SO ---

23 Q. DID SHE KEEP IT INSIDE THE HOUSE?

24 A. NO, SIR.

25 Q. THE, AS YOU'VE TESTIFIED TO NOW, YOUR GRANDMOTHER

1 WAS GOING TO TAKE A TRIP THE NEXT MORNING, AND YOU
2 DON'T KNOW HOW MUCH MONEY SHE'D EVER ALWAYS HAVE
3 IN HER HOUSE, CORRECT?

4 A. NO.

5 Q. WOULD IT BE UNUSUAL, THOUGH, FOR HER IF SHE HAD
6 FIVE HUNDRED DOLLARS IN THE HOUSE BEFORE SHE WAS
7 TAKING A TRIP?

8 A. NO, THAT WOULD NOT BE UNUSUAL.

9 Q. THAT WOULD NOT BE UNUSUAL, WOULD IT?

10 A. NO.

11 Q. LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S
12 EXHIBIT FIVE JUST FOR ID RIGHT NOW, OKAY, DO YOU
13 RECOGNIZE WHOSE SIGNATURE IS ON STATE'S EXHIBIT
14 FIVE?

15 A. YES.

16 Q. WHO'S SIGNATURE IS THAT?

17 A. IT LOOKS LIKE WILLIE'S SIGNATURE.

18 Q. AND YOU KNOW YOUR COUSIN, WILLIE BELL'S SIGNATURE,
19 RIGHT?

20 A. YES.

21 MR. MELLARD: IS THAT IN EVIDENCE?

22 SOLICITOR PASCOE: I'M SORRY, I
23 DIDN'T PUT IT IN YET, I WAS JUST SHOWING IT TO HIM.

24 I BEG THE COURT'S INDULGENCE.

25 THE COURT: YES, SIR.

1 SOLICITOR PASCOE: THAT'S ALL I
2 HAVE, SIR, ANSWER ANY QUESTIONS MR. MELLARD HAS FOR YOU.

3 THE COURT: CROSS-EXAMINATION.

4 MR. MELLARD: THANK YOU.

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

1 CROSS-EXAMINATION OF GREGORY A. DINGLE

2 BY MR. MELLARD:

3 Q. ARE YOU AWARE IF MS. BELL KEPT ANY KEROSENE LAMPS
4 IN THE HOUSE?

5 A. YES, SIR, SHE DID.

6 Q. OKAY. HOW MANY KEROSENE LAMPS DID SHE KEEP IN THE
7 HOUSE?

8 A. I DON'T KNOW HOW MANY. SHE KEPT KEROSENE LAMPS
9 FOR EMERGENCY PURPOSES IN CASE THE LIGHTS WENT
10 OUT.

11 Q. OKAY. DO YOU KNOW IF SHE KEPT THEM IN EVERY ROOM?

12 A. NO, I DO NOT KNOW IF SHE KEPT THEM IN EVERY ROOM.

13 Q. OKAY. HOW OFTEN DID YOU GO OVER INSIDE HER HOUSE?
14 I KNOW YOU CAME OVER TO SEE THE HORSES, HOW OFTEN
15 DID YOU GET INSIDE THE HOUSE?

16 A. EVERY NIGHT.

17 Q. OKAY. SO YOU WOULD KNOW IF THERE WERE KEROSENE
18 LAMPS IN EVERY ROOM, YOU WOULD HAVE SEEN THEM?

19 A. IF THEY WERE IN EVERY ROOM I WOULD HAVE SEEN THEM.

20 Q. OKAY. BUT YOU DON'T REMEMBER HOW MANY THERE ARE?

21 A. I DON'T REMEMBER HOW MANY SHE HAD.

22 Q. OKAY. LET ME ASK YOU, HOW MANY HORSES DID YOU
23 KEEP OVER AT HER HOUSE?

24 A. TEN.

25 Q. TEN HORSES?

1 A. YES, SIR.

2 Q. ALL OF THEM WERE YOURS?

3 A. YES, SIR.

4 Q. OKAY. AND YOU SAID ANNA BELL WAS IN GOOD HEALTH,
5 ARE YOU AWARE THAT SHE WAS A DIABETIC?

6 A. YES, I AM.

7 Q. OKAY. ARE YOU AWARE THAT SHE HAD DEGENERATIVE
8 JOINT DISEASE?

9 A. NO, I DIDN'T, NO, I WAS NOT.

10 Q. DO YOU KNOW IF SHE WAS ON ANY MEDICATION?

11 A. YES, I DO KNOW SHE WAS ON MEDICATION.

12 Q. WHAT MEDICATION WAS SHE ON?

13 A. I DON'T KNOW WHAT MEDICATION BUT I KNOW SHE WAS ON
14 MEDICATION.

15 Q. WHAT WAS SHE ON MEDICATION FOR?

16 A. I KNOW SHE WAS ON MEDICATION FOR DIABETES?

17 Q. ANYTHING ELSE THAT YOU KNOW OF?

18 A. I DON'T, NO, NOTHING THAT I KNOW OF.

19 Q. OKAY.

20 MR. MELLARD: THAT'S ALL THE
21 QUESTIONS WE HAVE.

22 THE COURT: REDIRECT?

23 SOLICITOR PASCOE: I BEG THE COURT'S

24 -- I DON'T THINK SO BUT LET ME -- NO, THANK YOU, GREG.

25 THE COURT: THANK YOU, SIR, YOU MAY

1 STEP DOWN.

2 CALL YOUR NEXT WITNESS.

3 SOLICITOR PASCOE: THE STATE CALLS

4 DEPUTY STATEN.

5 (Whereupon, witness
6 enters the courtroom.)

7 THE COURT: COME AROUND, PLEASE.

8 WITNESS: I'LL AFFIRM.

9 (Whereupon, A. R. Staten is duly
10 sworn or affirmed.)

11 COURT REPORTER: SPELL YOUR LAST
12 NAME, PLEASE.

13 WITNESS: S-T-A-T-E-N.

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

1 DIRECT EXAMINATION OF A. R. STATEN

2 BY SOLICITOR PASCOE:

3 Q. GOOD AFTERNOON, DEPUTY STATEN. WHERE DO YOU WORK,
4 SIR?

5 A. I WORK FOR THE ORANGEBURG COUNTY SHERIFF'S OFFICE.

6 Q. AND HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT
7 ALTOGETHER?

8 A. ABOUT TWENTY-SEVEN YEARS.

9 Q. WHAT ARE YOUR DUTIES WITH THE ORANGEBURG COUNTY
10 SHERIFF'S OFFICE?

11 A. I'M A DEPUTY ON PATROL.

12 Q. OKAY. AND WERE YOU A DEPUTY ON PATROL BACK IN
13 MARCH OF TWO THOUSAND AND SIX?

14 A. YES, I WAS [REDACTED]

15 Q. AND WHAT ARE WERE YOU PATROLLING BACK IN MARCH OF
16 TWO THOUSAND AND SIX?

17 A. THIS IS THE AREA KNOWN AS THE EAST REGION. IT
18 COMPILES OF VANCE, HOLLY HILL, EUTAWVILLE AND
19 SANTEE AND ELLOREE.

20 Q. OKAY. WHAT ARE YOUR DUTIES, JUST BRIEFLY, AS A
21 DEPUTY ON CALL FOR THAT AREA?

22 A. WELL, CRIME PREVENTION IS NUMBER ONE. HOWEVER, WE
23 RECEIVE CALLS, TAKE COMPLAINTS THAT PEOPLE HAVE,
24 ASSIST IN THE COMMUNITY.

25 Q. AND IF I CALL NINE ONE ONE FOR A POLICE OFFICER

1 AND I LIVE IN THAT AREA YOU TALKED ABOUT, YOU'RE
2 GOING TO BE THE FIRST ONE AT THE SCENE, OR ANOTHER
3 DEPUTY?

4 A. YES, THAT'S CORRECT.

5 Q. OKAY. AND WERE YOU ON DUTY THE MORNING OF
6 THURSDAY, MARCH NINTH, TWO THOUSAND AND SIX?

7 A. YES, I WAS.

8 Q. AND YOU HAVE YOUR ACTUAL INCIDENT REPORT IF YOU
9 NEED TO REFER TO IT?

10 A. THANK YOU.

11 Q. OKAY. WHAT WERE YOU DISPATCHED TO DO AT
12 APPROXIMATELY EIGHT:THIRTY-NINE THAT THURSDAY
13 MORNING, WHERE DID YOU GO?

14 A. I WENT TO [REDACTED] ROAD IN HOLLY HILL.

15 Q. AND THAT'S IN ORANGEBURG COUNTY, SIR?

16 A. THAT IS IN ORANGEBURG COUNTY.

17 Q. AND WHY DID YOU HAVE TO GO THERE THAT MORNING?

18 A. IT WAS A SUSPICIOUS FIRE.

19 Q. OKAY. WHAT WAS FOUND IN THE HOUSE TO MAKE IT
20 SUSPICIOUS THAT YOU NEEDED TO BE CALLED?

21 A. WELL, THEY WASN'T SURE IF THERE WAS A BODY OR NOT
22 LOCATED AT THAT FIRE WHICH THEY THOUGHT WAS
23 SUSPICIOUS.

24 Q. YES, SIR. AND APPROXIMATELY WHAT TIME, DEPUTY,
25 DID YOU ARRIVE AT THE SCENE THAT MORNING?

1 A. MY ARRIVAL TIME WAS NINE:TEN.

2 Q. OKAY. WHO ELSE WAS AT THE SCENE WHEN YOU GOT
3 THERE?

4 A. THE FIRE DEPARTMENT, AND I SPOKE TO MR. DINGLE,
5 MR. GREG DINGLE. HE WAS MY, I LISTED HIM AS MY
6 COMPLAINANT.

7 Q. OKAY. AND JUST VERY QUICKLY, THE PICTURES IN
8 STATE'S EXHIBIT SEVEN, DOES THAT ACCURATELY, THAT
9 DEPICTS THE AREA THAT YOU HAD TO RESPOND TO THAT
10 MORNING?

11 A. YES, IT DOES.

12 Q. OKAY. AND DID YOU DOCUMENT FOR YOUR INCIDENT
13 REPORT THE TIME THAT THE FIRE WAS CALLED IN?

14 A. THAT'S CORRECT. I SPOKE WITH THE FIRE DEPARTMENT,
15 THE FIRE OFFICER GOT IT FROM HIS DISPATCHER.
16 LET'S SEE, THE FIRE DEPARTMENT RESPONDED AT
17 SIX:TWENTY-SIX A.M., AND UNITS ARRIVED AT
18 SIX:THIRTY-SEVEN A.M., AND I WAS CALLED AT
19 EIGHT:THIRTY-NINE.

20 Q. AND BY THE TIME YOU GET THERE AT NINE:TEN THE FIRE
21 HAS BEEN WELL PUT OUT, CORRECT?

22 A. YES.

23 Q. OKAY. DID YOU LEARN LATER THAT MORNING WHILE YOU
24 WERE AT THE SCENE WHO THE VICTIM WAS IN THE
25 BEDROOM?

1 A. YES, I DID.

2 Q. AND WHO WAS THAT?

3 A. WELL, LATER ON THAT MORNING, OR EARLY AFTERNOON IT
4 WAS DETERMINED THAT MS. ANNA W. BELL WAS THE
5 PERSON IN THE FIRE.

6 Q. OKAY. AND HOW OLD WAS SHE BACK THEN, SIR?

7 A. SHE WAS LISTED AS A SEVENTY-EIGHT YEARS OLD BLACK
8 FEMALE, FIVE-THREE, APPROXIMATELY A HUNDRED AND
9 FIFTY-TWO POUNDS, BLACK HAIR, BROWN EYES POSSIBLY.

10 Q. OKAY. AND WHAT DID YOU DO AT THE SCENE, DEPUTY, -
11 --

12 A. WELL, ---

13 Q. --- ONCE YOU LEARNED IT WAS A DECEASED PERSON,
14 WHAT DID YOU DO?

15 A. ONCE WE LEARNED IT WAS A DECEASED PERSON, WE HAVE
16 A PROTOCOL THAT WE FOLLOW AND CERTAIN PEOPLE HAVE
17 TO BE CALLED TO CONDUCT THE INVESTIGATION AND
18 THINGS OF THAT NATURE, PEOPLE SUCH AS OUR
19 INVESTIGATOR, A CHAPLIN, CORONER, BUT THERE IS A
20 PROCESS BY WHICH THOSE THINGS, HOW THOSE PEOPLE
21 ARE CALLED OUT.

22 Q. AND YOU MADE SURE THAT THEY WERE CALLED, THAT WAS
23 PART OF YOUR DUTIES?

24 A. I'M TO NOTIFY MY SUPERVISOR AND MY SUPERVISOR
25 TAKES IT FROM THERE.

1 Q. OKAY.. NOW, WAS THERE ANYTHING MISSING FROM THE
2 SCENE THAT YOU DOCUMENTED IN YOUR REPORT?

3 A. YES. ONE OF THE VERY FIRST THINGS WAS THE
4 NOTATION OF A NINETY-EIGHT FORD CONTOUR, SOUTH
5 CAROLINA TAG [REDACTED]
6 [REDACTED]

7 Q. OKAY. AND DID YOU ACTUALLY EVEN GET THE VIN
8 NUMBER FOR THE VEHICLE?

9 A. THAT WOULD BE ON MY -- YES.

10 Q. WHAT WAS THAT?

11 A. THE LAST FOUR NUMBERS OF VIN IS [REDACTED].

12 Q. AND THAT'S THE VEHICLE INFORMATION THAT YOU GOT
13 THAT MORNING?

14 A. YES, I DESCRIBED IT AS A BURGUNDY FORD CONTOUR.
15 THE OWNER'S NAME IS ROBBIE LEE SIMMONS.

16 Q. AND WHAT DID YOU DO WITH THAT INFORMATION ABOUT
17 THE NINETY-EIGHT FORD CONTOUR AND THE VIN NUMBER,
18 WHAT DID YOU END UP DOING WITH THAT, OTHER THAN
19 JUST PUTTING IT IN YOUR REPORT, WHAT GETS DONE
20 WITH THAT INFORMATION?

21 A. WE WERE INTERESTED IN FINDING THE VEHICLE SO I
22 LISTED IT AS MISSING. WE WANTED TO FIND THE
23 VEHICLE. [REDACTED]

24 Q. AND DOES THAT GO OUT ON A BOLO?

25 A. YES.

1 Q. OKAY.

2 A. AT A CERTAIN POINT IN TIME THAT DAY IT WAS ISSUED
3 OUT EVERYWHERE.

4 Q. AND TELL THE JURY WHAT THAT MEANS, WHAT A BOLO IS?

5 A. A BOLO IS WHEN THE DISPATCHER GIVES THE
6 INFORMATION OUT, IT GOES INTO A MAILBOX THAT'S
7 BROADCAST TO OTHER AGENCIES, AND IT'S ALSO GIVEN
8 OUT VERBALLY TO ALL THE AGENCIES, LAW ENFORCEMENT
9 AGENCIES IN THE REGION. SO, ALL, VANCE, ALL THE
10 POLICE DEPARTMENTS, SHERIFF'S OFFICE, EVEN HIGHWAY
11 PATROLS IN THE AREA WOULD HAVE THAT INFORMATION ON
12 THAT VEHICLE THAT WE WERE LOOKING FOR.

13 Q. AND DEPUTY, DID YOU LIST ANYONE IN PARTICULAR, A
14 SPECIFIC PERSON THAT WAS MISSING THAT MORNING THAT
15 YOU WERE ALSO LOOKING FOR TO TALK TO?

16 A. YES, ONLY ONE PERSON THAT WAS UNACCOUNTED FOR AS A
17 FAMILY MEMBER WAS THE DEFENDANT.

18 Q. OKAY. MR. WILLIE BELL, JUNIOR?

19 A. THAT'S WHO WE WERE LOOKING FOR.

20 Q. AND WHERE DID HE LIVE, SIR?

21 A. IN -- OUR UNDERSTANDING WAS HE LIVED IN A, IT'S
22 LIKE A TRAILER RIGHT BESIDE THE HOUSE AT THE
23 ADDRESS OF [REDACTED] ROAD.

24 Q. AND HOW LATE DID YOU STAY AT THE SCENE AT DOLEMITE
25 ROAD THAT DAY?

1 A. OH, I WAS THERE ALL DAY, UNTIL FIVE, FIVE:THIRTY.

2 Q. UNTIL ABOUT FIVE, FIVE:THIRTY IN THE AFTERNOON?

3 A. THAT'S CORRECT.

4 Q. SO, YOU WERE THERE AT LEAST EIGHT HOURS?

5 A. OH, AT LEAST EIGHT HOURS.

6 Q. AND IN THE EIGHT HOURS THAT YOU WERE THERE DID
7 WILLIE BELL, THE DEFENDANT, EVER COME BACK TO THE
8 SCENE?

9 A. NO, AND WE DID NOT FIND THE CAR.

10 Q. DID YOU EVER LOCATE -- YEAH, THAT WAS THE NEXT
11 QUESTION, DID YOU EVER LOCATE THE VICTIM'S CAR AT
12 ALL THAT DAY?

13 A. NO, WE DID NOT.

14 Q. AND DEPUTY, TAKING DOWN THAT INCIDENT REPORT AND
15 DOING THE INITIAL REPORT, THAT'S YOUR
16 RESPONSIBILITY?

17 A. THAT'S MY INITIAL RESPONSIBILITY.

18 Q. DID YOU HAVE ANYMORE INVOLVEMENT IN THE CASE AFTER
19 MARCH THE NINTH?

20 A. NONE WHATSOEVER.

21 SOLICITOR PASCOE: OKAY. ANSWER ANY
22 QUESTIONS DEFENSE COUNSEL HAS FOR YOU.

23 THE COURT: MR. MELLARD.

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

1 CROSS-EXAMINATION OF A. R. STATEN

2 BY MR. MELLARD:

3 Q. DO YOU HAVE THE -- THE OWNER'S NAME ON THIS
4 VEHICLE IS ROBBIE LEE SIMMONS, CORRECT?

5 A. THAT'S WHAT MY REPORT INDICATES, THAT MEANS I
6 WOULD HAVE PROBABLY LOOKED AT A REGISTRATION OR
7 WAS ADVISED.

8 Q. OKAY. SO, THE OWNER, AS FAR AS YOU KNOW, IS
9 ROBBIE LEE SIMMONS, CORRECT?

10 A. AS FAR AS I KNOW, THAT'S CORRECT.

11 Q. OKAY. SO ANNA BELL DOESN'T EVEN OWN THIS CAR, AS
12 FAR AS YOUR RECORDS ARE REFLECTING?

13 A. AS FAR AS MY RECORDS REFLECT.

14 MR. MELLARD: OKAY, FINE. THANKS.

15 THE COURT: REDIRECT?

16 SOLICITOR PASCOE: NO, SIR. THANK
17 YOU.

18 THE COURT: THANK YOU, SIR, YOU MAY
19 STEP DOWN.

20 SOLICITOR PASCOE: AND CAN HE BE
21 EXCUSED, YOUR HONOR?

22 THE COURT: YES, SIR.

23 NEXT WITNESS.

24 SOLICITOR PASCOE: DEPUTY CORONER
25 GEORGE BONNETTE.

1 (Whereupon, witness
2 enters the courtroom.)

3 CLERK: PLEASE PLACE YOUR LEFT HAND
4 ON THE BIBLE AND RAISE YOUR RIGHT HAND.

5 (Whereupon, George Emanuel Bonnette, Jr.,
6 is duly sworn.)

7 CLERK: PLEASE HAVE A SEAT AND STATE
8 YOUR FULL NAME.

9 WITNESS: GEORGE EMANUEL BONNETTE,
10 JR.

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

1 DIRECT EXAMINATION OF GEORGE BONNETTE, JR.,

2 BY SOLICITOR PASCOE:

3 Q. GOOD AFTERNOON, MR. BONNETTE.

4 A. GOOD AFTERNOON.

5 Q. WHERE DO YOU CURRENTLY WORK, SIR?

6 A. I WORK FOR ORANGEBURG COUNTY OFFICE OF EMERGENCY
7 SERVICES AS THE EMERGENCY PLANNER.

8 Q. OKAY. HOW LONG HAVE YOU WORKED THERE?

9 A. I'VE WORKED THERE SINCE ABOUT JULY OF TWO THOUSAND
10 AND THREE.

11 Q. OKAY. AND DO YOU ALSO WORK IN THE CORONER'S
12 OFFICE?

13 A. I AM ALSO A DEPUTY CORONER.

14 Q. OKAY. AND HOW LONG HAVE YOU BEEN WITH THE
15 CORONER'S OFFICE?

16 A. SINCE FEBRUARY, WELL, ANYHOW IT'S ABOUT ELEVEN
17 YEARS.

18 Q. ELEVEN YEARS. AND WHAT ARE YOUR DUTIES AS A
19 DEPUTY CORONER AT THE CORONER'S OFFICE?

20 A. TO RESPOND TO DEATH SCENES AND TO PRONOUNCE AND TO
21 DETERMINE A CAUSE OF DEATH.

22 Q. OR THAT A PERSON IS DEAD ACTUALLY, RIGHT?

23 A. YES, SIR.

24 Q. PRONOUNCE THEM AS DEAD?

25 A. YES.

1 Q. APPROXIMATELY HOW MANY SCENES HAVE YOU BEEN CALLED
2 TO IN THE LAST ELEVEN YEARS TO PRONOUNCE DEATH?

3 A. OVER ELEVEN HUNDRED.

4 Q. OKAY. ALL TYPES AND MANNERS OF DEATH?

5 A. ALL TYPES AND MANNERS OF DEATH.

6 Q. NATURAL AND HOMICIDE?

7 A. NATURAL, HOMICIDE, ACCIDENTAL.

8 Q. WERE YOU CALLED TO GO SOMEWHERE THE AFTERNOON OF
9 THURSDAY, MARCH THE NINTH, TWO THOUSAND AND SIX?

10 A. YES, SIR.

11 Q. AND YOU HAVE YOUR NOTES IF YOU NEED THEM TO USE
12 THEM TO REFRESH YOUR MEMORY?

13 A. YES..

14 Q. WHERE WERE YOU CALLED TO GO?

15 A. THE HOUSE ON E ROAD, HOLLY HILL.

16 Q. THAT'S IN ORANGEBURG COUNTY?

17 A. THAT'S IN ORANGEBURG COUNTY.

18 Q. AND WHOSE HOUSE WAS THAT?

19 A. ANNA W. BELL.

20 Q. AND WHY WERE YOU CALLED TO GO THERE?

21 A. THEY HAD HAD A FIRE AT THAT HOUSE AND HAD FOUND A
22 BODY AFTER THE FIRE WAS PUT OUT.

23 Q. OKAY. AND WHAT WAS THE APPROXIMATE TIME THAT YOU
24 GOT TO THE HOUSE TO SEE THE BODY?

25 A. I GOT THERE ABOUT THIRTEEN HUNDRED HOURS.

1 Q. OKAY. AND WHAT DID YOU DO WHEN YOU FIRST GOT
2 THERE?

3 A. WHEN I FIRST GOT THERE I SPOKE WITH THE FIRE
4 CHIEF, THE DEPUTY ON THE SCENE, AND ALSO THE SLED
5 AGENTS THAT WERE THERE.

6 Q. OKAY. AND JUST GOT BACKGROUND INFORMATION FROM
7 THEM?

8 A. YES.

9 Q. AND DID YOU EVENTUALLY THEN GO TO SEE THE BODY?

10 A. YES.

11 Q. AND WHEN YOU FIRST WENT TO GO LOOK AT IT, JUST A
12 FIRST INITIAL IMPRESSION, DID YOU EVEN KNOW IT WAS
13 A HUMAN BODY?

14 A. I COULD TELL THAT IT WAS A HUMAN BODY, YES.

15 Q. OKAY. AND HOW IS THAT?

16 A. JUST THE SHAPE OF THE BODY, AND ALSO THERE WAS A
17 HEAD ON THE BODY.

18 Q. OKAY. AND HOW WAS THE BODY POSITIONED IN THE BED?

19 A. THE BODY WAS PRONE IN THE BED, FACE DOWN.

20 Q. OKAY. WHEN YOU SAY, FACE DOWN, DESCRIBE FOR THE
21 JURY?

22 A. FACE DOWN.

23 Q. COMPLETELY FACE DOWN, FACE DOWN IN THE MIDDLE OF
24 THE BED?

25 A. FACE DOWN.

1 Q. OKAY. WHAT DID YOU DO WITH THE BODY WHEN YOU
2 FIRST SAW JUST, YOU KNOW, FACE DOWN?

3 A. WELL, I TRIED TO DETERMINE TO START WITH IF IT WAS
4 MALE OR FEMALE, AND THE BODY WAS CHARRED TO THE
5 POINT THAT WE COULDN'T TELL AT THAT POINT IF IT
6 WAS MALE OR FEMALE. I CALLED FOR THE CORONER'S
7 VAN TO COME. ONCE THE CORONER'S VAN GOT THERE WE
8 REMOVED THE BODY, WE ROLLED THE BODY INTO A BODY
9 BAG AND PLACED IT IN THE CORONER'S BAG FOR
10 TRANSPORT TO THE MORGUE.

11 Q. OKAY. AND BEFORE YOU TURNED THE BODY OVER, I'M
12 SHOWING YOU STATE'S EXHIBIT SEVEN-D, DOES THAT
13 ACCURATELY DEPICT HOW THE BODY WAS FACE DOWN, AND
14 PRONE, THE WAY YOU FOUND IT THAT DAY?

15 A. YES.

16 Q. HOW ABOUT POINT OUT FOR THE JURY, LET THEM KNOW,
17 WHERE IS THE HEAD, THE BACK SIDE OF THE BODY?

18 A. HERE IS THE HEAD AND HERE IS THE BACK AND THE
19 LEGS.

20 Q. OKAY. AND WHEN YOU TURNED THE BODY OVER WERE YOU
21 ABLE TO DETERMINE THE SEX?

22 A. YES, IT APPEARED TO BE A FEMALE AT THAT TIME.

23 Q. OKAY. WAS THERE ANYTHING YOU NOTED ABOUT TRAUMA
24 TO THE BODY?

25 A. YES, I NOTICED THAT THERE WERE CONSIDERABLE TRAUMA

1 TO THE SKULL. IT LOOKED LIKE THERE WAS A GOOD BIT
2 OF THE SKULL THAT POSSIBLY WAS MISSING.

3 Q. AND JUST FOR THE PURPOSES OF IDENTIFICATION, I
4 DON'T WANT YOU TO SHOW IT TO THE JURY, DO YOU
5 RECOGNIZE STATE'S EXHIBIT EIGHTEEN?

6 A. YES, SIR.

7 Q. WHAT IS THAT?

8 A. THAT IS THE BODY AFTER WE PUT IT IN THE BODY BAG.

9 Q. OKAY. THE BODY OF THE VICTIM, MS. AMIE BELL?

10 A. THE BODY OF THE VICTIM.

11 Q. DOES IT ACCURATELY DEPICT SOME OF THE INJURY TO
12 THE SKULL THAT YOU MENTIONED?

13 A. YES, YES, IT DOES, UP AROUND THIS AREA.

14 Q. AND WOULD THAT ASSIST THE JURY IN KNOWING THE
15 DAMAGE TO THE HEAD YOU WERE TALKING ABOUT?

16 A. YES, SOME OF THE DAMAGE.

17 Q. WAS IT ACTUALLY EVEN WORSE THAN WHAT'S IN THIS
18 PICTURE?

19 A. YES. THERE WAS CONSIDERABLE DAMAGE BEHIND THE
20 BACK OF THAT.

21 Q. OKAY.

22 SOLICITOR PASCOE: I'D ASK THAT
23 STATE'S EXHIBIT EIGHTEEN BE ADMITTED INTO EVIDENCE, YOUR
24 HONOR.

25 MR. MELLARD: I OBJECT.

1 THE COURT: LET ME SEE IT.

2 (Whereupon, the Court
3 examines State's Exhibit Eighteen)

4 THE COURT: ALRIGHT, LADIES AND
5 GENTLEMEN, PLEASE STEP TO THE JURY ROOM JUST A MINUTE,
6 PLEASE DO NOT TALK ABOUT THE CASE.
7 (Whereupon, the jury retires
8 to the jury room, and the following
9 takes place out of the presence
10 of the jury.)

11 THE COURT: ALRIGHT, TELL ME, MR.
12 MELLARD, WHAT YOU'RE TALKING ABOUT?

13 MR. MELLARD: YOU CAN SEE THE NOSE
14 AND YOU CAN SEE PART OF THE SKULL MISSING THERE. I'M
15 SPEAKING OF THE BACK OF THE SKULL. IT SEEMS TO HAVE A
16 GOOD BIT OF IT MISSING ALSO. YOU CANNOT SEE IT IN THIS
17 PICTURE, BUT THE BACK OF THE SKULL WHEN IT WAS LAYING
18 FACE DOWN, YOU COULD SEE THAT IT WAS MISSING.

19 THE COURT: THE PART OF THE SKULL IN
20 THE FRONT PART THERE IS MISSING?

21 MR. MELLARD: PART OF THE SKULL --
22 IT'S MISSING ALSO, YES, SIR.

23 THE COURT: ALRIGHT, THANK YOU.
24 ALRIGHT, MR. MELLARD, I'LL HEAR YOU.

25 MR. MELLARD: WELL, YOUR HONOR, IT'S

1 THE SAME OBJECTION WE HAD YESTERDAY, THIS IS HIGHLY
2 PREJUDICIAL. IT DOES NOT GO TO ANYTHING AS FAR AS THE
3 MURDER IN THIS CASE, AND -- BECAUSE WE KNOW THAT THE
4 BODY WAS BURNED AFTER THE WOMAN HAD ALREADY DIED. HE'S
5 ALREADY TESTIFIED, AND HE CAN CONTINUE TO TESTIFY AS TO
6 THE CONDITION OF THE BODY. THAT'S JUST ABSOLUTELY
7 PREJUDICIAL, JUST THE SAME AS WE TALKED ABOUT YESTERDAY.
8 AND IT JUST HAS LITTLE OR NO PROBATIVE VALUE, BECAUSE IT
9 DOESN'T GO TO THE PARTICULAR ISSUES IN THIS CASE.

10 THE COURT: LET ME SEE THE POSTER
11 WITH THE PHOTOGRAPHS ON IT.

12 SOLICITOR PASCOE: THAT'S THE ONLY
13 ONE OF THE BODY, YOUR HONOR, ON STATE'S EXHIBIT SEVEN.

14 THE COURT: ALRIGHT. ALRIGHT, I'LL
15 HEAR FROM YOU, MR. PASCOE.

16 SOLICITOR PASCOE: YOUR HONOR, IT
17 SHOWS INJURY TO THE BACK OF THE SKULL. I THINK IT'S VERY
18 PROBATIVE. I REALLY DON'T SEE HOW IT'S TOO PREJUDICIAL.
19 THERE ARE A LOT, LOT WORSE PICTURE THAN THAT THAT WE'RE
20 NOT ATTEMPTING TO PUT IN.

21 MR. MELLARD: AND YOUR HONOR, IT
22 SHOWS TRAUMA TO THE BACK OF THE HEAD BUT WE DON'T KNOW
23 THAT TRAUMA GOT THERE, WHETHER THAT'S FROM THE FIRE, WE
24 DON'T KNOW. IT'S JUST ABSOLUTELY PREJUDICIAL.

25 THE COURT: WELL, HE TESTIFIED IT

1 WAS FROM TRAUMA TO THE HEAD. WHAT ABOUT THE OTHER
2 PICTURES YOU HAD YESTERDAY, DOES THAT COME IN LATER?

3 SOLICITOR PASCOE: NO, I WASN'T
4 GOING TO PLAN ON PUTTING THAT IN LATER, NO, SIR.

5 THE COURT: ALRIGHT. I FIND THIS
6 PHOTOGRAPH DOES SHOW MATERIAL ITEMS OR EVIDENCE WHICH
7 CANNOT BE SEEN IN THE OTHER PHOTOGRAPH, AND I FIND THE
8 PROBATIVE VALUE OF THE PHOTOGRAPH FOR THAT REASON, TO
9 SHOW THAT THERE WAS INJURY TO THE SKULL WHICH IS CLEARLY
10 VISIBLE ONCE THE CORONER POINTS IT OUT, OUTWEIGHS THE
11 PREJUDICE. SO, I OVERRULE YOUR OBJECTION. PHOTOGRAPH
12 NUMBER EIGHTEEN IS ADMITTED OVER THE DEFENSE'S
13 OBJECTION.

14 ANYTHING ELSE BEFORE I BRING IN THE
15 JURY?

16 SOLICITOR PASCOE: CAN WE -- I'LL
17 TELL YOU, IF YOU DON'T MIND, CAN WE TAKE A LITTLE BREAK
18 NOW? WE DON'T, I MEAN, SCHEDULE-WISE, WE'VE GOT
19 PROBABLY THREE MORE WITNESSES. AT THE RATE WE'RE GOING
20 WE MAY BE DONE BY THREE:FIFTEEN. YOU KNOW, I HAD EIGHT
21 SCHEDULED FOR TODAY AND WE'RE GOING TO HIT ALL EIGHT OF
22 THEM.

23 THE COURT: WELL, WE'RE NOT GOING TO
24 TAKE A BREAK JUST TO GET BACK ON SCHEDULE.

25 SOLICITOR PASCOE: NO, NO, I DIDN'T

1 MEAN TO TAKE A TWO HOUR BREAK.

2 THE COURT: ALRIGHT. TELL THE JURY
3 WE'RE GOING TO TAKE A SHORT BREAK, PLEASE, MA'AM, A
4 LITTLE LONGER THAN THE SHORT BREAK I PROMISED THEM.

5 SOLICITOR PASCOE: THE REASON I
6 WANTED TO DO THAT IS BECAUSE THOSE NEXT THREE WILL BE
7 PRETTY QUICK, AND THEN WE CAN -

8 THE COURT: ALRIGHT. THE COURT'S IN
9 RECESS.

10 SOLICITOR PASCOE: THANK YOU, YOUR
11 HONOR.

12 YOU CAN'T TALK TO ANYBODY ABOUT YOUR
13 TESTIMONY, NOW.

14 (Recess)

15 THE COURT: ALRIGHT. MR. MELLARD
16 AND I TALKED ABOUT THAT LAST PHOTOGRAPH, AND I'M GOING
17 TO GIVE HIM AN OPPORTUNITY TO EXAMINE MR. BONNETTE ABOUT
18 THAT PHOTOGRAPH, AND THEN I'LL REVISIT MY RULING.

19 ALRIGHT, MR. MELLARD.

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

1 CROSS-EXAMINATION, IN CAMERA, OF GEORGE BONNETTE JR.,

2 BY MR. MELLARD:

3 Q. ALRIGHT, MR. BONNETTE, LET ME ASK YOU ABOUT THIS
4 PHOTOGRAPH HERE, WHICH IS STATE'S EXHIBIT
5 EIGHTEEN.

6 A. YES, SIR.

7 Q. OKAY. YOU TESTIFIED EARLIER THAT THERE WAS TRAUMA
8 TO THAT ---

9 A. CORRECT.

10 Q. OKAY. CAN YOU TELL US THE SOURCE OF THE TRAUMA?

11 A. ALL I CAN TELL YOU IS IT'S HEAD TRAUMA.

12 Q. DO YOU KNOW IF IT'S BLUNT FORCE TRAUMA?

13 A. BLUNT -- YEAH, BLUNT -- IT LOOKED LIKE BLUNT FORCE
14 TRAUMA.

15 Q. THAT'S WHAT IT LOOKED LIKE TO YOU ON THE DATE OF
16 THIS INCIDENT?

17 A. WHEN I SAW THE BODY THAT'S WHAT IT LOOKED LIKE,
18 BLUNT FORCE TRAUMA.

19 Q. AND COULD YOU DETERMINE WHAT THE CAUSE OF DEATH
20 WAS ON THAT DAY?

21 A. NO. THE BODY WAS SENT TO AUTOPSY TO DETERMINE THE
22 CAUSE OF DEATH.

23 Q. OKAY. YOU HAD NO IDEA WHAT THE CAUSE OF DEATH
24 WAS?

25 A. NO, I'M NOT A MEDICAL EXAMINER.

1 Q. YEAH, WHAT IS YOUR BACKGROUND, ANYWAY?

2 A. MY BACKGROUND?

3 Q. RIGHT.

4 A. I'M A DEPUTY CORONER.

5 Q. HAVE YOU GOT ANY MEDICAL BACKGROUND?

6 A. OH, I USED TO BE AN EMT IF THAT COUNTS AS MEDICAL
7 BACKGROUND, BUT NO, WE GO TO TRAINING EVERY YEAR,
8 WE HAVE TO TAKE SO MANY HOURS OF TRAINING EVERY
9 YEAR TO CONTINUE AS DEPUTY CORONER.

10 Q. AND PART OF THAT TRAINING IS WHAT, DOES IT HAVE TO
11 DO WITH FIRES?

12 A. YES. THEY BRING THESE EXPERTS TO EXPLAIN FIRES,
13 THEY BRING EXPERTS IN TO EXPLAIN DIFFERENT TYPES
14 OF TRAUMA, DIFFERENT TYPES OF WOUNDS AND SO FORTH.

15 Q. OKAY. AND YOU DO NOT CONSIDER YOURSELF AN EXPERT
16 IN ANY OF THAT?

17 A. NO.

18 Q. OKAY. YOU WOULD RELY ON OTHER EXPERTS?

19 A. YES.

20 Q. OKAY. AND IN THIS CASE YOU DID A REPORT, DIDN'T
21 YOU?

22 A. YES.

23 Q. AND THAT'S YOUR HANDWRITING, IS THAT CORRECT?

24 A. YES, IT IS.

25 Q. AND I BELIEVE YOU STATED ON THIS PARTICULAR DAY

1 THAT, IF YOU'LL LOOK AT PAGE -- DO YOU HAVE A COPY
2 OF THAT?

3 A. YEAH.

4 Q. OKAY. IF YOU LOOK AT SECTION, PROBABLE CAUSE OF
5 DEATH?

6 A. YES.

7 Q. OKAY. WHAT DOES IT SAY THERE?

8 A. SEE AUTOPSY REPORT.

9 Q. OKAY. SO YOU HAD NO IDEA WHAT THE PROBABLE CAUSE
10 OF DEATH WAS, DID YOU?

11 A. NO.

12 Q. OKAY. YOU HAD NO IDEA WHETHER THE, WHAT CAUSED
13 THAT TRAUMA?

14 A. NO.

15 Q. OKAY. DID YOU KNOW IF THE FIRE HAD BURNED AWAY
16 THE BACK OF THE HEAD?

17 A. NO, I DID NOT, IT DID NOT LOOK LIKE THE FIRE HAD
18 BURNED THE BACK OF THE HEAD, I'VE SEEN A NUMBER OF
19 FIRE DEATHS. IT LOOKED TO ME LIKE IT WAS BLUNT
20 FORCE TRAUMA.

21 Q. OKAY. BUT YOU'RE NOT AN EXPERT ON THAT?

22 A. NO.

23 Q. AND YOU COULD BE WRONG ABOUT THAT?

24 A. OH, YES.

25 MR. MELLARD: ONE SECOND.

1 Q. YOU WOULD AGREE WITH ME THAT THE PATHOLOGIST --
2 THAT'S THE PERSON YOU SENT IT TO, THE BODY?

3 A. YES.

4 Q. AND THEY'RE THE EXPERTS?

5 A. THEY'RE THE EXPERTS.

6 Q. OKAY. AND YOU'RE AWARE THAT THEY HAVE NOT CALLED
7 IT BLUNT FORCE TRAUMA, YOU'RE AWARE OF THAT,
8 RIGHT?

9 A. HOLD ON JUST A MINUTE. THAT'S TRUE, HE DID NOT
10 STATE THAT IN HIS FINDINGS.

11 MR. MELLARD: NO MORE QUESTIONS,
12 YOUR HONOR.

13 A. WAIT A MINUTE. I DIDN'T READ FAR ENOUGH DOWN, IT
14 SAYS, "PROBABLE CAUSE AND MECHANISM OF DEATH,
15 TRAUMA OF UNDETERMINED ORIGIN."

16 Q. RIGHT. DO YOU SEE BLUNT FORCE ANYWHERE ON THERE?

17 A. NO.

18 MR. MELLARD: OKAY. THANK YOU.

19 THE COURT: YES, SIR, I'LL HEAR YOUR
20 ARGUMENT.

21 MR. MELLARD: WELL, YOUR HONOR, IT
22 GOES BACK TO THE FACT THAT THIS -- IT HAS TO BE
23 PROBATIVE FOR SOMETHING. AND WHAT IT'S PROBATIVE OF WE
24 DON'T KNOW. HE'S NOT AN EXPERT IN THIS CASE, ALL HE
25 KNOWS IS THAT HE THINKS THAT IT'S BLUNT FORCE TRAUMA.

1 WELL, THE EXPERTS HAVE SAID THERE'S NOT BLUNT FORCE
2 TRAUMA.

3 THE COURT: WELL, NOW, DON'T CONFUSE
4 -- INJURY TO THE BODY COULD CAUSE THE DEATH.

5 MR. MELLARD: WELL, I MEAN, I'M NOT
6 SAYING IT'S -- WHAT I'M SAYING IS, HE DOESN'T KNOW WHERE
7 THE INJURIES CAME FROM.

8 THE COURT: HE SAYS THAT THE HEAD
9 RECEIVED BLUNT FORCE TRAUMA, PART OF THE FRONTAL PART OF
10 THE SKULL IS REMOVED WHICH -- AND LOOKING AT THAT
11 PHOTOGRAPH I CAN SEE EXACTLY WHAT HE'S TALKING ABOUT.
12 HE'S NOT SAYING THAT'S THE CAUSE OF DEATH.

13 MR. MELLARD: BUT WHAT I'M SAYING TO
14 THE COURT IS THAT HE DOESN'T EVEN KNOW IF THAT IS THE
15 CAUSE OF THE SKULL BEING REMOVED, WHETHER IT COULD HAVE
16 BEEN BURNED OFF, WHETHER IT'S SOMETHING, I MEAN, WE
17 DON'T KNOW HOW THAT SKULL GOT REMOVED.

18 THE COURT: WELL, YOU DIDN'T REALLY
19 ASK HIM THAT, YOU ASKED HIM ABOUT THE BACK SIDE OF THE
20 HEAD. SO, ASK HIM ABOUT THE FRONT IF YOU WANT TO DO
21 THAT.

22 MR. MELLARD: ALRIGHT.

23 Q. ALRIGHT. SAME AT THE FRONT, DO YOU KNOW HOW THE
24 FRONT ---

25 A. NO. ALL I CAN TELL YOU IS THAT IT APPEARS TO BE

1 BLUNT FORCE TRAUMA TO THE HEAD, TO THE SKULL.

2 Q. AND AGAIN, YOU'RE NOT AN EXPERT ON THAT?

3 A. THAT'S CORRECT.

4 Q. AGAIN, THE PATHOLOGIST SAID NOTHING ABOUT BLUNT
5 FORCE TRAUMA TO THE FRONT OF THE SKULL?

6 A. NO.

7 THE COURT: ALRIGHT, SIR.

8 MR. MELLARD: YOUR HONOR, AND AGAIN,
9 IT'S JUST HIGHLY PREJUDICIAL, AND -- YEAH, IT'S JUST
10 HIGHLY PREJUDICIAL, IT'S NOT PROBATIVE, AND HE DOESN'T
11 HAVE THE TRAINING TO BE MAKING THAT OPINION, HE'S NOT AN
12 EXPERT.

13 THE COURT: ALRIGHT, SIR, WELL, I
14 RESPECTFULLY DISAGREE FOR THE REASONS I STATED ON THE
15 RECORD EARLIER. I EARLIER RULED TO ADMIT IT OVER YOUR
16 OBJECTION, AND YOUR OBJECTION IS NOTED FOR THE RECORD.
17 IT STANDS.

18 ALRIGHT, ARE WE READY FOR THE JURY
19 NOW?

20 MR. MELLARD: YES, SIR.

21 THE COURT: ALRIGHT, BRING THE JURY
22 IN.

23 COURT REPORTER: WHAT NUMBER WAS
24 THAT?

25 SOLICITOR PASCOE: IT'S STATE'S

1 EXHIBIT EIGHTEEN.

2 (State's Exhibit Eighteen
3 marked and filed.

4 THE COURT: Y'ALL APPROACH THE BENCH
5 ONE SECOND.

6 (Whereupon, a bench conference
7 is held out of the hearing
8 of the court reporter.)

9 (Whereupon, the jury enters
10 the courtroom and the following
11 takes place in the presence
12 of the jury.)

13 THE COURT: ALRIGHT, YOU MAY
14 CONTINUE YOUR EXAMINATION.

15 SOLICITOR PASCOE: THANK YOU, YOUR
16 HONOR.

17 THE COURT: THE EXHIBIT WHICH IS
18 INTRODUCED, IS ADMITTED. I THINK THAT'S NUMBER EIGHTEEN?

19 SOLICITOR PASCOE: STATE'S EXHIBIT
20 EIGHTEEN, YES, SIR.

21 THE COURT: ALRIGHT, SIR.

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

1 DIRECT EXAMINATION OF GEORGE BONNETTE, JR.,

2 BY SOLICITOR PASCOE CONTINUES:

3 Q. AND YOU'VE ALREADY TESTIFIED THAT YOU RECOGNIZE
4 EIGHTEEN, THAT'S THE BODY AFTER IT WAS ---

5 A. AFTER IT WAS PUT IN THE BODY BAG, YES, SIR.

6 Q. --- FLIPPED OVER AND PUT IN THE BODY BAG. AND
7 DOES IT DEPICT SOME OF THE TRAUMA BOTH TO THE
8 FRONT AND TO THE BACK OF THE SKULL THAT YOU WERE
9 TELLING THE JURY?

10 A. YES, IT DOES.

11 Q. AND USING STATE'S EXHIBIT EIGHTEEN, I'M GOING TO
12 LET YOU STOP DOWN HERE -

13 SOLICITOR PASCOE: WITH THE COURT'S
14 PERMISSION, YOUR HONOR?

15 THE COURT: YES, SIR.

16 Q. PLEASE SHOW THE JURY THE TRAUMA THAT YOU'RE
17 TALKING ABOUT.

18 A. I'M SPEAKING OF THE TRAUMA HERE, PART OF THE SKULL
19 MISSING HERE. IF YOU'LL SEE BACK HERE, PART OF THE
20 SKULL SEEMS TO BE MISSING.

21 Q. AND BACK THERE WOULD BE THE BACK OF THE SKULL,
22 RIGHT?

23 A. NO. THIS IS THE FRONT, THERE IS THE NOSE, THIS IS
24 THE FRONT, THIS IS THE BACK, AND YOU CAN SEE RIGHT
25 UP THERE.

1 Q. I'VE GOT YOU. YES, SIR. YOU CAN SIT BACK DOWN.
2 AND HOW MANY SCENES HAVE YOU BEEN TO, SIR, AS A
3 DEPUTY CORONER?

4 A. OVER ELEVEN HUNDRED.

5 Q. ELEVEN HUNDRED. AND DID YOU ACTUALLY NOTE THAT
6 TRAUMA TO THE HEAD THAT YOU SAW, IN YOUR NOTES?

7 A. YES, I DID.

8 Q. AND IS THAT BECAUSE IT WAS SIGNIFICANT TO YOU THAT
9 DAY?

10 A. YES, IT WAS.

11 Q. AND WHY WAS IT SIGNIFICANT, WHAT WAS IT IN YOUR
12 OPINION, BASED ON THE ELEVEN HUNDRED SCENES THAT
13 YOU'VE BEEN TO?

14 A. WELL, I HAD A BODY THAT WAS CHARRED IN A HOUSE
15 THAT HAD BURNED, BUT THERE WAS NOTHING ON THE BODY
16 TO HAVE INDICATED THAT THAT, THAT IT WOULD HAVE
17 CAUSED THAT TYPE OF TRAUMA, BLUNT FORCE TRAUMA.

18 Q. AND THAT'S WHAT IT WAS IN YOUR EXPERIENCE?

19 A. YES.

20 Q. AND YOU NOTED THAT IN YOUR REPORT?

21 A. YES.

22 Q. NOW, WHAT WAS THE PROCEDURE OF REMOVING MS. BELL'S
23 BODY FROM THE HOUSE THAT MORNING, FROM THE
24 PREMISES?

25 A. WELL, ONCE WE CHECKED ALL AROUND AND LOOKED AROUND

1 THE BODY, THEN WE PROCEEDED TO -- AND I SAY, WE,
2 THE SLED AGENTS ASSISTED, ROLLED THE BODY OVER AND
3 PUT IT INTO -- PUT THE BODY BAG UP TO THE BODY,
4 ROLLED THE BODY OVER INTO THE BODY BAG, SAT THE
5 BODY BAG DOWN AND ZIPPED IT.

6 Q. OKAY. AND THE MANNER IN WHICH YOU DISCOVERED THE
7 BODY THAT YOU TOLD THE JURY, COMPLETELY FACE DOWN
8 ---

9 A. YES.

10 Q. --- WAS THAT UNUSUAL TO YOU AS A CORONER, IN YOUR
11 EXPERIENCE?

12 A. NO, PEOPLE SLEEP IN DIFFERENT, DIFFERENT WAYS, BUT
13 IT WAS IN THE PRONE POSITION.

14 Q. OKAY. FACE DOWN?

15 A. FACE DOWN.

16 Q. OKAY. AND WHERE WAS THE BODY TAKEN FROM THE
17 HOUSE?

18 A. IT WAS TAKEN OUT OF A BED IN A ROOM ON THE RIGHT
19 HAND SIDE OF THE HOUSE AS YOU FACE THE HOUSE.

20 Q. OKAY. AND WHERE DID YOU END UP TAKING IT WHEN IT
21 WAS IN THE BAG?

22 A. WE PUT IT IN THE CORONER'S VAN AND TRANSPORTED IT
23 TO THE MORGUE AT THE REGIONAL MEDICAL CENTER WHERE
24 IT STAYED UNTIL THE NEXT MORNING WHEN IT WAS
25 TRANSPORTED TO NEWBERRY FOR AUTOPSY.

1 Q. OKAY. AND TO THE NEWBERRY PATHOLOGISTS?

2 A. YES, NEWBERRY.

3 Q. AND WHAT DID THEY DO WITH THE BODY?

4 A. THEY AUTOPSIED THE BODY.

5 Q. OKAY. PERFORMED THE AUTOPSY. AND SO, THEN, AFTER
6 THE AFTERNOON OF MARCH NINTH, TWO THOUSAND AND
7 SIX, DID YOU HAVE ANYMORE INVOLVEMENT IN THIS
8 CASE?

9 A. NO.

10 SOLICITOR PASCOE: I BEG THE COURT'S
11 INDULGENCE.

12 THANK YOU, SIR, ANSWER ANY QUESTIONS
13 MR. MELLARD HAS FOR YOU.

14 THE COURT: MR. MELLARD.

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

1 CROSS-EXAMINATION OF GEORGE BONNETTE, JR.,

2 BY MR. MELLARD:

3 Q. YOU WERE NOTIFIED THERE WAS A DEATH AT
4 ROAD?

5 A. YES.

6 Q. AND THAT WAS ON MARCH THE NINTH?

7 A. NINTH, YES, SIR.

8 Q. MARCH NINTH, TWO THOUSAND AND SIX?

9 A. YES, SIR.

10 Q. YOU WERE NOTIFIED ABOUT TWELVE:TWENTY-FIVE IN THE
11 AFTERNOON?

12 A. THAT'S CORRECT.

13 Q. OKAY. AND YOU WERE NOTIFIED IT WAS A SUSPICIOUS
14 DEATH, WEREN'T YOU?

15 A. I WAS NOTIFIED THAT THEY HAD FOUND A BODY IN A
16 BURNED OUT HOUSE.

17 Q. OKAY. AND YOU WERE NOTIFIED BY THE ORANGEBURG
18 COUNTY SHERIFF'S OFFICE?

19 A. ORANGEBURG COUNTY SHERIFF'S OFFICE.

20 Q. OKAY. SO, YOU KNEW BEFORE YOU WENT OUT THERE THAT
21 THEY HAD FOUND A BODY IN THAT HOUSE?

22 A. THAT'S CORRECT.

23 Q. OKAY. NOW, YOU SAW THE BODY AT ONE O'CLOCK IN THE
24 AFTERNOON?

25 A. THAT'S CORRECT.

1 Q. ALRIGHT. AND YOU CONCLUDED THAT THE DEATH WAS AT
2 SIX:FIFTEEN A.M.?

3 A. I WAS GOING BY THE TIME OF THE POSSIBILITY OF THE
4 FIRE BEING SET, USING THAT AS THE APPROXIMATE TIME
5 OF DEATH. THERE'S NO WAY I COULD HAVE DETERMINED
6 THE EXACT TIME, IT COULD HAVE BEEN FIVE O'CLOCK IN
7 THE MORNING, IT COULD HAVE BEEN SIX:TWENTY-FIVE,
8 BUT IN SCENES WHERE THERE IS NO ONE ACTUALLY THERE
9 TO WITNESS A DEATH WE THEN HAVE TO ESTIMATE TIME
10 OF DEATH.

11 Q. AND THAT WAS YOUR BEST GUESS, ESTIMATE?

12 A. THAT WAS MY BEST ESTIMATE.

13 Q. OKAY. AND THE BODY WAS LOCATED IN THE BEDROOM, IS
14 THAT CORRECT?

15 A. THAT'S CORRECT.

16 Q. AND I BELIEVE YOU TESTIFIED EARLIER IT WAS LOCATED
17 FACE DOWN?

18 A. FACE DOWN.

19 Q. AND THAT'S NOT UNUSUAL FOR PEOPLE TO SLEEP FACE
20 DOWN?

21 A. NO.

22 Q. OKAY. FROM YOUR INVESTIGATION, YOU COULDN'T TELL
23 HOW SHE DIED, COULD YOU?

24 A. NO, I COULD NOT.

25 Q. OKAY. AND YOU COULDN'T TELL WHEN SHE DIED?

1 A. NO, I COULDN'T.

2 Q. OKAY. AND THAT'S WHY YOU SENT THE BODY TO A
3 PATHOLOGIST, ISN'T THAT CORRECT?

4 A. THAT'S CORRECT.

5 Q. OKAY. NOW, AND I BELIEVE YOU DID A REPORT, AND
6 YOU LISTED THE PROBABLE CAUSE OF DEATH AS "SEE
7 AUTOPSY RESULTS"?

8 A. YES.

9 Q. SO, YOU WERE GOING TO LEAVE THAT DETERMINATION TO
10 THE PATHOLOGIST?

11 A. THAT'S CORRECT.

12 Q. OKAY. NOW, I BELIEVE YOU SPOKE TO THE FAMILY OF
13 ANNA BELL, RIGHT, RIGHT BEFORE THE FUNERAL?

14 A. RIGHT BEFORE THE FUNERAL?

15 Q. YEAH, RIGHT, DID YOU SPEAK TO THEM BEFORE THE
16 FUNERAL?

17 A. I HAVE PROBABLY SPOKEN TO THE FAMILY BUT I DO NOT
18 RECALL WHEN I SPOKE TO THEM OR WHAT, NO.

19 Q. OKAY. WHEN THEY SPOKE TO YOU THEY WANTED TO KNOW
20 HOW SHE DIED, DIDN'T THEY?

21 A. WELL, I'M SURE THEY DID.

22 Q. AND YOU TOLD THEM ---

23 A. BUT I'M TELLING YOU I CAN'T, I DON'T RECOLLECT,
24 BUT I'M SURE BECAUSE WHEN I DO A CASE I TRY TO
25 FORGET THE CASE. A LOT OF FAMILIES LIKE TO CALL

1 AND SAY, WHAT HAPPENED TO THIS PERSON OR THAT
2 PERSON OR WHATEVER, AND I TRY TO FORGET IT.

3 Q. DO YOU REMEMBER TELLING THE FAMILY THAT ANNA BELL
4 WAS NOT MURDERED?

5 A. NO, I DO NOT. I WOULD NOT HAVE SAID THAT.

6 Q. YOU'VE TALKED ABOUT THE BLUNT FORCE TRAUMA TO THE
7 SKULL, RIGHT?

8 A. RIGHT.

9 Q. I MEAN, YOU SHOWED THIS PICTURE TO THE JURY, YOU
10 POINTED OUT CERTAIN THINGS ON IT. YOU DON'T KNOW
11 WHAT CAUSED THAT TRAUMA, DO YOU?

12 A. NO, I DON'T.

13 Q. OKAY. YOU DON'T KNOW WHETHER THE TRAUMA RESULTED
14 FROM THE FIRE OR DIDN'T RESULT FROM THE FIRE, DO
15 YOU?

16 A. NO, I CANNOT SAY DEFINITELY WHAT CAUSED THE BLUNT
17 FORCE TRAUMA, BUT THERE WAS NO DEBRIS LAYING ON
18 THE BODY WHEN I GOT THERE, SO I ASSUME THAT BLUNT
19 FORCE TRAUMA WAS NOT CAUSED BY SOMETHING FALLING
20 FROM THE FIRE.

21 Q. WOULD YOU BE SURPRISED TO LEARN THAT THE THINGS
22 COULD HAVE BURNED UP IF THEY HAD LANDED ON THE
23 BODY, WOULD THAT SURPRISE YOU?

24 A. OH, NO, NO, I'VE BEEN TO TOO MANY FIRES. BUT IT
25 WOULD NOT -- PROBABLY NOT HAVE BURNED COMPLETELY,

1 NO.

2 Q. REALLY?

3 A. YES.

4 Q. SO, IF -- OKAY, WELL -- ALRIGHT. AND IT'S MY
5 UNDERSTANDING YOU DON'T KNOW THE TIME, YOU'RE JUST
6 ESTIMATED THE TIME?

7 A. I HAVE TO ESTIMATE TIME OF DEATH AT TIMES.

8 Q. YOU RECEIVED A -- DID YOU AT ANYTIME SINCE THIS
9 INCIDENT SEE A PATHOLOGIST REPORT, DID YOU FOLLOW
10 UP ON THAT?

11 A. OH, YES, I'VE GOT IT RIGHT HERE.

12 Q. OKAY. THAT PATHOLOGIST REPORT DOESN'T SAY
13 ANYTHING ABOUT BLUNT FORCE TRAUMA, DOES IT?

14 A. NO, IT DOES NOT.

15 Q. OKAY. IT DOESN'T SAY ANYTHING ABOUT -- IT SAYS,
16 "TRAUMA OF UNDETERMINED ORIGIN," ISN'T THAT
17 CORRECT?

18 A. THAT IS CORRECT.

19 Q. OKAY. SO, YOU MAY BE WRONG WHEN YOU SAY, BLUNT
20 FORCE TRAUMA?

21 A. THAT'S CORRECT.

22 Q. BECAUSE YOU'RE NOT AN EXPERT?

23 A. THAT'S CORRECT.

24 MR. MELLARD: THAT'S ALL THE
25 QUESTIONS I HAVE.

1 THE COURT: REDIRECT?

2 SOLICITOR PASCOE: NO, YOUR HONOR,
3 THANK YOU.

4 THE COURT: THANK YOU, SIR, YOU CAN
5 STEP DOWN.

6 ANY OBJECTION TO EXCUSING MR.
7 BONNETTE?

8 MR. MELLARD: NO. THANK YOU.

9 THE COURT: YOU MAY BE EXCUSED IF
10 YOU'D LIKE, MR. BONNETTE. THANK YOU FOR COMING.

11 CALL YOUR NEXT WITNESS, PLEASE.

12 SOLICITOR PASCOE: LOVESTER JAMES,
13 YOUR HONOR.

14 (Whereupon, witness
15 enters the courtroom.)

16 THE COURT: COME ON DOWN, PLEASE,
17 MA'AM. RIGHT OVER THERE, DO YOU SEE THAT BIBLE? PUT
18 YOUR LEFT HAND ON THAT BIBLE AND RAISE YOUR RIGHT,
19 PLEASE.

20 (Whereupon, Lovester James
21 is duly sworn.)

22 CLERK: HAVE A SEAT AND STATE YOUR
23 FULL NAME.

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

1 DIRECT EXAMINATION OF LOVESTER JAMES

2 BY SOLICITOR PASCOE:

3 Q. WOULD YOU STATE YOUR FULL NAME, MS. JAMES?

4 A. LOVESTER JAMES.

5 Q. OKAY. GOOD AFTERNOON, MS. JAMES. WHERE ARE YOU
6 FROM?

7 A. I'M FROM SANTEE, SOUTH CAROLINA.

8 Q. OKAY. AND HOW LONG HAVE YOU LIVED IN THAT SANTEE
9 AREA?

10 A. MOSTLY ALL MY LIFE.

11 Q. AND WHAT NAME OF THE SECTION IS IT, WHAT IS THE
12 NAME OF THE SECTION THAT YOU ACTUALLY LIVE IN IN
13 THE HOLLY HILL-SANTEE AREA?

14 A. JACK BRANCH.

15 Q. JACK BRANCH?

16 A. YES.

17 Q. DO YOU KNOW THE DEFENDANT, WILLIE BELL?

18 A. YES, I DO.

19 Q. AND HOW DO YOU KNOW THE DEFENDANT, WILLIE BELL?

20 A. FROM HIGH SCHOOL.

21 Q. OKAY. NOW, FROM HIGH SCHOOL ALL THE WAY UP UNTIL
22 THURSDAY, MARCH NINTH, TWO THOUSAND AND SIX, UP
23 UNTIL THAT THURSDAY, HOW OFTEN DID YOU SEE OR HANG
24 OUT WITH WILLIE BELL?

25 A. I DIDN'T.

1 Q. OKAY. NEVER?

2 A. NEVER.

3 Q. DID YOU KNOW THE DEFENDANT'S GRANDMOTHER, MS. AMIE
4 BELL?

5 A. NO.

6 Q. HAD YOU EVER BEEN TO HER HOUSE ON DOLEMITE ROAD?

7 A. NO.

8 Q. I WANT TO ASK YOU SOME QUESTIONS NOW SPECIFICALLY
9 ABOUT THURSDAY, MARCH NINTH, TWO THOUSAND AND SIX,
10 OKAY, THAT THURSDAY MORNING. WHAT WERE YOU DOING
11 SOMETIME AFTER NINE O'CLOCK THAT MORNING?

12 A. I WAS WALKING ---

13 Q. OKAY. AND ---

14 A. --- TO THE STORE.

15 Q. I'M SORRY, I DIDN'T MEAN TO INTERRUPT YOU. WHERE
16 WERE YOU WALKING TO?

17 A. I WAS WALKING TO THE STORE.

18 Q. OKAY. FROM WHERE?

19 A. FROM MY HOUSE.

20 Q. OKAY. AND WHERE IS THE STORE?

21 A. THE STORE IS ON JACK BRANCH ROAD.

22 Q. AND HOW AND WHERE DID YOU SEE THE DEFENDANT,
23 WILLIE BELL?

24 A. I SAW HIM ON THE DIRT ROAD, ON MOUNT OLIVE ROAD ON
25 THE WAY TO THE STORE.

1 Q. ON MOUNT OLIVE ROAD?

2 A. YES.

3 Q. ON THE WAY TO THE STORE?

4 A. YES.

5 Q. WHO ELSE WAS WITH HIM?

6 A. NO ONE.

7 Q. OKAY. AND WHAT WAS HE IN?

8 A. HE WAS IN A BURGUNDY CONTOUR.

9 Q. OKAY. SO, AND I KNOW YOU DON'T KNOW EXACTLY, BUT
10 WHAT WAS THE APPROXIMATE TIME THAT HE PICKED YOU
11 UP THAT MORNING?

12 A. ALL I CAN SAY IS BETWEEN NINE AND TEN O'CLOCK THAT
13 MORNING.

14 Q. OKAY. AND WHERE DID THE DEFENDANT TAKE YOU THAT
15 MORNING?

16 A. TO THE STORE.

17 Q. WHY DID HE WANT TO GO WITH YOU?

18 A. HE NEEDED TO USE THE TELEPHONE, HE WENT TO USE THE
19 PHONE.

20 Q. AT THE STORE?

21 A. YES.

22 Q. HOW LONG DID IT TAKE YOU TO GET TO THE STORE?

23 A. LESS THAN FIVE MINUTES.

24 Q. OKAY. NOW, WHAT DID YOU DO, TELL THE JURY WHAT YOU
25 DID WHEN YOU AND THE DEFENDANT GOT TO THE STORE?

1 A. I JUST WALKED INSIDE AND ASKED WHETHER THEY HAD A
2 CELL PHONE THAT HE COULD USE.

3 Q. OKAY. AND WAS THE DEFENDANT ALLOWED TO USE A
4 PHONE?

5 A. NO, HE WASN'T.

6 Q. HOW LONG WERE YOU WITH THE DEFENDANT AFTER HE TOOK
7 YOU TO THE STORE?

8 A. NO MORE THAN FIVE OR TEN MINUTES.

9 Q. DID HE ASK YOU ANYTHING, FOR ANYTHING IN THE FIVE
10 OR TEN MINUTES THAT Y'ALL WERE TOGETHER?

11 A. JUST WHETHER I HAD A COUPLE OF DOLLARS TO GIVE HIM
12 FOR GAS.

13 Q. DID YOU GIVE HIM ANY MONEY?

14 A. NO, I DIDN'T.

15 Q. DID YOU LEAVE THE STORE WITH HIM?

16 A. NO, I DIDN'T.

17 Q. DO YOU HAVE ANY IDEA WHERE HE LEFT WHEN HE LEFT
18 THE STORE, WHERE HE WENT TO?

19 A. NO.

20 Q. DID YOU EVER SEE THE DEFENDANT AGAIN AFTER THAT
21 MORNING ON MARCH THE NINTH?

22 A. NO.

23 Q. OKAY. AND A COUPLE MORE QUESTIONS. LET ME SHOW
24 YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT TEN -

25 SOLICITOR PASCOE: TEN IS IN

1 EVIDENCE, ISN'T IT, MS. HARRY DOT?

2 COURT REPORTER: YES, SIR.

3 Q. DO YOU RECOGNIZE STATE'S EXHIBIT TEN?

4 A. YES.

5 Q. WHAT DO YOU RECOGNIZE THAT TO BE?

6 A. THE CAR THAT HE WAS DRIVING.

7 Q. ON THE MORNING OF MARCH THE NINTH, TWO THOUSAND
8 AND SIX?

9 A. YES.

10 Q. THE SAME CAR HE PICKED YOU UP IN?

11 A. YES.

12 Q. AND NOBODY ELSE WAS WITH Y'ALL?

13 A. NO.

14 Q. AND THE PERSON WHO PICKED YOU UP IN STATE'S
15 EXHIBIT TEN, THE RED CONTOUR, THAT MORNING ON
16 MARCH THE NINTH, DO YOU SEE HIM IN THE COURTROOM?

17 A. YES, I DO.

18 Q. IF YOU COULD, POINT HIM OUT FOR THE JURY?

19 A. SITTING RIGHT THERE.

20 Q. IS IT THE DEFENDANT, WILLIE BELL?

21 A. YES.

22 SOLICITOR PASCOE: OKAY, THANK YOU.

23 ANSWER ANY QUESTION DEFENSE COUNSEL HAS FOR YOU.

24 THE COURT: CROSS-EXAMINATION.

25 MR. MELLARD: NO QUESTIONS, YOUR

1 HONOR.

2 THE COURT: THANK YOU, MA'AM, YOU
3 MAY STEP DOWN. THANK YOU FOR COMING. YOU MAY BE EXCUSED
4 IF YOU'D LIKE.

5 SOLICITOR PASCOE: THANK YOU, MS.
6 JAMES.

7 JAMES GILMORE.
8 (Whereupon, witness
9 enters the courtroom.)

10 CLERK: PLACE YOUR LEFT HAND ON THE
11 BIBLE AND RAISE YOUR RIGHT HAND.

12 (Whereupon, James Gilmore
13 is duly sworn.)

14 CLERK: HAVE A SEAT AND STATE YOUR
15 FULL NAME.

16 WITNESS: JAMES GILMORE

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

1 DIRECT EXAMINATION OF JAMES GILMORE

2 BY SOLICITOR PASCOE:

3 Q. GOOD AFTERNOON, MR. GILMORE. HOW OLD ARE YOU,
4 JAMES?

5 A. THIRTY-EIGHT.

6 Q. WHERE DO YOU LIVE?

7 A. HOLLY HILL.

8 Q. HOLLY HILL? WHERE ARE YOU FROM?

9 A. RIGHT OUTSIDE OF HOLLY HILL.

10 Q. OKAY. SO, YOU WERE BORN AND RAISED IN HOLLY HILL?

11 A. UH HUH.

12 Q. AND DO ME A BIG FAVOR, OKAY? YOU TALK REAL FAST,
13 JUST SLOW IT DOWN JUST A LITTLE BIT, OKAY?

14 A. ALRIGHT, SIR.

15 Q. ALRIGHT. DO YOU KNOW THE DEFENDANT, WILLIE BELL?

16 A. YES, SIR.

17 Q. OKAY. AND HOW WELL HAVE YOU KNOWN THE DEFENDANT,
18 MR. WILLIE BELL?

19 A. OH, WE WAS HIGH SCHOOL BUDDIES.

20 Q. AND HAVE YOU KNOW, WERE YOU FRIENDS BACK IN MARCH
21 OF TWO THOUSAND AND SIX?

22 A. YES, SIR.

23 Q. AND WHERE WAS HE LIVING BACK IN MARCH OF TWO
24 THOUSAND AND SIX?

25 A. WITH MS. AMIE.

1 Q. OKAY, AND -

2 MR. MELLARD: YOUR HONOR, MAY WE
3 APPROACH ONE SECOND?

4 THE COURT: YES, SIR.

5 (Whereupon, a bench conference
6 is held outside the hearing of
7 the jury and court reporter.)

8 Q. SORRY ABOUT THAT, JAMES. NOW, BACK IN MARCH OF
9 TWO THOUSAND AND SIX, WHERE WAS THE DEFENDANT
10 LIVING?

11 A. HE WAS STAYING BACK THERE WITH MS. AMIE, IN A
12 TRAILER BEHIND HER HOUSE.

13 Q. OKAY. AND THAT'S HIS GRANDMOTHER, MS. AMIE BELL?

14 A. YES.

15 Q. OKAY. HOW FAR WAS YOUR PLACE FROM WHERE THE
16 DEFENDANT WAS STAYING?

17 A. PROBABLY ABOUT FIVE MILES.

18 Q. OKAY. DO YOU KNOW -- AND YOU KNEW THE DEFENDANT'S
19 GRANDMOTHER, MS. AMIE BELL?

20 A. YES.

21 Q. DID YOU KNOW HER PRETTY WELL?

22 A. YES.

23 Q. HOW LONG HAD YOU KNOWN HER?

24 A. SINCE WE WAS IN HIGH SCHOOL, I MEAN, ON THE
25 WEEKEND I USED TO GO OVER THERE AND STAY ON THE

1 WEEKENDS SOMETIME WHEN I WAS IN HIGH SCHOOL.

2 Q. WHAT WAS SHE LIKE?

3 A. SHE WAS A NICE PERSON.

4 Q. REAL NICE?

5 A. YES.

6 Q. DID YOU HAVE A CAR BACK IN MARCH OF TWO THOUSAND
7 AND SIX?

8 A. YES.

9 Q. WHAT KIND OF CAR DID YOU HAVE BACK IN MARCH OF TWO
10 THOUSAND AND SIX?

11 A. AN ULTIMA.

12 COURT REPORTER: WHAT?

13 Q. ULTIMA. WHAT THINGS WERE YOU AND THE DEFENDANT
14 DOING TOGETHER BACK IN FEBRUARY AND MARCH OF TWO
15 THOUSAND AND SIX?

16 A. WELL, ONE DAY I WENT TO UNITY AND I WENT BY BURT'S
17 BARBER, A BARBER SHOP IN UNITY, AND I SAW HIM
18 THERE. HE WAS, LIKE, HE ASKED ME IF I WANTED TO
19 HELP HIM DO A BRICK MAIL BOX THE NEXT MORNING FOR
20 HIS COUSIN. AND I TOLD HIM I'D BE BY IN THE
21 MORNING AND PICK HIM UP.

22 Q. OKAY. SO, WERE Y'ALL WORKING TOGETHER BACK IN
23 FEBRUARY AND MARCH OF O-SIX?

24 A. YES.

25 Q. OKAY. AND WHAT TYPE OR JOBS WERE THE TWO OF YOU

1 DOING?

2 A. WELL, HE WAS LAYING THE BRICKS, I WAS JUST MAKING
3 THE MORTAR AND GETTING THE BRICKS FOR HIM SO HE
4 CAN BUILD A MAIL BOX.

5 Q. AND HOW DID THE TWO OF YOU GET TO THE JOBS
6 TOGETHER?

7 A. OH, I DROVE.

8 Q. OKAY. WHY DID YOU DRIVE?

9 A. WELL, I JUST, I DON'T KNOW. HE HAD A LICENSE ONE
10 TIME BUT I AIN'T KNOW IF HE HAD A LICENSE, BUT I
11 HAD A CAR SO I DROVE.

12 Q. DID HE HAVE A CAR TO DRIVE?

13 A. NO, SIR.

14 Q. AND HE NEVER DROVE TO THE JOBS, RIGHT?

15 A. NO, SIR.

16 Q. AND DO YOU RECOGNIZE STATE'S EXHIBIT TEN?

17 A. YES, SIR.

18 Q. AND WHOSE CAR IS THAT?

19 A. MS. AMIE.

20 Q. WHERE DID SHE KEEP THAT CAR?

21 A. IN THE YARD.

22 Q. AND THE DEFENDANT NEVER DROVE THAT CAR?

23 A. I AIN'T NEVER SEEN HIM DROVE IT.

24 Q. AND Y'ALL WERE CLOSE FRIENDS?

25 A. YES, SIR.

1 Q. NOW, I WANT TO ASK YOU ABOUT THE DAY BEFORE THE
2 FIRE, SO I WANT TO ASK YOU, ON WEDNESDAY, MARCH
3 THE EIGHTH, TWO THOUSAND AND SIX, WHAT DID YOU DO
4 AROUND EIGHT:FIFTEEN THAT MORNING?

5 A. I CAME TO WILLIE'S HOUSE AND PICK HIM UP SO WE
6 COULD, HE WAS GOING TO WORK ON HIS COUSIN'S HOUSE,
7 HE WAS SUPPOSED TO POUR A PORCH FOR HER THAT DAY.

8 Q. OKAY. AND YOU PICKED HIM UP AND DID Y'ALL END UP
9 GOING TO THE HOUSE TO DO THE JOB?

10 A. YES.

11 Q. OKAY. WAS ANYONE ELSE WITH YOU AND THE DEFENDANT,
12 MR. BELL?

13 A. NO, SIR.

14 Q. WHAT TYPE OF WORK WERE YOU DOING?

15 A. WE WAS SUPPOSED TO POUR THE PORCH.

16 Q. WHAT TIME DID YOU FINISH THE WORK THAT DAY?

17 A. WE FINISHED ABOUT FOUR:THIRTY.

18 Q. OKAY. AND WHERE DID YOU GO WHEN YOU FINISHED WORK
19 AT FOUR:THIRTY?

20 A. WELL, THEN HE WENT IN THE HOUSE TO TALK TO HER,
21 AND THEN, I THOUGHT WE WAS GOING TO GET PAID THAT
22 DAY, BUT THEN HE COME BACK AND TELL ME WE GOT TO
23 GO BACK THE NEXT DAY AND FINISH UP, SO WE WENT
24 BACK TO HIS GRANDMAMA'S HOUSE.

25 Q. OKAY. MS. AMIE BELL'S HOUSE?

1 A. UH HUH.

2 Q. SO -- AND JUST APPROXIMATELY WHAT TIME DID YOU GET
3 BACK TO THE DEFENDANT'S GRANDMOTHER'S HOUSE THAT
4 AFTERNOON?

5 A. WELL, WE GOT THROUGH ABOUT FOUR:THIRTY, WE SHOULD
6 HAVE GOT BACK THERE ABOUT A QUARTER TO FIVE,
7 BECAUSE SHE STAY RIGHT DOWN THE ROAD FROM HER.

8 Q. SURE. AND WHAT DID YOU DO WHEN YOU GOT TO HER
9 HOUSE?

10 A. I GOT OUT AND I SPEAK TO HER, AND SHE ASKED ME IF
11 I WANTED SOMETHING TO EAT. I TOLD HER I'D GET
12 SOMETHING TO EAT BUT I'M ABOUT TO GET READY TO GO.
13 SO, SHE FIXED ME A PLATE, AND I WALKED BACK OUT
14 THE BACK DOOR. AND HE SAID, HOLD UP, MAN, I WANT
15 TO RIDE WITH YOU. I SAID, OKAY. SO, HE ASKED HER
16 DID SHE HAVE ANY SODAS, AND SHE GAVE US TWO SODAS
17 OUT THE TRUNK OF HER CAR. SO, THEN ME AND HIM GOT
18 IN THE CAR AND WENT OVER TO MY HOUSE, AND WE
19 STAYED OVER THERE ABOUT, LIKE, ABOUT SIX:THIRTY OR
20 SEVEN O'CLOCK, AND THEN I BROUGHT HIM BACK HOME.
21 BUT ON THE WAY GOING BACK HOME, BY THE TIME WE GET
22 TO THE CROSS-ROAD, HE LOOKED BACK, AND LIKE, OH,
23 MAN, THAT'S MY COUSIN, GREG'S TRUCK, I AIN'T WANT
24 TO GO BACK HOME RIGHT NOW. SO, ---

25 Q. SO, WHEN HE SAW HIS COUSIN, GREG'S TRUCK HEADING

1 TO HIS GRANDMOTHER'S, THE DEFENDANT DIDN'T WANT TO
2 GO HOME?

3 A. NO, HE AIN'T WANTED TO GO BACK THERE THEN.

4 Q. ALRIGHT. DID YOU EVER BECOME AWARE THAT MS. BELL
5 WAS GOING TO GO OUT OF TOWN?

6 A. YES, HE TOLD ME SHE WAS GOING TO NEW JERSEY FOR A
7 WEDDING OR SOMETHING.

8 Q. WHO TOLD YOU THAT?

9 A. WILLIE.

10 Q. ALRIGHT, SO WHAT HAPPENED AFTER THE DEFENDANT SAID
11 HE DIDN'T WANT TO GO HOME BECAUSE HE SAW GREG
12 DINGLE'S TRUCK, WHAT DID Y'ALL DO THEN?

13 A. SO, I WENT UP PAST THE ROAD AND STOPPED BY THE BIG
14 BENDS AND TURNED AROUND, AND THEN HE TOLD ME TO
15 STOP OFF ASIDE THE ROAD, HE WAS GOING TO WALK
16 ACROSS THE PATH. SO, I STOPPED, I WAITED ABOUT
17 FIVE MINUTES, I WAS, LIKE, WILLIE, YOU GOING TO
18 GET OUT, MAN? NO, HE SAID, NO, MAN, WELL, CARRY
19 ME UP THERE BY THE BARBER SHOP, UP THERE ABOUT
20 LARRY'S HOUSE. SO, WE WENT UP THERE, STAYED THERE
21 ABOUT FIVE MINUTES, AND I ASKED HIM, I SAID,
22 WILLIE, ARE YOU GOING TO GET OUT, MAN? HE SAID,
23 NO, MA'AM, I MEAN, I WANT TO RIDE WITH YOU. I
24 SAID, MAN, I GOT TO HOME AND WASH AND I'M GOING TO
25 PICK MY GIRL FRIEND UP. SO, HE SAID, WELL, CARRY

1 A. I MEAN, YOU KNOW, HE'LL WORK FOR HIS MONEY, I
2 MEAN, IF HE'S GOT A JOB HE'LL WORK FOR IT. BUT
3 THEN, YOU KNOW, MS. AMIE, IF HE ASK FOR SOME
4 SHE'LL GIVE IT TO HIM. JUST ---

5 Q. HOW DID HE ACT, THOUGH, WHEN SOMEBODY WOULDN'T
6 GIVE HIM MONEY?

7 A. OH, I DON'T KNOW.

8 Q. WELL, LET ME ASK YOU THIS, WHY DID YOU GIVE HIM
9 MONEY THAT NIGHT?

10 A. BECAUSE I WANTED HIM TO GET OUT SO I COULD GO ON
11 BACK BECAUSE IT WAS TIME FOR ME TO GO PICK MY GIRL
12 UP.

13 Q. AND DO YOU REMEMBER MEETING WITH MY INVESTIGATOR,
14 WALT TURNER, LAST MONTH?

15 A. YES, SIR.

16 Q. AND DO YOU REMEMBER TELLING HIM THAT THE REASON
17 YOU GAVE HIM MONEY IS BECAUSE YOU DIDN'T WANT HIM
18 TO SHAKE YOU DOWN?

19 A. NO, HE -- WITH ME, HE AIN'T NEVER HAD A DIFFERENT
20 ATTITUDE. I MEAN, HE CAN TALK JUNK BUT HE
21 WOULDN'T EVER, LIKE, HE WOULD BE A FORCE TO ME.

22 Q. WOULD HE EVER SHAKE ANY OTHER PEOPLE DOWN?

23 A. WELL, I AIN'T NEVER SEEN THAT.

24 Q. NOW, HOW LONG WHEN YOU LEFT, WHEN YOU DIDN'T DROP
25 THE DEFENDANT OFF BECAUSE HE SAW GREG DINGLE WAS

1 GOING TO HIS GRANDMOTHER'S, HOW LONG WAS THE
2 DEFENDANT WITH YOU AT THAT TIME?

3 A. ABOUT FIVE OR TEN MORE MINUTES.

4 Q. OKAY. AND YOU NEVER TOOK THE DEFENDANT HOME,
5 CORRECT?

6 A. NO.

7 Q. AND WHERE DID YOU END UP DROPPING HIM OFF AT?

8 A. OVER THERE BY SOMEBODY NAMED ARTHUR, HE TOLD ME
9 TOLD ME TO DROP HIM OFF OVER THERE.

10 Q. OKAY. AND WHY DID HE WANT TO BE DROPPED OFF
11 THERE?

12 A. I DON'T KNOW.

13 Q. DO YOU KNOW WHO LIVED THERE?

14 A. HE SAID SOMEBODY NAMED ARTHUR.

15 COURT REPORTER: ARTHUR?

16 Q. AND HOW MUCH MONEY DID YOU GIVE HIM WHEN YOU
17 DROPPED HIM OFF?

18 A. FIVE DOLLARS.

19 Q. AND WHAT WAS THE APPROXIMATE TIME THAT YOU DROPPED
20 THE DEFENDANT OFF?

21 A. ABOUT, IT WAS BETWEEN SEVEN AND SEVEN:THIRTY.

22 Q. OKAY. AND DID YOU EVER SEE OR HEAR FROM THE
23 DEFENDANT AGAIN AFTER YOU DROPPED HIM OFF BETWEEN
24 SEVEN AND SEVEN:THIRTY THAT NIGHT?

25 A. NO.

1 ME OVER THERE BY ARTHUR'S HOUSE, SO I WENT OVER
2 THERE AND DRIVE HIM OVER THERE BY A PINK HOUSE.
3 HE ASKED ME FOR FIVE DOLLARS, SO I GAVE HIM FIVE
4 DOLLARS, AND HE GOT OUT. I TOLD HIM, I'LL BE
5 BACK, I'LL SEE YOU IN THE MORNING, I SAY, ON
6 THURSDAY WE'RE GOING TO FINISH THAT HOUSE.

7 Q. OKAY, SLOW DOWN, YOU'RE GOING TOO FAST. SO, BACK
8 UP JUST A MINUTE, NOW, OKAY? LET ME ASK YOU THIS
9 BEFORE I FORGET, HOW WAS MS. BELL -- YOU SAW HER
10 THAT AFTERNOON AT FOUR:THIRTY?

11 A. YES, SIR.

12 Q. HOW WAS SHE WHEN YOU SAW HER?

13 A. SHE WAS FINE.

14 Q. OKAY. DID THE DEFENDANT EVER, DID HE GO IN THE
15 HOUSE WITH YOU?

16 A. YES. WELL, BOTH OF US GOT SOMETHING TO EAT FROM
17 HER.

18 Q. OKAY. DID HE EVER ASK YOU TO ASK MS. BELL FOR
19 MONEY?

20 A. YEAH, BECAUSE HE WANTED ME TO TELL HER I NEED SOME
21 GAS IN MY CAR, BUT I DIDN'T NEED NONE.

22 Q. DID YOU DO IT?

23 A. NO.

24 Q. LET ME ASK YOU THIS, WHAT PROBLEM OR BAD HABIT DID
25 THE DEFENDANT HAVE BACK IN MARCH OF TWO THOUSAND

1 AND SIX?

2 A. YOU MEAN DRUGS? HE HAD A LITTLE DRUG PROBLEM.

3 Q. AND WHAT KIND OF DRUG PROBLEM DID HE HAVE BACK ON
4 MARCH EIGHTH, TWO THOUSAND AND SIX?

5 A. A LITTLE CRACK HABIT.

6 Q. OKAY. AND HOW DID -

7 COURT REPORTER: WHAT?

8 Q. A CRACK HABIT. AND HOW DID HE ACT WHEN HE WAS ON
9 CRACK?

10 A. I MEAN, HE'S A DIFFERENT PERSON. WHEN HE'S NOT ON
11 THAT HE'S A GOOD PERSON, YOU KNOW, YOU DON'T MIND
12 BEING AROUND HIM, BUT WHEN HE SMOKE THAT HE, HIS
13 MIND CHANGE UP, AND YOU KNOW, HE GET A LITTLE
14 ANGRY AND STUFF WHEN HE, YOU KNOW, HAVE NO MONEY
15 OR NOTHING.

16 Q. DID HE ACT VIOLENT?

17 A. NOT REALLY, UNLESS YOU DON'T KNOW HIM, YOU KNOW
18 WHAT I'M SAYING.

19 Q. ANGRY?

20 A. YEAH, A LITTLE BIT.

21 Q. IS HE A COMPLETELY DIFFERENT PERSON ON CRACK THAN
22 WHEN HE'S NOT ON CRACK?

23 A. YES, SIR.

24 Q. AND HOW DID THE DEFENDANT ACT ABOUT NEEDING MONEY,
25 WHEN HE WANTED MONEY?

1 Q. AND THE NEXT TIME YOU WERE SUPPOSED TO SEE HIM WAS
2 WHAT TIME?

3 A. THE NEXT MORNING, I TELL HIM I'D BE BY HIS
4 GRANDMOTHER'S HOUSE ABOUT SEVEN:THIRTY OR EIGHT
5 O'CLOCK SO WE COULD GO FINISH THAT JOB.

6 Q. AND DID THE DEFENDANT KNOW THAT YOU WERE SUPPOSED
7 TO PICK HIM UP THAT NEXT MORNING?

8 A. YES, SIR.

9 Q. YOU TOLD HIM THAT?

10 A. YES, SIR.

11 Q. AND DID YOU GO TO THE VICTIM'S HOUSE THE NEXT
12 MORNING?

13 A. YES, SIR.

14 Q. APPROXIMATELY WHAT TIME DID YOU GET TO MS. BELL'S
15 HOUSE TO PICK UP THE DEFENDANT THAT THURSDAY,
16 MARCH NINTH?

17 A. PROBABLY ABOUT SEVEN:THIRTY OR EIGHT O'CLOCK.

18 Q. OKAY. AND WHAT DID YOU SEE WHEN YOU GOT THERE?

19 A. WHEN I WAS GOING DOWN THE ROAD AND, YOU KNOW, I
20 LOOK ACROSS THE FIELD, I SEE A BUNCH OF FIRE
21 TRUCKS.

22 Q. OKAY.

23 A. SO, WHEN I GOT BACK THERE I SEE HIS COUSIN, GREG,
24 AND HIS OTHER COUSIN, PETE, AND THEY SAY, HAVE YOU
25 SEEN WILLIE? I SAID, MAN, I AIN'T SEEN WILLIE

1 SINCE ABOUT SEVEN:THIRTY LAST NIGHT WHEN I DROPPED
2 HIM OVER THERE BY ARTHUR'S HOUSE. I SAID, I COME
3 TO PICK HIM UP THIS MORNING SO WE COULD GO FINISH
4 THAT JOB.

5 Q. AND YOU NEVER SAW THE DEFENDANT, THEN, AFTER THE
6 NIGHT OF WEDNESDAY, MARCH THE EIGHTH?

7 A. NO.

8 Q. DID YOU GIVE THE POLICE A STATEMENT THAT THURSDAY?

9 A. YES, SIR.

10 Q. AND YOU COOPERATED WITH THE POLICE -- I WANT TO
11 ASK YOU ABOUT SOMETHING YOU TOLE THE POLICE ON -

12 COURT REPORTER: ANSWER YES OR NO.

13 A. YES.

14 Q. I'M SORRY. SOMETHING YOU TOLD THE POLICE ON MARCH
15 THE NINTH. YOU SAID THAT WHEN YOU LEARNED THAT
16 THE GRANDMOTHER WAS IN THE HOUSE, YOU SAID, I HOPE
17 HE DIDN'T KILL HIS MAMA, THAT THAT'S WHAT YOU
18 THOUGHT -

19 MR. MELLARD: OBJECTION, OBJECTION.

20 THE COURT: APPROACH THE BENCH.

21 (Whereupon, a bench conference
22 is held out of the hearing of
23 the jury and court reporter.)

24 Q. THE PERSON THAT YOU KNOW AS WILLIE BELL, AND YOU
25 TESTIFIED ABOUT IN THIS COURTROOM THAT HAD A CRACK

1 PROBLEM BACK IN MARCH OF TWO THOUSAND AND SIX, AND
2 WOULD ACT ANGRY WHEN HE WAS ON CRACK, DO YOU SEE
3 HIM IN THE COURTROOM?

4 A. YES, SIR.

5 Q. POINT HIM OUT FOR THE JURY.

6 A. (Points toward defendant)

7 Q. THE DEFENDANT RIGHT THERE, THE MAN SMIRKING AND
8 SMILING, HAVING A GOOD TIME. YOUR FRIEND.

9 SOLICITOR PASCOE: ANSWER ANY
10 QUESTIONS THE DEFENSE HAS FOR YOU.

11 THE COURT: CROSS-EXAMINATION.

12 MR. MELLARD: ONE SECOND, YOUR
13 HONOR.

14 YOUR HONOR, WE HAVE MATTER WE WANT
15 TO TAKE UP REAL BRIEFLY.

16 THE COURT: ALRIGHT, LADIES AND
17 GENTLEMEN, PLEASE RETIRE TO YOUR JURY ROOM A FEW
18 MINUTES, PLEASE DO NOT TALK ABOUT THE CASE.

19 (Whereupon, the jury leaves the
20 courtroom and the following takes
21 place out of the presence
22 of the jury.)

23 THE COURT: ALRIGHT.

24 MR. MELLARD: YOUR HONOR, WE HAVE --
25 BEFORE THIS TRIAL STARTED WE REQUESTED CRIMINAL RECORDS

1 OF CERTAIN INDIVIDUALS THAT WERE GOING TO TESTIFY. WE
2 HAVE RECEIVED FROM THE SOLICITOR A PAPER SHOWING, I DO
3 NOT BELIEVE HE HAS A CRIMINAL RECORD. I WOULD JUST LIKE
4 THEM TO PUT ON THE RECORD THAT HE DOES NOT HAVE A
5 CRIMINAL RECORD. IT'S OUR UNDERSTANDING THAT HE MAY HAVE
6 A CRIMINAL RECORD, AND WE JUST WANT TO MAKE SURE THAT
7 THEY'RE GOING TO HOLD OUT THAT HE DOES NOT HAVE A
8 CRIMINAL RECORD IN THIS CASE. AND IF HE DOES -

9 THE COURT: DO YOU HAVE EVIDENCE TO
10 INDICATE OTHERWISE?

11 MR. MELLARD: WE HAVE -- MY
12 UNDERSTANDING IS THAT MR. GILMORE HAS MADE STATEMENTS
13 THAT HE HAD BEEN IN PRISON FOR ---

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

1 EXAMINATION, IN CAMERA, OF JAMES GILMORE

2 BY THE COURT:

3 Q. HAVE YOU BEEN IN PRISON, MR. GILMORE?

4 A. YES, I'VE BEEN IN PRISON.

5 Q. FOR WHAT?

6 A. FOR LARCENY.

7 Q. WHERE?

8 A. NORTH CAROLINA.

9 Q. OKAY. WHAT WAS YOUR SENTENCE?

10 A. OH, I GOT THIRTY-FIVE YEARS WHEN I WAS TWENTY-TWO
11 YEARS OLD.

12 Q. YOU GOT HOW MANY?

13 A. THIRTY-FIVE YEARS WHEN I WAS TWENTY-TWO YEARS OLD.

14 Q. HOW MUCH OF IT DID YOU SERVE?

15 A. FOURTEEN.

16 THE COURT: SOLICITOR?

17 SOLICITOR PASCOE: IT'S NOT ON HIS
18 RAP SHEET, YOUR HONOR.

19 MR. MELLARD: I WOULD LIKE TO HAVE
20 THAT CHECKED INTO TO SEE WHAT ELSE IS ON THERE.

21 A. THAT WAS IN THE STATE OF NORTH CAROLINA. I GOT -

22 THE COURT: WELL YOU, I MEAN, ---

23 Q. SIR?

24 A. IN NINETEEN NINETY-ONE.

25 Q. OKAY.

1 A. I WAS IN THE MILITARY AT THE TIME, AND I GOT IN
2 SOME TROUBLE IN FAYETTEVILLE, NORTH CAROLINA.

3 THE COURT: ALRIGHT. SOLICITOR, HAVE
4 YOU GOT HIS RAP SHEET THERE?

5 SOLICITOR PASCOE: YEAH, I'LL SHOW
6 IT TO YOUR HONOR.

7 THE COURT: AND IT DOESN'T SHOW UP
8 ANY NORTH CAROLINA RECORD?

9 SOLICITOR PASCOE: NO, SIR.

10 THE COURT: READ THE SOCIAL SECURITY
11 NUMBER ON THE RAP SHEET AND SEE IF THAT'S HIS.

12 SOLICITOR PASCOE: IT SAYS, JAMES
13 GILMORE, BLACK MALE, BORN TWELVE-NINETEEN-SIXTY-EIGHT,
14 SOCIAL, TWO FIVE ONE, ZERO EIGHT, TWO NINE SEVEN TWO.

15 Q. IS THAT THE RIGHT INFORMATION, MR. GILMORE?

16 A. YES, SIR.

17 THE COURT: ALRIGHT. WELL, SHOW
18 THAT TO MR. MELLARD.

19 SOLICITOR PASCOE: AND IT SAYS, NO
20 RECORD -- WELL, I'VE SHOWN IT TO THE DEFENDANT, NO
21 RECORD FOUND TO DISSEMINATE USING -- BUT THAT'S -- HE
22 COULD BE CROSSED ON IT. I'D ASK, I WANT TO BE ABLE TO
23 ASK HIM THAT QUESTION ON DIRECT, BECAUSE I DIDN'T KNOW
24 ABOUT IT, JUST THAT, YOU'VE BEEN CONVICTED BEFORE OF,
25 WHAT IS IT AGAIN, LARCENY?

1 A. YEAH, BREAKING IN AND LARCENY.

2 THE COURT: CERTAINLY, IT IS A CRIME

3 -

4 COURT REPORTER: BREAKING AND
5 ENTERING?

6 A. AND LARCENY.

7 SOLICITOR PASCOE: BURGLARY AND
8 LARCENY?

9 A. YEAH. BREAKING AND ENTERING ---

10 Q. WHEN DID YOU GET OUT OF JAIL?

11 A. TWO THOUSAND AND FOUR.

12 THE COURT: OKAY, IT CERTAINLY COULD
13 BE USED FOR IMPEACHMENT.

14 ANYTHING ELSE, MR. MELLARD?

15 MR. MELLARD: NOTHING, YOUR HONOR.

16 THE COURT: ALRIGHT. BRING THE JURY
17 BACK.

18 (Whereupon, the jury enters
19 the courtroom and the following
20 takes place in the presence
21 of the jury.)

22 BAILIFF: YOUR HONOR, ALL THE JURORS
23 AND THE ALTERNATES ARE SEATED IN THE JURY BOX.

24 THE COURT: ALRIGHT. MR. PASCOE,
25 YOU MAY CONTINUE.

1 DIRECT EXAMINATION OF JAMES GILMORE

2 BY SOLICITOR PASCOE CONTINUES:

3 Q. AND MR. GILMORE, AS YOU JUST TESTIFIED OUTSIDE OF
4 THE PRESENCE OF THE JURY, YOU'VE BEEN CONVICTED IN
5 NINETEEN NINETY-ONE, FIFTEEN, SIXTEEN YEARS AGO,
6 IN NORTH CAROLINA, FOR BURGLARY AND LARCENY?

7 A. UH HUH.

8 SOLICITOR PASCOE: THANK YOU, SIR,
9 ANSWER ANY QUESTIONS MR. MELLARD HAS FOR YOU.

10 THE COURT: LADIES AND GENTLEMEN,
11 LET ME SAY THIS, EVIDENCE THAT A PERSON HAS BEEN
12 CONVICTED OF A CRIME PREVIOUS TO TODAY IS ADMITTED FOR
13 ONE PURPOSE ONLY, AND THAT IS FOR WHATEVER WEIGHT YOU
14 THINK IT MIGHT HAVE ON THAT WITNESS'S CREDIBILITY OR
15 BELIEVABILITY. AND YOU CAN CONSIDER IT FOR WHATEVER
16 WEIGHT YOU THINK IT HAS ON THAT ISSUE, BUT FOR NO OTHER
17 REASON WHATSOEVER.

18 THANK YOU.

19 ALRIGHT, SIR, CROSS-EXAMINATION.

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

1 CROSS-EXAMINATION OF JAMES GILMORE

2 BY MR. MELLARD:

3 Q. YOU WERE CONVICTED IN NINETY-ONE OF LARCENY AND
4 BURGLARY, IS THAT CORRECT?

5 A. YES, SIR.

6 Q. HOW MANY COUNTS?

7 A. WELL, IT WAS TWO COUNTS OF BURGLARY AND ABOUT
8 SEVEN BREAKING AND ENTERS.

9 Q. OKAY. AND YOU SPENT FOURTEEN YEARS IN JAIL, IS
10 THAT CORRECT?

11 A. YES, SIR.

12 Q. YOU JUST GOT OUT IN TWO THOUSAND AND FOUR?

13 A. YES, SIR.

14 Q. OKAY. AND YOU KNEW ANNA BELL?

15 A. YES, SIR.

16 Q. YOU'VE BEEN TO HER HOUSE?

17 A. YES, SIR.

18 Q. BEEN TO HER HOUSE? IN FACT, YOU WERE AT HER HOUSE
19 THE NIGHT BEFORE THE FIRE, WEREN'T YOU?

20 A. YES, SIR.

21 Q. OKAY. AND SHE GAVE YOU SODAS OUT OF THE TRUNK OF
22 HER CAR?

23 A. YES, SIR. ME AND WILLIE.

24 Q. OKAY. I'M SORRY?

25 A. SHE GAVE THEM TO WILLIE. WILLIE HAD, I WAS

- 1 SITTING IN MY CAR WAITING ON HIM TO COME.
- 2 Q. SHE WENT INTO HER TRUNK AND GOT SODAS OUT OF THE
- 3 CAR?
- 4 A. YES, SIR.
- 5 Q. OKAY. YOU TESTIFIED THAT YOU BELIEVE MR. BELL HAS
- 6 A CRACK HABIT, IS THAT CORRECT?
- 7 A. YES, SIR.
- 8 Q. YOU HAVE THAT SAME HABIT, DON'T YOU?
- 9 A. I USED TO.
- 10 Q. YOU USED TO?
- 11 A. YEAH.
- 12 Q. YOU DON'T HAVE THAT HABIT NOW?
- 13 A. NO.
- 14 Q. YOU DON'T USE ANY DRUGS?
- 15 A. YEAH, I SMOKE MARIJUANA.
- 16 Q. YOU SMOKE MARIJUANA?
- 17 A. YES, SIR.
- 18 Q. WHAT ELSE DO YOU DO?
- 19 A. DRINK BEER.
- 20 Q. YOU DRINK BEER, YOU SMOKE MARIJUANA?
- 21 A. AND I GO TO WORK EVERY DAY.
- 22 Q. DO YOU GO TO WORK HIGH?
- 23 A. NO, SIR.
- 24 Q. SO, YOU DRINK BEER, AND YOU SMOKE MARIJUANA. DO
- 25 YOU USE COCAINE?

1 A. NO, SIR.

2 Q. DO YOU USE CRACK?

3 A. I USED TO.

4 Q. YOU USED TO. WHEN DID YOU STOP, TWO DAYS AGO,
5 THREE DAYS AGO, WHEN?

6 A. NO, ABOUT SIX MONTHS AGO.

7 Q. ABOUT SIX MONTHS AGO. SO, AT THE TIME OF THIS
8 INCIDENT YOU WERE ON CRACK?

9 A. NO, SIR.

10 Q. YOU JUST TESTIFIED YOU STOPPED SIX MONTHS AGO, ---

11 A. WHAT TIME?

12 Q. --- THAT MEANS AT THE TIME OF THIS INCIDENT YOU
13 WERE USING CRACK, CORRECT?

14 A. NO, SIR.

15 Q. NO. SO, YOU STOPPED BEFORE SIX MONTHS AGO?

16 A. AT THE TIME OF THAT INCIDENT, WHEN I DROPPED
17 WILLIE OFF AT MR. ARTHUR'S HOUSE, I WASN'T ON
18 CRACK.

19 Q. YOU WEREN'T ON CRACK?

20 A. I WASN'T USING ANY THAT DAY.

21 MR. MELLARD: NO MORE QUESTIONS,
22 YOUR HONOR.

23 THE COURT: REDIRECT?

24 SOLICITOR PASCOE: VERY BRIEFLY,
25 YOUR HONOR.

1 REDIRECT EXAMINATION OF JAMES GILMORE

2 BY SOLICITOR PASCOE:

3 Q. WHAT TIME DID YOU GO BACK TO MS. BELL'S HOUSE THE
4 MORNING OF THURSDAY, MARCH NINTH?

5 A. PROBABLY ABOUT SEVEN:THIRTY OR EIGHT O'CLOCK I GOT
6 THERE.

7 Q. AND YOU STAYED THERE AND TALKED TO THE POLICE
8 THURSDAY MORNING?

9 A. NO, THAT WAS THAT AFTERNOON.

10 Q. THAT AFTERNOON? BUT YOU TALKED TO GREG DINGLE
11 THAT THURSDAY MORNING?

12 A. YES, SIR.

13 Q. AND YOU WERE SUPPOSED TO PICK THE DEFENDANT UP?

14 A. YES, SIR.

15 Q. AND WAS HE THERE?

16 A. NO, SIR.

17 SOLICITOR PASCOE: THAT'S ALL I
18 HAVE.

19 THE COURT: RECROSS?

20 MS. HINDS: NO, SIR.

21 THE COURT: THANK YOU, SIR, YOU MAY
22 STEP DOWN.

23 ANY OBJECTION TO EXCUSING THIS
24 WITNESS?

25 MS. HINDS: NO, SIR.

1 SOLICITOR PASCOE: NO OBJECTION.

2 THE COURT: YOU MAY BE EXCUSED IF
3 YOU WOULD LIKE, MR. GILMORE, OR YOU CAN REMAIN WITH US.
4 CALL YOUR NEXT WITNESS, PLEASE.

5 SOLICITOR PASCOE: I BEG THE COURT'S
6 INDULGENCE.

7 THE COURT: YES, SIR.

8 SOLICITOR PASCOE: I CALL BERTHA
9 JACKSON. IT'S A SHORT WITNESS AND SHE'S HERE. BERTHA
10 JACKSON. AND THIS SHOULD BE THE LAST WITNESS WE HAVE,
11 YOUR HONOR.

12 (Whereupon, witness
13 enters the courtroom.)

14 CLERK: MS. JACKSON, PLEASE PLACE
15 YOUR LEFT HAND ON THE BIBLE AND RAISE YOUR RIGHT.

16 (Whereupon, Bertha Jackson
17 is duly sworn.)

18 CLERK: HAVE A SEAT AND STATE YOUR
19 FULL NAME.

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

1 DIRECT EXAMINATION OF BERTHA JACKSON

2 BY SOLICITOR PASCOE:

3 Q. WOULD YOU STATE YOUR FULL NAME, MS. JACKSON?

4 A. BERTHA JACKSON.

5 Q. GOOD AFTERNOON, BERTHA.

6 A. GOOD EVENING.

7 Q. THANK YOU FOR COMING TODAY. DO YOU WORK AT
8 MALLARD'S GROCERY STORE?

9 A. YES.

10 Q. WERE YOU WORKING THERE BACK IN MARCH OF TWO
11 THOUSAND AND SIX?

12 A. CORRECT.

13 Q. AND WHERE EXACTLY IS MALLARD'S GROCERY STORE?

14 A. IT'S ON THE CORNER OF 12TH STREET AND 1ST ROAD, SANTEE.

15 Q. OKAY. AND DID YOU COME FORWARD AND TALK TO THE
16 POLICE ON YOUR OWN ON FRIDAY, MARCH TENTH OF TWO
17 THOUSAND AND SIX?

18 A. I TOLD MR. MALLARD WHAT I HAD SAW AND HE, I THINK
19 HE MADE IT, AND THEN THEY CAME FORWARD TO ME.

20 Q. OKAY. AND TELL THE JURY WHAT YOU SAW AND WHY YOU
21 WANTED TO COME FORWARD TO THE POLICE?

22 A. I INFORMED MR. MALLARD THAT I HAD SAW THE, ON THE
23 NEWS ABOUT THIS BURGUNDY CONTOUR, AND I TOLD HIM I
24 THINK THAT THE MAN WAS AT HIS STORE THAT MORNING.
25 AND HE CALLED WHOMEVER, AND THEN SOMEONE CAME TO

- 1 THE STORE TO QUESTION ME.
- 2 Q. OKAY. AND DO YOU KNOW WHO THE MAN WAS WITH THAT
- 3 WAS IN THE BURGUNDY CONTOUR THAT MORNING OF
- 4 THURSDAY, MARCH THE NINTH, THAT YOU SAW?
- 5 A. SAY THAT AGAIN, PLEASE?
- 6 Q. I DON'T EVEN KNOW WHAT I ASKED YOU. OKAY. LET ME
- 7 ASK YOU THIS, TELL THE JURY -- WELL, LET ME ASK
- 8 YOU, DID YOU KNOW WHO ONE OF THE PEOPLE, OR ONE OF
- 9 THE PERSONS WAS THAT WAS WITH THE MAN IN THE RED
- 10 CONTOUR ON THURSDAY, MARCH THE NINTH, DID YOU KNOW
- 11 ONE OF THE PEOPLE?
- 12 A. YES, I KNEW ONE.
- 13 Q. WAS IT LOVESTER JAMES?
- 14 A. LOVESTER.
- 15 Q. THE LADY THAT'S BEEN UP HERE AND TESTIFIED
- 16 EARLIER?
- 17 A. CORRECT.
- 18 Q. OKAY. AND SHE WAS WITH THE MAN IN THE CAR?
- 19 A. WELL, SHE CAME INTO THE STORE.
- 20 Q. AND DO YOU RECOGNIZE STATE'S EXHIBIT TEN?
- 21 A. YES.
- 22 Q. WHAT DO YOU RECOGNIZE THAT TO BE?
- 23 A. THE BURGUNDY CONTOUR.
- 24 Q. OKAY. AND THAT'S THE CAR YOU SAW THE MORNING OF
- 25 THURSDAY, MARCH THE NINTH?

1 A. YES.

2 Q. AND THAT'S WHY YOU CAME FORWARD TO THE POLICE, OR
3 TO MR. MALLARD, THE OWNER OF THE STORE?

4 A. CORRECT.

5 Q. AND TOLD THE POLICE YOU SAW THE CAR THAT MORNING
6 ON THURSDAY, MARCH THE NINTH?

7 A. YES.

8 SOLICITOR PASCOE: THANK YOU, MA'AM,
9 ANSWER ANY QUESTIONS DEFENSE COUNSEL HAS FOR YOU.

10 THE COURT: MR. MELLARD.

11 MR. MELLARD: NO QUESTIONS, YOUR
12 HONOR.

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

15 ANY OBJECTION TO EXCUSING THIS
16 WITNESS?

17 SOLICITOR PASCOE: OH, NO, SIR.

18 MR. MELLARD: NO, SIR.

19 THE COURT: YOU MAY BE EXCUSED,
20 THANK YOU FOR COMING.

21 ALRIGHT.

22 SOLICITOR PASCOE: COULD WE RECESS
23 UNTIL TOMORROW, YOUR HONOR?

24 THE COURT: ALRIGHT, LADIES AND
25 GENTLEMEN, THE SOLICITOR IS LETTING YOU OFF A LITTLE

1 EARLY TODAY, BUT WE'LL START BACK AT NINE:THIRTY IN THE
2 MORNING. IS THE JUROR WHO NEEDED TRANSPORTATION, I
3 DON'T KNOW WHO THAT WAS, BUT HE'S NOT OVER HERE, ALL OF
4 Y'ALL HAVE TRANSPORTATION? OKAY.

5 NOW, WE DO HAVE REPORTERS, NEWS
6 REPORTERS IN THE COURTROOM TODAY. THERE WILL BE AN
7 ARTICLE IN THE TIME AND DEMOCRAT, AND I DON'T KNOW WHEN
8 THE HOLLY HILL PAPER IS PUBLISHED, WHETHER IT'S EVERY
9 DAY OR NOT, BUT YOU ARE NOT TO READ ANY NEWS ARTICLES
10 ABOUT THIS TRIAL. THAT WOULD BE A REAL STRONG NO, NO
11 FOR YOU TO DO THAT, IT WOULD BE NOT GOOD. I DON'T THINK
12 WE WILL HAVE ANY T.V. COVERAGE OR RADIO COVERAGE, I
13 HAVEN'T SEEN ANYTHING OF THAT NATURE, BUT IF IT HAPPENS
14 TO BE ON T.V. OR RADIO, YOU TURN IT OFF IMMEDIATELY, PUT
15 YOUR HANDS OVER YOUR EARS. AS I TOLD YOU, YOU ARE
16 LIMITED TO WHAT YOU HEAR AIN THIS COURTROOM. IN A SENSE
17 THAT MAKES YOUR JOB A LOT EASIER, BECAUSE WE ALL KNOW
18 WHAT'S BEEN PRESENTED IN THE COURTROOM.

19 DO NOW TALK WITH ANYONE ABOUT THE
20 CASE. IF YOUR WIFE OR HUSBAND OR GIRL FRIEND OR BOY
21 FRIEND SAYS, WHAT ARE YOU DOING, YOU'LL SAY, I'M ON A
22 JURY, I'M TRYING A CASE, THE JUDGE SAID I CAN'T TALK
23 ABOUT IT UNTIL THIS CASE IS OVER, AND THT WILL TAKE CARE
24 OF THAT.

25 SO, WE'LL SEE YOU IN THE MORNING AT

1 NINE:THIRTY. PLEASE, AGAIN, COME DIRECTLY INTO THE
2 COURTROOM WHEN YOU COME IN THE MORNING -- I MEAN, TO THE
3 JURY ROOM, NOT THE COURTROOM. DON'T COME IN THE
4 COURTROOM, GO BACK TO THE JURY ROOM THE SAME WAY YOU
5 CAME IN.

6 THANK YOU VERY MUCH, YOU ARE
7 EXCUSED.

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

12 THE COURT: ANYTHING ELSE FROM THE
13 STATE BEFORE WE --

14 SOLICITOR PASCOE: NO, SIR.

15 THE COURT: --- RECESS? FROM THE
16 DEFENSE?

17 MR. MELLARD: NOTHING FROM THE
18 DEFENSE, YOUR HONOR.

19 THE COURT: ALRIGHT, COURT'S IN
20 RECESS, THEN, UNTIL NINE:THIRTY.

21 (Recess for the day.)

22 DATE:

23 MARCH 14, 2007

24 THE COURT: ANYTHING TO TAKE UP
25 BEFORE WE HAVE THE JURY BROUGHT IN?

1 MR. MELLARD: YES, SIR, WE'VE GOT A
2 MOTION WE WANT TO BRING TO THE COURT.

3 THE COURT: ALRIGHT, LET'S WAIT ON
4 THE DEFENDANT. ARE THEY BRINGING HIM IN?

5 MS. HINDS: YES, SIR.

6 (Whereupon, the defendant
7 enters the courtroom.)

8 THE COURT: ALRIGHT.

9 MR. MELLARD: YOUR HONOR, I'D MOVE
10 FOR A MISTRIAL, AND I'LL TELL YOU THE GROUNDS OF THIS
11 MOTION.

12 THE COURT: ALRIGHT.

13 MR. MELLARD: YESTERDAY THE
14 SOLICITOR STATED ON DIRECT TO JAMES GILMORE, DIDN'T YOU
15 TELL YOUR MOTHER ON MARCH NINTH THAT YOU HOPED WILLIE
16 DID NOT KILL HIS MOTHER? WE BROUGHT THAT MATTER TO THE
17 COURT'S ATTENTION IN PRETRIAL MOTIONS. WE SPECIFICALLY
18 ASKED THAT NO MENTION BE MADE OF OPINIONS GIVEN BY
19 WITNESSES, AND WE SPECIFICALLY POINTED OUT JAMES
20 GILMORE. THE PROSECUTION MADE REFERENCE TO THAT, AND WE
21 WOULD SAY THAT'S PREJUDICIAL, THERE'S NO CURATIVE
22 INSTRUCTION WHICH COULD POSSIBLY BE GIVEN TO TAKE THAT
23 AWAY, AND WE WOULD ASK THAT YOU GRANT A MISTRIAL.

24 THE COURT: ALRIGHT, WELL, SLOW DOWN
25 A MINUTE NOW, AND TELL ME WHAT IT WAS THAT -- FIRST,

1 WHICH WITNESS ARE WE TALKING ABOUT?

2 MR. MELLARD: WE'RE TALKING ABOUT
3 JAMES GILMORE.

4 THE COURT: HE WAS THE FRIEND OF HIS
5 THAT WORKED WITH HIM, THAT HAD DRIVEN HIM TO THE HOUSE
6 THE DAY BEFORE OR WENT TO PICK HIM UP THE NEXT MORNING,
7 WAS THAT MR. GILMORE?

8 MR. MELLARD: THAT WAS MR. GILMORE,
9 HE WAS -- YES, SIR.

10 THE COURT: OKAY. HE WAS NOT A
11 RELATIVE OF THE VICTIM?

12 MR. MELLARD: NO, SIR.

13 THE COURT: ALRIGHT. AND WHAT WAS
14 THE QUESTION THAT THE SOLICITOR ASKED THAT WAS IMPROPER?

15 MR. MELLARD: THE SOLICITOR STATED
16 ON THE RECORD, "DIDN'T YOU TELL THE POLICE ON MARCH THE
17 NINTH THAT YOU HOPED WILLIE DID NOT KILL HIS MOTHER?"
18 AND WE HAD BROUGHT THAT TO THE COURT'S ATTENTION, WE
19 DIDN'T WANT THEM TO GET INTO ANY OPINIONS. THAT WAS AN
20 OPINION WHICH IS IN A WRITTEN STATEMENT OF MR. GILMORE.

21 THE COURT: OKAY. SOLICITOR?

22 SOLICITOR PASCOE: I DON'T KNOW WHAT
23 HIS GROUNDS FOR A MISTRIAL ARE. I REMEMBER ASKING THE
24 QUESTION, AND IT WAS ALLUDING TO THE FACT, WHY DID YOU
25 THINK THAT WILLIE KILLED HIS MOTHER? THEY OBJECTED, WE

1 APPROACHED, YOU SUSTAINED IT, AND THEN WE PRETTY MUCH
2 SAT DOWN. HE NEVER EVEN GOT TO ANSWER THE QUESTION. IF
3 IT WAS REALLY THAT PREJUDICIAL THEY WOULD HAVE MOVED FOR
4 THAT YESTERDAY. I DON'T --

5 THE COURT: ALRIGHT. ANYTHING ELSE?

6 MR. MELLARD: NOTHING FROM US, YOUR
7 HONOR.

8 THE COURT: WELL, I'M GOING TO DENY
9 YOUR MOTION FOR A MISTRIAL, I REMEMBER WHEN, ONCE THE
10 SOLICITOR REMINDED ME OF WHEN IT HAPPENED. I DON'T THINK
11 THAT THAT WAS ANYTHING PREJUDICIAL, AND THE QUESTION WAS
12 NEVER ANSWERED. I WILL TELL THE JURY IN THE CHARGES, I
13 ALWAYS DO, THAT THE QUESTIONS THE SOLICITORS AND THE
14 QUESTIONS THE ATTORNEYS ASK ARE NOT EVIDENCE IN THE
15 CASE. I CERTAINLY DON'T THINK, I MEAN, I DON'T THINK
16 THERE WAS ANY PREJUDICE, IT DIDN'T AFFECT ME IN THAT WAY
17 AND I CAN'T SEE HOW IT WOULD HAVE AFFECTED THE JURY THAT
18 WAY. IF YOU WANT TO TALK ABOUT SOME INSTRUCTIONS TO THE
19 JURY I'LL BE GLAD TO CONSIDER GIVING THE JURY SOME
20 INSTRUCTIONS. SINCE IT'S ALREADY PASSED BY, WE DON'T
21 HAVE TO DO THAT RIGHT NOW, BUT I ALMOST THINK TO CALL
22 ATTENTION TO IT MIGHT BE WORSE THAN LETTING IT RIDE.
23 BUT I'LL BE GLAD TO HEAR YOU ON THAT EITHER NOW OR
24 LATER, AS TO WHETHER YOU WANT SOME SPECIAL --

25 MR. MELLARD: WE'LL TALK ABOUT THAT

1 LATER, YOUR HONOR.

2 THE COURT: ---SIR?

3 MR. MELLARD: WE'LL TALK ABOUT THAT
4 AT A LATER DATE, YOUR HONOR.

5 THE COURT: ALRIGHT. ANYTHING ELSE,
6 THEN?

7 MR. MELLARD: I WOULD RENEW MY
8 REQUEST FOR ANY CRIMINAL RECORDS OF ANYBODY THEY'RE
9 GOING TO PUT UP ON THE STAND.

10 THE COURT: ALRIGHT, SIR.

11 SOLICITOR PASCOE: JUDGE, IF HE WILL
12 COME HERE, I'LL -- MAYBE I CAN JUST HAND THEM TO HIM AS
13 WE -

14 THE COURT: ALRIGHT.

15 SOLICITOR PASCOE: HERE IS --WE
16 INTEND TO CALL FRANK COLTER, YOUR HONOR. THE ONLY THING
17 ON HIS RAP SHEET THAT I SEE IS A DUI, AND OBVIOUSLY, HE
18 CAN'T BE IMPEACHED FOR THAT.

19 KAREEM TAYLOR, HE'S GOT AN EXTENSIVE
20 RAP, BUT I'LL GET YOU A COPY OF THAT. OKAY?

21 VICTORIA BASKIN HAS NO RAP.

22 THE COURT: Y'ALL APPROACH THE BENCH
23 JUST A SECOND.

24 SOLICITOR PASCOE: YES, SIR.

25 (Whereupon, a bench conference

1 is held outside the hearing
2 of the court reporter.)

3 THE COURT: WE'RE MISSING A JUROR
4 THIS MORNING.

5 BAILIFF: YES, SERGEANT MILLER SAYS
6 HE'S ABOUT FIVE MINUTES AWAY.

7 THE COURT: ALRIGHT, THE JUROR WE'RE
8 MISSING IS MR. ALBERT WHITE. ACCORDING TO HIS RETURN,
9 WHICH I LOOKED AT YESTERDAY AFTER THE JURY WAS SEATED,
10 HE FINISHED THE SECOND GRADE, WHICH CONCERNS ME A GOOD
11 LITTLE BIT FOR SEVERAL REASONS: NUMBER ONE, THE LAW
12 REQUIRES THAT IF YOU DON'T HAVE A SIX GRADE EDUCATION OR
13 ITS EQUIVALENT, AND SOMETIMES WE ACCEPT EQUIVALENT, BUT
14 THIS IS A LONG WAY FROM THE SIXTH GRADE, IT'S THE SECOND
15 GRADE, AND IT CONCERNS ME IN THAT REGARD. BUT WHAT
16 CONCERNS ME EVEN MORE IS THAT I VERY PLAINLY ASKED THE
17 JURY PANEL YESTERDAY WAS THERE ANYBODY OUT THERE WHO HAD
18 LESS THAN A SIXTH GRADE EDUCATION AND THIS MAN DID NOT
19 RESPOND. NOW, I DON'T KNOW WHETHER HE DIDN'T RESPOND
20 BECAUSE HE DIDN'T UNDERSTAND MY QUESTION, WHICH WOULD BE
21 BAD IN ITSELF, OR WHETHER HE JUST DELIBERATELY DIDN'T
22 RESPOND, AND IGNORED MY QUESTION. AND I WHEN I SAW THIS
23 YESTERDAY, I SAID, YOU KNOW, I NEED TO DEAL WITH THAT.

24 WHAT WOULD BE THE STATE'S POSITION?

25 SOLICITOR PASCOE: THE STATE'S

1 POSITION IS, WE'RE A LITTLE CONCERNED THAT HE DOESN'T
2 HAVE A SIXTH GRADE EDUCATION, AND MORE IMPORTANTLY THAT
3 HE DIDN'T STAND UP. SO, I THINK HE COULD BE STRUCK FOR
4 CAUSE FOR THAT. ALSO, YOUR HONOR, WE'RE READY TO
5 PROCEED, WE'VE GOT OUR WITNESSES HERE FROM OUT OF STATE,
6 AND WE'VE GOT TWO ALTERNATES, THAT'S WHY WE PICKED THEM.

7 THE COURT: YES, SIR?

8 MR. MELLARD: WE WOULD OBJECT TO
9 REMOVING HIM. HE WAS CHOSEN YESTERDAY. IF THE COURT HAS
10 A CONCERN ABOUT HIS EDUCATION I THINK THE COURT COULD
11 ASK HIM ABOUT IT, SEE IF THE RETURN WAS ACTUALLY
12 CORRECT. AND SO, WE WOULD OBJECT TO THAT.

13 THE COURT: WELL, I, I OBSERVED
14 YESTERDAY WHEN HE CAME FORWARD HE LOOKED VERY CONFUSED,
15 HE DIDN'T ACT LIKE HE KNEW WHAT TO DO, TO STAND UP HERE.
16 I THINK HE WAS THE FIRST ONE, AND I HAD TO EXPLAIN TO
17 HIM WHAT HE NEEDED TO DO AFTER I HAD ALREADY EXPLAINED
18 IT TO THE JURY. I DON'T KNOW WHAT HE, WHAT QUESTIONS HE
19 COULD ANSWER ABOUT HIS EDUCATION, I MEAN, IF HE FINISHED
20 THE SECOND GRADE HE FINISHED THE SECOND GRADE, AND
21 THAT'S THAT. THAT'S PLAINLY WHAT HIS RETURN SAYS. I
22 WOULDN'T WANT TO EMBARRASS THE MAN ABOUT HIS LACK OF
23 EDUCATION, AND MAYBE HE WAS EMBARRASSED TO STAND, BUT I
24 GAVE HIM AN OPPORTUNITY TO COME UP AND SPEAK WITH ME
25 PRIVATELY ABOUT IT AND HE NEVER DISCLOSED THIS.

1 YES, SIR?

2 MR. MELLARD: WELL, JUDGE, IT SEEMS
3 TO US THAT YOU COULD MAYBE ASK HIM ABOUT HIS LIFE
4 EXPERIENCES. HE MIGHT NOT BE EQUIVALENT OF A --
5 ASSUMING THAT IT'S CORRECT, THAT HE HAS A SECOND GRADE
6 EDUCATION, HE MAY HAVE THE LIFE EXPERIENCES WHICH WOULD
7 GIVE HIM, I GUESS, AN EQUIVALENT, I GUESS, OF AN
8 EDUCATION. BUT WE ASK THAT HE BE QUESTIONED ON THIS.

9 THE COURT: OF COURSE, WE DON'T EVEN
10 HAVE HIM HERE, HE'S NOT IN HERE.

11 SOLICITOR PASCOE: MY ARGUMENT WOULD
12 BE ALSO, YOUR HONOR, THERE'S NO PREJUDICE. THAT'S WHY
13 WE HAVE THE ALTERNATES.

14 THE COURT: I'M GOING TO REMOVE HIM
15 FROM THE JURY AND I'M GOING TO SEAT THE FIRST ALTERNATE.
16 DOES THE STATE WANT TO DRAW BETWEEN THE TWO ALTERNATES
17 -- I MEAN, THE DEFENSE, DO YOU WANT TO DRAW BETWEEN THE
18 TWO, OR DO YOU WANT TO SEAT THE FIRST ONE DRAWN?

19 MR. MELLARD: WE NEED A SECOND TO
20 CHECK AND SEE.

21 THE COURT: ALRIGHT. I BELIEVE MS.
22 VETA SUGICK WAS THE FIRST ONE DRAWN, MS. AZAVIEA BROWN
23 WAS THE SECOND ONE DRAWN.

24 MR. MELLARD: WE'D ASK TO DRAW.

25 THE COURT: ALRIGHT. IS THAT

1 SATISFACTORY WITH THE STATE?

2 SOLICITOR PASCOE: YES, YOUR HONOR.

3 BAILIFF: HE'S HERE, YOUR HONOR.

4 THE COURT: YOU DON'T HAVE TO --

5 HE'S HERE? OKAY. I'M STILL GOING TO SEAT THE

6 ALTERNATE. I THINK UNDER THE CIRCUMSTANCES --

7 JUST PUT THEM IN THE CAPSULES. JUST

8 PUT THEM IN THE TWO CAPSULES, YOU DON'T HAVE TO PUT THEM

9 BACK IN THAT CONTAINER. DO YOU HAVE TWO EXTRA CAPSULES?

10 ANY OBJECTION TO THE CLERK DRAWING?

11 SHE'S GOT THE TWO SEPARATE NAMES IN TWO CAPSULES, SHE'S

12 GOT THE TWO CAPSULES IN THAT CUP OVER THERE.

13 MS. HINDS: NO OBJECTION.

14 THE COURT: ALRIGHT, JUST PULL OUT

15 ONE.

16 CLERK: VETA SUGICK.

17 THE COURT: OKAY. SHE IS THE FIRST

18 ONE THAT WAS DRAWN.

19 SO, ASK MR. WHITE TO COME IN. I WILL

20 EXCUSE HIM AT THIS TIME.

21 (Whereupon, Juror White

22 enters the courtroom.)

23 THE COURT: GOOD MORNING, HOW ARE

24 YOU?

25 JUROR WHITE: PRETTY GOOD.

1 THE COURT: I'M GOING TO EXCUSE YOU
2 FROM SERVING ON THE JURY ANY FURTHER. I JUST THINK
3 THAT'S THE BEST UNDER THE CIRCUMSTANCES RIGHT NOW. AND
4 SO, IF YOU NEED A RIDE BACK HOME, THE DEPUTY WILL BE
5 GLAD TO CARRY YOU BACK HOME AND YOU WON'T HAVE TO COME
6 BACK.

7 JUROR WHITE: ALRIGHT. I DO NEED A
8 RIDE.

9 THE COURT: SIR?

10 JUROR WHITE: I DO NEED A RIDE.

11 THE COURT: ALRIGHT, SIR. DO YOU
12 WANT HIM TO COME OUT THAT WAY? YOU CAN GO RIGHT THROUGH
13 THE FRONT. THANK YOU VERY MUCH, SIR.

14 (Whereupon, Juror White
15 leaves the courtroom.)

16 THE COURT: I KNOW YOU HAD AN
17 OBJECTION, BUT I'M NOT WILLING TO EMBARRASS THE MAN BY
18 ASKING HIM ABOUT HIS EDUCATION OR HIS FAILURE TO
19 DISCLOSE THAT YESTERDAY, BUT I THINK THAT'S TWO SERIOUS
20 PROBLEMS WHICH JUSTIFY HIS REMOVAL FROM THE JURY AND THE
21 SEATING OF THE ALTERNATE.

22 NOW, BRING THE JURY IN.

23 (Whereupon, the jury
24 enters the courtroom.)

25 THE COURT: MS. SUGICK, YOU WILL BE

1 ON THE JURY NOW. I EXCUSED MR. WHITE FROM THE JURY FOR
2 REASONS WHICH DON'T CONCERN YOU AT ALL, DON'T EVEN
3 WONDER ABOUT IT, IT DOESN'T HAVE ANYTHING TO DO WITH
4 ANYTHING. THAT'S WHY WE HAVE ALTERNATES. SO, YOU'LL BE
5 ON THE JURY NOW.

6 GOOD MORNING, LADIES AND GENTLEMEN.
7 DID ANY OF YOU SEE THE ARTICLE IN THE ORANGEBURG TIMES
8 AND DEMOCRAT THIS MORNING?

9 (Negative response from jury panel.)

10 THE COURT: ALL JURORS INDICATE IN
11 THE NEGATIVE.

12 DID YOU SEE OR HEAR ANYTHING ELSE
13 ABOUT THIS CASE FROM ANY SOURCE WHATSOEVER OVERNIGHT?

14 (Negative response from jury panel.)

15 THE COURT: ALL INDICATE IN THE
16 NEGATIVE.

17 ALRIGHT, SOLICITOR, YOU MAY CALL
18 YOUR WITNESS.

19 SOLICITOR PASCOE: THANK YOU, YOUR
20 HONOR, THE STATE CALLS VICTORIA BASKIN.

21 (Whereupon, witness
22 enters the courtroom.)

23 CLERK: PLEASE PLACE YOUR LEFT HAND
24 ON THE BIBLE -- YOU DON'T HAVE TO RAISE YOUR RIGHT HAND,
25 SO JUST SIT THERE.

1 (Whereupon, Victoria BASKIN
2 is duly sworn.)

3 CLERK: HAVE A SEAT AND STATE YOUR
4 FULL NAME.

5 WITNESS: MY NAME IS VICTORIA
6 BASKIN.

7 THE COURT: YES, SIR.

8 SOLICITOR PASCOE: THANK YOU, YOUR
9 HONOR.

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

1 DIRECT EXAMINATION OF VICTORIA BASKIN

2 BY SOLICITOR PASCOE:

3 Q. GOOD MORNING, MS. BASKIN.

4 A. GOOD MORNING.

5 Q. WHERE ARE YOU FROM, MA'AM?

6 A. ORLANDO, FLORIDA IS WHERE I'M ORIGINALLY FROM.

7 Q. OKAY. AND DO YOU HAVE ANY TYPE OF DEGREE?

8 A. YES, I DO.

9 Q. WHAT TYPE OF DEGREE DO YOU HAVE?

10 A. I HAVE A HIGH SCHOOL DIPLOMA, I HAVE A NURSING
11 DEGREE, AND I HAVE A DEGREE IN CHILDHOOD EARLY
12 DEVELOPMENT.

13 Q. OKAY. AND DO YOU HAVE CHILDREN OF YOUR OWN?

14 A. YES, I DO, THREE GIRLS.

15 Q. THREE GIRLS? DO YOU HAVE GRANDCHILDREN, TOO?

16 A. YES, I DO.

17 Q. HOW MANY GRANDCHILDREN DO YOU HAVE?

18 A. FOUR.

19 Q. WHERE WERE YOU WORKING BACK IN SEPTEMBER OF LAST
20 YEAR, SEPTEMBER OF TWO THOUSAND AND SIX?

21 A. ORANGEBURG COUNTY CORRECTION FACILITY.

22 Q. THE DETENTION CENTER?

23 A. DETENTION CENTER, YES.

24 Q. OKAY. SPEAK UP JUST A LITTLE BIT.

25 A. I'M SORRY.

1 Q. AND IN WHAT CAPACITY WERE YOU EMPLOYED AT THE JAIL
2 IN ORANGEBURG COUNTY?

3 A. I WAS MEDICATION OFFICER AT THE TIME.

4 Q. OKAY. AND WHEN DID YOU START WORKING THERE AT THE
5 ORANGEBURG COUNTY JAIL?

6 A. TWELVE/FIVE/O-FIVE.

7 Q. SO, DECEMBER THE FIFTH, TWO THOUSAND AND FIVE?

8 A. UH HUH.

9 Q. AND SO, BY SEPTEMBER THE SIXTH, SEPTEMBER OF TWO
10 THOUSAND AND SIX YOU HAD BEEN WORKING THERE ABOUT
11 NINE MONTHS?

12 A. YES.

13 Q. OKAY. WERE YOU WORKING AT THE ORANGEBURG JAIL
14 DURING THE LATE NIGHT HOURS OF SEPTEMBER SIXTH AND
15 INTO THE EARLY MORNING HOURS OF SEPTEMBER THE
16 SEVENTH, TWO THOUSAND AND SIX?

17 A. YES.

18 Q. AND DO YOU HAVE A REPORT THAT YOU ACTUALLY FILED
19 YOURSELF AND A STATEMENT THAT YOU GAVE, TO REFRESH
20 YOUR MEMORY IF YOU NEED IT?

21 A. YES.

22 Q. OKAY. DID YOU COME INTO CONTACT WITH THE
23 DEFENDANT, WILLIE BELL, SOMETIME AFTER MIDNIGHT
24 SEPTEMBER SEVENTH?

25 A. YES.

1 Q. IF YOU COULD, TELL THE JURY WHAT HAPPENED?

2 A. OKAY. I WAS MEDICATION OFFICER AT THE TIME AND I
3 WAS PASSING OUT MEDICATION. I CAME INTO O-MEDIUM
4 AREA TO PASS OUT MEDICATION. WILLIE BELL ASKED ME
5 TO MOVE A COOLER, AND I SAID, NO, BECAUSE I WAS
6 NOT MED OFFICER AT THE TIME, I WAS -- OR EXCUSE
7 ME, I WASN'T YOUR OFFICER AT THE TIME, I WAS THE
8 MED OFFICER AT THE TIME. SO, I ASKED THE OFFICER,
9 HIS OFFICER TO MOVE THE COOLER. HE SAID, NO, I'M
10 NOT GOING TO DO IT. SO, I SAID, NO, I'M NOT GOING
11 TO DO IT. SO, I PROCEEDED TO PASS OUT THE
12 MEDICATION. SO, HE ASKED ME TO GIVE HIM SOME
13 MEDICATION THAT HE WASN'T SUPPOSED TO BE GETTING.
14 I SAID, NO, I'M NOT GOING TO DO IT. HE SAID, NO,
15 B-I-T-C-H, GIVE ME THE MEDICATION OR I'M GOING TO
16 KILL YOU LIKE I KILLED MY MOM. SO, THAT'S WHEN I
17 REPORTED TO MY SUPERVISOR AND TOLD MY SUPERVISOR
18 WHAT HE SAID, WHICH AT THE TIME I DIDN'T KNOW THAT
19 HE WAS IN JAIL FOR WHAT HE DID.

20 Q. OKAY.

21 A. SO, I REPORTED THAT TO MY SUPERVISOR.

22 Q. OKAY. SLOW DOWN JUST A LITTLE BIT, OKAY? WILL
23 YOU TELL THE JURY EXACTLY WHAT DID THE DEFENDANT
24 SAID, AND SAY IT JUST LIKE THE DEFENDANT SAID IT,
25 DON'T SPELL IT.

1 A. HE SAID -- I DON'T CURSE, SO, HE SAID, B-I-T-C-H.

2 Q. BUT HE SAID THE ACTUAL WORD, YOU DON'T WANT TO
3 CURSE?

4 A. YES.

5 Q. OKAY. WHAT DID HE SAY TO YOU?

6 A. I'M GOING TO KILL YOU LIKE I KILLED MY MOM.

7 Q. AND YOU REPORTED THAT THREAT?

8 A. I REPORTED THE THREAT ON PAPER TO MY SUPERVISOR.

9 Q. THAT DAY?

10 A. VERBALLY AND ON PAPER TO MY SUPERVISOR THAT DAY.

11 Q. SO, WHAT WAS THE DEFENDANT, WILLIE BELL'S TONE
12 WHEN HE SAID IT?

13 A. IT WAS VERY IRATE, LIKE I'D NEVER SEEN HIM BEFORE.

14 Q. AND HOW SERIOUS DID YOU TAKE THAT THREAT?

15 A. VERY SERIOUSLY, BECAUSE I'D NEVER SEEN HIM LIKE
16 THAT BEFORE. AND HE'S, HE'S NEVER ACTED IN THAT
17 TONE TO ME LIKE THAT BEFORE.

18 Q. AND MS. BASKIN, YOU TESTIFIED YOU FILED THIS
19 REPORT ON THAT DAY, SEPTEMBER THE SEVENTH?

20 A. YES, SIR.

21 Q. WHEN WAS THE FIRST TIME YOU MET WITH ANYONE FROM
22 OUR OFFICE?

23 A. I THINK THAT DAY.

24 Q. FROM MY OFFICE?

25 A. THAT WEEK OR THAT DAY, I DON'T REMEMBER, I THINK

1 IT WAS THAT DAY OR THAT WEEK.

2 Q. DO YOU STILL WORK AT THE DETENTION CENTER?

3 A. NO, SIR, I DON'T.

4 Q. AND WHEN DID YOU STOP WORKING THERE?

5 A. I THINK IT WAS FEBRUARY OF O-FIVE -- O-SEVEN.

6 Q. OKAY. AND SO, YOU WORKED THERE FOR APPROXIMATELY
7 FOURTEEN MONTHS?

8 A. YES, SIR.

9 Q. AND WHY DID YOU STOP WORKING THERE?

10 A. BECAUSE I DIDN'T PASS THE POLICE ACADEMY.

11 Q. OKAY. IT WAS AN EXAM?

12 A. YES, SIR.

13 Q. OKAY. ARE YOU WORKING NOW?

14 A. YES, SIR.

15 Q. WHERE ARE YOU WORKING?

16 A. PORT SMITH, VIRGINIA.

17 Q. AND WHAT TYPE OF JOB ARE YOU DOING?

18 A. NURSING.

19 Q. NURSING. AND YOU'RE ACTUALLY LIVING IN PORT SMITH
20 RIGHT NOW?

21 A. YES, SIR.

22 Q. DID YOU HAVE TO TRAVEL DOWN HERE?

23 A. SIX HOURS, IT TOOK ME SIX HOURS TO GET HERE FOR
24 THIS DAY.

25 Q. OKAY. I APPRECIATE YOU COMING, THANK YOU. THE

1 PERSON WHO TOLD YOU THAT HE KILLED HIS MOM, DO YOU
2 SEE HIM IN THE COURTROOM NOW?

3 A. YES, SIR.

4 Q. IF YOU COULD, POINT HIM OUT FOR THE JURY.

5 A. RIGHT OVER THERE.

6 Q. WILL YOU DESCRIBE HIM FOR THE JURY?

7 A. SITTING WITH THE GRAY JACKET ON, WILLIE BELL.

8 Q. THE DEFENDANT, WILLIE BELL?

9 A. YES, SIR.

10 SOLICITOR PASCOE: THANK YOU.

11 ANSWER ANY QUESTIONS THAT THE DEFENSE COUNSEL HAS FOR
12 YOU.

13 A. YES, SIR.

14 THE COURT: CROSS-EXAMINATION.

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

1 CROSS-EXAMINATION OF VICTORIA BASKIN

2 BY MR. MELLARD:

3 Q. THIS INCIDENT ALLEGEDLY HAPPENED ON SEPTEMBER
4 SIXTH OF TWO THOUSAND AND SIX, IS THAT CORRECT?

5 A. YES, SIR.

6 Q. OKAY. LET ME SHOW YOU WHAT'S -- LET ME SHOW YOU
7 WHAT'S SHOWN AS AN INCIDENT REPORT, DO YOU
8 RECOGNIZE THAT?

9 A. YES, SIR.

10 Q. OKAY.

11 A. I WROTE THAT.

12 Q. YOU WROTE THIS?

13 A. YES, SIR.

14 Q. OKAY. AND WHY DON'T YOU READ TO US, TELL US WHAT
15 IT SAYS, DESCRIBE THE INCIDENT, WHY DON'T YOU READ
16 THAT TO US?

17 A. OKAY. "ON THE ABOVE DATE AND TIME I, OFFICER
18 BASKIN, WAS PASSING OUT MEDICATION IN O-MEDIUM
19 AREA. INMATE TRUMP BAROUGH NEEDED TYLENOL. INMATE
20 WILLIE BELL'S CELL IS NEAR INMATE TRUMP'S. INMATE
21 BELL THREW SOME LIQUID ON MY SHIRT AND PANTS AND
22 MY RIGHT ARM. INMATE BELL VIOLATED THE CODE."
23 OKAY, THIS HAPPENED THE SAME NIGHT. THIS HAPPENED
24 THE SAME NIGHT THE INCIDENT OCCURRED. IT WAS TWO
25 INCIDENTS.

1 Q. IT WAS TWO INCIDENTS?

2 A. YES, SIR.

3 Q. IT WAS TWO INCIDENTS?

4 A. YES, SIR.

5 Q. SO, THIS HAPPENED AND THEN ANOTHER INCIDENT
6 HAPPENED?

7 A. YES, SIR.

8 Q. OKAY. SO, TWO THINGS HAPPENED?

9 A. YES, SIR.

10 Q. ALRIGHT. NOW, AFTER THE INCIDENT HAPPENED, ---

11 A. UH HUH.

12 Q. --- OKAY, YOU MET WITH THE SOLICITOR'S OFFICE THAT
13 SAME DAY?

14 A. UH HUH.

15 Q. AND THEN, A COUPLE OF DAYS LATER YOU GAVE A
16 STATEMENT, SEPTEMBER THE EIGHTH, TWO THOUSAND AND
17 SIX. AND I WANT YOU TO JUST SEE IF YOU RECOGNIZE
18 THIS. THIS IS A VOLUNTARY STATEMENT, DO YOU
19 RECOGNIZE THAT?

20 A. UH HUH. I WROTE THAT.

21 Q. ALRIGHT. AND IT'S IN THIS VOLUNTARY STATEMENT TWO
22 DAYS LATER THAT YOU START TALKING ABOUT THIS
23 ALLEGEDLY, HE'S GOING TO KILL YOU LIKE HE DID HIS
24 MOM?

25 A. UH HUH.

1 Q. TWO DAYS LATER?

2 A. UH HUH.

3 Q. OKAY. THERE'S NO WRITING ABOUT WHAT HAPPENED ON
4 THE SIXTH OR THE SEVENTH, IT WAS AFTER THE MEETING
5 WITH THE SOLICITOR THAT YOU WROTE THIS VOLUNTARY
6 STATEMENT, ISN'T THAT CORRECT?

7 A. UH HUH.

8 Q. OKAY. NOW, LET'S -

9 THE COURT: PLEASE SAY YES OR NO.
10 SHE'S GOT TO WRITE IT DOWN.

11 A.. YES, SIR. YES, SIR.

12 Q. NOW, YOU WENT TO -- YOU GRADUATED -- WELL, LET ME
13 ASK YOU, HOW OLD ARE YOU?

14 A. FORTY-TWO.

15 Q. YOU'RE FORTY-TWO?

16 A. YES, SIR.

17 Q. OKAY. AND YOU WOULD AGREE WITH ME THAT IN ORDER
18 TO BE A CORRECTIONAL OFFICER YOU HAVE TO UNDERGO
19 SOME KIND OF TRAINING, ISN'T THAT CORRECT?

20 A. YES, SIR.

21 Q. AND YOU HAVE TO HAVE THE TRAINING AT THE CRIMINAL
22 JUSTICE ACADEMY?

23 A. YES, SIR.

24 Q. OKAY. AND YOU'RE AWARE THAT YOU HAVE TO BE
25 CERTIFIED WITHIN ONE YEAR OF EMPLOYMENT?

- 1 A. YES, SIR.
- 2 Q. AND PART OF THAT CERTIFICATION IS GOING TO THE
- 3 CRIMINAL JUSTICE ACADEMY AND PASSING THE TEST THAT
- 4 THEY GIVE YOU?
- 5 A. YES, SIR.
- 6 Q. OKAY. YOU WENT UP THERE IN NOVEMBER OF O-SIX?
- 7 A. YES, SIR.
- 8 Q. YOU FAILED THE TEST?
- 9 A. YES, SIR.
- 10 Q. YOU WENT BACK IN FEBRUARY OF O-SEVEN?
- 11 A. YES, SIR.
- 12 Q. YOU FAILED THE TEST AGAIN?
- 13 A. YES, SIR.
- 14 Q. OKAY. NOW, ON THIS PARTICULAR INCIDENT YOU SAID
- 15 HE THREW THINGS ON YOU, IS THAT CORRECT?
- 16 A. YES, SIR.
- 17 Q. THAT DIDN'T MAKE YOU VERY HAPPY, DID IT?
- 18 A. NO, SIR.
- 19 Q. ALRIGHT. IT MADE YOU MAD AT HIM?
- 20 A. YES, SIR.
- 21 Q. YOU WANTED TO GET EVEN WITH HIM, DIDN'T YOU?
- 22 A. NO, SIR, I DIDN'T WANT TO GET EVEN, HE SAID IT WAS
- 23 URINE AND PICKLE JUICE THAT HE THREW ON ME. SO,
- 24 THAT WAS BODILY FLUID. SO, I DIDN'T WANT TO GET
- 25 EVEN WITH HIM I WANTED HIM -- I WANTED TO DO THE

1 RIGHT THING. HE DID THE WRONG THING TO ME, SO I
2 WANTED TO DO THE RIGHT THING.

3 Q. SO, THE RIGHT THING IS TO GO AND MAKE UP
4 ACCUSATIONS ABOUT HIM, IS THAT WHAT THE RIGHT
5 THING IS?

6 A. MAKE UP ACCUSATIONS, NO, SIR, I DIDN'T MAKE UP
7 ACCUSATIONS.

8 Q. TWO DAYS LATER YOU GIVE A WRITTEN STATEMENT, TWO
9 DAYS -- A DAY AFTER YOU MET WITH THE SOLICITOR IS
10 WHEN YOU COME UP WITH THIS IDEA ABOUT WHAT HE
11 SUPPOSEDLY SAID?

12 A. NO, SIR, I DIDN'T COME UP WITH ANYTHING, I DIDN'T
13 MAKE ANYTHING UP. THAT ACTUALLY HAPPENED.

14 MR. MELLARD: NO MORE QUESTIONS.

15 THE COURT: REDIRECT?

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

1 REDIRECT EXAMINATION OF VICTORY BASKIN

2 BY SOLICITOR PASCOE:

3 Q. JUST TO BE CLEAR, MS. BASKIN, YOU NEVER MET WITH
4 ME UNTIL LAST MONTH, RIGHT?

5 A. CORRECT, SIR.

6 Q. IT WAS THE POLICE YOU MET WITH?

7 A. YES, SIR.

8 Q. BECAUSE YOU FILED A REPORT. LET'S TALK ABOUT THE
9 INCIDENT REPORT THAT THE DEFENSE WANTED TO SHOW
10 YOU. THEY CONVENIENTLY ONLY SHOWED YOU THAT ONE.
11 TAKE A LOOK AT THAT. IS THAT THE ONE MR. MELLARD
12 SHOWED YOU?

13 A. YES, SIR.

14 Q. YOU FILED A SECOND PAGE TO THAT INCIDENT REPORT
15 THAT SAME DAY, DIDN'T YOU?

16 A. YES, SIR.

17 Q. WHY DON'T YOU READ THE OTHER PAGE THAT MR. MELLARD
18 DIDN'T WANT THE JURY TO HEAR, THAT YOU FILED, THAT
19 YOU DID ON SEPTEMBER THE SIXTH?

20 MR. MELLARD: I'M GOING TO OBJECT TO
21 THIS MIS-CHARACTERIZATION, YOUR HONOR.

22 THE COURT: ALRIGHT, SIR. JUST KEEP
23 THE COMMENTS TO YOURSELF, SOLICITOR.

24 MR. MELLARD: WE'VE GOT THE DOCUMENT

25 -

1 THE COURT: BOTH OF YOU. ALRIGHT.

2 Q. READ WHAT MR. MELLARD DIDN'T ASK YOU FOR THE JURY
3 TO HEAR THAT YOU FILED THE SAME DAY AS YOU FILED
4 THIS REPORT. READ IT.

5 A. "ON THE ABOVE DATE AND TIME, OFFICER BASKIN WAS IN

6 -

7 COURT REPORTER: SLOW DOWN, PLEASE.

8 Q. YES, SLOW DOWN.

9 A. "ON THE ABOVE DATE AND TIME OFFICE BASKIN WAS IN
10 O-MEDIUM PASSING OUT MEDICATION. INMATE BELL
11 STATED THAT HE KILLED HIS MOM, AND WHAT HE'LL DO
12 TO ME, OFFICE BASKIN. INMATE THREW" LET ME SEE, -
13 - INMATE BELL THREATENED BY SAYING THAT HE WILL
14 GET ME THIS WEEK LIKE HE DID HIS MOM, AND THAT
15 HE'LL" I DON'T CURSE, ---

16 Q. OKAY.

17 A. --- "THAT HE WILL "F" ME UP. INMATE BELL
18 THREATENED MY LIFE."

19 Q. AND SO, TO SAY -- LET ME HAVE THAT ONE BACK --
20 THAT YOU FILED THIS TWO DAYS AFTER YOU FILED THIS,
21 THAT'S A LIE, YOU FILED IT THE SAME DATE?

22 A. YES.

23 Q. THE INCIDENT REPORT THAT YOU GAVE TO LAW
24 ENFORCEMENT WHEN YOU MET WITH THE POLICE ---

25 A. UH HUH.

- 1 Q. THIS INCIDENT OCCURRED SOMETIME AFTER MIDNIGHT AS
2 YOU TESTIFIED TO, ---
- 3 A. UH HUH.
- 4 Q. --- AROUND MIDNIGHT?
- 5 A. YES, SIR.
- 6 Q. WHAT DAY DID YOU GIVE YOUR REPORT TO THE POLICE
7 ABOUT THE INCIDENT?
- 8 A. ON THE FIRST.
- 9 Q. ON SEPTEMBER -- IS THAT THE SEVENTH?
- 10 A. THE SEVENTH, EXCUSE ME, ON THE SEVENTH.
- 11 Q. THE SAME DAY THAT THE DEFENDANT THREATENED YOU?
- 12 A. CORRECT.
- 13 Q. AND WHAT DID YOU TELL THE POLICE ON THE SAME DAY
14 THAT THE DEFENDANT THREATENED YOU?
- 15 A. "ON THE ABOVE DATE AND TIME," ---
- 16 Q. JUST WHAT DID HE SAY TO YOU?
- 17 A. OKAY, EXCUSE ME. "I ALREADY KILLED MY MAMA, AND
18 I'M GOING TO DO SOMETHING TO YOU IN A WEEK."
- 19 Q. AND THAT'S WHAT YOU TOLD THE POLICE ---
- 20 A. THAT'S WHAT I TOLD THEM.
- 21 Q. --- THE SAME DAY HE THREATENED YOU?
- 22 A. CORRECT.
- 23 Q. THEN THE NEXT DAY IS WHEN THEY CAME AND TOOK
24 ANOTHER SWORN STATEMENT?
- 25 A. UH HUH. CORRECT.

1 Q. AND YOU SAID THE SAME THING, ABOUT THE THREAT,
2 DIDN'T YOU?

3 A. YES, SIR.

4 Q. NOW, FINALLY, THE DEFENSE HARPED ABOUT FILING SOME
5 EXAM. HOW MUCH WERE YOU GETTING PAID TO LISTEN TO
6 THREATS FROM PEOPLE LIKE MR. BELL?

7 A. TWENTY THOUSAND, AND I WAS MAKING WAY MORE IN
8 NURSING, SIR.

9 Q. HOW MUCH DID MR. BELL'S CONFESSION THAT HE KILLED
10 HIS MOM AND THREAT TO YOU AFFECT YOUR DESIRE TO
11 STAY AT THE JAIL?

12 A. IT AFFECTED MY DESIRE A LOT.

13 Q. DID YOU TAKE THE EXAMS BEFORE OR AFTER THE THREAT?

14 A. I TOOK THE EXAM AFTER. I COULDN'T CONCENTRATE, IT
15 AFFECTED ME A LOT.

16 Q. AND THEY'RE TRYING TO IMPLY THAT YOU'RE STUPID.
17 ARE YOU STUPID?

18 A. I'M NOT STUPID.

19 Q. DO YOU HAVE A HIGH SCHOOL DEGREE?

20 A. YES, I DO.

21 Q. WHAT KIND OF GRADES DID YOU MAKE IN HIGH SCHOOL?

22 A. IN THE NINETIES.

23 Q. AND THAT'S IN THEIR FILES?

24 A. OKAY. AND I WENT TO NORFOLK, EXCUSE ME, I WENT TO
25 SOUTHERN UNIVERSITY IN TAMPA, SO I DO HAVE A

1 DEGREE, SIR, AND A NURSING DEGREE. I'VE BEEN IN
2 NURSING FOR TWENTY YEARS. SO, I'VE VERY WELL
3 EDUCATED, THANK YOU.

4 Q. OKAY. ALRIGHT. AND THIS AFFECTED YOU A LOT, THAT
5 THREAT?

6 A. YES, IT HAS.

7 Q. OKAY. AND WHERE ARE YOU WORKING NOW?

8 A. I WORK IN PORTS SMITH, VIRGINIA, AT A NURSING
9 HOME.

10 SOLICITOR PASCOE: THANK YOU, MS.
11 BASKIN, THANK YOU FOR COMING DOWN HERE.

12 THE COURT: RECROSS?

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

1 RECROSS-EXAMINATION OF VICTORIA BASKIN

2 BY MR. MELLARD:

3 Q. ALRIGHT, WE'VE HEARD THREE VERSIONS OF WHAT YOU
4 ALLEGEDLY HEARD THAT NIGHT. I KILLED MY MAMA, I'M
5 GOING TO KILL YOU LIKE I KILLED MY MAMA, AND THEN,
6 THERE WAS ANOTHER VERSION OUT THERE. WE'VE HEARD
7 TWO VERSIONS OF WHAT HE, WHAT CURSE WORD HE USED,
8 HE SUPPOSEDLY USED THE "F" WORD, THEN YOU SAID HE
9 USED THE "B" WORD. THE BOTTOM LINE IS, YOU'VE GOT
10 THREE DIFFERENT STORIES OF THIS INCIDENT.

11 A. SIR, I REPEATED TO YOU WHAT WAS REPEATED TO ME.
12 WHAT WAS REPEATED TO ME IS WHAT HE SAID. WHAT ---

13 Q. WHICH VERSION IS IT THAT HE SAID?

14 A. WHAT HE SAID TO ME IS WHAT I SAID TO YOU. WHAT HE
15 REPEATED TO ME IS WHAT I REPEATED TO YOU.

16 Q. VERSION ONE, VERSION TWO OR VERSION THREE?

17 A. VERSION THREE IS WHAT HE -- ALL THREE VERSIONS IS
18 WHAT HE SAID TO ME, IS WHAT I SAID TO YOU.

19 Q. SO, YOU'RE TELLING US THAT ON ONE REPORT IT SAYS
20 ONE THING, AND THEN ANOTHER REPORT SAYS SOMETHING
21 ELSE, AND THEY'RE NOT INCONSISTENT. IS THAT WHAT
22 YOU'RE TRYING TO TELL US, YOU'RE TRYING TO TELL US
23 THAT ---

24 A. SIR, HAVE YOU EVER SEEN WILLIE BELL IRATE, HAVE
25 YOU EVER SEEN HIM IRATE?

1 Q. I'M ASKING THE QUESTIONS. YOU ANSWER MY
2 QUESTIONS. NOW, THREE DIFFERENT VERSIONS OF THIS
3 INCIDENT, THREE VERSIONS. THE BOTTOM LINE IS, YOU
4 WERE MAD AT HIM, AND THE BOTTOM LINE IS, YOU JUST
5 MADE THIS STUFF UP.

6 SOLICITOR PASCOE: OBJECTION, THAT'S
7 ARGUMENTATIVE. AND I WOULD ASK THAT ALL THE REPORTS BE
8 PUT INTO EVIDENCE SO THE JURY CAN SEE THEM.

9 THE COURT: ANY OBJECTION?

10 MR. MELLARD: I DON'T HAVE ANY
11 OBJECTION TO THAT.

12 THE COURT: ALRIGHT.

13 MR. MELLARD: WE'D LIKE TO SEE THEM
14 FIRST, BUT I MEAN, ---

15 SOLICITOR PASCOE: WELL, YOU'VE GOT
16 THEM, SO STOP ACTING LIKE YOU DON'T.

17 A. JUDGE, CAN I SAY SOMETHING?

18 THE COURT: YES, MA'AM.

19 A. THERE WAS A WITNESS THERE. THERE WAS AN OFFICER
20 THERE.

21 Q. THAT'S OKAY.

22 A. THERE WAS AN OFFICER THERE, BUT HE WON'T SAY
23 ANYTHING ABOUT IT. SO, I'M NOT MAKING THIS UP.

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

1 SOLICITOR PASCOE: THANK YOU. DON'T
2 WORRY ABOUT IT. COME ON.

3 THE COURT: HAVE YOU GOT THEM
4 MARKED?

5 SOLICITOR PASCOE: THAT'S ALL I'D
6 HAVE, YOUR HONOR.

7 THE COURT: ALRIGHT. THANK YOU,
8 MA'AM, YOU CAN STEP DOWN. THANK YOU FOR COMING.

9 SOLICITOR PASCOE: THANKS FOR COMING
10 DOWN, OKAY?

11 DO YOU WANT TO MARK THESE AS -

12 THE COURT: MARK THEM AS ONE.

13 SOLICITOR PASCOE: INDIVI - MARK
14 THEM AS ONE?

15 THE COURT: STAPLE THEM TOGETHER.

16 COURT REPORTER: THAT WILL BE A
17 STATE'S EXHIBIT?

18 SOLICITOR PASCOE: WHAT NUMBER IS
19 THAT?

20 COURT REPORTER: THAT WOULD BE
21 TWENTY-THREE.

22 (State's Exhibit Twenty-three
23 marked and filed.)

24 SOLICITOR PASCOE: AND JUST FOR THE
25 RECORD, YOUR HONOR, IT'S THE INCIDENT REPORT FILED ON

1 SEPTEMBER THE SEVENTH, IT'S MS. BASKIN'S STATEMENT ON
2 SEPTEMBER THE EIGHTH, AND IT'S THE TWO REPORTS THAT ARE
3 FILED WITH THE JAIL. THEY'RE INCIDENT JAIL REPORTS.

4 THE COURT: THEY'RE STATE'S NUMBER?

5 COURT REPORTER: TWENTY-THREE.

6 THE COURT: TWENTY-THREE IS ADMITTED
7 WITHOUT OBJECTION.

8 ALRIGHT, SIR, CALL YOUR NEXT
9 WITNESS.

10 SOLICITOR SORENSON: THE STATE CALLS
11 MARSHA LEITZEL.

12 (Whereupon, the witness
13 enters the courtroom.)

14 CLERK: MS. LEITZEL, IF YOU WILL,
15 PLEASE PLACE YOUR LEFT HAND ON THE BIBLE AND RAISE YOUR
16 RIGHT.

17 (Whereupon, Marsha Leitzel
18 is duly sworn.)

19 CLERK: HAVE A SEAT AND STATE YOUR
20 FULL NAME.

21 WITNESS: MY NAME IS MARSHA JO
22 HAMMET LEITZEL.

23 COURT REPORTER: SPELL YOUR LAST
24 NAME, PLEASE.

25 WITNESS: L-E-I-T-Z-E-L.

1 SOLICITOR SORENSON: ALRIGHT,
2 MARSHA, I NEED YOU TO MAKE SURE YOU KEEP YOUR VOICE UP
3 NICE AND LOUD. OKAY?

4 THE COURT: YOU MIGHT WANT TO RAISE
5 THAT MICROPHONE A LITTLE BIT, BECAUSE IT'S KIND OF
6 DIFFICULT TO HEAR YOU.

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

1 DIRECT EXAMINATION OF MARSHA J.H. LEITZEL

2 BY SOLICITOR SORENSON:

3 Q. ALRIGHT, MARSHA, WHERE DO YOU CURRENTLY LIVE?

4 A. LAKE MANACHELLO, VIRGINIA.

5 Q. OKAY. AND HOW LONG HAVE YOU LIVED UP IN VIRGINIA?

6 A. SINCE JUNE OF LAST YEAR.

7 Q. OKAY. AND BEFORE THAT WHERE DID YOU LIVE?

8 A. IRMO, SOUTH CAROLINA.

9 Q. IRMO? AND WHERE WERE YOU BACK IN EARLY OF TWO
10 THOUSAND AND SIX, WHERE WERE YOU WORKING AT THAT
11 TIME?

12 A. SLED.

13 Q. OKAY. AND WHAT -- HOW LONG DID YOU WORK FOR SLED?

14 A. ABOUT A YEAR.

15 Q. ALRIGHT. AND WHAT WERE YOUR -- FIRST OF ALL, WHAT
16 DEPARTMENT DID YOU WORK IN OUT THERE?

17 A. TOXICOLOGY AND DNA.

18 Q. AND WOULD YOU TELL THE JURY JUST BRIEFLY KIND OF
19 WHAT YOUR DUTIES WERE OUT THERE AT SLED?

20 A. WHILE I WAS IN DNA I WAS RESPONSIBLE FOR PREPARING
21 REAGENTS, A LOT OF PAPER WORK, TRANSFERRING OF
22 EVIDENCE, PRESERVING BLOOD, PRESERVING EVIDENCE,
23 ENTERING AND RETRIEVING OF IT FOR ANALYSTS.

24 Q. OKAY. AND SLED BACK IN EARLY TWO THOUSAND AND
25 SIX, DID THEY HAVE PROCEDURES IN PLACE AT THAT

1 POINT AND TIME TO INSURE THE INTEGRITY OF EVIDENCE
2 THAT WAS RECEIVED OUT THERE?

3 A. YES, SIR.

4 Q. AS FAR AS DOCUMENTING CHAIN OF CUSTODY?

5 A. YES, SIR.

6 Q. AND HOW ABOUT STUFF THAT CAME IN ONCE THEY WERE
7 SEALED IN ENVELOPES, DID YOU HAVE PROCEDURES IN
8 PLACE AS FAR AS RE-SEALING ENVELOPES AND STUFF OF
9 THAT NATURE SO THAT PEOPLE COULD TELL IF EVIDENCE
10 HAD BEEN TAMPERED WITH ---

11 A. YES.

12 Q. --- FROM THE TIME IT WAS TRANSFERRED FROM ONE
13 PERSON TO ANOTHER PERSON?

14 A. YES.

15 Q. ALRIGHT. NOW, SPECIFICALLY I WANT TO TURN YOUR
16 ATTENTION, MARSHA, BACK TO THIS CASE THAT WE'RE
17 HERE ABOUT TODAY, WHICH I THINK IS YOUR SLED LAB
18 NUMBER L-0-6-3-4-3-1. DID YOU HAVE AN OPPORTUNITY
19 TO RECEIVE SOME ITEMS IN REFERENCE TO THAT LAB
20 NUMBER IN THIS CASE?

21 A. YES, I DID.

22 Q. OKAY. AND I'M GOING TO SHOW YOU THE CHAIN OF
23 CUSTODY FORM IF YOU NEED TO REFER TO THAT. NOW,
24 SPECIFICALLY, MARSHA, DID YOU HAVE AN OPPORTUNITY
25 TO RECEIVE ITEM NUMBER ONE, A BLOOD STANDARD FROM

1 THE VICTIM IN THIS CASE, MS. ANNA BELL?

2 A. YES.

3 Q. OKAY. AND WHEN DID THAT, THAT BLOOD STANDARD COME
4 INTO YOUR CUSTODY?

5 A. MARCH THIRTEENTH OF 0-SIX.

6 Q. MARCH THIRTEENTH OF LAST YEAR?

7 A. YES.

8 Q. OKAY. AND WHAT CONDITION WOULD THAT HAVE BEEN IN
9 WHEN YOU RECEIVED IT?

10 A. IT WOULD HAVE BEEN IN A HEAT SEALED POUCH.

11 Q. OKAY. AND WOULD THERE HAVE BEEN OTHER ITEMS IN
12 THAT HEAT SEALED POUCH WITH IT?

13 A. YES.

14 Q. OKAY. I WANT TO SHOW YOU IF I COULD WHAT'S BEEN
15 MARKED AT THIS TIME FOR IDENTIFICATION STATE'S
16 EXHIBIT NUMBER TWENTY-TWO. IS THAT THE HEAT
17 SEALED POUCH THAT YOU WOULD HAVE RECEIVED IN THIS
18 CASE?

19 A. YES, IT IS.

20 Q. OKAY. AND WHAT CONDITION WOULD THAT HAVE BEEN IN
21 WHEN YOU RECEIVED IT, OR WHAT CONDITION WAS IT IN
22 WHEN YOU RECEIVED IT BACK ON MARCH THE THIRTEENTH
23 OF TWO THOUSAND AND SIX?

24 A. IT WAS VERY NEW, IT ONLY HAD THE ONE SIGNATURE OF
25 WHO BROUGHT IT IN, WHO BROUGHT IT INTO SLED.

1 Q. SO, IT WOULD HAVE BEEN ---

2 A. IT WAS COMPLETELY SEALED.

3 Q. IT WAS SEALED, AND THEN SEALED AND INITIALED
4 ACROSS THE TOP HERE?

5 A. YES, AND DATED.

6 Q. S-R-3-10-06?

7 A. YES.

8 Q. OKAY. AND WHAT DID YOU THEN DO WITH THIS ITEM
9 WHEN YOU RECEIVED IT?

10 A. I WOULD HAVE TAKEN IT INTO MY CUSTODY, TAKEN IT TO
11 MY DEPARTMENT IN DNA. I WOULD HAVE RESEARCHED IT
12 ON THE COMPUTER, AND FROM THEN I WOULD HAVE MADE A
13 DECISION WHAT TO DO WITH IT.

14 Q. WHAT DID YOU -- DID YOU ULTIMATELY END UP DOING
15 SOMETHING WITH ONE OF THE ITEMS THAT WAS CONTAINED
16 IN STATE'S EXHIBIT NUMBER TWENTY-TWO?

17 A. YES, I DID, I TOOK THE TUBE OF BLOOD OUT AND I
18 POURED IT TO PRESERVE IT.

19 Q. OKAY. AND WHY DO YOU DO THAT?

20 A. IF WE DO NOT HAVE ALL OF THE EVIDENCE IN TO HAVE
21 THE CASE ASSIGNED TO AN ANALYST IT MUST BE
22 PRESERVED.

23 Q. OKAY. AND THIS WOULD HAVE BEEN BACK ON MARCH THE
24 THIRTEENTH OF TWO THOUSAND AND SIX, AT LEAST WHEN
25 YOU GOT IT INTO YOUR CUSTODY?

1 A. WELL, IT WAS IN MY CUSTODY AS OF THE THIRTEENTH,
2 BUT I DON'T BELIEVE I OPENED IT UNTIL AROUND THE
3 SIXTEENTH. IT WAS DATED.

4 Q. OKAY. IS THAT DOCUMENTED THERE ON THE ENVELOPE
5 INSIDE THERE?

6 A. YES. EVERYTHING WE DO IS DOCUMENTED WITH MY
7 INITIALS AND THE DATE, AND IT'S MARCH SIXTEEN, O-
8 SIX.

9 Q. OKAY. AND ONCE AGAIN, WHEN YOU OPENED THAT TUBE
10 OF BLOOD ON MARCH THE SIXTEENTH OF TWO THOUSAND
11 SIX, WHAT DID YOU THEN DO WITH THAT TUBE OF BLOOD
12 FROM MS. ANNA BELL?

13 A. OKAY. WELL, WHEN I OPENED IT I WOULD HAVE PUT IT
14 ON AN OSCILLATOR TO STIR THE BLOOD. I WOULD HAVE
15 RECORDED IN A LOG THE DONOR'S NAME, THE LAB
16 NUMBER, MY INITIALS, THE DATE. I WOULD HAVE TAKEN
17 THE LABEL OFF OF THE BLOOD TUBE USING A SCALPEL, I
18 WOULD HAVE PLACED IT ON A COIN ENVELOPE AND DATED
19 THAT, INITIALED IT, TAPED IT, AND I WOULD HAVE
20 PREPARED A WHATMAN PAPER WITH THE DONOR'S NAME AND
21 THE LAB NUMBER AND POURED THE BLOOD ONTO THE PAPER
22 AND LET IT DRY FOR TWENTY-FOUR HOURS.

23 Q. AND WHAT IS THAT, WHAT TYPE OF PAPER?

24 A. IT'S A WHATMAN PAPER.

25 Q. AND WHAT IS THAT?

1 A. IT'S, IT'S JUST FOR PRESERVATION, IT'S JUST A
2 WHITE PAPER.

3 Q. SO, THAT BLOOD, THAT TUBE OF BLOOD THEN YOU POURED
4 ONTO THAT PIECE OF PAPER?

5 A. I DID.

6 Q. AND LET IT DRY?

7 A. YES.

8 Q. OKAY. AND AFTER IT DRIED THEN WHAT DID YOU DO
9 WITH THAT PIECE OF PAPER?

10 A. I PACKAGED IT INTO THE COIN ENVELOPE THAT WAS
11 DATED WITH THE LABEL AND I SEALED IT WITH MY
12 INITIALS AND THE DATE, AND THEN I SEALED THE COIN
13 ENVELOPE INSIDE THE CLEAR PLASTIC BAG AND IT WAS
14 HEAT SEALED WITH THE DATE AND MY INITIALS ONCE
15 AGAIN.

16 Q. SO, THIS ENVELOPE THEN THAT SAYS, "AORTIC BLOOD".
17 ON THE INSIDE, THAT WOULD BE THE WHATMAN PAPER
18 THAT YOU DRIED MS. ANNA BELL'S BLOOD STANDARD
19 ONTO?

20 A. RIGHT.

21 Q. AND PUT IT INSIDE THAT ENVELOPE?

22 A. RIGHT.

23 Q. THEN YOU INDICATED THAT YOU THEN PUT THAT BACK
24 INSIDE THIS ENVELOPE, IT WAS HEAT SEALED, DATED,
25 AND THEN YOUR INITIALS?

1 A. YES, CORRECT.

2 Q. OKAY. WHEN DID THAT OCCUR?

3 A. MARCH SEVENTEEN, 0-SIX.

4 Q. AND AT THAT POINT IN TIME WAS THIS ENVELOPE, THIS
5 WHOLE BIG ENVELOPE BACK SECURE AND SEALED?

6 A. YES.

7 Q. OKAY. AND IT WOULD HAVE THEN INITIAL, HEAT SEALED
8 AND THEN YOUR HEAT SEAL, IS THAT CORRECT?

9 A. YES. EVERYTHING IS HEAT SEALED.

10 Q. ALRIGHT. AND WHAT DID YOU THEN DO WITH THAT, MS.
11 LEITZEL?

12 A. I WOULD HAVE GONE TO THE COMPUTER AND I WOULD HAVE
13 TAKEN IT OUT OF MY CUSTODY AND PUT IT IN A STORAGE
14 BIN.

15 Q. OKAY. AND THAT WAS DONE ON MARCH THE SEVENTEENTH,
16 OR THEREABOUTS, I GUESS, SHORTLY AFTER THAT?

17 A. ON THE TWENTY-FIRST, MARCH TWENTY-FIRST.

18 Q. OKAY. AND ULTIMATELY, WHO WOULD THEN END UP
19 GETTING CUSTODY OF THAT AFTER IT LEFT YOU?

20 A. IT -- WHEN IT WAS ASSIGNED I BELIEVE IT WENT TO
21 ADRIEN RILEY, OUR DNA ANALYST.

22 Q. SHE'S ONE OF THE DNA ANALYSTS OUT AT SLED?

23 A. YES.

24 Q. OKAY.

25 SOLICITOR SORENSON: THANK YOU, MS.

1 LEITZEL, PLEASE ANSWER ANY QUESTIONS THE DEFENSE COUNSEL
2 MAY HAVE.

3 THE COURT: CROSS-EXAMINATION.

4 MR. MELLARD: WE DON'T HAVE ANY
5 QUESTIONS, YOUR HONOR.

6 THE COURT: ALRIGHT. THANK YOU,
7 MA'AM, YOU CAN BE EXCUSED. THANK YOU FOR COMING.

8 WITNESS: THANK YOU.

9 SOLICITOR SORENSON: THANK YOU, YOUR
10 HONOR.

11 THE COURT: NEXT WITNESS.

12 SOLICITOR CLARIDAY: THE STATE CALLS
13 DEPUTY STALLINGS.

14 (Whereupon, witness
15 enters the courtroom.)

16 CLERK: DEPUTY STALLINGS, PLEASE
17 PLACE YOUR LEFT HAND ON THE BIBLE AND RAISE YOUR RIGHT.
18 (Whereupon, Wesley Martin Stallings
19 is duly sworn.)

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

1 DIRECT EXAMINATION OF WESLEY M. STALLINGS

2 BY SOLICITOR CLARIDAY:

3 Q. WOULD YOU PLEASE STATE YOUR FULL NAME, SIR?

4 A. WESLEY MARTIN STALLINGS.

5 COURT REPORTER: SPELL YOUR LAST
6 NAME.

7 A. S-T-A-L-L-I-N-G-S.

8 SOLICITOR CLARIDAY: ARE YOU READY,
9 MS. HARRY DOT?

10 COURT REPORTER: YES, SIR.

11 Q. GOOD MORNING.

12 A. GOOD MORNING, SIR.

13 Q. DEPUTY STALLINGS, WHERE ARE YOU EMPLOYED?

14 A. RICHMOND COUNTY SHERIFF'S OFFICE, AUGUSTA,
15 GEORGIA.

16 Q. FOR HOW LONG HAVE YOU BEEN EMPLOYED WITH THEM?

17 A. RIGHT AT ELEVEN YEARS.

18 Q. AND YOU SAY THAT'S IN AUGUSTA, GEORGIA?

19 A. YES, SIR.

20 Q. HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT IN
21 GENERAL?

22 A. THIRTEEN YEARS.

23 Q. OKAY. AND WHAT ARE SOME OF YOUR DUTIES WITH THE
24 RICHMOND COUNTY SHERIFF'S OFFICE?

25 A. I'M CURRENTLY ASSIGNED TO THE FUGITIVE DIVISION.

1 Q. OKAY. AND WHAT ALL DOES THAT ENTAIL?

2 A. WE EXECUTE ACTIVE STATE AND LOCAL WARRANTS ALONG
3 WITH FEDERAL WARRANTS FROM FEDERAL AGENCIES, AND
4 DO OUT OF STATE EXTRADITIONS.

5 Q. DEPUTY STALLINGS, WERE YOU ON PATROL ON MARCH THE
6 FOURTEENTH, TWO THOUSAND AND SIX?

7 A. YES.

8 Q. AND AT APPROXIMATELY THREE P.M. ON THAT DATE WHAT
9 ADDRESS DID YOU RESPOND TO?

10 A. SEVENTEEN ... GORDON HIGHWAY.

11 Q. AND WHAT IS LOCATED AT THAT ADDRESS?

12 A. ADAMS SUPER INN, ALSO KNOWN AS THE HONKY TONK.

13 Q. WHAT EXACTLY IS, WHAT KIND OF PLACE IS THAT?

14 A. THAT'S A MOTEL ESTABLISHMENT THAT ALSO HAS A BAR
15 LOCATED ON THE PREMISES.

16 Q. OKAY. AND IS THAT IN AUGUSTA?

17 A. YES.

18 Q. OKAY. DEPUTY STALLINGS, I WANT TO SHOW YOU WHAT'S
19 BEEN MARKED AS STATE'S EXHIBIT NINE FOR THE
20 PURPOSE OF IDENTIFICATION, CAN YOU TELL ME WHAT
21 THAT IS?

22 A. THAT'S A STREET SIGN ON THE EAST BOUND LANE OF
23 GORDON HIGHWAY, IT'S ADAMS SUPER INN.

24 Q. AND THAT'S THE SIGN FOR WHICH MOTEL?

25 A. EXCUSE ME?

1 A. WHAT MOTEL IS THAT THE SIGN FOR?

2 A. ADAMS SUPER INN, AND HONKY TONK.

3 Q. OKAY. AND THAT'S THE ONE YOU RESPONDED TO THAT
4 DAY?

5 A. YES.

6 SOLICITOR CLARIDAY: YOUR HONOR, AT
7 THIS TIME THE STATE WOULD MOVE TO HAVE EXHIBIT NINE
8 ADMITTED INTO EVIDENCE.

9 MR. MELLARD: WITHOUT OBJECTION.

10 THE COURT: ADMITTED WITHOUT
11 OBJECTION.

12 COURT REPORTER: HAND IT TO ME.

13 STATE'S NINE.

14 (State's Exhibit Nine
15 marked and filed.)

16 Q. DEPUTY STALLINGS, WHY DID YOU RESPOND TO THAT
17 LOCATION?

18 A. DISPATCH SENT A COUPLE OF CARS TO THAT AREA IN
19 REFERENCE TO A VEHICLE THAT WAS WANTED, THE SOUTH
20 CAROLINA AUTHORITIES.

21 Q. OKAY. AND WAS ANY OTHER LAW ENFORCEMENT ON THE
22 SCENE WHEN YOU ARRIVED?

23 A. WE ARRIVED TOGETHER.

24 Q. YOU ARRIVED TOGETHER. CAN YOU DESCRIBE THE CAR
25 THAT WAS FOUND AT THAT LOCATION?

1 A. IT WAS DARK RED IN COLOR WITH SOUTH CAROLINA TAGS.

2 Q. OKAY. DID YOU SECURE THE VEHICLE AT THAT TIME?

3 A. YES.

4 Q. AND HOW DID YOU DO SO?

5 A. AT THE TIME I WAS THE FIELD TRAINING OFFICER WITH
6 ROAD PATROL, AND I ASSIGNED A TRAINEE DEPUTY TO
7 THAT VEHICLE TO SECURE IT.

8 Q. AND DID HE STAY WITH THAT VEHICLE?

9 A. YES.

10 Q. TO YOUR KNOWLEDGE, DID ANYONE COME AND TRY TO
11 TAMPER, OR MOVE IT?

12 A. NO.

13 Q. OKAY. DEPUTY STALLINGS, I'M SHOWING YOU WHAT'S
14 BEEN MARKED AS STATE'S EXHIBIT TEN. IS THIS THE
15 VEHICLE THAT YOU SAW THE HOTEL?

16 A. YES, IT IS.

17 Q. AND WHAT TYPE OF VEHICLE IS THIS?

18 A. THE RED ONE.

19 Q. OKAY. AND WAS THIS THE VEHICLE THAT YOU HAD THE
20 REPORT ON?

21 A. YES.

22 Q. UPON SECURING THE VEHICLE THAT DAY DID YOU MAKE
23 CONTACT WITH ANY LAW ENFORCEMENT AGENCY IN SOUTH
24 CAROLINA?

25 A. I CONTACTED MY DISPATCHER AND THEY RELAID THE

1 MESSAGE TO SOUTH CAROLINA AUTHORITIES THAT WE HAD
2 MADE CONTACT WITH THAT VEHICLE.

3 Q. OKAY. AND DID THEY CONTACT YOU IN ANY WAY AND
4 DIRECT YOU TO DO ANYTHING, OR ---

5 A. YES.

6 Q. OKAY. DID YOU DO ANY FURTHER INVESTIGATION AT THE
7 SCENE WITH REGARDS TO THE CAR?

8 A. YES.

9 Q. AND WHAT WAS THAT?

10 A. I INTERVIEWED PERSONS ON THE PROPERTY IN REFERENCE
11 TO THE VEHICLE.

12 Q. OKAY. CAN YOU DESCRIBE TO THE JURY WHAT OTHER
13 TYPE OF INVESTIGATION YOU DID THAT DAY, WHILE AT
14 THE HOTEL?

15 A. UPON INVESTIGATION I WAS DIRECTED TO A MOTEL ROOM
16 WITH OTHER EVIDENCE POSSIBLY IN THAT ROOM.

17 Q. AND WHAT DID YOU FIND IN THAT ROOM AT THAT TIME?

18 A. A BAG UNDER A BED.

19 Q. OKAY. AND DID YOU SECURE THAT BAG?

20 A. YES.

21 Q. AND WHAT APPEARED TO BE IN IT?

22 A. MISCELLANEOUS ITEMS, I BELIEVE IT WAS PAPER WORK.

23 Q. AND HOW DID YOU -

24 COURT REPORTER: PAPER WORK?

25 A. YES. I HAVE A COLD.

1 Q. AND HOW DID YOU SECURE IT THAT DAY?

2 A. I ASSIGNED ANOTHER DEPUTY TO THAT AREA.

3 Q. OKAY. AND ON THAT DAY WERE YOU DIRECTED TOWARD
4 ANY OTHER PIECE OF EVIDENCE THAT DAY?

5 A. YES.

6 Q. AND WHAT WAS THAT?

7 A. MORE EVIDENCE THAT WAS LOCATED ON THE SECOND FLOOR
8 ON THE SOUTH END OF THE BUILDING.

9 Q. OKAY. AND WHAT TYPE OF EVIDENCE WAS IT, WHAT DID
10 IT APPEAR TO BE?

11 A. A BAG.

12 Q. OKAY. COULD YOU TELL WHAT WAS INSIDE THE BAG?

13 A. IT APPEARED TO BE CLOTHING.

14 Q. OKAY. DEPUTY STALLINGS, I'M SHOWING YOU WHAT'S
15 BEEN MARKED FOR IDENTIFICATION STATE'S EXHIBIT
16 THIRTEEN. DO YOU RECOGNIZE WHAT IS DEPICTED IN
17 THESE THREE PHOTOGRAPHS?

18 A. YES.

19 Q. OKAY. AND CAN YOU TELL ME WHAT IS DEPICTED IN
20 EACH OF THESE PHOTOGRAPHS? YOU CAN HOLD IT.

21 A. THE TOP PHOTOGRAPH DEPICTS THE WEST END OF THE
22 FOUR HUNDRED BUILDING OF SIXTEEN O TWO GORDON
23 HIGHWAY, FIRST AND SECOND FLOOR. THE SECOND
24 PICTURE DEPICTS A TRASH CAN WITH A PLASTIC BAG,
25 AND THE THIRD PICTURE IS A PLASTIC BAG.

1 Q. OKAY. AND DOES THAT ACCURATELY, DOES THIS
2 ACCURATELY DEPICT THE AREA IN WHICH YOU FOUND THAT
3 BAG YOU WERE DIRECTED TO THAT DAY?

4 A. YES, IT DOES.

5 Q. OKAY. AND DOES THAT FAIRLY AND ACCURATELY DEPICT
6 THE BAG THAT YOU FOUND THAT DAY?

7 A. YES.

8 Q. IN ROUGHLY THE SAME CONDITION?

9 A. YES.

10 Q. OKAY. AND IS THAT THE PICTURE OF THE BAG AND THE
11 AREA IN WHICH YOU FOUND IT ON THAT DAY, ON MARCH
12 THE FOURTEENTH, TWO THOUSAND AND SIX?

13 A. WOULD YOU ASK IT AGAIN, PLEASE?

14 Q. IS THIS THE BAG YOU FOUND THAT DAY, ON MARCH THE
15 FOURTEENTH?

16 A. YES.

17 Q. IS THIS A PICTURE OF IT?

18 A. YES.

19 Q. OKAY.

20 SOLICITOR CLARIDAY: YOUR HONOR, AT
21 THIS TIME THE STATE WOULD MOVE TO ADMIT STATE'S EXHIBIT
22 THIRTEEN.

23 THE COURT: ANY OBJECTION?

24 MR. MELLARD: NO OBJECTION, YOUR
25 HONOR.

1 THE COURT: WITHOUT OBJECTION.

2 COURT REPORTER: HAND IT TO ME,
3 PLEASE.

4 (State's Exhibit Thirteen
5 marked and filed.)

6 SOLICITOR CLARIDAY: THANK YOU.

7 Q. AND AGAIN, DEPUTY STALLINGS, CAN YOU POINT TO
8 WHERE YOU FOUND THAT BAG? WHICH PICTURE INDICATES
9 IT?

10 A. RIGHT HERE.

11 Q. OKAY. AND THAT WAS FOUND AT THE HOTEL THAT DAY?

12 A. YES.

13 Q. OKAY. DEPUTY STALLINGS, WHAT DID YOU DO WITH THE
14 BAG ONCE YOU FOUND IT?

15 A. I PERSONALLY SECURED THAT BAG MYSELF.

16 Q. YOU PERSONALLY SECURED IT?

17 A. YES.

18 Q. OKAY. I KNOW YOU SAID THAT SOMEONE, YOU SPOKE
19 WITH AUTHORITIES IN SOUTH CAROLINA. HOW LONG DID
20 IT TAKE THOSE AUTHORITIES TO RESPOND, OR ARRIVE IN
21 AUGUSTA?

22 A. FORTY-FIVE MINUTES MAYBE.

23 Q. LESS THAN AN HOUR, THOUGH?

24 A. OH, YES, SIR, I WOULD SAY SO.

25 Q. OKAY. AND DO YOU REMEMBER WHICH AGENCIES

1 RESPONDED?

2 A. I THINK IT WAS SLED AND ORANGEBURG COUNTY
3 SHERIFF'S OFFICE I BELIEVE.

4 Q. OKAY. AND FINALLY, YOU JUST STATED THAT YOU
5 SECURED THAT BAG PERSONALLY?

6 A. YES, SIR, I DID.

7 Q. ON THE FOURTEENTH DID YOU TURN THE BAG OVER TO
8 ANYONE THAT DAY?

9 A. YES, SIR.

10 Q. AND WHO WAS THAT?

11 A. SOUTH CAROLINA LAW ENFORCEMENT.

12 SOLICITOR CLARIDAY: OKAY. NO
13 FURTHER QUESTIONS.

14 THE COURT: CROSS-EXAMINATION.

15 MR. MELLARD: JUST A COUPLE OF
16 QUESTIONS.

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

22 (GO TO VOLUME 2 FOR CONTINUATION OF THIS TRANSCRIPT.)

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF ORANGEBURG

FIRST JUDICIAL CIRCUIT.

STATE OF SOUTH CAROLINA

CASE NO. 06-GS-38-00751

versus

VOLUME 2 OF 2
TRANSCRIPT OF RECORD

WILLIE BELL, JR.,

DATE:

MARCH 12, 2007

DEFENDANT

BEFORE:

HONORABLE JAMES C. WILLIAMS, JR., PRESIDING JUDGE

AND A JURY.

APPEARANCES:

DAVID PASCOE, ESQUIRE
SOLICITOR
DON SORENSON, ESQUIRE
DEPUTY SOLICITOR
ROB CLARIDAY, ESQUIRE
ASSISTANT SOLICITOR

FOR THE STATE

DOUG MELLARD, ESQUIRE
MARGARET (PEGGY) HINDS, ESQUIRE
PUBLIC DEFENDERS

FOR THE DEFENDANT

HARRY A. WALKER (MRS.)
COURT REPORTER, FIRST JUDICIAL CIRCUIT
POST OFFICE BOX 127
ROWESVILLE, SOUTH CAROLINA 29133

1 CROSS-EXAMINATION OF WESLEY M. STALLINGS

2 BY MR. MELLARD:

3 Q. YOU RECOVERED SOME CLOTHES FROM A BREEZE WAY WHICH
4 YOU DESCRIBED -- DO YOU WANT SOME WATER?

5 A. NO, SIR, THANK YOU.

6 Q. OKAY. IT WAS THE SECOND FLOOR, RIGHT?

7 A. CAN YOU ASK THE QUESTION AGAIN?

8 Q. YOU RECOVERED THE BAG FROM THE SECOND FLOOR?

9 A. YES.

10 Q. OKAY. AND THAT WAS THE HONKY TONK MOTEL, ALSO
11 KNOWN AS THE, I GUESS, ADAMS SUPER INN?

12 A. YES, SIR.

13 Q. OKAY. THE CLOTHES ARE BY A TRASH CAN, IS THAT
14 CORRECT?

15 A. IT WAS A PLASTIC BAG BESIDE A TRASH CAN.

16 Q. ALRIGHT. AND THIS PLASTIC BAG, IT WAS IN AN AREA
17 ACCESSIBLE BY THE PUBLIC?

18 A. I WOULD SAY SO, IT WAS A BREEZE WAY.

19 Q. OKAY. ANYONE WALKING IN THAT AREA COULD HAVE HAD
20 ACCESS TO THAT BAG?

21 A. PRIOR TO MY FINDING IT, YES.

22 Q. OKAY. YOU HAVE NO IDEA HOW LONG THE CLOTHES SAT
23 THERE, OR THE BAG SAT THERE, DO YOU?

24 A. NO, SIR, I DON'T.

25 Q. OKAY. YOU DON'T KNOW WHETHER ANYONE HAD GONE

1 THROUGH THE BAG?

2 A. NO, SIR.

3 MR. MELLARD: OKAY. THANK YOU.

4 THE COURT: ANY REDIRECT?

5 SOLICITOR CLARIDAY: NOTHING FROM
6 THE STATE, YOUR HONOR.

7 THE COURT: ANY OBJECTION TO
8 EXCUSING THIS WITNESS?

9 SOLICITOR CLARIDAY: NONE FROM THE
10 STATE.

11 MR. MELLARD: NONE FROM THE DEFENSE,
12 YOUR HONOR.

13 THE COURT: THANK YOU, SIR, YOU CAN
14 STEP DOWN, YOU CAN BE EXCUSED, THANK YOU FOR COMING.

15 WITNESS: YES, SIR.

16 SOLICITOR SORENSON: THE STATE CALLS
17 MELISSA SKIPPER.

18 (Whereupon, witness
19 enters the courtroom.)

20 THE COURT: COME AROUND, PLEASE,
21 MA'AM.

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

24 (Whereupon, Melissa Lee Skipper
25 is duly sworn.)

1 THE CLERK: HAVE A SEAT AND STATE
2 YOUR FULL NAME.

3 WITNESS: MY NAME IS MELISSA LEE
4 SKIPPER.

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

1 DIRECT EXAMINATION OF MELISSA L. SKIPPER

2 BY SOLICITOR SORENSON:

3 Q. GOOD MORNING, AGENT SKIPPER.

4 A. GOOD MORNING.

5 Q. IF YOU WOULD, TELL THE JURY WHERE IT IS THAT
6 YOU'RE EMPLOYED?

7 A. I'M EMPLOYED WITH THE SOUTH CAROLINA LAW
8 ENFORCEMENT DIVISION, COMMONLY REFERRED TO AS
9 SLED.

10 Q. ALRIGHT. AND HOW LONG HAVE YOU BEEN WITH SLED?

11 A. APPROXIMATELY A YEAR AND A HALF.

12 Q. ALRIGHT. AND WHAT ARE YOUR CURRENT DUTIES AND
13 RESPONSIBILITIES OUT THERE?

14 A. I'M CURRENTLY ASSIGNED TO THE SLED LATENT PRINT
15 AND CRIME SCENE DEPARTMENT.

16 Q. HOW LONG HAVE YOU BEEN IN THAT DEPARTMENT?

17 A. A YEAR AND A HALF.

18 Q. OKAY. THE WHOLE TIME YOU'VE BEEN AT SLED?

19 A. YES, SIR.

20 Q. ALRIGHT. I'M GOING TO TURN YOUR ATTENTION, IF I
21 COULD, BACK TO MARCH THE FOURTEENTH OF TWO
22 THOUSAND AND SIX. DID YOU HAVE AN OPPORTUNITY
23 THAT DAY TO RESPOND TO AUGUSTA, GEORGIA?

24 A. YES, I DID.

25 Q. ALRIGHT. I'M SHOWING YOU STATE'S EXHIBIT NUMBER

1 NINE, IS THAT WHERE YOU RESPONDED TO?

2 A. YES, IT IS.

3 Q. OKAY. AND WHERE WAS THAT LOCATED AT, DO YOU
4 RECALL?

5 A. I WENT TO THE HIGHWAY IN AUGUSTA, GEORGIA.

6 Q. OKAY. AND WHAT WAS THE REASON THAT YOU RESPONDED
7 DOWN TO, OR OVER TO AUGUSTA, GEORGIA?

8 A. RICHMOND COUNTY SHERIFF'S OFFICE HAD LOCATED A
9 VEHICLE THAT WAS REPORTEDLY INVOLVED IN A MURDER
10 INVESTIGATION.

11 Q. OKAY. AND WHAT WAS THAT VEHICLE, DO YOU RECALL?

12 A. IT WAS A BURGUNDY FORD ESCORT.

13 Q. FORD CONTOUR?

14 A. FORD CONTOUR, I'M SORRY.

15 Q. ALRIGHT. I'M SHOWING YOU STATE'S EXHIBIT NUMBER
16 TEN, IS THAT THE VEHICLE?

17 A. YES, IT IS.

18 Q. AND WHERE WAS THAT VEHICLE LOCATED AT WHEN YOU
19 ARRIVED THERE THAT DAY?

20 A. IT WAS IN THE PARKING LOT IN FRONT OF, IN FRONT OF
21 ROOM SIX O NINE.

22 Q. AND WERE THERE OTHER OFFICERS ON THE SCENE WHEN
23 YOU ARRIVED THERE AT THAT TIME?

24 A. YES, THERE WERE.

25 Q. OKAY. AND OFFICERS FROM, FROM, I GUESS IT WAS

1 RICHMOND COUNTY SHERIFF'S OFFICE DOWN THERE, IS
2 THAT CORRECT?

3 A. YES, THERE WERE.

4 Q. AND IF YOU WOULD, DESCRIBE WHEN YOU ARRIVED OUT
5 THERE THE CONDITION OF THE SCENE OUT THERE WHEN
6 YOU ARRIVED, AS FAR AS, I MEAN, HAD THEY SECURED
7 ANYTHING?

8 A. YES, THEY HAD. THEY HAD A DEPUTY STANDING BY THE
9 TRASH CAN ON THE SECOND FLOOR. THEY ALSO HAD
10 DEPUTIES STANDING BY THE VEHICLE, AND ALSO IN THE
11 ROOM, AS WELL AS IN THE PARKING LOT KEEPING PEOPLE
12 AWAY.

13 Q. OKAY. AND THE ROOM, THAT WOULD BE ROOM SIX O
14 NINE?

15 A. YES, IT WOULD.

16 Q. IS THAT THE ROOM THAT THE VEHICLE WAS PARKED IN
17 FRONT OF?

18 A. YES, IT WAS.

19 Q. OKAY. NOW, YOU MADE REFERENCE INITIALLY TO A
20 DEPUTY UP ON THE SECOND FLOOR BY A TRASH CAN, ---

21 A. YES.

22 Q. --- IS THAT CORRECT? LET ME SHOW YOU STATE'S
23 EXHIBIT NUMBER ELEVEN, DO YOU RECOGNIZE THOSE
24 PHOTOGRAPHS?

25 A. YES, I DO.

1 Q. OKAY. AND DO THEY FAIRLY AND ACCURATELY DEPICT
2 NOT ONLY THE VEHICLE OUT THERE IN THE PARKING LOT
3 BUT ALSO SOME INTERIOR PICTURES OF THE VEHICLE
4 THAT DAY?

5 A. YES, THEY DO.

6 SOLICITOR SORENSON: YOUR HONOR, AT
7 THIS TIME WE'D OFFER STATE'S NUMBER ELEVEN INTO
8 EVIDENCE.

9 MR. MELLARD: WE'D LIKE TO LOOK AT
10 THEM. NO OBJECTION, YOUR HONOR.

11 THE COURT: ADMITTED WITHOUT
12 OBJECTION.

13 (State's Exhibit Eleven
14 marked and filed.)

15 Q. I'M GOING TO GET BACK TO SOME OF THESE OTHER
16 PHOTOGRAPHS IN A MINUTE, AGENT SKIPPER, BUT
17 SPECIFICALLY THE PHOTOGRAPH UP HERE IN THE TOP,
18 THE TOP RIGHT CORNER, DOES THAT SHOW WHERE THAT
19 GARBAGE CAN IS LOCATED AT?

20 A. YES, IT DOES. IT'S RIGHT HERE IN THIS AREA. AND
21 THERE'S ALSO A DEPUTY STANDING BY IT.

22 Q. OKAY. SO, THAT'S HOW IT WAS WHEN YOU ARRIVED OUT
23 THERE, SOMEBODY SECURING IT?

24 A. YES.

25 Q. AND IF I COULD SHOW YOU WHAT'S BEEN MARKED AS, I

1 GUESS THIS IS IN EVIDENCE, STATE'S EXHIBIT NUMBER
2 THIRTEEN, DOES THAT DEPICT, I GUESS, A CLOSE UP,
3 THAT UPPER PHOTOGRAPH, A CLOSE UP OF THAT AREA UP
4 WHERE THE DEPUTY WAS STANDING?

5 A. YES, IT DOES.

6 Q. ALRIGHT. AND ALSO, WHAT'S DEPICTED IN THE MIDDLE
7 PHOTOGRAPH?

8 A. THE MIDDLE PHOTOGRAPH IS THE BAG SITTING NEXT TO
9 THE TRASH CAN FROM THE SECOND FLOOR.

10 Q. OKAY. AND THEN, THE BOTTOM PICTURE?

11 A. IT'S JUST A CLOSEUP OF THE BAG.

12 Q. OKAY. AND DESCRIBE THAT BAG, IF YOU WOULD, FOR
13 THE JURY?

14 A. IT WAS SOME TYPE OF WHITE PLASTIC GROCERY TYPE
15 BAG, AND IT APPEARED TO HAVE A BURGUNDY SHIRT AND
16 SOME TYPE OF NAVY SWEATS IN THE BAG. IT WAS ALSO
17 TIED.

18 Q. OKAY. WHAT DID YOU DO WITH THAT ITEM?

19 A. I JUST COLLECTED IT AND SECURED IT, AND IT WAS
20 LOGGED IN JUST LIKE THAT.

21 Q. OKAY. AND LET ME SHOW YOU -- IT HASN'T BEEN
22 MARKED YET, BUT IF YOU COULD LOOK IN THAT, IS THAT
23 -- THIS BOX, IS THAT THE PLASTIC BAG AND ITEMS
24 THAT WERE INSIDE THAT DAY?

25 A. YES, IT APPEARS TO BE.

1 SOLICITOR SORENSON: YOUR HONOR, AT
2 THIS TIME WE'D OFFER THIS INTO EVIDENCE.

3 THE COURT: ANY OBJECTION?

4 MR. MELLARD: NO OBJECTION, YOUR
5 HONOR.

6 THE COURT: ADMITTED WITHOUT
7 OBJECTION.

8 COURT REPORTER: STATE'S TWENTY-
9 FOUR.
10 (State's Exhibit Twenty-four
11 marked and filed.)

12 Q. AND AS FAR AS THIS, YOU INDICATED -- DID YOU TAKE
13 THE ITEMS OUT OF THE PLASTIC BAG?

14 A. NO, I DID NOT.

15 Q. OKAY. WHAT DID YOU DO WITH THESE ITEMS?

16 A. I TRANSPORTED THE ITEMS BACK TO OUR LABORATORY AND
17 THEY WERE LOGGED IN, INTO EVIDENCE.

18 Q. ALRIGHT, AND WHEN THEY WERE LOGGED INTO EVIDENCE,
19 HOW WERE THEY, HOW WERE THEY PACKAGED WHEN YOU
20 LOGGED THEM INTO EVIDENCE?

21 A. THE PLASTIC BAG CONTAINING THE CLOTHES WAS STILL
22 TIED, IT WAS PLACED INTO A BOX. THE BOX WAS
23 SEALED, AND IT WAS ALSO PLACED INTO ANOTHER BOX
24 THAT WAS ALSO SEALED.

25 Q. OKAY. AND WAS THAT GIVEN A LAB, A SLED LAB

1 NUMBER, OR AN ITEM NUMBER?

2 A. YES, IT WAS, IT WAS GIVEN ITEM NUMBER NINETEEN.

3 Q. OKAY. NOW, DID YOU HAVE AN OPPORTUNITY ALSO,
4 AGENT SKIPPER, TO SEARCH THAT VEHICLE THAT WAS,
5 THAT FORD CONTOUR THAT WAS RECOVERED OUT IN THE
6 PARKING LOT?

7 A. YES, I DID.

8 Q. LET ME ASK YOU, DO YOU KNOW, DID YOU KNOW -- YOU
9 INDICATED IT WAS A BURGUNDY FORD CONTOUR, IS THAT
10 CORRECT?

11 A. YES.

12 Q. ALRIGHT. AND BY THESE PHOTOGRAPHS HERE, IS THAT
13 THE LICENSE TAG THAT WAS ON THE VEHICLE?

14 A. YES, IT IS.

15 Q. THAT'S THE SOUTH CAROLINA TAG?

16 A. YES, IT IS.

17 Q. DID YOU ALSO DOCUMENT THE VEHICLE, THE VIN NUMBER?

18 A. YES, I DID.

19 Q. OKAY. AND WHAT'S THE VIN NUMBER THAT YOU
20 DOCUMENTED?

21 A. THE VIN NUMBER WAS ONE F A F F SIX ONE THREE SEVEN
22 FIVE AND FIVE TWO.

23 Q. OKAY. AND IS THAT THE SAME VEHICLE THAT WAS, HAD
24 BEEN REPORTED MISSING FROM ORANGEBURG, SOUTH
25 CAROLINA?

1 A. YES, IT WAS.

2 Q. OKAY. AND DID YOU HAVE AN OPPORTUNITY THEN,
3 MA'AM, TO SEARCH THE INSIDE, THE INTERIOR OF THIS
4 VEHICLE ALSO?

5 A. YES, I DID.

6 Q. SPECIFICALLY LET ME SHOW YOU STATE'S EXHIBIT
7 NUMBER FIVE, DO YOU RECOGNIZE THAT ITEM?

8 A. YES, I DO.

9 Q. ALRIGHT. AND WAS THAT ITEM RECOVERED FROM INSIDE
10 THAT VEHICLE?

11 A. YES, IT WAS.

12 SOLICITOR SORENSON: YOUR HONOR, AT
13 THIS TIME WE'D OFFER STATE'S FIVE INTO EVIDENCE.

14 THE COURT: ANY OBJECTION?

15 MR. MELLARD: I OBJECT TO IT ON THE
16 GROUNDS THAT -- COULD WE APPROACH?

17 THE COURT: YES, SIR.

18 (Whereupon, a bench conference
19 is had out of the hearing of
20 the court reporter and jury.)

21 THE COURT: YOUR OBJECTION IS
22 OVERRULED.

23 (State's Exhibit Five
24 marked and filed.)

25 SOLICITOR SORENSON: YOUR HONOR, I

1 WOULD LIKE TO PUBLISH THIS TO THE JURY AT THIS TIME.

2 (Whereupon, State's Exhibit Five
3 is handed to the jury.)

4 Q. NOW, HAVE YOU HAD ANY TRAINING IN FINGERPRINT
5 ANALYSIS?

6 A. YES, I HAVE HAD COURSES IN FINGER RIDGE OLOGY. I
7 HAVE ALSO COMPLETED A TWO YEAR IN HOUSE LATENT
8 FINGERPRINT TRAINING PROGRAM OVER THE PAST TWO AND
9 A HALF YEARS.

10 Q. AND YOU HAVE BEEN EMPLOYED IN THE LATENT PRINT
11 DEPARTMENT OUT AT SLED IN PROCESSING FINGERPRINTS
12 AND OTHER ITEMS?

13 A. THAT'S CORRECT. IN FINGERPRINT ANALYSIS AND ALSO
14 PROCESSING FOR COMPARISONS IN BLOOD SPATTER
15 ANALYSIS. I'VE COMPARED FINGERPRINTS IN CASES IN
16 FORTY-SIX COUNTIES OF THIS STATE. AND I ALSO HAD
17 THE DUTY AND RESPONSIBILITY OF COMPARING THE
18 FINGERPRINTS IN THIS CASE TO KNOWN FINGERPRINTS.

19 SOLICITOR SORENSON: YOUR HONOR, AT
20 THIS TIME I WOULD OFFER AGENT SKIPPER AS AN EXPERT IN
21 THE FIELD OF FINGERPRINT ANALYSIS.

22 MR. MELLARD: NO OBJECTION.

23 THE COURT: I FIND THAT SHE IS SO
24 QUALIFIED.

25 Q. DID YOU HAVE AN OPPORTUNITY -- DID YOU HAVE AN

1 OPPORTUNITY TO DO ANYTHING WITH THIS, STATE'S
2 EXHIBIT FIVE, SEARCH FOR LATENT FINGERPRINTS?

3 A. YES.

4 Q. WERE YOU ABLE TO LIFT ANY FINGERPRINTS?

5 A. THERE WERE THREE LATENT PRINTS DEVELOPED AND
6 PHOTOGRAPHED AND THEY WERE COMPARED TO MR. BELL'S.

7 Q. WERE ANY OF THESE FINGERPRINTS, DID ANY OF THEM
8 MATCH MR. BELL'S FINGERPRINTS?

9 A. NO, THEY DID NOT.

10 Q. NOW, DID YOU RECOVER ANY CLOTHING OUT OF A GARBAGE
11 BAG NEAR THE TRASH CAN?

12 A. YES.

13 Q. WHAT WAS THAT?

14 A. IT WAS A NAVY SWEAT SHIRT.

15 Q. I SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
16 TWENTY-FIVE FOR IDENTIFICATION, CAN YOU IDENTIFY
17 THIS?

18 A. YES.

19 Q. AND WHAT IS THAT?

20 A. THAT IS THE NAVY SWEAT SHIRT THAT WAS IN THE
21 GARBAGE BAG.

22 SOLICITOR SORENSON: YOUR HONOR, WE
23 WOULD OFFER THIS INTO EVIDENCE AT THIS TIME.

24 MR. MELLARD: YOUR HONOR, I OBJECT.

25 THE COURT: OVERRULED.

1 (State's Exhibit Twenty-five
2 marked and filed.)

3 Q. NOW, DID YOU HAVE AN OPPORTUNITY TO GO INTO THAT
4 ROOM AT THE MOTEL ALSO?

5 A. YES, I DID.

6 Q. I'M SHOWING YOU WHAT'S BEEN MARKED FOR
7 IDENTIFICATION AS STATE'S EXHIBIT TWELVE FOR
8 IDENTIFICATION, CAN YOU IDENTIFY THAT?

9 A. YES, I CAN.

10 Q. AND WHAT IS THAT?

11 A. THAT IS A PHOTOGRAPH OF THE INSIDE OF THE MOTEL
12 ROOM.

13 Q. AND IS THAT ESSENTIALLY THE CONTENTS OF THE ROOM
14 AS YOU FOUND IT THAT DAY?

15 A. YES. THE BAG WAS PUSHED UP UNDERNEATH THE BED. I
16 PULLED IT OUT AND PHOTOGRAPHED IT ALSO.

17 SOLICITOR SORENSON: YOUR HONOR, AT
18 THIS TIME I WOULD OFFER STATE'S EXHIBIT TWELVE INTO
19 EVIDENCE.

20 MR. MELLARD: NO OBJECTION.

21 (State's Exhibit Twelve
22 marked and filed.)

23 Q. I THINK I ASKED YOU ABOUT THIS BEFORE, BUT THE
24 CLOTHING THAT YOU COLLECTED OUT THERE -- WHAT DID
25 YOU DO -- DID YOU TURN THAT STUFF IN TO THE MAIN

1 HEADQUARTERS OF THE LAB?

2 A. YES, SIR.

3 Q. AND HOW WAS THAT SEALED OR PACKAGED WHEN YOU
4 TURNED IT OVER?

5 A. ALL THE SEAMS WERE SEALED WITH TAPE, AND THEN IT
6 WAS PUT INTO A LARGE CONTAINER, AND ALSO THE OUTER
7 CONTAINER WAS SEALED, AND I SIGNED MY NAME ON THE
8 SEALS.

9 Q. AND I'M SHOWING YOU WHAT'S BEEN MARKED FOR
10 IDENTIFICATION AS STATE'S EXHIBIT TWENTY-SIX. IS
11 THIS ACTUALLY THE BOX?

12 A. YES, SIR.

13 Q. YOU INDICATED THAT IT WAS TAPED AND SEALED?

14 A. YES, SIR.

15 SOLICITOR SORENSON: YOUR HONOR, AT
16 THIS TIME WE WOULD OFFER STATE'S EXHIBIT TWENTY-SIX INTO
17 EVIDENCE.

18 THE COURT: ANY OBJECTION?

19 MR. MELLARD: NO OBJECTION.

20 (State's Exhibit Twenty-six
21 marked and filed.)

22 Q. THEREFORE, THE NEXT PERSON THAT WOULD HAVE TAKEN
23 CUSTODY OF THIS, THEN, WOULD BE ABLE TO TELL IF
24 ANYBODY HAD GOTTEN INTO IT AFTER YOU SEALED IT UP,
25 CORRECT?

1 A. THAT'S CORRECT.

2 SOLICITOR SORENSON: THANK YOU, MS.
3 SKIPPER. PLEASE ANSWER ANY QUESTIONS THAT THE DEFENSE
4 HAS.

5 THE COURT: CROSS-EXAMINATION.

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

1 CROSS-EXAMINATION OF MELISSA E. SKIPPER

2 BY MR. MELLARD:

3 Q. YOU'RE THE ONE THAT COLLECTED THIS CLOTHING?

4 A. YES, I AM.

5 Q. OKAY. YOU DON'T KNOW HOW LONG IT HAD BEEN AT THE
6 HONKY TONK MOTEL, DO YOU?

7 A. NO, I DO NOT.

8 Q. OKAY. YOU DIDN'T SEE ANYBODY WEARING THIS
9 CLOTHING?

10 A. NO, I DID NOT.

11 Q. OKAY. YOU DON'T KNOW WHO THE CLOTHING BELONGS TO?

12 A. NO, I DO NOT.

13 MR. MELLARD: THANK YOU.

14 THE COURT: ANY REDIRECT?

15 SOLICITOR SORENSON: NO, SIR.

16 THE COURT: THANK YOU, MA'AM, YOU
17 CAN BE EXCUSED, THANK YOU FOR COMING.

18 WITNESS: THANK YOU.

19 SOLICITOR CLARIDAY: THE STATE CALLS
20 AGENT ROBERTSON.

21 (Whereupon, witness
22 enters the courtroom.)

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

25 (Whereupon, Stewart Marion Robertson

1 is duly sworn.)

2 CLERK: PLEASE HAVE A SEAT, AND
3 STATE YOUR FULL NAME.

4 WITNESS: MY FULL NAME IS STEWART
5 MARION ROBERTSON.

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

1 DIRECT EXAMINATION OF STEWART M. ROBERTSON

2 BY SOLICITOR CLARIDAY:

3 Q. OKAY. AND AGENT ROBERTSON, WHERE ARE YOU
4 CURRENTLY EMPLOYED?

5 A. I'M CURRENTLY EMPLOYED WITH THE SOUTH CAROLINA LAW
6 ENFORCEMENT DIVISION, MORE COMMONLY KNOWN AS SLED.

7 Q. AND HOW LONG HAVE YOU BEEN WITH SLED?

8 A. APPROXIMATELY NINE YEARS.

9 Q. AND HAVE YOU BEEN WITH SLED THE DURATION OF YOUR
10 LAW ENFORCEMENT CAREER?

11 A. THAT'S CORRECT, YES, SIR.

12 Q. AND CAN YOU JUST EXPLAIN SOME OF YOUR DUTIES THAT
13 YOU HAVE WITH SLED TO THE JURY?

14 A. I'M A SENIOR AGENT IN THE ARSON AND BOMB UNIT, AND
15 I SPECIALIZE IN ARSON INVESTIGATIONS. WE PROCESS
16 FIRE SCENES, COLLECT EVIDENCE, TRANSPORT EVIDENCE,
17 TESTIFY IN COURT, AS FAR AS ANY INVOLVEMENT WE HAD
18 AT THE ACTUAL SCENE, INTERVIEW WITNESSES, THINGS
19 LIKE THAT.

20 Q. I BELIEVE YOU SAID TRANSPORTING EVIDENCE WOULD BE
21 ONE OF YOUR DUTIES?

22 A. YES, SIR.

23 Q. OKAY. AGENT ROBERTSON, WERE YOU EMPLOYED WITH
24 SLED ON MARCH TENTH OF TWO THOUSAND AND SIX?

25 A. YES, SIR.

1 Q. AND DID YOU ATTEND THE AUTOPSY OF MS. ANNA BELL,
2 THE VICTIM IN THIS CASE, ON THAT DATE?

3 A. YES, SIR, I DID.

4 Q. AND WHERE WAS THE AUTOPSY PERFORMED?

5 A. IT WAS NEWBERRY, SOUTH CAROLINA.

6 Q. OKAY. AND WERE YOU PRESENT AT THE AUTOPSY WHEN
7 THEY WERE EXTRACTING THE FLUIDS FROM THE BODY?

8 A. YES, SIR.

9 Q. OKAY. AND ON THAT DATE, MARCH TENTH, DID YOU
10 RECEIVE ANY EVIDENCE?

11 A. I DID.

12 Q. OKAY. AND WHAT WAS THAT?

13 A. I RECEIVED A CLEAR PLASTIC BAG GIVEN TO ME BY THE
14 PEOPLE AT THE PATHOLOGIST OFFICE.

15 Q. OKAY. WAS THERE ANYTHING IN IT?

16 A. THERE WERE SEVERAL ITEMS IN IT THAT HAD BEEN TAKEN
17 FROM THE BODY DURING THE AUTOPSY.

18 Q. FLUIDS?

19 A. FLUIDS, YES, SIR.

20 Q. OKAY. WAS THE, WAS THE INDIVIDUAL ITEMS SEALED,
21 THEMSELVES?

22 A. I BELIEVE THEY WERE, YES, SIR.

23 Q. OKAY. AND THEN WAS THE OVERALL PACKAGING, OR THE
24 BAG THAT YOU SAID, WAS THAT SEALED ALSO?

25 A. THE BAG WAS SEALED AS WELL, YES, SIR.

1 Q. AND WHAT WAS THE CONDITION OF THE PACKAGING WHEN
2 YOU RECEIVED IT?

3 A. JUST AS THEY SEALED IT, NO PROBLEMS WITH IT.

4 Q. SEALED, NO TEARS OR ANYTHING LIKE THAT?

5 A. NO, SIR.

6 Q. OKAY. WAS THE BLOOD -- THE BLOOD AND THE OTHER
7 FLUIDS, WAS IT ALREADY MARKED PRIOR TO YOU
8 RECEIVING IT, OR DID YOU ACTUALLY MARK IT?

9 A. NO, SIR, I DID NOT MARK IT, IT WAS -- EVERYTHING
10 HAD BEEN PACKAGED.

11 Q. OKAY. AND FROM THE TIME YOU RECEIVED THE BLOOD IN
12 NEWBERRY, HOW LONG WAS IT IN YOUR POSSESSION UNTIL
13 YOU TOOK IT SOMEWHERE ELSE?

14 A. APPROXIMATELY A COUPLE OF HOURS UNTIL I TOOK IT TO
15 SLED HEADQUARTERS.

16 Q. OKAY. AND DURING THE HOURS, THE COUPLE OF HOURS
17 THAT IT WAS IN YOUR POSSESSION WERE YOU IN ROUTE
18 TO SLED OR DID YOU ---

19 A. SURE, FINISHING UP AT THE AUTOPSY, AND THEN IN
20 ROUTE TO SLED HEADQUARTERS.

21 Q. OKAY. AND WHILE IT WAS IN YOUR POSSESSION DID YOU
22 IN ANY WAY ALTER THE OVERALL BAG OR THE BLOOD IN
23 ANY WAY?

24 A. NO, NOT AT ALL.

25 Q. OKAY. YOU DIDN'T MODIFY IT, CHANGE IT, TAKE IT

1 OUT OR DO ANYTHING TO IT?

2 A. NO, SIR, NO, SIR.

3 Q. OKAY. DID YOU ALLOW ANYONE ELSE WHILE IT WAS IN
4 YOUR PRESENCE, ---

5 A. NO, SIR.

6 Q. --- TO TAMPER WITH IT?

7 A. NO, SIR.

8 Q. OKAY. WHERE DID YOU TAKE THE EVIDENCE THAT DAY?

9 A. WHEN I GOT TO SLED HEADQUARTERS I WENT TO THE SLED
10 FORENSIC LAB, AND I THEN WENT INTO THE LOG IN
11 SECTION IN THE FORENSIC LAB AND APPROACHED THE
12 EVIDENCE TECHNICIAN, CAROL BROOKS.

13 Q. OKAY. WHERE WAS SHE EMPLOYED, AGAIN, AT THAT
14 TIME?

15 A. SHE WAS EMPLOYED IN THE SLED FORENSIC LAB, IN THE
16 EVIDENCE LOG IN SECTION.

17 Q. AND SHE WAS A FORENSIC TECHNICIAN I BELIEVE YOU
18 SAID?

19 A. YES, SIR, I BELIEVE THAT WAS HER TITLE.

20 Q. AND AGAIN, WHAT WAS HER FULL NAME?

21 A. CAROL BROOKS.

22 Q. OKAY. ONCE YOU MET WITH MS. BROOKS THAT DAY, CAN
23 YOU BRIEFLY EXPLAIN TO THE JURY WHAT HAPPENED,
24 WHAT THE EXCHANGE WAS?

25 A. BASICALLY, I SAT DOWN AT HER DESK, I HANDED HER

1 THE CLEAR PLASTIC BAG THAT I HAD RECEIVED FROM THE
2 PATHOLOGIST DEPARTMENT, I GAVE IT TO HER. SHE
3 OPENED IT, TOOK OUT THE PAPERWORK THAT HAD BEEN
4 FILLED OUT AT THE PATHOLOGIST DEPARTMENT, AND
5 COMPLETED ALL THE NECESSARY PAPERWORK THAT
6 APPARENTLY SHE NEEDED TO DO. SHE THEN SEALED THE
7 BAG AND I SIGNED, OR PUT MY INITIALS AND DATED IT
8 OVER THE TOP OF THE SEAL.

9 Q. OKAY. AGENT ROBERTSON, I'M GOING TO HAND YOU
10 WHAT'S BEEN MARKED FOR THE PURPOSES OF
11 IDENTIFICATION STATE'S EXHIBIT TWENTY-TWO. CAN
12 YOU TAKE A LOOK AT THAT?

13 A. YES, SIR.

14 Q. OKAY. DO YOU RECOGNIZE THAT?

15 A. YES, SIR.

16 Q. AND WHAT IS THAT?

17 A. THIS IS THE BAG THAT I LOGGED IN TO THE FORENSIC
18 LAB.

19 Q. OKAY. AND THAT'S THE SAME FLUIDS AND EVIDENCE
20 THAT YOU TOOK FROM THE PATHOLOGIST IN NEWBERRY?

21 A. IT'S THE SAME BAG, YES, SIR.

22 Q. OKAY. AND THAT'S THE SAME BAG THAT YOU TURNED IN
23 TO MS. BROOKS?

24 A. YES, SIR, IT HAS MY INITIALS, S.R., AND THE DATE
25 ON IT.

1 Q. OKAY. CAN YOU SHOW ME WHERE YOU INITIALED IT?

2 A. RIGHT HERE.

3 Q. OKAY. AND S.R. WOULD BE?

4 A. MY INITIALS, STEWARD ROBERTSON.

5 Q. AND CAN YOU TELL ME THE DATE?

6 A. THREE/TEN/TWO THOUSAND AND SIX.

7 Q. AND WAS THAT THE SAME DAY THAT YOU ATTENDED THE
8 AUTOPSY?

9 A. YES, SIR.

10 SOLICITOR CLARIDAY: YOUR HONOR, AT
11 THIS TIME THE STATE WOULD MOVE TO ADMIT STATE'S EXHIBIT
12 TWENTY-TWO.

13 MR. MELLARD: NO OBJECTION.

14 THE COURT: ADMITTED WITHOUT
15 OBJECTION.

16 (State's Exhibit Twenty-two
17 marked and filed.)

18 Q. WHEN YOU TURNED THE PACKAGING OR THE EVIDENCE OVER
19 THAT DAY TO MS. BROOKS IT WAS STILL IN THE SAME
20 CONDITION -- WAS IT STILL IN THE SAME CONDITION AS
21 IT WAS ---

22 A. OH, YES, SIR.

23 Q. --- WHEN YOU RECEIVED IT FROM NEWBERRY?

24 A. YES, SIR.

25 Q. IT WAS STILL MARKED?

1 A. YES, SIR.

2 Q. STILL SEALED?

3 A. YES, SIR.

4 Q. AND I BELIEVE YOU TESTIFIED THAT SHE THEN RESEALED
5 IT, AND THEN YOU INITIALED IT?

6 A. ONCE SHE PULLED WHATEVER PAPERWORK HAD BEEN FILLED
7 OUT AT THE PATHOLOGIST OFFICE, YES, SHE RESEALED
8 AND THEN, THAT'S WHY I INITIALED THE OTHER SEAL.

9 SOLICITOR CLARIDAY: OKAY. AGENT
10 ROBERTSON, THANK YOU.

11 Q. AGAIN FOR THE RECORD, WHAT DAY WAS IT THAT YOU
12 ATTENDED THE AUTOPSY?

13 A. MARCH TENTH, TWO THOUSAND AND SIX.

14 Q. AND WAS THAT THE SAME THAT YOU TURNED IT INTO MS.
15 BROOKS?

16 A. THAT'S CORRECT, YES.

17 SOLICITOR CLARIDAY: THANK YOU.
18 NOTHING FURTHER FROM THE STATE.

19 THE COURT: CROSS-EXAMINATION.

20 MR. MELLARD: NOTHING FOR THIS
21 WITNESS, YOUR HONOR.

22 THE COURT: THANK YOU, SIR, YOU MAY
23 STEP DOWN, YOU MAY BE EXCUSED. THANK YOU FOR COMING.

24 WITNESS: THANK YOU, SIR.

25 THE COURT: NEXT WITNESS.

1 SOLICITOR PASCOE: THE NEXT WITNESS,
2 YOUR HONOR, IS GOING TO TAKE SOME OUT OF COURT --
3 TESTIMONY OUTSIDE THE PRESENCE OF THE JURY AT THIS TIME,
4 MR. COLTER.

5 THE COURT: ALRIGHT. LADIES AND
6 GENTLEMEN, WE'LL TAKE A SHORT BREAK AT THIS TIME. GOSH,
7 IT'S ELEVEN O'CLOCK ALMOST. WE'LL TAKE OUR MORNING
8 BREAK AT THIS TIME. PLEASE RETIRE TO THE JURY ROOM,
9 PLEASE DO NOT TALK ABOUT THE CASE. THANK YOU VERY MUCH.
10 (Whereupon, the jury retires
11 to the jury room, and the following
12 takes place outside the presence
13 of the jury.)

14 THE COURT: ALRIGHT, ARE YOU READY
15 WITH YOUR WITNESS? THIS IS THE CULMINATION OF THE NEAL
16 V. BIGGERS?

17 SOLICITOR PASCOE: YES, SIR, I BEG
18 THE COURT'S INDULGENCE. CAN WE TAKE OUR QUICK BREAK NOW
19 AND THEN COME BACK AND DO THAT? THE BIGGERS ISN'T GOING
20 TO TAKE LONG.

21 MR. MELLARD: THAT WOULD BE FINE
22 WITH US, YOUR HONOR.

23 THE COURT: ALRIGHT, WE'LL BE AT
24 EASE FOR ABOUT TEN MINUTES, THEN.

25 SOLICITOR PASCOE: THANK YOU, YOUR

1 HONOR.

2 (Recess)

3 THE COURT: ALRIGHT, CALL YOUR
4 WITNESS.

5 SOLICITOR PASCOE: THE STATE CALLS
6 FRANK COLTER, YOUR HONOR.

7 (Whereupon, witness
8 enters the courtroom.)

9 CLERK: MR. COLTER, IF YOU WILL,
10 PLEASE PLACE YOUR LEFT HAND ON THE BIBLE AND RAISE YOUR
11 RIGHT.

12 (Whereupon, Frank Colter
13 is duly sworn.)

14 CLERK: HAVE A SEAT AND STATE YOUR
15 FULL NAME.

16 WITNESS: FRANK COLTER.

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

1 DIRECT EXAMINATION, IN CAMERA, OF FRANK COLTER
2 BY SOLICITOR PASCOE:

3 Q. GOOD AFTERNOON, MR. COLTER.

4 A. GOOD AFTERNOON.

5 Q. AND YOU NEED TO SPEAK UP AS LOUDLY AS YOU CAN SO
6 EVERYBODY CAN HEAR YOU. OKAY?

7 A. OKAY. ALRIGHT.

8 Q. WHERE DO YOU LIVE, SIR?

9 A. I LIVE ONE FIFTY-FIVE CHERRY HILL ROAD,
10 ORANGEBURG, SOUTH CAROLINA.

11 Q. OKAY. AND WERE YOU LIVING ON CHERRY HILL ROAD
12 BACK IN MARCH OF TWO THOUSAND AND SIX?

13 A. YES, I WAS.

14 Q. OKAY. AND SPECIFICALLY I WANT TO ASK YOU SOME
15 QUESTIONS ABOUT FRIDAY, MARCH THE TENTH, TWO
16 THOUSAND AND SIX, THROUGH ABOUT THURSDAY, MARCH
17 THE THIRTEENTH. OKAY?

18 A. OKAY.

19 Q. OR TUESDAY, MARCH FOURTEENTH, I'M SORRY. DID YOU
20 EVER COME INTO CONTACT WITH A MAN NAMED WILLIE
21 BELL?

22 A. HE CAME THERE THAT FRIDAY NIGHT, HIM, A FELLOW
23 NAMED LEON, AND A GIRL.

24 COURT REPORTER: LEON?

25 Q. LEON AND A GIRL?

- 1 A. UH HUH.
- 2 Q. OKAY. AND THAT WAS THAT FRIDAY NIGHT?
- 3 A. THAT WAS THAT FRIDAY NIGHT.
- 4 Q. SO, THE TENTH OF MARCH?
- 5 A. UH HUH.
- 6 Q. HOW LONG DID HE STAY AT YOUR HOUSE THAT NIGHT,
7 FRIDAY NIGHT?
- 8 A. HE STAYED THERE UNTIL SATURDAY MORNING.
- 9 Q. EXCUSE ME. DID YOU HAVE OPPORTUNITIES TO OBSERVE
10 HIM, TO LOOK AT HIM?
- 11 A. NOT TOO TOUGH, NO, REALLY, NOT TO JUST SIT THERE
12 AND JUST LOOK AT HIM.
- 13 Q. OKAY. HOW MANY TIMES, EVEN JUST FROM FRIDAY TO
14 SATURDAY DID YOU HAVE AN OPPORTUNITY TO LOOK AT
15 HIM AT YOUR HOUSE?
- 16 A. I KNOW THE TIME, EVERY TIME A CAR, SOMEBODY COME
17 IN THERE TO SEE ME HE WOULD DUCK TO THE BACK.
- 18 Q. OKAY. WELL, LET ME ASK YOU, DID YOU SEE HIS FACE?
- 19 A. OH, YES, I SEE HIS FACE.
- 20 Q. DID YOU GET A GOOD LOOK AT HIS FACE?
- 21 A. YES.
- 22 Q. DID HE EVER TRY TO HIDE HIS FACE?
- 23 A. NO, NOT FROM ME.
- 24 Q. OKAY. AND YOU SAW HIM AT LEAST FROM FRIDAY NIGHT
25 UNTIL SATURDAY?

1 A. FROM FRIDAY NIGHT UNTIL HE LEFT THERE, I PUT HIM
2 OUT.

3 Q. WELL, LET ME ASK YOU THIS, DID HE EVER COME BACK
4 TO YOUR HOUSE AFTER SATURDAY?

5 A. YEAH, HE CAME BACK THAT MONDAY WITH A FELLOW, A
6 FELLOW IN A WHEEL CHAIR, AND ANOTHER FELLOW WAS
7 DRIVING A CAR, DRIVING THE CAR HE WAS DRIVING.

8 Q. AND WERE YOU ABLE TO GET A GOOD LOOK AT THAT MAN,
9 MR. BELL, AGAIN THAT NEXT WEEK, THAT MONDAY OR
10 TUESDAY?

11 A. YES, I DID.

12 Q. DID HE EVER TRY TO HIDE HIS FACE THEN?

13 A. NO, NOT FROM ME.

14 Q. OKAY. AND DID YOU ACTUALLY TALK TO HIM?

15 A. YES, WE SAT DOWN AND TALKED.

16 Q. DID YOU MEET WITH THE POLICE ON MARCH THE
17 SEVENTEENTH, TWO THOUSAND AND SIX?

18 A. YES, THEY CAME THERE LOOKING FOR LEON.

19 Q. OKAY. AND DID THEY END UP SHOWING YOU ANYTHING?

20 A. THEY SHOWED ME, WHEN THEY BROUGHT ME DOWN THEY
21 SHOWED ME A PICTURE.

22 Q. LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S
23 EXHIBIT FOUR. OKAY? YOU CAN HOLD IT IF YOU WANT
24 TO. DO YOU RECOGNIZE THAT?

25 A. RIGHT HERE, THE THIRD PICTURE FROM ON THE BOTTOM.

- 1 Q. OKAY. LET ME ASK YOU SOME QUESTIONS ABOUT THAT,
2 FIRST, OKAY? YOU SAID THE POLICE SHOWED YOU THAT?
3 A. YES. THEN I GOT IT DOWN HERE.
4 Q. WHAT DID THEY ASK YOU TO DO WITH THAT LINEUP?
5 A. THEY TOLD ME, ASKED ME DO I RECOGNIZE.
6 Q. DID THEY TELL YOU WHO TO PICK OUT?
7 A. NO, THEY DIDN'T TOLD ME WHO TO PICK OUT.
8 Q. DID THEY EVEN HINT TO YOU OR SUGGEST TO YOU WHO TO
9 PICK OUT?
10 A. NO, THEY DIDN'T HINT OR SUGGEST.
11 Q. DID YOU RECOGNIZE ANYBODY IN THE LINEUP?
12 A. YES.
13 Q. POINT TO THE ONE THAT YOU RECOGNIZED?
14 A. (Witness points to picture.)
15 Q. OKAY. AND FOR THE RECORD -- OKAY, THANK YOU. SO,
16 NUMBER FIVE?
17 A. NO.
18 Q. AND DID YOU ---
19 A. THAT ONE THERE.
20 Q. AND DID YOU INITIAL THE ONE THAT YOU PICKED OUT?
21 A. YES.
22 Q. IN FACT, WHOSE INITIALS IS THAT BELOW THE ONE YOU
23 PICKED OUT?
24 A. MY INITIALS.
25 Q. OKAY. AND IT'S DATED THREE/SEVENTEEN/O-SIX?

1 A. YES.

2 Q. AT NINE:FIFTEEN IN THE MORNING?

3 A. YES.

4 Q. AND WHO IS THAT, WHO IS THAT IN PICTURE NUMBER
5 FIVE, WHO IS THAT MAN?

6 A. I DON'T KNOW.

7 Q. THAT MAN RIGHT THERE.

8 A. I KNOW WHO THIS ONE IS.

9 Q. OKAY. WHO IS IT?

10 A. THAT'S THIS ONE Y'ALL TOLD ME WAS WILLIAM BELL.

11 Q. OKAY. IS THAT THE PERSON THAT WAS AT YOUR HOUSE?

12 A. THAT'S THE ONE WAS AT THE HOUSE.

13 Q. OKAY.

14 SOLICITOR PASCOE: THAT'S ALL I
15 HAVE, YOUR HONOR.

16 THE COURT: CROSS-EXAMINATION.

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

1 CROSS-EXAMINATION, IN CAMERA, OF FRANK COLTER

2 BY MR. MELLARD:

3 Q. HOW MANY POLICE OFFICERS PICKED YOU UP?

4 A. WHEN THEY FIRST CAME THERE IT WAS A WOMAN COP.

5 Q. UH HUH. WHEN THEY FIRST CAME THERE?

6 A. WHEN THEY FIRST CAME THERE IT WAS A LADY COP.

7 Q. OKAY. WHAT ABOUT WHEN THEY ---

8 A. SHE WAS LOOKING FOR A LEON.

9 Q. LOOKING FOR A WHAT?

10 A. A FELLOW NAMED LEON.

11 Q. LOOKING FOR A FELLOW NAMED LEON?

12 A. UH HUH.

13 Q. OKAY.

14 A. I TOLD THEM ---

15 Q. WHEN THEY FIRST CAME THERE. AT SOME POINT DID
16 OTHER POLICE OFFICERS COME?

17 A. NO, THEY DIDN'T CAME UNTIL THE NEXT DAY AND ASKED
18 ME WOULD I COME DOWN AND IDENTIFY. THE NEXT DAY
19 ONE CAME AND PICKED ME UP AND I CAME ON.

20 Q. SO, YOU WENT TO THE POLICE STATION ON MARCH
21 SEVENTEENTH, CORRECT?

22 A. YEAH.

23 Q. OKAY. SO, AM I HEARING YOU SAY THAT ON MARCH
24 SIXTEENTH A POLICE OFFICER CAME TO YOUR HOUSE?

25 A. YEAH.

- 1 Q. OKAY. NOW, THAT WAS A WOMAN POLICE OFFICER?
- 2 A. THAT WAS A WOMAN.
- 3 Q. OKAY. AND WHAT DID THAT WOMAN POLICE OFFICER, YOU
- 4 SAID SHE WAS LOOKING FOR LEON?
- 5 A. YES.
- 6 Q. OKAY. WHY DID SHE SAY SHE WAS LOOKING FOR LEON?
- 7 A. SHE DIDN'T SAY.
- 8 Q. SHE DIDN'T SAY?
- 9 A. NO.
- 10 Q. DID SHE, DID Y'ALL TALK ABOUT ANYTHING?
- 11 A. NO. SHE JUST ASKED, SHE WAS LOOKING FOR LEON, SHE
- 12 ASKED, I SAID, NO LEON LIVE HERE, THIS IS WHERE I
- 13 LIVE.
- 14 Q. OKAY. SO, SHE CAME TO YOUR DOOR AND SAID, HEY,
- 15 I'M LOOKING FOR LEON, AND YOU SAID, LEON DON'T
- 16 LIVE HERE ---
- 17 A. THAT'S RIGHT.
- 18 Q. --- AND YOU'RE TELLING ME SHE JUST TURNED AROUND
- 19 AND WALKED AWAY?
- 20 A. NO, SHE AIN'T TURNED AROUND, SHE ASKED ME, SHE
- 21 SAID, IF I COME BACK AND SHOW YOU SOME PHOTOS
- 22 WOULD YOU BE ABLE TO IDENTIFY SOMEBODY? I SAID,
- 23 YEAH. SHE THEN TOLD ME WHO. SO, SHE SAID, WHEN
- 24 THEY PICKED -- WHEN SHE BROUGHT ME DOWN SHE DIDN'T
- 25 TELL ME, SHE JUST SHOWED ME A PICTURE. SHE SAID,

1 I WANT TO SHOW YOU SOME PICTURES OF THE FELLOW WHO
2 WAS HERE. SO, SHE SHOWED ME THE PICTURES AND
3 THAT'S WHO I PICKED OUT, WILLIAM BELL.

4 Q. NOW, HOW DID YOU KNOW IT WAS WILLIAM BELL?

5 A. BECAUSE HE WAS THERE ALL WEEKEND, THAT'S HOW I
6 KNOW. HE WAS THERE FROM FRIDAY UNTIL MONDAY.

7 Q. HOW DID YOU KNOW HIS NAME?

8 A. I DIDN'T KNOW HIS NAME UNTIL SHE SHOWED ME, UNTIL
9 THEY SHOWED ME THE PICTURE, AND AFTER I PICKED HIM
10 OUT THEY TOLD ME HIS NAME.

11 Q. OKAY. DID THEY SHOW YOU ANY OTHER PICTURES
12 BESIDES THESE?

13 A. THEY SHOWED ME THE WHOLE, EVERYBODY ON THAT SHEET
14 YOU GOT.

15 Q. OKAY.

16 A. THEY SHOWED ME EVERYBODY.

17 Q. THEY SHOWED YOU EVERYBODY ---

18 A. THEY SHOWED ME THAT WHOLE SHEET OF PICTURES, THAT
19 WHOLE PICTURES, AND I PICKED OUT ---

20 Q. THIS ONE RIGHT HERE?

21 A. THEY SHOWED ME THE WHOLE THING, SHE TOLD ME, HOLD
22 IT JUST LIKE THAT, AND I PICKED IT OUT.

23 Q. OKAY. DID SHE SHOW YOU ANY OTHER PHOTOS BESIDES
24 THESE?

25 A. JUST THAT ONE.

1 Q. JUST THAT ONE. NOW, YOU SAID A WOMAN CAME ON THE
2 SIXTEENTH OF MARCH?

3 A. NO, I SAID A WOMAN, I SAID LEON BROUGHT HIM AND A
4 WOMAN CAME TO THE HOUSE ---

5 Q. NO, NO, NO, NO, WE'RE TALKING ABOUT POLICE
6 OFFICERS.

7 A. OH, THE POLICE OFFICER.

8 Q. POLICE OFFICER. THEY CAME ON THE SIXTEENTH OF
9 MARCH?

10 A. THEY CAME THAT DAY.

11 Q. RIGHT, AND IT WAS A WOMAN POLICE OFFICER?

12 A. YES.

13 Q. LOOKING FOR LEON?

14 A. YES.

15 Q. OKAY. NOW, THE NEXT DAY THE POLICE OFFICERS CAME.

16 HOW MANY POLICE OFFICERS CAME THE NEXT DAY?

17 A. JUST ONE.

18 Q. JUST ONE?

19 A. UH HUH.

20 Q. WHO WAS THAT?

21 A. THAT WAS A MAN THIS TRIP.

22 Q. I'M SORRY, IT WAS A MAN?

23 A. IT WAS A MAN THE NEXT TRIP.

24 Q. IT WAS A MAN THE NEXT TRIP.

25 A. UH HUH.

- 1 Q. SO, ON THE SEVENTEENTH OF MARCH ---
- 2 A. IT WAS A WOMAN.
- 3 Q. WHAT?
- 4 A. I SAID, IT WAS A WOMAN, AND THEN A MAN.
- 5 Q. OKAY. LET'S GET THIS STRAIGHT. ALRIGHT. THE
- 6 SIXTEEN OF MARCH A WOMAN COMES LOOKING ---
- 7 A. YEAH.
- 8 Q. --- FOR LEON?
- 9 A. RIGHT.
- 10 Q. THE SEVENTEENTH OF MARCH A MAN COMES BACK TO YOUR
- 11 HOUSE?
- 12 A. AND ASKED ME DO I WANT TO LOOK AT, COULD I LOOK AT
- 13 SOME PHOTOS. I SAID, YEAH.
- 14 Q. OKAY. NOW, WHAT DID THAT MAN DO?
- 15 A. HE JUST BROUGHT ME DOWN HERE AND I LOOK AT SOME
- 16 PHOTOS. AND HE TOLD ME, HE SAID, DO YOU RECOGNIZE
- 17 ANYBODY ON THESE PHOTOS? THAT'S WHAT I DID, I
- 18 PICKED THAT ONE OUT, WHICH I DIDN'T KNOW HIS NAME
- 19 AT THE TIME.
- 20 Q. HAVE YOU GOT ANY IDEA WHO THIS MALE POLICE OFFICER
- 21 IS?
- 22 A. I DON'T LOOK AT NO NAME TAG.
- 23 Q. OKAY. WELL, WHAT, CAN YOU GIVE US SOME
- 24 DESCRIPTION OF THIS MALE POLICE OFFICER?
- 25 A. WELL, HE WAS SKINNY AND HE WAS TALLER THAN ME.

1 Q. SKINNY AND TALLER THAN YOU?

2 A. UH HUH.

3 Q. OKAY.

4 MR. MELLARD: ONE SECOND. THAT'S
5 ALL THE QUESTIONS THAT WE HAVE AT THIS TIME, YOUR HONOR.

6 THE COURT: REDIRECT?

7 SOLICITOR PASCOE: YEAH, JUST ONE
8 MORE QUESTION, YOUR HONOR.

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

1 REDIRECT EXAMINATION, IN CAMERA, OF FRANK COLTER

2 BY SOLICITOR PASCOE:

3 Q. AND DO YOU SEE THE PERSON IN THE COURTROOM TODAY
4 THAT YOU KNEW AS WILLIE BELL, THE PERSON THAT YOU
5 MET BACK ON FRIDAY, MARCH THE TENTH, THE DEFENDANT
6 SEATED NEXT TO THE TWO ATTORNEYS?

7 A. YES.

8 SOLICITOR PASCOE: OKAY. THANK YOU,
9 SIR.

10 THE COURT: ALRIGHT. ANYTHING ELSE?
11 WAIT A MINUTE.

12 SOLICITOR PASCOE: HOLD ON, MR.
13 COLTER.

14 THE COURT: MR. COLTER, ONE MINUTE.

15 MR. MELLARD: WE WOULD OBJECT TO HIS
16 IN COURT IDENTIFICATION. AND I'LL TELL YOU WHY. WHEN
17 I BELIEVE OFFICER BAMBERG TESTIFIED -

18 THE COURT: DO YOU WANT TO ASK HIM
19 ANYMORE QUESTIONS?

20 MR. MELLARD: OH, I DON'T HAVE
21 ANYTHING FOR HIM, NO, SIR.

22 THE COURT: ALRIGHT, SIR, YOU CAN
23 STEP DOWN. THANK YOU, SIR.

24 ALRIGHT. FIRST, DO YOU OBJECT TO
25 THE LINEUP?

1 MR. MELLARD: RIGHT, YES, SIR.

2 THE COURT: YOU DO OBJECT TO THE
3 LINEUP. LET ME HEAR YOU ON THAT FIRST.

4 MR. MELLARD: WELL, I MEAN, I OBJECT
5 TO HIM USING THAT LINEUP TO IDENTIFY MR. BELL. AS FAR AS
6 PUTTING THE LINEUP TOGETHER, I DON'T OBJECT TO THE WAY
7 IT WAS PUT TOGETHER. I OBJECT TO THE METHOD BY WHICH
8 HE'S GOING TO IDENTIFY, USE HIS IN COURT IDENTIFICATION.

9 THE COURT: WELL, LET ME HEAR YOUR
10 OBJECTION.

11 MR. MELLARD: WELL, JUDGE, NOW WHAT
12 WE'VE GOT HERE, WE'VE GOT A SITUATION WHERE OFFICER
13 BAMBERG CAME IN THE OTHER DAY -- THIS IS THE SECOND HALF
14 OF THE NEAL VERSUS BIGGERS, YOUR HONOR, OFFICER BAMBERG
15 CAME IN THE OTHER DAY AND SHE STATED THAT SHE PICKED UP
16 MR. COLTER, TOOK HIM TO THE POLICE STATION, AND SHOWED
17 HIM THIS LINEUP, AND HE IDENTIFIED THE PERSON IN THAT
18 LINEUP, PUT HIS NAME ON IT. THAT'S WHAT OFFICER
19 BAMBERG, THE FEMALE OFFICER, SAID. BUT TODAY WE'RE
20 HEARING THAT A MALE OFFICER WAS, IN FACT, THE PERSON
21 THAT CAME AND SHOWED HIM THIS LINEUP. WE HAVEN'T HEARD
22 ANY TESTIMONY FROM A MALE OFFICER IN THIS CASE, SO WE
23 DON'T KNOW WHAT HAPPENED WITH THAT MALE OFFICER, WE
24 DON'T KNOW WHETHER THERE WERE SUGGESTIONS MADE BY THAT
25 MALE OFFICER, WE DON'T KNOW ANYTHING. WE DON'T EVEN

1 KNOW WHO THAT MALE OFFICER IS. SO, ON THAT BASIS I
2 WOULD OBJECT.

3 THE COURT: SOLICITOR.

4 SOLICITOR PASCOE: I'D SUBMIT THAT
5 MR. COLTER IS PROBABLY MISTAKEN, THAT IT WAS LIEUTENANT
6 BAMBERG THAT SHOWED HIM THE LINEUP. BUT AS FAR AS THE
7 ISSUES TO GO TO IDENTIFICATION, HE WAS WITH HIM ON
8 FRIDAY, MARCH THE TENTH, SATURDAY, MARCH THE ELEVENTH,
9 THAT IS, MR. COLTER WAS WITH THE DEFENDANT, AND HE WAS
10 AGAIN WITH HIM THE NEXT DAY. SO, I JUST DON'T THINK
11 THERE ARE ANY ISSUES DEALING WITH ID, AND I THINK HIS ID
12 SHOULD COME IN. FURTHERMORE, HE SAID THAT NOBODY,
13 WHETHER IT WAS A MALE OR A FEMALE, TOLD HIM WHO TO PICK
14 OUT IN THAT STATE'S EXHIBIT PHOTO LINEUP.

15 THE COURT: ANYTHING ELSE?

16 MR. MELLARD: WE WOULD JUST OBJECT
17 TO THE LINEUP, YOUR HONOR. HE OBVIOUSLY KNOWS THE
18 DIFFERENCE BETWEEN A MALE AND FEMALE. HE PUT HIS
19 TESTIMONY UP THERE, AND IT'S TOTALLY INCONSISTENT WITH
20 WHAT WE'VE HEARD FROM OFFICER BAMBERG.

21 THE COURT: WELL, BUT THE TESTIMONY
22 IS VERY CONSISTENT THAT THERE WAS NO, THERE IS NO
23 TESTIMONY THAT ANYTHING SUGGESTIVE WAS DONE. THE STATE
24 HAS PUT UP THE POLICE OFFICER AND MR. COLTER, BOTH WHO
25 HAVE TESTIFIED THAT NOBODY SUGGESTED TO HIM WHO TO PICK

1 OUT, NOBODY GAVE HIM ANY CLUES OR ANYTHING ELSE. MR.
2 COLTER'S TESTIMONY WAS PARTICULARLY CREDIBLE TO THAT
3 EFFECT, THAT NO, HE SPENT THE WHOLE WEEKEND, FROM FRIDAY
4 UNTIL MONDAY, I THINK HE SAID, WITH HIM, AND HE KNEW
5 HIM, AND HE PICKED HIM OUT WITHOUT ANY QUESTION. SO,
6 THE QUESTION IS WHETHER THERE WAS ANY SUGGESTIVENESS.
7 I THINK THE STATE HAS PROVEN THAT THERE WAS NO
8 SUGGESTIVENESS, SO I WOULD OVERRULE YOUR OBJECTION.

9 NOW, LET ME HEAR YOU ABOUT ON THE IN
10 COURT?

11 MR. MELLARD: WE HAVE NOTHING ON
12 THAT, YOUR HONOR.

13 THE COURT: ALRIGHT. WELL, I FIND
14 -- ALRIGHT, THAT'S FINE, NO OBJECTION.

15 ANYTHING ELSE, THEN, ON THAT ISSUE?

16 SOLICITOR PASCOE: NOT ON THAT
17 ISSUE, YOUR HONOR.

18 THE COURT: ALRIGHT. DO YOU WANT TO
19 BRING YOUR OTHER WITNESS IN AND GET HIM SETTLED BEFORE
20 WE BRING IN THE JURY?

21 SOLICITOR PASCOE: YES, SIR.

22 (Whereupon, witness
23 enters the courtroom.)

24 THE COURT: ALRIGHT, BRING IN THE
25 JURY.

1 (Whereupon, the jury enters
2 the courtroom.)

3 BAILIFF: YOUR HONOR, ALL OF THE
4 JURORS AND THE ALTERNATE ARE IN THE JURY BOX.

5 THE COURT: ALRIGHT, SOLICITOR, YOU
6 MAY CALL YOUR WITNESS.

7 SOLICITOR PASCOE: KAREEM TAYLOR,
8 YOUR HONOR.

9 THE COURT: STALEY?

10 SOLICITOR PASCOE: MR. TAYLOR,
11 KAREEM TAYLOR.

12 THE COURT: MR. TAYLOR. ALRIGHT.
13 MR. TAYLOR, WILL YOU PLACE YOUR LEFT HAND ON THAT BIBLE
14 AND RAISE YOUR RIGHT?

15 (Whereupon, Kareem Taylor
16 is duly sworn.)

17 THE COURT: THANK YOU, SIR. PLEASE
18 SPEAK UP AS LOUD AS YOU CAN, MR. TAYLOR, SO ALL THE
19 JURORS OVER THERE CAN HEAR YOU.

20 ALRIGHT, COUNSELOR.

21 SOLICITOR PASCOE: THANK YOU.

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

1 DIRECT EXAMINATION OF KAREEM TAYLOR

2 BY SOLICITOR PASCOE:

3 Q. GOOD MORNING, MR. TAYLOR.

4 A. GOOD MORNING.

5 Q. WHERE ARE YOU FROM, SIR?

6 A. AUGUSTA, GEORGIA.

7 Q. OKAY. AND WHERE ARE YOU CURRENTLY LIVING RIGHT
8 NOW?

9 A. RICHMOND COUNTY JAIL.

10 Q. AND THAT'S IN RICHMOND COUNTY, GEORGIA?

11 A. YES, SIR.

12 Q. AND WHY ARE YOU AT THE JAIL RIGHT NOW?

13 A. ON A CHARGE.

14 Q. AND ARE YOU CURRENTLY SERVING A PAROLE REVOCATION
15 ON SOME DRUG CHARGES?

16 A. YES, SIR.

17 Q. OKAY. WHEN ARE YOU EXPECTED TO GET OUT?

18 A. TWO THOUSAND AND FOURTEEN.

19 Q. OKAY. AND YOU FREELY ADMIT THAT YOU HAVE A PRIOR
20 RECORD, RIGHT, MR. TAYLOR?

21 A. YES, SIR.

22 Q. AND IS TODAY THE FIRST TIME YOU AND I HAD EVER
23 MET?

24 A. YES, SIR.

25 Q. YOU'VE BEEN CONVICTED OF OBSTRUCTION OF AN

1 OFFICER, A BURGLARY CONVICTION?

2 A. YES, SIR.

3 Q. AND A NUMBER OF DRUG CONVICTIONS IN BOTH, MAINLY
4 GEORGIA, AND ALSO FLORIDA, IS THAT RIGHT?

5 A. YES, SIR.

6 Q. OKAY.

7 THE COURT: LADIES AND GENTLEMEN,
8 REMEMBER WHAT I TOLD YOU ABOUT THE INTRODUCTION OF
9 EVIDENCE OF A PRIOR RECORD. IT CAN BE USED ONLY FOR
10 WHAT WEIGHT YOU THINK IT MIGHT HAVE ON THAT WITNESS'S
11 CREDIBILITY AND FOR NO OTHER REASON.

12 ALRIGHT, SIR.

13 SOLICITOR PASCOE: THANK YOU.

14 Q. AND SIR, I MEAN, YOU ADMIT THAT BEFORE YOU WENT
15 BACK TO JAIL YOU SOLD DRUGS?

16 A. YES, SIR.

17 Q. YOU WERE A DRUG DEALER?

18 A. YES, SIR.

19 Q. AND THAT'S HOW YOU MADE MONEY, RIGHT?

20 A. YES, SIR.

21 Q. DID YOU EVER HAVE ANY DEALINGS IN ORANGEBURG
22 COUNTY, THOUGH, BEFORE MARCH OF TWO THOUSAND AND
23 SIX?

24 A. NO, SIR.

25 Q. DID YOU KNOW THE DEFENDANT, WILLIE BELL, BEFORE

1 MARCH OF TWO THOUSAND AND SIX?

2 A. NO, SIR.

3 Q. WHERE WERE YOU STAYING BACK ON SATURDAY, MARCH THE
4 ELEVENTH, TWO THOUSAND AND SIX, THAT SUNDAY,
5 MONDAY, AND ON THROUGH THAT WEEK?

6 A. THE HONKY TONK HOTEL.

7 Q. AND WHERE IS THAT, SIR?

8 A. ON GORDON HIGHWAY IN AUGUSTA, GEORGIA.

9 Q. OKAY. AND I THINK WE HAD A PHOTO. NOW, -- HERE
10 WE GO, I'VE GOT IT. IS IT THE MOTEL IN STATE'S
11 EXHIBIT NINE?

12 A. YES, SIR.

13 Q. OKAY. WHEN AND WHERE DID YOU FIRST MEET WITH MR.
14 WILLIE BELL, IF YOU COULD TELL THE JURY?

15 A. SUNDAY AT MY ROOM.

16 Q. OKAY. AT THE HONKY -- AT THE ADAMS INN MOTEL?

17 A. YES, SIR.

18 Q. OKAY. AND WHAT WAS THE DEFENDANT'S CONDITION WHEN
19 YOU MET HIM THAT SUNDAY IN THE ROOM?

20 A. HE WAS FEELING --

21 COURT REPORTER: HE WAS WHAT?

22 Q. WHAT DOES THAT MEAN?

23 A. HE WAS IN NEED, LIKE HE WAS IN NEED OF SOMETHING.

24 Q. OKAY, WHAT WAS HE IN NEED OF?

25 A. WHAT I BELIEVE, HE WAS IN NEED OF SOME CRACK.

- 1 Q. OKAY. AND WHAT WERE THE CIRCUMSTANCES OF HIM
2 MEETING WITH YOU AT YOUR ROOM?
- 3 A. SOMEONE BROUGHT HIM BY THERE SUPPOSEDLY TO SELL A
4 CAR FOR SOME DRUGS.
- 5 Q. OKAY. SO, HE WANTED TO SELL HIS CAR FOR DRUGS?
- 6 A. THAT'S WHAT I WAS TOLD.
- 7 Q. OKAY. AND WHAT DRUGS WAS THE DEFENDANT DOING THAT
8 WEEKEND, OR THAT, WHEN YOU SAW HIM THAT SUNDAY,
9 ON?
- 10 A. WELL, AFTER I MADE A DEAL WITH HIM FOR THE CAR, IT
11 WAS, I GUESS HE WAS DOING THE CRACK COCAINE THAT
12 I HAD SERVED HIM.
- 13 Q. OKAY. ALRIGHT, YOU MENTIONED THE CAR. WHAT TYPE
14 OF CAR WAS IT?
- 15 A. A NINETEEN NINETY-SEVEN BURGUNDY CONTOUR.
- 16 Q. AND DO YOU RECOGNIZE WHAT'S IN STATE'S EXHIBIT
17 TEN, KAREEM?
- 18 A. YES, SIR.
- 19 Q. AND WHAT'S THAT?
- 20 A. THAT'S THE VEHICLE.
- 21 Q. IS THAT THE VEHICLE THAT THE DEFENDANT HAD THAT
22 SUNDAY, ON MARCH THE ELEVENTH OR TWELFTH?
- 23 A. YES, SIR.
- 24 Q. AND THE ONE THAT HE WANTED TO SELL FOR DRUGS?
- 25 A. YES, SIR.

1 Q. AND WHAT DID THE DEFENDANT -- SO, WHO DID YOU END
2 UP BUYING THE CAR FROM?

3 A. MR. BELL.

4 Q. OKAY. AND WHAT DID THE DEFENDANT SELL THE CAR
5 FOR, EXACTLY?

6 A. AN EIGHT BAR OF CRACK.

7 Q. AND WHAT -- I WAS GOING TO ASK YOU, FOR THE JURY,
8 WHAT IS AN EIGHT BAR?

9 A. IT'S ABOUT A HUNDRED AND EIGHTY DOLLARS WORTH OF
10 DRUGS.

11 Q. IT'S ABOUT A HUNDRED AND EIGHTY DOLLARS WORTH OF
12 CRACK?

13 A. YES, SIR.

14 Q. AND DID Y'ALL HAVE ANY KIND OF A DOCUMENT THAT YOU
15 CREATED FOR HIM TO SELL THE CAR TO YOU?

16 A. YES, SIR.

17 Q. DO YOU RECOGNIZE STATE'S EXHIBIT FIVE, MR. TAYLOR?

18 A. YES, SIR.

19 Q. AND WHAT DO YOU RECOGNIZE THAT TO BE?

20 A. A BILL OF SALE THAT I DREW UP.

21 Q. AND YOU DREW THAT DOCUMENT UP?

22 A. YES, SIR.

23 Q. AND WHO SOLD THE -- AND WHOSE SIGNATURE IS THAT
24 RIGHT THERE?

25 A. THAT'S MY SIGNATURE.

- 1 Q. OKAY. AND WHOSE SIGNATURE IS THAT SELLING YOU THE
2 VEHICLE?
- 3 A. MR. BELL'S.
- 4 Q. THE DEFENDANT, WILLIE BELL'S?
- 5 A. YES, SIR.
- 6 Q. OKAY. WHO DID YOU GET THE INFORMATION FROM TO GET
7 A HOLLY HILL PHONE NUMBER, EIGHT O THREE, FOUR
8 NINE SIX, FIVE SIX SIX FOUR, WHO GAVE YOU THAT?
- 9 A. MR. BELL.
- 10 Q. WHERE WERE THE WITNESSES FROM?
- 11 A. PEOPLE AT THE HOTEL.
- 12 Q. THEY WEREN'T FRIENDS OF THE DEFENDANT'S?
- 13 A. NO, SIR.
- 14 Q. HE WAS BY HIMSELF AT THE MOTEL?
- 15 A. HE WAS -- SOMEBODY BROUGHT HIM BY THERE, I DON'T
16 REALLY REMEMBER THE PERSON'S NAME, BUT SOMEBODY
17 HAD BROUGHT HIM BY THERE, SO HE WAS ---
- 18 Q. SOMEBODY FROM THE MOTEL?
- 19 A. YES, SIR.
- 20 Q. AT THE TIME YOU BOUGHT THAT CAR FROM THE DEFENDANT
21 FOR THE DRUGS DID YOU KNOW THAT HE WAS WANTED FOR
22 THE KILLING OF MS. AMIE BELL?
- 23 A. NO, SIR.
- 24 Q. LET ME GO BACK TO THE BILL OF SALE REAL FAST. ON
25 THE BILL OF SALE YOU PUT DOWN THAT HE SOLD YOU THE

- 1 CAR FOR A CASH AMOUNT OF FIFTEEN HUNDRED DOLLARS?
- 2 A. YES, SIR.
- 3 Q. IS THAT TRUE?
- 4 A. NO, SIR.
- 5 Q. WHY DID YOU PUT THAT DOWN ON THE BILL OF SALE?
- 6 A. THAT WAS THE PRICE WE SAID WE WOULD PUT ON IT.
- 7 Q. THE TWO OF YOU AGREED TO IT?
- 8 A. YES, SIR.
- 9 Q. YOU DIDN'T WANT TO PUT DOWN FOR AN EIGHT BALL OF
- 10 CRACK?
- 11 A. NO, SIR.
- 12 Q. AND WHAT WAS THE PLAN ABOUT GOING ABOUT GETTING
- 13 THE TITLE FOR THE CAR?
- 14 A. WE WAS SUPPOSED TO GO UP, GO TO ORANGEBURG, TO HIS
- 15 AUNT'S, EXCUSE, ME TO HIS GRANDMOTHER'S HOUSE TO
- 16 GET THE TITLE MONDAY, BUT SOMETHING HAPPENED, WE
- 17 AIN'T END UP GOING MONDAY, WE LEFT TUESDAY
- 18 MORNING.
- 19 Q. OKAY. AND WHEN YOU WENT TUESDAY MORNING, DID YOU
- 20 GO TO HIS GRANDMOTHER'S HOUSE?
- 21 A. WE WENT TO HIS, HE TOLD ME IT WAS HIS UNCLE'S
- 22 HOUSE.
- 23 Q. OKAY. WAS IT HIS UNCLE?
- 24 A. I FOUND OUT -- AT THE TIME, NO, IT WAS NOT HIS
- 25 UNCLE.

- 1 Q. WHO WAS IT, DO YOU KNOW?
- 2 A. I WASN'T EVER SURE OF THE MAN'S NAME.
- 3 Q. OKAY. HAVE YOU HAD AN OPPORTUNITY TO MEET WITH
- 4 MR. FRANK COLTER EARLIER TODAY?
- 5 A. YES, SIR.
- 6 Q. IS THAT WHOSE HOUSE YOU WENT TO?
- 7 A. YES, SIR.
- 8 Q. AND WHEN YOU WENT BACK TO ORANGEBURG THAT TUESDAY
- 9 MORNING, WHO ALL WENT WITH YOU AND THE DEFENDANT?
- 10 A. A FRIEND OF MINE, DEBO.
- 11 Q. ANYBODY ELSE?
- 12 A. NO, SIR.
- 13 Q. WHERE IS DEBO FROM?
- 14 A. HE'S FROM AUGUSTA.
- 15 Q. OKAY. SO, DEBO IS NOT THE DEFENDANT'S FRIEND,
- 16 HE'S YOUR FRIEND?
- 17 A. YES, SIR.
- 18 Q. NOW, TELL US ABOUT WHEN YOU CAME BACK TO
- 19 ORANGEBURG AND WENT TO MR. COLTER'S HOUSE WHERE
- 20 THE DEFENDANT TOLD YOU TO GO, WHAT HAPPENED NEXT?
- 21 A. I GOT THERE I GOT A, I RECEIVED A PHONE CALL FROM
- 22 ONE OF MY FRIENDS BACK IN AUGUSTA, AND THEY SAID
- 23 THEY HAD SEEN THAT CAR AND THE DEFENDANT ON T.V.,
- 24 FOR, HE WAS WANTED FOR MURDER.
- 25 Q. OKAY. SO, WHAT DID YOU DO WHEN YOU GOT THAT

1 INFORMATION?

2 A. I ASKED HIM WAS IT TRUE, AND HE TOLD ME IT WASN'T.
3 BUT HIS GRANDMOTHER WASN'T THERE WITH THE TITLE
4 LIKE HE SAID SHE WAS, SO I THOUGHT SOMETHING WAS
5 STRANGE, SO I LEFT, I HAD MY FRIEND DRIVE US BACK
6 TO AUGUSTA.

7 Q. I WAS GOING TO ASK, WHERE DID YOU END UP GOING
8 BACK TO, TO THE SAME MOTEL?

9 A. YES, SIR.

10 Q. DID YOU EVER HAVE ANYMORE DEALINGS WITH THE
11 DEFENDANT AFTER THAT TUESDAY, MARCH FOURTEENTH?

12 A. NO, SIR.

13 Q. APPROXIMATELY WHAT TIME DO YOU THINK YOU GOT BACK
14 TO THE MOTEL, JUST APPROXIMATELY?

15 A. MAYBE AROUND TWELVE:THIRTY OR ONE O'CLOCK -- NO,
16 IT HAD TO BE A LITTLE BIT LATER THAN THAT FOR THEM
17 TO HAVE SEEN THE NEWS, MAYBE AROUND ONE OR TWO
18 O'CLOCK, SOMETIME LIKE THAT.

19 Q. OKAY. AND DID YOU STAY THERE THAT AFTERNOON,
20 TUESDAY, THE FOURTEENTH?

21 A. YES, SIR.

22 Q. WHAT HAPPENED LATER THAT AFTERNOON?

23 A. PROBABLY ABOUT THIRTY OR FORTY-FIVE MINUTES AFTER
24 I GOT BACK THE POLICE WAS AT MY DOOR.

25 Q. OKAY. AND DID THE POLICE END UP TAKING THE CAR

- 1 THAT'S IN STATE'S EXHIBIT TEN?
- 2 A. YES, SIR.
- 3 Q. DID YOU COOPERATE WITH THE POLICE?
- 4 A. YES, SIR.
- 5 Q. DID YOU GIVE THEM A STATEMENT THAT AFTERNOON?
- 6 A. YES, SIR.
- 7 Q. DID THEY ALSO GET A HOLD OF STATE'S EXHIBIT FIVE,
- 8 THE BILL OF SALE?
- 9 A. YES, SIR.
- 10 Q. LET ME SHOW YOU WHAT'S INTO EVIDENCE AS STATE'S
- 11 EXHIBIT TWELVE, ROOM SIX O NINE AT THE MOTEL,
- 12 WHOSE ROOM WAS THAT?
- 13 A. THAT WAS THE ROOM, THAT WAS MY ROOM AT THE TIME.
- 14 Q. OKAY. AND ALL THIS STUFF IN THE BAG, THESE ITEMS,
- 15 WHO PUT THAT STUFF IN THE MOTEL ROOM?
- 16 A. I GOT IT OUT OF THE, OUT OF THAT CAR.
- 17 Q. OKAY. AFTER YOU BOUGHT IT?
- 18 A. YES, SIR.
- 19 Q. OKAY. AND IS THIS THE ROOM THAT THE POLICE WENT
- 20 AND SEARCHED, THAT WAS YOUR ROOM, SIX O NINE?
- 21 A. YES, SIR.
- 22 Q. OKAY.
- 23 SOLICITOR PASCOE: I BEG THE COURT'S
- 24 INDULGENCE JUST ONE MOMENT.
- 25 THE COURT: YES, SIR.

1 Q. LET ME ASK -- FINALLY, MR. TAYLOR, THE PERSON THAT
2 YOU SOLD THE RED CONTOUR TO FOR AN EIGHT BALL OF
3 CRACK COCAINE, AND BROUGHT HIM BACK TO ORANGEBURG
4 ON TUESDAY, THE FOURTEENTH, DO YOU SEE HIM IN THE
5 COURTROOM?

6 A. YES, SIR.

7 Q. COULD YOU POINT HIM OUT FOR THE JURY?

8 A. MR. BELL OVER THERE.

9 Q. MR. BELL SEATED WITH THE TWO ATTORNEYS?

10 A. YES, SIR.

11 SOLICITOR PASCOE: THANK YOU, MR.
12 TAYLOR.

13 THE COURT: CROSS-EXAMINATION.

14 MR. MELLARD: ONE SECOND, YOUR
15 HONOR.

16 THE COURT: YES, SIR.

17 MR. MELLARD: NO QUESTIONS, YOUR
18 HONOR.

19 THE COURT: ALRIGHT. THANK YOU,
20 SIR, YOU CAN BE EXCUSED. AND THANK YOU FOR COMING.

21 ALRIGHT, SIR, CALL YOUR NEXT
22 WITNESS, PLEASE.

23 SOLICITOR PASCOE: FRANK COLTER,
24 YOUR HONOR.

25 THE COURT: COME AROUND, MR. COLTER.

1 MR. CLARIDAY, HOW ABOUT FIX THAT
2 MIKE. WE'RE GOING TO SWEAR HIM IN A MINUTE, JUST FIX
3 THE MIKE AROUND FOR HIM.

4 ALRIGHT, HOLD THE BIBLE THERE FOR
5 HIM.

6 PUT YOUR LEFT HAND ON THAT BIBLE,
7 MR. COLTER, AND RAISE YOUR RIGHT.

8 (Whereupon, Frank Colter
9 is duly sworn.)

10 THE COURT: THANK YOU, SIR.

11 THANK YOU, MR. CLARIDAY.

12 SOLICITOR PASCOE: I APPRECIATE YOU
13 PUTTING HIM TO WORK, TOO, BY THE WAY.

14 THE COURT: WELL, HE LEARNED THAT IN
15 LAW SCHOOL, I'M SURE. HE LEARNED TO FOLLOW DIRECTIONS
16 IN LAW SCHOOL ANYHOW. GO AHEAD.

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

1 DIRECT EXAMINATION OF FRANK COLTER

2 BY SOLICITOR PASCOE:

3 Q. GOOD MORNING, MR. COLTER.

4 A. GOOD MORNING.

5 Q. I WANT TO THANK YOU FOR COMING THIS AFTERNOON,
6 HOW OLD ARE YOU, SIR?

7 A. FIFTY-SIX.

8 Q. OKAY. AND SPEAK UP AS LOUDLY AS YOU CAN SO
9 EVERYBODY CAN HEAR YOU.

10 A. FIFTY-SIX.

11 Q. FIFTY-SIX. WHERE DO YOU LIVE, SIR?

12 A. ONE FIFTY-FIVE CHERRY HILL ROAD.

13 Q. OKAY. AND WERE YOU LIVING AT ONE FIFTY-FIVE
14 CHERRY HILL ROAD BACK IN MARCH OF TWO THOUSAND AND
15 SIX?

16 A. YES, I WAS.

17 Q. DID YOU KNOW THE DEFENDANT, WILLIE BELL, BEFORE
18 MARCH OF TWO THOUSAND AND SIX?

19 A. NO, I DID NOT.

20 Q. DID YOU EVER HAVE ANY DEALINGS WITH HIM BEFORE
21 MARCH OF TWO THOUSAND AND SIX?

22 A. NO, I DID NOT.

23 Q. OKAY. MR. COLTER, DID THE POLICE COME AND TALK TO
24 YOU BACK ON MARCH THE SEVENTEENTH, TWO THOUSAND
25 AND SIX?

- 1 A. YES, THEY CAME LOOKING FOR A FELLOW NAMED LEON.
- 2 Q. OKAY. AND DID YOU GIVE THEM INFORMATION?
- 3 A. I TOLD THEM, NO LEON LIVE HERE.
- 4 Q. OKAY. BUT DID YOU END UP GIVING THEM A STATEMENT
- 5 THAT DAY, ON MARCH SEVENTEENTH?
- 6 A. YES, I DID.
- 7 Q. OKAY.
- 8 A. I TOLD THEM, I LIVE HERE.
- 9 Q. OKAY. NOW, I WANT TO ASK YOU SOME QUESTIONS ABOUT
- 10 FRIDAY, MARCH THE TENTH, TWO THOUSAND AND SIX.
- 11 OKAY. WHO CAME TO YOUR HOUSE THAT FRIDAY, MARCH
- 12 THE TENTH?
- 13 A. IT WAS LEON, BELL, WHICH I DIDN'T KNOW HIS NAME AT
- 14 THE TIME, AND A LADY, I THINK HER NAME WAS ANNE.
- 15 Q. OKAY. SO, THREE PEOPLE, LEON, THE DEFENDANT, BELL,
- 16 AND ANOTHER GIRL?
- 17 A. YES.
- 18 Q. AND THAT WAS ON FRIDAY?
- 19 A. THAT WAS FRIDAY.
- 20 Q. OKAY. AND THAT WAS THE FIRST TIME YOU EVER MET
- 21 WITH MR. BELL?
- 22 A. THAT'S THE FIRST TIME I EVER SEEN HIM.
- 23 Q. APPROXIMATELY WHAT TIME DID THEY COME TO YOUR
- 24 HOUSE THAT FRIDAY NIGHT?
- 25 A. I'LL SAY BETWEEN ELEVEN AND TWELVE.

1 Q. OKAY. HOW DID THEY GET TO YOUR HOUSE?

2 A. THEY WAS DRIVING A CAR.

3 Q. OKAY. AND WHO HAD THE CAR?

4 A. WELL, LEON WAS DRIVING, SO HE SAY.

5 Q. OH, YOU DON'T KNOW, YOU DIDN'T SEE WHO WAS DRIVING
6 THAT CAR THAT DAY?

7 A. NO, BECAUSE THEY JUST KNOCK ON THE DOOR, I JUST
8 OPEN THE DOOR.

9 Q. OKAY. WHAT DID THE CAR LOOK LIKE?

10 A. IT WAS A MAROON, IT WAS MAROON, I DON'T KNOW
11 WHETHER IT WAS PONTIAC OR A CHEVY, BUT I KNOW IT
12 WAS MAROON.

13 Q. DO YOU RECOGNIZE THE CAR IN STATE'S EXHIBIT TEN?

14 A. YEAH, THAT'S IT.

15 Q. DOES THAT LOOK LIKE THE CAR THAT WAS THERE THAT
16 FRIDAY NIGHT?

17 A. IT LOOKS LIKE THE SAME ONE.

18 Q. OKAY. AND WHAT DID MR. BELL, LEON AND ANNE DO AT
19 YOUR HOUSE THAT FRIDAY NIGHT?

20 A. WELL, THEY -- I'LL TELL YOU THE GOD'S TRUTH, THEY
21 SMOKED SOME CRACK.

22 Q. OKAY. WELL, THAT'S WHAT WE NEED TO HAVE, IS THE
23 TRUTH, OKAY?

24 A. UH HUH.

25 Q. HOW LONG DID THEY STAY AT YOUR HOUSE THAT WEEKEND?

- 1 A. WELL, HE STAYED UNTIL I PUT HIM OUT.
- 2 Q. AND THAT WAS UNTIL THE NEXT WEEK?
- 3 A. THAT WAS ABOUT ---
- 4 Q. TUESDAY?
- 5 A. MONDAY OR TUESDAY, ONE OF THEM DAYS.
- 6 Q. SO, AFTER HE CAME BACK TO TOWN WITH KAREEM TAYLOR?
- 7 A. YEAH, BECAUSE THAT FELLOW AIN'T, ONE GOT UP, BUT
- 8 THAT ONE IN THE WHEEL CHAIR AIN'T NEVER GOT OUT.
- 9 Q. I'VE GOT YOU. NOW, AND SO UP UNTIL THE TIME,
- 10 SATURDAY AND SUNDAY, WHAT WAS THE DEFENDANT,
- 11 SPECIFICALLY, MR. BELL, DOING AT YOUR HOUSE?
- 12 A. SMOKING CRACK.
- 13 Q. DID YOU EVER WATCH ANY T.V. AT YOUR HOUSE THAT
- 14 WEEKEND?
- 15 A. NO, BECAUSE I AIN'T HAD NO T.V. THERE.
- 16 Q. HOW WAS THE DEFENDANT ACTING AT YOUR HOUSE, HOW
- 17 WAS HE ACTING ON FRIDAY AND SATURDAY AND SUNDAY?
- 18 A. NO, THE ONLY THING I COULD REMEMBER, IF A CAR COME
- 19 IN HE WOULD GO BACK IN THE HOUSE.
- 20 Q. DO YOU KNOW WHY HE WAS GOING BACK IN THE HOUSE?
- 21 A. NO, I DO NOT.
- 22 Q. AND THAT WOULD BE EVERY TIME A CAR WOULD COME BY
- 23 HE WOULD GO TOWARDS THE BACK?
- 24 A. YEAH, HE'D HAD TOWARDS THE BACK.
- 25 Q. AND THE DEFENDANT LEFT YOUR HOUSE SUNDAY MORNING,

1 MARCH THE TWELFTH?

2 A. YES, HE LEAVE.

3 Q. NOBODY ELSE LEFT WITH HIM?

4 A. NO, HE LEFT BY HIS SELF.

5 Q. BY HIMSELF. AND WHAT WAS HE DRIVING WHEN HE LEFT?

6 A. HE WAS DRIVING THAT SAME CAR.

7 Q. THAT RED CAR RIGHT THERE?

8 A. UH HUH.

9 Q. DID HE TELL YOU WHERE HE WAS GOING THAT SUNDAY?

10 A. NO, NO, HE DID NOT.

11 Q. AND AS YOU TESTIFIED TO, YOU SAW THE DEFENDANT
12 AGAIN AFTER THAT SUNDAY, RIGHT?

13 A. YES, HE CAME THAT MONDAY, HIM AND, LIKE I SAY, IT
14 WAS HIM AND THAT CRIPPLED FELLOW, AND ANOTHER
15 FELLOW.

16 Q. AND THE PERSON IN THE WHEEL CHAIR BEING MR.
17 TAYLOR?

18 A. UH HUH.

19 Q. AND ANOTHER FELLOW?

20 A. UH HUH.

21 Q. AND HOW DID THE DEFENDANT GET BACK TO YOUR HOUSE
22 ON MONDAY OR TUESDAY?

23 A. THEY BROUGHT HIM.

24 Q. AND IN WHAT CAR DID THEY BRING HIM IN?

25 A. THEY STILL BROUGHT HIM IN THAT SAME CAR.

- 1 Q. AND BEFORE I FORGET, ARE YOU MR. BELL'S UNCLE?
- 2 A. NO.
- 3 Q. YOU DIDN'T EVEN KNOW HIM BEFORE MARCH, TWO
- 4 THOUSAND AND SIX?
- 5 A. NO.
- 6 Q. DID THE DEFENDANT TELL YOU WHAT HE WAS DOING WHEN
- 7 HE CAME BACK INTO TOWN THAT MONDAY OR TUESDAY?
- 8 A. NO. THE ONLY THING HE SAY, HE'S GOT A SALE FOR
- 9 THAT CAR, THAT'S ALL.
- 10 Q. THE DEFENDANT DID TELL YOU HE WAS GOING TO SELL,
- 11 HE WAS SELLING THE CAR?
- 12 A. NO, HE SAID HE GOT A SALE FOR THE CAR.
- 13 Q. HE GOT A SALE FOR THE CAR?
- 14 A. UH HUH.
- 15 Q. ALRIGHT. JUST A FEW MORE QUESTIONS, OKAY? AND
- 16 MR. COLTER, THAT WAS THE DAY YOU TOLD HIM HE HAD
- 17 TO LEAVE?
- 18 A. YES.
- 19 Q. OKAY. DID YOU EVER SEE HIM AGAIN AFTER THAT DAY?
- 20 A. NO.
- 21 Q. OKAY. AND THE PERSON WHO CAME TO YOUR HOUSE THAT
- 22 FRIDAY NIGHT AND DID CRACK THAT WEEKEND, AND THEN
- 23 CAME BACK TO YOUR HOUSE THE FOLLOWING WEEK IN THE
- 24 RED CAR ---
- 25 A. NO, HE HAD THAT CAR WHEN HE CAME.

1 Q. I KNOW, ON FRIDAY?

2 A. UH HUH.

3 Q. AND THEN HE CAME BACK THE NEXT DAY. WHAT I'M
4 GETTING AT IS, THAT SAME PERSON THAT YOU SAW, WHO
5 WAS DOING THE CRACK IN YOUR HOUSE ON FRIDAY, AND
6 WHO CAME BACK THAT MONDAY OR TUESDAY, WHO SOLD THE
7 CAR TO THE MAN IN THE WHEEL CHAIR, DO YOU SEE HIM
8 IN THE COURTROOM TODAY?

9 A. THE DEFENDANT RIGHT THERE.

10 Q. ANY DOUBT IN YOUR MIND IT'S WILLIE BELL, THE
11 DEFENDANT?

12 A. NO, NO DOUBT.

13 SOLICITOR PASCOE: OKAY. I BEG THE
14 COURT'S INDULGENCE.

15 THE COURT: YES, SIR.

16 SOLICITOR PASCOE: ANSWER ANY
17 QUESTIONS DEFENSE COUNSEL HAS FOR YOU.

18 THE COURT: MR. MELLARD?

19 MR. MELLARD: NO QUESTIONS, YOUR
20 HONOR.

21 THE COURT: THANK YOU, SIR, YOU CAN
22 STEP DOWN. BE CAREFUL.

23 WITNESS: OKAY.

24 THE COURT: THANK YOU FOR COMING.

25 SOLICITOR PASCOE: THANK YOU, MR.

1 COLTER.

2 THE NEXT WITNESS, YOUR HONOR, IS
3 GOING TO BE AGENT ANDY WEIR.

4 (Whereupon, witness
5 enters the courtroom.)

6 THE COURT: COME AROUND, PLEASE,
7 SIR.

8 CLERK: PLEASE PLACE YOUR LEFT HAND
9 ON THE BIBLE AND RAISE YOUR RIGHT HAND.
10 (Whereupon, Leonard A. Weir, Jr.,
11 is duly sworn.)

12 CLERK: PLEASE HAVE A SEAT, AND
13 STATE YOUR NAME FOR THE RECORD.

14 WITNESS: MY NAME IS LEONARD A.
15 WEIR, JUNIOR.

16 SOLICITOR PASCOE: JUST ONE MOMENT,
17 YOUR HONOR.

18 THE COURT: YES, SIR.

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20 part of record has been omitted. Headers on testimony
21 pages and hard page breaks between testimony are now
22 required by the Court. See next ensuing page for
23 sequential continuation of record.)

1 DIRECT EXAMINATION OF LEONARD A. WEIR, JR.,

2 BY SOLICITOR PASCOE:

3 Q. WHERE DO YOU WORK, SIR?

4 A. I WORK WITH SLED.

5 Q. AND HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT
6 ALTOGETHER?

7 A. EIGHTEEN YEARS.

8 Q. AND HOW LONG HAVE YOU BEEN AT SLED?

9 A. FOURTEEN.

10 Q. WHAT ARE YOUR CURRENT DUTIES AT SLED?

11 A. I'M ASSIGNED TO THE ARSON UNIT, AND MY WHOLE
12 CAREER AT SLED I'VE HANDLED ACCELERATE AND
13 DETECTION CANINE.

14 Q. OKAY. HOW LONG HAVE YOU BEEN WITH THE ARSON
15 DIVISION?

16 A. FOURTEEN YEARS.

17 Q. AND WHAT DO YOU DO IN THE ARSON DIVISION, EXACTLY?

18 A. I OPERATE AN ACCELERATE DETECTION CANINE HANDLER,
19 OR I HANDLE AN ACCELERATE DETECTION CANINE, AND
20 PROCESS FIRE SCENES, ARSON SCENES.

21 Q. AND WHAT EXACTLY, FOR LAY PEOPLE LIKE MYSELF, WHAT
22 IS AN ARSON ACCELERATE CANINE?

23 A. IT'S A SPECIALLY TRAINED CANINE THAT'S TRAINED TO
24 DETECT FLAMMABLE LIQUIDS OR COMBUSTIBLE LIQUIDS.
25 AND SOME EXAMPLES OF THAT, LIKE GASOLINE,

1 KEROSENE, FUEL OIL, CHARCOAL LIGHTERS, LAMP OILS,
2 COLEMAN FUELS, THINGS OF THAT NATURE.

3 Q. OKAY. AND WHAT TRAINING DO YOU HAVE SPECIFICALLY
4 IN BEING AN ACCELERATE CANINE DETECTOR?

5 A. MY FIRST INITIAL SCHOOL WAS SIX WEEKS IN PORT
6 ROYAL AND CONNECTICUT STATE POLICE, I TRAINED WITH
7 ACCELERATE DETECTION CANINE RADAR, I OPERATED HIM
8 FROM NINETEEN NINETY-FOUR TO TWO THOUSAND, AND I
9 TRAINED APPROXIMATELY SIX WEEKS IN FORT ROYAL,
10 VIRGINIA, WITH THE BUREAU OF ATF, ALCOHOL, TOBACCO
11 AND FIREARMS, WITH ACCELERATE DETECTION CANINE
12 TRIXIE, AND SHE GRADUATED IN MAY OF TWO THOUSAND,
13 AND SHE RETIRED IN NOVEMBER OF TWO THOUSAND AND
14 SIX.

15 Q. OKAY. AND SPECIFICALLY, WERE YOU INVOLVED IN THE
16 MURDER AND ARSON INVESTIGATION AT ~~THE~~ ~~1~~ ~~1~~ ~~1~~
17 LOREEMITE ROAD IN HOLLY HILL ON MARCH THE NINTH,
18 TWO THOUSAND AND SIX?

19 A. YES, SIR, I WAS.

20 Q. AND WHAT DOG DID YOU USE THAT DAY?

21 A. THAT WAS CANINE TRIXIE.

22 Q. THAT WAS TRIXIE? AND WHAT TRAINING HAS SHE
23 UNDERGONE TO DETECT ACCELERATES?

24 A. HER INITIAL TRAINING WAS ABOUT A MONTH AND A HALF
25 OF IMPRINTING. SPEAKING OF IMPRINTING, THIS WAS,

1 IT'S LIKE THE PAVLOVIAN RESPONSE METHOD, WHEN HE
2 USED TO RING THE BELL AND THE DOGS WOULD COME AND
3 RECEIVE FOOD, AND SHE KNOWS WHEN SHE SMELLS AN
4 ODOR OF ACCELERATE SHE IS GOING TO GET A FOOD
5 REWARD. SO, THIS IS HER IMPRINTING STAGE. AND I
6 TRAINED APPROXIMATELY SIX WEEKS WITH HER DURING
7 HER TRAINING, TEACHING HER SEARCH PATTERNS. WE
8 LEARNED TO SEARCH PEOPLE, VEHICLES, CARS, BUSES,
9 OPEN AREAS, HOUSES, BUILDINGS AND ALL AT THAT
10 TIME.

11 Q. AND HOW DO YOU DETECT ACCELERATES IN GENERAL, I'M
12 NOT TALKING ABOUT JUST THIS CASE, BUT IN GENERAL
13 WITH TRIxie, HOW DO YOU GO ABOUT DETECTING THEM?

14 A. I DEPLOY HER INTO A SCENE ONCE THE SCENE IS SAFE
15 ENOUGH FOR HER TO GO IN, COOL ENOUGH, AND THERE'S
16 NO OBSTACLES FOR HER TO GET HURT ON. SHE GOES IN,
17 HER INITIAL SEARCH IS WHAT WE CALL A FREE SEARCH
18 PATTERN.

19 Q. AND WHAT TYPES OF ACCELERATES HAS TRIxie BEEN
20 TRAINED TO DETECT?

21 A. SHE'S TRAINED ON TEN BASIC ACCELERATES, AND OUT OF
22 THOSE MIXTURES AND THE COMMON PRODUCTS WE CAN FIND
23 IN TODAY'S STORES IN ALL, IT'S ABOUT THIRTY-FIVE
24 DIFFERENT TYPE ACCELERATES.

25 Q. COULD TRIxie DETECT LAMP OIL?

- 1 A. YES, SIR, THAT'S ONE OF HER BASIC ONES, YES, SIR.
- 2 Q. DOES SHE DISTINGUISH, THOUGH, BETWEEN ACCELERATES,
- 3 WOULD SHE BE ABLE TO DISTINGUISH ---
- 4 A. BETWEEN THE DIFFERENT KINDS?
- 5 Q. YES, SIR.
- 6 A. NO, SIR, HER ALERT IS THE SAME TO ALL ACCELERATES.
- 7 Q. AND HOW MANY FIRES HAVE YOU AND TRIXIE WORKED?
- 8 A. THREE HUNDRED AND FORTY-SIX.
- 9 Q. THREE HUNDRED AND FORTY-SIX?
- 10 A. YES, SIR.
- 11 Q. HOW MANY FIRES HAVE YOU WORKED?
- 12 A. TOTALLY WITH CANINES?
- 13 Q. TOTALLY WITH CANINES.
- 14 A. SEVEN HUNDRED AND TEN, AS OF MAY NINTH.
- 15 Q. HAVE YOU EVER BEEN QUALIFIED AS AN EXPERT TO
- 16 TESTIFY IN A COURT OF LAW IN REGARDS TO CANINE
- 17 ACCELERATE DETECTION?
- 18 A. YES, I HAVE.
- 19 Q. AND HOW MANY TIMES?
- 20 A. APPROXIMATELY TWENTY-SIX TIMES IN BOTH STATE AND
- 21 FEDERAL COURTS.
- 22 Q. OKAY. AND HAVE YOU BEEN QUALIFIED ALONG,
- 23 SOMETIMES WITH THE DOG IN PARTICULAR CASES?
- 24 A. ALL THOSE HAVE BEEN WITH THE CANINE, YES, SIR.
- 25 SOLICITOR PASCOE: OKAY. YOUR

1 HONOR, AT THIS TIME I WOULD OFFER AGENT WEIR AS AN
2 EXPERT IN THE FIELD OF ACCELERATE DETECTION BY A CANINE.

3 THE COURT: MR. MELLARD?

4 MR. MELLARD: NO OBJECTION, YOUR
5 HONOR.

6 THE COURT: I FIND THAT HE'S AN
7 EXPERT IN THAT FIELD, WITH THE SAME RESULTS, LADIES AND
8 GENTLEMEN, HE'LL BE ALLOWED TO GIVE HIS OPINION IN THAT
9 FIELD.

10 ALRIGHT, SIR.

11 SOLICITOR PASCOE: OKAY. THANK YOU,
12 SIR.

13 Q. AND YOU'VE KIND OF TOUCHED ON THIS, AGENT WEIR,
14 BUT IF YOU COULD, TELL US FIRST OF ALL IN GENERAL
15 WHAT YOU AND TRIxie DO WHEN YOU GET CALLED TO THE
16 SCENE OF A FIRE.

17 A. WE FIRST ARRIVE ON THE SCENE, WE MEET WITH THE
18 LOCAL INVESTIGATOR, WHICH THAT DAY WAS AGENT
19 COLLIER AND AGENT ROBERTSON AND SOME DETECTIVES
20 FROM ORANGEBURG COUNTY. THE BRIEFED ME AS TO WHAT
21 THE INITIAL FINDINGS WERE THERE. I LOOKED OVER
22 THE SCENE. AT THE TIME OF MY ARRIVAL THE VICTIM
23 HAD BEEN REMOVED FROM THE SCENE, WAS NOT IN THE
24 ACTUAL SCENE, WAS OUTSIDE WAITING TO BE
25 TRANSPORTED AWAY.

1 Q. OKAY. AND WHAT DID YOU DO WITH TRIxie WHEN YOU GOT
2 THERE, THOUGH, WHAT'S THE FIRST THING YOU HAVE TO
3 DO WHEN YOU GOT TO THE SCENE?

4 A. THE FIRST THING, AFTER I MAKE SURE THE SCENE IS
5 SECURE, THERE'S NOTHING IN THERE THAT'S GOING TO
6 HURT MYSELF OR MY CANINE, EXAMPLES OF THAT BEING
7 ANY KIND OF RAT POISON, ANTIFREEZE, ANY KIND OF
8 SHARP OBJECTS THAT WOULD HURT THE DOG. I GET A
9 PLACE, I DROP A FIFTY PER CENT EVAPORATED
10 GASOLINE, IT'S A BOTTLE I CARRY IN THE FRONT OF MY
11 VEHICLE AWAY FROM THE CANINE, I PLACED IT IN AN
12 AREA WHERE NOBODY WOULD STEP IN IT. AND ONCE I
13 GET HER OUT OF THE VEHICLE I PUT HER IN THE SEARCH
14 MODE, I SAID, COME ON, TRIxie, LET'S GO TO WORK.
15 AND I LET HER START WORKING AND FINDING THIS AREA,
16 AND ONCE SHE FINDS THE ACCELERATE I HAVE PLACED
17 DOWN HE ALERTS, I FEED HER, AND I SAY, TRIxie,
18 SHOW ME WHERE IT IS. SHE SHOWS ME, I REWARD HER
19 AGAIN. THIS IS WHAT WE CALL THE CALIBRATION
20 STAGE, IT'S TO LET ME KNOW THAT THE CANINE IS
21 WORKING CONSISTENT WITH HER TRAINING AND TO LET
22 CANINE KNOW THAT WE'RE FIXING TO GO TO WORK, IT'S
23 GOING TO BE MY WORK DAY.

24 Q. AND HOW DOES SHE GO ABOUT ALERTING YOU WHEN SHE
25 FINDS SOMETHING?

1 A. SHE'S GOT HER HEAD DOWN SNIFFING, YOU WILL HEAR
2 HER EXHALE REAL LOUDLY, AFTER SHE DOES THAT SHE
3 WILL TURN AND SHE WILL LOOK TOWARD ME, SHE'S
4 LOOKING FOR THAT REWARD.

5 Q. OKAY. AND BASED ON YOUR EXPERIENCE AND EXPERTISE,
6 HOW RELIABLE IS TRIxie IN FINDING ACCELERATES?

7 A. SHE IS VERY RELIABLE. THE CANINES HAVE BEEN
8 PROVEN OVER THE YEARS SINCE NINETEEN EIGHTY-NINE
9 WHEN THE FIRST CANINE WENT AVAILABLE TO DETECT
10 ACCELERATES, AS BEING FAR MORE RELIABLE THAN ANY
11 MAN MADE MACHINE THAT'S ON THE MARKET.

12 Q. SO, TRIxie IS EVEN MORE RELIABLE THAN ANY
13 MACHINES?

14 A. YES, SIR.

15 Q. OKAY. WILL SHE ALERT, IN YOUR OPINION, IF THERE'S
16 NOT AN ACCELERATE THERE?

17 A. NO, SIR.

18 Q. I MEAN, IS THERE ANY MACHINE EVEN AT SLED THAT'S
19 MORE RELIABLE THAN TRIxie?

20 A. OUR MACHINES AT SLED, AND OF COURSE, I'VE BEEN
21 THROUGH SEVERAL RE-CERTIFICATIONS WITH THE CANINES
22 WITH FEDERAL CHEMISTS THERE, AND IF THEY TURN THE
23 MACHINES DOWN TO GET INTO RANGES FOR WHAT A CANINE
24 CAN SMELL THAT LOW, THERE'S SO MUCH BACKGROUND
25 MATERIAL THAT THEY CANNOT DISTINGUISH WHAT THEY'RE

- 1 LOOKING AT. SO, ---
- 2 Q. BUT A CANINE CAN?
- 3 A. A CANINE CAN GET FAR LOWER THAN ANY MACHINE CAN.
- 4 Q. AND AS YOU TESTIFIED TO, SIR, YOU WERE CALLED TO
- 5 TWO TWO TWO DOLEMITE DRIVE ON MARCH THE NINTH, AND
- 6 WHY EXACTLY WERE YOU CALLED THERE, WHAT WERE YOU
- 7 GOING TO DO?
- 8 A. IT IS OUR PROCEDURE AT SLED THAT ANYTIME WE HAVE A
- 9 FIRE FATALITY, THAT THE CANINE AUTOMATICALLY
- 10 RESPONDS IF THE CANINE IS AVAILABLE.
- 11 Q. AND WHEN YOU GOT THERE THE FIRST PEOPLE YOU MET
- 12 WITH WERE WHO?
- 13 A. AGENT COLLIER AND AGENT ROBERTSON.
- 14 Q. OKAY. AND LET ME SHOW YOU WHAT'S BEEN MARKED AS
- 15 STATE'S EXHIBIT ONE, DO YOU RECOGNIZE THAT?
- 16 A. YES, SIR, THAT IS A DIAGRAM, WHICH WE CALL, OF THE
- 17 HOUSE.
- 18 Q. AND WOULD THAT ASSIST YOU IN USING THIS DIAGRAM
- 19 WITH THE JURY TO SHOW THEM WHAT YOUR FINDINGS WERE
- 20 THAT DAY?
- 21 A. YES, IT WOULD.
- 22 SOLICITOR PASCOE: I'D ASK THAT
- 23 STATE'S EXHIBIT ONE BE ADMITTED INTO EVIDENCE, YOUR
- 24 HONOR.
- 25 THE COURT: ANY OBJECTION?

1 MR. MELLARD: NO OBJECTION, YOUR
2 HONOR.

3 THE COURT: ADMITTED WITHOUT
4 OBJECTION.

5 (State's Exhibit One
6 marked and filed.)

7 Q. LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S
8 EXHIBIT SIX FOR IDENTIFICATION. DO YOU RECOGNIZE
9 THOSE PHOTOGRAPHS, JUST ALL OF THEM IN GENERAL?

10 A. YES, SIR, I DO.

11 Q. AND WHAT DO YOU RECOGNIZE THOSE TO BE?

12 A. THAT IS THE SCENE WE PROCESSED THAT DAY, SHOWING
13 BOTH PICTURES INSIDE AND OUTSIDE, AND THE FLOOR
14 AFTER IT'S BEEN CLEANED.

15 Q. IT ACTUALLY DEPICTS HOW THE HOUSE LOOKED THAT
16 AFTERNOON WHEN YOU WENT TO INVESTIGATE IT WITH
17 TRIXIE?

18 A. YES, IT WAS.

19 SOLICITOR PASCOE: I'D ASK THAT
20 STATE'S EXHIBIT SIX BE ADMITTED INTO EVIDENCE.

21 MR. MELLARD: NO OBJECTION, YOUR
22 HONOR.

23 SOLICITOR PASCOE: AND IF IT'S
24 ALRIGHT, I'LL GO AHEAD AND -

25 THE COURT: IT'S ALREADY BEEN

1 ADMITTED.

2 SOLICITOR PASCOE: NO, IT HASN'T
3 BEEN MARKED OFF YET, SIX HASN'T.

4 THE COURT: WELL, I THINK IT'S BEEN
5 ADMITTED SUBJECT TO THE DEFENDANT'S OBJECTION TO
6 PHOTOGRAPH -

7 SOLICITOR PASCOE: NO, NO, NO. THIS
8 IS -

9 THE COURT: THAT'S A DIFFERENT ONE?

10 SOLICITOR PASCOE: YES, SIR.

11 THE COURT: OKAY. IT LOOKS JUST
12 LIKE IT. ALRIGHT, THAT ONE'S ADMITTED. WHAT NUMBER IS
13 IT?

14 SOLICITOR PASCOE: IT'S SIX.

15 COURT REPORTER: STATE'S SIX?

16 SOLICITOR PASCOE: AND IF YOU WANT,
17 I'LL DO WHAT YOU TOLD ME TO DO YESTERDAY, I MIGHT DO A,
18 B, C.

19 THE COURT: IF YOU'RE GOING TO REFER
20 TO THEM THAT WOULD BE GOOD, TO LETTER THEM.

21 SOLICITOR PASCOE: OKAY.

22 (State's Exhibit Six
23 marked and filed.)

24 Q. AND STATE'S EXHIBIT EIGHT, DO THEY ALSO ACCURATELY
25 DEPICT THE WAY THE HOUSE WAS THAT DAY WHEN YOU

1 WENT TO INVESTIGATE IT?

2 A. YES, SIR, IT IS.

3 SOLICITOR PASCOE: OKAY. I'D ASK
4 THAT STATE'S EXHIBIT EIGHT BE ADMITTED INTO EVIDENCE.

5 MR. MELLARD: NO OBJECTION, YOUR
6 HONOR.

7 THE COURT: ADMITTED WITHOUT
8 OBJECTION.

9 (State's Exhibit Eight
10 marked and filed.)

11 SOLICITOR PASCOE: AND I'LL TELL YOU
12 WHAT, CAN I HAVE THE WITNESS STEP DOWN, YOUR HONOR?

13 THE COURT: YES, SIR.

14 Q. I'M GOING TO LET YOU STAND OVER THERE, OKAY?

15 A. ALRIGHT, SIR.

16 Q. USING THESE DIAGRAMS, PROBABLY MORE SPECIFICALLY,
17 STATE'S EXHIBITS SEVEN AND ONE, IF YOU COULD MAYBE
18 SHOW THE JURY WHAT YOU WENT ABOUT DOING THAT
19 MORNING WITH TRIxie? HERE IS STATE'S EXHIBIT
20 SEVEN.

21 A. THIS WAS IN THE VICTIM'S BEDROOM HERE, WHICH WOULD
22 HAVE BEEN -- CAN I USE BOTH OF THEM, SOLICITOR?

23 Q. YES, SIR, YOU USE WHATEVER YOU WANT TO USE.

24 A. IT WOULD BE IN THIS AREA HERE. THIS IS WHERE I
25 INITIALLY TOOK MY CANINE IN FROM THE SIDE, RIGHT

1 HERE. I INITIALLY PUT HER IN HERE, AND HER LET
2 HER START -- I GO THROUGH WHAT WE CALL A PRE-
3 SEARCH MODE WITH THE CANINE, I KIND OF LET HER GO
4 INTO THE HOUSE, SHE'S ON THE LEASH, I LET HER GO
5 SMELL EVERYWHERE SHE WANTS TO SMELL, LOOK AROUND,
6 AND ALL OF THAT. AND THAT'S WHAT WE CALL, SHE'S
7 PRE-SEARCHING, AND SHE'S ALSO GETTING ACCLIMATED
8 TO THE AREA. TO EXPLAIN THE ACCLAMATION TO YOU,
9 IT'S LIKE WHEN WE WALK INTO A FLOWER SHOP OR A
10 PERFUME SHOP AND THE SMELL IS REAL STRONG WHEN YOU
11 WALK IN THERE. WHEN YOU'RE THERE ABOUT FOUR OR
12 FIVE MINUTES, YOU KNOW, YOU CAN GET REAL USED TO
13 IT. THIS IS THE ACCLAMATION PROCESS I USE FOR A
14 CANINE, I LET THE CANINE GET USED TO THE AREA THAT
15 SHE'S GOING TO BE WORKING IN AND THE ODORS SHE'S
16 GOING TO BE IN, RIGHT THERE, AND SHE'S ALSO PRE-
17 SEARCHING AT THE SAME TIME. SO, THIS BEING A
18 HEAVY BURNED AREA HERE WHERE THE VICTIM WAS, I
19 ALWAYS START IN THE AREA WHERE THE MOST DAMAGE IS
20 FOR THE CANINE. SHE PROCESSED THE BED, SHE'S
21 SEARCHING THE BED, WE GO AROUND THE ROOM, CRISS-
22 CROSS ACROSS THE BED, AND START OUT IN THE HALLWAY
23 HERE. DO YOU WANT ME TO CONTINUE ON, SOLICITOR?
24 Q. YES, SIR. POINT OUT EXACTLY, YOU KNOW, THE
25 PICTURES AND THE DIAGRAM EXACTLY WHERE TRIxie

1 WORKED.

2 A. I'LL SHOW IT ON THE DIAGRAM FIRST AND THEN GO
3 BACK, SIR. WHEN SHE COMPLETED HER SEARCH HERE, WE
4 WENT AROUND THIS AREA CALLED THE DEN AREA IN HERE,
5 AND STARTED WORKING THROUGH HERE INTO THE LIVING
6 ROOM, ON OUT, AND OUT THROUGH THE FRONT DOOR HERE.
7 AND IN THIS AREA SHE ALERTED APPROXIMATELY TEN
8 TIMES. WHEN I SAY, ALERT, THE CANINE RECOGNIZED
9 THE ODORS SHE'S TRAINED TO, SHE SAT, ALERTED, AND
10 ALL OF HER ALERTS WERE MARKED WITH THESE ORANGE
11 CONES SHOWN IN PICTURES HERE. ONCE THIS AREA WAS
12 PROCESSED WITH THE CANINE, AND ALL THAT MARKED,
13 PHOTOGRAPHED, AND SAMPLES COLLECTED, ONCE THAT'S
14 DONE WE COME BACK IN AND I COMPLETE THE REST OF
15 THE HOUSE WITH THE CANINE, GETTING NO OTHER ALERTS
16 IN ANY OTHER AREAS OF THE HOUSE. THROUGH THE BACK
17 DOOR, THROUGH THESE OTHER ROOMS HERE, BACK UP TO
18 WHERE THE VICTIM'S BEDROOM WAS, THEY WERE ALL IN
19 THE VICTIM'S BEDROOM, THROUGH THE DEN AREA, OUT
20 THE LIVING ROOM AREA, OUT TO THE FRONT DOOR.

21 Q. AND WHERE EXACTLY, USING STATE'S EXHIBIT SEVEN,
22 DID TRIxie ALERT TO AS TO FINDING ACCELERATES?

23 A. AS I SAID, THE ENTRANCE TO THE BEDROOM DOOR, WHICH
24 WOULD BE THESE TWO RIGHT HERE, I BELIEVE IT'S
25 CANINE ALERTS FIVE AND SIX, RIGHT HERE.

1 Q. AND JUST AS IS SPECIFIED, AS YOU TESTIFIED TO,
2 EVERYWHERE WHERE THERE'S AN ORANGE CONE IS WHERE
3 SHE ALERTED TO?

4 A. YES, SIR, SHE ALERTED CONSISTENT WITH HER TRAINING
5 ON EACH OF THE PLACES WHERE THE CONES ARE.

6 Q. IN THE PICTURE SEVEN-D, THAT'S WITH THE BODY STILL
7 IN THE BED?

8 A. YES, SIR.

9 Q. AND YOU GOT THERE AFTER THE BODY WAS REMOVED,
10 WHICH WOULD BE SEVEN-A?

11 A. YES, SIR, THAT IS CORRECT.

12 Q. AND WHERE DID TRIxie ALERT TO IN PICTURE SEVEN-A?

13 A. ALMOST ON THE CENTER OF THE BED, RIGHT HERE.

14 Q. OKAY. AND WHY WOULD TRIxie ALERT THERE?

15 A. SHE INDICATED THE PRESENCE OF AN ACCELERATE.

16 Q. AND THEN, LOOKING AT PHOTOGRAPH SEVEN-E, WHERE ARE
17 THESE ALERTS?

18 A. THESE ARE IN THE DEN AND THE LIVING ROOM AREA
19 HEADING TOWARD THE FRONT DOOR.

20 Q. AND BETTER YET, EVEN SEVEN-G, THERE'S AN ALERT
21 RIGHT THERE, WHAT'S THAT?

22 A. THAT'S COMING OUT OF THE BEDROOM DOOR RIGHT THERE.

23 Q. OKAY. AND MAYBE IF YOU COULD, LET ME HOLD STATE'S
24 EXHIBIT ONE, I WANT YOU TO POINT SPECIFICALLY TO
25 THE PLACES, THE AREAS WHERE TRIxie ALERTED TO,

1 STARTING WITH THE BED ROOM?

2 A. NUMBER ONE, THE FIRST ALERT BEING ON THE CENTER OF
3 THE BED IN THIS PHOTOGRAPH HERE. TWO, OUTSIDE THE
4 DOOR HERE, AND THE REST WERE THROUGH HERE, ALMOST
5 IN A PATTERN LIKE YOU WOULD WALK HERE, AND COME
6 RIGHT TO THE FRONT DOOR OF THE HOUSE.

7 Q. SO, IT TRAILED FROM THE BED, ALL THE WAY OUT THE
8 FRONT DOOR OF THE HOUSE?

9 A. YES, SIR.

10 Q. AND THOSE ARE DEPICTED IN STATE'S EXHIBIT SEVEN?

11 A. YES, SIR.

12 Q. OKAY.

13 A. WITH THE EXCEPTION OF THIS ---

14 Q. YES, SIR.

15 A. --- THE VICTIM WAS NOT THERE WHEN I STARTED MY
16 SEARCH.

17 Q. YES, SIR. THANK YOU, YOU CAN SIT BACK DOWN FOR ME.
18 TRIXIE WENT THROUGH THE ENTIRE HOUSE, AGENT WEIR?

19 A. YES, SIR, SHE DID.

20 Q. DID SHE ALERT TO ANYMORE PLACES INSIDE THE HOUSE
21 WHERE THERE WERE ANY ACCELERATES?

22 A. NO, SIR, SHE DID NOT.

23 Q. AND SIR, BASED ON YOUR EXPERTISE AS AN EXPERT
24 WITNESS, AND YOUR EXPERIENCE, AND YOUR FINDINGS
25 WITH TRIXIE, DO YOU HAVE AN OPINION AS TO WHERE

1 THE FIRE STARTED?

2 A. THE FIRE ORIGINATED ON THE VICTIM'S BED, AND IN
3 THE AREA AROUND THE BED.

4 Q. AND SIR, DID YOU HAVE ANYMORE INVOLVEMENT IN THIS
5 CASE ---

6 A. NO, SIR.

7 Q. --- AFTER ---

8 A. NO, SIR, THAT WAS IT.

9 SOLICITOR PASCOE: OKAY. I BEG THE
10 COURT'S INDULGENCE. ANSWER ANY QUESTIONS DEFENSE
11 COUNSEL HAS FOR YOU, SIR.

12 THE COURT: MR. MELLARD.

13 MR. MELLARD: I'VE JUST GOT A COUPLE
14 OF QUESTIONS.

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

1 CROSS-EXAMINATION OF LEONARD A. WEIR

2 BY MR. MELLARD?

3 Q. YOU WERE CALLED BY THE ORANGEBURG SHERIFF'S
4 DEPARTMENT ON MARCH NINTH, IS THAT CORRECT?

5 A. I WAS REQUESTED THROUGH OUR DUTY OFFICER AT SLED.

6 Q. OKAY. AND WHEN YOU ARRIVED THERE THE FIRE
7 FIGHTERS HAD BEEN THERE FOR SOME TIME?

8 A. THE FIRE FIGHTERS HAD ACTUALLY GONE, YES, SIR.

9 Q. THEY HAD GONE? OKAY. WHEN DID YOU ARRIVE, WHAT
10 TIME DID YOU ARRIVE?

11 A. IT WAS SHORTLY AFTER TWO O'CLOCK, I HAD TO COME
12 FROM CHESTER COUNTY AND TRAVEL ---

13 Q. OKAY.

14 A. --- APPROXIMATELY ABOUT A TWO HOUR DRIVE THERE.

15 Q. OKAY. AND WHEN YOU GOT THERE THERE WAS EXTENSIVE
16 DAMAGE TO THE ENTIRE STRUCTURE?

17 A. YES, SIR, LIKE IS IN THOSE PICTURES.

18 Q. OKAY. ARE YOU AWARE IF THE FIRE FIGHTERS HAD
19 REMOVED ITEMS FROM THE STRUCTURE?

20 A. NO, SIR, NOT ON MY ARRIVAL.

21 Q. ARE YOU AWARE OF WHETHER THEY HAD REMOVED A GAS
22 HEATER?

23 A. NO, SIR.

24 Q. OKAY. ARE YOU AWARE THAT THEY HAD REMOVED OIL
25 LAMPS?

1 A. NO, SIR.

2 Q. OKAY. A DOG LIKE TRIxie WOULD ALERT TO -- WOULD
3 SHE ALERT TO LAMP OIL?

4 A. YES, SIR, THAT'S ONE OF THE THINGS.

5 Q. HOW ABOUT HOUSEHOLD CHEMICALS?

6 A. SUCH AS?

7 Q. SUCH AS ANYTHING THAT WOULD BE FLAMMABLE?

8 A. SOME COMMON ONES THAT, YOU KNOW, PEOPLE KEEP IN
9 THE HOUSE WOULD MAYBE BE SOME KIND OF GLUE REMOVER
10 OR FINGER NAIL POLISH REMOVER.

11 Q. FINGER NAIL POLISH, ANY OTHER COMMON HOUSEHOLD ---

12 A. FINGER NAIL POLISH REMOVER.

13 Q. FINGER NAIL POLISH REMOVER, ANY OTHER COMMON
14 HOUSEHOLD ITEMS THAT THEY WOULD ALERT TO?

15 A. NO, SIR.

16 Q. OKAY. YOU WOULD AGREE WITH ME THAT A DOG CAN'T
17 TELL HOW A PARTICULAR SUBSTANCE ENDED UP ON A
18 STRUCTURE?

19 A. NO, SIR.

20 Q. OKAY. YOU WOULD NOT AGREE WITH ME. ALRIGHT.
21 COULD A DOG ---

22 A. I MEAN, A DOG COULDN'T, WOULD HAVE NO MORE
23 KNOWLEDGE OF HOW IT GOT THERE THAN I DID.

24 Q. OKAY. AND YOU DIDN'T HAVE ANY KNOWLEDGE OF HOW IT
25 GOT THERE?

1 A. NO, SIR, AND SHE DIDN'T EITHER.

2 Q. ALRIGHT. SO, A DOG CAN'T DISTINGUISH BETWEEN
3 SUBSTANCES THAT WERE DELIBERATELY PLACED THERE OR
4 ACCIDENTALLY PLACED THERE?

5 A. STUFF THAT WAS INDIGENOUS TO THE SCENE.

6 Q. RIGHT. AND IF SOMEBODY DROPPED SOMETHING ON THE
7 FLOOR BY ACCIDENT THE DOG COULDN'T DISTINGUISH
8 BETWEEN ---

9 A. NOT UNLESS HER AND I BOTH WERE THERE AND SEEN IT
10 HAPPEN.

11 Q. OKAY. AND DOGS CAN'T DISTINGUISH BETWEEN TYPES OF
12 ACCELERATES, I BELIEVE YOU SAID?

13 A. THAT'S CORRECT. THE ALERT IS CONSISTENT WITH ALL
14 ACCELERATES.

15 MR. MELLARD: THANK YOU.

16 THE COURT: ANY REDIRECT?

17 SOLICITOR PASCOE: NO, YOUR HONOR.

18 THANK YOU.

19 THE COURT: THANK YOU, SIR, YOU MAY
20 STEP DOWN, YOU MAY BE EXCUSED. THANK YOU FOR COMING.

21 WITNESS: THANK YOU, SIR.

22 SOLICITOR PASCOE: LIEUTENANT CRAIG
23 COLLIER, YOUR HONOR.

24 (Whereupon, witness
25 enters the courtroom.)

1 THE COURT: ALRIGHT, COME AROUND,
2 PLEASE, SIR.

3 CLERK: PLACE YOUR LEFT HAND ON THE
4 BIBLE AND RAISE YOUR RIGHT HAND.

5 (Whereupon, Timothy Craig Collier, Sr.,
6 is duly sworn.)

7 CLERK: HAVE A SEAT AND STATE YOUR
8 FULL NAME.

9 WITNESS: MY NAME IS TIMOTHY CRAIG
10 COLLIER, SENIOR.

11 SOLICITOR PASCOE: DO YOU WANT ME TO
12 GET ROB TO FIX THAT MICROPHONE?

13 THE COURT: WELL, HE'S AN -- HE'S
14 HAD A FEW, LOOSEN THAT LITTLE SILVER HANDLE BACK THERE
15 AND IT WILL COME ON UP WHERE YOU WANT IT, AND THEN
16 TIGHTEN IT BACK AND IT WILL STAY THERE. ALRIGHT, HE'S
17 GOT IT.

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

1 DIRECT EXAMINATION BY T. CRAIG COLLIER, SR.,

2 BY SOLICITOR PASCOE:

3 Q. WHERE DO YOU WORK, LIEUTENANT?

4 A. SLED.

5 Q. AND HOW LONG HAVE YOU WORKED WITH SLED?

6 A. SINCE TWO THOUSAND AND ONE.

7 Q. AND HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT
8 ALTOGETHER?

9 A. ABOUT TWELVE YEARS.

10 Q. AND WHAT ARE YOUR CURRENT DUTIES AT SLED?

11 A. I'M A LIEUTENANT IN THE LOW COUNTRY REGIONAL
12 OFFICE.

13 Q. OKAY. AND WHAT WERE YOUR DUTIES WITH SLED BACK IN
14 MARCH OF TWO THOUSAND AND SIX?

15 A. I WAS ASSIGNED TO THE ARSON INVESTIGATIVE UNIT FOR
16 THE LOW COUNTRY REGION.

17 Q. AND HOW LONG HAVE YOU BEEN AN ARSON INVESTIGATOR?

18 A. SINCE NINETEEN NINETY-EIGHT.

19 Q. AND WHAT KIND OF TRAINING HAVE YOU GONE THROUGH TO
20 INVESTIGATE FIRES AND DETERMINE WHETHER ARSON IS
21 THE CAUSE OF A FIRE?

22 A. I WENT TO THE TWO WEEK ARSON SCHOOL BACK IN
23 NINETEEN NINETY-EIGHT PUT ON BY THE POLICE ACADEMY
24 AND THE FIRE ACADEMY IN SOUTH CAROLINA. I'VE
25 BEEN, FOR THE REST OF THE TIME, JUST ON THE JOB

1 TRAINING, OVER TWO HUNDRED FIRE SCENES
2 INVESTIGATED. I ALSO NOW TEACH AT THE ARSON
3 SCHOOL.

4 Q. OKAY. AND WHEN WE USE THE TERM, ARSON, WHAT DOES
5 THAT MEAN?

6 A. IT'S AN INTENTIONALLY SET FIRE.

7 Q. OKAY. HOW MANY FIRES HAVE YOU INVESTIGATED SINCE
8 TWO THOUSAND AND ONE, OR -- AS AN ARSON
9 INVESTIGATOR?

10 A. PROBABLY OVER TWO HUNDRED.

11 Q. OKAY. HAVE YOU EVER TESTIFIED OR EVER BEEN
12 QUALIFIED AS AN EXPERT IN ARSON INVESTIGATIONS IN
13 GENERAL SESSIONS BEFORE?

14 A. YES, I HAVE.

15 Q. HOW OFTEN, SIR?

16 A. FOUR TIMES.

17 Q. OKAY.

18 SOLICITOR PASCOE: YOUR HONOR, AT
19 THIS TIME WE WOULD ASK THAT LIEUTENANT COLLIER BE
20 ADMITTED AS AN EXPERT IN THE FIELD OF ARSON
21 INVESTIGATIONS.

22 MR. MELLARD: CAN WE APPROACH REAL
23 QUICK?

24 THE COURT: YES, SIR.

25 (Whereupon, a bench conference

1 is held out of the hearing of
2 the jury and court reporter.)

3 MR. MELLARD: WE WOULD OBJECT TO HIM
4 BEING QUALIFIED AS AN EXPERT.

5 THE COURT: DO YOU WANT TO QUESTION
6 HIM ABOUT HIS QUALIFICATIONS?

7 MR. MELLARD: YOUR HONOR, I'D LIKE
8 TO ASK HIM A COUPLE OF QUESTIONS.

9 THE COURT: YES, SIR, GO AHEAD.

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

1 CROSS-EXAMINATION OF T. CRAIG COLLIER, SR.,

2 BY MR. MELLARD:

3 Q. YOU WENT TO A TWO WEEK ARSON SCHOOL?

4 A. YES, SIR, THAT'S CORRECT, BACK IN NINETEEN NINETY-
5 EIGHT.

6 Q. IN NINETEEN NINETY-EIGHT?

7 A. UH HUH.

8 Q. AND I BELIEVE YOU SAID THAT YOU TEACH AN ARSON ---

9 A. I TEACH AT THE SAME SCHOOL NOW.

10 Q. WHAT SCHOOL IS THAT?

11 A. IT'S THE TWO WEEK SCHOOL PUT ON BY THE FIRE
12 ACADEMY.

13 Q. AT THE FIRE ACADEMY?

14 A. NOW IT IS, YES, SIR, BACK THEN IT WAS AT THE
15 POLICE ACADEMY.

16 Q. THE POLICE ACADEMY?

17 A. THE SAME SCHOOL, JUST CHANGED LOCATIONS.

18 Q. AND BETWEEN NINETY-EIGHT AND -- WHEN DID YOU
19 BECOME A TEACHER?

20 A. I'VE TAUGHT THE SCHOOL NOW FOR PROBABLY THREE
21 YEARS, THE LAST THREE CLASSES I'VE TAUGHT AT.

22 Q. OKAY.

23 A. ONCE A YEAR, THE CLASS IS ONCE A YEAR.

24 Q. THE CLASS IS ONCE A YEAR?

25 A. YES, SIR.

1 Q. AND THE CLASS IS, WHAT, TWO WEEKS?

2 A. THAT'S CORRECT, YES, SIR.

3 Q. OKAY. SO, YOU'VE TAUGHT A TOTAL OF SIX WEEKS OF
4 CLASSES, IS THAT CORRECT?

5 A. NO, ACTUALLY, I TEACH A SECTION, I TEACH A FOUR
6 HOUR BLOCK OF INSTRUCTION ON INDICATORS AND
7 INCENDIARY FIRES, WHICH IS BASICALLY INDICATORS
8 THAT SET FIRES, THAT'S THE SECTION THAT I TEACH,
9 AND IT'S A FOUR HOUR BLOCK. SO, I'VE TAUGHT THAT
10 THREE TIMES.

11 Q. OKAY. HOW ABOUT CERTIFICATION, DO YOU HAVE TO BE
12 CERTIFIED, RE-CERTIFIED?

13 A. NO, SIR.

14 Q. YOU DON'T?

15 A. NO, SIR.

16 Q. SO, YOUR TWO WEEK TRAINING IN NINETEEN NINETY-
17 EIGHT IS ALL YOU WOULD NEED?

18 A. THAT, COUPLED WITH MY ALMOST NINE YEARS ON THE JOB
19 TRAINING, INVESTIGATING FIRES, THAT'S ALL I DID
20 WAS INVESTIGATE FIRES.

21 Q. AND, ALRIGHT, DID YOU HAVE A SUPERVISOR?

22 A. I DID.

23 Q. YOU DID?

24 A. YES, SIR, I DID.

25 Q. OKAY. SOMEBODY LOOKING OVER YOUR SHOULDER WHEN

1 YOU WERE DOING THAT?

2 A. NO, SIR, NOT AT ALL.

3 Q. NO ONE WAS LOOKING OVER YOUR SHOULDER?

4 A. NO, SIR, THEY WEREN'T LOOKING OVER MY SHOULDER.

5 Q. SO, YOU HAD TWO WEEKS OF TRAINING IN NINETY-EIGHT,
6 AND THEN THEY SENT YOU OUT IN THE FIELD, AND
7 THAT'S THE EXTENT OF IT?

8 A. I HAD A TRAINING OFFICER FOR A SHORT PERIOD OF
9 TIME, AND THEN I WAS CUT LOOSE, YES, SIR. AND
10 I'VE SINCE TRAINED TWO AGENTS, AS WELL.

11 MR. MELLARD: THAT'S ALL THE
12 QUESTIONS I HAVE ON THIS.

13 THE COURT: ALRIGHT, SIR, I'LL BE
14 GLAD TO HEAR YOU.

15 MR. MELLARD: I WOULD OBJECT, I
16 DON'T THINK HE HAS ENOUGH TRAINING. A TWO WEEK TERM IN
17 NINETEEN NINETY-EIGHT, AND NO ADDITIONAL TRAINING OTHER
18 THAN JUST LETTING HIM LOOSE IN THE FIELD, I DON'T THINK
19 THAT -- NO RE-CERTIFICATIONS. I DON'T CONSIDER HIM TO BE
20 AN EXPERT, YOUR HONOR.

21 THE COURT: ALRIGHT, SIR, WELL, I
22 FIND THAT BASED ON HIS TRAINING AS WELL AS HIS
23 EXPERIENCE, AND THE POSITION HE HOLDS, HE'S BEEN
24 SELECTED TO BE A TEACHER AT THE ACADEMY, THAT HE'S
25 QUALIFIED AS AN EXPERT IN ARSON INVESTIGATION, AND SO,

1 I FIND THAT HE IS SO QUALIFIED.

2 GO AHEAD, SOLICITOR.

3 SOLICITOR PASCOE: YES, SIR.

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5 part of record has been omitted. Headers on testimony
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7 required by the Court. See next ensuing page for
8 sequential continuation of record.)

1 DIRECT EXAMINATION OF T CRAIG COLLIER, SR.,

2 BY SOLICITOR PASCOE CONTINUES:

3 Q. AND YOU'VE TESTIFIED BEFORE AS AN EXPERT ---

4 A. YES, I HAVE.

5 Q. --- ON OTHER OCCASIONS? WHERE WERE YOU CALLED TO
6 GO ON THURSDAY, MARCH THE NINTH, TWO THOUSAND AND
7 SIX?

8 A. TWO TWENTY-TWO ROAD IN HOLLY HILL, SOUTH
9 CAROLINA.

10 Q. AND THAT'S IN ORANGEBURG COUNTY?

11 A. YES, IT IS.

12 Q. AND APPROXIMATELY WHAT TIME DID YOU ARRIVE?

13 A. PROBABLY AROUND TEN IN THE MORNING.

14 Q. AND ARE YOU FAMILIAR WITH THE HOLLY HILL AREA?

15 A. NOT REAL FAMILIAR.

16 Q. OKAY. WHAT COUNTY DO YOU LIVE IN?

17 A. I LIVE IN ORANGEBURG COUNTY AS WELL.

18 Q. WHEN DID YOU FIRST GET TO THE SCENE -- WHEN YOU
19 FIRST GOT TO THE SCENE WAS THERE ANYTHING THAT YOU
20 NOTICED, FIRST OF ALL?

21 A. IT'S WAY OFF THE ROAD, IT WAS IN A SECLUDED AREA.

22 Q. AND ACCURATELY DEPICTED IN STATE'S EXHIBIT TWENTY?

23 A. YES, SIR, IT IS.

24 Q. THE HOUSE IS JUST BY ITSELF?

25 A. THAT'S RIGHT.

1 Q. OKAY. AND WHEN YOU GOT TO THE SCENE, OBVIOUSLY,
2 THE FIRE WAS ALREADY OUT, CORRECT?

3 A. CORRECT.

4 Q. SO, WHY DID YOU GET CALLED TO THE SCENE?

5 A. I WAS CALLED TO THE SCENE TO INVESTIGATE THE FIRE
6 BECAUSE IT WAS A DEATH INVOLVED WITH IT.

7 Q. OKAY. AND WHAT IS THE FIRST THING YOU DID WHEN
8 YOU GOT TO THE SCENE AT DOLEMITE ROAD?

9 A. THE FIRST THING I DID WAS ADVISE THE LOCAL
10 SHERIFF'S OFFICE WE NEEDED A SEARCH WARRANT TO
11 ENTER THE PREMISE.

12 Q. OKAY. AND WHAT OTHER AGENCIES WERE THERE?

13 A. THE ORANGEBURG COUNTY SHERIFF'S OFFICE WAS ALSO
14 THERE, THEY HAD REPRESENTATIVES THERE.

15 Q. OKAY. AND DID YOU THAT DAY GO ABOUT PROCESSING THE
16 SCENE?

17 A. I DID.

18 Q. OKAY. HOW DID YOU GO ABOUT PROCESSING THE SCENE
19 THAT DAY?

20 A. I PROCESSED THE FIRE SCENE LIKE I PROCESS ALL FIRE
21 SCENES. IT'S A SYSTEMATIC APPROACH. THE FIRST
22 THING I DO IS WALK AROUND THE EXTERIOR OF THE
23 BUILDING, NOTING DAMAGE FROM THE OUTSIDE BEFORE
24 ENTERING. THE REASON FOR THAT IS TO TRY TO FIND
25 THE AREA OF LEAST DAMAGE. THAT'S WHERE WE KNOW

1 THE FIRE DIDN'T START, AND WORK BACK TO THE AREA
2 MOST DAMAGED, THAT WAY WE CAN NARROW THE AREA OF
3 ACTUALLY THE ORIGIN OF THE FIRE. THROUGHOUT THE
4 COURSE OF THE INVESTIGATION, SCENE INVESTIGATION
5 WE ALSO PHOTOGRAPH THE ENTIRE SCENE, WE DOCUMENT
6 IT AS FAR AS PREPARING A DIAGRAM. IF IT'S
7 WARRANTED WE CALL THE DOG IN, AND WE COLLECT
8 SAMPLES AND SUBMIT THEM TO THE LAB.

9 Q. IN FACT, WHO MADE SURE THAT THE PHOTOGRAPHS WERE
10 TAKEN, WHO TOOK THE PHOTOGRAPHS?

11 A. I TOOK THE PHOTOGRAPHS OF THE SCENE.

12 Q. OKAY. AND WHO MADE SURE THAT A SKETCH WOULD BE
13 DONE OF THE INSIDE OF THE HOUSE?

14 A. I ASKED AGENT ROBERTSON TO PREPARE THE SKETCH.

15 Q. AND THAT'S AT YOUR REQUEST AS THE ARSON
16 INVESTIGATOR?

17 A. THAT'S CORRECT. I WAS THE CASE AGENT.

18 Q. WHO CHECKS THE WIRES AND THE ELECTRICITY THAT RUNS
19 TO THE HOUSE?

20 A. WE ALL DID.

21 Q. OKAY. AND COULD YOU TELL, BASED ON YOUR TRAINING,
22 EVEN BEFORE YOU CALLED FOR CANINE TRIxie AND AGENT
23 WEIR TO COME TO THE SCENE, WHERE THE FIRE
24 ORIGINATED?

25 A. YES, I COULD.

1 Q. AND WHERE WAS THAT?

2 A. THE RIGHT SIDE OF THE HOUSE.

3 Q. OKAY. AND WHY WERE YOU ABLE TO TELL THAT IT
4 STARTED ON THAT SIDE?

5 A. WELL, WE RELY ON SEVERAL FACTORS. ONE OF THE
6 FACTORS WE RELY ON IS FIRE FIGHTERS, FIRST
7 RESPONDER FIRE FIGHTERS, WHERE THEY SAW THE FIRE,
8 WHERE THEY DIDN'T SEE THE FIRE. ALSO, BURN
9 PATTERNS, THE AREA OF THE BEDROOM WHERE THE VICTIM
10 WAS LOCATED WAS THE AREA OF WORSE BURN, IT WAS THE
11 LOWEST BURN, WHICH IS GENERALLY, NOT ALWAYS BUT
12 GENERALLY THE AREA OF THE ORIGIN OF THE FIRE.

13 Q. OKAY.

14 SOLICITOR PASCOE: COULD I HAVE THE
15 WITNESS STEP DOWN, YOUR HONOR?

16 THE COURT: YES, SIR.

17 Q. AT THIS TIME I'M GOING TO HAVE YOU STAND ON THAT
18 SIDE, OKAY, AND MAKE SURE MS. HARRY DOT CAN HEAR
19 YOU.

20 A. ALRIGHT.

21 Q. LOOKING AT STATE'S EXHIBIT ONE, WHERE COULD YOU
22 ALREADY TELL, BEFORE YOU EVEN CALLED OUT FOR THE
23 CANINE EXPERT, WHERE THE FIRE ORIGINATED, WHAT
24 PART OF THE HOUSE?

25 A. THIS AREA RIGHT HERE, RIGHT HERE INSIDE OF THE

1 HOUSE WAS THE WORSE DAMAGE.

2 Q. AND WHERE WAS THE VICTIM LOCATED?

3 A. IN THE BEDROOM RIGHT HERE ON THE BED.

4 Q. AND WAS THERE ANYTHING IN YOUR OPINION THAT WAS
5 UNUSUAL ABOUT THE WAY YOU LOCATED THE VICTIM THAT
6 DAY?

7 A. YES, IT WAS. WHEN I LOCATED THE VICTIM I NOTICED
8 THAT THE VICTIM WAS FACE DOWN ON THE BED. AND
9 WHEN I SAY, FACE DOWN, I MEAN, COMPLETELY FACE
10 DOWN, LIKE, HERE IS THE BED, ON THIS RIGHT HERE.
11 THE HEAD WASN'T TURNED TO THE SIDE EITHER WAY, IT
12 WAS DIRECTLY FACE DOWN.

13 Q. OKAY. WAS THERE ANY DEBRIS ON TOP OF HER?

14 A. NO, THERE WAS NOT.

15 Q. OKAY. AND THERE'S ACTUALLY ONE PHOTO, STATE'S
16 EXHIBIT SEVEN-D, DOES THAT PHOTO ACCURATELY DEPICT
17 THE WAY YOU FOUND THE VICTIM THAT DAY?

18 A. YES, IT DOES.

19 Q. OKAY. HOW BADLY BURNED WAS THE VICTIM?

20 A. VERY BADLY BURNED. THE BODY HAD THIRD AND FOURTH
21 DEGREE BURNS.

22 Q. OKAY. NOW, I'M GOING TO SHOW YOU SOME PICTURES
23 AND ASK YOU WHAT THE SIGNIFICANCE OF THOSE
24 PHOTOGRAPHS ARE?

25 A. OKAY.

1 Q. STATE'S EXHIBIT EIGHT, DID YOU TAKE THOSE
2 PHOTOGRAPHS?

3 A. YES, I DID.

4 Q. OKAY. AND WHY DID YOU TAKE THOSE PHOTOGRAPHS,
5 WHAT'S THE SIGNIFICANCE OF THOSE?

6 A. WELL, I PHOTOGRAPHED THE METER BASE AND THE PANEL
7 BOX TO RULE OUT ACCIDENTAL CAUSES, ELECTRICAL
8 CAUSES.

9 Q. OKAY. WERE THERE ANY ELECTRICAL CAUSES TO THE
10 FIRE TO THE HOUSE?

11 A. NO, THERE WEREN'T.

12 Q. OKAY. STATE'S EXHIBIT, THE PHOTOS IN STATE'S
13 EXHIBIT SIX, WHAT, IF ANYTHING, DOES THIS TELL YOU
14 ABOUT THE DAMAGE THAT OCCURRED TO THE HOUSE, AND
15 HOW YOU KNEW WHERE THE FIRE STARTED?

16 A. THIS WOULD GIVE YOU AN IDEA -- WHERE'S EXHIBIT
17 ONE, I CAN REFERENCE IT TO THAT?

18 Q. YEAH, SURE. WHICH ONE WAS THE DIAGRAM? EXHIBIT
19 ONE.

20 A. ALRIGHT. THE HOUSE CONSTRUCTION, OKAY, IS WHAT'S
21 REFERRED TO AS A SHOT GUN HOUSE, YOU CAN LOOK IN
22 THE FRONT DOOR AND PRETTY MUCH SEE ALL THE WAY TO
23 THE BACK DOOR, AND THE ROOMS ARE OFF TO THE SIDES.
24 OKAY. THE FIRE IS ON THIS SIDE OF THE HOUSE.
25 THIS WALL WAS COMPLETELY GONE, THE ROOF WAS

1 COMPLETELY BURNED AWAY, DOWN TO FLOOR LEVEL. THE
2 BACK OF THE HOUSE WAS STILL INTACT WITH ROOF
3 STRUCTURE AND WALLS. THE LEFT HAND SIDE OF THE
4 HOUSE WAS STILL INTACT. THAT TOLD ME THAT THE
5 FIRE WAS ON THE RIGHT HAND SIDE OF THE HOUSE.
6 THAT'S PRETTY MUCH COMMON SENSE PART THERE, OKAY.
7 AS YOU LOOK AT THE PHOTOGRAPHS HERE, THIS IS GOING
8 TO BE THE REAR OF THE STRUCTURE, STILL INTACT.
9 OKAY. THIS IS LOOKING THROUGH THE BACK DOOR,
10 THROUGH THE HOUSE, AGAIN, THIS IS GOING TO BE THE
11 REAR OF THE HOUSE. THIS OVER HERE IS THE SIDE
12 THAT WAS BADLY BURNED WHERE THE BED WAS LOCATED.
13 OKAY. ANOTHER SHOT, THIS IS LOOKING AGAIN TO THE
14 BACK OF THE HOUSE OVER HERE. THIS IS GOING TO BE,
15 THE AREA OVER HERE IS GOING TO BE THE RIGHT SIDE
16 OF THE HOUSE WHERE THE DAMAGE WAS. AGAIN, THIS IS
17 ALSO LOOKING THROUGH THE HOUSE, THE BACK DOOR
18 RIGHT HERE. OKAY. THIS IS A SHOT ACROSS THE SIDE
19 OF THE HOUSE, HERE'S THE BACK. BASICALLY,
20 EVERYWHERE YOU SEE THE CHIMNEY, THAT'S THE BACK OF
21 THE HOUSE, THE CHIMNEY WAS LOCATED IN THE BACK OF
22 THE HOUSE. THE HOUSE WAS LONG AND SKINNY. OKAY.
23 AND THAT'S WHAT ALL THESE PHOTOGRAPHS SHOW. ALSO,
24 HERE YOU'LL SEE, THIS IS THE BED, ONCE WE CLEANED
25 THE FLOOR OFF AFTER THE BODY WAS REMOVED, YOU CAN

1 SEE THE BED FRAME RIGHT HERE. YOU'LL NOTICE THE
2 HOLE IN THE FLOOR HERE, ---

3 Q. THEY NEED TO SEE IT, THEY CAN'T SEE IT.

4 A. I'M SORRY. YOU NOTICE THE BED FRAME RIGHT HERE,
5 THE HOLE BENEATH IT AND THE HOLE HERE. AND THAT
6 WAS ANOTHER INDICATION THAT SOMETHING WAS POURED
7 ON THE FLOOR BECAUSE IT BURNS THROUGH, IT BURNS TO
8 THE LOWEST LEVEL. AND THAT'S WHAT THESE
9 PHOTOGRAPHS DEPICT.

10 Q. AND WHERE WAS THAT SPOT WHERE YOU COULD TELL WHERE
11 THERE HAD TO BE ACCELERATE BECAUSE IT BURNED
12 THROUGH?

13 A. YOU MEAN, WHERE THE BED WAS, RIGHT HERE, AND RIGHT
14 OUT THE BEDROOM DOOR.

15 Q. WHERE THE VICTIM WAS?

16 A. THAT'S CORRECT.

17 Q. NOW, LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S
18 EXHIBIT SEVEN, AND SPECIFICALLY IF YOU CAN POINT
19 OUT, DID YOU MAKE ANY FINDINGS ON THE BED?

20 A. YES, I DID.

21 Q. IS IT DEPICTED IN ANY OF THESE PHOTOGRAPHS?

22 A. ONCE -- IF YOU'LL NOTICE, THIS BED SPRING RIGHT
23 HERE, IF YOU CAN SEE THE BED, THE SPRINGS THAT ARE
24 LEFT OF THE BED, RIGHT HERE, ON THE BED ITSELF, I
25 FOUND THE TOP PART OF AN OIL LAMP, WHERE THE WICK

1 COMES THROUGH, THE METAL, THE ROUND METAL WITH A
2 SLOT WHERE THE WICK COMES THROUGH. I LOCATED THAT
3 ACTUALLY ON THE BED, ITSELF, DURING THE FIRE SCENE
4 INVESTIGATION.

5 Q. NOW, GO OVER, IF YOU COULD, THE -- WHAT YOU DID
6 WHEN TRIxie -- WHEN YOU CALLED -- ARE YOU THE ONE
7 THAT CALLED AGENT WEIR TO BRING TRIxie?

8 A. YES.

9 Q. AND WHAT DID YOU AND AGENT WEIR DO WITH TRIxie
10 THAT AFTERNOON?

11 A. OKAY. ONCE A DOG GETS THERE I LET THE DOG WORK. I
12 STAY OUT OF THE WAY, AND I FOLLOW AGENT WEIR AND
13 THE DOG AROUND WHEN THEY'RE CONDUCTING THEIR
14 SEARCH. I HAVE THE CONES, AND AS THE DOG ALERTS I
15 SET A CONE DOWN WHERE THE DOG ALERTS. AND THEN,
16 IF HE ALERTS AGAIN, ALL I DO IS SET CONES. AFTER
17 THE CONES ARE SET I PHOTOGRAPH THE CONES WHERE THE
18 ARE TO SHOW WHERE THE ALERTS WERE, AND THEN WE GO
19 BACK AND I ACTUALLY COLLECTED THE SAMPLES MYSELF,
20 WE CUT UP PIECES OF FLOOR AND COLLECTED THE
21 SAMPLES TO SUBMIT TO OUR LAB. THAT'S MY
22 INVOLVEMENT WITH THE DOG.

23 Q. AND WHAT AREAS -- WELL, FIRST -- WHAT TYPE OF LAMP
24 WAS IT?

25 A. IT WAS AN OIL LAMP.

1 Q. AND LAMP OIL FROM THE OIL LAMP, IS THAT AN
2 ACCELERATE?

3 A. YES, IT IS.

4 Q. AN ACCELERATE THAT THE DOG WOULD HIT ON?

5 A. ABSOLUTELY.

6 Q. AND WHAT AREAS IN THE HOUSE DID YOU PUT THE CONES?

7 A. I PUT ONE ON THE BED, IT ALERTED ON THE BED.
8 RIGHT OUTSIDE THE BEDROOM DOORWAY, THROUGH HERE
9 THE DOG ALERTED SEVERAL TIMES, AND RIGHT HERE TO
10 THE FRONT DOOR.

11 Q. THANK YOU, SIR, YOU CAN SIT BACK DOWN. AND
12 BASICALLY, EVERYWHERE YOU PUT AN ORANGE CONE IS
13 WHERE TRIxie ALERTS THAT THERE IS AN ACCELERATE?

14 A. THAT IS CORRECT.

15 Q. AND THEN, AFTER TRIxie ALERTS TO THE SPOTS, AND
16 YOU PHOTOGRAPH THOSE SPOTS, AND YOU PUT THE ORANGE
17 CONES, WHAT DO YOU DO WITH THOSE AREAS?

18 A. WE PULL SAMPLES FROM THOSE AREAS TO SEND THEM TO
19 THE LAB TO TEST TO SEE WHAT THOSE ARE.

20 Q. YOU TAKE THEM TO SLED?

21 A. THAT'S CORRECT.

22 Q. AND THAT GOES INTO YOUR OPINION AS TO HOW THE FIRE
23 STARTED

24 A. YES.

25 Q. AND BASED ON YOUR FINDINGS ON MARCH NINTH, TWO

1 THOUSAND AND SIX, AND YOUR EXPERTISE, DO YOU HAVE
2 AN EXPERT OPINION AS TO HOW THE FIRE WAS STARTED
3 THE MORNING OF MARCH THE NINTH?

4 A. YES, I DO. I BELIEVE THE FIRE WAS STARTED IN THE
5 BEDROOM BY THE USE OF SOME TYPE OF FLAMMABLE
6 COMBUSTIBLE LIQUID.

7 Q. AND WHAT TYPE OF LIQUID?

8 A. MOST LIKELY LAMP OIL, SINCE I FOUND A LAMP ON THE
9 BED.

10 Q. OKAY. AND LAMP OIL WAS DISCOVERED IN THE HOUSE?

11 A. THAT'S RIGHT.

12 Q. AND THAT GOES INTO YOUR OPINION?

13 A. YES, IT DOES.

14 Q. AND WHERE IS, WHERE ARE THE ACCELERATES EXACTLY
15 LOCATED IN THE HOUSE?

16 A. ON THE BED, RIGHT OUTSIDE THE BEDROOM DOOR,
17 THROUGH THE LIVING ROOM, OUT TO THE FRONT DOOR.

18 Q. SO, IT IS A PATH?

19 A. IT'S LIKE A TRAIL, YES, SIR.

20 Q. A TRAIL FROM WHERE TO WHERE?

21 A. IT'S A TRAIL FROM THE BED, OUT THE BEDROOM DOOR,
22 THROUGH THE LIVING ROOM, OUT THE FRONT DOOR.

23 Q. NOWHERE ELSE IN THE HOUSE?

24 A. NO, SIR.

25 Q. AND YOU'RE AWARE THAT THE CALL WENT OUT FOR THE

1 FIRE AROUND SIX:TWENTY-SIX, RIGHT?

2 A. YES, I AM.

3 Q. AND AT SIX:THIRTY-SEVEN IT'S FULLY INVOLVED, FULLY
4 ENGULFED. HOW LONG WOULD IT TAKE THAT FIRE WITH
5 AN ACCELERATE BEING USED TO FULLY ENGULF THE
6 HOUSE?

7 A. NOT LONG. THE SIZE OF THE HOUSE, IT'S A SMALL
8 HOUSE, ESPECIALLY BEING ACCELERATED, IT DIDN'T
9 TAKE LONG AT ALL FOR IT TO GET TO THAT POINT.

10 Q. ARE YOU TALKING ABOUT JUST MINUTES?

11 A. YES.

12 Q. NOW, WERE YOU ALSO NOT ONLY INVOLVED IN
13 DETERMINING THE CAUSE OF THE FIRE, BUT IN THE
14 INVESTIGATION OF MS. BELL'S MURDER?

15 A. YES, I WAS.

16 Q. OKAY. WHEN DID YOU LEARN, FOR THE PURPOSE OF YOUR
17 INVESTIGATION, THAT THE FIRE HAD NOTHING TO DO
18 WITH HER DEATH?

19 A. THE DAY OF THE AUTOPSY.

20 Q. WHICH WOULD BE THE NEXT DAY?

21 A. I DIDN'T ATTEND THE AUTOPSY, I'M NOT SURE OF THE
22 ACTUAL DAY.

23 Q. AND WHO INVESTIGATED, OR SPECIFICALLY, DID DEPUTY
24 RODRIGUEZ INVESTIGATE THE CASE WITH YOU?

25 A. HE DID.

1 Q. OKAY. AND DID YOU ALL INTERVIEW PEOPLE ON MARCH
2 THE NINTH?

3 A. YES.

4 Q. JAMES GILMORE, GREG DINGLE, -- WHO WAS THE ONE
5 PERSON YOU WERE NOT ABLE TO LOCATE ON MARCH THE
6 NINTH?

7 A. THE DEFENDANT.

8 Q. OKAY. AND WERE YOU ABLE TO LOCATE THE VEHICLE OF
9 THE VICTIM, MS. BELL, ON MARCH THE NINTH?

10 A. NO, WE WERE NOT ABLE TO.

11 Q. WERE YOU ABLE TO FIND HER CAR ON FRIDAY, SATURDAY,
12 SUNDAY OR MONDAY?

13 A. NO, SIR.

14 Q. AT ANY POINT IN TIME FROM THURSDAY, MARCH THE
15 NINTH, ALL THE WAY TO THE FOLLOWING WEDNESDAY,
16 WERE YOU EVER ABLE TO LOCATE THE DEFENDANT, WILLIE
17 BELL?

18 A. NO, SIR. AND WE WERE LOOKING.

19 Q. AND HOW DID YOU GO ABOUT LOOKING FOR HIM, WHAT
20 EFFORTS DID YOU MAKE?

21 A. WE RODE THE HOLLY HILL ROADS EXTENSIVELY. WE HAD
22 SEVERAL POSSIBLE SIGHTINGS, WE RAN EVERY ONE OF
23 THEM DOWN, BUT WE NEVER LOCATED HIM IN THAT AREA.

24 Q. WHEN AND WHERE DID YOU FINALLY LOCATE THE VICTIM'S
25 CAR?

1 A. THE VICTIM'S VEHICLE WAS LOCATED AT A HOTEL IN
2 AUGUSTA, GEORGIA SEVERAL DAYS LATER.

3 Q. TUESDAY, THE FOURTEENTH OF MARCH?

4 A. YES.

5 Q. WHO WENT TO THAT SCENE?

6 A. AGENT ROBERTSON WENT WITH SLED, AGENT SKIPPER
7 WENT, AND I BELIEVE SOME OF THE DETECTIVES FROM
8 THE SHERIFF'S OFFICE WENT. I DID NOT GO TO
9 GEORGIA TO HELP WITH THE CAR.

10 Q. NOW, IF YOU COULD, TELL THE JURY WHEN AND HOW YOU
11 WERE FINALLY ABLE TO LOCATE THE DEFENDANT, WILLIE
12 BELL, AND WHAT HAPPENED?

13 A. WE WERE BACK IN ORANGEBURG A FEW DAYS AFTER THE
14 CAR WAS LOCATED, AND WE GOT WORD THAT HE COULD
15 POSSIBLY BE IN THE AREA DRIVING A WHITE TRUCK. I
16 MEAN, WITHIN MINUTES OF THAT THE TRUCK WAS SPOTTED
17 HERE IN ORANGEBURG AT THE GAS STATION, AT THE
18 INTERSECTION OF THIRTY-THREE AND ONE-SEVENTY-
19 EIGHT, THE BYPASS. I RODE WITH THE DETECTIVE OVER
20 THERE AND WE, SEVERAL OTHER DETECTIVES AS WELL.
21 WHEN WE APPROACHED THE GAS STATION MR. BELL SAW
22 US, GOT IN THE TRUCK AND LEFT AT A HIGH RATE OF
23 SPEED, AND A SHORT CHASE ENSUED DOWN HIGHWAY
24 THIRTY-THREE UNTIL THE DEFENDANT WRECKED THE
25 VEHICLE INTO A TELEPHONE POLE, AT WHICH TIME HE

- 1 WAS TAKEN INTO CUSTODY BY MYSELF.
- 2 Q. AND WHAT TYPES OF VEHICLES WERE Y'ALL IN?
- 3 A. POLICE CROWN VICTORIAS.
- 4 Q. AND DID YOU HAVE LIGHTS?
- 5 A. YES, THERE WERE LIGHTS.
- 6 Q. DID YOU HAVE TO ACTIVATE YOUR LIGHTS THAT DAY?
- 7 A. YES.
- 8 Q. DID THE DEFENDANT EVER PULL OVER?
- 9 A. NOT UNTIL HE RAN INTO THE TELEPHONE POLE.
- 10 Q. OKAY. I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS
- 11 STATE'S EXHIBITS FOURTEEN, FIFTEEN, SIXTEEN AND
- 12 SEVENTEEN, OKAY?
- 13 A. ALRIGHT.
- 14 Q. JUST TAKE A LOOK AT THOSE AND TELL ME IF YOU
- 15 RECOGNIZE THOSE?
- 16 A. YES, SIR, I DO.
- 17 Q. WHAT DO YOU RECOGNIZE THOSE TO BE?
- 18 A. THESE ARE THE PICTURES OF THE VEHICLE ACCIDENT
- 19 WHEN ACTUALLY HE RAN INTO A TELEPHONE POLE RIGHT
- 20 BEFORE TAKING HIM INTO CUSTODY.
- 21 Q. WHEN YOU SAY, HE, THE DEFENDANT, WILLIE BELL?
- 22 A. THE DEFENDANT, YES, SIR.
- 23 Q. AFTER THE CAR CHASE?
- 24 A. YES, SIR, HE WAS DRIVING THE VEHICLE, AND HE WAS
- 25 IN IT BY HIMSELF.

1 Q. OKAY. AND THEY ACCURATELY DEPICT HOW THE CAR ENDED
2 UP?

3 A. YES, SIR.

4 Q. I THINK THERE'S ALSO A PICTURE OF THE ROAD?

5 A. YES, SIR.

6 SOLICITOR PASCOE: YOUR HONOR, I'D
7 ASK THAT STATE'S EXHIBITS FOURTEEN THROUGH SEVENTEEN BE
8 ADMITTED INTO EVIDENCE.

9 MR. MELLARD: NO OBJECTION, YOUR
10 HONOR.

11 THE COURT: ADMITTED WITHOUT
12 OBJECTION.

13 (State's Exhibits Fourteen, Fifteen,
14 Sixteen and Seventeen marked and filed.)

15 SOLICITOR PASCOE: LET ME SHOW THE
16 JURY STATE'S FIFTEEN AND SIXTEEN.

17 Q. NOW, WAS THE DEFENDANT OKAY AFTER THAT ACCIDENT?

18 A. YES, HE WAS.

19 Q. WERE ALL OF THE OFFICERS OKAY?

20 A. YES, SIR.

21 Q. WHO TOOK THE DEFENDANT, WILLIE BELL, INTO CUSTODY?

22 A. I DID.

23 Q. AND WHERE WAS HE TAKEN?

24 A. TO THE ORANGEBURG COUNTY SHERIFF'S OFFICE.

25 Q. AND WAS HE IN YOUR CUSTODY THE ENTIRE TIME?

1 A. YES, HE WAS.

2 Q. ALRIGHT. DID YOU AND THE OTHER INVESTIGATORS WITH
3 YOU TRY TO TAKE A STATEMENT FROM THE DEFENDANT?

4 A. WE DID.

5 Q. OKAY. AND WHERE DID YOU ATTEMPT TO TAKE A
6 STATEMENT FROM HIM?

7 A. AT THE ORANGEBURG COUNTY SHERIFF'S OFFICE.

8 Q. OKAY. AND WHO ALL WAS PRESENT THE ENTIRE TIME FOR
9 THE STATEMENT?

10 A. THE ENTIRE TIME IT WAS MYSELF AND DETECTIVE KEITH
11 BONNETTE. INVESTIGATOR RODRIGUEZ WAS IN AND OUT
12 OF THE ROOM.

13 Q. OKAY. AND UP UNTIL, THROUGH THE TIME THE
14 DEFENDANT GAVE HIS STATEMENTS HE WAS IN YOUR
15 CUSTODY THE ENTIRE TIME?

16 A. YES.

17 Q. NOBODY ELSE'S?

18 A. THAT'S CORRECT.

19 Q. SO, LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S
20 EXHIBIT THREE, LIEUTENANT, DO YOU RECOGNIZE THAT?

21 A. I DO.

22 Q. WHAT DO YOU RECOGNIZE THAT TO BE?

23 A. THIS IS THE MIRANDA RIGHTS FORM THAT WAS ISSUED
24 THAT DAY, SIGNED BY THE DEFENDANT.

25 Q. RIGHTS ISSUED TO THE DEFENDANT ON MARCH SIXTEENTH,

1 TWO THOUSAND AND SIX?

2 A. THAT'S CORRECT, AT ELEVEN:THIRTY-SEVEN A.M.

3 Q. IS IT IN THE EXACT SAME CONDITION AS IT WAS IN ON
4 MARCH THE SIXTEENTH, TWO THOUSAND AND SIX?

5 A. YES, IT IS.

6 SOLICITOR PASCOE: I'D ASK THAT
7 STATE'S EXHIBIT THREE BE ADMITTED INTO EVIDENCE, YOUR
8 HONOR.

9 MR. MELLARD: NO OBJECTION.

10 THE COURT: ADMITTED WITHOUT
11 OBJECTION.

12 (State's Exhibit Three
13 marked and filed.)

14 Q. I'M GOING TO GIVE STATE'S EXHIBIT THREE BACK TO
15 YOU. IF YOU COULD, GO OVER THE RIGHTS FOR THE
16 JURY JUST LIKE Y'ALL DID FOR THE DEFENDANT THAT
17 DAY, ON MARCH SIXTEENTH?

18 A. ALRIGHT. WHAT WE DO IS, THERE'S A, ON THE FORM,
19 THE SENTENCE IS WRITTEN OUT AND BESIDE EACH
20 SENTENCE THERE'S A PLACE TO PUT INITIALS. OKAY.
21 WHAT I DO IS, WE "BEFORE WE ASK YOU ANY QUESTIONS
22 YOU MUST UNDERSTAND YOUR RIGHTS. PLEASE READ
23 CAREFULLY." AND WE READ IT TO THEM, OKAY, AND WE
24 HAVE THEM READ IT ALSO WITH US. "PLEASE INITIAL
25 YOUR UNDERSTANDING BESIDE EACH RIGHT." THE FIRST

1 ONE IS, "YOU HAVE THE RIGHT TO REMAIN SILENT,
2 ANYTHING YOU SAY CAN BE USED AGAINST YOU IN
3 COURT." AND HE INITIALED BESIDE THAT, WILLIE BELL
4 INITIALED, SAYING THAT HE UNDERSTOOD THAT RIGHT.
5 THE SECOND ONE, "YOU HAVE THE RIGHT TO TALK TO AN
6 ATTORNEY AND HAVE HIM OR HER PRESENT WHILE YOU ARE
7 BEING QUESTIONED." HE INITIALED BESIDE THAT ONE,
8 AS WELL. THE THIRD ONE, "IF YOU CANNOT AFFORD AN
9 ATTORNEY ONE WILL BE APPOINTED TO REPRESENT YOU
10 BEFORE ANY QUESTIONING IF YOU WISH." HE INITIALED
11 BESIDE THAT ONE SAYING THAT HE UNDERSTOOD THAT
12 RIGHT. THE FOURTH ONE, "YOU CAN DECIDE AT ANYTIME
13 TO EXERCISE THESE RIGHTS AND NOT ANSWER QUESTIONS
14 OR MAKE STATEMENTS." AND HE INITIALED BESIDE THAT
15 ONE SAYING THAT HE UNDERSTOOD. OKAY. AND THEN WE
16 HAVE A THING THAT SAYS, "I UNDERSTAND MY RIGHTS."
17 HE SIGNED HIS NAME THERE. OKAY, THAT'S THE
18 ADVISEMENT OF RIGHTS. THE NEXT PART IS THE WAIVER
19 OF RIGHTS. OKAY. WE READ THIS TO HIM, "I HAVE
20 READ THE STATEMENT OF MY RIGHTS AND I UNDERSTAND
21 MY RIGHTS. I AM WILLING TO MAKE A STATEMENT AND
22 ANSWER QUESTIONS WITH OUT A LAWYER PRESENT. I
23 UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES
24 HAVE BEEN MADE TO ME, AND NO THREATS, PRESSURE OR
25 COERCION OF ANY KIND HAS BEEN USED AGAINST ME."

1 AND WE ASK HIM TO SIGN THERE IF HE IS WILLING TO
2 MAKE A STATEMENT, AND HE SIGNED THERE. AND THEN
3 WITNESSED BY DETECTIVE BONNETTE AND MYSELF.

4 Q. AND DID THE DEFENDANT UNDERSTAND HIS RIGHTS THAT
5 DAY?

6 A. YES, HE DID.

7 Q. AND DID YOU ATTEMPT TO TAKE A STATEMENT FROM HIM
8 THAT MORNING?

9 A. WE DID.

10 Q. DID HE GIVE YOU ANY TYPE OF A STATEMENT THAT
11 MORNING ON MARCH SIXTEENTH?

12 A. HE GAVE A BRIEF ORAL STATEMENT.

13 Q. OKAY. AND IF YOU COULD, TELL THE JURY THE CONTENT
14 OF THAT ORAL STATEMENT HE GAVE YOU THAT MORNING?

15 A. I ASKED MR. BELL IF HE KILLED HIS GRANDMOTHER, AT
16 WHICH TIME HE DID NOT STAB HIS MAMA. AND HE
17 REFERS TO HIS GRANDMOTHER AS HIS MAMA. AT WHICH
18 TIME I WAS KIND OF TAKEN ABACK BECAUSE NO ONE SAID
19 ANYTHING ABOUT STABBING. I HAD ASKED HIM HE
20 KILLED HER. AND WHEN HE SAID THAT OTHER DETECTIVES
21 IN THERE WERE, LIKE, WHAT DO YOU MEAN, YOU STABBED
22 HER? HE SAID, WELL, I HEARD THAT ON T.V. I HAD
23 BEEN ACCUSED OF STABBING MY GRANDMOTHER. THAT'S
24 WHAT HE SAID HE HEARD ON THE NEWS. AND, AT WHICH
25 POINT WE SAID, NO, YOU DIDN'T HEAR THE FROM THE

1 NEWS BECAUSE IT'S NOT BEEN IN THE NEWS, BECAUSE NO
2 ONE KNEW ABOUT A STAB WOUND, EVEN WE WERE NOT
3 AWARE OF A STAB WOUND AT THAT POINT, AND THE MEDIA
4 WAS CERTAINLY NOT AWARE OF IT. AT THAT POINT I
5 GOT UP, AND I WENT OUTSIDE AND I CALLED THE
6 PATHOLOGIST TO VERIFY WHETHER OR NOT THERE WAS A
7 STAB WOUND IN THE BODY AT THE AUTOPSY, SINCE I DID
8 NOT ATTEND THE AUTOPSY.

9 Q. AND LET ME ASK YOU THIS, SO WHEN WAS THE FIRST
10 TIME YOU EVER HEARD ANYTHING ABOUT A STABBING IN
11 THIS CASE?

12 A. WHEN THE DEFENDANT SAID THAT HE DID NOT STAB HER.

13 Q. AND THAT STATEMENT TO YOU WAS SO SIGNIFICANT WHO
14 DID YOU CALL?

15 A. THE PATHOLOGIST THAT PERFORMED THE AUTOPSY.

16 Q. AND DID YOU GET TO TALK TO THE PATHOLOGIST ---

17 A. YES, I DID.

18 Q. --- THAT DAY? AND WHEN, THEN, WAS THE FIRST THAT
19 YOU LEARNED OFFICIALLY THAT THE VICTIM WAS
20 STABBED?

21 A. WHEN THE PATHOLOGIST TOLD ME, SHE CONFIRMED THAT
22 SHE WAS STABBED.

23 Q. NOW, YOU WEREN'T INVOLVED IN COLLECTING ANY OF THE
24 DEFENDANT'S ITEMS IN GEORGIA, RIGHT, ---

25 A. THAT'S CORRECT.

- 1 Q. --- BECAUSE YOU DIDN'T EVEN GO THERE? DID YOU
2 COLLECT ANY ITEMS FROM THE DEFENDANT, FROM HIS
3 PERSON IN THE LAST MONTH?
4 A. I DID.
5 Q. AND WHAT WERE THOSE?
6 A. I COLLECTED AN ORAL SWAB.
7 Q. WHO TOOK THOSE SAMPLES IN YOUR PRESENCE?
8 A. LIEUTENANT GERALD CARTER, WITH THE ORANGEBURG
9 COUNTY SHERIFF'S OFFICE, COLLECTED THEM.
10 Q. OKAY. AND THAT WAS DONE IN YOUR PRESENCE?
11 A. YES, IT WAS.
12 Q. AND IT WAS GIVEN TO WHO RIGHT AFTER HE TOOK THEM?
13 A. HE GAVE IT TO ME.
14 Q. OKAY. AND WHAT WERE THEY SEALED IN?
15 A. A PLASTIC CONTAINER.
16 Q. OKAY. DID YOU TAMPER WITH THOSE SWABS OR ALLOW
17 ANYONE TO TAMPER WITH IT WHILE IT WAS IN YOUR
18 CUSTODY?
19 A. NO, SIR, I DID NOT.
20 Q. OKAY. AND WHERE DID YOU TAKE THOSE ITEMS?
21 A. TO THE SLED LABORATORY.
22 Q. OKAY. AND SPECIFICALLY, WHO DID YOU CHECK IT IN
23 WITH?
24 A. I CHECKED IN TO THE EVIDENCE CUSTODIAN WHO WAS
25 WORKING THAT DAY.

1 Q. AND THE WHOLE TIME YOU HAD IT, DID ANYBODY TAMPER
2 WITH THAT ITEM?

3 A. NO, SIR.

4 Q. OKAY.

5 SOLICITOR PASCOE: I BEG THE COURT'S
6 INDULGENCE.

7 Q. JUST TO REFRESH YOUR MEMORY, I'LL GIVE YOU THIS,
8 SO YOU WILL KNOW WHAT DAY YOU DID THAT. AND WHAT
9 DAY DID YOU LOG THAT IN, SIR?

10 A. FEBRUARY FIFTEENTH, TWO THOUSAND AND SEVEN.

11 Q. AND WHAT'S THE ITEM NUMBER?

12 A. ITEM NUMBER THIRTY-SIX.

13 Q. AND FINALLY, SIR, THE PERSON THAT RAN FROM YOU AND
14 GOT IN THE CAR CHASE ON MARCH THE SIXTEENTH, AND
15 THEN LATER TOLD YOU, I DIDN'T STAB MY MAMA, DO YOU
16 SEE HIM IN THE COURTROOM TODAY?

17 A. YES, SIR, I DO.

18 Q. IF YOU COULD, POINT HIM OUT FOR THE JURY?

19 A. THE DEFENDANT, WILLIE BELL.

20 SOLICITOR PASCOE: OKAY. ANSWER ANY
21 QUESTIONS DEFENSE COUNSEL MAY HAVE.

22 THE COURT: CROSS-EXAMINATION.

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

- 1 required by the Court. See next ensuing page for
- 2 sequential continuation of record.)

1 CROSS-EXAMINATION OF T. CRAIG COLLIER, SR.,

2 BY MR. MELLARD:

3 Q. LET'S GO BACK TO MARCH THE NINTH.

4 A. ALRIGHT.

5 Q. OKAY. YOU ARRIVED AT ? AT

6 ABOUT TEN IN THE MORNING?

7 A. I BELIEVE SO, YES, SIR.

8 Q. OKAY. AND WHEN YOU -- YOU WERE THERE TO

9 INVESTIGATE THE FIRE?

10 A. THAT'S CORRECT.

11 Q. OKAY. AND WHEN YOU GOT THERE THE ORANGEBURG

12 SHERIFF'S OFFICE, THEY HAD ALREADY BEEN THERE?

13 A. THEY WERE THERE, YES, SIR.

14 Q. THEY WERE THERE?

15 A. DEPUTY STATEN I BELIEVE WAS THERE, SIR.

16 Q. OKAY. AND FIRE FIGHTERS HAD ALREADY ARRIVED?

17 A. YES, SIR, THE FIRE WAS OUT WHEN I GOT THERE.

18 Q. OKAY. AND, BUT IT HAD BEEN BURNING FOR SOME TIME

19 BEFORE YOU GOT THERE, THE FIRE?

20 A. WHAT DO YOU MEAN?

21 Q. I MEAN, IT HADN'T JUST STARTED, I MEAN, YOU WERE

22 UNDER THE IMPRESSION THAT IT HAD BEEN STARTED

23 EARLIER IN THE MORNING?

24 A. OBVIOUSLY, BECAUSE IT WAS OUT WHEN I GOT THERE.

25 Q. IT WAS OUT WHEN YOU GOT THERE, THAT'S RIGHT. AND

1 DURING THE INVESTIGATION I BELIEVE YOU WERE THE
2 ONE THAT PUT THE CONES DOWN?

3 A. THAT'S CORRECT.

4 Q. OKAY. AND YOU PUT THE CONES DOWN WHERE, I GUESS,
5 THE DOG WOULD ALERT, ---

6 A. THAT'S CORRECT, YES, SIR.

7 Q. --- IS THAT WHAT YOU'RE TELLING US? AND I SUPPOSE
8 SOME SAMPLES WERE TAKEN?

9 A. THEY WERE.

10 Q. OKAY. AND HOW MANY SAMPLES WERE TAKEN?

11 A. I BELIEVE I TOOK FOUR SAMPLES, TO THE BEST OF MY
12 RECOLLECTION.

13 Q. OKAY. HAVE YOU GOT ANY IDEA HOW MANY OF THOSE
14 SAMPLES CAME BACK POSITIVE?

15 A. YES, SIR, I DO.

16 Q. OKAY, HOW MANY CAME BACK?

17 A. ONE OF THEM DID.

18 Q. ONE OF THEM CAME BACK POSITIVE?

19 A. YES, SIR.

20 Q. OKAY. AND IT CAME BACK POSITIVE FOR HEAVY
21 PETROLEUM, IS THAT CORRECT?

22 A. THAT'S CORRECT, YES, SIR.

23 Q. OKAY. AND HEAVY PETROLEUM WOULD BE LIKE A LAMP
24 OIL TYPE THING?

25 A. IT WOULD.

1 Q. OKAY. AND ---

2 A. THAT'S ONE OF THE THINGS IT COULD BE, YES, SIR.

3 Q. AND IT CAN INCLUDE THINGS THAT ARE COMMON TO
4 HOUSEHOLDS, CORRECT?

5 A. GIVE ME ONE SECOND. EXAMPLES OF HEAVY PETROLEUM
6 PRODUCTS ARE SOME CHARCOAL STARTERS, SOME LAMP
7 OILS, SOME PAINT THINNERS, KEROSENE, FUEL OIL,
8 INSECT SPRAYS, TORCH FUELS AND DIESEL FUEL.

9 Q. OKAY. NOT GASOLINE?

10 A. NO, SIR, THAT'S NOT.

11 Q. OKAY. HEAVY PETROLEUM IS NOT A GASOLINE, HEAVY
12 PETROLEUM BURNS SLOWER THAN GASOLINE, ISN'T THAT
13 CORRECT?

14 A. YES.

15 Q. OKAY. AND SO, IF THE FIRE WAS DISCOVERED AT ABOUT
16 SIX:TWENTY-SIX IN THE MORNING, IT COULD HAVE
17 STARTED EARLIER THAN THAT, CORRECT?

18 A. OBVIOUSLY, IF IT WAS SEEN AT SIX:TWENTY-SIX, IT
19 WAS PROBABLY A LITTLE BIT EARLIER THAN THAT.

20 Q. RIGHT. AND IF IT'S A HEAVY PETROLEUM YOU COULDN'T
21 TELL HOW LONG IT WOULD TAKE TO BURN, IT BURNS
22 SLOWER THAN GASOLINE, ISN'T THAT CORRECT?

23 A. ARE YOU LOOKING FOR AN EXACT AMOUNT OF TIME?

24 Q. RIGHT.

25 A. THAT'S CAN'T BE PROVIDED, BUT IT WAS NOT LONG.

1 Q. HOW, WHY WOULD YOU SAY IT WAS NOT LONG?

2 A. BASED ON BURN PATTERS, IT'S A SMALL HOUSE, IT WAS
3 ACCELERATED. WHEN I SAY THAT I MEAN, OTHER THAN
4 JUST REGULAR HOUSEHOLD ITEMS, LIKE MATTRESSES,
5 THERE WAS SOMETHING POURED, THE LIQUID WE GOT,
6 OKAY? THAT'S GOING TO ACCELERATE THE RATE OF THE
7 FIRE TREMENDOUSLY.

8 Q. BUT YOU DON'T KNOW HOW MUCH, YOU DON'T KNOW HOW
9 MUCH OF THIS HEAVY PETROLEUM WAS USED, DO YOU? I
10 MEAN, YOU CAN'T TELL HOW MUCH WAS USED?

11 A. HOW MUCH WAS USED? NO, I CAN'T TELL HOW MUCH WAS
12 USED.

13 Q. YOU HAVE NO IDEA OF HOW MUCH?

14 A. NO, SIR.

15 Q. IF A LITTLE BIT WAS USED, VERSUS A LOT, YOU
16 WOULDN'T KNOW?

17 A. NO.

18 Q. OKAY. YOU DON'T KNOW WHEN THE FIRE STARTED, DO
19 YOU?

20 A. I WASN'T THERE WHEN IT STARTED.

21 Q. OKAY. YOU DON'T KNOW WHO STARTED THE FIRE?

22 A. YES, I BELIEVE I DO, YES, SIR.

23 Q. BUT THAT'S AN OPINION, YOU DON'T KNOW THAT.

24 A. IT IS AN OPINION.

25 Q. OKAY. NOW, LET'S GO TO -- WELL, LET ME ASK YOU,

- 1 THE MATTRESS, WHAT HAPPENED TO THE MATTRESS?
- 2 A. IT BURNED.
- 3 Q. OKAY. DO YOU KNOW WHAT TYPE OF MATERIAL WAS THE
- 4 MATTRESS MADE OUT OF?
- 5 A. NO, SIR. IF I HAD TO GUESS IT WAS A COMMON
- 6 HOUSEHOLD MATTRESS, PROBABLY COTTON AND POLYESTER.
- 7 Q. BUT THAT'S A GUESS, TOO, YOU DON'T KNOW?
- 8 A. YEAH.
- 9 Q. OKAY.
- 10 A. IT WASN'T MADE OF STRAW, I CAN TELL YOU THAT.
- 11 Q. ON MARCH SIXTEENTH, LET'S GO TO MARCH SIXTEENTH.
- 12 ALRIGHT, NOW AT THIS TIME, I BELIEVE YOU TESTIFIED
- 13 THAT YOU KNEW FROM THE AUTOPSY THAT THE FIRE DID
- 14 NOT CAUSE THE DEATH OF ANNA BELL?
- 15 A. THAT IS CORRECT.
- 16 Q. OKAY. AND WERE YOU AT THE AUTOPSY?
- 17 A. I WAS NOT.
- 18 Q. ALRIGHT. I BELIEVE AGENT ROBERTSON WAS AT THE
- 19 AUTOPSY?
- 20 A. THAT IS CORRECT, YES, SIR.
- 21 Q. AND HE WORKS FOR SLED?
- 22 A. HE DOES.
- 23 Q. AND YOU WORK FOR SLED?
- 24 A. THAT IS CORRECT.
- 25 Q. OKAY. NOW, YOU SPOKE TO WILLIE BELL ON MARCH

- 1 SIXTEENTH, TWO THOUSAND AND SIX, ---
- 2 A. YES, SIR.
- 3 Q. --- IS THAT CORRECT? AND IT WAS AT THE ORANGEBURG
- 4 COUNTY SHERIFF'S OFFICE?
- 5 A. YES, SIR, THAT'S CORRECT.
- 6 Q. AND THAT WAS ABOUT ELEVEN:THIRTY-SEVEN IN THE
- 7 MORNING?
- 8 A. THAT'S WHAT TIME THE ADVISEMENT OF RIGHTS WAS
- 9 GIVEN, YES, SIR.
- 10 Q. OKAY. AND AT THIS TIME YOU HAD HIM READ, I GUESS,
- 11 INITIAL HIS, THESE MIRANDA RIGHTS, IS THAT WHAT
- 12 YOU'RE TELLING US?
- 13 A. YES, SIR.
- 14 Q. OKAY. SO, AT THAT POINT I BELIEVE YOU SAID HE
- 15 GAVE AN ORAL STATEMENT?
- 16 A. THAT'S CORRECT, YES, SIR.
- 17 Q. OKAY. AND THE ORAL STATEMENT WAS IN RESPONSE TO
- 18 SOMETHING YOU HAD SAID TO HIM?
- 19 A. I HAD ASKED HIM, YES, SIR.
- 20 Q. YOU HAD ASKED HIM. ALRIGHT. AND I BELIEVE YOU
- 21 HAD ASKED HIM IF HE KILLED HIS MAMA, IS THAT
- 22 CORRECT?
- 23 A. THAT'S CORRECT, YES, SIR.
- 24 Q. DID YOU SAY, MAMA, DID YOU SAY, GRANDMOTHER, WHAT
- 25 DID YOU ---

1 A. I, PROBABLY GRANDMA, BECAUSE I DIDN'T KNOW HER AS
2 MAMA, I KNEW HER AS HIS GRANDMOTHER.

3 Q. OKAY. AND AT THAT TIME YOU HAD KNOWLEDGE OF WHAT
4 THE AUTOPSY HAD FOUND?

5 A. I KNEW THAT SHE WAS DEAD PRIOR TO THE FIRE.

6 Q. UH HUH.

7 A. THAT'S WHAT I KNEW.

8 Q. AND HOW DID YOU KNOW THAT, FROM SPEAKING TO
9 OFFICER ROBERTSON?

10 A. THAT'S RIGHT.

11 Q. OKAY. SO, OFFICER ROBERTSON HAD KIND OF GIVEN YOU
12 A HEADS UP ABOUT WHAT THE AUTOPSY HAD SAID?

13 A. HE TOLD ME THAT SHE WAS DEAD BEFORE THE FIRE.

14 Q. OKAY. AT ANYTIME DID YOU SEE ANY REPORT FROM THE
15 AUTOPSY?

16 A. NOT AT THAT POINT, NOT UNTIL LATER.

17 Q. JUST WHAT ROBERTSON HAD TOLD YOU?

18 A. THAT'S RIGHT.

19 Q. OKAY. NOW, ---

20 A. BUT THAT'S WHAT WE LOOK FOR IN FIRE DEATHS, JUST
21 TO CLARIFY IF I MAY, IN FIRE DEATHS WE HAVE THE
22 BODIES AUTOPSIED FOR THAT VERY REASON, BECAUSE A
23 LOT OF TIMES THEY ARE BURNED VERY BADLY, AND WHAT
24 WE'RE LOOKING FOR IS TO SEE IF THERE'S ANY SOOT IN
25 THE TRACHEA OR THE LOWER OR UPPER LOBES OF THE

1 LUNG. IF THERE'S SOOT IN THE TRACHEA THAT MEANS
2 THEY WERE BREATHING IN SMOKE, WHICH MEANS THEY
3 WERE ALIVE AT THE TIME OF THE FIRE. IF THE
4 TRACHEA AND LUNGS ARE CLEAR OF SMOKE THAT MEANS
5 THEY WERE NOT BREATHING AT THE TIME OF THE FIRE
6 AND THEY WERE DEAD PRIOR TO THE FIRE. THAT'S
7 WHAT WE LOOK FOR IN AUTOPSIES, THE MAIN THING FOR
8 FIRE AUTOPSIES.

9 Q. WOULDN'T YOU WANT TO KNOW SOMETHING MORE?

10 A. IF YOU CAN TELL, BUT SOMETIMES THE BODY IS SO
11 BADLY DAMAGED THAT YOU CAN'T.

12 Q. BUT WOULDN'T YOU WANT TO KNOW IF A PERSON HAS BEEN
13 STABBED OR SHOT OR ---

14 A. OH, YEAH, ABSOLUTELY.

15 Q. SO, YOU WOULDN'T HAVE JUST, IF YOU WERE LOOKING
16 INTO THE REPORT, YOU'RE ASKING PEOPLE ABOUT THE
17 REPORT YOU WOULDN'T HAVE JUST STOPPED AT WHETHER
18 THERE'S FIRE IN THE TRACHEA?

19 A. I WASN'T LOOKING INTO THE, I WASN'T LOOKING INTO
20 THE REPORT, I WAS LOOKING FOR IF SHE WAS ALIVE OR
21 DEAD, AND SHE WAS ---

22 Q. UH HUH. AND THAT WOULD HAVE HELPED YOU, THOUGH, I
23 MEAN, YOU WOULD HAVE WANTED THAT INFORMATION?

24 A. WELL, SURE.

25 Q. OKAY. NOW, THIS ORAL STATEMENT, ---

1 A. YES, SIR.

2 Q. --- OF MR. BELL, YOU -- YOU DIDN'T GIVE HIM A
3 CHANCE TO WRITE IT DOWN, DID YOU? I MEAN, HE
4 SIGNED THE MIRANDA THING BUT THERE'S NO WRITTEN
5 STATEMENT OF MR. BELL?

6 A. THAT'S CORRECT.

7 Q. OKAY. IT'S JUST HIS WORD VERSUS YOUR WORD, PRETTY
8 MUCH?

9 A. WELL, VERSUS MINE AND THE TWO OTHER PEOPLE THAT
10 WERE IN THE ROOM.

11 Q. RIGHT, THE TWO LAW ENFORCEMENT PEOPLE?

12 A. SURE. THREE LAW ENFORCEMENT PEOPLE, SURE.

13 Q. THREE LAW ENFORCEMENT PEOPLE, AND YOU SAID,
14 RODRIGUEZ WAS IN AND OUT OF THE ROOM ---

15 A. THAT'S CORRECT.

16 Q. --- SO YOU DON'T KNOW WHETHER HE WAS THERE WHEN
17 THE STATEMENT WAS GIVEN OR NOT.

18 A. I BELIEVE HE WAS IN THE ROOM AT THAT POINT.

19 Q. YOU BELIEVE, BUT YOU'RE NOT SURE. OKAY. YOU
20 DIDN'T HAVE HIM WRITE THIS STATEMENT DOWN?

21 A. HE DIDN'T WRITE IT DOWN.

22 Q. OKAY. YOU DO UNDERSTAND THE IMPORTANCE OF HAVING
23 A WRITTEN STATEMENT, DON'T YOU?

24 A. ABSOLUTELY.

25 Q. I MEAN, THAT WAY NOBODY CAN COME IN HERE AND SAY,

1 YOU'RE JUST MAKING THIS STUFF UP, RIGHT?

2 A. MR. MELLARD, IF HE WOULD HAVE WRITTEN ON PAPER
3 WHAT HE SAID OUT LOUD I WOULD HAVE BEEN GLAD TO
4 HAVE TAKEN IT. HE DIDN'T WRITE IT DOWN.

5 Q. UH HUH. OKAY.

6 MR. MELLARD: NO MORE QUESTIONS.

7 THE COURT: REDIRECT?

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

2 BY SOLICITOR PASCOE:

5 A. ABSOLUTELY.

10 THE COURT: JUST BE CAREFUL.

15 SOLICITOR PASCOE: CAN WE APPROACH?

18 SOLICITOR PASCOE: OKAY.

25 A. YES.

1 SOLICITOR PASCOE: THAT'S ALL I
2 HAVE. THANK YOU, YOUR HONOR.

3 THE COURT: RECROSS?

4 MR. MELLARD: NO MORE QUESTIONS,
5 YOUR HONOR.

6 THE COURT: THANK YOU, SIR, YOU MAY
7 STEP DOWN.

8 SOLICITOR PASCOE: CAN WE BREAK FOR
9 LUNCH?

10 THE COURT: LADIES AND GENTLEMEN,
11 WE'RE GOING TO TAKE OUR LUNCH BREAK AT THIS TIME. I
12 HAVE SOME MATTERS I NEED TO TAKE UP AT TWO O'CLOCK, SO
13 WE'RE NOT GOING TO BE ABLE TO START UNTIL TWO:THIRTY.
14 SO, I'LL TRY TO BE THROUGH WITH MY OTHER MATTERS BY
15 TWO:THIRTY, YOU PLEASE BE HERE BY TWO:THIRTY. JUST
16 PLEASE DO NOT TALK ABOUT THE CASE, AND COME STRAIGHT
17 INTO THE JURY ROOM WHEN YOU COME BACK AT TWO:THIRTY.
18 THANK YOU VERY MUCH..

19 EVERYBODY ELSE, PLEASE REMAIN SEATED
20 UNTIL THE JURY LEAVES.

21 (Whereupon, the jury leaves
22 the courtroom.)

23 THE COURT: WE'LL START BACK ON THIS
24 CASE AT TWO:THIRTY. COURT'S IN RECESS UNTIL TWO
25 O'CLOCK.

1 SOLICITOR PASCOE: THANK YOU, SIR.

2 (Recess)

3 THE COURT: MR. BELL, AND HIS
4 ATTORNEYS.

5 (State's Exhibits Twenty-seven,
6 Twenty-eight and Twenty-nine
7 marked for identification.)

8 ALRIGHT, IS THE STATE READY TO
9 PROCEED?

10 SOLICITOR PASCOE: YES, SIR.

11 THE COURT: IS THE DEFENSE READY?

12 MR. MELLARD: I'M READY, YOUR HONOR.

13 THE COURT: BRING IN THE JURY,
14 PLEASE.

15 (Whereupon, the following
16 takes place in the presence
17 of the jury.)

18 BAILIFF: YOUR HONOR, ALL THE JURORS
19 AND THE ALTERNATE ARE SEATED IN THE JURY BOX.

20 THE COURT: ALRIGHT, THANK YOU,
21 MA'AM.

22 GOOD AFTERNOON, LADIES AND
23 GENTLEMEN, I APPRECIATE YOUR PATIENCE. SORRY YOU HAD TO
24 WAIT, BUT AS I TOLD YOU, I HAD A NUMBER OF MATTERS
25 SCHEDULED FOR TWO O'CLOCK, THEY'VE BEEN SCHEDULED FOR

1 SEVERAL WEEKS, AND WE DON'T KNOW WHEN WE SCHEDULE THOSE
2 TYPES OF THINGS EXACTLY WHAT WE'LL BE DOING ON THE
3 GENERAL SESSIONS SIDE OF COURT, AND I JUST HAD TO GET
4 THOSE DONE. SO, WE CAME IN AT TWO, AND WE JUST
5 FINISHED. AND SO, WE ARE READY TO ROLL.

6 SOLICITOR, YOU MAY CALL YOUR
7 WITNESS.

8 SOLICITOR PASCOE: DR. JANICE ROSS.

9 THE COURT: COME AROUND, PLEASE,
10 MA'AM.

11 CLERK: PLACE YOUR LEFT HAND ON THE
12 BIBLE AND RAISE YOUR RIGHT HAND.

13 (Whereupon, Dr. Janice Ross
14 is duly sworn.)

15 COURT REPORTER: SPELL YOUR NAME,
16 PLEASE, MA'AM.

17 WITNESS: IT'S JANICE ROSS, R-O-S-S.

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

1 DIRECT EXAMINATION OF DR. JANICE ROSS

2 BY SOLICITOR PASCOE:

3 Q. GOOD AFTERNOON, DOCTOR.

4 A. GOOD AFTERNOON.

5 Q. WHERE DO YOU WORK, MA'AM?

6 A. IN NEWBERRY, SOUTH CAROLINA, AT, WITH NEWBERRY
7 PATHOLOGY ASSOCIATES.

8 Q. AND HOW LONG HAVE YOU BEEN WITH THE NEWBERRY
9 PATHOLOGY ASSOCIATES?

10 A. SINCE MAY OF TWO THOUSAND.

11 Q. OKAY. AND WHAT DO YOU DO THERE?

12 A. WE DO AUTOPSIES FOR CORNERS, WE ALSO DO HOSPITAL
13 PATHOLOGY.

14 Q. OKAY. AND ARE YOU A FORENSIC PATHOLOGIST?

15 A. YES.

16 Q. IF YOU COULD, DESCRIBE FOR THE JURY WHAT THE
17 DUTIES OF A FORENSIC PATHOLOGIST ARE?

18 A. YES, FIRST OF ALL LET ME TELL YOU WHAT PATHOLOGY
19 IS. IT'S, I HAVE AN M.D. DEGREE, AND I'VE BEEN
20 TRAINED IN PATHOLOGY, WHICH IS THE STUDY OF
21 DISEASE. SO, WE ARE TRAINED TO RECOGNIZE DISEASES
22 BY LOOKING AT TISSUE, EVEN UNDER THE MICROSCOPE,
23 LOOKING AT, DEALING WITH BLOOD WORK. WE ARE ALSO
24 TAUGHT THE PROPER WAY TO DO AN AUTOPSY AND TO
25 ANALYZE TISSUE FOR, TO FIND AND FINALIZE THE CAUSE

1 OF DEATH. A FORENSIC PATHOLOGIST USES THAT
2 MEDICAL KNOWLEDGE ON FORENSIC MATTERS, OR LEGAL
3 MATTERS IN DOING AUTOPSIES ON VIOLENT DEATHS,
4 ETCETERA, TO, TO DETERMINE MANNERS OF DEATH LIKE
5 HOMICIDE, ACCIDENT, SUICIDE, AND SOMETIMES
6 UNDETERMINED OR NATURAL DEATH.

7 Q. AND WHAT TRAINING AND EDUCATIONAL BACKGROUND DO
8 YOU HAVE TO BE A FORENSIC PATHOLOGIST?

9 A. I HAVE A BACHELOR OF SCIENCE DEGREE FROM THE
10 UNIVERSITY OF SOUTH CAROLINA, AND AN M.D. FROM
11 UPSTATE MEDICAL CENTER IN SYRACUSE, NEW YORK, AND
12 THEN OVER FOUR YEARS OF FURTHER TRAINING.

13 Q. AND DOCTOR, HOW MANY AUTOPSIES DO YOU THINK YOU'VE
14 PERFORMED TO DETERMINE THE CAUSE OF DEATH IN ALL
15 THOSE YEARS?

16 A. OVER FIVE THOUSAND.

17 Q. OVER FIVE THOUSAND. AND HAVE YOU TESTIFIED AS AN
18 EXPERT BEFORE IN THE COURTS OF SOUTH CAROLINA TO
19 GIVE AN OPINION AS TO THE MANNER OF A PERSON'S
20 DEATH?

21 A. YES.

22 Q. AND HOW OFTEN HAVE YOU TESTIFIED AS AN EXPERT?

23 A. ABOUT FORTY-TWO, FORTY-THREE TIMES.

24 SOLICITOR PASCOE: I'D ASK AT THIS
25 TIME THAT DR. ROSS BE ADMITTED AS AN EXPERT IN FORENSIC

1 PATHOLOGY, YOUR HONOR.

2 MR. MELLARD: NO OBJECTION, YOUR
3 HONOR.

4 THE COURT: I FIND THAT SHE'S
5 QUALIFIED AS AN EXPERT IN THE FIELD OF FORENSIC
6 PATHOLOGY.

7 SOLICITOR PASCOE: THANK YOU, SIR.

8 Q. AND DOCTOR, DID YOU PERFORM AN AUTOPSY ON MS. ANNA
9 W. BELL?

10 A. YES.

11 Q. AND WHEN AND WHERE DID YOU PERFORM THAT AUTOPSY?

12 A. MARCH TENTH OF TWO THOUSAND SIX, IN NEWBERRY
13 COUNTY MEMORIAL HOSPITAL MORGUE.

14 Q. OKAY. AND WHO ELSE WAS PRESENT?

15 A. DR. JOEL SEXTON, DR. KEEM GARVIN, AND SLED AGENT
16 STEWART ROBERTSON.

17 Q. OKAY, AND IF YOU COULD, DOCTOR, GO OVER FOR THE
18 JURY HOW YOU WENT ABOUT CONDUCTING THE AUTOPSY,
19 AND MAYBE WHAT SOME OF THE FINDINGS WERE?

20 A. YES. FIRST OF ALL WE LOOK AT THE BODY OUTSIDE AND
21 DETERMINE IF WE CAN FIND ANY PATTERNS OF INJURY OR
22 ANY, ANYTHING TO DOCUMENT OUTSIDE THE BODY, AND WE
23 TAKE PICTURES. THEN WE DO INTERNAL EXAMINATION,
24 INCLUDING OPENING THE BODY AND LOOKING AT EACH
25 INDIVIDUAL ORGAN.

1 Q. OKAY.

2 A. WE ALSO AT THAT TIME GATHER FLUIDS FOR TOXICOLOGY.

3 Q. AND HOW BADLY BURNED WAS THE BODY OF MS. BELL?

4 A. SHE WAS PRETTY WELL CHARRED. THE FRONT OF HER
5 CHEST AND ABDOMEN STILL HAD SKIN, BUT HER BACK HAD
6 NO SKIN, AND OBVIOUSLY THERE WAS CHARRING DOWN TO
7 BONE IN SOME AREAS, AND IN OTHER AREAS TO EXPOSING
8 MUSCLE.

9 Q. AND SHOWING YOU PHOTOGRAPH OF STATE'S EXHIBIT
10 SEVEN, SPECIFICALLY SEVEN-D, AND ALSO PHOTOGRAPH
11 EIGHTEEN THAT'S IN EVIDENCE, THAT OBVIOUSLY GIVES
12 THE JURY AN IDEA OF JUST HOW BADLY BURNED MS.
13 BELL'S BODY WAS?

14 A. YES.

15 Q. NOW, DUE TO HOW BADLY HER BODY WAS BURNED WOULD
16 YOU BE ABLE TO DETERMINE IF SHE RECEIVED FATAL
17 STABBINGS ON A LOT OF THE PARTS OF HER BODY?

18 A. THERE WOULD BE SOME AREAS OF THE BODY WHERE WE
19 WOULD NOT BE ABLE TO DETERMINE THAT.

20 Q. IN FACT, WHAT AREAS WOULD YOU NOT BE ABLE TO
21 DETERMINE BECAUSE OF HOW BADLY SHE WAS BURNED?

22 A. PART OF THE HEAD, THE TOP OF THE HEAD WAS, WAS
23 EXPOSING, WELL, THE SKIN WAS GONE AND THE BONE WAS
24 FRACTURED, YOU KNOW, IT WAS EXPOSING BONE, OR
25 BRAIN, EXCUSE ME. PARTS OF THE NECK HAD BEEN

1 CHARRED AWAY DOWN TO MUSCLE AND DOWN TO BONE, AND
2 THE RIGHT SIDE OF THE CHEST AND ABDOMEN HAD BEEN
3 CHARRED AWAY SO THAT WE COULD ACTUALLY SEE THE
4 INTERNAL ORGANS FROM THE OUTSIDE.

5 Q. BUT DESPITE ALL THE BURNING WHERE OBVIOUSLY YOU
6 COULDN'T LOCATE ANY STAB WOUNDS, DID YOU LOCATE
7 ANY STAB WOUNDS ON THE VICTIM, MS. BELL?

8 A. YES. ONCE WE TOOK THE ORGANS OUT, AND LOOKING AT
9 THE BODY ON THE INSIDE WE COULD SEEN AN INJURY IN
10 THE BACK WALL OF THE LEFT CHEST THAT WAS A HOLE,
11 AND THERE WAS BRUISING AROUND IT.

12 Q. WHAT, IF ANY, SIGNIFICANCE IS THERE THAT BRUISING
13 WAS AROUND THE HOLE?

14 A. BRUISING IS ESCAPE OF BLOOD FROM AN INJURY
15 UNDERNEATH, INTO TISSUE. AND IN ORDER TO GET
16 THAT, ACHIEVE THAT BRUISING THERE HAS TO BE
17 CIRCULATION GOING ON. SO, SHE WOULD HAVE HAD TO
18 BE BEATING. IN OTHER WORDS, SHE WAS ALIVE AT THE
19 TIME OF THAT INJURY.

20 Q. SO, SHE WOULD HAVE BEEN ALIVE AT THE TIME SHE WAS
21 STABBED, TO GET THAT INJURY?

22 A. YES.

23 Q. AND POINT MAYBE ON YOUR OWN BODY WHERE THAT STAB
24 WOULD WAS?

25 A. IT WAS THE BACK WALL OF THE LEFT CHEST.

1 Q. OKAY. NOW, LET ME ASK YOU THIS, WERE YOU ABLE TO
2 DETERMINE RIGHT AWAY THAT THE FIRE DID NOT CAUSE
3 HER DEATH, OR THAT SHE WAS DEAD PRIOR TO THE FIRE?

4 A. WELL, ONCE WE LOOKED AT THE INTERNAL ORGANS WE
5 COULD SEE THAT SHE HAD NO SOOT IN HER AIRWAY, AND
6 SHE DID NOT LOOK TO HAVE CARBON MONOXIDE CHANGE,
7 WHICH WAS PROVEN TO BE NEGATIVE ONCE WE GOT THE
8 BLOOD WORK BACK.

9 Q. SO, THERE'S NO DOUBT IN YOUR MIND THAT THE FIRE
10 HAD NOTHING TO DO WITH HER DEATH?

11 A. CORRECT.

12 Q. OKAY. WHEN DID YOU FIRST PERSONALLY ALERT LAW
13 ENFORCEMENT ABOUT THE WOUND, THE STAB WOUND THAT
14 YOU FOUND TO HER BACK?

15 A. I WAS CALLED BY LAW ENFORCEMENT, I THINK THE
16 MIDDLE OF MARCH, MARCH SIXTEENTH. I HAD CALLED IN
17 TO THEM TO FIND OUT ABOUT THEIR ARSON
18 INVESTIGATION. AT THAT TIME THEY THOUGHT, THEY
19 SAID THERE WAS A SUSPICION THAT THE VICTIM HAD
20 BEEN STABBED.

21 Q. OKAY. AND THAT'S THE FIRST TIME, THEN, ON THE
22 SIXTEENTH IS WHEN YOU TOLD THEM?

23 A. YES.

24 Q. OKAY. AFTER THEY HAD ALREADY TALKED TO THE
25 DEFENDANT?

1 A. YES.

2 Q. OKAY. AND DESPITE THE BURNS, WERE YOU ABLE TO
3 EXAMINE THE VICTIM'S HEART?

4 A. YES.

5 Q. WHAT WERE YOUR FINDINGS WITH REGARDS TO HER HEART?

6 A. FOR HER AGE IT WAS VERY MUCH NORMAL, SMALL, AND
7 THE CORONARY ARTERIES WERE WIDE OPEN.

8 Q. WHAT ABOUT HER ADRENALS, HER KIDNEYS AND OTHER
9 ORGANS?

10 A. THE OTHER ORGANS, AGAIN, WERE NORMAL, NO EVIDENCE
11 OF DISEASES.

12 Q. OKAY. AND WHAT WERE YOUR FINDINGS WITH REGARDS TO
13 MS. BELL'S SKULL?

14 A. THE TOP OF THE SKULL WAS PRETTY MUCH CHARRED AWAY
15 AND FRACTURED AWAY.

16 Q. OKAY. AND WHERE EXACTLY WAS THE DAMAGE TO THE
17 SKULL?

18 A. THE TOP AND BACK OF THE SKULL.

19 Q. TOP AND BACK OF THE SKULL?

20 A. YEAH.

21 Q. LET ME ASK YOU, CAN BLUNT FORCE TRAUMA BE OF AN
22 UNDETERMINED ORIGIN, BLUNT FORCE TRAUMA TO THE
23 SKULL OF AN UNDETERMINED ORIGIN?

24 A. YES.

25 Q. DID YOU MAKE ANY FINDINGS WITH REGARDS TO THE

1 CONTENTS OF MS. BELL'S STOMACH?

2 A. YES.

3 Q. AND WHAT WERE THOSE FINDINGS?

4 A. THERE WERE THREE HUNDRED CCS OF LIQUID AND RICE IN
5 THE STOMACH.

6 Q. NOW, HOW LONG WOULD THE RICE STAY IN HER STOMACH
7 PRIOR TO DYING, AFTER SHE ATE THE RICE UP TO THE
8 TIME SHE DIED?

9 A. IN GENERAL, YOUR STOMACH EMPTIES WITHIN AN HOUR OF
10 EATING.

11 Q. OKAY. SO, IS IT SAFE TO SAY, THEN, THAT SHE DIED
12 PROBABLY WITHIN AN HOUR OF EATING THAT RICE?

13 A. WITHIN AN HOUR OR MAYBE TWO.

14 Q. OKAY. AN HOUR OR TWO?

15 A. UH HUH.

16 Q. AND MA'AM, DO YOU WITH A REASONABLE DEGREE OF
17 MEDIAL CERTAINTY, DO YOU HAVE AN OPINION AS THE
18 MANNER OF DEATH IN THIS CASE?

19 A. YES.

20 Q. AND WHAT IS THAT OPINION?

21 A. THE MANNER OF DEATH IS HOMICIDE.

22 Q. OKAY. AND WHAT DO YOU BASE THAT OPINION ON?

23 A. IT'S BASED ON SOME NEGATIVES AS WELL AS SOME
24 POSITIVES, BASED ON THE EVIDENCE OF INJURY BEFORE
25 DEATH, ---

1 Q. WHICH WOULD BE?

2 A. --- THE STAB WOUND, BASED ON THE FACT THAT SHE WAS
3 DEAD BEFORE THE FIRE, BASED ON THE FACT THAT THE
4 FIRE WAS ARSON RELATED, AND BASED ON THE FACT THAT
5 THERE WAS NOT NATURAL DISEASES GOING ON THAT WOULD
6 KILL HER.

7 Q. AND HAVE YOU WORKED -- DOCTOR, HAVE YOU WORKED
8 HOMICIDES AND MURDERS WHERE PEOPLE HAVE BEEN
9 BURNED OR SET ON FIRE?

10 A. YES.

11 Q. AND WHY WERE THOSE PEOPLE SET ON FIRE?

12 A. TO HIDE THE EVIDENCE.

13 MR. MELLARD: OBJECTION, I DON'T
14 THINK SHE WOULD KNOW THAT.

15 THE COURT: I DON'T KNOW IF SHE
16 WOULD KNOW THAT, EITHER. I THINK SHE CAN TELL YOU THE
17 RESULTS, BUT I DON'T KNOW IF SHE CAN TELL YOU WHY
18 SOMEBODY ELSE WOULD DO SOMETHING. I SUSTAIN THAT
19 OBJECTION.

20 Q. WELL, LET ME ASK YOU THIS, WHAT DOES BURNING A
21 BODY DO TO A HOMICIDE VICTIM?

22 A. WELL, IT CHARS AWAY TISSUE AND DESTROYS TISSUE
23 THAT WOULD, THAT MAY SHOW OTHER INJURIES,
24 BRUISING, ETCETERA.

25 Q. AND WAS THE VICTIM'S BLOOD COLLECTED IN THIS CASE?

1 A. YES.

2 Q. OKAY. AND HOW DID YOU GO ABOUT DOING THAT IN THIS
3 CASE?

4 A. THE INTERNAL ORGANS WERE STILL THERE, AND THE
5 BLOOD VESSELS. WE JUST DREW BLOOD FROM HER VEIN.

6 Q. AND WHAT WAS THE PURPOSE OF DRAWING BLOOD?

7 A. TO SEE IF THERE WERE ANY ABNORMAL OR HIGH LEVEL OF
8 DRUGS OR ALCOHOL IN HER.

9 Q. AND AS YOU'VE TESTIFIED TO, THE TOXICOLOGY WAS
10 DONE IN THIS CASE?

11 A. YES.

12 Q. OKAY. AND WHO TOOK THAT BLOOD SAMPLE FROM YOU?

13 A. STEWART ROBERTSON.

14 Q. OKAY. DID YOU TAMPER WITH IT, OR DID ANYBODY IN
15 YOUR PRESENCE TAMPER WITH IT BEFORE STEWART
16 ROBERTSON GOT TO SLED?

17 A. NO, SIR.

18 Q. OKAY. AND WHAT DID YOU PUT THAT IN PRIOR TO
19 STEWART ROBERTSON TAKING IT?

20 Q. WE PUT IT IN VIALS OR TUBES FOR BLOOD. WE ALSO
21 TAKE URINE THAT'S PUT IN A BOTTLE. WE TAKE SOME,
22 A LITTLE SMALL AMOUNT OF LIVER AND BRAIN AND PUT
23 THEM IN BOTTLES. ANYWAY, THESE BOTTLES ARE
24 LABELED, SIGNED, THEY WERE THEN PUT INTO PLASTIC
25 BAGS, SEALED AND SIGNED, AND THEN HANDED TO THE,

1 WHOEVER IS WANTING THE TISSUE.

2 Q. I'VE GOT YOU. AND IN THAT CASE IT WAS STEWART
3 ROBERTSON?

4 A. YES.

5 SOLICITOR PASCOE: I BEG THE COURT'S
6 INDULGENCE. ANSWER ANY QUESTIONS MR. MELLARD HAS FOR
7 YOU. THANK YOU, DR. ROSS.

8 A. THANK YOU.

9 THE COURT: MR. MELLARD.

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

1 CROSS-EXAMINATION OF DR. JANICE ROSS

2 BY MR. MELLARD:

3 Q. LET'S SEE, YOU CONDUCTED THE AUTOPSY ON MARCH THE
4 TENTH?

5 A. YES.

6 Q. OKAY. AND THAT WAS ABOUT EIGHT:THIRTY A.M.?

7 A. YES.

8 Q. OKAY. AND I BELIEVE SLED OFFICER STEWART
9 ROBERTSON WAS PRESENT WHEN YOU DID THAT?

10 A. YES.

11 Q. OKAY. AND YOU EXAMINED THE BODY ONE TIME, IS THAT
12 CORRECT?

13 A. YES.

14 Q. OKAY. THE CORONER BROUGHT YOU THE BODY, YOU
15 EXAMINED IT ONE TIME, AND THEN MY UNDERSTAND IS,
16 THE CORONER TOOK THE BODY BACK?

17 A. YES.

18 Q. OKAY. AND THEN YOU ISSUED A REPORT ON MARCH THE
19 TENTH?

20 A. CORRECT.

21 Q. AND THE MANNER OF DEATH IN YOUR REPORT WAS,
22 "PENDING POLICE INVESTIGATION"?

23 A. YES.

24 Q. OKAY. AND THE PROBABLE CAUSE OF DEATH IN YOUR
25 REPORT WAS, "PENDING POLICE INVESTIGATION"?

- 1 A. YES.
- 2 Q. OKAY. YOUR MARCH TENTH, TWO THOUSAND AND SIX,
3 REPORT DOESN'T SAY ANYTHING ABOUT TRAUMA, DOES IT?
- 4 A. IN THE BODY OF THE REPORT IT DOES.
- 5 Q. WHAT DOES IT SAY?
- 6 A. ON PAGE TWO, UNDER, LUNGS, IT SAYS, "IN THE
7 POSTERIOR LEFT WALL THERE IS A TWO CENTIMETER
8 DEFECT WITH SLIGHT HEMORRHAGE AROUND IT IN THE
9 SOFT TISSUE."
- 10 Q. OKAY. SO, THE TRAUMA WE WOULD BE TALKING ABOUT
11 WOULD BE A, THAT PUNCTURE WOUND, IS THAT WHAT
12 WE'RE TALKING ABOUT?
- 13 A. YES.
- 14 Q. OKAY. MARCH THE TENTH, TWO THOUSAND AND SIX, YOU
15 DIDN'T KNOW THE CAUSE OF DEATH OF ANNA BELL, ISN'T
16 THAT CORRECT?
- 17 A. NO.
- 18 Q. AND YOU COULD NOT STATE FOR CERTAIN WHETHER OR NOT
19 SHE HAD BEEN KILLED, IS THAT CORRECT?
- 20 A. IT WAS VERY SUSPICIOUS BUT WE COULDN'T SAY YES OR
21 NO AT THAT TIME, NO.
- 22 Q. RIGHT. NOW, AS FAR AS THIS STAB WOUND, WAS
23 OFFICER ROBERTSON PRESENT WHEN YOU FOUND THE STAB
24 WOUND?
- 25 A. YES.

1 Q. OKAY. NOW, IN APRIL OF TWO THOUSAND AND SIX YOU
2 ISSUED AN AMENDED REPORT?

3 A. YES.

4 Q. OKAY. AND THIS AMENDED REPORT INDICATED THE
5 MANNER OF DEATH WAS HOMICIDE?

6 A. YES.

7 Q. OKAY. AND THIS CONCLUSION WAS NOT BASED ON ANY
8 ADDITIONAL EXAMINATION OF THE BODY?

9 A. NO.

10 Q. OKAY. IN FACT, YOU HAD ONLY EXAMINED THAT BODY
11 THAT ONE TIME?

12 A. CORRECT.

13 Q. ALRIGHT. AND YOU DON'T FEEL THAT YOU MADE A
14 MISTAKE ON YOUR INITIAL, THE MARCH TENTH REPORT,
15 DO YOU?

16 A. NO.

17 Q. OKAY. ALRIGHT. AND YOUR CONCLUSION WAS BASED IN
18 PART ON THE FACT THAT THE POLICE HAD DECIDED THAT
19 ARSON WAS INVOLVED, IS THAT YOUR TESTIMONY?

20 A. YES.

21 Q. OKAY. AND THE AMENDED REPORT INDICATES THAT THE
22 CAUSE OF DEATH WAS TRAUMA OF UNDETERMINED ORIGIN?

23 A. YES.

24 MR. MELLARD: OKAY. NO MORE
25 QUESTIONS, YOUR HONOR.

1 THE COURT: REDIRECT?

2 SOLICITOR PASCOE: NO, SIR. COULD
3 SHE BE EXCUSED?

4 THE COURT: ANY OBJECTION?

5 MR. MELLARD: NO OBJECTION.

6 THE COURT: THANK YOU, MA'AM, THANK
7 YOU FOR COMING, YOU MAY BE EXCUSED.

8 WITNESS: THANK YOU.

9 THE COURT: GIVE DR. SEXTON AND MS.
10 LOU LYN MY REGARDS.

11 WITNESS: I WILL.

12 SOLICITOR PASCOE: WE CALL DEPUTY
13 ROMAN RODRIGUEZ.

14 (Whereupon, witness
15 enters the courtroom.)

16 THE COURT: COME AROUND, PLEASE,
17 SIR.

18 CLERK: PLEASE PLACE YOUR LEFT HAND
19 ON THE BIBLE AND RAISE YOUR RIGHT HAND.

20 (Whereupon, Roman Rodriguez
21 is duly sworn.)

22 CLERK: HAVE A SEAT AND STATE YOUR
23 FULL NAME, AND SPELL IT.

24 WITNESS: DEPUTY ROMAN E. RODRIGUEZ.

25 SOLICITOR PASCOE: HAVE YOU GOT THE

1 SPELLING?

2 COURT REPORTER: YES, SIR.

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

1 DIRECT EXAMINATION OF ROMAN E. RODRIGUEZ

2 BY SOLICITOR PASCOE:

3 Q. STATE YOUR NAME AGAIN ONE MORE TIME, SIR?

4 A. DEPUTY ROMAN E. RODRIGUEZ.

5 Q. GOOD AFTERNOON, SIR.

6 A. GOOD AFTERNOON.

7 Q. WHERE DO YOU WORK, DEPUTY RODRIGUEZ?

8 A. ORANGEBURG COUNTY SHERIFF'S OFFICE.

9 Q. AND HOW LONG ALTOGETHER HAVE YOU BEEN IN LAW
10 ENFORCEMENT?

11 A. SEVENTEEN YEARS.

12 Q. WERE YOU INVOLVED IN THE MURDER INVESTIGATION OF
13 MS. AMIE BELL?

14 A. YES, I WAS.

15 Q. AND DO YOU HAVE NOTES IF YOU NEED TO USE THEM
16 LATER?

17 A. YES, I DO.

18 Q. JUST TELL ME IF YOU NEED THEM. WHEN WERE YOU
19 ASSIGNED TO THIS CASE?

20 A. ON THE DAY OF THE INCIDENT.

21 Q. OKAY. SO, MARCH NINTH, TWO THOUSAND AND SIX?

22 A. THAT'S CORRECT.

23 Q. AND DID YOU ASSIST LIEUTENANT COLLIER IN THE
24 INVESTIGATION OF THIS CASE?

25 A. YES, I DID.

1 Q. AND WERE YOU INVOLVED IN THE ARREST OF THE
2 DEFENDANT ON MARCH THE SIXTEENTH, A WEEK AFTER THE
3 FIRE?

4 A. YES, I WAS.

5 Q. WERE YOU PRESENT WHEN HE SAID HE DIDN'T STAB HIS
6 MOM?

7 A. YES, I WAS.

8 Q. AND WHEN AS AN INVESTIGATOR ON THIS CASE WAS THE
9 FIRST TIME YOU EVER HEARD ANYTHING ABOUT A
10 STABBING?

11 A. WHEN THE DEFENDANT MENTIONED IT.

12 Q. LATER, AFTER THE DEFENDANT GAVE THAT STATEMENT
13 THAT DAY TO LAW ENFORCEMENT, DID YOU SEIZE
14 ANYTHING FROM HIM, TAKE ANYTHING FROM HIM?

15 A. YES, WE GOT HIS CLOTHING FROM THE JAIL.

16 Q. AS PART OF HIS CLOTHING DID YOU TAKE HIS SHOES?

17 A. YES, SIR, HIS SHOES AND I THINK IT WAS A SHIRT AND
18 SOME OTHER THINGS.

19 Q. AND SPECIFICALLY I WANT TO SHOW YOU WHAT'S BEEN
20 MARKED AS STATE'S EXHIBIT TWENTY-EIGHT. JUST TAKE
21 A LOOK AT WHAT'S IN THAT ITEM, OR WHAT'S IN THAT
22 BOX. ALRIGHT, DO YOU RECOGNIZE WHAT'S IN STATE'S
23 EXHIBIT TWENTY-EIGHT?

24 A. YES, I DO.

25 Q. AND WHAT ARE THOSE ITEMS?

1 A. A PAIR OF TENNIS SHOES, WHITE TENNIS SHOES.

2 Q. OKAY. AND WHERE DID YOU GET THOSE TENNIS SHOES?

3 A. FROM THE DEFENDANT.

4 Q. THOSE ARE THE ONES HE WAS WEARING THE DATE OF HIS
5 ARREST?

6 A. THAT'S CORRECT.

7 Q. OKAY. WHO ACTUALLY PROCURED THE SHOES FROM THE
8 DEFENDANT AFTER HE TOOK THEM OFF?

9 A. WELL, WHEN WE -- WHEN WE TOOK THEM BACK TO THE
10 JAIL WE GOT THE JAILER TO MAKE SURE WE GOT THE
11 TENNIS SHOES FROM HIM SO WE COULD KEEP IT.

12 Q. I'VE GOT IT. AND YOU GOT THE TENNIS SHOES?

13 A. YES, WE DID.

14 Q. AND WHO WERE THEY TURNED OVER TO?

15 A. LIEUTENANT GERALD CARTER, OF THE SHERIFF'S OFFICE.

16 Q. AND DID YOU MANIPULATE OR TRY TO DO ANYTHING WITH
17 THE SHOES BEFORE LIEUTENANT CARTER GOT THEM?

18 A. NO, I DIDN'T.

19 Q. OKAY. AND WHERE DID THEY END UP GOING?

20 A. LIEUTENANT CARTER THEN SENT THEM TO SLED TO BE
21 ANALYZED.

22 SOLICITOR PASCOE: OKAY. I BEG THE
23 COURT'S INDULGENCE. THANK YOU, SIR, ANSWER ANY
24 QUESTIONS DEFENSE COUNSEL HAS FOR YOU.

25 THE COURT: CROSS-EXAMINATION.

1 MR. MELLARD: ONE SECOND, YOUR HONOR.

2 NO QUESTIONS.

3 THE COURT: THANK YOU, SIR, YOU MAY

4 STEP DOWN.

5 CALL YOUR NEXT WITNESS, PLEASE.

6 SOLICITOR SORENSON: THE STATE CALLS

7 LIEUTENANT GERALD CARTER.

8 (Whereupon, witness

9 enters the courtroom.)

10 CLERK: PLEASE PLACE YOUR LEFT HAND

11 ON THE BIBLE AND RAISE YOUR RIGHT HAND.

12 (Whereupon, Gerald Carter

13 is duly sworn.)

14 CLERK: HAVE A SEAT AND STATE YOUR

15 NAME.

16 WITNESS: MY NAME IS GERALD CARTER,

17 C-A-R-T-E-R.

18 (NOTE: Blank lines on this page do not indicate any

19 part of record has been omitted. Headers on testimony

20 pages and hard page breaks between testimony are now

21 required by the Court. See next ensuing page for

22 sequential continuation of record.)

1 DIRECT EXAMINATION OF GERALD CARTER

2 BY SOLICITOR SORENSON:

3 Q. GOOD AFTERNOON, LIEUTENANT. TELL US WHERE YOU'RE
4 EMPLOYED?

5 A. I'M WITH THE ORANGEBURG COUNTY SHERIFF'S OFFICE.

6 Q. AND HOW LONG HAVE YOU BEEN WITH THE SHERIFF'S
7 OFFICE?

8 A. NEARLY FIFTEEN YEARS.

9 Q. OKAY. AND WHAT ARE YOUR CURRENT DUTIES OUT THERE?

10 A. CURRENTLY MY PRIMARY DUTIES ARE, I'M LIEUTENANT
11 OVER THE CRIME SCENE UNIT. I WOULD GO AND PROCESS
12 CRIME SCENES, COLLECT EVIDENCE, AND I'M ALSO THE
13 EVIDENCE CUSTODIAN.

14 Q. I WANT TO TURN YOUR ATTENTION, IF I COULD, SIR,
15 BACK TO MARCH SEVENTEENTH OF TWO THOUSAND AND SIX.
16 I'M SHOWING YOU STATE'S EXHIBIT NUMBER TWENTY-
17 EIGHT THAT'S JUST BEEN REFERRED TO BY DETECTIVE
18 RODRIGUEZ?

19 A. YES, SIR.

20 Q. DID YOU HAVE AN OPPORTUNITY TO HAVE THE SHOES THAT
21 WERE REFERRED TO TRANSFERRED INTO YOUR CUSTODY?

22 A. LET ME MAKE SURE. YES, I DID.

23 Q. AND WHAT DID YOU DO WITH THESE, THIS PAIR OF
24 TENNIS SHOES WHEN YOU GOT THEM?

25 A. INVESTIGATOR RODRIGUEZ BELIEVED THERE MIGHT BE

1 SOME EVIDENCE ON THE SHOES. HE BROUGHT THEM TO
2 ME, I LOOKED AT THEM FOR A MINUTE OR TWO, AND
3 AGREED WITH HIM. I BOXED THE SHOES UP AND
4 TRANSPORTED THEM TO SLED.

5 Q. OKAY. AND HOW DID YOU GO ABOUT BOXING UP -- IS
6 THIS THE BOX THAT THEY WERE PUT INTO?

7 A. YES, SIR.

8 Q. OKAY. AND WHAT DID YOU -- DID YOU THEN LOG THEM
9 IN OUT AT SLED?

10 A. YES, SIR.

11 Q. OKAY. AND HOW -- YOU SEALED THE BOX OFF, OR HOW
12 DID YOU GO ABOUT DOING THAT WHEN YOU THEM?

13 A. ACTUALLY, WHAT I DID, THE SHOES WERE SECURED IN
14 OUR EVIDENCE ROOM, WHICH IS A MAXIMUM SECURITY
15 TYPE ROOM, ON THE SIXTEENTH. I TRANSPORTED THE
16 BOX TO SLED ON THE SEVENTEENTH AND THEY ACTUALLY
17 SEALED IT WITH TAMPER RESISTANT TAPE.

18 Q. OKAY. AND DID YOU ACTUALLY INITIAL, INITIAL AND
19 DATE THAT TAPE?

20 A. YES, SIR, I DID.

21 Q. AND I BELIEVE THAT'S GOING TO BE THESE TWO, THIS
22 PIECE RIGHT HERE AND THE PIECE OVER HERE?

23 A. YES, SIR, THE YELLOW TAPE WAS GOING TO BE THE SLED
24 EVIDENCE TAPE, AND I INITIALED AND DATED THAT.

25 Q. OKAY. AND DID YOU THEN TURN IT OVER TO SLED'S

1 CUSTODY AT THAT POINT IN TIME?

2 A. YES, SIR, I DID.

3 Q. OKAY.

4 SOLICITOR SORENSON: YOUR HONOR, AT
5 THIS TIME WE'D OFFER STATE'S NUMBER TWENTY-EIGHT INTO
6 EVIDENCE.

7 MR. MELLARD: LET ME TAKE A LOOK AT
8 IT. NO OBJECTION, YOUR HONOR.

9 THE COURT: ADMITTED WITHOUT
10 OBJECTION.

11 COURT REPORTER: BRING IT HERE,
12 SOLICITOR.

13 (State's Exhibit Twenty-eight
14 marked and filed.)

15 Q. NOW, ADDITIONALLY, LIEUTENANT, ON FEBRUARY
16 FIFTEENTH OF THIS YEAR DID YOU HAVE AN OPPORTUNITY
17 TO TAKE SOME ORAL SWABS FROM THE DEFENDANT IN THIS
18 CASE, WILLIE BELL?

19 A. YES, SIR, I DID.

20 Q. OKAY. AND WHERE WAS THAT DONE?

21 A. IT WAS ACTUALLY, THE SAMPLES WERE TAKEN RIGHT HERE
22 AT THE COURT HOUSE.

23 Q. OKAY. AND HOW DID YOU GO ABOUT TAKING THOSE
24 SAMPLES?

25 A. I USED TWO STERILE SWABS, THEY'RE SEALED UNTIL WE

1 USE THEM. WHEN I ARRIVED AT THE COURT HOUSE MR.
2 BELL WAS ALREADY HERE. I OPENED THE SWABS AT THAT
3 TIME, SWABBED THE INTERIOR OF HIS MOUTH, ALLOWED
4 THE SWABS TO DRY, AND THEN SEALED INTO EVIDENCE,
5 IN THE EVIDENCE ENVELOPE.

6 Q. OKAY. AND AFTER YOU SEALED THEM WHO DID YOU TURN
7 THOSE SWABS OVER TO?

8 A. TO LIEUTENANT CRAIG COLLIER, WITH SLED.

9 Q. OKAY. AND I SHOW YOU STATE'S EXHIBIT NUMBER
10 TWENTY-SEVEN, IS THAT THE ENVELOPE THAT CONTAINS
11 THOSE ORAL SWABS?

12 A. THAT IS GOING TO BE THE ENVELOPE I HANDED TO
13 LIEUTENANT COLLIER.

14 Q. OKAY. AND AFTER YOU TOOK THOSE SWABS FROM MR.
15 BELL AND SEALED THEM IN THIS ENVELOPE, DID YOU
16 TAMPER WITH THEM IN ANY WAY WHILE THEY WERE IN
17 YOUR CUSTODY?

18 A. NO, SIR.

19 SOLICITOR SORENSON: YOUR HONOR, AT
20 THIS TIME WE'D OFFER STATE'S TWENTY-SEVEN INTO EVIDENCE.

21 THE COURT: ANY OBJECTION?

22 MR. MELLARD: NO OBJECTION, YOUR
23 HONOR.

24 THE COURT: ADMITTED WITHOUT
25 OBJECTION.

1 (State's Exhibit Twenty-seven
2 marked and filed.)

3 SOLICITOR SORENSON: THANK YOU, LIEUTENANT,
4 PLEASE ANSWER ANY QUESTIONS THE DEFENSE HAS.

5 THE COURT: CROSS-EXAMINATION.

6 MR. MELLARD: NO QUESTIONS.

7 THE COURT: THANK YOU, SIR, YOU MAY
8 STEP DOWN.

9 SOLICITOR SORENSON: THE STATE CALLS
10 JANICE BRYSON.

11 (Whereupon, witness
12 enters the courtroom.)

13 THE COURT: COME AROUND, PLEASE,
14 MA'AM.

15 CLERK: PLEASE PLACE YOUR LEFT HAND
16 ON THE BIBLE AND RAISE YOUR RIGHT HAND.

17 (Whereupon, Janice Bryson
18 is duly sworn.)

19 CLERK: PLEASE HAVE A SEAT AND STATE
20 YOUR FULL NAME.

21 WITNESS: MY NAME IS JANICE BRYSON,
22 B-R-Y-S-O-N.

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

- 1 required by the Court. See next ensuing page for
- 2 sequential continuation of record.)

1 DIRECT EXAMINATION OF JANICE BRYSON

2 BY SOLICITOR SORENSON:

3 Q. MS. BRYSON, IF YOU WOULD, TELL THE JURY WHERE IT
4 IS THAT YOU'RE EMPLOYED?

5 A. SOUTH CAROLINA LAW ENFORCEMENT DIVISION.

6 Q. AND HOW LONG HAVE YOU BEEN WITH SLED?

7 A. SEVENTEEN YEARS.

8 Q. AND WHAT DEPARTMENT DO YOU WORK IN OUT AT SLED?

9 A. I'M IN THE EVIDENCE PROCESSING DEPARTMENT.

10 Q. ALRIGHT. AND HAVE YOU BEEN OUT THERE, HOW LONG
11 HAVE YOU BEEN IN THAT DEPARTMENT?

12 A. ELEVEN YEARS.

13 Q. ELEVEN YEARS. AND IF YOU WOULD, JUST BRIEFLY TELL
14 THE JURY WHAT YOUR DUTIES, KIND OF DAY TO DAY
15 DUTIES CONSIST OF IN THE EVIDENCE PROCESSING
16 DEPARTMENT?

17 A. WHENEVER ITEMS OF EVIDENCE ARE SUBMITTED TO THE
18 LAB WITH A REQUEST TO LOOK FOR HAIR, FIBER, BLOOD
19 OR SEMEN IT'S MY RESPONSIBILITY TO GO THROUGH THE
20 EVIDENCE, COLLECT ANY EVIDENCE I FIND, AND MAKE
21 SURE THAT IT'S TRANSFERRED TO THE APPROPRIATE
22 DEPARTMENT.

23 Q. OKAY. AND IN THIS CASE DID YOU HAVE AN OPPORTUNITY
24 TO HAVE SEVERAL ITEMS SUBMITTED TO YOU FOR YOUR
25 EXAMINATION?

1 A. YES, SIR.

2 Q. ALRIGHT. AND SPECIFICALLY, THE FIRST THING I WANT
3 TO ASK YOU ABOUT, STATE'S EXHIBIT NUMBER TWENTY-
4 SIX, DID YOU HAVE AN OPPORTUNITY TO HAVE, TO HAVE,
5 FIRST OF ALL, LET'S SEE HERE, IT'S ACTUALLY
6 CONTAINING STATE'S EXHIBIT NUMBER TWENTY-FIVE, A
7 NAVY BLUE SWEAT SHIRT, SUBMITTED FOR YOUR
8 EXAMINATION?

9 A. YES, SIR.

10 Q. OKAY. AND ADDITIONALLY, STATE'S EXHIBIT NUMBER
11 TWENTY-FOUR, DID YOU HAVE AN OPPORTUNITY TO HAVE
12 SUBMITTED TO YOU A PLASTIC BAG CONTAINING A T-
13 SHIRT AND A PAIR OF BLUE SWEAT PANTS?

14 A. YES, SIR.

15 Q. OKAY. IF YOU WOULD, TELL THE JURY WHAT, IF ANY,
16 EXAMINATION DID YOU PERFORM ON THOSE THREE ITEMS
17 OF CLOTHING?

18 A. WHEN THE EVIDENCE WAS SUBMITTED TO THE LAB THE
19 REQUEST WAS TO LOOK FOR BLOOD, AND SO I DO A
20 VISUAL EXAMINATION TO SEE IF I SEE ANY AREAS THAT
21 MAY BE POTENTIALLY BLOOD. AND IF I SEE AN AREA I
22 DO A PHENOL THALENE TEST, WHICH IT'S A THREE STEP
23 CHEMICAL TEST THAT ALLOWS ME TO SEE A CHEMICAL
24 COLOR CHANGE. IF THAT STAIN IS POTENTIALLY BLOOD
25 I KNOW TO COLLECT THAT AREA AND SEND IT TO THE DNA

1 DEPARTMENT FOR FURTHER ANALYSIS.

2 Q. OKAY. AND SPECIFICALLY, I GUESS, INITIALLY
3 DEALING WITH STATE'S EXHIBIT NUMBER TWENTY-FIVE,
4 THE NAVY BLUE SWEAT SHIRT, DID YOU, IN YOUR VISUAL
5 EXAMINATION, DID YOU SEE ANY AREAS THAT, THAT
6 LOOKED LIKE THERE COULD BE BLOOD ON THAT SWEAT
7 SHIRT?

8 A. YES, SIR, I TESTED NUMEROUS AREAS BUT THEY WERE
9 NEGATIVE FOR THE PRESUMPTIVE TEST OF BLOOD.

10 Q. SO, NOTHING TO SUGGEST THAT THERE WAS ANY BLOOD,
11 THEN, ON THIS SWEAT SHIRT?

12 A. THAT'S CORRECT.

13 Q. AND DID YOU DO ANYTHING FURTHER WITH THAT SWEAT
14 SHIRT, AS FAR AS MAKING ANY CUTTINGS OR ANYTHING
15 OF THAT NATURE FROM IT?

16 A. NO, SIR.

17 Q. ALRIGHT, NOW, TURNING TO THE BAG OF CLOTHING,
18 LET'S FIRST DEAL WITH THE T-SHIRT, DID YOU HAVE AN
19 OPPORTUNITY TO EXAMINE THAT T-SHIRT FOR ANY AREAS
20 THAT APPEARED TO POSSIBLY BE BLOOD ON THE T-SHIRT?

21 A. YES, SIR, I DID.

22 Q. OKAY. AND DID YOU, DID YOU FIND ANY AREAS?

23 A. YES, SIR, I TOOK ONE CUTTING FROM THE T-SHIRT THAT
24 WAS POSITIVE FOR THE PRESUMPTIVE TEST OF BLOOD.

25 Q. OKAY. AND WHERE WAS THAT CUTTING TAKEN FROM ON