

VOLUME TWO

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Dorchester County
James E. Lockemy, Circuit Court Judge

RECEIVED

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MARION BOWMAN,

S.C. Supreme Court
PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-213468

APPENDIX

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1 A. His hairstyle is different, but it's the same
2 person.

3 Q. What about his weight, do you notice any
4 difference in his weight?

5 A. He seems a little slender.

6 Q. Okay. Sheriff, I believe that's all I have.
7 Thank you.

8 RECROSS-EXAMINATION

9 BY MR. CUMMINGS:

10 Q. Would you be surprised to learn he gained weight
11 in the jail? Because obviously you don't know what he
12 weighed at the time he was put in there because you
13 don't keep the records, right?

14 A. Your question is that he gained?

15 Q. Yes, sir. Would you be surprised he gained weight
16 since he's been over across the street here?

17 A. All due respect, I did make a statement it seemed,
18 so, I mean, that's no accuracy to that, so....

19 Q. But there's nothing in any records, reports that
20 you have because you don't have any records or reports,
21 right?

22 A. There would be booking reports.

23 Q. At the Orangeburg regional facility and the
24 Dorchester County Jail?

25 A. Yes, sir.

1 MR. CUMMINGS: Beg the Court's indulgence.

2 THE COURT: All right.

3 (Pause in proceedings.)

4 Q. Does it say on there how much he weighs on the
5 booking report on that date in your jail, Sheriff, if
6 you look at that form?

7 A. It reads 170.

8 Q. 170, okay. Thank you, sir. That's all the
9 questions I have.

10 THE COURT: All right. You may come down.

11 Is this witness free to leave, counsel?

12 MR. BAILEY: As far as the State's concerned,
13 yes, ma'am.

14 THE COURT: Yes, sir.

15 MR. CUMMINGS: Yes, Judge, I have no further
16 questions of the sheriff.

17 THE COURT: Very well. You are free to go.

18 THE WITNESS: Thank you, ma'am.

19 (Whereupon, the witness steps down from the
20 witness stand.)

21 THE COURT: Yes, sir. Please call your next
22 witness.

23 MR. CUMMINGS: Your Honor, we would ask that
24 we want to serve a subpoena on Ms. -- the major
25 here because a letter here of the sheriff

1 identifying -- and I would like to try to take
2 her -- and I know that Mr. Bailey has her here,
3 they've got to go back and whether or not it would
4 be my witness I want it -- the young lady to have
5 notice. We'll get a subpoena, have that served on
6 her. And I would like to preserve Mr. McAlhany's
7 personnel record so we can get an address, he
8 resigned four days ago before this hearing.

9 THE COURT: All right. Two things that you
10 are asking, number one just as a matter of
11 information you would like the major to know that
12 she's about to be served with a subpoena, or very
13 recently?

14 MR. CUMMINGS: Correct.

15 THE COURT: In the nature to bring records, I
16 gather; is that correct?

17 MR. CUMMINGS: Correct.

18 THE COURT: Very well. And secondly to ask
19 that the personnel file of --

20 MR. CUMMINGS: Deputy McAlhany. I think they
21 call him Wally.

22 THE COURT: Be preserved.

23 MR. CUMMINGS: Wayne.

24 THE COURT: Wayne McAlhany.

25 All right. Any objection to either of

1 those matters, Mr. Bailey?

2 MR. BAILEY: Not from the State, Your Honor.

3 THE COURT: Very well. I think what is
4 appropriate is that I ask the sheriff because he's
5 probably here, because he's probably waiting on
6 his ride.

7 MR. CUMMINGS: Yes, ma'am. Which is this
8 nice young lady, that's why I wanted to say that.

9 THE COURT: We ask him to step back in so
10 both of you -- I can notify both of you at the
11 same time.

12 Ask the sheriff to step back in.

13 Thank you, Sheriff. Sheriff, there has
14 been a request that the personnel file of Deputy
15 Wayne McAlhany, is that his correct name, Wayne
16 McAlhany?

17 SHERIFF WILLIAMS: Yes, ma'am.

18 THE COURT: That his personnel file with your
19 office not be destroyed. I don't know whether or
20 not that's a problem or not, probably isn't, y'all
21 probably maintain those records as a matter of
22 course at least for a period of time. In an
23 abundance of caution I'm going to order that that
24 record not be destroyed and be maintained until
25 further order of the Court.

1 Now, if there's someone that wants to
2 have a hearing about that that represents the
3 sheriff's department, please let them know, I'm
4 happy to hear from them.

5 SHERIFF WILLIAMS: Yes, ma'am.

6 THE COURT: We'll reconvene a hearing to that
7 effect, but interimly it would be the order of the
8 Court that the personnel files or any other files
9 of Deputy Wayne McAlhany, I'm not talking about a
10 file that he may have investigated, and he's got
11 notes in that.

12 SHERIFF WILLIAMS: Yes, ma'am.

13 THE COURT: But I'm talking about any and all
14 files that concern him directly, that those files
15 just simply not be destroyed, be maintained in the
16 normal course of business.

17 SHERIFF WILLIAMS: Yes, ma'am.

18 THE COURT: Thank you.

19 SHERIFF WILLIAMS: Yes, ma'am.

20 THE COURT: And I think the major is here,
21 she may choose to stay or not to stay. If you
22 would like to stay, that's fine. If you were
23 waiting to go with the sheriff you can certainly
24 be excused, either way.

25 All right. Thank you, Ms. Saulisbury.

1 You don't have the subpoena at this
2 point, do you?

3 MR. CUMMINGS: I wanted to let this nice lady
4 know --

5 THE COURT: At some point in the future you
6 probably should anticipate it. As I understand at
7 this point, Major, they do not have it prepared.

8 MR. CUMMINGS: I didn't know if this nice
9 lady was going on vacation, out of school, or be
10 at her office.

11 THE COURT: Vacation always sounds good,
12 doesn't it? You anticipate being at work the next
13 couple of days, I gather?

14 MS. WALTERS: Definitely.

15 MR. CUMMINGS: Thank you, Judge.

16 THE COURT: All right. Thank you.

17 Mr. Bailey, if you would call your next
18 witness.

19 MR. BAILEY: Recall Terry Van Doran.

20 (Terrence A. Van Doran, called as a witness,
21 having first been duly sworn, is examined and
22 testifies as follows:)

23 THE COURT: And when you are seated for our
24 record if you'd just state your full name for the
25 record, spell your last name.

1 THE WITNESS: Yes, ma'am.

2 THE COURT: There you go.

3 THE WITNESS: Terrence Arnold Van Doran,
4 V-a-n D-o-r-a-n.

5 THE COURT: Your witness.

6 DIRECT EXAMINATION

7 BY MR. BAILEY:

8 Q. Mr. Van Doran, I want to call your attention to
9 February the 18th, 2001 and ask whether or not you were
10 working on this case?

11 A. Yes, sir.

12 Q. And where did you go that day?

13 A. We had been doing further investigation and we
14 were mainly in the Branchville area.

15 Q. All right. And would you state whether or not you
16 and other law enforcement officers left the Branchville
17 area and went to Orangeburg that -- the afternoon of
18 the 18th?

19 A. We did, sir.

20 Q. All right. And do you recall were you with a
21 group of other officers that left together?

22 A. Yes, sir. I was informed that the defendant
23 wanted to speak to us and we were in the Branchville
24 area. Myself, Major Stephenson, Chief Barbara Walters,
25 and Sheriff Williams left the Branchville area and went

1 to the Orangeburg Sheriff's Office.

2 Q. Okay. And do you recall approximately what time
3 you got to the sheriff's office?

4 A. I don't remember the exact time, but it was late
5 evening, it was evening, roughly 6:00, 7:00, to the
6 best of my recollection.

7 Q. Okay. All right. And when you got to the
8 sheriff's office, do you recall where you went in the
9 sheriff's office?

10 A. I'm not real familiar -- I was not real familiar
11 with that complex at the time, but we went to the
12 sheriff's side, the building on it would -- if you're
13 looking directly at the front of the building it would
14 be on the left-hand side of the sheriff's building and
15 there's a parking area there and then we went in on
16 that side.

17 Q. Okay. And what did you do after you went inside
18 the sheriff's office?

19 A. We went in. And at first I was going to speak to
20 the defendant, myself and -- there were a couple people
21 standing there, Chief Walters was there, Major
22 Stephenson was there, I was there, some people were
23 kind of in and out of the room. And the room was on --
24 as you went down the corridor on the left-hand side.
25 And it was my understanding that he wanted to speak

1 with myself or an investigator --

2 Q. When you say "he," you're referring to the
3 defendant --

4 A. The defendant.

5 Q. -- Marion Bowman?

6 A. Yes, sir.

7 Q. Okay.

8 A. I started to do that. He asked if he could speak
9 with Sheriff Williams.

10 Q. For the record --

11 A. The defendant asked to speak with Sheriff
12 Williams.

13 Q. All right.

14 A. And I said I'll see if he would speak with you. I
15 went and asked Sheriff Williams if he would speak with
16 him and he agreed to. And the defendant moved, from
17 the time that we were in, over to another room where
18 Sheriff Williams was at. And I left the room at that
19 time.

20 Q. Okay. Did you have any further contact with
21 Marion Bowman later on that day, to your recollection?

22 A. Other than see him leave the room, no, sir.

23 Q. Okay. All right. And did you make any note of
24 the times when all this had occurred?

25 A. Not the times, but in my investigative notes I did

1 make note of it happening.

2 Q. Okay. And I'm going to hand you a document and
3 ask if this is a portion of your investigative notes
4 from February the 18th?

5 A. Yes, sir.

6 Q. All right, sir. I next want to call your
7 attention to February the 22nd and ask you whether or
8 not you were again working on this case?

9 A. Off and on I was working on it, yes, sir.

10 Q. Okay. And calling your attention to approximately
11 11:00 a.m. on February 22nd, I would ask whether or not
12 you saw Marion Bowman?

13 A. I was contacted by Detective Sergeant Coker and
14 informed that he had requested to speak to us.

15 Q. Again, you got to use --

16 A. The defendant had requested to speak to us.

17 Q. Okay.

18 A. And Sergeant Coker asked if I could come to St.
19 George. I was in Summerville.

20 Q. By this time had Mr. Bowman been transferred from
21 the Orangeburg County Jail to the Dorchester Jail?

22 A. It was my understanding that he had been and, yes,
23 I later found out that he had been, yes, sir.

24 Q. Okay. And where did you see Marion Bowman on that
25 day?

1 A. In Sergeant Coker's office here in St. George.

2 Q. Okay. And who else was present, to the best of
3 your knowledge?

4 A. Sergeant Coker.

5 Q. Okay.

6 A. And I believe that -- I think that's all on that
7 occasion.

8 Q. Okay. All right. And would you -- let me hand
9 you a document and see if you can identify this.

10 A. Yes, sir.

11 Q. Okay. That's a Miranda Rights form?

12 A. Yes, sir.

13 MR. BAILEY: If I could mark this for
14 identification.

15 THE COURT: Yes.

16 (Marked for identification was State's Exhibit 8,
17 Statement of Miranda Rights.)

18 Q. I think it's State's 8 for identification.

19 Mr. Van Doran, were you present with Alvin Coker when
20 he gave Miranda rights to the defendant?

21 A. I was, sir.

22 Q. And did he use that form to give him those Miranda
23 rights?

24 A. Yes, sir.

25 Q. And how did he go about doing it?

1 A. He read directly from the rights form exactly as
2 it's printed.

3 Q. Did Marion Bowman appear to understand his rights
4 when they were given by Sergeant Coker?

5 A. Yes, sir. He did.

6 Q. Did you witness him sign the rights portion of the
7 form, the top part?

8 A. I did, sir.

9 Q. Did Detective Coker go over the waiver portion?

10 A. He did, sir.

11 Q. Did he appear to understand the waiver?

12 A. Yes, sir.

13 Q. Did you witness him sign the waiver portion of the
14 form?

15 A. I did, sir.

16 Q. And did he subsequently waive his rights and agree
17 to give a verbal statement to you?

18 A. Yes, sir.

19 Q. And were any promises made to him to induce him to
20 give you a verbal statement?

21 A. No, sir.

22 Q. Okay. Any threats or any physical abuse, anything
23 of that nature?

24 A. No, sir.

25 Q. All right. Did he, in fact, give a verbal

1 statement?

2 A. He did, sir.

3 Q. Do you recall what he told you?

4 A. I don't. Without looking at my notes I can't
5 recall the exact contents, no, sir.

6 Q. Okay. Do you have your notes with you?

7 A. No, sir.

8 Q. Okay. Was Sergeant Coker present at the time he
9 gave the verbal statement also?

10 A. He was.

11 Q. Okay. And do you recall whether or not Agent
12 Helms was in there also?

13 A. I think he came in at some point, yes, sir.

14 Q. At some point during the verbal statement?

15 A. Yes, sir.

16 MR. BAILEY: Your Honor, indulge me one
17 second, please.

18 THE COURT: All right.

19 (Pause in proceedings.)

20 MR. BAILEY: That's all I have at this time.

21 MR. CUMMINGS: Thank you.

22 CROSS-EXAMINATION

23 BY MR. CUMMINGS:

24 Q. Good afternoon again, sir. Let's go back to that
25 day on the 18th, okay? You've been out working all day

1 the 17th. What time did you report back to duty on the
2 18th of February, sir, the Sunday?

3 A. Early morning, roughly 8:30, nine o'clock.

4 Q. All right, sir.

5 A. Roughly.

6 Q. I think it was your testimony a few minutes ago to
7 Mr. Bailey that the sheriff of Orangeburg County,
8 Mr. Williams, Major Walters the blond lady back here,
9 and maybe somebody else from Orangeburg were in
10 Branchville?

11 A. They were there during the day, yes, sir.

12 Q. That morning?

13 A. I remember Chief Williams being there the morning,
14 in the morning, yes, sir.

15 Q. All right, sir.

16 A. Excuse me, Sheriff Williams being there in the
17 morning.

18 Q. Chief, Sheriff. Had Mrs. Dorothy Bowman been
19 brought to the Branchville Police Department or
20 Branchville area to speak to any of you good law
21 enforcement officers?

22 A. On Saturday, sir?

23 Q. Sunday, sir, Sunday the 18th.

24 A. Off the top of my head I don't remember. I don't
25 remember.

1 Q. You'd remember if his wife was there, wouldn't
2 you?

3 A. I would remember if I spoke with her, but I don't
4 think I spoke with her on that day.

5 Q. Okay. About what time did you approximately leave
6 the Branchville area to go back to Orangeburg?

7 A. It would have been roughly 5:30, 6:00. Best I can
8 recollect it takes about 40 minutes or so to drive from
9 Branchville to the Orangeburg sheriff's office.

10 Q. Whose idea was it to go back up there?

11 A. It's my understanding from Chief Barbara Walters
12 that the defendant wanted to speak to us.

13 Q. The defendant. Did he get a note to you folks, a
14 phone call to you folks? Because everybody's down here
15 in Branchville.

16 A. My understanding is she said he wanted to speak to
17 us. How that came about I'm not exactly sure. If he
18 asked to speak to us through a detention officer or
19 whatever I'm not exactly sure on that, sir.

20 Q. And the reason I'm asking that of you, sir, is
21 because you're all down here working here.

22 A. Yes, sir.

23 Q. You stopped what you're doing to go back up there
24 to meet with him?

25 A. Yes, sir.

1 Q. Okay. It was not your idea, Mr. Van Doran,
2 correct?

3 A. It was not my idea to leave Branchville and go
4 until I was informed the defendant wanted to speak to
5 us.

6 Q. Nothing with Mr. Coker who is the chief officer
7 with you guys kind of working in tandem together, in
8 other words, together?

9 A. We discussed it, who was going to go up there and
10 so that's why, that's why I went with the other people.

11 Q. Did Mr. Coker stay behind, or did he go up to
12 Orangeburg also?

13 A. He went to do something else.

14 Q. Okay, sir. Do you know what he did?

15 A. It's my understanding if -- that he came back to
16 St. George to meet with someone else.

17 Q. All right, sir. When you get up to the
18 Orangeburg -- and I want to make sure I'm careful on
19 this for the record, sir. Did you go to the
20 Orangeburg/Calhoun Regional Jail?

21 A. No, sir.

22 Q. All right. You went to the sheriff's office,
23 Mr. Williams' office?

24 A. I don't know if it was his office or if it was
25 Chief Walters' office, but it was one of the staff

1 offices.

2 Q. And how far is that where you physically went to
3 either the Chief's office, sheriff's office, or
4 Ms. Walters' office from the regional detention center?

5 A. I'm just guessing, if I'm correct, and like I said
6 I don't know those complexes very well, but I think
7 it's the next building over.

8 Q. So it wouldn't take a car to transport somebody,
9 right?

10 A. I wouldn't think so, no, sir.

11 Q. You didn't see him arrive in a car, did you?

12 A. No, sir.

13 Q. Okay. How did Mr. Marion Bowman get from a jail
14 into your lady and gentlemen's presence?

15 A. I do not know, sir.

16 Q. He wasn't walked past you, he just all of a sudden
17 appeared in the sheriff's office?

18 A. All I know is he was there. I don't know how he
19 got there.

20 Q. Okay, sir.

21 A. I don't know if he was walked over or what.

22 Q. Now, item Number 7 or Exhibit Number 7 is a
23 statement taken by Mr. Williams. Have you looked at
24 that statement at all, sir? I don't know if it's still
25 up on your table.

1 A. The statement that was taken on Sunday, sir?

2 Q. On the 18th, yes, sir.

3 A. I have seen it.

4 Q. Okay.

5 A. I have reviewed it. That's a good way to put it,
6 I think.

7 MR. CUMMINGS: If I may approach the witness
8 for a second, Judge?

9 THE COURT: Yes.

10 Q. I'm going to show you what's been marked State's
11 Exhibit Number 7 for ID.

12 A. Yes, sir.

13 Q. On the top of that, what does that say on the top?

14 A. At the very top?

15 Q. Yes, sir.

16 A. "Statement of Marion Bowman, Jr., a/k/a Junior,
17 and Black."

18 Q. Okay. Whose forms are these?

19 A. Dorchester County Sheriff's Office.

20 Q. Okay. Did you hand those to Sheriff Williams,
21 sir?

22 A. I did, sir. I had them in my -- in my notebook
23 and they were available and so he used them.

24 Q. Okay. Now, you -- clearly you're at their office,
25 right?

1 A. That's correct, sir.

2 Q. Did you ask Sheriff Williams to take the statement
3 of Mr. Bowman?

4 A. I asked him if he would speak with him and he said
5 he would.

6 Q. Okay. Were you made aware whether or not -- he's
7 in jail on an Orangeburg County charge, right?

8 A. Yes, sir.

9 Q. Were you aware of whether or not he ever had a
10 bond hearing from the time he was arrested, placed in
11 custody either in Branchville until the next day when
12 you spoke to him?

13 A. I didn't ask. I don't know, sir.

14 Q. He's still in jail, right, in Orangeburg County
15 Jail? '

16 A. When I spoke with him he was, sir.

17 Q. Okay. You didn't ask to see if he got a bond or
18 bail hearing, it's not your case, I understand he's in
19 Orangeburg?

20 A. I did not ask, sir.

21 Q. Okay. Were you doing a joint investigation with
22 Orangeburg and Dorchester County on the receiving
23 stolen goods charge?

24 A. I have -- I was not. I have no knowledge if
25 anyone else was, but I certainly wasn't.

1 Q. Okay. As far as Mr. Bowman now, it's your
2 testimony that he asked to speak to Sheriff Williams?

3 A. Yes, sir.

4 Q. All right. And Sheriff Williams goes in and takes
5 the statement?

6 A. He moved from the room where we were at into the
7 room where the sheriff was at. The sheriff was seated
8 at a desk, he sat at a chair and I left the room.

9 Q. All right, sir. Normally statements are
10 witnessed, or more than one officer in there to prevent
11 anybody saying it's coercion, promises, threats, or
12 whatever, right?

13 A. I've seen both ways, yes, sir. I've seen people
14 take statements individually and I've seen them taken
15 with witnesses present.

16 Q. Okay. What time -- and, again, I'm not trying to
17 put you on the spot.

18 A. Yes, sir.

19 Q. What time would you say that Mr. Williams and
20 Mr. Bowman came out of that office they were in?

21 A. I would estimate an hour, hour and -- no more than
22 an hour and a half.

23 Q. All right, sir. Was the statement written and
24 signed at that point, sir?

25 A. When he came out as best I can remember the

1 statement was done.

2 Q. The statement was done. Was it written and signed
3 by Mr. Bowman? I'm sorry if I didn't make myself
4 clear.

5 A. To the best of my recollection, yes, sir.

6 Q. All right, sir. Of your personal knowledge and
7 with that integrity that you have, was Mr. Bowman ever
8 taken down to Branchville to either see his wife or
9 anything else of your personal knowledge, or you
10 learned through investigation that night, the 18th?

11 A. I remember something like that, but I don't
12 remember exactly. I know that -- I think he was taken
13 down to see his wife at his request.

14 Q. Okay. And this is on Sunday night?

15 A. But I didn't go. I mean, as best I can remember I
16 did not go back there and to Branchville.

17 Q. Okay. Did you have escort behind the Orangeburg
18 County car or were you somehow in a procession where
19 Mr. Bowman was taken down to Branchville? Okay. How
20 do you know that Mr. Bowman was taken down to
21 Branchville, again, as you're testifying under oath to
22 Her Honor today?

23 A. Just from memory I remember something like that
24 happening, but....

25 Q. That's pretty special, isn't it, because it's

1 Sunday night? Most people, are they allowed to be
2 taken out of jail to be taken to see their wife at the
3 other end of a county?

4 A. I don't know that it's unusual for somebody to ask
5 for something and get something granted, but at the
6 same time I had no -- I had no issue with that
7 happening or causing it to happen.

8 Q. Would you say that was like a reward or incentive
9 to give a statement, sir?

10 A. I don't have a clue, sir.

11 Q. Well, this is what this whole thing's about,
12 Mr. Van Doran, I don't mean to put you on the spot.

13 A. I understand, but I just can't answer your
14 question, sir, I don't know. I don't know what -- I
15 don't know exactly what was said or wasn't said.

16 Q. Well, who would have been the person to authorize
17 this?

18 A. I would assume that the sheriff of Orangeburg
19 County would have to authorize this.

20 Q. And he clearly was present when Mr. Bowman was
21 finished with the statement because he came out and
22 gave you a copy of it, didn't he?

23 A. Yes, sir.

24 Q. Did he give you the original or give you a copy?

25 A. I don't know that -- I don't know if he gave it to

1 myself or if he gave it to somebody else later, I don't
2 know.

3 Q. All right. How did you -- as an officer today, do
4 you know that Mr. Bowman had a copy of that placed on
5 his person, statement item Number 7, of your witnessing
6 it, your being there, sir?

7 A. I can't say that I saw him have a copy, no, sir.

8 Q. The reason I'm asking that is this is a Dorchester
9 County form.

10 A. Yes, sir.

11 Q. This is a Dorchester County investigation,
12 Detective. And, again, the gentleman that you are you
13 always said that your habit is at the end of it, put it
14 in front of them --

15 A. They're carbonized forms.

16 Q. Right. Not photocopy, are they?

17 A. They are carbonized forms.

18 Q. Usually a white copy, pink, yellow for the
19 defendant, right?

20 A. There are only two copies.

21 Q. I'm sorry, white --

22 A. A white copy and a yellow one.

23 Q. Yellow. And that's true of every form because
24 they're almost standard, right?

25 A. Well, there was a time when the printer messed up

1 and we only had one form and we had to make copies, but
2 normally there is a white copy and a yellow copy.

3 Q. That day when you gave Sheriff Williams the forms,
4 did you give him a carbonized copy?

5 A. As best I can remember there was a white and a
6 yellow copy, sir.

7 Q. All right, sir. Do you remember getting both
8 copies back?

9 A. No, sir.

10 Q. All right. In your case folder that you supplied
11 to Mr. Bailey, you know like you normally do, every
12 officer in your department does, did you give him a
13 copy or give him the original?

14 A. I --

15 Q. Meaning Mr. Bailey. I apologize for using the
16 word "him."

17 A. If I gave it to anybody it would have been
18 Sergeant Coker.

19 Q. Okay. Since he's senior case officer he would be
20 responsible for it?

21 A. Yes, sir.

22 Q. Okay. As far as learning about this case, last
23 week you were on the stand Friday for Mr. Bailey and I.

24 A. Yes, sir.

25 Q. You haven't talked to anybody else about this

1 case, have you?

2 A. No, sir.

3 Q. And when you were put back up here on the stand a
4 few moments ago I asked you whether or not Mr. Bowman
5 was taken down to Branchville. Have you talked to
6 anybody else about Mr. Bowman being brought down to see
7 his wife at all since we started this case back in
8 February of 2001?

9 A. No, sir.

10 Q. Okay.

11 MR. CUMMINGS: Beg the court's indulgence.

12 (Pause in proceedings.)

13 Q. Going back to that afternoon in Orangeburg, did
14 you make any notes about who was present?

15 A. No, sir.

16 Q. Okay. Let me give you some names, see if it might
17 just shake a tree and see if it sounds familiar. Was
18 Major Stephenson working still on that Sunday?

19 A. Are you talking about in Orangeburg, or at
20 Branchville?

21 Q. Well, I'll say let's start with working on the
22 case that day in Branchville, or earlier that morning.

23 A. Yes, sir.

24 Q. All right. Did he go to -- would be Major
25 Stephenson, sir?

- 1 A. That evening, yes, sir.
- 2 Q. So he was up there at the building?
- 3 A. Yes, sir. For a short period of time.
- 4 Q. Okay. How about you said Sheriff Williams, and
- 5 obviously because he took the statement allegedly,
- 6 Major Barbara Walters?
- 7 A. Yes, sir.
- 8 Q. Okay. How about a guy they call Wayne, or a
- 9 deputy called Wayne McAlhany?
- 10 A. I don't remember, sir.
- 11 Q. Did you see Mr. McAlhany down at the Branchville
- 12 Police Department that day on the 18th?
- 13 A. I don't remember, sir.
- 14 Q. Do you remember seeing any Orangeburg police cars
- 15 down there?
- 16 A. Yes, sir.
- 17 Q. Okay.
- 18 A. Honestly I don't know that deputy, so I don't know
- 19 that I would remember him anyway.
- 20 Q. Did anybody take charge; in other words, like
- 21 write down who did what, who gathered what, who talked
- 22 to what witnesses, so guys didn't have to keep leap
- 23 frogging over each other on this case?
- 24 A. Any information that was gathered was normally
- 25 given to Sergeant Coker.

1 Q. How about when you have somebody transported, do
2 you give the mileage and the time when you put somebody
3 in your car?

4 A. Most of the time, yes, sir.

5 Q. How do you sign somebody out of the Orangeburg
6 County Jail? Excuse me, how do you sign somebody out
7 of this county jail, sir, when you took them out, let
8 them look at a house or show you things, how do you
9 normally take them out?

10 A. Normally I make sure the senior jailer present
11 knew that I was going to be escorting a prisoner out.
12 And when I would get into my vehicle to go do that I
13 would normally say what I was giving someone referred
14 as a 1089 or an escort and when I got there I might, I
15 would tell them where I was at, but short of that
16 that's about it.

17 Q. Because you're responsible for that prisoner; are
18 you not?

19 A. I am, sir.

20 Q. If he escapes or leaves you could be charged with
21 a crime?

22 A. I could, sir.

23 Q. As far as being asked about this situation now,
24 when you were at the Orangeburg County facility
25 Mr. Williams comes out, he hands you what's now being

1 shown as State's ID Number 7. What was said by Sheriff
2 Williams either in your presence or everybody else
3 throughout about Mr. Bowman, what he did? What was
4 said? I mean, obviously he comes out, he's got a
5 statement in his hand. What did he say to you folks?

6 A. I just remember him coming out and allowing us to
7 see the statements. I don't remember any exact
8 comments that he would have made concerning other than
9 just me reading this. Because my interest would have
10 been to read what he had told the sheriff.

11 Q. Mr. Williams didn't come out and said something
12 like I got him to say it, I got him to admit it, I got
13 him to sign it?

14 A. No, sir. He just came out and said this is what
15 he told me, to the best of my recollection.

16 Q. Thank you.

17 MR. CUMMINGS: Beg the Court's indulgence.

18 THE COURT: Yes, sir.

19 (Pause in proceedings.)

20 MR. CUMMINGS: Judge, that's all the
21 questions I have of this gentleman. Thank you,
22 ma'am.

23 MR. BAILEY: No redirect, ma'am.

24 THE COURT: Thank you. See you later.

25 (Whereupon, the witness steps down from the

1 witness stand.)

2 MR. BAILEY: Recall Alvin Coker.

3 THE COURT: All right, yes, sir.

4 (Alvin Coker, called as a witness, having
5 previously been sworn, is examined and testifies
6 as follows:)

7 DIRECT EXAMINATION

8 BY MR. BAILEY:

9 Q. Sergeant Coker, I want to call your attention to
10 State's 7 which is the February the 18th statement.

11 A. Yes, sir.

12 Q. Okay. That is an original statement; is that
13 correct?

14 A. That's correct.

15 Q. Okay. Where did you get the original statement
16 from?

17 A. Not sure who actually handed it to me, but I was
18 at the -- excuse me, it was back and forth, I don't
19 remember whether Sergeant Van Doran gave it to me or
20 whether one of the other officers brought it to me, but
21 when we next met it was handed to me.

22 Q. Okay. When that was handed to you, was it handed
23 to you the same way it appears now or was there a
24 second copy attached to it?

25 A. No, sir. This is the way I got it. It was only

1 the original front copy, the yellow copy had already
2 been removed.

3 Q. Okay. Have you ever seen the yellow copy?

4 A. No, sir. I have not.

5 Q. Okay. Let me call your attention now to
6 February 22nd, 2001 at approximately 11:00 a.m. And
7 I'm going to hand you what's been marked as State's
8 Number 7 for identification, ask if you recognize that?

9 A. Yes, sir. This is our Miranda Rights form that we
10 use, one that I read to Mr. Marion Bowman, Jr.

11 Q. All right, sir. Where did that take place?

12 A. That was in my office over across the street at
13 the sheriff's department.

14 Q. Okay. And how did you come to see Mr. Bowman on
15 the 22nd of February 2001?

16 A. I received a telephone call at the jail, told me
17 Mr. Bowman had requested to see us, to speak to an
18 officer.

19 Q. Okay. And who else was present when you talked to
20 him in your office?

21 A. Sergeant Van Doran.

22 Q. Okay. How about Agent Helms of SLED, was he
23 there?

24 A. I believe he came in during the interview.

25 Q. Okay. When you went over the Miranda Rights form,

1 can you recall Mr. Bowman's demeanor?

2 A. Yes, sir. He appeared to be alert, he was very
3 eager to talk to us.

4 Q. When you went over the rights with him, did he
5 appear to understand what you were telling him?

6 A. Yes, sir.

7 Q. Did he sign the rights portion and initial each
8 one of the rights?

9 A. He initialled each one of the rights as I read
10 them to him. We went over again line by line and then
11 he signed the Waiver of Rights stating that he
12 understood that he was talking without his attorney
13 there, or without an attorney there.

14 Q. And did you and Mr. Van Doran witness his
15 signature on the form?

16 A. Yes, sir. We did.

17 Q. Okay. Did he agree to give you a verbal statement
18 after that?

19 A. Yes, sir.

20 Q. Did you take any notes or incident report?

21 A. I took some notes, yes, sir.

22 Q. Okay. Now, any promises made to Mr. Bowman if he
23 would give you a statement?

24 A. No, sir.

25 Q. Any threats or other inducement?

1 A. None.

2 Q. Referring to your notes if you need to to refresh
3 your memory, what did he tell you on February 22nd?

4 A. Mr. Bowman indicated that Gap, as he's commonly
5 called, Mr. James Tawain Gadson, had shot Kandee
6 Martin. He also told us that they purchased gloves
7 from the Shell E-Z Shop there in Branchville that
8 night. James Gadson, Hiram Johnson, Darian Williams,
9 and himself had driven Miss Martin's car to a nightclub
10 and they wore gloves so they wouldn't leave any
11 fingerprints in the car.

12 Also said that James Gadson and Darian
13 Williams had actually gone to the store, took a gallon
14 milk jug and a two liter Coke bottle and got some gas
15 and put the containers in the trunk of the car.

16 Q. Okay.

17 A. He told us also that they had talked with Travis
18 Felder and told them to leave him at the head of
19 McAlhany Road when they left the club.

20 Q. All right. Please answer any questions that Mr.
21 Cummings might have for you.

22 THE COURT: All right.

23 CROSS-EXAMINATION

24 BY MR. CUMMINGS:

25 Q. Again, good afternoon, sir.

1 A. Good afternoon.

2 Q. I want to go back to that morning. Obviously
3 you've been sitting in here as a case officer. And
4 Sunday morning, what time did you begin work that day?

5 A. Sunday morning I got called around eight o'clock.
6 Sheriff Williams called me, told me that James Gadson,
7 also known as Gap, was to turn himself in to
8 authorities at the Branchville Police Department that
9 morning.

10 Q. All right, sir. Did you gentlemen take a
11 statement from Mr. Gadson that morning?

12 A. Yes, sir. In fact, I already had warrants on
13 Mr. Gadson at that time.

14 Q. And had you had a warrant for Mr. Bowman at that
15 time?

16 A. No, sir. Not at that time.

17 Q. All right, sir. So the only thing he was in
18 custody for that you were aware of is a receiving
19 stolen goods charge in Orangeburg?

20 A. Correct.

21 Q. All right. So he's in jail in Orangeburg, you
22 have Gadson come in?

23 A. When -- after I was contacted by Sheriff Williams
24 I contacted my command staff and also called Sergeant
25 Van Doran. Sergeant Van Doran responded to

1 Branchville. I had to come by the office here in
2 St. George, pick up the arrest warrants because that's
3 where I had left them in my office, and once I got
4 those I met him in Branchville. I think I got there
5 probably around ten o'clock.

6 Q. All right, sir. I would just ask you a brief
7 question here for a moment: What magistrate did you
8 find on Saturday or Sunday to issue the arrest warrant
9 for Mr. Gadson?

10 A. I believe it was Judge Glen Stevens.

11 Q. All right, sir. And did you also get any search
12 warrants signed from Judge Stevens at that time over
13 the weekend?

14 A. Not that I can recall.

15 Q. Any search warrant from any other judge concerning
16 this case over the weekend?

17 A. Not that I can recall.

18 Q. All right, sir. And you -- did you interview
19 Mr. Gadson, sir?

20 A. I did.

21 Q. All right. Did you take a written statement from
22 him?

23 A. Yes, sir.

24 Q. And would you say you were in Branchville that
25 morning working with Mr. Gadson or working on the case

1 that morning, sir?

2 A. I was in Branchville for the better part of that
3 day.

4 Q. All right, sir. After you had finished with
5 Mr. Gadson, what did you do with his person?

6 A. Mr. Gadson?

7 Q. Yes, sir.

8 A. We brought him back to St. George that afternoon,
9 I booked him into the jail, actually took him into my
10 office for some further interview, a polygraph was done
11 I think with him, then he was taken back to the jail
12 where he was booked into the jail.

13 Q. All right, sir. What time do you think you
14 finished up? Because obviously you had Major
15 Stephenson involved again, yourself, Mr. Van Doran was
16 involved again in some perimeter way; is that correct?

17 A. In fact, if I can refer to my notes I think it was
18 around about -- I can tell you what time I booked him
19 into the jail. I actually took him into the jail at
20 19:30 hours is when he was booked into the jail.

21 Q. 7:30 at night?

22 A. Correct.

23 Q. Okay. Did you go to Orangeburg to go up and be
24 present when Sheriff Williams was interviewing
25 Mr. Bowman, sir, in the afternoon on the 18th?

1 A. No. I was busy with Mr. Gadson when all that took
2 place.

3 Q. All right, sir. So you stayed down on this end
4 for lack of better words?

5 A. Correct. Correct.

6 Q. Okay. Did there ever come a time where you got to
7 see Mr. Bowman again on the evening of the 18th or any
8 other time, meaning from twelve o'clock on the 18th
9 until sometime, midnight, in the Branchville area on
10 that Sunday?

11 A. No, sir.

12 Q. Did you learn that he was brought down there from
13 any law enforcement agent?

14 A. No, sir. I wasn't aware that he had -- excuse me,
15 I was not aware that he had been taken back to
16 Branchville.

17 Q. Okay. Did you ever learn of that?

18 A. Not until it came up here in the courtroom.

19 Q. Okay. Did you learn that his wife had been taken
20 there?

21 A. No, sir. But his wife had been in and out
22 different times since she lived in Branchville, so I
23 didn't question the fact of her being there.

24 Q. Nobody ever told you that for him signing a
25 statement or whatever, he was allowed to see his wife

1 on a Sunday night being taken from a jail?

2 A. No, sir.

3 Q. Did you ask anybody about that, Detective, all the
4 years' experience you've had about how Marion got to
5 come down from Orangeburg to Branchville to see his
6 wife?

7 A. I did not know he had been taken down to
8 Branchville, so I would have had no reason to ask
9 anyone.

10 Q. It's your testimony you didn't learn of that until
11 today?

12 A. That's correct.

13 Q. Okay. And when you finished up that Sunday night,
14 what else were you working on?

15 A. We had, like I say, Mr. Gadson, another individual
16 by the name of Terry Kelly had shown up at the
17 St. George office here, inquired about warrants, waited
18 around until that interview was completed. Major
19 Stephenson and I think another officer conducted that
20 interview. Once it was all over, then he and I drove
21 back to Branchville where we met with some of your
22 command staff, Sheriff Williams and some law officers
23 that had gathered back up at Branchville.

24 Q. And along with this now, because it's going to
25 take a time frame here, on the 20th of February

1 according to a note you provided with us in discovery
2 at about ten o'clock.

3 A. Yes, sir.

4 Q. Mr. Joyner, another law enforcement agent, served
5 the murder warrant on Mr. Bowman; would that be fair to
6 say, sir?

7 A. No, sir.

8 Q. Okay.

9 A. Actually I'll refer to my notes, on the 20th at
10 10:00 hours Detective Joyner, myself, escorted one of
11 our jail officers to Orangeburg where we picked up
12 Mr. Bowman and then we escorted the jail person back to
13 our county. Once we arrived back in here at the jail,
14 I had, I believe it was Officer Ray Dickson, actually
15 serve the warrant on Mr. Bowman.

16 Q. And he would have to sign saying he gave a copy of
17 the warrant to Mr. Bowman, correct?

18 A. Correct.

19 Q. All right. So he was then served murder warrants,
20 or excuse me, a warrant for murder, and for the record
21 warrant number G326978?

22 A. Correct.

23 Q. And that was a warrant signed by Mr. Magistrate
24 or --

25 A. Signed by Judge Stevens.

1 Q. Sir?

2 A. No. I'm sorry, that one was actually done by
3 Judge Cunningham, I think issued that warrant.

4 Q. And then warrant for arson third degree, warrant
5 number G326979?

6 A. Correct, for arson.

7 Q. That was signed by Judge Cunningham?

8 A. Right. I'm sorry.

9 Q. I didn't mean to cut you off, I apologize.

10 A. It was Judge Cunningham.

11 Q. Cunningham. Did you apply for a court order or a
12 search warrant at that time to take any body samples of
13 fluids from Mr. Bowman?

14 A. We did get search warrants to get body fluids from
15 Mr. Bowman and Mr. Gadson.

16 Q. All right, sir. When did you execute that search
17 warrant on the person of Mr. Bowman?

18 MR. BAILEY: Judge, I hate to keep
19 interrupting, but again I think the search warrant
20 issue as far as bodily fluids is totally divorced
21 from the Jackson v. Denno hearing in the
22 voluntariness of statements.

23 MR. CUMMINGS: I'm trying to find a date that
24 was obtained, it goes to one other issue of
25 voluntariness, if I could learn the date when the

1 search warrant was served on my client.

2 THE COURT: I'll allow you to go into that.

3 MR. CUMMINGS: Thank you.

4 A. If you'll allow me to look at my notes when I
5 actually got the search warrants.

6 Q. Thank you.

7 A. I don't readily see it. I think they're in the
8 book over there.

9 MR. CUMMINGS: Judge, may the witness step
10 down to get that document, please?

11 THE COURT: Yes, certainly.

12 THE WITNESS: (The witness steps down and
13 gets notebook from counsel table.)

14 A. Okay. I actually got the search warrant from
15 Judge Stevens.

16 Q. On what date, sir?

17 A. On February 21st.

18 Q. All right, sir. When did you serve or have any
19 law enforcement officer at your direction serve the
20 execution of that warrant since it has to be done
21 within ten days, obviously?

22 A. It was on February 22nd.

23 Q. Okay. This is the same date you stated Mr. Bowman
24 wanted to voluntarily come in and speak to you or
25 another law enforcement officer to give another

1 statement, correct?

2 A. Correct.

3 Q. Isn't it true, sir, he was taken out of his jail
4 cell to have the bodily samples taken from him that
5 day?

6 A. He was taken out of the cell, but he was not taken
7 out of the facility. He was taken into the nurse's
8 station there inside the facility. Lieutenant Earl
9 Asbell actually served the search warrant --

10 Q. At what time, sir?

11 A. 10:34 a.m.

12 Q. Okay, sir. At 10:34 a.m. I noticed in your notes
13 you said that you received notice from the jail that
14 Marion wanted to speak to you, but there's not a time
15 frame on that and that's the only line on your notes
16 where time's not given.

17 MR. CUMMINGS: If I may I approach the
18 witness for a moment.

19 Q. It's supplied by you, sir, through discovery to
20 the solicitor.

21 A. It would have been after we did the -- we got --
22 like I said, all this happened in a short time. Well,
23 they say it was the 20th. Could have probably been
24 shortly after we drew the blood was Officer Van Doran
25 drove from Summerville here.

1 MR. CUMMINGS: Let me show this to the
2 solicitor.

3 Your Honor, I would like to have this
4 marked as Defendant's Exhibit Number 3 for
5 identification only at this time.

6 THE COURT: All right.

7 (Marked for identification was Defendant's
8 Exhibit 3, search warrant.)

9 Q. State's ID Number 3, there's no question when that
10 search warrant was executed and served on Mr. Bowman
11 because you obtained a search warrant, not a consent
12 issue to obtain those samples?

13 A. Right.

14 Q. And at that point who in the jail told you
15 Mr. Bowman wanted to voluntarily come out and speak to
16 you?

17 A. It was after I got back over at my office one of
18 the jailers called back over, I don't know which jailer
19 it was, I did not make note who I actually spoke to,
20 indicated that he wanted to talk to me.

21 Q. Now, was Mr. Bowman back in a jail cell when they
22 executed what I like to call the executional warrant to
23 obtain samples from medicinal means?

24 A. I can only assume he did. I had no control over
25 the jail, but we left -- excuse me, when he left our

1 presence he went back into another area of the jail.

2 Q. On that date and time the solicitor showed you
3 your form, you filled out the rights form, it's over on
4 your left-hand side?

5 A. Yes, sir.

6 Q. What time did you start that interview?

7 A. Showed this at eleven o'clock.

8 Q. So at 10:30 something this warrant is executed and
9 the next thing is he's telling a jailer to call you or
10 some officer and then all of a sudden he's in your
11 office at 11:00 what time?

12 A. It says 11:00 a.m.

13 Q. This is clearly in your office which is a part of
14 the jail, right?

15 A. Well, it's all in the same building, but it's
16 separate.

17 Q. Did you have a tape recorder in your desk there
18 that day?

19 A. Yes, sir. I did.

20 Q. Because I think when you opened up the drawer to
21 do some paperwork Mr. Bowman was sitting next to you,
22 might have seen that tape recorder?

23 A. He was actually sitting across the desk from him,
24 he wasn't sitting next to me.

25 Q. So there was a tape recorder available clearly for

1 you that day?

2 A. Yes, sir. There would have been.

3 Q. And it was your just personal choice not to use it
4 that day as a tool?

5 A. That's correct.

6 Q. All right. Now, he's in there and it's your
7 testimony that he wants to speak to you?

8 A. That's correct.

9 Q. Okay. Now, a murder warrant's been served on him
10 without any mistake, right?

11 A. Correct.

12 Q. Search warrant's been executed on him?

13 A. Yes, sir.

14 Q. Do you know if he filled out any forms to apply
15 for the public defender prior to speaking with you
16 again on the 22nd?

17 A. No, sir. I was not aware of any.

18 Q. Because they have a sign-up box outside where the
19 lawyers come in and sign at the desk and they put their
20 paperwork requests in there.

21 A. I can only assume, I don't control the jail,
22 but....

23 Q. But you control the prisoners when they're in your
24 possession?

25 A. Yes, sir.

1 Q. And it's not your testimony whether or not he
2 wanted to speak to a lawyer?

3 A. No, sir. He did not indicate that he did.

4 Q. Okay. And then when he was brought back to you
5 he's in the office with you and Mr. Van Doran?

6 A. Correct.

7 Q. Okay. And SLED agents coming in and out?

8 A. Agent Helms came in I think shortly after we
9 started the interview.

10 Q. What was the purpose of Mr. Helms being there for
11 you?

12 A. He was conducting investigations as far as the
13 arson, so he was quite heavily involved with other
14 aspects of the case.

15 Q. Do you know if anybody at the jail made a note
16 given to you or in any file from Mr. Bowman at the jail
17 that said he wanted to speak to either you, sir, or
18 some other law enforcement officer that day on the
19 22nd?

20 A. I was not given one. All I can say is that the
21 jail called me at my extension, told me on the
22 telephone he was requesting to talk to me or one of the
23 officers.

24 Q. And then he's brought to you at a conversation.
25 How long did that last, sir?

1 A. Probably 45 minutes at the most.

2 Q. Well, the reason I asked is that is normally,
3 again from what you and Mr. Van Doran have been doing
4 every time you start something --

5 MR. CUMMINGS: If I may approach the witness
6 again?

7 THE COURT: You may.

8 Q. You guys always at the end put down when you
9 finish, right?

10 A. Well, I put down -- that's the time actually I
11 started.

12 Q. Eleven o'clock?

13 A. Yes, sir.

14 Q. What time did you finish?

15 A. Honestly I didn't put it in there.

16 Q. Could it be fair to say that Mr. Bowman did not
17 want to give you any statements? I mean, I'm just --
18 I'm asking.

19 A. No, sir. We would not have talked to -- anymore,
20 he would not have sent for us.

21 Q. How about when he came in, there nothing was
22 reduced to writing. Did you pull out a sheet, we've
23 got lots of these forms floating around here, and
24 county, Orangeburg, did anybody pull the voluntary
25 statement form, again, to see if he would have you guys

1 write it out for him like they did in the past? You
2 have four statements now.

3 A. I had four statements at the time, that's correct.
4 I did not reduce this to writing on that particular
5 incident. I made note of it on my handwritten notes
6 and later typed it in on my typewritten notes.

7 Q. Did any other officer volunteer, Mr. Van Doran or
8 anybody, to reduce it to writing, have Bowman sign, it
9 like you've done at the last four?

10 A. No, sir.

11 Q. How about Agent Helms, did he take any field notes
12 in your presence or write any statements out for
13 anybody that you're aware of, sir?

14 A. Not Mr. Bowman that I'm aware of. He did take
15 some statements from other people later on.

16 Q. You'll agree with me there's no -- the only time
17 we don't have a time on your notes you've typed, and
18 you've done absolute, for lack of better words, very
19 descriptive notes, is on 2-22-01 about the time when
20 Mr. Bowman either made the request or came to you and
21 then what time you didn't finish taking the verbal
22 statements from Mr. Bowman, correct?

23 A. That's correct.

24 MR. CUMMINGS: Beg the Court's indulgence,
25 Your Honor.

1 THE COURT: All right.

2 Q. Did you allow Mr. Bowman to go outside and smoke a
3 cigarette -- because I know the jail has a no smoking
4 policy -- that day on the 22nd?

5 A. I don't recall him going to smoke one. I don't
6 smoke myself, I wouldn't have had any cigarettes for
7 him.

8 Q. The reason I'm asking for that, if you let him out
9 he said he wasn't giving any statements, did that cause
10 you to put him back in the jail cell?

11 A. No, sir.

12 Q. Who actually put him back in his cell?

13 A. I don't know whether I walked him back across or
14 whether Sergeant Van Doran walked him back across, but
15 one of us walked him back over, signed him back in.

16 MR. CUMMINGS: Just one more second, Judge, I
17 apologize.

18 THE COURT: All right.

19 (Pause in proceedings.)

20 Q. And none of this was tape recorded or video
21 recorded at all in the jail?

22 A. No, sir. And at the time I did not have access to
23 a video recorder.

24 Q. Thank you, Detective. I should say Sergeant.
25 Thank you.

1 MR. CUMMINGS: That's all the questions I
2 have of this gentleman, Judge.

3 THE COURT: Redirect?

4 MR. BAILEY: No redirect, Your Honor.

5 THE COURT: You may come down.

6 (Whereupon, the witness steps down from the
7 witness stand.)

8 MR. BAILEY: Come Agent Helms.

9 (Recess, from 3:49 p.m. to 3:59 p.m.)

10 MR. BAILEY: State calls James Helms.

11 THE COURT: Yes, sir. If you would come
12 along, please, and be sworn. Place your left hand
13 on the Bible and raise your right hand.

14 (James Helms, called as a witness, having first
15 been duly sworn, is examined and testifies as
16 follows:)

17 THE COURT: If you would please be seated.
18 And when you are seated, if you would please state
19 your full name for the record.

20 THE WITNESS: James Helms.

21 THE COURT: Spell your last name.

22 THE WITNESS: H-e-l-m-s.

23 THE COURT: Your witness.
24
25

DIRECT EXAMINATION

1
2 BY MR. BAILEY:

3 Q. Mr. Helms, where are you employed?

4 A. South Carolina Law Enforcement Division.

5 Q. What do you do there?

6 A. Assigned to the arson unit.

7 Q. Were you assigned to this case on February the
8 17th --

9 A. Yes, sir.

10 Q. -- 2001?

11 All right, sir. I want to skip ahead. I
12 know you did a lot of stuff when you first got here,
13 but skip ahead to February 22nd, 2001. Were you in
14 Dorchester County working on this case?

15 A. I believe so, yes, sir. I could refer to my
16 notes, but that should be correct.

17 Q. Do you have your notes with you?

18 A. Yes, sir.

19 THE WITNESS: May I get them, Your Honor?

20 THE COURT: You may.

21 A. February 22nd, 2001, yes, sir, in St. George at
22 the sheriff's department.

23 Q. All right, sir. And did you have occasion to see
24 the defendant, Marion Bowman, Jr.?

25 A. Yes, sir.

1 Q. Can you point him out for the record, please?

2 A. The gentleman sitting here in the white shirt.

3 Q. Was he being interviewed by Detectives Coker,
4 Officer Van Doran at that time?

5 A. That is correct.

6 Q. Would you state whether or not you participated in
7 part of that interview?

8 A. The situation was that I had come down to meet
9 Detective Coker, continue to work this case. And upon
10 walking to his office the defendant was in the office
11 talking to Detective Coker with two other officers with
12 the sheriff's department. During that time I did ask
13 questions and about speak with him.

14 Q. All right. Was he speaking freely?

15 A. Yes, sir.

16 Q. To the best of your knowledge was the information
17 that he was giving, was that being given voluntarily?

18 A. Yes, sir.

19 Q. In your presence were any promises or threats made
20 to induce him to talk to you?

21 A. No, sir.

22 Q. Any physical abuse or anything of that nature
23 taking place to coerce a statement?

24 A. No, sir.

25 Q. Referring to your notes if you need to to refresh

1 your memory, what did you hear Mr. Bowman say on
2 February 22nd?

3 A. As I made note of approximately 11:30 a.m. on
4 February 22nd, 2001 I have written down "Marion stated
5 gas poured on back seat from open milk jug and two
6 liter Coke bottle left on passenger floorboard with cap
7 on and full, key left in the ignition."

8 Q. That was referring to the burned car that was
9 investigating?

10 A. Correct, sir.

11 Q. All right, sir. Please answer any questions Mr.
12 Cummings may have for you.

13 A. Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. CUMMINGS:

16 Q. Good afternoon, it's a pleasure to get to know
17 you. Agent Helms, how many years have you been with
18 SLED?

19 A. Started approximately March 2000.

20 Q. All right, sir. And this occurred in February of
21 2001?

22 A. Correct, sir.

23 Q. You had gone to the academy and graduated when,
24 sir?

25 A. From the Criminal Justice Academy.

1 Q. Yes, sir.

2 A. 1990, January 1990.

3 Q. So in 1990. And then you've been working now with
4 SLED just one year?

5 A. I've been with SLED two years. Approximately ten
6 years with Lexington County Sheriff's Department prior
7 to that.

8 Q. All right. What did you do for Lexington County,
9 were you crime scene or road deputy?

10 A. Spent approximately two years on the road, seven
11 to eight years in investigation.

12 Q. All right, sir. When you came down, your sole
13 purpose of course working for SLED was to come down and
14 investigate the arson on a vehicle, right?

15 A. The request was made by Dorchester County to
16 respond to the burned vehicle.

17 Q. All right, sir. And you have some handwritten
18 notes on a file in there, right?

19 A. Correct, sir.

20 Q. And based on your handwritten notes, from your
21 recollection, you went back and typed up a report,
22 correct?

23 A. Correct, sir.

24 Q. One of the questions I want to ask you now is you
25 got approximately 11:30 at the office of Mr. Coker or

1 the Dorchester County sheriff?

2 A. On that date, yes, sir.

3 Q. All right, sir. So you don't know what --
4 anything about earlier that morning or how Mr. Bowman
5 came into being in the office of Mr. Coker?

6 A. Correct.

7 Q. All right, sir. When you get there now how many
8 law enforcement officers are in the office you know
9 within your sight, your hearing and your senses?

10 A. My recall there was two investigators to my
11 recollection.

12 Q. Meaning Mr. Coker one of them, right?

13 A. Yes, sir.

14 Q. Another handsome guy, Mr. Van Doran?

15 A. I believe that's correct, yes, sir.

16 Q. If I'm putting a word in your mouth, a name that's
17 not correct, you tell me.

18 A. Yes, sir.

19 Q. All right, sir. And, Agent, when you were sitting
20 there what was your purpose of being in that room with
21 Mr. Bowman?

22 A. It was Detective Coker's office and we had made
23 arrangements -- as we spent several weeks throughout
24 this case working, we had made arrangements either the
25 day before or a couple days before to come down and

1 meet him on this date to go interview and continue work
2 on this case, not interview Mr. Bowman. Upon walking
3 in the office I did not know Mr. Bowman was there until
4 I walked in.

5 Q. All right, sir. Did you ask to have Mr. Bowman
6 brought in so you could interview him?

7 A. No, sir.

8 Q. Did you ask any of the agents to go get him to
9 bring him in the office?

10 A. No, sir.

11 Q. All right. You just happened to be there that day
12 to follow up with the officers about what you did on
13 the early morning hours of the 17th of February?

14 A. I was there as far as continuing the investigation
15 goes, yes, sir.

16 Q. One of issues I want to get to now is when you
17 went back to your notes there a few moments ago for Mr.
18 Bailey, our elected solicitor, do you remember stating
19 that there was a gallon milk jug of gasoline or
20 something, right?

21 A. Made note of it at that time of Mr. Bowman's
22 comments is what I read earlier, correct, yes, sir.

23 Q. All right, sir. Who had the gallon milk jug,
24 Mr. Bowman or Mr. Gadson?

25 A. As reflected in my notes it simply states Marion

1 stated gas was poured, et cetera. Nowhere in the notes
2 did it reflect whom may have poured the gasoline.

3 Q. All right, sir. So it's just a general statement
4 made from Mr. Bowman's mouth about gasoline being
5 poured on the car?

6 A. My recollection, yes, sir.

7 Q. Can you remember anybody asking a next follow-up
8 question that would come like with common sense from
9 any of you good experienced police officers like, well,
10 who poured it? You don't have that in your notes
11 anywhere, correct?

12 A. That is correct.

13 Q. Just wrote down, went back and typed what you
14 recall?

15 A. Went back, typed what was in my notes, yes, sir.

16 Q. Yes, sir. The reason I ask you, Agent, is because
17 if it wasn't said, he didn't say he did it, you didn't
18 write it down?

19 A. And as I understand where you're going, but that
20 is correct, the report is based primarily off notes and
21 off of -- to some degree off of recollection to what I
22 could testify to would have to be what is in my notes,
23 as the time frame does not allow me to go back to
24 recollection.

25 Q. Absolutely, sir. The only thing is now, now that

1 you work for SLED, I don't mean any road deputy, any
2 deputy in any department would ever change testimony,
3 but one of the things you do now in particular when you
4 go into a courtroom requested either by the solicitor
5 or by the Court, to come in give expert testimony,
6 right? You go in, give the facts, you're done and you
7 leave. Is that right in most of your cases now? What
8 I'm trying to say --

9 A. Rephrase that for me.

10 Q. I'll give it to you real simple. You're a
11 witness, comes in works on one file, one case, come in,
12 you testify, you leave. You don't have any personal
13 involvement in it, do you?

14 A. No more so than I would any other case that I
15 work.

16 Q. Right. That's what experts do, they come in and
17 testify to what they did, what they accomplished and
18 then they leave?

19 A. Correct.

20 Q. All right. And one of the reasons I'm asking you
21 that now is you were contacted by Mr. Bailey or our
22 office to provide your notes. And you gave Ms. Thomas
23 a stack of paperwork, right?

24 A. Correct.

25 Q. And one of the things that you have in your notes

1 is that Mr. Bowman, along with another investigator,
2 went outside and smoked a cigarette.

3 A. Correct.

4 Q. Who was that investigator that went outside with
5 Mr. Bowman that day?

6 A. I don't know if it was an investigator that day.
7 It may have been a uniformed deputy.

8 Q. The reason I asked you that, sir, is because it
9 says in your notes then Mr. Bowman along with another
10 investigator smoked a cigarette with the subject.

11 A. Oh. Again, I cannot recall who would have walked
12 outside. I would not walk outside with the defendant
13 by myself.

14 Q. And that's to make sure that you could cover
15 yourself and anything he said, asked, witnessed by
16 anybody else as a good, experienced, trained law
17 enforcement officer?

18 A. That to make sure he doesn't take off running from
19 me, I have to explain why he's no longer around.

20 Q. Yes, sir. I understand that also, all right.
21 What I'm really trying to ask you now is did Mr. Bowman
22 ever say he wasn't going to talk to you good folks?

23 A. Only thing I can testify to is from 11:30 on the
24 22nd, at that point in time I -- he never stated that I
25 didn't want to talk or he wasn't going talk to us

1 again. That's from 11:30 a.m. forward on the 22nd.

2 Q. All right, sir. Do your notes start -- excuse me.
3 Do your notes state when Mr. Bowman was done telling
4 you -- and it looks like there's only like six or seven
5 lines in your little note sheet there, what time did
6 this end?

7 A. That is not documented in any notes.

8 Q. All right, sir. Because I notice you broke down
9 the time that it started, right, approximately 11:30?

10 A. Yes, sir.

11 Q. But yet it doesn't have a time ending?

12 A. Correct.

13 Q. Did Mr. Bowman, was he taken back to his jail cell
14 in your presence, in other words while you were there,
15 sir, excuse me?

16 A. We walked back inside the office, having smoked a
17 cigarette at some point in time and he was taken back
18 to the jail.

19 Q. Okay. Did you ask these officers to ask him any
20 questions when you came to the jail that day?

21 A. Did I ask who any questions?

22 Q. Any law enforcement officers to ask any direct
23 questions to help with your investigation or your role
24 in this case, sir?

25 A. When I came down there he was already talking to

1 the other investigators. My position on that is I'm
2 not going to -- if they're already talking to him I'm
3 not going to start asking questions and interfere with
4 what they are questioning him about.

5 Q. All right, sir. Maybe I wasn't real clear, I
6 apologize to you, sir, as a gentleman. You had not
7 come down there and asked those guys to ask like
8 specific questions to help you find your scientific
9 solutions in the arson, like, you know, whether there
10 was an accelerant used, whether or not what type of
11 accelerant, whether there was a container used in this,
12 anything that would be of evidentiary value of you in
13 particular?

14 A. Prior to me coming down that day?

15 Q. Yes, sir.

16 A. I do not recall asking any of the investigators to
17 ask Mr. Bowman that. I'm sure we discussed over the
18 period of time between the investigators' facts or
19 questions we may have had about the vehicle fire.

20 Q. What questions would you have had, sir, as a
21 professional police officer working with SLED now to
22 ask these good gentlemen, either Mr. Coker or Mr. Van
23 Doran to try to elicit from Mr. Bowman, what would you
24 have asked them to do?

25 A. Again, I don't think I asked them to elicit any

1 questions from him, Detective Coker or Van Doran or any
2 of the other officers. We may have discussed some
3 questions we had between ourselves, but as far as
4 specifics Detective Coker asked the defendant these
5 questions never occurred.

6 Q. Can you give me a question that you would have
7 asked these officers about how you conducted your
8 investigation that you would have liked to have
9 answered by somebody?

10 MR. BAILEY: Your Honor, I'll again object.
11 It's speculation. It's a fact witness at this
12 point.

13 THE COURT: Why is this not speculation, Mr.
14 Cummings?

15 MR. CUMMINGS: May it please the Court,
16 Judge, I apologize, it sounds like speculation.
17 I'm trying to find out whether or not they went --
18 got my client out of the jail cell and started
19 asking questions about this incident knowing this
20 agent was coming down to talk to him about what he
21 was investigating.

22 A. Again --

23 THE COURT: Just a second, there's an
24 objection.

25 THE WITNESS: I'm sorry.

1 THE COURT: It's still speculation, though,
2 and I'll sustain the objection, note your
3 exception.

4 Q. Agent Helms, you sat there. How long would you
5 say approximately did you sit there with Mr. Bowman in
6 the room?

7 A. I'd say, rough estimate, maybe, and you're talking
8 I assume when I walked in the door, Detective Coker's
9 office and Mr. Bowman was in there.

10 Q. Yes, sir. About 11:30.

11 A. Your question is how long we were in there?

12 Q. Yes, sir.

13 A. I would say roughly 30 minutes, 30 to 45 minutes,
14 somewhere in that time frame.

15 Q. Did that include the time outside and the time
16 back in?

17 A. I believe so, yes, sir.

18 Q. All right, sir.

19 MR. CUMMINGS: Beg the Court's indulgence.

20 THE COURT: Yes, sir.

21 (Pause in proceedings.)

22 MR. CUMMINGS: Your Honor, that's all the
23 questions I have of Agent Helms. And I thank this
24 gentleman.

25 THE COURT: Any redirect?

1 MR. BAILEY: No redirect.

2 THE COURT: May this witness be free to
3 leave?

4 MR. CUMMINGS: Without objection. Have a
5 safe drive back.

6 THE WITNESS: Thank you, Your Honor. Thank
7 you, counsel.

8 THE COURT: While he's here with his notes
9 you've had an opportunity to review his notes?

10 MR. CUMMINGS: Yes, ma'am, Your Honor.
11 (Whereupon, the witness steps down from the
12 witness stand.)

13 MR. BAILEY: Recall Sergeant Coker the last
14 time.

15 THE COURT: All right. Come along. Sergeant
16 Coker may be glad, but....

17 (Alvin Coker, called as a witness, having
18 previously been sworn, is examined and testifies
19 as follows:)

20 DIRECT EXAMINATION

21 BY MR. BAILEY:

22 Q. Sergeant Coker, I want to call your attention now
23 to February the 27th, ask you whether or not you were
24 still working on this case?

25 A. I was.

1 Q. Did you have occasion to see Marion Bowman?

2 A. I did.

3 Q. Okay. Where did you see him?

4 A. It was again at my office.

5 Q. Okay. And how did that come about?

6 A. He had again requested through the jail to talk
7 with me concerning the case.

8 Q. All right. And do you recall his appearance and
9 demeanor on that occasion?

10 A. Very calm, acted like he was in good spirits.

11 Q. Hand you a document, ask you if you can identify
12 it.

13 A. Yes, sir. This is another Statement of Miranda
14 that I read to Mr. Bowman that he signed, got him to
15 initial it, each line by line. In fact, I think
16 Sergeant Van Doran even underlined "at any time" on the
17 last line, which says you can decide at any time to
18 exercise these rights, not answer any questions, make
19 any statements. Van Doran asked to underline, make
20 sure he could understand he requested an attorney, stop
21 answering any questions, making statements at any time
22 during our conversation.

23 I signed it, Sergeant Van Doran signed it,
24 defendant signed it. And that was at 12:18 p.m. on the
25 27th.

1 MR. BAILEY: Let me go ahead and have this
2 marked for identification.

3 (Marked for identification was State's Exhibit 9,
4 Statement of Miranda Rights.)

5 THE COURT: State's Exhibit 9 for
6 identification.

7 Q. Sergeant, same questions. Any promises made to
8 Mr. Bowman to get him to give you a statement?

9 A. No, sir.

10 Q. Any threats, coercion of any type?

11 A. No, sir.

12 Q. Did Mr. Bowman appear to understand the rights
13 that were read to him?

14 A. He did.

15 Q. Okay. Did he appear to understand the waiver of
16 rights?

17 A. Yes, sir. He did.

18 Q. You witnessed him sign the form along with
19 Detective Van Doran?

20 A. I did.

21 Q. Okay. And did he then agree to give you a verbal
22 statement?

23 A. Yes, sir. He did.

24 Q. Okay. Did you take notes of that statement?

25 A. I did.

1 Q. Okay. And using those notes to refresh your
2 memory, what did Mr. Bowman state to you on that
3 occasion?

4 A. On this particular occasion when we first started
5 talking he had told us on the night that Kandee Martin
6 died, that he told us he wanted to tell us the truth
7 about what happened on the night Kandee Martin died.
8 And he told us that Charlie Fralick had actually shot
9 and killed Kandee and then Charlie threatened to kill
10 Mr. Bowman supposedly if he told anything different.

11 Sergeant Van Doran stopped him at that point
12 and reminded him of the prior statements that he had
13 already given to us and also advised him of
14 co-defendants' statements. He then changed his story
15 again and said that he and Mr. Gadson actually got
16 together inside the jail and had decided to come up
17 with the story about Charlie Fralick to try to take the
18 heat off themselves.

19 Then he wanted to tell us about another
20 murder that happened on Highway 15 back in 1999 which
21 was still an ongoing investigation then as it is now.
22 He again named Mr. Terry Darnell Kelly, another
23 individual named Pat Bryant to be involved in that
24 case. Again, he came up with this Dalo as possibly
25 involved in that case as well and gave us information

1 on a burglary that I had been working.

2 Q. Was Sergeant Van Doran present when he made those
3 comments to you --

4 A. Yes, sir.

5 Q. -- the whole time?

6 Please answer any questions Mr. Cummings
7 might have for you.

8 THE COURT: All right. Cross-examination.

9 MR. CUMMINGS: Thank you, Judge.

10 CROSS-EXAMINATION

11 BY MR. CUMMINGS:

12 Q. Mr. Coker, again, I'm just going to try to go
13 through your notes as you provided them on 2-27-01.

14 A. Yes, sir.

15 Q. All right. Had he had bail or bond set on him by
16 the 27th at this time?

17 A. I don't recall. I can only assume that he had.

18 Q. Well, I'm going to ask you, please --

19 A. Orangeburg's had been. I do not have anything
20 showing a bond, when it was set.

21 Q. Okay. Well, he was charged, murder warrant was
22 served on him, I think from your testimony on the 27th
23 of February?

24 A. Correct.

25 Q. And that's seven days?

1 A. Correct.

2 Q. Obviously only a circuit court judge can set bond
3 on a murder charge.

4 A. Correct.

5 Q. But arson charge, was there a bail or bond form
6 set on that?

7 A. He, I think, had been taken on the 23rd if memory
8 serves me right, in front of the magistrate for a bond
9 hearing on those. I do not have the bond forms in
10 front of me.

11 Q. And by the 27th had you spoken to any members of
12 the solicitor's office or -- including the elected
13 solicitor, Mr. Bailey, about this case?

14 A. I'm sure we had by then, yes, sir.

15 Q. And had you at that time done anything with
16 Mr. Bowman? We know you executed a search warrant, we
17 know we got samples from his person on the 22nd. He's
18 now in jail for five more days, the 22nd through the
19 27th.

20 A. Yes, sir.

21 Q. Your notes state you were contacted again by
22 somebody in the jail. Do you know -- you've taken
23 meticulous notes. Who at the jail called you, said
24 Marion wanted to see you?

25 A. I'm not sure whether it was Captain Green or one

1 of the other staff sergeants, but it was one of the
2 persons in charge that day at the jail.

3 Q. All right. And based on that, who went, got
4 Marion out of his cell and brought him to your office?

5 A. Actually I believe I walked over and signed him
6 out myself, escorted him back over to the office.

7 Q. All right, sir. Now, at this time had you thought
8 about taking a tape recorded statement from Mr. Bowman?

9 A. No, sir. I had not used one thus far, so I did
10 not use one this particular day.

11 Q. And the reason I'm asking now is you have
12 Mr. Gadson in custody and you've got a statement from
13 him already.

14 A. Yes, sir.

15 Q. As a matter of fact, they're in the same jail.

16 A. Correct.

17 Q. Mr. Bowman now says he wants to come in and talk
18 to you, right?

19 A. Yes, sir.

20 Q. He starts out again, I want to again paraphrase
21 your notes, he now wanted to tell the truth about what
22 happened that night.

23 A. Correct.

24 Q. And then he states that Charles Fralick had shot
25 and killed Kandee?

1 A. Correct.

2 Q. And you guys had interviewed Charles Fralick,
3 learned that he had had some difficulties with Miss
4 Martin in the past?

5 A. Right.

6 Q. You got some other reports of criminal domestic
7 violence issues and other things, correct?

8 A. Yes.

9 Q. Had you developed Mr. Fralick as a suspect prior
10 to the 27th?

11 A. No.

12 Q. Okay. Mr. Fralick gave you a written statement
13 concerning this case?

14 A. He did.

15 Q. That's been provided to us in discovery?

16 A. Yes, sir.

17 Q. So when you sat there and you heard this of
18 Mr. Bowman, he stated that Mr. Gadson had been to the
19 jail and they were going to team this up, right?

20 A. That's correct.

21 Q. You were present, Mr. Van Doran was present?

22 A. That's correct.

23 Q. Is it then that you pulled out that Miranda form
24 again? I think it's State's 9, sir.

25 A. When we took him into the office, before we talked

1 to him at all, before we let him tell us anything, we
2 advised him of Miranda.

3 Q. All right, sir. And the time of that you have
4 according to your notes here 12:15 on State's 9 says --

5 A. 12:18.

6 Q. All right. Three minutes after, okay. So then he
7 initials it down the column?

8 A. Yes, sir.

9 Q. But nothing was reduced to writing on this. How
10 come, sir?

11 A. Primarily because we felt he was being very
12 untruthful with us as far as what he was trying to tell
13 us and the fact that we already had co-defendant
14 statements, we already eliminated Charlie Fralick. And
15 then once we call his hand on it he finally told us he
16 and Mr. Gadson had actually made this story up about
17 Fralick, so we did not put it in writing.

18 Q. Wouldn't that have been a nice investigative tool
19 to have him write this out in his own handwriting so
20 that you or Mr. Bailey, whatever way you would choose
21 to have that, would have that back to confront
22 Mr. Bowman?

23 A. May have been, but we chose not do that.

24 Q. That's the second verbal statements taken in your
25 office within a week that have not been reduced to

1 writing other than field notes by officers, correct?

2 A. That's correct.

3 Q. And this just didn't take a few minutes, this
4 obviously must have kept going for a while. How long
5 were you with Mr. Bowman on the 27th, sir?

6 A. Actually we weren't in there that long this day.
7 We started about 12:15. I think we were there probably
8 at the most 15 to 20 minutes.

9 Q. And as far as the statements made by Mr. Bowman,
10 he said that he could have helped you with a 1999
11 unsolved murder?

12 A. That's correct.

13 Q. Did he tell you he was living in Georgetown during
14 1999 and didn't know what the heck was going on around
15 here?

16 A. No, sir. I don't recall him telling me that.

17 Q. One of the things I wanted to get clear from you
18 on the record is did you ever follow up on something
19 about on Andre Cummings?

20 A. Yes, sir.

21 Q. He's not any relation to me, right?

22 A. No, sir. That is still an ongoing investigation
23 that I have open.

24 Q. Okay. Did anything that he tell you about that
25 ever prove viable, or...?

1 A. No, sir.

2 Q. All right. And as far as him calling or talking
3 with you now, did he offer to write anything out or
4 take you out any places, show you anything at all that
5 day on the 27th?

6 A. No, sir.

7 Q. Did you offer to take him out, have him show you
8 around?

9 A. No, sir, because I really didn't have need to.

10 Q. Okay. One of the things that I wanted to speak to
11 you about, at this time he's talking about cases that
12 are occurring in other counties, too. Did you contact
13 any other law enforcement agencies concerning any of
14 the words given to you by Mr. Bowman concerning other
15 crimes?

16 A. Well, all the crimes I can recall and what I've
17 got in my notes I can tell you is the one with the
18 murder with Mr. Andre Cummings, the one he was
19 referring to on Highway 15 North, which was right at
20 the Dorchester County/Orangeburg County line.

21 Q. All right. Did you go to Orangeburg and check out
22 any records to see if Mr. Marion Bowman's name was
23 involved in anything concerning Mr. Andre Cummings?

24 A. No, sir. That is a Dorchester County case.

25 Q. Okay. And so any other investigations is he

1 involved with that of your best investigative
2 knowledge?

3 A. I have not found anything that connects him with
4 it, no, sir.

5 Q. Okay, sir. As far as anything dealing with
6 Orangeburg, have you got any evidentiary value of
7 anything that was said on the 27th concerning
8 Orangeburg County?

9 A. No, sir.

10 Q. Okay.

11 MR. CUMMINGS: Beg the Court's indulgence.

12 THE COURT: Okay.

13 Q. There again it was just your sole decision or
14 Mr. Van Doran's decision not to reduce this to writing
15 by the defendant, excuse me, or record it just so you
16 could say, look, he's even coming in talking to me five
17 days after the last verbal statement?

18 A. I don't remember it was my decision. It was a
19 joint decision, but the decision was made and we did
20 not record it.

21 Q. Thank you.

22 MR. CUMMINGS: That's all the questions I
23 have of this gentleman. Thank you, Judge.

24 MR. BAILEY: Very briefly, Your Honor.

25 THE COURT: Yes.

REDIRECT EXAMINATION

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BY MR. BAILEY:

Q. Mr. Coker, without going through the file counting them up, roughly how many people did y'all interview in connection with Kandee Martin's murder?

A. Guesstimating, I probably interviewed 20 or 25 people.

Q. Okay. Were any of those people's statements taken down by video or audiotape?

A. No, sir.

Q. That's all I have, thank you.

RECROSS-EXAMINATION

BY MR. CUMMINGS:

Q. Why not? Why not one?

A. Like stated earlier, at the time Dorchester County did not have a video camera available.

Q. They got them in patrol cars for DUI's, my goodness.

A. Yes, sir. We did not have a video camera that was set up for doing interviews at the time. We do now in our Summerville office, but at the time we did not have one available.

Q. How about recording devices, just plain, old simple?

A. Recording devices, one of the reasons we didn't

1 record them.

2 Q. I see them out here on I-95 leaving the kids in
3 the car. They give all kinds of unsolicited statements
4 while sitting in the cruiser, right, Mr. Coker?

5 A. You're right.

6 Q. I mean, there's all kinds of material available to
7 you officers when you take your time and methodically
8 think about it that would make this issue clear for the
9 Court and a jury to determine voluntariness. Is that
10 not true, sir?

11 A. You're correct.

12 Q. It was just not used this time, Detective, with
13 the highest request to you?

14 A. Correct.

15 Q. That's all the questions I have.

16 MR. CUMMINGS: Judge, I thank this gentleman.
17 (Whereupon, the witness steps down from the
18 witness stand.)

19 THE COURT: Yes, sir, Mr. Bailey.

20 MR. BAILEY: Call Officer Van Doran again for
21 the last time.

22 (Terrence A. Van Doran, called as a witness,
23 having previously been duly sworn, is examined and
24 testifies as follows:)

25

DIRECT EXAMINATION

1
2 BY MR. BAILEY:

3 Q. Mr. Van Doran, I want to hand you State's Number 9
4 for identification, ask you if you can identify that,
5 please.

6 A. Yes, sir.

7 Q. All right, sir. Calling your attention to that
8 date, February the 27th, were you at the St. George
9 sheriff's office on that date?

10 A. I was, sir.

11 Q. Were you in Sergeant Coker's office?

12 A. Yes, sir.

13 Q. Did you have occasion to see Marion Bowman that
14 day?

15 A. I did, sir.

16 Q. What did you recall of his appearance and demeanor
17 on that occasion?

18 A. I remember he was brought over from next door at
19 the sheriff's office and we spoke to him concerning his
20 request to speak to us.

21 Q. Okay. Was he given Miranda rights, written
22 Miranda rights that you've got in front of you prior to
23 the time you all talked to him?

24 A. Yes, sir.

25 Q. Were you present the entire time Sergeant Coker

1 went over those Miranda rights with him?

2 A. Yes, sir.

3 Q. And did Marion Bowman appear to understand the
4 rights?

5 A. He did, sir.

6 Q. Did you witness him initial to those rights?

7 A. I did, sir.

8 Q. Did you hear Sergeant Coker go over the waiver of
9 rights with him?

10 A. Yes, sir.

11 Q. Did he appear to understand that?

12 A. He did, sir.

13 Q. Did you witness the signature on the waiver?

14 A. I did, sir.

15 Q. Any promises, threats, any kind of coercion, or
16 influence brought to bear on him to get him to give you
17 a statement?

18 A. No, sir.

19 Q. And did he proceed then to give you a verbal
20 statement?

21 A. Yes, sir.

22 Q. Did you take notes of that verbal statement?

23 A. I did.

24 Q. And to the best of your knowledge, was what he
25 told you given to you freely and voluntarily?

1 A. Yes, sir. I didn't take handwritten notes.

2 Q. Okay.

3 A. But I do have notes of the conversation.

4 Q. Okay. You typed out notes based on your
5 recollection of them?

6 A. Yes, sir.

7 Q. Do you have those in front of you?

8 A. No, sir.

9 Q. Let me hand you a paper and ask if this appears to
10 be a portion of your notes for that day?

11 A. Yes, sir. It's marked the 28th, but it was
12 actually the 27th.

13 Q. Using that to refresh your memory, Sergeant Van
14 Doran, what, if anything, did Mr. Bowman tell you and
15 Sergeant Coker?

16 A. He started to say that he was going to talk to us
17 about what actually happened. He started to implicate
18 Charles Fralick as the person that actually shot Kandee
19 Martin. And quite honestly we had spoke with him on
20 more than one occasion.

21 Q. Him who, Fralick?

22 A. No, the defendant, Marion Bowman.

23 Q. All right.

24 A. And I just at that point stopped him and said, and
25 told him, Marion, you know, we've got all this other

1 stuff pointing in the direction that we have and, you
2 know, if you're going to tell us the truth just tell us
3 what really happened. And he then proceeded to say
4 that James Tawain Gadson had actually shot her in the
5 car.

6 I stopped him, said, okay, that doesn't fit
7 the evidence that we actually had. And he continued
8 his conversation. And he then admitted that Travis had
9 helped him put Kandee in the trunk of the car prior to
10 burning the car and that Pop and Hiram had been in the
11 car as well. And he went on to say that they had
12 purchased some gloves, and the reason why is so he
13 wouldn't leave any fingerprints on the car.

14 Q. Okay. All right. Mr. Van Doran, please answer
15 any questions Mr. Cummings may have for you.

16 MR. CUMMINGS: Thank you.

17 THE COURT: Yes, cross-examination.

18 CROSS-EXAMINATION

19 BY MR. CUMMINGS:

20 Q. Good afternoon again, sir.

21 A. Yes, sir.

22 Q. We know then on the 27th, 28th you reduced this to
23 typewritten notes, right?

24 A. Yes, sir. I think I typed it the next day, that's
25 why it's dated the 28th.

1 Q. All right, sir. You had not pulled out a -- you
2 pulled out the Miranda form or at least Mr. Coker did
3 or somebody, you underlined he had the right to stop
4 talking to anybody at any time?

5 A. Yes, sir.

6 Q. State's 9 if I'm not mistaken?

7 A. Yes, sir.

8 Q. Okay. And, again, you take meticulous notes, you
9 take a lot of notes, because you know some day this
10 case was going to go to a courtroom some day, right?

11 A. If I'm the person that would be -- you know, that
12 would have a notepad, yes, sir, I would take notes, but
13 that day I did not.

14 Q. Okay. On the previous meeting when Agent Helms
15 was there on the 22nd, everybody else, nobody let
16 Mr. Marion write it out himself, you had previously
17 written two statements for him before, you didn't
18 reduce any of that verbal issues to writing that day,
19 did you?

20 A. I would have to look at my notes again to see if I
21 actually made any comments about that conversation.

22 Q. You didn't write in the voluntary statements, have
23 Mr. Bowman sign them?

24 A. As best I can remember there were no statements
25 taken.

1 Q. Nobody record any words of Mr. Bowman on the 22nd
2 of February?

3 A. No, sir.

4 Q. And then we come to the 27th of February. And do
5 you know which jail officer asked to have you gentlemen
6 bring Marion to you?

7 A. I do not, sir. I was in Summerville and Sergeant
8 Coker contacted me concerning that.

9 Q. All right. What time did you start the interview
10 with Mr. Bowman?

11 A. Well, the time on the Miranda form says 12:18 and
12 that's when the Miranda rights would have been given,
13 so it would have been within a few minutes after that.

14 Q. All right, sir. Do you remember approximately how
15 long you were in there with him? Because I know it's
16 not documented what time you finished.

17 A. To my memory it wouldn't have been over 30 minutes
18 at the most.

19 Q. All right. And one of the issues that again I
20 wanted to go down here was in your typed notes you made
21 some field notes and then went back and typed them up
22 for the file; is that correct?

23 A. I did not make field notes. This was typed up
24 from memory.

25 Q. Okay. I just wanted to make sure I was clear just

1 from your recollection.

2 A. Yes, sir.

3 Q. All right. And then one of the issues is he
4 started saying a different story about how Kandee had
5 died or was killed?

6 A. Yes, sir.

7 Q. All right. What did you tell him that would
8 absolutely convince him that you knew different, what
9 was the one statement that he made to you that you
10 said, whoa, stop, let me tell you what our evidence is
11 to show this?

12 A. I just basically told him what we had found and
13 what the evidence showed and --

14 Q. What was that --

15 A. -- some of the other statements.

16 Q. All right. From the other statements. Now,
17 again, they're just other statements?

18 A. That's correct, sir. I just told him exactly what
19 I told you, that there were other statements that had
20 been given, that other people were saying that he had
21 actually shot her, that the crime scene itself did not
22 reflect what he was telling me. And then he changed
23 his story again.

24 Q. All right. And at that point when you told him
25 that's enough, I think in your own words, again, I'm

1 not trying to be smart, and Detective Coker and I,
2 meaning you, sir?

3 A. Yes, sir.

4 Q. Told him unless he stopped making up things to
5 take the crime off him we were finished talking?

6 A. There was no reason to continue if he was going to
7 keep saying stuff like that, in my opinion.

8 Q. All right, sir. And then you said, "Junior stated
9 he would tell the truth and Detective Coker and I told
10 Junior we had other information from Pop." What other
11 information did he have from Pop?

12 A. I would have to refresh my memory. Sergeant Coker
13 had provided some information concerning that and I
14 would have to go back and read exactly what was said by
15 Pop.

16 Q. Okay. Because one of the things in there said
17 that you knew that Mr. Felder had helped, meaning him,
18 meaning Mr. Bowman?

19 A. That's correct, sir.

20 Q. Drag Kandee's body from the wooded area, place it
21 in the trunk of the car?

22 A. I was referring to Mr. Felder had helped him do
23 that, the defendant do that.

24 Q. All right, sir. I'm sorry, again, I'm only trying
25 to get this as far as why the confrontation with

1 Mr. Bowman when he's trying to talk to you gentlemen,
2 did you let him write this statement out?

3 A. No, sir. There was no written statement that I
4 remember that day.

5 Q. Because normally if a person wants to give you
6 folks something you let them do it, that's what this is
7 all about here, you want them to talk, you want them to
8 write, get things in his own handwriting, his own words
9 so some day it might be of evidentiary value, right?

10 A. But nothing -- that's correct, sir, but nothing he
11 said was new. We had pretty much known everything that
12 he had told us.

13 Q. Did he ask you, or while in your presence,
14 Mr. Coker, for any kind of deals that you police
15 officers could get him, like accessory charges or
16 anything else?

17 A. No, sir.

18 Q. Because you didn't see any of that in your notes,
19 that he was sitting there asking you folks whether or
20 not you could give him any kind of breaks on the
21 charges?

22 A. I do not remember anything like that.

23 Q. And you'd remember real clear because, again,
24 these are your notes, right, and you did them either
25 the same day or the next day?

1 A. Yes, sir.

2 Q. So if somebody wants to come out of the jail cell
3 and say, hey, I'll give you a statement or talk to you
4 if you guys will agree to help me get these charges
5 changed, would that be important to you?

6 A. It would depending on what they had to say, sir.

7 Q. Just the fact that somebody says, hey, man, cut me
8 a deal on the charges and I'll tell you something.

9 A. I would tell them immediately that I have no
10 authority to cut a deal, that I could speak to the
11 solicitor concerning their testimony and that would be
12 about it.

13 Q. Especially after somebody has been charged with an
14 arrest warrant for like murder, right?

15 A. On any serious crime.

16 Q. Only the solicitor?

17 A. On any serious crime.

18 Q. Only the solicitor can ever --

19 A. Cut a deal.

20 Q. -- offer somebody something?

21 A. That's right, sir.

22 Q. There's nothing in your notes -- again, if I'm
23 wrong you've got it right in front of you, nothing in
24 your notes about any kind of deals or why he wanted to
25 talk to you, cut me a deal, I'll tell you more stuff.

1 If I'm wrong there, you tell me.

2 A. Well, I remember nothing about that.

3 Q. All right, sir. And as far as this issue with the
4 gun and the block house, did you folks go back out and
5 inspect or search that block house again?

6 A. On Saturday when this all started that night there
7 was an extensive search done of that block house by
8 numerous officers and a K-9 that was trained to detect
9 gunpowder residue or that sort of item.

10 Q. Nitrates or whatever was fired?

11 A. Yes.

12 Q. And the reason that I'm asking that is because
13 when Mr. Bowman was arrested in the area where his
14 pants were, again I'm just trying to go back and
15 refresh your memory on this thing, did you guys check
16 the couch area where the pants were for any --

17 A. Not initially, sir.

18 Q. Okay.

19 A. Not -- to answer your question directly, not
20 initially.

21 Q. Okay. When did you check?

22 A. Later after Ms. Bowman provided a consent to
23 search then the couch, et cetera, was checked.

24 Q. Did you do that personally?

25 A. I assisted, yes, sir.

1 Q. Who else was with you?

2 A. Sergeant Coker and I'm not sure if -- I'm not -- I
3 can't remember if Major Turner, Lieutenant Nettles
4 actually helped search or not, but I know they were
5 outside at that point.

6 Q. The only reason I'm asking, he keeps talking,
7 according to the statements now on the 22nd, 27th,
8 asking the police to go look for something and it's not
9 being found anywhere, right, meaning this gun?

10 A. I don't remember him asking us to go look for the
11 gun except for providing us with information about the
12 block house.

13 Q. Okay.

14 MR. CUMMINGS: Beg the Court's indulgence,
15 Your Honor.

16 THE COURT: All right.

17 (Pause in proceedings.)

18 Q. And, again, sir, I'm just trying to reclarify. I
19 know that taking your notes is not -- going back next
20 day and being a verbatim conversation with somebody
21 like madam court reporter takes down for us in here,
22 but the best of your knowledge this was the extent of
23 the conversation between Mr. Bowman, you, and then
24 Mr. Coker in your presence, what your notes reflect?

25 A. He may have said something else that we discussed,

1 but that's all I made notes of.

2 Q. Okay, sir. And, again, you didn't have a tape
3 recorder, you didn't use one, you just chose not to do
4 that that day again?

5 A. Well, came from Summerville up here and we just
6 didn't use one, no, sir.

7 Q. And nothing was used on the 22nd of February to
8 record it?

9 A. That's correct, sir.

10 MR. CUMMINGS: Thank you, Judge. That's all
11 the questions I have of this gentleman.

12 THE COURT: Redirect?

13 MR. BAILEY: No redirect, Your Honor.

14 THE COURT: All right. Is this witness free
15 to leave?

16 MR. CUMMINGS: Without objection, Judge.

17 THE COURT: All right. Thank you.

18 (Whereupon, the witness steps down from the
19 witness stand.)

20 MR. BAILEY: Your Honor, that's all I have as
21 far as testimony on the Jackson v. Denno at this
22 stage. And before resting on the hearing,
23 everything we've put in I've had marked for
24 identification that's -- of course I don't think I
25 can move it into evidence prior to trial, but to

1 the extent I need to I would go ahead and move it
2 into evidence for purposes of the hearing only.

3 MR. CUMMINGS: I would object to that. This
4 is an evidentiary hearing, I believe ID is the
5 purpose of this at this point. I know Your Honor
6 has to be the finder of the totality of the
7 voluntariness later on in this case and we have
8 not put up anything yet.

9 THE COURT: Very well. Yeah, I think that's
10 correct, I think Mr. Bailey's doing that in an
11 abundance of caution.

12 MR. CUMMINGS: Yes, ma'am.

13 THE COURT: Now, will there be testimony and
14 evidence from the defense?

15 MR. CUMMINGS: Yes, ma'am. There will be.

16 THE COURT: Would you prefer to begin that in
17 the morning?

18 MR. CUMMINGS: If we can in the morning,
19 Judge. I know it's a quarter to 5:00. Your
20 Honor, just for the record purposes here, as
21 things have developed in here that's why I asked
22 the young lady be given notice of a subpoena.

23 THE COURT: Yes.

24 MR. CUMMINGS: But, Judge, I did not mean to
25 delay your court hearing on Mr. Bailey not to know

1 that I was going to subpoena Ms. Walters, but I
2 want to at least put that on the record. That
3 only came up after what happened today in here, so
4 thank you.

5 THE COURT: That's perfectly fine. In other
6 words -- in other words, your concern arose out of
7 the identification of certain documents --

8 MR. CUMMINGS: Yes, ma'am.

9 THE COURT: -- as I understand it.

10 Any comment to that, Mr. Bailey?

11 MR. BAILEY: No. The only comment I wanted
12 to make is of course we have outstanding
13 reciprocal Rule 5, which would require the defense
14 to give us any documentations they intend to
15 produce. Apparently there's going to be some
16 testimony in regard to a visit or transportation
17 of the defendant on the 18th from the Orangeburg
18 Jail to Branchville to see his wife. I had no
19 knowledge of anything prior to today and as I
20 speak now I'm not sure what occurred, if anything.

21 Apparently Mr. Cummings has a letter
22 that he had asked Sheriff Williams to identify and
23 he couldn't identify it and he carried it back.
24 I'm not sure if that letter's something I'm
25 entitled to on reciprocal Rule 5, but if it is I

1 would like to have it now so I don't get
2 blindsided.

3 THE COURT: I understand.

4 MR. CUMMINGS: You're right, I would not want
5 to blindside my solicitor. But, Judge, out of an
6 abundance of caution we served a subpoena on the
7 Orangeburg County Sheriff's Office. Again, I
8 would like to make this a Court's Exhibit. I'm
9 going to show this to Mr. Bailey. This is all we
10 got after serving a subpoena for any and all
11 records concerning Mr. Bowman in any case at any
12 time he had been at the jail up there, or any
13 video recordings of him, any pictures of him.
14 When the good solicitor sees that letter, I do
15 want to make this as a Court's Exhibit, again, the
16 second subpoena that law enforcement has not
17 provided any information to either the prosecutor
18 in this case or us.

19 MR. BAILEY: Let me say in response to that
20 that, I don't run the Orangeburg sheriff's office,
21 but there are two other Orangeburg cases that are
22 directly or indirectly related to this case, one
23 being of course the receiving stolen goods charge.
24 I have the sheriff's file on that case, such as it
25 is, there's not a whole lot to it, provided that

1 to the defense and there's also the -- a burglary
2 charge that if you'll recall we were going to try
3 that before this case. I agreed to continue that
4 case.

5 THE COURT: Yes, sir.

6 MR. BAILEY: So whatever the Orangeburg
7 sheriff's office has to the best of my knowledge
8 would be obtained in those two files which have
9 gone to the defense. So if they didn't get it
10 from the sheriff's office they got it from me, if
11 there's anything else I don't know about that.

12 MR. CUMMINGS: That's --

13 THE COURT: Just so our record is clear,
14 everything, all the information that you have from
15 the Orangeburg sheriff's department, Mr. Bailey,
16 you have given to the defense; is that right?

17 MR. BAILEY: That's correct.

18 THE COURT: And I gather you don't intend to
19 make any representation to the defense that that
20 is all that they have, but it's certainly all that
21 you have been able to ascertain?

22 MR. BAILEY: It's all that I've been able to
23 get through the course of that, being also my
24 county and those being my cases.

25 THE COURT: Yes, sir.

1 MR. BAILEY: And asking them to provide
2 copies of their file to us.

3 THE COURT: Very well.

4 MR. CUMMINGS: Just approach the bench for a
5 moment.

6 THE COURT: Sure.

7 MR. CUMMINGS: Then ask this be marked as a
8 Court's Exhibit.

9 THE COURT: Sure.

10 MR. CUMMINGS: I learned over a number of
11 years -- as you read that it's not just documents
12 given to Mr. Bailey, it's like what other people
13 have in the desk file, like we learned about
14 Mr. Stephenson and we served subpoenas on
15 departments to make sure they complied in giving
16 our head prosecutor every bit of information.

17 THE COURT: I think that you should also, if
18 you would so the record is complete, attach also a
19 copy of the subpoena.

20 MR. CUMMINGS: Yes, ma'am. We do that. We
21 got our original subpoena back from our sheriff in
22 this county. That's the only thing we got back
23 after service of process. And I will, Judge, make
24 sure we do that. And we'll attach that by
25 tomorrow. But, Your Honor, respectfully I just

1 ask that that be clear on the record.

2 THE COURT: Very well. With regards to
3 another request of Mr. Bailey, I recall when we
4 were discussing the motions that the defense
5 offered, if you will, to tell the solicitor who
6 witnesses for the defense would be. Do you recall
7 that?

8 MR. CUMMINGS: Yes, ma'am. I said that we
9 have provided a list of any and all witnesses for
10 us. We haven't received any witness list yet from
11 Mr. Bailey. And I'm sure we will do that at the
12 same time.

13 THE COURT: All right. Very well. I
14 understand.

15 MR. BAILEY: That is prepared. I think the
16 deadline is the 10th, if I'm not mistaken on that.

17 THE COURT: I don't recall.

18 MR. CUMMINGS: Which is tomorrow.

19 THE COURT: I apologize, I don't recall.

20 MR. CUMMINGS: I don't remember the deadline
21 being the 10th.

22 MR. BAILEY: Whatever it is it's in my notes.
23 I think it may be the 10th. And I'll get that to
24 this gentleman.

25 THE COURT: All right.

1 MR. CUMMINGS: Judge, what time did you want
2 to start tomorrow because I know --

3 THE COURT: There's a two o'clock matter.
4 Let me ask of you, and this is by no means
5 anything other than to just give me some sense for
6 scheduling purpose, you are not bound by this in
7 any regard. So if you are comfortable giving me
8 some idea of whether or not you think that a full
9 morning would be sufficient, that's fine.

10 MR. CUMMINGS: No, ma'am.

11 THE COURT: That's fine.

12 MR. CUMMINGS: I apologize to Her Honor, a
13 full morning would not be because Mr. Bowman
14 anticipates testifying in this stage of the case
15 as well as probably no less than four people, and
16 maybe again Ms. Walters now is the fifth, maybe
17 the sheriff in Orangeburg being brought back in
18 afterwards, Judge.

19 THE COURT: All that's perfectly fine. Let
20 me ask this of you, Mr. Cummings: As you know we
21 have scheduled a plea for tomorrow afternoon at
22 two o'clock completely unrelated. Will it in any
23 regard cause you any concern if we hear your
24 matter in the morning, continue, of course, with
25 your case in the morning, take a break tomorrow

1 afternoon for that plea which I understand would
2 be the balance of the afternoon effectively, and
3 then again begin this matter Thursday morning?

4 MR. BAILEY: That's fine.

5 MR. CUMMINGS: That's fine, Judge.

6 THE COURT: You're very comfortable doing
7 that?

8 MR. CUMMINGS: Again, Judge, we'll try to
9 line up the short witnesses for the morning.
10 Instead of putting Mr. Bowman up tomorrow we'll do
11 it for Thursday.

12 THE COURT: That's fine. Let me turn and
13 ask, given your schedule can we make a full day if
14 we begin 9:00, 9:30?

15 MR. CUMMINGS: 9:30 Thursday?

16 THE COURT: Yes.

17 MR. CUMMINGS: Very well.

18 THE COURT: That's what we will do. You're
19 comfortable beginning at 9:30, probably taking a
20 break about, I don't know, around, say, one
21 o'clock and then picking up again on Thursday
22 morning?

23 MR. CUMMINGS: Yes, ma'am.

24 MR. BAILEY: Can I say three things?

25 THE COURT: Yes, you can.

1 MR. BAILEY: Sergeant Coker can't be here
2 Thursday, I think he's got some preliminary
3 hearings. I'm wondering if I could substitute
4 Sergeant Van Doran for my case officer on that one
5 particular date. Both have fully testified; to
6 the best of my knowledge I wouldn't anticipate
7 calling them back. Of course I've got no way of
8 knowing what they may come up with, so --

9 THE COURT: I think that's the part that
10 concerns me. You know, I think he's got to be
11 present. I'm happy -- whatever preliminary
12 hearings, I'm happy to require his presence if I
13 need to. If I need to call to get those, in other
14 words, I think that this must take priority and I
15 would prefer that he remain as the case agent
16 since he is, in fact, the case agent, Mr. Bailey.

17 MR. BAILEY: Thank you, Your Honor.

18 THE COURT: And I understand, I understand
19 all those needs, I really do, but in this case I
20 think it is important and would urge you to see if
21 you can be present. If not, if you'll let me know
22 tomorrow I will certainly endeavour to have you be
23 present. Very well.

24 MR. BAILEY: Your Honor, the second thing, is
25 I'm not certain the defense is going to be calling

1 Mr. Bowman's wife, Dorothy May Bowman, as a
2 witness. If they don't, I may in rebuttal.

3 THE COURT: Yes, sir.

4 MR. BAILEY: She has charges pending against
5 her, she has a plea agreement with the State,
6 she's represented by John Loy. I talked with
7 Mr. Loy over the lunch break, he's on vacation,
8 said he's got an order of protection. So if she's
9 needed I think we're looking probably first of
10 next week.

11 MR. CUMMINGS: Obviously he's been around a
12 long time, got some of that gray hair honestly.
13 Yes, Judge, Ms. Bowman is definitely needed
14 because of some of the issues that were raised up
15 in here.

16 THE COURT: Certainly. Certainly I
17 understand that. Let's just talk about that as a
18 practical matter. I certainly have no concern
19 with not ending this matter. I wanted to end this
20 matter, but that can't be helped by anyone.
21 Lawyers certainly are entitled to take holiday and
22 he didn't know. He has not been, as I gather,
23 connected with this hearing certainly as we have
24 been.

25 I would -- other than at this point,

1 Mr. Loy, when we can reconvene on Monday for the
2 purpose of taking that testimony, can you perceive
3 any problem proceeding in that way? Irrespective
4 of who needs her, if either of you need her, in
5 proceeding in that fashion?

6 MR. CUMMINGS: No, ma'am.

7 THE COURT: All right.

8 MR. CUMMINGS: And the reason I say that --

9 THE COURT: May I ask this of you, Mr.
10 Cummings? In the event you need to call her in
11 your case, do you have any concerns about if there
12 are some issues that can -- rebuttal can be
13 called, calling the rebuttal and then leaving her
14 to be called at the end?

15 MR. CUMMINGS: Yes, Judge Goodstein, Mr.
16 Bailey does not call her as a rebuttal witness,
17 then I'm left without her and I don't mean that to
18 be.

19 THE COURT: No, no, no.

20 MR. CUMMINGS: I'm sorry, I didn't hear you
21 right.

22 THE COURT: That's my fault, I'm not being
23 clear. My question to you is that I am presuming
24 that you are calling her in your case.

25 MR. CUMMINGS: Yes, ma'am.

1 THE COURT: Okay. Do you have any problem
2 with understanding that when you have completed
3 all the other witnesses in your case, would you
4 have any concern, you, too, Mr. Bailey, with
5 proceeding on any rebuttal witnesses that Mr.
6 Bailey might have, understanding that you don't in
7 your case until she's called?

8 MR. CUMMINGS: No.

9 MR. BAILEY: Take her out of order?

10 THE COURT: Yes.

11 MR. CUMMINGS: Sure.

12 THE COURT: Given this is a hearing in the
13 nature that it is, I think.

14 MR. CUMMINGS: In other words, as we're
15 running along if we finish our witnesses, then Mr.
16 Bailey puts up any rebuttal, then we have a right
17 to call Ms. Dorothy Bowman regardless of the stage
18 until Her Honor rules.

19 THE COURT: That's correct. That's correct.
20 Do you have any problem with that, Mr. Bailey?

21 MR. BAILEY: Not at all, Your Honor.

22 MR. CUMMINGS: None here, Judge.

23 Marva?

24 MS. HARDEE-THOMAS: None.

25 THE COURT: I can't imagine difficulty, but

1 that would allow us to hopefully conclude all the
2 witnesses. Then we have a general sessions term
3 next week, so it will be uniquely easy to stop,
4 conclude this hearing.

5 MR. BAILEY: I think there's a question on
6 the jury questionnaire you want to get to the
7 clerk's office today.

8 THE COURT: I certainly do.

9 MR. BAILEY: I think Mr. Cummings handed
10 those to me. I'm not sure what the difference is,
11 I didn't bring my copies because I didn't --

12 THE COURT: Sure. Thank you. All right.
13 Mr. Cummings, can you direct -- do you have a copy
14 so that you can direct me where I need to?

15 MR. CUMMINGS: Judge, I believe Mr. Bailey
16 objected to question Number 47 if I'm not
17 mistaken, the request about what TV shows they
18 watch. I'm sorry, you got my only --

19 THE COURT: Number 47.

20 MR. CUMMINGS: -- copies today.

21 THE COURT: All right. It's the TV.

22 MR. CUMMINGS: Yes, ma'am. About what
23 additional TV shows they watch. And I want to
24 make sure we followed Your Honor's instructions
25 from the letters and orders we received.

1 THE COURT: Sure.

2 MR. BAILEY: Norb and I went over after we
3 got back in the office, over what your
4 instructions were regarding what went in, stayed
5 out. And there were several that we discussed and
6 agreed on and there might have been one or two
7 that I haven't deleted, he had them still in and I
8 don't know which ones they were.

9 THE COURT: Let's see. I think where it is,
10 let me -- I think that the discrepancy begins at
11 Number 43. It has to do with questions regarding
12 suicide.

13 MR. CUMMINGS: Suicide?

14 THE COURT: Yes. It seems to me that the
15 question would be from Number 42 and through --
16 Number 43 through Number 48. I'm going to have to
17 go back, review my notes, but I'll do that over
18 the evening.

19 MR. CUMMINGS: Yes, ma'am.

20 THE COURT: All right. And if you'll look
21 with me on the next -- well, the third to the last
22 page.

23 MR. CUMMINGS: Ma'am.

24 THE COURT: I think we need to look -- I
25 think we need to check that, spell check.

1 MR. CUMMINGS: My spell check?

2 THE COURT: Yes, sir. And by no means -- I
3 think the last time I was in a spelling bee was in
4 the third grade and I don't think I lasted very
5 long, but I think there's sort of a noticeable
6 word on that that's misspelled. So if you would
7 look at that for me over the evening, I'll review
8 my notes and I'll let all know in the morning.

9 MR. BAILEY: Yes, ma'am.

10 MR. CUMMINGS: Thank you.

11 THE COURT: Thank you so much. Anything
12 further before we break for this evening?

13 MR. BAILEY: Nothing from the State, Your
14 Honor.

15 MR. CUMMINGS: Nothing.

16 THE COURT: Thank you. Great.

17 - - - oOo - - -

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STATE OF SOUTH CAROLINA)
: C E R T I F I C A T E
COUNTY OF DORCHESTER)

I, Robin L. Keil, Registered Merit Reporter
and First Judicial Circuit Court Reporter, certify
that the preceding pages are a true and correct
transcript of the proceedings had at the aforesaid
time and place.

I certify that the same was reduced to
typewritten form from my original stenograph notes
by computer-aided transcription.

I further certify that I am not of counsel or
kin to any of the parties to this cause of action,
nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand
this the 6th day of May 2003.


Robin L. Keil, RMR
Resident Court Reporter
First Judicial Circuit

ORIGINAL

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
 :
 COUNTY OF DORCHESTER) CASE NO. 01-GS-18-0348, 0349

STATE OF SOUTH CAROLINA,) VOLUME VI Pages 556 - 636
)
 Plaintiff,) TRANSCRIPT OF RECORD
)
 -versus-) JACKSON VS. DENNO
)
 MARION BOWMAN, JR.,) April 10, 2002
)
 Defendant.) St. George, South Carolina

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 The Honorable Diane S. Goodstein

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State vs. Bowman Volume VI

1 (Wednesday, April 10, 2002.)

2 THE COURT: The first thing that I wanted
3 to handle this morning was the questionnaire so
4 we could get that revised and on to the clerk's
5 office. I went back and reviewed my notes and I
6 think I understand where the concern is and the
7 problem is. And I think where the problem lies
8 is that my notes indicated that I ruled from the
9 bench regarding the suicide colloquy, suicide
10 number of questions and so that wasn't contained
11 in the letter. So the suicide questions wasn't
12 contained in the letter and I think that's where
13 the glitch occurred.

14 But irrespective of whether I ruled
15 from the bench or didn't, and my memory and my
16 notes indicate that I did, but perhaps I did
17 not.

18 MR. CUMMINGS: Yes, ma'am.

19 THE COURT: Let me say that on these facts
20 I do not believe that questions about any
21 suicide attempt, be it real or faked, suicide
22 attempts for this case have no -- that I can
23 determine, have no appropriateness for the jury
24 questionnaire in this case. And I think that to
25 ask that would be in the nature of juror

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1 profiling in terms of the jurors' mental health
2 issues and I find that that is in the nature of,
3 if you will, personality profiling.

4 So over the objection and noting the
5 exception of the defense and over the objection
6 of the defense, I would ask that those questions
7 be excluded. Let me go over the numbers.

8 MR. CUMMINGS: Yes, ma'am.

9 THE COURT: All right. On the -- my
10 worksheet or the one we were going over, it's
11 numbers 43, 44, 45, 46 and 47. On, Mr.
12 Cummings, on yours that you passed up -- oh,
13 this is yours, I'm informed -- yeah, this is
14 yours. Forty-three, "Have you, or anyone you
15 know, ever attempted suicide?"

16 Number 44, "Did you know anyone who
17 has committed suicide?"

18 Forty-five, "Have you, or anyone you
19 known, ever faked a suicide attempt?"

20 I would do the sic in parentheses
21 because I read it as it's written. Forty-six,
22 "Have you, or anyone you know, ever seen a
23 therapist or counselor for emotional or
24 psychological difficulties?"

25 Forty-seven, "Have you, or anyone you

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1 know, ever been under a doctor's care or
2 hospitalized for emotional or psychological
3 difficulties?"

4 Those would be the questions that
5 ought to be excluded. And, again, over the
6 objection of the defense. So -- and I
7 understand that you have one that has been spell
8 checked?

9 MR. CUMMINGS: Yes, ma'am. Again last
10 night we stayed until ten o'clock and got -- I
11 apologize to the Court, I guess somehow the last
12 page didn't get -- it's been re-spell checked
13 again, Your Honor, once Madam Clerk downstairs
14 is to verify it again. I've got it on a disk to
15 have for her to have it printed or whatever.

16 THE COURT: She'll appreciate having it on
17 a disk.

18 MR. CUMMINGS: Yes, ma'am.

19 THE COURT: Do you have a disk that has
20 those particular numbers excluded?

21 MR. CUMMINGS: I've provided two. Again,
22 if there's an error on that I'll make sure of
23 those, 43, 44, 45, 46, 47 are out per Her
24 Honor's instructions.

25 THE COURT: Would you all do this for me?

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1 If you, together, would go to the clerk's office
2 with the disk, look at the disk on her computer.
3 If you want her to print it out, have her print
4 it out so that it's -- you all have satisfied
5 that that, in fact, is the juror questionnaire
6 that ought to be going that would be great and
7 that way we can move this along.

8 MR. CUMMINGS: Yes, ma'am.

9 THE COURT: Thank you so much for checking
10 again on the spell check. And I would never
11 have noticed that except it was the bold word.
12 And I'm sitting there studying it thinking I
13 think that's wrong, but I'm not positive.
14 Again, last time I was in the spelling bee was
15 the third grade and I don't think I made it
16 through the second round, so there you have it.

17 MR. CUMMINGS: I didn't type until last
18 night, Judge.

19 THE COURT: Certainly not a problem.

20 Anything else before we again this
21 matter?

22 MR. BAILEY: Nothing from the State, Your
23 Honor.

24 THE COURT: Thank you, Mr. Bailey.

25 MS. HARDEE-THOMAS: Your Honor, there's

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1 another matter that Mr. Cummings has asked me to
2 stand up and talk to the Court about.

3 THE COURT: Certainly.

4 MS. HARDEE-THOMAS: We subpoenaed some
5 witnesses last night and it happened to be the
6 Dorchester County Detention Center officers,
7 plus the director, Barney Barnes, as the keeper
8 of records. We notice that they have a large
9 volume file that they keep information on the
10 whole jail. We needed some information, I
11 guess, pertaining to this case be presented.
12 And I think they're somewhat apprehensive in
13 allowing us to copy it because it has other
14 people's information in it. And I think we have
15 Mr. --

16 THE COURT: Mr. Bowman's information.

17 MS. HARDEE-THOMAS: I'm sorry, our client's
18 file which we can copy. But that information
19 that we need is pertinent to a particular issue
20 that we were addressing with regards to who came
21 and called Mr. Marion Bowman. And I don't know
22 how we're going to get that at this point, but
23 for the Court to recognize that we have a
24 problem with getting this information copied for
25 both the State, and I, and the defense and the

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1 fact that --

2 THE COURT: Well, I think what needs to
3 happen is if there is an objection to producing
4 the information, the way to handle it is not to
5 respond is to not not respond. I think that
6 that issue's got to be raised.

7 So I think what I would ask you to do
8 is to just, you know, communicate that to the
9 jail.

10 MS. HARDEE-THOMAS: Okay.

11 THE COURT: And that way, hopefully we can
12 bypass a rule to show cause.

13 MS. HARDEE-THOMAS: Okay.

14 THE COURT: So that if there is an
15 objection they can appear on themselves or have
16 counsel appear on their behalf, but it's not an
17 option not to respond to a subpoena, as I
18 understand the law. You can object, but you
19 can't ignore it because you don't agree with it.

20 MS. HARDEE-THOMAS: Thank you, Your Honor.

21 THE COURT: Thank you. And as I understand
22 it, you were concerned that you were being
23 ignored because they don't agree with it. Is
24 that right, Ms. Hardee-Thomas?

25 MS. HARDEE-THOMAS: They're in the back.

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1 They had the file with them, but I can't
2 physically get the file.

3 THE COURT: I understand. Well --

4 MR. BAILEY: If I could just say for the
5 record I don't have any involvement in the
6 decision for the jail, even though it's a branch
7 of the sheriff's office.

8 THE COURT: I do understand that, Mr.
9 Bailey. You've got enough dogs in enough fights
10 in this world, but that happens not to be one, I
11 understand.

12 MR. BAILEY: Thank you.

13 THE COURT: In other words, you don't
14 maintain, you have no position insofar as the
15 solicitor is concerned whether they ought to be
16 entitled to it or not?

17 MR. BAILEY: I have no knowledge that the
18 subpoena was outstanding in the first place.

19 THE COURT: Certainly. Very well.
20 Nobody's asked your opinion?

21 MR. BAILEY: Nobody.

22 THE COURT: Thank you.

23 MR. CUMMINGS: May we just have a short
24 break, Judge, while Ms. Hardee-Thomas goes back
25 and talks to the director for a minute?

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1 THE COURT: Sure. Sure.

2 MR. CUMMINGS: All right. Just for the
3 record this morning we gave Mr. Bailey our
4 expert witness list and our laywitness list.
5 The laywitnesses come out of the solicitor's
6 file. There were no addresses on the laypeople
7 because they came right off the statements and
8 the issues of -- these officers have taken. If
9 there's an issue over the addresses I know Mr.
10 Bailey will correct me, but I wanted to state
11 that on the record today.

12 Mr. Bailey has advised me my
13 reciprocal is in the mail, I believe him, we've
14 been up here with you yesterday all day, I trust
15 Jody in his office very much, I know she'll get
16 that to me.

17 THE COURT: The record, again, needs to
18 reflect the reason those witness names have been
19 given to the State is because when the State
20 made a motion to receive your names of your
21 witnesses, that the response of the defense was
22 if we are allowed to get the State's we will
23 reciprocate.

24 MR. CUMMINGS: Absolutely, Judge.

25 THE COURT: And so the giving of that

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1 information is done by consent on behalf of the
2 defense rather than by Court order.

3 MR. CUMMINGS: Correct, ma'am.

4 THE COURT: Of course, I've issued my order
5 that has ordered the solicitor's office to give
6 you with the -- and really with the suggestion
7 that I think came from the defense in terms of
8 the addresses and the concern about that
9 information. But I think the record needs to
10 reflect that those, that information has been
11 given by consent by the defense.

12 MR. CUMMINGS: Yes, ma'am.

13 THE COURT: Very well. All right.

14 MR. BAILEY: Your Honor, while we're
15 waiting for Ms. Hardee-Thomas to get back, if I
16 could also put this on the record with Mr.
17 Cummings' consent. We have delivered the murder
18 weapon, the pistol to Mr. Cummings' expert in
19 Virginia. That's been dropped off by my
20 investigator, so that has been accomplished.

21 THE COURT: Thank you so much. Is that
22 correct?

23 MR. CUMMINGS: Just in clarification here I
24 know Mr. Bailey stated he believes that is the
25 weapon used in the murder. We're waiting --

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1 everything else Mr. Solicitor stated about the
2 weapon being delivered by Mr. Richardson to
3 Mr. Cleon Mauer is absolutely correct, I'm just
4 challenging the gentleman's polite use of
5 English language outside the jury here for the
6 record. I think that's one reason why we had --

7 THE COURT: In other words, you're
8 conceding nothing. You're not conceding that is
9 the murder weapon?

10 MR. CUMMINGS: Correct, Judge.

11 THE COURT: Only shall we say the weapon
12 that the State maintains is the murder weapon
13 has been delivered.

14 MR. CUMMINGS: Correct. And I didn't mean
15 to ever challenge the gentleman's vocabulary, I
16 just wanted to cover it.

17 THE COURT: He understands and so do I.
18 Mr. Cummings, let me ask you this question:
19 Last night I was going over the proposed orders
20 in this matter from our motions hearings.

21 MR. CUMMINGS: Yes, ma'am.

22 THE COURT: And I wondered if you had had
23 an opportunity to go over them?

24 MR. BAILEY: I have gone over Mr. Bailey's
25 orders and they are correct. Ms. Hardee-Thomas

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1 and I last night dictated two orders, Judge, to
2 be typed today. You should have them on your
3 bench by Friday. I'll make sure Walter gets a
4 copy of that before they come to you, ma'am.

5 THE COURT: That would be great. And what
6 I'll do, I'll sign those.

7 MR. CUMMINGS: Yes, ma'am.

8 THE COURT: Because I wanted to hear
9 whether or not you had reviewed them, so I'll
10 sign those today. Great.

11 One of the things, and I know while
12 we've got a few minutes, one of the concerns
13 that I have had, not a large concern at all, but
14 one of the -- as I've tried to think of the many
15 details in dealing with the jury panel, one of
16 the details that I've been concerned about is
17 allowing them magazines and the like just to
18 read as they are waiting. And I wanted to share
19 with you that what I proposed to do is in the
20 next week or so to get some magazines that I
21 think probably are innocuous. And I wanted you
22 all before we went and bought duplicates, bought
23 magazines and allowed the jury to view those
24 magazines just as they are literally sitting
25 around, I wanted you to have an opportunity to

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1 see those.

2 So probably in the next couple days or
3 so even as we go through this process, I'll get
4 those, give them to you so you can look at them
5 and see that you don't see any objectionable
6 material in those as we go through the process.

7 MR. BAILEY: Thank you, Your Honor.

8 MR. CUMMINGS: I didn't want Your Honor
9 reflecting on what perhaps we may read.

10 THE COURT: Well, you know, I have *Golf*
11 *Digest* at my house, and entirely too much *Golf*
12 *Digest*.

13 MR. CUMMINGS: Yes. Thank you, Judge.

14 THE COURT: I'll have you look at those. I
15 actually was contemplating, my son is actually
16 working in the office as a school-to-work
17 project and I thought about having him go to do
18 that task and then I thought better of it. I
19 thought maybe that was not such a good idea.

20 MR. CUMMINGS: *Sports Illustrated's*
21 changed.

22 THE COURT: Exactly. Exactly.

23 (Pause in proceedings.)

24 MR. CUMMINGS: This is a housekeeping
25 matter also. I know this afternoon the State

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1 has a very important plea to take before Your
2 Honor.

3 THE COURT: Yes.

4 MR. CUMMINGS: As we were running around
5 yesterday trying to get some things done, some
6 things across the street, one of the people
7 downstairs asked if the media was going to be
8 here for this case. And I would like to try to
9 avoid Mr. Bowman being exposed to any media
10 issues. I don't know exactly, I think you said
11 that plea was going to take place about two
12 o'clock this afternoon.

13 THE COURT: That's correct, is scheduled
14 for 2:00.

15 MR. CUMMINGS: I would like to have at
16 least sufficient time to end sometime this
17 morning after we do these short witnesses,
18 Judge, to make sure Mr. Bowman gets back across
19 the street before any of the people show up.

20 THE COURT: Mr. Cummings, let me say that
21 insofar as this morning is concerned.

22 MR. CUMMINGS: Yes, ma'am.

23 THE COURT: I'm going to allow you to call
24 the number of witnesses that you wish.

25 MR. CUMMINGS: Thank you, Judge.

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1 THE COURT: My only concern is that I want
2 to, to finish all but Ms. Bowman's testimony
3 this week.

4 MR. CUMMINGS: Yes, ma'am.

5 THE COURT: And you have two more days to
6 do that and -- but that is my only concern. And
7 I will -- I'm happy for you to have a lot of
8 control about how long you got this morning.

9 MR. CUMMINGS: Thank you, ma'am.

10 THE COURT: I've got plenty of work with me
11 today so I should have very little down time,
12 but you're welcome to have that.

13 Any objection to that, Mr. Bailey?

14 MR. BAILEY: Not at all, Your Honor.

15 THE COURT: You would probably appreciate
16 some time to kind of shift gears into that in
17 any event.

18 MR. BAILEY: I would like at least an hour
19 before the two o'clock hearing to get with the
20 victim.

21 THE COURT: As would I. As would I, Mr.
22 Bailey. So I have been giving some thought to
23 that this morning, would like for us to conclude
24 this around 12:00 or 12:30.

25 MR. CUMMINGS: Thank you, ma'am.

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1 THE COURT: If it needs to be a little bit
2 earlier or a little bit later, again, Mr.
3 Cummings, I want you to feel comfortable in
4 calling those witnesses that you want to call
5 today. You talked about some are going to be
6 lengthy, some are going to be short. And,
7 again, we have, you know, easily two -- all day
8 tomorrow and all day Friday.

9 MR. CUMMINGS: Yes, ma'am.

10 THE COURT: And if it goes into next week,
11 it goes into next week.

12 MR. CUMMINGS: Judge, I was going to talk
13 to you about it. I know there's general
14 sessions again next week, I know Your Honor is
15 presiding over that. My main issue this morning
16 was I know sometimes cameras come in, they want
17 to set up ahead of time, they want to ask Your
18 Honor whatever their position in the courtroom
19 may be allowed today. I know this is a very
20 serious case for Mr. Bailey and the bench and I
21 just wanted us out of your way and Mr. Bowman
22 off the media as much as I can.

23 THE COURT: Certainly. That's fine, Mr.
24 Cummings.

25 MR. CUMMINGS: Thank you, Judge.

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1 THE COURT: So, again, I'll leave you --
2 you can, with some constraints, control the
3 time.

4 MR. CUMMINGS: Yes, ma'am.

5 THE COURT: How about that?

6 (Recess, from 10:19 a.m. to 10:50 a.m.)

7 THE COURT: Anything before we begin this
8 morning?

9 MR. BAILEY: Nothing from the State.

10 MR. CUMMINGS: Nothing from the defense,
11 Your Honor. We thank you for your kindness.

12 THE COURT: Thank you. If you would call
13 your first witness, Mr. Cummings.

14 MR. CUMMINGS: Director Barnes, please.

15 (John R. Barnes, called as a witness, having
16 first been duly sworn, is examined and testifies
17 as follows:)

18 THE COURT: Very swell. And if you would
19 please be seated. And when you are seated if
20 you would state your full name for the record,
21 spell your last name.

22 THE WITNESS: My name is John Roger Barnes,
23 spelled B-a-r-n-e-s.

24 THE COURT: Thank you.

25 Your witness, Mr. Cummings.

John R. Barnes - Direct Exam

DIRECT EXAMINATION

1
2 BY MR. CUMMINGS:

3 Q Good morning, Mr. Barnes. In your current
4 capacity you are the director of the Dorchester
5 County Jail facility, sir?

6 A Well, I'm a chief deputy for Sheriff Ray Nash
7 and part of those duties have been the jail
8 administrator. I'm also over administration which
9 includes some other issues, like budget and training,
10 dispatch.

11 Q Yes, sir. I know we can't make any comments in
12 here about your budget issues, but one of the things
13 I want to make you comfortable about this morning,
14 we've asked you to come as the keeper of the records.
15 You're the man in charge of the jail, right, sir?

16 A Yes, sir.

17 Q You keep records. I know you came in here this
18 morning politely with a lot of documents as
19 requested, right, sir?

20 A That's correct.

21 Q You complied with the subpoena. And one of the
22 issues I want to ask you, sir, are those records kept
23 in the normal course of your business being the chief
24 deputy and the director of the jail, sir?

25 A That's correct.

John R. Barnes - Direct Exam

1 Q As the keeper of records you're responsible for
2 the records, and, again, you would be the person to
3 testify about any records that happen inside the jail
4 created by the sheriff's employees or your employees,
5 sir?

6 A That is correct.

7 Q And those records kept in the normal course of
8 business are in one central location where you could
9 go to and check these records every day?

10 A That's correct.

11 Q And these records are somewhat public sometimes?

12 A That's correct.

13 Q And other than that, on the inmate information
14 you have inmates either lawfully sign releases or
15 they can tell you I'll have my information released,
16 correct?

17 A That's correct.

18 Q. This morning, when I asked you to appear here
19 this morning, I'm going to show you certain
20 documents, sir, and ask you if these are contained in
21 your records that have been provided either to Mr.
22 Bailey this morning through us or by Mr. Bailey
23 contacting you or the elected sheriff. Is that fair,
24 sir?

25 All right. The first document I would like

John R. Barnes - Direct Exam

1 to show you, I'm going to show this to Mr. Bailey
2 again quickly, and we've done this a little bit ahead
3 of time to speed things up, sir. I'm going to show
4 you this document, ask you if you can identify that
5 document? And I know you're reaching for your
6 glasses.

7 A Okay. Yes.

8 Q All right. Simply what is that document I asked
9 you to hold, please?

10 A This is a summary of the booking information on
11 people that are booked into our facility.

12 Q Is there any question, sir, that that document
13 was generated out of the records that are kept in the
14 normal course of business at the Dorchester County
15 Jail, sir?

16 A This is a normal -- this is the piece of
17 information that we get on everyone.

18 Q All right, sir. May I please have that back
19 just a moment, sir?

20 MR. CUMMINGS: Your Honor, we would move to
21 have this marked as Defendant's Exhibit Number
22 4, I believe.

23 THE COURT: All right.

24 (Marked for identification was Defendant's
25 Exhibit 4, mug shot of defendant.)

John R. Barnes - Direct Exam

1 THE COURT: For identification purposes.

2 MR. CUMMINGS: ID right now, Judge.

3 Q Mr. Barnes, this is a photograph generated by
4 the Dorchester County Jail camera, sir?

5 A Correct.

6 Q And is that -- again, sir, does that document
7 accurately reflect what was done on the date and time
8 that Mr. Bowman would have presented himself for your
9 procedures as far as booking or information gathering
10 on him as the date reflected on that document, sir?

11 A That's correct.

12 Q All right, sir. What date was that document
13 generated by your department, sir?

14 A It would have been on the 20th of February 2001
15 at 13:33, which is 1:33 p.m.

16 Q Thank you, sir. And just for the record now,
17 what information does your department elicit from an
18 individual when they do their booking form, sir, like
19 height, weight, et cetera?

20 A It's a standard instrument we use developed by
21 NCIC.

22 Q Yes, sir.

23 A I'm sorry, developed by NIC. And we use it for
24 a variety of reasons.

25 Q Okay.

John R. Barnes - Direct Exam

1 A Not only gathering demographics, but also
2 anything that's peculiar to the inmate that we would
3 need to be attentive to or be aware of.

4 Q In particular what would you mean by that, sir?

5 A If they had any medical issues or types of
6 things like that. It also lists any family. Or just
7 a wide range of information.

8 Q All right, sir. Does it show the gentleman's
9 weight on that document, sir?

10 A Yes, it does.

11 Q All right, sir. What weight was reflected again
12 on this document that's kept in the normal course of
13 business for you, sir?

14 A Two hundred pounds.

15 Q All right, sir. As far as looking at the
16 information on Mr. Bowman, when that photograph was
17 taken, is that permanently stored like on a disk now
18 or electronic camera of some sort?

19 A It's a digital camera, yes, sir.

20 Q All right. So digital cameras can make other
21 photographs if need be?

22 A Same camera.

23 Q All right, sir. Has anybody from either law
24 enforcement or Mr. Bailey's office, our elected
25 solicitor, sir, asked for any other copies or any

John R. Barnes - Direct Exam

1 other photographs other than the procedure we put you
2 through this morning?

3 A I'm not aware of any.

4 Q But if that had happened you probably would have
5 made a note or known about it as the keeper of
6 records, right, sir?

7 A In the information course of business, true.

8 Q Correct, sir. May I have that back for a
9 moment, sir?

10 A Sure.

11 Q Thank you. All right. Sir, I know that we've
12 had the pleasure of visiting the jail and being,
13 knowing you for a number of years professionally that
14 you have certain procedures in that jail that are set
15 either by the elected sheriff or you; is that
16 correct, sir?

17 A That's correct.

18 Q Part of the procedures in the jail, you are very
19 familiar with the administration and the procedures
20 of that jail; are you not, sir?

21 A I would say so.

22 Q All right, sir. And are you instrumental in
23 making like the policy and procedure manuals or the
24 rules and regs concerning the employees in the jail
25 and how they deal with inmates?

John R. Barnes - Direct Exam

1 A That's correct.

2 Q All right, sir. There are national standards
3 out here, if I'm not mistaken, I think like the
4 federal agencies, the brigs, other people have
5 policies, procedures as to how to deal with inmates?

6 A I don't know. You could say there are national
7 policy standards. There's a national standards of
8 operation.

9 Q All right, sir. Based on -- and you've been
10 doing this how many years, sir?

11 A The -- with the Dorchester County?

12 Q Yes, sir. We'll start with Dorchester County.

13 A Five -- five years, four months, and ten days.

14 Q All right, sir. And in those five years and
15 four months and the days, sir, who has set up the
16 policies, procedures in particular for this jail?

17 A I should say five years, three months and, I'm
18 sorry, ten days.

19 Q All right, sir.

20 A Correct that.

21 Q My question is who sets up that policy and
22 procedures for this jail?

23 A I'm primarily responsible for that.

24 Q All right, sir. When an inmate wants to speak
25 to somebody, how does that inmate, as particular a

John R. Barnes - Direct Exam

1 law enforcement officer, how does that inmate
2 generate that request to either, as for lack of
3 better words, a detention officer, sir, or somebody
4 like you?

5 A Well, there would be two ways, either verbal or
6 written.

7 Q All right, sir. Let's start with the written.
8 What, is there a particular form used by your agency,
9 sir, that an inmate or a person detained has to fill
10 out to request to speak to a law enforcement officer?

11 A There's no requirement to fill out a form.

12 Q All right, sir.

13 A There are forms provided to speak to any number
14 of people. You want to see a doctor or you want to
15 see an attorney, those are various issues that come
16 up, make a phone call, any type of inmate request.

17 Q All right, sir. And are those documents kept in
18 the normal course of business?

19 A The written requests are kept in the inmate's
20 file.

21 Q All right, sir.

22 A And we give the inmate a copy back to see if it
23 was answered by correspondence, or verbally, or how
24 it was answered.

25 Q All right, sir. And part of the procedures,

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1 again, if you're familiar with this I want to ask you
2 the next question here, is there's a box almost right
3 at when you walk in the jail door where the attorneys
4 sign in and other visitors and guests, sort of like
5 church members, that where people apply for the
6 public defender or mail goes to the public defender's
7 office, correct, sir?

8 A That's correct.

9 Q And every inmate is afforded that opportunity to
10 put something in that box if they need to?

11 A That's correct.

12 Q All right, sir. And they would pass that
13 through a jail officer or detention officer, sir?

14 A A detention deputy, that's true.

15 Q All right, sir. Because they're not allowed up
16 near the front unless there's a reason?

17 A Yeah. That happens on occasion. We try to be
18 sensitive.

19 Q All right, sir. If somebody is requesting a
20 lawyer or a public defender, what would be the exact
21 procedure if they're incarcerated inside a jail like
22 on -- I'll give you date. Like on February 18th or
23 19th of 2001, when would they be given the form to
24 apply for a public defender, sir, when they come into
25 your facility?

John R. Barnes - Direct Exam

1 A The form is given upon request.

2 Q All right, sir.

3 A In other words, everyone isn't given a form to
4 fill out if you need it type of thing.

5 Q And so that's specific by each inmate?

6 A Correct. And I might add that we have
7 orientation weekly --

8 Q Yes, sir.

9 A -- conducted by Lieutenant Washington. And
10 during that orientation, which a lot of facilities do
11 not provide, all the new people are given an
12 explanation of all these procedures, how they can do
13 this or do that, so -- and provided a copy of the
14 inmate handbook.

15 Q It may be somebody might be inside the jail five
16 or six weeks before they hit that week's next
17 seminar?

18 A True.

19 Q At least your department, your jail offers that?

20 A Absolutely.

21 Q Thank you, sir. Of your personal knowledge or
22 in a quick review of these notes today, have you seen
23 any requests by Mr. Bowman to apply for the public
24 defender when he was placed in the jail by our law
25 enforcement officers?

John R. Barnes - Direct Exam

1 A I have not.

2 Q All right, sir. And have you seen any documents
3 as the keeper of records in there looking for any
4 issues about Mr. Bowman requesting a lawyer from the
5 time he was placed in your jail until the Court
6 appointed him through us, sir?

7 A I have not.

8 Q All right, sir. And is it your -- in your
9 policy and procedure manual if inmates request
10 certain things that the officers under you, sir,
11 including like any majors, captains, lieutenants,
12 sergeants, et cetera, if an inmate requests
13 something, says something, usually write it down?

14 A Not normally. We try to empower officers to
15 be -- to have authority to take care of things like
16 answer questions, that type of thing. It really cuts
17 down on a lot of the logjams, what I call logjams in
18 a facility. It helps keep the frustration level down
19 low because we want to answer the question as quickly
20 as possible. "Do I need to make a phone call? I
21 want to see a certain person."

22 And they do have the opportunity to put it
23 in writing and we would normally find out that we
24 hadn't been assistive enough in the information of a
25 grievance that would be filed, so....

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1 Q All right, sir. Just briefly about that. Our
2 inmates in this particular jail under you and the
3 elected sheriff can actually ask for a form to write
4 a grievance out?

5 A Absolutely.

6 Q If they've been aggrieved in some way?

7 A That's correct, yes, sir.

8 Q All right, sir. One of the issues you pointed
9 out for me also, there's two ways for them to contact
10 law enforcement through your procedures. One is for
11 you said in writing and the other is verbal. If an
12 inmate wanted to verbally tell a detention officer,
13 how does a message get passed in your agency to the
14 law enforcement officer that the inmate may want to
15 speak to?

16 A Well, say Deputy Jones.

17 Q Yes, sir.

18 A Detention Officer Jones for clarification is
19 asked a question from an inmate, "I need to speak to
20 Detective Smith." That officer would then have the
21 responsibility of reporting that to their team
22 leader.

23 Q And we have various team leaders inside the
24 jail?

25 A Four.

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1 Q All right, sir. Could you, please, just for the
2 record give us the names of the four people, in
3 particular going back to February 2001 if that was in
4 place?

5 A Absolutely.

6 Q All right, sir. Could you please give us those
7 names?

8 A Lieutenant Carmichael, Lorraine Carmichael leads
9 team one.

10 Q Yes, sir.

11 A At that time I believe Lieutenant George Hill
12 was leading team two. He has since gone on the road
13 and been replaced by Lieutenant Everett. Lieutenant
14 Kathy Heyward leads team three, and Lieutenant Lynn
15 Haynes leads team four, I believe.

16 Q All right, sir. And as you just stated a moment
17 ago with the policy and procedures, if a deputy or a
18 detective wanted to come in and speak to an inmate,
19 take them out of your jail facility that some judge
20 has lawfully placed them into the jail, sir, are
21 there any policies and procedures that you control,
22 inmate direction, sir, like where they are at all
23 times so you know how to account for the heads that
24 you're responsible for?

25 A If a custody change occurs, say the detective

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1 wants to take the inmate out of our facility,
2 absolutely, we have that in the log.

3 Q All right, sir. And who would be responsible
4 for putting that in the log as to taking the inmate,
5 sir, out of the facility?

6 A The detective who comes to receive the inmate
7 is -- would be, would have that in the log. The
8 detective would log that and we would put it in the
9 logbook --

10 Q All right, sir.

11 A -- that that had occurred.

12 Q And, again, looking through, and I know you had
13 a big volume of paperwork, in particular a large
14 logbook of hundreds of pages in it. Quickly this
15 morning had you had the opportunity to review that
16 book? If you haven't, I understand.

17 A I haven't reviewed the entire book. I have, you
18 know, scanned the --

19 Q Particularly with this case, all right, sir.
20 And I know that you prepare yourself whenever you
21 come to court and be prepared to answer any questions
22 for Her Honor or Mr. Bailey or I. What I would ask
23 you next is that a policy and procedure that anybody
24 wants to take somebody out to interview them, talk to
25 them, that you got to know where they are, where

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1 they're going, not you personally, but your facility,
2 sir?

3 A If they're leaving the facility.

4 Q Okay. Could it happen -- and, again, I'm asking
5 you this now, could it happen that since our jail is
6 divided into the holding facilities and cells and
7 then we have now some office for the officers to work
8 in inside the jail, can they just go get somebody and
9 bring them into like a side office up here?

10 A That would be possible, especially the arresting
11 officer.

12 Q All right, sir. Once they're really put into
13 custody like on maximum security, and I know you
14 folks account for maximum security particularly well,
15 right, sir?

16 A We endeavour to do that.

17 Q All right, sir. Would there be a particular
18 issue dealing with people that are placed in maximum
19 security or maximum facility side, that if somebody
20 would really want to know where that person is at all
21 times in your facility?

22 A Absolutely.

23 Q All right, sir. So there would be a little
24 tighter control on what I call basically the max side
25 versus the general side?

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1 A Well, the facility itself gives you that extra
2 accountability, the schedule of doors to get to
3 maximum security. We really want to know where
4 everyone is at all times.

5 Q Yes, sir.

6 A But the movement of maximum is a little more
7 controlled.

8 Q Okay. As a matter of fact as policy and
9 procedure when Ms. Thomas and I want to come up to
10 see our client we have to show our driver's license
11 and our bar card. We're given unlimited access by
12 your agency which is understood, but we still have to
13 show our bar card and our license?

14 A At any time of day --

15 Q Yes, sir.

16 A -- or night.

17 Q And, again, not questioning that, but you make
18 the lawyers produce that to show who's coming to see
19 them and then they log down where he is with us,
20 right?

21 A Correct.

22 Q So if a law enforcement officer wanted to do the
23 same thing, go in and talk to somebody, interview
24 them, who might be facing a murder charge, would they
25 be required to do like the same, the same procedure,

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1 the driver's license?

2 A No, not officers from our own agency. Other,
3 say someone from another agency wanted to, we
4 wouldn't know who they were, especially if they
5 weren't the arresting officer, it would be a little
6 more concern to us.

7 Q All right, sir.

8 MR. CUMMINGS: Beg the Court's indulgence.

9 THE COURT: All right.

10 Q Mr. Barnes, I apologize, sir, I'm going to ask
11 you a few more questions. Do you have a written
12 policy and procedure manual for the jail here in
13 Dorchester County, sir?

14 A Yes, we do.

15 Q All right, sir. And that is readily available
16 in your office, or through the policy and procedure
17 manual kept in the normal course of business?

18 A Yes, sir. Each officer has a copy of it.

19 Q All right, sir. And further, inmates are given
20 an inmate handbook; are they not?

21 A And code of conduct.

22 Q All right, sir. And they have to sign for that
23 or...?

24 A I believe they do have to sign for that.

25 Q All right, sir.

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1 A I believe it's part of their issue, and if
2 that's damaged they're charged for it when they
3 leave.

4 Q All right, sir. As far as Mr. Bowman, is there
5 anything in your records and, again, I know you
6 brought a volume, mass amount of paperwork with you
7 today pursuant to subpoena, is there anything in
8 there showing what date Mr. Bowman would have
9 received the policy and procedure manual or the
10 inmate handbook as I call it, sir?

11 A I cannot answer that, I don't know.

12 Q All right, sir.

13 A Should be, but I don't -- I didn't note that.

14 Q All right. And, again, in your supervising the
15 jail and having the other good officers that you have
16 under you, if, for example, Detective Coker wanted to
17 speak to somebody, would he have to go clear it with
18 somebody, or he could just take his prisoner out or
19 an inmate out, go talk to them in the offices by the
20 jail?

21 A If you were moving the inmate from our facility
22 from our custody he would have to sign for the
23 inmate, he would have to -- you know, we would show
24 him out, an out custody and not in custody.

25 Q All right, sir. I know you reviewed some issues

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1 this morning, even what we call redacted some things
2 out of the book. Have you seen anything you examined
3 this morning, or being the boss over these records,
4 to show where Mr. Coker had signed Mr. Bowman out at
5 any time to speak to him, in particular on the 22nd
6 of February 2001 or on the 27th of February at
7 approximately 12:18 p.m.?

8 A I don't recall seeing that in the record in our
9 logbook.

10 Q Thank you, sir.

11 MR. CUMMINGS: Beg the Court's indulgence,
12 Your Honor.

13 THE COURT: All right.

14 Q Director Barnes, I apologize, would you make
15 that policy and procedure manual, an inmate handbook,
16 a copy of that available if Ms. Thomas and I were
17 going to go this afternoon, present ourselves to you
18 or to Captain Pastor?

19 A Absolutely.

20 MR. CUMMINGS: That's all the questions I
21 have of this gentleman. I thank you, ma'am.

22 THE COURT: Cross-examination.

23 CROSS-EXAMINATION

24 BY MR. BAILEY:

25 Q Do you have the logbook for February 1, 2001

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1 with you?

2 A Yes, I do.

3 Q Could I look at a copy of that, or look at the
4 original book?

5 MR. BAILEY: Your Honor, if you don't mind
6 I'm going to ask Mr. Coker to be looking at the
7 book while I'm asking some other questions, if
8 that's okay.

9 THE COURT: Sure.

10 A Page 311.

11 Q I'm sorry?

12 A Page 311.

13 Q 311, okay, thank you. Okay. Let me ask you a
14 couple questions about February 20th, 2001, which I
15 believe is the date you said Marion Bowman was signed
16 in to the jail.

17 A That's what the record shows, yes, sir.

18 Q All right, sir. And there was a photograph
19 taken on that date of Marion Bowman as he appeared
20 when he was presented to the jail?

21 A Yes, sir.

22 Q And the weight listed there is 100 -- it's, I'm
23 sorry, 200 pounds; is that right?

24 A Yes, sir.

25 Q Do you all weigh the inmate, or ask him what he

John R. Barnes - Cross-Exam

1 weighs?

2 A No, sir. We ask -- a lot of the information
3 here is -- which is standard in the country is
4 self-report information and that's how we obtain it.

5 Q All right, sir. And as part of the process of
6 admitting an inmate to the Dorchester County
7 Detention Center, do you ascertain whether or not he
8 has any medical problems that you would need to deal
9 with, whether he's a diabetic or has some illness or
10 injury?

11 A Yes, sir. Policy requires that we do that.

12 Q All right, sir. Can you look at your file and
13 tell whether or not there's any indication that
14 Marion Bowman on February the 20th, 2001 was
15 complaining of any injuries that he may have
16 sustained in the last two or three days before he was
17 admitted?

18 A Sir, I don't remember seeing that, but it -- I
19 do not have his medical record with me. That's a
20 separate record which I can get.

21 Q All right. Would you produce that record, give
22 me and Mr. Cummings a copy of it?

23 A It's an oversight on my part.

24 Q All right. Now, I have not seen the subpoena
25 that Mr. Cummings served on the detention center, on

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1 you on behalf of the detention center. What exactly
2 were you asked to produce here today?

3 A The entire jail file on Marion Bowman, Jr. on
4 February 1st, 2001 to the present date to include
5 booking, photographs, booking reports and any and all
6 written documents for Mr. Bowman or any notes or
7 documents made or received from Mr. Bowman.

8 Q Thank you, sir. And I'm going to show you some
9 documents Mr. Cummings gave me which I assume came
10 from you pursuant to that subpoena. And the first is
11 a package that starts off "DC Inmate Observation
12 Form." And it appears that that starts on March the
13 10th, am I correct there, 2001?

14 A Yes, sir.

15 Q Would you look through that and see if there are
16 any records there for February 20th through March the
17 10th, 2001?

18 A No, sir. I don't see any.

19 Q All right, sir. Does it appear whoever ran that
20 file may not have copied the entire file? In
21 addition to the medical record being in there, there
22 appears to be nothing starting from February 20th
23 other than the mug shot on the initial page.

24 A It could be that this is the date that he was
25 moved over to C side where we require the

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1 observation.

2 Q Okay.

3 A I could verify that.

4 Q All right. Well, C side is the general
5 population?

6 A No, sir. That's max.

7 Q Max, okay. And would he, a person charged with
8 murder, would they be automatically put in the max as
9 soon as they were admitted?

10 A In some cases. Not in all cases.

11 Q Okay. Would you check to determine whether or
12 not there is an additional --

13 A Yes.

14 Q -- observation record for the month of
15 February 2001?

16 A Yes, sir.

17 Q All right, sir. Now, the way the jail facility
18 is divided up in that building, you've got the jail,
19 then you've got the sheriff's office within the same
20 building?

21 A Yes, sir.

22 Q Are the same formalities observed if somebody
23 wants to carry an inmate, say, to the Summerville
24 sheriff's office on Deming Way if they're being seen
25 in the same building?

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1 A Yes, sir, basically.

2 Q All right, sir. If I'm an inmate in your
3 facility and, for example, I want to see Quinton
4 Joyner, one of the deputies that's up in the upper
5 end of the county, as I understand what you told Mr.
6 Cummings there are two ways I can do that. I can
7 fill out a form or I can ask a CO detention officer,
8 either way?

9 A Yes, sir.

10 Q And if I make that request verbally of the
11 detention officer, then he would contact the team
12 leader, one of the four team leaders?

13 A That would be the normal course.

14 Q All right, sir. Is that detention officer that
15 gets the initial request to see a law enforcement
16 officer from an inmate required to fill out any kind
17 of paperwork to document that?

18 A No, sir.

19 Q Is the team leader required to fill out any
20 paperwork to document that?

21 A No, sir.

22 Q All right, sir. So would the team leader or the
23 detention officer then contact the law enforcement
24 officer to convey that request to him?

25 A Yes, sir.

John R. Barnes - Cross-Exam

1 Q There would be no paperwork generated within
2 your facility to document that request?

3 A There's no requirement --

4 Q Normally --

5 A -- for that.

6 Q All right, sir. That would be optional. Let me
7 show you two pages which were also produced to me by
8 Mr. Cummings, and I think this bears the date of
9 February the 27th and it appears to be a redacted log
10 of some type. If you could identify that.

11 MR. BAILEY: While you're looking at that
12 I'm going to ask if we could have that marked
13 for identification.

14 MR. CUMMINGS: ID is fine, Judge.

15 MR. BAILEY: I'm referring to the
16 officer/inmate form in that package, there.

17 MR. CUMMINGS: Oh, that package?

18 MR. BAILEY: Yes, sir. That's first.

19 MR. CUMMINGS: Judge, I want to make sure
20 we have a complete record. I know Mr. Barnes
21 has said he is going to check before I answer
22 that document because we've asked for the
23 complete file. Mr. Bailey's asked that be
24 marked. I would like to make sure we have the
25 complete record first before I agree to that,

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1 so....

2 Q Mr. Barnes, can you identify that document?

3 A Yes, sir. That's a partial copy of our -- of
4 the official log of the facility.

5 Q Okay. All right.

6 MR. BAILEY: Can I mark this, Your Honor,
7 for identification?

8 THE COURT: Yes, sir.

9 MR. CUMMINGS: Yes.

10 (Marked for identification was State's Exhibit
11 10, Inmate Observation form.)

12 (Marked for identification was State's Exhibit
13 11, Dorchester County Detention Center notes.)

14 Q Okay. I'm going to hand you back State's Number
15 10 for identification, Mr. Barnes. And does it
16 appear that at 11:00 a.m. on February the 27th, 2001
17 someone, a detention officer, contacted Detective
18 Coker and told him that Marion Bowman stated that he
19 was ready to tell the truth?

20 A Yes, sir.

21 Q All right, sir.

22 MR. BAILEY: Bear with me one second,
23 please, Your Honor.

24 THE COURT: All right.

25 Q Mr. Barnes, in addition to this log that I'm

John R. Barnes - Cross-Exam

1 holding in my hand here, which I think that's a page
2 out of this log; is that correct?

3 A Yes, sir.

4 Q All right, sir. Is there a sign-out log where a
5 deputy or someone with authority to remove somebody
6 from the jail itself would sign that inmate out?

7 A We don't have a sign-out log, per se, but would
8 be logged in this log that the -- as you may review
9 there, you see various movements of inmate by name.

10 Q Right.

11 A Out on work release or going to the doctor or --
12 it would be held in this log here.

13 Q Okay. This log is filled out by correctional
14 officers?

15 A By the -- normally, yes, sir, by the team leader
16 or the assistant team leader.

17 Q There's no procedure for a law enforcement
18 officer to sign somebody out on this log; is that
19 correct?

20 A No, sir. It would --

21 Q And you're saying if Sergeant Coker or somebody
22 else wanted to remove an inmate from the jail itself
23 over to the sheriff's office side of the jail,
24 there's no log that he would go in there and sign his
25 name to it and say that at a certain time I'm taking

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1 this inmate and moving him from your detention center
2 over to my office to talk to him or whatever, then
3 sign him back in?

4 A No, sir. There's not a log.

5 Q All right.

6 A Only that one.

7 Q Okay. All right. And this log that I'm holding
8 in my hand, and I'll go ahead --

9 MR. BAILEY: And just since we're talking
10 about it, Judge, let's have this marked for
11 identification, if we could.

12 THE COURT: Very well. Thank you, Mr.
13 Bailey.

14 MR. BAILEY: If we could just to keep the
15 record straight on that.

16 THE COURT: Yes, sir. That will be State's
17 Exhibit 12 for identification.

18 MR. CUMMINGS: Twelve for ID.

19 Q Mr. Barnes, what type of events in an inmate's
20 life are required to be logged in on this log which
21 is State's 12 for identification?

22 THE COURT: Twelve.

23 (Marked for identification was State's Exhibit
24 12, Dorchester County Detention Center logbook.)

25 A Could you repeat that question?

John R. Barnes - Cross-Exam

1 Q What is a correction officer supposed to -- I
2 mean, obviously if the inmate woke up, said I would
3 like a cup of coffee with my eggs, you wouldn't log
4 that in. But what would you log in, what would a
5 correctional officer log in?

6 A We normally log anything that had to do with
7 problem with the inmates, a medical issue, inmate
8 Smith had a seizure or a death in the family,
9 movement to a -- going up for a mental health
10 evaluation, going to see the dentist, those are the
11 type of things you would normally -- that we would
12 log.

13 Q What about if a search warrant for a suspect kit
14 was served on an inmate and the jail nurse was
15 required under that warrant or court order or
16 whatever to draw blood and take other evidentiary
17 samples from an inmate, would that be significant
18 enough where that would go into your log?

19 A It probably should. It would be in the medical
20 record.

21 Q Okay.

22 A So there would be -- there would actually be a
23 little duplication. But it could be. I can't answer
24 that it would.

25 Q Would you agree with me the accuracy of this log

John R. Barnes - Cross-Exam

1 as far as the events that are logged in is no greater
2 than the diligence that the jail employees perform
3 their clerical duties from day to day?

4 A I would agree with that.

5 Q Okay. And are you aware of any instances where
6 an inmate might have been taken from one place to
7 another and was not logged in?

8 A That could happen.

9 Q Okay.

10 A There -- you know, and a lot of events happening
11 the person cannot always sit there and scribe.

12 Q Okay.

13 A They do make notes to add, you know, to add to
14 the log later, that's normally done in the
15 profession.

16 Q Okay.

17 MR. BAILEY: Indulge me one second, please,
18 sir.

19 THE COURT: Sir, yes, sir.

20 Q Let me hand you a copy of a -- let me show this
21 to Mr. Cummings first.

22 MR. BAILEY: Mark this for identification,
23 Your Honor.

24 THE COURT: All right.

25 (Marked for identification was State's Exhibit

John R. Barnes - Cross-Exam

1 13, Return.)

2 MR. CUMMINGS: I know that's for the
3 purposes of identification only at this time
4 because we've not got into any search warrant
5 issues or motion to suppress on any of the other
6 entry issues on Jackson v. Denno, so I know it's
7 for ID for this hearing.

8 THE COURT: Okay. It's State's 13, for
9 identification purposes it's been marked.
10 You're going to have him identify that now?

11 MR. BAILEY: Yes, ma'am.

12 THE COURT: Very well.

13 Q Mr. Barnes, does this appear to be a copy of a
14 search warrant to draw blood from Marion Bowman?

15 A Yes, sir.

16 Q Does that return indicate two vials of blood
17 were drawn on February 22nd, 2001?

18 A Yes, sir.

19 Q Is that the type information that you would
20 expect the CO to log in to this document which was
21 State's 10, I believe?

22 A No, sir. We wouldn't normally log this.

23 Q That would be in the medical record then; is
24 that correct?

25 A Yes.

John R. Barnes - Cross-Exam

1 Q All right, sir.

2 MR. BAILEY: Bear with me one second again,
3 please.

4 THE COURT: All right.

5 A It could be logged, you know, we try to log
6 everything.

7 Q Some of this stuff there's a degree of
8 discretion; is that correct?

9 A Yes, sir.

10 Q All right. And Mr. Cummings asked you if there
11 was a policies and procedure manual. Is there a
12 manual that tells the team leader or regular CO at
13 the detention center specifically what should be put
14 in this book?

15 A Yes, sir. It lists certain things. I'm quite
16 confident it does not list, you know, warrants for
17 blood samples.

18 Q Okay. Director Barnes, just to make sure I'm
19 100 percent clear on this, it's your testimony that
20 there's no sign-out log that a law enforcement
21 officer would affix his name to? Say I'm taking
22 inmate X out of here at 12:00 noon and log him back
23 in at one o'clock.

24 A Specifically not the arresting officer. If it
25 were an officer from another agency or something like

John R. Barnes - Cross-Exam

1 that that wanted to take someone to question them we
2 would normally log that, yes, sir, because there's a
3 change of custody.

4 Q Not in this log, but in a separate log?

5 A It would -- yes, sir.

6 Q Okay. So there is a separate sign-out log?

7 A It could be in the transport log, I believe,
8 when the inmate's moved to another place.

9 Q Is that for a permanent move?

10 A No, sir. That's --

11 Q Okay. Where is that book kept?

12 A I have a copy of -- it's a daily log, log
13 sheets. I have a copy with me.

14 Q Okay. Did you extract the Marion Bowman
15 material out of that?

16 A We have all the material for the dates
17 requested.

18 Q Okay. You have that with you?

19 A Yes, sir.

20 Q Could I see that, please?

21 A (The witness complies.)

22 Q Director Barnes, have you reviewed this document
23 in preparation for your testimony?

24 A Yes, sir.

25 Q All right. For the February the 22nd and the

John R. Barnes - Cross-Exam

1 27th?

2 A Yes, sir.

3 Q Did you note any entries for Marion Bowman on
4 those dates?

5 A I didn't note any, no, sir.

6 Q Okay.

7 MR. BAILEY: Bear with me a second again,
8 please, Your Honor.

9 THE COURT: All right.

10 MR. BAILEY: Your Honor, if you could
11 indulge me just about two minutes here.

12 THE COURT: Certainly, Mr. Bailey.

13 (Pause in proceedings.)

14 MR. BAILEY: Your Honor, I think that's all
15 I have of Mr. Barnes at this time.

16 THE COURT: Any redirect?

17 MR. CUMMINGS: Just a few.

18 REDIRECT EXAMINATION

19 BY MR. CUMMINGS:

20 Q Just as Mr. Bailey asks you this last question
21 here, there's nothing under 22nd or 27th of
22 February 2001 showing that Mr. Coker or any law
23 enforcement officer took Marion Bowman out?

24 A I don't believe so.

25 Q All right, sir. And I know you've been reading

John R. Barnes - Redirect Exam

1 those over. What protects the inmate from being
2 pulled out all the time and requested by officers at
3 any time they feel like it?

4 A I can't answer that, I don't know.

5 Q I mean, the jail is responsible for the person
6 who is placed inside a jail lawfully by a judge in
7 some lawful capacity, sir, right?

8 A Correct.

9 Q And they depend on being secure inside the
10 facility; is that correct, sir?

11 A That's correct.

12 Q So at any time, and I'm not trying to say this
13 to you, sir, because you have different functions and
14 I know you're the chief deputy, but if an officer
15 wants to go back and see a guy once a week or twice a
16 week to try to elicit statements from them, they can
17 do that?

18 A I think that would alert, you know, maybe cause
19 some concern. I don't know of that ever happening.

20 Q All right, sir. But on the 22nd and 27th we're
21 not sure if it happened or didn't happen by our own
22 records respectfully, sir?

23 A Correct.

24 Q You have to answer verbally, I'm sorry.

25 A Correct.

John R. Barnes - Redirect Exam

1 Q I guess the key question Mr. Bailey asked you,
2 too, so therefore like everything else in this world
3 it's up to the human being whether or not they record
4 something that they believe is important or something
5 that's not like in a logbook or in a transport book
6 or whatever, sir?

7 A It is indeed a human endeavour and it would be
8 subject to --

9 Q Human frailties?

10 A -- the frailties of humanity.

11 MR. CUMMINGS: That's all the questions I
12 have of this gentleman. Thank you, Judge.

13 THE COURT: All right. Any recross?

14 MR. BAILEY: No, ma'am.

15 THE COURT: All right. Just before Deputy
16 Barnes leaves, because you all have requested
17 certain information from him, so let us be clear
18 before he leaves, because I think he's being
19 sent on a mission, if you will.

20 I've made notes there's a request for
21 the medical record of Mr. Bowman, there is a
22 request that he search for any observation
23 records which would be in existence from
24 February the 20th through March the 1st, because
25 he's brought the one from March the 1st to the

State vs. Bowman Volume VI

1 present.

2 MR. BAILEY: I think it's through
3 March 3rd, Your Honor, just to be specific.

4 THE COURT: March 3rd. Also there's a
5 question about -- or I should ask whether or not
6 there's a question about any other logs.

7 MR. BAILEY: I believe he resolved that
8 with the last log we're referring to.

9 THE COURT: All right. And anything --
10 specifically I know from the defense's
11 standpoint, anything and everything that has to
12 do with Mr. Bowman. Has anything through this
13 examination triggered any concerns on behalf of
14 the defense other than obviously the medical
15 record and obviously a potential observation
16 record, anything else?

17 MR. CUMMINGS: I think, Judge, I asked this
18 polite gentleman if I could have a copy of the
19 policy and procedure manual and the inmate
20 handbook copy. And Mr. Barnes said I could, he
21 would make that available to us --

22 THE COURT: Very well.

23 MR. CUMMINGS: -- as soon as he's humanly
24 possible to do it.

25 THE COURT: Anything else?

State vs. Bowman Volume VI

1 MR. BAILEY: I didn't mean to interrupt,
2 but I would like a copy of that also.

3 THE COURT: Certainly. Certainly.

4 MR. CUMMINGS: Absolutely.

5 THE COURT: Now, when would these be
6 returnable, in the morning?

7 MR. CUMMINGS: I think we could have plenty
8 of time to copy them by the morning, yes, ma'am.

9 THE COURT: All right.

10 MR. CUMMINGS: Thank you, Judge.

11 THE COURT: Does that suffice?

12 MR. CUMMINGS: That's fine, Your Honor.

13 THE COURT: We will reconvene here in the
14 morning at 9:30. If you would be here at 9:30
15 with those documents I would be most
16 appreciative.

17 THE WITNESS: Yes, ma'am. The medical
18 records are not what I would normally hold.
19 There are medical contractors that hold those,
20 but I would have access to them.

21 THE COURT: That would be great. If
22 there's any concern about that you let me know
23 and I'll be happy to issue an order you bring
24 them with you at 9:30 in the morning, the
25 medical contractor.

State vs. Bowman Volume VI

1 THE WITNESS: Yes, ma'am.

2 THE COURT: I gather that contract is with
3 the jail?

4 THE WITNESS: Eastern Healthcare Group.

5 THE COURT: You've got some control if
6 there is a concern they can come with you in the
7 morning?

8 THE WITNESS: Oh, yes, ma'am.

9 THE COURT: Very well. Thank you so much.
10 (Whereupon, the witness steps down from the
11 Witness stand.)

12 THE COURT: All right.

13 MR. CUMMINGS: We would call Ms. Carmichael
14 next.

15 Chief, so you know where your book is,
16 your book is right now kept with madam court
17 reporter until we can either substitute a copy
18 or whatever for you.

19 THE WITNESS: Sure. Thank you.

20 THE COURT: All right. You are now calling
21 Ms. Carmichael?

22 MR. CUMMINGS: Yes, ma'am, please.

23 THE COURT: Sure. Yes, ma'am. If you
24 would please come along, place your left hand on
25 the Bible and raise your right hand.

Lorraine Carmichael - Direct Exam

1 (Lorraine Carmichael, called as a witness,
2 having first been duly sworn, is examined and
3 testifies as follows:)

4 THE COURT: And if you would please be
5 seated. And when you are seated, if you would
6 state your full name for the record and spell
7 your last name.

8 THE WITNESS: My name is Lorraine
9 Carmichael, C-a-r-m-i-c-h-a-e-l.

10 THE COURT: Your witness.

11 DIRECT EXAMINATION

12 BY MR. CUMMINGS:

13 Q I'd say good morning, but I don't know if you
14 worked at night.

15 A Good morning. No, I didn't.

16 Q Thank you, ma'am, for appearing here today.
17 Lieutenant, how long have you been employed by the
18 Dorchester County Sheriff's Department, ma'am?

19 A Twelve years, nine months.

20 Q A long time. In your capacity there now you're
21 a lieutenant, you're a team leader?

22 A Yes.

23 Q Okay. I want to try to recall your attention
24 back to February of 2001, okay?

25 A Okay.

Lorraine Carmichael - Direct Exam

1 Q Do you remember when Mr. Bowman had been placed
2 in your jail facility?

3 A Yes.

4 Q All right. What section of the jail was
5 Mr. Bowman placed in on February 20th of 2001, ma'am?

6 A Max.

7 Q Has he always been in max?

8 A Yes.

9 Q He's never been over in general population side?

10 A No, not to my knowledge.

11 Q All right. Was that because there was an
12 alleged co-defendant on the other side?

13 A Correct.

14 Q Did law enforcement tell you that when this
15 gentleman was presented to the jail by a judge
16 lawfully to be placed inside this jail?

17 A Repeat the question.

18 Q Were you informed by law enforcement of that
19 situation and that's why the jail separated them?

20 A Yes.

21 Q Okay. Do you remember who might have told you
22 that, ma'am, as far as law enforcement?

23 A No.

24 Q All right. Because obviously there's a lot of
25 things going on, right?

Lorraine Carmichael - Direct Exam

1 A Correct.

2 Q And in particular I want to call your attention
3 back -- and you keep a logbook over there?

4 A Yes.

5 Q And you try to do the best you can humanly to
6 write things down as best you can?

7 A Correct.

8 Q All right. I'm going to show you what's been
9 marked as State's ID Number 12, big book,
10 particularly page 311, and ask you if there's any
11 notes on State's ID Number 12 that you made in that
12 book that day?

13 A Yes.

14 Q Okay. And in particular I want to call your
15 attention down to a line at about eleven o'clock in
16 the morning, ma'am.

17 A Yes.

18 Q All right. Is there anything in the notebook in
19 there that Mr. Bowman was being taken out of his cell
20 in max and having a search warrant for what we call,
21 commonly call Schmerber reasons, or like the blood or
22 fluids in your logbook that day?

23 A It states here that at eleven o'clock --

24 Q Yes, ma'am.

25 A -- that Detective Coker was called to inform him

Lorraine Carmichael - Direct Exam

1 that Marion Bowman stated that he's ready to tell the
2 truth.

3 Q All right. Who told you that?

4 A I can't remember who told me, but it must have
5 been another officer.

6 Q All right. So it's hearsay, you don't know who
7 told you?

8 A Right.

9 Q But you wrote that in the book that day?

10 A Correct.

11 Q So did you not hear that from Marion?

12 A No, I didn't.

13 Q Do you know what officer told you that, ma'am?

14 A No. I can't remember who told me.

15 Q Now, when an inmate is inside the jail and he
16 wants to speak to any of you folks, you or a -- let's
17 say a law enforcement officer carries a gun, okay?

18 A Okay.

19 Q Are they supposed to put that in writing to you?

20 A Sometimes they --

21 Q Okay.

22 A -- do it in request and sometimes do it verbal.

23 Q All right. Well, how is that communicated
24 verbally?

25 A If it's verbal it comes from another officer to

Lorraine Carmichael - Direct Exam

1 the supervisor.

2 Q Okay. And then do you make the phone call,
3 Lieutenant? Because I see your initials at the end.

4 A I made that phone call.

5 Q All right. Well, if he was having his blood
6 drawn at about 10:34 that morning, if I were to just
7 tell you that.

8 A Okay.

9 Q And a search warrant was executed --

10 MR. BAILEY: I want to object to that
11 because the testimony is there were two separate
12 dates. The notice we're talking about was the
13 27th of February. The search warrant of the
14 blood was returned the 22nd of February, so....

15 MR. CUMMINGS: Judge, I'm trying to ask
16 this officer her recollection, not what the
17 solicitor wants to have me ask her.
18 Respectfully, it's my witness as of right now,
19 and I'm asking her whether she has independent
20 recollection of what happened in the jail with
21 this inmate.

22 THE COURT: Let me hear the question.
23 There's an objection, so don't answer it until
24 I've ruled.

25 Q Would you have known about it? Would you have

Lorraine Carmichael - Direct Exam

1 known about it?

2 THE COURT: All right. Stop. The question
3 is if he was having his blood drawn that morning
4 would she have known about it. Is there any
5 objection to that question?

6 MR. CUMMINGS: Right.

7 MR. BAILEY: It's a hypothetical.

8 THE COURT: I'll allow that question. You
9 may answer it.

10 A It could be yes and no, depends upon where I am
11 at that time.

12 Q Okay. Is it normal policy and procedure if
13 somebody's taken out of a jail cell by a law
14 enforcement officer, ma'am, while you're on duty --

15 A Correct.

16 Q -- do they have to tell you where they're taking
17 the body of that person?

18 A No, sir. But they sign that person out of the
19 facility.

20 Q Even if they have to go next door -- I know the
21 jail is divided up into -- the sheriff now has a
22 couple offices over there, finally, after a lot of
23 years.

24 A Yes, sir.

25 Q Do they still have to sign in and out if they

Lorraine Carmichael - Direct Exam

1 take them to go interview them?

2 A Yes.

3 Q Okay. And they are kept in what type of manual,
4 book, or log of your knowledge, ma'am?

5 A If we are releasing custody to someone else?

6 Q Yes, ma'am.

7 A From the facility, that person is to sign the
8 inmate out.

9 Q And that is done in what particular paper or
10 form for the record, please?

11 A On the transportation log or the official
12 visitors' record.

13 Q And they are kept by the jail in the normal
14 course of business?

15 A Yes.

16 Q Like Director Barnes would be responsible for
17 it, right?

18 A Yes.

19 Q And as far as the inmate handbooks and policy
20 and procedure.

21 A Okay.

22 Q All right. Do you inform the inmate, if they
23 ask like I want to see a police officer, do you tell
24 them to put that in writing or do you take that
25 sometimes verbally?

Lorraine Carmichael - Direct Exam

1 A Sometimes it's in writing and sometimes it's
2 verbal.

3 Q Okay. And as far as Mr. Bowman --

4 A Okay.

5 Q -- it's your testimony today -- there's jail
6 observations where they walk by the cell all the
7 time?

8 A Correct.

9 Q And C side is the max side, right?

10 A Yes.

11 Q And they designate an inmate going to max for
12 what reasons, Lieutenant, that you're aware of?

13 A Okay. Sometimes it's the charges.

14 Q The nature of the charges, right?

15 A Correct. Sometime for disciplinary reasons.

16 Q Was he in there for max for any disciplinary
17 problems?

18 A No.

19 Q So just by the nature of the offense?

20 A Correct.

21 Q Is there a co-defendant allegedly in this case
22 that you're aware of like we talked about earlier?

23 A In max.

24 Q Mr. Gadson?

25 A No.

Lorraine Carmichael - Direct Exam

1 Q All right. Is he separated?

2 A Yes.

3 Q They've always been separated?

4 A Correct.

5 MR. CUMMINGS: Beg the Court's indulgence.

6 Q Just for my clarification, you wrote this down
7 on the 27th of February at eleven o'clock in the
8 morning and you have no independent recollection who
9 told you that?

10 A No, sir.

11 MR. CUMMINGS: That's all the questions I
12 have, Judge. Thank you.

13 Please answer any questions Mr. Bailey
14 or Her Honor may have.

15 CROSS-EXAMINATION

16 BY MR. BAILEY:

17 Q Ms. Carmichael, I want to ask you just a few
18 more questions.

19 A Okay.

20 Q Backing up to February the 20th, 2001 when
21 Marion Bowman was admitted to the jail, do you
22 independently recall seeing him admitted that day?

23 A No, sir.

24 Q Okay. But you recall him being there from that
25 point on?

Lorraine Carmichael - Cross-Exam

1 A I recall him being there, yes.

2 Q Okay. And did you have any personal contract
3 with him as far as talking to him or anything,
4 explaining the procedures or anything of that nature
5 when he was first --

6 A No.

7 Q -- made an inmate?

8 A No.

9 Q Do you have any recollection of him being
10 bruised or injured in any way when he first got
11 admitted?

12 A No.

13 Q Okay. Did he, to your recollection, ever
14 complain to you that he'd been injured the days
15 before he was admitted?

16 A No.

17 Q Okay. Now, your testimony is that -- withdraw
18 that.

19 This book here which is State's Number 12
20 for identification which is the logbook that y'all
21 keep.

22 A Yes.

23 Q Does each -- do the team leaders keep this or
24 does any correctional officer make entries?

25 A The team leaders and their assistant.

Lorraine Carmichael - Cross-Exam

1 Q Okay. So just a run-of-the-mill correctional
2 officer wouldn't make entries in here?

3 A No, sir.

4 Q It would come to you and you would make the
5 entry?

6 A Myself or my assistant.

7 Q Okay. And does the policy and procedure manual
8 dictate what type of information goes in this book?

9 A No.

10 Q Okay. How do you determine what's significant
11 enough to be put in this book as a team leader?

12 A Whatever goes on throughout the day --

13 Q Okay.

14 A -- is put in that book.

15 Q All right. What about if a search warrant is
16 served on an inmate to draw blood, would that be
17 something that would be normally put in the book?

18 A No, sir.

19 Q Okay. And, again, is it up to each team leader
20 to decide --

21 A It's up to --

22 Q -- what is important?

23 A Right.

24 Q But you would not think, in your opinion, that
25 drawing blood for a search warrant and having the

Lorraine Carmichael - Cross-Exam

1 nurse come over there and see the inmate would be
2 something you'd log in here?

3 A No, sir.

4 Q And could it be possible that since there's no
5 policy or procedure manual that governs what goes in
6 this book, that one of the other team leaders could
7 have a different opinion?

8 A Correct.

9 Q Okay. Now, as far as the movement of inmates in
10 and out of the jail, you testified that if a deputy
11 came over there and wanted to check an inmate out and
12 take him somewhere he would log that into the
13 transportation log?

14 A Correct.

15 Q All right. What if one of your team was to
16 escort an inmate somewhere and then bring him back,
17 would he sign that same transport log?

18 A He wouldn't sign that book, but it would be in
19 that book.

20 Q It would be in this book?

21 A Yes, sir.

22 Q Okay. So if, for example, on the -- bear with
23 me a second again, I want to find something I want to
24 show you.

25 THE COURT: Let the record reflect that we

Lorraine Carmichael - Cross-Exam

1 have substituted another copy of State's Exhibit
2 11 for identification purposes.

3 MR. CUMMINGS: Yes, ma'am. ID only, yes,
4 ma'am.

5 THE COURT: For ID purposes only pursuant
6 to consent of the parties. Is that correct?

7 MR. BAILEY: Correct, Judge.

8 THE COURT: That is correct, Mr. Cummings?
9 Y'all were talking at the same time.

10 MR. CUMMINGS: Yes. I'm sorry, Judge.

11 THE COURT: That's not a problem. Thank
12 you. You may proceed.

13 Q I'm going to hand you this, which is State's 11,
14 ask you if that appears to be a redacted two pages
15 out of the log?

16 A Yes, sir.

17 Q On the date of February the 27th, 2001.

18 A Okay.

19 Q On that first page whose handwriting is that in?

20 A My handwriting.

21 Q Okay. And on the -- tell us what that says 6:00
22 a.m. February 27th.

23 A Lieutenant Carmichael, Sergeant Guess, Corporal
24 Summers, Wallace, TFC Wallace, Santos, Sanders,
25 assume the duties of Dorchester County Detention

Lorraine Carmichael - Cross-Exam

1 Center. Everything is 10-4 at the annex. None for
2 transport. Inventory is accounted for.

3 Q Okay. So that would be when your shift started
4 at 6:00 a.m.?

5 A Correct.

6 Q If you turn to the second page, please, the
7 entry at eleven o'clock.

8 A Okay.

9 Q Is that also in your handwriting?

10 A Yes, it is.

11 Q Okay. And I believe you testified that you
12 would have made that notation when one of those
13 correctional officers that was on shift with you
14 informed you that Marion Bowman wanted to see Alvin
15 Coker?

16 A Correct.

17 Q Do you have any --

18 MR. CUMMINGS: Judge, I would object. She
19 has no independent recollection of that and she
20 answered that for me. I know Mr. Bailey's on
21 cross, but that lady had no independent
22 recollection, I'm objecting.

23 THE COURT: What's the nature of the
24 objection?

25 MR. CUMMINGS: My objection is this is

Lorraine Carmichael - Cross-Exam

1 hearsay. Her writing in here is saying what
2 somebody else said and she does not have any
3 basis to lay the foundation of this statement.
4 Our objection is hearsay, respectfully, Your
5 Honor.

6 THE COURT: I understand. Overruled.

7 You may proceed.

8 MR. BAILEY: Thank you, Your Honor.

9 Q Okay. You want me to ask the question again, or
10 do you recall it?

11 A Would you ask it again?

12 Q Let me see if I can. Mr. Cummings got me
13 thinking about something else.

14 Okay. That entry is in your handwriting?

15 A Correct.

16 Q And you would have made that at eleven o'clock?

17 A Yes.

18 Q When somebody, one of the correctional officers
19 that works under you on your shift came to you and
20 told you Marion Bowman wants to see Detective Coker.

21 A Correct.

22 Q Do you have any recollection of whether or not
23 you called Sergeant Coker up and said Marion Bowman
24 wants to see you?

25 A I called.

Lorraine Carmichael - Cross-Exam

- 1 Q Okay.
- 2 A Yes.
- 3 Q Do you recall that?
- 4 A Yes.
- 5 Q Okay. You did not log that in; is that correct?
- 6 A This is in my handwriting.
- 7 Q But it doesn't say you called him. It says you
- 8 were told that Bowman wanted to see Sergeant Coker,
- 9 but does it go on to say that you then picked up the
- 10 phone and called sergeant Coker up?
- 11 A I called because I said, "Call Detective Coker."
- 12 Q Okay. So "Call Detective Coker" --
- 13 A Meant I called.
- 14 Q -- meant you called him?
- 15 A Correct.
- 16 Q And do you recall that? Do you remember that?
- 17 A I don't remember it, but if I wrote it I made
- 18 the phone call.
- 19 Q If you wrote it then it would have happened?
- 20 A I made the phone call.
- 21 Q If one of the correctional officers that works
- 22 under you had decided to carry Marion Bowman over to
- 23 the other side of the building to see Mr. Coker,
- 24 would they have had to have logged that in the
- 25 transportation log?

Lorraine Carmichael - Cross-Exam

1 A It would have been logged in this book.

2 Q Okay.

3 MR. CUMMINGS: I'm sorry, I couldn't hear
4 that nice lady.

5 THE COURT: I know. You need to keep your
6 voice up a little bit, please, ma'am. If you'll
7 repeat your answer.

8 A I would have recorded in this book.

9 Q Okay. And you would have recorded the fact that
10 he was transported?

11 A That he was escorted over there, yes.

12 Q Okay. And do you know what happened after you
13 called Sergeant Cocker, told him he wanted to see
14 him?

15 A No, I don't.

16 Q Do you know whether or not Bowman actually
17 talked to Sergeant Coker that day?

18 A No, sir.

19 Q Okay. You can't say yes or no on that?

20 A I can't say yes or no.

21 Q Thank you. Answer any questions Mr. Cummings
22 might have for you.

23 THE COURT: All right. Very well.

24 Yes, sir, redirect?

25 MR. CUMMINGS: Yes, ma'am, please.

Lorraine Carmichael - Redirect Exam

REDIRECT EXAMINATION

1
2 BY MR. CUMMINGS:

3 Q When in particular dealing with somebody who's
4 on the maximum side.

5 A Yes.

6 Q You try to pay particular attention. I'm not
7 talking about a person under a misdemeanor, we're
8 talking somebody facing a murder charge.

9 A Yes.

10 Q And do you have anything, Lieutenant, as a team
11 leader showing that Marion would have gotten,
12 Mr. Bowman would have gotten a copy of the jail
13 policy and procedure manual from either you or a
14 direction from you as the team leader?

15 A He should have gotten it when he was booked in.

16 Q That would have come from whoever the booking
17 officer was?

18 A Correct.

19 Q Do you make them sign anything?

20 A They're supposed to put their initials -- no.
21 Not for the handbook he couldn't sign anything.

22 Q Not for the handbook. Just for the policy and
23 procedure manual?

24 A He wouldn't sign, no, sir. He wouldn't sign for
25 that.

Lorraine Carmichael - Redirect Exam

1 Q Okay. And so is there any way, really, to show
2 that he got one or would have known about it other
3 than through whoever the booking officer was?

4 A Sometimes it's notated on the outside of the
5 folder the number off the handbook, sometimes it's
6 notated on the person's folder.

7 Q All right. And as far as the orientation that
8 Chief Barnes or the sheriff has directed that you
9 folks inside the jail give, do you have a particular
10 date, Lieutenant, that you know about as team leader
11 that Marion would have went through orientation to
12 inform him of his duties, responsibilities, and
13 rights inside the jail?

14 A He should have gone through orientation, but for
15 what day I wouldn't know.

16 Q Would there be records kept there showing when
17 inmates go through that orientation?

18 A No. Just like an open class. It's an open
19 class.

20 Q All right. When a person comes in, is arrested,
21 particularly Marion.

22 A Okay.

23 Q If he complained a law enforcement officer
24 slapped him in the face.

25 A Okay.

Lorraine Carmichael - Redirect Exam

1 Q Would you log that in?

2 A It should be logged on a medical sheet.

3 Q I don't know if you were present the day that
4 somehow the pepper gas was used over there when
5 Ms. Thomas and I were in the back.

6 A No.

7 Q Then I'll stop asking you the question. But do
8 they make notes of that when something takes place on
9 an inmate, an officer might use physical force or
10 something?

11 A A report would have been done, yes.

12 Q If an inmate said the cop slapped me, would that
13 be written down on a booking report?

14 A Should have been written down on a medical
15 report, yes.

16 Q A medical report, okay. And this is policy and
17 procedure?

18 A Yes.

19 Q If he asks for medical treatment -- I understand
20 that he had a tooth pulled while in the jail.

21 A Okay.

22 Q That would be listed down there?

23 A It would be listed on the medical form, yes.

24 It's a medical request form that the nurse uses.

25 Q Okay. And this is just a question not to cause

Lorraine Carmichael - Redirect Exam

1 you any discomfort or embarrassment, ma'am, because
2 you're not the boss.

3 A Okay.

4 Q But if he puts in a written request form --

5 A Okay.

6 Q -- to ask to see a doctor, how long does it take
7 him to see a doctor?

8 A The doctor comes once a week.

9 Q But if a policeman wants to pull him out of jail
10 to talk to him he can do it anytime he wants to?

11 A Yes.

12 MR. CUMMINGS: That's all the questions I
13 have of this good officer. Thank you.

14 THE COURT: All right. Any recross?

15 MR. BAILEY: No, Your Honor.

16 THE COURT: Very well. You are free to go.

17 MR. CUMMINGS: May this witness be excused?

18 We have no other questions.

19 THE COURT: Yes.

20 MR. BAILEY: Your Honor, it's my
21 understanding that all the witnesses are
22 sequestered and I would ask that you instruct --

23 THE COURT: I would be happy to do that.

24 Lieutenant Carmichael, all of the
25 witnesses in this hearing are sequestered. What

1 MARY LeMATTY,
2 after being first duly sworn, testified as follows:

3 THE COURT: Okay, Miss LeMatty, if you will,
4 pull that microphone around there and give us your
5 name for the record.

6 THE WITNESS: Mary LeMatty, L-e-M-a-t-t-y.

7 THE COURT: All right.

8 MR. BROWN: May it please the Court.

9 DIRECT EXAMINATION

10 QUESTIONS BY MR. BROWN:

11 Q Miss LeMatty, would you tell the Court what
12 you do currently?

13 A I'm Public Defender for the First Judicial
14 Circuit.

15 Q In May of 2002 and the months preceding that
16 what were you doing at that time?

17 A I was the attorney for Dorchester County
18 Department of Social Services.

19 MR. BROWN: Your Honor, to speed things up, I
20 just have a couple questions. I'm going to refer
21 her to pages 4547 of the trial transcript, which
22 would be in Volume 10.

23 THE COURT: In the time we're talking about
24 you were the attorney for DSS, right?

25 THE WITNESS: That's correct.

State vs. Bowman Volume VI

1 MR. CUMMINGS: May we just have a short
2 recess, very short? Because I know we've got to
3 move before the other case comes up.

4 THE COURT: Yes, sir.

5 MR. CUMMINGS: Five-minute recess, at the
6 most.

7 THE COURT: Five minutes?

8 MR. CUMMINGS: Yes, ma'am.

9 THE COURT: When you all are ready to
10 continue, just let me know.

11 MR. CUMMINGS: Yes, ma'am.

12 (Recess, from 12:03 p.m. to 12:20 p.m.)

13 THE COURT: All right. It's my
14 understanding, Mr. Cummings, that the defense at
15 this point wants to, wishes to adjourn for the
16 day and then pick up this in the morning?

17 MR. CUMMINGS: Yes, Judge.

18 THE COURT: Very well.

19 Any objection to that, Mr. Bailey?

20 MR. BAILEY: Not at all, Your Honor.

21 THE COURT: Very well. I'll see you all in
22 the morning at 9:30.

23 MR. CUMMINGS: Yes, ma'am.

24 THE COURT: Very well. Thank you.

25 - - - o0o - - -

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STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER) : C E R T I F I C A T E

I, Robin L. Keil, Registered Merit Reporter and First Judicial Circuit Court Reporter, certify that the preceding pages are a true and correct transcript of the proceedings had at the aforesaid time and place.

I certify that the same was reduced to typewritten form from my original stenograph notes by computer-aided transcription.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand this the 27th day of May 2003.


Robin L. Keil, RMR
Resident Court Reporter
First Judicial Circuit

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
COUNTY OF DORCHESTER) CASE NO. 01-GS-18-0348, 0349

ORIGINAL

STATE OF SOUTH CAROLINA,) VOLUME VII Pages 637 - 890
Plaintiff,) TRANSCRIPT OF RECORD
-versus-) JACKSON VS. DENNO
MARION BOWMAN, JR.,) April 11, 2002
Defendant.) St. George, South Carolina

B E F O R E:

The Honorable Diane S. Goodstein

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1 (Thursday, April 11, 2002.)

2 THE COURT: All right. We are back on the
3 record in the Jackson v. Denno hearing. And,
4 Mr. Cummings, if you would call your next
5 witness.

6 MR. CUMMINGS: May it please the Court,
7 Judge, good morning.

8 THE COURT: Yes, sir.

9 MR. CUMMINGS: Mr. Myers, if you would come
10 around and be sworn by Her Honor, please.

11 THE COURT: I'm going to ask you to place
12 your left hand on the Bible, raise your right
13 hand.

14 (Calvin I. Myers, called as a witness, having
15 first been duly sworn, is examined and testifies
16 as follows:)

17 THE COURT: Thank you, sir. If you would
18 please be seated. Mr. Smith's going to help you
19 with the microphone. And when you are seated
20 and the microphone's in place I'm going to ask
21 you to state your full name for the record,
22 spell your last name for us.

23 THE WITNESS: Full name is Calvin Ivory
24 Myers.
25

Calvin I. Myers - Direct Exam

DIRECT EXAMINATION

1
2 BY MR. CUMMINGS:

3 Q You've been subpoenaed to be here by Ms. Thomas
4 and myself; is that correct?

5 A Yes, sir.

6 Q You've complied with the subpoena, obviously.
7 This morning you've had a chance to meet Mr. Bailey?

8 A Yes, sir.

9 Q He's the elected solicitor of our circuit.

10 A Yes, sir.

11 Q I'm going to call your attention back to
12 February of 2001. Were you employed by the
13 Orangeburg County Regional Detention Center?

14 A Yes, sir.

15 Q And how long had you worked there, sir, prior to
16 February of 2001?

17 A It's about eight months, sir.

18 Q Okay, sir. And while you were employed there
19 did you ever have the occasion to meet a gentleman
20 named Mr. Marion Bowman, Jr.?

21 A Yes, sir.

22 Q All right, sir. And I'm going to ask you for
23 the record today if you can point out Mr. Bowman, if
24 you see him anywhere in this courtroom?

25 A Yes, sir. To my left, sir, white shirt on with

Calvin I. Myers - Direct Exam

1 the tie.

2 Q All right, sir. Thank you. And can you please
3 tell Her Honor and the courtroom here today what you
4 did and how you first met Mr. Bowman that night,
5 please?

6 A Well, I met Mr. Bowman because I had to put him
7 on transport because he had to go to the sheriff
8 department to speak to Larry Williams.

9 Q All right, sir. I'm going to stop you for a
10 moment. There were a lot of documents that were
11 given to us by the State, and I ask you if you would
12 go through, look at these documents and ask you --
13 and in particular I'll start with the second page,
14 sir, can you identify that document?

15 A Yes, sir.

16 Q And what is that document, sir?

17 A It's a "Police Control Record" sheet. When they
18 first come in we have to book them in.

19 Q All right, sir. And I'm going to ask you to
20 flip to the second page, if you would, please. I'm
21 sorry, third page in this package. Just if you would
22 just tell us what that -- you passed it, I'm sorry.

23 A Oh, I'm sorry.

24 Q Very first page which is a warrant which is not
25 your responsibility. The third page in this package,

Calvin I. Myers - Direct Exam

1 what is that sheet?

2 A This is the "Admission Control Record Rule
3 Book," kind of like whether you receive a telephone
4 call, problem, medical authorization, tell them about
5 the mail and what have you.

6 Q So it's like an inmate control, tell them what
7 their rights are?

8 A Exactly.

9 Q Tell them how to ask for things inside your
10 jail?

11 A Right.

12 Q All right, sir. Please flip over to the next
13 page, please. What is that page to you?

14 A Anytime somebody goes out of the institute we
15 have to put them on transport, have accountability
16 for them.

17 Q I want to ask you, can you identify that
18 particular page?

19 A Yes, sir.

20 Q All right, sir. I'm going to hand you a pen for
21 a moment. On the back of this page if you'll just
22 mark just like a little tiny X or something in the
23 corner here for a moment or...this way we can mark
24 that for the record. I want to show this to Mr.
25 Bailey.

Calvin I. Myers - Direct Exam

1 THE COURT: Mr. Myers.

2 THE WITNESS: Yes, ma'am.

3 THE COURT: I just wanted to tell you I
4 appreciate you keeping your voice up, you're
5 doing fine. Even sitting back you've got enough
6 volume in your voice, you're being so very
7 careful to do that. Most people I fuss at them
8 the whole time to keep their voices up. I
9 wanted to thank you for keeping your voice up
10 and just to share with you you're doing great.
11 I know you're so conscience about the
12 microphone, but I think it's picking up just
13 fine with you sitting back.

14 Ms. Keil, you're able to hear
15 Mr. Myers, aren't you?

16 I did want to thank you for keeping
17 your voice up.

18 Q Mr. Myers, I'm going to hand you back this page.
19 On the back of it you've marked the X, I've shown it
20 to Mr. Bailey. And I'm going to ask you to please
21 read the line starting with letter 02-18-2001. I
22 think it's halfway, three-quarters of the way down
23 the page.

24 A 02-18-2001?

25 Q Yes, sir.

Calvin I. Myers - Direct Exam

- 1 A At 16:37.
- 2 Q What does 16:37 mean to you, sir?
- 3 A That's the time that they was released from the
4 jail.
- 5 Q All right, sir. Who's "they"?
- 6 A The inmate, whoever the inmate, Marion Bowman
7 was released from the jail.
- 8 Q Are you sure it's Mr. Marion Bowman, Jr.?
- 9 MR. BAILEY: I'll concede that if that will
10 help.
- 11 MR. CUMMINGS: Thank you, sir.
- 12 Q The solicitor has conceded it was Mr. Marion
13 Bowman, Jr. If you'll keep reading along that line,
14 please. At 16:13 what happened to the person of
15 Mr. Bowman, his body, sir?
- 16 A Exit the jail.
- 17 Q All right. By what means, sir?
- 18 A Either by deputy or Larry Williams himself.
- 19 Q All right, sir. What does it show on that sheet
20 that you identified?
- 21 A It shows that he went out.
- 22 Q He went out, sir?
- 23 A Yes, sir.
- 24 Q With who? What does it say on there?
- 25 A It says, "Speak to Larry Williams."

Calvin I. Myers - Direct Exam

1 Q "Speak to Larry Williams." He's the elected
2 sheriff of Orangeburg, correct, sir?

3 A Yes, sir.

4 Q You know Sheriff Williams by sight, by
5 reputation?

6 A Yes, sir.

7 Q That entry on there, do you remember that date
8 this gentleman was placed in the hands of either
9 Sheriff Williams or somebody being brought to Sheriff
10 Williams?

11 A Yes, sir.

12 Q And you've told Mr. Solicitor that earlier?

13 A Yes, sir.

14 Q When is Mr. Bowman next logged back into that
15 jail, sir?

16 A 22:48.

17 Q All right. Now, 22:48 for some people --

18 A 10:48.

19 Q 10:48 at night. Who actually -- when you're
20 looking at that form, how are you so sure Mr. Bowman
21 got back there at 22:48?

22 A Well, whenever they come back, most of the time
23 when they get to the back where they was at --

24 Q Yes, sir.

25 A -- they have to log them back in.

Calvin I. Myers - Direct Exam

1 Q Myers is on that form and that's your last name,
2 correct, sir?

3 A Yes, sir.

4 Q Those records were kept in the normal course of
5 business at the Orangeburg Calhoun Regional Detention
6 Center?

7 A Right.

8 Q If I'm asking an unfair question, you stop me
9 and tell me. Mr. Myers, when he was taken out of the
10 jail at 16:37, if I mistake the time, I apologize.
11 Is it 16:37?

12 A 16:37, correct.

13 Q When he was taken out of the jail, did he have
14 any legal reason to be taken out of the jail? Was he
15 going to a bond hearing?

16 A Not to my recollection, no, sir.

17 Q All right, sir. Did he have -- there's a line
18 underneath that saying he was taken to a bond
19 hearing. Looking through those forms this morning
20 did you see any bond forms attached to that package?

21 A No, sir.

22 Q Is there anything recorded? Again, if you need
23 a moment to look at the package, I'm sorry.

24 A (The witness complies.) No, sir.

25 Q All right. And you're familiar with bond forms,

Calvin I. Myers - Direct Exam

1 right, sir?

2 A Yes, sir.

3 Q All right. There's a line printed underneath
4 the line where your name is, sir. Does it say that
5 Mr. Bowman was afforded a bond hearing?

6 A Yes, sir.

7 Q Did that happen, of your personal knowledge?

8 A I don't remember that, sir.

9 Q You don't remember that at all, or you don't
10 remember it because it's not in the package?

11 A I just don't remember as far as that bond
12 hearing.

13 Q All right, sir. There's no question that you
14 put that entry and you remember what you did on that
15 date with Mr. Bowman dealing with the time out and
16 the time in?

17 A Yes, sir. I can say -- one thing I can say is a
18 lot of times I'm real conscientious at the jail when
19 they go back to the back. Like I'm not saying the
20 time is wrong that he came back, but a lot of time
21 when I'm working up front, what have you, I like to
22 make sure everybody who -- that came back because a
23 lot of the officers get back and don't put them back
24 in at the correct time.

25 So most of the time I check and make sure

Calvin I. Myers - Direct Exam

1 I'm transporting I know they came back, was signed
2 in, I'll call back, I'll tell them I'm going to go
3 ahead and take them off transport.

4 Q Because you are responsible for the inmates
5 inside your jail placed lawfully there by a judge?

6 A Right, sir.

7 Q May I hold that document for a moment, sir?

8 A (The witness complies.)

9 Q What charge did you understand that Mr. Bowman
10 had been placed into your jail for, sir, in
11 Orangeburg County, if you remember?

12 A Receiving stolen goods.

13 Q All right, sir. And did you receive a copy of a
14 warrant that night from any law enforcement officer
15 when you placed Mr. Bowman in your custody?

16 MR. BAILEY: Your Honor, I think I'm going
17 to object. I'm not sure I'm understanding the
18 question correctly, but is he asking when he was
19 admitted to the jail? Because he's asked when
20 he was placed in his custody. I'm not -- I'm --

21 MR. CUMMINGS: I'll rephrase it, Judge, to
22 make it clearer.

23 THE COURT: I understand. All right.

24 Q Did you ever receive any legal charging
25 documents when Mr. Bowman was presented to you, sir?

Calvin I. Myers - Direct Exam

1 A I need to speak with you.

2 Q You can't speak to me now once you're on the
3 stand. If you don't recall --

4 A Okay. This is the thing about it I want
5 everybody to understand. If you look at it I'm just
6 thinking about it, the time on the -- that he was
7 brought in.

8 Q Yes, sir. You need to see these?

9 A That wasn't on our shift.

10 Q Okay. The time he was brought in was not on
11 your shift?

12 A Yes, sir.

13 Q Just the time he was logged out and put back in?

14 A Yes, sir.

15 MR. CUMMINGS: Beg the Court's indulgence.

16 (Pause in proceedings.)

17 Q And then put him back in at 22...?

18 A Twenty-eight.

19 Q Twenty-eight?

20 A Yes, sir.

21 Q Thank you.

22 MR. CUMMINGS: That's all the questions I
23 have of this gentleman.

24 Q. Please answer any questions either Mr. Bailey or
25 Her Honor has.

Calvin I. Myers - Direct Exam

1 THE COURT: Cross-examination.

2 CROSS-EXAMINATION

3 BY MR. BAILEY:

4 Q The way the Orangeburg Detention Center is set
5 up, it's behind another building; is that correct?

6 A Yes, sir.

7 Q Okay. And the jail is in a separate building,
8 there's a breezeway and then there's a building in
9 front of it?

10 A Yes, sir.

11 Q And the building in front houses the sheriff's
12 office on one side and the Orangeburg Police
13 Department on the other side; is that correct?

14 A Yes, sir.

15 Q And would you say that probably in excess of
16 90 percent of the inmates in the Orangeburg Calhoun
17 Detention Center are placed there by one of those two
18 agencies?

19 A Yes, sir.

20 Q All right, sir. And is it unusual for either an
21 arresting officer or an investigating officer to
22 request to have an inmate sent across that breezeway
23 so they can be interviewed or talked to or whatever?

24 A No, sir.

25 Q Happens every day?

Calvin I. Myers - Cross-Exam

1 A Just about.

2 Q And is it unusual to have an inmate who's been
3 placed under arrest request to speak to the arresting
4 officer, or the chief, or the sheriff, or somebody in
5 law enforcement that's across that breezeway?

6 A No, sir.

7 Q All right, sir. Now, on February the 18th at
8 about 4:37 p.m. I believe you -- or Marion Bowman
9 left your facility, went across the little breezeway
10 to the sheriff's office; is that correct?

11 A Yes, sir.

12 Q Is that correct? And he would be walked over,
13 is that right? It's not where you drove him over?

14 A Walked over.

15 Q You don't recall at this point in time who
16 carried him over there?

17 A No, sir.

18 Q Okay. Do you have any recollection of Marion
19 Bowman's appearance and demeanor that afternoon,
20 February the 18th, 2001?

21 A No, sir.

22 Q Did you have any contact with him, any personal
23 contact? Did you see him?

24 A Yes, sir.

25 Q Okay. And would you state whether or not Marion

Calvin I. Myers - Cross-Exam

1 Bowman requested that he be transported across the
2 breezeway to see the sheriff?

3 A I know it can't be a partial answer, but I
4 don't -- I remember, then I don't. I can't recollect
5 exactly how it took place.

6 Q Okay. So it could have been somebody sent for
7 him, or it could have been that he asked to be sent
8 over there?

9 A Yes, sir.

10 Q But you wouldn't -- you don't recall at this
11 particular time?

12 A No, sir.

13 Q Are there any records that you know of that
14 would reflect whether or not if a deputy or a
15 policeman wants somebody and sends for him as opposed
16 to whether or not that inmate desired to go over
17 there, is there any record the jail keeps which would
18 help us out there?

19 A No, sir. Most of the time they just -- we have
20 to inform our supervisors that an inmate wants to
21 talk to supervisors.

22 Q Okay. All right. Now, I asked you about your
23 contact with Marion Bowman that afternoon and his
24 appearance and demeanor and you didn't specifically
25 recall, but what, what reason did you have to come

Calvin I. Myers - Cross-Exam

1 into contact with him? You didn't transport him
2 yourself; is that correct?

3 A No, sir.

4 Q Okay. So what, what reason would you have
5 happened to have seen him that afternoon?

6 A Well, to my knowledge when I worked -- I work
7 the front desk.

8 Q Okay.

9 A Was working the front desk. And before anybody
10 comes or do anything they have to sit right there to
11 the person who's asking to come get them, they have
12 to sit right there. So I actually have to see them,
13 put the handcuffs on them, unlock the gate, unlock
14 the other gate so they can pass through.

15 Q Do you know about how long Marion Bowman was
16 sitting there up front within your range of view?

17 A I'm not sure, no, sir.

18 Q Okay. All right. And to your recollection did
19 he express any fear or apprehension?

20 A No, sir.

21 Q Okay. Thank you. That's all I have.

22 THE COURT: Redirect?

23 MR. CUMMINGS: Just a couple questions.

24 Thank you.

25

Calvin I. Myers - Redirect Exam

REDIRECT EXAMINATION

1

2 BY MR. CUMMINGS:

2

3 Q Again, Solicitor Bailey politely asked you a
4 question did Mr. Bowman put anything in knowledge --
5 to your knowledge to request to speak to a law
6 enforcement officer?

6

7 A Not to my knowledge.

7

8 Q You have no independent recollection whether or
9 not he verbally asked you to go speak to any person,
10 particularly the sheriff of Orangeburg County?

10

11 A I'm not sure. I don't know.

11

12 Q None of us, as you notice, have asked you to
13 guess about anything. When you came and met us this
14 morning everybody told you just to say what you
15 remember, to tell the truth as you've done for Her
16 Honor, correct?

16

17 A Right.

17

18 Q Did Mr. Bowman, do you remember Mr. Bowman
19 saying to you whether or not he was going for a bond
20 hearing and that's why he didn't look apprehensive?

20

21 A No.

21

22 Q Well, how long does an inmate usually be in the
23 Orangeburg County Jail before he's afforded a bond
24 hearing if from your records he's placed in there
25 approximately 1:21 in the morning on the 18th and he

25

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1 was taken out, definitely signed out as you said,
2 sir, at about 16:37, four o'clock in the afternoon?

3 A Let me think on this just a second, I want to
4 make sure I --

5 Q Yes, sir.

6 A Usually it takes a day to two days, a day to two
7 days for a bond hearing stating that you have your
8 warrant or whatever.

9 Q Okay, sir. What times do they do bond hearings
10 at the Orangeburg County/Calhoun Regional Detention
11 Center?

12 A They usually like start about 9:30, 9:00.

13 Q In the morning?

14 A Yes, sir.

15 Q All right, sir. Are there any in the evening
16 times?

17 A For very few, just for like, say like driving
18 under suspension, something like that.

19 Q Just try to lighten the load of the jail?

20 A Right.

21 Q Okay. Sometimes a judge or a magistrate would
22 come in?

23 A Yes, sir.

24 Q All right. And, Mr. Myers, when you signed him
25 out, did that cause you any reasons or suspicions or

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1 anything being signed out on a Sunday afternoon at
2 four o'clock in the afternoon?

3 A No, sir.

4 Q It's pretty easy for a police officer or elected
5 sheriff to come get somebody. You're not going to
6 question somebody of that high rank?

7 A No, sir.

8 Q Thank you, sir. I thank you very much for your
9 kindness and your demeanor in the courtroom today,
10 sir.

11 A Thank you.

12 THE COURT: All right.

13 Yes, sir, Mr. Bailey, recross?

14 MR. BAILEY: Nothing further, Your Honor.

15 THE COURT: Is this witness free to leave?

16 MR. CUMMINGS: We've served this gentleman
17 a subpoena and it says until released by the
18 Court. We know that we will have a hearing
19 coming up sometime in May and I would ask that
20 this gentleman just please be advised that
21 subpoena is ongoing, we would not inconvenience
22 you any more than we have to. We understand you
23 work for the State, but we would like to have,
24 before you leave, if you'll give us a phone
25 number so we can call you to not have you

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1 inconvenienced any more than necessary, sir.

2 THE COURT: The other thing I would mention
3 to you, Mr. Myers, is that the witnesses in this
4 case have been sequestered in this case for this
5 hearing. And as such it would not be
6 appropriate for you to discuss your testimony.
7 It would be difficult really for you to talk to
8 anyone because you don't know who's going to be
9 a witness in this hearing.

10 THE WITNESS: Yes, ma'am.

11 THE COURT: So I would just ask you to be
12 mindful of that. And, again, if you'll just
13 give counsel where they can reach you. For your
14 information this trial will begin May the 13th.
15 And they may call you, they may not call you
16 during the next couple of weeks after that,
17 okay?

18 THE WITNESS: Okay.

19 THE COURT: All right.

20 MR. CUMMINGS: Thank you, Judge. I thank
21 this gentleman so much.

22 THE COURT: Thank you. If you'll stop off
23 and give them that information, maybe Mr. Bailey
24 as well, then you can be on your way.

25 (Whereupon, the witness steps down from the

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1 witness stand.)

2 THE COURT: Your next witness will be?

3 MR. CUMMINGS: Judge, Mr. Myers knows he
4 can be excused. Thank you so much.

5 We would call Mr. Bamberg to the
6 stand, please, the director of the jail.

7 THE COURT: Okay.

8 (Willie J. Bamberg, called as a witness, having
9 first been duly sworn, is examined and testifies
10 as follows:)

11 THE COURT: Thank you. And if you would
12 please be seated. And when you are seated, if
13 you would state your full name for the record.

14 THE WITNESS: Willie James Bamberg.

15 THE COURT: Spell your last name.

16 THE WITNESS: B-a-m-b-e-r-g.

17 MR. CUMMINGS: Mr. Bailey and I have agreed
18 to offer series of documents, one, two, three,
19 four, five, six, seven pages that were delivered
20 in discovery, ma'am, as to issues with
21 Mr. Bowman at the Orangeburg County Jail.

22 THE COURT: All right. Y'all are going to
23 stipulate that as an exhibit?

24 MR. BAILEY: Yes, ma'am.

25 MR. CUMMINGS: Correct.

Willie J. Bamberg - Direct Exam

1 THE COURT: For ID purposes?

2 MR. CUMMINGS: I want to put this in the
3 record for evidentiary purposes, I would move to
4 move it into evidence.

5 MR. BAILEY: Just as a matter of
6 housekeeping we addressed that, when I closed my
7 case everything was marked for identification.

8 THE COURT: Everything at that time was
9 clearly marked for identification purposes.
10 This -- seemed this document was going to be
11 handled differently, but for identification
12 purposes would suffice. Very well. And that
13 will be Defendant's Exhibit Number 5 for
14 identification purposes.

15 (Marked for identification was Defendant's
16 Exhibit 5, seven-page document.)

17 DIRECT EXAMINATION

18 BY MR. CUMMINGS:

19 Q Good morning, sir. Thank you for answering the
20 subpoena as you professionally and politely always
21 do.

22 Mr. Bamberg, I'm going to show you what's
23 been marked as Defendant's Exhibit Number 5 for ID
24 only at this time. And I think everybody afforded
25 you a copy of it; is that correct, sir? And take a

Willie J. Bamberg - Direct Exam

1 moment and look at it and....

2 A (The witness complies.) Yes, sir. I just have
3 one additional page.

4 Q You have the warrant, right. Mr. Bailey and I
5 have agreed to these documents coming in for
6 identification purposes, but you have the one copy of
7 the warrant on top and we'll talk about that in a
8 moment.

9 How long have you been the director of the
10 Orangeburg/Calhoun Regional Detention, sir?

11 A I've been the director there for approximately
12 three years.

13 Q The handsome guy who just left here a few
14 moments ago you saw him in the beach sweater,
15 Mr. Myers, was he an employee of the county, sir, of
16 yours back in February of 2001?

17 A Yes, sir.

18 Q And these records, you are the keeper of records
19 for the Orangeburg/Calhoun Regional Detention Center,
20 correct, sir?

21 A Yes, sir.

22 Q So any inmates that come in are brought in by
23 law enforcement that's been authorized by a judge or
24 immediate arrest has to go through your system and
25 your policies and procedures?

Willie J. Bamberg - Direct Exam

1 A Yes, sir.

2 Q All right, sir. And is it the policy and
3 procedure of your jail, sir, for lack of better words
4 right now --

5 A Detention center.

6 Q Your detention center, that if an inmate is
7 taken out by anybody, including law enforcement, that
8 they're logged out, there's a recording?

9 A Yes, sir.

10 Q And that is policy and procedure?

11 A Yes, sir.

12 Q And when they're put back in, sir?

13 A It should be logged back in.

14 Q All right, sir. And do you note bond hearings?

15 A Yes, sir.

16 Q You've brought your file down from your office
17 as the keeper of records today, correct?

18 A Yes, sir.

19 Q When we showed you these documents today, Mr.
20 Bailey and I have, you did not have them in your
21 file, correct?

22 A No, sir. There was a different booking report
23 that I had.

24 Q All right, sir. And that was not an
25 intentional...?

Willie J. Bamberg - Direct Exam

1 A No, sir. My record clerk just gave me the wrong
2 one.

3 Q I got that, sir, but when we showed you these --
4 and, again, it's been stipulated by both the
5 solicitor and I that these are the records produced
6 by your facility?

7 A Yes, sir.

8 Q All right. I just want to recall your attention
9 back to -- and if you'll just -- don't count the page
10 with the warrant on it, sir.

11 A Okay.

12 Q Go one, two, the third page. And ask you if
13 you'll look about three-quarters of the way down,
14 sir, there's a line starting with 02-18-2001.

15 A Yes, sir.

16 Q Do you see that, Mr. Bamberg?

17 A Yes.

18 Q All right, sir. What does the number 16:37 mean
19 to you on that same line?

20 A Okay. That was the time probably that he went
21 out, beginning the time he came, the time he went
22 out, probably, or came in.

23 Q I'm sorry. And on that same line what was the
24 purpose put in there for Mr. Bowman being taken out?

25 A On that first line?

Willie J. Bamberg - Direct Exam

- 1 Q Yes, sir.
- 2 A To speak to Larry Williams.
- 3 Q All right, sir. And then the second line is
- 4 starting with the date 2-19-2001.
- 5 A That would be went out for a bond hearing.
- 6 Q All right, sir. Looking through the files you
- 7 brought today you did not notice any bond forms in
- 8 the file that you had, correct, sir?
- 9 A Talking about in the --
- 10 Q In the file that you brought down from the
- 11 subpoena that we served you.
- 12 A I hadn't intentionally looked for it, so I can't
- 13 say I didn't notice it because I didn't look for it.
- 14 Q All right, sir. Did you have any knowledge of a
- 15 bond hearing from Mr. Bowman on the 19th from this
- 16 gentleman being in your facility?
- 17 A No, sir.
- 18 Q All right, sir. When a person is brought in --
- 19 and, again, if you'll continue with the package
- 20 you're holding there, from your notes and your
- 21 records, sir, what time was Mr. Bowman placed inside
- 22 the Orangeburg County Regional Detention Center, sir,
- 23 when he first got there in February?
- 24 A 2-18?
- 25 Q Yes, sir.

Willie J. Bamberg - Direct Exam

1 A He was placed in at 00:50 hours.

2 Q All right. So that's 50 minutes after midnight?

3 A Yes, sir.

4 Q And, again, I don't mean to -- I'll stand here.

5 When would he have been afforded the next available
6 bond hearing, sir, from your knowledge and experience
7 of running your facility?

8 A That probably would have been up to the agency
9 who put him in whether he would have went that
10 morning or that afternoon sometime. That would have
11 been up to that agency, so I can't answer that
12 without the person -- you would have to ask the
13 person who put him in there.

14 Q Clearly you have knowledge of when bond hearings
15 are normally held for the prisoners, right?

16 A Yes, sir.

17 Q Because one of the issues is overcrowding in all
18 the detention centers today?

19 A Yes, sir.

20 Q All right, sir. So there would have been at
21 least a bond hearing that morning in your facility on
22 the 19th?

23 A We have, I believe, the judge, the magistrate,
24 if I'm not wrong, would have a bond hearing maybe
25 that morning and maybe they have some in the

Willie J. Bamberg - Direct Exam

1 afternoon. Like I said, it would be up to the agency
2 that put him in there when they want to take him to
3 bond hearing.

4 Q All right, sir. So it's the arresting agency,
5 not the detention center that mandates people appear
6 for bond hearing? I'm just trying to ask you that to
7 clarify the record.

8 A We don't mandate for bond hearing. We're pretty
9 much a holding facility for them, just keep them.

10 Q Do your records show exactly from what we've
11 shown you today or from your personal knowledge, sir,
12 and your education and experience, does it show what
13 reason Mr. Bowman was placed in your facility, sir?

14 A He was -- looked like he was booked in on
15 receiving stolen goods from the first page of the
16 booking report.

17 Q Yes, sir. All right, sir. And now looking at
18 the top document that you had with you on the
19 warrant, what does that -- is stamped "Attested True
20 Copy" on the bottom, sir, if I'm not mistaken, what
21 does that warrant state? And I know you're a former
22 law enforcement officer. Can you read the charge?

23 A Look like receiving stolen goods.

24 Q All right, sir. And are the warrant numbers
25 placed on the prisoner control record sheet?

Willie J. Bamberg - Direct Exam

1 A Which sheet that you're talking about, the top
2 sheet?

3 Q The top sheet that's got Mr. Bowman's picture.

4 A They are not on here. They are not placed on
5 this one.

6 Q All right, sir. And when you take the gentleman
7 in through your facility he's held there. And how
8 can he be taken out of the jail?

9 A Someone must come sign him out.

10 Q All right, sir. And if an inmate wants to speak
11 to a law enforcement officer, how does he do that
12 inside your facility, sir?

13 A If an inmate wants to speak with one?

14 Q Yes, sir.

15 A They usually inform the pod officer, that's the
16 officer in charge of the areas that they're staying
17 in. And though most of the time we tell them to
18 write it out who they want to see with a note and we
19 will get the note to one of the -- that person or a
20 person who works along with him the inmate wants to
21 see an officer.

22 Q All right, sir. Do you keep that note in the
23 inmate's file?

24 A No, sir. It goes straight to whoever he
25 addressed it to.

Willie J. Bamberg - Direct Exam

1 Q All right, sir. And can that be done verbally
2 also, somebody just wants to say, hey, can I speak
3 to, I'll use an example here, Sheriff Williams, can
4 he say that to an officer inside the pod and then ask
5 that somebody call the elected sheriff?

6 A Probably.

7 Q All right, sir. And there's no question and no
8 doubt in your mind that somebody has to be signed
9 out, and signed out, and then signed back in?

10 A Yes, sir.

11 Q That's for inmate control?

12 A Yes, sir.

13 Q All right, sir. What time was Mr. Bowman signed
14 back in on the 18th of February 2001, sir?

15 MR. BAILEY: I can stipulate it was
16 10:48 p.m.

17 A Okay. Because I don't see it.

18 Q I thank Mr. Solicitor, 10:48 p.m.

19 A Okay.

20 Q And he would have been placed back in the
21 facility at that time according to your records?

22 A Yes, sir.

23 Q All right, sir.

24 MR. CUMMINGS: Beg the Court's indulgence.

25 THE COURT: All right.

Willie J. Bamberg - Direct Exam

1 MR. CUMMINGS: Let me leave that with madam
2 court reporter for a minute.

3 THE COURT: Sure.

4 (Pause in proceedings.)

5 MR. CUMMINGS: Judge, that's all the
6 questions I have of this polite gentleman, I
7 thank him.

8 THE COURT: All right. Cross-examination.

9 CROSS-EXAMINATION

10 BY MR. BAILEY:

11 Q Mr. Bamberg, just a few questions to follow up
12 on what Mr. Cummings asked you.

13 A Yes, sir.

14 Q When an inmate is admitted to the
15 Orangeburg/Calhoun Detention Center that you manage,
16 is there a medical screening that's done to see if
17 they have any kind of sickness that you need to
18 address or any injury that needs treatment?

19 A Yes, sir.

20 Q Okay. And do you have that in your file? Let
21 me hand you State's Number 5, which is the time I
22 think we're talking about on February 2001.

23 A Yes, sir. We have a screening form in the file.

24 Q All right, sir. And is there any indication
25 that when Marion Bowman was admitted in the early

Willie J. Bamberg - Cross-Exam

1 morning hours of February the 18th, 2001 that he had
2 any physical injury to him?

3 A No, sir. None by this report.

4 Q Okay. And do you have any personal knowledge of
5 any injury that he might have complained of either
6 when he was admitted to the jail or when he came back
7 from one of the times that he was taken out of the
8 jail and brought back in?

9 A No, sir.

10 Q Okay. Thank you, sir. That's all I have.

11 THE COURT: Redirect?

12 REDIRECT EXAMINATION

13 BY MR. CUMMINGS:

14 Q I know this is an uncomfortable question, sir, I
15 want to tell you that ahead of time. If somebody
16 complained that somebody, an officer slapped him or
17 beat him, would that necessarily be written down by
18 the booking officer all the time?

19 A It's not an uncommon question because somebody
20 complains. We tell them to write down all
21 complaints, period.

22 Q Yes, sir.

23 A Period. No matter what it is.

24 Q You tell them to write it down?

25 A Write it down. If he complained, it's a medical

Willie J. Bamberg - Redirect Exam

1 concern for us, there's a form we have to follow up
2 on, must follow up on.

3 Q Again, just for the purposes of the record,
4 Mr. Bowman was booked in at what time according to
5 your record, sir?

6 A He was booked in on 2-18 at 00:50 hours.

7 Q All right, sir. Looking through that stack
8 again that came out of your records, would they have
9 taken another photograph of Mr. Bowman when he was
10 brought back in after being taken out of the jail and
11 put back in at 22:48 hours later that day?

12 A If he was taken out after someone signed him
13 out; is that your question?

14 Q Right.

15 A No, sir. We just take a picture after he's --
16 when he's initially booked.

17 Q And nobody would have done another follow-up
18 medical sheet with him that he's just signed back
19 into the jail?

20 A If he would have came back in complaining, then
21 at that time a follow-up would have been done. And
22 if he have any injuries a picture would have been
23 taken.

24 Q All right. You'll agree with me that that
25 booking report, that medical sheet, was done on the

Willie J. Bamberg - Redirect Exam

1 initial booking in?

2 A Yes, sir.

3 Q All right, sir. Thank you.

4 MR. CUMMINGS: That's all the questions I
5 have of this gentleman.

6 THE COURT: All right. Any recross?

7 MR. BAILEY: No, ma'am.

8 THE COURT: And is this witness free to
9 leave?

10 MR. CUMMINGS: Judge, yes, ma'am. With the
11 following caveat, if I may. Mr. Bamberg being
12 the professional gentleman that he is, we've
13 learned today that we've seen each other in the
14 past in Richland County when I worked in the
15 solicitor's office there, that Mr. Bamberg has
16 been subpoenaed. We know we're going to have a
17 trial sometime later in May, we ask Your Honor
18 ask this gentleman to give us a phone number so
19 we know how to find him.

20 THE COURT: He's always at work.

21 THE WITNESS: If God's willing.

22 MR. CUMMINGS: That's right.

23 THE COURT: You know where to find him,
24 he's always at work, okay, absolutely. Let me
25 tell you what Mr. Cummings is asking. The

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1 subpoena that you have would simply continue to
2 the trial. The trial's anticipated the jury
3 selection to begin on May the 13th just for your
4 information.

5 THE WITNESS: Okay.

6 THE COURT: So what we're going to ask you
7 to do, if you'll stop by and give Mr. Bailey,
8 Mr. Cummings, just your phone number where they
9 can get to you.

10 THE WITNESS: Yes, ma'am.

11 THE COURT: The one that's the beeper on
12 your hip.

13 THE WITNESS: You can always find me,
14 Judge.

15 THE COURT: I know, Mr. Bamberg. Just so
16 they like to keep down how long you got to be
17 here.

18 THE WITNESS: Yes, ma'am.

19 THE COURT: So if you'll do that. Oh, the
20 other thing I wanted to mention to you is that
21 we are sequestering the witnesses in this
22 hearing. You don't know who those witnesses
23 are, so the better course of conduct for you is
24 not to discuss this hearing, what went on, what
25 the issues are, because you don't know whether

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1 or not somebody else might be a witness.

2 THE WITNESS: I'm through until I call
3 back?

4 THE COURT: Yes, sir.

5 THE WITNESS: You've been here before.

6 MR. CUMMINGS: If I can inconvenience this
7 gentleman one more time. When Mr. Bamberg came
8 today his office had supplied records to Mr.
9 Bailey before, through discovery we had gotten
10 some items. We would ask him if he would go
11 back and see if there's any other clerks, or
12 somebody could find any other information of
13 Mr. Bowman. If that's available I know that
14 somebody will come by and pick that up from you,
15 sir. From 2-18, 2-19 up until he's released
16 from your jail, sir, in February of 2001.

17 THE COURT: If you would be so kind,
18 Mr. Bamberg, do that today.

19 THE WITNESS: As soon as I walk back -- it
20 will be started when I get in the car, make a
21 call.

22 THE COURT: Mr. Cummings will give you a
23 number. So if you find anything you can direct,
24 you don't have to -- you, likewise, can talk to
25 him on his beeper, he can give you that sort of

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1 number. If you would give that information to
2 Mr. Bailey and to Mr. Cummings.

3 THE WITNESS: Thank you, Judge.

4 MR. CUMMINGS: Thank you, sir.

5 THE WITNESS: Yes.

6 (Whereupon, the witness steps down from the
7 witness stand.)

8 THE COURT: Let's take what's known in
9 Beaufort as a comfort break.

10 (Recess, from 10:50 a.m. to 11:10 a.m.)

11 THE COURT: We're going to mark the juror
12 questionnaire. And counsel has had an
13 opportunity, again, this morning just to review
14 that questionnaire. I did want to just mark it
15 as a Court's Exhibit not for this hearing, but
16 just to mark it and make it a part of the record
17 that this is the juror questionnaire, it is
18 completed, and this is the questionnaire which
19 will be sent to our jury.

20 MR. CUMMINGS: Thank you, Judge.

21 (Marked for purposes of the record was
22 Court's Exhibit 3, jury questionnaire.)

23 THE COURT: I hate to interrupt your train
24 of thought, but I know that Deputy Barnes is
25 outside and I know that I had requested that any

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1 documents that he had that he bring them this
2 morning at 9:30 and now he's been here a bit. I
3 mean, have you all received anything from him?

4 MS. HARDEE-THOMAS: We just copied them,
5 yeah.

6 THE COURT: Just copied them, okay. Did
7 you get a copy of that information as well, Mr.
8 Bailey?

9 MR. BAILEY: I did.

10 THE COURT: He knows then that he's free to
11 leave.

12 MR. CUMMINGS: If somebody would just
13 advise Director Barnes.

14 THE COURT: Thank you.

15 MS. HARDEE-THOMAS: He needs the file.

16 MR. BAILEY: The file is here.

17 THE COURT: Okay. You have a copy of it,
18 or whatever out of it? Great. Thank you, Ms.
19 Hardee-Thomas, if you'll just return that to
20 him.

21 MR. CUMMINGS: I want to wait for Marva to
22 come back in and say one more thing.

23 THE COURT: Just for your information while
24 we've got just a moment, the orders that were
25 submitted that we chatted about yesterday I

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1 signed this morning.

2 MR. CUMMINGS: Yes, ma'am.

3 THE COURT: They've been sent to be filed,
4 I think. Maybe not.

5 MR. CUMMINGS: May it please the Court,
6 Judge.

7 THE COURT: Yes.

8 MR. CUMMINGS: Since I believe this is a
9 critical stage in Mr. Bowman's proceedings,
10 there's a young lady seated behind me, Ms. Dale
11 Davis, who is working on the defense team
12 particularly with areas concerning Mr. Bowman
13 and his background. Mr. Bowman this morning and
14 through Ms. Davis, she's present, and wants to
15 watch Mr. Bowman this afternoon if he decides to
16 take the stand in this Jackson v. Denno hearing
17 which we anticipate him doing.

18 Your Honor, I've explained to my
19 client that if Ms. Davis sits in this room as
20 we've got an order of sequestration that we made
21 the motion on, that she would not be allowed to
22 testify because she'll be hearing other
23 witnesses testify. I have brought that to my
24 client's attention, that's why I waited for
25 Ms. Thomas to come back in the courtroom. I

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1 want to make sure Mr. Bowman understands he's
2 doing this freely, voluntarily, knowingly and
3 that he understands that he's losing the right
4 to a potential witness that we have placed on
5 the witness list for Mr. Solicitor.

6 And I wanted to point that out as an
7 officer of the Court, advise Mr. Bowman there's
8 still plenty of time if he wants Ms. Davis to
9 step back, step outside of the room, wait, work
10 with us anytime this afternoon or whatever. But
11 if she's in this room while there's testimony
12 she may be barred as a witness.

13 THE COURT: Yes, sir. Yes, sir, Mr.
14 Bailey.

15 MR. BAILEY: I'm not sure. I was under the
16 impression the sequestration was at this point
17 just for Jackson v. Denno hearing and that
18 wouldn't spill over into the trial itself.

19 MR. CUMMINGS: That would be fine then, as
20 long as we have that.

21 MR. BAILEY: That was my impression.

22 MR. CUMMINGS: That would be perfect then.

23 THE COURT: As I understand the purpose for
24 the sequestration it was only for this hearing.
25 We've not addressed sequestration as it regards

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1 the trial in this case.

2 MR. CUMMINGS: Thank you, Judge. I wanted
3 to make sure I did not lose a potential witness
4 or violate the orders of Your Honor from the
5 bench.

6 THE COURT: Do you understand that? Do you
7 have any lack of comfort with that at all, Mr.
8 Cummings?

9 MR. CUMMINGS: No, Judge, as long -- as you
10 know, Mr. Bailey and I, if that is the
11 understanding of both the defense team and the
12 prosecution, I am very happy with that. I thank
13 this gentleman. I would ask that be the
14 instruction, the ruling from you, ma'am, in this
15 hearing.

16 THE COURT: It is. That was all that was
17 suggested, just the sequestration of witnesses
18 for this hearing, not for the trial as such.
19 Now, clearly in that she has not been
20 sequestered she certainly would not be able, if
21 she is present, would not be able to testify in
22 this, the Jackson v. Denno hearing.

23 MR. CUMMINGS: Thank you, ma'am.

24 THE COURT: Do you need to speak to
25 Mr. Bowman about that?

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1 MR. CUMMINGS: Judge -- Mr. Bowman, do you
2 understand that?

3 THE DEFENDANT: Yes, ma'am.

4 MR. CUMMINGS: Thank you, Judge. Just
5 wanted to clarify that, make sure I didn't
6 violate your order.

7 THE COURT: Certainly. Very well. In
8 other words, Mr. Bowman, in other words if
9 Ms. Davis is present in the courtroom while the
10 testimony is being given, she cannot testify in
11 this hearing which is known as the Jackson vs.
12 Denno hearing. You understand that?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Okay.

15 MR. CUMMINGS: We would call Ms. Walters,
16 please.

17 (Barbara Walters, called as a witness, having
18 first been duly sworn, is examined and testifies
19 as follows:)

20 THE COURT: If you would please be seated.
21 And Deputy Smith will help you with the
22 microphone. And when the microphone is in
23 place, if you would state your full name for the
24 record, spell your last name.

25 THE WITNESS: Barbara Walters,

Barbara Walters - Direct Exam

1 W-a-l-t-e-r-s.

2 MR. BAILEY: Can I put something very
3 briefly on the record? Since we're talking
4 about sequestration I would like the record to
5 reflect Ms. Walters was present in court at the
6 time, she had not been served is my
7 understanding. And she was served with her
8 subpoena I think yesterday, but she has just
9 wanted to state that she has been present for
10 part of the proceedings.

11 THE COURT: If I may, as I understand it,
12 gentlemen, you correct me, counsel -- I'm sorry,
13 Ms. Hardee-Thomas, you correct me if I am in
14 error, but as I understand it the issues for his
15 counsel needed Ms. Walters really were generated
16 during the course of this hearing and it was
17 simply serendipitous that she was in the
18 courtroom when that occurred. And Mr. Cummings
19 obviously isn't objecting to her testifying in
20 that, she was not sequestered.

21 But you are correct, Mr. Bailey, she
22 was not sequestered, she was present in the
23 courtroom, she heard testimony two days ago.

24 And I gather, Mr. Cummings, you have
25 no objection to her testifying because you have

Barbara Walters - Direct Exam

1 called her.

2 MR. CUMMINGS: That's correct, Judge.

3 THE COURT: Knowing that, in fact, she was
4 present in the courtroom listening to testimony,
5 not anticipated to be a witness certainly from
6 the State. Correct, Mr. Bailey?

7 MR. BAILEY: That's correct, Your Honor.

8 THE COURT: All right. And I gather at
9 that point not at all from the defense as well.

10 MR. CUMMINGS: Absolutely, Judge.

11 THE COURT: And you put that on the record
12 at that moment.

13 MR. CUMMINGS: Yes, ma'am.

14 DIRECT EXAMINATION

15 BY MR. CUMMINGS:

16 Q Good morning, Major.

17 A Good morning.

18 Q You stood up in court as Your Honor said a
19 moment ago that day, I know you had come to the
20 department either with the sheriff or had driven your
21 own vehicle down here to appear with him. Is that
22 correct?

23 A My own.

24 Q Your own vehicle, okay, ma'am. And I want to
25 try and take you back to the 16th and 17th of

Barbara Walters - Direct Exam

1 February 2001, ma'am, if you recall that.

2 A Okay.

3 Q All right. When did you first become involved
4 in the issue dealing with the Dorchester County
5 Sheriff's Department and anything dealing with
6 Mr. Marion Bowman, Jr., ma'am?

7 A I had no direct dealings with Mr. Bowman myself.
8 I became involved I think it was the 16th, correct,
9 the first morning, in Branchville which is where I
10 live and the testimony that was given by Chief
11 Walters, he is also my husband, and being with the
12 sheriff's department we assisted Dorchester County in
13 any way that we could.

14 Q All right. Well, let's go back to that early
15 morning. Were you at home on that morning that
16 somehow the Chief got contacted early Saturday
17 morning, ma'am?

18 A I was at home. I think he was already out.

19 Q All right. He was out. And, please, tell Her
20 Honor what, how you first learned of this issue.

21 A That part's a little vague. I think that Chief
22 Walters called me and told me that he had some
23 Dorchester County investigators in his office and
24 told me what, that, you know, they were there
25 investigating the death of Kandee Martin.

Barbara Walters - Direct Exam

1 Q Did you not go to the home of Ms. Dorothy Bowman
2 in Branchville early that morning?

3 A At one point I went over with the other
4 investigators, yes.

5 Q All right. And what did you do exactly that
6 day, ma'am?

7 A As I said, I was there to assist Dorchester
8 County. We went inside the residence, I stood around
9 and talked with her.

10 Q You stood around and talked to Dorothy?

11 A Uh-huh (affirmative response).

12 Q Did you bring any paperwork with you?

13 A No.

14 Q I know you carry identification, obviously, but
15 when we served a subpoena on the sheriff's department
16 I politely answered back saying there are no written
17 records, no reports, no tape recordings, nothing by
18 your agency dealing with Mr. Bowman. Is that
19 correct?

20 A That's correct.

21 Q So on the morning that you went through and
22 spoke to Ms. Bowman, you did not bring any forms with
23 you like to get a consent to search form in your
24 county, or any paperwork there with Ms. Bowman,
25 Major?

Barbara Walters - Direct Exam

1 A No, I did not. As I said, I was assisting. And
2 I think Detective Varnadeaux with my agency was in
3 charge of the warrant that Orangeburg County had on
4 Mr. Bowman. I carried no paperwork.

5 Q Let me ask you a question about that warrant.
6 Did Mr. Varnadeaux have the warrant in his possession
7 when he came there, you being the major, saw him
8 there, ma'am?

9 A I cannot answer that. I don't know. I didn't
10 see the warrant.

11 Q Okay. Did anybody explain to you what charges
12 they were picking Mr. Bowman up on?

13 A I was familiar that there was charges and
14 Mr. Bowman was in NCIC.

15 Q And do you know that from firsthand knowledge,
16 or were you told that by somebody, ma'am?

17 A No. I was told that. And that is policy we
18 enter in NCIC when we have outstanding warrants and
19 ask that other agencies assist in enforcing these
20 warrants.

21 Q Okay. Do you know when it was put in?

22 A No, sir. I do not.

23 Q All right. If I show you a copy of the warrant,
24 would that maybe refresh your memory?

25 MR. CUMMINGS: And I'm going to ask -- may

Barbara Walters - Direct Exam

1 I approach the witness, Judge?

2 THE COURT: Yes.

3 Q These are photocopies provided in discovery, I'm
4 going to ask you to just take a few moments, Major,
5 look at both those documents.

6 A I never -- like I stated before, I never saw the
7 warrant, but this states that it is a receiving
8 stolen goods and I was familiar with the charge.

9 Q Okay. Familiar with the charge. All right.
10 Did you speak to the wife or the mother of Mr. Bowman
11 on that morning, ma'am?

12 A I spoke to the wife at the residence. And I
13 don't recall, and I possibly did speak to the mother.
14 I know all the family.

15 Q Yes, ma'am. You'll agree both of them are named
16 Dorothy?

17 A Correct.

18 Q I want to make sure the record's clear.

19 A Yes, sir.

20 Q And while you were standing there, Major, were
21 you there while officers were placing Mr. Bowman
22 under arrest, or did you come later?

23 A No, that was later.

24 Q All right. And Mr. Bowman had been taken from
25 the residence?

Barbara Walters - Direct Exam

1 A Correct.

2 Q Okay. So you never heard any Miranda warnings
3 or anybody pulling out a card or reading anything
4 because you weren't there?

5 A No, I was not.

6 Q All right. And after you learned that
7 Mr. Bowman was taken to the Branchville Police
8 Department where your spouse works.

9 A Correct.

10 Q All right. What did you do?

11 A I did nothing except be there in support of
12 Dorchester County. It is, well, I can't say policy.

13 Q It's courtesy?

14 A Courtesy, professional courtesy that we have
15 officers or someone present to assist in any agency
16 that's in our county.

17 Q All right, ma'am. And then did there come a
18 time where you went to the Branchville Police
19 Department?

20 A That was where I was the whole time.

21 Q That's where you were the whole time, you didn't
22 go to the house?

23 A Once I went to the house, correct.

24 Q When did you go to the house, ma'am?

25 A I can't tell you the time, I don't remember.

Barbara Walters - Direct Exam

- 1 Q No notes were made, nobody wrote it down?
- 2 A No, sir.
- 3 Q Not even Varnadeaux?
- 4 A I can't answer for Varnadeaux.
- 5 Q All right. Well, because when we asked you for
- 6 all the paperwork there's been no paperwork generated
- 7 by Mr. Varnadeaux that you're aware of?
- 8 A I'm not aware of any, no, sir.
- 9 Q I'm sure you checked with Mr. Varnadeaux when we
- 10 served that subpoena on the agency, right?
- 11 A No, sir. I did not discuss the case with
- 12 Mr. Varnadeaux, he was out on Workmen Comp.
- 13 Q So he wasn't present there at all when the
- 14 subpoena was served?
- 15 A Not to my knowledge.
- 16 Q Okay. You were in here the other day when we
- 17 asked Sheriff Williams whether or not any paperwork
- 18 was done by his department and he stated he was not
- 19 aware of any through you, correct?
- 20 A Correct.
- 21 Q We showed him your letter that you sent to us?
- 22 A Correct.
- 23 Q And you are the author of that letter?
- 24 A Yes, sir.
- 25 Q Okay. Now, this thing starts on the morning,

Barbara Walters - Direct Exam

1 Saturday morning. How long were you at the
2 Branchville Police Department that day?

3 A I was in and out all day.

4 Q All right. Did you see Mr. Bowman in either the
5 chief's office that day --

6 A Yes, sir. I saw him in -- not in the chief's
7 office, in a room that is in -- housed in that same
8 building.

9 Q Okay. Just a room?

10 A It's another office.

11 Q Who works at that office, if you have knowledge
12 of it?

13 A Well, the other police officers in Branchville.
14 And then I think at one point I saw him in the
15 council chambers.

16 Q There's a council chambers, the same room they
17 use for a summary court or traffic court?

18 A I can't answer that.

19 Q Okay. You never appeared in court there?

20 A No.

21 Q You never appeared in court when your spouse
22 might have been in court?

23 A No, sir.

24 Q Okay. Was Mr. Bowman handcuffed, secured in
25 that room?

Barbara Walters - Direct Exam

1 A I don't recall. I know that when I saw him come
2 in I think he was cuffed, but I'm not really
3 positive.

4 Q Did you see his family members at the Town Hall
5 on that Saturday?

6 A Yes, sir. They came several times and they
7 brought food.

8 Q All right. Did you see --

9 A And he was allowed for the family to go in, take
10 the food, and he ate.

11 Q All right. And did you -- you were present
12 there when that happened?

13 A I was standing in front of the office when his
14 sisters and his mother came back and they had a plate
15 of food, yes, sir.

16 Q All right. Did you personally, Major, see them
17 deliver the food to Mr. Bowman?

18 A I walked in moments later, minutes later and
19 Mr. Bowman was eating.

20 Q Okay. Did they allow Mr. Bowman to have contact
21 with his family, to speak to his loved ones?

22 A Yes, sir.

23 Q Okay. And where would that have taken place?

24 A In Branchville at the Town Hall.

25 Q Yes, ma'am. What room? You said there's the

Barbara Walters - Direct Exam

1 chief's office, then there's another office that the
2 other officers use?

3 A They were back and forth, to the best of my
4 recollection, from the other police office and the
5 council chambers.

6 Q All right. And how late did you stay there that
7 day?

8 A It was late. I can't give you a time.

9 Q Well, who transported Mr. Bowman under either
10 your direction or the elected sheriff's direction to
11 your facility?

12 A I don't recall.

13 Q I'm going to ask you this, Major, if I can,
14 please, and ask you --

15 A I'm sure it was one of our officers, but I don't
16 recall.

17 Q Well, who was there that day? You're a command
18 officer and obviously I know you're saying you're
19 assisting another agency, but that is your county and
20 you are -- you and the elected boss are the bosses
21 there and somebody had to call an Orangeburg deputy
22 to take him up to the jail, who would have done that?

23 A I would not have done it. The investigating
24 officer, who was Investigator Varnadeaux, was acting
25 on our warrant. He would have either transported or

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1 had one of our officers to transport him, I'm sure.

2 Q Okay. And so you don't remember. You know he
3 was there late, but you're not sure what time
4 Mr. Bowman was taken out?

5 A No, sir.

6 Q There's been no radio log to show what time
7 somebody checks on the air, either goes 10-8 for
8 lack -- you may use different codes, I apologize if
9 you do, saying they're transporting a prisoner from
10 Branchville to the Orangeburg County Jail?

11 A No, sir. I do not, did not see any of those
12 logs. And our officers don't always sign on 10-67,
13 10-8, not always.

14 Q Okay.

15 A Anytime that there's a juvenile or female that's
16 mandatory.

17 Q So Saturday night ends, you finally get some
18 rest that night. Sunday, the next day, when did you
19 next see Mr. Bowman of your personal knowledge,
20 ma'am?

21 A To the best of my recollection I think it was in
22 Orangeburg.

23 Q All right. And let me ask you these questions.
24 And, again, I'm not trying to put you on the spot
25 here, but Mr. Bowman's inside the jail on Sunday the

Barbara Walters - Direct Exam

1 18th, correct?

2 A Correct.

3 Q No question about that at all?

4 A Correct.

5 Q All right. And how did it come to be that

6 Mr. Bowman could leave the jail and be brought to the

7 sheriff's office after he's been placed in there to

8 answer a criminal charge?

9 A Would you repeat that?

10 Q How did he get out of the jail?

11 A Oh, he had to be signed out.

12 Q Okay. By who?

13 A Whomever. I don't know.

14 Q Okay.

15 A Whomever signed him out.

16 Q When you see Mr. Bowman at the jail that day,

17 does that look strange to you?

18 A No, I didn't see him at the jail.

19 Q All right. Did you see him at the sheriff's

20 office?

21 A Yes, sir.

22 Q Okay. Who was present at the sheriff's office?

23 A I remember vaguely it was three Dorchester

24 County officers. They received word that Mr. Bowman

25 wanted to talk to law enforcement.

Barbara Walters - Direct Exam

1 Q Okay. And you're sure of that?

2 A Yes, sir. Positive of that.

3 Q Okay.

4 A Don't know who they received it from, who the
5 carrier was of the news, but they were told he wanted
6 to talk to them. We left and went to our complex. I
7 don't know who signed him out, but he was brought
8 into the sheriff's office from the detention center.

9 Q Okay. And when he was brought to the sheriff's
10 office, of your personal knowledge, ma'am, had he
11 been afforded the right to a bond hearing by any
12 arresting officer of your agency, Major?

13 A I can't answer that, I'm not aware.

14 Q Okay. When he's brought in there then, who is
15 Mr. Bowman physically placed with, who is he with as
16 a law enforcement officer?

17 A I don't remember who.

18 Q Was he in the company of the sheriff, Larry
19 Williams?

20 A At one point, but not at first.

21 Q Not at first?

22 A No, sir.

23 Q All right. And going back that day, now this is
24 a Sunday, it's afternoon sometime, right?

25 A Yes, sir.

Barbara Walters - Direct Exam

1 Q Usually you're off, Major, unless something's
2 going on?

3 A That's correct. Anytime that we have a major
4 incident within the county I'm on call 24/7.

5 Q So you're there. And you do remember Mr. Bowman
6 being at the sheriff's office and he was talking with
7 somebody else prior to speaking with your boss,
8 Mr. Williams?

9 A That's correct.

10 Q All right. And Mr. Williams goes in to speak to
11 him, right?

12 A He was talking with one of the Dorchester County
13 investigators and I was outside in the hallway. And
14 I remember them saying he wants to talk to the
15 sheriff, he doesn't want to talk to us.

16 Q That's what one of the Dorchester County
17 deputies said?

18 A Yes.

19 Q At that time was Mr. Bowman asking who was going
20 to take him for a bond hearing?

21 A I never was told that.

22 Q Well, did you hear Mr. Bowman say that?

23 A Directly, no, sir. I think that he was asking
24 could he get out on a bond.

25 Q Who was he asking that of, ma'am?

Barbara Walters - Direct Exam

1 A To the best of my recollection, I think he asked
2 the sheriff that and the investigator from
3 Dorchester.

4 Q Okay. And did you hear any of those good
5 officers give any answers back to Mr. Bowman when
6 he's brought over there on the Sunday afternoon to
7 speak to law enforcement again?

8 A Yes, sir. I can't tell you which one, but I
9 remember that one of them said they told him that he
10 would have a bond hearing. And they also -- I
11 remember them talking about an arraignment.

12 Q Okay. And based on that, what happened with
13 Mr. Bowman's person, what did they do with him when
14 he asked that?

15 A What did they do with him?

16 Q Yeah. What did they do with him? I mean, you
17 heard all this out here, what were they doing with
18 him?

19 A He was sitting in the room, in the office.

20 Q Okay. After he said that, what happened next?

21 A With the Dorchester County officers?

22 Q Anything. You just tell me what happened next.

23 A We stayed in the hallway and -- but I think this
24 was after he had talked with Sheriff Williams and
25 given a statement, but he was -- he was constantly

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1 requesting that after this statement, I remember this
2 clearly, that he got to see his wife one more time,
3 that he had to see his wife. And they all were in
4 agreement that they would transport him to see his
5 wife.

6 Q I'm going to slow you down for a moment. Who's
7 "they were all in agreement," ma'am? And I know,
8 Major, I'm asking you, I apologize if I don't make
9 myself clear here, ma'am, but you're saying you're
10 sure now a statement was given and then he wanted to
11 see his wife?

12 A Yes, sir. He would not talk to the Dorchester
13 County officers.

14 Q Okay.

15 A He only wanted to talk to Sheriff Williams.

16 Q Okay.

17 A The statement, I remember this well, it was
18 taken in my office. The sheriff came out of his
19 office per the request of Dorchester County, went in
20 my office and took the statement. We were in the
21 hallways. And I left and went to the squad room
22 because I couldn't get in my office and they were all
23 standing around talking. The sheriff came out and --

24 Q Please tell me what he said.

25 A I think that he stated the -- I'm sure he handed

Barbara Walters - Direct Exam

1 the statement to -- and I'm sorry, I can't tell you
2 the name of the Dorchester County --

3 Q If I gave you names, kick your memory, you know
4 that handsome gentleman there, Mr. Coker?

5 A Yes, sir.

6 Q Was he there that day?

7 A Yes, sir.

8 Q How about Van Doran?

9 A Van Doran, yes, sir.

10 Q Major Stephenson, same rank as you?

11 A Yes, sir. That's who was there.

12 Q And the sheriff gave them the statement?

13 A Handed them a piece of paper.

14 Q Yes, sir. And what did the sheriff say, ma'am,
15 to the best of your recollection and personal
16 knowledge?

17 A At that point?

18 Q Yes, ma'am.

19 A I don't remember what the sheriff said right at
20 that moment.

21 Q Okay. Because you started earlier testifying to
22 me that they all came out and said that he wanted to
23 see his wife one more time.

24 A Yes, sir.

25 Q I don't want to put words in your mouth, so....

Barbara Walters - Direct Exam

1 A I don't know, they -- it was discussed between
2 the sheriff, Dorchester County.

3 Q Who in Dorchester County, one of those --

4 A All of the officers together.

5 Q All of them?

6 A All, yes, sir. That they would allow him to go
7 talk to her.

8 Q His wife?

9 A Yes, sir.

10 Q Okay. And this is on a Sunday night?

11 A Yes, sir.

12 Q Okay. Who made arrangements to have his wife at
13 the location where you're bringing the person of
14 Mr. Bowman to meet his wife?

15 A Truthfully?

16 Q Yes, ma'am.

17 A I do not know if the sheriff called. The
18 sheriff left the building, he left. I don't know if
19 he called dispatch or if I called dispatch, but we
20 had one of our uniform officers, who was Sergeant
21 McAlhany, dispatched in, he was working at the time,
22 to transport Mr. Bowman.

23 Q Okay. So he's called in. And he booked
24 Mr. Bowman where, ma'am?

25 A To Branchville.

Barbara Walters - Direct Exam

1 Q Okay. And where did you go, Major?

2 A I went back to Branchville.

3 Q All right. And you were down there for what
4 purpose, ma'am?

5 A I was still assisting any needs that Dorchester
6 County had.

7 Q Okay. And when you arrived there, was the wife
8 of Mr. Bowman present?

9 A No, sir. She came in later.

10 Q Okay.

11 A I remember her coming down the hallway.

12 Q Did you send anybody to pick this lady up?

13 A No, sir.

14 Q Okay. Anybody at your direction or knowledge
15 learn that Ms. Bowman was brought there by law
16 enforcement?

17 A Repeat that.

18 Q Have you learned through your involvement in
19 this case, because I know you were assisting with
20 courtesy and professionalism this night other law
21 enforcement agencies, at your direction, Major, or
22 anybody else's did law enforcement go pick up
23 Ms. Bowman and bring her to Branchville?

24 A I am not a hundred percent sure, but I think an
25 officer did go pick her up.

Barbara Walters - Direct Exam

- 1 Q Are you familiar with an officer named
2 Lichtenberg?
- 3 A Lichtenberg, that's correct.
- 4 Q Who does he work for?
- 5 A Branchville Police Department.
- 6 Q He works under your husband?
- 7 A Under my husband then. He's not there now.
- 8 Q Do you know where he's employed now?
- 9 A I think he's with St. George PD.
- 10 Q All right, sir. And the reason I'm asking you
11 that now is Dorothy, Ms. Bowman, and Mr. Bowman
12 didn't have a car?
- 13 A That's correct.
- 14 Q You knew the family, you knew them so they did
15 not --
- 16 A Correct. And she did not have a telephone.
- 17 Q So law enforcement would have had to go get her?
- 18 A Yes, sir.
- 19 Q Mr. Lichtenberger somehow brought her to the
20 police department. Was it in a marked police
21 cruiser?
- 22 A It would have been Branchville, yes, sir.
- 23 Q They have blue lights on the top?
- 24 A Yes.
- 25 Q Major, you ride an unmarked car?

Barbara Walters - Direct Exam

1 A Yes, sir.

2 Q Right. You left that Sunday and went back to
3 Branchville. What did you do, Major?

4 A From that point I went back into the PD. I
5 remember when Mr. Bowman arrived and I think that she
6 also brought something for him to eat.

7 Q Okay. About what time was this, ma'am?

8 A I cannot say. I'm not going to speculate on the
9 time.

10 Q Okay. And nobody made any notes or records of
11 when this occurred?

12 A Myself, no, sir.

13 Q Nobody under your direction, Major, Correct?

14 A No, sir.

15 Q All right. Okay. Obviously Sergeant McAlhany
16 is a lower rank than you, but you never told him to
17 document this?

18 A No, sir.

19 Q Of your own professional experience?

20 A No, sir. Not in the transportation I did not.

21 Q All right. And Mr. Bowman arrived at the
22 Branchville Police Department clearly at the -- as a
23 result of Mr. McAlhany bringing him there?

24 A That's correct.

25 Q All right. And he was still in custody?

Barbara Walters - Direct Exam

1 A Yes, he was.

2 Q Okay. He was in the Orangeburg County Regional
3 Detention Center -- you know like that --

4 A Yes, sir.

5 Q Okay. Major, when he's brought there now can
6 you please tell Your Honor exactly what you saw
7 happen there?

8 A I saw Ms. Bowman go in. And they were in the
9 council chambers at that point.

10 Q Any other law enforcement officers in there?

11 A I think that they gave them some time alone.
12 The door was open. The last that I saw the two of
13 them they were sitting at the table talking, he was
14 hugging her, telling her how much he loved her and
15 they were very close to each other, but at the same
16 time, like I said, the door was left open and the
17 officers were standing in the hallway.

18 At that point I asked if there was anything
19 else I could do to assist them, any needs that they
20 had from -- they may have from the county and I left.

21 Q At any time at the Branchville Police Department
22 did you see Mr. Bowman signing any pieces of paper?

23 A No, sir.

24 Q Did you see him sign the statement that you said
25 was handed out of the office by the sheriff in

Barbara Walters - Direct Exam

1 Orangeburg County?

2 A No, sir. He signed that statement in
3 Orangeburg.

4 Q Did you see that, ma'am, with your own eyes?

5 A No. I did not see his signature, but I remember
6 the sheriff saying that he had written a statement
7 for him. This is what he said, this is what he said
8 happened and I believe him. And he signed it.

9 Q Major, I'm just going to ask you a blunt
10 question: Did you ever hear that Mr. Bowman would
11 get to see his wife, make sure he's okay if he signed
12 the statement?

13 A Never.

14 Q Did any law enforcement officers ever represent
15 that to you, Major?

16 A That he --

17 Q That he would get to see his wife if he gave the
18 statement?

19 A No, sir. Never.

20 Q Major, let me ask you this question: Sunday
21 night usually it's low staff or, you know, not a lot
22 of people out in the police departments on a Sunday?

23 A That's correct.

24 Q Right?

25 A That's correct.

Barbara Walters - Direct Exam

1 Q How could it be that a person's taken out of the
2 jail and let to see his family members? Because this
3 is not a normal happenstance, is it?

4 A I won't say it's not normal. I have
5 accommodated, I guess, prisoners, I could say,
6 before. I feel that --

7 Q This was not --

8 A Once they're incarcerated, I mean, I have tried
9 to assist many times with -- with my people in
10 allowing them to see family and loved ones.

11 Q It's your statement today then that that was not
12 a reward for Mr. Bowman meeting with the sheriff or
13 signing that statement?

14 A No, sir.

15 Q Not any incentive for him to sign the statement?

16 A No, sir.

17 Q You never heard any law enforcement officers
18 that day, including your boss, say that if he didn't
19 sign a statement or give a statement that somebody
20 would lock his wife up?

21 A No, sir.

22 Q And that he would, that the sheriff would show
23 him he's not playing, that he would get his wife to
24 the Branchville Police Department to show him how
25 much power the elected sheriff had?

Barbara Walters - Direct Exam

1 A No, sir. That's not Sheriff Williams.

2 Q Well, how about, how would it come to be then
3 that somebody asked Mr. Lichtenberg to pick her up,
4 bring her to the station?

5 A I don't know who asked Mr. Lichtenberg.

6 Q Somebody could have gotten Dorothy Bowman to
7 come to the Orangeburg County jail or your office
8 where it would have been more secure or safe to meet
9 somebody?

10 A Yes, sir. I guess they could have, but that was
11 the agreement between the agencies.

12 Q Between the agencies there was an agreement?

13 A To transport him there.

14 Q Because as you know, and again, Major, I'm
15 asking you out of professional courtesy and respect
16 back to you, ma'am, that he's already in custody and
17 he's in Orangeburg, he's at the sheriff's office.

18 A That's correct.

19 Q Which is a little walk away from the jail
20 facility, right?

21 A Yes, sir.

22 Q All right. And a citizen, Ms. Bowman, is about
23 30 something miles away at least?

24 A It's 18.

25 Q Eighteen, excuse me, all right. So clearly

Barbara Walters - Direct Exam

1 somebody could have brought her there and it would
2 have been a lot more safer and secure, right?

3 A Could have, but that was not the decision.

4 Q So we transported a prisoner out of the jail,
5 out of the sheriff's office down to see his spouse on
6 a Sunday night because why?

7 A It was a decision of the officers in charge.

8 Q But what decision -- and you're a major, you're
9 one of the bosses here?

10 A I didn't make the decision, I was there to
11 assist. I didn't tell Dorchester County how to
12 handle the case, I didn't tell Sheriff Williams.

13 Q This is your prison. Dorchester County did not
14 have one charge in this matter, did they, Major?

15 A Not at that point.

16 Q They were investigating something, but they
17 didn't have a charge?

18 A No, they didn't.

19 Q Okay. And so he's your county's prisoner. Not
20 saying you're over the jail, we know that, Major, but
21 he's your prisoner?

22 A That's correct.

23 Q So who made a decision to transport?

24 MR. BAILEY: I want to object. That's been
25 asked and answered three or four times. Mr.

Barbara Walters - Direct Exam

1 Cummings is getting to the point where he's
2 berating this witness.

3 MR. CUMMINGS: I don't believe I'm berating
4 this polite lady. I don't believe the record
5 would show that when Your Honor looks at my
6 demeanor. I'm asking for her answer, I want to
7 know names and people, who told you this.

8 THE COURT: I'm going to overrule the
9 objection and you may proceed.

10 MR. CUMMINGS: Yes, ma'am.

11 THE COURT: Are you asking her at this
12 point names, you're going there?

13 MR. CUMMINGS: I'm going there, yes, ma'am.

14 THE COURT: I understand.

15 Q You said this was a decision made between the
16 agencies and that's your answer; right, ma'am?

17 A That's my answer.

18 Q All right. Who made the decision? Name and
19 rank, please?

20 A I gave you the names earlier.

21 Q Dorchester County?

22 A Stephenson, Van Doran is it?

23 Q Okay.

24 A Excuse me, investigator.

25 Q Mr. Coker at the table over here?

Barbara Walters - Direct Exam

1 A Coker.

2 Q Next to Mr. Bailey.

3 A And the sheriff discussed this matter.

4 Q You had no part in making this decision at all,
5 did you, Major?

6 A I don't recall giving any input, no, sir, but I
7 did not object.

8 Q And you would remember if you made --

9 A Oh, if I had made it solely, yes, sir.

10 Q Okay.

11 MR. CUMMINGS: Beg the Court's indulgence.

12 (Pause in proceedings.)

13 Q And you're sure those three gentlemen from the
14 Dorchester County Sheriff's Department were there
15 that Sunday afternoon?

16 A To the very best of my recollection, that's
17 their names.

18 Q Okay. And, again --

19 A The faces I could be sure of.

20 Q What my next question is, now, there was never a
21 conversation either in your presence, or that you've
22 learned of that law enforcement said they would take
23 the children away from Ms. Bowman if he didn't
24 cooperate with the police that Sunday?

25 A No, sir.

Barbara Walters - Direct Exam

1 Q And there was never any statement that DSS would
2 go down and pick these kids up from Ms. Bowman?

3 A Not in my presence, no, sir.

4 Q Well, did you learn of that at all, ma'am?

5 A No, sir.

6 Q Did Ms. Bowman, did you talk to Ms. Bowman when
7 she was at the facility?

8 A No, sir. I don't remember talking to her there.

9 Q Okay. Well, of your personal recollection,
10 Major, how long did this take place and how long did
11 it go on down in Branchville?

12 A Oh, as I stated earlier, once she arrived I was
13 there, I can't tell you how long, but I left and she
14 was still, there to my recollection.

15 Q Okay. And you went home, ma'am? I'm not trying
16 to --

17 A Yes, sir.

18 Q And then that was the end of your involvement
19 that Sunday night?

20 A Yes, sir.

21 Q You don't know what time he was placed back in
22 the facilities provided for the law enforcement
23 officers of Orangeburg?

24 A I have seen the jail log where Sergeant McAlhany
25 signed him back in, but I don't remember the time.

Barbara Walters - Direct Exam

1 Q When did you look at the jail log, ma'am?

2 A Here.

3 Q Today?

4 A No, sir. Monday.

5 Q All right. What called your attention to look
6 at that jail log on Monday?

7 A Solicitor Bailey called me and asked me if I
8 could get a copy of the jail log.

9 Q Because you were not on a witness list and
10 that's why you were sitting in here?

11 A No, sir.

12 Q And you provided the solicitor that on Monday?

13 A Yes, sir.

14 Q And then did you have that document in your
15 office or did you have it --

16 A No, sir. That is the property of the jail.

17 Q Okay. And then, of course, you left here the
18 other day and you were not under any sequestration
19 order at all?

20 A No, sir.

21 Q And have you talked to Sheriff Williams about
22 this incident?

23 A No, sir.

24 Q Any other law enforcement agents from Dorchester
25 County about coming back and testifying today?

Barbara Walters - Direct Exam

1 A No, sir.

2 Q Okay. Thank you, ma'am.

3 MR. CUMMINGS: I think, Your Honor, if
4 you'll give me one more indulgence.

5 THE COURT: All right.

6 (Pause in proceedings.)

7 Q Were you at the table the conference room in
8 there, or the city council chamber there with Marion
9 and Dorothy while they were there in Branchville?

10 A I think at one time I was -- I was in the room,
11 but I could have been at the table there briefly. I
12 don't remember actually sitting down with them, no.

13 Q You would not have done that for like a social
14 visit, were there to ask any questions of either
15 party?

16 A No, sir.

17 Q Okay. And at that time what was Mr. Bowman's
18 demeanor towards his wife?

19 A Oh, he was very happy, loving, caring.

20 Q Any conversation of Mr. Bowman about making sure
21 that Dorothy would be protected?

22 A I did not -- no, sir. No.

23 Q And Dorothy hadn't made any statements in your
24 presence about her spouse being okay back in your
25 presence?

Barbara Walters - Direct Exam

1 A No, sir.

2 Q Okay. Thank you. That's all the questions --

3 A I would like to make a correction. You asked if
4 I had spoke with anyone about coming back here today.
5 Sheriff Williams, yes, I did, I told him I was under
6 subpoena and had to appear today.

7 Q Thank you, ma'am. Thank you, Major.

8 MR. CUMMINGS: That's all the questions I
9 have of this lady.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. BAILEY:

13 Q Mr. Cummings asked you about who was present
14 from Dorchester County when you ended up going to the
15 sheriff's office on that Sunday and you testified
16 that Major Stephenson, Van Doran, and Alvin Coker
17 over here were present to the best of your memory; is
18 that correct?

19 A Yes, sir.

20 Q Did y'all all go from Orangeburg to Branchville
21 together in one car, did y'all go in separate cars?

22 A I think I drove my car. I'm pretty sure I did.

23 Q Okay. Are you familiar with Major Mike Turner?

24 A Yes, sir.

25 Q Okay. Do you recall whether or not it was Mike

Barbara Walters - Cross-Exam

1 Turner as opposed to Mr. Coker that was there in
2 Orangeburg?

3 A That's correct, Mr. Bailey, it was.

4 Q Okay. All right. And I want to ask you a few
5 questions not about this case, but general questions.
6 How long have you been associated with the sheriff's
7 office in Orangeburg, the total time?

8 A Seventeen years.

9 Q Okay. And is it unusual for your department
10 just as a humanitarian gesture to do things for
11 inmates, to let them see family members on like a
12 birthday or something of that nature?

13 A No, sir. It's not unusual at all.

14 Q Okay. And you may not even recall this, but do
15 you recall a person in Orangeburg named Dale Nivens
16 who was arrested for double homicide --

17 A Yes, sir.

18 Q -- and was in jail? Do you have any
19 recollection of him being taken, transported from the
20 jail over to the sheriff's office on a birthday and
21 having his family members come there have a birthday
22 cake with him?

23 A Yes, sir. Sheriff Williams, who was
24 investigator at that point, arranged that.

25 Q Okay. And are there other occasions in your

Barbara Walters - Cross-Exam

1 long history with the sheriff's office when y'all
2 have done something for an inmate just because
3 they're a human being and have family members that
4 care about them?

5 A That's correct.

6 Q Okay. And to the best of your knowledge, was
7 Mr. Bowman's visit to Branchville to see his wife
8 another example of that type of --

9 A That's correct. Yes, sir, that's correct.

10 Q Thank you, ma'am. That's all I have.

11 REDIRECT EXAMINATION

12 BY MR. CUMMINGS:

13 Q Didn't Mr. Nivens give a full confession to
14 Larry Williams about his homicides in Orangeburg?

15 A No. Mr. Nivens, I think, gave his confession to
16 Roger Heaton.

17 Q Okay. Mr. Heaton who is employed by the
18 sheriff's department, and then was allowed to see his
19 family for his birthday?

20 A Yes, sir. That was at a later date.

21 Q Thank you. That's all the questions I have.

22 RECROSS-EXAMINATION

23 BY MR. BAILEY:

24 Q One follow-up question. I realize we're getting
25 kind of off track with something else. Do you recall

Barbara Walters - Recross-Exam

1 roughly the time difference between Mr. Nivens'
2 statement and the time that he got the birthday cake,
3 days, weeks, months?

4 A No, sir. I can't recall, but it was after --
5 I'm sure several days after he gave the statement.

6 Q Thank you, ma'am. That's all I have.

7 A In fact, I know it was because I can recall
8 where I was. And I was at home when he had the
9 birthday party.

10 Q Okay. Thank you.

11 MR. CUMMINGS: Nothing else.

12 THE COURT: All right. Very well.

13 THE WITNESS: Thank you.

14 MR. CUMMINGS: I have no objections to this
15 lady being excused. I would ask Your Honor --
16 also we know we have a trial in May, I think, or
17 subpoena says until released by the Court, just
18 ask this polite Major....

19 THE COURT: I'm with you.

20 Major Walters, be mindful that this
21 case is anticipated to begin on May the 13th,
22 you're still under subpoena. I'm going to ask
23 you to give your numbers to Mr. Bailey and to
24 Mr. Cummings so that they can hopefully cut down
25 on your obligation to be here.

Barbara Walters - Recross-Exam

1 Also be mindful that the witnesses are
2 sequestered in this hearing. And since you
3 don't know exactly who may or may not be
4 witnesses, I think it's important for you not to
5 discuss your testimony as that would be a
6 violation of the sequestration.

7 THE WITNESS: Most definitely.

8 THE COURT: Very well. You are free to go.
9 If you'll just give them those numbers. Thank
10 you.

11 Any objection to my comments?

12 MR. CUMMINGS: No, ma'am. We thank you,
13 Judge.

14 MR. BAILEY: No.

15 (Whereupon, the witness steps down from the
16 witness stand.)

17 MR. CUMMINGS: We call Mr. Ben Singleton,
18 please.

19 THE COURT: All right.

20 MR. CUMMINGS: Stand next to Judge
21 Goodstein, please, Mr. Singleton. You got him,
22 Judge.

23 THE COURT: Left hand on the Bible, raise
24 your right hand.
25

Bejnamin Singleton - Direct Exam

1 (Benjamin Singleton, called as a witness, having
2 first been duly sworn, is examined and testifies
3 as follows:)

4 THE COURT: Thank you. And if you would
5 please be seated. And when you are seated, if
6 you would state your full name and spell your
7 last name.

8 THE WITNESS: My full name is Benjamin
9 Singleton, s-i-n-g-l-e-t-o-n.

10 DIRECT EXAMINATION

11 BY MR. CUMMINGS:

12 Q Mr. Singleton, by whom are you employed now,
13 sir?

14 A The public Defender's Corporation.

15 Q All right, sir. How long have you had that job,
16 sir?

17 A Since the 15th of December last year.

18 Q Are you the keeper of records, for lack of
19 better words, of all the people that are screened for
20 indigent purposes to be obtained or have to obtain a
21 public defender? Excuse me.

22 A Yes.

23 Q Okay. Did you inherit records concerning
24 Mr. Marion Bowman?

25 A Yes, sir.

Bejnamin Singleton - Direct Exam

1 Q All right, sir. And have you been called here
2 by the defense team today by subpoena to come here
3 today and appear to testify?

4 A Yes, sir.

5 Q All right. I'm going to show you a document,
6 ask you if this came out of the files of the
7 Dorchester County Public Defender Corporation?

8 A Yes.

9 Q All right. That's a photocopy of it, right?

10 A Right.

11 Q If I show you the original, it would be the same
12 thing other than a couple of words difference,
13 different color?

14 A Yes. Yes, sir.

15 Q And these files that I'm holding in my hand,
16 just holding up a green copy here, this is what's
17 made by the Public Defender Corporation, right?

18 A Right.

19 Q Same thing you're holding in your hand?

20 A Right.

21 Q Mr. Singleton, is that a form that is used in
22 the normal course of business to have somebody get a
23 public defender when they're incarcerated here in the
24 jail?

25 A Yes.

Bejnamin Singleton - Direct Exam

1 Q And on that form, what date is on that form that
2 somebody is requesting a public defender in
3 Dorchester County?

4 A Twenty-sixth of February 2001.

5 Q And who was the person's name that is on that
6 form, sir?

7 A That was the initials K. R., I understand to be
8 Kathy Rogers.

9 Q All right, sir. And who is the defendant being
10 appointed a public defender?

11 A Marion Bowman, Jr.

12 Q All right, sir. What charges is that gentleman
13 facing on that particular form?

14 A Murder and arson third.

15 Q All right, sir. If I may hold that for a
16 moment.

17 A (The witness complies.)

18 MR. BAILEY: No objection.

19 THE COURT: Very well. Defendant's Exhibit
20 6 for ID.

21 (Marked for identification was Defendant's
22 Exhibit 6, Order of Appointment of Legal
23 Counsel.)

24 Q At that point in time pursuant to the way we
25 have the corporation set up in Dorchester County

Bejnamin Singleton - Direct Exam

1 based on people who are indigent, is he afforded a
2 public defender?

3 A Yes.

4 Q And I'm going to show you back State's ID
5 number -- excuse me, Defense ID Number 6. Clearly
6 Mr. Bowman qualified for a public defender?

7 A Yes.

8 Q He was appointed a public defender?

9 A Yes.

10 Q The clerk of court would have received that
11 document or a copy of that document?

12 A Yes.

13 Q The Court would know that this gentleman was
14 entitled to a lawyer, public defender?

15 A Yes.

16 Q Who is given copies of those documents,
17 Mr. Singleton, of your personal knowledge, sir?

18 A The clerk of court, attorney, the solicitor's
19 office, the defendant, and myself as the criminal
20 justice coordinator.

21 Q All right, sir. No question about that?

22 A No question.

23 Q Because Mr. Solicitor has to be given notice of
24 the people who he's represented by. And I don't
25 mean -- I say Mr. Solicitor, Mr. Bailey, but the

Benjamin Singleton - Direct Exam

1 office of the solicitor is put on notice?

2 A Yes.

3 Q Thank you.

4 MR. CUMMINGS: That's all the questions I
5 have of this gentleman.

6 Q. Please answer any questions Mr. Bailey may have.

7 THE COURT: Cross-examination.

8 CROSS-EXAMINATION

9 BY MR. BAILEY:

10 Q Mr. Singleton, let me ask you a couple questions
11 about this form. It says, "Order of Appointment of
12 Legal Counsel for Indigent Defendant," but it
13 actually is not an order, is it? Because there's no
14 judge signing that, the K. R. down there is Kathy
15 Rogers.

16 A Right.

17 Q Who used to be the coordinator for the public
18 defender's office, that's the position you now hold?

19 A That's right.

20 Q Okay. These are her initials?

21 A Yes.

22 Q We know that on February 26th, 2001 Ms. Rogers
23 signed this document with her initials to appoint
24 Marva Hardee-Thomas to represent Marion Bowman for
25 the charge of murder and arson; is that correct?

Benjamin Singleton - Cross-Exam

1 A That's correct.

2 Q All right, sir. And you have no information
3 that on February 17th Mr. Bowman requested a lawyer,
4 do you?

5 A No.

6 Q Or February the 18th?

7 A No.

8 Q Or February the 22nd?

9 A No.

10 Q Okay. Now, once Ms. Rogers, and I realize
11 things may work different now that you're the
12 coordinator than when Ms. Rogers was there, if you
13 can't answer this question just let me know because I
14 realize you were not there at that time, but when
15 Ms. Rogers would go ahead and sign a form like this
16 appointing a public defender or some member of the
17 private bar to represent somebody, the green copy
18 would go to the lawyer that got appointed, Ms.
19 Hardee-Thomas in this case; is that right?

20 A That's right.

21 Q And how would that green copy get to her?
22 Assuming that the order, the document's signed by
23 Ms. Rogers on the 26th, how would Ms. Hardee-Thomas
24 get her copy of that document?

25 A Well, I take it to her office.

Benjamin Singleton - Cross-Exam

- 1 Q Okay. And do you know what Ms. Rogers did at
2 that point in time?
- 3 A No.
- 4 Q Okay. Do you know when Ms. Rogers would have
5 taken that to her?
- 6 A No.
- 7 Q Okay. And how about the other people, say the
8 defendant's copy, how would he get that?
- 9 A I hand it to him after.
- 10 Q Okay. In Ms. Rogers' case you don't know
11 whether she brought the document to Ms. Hardee-Thomas
12 on the 26th, 27th, 28th, or when she brought it to
13 her?
- 14 A No, I don't.
- 15 Q Okay. And is there any indication on here that
16 the arresting officer or the case officer would ever
17 get a copy of this document?
- 18 A No.
- 19 Q Okay. So assuming that in this case Alvin Coker
20 was the case officer and a lawyer was appointed,
21 there would be no way he would know about that unless
22 either the defendant or somebody else told him about
23 it?
- 24 A That's right.
- 25 Q All right, sir. Mr. Singleton, that's all I

Benjamin Singleton - Cross-Exam

1 have. Thank you very much.

2 THE COURT: Redirect.

3 REDIRECT EXAMINATION

4 BY MR. CUMMINGS:

5 Q This is the procedure that our government has
6 provided for to give poor people lawyers, right, sir?

7 A Yes.

8 Q So if Mr. Bowman had not been in our jail on the
9 17th, 18th, or 19th of February, he could never have
10 gotten in touch with a coordinator in this county; is
11 that correct?

12 A To my knowledge.

13 Q Because you only work this county jail?

14 A Right.

15 Q And in the screening process here, that is the
16 way that a person gets a public defender; is that
17 correct?

18 A That's correct.

19 Q Now, there's a box over near a table over there,
20 Mr. Singleton, as you come in the jail and sign in,
21 right?

22 A Right.

23 Q And what's that box for?

24 A It's a box over there, it's a book that you sign
25 in.

Benjamin Singleton - Redirect Exam

1 Q Right. And then above it there's something on
2 the wall.

3 A It's a box that the inmates put their requests
4 in writing.

5 Q Any request to speak to the public defender, any
6 request to have one appointed, anything they need to
7 get outside communication to your office has to go
8 through that box?

9 A It's in that box.

10 Q And it's way past where the inmates are put to
11 bed, right?

12 A Oh, yes.

13 Q So that's controlled by the government?

14 A Yes.

15 Q Thank you.

16 MR. CUMMINGS: That's all the questions I
17 have of this gentleman, ma'am.

18 THE COURT: Any recross?

19 MR. BAILEY: Nothing further, Your Honor.

20 THE COURT: All right. You are free to
21 step down and free to leave.

22 MR. CUMMINGS: Just as I say, Judge, this
23 gentleman can leave, thank you.

24 (Whereupon, the witness steps down from the
25 witness stand.)

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1 MR. CUMMINGS: Judge, I'm not looking over
2 my shoulder to question what time we really are
3 here, we were anticipating calling Mr. Bowman
4 next, I know that he will be a lengthy witness.

5 THE COURT: All right. Why don't we take
6 our lunch break now and then we will reconvene.
7 I tell you what, let us reconvene about 1:15ish.

8 MR. CUMMINGS: Yes, ma'am.

9 THE COURT: Great.

10 MR. CUMMINGS: Thank you, Judge.

11 THE COURT: Thank you.

12 (Lunch recess taken from 12:01 p.m. to
13 1:26 p.m.)

14 THE COURT: All right. Anything before we
15 begin this afternoon?

16 MR. BAILEY: Not from the State, Your
17 Honor.

18 MR. CUMMINGS: Nothing from the defense,
19 Your Honor. Thank you.

20 THE COURT: Very well. Call your next
21 witness, please.

22 MR. CUMMINGS: Your Honor, we would call
23 Mr. Marion Bowman to the stand, please.

24 THE COURT: All right.

25

Marion Bowman, Jr. - Direct Exam

1 (Marion Bowman, Jr., called as a witness, having
2 first been duly sworn, is examined and testifies
3 as follows:)

4 THE COURT: Very well. If you would be
5 seated. And Mr. Smith will help you with the
6 microphone. If you'll state your full name for
7 the record.

8 THE WITNESS: Marion Bowman, Jr.

9 THE COURT: All right.

10 DIRECT EXAMINATION

11 BY MR. CUMMINGS:

12 Q Marion, would it be more comfortable if
13 Mr. Smith could move that up to you, move your chair
14 up a little bit closer?

15 THE COURT: Not move the mic to you, move
16 you to the mic.

17 MR. CUMMINGS: Thank you, Judge.

18 Q Marion, good afternoon.

19 A Good afternoon.

20 Q You got to speak up now, and speak so this young
21 lady can hear everything you have to say this
22 afternoon, please.

23 A Yes, sir.

24 Q All right. I want to recall your attention back
25 to the 17th of February of the year 2001. You

Marion Bowman, Jr. - Direct Exam

1 remember that day, sir?

2 A Yes, sir.

3 Q All right. In particular I want to call your
4 attention back to the morning hours. Were you at a
5 trailer in Branchville?

6 A Yes, sir.

7 Q All right. I want you to tell Her Honor what
8 happened while you were in the trailer that morning.

9 A I was laying on the chair in the living room and
10 my stepson came in and said, "Daddy, I see the
11 police." And I went and looked out the window and I
12 saw the chief of police car passing by.

13 Q All right. As a result of just knowing a police
14 car's driving by, what happened next?

15 A I sat back down on the chair.

16 Q Okay. Did you attempt to flee the residence?

17 A No, sir. I didn't.

18 Q Did there come a time where law enforcement came
19 into the residence?

20 A Yes, sir. They did.

21 Q All right. Please tell me exactly what you
22 recall on the morning of the 17th. And for the
23 record purposes now, whose house is that?

24 A Dorothy Bowman.

25 Q Who is that, sir?

Marion Bowman, Jr. - Direct Exam

- 1 A My wife.
- 2 Q All right. Did you reside there?
- 3 A No, I didn't.
- 4 Q All right. Did you have any clothing in there?
- 5 A No, sir, other than the pants that I had on.
- 6 Q Now, when you say your wife lived there, you
- 7 said a moment ago children. How many occupants lived
- 8 in that residence?
- 9 A Three.
- 10 Q Okay. And give their full names for the record,
- 11 please.
- 12 A Dorothy May Bowman which is my wife, Teijion
- 13 Williams and Corijion Williams.
- 14 Q Would you please give the spelling for that?
- 15 A Teijion is T-e-i-j-i-o-n, Williams,
- 16 W-i-l-l-i-a-m-s.
- 17 Q How old is that child, sir, in February of 2001?
- 18 A February 2001 he was 11.
- 19 Q All right, sir. And --
- 20 A He was ten. He was ten at the time.
- 21 Q How about the full name of the other child, sir?
- 22 A Corijion, C-o-r-i-j-i-o-n, Williams.
- 23 Q And what relation to you are these children?
- 24 A My step-kids.
- 25 Q All right, sir. And what was the physical

Marion Bowman, Jr. - Direct Exam

1 condition of your spouse?

2 A I don't understand what you're saying.

3 Q All right. I'll withdraw that question.

4 Who else lived there, your wife?

5 A Yes, my wife, Dorothy Bowman.

6 Q What happened after the police car drove by?

7 A I sat back down on the chair. And as soon as I
8 sat down I was about to light a cigarette when I
9 heard a knock on the door.

10 Q Okay. As a result of the knock on the door,
11 what did you do?

12 A I peeked out the door. It's the front door, it
13 has a tinted glass, and I peeked out and I saw a
14 police officer standing there with a blue shirt on
15 say FBINA on it.

16 Q Okay. And what did that mean to you?

17 A That the police was at my house.

18 Q Okay. What did the words FBINA mean to you?

19 A FBINA?

20 Q Yes, sir.

21 A I just thought it was FBI.

22 Q Okay. And what happened next?

23 A I went down into the back bedroom, right down
24 the hall into my kids' bedroom.

25 Q Okay. What was the next thing that happened

Marion Bowman, Jr. - Direct Exam

1 after you went back in the back bedroom?

2 A I heard -- I heard one of the police officers
3 telling my wife that they had a search warrant to
4 come down and see whether I was in there. Before I
5 went down the hall I had told her "Don't open the
6 door for the police."

7 Q Why would you say that?

8 A I just told her "Don't open the door for the
9 police."

10 Q Okay. After you said that, you're in the back
11 bedroom, what happened next?

12 A I heard them saying that they had a search
13 warrant to come in the house, search me and my wife,
14 told them she didn't know whether I was in the house
15 or not.

16 Q Okay. Did law enforcement enter the residence?

17 A Yes, they did.

18 Q Where were you when law enforcement came in?

19 A In my son -- my stepson's bedroom by the bed.

20 Q As a result of law enforcement coming into the
21 house, what happened to you, your person?

22 A They came in the room and saw me laying beside
23 the bed on the floor behind it and they told me to
24 get up and lay across the bed.

25 Q All right. How were you dressed at that time,

Marion Bowman, Jr. - Direct Exam

1 sir?

2 A A pair of white shorts, undershorts.

3 Q Anything else?

4 A No, sir.

5 Q Nothing. I mean, you had nothing on other than
6 white undergarments?

7 A Other than white undergarments.

8 Q Okay. What happened when the officer told you
9 to lay down in the bed?

10 A A guy dressed in olive green fatigue material
11 put handcuffs on me.

12 Q All right. All the officers that came in here
13 this week in front of Her Honor and for either Mr.
14 Bailey or I, have you seen that officer dressed like
15 that in this courtroom this week?

16 A I see him.

17 Q Okay. Who was that?

18 A Officer Van Doran.

19 Q Okay. The other nice officer who testified in
20 here the other day?

21 A Yes, sir.

22 Q Okay. And he's the one who ordered you on the
23 bed?

24 A He told me to get on the bed.

25 Q Okay. And what happened as a result of him

Marion Bowman, Jr. - Direct Exam

1 ordering you on that bed?

2 A They put handcuffs on me.

3 Q All right. Who is "they"?

4 A Officer Van Doran and it was like three other
5 people standing in the room.

6 Q Okay. Do you remember the other officers who
7 were present?

8 A I don't know his name, but it was one that I
9 thought was Orangeburg police because he had on a
10 black shirt with gold writing around the neck and I
11 thought it was Orangeburg County.

12 Q All right. And have you learned different from
13 then?

14 A I learned that it was, I think his name,
15 Mr. Varnadeaux.

16 Q Varnadeaux?

17 A Yes, sir.

18 Q All right. And what happened after you were
19 handcuffed?

20 A They told me to get off the bed and put me on my
21 knees in the hallway floor.

22 Q Okay. Who actually secured your person? You
23 said who put you in handcuffs was Mr. Van Doran?

24 A Mr. Van Doran.

25 Q Who was responsible for you out of all these law

Marion Bowman, Jr. - Direct Exam

1 enforcement people?

2 A I don't know. They just put me down, Officer
3 Van Doran told me to get off the bed. When I get off
4 the bed he told me to kneel down in the hallway.

5 Q What was going on while you were kneeling in the
6 hallway?

7 A They was just standing around. I asked my wife
8 for some clothes.

9 Q What happened as a result of you asking your
10 spouse for some clothes?

11 A Mr. Van Doran walked off from the hallway and
12 came back, was in the living room saying he had to
13 find something else to put on, I heard him say that.

14 Q Who was that directed to?

15 A Officer Varnadeaux.

16 Q Okay. What eventually were you allowed to put
17 on as far as clothing on your person?

18 A A pair of my wife's jogging pants.

19 Q Did you have any other male clothing there in
20 the home your size?

21 A No, sir.

22 Q Did you have any of your clothing there?

23 A No, sir.

24 Q How long had your spouse resided at that
25 location in Branchville?

Marion Bowman, Jr. - Direct Exam

1 A Maybe, maybe a month.

2 Q Were you two residing together?

3 A No, sir.

4 MR. BAILEY: Objection, asked and answered,
5 Your Honor. He already said that he did not
6 live there, his wife and two children lived
7 there.

8 MR. CUMMINGS: Judge, I believe I'm trying
9 to move this along as quick as I can as far as
10 answers; if I repeated myself I apologize.

11 THE COURT: Yes.

12 MR. CUMMINGS: I'll wait for the Court's
13 ruling.

14 THE COURT: I'll allow it. Move along.

15 Q Okay.

16 A What was the question?

17 Q How long had your wife resided there?

18 A About a month.

19 Q Okay. Where were you residing?

20 A I was staying with my grandmama. My address is
21 my grandmama's house.

22 Q What address is reflected on your driver's
23 license?

24 A [REDACTED], Branchville, South Carolina.

25 Q What address is your grandmother's house?

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1 A [REDACTED], Branchville, South Carolina.

2 Q As you're being handed a pair of jogging pants,
3 were you allowed to put on those?

4 A Yes, sir.

5 Q All right. What were the officers doing while
6 you were getting dressed?

7 A Just walking around in my wife's home.

8 Q Okay. What type of shirt were you allowed to
9 put on?

10 A Gray tee-shirt, which is my wife's shirt, that
11 had a pocket in the front and she buttoned a long --
12 one of her long sleeved shirts up around my neck.

13 Q All right. What happened to you after you were
14 allowed to be dressed?

15 A Chief Walters told him to put him -- to put the
16 handcuffs in front of me.

17 Q Told who?

18 A One of the officers behind me. I didn't look
19 behind me to see who I know, Mr. Van Doran, a couple
20 guys. The guy with the FBINA shirt, he was standing
21 behind me. I don't know which one loosened the
22 cuffs, but Chief Walters handcuffed me in the front.

23 Q Were you struggling or evading being taken by
24 the police at all?

25 A No, sir.

Marion Bowman, Jr. - Direct Exam

1 Q At that time were any of the officers talking to
2 you?

3 A No, sir.

4 Q Did anybody pull out what we commonly call, or
5 you've heard in here what they call a Miranda card?

6 A No, sir.

7 Q Did you see Mr. Van Doran or Mr. Coker, who's
8 seated over here, or any officer that you can
9 identify from being in the room or learned of pull
10 out what we call that Miranda card and start reading
11 you things starting off that you have the right to
12 remain silent?

13 A No, sir.

14 Q That's your testimony today for Her Honor?

15 A Yes, sir.

16 Q While you were there, were the officers doing
17 anything else?

18 A They kept walking around inside the house.

19 Q Doing what?

20 A Looking all over, like inside the cabinets, in
21 the front room, down the hall.

22 Q Did your spouse object?

23 A When they first came she wouldn't open the door
24 because I told her don't open it unless they got a
25 search warrant. They said they had a search warrant,

Marion Bowman, Jr. - Direct Exam

1 so she opened the door for them.

2 Q Okay. Now, how long were you inside your
3 residence before you were taken out? Excuse me, how
4 long were you inside that residence before you were
5 taken out?

6 A Maybe five hours.

7 Q Five hours that morning?

8 A Yes, sir.

9 Q How long were you in the presence of law
10 enforcement before you were taken out?

11 A About 12, 12 1/2.

12 Q All right. Now, what time were you arrested at
13 the residence in Branchville?

14 A 9:30.

15 Q 9:30 that morning?

16 A Yes, sir.

17 Q All right. Where did you go after that?

18 A Chief Boom put me in his car, took me to the
19 police station, Branchville police station.

20 Q And whose vehicle did you ride in?

21 A Chief Boom.

22 Q What position in the vehicle?

23 A Front passenger side.

24 Q All right. You were handcuffed?

25 A Yes, sir.

Marion Bowman, Jr. - Direct Exam

1 Q Okay. Did the chief administer to you any
2 warnings, like the right to remain silent, the right
3 to an attorney, the right to have a lawyer present
4 before answering any questions and all?

5 A No, sir.

6 Q All right. You rode in the front seat with the
7 chief?

8 A Yes, sir.

9 Q He took you to what location?

10 A Branchville Town Hall.

11 Q From arriving at the Branchville Town Hall, what
12 exactly happened from the time you got out of the
13 cruiser on?

14 A When they took me, when Chief Boom took me in
15 his office he handcuffed me to unhook one of my cuffs
16 and hooked me to a chair that I was sitting in.

17 Q A chair like similar to what you're sitting in
18 now?

19 A No, sir. It had like a metal frame to it.

20 Q A metal frame chair?

21 A Something like you see in a doctor's office with
22 the same pieces right here except it had a metal bar
23 going down the side.

24 Q And you were placed in there in that room?

25 A Yes, sir.

Marion Bowman, Jr. - Direct Exam

1 Q All right. What office in the Branchville Town
2 Hall were you in?

3 A Chief Boom office.

4 Q How are you so certain it was the chief's
5 office, sir?

6 A When we walked in he said, "I'm going to put you
7 in my office."

8 Q As a result of that, what happened while you
9 were sitting in that room?

10 A I just was sitting there for about an hour and a
11 half, maybe a little bit more, and then Mr. Detective
12 right there, Mr. Coker and Mr. Terry Van Doran came
13 and got me.

14 Q All right. Now, what time, of your personal
15 knowledge, do you believe these gentlemen came to
16 begin to want to have you with them?

17 A It was about a -- I got to the police station
18 about 9:00, 9:30 or something. It was after 9:30
19 when I got to the police station, so there was about
20 an hour and a half before they came and got me.

21 Q Okay. Anybody talking with you during that
22 time?

23 A No, sir.

24 Q You were just sitting in the chief's office for
25 that length of time?

Marion Bowman, Jr. - Direct Exam

1 A Yes, sir.

2 Q All right. Who was the first officer, of your
3 knowledge, that came in and wanted to speak to you?

4 A Mr. Coker.

5 Q All right. When Mr. Coker arrived, I want you
6 to tell Her Honor, please, exactly what happened when
7 this gentleman walked in to say whatever he said to
8 you.

9 A When chief Boom started taking the cuff off the
10 chair, hook me in the front, I said I had to go to
11 the bathroom, let me call my mama. Chief Boom said I
12 had to talk to these guys first.

13 Q Okay. What did you do as a result of that?

14 A Mr. Van Doran and Mr. Coker took me to the
15 bathroom and they stand outside the door while I used
16 the bathroom.

17 Q All right, sir. And after you completed your
18 necessary stop, what happened?

19 A They took me back out the door. And I turned to
20 go towards Chief Boom office and they told me to go
21 back the other way, he grabbed -- Detective Van Doran
22 grabbed my arm and told me to go back the other way.

23 Q Okay.

24 A He was just like "This way."

25 Q Like escort you?

Marion Bowman, Jr. - Direct Exam

1 A Yes, sir. He said, "We want you to come this
2 way."

3 Q All right. Where did they take you?

4 A To the last room, if you go through the front of
5 town hall, on your left.

6 Q Describe that office for Her Honor, please.

7 A It got a desk in it and probably about three
8 chairs.

9 Q Okay. Where were you seated in that room?

10 A In front, the desk.

11 Q Where were the officers?

12 A One was sitting here.

13 Q Describe which one, you know, what this man
14 looks like.

15 A Mr. Van Doran was sitting in front of me and
16 Detective Coker was sitting like behind the desk.

17 Q Okay. Who was the person mainly speaking to you
18 at this time?

19 A Mr. Van Doran.

20 Q All right. And I want you to start by telling
21 me exactly what Mr. Van Doran began his conversation
22 with you while you were inside this room.

23 A He said we want to talk to you about when's the
24 last time you saw Kandee Martin. And I said I can't,
25 y'all got me down here, and they said --

Marion Bowman, Jr. - Direct Exam

1 Q Slow down now.

2 A I asked them why they had me at the police
3 station and they said to answer some questions about
4 Kande Martin car.

5 Q Had you been informed of why you had been taken
6 out of a residence and brought to the police
7 department?

8 A No, sir.

9 Q Did any member of law enforcement tell you a
10 particular charge that you were facing?

11 A No, sir.

12 Q Had you seen a piece of paper that was signed by
13 a judge called an arrest warrant?

14 A No, sir.

15 Q Had you ever been served a copy of an arrest
16 warrant on the morning of the 17th?

17 A No, sir.

18 Q Had anybody read you any particular charge off a
19 piece of paper that you were facing?

20 A No, sir.

21 Q Did anybody tell you there was an outstanding
22 warrant for you?

23 A No, sir.

24 Q Did anybody show you a bench warrant?

25 A No, sir.

Marion Bowman, Jr. - Direct Exam

1 Q Did anybody show you any legal reason to have
2 you being held at the Branchville Police Department
3 that morning?

4 A No, sir.

5 Q Now, you're in there, you're talking to these
6 gentlemen, one or both of them at the same time?

7 A Mr. Van Doran kept trying to get me to talk to
8 him and I kept asking him why I was here. And
9 Mr. Coker got up and walked out, he stayed out there
10 for about maybe five, maybe ten minutes and he came
11 back and said I was only there to answer their
12 questions.

13 Q You just stated that Mr. Coker told you that?

14 A Mr. Coker.

15 Q All right. You were only there, meaning what to
16 you?

17 A I was only at the police station to answer the
18 questions.

19 Q Okay. You heard at the residence from your
20 testimony that they had a search warrant?

21 A Yes, sir.

22 Q Did you ever see a copy of a search warrant?

23 A No, sir.

24 Q As far as being in this room now, how many law
25 enforcement officers were in the room that you're

Marion Bowman, Jr. - Direct Exam

1 describing for us now? We know Mr. Coker, we know
2 Mr. Van Doran, any other law enforcement officers?

3 A Not at that time.

4 Q Okay. Did you sit down and begin to have a
5 conversation with these gentlemen?

6 A No, sir. I kept telling them, I kept asking
7 them why was I there. And they just said, kept
8 saying, they kept repeating until you answer our
9 question, until you answer our questions.

10 Q What questions were they asking you other than I
11 now know they wanted to talk to you about the last
12 time you saw Miss Kandee Martin?

13 A That's what they kept saying.

14 Q Did you answer that question?

15 A No. I just kept saying, "I don't want to talk
16 to you all."

17 Q How long a period of time did the conversation
18 go back and forth like that between you and these law
19 enforcement officers until you stopped talking?

20 A All day.

21 Q Well, I'm going to show you what's been marked
22 as probably State's Exhibit Number --

23 MR. CUMMINGS: Beg the Court's indulgence,
24 Your Honor.

25 Q Number 1. Marion, I'm going to show you that

Marion Bowman, Jr. - Direct Exam

1 document, State's ID Number 1, and ask you can you
2 identify this document?

3 A Yes, sir. That's the paper they tell me to
4 sign.

5 Q All right. Who told you to sign?

6 A Mr. Van Doran.

7 Q All right. Now, are these your initials in the
8 left-hand column?

9 A Yes, sir.

10 Q Is that your signature on that piece of paper?

11 A Yes, sir. It is.

12 Q There is a time frame on here. None of the
13 writing below your name is your writing, is it?

14 A No, sir.

15 Q The only writings that you have are your
16 initials on State ID Number 1 and your signature?

17 A Yes, sir.

18 Q It says in here the time is 11:25 in the
19 morning. Did you have any way of knowing the time?

20 A No, sir.

21 Q Did you initial and sign this form?

22 A Yes, I did.

23 Q So these officers have testified they read you
24 your Miranda warnings. Did they do that?

25 A I don't remember what they were saying because I

Marion Bowman, Jr. - Direct Exam

1 just kept asking them why they kept trying to talk to
2 me, Mr. Van Doran and Mr. Coker, I kept asking them
3 why was I being there and they just said until you
4 talk to us. And they kept saying something, I don't
5 know what they were saying, but after they finished
6 talking, after they said I'm going to be there until
7 I talk to them, he asked me to sign a piece of paper.

8 Q Did you sign that paper, State's ID Number 1?

9 A Yes, sir.

10 Q Did you do that because you understood what you
11 were signing?

12 A I did that because they said I was going to be
13 there until I talked to them.

14 Q My question is, did you understand what you were
15 signing?

16 A No, sir. I couldn't read when I got locked up.

17 Q All right. And what do you mean by that, you
18 couldn't read?

19 A I could, you know, like say words, but I
20 would -- like couldn't read, I mean.

21 Q I'm going to slow you down a little bit now.
22 How far did you go in school?

23 A Tenth grade.

24 Q Did you complete the tenth grade?

25 A No, sir.

Marion Bowman, Jr. - Direct Exam

1 Q What schools did you attend?

2 A Branchville High school.

3 Q What was your grade performance at the last
4 level of tenth grade in school?

5 A I don't know.

6 Q You don't know?

7 A No, sir.

8 Q What was your reason for leaving school?

9 A During the summer I had caught a charge.

10 Q What kind of charge?

11 A A burglary charge, a criminal charge.

12 Q Okay. And you were dealt with by the State?

13 A I went to jail. And when I got out I tried to
14 go back to school, but they said it was a
15 consolidated rule, that I couldn't come back until
16 after I go to court.

17 Q That was the end of your academic learning?

18 A Yes, sir. Yes, sir.

19 Q Okay. When you -- let me ask you this question:
20 Have you ever been trained to read or write above
21 that level, have you received any other education
22 past tenth grade?

23 A Not at the time I was locked up I wasn't.

24 Q Okay. Since your incarceration now have you
25 been attending classes across the street?

Marion Bowman, Jr. - Direct Exam

1 A Yes, sir.

2 Q And what exactly are they teaching you now about
3 reading and writing?

4 A I took a pre-GED test. I started doing it, but
5 I never finished the reading and writing part because
6 I couldn't read.

7 Q Going back to the morning of the 17th, did these
8 officers ask you to verbally read State's ID Number
9 1, the form I just showed you, son?

10 A No, sir. They didn't.

11 Q Did you ever read anything out loud for any of
12 those officers dealing with State's ID Number 1?

13 A No, sir. I didn't.

14 Q Okay. Did you ask to read any documents before
15 you signed them?

16 A No, sir. I didn't.

17 Q Did you understand -- you didn't understand that
18 you were using your own signature and your own words,
19 perhaps, against you one day?

20 A I was just doing what they told me to do, sign a
21 piece of paper and that's what I did.

22 Q You placed that much trust in these officers?

23 A No, but they say the only way I be able to leave
24 by answering their questions.

25 Q Okay. Did you ever give a statement to either

Marion Bowman, Jr. - Direct Exam

1 Mr. Van Doran or to Mr. Coker the morning of the
2 17th?

3 A No, I didn't.

4 Q You did not give a statement?

5 A No, sir.

6 Q When these gentlemen were sitting like you said
7 in an office one before -- one in front of the desk
8 or behind the desk and the other officer either
9 beside you or near you, did you see them writing any
10 documents out?

11 A No, sir. I didn't.

12 Q Nobody filled out any forms?

13 A No, sir.

14 Q You were in their presence the entire time?

15 A Yes, sir. Mr. Coker had left.

16 Q He left?

17 A Yes, sir.

18 Q And Mr. Van Doran was the only one left in the
19 office with you?

20 A No, sir. Mr. Stevens came in.

21 Q All right. Approximately what time did
22 Mr. Stephenson arrive?

23 A A couple hours later.

24 Q Okay. Now, at that time had you been afforded
25 any phone calls to call your family?

Marion Bowman, Jr. - Direct Exam

1 A No, sir.

2 Q Had any of your family members arrived to the
3 Branchville Police Department to come see you?

4 A I don't know. They had me in a room where I
5 couldn't see nobody but the police.

6 Q Okay. How many officers were in the room at any
7 given time as far as number?

8 A Two. Mr. Coker and Mr. Van Doran.

9 Q Okay.

10 A And then when Mr. Coker left, Mr. Stevens {sic}
11 and Mr. Van Doran.

12 Q All right. I'm going to show you what's been
13 marked State's ID Number 2, it's a three-page
14 document, Marion. Ask you to take a look at it first
15 and then tell me if you can identify that.

16 A Yes, sir.

17 Q Wait a minute, you didn't even look at it. How
18 can you identify that? Tell me. It's three pages in
19 there. Have you read or looked at all three pages?

20 A (The witness complies.) Yes, sir.

21 Q Let's look at the first page.

22 A Yes, sir.

23 Q Is that your signature on the bottom of the
24 page?

25 A Yes, sir.

Marion Bowman, Jr. - Direct Exam

1 Q Is any of the handwriting on here or any of the
2 print using ink on paper your handwriting?

3 A Other than my name, no, sir.

4 Q All right. Turn over to page 2. The writing
5 that is on that paper either by black ink or dark
6 colored ink on that paper, is that your handwriting?

7 A Other than my name, no, sir.

8 Q And your signature appears at the bottom?

9 A Yes, sir.

10 Q Okay. Turn over to page 3. Is that your
11 handwriting in there in the written form on those
12 lines of paper?

13 A No, sir.

14 Q All right. Where is your signature on that
15 form?

16 A On the bottom.

17 Q You understand at the top it's saying this is a
18 statement?

19 A Yes, sir.

20 Q Did you give that statement?

21 A No, sir. I didn't.

22 Q So where would the officers have gotten these
23 words to write down on this piece of paper?

24 A At like an hour or two, maybe a little bit
25 longer after they got me to sign the first piece of

Marion Bowman, Jr. - Direct Exam

1 paper they kept coming in saying I wasn't going
2 nowhere until I talked to them. So I asked them what
3 they wanted to talk to me about.

4 Q And what did you tell them?

5 A I told them that -- I don't remember what I told
6 them.

7 Q You don't remember what you told them?

8 A No, sir.

9 Q You just spent an hour, hour and a half either
10 with Mr. Coker or Mr. Van Doran and you were just
11 talking there about baseball, the weather?

12 A No, sir. I wasn't talking about nothing. I was
13 telling them until -- before they asked me to sign
14 that piece of paper I was just sitting in there
15 asking them why was I there.

16 Q There's a series of questions starting on page
17 number 2 of State ID Number 1.

18 A Yes, sir.

19 Q And the first question that is asked, do you
20 know which law enforcement officer asked you this
21 question? If you need to see this....

22 MR. CUMMINGS: May I approach, Judge,
23 again?

24 Q Look at question number one on page 2. Do you
25 see a question there?

Marion Bowman, Jr. - Direct Exam

- 1 A Yes, sir.
- 2 Q Okay. Marked number one over in the corner?
- 3 A Yes, sir.
- 4 Q Okay. I'm going to read this to you. "When
- 5 Terry Kelly said I had to do what I had to do," and
- 6 these are in quotes, "what did you think he meant?"
- 7 Who was asking you this, Marion?
- 8 A Mr. Coker.
- 9 Q Mr. Coker asked you that?
- 10 A No, Mr. Van Doran. Mr. Van Doran.
- 11 Q And there's an A down here. On this line it
- 12 says, "I thought he stole her car" and then there's
- 13 three letters at the end of this, Marion. What are
- 14 those letters, MBJ?
- 15 A My initials.
- 16 Q You initialed after you gave an answer?
- 17 A Yes, sir.
- 18 Q Okay. So you did give an answer?
- 19 A Yes, sir.
- 20 Q They asked you a question, you gave an answer?
- 21 A Yes, sir.
- 22 Q So you weren't just in there listening saying I
- 23 want to go home on a bond. What else were you --
- 24 what were you talking about in there?
- 25 A They kept asking me when the last time I saw her

Marion Bowman, Jr. - Direct Exam

1 car. And I told them last time I saw her car was
2 someone had it.

3 Q Okay. And then they asked you two, three, four,
4 a total of five questions?

5 A Yes, sir.

6 Q And your initials appear to be at the end of
7 every answer given either to Mr. Van Doran or to some
8 other law enforcement officer, right?

9 A Yes, sir.

10 Q All right. So they asked you questions?

11 A Yes, sir.

12 Q Where did the information on this paperwork come
13 from?

14 A After they asked me questions and stuff they
15 walked out of the room and they came back and had me
16 initial and sign that piece of paper.

17 Q Did you read over the documents before signing
18 them?

19 A No, sir. I didn't.

20 Q This piece of paper has three pages and appears
21 to have your signature on it three different times.

22 A Yes, sir.

23 Q There's no mistake about that?

24 A No, sir.

25 Q And your initials are on five questions at

Marion Bowman, Jr. - Direct Exam

1 least?

2 A Yes, sir.

3 Q And you didn't read it?

4 A I couldn't read.

5 Q After you gave what we call State's ID Number 2,
6 or gave the officers the time to do this, did you
7 watch them write this in front of you?

8 A No, sir. Mr. Van Doran walked out of the door
9 and Mr. Stevens hooked me up to a machine.

10 Q Okay. So Mr. Van Doran wrote the statement out?

11 A Yes, sir.

12 Q Okay. Or wrote words on a piece of paper and
13 then he presented back to you to initial and sign?

14 A Yes, sir.

15 Q And it's your testimony today in front of Her
16 Honor under oath that you'd never read that document?

17 A I never read that document.

18 Q Okay. At the end of that, why did the officers
19 want to have you presented to another officer, be
20 hooked up to a machine?

21 A He told me you done talked to me now.

22 Q Who is he?

23 A Mr. Van Doran.

24 Q Okay.

25 A He said, "When the major finishes with you

Marion Bowman, Jr. - Direct Exam

1 you'll be free to go."

2 Q When the major finishes you?

3 A I'll be free to go.

4 Q Okay. So who were you given over to...?

5 A Mr. Stevens.

6 Q Had you ever left -- have you ever requested
7 from any officers to be allowed to leave that
8 building?

9 A Yes, sir. I did.

10 Q To who?

11 A Mr. Coker, Mr. Van Doran, and Mr. Stevens.

12 Q Okay. And what was the legal reason they told
13 you you could not leave?

14 A Until I answered the questions.

15 Q You were not free to leave?

16 A That's what they were saying.

17 Q At that time, again, after you had met with
18 Mr. Van Doran, about what time were you presented to
19 Mr. Stephenson, sir?

20 A Maybe an hour and a half later.

21 Q An hour and a half later?

22 A Yes, sir.

23 Q At that time had anybody come in and served a
24 piece of paper on you, or read any charges to you
25 while you were at the Branchville Police Department?

Marion Bowman, Jr. - Direct Exam

- 1 A No, sir.
- 2 Q Had anybody come in and specifically advised you
- 3 what charges you were there for?
- 4 A No, sir.
- 5 Q You're then taken over to Major Stephenson?
- 6 A He was in the same room.
- 7 Q Same room?
- 8 A Yes, sir.
- 9 Q Okay. Where did the other officers go?
- 10 A They walked out the room.
- 11 Q Okay. I want you to tell this Court, this
- 12 record, what happened exactly after Mr. Stephenson
- 13 walked in the room.
- 14 A He said -- I believe he said Terry said for me
- 15 to hook up to this machine.
- 16 Q Terry meaning Mr. Van Doran, politely?
- 17 A Yes, sir. That's what he said.
- 18 Q Mr. Van Doran wants you hooked up to a machine?
- 19 A Yes, sir.
- 20 Q All right. Did you understand what a machine
- 21 was?
- 22 A No, sir.
- 23 Q When Mr. Stephenson presented himself to you,
- 24 did he tell you what his rank was?
- 25 A No, sir.

Marion Bowman, Jr. - Direct Exam

- 1 Q Did he tell you what his purpose was?
- 2 A Not at that time.
- 3 Q Okay. So somebody just sits you down in a chair
- 4 and they start hooking you up to what?
- 5 A Start putting cables around my chest and my
- 6 fingers.
- 7 Q Okay. And did Mr. Stephenson ever pull out a
- 8 piece of paper and begin to start reading you things?
- 9 A Not that I remember.
- 10 Q All right. I want to show you what's been
- 11 marked as State's ID Number 3. And I want you,
- 12 please, to just look at the document and see if you
- 13 can identify this.
- 14 A I see my name on it.
- 15 Q No question that your signature appears on the
- 16 bottom of the form?
- 17 A Yes, sir.
- 18 Q Okay. And your signature appears to be there
- 19 twice, Mr. Bowman?
- 20 A Yes, sir.
- 21 Q Did you read this document?
- 22 A No, sir.
- 23 Q Did an officer read it to you?
- 24 A No. While he was hooking me up to the machine
- 25 he told me to sign it.

Marion Bowman, Jr. - Direct Exam

1 Q All right. Now, I'm going to ask you again, are
2 your initials anywhere on the left-hand columns of
3 that page?

4 A No, sir.

5 Q It bears the signature of Mr. Stephenson as the
6 only witness to advise you what we commonly call your
7 rights?

8 A Yes, sir.

9 Q Did he ever read you any of the following words,
10 I'm not going to go through all of them, but before
11 we ask you any questions you must understand your
12 rights?

13 A No, sir.

14 Q It's your testimony Mr. Stephenson did not do
15 that?

16 A He did not say nothing.

17 Q You have the right to remain silent?

18 A No, sir.

19 Q He never asked you any of those?

20 A No, sir.

21 Q Mr. Bowman, why would you sign this document if
22 you didn't know what it was or why it was in place?

23 A They said when I finished with them -- when they
24 finished with me I would be free to go, so I was
25 signing the paper so I can go.

Marion Bowman, Jr. - Direct Exam

- 1 Q And then it says, at the bottom it says, "I am
2 willing to make a statement and answer questions; I
3 do not want a lawyer at this time." And it goes on
4 about that.
- 5 A Yes, sir.
- 6 Q Did you hear those words?
- 7 A No, sir.
- 8 Q And as a signature representing at least from
9 your testimony, sir, where there's an X of Marion
10 Bowman, Jr., you said it's your signature to Her
11 Honor and this Court?
- 12 A Yes, sir.
- 13 Q So you signed a piece of paper twice not knowing
14 what you signed?
- 15 A Yes, sir.
- 16 Q And that's your testimony?
- 17 A Yes, sir.
- 18 Q Did Mr. Stephenson tell you that you had the
19 right to take this machine, or not take this machine?
- 20 A No. He told me I had to -- he said I got -- the
21 paper you just signed was saying you agree to take a
22 polygraph test. I think that was the words he used.
- 23 Q Okay. And who -- as you're sitting in there
24 now, I want you to, please, tell us in detail exactly
25 what happened. Because we know there's a piece of

Marion Bowman, Jr. - Direct Exam

1 paper generated by Mr. Stephenson. What happened
2 after they hooked up the cables, put your finger in
3 one of those little clamp things? And they usually
4 tell you to sit still in the chair.

5 A He started asking me questions.

6 Q What kind of questions?

7 A When was the last time I saw Kandee Martin, when
8 was the last time I saw her car, am I holding,
9 withholding any information about Kandee Martin.
10 That's all I remember.

11 Q That's all you remember?

12 A Yes, sir.

13 Q Did he ever while doing any of those questions
14 ask you what your full name was?

15 A I don't remember.

16 Q Did he ask you what day of the week it was?

17 A No, sir.

18 Q Did he ever ask you any questions that are a
19 given, like your date of birth?

20 A No, sir.

21 Q He never asked you any of those questions?

22 A No, sir.

23 Q How many times did he ask you the questions that
24 were asked of you while you were sitting with
25 Mr. Stephenson?

Marion Bowman, Jr. - Direct Exam

- 1 A I think like three times apiece.
- 2 Q Each question about three times?
- 3 A Yes, sir.
- 4 Q All right. Now, I want you to describe for the
- 5 record, please, what kind of machine you're talking
- 6 about, about the size and what it was doing.
- 7 A It's about the size of that.
- 8 Q The front of the recording devices here or the
- 9 amplifiers here in the courtroom?
- 10 A Yes. And it had little things like on life
- 11 support reading.
- 12 Q Like an EKG machine or EEG?
- 13 A Yes, sir. It was doing lines on a piece of
- 14 paper.
- 15 Q Did you see that machine operating at least from
- 16 your perspective?
- 17 A When I looked from the side, because he kept
- 18 hearing it, I looked to the side and I saw the lines
- 19 was going on the paper.
- 20 Q Okay. Did you see Mr. Stephenson doing anything
- 21 with the machine?
- 22 A No, sir. He just kept asking me questions.
- 23 Q Okay. At the end -- how long were you in there
- 24 with Mr. Stephenson, sir, before he concluded his
- 25 operation of that machine?

Marion Bowman, Jr. - Direct Exam

- 1 A Maybe 30 minutes.
- 2 Q Thirty minutes?
- 3 A Probably a little bit more.
- 4 Q As a result of that when he finished, what
- 5 happened, what did Mr. Stephenson do next?
- 6 A He told me I made a negative eight.
- 7 Q A negative eight. What did that mean to you?
- 8 A Nothing. I didn't know what it mean, he just
- 9 said I made a negative eight.
- 10 Q Did you have a discussion with this gentleman as
- 11 to what that meant?
- 12 A He told me I was lying.
- 13 Q Okay. Do you have a discussion about how he
- 14 arrived at the conclusion of a negative eight?
- 15 A He said people make negative nine, but he never
- 16 seen -- he didn't recall seeing a negative eight and
- 17 I had to be lying.
- 18 Q What was your answer back to him when he told
- 19 you that you were lying?
- 20 A "Y'all said you could let me go, so let me go."
- 21 Q You asked Mr. Stephenson to let you go?
- 22 A Yes, sir.
- 23 Q What was his response back to you?
- 24 A He just walked out in the hall.
- 25 Q All right. And you were in the room by

Marion Bowman, Jr. - Direct Exam

- 1 yourself?
- 2 A Yes, sir.
- 3 Q Did you do anything else while you were in the
- 4 room?
- 5 A No, sir.
- 6 Q Were you allowed to leave that room?
- 7 A No, sir.
- 8 Q What happened next?
- 9 A Mr. Van Doran came back in the room, him and
- 10 Mr. Coker, and started asking me, say, "Well, if you
- 11 don't know where -- what happened to Kandee, why do
- 12 you have her watch?" That's what he asked me.
- 13 Q Okay. And they asked you about her watch?
- 14 A Yes, sir. They said a watch.
- 15 Q A watch?
- 16 A Yes, sir.
- 17 Q Excuse me. And what was your answer to that?
- 18 A She gave it to me when she purchased some drugs
- 19 from me.
- 20 Q When was that?
- 21 A The day before.
- 22 Q The day before being what date, sir?
- 23 A The 16th.
- 24 Q Okay. And as a result of those gentlemen asking
- 25 you that question, what happened next?

Marion Bowman, Jr. - Direct Exam

1 A I told them that she gave me like \$10, maybe
2 like \$6 in change -- \$6 in bills and about \$4 in
3 change and a watch, that she was coming back to get
4 it when she go pick up her check.

5 Q And you have never been charged with stealing
6 Kandee's watch?

7 A No, sir.

8 Q They didn't charge you the day they said you
9 were arrested for taking Miss Martin's watch?

10 A No, sir. They didn't tell me nothing.

11 Q Had they told you at that time what you were
12 still there for?

13 A No, sir. I asked to use the phone then.

14 Q You asked to use the phone about what time?

15 A Since I been there.

16 Q What time did you approximately finish with
17 Mr. Stephenson?

18 A I didn't have a watch, I couldn't tell you.

19 Q At some time were you taken out of that room and
20 placed somewhere else?

21 A Yes, sir.

22 Q All right. After Mr. Stephenson had finished
23 with you, what happened next?

24 A Mr. Stevens and -- Mr. Van Doran and Mr. Coker
25 came back in and was saying that the examiner said I

Marion Bowman, Jr. - Direct Exam

1 was lying.

2 Q Okay.

3 A And they said the only way I leave if I come
4 clean with them.

5 Q After you were told that, what happened?

6 A I told them I don't want to talk to them.

7 Q Did you ask to look at any of Mr. Stephenson's
8 work product, what he did?

9 A No, sir.

10 Q Did you ask, want to go back and discuss with
11 him anything about the issue, why this man is stating
12 you're not telling the truth about questions that he
13 asked you?

14 A No, sir. They just kept telling me I was lying.

15 Q What was your demeanor at that time? What
16 happened?

17 A I said, "Y'all think what y'all want to think."

18 Q Any other discussions about that?

19 A No, sir.

20 Q When they asked you about a phone call, what
21 happened?

22 A When I asked about a phone call?

23 Q Yes.

24 A They told me I wasn't going nowhere or do
25 anything until I answered the questions.

Marion Bowman, Jr. - Direct Exam

1 Q So when you finished now with Stephenson to be
2 placed back into Mr. Coker and Mr. Van Doran's hands?

3 A Yes, sir.

4 Q All right, sir. And what did they want to do
5 with you?

6 A Talk to me again.

7 Q Talk to you again. Did you continue to talk to
8 these gentlemen?

9 A No, sir. I sat there and told them I wasn't
10 saying nothing.

11 Q Marion, when these two gentlemen are in there
12 they're not just looking at you, are they talking to
13 you and asking you questions?

14 A They're whispering to each other. And then
15 he'll ask me a question and I'll say "I don't know.
16 Y'all said you could let me go."

17 Q Did they then pull out another piece of paper
18 and ask you whether or not you would be willing to
19 sign or initial another piece of paper?

20 A No, sir.

21 Q Did you ever hear Mr. Van Doran tell you the
22 words, and, again, if I misstate the gentleman's
23 words, something like, Marion, you understand your
24 rights?

25 A No, sir.

Marion Bowman, Jr. - Direct Exam

1 Q You never heard Terry Van Doran say that?

2 A No, sir. I didn't.

3 Q You never heard him caution you to say that you
4 don't have to speak to law enforcement?

5 A No, sir. I didn't.

6 Q Did he put anything in front of you to read at
7 that time?

8 A No, sir. He didn't.

9 Q Now, Marion, when I ask you about reading now,
10 is it -- could you read at all, or your reading is
11 poor?

12 A It was very poor.

13 Q I want you to tell Her Honor, give an example
14 about what you mean your reading is poor.

15 A Like I call words out.

16 Q Words out. What do you mean by that, son?

17 A See cat run, see dog go down the road.

18 Q Have you ever filled out any employment
19 applications?

20 A Yes, sir.

21 Q Okay. To what kind of jobs?

22 A Construction.

23 Q Construction jobs?

24 A Yes, sir.

25 Q Did you ever read a newspaper?

Marion Bowman, Jr. - Direct Exam

1 A No.

2 Q Never read a newspaper?

3 A No.

4 Q You're at the tenth grade in Branchville, did
5 you ever take what they call tests to see what your
6 grade level was, or what your reading level was?

7 A Yes, sir.

8 Q Standardized tests?

9 A Yes, sir.

10 Q You don't know the scores, you didn't care back
11 in tenth grade, huh?

12 A No, sir.

13 Q As far as your reading capability that day, did
14 you ask either of these gentlemen to read any of this
15 information to you, the documents I've shown you, or
16 like we're speaking right now Mr. Van Doran said,
17 hold it, I caution you if you said that, did you ask
18 anybody to read anything to you?

19 A No, sir.

20 Q Marion, I know that they would have put pieces
21 of paper in front of you to get you to sign Miranda
22 like they did on State's ID Number 1.

23 A They did that.

24 MR. BAILEY: Your Honor, I object to Mr.
25 Cummings leading by saying I know and then

Marion Bowman, Jr. - Direct Exam

1 reading the statement.

2 MR. CUMMINGS: I apologize.

3 THE COURT: Sustained. Don't lead.

4 Q You were presented with State's ID Number 1?

5 A Yes, sir.

6 Q You were presented back to these officers again.

7 And did they put any other pieces of paper in front
8 of you?

9 A Yes, they did.

10 Q Okay. Did you read those documents?

11 A No, sir. I didn't.

12 Q Did you have any officers read them to you?

13 A No, sir. I didn't.

14 Q Okay. I'm going to show you what's been marked
15 as State's ID Number 4, this is a one, two,
16 three-page document. Is your signature on the bottom
17 of that page 1?

18 A Yes, sir.

19 Q Okay. Is that any of your writing on any of the
20 lines above your signature?

21 A No, sir.

22 Q Go to page 2, please. Is that your signature on
23 the bottom of that page?

24 A Yes, sir.

25 Q Is that any of your writing on page 2?

Marion Bowman, Jr. - Direct Exam

1 A No, sir.

2 Q Page 3, is that your signature on the bottom of
3 that page?

4 A Yes, sir.

5 Q Did you make any corrections, write your
6 initials at all on any of these pages 1, 2, or 3, do
7 you see your initials anywhere on that document?

8 A Yes, sir.

9 Q Where?

10 A On the top.

11 Q Very top?

12 A Yes, sir.

13 Q Okay. Are your initials on the second page?

14 A Yes, sir.

15 Q Okay. Are your initials on the third page?

16 A No, sir.

17 Q How exactly was that document presented to you,
18 and, again, which officer presented it to you?

19 A Mr. Van Doran. And he told me to sign it and
20 initial it.

21 Q All right. How did you know where to initial?

22 A They pointed to it.

23 Q Who's "they"?

24 A Mr. Van Doran pointed here and here.

25 Q All right. What was the purpose of your

Marion Bowman, Jr. - Direct Exam

1 initials being on that document?

2 A I didn't know.

3 Q You didn't know. Where did the words come from
4 inside that statement that Mr. Van Doran would have
5 put down on that paper?

6 A They kept asking me different kinds of questions
7 and I was calling the name Peanut. They asked me
8 where was Peanut from. I told them I didn't know. I
9 called the name Dog out and asked me where was Dog
10 from. I told them I don't know. And he walked out
11 of the room and came back and had me sign a piece of
12 paper.

13 Q Was that document written in front of you,
14 Marion?

15 A No, sir. It wasn't.

16 Q All right. Who was with you then when this
17 officer stepped out to write that document?

18 A I was sitting in there by myself.

19 Q By yourself?

20 A Yes, sir.

21 Q Were you handcuffed?

22 A Yes, sir. To a chair inside the office that I
23 was in.

24 Q When that officer presented that document to
25 you, was it filled out as it is, as it appears today

Marion Bowman, Jr. - Direct Exam

1 for Her Honor's review?

2 A Yes, sir.

3 Q Then when did you sign that document?

4 A When they came in, he said put your initial here
5 and your signature here. And he did it on the next
6 page, too.

7 Q Did the officer ever tell you that that was your
8 statement?

9 A No, sir. He didn't.

10 Q Marion, this is now the second time officers
11 laid paper down in front of you with a lot of written
12 words in front of them.

13 A Yes, sir.

14 Q And you just signed and you just initialled
15 without reading it?

16 A Yes, sir.

17 Q Without having it read to you?

18 A Yes, sir.

19 Q Without asking what you were doing?

20 A Yes, sir.

21 Q Now, did any of the officers have a tape
22 recorder on the desk while they were talking with
23 you?

24 A I only saw one person with a tape recorder that
25 day.

Marion Bowman, Jr. - Direct Exam

- 1 Q Who was that?
- 2 A Mr. Coker.
- 3 Q And you're positive of that?
- 4 A Yes, sir.
- 5 Q All right. Did you say anything about the tape
- 6 recorder?
- 7 A No, sir.
- 8 Q Where exactly was Mr. Coker when you saw a tape
- 9 recorder?
- 10 A When they first came and got me out of Chief
- 11 Boom office.
- 12 Q Now, that morning, now we're into the afternoon
- 13 because on State's Exhibit Number 4 either Mr. Van
- 14 Doran or Mr. Coker had written 16:40 p.m. Do you
- 15 know what time that is?
- 16 A Sir?
- 17 Q Do you know what 16:40 p.m. is? You're doing
- 18 something as you're up on the stand, what are you
- 19 doing?
- 20 A I'm counting time.
- 21 Q You're counting time?
- 22 A Yes, sir.
- 23 Q Okay. What does 16:40 mean to you?
- 24 A 4:40.
- 25 Q Okay. What method did you use to count time to

Marion Bowman, Jr. - Direct Exam

1 get to 16:40?

2 A When I was in boot camp we had military time,
3 sir.

4 Q So was your statement or these words prepared
5 starting at 16:40 the statement meaning 4:40 in the
6 afternoon on the 17th?

7 A Yes, sir.

8 Q How long had you been at the police station
9 approximately in your time?

10 A All day.

11 Q After you had signed this document, what
12 happened to you next?

13 A They started walking me to another room and I
14 told them that I want to talk to my mama and I want
15 to talk to a lawyer.

16 Q Who did you tell that to?

17 A I made the comment to Mr. Stevens because he was
18 the one moving me.

19 Q He was the one moving you?

20 A Yes, sir.

21 Q Where had Mr. Coker and Mr. Van Doran gone at
22 that time, sir, of your knowledge?

23 A I don't know.

24 Q Okay. And where did Mr. Stephenson place you?

25 A In the courtroom.

Marion Bowman, Jr. - Direct Exam

1 Q All right. The courtroom in the Branchville --

2 A Yes, sir. In the Branchville Police Department
3 across the hall.

4 Q Okay. And you called it a courtroom?

5 A Yes, sir.

6 Q When you were there, what was happening with
7 you, what did you do next?

8 A I kept asking them y'all said I could -- y'all
9 would let me go after I talked to y'all.

10 Q At least as of 16:40 that afternoon had you been
11 handed a copy of an arrest warrant?

12 A No, sir.

13 Q Had you been given a copy of any legal charging
14 document?

15 A No, sir.

16 Q Had you been given a copy of any documents from
17 any law enforcement officer?

18 A No, sir.

19 Q Were you ever given copies of those documents
20 that you had just signed?

21 A No, sir.

22 Q You were not given copies?

23 A No, sir. I didn't.

24 Q Did you have any place to put those documents on
25 your person with the clothing that you had been

Marion Bowman, Jr. - Direct Exam

1 wearing?

2 A Yes, sir.

3 Q Okay. Where would it have gone?

4 A The -- both shirts I had on had pockets on it
5 and the pants, the jogging pants I had on had like
6 five pockets on it.

7 Q Okay. When you were back there, did anybody
8 bring you any substance, I mean food, drink, water?

9 A Cigarettes.

10 Q Who brought you those?

11 A I think Chief Boom, because I asked for a
12 cigarette.

13 Q And had you seen any of your family members as
14 of 16:40 that day?

15 A No, sir.

16 Q Had you received anything from any outside
17 contact from your family; in other words, a note,
18 phone call, et cetera?

19 A No, sir.

20 Q Did any of your family members come up to the
21 town hall by at least 16:40 that day?

22 A If they did, I didn't see them.

23 Q Okay, sir. And you had testified earlier that
24 you had asked for your mother and a lawyer?

25 A Yes, sir.

Marion Bowman, Jr. - Direct Exam

1 Q Okay. Were you given opportunity for a phone
2 call to call somebody?

3 A I kept asking they said I wasn't doing nothing
4 in until I answered the questions.

5 Q Who are they again, sir?

6 A Mr. Coker, Mr. Van Doran.

7 Q Okay. After you were sitting there after 16:40
8 at least, what was happening, sir?

9 A I keep hearing people out in the hallway walking
10 around and then the door -- Big Larry came in the
11 room.

12 Q Big Larry. Now, who do you mean as Big Larry?

13 A The sheriff.

14 Q Sheriff of...?

15 A Orangeburg County.

16 Q And you know Big Larry?

17 A I don't know him, but I what I'm saying know
18 him.

19 Q Okay. When you saw Big Larry, your own words,
20 what happened?

21 A He told Mr. Stevens to step out the room. And
22 he walked out the room and Big Larry closed the door.

23 Q And when Big Larry closed the door, what was
24 said between he and you, or you and he?

25 A He said you got a white girl -- that white

Marion Bowman, Jr. - Direct Exam

1 girl's dead and them crackers going to hang me.

2 Q And, again, I'm not trying to be difficult with
3 you, sir, what did the word "cracker" mean to you?

4 A White person.

5 Q White person, all right. Are you afraid of
6 white people?

7 A No, sir.

8 Q Were you afraid of my -- excuse me. Were you
9 afraid of the police officers in Dorchester County?

10 A No, sir.

11 Q And you sat there from about 9:30 in the morning
12 until at least almost five o'clock in the afternoon
13 with these white officers?

14 A Yes, sir.

15 Q Had you seen any gentlemen different from white
16 officers there, any gentlemen that are black?

17 A Not at that time.

18 Q When you were -- when Big Larry shows up,
19 Sheriff Williams, you agreed to let him come in the
20 room with you?

21 A I ain't said nothing.

22 Q You didn't say anything?

23 A No, sir. I was sitting at the table.

24 Q Were you handcuffed?

25 A Yes, sir. To one of the rolling chairs at the

Marion Bowman, Jr. - Direct Exam

1 table.

2 Q When you were sitting in there, and after you
3 had that little brief conversation with Sheriff
4 Williams, what happened next?

5 A I asked him why was I there.

6 Q You asked the elected sheriff why you were
7 there?

8 A Yes, sir.

9 Q And what was his response?

10 A Dorchester County investigation.

11 Q You were there until they finished their
12 investigation?

13 A Yes, sir.

14 Q Okay. Did the sheriff tell you that you were
15 under any charges?

16 A No, sir. He didn't.

17 Q Did anybody from his department --

18 MR. CUMMINGS: Excuse me, Judge.

19 THE COURT: Sure.

20 Q Did anybody from that gentleman's department
21 give you any paperwork by that time?

22 A No, sir.

23 Q Okay. Now, you received some cigarettes about
24 4:40 that day. Were you able to smoke them?

25 A Yes, sir.

Marion Bowman, Jr. - Direct Exam

- 1 Q Okay. And did you ask to speak to Mr. Williams?
- 2 A No, sir. I didn't.
- 3 Q You didn't know why he was there?
- 4 A I didn't even know he was even coming there.
- 5 Q And once he arrived there and started to talk
- 6 with you now, and he stated what he stated to you,
- 7 what did you respond back?
- 8 A He kept asking me these people said -- he said,
- 9 "Those people said you're not being truthful with
- 10 them."
- 11 Q What was your response back to Mr. Williams?
- 12 A I said, "I told them what somebody told me."
- 13 Q You told them what somebody else told you?
- 14 A Yes, sir.
- 15 Q Okay. And what was the sheriff's response as to
- 16 that, sir?
- 17 A He asked me "Where were you?" And I told him "I
- 18 was in the projects."
- 19 Q How long were you in the presence of the
- 20 sheriff, Mr. Williams?
- 21 A A couple hours.
- 22 Q A couple hours?
- 23 A Yes, sir.
- 24 Q And was the sheriff writing anything down while
- 25 he was talking to you?

Marion Bowman, Jr. - Direct Exam

1 A No, sir.

2 Q Did anybody in there take any notes, or was
3 anybody else in the room with him?

4 A It wasn't nobody but the sheriff.

5 Q And you, Mr. Williams?

6 A Yes, sir.

7 Q Okay. At any time during that conversation with
8 Mr. Williams did you ask him for anything?

9 A I asked him can I talk to my mama and why was I
10 being there.

11 Q Okay. Did anybody come in and interrupt you
12 folks while you and the sheriff were talking?

13 A No, sir.

14 Q All right. Did the sheriff ever read you what
15 we commonly call your Miranda warnings?

16 A No, sir.

17 Q Okay. Did they ever read you that you had the
18 right to remain silent; in other words, if you don't
19 understand what I'm saying, did the sheriff ever tell
20 you you had the right to stay silent, not talk to
21 him, et cetera?

22 A No, sir.

23 Q Did he have you fill out any forms prior to him
24 talking to you?

25 A No, sir.

Marion Bowman, Jr. - Direct Exam

- 1 Q None at all?
- 2 A None.
- 3 Q And when you met with him, do you remember you
- 4 said approximately what time you started?
- 5 A It was dark.
- 6 Q Dark?
- 7 A Yes, sir.
- 8 Q Okay. Had you been given any food at this time?
- 9 A No, sir.
- 10 Q Anything to drink?
- 11 A No, sir.
- 12 Q Not even water?
- 13 A No, sir.
- 14 Q Had any of your family members come to speak to
- 15 you while Mr. Williams was present with you?
- 16 A No, sir.
- 17 Q When you met with him, did the sheriff just do
- 18 like we're talking right now?
- 19 A Yes.
- 20 Q Questioning and answer?
- 21 A Yes, sir.
- 22 Q And did the sheriff ever stop you at any time
- 23 during a question and answer period?
- 24 A Not that I remember.
- 25 Q Did you understand you didn't have to talk to

Marion Bowman, Jr. - Direct Exam

1 him?

2 A No, sir.

3 Q Did you understand that anything you said could
4 be used against you in any courtroom concerning any
5 potential charges?

6 A No, sir.

7 Q When you finished talking with the sheriff, he
8 finished with you, what did he do?

9 A He walked out the room and left the door closed.
10 He closed the door behind him.

11 Q Were any other law enforcement officers with
12 you?

13 A Not right then.

14 Q Now, you had seen officers in the morning?

15 A Yes.

16 Q And a piece of paper including some other forms
17 were presented to you?

18 A Yes, sir.

19 Q Signature, initials?

20 A Yes, sir.

21 Q Then later on you met with Mr. Stephenson?

22 A Yes, sir.

23 Q Signature and initials?

24 A Yes, sir.

25 Q Everything's been written out for you?

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- 1 A Yes, sir.
- 2 Q Mr. Williams comes back at approximately
- 3 8:50 p.m., almost nine o'clock at night?
- 4 A Yes, sir.
- 5 Q And I'm going to show you what's been marked as
- 6 State's Exhibit Number 6 for identification, and ask
- 7 you is your signature on the bottom of that page?
- 8 A Yes, sir.
- 9 Q All right. Now, on page 2 of State's ID Number
- 10 6.
- 11 A Yes, sir.
- 12 Q Flip over one more time, son, page 3.
- 13 A Yes, sir.
- 14 Q Okay. Is that your handwriting anywhere else on
- 15 that document, handwriting or printing other than on
- 16 the bottom line?
- 17 A I got name right here, too, in the middle.
- 18 Q All right. And your signature is in the middle
- 19 of the page?
- 20 A Yes, sir.
- 21 Q Okay. Any other writing on this form yours?
- 22 A No, sir.
- 23 Q Were you given this document like I'm handing it
- 24 to you now and asked to read that document before you
- 25 signed it?

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1 A No, sir.

2 Q Were you given that document and asked to read
3 verbally from it to make sure you can read and write?

4 A No, sir.

5 Q Did you ask Mr. Williams to read the document to
6 you?

7 A No, sir.

8 Q You never asked him?

9 A No, sir.

10 Q Why did you sign it?

11 A Because he said, "I'll put in what you told me
12 just now," meaning when he asked me was I in the
13 projects, where I was. And I told him the projects.
14 He said, "I wrote down, told you was in the
15 projects."

16 Q Did he ask you questions on this document?

17 A Not that I remember.

18 Q Not a question and answer like the last time
19 with either Mr. Van Doran or Mr. Coker?

20 A No, sir.

21 Q Okay. When you were presented this document,
22 were you given a copy of it?

23 A Not that I remember.

24 Q Were you given a copy of the other two
25 statements?

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1 A No, sir.

2 Q Did Mr. Williams pull out that, what we call the
3 Miranda form, have you initial it and sign it like
4 you did the other two guys?

5 A No, sir.

6 Q Okay. Did Mr. Williams write this document in
7 front of you, sir?

8 A No, sir. He didn't.

9 Q Okay. When he came back in the room, what were
10 your words to him about being presented this document
11 like I just did to you a moment ago on the record?

12 A When he came back in the room he didn't even
13 talk about that at first.

14 Q What was he talking about?

15 A He was telling me that Mr. -- I believe he told
16 me that my mom and them was outside. I think he
17 said, "Your mom and them are outside; you'll be able
18 to go in a minute."

19 Q "You'll be able to go in a minute"?

20 A Yes, sir.

21 Q Did you ask to have your mother present when
22 this document was presented to you?

23 A No, sir.

24 Q Did you ask for any other person to be present?

25 A No, sir, other than before when I told him I

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1 want a lawyer.

2 Q Okay. When you were given this document and
3 signed it, did you initial other places on the
4 document?

5 A Yes, sir.

6 Q How did that come to be, how did that happen?

7 A He said, "I made some mistakes. I want you to
8 put your initials there saying that you know these
9 mistakes on the paper."

10 Q What mistakes?

11 A I think he said he scratched some spots out.

12 Q Were these your words, Mr. Bowman? I see
13 something in here, where it looks like I'm reading on
14 page 2 of State's ID Number 6, and I'll start with
15 the word "Gap asked me did I have any hard" -- and it
16 looks like "meaning," the word meaning. Is that your
17 word?

18 A No, sir. Meaning, no, sir.

19 Q You didn't tell Mr. Williams the word "meaning"?

20 A No, sir.

21 Q Are these your mistakes in the words?

22 A No, sir.

23 Q You initialled -- why did you initial these
24 forms then?

25 A Because he told me to.

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1 Q Who is "he"?

2 A Big Larry.

3 Q Okay. After this document was presented to you,
4 you initialled, you signed, what happened to you
5 next?

6 A Mr. Joyner came in the room --

7 Q Now, Mr. Joyner is a black deputy?

8 A Yes, sir.

9 Q Okay.

10 A And the same guy he had put a jacket on with the
11 FBINA shirt on, he had done put a jacket on and Big
12 Larry had Chief unhook me from the chair and I laid
13 on the floor.

14 Q You laid on the floor?

15 A Yes, sir.

16 Q Floor of what room, sir?

17 A The courtroom.

18 Q Okay. How long were you there, approximately?

19 A On the floor?

20 Q Uh-huh (affirmative response).

21 A Maybe an hour and a half, two hours.

22 Q Okay. Were you ever allowed to eat?

23 A At like -- after like an hour I laid on the
24 floor, they brought me a plate, my mama had cooked
25 some. I believe they said my mama brought it, some

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1 cube steak, cabbage and rice, and some corn bread and
2 told me they was going to go warm it up, but they
3 never brought it back.

4 Q They never brought it back. Who was the person
5 that presented the plate to you?

6 A Big Larry.

7 Q Big Larry himself, all right. Now, is your
8 answer that you ate or did not eat?

9 A I didn't eat.

10 Q Okay. When -- what happened after that, sir?
11 How long were you there?

12 A After Big Larry walked out with the food, said
13 he was going to try to get it warm up for me.

14 Q Okay.

15 A I was there for probably about another hour.

16 Q Okay. Now, this is all on the 17th of February?

17 A Yes, sir.

18 Q Okay. At what time did you ever get to leave
19 the building?

20 A Sometime after midnight.

21 Q All right. And who took you out of the
22 building?

23 A Wally McAlhany.

24 Q When -- who took you out of the building, you
25 said Mr. McAlhany?

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- 1 A Yes, sir.
- 2 Q All right. And who is he, Mr. McAlhany?
- 3 A He work for Orangeburg County police.
- 4 Q And how are you so certain about that?
- 5 A Because I know him.
- 6 Q Okay.
- 7 A I mean, like know of him.
- 8 Q All right. And who -- were any of your family
- 9 members there at the time you were taken out of the
- 10 building?
- 11 A No, sir.
- 12 Q Okay. Were you given a phone call after you
- 13 finished with the sheriff and after you had been
- 14 there for a while?
- 15 A No, sir.
- 16 Q All right. Were you ever presented any legal
- 17 charging documents; in other words, an arrest
- 18 warrant, a copy of a bench warrant, anything up to
- 19 that point?
- 20 A No, sir.
- 21 Q Okay. When you were taken out of the
- 22 Branchville Police Department, where did you go?
- 23 A To Orangeburg sheriff's office.
- 24 Q Orangeburg sheriff's department, all right. I'm
- 25 going to show you State -- excuse me, Defendant's

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1 Exhibit Number 5. This is a package, again, I
2 don't -- excuse me. I'm going to show you what's
3 marked State's Exhibit Number 5, ask if you just
4 count the pages, please.

5 A (The witness complies.) Seven.

6 Q Seven pages. The very first page is a picture,
7 represents a picture. What picture is that, sir?

8 A A picture of me.

9 Q Of you?

10 A Yes, sir.

11 Q What does that picture describe of you, sir?

12 A When they was booking, when Officer Lane was
13 booking me in the county jail.

14 Q All right. Is there anything significant about
15 that picture dated on the 18th of February?

16 A I was leaning on the wall half asleep.

17 Q And the information that was obtained to fill
18 out the block on the right-hand column of State's ID
19 Number 5 on the first page is what information, sir?

20 A Information I gave them.

21 Q All right, sir. What is your weight?

22 A 170 pounds.

23 Q All right, sir. Did you report of any injuries
24 to you from the night of the 17th?

25 A No, sir.

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1 Q Were you injured by law enforcement in any way
2 on the 17th?

3 A No, sir.

4 Q Had anybody put a hand on you on the night of
5 the 17th?

6 A Other than tell me to go in the -- another room,
7 no, sir.

8 Q Politely escorting you?

9 A Yes, sir.

10 Q So there is no complaint of any issues the
11 officers used any way to injure you on the 17th?

12 A No, sir.

13 Q And you received, you were put inside the jail
14 at approximately 1:21 in the morning?

15 A Yes, sir.

16 Q At that time had you ever received a piece of
17 paper from anybody telling you why you're in the
18 jail?

19 A Right before this picture was taken, yes, sir.

20 Q All right. And I'm going to show you a couple
21 of documents here and ask you if you can identify
22 these two pieces of paper first. Just if you can
23 identify them.

24 A Yes, sir.

25 Q All right. Well, wait a minute, the first one

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1 is -- how can you identify the first one?

2 A Because Wally McAlhany give this to me.

3 Q How are you certain that's something Mr. Wally
4 McAlhany gave to you?

5 A Because he gave it to me, signed his name on it.

6 Q And I'm going to show you the second document.
7 Does that appear to have Mr. McAlhany's signature on
8 it?

9 A No, sir.

10 Q Okay.

11 MR. CUMMINGS: Your Honor, I would like to
12 have these marked as Defendant's for ID, the
13 next two numbers please, ma'am. One that has
14 Mr. McAlhany's signature on it, the other
15 without. Called an attested true copy.

16 THE COURT: All right. Very well. That
17 will be Defense Exhibits 7 and 8.

18 (Marked for identification was Defendant's
19 Exhibit 7, arrest warrant.)

20 (Marked for identification was Defendant's
21 Exhibit 8, arrest warrant.)

22 THE COURT: You've seen them, Mr. Bailey?

23 MR. BAILEY: I believe the one that's not
24 signed by Mr. McAlhany is the one I provided to
25 Mr. Cummings through discovery and that's the

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1 original warrant before it was served.

2 THE COURT: Very well.

3 MR. CUMMINGS: Thank you, ma'am.

4 Q. Mr. Bowman, I'm going to show you what's been
5 marked as State's -- Defendant's Exhibit for
6 Identification Number 7, it appears to bear the
7 signature of Mr. Wayne McAlhany. Is that a
8 representation or a copy of a warrant served on you?

9 A Yes, sir.

10 Q Where was that warrant served on your person,
11 sir?

12 A Orangeburg County sheriff office.

13 Q Any question about that?

14 A No, sir.

15 Q What time of day or night was that document
16 presented to you?

17 A Early in the morning on the next day after they
18 had me at the town hall.

19 Q Did Mr. McAlhany read that warrant to you?

20 A I don't remember.

21 Q I'm going to show you what's been marked as
22 Defendant's Exhibit Number 8 for ID and ask you out
23 of discovery from Mr. Solicitor, if you received a
24 copy of that in your package also saying that's an
25 attested true copy?

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1 A Yes, sir.

2 Q That one doesn't bear the signature of
3 Mr. McAlhany, but that is the same warrant numbers
4 representation?

5 A Yes, sir.

6 Q Okay. There's no question you received the
7 warrants at the jail, or the warrant at the jail?

8 A Yes, sir.

9 Q What were you charged with at the jail?

10 A Receiving stolen goods.

11 Q Is that the only charge?

12 A Yes, sir.

13 Q You had been up how long, sir?

14 A Maybe 16 hours or more.

15 Q Okay, sir. Had you consumed any alcoholic
16 beverages at all from, say, the 16th of February
17 until you were put in the jail at sometime of one
18 o'clock in the morning on the 18th?

19 A Yes, sir.

20 Q All right. How much had you had to consume for
21 alcoholic beverages, sir, from that time?

22 A I started drinking around 1:30 on the 17th.

23 Q 1:30 a.m., p.m.

24 A In the afternoon.

25 Q In the afternoon. How much would you say you

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1 had to consume of alcoholic beverages?

2 A I don't know. I drink a lot.

3 Q You were asked a question by Mr. Stephenson
4 about the consumption of alcohol and on a form that
5 is presented to the State and to us stated you were
6 drinking.

7 A Yes, sir.

8 Q You've heard all these other officers come in
9 here and talk about you. Did you tell them you were
10 drinking?

11 A Yes, sir.

12 Q Okay. What was your state of intoxication when
13 you were picked up by law enforcement on the morning
14 of the 17th?

15 MR. BAILEY: I object to leading, Your
16 Honor. He's never said he was intoxicated.

17 THE COURT: I sustain the objection.

18 Q What was your state of physical being?

19 A Like lightheaded, come off my hangover.

20 Q What did that do to you, being lightheaded and
21 coming off a hangover?

22 A I was dizzy.

23 Q While you were in police custody, you did not
24 have anything to drink; is that correct?

25 A No, sir.

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1 Q All right. Now, when you first were at the
2 police station, did anybody ask you your state of
3 well being or your physical condition?

4 A Not when I first got there, no, sir.

5 Q All right. Who was the first law enforcement
6 officer that asked you whether or not you had
7 anything to consume of an alcoholic nature?

8 A Mr. Stevens {sic}.

9 Q Mr. Stevens. That was what time, approximately,
10 that day?

11 A I didn't have a watch.

12 Q Morning?

13 A Afternoon.

14 Q Okay. Did you ever see Ms. Barbara Walters at
15 any time on the date of the 17th at the Branchville
16 Police Department?

17 A No, sir.

18 Q And you know her from her identification from
19 her living in Branchville?

20 A I know her all my life.

21 Q Okay. Did you ever ask any law enforcement
22 officer on 17th other than the ones you talked to us
23 about today, about requesting a lawyer or getting
24 somebody there to help you?

25 A When Mr. Stevens was taking me across the hall I

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1 told him I hadn't wanted to talk to them no more and
2 I said I wanted a lawyer. And a guy with a blue
3 shirt on said FBINA, he said, "What you need one of
4 them for?"

5 Q What was your answer back to that gentleman?

6 A I didn't say nothing.

7 Q Did you ever ask the first black officer you
8 ever saw there, any questions or any statements made
9 to him?

10 A No, sir.

11 Q Okay. When you were put in the jail in
12 Orangeburg, were you taken to a cell that night?

13 A Eventually, yes, sir.

14 Q Okay. Were you given the opportunity to make a
15 phone call at the jail at one o'clock in the morning,
16 approximately?

17 A No, sir.

18 Q Were you ever afforded the right to make a phone
19 call the next morning at the jail, meaning now the
20 18th?

21 A No, sir.

22 Q Were you ever allowed to fill out any paperwork
23 at the jail concerning a request for an attorney?

24 A No, sir.

25 Q Now, I want to make this clear now, you're at

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1 the Orangeburg County Regional Detention Center,
2 correct?

3 A Yes, sir.

4 Q What officer had placed you inside that
5 facility?

6 A Officer McAlhany.

7 Q Okay. Now, you were there at the Orangeburg
8 Calhoun Regional Detention Center from approximately
9 1:18 in the morning, or 1:21 in the morning and you
10 were in your cell until when, sir?

11 A Typical chow time, in the afternoon.

12 Q Did you receive any substance, food on the
13 morning of the 18th at the Orangeburg County Regional
14 Control Center?

15 A I slept through breakfast.

16 Q Okay. The afternoon, were you given any food?

17 A At lunchtime I ate a little bit.

18 Q Did any officers ever let you out of your cell
19 upon your request to make a phone call, see a family
20 member or anything?

21 A No, sir. The rec would have begin at five
22 o'clock in the afternoon.

23 MR. CUMMINGS: Judge, may I just have a
24 short drink of water for a minute?

25 THE COURT: You get your next break in your

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1 testimony, we'll take a break, let you rest your
2 voice a minute.

3 MR. CUMMINGS: Thank you. I apologize.

4 Q All right. So when are you taken out of your
5 cell and by whom?

6 A The officers in the control center clicked the
7 door and the roommate that I had went to the door.
8 And I guess they told him they wanted me and I went
9 out the room.

10 Q Okay. Approximately what time?

11 A Before chow time.

12 Q Before chow time?

13 A Yes, sir.

14 Q Okay. What was your understanding of what the
15 time was?

16 A Dinner.

17 Q All right.

18 A The last meal of the day.

19 Q Okay. Did you ever have the occasion to meet a
20 Mr. Myers?

21 A Yes, sir.

22 Q Okay. It was a gentleman here in court today?

23 A Yes, sir.

24 Q Okay. What was your business with Mr. Myers?

25 A Escort me up front because somebody wanted me.

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1 And I thought it was a bond hearing.

2 Q And I've shown you Defendant's Exhibit Number 5
3 before, on this document on the page I'm showing you,
4 sir, it says you were taken out to speak to Mr. Larry
5 Williams. Is that the same Larry Williams you refer
6 to as --

7 A Big Larry.

8 Q Did you know you were being taken up there to
9 see him?

10 A No, sir.

11 Q Had you requested to speak to any law
12 enforcement officer?

13 A No, sir.

14 Q Had you requested, written anything out?

15 A No, sir.

16 Q Had you verbally passed up any words to any
17 correction officer at that jail to speak to any law
18 enforcement officer?

19 A No, sir. I slept all day.

20 Q Did you want to speak to any law enforcement
21 officer about something?

22 A No, sir.

23 Q When you were pulled out of the jail, what was
24 in your mind where you thought you were going?

25 A I thought Big Larry came got me for a bond

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1 hearing.

2 Q Okay. Did you request a bond hearing?

3 A Yes, sir.

4 Q Okay. When you were taken out of your cell and
5 brought up front, what happened with your person?

6 A They sat me down and waited.

7 Q Who is "they"?

8 A Mr. Myers.

9 Q Okay.

10 A He sat me down and waited for somebody from the
11 sheriff's office to come over.

12 Q And how long were you sitting up front waiting
13 until somebody came over to get you?

14 A Maybe 15, 20 minutes.

15 MR. CUMMINGS: Judge, would that be a good
16 breaking period now?

17 THE COURT: It is.

18 MR. CUMMINGS: I will not go near my client
19 or anything to speak to him.

20 THE COURT: Very well. We'll take a break.

21 Mr. Bowman may need to take a break as well.

22 All right.

23 (Recess, from 2:45 p.m. to 3:15 p.m.)

24 THE COURT: Yes, sir. Thank you.

25 MR. CUMMINGS: Thank you, Judge.

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1 THE COURT: Yes.

2 BY MR. CUMMINGS:

3 Q We last ended about your sitting up front at the
4 Orangeburg County Regional Detention Center, correct?

5 A Yes, sir.

6 Q All right. Who came to get you, sir?

7 A Big Larry.

8 Q All right. Big Larry, again, meaning Sheriff
9 Williams?

10 A The sheriff.

11 Q All right. And what exactly was said in the
12 front of this complex to you to get you to go?

13 A No one said nothing. I assume I was going to a
14 bond hearing.

15 Q Okay. And so tell me what you did.

16 A Officer Myers sat me down over in -- he sat me
17 down in a chair and when Big Larry walked through the
18 door, me and the sheriff, he walked through the door,
19 Officer Myers opened the gate and then put handcuffs
20 on me and opened the other door and I went with Big
21 Larry.

22 Q Okay. Where did you go, sir?

23 A To Big Larry office.

24 Q Were you talking at all from the time you saw
25 the sheriff come into the building and you started to

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1 walk out?

2 A No, sir.

3 Q Not one word in conversation?

4 A No, sir.

5 Q As you're walking outside, were there any words
6 of communication between you and Sheriff Williams?

7 A No, sir.

8 Q Did you ask this gentleman where he was taking
9 you?

10 A No, sir. I just assumed bond hearing.

11 Q How were you secured?

12 A Handcuffs.

13 Q Can you please describe the location on your
14 person with the handcuffs?

15 A In the front.

16 Q In front?

17 A Yes, sir.

18 Q How were you dressed?

19 A In county blues.

20 Q All right. And please tell the Court exactly
21 where you went, from the detention center to what
22 location?

23 A Big Larry office.

24 Q All right. Where is that located at?

25 A In the sheriff office.

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1 Q Okay. And how far is that from the jail
2 complex?

3 A It's a walkway, you go through a walkway down a
4 couple of halls and his office is a big office like
5 in the front of the sheriff building.

6 Q And when you got there, did you see any other
7 law enforcement officers there near the sheriff's
8 office?

9 A Yes, sir.

10 Q All right. Who did you see, sir?

11 A Barbara Walters, Mr. Stevens, Mr. Van Doran, and
12 Big Larry.

13 Q Okay. Did you happen to see Mr. -- did you ever
14 see Mr. Coker there?

15 A No, sir.

16 Q All right. When you got over there and there
17 are all these law enforcement officers, what did you
18 say?

19 A I didn't said nothing. He took me in his office
20 and gave me a cigarette.

21 Q That's it?

22 A Yes, sir.

23 Q Did any law enforcement officers present any
24 pieces of paper to you concerning your right to
25 remain silent, or other documents?

1 THE WITNESS: All I have is copies of the
2 original files.

3 BY MR. BROWN:

4 Q Well, all I guess I'm getting at, I don't
5 feel comfortable giving you my copies, if you have
6 a copy that you reviewed and you are familiar with,
7 whether you had your copy?

8 If you will look at the report that I handed
9 you, if I can lead him a little bit, is that a
10 polygraph report of Travis Felder?

11 A It is.

12 Q Okay. On April 16th you met with Travis
13 Felder?

14 A At Solicitor Bailey's request I did, sir.

15 Q Tell us a little bit about the request from
16 Solicitor Bailey.

17 A He wanted me to verify the truthfulness of
18 his statement that was provided to him.

19 Q Okay. And what information, if any, did you
20 have about Travis Felder or his involvement in the
21 crime?

22 A I was pretty familiar with his alleged
23 involvement.

24 Q And he was alleged to have been at some point
25 an accessory to murder?

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1 A And he told me that I had lied to the police
2 because Gadson told him and the other detectives that
3 he, me and him, had shot Kandee.

4 Q And when you were told this, what did you do?

5 A I said he lying.

6 Q Who was lying?

7 A Gadson.

8 Q What did the sheriff do after he told you that,
9 sir?

10 A He said he wanted me to go over and talk to
11 Mr. Stevens and Mr. Van Doran.

12 Q Now, you understand at that moment -- did you
13 tell Mr. Larry Williams anything else before you went
14 to go speak to these officers?

15 A I said, "I ain't going to talk to nobody."

16 Q What happened after you said that?

17 A He took me over anyway and put me in the room
18 with Mr. Stevens, Mr. Van Doran.

19 Q What happened once you got inside that room?

20 A They tried to talk to me and I told them I
21 wasn't saying nothing to them.

22 Q You told them that?

23 A Yes, sir.

24 Q Had they presented any pieces of paper to you,
25 sir, or anything like we commonly call a statement

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1 form?

2 A No, sir.

3 Q Had anything been put on the table to you to get
4 you to initial or sign at that point?

5 A No, sir.

6 Q Had any of the officers pulled out what they
7 commonly call the Miranda card?

8 A No, sir. When I went in the room I told them I
9 wasn't talking to them, they got up.

10 Q They got up. Back outside where?

11 A Barbara Walters' office.

12 Q You were left in there alone?

13 A Yes, sir. Cuffed to the chair, yes, sir.

14 Q Was there any other Orangeburg County officers
15 there at the time?

16 A No, sir. Mr. Van Doran was standing by the door
17 with the door open and Mr. Stevens had walked off
18 like around the corner a little bit to the sheriff
19 office.

20 Q Approximately how much time transpired from the
21 time the officers walked out from the Dorchester
22 County Sheriff's Department until the next officer
23 approached you, sir?

24 A About 30 minutes.

25 Q Okay. You just sat there for 30 minutes?

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1 A Yes, sir.

2 Q And what happened at the end of that 30-minute
3 time period?

4 A Big Larry came in the room.

5 Q All right. And what was the first thing that
6 either you said or he said to you?

7 A He said why am I playing with these police.

8 Q Why are you playing with which police?

9 A St. George police, Mr. Coker, and Mr. Van Doran,
10 and Mr. Stevens.

11 Q All right, sir. And what was your response back
12 to Mr. Williams?

13 A I said, "I'm not playing and I don't want to
14 talk to nobody."

15 Q What was the gentleman's response back to you?

16 A He sat down and started telling me again what my
17 cousin had said, meaning Gadson.

18 Q Okay. And as a result of him telling you that,
19 did you do anything?

20 A No, sir. I just was sitting there and I asked
21 him to take me back to the jail.

22 Q Did you ever talk to him when you said you
23 wanted to go back to the jail, did you ever ask him
24 any other questions of Mr. Williams?

25 A I told him I thought I was coming over for a

Marion Bowman, Jr. - Direct Exam

1 bond hearing, I asked him if y'all come get me to
2 talk to you, y'all can take me back to the jail.

3 Q Were you ever given a bond hearing at the
4 afternoon hours on the 18th?

5 A No, sir.

6 Q Did Mr. Williams respond back to you about your
7 request for a bond form -- or, excuse me, a bond
8 hearing?

9 A No, sir. He just told me I had to talk to these
10 people.

11 Q Okay. When you told him you weren't going to
12 talk to the people, what happened next?

13 A He sat there and started threatening me about he
14 going to have my wife locked up and my kids taken to
15 DSS.

16 Q What were his exact words of your recollection,
17 sir?

18 A "Do you think I'm playing with you?" He said,
19 "This is not a game, I had -- I just got in the
20 office and you already got these people, all these
21 people around here causing all this chaos in my
22 county."

23 Q That was said by Mr. Williams?

24 A Yes, sir.

25 Q Any other officers in the courtroom when that

Marion Bowman, Jr. - Direct Exam

1 was said?

2 A No, sir.

3 Q You and he?

4 A Yes, sir.

5 Q And as a result of that statement, what happened
6 next?

7 A He got up and I believe he walked out the room,
8 then he came back. When he sat down he continued to
9 say what he would do to my wife and them. And I kept
10 saying my cousin is lying and I didn't know what he's
11 talking about. So then he asked me to sign this
12 piece of paper.

13 Q What piece of paper?

14 A A statement form.

15 Q You tell us. Okay. I want to show you what's
16 been marked as State's Exhibit Number 7 for ID. It's
17 a five-page document marked State's ID Number 7. Is
18 your signature reflected on that document?

19 A Yes, sir.

20 Q All right. Is that the document you were
21 referring to?

22 A Yes, sir.

23 Q All right. Now, the top of it says "Dorchester
24 County Statement Form"?

25 A Yes, sir.

Marion Bowman, Jr. - Direct Exam

1 Q You're at the Orangeburg Sheriff's Department?

2 A Yes, sir.

3 Q Where did that document come from?

4 A I guess when he got -- after he finished
5 threatening he got up and walked out, he came back
6 with this form.

7 Q Did the sheriff sit inside the room and write
8 that statement in your presence?

9 A Not that I remember.

10 Q That's not your handwriting on there, is it?

11 A No, sir.

12 Q Are your initials anywhere on any of those pages
13 in this document?

14 A No, sir.

15 Q Not one time?

16 A No, sir.

17 Q Were you afforded the opportunity to correct any
18 misspelled words or any words that might have been
19 changed or marked through, or anything else on that
20 piece of paper?

21 A No, sir.

22 Q Did Mr. Williams write that document in your
23 presence?

24 A No, sir. When he came back in the room he tried
25 to get me to sign a paper, and I tell him no.

Marion Bowman, Jr. - Direct Exam

- 1 Q You told him no?
- 2 A Yes, sir.
- 3 Q Approximately what time was that?
- 4 A It was dark.
- 5 Q Still at the -- what facility?
- 6 A Orangeburg County Sheriff Office.
- 7 Q All right. When you told this gentleman no,
- 8 what happened?
- 9 A He asked me, said, "Do you want a cigarette?"
- 10 And I said, "Yeah." And I got it with my
- 11 left hand and I put it in my mouth. When I went to
- 12 lean across the desk for the cigarette he took his
- 13 right back hand and hit me across the face.
- 14 Q Where exactly were you seated when this
- 15 occurred?
- 16 A Across the desk from him.
- 17 Q It's your testimony to this Court that the
- 18 sheriff struck you?
- 19 A Across the right side of my face.
- 20 Q What happened after your words a few moments
- 21 ago, sir, after you said he struck you?
- 22 A I threw my arm up. He said, "What are you
- 23 doing, trying to hit the sheriff, trying to hit the
- 24 sheriff?"
- 25 Q What was your response?

Marion Bowman, Jr. - Direct Exam

- 1 A He told me to put my hand down. I put my hand
2 down.
- 3 Q After this occurred, what happened next?
- 4 A He came around the desk and kept trying to get
5 me to sign a piece of paper. He said, "Sign it," and
6 then he slapped me on my right side of my face, this
7 side of my face right here.
- 8 Q What side is that for the record?
- 9 A The left side.
- 10 Q The left side. How were you struck?
- 11 A I believe his hand was open, I believe it was
12 like a slap.
- 13 Q And the reason I ask you that, is did anybody
14 come in the room?
- 15 A No, sir.
- 16 Q Did you cry out?
- 17 A I screamed out.
- 18 Q What did you scream out?
- 19 A I said, "Why you hit me?"
- 20 Q And what happened?
- 21 A He hit me again.
- 22 Q What happened after that?
- 23 A I threw my hand up again.
- 24 Q After that what occurred?
- 25 A And in Orangeburg it's not like here where they

Marion Bowman, Jr. - Direct Exam

1 can have their pistols on their side at the sheriff
2 office. And when I threw my hand up, he put it, his
3 hand, near his gun and he was like "You trying to hit
4 the sheriff?" And I put my hand down again.

5 Q And you just made a motion while you're sitting
6 in the chair. Where did you place your right hand a
7 moment ago, for the record, and I want you to
8 describe it for the record?

9 A Near my hip.

10 Q Near your hip?

11 A Yes, sir.

12 Q And what did that reflect as you're putting your
13 hand on your hip?

14 A He put his hand near his gun.

15 Q What did you think was going to happen?

16 A If I probably didn't put my hand down he
17 probably would have hit me again or shoot me or
18 something. He put his hand on his gun, told me to
19 put my hand down.

20 Q You understand you're just telling us now that
21 you were hit by the sheriff of Orangeburg County?

22 A Yes, sir. I am.

23 Q What happened next, sir?

24 A He still tried to get me to sign a paper and I
25 wouldn't sign it.

Marion Bowman, Jr. - Direct Exam

1 Q And as a result of you not signing it, did
2 anybody do anything with your person?

3 A He told me "Do you think I'm playing? I show
4 you that I'll lock your wife up." And he said, "I'm
5 calling a deputy right now to take you to
6 Branchville, show you that I got your wife at the
7 police station."

8 Q And what did you say?

9 A I said, "My wife didn't do nothing."

10 Q And what did the sheriff respond?

11 A He said, "She know you was wanted by the police
12 and she didn't turn you in."

13 Q And what was the charges that were going to be
14 presented against her?

15 A And he didn't -- I don't know the words he said,
16 but he said, "And then she lied to the police about
17 you being in the house."

18 Q Okay. What happened after this conversation
19 between you and Mr. Williams?

20 A Wally McAlhany came and took me to Branchville
21 Police Department.

22 Q Again, who was that officer, who does he work
23 for?

24 A Orangeburg County police department.

25 Q And did Mr. McAlhany arrive to do something with

Marion Bowman, Jr. - Direct Exam

1 you?

2 A Take me to Branchville to show me that Big Larry
3 wasn't playing.

4 Q Where exactly did Mr. McAlhany take you out of
5 the sheriff's office?

6 A Branchville Police Department.

7 Q No, excuse me, I didn't make myself clear, I
8 apologize. Where did Mr. McAlhany come to, and
9 exactly take you out of?

10 A Barbara Walters' office.

11 Q Who was present when you were taken out of
12 Ms. Walters' office?

13 A Mr. Van Doran, Barbara Walters, Big Larry.

14 Q Had you requested to speak to any law
15 enforcement officers about being taken out of your
16 cell?

17 A No, I didn't.

18 Q Did you request that your wife, that you be
19 allowed to see your wife at the Branchville location?

20 A No, sir. I didn't.

21 Q Did you ask for any humanitarian reasons to be
22 allowed to speak to your family?

23 A No, sir. I didn't.

24 Q Were you -- did you ever tell Sheriff Williams
25 that you would talk to him if you were allowed to

Marion Bowman, Jr. - Direct Exam

1 speak to your wife?

2 A No, sir. I didn't.

3 Q In other words, did you ask for a favor from the
4 sheriff in order to return being nice back to
5 Mr. Williams?

6 A No, sir. I didn't.

7 Q Were you offered any incentives to sign any
8 pieces of paper at the Orangeburg County jail
9 facility or sheriff's facility in order to get to see
10 your wife?

11 A If I didn't sign a paper they were going to lock
12 my wife up.

13 Q You're there at the sheriff's office how long
14 before Mr. McAlhany gets there?

15 A A couple hours.

16 Q So a couple hours after you told Big Larry that
17 you were not going to sign anything, it took
18 Mr. McAlhany that long to come there?

19 A Yes, sir.

20 Q Where were you the entire time waiting on
21 Mr. McAlhany?

22 A Sitting in Barbara Walters' office.

23 Q Anybody come in to talk to you? Have you seen
24 Mr. Coker at that time?

25 A No, sir. I ain't seen Mr. Coker.

Marion Bowman, Jr. - Direct Exam

- 1 Q Have you seen any of the other Dorchester County
2 law enforcement officials there waiting for
3 Mr. McAlhany?
- 4 A Only one was there was Mr. Van Doran.
- 5 Q Okay. So you're there at the Orangeburg
6 Sheriff's Department.
- 7 A Yes, sir.
- 8 Q McAlhany arrives?
- 9 A Yes, sir.
- 10 Q What exactly happens?
- 11 A Wally put me in this car and took me to
12 Branchville.
- 13 Q Transported in what kind of vehicle, sir?
- 14 A Orangeburg County police car.
- 15 Q Can you describe the vehicle for the record,
16 please?
- 17 A Black and gold.
- 18 Q Had markings on it?
- 19 A Black and gold sheriff car.
- 20 Q Did it have any kind of light bars or lights on
21 the car?
- 22 A Yes, sir.
- 23 Q And you're taken where by Mr. McAlhany?
- 24 A Town hall, Branchville.
- 25 Q Okay. Were you surprised to be taken there?

Marion Bowman, Jr. - Direct Exam

1 A Yes, sir.

2 Q What was the purpose of you being taken there in
3 your mind?

4 A To show me that they have my wife at the police
5 station.

6 Q Okay. When you arrived there, what did you
7 first see as the officer pulls up in his car with
8 you?

9 A Mr. Van Doran and Big Larry. Barbara Walters
10 was standing by the door when he was walking me in.

11 Q On your trip from the sheriff's office in
12 Orangeburg down to Branchville, how many officers
13 were with you as you were being transported?

14 A I was the only one in Wally's car, me and him.

15 Q Any law enforcement officers there with you at
16 all in front, back?

17 A No, sir.

18 Q Okay. You get there, pull up, what happens?

19 A They took me inside.

20 Q When you walked inside, what did you see?

21 A They had my wife sitting in the courtroom.

22 Q And your wife's full name for the record?

23 A Dorothy Mae Bowman.

24 Q When you got in there, what did you do next?

25 A I walked to the end -- Barbara Walters told me I

Marion Bowman, Jr. - Direct Exam

1 could walk to the end of the table, talk to her if I
2 wanted to.

3 Q Okay. Did you do that?

4 A Yes, sir. I did.

5 Q Did you get any physical -- did you have the
6 right to have any physical contact with your spouse?

7 A No, sir. They told me to sit down.

8 Q Okay. Did you do that?

9 A Yes, sir.

10 Q What happened between the time you were there
11 with your spouse and law enforcement officers?

12 A Barbara Walters was sitting at the end of the
13 counsel table in the courtroom.

14 Q Yes, sir.

15 A And me and my wife was sitting on the other end.
16 And I told her I love her and I told her don't worry
17 about nothing, everything will be all right.

18 Q Did you ask her any questions?

19 A I don't remember.

20 Q Did she ask you any questions?

21 A I don't think so.

22 Q Did you ask any law enforcement officers whether
23 she was under arrest?

24 A No, sir. I didn't.

25 Q Was she free to walk around?

Marion Bowman, Jr. - Direct Exam

1 A She was sitting there when I left, when they
2 told me I had to leave.

3 Q Okay. Well, while you were there and you're
4 standing there with your wife, who was present, what
5 law enforcement officers were present?

6 A Barbara Walters.

7 Q That's it?

8 A She was in the same room with us.

9 Q Okay. How long did you meet with your wife?

10 A Fifteen, maybe 20 minutes.

11 Q After you met with your spouse, how did the
12 meeting end, who decided to end the meeting?

13 A Barbara Walters said, "Let's go."

14 Q Where did you go?

15 A Back in the hallway.

16 Q Back in the hallway of the Branchville --

17 A Police department.

18 Q Where was your wife?

19 A Still sitting at the table.

20 Q Okay. What happened next to you?

21 A Big Larry told me am I going to sign the papers
22 or what.

23 Q In the hallway?

24 A Yes, sir.

25 Q All right. What did you respond back to

Marion Bowman, Jr. - Direct Exam

1 Mr. Williams?

2 A "Yes."

3 Q You told him you'd sign him?

4 A Yes, sir.

5 Q Why?

6 A Because I didn't want him to take my wife to
7 jail.

8 Q And that's the signature that is reflected on
9 the State's exhibit I have in front of you, son?

10 A Yes, sir.

11 Q State ID Number 7?

12 A Yes, sir.

13 Q What time did you sign it?

14 A I don't know.

15 Q It says 7:35 p.m., ending at 9:00 p.m.; is that
16 correct? On the last page. Is that your time --
17 your handwriting at all?

18 A No, sir.

19 Q Are your initials or any other markings on that
20 document in your handwriting other than your
21 signature?

22 A No, sir.

23 Q It's your testimony to the Court that you signed
24 that only after you saw your wife at the police
25 department in Branchville?

Marion Bowman, Jr. - Direct Exam

1 A Yes, sir.

2 Q And you signed that document for what reason?

3 A Because he wanted to lock my wife up, have my
4 kids taken.

5 Q When you signed that document, were you given a
6 copy of it?

7 A I don't think so.

8 Q What happened to your person next, what happened
9 to you?

10 A Wally took me back to Orangeburg.

11 Q Okay. I want you to look back at State --
12 excuse me, Defendant's Exhibit Number 5. What time
13 were you logged in back to the jail according to the
14 jail record and your knowledge?

15 A 22:48.

16 Q What time is that?

17 A 10:48.

18 Q All right. Now, if the time on the statement
19 says it ended at 9:00.

20 A Yes, sir.

21 Q Did it take them that long to get you back to
22 the Orangeburg County jail?

23 A Yes, sir.

24 Q From nine o'clock until almost 11:00?

25 A Yes, sir.

Marion Bowman, Jr. - Direct Exam

1 Q Where were you the entire time?

2 A They had me over to the sheriff's office until
3 Wally came took me to Branchville. And I was at
4 Branchville about 20 minutes and then he took me
5 straight back to the jail. So before that paper got
6 signed I was still in Orangeburg until Wally came.

7 Q Did you watch the sheriff write that document
8 out?

9 A No, sir.

10 Q Did you give him the words to put in that
11 document?

12 A No, sir.

13 Q Did you give him a statement?

14 A No, sir.

15 Q Did anybody offer to place a recording device in
16 front of you?

17 A No, sir.

18 Q Did anybody up to this point take any recorded
19 statements from you?

20 A No, sir.

21 Q Did anybody offer you the opportunity to give a
22 recorded statement?

23 A No, sir.

24 Q Did anybody ask you whether or not you would be
25 willing to speak or not speak on a recording device?

Marion Bowman, Jr. - Direct Exam

1 A No, sir.

2 Q When that document was signed, did you
3 understand the contents of that document?

4 A No, sir.

5 Q Did you freely, voluntarily, and knowingly sign
6 that document?

7 A No, sir.

8 Q Did you enter into that document for some
9 reward?

10 A No, sir.

11 Q Did you enter into that document for any
12 promises?

13 A I signed it because he said he would take my
14 wife to jail, so I guess that's -- he promised to
15 take my wife to jail, so....

16 Q Is it your testimony that is the only reason why
17 you signed that document?

18 A Other than him hitting me, yes, sir.

19 Q Now, when you got back away from Sheriff
20 Williams and put in the car with Mr. McAlhany, did
21 you tell him you were struck by his boss?

22 A I'm going to tell another police another police
23 hit me? No, sir. I didn't.

24 Q Did you ever, when you got back to the jail,
25 tell anybody there that you had been either hit or

Marion Bowman, Jr. - Direct Exam

1 struck by law enforcement when you got back to the
2 jail?

3 A No, sir.

4 Q Did anybody take your photograph when you
5 returned to the jail?

6 A No, sir.

7 Q Did anybody ask you if there were any other
8 medical problems when you returned that night at the
9 jail?

10 A No, sir.

11 Q Were you given any other documents or any pieces
12 of paper to file any grievances?

13 A No, sir.

14 Q Had you asked to speak to anybody at this time?

15 A Other than my mama and my lawyer for the next
16 day, no, sir.

17 Q All right. When you were down at Branchville,
18 did anybody afford you a phone call?

19 A No, sir.

20 Q You've been in jail now almost -- over a whole
21 day?

22 A Yes, sir.

23 Q And had you had any chance to call anybody?

24 A No, sir.

25 Q Did you have any money to hire a lawyer?

Marion Bowman, Jr. - Direct Exam

- 1 A No, sir.
- 2 Q When you were in the Orangeburg County jail, and
3 I'm going to ask you to turn to Defendant's Exhibit
4 Number 5, that second line under there, it says that
5 you were taken to a bond hearing on the 19th if I'm
6 correct?
- 7 A Yes, sir.
- 8 Q Were you ever given a bond form?
- 9 A No, sir.
- 10 Q Were you ever appeared in front of a judge on
11 the charge of receiving stolen goods?
- 12 A No, sir.
- 13 Q Until this very day, this is now April 11th,
14 2002, have you ever appeared in front of a judge
15 concerning receiving stolen goods in Orangeburg
16 County?
- 17 A No, sir.
- 18 Q Have you ever had a bond or bail placed on that
19 charge, sir?
- 20 A No, sir.
- 21 Q How long did you stay in the Orangeburg County
22 jail in February of 2001?
- 23 A Until Tuesday. From Sunday morning until
24 Tuesday.
- 25 Q On Tuesday how were you taken out of the county

Marion Bowman, Jr. - Direct Exam

1 jail?

2 A Somebody clicked my door and they told me, they
3 roll their hands like that, signal for all the way,
4 get all your stuff. And they put me inside the port,
5 took me up front again.

6 Q When you got to the sallyport or up front again,
7 what happened, sir?

8 A I believe Officer Newkirk, I think that's the
9 name, from St. George police was up there waiting on
10 me, put me in restraints.

11 Q St. George City Police Department?

12 A Yes, sir.

13 Q When you are taken outside you met an officer
14 and they took you where?

15 A They put me in waist chains, shackles, and
16 handcuffs and put me in a St. George police car.

17 Q And where were you transported to?

18 A St. George jail.

19 Q When you got to the jail here, what happened to
20 you? What happened to your person?

21 A They booked me.

22 Q Booked you?

23 A Yes.

24 Q As part of the booking procedure what did they
25 do?

Marion Bowman, Jr. - Direct Exam

1 A Took my picture.

2 Q Took your picture. I'm going to show you what's
3 marked as Defendant's Exhibit 4 for ID, ask you if
4 you can identify the person in that photograph?

5 A Yes, sir.

6 Q And who is that person?

7 A Me.

8 Q And what does that photograph reflect to you,
9 sir?

10 A Under my right eye and my left side of my face
11 it's swelled up.

12 Q What do you mean swollen? It's puffy from what?

13 A From where Big Larry hit me.

14 Q Okay. When you come into the jail did you
15 report any physical problems to the detention
16 officers here booking you?

17 A No, sir. I didn't.

18 Q Did you fill out a medical form there?

19 A No, sir. I didn't.

20 Q Why didn't you tell anybody at the Dorchester
21 County Jail that you had been harmed by law
22 enforcement from your own words, sir?

23 A Because they all the police. They wasn't going
24 to do nothing about it. I mean, I just didn't tell
25 nobody, waited until I talked to a lawyer.

Marion Bowman, Jr. - Direct Exam

- 1 Q All right. Now, you were put in the Dorchester
2 County Jail on what date, sir, according to that
3 document?
- 4 A The 20th.
- 5 Q Where did that date come from that was filled in
6 in those blocks?
- 7 A Some are from me.
- 8 Q Some from you. What was from you?
- 9 A My birth date and my phone number.
- 10 Q Were you willingly talking to law enforcement at
11 that time?
- 12 A No, sir.
- 13 Q When they were booking you in there, did you ask
14 them what they were booking you for?
- 15 A Right when they started booking me?
- 16 Q Yes, sir.
- 17 A They read me a warrant.
- 18 Q Okay. What was that warrant?
- 19 A First warrant they read to me was arson, the
20 next one was murder.
- 21 Q Okay, sir. And that clearly was read to you by
22 an officer?
- 23 A I believe Mr. Joyner.
- 24 Q Joyner. Okay, sir. He's the only black
25 gentleman so far you've testified?

Marion Bowman, Jr. - Direct Exam

1 A Yes, sir.

2 Q Okay. Mr. Joyner read you warrants. What did
3 he do with the pieces of paper, the warrants?

4 A He handed them to me, hand me a copy, and they
5 changed me out my clothes into some more clothes.

6 Q All right. They took you out of the --

7 A Holding tank.

8 Q Okay. At that point, after Mr. Joyner had read
9 you the warrants.

10 A Yes, sir.

11 Q What happened to your person?

12 A They dressed me out, put me -- took me to the
13 back to get a bed and took me to max.

14 Q Did you ever tell those officers what your
15 weight was?

16 A No, sir.

17 Q Did you ever weigh 200 pounds in February of
18 2001?

19 A No, sir.

20 Q According to the Orangeburg document you weighed
21 approximately what, sir?

22 A 170 pounds, sir.

23 Q Which was correct?

24 A Yes, sir.

25 Q Which one?

Marion Bowman, Jr. - Direct Exam

1 A 170 pounds.

2 Q Okay. When you were placed inside the -- excuse
3 me, the Dorchester County Jail, had anybody
4 approached you with any documents to ask you whether
5 or not you wanted to be qualified or checked for a
6 public defender?

7 A When I first got there I wasn't speaking to
8 nobody except other inmates. And I asked them about
9 the attorneys, when they come.

10 Q All right. At the Dorchester County Jail did
11 you ever go through orientation, what we saw from
12 Director Barnes about your responsibilities and your
13 rights inside this facility?

14 A No, sir.

15 Q Okay. Have you ever signed for any forms, like
16 an inmate handbook?

17 A No, sir.

18 Q Had you ever signed for anything stating that
19 you wanted certain things?

20 A No, sir.

21 Q From the time you were placed in the Orangeburg
22 County jail until the time you got to Dorchester, had
23 you applied or received any paperwork to apply for an
24 Orangeburg County public defender?

25 A When I was at the jail I believe I told one of

Marion Bowman, Jr. - Direct Exam

1 the officers there that I wanted to be on the public
2 defender list.

3 Q Okay. Did they ever afford you the opportunity
4 to sign up?

5 A You don't sign, you just tell them you want to
6 be on the list.

7 Q That's the policy and procedure of that jail
8 from you?

9 A Yes, sir.

10 Q All right. When you were moved from Orangeburg
11 to here, had you had a hearing date or anything set
12 for the charge of receiving stolen goods that you
13 were incarcerated for in Orangeburg County?

14 A No, sir.

15 Q You never received the right to a preliminary
16 hearing form?

17 A No, sir.

18 Q Did you ever receive any other documents from
19 Orangeburg County concerning your rights to receiving
20 stolen goods charge?

21 A No, sir.

22 Q When you get to Dorchester County, how long
23 after you were placed inside the jail, read the
24 warrants by Mr. Joyner to you were you taken in front
25 of either a magistrate or a circuit court judge?

Marion Bowman, Jr. - Direct Exam

- 1 A About an hour after I got there they called me
2 up front.
- 3 Q All right. Who called you up front?
- 4 A The officer who took me back there, they came
5 back and got me again.
- 6 Q Where were you taken, your person?
- 7 A I was belly chained and shackled again and
8 handcuffed and they took me to Deming Way.
- 9 Q Took you where?
- 10 A To annex.
- 11 Q All right. The annex is where in your words,
12 sir?
- 13 A Summerville, Deming Way.
- 14 Q Deming Way. All the way down to Summerville?
- 15 A Yes, sir.
- 16 Q Okay. And when you got there, what happened,
17 sir?
- 18 A They placed me, Travis Felder, James Gadson in a
19 holding tank.
- 20 Q In a holding tank?
- 21 A Yes, sir.
- 22 Q All three of you gentlemen together?
- 23 A They didn't have Travis with us, they put him
24 down to talk to his lawyer.
- 25 Q Talk to his lawyer?

Marion Bowman, Jr. - Direct Exam

- 1 A Yes, sir.
- 2 Q Okay. Did you have an attorney there?
- 3 A No, sir.
- 4 Q Had you requested an attorney?
- 5 A When I got there I asked the inmates what I had
6 to do to get an attorney and they said the lady come
7 around on Monday.
- 8 Q Did you ask any of the law enforcement officers
9 for the right to have an attorney?
- 10 A I asked, I believe, Mr. Waddell.
- 11 Q Say that name again, I couldn't understand it.
- 12 A Mr. Waddell.
- 13 Q Waddell?
- 14 A Yes, sir.
- 15 Q Was he -- tell me what kind of officer he is. I
16 don't mean good, bad. Was he a law enforcement
17 officer, was he a deputy sheriff, was he a jailer?
- 18 A He worked in the jail.
- 19 Q All right. In the jail. I apologize for not
20 making that clear. You're transported down in what
21 type of vehicle?
- 22 A St. George van.
- 23 Q A van?
- 24 A Yes, sir.
- 25 Q Okay. Now, when you're taken down there are you

Marion Bowman, Jr. - Direct Exam

1 put in front of a judge, or how was the bond
2 proceeding done?

3 A They put us in a holding tank and took us one by
4 one in front of the judge. I went in front of a
5 judge.

6 Q You went in front of a person, a real live
7 person like Her Honor sitting up there?

8 A Yes, sir.

9 Q Not a video camera?

10 A No, sir.

11 Q When you got in front of this judge, who's
12 there?

13 A Mr. Coker, Mr. Van Doran. Them the only ones I
14 remember.

15 Q All right. And do you remember the procedure
16 done by that magistrate there on Deming Way?

17 A They read the warrant and he denied my bond.

18 Q Okay. Were you given any items of paperwork?

19 A Yes, sir.

20 Q What items?

21 A A paper for a preliminary hearing.

22 Q Okay. And did His Honor -- or it was Judge
23 Cunningham, correct?

24 A I don't know the name.

25 Q Was it a male judge or female judge?

Marion Bowman, Jr. - Direct Exam

- 1 A It was a man.
- 2 Q All right. Did that judge tell you your rights
3 to a preliminary hearing?
- 4 A Yes, sir.
- 5 Q All right. And he verbally told you that?
- 6 A Yes, sir.
- 7 Q And then he handed you what?
- 8 A A little small piece of paper about that size
9 right there.
- 10 Q All right. You're holding up a form that
11 appears to be approximately a half of a legal sheet
12 of paper?
- 13 A Yes, sir.
- 14 Q All right. And did His Honor give you any
15 instructions with that form, sir?
- 16 A Told me if I wanted to go to a prelim I had to
17 fill it out within ten days, something like that.
- 18 Q All right, sir. Were you afforded any other
19 rights or read any other what we call legal rights by
20 His Honor?
- 21 A He told me that if my family or me couldn't
22 afford a lawyer that I could get one through the
23 jail.
- 24 Q And did you say anything back to His Honor about
25 representation?

Marion Bowman, Jr. - Direct Exam

1 A I said, "Yes, sir."

2 Q When you said that, were any other forms handed
3 to you?

4 A No, sir.

5 Q Okay. After His Honor denied bond, he denied
6 bond on both charges, or...?

7 A Both charges.

8 Q Both charges. Were you told anything else by
9 either the judge or anybody in authority that day?

10 A No, sir.

11 Q Okay. What happened to your person next?

12 A They load, they load me, Travis Felder, James
13 Gadson back in the car, back in the van.

14 Q And where were you taken back to?

15 A Back to St. George jail.

16 Q What day was this?

17 A On the 20th.

18 Q On the 20th?

19 A Yes, sir, Tuesday.

20 Q And you were in jail on the 20th. When was the
21 very first time that you met with anybody concerning
22 an application to the public defender's office?

23 A The beginning of next week when the lady came.

24 Q Okay. I'm going to show you what's been marked
25 as Defendant's Exhibit Number 6 for identification

Marion Bowman, Jr. - Direct Exam

1 and ask you, Marion, if you can review this document
2 for a moment. Does that have your name on it
3 anywhere?

4 A Yes, sir.

5 Q Okay. Is that your signature on the top?

6 A I didn't write it, but that's my name.

7 Q Okay. So your signature's not anywhere on that
8 paperwork?

9 A No, sir.

10 Q Did you meet with a lady for the Public Defender
11 Corporation?

12 A Yes, sir.

13 Q And as a result of meeting with her -- let me
14 just back up a minute. What was the purpose of
15 meeting with her, Marion?

16 A So I could have a lawyer.

17 Q Did you request one?

18 A Yes, sir.

19 Q Were you afforded the right to one?

20 A Yes, sir.

21 Q And did Ms. Rogers or anybody from the Public
22 Defender Corporation tell you who your lawyer would
23 be?

24 A Ms. Kathy told me that my lawyer would be
25 Ms. Marva Hardee-Thomas.

Marion Bowman, Jr. - Direct Exam

- 1 Q All right, sir. And when was the first time you
2 were ever afforded the right to speak to Ms. Marva
3 Hardee-Thomas?
- 4 A A couple days after Ms. Kathy appointed her to
5 me.
- 6 Q Okay. How was that done?
- 7 A At first she wrote me a letter, told me she was
8 coming to see me.
- 9 Q And you received that letter?
- 10 A Yes, sir.
- 11 Q Okay. And then you met with Ms. Thomas?
- 12 A Yes, sir.
- 13 Q Okay. What date did you meet with her?
- 14 A I can't remember.
- 15 Q You cannot remember?
- 16 A No, sir. It's sometime in March, though.
- 17 Q Okay. When you met with Ms. Thomas.
- 18 A Yes, sir.
- 19 Q You say clearly it was in March?
- 20 A Yes, sir.
- 21 Q All right. What date did you meet with
22 Ms. Rogers and have the public defender appointed for
23 you?
- 24 A On the 26th of February, sir.
- 25 Q All right. Now, let's go back to the jail here.

Marion Bowman, Jr. - Direct Exam

1 You're incarcerated inside this jail, you're under no
2 bond.

3 A Yes, sir.

4 Q Okay. Had you made any contracts with law
5 enforcement by your own words, your own choosing?

6 A No, sir.

7 Q Had you at all from the time of being placed in
8 the orange -- excuse me, Dorchester County Jail until
9 you met with Ms. Thomas, requested to speak to any
10 law enforcement officer?

11 A No, sir. I didn't.

12 Q Okay. After His Honor had read you your legal
13 rights.

14 A Yes, sir.

15 Q Okay. Anybody come to you and said we want to
16 interview you?

17 A Yes, sir.

18 Q Okay. Please tell me about that, and if you
19 can, please, exactly what date.

20 A It was like two days after I talked to the judge
21 and I was laying in my bed in the cell in max and
22 they told me to come up front.

23 Q All right. While we're on that topic, had you
24 ever been placed in general population in the
25 Dorchester County Jail?

Marion Bowman, Jr. - Direct Exam

1 A No, sir.

2 Q You've always been on max?

3 A Yes, sir. Me and my cousin.

4 Q Okay. So when you're there now -- I didn't mean
5 to cut you off -- what happens that you learn that
6 somebody in law enforcement wants to speak to you?

7 A They open my door because it's sliding, it's a
8 sliding door, they opened it, told me to come out
9 because I'm fixing to go up front. So I walked down
10 to where my cousin was at and told him they're taking
11 me somewhere and I don't know where they're taking
12 me.

13 Q Okay. Your cousin, meaning -- what's the
14 gentleman's name?

15 A James Gadson, Taiwan.

16 Q James Gadson. When you're talking out of the
17 hall, where were you taken to?

18 A First they came and put shackles on my feet,
19 took me to the nurse station.

20 Q Nurse's station?

21 A Yeah.

22 Q I want you to describe what happened when you
23 went to the station.

24 A Leave max, go out the door, you make a left, you
25 go down two doors on your right and that's the nurse

Marion Bowman, Jr. - Direct Exam

1 station. When I walk in I saw Mr. Coker and some
2 more people.

3 Q Okay. When you were brought up there, did
4 anybody hand you any documents or serve any documents
5 on you?

6 A Yes, sir.

7 Q All right. I'm going to stop you for a moment
8 and ask you if you can just look at this. And does
9 this look like to be something that was handed to you
10 on the 22nd of February 2001?

11 A Yes, sir.

12 Q Okay. Now, did the officer who executed this
13 document tell you it's a search warrant?

14 A Told me -- told to give them some blood.

15 Q All right. Does the name Earl Asbell ring any
16 bells with you?

17 A No, sir.

18 Q Okay. If -- how exactly were you presented this
19 document? It's two pages in here, but --

20 A When I went in the nurse station she point, it
21 was like three or four people standing up besides
22 Mr. Coker, I believe.

23 Q You said three or four people?

24 A Yes, sir.

25 Q Okay.

Marion Bowman, Jr. - Direct Exam

1 A I believe it was. I think two, three, four guys
2 and a lady.

3 Q Two more guys and a lady, okay. Who was the
4 lady?

5 A I don't know.

6 Q All right. And exactly what happened after
7 you're brought up there? You're in shackles, tell me
8 how this went down.

9 A The nurse told me to take a seat and put my arm
10 up on a little table.

11 Q All right. Did they actually hand you the
12 papers?

13 A Not right then they didn't.

14 Q Okay. Told you to sit down?

15 A Yes, sir.

16 Q And you did that?

17 A Yes, sir.

18 Q Okay. Did you object or fight at all about
19 having to produce body fluids or give samples?

20 A I asked the nurse why she was getting my blood
21 and she said for the police.

22 Q For the police?

23 A Yes, sir.

24 Q Did you ask them anything else, or object to
25 that in any manner?

Marion Bowman, Jr. - Direct Exam

1 A No, sir.

2 Q Okay. When you gave -- tell me exactly what
3 happened.

4 A As the nurse was putting the little rubber band
5 around my arm I believe Mr. Coker start telling me
6 there was a paper for me for blood.

7 Q Okay. Did anybody read you this document?

8 A Yes, sir. He did.

9 Q Who?

10 A Mr. Coker.

11 Q All right. Detective Coker read you, saying
12 that he had what type of document for you?

13 A Told me he had a warrant to search my body for
14 scratches.

15 Q Okay. And did they photograph your body?

16 A No, sir. They didn't.

17 Q No photographs?

18 A No, sir.

19 Q And did they take any body tissue from you; in
20 other words, like markings or anything off your skin?

21 A No, sir. Only thing they did was took some
22 blood.

23 Q Okay. Did they take any other items, either
24 hair or fibers from you?

25 A No, sir. He told me, I think he told me lift up

Marion Bowman, Jr. - Direct Exam

1 my shirt, see whether there were any scratches on me.

2 Q Okay. And nobody photographed this?

3 A No, sir.

4 Q The search warrant says that they want two tubes
5 of blood for DNA testing. Did they tell you that?

6 A No, sir. They just said they wanted blood.

7 Q A body search for any evidence of wounds. Did
8 they do that?

9 A They lift my shirt up, or I lift it up for them.

10 Q Photographs of any such wounds that might be
11 found on suspect's body, but no photographs were
12 taken?

13 A No, sir.

14 Q Your underwear and other undergarments worn by
15 the defendant might contain blood?

16 A They didn't tell me that part.

17 Q And this was executed clearly on the 22nd of
18 February?

19 A Yes, sir. Two days after I was there.

20 Q Okay. Did you get a copy of this?

21 A I'm not sure. I think they did give me a copy.

22 Q Okay. And as you're sitting in the nurse's
23 station, how long did it take for them to complete
24 this task?

25 A It took a while because she said she couldn't

Marion Bowman, Jr. - Direct Exam

1 find any vein.

2 Q Okay. After you were completed with whatever
3 law enforcement wanted to do with you based on this
4 piece of paper, what happened next?

5 A The CO, the officer that was with me walked me
6 back to max.

7 Q Okay. It says that on February 22nd they
8 completed this task at 10:34, on the return that has
9 to go back to the issuing judge. Did you know what
10 time it was?

11 A No, sir. I didn't.

12 Q Okay. So as you are done with this task, how
13 long would you say it took to do this, take two tubes
14 of blood and look at you?

15 A Fifteen, 20 minutes.

16 Q Okay. You go back to your cell?

17 A No, sir. Before I --

18 Q What happened?

19 A Before I can get back to my cell when the
20 officer was about to take the restraints off my leg,
21 they said I was wanted up front.

22 Q Wanted up front?

23 A Yes, sir.

24 Q Who told you that?

25 A The officer who was about to take the restraints

Marion Bowman, Jr. - Direct Exam

1 off. I sat on top of the table for him to take the
2 restraints off and he said, "Never mind because
3 you're going up front."

4 Q Who was that officer, of your knowledge?

5 A I don't remember. I believe it was Officer
6 Wally.

7 Q Okay. You're taken back up front?

8 A Yes, sir.

9 Q Did you ever request to speak to any officer up
10 front?

11 A No, sir.

12 Q Okay. Now, this is the 22nd of February?

13 A Yes, sir.

14 Q All right. I'm going to show you what's been
15 marked as State's Exhibit 8 for identification.

16 Mr. Bowman, does this piece of paper have your
17 signature on it, sir?

18 A Yes, sir.

19 Q Okay. Now, at the top it says "Statement of
20 Miranda Rights." And there appears to be writing
21 down the left-hand column of that form.

22 A Yes, sir.

23 Q What's the writing down in the left-hand column
24 of that form?

25 A M. J. B.

Marion Bowman, Jr. - Direct Exam

- 1 Q That's your initials?
- 2 A Yes, sir.
- 3 Q On any of the documents done by Mr. Williams,
- 4 did you have your initials on the left-hand columns
- 5 of any forms?
- 6 A No, sir.
- 7 Q On anything with Mr. Stevens, did you have your
- 8 initials down the left-hand columns of the form?
- 9 A No, sir.
- 10 Q The one done by Mr. Van Doran, you have your
- 11 initials on it?
- 12 A Yes, sir.
- 13 Q That's your signature on that page?
- 14 A Yes, sir.
- 15 Q All right. You sat down to meet with Mr. Coker
- 16 and Mr. Van Doran again?
- 17 A They came and got me.
- 18 Q They came and got you?
- 19 A Yes, sir.
- 20 Q Okay. Where did they take you?
- 21 A To Mr. Coker office.
- 22 Q Okay. Where is Mr. Coker's office located at?
- 23 A If you -- in the front of booking. You go past
- 24 the bathroom door and it's the second door on your
- 25 left.

Marion Bowman, Jr. - Direct Exam

1 Q Is it part of the jail complex?

2 A Yes, sir. Got to take a key out to open the
3 door.

4 Q Okay. Did you see any officers sign any paper
5 to take your person out of the jail?

6 A No, sir.

7 Q Okay. Did you ask these gentlemen why they were
8 taking you over to Mr. Coker?

9 A I asked them where I was going. I asked
10 Mr. Coker where I was going.

11 Q And what were you informed?

12 A He said a follow-up on his investigation.

13 Q Follow-up on his investigation. And when you
14 got over there now, I want you to describe the room
15 that you were in.

16 A He took me down to a room, it got a file
17 cabinet, a couple of chairs, and he asked me what
18 hand was I, and I told him right handed. And he took
19 the cuffs off my hand and placed one like on the file
20 cabinet door.

21 Q All right. And when you saw this gentleman
22 bring you in the room, Mr. Van Doran's there, what
23 exactly happened?

24 A Mr. Van Doran said they was doing some more
25 investigation and they found out some of the stuff I

Marion Bowman, Jr. - Direct Exam

1 said wasn't true.

2 Q This is after you had already appeared in front
3 of Judge Cunningham and afforded at least what we
4 call your preliminary rights as given by a judge?

5 A Yes, sir.

6 Q Okay. And when these gentlemen pulled this form
7 out and asked you to sign this, did you do that?

8 A Yes, sir.

9 Q And, again, "Statement of Miranda Rights," you
10 initialed it?

11 A Yes, sir.

12 Q Did you speak to these gentlemen?

13 A No, sir. They started saying that they was
14 talking to people in town and they was coming up with
15 different stories.

16 Q Did anybody afford you the right to write
17 anything down at this time?

18 A No, sir.

19 Q Did you voluntarily talk to them?

20 A No, sir.

21 Q It says in here that you didn't have to talk to
22 them at all?

23 A Yes, sir.

24 Q Did you have any conversations with those
25 officers?

Marion Bowman, Jr. - Direct Exam

1 A No, sir. I was just sitting there listening to
2 them talk and Mr. Coker reached in his top drawer and
3 pulled out a tape recorder and I sat back in the
4 chair that I was sitting in.

5 Q Did they record the conversation?

6 A I don't know. I just saw the tape recorder.

7 Q Did they put it out in plain view and put a tape
8 in it and give the date, time, and place or anything?

9 A He didn't talk in it, like talk to the tape
10 recorder, no, he didn't.

11 Q Did you?

12 A No, sir. I didn't.

13 Q Did you ask the officer what he was going to use
14 that for?

15 A No, sir. I just sat back in the chair.

16 Q Okay. Were they asking you questions?

17 A Yes, sir.

18 Q When they asked you questions, was anybody
19 writing anything down?

20 A No, sir.

21 Q Was anybody using one of those forms that you've
22 previously seen, because we got four forms, two from
23 either Mr. Van Doran and two allegedly from
24 Mr. Williams that all have lines on them and it says
25 statement forms?

Marion Bowman, Jr. - Direct Exam

1 A Yes, sir.

2 Q Did they pull any of those out that day when you
3 were in the room on the 22nd?

4 A No, sir.

5 Q All right. The interview according to their
6 document starts at eleven o'clock in the morning?

7 A Yes, sir.

8 Q Well, you were served a search warrant at 10:34?

9 A Yes, sir.

10 Q So who would you have spoken to to say you
11 wanted to talk to these officers from between 10:34
12 in the morning and 11 o'clock in the morning?

13 A Nobody, because if you want to talk to somebody
14 you put it on paper.

15 Q You had five officers allegedly around you
16 according to a search warrant according to your own
17 words?

18 A Yes, sir.

19 Q Did you tell any of those nice folks you wanted
20 to go meet with either Mr. Van Doran or Mr. Coker?

21 A No, sir.

22 Q You had ample opportunity to tell them?

23 A Yes, sir.

24 Q So when you go back into the room with Mr. Coker
25 and Mr. Van Doran, did you write anything down?

Marion Bowman, Jr. - Direct Exam

1 A No, sir.

2 Q Did they write anything down?

3 A No, sir. He, Mr. Coker, was sitting behind his
4 desk and said, he asked me when was the last time I
5 had a cigarette and I told him on the 18th.

6 Q On the 18th?

7 A Yes, sir.

8 Q Okay. Did anybody offer you a smoke?

9 A Yes, sir. Mr. Coker had some -- somebody's
10 cigarettes, Newport cigarettes in a Zip-loc plastic
11 bag in his top drawer.

12 Q And were you afforded one?

13 A Yes, sir.

14 Q Were you allowed to smoke it in the office?

15 A No, sir. They walked me outside.

16 Q Walked you outside. Was there any other person
17 present?

18 A That big SLED guy that was here the other day.

19 Q Was he in there at the room at the time you got
20 there on the 22nd?

21 A No. He wasn't there when I first got there.

22 Q How long were you there approximately before you
23 saw this big gentleman from SLED come in?

24 A About 15 minutes.

25 Q Okay. Where exactly did you go to smoke this

Marion Bowman, Jr. - Direct Exam

1 cigarette, sir?

2 A Out of Mr. Coker's office and right over there
3 in front of the jail.

4 Q Like when you are back in your jail facility a
5 little knot hole knocked out, is that where you --

6 A When I'm back in the room, me and you was
7 sitting in there today, it's downstairs where it say
8 "Law Enforcement" on the front.

9 Q In other words, an old grand jury room back
10 here?

11 A Yes, sir.

12 Q Okay. Now, you're standing outside there. Who
13 are you talking with?

14 A All right. Ain't talking to nobody. I'm
15 smoking a cigarette.

16 Q Who's guarding you?

17 A That big SLED guy, Detective Van Doran, and
18 another St. George policeman hat on.

19 Q Okay. Were you asked any questions outside?

20 A Yes, sir.

21 Q What questions were you asked?

22 A The SLED guy asked me what was the tattoo on my
23 arm for.

24 Q All right. Which tattoo are you pointing to?

25 A I have my mama name tattooed on my arm.

Marion Bowman, Jr. - Direct Exam

- 1 Q Please lift that up so we can see it for the
2 record, and what does it say. While you're doing it,
3 just, please, verbally as you're showing Her Honor --
- 4 A It's Denise.
- 5 Q What does it say?
- 6 A "Denise."
- 7 Q "Denise"?
- 8 A Yes, sir.
- 9 Q Is that your mama's name?
- 10 A Yes, sir. That's what I call her.
- 11 Q Okay. And as far as having it tattooed on your
12 arm, did the officer explain why he asked you that
13 question?
- 14 A He asked me why did I have my mama name tattooed
15 on my arm. I told him she was my best friend.
- 16 Q Okay. When you were meeting with this officer,
17 this SLED agent, did he ask you anything else?
- 18 A No, sir. He had very few field notes in his,
19 what I'll call dossier, or his paperwork here. He
20 had a couple of handwritten lines, six or seven of
21 them.
- 22 Q Do you remember him asking you any questions
23 about any other information concerning the issue of
24 Miss Martin or the car?
- 25 A No, sir.

Marion Bowman, Jr. - Direct Exam

1 Q Okay. Did you volunteer any information to him?

2 A No, sir. I was smoking a cigarette.

3 Q Did he have any questions that he wanted
4 answered from you?

5 A I believe he asked me one time where was the
6 gunshot at.

7 Q Okay.

8 A And I don't remember answering.

9 Q Did he try to tell you what type of make, model,
10 serial number the gun was?

11 A He asked me who owned a .380 handgun out of me
12 and Gadson.

13 Q What was your response back, if you spoke to him
14 at all?

15 A I think I told him Gadson owned one.

16 Q So you were having a little conversation with
17 him out there?

18 A Yes, sir.

19 Q All right. Had that officer read you your
20 Miranda warnings?

21 A No, sir. He didn't.

22 Q Was he physically present there when this sheet
23 of paper was put in front of you by Mr. Van Doran or
24 Mr. Coker?

25 A No, sir.

Marion Bowman, Jr. - Direct Exam

1 Q Did these gentlemen read this document I'm
2 holding up as State's Number 8 for ID to you, on the
3 morning of the 22nd of February?

4 A I think Mr. Van Doran did.

5 Q Okay. He read that to you as a Dorchester
6 County officer, SLED officer didn't bother you at
7 all, didn't ask you if you were read your rights or
8 anything?

9 A No, sir.

10 Q Okay. He just started talking to you outside
11 where you're smoking?

12 A Yes, sir.

13 Q Did anybody stop him or anybody tell him not to
14 talk to you?

15 A No, sir.

16 Q Okay. Did any other law enforcement officer
17 come up to you and ask you if it was okay for you to
18 speak to the SLED guy?

19 A No, sir.

20 Q Okay. How long were you in the presence of that
21 SLED gentleman?

22 A Long to smoke a Newport.

23 Q How long would you say?

24 A Maybe ten minutes to smoke a cigarette.

25 Q Okay. Now, when you go back inside did you sit

Marion Bowman, Jr. - Direct Exam

1 down and speak to Mr. Coker or Mr. Van Doran and give
2 them any information?

3 A No, sir. I said, "Y'all can take me back to my
4 cell now."

5 Q And what happened?

6 A I started laughing at them and they just -- I
7 think Mr. Van Doran went and escort me back to the
8 thing.

9 Q Now, did -- at that time had you ever told
10 anybody that you wanted any, any rights afforded to
11 you from your own words?

12 A Other than when -- when they first asked me when
13 I got in there had I asked for a lawyer yet, and I
14 told them yeah.

15 Q Okay. You asked for a lawyer?

16 A Yes, sir.

17 Q All right. While you're in the Dorchester
18 County Jail did you ask any gentlemen about the
19 Orangeburg charges?

20 A Yes, sir.

21 Q Okay. Had you ever had any conversations with
22 any of the officers about any other charges in
23 Orangeburg County?

24 A No, sir. I didn't.

25 Q Okay. Had you ever advised them that you were

Marion Bowman, Jr. - Direct Exam

1 pending charges in Orangeburg County, before the
2 receiving stolen goods charge?

3 A I didn't have no charges before then.

4 Q Okay. So the only thing you were picked up on
5 was the receiving stolen goods charge in Orangeburg?

6 A I found out later, yes, that's what I was picked
7 up for.

8 Q And then --

9 A Murder charges.

10 Q Okay. Now, did you ever tell anyone while
11 you're in the jail on the 18th that you didn't want
12 to talk to anybody anymore?

13 A On the 18th?

14 Q Yes, sir.

15 A When I told Big Larry when he came and got me,
16 took me to his office I didn't want to talk to
17 nobody.

18 Q That was not on the 18th, was it?

19 A That was on the 18th.

20 Q On the 18th, okay. How about on the 22nd?

21 A I told them I applied for a lawyer. They asked
22 me I applied to the department for a lawyer and I
23 said yeah.

24 Q Who is "they"?

25 A Mr. Coker, Mr. Van Doran.

Marion Bowman, Jr. - Direct Exam

1 Q Okay. Were you ever requesting to speak to any
2 law enforcement officer between the 18th and 22nd?

3 A No, sir. I wasn't.

4 Q All right. Did you get to see your family at
5 all between the 18th of February and February 22nd?

6 A No, sir.

7 Q Were you afforded the right to call, make a
8 phone call to anybody?

9 A Yes, sir. In max they got a phone on the wall.

10 Q Okay. Who did you call?

11 A I think I called my daddy.

12 Q Did you ask your dad for any help?

13 A I think I told him to tell my mama, because I
14 couldn't call my mama, I think I told him to tell my
15 mama they're going to try to get me a lawyer here at
16 the jail.

17 Q Did you ever have the right to speak to your
18 wife or anybody else in Branchville?

19 A Not at that time, no, sir.

20 Q Okay. Did you have the occasion to speak to
21 Ms. Thomas or any other lawyer between the 18th and
22 the 22nd of February, sir?

23 A No, sir.

24 Q Okay. Did you know how to contact Ms. Thomas or
25 the Public Defender Corporation?

Marion Bowman, Jr. - Direct Exam

1 A They only told me I had to wait until the
2 following week when the public defender come.

3 Q Okay. Now, from your conversation, how long
4 would you say you were in the presence of Mr. Coker
5 or Mr. Van Doran that afternoon or that morning on
6 the 22nd?

7 A They took me, read that piece of paper to me, I
8 signed it, they offered me a cigarette, I went and
9 smoke it. When he tried to get me to come back in
10 the office to talk to him I started laughing, I said
11 they could take me back to my cell. That's what they
12 did.

13 Q Did those gentlemen walk you back to your cell?

14 A They took me back over to the booking area in
15 the jail.

16 Q Okay. Did you see any of those persons, either
17 Mr. Coker or Mr. Van Doran or the SLED agent, making
18 written words on any kinds of pieces of paper?

19 A No, sir.

20 Q Okay. Nothing was done in front of you?

21 A No, sir.

22 Q You were not asked to sign anything else other
23 than this waiver of rights form or statement of
24 rights?

25 A Yes, sir.

Marion Bowman, Jr. - Direct Exam

1 Q That's it?

2 A That's it.

3 Q Okay. You were placed back in your cell on the
4 22nd. When next did you see a law enforcement
5 officer?

6 A About a week later, I'm trying -- about, I think
7 it was that Monday, or the Tuesday next week they
8 called me up front again.

9 Q All right. Who called you up front?

10 A Whoever was sitting in the control tower.

11 Q I'm going to show you what's been marked as
12 State's Exhibit Number 11, ask you just to flip to
13 the second page of this exhibit, sir. Look at the
14 line stating 11:00, okay?

15 A Yes, sir.

16 Q Now, on that piece of paper it says, "Call
17 Detective Coker to inform him that Marion Bowman
18 stated he is ready to tell the truth." And it's got
19 Lorraine Carmichael's initials on it. Did you ever
20 ask Ms. Carmichael to call Detective Coker so you
21 could speak to him?

22 A No, sir. I didn't.

23 Q Did you ever ask any of the detention officers
24 in there to bring you up front so you could speak to
25 a law enforcement officer?

Marion Bowman, Jr. - Direct Exam

1 A No, sir. I didn't.

2 Q And when you were brought up front that day, who
3 were you brought up front by?

4 A One of the CO.

5 Q CO means?

6 A A guard.

7 Q Okay. On the 27th of February?

8 A Yes, sir.

9 Q All right. On the 26th you've been at least
10 afforded the right to a public defender?

11 A Yes, sir.

12 Q Who was the very first law enforcement officer
13 you met on the 27th?

14 A Mr. Coker.

15 Q Mr. Coker. Did Mr. Coker ever ask you whether
16 or not you were represented by counsel at this time?

17 A Not when he was taking me to his office, no,
18 sir, he didn't.

19 Q You were in jail now nine days -- excuse me, ten
20 days from the 17th through the 27th, correct?

21 A Yes, sir.

22 Q You were at least in police custody?

23 A Yes, sir.

24 Q Nobody asked you if you were represented by an
25 attorney in ten days?

Marion Bowman, Jr. - Direct Exam

1 A No, sir.

2 Q Okay. Did you tell any law enforcement officer
3 that you were appointed a public defender?

4 A The last time they came and got me, yes, I did.

5 Q Okay. Who did you tell?

6 A I told Mr. Coker.

7 Q All right. And at that point did the gentleman
8 say, all right, I want to talk to you, do you want to
9 waive your right to an attorney?

10 A No, sir. He didn't.

11 Q Did he ask you whether or not you were willing
12 to speak to him despite not having a chance to speak
13 to Ms. Thomas?

14 A No, sir. He didn't.

15 Q Because there's an underlined word in here, and
16 I'm going to show you State's Exhibit Number 9. On
17 the 27th, I'm going to ask you if you can identify
18 this document again. Does it bear your signature?

19 A Yes, sir.

20 Q Okay. There's a word underlined in there and
21 the word underlined says you can decide at any time.
22 At any time, the word is underlined, to not talk to
23 them?

24 A Yes, sir.

25 Q Bears your signature?

Marion Bowman, Jr. - Direct Exam

- 1 A Yes, sir.
- 2 Q Now, this form again has your initials down the
3 left-hand column, correct?
- 4 A Yes, sir.
- 5 Q Obviously, who read this form to you?
- 6 A Mr. Van Doran.
- 7 Q Mr. Van Doran. And did he have you place your
8 initials down the left-hand column again, like he did
9 the previous times?
- 10 A Yes, sir.
- 11 Q Okay. Same procedures he's followed except this
12 time he underlined those words?
- 13 A Yes, sir.
- 14 Q Okay. When you were brought in there it says
15 approximately 12:18 in the afternoon, okay, you were
16 brought where?
- 17 A Back to Detective Coker's office.
- 18 Q Same office you were in before on the 22nd?
- 19 A Yes, sir.
- 20 Q Okay. While you were in there, did you tell
21 those men that you wanted to speak to them?
- 22 A No, sir. I didn't.
- 23 Q Okay. Did you tell those guys you wanted to cut
24 a deal?
- 25 A No, sir. I didn't.

Marion Bowman, Jr. - Direct Exam

- 1 Q Okay. Now, were they both in the room at the
2 same time?
- 3 A Yes, sir.
- 4 Q No question about that, Marion?
- 5 A Yes, sir.
- 6 Q And the reason I'm asking that now is you were
7 present this whole last week in front of Her Honor
8 and the record.
- 9 A Yes, sir.
- 10 Q And Mr. Van Doran testified, Mr. Coker
11 testified.
- 12 A Yes, sir.
- 13 Q Okay. You were present?
- 14 A Yes, sir.
- 15 Q Okay. Mr. Van Doran had some typewritten notes.
- 16 A Yes, sir.
- 17 Q Those notes weren't typed in front of you, were
18 they?
- 19 A No, sir.
- 20 Q Mr. Coker had some handwritten notes that we got
21 out of the discovery, correct?
- 22 A Yes, sir.
- 23 Q And were they written in front of you while you
24 were in that room?
- 25 A No, sir.

Marion Bowman, Jr. - Direct Exam

1 Q Okay. Did you want to cut a deal with
2 Mr. Coker, or were talking to him about, hey, let me
3 get an accessory charge, let me get a lower charge at
4 all?

5 A No, sir.

6 Q Were you requesting any assistance from law
7 enforcement?

8 A No, sir.

9 Q Were you requesting any, what I like to call is,
10 hey, come on, can we work out a deal here?

11 A No, sir. I didn't.

12 Q Did you ask those officers to cut you any
13 breaks?

14 A No, sir. I didn't.

15 Q Did any of those officers tell you they could
16 not do that, that only a solicitor could do that?

17 A We didn't talk about no break, they didn't ask
18 me -- I didn't ask them to take no deal, no breaks,
19 no nothing like that.

20 Q No deals, no breaks?

21 A No, sir.

22 Q Okay. And was Mr. Van Doran getting upset with
23 you, sir? And I don't mean in a mean way, I mean
24 like just frustrated with you?

25 A Not that I remember, sir. He was kind of --

Marion Bowman, Jr. - Direct Exam

1 yeah, he was kind of nice. He's kind of a nice guy.

2 Q Okay. Was he, for lack of better words, I think
3 trying to paraphrase, the gentleman tired of
4 listening to your junk or BS?

5 A No, sir.

6 Q Okay. And he never told you he didn't want to
7 listen to anything you had to say because he knows
8 you weren't telling him what you wanted to hear or
9 what the other people told him?

10 A No, sir.

11 MR. BAILEY: Judge, I'm going to object. I
12 think he's trying to get something out of this
13 witness. He already answered Mr. Van Doran is a
14 nice guy, didn't want to try to pump him for any
15 information. Mr. Cummings apparently isn't
16 satisfied with that and I object.

17 MR. CUMMINGS: I'm just going over another
18 question.

19 THE COURT: Okay. He said he's moved on.

20 MR. BAILEY: Okay.

21 Q The question is were these officers angry at you
22 because you wouldn't speak to them?

23 A No, sir. They didn't ask me to speak to them.
24 They showed me some pictures.

25 Q What pictures did they show you?

Marion Bowman, Jr. - Direct Exam

- 1 A A burned up car with something in the trunk.
- 2 Q Who showed you those pictures?
- 3 A Mr. Coker had them in his office.
- 4 Q How many -- describe exactly what he showed you.
- 5 A The trunk is open and he told me "I hope you
- 6 have -- I hope you lose sleep over seeing this
- 7 picture."
- 8 Q Were these officers trying to interview you at
- 9 that time?
- 10 A Yes, sir.
- 11 Q As a result of looking at those photographs,
- 12 what happened?
- 13 A I told them "Y'all can't scare me no more
- 14 because I got a lawyer."
- 15 Q At that point what happened next?
- 16 A Mr. Van Doran said he could take me back.
- 17 Q Mr. Van Doran would take you back?
- 18 A Yes, sir.
- 19 Q Okay. And did that gentleman do that?
- 20 A Yes, sir. He did.
- 21 Q Were there any other law enforcement officers
- 22 present or around that area when this occurred?
- 23 A No, sir.
- 24 Q Okay. When these photographs were shown to you,
- 25 in what context were they displayed to you? In other

Marion Bowman, Jr. - Direct Exam

1 words, how were they exactly displayed to you?

2 A Mr. Coker just reached across like his desk and
3 said he hope I lose sleep over it.

4 Q Okay. How many photographs were you shown?

5 A He only showed me one.

6 Q One. And Mr. Van Doran was present?

7 A Yes, sir. He was.

8 Q Did you sign any documents in that room besides
9 the advisement of rights form as you've done for
10 Mr. Van Doran on the previous occasion?

11 A No, sir. I didn't.

12 Q Okay. Had you asked those gentlemen to have a
13 lawyer present?

14 A I told them I had a lawyer.

15 Q Did you stop talking to them?

16 A Yes, sir. I did.

17 Q Is there anything on that form saying what time
18 the conversation ended?

19 A No, sir.

20 Q Okay. As a result of that you were placed back
21 in the jail. Did anything else happen?

22 A When he was taking me back, when Mr. Van Doran
23 was taking me back right before he got -- when they
24 were standing me up in the office, Mr. Coker said he
25 was going to have Gadson come over. And I looked at

Marion Bowman, Jr. - Direct Exam

1 him and I said, "Why are you trying to scare him like
2 you trying to scare me?" And Mr. Van Doran walked me
3 on back. And when I got in the back I told my cousin
4 what he tried to do.

5 Q Okay. Had any of the Dorchester County officers
6 placed a hand on you in any offensive way?

7 A No, sir.

8 Q Okay. As far as the Dorchester County officers,
9 policemen you've seen in here this week, the ones you
10 worked with over there, when was the first time you
11 reported that you had any injuries or illnesses?

12 A As soon as I talked to Ms. Marva.

13 Q Okay. And what did you tell Ms. Marva?

14 A That Big Larry forced me to sign a statement.

15 MR. CUMMINGS: Beg Court's indulgence, Your
16 Honor.

17 (Pause in proceedings.)

18 Q When's the first time you either filled out a
19 medical form or a complaint at the jail for a medical
20 form?

21 A I don't remember filling one out.

22 Q Okay. There were some forms brought in here by
23 the director of the jail, Mr. Barnes, that claim that
24 you had diabetes in the family?

25 A That's part of booking.

Marion Bowman, Jr. - Direct Exam

1 Q Part of booking. What did you tell them in
2 booking?

3 A They asked me was I hit within the past month or
4 so, something like that.

5 Q Okay.

6 MR. CUMMINGS: Beg the Court's indulgence,
7 Your Honor.

8 THE COURT: All right.

9 (Pause in proceedings.)

10 (Marked for identification was Defendant's
11 Exhibit 9, medical history and assessment.

12 (Marked for identification was Defendant's
13 Exhibit 10, Eastern Healthcare progress notes.)

14 MR. CUMMINGS: Your Honor, defense would
15 offer two documents, 9 for ID and 10 for ID,
16 please.

17 THE COURT: All right. Defendant's Exhibit
18 Number 9 for ID, which is a one-page document.

19 MR. CUMMINGS: Yes, ma'am.

20 THE COURT: And Defendant's Exhibit Number
21 10 for ID, which is a one-page document.

22 MR. CUMMINGS: Thank you, ma'am.

23 THE COURT: All right.

24 Q Mr. Bowman, did you report for a medical history
25 and assessment on March 1st at 11:00 a.m. to the

Marion Bowman, Jr. - Direct Exam

1 Dorchester County Jail?

2 A Yes, sir.

3 Q All right. I want to show you this. There's a
4 block checked down one, two, third line. What block
5 is that?

6 A "Have you had any -- an injury in the past three
7 months, or have injury now."

8 Q What block is checked?

9 A "Have injury now."

10 Q "Have injury now." Did you tell them that?

11 A Yes, sir.

12 Q Okay. Did you report to having any other
13 physical injuries to these folks when you reported to
14 the jail medical history and assessment in March?

15 A I don't remember.

16 Q Did you suffer from any other ailments?

17 A No, sir.

18 Q Okay. Did you report that you had any problems
19 with your body?

20 A I told her that -- yes, I did. I told her the
21 cover that they had on me had me itching.

22 Q Rash?

23 A Yes, sir.

24 Q Okay. Did you tell them at all that you were
25 injured by anybody?

Marion Bowman, Jr. - Direct Exam

1 A I don't think I told her I was injured by
2 anyone, but I think I told her I was swoled up.

3 Q Swollen up?

4 A Yes, sir.

5 Q Okay. Did they use any particular words or
6 terms to describe swollen up to you?

7 A No, sir.

8 Q Okay. Did you use any words to them to tell
9 them you were swollen up?

10 A No, sir.

11 Q Did you report where you were swollen up?

12 A I think I told them my face.

13 Q Your face?

14 A Yes.

15 Q Okay. As far as your face, what complaints did
16 you make to the people at the jail reviewing your
17 medical history and examining you?

18 A I asked her for some medicine for pain, I said
19 the right side, this side of my face was hurting and
20 still swole up.

21 Q Did you get any medication for your pain?

22 A Yes, sir.

23 Q What did they give you?

24 A They gave me some Tylenol and some Advil, I
25 believe.

Marion Bowman, Jr. - Direct Exam

1 Q Okay. Now, as far as any complaints to anybody
2 else, did you ever tell any other law enforcement
3 officers of your treatment from the elected sheriff
4 in Orangeburg, sir?

5 A Not at that time.

6 Q Since then?

7 A Yes, I have.

8 Q Who?

9 A I got to know an officer kind of straight, he
10 was straight, it was an all right kind of officer
11 when Ms. Marva and them sent me to Columbia to the
12 crazy house I told the officer who took me.

13 Q Do you remember who that was?

14 A Mr. Wallace.

15 Q Mr. Waddell again, or Mr. Wallace?

16 A Mr. Wallace.

17 Q Okay. As far as statements made by you to law
18 enforcement, did you ever make those statements
19 stating that you shot Kandee Martin?

20 A No, sir. I didn't.

21 Q Did you ever make those statements that you
22 burned the body of Kandee Martin?

23 A No, sir. I didn't.

24 Q Did you ever make those statements or tell these
25 officers that you burned her car?

Marion Bowman, Jr. - Direct Exam

1 A No, sir. I didn't.

2 Q Did you ever tell those officers that you used
3 any particular weapon to hurt Miss Kandee Martin?

4 A No, sir. I didn't.

5 Q Where did the information come from on those
6 forms if you didn't give it to them?

7 A They wrote what they wanted to ask, made me sign
8 it.

9 Q It's your testimony today that the last document
10 presented by Mr. Williams was only done because they
11 threatened to put your wife in jail?

12 A And besides him hitting me, yes, sir.

13 MR. CUMMINGS: Beg the Court's indulgence,
14 Your Honor.

15 THE COURT: All right.

16 (Pause in proceedings.)

17 MR. CUMMINGS: Judge, I'm just going to
18 make sure I put everything back.

19 THE COURT: Sure.

20 Q In showing you what's been marked State's
21 Exhibit Number 10, this is the jail or inmate
22 observation form and has the numbers up there C8.

23 A Yes, sir.

24 Q Is that your jail cell?

25 A Yes, sir.

Marion Bowman, Jr. - Direct Exam

1 Q And you've been there from when, sir?

2 A I spent like a month in a cell four doors down,
3 C4.

4 Q But on the same side?

5 A Yes, sir. On the same side, max.

6 Q Okay. Now, have you had the occasion since
7 being placed in jail to have you weigh yourself?

8 A Yes, sir.

9 Q What do you weigh?

10 A 193, 195, something like that.

11 Q Have you gained or lost weight while you've been
12 incarcerated?

13 A I gained weight, sir.

14 Q As far as humanitarian purposes, did you ask to
15 speak to your wife that day because you knew the
16 officers in Orangeburg County, Ms. Walters or
17 Mr. Williams were such nice people that they would
18 take you out of a jail on a Sunday afternoon and
19 drive you all the way to Branchville just so you
20 could speak to your wife because they liked you?

21 A Sir, they threatened to lock my wife up, that's
22 the only reason they took me to Branchville.

23 MR. CUMMINGS: Beg the Court's indulgence,
24 Your Honor.

25 THE COURT: All right.

Marion Bowman, Jr. - Direct Exam

1 (Pause in proceedings.)

2 Q Marion, how old were you in February --

3 THE COURT: Just one second.

4 MR. CUMMINGS: I'm sorry, Judge.

5 (Pause in proceedings.)

6 THE COURT: All right. I'm sorry.

7 MR. CUMMINGS: I apologize, Judge. I
8 didn't look up.

9 Q How old were you in February, particularly
10 February 17th of 2001?

11 A Twenty.

12 Q Had you ever been employed in a job that
13 required you to read?

14 A No, sir.

15 Q What type of employment have you ever done since
16 you left the tenth grade?

17 A Labor.

18 Q What type of labor, sir?

19 A Rebar, doing construction, air conditioning and
20 heating, beating duct work together, Sheetrock.

21 Q Did it require you to read or any assembly notes
22 to read things, lay rebar down, or whatever?

23 A No, sir.

24 Q Had you ever been required in any job after the
25 tenth grade to read any documentations of a legal

Marion Bowman, Jr. - Direct Exam

1 nature or to comply with activities?

2 A No, sir.

3 MR. CUMMINGS: That's all the questions I
4 have. Please answer any questions Mr. Bailey or
5 Her Honor may have, sir.

6 THE COURT: We're not going to start
7 cross-examination at this hour, Mr. Bailey,
8 we're going to begin that in the morning. If
9 you would come on around, Mr. Bowman, to counsel
10 table.

11 (Whereupon, the witness steps down from the
12 witness stand.)

13 THE COURT: All right. In the morning we
14 are going to begin a little bit later, ten
15 o'clock instead of 9:30. But we will begin at
16 ten o'clock and we will go until tomorrow
17 afternoon.

18 MR. CUMMINGS: Yes, ma'am.

19 THE COURT: Very well.

20 MR. CUMMINGS: I know on the record I can't
21 speak to my client tonight. I just wanted to
22 inform him the reason why we don't go over to
23 the jail tonight because Mr. Bailey -- he's Mr.
24 Bailey's witness tomorrow morning.

25 THE COURT: That's correct. That's

Marion Bowman, Jr. - Direct Exam

1 correct. Do you want to explain that to make
2 sure Mr. Bowman doesn't have any questions about
3 that before y'all leave the courtroom?

4 MR. CUMMINGS: Yes, ma'am.

5 THE COURT: In other words, Mr. Bowman, you
6 are on the stand right now. And because you are
7 on the stand in the middle of your testimony
8 what that means is, is that your lawyers cannot
9 speak to you because you're on the stand. If
10 you have any questions about that I want you to
11 feel real free to ask Mr. Cummings about that
12 right now. Y'all just chat a minute and see if
13 you have any questions about that, that will be
14 fine.

15 (Pause in proceedings.)

16 MR. CUMMINGS: Thank you, Judge.

17 THE COURT: Thank you, Mr. Bowman.

18 Any objection to that, Mr. Bailey?

19 MR. BAILEY: None from the State, Your
20 Honor.

21 THE COURT: Thank you very much. All
22 right. Counsel, just for scheduling purposes,
23 as I am, of course, well aware tomorrow -- I
24 mean Monday we will endeavor to take the
25 testimony of Mrs. Bowman when Mr. Loy is

Marion Bowman, Jr. - Direct Exam

1 available.

2 Do you have any sense whether or not
3 we will be able to conclude the Jackson v. Denno
4 hearing tomorrow, absent, of course, having the
5 testimony of Ms. Bowman?

6 MR. BAILEY: I'm not sure if Mr. Cummings
7 has anybody else besides Dorothy Mae Bowman once
8 Mr. Bowman's finished, so it would kind of
9 depend on that, I guess.

10 MR. CUMMINGS: Judge, we had attempted to
11 serve a subpoena after learning of
12 transportation from Orangeburg down to
13 Mr. McAlhany. Our investigator went to the
14 sheriff's department where his personnel file
15 would have been kept. And to say this as polite
16 and kind as I can, the investigator was told he
17 did not work there anymore and did not know how
18 to get in touch with him.

19 Mr. Bailey was kind enough this
20 afternoon in speaking with us to say that
21 somebody had gotten word to Mr. McAlhany and
22 that they got him in touch with the solicitor.
23 So I know there's a number out here and I know
24 that I was not delaying the Court today, speak
25 to Mr. Bailey, get a number and have this

Marion Bowman, Jr. - Direct Exam

1 gentleman tracked down.

2 We have also talked further that there
3 may be a stipulation as to what Mr. McAlhany may
4 or may not have said here for testimony to
5 lighten the time. And if that does occur,
6 that's the required information, then we would
7 put that stipulation on the record. And I
8 believe just Mr. Bowman, and that would be the
9 end, Lichtenberger, just the gentleman who
10 brought the wife there would be the only other
11 officer. And, again, that may be a stipulation,
12 if I can have some time to work with Mr. Bailey.

13 THE COURT: I understand. And, Mr. Bailey,
14 how many rebuttal witnesses will there be?

15 MR. BAILEY: Your Honor, I'm considering at
16 this point recalling two to three witnesses.

17 THE COURT: Sure.

18 MR. BAILEY: To rebut some new stuff that
19 came up.

20 THE COURT: I understand.

21 MR. BAILEY: And I don't believe they would
22 be extensive witnesses, probably direct.
23 examination, maybe ten minutes at the most.

24 THE COURT: All right.

25 MR. BAILEY: So I would think that we could

Marion Bowman, Jr. - Direct Exam

1 finish tomorrow.

2 THE COURT: All right.

3 MR. BAILEY: Even starting at 10:00.

4 THE COURT: If we don't finish tomorrow,
5 then we've got to begin to look at some time in
6 the next two weeks.

7 MR. CUMMINGS: Yes, ma'am.

8 THE COURT: Because we have some other
9 matters that need to be heard in this matter, in
10 this particular case.

11 MR. BAILEY: Right. As far as Mrs. Bowman
12 is concerned, as I mentioned earlier she is
13 represented by John Loy and I'm not sure when
14 he's getting back in off vacation. I'm sure
15 he's going to need to speak to her --

16 THE COURT: Oh, yes.

17 MR. BAILEY: -- before he allows anyone to
18 speak to her so I don't think we could get her
19 right off the bat Monday.

20 THE COURT: First thing Monday, I
21 understand that. Just if you all will give some
22 thought to, particularly you, Mr. Bailey, since
23 this is a general sessions in the next two weeks
24 and I know that there's about three weeks of
25 work that's already scheduled during that

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1 period, we are going to have to, and just from
2 what I know about this coming week, it very well
3 may be that the following week would be a better
4 week for us to take what looks like a couple
5 more days for motion hearings. But just think
6 about that if you would --

7 MR. BAILEY: All right.

8 THE COURT: -- as we begin to plan out the
9 future to that time. Common pleas is coming up
10 after that. And there are two weeks of common
11 pleas and I know that the first week is going to
12 be somewhat difficult to take a lot of time from
13 other than, of course, Friday afternoon wouldn't
14 be a problem, probably, but then the second week
15 of common pleas if we need to reconvene for
16 whatever jury concerns there are in terms of
17 jurors that have sent in information and as well
18 as any other motions that we have, that will be
19 the time I think for us to do that.

20 The reason that I mention that to you
21 is that the week before the trial is to begin is
22 going to be difficult because that's the week of
23 the judicial conference.

24 MR. CUMMINGS: Yes, ma'am.

25 THE COURT: And so, you know, so that's

Marion Bowman, Jr. - Direct Exam

1 going to be a little more difficult, a little
2 more problematic other than Friday afternoon,
3 but that's a difficult time for you all that
4 Friday afternoon.

5 So in terms of our scheduling let's
6 just think about that and -- but go ahead and
7 let's try to schedule some days now.

8 MR. BAILEY: All right, Your Honor. I
9 think based on what Mr. Cummings said and what I
10 would anticipate, we would finish tomorrow with
11 the exception of Dorothy Mae Bowman. I don't
12 see why we couldn't.

13 THE COURT: All right. Anything else you
14 all have for this afternoon?

15 MR. BAILEY: Nothing from the State, Your
16 Honor.

17 MR. CUMMINGS: Nothing else from the
18 defense, but thank you, Judge.

19 THE COURT: Thank you.

20 - - - o0o - - -

21

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23

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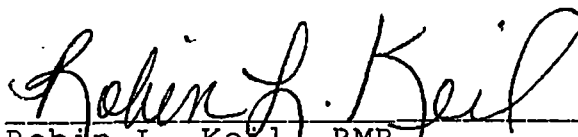
STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER) : C E R T I F I C A T E

I, Robin L. Keil, Registered Merit Reporter and First Judicial Circuit Court Reporter, certify that the preceding pages are a true and correct transcript of the proceedings had at the aforesaid time and place.

I certify that the same was reduced to typewritten form from my original stenograph notes by computer-aided transcription.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand this the 15th day of July 2003.


Robin L. Keil RMR
Resident Court Reporter
First Judicial Circuit

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
 :
 COUNTY OF DORCHESTER) CASE NO. 01-GS-18-0348, 0349

ORIGINAL

STATE OF SOUTH CAROLINA,) VOLUME VIII Pages 891 - 1030
)
 Plaintiff,) TRANSCRIPT OF RECORD
)
 -versus-) JACKSON VS. DENNO
)
 MARION BOWMAN, JR.,) April 12, 2002
)
 Defendant.) St. George, South Carolina

B E F O R E:

The Honorable Diane S. Goodstein

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-and-

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1 (Friday, April 12, 2002.)

2 THE COURT: All right. Anything before we
3 begin this morning?

4 MR. BAILEY: Nothing from the State, Your
5 Honor.

6 MR. CUMMINGS: Nothing from the defense,
7 Your Honor.

8 THE COURT: All right. We ended, yesterday
9 we ended with the direct examination of
10 Mr. Bowman. And, Mr. Bailey, cross-examination.

11 MR. BAILEY: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. BAILEY:

14 Q Mr. Bowman, you're 20 years old at this time; is
15 that correct?

16 A Yes, sir.

17 Q And you attended high school in Branchville?

18 A Yes, sir.

19 Q And you left sometime in the tenth grade?

20 A Yes, sir.

21 Q Okay. Now, I reviewed your school records, we
22 subpoenaed those and it does not indicate that you
23 took any special ed classes. Am I correct there?

24 A No, sir.

25 Q You took regular classes?

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1 A Yes, sir.

2 Q All right. Okay. And I've got a Stanford
3 Achievement Test out of there that indicates that you
4 were in the reading comprehension about in the mid
5 range, that you --

6 MR. CUMMINGS: The only objection I have to
7 the document is, Your Honor, respectfully, I
8 know we're in the Jackson v. Denno hearing for
9 evidence, that that is clearly a document that
10 is nothing but hearsay. It's graded by somebody
11 else, a machine or whatever, and I think my
12 client hasn't any way of establishing how that
13 form was graded. I understand it's part of the
14 school records, but I would object that it's
15 hearsay at this time and beyond of his scope and
16 knowledge how to testify to that, ma'am.

17 THE COURT: Yes, sir.

18 MR. BAILEY: I hadn't finished the question
19 yet. I was going to ask him if he knew how he
20 did on that test.

21 THE COURT: You can certainly show him the
22 document and ask him if it refreshes his
23 recollection.

24 MR. BAILEY: Okay.

25 Q You were 13, almost 14 at the time. Do you

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1 recall anything about taking that test?

2 A No, sir.

3 Q Okay. Branchville High School gives out report
4 cards; do they not?

5 A Yes, sir.

6 Q Okay. Let me hand you a piece of paper. And I
7 want to call your attention to the bottom part there
8 where you took tenth grade English. Do you see that
9 down there?

10 A Yes, sir.

11 Q All right, sir. It says regular English 10; is
12 that right?

13 MR. CUMMINGS: I want to renew my objection
14 to hearsay, respectfully, in this particular
15 document in particular. This is going to the
16 issue of whether or not he understood what that
17 report card meant and his grades there. And we
18 know he did not complete the tenth grade.

19 THE COURT: Again, you can show him any
20 document, see if it refreshes his recollection.

21 MR. BAILEY: Yes, ma'am. That's what I was
22 endeavoring to do.

23 Q Did you, in fact, take regular, not special ed,
24 but regular English in the tenth grade?

25 A Yes, sir.

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1 Q And did you pass it?

2 A This say I made a 74, yes, sir.

3 Q Okay. Seventy-four is a passing grade; is that
4 right?

5 A Yes, sir.

6 Q Okay. Now, you have a complete copy of the case
7 file in your case, don't you, Mr. Bowman?

8 A Yes, sir.

9 Q Mr. Cummings, Ms. Hardee-Thomas have given all
10 of the paper that they have?

11 A Yes, sir.

12 Q All right, sir. And you recall going up to the
13 Hall Institute to be evaluated; do you not?

14 A Yes, sir.

15 Q And do you recall them giving you Miranda rights
16 at the Hall Institute?

17 A Yes, sir.

18 Q Okay. And do you also recall reading over your
19 psychiatric evaluation report?

20 MR. CUMMINGS: May it please the Court,
21 Judge, I have an objection here. I did not know
22 obviously how the solicitor was going to
23 cross-examine this gentleman. And I don't know
24 if the Court wants to have a lengthy legal
25 argument this morning on this thing, but I

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1 better start.

2 Mr. Bowman was arrested, obviously,
3 Your Honor, started all this testimony back in
4 February of 2001, Ms. Thomas was appointed by
5 whatever date that document, the rules of the
6 public defender's office exist. It is my
7 understanding, and, again, I was not involved in
8 the case at the time, just reading over and
9 working with the solicitor and Ms. Thomas, that
10 my client -- I did not become involved in the
11 case until the Court appointed me under the
12 indigent basis until June 23rd.

13 I didn't get my order of appointment
14 in the mail, got to my office. Thereafter I had
15 learned that he had been sent to Columbia by a
16 judge and only with Ms. Thomas involved in the
17 file. Mr. Bailey did not serve the death
18 penalty notice until June, if I'm not mistaken.
19 Therefore, Judge, he was sent up there, I think
20 the report would show, without benefit of
21 counsel.

22 In a death penalty case I would argue
23 that would have been a critical stage. And I
24 think, Your Honor, one of the issues I did not
25 know was going to come up today was that. And I

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1 would make a motion, Judge, to suppress any and
2 all issues dealing with the evaluation of the
3 state hospital since he did not have two
4 attorneys appointed in this case and it's now a
5 capital case. And I know, Your Honor, and I
6 have to do that in another forum, but I did not
7 know it was going to come up today.

8 MR. BAILEY: Your Honor, if I could respond
9 to that. Of course I would never serve a death
10 penalty notice on someone until after they had
11 been evaluated because the evaluation could come
12 back they are incompetent, so it would be sort
13 of absurd to put the cart before the horse. So
14 in any case, where the State moves for
15 psychiatric evaluation you're going to have one
16 lawyer. The second lawyer's only triggered when
17 the death penalty notice is served. Ms.
18 Hardee-Thomas was appointed to represent this
19 defendant. He was not entitled to but one
20 lawyer, she was that lawyer, she consented to
21 the evaluation.

22 And what I'm getting into, Your Honor,
23 obviously, is trying to get into impeaching the
24 testimony he gave -- this is strictly for the
25 Jackson v. Denno hearing about his inability to

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1 read and to understand Miranda rights, that's
2 solely the purpose I'm getting into it.

3 THE COURT: Let me ask you this question
4 then. Was there -- he had counsel appointed,
5 Ms. Hardee-Thomas represented him at the time
6 that the order was issued to -- for a mental
7 evaluation; is that correct? In other words, he
8 had counsel.

9 MR. BAILEY: That's correct.

10 THE COURT: He just didn't have second
11 counsel.

12 MR. BAILEY: That's correct, Your Honor.

13 THE COURT: Okay. And given notice and
14 opportunity to be heard or else there was a
15 consent order; is that correct?

16 MR. BAILEY: That's correct.

17 THE COURT: Oh, all right.

18 MR. BAILEY: Was a consent order.

19 THE COURT: Very well. I would
20 respectfully deny your motion to suppress the
21 mental evaluation on that basis, particularly
22 for this hearing.

23 MR. CUMMINGS: Yes, ma'am. Thank you,
24 Judge.

25 THE COURT: Would hear it over your

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1 objection.

2 MR. CUMMINGS: Thank you, Judge.

3 MR. BAILEY: Thank you, Your Honor.

4 THE COURT: But that's the only objection
5 at this point, was the motion to suppress on
6 those bases?

7 MR. CUMMINGS: Again, right now since we're
8 in Jackson v. Denno, again, Judge, I appreciate
9 Mr. Bailey to be kind enough to allow me to this
10 morning at least stand and make an objection in
11 the lengthy way. Because again, Your Honor, if
12 the State is seeking the death penalty he's
13 entitled to two lawyers by statute.

14 At that time this is clearly a
15 critical stage in this man's case, everything
16 that was done that day would have a great role
17 into how Rule 5 and Brady is answered by --
18 reciprocally by us whether or not there's an
19 insanity defense. I know for today's limited
20 hearing I don't ask Your Honor, you've already
21 ruled, I cannot make any further objections, but
22 to note I would like to have some time, maybe
23 set some time with Mr. Bailey to make further
24 objections on the evaluation in Columbia with
25 only one attorney, ma'am.