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STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Marlboro County

John M. Milling, Circuit Court Judge

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S.C. SUPREME COURT

ALFONSO STATON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPENDIX

WANDA H. CARTER
Deputy Chief Attorney

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589

ATTORNEY FOR PETITIONER

HENRY DARGAN MCMASTER
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

KAREN RATIGAN
Assistant Attorney General

P. O. Box 11549
Columbia, S. C. 29211

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM MARLBORO COUNTY

Edward B. Cottingham, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LEROY STATON,

APPELLANT

RECORD ON APPEAL

JOSEPH L. SAVITZ, III
Deputy Chief Attorney

CHARLES M. CONDON
Attorney General

SOUTH CAROLINA OFFICE
OF APPELLATE DEFENSE
1122 Lady Street, Suite 940
Columbia, SC 29201
(803) 734-1330

JOHN W. MCINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Assistant Deputy Attorney General

Attorney for Appellant

S. CREIGHTON WATERS
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

JAY E. HODGE, JR.
Solicitor, Fourth Judicial Circuit
Darlington County Courthouse
Room 410
Darlington, SC 29532
(843) 398-4300

Attorneys for Respondent

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1 A. I FEEL LIKE WE DID, YES, SIR.

2 Q. DID YOU SIFT THROUGH THE BURN PILE?

3 A. SOME WE DID, YES, SIR.

4 MR. ERVIN: THAT'S ALL I HAVE, YOUR HONOR.

5 THE COURT: MR. PADGETT OR MR. ROGERS.

6 C R O S S - E X A M I N A T I O N

7 BY MR. PADGETT:

8 Q. MR. BLACK, WHEN DID YOU START WORKING FOR
9 SLED?

10 A. I STARTED WORKING FOR SLED FEBRUARY OF
11 1992.

12 Q. PRIOR TO GOING TO WORK FOR SLED, WEREN'T
13 YOU ASSOCIATED WITH LAW ENFORCEMENT HERE IN
14 BENNETTSVILLE?

15 A. PRIOR TO GOING TO SLED, I WORKED FOR SEVEN
16 YEARS WITH THE RICHLAND COUNTY SHERIFF'S DEPARTMENT,
17 FOUR YEARS IN THE UNIFORM PATROL DIVISION, THREE
18 YEARS IN THE FORENSIC LAB DOING THE SAME DUTIES THAT
19 I NOW HAVE AT SLED. PRIOR TO THE RICHLAND COUNTY
20 SHERIFF'S OFFICE, I PUT MY WAY THROUGH SCHOOL AT THE
21 UNIVERSITY OF SOUTH CAROLINA. I WORKED WITH THE
22 UNIVERSITY OF SOUTH CAROLINA POLICE DEPARTMENT.
23 WHILE I WAS GOING TO FLORENCE/DARLINGTON TECHNICAL
24 AND HERE IN HIGH SCHOOL, I WAS A PART-TIME POLICE
25 DISPATCHER FOR THE BENNETTSVILLE POLICE DEPARTMENT.

1 Q. FOR THE BENNETTSVILLE POLICE?

2 A. YES, SIR.

3 Q. AND HOW MANY YEARS DID YOU WORK WITH LAW
4 ENFORCEMENT HERE IN MARLBORO COUNTY?

5 A. AS A DISPATCHER, APPROXIMATELY FOUR YEARS.

6 MR. PADGETT: THANK YOU.

7 THE COURT: MR. REDMOND.

8 MR. REDMOND: NO QUESTIONS.

9 THE COURT: MR. MOORE.

10 C R O S S - E X A M I N A T I O N

11 BY MR. MOORE:

12 Q. MR. BLACK, I WOULD LIKE TO CONFIRM A FEW
13 THINGS. I BELIEVE YOU SAID THERE WERE NO PRINTS ON
14 THE GLASSES; IS THAT CORRECT?

15 A. YES, SIR. THAT IS CORRECT.

16 Q. NO PRINTS ON THE POCKETBOOK?

17 A. YES, SIR. THAT IS CORRECT. THAT'S
18 CORRECT.

19 Q. NO PRINTS ON THE COMPACT?

20 A. THAT'S CORRECT.

21 Q. NO FINGERPRINTS ON THE DUCT TAPE FROM THE
22 HAND, FACE OR THE ANKLES?

23 A. THAT'S CORRECT.

24 Q. AND NO PRINTS ON THE DUCT TAPE ROLL?

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

1 MR. WILL ROGERS: NO QUESTIONS, YOUR
2 HONOR.

3 THE COURT: MR. LAWSON.

4 C R O S S - E X A M I N A T I O N

5 BY MR. LAWSON:

6 Q. AGENT BLACK, AS I UNDERSTAND IT, NOT ONLY
7 DID YOU PROCESS FOR LATENT PRINTS, YOU ALSO PROCESSED
8 FOR OTHER POSSIBLE TRACE EVIDENCE; IS THAT CORRECT?

9 A. YES, SIR.

10 Q. HAIR FIBER, HAIR, SKIN, TISSUE, WHATEVER
11 YOU MAY CONSIDER TRACE EVIDENCE; IS THAT CORRECT?

12 A. YES, SIR.

13 Q. AND HOW MANY PLACES WERE YOU INVOLVED IN
14 SEARCHING FOR THIS TYPE OF EVIDENCE?

15 A. THE INITIAL SCENE AT BURNT FACTORY MILL
16 POND, THE ABANDONED HOUSE ON PEARSON ROAD, THERE WAS
17 A MOBILE HOME THAT I WENT TO ON A SEARCH AND THERE
18 WAS ONE CAR THAT WE DID THE NIGHT OF THE INCIDENT
19 WHEN THE DECEASED WAS FOUND AND THEN ANOTHER CAR AT
20 ANOTHER TIME.

21 Q. ALL RIGHT. AND IN ALL OF THAT, IN ALL OF
22 YOUR WORK, YOU HAVEN'T FOUND ANYTHING OF ANY
23 EVIDENTIARY VALUE UNDER YOUR TRACE EVIDENCE BASIS OR
24 WHATEVER YOU -- YOU HAVEN'T FOUND ANY EVIDENCE?

25 A. AS FAR AS THE TRACE ANALYSIS GOES, THAT

1 WOULD BE BEST ANSWERED BY THE TRACE ANALYST SLED
2 AGENT BARRON. WE DID COLLECT -- OR HE WAS PRESENT AT
3 SOME OF THESE SCENES WHERE WE DID COLLECTION. AS FAR
4 AS WHAT HIS RESULTS ARE, HE WOULD HAVE TO ANSWER
5 THAT. I CAN'T.

6 Q. AS FAR AS YOUR PART IS CONCERNED --

7 A. AS FAR AS --

8 Q. -- THERE IS NO EVIDENCE?

9 A. AS FAR AS IN THE AREA OF LATENT PRINTS,
10 FOOTWEAR AND TIRE TREAD, THAT IS CORRECT.

11 Q. NOW, ONE THING ABOUT THIS ROLL OF TAPE,
12 I'M USING THIS TAPE AND I'M TAPING SOMETHING --
13 TAPING SOMETHING. WHEN I STOP, THERE'S ONLY SO MUCH
14 OF THIS SURFACE I CAN TOUCH AT THE POINT I STOP.
15 ISN'T THAT CORRECT?

16 A. YES, SIR.

17 Q. AND THAT SURFACE IS FROM THE END OF THE
18 TAPE BACK AROUND TO THE END OF THE TAPE, ISN'T IT?

19 A. I THINK I'M FOLLOWING YOU, YES, SIR.

20 Q. OKAY. SO IF I MEASURE WHAT THEY CALL THE
21 CIRCUMFERENCE OF THIS CIRCLE, WHICH, WHAT, MAY BE
22 SIX, EIGHT INCHES WOULD YOU SAY, JUST A GUESS?

23 A. YOU SAY SIX OR EIGHT INCHES. I'LL GO
24 ALONG WITH THAT.

25 Q. BUT WHAT WE'RE TALKING ABOUT IS THE LENGTH

1 OF THE TAPE FROM WHERE THE LAST PIECE WAS CUT OFF, IF
2 YOU RAN IT AROUND TO WHERE IT IS AGAIN, THAT WOULD
3 COVER THE CIRCUMFERENCE OF THIS ROLL, WOULD IT NOT?

4 A. AGAIN, BASED ON YOUR MEASUREMENTS, YES,
5 SIR.

6 Q. AND THE ONLY PART THAT COULD HAVE MY
7 PRINTS ON IT AFTER I FINISH TAPING WOULD BE THAT TOP
8 SURFACE LAYER, WOULDN'T IT?

9 A. THAT OR POSSIBLY THE INNER SURFACE WHERE
10 YOU'VE GOT THE CARDBOARD.

11 Q. THE INNER SURFACE. SO IF YOU WANTED TO
12 TEST THIS FOR PRINTS AS TO THE OUTSIDE SURFACE, ALL
13 YOU WOULD HAVE TO DO IS TAKE OFF ONE CIRCUMFERENCE
14 LENGTH AND TEST THAT LENGTH. ISN'T THAT CORRECT?

15 A. I COULD HAVE. BUT AGAIN, I ERRED IN
16 CAUTION DUE TO THE FACT THAT IT WAS THE ONLY KNOWN
17 STANDARD THAT WE HAD. IT IS POSSIBLE THAT THE LATENT
18 PROCESSING MAY HAVE DAMAGED OR ALTERED THAT TAPE AND
19 I WAS NOT GOING TO RUN THAT RISK.

20 Q. COULDN'T YOU HAVE RUN THAT ON THAT PIECE
21 AND NOT ON THE WHOLE TAPE ROLL?

22 A. YES, SIR, I COULD HAVE, BUT THEN THE SAME
23 QUESTION COULD HAVE BEEN ASKED LATER, WHY I DIDN'T DO
24 THE COMPLETE ROLL OF TAPE. I COULD HAVE. I CHOSE
25 NOT TO PROCESS THE TAPE FOR PRINTS.

1 GOING TO CHANGE. MY ANSWER IS I DID NOT PROCESS THE
2 ROLL OF TAPE BECAUSE I THOUGHT IT WAS MORE PROBATIVE
3 TO SEE IF THAT KNOWN TAPE STANDARD MATCHED THE TAPE
4 THAT WAS ON THE VICTIM'S BODY, AND I WAS NOT GOING TO
5 RUN THE RISK OF CHANGING THAT TAPE OR ALTERING IT IN
6 ANY WAY, SHAPE OR FORM.

7 Q. LET ME ASK YOU, YOU DIDN'T RUN THAT TEST,
8 DID YOU?

9 A. WHAT TEST?

10 Q. MATCH THIS TAPE TO THE TAPE ON THE
11 VICTIM'S BODY.

12 A. YES.

13 Q. OKAY. WAS PART OF THIS TAPE USED FOR
14 THAT?

15 A. AS FAR AS I KNOW, IT WAS.

16 Q. OKAY.

17 A. I SUBMITTED IT TO THE TRACE DEPARTMENT FOR
18 THEIR ANALYSIS.

19 Q. AND IT WOULD HAVE BEEN NORMAL FOR THEM TO
20 TAKE SOME OF THIS OFF AND USE IT FOR THAT, WOULDN'T
21 IT?

22 A. I DON'T KNOW HOW THEY DO THEIR EXAM. I
23 DON'T KNOW.

24 Q. NOW, WHEN YOU GOT TO BURNT FACTORY ON THE
25 24TH, YOU DIDN'T KNOW WHO THE VICTIM WAS; IS THAT

1 CORRECT?

2 A. YES, SIR. THAT IS CORRECT. I DID NOT.

3 Q. AND ON THE 24TH, DID YOU GO DOWN TO
4 CHARLESTON FOR THE AUTOPSY?

5 A. NO, SIR. SPECIAL AGENT SHEALY WENT DOWN
6 ON THE 25TH FOR THE SCHEDULED AUTOPSY. HE HAD TO BE
7 IN CHARLESTON THAT DAY ANYHOW. I MET SPECIAL AGENT
8 SHEALY UPON COMPLETION OF THE AUTOPSY WHERE HE
9 TRANSFERRED TO ME WHAT HE RECEIVED FROM THE AUTOPSY
10 INCLUDING WHERE HE HAD MAJOR CASE PRINTS OF THE
11 VICTIM. WE MET IN ORANGEBURG AT I-26 AND 601 AND I
12 BROUGHT THE KNOWN INK CARD OF DARLENE PATTERSON WITH
13 ME FROM SLED.

14 Q. AND YOU COMPARED THAT TO PRINTS THAT YOU
15 HAD?

16 A. YES, SIR.

17 Q. AND YOU GOT A POSITIVE ON THAT?

18 A. YES, SIR. WE POSITIVELY IDENTIFIED IT AS
19 BEING MRS. PATTERSON.

20 Q. AND WHEN DID YOU DO THAT?

21 A. THAT WAS ON NOVEMBER THE 25TH.

22 Q. THAT WAS ON THE 25TH. AND DID YOU THEN
23 NOTIFY THE MEDICAL UNIVERSITY OF THAT FACT?

24 A. WE NOTIFIED SHERIFF FOLEY AND SHERIFF
25 FOLEY SAID HE WOULD NOTIFY CORONER BROWN TO THE

1 POSITIVE IDENTIFICATION. AND AT THAT POINT IN TIME,
2 I WOULD TAKE IT EITHER SHERIFF FOLEY OR CORONER BROWN
3 WOULD HAVE NOTIFIED M.U.S.C. AS TO THE POSITIVE
4 IDENTIFICATION.

5 Q. OKAY. ON YOUR REPORT DATE ON -- YOUR
6 REPORT IS DECEMBER THE 16TH?

7 A. YES, SIR.

8 Q. SO THAT'S THE DAY YOU JUST DID UP THE
9 REPORT. YOU WERE DOING THE TEST ALONG AS YOU WENT?

10 A. THAT'S THE DATE THAT THE REPORT WAS TYPED
11 BY OUR SECRETARY IN OUR DEPARTMENT AND MAILED OUT.

12 Q. OKAY. WHAT DAY WAS THE REPORT DONE BY
13 YOU?

14 A. THE DATE THAT THE IDENTIFICATION WAS DONE
15 WAS ON THE 25TH. THE FIRST SEGMENT OF EVIDENCE WHICH
16 WOULD HAVE BEEN UP TO ITEM 26 WAS COMPLETED BY ME ON
17 DECEMBER THE 1ST. THE ADDITIONAL EVIDENCE, WHICH WAS
18 BROUGHT IN BY DEPUTY FREEMAN, WHICH IS ALSO INCLUDED
19 IN THE ORIGINAL REPORT, THAT WAS COMPLETED BY ME ON
20 DECEMBER THE 8TH.

21 Q. OKAY. YOU HAVE LOTS OF NOTES THERE, DON'T
22 YOU?

23 A. YES, SIR. CASE FILE.

24 Q. YOU TAKE LOTS OF NOTES WHEN YOU DO YOUR
25 WORK, DON'T YOU?

1 A. YES, SIR.

2 Q. AND THAT'S HOW YOU'VE BEEN TRAINED TO DO
3 IT, ISN'T IT?

4 A. YES, SIR.

5 Q. ALL RIGHT. AND THEN YOU TAKE THOSE NOTES
6 AND YOU DICTATE OFF OF THOSE NOTES OR YOU WRITE OUT
7 YOUR FINAL REPORT AND YOUR SECRETARY TRANSCRIBES THAT
8 AND THAT'S WHAT THAT FINAL REPORT IS. IS THAT
9 CORRECT?

10 A. YES, SIR.

11 Q. OKAY. SO THE FINAL REPORT IS -- IS A
12 LITTLE CONCISE STATEMENT IN CERTAIN SITUATIONS OF
13 WHAT YOUR NOTES CONTAIN. ISN'T THAT CORRECT?

14 A. YES, SIR. THAT IS CORRECT.

15 MR. LAWSON: THANK YOU. NO FURTHER
16 QUESTIONS.

17 MR. WILSON: NO ADDITIONAL QUESTIONS.

18 THE COURT: YOU MAY COME DOWN. THANK YOU.

19 MR. WILSON: YOUR HONOR, MAY I -- MAY WE
20 APPROACH THE BENCH FOR JUST ABOUT ONE SECOND?

21 THE COURT: YES, SIR.

22 (WHEREUPON, COUNSEL APPROACHED
23 THE BENCH FOR AN OFF-THE-RECORD
24 DISCUSSION.)

25 THE COURT: LADIES AND GENTLEMEN, I'M

1 ADVISED BY COUNSEL THAT THE NEXT WITNESS HAS NOT
2 ARRIVED. WE ANTICIPATE ARRIVAL WITHIN THE NEXT 30
3 MINUTES. AS SOON AS THAT WITNESS GETS HERE, WE'LL
4 START AGAIN. I'LL CALL YOU BACK FROM THE JURY ROOM.
5 WE ARE IN RECESS SUBJECT TO THE CALL OF THE COURT.

6 (WHEREUPON, THE JURY WAS REMOVED
7 FROM THE COURTROOM AND THE
8 FOLLOWING PROCEEDINGS COMMENCED
9 IN OPEN COURT.)

10 (WHEREUPON, A BREAK WAS TAKEN
11 FROM THE PROCEEDINGS.)

12 THE COURT: ALL RIGHT. LISTEN TO ME.
13 THIS IS FOR THE AUDIENCE TOO, NOW. DURING THIS
14 MORNING, I NOTICED FROM TIME TO TIME SOME
15 COMMUNICATION WITH THE DEFENDANT AND THOSE IN THE
16 AUDIENCE. THAT IS ENTIRELY NOT PERMISSIBLE. SO IT
17 IS IT WAS SOME QUIET COMMUNICATION, BUT DO NOT
18 COMMUNICATE IN ANY WAY WITH THESE DEFENDANTS WHILE
19 COURT IS IN PROCESS. THANK YOU.

20 ALL RIGHT. SOLICITOR WILSON, ARE WE READY TO
21 PROCEED?

22 MR. WILSON: STATE'S READY, YOUR HONOR.
23 BEFORE WE GO FURTHER, I HAVE ANOTHER MATTER THAT I
24 NEED TO TAKE UP WITH THE COURT.

25 THE COURT: LET THE RECORD REFLECT THAT

1 INSTEAD?

2 MR. WILSON: IT'S SERGEANT LEMMON'S
3 STATEMENTS WHICH IS ATTRIBUTABLE TO HIM.

4 THE COURT: ALL RIGHT. BRING THE JURY IN.

5 MR. LAWSON: YOUR HONOR, CAN WE HOLD THEM
6 AND HANDLE ONE MATTER?

7 THE COURT: SURE.

8 MR. LAWSON: THERE'S ABSOLUTELY NOTHING IN
9 THIS TESTIMONY THAT HAS ANYTHING TO DO -- ANY BEARING
10 ON MY CLIENT OR THE CHARGES AGAINST HIM. AND IT WILL
11 BE EXTREMELY PREJUDICIAL FOR THIS EVIDENCE TO COME IN
12 AGAINST MY CLIENT.

13 THE COURT: WELL, IF BELIEVED, IT'S
14 OBVIOUSLY EVIDENCE AGAINST SOME OF THE DEFENDANTS
15 HERE ON TRIAL, ISN'T IT?

16 MR. LAWSON: WELL, YOUR HONOR, AS TO
17 ROBERT GRAHAM, I AM MOVING TO EXCLUDE THIS EVIDENCE
18 AS TO HIM.

19 THE COURT: NO, SIR. THE JURY WILL
20 DETERMINE FROM THE TESTIMONY ITSELF WHICH DEFENDANTS
21 IT AFFECTS AND THAT'S FOR THEM TO DECIDE. THE
22 WITNESS IS A COMPETENT WITNESS. THE JURY WILL DECIDE
23 WHICH DEFENDANTS IT AFFECTS AND WHICH DEFENDANTS IT
24 DOES NOT. ARE YOU READY TO GO? I NOTE YOUR MOTION
25 FOR THE RECORD.

1 MR. LAWSON: YOUR HONOR, I MEAN, IT'S
2 CLEAR THAT THIS DOESN'T AFFECT --

3 THE COURT: YES, SIR, I KNOW. BUT IT MAY
4 AFFECT OTHER DEFENDANTS WHO ARE BEING CHARGED
5 JOINTLY. ARE YOU TAKING THE POSITION THAT BECAUSE IT
6 DOESN'T AFFECT YOUR MAN HE CAN'T TESTIFY TO THE REST
7 OF THEM?

8 MR. LAWSON: I'M SAYING BASED ON PROBATIVE
9 VALUE AGAINST PREJUDICIAL EFFECT THAT THE PROBATIVE
10 VALUE OF THIS TESTIMONY AS TO ANY OF THE JOINT
11 DEFENDANTS --

12 THE COURT: WELL, LET ME ASK YOU, YOU
13 DON'T SPEAK FOR THE JOINT DEFENDANTS, NOW. YOU SPEAK
14 FOR YOUR MAN. YOU TELL ME IF THIS TESTIMONY DOESN'T
15 RELATE TO YOUR CLIENT IN ANY WAY HOW CAN IT PREJUDICE
16 YOUR CLIENT? JUST TELL ME THAT.

17 MR. LAWSON: BECAUSE WE'RE IN A JOINT
18 TRIAL.

19 THE COURT: NO, SIR. BUT YOU'RE SAYING --
20 NO NEED IN US -- YOUR POSITION IS ON THE RECORD.
21 THIS WITNESS WILL TESTIFY.

22 MR. LAWSON: YOUR HONOR, WE'RE OVERLOOKING
23 THE REAL FACT THAT THINGS CAN BLEED IN A POSITION --
24 IN A TRIAL LIKE THIS.

25 THE COURT: YOU'RE GOING TO HAVE TO -- I'M

1 GOING TO LET HIM TESTIFY. YOU WILL HAVE TO RECITE
2 YOUR POSITION MORE SUCCINCTLY THAN YOU HAVE.

3 MR. LAWSON: BUT IF IT RELATES TO OTHER
4 DEFENDANTS, IT SHOULD BE ADMISSIBLE, YOUR HONOR.
5 IT'S OUTWEIGHED BY THE PREJUDICIAL EFFECT THAT IT
6 CAUSES TO THIS DEFENDANT.

7 THE COURT: I UNDERSTAND WHAT YOUR
8 POSITION IS AND THE RECORD WILL ABUNDANTLY REFLECT
9 THAT AND I RESPECTFULLY OVERRULE IT.

10 CALL THE JURY IN.

11 MR. ROGERS: YOUR HONOR, ONE BRIEF MATTER,
12 IF I MAY.

13 THE COURT: YES.

14 MR. ROGERS: THE SHERIFF'S OFFICE HAS
15 KINDLY AGREED TO ASSIST US IN SERVING A SUBPOENA AND
16 THEY HAVE DONE THAT AND THEY ARE PRESENTLY LOOKING
17 FOR ~~MS. MOYCA BENNETT~~. I HAVE BEEN TOLD -- OR MY
18 CLIENT HAS GIVEN ME ADDITIONAL INFORMATION AS TO HOW
19 TO FIND HER.

20 THE COURT: YES.

21 MR. ROGERS: AND I WANT TO PUT ON THE
22 RECORD THE INFORMATION THAT I HAVE. THEY CAN LOOK
23 FOR HER AT THE FIRST HOUSE ON THE RIGHT ON THE MCCOLL
24 HIGHWAY COMING OUT OF GIBSON. I TOLD THEM THAT AND
25 THEY SAID THAT THEY WOULD ASSIST US, BUT I WANTED TO

RECORD.

THE WITNESS: DWAYNE SLOAN.

DWAYNE SLOAN,

HAVING BEEN FIRST DULY SWORN BY THE CLERK OF COURT,
TESTIFIED AS FOLLOWS:

D I R E C T E X A M I N A T I O N

BY MR. WILSON:

Q. WHAT IS YOUR NAME?

A. DWAYNE SLOAN.

Q. WHERE DO YOU LIVE?

A. [REDACTED] [REDACTED], SOUTH

CAROLINA.

Q. OKAY. AND HAVE YOU LIVED HERE ALL OF YOUR LIFE?

A. NO.

Q. WHERE DID YOU LIVE BEFORE THAT?

A. SCOTLAND COUNTY.

Q. ALL RIGHT. NORTH CAROLINA?

A. UH-HUH.

Q. HOW LONG HAVE YOU LIVED IN BENNETTSVILLE?

A. I'M NOT REALLY SURE. I WILL SAY MAYBE SEVEN OR MORE.

Q. YEARS?

A. YEARS.

Q. NOW, ARE YOU RELATED TO ANY OF THESE

1 FELLOWS BACK HERE, ANY OF THESE SIX FELLOWS?

2 A. I'M RELATED TO ALFONZO STATON.

3 Q. ALL RIGHT. WHAT RELATIONSHIP ARE YOU TO
4 ALFONZO?

5 A. MY COUSIN.

6 Q. ANYBODY ELSE RELATED TO YOU?

7 A. LEROY STATON IS MY STEPFATHER.

8 Q. WHICH ONE IS? LEROY STATON, HE'S YOUR
9 STEPFATHER?

10 A. YES, SIR.

11 Q. AND WHO ELSE?

12 A. RICKY STUCKEY.

13 Q. AND WHICH ONE IS RICKY STUCKEY? THAT'S
14 MR. STUCKEY WITH HIS HAND UP?

15 A. UH-HUH.

16 Q. WHAT RELATION IS HE TO YOU?

17 A. COUSIN.

18 Q. ANYONE ELSE?

19 A. NO, THAT'S IT.

20 Q. SO YOU'RE RELATED TO THOSE FELLOWS. NOW,
21 LET ME ASK YOU, YOU WORKED AT BURGER KING BACK IN
22 1994, DID YOU NOT?

23 A. I DID.

24 Q. ALL RIGHT. AND DID YOU WORK THERE A LONG
25 TIME?

1 A. FOR A LONG PERIOD OF TIME. I'M NOT SURE
2 HOW LONG NOW.

3 Q. ALL RIGHT. FOR A CONSIDERABLE PERIOD, YOU
4 WORKED THERE. RIGHT?

5 A. YEAH.

6 Q. NOW, LET ME ASK YOU BACK IN NOVEMBER OF
7 1994 IF YOU WERE WORKING THERE THEN?

8 A. YES, I WAS.

9 Q. NOW, ON FRIDAY NIGHT, NOVEMBER 11TH, LET
10 ME ASK YOU IF YOU WERE -- IF Y'ALL WENT TO A FOOTBALL
11 GAME?

12 A. YES, I DID.

13 Q. ALL RIGHT. AND WHO DID YOU GO TO THE
14 FOOTBALL GAME WITH?

15 A. ME, ALFONZO.

16 Q. ALFONZO, MEANING ALFONZO STATON?

17 A. ALFONZO STATON.

18 Q. WHO ELSE?

19 A. JEFFREY WALLS AND LEE SLOAN.

20 Q. JEFFREY WALLS. AND WHO ELSE?

21 A. LEE SLOAN.

22 Q. LEE SLOAN, YOUR BROTHER?

23 A. YES.

24 Q. NOW, AFTER THE FOOTBALL GAME, DID YOU GO
25 HOME OR DID YOU STAY SOME PLACE ELSE?

1 A. WE STAYED AT RINGO'S HOUSE OVERNIGHT.

2 Q. ALL RIGHT. Y'ALL STAYED AT RINGO
3 PEARSON'S HOUSE?

4 A. RIGHT.

5 Q. WHO STAYED AT RINGO PEARSON'S HOUSE THAT
6 NIGHT, WHICH WOULD HAVE BEEN FRIDAY NIGHT THE 11TH?
7 WHO WOULD HAVE STAYED AT RINGO'S HOUSE?

8 A. ME, ALFONZO STATON, JEFFREY WALLS AND LEE
9 SLOAN.

10 Q. AND LEE SLOAN. ALL RIGHT. AND THEN
11 SATURDAY MORNING, DID YOU STAY OVER AT HIS HOUSE
12 SATURDAY MORNING OR DID Y'ALL GO SOME PLACE?

13 A. WE GOT UP AND LEFT AND WENT TO ROCKINGHAM
14 TO THE FLEA MARKET.

15 Q. I'M SORRY?

16 A. TO THE FLEA MARKET IN ROCKINGHAM.

17 Q. ALL RIGHT. AND THIS IS -- THIS IS
18 SATURDAY MORNING, RIGHT, THAT YOU WENT TO THE FLEA
19 MARKET?

20 A. UH-HUH.

21 Q. WHAT TIME DID YOU GO TO THE FLEA MARKET
22 SATURDAY MORNING?

23 A. I WOULD SAY AROUND -- SOMEWHERE AROUND
24 ABOUT MAYBE 6:30 OR 7:00.

25 Q. IN THE MORNING TIME?

1	A.	UH-HUH.

2 Q. AND HOW FAR IS ROCKINGHAM FROM
3 BENNETTSVILLE?

4 A. I'M NOT REALLY SURE. IT'S NOT THAT FAR.

5 Q. HOW LONG DID IT TAKE Y'ALL TO DRIVE OVER
6 THERE?

7 A. I WOULD SAY MAYBE -- I MEAN, DOING THE
8 REGULAR SPEED LIMIT, I WOULD SAY SOMEWHERE AROUND 30
9 MINUTES.

10 Q. OKAY. AND NOW, WHEN YOU GO TO THE FLEA
11 MARKET, DO Y'ALL COME BACK TOGETHER?

12	A.	YES.

13 Q. ALL RIGHT. WHAT TIME DO Y'ALL GET BACK?

14 A. AROUND MAYBE A LITTLE BIT AFTER 1:00.

15 Q. OKAY. YOU HAD TO BE AT WORK THAT
16 AFTERNOON. RIGHT?

17 | A. UH-HUH.

18 Q. WHAT TIME DID YOU HAVE TO BE AT WORK?

19 A. AROUND ABOUT -- I HAD TO BE AT WORK ABOUT
20 4:00.

21 Q. OKAY. AND DID YOU GO TO WORK THAT DAY?

22 A. YES, I DID.

23 Q. ALL RIGHT. DID YOU GET THERE EARLY OR ON
24 TIME OR WERE YOU LATE, OR DO YOU REMEMBER?

25 A. I GOT THERE EARLY.

1 PRIVATE PARTS. IS THAT WHAT HE SAID?

2 A. YES.

3 Q. AND NOW, WHEN HE MADE THAT STATEMENT, WHAT
4 DID HE DO?

5 A. HE THEN GOT IN THE CAR AND HE WAS GETTING
6 READY TO LEAVE. WELL, HE LEFT.

7 Q. DID JEFF GO WITH HIM?

8 A. YES.

9 Q. SO HE AND JEFFREY WALLS AT THAT POINT GOT
10 IN THE CAR AND THEY LEFT?

11 A. YES.

12 Q. AND WHAT ABOUT ALFONZO? WHAT DID HE DO?

13 A. WELL, AFTER THEY LEFT, IT WAS ABOUT FIVE
14 OR TEN MINUTES AFTER, ALFONZO LEFT. HE WAS WAITING,
15 WANTED ME TO GET SOME FOOD GOING IN. AND HE WANTED
16 TO ORDER SOMETHING AND HE WANTED ME TO HOOK HIM UP.

17 Q. SO ALFONZO STAYED WITH YOU ANOTHER FIVE OR
18 TEN MINUTES WANTING YOU TO GET HIM SOME FOOD?

19 A. YES.

20 Q. DID YOU GET HIM SOME FOOD?

21 A. NO, I WENT BACK IN, BUT I HADN'T CLOCKED
22 BACK IN SO I COULDN'T GO IN THE BACK.

23 Q. DID HE LEAVE THEN?

24 A. YEAH, IT WAS ABOUT FIVE OR TEN MINUTES
25 AFTER I COULDN'T GO BACK IN THE BACK. ALFONZO AND I

1 STAYED FOR A LITTLE BIT AND THEN I FINISHED MY
2 CIGARETTE AND THEN I HAD TO CLOCK BACK IN.

3 Q. SO HE STAYED FIVE OR TEN MINUTES AFTER
4 RINGO AND JEFF LEFT AND THEN HE LEFT, MEANING
5 ALFONZO?

6 A. YES.

7 Q. NOW, LET ME ASK YOU IF AT SOME POINT IN
8 TIME ON THE 29TH OF NOVEMBER, LATER, IF YOU WERE
9 GOING SOME PLACE WITH RINGO AND SOME OTHER FELLOWS?

10 A. YES. IT WAS RINGO AND ALFONZO.

11 Q. AND WHAT -- WHERE WERE YOU GOING ON THE
12 29TH?

13 A. TO THE -- WELL, GOING TO THE COURTHOUSE IN
14 LAURINBURG, NORTH CAROLINA.

15 Q. ALL RIGHT. AND WHO WAS WITH YOU? WHO WAS
16 IN THE CAR WITH -- WHO WAS IN THE CAR?

17 A. ME, ALFONZO STATON AND RINGO PEARSON.

18 Q. YOU, ALFONZO STATON AND RINGO PEARSON?

19 A. YES.

20 Q. TELL US WHAT OCCURRED IN THE CAR.

21 ~~A. WHEN RINGO GOT IN THE CAR, HE ASKED US,~~
22 ~~YOU KNOW, HAD THE POLICE TALKED TO YOU ALL ABOUT A~~

23 ~~MURDER. AND ME AND ALFONZO, WE STATED NO, AND THEN~~

24 ~~HE WENT ON AND HE WAS LIKE, WELL, THEY DON'T HAVE~~

25 ~~ENOUGH~~ -- THEY DON'T HAVE ENOUGH EVIDENCE ON ME TO

1 PROVE THAT I DID IT.

2 Q. ALL RIGHT.

3 A. AND THEN HE WAS LIKE THE GIRL, DARLENE,
4 WHOSE CAR HE HAD WORKED ON, THEY HAD WENT DOWN ON A
5 DIRT ROAD OFF OF HAMLET HIGHWAY AND PULLED -- PULLED
6 ALONGSIDE THE ROAD, PULLED IN THE WOODS AND GOT IN
7 THE BACK SEAT AND BEGAN TO HAVE SEX. ~~SHE PUSHED~~
8 ~~RINGO AWAY.~~

9 Q. SHE PUSHED RINGO AWAY?

10 A. UH-HUH.

11 Q. AND WHAT DID HE DO WHEN SHE PUSHED HIM
12 AWAY?

13 A. HE SLAPPED HER AND THEN SAID, "BITCH,
14 CHILL OUT."

15 Q. OKAY. THEN WHAT HAPPENED?

16 A. AND THEN HE CONTINUED ON TRYING AND THEN
17 ~~SHE KEPT TELLING HIM YOU DIDN'T HAVE TO DO THAT AND~~
18 ~~HE TIED HER HANDS UP BEHIND HER BACK~~

19 Q. HE TOLD HER -- I'M SORRY. SHE TOLD HIM HE
20 DIDN'T HAVE TO DO THAT?

21 A. YES.

22 Q. ALL RIGHT. DID HE STOP THEN? DID HE SAY
23 HE STOPPED THEN?

24 A. NO. AT THAT TIME HE HAD TIED HER HANDS
25 UP. THEN HE CONTINUED.

1 Q. OKAY. DID HE CONTINUE?

2 A. AND THEN AT THAT TIME, HE STATED THAT SHE
3 WAS STILL SAYING RINGO, YOU DON'T HAVE TO DO THIS.
4 AND HE PROCEEDED AND THEN HE -- HE WENT ON FURTHER
5 DOWN THE DIRT ROAD AND DOWN ON BURNT FACTORY ROAD.
6 AND HE HAD MENTIONED SOMETHING ABOUT -- I'M NOT SURE
7 HOW THE STATEMENT --- BUT HE MENTIONED SOMETHING ABOUT
8 HE WENT TO BURNT FACTORY AND PUSHING HER IN THE WATER
9 OR SOMETHING.

10 Q. OKAY. SO HE SAID HE TOOK HER DOWN TO THE
11 BURNT FACTORY WATER AND PUSHED HER IN THE WATER?

12 A. UH-HUH.

13 Q. ALL RIGHT. NOW -- AND THIS WAS A
14 CONVERSATION THAT WAS HAD IN YOUR PRESENCE AND IN THE
15 PRESENCE OF ALFONZO STATON?

16 A. YES.

17 Q. THIS THAT RIGHT? SIGNATURE DOWN AT

18 A. YES. THE SIGNATURE WAS AT THE

19 Q. ALL RIGHT. LET ME SHOW YOU THIS. TAKE A
20 LOOK AT THAT FOR ME. NOW, DO YOU RECOGNIZE THE
21 SIGNATURE DOWN AT THE BOTTOM?

22 A. YES.

23 Q. ALL RIGHT. AND WHOSE SIGNATURE IS THAT?

24 A. MINE.

25 Q. AND DID YOU SIGN THAT YOURSELF?

1 A. YES.

2 Q. ALL RIGHT. AND WHAT DATE DID YOU GIVE
3 THAT STATEMENT?

4 A. NOVEMBER 30, '94.

5 Q. OKAY. AND IS THAT WHAT YOU WERE JUST
6 TELLING US ABOUT?

7 A. YES.

8 Q. LET ME SHOW YOU ALSO THIS DOCUMENT, WHICH
9 IS -- IS THAT YOUR SIGNATURE AT THE BOTTOM OF THAT
10 STATEMENT?

11 A. YES, IT IS.

12 Q. AND WHAT IS THE DATE ON THAT ONE?

13 A. 1/3/95.

14 Q. JANUARY OF '95?

15 A. UH-HUH.

16 Q. AND THE OTHER ONE IS NOVEMBER OF '94; IS
17 THAT CORRECT?

18 A. YES.

19 MR. WILSON: ALL RIGHT. YOUR HONOR, I
20 WOULD JUST ASK THAT THESE BE MARKED FOR
21 IDENTIFICATION ONLY.

22 THE COURT: ALL RIGHT, SIR. FOR
23 IDENTIFICATION PURPOSES.

24 (STATE'S EXHIBIT NUMBER 20 AND 21
25 MARKED FOR IDENTIFICATION.)

BY MR. WILSON:

Q. LET ME ASK YOU, DID RINGO EVER SAY WHO WAS WITH HIM WHEN HE HAD HER IN THE CAR AND STUFF?

A. NO.

Q. ALL RIGHT. HE NEVER TOLD YOU THAT?

A. NO, SIR.

Q. ALL RIGHT. LET ME ASK YOU THIS. YOU PLED GUILTY THIS MORNING, DID YOU NOT?

A. YES, SIR.

Q. AND YOU PLED GUILTY TO CRIMINAL CONSPIRACY?

A. YES, SIR.

Q. IS THAT CORRECT?

A. YES, SIR.

Q. ALL RIGHT. NOW, YOU ARE ALREADY -- ARE YOU ALREADY SERVING TIME?

A. YES, SIR.

Q. YOU ARE IN JAIL NOW. RIGHT?

A. YES, SIR.

Q. AND WHAT ARE YOU IN JAIL FOR NOW?

A. VIOLATION OF PAROLE. PAROLE VIOLATION.

Q. ALL RIGHT. PAROLE VIOLATION? AND HOW MUCH TIME ARE YOU SERVING?

A. TEN MONTHS.

Q. AND YOU'RE GETTING A SENTENCE CONCURRENT

1 WITH WHAT YOU'RE SERVING NOW; IS THAT CORRECT?

2 A. YES, SIR.

3 MR. WILSON: ALL RIGHT. NO OTHER

4 QUESTIONS. ANSWER ANY QUESTIONS THESE GENTLEMEN

5 MIGHT HAVE FOR YOU.

6 MR. ERVIN: I DON'T HAVE ANY QUESTIONS OF

7 THIS WITNESS.

8 C R O S S - E X A M I N A T I O N

9 BY MR. PADGETT:

10 Q. MR. SLOAN, YOU MENTIONED THAT RINGO TOLD

11 YOU THAT DARLENE WAS THE GIRL HE USED TO TALK TO.

12 WAS THAT THE EXPRESSION YOU USED?

13 A. YES.

14 Q. DOES THAT MEAN THAT SHE WAS HIS GIRLFRIEND

15 AT ONE TIME?

16 A. I IMAGINE.

17 Q. OKAY. CAN YOU -- CAN YOU POINT OUT RINGO

18 PEARSON IN THE COURTROOM FOR ME TODAY?

19 A. HE ISN'T HERE.

20 Q. NOT HERE?

21 A. NO, SIR.

22 MR. PADGETT: HUH.

23 THE COURT: MR. REDMOND.

24 MR. REDMOND: YES, SIR, YOUR HONOR. IF IT

25 PLEASE THE COURT.

C R O S S - E X A M I N A T I O N

BY MR. REDMOND:

Q. MR. STATON -- I'M SORRY. MR. SLOAN, WHAT WERE YOU IN JAIL -- YOU HAD SAID YOU ARE IN JAIL ON PAROLE VIOLATION? WHAT OFFENSE DID YOU VIOLATE YOUR PAROLE ON?

A. FAILURE TO COMPLETE SERVICE, FAILURE TO PAY RESTITUTION FEES.

Q. I'M SORRY?

A. FAILURE TO PAY RESTITUTION FEES.

Q. RESTITUTION FOR WHAT?

A. WHENEVER I GOT OUT LAST TIME, I HAD TO -- WHENEVER I REPORTED, I HAD TO PAY 200 DOLLARS EVERY MONTH.

Q. OKAY. WELL, WHAT -- WHEN YOU GOT OUT, WHAT DID YOU GET OUT FOR THEN? IN OTHER WORDS, WHAT OFFENSE WERE YOU IN ON THAT YOU HAD TO PAY RESTITUTION FOR SOMETHING?

A. BURGLARY.

Q. OKAY. LET ME SHOW YOU THIS STATEMENT. I THINK YOU REVIEWED IT BEFORE YOUR GUILTY PLEA. YOU INDICATED THAT YOU WERE CHARGED AS EVERYONE ELSE; IS THAT CORRECT?

A. YES.

Q. AND ON THAT SECOND LINE, COULD YOU READ

1 THAT -- AND ACCORDING TO YOUR TESTIMONY, THAT JEFF
 2 WALLS WAS IN THE CAR -- WAS AT THE BURGER KING WITH
 3 YOU AND RINGO AND ALFONZO STATON; IS THAT CORRECT?

4 A. YES.

5 Q. OKAY. ISN'T IT TRUE THAT WHEN YOU LEFT
 6 BURGER KING YOU DON'T KNOW WHERE JEFF WALLS WENT?

7 A. NO. I -- I KNOW HE HAD LEFT WITH RINGO
 8 AND WHAT RINGO HAD SAID THEY WAS GOING TO DO, BUT DID
 9 THEY DO IT, NO, I DON'T KNOW.

10 Q. BUT IN YOUR DIRECT EXAMINATION, YOU SAID
 11 WHAT RINGO SAID HE WAS GOING TO DO. YOU NEVER
 12 MENTIONED WHAT JEFF SAID HE WAS GOING TO DO.

13 A. NO, I DIDN'T. THEY WAS TOGETHER, SO I
 14 MEAN, I CAN'T SAY THAT HE WAS GOING TO DO THE SAME
 15 THING.

16 MR. REDMOND: THANK YOU. THE COURT'S
 17 INDULGENCE.

18 THE COURT: ALL RIGHT, SIR.

19 BY MR. REDMOND:

20 Q. MR. SLOAN, YOU PLED GUILTY AGAIN TODAY.
 21 ISN'T THAT CORRECT?

22 A. YES.

23 Q. ISN'T IT TRUE THAT IN EXCHANGE FOR
 24 PLEADING GUILTY, TWO CHARGES GOT DROPPED?

25 A. YES, SIR.

1 Q. THAT CHARGE BEING ACCESSORY BEFORE THE
2 FACT AND ACCESSORY AFTER THE FACT OF THESE OFFENSES;
3 IS THAT CORRECT?

4 A. YES, SIR.

5 Q. BUT YOU PLED GUILTY TO CRIMINAL
6 CONSPIRACY. CORRECT?

7 A. YES, SIR.

8 Q. SO IN OTHER WORDS, WHAT YOU PLED GUILTY TO
9 TODAY SAYS THAT THERE WAS A -- YOU WERE INVOLVED IN A
10 COMBINATION WITH TWO OR MORE PERSONS, IN OTHER WORDS,
11 YOU AND ANOTHER PERSON OR SEVERAL OTHER PEOPLE WERE
12 INVOLVED IN THIS INCIDENT FOR THE PURPOSE OF
13 ACCOMPLISHING A CRIMINAL OR UN-- OR UNLAWFUL OBJECT,
14 AN OBJECT NEITHER CRIMINAL NOR UNLAWFUL BY
15 CRIMINAL -- AN OBJECT NEITHER CRIMINAL NOR UNLAWFUL
16 BY CRIMINAL OR UNLAWFUL MEANS. IN OTHER WORDS, YOU
17 PLED GUILTY TO BEING INVOLVED IN THE WHOLE ARRAY, THE
18 WHOLE PLAN FOR THIS WHOLE INCIDENT. IS THAT CORRECT?

19 A. NO, SIR.

20 Q. SO YOU'RE NOT TESTIFYING THAT YOU WERE
21 INVOLVED IN THIS CONSPIRACY DURING THE TIME THAT IT
22 WAS CARRIED OUT?

23 A. NO. I NEVER KNEW ANYTHING ABOUT WHAT
24 HAPPENED --

25 Q. SO WHY DID YOU PLEAD GUILTY?

THE COURT: WAIT A MINUTE. LET HIM
FINISH.

THE WITNESS: -- UNTIL --

THE COURT: GO AHEAD.

THE WITNESS: I'M NOT PLEADING GUILTY TO THE CHARGES. I'M PLEADING GUILTY BECAUSE I KNEW SOMETHING -- I WAS TOLD SOMETHING AND SO THAT LEADS IT TO CONSPIRACY, KNOWING.

BY MR. REDMOND:

Q. LET ME READ THE INDICTMENT FOR YOU. THIS IS CRIMINAL CONSPIRACY. THAT DWAYNE SLOAN DID IN MARLBORO COUNTY BETWEEN NOVEMBER 12TH AND NOVEMBER 24TH UNLAWFULLY UNITE, COMBINE, CONSPIRE, CONFEDERATE, AGREE AND HAVE TACIT UNDERSTANDING WITH EACH OTHER AND/OR WITH OTHER PERSONS FOR THE PURPOSES OF CONSPIRING -- WITH OTHERS DID CONSPIRE FOR THE PURPOSES OF ACCOMPLISHING THE CRIME OF MURDER, KIDNAPPING, CRIMINAL SEXUAL CONDUCT FIRST DEGREE. ISN'T THAT WHAT YOU WERE CHARGED WITH?

A. YES, I WAS.

Q. AND ISN'T THAT WHAT YOU PLED GUILTY TO
THIS MORNING?

A. NO, SIR. I PLED GUILTY TO CONSPIRACY FOR KNOWING SOMETHING.

Q. EXCUSE ME?

1 A. BUT YOU'RE SAYING -- YOU'RE MAKING IT
2 SOUND LIKE I'M PLEADING GUILTY TO THOSE CHARGES, BUT
3 I'M NOT.

4 MR. REDMOND: YOUR HONOR, MAY I APPROACH
5 THE WITNESS?
6 BY MR. REDMOND:

7 Q. WOULD YOU READ THAT INDICTMENT FOR ME,
8 STARTING FROM THE TOP, RIGHT THERE?

9 A. RIGHT HERE?

10 Q. STARTING FROM THE CHARGE THAT'S LISTED ON
11 THE TOP. STARTING RIGHT THERE.

12 A. CRIMINAL CONSPIRACY 16-7-410, THAT DWAYNE
13 SLOAN DID IN MARLBORO COUNTY -- DID IN MARLBORO
14 COUNTY BETWEEN NOVEMBER 12 AND NOVEMBER 24, 1994
15 UNLAWFULLY AND WILLFULLY UNITE, COMBINE, CONSPIRE,
16 CONFEDERATE, AGREE AND HAVE TACTIC UNDERSTANDING WITH
17 EACH OTHER AND/OR WITH OTHER PERSONS WHOSE NAMES ARE
18 UNKNOWN TO THE GRAND JURY FOR THE PURPOSE OF -- FOR
19 THE PURPOSE OF, TO WIT, DEFENDANT ALONG WITH OTHERS
20 DID CONSPIRE FOR THE PURPOSE OF ACCOMPLISHING THE
21 CRIME OF MURDER, KIDNAPPING AND CRIMINAL SEXUAL
22 CONDUCT FIRST, THE VICTIM BEING DARLENE MCRAE
23 PATTERSON, AGAINST THE PEACE --

24 Q. GO AHEAD.

25 A. AGAINST THE PEACE AND -- WHAT --

1 Q. DIGNITY.

2 A. DIGNITY OF THE STATE OF --

3 Q. AND CONTRARY TO THE --

4 A. AND CONTRARY TO THE STATUTE --

5 Q. STATUTE.

6 A. -- STATUTE IN SUCH CASE MADE AND PROVIDED.

7 Q. LET ME ASK YOU THIS. I WANT YOU TO REVIEW
8 THIS AND SEE IF THIS COPY IS THE SAME AS WHAT'S
9 WRITTEN HERE. JUST REVIEW THIS PART AND SEE IF THIS
10 IS THE SAME THING, IF THIS IS YOUR INDICTMENT.

11 A. (REVIEWS.) YES, IT IS.

12 Q. AND WOULD YOU LOOK INTO THAT STAMPED
13 PORTION. RIGHT HERE, WOULD YOU READ THAT FOR ME.
14 WELL, LET ME ASK YOU THIS. IS THIS YOUR SIGNATURE?

15 A. YES, IT IS.

16 Q. AND WOULD YOU READ THAT SECTION FOR ME?

17 A. STATE OF SOUTH CAROLINA -- SOMETHING
18 MARLBORO COUNTY, NOW COMES DEFENDANT DWAYNE SLOAN IN
19 OPEN COURT AND PLEADS GUILTY TO CRIMINAL CONSPIRACY
20 IN PROCESS AFORESAID -- IT'S FADED OUT.

21 Q. SAID PLEA.

22 A. SAID PLEA TO BE -- THAT IS TO BE. RIGHT.

23 Q. UH-HUH. TO BE ENTERED INTO THE RECORD
24 AGAINST --

25 A. TO BE ENTERED INTO THE RECORD AGAINST

1 DWAYNE SLOAN.

2 Q. OKAY. ISN'T IT TRUE THAT YOU UNDERSTAND
3 THAT TO BE YOUR PLEA OF GUILTY TO THE OFFENSE OF
4 CRIMINAL CONSPIRACY? IS THAT NOT CORRECT, MR. SLOAN?

5 A. YES, IT IS.

6 Q. SO THEREFORE, ISN'T IT TRUE THAT YOU GAVE
7 THIS PLEA WITH THE UNDERSTANDING THAT YOUR SENTENCE
8 WOULD RUN CONCURRENT WITH THE SENTENCE THAT YOU ARE
9 SERVING NOW ON THE PROBATION VIOLATION?

10 A. YES, IT IS.

11 Q. AND ISN'T IT ALSO TRUE, MR. SLOAN, THAT IT
12 WAS INDICATED AND YOUR UNDERSTANDING IS YOU WOULD GET
13 NO ADDITIONAL TIME AS A RESULT?

14 A. YES.

15 MR. REDMOND: THANK YOU. I HAVE NO
16 FURTHER -- NOTHING FURTHER, YOUR HONOR.

17 THE COURT: MR. MOORE.

18 MR. MOORE: I RESERVE MY COMMENTS FOR
19 LATER, YOUR HONOR.

20 THE COURT: MR. ROGERS.

21 C R O S S - E X A M I N A T I O N

22 BY MR. WILL ROGERS:

23 Q. MR. SLOAN, THE STATEMENT YOU GAVE DATED
24 11/30/94 WHICH THIS SOLICITOR WENT OVER WITH YOU,
25 IT'S MY UNDERSTANDING THAT RINGO PEARSON TOLD YOU

1 THAT HE COMMITTED THIS CRIME. IS THAT CORRECT?

2 A. NO, AT THE -- OH, JUST STATED THAT THEY
3 HAVE NOT ENOUGH EVIDENCE AGAINST HIM TO PROVE HE DID
4 IT.

5 Q. OKAY. BUT HE DIDN'T MENTION ANYBODY'S
6 NAME WITH HIM?

7 A. NO, HE DIDN'T.

8 Q. OKAY. THE STATEMENT YOU GAVE DATED 1/3/95
9 WHEN YOU SAID YOU WERE AT WORK, YOU SAID MY CLIENT
10 WAS NOT WITH RINGO PEARSON OR JEFF WALLS?

11 A. NO.

12 Q. HE JUST HAPPENED TO BE THERE AT THE SAME
13 TIME; IS THAT CORRECT?

14 A. HE WAS -- IF I'M NOT MISTAKEN, HE WAS
15 DRIVING HIS AUNT'S TRUCK AND HE HAD CAME OVER.

16 Q. OKAY. THAT SAME -- EARLIER THAT SAME DAY,
17 YOU SAID Y'ALL HAD BEEN TO THE FLEA MARKET; IS THAT
18 CORRECT?

19 A. YES.

20 Q. WHAT TIME, IF YOU CAN RECALL, DID Y'ALL
21 DROP MY CLIENT OFF, ALFONZO STATON, AT HIS HOUSE?

22 A. I'M NOT SURE, REALLY, BECAUSE RINGO HAD --
23 HE WAS HOOKING AN AMP UP IN HIS CAR, SO I REALLY
24 DON'T KNOW WHAT TIME IT WAS.

25 Q. BUT IT HAD TO BE BEFORE 3:00 OR 3:30

D I R E C T E X A M I N A T I O N

BY MR. WILSON:

Q. DOCTOR, HOW ARE YOU TODAY?

A. I'M FINE. THANKS.

Q. IF YOU WOULD, STATE YOUR NAME FOR THE COURT AND SPELL YOUR LAST NAME.

A. SANDRA EPSTEIN CONRADI. AND THE LAST NAME IS C-O-N-R-A-D-I.

Q. AND DOCTOR, WHERE ARE YOU EMPLOYED?

A. I'M AT THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, EMPLOYED IN THE DEPARTMENT OF PATHOLOGY AND LABORATORY MEDICINE.

Q. ALL RIGHT. AND THAT'S IN CHARLESTON, SOUTH CAROLINA. RIGHT?

A. IT IS IN CHARLESTON, YES, SIR.

Q. NOW, DOCTOR, IF YOU WOULD, GIVE US THE BENEFIT OF YOUR EDUCATIONAL BACKGROUND AND EXPERIENCE IN THE FIELD OF PATHOLOGY.

MR. ERVIN: YOUR HONOR, I WOULD STIPULATE ON BEHALF OF MARTIN MCINTOSH THAT SHE IS QUALIFIED AS AN EXPERT IN THE FIELD OF FORENSIC PATHOLOGY.

MR. PADGETT: AND FOR RICKY STUCKEY.

THE COURT: ALL ATTORNEYS STIPULATE THAT SHE IS THUSLY QUALIFIED.

MR. WILSON: THANK YOU VERY MUCH, YOUR

1 HONOR.

2 BY MR. WILSON:

3 Q. DOCTOR, FIRST OF ALL, IF YOU WOULD,
4 EXPLAIN TO THE JURY WHAT A PATHOLOGIST IS AND WHAT
5 THE DIFFERENCE IS BETWEEN A PATHOLOGIST AND A
6 FORENSIC PATHOLOGIST. AND -- WELL, JUST DO THAT
7 FIRST AND THEN WE'LL GO FROM THERE.

8 A. OKAY. PATHOLOGY IS A SUBSPECIALTY OF THE
9 FIELD OF MEDICINE. AND THE PATHOLOGIST WOULD
10 ORDINARILY BE IN CHARGE OF A HOSPITAL LABORATORY
11 WHERE BLOOD SPECIMENS ARE EXAMINED, URINE SPECIMENS
12 ARE EXAMINED AND SURGICAL SPECIMENS ARE EXAMINED, FOR
13 INSTANCE TO SEE IF THERE'S CANCER IN THAT SPECIMEN OR
14 NOT. AND ALSO THAT INDIVIDUAL WOULD BE EXPECTED TO
15 PERFORM AUTOPSIES ON INDIVIDUALS THAT DIE OF NATURAL
16 DISEASES AFTER PERMISSION BY THE FAMILY TO DO THAT
17 EXAMINATION. AND THOSE EXAMINATIONS, THOSE AUTOPSIES
18 ARE DONE BY THE PATHOLOGIST AT THE HOSPITAL.

19 FORENSIC PATHOLOGY IS REALLY A SUBSPECIALTY OF
20 THE FIELD OF PATHOLOGY. THE FORENSIC PATHOLOGIST
21 WOULD BE EXPECTED TO PERFORM AUTOPSIES ON INDIVIDUALS
22 THAT DIE OF UNNATURAL TYPES OF DEATH. THAT WOULD
23 INCLUDE ACCIDENTS, SUICIDE, HOMICIDE OR SOMETIMES
24 THOSE DEATHS THAT OCCUR SUDDENLY AND UNEXPECTEDLY IN
25 USUALLY YOUNG PEOPLE WHERE THE CAUSE AND MANNER OF

1 DEATH ARE IN DOUBT. THOSE ARE THE KIND OF CASES WE
2 DO AS FORENSIC PATHOLOGISTS. WE ACCEPT CASES FROM
3 COUNTIES AROUND THE STATE OF SOUTH CAROLINA WHERE THE
4 CORONER REFERS THE BODY TO US, AND WE ACT AS MEDICAL
5 EXAMINER FOR CHARLESTON COUNTY AND DO THE
6 INVESTIGATIVE WORK AND AUTOPSIES ON THOSE DEATHS AS
7 WELL.

8 Q. DOCTOR, LET ME ASK YOU IF YOU HAVE
9 TESTIFIED IN COURT BEFORE AS AN EXPERT IN THE FIELD
10 OF FORENSIC PATHOLOGY?

11 A. YES, SIR. I HAVE.

12 Q. AND APPROXIMATELY HOW MANY TIMES WOULD YOU
13 THINK YOU'VE TESTIFIED OVER THE YEARS?

14 A. IN THE -- IN THE 23 YEARS I'VE BEEN HERE,
15 MAYBE 100 TO 150, I WOULD SAY.

16 Q. AND EACH OF THOSE TIMES YOU'VE BEEN
17 QUALIFIED AS AN EXPERT IN FORENSIC PATHOLOGY?

18 A. YES, SIR.

19 Q. DOCTOR, LET ME ASK YOU IF YOU HAD AN
20 OCCASION TO PERFORM AN AUTOPSY ON THE BODY OF DARLENE
21 PATTERSON.

22 A. YES, SIR. A BODY WAS IDENTIFIED TO ME AS
23 MRS. PATTERSON.

24 Q. AND WHEN WAS THAT AUTOPSY CONDUCTED?

25 A. THE AUTOPSY BEGAN AT 10:15 A.M. ON THE

1 IN THE TRIAL OF THIS CASE AS STATE'S EXHIBIT NUMBER
2 6, STATE'S EXHIBIT NUMBER 3, STATE'S EXHIBIT NUMBER
3 4, AND STATE'S EXHIBIT NUMBER 5, AND ASK YOU IF THAT
4 IS THE MANNER IN WHICH SHE WAS TAPED AND BOUND AT THE
5 TIME YOU INITIALLY OBSERVED HER?

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

7 MR. WILSON: YOUR HONOR, I WOULD ASK TO
8 PUBLISH THESE TO THE JURY AT THIS TIME.

9 THE COURT: YOU MAY DO SO.

10 BY MR. WILSON:

11 Q. NOW, DOCTOR, IN -- IN PERFORMING AN
12 AUTOPSY, WHAT IS IT THAT YOU ARE LOOKING FOR?

13 A. YOU MEAN --

14 Q. AND MORE PARTICULAR IN THIS CASE, WHAT
15 WERE YOU LOOKING FOR?

16 A. WELL, IN THIS CASE PARTICULARLY, AND
17 REALLY IN EVERY CASE, WE LOOK AT THE EXTERNAL
18 APPEARANCE OF THE BODY TO DECIDE IF THERE ARE ANY
19 INJURIES OR ABNORMALITIES THAT WE CAN SEE EXTERNALLY.
20 PHOTOGRAPHS ARE MADE, DIAGRAMS ARE MADE CONCERNING
21 ANY ABNORMALITIES THAT WE SEE. AND THEN THE BODY IS
22 GENERALLY UNCLOTHED AND RE-EXAMINED TO LOOK FOR ANY
23 ADDITIONAL INJURIES OR ABNORMALITIES. IN THIS CASE,
24 THE TAPE WAS REMOVED FROM MS. PATTERSON'S FACE,
25 WRISTS AND ANKLES AND THE BODY WAS RE-EXAMINED TO

1 MOUTH AND PART OF HER NOSE?

2 A. YES, SIR. THAT'S MY OPINION.

3 Q. ALL RIGHT. DID SHE DIE FROM DROWNING?
4 WOULD THAT HAVE BEEN A CAUSE OF DEATH?

5 A. NOT IN MY OPINION. BUT YOU MUST
6 UNDERSTAND THAT THESE TWO -- THAT THE SEPARATION
7 BETWEEN DROWNING AND SUFFOCATION IS VERY DIFFICULT TO
8 DO BY THE AUTOPSY ALONE. AND PART OF THE FACTORS
9 THAT WENT INTO MY THINKING WERE THE DEGREE OF
10 COMPRESSION OF HER NOSE, WHICH WAS TIGHTLY COMPRESSED
11 BY THE TAPE AND THE SMALL OPENING BETWEEN THE WRAPS
12 OF TAPE. SO TO MY WAY OF THINKING, THE INDIVIDUAL
13 COULD NOT HAVE BREATHED SUFFICIENTLY ENOUGH TO
14 SUSTAIN LIFE JUST BECAUSE OF THE DUCT TAPE ITSELF,
15 AND IMMERSION IN WATER CAME LATER.

16 Q. ALL RIGHT. SO YOUR OPINION, THEN, IS THAT
17 SHE WAS ALREADY DEAD WHEN SHE WENT INTO THE WATER?
18 IS THAT YOUR OPINION?

19 A. THAT'S MY OPINION, YES, SIR.

20 Q. NOW, DOCTOR, HOW LONG -- DO YOU HAVE AN
21 OPINION HOW LONG SHE WOULD HAVE BEEN ABLE TO SURVIVE
22 ONCE THAT TAPE WAS TIED AROUND THE FACE THE WAY IT
23 WAS?

24 A. A NUMBER OF MINUTES, BUT TO BE MORE
25 SPECIFIC I THINK WOULD BE IMPOSSIBLE.

1 Q. BUT A NUMBER OF MINUTES?

2 A. A NUMBER OF MINUTES.

3 Q. OKAY. NOW, DOCTOR, IN TERMS OF
4 DECOMPOSITION, YOU'VE SAID THAT -- THAT THE BODY WAS
5 IN A STATE OF DECOMPOSITION. EXPLAIN TO US HOW THAT
6 WORKS, HOW THE DECOMPOSITION OCCURS AND HOW LONG IT
7 TAKES BEFORE IT STARTS TO BECOME ACTIVE, THE STATE OF
8 DECOMPOSITION.

9 A. WELL, ORDINARILY, IN A 70-DEGREE ROOM OR A
10 ROOM ABOUT THAT TEMPERATURE, DECOMPOSITION WILL BEGIN
11 TO OCCUR AFTER ABOUT 48 HOURS. THE BODY WILL BEGIN
12 TO SHOW DISCOLORATION IN THE LOWER ABDOMINAL AREA,
13 PARTICULARLY ON THE RIGHT SIDE, AND IT WILL SPREAD
14 FROM THERE AND THE BODY WILL BECOME BLOATED OR
15 SWOLLEN. AND THEN MORE MODERATE DECOMPOSITION,
16 MODERATELY TO SEVERE DECOMPOSITION WILL OCCUR WITHIN
17 THREE OR FOUR DAYS IN THAT ATMOSPHERE. IF YOU CHANGE
18 THAT 70-DEGREE ENVIRONMENT TO A WARMER ENVIRONMENT,
19 INTO THE 80 OR 90 DEGREE RANGE, DECOMPOSITION CAN
20 OCCUR AS EARLY AS FOUR HOURS, SIX HOURS, WHERE THE
21 BODY WILL AT THAT POINT BECOME BLOATED AND
22 DECOMPOSED. IN A WATERY ENVIRONMENT, BECAUSE WATER
23 IS ENCASING THE BODY, THE DECOMPOSITION IS VERY MUCH
24 DEPENDENT ON THE DEGREE OF WARMNESS OF THE WATER, THE
25 TEMPERATURE OF THE WATER. AND AGAIN, IF THE WATER IS

1 WARMER, DECOMPOSITION WILL OCCUR EARLIER, AND IF
2 COLDER, THE BODY MAY REMAIN UNDECOMPOSED FOR MANY
3 DAYS BEFORE DECOMPOSITION OCCURS.

4 Q. DID YOU FIND ANY BRUISES ON HER IN ANY
5 PLACE, DOCTOR?

6 A. GIVE ME JUST A MOMENT TO REVIEW MY
7 RECORDS. NO, SIR. I DON'T SEE ANY INDICATION OF ANY
8 INJURIES TO THE BODY.

9 Q. OKAY. DOES THE -- WOULD -- WOULD
10 DECOMPOSITION DESTROY BRUISES OR CONTUSIONS THAT
11 MIGHT BE ON THE BODY?

12 A. IT DOES AFTER AWHILE. SHE -- SHE WAS NOT
13 SO SEVERELY DECOMPOSED THAT IT WOULD HAVE MASKED
14 BRUISES OR CONTUSIONS, IN MY OPINION.

15 Q. DO YOU HAVE AN OPINION, DOCTOR, AND MAYBE
16 YOU DON'T -- I HAVEN'T ASKED YOU THIS QUESTION IN THE
17 PAST. DO YOU HAVE AN OPINION AS TO HOW LONG SHE
18 WOULD HAVE BEEN DEAD PRIOR TO YOUR SEEING HER?

19 A. I WOULD SAY A NUMBER OF DAYS. I
20 ESTIMATED -- I ACTUALLY ESTIMATED 13 HOURS FROM
21 THE -- WELL, ACTUALLY IT'S MORE LIKE 13 DAYS FROM THE
22 12TH OF NOVEMBER TO THE 25TH OF NOVEMBER, AND THAT
23 WAS PRIMARILY BASED ON HISTORICAL INFORMATION.

24 Q. ALL RIGHT. SO WHAT YOU'RE SAYING IS THAT
25 IT COULD HAVE BEEN ANY TIME DURING THAT PERIOD?

1 A. YES. PROBABLY IN THE RANGE -- CLOSER TO
2 THE 12TH OF NOVEMBER.

3 Q. OKAY. ALL RIGHT. LET ME ASK YOU, COULD
4 IT HAVE BEEN AS LATE AS THE 19TH?

5 A. YES, SIR. AGAIN, DEPENDING ON THE
6 TEMPERATURES INVOLVED.

7 Q. SO I GUESS WHAT I'M SAYING IS WE REALLY --
8 THE BEST WE CAN SAY IS THAT SHE DIED -- SHE WOULD
9 HAVE DIED SOME TIME BETWEEN THE 12TH AND THE 20TH IS
10 PROBABLY AS BEST WE CAN DO?

11 A. THAT'S A REASONABLE ASSUMPTION, YES.

12 MR. WILSON: THANK YOU SO MUCH.

13 C R O S S - E X A M I N A T I O N

14 BY MR. ERVIN:

15 Q. DR. CONRADI, IN YOUR AUTOPSY REPORT, YOU
16 INDICATED THAT MS. PATTERSON'S BODY WAS MODERATELY
17 DECOMPOSE AND I BELIEVE YOU REFERRED TO THE VARYING
18 DEGREES OF AUTOLYSIS --

19 A. YES, SIR.

20 Q. -- OF THE INTERNAL ORGANS?

21 A. YES, SIR.

22 Q. WHEN YOU USE THE MEDICAL TERM AUTOLYSIS,
23 ARE YOU REFERRING TO DECOMPOSITION?

24 A. YES, SIR.

25 Q. AND WHAT IS SIGNIFICANT, IF ANYTHING,

1 ABOUT INTERNAL ORGAN DECOMPOSITION? AND WHEN I SAY
2 WHAT IS SIGNIFICANT, WHAT DOES THAT TELL YOU ABOUT
3 THE LENGTH OF TIME THAT THE PERSON HAS BEEN DEAD, HOW
4 LONG THEY'VE BEEN DEAD?

5 A. WELL, IT'S A VERY INACCURATE MEASUREMENT
6 OF THE LENGTH OF TIME THE BODY HAS BEEN DEAD BECAUSE
7 YOU START OUT WITH A WARM BODY, 98 DEGREES, AND THEN
8 THE BODY COOLS FROM THERE. SO DECOMPOSITION IS
9 LIKELY TO START IN THE BOWEL, IN THE RIGHT LOWER
10 QUADRUM OF THE BOWEL AND THEN SPREAD FROM THERE. BUT
11 AS FAR AS THE ACTUAL TIMING OF THE DEATH COMPARED TO
12 WHEN THE EXAMINATION IS OCCURRED BASED ON AUTOLYSIS
13 IS NOT POSSIBLE.

14 Q. IT'S NOT ACCURATE?

15 A. IT IS NOT. NO, SIR.

16 Q. SO TO PROCEED FROM THERE, IN ORDER TO
17 PINPOINT THAT CONCLUSION --

18 A. YES, SIR.

19 Q. -- AS TO TIME OF DEATH, YOU HAVE TO KNOW
20 MORE ABOUT THE EXTERNAL FACTORS?

21 A. YES.

22 Q. AND WHAT TYPES OF EXTERNAL FACTORS ARE YOU
23 LOOKING FOR?

24 A. MAINLY TEMPERATURE CHANGES, AND
25 PARTICULARLY IN THIS CASE, THE TEMPERATURE OF THE

1 WATER.

2 Q. THE TEMPERATURE OF THE WATER?

3 A. YES.

4 Q. THAT'S PRETTY EASY TO PROVIDE, ISN'T IT?

5 A. SHOULD BE.

6 Q. SHOULD BE. AS A MATTER OF FACT, THE BODY
7 WAS REMOVED FROM THE BURNT FACTORY POND ON NOVEMBER
8 THE 24TH. YOU WERE PROVIDED WITH THAT INFORMATION,
9 WEREN'T YOU?

10 A. I BELIEVE THAT IS CORRECT, YES.

11 Q. THANKSGIVING?

12 A. YES, SIR. I HAVE -- I BELIEVE SHE WAS
13 FOUND ON THE 24TH, IF THAT WAS THANKSGIVING.

14 Q. AND I ASSUME AS PART OF THEIR
15 INVESTIGATORY FUNCTION THAT YOU WERE PROVIDED WITH
16 THE TEMPERATURE OF THE SPILLWAY CREEK ON THAT DATE?

17 A. IF I WAS, I DON'T HAVE A NOTE OF IT. I'VE
18 BEEN THROUGH MY NOTES AND I HAVE NOT FOUND THAT
19 INFORMATION. AT ONE TIME I MAY HAVE KNOWN IT, BUT I
20 DON'T SEE IT IN MY NOTES.

21 Q. WOULD THAT BE OF SIGNIFICANCE?

22 A. IT WOULD BE A HELP, YES, SIR.

23 Q. IT WOULD BE OF HELP?

24 A. YES, SIR.

25 Q. WOULD THE TEMPERATURE THE DAY BEFORE BE OF

1 HELP?

2 A. MAINLY THE TEMPERATURE OF THE WATER WOULD
3 BE CRITICAL, NOT SO MUCH THE ENVIRONMENTAL WATER AS
4 THE TEMPERATURE -- AS THE WATER TEMPERATURE.

5 Q. SO WEATHER CONDITIONS PRECEDING THAT WOULD
6 NOT BE AS SIGNIFICANT AS THE ACTUAL TEMPERATURE ON
7 THE DATE THE BODY WAS FOUND?

8 A. ON THE WATER TEMPERATURE, DURING THAT TIME
9 FRAME, THAT TWO-WEEK TIME FRAME WOULD BE IMPORTANT,
10 YES, SIR.

11 Q. OKAY. WOULD IT BE SIGNIFICANT IF YOU WERE
12 INFORMED THAT THE BODY MAY HAVE BEEN SITED AS EARLY
13 AS THE 10TH OR 11TH OR WHAT APPEARED TO BE A BODY IN
14 THE BURNT FACTORY SPILLWAY AREA?

15 A. YOUR QUESTION IS WHAT, SIR?

16 Q. WOULD IT HAVE ANY SIGNIFICANCE TO YOU IF
17 THE EARLIEST CITING OF A BODY IN THAT AREA WAS
18 APPROXIMATELY THE 11TH OR 12TH OF NOVEMBER, FIRST
19 SIGHTING OF WHAT APPEARED?

20 A. YES, THAT WOULD BE POSSIBLE.

21 Q. TELL ME HOW THAT WOULD ENTER INTO YOUR
22 CONCLUSION.

23 A. NOT REALLY. THE TIME FRAME THAT I'M GOING
24 BY -- AND I -- AGAIN, IT'S PARTIALLY BASED ON
25 HISTORICAL INFORMATION IS THE FACT THAT SHE WAS LAST

1 SEEN ON OR ABOUT THE 12TH OF NOVEMBER AND OUR
2 EXAMINATION WAS ON THE 25TH. THE STATE OF THE BODY
3 AND THE STATE OF DECOMPOSITION WAS COMPATIBLE WITH
4 THAT TIME FRAME, BUT CERTAINLY, SHE MAY HAVE BEEN
5 SIGHTED EARLIER THAN THE 24TH.

6 Q. OKAY. AND WHEN YOU WERE QUESTIONED BY THE
7 SOLICITOR, YOU INDICATED THAT IT COULD HAVE BEEN A
8 SIGNIFICANT PERIOD OF TIME, QUITE POSSIBLY THE
9 12TH -- OR 13TH OR 12TH OF NOVEMBER WHEN
10 MS. PATTERSON DIED?

11 A. YES. THAT'S PERFECTLY POSSIBLE.

12 Q. TELL THE JURY HOW YOU ARRIVE AT THAT
13 CONCLUSION.

14 A. AGAIN, IT'S -- ONCE THE BODY BEGINS TO
15 DECOMPOSE AND TIME ELAPSES BETWEEN DEATH AND OUR
16 EXAMINATION, THE -- THE MORE DIFFICULT IT IS FOR US
17 TO CALCULATE BACK TO KNOW THE EXACT TIME OR EVEN DATE
18 OF DEATH. WE CAN ONLY APPROACH THAT IN VERY GENERAL
19 TERMS. AND MY ESTIMATION IN THIS CASE WAS THAT THE
20 POST MORTEM INTERIM INTERVAL WOULD BE 14 DAYS OR LESS
21 DEPENDING ON VARIOUS ENVIRONMENTAL FACTORS.

22 Q. AND THE MOST SIGNIFICANT ENVIRONMENTAL
23 FACTOR IN THIS CASE WOULD BE WATER TEMPERATURE?

24 A. THAT'S CORRECT. YES.

25 Q. OKAY. THIS OCCURRED AROUND NOVEMBER. SO

1 WOULDNT YOU ASSUME THAT THE WATER TEMPERATURE WOULD
2 BE COOLER DURING THAT TIME OF YEAR THAN IT WOULD BE
3 IN, SAY, AUGUST OR SEPTEMBER? THAT'S A PRETTY --

4 A. THAT WOULD BE A REASONABLE --

5 Q. -- COMMON SENSE-TYPE ASSUMPTION?

6 A. YES. THAT WOULD BE A REASONABLE
7 ASSUMPTION.

8 Q. AND AS THE SEASON CONTINUED ON, IT WOULD
9 GET EVEN COOLER?

10 A. THAT'S CORRECT.

11 Q. BUT THERE'S CERTAINLY NOTHING IN TERMS OF
12 A SCIENTIFIC HISTORY TO BE OBTAINED BY YOU TO PREVENT
13 WATER TEMPERATURE FROM BEING PART OF WHAT THE LOCAL
14 AUTHORITY WOULD PROVIDE YOU, PARTICULARLY IN A CASE
15 LIKE THIS?

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

17 Q. AND WOULDNT THAT NORMALLY BE DOCUMENTED?

18 A. IT WOULD NORMALLY BE DOCUMENTED, AND I MAY
19 HAVE -- AND I USUALLY DO FIND OUT THAT INFORMATION.
20 BUT I CANT FIND IT IN MY NOTES AT THIS TIME.

21 Q. I HAVE A COPY OF YOUR NOTES. AND YOU'VE
22 HAD THE OPPORTUNITY TO REVIEW THESE NOTES?

23 A. YES.

24 Q. AND HAVE YOU FOUND NO ENTRY REGARDING THE
25 WATER TEMPERATURE AT THE BURNT FACTORY POND ON THE

1 24TH?

2 A. I DIDN'T SEE A NOTE TAKEN TO THAT EFFECT,
3 NO, SIR.

4 Q. AND IF SLED OR THE STATE METEOROLOGIST'S
5 OFFICE PROVIDED YOU WITH THAT INFORMATION, IT WOULD
6 BE SOMEWHERE IN YOUR FILE OR THEIR FILE, I WOULD
7 ASSUME?

8 A. IT SHOULD BE, YES, SIR.

9 Q. YOU HAVE TO AGREE THAT'S VERY SIGNIFICANT
10 IN THIS CASE?

11 A. IT IS A SIGNIFICANT FACTOR, YES, SIR.

12 Q. ANOTHER UNCOMFORTABLE SUBJECT I HAVE TO
13 DISCUSS WITH YOU. THIS CASE INVOLVES ALLEGATIONS
14 FIRST OF ALL OF KIDNAPPING.

15 A. YES, SIR.

16 Q. OF RESTRAINT. AND YOU HAVE TESTIFIED THAT
17 WHEN YOU PERFORMED YOUR AUTOPSY THAT THE VICTIM'S
18 MOUTH AND NOSE WERE COVERED WITH DUCT TAPE?

19 A. THAT'S CORRECT.

20 Q. IS THAT CORRECT? AND I BELIEVE YOU
21 INDICATED DURING YOUR TESTIMONY THAT THE TAPE HAD NOT
22 BEEN OVER HER MOUTH AND NOSE VERY LONG, A MATTER OF
23 MINUTES, PROBABLY BEFORE SHE DIED?

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

25 Q. AND WHAT DO YOU BASE THAT SCIENTIFIC

1 CONCLUSION ON? HOW DO YOU REACH THAT CONCLUSION?

2 A. WELL, ON THE DEGREE OF PROOF OF
3 COMPRESSION OF HER NOSE AND THE OPENING BETWEEN THE
4 DUCT TAPE ROLL -- THE WRAPS OF DUCT TAPE IN THAT
5 AREA.

6 Q. SO WHAT YOU ARE SAYING IN LAYMAN'S TERMS
7 IS THAT HER NOSE WAS COMPRESSED SO MUCH, SMUSHED SO
8 MUCH THAT NO NORMAL PERSON COULD BREATHE UNDER THOSE
9 CIRCUMSTANCE?

10 A. YES, THROUGH THAT SMALL OPENING. THAT'S
11 CORRECT.

12 Q. THEY WOULD SUFFOCATE?

13 A. YES, SIR.

14 Q. CAN YOU REACH ANY SIMILAR CONCLUSIONS AS
15 TO THE PERIOD OF TIME THAT THE TAPE HAD BEEN ON THE
16 ANKLES AND HANDS?

17 A. NO, SIR.

18 Q. OF THE VICTIM?

19 A. I COULDN'T ESTIMATE THAT.

20 Q. YOU COULDN'T ESTIMATE THAT BASED ON TRAUMA
21 TO THOSE PARTICULAR AREAS OR ANY OTHER FACTORS THAT
22 WERE UNCOVERED DURING YOUR AUTOPSY?

23 A. THAT'S CORRECT. I WOULDN'T KNOW HOW TO
24 ESTIMATE THE LENGTH OF TIME THAT THE TAPE WAS ON HER
25 ANKLES OR HANDS OR WRISTS.

1 Q. YOU WOULD NOT?

2 | A. COULD NOT.

3 Q. COULD NOT. OKAY. AND NO OTHER
4 INFORMATION THAT -- HISTORICAL INFORMATION UNCOVERED
5 DURING THE INVESTIGATION OR ANYWHERE ELSE COULD HAVE
6 HELPED YOU IN REACHING THAT DETERMINATION?

7 | A. NOT IN MY OPINION, NO, SIR.

8 Q. OKAY. THIS CASE ALSO INVOLVES SOME
9 DISTURBING ALLEGATIONS OF SEXUAL ASSAULT.

10 A. YES, SIR.

11 Q. AND I KNOW THAT FROM PREVIOUS EXPERIENCE
12 IN CASES WITH YOU AS A PROSECUTOR AND AS A DEFENSE
13 ATTORNEY THAT YOU ROUTINELY CONDUCT BASICALLY
14 EXAMINATIONS OF GENITALIA?

15 A. YES, SIR.

16 Q. TO DETERMINE --

17 A. THAT'S PART OF THE AUTOPSY, YES.

18 Q. TECHNICALLY IN A CASE INVOLVING THE
19 ALLEGATIONS OF A SEXUAL ASSAULT, IT'S A PRIMARY FOCUS
20 OF YOUR EXAMINATION, IS IT NOT?

21 A. IT'S ONE OF THE IMPORTANT PARTS OF THE
22 AUTOPSY, YES.

23 Q. OKAY. AND IN THIS PARTICULAR CASE, YOU
24 WERE FOCUSED ON THAT AT THE APPROPRIATE TIME DURING
25 THE AUTOPSY?

1 A. YES, SIR.

2 Q. AND I NOTE FROM THE REVIEW OF YOUR -- OF
3 YOUR NOTES AND YOUR EXAMINATION THAT YOU FOUND THAT
4 THAT PORTION OF THE EXAMINATION WAS UNREMARKABLE?

5 A. YES, SIR.

6 Q. IS THERE ANYTHING CONSISTENT OR
7 INCONSISTENT WITH THOSE CONCLUSIONS OR DO YOU GIVE
8 THAT ANY WEIGHT WHATSOEVER?

9 A. I'M SORRY. I DON'T UNDERSTAND YOUR
10 QUESTION.

11 Q. IS THAT UNUSUAL?

12 A. UNUSUAL IN THIS TYPE OF CASE?

13 Q. IN THIS TYPE OF CASE.

14 A. WE SEE GENITAL INJURY ON OCCASION.

15 Q. OKAY.

16 A. IN THIS TYPE OF CASE.

17 Q. AND ISN'T IT USUALLY MORE COMMON WHEN YOU
18 HAVE FORCIBLE ASSAULT?

19 A. IT MAY OR MAY NOT BE THERE IN A MATURE
20 WOMAN. DECOMPOSITION, OF COURSE, CAUSES PROBLEMS IN
21 THAT REGARD WITH EXAMINATION FOR ABRASION AND
22 BRUISING.

23 Q. RIGHT.

24 A. BUT IT IS FREQUENTLY THE CASE THAT WE DO
25 NOT SEE INJURY EVEN IN A SEXUAL ASSAULT OF A MATURE

1 WOMAN.

2 Q. RIGHT. AND THAT IS DUE TO THE BASICALLY
3 PHYSIOLOGICAL MAKEUP OF A MATURE WOMAN OR OF A MAN
4 FOR THAT MATTER. IF -- IN THIS PARTICULAR CASE,
5 WE'RE TALKING ABOUT ALLEGATIONS THAT SOME 13 PEOPLE
6 MAY OR MAY NOT HAVE RAPED THIS WOMAN. WERE YOU MADE
7 AWARE OF THAT?

8 A. I MAY HAVE IN PAST YEARS. I'M NOT SURE.

9 Q. OKAY. SO THAT WAS NOT IN THE HISTORY
10 REFLECTED IN YOUR AUTOPSY?

11 A. IT WAS NOT IN THE INITIAL HISTORY, NO,
12 SIR.

13 Q. OKAY. WHAT IF ANYTHING IS SIGNIFICANT
14 ABOUT THAT IN YOUR CONCLUSIONS REGARDING THE
15 GENITALIA NOW. NOW THAT YOU KNOW THAT, IS THERE ANY
16 SIGNIFICANCE TO THAT?

17 A. I FOUND NO INJURY TO THE GENITAL AREA. I
18 CAN'T PROVE OR DISPROVE THAT THERE WAS SEXUAL ASSAULT
19 OR NO SEXUAL ASSAULT, BY HOW EVER MANY PERSONS.

20 Q. OKAY.

21 A. I JUST COULD NOT COMMENT ON THAT BECAUSE I
22 COULD NOT FIND ANY EVIDENCE.

23 Q. YOU COULDN'T FIND ANY EVIDENCE OF IT?

24 A. THAT'S RIGHT.

25 Q. TYPICALLY, IN OTHER CASES WHERE YOU HAVE

1 FOUND EVIDENCE SUGGESTIVE OF SEXUAL ACTIVITY OR
2 ASSAULT, WHAT TYPE OF EVIDENCE WOULD YOU FIND?

3 A. IN THE WAY OF TRACE EVIDENCE --

4 Q. IN THE WAY OF TRACE EVIDENCE.

5 A. -- THE AREA IS SWABBED. AND THOSE SWABS I
6 THINK IN THIS CASE WERE DELIVERED TO THE STATE LAW
7 ENFORCEMENT DIVISION FOR EXAMINATION. BUT WE FOUND
8 NO SPERM, NOR DID WE FIND INCREASES OF ACID
9 PHOSPHATES, WHICH IS THE ENZYME IN SEMINAL FLUID --
10 MALE SEMINAL FLUID IN THIS PARTICULAR CASE.

11 Q. AND AS FAR AS ANY OTHER TYPE OF TRAUMA TO
12 THE BODY, I BELIEVE YOUR AUTOPSY RESULTS AND
13 CONCLUSIONS WERE THAT THERE WAS NO SIGNS OF EXTERNAL
14 TRAUMA?

15 A. THAT'S CORRECT.

16 Q. AND BY THAT, YOU MEAN NO BRUISING THAT YOU
17 WERE ABLE TO DISCERN?

18 A. NO BRUISING OR OTHER INJURY, THAT'S
19 CORRECT.

20 Q. OR OTHER INJURIES?

21 A. THAT'S CORRECT.

22 MR. ERVIN: BEG THE COURT'S INDULGENCE. I
23 DON'T HAVE ANY FURTHER QUESTIONS FOR DR. CONRADI,
24 YOUR HONOR.

25 THE COURT: MR. PADGETT, MR. ROGERS.

1 IF YOU COULD REVIEW IT. I DON'T KNOW WHAT PAGE IT'S
2 ON AND I'LL SHOW YOU. I HAVE IT HIGHLIGHTED RIGHT
3 HERE.

4 A. YES, SIR. THAT PROBABLY RELATES TO
5 ANOTHER CASE. BUT LET ME -- LET ME SEE IF I CAN FIND
6 MY ORIGINAL COPY OF THAT.

7 Q. APPARENTLY THE NUMBERS -- PAGES ARE NOT
8 NUMBERED?

9 A. NO. I MAY HAVE THAT PAGE. IF I DO, I
10 WOULD BE GLAD TO -- LET'S SEE. IT'S NOT THERE --
11 IT'S NOT THIS ONE, IS IT?

12 Q. LET ME LOOK. IT LOOKS A LITTLE BIT
13 DIFFERENT.

14 A. I DON'T HAVE THAT, BUT IF I COULD SEE YOUR
15 COPY FOR JUST A MOMENT.

16 Q. SURE.

17 A. THIS RELATES TO A DIFFERENT CASE AND
18 EVIDENTLY DR. HOPKINS WHO ASSISTED ME WITH THIS
19 AUTOPSY WAS MAKING NOTES ON TWO CASES AT THE SAME
20 TIME. AND THAT'S I BELIEVE WHAT THAT REFLECTS
21 BECAUSE THERE WERE NO BULLETS IN THIS CASE.

22 Q. BUT THAT DOES SAY TWO BULLETS?

23 A. IT SAYS TWO BULLETS, LATERAL CHEST X-RAY.
24 AND THAT MEANS A CHEST X-RAY FROM THE SIDE, BUT IT
25 DOES NOT RELATE TO THIS CASE.

1 Q. ALL RIGHT. NOW, ON THAT SAME PAGE, THERE
2 ARE NOTES THAT RELATE TO THIS CASE, ARE THERE NOT?

3 A. YES, THERE ARE. YES, SIR.

4 Q. AND AT THE TOP, IF I COULD POINT OUT WHERE
5 YOU ARE TALKING ABOUT THE LUNGS, THE LUNGS, WHAT WERE
6 THE FINDINGS IN RELATION TO THE LUNGS?

7 A. IN THE LUNGS, THERE WAS NO DIRT IN THE
8 BRONCHI, WHICH ARE THE AIR WAVES, AND THE LUNGS WERE
9 DARK RED IN COLOR AND SOFT. THERE WAS NO BLOOD OR
10 EDEMA FLUID, WHICH IS FROTHY FLUID USUALLY WE CAN SEE
11 IN THE LUNGS ON OCCASION. AND THERE WAS NO
12 ADHESIONS. THOSE ARE SCARS BETWEEN THE LUNGS AND THE
13 SPACE AROUND THE LUNGS, THE PLURA.

14 Q. AND THOSE NOTES ARE ABOUT THIS CASE?

15 A. YES, SIR.

16 Q. AND ARE THOSE CONSISTENT OR INCONSISTENT
17 WITH DROWNING?

18 A. IT'S CONSISTENT -- WELL, IT'S HARD TO SAY
19 BECAUSE IN DROWNING, THERE ARE NO REALLY SPECIFIC
20 FINDINGS. BUT IN A DROWNING CERTAINLY THAT DOES NOT
21 INVOLVE DUCT TAPING OF THE FACE, THE LUNGS ARE PRONE
22 TO BE EDEMATOUS AND FULL OF BLOOD. AND HERS DID NOT
23 SHOW THE EDEMA FLUID, AND THEREFORE, IT'S NOT
24 CONSISTENT WITH DROWNING, BUT YOU CAN'T TOTALLY RULE
25 OUT DROWNING EITHER BECAUSE DROWNING IS A DIAGNOSIS

1 BY EXCLUSION.

2 MR. LAWSON: THANK YOU, MA'AM. NO FURTHER
3 QUESTIONS.

4 MR. WILSON: YES, SIR. JUST A FEW MORE
5 QUESTIONS.

6 R E D I R E C T E X A M I N A T I O N
7 BY MR. WILSON:

8 Q. DOCTOR, JUST A COUPLE OF THINGS.
9 MR. ERVIN ASKED YOU SOME QUESTIONS ABOUT SEXUAL
10 TRAUMA. AND AS I UNDERSTAND IT, YOU FOUND NO
11 ABRASIONS OR CONTUSIONS IN THE VAGINAL REGION; IS
12 THAT CORRECT?

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

14 Q. BUT THE FACT THAT THE BODY WAS IN A STATE
15 OF DECOMPOSITION COULD HAVE AFFECTED THAT?

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

17 Q. AND WE DON'T KNOW THAT?

18 A. THAT'S CORRECT.

19 Q. AND ADDITIONALLY, HE ASKED YOU WHETHER --
20 THERE WAS SOME QUESTION ABOUT WHETHER OR NOT SPERM OR
21 SEMEN WAS FOUND. BASED ON YOUR EXAMINATION OF THE
22 BODY, MY UNDERSTANDING IS YOU BELIEVE THAT SHE WAS
23 DEAD FOR SEVERAL DAYS PRIOR TO BEING BROUGHT IN TO
24 YOU; IS THAT CORRECT?

25 A. YES. THAT'S CORRECT.

1 BY MR. ERVIN:

2 Q. ONE FURTHER QUESTION. YOU SAID THAT YOU
3 CAN'T 100 PERCENT RULE IT OUT. IS IT YOUR TESTIMONY
4 TO A REASONABLE DEGREE OF MEDICAL CERTAINTY THAT
5 DARLENE PATTERSON DIED FROM ASPHYXIATION?

6 A. YES, SIR, IT IS.

7 MR. ERVIN: THAT'S ALL I HAVE, YOUR HONOR.
8 NO ADDITIONAL QUESTIONS.

9 THE COURT: ALL RIGHT, SIR. YOU MAY COME
10 DOWN, DOCTOR. CAN THIS WITNESS NOW BE EXCUSED?

11 MR. WILSON: YES, SIR, PLEASE.

12 THE COURT: LET'S BREAK AT THIS TIME FOR
13 LUNCH. PLEASE BE BACK AT 2:30, IF YOU CAN, SO THAT
14 WE CAN PROCEED. NOW, REMEMBER THIS. WHEREVER YOU GO
15 FOR LUNCH, PLEASE WEAR THOSE BADGES. DON'T DISCUSS
16 THIS CASE. LET NO ONE DISCUSS IT WITH YOU. SEE YOU
17 BACK AT 2:30. WE'LL BE IN RECESS.

18 (WHEREUPON, THE JURY WAS REMOVED
19 FROM THE COURTROOM AND THE
20 FOLLOWING PROCEEDINGS COMMENCED
21 IN OPEN COURT.)

22 (WHEREUPON, A BREAK WAS TAKEN
23 FROM THE PROCEEDINGS.)

24 (END OF VOLUME 4.)
25

1 CERTIFICATE OF REPORTER

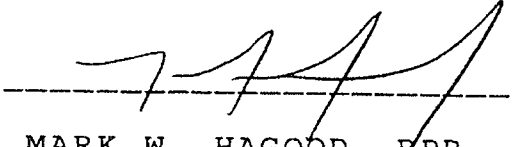
2
3 STATE OF SOUTH CAROLINA

4 COUNTY OF FLORENCE

5
6 I, MARK W. HAGOOD, RPR, REGISTERED
7 PROFESSIONAL REPORTER AND NOTARY PUBLIC FOR THE STATE
8 OF SOUTH CAROLINA, FOURTH JUDICIAL CIRCUIT, DO HEREBY
9 CERTIFY THAT THE FOREGOING PROCEEDINGS IS A
10 STENOGRAPHIC REPORT AND WAS TRANSCRIBED THROUGH
11 COMPUTER-AIDED TRANSCRIPTION; THAT THE FOREGOING
12 TRANSCRIPT CONTAINS A TRUE RECORD OF THE
13 PROCEEDINGS.

14 I FURTHER CERTIFY THAT I AM NEITHER
15 ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED
16 BY ANY OF THE PARTIES CONNECTED TO THE ACTION, NOR AM
17 I FINANCIALLY INTERESTED IN THE ACTION.

18 WITNESS MY HAND AT FLORENCE, SOUTH
19 CAROLINA, THIS 14TH DAY OF FEBRUARY, 1998.

20
21 
22 MARK W. HAGOOD, RPR
23
24
25

STATE OF SOUTH CAROLINA

IN GENERAL SESSIONS COURT

COUNTY OF MARLBORO

STATE OF SOUTH CAROLINA

V.

96-GS-34-982

LEROY STATON, ET AL.

VOLUME FIVE

THE TRIAL PROCEEDINGS HAD
IN THE ABOVE-STYLED CAUSE

MARCH 10, 1997 - MARCH 19, 1997
BENNETTSVILLE, SOUTH CAROLINA

BEFORE: HONORABLE EDWARD B. COTTINGHAM,
CIRCUIT COURT JUDGE

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A P P E A R A N C E S

FOR THE STATE: RALPH J. WILSON, SOLICITOR
15TH CIRCUIT

FOR THE DEFENDANT: MILTON M. MOORE, JR., ESQUIRE
LEROY STATON

FOR THE DEFENDANT: JOHN M. ERVIN, III, ESQUIRE
MARTIN MCINTOSH

FOR THE DEFENDANT: MAHLON E. PADGETT, IV, ESQUIRE
RICKY STUCKEY JAMES ROGERS, ESQUIRE

FOR THE DEFENDANT: K. EDWARD REDMOND, ESQUIRE
JEFFREY WALLS

FOR THE DEFENDANT: WILLIAM A. ROGERS, ESQUIRE
ALFONZO STATON

FOR THE DEFENDANT: JACK W. LAWSON, JR., ESQUIRE
ROBERT GRAHAM

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1 THE COURT: ALL RIGHT. LET THE RECORD
2 REFLECT THAT THE DEFENDANTS AND THE DEFENDANTS'
3 ATTORNEYS ARE IN THE COURTROOM. ARE WE READY TO
4 PROCEED?

5 MR. WILSON: READY TO PROCEED.

6 THE COURT: BRING THE JURY IN, PLEASE.

7 (WHEREUPON, THE JURY WAS RETURNED
8 TO THE COURTROOM AND THE FOLLOWING
9 PROCEEDINGS WERE COMMENCED IN
10 OPEN COURT.)

11 THE COURT: CALL YOUR NEXT WITNESS, MR.
12 WILSON.

13 MR. WILSON: JEFFREY GRAHAM.

14 THE CLERK: PLEASE COME AROUND AND PLACE
15 YOUR LEFT HAND ON THE BIBLE. RAISE YOUR RIGHT HAND
16 AND BE SWORN. PLEASE STATE YOUR FULL NAME FOR THE
17 RECORD.

18 THE WITNESS: JEFFREY GRAHAM.

19 JEFFREY GRAHAM,
20 HAVING BEEN FIRST DULY SWORN BY THE CLERK OF COURT,
21 TESTIFIED AS FOLLOWS:

22 D I R E C T E X A M I N A T I O N

23 BY MR. WILSON:

24 Q. MR. GRAHAM, IF YOU WOULD, STATE YOUR FULL
25 NAME FOR THE COURT.

1 A. JEFFREY TROY GRAHAM.

2 Q. TALK RIGHT INTO IT.

3 A. JEFFREY TROY GRAHAM.

4 Q. ALL RIGHT. AND MR. GRAHAM, HOW OLD ARE
5 YOU?

6 A. TWENTY-SEVEN.

7 Q. ALL RIGHT. AND WHERE DO YOU LIVE?

8 A. GIBSON.

9 Q. GIBSON. ALL RIGHT. IS THAT IN MARLBORO
10 COUNTY?

11 A. NO. NO.

12 Q. WHERE IS THAT?

13 A. IT'S IN NORTH CAROLINA.

14 Q. GIBSON, NORTH CAROLINA?

15 A. YEAH.

16 Q. ALL RIGHT. NOW, HOW LONG HAVE YOU BEEN
17 LIVING IN GIBSON?

18 A. OVER TWO YEARS.

19 Q. OVER TWO YEARS?

20 A. YEAH.

21 Q. WHERE DID YOU LIVE AT BEFORE THAT?

22 A. MY DAD'S TRAILER IN LESTER.

23 Q. I'M SORRY. YOUR DAD'S TRAILER WHERE?

24 A. LESTER.

25 Q. WHERE IS LESTER?

1 A. LESTER, SOUTH CAROLINA.

2 Q. AND YOU MOVED FROM LESTER TO GIBSON?

3 A. YES.

4 Q. ALL RIGHT. NOW, AND YOU SAY YOUR DAD'S
5 TRAILER. NOW, WHO IS YOUR DAD?

6 A. JOHN WILLIE GRAHAM.

7 Q. JOHN WILLIE GRAHAM?

8 A. YES.

9 Q. NOW, LET ME ASK YOU IF SOMETIME BACK IN
10 NOVEMBER OF 1994, LET'S GO BACK TWO YEARS, I GUESS
11 ACTUALLY IT'S A LITTLE MORE THAN TWO YEARS, ABOUT
12 TWO-AND-A-HALF YEARS, BACK TO 1994, AND ON NOVEMBER
13 12TH --

14 MR. LAWSON: OBJECTION, YOUR HONOR. HE'S
15 LEADING THE WITNESS.

16 MR. WILSON: I APOLOGIZE. HE'S ABSOLUTELY
17 CORRECT AND I WITHDRAW IT AND I'LL REPHRASE IT AND DO
18 IT AGAIN.

19 BY MR. WILSON:

20 Q. TAKE A LOOK AT THIS DOCUMENT RIGHT HERE,
21 IF YOU WOULD, PLEASE, SIR. LOOK AT THIS SIGNATURE AT
22 THE BOTTOM. SEE THE BOTTOM SIGNATURE? AND WHOSE
23 SIGNATURE IS THAT AT THE BOTTOM OF THAT STATEMENT?

24 A. IT'S MINE.

25 Q. THAT IS YOUR SIGNATURE?

1 A. YEAH.

2 Q. AND IS THIS A DOCUMENT -- IS THIS A
3 STATEMENT THAT YOU GAVE TO THE POLICE?

4 A. YES.

5 Q. ALL RIGHT. AND WOULD YOU TELL US WHAT
6 DATE YOU GAVE THIS STATEMENT TO THE POLICE?

7 A. NOVEMBER 12, 1994.

8 Q. I'M SORRY. LOOK AT THE DATE ON THE
9 STATEMENT. WHAT DATE DID YOU GIVE THE STATEMENT?

10 A. 2ND AND 13 OF 1995.

11 Q. I'M SORRY. SECOND WHAT?

12 A. 2ND/13 OF 1995.

13 Q. FEBRUARY 13, 1995, YOU GAVE THAT
14 STATEMENT; IS THAT CORRECT?

15 A. YES.

16 Q. ALL RIGHT. AND DID THEY ASK YOU ABOUT
17 SOME EVENTS THAT OCCURRED IN NOVEMBER? DID THE
18 POLICE ASK YOU SOME THINGS THAT HAPPENED IN NOVEMBER?

19 A. YES.

20 Q. ALL RIGHT. AND WHAT DATE SPECIFICALLY DID
21 THEY ASK YOU ABOUT?

22 A. EXCUSE ME?

23 Q. WHAT DATE DID THE POLICE ASK YOU ABOUT
24 SOME EVENT IN NOVEMBER? WHAT DATES DID THOSE EVENTS
25 OCCUR THAT THEY ASKED YOU ABOUT?

1 A. I CAN'T REMEMBER.

2 Q. HUH?

3 A. I CAN'T REMEMBER.

4 Q. ALL RIGHT. LOOK AT YOUR STATEMENT. THIS
5 IS YOUR STATEMENT. CORRECT?

6 MR. ROGERS: YOUR HONOR, I OBJECT TO THE
7 USE OF THE STATEMENT IN THAT FASHION. THE STATEMENT
8 CAN ONLY BE USED TO REFRESH.

9 MR. WILSON: NO, HE SAID --

10 THE COURT: IT'S OKAY JUST THAT HE NEEDS
11 TO REFRESH HIS MEMORY AND HE'S ENTITLED TO DO IT AND
12 I WILL PERMIT IT. THE STATEMENT HAS BEEN IDENTIFIED
13 BY HIM AS I UNDERSTAND IT BY HIS SIGNATURE AND THAT'S
14 OF COURSE FOR THE JURY TO DECIDE, AS ALL OTHER FACTS,
15 BULL I'LL PERMIT HIM TO.

16 MR. WILSON: THANK YOU, YOUR HONOR.

17 BY MR. WILSON:

18 Q. I'LL ASK YOU AGAIN, WHAT DATE WERE THEY
19 ASKING YOU ABOUT?

20 A. I CAN'T REMEMBER THE DATES.

21 Q. ALL RIGHT. LOOK AT YOUR STATEMENT. WHAT
22 DATE DOES IT SAY IN YOUR STATEMENT THAT THEY WERE
23 ASKING YOU ABOUT?

24 A. IT SAYS NOVEMBER 12, 1994.

25 Q. NOVEMBER 12, 1994. AND BEFORE WE GO

1 FURTHER, LET'S GET ALL OF THIS CLEARED UP. YOU DON'T
2 WANT TO BE HERE, DO YOU?

3 A. NO, NOT REALLY.

4 Q. ALL RIGHT. AND YOU DON'T WANT TO TESTIFY,
5 DO YOU?

6 A. MAN.

7 Q. BE HONEST ABOUT IT. NO QUESTION ABOUT
8 THAT. YOU DON'T WANT TO TESTIFY, DO YOU?

9 A. NO.

10 Q. YOU WERE FORCED TO COME HERE, WEREN'T YOU?

11 A. NO.

12 MR. PADGETT: OBJECTION.

13 MR. ERVIN: OBJECT.

14 MR. REDMOND: OBJECTION.

15 MR. WILL ROGERS: OBJECTION.

16 MR. LAWSON: I OBJECT, YOUR HONOR.

17 MR. WILSON: NO, JUDGE, THIS WITNESS IS
18 RELATIVE TO THESE DEFENDANTS AND I HAVE A RIGHT TO
19 ASK HIM QUESTIONS TO SHOW HIS POSITION.

20 MR. PADGETT: LEADING.

21 THE COURT: NO, SIR. HAVE A SEAT. THE
22 RECORD WILL REFLECT WHAT'S OCCURRED HERE AND IT IS
23 APPROPRIATE FOR THE SOLICITOR TO PROCEED IN THE
24 MANNER HE IS. GO AHEAD.

25 BY MR. WILSON:

1 Q. LET ME ASK YOU AGAIN, ARE YOU RELATED TO
2 ANY OF THESE PERSONS WHO ARE ON TRIAL HERE?
3 A. NO.
4 Q. YOU'RE NOT RELATED?
5 A. ONE OR TWO, YEAH.
6 Q. WHICH ONES?
7 A. WHAT DIFFERENCE DOES IT MAKE?
8 Q. I ASKED YOU WHICH ONES ARE YOU RELATED TO?
9 A. ROBERT.
10 Q. WHO?
11 A. ROBERT.
12 Q. ROBERT WHO?
13 A. ROBERT GRAHAM.
14 Q. AND WHAT RELATIONSHIP IS ROBERT TO YOU?
15 A. HE'S MY COUSIN.
16 Q. ALL RIGHT. AND WHO ELSE OVER THERE IS
17 RELATED TO YOU?
18 A. I BELIEVE THAT'S IT.
19 Q. ALFONZO IS NOT RELATED TO YOU?
20 A. NO.
21 Q. ALL RIGHT. AND ROBERT IS YOUR COUSIN.
22 RIGHT?
23 A. YEAH.
24 Q. ALL RIGHT. NOW, LET'S GO BACK TO THE
25 STATEMENT. LET'S GO BACK TO NOVEMBER 12TH.

1 A. FIRST OF ALL, THIS AIN'T THE STATEMENT
2 HERE.

3 Q. NO. LET ME ASK THE QUESTIONS. YOU ANSWER
4 THEM. OKAY? CAN WE DO THAT? CAN WE DO THAT?

5 A. YES.

6 Q. ALL RIGHT. YOU ANSWER THE QUESTIONS AND
7 I'LL ASK THEM. WHAT I'M ASKING YOU AGAIN IS TELL ME
8 WHAT YOU TOLD THE POLICE THAT OCCURRED AT YOUR
9 HOUSE -- AT YOUR FATHER'S HOUSE IN THE TRAILER. TELL
10 ME WHAT OCCURRED IN THE TRAILER.

11 A. WELL, THEY COME DOWN.

12 Q. THEY WHO?

13 A. LEROY AND RINGO COME DOWN, COME TO THE
14 HOUSE.

15 Q. LEROY WHO?

16 A. LEROY STATON.

17 Q. LEROY STATON?

18 A. YES.

19 Q. AND RINGO PEARSON CAME WHERE?

20 A. TO MY DAD'S TRAILER.

21 MR. ROGERS: YOUR HONOR, AGAIN, I RENEW MY
22 OBJECTION. THAT'S NOT THE PROPER WAY TO USE THE
23 DOCUMENT.

24 MR. WILSON: I'M NOT USING THE DOCUMENT.

25 THE COURT: HE --

1 MR. ROGERS: HE'S READING FROM IT. HE HAS
2 TO LOOK AT THE DOCUMENT TO REFRESH HIS MEMORY AND
3 THEN ANSWER THE SOLICITOR'S QUESTIONS. HE CAN'T SIT
4 THERE AND DO THAT.

5 THE COURT: NO, SIR. GIVEN THE TOTALITY
6 OF WHAT I SEE HERE, IT'S APPROPRIATE THAT THE
7 SOLICITOR PROCEED IN THE MANNER IN WHICH HE HAS. IF
8 YOU WANT TO DO IT OUTSIDE OF THE PRESENCE OF THE
9 JURY, I'LL BE GLAD TO DO THAT.

10 MR. PADGETT: YES, SIR.

11 MR. ROGERS: YES, SIR.

12 MR. LAWSON: YES, SIR.

13 THE COURT: ALL RIGHT. LET'S DO THAT.
14 LET YOU GO TO THE JURY ROOM.

15 (WHEREUPON, THE JURY WAS REMOVED
16 FROM THE COURTROOM AND THE
17 FOLLOWING PROCEEDINGS COMMENCED
18 IN OPEN COURT.)

19 THE COURT: ALL RIGHT. SOLICITOR, UPON
20 PROPER SHOWING, I'M PREPARED TO MAKE THIS -- DECLARE
21 THIS A HOSTILE WITNESS IF THAT'S YOUR DESIRE AND UPON
22 PROPER SHOWING.

23 MR. WILSON: FOR THE RECORD, AND I'LL DO
24 IT WITH HIM IF THE COURT WILL PERMIT ME. JUST GIVE
25 ME A MINUTE.

1 BY MR. WILSON:

2 Q. NOW, MR. GRAHAM, LET ME SHOW YOU THIS
3 DOCUMENT. LOOK AT THIS DOCUMENT. NOW, IS THAT A
4 STATEMENT THAT BEARS YOUR SIGNATURE AT THE BOTTOM?

5 A. YES, IT IS.

6 Q. YOU NEED TO SPEAK UP, NOW.

7 A. YES, IT IS.

8 Q. AND DID YOU SIGN THAT STATEMENT?

9 A. YES.

10 Q. THERE'S NO QUESTION ABOUT THAT. AND LOOK
11 AT THE DATE OF THAT STATEMENT. IT SAYS FEBRUARY
12 13TH. IS THAT THE DATE THAT YOU GAVE THAT STATEMENT
13 TO LAW ENFORCEMENT?

14 A. YES, SIR.

15 Q. ALL RIGHT. AND ARE YOU SAYING NOW THAT
16 YOU DID NOT GIVE THAT STATEMENT?

17 A. NO, THAT'S NOT WHAT I'M SAYING.

18 Q. WELL, WHAT ARE YOU SAYING?

19 A. WHAT?

20 Q. WHAT I'M ASKING YOU IS, IS THAT YOUR
21 STATEMENT OR IS IT NOT?

22 A. YES, IT IS.

23 Q. ALL RIGHT. AND IS THAT A TRUE AND CORRECT
24 STATEMENT?

25 A. YES. YES, SOME OF IT.

1 THE EXPECTATION THAT HE WOULD TESTIFY AS TO WHAT THIS
2 STATEMENT IS?

3 MR. WILSON: THAT IS CORRECT, YES, SIR.

4 THE COURT: LET ME HEAR FROM YOU.

5 MR. ERVIN: YOUR HONOR, FIRST OF ALL,
6 THERE IS NO LONGER A REQUIREMENT IN SOUTH CAROLINA OF
7 SHOWING OF HOSTILITY. UNDER RULE 607, THE
8 CREDIBILITY OF A WITNESS MAY BE ATTACKED BY ANY
9 PARTY, INCLUDING THE PARTY CALLING THE WITNESS.

10 THE COURT: I UNDERSTAND THAT.

11 MR. ERVIN: BUT YOU THEN PROCEED TO RULE
12 612 AND RULE 613 OF THE SOUTH CAROLINA RULES OF
13 EVIDENCE WHICH GIVES YOU THE PARAMETERS OF USING A
14 WRITING TO REFRESH MEMORY. AND RULE 613 DICTATES HOW
15 PRIOR STATEMENTS OF WITNESSES ARE TO BE USED.
16 SUBJECT TO THE PROVISIONS OF SECTION 19-1-80 AND 90
17 AND 100, IT LAYS OUT THAT EXTRINSIC EVIDENCE IN PRIOR
18 INCONSISTENT STATEMENTS ARE NOT ADMISSIBLE UNLESS THE
19 WITNESS IS ADVISED OF THE SUBSTANCE OF THE STATEMENT,
20 THE TIME AND PLACE IT WAS MADE, THE PERSON TO WHOM IT
21 WAS MADE AND IS GIVEN AN OPPORTUNITY TO EXPLAIN OR
22 DENY THE STATEMENT. IF WITNESS DENIED HE HAD MADE A
23 PRIOR INCONSISTENT STATEMENT, EXTRINSIC EVIDENCE OF
24 SUCH STATEMENT -- IS THE.

25 THE COURT: WE'RE NOT DEALING WITH A PRIOR

1 INCONSISTENT STATEMENT.

2 MR. WILSON: NOT AT ALL.

3 THE COURT: WE'RE DEALING WITH A HOSTILE
4 WITNESS.

5 MR. ERVIN: WELL, THIS ALSO DEALS -- NO,
6 THERE IS NO SUCH THING AS A HOSTILE WITNESS ANYMORE.

7 THE COURT: NO, SIR. THAT'S JUST AN
8 ADDITIONAL RULE THAT PERMITS YOU FROM HAVING TO
9 CERTIFY THAT THE TESTIMONY IS TRUTHFUL. YOU CAN
10 STILL DECLARE A WITNESS HOSTILE UNDER THE COMMON LAW
11 OF THIS STATE.

12 MR. ERVIN: WELL, I WOULD LIKE TO AT LEAST
13 CITE THE ANNOTATION TO RULE 607.

14 THE COURT: GO AHEAD.

15 MR. ERVIN: THIS RULE IS IDENTICAL TO THE
16 FEDERAL RULE. HOWEVER, IT IS CONTRARY TO THE FORMER
17 LAW IN THIS STATE THAT A PARTY MUST VOUCH FOR ITS OWN
18 WITNESS AND MAY NOT IMPEACH ITS WITNESS UNLESS THE
19 WITNESS IS --

20 THE COURT: CORRECT. THAT RULE ONLY SAYS
21 NOW THAT YOU DON'T HAVE TO VOUCH FOR IT, AND IF
22 NECESSARY, YOU CAN IMPEACH HIM.

23 MR. ERVIN: RIGHT.

24 THE COURT: IT DOES NOT ADDRESS THE
25 HOSTILE WITNESS QUESTION AT ALL. THIS IS NOT A

1 REFRESHING OF HIS MEMORY. HE'S OBVIOUSLY HOSTILE TO
2 THE STATE.

3 MR. ERVIN: IT'S A PRIOR WRITTEN STATEMENT
4 WHETHER IT'S CONSISTENT OR NOT.

5 THE COURT: I UNDERSTAND THAT AND I'M
6 DECLARING HIM A HOSTILE WITNESS AND I'M GOING TO LET
7 THIS SOLICITOR CROSS-EXAMINE HIM. I'M GOING TO DO IT
8 FOR THE FOLLOWING REASONS: HE HAS PREVIOUSLY
9 IDENTIFIED THE STATEMENT AS HIS; HE HAS PREVIOUSLY
10 TOLD THE SOLICITOR THAT THE STATEMENT IS TRUE; HE HAS
11 PREVIOUSLY TOLD THE SOLICITOR THAT HE WOULD TESTIFY
12 IN ACCORDANCE WITH THE STATEMENTS; HE NOW DECLINES TO
13 DO SO, OBVIOUSLY. AND IT'S ALSO UPON THE RECORD THAT
14 HE'S --

15 MR. ERVIN: I DIDN'T HEAR.

16 THE COURT: IF YOU DON'T THINK HE'S
17 HOSTILE, YOU HAVEN'T BEEN IN THIS COURTROOM FOR THE
18 LAST 15 MINUTES.

19 MR. ERVIN: WHAT I'M SAYING, YOUR HONOR, I
20 DON'T THINK HE'S REALLY BEEN GIVEN AN OPPORTUNITY TO
21 DO THAT.

22 THE COURT: WELL, I'M GOING TO GIVE HIM
23 ANOTHER OPPORTUNITY, AND IF HE'S NOT, HE'S DECLARED
24 HOSTILE AND I'M GOING TO PERMIT THE SOLICITOR TO
25 PROCEED IN THE MATTER.

1 MR. WILL ROGERS: YOUR HONOR, I WOULD LIKE
2 FOR YOU TO INQUIRE AS TO WHETHER HE CAN READ. AND I
3 DON'T MEAN ANYTHING BAD TOWARDS HIM, BUT MAYBE HE HAS
4 TROUBLE READING WHAT'S ON THE STATEMENT.

5 THE COURT: NO, SIR. I DON'T THINK HE HAS
6 TROUBLE READING. DO YOU WANT TO LET HIM REFRESH HIS
7 MEMORY?

8 MR. WILSON: JUDGE, AS I TOLD YOU EARLIER,
9 WE GAVE HIM THIS STATEMENT SEVERAL HOURS BEFORE HE
10 CAME IN HERE TODAY. I WENT OVER IT WITH HIM AGAIN
11 WHEN I INTERVIEWED HIM TWO WEEKS AGO. HE IS
12 THOROUGHLY FAMILIAR WITH THIS STATEMENT WITHOUT ANY
13 QUESTION WHATSOEVER.

14 THE COURT: ALL RIGHT, SIR. ANYBODY ELSE
15 WANT TO --

16 MR. LAWSON: MAY IT PLEASE THE COURT, FOR
17 THE RECORD?

18 THE COURT: YES.

19 MR. LAWSON: AS I UNDERSTOOD THE
20 SOLICITOR, WHEN HE INTERVIEWED HIM PRIOR TO PUTTING
21 HIM ON THE STAND, JUST TODAY --

22 MR. WILSON: NO, I DID NOT. NO, SIR. I
23 NEVER INTERVIEWED THIS WITNESS TODAY. I HAVE NOT
24 INTERVIEWED THIS WITNESS TODAY. I INTERVIEWED HIM
25 TWO WEEKS AGO IS WHAT I'M SAYING. I GAVE -- I HAD MY

STAFF GIVE HIM A COPY OF HIS STATEMENT TODAY. I HAVE NOT SEEN THIS WITNESS TODAY. HE WAS IN JAIL IN SCOTLAND COUNTY. I HAD HIM TRANSFERRED OVER HERE. I DON'T KNOW -- I HAVEN'T SEEN HIM UNTIL HE CAME ON THIS STAND TODAY.

MR. LAWSON: BUT YOUR HONOR, THEN THE JURY HAS BEEN SOMEWHAT MISLED BY THE FACT THAT HE WAS BROUGHT -- HE WAS BROUGHT OVER HERE ALL RIGHT BECAUSE HE WAS IN CUSTODY.

THE COURT: HOW HAS THE JURY BEEN MISLED?

MR. LAWSON: BECAUSE THEY TOLD HE WAS NOT
HERE ON HIS, HE WASN'T HERE VOLUNTARILY, MAKING IT
LOOK LIKE --

MR. WILSON: HE'S NOT HERE VOLUNTARILY.
WE WENT AND GOT HIM AND BROUGHT HIM OVER HERE. HOW
IS THAT VOLUNTARILY?

MR. LAWSON: BECAUSE HE'S IN JAIL, JUDGE.

THE COURT: THIS JURY HAS NOT BEEN MISLED. THAT ISSUE HASN'T EVEN BEEN ADDRESSED TO THE JURY. GENTLEMEN, I NOTE THE OBJECTION. I WILL ACCEPT THE OBJECTIONS FROM ALL OF YOU. YOU INDIVIDUALS -- THIS IS MADE OUTSIDE OF THE PRESENCE OF THE JURY. THESE SIX DEFENDANTS ARE ENTITLED TO A FAIR TRIAL AND THEY ARE GOING TO GET ONE. THE STATE OF SOUTH CAROLINA AND THESE VICTIMS ARE ALSO ENTITLED TO A FAIR TRIAL

1 IDENTIFICATION, WHICH IS A FOUR-PAGE DOCUMENT. LOOK
2 AT THAT FORM FOR ME. LOOK AT THE FIRST PAGE OF THAT
3 FORM. DO YOU KNOW WHAT THAT IS?

4 A. YES, SIR.

5 Q. WHAT IS THE FIRST PAGE OF THAT FORM? WHAT
6 DOES IT SAY?

7 A. SOUTH CAROLINA LAW ENFORCEMENT, YOUR
8 RIGHTS.

9 Q. YOUR RIGHTS. OKAY. AND LET ME ASK YOU,
10 IS THAT YOUR SIGNATURE WHERE IT SAYS JEFFREY GRAHAM?
11 IS THAT YOUR SIGNATURE?

12 A. YES, SIR.

13 Q. AND YOU SIGNED THAT, DID YOU NOT?

14 A. YES, SIR.

15 Q. ALL RIGHT. NOW, LET'S TURN OVER TO THE
16 NEXT PAGE AND I'LL ASK YOU NOW TO LOOK AT THIS
17 DOCUMENT. WHAT DOES IT SAY? WHAT IS THAT?

18 A. SAME THING.

19 Q. WAS THAT A RIGHTS FORM?

20 A. THOSE SAY VOLUNTARY STATEMENT.

21 Q. VOLUNTARY STATEMENT. AND WHAT'S THE DATE
22 OF THAT VOLUNTARY STATEMENT?

23 A. 2/13/95.

24 Q. AND WHAT'S THE SIGNATURE DOWN AT THE
25 BOTTOM OF THAT STATEMENT?

1 A. IT'S MINE.

2 Q. YOUR SIGNATURE?

3 A. YES.

4 Q. AND YOU SIGNED THAT SIGNATURE YOURSELF?

5 A. YES.

6 Q. ALL RIGHT. LET ME SHOW YOU THE LAST PAGE,

7 WHICH IS PAGE FOUR, AND WHICH IS A HALF OF A PAGE.

8 DO YOU SEE SOME INITIALS ON THIS PAGE?

9 A. YES, SIR.

10 Q. ALL RIGHT. WHOSE INITIALS ARE THOSE?

11 A. IT'S MINE.

12 Q. AND WHO PUT THOSE INITIALS ON THAT PAGE?

13 A. I DID.

14 Q. ALL RIGHT. NOW, LET ME ASK YOU AGAIN, IS

15 THIS A STATEMENT THAT YOU GAVE TO LAW ENFORCEMENT ON

16 THAT DATE, WHICH WOULD HAVE BEEN FEBRUARY 13TH OF

17 1995?

18 A. YES, SIR.

19 Q. ALL RIGHT. NOW, IF YOU WOULD, WHAT I WANT

20 YOU TO DO IS TO -- ARE YOU FAMILIAR WITH THIS

21 STATEMENT?

22 A. YEAH. SOME OF IT.

23 Q. OKAY. HAVE YOU READ IT? HAVE YOU HAD A

24 CHANCE TO READ IT?

25 A. NO. I READ THE OTHER ONE.

1 Q. ALL RIGHT. DO YOU WANT A CHANCE TO READ
2 IT?

3 A. NO.

4 Q. DO YOU NEED A CHANCE TO READ IT?

5 A. NO.

6 Q. DO YOU NEED TO REFRESH YOUR MEMORY BEFORE
7 WE GO FURTHER?

8 A. NO.

9 Q. ARE YOU SURE? ALL RIGHT. NOW, WHAT I
10 WANT YOU TO TELL ME IS THIS. LET'S GO BACK TO 1994.
11 ARE YOU WITH ME?

12 A. YES.

13 Q. YOU'RE GOING TO HAVE TO SAY YES OR NO AND
14 YOU'RE GOING TO HAVE TO SPEAK INTO THE MICROPHONE.

15 A. YES.

16 Q. ALL RIGHT. NOW, BACK IN 1994, LET ME ASK
17 YOU IF YOU HAD AN OCCASION TO HAVE A MEETING WITH
18 SOME OF THESE DEFENDANTS?

19 A. NO, SIR.

20 Q. ALL RIGHT. WELL, LET ME ASK YOU THIS WAY.
21 DO YOU KNOW RINGO PEARSON?

22 A. YES, I DO.

23 Q. WHERE WERE YOU LIVING BACK IN NOVEMBER OF
24 1994?

25 A. IN LESTER.

1 Q. ALL RIGHT. AND WHO WAS LIVING THERE WITH
2 YOU?

3 A. MY SISTER AND MY DAD.

4 Q. ALL RIGHT. AND IS YOUR SISTER ALIVE NOW?

5 A. NO.

6 Q. SHE'S DIED; IS THAT CORRECT?

7 A. YES.

8 Q. WHEN DID SHE DIE?

9 A. ABOUT A COUPLE OF MONTHS AGO.

10 Q. ALL RIGHT. BUT SHE WAS LIVING BACK IN
11 NOVEMBER OF 1994, WAS SHE NOT?

12 A. YES.

13 Q. ALL RIGHT. AND SOMETIME IN NOVEMBER OF
14 1994, YOU AND HER WERE AT THIS TRAILER BELONGING TO
15 YOUR FATHER; IS THAT CORRECT?

16 A. YES.

17 Q. ALL RIGHT. WHO ELSE WAS THERE?

18 A. HER KIDS AND HER HUSBAND.

19 Q. HER KIDS AND HER HUSBAND. ALL RIGHT. AND
20 ON THAT -- WAS IT DAYTIME OR NIGHTTIME THAT WE'RE
21 TALKING ABOUT?

22 A. IT WAS ABOUT DARK.

23 Q. ABOUT DARK. WHO CAME TO THE HOUSE TO
24 VISIT YOUR SISTER?

25 A. IT WAS LEROY AND RINGO.

1 Q. LEROY WHO?

2 A. STATON.

3 Q. LEROY STATON. NOW, WHO IS LEROY STATON?

4 A. HE'S OVER THERE.

5 Q. WHICH ONE?

6 A. THE ONE RIGHT THERE IN THE BACK WITH THE
7 GLASSES.

8 Q. BEHIND THE MAN WITH THE GLASSES ON?

9 A. YES.

10 Q. THAT'S LEROY STATON. AND LEROY STATON AND
11 RINGO PEARSON CAME TO YOUR HOUSE?

12 A. YES.

13 Q. WHY DID THEY COME TO YOUR HOUSE?

14 A. I DON'T KNOW. THEY WANTED TO SEE MY
15 SISTER.

16 Q. THEY WANTED TO SEE YOUR SISTER. AND DID
17 THEY TALK TO YOUR SISTER?

18 A. YES.

19 Q. WHERE DID THEY GO TO HAVE THIS
20 CONVERSATION?

21 A. IN THE OTHER ROOM.

22 Q. THEY WENT IN THE ROOM AND HAD A
23 CONVERSATION WITH YOUR SISTER; IS THAT CORRECT?

24 A. YES.

25 Q. ALL RIGHT. AND WHAT DID YOU DO WHILE THEY

A. IT'S NOT IN HERE. IT DON'T STATE.

Q. PARDON?

A. IT'S NOT HERE.

Q. WHAT'S NOT HERE?

A. HE SAID ASKING ABOUT WHO WAS THERE.

Q. NO, I DIDN'T ASK YOU WHO WAS THERE. I
ASKED YOU WHAT THEY TOLD YOU. WHAT DID THEY TELL
YOU?

A. THEY ASKED ME IF I WANTED TO GO TO A
PARTY.

Q. WHAT ELSE DID THEY TELL YOU? WHAT DID YOU
TELL THE POLICE THAT THEY TOLD YOU?

A. THEY SAID SOMEBODY HAD A WOMAN UP THERE.

Q. SAID THAT THEY HAD A WOMAN UP THERE. ALL
RIGHT. AND WHAT WERE THEY WANTING YOU TO DO WITH
THIS WOMAN?

A. I DON'T KNOW.

Q. WHAT DID THEY TELL YOU? THAT'S WHAT I'M
ASKING YOU, WHAT DID THEY TELL YOU?

A. THEY SAID THEY HAD SOME WOMAN UP THERE. I
DON'T KNOW.

Q. ALL RIGHT. THEY SAID THEY HAD SOME WOMAN
UP THERE. AND WHAT DID THEY TELL YOU YOU COULD DO
WITH THIS WOMAN, IF ANYTHING?

A. THEY DIDN'T TELL ME WHAT I WAS GOING TO DO

1 WITH THIS WOMAN BECAUSE I TOLD THEM I WASN'T GOING.

2 Q. YOU TOLD THE POLICE WHAT THEY TOLD YOU,
3 DIDN'T YOU?

4 A. I GUESS.

5 Q. I'M ASKING YOU WHAT --

6 A. I'M TELLING.

7 Q. I'M ASKING YOU WHAT DID YOU TELL THE
8 POLICE THAT THEY TOLD YOU?

9 A. THAT THEY HAD A WOMAN UP THERE.

10 Q. AND WHAT ABOUT THE WOMAN?

11 A. I DON'T KNOW.

12 Q. LOOK AT YOUR STATEMENT.

13 MR. MOORE: YOUR HONOR, HE HAS ANSWERED, I
14 DON'T KNOW, ABOUT THREE TIMES. HE'S BADGERING THE
15 WITNESS. HE CAN LEAD. HE'S GOT A WIDE LATITUDE.

16 THE COURT: NO, SIR. OVERRULED. HE'S
17 QUESTIONING -- HIS QUESTIONING UNDER THE
18 CIRCUMSTANCES IS APPROPRIATE.

19 BY MR. WILSON:

20 Q. LET ME ASK YOU THIS. DID YOU TELL THEM
21 THAT LEROY STATON TOLD YOU THAT LET'S GO UP THERE AND
22 YOU CAN GET A PIECE?

23 A. NO, SIR.

24 Q. YOU DIDN'T TELL THEM THAT? THAT'S NOT IN
25 YOUR STATEMENT?

1 MR. LAWSON: OBJECTION, YOUR HONOR.
2 THAT'S NOT WHAT HE ASKED.

3 THE COURT: NO, SIR. LET HIM PROCEED,
4 NOW. HE ASKED HIM WAS THAT IN HIS STATEMENT. THAT'S
5 WHAT HE ASKED HIM. THE WITNESS CAN TESTIFY AS TO
6 WHETHER IT IS OR IS NOT. I HAVEN'T SEEN THE
7 STATEMENT. I MAKE NO COMMENT ABOUT IT. HE ASKED HIM
8 THAT AND THE WITNESS CAN ANSWER.

9 Q. ALL RIGHT. LOOK AT THE FIRST PAGE OF YOUR
10 STATEMENT. YOU'VE GOT IT IN YOUR HAND RIGHT THERE.
11 LET'S GO DOWN HERE TO THE MIDDLE PART OF YOUR
12 STATEMENT, RIGHT DOWN HERE. THIS IS THE FIFTH LINE,
13 I BELIEVE, FROM THE BOTTOM.

14 A. LET'S SEE. WHERE ARE WE?

15 Q. I'M HOLDING IT.

16 A. RIGHT HERE?

17 Q. WHAT DID YOU SAY? LET'S READ RIGHT HERE.
18 RIGHT HERE. READ FROM RIGHT THERE WHERE IT SAYS "MY
19 SISTER". WHAT DID YOU TELL THEM? CAN YOU READ THAT
20 WHERE YOU SEE WHERE IT SAYS MY SISTER? YOU SEE WHERE
21 I'M SAYING? MY SISTER WHAT?

22 A. MY SISTER TOLD ME. YES, MY SISTER WENT IN
23 THE BACK ROOM.

24 MR. LAWSON: OBJECTION, YOUR HONOR IT MAY
25 BE IN THE STATEMENT, BUT THAT IS HEARSAY.

1 MR. WILSON: NO, SIR.

2 MR. LAWSON: AND YOUR HONOR, WHETHER IT'S
3 IN THE STATEMENT ABOUT THE SISTER --

4 THE COURT: THE QUESTION IS -- HE HAS
5 IDENTIFIED, AS I UNDERSTAND IT, THIS STATEMENT WITH
6 HIS SIGNATURE. THAT'S FOR THE JURY TO DECIDE. THE
7 QUESTION IS WHETHER OR NOT HE SAID IT IN THE
8 STATEMENT.

9 MR. LAWSON: BUT YOUR HONOR, IF IT'S A
10 HEARSAY STATEMENT CONTAINED IN THE STATEMENT IT'S NOT
11 ADMISSIBLE SIMPLY BECAUSE IT'S IN THERE.

12 MR. WILSON: JUDGE, I'M NOT CONCERNED
13 ABOUT THAT LINE ANYWAY.
14 BY MR. WILSON:

15 Q. READ THE NEXT LINE. COME ON. READ THE
16 NEXT LINE RIGHT HERE.

17 A. WHERE?

18 Q. RIGHT HERE. LET'S SEE WHERE WE ARE SO WE
19 CAN GET THIS RIGHT HERE FOR YOU.

20 A. ALL RIGHT.

21 Q. WHERE IT SAYS -- RIGHT HERE WHERE IT SAYS
22 LEROY TOLD ME. TELL ME -- TELL ME EXACTLY WHAT LEROY
23 STATON TOLD YOU?

24 A. SAYS RIGHT HERE THAT HE TOLD ME.

25 Q. READ IT. READ IT ALOUD. READ WHAT LEROY

1 TOLD YOU. CAN YOU READ?

2 A. YES, I CAN.

3 Q. WELL, READ IT.

4 A. TOLD ME THAT HE HAD A WOMAN. LEROY STATON
5 ASKED ME IF I WANTED TO GET A PIECE -- RIDE WITH THEM
6 AND GET A PIECE.

7 Q. LEROY TOLD YOU THAT THEY HAD A WOMAN UP
8 THERE AND DID YOU WANT TO RIDE WITH HIM AND GET A
9 PIECE. THAT'S WHAT HE TOLD YOU, ISN'T HE?

10 A. THAT'S WHAT IT SAYS.

11 Q. ALL RIGHT. THAT'S WHAT YOU TOLD THE
12 POLICE. AND YOU TOLD THEM THAT IN FEBRUARY OF 1995,
13 DIDN'T YOU?

14 A. IT'S THERE.

15 Q. AND THAT'S YOUR SIGNATURE ON THERE TOO,
16 ISN'T IT?

17 A. YES.

18 Q. ALL RIGHT. NO QUESTION ABOUT THAT, IS IT?

19 A. NO.

20 Q. ALL RIGHT. NOW, LET ME ASK YOU THIS. YOU
21 HAD A CONVERSATION WITH STUCKEY AND GRAHAM?

22 A. NO.

23 Q. WELL, NOW, LOOK AT YOUR STATEMENT AGAIN.
24 DIDN'T YOU?

25 A. ON THE FRONT PAGE?

1 Q. NO, NOT ON THE FRONT PAGE. LATER ON IN
2 THE STATEMENT, DIDN'T YOU TELL THE POLICE ABOUT A
3 CONVERSATION YOU HAD WITH STUCKEY AND GRAHAM? YOU
4 KNOW WHO ROBERT GRAHAM IS, DON'T YOU?

5 A. YES, SIR.

6 Q. WHO IS ROBERT GRAHAM?

7 A. MY COUSIN.

8 Q. ALL RIGHT. HE'S YOUR COUSIN. TELL THEM
9 ABOUT THE CONVERSATION YOU HAD WITH ROBERT GRAHAM.

10 A. I DIDN'T HAVE ANY CONVERSATION. I JUST
11 RODE WITH HIM TO THE HOUSE.

12 Q. WHAT HOUSE?

13 A. THE HOUSE TO PICK UP SOMETHING.

14 Q. NOW, I DON'T UNDERSTAND. WHAT HOUSE DID
15 YOU RIDE TO WITH ROBERT GRAHAM?

16 A. THE HOUSE WHERE HIM AND RICKY WERE STAYING
17 AT.

18 Q. THE HOUSE THAT HIM AND RICKY WAS STAYING
19 AT. IS THIS THE SAME HOUSE THAT THE GIRL WAS AT?

20 A. NO.

21 Q. ISN'T THAT WHAT YOU TOLD THE POLICE?

22 A. NO, I DIDN'T TELL THEM THAT.

23 Q. LOOK AT THE STATEMENT.

24 A. I'M LOOKING AT THE STATEMENT.

25 Q. ISN'T THAT WHAT YOUR STATEMENT SAYS, SON?

1 ISN'T IT?

2 MR. LAWSON: NO, YOUR HONOR, IT'S NOT.

3 THE WITNESS: IT'S NOT.

4 BY MR. WILSON:

5 Q. ISN'T IT IN YOUR STATEMENT?

6 THE COURT: WAIT A MINUTE, NOW. I'M GOING
7 TO PERMIT ALL OF YOU GENTLEMEN TO HAVE WIDE LATITUDE
8 IN CROSS-EXAMINATION. LET THE SOLICITOR PROCEED,
9 GENTLEMEN. YOU WILL HAVE YOUR --

10 MR. LAWSON: BUT YOUR HONOR, IF IT'S NOT
11 IN THERE.

12 THE COURT: THEN BRING IT OUT ON
13 CROSS-EXAMINATION. I'LL GIVE YOU ALL OF THE LATITUDE
14 YOU WANT, AND YOU TOO, BUT LET THE --

15 MR. PADGETT: I DON'T BELIEVE HE WROTE
16 THIS STATEMENT.

17 THE COURT: SIR? PARDON?

18 MR. PADGETT: I DON'T BELIEVE HE WROTE
19 THIS STATEMENT.

20 THE COURT: I DON'T KNOW WHETHER HE WROTE
21 IT OR NOT. I'LL LET THE JURY DETERMINE THAT FROM THE
22 TESTIMONY. GO AHEAD.

23 THE WITNESS: SOME OF IT IS NOT TRUE.

24 BY MR. WILSON:

25 Q. DID YOU TELL THE POLICE ABOUT 3:00 OR 4:00

1 P.M. YOU AND ROBERT GRAHAM WENT UP TO THIS HOUSE?

2 A. YES.

3 Q. WE WENT IN THE TRAILER?

4 A. WHO?

5 Q. THAT YOU WENT TO THIS TRAILER?

6 A. YES.

7 Q. WHICH IS BEHIND STANTON'S BARBECUE?

8 A. YES.

9 Q. YOU TOLD THEM THAT, DIDN'T YOU?

10 A. YES.

11 Q. ALL RIGHT. THAT YOU SAW BIG JOE STUCKEY?

12 DID YOU TELL THEM THAT?

13 A. YES.

14 Q. THAT YOU SAW RICKY STUCKEY?

15 A. YES.

16 Q. SAW DWAYNE SLOAN?

17 A. NO, I DIDN'T TELL THEM THAT.

18 Q. YOU DIDN'T TELL THEM DWAYNE?

19 A. I DON'T EVEN KNOW HIM.

20 Q. ALL RIGHT. BUT YOU TOLD THEM RICKY

21 STUCKEY AND JOE STUCKEY. RIGHT?

22 A. YES.

23 Q. BUT YOU TOLD THEM THAT LEROY STATON.

24 RIGHT?

25 A. YES.

1 Q. YOU TOLD THEM ALFONZO STATON?

2 A. NO, I DON'T EVEN KNOW HIM.

3 Q. YOU DIDN'T TELL THEM ALFONZO? DID YOU

4 TELL THEM JEFFREY WALLS?

5 A. NO.

6 Q. DID YOU TELL THEM QUINCY GRAHAM?

7 A. NO.

8 Q. DID YOU TELL THEM LEROY STATON?

9 A. NO.

10 Q. ALL RIGHT. YOU DIDN'T TELL THEM THAT

11 EITHER?

12 A. NO.

13 Q. ALL RIGHT. DID YOU TELL THEM ABOUT THREE

14 WHITE GUYS THAT YOU DID NOT KNOW?

15 A. YES, SIR. I TOLD THEM THAT.

16 Q. AND YOU TOLD THEM THAT ALL OF THESE PEOPLE

17 WERE UP THERE AT THIS HOUSE, DIDN'T YOU?

18 A. YES.

19 Q. ALL RIGHT. NO QUESTION ABOUT THAT, IS

20 THERE, SON?

21 A. NO.

22 Q. ALL RIGHT. NOW, YOU ALSO TOLD THEM ABOUT

23 SOMEBODY NAMED QUINCY GRAHAM. RIGHT? THAT QUINCY

24 GRAHAM WAS UP THERE AT THAT HOUSE?

25 A. YES.

1 Q. THEY WERE ALL OUT IN THE YARD DRINKING AND
2 PARTYING, WEREN'T THEY?

3 A. YES.

4 Q. AND THERE WAS THIS GIRL SUPPOSED TO BE IN
5 THE HOUSE THAT YOU WERE GOING UP THERE TO GET A PIECE
6 OF?

7 A. NO, NO.

8 Q. NO, NO. WHAT?

9 A. WRONG.

10 Q. WHAT -- WRONG WHAT?

11 A. I DIDN'T GO UP THERE TO GET A PIECE. I
12 WENT UP THERE WITH ROBERT TO PICK UP SOMETHING.

13 Q. I'M SORRY. YOU WENT UP THERE WITH ROBERT
14 TO PICK UP SOMETHING?

15 A. YES.

16 Q. DID YOU GO IN THE HOUSE?

17 A. NO.

18 Q. DID ROBERT GO IN THE HOUSE?

19 A. YES.

20 Q. ALL RIGHT. HOW LONG WAS ROBERT IN THAT
21 HOUSE?

22 A. ABOUT FIVE MINUTES.

23 Q. ABOUT FIVE MINUTES. AND YOU DON'T KNOW
24 WHAT I WAS DOING IN THE HOUSE. RIGHT?

25 A. NO.

1 Q. YOU STAYED OUTSIDE?

2 A. YES.

3 Q. NOW, DID YOU EVER TALK WITH JOE STUCKEY
4 ABOUT WHETHER OR NOT HE HAD SEX WITH THIS GIRL?

5 A. NO, SIR, NOT REALLY.

6 Q. WELL, I DIDN'T ASK YOU REALLY. I ASKED
7 YOU, DID HE TELL YOU THAT HE HAD SEX WITH HER?

8 A. NO, SIR, NOT THAT I CAN REMEMBER.

9 Q. I'M GOING TO ASK YOU AGAIN, DID HE TELL
10 YOU OR DID HE SAY IN YOUR PRESENCE THAT HE HAD HAD
11 SEX WITH HER?

12 A. NOT THAT I CAN REMEMBER, SIR.

13 Q. AREN'T YOU UNDER OATH?

14 A. YES.

15 Q. DO YOU KNOW WHAT THE TRUTH IS?

16 A. YES, SIR, I DO.

17 MR. PADGETT: OBJECTION, YOUR HONOR. HE'S
18 ANSWERED THE QUESTION. HE SAID NO.

19 THE COURT: NO, SIR. NO, SIR. THIS IS
20 CROSS-EXAMINATION. GO AHEAD.

21 MR. LAWSON: IT'S HIS WITNESS.
22 BY MR. WILSON:

23 Q. ALL RIGHT. LET'S GO -- LET'S TURN OVER TO
24 THE SECOND PAGE OF YOUR STATEMENT.

25 MR. ERVIN: THAT WAS THE SECOND PAGE.

1 MR. WILSON: HE'S STILL ON THE SECOND
2 PAGE. THAT'S WHY I TOLD HIM TO TURN OVER TO THE
3 FIRST PAGE.

4 BY MR. WILSON:

5 Q. ALL RIGHT. NOW, WHO LIVED AT THAT
6 TRAILER?

7 A. ROBERT AND RICKY.

8 Q. ROBERT GRAHAM AND --

9 A. RICKY.

10 Q. AND RICKY STUCKEY?

11 A. YES, SIR.

12 Q. THEY LIVED AT THAT TRAILER, DIDN'T THEY?

13 A. YES.

14 Q. AND HAD BEEN LIVING THERE BEFORE THIS
15 DATE, HAD THEY NOT?

16 A. YES.

17 Q. ALL RIGHT. NOW, YOU WORKED FOR ONE OF THE
18 STUCKEYS, DID YOU NOT?

19 A. YES.

20 Q. WHICH ONE OF THE STUCKEYS DID YOU WORK
21 FOR?

22 A. MACK.

23 Q. MACK STUCKEY?

24 A. YES.

25 Q. AND MACK STUCKEY IS RICKY STUCKEY'S

1 BROTHER?

2 A. NO.

3 Q. WHAT'S THE RELATION?

4 A. DADDY.

5 Q. DADDY AND SON?

6 A. YES.

7 Q. DID RICKY STUCKEY WORK WITH HIS DADDY UP
8 AT THE GARAGE?

9 A. YES.

10 Q. THEY BOTH WORKED AT THE GARAGE?

11 A. YES.

12 Q. YOU WORKED AT THE GARAGE TOO, DID YOU NOT?

13 A. YES.

14 Q. AND AIN'T NO QUESTION THAT THESE OTHER
15 FELLOWS WOULD COME UP TO THE GARAGE FROM TIME TO
16 TIME, WOULD THEY NOT?

17 A. YEAH.

18 Q. LEROY STATON WOULD COME UP THERE
19 SOMETIMES, WOULDN'T HE?

20 A. YEAH.

21 Q. WHAT ABOUT ALFONZO?

22 A. MAYBE ONE OR TWO TIMES. I DIDN'T SEE HIM
23 BUT SO MANY TIMES.

24 Q. ALL RIGHT. AND WHAT ABOUT WALLS? DID HE
25 COME UP THERE TO THE GARAGE SOMETIMES?

1 Q. WHO WAS TALKING TO SOMEBODY IN THE SHOP?
2 YOU TOLD THE POLICE WHO THEY WERE TALKING TO. TELL
3 THIS JURY WHO THEY WERE TALKING TO.

4 A. THEY WAS TALKING TO THE REGULAR PEOPLE
5 THAT BE IN THE SHOP, ME AND HIS DAD AND HIS BROTHER
6 AND EVERYBODY ELSE.

7 Q. ALL RIGHT. AND WHAT WERE THEY SAYING?

8 A. SAYING SOMETHING ABOUT THEY WANTED US TO
9 GET SOMEBODY OUT OF THE HOUSE.

10 Q. WHAT WAS THE NAME THAT THEY CALLED THE
11 PERSON THAT THEY WANTED OUT OF THE TRAILER?

12 | A. I DON'T KNOW. I DIDN'T KNOW THE WOMAN.

13 Q. DIDN'T YOU TELL THE POLICE THAT RICKY
14 STUCKEY SAID, "I WANT THAT BITCH OUT OF MY TRAILER?"

15 A. YES. YES, BUT I DIDN'T KNOW WHO THEY WERE
16 TALKING ABOUT.

17 Q. SO YOU DIDN'T KNOW WHICH BITCH THEY WERE
18 TALKING ABOUT; IS THAT RIGHT?

19	A.	YES.

20 Q. NO QUESTION ABOUT THAT'S WHAT RICKY
21 STUCKEY SAID, ISN'T IT?

22	A.	NO.

23 Q. AND YOU WERE PRESENT WHEN HE SAID IT.

24 RIGHT?

25 | A. YES.

1 Q. YOU HEARD HIM SAY IT. WHO ELSE WAS
2 PRESENT WHEN HE SAID IT?

3 A. BIG JOE AND MACK.

4 Q. BIG JOE STUCKEY AND MACK AND WHO ELSE?

5 A. I BELIEVE THAT'S IT.

6 Q. NOW, DO YOU KNOW WHEN THIS WAS THAT THEY
7 WERE WANTING HER OUT OF THIS TRAILER?

8 A. NO, SIR.

9 Q. WAS -- WHEN THEY WERE HAVING A
10 CONVERSATION ABOUT WANTING TO GET -- WANTING TO GET
11 HER OUT OF THE TRAILER, WAS THAT BEFORE YOU HAD GONE
12 UP THERE WITH ROBERT GRAHAM OR WAS THAT AFTER YOU HAD
13 COME BACK WITH ROBERT GRAHAM?

14 A. I BELIEVE IT WAS BEFORE.

15 Q. SO THEY WERE WANTING HER OUT OF THE
16 TRAILER BEFORE YOU WENT UP THERE WITH ROBERT GRAHAM.
17 IS THAT THE SAME DAY?

18 A. YES.

19 Q. SO YOU ALREADY KNEW THAT THEY WERE WANTING
20 HER OUT OF THE TRAILER, BUT YOU AND ROBERT GRAHAM GO
21 UP THERE ANYWAY TO THIS SAME TRAILER THAT THEY ARE
22 TRYING TO GET THIS BITCH OUT OF. RIGHT? HUH?

23 A. NO.

24 Q. NO, WHAT?

25 A. I WENT UP THERE WITH ROBERT TO PICK UP

1 SOMETHING. I DIDN'T EVER GO IN THE HOUSE. I DIDN'T
2 KNOW WHO WAS IN THE HOUSE.

3 Q. YOU DIDN'T KNOW WHO WAS IN THE HOUSE.
4 NOW, TELL THIS JURY WHEN YOU GOT UP THERE TO THAT
5 HOUSE WITH ROBERT GRAHAM, WHEN YOU SHOWED UP THERE,
6 TELL US EXACTLY WHO WAS UP THERE.

7 A. WELL, THERE WAS A COUPLE OF PEOPLE UP
8 THERE.

9 Q. WELL, IT WAS MORE THAN A COUPLE OF PEOPLE.
10 THAT'S WHAT YOU TOLD THE POLICE. RIGHT?

11 A. THERE WAS A COUPLE OF PEOPLE UP IN THERE.

12 Q. TELL THE JURY WHO THOSE COUPLE OF PEOPLE
13 WERE.

14 A. BIG JOE, LEROY AND RICKY, THE THREE WHITE
15 FELLOWS THAT I DIDN'T KNOW.

16 Q. ALL RIGHT. WHAT ABOUT MARTIN? WAS HE UP
17 THERE?

18 A. NO. HE WASN'T THERE.

19 Q. YOU DIDN'T TELL THE POLICE THAT? HUH?

20 A. I DON'T SEE IT ON HERE.

21 Q. WELL, LOOK AT THE BOTTOM OF PAGE TWO,
22 THIRD SENTENCE FROM THE BOTTOM.

23 MR. ERVIN: YOUR HONOR, ARE WE STILL ON
24 PAGE TWO?

25 MR. WILSON: I'M STILL ON PAGE TWO, THIRD

1 LINE FROM THE BOTTOM.

2 MR. ERVIN: THAT'S AT THE SHOP.

3 THE WITNESS: THAT'S AT THE SHOP.

4 BY MR. WILSON:

5 Q. OKAY. WE'RE AT THE SHOP. LET'S GO BACK
6 TO THE SHOP. THAT'S EVEN BETTER. TELL ME, WAS
7 MARTIN MCINTOSH PRESENT AT THE SHOP?

8 A. YES.

9 Q. AND WHICH ONE IS MARTIN MCINTOSH?

10 A. BEHIND THAT FELLOW.

11 Q. SO WHEN THE CONVERSATION ABOUT GETTING THE
12 BITCH OUT OF THE TRAILER WAS MADE, MARTIN MCINTOSH
13 WAS RIGHT THERE, WASN'T HE?

14 A. EXCUSE ME?

15 Q. WASN'T MARTIN MCINTOSH THERE WHEN THE
16 STATEMENTS WAS MADE BY BIG JOE STUCKEY OR RICKY
17 STUCKEY TO GET THE BITCH OUT OF THE TRAILER?

18 A. HE WAS STANDING OUTSIDE.

19 Q. WELL, WHEN YOU WENT UP THERE TO THE MOBILE
20 HOME, WHEN YOU WENT UP THERE TO THAT TRAILER WITH
21 ROBERT GRAHAM, HE WAS UP THERE TOO, WASN'T HE?

22 A. NO, HE WASN'T.

23 Q. YOU DIDN'T TELL THE POLICE THAT HE WAS UP
24 THERE?

25 A. NO, I DIDN'T. I DON'T SEE IT IN HERE.

1 MR. LAWSON: MR. WILSON IS MISSTATING HIS
2 STATEMENT OVER AND OVER, YOUR HONOR.

3 MR. WILSON: LET'S GO TO PAGE THREE.

4 MR. LAWSON: JUDGE, THIS IS IMPROPER. I
5 MEAN, WE'VE GOT TO STOP IT AT SOME POINT. HE IS
6 USING THIS STATEMENT AND MISQUOTING IT, CONFUSING
7 THIS GUY AND THEN CONFUSING THIS JURY AS WELL WITH
8 EVIDENCE THAT IS MISLEADING BECAUSE IT AIN'T IN THIS
9 STATEMENT.

10 MR. WILSON: JUDGE, IF THEY HAVE NO
11 OBJECTIONS, I OFFER THE STATEMENT. IT'S THE BEST
12 EVIDENCE AND THE JURY CAN LOOK AT IT THEMSELVES.

13 THE COURT: EACH ONE OF YOU HAVE, AS I
14 UNDERSTAND IT, A COPY OF THIS STATEMENT. EACH ONE OF
15 YOU HAVE A COPY? THEN I WILL GRANT EACH OF YOU FULL
16 LATITUDE TO CROSS-EXAMINE THIS WITNESS ON ANY
17 DISCREPANCIES, IF ANY. ADDITIONALLY, I WILL -- IF
18 YOU ARE CONCERNED ABOUT THE QUESTION, I WILL ADMIT IT
19 INTO EVIDENCE PROVIDED ALL OF YOU WANT IT IN
20 EVIDENCE. I WILL NOT ASK YOU AT THIS TIME. I'LL ASK
21 YOU AT A LATER TIME. BUT EACH OF YOU HAVE A COPY.
22 YOU WILL BE PERMITTED TO CROSS-EXAMINE. I WILL LET
23 THE SOLICITOR --

24 MR. WILSON: AND JUDGE, JUST FOR THE
25 RECORD, THIS IS WHAT'S BEEN MARKED AS STATE'S EXHIBIT

1 NUMBER 2. AND IF THERE ARE NO OBJECTIONS, I WOULD
2 OFFER IT INTO EVIDENCE.

3 MR. PADGETT: OBJECTION.

4 MR. REDMOND: I OBJECT.

5 MR. WILL ROGERS: I OBJECT.

6 MR. MOORE: OBJECTION.

7 MR. LAWSON: WE OBJECT.

8 MR. WILSON: THAT'S WHAT I FIGURED. NOW,
9 LET'S GO BACK. I'LL CONTINUE.

10 MR. ERVIN: I DON'T HAVE ANY OBJECTIONS.

11 MR. WILSON: LET'S CONTINUE.

12 BY MR. WILSON:

13 Q. NOW, LET ME ASK YOU THIS. YOU TOLD THE
14 POLICE THAT SEVERAL PEOPLE HAD SEX WITH THIS GIRL UP
15 THERE, DIDN'T YOU? THAT THEY TOLD YOU THAT THEY HAD
16 SEX WITH HER, DIDN'T YOU?

17 A. NOT THAT I CAN REMEMBER, SIR.

18 Q. LOOK AT THE BOTTOM OF PAGE TWO -- I'M
19 SORRY. BOTTOM OF PAGE THREE OF YOUR STATEMENT.
20 OKAY? LOOK DOWN AT THE LAST PARAGRAPH. IT'S THE
21 FOURTH LINE FROM THE BOTTOM. DIDN'T YOU TELL THE
22 POLICE I HAVE BEEN -- IT WOULD BE FIVE PEOPLE THAT
23 THEY HAD SEX WITH DARLENE PATTERSON?

24 A. NO, BECAUSE I DIDN'T EVEN KNOW THE WOMAN.
25 I DIDN'T KNOW HER NAME.

1 Q. I DIDN'T ASK YOU IF YOU KNEW HER NAME.
2 WHAT I ASKED YOU IS IF YOU TOLD THE POLICE THAT FIVE
3 PEOPLE TOLD YOU THAT THEY HAD SEX WITH HER. DIDN'T
4 YOU TELL THEM THAT?

5 A. NOT AS I CAN REMEMBER, SIR.

6 Q. WELL, YOU NAMED THE PEOPLE, DIDN'T YOU?

7 A. EXCUSE ME?

8 Q. DIDN'T YOU NAME THE PEOPLE? YOU NAMED --

9 A. NO, THEY WAS NAMING THE PEOPLE. I WASN'T
10 NAMING THE PEOPLE.

11 Q. SO THE POLICE -- NOW THE POLICE WAS NAMING
12 THE PEOPLE?

13 A. NO, THEY WAS ASKING ME ABOUT WHO ALL WAS
14 THERE. I WASN'T NAMING NOBODY.

15 Q. YOU DIDN'T NAME NOBODY? WELL, LET'S LOOK
16 AT THE BOTTOM -- LET'S LOOK --

17 A. I'M LOOKING AT THE PAGE.

18 THE COURT: LET'S IDENTIFY, PLEASE, THE
19 PAGE NUMBER SO COUNSEL CAN FOLLOW.

20 MR. WILSON: THIS IS ON PAGE THREE, LAST
21 PARAGRAPH, AT THE BOTTOM OF THE PAGE. I'VE BEEN

22 TOLD --

23 BY MR. WILSON:

24 Q. DIDN'T YOU TELL THE POLICE I HAVE BEEN
25 TOLD BY --

1 A. NO, I DIDN'T. NO, I DIDN'T.

2 Q. -- BY FIVE PEOPLE THAT THEY HAD SEX WITH
3 DARLENE PATTERSON AT RICKY STUCKEY'S TRAILER?

4 A. NO, SIR.

5 Q. DIDN'T YOU TELL THEM THAT RICKY STUCKEY
6 TOLD ME ON SEVERAL OCCASIONS THAT HE STUCK THE GIRL?

7 A. NO.

8 Q. HE GOT SOME OF IT?

9 A. NO.

10 Q. YOU DIDN'T TELL THE POLICE THAT?

11 A. I DIDN'T.

12 Q. BUT YOU SIGNED THE STATEMENT IN SPITE OF
13 THE FACT THAT YOU DIDN'T TELL THEM THAT; IS THAT
14 RIGHT?

15 A. I DIDN'T REALLY LOOK THE STATEMENT OVER,
16 SIR.

17 Q. ALL RIGHT. TURN OVER TO THE NEXT PAGE,
18 WHICH IS PAGE FOUR. NOW, DIDN'T YOU TELL THE POLICE
19 THAT WHILE WORKING THERE -- LET ME ASK YOU THIS. DID
20 YOU TELL THE POLICE THAT EVER SINCE NOVEMBER 12,
21 1994, I'VE BEEN TO MACK STUCKEY'S GARAGE AND LEARNED
22 PIECES AT A TIME ABOUT WHO THE GIRL WAS AT RICKY
23 STUCKEY'S TRAILER AND WHO WAS OUT THERE?

24 A. NO, SIR, BECAUSE I DIDN'T KNOW SHE WAS AT
25 THE TRAILER.

1 Q. WELL, YOU TOLD ME EARLIER THAT YOU
2 OVERHEARD CONVERSATIONS.

3 A. YES. EVERYBODY WAS TALKING ABOUT IT.
4 EVERYBODY WAS TALKING ABOUT IT.

5 Q. WELL, WHAT --

6 A. EVERYBODY IN THE NEIGHBORHOOD THAT STAYED
7 IN THE NEIGHBORHOOD WAS TALKING ABOUT IT.

8 Q. THAT'S WHAT I'M ASKING. NOW YOU'RE SAYING
9 YOU DIDN'T KNOW NOTHING ABOUT IT. I'M ASKING YOU,
10 YOU TOLD ME THAT YOU WENT UP THERE.

11 A. YES, SIR. I WENT IN TO THE TRAILER, BUT I
12 NEVER WENT IN THE HOUSE.

13 Q. YOU SAID YOU DIDN'T GO IN THE HOUSE. BUT
14 WHAT I'M ASKING YOU NOW IS YOU SAID EVER SINCE
15 NOVEMBER 12, 1994, I HAVE BEEN TO MACK STUCKEY'S
16 GARAGE AND LEARNED PIECES AT A TIME ABOUT WHO THE
17 GIRL WAS AT RICKY STUCKEY'S TRAILER AND WHO WAS OUT
18 THERE.

19 A. NO, SIR. NO, SIR.

20 Q. YOU DIDN'T SAY THAT?

21 A. NO.

22 Q. ALL RIGHT. AND DID YOU TELL THE POLICE
23 THAT I LEARNED THIS FROM JOE STUCKEY, RICKY STUCKEY,
24 LEROY STATON AND MARTIN? AND I ASSUME MARTIN IS
25 MARTIN MCINTOSH. YOU DIDN'T TELL THEM THAT?

1 A. NO, SIR. I CAN'T REMEMBER SAYING THAT.

2 Q. BUT THAT'S IN YOUR STATEMENT. RIGHT?

3 A. I DON'T REMEMBER TELLING THEM THIS.

4 O. YOU DON'T REMEMBER TELLING THEM THAT?

5 | A. NO.

6 Q. YOU'RE NOT DENYING YOU TOLD THEM THAT.

7 | YOU JUST DON'T REMEMBER?

8 | A. NO.

9 Q. BUT YOU WOULDN'T DENY THAT THAT'S YOUR
10 SIGNATURE ON EACH OF THESE PAGES. RIGHT?

11	A.	NO, SIR.

12 Q. NO QUESTION ABOUT THAT, IS THERE?

13 A. NO.

14 Q. AND THEY HAD YOU INITIAL EACH OF THESE
15 PAGES. RIGHT?

16 | A. YES, SIR.

17 Q. EACH OF THESE PAGES IS INITIALED BY YOU.

18 RIGHT?

19 A. YES, SIR.

20 Q. AND THEY HAD YOU READ THIS STATEMENT
21 BEFORE YOU SIGNED YOUR INITIALS.

22 | A. RIGHT.

23 Q. WELL, WHY DID THEY HAVE YOU SIGN YOUR
24 INITIALS ON THERE IF YOU DIDN'T READ IT?

25 A. I LOOKED OVER IT, BUT I DIDN'T REALLY READ

1 IT.

2 Q. BUT YOU SIGNED YOUR INITIALS TO IT IN
3 SPITE OF THE FACT THAT YOU DIDN'T READ IT. RIGHT?

4 A. YES, SIR.

5 Q. ALL RIGHT. BUT AIN'T NO QUESTION ABOUT
6 THE FACT THAT YOU HAD A CONVERSATION WITH THE POLICE?

7 A. YES.

8 Q. AIN'T NO QUESTION ABOUT THAT. NOW, YOU
9 SAID THAT YOU DIDN'T READ IT. RIGHT?

10 A. YES.

11 Q. SPEAK UP, NOW, SO I CAN HEAR YOU BECAUSE I
12 CAN'T HARDLY HEAR. LET ME SHOW YOU -- WE'RE ON PAGE
13 ONE AGAIN, GENTLEMEN. TURN BACK TO PAGE ONE. ONE,
14 TWO, THREE, FOUR, FIVE, SIX. LINE SEVEN ON PAGE ONE
15 OF THE STATEMENT. OKAY?

16 A. YES, SIR.

17 Q. ALL RIGHT. NOW, YOU SEE THAT? HAVE YOU
18 GOT LINE SEVEN? FIND LINE SEVEN WHERE IT SAYS LEROY
19 STATON. YOU SEE THAT?

20 A. YES, SIR.

21 Q. NOW, ALL RIGHT. NOW, YOUR INITIALS APPEAR
22 JUST ABOVE THE WORD STATON, DOES IT NOT?

23 A. YES, SIR.

24 Q. WHO PUT THOSE INITIALS THERE?

25 A. I DON'T KNOW.

1 Q. YOU DON'T KNOW? THOSE ARE NOT YOUR
2 INITIALS?

3 A. YES, SIR. THEY ARE MINE, BUT I DIDN'T PUT
4 THEM THERE.

5 Q. WELL, WHO PUT THEM THERE?

6 A. I DON'T KNOW.

7 Q. WELL, LET ME ASK YOU ABOUT THE INITIALS ON
8 THE OTHER SIDE OF THE PAGE. LOOK UP AT THE TOP OF
9 THE PAGE ON THE LEFT-HAND CORNER RIGHT THERE AT THE
10 TOP OF THE PAGE. NO, DON'T TURN. FIRST PAGE. RIGHT
11 THERE, THE TOP OF THE CORNER. YOU SEE THE J.G. OVER
12 THERE?

13 A. YES.

14 Q. WHOSE INITIALS ARE THOSE?

15 A. THOSE ARE MINE.

16 Q. DID YOU PUT THEM THERE?

17 A. YES, SIR. I PUT THEM THERE.

18 Q. SO NOBODY PUT THEM THERE FOR YOU?

19 A. NO.

20 Q. ALL RIGHT. WHAT ABOUT -- LET'S TURN TO
21 PAGE TWO. TOP OF THE PAGE, LEFT-HAND CORNER.
22 SIGNATURE -- I MEAN, I'M SORRY, THE SIGNATURE; IS
23 THAT RIGHT?

24 A. YES.

25 Q. J.G., THAT'S YOUR SIGNATURE?

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1 A. YES.

2 Q. YOU SIGNED THAT, DID YOU NOT?

3 A. YES.

4 Q. ALL RIGHT. LET'S GO ALL THE WAY DOWN TO
5 THE BOTTOM OF THE PAGE IN THE RIGHT-HAND CORNER, THE
6 VERY, VERY BOTTOM, LAST THING ON THE PAGE.

7 A. YES.

8 Q. YOUR INITIALS AGAIN. RIGHT?

9 A. YES, SIR.

10 Q. YOU PUT THEM INITIALS DOWN THERE?

11 A. YES, I DID.

12 Q. ALL RIGHT. LET'S TURN OVER TO PAGE THREE.
13 TOP OF THE PAGE, LEFT-HAND CORNER, J.G., YOUR
14 INITIALS. RIGHT?

15 A. YES.

16 Q. DID YOU SIGN THAT?

17 A. YES, SIR, I DID.

18 Q. ALL RIGHT. AND ALL THE WAY AT THE VERY
19 BOTTOM OF THE PAGE IN THE RIGHT-HAND CORNER OF THE
20 BOTTOM OF THE PAGE YOU SEE YOUR INITIALS AGAIN, DON'T
21 YOU?

22 A. YES, SIR.

23 Q. ALL RIGHT. HAVE YOU SIGNED THAT?

24 A. YES.

25 Q. THAT'S YOUR SIGNATURE. NO QUESTION ABOUT

1 THAT. RIGHT?

2 A. YES.

3 Q. ALL RIGHT. LET'S TURN TO PAGE FOUR. TOP
4 OF THE PAGE, LEFT-HAND CORNER, YOUR INITIALS. RIGHT?

5 A. YES.

6 Q. NO QUESTION ABOUT THAT?

7 A. NO.

8 Q. YOU SIGNED IT?

9 A. YES.

10 Q. AT THE BOTTOM OF THE PAGE, AT THE BOTTOM
11 OF THE PARAGRAPH, ANYWAY, WHICH IS THE MIDDLE OF THE
12 PAGE, YOUR SIGNATURE APPEARS AGAIN. RIGHT?

13 A. YES.

14 Q. YOU'VE PUT THEM THERE. RIGHT?

15 A. YES.

16 Q. AND THEN THEY PUT A BIG P IN THE MIDDLE OF
17 THE PAPER AND HAD YOU SIGN YOUR INITIALS ON EACH SIDE
18 SO NOTHING COULD BE ADDED OR TAKEN AWAY, DIDN'T YOU?

19 A. YES, SIR.

20 Q. AND YOU SIGNED AND INITIALED THAT, DIDN'T
21 YOU?

22 A. YES, SIR.

23 Q. DID AT ANY POINT IN TIME BEFORE TODAY DID
24 YOU EVER TELL THE POLICE, WELL, HEY, GUYS, I NEED TO
25 TELL YOU SOMETHING. WHAT I TOLD Y'ALL AIN'T TRUE AND

1 I NEED TO LET YOU KNOW THAT; IT JUST WASN'T TRUE?
2 YOU NEVER DID THAT, DID YOU?

3 A. EXCUSE ME?

4 Q. BEFORE YOU CAME IN HERE TODAY, DID YOU
5 EVER COME BACK AFTER YOU GAVE THIS STATEMENT AND TELL
6 THESE OFFICERS WHO YOU GAVE THIS STATEMENT TO, LOOK,
7 WHAT YOU GOT IN THIS STATEMENT AIN'T TRUE; I DIDN'T
8 MEAN TO SAY THAT?

9 A. I DIDN'T REALLY READ IT. LIKE I TOLD YOU,
10 I JUST LOOKED OVER IT.

11 Q. WELL, YOU GAVE THE STATEMENT FEBRUARY OF
12 1995?

13 A. THIS IS THE ONLY TIME I'VE SEEN IT.

14 Q. WELL, THAT'S TWO YEARS AGO. AND FROM TWO
15 YEARS, YOU NEVER READ THE STATEMENT?

16 A. NO, I DIDN'T.

17 Q. SO THE FIRST TIME YOU EVER READ THE
18 STATEMENT WAS TODAY?

19 A. NO, THAT WAS WHEN I WAS DOWN HERE WITH YOU
20 ABOUT TWO WEEKS AGO.

21 Q. THAT'S RIGHT. YOU WERE DOWN HERE ABOUT
22 TWO WEEKS AGO AND YOU READ THE STATEMENT; IS THAT
23 RIGHT?

24 A. I LOOKED IT OVER. YES, I LOOKED IT OVER.

25 Q. ALL RIGHT. AND WE GAVE YOU A COPY OF THE

1 STATEMENT. RIGHT?

2 A. NO, YOU DIDN'T.

3 Q. AND NOT ONLY THAT, YOU SAY YOU NEVER SAW
4 THE STATEMENT, NEVER READ THE STATEMENT OVER. IN
5 FACT, THAT'S NOT TRUE AT ALL, IS IT? IN FACT, DIDN'T
6 YOU GIVE ANOTHER STATEMENT AT ANOTHER TIME ABOUT WHAT
7 HAPPENED?

8 A. YES. THAT WAS IN COLUMBIA.

9 Q. I DON'T WANT TO KNOW WHERE IT WAS. I JUST
10 ASKED YOU, DIDN'T YOU GIVE ANOTHER STATEMENT?

11 A. YES.

12 Q. AND YOU TOLD THEM PRETTY MUCH THE SAME
13 THING THAT YOU SAID IN THIS STATEMENT, DID YOU NOT?

14 A. YES, PRETTY MUCH THE SAME THING.

15 Q. PRETTY MUCH THE SAME THING. SO WAS THAT A
16 LIE TOO?

17 A. NO, IT WASN'T.

18 Q. SO THAT WASN'T A LIE, BUT THIS IS A LIE
19 TODAY?

20 A. NO. WHAT I'M SAYING IS SOME OF THE STUFF
21 IN THE STATEMENT IS NOT WHAT I SAID. I DIDN'T REALLY
22 LOOK THE STATEMENT OVER. I JUST READ THROUGH IT.

23 Q. ALL RIGHT. WELL, LET ME ASK YOU THIS.
24 THERE AIN'T NO QUESTION ABOUT SOME THINGS IN THERE.
25 THERE AIN'T NO QUESTION ABOUT THE FACT THAT THEY HAD

1 SOME BITCH UP THERE AT THAT TRAILER. RIGHT?

2 A. YES, SIR.

3 Q. AND AIN'T NO QUESTION ABOUT THE FACT THAT
4 AFTER YOU KNEW THAT, YOU MADE HEADWAYS DIRECTLY UP
5 THERE WITH YOUR GOOD BODY ROBERT GRAHAM THERE?

6 A. WHAT DO YOU MEAN?

7 Q. WHAT I'M SAYING, AIN'T NO QUESTION ABOUT
8 THE FACT THAT YOU WENT YOU THERE.

9 A. YES, BUT I DIDN'T GO IN THE HOUSE.

10 Q. AIN'T NO QUESTION BUT THEY TOLD YOU TO
11 COME ON UP THERE AND GET A LITTLE PIECE?

12 A. BUT I DIDN'T EVER GO IN THE HOUSE.

13 Q. AND AIN'T NO QUESTION ABOUT THE FACT, IS
14 THERE?

15 A. YES, I WENT UP THERE.

16 Q. ALL RIGHT. AND THERE AIN'T NO QUESTION
17 ABOUT THE FACT THAT YOUR GOOD BUDDIES RICKY STUCKEY
18 AND THE REST OF THE CROWD WAS UP THERE AT THE GARAGE
19 TALKING ABOUT WHAT THEY -- WHAT THEY WERE GOING TO DO
20 TO GET RID OF THIS BITCH, GET HER OUT OF THAT
21 TRAILER?

22 A. I DIDN'T REALLY HEAR TOO MUCH. I WALKED
23 AWAY.

24 Q. HUH?

25 A. I WALKED OFF. I DIDN'T HEAR TOO MUCH.

1 Q. WELL, YOU WALKED OFF. YOU HAD DONE BEEN
2 UP THERE AND YOU HAD DONE GOT AN OFFER TO COME UP
3 THERE. AND NOW YOU'RE WALKING OFF?

4 A. I DIDN'T GO UP THERE THAT NIGHT.

5 Q. WELL, THE ONLY REASON YOU DIDN'T GO UP
6 THERE THAT NIGHT IS YOUR GIRLFRIEND WAS WITH YOU AND
7 YOU COULDN'T GET AWAY; ISN'T THAT RIGHT? YOUR
8 GIRLFRIEND WAS AT YOUR HOUSE WHEN THEY TOLD YOU THAT.
9 THAT'S THE ONLY REASON YOU DIDN'T GO TO LEAVE TO GO
10 UP THERE WITH THEM.

11 MR. MOORE: YOUR HONOR --

12 MR. WILSON: I HAVE NOTHING FURTHER.

13 THE COURT: ALL RIGHT. YOU MAY EXAMINE.

14 C R O S S - E X A M I N A T I O N

15 BY MR. ERVIN:

16 Q. JEFFREY, SEVERAL QUESTIONS HAVE BEEN
17 ASKED. WHERE YOU WERE WHEN YOU MADE THIS STATEMENT.

18 A. EXCUSE ME?

19 Q. WHERE WERE YOU WHEN YOU MADE THIS
20 STATEMENT THAT THE SOLICITOR WILSON JUST ASKED YOU
21 ABOUT?

22 A. WE WAS IN LAURINBURG AT THE DETENTION
23 CENTER.

24 Q. UP THERE IN THE DETENTION CENTER?

25 A. YES.

1 Q. WHO WAS IN THE ROOM WITH YOU?

2 A. HAROLD JACOBS, THIS FELLOW HERE.

3 Q. FRED KNIGHT?

4 A. YES, SIR.

5 Q. THIS GENTLEMAN RIGHT HERE?

6 A. YES, SIR.

7 Q. ANYBODY ELSE IN THE ROOM?

8 A. I CAN'T REMEMBER.

9 Q. OKAY. AND THERE WAS A STATEMENT MADE ON
10 FEBRUARY THE 13TH?

11 A. YES, SIR.

12 Q. AND THIS IS LONG AFTER DARLENE PATTERSON'S
13 BODY HAD BEEN FOUND?

14 A. YES, SIR.

15 Q. AND HAD THERE BEEN A LOT OF TALK IN THE
16 COMMUNITY AT THAT POINT ABOUT HER DEATH?

17 A. YES.

18 Q. YOU DON'T HAVE TO GO INTO WHAT ANYBODY
19 SAID, BUT YOU HAD HEARD A LOT ABOUT IT AT THAT POINT,
20 HADN'T YOU?

21 A. YES.

22 Q. AND YOU INDICATED TO THE JURY THAT YOU
23 WORKED AT MR. STUCKEY'S GARAGE?

24 A. YES, I DID.

25 Q. YOU REFERRED TO HIM AS WHAT?

4 A. NO.

7 | A. YES.

9 A. YES.

12 A. YES, SIR.

15 A. YES, SIR. I HEARD EVERYBODY'S NAME THAT
16 WAS AROUND THERE.

19 A. YES.

22 | A. NO.

25 | A. YES.

1 Q. YOU DIDN'T KNOW WHAT TO THINK, DID YOU?

2 A. YES.

3 Q. WERE YOU GOING ALONG -- WERE YOU
4 UNCOMFORTABLE?

5 A. WELL, I WAS COMFORTABLE.

6 Q. YOU WERE READY TO GET OUT OF THERE,
7 WEREN'T YOU?

8 A. YES.

9 Q. WHAT I UNDERSTAND YOU TO SAY NOW ABOUT
10 MR. MARTIN MCINTOSH IS THAT AT SOME POINT IN TIME
11 WHEN HE WAS IN AND OUT OF THE SHOP, SOME DISCUSSION
12 CAME UP ABOUT A GIRL IN A TRAILER?

13 A. YES.

14 Q. AND GETTING HER OUT OF THE TRAILER. AND
15 YOU DON'T REALLY REMEMBER WHEN THAT WAS?

16 A. NO.

17 Q. COULD HAVE BEEN WELL AFTER THE BODY WAS
18 FOUND IN DECEMBER, JUST LIKE YOU TOLD MY
19 INVESTIGATOR?

20 A. YES.

21 Q. WHO, LIKE THESE PEOPLE, WAS TRYING TO GET
22 TO THE TRUTH. RIGHT?

23 A. YES.

24 Q. OKAY. AND THAT'S THE ONLY THING ANYBODY'S
25 EVER ASKED YOU ABOUT MARTIN. THAT'S THE EXTENT OF

A. YES.

Q. ARE YOU MARRIED?

A. NO, SIR.

Q. GOT ANY KIDS?

A. YES, SIR.

Q. I WANT TO GET SOMETHING STRAIGHT NOW. THE SOLICITOR KEPT TALKING ABOUT YOUR INITIALS. CAN YOU WRITE YOUR INITIALS ON RIGHT THERE FOR ME?

A. (COMPLIES.)

Q. ANY QUESTION THAT THOSE ARE YOUR INITIALS?

A. NO.

Q. MR. GRAHAM, WHAT'S THAT STATEMENT SAY?

A. WHAT'S THAT?

Q. WHAT'S IT SAY? READ IT.

A. THE SKY IS RED.

Q. THE SKY IS RED. DID YOU SAY THAT?

A. YES.

Q. YOU DIDN'T WRITE THAT, DID YOU?

A. NO.

Q. YOU DIDN'T SAY THAT, DID YOU?

A. NO.

Q. THOSE ARE MY WORDS, AREN'T THEY?

A. YES.

Q. IT SHOWS YOUR INITIALS AT THE BOTTOM OF IT, DOESN'T IT?

1 A. YES.

2 Q. LET ME ASK YOU ONE MORE THING I WANT TO
3 CLARIFY ON RICKY. YOU TOLD US A FEW MINUTES AGO THAT
4 YOU DID NOT TELL ANYBODY THAT RICKY SAID HE HAD SEX
5 WITH A GIRL. RIGHT?

6 A. YES.

7 Q. HE DIDN'T TELL YOU THAT, DID HE?

8 A. NO.

9 Q. YOU NEVER SAW THE GIRL IN THE TRAILER?

10 A. NO.

11 Q. YOU DON'T KNOW IF THERE WAS A GIRL THERE
12 OR NOT, DO YOU?

13 A. NO.

14 THE COURT: ALL RIGHT, SIR. MR. REDMOND.

15 C R O S S - E X A M I N A T I O N

16 BY MR. REDMOND:

17 Q. ISN'T IT TRUE THAT WHEN YOU TESTIFIED IN
18 FRONT OF THE FEDERAL GRAND JURY IN COLUMBIA, YOU DID
19 NOT MENTION JEFFREY WALLS' NAME IN THAT WHOLE
20 TESTIMONY?

21 A. NO, SIR.

22 Q. ISN'T IT TRUE THAT HE WAS NOT AT THAT
23 TRAILER?

24 A. NO, SIR. HE WASN'T.

25 MR. REDMOND: NOTHING FURTHER.

1 THE COURT: MR. MOORE.

2 C R O S S - E X A M I N A T I O N

3 BY MR. MOORE:

4 Q. JEFFREY, I AM LEROY STATON'S LAWYER.
5 WOULD YOU LIKE TO DENY THAT ENTIRE STATEMENT,
6 REPUDIATE IT?

7 A. EXCUSE ME?

8 Q. THE STATEMENT THAT THE SOLICITOR JUST
9 SHOWED YOU AND READ FROM.

10 A. WELL...

11 Q. WOULD YOU LIKE TO DENY THAT ENTIRE
12 STATEMENT?

13 A. NO. JUST SOME OF IT. SOME OF IT.

14 Q. THE STATEMENT AS HE READ IT TO YOU AND AS
15 YOU READ IT WAS FULL OF INCONSISTENCIES. WOULD YOU
16 LIKE TO DENY IT?

17 A. YES, SIR.

18 Q. ALL RIGHT. WHO WROTE THAT STATEMENT?

19 A. I DON'T KNOW. IT WAS ONE OF THOSE FELLOWS
20 OVER THERE.

21 Q. THERE WAS THREE MEN IN THERE THAT DAY,
22 WASN'T THERE?

23 A. YES.

24 Q. THIS FELLOW RIGHT HERE?

25 A. YES.

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1 A. WELL, EXCUSE ME FROM WHAT I'M FIXING TO
2 SAY, BUT IF SOMEBODY TOLD YOU THEY WERE GOING TO BE
3 LOCKED UP, YOU WOULD BE SCARED TOO.

4 Q. BUT YOU WOULDN'T SIGN THAT PAPER AGAIN,
5 WOULD YOU?

6 A. NO.

7 Q. NOTHING LIKE IT?

8 A. NO.

9 MR. MOORE: ALL RIGHT. THANK YOU.

10 THE COURT: MR. WILL ROGERS.

11 MR. WILL ROGERS: PLEASE THE COURT.

12 C R O S S - E X A M I N A T I O N

13 BY MR. WILL ROGERS:

14 Q. ISN'T IT TRUE AS YOU JUST TOLD SOLICITOR
15 WILSON THAT MY CLIENT ALFONZO STATON -- THAT YOU
16 DIDN'T SEE HIM IN THE TRAILER?

17 A. EXCUSE ME?

18 Q. YOU SAID WHEN SOLICITOR WILSON WAS ASKING
19 YOU ABOUT YOUR STATEMENT THAT MY CLIENT ALFONZO
20 STATON WAS NOT AT THE TRAILER WHEN YOU WENT UP THERE;
21 ISN'T THAT TRUE?

22 A. YES.

23 THE COURT: MR. LAWSON.

24 MR. LAWSON: MAY IT PLEASE THE COURT.

25 C R O S S - E X A M I N A T I O N

1 Q. DID YOU HAVE ANY OTHER CONVICTIONS
2 SINCE --

3 A. NO, I BELIEVE THAT'S ABOUT IT.

4 Q. OKAY. DID YOU GET PROBATION AT ONE TIME?

5 A. YES.

6 Q. WHAT DID YOU GET PROBATION FOR?

7 A. I BELIEVE IT WAS FOR FORGERY.

8 Q. FORGERY?

9 A. YES.

10 Q. OKAY. WHAT DID YOU FORGE?

11 A. A CHECK.

12 Q. A CHECK. AND NOW YOU'RE IN JAIL AGAIN; IS
13 THAT CORRECT?

14 A. YES, SIR. YES, SIR.

15 Q. SO IN 1994, YOU WERE NOT UNFAMILIAR WITH
16 LAW ENFORCEMENT OFFICERS, WERE YOU?

17 A. I GUESS I WAS, BUT...

18 Q. OKAY. YOU HAD BEEN IN THE SYSTEM AT THAT
19 POINT, HADN'T YOU?

20 A. YES.

21 Q. AND WHEN YOU WERE INTERVIEWED, HOW MANY
22 TIMES WERE YOU INTERVIEWED BY THE POLICE?

23 A. ABOUT THREE OR FOUR TIMES.

24 Q. BEFORE YOU GAVE THIS STATEMENT?

25 A. YES, SIR.

1 Q. SO YOU HAD TO FROM DAY ONE, THE FIRST TIME
2 THEY CAME TO YOU, YOU HAD TO COME UP WITH A STORY,
3 DIDN'T YOU?

4 A. YES.

5 Q. FOR YOURSELF, TO KEEP YOURSELF OUT OF
6 JAIL, DIDN'T YOU?

7 A. YES, SIR.

8 Q. AND IF YOU DIDN'T COME UP WITH A STORY,
9 THERE WAS A GOOD CHANCE YOU MIGHT BE IN THIS CASE
10 RIGHT NOW. ISN'T THAT RIGHT?

11 A. YES, SIR.

12 Q. IN YOUR MIND?

13 A. YES, SIR.

14 Q. AND THAT'S WHAT YOUR WHOLE CHAIN OF
15 THOUGHT WAS ON FEBRUARY THE 13TH, 1995, WASN'T IT?

16 A. YES, SIR.

17 Q. TO PROTECT YOURSELF. RIGHT?

18 A. YES, SIR.

19 Q. AND YOU HAD TO DO THAT, DIDN'T YOU? THEY
20 WEREN'T GOING TO DO IT FOR YOU, WERE THEY?

21 A. NO.

22 Q. YOU ALREADY KNEW THAT, DIDN'T YOU?

23 A. YES, SIR.

24 Q. WHERE WAS THIS STATEMENT GIVEN? DO YOU
25 REMEMBER?

1 A. WHERE WAS IT GIVEN?

2 Q. YEAH. WAS IT HERE IN BENNETTSVILLE?

3 A. NO, THIS WAS IN GIBSON.

4 Q. THEY CAME UP TO NORTH CAROLINA?

5 A. YES.

6 Q. IT DOESN'T SAY WHERE YOU WERE -- WHERE
7 WERE YOU WHEN YOU HAD --

8 A. I WAS WALKING DOWN THE STREET AND THEY
9 JUST CALLED ME TO THE CAR AND THE NEXT THING I KNOW
10 THEY TOLD ME TO GET IN THE CAR.

11 Q. AND THE NEXT THING YOU KNEW, YOU WERE IN
12 THE SHERIFF'S DEPARTMENT IN SCOTLAND COUNTY, DIDN'T
13 YOU?

14 A. NO, THE NEXT DAY THEY JUST RIDE ME AROUND
15 AND TALK TO ME.

16 Q. RODE YOU AROUND TALKING TO YOU. AND NOW,
17 WHAT WERE YOU DOING ON JANUARY THE 12TH, 1997?

18 A. I CAN'T REMEMBER.

19 Q. OKAY. THAT'S THREE MONTHS AGO TODAY.

20 A. OH, I WAS WORKING, PROBABLY.

21 Q. YOU WERE WORKING, PROBABLY?

22 A. YES.

23 Q. WHO DID YOU SEE THAT DAY?

24 A. WHAT DO YOU MEAN?

25 Q. WELL, I MEAN WHO CAME BY WORK THAT DAY?

Q. DID YOU WRITE THINGS DOWN AS THEY

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A. YES. YES.

Q. HAVE I EVER TALKED TO YOU BEFORE TODAY?

A. NO.

Q. I'VE NEVER INTERVIEWED YOU?

A. NO.

Q. I'VE NEVER SEEN YOU OR TALKED TO YOU?

A. NO.

Q. I AIN'T ASKED YOU ON THE TELEPHONE TO DO ANYTHING, HAVE I?

A. NO.

Q. I'VE NEVER TALKED TO YOU ABOUT THIS CASE AND I'VE NEVER INTERVIEWED YOU?

A. NO.

Q. BUT THE STATE HAS?

A. YES.

Q. AND THEY'VE ALWAYS COME TO YOU AND SAID, NOW, ON NOVEMBER THE 12TH, THIS IS WHAT HAPPENED. RIGHT?

A. YES.

Q. YOU SAY THAT ROBERT GRAHAM TOOK YOU UP TO THAT TRAILER?

A. YES.

Q. BUT YOU DON'T HAVE ANY INDEPENDENT RECOLLECTION OF WHEN THAT WAS?

A. NO, NOT REALLY.

1 Q. COULD HAVE BEEN BEFORE DARLENE PATTERSON
2 DISAPPEARED, COULDN'T IT?

3 A. MIGHT HAVE BEEN.

4 Q. YOU ASSUMED, BASED ON WHAT YOU'VE BEEN
5 TOLD FROM THE POLICE, THAT IT WAS AT THAT TIME.
6 ISN'T THAT CORRECT?

7 A. WELL, THAT'S WHAT -- THAT'S WHAT THEY WAS
8 TELLING ME.

9 Q. THAT'S WHAT THEY WERE TELLING YOU. BUT
10 YOU CANNOT TESTIFY TRUTHFULLY TODAY AND SAY THAT THAT
11 IS THE CASE, CAN YOU?

12 A. NO.

13 Q. AND AT ONE TIME, I BELIEVE THAT YOU HAD
14 SAID THAT THE DAY THAT ROBERT TOOK YOU TO THE TRAILER
15 YOU HAD WOKE UP THAT MORNING AT ABOUT 9:30 AND
16 NOTICED THAT SOMEBODY WAS AT THE SHOP?

17 A. YES.

18 Q. ISN'T THAT CORRECT? THAT YOU DECIDED TO
19 GO TO THE SHOP AND SEE IF YOU COULD DO SOME WORK AND
20 GOT DRESSED AND WENT DOWN THERE, WHICH WHAT, WOULD
21 HAVE BEEN 10:00, 10:30 BEFORE YOU GOT DOWN THERE?

22 A. YES.

23 Q. YOU SAID THAT YOU HAD WAITED ABOUT 20 --
24 OR WORKED FOR ABOUT 20 MINUTES AND THE PERSON ASKED
25 YOU TO GO GET THEM A SODA. RIGHT?

1 A. YES.

2 Q. SO THAT WOULD HAVE BEEN 10:00, 11:00. AND
3 THIS IS THE DAY THAT SUPPOSEDLY ROBERT PICKED YOU UP
4 AND TOOK YOU DOWN TO THE TRAILER?

5 A. YES.

6 Q. YOU WENT TO THE STORE, WHICH WHAT, TOOK
7 ABOUT TEN MINUTES?

8 A. YES, SIR.

9 Q. AND THAT'S WHERE YOU SAW ROBERT?

10 A. YES.

11 Q. BUT NOW THE PROBLEM IS ROBERT WORKS UNTIL
12 ABOUT 3:00 ON SUNDAY, DOESN'T HE?

13 A. YES.

14 Q. SO HE COULDN'T HAVE BEEN THERE TO PICK YOU
15 UP.

16 A. HE WENT TO THE HOUSE TO PICK UP SOMETHING
17 AND THEN HE DROPPED ME OFF BACK TO THE SHOP.

18 Q. OH, OKAY. SO IT PROBABLY WASN'T THAT DAY
19 IN NOVEMBER AT ALL, WAS IT? IT WAS PROBABLY EARLIER
20 THAN NOVEMBER; BACK SEPTEMBER, POSSIBLY. RIGHT?

21 A. YES.

22 Q. AND YOU NEVER SAW NOR WENT IN THE TRAILER?

23 A. NO, SIR.

24 MR. LAWSON: I DON'T HAVE ANY OTHER
25 QUESTIONS.

1 FROM THE COURTROOM AND THE
2 FOLLOWING PROCEEDINGS COMMENCED
3 IN OPEN COURT.)

4 THE COURT: MR. LAWSON, LET THE RECORD
5 REFLECT THAT THE JURY IS OUTSIDE, GONE. YOU WANTED
6 TO --

7 MR. LAWSON: MAY IT PLEASE THE COURT.
8 YOUR HONOR, THE STATE DIDN'T -- DEFENSE DIDN'T OPEN
9 IT. THE STATE DID. AND THEY SAID DID HE NOT MAKE A
10 STATEMENT --

11 THE COURT: BUT WERE YOU NOT IN THE
12 COURTROOM? I BELIEVE MR. REDMOND SPECIFICALLY ASKED
13 DID YOU NOT TESTIFY BEFORE THE GRAND JURY.

14 MR. LAWSON: BUT YOUR HONOR, THE STATE HAD
15 ALREADY ASKED THE QUESTION.

16 THE COURT: THE GRAND JURY -- THE WORD
17 GRAND JURY NEVER CAME UP. DO YOU WANT ME TO READ THE
18 RECORD BACK TO YOU?

19 MR. LAWSON: I KNOW IT DIDN'T COME UP IN
20 RELATION TO THE WORD GRAND JURY, BUT HE WAS REFERRING
21 TO --

22 THE COURT: MR. LAWSON, I UNDERSTAND YOUR
23 DILEMMA, BUT Y'ALL OPENED THE DOOR AS WIDE AS A WAGON
24 TRAIN AND I'M NOT GOING TO LET THE DEFENSE RAISE AN
25 INFERENCE REGARDING THE GRAND JURY WITHOUT THE STATE

1 BEING ABLE TO REPLY. YOU INDIVIDUALS DON'T
2 UNDERSTAND THAT THE STATE HAS AN INTEREST IN HAVING A
3 FAIR TRIAL TOO. I'M NOT GOING TO LET AN INFERENCE
4 STAND IN THIS COURT ABOUT THE GRAND JURY AND NOT LET
5 HIM REPLY TO IT. YOU'RE THE ONE THAT MADE -- OPENED
6 IT UP.

7 MR. REDMOND: PERSONALLY, AS IT RELATES TO
8 JEFFREY WALLS, YOU KNOW, BUT --

9 THE COURT: AS ANOTHER REASON, HE IS
10 ENTITLED TO QUESTION THE CREDIBILITY OF THIS WITNESS
11 AND OF ANY WITNESS ON A PRIOR INCONSISTENT STATEMENT.
12 NOW, I DON'T KNOW WHETHER IT'S INCONSISTENT OR NOT.

13 MR. REDMOND: BUT YOUR HONOR, WHAT I WOULD
14 ASK, THEN, AND THIS IS REALLY MORE OR LESS HELPING
15 THEM OUT.

16 THE COURT: THEY APPRECIATE THAT, I'M
17 SURE.

18 MR. REDMOND: I WOULD ASK THAT IT BE
19 EXTREMELY LIMITED. I MEAN, IT'S NOT LIKE THE DOOR
20 WAS OPENED. THE FIRST ALLUSION TO IT WAS MADE BY THE
21 STATE. AND GIVEN THE CIRCUMSTANCES, I THINK IT
22 SHOULD BE EXTREMELY STREAMLINED. IN FACT, I
23 RESTRICTED MY STATEMENTS STRICTLY TO JEFF WALLS. AND
24 FOR ALL THE JURY KNOWS, THERE MAY -- NO OTHER
25 MENTION, IN OTHER WORDS, WAS MADE AS TO THESE OTHER

1 DEFENDANTS --

2 THE COURT: THIS IS WHAT I-

3 MR. REDMOND: IF THERE WAS ANYTHING --
4 YOUR HONOR, MAY I FINISH?

5 THE COURT: I'M SORRY. GO AHEAD.

6 MR. REDMOND: IF THERE WAS ANYTHING THAT
7 WAS DEALING WITH JEFF WALLS THAT HE WAS TRYING TO
8 IMPEACH UPON, I WOULDN'T HAVE A PROBLEM. BUT THAT'S
9 ALL. IT WAS ONE QUESTION AND ONE QUICK ANSWER. IT'S
10 NOT LIKE WHEN YOU SAY THE DOOR WAS OPENED AS WIDE AS
11 A WAGON OR WHATEVER, I WOULD STRINGENTLY DISAGREE
12 WITH YOU ON THAT MATTER.

13 THE COURT: WELL, AND ANOTHER REASON, IF
14 THIS WITNESS HAS MADE A PRIOR INCONSISTENT STATEMENT
15 TO WHAT HE'S TESTIFIED ON THE STAND OR IF HE'S
16 TESTIFIED DIFFERENTLY AT A PRIOR TIME, HE'S ENTITLED
17 TO BRING IT UP. AND YOU KNOW THAT.

18 MR. REDMOND: BUT YOUR HONOR, BECAUSE THIS
19 IS A JOINT TRIAL -- AND I WOULD BRING YOU BACK TO THE
20 WHOLE ISSUE OF SEVERANCE. AND AGAIN, AS IT RELATES
21 TO MY CLIENT, IT DOESN'T -- I MEAN, IT WAS A QUICK
22 ANSWER. BUT I'M TALKING ABOUT AS FAR AS IT
23 RELATES --

24 THE COURT: I UNDERSTAND YOUR POSITION.

25 MR. REDMOND: I JUST WANT TO RESTATE IT

1 FOR THE RECORD. THAT IS PRECISELY WHY WE MADE THOSE
2 MOTIONS INITIALLY. NOW, BECAUSE THIS IS A JOINT
3 TRIAL, I WOULD ARGUE THERE'S GOT TO BE SOME LEVERAGE
4 CUTTING BOTH WAYS HERE. NOW, TO JEFF, LIKE I SAID, I
5 DON'T THINK THAT STATEMENT DOES ANY HARM AND THAT'S
6 WHY I SPECIFICALLY ASKED AS IT RELATES TO JEFF.
7 DIDN'T GET ANY OTHER DETAILS TO IT. I THINK IF IT
8 WAS SOMETHING DEALING WITH JEFF THAT HE WANTED TO
9 IMPEACH UPON IT WITH, FINE. THERE ISN'T ANYTHING IN
10 THERE.

11 THE COURT: ALL RIGHT.

12 MR. REDMOND: BUT AS IT RELATES TO THESE
13 OTHER PEOPLE --

14 THE COURT: YOUR POSITION IS UPON THE
15 RECORD AND I ACCEPT IT.

16 YES, SIR.

17 MR. PADGETT: I OBJECT TO ANY USE OF IT TO
18 ANYONE OTHER THAN MR. REDMOND'S CLIENT. WE HAVEN'T
19 OPENED ANY DOOR.

20 THE COURT: LET ME HEAR YOUR POSITION.

21 MR. WILSON: YOUR HONOR, I THINK IT'S
22 RELEVANT FOR MORE THAN ONE REASON. I THINK MR.
23 LAWSON -- IF IT HADN'T BEEN OPENED WITH MR. REDMOND,
24 IT WAS CERTAINLY OPENED WITH MR. LAWSON WHO WENT INTO
25 GREAT DETAIL QUESTIONING THIS WITNESS ABOUT WHETHER

1 THE POLICE HAD INTIMIDATED, THREATENED, COERCED HIM
2 INTO MAKING THESE STATEMENTS, AND THAT IT REALLY
3 WASN'T FREE AND VOLUNTARY AND THAT THE POLICE TOLD
4 HIM WHAT TO SAY. AND THIS IS IN DIRECT CONTRADICTION
5 TO SHOW THAT IN FACT BEFORE A GRAND JURY, NOT BEFORE
6 LAW ENFORCEMENT, BUT TO THE FEDERAL GRAND JURY THAT
7 THIS WITNESS TESTIFIED TO THE EXACT SAME THING TWO
8 MONTHS EARLIER.

9 THE COURT: YEAH. MR. MOORE ASKED HIM THE
10 SAME QUESTION, DO YOU REPUDIATE EVERYTHING THAT'S IN
11 THE STATEMENT, BASICALLY. AND HE SAID I DO. NOW, IF
12 HE'S TESTIFIED AT SOME OTHER SOURCE AS TO WHAT'S IN
13 THE STATEMENT, THE STATE IS ENTITLED TO SO BRING IT
14 OUT.

15 YOU ARE PROTECTED FOR THE RECORD, GENTLEMEN.
16 I'M GOING TO LET IT IN. FIRST, YOU OPENED THE DOOR.
17 SECONDLY, IT'S A DIFFERENT STATEMENT FROM WHAT HE
18 TOLD YOU, MR. LAWSON, ON CROSS-EXAMINATION AND WHAT
19 HE TOLD YOU, MR. MOORE, ON CROSS-EXAMINATION, AND
20 WHAT HE TOLD YOU, MR. REDMOND.

21 MR. REDMOND: IT'S NOT DIFFERENT FROM WHAT
22 HE TOLD ME.

23 THE COURT: YES, IT IS.

24 MR. WILSON: IT'S TOTALLY DIFFERENT. THIS
25 STATEMENT, YOUR HONOR, IS EVEN GREATER AND EVEN IN

1 MORE DETAIL THAN THE STATEMENT --

2 THE COURT: GENTLEMEN, THERE'S NO REASON
3 TO ARGUE ON THAT. THAT STATEMENT IS COMING IN FOR
4 THE REASONS I STATED. NOW, IT'S COMING IN SO THERE'S
5 NO REASON IN ARGUING IT ANY FURTHER.

6 MR. LAWSON: THEN YOUR HONOR, I WOULD MAKE
7 AN ADDITIONAL OBJECTION, THEN. THE STATE HAS CALLED
8 THIS WITNESS. YOUR HONOR HAS DECLARED HIM HOSTILE
9 BECAUSE HE REPUDIATED SOMEWHAT WHAT HE SAID IN HIS
10 STATEMENT.

11 THE COURT: AND HE'S ENTITLED TO BE
12 IMPEACHED UNDER THE APPROPRIATE RULE.

13 MR. LAWSON: NOW HE'S GOING TO USE GRAND
14 JURY TESTIMONY TO BOLSTER HIS TESTIMONY IN THIS CASE.
15 YOU'RE GOING TO BOOTSTRAP IT IN WITH GRAND JURY
16 TESTIMONY WHEN THE SAME THING WAS GOING ON. THE SAME
17 THING, JUDGE. TAKE IT BACK THERE AND READ THE GRAND
18 JURY TESTIMONY. EVERY TIME THIS YOUNG MAN TRIED TO
19 BACK OFF OF WHAT HE HAD SAID TO LAW ENFORCEMENT, THE
20 U.S. ATTORNEY WOULD SAY DIDN'T YOU TELL THEM THIS;
21 DIDN'T YOU TELL THEM THIS; DIDN'T YOU TELL THEM THIS.
22 THE EXACT SAME ANYTHING. AND YOUR HONOR, IT IS --

23 THE COURT: YOU'VE MADE THE MOTION. NOW
24 THERE'S NO NEED IN ARGUING ABOUT IT. I'M NOT
25 GOING -- I'LL HEAR YOUR MOTIONS AND I'LL ACCEPT THEM

1 AND YOU WERE ENTITLED TO IT. IF YOU HAVE GOT A
2 MOTION TO MAKE, MAKE IT.

3 MR. MOORE: I RENEW MY MOTION TO SEVERANCE
4 BECAUSE IT'S PREJUDICIAL TO MY CLIENT.

5 THE COURT: DENIED. HOW ABOUT YOU,
6 MR. REDMOND?

7 MR. REDMOND: YOUR HONOR, I WOULD STILL
8 AGAIN STATE MY MOTION -- I MEAN, MY POSITION.

9 THE COURT: YOU'VE GOT THAT NOTED. UNLESS
10 YOU'VE GOT ANOTHER POINT --

11 MR. REDMOND: WELL, I AGAIN BELIEVE THIS
12 IS PRECISELY -- IF I MAY SAY THIS -- AND THIS IS
13 ANOTHER POINT THAT I DIDN'T GET TO MAKE. INITIALLY
14 WHEN WE FIRST STARTED THIS TRIAL, THAT'S PRECISELY
15 WHY WE TALKED IN TERMS OF JOINT TRIALS. NOW, YOU
16 YOURSELF HAD INDICATED THESE GUYS ARE JUDGED
17 INDIVIDUALLY, WHICH MEANS THAT THE RULES OF EVIDENCE
18 ARE, LIKE, IF THIS HAD HAPPENED TO MR. STUCKEY OR
19 MR. LAWSON, YOU INDICATED, OR ANYBODY ELSE.

20 THE COURT: YOU'VE MADE THAT ARGUMENT.
21 HAVE YOU GOT ANOTHER ONE, MR. REDMOND? IF YOU'VE GOT
22 ANOTHER ARGUMENT, I'LL HEAR YOU --

23 MR. REDMOND: WELL, I JUST WANTED TO
24 RESTATE THAT.

25 THE COURT: WELL, THERE'S NO NEED TO GO ON

1 WITH THAT ONE. I'M GOING TO PERMIT THIS ON SEVERAL
2 GROUNDS, ONE OF WHICH, HE IS ENTITLED TO IMPEACH THIS
3 WITNESS IF HE HAS MADE A PRIOR INCONSISTENT
4 STATEMENT. NOW, THE RECORD -- IF YOU WANT TO SIT
5 DOWN DURING -- I'M GETTING READY TO TAKE A BREAK. IF
6 YOU WANT TO READ THE RECORD, DO IT. MR. MOORE
7 SPECIFICALLY ASKED HIM, AREN'T YOU REPUDIATING WHAT'S
8 IN THIS STATEMENT? HE SAYS YES. THE SOLICITOR SAYS
9 I CAN SHOW YOU WHERE HE'S TESTIFIED IDENTICALLY ON
10 ANOTHER OCCASION UNDER OATH. GENTLEMEN, HE'S
11 ENTITLED TO SHOW IT AND I'M GOING TO PERMIT IT. NOW,
12 LET'S TAKE A BREAK.

13 (WHEREUPON, A BREAK WAS TAKEN
14 FROM THE PROCEEDINGS.)

15 THE COURT: ALL RIGHT. THANK YOU. PLEASE
16 BE SEATED. ALL RIGHT, SIR. ARE WE NOW READY TO
17 PROCEED?

18 MR. WILSON: YES, YOUR HONOR.

19 THE COURT: GENTLEMEN, IT IS CLEAR TO ME
20 THAT IS A PRIOR INCONSISTENT STATEMENTS FOR WHICH A
21 WITNESS MAY BE CROSS-EXAMINED UPON THEM. THE ONLY
22 CONCERN I HAD WAS WHETHER OR NOT THERE MAY BE SOME
23 SECRECY ATTACHED TO THE FEDERAL GRAND JURY
24 PROCEEDINGS. I HAVE MADE APPROPRIATE INQUIRY AND
25 HAVE DETERMINED THAT THESE DOCUMENTS WERE RELEASED BY

1 THE FEDERAL GOVERNMENT TO THE SOLICITOR'S OFFICE AND
2 SUBSEQUENTLY TO YOU FOR SUCH USE AS MAY BE NECESSARY
3 CONSISTENT WITH FEDERAL AND STATE LAWS. AND I'M
4 ADVISED THAT THEY MAY BE USED FOR IMPEACHMENT
5 PURPOSES, EVEN THOUGH THEY BE RECORDED TESTIMONY OF A
6 FEDERAL GRAND JURY. AND GIVEN THAT INFORMATION -- I
7 NEVER WAS IN DOUBT AS TO WHETHER OR NOT THEY COULD
8 USE THE MATERIAL FOR IMPEACHMENT PURPOSE. MY ONLY
9 CONCERN WAS WHAT EFFECT WOULD THE FEDERAL GRAND JURY
10 ASPECT HAVE ON THAT. AND I'M NOW SATISFIED. NOW,
11 ALL OF YOUR MOTIONS ARE NOTED. YOU GOT ANOTHER ONE?

12 MR. PADGETT: YES, SIR. MOTION TO
13 SUPPRESS.

14 THE COURT: UPON WHAT GROUNDS?

15 MR. PADGETT: WE'VE OPENED NO DOOR TO
16 ANYTHING. AND IF IT WAS CLEAR THAT A PRIOR
17 INCONSISTENT STATEMENT COULD BE USED, THE SOLICITOR
18 WOULD HAVE DONE IT ON DIRECT WHEN HE WAS HAVING SO
19 MUCH TROUBLE WITH THE WITNESS. HE DID NOT DO THAT.

20 THE COURT: LET ME REFRESH YOUR MEMORY. I
21 BELIEVE IT WAS MR. MOORE WHO ASKED HIM BASICALLY, DO
22 YOU REPUDIATE THAT ENTIRE STATEMENT.

23 MR. PADGETT: YES, SIR.

24 THE COURT: AND HE SAID YES. NOW, AS I
25 UNDERSTAND IT, THE SOLICITOR IS PREPARED TO PROVE

1 PROCEEDINGS WERE COMMENCED IN
2 OPEN COURT.)

3 MR. LAWSON: YOUR HONOR, I THINK WE MIGHT
4 NEED TO APPROACH OR TAKE UP ONE OTHER MATTER BEFORE
5 THE JURY COMES IN.

6 THE COURT: THE JURY IS IN. WHAT IS IT?
7 COME HERE.

8 (WHEREUPON, COUNSEL APPROACHED
9 THE BENCH FOR AN OFF-THE-RECORD
10 DISCUSSION.)

11 THE COURT: ALL RIGHT. GO AHEAD.
12 BY MR. WILSON:

13 Q. MR. GRAHAM, YOU TOLD MR. MOORE -- YOU TOLD
14 MR. MOORE THAT YOU DID SIGN THE PIECE OF PAPER THAT
15 WAS BROUGHT TO YOU AND THAT IF YOU DIDN'T SIGN IT,
16 THAT THEY WERE GOING TO PUT YOU IN JAIL. RIGHT?
17 ISN'T THAT WHAT YOU TOLD HIM?

18 A. YES, SIR.

19 Q. YOU SAID YES?

20 A. YES.

21 Q. ALL RIGHT. AND YOU ALSO TOLD
22 MR. LAWSON -- TOLD THE POLICE YOU DIDN'T KNOW
23 ANYTHING AND THAT YOU WERE GOING TO GET ARRESTED AND
24 THAT YOU HAD TO COME UP WITH A STORY OR YOU MIGHT BE
25 IN THIS CASE RIGHT NOW YOURSELF. RIGHT?

1 A. YES, SIR.

2 Q. HUH?

3 A. YES.

4 Q. ALL RIGHT. AND THEN YOU SAID -- AND I

5 DON'T REMEMBER WHICH ONE OF THE LAWYERS -- THAT

6 EVERYTHING THAT YOU SAID WAS JUST NOT TRUE. THE

7 POLICE JUST MADE YOU SAY IT AND YOU MADE IT UP SO YOU

8 COULD GET THEM OFF YOUR BACK AND LEAVE YOU ALONE.

9 RIGHT?

10 A. NO, SIR. I SAID SOME OF IT WASN'T TRUE.

11 Q. SOME OF IT WASN'T. BUT NOW, THE TRUTH OF

12 THE MATTER IS THE POLICE DIDN'T FORCE YOU ONE BIT TO

13 GIVE THAT STATEMENT, DID THEY?

14 A. EXCUSE ME?

15 Q. DID THE POLICE FORCE YOU TO GIVE ANY

16 STATEMENT?

17 A. YES, THEY DID.

18 Q. THEY DID. WHAT DID THEY DO TO YOU? DID

19 THEY BEAT YOU UP?

20 A. NO, SIR. WHEN SOMEONE GIVES YOU

21 HARASSMENT FOR A WEEK, I KNOW.

22 Q. THEY CAME AND HARASSED YOU FOR ABOUT A

23 WEEK. AND WHEN YOU SAY THEY WERE HARASSING, WHAT DID

24 THEY DO TO YOU TO HARASS YOU?

25 A. WELL, ONE OF THEM CURSED OUT MAMA. THAT'S

1 ONE THING.

2 Q. THEY CURSED OUT YOUR MAMA. AND WHO IS
3 YOUR MAMA?

4 A. MARY GRAHAM.

5 Q. MARY GRAHAM. THEY CURSED OUT YOUR MAMA.
6 WHY DID THEY CURSE YOUR MAMA OUT?

7 A. BECAUSE SHE TOLD ME TO GET IN MY CAR AND
8 SIT DOWN, AND THEN ONE OF THEM TOLD ME THEY HAD
9 CALLED HER A BITCH OR SOMETHING.

10 Q. WHICH ONE DID THAT?

11 A. I CAN'T REMEMBER WHICH ONE OF THEM IT WAS,
12 BUT THEY DID IT.

13 Q. NOW, AN OFFICER CAME TO YOUR HOUSE AND
14 CALLED YOUR MAMA --

15 A. NO, THEY CAME TO GIBSON, TO MY AUNT'S
16 HOUSE.

17 Q. WELL, TO YOUR AUNT'S HOUSE. AN OFFICER
18 CAME TO YOUR AUNT'S HOUSE AND CALLED YOUR MAMA A
19 BITCH AND YOU DON'T EVEN REMEMBER WHICH ONE IT WAS?

20 A. NO. IT WAS DARK.

21 Q. IT WAS DARK. YOU COULDN'T SEE.

22 A. NO.

23 Q. WELL, DIDN'T YOU TALK TO HIM?

24 A. YEAH, AFTER I GOT OUT OF THE CAR.

25 Q. AND YOU TALKED TO HIM AND HE CALLED YOUR

1 A. YES.

2 Q. NO QUESTION ABOUT THAT. RIGHT?

3 A. YES.

4 Q. AND IT'S IN HERE, ISN'T IT?

5 A. I GUESS SO.

6 Q. ALL RIGHT. WELL, IT'S YOUR STATEMENT. I

7 JUST WANT TO ASK YOU SO WE CAN MAKE SURE. I DON'T

8 WANT TO MISQUOTE YOU. ALL RIGHT. AND THE POLICE --

9 THE POLICE -- NOW, LET'S TALK ABOUT THAT FOR A

10 MINUTE. THESE POLICE OFFICERS WEREN'T QUESTIONING

11 YOU THEN, WERE THEY?

12 A. WHEN?

13 Q. THESE POLICE OFFICERS RIGHT HERE, THEY

14 WEREN'T QUESTIONING YOU WHEN YOU WERE UP THERE AT

15 THAT FEDERAL GRAND JURY, WERE THEY?

16 A. NO.

17 Q. THE GRAND JURY WAS QUESTIONING YOU?

18 A. YES.

19 Q. AND THESE POLICE OFFICERS WEREN'T UP THERE

20 HARASSING YOU THEN, WERE THEY?

21 A. NO, BUT THEY WAS IN A ROOM.

22 Q. THEY WAS IN ANOTHER ROOM, WEREN'T THEY?

23 A. I BELIEVE ONE OR TWO WAS IN THERE.

24 Q. WHO WAS IN THERE?

25 A. I CAN'T --

1 Q. SHOW ME THE OFFICERS THAT WAS IN THAT
2 ROOM.

3 A. I BELIEVE -- I'M NOT TOO SURE.

4 Q. WHO WAS?

5 A. HE WAS.

6 Q. ALL RIGHT. WELL, WEREN'T THERE SOME
7 ATTORNEYS IN THERE?

8 A. YES.

9 Q. DID THIS OFFICER SAY ANYTHING TO YOU WHILE
10 HE WAS IN THERE?

11 A. NO.

12 Q. DID ANYBODY THREATEN YOU?

13 A. NO.

14 Q. DID ANYBODY FUSS AT YOU?

15 A. NO.

16 Q. DID ANYBODY BEAT YOU UP?

17 A. NO.

18 Q. DID ANYBODY TAKE A RUBBER HOSE TO YOU?

19 A. NO.

20 Q. DID ANYBODY DO ANYTHING BUT TREAT YOU LIKE
21 A DECENT, REGULAR, AVERAGE, EVERYDAY HUMAN BEING?

22 A. UP THERE, YES.

23 Q. UP THERE, THEY TREATED YOU NICE, DIDN'T
24 THEY?

25 A. YES.

1 Q. AND THEN YOU TALKED TO THEM. THEY TREATED
2 YOU NICE AND YOU TALKED TO THEM. RIGHT? ISN'T THAT
3 TRUE?

4 A. YES.

5 Q. ALL RIGHT. NOW, LET'S TALK ABOUT WHAT YOU
6 TOLD THEM. YOU TOLD THEM THAT YOU FOUND OUT ALL OF
7 THIS STUFF UP THERE AT RICKY STUCKEY'S? RIGHT?

8 A. MACK STUCKEY'S, YES.

9 Q. HUH?

10 A. MACK STUCKEY'S GARAGE, YES.

11 Q. MACK STUCKEY'S GARAGE. YOU FOUND OUT ALL
12 OF THIS STUFF UP THERE. RIGHT? ISN'T THAT RIGHT?

13 A. YES.

14 Q. AND THAT RICKY STUCKEY WAS TALKING ABOUT
15 SOMEBODY. HE WAS TELLING HIS BROTHER, BIG JOE, THAT
16 HE HAD TO GET THE WOMAN OUT OF THE HOUSE?

17 A. THAT'S ONE OF THEM.

18 Q. HUH?

19 A. YEAH.

20 Q. THAT'S WHAT YOU TOLD THEM. NO QUESTION
21 ABOUT THAT. RIGHT? RIGHT?

22 A. NO.

23 Q. ALL RIGHT. AND THEN THEY ASKED YOU,
24 SAYS -- ASKED YOU WHAT WAS RICKY'S DADDY'S NAME AND
25 YOU TOLD THEM HIS NAME WAS MACK. RIGHT?

1 A. YES.

2 Q. OKAY. NOW, THEY ASKED YOU DO YOU REMEMBER
3 ON SATURDAY, NOVEMBER 12TH, LAST YEAR, BEING AT YOUR
4 TRAILER -- DAD'S TRAILER AND LEROY STATON AND RINGO
5 PEARSON COMING OVER IN THE ORANGE PICKUP TRUCK? AND
6 YOU TOLD THEM YES, DIDN'T YOU?

7 A. YES.

8 Q. AND THEN THEY ASKED YOU WHY DID THEY COME?
9 YOU SAID, WELL, THEY CAME TO SEE MY SISTER.

10 A. YES.

11 Q. NO QUESTION ABOUT THAT?

12 A. YES.

13 Q. ALL RIGHT. AND THAT YOU TALKED TO THEM
14 WHILE THEY WERE THERE. RIGHT?

15 A. NO, NOT REALLY.

16 Q. HUH?

17 A. NO, NOT REALLY.

18 Q. I'M SAYING ISN'T THAT WHAT YOU TOLD --
19 LET'S READ WHAT YOU SAID BECAUSE YOU SAY YOU DIDN'T
20 SAY IT. LET'S READ WHAT IT SAYS. WHAT'S THAT
21 QUESTION THERE SAY? YOU CAN READ. RIGHT? DID THEY
22 TALK TO YOU WHILE YOU WERE THERE?

23 MR. LAWSON: PAGE AND LINE NUMBER, YOUR
24 HONOR, PLEASE.

25 MR. WILSON: PAGE SEVEN, LAST LINE.

1 BY MR. WILSON:

2 Q. WHAT'S YOUR ANSWER AT THE TOP OF PAGE 1

3 A. THEY WERE BASICALLY COMING BECAUSE OF MY
4 SISTER.

5 Q. THEN WHAT?

6 A. ASKED IF I WANTED TO GO AND I TOLD THEM
7 NO.

8 Q. ALL RIGHT. DID YOU WANT TO GO WHERE?

9 A. DID I WANT TO GO WHERE THEY WERE GOING.

10 Q. GO AHEAD.

11 A. AND I TOLD THEM NO.

12 Q. DID THEY TALK TO YOU ABOUT THE GIRL?

13 A. NO.

14 Q. READ WHAT THE ANSWER IS. WHAT'S THE
15 ANSWER?

16 A. SOMETHING ABOUT A WOMAN -- A WOMAN.

17 Q. SAID SOMETHING ABOUT THEY HAD A WOMAN.
18 YEAH. QUESTION, HAD A WOMAN WHERE? WHAT'S YOUR
19 ANSWER?

20 A. I DON'T KNOW.

21 Q. ALL RIGHT. NOW, LET'S GO DOWN HERE. THEN
22 HE ASKS YOU, WELL, THINK ABOUT IT. WHAT DID YOU SAY?

23 A. THE ONLY THING I CAN REMEMBER IS SOMEONE
24 SAYING COME ON, LET'S GO GET A WOMAN. WHAT'S UP,
25 MAN. THAT'S ALL I REMEMBER.

1 Q. DID THEY ASK YOU IF YOU WANTED TO GO WITH
2 THEM AND GET A PIECE? WHAT'S YOUR ANSWER?

3 A. YES.

4 Q. YES. QUESTION, AND WHAT DID YOU TAKE THEM
5 TO MEAN BY THAT? WHAT'S YOUR ANSWER? RIGHT THERE.
6 READ IT.

7 A. RIGHT HERE?

8 Q. YES, SIR -- NO. RIGHT HERE.

9 A. I KNOW WHAT THEY MEAN. YOU KNOW, THEY HAD
10 A WOMAN THAT EVERYBODY WAS GOING TO DO SOMETHING.

11 Q. NO. THAT'S NOT WHAT IT SAYS. READ WHAT
12 IT SAYS. CAN YOU READ?

13 A. YES.

14 MR. MOORE: YOUR HONOR, HE'S BADGERING THE
15 WITNESS. HE'S HOLLERING IN HIS EAR.

16 BY MR. WILSON:

17 Q. LET ME READ IT FOR YOU AND ASK YOU THIS
18 WAY. DID YOU TELL THEM I KNEW WHAT THEY MEAN. YOU
19 KNOW, THEY HAD A WOMAN AND EVERYBODY WAS, YOU KNOW,
20 GOING TO MESS AROUND WITH HER. AND THEN HE ASKED
21 YOU, QUESTION, AND HOW DID YOU KNOW THAT'S WHAT THEY
22 MEANT? YOUR ANSWER, COMMON SENSE, SIR. COMMON
23 SENSE. YOU KNOW, THEY WAS COMING -- THEN YOU GO
24 ON -- EITHER WAY, YOU KNOW, I JUST THOUGHT IT UP, YOU
25 KNOW, THAT THEY HAD A WOMAN SOMEWHERE. WELL, THEY

1 TOLD ME THEY HAD A WOMAN. QUESTION, WHERE DID THEY
2 SAY THEY HAD HER? ANSWER, I DON'T KNOW UNTIL THE
3 NEXT DAY. AND WHERE DID THEY SAY THAT THEY HAD HER
4 THE NEXT DAY? WHAT'S YOUR ANSWER?

5 A. I WENT OUT THERE WITH MY COUSIN.

6 Q. I WENT OUT THERE WITH MY COUSIN. AND WHO
7 IS YOUR COUSIN?

8 A. ROBERT.

9 Q. ROBERT WHO?

10 A. GRAHAM.

11 Q. ROBERT GRAHAM. AND GO AHEAD AND READ THE
12 REST OF IT. WHAT DOES IT SAY?

13 A. WENT TO THE HOUSE, PICKED UP SOMETHING AND
14 WE -- AND HE TOLD ME HE --

15 Q. WE WENT TO THE HOUSE TO PICK UP SOMETHING.
16 HE TOLD ME -- HE CAME RIGHT BACK OUT. RIGHT?

17 A. YES, SIR.

18 Q. ALL RIGHT. NOW, LET'S GO DOWN HERE TO THE
19 BOTTOM. SAYS WHOSE HOUSE IS THIS? DO YOU KNOW?

20 WHAT'S YOUR ANSWER?

21 A. IT WAS RICKY STUCKEY'S HOUSE.

22 Q. RICKY STUCKEY AND ROBERT GRAHAM STAYED
23 THERE. ISN'T THAT WHAT YOU TOLD THEM?

24 A. YES.

25 Q. ALL RIGHT. SO YOU TOLD THEM ALL OF THIS

1 AT THE FEDERAL GRAND JURY IN APRIL OF '95, DID YOU
2 NOT?

3 A. YES, SIR.

4 Q. AND NOBODY WAS THREATENING YOU THEN.
5 RIGHT? NO POLICE OFFICERS BEATING YOU UP THEN.
6 RIGHT?

7 A. I DIDN'T SAY THEY DID.

8 Q. WELL, THEY WEREN'T UGLY TO YOU OR CURSING
9 AT YOUR MAMA OR ANYTHING ELSE?

10 A. THEY WAS THE FIRST TIME.

11 Q. I'M TALKING ABOUT APRIL 1995. DIDN'T
12 ANYBODY MISTREAT YOU OR YOUR MAMA OR ANYBODY IN YOUR
13 FAMILY?

14 A. NO, NOT AT THE GRAND JURY.

15 Q. NOT A SINGLE SOLE, DID THEY. ALL RIGHT.
16 WHEN YOU WENT OVER THERE -- NEXT QUESTION, WHEN YOU
17 WENT OVER THERE THE NEXT DAY, WHO DID YOU SAY WENT IN
18 THE HOUSE? READ WHAT YOU SAID. WHAT'S YOUR ANSWER?

19 A. I SAID QUINCY GO IN THE HOUSE.

20 Q. READ THE REST OF IT.

21 A. I DIDN'T NEVER SEE THEM COME BACK OUT.

22 Q. ALL RIGHT. HOW LONG DID YOU STAY OUTSIDE
23 OF THE HOUSE?

24 A. ABOUT TEN OR FIFTEEN MINUTES.

25 Q. HOW DID YOU GET THERE?

1 A. ROBERT.

2 Q. OKAY. READ THE REST OF IT. WHAT DOES IT
3 SAY? WHAT DOES THAT SAY? ROBERT GRAHAM.

4 A. YES.

5 Q. ISN'T THAT WHAT IT SAYS?

6 A. YES.

7 Q. OKAY. AND WHERE WAS ROBERT GRAHAM WHILE
8 QUINCY WAS IN THE HOUSE?

9 A. I DON'T KNOW. HE WENT IN THE HOUSE AND
10 THEN HE COME BACK OUT.

11 Q. ALL RIGHT. LET'S GO ON DOWN HERE TO PAGE
12 11 AND LET'S TALK ABOUT PAGE 11. NOW, HE ASKED YOU
13 HOW LONG DID ROBERT GRAHAM STAY AT THE HOUSE? WHAT'S
14 YOUR ANSWER?

15 A. HE -- HE JUST WENT IN AND CAME BACK OUT.

16 Q. ALL RIGHT. AND THEN HE ASKED YOU WHO ELSE
17 WAS THERE WHEN YOU GOT THERE. WHAT DO YOU SAY?

18 A. I SAY BIG JOE, LEROY, RICKY, QUINCY. BUT
19 I DIDN'T SEE THIS FELLOW HERE BECAUSE I DIDN'T EVEN
20 KNOW HIM.

21 Q. YOUR ANSWER SAYS I SEEN BIG JOE STUCKEY,
22 LEROY STATON, RICKY STUCKEY, QUINCY GRAHAM, ALFONZO
23 STATON, I BELIEVE LEROY STATON. THERE WAS QUITE A
24 FEW OF THEM OUT THERE. ISN'T THAT WHAT YOU SAID
25 THERE?

1 MR. LAWSON: JUDGE, LOOK AT IT.

2 THE COURT: I'LL LET YOU CROSS-EXAMINE HIM
3 AGAIN ALL YOU WANT TO. GO AHEAD.

4 BY MR. WILSON:

5 Q. NOW, LET'S GO BACK TO PARAGRAPH TWO,
6 NUMBER SEVEN, AND I'LL ASK YOU THE QUESTION AGAIN.
7 DO YOU RECALL TELLING THEM THAT YOU SAW RINGO PEARSON
8 AND RICKY STUCKEY AT MACK STUCKEY'S GARAGE A WEEK OR
9 TWO BEFORE YOU HAD BEEN TO THIS TRAILER BEFORE YOU
10 JUST IDENTIFIED? AND WHAT'S JURY ANSWER?

11 A. I SEEN THEM TO THE TRAILER.

12 Q. NO, I SEEN THEM TO THE GARAGE. ALL RIGHT.
13 THEN HE ASKED YOU ANOTHER QUESTION THAT YOU HAD SEEN
14 RINGO PEARSON AND DARLENE PATTERSON AT MACK STUCKEY'S
15 GARAGE A WEEK OR TWO BEFORE YOU WENT TO THIS TRAILER
16 THAT YOU SAW THEM ABOUT. WHAT'S YOUR ANSWER?

17 A. YEAH.

18 Q. YEAH. ALL RIGHT. PAGE 13.

19 MR. LAWSON: WELL, YOUR HONOR, WHY DON'T
20 HE READ THE WHOLE ANSWER.

21 MR. WILSON: YOU CAN GO BACK OVER IT.

22 THE COURT: YOU CAN DO THAT ON
23 CROSS-EXAMINATION. GO AHEAD. HE CAN CONDUCT HIS
24 EXAMINATION AND YOU CAN CONDUCT YOURS.

25 MR. LAWSON: IT'S CREATING A MISLEADING

1 SITUATION.

2 THE COURT: NO, IT'S NOT.

3 MR. WILSON: YOUR HONOR, IF IT WILL MAKE
4 THEM MORE COMFORTABLE, I'LL BE HAPPY TO READ THE
5 ENTIRE STATEMENT TO THE JURY. I HAVE ABSOLUTELY NO
6 OBJECTION TO THAT IF THEY HAVE NO OBJECTIONS TO MY
7 DOING IT.

8 MR. LAWSON: YOUR HONOR, THIS IS A WITNESS
9 WHO IS SUPPOSED TO TESTIFY --

10 MR. WILSON: I'M OFFERING THE STATEMENT.

11 MR. LAWSON: -- FROM RECOLLECTION AS TO
12 THE OFFENSE THAT TRANSPIRED IN RELATION TO THE
13 CHARGES AGAINST THESE MEN, NOT FROM SOME PIECE OF
14 PAPER THAT HE SAYS HE DOESN'T EVEN REMEMBER. HE'S
15 SUPPOSED TO BE ABLE TO INDEPENDENTLY RECOLLECT WHAT
16 HE'S TESTIFYING TO.

17 THE COURT: NO, SIR. MR. LAWSON, IN THIS
18 INSTANCE, THE SOLICITOR -- AND IT IS FOR THE JURY TO
19 DETERMINE -- ATTEMPTS TO SHOW THAT HE HAS MADE A
20 PRIOR INCONSISTENT STATEMENT. THIS SOLICITOR IS
21 SHOWING HIM. IT'S FOR THE JURY TO DETERMINE WHETHER
22 OR NOT IT IS AN INCONSISTENT STATEMENT. HE HAS THE
23 RIGHT TO SHOW A PRIOR STATEMENT ON ANY FACT THAT HE'S
24 TESTIFIED TO TODAY.

25 MR. LAWSON: YOUR HONOR, THE USE OF AN

1 INCONSISTENT STATEMENT --

2 THE COURT: I DON'T SAY IT IS OR IS NOT,
3 BUT HE'S ENTITLED TO SHOW IT AND LET THE JURY
4 DETERMINE. I HAVE NO OPINION ABOUT IT.

5 MR. LAWSON: THE QUESTION ABOUT THE
6 CREDIBILITY OF A WITNESS --

7 THE COURT: YOU DON'T FOLLOW THE RULE.
8 ALL HE'S TRYING TO SHOW IS THAT THIS INDIVIDUAL MADE
9 ANOTHER STATEMENT AT ANOTHER TIME. I DON'T KNOW
10 WHETHER HE DID OR NOT. BUT HE'S ENTITLED TO SHOW
11 THIS STATEMENT. IT'S FOR THE JURY TO DETERMINE
12 WHETHER OR NOT HE MADE IT. GO AHEAD.

13 MR. WILSON: ALL RIGHT.
14 BY MR. WILSON:

15 Q. LET'S GO TO PAGE 17, LINE 10. LET ME ASK
16 YOU THE QUESTION. WELL, WHO ELSE -- LET ME PUT IT
17 THIS WAY. WHO ELSE EITHER TOLD YOU OR SAID IN YOUR
18 PRESENCE, WHETHER THEY WERE TALKING DIRECTLY TO YOU
19 OR JUST TALKING TO A GROUP, WHO ELSE SAID THEY HAD
20 SEX WITH DARLENE PATTERSON?

21 A. THAT'S WRONG. I DIDN'T NEVER SAY THAT.

22 Q. YOUR ANSWER IS, WELL, RICKY STUCKEY TOLD
23 ME.

24 A. NO.

25 Q. THAT'S NOT YOUR ANSWER?

1 A. THAT WAS -- THAT WAS PART OF IT, BUT I
2 DIDN'T EVER SAY THAT.

3 Q. WHAT WAS THE REST OF IT?

4 A. I DIDN'T EVER SAY RICKY STUCKEY, BUT I
5 DON'T REMEMBER SAYING THAT.

6 Q. YOU DON'T REMEMBER SAYING THAT, BUT NO
7 QUESTION IT'S THERE, IS IT?

8 A. YEAH, IT'S THERE. I'M LOOKING RIGHT AT
9 IT.

10 Q. LET ME ASK YOU WHO ELSE -- THEN IT SAYS,
11 YOUR ANSWER, THAT'S ABOUT IT. HIM AND QUINCY IS THE
12 ONLY TWO. YOU KNOW, I SAID SOMETHING ABOUT THAT.
13 THEN THEY ASKED YOU, "WELL, ALL RIGHT. NOW, YOU TOLD
14 THE POLICE IN FEBRUARY THAT YOU HAD BEEN TOLD BY FIVE
15 PEOPLE. SO THAT'S TWO. YOU NEED TO GIVE IT SOME
16 THOUGHT." AND WHAT'S YOUR ANSWER HERE? WHAT'S YOUR
17 ANSWER? READING IT?

18 A. I SAID, BIG JOE WAS UP THERE.

19 Q. "BIG JOE SAID HE WAS UP THERE, BUT I DON'T
20 BELIEVE HE WAS MESSING AROUND WITH HER." AND THEN
21 THEY ASKED YOU WHO? ANSWER, "BIG JOE STUCKEY." "WHY
22 DON'T YOU BELIEVE IT?" "THAT'S WHAT HE TOLD ME. HE
23 DIDN'T MESS AROUND WITH HER." HE WAS JUST UP THERE.
24 ISN'T THAT WHAT YOU SAY?

25 A. YEAH.

1 Q. LET'S GO DOWN TO NUMBER 14. THEY ASK YOU
2 WHO ELSE SAID THEY HAD SEX WITH DARLENE PATTERSON?
3 WHAT'S YOUR ANSWER?

4 A. WELL, ROBERT.

5 Q. ROBERT WHO?

6 A. ROBERT GRAHAM.

7 Q. ROBERT GRAHAM, YOUR COUSIN. RIGHT?

8 A. YEAH.

9 Q. ALL RIGHT. HE TOLD YOU HE HAD SEX WITH
10 HER, DIDN'T HE?

11 A. FROM WHAT I HEARD, YEAH.

12 Q. ALL RIGHT. THEN THE NEXT QUESTION IS THEY
13 SAY, WELL, WHO ELSE? RIGHT? AND THEN YOUR ANSWER IS
14 "I CAN'T -- HIS NAME IS DANNY SOMETHING. HE USED TO
15 HANG AROUND THE SHOP. DANNY -- DANNY GRAHAM. IT'S A
16 WHITE GUY." AND THE QUESTION -- THE QUESTION WAS
17 "WHAT DOES HE LOOK LIKE?" "YOUR ANSWER IS HE'S TALL,
18 GOT BROWN HAIR. HE DRIVES A BLACK PICKUP. ISN'T
19 THAT WHAT YOU TOLD THEM?

20 A. YES.

21 Q. AND THEN THEY SAY WHO ELSE AND THEN YOU
22 SAY "THAT'S ALL I CAN REMEMBER." "THEN THEY TELL YOU
23 GIVE IT SOME THOUGHT. ISN'T THAT WHAT HE'S SAYING?

24 A. YEAH.

25 Q. THEN YOU TELL THEM ANOTHER NAME, DON'T

1 Q. SO THE REASON YOU DIDN'T GO UP THERE TO
2 GET YOU A LITTLE PIECE IS BECAUSE YOU ALREADY HAD
3 YOUR GIRLFRIEND AT THE HOUSE AT THE PARTICULAR TIME;
4 ISN'T THAT RIGHT?

5 A. NO, I WOULDN'T HAVE WENT UP THERE NO WAY.

6 Q. YOU WOULDN'T HAVE WENT ANYWAY. LET GO TO
7 PAGE 25, LINE 14. QUESTION, "MR. GRAHAM, YOU SAID
8 THAT YOU SAW DARLENE IN THE CAR AT STUCKEY'S GARAGE.
9 RIGHT?"

10 A. YEAH.

11 Q. WHAT'S YOUR ANSWER?

12 A. "SHE WAS STANDING -- SHE WASN'T IN THE
13 CAR. SHE WAS STANDING IN FRONT OF THE --

14 Q. "SHE WAS STANDING IN FRONT OF THE
15 BUILDING?"

16 A. "YES."

17 Q. "AND HOW DID YOU KNOW IT WAS DARLENE
18 PATTERSON?"

19 A. "BECAUSE SOMEBODY ELSE SAID THAT'S THE ONE
20 THAT RINGO WAS WORKING UP UNDER HER CAR."

21 Q. "ALL RIGHT. DID SOMEBODY INTRODUCE YOU TO
22 HER?"

23 A. NO.

24 Q. READ THE REST OF IT. WHAT DOES IT SAY?
25 WHAT DOES IT SAY RIGHT THERE? NO, WHAT?

1 A. "NO. SOMEBODY SAW RINGO OVER THERE WITH A
2 WOMAN AND ASKED HIM HOW -- EXPLAINED WHO IT WAS AND
3 HE SAID HE DON'T KNOW. I BELIEVE HER NAME WAS
4 DARLENE AND SOMETHING -- AND SO I JUST WENT BACK TO
5 WORKING. I DIDN'T PAY IT NO ATTENTION."

6 Q. ALL RIGHT. THEN THEY ASK YOU "HOW MANY
7 TIMES DID YOU VISIT THE TRAILER WHERE MR. STUCKEY HAD
8 HER?" WHAT'S YOUR ANSWER?

9 A. "WELL, MA'AM, I JUST WENT THERE ONE TIME
10 AND THAT'S ALL. THAT'S THE ONLY TIME I WENT THERE."

11 Q. ALL RIGHT. PAGE 27. LINE 8. "WHEN THEY
12 DISCUSSED IF YOU WANTED TO GO OVER THERE AND GET A
13 PIECE, DID THEY TELL YOU WHAT THE WOMAN WAS DOING
14 THERE OR HOW SHE GOT THERE OR ANYTHING ABOUT THAT?"
15 WHAT'S YOUR ANSWER?

16 A. "NO, SIR."

17 Q. "THEY DIDN'T MENTION ANY OF THAT TO YOU?"

18 A. "NO, SIR."

19 Q. "THEY DIDN'T TELL YOU WHY SHE WAS JUST
20 GOING TO GIVE YOU A PIECE?"

21 A. EXCUSE ME?

22 Q. QUESTION, "THEY DIDN'T TELL YOU WHY SHE
23 WAS JUST GOING TO GIVE YOU A PIECE?" WHAT'S YOUR
24 RESPONSE?

25 A. "WELL, I KIND OF PUT THAT TOGETHER

1 MYSELF."

2 Q. "WELL, I KIND OF PUT THAT TOGETHER MYSELF,
3 SIR. YOU KNOW, WHEN THEY BROUGHT THE --

4 MR. LAWSON: YOUR HONOR, WE'VE GOT TO GO
5 OUTSIDE OF THE PRESENCE OF THE JURY. IT IS
6 IMPERATIVE THAT WE DO IT AT THIS POINT BECAUSE
7 SOMETHING HAS COME UP.

8 THE COURT: ALL RIGHT. WE'LL LET YOU GO
9 TO YOUR JURY ROOM JUST A MOMENT. WE'LL SEE.

10 (WHEREUPON, THE JURY WAS REMOVED
11 FROM THE COURTROOM AND THE
12 FOLLOWING PROCEEDINGS COMMENCED
13 IN OPEN COURT.)

14 THE COURT: YES, MR. LAWSON.

15 MR. LAWSON: MAY IT PLEASE THE COURT.
16 QUESTION, "THEY DIDN'T TELL YOU WHY SHE WAS JUST
17 GOING TO GIVE YOU A PIECE? WELL, I KIND OF PUT THAT
18 TOGETHER MYSELF, SIR, YOU KNOW, WHEN THEY BOUGHT THE
19 DRUGS FROM MY SISTER AND THEY TOLD ME THEY HAD A
20 WOMAN, SO I JUST PIECED IT TOGETHER MYSELF. YOU GET
21 INTO A DRUG SITUATION. IF YOU LEAVE THE DRUGS OUT,
22 IT HAS ABSOLUTELY NO MEANING WHATSOEVER. SO NOW
23 WE'RE IN A SITUATION WHERE THEY ARE GOING TO
24 BOOTSTRAP IN A SITUATION WHERE WE MADE A MOTION
25 PRETRIAL ON LYLE ISSUES AND --

IS ENTITLED TO SHOW THAT THIS DEFENDANT MADE A PRIOR
INCONSISTENT STATEMENT AND THAT'S WHAT HE'S SHOWING.
I'M GOING TO -- I THINK IT'S PROPER THAT THE WORD
DRUGS BE LEFT OUT OF IT. HOW DOES IT CHANGE THE
CONTEXT OF WHAT HE SAYS?

MR. LAWSON: BECAUSE WHAT HE'S SAYING, JUDGE, IS THAT THERE WAS NO RAPE GOING ON, THAT THEY HAD SOMEONE, THEY WERE USING DRUGS TOGETHER, AND THE DRUGS -- THE SEX WAS EXCHANGED FOR THE DRUGS. THAT'S WHAT THE ANSWER IS TO THE QUESTION.

THE COURT: WHAT'S YOUR REPLY TO THAT?

MR. WILSON: MY REPLY IS I'M NOT GOING TO
INTRODUCE DRUGS INTO THE TRIAL. IF HE WANTS TO DO
IT, HE HAS EVERY RIGHT TO DO IT. HE CAN ASK HIM TO
READ THAT LINE IN THE STATEMENT. I AM NOT GOING TO
HAVE THIS WITNESS READ ABOUT DRUGS IN THE COURSE OF
THIS TRIAL. IT'S NOT MATERIAL TO ANY ELEMENT OF THIS
CASE. I'M NOT GOING TO DO IT. AND THIS IS THE
STATE'S CROSS-EXAMINATION AND I HAVE THE RIGHT TO
CROSS-EXAMINE HIM IN THE WAY THAT I SEE FIT, NOT THE
WAY THAT HE WANTS ME TO CROSS-EXAMINE HIM. AND IF HE
WANTS TO DO IT WHEN HIS TIME GETS UP HERE, HE CAN ASK
HIM ANYTHING HE WANTS TO. I HAVE NO OBJECTIONS TO
IT.

MR. LAWSON: YOUR HONOR, NOBODY IN

1 CROSS-EXAMINATION HAS THE RIGHT TO TAKE A QUESTION
2 OUT OF CONTEXT.

3 THE COURT: I DON'T SEE HOW IT'S TAKING IT
4 OUT OF CONTEXT WHEN YOU JUST LEAVE THE WORD DRUG OUT,
5 MR. LAWSON.

6 MR. LAWSON: BECAUSE, JUDGE, IT GOES TO
7 WHAT HE IS ANSWERING THE QUESTION. THE QUESTION IS
8 WHY DID YOU THINK THEY WERE GOING TO GIVE -- WHY DID
9 YOU THINK YOU WERE GOING TO BE ABLE TO -- TO GET A
10 PIECE? AND IN HIS MIND, HE'S PUTTING TOGETHER THAT
11 THEY GOT DRUGS AND THEY GOT A WOMAN. THE WOMAN'S
12 DOING THE DRUGS AND SHE'S GIVING AWAY --

13 THE COURT: YOU WANT TO TELL THE JURY
14 THAT? I INVITE YOU TO DO THAT, IF YOU SO ADVISE.

15 MR. LAWSON: BUT JUDGE, MY QUESTION IS HOW
16 IS HE GOING TO ASK THIS QUESTION AND LEAVE IT OUT?
17 WHAT'S THE PURPOSE OF IT?

18 THE COURT: I'M GOING TO LET -- GO AHEAD,
19 SOLICITOR.

20 MR. WILSON: HE FAILS TO UNDERSTAND THAT
21 THIS IS MY CROSS-EXAMINATION. I HAVE A RIGHT TO
22 PHRASE THE QUESTIONS IN THE MANNER THAT I SEE FIT.
23 HE HAS EVERY RIGHT TO CROSS-EXAMINE IN ANY MANNER HE
24 SEES FIT. I AM NOT GOING TO BE BOUND BY WHAT HE
25 WOULD LIKE FOR ME TO DO.

1 MR. LAWSON: I'M NOT ASKING HIM TO BE
2 BOUND BY WHAT I WOULD LIKE HIM TO DO. BE BOUND BY
3 THE RULES OF EVIDENCE AND SOME LOGIC.

4 THE COURT: MR. LAWSON, YOUR OPINION IS
5 SUFFICIENT FOR THE RECORD. I'M GOING TO PERMIT HIM
6 TO CONTINUE --

7 MR. LAWSON: WELL, YOUR HONOR, LOOK AT THE
8 NEXT QUESTION THAT COMES RIGHT AFTER THIS ONE. "WHAT
9 DO YOU THINK THEY WERE DOING, FEEDING HER DRUGS?"
10 ANSWER, "YES, SIR."

11 MR. WILSON: I'M NOT GOING TO ASK THAT
12 QUESTION.

13 MR. LAWSON: WELL, WHAT'S THE PURPOSE IN
14 ASKING THE FIRST ONE THEN?

15 MR. WILSON: BECAUSE I WANT TO ASK IT.
16 AND I HAVE A RIGHT TO ASK IT IF I WANT TO. AND IF
17 YOU DON'T LIKE THAT, THEN WHEN YOU GET UP HERE, YOU
18 CAN ASK ANYTHING YOU LIKE.

19 THE COURT: ALL RIGHT. LET'S END IT.

20 MR. LAWSON: I CAN ASK ANY QUESTION I
21 WANT?

22 MR. WILSON: ANYTHING YOU --

23 THE COURT: WAIT, NOW. WAIT. ALL
24 QUESTIONS ARE DIRECTED TO ME.

25 MR. LAWSON: THAT'S RIGHT.

25 | A. YES.

R E C R O S S - E X A M I N A T I O N

BY MR. ERVIN:

Q. JEFFREY, I ASKED YOU SOME QUESTIONS
EARLIER ABOUT STATEMENTS AND THE INTERVIEW YOU HAD
WITH TRACY REED WHO CAME OUT TO YOUR HOUSE IN WHICH
YOU EXPLAINED THAT MARTIN MCINTOSH WAS PRESENT --
MARTIN MCINTOSH WAS PRESENT, HE WAS IN AND OUT OF THE
SHOP WHEN SOME STATEMENTS WERE MADE ABOUT THIS GIRL
IN A TRAILER.

A. YES.

Q. AND YOU INDICATED THAT TO HER AND TO THIS
JURY THAT YOU WEREN'T SURE WHETHER THOSE STATEMENTS
WERE MADE WHEN MARTIN WAS PRESENT, BUT YOU KNOW HE
WAS AT THE SHOP THAT DAY?

A. YES, SIR.

Q. YOU ALSO STATED THAT YOU WASN'T -- YOU
WEREN'T SURE WHETHER OR NOT THOSE STATEMENTS WERE
MADE AFTER MRS. PATTERSON WAS FOUND, WHETHER IT BE IN
DECEMBER, OR JANUARY?

A. YES.

Q. IS THAT STILL CORRECT?

A. YES.

Q. AND TO THE BEST OF YOUR KNOWLEDGE, IN
THIS -- I'M NOT GOING TO ASK YOU TO READ THE WHOLE
THING, 32-PAGE DOCUMENT. DID YOU SAY MARTIN

1 MCINTOSH'S NAME ONE TIME?

2 A. NO.

3 Q. DID THE U.S. ATTORNEY TARGET MARTIN
4 MCINTOSH AT ANY TIME DURING THAT 32-PAGE EXAMINATION
5 OF YOU?

6 A. NO, SIR.

7 Q. AND HE CERTAINLY HAD PLENTY OF OPPORTUNITY
8 TO DO SO, DIDN'T HE?

9 A. YES, SIR.

10 MR. ERVIN: NO FURTHER QUESTIONS.

11 MR. PADGETT: EXCUSE ME, YOUR HONOR. BEG
12 THE COURT'S INDULGENCE FOR JUST A SECOND.

13 THE COURT: YES, SIR, MR. PADGETT.

14 R E C R O S S - E X A M I N A T I O N

15 BY MR. PADGETT:

16 Q. WHERE WERE YOU LIVING AT THE TIME THESE
17 STATEMENTS WERE GIVEN? I THINK YOU'VE ALREADY TOLD
18 ME, BUT I WANT TO REFRESH MY MEMORY.

19 A. LESTER, SOUTH CAROLINA.

20 Q. LESTER, SOUTH CAROLINA. OKAY. NOW, WHEN
21 THESE POLICE OFFICERS YOU SAID WERE HARASSING YOU,
22 WHAT TIME OF THE YEAR WAS THAT? WAS THAT IN THE
23 DECEMBER TIME FRAME, JANUARY? DO YOU REMEMBER?

24 A. NO.

25 Q. WAS IT WHEN THEY WERE GOING AROUND

1 QUESTIONING EVERYBODY IN THE WORLD?

2 A. YES, YES.

3 Q. AND DIDN'T YOU SAY THEY TOLD YOU YOU WERE
4 GOING TO BE IN TROUBLE IF YOU DIDN'T COOPERATE?

5 A. YES.

6 Q. ARE YOU CHARGED WITH ANYTHING?

7 A. EXCUSE ME?

8 Q. YOU'RE NOT CHARGED WITH ANYTHING IN THIS
9 CASE, ARE YOU?

10 A. NO.

11 Q. NOW, THE SOLICITOR KEPT YELLING AT YOU
12 THAT NOBODY WAS THREATENING YOU ON THE DAY THAT YOU
13 TALKED TO THE GRAND JURY. BUT YOU HAD BEEN
14 THREATENED BEFORE THAT, HADN'T YOU?

15 A. YES.

16 Q. AND YOU KNEW THAT YOU WOULD CONTINUE TO
17 LIVE IN MARLBORO COUNTY WHEN YOU GOT HOME FROM THE
18 GRAND JURY, DIDN'T YOU?

19 A. YES.

20 Q. OKAY. NOW, YOU'VE ALSO TOLD US, AND I
21 WANT TO CLARIFY THIS, THAT YOU FEEL THAT SOME OF
22 THESE THINGS THAT YOU SAID WERE TRUE AND SOME WERE
23 NOT TRUE; IS THAT CORRECT?

24 A. YES.

25 Q. AS I LOOK THROUGH THIS STATEMENT YOU GAVE,

1 IT LOOKS LIKE AT VARIOUS POINTS THE PEOPLE WERE
2 THROWING OUT NAMES TO YOU AND GETTING YOU TO AGREE.
3 DID THAT OCCUR?

4 A. YES.

5 Q. WAS ANYONE SUGGESTING NAMES OF PEOPLE WHO
6 MIGHT HAVE BEEN IN VARIOUS PLACES?

7 A. YES.

8 Q. WHO IS -- LET SEE WHERE HIS NAME WAS.
9 OKAY. ALSO WHEN THEY WERE TALKING TO YOU IN THE
10 GRAND JURY, THE OFFICERS ALSO REMINDED YOU OF THE
11 STATEMENTS THAT WE DISCUSSED EARLIER IN FRONT OF THE
12 JURY, DIDN'T THEY? DIDN'T THEY REMIND YOU OF THOSE?

13 A. YES, SIR.

14 Q. AND AREN'T THOSE THE ONES THAT YOU FELT
15 YOU HAD BEEN COERCED INTO GIVING?

16 A. YES, SIR.

17 Q. AND AREN'T THESE ALSO THE ONES THAT YOU
18 SAID PART OF THAT IS NOT TRUE? ISN'T THAT CORRECT?

19 A. YES.

20 Q. AND THEY BROUGHT THOSE UP AGAIN IN THIS
21 INTERVIEW, DIDN'T THEY?

22 A. YES.

23 Q. NOW, AT ONE POINT, YOU SAID THAT YOU
24 THOUGHT YOU HAD SEEN MS. PATTERSON AT MACKEY'S
25 GARAGE; IS THAT CORRECT?

1 A. YES.

2 Q. AND MACKEY IS RICKY'S FATHER; IS THAT
3 CORRECT?

4 A. YES.

5 Q. DID YOU SEE HER THERE?

6 A. HE WAS DOING SOME WORK ON HER CAR AND SHE
7 WAS STANDING OUTSIDE, I BELIEVE.

8 Q. YOU SAW HER?

9 A. YES.

10 Q. WAS SHE TAPED UP?

11 A. NO.

12 Q. WAS SHE CRYING?

13 A. NO.

14 Q. WAS SHE YELLING OR ANYTHING LIKE THAT?

15 A. NO.

16 Q. WAS SHE WITH RINGO PEARSON?

17 A. YES, HE WAS DOING SOME WORK ON HER CAR, I
18 BELIEVE.

19 Q. ALL RIGHT. DO YOU SEE RINGO HERE TODAY?

20 A. EXCUSE ME?

21 Q. DO YOU SEE RINGO HERE TODAY?

22 A. NO.

23 Q. OKAY. LET ME READ FROM THIS STATEMENT
24 HERE. AND I WON'T YELL IN YOUR EAR, OKAY? BUT I'M
25 GOING TO READ YOU A FEW THINGS. YOU MENTIONED DANNY

1 Q. YOU DIDN'T MENTION SAM WALLS, DID YOU?

2 A. NO, I DIDN'T.

3 Q. THE NEXT QUESTION IS HOW ABOUT KENTA
4 MARSHALL.

5 A. NO, I DIDN'T MENTION HIM.

6 Q. THEY BROUGHT UP KENTA MARSHALL, DIDN'T
7 THEY?

8 A. YES, SIR.

9 Q. THE NEXT QUESTION IS HOW ABOUT LEE
10 WHITFIELD? DID THEY BRING THAT NAME UP?

11 A. YES.

12 Q. NEXT QUESTION, WELL, HOW ABOUT MICHAEL
13 SPHERES?

14 A. YES.

15 Q. DO YOU SEE THEM HERE TODAY?

16 A. NO.

17 Q. NEXT SECTION, HOW ABOUT TRAVIS PEARSON?
18 WHO IS THAT?

19 A. RINGO'S BROTHER.

20 Q. YOU DIDN'T BRING THAT NAME UP, DID YOU?

21 A. NO.

22 Q. THE NEXT QUESTION IS LEE SLOAN. DID YOU
23 BRING THAT NAME UP?

24 A. DON'T EVEN KNOW HIM.

25 Q. DON'T EVEN KNOW HIM?

1 A. YES.

2 | Q. IN FACT, YOUR ANSWER IS "WHO IS THAT?"

3 A. YES.

4 Q. AND IF YOU WANT TO LOOK AT THIS AT ANY
5 TIME, JUST ASK ME.

6 | A. NO, I ALREADY KNOW.

7 Q. OH, OKAY. WHAT WAS YOUR SISTER'S NAME,
8 AGAIN?

9 A. MARY.

10 Q. OKAY. WHEN THESE FOLKS -- WHO DID YOU SAY
11 IN THE BEGINNING CAME TO SEE YOUR SISTER?

12 | A. EXCUSE ME?

13 Q. WHO DID YOU SAY CAME TO SEE YOUR SISTER AT
14 THE BEGINNING OF THIS STATEMENT? DO YOU REMEMBER?

15 A. LEROY AND RINGO.

16 Q. LEROY AND RINGO?

17 A. YES.

18 Q. AND WHAT DID THEY COME TO GET?

19 | A. I DON'T KNOW...

20 MR. PADGETT: BEG THE COURT'S INDULGENCE
21 FOR JUST ONE SECOND.

22 THE COURT: YES, SIR.

23 BY MR. PADGETT:

24 Q. I JUST WANT TO ASK YOU ONE OTHER QUESTION.
25 OKAY?

1 A. YES.

2 Q. ALL RIGHT. YOU'VE GIVEN THE STATEMENT
3 THAT SOME OF THIS STUFF IS NOT TRUE. CORRECT?

4 A. NO.

5 Q. AND RICKY STUCKEY DIDN'T TELL YOU HE HAD
6 THAT GIRL, DID HE?

7 A. NO.

8 Q. RICKY STUCKEY DIDN'T TELL YOU HE HAD SEX
9 WITH HER, DID HE?

10 A. NO.

11 Q. ALL RIGHT. DID YOU FEEL LIKE YOU WERE
12 STILL UNDER SOME TYPE OF THREAT WHEN YOU CAME TO THIS
13 GRAND JURY THING?

14 A. YES.

15 Q. ALL RIGHT. YOU DON'T HAVE ANY POLICE
16 OFFICERS PROTECTING YOU, DO YOU?

17 A. NO.

18 Q. AND YOU HAD TO LIVE IN THE BIG, COLD
19 LESTER, SOUTH CAROLINA?

20 A. YES.

21 MR. PADGETT: ALL RIGHT. I DON'T HAVE ANY
22 FURTHER QUESTIONS.

23 MR. REDMOND: MAY IT PLEASE THE COURT.

24 R E C R O S S - E X A M I N A T I O N
25 BY MR. REDMOND

1 Q. MR. GRAHAM, ISN'T IT TRUE THAT IN
2 COLUMBIA, YOU WERE NEVER QUESTIONED ABOUT JEFF WALLS,
3 WERE YOU?

4 A. NO.

5 Q. AND JEFF WALLS AND SAM WALLS ARE TWO
6 DIFFERENT PEOPLE; IS THAT CORRECT?

7 A. YES.

8 Q. AND YOU NEVER RESPONDED -- YOU NEVER
9 MENTIONED JEFF WALLS' NAME?

10 A. YES.

11 Q. AND ISN'T IT TRUE THAT JEFF WALLS WAS NOT
12 THERE DURING ANY TIME YOU EVER TESTIFIED TO?

13 A. YES, SIR.

14 MR. REDMOND: THANK YOU. I HAVE NOTHING
15 FURTHER.

16 R E C R O S S - E X A M I N A T I O N
17 BY MR. MOORE:

18 Q. JEFFREY, I KNOW IT'S BEEN PRETTY
19 EXHAUSTIVE FOR YOU SO FAR, BUT I'VE ONLY GOT ONE OR
20 TWO QUESTIONS. THE FIRST STATEMENT THAT THE
21 SOLICITOR TALKED TO YOU ABOUT WHILE AGO, NOT THE
22 SECOND TIME, NOW, THE FIRST TIME, THAT -- THAT WAS
23 ALMOST LIKE THE STATEMENT THAT THE FEDERAL
24 AUTHORITIES WERE TRYING TO GET YOU TO ANSWER IN
25 COLUMBIA; IS THAT RIGHT?

1 A. YES.

2 Q. DO YOU THINK THEY HAD THAT FIRST STATEMENT
3 IN THEIR HAND, MORE OR LESS READING IT TO YOU, TRYING
4 TO GET YOU TO SAY IT AGAIN?

5 A. YES.

6 Q. YOU WERE UNDER OATH AT THAT TIME; IS THAT
7 RIGHT?

8 A. YES.

9 Q. HOW DID YOU HAPPEN TO GO TO COLUMBIA?

10 A. THEY COME AND PICKED ME UP.

11 Q. WELL, DID THEY KIND OF SAY YOU OUGHT TO GO
12 TO COLUMBIA AND GIVE ANOTHER STATEMENT OR DID THEY
13 THREATEN YOU?

14 A. NO, THEY JUST TOLD ME THEY WERE GOING TO
15 COME PICK ME UP AND TAKE ME TO COLUMBIA TO DO ANOTHER
16 STATEMENT.

17 Q. AND YOU VOLUNTARILY WENT WITH THEM?

18 A. I HAD NO CHOICE.

19 Q. WHY DIDN'T YOU HAVE A CHOICE?

20 A. WELL --

21 Q. WELL, I MEAN, DID THEY TELL YOU IT WAS IN
22 YOUR BEST INTEREST TO GO WITH THEM?

23 A. YES.

24 Q. WHY DO YOU THINK THEY DID THAT?

25 A. I DON'T KNOW.

1 HEAR ANYTHING MORE FROM THE MEN WHO TOOK YOU TO
2 COLUMBIA?

3 A. NO, SIR.

4 Q. SO AS FAR AS YOU KNOW, THE FEDERAL
5 AUTHORITIES DECLINED TO GET IN THIS CASE?

6 A. YES.

7 MR. MOORE: OKAY. THANK YOU.

8 R E C R O S S - E X A M I N A T I O N
9 BY MR. WILL ROGERS:

10 Q. MR. GRAHAM, A LITTLE WHILE AGO, WHEN
11 SOLICITOR WILSON ASKED YOU ABOUT THAT PRIOR
12 STATEMENT, YOU SAID THAT ALFONZO STATON WASN'T AT THE
13 TRAILER WHEN YOU PULLED UP?

14 A. YES.

15 Q. IS THAT CORRECT?

16 A. YES, SIR.

17 Q. AND THEN ON CROSS-EXAMINATION, I ASKED YOU
18 ABOUT IT AND YOU SAID HE WASN'T THERE.

19 A. YES, SIR.

20 Q. OKAY. NOW, HE HAS MENTIONED, WHEN
21 SOLICITOR WILSON WAS JUST ASKING ABOUT THIS STATEMENT
22 THAT YOU GAVE IN COLUMBIA, WHEN ASKED WHO ELSE WAS
23 THERE WHEN YOU GOT THERE, AMONG OTHER NAMES YOU SAID
24 ALFONZO, ALFONZO STATON, I BELIEVE, AND THEN ANOTHER
25 NAME. ARE YOU SAYING THAT ALFONZO STATON WAS NOT AT

1 THE TRAILER WHEN YOU WENT UP THERE?

2 A. NO, SIR.

3 MR. WILL ROGERS: OKAY. THAT'S ALL I
4 HAVE, YOUR HONOR.

5 MR. LAWSON: IF IT PLEASE THE COURT.
6 MR. SOLICITOR.

7 R E C R O S S - E X A M I N A T I O N
8 BY MR. LAWSON:

9 Q. MR. GRAHAM, LET ME GET THIS STRAIGHT. THE
10 STATEMENT THAT YOU GAVE TO THE POLICE IS -- SOME OF
11 IT IS TRUE, BUT MOST OF IT IS NOT?

12 A. YES. YES.

13 Q. BUT ALL OF YOUR GRAND JURY TESTIMONY IS
14 TRUE?

15 A. BASICALLY, IT IS ABOUT WHAT WAS ON HERE.

16 Q. BASICALLY?

17 A. YES, SIR.

18 Q. NOW, YOU WERE SUBPOENAED TO THE FEDERAL
19 GRAND JURY, WEREN'T YOU?

20 A. YES, SIR.

21 Q. YOU GOT A SUBPOENA AND THAT SUBPOENA SAID
22 YOU HAD TO APPEAR IN COLUMBIA BEFORE THE FEDERAL
23 GRAND JURY, DIDN'T IT?

24 A. YES, SIR.

25 Q. HAVE YOU EVER BEEN IN FRONT OF A FEDERAL

1 GRAND JURY BEFORE?

2 A. NO.

3 Q. HAVE YOU EVER BEEN TO ONE SINCE?

4 A. NO.

5 Q. WHAT WAS IT LIKE GOING -- WHO PICKED YOU
6 UP? DO YOU KNOW?

7 A. I RODE UP THERE WITH A FRIEND.

8 Q. HUH?

9 A. I RODE UP THERE WITH A FRIEND.

10 Q. YOU RODE WITH A FRIEND?

11 A. YES.

12 Q. ALL RIGHT. AND WHEN YOU GOT THERE, DID
13 YOU SEE ANYBODY THAT YOU KNEW?

14 A. YES.

15 Q. OKAY. DID YOU SEE ANY LAW ENFORCEMENT
16 OFFICERS?

17 A. YES.

18 Q. DID YOU TALK WITH ANY ATTORNEYS?

19 A. NO.

20 Q. OKAY. YOU DIDN'T HAVE AN ATTORNEY THERE,
21 DID YOU?

22 A. NO.

23 Q. BUT THERE WAS AN ATTORNEY FOR THE
24 GOVERNMENT THERE, WASN'T THERE?

25 A. YES, SIR.

1 Q. AND THAT WAS THE UNITED STATES ATTORNEY.
2 RIGHT?

3 A. YES.

4 Q. AND HE QUESTIONED YOU DURING THE GRAND
5 JURY?

6 A. YES.

7 Q. HE'S THE ONE THAT WAS ASKING YOU THE
8 QUESTIONS?

9 A. YES, SIR.

10 Q. AND THEN SOME OF THE OTHER GRAND JURY
11 JURORS THEMSELVES ASKED YOU THE QUESTIONS, DIDN'T
12 THEY?

13 A. YES.

14 Q. AND WHAT'S IT LIKE IN A GRAND JURY ROOM?
15 HOW MANY PEOPLE ARE IN THERE? DO YOU KNOW?

16 A. I DON'T KNOW. IT WAS QUITE A FEW.

17 Q. QUITE A FEW?

18 A. YES, SIR.

19 Q. YOU CAN'T REMEMBER HOW MANY IT WAS?

20 A. NO.

21 Q. HOW LONG DID YOU STAY IN THERE?

22 A. STAYED IN THERE ABOUT AN HOUR AND A HALF;
23 SOMETHING LIKE THAT.

24 Q. AN HOUR AND A HALF. OKAY. AND IT WAS IN
25 A ROOM, I ASSUME?

1 A. YES.

2 Q. AND YOU WERE SITTING IN A CHAIR LIKE
3 YOU'RE SITTING IN NOW?

4 A. YES, SIR.

5 Q. SORT OF?

6 A. YES, SIR.

7 Q. AND WHERE WERE THE GRAND JURORS? WHERE
8 WERE THE PEOPLE SITTING?

9 A. LIKE THESE PEOPLE SITTING OVER HERE.

10 Q. OKAY. BUT YOU DON'T KNOW HOW MANY IT WAS?

11 A. NO.

12 Q. ALL RIGHT. AND THE U.S. ATTORNEY STARTED
13 OFF BY TELLING YOU CERTAIN THINGS, DIDN'T HE?

14 A. YES.

15 Q. HE TOLD YOU YOU HAD AN OBLIGATION TO
16 TESTIFY, DIDN'T HE?

17 A. YES.

18 Q. AND ASKED YOU IF YOU HAD A LAWYER WITH
19 YOU, DIDN'T HE?

20 A. YES, SIR.

21 Q. BUT YOU DIDN'T, DID YOU?

22 A. NO.

23 Q. ALL RIGHT. AND HE WASN'T YOUR LAWYER, WAS
24 HE?

25 A. NO, SIR.

1 Q. THE U.S. ATTORNEY. AND WHAT HE DID WAS HE
2 PRETTY MUCH WENT DOWN WHAT YOU HAD SAID IN THIS
3 STATEMENT, DIDN'T HE?

4 A. YES, SIR.

5 Q. AND ASKED YOU ABOUT IT?

6 A. YES, SIR.

7 Q. AND ANY TIME THAT YOU TRIED TO SAY YOU
8 DIDN'T REMEMBER OR THAT YOU DIDN'T RECALL THOSE
9 FACTS, HE WOULD REMIND YOU THAT YOU GAVE A STATEMENT
10 TO LAW ENFORCEMENT, WOULDN'T HE?

11 A. YES, SIR.

12 Q. REPEATEDLY?

13 A. YES, SIR.

14 Q. AND EVEN AT TIMES, HE TOLD YOU WHAT WAS IN
15 THAT STATEMENT, DIDN'T HE?

16 A. YES, SIR.

17 Q. AND YOU AGREED WITH HIM. RIGHT?

18 A. YES, SIR.

19 Q. AND WHY DID YOU DO THAT?

20 A. BECAUSE I WAS STILL WORRYING ABOUT WHAT
21 THEY WAS GOING TO DO.

22 Q. YEAH. YOU WAS WORRIED ABOUT WHAT THE FEDS
23 WERE GOING TO DO, TOO, WEREN'T YOU?

24 A. YES, SIR.

25 Q. IF YOU GIVE A STATEMENT AND THAT STATEMENT

1 IS CONSISTENT WITH -- OR IF THAT'S THE SAME STATEMENT
2 THAT SOMEBODY WANTS TO HEAR, YOU CAN TELL THAT, CAN'T
3 YOU?

4 A. YES, SIR.

5 Q. IF YOU SAY SOMETHING AND IT'S NOT WHAT
6 SOMEBODY WANTS TO HEAR, YOU CAN TELL THAT TOO, CAN'T
7 YOU?

8 A. YES, SIR.

9 Q. AND WHEN YOU'RE TESTIFYING IN FRONT OF A
10 GRAND JURY, WHO DO YOU WANT TO PLEASE?

11 A. MYSELF.

12 Q. HUH?

13 A. MYSELF.

14 Q. YOURSELF? HOW ABOUT THAT MR. U.S.
15 ATTORNEY THAT'S ASKING YOU THEM QUESTIONS THAT TOLD
16 YOU HE'S GOT THE RIGHT TO BRING YOU UP ON CHARGES IF
17 YOU DON'T ANSWER THE QUESTIONS AND THINGS LIKE THAT?
18 HE TOLD YOU ALL OF THAT, DIDN'T HE?

19 A. YES, SIR.

20 Q. AND YOU DON'T WANT TO MAKE HIM HAPPY AT
21 ALL, DO YOU?

22 A. NO.

23 Q. NO. YOU DON'T WANT TO MAKE HIM HAPPY.
24 NOW, YOU KNOW, I LOOK AT THIS STATEMENT AND IN IT YOU
25 DID SAY THAT ABOUT FIVE PEOPLE HAD TOLD YOU THEY HAD

1 A. NO.

2 Q. ROBERT DIDN'T TELL YOU NOTHING LIKE THAT,
3 DID HE?

4 A. NO. IT WAS JUST AN ANSWER TO A BUNCH OF
5 THINGS, WAS HE THERE AND ALL OF THIS STUFF.

6 Q. YEAH, BECAUSE EVERY TIME YOU SAID TO THAT
7 U.S. ATTORNEY I DON'T REMEMBER, HE SAID YOU BETTER
8 THINK ABOUT THAT.

9 A. YES, SIR.

10 Q. YOU GAVE LAW ENFORCEMENT A STATEMENT
11 SAYING THAT YOU HAD FIVE NAMES. THAT'S WHAT HE ASKED
12 YOU, ISN'T IT?

13 A. YEAH.

14 Q. YOU'VE GIVEN ME TWO. YOU BETTER GIVE ME
15 SOME MORE. RIGHT?

16 A. YES, SIR.

17 Q. AND THAT'S WHAT HE TOLD YOU -- SAID TO YOU
18 AND YOU GAVE HIM SOME MORE NAMES?

19 A. THEY WAS THE ONES, THIS ONE HERE.

20 Q. SO YOU JUST POPPED THEM OFF. YOU KNOW, I
21 DON'T REMEMBER YOU EVER SAYING IN EITHER STATEMENT OR
22 IN YOUR TESTIMONY THAT YOU EVER SAW A WOMAN AT THE
23 TRAILER.

24 A. NO, SIR, I DIDN'T.

25 Q. I DON'T REMEMBER IN YOUR STATEMENT OR IN

1 YOUR GRAND JURY TESTIMONY OTHER THAN WHAT WAS PUT IN
2 YOUR MOUTH WHERE YOU DID ANYTHING OTHER THAN HEARD A
3 BUNCH OF RUMORS AND PUT IT TOGETHER INSIDE YOUR HEAD.

4 A. YES, SIR.

5 Q. AND CAME UP WITH THE FACT THAT THAT MUST
6 HAVE BEEN DARLENE PATTERSON AT THE TRAILER.

7 A. YES, SIR.

8 Q. BUT YOU DON'T EVEN KNOW IF THERE WAS A
9 WOMAN THERE AT THAT TRAILER ON THAT DAY THAT YOU WENT
10 THERE.

11 A. NO, BECAUSE I DIDN'T GO INTO THE HOUSE.

12 Q. AND I THINK YOU TOLD ME THE FIRST TIME I
13 CROSS-EXAMINED YOU THAT NOVEMBER THE 12TH IS A DATE
14 THAT MEANS NOTHING TO YOU OTHER THAN THE FACT THAT
15 THAT DATE WAS GIVEN TO YOU AS AN IMPORTANT DAY?

16 A. YES.

17 Q. THAT IT COULD HAVE BEEN EARLY, MUCH
18 EARLIER THAT YOU ACTUALLY WENT TO THAT TRAILER?

19 A. YES.

20 Q. AND YOU KNOW, I LOOKED THROUGH THIS AND I
21 TRIED TO FIGURE OUT HOW IT IS THAT YOU DREW ALL OF
22 THESE CONCLUSIONS.

23 A. WELL, IT WASN'T REALLY DRAWING. YOU KNOW,
24 IT WAS LIKE PUT -- THEY WERE TELLING ME STUFF LIKE
25 THEY WAS THERE AND THOUGHT ABOUT IT AND WAS, LIKE,

1 TELLING ME HOW TO PUT IT DOWN ON THE PAPER OR
2 SOMETHING LIKE THAT.

3 Q. WHO WAS THAT?

4 A. THE OFFICERS OR THE PEOPLE IN THE GRAND
5 JURY PLACE AND EVERYTHING ELSE.

6 Q. ALL RIGHT. DID THEY TALK TO YOU BEFORE
7 YOU WENT IN TO TESTIFY?

8 A. YES, SIR.

9 Q. THEY DID. WHO TALKED TO YOU BEFORE THAT?
10 DO YOU KNOW?

11 A. I CAN'T REMEMBER.

12 Q. OKAY. WAS IT A FEDERAL AGENT?

13 A. YES, I BELIEVE IT WAS.

14 Q. AND THEY WENT OVER YOUR STATEMENT WITH
15 YOU?

16 A. YES, SIR.

17 Q. AND SO -- AND YOU -- AND THERE WERE A LOT
18 OF RUMORS GOING AROUND AFTER THIS HAPPENED?

19 A. YES, SIR.

20 Q. AND THERE WERE ARTICLES IN THE PAPER. I
21 ASSUME YOU READ SOME OF THOSE?

22 A. YES, SIR.

23 Q. AND SOME OF THE INFORMATION THAT YOU WERE
24 GIVEN I WOULD ASSUME YOU GOT FROM SOURCES THAT YOU
25 DIDN'T EVEN TELL THEM ABOUT, LIKE THE NEWSPAPER,

1 DIDN'T YOU?

2 A. YES, SIR. I TOLD THEM. IT'S IN THERE.

3 Q. AND RIGHT NOW, TODAY, WHAT DO YOU REMEMBER
4 ABOUT NOVEMBER 12TH, 1994?

5 A. NOTHING.

6 Q. NOTHING?

7 A. NO.

8 Q. WHAT ABOUT NOVEMBER THE 13TH?

9 A. THAT'S EVEN WORSE.

10 Q. WHAT ABOUT NOVEMBER 11TH, 1994?

11 A. NO.

12 Q. YOU HAVE NO INDEPENDENT RECOLLECTION OF
13 ANYTHING?

14 A. NO, SIR.

15 MR. LAWSON: I DON'T HAVE ANY FURTHER
16 QUESTIONS FOR THIS WITNESS.

17 MR. WILSON: I HAVE NO FURTHER USE FOR
18 THIS WITNESS.

19 THE COURT: ALL RIGHT. THANK YOU. YOU
20 MAY COME DOWN. CALL YOUR NEXT WITNESS.

21 MR. WILSON: DANNY DAVIS. HE'S GONE TO
22 GET HIM RIGHT NOW.

23 MR. PADGETT: JUDGE, MAY I APPROACH THE
24 BENCH?

25 THE COURT: YES, SIR.

(WHEREUPON, COUNSEL APPROACHED
THE BENCH FOR AN OFF-THE-RECORD
DISCUSSION.)

THE CLERK: PLEASE COME AROUND AND PLACE
YOUR LEFT HAND ON THE BIBLE. RAISE YOUR RIGHT HAND
AND BE SWORN. PLEASE STATE YOUR FULL NAME FOR THE
RECORD.

THE WITNESS: DANNY DAVIS.

DANNY DAVIS,
HAVING BEEN FIRST DULY SWORN BY THE CLERK OF COURT,
TESTIFIED AS FOLLOWS:

D I R E C T E X A M I N A T I O N
BY MR. WILSON:

Q. MR. DAVIS, STATE YOUR FULL NAME FOR THE
COURT, PLEASE, SIR.

A. DANNY EARL DAVIS.

Q. OKAY. HOW ABOUT TAKE THAT MICROPHONE, PUT
IT IN YOUR HANDS AND HOLD IT RIGHT UP TO YOUR MOUTH.
HOLD IT UP FOR ME. OKAY. THAT'S GOOD. NOW,
MR. DAVIS, HOW OLD ARE YOU?

A. FORTY-TWO.

Q. ALL RIGHT. AND WHERE DO YOU LIVE?

A. BENNETTSVILLE.

Q. OKAY. AND LET ME ASK YOU NOW, YOU ARE
ALSO CHARGED IN THIS CASE, WERE YOU NOT?

1 A. YES, SIR.

2 Q. AND WHAT WERE YOU CHARGED WITH?

3 A. MURDER, KIDNAPPING, FIRST DEGREE SEX.

4 Q. CRIMINAL SEXUAL?

5 A. CRIMINAL SEXUAL CONDUCT, YES, SIR.

6 Q. FIRST DEGREE? AND WERE YOU ALSO CHARGED

7 WITH CRIMINAL CONSPIRACY?

8 A. YES, SIR.

9 Q. AND DID YOU ENTER A PLEA BEFORE THIS

10 COURT?

11 A. YES, SIR.

12 Q. ALL RIGHT. AND WHAT DID YOU PLEAD TO?

13 A. 20?15 CAP.

14 Q. ALL RIGHT. DID YOU PLEAD TO MANSLAUGHTER?

15 A. YES, SIR.

16 Q. WHAT ELSE? DO YOU REMEMBER?

17 A. FIRST DEGREE CRIMINAL CONDUCT.

18 Q. CRIMINAL SEXUAL CONDUCT, FIRST DEGREE?

19 A. YES, SIR.

20 Q. ALL RIGHT. AND CRIMINAL CONSPIRACY?

21 A. YES, SIR.

22 Q. ALL RIGHT. AND DO YOU KNOW WHAT THE TOTAL

23 NUMBER OF YEARS IS THAT YOU CAN GET?

24 A. IT'S 30 TO LIFE ON MURDER, 30 ON CRIMINAL

25 CONDUCT AND 30 ON KIDNAPPING.

1 Q. ALL RIGHT. AND THAT'S WHAT YOU COULD HAVE
2 GOTTEN UNDER THE ORIGINAL CHARGES. RIGHT?

3 A. YES, SIR.

4 Q. ALL RIGHT. AND YOU ENTERED A PLEA
5 AGREEMENT WITH THE STATE, HAVE YOU NOT?

6 A. YES, SIR.

7 Q. ALL RIGHT. AND FOR THAT YOU CAN GET UP TO
8 20 YEARS; IS THAT CORRECT?

9 A. YES, SIR.

10 Q. ALL RIGHT. NOW, LET ME ASK YOU SOME
11 QUESTIONS. TELL ME, DO YOU KNOW THESE GENTLEMEN
12 SITTING OVER HERE, BACK HERE ON THIS ROW BACK HERE?

13 A. YES, SIR.

14 Q. ALL RIGHT. WHAT I WOULD LIKE FOR YOU TO
15 DO IS TELL ME THE ONES THAT YOU KNOW, WHICHEVER ONES
16 THEY ARE. JUST IF YOU KNOW THEIR NAMES, TELL ME WHO
17 THEY ARE. LET'S START WITH THIS FELLOW HERE IN THE
18 BLACK SHIRT. DO YOU KNOW WHO HE IS?

19 A. ROBERT GRAHAM.

20 Q. ROBERT GRAHAM. DID YOU KNOW ROBERT GRAHAM
21 BACK IN 1994?

22 A. YES, SIR.

23 Q. ALL RIGHT. DO YOU KNOW THAT FELLOW THERE
24 WITH THE STRIPED SHIRT ON AND THE HAIR?

25 A. ALFONZO.

1 Q. ALFONZO. WHAT'S HIS LAST NAME?

2 A. STATON.

3 Q. ALFONZO STATON. WHAT ABOUT THE FELLOW IN
4 THE BLUE SUIT RIGHT HERE CHEWING THE GUM?

5 A. LEROY.

6 Q. LEROY WHAT?

7 A. I CAN'T THINK OF HIS.

8 Q. OKAY. YOU JUST KNOW HIM AS LEROY?

9 A. YES, SIR.

10 Q. ALL RIGHT. WHAT ABOUT THIS FELLOW RIGHT
11 HERE?

12 A. JEFFREY WALLS.

13 Q. JEFFREY WALLS. WHAT ABOUT THE NEXT ONE
14 THERE WITH THE GLASSES CHEWING THE GUM? WHAT'S HIS
15 NAME?

16 A. RICKY STUCKEY.

17 Q. RICKY STUCKEY. ALL RIGHT. AND WHAT ABOUT
18 MY FELLOW HERE WITH THE WHITE SHIRT ON? WHAT'S HIS
19 NAME?

20 A. MARK -- MARTIN MCINTOSH.

21 Q. MARTIN MCINTOSH. AND YOU KNEW ALL OF
22 THESE FELLOWS BACK IN 1994, DID YOU NOT?

23 A. NO, SIR.

24 Q. YOU DIDN'T KNOW THEM ALL BACK THEN?

25 A. NO, SIR.

Q. ALL RIGHT. AT SOME POINT IN TIME, DID YOU MEET THEM ALL?

A. YES, SIR.

Q. ALL RIGHT. NOW, LET ME ASK YOU, IF YOU WOULD, LET'S GO BACK TO NOVEMBER OF 1994 AND START BACK THERE. NOW, TELL US WHERE YOU WERE LIVING AT DURING THAT PERIOD OF TIME.

A. ~~REDACTED~~ BENNETTSTVILLE,
SOUTH CAROLINA.

Q. ALL RIGHT. AND WERE YOU LIVING IN A
MOBILE HOME AT THAT TIME?

A. YES, SIR.

Q. ALL RIGHT. AND IN WHAT COMMUNITY WERE YOU
LIVING IN?

A. IT'S IN THE COUNTRY.

Q. ALL RIGHT. AND WAS ANY OF THESE FELLOWS
LIVING CLOSE OUT THERE BY WHERE YOU WERE LIVING?

A. ROBERT GRAHAM, RICKY STUCKEY.

Q. ALL RIGHT. ROBERT GRAHAM AND RICKY STUCKEY LIVED OUT THERE CLOSE TO WHERE YOU WERE LIVING?

A. YES, SIR.

Q. ALL RIGHT. AND WHAT WERE THEY LIVING IN?

A. MOBILE HOME.

Q. ALL RIGHT. AND HOW FAR IS THAT MOBILE

1 HOME FROM WHERE YOU LIVED?

2 | A. ABOUT 75 YARDS.

3 Q. ABOUT 75 YARDS. SO YOU COULD STAND IN
4 YOUR YARD AND LOOK IN THEIR YARD?

5 A. NO, SIR.

6 Q. ALL RIGHT. SO Y'ALL HAD SOME TREES
7 SEPARATING YOU?

8 A. YES, SIR.

9 Q. ALL RIGHT. NOW, DID YOU FROM TIME TO TIME
10 GO TO THE HOUSE THAT RICKY STUCKEY AND ROBERT GRAHAM
11 OWNED?

12	A.	YES.

13 Q. OR HAD RENTED. OKAY. HOW OFTEN DID YOU
14 THINK YOU WOULD GO THERE BACK IN NOVEMBER BEFORE ALL
15 OF THIS OCCURRED? HOW OFTEN WOULD YOU GO TO THAT
16 TRAILER?

17 A. WELL, MY GIRLFRIEND WOULD GO DOWN THERE TO
18 MAKE A PHONE CALL AND I WOULD -- I'VE BEEN DOWN THERE
19 ONCE OR TWICE, THREE TIMES.

20 Q. ALL RIGHT. NOW WERE YOU FRIENDLY WITH
21 EACH OTHER, YOU, ROBERT GRAHAM AND RICKY STUCKEY?

22 | A. YES, SIR.

23 Q. AND YOU SAY YOUR GIRLFRIEND WOULD GO THERE
24 FROM TIME TO TIME TO MAKE PHONE CALLS?

25 A. YES. YES, SIR.

1 Q. YOU DIDN'T HAVE A PHONE AT YOUR TRAILER

2 A. NO, SIR.

3 Q. AND WHAT WAS YOUR GIRLFRIEND'S NAME BACK
4 THEN?

5 A. BETTY CAULDER.

6 Q. BETTY CAULDER. NOW, LET ME ASK YOU, IF
7 YOU WOULD, LET'S -- LET'S TALK ABOUT -- LET'S TALK
8 ABOUT WHAT YOU DID -- WELL, LET ME BACK UP EVEN
9 BEFORE THAT. AT SOME POINT IN TIME, WAS THERE A
10 PARTY GOING ON OVER AT THE TRAILER?

11 A. YES, SIR.

12 Q. TELL US ABOUT THE PARTY AND WHAT HAPPENED
13 WITH THE PARTY.

14 A. WELL, THEY JUST HAD A PARTY AND WE WAS
15 INVITED.

16 Q. ALL RIGHT. WHO INVITED YOU TO THE PARTY?

17 A. RICKY.

18 Q. RICKY STUCKEY?

19 A. YES, SIR.

20 Q. SAME RICKY STUCKEY SITTING HERE CHEWING
21 THE GUM OVER HERE?

22 A. YES, SIR.

23 Q. ANYBODY ELSE COME TO THE PARTY?

24 A. YES, SIR.

25 Q. ALL RIGHT. AND DID YOU GO TO THE PARTY?

1 A. YES, SIR.

2 Q. OKAY. NOW, WHEN YOU GOT UP THERE TO THE

3 PARTY, WHO WAS THERE AT THE PARTY?

4 A. RICKY STUCKEY, LEROY.

5 Q. LEROY WHO?

6 A. STATON.

7 Q. LEROY STATON, RICKY STUCKEY. WHO ELSE?

8 A. ALFONZO.

9 Q. ALFONZO WAS THERE. WHO ELSE WAS THERE?

10 A. JEFF WALLS.

11 Q. JEFF WALLS WAS THERE. WHO ELSE WAS THERE?

12 A. RINGO PEARSON.

13 Q. RINGO PEARSON WAS THERE. ANYBODY ELSE

14 THERE?

15 A. JEFF WALLS.

16 Q. WHO ELSE?

17 A. REST OF THE GUYS, I DON'T REMEMBER WHO

18 THEY WERE.

19 Q. OKAY. AND WHAT WERE THEY DOING UP THERE

20 AT THE PARTY?

21 A. DRINKING AND TALKING, JUST HAVING A GOOD

22 TIME.

23 Q. OKAY. AND DID YOU GO INSIDE THE HOUSE?

24 A. YES, SIR. I WENT IN ONE OR TWO TIMES.

25 Q. ALL RIGHT. AND TELL ME ABOUT THAT. WHAT

1 HAPPENED?

2 A. I WENT IN AND I WENT BACK TO THE BATHROOM,
3 AND IN THE BEDROOM THERE WAS A GIRL IN THERE TIED UP
4 ON THE BED.

5 Q. OKAY. SO YOU WENT IN THERE TO GO TO THE
6 BATHROOM, AND WHEN YOU WENT IN, THERE WAS A GIRL
7 TAPED UP ON THE BED?

8 A. YES, SIR.

9 Q. TELL US HOW SHE WAS TAPED UP.

10 A. HER WRISTS BEHIND HER BACK AND HER ANKLES
11 AND TAPE AROUND HER MOUTH.

12 Q. ALL RIGHT. AND THIS IS THE FIRST TIME YOU
13 HAD BEEN UP THERE THAT DAY?

14 A. NO, SIR. I WAS THERE EARLIER THAT -- IN
15 THE AFTERNOON. WE HAD A COOKOUT.

16 Q. ALL RIGHT. AND DID YOU SEE HER WHEN YOU
17 WERE UP THERE EARLIER IN THE DAY?

18 A. YES, SIR.

19 Q. ALL RIGHT. YOU SAW HER EARLIER IN THE DAY
20 WHEN YOU WERE UP THERE?

21 A. YES, SIR.

22 Q. ALL RIGHT. TELL ME ABOUT THE FIRST TIME.
23 LET'S GO BACK TO THE FIRST TIME YOU WERE UP THERE
24 THAT DAY AND WHEN YOU SAW HER THAT DAY.

25 A. THE FIRST TIME I WENT IN TO GET A BEER OUT

1 OF THE REFRIGERATOR.

2 Q. OKAY.

3 A. AND I SEEN THIS BLACK FEMALE LAYING OVER
4 ON THE COUCH.

5 Q. OKAY.

6 A. SHE WAS IN THE SAME WAY. SHE WAS TAPED
7 UP.

8 Q. ALL RIGHT. AND WHEN YOU WERE UP THERE
9 EARLIER IN THE AFTERNOON, ABOUT WHAT TIME WAS IT THE
10 FIRST TIME YOU WERE UP THERE?

11 A. ABOUT 1:00, 1:30. SOMEWHERE AROUND THAT
12 AREA.

13 Q. OKAY. AND WHO WAS THERE THEN WHEN YOU
14 WENT UP THERE?

15 A. ME, ROBERT RANSOM, BETTY CAULDER.

16 Q. BETTY CAULDER IS YOUR GIRLFRIEND. RIGHT?

17 A. YES, SIR.

18 Q. AND WHO ELSE?

19 A. RICKY STUCKEY.

20 Q. RICKY STUCKEY WAS THERE?

21 A. ROBERT GRAHAM.

22 Q. ALL RIGHT.

23 A. THAT'S ABOUT ALL I KNOW. THERE WAS
24 ANOTHER DUDE THERE THAT'S KIN TO THEM. I DON'T KNOW
25 WHO HE WAS. I HADN'T NEVER SEEN HIM THERE BEFORE.

1 Q. ANOTHER FELLOW WAS THERE WHO WAS KIN TO
2 THEM, BUT YOU DON'T KNOW WHO HE WAS?

3 A. NO.

4 Q. SO MR. ROBERT GRAHAM HERE WAS THERE. HE
5 WAS -- HE LIVED THERE. MR. STUCKEY WAS THERE. HE
6 LIVED THERE RIGHT?

7 A. LEROY.

8 Q. LEROY STATON?

9 A. YES, SIR.

10 Q. HE WAS THERE TOO. AND THIS GIRL WAS THERE
11 ON THE COUCH. IS THAT WHAT YOU'RE SAYING?

12 A. YES, SIR.

13 Q. AND SHE WAS TAPED UP?

14 A. YES, SIR.

15 Q. ALL RIGHT. NOW, Y'ALL WERE OUT THERE IN
16 THE YARD?

17 A. YES, SIR.

18 Q. AND WHY DID YOU GO IN THE HOUSE?

19 A. TO GET A BEER.

20 Q. OKAY. NOW, HOW LONG DID YOU STAY UP THERE
21 WHEN YOU WERE UP THERE THE FIRST TIME? HOW LONG DID
22 YOU STAY UP TO THE HOUSE?

23 A. JUST LONG ENOUGH TO CUT WOOD AND BUILD A
24 FIRE AND CUT THE PIG FEET.

25 Q. ALL RIGHT. SO DID Y'ALL BUILD THE FIRE

1 AFTER YOU SAW THE GIRL IN THERE OR BEFORE?

2 A. BEFORE.

3 Q. ALL RIGHT. YOU HAD ALREADY BUILT THE FIRE
4 AND PIG FEET WERE COOKING?

5 A. YES, SIR.

6 Q. SO THEY WERE HAVING A PARTY COOKING PIG
7 FEET. SHE WAS TIED UP LAYING ON THE COUCH. RIGHT?

8 A. YES, SIR.

9 Q. ALL RIGHT. WHEN YOU WENT IN THAT HOUSE
10 AND SAW HER SITTING THERE, LAYING THERE ON THAT
11 COUCH, DID YOU TALK TO MR. STUCKEY ABOUT THAT OR
12 MR. GRAHAM OVER HERE? HAVE YOU TALKED TO THEM ABOUT
13 THAT?

14 A. NO, SIR.

15 Q. ALL RIGHT. WHY NOT? WHY DIDN'T YOU SAY,
16 "HEY, Y'ALL HAVE A GIRL TIED UP OVER THERE."

17 A. BECAUSE I DIDN'T KNOW WHAT TO THINK. I
18 DIDN'T KNOW IF IT WAS A GAME OR WHAT WAS GOING ON. I
19 JUST LEFT BACK OUT AND WENT ON BACK TO COOKING AND
20 DOING WHAT I WAS DOING.

21 Q. ALL RIGHT. WAS THE REST OF THEM GOING IN
22 AND OUT OF THE HOUSE?

23 A. NO, SIR.

24 Q. ALL RIGHT. NOW, WHEN YOU -- YOU STAYED UP
25 THERE UNTIL THEY COOKED THE PIG FEET?

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1 A. YES, SIR.

2 Q. DID YOU EAT?

3 A. NO, SIR.

4 Q. DID YOU EAT?

5 A. NO, SIR.

6 Q. YOU DIDN'T EAT? WHY DIDN'T YOU EAT?

7 A. BECAUSE I DON'T EAT PIG FEET -- BOILED PIG
8 FEET.

9 Q. YOU DON'T EAT BOILED PIG FEET. WHAT ABOUT
10 MR. STUCKEY AND MR. ROBERT GRAHAM? WERE THEY EATING
11 PIG FEET?

12 A. NO, SIR. RICKY ATE SOME.

13 Q. RICKY MUST LIKE THOSE PIG FEET. ANYWAY,
14 AFTER THEY -- DID YOU STAY UNTIL THEY FINISHED EATING
15 ALL OF THE PIG FEET OR DID YOU LEAVE EARLY?

16 A. I LEFT.

17 Q. YOU LEFT. WHERE DID YOU GO?

18 A. HOME.

19 Q. WHEN YOU LEFT, YOU LEFT MR. STUCKEY AND
20 MR. GRAHAM AND MR. STATON UP THERE?

21 A. YES, SIR.

22 Q. ALL RIGHT. AND YOU LEFT. AND WHERE DID
23 YOU GO?

24 A. HOME.

25 Q. HOME. AND MY UNDERSTANDING IS YOU WENT

1 HOME FOR AWHILE AND THEN YOU WENT BACK UP THERE?

2 A. YES, SIR.

3 Q. LATER ON IN THE EVENING?

4 A. YES, SIR.

5 Q. THE FIRST TIME YOU WENT UP THERE YOU SAID
6 WAS AROUND 3:00 OR 3:30?

7 | A. YES, SIR.

8 Q. AND THEN YOU WENT BACK. WHAT TIME DID YOU
9 GO BACK UP THERE THE SECOND TIME THAT EVENING?

10 A. IT WAS LATE THAT AFTERNOON.

11 Q. WAS IT NIGHT?

12 | A. ABOUT DUSK DARK.

13 Q. ALL RIGHT. ABOUT DUSK DARK. AND WHEN YOU
14 GOT BACK UP THERE THE SECOND TIME, WAS LEROY STATON
15 STILL THERE ALSO?

16 A. YES, SIR.

17 Q. WHAT ABOUT MR. ROBERT GRAHAM?

18 A. YES, SIR.

19 Q. WHAT ABOUT MR. STUCKEY?

20 | A. YES, SIR.

21 Q. THEY WERE STILL THERE. WERE THEY STILL IN
22 THE YARD EATING THEM PIG FEET?

23	A. NO, SIR.

24 Q. WHAT WERE THEY DOING THEN?

25 | A. IN THE TRAILER.

1 Q. INSIDE THE TRAILER. SO MR. STUCKEY,
2 MR. GRAHAM AND MR. STATON, WHEN YOU COME BACK AT DUSK
3 DARK WERE INSIDE THAT TRAILER. RIGHT?

4 A. YES, SIR.

5 Q. ALL RIGHT. AND WHEN YOU GO BACK INSIDE
6 THE TRAILER, DO YOU SEE THE GIRL THE SECOND TIME?

7 A. YES, SIR.

8 Q. TELL ME ABOUT THAT. TELL ME WHAT YOU DO
9 WHEN YOU GO IN THERE THE SECOND TIME.

10 A. I WENT TO THE BATHROOM AND RIGHT THERE AT
11 THE BATHROOM THERE'S A BEDROOM AND SHE WAS LAYING IN
12 THERE ON THE BED.

13 Q. ALL RIGHT. AND WHEN YOU GOT BACK THE
14 SECOND TIME, DUSK DARK, WAS SHE STILL TIED UP?

15 MR. LAWSON: OBJECTION, YOUR HONOR. HE'S
16 LEADING THE WITNESS.

17 MR. WILSON: I APOLOGIZE. HE'S ABSOLUTELY
18 RIGHT, AND I APOLOGIZE.

19 BY MR. WILSON:

20 Q. LET ME ASK YOU THIS WAY. WHEN YOU WENT
21 BACK, TELL THIS JURY WHAT YOU FOUND, WHAT CONDITION
22 SHE WAS IN WHEN YOU FOUND HER.

23 A. SHE WAS TIED UP ON THE BED.

24 Q. HOW ABOUT -- HOW WAS SHE TIED UP ON THE
25 BED?

1 A. HER HANDS TAPED BEHIND HER BACK, HER
2 ANKLES TAPED TOGETHER AND TAPE OVER HER MOUTH.

3 Q. WELL, WAS MR. GRAHAM OVER THERE TRYING TO
4 GET HER UNTIED?

5 A. NO, SIR.

6 Q. WHAT ABOUT MR. STUCKEY? HE WASN'T TRYING
7 TO GET HER UNTIED, WAS HE?

8 A. NO, SIR.

9 Q. WHAT ABOUT MR. STATON, WAS HE TRYING TO
10 GET HER UNTIED?

11 A. NO, SIR.

12 Q. NOT A SINGLE LIVING SOUL WAS TRYING TO
13 UNTIE HER, WAS HE?

14 A. NO, SIR.

15 Q. HOW WAS SHE DRESSED?

16 A. IT LOOKED LIKE TO ME SHE HAD ON A DARK
17 OUTFIT. LOOKED LIKE A TIGHT -- TIGHT PANTS, SWEAT
18 SUIT OR SOMETHING ON.

19 Q. OKAY. TIGHT PANTS SUIT TYPE OF SOMETHING.

20 A. YES, SIR. IT WAS A DARK OUTFIT.

21 Q. ALL RIGHT. NOW, WHEN YOU WERE UP THERE ON
22 THIS SECOND OCCASION, HOW LONG DID YOU STAY?

23 A. ABOUT 30 MINUTES TO AN HOUR.

24 Q. OKAY. NOW, WHEN YOU WERE UP THERE, SHE
25 WAS IN ANOTHER ROOM?

1 A. YES, SIR.

2 Q. ALL RIGHT. DID ANY OF THE OTHERS GO INTO
3 THAT ROOM WHILE YOU WERE THERE?

4 A. NO, SIR. NOT THAT I KNOW OF.

5 Q. OKAY. NOW, YOU WERE DRINKING. HOW MUCH
6 HAD YOU HAD TO DRINK THAT DAY?

7 A. BEEN DRINKING ALL DAY.

8 Q. ALL DAY. ALL RIGHT. WHAT ABOUT THE REST
9 OF THAT CROWD? WERE THEY DRINKING TOO?

10 A. YES, SIR. SOME OF THEM WAS; SOME OF THEM
11 WASN'T.

12 Q. ALL RIGHT. WELL, MORE SPECIFICALLY, LET
13 ME ASK YOU ABOUT MR. RICKY STUCKEY OVER HERE. WAS HE
14 DRINKING?

15 A. YES, SIR.

16 Q. ALL RIGHT. WHAT ABOUT MR. ROBERT GRAHAM?
17 WAS HE DRINKING?

18 A. NO, SIR.

19 Q. HE WASN'T DRINKING?

20 A. I DIDN'T SEE HIM WITH NOTHING.

21 Q. YOU DIDN'T SEE HIM DRINKING AT ALL?

22 A. NO, SIR.

23 Q. ALL RIGHT. WHAT ABOUT MR. STATON? WAS HE
24 DRINKING?

25 A. I DIDN'T SEE HIM -- I DIDN'T STAY IN THAT

1 TRAILER THAT LONG, SIR.

2 Q. OKAY. YOU SAID YOU STAYED IN THERE ABOUT
3 30 MINUTES?

4 A. YES, SIR.

5 Q. TOTAL?

6 A. YES, SIR.

7 Q. AND THEN YOU LEFT AGAIN; IS THAT RIGHT?

8 A. YES, SIR.

9 Q. ALL RIGHT. WHEN YOU LEFT THE SECOND TIME,
10 WHERE DID YOU GO?

11 A. OUTSIDE AND STOOD AROUND IN THE YARD.

12 Q. ALL RIGHT. AND WERE THERE OTHER PEOPLE IN
13 THE YARD?

14 A. YES, SIR.

15 Q. ALL RIGHT. AND DO YOU REMEMBER WHO THEY
16 WERE?

17 A. NO, SIR. I SURE DON'T.

18 Q. ALL RIGHT. HOW MANY PEOPLE WERE IN THE
19 YARD MINGLING AROUND?

20 A. OH, FIVE OR SIX.

21 Q. OKAY. YOU SAID YOU STAYED IN THE YARD FOR
22 A WHILE. NOW, AT SOME POINT, DID YOU LEAVE AGAIN
23 THAT NIGHT?

24 A. YES, SIR.

25 Q. ALL RIGHT. AND ABOUT WHAT TIME DO YOU

1 THINK YOU LEFT THE HOUSE THAT SECOND TIME?

2 A. I DON'T REALLY KNOW, SIR.

3 Q. OKAY. WHEN YOU LEFT THE SECOND TIME,
4 WHERE DID YOU GO?

5 A. I WAS SUPPOSED TO HAVE BEEN GOING HOME.

6 Q. WELL, DID YOU GO HOME?

7 A. NOT RIGHT THEN.

8 Q. WHERE DID YOU GO?

9 A. WE ASKED FOR A RIDE HOME.

10 Q. ASKED WHO FOR A RIDE HOME?

11 A. RINGO.

12 Q. YOU ASKED RINGO FOR A RIDE HOME?

13 A. YES, SIR.

14 Q. ALL RIGHT. AND WHAT HAPPENED?

15 A. THEY TOLD US TO GET IN THE CAR.

16 Q. TOLD YOU TO GET IN THE CAR. YOU SAID TOLD
17 US TO GET IN THE CAR?

18 A. ME AND BOBBY RANSOM.

19 Q. ALL RIGHT. AND YOU WERE WANTING TO GO
20 HOME. THEY TOLD YOU TO GET IN THE CAR. ALL RIGHT.
21 WHAT DID YOU DO WHEN YOU GOT IN THE CAR?

22 A. ME AND ROBERT GOT IN THE CAR AND --

23 Q. YOU SAY ROBERT. YOU'RE TALKING ABOUT
24 ROBERT RANSOM?

25 A. ROBERT RANSOM.

1 Q. OKAY.

2 A. AND RINGO AND RICKY COME FROM AROUND THE
3 TRAILER WITH THE GIRL.

4 Q. RINGO PEARSON AND RICKY WHO?

5 A. STUCKEY.

6 Q. RICKY STUCKEY CAME FROM AROUND THE TRAILER
7 WITH WHO?

8 A. WITH THE GIRL.

9 Q. CAME FROM AROUND THE TRAILER WITH THE
10 GIRL. IS THAT THE SAME GIRL THAT WAS TAPED UP?

11 A. YES, SIR.

12 Q. ALL RIGHT. WHAT DID THEY DO WITH HER?

13 A. PUT HER IN THE FRONT SEAT WITH HIM.

14 Q. WITH HIM WHO?

15 A. WITH RINGO AND THE GIRL AND RICKY STUCKEY.

16 Q. SO RINGO, RICKY STUCKEY AND THE GIRL GOT
17 IN THE FRONT SEAT OF THE CAR?

18 A. YES, SIR.

19 Q. NOW, WAS SHE WALKING?

20 A. THEY HELPED HER TO THE CAR.

21 Q. THEY HELPED HER TO THE CAR. ALL RIGHT.
22 AND WAS HER FACE STILL TIED UP?

23 A. TAPE WAS AROUND HER MOUTH.

24 Q. WHAT ABOUT HER HANDS?

25 A. YES, SIR.

1 Q. LEGS?

2 A. YES, SIR.

3 Q. AND THEY TOOK HER IN THAT CONDITION AND
4 PUT HER IN THE CAR?

5 A. YES, SIR.

6 Q. WHOSE CAR WAS IT?

7 A. I DON'T REALLY KNOW WHOSE CAR IT WAS.
8 THEY SAID IT WAS RINGO'S.

9 Q. ALL RIGHT. BUT THEY PUT HER IN THE CAR
10 AND Y'ALL LEFT?

11 A. YES, SIR.

12 Q. NOW, WHEN Y'ALL WERE IN THE CAR, WHO ALL
13 IS IN THE CAR? TELL ME EVERYBODY WHO'S IN THAT CAR.

14 A. RINGO.

15 Q. WHO IS DRIVING?

16 A. RINGO.

17 Q. OKAY.

18 A. THE GIRL IN THE MIDDLE AND THEN RICKY
19 STUCKEY AT THE DOOR.

20 Q. OKAY. WHO'S IN THE BACK SEAT?

21 A. BOBBY RANSOM -- ROBERT RANSOM.

22 Q. OKAY. BOBBY RANSOM AND ROBERT RANSOM ARE
23 THE SAME PERSON?

24 A. YES, SIR.

25 Q. OKAY. GO AHEAD.

1 SHOW YOU -- YOU TALK ABOUT THE OLD HOUSE. LET ME
2 SHOW YOU WHAT'S MARKED AS STATE'S EXHIBIT NUMBER 15
3 AND STATE'S EXHIBIT NUMBER 13. TAKE A LOOK AT THAT
4 ONE. DO YOU RECOGNIZE THAT?

5 A. YES, SIR.

6 Q. ALL RIGHT. IS THAT ONE THE SAME OLD HOUSE
7 WHERE THEY TOOK YOU TO?

8 A. NO, SIR. THAT'S NOT THE HOUSE THEY TOOK
9 ME TO. THAT'S NOT THE ONE THEY TOOK YOU TO?

10 Q. ALL RIGHT. WAS IT ONE LIKE THIS?

11 A. NO, SIR.

12 Q. ALL RIGHT. HOW WAS IT -- HOW DID IT LOOK?

13 A. IT WAS A LITTLE -- A LITTLER HOUSE, WITH A
14 PORCH ON THE FRONT OF IT.

15 Q. OKAY. OKAY. TAKE A LOOK AT THIS
16 PHOTOGRAPH. TELL ME IF YOU KNOW WHAT THAT IS.

17 A. THAT'S RICKY STUCKEY'S TRAILER.

18 Q. ALL RIGHT. THIS IS MARKED FOR
19 IDENTIFICATION, YOUR HONOR.

20 (PLAINTIFF'S EXHIBIT NUMBER 23
21 MARKED FOR IDENTIFICATION.)

22 BY MR. WILSON:

23 Q. NOW, THIS PHOTOGRAPH WHICH IS STATE'S
24 EXHIBIT 23 FOR IDENTIFICATION, IS THAT WHERE RICKY
25 STUCKEY WAS LIVING AND ROBERT GRAHAM AT THE TIME OF

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1 THE TRAILER?

2 A. YES.

3 Q. THIS IS THE TRAILER YOU SAW HER IN?

4 A. YES, SIR.

5 Q. ALL RIGHT. AND YOU SAW HER THERE ON TWO
6 SEPARATE OCCASIONS; IS THAT CORRECT?

7 A. YES, SIR.

8 Q. ALL RIGHT. THEN I UNDERSTAND YOU TO SAY
9 THAT YOU -- THEY TOOK HER TO ANOTHER OLD ABANDONED
10 HOUSE?

11 A. YES, SIR.

12 Q. ALL RIGHT. DO YOU KNOW WHERE THAT HOUSE
13 WAS?

14 A. NOT RIGHT OFFHAND BECAUSE IT WAS DARK.

15 Q. OKAY. SO YOU WENT THERE AT NIGHT?

16 A. YES, SIR.

17 Q. ALL RIGHT. AND SO YOU ARE UNCLEAR ABOUT
18 EXACTLY WHERE IT WAS?

19 A. YES, SIR. I KNOW THE VICINITY, BUT I
20 CAN'T SAY WHICH HOUSE IT WAS AT.

21 Q. ALL RIGHT. NOW, TELL ME WHAT HAPPENED.
22 ONCE YOU GOT TO THIS OLD HOUSE, WAS ANYBODY LIVING
23 THERE?

24 A. NO, SIR.

25 Q. ALL RIGHT. TELL ME WHAT HAPPENED ONCE YOU

1 GOT TO THE OLD HOUSE.

2 A. RINGO AND RICK CARRIED HER UP ON THE PORCH
3 AND PUT HER ON A COUCH AND THEN THEY PUT THE COUCH IN
4 THE HOUSE.

5 Q. RINGO AND RICKY TOOK HER UP IN THE HOUSE
6 AND PUT HER ON THE COUCH?

7 A. YES, SIR.

8 Q. ALL RIGHT. WHAT DID Y'ALL DO THEN?

9 A. GOT IN THE CAR AND LEFT.

10 Q. ALL RIGHT. DID RICKY AND RINGO GET BACK
11 IN THE CAR TOO?

12 A. YES, SIR.

13 Q. SO Y'ALL LEFT HER AT THE HOUSE TIED UP ON
14 THE COUCH?

15 A. YES, SIR.

16 Q. AND IT'S NIGHTTIME?

17 A. YES, SIR.

18 Q. NOBODY LIVED AT THIS OLD ABANDONED HOUSE?

19 A. NO, SIR.

20 Q. ALL RIGHT. WAS IT CLOSE TO ANY OTHER
21 HOUSE?

22 A. YES, SIR.

23 Q. ALL RIGHT. WHERE WAS THE NEAREST HOUSE
24 THAT YOU KNOW OF? HOW FAR AWAY?

25 A. RIGHT BESIDE IT ABOUT 15, 20 YARDS.

1 Q. ABOUT 15 OR 20 YARDS THERE WAS ANOTHER
2 HOUSE. WAS THERE ANY WOODS BETWEEN THE TWO?

3 A. NOT -- YEAH, WHERE THIS -- WELL, THIS
4 HOUSE SAT IN THE MIDDLE OF TWO HOUSES. ONE OF THE
5 HOUSES THERE WAS WOODS IN BETWEEN IT.

6 Q. ALL RIGHT. NOW, AFTER THEY DROPPED HER
7 OFF AT THAT HOUSE, WHERE DID Y'ALL GO?

8 A. THEY CARRIED US HOME.

9 Q. ALL RIGHT. CARRIED YOU AND BOBBY HOME?

10 A. YES, SIR.

11 Q. ALL RIGHT. AND THEY PUT Y'ALL OFF?

12 A. YES, SIR.

13 Q. DID YOU SEE THEM ANY MORE THAT NIGHT?

14 A. NO, SIR.

15 Q. ALL RIGHT. NOW, DID YOU EVER GO OUT TO
16 THE OLD HOUSE -- TO THE OLD ABANDONED HOUSE?

17 A. NO, SIR.

18 Q. SO YOU DIDN'T GO OUT THERE?

19 A. NO, SIR.

20 Q. ALL RIGHT. NOW, LET ME ASK YOU AT SOME
21 LATER TIME IF YOU DIDN'T HAVE AN OPPORTUNITY TO RIDE
22 WITH THESE GENTLEMEN AGAIN?

23 A. YES, SIR.

24 Q. AND WHERE WERE Y'ALL GOING THIS TIME?

25 A. WE WAS SUPPOSED TO HAVE BEEN GOING TO GET

1 SOMETHING TO DRINK.

2 Q. ALL RIGHT YOU WERE SUPPOSED TO BE GOING TO
3 GET SOMETHING TO DRINK. TELL US HOW THAT CAME ABOUT.
4 HOW DID YOU COME TO GET WITH THEM ON THAT DAY FOR
5 THEM TO TAKE YOU TO GET SOMETHING TO DRINK?

6 A. RINGO AND RICKY WALKED UP TO ROBERT
7 RANSOM'S HOUSE AND --

8 Q. LET ME HOLD YOU UP FOR JUST A SECOND.
9 NOW, THEY CAME UP TO ROBERT RANSOM'S HOUSE. WERE YOU
10 ALREADY AT ROBERT RANSOM'S HOUSE?

11 A. I WAS COMING DOWN THE ROAD GOING. I MET
12 THEM COMING IN THE DRIVEWAY.

13 Q. DOES HE LIVE CLOSE TO YOU?

14 A. YES, SIR.

15 Q. SO ROBERT RANSOM LIVED CLOSE TO WHERE YOU
16 LIVE. YOU WERE GOING TO HIS HOUSE?

17 A. YES, SIR.

18 Q. AND THEY WERE AT HIS HOUSE?

19 A. YES, SIR. NO. THEY -- WE MET GOING TO
20 HIS HOUSE.

21 Q. YOU MET GOING TO HIS HOUSE. NOW, WHEN YOU
22 SAY THEY, YOU SAY RINGO AND WHO ELSE?

23 A. RICKY STUCKEY.

24 Q. RINGO AND RICKY STUCKEY. SO YOU, RINGO
25 AND RICKY STUCKEY MEET AT ROBERT RANSOM'S HOUSE.

1 WHAT DO Y'ALL DO?

2 A. GO IN. AND BOBBY ASKED. RICKY SAID THAT
3 WE STILL HAVE THAT GIRL AND WE NEED TO DO SOMETHING
4 WITH HER.

5 Q. RICKY STUCKEY SAID THAT?

6 A. YES, SIR.

7 Q. ALL RIGHT. SO WHAT HAPPENS THEN?

8 A. BOBBY -- ROBERT RANSOM ASKED THEM WOULD
9 THEY TAKE US TO GET SOMETHING TO DRINK? AND THEY
10 SAID YEAH. SO RINGO WENT BACK TO GET THE CAR AND
11 WHEN HE COME BACK, HE HAD RINGO, LEROY AND ALFONZO IN
12 THE CAR WITH HIM.

13 Q. ALL RIGHT. NOW, LET ME SEE IF I
14 UNDERSTAND WHAT YOU'RE TELLING ME. YOU'RE SAYING
15 THAT ALL ARE THERE AT ROBERT RANSOM'S HOUSE AND
16 MR. STUCKEY SAYS WE'VE GOT TO GET RID OF THAT GIRL?

17 A. SAID WE'VE GOT THAT GIRL AND WE'VE GOT TO
18 DO SOMETHING WITH HER OR ALL OF US ARE GOING TO BE IN
19 TROUBLE.

20 Q. GOT THAT GIRL AND GOT TO DO SOMETHING WITH
21 HER. SO THEN Y'ALL ASK -- YOU ASK -- OR MR. RANSOM
22 ASKS TO TAKE Y'ALL TO GET SOME LIQUOR?

23 A. YES, SIR.

24 Q. AND RINGO GOES TO GET HIS VEHICLE?

25 A. YES, SIR.

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1 Q. WHERE IS RICKY STUCKEY? DOES HE GO WITH
2 RINGO OR STAY THERE WITH YOU?

3 A. HE STAYED THERE WITH US.

4 Q. SO RINGO LEAVES. HOW LONG IS RINGO GONE?

5 A. FIVE, TEN MINUTES.

6 Q. DOES HE COME BACK IN FIVE OR TEN MINUTES
7 WITH A CAR?

8 A. YES, SIR.

9 Q. WHEN HE COMES BACK, WHAT KIND OF CAR HAS
10 HE GOT?

11 A. IT WAS A BIG GRAY RUST -- BROWNISH
12 RUST-LOOKING CAR. I COULDN'T TELL YOU EXACTLY WHAT
13 KIND OF CAR IT WAS.

14 Q. IS THIS THE DAYTIME OR NIGHTTIME?

15 A. NIGHTTIME.

16 Q. ALL RIGHT. AND HE COMES BACK. WHEN HE
17 COMES BACK WITH THE CAR, IS THERE ANYBODY IN THE CAR
18 WITH HIM?

19 A. YES, SIR.

20 Q. WHO IS IN THE CAR WITH HIM WHEN HE COMES
21 BACK?

22 A. LEROY.

23 Q. LEROY WHO?

24 A. STATON.

25 Q. LEROY STATON IN THE CAR. WHO ELSE?

1 A. ALFONZO.

2 Q. ALFONZO IN THE CAR. WHO ELSE?

3 A. THAT WAS ALL.

4 Q. ALL RIGHT. SO WHEN HE COMES BACK, HE'S
5 GOT LEROY AND ALFONZO IN THE CAR WITH HIM. RIGHT?

6 A. YES, SIR.

7 Q. AND YOU, STUCKEY AND RANSOM ARE AT THE
8 HOUSE?

9 A. YES, SIR.

10 Q. DO Y'ALL GET IN THE CAR TOO?

11 A. YES, SIR.

12 Q. ALL RIGHT. SO NOW YOU, STUCKEY, RANSOM,
13 RINGO, STATON, ALFONZO AND LEROY ARE IN THE CAR?

14 A. YEAH.

15 Q. WHERE DO Y'ALL GO?

16 A. WE WERE SUPPOSED TO BE GOING TO GET
17 SOMETHING TO DRINK, BUT WE DIDN'T. THEY WENT TO
18 THE -- TO ANOTHER SHACK.

19 Q. ALL RIGHT. SO Y'ALL WERE SUPPOSED TO BE
20 GOING TO GET SOMETHING TO DRINK AND YOU END UP GOING
21 TO ANOTHER SHACK?

22 A. YES, SIR.

23 Q. ALL RIGHT. AND IS THIS AT NIGHTTIME?

24 A. YES.

25 Q. AND WHERE ARE YOU, IN THE FRONT OR THE

1 BACK?

2 A. IN THE BACK.

3 Q. ALL RIGHT. TELL ME HOW Y'ALL WERE SEATED
4 IN THE CAR WHEN YOU LEAVE RANSOM'S HOUSE THINKING YOU
5 WERE GOING TO GET SOME MORE LIQUOR.

6 A. BOBBY RANSOM AND ME AND ALFONZO AND LEROY
7 IN THE BACK. RICKY AND RINGO IN THE FRONT.

8 Q. OKAY. SO NOW DO Y'ALL GO AND GET SOME
9 LIQUOR?

10 A. NO, SIR.

11 Q. WELL, WHERE DO YOU GO?

12 A. TO ANOTHER ABANDONED HOUSE.

13 Q. TO ANOTHER ABANDONED HOUSE. AND WHAT
14 HAPPENS WHEN YOU GET TO THIS ABANDONED HOUSE?

15 A. WE PULL UP THERE AND SEEN MARK AND JEFF
16 STANDING OUT THERE BESIDE THE HOUSE.

17 Q. I'M SORRY. WHEN YOU PULLED UP, YOU SAW
18 WHO?

19 A. MARTIN.

20 Q. MARTIN?

21 A. YES, SIR.

22 Q. MARTIN MCINTOSH, RIGHT HERE?

23 A. YES, SIR.

24 Q. THIS FELLOW YOU SAW STANDING THERE?

25 A. YES, SIR.

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1 COOKOUT.

2 Q. OKAY. THAT HAPPENED ONE DAY. AND HOW
3 LONG FROM THE HOUSE TO THE SECOND HOUSE?

4 A. THE NEXT NIGHT.

5 Q. ALL RIGHT. SO TWO DAYS HAS GONE BY NOW?

6 A. YES, SIR.

7 Q. ALL RIGHT. WHAT HAPPENS NOW?

8 A. THEY THROW HER IN THE CAR, IN THE BACK.

9 Q. ALL RIGHT. WHEN THEY PUT HER IN THE CAR,
10 WHEN THEY PUT HER IN THE CAR, TELL US WHAT HER
11 CONDITION WAS AT THAT TIME. WAS SHE TAPED OR

12 UNTAPED?

13 A. SHE WAS TAPED UP.

14 Q. HOW WAS SHE TAPED?

15 A. HER HAND BEHIND HER BACK AND HER ANKLES
16 TOGETHER AND JUST ABOUT HER WHOLE HEAD WAS TAPED UP.

17 Q. ALL RIGHT. WAS MORE OF HER HEAD TAPED UP
18 THAN THERE WAS BEFORE WHEN YOU FIRST SAW HER?

19 A. YES, SIR.

20 Q. ALL RIGHT. NOW, WHO BRINGS HER TO THE
21 CAR? HOW DOES SHE GET TO THE CAR?

22 A. THEY TOTE HER TO THE CAR.

23 Q. THEY, WHO?

24 A. RINGO AND RICK.

25 Q. RINGO AND RICKY STUCKEY TOTE HER TO THE

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1 Q. RICKY STUCKEY?

2 A. MARTIN.

3 Q. MARTIN MCINTOSH?

4 A. AND RINGO.

5 Q. AND RINGO PEARSON ARE IN THE FRONT. WHERE
6 DO Y'ALL GO AT?

7 A. TO BURNT FACTORY.

8 Q. WHY?

9 A. THAT'S WHERE THEY WENT AND THREWED --
10 THREWED THE GIRL OVER INTO THE WATER.

11 Q. SO THEY DRIVE HER DOWN TO BURNT FACTORY
12 ROAD AND THEY THROW HER OVER IN THE WATER. IS THAT
13 RIGHT?

14 A. YES, SIR.

15 Q. WHOSE DECISION WAS IT TO THROW HER OVER
16 INTO THE WATER?

17 A. I DO NOT KNOW THAT, SIR.

18 Q. WHEN Y'ALL WERE RIDING IN THE CAR, GOING
19 DOWN THERE, WAS THERE ANY DISCUSSION ABOUT WHAT YOU
20 WERE GOING TO DO WITH HER?

21 A. NO, SIR.

22 Q. WHEN THEY BRING THE GIRL OUT, TAPED UP, IS
23 ANYTHING SAID ABOUT HER?

24 A. NO, SIR.

25 Q. NOBODY SAYS ANYTHING ABOUT HER?

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A. WHEN THEY GOT IN THE CAR, SHE -- SHE FELL
OVER ON ROBERT RANSOM.

3 Q. ALL RIGHT.

4 A. AND ROBERT ASKED ME TO PULL HER UP OFF OF
5 HIM. WHEN I WENT TO PULL HER UP OFF OF HIM, RICK
6 STUCKEY TURNED AROUND AND LOOKED AT BOBBY AND SAID,
7 "BOBBY, YOU DON'T HAVE TO WORRY ABOUT HER BOTHERING
8 YOU BECAUSE SHE'S ALREADY DEAD."

9 Q. THAT'S WHAT MR. STUCKEY SAID?

10 A. YES, SIR.

11 Q. TELL ME, ONCE YOU GOT TO THE RIVER, WHO
12 THREW HER IN THE WATER?

13 A. I DID NOT SEE, SIR.

14 Q. ALL RIGHT. TELL ME WHAT HAPPENED DOWN AT
15 THE RIVER. ONCE Y'ALL GOT DOWN THERE, WHAT HAPPENED?

16 A. I JUST HEARD THIS BIG SPLASH AND BOBBY
17 ASKED ME TO HELP HIM OUT OF THE CAR.

18 Q. OKAY. NOW, BOBBY IS CRIPPLED; IS THAT
19 RIGHT?

20 A. YES, SIR.

21 Q. ALL RIGHT. GO AHEAD.

22 A. I HELPED HIM GET OUT OF THE CAR AND HE
23 ASKED SOMEBODY TO HELP HIM DOWN THERE TO THE EDGE OF
24 THE WATER.

25 Q. ALL RIGHT. AND DID SOMEBODY HELP HIM DOWN

1 TO THE EDGE OF THE WATER?

2 A. YES, SIR.

3 Q. AND WHY WAS HE GOING DOWN TO THE EDGE OF
4 THE WATER, IF YOU KNOW? IF YOU DON'T KNOW, JUST SAY
5 I DON'T KNOW.

6 A. I DON'T KNOW.

7 Q. OKAY. SOMEBODY HELPED HIM DOWN TO THE END
8 OF THE WATER?

9 A. YES, SIR.

10 Q. WHAT DID HE DO DOWN THERE AT THE EDGE OF
11 THE WATER?

12 A. HE WENT IN THE WATER.

13 Q. WHAT DID HE DO IN THE WATER?

14 A. TRIED TO GET TO WHERE SHE WAS AT AND PULL
15 HER OUT, BUT SHE WAS HUNG AND HE COULDN'T GET HER
16 LOOSE.

17 Q. ALL RIGHT. DID MR. STUCKEY TRY TO GET IN
18 THE WATER TO GET HER OUT?

19 A. I DIDN'T UNDERSTAND YOU.

20 Q. RICKY STUCKEY, DID HE EVER GET IN THAT
21 WATER TO TRY TO GET HER OUT OF THERE?

22 A. NO, SIR.

23 Q. WHAT ABOUT 'OL MARTIN MCINTOSH OVER HERE?
24 DID HE GET IN THAT WATER TO TRY TO GET HER OUT?

25 A. NO, SIR.

1 Q. DID JEFF WALLS? DID HE TRY TO GET HER
2 OUT?

3 A. NO, SIR.

4 Q. MR. STATON, DID HE TRY TO GET HER OUT;
5 LEROY?

6 A. NO, SIR.

7 Q. ALFONZO?

8 A. NO, SIR.

9 Q. RINGO DIDN'T TRY TO GET HER OUT EITHER,
10 DID HE?

11 A. NO, SIR.

12 Q. DID SHE EVER SAY ANYTHING WHEN SHE WAS IN
13 THE CAR?

14 A. NO, SIR.

15 Q. AFTER YOU HELPED ROBERT RANSOM DOWN INTO
16 THE WATER -- OR AFTER HE GOT DOWN INTO THE WATER;
17 SOMEBODY HELPED HIM DOWN THERE -- AND HE COULDN'T GET
18 HER, WHAT DID Y'ALL DO?

19 A. THEY BROUGHT HIM BACK UP, GOT IN THE CAR
20 AND WE LEFT.

21 Q. OKAY. EVERYBODY WHO HAD COME EXCEPT THE
22 GIRL?

23 A. YES, SIR.

24 Q. EVERYBODY LEFT IN THE CAR GOING BACK HOME
25 EXCEPT FOR THE GIRL?

DANNY DAVIS - DIRECT BY MR. DAVIS

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1 A. YES, SIR.

2 Q. DARLENE PATTERSON?

3 A. YES, SIR.

4 Q. NOW, ON THE WAY BACK, DID Y'ALL HAVE ANY
5 CONVERSATION?

6 A. NO, SIR. JUST HEARD SOME OF THEM SAYING
7 IF THEY HEARD OF ANY -- IF THIS GOT OUT OR HEARD
8 ANYTHING ABOUT THIS --

9 MR. ERVIN: YOUR HONOR.

10 MR. WILSON: HOLD ON JUST A MINUTE. HOLD
11 ON JUST A MINUTE.

12 MR. ERVIN: YOUR HONOR.

13 THE COURT: YES, SIR.

14 MR. ERVIN: I OBJECT. HE HAS JUST
15 TESTIFIED I HEARD SOME OF THEM SAY. IF HE DOESN'T
16 KNOW WHO SAID IT, HE SHOULDN'T --

17 MR. WILSON: NO, SIR. HE IS TESTIFYING
18 ABOUT WHAT WAS SAID IN THE CAR BETWEEN HIS
19 CO-DEFENDANTS.

20 THE COURT: I'LL PERMIT THE QUESTION. GO
21 AHEAD AND ANSWER.

22 BY MR. WILSON:

23 Q. MY QUESTION TO YOU IS SIMPLY THIS. WHAT
24 WAS SAID BY THESE GENTLEMEN SITTING OVER HERE? WHAT
25 WAS SAID BY THESE GENTLEMEN --

1 MR. LAWSON: OBJECTION, YOUR HONOR.

2 THE COURT: WAIT A MINUTE. OBJECT. GO
3 AHEAD. THE QUESTION IS PERMISSIBLE. I'M GOING TO
4 LET HIM ANSWER. GO AHEAD. YOUR OBJECTION IS NOTED
5 FOR THE RECORD. GO AHEAD.

6 BY MR. WILSON:

7 Q. WHAT WAS SAID BY THESE FELLOWS IN THAT CAR
8 ON THE WAY BACK AFTER THEY DUMPED THAT BODY IN THE
9 RIVER? WHAT WAS SAID?

10 A. SAID THAT IF THEY FOUND OUT ANYTHING ABOUT
11 THIS, THE SAME THING WOULD HAPPEN TO US.

12 Q. IF IT WAS FOUND OUT, THE SAME THING WOULD
13 HAPPEN. AND WHEN LAW ENFORCEMENT CAME TO YOU THE
14 FIRST TIME, DID YOU TELL THEM WHAT HAD HAPPENED?

15 A. SIR, I GIVE THEM A STATEMENT, BUT THE
16 STATEMENT -- THE FIRST STATEMENT I GIVE THEM WAS
17 LIES. I WAS SCARED AND I LIED TO THEM ON THAT FIRST
18 STATEMENT. BUT WHAT I AM TELLING Y'ALL NOW IS THE
19 TRUTH.

20 Q. OKAY. LET ME SHOW YOU THIS, DANNY. TAKE
21 A LOOK AT THAT FOR ME, IF YOU WOULD. LOOK AT THE
22 BOTTOM AND TELL ME IF THAT'S YOUR SIGNATURE DOWN
23 THERE.

24 A. YES.

25 Q. AND THE DATE ON THAT IS WHAT?

1 A. 25TH OF JANUARY, '95.

2 Q. ALL RIGHT. AND IS THAT A STATEMENT THAT
3 YOU GAVE TO THE POLICE AT THAT TIME?

4 A. YES, SIR.

5 MR. WILSON: ALL RIGHT. YOUR HONOR, I
6 WOULD ASK FOR THIS TO BE MARKED FOR IDENTIFICATION
7 ONLY AT THIS TIME.

8 (PLAINTIFF'S EXHIBIT NUMBER 24
9 MARKED FOR IDENTIFICATION.)

10 BY MR. WILSON:

11 Q. I'LL ASK YOU IF YOU RECOGNIZE THE
12 SIGNATURE AT THE BOTTOM.

13 A. YES, SIR. THAT'S MY SIGNATURE.

14 Q. AND WHAT IS THE DATE OF THAT, DANNY?

15 A. 3/2/95.

16 Q. 3/2/95. SO THAT'S MARCH 2ND OF '95; IS
17 THAT RIGHT?

18 A. YES, SIR.

19 Q. WHEN YOU GAVE THAT STATEMENT?

20 A. YES, SIR.

21 Q. IS THAT CORRECT?

22 A. YES, SIR.

23 MR. WILSON: YOUR HONOR, I WOULD ASK THAT
24 THIS BE MARKED ALSO FOR IDENTIFICATION PURPOSES ONLY.

25 THE COURT: SO ORDERED.

3 BY MR. WILSON:

6 A. YES, SIR. THAT'S MY SIGNATURE.

9 | A. YES, SIR.

12 (PLAINTIFF'S EXHIBIT NUMBER 26

13 MARKED FOR IDENTIFICATION.)

14 BY MR. WILSON:

17 A. YES, SIR.

18 Q. TAKE A LOOK AT THAT AND TELL ME IF THAT'S
19 A COPY OF YOUR RECORDED STATEMENT THAT YOU GAVE BACK
20 TO THE POLICE ON MARCH 10, 1995. AND LET ME SEE THE
21 NUMBER OF PAGES. I'M SORRY. WHICH IS --

22 MR. PADGETT: EIGHT PAGES.

23 THE WITNESS: (WITNESS REVIEWS DOCUMENT.)

24 | YES, SIR.

25 MR. WILSON: ALL RIGHT. I WOULD ALSO ASK

1 THAT THIS BE MARKED AS STATE'S EXHIBIT FOR
2 IDENTIFICATION PURPOSES ONLY.

3 (STATE'S EXHIBIT NUMBER 27
4 MARKED FOR IDENTIFICATION.)

5 BY MR. WILSON:

6 Q. DANNY, LET ME ASK YOU IF AT SOME POINT IN
7 TIME -- DO YOU KNOW MR. GEORGE STEEN?

8 A. YES, SIR.

9 Q. ALL RIGHT. AND DID YOU WORK FOR MR. STEEN
10 AT SOME POINT IN TIME?

11 A. YES, SIR.

12 Q. ALL RIGHT. AND WHAT KIND OF WORK DID YOU
13 DO FOR MR. STEEN?

14 A. CARPENTRY.

15 Q. CARPENTRY? ALL RIGHT. AND DID HE GET YOU
16 TO GO TO WORK AT AN OLD HOUSE THAT HE OWNED, STATE'S
17 EXHIBIT 27 MARKED FOR IDENTIFICATION?

18 A. YES, SIR.

19 Q. AND DID YOU FIND SOME THINGS THERE WHILE
20 YOU WERE THERE AT THAT OLD HOUSE?

21 A. YES, SIR.

22 Q. WHAT DID YOU FIND THERE?

23 A. AN EARRING AND PAIR OF EYEGLASSES.

24 Q. ALL RIGHT. LET ME SHOW YOU THIS. TAKE A
25 LOOK AT THAT FOR ME. TELL ME IF THAT LOOKED LIKE THE

2 A. YES, SIR.

4 A. I HANDED THEM TO J.B. STEEN, GEORGE'S
5 DADDY, AND TOLD HIM HE COULD HAVE THEM. HE TOOK THEM
6 AND TRIED THEM ON AND SAID HE DIDN'T WANT THEM, I
7 COULD HAVE THEM. I TOLD HIM I DIDN'T WANT THEM. I
8 PUT THEM ON THE BANISTER OF THE PORCH. AND THEN AS I
9 WAS CLEANING UP, I TOOK THEM FROM THE BANISTER OF THE
0 PORCH AND PUT THEM ON AN OLD LOG OUTSIDE.

13 A. IT WAS A SNAIL-LIKE EARRING, THE SHAPE OF
14 A SNAIL, CIRCLES.

16 A. I SWEEPED IT UP AND PUT ALL OF THE STUFF IN
17 A PILE. AND THEN AFTER WE GOT THE PILE, WE CARRIED
18 IT OUT AND PUT IT ON A FIRE AND BURNED IT.

20 | A. YES, SIR.

23 | A. YES, SIR.

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1 A. YES, SIR.

2 Q. WAS AN EARRING LIKE THIS THAT YOU SAW,
3 WHICH IS STATE'S EXHIBIT NUMBER 9 --

4 A. THAT'S THE WAY HE HAD IT -- HAD IT DRAWED
5 OUT ON A PIECE OF PAPER, MR. FOLEY DID. HE SAID IT
6 WAS ROUND.

7 Q. I'M TALKING ABOUT THE ONE THAT YOU SAW,
8 THE ONE THAT YOU SAY YOU SAW, IS THAT HOW IT LOOKED?

9 A. NO, SIR, IT'S NOT.

10 Q. HOW DOES THE ONE THAT YOU SAW LOOKED?

11 A. IT WAS SHAPED JUST LIKE THIS ONE, BUT IT
12 LOOKED LIKE IT WAS SOLID.

13 Q. LOOKED LIKE IT WAS SOLID?

14 A. YES, SIR.

15 Q. BUT YOU TOLD THE POLICE ABOUT IT?

16 A. YES, SIR.

17 Q. ALL RIGHT. DID SHERIFF FOLEY -- IS
18 SHERIFF FOLEY THE PERSON THAT TALKED TO YOU ABOUT THE
19 EARRING?

20 A. YES, SIR.

21 Q. ALL RIGHT. AND DID HE COME BACK THERE
22 WHILE YOU WERE THERE?

23 A. YES, SIR.

24 Q. DID HE LOOK FOR IT IN YOUR PRESENCE?

25 A. NO, SIR. HE JUST KIND OF DRAWED IT OUT ON

1 A PIECE OF PAPER AND SHOWED IT TO ME ON A PIECE OF
2 PAPER AND ASKED ME HAD I SEEN IT, AND I TOLD HIM YES,
3 SIR, THAT I DID RECOGNIZE IT -- SEEING IT.

4 Q. ALL RIGHT. SO HE DREW A -- HE DREW A
5 DIAGRAM ON A PIECE OF PAPER AND ASKED YOU HAD YOU
6 SEEN AN EARRING LIKE THAT?

7 A. YES, SIR.

8 Q. AND YOU TOLD HIM THAT YOU HAD?

9 A. YES, SIR.

10 MR. WILSON: ALL RIGHT. YOUR HONOR, IF I
11 COULD JUST HAVE ONE SECOND, PLEASE. THANK YOU SO
12 MUCH. ANSWER ANY QUESTIONS THESE GENTLEMEN HAVE FOR
13 YOU.

14 THE COURT: ALL RIGHT. SOLICITOR, GIVEN
15 THE LATENESS OF THE HOUR AND THE FACT THAT THE JURY
16 HAS BEEN HERE ALL DAY, I WOULD PROPOSE TO RECESS FOR
17 THE EVENING AND LET YOU CROSS-EXAMINE -- YOUR
18 CROSS-EXAMINATION BEGIN IN THE MORNING. DO YOU WANT
19 TO LET THE -- LET THE JURY GO TO THE JURY ROOM JUST A
20 MOMENT FIRST?

21 MR. ERVIN: YES, SIR.

22 THE COURT: TO DISCUSS AN ISSUE? LET YOU
23 GO TO YOUR JURY ROOM JUST A MOMENT.

24 (WHEREUPON, THE JURY WAS REMOVED
25 FROM THE COURTROOM AND THE

1 FOLLOWING PROCEEDINGS COMMENCED
2 IN OPEN COURT.)

3 THE COURT: WHAT IS IT, MR. ERVIN?

4 MR. ERVIN: YOUR HONOR, NORMALLY, IN A
5 CASE OF THIS NATURE OR REALLY IN A CIVIL CASE TOO, IF
6 A WITNESS' TESTIMONY IS INTERRUPTED DUE TO A BREAK OR
7 WHATEVER AND THEY ARE STILL UNDER OATH AND AVAILABLE
8 FOR CROSS-EXAMINING, THEY HAVEN'T BEEN
9 CROSS-EXAMINED, THEY ARE NOT TO SPEAK TO ANYONE,
10 INCLUDING THEIR OWN LAWYER. BECAUSE OF THE NATURE OF
11 THIS CASE, THE FACT THAT HE'S GIVEN I DON'T KNOW HOW
12 MANY STATEMENTS --

13 THE COURT: WHAT ARE YOU SAYING TO ME?

14 MR. ERVIN: I'M GOING TO GET TO IT.

15 THE COURT: I THOUGHT YOU WANTED TO QUIT
16 FOR THE EVENING.

17 MR. ERVIN: I DO.

18 THE COURT: GET IT TO THE JURY.

19 MR. ERVIN: I WOULD LIKE TO GIVE SOME
20 BACKGROUND FIRST. THIS JURY HAS BEEN HERE -- I DON'T
21 WANT HIM TO TALK TO ANYBODY.

22 THE COURT: I'M GOING TO INSTRUCT --

23 MR. ERVIN: I MEAN, SOLITARY, INCLUDING
24 THE POLICE.

25 THE COURT: I'LL GIVE HIM THE APPROPRIATE

1 INSTRUCTION. NOW, WHAT ELSE?

2 MR. ERVIN: AND BY THAT, I MEAN DENIED
3 ACCESS TO ANYONE, INCLUDING THE SOLICITOR'S OFFICE.

4 THE COURT: HAD YOU RATHER ME SEND THE
5 JURY OUT FOR DINNER AND YOU CROSS-EXAMINE HIM
6 TONIGHT?

7 MR. ERVIN: IT DOESN'T MATTER TO ME,
8 JUDGE, BUT MY CONCERN IS SIMPLY THAT YOU TAKE THE
9 NECESSARY SAFEGUARDS TO MAKE SURE NOBODY HAS ACCESS
10 TO HIM.

11 MR. WILSON: I WANT TO CROSS-EXAMINE
12 TONIGHT SO THEY DON'T HAVE AS MUCH TIME TO GET READY.

13 MR. LAWSON: I'M READY.

14 THE COURT: I THOUGHT I SAW YOU SIGNAL A
15 FEW MINUTES AGO.

16 MR. ERVIN: I MEANT I HAD TO GO TO THE
17 BATHROOM, NOT THAT I NEEDED TO QUIT.

18 THE COURT: I'M GOING TO LET YOU GO IN
19 JUST A MINUTE. ALL RIGHT. MR. WITNESS, LISTEN TO
20 ME. IN THE MORNING WHEN YOU RETURN, EACH OF THESE
21 ATTORNEYS FOR THESE VARIOUS DEFENDANTS WILL HAVE THE
22 RIGHT TO CROSS-EXAMINE YOU. YOU UNDERSTAND THAT.

23 THE WITNESS: YES, SIR.

24 THE COURT: TONIGHT, I WANT NO ONE TO
25 DISCUSS YOUR TESTIMONY WITH YOU AND I DON'T WANT YOU

1 TO DISCUSS IT WITH ANYBODY. DO YOU UNDERSTAND THAT?

2 THE WITNESS: YES, SIR.

3 THE COURT: IF ANYBODY INCLUDING LAWYERS
4 OR THE SOLICITOR'S OFFICE OR OFFICERS OF THE LAW
5 WOULD ATTEMPT TO DISCUSS THIS CASE WITH YOU, YOU STOP
6 THEM AND TELL THEM THAT JUDGE COTTINGHAM HAS SAID YOU
7 MUST NOT DISCUSS THIS CASE WITH ANYONE. DO YOU
8 UNDERSTAND THAT?

9 THE WITNESS: YES, SIR.

10 THE COURT: IF ANYONE, I DON'T CARE WHO IT
11 IS, SHOULD ATTEMPT TO DISCUSS YOUR TESTIMONY WITH
12 YOU, I WANT YOU TO PROMISE ME THAT YOU WILL REPORT
13 THAT FACT TO ME FIRST THING IN THE MORNING.

14 THE WITNESS: YES, SIR.

15 THE COURT: CAN YOU DO THAT FOR ME?

16 THE WITNESS: YES, SIR.

17 THE COURT: DO YOU UNDERSTAND WHAT I'M
18 SAYING?

19 THE WITNESS: YES, SIR.

20 THE COURT: DOES THAT SUFFICE FOR YOU.

21 MR. ERVIN: YES, SIR. WITH ONE OTHER
22 ADDITION TO THAT. ALL WEEK LONG HE'S BEEN HELD IN
23 THE PUBLIC DEFENDER'S OFFICE WITH BOBBY RANSOM. AND
24 I DON'T WANT THAT TO BE THE CASE TOMORROW MORNING
25 EITHER. I DON'T KNOW WHERE THEY'VE GOT TO KEEP HIM.

1 THEY CAN JUST BRING HIM UP HERE DIRECTLY FOR HIS
2 TESTIMONY, BUT HE DOESN'T NEED TO --

3 THE SHERIFF: THEY WILL BE SEPARATED.

4 THE COURT: THE SHERIFF SAID THEY WILL BE
5 SEPARATED. I ASSUME, GIVEN THE HOUR, IT SUITS YOU
6 ATTORNEYS FOR THE DEFENSE TO BEGIN CROSS-EXAMINATION
7 IN THE MORNING. IS THAT CORRECT? DO YOU WANT TO
8 STAY HERE AND EXAMINE TONIGHT OR DO YOU PREFER TO
9 CROSS-EXAMINE IN THE MORNING?

10 MR. PADGETT: I'LL LEAVE THAT UP TO THE
11 JURY.

12 THE COURT: ALL RIGHT. BRING THE JURY IN,
13 PLEASE.

14 (WHEREUPON, THE JURY WAS RETURNED
15 TO THE COURTROOM AND THE FOLLOWING
16 PROCEEDINGS WERE COMMENCED IN
17 OPEN COURT.)

18 THE COURT: MADAM FOREMAN, LADIES AND
19 GENTLEMEN OF THE JURY, YOU'VE CERTAINLY HAD MORE THAN
20 A FULL DAY TODAY, AND IT IS FOR THAT REASON --
21 ORDINARILY, THE DEFENSE NOW, UNDER OUR SYSTEM, WOULD
22 HAVE THE RIGHT TO CROSS-EXAMINE THIS WITNESS. THE
23 STATE HAS CONCLUDED WITH ITS EXAMINATION, SO WE'RE
24 GOING TO RETIRE FOR THE EVENING, AND WHEN WE RETURN
25 AT 10:00 IN THE MORNING, WE WILL BEGIN THE

1 CROSS-EXAMINATION BY THE ATTORNEYS FOR EACH OF THE
2 DEFENDANTS. IT'S OBVIOUSLY 20 MINUTES UNTIL 7 AND WE
3 WOULD NOT WANT TO GET INTO THAT AT THIS LATE HOUR.
4 SO I'M GOING TO EXCUSE YOU NOW.

5 REMEMBER, PLEASE, DO NOT DISCUSS THIS CASE WITH
6 ANYONE. PERMIT NO ONE TO DISCUSS IT WITH YOU. IT IS
7 IMPERMISSIBLE EVEN TO DISCUSS IT AMONG YOURSELVES.
8 AND PLEASE ADHERE TO THAT ADMONISHMENT. I LOOK
9 FORWARD TO SEEING Y'ALL -- WE'LL START PROMPTLY AT
10 10:00 IN THE MORNING -- OKAY.

11 THE CLERK SAYS PLEASE BE HERE HOPEFULLY AROUND
12 9:30 BECAUSE HE'S GOING TO HAVE SOME REFRESHMENTS FOR
13 YOU, SO WE CAN START AT 10:00. SO TRY TO BE AROUND
14 HERE AROUND 9:30. WE WANT TO GET STARTED RIGHT AT
15 10:00. HAVE A GOOD EVENING.

16 (WHEREUPON, THE JURY WAS REMOVED
17 FROM THE COURTROOM AND THE
18 FOLLOWING PROCEEDINGS COMMENCED
19 IN OPEN COURT.)

20 (WHEREUPON, THE FOREGOING
21 PROCEEDINGS WERE ADJOURNED FOR
22 THE EVENING.)

23 (END OF VOLUME 5.)
24
25

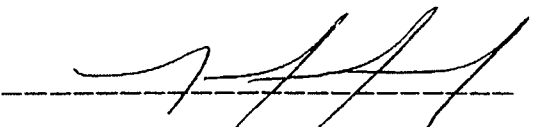
1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA4 COUNTY OF FLORENCE
5

6 I, MARK W. HAGOOD, RPR, REGISTERED
7 PROFESSIONAL REPORTER AND NOTARY PUBLIC FOR THE STATE
8 OF SOUTH CAROLINA, FOURTH JUDICIAL CIRCUIT, DO HEREBY
9 CERTIFY THAT THE FOREGOING PROCEEDINGS IS A
10 STENOGRAPHIC REPORT AND WAS TRANSCRIBED THROUGH
11 COMPUTER-AIDED TRANSCRIPTION; THAT THE FOREGOING
12 TRANSCRIPT CONTAINS A TRUE RECORD OF THE
13 PROCEEDINGS.

14 I FURTHER CERTIFY THAT I AM NEITHER
15 ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED
16 BY ANY OF THE PARTIES CONNECTED TO THE ACTION, NOR AM
17 I FINANCIALLY INTERESTED IN THE ACTION.

18 WITNESS MY HAND AT FLORENCE, SOUTH
19 CAROLINA, THIS 14TH DAY OF FEBRUARY, 1998.

20
21 
22 MARK W. HAGOOD, RPR
23
24
25

STATE OF SOUTH CAROLINA
COUNTY OF MARLBORO

IN GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA

V.

96-GS-34-982

LEROY STATON, ET AL.

VOLUME SIX

THE TRIAL PROCEEDINGS HAD
IN THE ABOVE-STYLED CAUSE

MARCH 10, 1997 - MARCH 19, 1997
BENNETTSVILLE, SOUTH CAROLINA

BEFORE: HONORABLE EDWARD B. COTTINGHAM,
CIRCUIT COURT JUDGE

A P P E A R A N C E S

FOR THE STATE: RALPH J. WILSON, SOLICITOR
15TH CIRCUIT

FOR THE DEFENDANT: MILTON M. MOORE, JR., ESQUIRE
LEROY STATON

FOR THE DEFENDANT: JOHN M. ERVIN, III, ESQUIRE
MARTIN MCINTOSH

FOR THE DEFENDANT: MAHLON E. PADGETT, IV, ESQUIRE
RICKY STUCKEY JAMES ROGERS, ESQUIRE

FOR THE DEFENDANT: K. EDWARD REDMOND, ESQUIRE
JEFFREY WALLS

FOR THE DEFENDANT: WILLIAM A. ROGERS, ESQUIRE
ALFONZO STATON

FOR THE DEFENDANT: JACK W. LAWSON, JR., ESQUIRE
ROBERT GRAHAM

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1 THE COURT: GOOD MORNING. ALL RIGHT.
2 SOLICITOR WILSON, GOOD MORNING TO YOU AND YOUR STAFF.
3 IS THERE ANYTHING FROM THE STATE PRIOR TO BEGINNING
4 OF CROSS-EXAMINATION?

5 MR. WILSON: NO, SIR, EXCEPT THE
6 DEFENDANTS AREN'T HERE YET.

7 THE COURT: NO, SIR. LET'S GET THEM IN
8 HERE. I THOUGHT -- GET THEM IN HERE.

9 MR. WILSON: YOUR HONOR --

10 MR. MOORE: YOUR HONOR.

11 THE COURT: WAIT A MINUTE. ONE AT A TIME.
12 YES, SIR.

13 MR. WILSON: YOUR HONOR, I DO HAVE A
14 MATTER I NEED TO TAKE UP WHEN EVERYBODY IS HERE.

15 MR. MOORE: WE'RE MISSING ONE.

16 THE COURT: MISSING WHO?

17 MR. MOORE: MR. REDMOND.

18 MR. ERVIN: KERNARD REDMOND.

19 THE COURT: I THOUGHT I WAS TOLD BY
20 SOMEBODY THAT EVERYBODY WAS HERE. HAS ANYBODY SEEN
21 MR. REDMOND THIS MORNING?

22 MR. WILSON: NOT THIS MORNING, YOUR HONOR.

23 MR. ROGERS: NO, SIR. HE'S STAYING AT THE
24 SAME HOTEL I AM. I SAW HIS TRUCK WHEN I LEFT. I
25 THOUGHT HE WAS BEHIND ME. SOMEBODY MAY CALL THE

1 MOTEL ROOM.

2 THE COURT: I'M SURE IT'S INADVERTENCE ON
3 HIS PART.

4 MR. ROGERS: YES, SIR.

5 THE COURT: WOULD YOU TELL HIM WE'RE
6 WAITING ON HIM, PLEASE? SOMEBODY FIND HIM, PLEASE.

7 ALL RIGHT. GENTLEMEN, WE'LL HAVE TO BE AT EASE
8 JUST A FEW MOMENTS UNTIL WE GET MR. REDMOND.

9 (WHEREUPON, A BREAK WAS TAKEN
10 FROM THE PROCEEDINGS.)

11 THE COURT: OKAY. GOOD MORNING. DID YOU
12 SLEEP LATE THIS MORNING? ALL RIGHT. SOLICITOR, I
13 UNDERSTAND YOU HAD SOMETHING FOR THE RECORD?

14 MR. WILSON: YES, SIR. YOUR HONOR,
15 YESTERDAY, AND THROUGHOUT THE COURSE OF THIS TRIAL, I
16 HAVE BEEN VERY CONCERNED ABOUT THE SECURITY WITH
17 THESE PRISONERS AND SECURITY FOR MYSELF AND FOR MY
18 STAFF. THERE HAS BEEN TOO MUCH INTERACTION BETWEEN
19 THESE DEFENDANTS AND THE AUDIENCE WHERE THEY HAVE
20 BEEN COMING UP AND HUGGING AND TOUCHING AND HAVING
21 CONTACT. I DON'T KNOW THAT THEY ARE PASSING ANYTHING
22 OR NOT AND I AM CONCERNED ABOUT IT. YESTERDAY, I
23 KNOW THAT THERE WAS ONE GENTLEMAN WHO WAS COMING UP
24 HERE WHEN I WAS STANDING HERE AND HE WAS COMING UP TO
25 ONE OF THESE FELLOWS TO TALK TO THEM, BUT ANYWAY HE

1 WAS VERY IRATE, I ASSUME WITH ME. AND WHAT I'M
2 SAYING IS --

3 THE COURT: IS THAT GENTLEMAN IN THE
4 COURTROOM NOW?

5 MR. WILSON: A TALL, SLENDER FELLOW. HE
6 WAS SITTING RIGHT OVER HERE. I DON'T KNOW WHERE HE
7 IS THIS MORNING. I HAVEN'T SEEN HIM THIS MORNING.
8 BUT MY CONCERN IS NOT SO MUCH FOR THAT ONE INCIDENT
9 AS IT IS THE CONTACT BETWEEN THESE DEFENDANTS AND THE
10 AUDIENCE. THAT SHOULD NOT BE HAPPENING.

11 THE COURT: I THOUGHT I ADMONISHED THEM
12 YESTERDAY ONE TIME, DIDN'T I?

13 MR. WILSON: YES, SIR. AND I'M JUST REAL
14 CONCERNED ABOUT IT.

15 THE COURT: I CAN TAKE CARE OF IT AT THIS
16 MOMENT. OFFICERS, I DIRECT THAT NO FURTHER CONTACT
17 BE MADE BY ANYBODY IN THIS AUDIENCE WITH THESE
18 DEFENDANTS WHILE COURT IS IN SESSION OR OUT OF
19 SESSION. AND I MEAN NO CONTACT WHILE IN THE CONFINES
20 OF THIS COURTROOM. VISITING HOURS ARE APPROPRIATE AT
21 THE DETENTION CENTER. NOT HERE. SO I WANT EVERYBODY
22 TO UNDERSTAND, NOW, IF I FIND OUT OR I SEE OR IT
23 COMES TO MY ATTENTION THAT ANYBODY IN THIS AUDIENCE
24 DURING THE TRIAL OF THIS CASE HAS ATTEMPTED TO COME
25 UP AND DISCUSS ANYTHING WITH ANY DEFENDANT, I'M GOING

1 TO FIND YOU IN CONTEMPT OF COURT. AND I DO THAT FOR
2 YOUR PROTECTION AS WELL AS THE PROTECTION AND
3 CONCERNS OF EVERYBODY HERE. IT IS JUST TOTALLY
4 INAPPROPRIATE FOR YOU TO HAVE FAMILY VISITS DURING
5 THE COURSE OF THE TRIAL. I HOPE EVERYBODY
6 UNDERSTANDS THAT. NOW, IF ANYBODY WANTS VISITATION
7 AT THE DETENTION CENTER, I'LL BE GLAD TO ACCOMMODATE
8 YOU.

9 ENFORCE THAT RULE FOR ME, CHIEF, AND IF IT
10 OCCURS AGAIN IN ANY WAY, I WANT TO KNOW ABOUT IT.

11 MR. WILSON: THANK YOU, YOUR HONOR.

12 CHIEF: YES, SIR.

13 THE COURT: MR. MOORE, YOU HAD SOME
14 MOTION, I UNDERSTOOD? YOU WERE STANDING. FOR THE
15 DEFENSE, ANYBODY HAVE ANYTHING BEFORE WE BEGIN OUR
16 CROSS-EXAMINATION?

17 MR. ERVIN: YOUR HONOR, I DON'T HAVE --
18 NO, WE'RE READY.

19 THE COURT: ALL RIGHT, SIR.

20 MR. ROGERS: YOUR HONOR, I UNDERSTOOD THAT
21 THERE WAS AN ARTICLE IN THE PAPER YESTERDAY AND WE
22 WOULD ASK THAT YOU -- EXCUSE ME, IN THE FLORENCE --
23 THIS MORNING.

24 THE COURT: THE MORNING PAPER? LET'S SEE
25 IT, PLEASE. HAVE YOU HAD A CHANCE TO READ IT?

1 MR. ROGERS: I HAVE HEARD -- I HAVEN'T
2 SEEN IT, YOUR HONOR, BUT I UNDERSTAND IT WAS SOME
3 MISREPRESENTATIONS OF THE TESTIMONY YESTERDAY AND WE
4 JUST WOULD REQUEST THAT YOU RE-POLL THE JURY.

5 MR. LAWSON: ALSO ON THE LOCAL RADIO
6 STATION, I UNDERSTAND, JUDGE.

7 THE COURT: WHAT -- THIS SEEMS TO ME TO BE
8 A RECITATION OF WHAT OCCURRED IN THE COURTROOM
9 YESTERDAY.

10 MR. ROGERS: WELL, WHAT I UNDERSTOOD THAT
11 THE ARTICLE CONTAINED WAS A REFERENCE THAT THE
12 DEFENSE ATTORNEYS INFERRED WHAT THE POLICE OFFICERS
13 TOLD MR. GRAHAM WHAT TO SAY. AND IN FACT, THAT WAS
14 NOT WHAT THE DEFENSE ATTORNEYS HAVE DONE, INFERRED
15 THAT. THAT'S WHAT THE WITNESS SAID. THE WITNESS
16 SAID THAT THE POLICE OFFICERS TOLD HIM WHAT TO SAY.
17 AND WE THINK THAT IS A MISCHARACTERIZATION OF THE
18 TESTIMONY AND WE WOULD LIKE TO FIND OUT IF THE JURY
19 READ THAT AND MAY BE CONFUSED BY THAT.

20 THE COURT: THIS SAYS ONLY THAT DEFENSE
21 ATTORNEYS IMPLIED THAT POLICE MADE UP A PORTION OF
22 HIS STATEMENT. ON THE CROSS-EXAMINATION OF MR. MOORE
23 AND OTHERS, WOULDN'T ANY REASONABLE PERSON ARRIVE AT
24 THAT IMPLICATION?

25 MR. ROGERS: I THINK IT WENT MORE THAN THE

1 IMPLICATION. HE ACTUALLY SAID THAT'S WHAT THEY HAD
2 DONE AND THAT'S THE ONLY --

3 THE COURT: NO, SIR. IT DOESN'T SAY THAT.
4 IT SAYS THE DEFENSE ATTORNEYS IMPLIED. IT NEVER SAYS
5 HE SAID THAT -- IF HE SAID IT.

6 MR. ROGERS: NO, BUT THE POINT IS THAT'S
7 WHAT THE WITNESS DID SAY. THE WITNESS SAID THEY TOLD
8 HIM WHAT TO SAY.

9 THE COURT: YES, SIR.

10 MR. ROGERS: IT WASN'T AN IMPLICATION. IT
11 WAS A FACT. THAT'S THE POINT THAT WE'RE MAKING, THAT
12 THE PAPER HAS CATEGORIZED THAT TESTIMONY AS AN
13 IMPLICATION FROM THE DEFENSE -- FROM THE DEFENSE SIDE
14 WHEN IN FACT THE WITNESS SAID --

15 THE COURT: WELL, I'LL LET THE JURY MAKE
16 THAT DECISION. I DON'T SEE THAT IT'S ANYTHING
17 PREJUDICIAL. THE ONLY THING THIS SAYS, IT DOESN'T
18 EVEN MENTION WHAT THE WITNESS -- THIS SAYS THAT
19 DEFENSE ATTORNEYS IMPLIED. NOW, THAT IMPLICATION IS
20 READILY ASSUMABLE BY THE VIGOROUS
21 CROSS-EXAMINATION --

22 MR. ROGERS: YOU UNDERSTAND WHAT I'M
23 TRYING TO SAY, THAT THE PAPER SAYS THAT THERE WAS AN
24 IMPLICATION. WHAT ACTUALLY HAPPENED WAS THE FACT.
25 THE WITNESS HIMSELF SAID THE POLICE TOLD ME WHAT TO

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Marlboro County
Thomas Russo, Circuit Court Judge

ALFONSO STATON,

PETITIONER,

V.

THE STATE,

RESPONDENT.

Appellate Case No. 2015-000460

Appendix Volume 3

Tristan M. Shaffer (SC Bar # 77565)
225 Columbia Ave.
Chapin, SC 29036
Phone: (803) 575-0384
tristan@shafferlawsc.com

Other Counsel of Record:
Johanna Valenzuela
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, South Carolina 29211
Attorney for Respondent

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1 SAY. AND IF THE JURY READS -- IF THE JURY READS
2 THIS -- THIS REPORT, THEY MAY THINK THAT THIS REPORT
3 IS CORRECT AND NOT --

4 THE COURT: LET ME HANDLE IT FIRST AND SEE
5 IF ANYBODY READ IT, BUT I CANNOT AND WOULD NOT
6 COMMENT ON THE FACT THAT THE WITNESS SAID IT. THAT'S
7 ME COMMENTING ON THE FACTS. I CAN'T SAY THAT.

8 MR. ROGERS: WILL YOU PLEASE AT LEAST POLL
9 THE JURY?

10 THE COURT: I WILL DO THAT.

11 MR. PADGETT: JUDGE --

12 MR. LAWSON: I UNDERSTAND ALSO THAT THERE
13 WAS A REPORT ON THE LOCAL RADIO STATION, AND WHAT
14 WE'RE ASKING --

15 THE COURT: WHAT WAS THE REPORT ON THE
16 RADIO STATION?

17 MR. LAWSON: THIS MORNING THERE WAS A NEWS
18 REPORT.

19 MR. HUNTER: YOU WANT ME TO TELL YOU?

20 THE COURT: YES, SIR.

21 MR. HUNTER: VIRTUALLY THE SAME THING THAT
22 WAS IN THIS ARTICLE. IF YOU CALL, I THINK YOU WILL
23 FIND THEY GOT IT FROM THE MORNING NEWS.

24 THE COURT: BRING ME THE JURY -- HOLD ON A
25 MINUTE. FIRST, WHAT IS YOUR --

1 MR. LAWSON: FIRST OF ALL, I DON'T THINK
2 THE JURY SHOULD BE READING ANYTHING WHETHER IT'S
3 PREJUDICIAL OR NOT.

4 THE COURT: I AGREE WITH THAT.

5 MR. LAWSON: THEY SHOULD GET THEIR
6 INFORMATION STRICTLY FROM THE COURT.

7 THE COURT: THEY'VE BEEN INSTRUCTED TO
8 THAT. WHAT --

9 MR. LAWSON: THE SECOND THING, BASED ON
10 YESTERDAY AND THE WAY THE DIRECT EXAMINATION OF
11 MR. DAVIS WAS CONCLUDED, I WOULD RENEW MY MOTION FOR
12 SEVERANCE IN THAT A QUESTION WAS ASKED IF ALL THESE
13 FELLOWS WERE IN THAT CAR. AND THAT'S -- THAT'S NOT
14 WHAT HE TESTIFIED TO AND THAT'S NOT THE CASE. AND
15 AGAIN, YOUR HONOR, WE ARE BEING PLACED IN A SITUATION
16 OF BEING TRIED IN A CASE THAT IS -- THE EVIDENCE IS
17 BEING BLED OVER ON --

18 THE COURT: LET ME SAY ONE MORE TIME,
19 NOW -- AND I APPRECIATE YOUR MOTION, FOR THE RECORD,
20 FOR SEVERANCE. I UNDERSTAND. ITS BEEN MADE ABOUT
21 TEN TIMES AND I'VE RULED ABOUT TEN TIMES. LET ME SAY
22 THIS TO YOU, GENTLEMEN. THERE ARE 11 DEFENDANTS
23 INVOLVED. FOR THIS COURT TO PERMIT A SEVERANCE OF
24 THESE CASES WOULD TAKE UP FOR THE NEXT TWO YEARS
25 EVERY WEEK ASSIGNED TO THE CRIMINAL JURISDICTION OF

1 MARLBORO COUNTY. IN ADDITION TO THAT, A SEVERANCE
2 WOULD OCCUPY THE TIME OF THIS DISTINGUISHED SOLICITOR
3 FOR THE NEXT TWO YEARS. JUDICIAL ECONOMY AND
4 REASONABLENESS INDICATES TO ME THAT THESE CASES WILL
5 AND MUST BE TRIED TOGETHER. I AM NOT ABOUT TO OCCUPY
6 THE ENTIRE CRIMINAL WEEKS FOR THE NEXT TWO YEARS IN
7 TRYING THESE INDIVIDUALS SEPARATELY.

8 I FURTHER CONCLUDE THAT BASED ON THE TESTIMONY
9 THUS FAR, THESE ARISE OUT OF THE SAME INCIDENT AND
10 ARE CAPABLE OF BEING TRIED TOGETHER. NOW, I DENY THE
11 MOTION FOR SEVERANCE. I RECOGNIZE THAT EACH ONE OF
12 YOU HAVE MADE IT. YOU ARE FULLY PROTECTED ON THAT
13 ISSUE IN THE RECORD. NOW, BRING THE JURY OUT.

14 (WHEREUPON, THE JURY WAS RETURNED
15 TO THE COURTROOM AND THE FOLLOWING
16 PROCEEDINGS WERE COMMENCED IN
17 OPEN COURT.)

18 THE COURT: GOOD MORNING, MADAM FOREMAN,
19 LADIES AND GENTLEMEN. YOU WILL RECALL THAT I ASKED
20 YOU AT THE BEGINNING OF THE TRIAL AND THROUGHOUT THE
21 VARIOUS TIMES WHEN WE RECESSED NOT TO TALK ABOUT THE
22 CASE, NOT TO READ ANYTHING ABOUT IT, NOT TO LISTEN TO
23 ANYTHING. AND I'M SURE THAT YOU HAVE NOT, BUT IN AN
24 ABUNDANCE OF PRECAUTION, I NEED TO MAKE THE FOLLOWING
25 INQUIRY. THERE WAS SOME ARTICLE INVOLVING SOME

1 ASPECTS OF THE TRIAL OF THIS CASE IN THE FLORENCE
2 MORNING NEWS THIS MORNING. DID ANY OF YOU EVEN READ
3 THE FLORENCE MORNING NEWS THIS MORNING? ANY OF YOU?

4 (ALL JURY MEMBERS ANSWER IN THE NEGATIVE.)

5 THE COURT: DID ANY OF YOU READ THAT
6 ARTICLE?

7 (ALL JURY MEMBERS ANSWER IN THE NEGATIVE.)

8 THE COURT: ALL RIGHT. LET ME ASK YOU
9 THIS. THERE'S ALSO -- AND I HAVEN'T HEARD IT, DON'T
10 KNOW WHAT IT IS, BUT THERE WAS SOME -- I UNDERSTOOD
11 THERE MAY HAVE BEEN SOME REFERENCE TO THIS TRIAL ON
12 THE RADIO THIS MORNING. WOULD ANY OF YOU HAVE HEARD
13 THAT, LISTENED TO IT?

14 (ALL JURY MEMBERS ANSWER IN THE NEGATIVE.)

15 THE COURT: ALL OF YOU ARE TELLING ME AS
16 JURORS UNDER OATH THAT YOU HAVE NOT READ THE FLORENCE
17 MORNING NEWS THIS MORNING.

18 THE FORELADY: HAVE NOT.

19 THE COURT: AND HAVE NOT HEARD THAT
20 BROADCAST. OKAY.

21 MR. PADGETT: I WOULD ASK T.V. AS WELL,
22 JUDGE. TELEVISION.

23 THE COURT: SIR? I DON'T KNOW THAT THERE
24 WAS ANYTHING ON T.V. ANYBODY HAPPEN TO SEE ANYTHING
25 ON T.V.?

1 (ALL JURY MEMBERS ANSWER IN THE NEGATIVE.)

2 THE COURT: ALL RIGHT. LET'S GO. WHO --
3 NOW, FIRST, MR. WITNESS -- MR. WITNESS, LISTEN TO ME.
4 I WANT YOU TO SPEAK CLEARLY INTO THAT MICROPHONE.
5 YOU WERE SWORN ON YESTERDAY WITH REGARD TO THE
6 TRUTHFULNESS OF YOUR TESTIMONY. DO YOU RECALL THAT?

7 THE WITNESS: YES, SIR.

8 THE COURT: I TELL YOU NOW YOU ARE STILL
9 UNDER OATH. DO YOU UNDERSTAND THAT?

10 THE WITNESS: YES, SIR.

11 THE COURT: ALL RIGHT.

12 C R O S S - E X A M I N A T I O N

13 BY MR. ERVIN:

14 Q. MR. DAVIS?

15 A. YES, SIR.

16 Q. DO YOU REMEMBER YESTERDAY YOU BEGAN YOUR
17 TESTIMONY BY CALLING OUT THE NAMES OF THE PEOPLE WHO
18 WERE SEATED OVER HERE? DO YOU REMEMBER THAT?

19 A. YES, SIR.

20 Q. ONE OF THE FIRST THING YOU DID. YOU'VE
21 REHEARSED THAT A PRETTY LONG PERIOD OF TIME, HAVEN'T
22 YOU?

23 A. TWO YEARS.

24 Q. BEEN REHEARSING IT FOR TWO YEARS. YOU DID
25 PRETTY GOOD, TOO. GOT ALL OF THE NAMES RIGHT. WHY

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Q. YOU WROTE IT DOWN?

A. NO, I AIN'T WROTE IT DOWN.

Q. THIRTY TO LIFE. IS THAT ALL YOU WERE
FACING?

A. NO.

Q. YOU LEFT SOMETHING OUT, DIDN'T YOU? YOU WERE FACING DEATH BY ELECTROCUTION. DID YOU TELL THE JURY ABOUT THAT?

A. NO, SIR.

Q. OR LETHAL INJECTION?

A. NO, SIR.

Q. NOT 30 TO LIFE. YOU WERE LOOKING AT THE POSSIBILITY OF BEING EITHER EXECUTED BY ELECTROCUTION OR LETHAL INJECTION. THAT'S A BIG DIFFERENCE, ISN'T IT?

A. YES, SIR.

Q. HUGE DIFFERENCE. AS A MATTER OF FACT,
WHEN'S THE FIRST TIME THE POLICE CAME TO TALK TO YOU?

A. IT'S BEEN SO LONG, I CAN'T TELL YOU WHEN THE FIRST TIME THEY TALKED TO ME.

Q. OKAY. WELL, I'LL TRY TO REFRESH YOUR
MEMORY A LITTLE BIT. THE FIRST STATEMENT WAS ON

1 JANUARY THE 25TH. RIGHT? THAT SOUND ABOUT RIGHT?

2 A. YES.

3 Q. OF '95. YOUR FIRST STATEMENT. WHAT IS
4 THE FIRST TIME THEY CAME TO TALK TO YOU? THEY TALKED
5 TO YOU LONG BEFORE THAT, DIDN'T THEY?

6 A. YES.

7 Q. OH, THEY DID?

8 A. YES, BEFORE I GAVE THE STATEMENT.

9 Q. OKAY. BEFORE YOU WERE OUT THERE SWEEPING
10 THE GLASSES AND THE EARRING OUT ON TO THE PORCH, YOU
11 HAD TALKED TO THE POLICE?

12 A. NO, SIR.

13 Q. WELL, THAT'S WHEN YOU GAVE YOUR STATEMENT
14 WAS ON JANUARY THE 25TH AND IT WAS REGARDING WHAT
15 OCCURRED AT J.B. STEEN'S. YOU TALKED TO THEM OUT
16 THERE AT J.B. STEEN'S THAT DAY?

17 A. THAT'S WHERE THEY WAS AT.

18 Q. YOU GAVE THEM A STATEMENT THAT DAY.

19 A. THEY ASKED ME HAD I SEEN AN EARRING.
20 THAT'S ALL THEY ASKED ME.

21 Q. OKAY. DID THEY ASK YOU ANYTHING ELSE THAT
22 DAY?

23 A. NO, SIR. THEY JUST ASKED ME HAD I FOUND
24 ANYTHING ELSE? HAD I SEEN SOME STUFF, CLOTHES OR
25 SANDWICH BAGS WHERE IT LOOKED LIKE SOMEBODY HAD BEEN

1 FED OR SOMETHING, AND I TOLD THEM NO. AND I TOLD
2 THEM ABOUT WHERE THAT I THOUGHT I HAD SEEN THE
3 EARRING AND WHERE THE EARRING MIGHT BE.

4 Q. YOU TOLD THEM THAT ON THE 5TH OF JANUARY?

5 A. I TOLD CHUCK FOLEY THAT OUT THERE IN THE
6 YARD.

7 Q. OKAY. SO THERE SHOULD BE SOME NOTES OR A
8 STATEMENT TO THAT EFFECT SOMEWHERE, SHOULDN'T THERE?

9 A. WELL, THERE SHOULD BE. I TOLD THEM WHERE
10 IT MIGHT BE AT.

11 Q. OKAY. WELL, WHEN YOU TOLD HIM THAT, DID
12 YOU TELL HIM THAT YOU WERE INVOLVED -- DIRECTLY
13 INVOLVED?

14 A. NO, SIR.

15 Q. IN THE KILLING OF DARLENE PATTERSON?

16 A. NO, SIR.

17 Q. YOU DIDN'T. HAD YOU TALKED TO ANYBODY
18 PRIOR TO THAT?

19 A. NO, SIR.

20 Q. OKAY. HOW MANY TIMES DID YOU TALK TO THE
21 POLICE BETWEEN YOUR STATEMENT TO SHERIFF FOLEY THAT
22 WE'RE JUST NOW HEARING ABOUT FOR THE FIRST TIME AND
23 WHEN YOU MADE YOUR STATEMENT, YOUR WRITTEN STATEMENT
24 ON THE 5TH OF JANUARY OF 1995? HOW MANY MORE TIMES
25 DID YOU TALK TO HIM?

1 A. I'VE TALKED TO HIM A BUNCH OF TIMES, 15 OR
2 20 TIMES.

3 Q. FIFTEEN, TWENTY TIMES. HOW MANY TIMES IN
4 BETWEEN WHEN YOU WERE TRYING TO DESTROY THE EVIDENCE
5 AT STEEN'S UNTIL YOU MADE YOUR STATEMENT ON JANUARY
6 25TH?

7 A. WELL, I DON'T KNOW WHERE YOU GOT THAT TRY
8 TO DESTROY EVIDENCE. I KEPT WHAT I HAD AND GIVE THEM
9 WHAT I HAD.

10 Q. OH, SO YOU KEPT THE EARRING THAT YOU SWEEPED
11 INTO THE BURNT PILE?

12 A. I PUT THE EARRING IN A PILE AND MR. STEEN
13 PUT IT ON THE TRASH AND BURNED IT. AND I TOLD CHUCK
14 FOLEY THAT MIGHT BE WHERE IT WAS AT.

15 Q. AFTER IT HAD BEEN BURNED?

16 A. WELL, I DIDN'T KNOW THAT IT HAD WENT
17 THERE, YOU KNOW.

18 Q. YOU JUST SWEEPED IT OUT ON THE PORCH AND
19 FIGURED IT WOULD REMAIN ON THE PORCH?

20 A. I TOLD HIM I WAS SWEEPING OUT AND IT MIGHT
21 HAVE FELL THROUGH A CRACK IN THE HOUSE OR IT MIGHT BE
22 IN A PILE.

23 Q. AND I GUESS YOU'RE TELLING THE JURY NOW
24 THAT YOU TOOK THE GLASSES AND GAVE THEM TO J.B. STEEN
25 AND TOLD HIM TO KEEP THEM FOR CHUCK FOLEY?

1 A. NO, I DID NOT.

2 Q. YOU PUT THEM ON THE BANISTER AND MR. STEEN
3 PUT THEM ON THE LOG WHERE THEY WERE LATER RECOVERED?

4 A. I PICKED THE GLASSES UP AND I GAVE THEM TO
5 J.B. STEEN AND TOLD HIM HERE'S A PAIR OF GLASSES I
6 FOUND, HE COULD HAVE THEM. HE TRIED THEM ON AND GAVE
7 THEM BACK TO ME AND SAID I DON'T WANT THEM. I LAID
8 THEM ON THE BANISTER. AND THEN FROM THEN, THEY ENDED
9 UP ON A LOG OUTSIDE IN THE YARD AND THEY NEVER WAS
10 THROWN AWAY OR NOTHING.

11 Q. THAT'S NOT WHAT YOU SAID IN YOUR STATEMENT
12 THE 25TH, MR. DAVIS. BUT I'LL GO BACK TO THAT IN
13 JUST A MINUTE. WHEN WERE YOU INCARCERATED, PLACED IN
14 CUSTODY BY THE SHERIFF'S DEPARTMENT AND SLED?

15 A. I DON'T KNOW THAT DATE.

16 Q. YOU WERE FIRST ARRESTED ON MARCH THE 2ND
17 OF 1995. ISN'T THAT CORRECT?

18 A. I GUESS. I DON'T REALLY KNOW.

19 Q. YOU WANT ME TO SHOW YOU THE ARREST
20 WARRANT? WOULD THAT HELP?

21 A. NO.

22 Q. IT WON'T HELP YOU?

23 A. I DON'T KNOW WHEN THEY ARRESTED ME, TO
24 TELL YOU THE TRUTH.

25 Q. LET ME PUT IT LIKE THIS. YOU WERE FIRST

1 NIGHT. I MEAN, I COULD SLEEP, BUT IT JUST TAKES ME
2 LONGER TO GO TO SLEEP.

3 Q. AS A MATTER OF FACT, YOU HAD PROBLEMS WITH
4 SLEEP AND YOU ASKED TO BE TAKEN TO TRI-COUNTY MENTAL
5 HEALTH, DID YOU NOT?

6 A. YES, SIR, I DID.

7 Q. AND WHAT DID YOU TELL YOUR COUNSELORS
8 THERE REGARDING YOUR PROBLEMS WITH SLEEP AND ANXIETY
9 AND DEPRESSION?

10 A. I JUST TOLD THEM THAT I COULDN'T SLEEP AND
11 THAT I WAS STARTING SEEING SHADOWS AND HEARING
12 VOICES. THAT'S WHAT I TOLD THEM.

13 Q. YOU STARTED SEEING SHADOWS AND HEARING
14 VOICES. WHAT ABOUT PRIOR TO YOUR INCARCERATION? YOU
15 HAD SOME OTHER MENTAL AND EMOTIONAL PROBLEMS.

16 A. YES.

17 Q. I JUST MENTIONED ANXIETY AND DEPRESSION.

18 A. I HAD MY SKULL BUSTED ALL THE WAY AROUND.

19 Q. OKAY. I'M TALKING ABOUT AFTER THE TIME
20 YOU GOT HIT IN THE HEAD WITH A BAT 10 YEARS AGO AND
21 YOU SUFFERED SOME NEUROLOGICAL DAMAGE, BRAIN DAMAGE
22 BECAUSE OF YOUR SKULL FRACTURE. AFTER THAT, YOU
23 SUFFERED FROM ANXIETY AND DEPRESSION, DID YOU NOT,
24 AND WERE ON MEDICATION FOR THAT. ISN'T THAT RIGHT?

25 A. NOT AS I KNOW OF. I WAS AT -- UP THERE IN

1 COLUMBIA, I WAS.

2 Q. UP THERE IN COLUMBIA, YOU WERE. TELL THE
3 JURY WHEN YOU WERE IN COLUMBIA. DO YOU REMEMBER
4 THAT?

5 A. A YEAR AGO.

6 Q. PRIOR TO YOUR INCARCERATION, YOU SUFFERED
7 FROM ANXIETY AND DEPRESSION ACCORDING TO THE MEDICAL
8 RECORDS AND STATEMENT YOU MADE TO THE COUNSELOR AT
9 TRI-COUNTY MENTAL HEALTH. CORRECT?

10 A. YES.

11 Q. YOU ALSO SUFFERED FROM ALCOHOLISM?

12 A. RIGHT.

13 Q. SEVERE ALCOHOLISM?

14 A. RIGHT.

15 Q. OTHER SUBSTANCE ABUSE?

16 A. RIGHT.

17 Q. DANNY, I KNOW THIS IS UNCOMFORTABLE AND
18 IT'S UNCOMFORTABLE FOR ANYBODY TO HAVE TO TESTIFY IN
19 OPEN COURT LIKE THIS. YOU HAD SOME PROBLEMS AS A
20 CHILD, DID YOU NOT?

21 A. SURE DID.

22 Q. YOUR MOTHER WAS AN ALCOHOLIC?

23 A. YES.

24 Q. SHE ABUSED YOU?

25 A. WELL, I JUST --

1 Q. ACCORDING --

2 A. I JUST WASN'T TREATED AS THE REST OF THE
3 KIDS -- THE REST OF MY PEOPLE. I WASN'T.

4 Q. YOU WERE TREATED TERRIBLY BY YOUR OWN
5 MOTHER?

6 A. YES.

7 Q. WERE YOU NOT? YOU TOLD THAT TO YOUR
8 COUNSELORS AT TRI-COUNTY ALSO, DID YOU NOT?

9 A. YES, I DID.

10 Q. AND THAT'S HAD AN EFFECT ON YOU EVER
11 SINCE, HAS IT NOT?

12 A. WELL, WHEN YOU'VE BEEN TREATED LIKE I'VE
13 BEEN TREATED, IT LEAVES SOMETHING THERE.

14 Q. IT -- IT BOTHERS YOU, DON'T IT?

15 A. YEAH. YOU DON'T KNOW.

16 Q. IT LIVES WITH YOU FOREVER?

17 A. YOU JUST DON'T EVER FORGET IT.

18 Q. YOU'VE NEVER REALLY HAD A HOME SINCE THEN,
19 HAVE YOU?

20 A. NO, SIR.

21 Q. PRETTY MUCH PILLAR TO POST?

22 A. NO, WHEN I WAS WORKING, I HAD A PLACE TO
23 STAY. AFTER MY GRANDMA DIED, IT WAS HARD. SHE TOOK
24 ME AND RAISED ME; PUT ME THROUGH SCHOOL.

25 Q. UH-HUH. AS A MATTER OF FACT, THAT'S

1 PROBABLY ONE OF THE MOST POSITIVE THINGS THAT'S
2 OCCURRED DURING YOUR LIFE IS YOU DID RECEIVE SOME
3 EDUCATION, DIDN'T YOU?

4 A. YEAH, I GRADUATED.

5 Q. WHEN YOU WENT TO TALK TO YOUR COUNSELOR AT
6 TRI-COUNTY MENTAL HEALTH, ONE OF THE BIGGEST THINGS
7 THAT WAS BOTHERING YOU ACCORDING TO THEIR RECORDS
8 WHICH ARE DATED JANUARY THE 14TH OF THIS YEAR WAS
9 THAT YOU WERE INNOCENT AND YOU WERE THINKING ABOUT
10 SUICIDE, BUT YOU WANTED TO BE VINDICATED BY A TRIAL.
11 DO YOU REMEMBER TELLING THEM THAT?

12 A. I TOLD THEM THAT I HAD THOUGHT ABOUT IT.
13 I DIDN'T SAY THAT I WANTED TO.

14 Q. WELL, ACCORDING TO THE RECORDS, YOU
15 INDICATED YOU HAD THOUGHT ABOUT SUICIDE BECAUSE YOU
16 WERE INNOCENT AND YOU WANTED TO BE VINDICATED AT
17 TRIAL, DANNY. AT TRIAL. ARE YOU ON TRIAL HERE
18 TODAY, DANNY?

19 A. SURE AM.

20 Q. YOU ARE? ARE YOU FACING THE DEATH PENALTY
21 LIKE YOU WERE LAST WEEK?

22 A. NO, SIR.

23 Q. BEFORE YOU STOOD IN FRONT OF JUDGE
24 COTTINGHAM AND PLED UNDER A LEGAL THEORY CALLED NORTH
25 CAROLINA VERSUS ALFORD? DO YOU REMEMBER SAYING THAT?

1 DID YOUR ATTORNEY TELL YOU WHAT NORTH CAROLINA VERSUS
2 ALFORD MEANS WHEN YOU ENTER A PLEA OF GUILT UNDER
3 THAT THEORY, PREMISES?

4 A. HE JUST TOLD ME WHAT IT WAS.

5 Q. WHAT DID HE TELL YOU IT WAS?

6 A. I CAN'T REMEMBER EXACTLY ALL OF WHAT HE
7 SAID IT WAS.

8 Q. THAT'S KIND OF IMPORTANT, ISN'T IT, WHEN
9 YOU'RE STANDING UP HERE TO A CAP OF 20 YEARS INSTEAD
10 OF DEATH AND YOUR ATTORNEY TELLS YOU YOU'RE GOING TO
11 PLEAD UNDER A THEORY OTHER THAN I'M GUILTY? YOU'RE
12 SAYING SOMETHING ELSE? YOU'RE NOT PLEADING NOLO.
13 YOU'RE PLEADING UNDER NORTH CAROLINA VERSUS ALFORD.
14 TELL ME IF I'M WRONG. DID HE TELL YOU THAT NORTH
15 CAROLINA VERSUS ALFORD MEANS THAT YOU'RE NOT SAYING
16 YOU'RE GUILTY? YOU'RE JUST SAYING THAT THE EVIDENCE
17 AGAINST YOU IS SO OVERWHELMING, YOU GIVE IN. IS THAT
18 RIGHT?

19 A. NO, SIR, BECAUSE I KNOW THAT I AM GUILTY
20 TO A CERTAIN EXTENT.

21 Q. TO A CERTAIN EXTENT. HOW ABOUT THESE
22 VOICES YOU'VE BEEN HEARING? THERE'S SOME REFERENCES
23 TO THOSE IN YOUR TRI-COUNTY RECORDS.

24 A. YES, SIR.

25 Q. FOR THE PAST YEAR OR SO, ACCORDING TO

3 | A. YEAH.

8 A. NOT AL--- NOT JUST WAITING ON THE DAY OF
9 VINDICATION. I MEAN, WHEN I SIT DOWN, I JUST HAVE A
0 LOT OF THINGS GOING THROUGH MY MIND.

14 A. SINEQUAN -- AND I DON'T KNOW THE OTHER
15 LITTLE PILL. I DON'T KNOW THE NAME OF THAT.

17	A. . . ONE OTHER PILL.

20 | A. SINEQUAN IS FOR DEPRESSION.

25 | A. NO, SIR.

1 Q. WELL, YOU SAID YOU WERE TAKING SOME OTHER
2 LITTLE PILLS. DO YOU REMEMBER WHAT THEY ARE?

3 A. I'M TAKING TWO PILLS, THE SINEQUAN AND THE
4 OTHER LITTLE BROWN PILL. THAT'S IT.

5 Q. IS THAT ELAVIL?

6 A. NO.

7 Q. WHAT IS IT?

8 A. I DON'T KNOW WHAT IT IS.

9 Q. DO YOU KNOW WHAT IT'S FOR?

10 A. YES, SIR.

11 Q. WHAT'S IT FOR?

12 A. IT'S TO KEEP ME FROM HEARING THE VOICES.

13 Q. OH, THAT'S THE ANTI-PSYCHOTIC MEDICATION
14 I'M THINKING ABOUT. TO KEEP YOU FROM SEEING AND
15 HEARING VOICES. IS IT WORKING HERE TODAY, DANNY BOY?

16 A. I HEAR A LOT OF VOICES.

17 Q. OTHER THAN MINE RIGHT NOW?

18 A. I DON'T HEAR NONE.

19 Q. OH, OKAY. THE SLED CASE FILE INDICATES
20 THAT YOU WERE ARRESTED ON THE 2ND OF MARCH. AT THAT
21 POINT, THE ONLY MENTION OF MARTIN MCINTOSH FROM
22 ANYBODY WAS A STATEMENT MADE BY JEFFREY GRAHAM THAT
23 PUT HIM IN THE VICINITY OF A SHOP WHERE A
24 CONVERSATION WAS COMING -- WAS GOING ON IN AND OUT OF
25 A SHOP. AS A MATTER OF FACT, IN YOUR STATEMENT ON

8 MARCH THE 2ND, YOUR HANDWRITTEN STATEMENT, YOU PUT
11 MARTIN -- NO LAST NAME -- BEING AT A PARTY AT THE
3 TRAILER. DO YOU REMEMBER THAT?

4 A. YES, SIR.

5 Q. WELL, IS THAT WHAT YOU TESTIFIED TO
6 YESTERDAY?

7 A. NOT AT THE FIRST ONE; NOT AT THE COOKOUT,
8 HE WASN'T.

9 Q. YEAH. THAT'S RIGHT. BUT IN YOUR
10 STATEMENT ON MARCH 2ND, LOW AND BEHOLD, OUT POPS THE
11 NAME MARTIN -- NO LAST NAME -- AT THE PARTY.
12 YESTERDAY, LOW AND BEHOLD, NO MARTIN AT THE PARTY.
13 YOU'RE CONFUSED, AREN'T YOU, DANNY?

14 A. NO. THERE WAS TWO PARTIES THAT SAME DAY.

15 Q. ANOTHER PARTY?

16 A. THERE WAS THE COOKOUT THAT DAY, EARLIER
17 THAT DAY, AND THEN THERE WAS A PARTY THAT NIGHT.

18 Q. DID YOU EVER SAY ANYTHING YESTERDAY UNDER
19 OATH TESTIMONY THAT THIS JURY IS SUPPOSE TO BELIEVE
20 ABOUT MARTIN BEING AT A PARTY?

21 A. I SAID HE WAS AT THE PARTY THAT NIGHT.

22 Q. YOU DID? OKAY. DANNY, THE FIRST TIME HIS
23 NAME SURFACED WAS AFTER YOU TALKED TO THE POLICE ON
24 HOW MANY OCCASIONS?

25 A. I TALKED TO THEM A LOT OF OCCASIONS.

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Q. BEFORE THE SECOND OF MARCH. A LOT OF TIMES. YOU WOULD ADMIT THAT. HOW LONG HAD YOU BEEN TALKING TO YOUR BUDDY BOBBY AT THAT POINT? YOU AND BOBBY LIVED CLOSE TO EACH OTHER, DID YOU NOT?

A. I HAVEN'T TALKED TO BOBBY REALLY SINCE I LEFT COLUMBIA.

Q. YOU'RE CONFUSED AGAIN, DANNY. AND I'M SORRY ABOUT THAT. BUT I'M GOING TO TRY TO GO BACK AND SEE IF I CAN HELP YOU A LITTLE BIT. OKAY? AFTER THE FIRST OF THE YEAR, DO YOU REMEMBER WHEN YOU SAID YOU WERE OUT AT MR. STEEN'S CLEANING UP, WHERE WERE YOU LIVING?

A. ~~_____~~

Q. IS THAT NEAR BOBBY RANSOM'S?

A. HE STAYED RIGHT UP THE ROAD.

Q. RIGHT UP THE ROAD. AND IN DECEMBER, YOU AND BOBBY WERE STILL LIVING CLOSE TOGETHER, WEREN'T YOU?

A. YES, SIR.

Q. SO Y'ALL WERE STILL BUDDIES IN DECEMBER OF '94, TALKING A LOT. RIGHT?

A. YES.

Q. AND IN JANUARY OF 1995, YOUR RELATIONSHIP BETWEEN YOU AND BOBBY HADN'T CHANGED ANY. Y'ALL WERE STILL GOOD BUDDIES. RIGHT?

25 A. I SAID I WAS CHARGED WITH IT.

1 Q. DANNY, YOU CAN READ WELL, CAN'T YOU?

2 A. YEAH.

3 Q. YOU'RE OBVIOUSLY EDUCATED. YOU GRADUATED,
4 YOU JUST TESTIFIED. YOU MADE A STATEMENT TO THIS
5 COURT. IT'S RIGHT HERE. TO THE SOLICITOR IN WHICH
6 YOU ADMITTED TO BEING INTEGRALLY INVOLVED IN THIS
7 ENTIRE SCHEME FROM THE BEGINNING TO THE END, AND
8 YOU'RE NOW TELLING THIS JURY NO?

9 A. I DIDN'T SAY THAT. I WASN'T -- I'M SAYING
10 THAT I DIDN'T DO ANY -- DIDN'T COMMIT THIS CRIME, BUT
11 I WAS INVOLVED.

12 Q. DIDN'T COMMIT THE CRIME, BUT YOU PLED
13 GUILTY. BUT YOU WERE INVOLVED. OKAY. HOW MANY
14 TIMES DID YOU AND BOBBY GET TOGETHER AND TALK? YOU
15 DON'T HAVE TO REMEMBER EXACTLY BECAUSE I KNOW NOBODY
16 COULD REMEMBER THAT. FROM JANUARY -- FROM DECEMBER
17 OF '94 UNTIL YOUR ARREST ON MARCH THE 2ND OF 1995
18 WHEN YOU WERE PLACED IN CUSTODY. SAW HIM DAILY?

19 A. I WOULD GO DOWN THERE AND CHECK ON BOBBY
20 EVERY TIME -- EVERY DAY I GOT OFF OF WORK, YES.

21 Q. SAW HIM ABOUT EVERY DAY, DIDN'T YOU?

22 A. NOT EVERY DAY.

23 Q. WELL, YOU JUST SAID EVERY DAY WHEN YOU GOT
24 OFF WORK.

25 A. I SAID ABOUT EVERY DAY.

2 | THAT WOULD BE PRETTY CLOSE, WOULDN'T IT?

5 Q. WELL, THAT'S ABOUT EVERY DAY. I GUESS
6 ABOUT ONCE A WEEK. IS THAT ABOUT EVERY DAY?

9 Q. THERE'S THOSE TIME CONCEPTION PROBLEMS
0 AGAIN, ISN'T IT, DANNY? YOU WERE LIVING WITH BETTY
1 LOU THEN, WEREN'T YOU? RIGHT?

13 Q. THAT'S YOUR GIRLFRIEND?

15 Q. WAS? I THINK THEY CAME OUT THERE AND
16 TALKED TO HER A BUNCH TOO, DIDN'T THEY?

18 Q. IS SHE IN THE COURTROOM TODAY? YOU KNOW
19 BETTY LOU, DON'T YOU?

21 Q. WELL, YOU SHOULD. YOU LIVED WITH HER.
22 UNLESS SHE'S TURNED INTO ANOTHER PERSON.

24 O. WELL, LOOK. SEE 'OL BETTY LOU IN HERE?

25 A. I DON'T SEE HER.

1 Q. OKAY. MARCH THE 2ND, WHEN YOU WERE TAKEN
2 INTO CUSTODY, WHO ELSE WAS TAKEN INTO CUSTODY?

3 A. RICKY STUCKEY.

4 Q. RICKY STUCKEY. ARE YOU SURE ABOUT THAT?

5 A. AS FAR AS I KNOW. AND THEN IT WAS ROBERT
6 RANSOM.

7 Q. ROBERT RANSOM. OKAY. DO YOU REMEMBER
8 YESTERDAY -- BACK UP ONE MINUTE. WHEN THE SOLICITOR
9 ASKED YOU TO MAKE YOUR IN-COURT IDENTIFICATION OF ALL
10 OF THESE PEOPLE SITTING OVER HERE AT THE TABLE AS HE
11 YELLED THE NAMES OUT, WHO WAS HE THERE AND SAID THEIR
12 NAME AND YOU SAID YEAH -- DO YOU REMEMBER THAT?

13 A. YES, SIR.

14 Q. DID YOU LOOK AT ANY OF THEM AT ANY ONE
15 TIME AND MAKE THAT IN-COURT IDENTIFICATION?

16 A. YES, SIR.

17 Q. YOU DID. YOU TURNED AROUND AND FACED
18 THESE PEOPLE WHEN YOU WERE IDENTIFYING THEM
19 YESTERDAY?

20 A. I LOOKED AT THEM, YEAH.

21 Q. YOU DID? MARCH 22ND, YOUR STATEMENT --
22 YOU MADE TWO STATEMENTS ON THAT DAY, DIDN'T YOU,
23 MR. DAVIS?

24 A. I GUESS. I DON'T KNOW.

25 Q. TELL THE JURY WHERE YOU MADE YOUR

1 STATEMENTS.

2 A. I MADE A STATEMENT IN THIS JAIL AT THIS
3 COURTHOUSE HERE.

4 Q. UH-HUH.

5 A. AND I MADE ONE AT THE PAGELAND JAIL.

6 Q. THE TWO STATEMENTS ON MARCH THE 22ND,
7 WHERE DID YOU MAKE THEM?

8 A. EITHER HERE OR IN PAGELAND.

9 Q. EITHER HERE OR IN PAGELAND. WELL,
10 PAGELAND IS 55 MILES AWAY FROM HERE, DANNY. YOU
11 DON'T REMEMBER WHERE YOU MADE TWO STATEMENTS?
12 ACTUALLY THAT WAS WHEN YOU CONFESSED. YOU DON'T
13 REMEMBER WHERE YOU WERE WHEN YOU CONFESSED? THAT'S
14 ACTUALLY WHEN YOU IMPLICATED MARTIN MCINTOSH AND
15 EVERYBODY ELSE FOR THE FIRST TIME. YOU DON'T
16 REMEMBER WHERE YOU WERE?

17 A. I KNOW WHERE I WAS AT.

18 Q. WHERE? IN CUSTODY?

19 A. THAT'S RIGHT..

20 Q. AND WHERE WERE YOU? I'M TRYING TO HELP
21 YOU.

22 A. I WAS IN PAGELAND TO START WITH. THEN I
23 WENT TO CHESTERFIELD AND THEN I WENT TO COLUMBIA AND
24 THEN I WENT TO DILLON AND NOW I'M IN FLORENCE.

25 Q. YOU'RE IN BENNETTSVILLE, DANNY. YOU'RE

NOT IN FLORENCE.

A. I SAID I WAS. AND NOW I'M IN FLORENCE. I
KNOW I'M IN BENNETTSVILLE NOW. BUT I'M HOUSED IN
FLORENCE.

Q. OKAY. FOR SAFEKEEPING. WHERE WERE YOU WHEN YOU CONFESSED? IN PAGELAND?

A. ONE TIME RIGHT HERE IN BENNETTSVILLE.

Q. YOUR FIRST STATEMENT WHICH YOU SAID YESTERDAY WAS A LIE WAS ON 1/25/95, MARLBORO COUNTY SHERIFF'S DEPARTMENT. THAT'S WHEN YOU SAID YOU SWEEPED THE EARRING AND THE GLASSES ONTO THE PORCH. J.B. STEEN'S. YOUR NEXT STATEMENT -- STATEMENT -- TWO STATEMENTS IN WHICH YOU CONFESSED WERE MADE WHERE? THEY WERE MADE IN PAGELAND, WEREN'T THEY?

A. YES.

Q. OKAY. I'M HELPING YOU OUT A LITTLE BIT NOW, DANNY. WHO RODE WITH YOU TO PAGELAND? DO YOU REMEMBER THAT?

A. I WAS ALREADY IN PAGELAND. WHO CARRIED ME
TO PAGELAND?

Q. UH-HUH. DO YOU WANT ME TO HELP YOU AGAIN?

A. HAROLD JACOBS.

Q. HAROLD JACOBS.

A. FRED KNIGHT.

Q. FRED KNIGHT. ARE YOU SURE IT WAS FRED

1 WAS THERE WITH YOU?

2 A. BOBBY COME ONE TIME.

3 Q. BOBBY COME ONE TIME. BOBBY COME ONE TIME.

4 ACCORDING TO THE INFORMATION PROVIDED BY THE STATE,
5 DANNY, YOUR FIRST STATEMENT WAS MADE AT 3:40 P.M. ON
6 MARCH THE 22ND. RIGHT? YOU DON'T DENY THAT, DO YOU?
7 THAT SOUNDS ABOUT RIGHT, THE AFTERNOON?

8 A. I GUESS SO.

9 Q. WELL, IT SAYS IT ON THERE.

10 A. WELL --

11 Q. UNLESS IT'S WRONG. YOUR NEXT STATEMENT,
12 YOUR WRITTEN STATEMENT, WAS AT 4:15 P.M. RIGHT?

13 A. I GUESS.

14 Q. GUESS SO. RIGHT? BOBBY RANSOM'S FIRST
15 STATEMENT THAT DAY -- KEEP IN MIND YOURS WAS AT 4:15
16 P.M. -- WAS 4:20 P.M. THAT STATEMENT ALSO WAS TAKEN
17 BY BUTCH KNIGHT, TOMMY FRAZIER, THE WHITE-HEADED MAN
18 YOU REFERRED TO. FIVE MINUTES AFTER YOUR SECOND
19 STATEMENT ON THAT DATE, BOBBY RANSOM'S STATEMENT WAS
20 TAKEN. YOU'VE ALREADY INDICATED TO THE JURY THAT YOU
21 AND BOBBY WERE TALKING THAT DAY BEFORE YOU WENT TO
22 PAGELAND. RIGHT? RIGHT?

23 A. ME AND BOBBY COULDN'T HAVE TALKED WHILE I
24 WAS IN PAGELAND BECAUSE -- THAT DAY BECAUSE I HAD
25 BEEN LOCKED UP A FEW DAYS BEFORE THEY LOCKED BOBBY

1 UP.

2 Q. WELL, I'M TALKING ABOUT A PERIOD OF TIME
3 WITHIN THE SAME HOUR. ARE YOU GOING TO TELL THIS
4 JURY THAT YOU DIDN'T SEE BOBBY IN PAGELAND?

5 A. WHEN I WALKED IN, BOBBY WAS SITTING IN
6 THERE.

7 Q. OH, HE WAS SITTING IN THERE.

8 A. AND ALL HE SAID WAS TELL THE TRUTH. AND
9 WHEN THEY GOT TO TAKING MINE, THEY TOOK BOBBY OUT AND
10 I GIVE MINE.

11 Q. RIGHT. WHEN YOU GOT THROUGH, THEY TOOK
12 BOBBY'S?

13 A. I RECKON. THEY PUT ME BACK IN THE CELL.

14 MR. ERVIN: BEG THE COURT'S INDULGENCE.

15 BY MR. ERVIN:

16 Q. I'M REFERRING TO PAGE 16 OF YOUR
17 TRANSCRIPT WHEN MR. SOLICITOR WILSON HERE WAS ASKING
18 YOU QUESTIONS. "OKAY. ALL RIGHT. I THINK THAT'S
19 ALL I HAVE. ANYTHING ELSE THAT YOU NEED TO ADD OR
20 CHANGE NOW BEFORE WE QUIT?" DO YOU REMEMBER HIM
21 ASKING THAT QUESTION AT THE END OF YOUR GUILTY PLEA?

22 A. YEAH.

23 Q. READ YOUR RESPONSE TO THE JURY. TOP OF
24 THE PAGE. YEAH.

25 A. "YEAH. A LOT OF THIS STUFF I CAN'T QUITE

1 REMEMBER, BUT MY CO-DEFENDANT HAS -- HE'S TOLD ME
2 EVERYTHING. OKAY. WELL, I'M GOING TO MAKE COPIES OF
3 YOUR STATEMENT AND GIVE YOU SO YOU CAN HAVE IT TO
4 READ OVER THE WEEKEND SO YOU CAN READ OVER IT AND TRY
5 TO REFRESH YOUR MEMORY ABOUT WHAT YOU SAID AND THAT
6 MAY HELP YOU SOME. WE'LL GIVE YOU THAT BEFORE WE
7 TAKE YOU BACK TODAY SO YOU CAN TAKE IT BACK AND READ
8 OVER IT DURING THE WEEKEND AND GET READY BECAUSE YOU
9 UNDERSTAND THAT YOU WILL BE ASKED A LOT OF QUESTIONS
10 ABOUT IT."

11 Q. THAT'S WHAT YOU SAID, ISN'T IT, DANNY?
12 THAT A LOT OF THIS STUFF YOU CAN'T REMEMBER, CAN'T
13 QUITE REMEMBER IT, CAN YOU? BUT YOUR CO-DEFENDANT,
14 YOUR GOOD BUDDY, BOBBY RANSOM, HAS TOLD YOU
15 EVERYTHING?

16 A. THEY SAID -- MY LAWYERS AND THEM IS THE
17 ONE THAT SAID THEY WOULD GET ME COPIES OF THAT SO I
18 COULD GO OVER THAT.

19 Q. AND THEY DID THAT. THEY GAVE YOU COPIES
20 SO YOU COULD GO OVER IT OVER THE WEEKEND, GO OVER IT
21 THIS WEEK. YOU'VE HAD PLENTY OF OPPORTUNITIES TO
22 TALK TO THEM AGAIN. RIGHT?

23 A. I HAVEN'T TALKED TO -- YESTERDAY WAS THE
24 LAST DAY I'VE TALKED TO THEM.

25 Q. I GUESS YOU AND BOBBY HAVEN'T BEEN TALKING

1 TALKED TO THEM EITHER, DO WE?

2 A. I DON'T KNOW THAT EITHER.

3 Q. DURING THIS PERIOD OF TIME AFTER
4 MS. PATTERSON'S BODY WAS FOUND, WHICH WAS
5 THANKSGIVING OF '94, UNTIL YOU WERE TAKEN INTO
6 CUSTODY ON MARCH THE 2ND, WHEN YOU AND BOBBY WERE
7 STILL LIVING CLOSE TO EACH OTHER, MAN, THERE WERE
8 RUMORS GALORE IN THAT LITTLE NEIGHBORHOOD, WASN'T
9 THERE? NAMES SCATTERED DAILY ABOUT WHAT WAS GOING
10 ON?

11 A. ALL I KNOW IS WHAT I HAD FOUND AT THE OLD
12 HOUSE AND THAT I WAS GOING TO MY MAMA'S FUNERAL AND
13 THEY SAID THAT THEY FOUND A GIRL IN THE POND. I
14 DIDN'T EVEN KNOW THAT THERE WAS NO GIRL IN NO POND AT
15 THAT TIME.

16 Q. GOSH, DANNY. I'M CONFUSED AGAIN.

17 A. ME TOO.

18 Q. YOU WENT TO YOUR MAMA'S FUNERAL?

19 A. YES.

20 Q. DO YOU REMEMBER WHEN THAT WAS?

21 A. I DON'T KNOW THE DATE.

22 Q. WAS IT AFTER THANKSGIVING OF '94?

23 A. NO, SIR. SHE WAS -- SHE WAS DEAD BEFORE
24 THANKSGIVING.

25 Q. WELL, IF I UNDERSTOOD YOU RIGHT -- AND I

MIGHT BE HAVING THAT TIME-CONCEPTION PROBLEM
MYSELF -- YOU JUST TOLD THE JURY THAT THE FIRST TIME
YOU HEARD ABOUT DARLENE PATTERSON'S BODY BEING IN THE
WATER WAS AT YOUR MAMA'S FUNERAL?

A. THAT'S RIGHT. BILLY CHEEKS TOLD ME ABOUT IT.

Q. OKAY. WELL, IF THAT'S THE FIRST TIME YOU
HEARD ABOUT IT, NOW YOU'RE SAYING YOU WEREN'T ON THE
BRIDGE. IF YOU WEREN'T ON THE BRIDGE --

A. I'M NOT SAYING I WEREN'T ON THE BRIDGE.
I'M SAYING THAT I DON'T REMEMBER IT, TO MY BEST
KNOWLEDGE.

Q. IF YOU DON'T REMEMBER, HOW'S THE JURY
SUPPOSED TO BELIEVE YOU, DANNY?

A. HEY, I'M TELLING YOU WHAT I KNOW. I GOT A DRINKING PROBLEM, RIGHT? AND WHEN I DRINK, I FORGET ABOUT THINGS THE NEXT DAY.

Q. IF YOU WENT TO YOUR MAMA'S FUNERAL AFTER DARLENE'S BODY WAS FOUND AND YOU DON'T EVEN REMEMBER BEING ON THE BRIDGE, THE FIRST TIME YOU EVER HEARD ABOUT HER BEING DEAD, HOW ARE WE SUPPOSED TO BELIEVE, DANNY, ANYTHING YOU SAID? ANYTHING? ONE SINGLE THING?

MR. ERVIN: I HAVE NO FURTHER QUESTIONS,
YOUR HONOR.

2 BY MR. ROGERS:

1 ISN'T THAT TRUE?

2 A. YES, SIR.

3 Q. AND IF THEY DON'T LIKE WHAT YOU SAY AND IF
4 THEY DON'T THINK YOU ARE TELLING THE TRUTH, THEN YOU
5 DON'T GET THE DEAL. ISN'T THAT TRUE?

6 A. I GUESS.

7 Q. IT'S NOT WHETHER THE JURY THINKS YOU'RE
8 TELLING THE TRUTH. IT'S WHETHER THEY THINK YOU'RE
9 TELLING THE TRUTH. ISN'T THAT RIGHT?

10 A. I GUESS.

11 Q. OKAY. SO EVERYTHING YOU SAID ABOUT RICKY
12 YESTERDAY WAS IN ORDER TO SATISFY THEM, TO GET THIS
13 DEAL. ISN'T THAT TRUE?

14 A. NO, SIR.

15 Q. OKAY. WELL, YOU DIDN'T TELL THE JURY THE
16 TRUTH ABOUT EVERYTHING YESTERDAY, DID YOU? WHEN THE
17 SOLICITOR HAD YOU GOING THROUGH SEQUENCE BY SEQUENCE
18 AND WHAT YOU DID FROM THE PIG PARTY UNTIL THE BRIDGE,
19 YOU LEFT SOME THINGS OUT, DIDN'T YOU?

20 A. WHAT I SEEN AND DONE, I DIDN'T LEAVE
21 ANYTHING OUT.

22 Q. YOU DIDN'T TELL THE JURY THAT YOU HAD SEX
23 WITH MS. PATTERSON, DID YOU?

24 A. NO, I DID NOT.

25 Q. BUT YOU PLED GUILTY TO THAT, DIDN'T YOU?

1 A. YES, I DID.

2 Q. YOU HAD SEX WITH HER, DIDN'T YOU?

3 A. IF I DID, I DO NOT KNOW OF IT. I'M NOT
4 SAYING I DID AND I'M NOT SAYING I DIDN'T.

5 Q. YOU DON'T REMEMBER?

6 A. I'M NOT SAYING -- IF I DID, I DON'T
7 REMEMBER, AND I'M NOT SAYING I DID AND I'M NOT SAYING
8 I DIDN'T.

9 Q. OKAY. SO WHEN YOU WENT TO THE TRAILER
10 THAT FIRST TIME AND YOU SAW HER TIED UP, WHY DIDN'T
11 YOU GO CALL THE POLICE WHEN YOU WENT HOME AND CAME
12 BACK THE SECOND TIME?

13 A. I DON'T OWN A PHONE AND I DIDN'T KNOW WHAT
14 WAS GOING ON. I DIDN'T KNOW IF IT WAS A GAME OR A
15 GAG OR SOMETHING. I DIDN'T KNOW.

16 Q. DID YOU ASK HER?

17 A. NO, I DIDN'T.

18 Q. BUT THEN YOU WENT BACK A SECOND TIME?

19 A. I WENT THAT NIGHT.

20 Q. A SECOND TIME, SAME DAY, BACK TO THE
21 TRAILER. DID YOU FIND OUT IT WAS A GAME THEN?

22 A. NO.

23 Q. DID YOU CALL THE POLICE AFTER THAT?

24 A. NO.

25 Q. BUT YOU THOUGHT IT WAS A GAME?

1 A. THE FIRST TIME, I DIDN'T KNOW WHAT IT WAS.

2 Q. YOU THOUGHT IT WAS A GAME WHEN YOU HAD SEX
3 WITH HER?

4 A. I JUST TOLD YOU, I DON'T KNOW IF I DID --
5 I AIN'T SAYING I HAD SEX WITH HER AND I AIN'T SAYING
6 I DIDN'T.

7 Q. NOW, IT'S BEEN BROUGHT OUT MANY TIMES THAT
8 YOU TELL ONE STORY ONE WAY AND ANOTHER STORY ANOTHER
9 WAY. ISN'T THAT TRUE? YOU JUST TELL -- YOU JUST
10 TELL WHATEVER YOU NEED TO TELL IN ORDER TO SAVE
11 YOURSELF. ISN'T THAT TRUE?

12 A. NO. I'M TELLING WHAT'S THE TRUTH THAT I
13 KNOW ABOUT.

14 Q. ALL RIGHT. WHEN THEY CAME AND TALKED TO
15 YOU AND YOU GAVE A STATEMENT ON JANUARY 25TH, THAT
16 WAS BEFORE YOU WERE ARRESTED, YOU DIDN'T TELL THE
17 TRUTH IN THAT STATEMENT, DID YOU?

18 A. YES, SIR.

19 Q. DO YOU NEED AN OPPORTUNITY TO READ IT?
20 YOU DIDN'T SAY ANYTHING ABOUT THE TRAILER OR ANYTHING
21 ABOUT THE BRIDGE. ALL YOU TALKED ABOUT WAS FINDING
22 THE EARRING?

23 A. THAT'S RIGHT. THE HOUSE -- THE HOUSE I
24 WAS WORKING AT.

25 Q. AND YOU SAID YESTERDAY THAT YOU LIED

1 BECAUSE YOU WERE SCARED?

2 A. I SAID THE FIRST STATEMENT THAT I WROTE
3 WHEN THE -- WHEN SLED WAS QUESTIONING ME AND
4 EVERYTHING, I LIED ON SOME OF THAT.

5 Q. OH, YOU WEREN'T TALKING ABOUT THIS ONE?

6 A. NO, I DIDN'T LIE ON THAT ONE.

7 Q. OKAY. SO WHEN THEY CAME AND ASKED YOU
8 ABOUT WHAT YOU KNEW ON JANUARY 25TH OF '95, THIS IS
9 ALL YOU TOLD THEM YOU KNEW. RIGHT?

10 A. YEAH, BECAUSE THEY SAID THE GIRL WAS AT
11 THE HOUSE THAT I WAS WORKING AT. AND I TOLD THEM I
12 WAS WORKING AT THEM.

13 Q. AND YOU DIDN'T TELL THEM ANYTHING ABOUT
14 THE TRAILER OR ANYTHING ABOUT THE BRIDGE THEN, DID
15 YOU?

16 A. NO.

17 Q. SO YOU LIED?

18 A. I TOLD THEM WHAT THEY ASKED ME.

19 Q. OKAY. THEN YOU GOT ARRESTED. RIGHT?

20 A. YES.

21 Q. AND YOU MADE ANOTHER STATEMENT. ISN'T
22 THAT TRUE?

23 A. I GUESS.

24 Q. 28-PAGE STATEMENT. RIGHT? ISN'T THIS --
25 ISN'T THIS THE STATEMENT? YOU'VE SEEN THIS BEFORE?

1 A. YEAH.

2 Q. OKAY. AND IN THIS STATEMENT THAT YOU GAVE
3 ON MARCH 10TH OF 1995, YOU SAID DARLENE WAS ALIVE
4 WHEN SHE WAS IN THE CAR, DIDN'T YOU?

5 A. AT THE TIME THIS WAS GOING ON, I TRIED TO
6 TELL THE TRUTH AND SAID I DIDN'T KNOW NOTHING ABOUT
7 IT BECAUSE I DIDN'T REMEMBER NOTHING ABOUT THE THING.

8 Q. SO THE ANSWER IS?

9 A. BUT THEY DIDN'T WANT -- THEY DIDN'T WANT
10 THE TRUTH. THEY WANTED -- I TOLD THEM ANYTHING --

11 Q. YOU TOLD THEM ANYTHING --

12 A. I TOLD THEM WHAT THEY WANTED TO HEAR.

13 Q. ABSOLUTELY. YOU TOLD THEM EXACTLY WHAT
14 THEY WANTED TO HEAR. AND ON MARCH 10TH, YOU TOLD
15 THEM THAT SHE WAS ALIVE BECAUSE HER EYES WERE OPEN
16 AND YOU HEARD HER BREATHING. ISN'T THAT TRUE?

17 A. THAT'S WHAT I SAID.

18 Q. AND THEN WHEN THEY LEARNED THAT SHE HAD TO
19 HAVE BEEN DEAD AS SOON AS SHE WAS TAPED, THEY CAME
20 BACK AND TOLD YOU, WELL, DANNY, LOOK, SHE COULDN'T
21 HAVE BEEN ALIVE THEN, SO WE NEED YOU TO CHANGE YOUR
22 STORY, DIDN'T THEY?

23 A. NO, THEY DIDN'T.

24 Q. OKAY. DIDN'T THEY TELL YOU -- DIDN'T THE
25 OFFICERS TELL YOU THAT IF YOU AND BOBBY TOLD THEM

1 WHAT THEY WANTED TO HEAR AGAINST THESE OTHER BLACK
2 GUYS THAT THEY WOULD GO LIGHT ON YOU? DIDN'T THEY
3 TELL YOU THAT?

4 A. NO, SIR.

5 Q. THEY DIDN'T TELL YOU THAT? BOBBY RANSOM
6 IS WHITE, ISN'T HE?

7 A. YEAH.

8 Q. AND YOU AND BOBBY ARE THE TWO GUYS THAT
9 GOT DEALS IN THIS CASE. RIGHT?

10 A. I GUESS.

11 Q. BUT THEY DIDN'T TELL YOU THAT?

12 A. I HEARD SOME OTHERS GOT SOME DEALS THE
13 OTHER DAY TOO.

14 Q. YOU HEARD?

15 A. I HEARD.

16 Q. BUT YOU DON'T KNOW?

17 A. NO, I DON'T KNOW.

18 Q. BUT YOU KNOW YOU GOT A DEAL. RIGHT?

19 A. I GUESS.

20 Q. AND YOU KNOW BOBBY GOT A DEAL?

21 A. I GUESS.

22 Q. WELL, YOU'RE NOT FACING MURDER ANY MORE.
23 ISN'T THAT A DEAL TO YOU?

24 A. YES.

25 Q. RIGHT, MR. DAVIS? NOW, LET ME ASK YOU

THIS. WHEN YOU TOLD THEM THAT RICKY WAS INVOLVED, DID THEY EVER COME TO YOU AND SAY, MR. DAVIS, HERE'S A PHOTO LINE-UP OF SIX BLACK MEN; I WANT YOU TO PICK OUT RICKY STUCKEY? DID THEY EVER DO THAT?

A. THEY SHOWED ME SOME PICTURES, BUT NONE OF THEM WAS IN THEM PICTURES.

Q. SO HOW DID THEY KNOW WHO TO GO ARREST?

A. I DON'T KNOW.

Q. YOU DON'T KNOW. YOU JUST TOLD THEM --

A. I TOLD THEM RICKY BECAUSE I TOLD -- THAT'S THE HOUSE THAT I WAS WORKING ON, RICKY STUCKEY USED TO LIVE THERE.

Q. AND WHEN YOU WERE IN COURT LAST WEEK, THE SOLICITOR TOOK ABOUT 20 TO 30 MINUTES TO GO THROUGH AND CLEAN UP THIS STATEMENT. YOU TESTIFIED TO EVERYTHING THAT WAS IN THIS STATEMENT THAT THEY DIDN'T WANT BECAUSE IT WASN'T CONSISTENT WITH THE EVIDENCE. ISN'T THAT TRUE?

A. I TOLD THE SOLICITOR THAT THERE WAS SOME THINGS IN THERE THAT WEREN'T TRUE, THAT I LIED.

Q. THAT WASN'T TRUE THAT YOU LIED. LIKE THERE WERE NINE PEOPLE IN THE CAR. NINE PEOPLE IN THE CAR, DANNY, GOING TO THE BRIDGE?

A. YES.

Q. NINE PEOPLE IN THE CAR WITH A DEAD BODY?

25 Q. BUT YOU TESTIFIED --

A. THEY WAS -- THEY WAS THERE AT THE COOKOUT.
SOMEBODY BROUGHT HER THERE.

Q. YEAH. SOMEBODY BROUGHT HER THERE. YEAH,
RINGO BROUGHT HER THERE. BUT YOU SAID YESTERDAY
RICKY STUCKEY HER THERE BECAUSE THAT'S WHAT THEY
WANTED YOU TO SAY. THAT'S WHAT YOU HAVE TO SAY IN
ORDER TO GET 20 YEARS.

A. NO, THEY DIDN'T TELL ME TO SAY NOTHING.

Q. THEY DIDN'T TELL YOU TO SAY THAT?

A. NO.

Q. ALL RIGHT. FINALLY, DANNY, DIDN'T YOU WRITE A LETTER TO JERRY AFTER YOU WERE ARRESTED, AFTER THAT MARCH 10TH STATEMENT? I'LL SHOW YOU THIS. DIDN'T YOU WRITE THIS TO JERRY AND YOU SIGNED IT CRAZY LEGS? ISN'T THAT YOUR NICKNAME?

A. YES.

Q. YOU WROTE THAT. AND THEN THE OTHER ONE, YOU WROTE THE OTHER ONE TO RINGO, DIDN'T YOU? DIDN'T YOU WRITE THAT TO RINGO?

A. YES.

Q. OKAY. YOU TOLD RINGO, YOU SAID RINGO --

 MR. WILSON: YOUR HONOR, BEFORE HE

PUBLISHES WHATEVER IT IS THAT HE'S GOT, I ASSUME THAT

THEY PROVIDED IT TO US UNDER THE RULES. IF THEY HAVE

NOT, THEN I WOULD LIKE TO SEE IT. THEY ARE WELL

1 AWARE OF THE RULES, AND IF THIS IS SOMETHING THAT I
2 HAVE NOT SEEN BEFORE TODAY, THEN I OBJECT TO IT.

3 THE COURT: THE RULES HAVE RECIPROCITY.

4 MR. ROGERS: THEY GAVE IT TO US. IT WAS
5 PROVIDED IN THE DISCOVERY MATERIAL THAT WE GOT FROM
6 THE STATE.

7 MR. WILSON: I WAS NOT -- I WOULD NOT HAVE
8 GIVEN THEM THE ORIGINAL OF ANY DOCUMENT. THAT'S FOR
9 SURE. THIS IS AN ORIGINAL DOCUMENT.

10 THE COURT: LET YOU GO TO THE JURY ROOM
11 JUST A MINUTE. I'LL CALL YOU RIGHT BACK.

12 (WHEREUPON, THE JURY WAS REMOVED
13 FROM THE COURTROOM AND THE
14 FOLLOWING PROCEEDINGS COMMENCED
15 IN OPEN COURT.)

16 THE COURT: LET ME SEE THE DOCUMENT,
17 PLEASE. I'VE ALREADY CAUTIONED EVERYBODY IN THIS
18 COURTROOM AND I CAUTION THE INDIVIDUAL WHO HAD A
19 COMMENT BY LAUGHTER AWHILE AGO. I HEARD IT.

20 ALL RIGHT. THIS IS AN ORIGINAL DOCUMENT. CAN
21 ANYBODY TELL ME WHERE IT CAME FROM?

22 MR. PADGETT: YES, SIR. IT IS FROM MY
23 CLIENT, RICKY STUCKEY. BUT I NOTICE AFTER TALKING TO
24 ALL OF THE OTHER DEFENSE LAWYERS IN THIS CASE THEY
25 ALL HAD COPIES OF IT AND I ASSUMED THAT IT HAD BEEN

1 DISTRIBUTED.

2 THE COURT: YES, SIR. BUT UNDER
3 RECIPROCITY, WAS THE STATE OF SOUTH CAROLINA AFFORDED
4 A COPY OF IT?

5 MR. PADGETT: I DIDN'T GIVE THEM A COPY.
6 I THOUGHT THEY HAD IT BECAUSE EVERYBODY ELSE HAD
7 COPIES.

8 THE COURT: WELL, THIS IS AN ORIGINAL
9 DOCUMENT, AND IF THEY DON'T HAVE IT, I CAN'T LET YOU
10 CROSS-EXAMINE HIM ON IT.

11 MR. PADGETT: IT'S THEIR WITNESS, JUDGE.
12 I DON'T SEE HOW THEY ARE SURPRISED.

13 THE COURT: LET HIM LOOK AT IT.

14 MR. WILSON: I MAY NOT HAVE ANY OBJECTION.
15 I JUST HAVEN'T SEEN IT.

16 THE COURT: THERE MAY NOT BE AN OBJECTION,
17 BUT YOU UNDERSTAND THAT SUCH A DOCUMENT --

18 MR. ERVIN: JUDGE, I'VE GOT A COPY OF IT.

19 THE COURT: IT SEEMS LIKE TO ME HIS CLIENT
20 GAVE HIM A COPY AND HE DISTRIBUTED IT.

21 MR. PADGETT: NO, SIR. I DID NOT.

22 THE COURT: HOW DID EVERYBODY GET A COPY?

23 MR. ERVIN: I GUESS FROM GORDON MCBRIDE.

24 MR. WILSON: THE SOLICITOR WOULD NOT HAVE
25 GIVEN THEM THE ORIGINAL -- BUT THIS IS THE ORIGINAL.

1 MR. PADGETT: THIS IS THE ORIGINAL. THE
2 ORIGINAL I HAVE. I ADMIT THAT. BUT I SAW EVERYBODY
3 ELSE HAD COPIES.

4 THE COURT: CAN YOU TELL ME WHERE YOU GOT
5 THE ORIGINAL FROM?

6 MR. PADGETT: FROM RICKY.

7 MR. ERVIN: ALL I'M SAYING IS I GOT A COPY
8 AND DIDN'T KNOW ANYTHING ABOUT THE ORIGINAL, BUT GOT
9 IT FROM GORDON.

10 THE COURT: I UNDERSTAND THAT. HE SAYS
11 HE'S GOT THE ORIGINAL. I'VE GOT TO FIND OUT WHY THE
12 STATE HADN'T BEEN PROVIDED A COPY OF IT.

13 MR. ERVIN: IT MAY HAVE BEEN ONE OF THOSE
14 THINGS THAT FELL THROUGH THE CRACKS BECAUSE THERE WAS
15 SOME THINGS THAT I RECEIVED FROM SOLICITOR MCBRIDE.

16 THE COURT: IT MAY BE SUCH THAT IT'S NOT
17 AN ISSUE. LET HIM READ IT AND LET'S SEE. SHORT
18 BREAK.

19 (WHEREUPON, A BREAK WAS TAKEN
20 FROM THE PROCEEDINGS.)

21 THE COURT: SOLICITOR, HAVE YOU HAD A
22 CHANCE TO REVIEW IT?

23 MR. WILSON: I HAVE, AND I HAVE NO
24 OBJECTION TO IT.

25 THE COURT: ALL RIGHT. THERE'S NO

1 OBJECTION TO YOU USING IT.

2 MR. ROGERS: YES, SIR. I UNDERSTAND I'M
3 NOT GOING TO GO IN DEPARTMENT.

4 THE COURT: PROVIDE A COPY TO HIM ANYWAY.
5 HE'S ENTITLED TO IT UNDER THE RULES. STATE READY TO
6 PROCEED?

7 MR. WILSON: YES, SIR.

8 THE COURT: MR. ROGERS, HAVE YOU CONCLUDED
9 YOUR EXAMINATION?

10 MR. ROGERS: JUST TWO MORE QUESTIONS.

11 THE COURT: BRING ME THE JURY IN.

12 (WHEREUPON, THE JURY WAS RETURNED
13 TO THE COURTROOM AND THE FOLLOWING
14 PROCEEDINGS WERE COMMENCED IN
15 OPEN COURT.) IS

16 THE COURT: MR. SOLICITOR.

17 MR. WILSON: SO THE RECORD IS CLEAR, I
18 HAVE NO -- I WITHDRAW MY OBJECTION. I HAVE NO
19 OBJECTION TO THE LETTER. I JUST ASK THE COURT TO
20 PROVIDE ME A COPY OF IT.

21 C R O S S - E X A M I N A T I O N (CONTINUED)
22 BY MR. ROGERS:

23 Q. JUST A COUPLE OF OTHER QUESTIONS. I
24 BELIEVE THAT THE POLICE TALKED TO YOU 15 TO 20 TIMES.
25 THEY TALKED TO YOU A LOT OF TIMES?

1 A. YES, SIR.

2 Q. AND IN ORDER FOR THIS JURY TO KNOW EXACTLY
3 WHAT WENT ON DURING THOSE INTERROGATIONS AND WHAT
4 THEY SAID TO YOU, WE WOULD NEED A TAPE RECORDING,
5 WOULDN'T WE? THAT WOULD ACCURATELY REFLECT
6 EVERYTHING THAT WAS SAID DURING THIS?

7 A. WELL, THAT'S WHAT I SAID.

8 Q. WELL, WE KNOW WHAT YOU'VE SAID AND YOU'VE
9 SAID HOT AND COLD. BUT IN ORDER FOR THE JURY TO
10 DETERMINE WHAT THE TRUTH IS ABOUT WHAT WENT ON DURING
11 THE INTERROGATION, IF THEY HAD A TAPE RECORDING, THEY
12 WOULD KNOW EVERYTHING THAT WAS SAID TO YOU, WOULDN'T
13 THEY?

14 A. I GUESS THEY WOULD.

15 MR. ROGERS: THANK YOU. THAT'S ALL I
16 HAVE.

17 MR. REDMOND: MAY IT PLEASE THE COURT,
18 YOUR HONOR.

19 C R O S S - E X A M I N A T I O N

20 BY MR. REDMOND:

21 Q. DANNY, DANNY DAVIS, THE STATE GAVE YOU A
22 STATEMENT -- YOU GAVE A STATEMENT JANUARY 25 AND ALSO
23 THE 2ND. ISN'T IT TRUE THAT JEFF WALLS' NAME WAS
24 NEVER MENTIONED AT THAT TIME?

25 A. YES, SIR, BECAUSE I DIDN'T SEE JEFF AT THE

1 COOKOUT THAT DAY.

2 Q. OKAY. AND WHEN I SAY JEFF, IT WASN'T
3 MENTIONED, THIS IN THESE STATEMENTS; ISN'T THAT
4 CORRECT? IN OTHER WORDS, ISN'T IT TRUE THAT THE
5 FIRST TIME YOU MENTIONED JEFF WALLS WAS ON MARCH 10TH
6 WHEN YOU WERE IN PAGELAND, SAME PLACE THAT BOBBY
7 RANSOM WAS? ISN'T THAT TRUE, DANNY?

8 A. I DON'T KNOW, SIR.

9 Q. LOOK OVER THESE STATEMENTS. ISN'T THAT
10 TRUE?

11 A. (WITNESS REVIEWS DOCUMENT.)

12 Q. I KNOW IT'S CONFUSING FOR YOU, ISN'T IT,
13 DANNY? ISN'T IT TRUE, DANNY?

14 A. WHAT?

15 Q. ISN'T IT TRUE, DANNY, THAT YOU NEVER
16 MENTIONED JEFF WALLS' NAME UNTIL MARCH 20TH -- MARCH
17 10TH IN PAGELAND WHERE YOU WERE AT WITH BOBBY RANSOM?

18 A. I GUESS.

19 Q. I'VE GOT ONE MORE QUESTION FOR YOU, DANNY.
20 JUST ONE MORE QUESTION. ISN'T IT TRUE THAT ON
21 FEBRUARY 24TH OF THIS YEAR, 1997, YOU WERE HERE IN
22 COURT? DO YOU REMEMBER THAT?

23 A. YES.

24 Q. AND I HAD NEVER TALKED TO YOU BEFORE THAT
25 TIME. ISN'T THAT TRUE, DANNY?

1 A. YES.

2 Q. ISN'T IT TRUE THAT BACK THERE IN THAT ROOM
3 BACK THERE, YOU AND I, WITH YOUR LAWYER PRESENT --
4 YOU KNOW YOUR LAWYER; RIGHT? ED CLEMENTS?

5 A. YES.

6 Q. AND ISN'T IT TRUE THAT YOU -- YOU ASKED ME
7 TO LIGHT A CIGARETTE FOR YOU. DO YOU REMEMBER THAT,
8 DANNY?

9 A. YES.

10 Q. BECAUSE YOU WERE WEARING THE SAME THING.
11 DO YOU REMEMBER THAT?

12 A. YES.

13 Q. AND ISN'T IT TRUE THAT AT THAT TIME THAT
14 YOU SAID THAT JEFF WALLS WAS NOT THERE? ISN'T IT
15 TRUE THAT YOU TOLD ME, LOOK ME TO MY EYE RIGHT NOW --
16 THAT JEFF WALLS --

17 A. I SAID THAT HE WAS NOT AT THAT COOKOUT.

18 Q. NO. YOU SAID HE WAS NOT AT THE COOKOUT.
19 AND ISN'T IT TRUE THAT YOU SAID HE WAS NOT AT THAT
20 BRIDGE? ISN'T THAT TRUE, DANNY?

21 A. IF I DID, I DON'T KNOW ABOUT IT. I MIGHT
22 HAVE.

23 Q. OKAY. AND ISN'T IT ALSO TRUE, DANNY, THAT
24 YOU SAID THE FIRST TIME THAT YOU HAD EVEN MET JEFF
25 WALLS WAS ON THE WAY TO COLUMBIA?

1 A. I SAID THAT.

2 MR. REDMOND: THANK YOU. I HAVE NOTHING
3 FURTHER.

4 THE COURT: MR. MOORE.

5 MR. MOORE: YOUR HONOR.

6 C R O S S - E X A M I N A T I O N .

7 BY MR. MOORE:

8 Q. I ONLY HAVE A COUPLE OF QUESTIONS, DANNY.
9 THE CO-COUNSEL, THREE OF THEM AHEAD OF ME, HAVE
10 GENERALLY GONE INTO ALL OF THE STATEMENTS THAT
11 THEY'VE GIVEN AND I THINK THEY'VE DONE A GOOD JOB.
12 AND I THINK SPECIFICALLY THEY HAVE PROVEN THEY ARE
13 EXTREMELY INCONSISTENT. THERE'S ONLY ONE DEFENDANT
14 CHARGED WITH THE DEATH PENALTY IN THIS CASE; RIGHT,
15 DANNY?

16 A. YES, SIR.

17 Q. AND THAT IS RINGO PEARSON. RIGHT?

18 A. YES, SIR.

19 Q. AND HE IS OFF ON A MENTAL EVALUATION RIGHT
20 NOW. ISN'T THAT CORRECT?

21 A. YES, SIR.

22 Q. AS FAR AS YOU KNOW, RINGO PEARSON
23 KIDNAPPED THIS GIRL. ISN'T THAT CORRECT?

24 A. AS FAR AS I KNOW.

25 Q. HE WAS DATING HER BEFORE THE KIDNAPPING

1 OCCURRED. CORRECT?

2 A. I DON'T KNOW ALL OF THAT.

3 Q. WELL, YOU KNOW HE KEPT HER AT HIS HOUSE OR
4 TRAILER AT AN ABANDONED HOUSE, DON'T YOU?

5 | A. SIR?

6 Q. YOU KNOW THAT RINGO KEPT THE GIRL AT HIS
7 TRAILER OR ABANDONED HOUSE, DON'T YOU?

8 | A. I DON'T KNOW IF RINGO HAD A TRAILER.

9 Q. WELL, HE HAD AN ABANDONED HOUSE, DIDN'T
10 HE?

11 A. I DON'T KNOW IF HE HAD AN ABANDONED HOUSE
12 OR NOT.

13 Q. WELL, YOU KNOW THAT HE PICKED HER UP. YOU
14 TESTIFIED TO THAT. YOU JUST NOW TESTIFIED TO THAT.

15 A. YEAH, THEY CARRIED HER TO AN ABANDONED
16 HOUSE.

17 Q. ALL RIGHT. AS FAR AS YOU KNOW, RINGO
18 PEARSON TAPED HER UP AND CAUSED HER DEATH BY
19 SUFFOCATING HER?

20 | A. I HAVE NO IDEA IF HE DID THAT OR NOT.

21 Q. ALL RIGHT.

22 A. I DIDN'T SEE IT.

23 Q. ALL RIGHT. YOU MADE SEVERAL REFERENCES TO
24 LEROY STATON, MY CLIENT, BUT YOU NEVER SAW LEROY DEAL
25 WITH ANY DUCT TAPE. YOU NEVER SAW HIM TAPE HER UP IN

1 ANY MANNER, DID YOU?

2 A. NO, SIR.

3 Q. NEVER SAW LEROY STATON PICK THE GIRL UP
4 FROM A HOUSE IN BENNETTSVILLE AND TAKE HER FROM A
5 TRAILER TO A HOUSE IN THE COUNTRY?

6 A. NO, SIR.

7 MR. MOORE: THAT'S ALL I HAVE, YOUR HONOR.

8 THE COURT: MR. ROGERS.

9 C R O S S - E X A M I N A T I O N

10 BY MR. WILL ROGERS:

11 Q. I JUST HAVE A FEW QUESTIONS. EVERYTHING I
12 WAS GOING TO GO OVER HAS PRETTY MUCH BEEN COVERED.
13 MR. DAVIS, I WANT TO ASK YOU ABOUT A STATEMENT OR A
14 LETTER YOU WROTE TO MR. DELTON POWERS DATED OCTOBER
15 26, 1995. IS THAT YOUR SIGNATURE -- OR IS THAT YOUR
16 HANDWRITING?

17 A. LOOKS LIKE IT.

18 Q. OKAY. ON PAGE THREE OF THAT STATEMENT,
19 HOW ABOUT READ THIS SENTENCE HERE FOR ME, STARTING
20 RIGHT HERE WITH "ALL OF THESE OTHER GUYS."

21 A. "ALL OF THESE OTHER GUYS I DON'T KNOW AND
22 THEY DON'T KNOW ME. I HAVE NEVER SEEN ANY OF THEM
23 BEFORE UNTIL I CAME UP HERE.

24 Q. OKAY. AND ISN'T IT TRUE THAT THE FIRST
25 TIME MY CLIENT'S NAME ALFONZO STATON WAS MENTIONED IN

5 A. I DO NOT RECALL ABOUT THAT.

7 OKAY. THE FIRST STATEMENT YOU GAVE WAS WHEN YOU
8 TALKED ABOUT CLEANING OUT THE HOUSE. OKAY. THE
9 SECOND STATEMENT YOU GAVE WAS DATED MARCH 2ND, 1995.

13 A. NO, SIR.

16 THE COURT: OKAY. MR. LAWSON.

18 THE COURT: YES, SIR.

20 BY MR. LAWSON:

24 A. THAT'S CORRECT.

25 Q. AND SO TESTIFYING ABOUT BEING THERE IS

1 BASED ON INFORMATION THAT YOU'VE BEEN PROVIDED FROM
2 SOME OTHER SOURCE. IS THAT RIGHT?

3 A. YES.

4 Q. OKAY. SO WHAT YOU TESTIFIED TO AS IT
5 RELATES TO THAT DAM, YOU CAN'T IN -- EVEN IN YOUR
6 WILDEST IMAGINATION, YOU CAN'T SIT THERE AND SAY I
7 WAS THERE, CAN YOU?

8 A. I CAN'T SAY THAT. I CAN'T PICTURE ME
9 BEING THERE.

10 Q. ALL RIGHT. SO AS FAR AS YOUR MEMORY IS
11 CONCERNED OF WHAT HAPPENED, YOU DON'T REMEMBER IT, DO
12 YOU?

13 A. NOT EXACTLY WHAT HAPPENED AT THE BRIDGE, I
14 DON'T.

15 Q. ALL RIGHT. YOU DON'T EVEN REMEMBER BEING
16 THERE, DO YOU?

17 A. I CAN'T RECALL.

18 Q. OKAY. YOU ALSO TESTIFIED THAT YOU DON'T
19 RECALL WHETHER OR NOT YOU HAD SEX WITH THIS GIRL?

20 A. I SAID THAT I DON'T REMEMBER IT. IF -- I
21 AIN'T SAYING THAT I DID AND I AIN'T SAYING THAT I
22 DIDN'T.

23 Q. THAT'S RIGHT. THAT'S WHAT I'M ASKING.
24 THAT YOU DON'T REMEMBER; IS THAT RIGHT?

25 A. THAT'S RIGHT. I'M TELLING THE TRUTH ABOUT

1 IT.

2 Q. THAT'S RIGHT. AND YOU'VE HAD -- YOU GOT
3 INJURED, DIDN'T YOU? YOU GOT HIT BY A BAT OR
4 SOMETHING?

5 A. YES.

6 Q. AND IN THE HEAD. RIGHT?

7 A. YES.

8 Q. AND SINCE THEN, YOU'VE HAD TROUBLE
9 REMEMBERING EVENTS AS THEY OCCUR. RIGHT?

10 A. THAT AND DRINKING.

11 Q. OKAY. DRINKING MAKES IT A BIGGER PROBLEM,
12 DOESN'T IT?

13 A. I GUESS. I DON'T KNOW. I'VE NEVER BEEN
14 CHECKED ABOUT IT. I DON'T KNOW WHAT IS THE CAUSE.

15 Q. OKAY. WHEN YOU DRINK, YOU HAVE PROBLEMS
16 REMEMBERING, DON'T YOU?

17 A. YES.

18 Q. AND DURING THIS PERIOD OF TIME BACK IN
19 NOVEMBER OF 1994, YOU WERE DRINKING REGULAR, WEREN'T
20 YOU?

21 A. YES.

22 Q. EVERY DAY?

23 A. YES.

24 Q. AND SO THERE'S A GOOD CHANCE THAT YOUR
25 TESTIMONY IN RELATION TO EVENTS OF NOVEMBER OF 1994

1 A. POSSIBLE.

2 Q. NOW, ROBERT GRAHAM LIVED DOWN THERE IN
3 THAT TRAILER. RIGHT?

4 A. YES, SIR.

5 Q. WORKED UP AT STANTON'S?

6 A. YES, SIR.

7 Q. RIGHT AROUND THE CORNER, REALLY. WHAT,
8 ABOUT A MILE?

9 A. YES, SIR.

10 Q. STANTON'S WAS PRETTY MUCH AT YOUR BACK
11 DOOR, WASN'T IT?

12 A. YES, SIR.

13 Q. AND ROBERT WORKED AS FAR AS YOU COULD TELL
14 ABOUT ALL OF THE TIME, DIDN'T HE?

15 A. WORKED ALL OF THE TIME EXCEPT FOR MONDAY.

16 Q. OKAY. AND THE -- ROBERT AIN'T INVOLVED IN
17 THIS, IS HE?

18 A. I'VE NEVER SEEN ROBERT DO NOTHING OR
19 NOTHING ELSE. I CAN'T SAY THAT ROBERT IS INVOLVED IN
20 IT.

21 MR. LAWSON: ALL RIGHT. I DON'T HAVE
22 ANYTHING ELSE.

23 THE COURT: ALL RIGHT. ANY FURTHER
24 QUESTIONING?

25 MR. WILSON: YES, SIR. I JUST HAVE A FEW.

R E D I R E C T E X A M I N A T I O N

BY MR. WILSON:

Q. DANNY, THEY ASKED YOU ABOUT YOUR STATEMENT THAT YOU GAVE TO LAW ENFORCEMENT. IS THAT CORRECT?

A. YES, SIR.

Q. ALL RIGHT. AND YOU DID GIVE THESE STATEMENTS, DID YOU NOT?

A. YES, SIR.

Q. AND WHEN YOU GAVE THESE STATEMENTS, WERE YOU BEING HONEST TO THE BEST OF YOUR ABILITY WITH THE POLICE BACK IN MARCH OF 1995, WHICH WAS TWO MONTHS, THREE MONTHS AFTER THIS HAPPENED?

A. NOT ALL OF THEM, SIR.

Q. ALL RIGHT. AND LET ME ASK YOU THIS. AT SOME TIME THEY ALSO ASKED YOU ABOUT YOUR GUILTY PLEA; IS THAT CORRECT?

A. YES, SIR.

Q. AND YOU TOLD -- YOU TOLD US AT THAT TIME THAT ANYTHING THAT YOU HAD SAID THAT WASN'T TRUE, YOU CORRECTED, DID YOU NOT?

A. YES, SIR, SOME OF IT.

Q. ALL RIGHT. AND YOU CORRECTED IT RIGHT
HERE IN THIS COURTROOM, DID YOU NOT?

A. YES, SIR.

Q. ON THE RECORD, DIDN'T YOU?

1 A. YES, SIR.

2 Q. WHILE YOU WERE UNDER OATH?

3 A. YES, SIR.

4 Q. DIDN'T YOU DO THAT?

5 A. YES, SIR.

6 Q. ALL RIGHT. AND THAT IS -- IS WHAT YOU
7 TOLD THAT DAY THAT YOU STOOD HERE AND PLED GUILTY,
8 THAT IS THE TRUTH, SO HELP YOU GOD?

9 A. NOT -- NOT ALL OF IT.

10 Q. WELL, WHAT ELSE IS THERE?

11 A. THE MAJORITY OF IT IS.

12 Q. WELL, WHAT ELSE IS THERE THAT'S NOT TRUE?
13 I MEAN, THAT'S WHAT I'M TRYING TO FIND OUT. NOW, YOU
14 PLED GUILTY IN HERE; IS THAT RIGHT?

15 A. YES, SIR.

16 Q. AND WHAT I'M ASKING YOU IS -- AND I WANT
17 YOU TO LISTEN LONG AND HARD. AND I WANT YOU TO PAY
18 ATTENTION AND YOU ANSWER ME. YOU PLED GUILTY IN HERE
19 AND YOU RAISED YOUR RIGHT HAND AND THAT YOU WOULD
20 TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE
21 TRUTH, JUST LIKE YOU DID TODAY, SO HELP YOU GOD, DID
22 YOU NOT?

23 A. YES, SIR.

24 Q. AND YOU TOLD US WHAT HAPPENED WITH THIS
25 COURT REPORTER TAKING DOWN EXACTLY WHAT YOU WERE

SAYING, DID YOU NOT?

A. YES, SIR.

Q. NOW, ARE YOU TELLING ME THAT THAT WAS A LIE, WHAT YOU SAID THAT DAY WAS A LIE? JUST ANSWER ME YES OR NO, ARE YOU SAYING THAT WHAT YOU TOLD THAT DAY IS A LIE? TELL ME NOW.

A. I'M TELLING YOU WHAT I KNOW -- WHAT I KNOW FROM WHAT I CAN REMEMBER.

Q. ALL RIGHT.

A. THAT IS NO LIE.

Q. NO, THAT AIN'T WHAT I ASKED YOU. THAT IS NOT WHAT I ASKED.

A. WHAT I KNOW IS THE TRUTH WAS WHAT I SAID.

Q. THAT'S WHAT I'M ASKING YOU. WHAT I'M ASKING YOU IS WHAT YOU TOLD WHEN YOU PLED GUILTY IN HERE, WHICH IS IN THE RECORD, WAS THAT THE TRUTH AND THE WHOLE TRUTH, SO HELP YOU GOD?

A. THAT'S WHAT I SAID, YES, SIR.

Q. ALL RIGHT. AND IS WHAT YOU TESTIFIED IN
HERE TODAY AS BEST YOU -- LET ME SHOW YOU A COPY OF
YOUR TRANSCRIPT THAT I THINK ONE OF THEM ASKED YOU
ABOUT, ASKED YOU SOME QUESTIONS ABOUT IT.

THE COURT: PLEASE REFER TO THE --

MR. WILSON: YOUR HONOR, THIS IS A
TRANSCRIPT OF --

1 THE COURT: PAGE AND LINE NUMBER.

2 MR. WILSON: DATED MARCH 6, 1997, A
3 TRANSCRIPT OF RECORD OF DANNY DAVIS BEFORE THE
4 HONORABLE EDWARD COTTINGHAM; RALPH WILSON, SOLICITOR;
5 ED CLEMENTS, ATTORNEY, AND ROBERT E. LEE, ESQUIRE,
6 ATTORNEYS. THE REPORTER WAS GENE HUGGINS. AND YOUR
7 HONOR, I WOULD ASK THAT THIS BE MARKED FOR
8 IDENTIFICATION PURPOSES AT THIS TIME.

9 BY MR. WILSON:

10 Q. DANNY, MARCH 7 -- MARCH 6, WHICH IS THIS
11 WEEK MONDAY -- OR LAST WEEK, I'M SORRY. RIGHT?

12 A. YES, SIR.

13 Q. YOU WERE IN THIS SAME COURTROOM, WERE YOU
14 NOT?

15 A. YES, SIR.

16 Q. AND YOU TESTIFIED IN THIS COURTROOM
17 SITTING IN THIS SAME CHAIR THAT YOU'RE SITTING IN
18 NOW?

19 A. YES, SIR.

20 Q. DID YOU NOT? PUT YOUR HAND ON THAT BIBLE.
21 RIGHT?

22 A. YES, SIR.

23 Q. AID YOU WERE GOING TO TELL THE TRUTH, THE
24 WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP YOU
25 GOD?

1 A. YES, SIR.

2 Q. THE JUDGE WAS SITTING RIGHT THERE, WAS HE
3 NOT?

4 A. YES, SIR.

5 Q. ALL RIGHT. LET ME ASK YOU -- AND THIS IS
6 WHAT YOU SAID. AND YOU TELL ME WHETHER THESE THINGS
7 ARE TRUE BECAUSE THIS IS WHAT YOU SAID IN THIS
8 TRANSCRIPT. THE QUESTION WAS --

9 MR. ROGERS: WHAT PAGE?

10 MR. WILSON: I'M SORRY. I'M ON PAGE
11 THREE. THE QUESTION WAS TELL US WHAT IS IN THIS
12 STATEMENT NOW THAT IS IN THE WRITTEN STATEMENT THAT
13 IS NOT CORRECT, REFERRING TO YOUR WRITTEN STATEMENT
14 THAT YOU HAD GIVEN EARLIER, WHICH ARE STATE'S EXHIBIT
15 NUMBERS 26, 25 AND 27, ALL FOR I.D., REFERRING THESE
16 STATEMENTS. YOUR RESPONSE WAS WELL, WHEN THEY WENT
17 TO BURNT FACTORY --

18 MR. LAWSON: OBJECTION, YOUR HONOR. THIS
19 IS NOT PROPER PROCEDURE FOR PRIOR INCONSISTENT
20 STATEMENTS. HE HAS TO LET HIM READ IT AND ASK HIM IF
21 IT'S THE SAME RESPONSE NOW AS IT WAS THEN. TO READ
22 THIS TRANSCRIPT IS IMPROPER USE AND BOLSTERING --

23 MR. WILSON: NO, SIR. JUDGE, HE HAS
24 ALREADY TESTIFIED INCONSISTENT WITH WHAT HE HAD SAID.
25 I'M SIMPLY NOW ASKING HIM WHETHER OR NOT THESE THINGS

1 ARE TRUE OR NOT TRUE.

2 THE COURT: THIS IS PROPER RECROSS. THESE
3 ISSUES WERE RAISED ON CROSS-EXAMINATION. YOU MAY
4 CONTINUE.

5 BY MR. WILSON:

6 Q. DID YOU TELL US AT THAT TIME -- YOUR
7 ANSWER WAS, "WELL, WHEN THEY WENT TO BURNT FACTORY,
8 IT WAS DARK AND I COULDN'T SEE EXACTLY EVERYTHING.
9 WHEN WE GOT OUT OF THE CAR, I DIDN'T SEE WHO THREW
10 THE GIRL IN. AND THE FIRST OLD SHACK THERE AT THE
11 OLD SHACK, OLD HOUSE I CALL IT, THE SIDE OF IT, THEY
12 DIDN'T PUT HER THERE. THEY PUT HER IN THE FRONT
13 LIVING ROOM OF THAT OLD HOUSE. AND -- AND THE PART
14 WHERE JEFF -- HE -- HE THERE WHEN THEY WENT AND GOT
15 HER OUT THE HOUSE, THERE WAS TWO HOUSES. JEFF AND
16 MARTIN WAS AT THE LAST HOUSE -- ALREADY THERE WHEN WE
17 PULLED UP THERE. AND THE PART ABOUT ON THE BRIDGE
18 WHERE THERE WAS SQUIRMING AND WIGGLING AND
19 EVERYTHING, SHE WASN'T DOING THAT BECAUSE SHE DIDN'T
20 HAVE NO MOVEMENT AT ALL."

21 WHEN Y'ALL GOT -- AND THEN THE NEXT QUESTION TO
22 YOU WAS, "WHEN Y'ALL GOT HER OUT OF THE CAR AT THE
23 BRIDGE, SHE DIDN'T HAVE ANY MOVEMENT AT THAT POINT?"
24 YOUR ANSWER WAS, "NO, SIR." IS THAT NOT CORRECT?

25 A. THAT'S RIGHT.

1 Q. AND THAT'S TRUE, ISN'T IT?

2 A. YES, SIR.

3 Q. ALL RIGHT. WHAT ABOUT IN THE CAR? WAS
4 SHE BREATHING IN THE CAR? YOUR ANSWER, NO, SIR. ALL
5 RIGHT. SO WHAT YOU'RE SAYING IS WHEN THEY CAME TO
6 PICK YOU UP AFTER THEY WENT BACK AND GOT HER AND CAME
7 TO GET YOU, SHE WASN'T MOVING AT THAT POINT? AND
8 YOUR ANSWER WAS NO, SIR. RIGHT?

9 A. RIGHT.

10 Q. ALL RIGHT. NOW, LET'S GO ON A LITTLE BIT
11 FURTHER IN HERE. ALL RIGHT. I'M ON PAGE -- I'M
12 GOING TO START AT THE BOTTOM OF PAGE FOUR. SAYS --
13 SAYS, ALL RIGHT. AND YOUR ANSWER, BOBBY SAID THAT HE
14 DIDN'T KNOW. HE SAID THEY USUALLY TAKE PEOPLE DOWN
15 TO BURNT FACTORY ROAD AND TURN THEM LOOSE. AND THEY
16 ASKED BOBBY WOULD WE TAKE THEM AND SHOW THEM HOW TO
17 GET TO BURNT FACTORY ROAD. THEN MARTIN AND JEFF WAS
18 STANDING AT THE CORNER OF THE HOUSE."

19 THE QUESTION WAS, "MARTIN MCINTOSH AND JEFF
20 WALLS?" YOUR RESPONSE WAS WHAT?

21 A. YEAH.

22 Q. YEAH WHAT?

23 A. "THEY WAS STANDING AT THE CORNER OF THE
24 HOUSE."

25 Q. OKAY. WE -- AND YOUR ANSWER -- AND HE

1 SAYS OKAY. THE RESPONSE IS "WE PULLED UP THERE AND
2 RICKY AND RINGO GOT OUT OF THE CAR AND I STEPPED OUT
3 OF THE CAR. THEY WENT IN. WHEN THEY COME OUT, THEY
4 WAS TOTING THE GIRL." ISN'T THAT WHAT YOU SAID.

5 A. YES, SIR.

6 Q. ALL RIGHT. QUESTION. "ALL RIGHT. AND
7 THEY THROWE HER IN THE BACK SEAT OVER ON BOBBY AND
8 SHE FELL OVER ON BOBBY. BOBBY TOLD ME, DANNY, HE
9 SAID, WOULD YOU PULL HER OFF ME?

10 MR. LAWSON: OBJECTION. THIS IS ALL
11 HEARSAY.

12 MR. WILSON: THIS IS IN FRONT OF EVERY
13 DEFENDANT WHO IS IN THE CAR AT THE TIME.

14 MR. ERVIN: YOUR HONOR, I OBJECT TO THAT
15 STATEMENT.

16 MR. WILSON: THAT'S WHEN RICKY --

17 THE COURT: NO, SIR. THIS IS PERMISSIBLE
18 REDIRECT EXAMINATION. I'VE SAID THAT BEFORE AND I
19 SAY IT AGAIN TO YOU.

20 MR. ERVIN: YOUR HONOR, THE ONLY THING I'M
21 SAYING IS THE STATEMENT THAT HE MADE IS THAT THIS IS
22 IN FRONT OF EVERY DEFENDANT THAT WAS IN THE CAR,
23 BOBBY RANSOM.

24 THE COURT: THE JURY IS THE FINDERS OF THE
25 FACTS.

1 MR. ERVIN: YES, SIR.

2 THE COURT: WHAT THE LAWYERS SAY,
3 INCLUDING Y'ALL, IS NOT EVIDENCE. EVIDENCE COMES
4 FROM THIS WITNESS STAND. I'LL LET THE JURY MAKE THE
5 DETERMINATION AS TO THAT ISSUE AND AS TO ALL OTHER
6 FACTS.

7 MR. ERVIN: YES, SIR.

8 THE COURT: ALL RIGHT.

9 MR. LAWSON: JUDGE, DURING THE TAKING OF
10 THIS PLEA, WE DIDN'T HAVE AN OPPORTUNITY TO OBJECT TO
11 ANY QUESTIONS THAT ARE RAISED AND NOW THIS IS NOT AN
12 EVIDENTIARY ISSUE WHERE WE HAVE TO SIT BACK AND
13 LISTEN TO QUESTIONS THAT MAY BE IMPROPER AT THIS
14 POINT.

15 THE COURT: NO, SIR.

16 MR. LAWSON: SIMPLY BECAUSE IT'S A PRIOR
17 INCONSISTENT STATEMENT.

18 THE COURT: I HAVE CONCLUDED, YES, BASED
19 ON THE CROSS-EXAMINATION, THAT THIS IS PROPER
20 REDIRECT. YOU MAY PROCEED, SOLICITOR.

21 MR. WILSON: THANK YOU, YOUR HONOR.
22 BY MR. WILSON:

23 Q. ALL RIGHT. THEY THREW HER IN THE BACK
24 SEAT OVER ON BOBBY AND SHE FELL OVER ON BOBBY. BOBBY
25 TOLD ME, DANNY, HE SAID WOULD YOU PULL HER OFF ME.

1 THAT'S WHEN RICKY STUCKEY TURNED AROUND AND SAID,
2 "BOBBY, YOU DON'T HAVE TO WORRY ABOUT NOTHING. SHE
3 CAN'T HURT YOU. SHE'S ALREADY DEAD."

4 A. YES, SIR.

5 Q. THAT HAPPENED, DIDN'T IT?

6 A. YES, SIR.

7 Q. AND YOU REMEMBERED THAT, DIDN'T YOU?

8 A. YES, SIR.

9 Q. AIN'T NOBODY TOLD YOU THAT, DID THEY?

10 A. NO, SIR.

11 Q. THEN LET'S GO TO PAGE SIX, GENTLEMEN.
12 QUESTION. "OKAY, SO WHEN Y'ALL GOT DOWN TO BURNT
13 FACTORY, WHAT YOU'RE SAYING IS IT WAS DARK DOWN
14 THERE." YOUR ANSWER, "YES, SIR." ISN'T THAT WHAT
15 YOU SAY?

16 A. YES, SIR.

17 Q. YOU REMEMBER IT BEING DARK?

18 A. YES, SIR.

19 Q. QUESTION, "AND SO YOU REALLY DON'T KNOW.
20 THERE WERE A NUMBER OF Y'ALL IN THE CAR. WHO WAS ALL
21 IN THE CAR WHEN Y'ALL LEFT THE TRAILER WITH HER IN
22 THE CAR TO GO DOWN TO BURNT FACTORY, WHO WAS ALL IN
23 THE CAR AT THAT TIME?" YOUR ANSWER, "THEY DIDN'T
24 LEAVE THE TRAILER. WE LEFT THE OLD HOUSE."
25 QUESTION. "I'M SORRY, THE OLD HOUSE. WHO WAS ALL IN

1 THERE?" ANSWER, "IT WAS RINGO, RICKY STUCKEY, ME,
2 BOBBY, ALFONZO." QUESTION, "ALFONZO STATON?"
3 ANSWER, "AND THE GIRL." QUESTION, "OKAY. AND WHAT
4 ABOUT JEFF WALLS? WHERE DID HE GO?" "HE WAS THERE,
5 HIM AND MARTIN." "BOTH OF THEM GOT IN THE CAR?"
6 ANSWER, "IT WAS ME, RINGO, ROBERT RANSOM, JEFF AND
7 MARTIN AND THE GIRL. THAT WAS ALL THAT WAS IN THE
8 CAR." "OKAY. ALL RIGHT. SO WHEN Y'ALL GOT DOWN TO
9 THE RIVER, SOMEBODY THREW HER OVER?" ANSWER, "YES."
10 THAT IS YOUR RESPONSE.

11 MR. PADGETT: I OBJECT TO THE WAY THIS
12 TESTIMONY IS BEING READ. THAT'S NOT THE WAY IT
13 SOUNDED AT ALL. THIS DEFENDANT HAS NEVER TALKED LIKE
14 THIS IN HIS WHOLE LIFE. I OBJECT TO IT. IT'S
15 MISLEADING.

16 THE COURT: HE IS READING FROM THIS
17 DOCUMENT. PROCEED.

18 MR. PADGETT: IT SHOULD BE AN ACCURATE
19 READING, JUDGE.

20 MR. WILSON: THANK YOU. LET'S GO TO PAGE
21 SEVEN, GENTLEMEN.

22 BY MR. WILSON:

23 Q. QUESTION, "ALL RIGHT. SO SOMEBODY TOOK
24 BOBBY -- TOOK BOBBY RANSOM AND PUT HIM ON THEIR
25 SHOULDER AND PUT HIM IN THE WATER?" AND YOUR

1 RESPONSE IS, ANSWER, "CARRIED HIM DOWN TO THE EDGE
2 AND EASED HIM INTO THE WATER AND HE SAID THAT HE
3 GRABBED HER AND PULLED ON HER AND TRIED TO GET HER
4 LOOSE, BUT SHE DIDN'T COME LOOSE. AND HE SAID WHEN
5 HE CRAWLED BACK OUT OF THE WATER THAT SHE COME
6 LOOSE." YOU SAID THAT, DIDN'T YOU?

7 A. YES, SIR.

8 Q. AND SAW THAT HAPPEN, DIDN'T YOU?

9 A. YES, SIR.

10 Q. THE TRUTH OF THE MATTER IS YOU'RE SCARED
11 OF THESE FELLOWS OVER HERE, AREN'T YOU? THERE AIN'T
12 NO QUESTION ABOUT THAT.

13 A. YES, SIR.

14 Q. YOU'VE BEEN LOCKED UP IN THE SAME PLACE
15 WITH THEM, HAVEN'T YOU?

16 A. YES, SIR.

17 Q. AND AIN'T NO QUESTION THAT YOU'RE AFRAID
18 OF THEM?

19 A. YES, SIR.

20 Q. AND WHAT DID THEY TELL YOU IN THAT CAR
21 ABOUT WHEN Y'ALL WERE COMING BACK, WHAT WOULD HAPPEN
22 TO YOU? DIDN'T THEY TELL YOU WHAT WOULD HAPPEN TO
23 THEM?

24 A. THEY SAID IF THEY GOT WORD OR HEARD THAT
25 ANYBODY FOUND OUT ABOUT IT THAT THE SAME THING WOULD

1 BE HAPPENING TO US.

2 Q. AND THAT'S WHY YOU DIDN'T WANT TO TALK TO
3 THE POLICE ABOUT THIS, ISN'T IT?

4 A. YES, SIR.

5 Q. AND YOU'VE HAD SOME TROUBLE SINCE THEN,
6 HAVEN'T YOU?

7 A. YES, SIR.

8 MR. ROGERS: YOUR HONOR, THIS IS HIS
9 WITNESS.

10 THE COURT: YES, SIR. THE NEW RULE
11 PERMITS CROSS-EXAMINATION ON THIS -- ON THIS ISSUE.
12 BY MR. WILSON:

13 Q. YOU'VE HAD SOME DIFFICULTY SINCE -- YOU'VE
14 HAD SOME DIFFICULTY SINCE THIS, HAVEN'T YOU? SOME
15 TROUBLE?

16 A. YES, SIR.

17 Q. AT YOUR HOUSE, HAVEN'T YOU?

18 A. YES, SIR.

19 Q. TELL THIS JURY ABOUT THE TROUBLE YOU'VE
20 HAD.

21 MR. LAWSON: OBJECTION, YOUR HONOR. AND I
22 THINK WE NEED TO SEND THE JURY OUT BEFORE THIS COMES
23 IN.

24 THE COURT: WELL, WE'LL DO THAT. I DON'T
25 KNOW WHAT YOUR BASIS OF THE OBJECTION IS, BUT...

3 THE COURT: WAIT A MINUTE. YOU ASKED THEM
4 TO COME OUT AND PROBABLY THAT'S THE BETTER WAY TO DO
5 IT.

8 THE COURT: I'LL LET YOU DO THAT.

13 MR. LAWSON: PLEASE THE COURT. YOUR
14 HONOR, I OBJECT TO THIS LINE OF TESTIMONY. NUMBER
15 ONE, HE'S GROUPING ALL OF THE DEFENDANTS TOGETHER.
16 THERE'S A CLEAR LINE OF DEMARCATION THAT HAS TO BE
17 DRAWN. IN THIS CASE, MY CLIENT HAS NEVER BY ANYONE
18 BEEN STATED TO BE IN A CAR WITH THE VICTIM AT ANY
19 POINT IN TIME, AT ANY POINT IN HISTORY. AND IT IS
20 NOW BEING BLED OVER TO HIM. "THESE GUYS, THOSE
21 DEFENDANTS."

24 MR. LAWSON: YOUR HONOR, THE DEFENDANTS,
25 HE HADN'T EXCLUDED HIS NAME, AND YOUR HONOR, I CAN'T

1 GET A FAIR TRIAL.

2 THE COURT: ARE YOU MOVING FOR A SEVERANCE
3 AGAIN?

4 MR. LAWSON: THE PURPOSE OF THIS MOTION IS
5 NOT FOR SEVERANCE.

6 THE COURT: SPECIFICALLY, I WANT YOU TO BE
7 SPECIFIC.

8 MR. LAWSON: HE'S GOING INTO AN ISSUE
9 ABOUT SOME SHOOTING THAT OCCURRED WHERE NO ONE HAS
10 EVER BEEN CHARGED. THERE IS NO CONNECTION TO ANY OF
11 THE DEFENDANTS IN THIS CASE. ESPECIALLY NOT MINE.
12 AND I THINK IT IS -- IT IS TOTALLY INFLAMMATORY AND
13 PREJUDICIAL.

14 THE COURT: YOUR POSITION IS ON THE
15 RECORD. WHAT IS YOUR POSITION, SOLICITOR?

16 MR. WILSON: YOUR HONOR, WHAT I'M TRYING
17 TO SHOW -- AND SO THE RECORD IS CLEAR, THESE
18 DEFENDANTS -- THIS -- I'M SORRY. THE WITNESS AND
19 DEFENDANT IS AFRAID. HE WAS GIVEN -- HE WAS TOLD
20 WHEN THIS THING HAPPENED THAT IF HE TALKED, WHAT WAS
21 GOING TO HAPPEN TO HIM. WHAT HAS HAPPENED SINCE THEN
22 IS THAT HIS HOUSE HAS BEEN SHOT INTO WHEN HIM AND HIS
23 GIRLFRIEND WERE THERE WITH SHOTGUN BLASTS. HE IS
24 AFRAID. I'M NOT SAYING THAT THESE DEFENDANTS DID IT
25 BECAUSE I DON'T KNOW THAT. I'M JUST SAYING THAT

(WHEREUPON, THE JURY WAS RETURNED
TO THE COURTROOM AND THE FOLLOWING
PROCEEDINGS WERE COMMENCED IN
OPEN COURT.)

THE COURT: THE JURY IS PRESENT. YOU MAY
CONTINUE.

MR. WILSON: ALL RIGHT. THANK YOU, YOUR
HONOR.

BY MR. WILSON:

Q. NOW, LET ME -- LET ME GO BACK TO YOUR
STATEMENT HERE AND ASK YOU AGAIN -- I'M NOW ON PAGE
13, GENTLEMEN. QUESTION, "ALL RIGHT. YOU JUST HEARD
ABOUT IT LATER ON. DID YOU GO UP THERE?" YOUR
ANSWER WAS, "I WAS WITH THEM. SEE, WE -- WE TOLD
THEM WE DON'T WANT NO DEALINGS WITH THAT ABOUT
CARRYING HER TO BURNT FACTORY. WE TOLD THEM TO CARRY
US TO GET SOMETHING TO DRINK, SO THEY DONE THAT. BUT
ON THE WAY BACK, THAT'S WHEN THEY STOPPED." IS THAT
WHAT YOU SAID?

A. YES, SIR.

Q. ALL RIGHT.

A. EXCEPT --

Q. GO AHEAD. GO AHEAD.

A. THAT THEY DIDN'T DID -- THEY TOLD US THEY
WERE GOING TO TAKE US TO GET SOMETHING TO DRINK, BUT

1 INSTEAD OF TAKING US TO GET SOMETHING TO DRINK, THEY
2 CARRIED US TO THE OLD ABANDONED SHACK AND PICKED THE
3 GIRL UP.

4 Q. OKAY. AND YOU REMEMBER THAT?

5 A. YES, SIR.

6 Q. NOW, THEY ASKED YOU ABOUT YOUR MENTAL
7 HEALTH AND ASKED YOU WHETHER OR NOT YOU WERE ON
8 MEDICATION. YOU'RE ON MEDICATION. RIGHT?

9 A. YES, SIR.

10 Q. YOU WEREN'T ON MEDICATION BACK IN NOVEMBER
11 1994, WERE YOU?

12 A. YES, SIR.

13 Q. ALL RIGHT. AND YOU GOT ON MEDICATION LAST
14 YEAR?

15 A. YES, SIR.

16 Q. ALL RIGHT.

17 A. THIS YEAR.

18 Q. THIS YEAR. AND WHEN YOU GAVE POLICE A
19 STATEMENT BACK IN MARCH, THREE MONTHS AFTER THIS
20 HAPPENED, YOU WEREN'T ON MEDICATION THEN, WERE YOU?

21 A. NO, SIR.

22 Q. AND THEY ASKED YOU ABOUT WHETHER OR NOT
23 THERE WAS A RECORDING. I THINK MR. ROGERS ASKED YOU
24 THAT. WELL, IF YOU HAD A RECORDING, THEN THE JURY
25 WOULD KNOW IF IN FACT YOUR STATEMENT WAS RECORDED,

1 WASN'T IT?

2 A. YES, SIR.

3 Q. IT WAS RECORDED. WHEN YOU WERE THERE
4 TALKING TO THE POLICE, THEY HAD A TAPE RECORDER ON
5 AND THEY RECORDED EVERYTHING YOU WERE SAYING, DID
6 THEY NOT?

7 A. YES, SIR.

8 Q. SO THEY DON'T HAVE TO TAKE YOUR WORD FOR
9 IT, DO WE?

10 A. NO, SIR.

11 MR. WILSON: AND YOUR HONOR, I HAVE NO
12 OBJECTION. I WOULD OFFER THIS TAPE UNLESS THERE'S
13 SOME OBJECTION.

14 MR. ROGERS: YOUR HONOR, I HAVEN'T HEARD
15 IT. I WOULD LIKE TO LISTEN TO IT BEFORE --

16 THE COURT: I WILL RESERVE A RULING ON THE
17 INTRODUCTION OF THAT AND PERMIT Y'ALL TO LISTEN TO IT
18 AND THEN WE'LL MAKE A DETERMINATION AS TO WHAT THE
19 RELATIVE POSITIONS OF THE PARTIES ARE. I WILL MARK
20 IT AT THIS TIME FOR COURT'S EXHIBIT NUMBER 3.

21 (COURT'S EXHIBIT NUMBER 3
22 MARKED FOR IDENTIFICATION.)

23 MR. WILSON: THANK YOU, YOUR HONOR.

24 THE COURT: YOU MAY PROCEED.

25 BY MR. WILSON:

1 Q. ALL RIGHT. LET'S GO NOW TO THE BOTTOM OF
2 PAGE 13. LET'S -- SEE WHERE I AM? ALL RIGHT. LET'S
3 GO TO THE TOP OF PAGE 14. I'M ON LINE 3. QUESTION,
4 "OKAY. I UNDERSTAND. WHEN THEY BROUGHT HER OUT, WAS
5 SHE ALREADY TAPED UP AT THAT POINT?" YOUR ANSWER WAS
6 WHAT?

7 A. YES, SIR.

8 Q. WHAT'S THE REST OF IT?

9 A. "SHE WAS STILL TAPED UP."

10 Q. ALL RIGHT. "SHE WAS STILL TAPED UP?"
11 WHAT'S YOUR RESPONSE?

12 A. "SHE WAS TAPED UP WORSE THAN SHE WAS THE
13 FIRST TIME."

14 Q. QUESTION, "SHE HAD MORE TAPE THAN SHE HAD
15 ON THE OTHER OCCASION?"

16 A. "YES. RIGHT. PRETTY WELL NEAR THE WHOLE
17 HEAD WAS TAPED. ABOUT HER WHOLE HEAD WAS TAPED UP."

18 Q. ALL RIGHT. AND SO WHEN YOU SAW HER THE
19 SECOND TIME, SHE HAD MORE TAPE ON HER THAN SHE HAD
20 THE FIRST TIME, DIDN'T SHE?

21 A. YES, SIR.

22 Q. NO QUESTION ABOUT THAT, IS THERE?

23 A. NO, SIR.

24 Q. AND THAT'S EXACTLY WHAT HAPPENED, ISN'T
25 IT?

1 A. YES, SIR.

2 MR. WILSON: YOUR HONOR, AT THIS TIME,
3 TOO, BECAUSE OF THE ATTACK ON THIS DEFENDANT'S
4 CREDIBILITY, I WOULD OFFER THESE STATEMENTS AS
5 CONSISTENT STATEMENTS THAT HE GAVE TO LAW
6 ENFORCEMENT. THERE'S BEEN QUESTIONS ABOUT WHETHER OR
7 NOT HE LIED AND HOW MANY TIMES HE LIED AND HOW MANY
8 STORIES HE TOLD. AND I THINK JUST SO I'LL GET MY
9 NOTES SO I'M ACCURATE ABOUT WHAT I'M SAYING HERE --

10 MR. LAWSON: AM I UNDERSTANDING THIS AS
11 BEING OFFERED AS A PRIOR CONSISTENT STATEMENT?

12 MR. WILSON: PRIOR CONSISTENT STATEMENT.
13 HE WAS ASKED BY MR. ERVIN, HOW MANY TIMES HAVE YOU
14 CHANGED YOUR STORY, DANNY? 50, 25, 10? HE WAS ALSO
15 ASKED BY A NUMBER OF THESE DEFENDANTS' ATTORNEYS
16 WHETHER OR NOT CERTAIN PEOPLE WERE PRESENT AND
17 WHETHER OR NOT HE SAID -- MR. ROGERS ASKED HIM IN HIS
18 FIRST STATEMENT, DIDN'T YOU TELL -- DIDN'T YOU LIE IN
19 YOUR FIRST STATEMENT?

20 AND MY -- MY POSITION, YOUR HONOR, IS THAT THESE
21 STATEMENTS WILL SHOW THAT HE HAS BEEN CONSISTENT IN
22 TELLING FROM MARCH OF 1995 WHEN HE FIRST TALKED ABOUT
23 IT UNTIL TODAY, THAT HE HAS BEEN TOTALLY CONSISTENT
24 IN TELLING HIS SIDE AND HIS VERSION OF THESE FACTS.

25 MR. LAWSON: THIS IS IMPROPER ARGUMENT IN

1 SPECIFICALLY DECLINE TO PUT THEM INTO EVIDENCE. I
2 WILL LET THE JURY MAKE THE DETERMINATION BASED ON THE
3 EXHAUSTIVE EXAMINATION AND CROSS-EXAMINATION AS TO
4 THAT ISSUE. I HAVE NO OPINION ABOUT IT. THERE'S
5 SUFFICIENT TESTIMONY HERE FOR THE JURY TO MAKE THAT
6 DECISION. ALL RIGHT, SIR.

7 BY MR. WILSON:

8 Q. DANNY, WHILE YOU WERE -- WHEN YOU WERE IN
9 PRISON, WHEN YOU WERE IN PRISON -- YOU SAY YOU'VE
10 BEEN IN THERE FOR TWO YEARS NOW. A LITTLE OVER.
11 RIGHT?

12 A. YES, SIR.

13 Q. AND WHERE WERE YOU HOUSED AT WHEN YOU
14 ORIGINALLY WENT TO PRISON?

15 A. ON DEATH ROW.

16 Q. ALL RIGHT. WHERE?

17 A. 4464 BROAD RIVER ROAD.

18 Q. ALL RIGHT. AND WAS ANY OF THESE OTHER
19 FELLOWS UP THERE WITH YOU?

20 A. YES, SIR.

21 Q. WHO WAS THERE WITH YOU AT THAT SAME
22 PRISON?

23 A. RINGO, JEFF AND RICKY.

24 Q. ALL RIGHT. RICKY STUCKEY?

25 A. AND BOBBY RANSOM.

1 Q. JEFF WALLS, BOBBY RANSOM AND YOURSELF; IS
2 THAT CORRECT? AND DID YOU MEET A FELLOW UP THERE BY
3 THE NAME OF JERRY WARD?

4 A. YES, SIR.

5 Q. ALL RIGHT. AND NOW TELL US WHO JERRY WARD
6 IS.

7 A. HE'S -- AS FAR AS I KNOW, HE WAS DOING
8 TIME TOO.

9 Q. ALL RIGHT. HE WAS AN INMATE LIKE Y'ALL?

10 A. YES, SIR.

11 Q. ALL RIGHT. DID Y'ALL GET FRIENDLY?

12 A. YES, SIR.

13 MR. ERVIN: YOUR HONOR, THIS IS NEW
14 MATTER. IT IS NOT RE --

15 THE COURT: REDIRECT. YES, SIR. I
16 SUSTAIN THAT.

17 MR. WILSON: SIR?

18 THE COURT: THIS IS NOT IN REPLY TO
19 CROSS-EXAMINATION.

20 MR. WILSON: I AGREE. I DON'T HAVE ANY
21 OTHER QUESTIONS. THANK YOU SO MUCH.

22 R E C R O S S - E X A M I N A T I O N
23 BY MR. ERVIN:

24 Q. JUST A FEW QUESTIONS, DANNY. WHO WAS AT
25 YOUR MOTHER'S FUNERAL THAT TOLD YOU FOR THE FIRST

1 TIME LIKE YOU JUST TOLD THIS JURY EARLIER WHEN I
2 ASKED YOU THAT DARLENE'S BODY WAS FOUND?

3 A. BILLY CHEEKS TOLD ME THAT THERE WAS A BODY
4 FOUND. HE DIDN'T SAY WHO IT WAS.

5 Q. OKAY. FIRST TIME YOU HEARD OF IT, WASN'T
6 IT?

7 A. YES, SIR. HE WAS THE FIRST ONE THAT TOLD
8 ME.

9 Q. UH-HUH. KIND OF HARD TO HEAR ABOUT IT FOR
10 THE FIRST TIME WHEN YOU WERE SUPPOSEDLY ON THE
11 BRIDGE, ISN'T IT DANNY? AND YOUR DEAL WITH THE
12 SOLICITOR WAS CONDITIONED UPON YOUR TESTIMONY TODAY.
13 ISN'T THAT RIGHT?

14 A. YES, SIR. I GUESS SO.

15 Q. IN OTHER WORDS, WHETHER OR NOT HE WOULD
16 MAKE THAT RECOMMENDATION TO JUDGE COTTINGHAM AS TO
17 YOUR SENTENCE WAS BASED ON HOW YOU TESTIFIED, WASN'T
18 IT?

19 A. YES, SIR. I GUESS SO.

20 Q. WELL, YOU KNOW SO.

21 A. HE JUST TOLD ME TO TELL WHAT I KNOW, THE
22 TRUTH ABOUT WHAT I SEEN.

23 Q. TO THE BEST OF YOUR ABILITY?

24 A. TO MINE, TO WHAT I KNOW.

25 Q. DANNY, YOU'VE DONE THE BEST YOU CAN TO THE

1 BEST OF YOUR ABILITY AS BURNED OUT AS YOU MAY BE, AS
2 LIMITED CAPACITY AS YOU MAY HAVE. THAT'S ALL YOU CAN
3 SAY, ISN'T IT?

4 A. I'M TELLING THE TRUTH ABOUT WHAT I KNOW.

5 Q. OKAY. YOU'RE TELLING THE TRUTH THAT THE
6 FIRST TIME YOU EVER HEARD ABOUT THAT BODY AT THE
7 SPILLWAY WAS AT YOUR MAMA'S FUNERAL WHICH WAS AFTER
8 THE BODY WAS FOUND?

9 A. THAT'S WHAT I SAID.

10 MR. ERVIN: THAT'S WHAT YOU SAID. AND
11 THAT'S ALL I HAVE.

12 THE COURT: ALL RIGHT. THIS WITNESS MAY
13 COME DOWN. THANK YOU.

14 MR. WILSON: BOBBY RANSOM.

15 THE COURT: SOLICITOR, THE ATTORNEYS FOR
16 DEFENSE DO NEED TO TAKE A SHORT BREAK BEFORE WE
17 BEGIN. LET'S TAKE A SHORT BREAK.

18 (WHEREUPON, THE JURY WAS REMOVED
19 FROM THE COURTROOM AND THE
20 FOLLOWING PROCEEDINGS COMMENCED
21 IN OPEN COURT.)

22 (WHEREUPON, A BREAK WAS TAKEN
23 FROM THE PROCEEDINGS.)

24 THE COURT: ALL RIGHT. ALL ARE PRESENT.
25 BRING THE JURY IN NOW, PLEASE.

BOBBY RANSOM - DIRECT BY MR. WILSON

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(WHEREUPON, THE JURY WAS RETURNED
TO THE COURTROOM AND THE FOLLOWING
PROCEEDINGS WERE COMMENCED IN
OPEN COURT.)

MR. WILSON: BOBBY RANSOM.

BOBBY RANSOM,
HAVING BEEN FIRST DULY SWORN BY THE CLERK OF COURT,
TESTIFIED AS FOLLOWS:

D I R E C T E X A M I N A T I O N
BY MR. WILSON:

Q. MR. RANSOM, IF YOU WOULD, STATE YOUR FULL
NAME FOR THE RECORD, PLEASE.

A. ROBERT CHARLES RANSOM.

Q. AND HOW OLD ARE YOU, MR. RANSOM?

A. THIRTY-SEVEN.

Q. AND WHERE DO YOU LIVE?

A. I'M IN PRISON NOW AT LEE COUNTY
CORRECTIONAL CENTER IN BISHOPVILLE, SOUTH CAROLINA.

Q. AND YOU'RE IN PRISON ON CHARGES ON THIS
PARTICULAR CASE?

A. YES, SIR.

Q. AND HOW LONG HAVE YOU BEEN IN JAIL NOW?

A. I'VE BEEN IN JAIL NOW TWO YEARS MINUS
EIGHT DAYS.

Q. OKAY. NOW, LET ME ASK YOU IF YOU PLED

1 GUILTY TO SOME CHARGES OR PLED UNDER WHAT'S COMMONLY
2 CALLED NORTH CAROLINA VERSUS ALFORD TO SOME CHARGES?

3 A. YES, SIR.

4 Q. ALL RIGHT. AND -- AND AS A RESULT OF
5 THAT, YOU'RE STILL FACING UP TO 20 YEARS IN THE
6 PENITENTIARY FOR YOUR PARTICIPATION IN THIS CRIME?

7 A. YES, SIR.

8 Q. NOW, AND THAT WAS PART OF AN AGREEMENT
9 THAT YOU HAD WITH THE STATE, WAS IT NOT?

10 A. YES, SIR.

11 Q. AND YOU AGREED TO TESTIFY?

12 A. YES, SIR.

13 Q. TRUTHFULLY; IS THAT CORRECT?

14 A. YES, SIR.

15 Q. NOW, LET ME ASK YOU IF AT SOME POINT IN
16 TIME YOU TALKED WITH THE POLICE WAY BACK IN 1995?

17 A. YES, SIR.

18 Q. ALL RIGHT. AND DID YOU GIVE THEM A
19 STATEMENT?

20 A. YES, SIR.

21 Q. AND WAS THAT STATEMENT A RECORDED
22 STATEMENT? THAT IS, WAS THEY TAPING YOUR
23 CONVERSATION?

24 A. YES, SIR. THERE WAS A WRITTEN ONE AND A
25 TAPED ONE.

1 Q. A WRITTEN AND A TAPED STATEMENT. OKAY.
2 NOW, LET ME ASK YOU, THE STATEMENT THAT YOU GAVE
3 THEM, ALL RIGHT, YOU SAID YOU GAVE A WRITTEN AND A --
4 AND A RECORDED. RIGHT?

5 A. YES, SIR.

6 Q. ALL RIGHT. TAKE A LOOK AT THIS FOR ME,
7 WHICH IS DATED 3/10/95. LOOK AT THE BOTTOM OF THE
8 PAGE. SEE IF THAT'S YOUR SIGNATURE DOWN AT THE
9 BOTTOM.

10 A. YES, SIR.

11 Q. ALL RIGHT. AND THAT STATEMENT WAS TAKEN
12 ON MARCH 10TH OF '95; IS THAT CORRECT?

13 A. YES, SIR.

14 MR. WILSON: ALL RIGHT. YOUR HONOR, I ASK
15 THAT THIS BE MARKED FOR IDENTIFICATION PURPOSE ONLY.

16 (STATE'S EXHIBIT NUMBER 29

17 MARKED FOR IDENTIFICATION.)

18 BY MR. WILSON:

19 Q. AND LET ME ALSO SHOW YOU A TRANSCRIBED
20 COPY OF A STATEMENT AND ASK YOU IF YOU WOULD LOOK AT
21 THAT AND SEE IF THAT'S THE RECORDED STATEMENT THAT
22 YOU GAVE ON THE SAME DAY?

23 A. YES, SIR.

24 MR. WILSON: ALL RIGHT. AND YOUR HONOR, I
25 WOULD ASK THAT THIS BE MARKED AS STATE'S EXHIBIT 30

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1 BY MR. WILSON:

2 Q. THANK YOU. NOW, BOBBY, BACK -- BACK ON
3 MARCH 10TH, YOU GAVE THESE WRITTEN -- A HANDWRITTEN
4 STATEMENT AND THEN A TAPED STATEMENT; IS THAT
5 CORRECT?

6 A. YES, SIR.

7 Q. AND MY QUESTION TO YOU WAS, HOW MANY TIMES
8 PRIOR TO MARCH 10 HAD YOU TALKED TO THE POLICE, HAD
9 THEY EITHER COME TO SEE YOU OR YOU CAME TO SEE THEM
10 OR Y'ALL HAD SOME CONVERSATION?

11 A. WELL, YES, SIR, FOUR OR FIVE WEEKS IN AND
12 OUT.

13 Q. FOUR OR FIVE WEEKS. SO FOR A PERIOD OF
14 FOUR OR FIVE WEEKS BEFORE MARCH 10TH, THEY HAD EITHER
15 BEEN COMING TO SEE YOU OR YOU HAD BEEN GOING TO SEE
16 THEM. Y'ALL HAD HAD SOME CONVERSATION?

17 A. YES, SIR.

18 Q. AND DID YOU TELL THEM ANYTHING ABOUT WHAT
19 HAD OCCURRED PRIOR TO YOUR TELLING THEM ON MARCH
20 10TH?

21 A. I GAVE THEM, THE FIVE OF THEM THE
22 STATEMENT THAT THEY WROTE CONCERNING THE SAME STUFF
23 AND IT WAS PRETTY MUCH THE SAME AS THIS, MAYBE A
24 LITTLE MORE DETAILED.

25 Q. ALL RIGHT. NOW, I'M NOT FOLLOWING YOU.

1 YOU'RE SAYING YOU GAVE FIVE WHO --

2 A. POLICE OFFICER CHIEF FOLEY, HAROLD JACOBS,
3 FRED KNIGHT, FRAZIER AND JERRY STARNES.

4 Q. WHEN WAS THAT?

5 A. I DON'T KNOW EXACTLY.

6 Q. BEFORE MARCH 10TH?

7 A. OH, YES, SIR.

8 Q. ALL RIGHT.

9 A. ABOUT TWO WEEKS BEFORE, I BELIEVE. A WEEK
10 BEFORE.

11 Q. ALL RIGHT. WHAT DID YOU TELL THEM THEN?

12 A. WELL, BASICALLY THE SAME THING. I JUST
13 RUN THROUGH IT ABOUT LIKE THAT WAS. THEY JUST --
14 EACH ONE OF THEM WROTE IT SEPARATE FOR THEIR RECORDS,
15 I RECKON.

16 Q. ALL RIGHT. AND WHERE DID THAT OCCUR AT?

17 A. DOWN AT THE SHERIFF'S OFFICE DOWN THERE,
18 OR RIGHT BY IT.

19 Q. ALL RIGHT. YOU TOLD THEM WHAT HAD
20 HAPPENED AT BURNT FACTORY BEFORE MARCH 10TH?

21 A. YES, SIR. I TOLD THEM EVERYTHING.

22 Q. ALL RIGHT. AND DID THEY -- DID THEY HAVE
23 YOU SIGN ANYTHING?

24 A. YES, SIR.

25 Q. WHAT DID THEY HAVE YOU SIGN?

1 A. I SIGNED ONE OF THEM STATEMENTS SAYING
2 THAT I GAVE THIS AND I WAS READ MY RIGHTS AND
3 EVERYTHING. JERRY STARNES I BELIEVE IS THE ONE THAT
4 HANDED IT TO ME.

5 Q. OKAY. NOW, DID THEY ARREST YOU AT THAT
6 TIME?

7 A. NO, SIR.

8 Q. WHEN DID THEY ARREST YOU?

9 A. SEEMED LIKE A WEEK OR TWO LATER. IT WAS
10 CLOSE IN THERE SOMEWHERE.

11 Q. WERE YOU IN JAIL WHEN YOU GAVE YOUR
12 STATEMENT ON MARCH 10?

13 A. NO, SIR.

14 Q. YOU STILL WEREN'T IN JAIL THEN?

15 A. NO, SIR.

16 Q. DID THEY ARREST YOU AFTER YOUR MARCH 10TH
17 STATEMENT? IS THAT WHAT YOU'RE SAYING?

18 A. YES, SIR.

19 Q. OKAY. NOW, ROBERT, WHEN YOU GAVE YOUR
20 STATEMENT ON MARCH 10TH, THE TWO STATEMENTS THAT YOU
21 GAVE ON MARCH 10TH, DID YOU TELL THE POLICE ALL OF
22 THE TRUTH AT THAT TIME?

23 A. YES, SIR. JUST IT WAS DIFFERENT PARTS.
24 YOU KNOW, MORE DETAIL AND MORE MODIFIED.

25 Q. OKAY.

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1 I'M JUST PERMANENTLY IN IT NOW BECAUSE I'VE GOT HURT
2 AT THIS PRISON AND I DON'T HAVE ANY OF THE STUFF THAT
3 I USED TO HAVE.

4 Q. HAVE YOU WALKED ANY SINCE 1994?

5 A. YES, SIR. HAD UP UNTIL FIVE MONTHS AGO.

6 Q. UP UNTIL FIVE MONTHS AGO, YOU COULD DO
7 SOME WALKING?

8 A. YES, SIR.

9 Q. BUT YOU WOULD HAVE TO WALK THEN WITH A
10 WALKER OR A CANE OR SOMETHING?

11 A. A WALKER.

12 Q. A WALKER. ONE OF THOSE --

13 A. YES, SIR.

14 Q. ALL RIGHT. NOW, LET ME ASK YOU, LET'S GO
15 BACK NOW TO -- LET'S GO BACK TO NOVEMBER OF 1994.

16 OKAY?

17 A. YES, SIR.

18 Q. ALL RIGHT. AND WHAT I WOULD LIKE FOR YOU
19 TO DO -- WELL, FIRST, BEFORE WE GO TO THAT, LET ME
20 ASK YOU, DO YOU KNOW THESE GENTLEMEN, THESE
21 DEFENDANTS? DO YOU KNOW THEM?

22 A. YES, SIR.

23 Q. ALL RIGHT. WHAT I WOULD LIKE FOR YOU TO
24 DO IS POINT THEM OUT FOR ME AND TELL ME WHAT THEIR
25 NAMES ARE AS YOU POINT THEM OUT.

1 A. THE PERSON ON THIS END, HIS NAME IS MARTIN
2 MCINTOSH.

3 Q. THE FELLOW WITH THE BLUE SHIRT ON?

4 A. YES, SIR. RICKY STUCKEY NEXT TO HIM.

5 Q. WITH THE GLASSES ON. THAT'S MR. STUCKEY?

6 A. YES, SIR. JEFF WALLS NEXT TO HIM.

7 Q. THE FELLOW WITH THE SUIT ON AND THE CROSS.
8 THAT'S MR. WALLS?

9 A. YES, SIR. LEROY STATON ON THE END.

10 Q. WITH THE WHITE SHIRT?

11 A. YES, SIR.

12 Q. ALL RIGHT. AND WHO ELSE?

13 A. THEM'S THE ONLY FIVE IN HERE. YEAH.

14 Q. CAN YOU SEE THE REST OF THEM?

15 A. OH, NO. OH, YEAH. ALFONZO. I COULDN'T
16 SEE HIM.

17 Q. ALL RIGHT. THAT'S HIM ON THE END THERE?

18 A. YES, SIR.

19 Q. ALL RIGHT. DO YOU KNOW WHO THIS FELLOW IS
20 RIGHT HERE?

21 A. OH, YES, SIR. ROBERT GRAHAM.

22 Q. ALL RIGHT. AND NOW, WHERE WERE YOU LIVING
23 AT BACK IN NOVEMBER OF 1994?

24 A. 2910 GOODWIN POND ROAD, MARLBORO COUNTY.

25 Q. ALL RIGHT. AND DID YOU KNOW MR. STUCKEY

1 BACK THEN?

2 A. YES, SIR.

3 Q. DID YOU KNOW MR. GRAHAM BACK THEN?

4 A. YES, SIR.

5 Q. NOW, DID ANY OF THESE FELLOWS LIVE IN THE
6 SAME AREA THAT YOU LIVED IN?

7 A. YES, SIR. BASICALLY RIGHT THERE IN THE
8 SAME AREA.

9 Q. NOW, HOW LONG DID YOU LIVE DOWN THERE IN
10 THIS AREA?

11 A. TWO YEARS PRIOR TO MY ARREST.

12 Q. TWO YEARS BEFORE YOU GOT ARRESTED. AND
13 YOU GOT ARRESTED IN MARCH OF '95?

14 A. YES, SIR.

15 Q. ALL RIGHT. NOW, LET ME ASK YOU, FROM TIME
16 TO TIME, DID YOU SOCIALIZE WITH THESE FELLOWS?

17 A. YES, SIR.

18 Q. SOME OR ALL OF THEM?

19 A. ALL OF THEM.

20 Q. ALL RIGHT. AND DID YOU DRINK WITH THEM?

21 A. YES, SIR.

22 Q. Y'ALL HAVE LITTLE COOKOUTS AND LITTLE
23 PARTIES TOGETHER?

24 A. YES, SIR.

25 Q. ALL RIGHT. AND WHERE WOULD YOU HAVE THESE

1 THINGS AT?

2 A. MOST OF THE TIME IT WOULD BE AT MY HOUSE,
3 BUT ON TWO OR THREE OCCASIONS, IT WAS AT THEIR
4 TRAILER.

5 Q. THEIR WHO?

6 A. ROBERT GRAHAM AND RICKY STUCKEY.

7 Q. ROBERT GRAHAM AND RICKY STUCKEY'S TRAILER.
8 AND YOU WOULD GO UP THERE TO THESE LITTLE
9 GET-TOGETHERS THAT THEY WOULD HAVE. RIGHT?

10 A. YES, SIR. THEY WOULD HELP ME DOWN THERE.

11 Q. ALL RIGHT. LET'S GO BACK TO -- AS I SAID,
12 LET'S TALK ABOUT MORE SPECIFICALLY ABOUT NOVEMBER OF
13 '94, BEFORE THANKSGIVING. DID YOU GO UP THERE?

14 A. YES, SIR.

15 Q. ALL RIGHT. AND HOW WOULD YOU GET UP THERE
16 ON THAT DAY?

17 A. RICKY STUCKEY AND DANNY DAVIS CAME AND
18 ASKED ME TO COME TO A COOKOUT, AND I SAID, YEAH.
19 THEY PUSHED ME DOWN THERE IN MY WHEELCHAIR.

20 Q. RICKY STUCKEY AND DANNY DAVIS CAME AND GOT
21 YOU AND PUSHED YOU UP THERE IN A WHEELCHAIR. HOW FAR
22 IS RICKY STUCKEY'S HOUSE FROM WHERE YOU WERE LIVING?

23 A. ABOUT A HUNDRED YARDS.

24 Q. AND THEY ROLLED YOU UP THERE IN A
25 WHEELCHAIR?

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1 A. YES, SIR.

2 Q. WHEN YOU GOT THERE, WAS THERE AN
3 THERE?

4 A. YES, SIR.

5 Q. WHO ELSE WAS THERE, AS BEST YOU CAN
6 RECALL?

7 A. THERE WAS ROBERT GRAHAM, BETTY LOU
8 CAULDER. THERE WAS A BIG BROWN, BURGUNDY/BROWN
9 CADILLAC OF SOME SORT WITH THE ONE RICKY STUCKEY SAID
10 WAS HIS COUSIN RINGO, JEFF WALLS AND ~~ALEONZO~~

11 Q. ALL RIGHT. THEY WERE THERE WHEN YOU --

12 A. AND LEROY STATON.

13 Q. AND LEROY STATON. THEY WERE THERE WHEN
14 YOU GOT THERE?

15 A. YES, SIR.

16 Q. ALL RIGHT. NOW, WHAT WERE Y'ALL DOING?
17 WHAT WAS GOING ON THAT DAY? WHAT WAS GOING ON? WHY
18 WERE YOU UP THERE?

19 A. WELL, IT WAS A PARTY. THEY WERE COOKING A
20 POT OF PIG FEET, DRINKING LIQUOR, BEER, WINE.

21 Q. OKAY.

22 A. CRACK, WHATEVER.

23 Q. ALL RIGHT. DRINKING -- EATING PIG FEET
24 AND DRINKING LIQUOR?

25 A. YES, SIR.

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Abstract

Summary

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1 A. RICKY PUSHED ME TO THE DOOR AND BETTY
2 CAULDER AND I GOT MY WALKER AND WALKED IN UP THE
3 STEPS AND INTO THE LIVING ROOM AREA THERE AND WENT
4 ACROSS FROM THE OPPOSITE OF THE DOOR AND SAT ON THE
5 COUCH. AND THEN I LOOKED ACROSS TO THE COUCH BY THE
6 FRONT DOOR AND I SAW A BLACK FEMALE LAYING THERE THAT
7 APPEARED TO BE NAKED, BOUND WITH TAPE OR WHATEVER IT
8 WAS AROUND HER FACE AND HANDS.

9 Q. ALL RIGHT. COULD SHE SEE YOU?

10 A. YES, SIR.

11 Q. ALL RIGHT. SO HER EYES WAS OPEN?

12 A. YES, SIR.

13 Q. ALL RIGHT. AND SHE WAS ALIVE THEN?

14 A. YES, SIR.

15 Q. NO QUESTION ABOUT THAT?

16 A. NO QUESTION.

17 Q. BUT HER HANDS WERE TIED?

18 A. YES, SIR.

19 Q. IN FRONT OR THE BACK?

20 A. RIGHT DOWN IN FRONT, COVERING HER
21 BOTTOM -- HER BOTTOM PARTS.

22 Q. ALL RIGHT. NOW -- AND WHERE WAS SHE
23 LAYING OR STANDING OR SEATED OR WHAT?

24 A. SHE WAS LAYING ON THE COUCH RIGHT AT THE
25 FRONT DOOR AND I WAS ON THE OPPOSITE COUCH AGAINST

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THE OTHER WALL.

Q. OKAY. HOW CLOSE WERE YOU TO HER THEN WHEN YOU WERE SEATED AND SHE WAS OVER THERE ON THAT COUCH? CLOSER THAN I AM TO YOU NOW?

A. ABOUT SIX FOOT, SEVEN FOOT.

Q. ALL RIGHT. AND GO AHEAD AND TELL ME WHAT OCCURRED THEN.

A. I GRABBED MY WALKER AND GOT BACK UP WHEN I SEEN HER LAYING LIKE THAT AND STARTED BACK OUT TO THE DOOR AND BETTY LOU WAS THERE STANDING. I WAS TALKING TO HER. AND I TOLD BETTY LOU TO LET ME GET OUT. AND THEN I SPOKE UP AND TOLD THEM THAT THEY NEEDED TO MOVE THAT GIRL LAYING ON THAT COUCH LIKE THAT. AND I WAS IMPLICATING IT TO RICKY STUCKEY, BUT THERE WAS THREE OR FOUR IN THERE LIKE I NAMED WHILE AGO.

Q. SO YOU TOLD A GROUP OF THEM THAT WAS THERE AT THAT POINT IN TIME THAT THEY NEEDED TO MOVE HER?

A. YES, SIR. MOVE HER UP FROM LAYING THERE LIKE THAT.

Q. ALL RIGHT. DID THEY MOVE HER?

A. YES, SIR. WELL, THAT WAS -- AS I GOT DOWN THE STEPS, I TOLD THEM IF SOMEBODY SEEN HER LIKE THAT, THEY WAS GOING TO BE IN TROUBLE.

Q. ALL RIGHT.

A. THAT'S WHEN RICKY STUCKEY ASKED THEM FOR

1 Y'ALL TO HELP HER TO THE BACK.

2 Q. SO DID RICKY STUCKEY GET SOMEBODY TO HELP
3 MOVE THEM IN THE BACK?

4 A. THEY TOLD HIM TO AND HE HELPED ME DOWN THE
5 STAIRS AND INTO THE WHEELCHAIR, HIM AND BETTY LOU.

6 Q. SO HAD SOME OF THESE OTHER BOYS HELPED
7 HIM?

8 A. SIR?

9 Q. HE HAD SOME OF THESE OTHER BOYS WITH HIM?

10 A. YES, SIR.

11 Q. NOW, SO YOU GO BACK OUTSIDE TO THE POT.
12 RIGHT?

13 A. YES, SIR.

14 Q. AND WHAT DO YOU DO THEN?

15 A. SITTING OUT THERE DRINKING, SMOKING.

16 Q. ALL RIGHT. AND HOW LONG DO YOU STAY AT
17 THE PARTY?

18 A. I DON'T REALLY KNOW, SIR. I PASSED OUT IN
19 MY WHEELCHAIR.

20 Q. PASSED OUT FROM WHAT, NOW?

21 A. DRINKING CREEK LIQUOR AND STORE BOUGHT
22 LIQUOR AND POT.

23 Q. CREEK LIQUOR IS WHITE LIGHTNING KIND OF
24 LIQUOR?

25 A. YES, SIR.

1 Q. AND Y'ALL WERE DRINKING THAT AND YOU GOT
2 DRUNK AND YOU PASSED OUT IN THE YARD?

3 A. YES, SIR. I WAS ALREADY ABOUT LIKE THAT
4 BEFORE I GOT DOWN THERE. I WAS DRINKING A QUART AT
5 MY TRAILER.

6 Q. SO YOU HAD ALREADY BEEN DRINKING BEFORE
7 YOU WENT UP THERE?

8 A. YES, SIR.

9 Q. WHAT ABOUT THE REST OF THAT CROWD? WERE
10 THEY DRINKING TOO?

11 A. OH, YES, SIR. EVERYBODY WAS.

12 Q. OKAY. NOW, THEY WERE JUST GENERALLY
13 DRINKING AND HAVING A GOOD TIME. RIGHT?

14 A. THAT'S HOW I TOOK IT, SIR. BROAD
15 DAYLIGHT -- DAY LIGHT LIKE THAT, IT SEEMED LIKE A
16 NATURAL PARTY TO ME.

17 Q. ALL RIGHT. NATURAL PARTIES, DRINKING
18 LIQUOR AND CREEK LIQUOR AND EATING PIG FEET?

19 A. YES, SIR.

20 Q. ALL RIGHT. AND A WOMAN TIED UP THERE WITH
21 HER HANDS TIED UP AND NAKED?

22 A. YES, SIR.

23 Q. NOW, AFTER YOU GO BACK OUTSIDE AND YOU
24 FALL OUT, WHAT HAPPENS TO YOU?

25 A. WELL, BEFORE I PASSED OUT AND ALL, THAT

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1 BIG BROWN CAR, I HEARD THREE PEOPLE COME RUNNING OUT
2 OF THE TRAILER AND THEY WENT INTO THE BIG BROWN CAR
3 AND GOT IN THE BIG BROWN CAR AND LEFT. AND THEN
4 LATER, I PASSED OUT.

5 Q. ALL RIGHT. ALL RIGHT. THEN WHAT HAPPENS?

6 A. SOMEBODY TOOK ME HOME, AND THAT'S ALL I
7 REMEMBER.

8 Q. ALL RIGHT. AND THAT'S ALL YOU REMEMBER
9 FOR THAT DAY?

10 A. YES. FOR THAT PARTICULAR MOMENT, YES.

11 Q. FOR THAT PARTICULAR -- ALL RIGHT. DID YOU
12 GO BACK LATER THAT DAY OR LATER THE NEXT DAY?

13 A. THAT NIGHT. LATE THAT NIGHT.

14 Q. ALL RIGHT. LATE THAT NIGHT YOU WENT BACK
15 UP THERE. HOW DID YOU GET BACK UP THERE LATE THAT
16 NIGHT?

17 A. DANNY DAVIS AND RICKY STUCKEY SAID THEY
18 WERE HAVING A PARTY. THEY WERE ALL STILL DOWN THERE
19 HAVING A PARTY AND ASKED ME DID I WANT TO GO. AND I
20 SAID YEAH.

21 Q. SO THEY CAME BACK TO YOUR TRAILER AND GOT
22 YOU?

23 A. YES, SIR.

24 Q. DID THEY TAKE YOU BACK UP THERE?

25 A. YES, SIR. THEY PUSHED ME DOWN THERE IN MY

1 WHEELCHAIR AGAIN.

2 Q. ALL RIGHT.

3 A. I DIDN'T TAKE MY WALKER THIS TIME.

4 Q. OKAY. NOW, ONCE YOU GOT BACK, DID YOU
5 TELL -- TELL ME WHAT WAS GOING ON ON THE OUTSIDE WHEN
6 Y'ALL PULLED UP OUT THERE.

7 A. THERE WAS A BUNCH OF CARS STROLLED OUT IN
8 DIFFERENT SECTIONS AND PEOPLE IN AND OUT OF THAT
9 TRAILER.

10 Q. WHO DO YOU REMEMBER BEING THERE WHEN YOU
11 GOT BACK THE SECOND TIME? WHO WAS THERE?

12 A. WELL, RICKY AND DANNY TOOK ME, AND THERE
13 WAS ME. AND I TALKED TO LEROY STATON AND SEEN ROBERT
14 GRAHAM STANDING IN THE LIVING ROOM. AND THERE WAS
15 MARTIN MCINTOSH, JEFF WALLS AND A COUPLE OF MORE OF
16 THEM. I CAN'T PLACE THEIR NAMES RIGHT NOW.

17 Q. BUT YOU TOLD MARTIN MCINTOSH, HE WAS OVER
18 THERE. RIGHT?

19 A. YES, SIR.

20 Q. AND RICKY STUCKEY WAS THERE?

21 A. YES, SIR.

22 Q. AND 'OL JEFF WALLS, HE WAS OVER THERE?

23 A. YES, SIR.

24 Q. AND ROBERT GRAHAM WAS IN THE LIVING ROOM?

25 A. OH, YES. RINGO PEARSON TOO.

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1 Q. AND RINGO PEARSON. AND YOU AND DANNY
2 DAVIS DANNY?

3 A. YES, SIR. I BELIEVE BETTY LOU WAS THERE
4 TOO.

5 Q. BETTY LOU CAULDER?

6 A. YES, SIR.

7 Q. AND BETTY LOU IS WHOSE GIRLFRIEND?

8 A. DANNY DAVIS.

9 Q. NOW, WHEN YOU GOT BACK, DID YOU GO BACK
10 INSIDE THE HOUSE?

11 A. YES, SIR. I WAS THERE PROBABLY FIVE
12 MINUTES, MAYBE SEVEN. THEY ASKED ME DID I WANT TO
13 SEE THAT OLD GAL THEY HAD IN THERE, AND I SAID YEAH.
14 AND THEY SAID SHE'S IN THE HOUSE. SO A DIFFERENT --
15 ONCE I WALKED BEHIND THEM, HOLDING ON ONE TO THE
16 OTHER TO GET TO THE BEDROOM DOOR, WELL, ONE OF THEM
17 REACHED AROUND ME AND PUSHED THE DOOR OPEN AND I SEEN
18 THIS BLACK FEMALE LAYING THERE.

19 Q. ALL RIGHT.

20 A. BOUND AGAIN.

21 Q. ALL RIGHT. SO THE FIRST TIME YOU WENT
22 THERE, SHE WAS ON THE COUCH AND NOW SHE'S IN A ROOM?

23 A. YES, SIR.

24 Q. ALL RIGHT. AND IS SHE STILL NAKED?

25 A. SHE APPEARED TO BE, SIR.

1 Q. ALL RIGHT. WHAT -- WHAT -- DO THEY SAY
2 ANYTHING TO YOU ABOUT HER?

3 A. YES, SIR. THEY ASKED ME DID I WANT SOME.

4 Q. THEY ASKED YOU DID YOU WANT SOME?

5 A. YES, SIR.

6 Q. WHO ASKED YOU THAT?

7 A. I COULDN'T RECALL. IT CAME FROM BEHIND
8 ME.

9 Q. ALL RIGHT. BUT SOMEBODY IN THAT CROWD
10 ASKED YOU IF YOU WANTED TO HAVE SOME OF IT?

11 A. YES, SIR. THEY TOUCHED ME AND ASKED ME
12 THAT AND I STARTED SHAKING AND BOUNCING. AND THEN I
13 TOLD THEM TO TAKE ME ON BACK OUT TO MY WHEELCHAIR.

14 Q. YOU DIDN'T GET ANY OF IT?

15 A. OH, NO, SIR.

16 Q. SO THEN THEY TOOK YOU BACK OUTSIDE?

17 A. YES, SIR.

18 Q. SHE WAS STILL ALIVE THEN?

19 A. YES, SIR, SHE WAS.

20 Q. ALL RIGHT. TELL ME HOW SHE WAS TAPED UP
21 AT THAT TIME WHEN YOU SAW HER.

22 A. SAME WAY. BOUND, AND BOUND WITH TAPE.

23 Q. ALL RIGHT. DID SHE EVER MAKE ANY SOUNDS
24 WHEN YOU WERE IN HER PRESENCE?

25 A. NO, SIR. SHE JUST LAID THERE.

1 Q. HOW LONG DO YOU STAY UP THERE? TIME, THIS
2 NIGHT? HOW LONG DID YOU STAY UP AT THE HOUSE?

3 A. THIS TIME.

4 Q. YEAH. AFTER YOU GO BACK OUTSIDE, HOW LONG
5 DO YOU STAY THERE?

6 A. ALTOGETHER I WAS THERE MAYBE 15 MINUTES.

7 Q. OKAY. THE SECOND TIME?

8 A. YES, SIR.

9 Q. ALL RIGHT. SO AFTER YOU CAME OUT OF THE
10 HOUSE, YOU LEFT?

11 A. WELL, NO, SIR.

12 Q. ALL RIGHT. TELL ME ABOUT IT.

13 A. I WAS SITTING IN THE WHEELCHAIR AND
14 DIFFERENT ONES WAS CARRYING ON CONVERSATIONS IN AND
15 OUT -- IN AND OUT OF THE HOUSE AND IN THE YARD. AND
16 I WAS TALKING TO A FEW MYSELF. AND THEN SOMEBODY
17 ASKED ME DID I WANT SOMETHING TO DRINK. AND I SAID
18 YEAH. THAT'S WHEN IT DAWNED ON ME THAT I HAD SEEN
19 THIS YOUNG LADY BEFORE EARLIER THAT DAY ON THE COUCH.
20 I DIDN'T REMEMBER IT FROM THE FIRST DATE UNTIL I SEEN
21 HER THE SECOND TIME, AND I REMEMBERED IT THEN. AND
22 THEN A CAR STARTED COMING DOWN THE ROAD WIDE OPEN,
23 HEADLIGHTS. I SPOKE OUT AND ASKED SOMEBODY TO TAKE
24 ME HOME, THEY MIGHT BE GOING TO MY HOUSE. AND ABOUT
25 THAT TIME THEY PULLED IN AT MY DRIVE, BUT THEY WENT

1 TO THE GIRL'S TRAILER IN FRONT OF MINE.

2 THEY SAID, SEE THERE, THEY WENT TO THE GIRL'S.
3 AND I SAID, WELL, I DON'T CARE. I WANT TO GO HOME
4 ANYHOW. AND THEY SAID WHY? AND I SAID BECAUSE
5 EVERYBODY HERE IS GOING TO BE IN TROUBLE WITH THAT
6 GIRL THERE LIKE THAT.

7 Q. DID THEY TAKE YOU HOME?

8 A. YES, SIR. A FEW MINUTES LATER.

9 Q. ALL RIGHT.

10 A. I CAME IN -- THEY TOLD ME TO GET IN THE
11 BROWN CAR. I WAS SITTING IN THE WHEELCHAIR THERE AT
12 THE FRONT BY THE STEPS, SO I BACKED UP TO THE BACK
13 DOOR AND I GOT IN AND SOMEBODY PUT MY WHEELCHAIR IN
14 THE TRUNK. AND THEN I HEARD TWO OR THREE DIFFERENT
15 ONES TALKING, TELLING RICKY STUCKEY ABOUT THEY
16 WERE -- WELL, I TOLD THEM WHEN I SPOKE OUT THE
17 WINDOW, I TOLD THEM, I SAID, WHOEVER BROUGHT THAT
18 GIRL THERE SHOULD HAVE NEVER BROUGHT HER HERE AND
19 EVERY ONE OF Y'ALL HERE IS GOING TO BE IN TROUBLE FOR
20 HER BEING THERE LIKE THAT. THAT'S WHEN I HEARD TWO
21 TALKING TO RICKY STUCKEY, TELLING THEM THAT THEY WAS
22 GOING TO TAKE THAT GIRL TO SOMEBODY'S HOUSE WHERE HE
23 USED TO STAY.

24 Q. OKAY. SOMEBODY WAS TALKING TO RICKY
25 STUCKEY SAYING THAT THEY WERE GOING TO TAKE THE GIRL

BOBBY RANSOM - DIRECT BY MR. WILSON

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1 TO A HOUSE?

2 A. YES, SIR.

3 Q. ALL RIGHT. NOW, WHEN YOU FIRST SAW HER,
4 SHE WAS IN THIS TRAILER; IS THAT CORRECT?

5 A. YES, SIR.

6 Q. AND WHEN YOU SAW HER THE SECOND TIME LATER
7 THAT SAME DAY, SHE'S STILL IN THE TRAILER?

8 A. YES, SIR.

9 Q. AND NOW IT'S NIGHT AND THEY ARE TALKING
10 ABOUT TAKING HER AND MOVING HER TO SOME HOUSE?

11 A. YES, SIR.

12 Q. OKAY. AND TELL ME ABOUT -- WHAT HAPPENS.
13 NOW, YOU'RE IN THIS BIG BROWN CAR. WHAT HAPPENS?

14 A. WELL, I ASKED DANNY DAVIS TO GO WITH ME
15 AND HELP ME GET IN MY TRAILER. I THOUGHT THEY WAS
16 GOING TO TAKE ME STRAIGHT HOME. BUT AS THEY GOT DOWN
17 THE ROAD, THEY PASSED MY TRAILER. AND I SAID, "WHOA,
18 I THOUGHT Y'ALL WAS TAKING ME HOME." AND THEY SAID
19 WE'LL DROP YOU OUT ON THE WAY BACK AFTER WE TAKE AND
20 PUT HER OUT AT THIS HOUSE.

21 Q. SO WAS SHE IN THE CAR WITH YOU?

22 A. YES, SIR.

23 Q. WHO PUT HER IN THE CAR?

24 A. TWO OF THEM WALKED HER OUT. SHE -- THEY
25 PUT HER IN THE FRONT SEAT BETWEEN THE DRIVER AND THE

1 PASSENGER SIDE. AND ME AND DANNY --

2 Q. ALL RIGHT.

3 A. -- AND DANNY WAS IN THE BACK AND JEFF
4 WALLS AND RICKY STUCKEY AND RINGO PEARSON WAS IN THE
5 FRONT WITH THE GIRL.

6 Q. ALL RIGHT. AND WHERE DID THEY TAKE YOU
7 TO? WHERE WAS SHE TAKEN TO?

8 A. THEY TOOK HER RIGHT DOWN THE ROAD, MAYBE
9 TWO MILES FROM WHERE WE ALL LIVED TO A SHACK ON THE
10 LEFT OFF THE MAIN HIGHWAY.

11 Q. OKAY. AND NOBODY LIVED IN THIS OLD HOUSE?

12 A. NO, SIR. NOT AT THAT TIME.

13 Q. ALL RIGHT. AND WHEN THEY GOT TO THE OLD
14 SHACK, WHAT DID THEY DO WITH HER?

15 A. TWO OF THEM GOT OUT, TOTED HER UP THERE
16 AND WENT UP -- WENT UP ON THE PORCH, WENT ALL THE WAY
17 DOWN TO THE LEFT AND WENT IN THIS ROOM THERE AND LAID
18 HER THERE -- THEY EITHER LAID HER ON THAT COUCH THAT
19 WAS ON THE PORCH AND TOOK IT IN -- I HAD TROUBLE
20 SEEING THAT BECAUSE MY FEET WAS TANGLED UP IN HER
21 POCKETBOOK STRAPS AND I WAS TRYING TO PULL IT OUT
22 WHERE I COULD SEE BETTER, BUT I GOT DISTRACTED ON IT.

23 Q. HER POCKETBOOK STRAP WAS UNDER YOUR FEET?

24 A. YEAH, TANGLED UP IN MY FEET. I COULDN'T
25 MOVE THEM. I WAS TRYING TO POSITION MYSELF TO SEE

1 BETTER.

2 Q. OKAY.

3 A. THEN I GAVE IT TO DANNY DAVIS AND HE
4 HANDED IT TO RINGO PEARSON AND THEN RINGO PEARSON
5 WALKED UP HALFWAY TO THE SHACK AND THREWED IT TO ONE
6 OF THEM ON THE PORCH.

7 Q. ALL RIGHT. NOW, WHEN THEY PUT HER ON THE
8 COUCH AND THEY TOOK THE COUCH INSIDE THE SHACK, DID
9 ANYBODY STAY THERE WITH HER WHEN Y'ALL LEFT?

10 A. NO, SIR. I THOUGHT THEY DID, BUT THEY
11 DIDN'T.

12 Q. NOBODY STAYED WITH HER?

13 A. NO, SIR.

14 Q. SO THEY LEFT HER IN THE SHACK BY HERSELF
15 TIED UP?

16 A. YES, SIR.

17 Q. WHERE DID THEY TAKE YOU FROM THAT POINT?

18 A. THEY TOOK ME STRAIGHT HOME AND HELPED ME
19 GET IN, THEN THEY PULLED OUT AND LEFT AND WENT BACK
20 DOWN TO RICKY STUCKEY'S AND ROBERT'S.

21 Q. NOW, WHEN YOU GOT TO YOUR HOUSE, WERE YOU
22 THE ONLY PERSON WHO GOT OUT AT YOUR HOUSE?

23 A. NO. DANNY DAVIS AND ANOTHER ONE GOT OUT
24 AND HELPED ME GET IN.

25 Q. OKAY. DID THEY STAY AT YOUR HOUSE OR DID

1 THEY LEAVE?

2 A. NO, SIR. THEY ALL LEFT IN THE SAME CAR.

3 Q. ALL RIGHT.

4 A. I FIGURED.

5 Q. DANNY WAS WITH THEM IN THE CAR AND WENT
6 BACK?

7 A. YEAH.

8 Q. OKAY. NOW, IF YOU WOULD, WHEN IS THE NEXT
9 TIME THAT YOU SAW THIS BLACK LADY THAT WAS TIED UP?

10 A. WELL, IT SEEMED LIKE TWO OR THREE DAYS
11 LATER, BUT IT FELT LIKE -- MORE LIKE THE NEXT NIGHT.

12 Q. OKAY. WHAT HAPPENED?

13 A. I WAS SITTING IN MY BACKYARD SMOKING ME A
14 JOINT AND HAD ME A PINT OF CREEK LIQUOR. I HAD
15 ALREADY DRUNK ABOUT HALF OF IT WHEN I HEARD THREE
16 PEOPLE COMING DOWN MY DRIVE TALKING. AND I LOOKED TO
17 SEE WHO IT WAS AND I RECOGNIZED DANNY DAVIS AND RICKY
18 STUCKEY AND SOME OTHER GUY.

19 Q. DANNY DAVIS, RICKY STUCKEY AND SOME OTHER
20 GUY CAME UP TO YOUR HOUSE?

21 A. YES, SIR.

22 Q. WHAT HAPPENED THEN?

23 A. WELL, WHEN I NOTICED THAT IT WAS THEM
24 COMING, I GRABBED MY CREEK LIQUOR AND SHOTGUNED IT SO
25 THEY WOULDN'T ASK ME FOR NONE. AND THEY STEPPED UP

IN FRONT OF ME WHEN I WAS DRINKING IT DOWN AND RICKY
STUCKEY SAID THIS WAS HIS COUSIN RINGO.

Q. SO RICKY SAID THIS WAS HIS' COUSIN RINGO?

A. YES, SIR.

Q. WHAT DID Y'ALL DO THEN?

A. I ASKED RICKY AND DANNY WERE THEY DRINKING ANY AND THEY SAID A LITTLE. THEN I ASKED THEM WHERE BETTY LOU WAS AND THEY SAID DOWN TO THE HOUSE. AND THEN RICK MENTIONED THAT THEY STILL HAD THAT 'OL GAL, AND I SAID WHAT 'OL GAL? AND THEY SAID THE ONE DOWN TO THE HOUSE, MADE A GESTURE DOWN TOWARD HIS HOUSE, AND I SAID, "MAN, Y'ALL CRAZY? I THOUGHT Y'ALL GOT RID OF THAT GIRL, TOOK HER TO SOMEBODY ELSE'S HOUSE." AND THEY SAID WE DID.

Q. WHO SAID THAT WE DID?

A. RICKY STUCKEY.

Q. RICKY STUCKEY?

A. THEN HE MENTIONED WHAT WE GOING TO DO? I SAID I DON'T KNOW WHAT Y'ALL ARE GOING TO DO. YOU BETTER TURN HER LOOSE, THOUGH, TAKE HER SOMEWHERE IN THE COUNTRY, COUNTRY CREEK BACK ROAD, YOU KNOW, HOW -- JUST DESCRIBING BURNT FACTORY; SOMEWHERE LIKE THAT.

Q. OKAY. SO YOU TOLD THEM -- THEY WERE TRYING TO FIND OUT WHAT TO DO WITH HER. RIGHT?

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1 A. WELL, WHAT THEY TOLD ME -- WELL, RICKY
2 SAID WHAT WE GOING TO DO? I JUST TOOK IT THAT THEY
3 HAD CONFESSED THAT THEY DONE WHAT THEY HAD DONE
4 BECAUSE I HAD DONE TOLD THEM TWICE THAT THEY WERE
5 GOING TO BE IN TROUBLE ABOUT WHAT WAS GOING ON.

6 Q. OKAY. AND THE LAST TIME YOU SAW HER AT
7 THE TRAILER, WHEN THEY DROPPED HER OFF AT THE OLD
8 ABANDONED HOUSE, SHE WAS ALIVE AND WELL, WASN'T SHE?

9 A. YES, SIR.

10 Q. OTHER THAN BEING TAPED UP?

11 A. YES, SIR.

12 Q. NOW, WHEN --

13 A. AND I NEED TO FINISH THAT.

14 Q. GO AHEAD.

15 A. AFTER THAT, RICK TOLD RINGO TO GO GET THE
16 CAR, COME BACK AND PICK HIM UP.

17 Q. SO RICKY STUCKEY TELLS RINGO GO GET THE
18 CAR AND COME ON BACK?

19 A. YES, SIR.

20 Q. ALL RIGHT. DOES RINGO GO GET THE CAR LIKE
21 RICKY TOLD HIM?

22 A. YES, SIR. HE LEFT TO GO GET THE CAR AND I
23 SAT THERE TELLING RICK AND DANNY AND THEM THAT I HAD
24 DONE GOT CAUGHT FOR THIS BEFORE AND THEY WERE GOING
25 TO GIVE ME 50 YEARS, THAT WE DIDN'T DO IT, THAT THEY

1 WERE IN A MESS. AND WE PROCEEDED TO RECEIVE A PARDON
2 FROM SENATOR STROM THURMOND FOR LACK OF PROOF AND
3 EVIDENCE AND I JUST TOLD THEM THE TRUTH OF WHAT WAS
4 GOING TO HAPPEN TO THEM.

5 Q. WHO DID YOU TELL THE TRUTH?

6 A. RICKY STUCKEY AND DANNY.

7 Q. SO YOU TOLD THEM THAT THEY WERE GOING TO
8 GET IN TROUBLE?

9 A. YEAH.

10 Q. ALL RIGHT. NOW, WHAT HAPPENS NOW? FROM
11 THAT POINT, WHAT HAPPENS?

12 A. ME AND DANNY AND RICK WERE SITTING THERE
13 TALKING AND RINGO PULLED UP AND RICK SAID, "COME ON,
14 RIDE WITH US. AND I SAID, "YEAH, I'LL GO GET ME SOME
15 MORE CREEK LIQUOR." AND SAID, "DANNY, COME ON. GO
16 WITH US." AND THEY HELPED ME GET IN THE CAR -- WELL,
17 FIRST, WAIT A MINUTE, THERE WAS RINGO DRIVING. LEROY
18 STATON IN THE FRONT ON THE PASSENGER SIDE AND ALFONZO
19 IN THE BACK ON THE OTHER PASSENGER SIDE. THEN THEY
20 PROCEEDED TO HELP PUT ME IN ON THE LEFT-HAND SIDE
21 BEHIND THE DRIVER AND THEN DANNY GOT IN AND RICK GOT
22 IN.

23 Q. ALL RIGHT. WHERE DID Y'ALL GO THEN?

24 A. WENT DOWN TO THE SAME SHACK THAT I WAS
25 DESCRIBING WHILE AGO RIGHT OFF THE MAIN HIGHWAY.

1 AND STARTED WALKING UP THERE. AND WHEN THEY GOT
2 THERE WHERE JEFF WAS, I SEEN A SECOND ONE COMING OU

3 Q. WHO WAS THE SECOND ONE?

4 A. MARTIN MCINTOSH.

5 Q. OLD MARTIN. HE'S ALREADY THERE TOO?

6 A. YEAH. AT THAT MOMENT, THE CAR LIGHTS WENT
7 OUT AND I COULDN'T SEE NOTHING ELSE. ALL OF THEM HAD
8 MIXED TOGETHER GOING DOWN THE PORCH.

9 Q. ALL RIGHT. SO OLD JEFF WALLS AND MARTIN
10 MCINTOSH, THEY WERE THERE WAITING WHEN Y'ALL GOT
11 THERE?

12 | A. YES, SIR.

13 Q. WITH THE CAR. SO WHEN -- WHEN YOU
14 FINALLY -- WELL, LET ME BACK UP AND ASK YOU THIS WAY.
15 AFTER EVERYBODY IS THERE, THEY COME OUT ON THE PORCH
16 AND Y'ALL ARE THERE IN THE CAR, WHAT HAPPENS?

17 A. THEY HAD A DISCUSSION. SOME OF THEM WENT
18 IN THAT SAME ROOM ON THE LEFT AT THE END OF THE
19 PORCH.

20 O. YOU SAY THEY HAD A DISCUSSION?

21 | A. YEAH.

22 Q. WHERE WAS THE DISCUSSION HELD AT?

23 | A. THEY WERE BY THE STEPS AND DOOR.

24	O.	ALL RIGHT.

25 | A. THE STEPS AND THE FRONT PORCH.

1 FRONT AND THREE MORE UP THERE, RICKY STUCKEY AND
2 LEROY STATON AND ALFONZO AND MARTIN AND JEFF WAS IN
3 THE BACK ON THE OTHER SIDE OF DANNY.

4 Q. WHO WAS DRIVING THE CAR?

5 A. THE ONE RICK SAID WAS HIS COUSIN, RINGO.

6 Q. SO NOW ALL OF Y'ALL ARE IN THAT CAR WITH
7 HER?

8 A. WE'RE PACKED.

9 Q. ALL RIGHT. Y'ALL ARE PACKED. WHERE DO
10 YOU GO?

11 A. OH, THE DRIVER BACKED UP, PULLED OUT TO
12 THE DRIVE, AND THEN ONE SAID TO GO TO THE BURNT
13 FACTORY AND THEN THE DRIVER SAID HE KNEW HOW TO GET
14 THERE.

15 Q. NOW, WHEN THEY BRING HER OUT THIS TIME
16 FROM THE ABANDONED HOUSE, IS SHE STILL TAPED UP?

17 A. YES, SIR.

18 Q. ALL RIGHT. AND IS SHE TAPED DIFFERENTLY
19 OR THE SAME WAY?

20 A. I WOULDN'T LOOK AT HER, SIR. I KEPT
21 STARING OUT THE WINDOW.

22 Q. ALL RIGHT. YOU WOULDN'T LOOK AT HER. DO
23 YOU KNOW WHETHER SHE WAS ALIVE?

24 A. NO, SIR, I DON'T. NOT TO BE SURE.

25 Q. YOU'RE NOT SURE. DID YOU THINK SHE WAS

1

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24

1 A. NO, SIR. I JUST THOUGHT SHE WAS.

2 Q. OKAY.

3 A. YOU KNOW, I THOUGHT SHE WAS CRYING AND
4 TALKING. YOU KNOW, I WAS JUST OUT OF IT. SHE
5 WASN'T.

6 Q. YOU THOUGHT SHE WAS CRYING AND MAKING
7 NOISE?

8 A. YES, SIR. ME, NOT HER.

9 Q. ALL RIGHT. AND YOU TOLD THEM TO GET HER
10 OFF OF YOU?

11 A. YES, SIR.

12 Q. ALL RIGHT. DID ANYBODY MOVE HER OFF OF
13 YOU?

14 A. YES, SIR. WHEN RICKY STUCKEY TOLD -- SAID
15 THAT, WHAT I SAID, HE THEN TOLD DANNY DAVIS TO MOVE
16 HER HEAD OFF OF MY SHOULDER.

17 Q. WHAT DID --

18 A. AND --

19 Q. I'M SORRY. I'M CONFUSED. RICKY STUCKEY
20 SAID WHAT, NOW?

21 A. HE REPEATED WHAT I SAID. Y'ALL HEAR,
22 BOBBY SAYS GET THIS BITCH CRYING ALL OVER ME. SOME
23 LAUGHED AT ME. AND THEN HE TOLD DANNY DAVIS TO MOVE
24 HER HEAD OFF OF MY SHOULDER, AND HE MOVED HER HEAD
25 AND IT FELL RIGHT BACK ON ME AGAIN.

1 THERE?

2 A. NO, SIR. JUST THE MOON.

3 Q. JUST THE MOON. SO THE ONLY LIGHT THAT WAS
4 THERE WOULD BE THERE WOULD BE MOONLIGHT?

5 A. YES, SIR.

6 Q. AND WHAT HAPPENED ONCE Y'ALL PULLED UP
7 DOWN THERE? WHAT OCCURS THEN?

8 A. SOMEONE SAID EVERYBODY GET OUT.

9 Q. OKAY. DID YOU GET OUT?

10 A. I WAS THE LAST ONE TO GET OUT.

11 Q. HOW DID YOU GET OUT?

12 A. WELL, ALL OF THEM GOT OUT AND THEN THE
13 GIRL WAS STILL LAYING OVER ON ME. I FELT SOMEBODY
14 PULL HER. THEY PULLED HER OVER OFF OF ME. AT THAT
15 MOMENT, THAT'S WHEN I TURNED TO LOOK AND I SEEN
16 SOMEONE GRABBING HER BY THE FEET, HER ANKLES. SHE
17 WAS JUST LAYING THERE AND THEY JUST DRUG HER OUT BY
18 HER FEET.

19 Q. OKAY. SO THEY DRUG HER OUT BY HER FEET?

20 A. YES, SIR.

21 Q. ALL RIGHT. THEN WHAT HAPPENED? ONCE THEY
22 DRAGGED HER OUT, YOU'RE STILL IN THE CAR. RIGHT?

23 A. YES, SIR.

24 Q. GO AHEAD. TELL ME WHAT OCCURS FROM THAT
25 POINT.

A. SHE STARTED ROLLING IN THE WATER.

Q. COULD YOU SEE HER AT THIS POINT?

A. YES, SIR. WELL, NOT MUCH -- IT WAS ABOUT LIKE WHEN A FISH ROLLS ON THE TOP OF THE WATER. IF YOU HADN'T KNOWN WHAT IT WAS, YOU WOULDN'T KNOW.

Q. ALL RIGHT.

A. THAT'S HOW IT WAS.

Q. ALL RIGHT.

A. AND THE CURRENT WAS HIGH. IT HAD RAINED. IT WAS UP ABOUT THREE OR FOUR FOOT AND IT ROLLED HER OVER TO THE RIGHT. THERE'S A LITTLE SAND BED THERE, EMBANKMENT, AND SHE WAS OUT APPROXIMATELY MAYBE SEVEN, EIGHT FEET FROM THE EMBANKMENT. SHE HAD GOTTEN SNAGGED ON SOMETHING IT HAD APPEARED AND TWO PEOPLE HAD DONE WALKED DOWN THERE TOWARDS HER AND ONE STEPPED IN THE WATER. BUT THEN HE TURNED AROUND AND BOTH OF THEM COME BACK OUT. AND THAT'S WHEN I TURNED TO THE ONES IN THE FRONT. I SAID, "SOMEBODY GO DOWN THERE WHERE SHE'S AT." AND WOULDN'T NOBODY GO TO HER. AND THEN I SAID IT AGAIN AND SOMEBODY TAKE ME DOWN THERE; I'LL GO DOWN THERE WHERE SHE'S AT. AT THAT MOMENT, WHEN I WENT TO TURN, TWO PEOPLE GRABBED ME, ONE ON EACH SIDE, AND LIFTED ME AND TOTED ME DOWN THERE TO THE EMBANKMENT RIGHT OFF FROM WHERE SHE WAS AT.

Q. YOU SAID TWO PEOPLE CARRIED YOU AND PUT YOU DOWN TO THE WATER. DO YOU KNOW WHO IT WAS THAT ACTUALLY PICKED YOU UP AND CARRIED YOU?

A. NO, SIR.

Q. TWO OF THEM CARRIED YOU AND PUT YOU IN THE WATER?

A. YES, SIR.

Q. ALL RIGHT. NOW, YOU'RE PARALYZED. CAN YOU SWIM?

A. NO, SIR. I TRIED.

Q. ALL RIGHT. DID YOU GET IN THE WATER?

A. YES, SIR.

Q. ALL RIGHT. AND HOW DO YOU KEEP YOURSELF AFLOAT ONCE YOU GET IN THE WATER?

A. I CAN'T. YOU KNOW, I -- ONLY ON MY BACK, TEN FOOT, BUT I -- THAT WASN'T MY INTENTION THAT I WENT DOWN THERE. AND I WAS GOING TO CRAWL IN TO WHERE SHE WAS AT ON THE BOTTOM.

Q. OKAY. IT WAS SHALLOW ENOUGH FOR YOU TO CRAWL IN?

A. YES, SIR.

Q. ALL RIGHT. SO YOU WERE GOING TO CRAWL IN AND DO WHAT?

A. I CRAWLED IN TO WHERE SHE WAS AT AND SHE WAS BENT, SNAGGED ON SOMETHING, SORT OF LIKE WHEN A

1 PERSON SLEEPS ON THEIR SIDE. AND I FOUND HER --
2 WELL, TO START WITH, I WENT TO THE WRONG SIDE. I
3 BROKE OVER TO THE LEFT AND SHE WEREN'T THERE, SO I
4 CRAWLED BACK UP SOME AND THEN I WENT OVER TO THE
5 RIGHT. AND THAT'S WHERE I FOUND HER AT.

6 Q. OKAY.

7 A. AND I GRABBED HER BY THE BACK OF THE HAND
8 WITH MINE AND TRIED TO PULL THEM, NOT UNTIE THEM OR
9 DEPART THEM; JUST PULL. AND THAT'S WHAT I TRIED TO
10 DO, AND THE CURRENT SNAGGED HER. AND I CAN'T OPEN MY
11 HAND, AND MY HANDS WERE CAUGHT IN HER WRIST THERE,
12 AND IT SNATCHED ME, GAVE ME A JERK. BUT THEY LET GO
13 AND SHE WENT ON DOWN ABOUT 20 FOOT AND GOT HUNG UP ON
14 A BIG 'OL TREE THAT RUNS ACROSS THERE, CYPRESS TREE.
15 SHE GOT HUNG UP THERE. AND THEN WHEN I GOT BACK UP
16 TO THE BRIDGE, I WAS STANDING THERE LOOKING AT
17 EVERYBODY TO SEE WHAT THEY WERE LOOKING AT, AND THEY
18 WERE LOOKING AT THE VERY BACK. AND I LOOKED AND I
19 SEEN THIS GIRL -- WELL, SHE ROLLED TWICE LIKE A FISH,
20 YOU KNOW, UNDER THE WATER.

21 Q. RIGHT.

22 A. AND THEN SHE STOPPED AND THE WATER STARTED
23 RUSHING OVER HER.

24 Q. OKAY. NOW, HOW DID YOU GET BACK OUT OF
25 THE WATER?

1 A. BACK STRAIGHT HOME.

2 Q. ALL RIGHT. WAS THERE ANY CONVERSATION IN
3 THE CAR AFTER Y'ALL PULLED OFF AND STARTED BACK HOME?
4 WAS THERE ANY CONVERSATION, ANY TALKING AT ALL?

5 A. YES, SIR. THERE WAS DIFFERENT
6 CONVERSATION, DIFFERENT ONES TALKING.

7 Q. OKAY.

8 A. OVER AND UNDER ONE ANOTHER. TWO DIFFERENT
9 ONES, TWO-WAY CONVERSATIONS.

10 Q. WHAT WAS BEING SAID?

11 A. THERE WAS JUST SO MANY OF THEM TALKING, IT
12 WAS JUST HARD TO SAY. SOMEONE MENTIONED MY NAME AND
13 I TOLD THEM I DIDN'T KNOW NOTHING AND I DIDN'T SEE
14 NOTHING. I SAID IF Y'ALL GET CAUGHT, YOU TELL THEM
15 YOURSELF, YOU TELL ON ONE ANOTHER, WHATEVER; I DIDN'T
16 KNOW NOTHING.

17 Q. THAT WAS YOUR STORY? YOUR STORY WAS YOU
18 DIDN'T KNOW NOTHING?

19 A. YEAH, AND I DIDN'T SEE NOTHING.

20 Q. YOU DIDN'T SEE NOTHING. YOU DIDN'T KNOW
21 NOTHING?

22 A. RIGHT.

23 Q. ALL RIGHT.

24 A. AND THEN EVERYTHING GOT QUIET. I RECKON
25 IT DAWNED ON THEM WHAT HAD JUST HAPPENED OR THERE WAS

1 SO MANY INVOLVED I RECKON THAT THEY WERE GOING TO
2 HAVE TO WORRY ABOUT --

3 MR. ROGERS: OBJECTION AS TO SPECULATION,
4 YOUR HONOR.

5 MR. WILSON: HE'S CORRECT. HE'S CORRECT.

6 THE COURT: SUSTAINED.

7 MR. WILSON: YOU CAN'T TELL ME WHAT YOU
8 THOUGHT. JUST TELL ME WHAT HAPPENED.

9 THE WITNESS: OKAY, SIR.

10 BY MR. WILSON:

11 Q. BUT ANYWAY, AS A RESULT OF WHATEVER THE
12 CONVERSATION WAS, Y'ALL CAME ON BACK TO YOUR HOUSE?

13 A. YES, SIR. THEY PULLED UP AND LET ME OUT,
14 HELPED ME IN.

15 Q. ALL RIGHT.

16 A. THEN THE CAR LEFT WITH ALL OF THE ONES
17 THAT WAS IN IT, WENT BACK DOWN TO RICKY STUCKEY'S
18 HOUSE.

19 Q. OKAY. NOW, AFTER -- AFTER -- AFTER THIS
20 NIGHT AND BEFORE THE POLICE CAME TO SEE YOU, DID YOU
21 EVER SEE ANY OF THESE OTHER FELLOWS AGAIN, THAT IS,
22 THE SIX THAT YOU'VE NAMED? HAD YOU SEEN ANY OF THEM
23 BETWEEN THE TIME THAT THEY BROUGHT YOU BACK THAT
24 NIGHT AND THE TIME THAT THE POLICE CAME TO SEE YOU
25 LATER ON?

1 A. YES, SIR.

2 Q. ALL RIGHT.

3 A. I SEEN RICKY STUCKEY, ROBERT GRAHAM, LEROY
4 STATON, MARTIN MCINTOSH.

5 Q. ALL RIGHT.

6 A. AND ABOUT EVERY OTHER DAY.

7 Q. DID Y'ALL HAVE ANY PLAN ABOUT WHAT YOU
8 WERE GOING TO DO WHEN THE POLICE CAME TO YOU?

9 A. NO. DIDN'T NOBODY SAID NOTHING.

10 Q. NOBODY SAID NOTHING?

11 A. EVERYBODY KEPT QUIET.

12 Q. ALL RIGHT.

13 A. I STAYED DRUNK, HIGH. I JUST STAYED
14 DRUNK.

15 Q. WHY WERE YOU STAYING DRUNK?

16 A. WELL, MOSTLY DEPRESSION ABOUT BEING
17 CRIPPLED. I'VE NEVER ACCEPTED IT. AND BECAUSE OF
18 THIS, I WANTED TO BLOCK IT ALL OUT AND FORGET IT. I
19 ALMOST DONE IT.

20 Q. IT WAS WORRYING YOU, BOTHERING YOU?

21 A. YEAH, I DIDN'T WANT TO KNOW NOTHING ABOUT
22 IT. TRYING TO FORGET ABOUT IT.

23 Q. NOW, LET ME ASK YOU, AT SOME POINT IN
24 TIME, Y'ALL -- COURT BEAR WITH ME FOR JUST ONE
25 SECOND. BOBBY, LET ME ASK YOU, YOU HAD SAID THAT YOU

1 A. AFTER WE CAME TO AN UNDERSTANDING ABOUT ME
2 SAYING THIS, YES.

3 Q. ABOUT MAKING --

4 A. ABOUT MAKING AN UNDERSTANDING ABOUT ME
5 BEING IN PROTECTIVE CUSTODY, A PROTECTION PLAN OF
6 SOME KIND OR ANOTHER, THEN I TOLD THEM.

7 Q. ABOUT YOUR BEING IN A PROTECTION PLAN?

8 A. YEAH, PROTECTIVE CUSTODY OR WHEREVER THEY
9 PUT ME TO MAKE SURE I DIDN'T GET HURT.

10 Q. ALL RIGHT. YOU WERE AFRAID?

11 A. YEAH.

12 Q. SO YOU WENT DOWN AND YOU TALKED TO THEM
13 AND YOU TOLD THEM WHAT HAD HAPPENED IN FEBRUARY; IS
14 THAT CORRECT?

15 A. YES, SIR.

16 MR. WILSON: ALL RIGHT. THANK YOU SO
17 MUCH. ANSWER ANY QUESTIONS THESE GENTLEMEN MIGHT
18 HAVE.

19 THE COURT: THIS IS AN APPROPRIATE TIME, I
20 THINK, TO BREAK FOR LUNCH. WE WILL RESUME THE
21 CROSS-EXAMINATION AFTER LUNCH. LADIES AND GENTLEMEN,
22 REMEMBER MY ADMONITIONS, NOW. DON'T TALK ABOUT THE
23 CASE. LET NO ONE DISCUSS IT WITH YOU. WHEREVER YOU
24 GO FOR LUNCH, PLEASE WEAR YOUR JURY BADGE. YOU MAY
25 NOW BE EXCUSED. BE BACK AT 2:30. EVERYBODY ELSE

1 REMAIN SEATED, NOW. REMAIN SEATED, PLEASE. REMAIN
2 SEATED.

3 (WHEREUPON, THE JURY WAS REMOVED
4 FROM THE COURTROOM AND THE
5 FOLLOWING PROCEEDINGS COMMENCED
6 IN OPEN COURT.)

7 THE COURT: MR. WITNESS, WHEN YOU RETURN
8 AT 2:30, EACH OF THESE ATTORNEYS WILL HAVE THE
9 OPPORTUNITY TO CROSS-EXAMINE YOU. DO NOT DISCUSS
10 YOUR TESTIMONY DURING LUNCH WITH ANYBODY. PERMIT NO
11 ONE INCLUDING LAW ENFORCEMENT OFFICERS OR ANY
12 ATTORNEY OR THE SOLICITOR TO DISCUSS YOUR TESTIMONY
13 WITH YOU. DO YOU UNDERSTAND THAT?

14 THE WITNESS: YES, SIR.

15 THE COURT: IF ANYBODY, ANYBODY ATTEMPTS
16 TO DISCUSS ANY ASPECT OF YOUR TESTIMONY WITH YOU, YOU
17 TELL THEM TO STOP AND THEN I WANT THE NAME OF THAT
18 INDIVIDUAL, IF ANY, IMMEDIATELY. DO YOU UNDERSTAND
19 THAT?

20 THE WITNESS: YES, SIR.

21 THE COURT: YOU ARE NOT TO DISCUSS THIS
22 CASE OR YOUR TESTIMONY WITH ANYBODY.

23 THE WITNESS: YES, SIR.

24 THE COURT: DO YOU UNDERSTAND THAT? NOW,
25 ON YESTERDAY, CHIEF ENGLISH, I NOTICED THAT CERTAIN

1 INDIVIDUALS WERE TRYING TO HAVE A CONVERSATION WITH
2 THE DEFENDANTS UPSTAIRS. THE JURY IS PRONE TO
3 SITTING OUTSIDE AND SMOKING CIGARETTES AND ALL. I
4 WANT TO MAKE SURE THAT THAT TYPE OF CONDUCT DOES NOT
5 OCCUR TODAY. PLEASE SEE THAT THAT'S DONE. ALL
6 RIGHT. IS THERE ANYTHING FURTHER BEFORE WE RECESS
7 FOR LUNCH?

8 MR. WILSON: NOTHING, YOUR HONOR.

9 THE COURT: FROM THE STATE?

10 MR. WILSON: NO, SIR.

11 THE COURT: HOW ABOUT FROM THE DEFENSE?

12 MR. ERVIN: NO, SIR.

13 THE COURT: ALL RIGHT. SEE YOU AT 2:30.

14 (WHEREUPON, A BREAK WAS TAKEN

15 FROM THE PROCEEDINGS.)

16 (END OF VOLUME 6.)
17
18
19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA

COUNTY OF MARLBORO

IN GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA

V.

96-GS-34-982

LEROY STATON, ET AL.

VOLUME SEVEN

THE TRIAL PROCEEDINGS HAD
IN THE ABOVE-STYLED CAUSE

MARCH 10, 1997 - MARCH 19, 1997
BENNETTSVILLE, SOUTH CAROLINA

BEFORE: HONORABLE EDWARD B. COTTINGHAM,
CIRCUIT COURT JUDGE

A P P E A R A N C E S

FOR THE STATE: RALPH J. WILSON, SOLICITOR
15TH CIRCUIT

FOR THE DEFENDANT: MILTON M. MOORE, JR., ESQUIRE
LEROY STATON

FOR THE DEFENDANT: JOHN M. ERVIN, III, ESQUIRE
MARTIN MCINTOSH

FOR THE DEFENDANT: MAHLON E. PADGETT, IV, ESQUIRE
RICKY STUCKEY JAMES ROGERS, ESQUIRE

FOR THE DEFENDANT: K. EDWARD REDMOND, ESQUIRE
JEFFREY WALLS

FOR THE DEFENDANT: WILLIAM A. ROGERS, ESQUIRE
ALFONZO STATON

FOR THE DEFENDANT: JACK W. LAWSON, JR., ESQUIRE
ROBERT GRAHAM

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1 AND GOT ME AND SERVED THEM ON ME AND THEN TOOK ME UP
2 TO COLUMBIA THAT DAY.

3 Q. OKAY. I BELIEVE, TO BE EXACT, IT WAS
4 MARCH 17TH?

5 A. THAT SHOULD BE ABOUT IT.

6 Q. 1995. ABOUT A WEEK, APPROXIMATELY, AFTER
7 YOU MADE YOUR STATEMENT IN PAGELAND?

8 A. YEAH.

9 Q. RIGHT?

10 A. YES, SIR.

11 Q. AND UP TO THAT POINT, YOU MADE HOW MANY
12 STATEMENTS?

13 A. I JUST GAVE ONE VOLUNTARILY BETWEEN THE
14 FIVE OF THEM WHEN I WAS ASKING THEM FOR EYEWITNESS
15 PROTECTION PLAN.

16 Q. OKAY. SO AS OF MARCH 17TH, 1995, YOU'RE
17 SURE THAT YOU MADE ONE VOLUNTARY STATEMENT. RIGHT?

18 A. YES, THAT I WENT DOWN ON MY OWN WITH THEM.

19 Q. OKAY. SO THE OTHER TWO YOU WOULD CLASSIFY
20 THAT YOU GAVE ON MARCH THE 10TH AS INVOLUNTARY, NOT
21 OF YOUR OWN VOLITION?

22 A. NO, SIR. THEY WAS IN -- THEY WAS
23 VOLUNTARY.

24 Q. NOW, YOU'VE GOT TWO MORE VOLUNTARIES
25 THROWN IN THERE.

1 A. YEAH.

2 Q. OKAY. YOU WERE JUST CONFUSED ABOUT YOUR
3 DATES AGAIN?

4 A. NO, I JUST SAID IT WRONG.

5 Q. YOU JUST SAID IT WRONG?

6 A. YEAH.

7 Q. OKAY. NOW WHEN YOU SAY VOLUNTARY
8 STATEMENT, YOU MEAN THAT THAT'S SOMETHING THAT
9 NOBODY'S PRESSURED YOU TO MAKE. RIGHT?

10 A. NO, SIR.

11 Q. RIGHT?

12 A. YEAH.

13 Q. ISN'T THAT WHAT VOLUNTARY MEANS? NOBODY'S
14 PUTTING THE HEAT ON YOU?

15 A. THAT'S RIGHT.

16 Q. OKAY. SO THAT MEANS PRIOR TO YOUR FIRST
17 STATEMENT ON THE 25TH OF FEBRUARY. RIGHT?

18 A. WHEN I TALKED TO THE FIVE OF THEM.

19 Q. THE FIRST TIME. THE FIRST TIME WHEN
20 SHERIFF FOLEY --

21 A. IF THAT WAS THE DATE, YES, SIR.

22 Q. I DON'T KNOW IF FIVE OF THEM ARE THERE.
23 THE FIRST TIME YOU TALKED TO THEM, WHAT'S THE DATE ON
24 IT?

25 A. 2ND/25TH.

1 Q. WELL, SO THE FIRST VOLUNTARY STATEMENT YOU
2 MADE WAS ON FEBRUARY 25TH LIKE I JUST ASKED YOU?

3 A. THAT'S WHAT IT HAS THERE, YES.

4 Q. AND THAT MEANS THAT NOBODY THROUGH
5 FEBRUARY THE 25TH HAS PUT ANY PRESSURE ON YOU IN ANY
6 WAY. RIGHT?

7 A. NOT THAT I CONSIDER PRESSURE, NO.

8 Q. OKAY. YET WHEN SOLICITOR WILSON WAS
9 QUESTIONING YOU EARLIER, YOU SAID THAT YOU HAD HAD
10 FOUR OR FIVE CONTACTS WITH THE POLICE PRIOR TO THAT
11 POINT IN TIME. RIGHT?

12 A. YES, SIR.

13 Q. SO THEY WERE JUST COMING OUT TO HAVE
14 CASUAL CONVERSATION WITH YOU, I ASSUME?

15 A. WELL, DOING THEIR JOB, INVESTIGATING.

16 Q. DOING THEIR JOB, INVESTIGATING. DID THEY
17 TELL YOU THAT YOU WERE A SUSPECT?

18 A. NOT AT THAT TIME, NO, SIR.

19 Q. BUT ALL FIVE TIMES THEY CAME OUT, THEY
20 JUST CAME OUT THERE TO CHAT WITH YOU?

21 A. WELL, TO DO THEIR INVESTIGATION.

22 Q. WELL, I KNOW THAT. WHAT DOES DOING AN
23 INVESTIGATION MEAN TO YOU? THEY DIDN'T COME OUT
24 THERE TO TALK ABOUT WHAT YOU HAD FOR LUNCH THAT DAY,
25 DID THEY?

1 A. IT MEANT EXACTLY WHAT THEY WERE DOING.

2 Q. OKAY. WELL, WHAT DID THEY DO? WHAT DOES
3 THAT MEAN? WHEN THEY CAME OUT THERE?

4 A. THIS INCIDENT.

5 Q. OKAY. SO PRIOR TO FEBRUARY THE 25TH,
6 1995, YOU TALKED TO THEM AT LEAST FOUR OR FIVE TIMES.
7 RIGHT?

8 A. YES, SIR.

9 Q. ABOUT THIS INCIDENT?

10 A. YES, SIR.

11 Q. DID THEY TELL YOU PEOPLE THAT THEY WERE
12 TARGETING IN THIS INVESTIGATION, THAT THEY WERE
13 LOOKING AT?

14 A. NO, SIR.

15 Q. NEVER MENTIONED ANY NAMES?

16 A. NO, SIR, NOT SPECIFICALLY. NO.

17 Q. NOT SPECIFICALLY. WELL, HOW ELSE DO YOU
18 MENTION NAMES? UNSPECIFICALLY?

19 A. WELL, NO. JUST THAT I HAD BEEN TO A PARTY
20 WHERE THERE WAS A COOKOUT.

21 Q. UH-HUH.

22 A. AND THAT I WAS DOWN THERE AT IT AND THAT I
23 PASSED OUT IN MY WHEELCHAIR.

24 Q. OKAY. AND THEY DIDN'T ASK YOU ABOUT
25 PEOPLE WHO WERE AT THAT PARTY?

1 A. YES. AND I TOLD THEM I DIDN'T KNOW AT
2 THAT TIME BECAUSE I GOT DRUNK AND PASSED OUT IN MY
3 WHEELCHAIR AND I WASN'T READY TO COOPERATE UNTIL I
4 GOT A CLEAR HEAD.

5 Q. UNTIL YOU GOT A CLEAR HEAD.

6 A. YES.

7 Q. SO OVER A MONTH TO FIVE WEEKS, YOU TOLD
8 THEM ON FIVE SEPARATE OCCASIONS, THEN -- FOUR OR FIVE
9 SEPARATE OCCASIONS THAT YOU NEEDED A CLEARER HEAD;
10 YOU NEEDED TIME; YOU WOULD LET HIM KNOW?

11 A. NO, NOT EXACTLY. I JUST PUT IT OFF AND
12 DIDN'T COMMUNICATE WITH THEM THE WAY THEY WANTED.

13 Q. YOU PUT OFF COMMUNICATION?

14 A. YEAH.

15 Q. DID THEY EVER TELL YOU WHAT PENALTY YOU
16 WERE FACING?

17 A. NO, SIR.

18 Q. OKAY. WHAT ABOUT ON THE 25TH OF FEBRUARY
19 WHEN YOU MADE YOUR FIRST INCRIMINATING STATEMENT?

20 A. HE SAID AT SOME POINT IN TIME THEY MAY
21 HAVE TO CHARGE ME WITH CRIMES.

22 Q. UH-HUH. DIDN'T TELL YOU WHAT?

23 A. NO, SIR.

24 Q. WHAT ABOUT WHEN YOU WENT UP TO PAGELAND ON
25 THE 10TH?

1 A. NO, SIR. THEY DIDN'T THEN EITHER.

2 Q. DIDN'T TELL YOU ANYTHING ABOUT IT?

3 A. NO, SIR.

4 Q. NEVER SAID ANYTHING ABOUT YOU WERE GOING
5 TO BE CHARGED?

6 A. NO, SIR.

7 Q. YOU'RE SURE ABOUT THAT?

8 A. NO. THEY JUST SAID SOME POINT IN TIME I
9 WILL BE CHARGED FOR THIS INCIDENT.

10 Q. OKAY.

11 A. THAT'S AS FAR AS IT GOT.

12 Q. AFTER YOU WERE ARRESTED ON THE 10TH, DID
13 THEY TELL YOU THAT YOU WERE SUBJECT TO THE DEATH
14 PENALTY?

15 A. NO, SIR.

16 Q. YOU FOUND THAT OUT LATER?

17 A. YES, SIR, ABOUT 22, 23 MONTHS LATER.

18 Q. OKAY. SO IT'S YOUR TESTIMONY HERE TODAY
19 THAT ALL THIS CONTACT YOU HAD WITH THE -- WITH THE
20 POLICE, THE SHERIFF'S INVESTIGATORS AND SLED, YOU
21 NEVER AT ONE TIME DISCUSSED WHAT YOU WERE FACING?

22 A. NO, SIR.

23 Q. OKAY. WHAT YOUR EXPOSURE WAS?

24 A. NO, SIR.

25 Q. OKAY. BUT SINCE THAT TIME, AFTER YOU MADE

THE STATEMENTS, YOU FOUND OUT, DIDN'T YOU?

A. WELL, YES, SIR.

Q. AND WHAT WERE YOU FACING?

A. WELL, THE WAY I WAS CHARGED, I WAS FACING KIDNAPPING, RAPE, STRONG ARMED ROBBERY, MURDER, CONSPIRACY. FIVE OF THEM.

Q. OKAY. AND WHAT WAS THE POTENTIAL SENTENCES YOU COULD RECEIVE ON THOSE CHARGES?

A. I BELIEVE WHEN THEY GOT IT FIGURED UP, 165 YEARS BY GREG OHANESIAN.

Q. WHAT ABOUT AFTERWARDS? ARE YOU LEAVING
SOMETHING OUT?

A. AFTER GREG OHANESIAN SAID THAT?

Q. NO. WHAT OTHER ULTIMATE PENALTY WERE YOU FACING?

A. OH, THEN IT COME DOWN TO TWO TWENTY-YEAR
LIFE SENTENCES.

Q. STILL LEAVING SOMETHING ELSE.

A. THEN THIRD TIME DOWN TO, WELL, THIS TWENTY
YEAR LIFE SENTENCE.

Q. OH, YOU'RE DOWN TO TWENTY YEARS, BUT
YOU'RE LEAVING SOMETHING OUT, BOBBY. WHAT'S THAT?

A. I WAS OFFERED ANOTHER PLEA OF GUILTY UNDER THAT RALEIGH VERSUS NORTH CAROLINA, 15 TO 20 WITH A CAP.

1 Q. OH, ALFORD VERSUS NORTH CAROLINA, YOU'RE
2 TALKING ABOUT.

3 A. WELL, WHICHEVER --

4 Q. WHATEVER LEGAL MUMBO-JUMBO THAT IS.
5 RIGHT?

6 A. YES, SIR.

7 Q. BUT HOW ABOUT THE OTHER PENALTY YOU'RE
8 FORGETTING TO TELL US ABOUT THAT WAS HANGING OVER
9 YOUR HEAD?

10 A. I BELIEVE THAT'S AS FAR AS IT WENT. JUST
11 THAT AND THE --

12 Q. I MENTIONED IT A LITTLE WHILE EARLIER.
13 WHAT ELSE WERE YOU FACING?

14 A. NOTHING BUT THAT THERE.

15 Q. WHAT ABOUT DEATH BY ELECTROCUTION?

16 A. THAT WAS WHEN THE DEATH PENALTY COME.
17 THAT WAS --

18 Q. RIGHT.

19 A. THAT WAS WHEN MR. WILSON TOOK IT OVER FOUR
20 MONTHS AGO, THREE MONTHS OR TWO MONTHS AGO.

21 Q. THAT'S RIGHT.

22 A. YEAH. AND IT'S DROPPED SINCE THEN.

23 Q. RIGHT. DROPPED DOWN FROM THAT TO LIFE TO
24 AS LOW AS 15 TO 20 YEARS DEPENDING ON HOW YOU'RE
25 TESTIFYING HERE TODAY. THAT'S PART OF THE DEAL,

1 ISN'T IT?

2 A. WELL, AS LONG AS I'M HONEST AND TRUTHFUL.

3 Q. AS LONG AS THEY ARE SATISFIED WITH YOUR
4 TESTIMONY?

5 A. WELL, AS LONG AS IT'S TRUE.

6 Q. AS LONG AS THEY ARE SATISFIED WITH YOUR
7 TESTIMONY?

8 A. I WOULDN'T SAY THAT, SIR. AS LONG AS IT'S
9 TRUE.

10 Q. OKAY. MR. RANSOM, DO YOU REMEMBER GOING
11 BACK TO COLUMBIA ON JANUARY THE 3RD OF LAST YEAR,
12 '96?

13 A. THAT DATE, I DON'T KNOW.

14 Q. DATES DON'T MEAN MUCH, DO THEY?

15 A. NO.

16 Q. HOW ABOUT JANUARY OF '96? DO YOU REMEMBER
17 GOING TO COLUMBIA?

18 A. OF '96?

19 Q. YEAH.

20 A. YEAH, I WAS TAKEN FROM HERE BACK UP TO
21 THERE.

22 Q. OKAY. AND YOU WENT THERE FOR AN
23 EVALUATION, DIDN'T YOU?

24 A. YES, SIR.

25 Q. YOU WENT TO BULL STREET?

1 Q. MAJOR DEPRESSION. WHAT ABOUT ALCOHOL AND
2 DRUG USE? WAS THAT COMPOUNDING YOUR PROBLEM?

3 A. THAT HAD BEEN A PROBLEM WITH ME FOR OVER
4 20 YEARS.

5 Q. PRIOR TO YOUR ADMISSION TO G. WEBER BRYAN,
6 WHICH IS ALSO A PART OF THE SOUTH CAROLINA MENTAL
7 HEALTH -- DO YOU HAVE ANY PREVIOUS ADMISSIONS?

8 A. TO DRUG AND ALCOHOL CENTERS, YEAH.

9 Q. WHAT ABOUT SOUTHERN PINES HOSPITAL?

10 A. YEAH, THAT'S DRUG AND ALCOHOL.

11 Q. WELL, THAT'S SIGNIFICANT, ISN'T IT?

12 A. YEAH.

13 Q. I MEAN, DRUG AND ALCOHOL, IT'S A MENTAL
14 PROBLEM, IT'S AN EMOTIONAL PROBLEM?

15 A. THAT'S WHAT I SAID.

16 Q. WHERE ELSE?

17 A. BRUCE HALL OVER THERE ON MCLEOD -- I MEAN,
18 BRUCE HALL IN FLORENCE.

19 Q. IN FLORENCE. SO WE'RE UP TO THREE
20 ADMISSIONS TO MENTAL HEALTH FACILITIES PRIOR TO
21 JANUARY OF '96. RIGHT?

22 A. TWO DRUG AND ALCOHOL CENTERS AND ONE
23 MENTAL DEPRESSION, YEAH.

24 Q. OKAY. AND WHEN YOU SAY DRUG AND ALCOHOL
25 CENTERS, LET'S BE A LITTLE BIT MORE SPECIFIC. YOU

1 WERE DIAGNOSED AT THE STATE HOSPITAL FOR WHAT THEY
2 TERMED ALCOHOLISM, SEVERE ALCOHOLISM AND
3 POLY-SUBSTANCE ABUSE. POLY-SUBSTANCE ABUSE, THAT
4 MEANS MORE THAN ONE?

5 A. YES, SIR. SEVERAL.

6 Q. SEVERAL. I'M GOING TO ASK YOU SOME
7 QUESTIONS ABOUT SOME OF THESE OTHER SUBSTANCES YOU'VE
8 NOT EXPERIMENTED WITH, BUT ROUTINELY USED OVER THE
9 LAST WHAT, 20 YEARS OR LONGER?

10 A. YES, SIR.

11 Q. LONGER?

12 A. A LITTLE LONGER, PROBABLY. EVER SINCE I
13 WAS ABOUT 14, 15.

14 Q. FOURTEEN YEARS OLD. WHILE YOU WERE STILL
15 NEUROLOGICALLY GROWING, YOU STARTED DOPING, DIDN'T
16 YOU, AND DRINKING?

17 A. YES, BUT I WEREN'T A KID THEN. I WAS A
18 MORE MATURE MAN.

19 Q. AT 14, YOU WERE PHYSICALLY AND MENTALLY
20 AND NEUROLOGICALLY MATURE IN YOUR OPINION, WEREN'T
21 YOU?

22 A. VERY MUCH SO.

23 Q. OKAY. SO IT DIDN'T DO ANY DAMAGE TO YOUR
24 BRAIN?

25 A. NO, SIR.

1 Q. NO, SIR. ARE YOU FAMILIAR WITH THE DRUG
2 VALIUM?

3 A. YES, SIR.

4 Q. YOU LIKE TO POP THOSE, DON'T YOU?

5 A. YES, SIR.

6 Q. DO YOU KNOW WHAT VALIUM IS?

7 A. YEAH, THEY HELP ME.

8 Q. THEY HELP YOU?

9 A. THEY HELPED ME.

10 Q. ARE YOU STILL TAKING THEM, THEN?

11 A. I'M NOT TAKING THEM. I WISH I COULD.

12 Q. YOU WISH YOU COULD?

13 A. YEAH. IT WOULD MAKE IT A LOT EASIER ON
14 ME.

15 Q. THEY EASE THINGS UP FOR YOU, DON'T THEY?

16 A. WELL, IT KEEPS ME FROM BEING NERVOUS AND
17 SHAKING AND STUFF. THEY HELP ME.

18 Q. HOW ABOUT XANAX?

19 A. XANAX, I'M SUPPOSED TO BE TAKING THEM, BUT
20 I'M NOT GETTING THEM.

21 Q. HOW ABOUT AMPHETAMINES? THEY DON'T DO
22 MUCH FOR YOUR NERVOUS CONDITION.

23 A. THEY CERTAINLY DON'T.

24 Q. SEND YOU IN THE OTHER DIRECTION, DON'T
25 THEY?

1 A. JUST GIVE ME A HIGH.

2 Q. JUST GIVE YOU A HIGH. YOU KNOW WHAT AN
3 AMPHETAMINE IS, DON'T YOU?

4 A. YEAH. IT'S A DRUG.

5 Q. IT'S A STIMULANT. IF A PERSON IS SHAKY,
6 THEIR STABILITY IS QUESTIONABLE, THAT SENDS YOU IN
7 THE OPPOSITE DIRECTION.

8 A. YES.

9 Q. BUY YOU WERE ON THOSE, TOO, WEREN'T YOU?

10 A. EVERY NOW AND THEN I WOULD GET AHOLD OF
11 SOME PLACIDYLS.

12 Q. PLACIDYLS ARE NOT AMPHETAMINES.

13 A. WHICH ONES ARE THEY?

14 Q. PLACIDYL IS A SLEEPING PILL.

15 A. WELL --

16 Q. YOU WERE TAKING THOSE TOO TO COME DOWN OFF
17 THE AMPHETAMINES, WEREN'T YOU?

18 A. NO, I WAS TAKING THEM BECAUSE I WAS MORE
19 RELAXED WITH THEM.

20 Q. SO RIGHT NOW WE'RE UP TO THREE WHAT YOU
21 WOULD PUT IN THE RELAXING CATEGORY. XANAX, VALIUM
22 AND PLACIDYL. YOU ALSO LIKED AMPHETAMINES, CREEK
23 LIQUOR, MOONSHINE, VARIOUS OTHER HOMEMADE LIQUORS.
24 RIGHT?

25 A. YEAH.

1 Q. COCAINE?

2 A. YES, SIR.

3 Q. LET'S JUMP BACK TO THE STIMULANT CATEGORY.
4 YOU LIKED THAT IN POWDER FORM, DIDN'T YOU?

5 A. YEAH, I SHOT IT UP.

6 Q. WELL, THAT'S I.V. FORM. NOW WE JUMP FROM
7 SNORTING IT TO --

8 A. I NEVER SNORTED IT.

9 Q. NO, YOU JUST WENT STRAIGHT TO THE
10 MAINLINE, DIDN'T YOU?

11 A. YEAH.

12 Q. TO HECK WITH THE PARTIAL HIGH. LET'S GO
13 TO THE BIG ONE?

14 A. NO, I DID WHAT I WANTED TO DO.

15 Q. BUT YOU DID WHAT GOT YOU GOOD AND HIGH.
16 THAT'S WHAT YOU DID. DON'T MESS WITH THE HALFWAY
17 GETTING HIGH, THE MODIFIED HIGH LIKE THE MODIFIED
18 STATEMENT YOU TALKED ABOUT. YOU WENT STRAIGHT FOR
19 THE MAINLINE HIGH, DIDN'T YOU?

20 A. NO. I WENT FOR WHAT I WANTED.

21 Q. WHAT YOU WANTED TO GET YOU WHERE YOU
22 NEEDED TO BE?

23 A. NO, IT DIDN'T GET ME NOWHERE.

24 Q. HOW ABOUT HALLUCINOGENICS?

25 A. I HAD THAT SOME WHEN I WAS DOING ACID BACK

1 Q. YOU HAD TO. ARE YOU SAYING YOU HAD A
2 PROBLEM WITH ACID NOW?

3 A. NO, SIR. I'M SAYING I DID IT MORE THAN I
4 KEPT COUNT.

5 Q. LET ME SEE IF I CAN PARAPHRASE THAT. AND
6 YOU TELL ME IF I'M SAYING IT WRONG. YOU DROPPED ACID
7 MORE THAN YOU CAN RECOLLECT?

8 A. NO, I'M SAYING I DROPPED ACID AND I DIDN'T
9 KEEP COUNT OF IT. NONE OF THE DRUGS I KEPT COUNT OF
10 THEM. I JUST DID THEM.

11 Q. YOU JUST KEPT DOING THEM?

12 A. WHEN I WANTED TO.

13 Q. AND DURING THIS ENTIRE PERIOD OF TIME, YOU
14 WERE CONTINUING TO CONSUME CREEK LIQUOR?

15 A. YES, SIR.

16 Q. STAYED DRUNK, HIGH. NO TELLING WHAT WAS
17 IN YOUR SYSTEM?

18 A. YES, SIR.

19 Q. WHAT ABOUT CRACK? WAS THAT PART OF THE
20 AGENDA TOO?

21 A. THE LAST TWO YEARS, YES.

22 Q. MAYBE I SHOULD PHRASE IT LIKE THIS. IS
23 THERE ANY DOPE OUT THERE ON GOD'S GREEN EARTH THAT
24 YOU HAVEN'T TRIED?

25 A. PROBABLY SOME.

1 Q. DID YOU HUFF GAS TOO?

2 A. YES.

3 Q. OH, YOU DID THAT. YOU GOT YOUR FACE IN A
4 PAIL OF GAS OR YOU PUT IT ON A RAG AND HUFFED IT?

5 A. NO, SIR. GALLON JUG.

6 Q. GALLON JUG?

7 A. TEENAGER.

8 Q. TEENAGER. ONCE AGAIN, THAT DIDN'T AFFECT
9 YOUR BRAIN WHATSOEVER, DID IT? MEMORY RECALL?

10 A. NO, SIR.

11 Q. JUST A LITTLE 'OL GAS SNIFFING?

12 A. NO, SIR. A HEADACHE.

13 Q. CAUSED A HEADACHE?

14 A. UH-HUH.

15 Q. NO BRAIN DAMAGE. HOW ABOUT GLUE SNIFFING?
16 YOU PROBABLY LIKED TO MAKE MODEL TOYS WHEN YOU WERE A
17 KID, DIDN'T YOU?

18 A. NO, SIR, I DIDN'T.

19 Q. OKAY. WE GOT ONE WE HAVEN'T TRIED, THEN,
20 GLUE SNIFFING?

21 A. NO, I HAD DONE IT.

22 Q. YOU DID THAT ONE TOO?

23 A. I DIDN'T LIKE TO BUILD MODEL CARS, THOUGH.

24 Q. YOU JUST LIKED TO SNIFF THE GLUE. OKAY.
25 HOW ABOUT HEROIN? MAYBE WE FOUND ONE YOU HAVEN'T

1 TRIED.

2 A. HEROIN? NO, I HAVEN'T DONE IT.

3 Q. OKAY. THANK GOD. IN THIS EVALUATION, YOU
4 NOT ONLY ADMITTED TO ROUTINELY COMBINING ALL OF THESE
5 SMORGASBORD OF DOPE, YOU ADMITTED TO ROUTINELY DOING
6 THAT IN CONJUNCTION WITH AND IN COMBINATION WITH
7 CONSUMING ALCOHOL NOT IN AVERAGE QUANTITIES OR SMALL
8 QUANTITIES, BUT IN WHAT I WOULD CALL UNBELIEVABLE
9 QUANTITIES, DID YOU NOT?

10 A. IN DIFFERENT STAGES.

11 Q. WELL, YOU ADMITTED TO DRINKING ALCOHOL ON
12 A DAILY BASIS AS MUCH AS UP TO TWO QUARTS TO A GALLON
13 A DAY?

14 A. NO, SIR. THAT'S WHAT THAT LADY SAID. I
15 SAID ANYWHERE FROM TWO QUARTS TO A GALLON A WEEK.

16 Q. OH, SHE GOT CONFUSED?

17 A. YES, SIR.

18 Q. OKAY. YOU ALSO STATED THAT YOU HAD HAD
19 PERIODS OF ALCOHOL BLACKOUTS. TELL THE JURY WHAT A
20 BLACKOUT IS.

21 A. I TOLD HER THAT I WOULD ALSO HAVE -- WHEN
22 I DRANK LIKE THAT, I WOULD PASS OUT AND LOSE A LITTLE
23 TIME AND --

24 Q. DON'T KNOW WHERE YOU ARE?

25 A. -- CAN'T RECOLLECT WHAT I DONE NEXT.

1 Q. TRY TO RECONSTRUCT WHAT HAPPENED IS WHAT
2 YOU MIGHT SAY?

3 A. NO, I WOULD DRINK UNTIL I WOULD PASS OUT
4 AND GO TO SLEEP.

5 Q. AND THEN --

6 A. AND THEN I WOULD WAKE UP. IT WOULD TAKE
7 ME A LITTLE WHILE TO FIGURE OUT WHAT I HAD DONE.

8 Q. LET ME GET THIS STRAIGHT. THESE ARE
9 MENTAL HEALTH PROFESSIONALS. RIGHT?

10	A. SUPPOSED TO BE.

11 Q. RIGHT. DOCTORS OF PSYCHIATRY THAT WERE
12 TALKING TO YOU THAT DAY?

13 A. YES, SIR. BUT SHE SAID TWO QUARTS TO A
14 GALLON A DAY. SOMETHING IS WRONG THERE SOMEWHERE.
15 SHE MISUNDERSTOOD ME TO MAKE A BIG ASSUMPTION LIKE
16 THAT.

17 Q. OH, MAN. THAT'S A PROBLEM IN THE
18 TRANSCRIPTION, ISN'T IT?

19 A. YES, SIR.

20 Q. THAT PROBABLY HAPPENED MORE THAN ONCE,
21 DIDN'T IT --

22 | A. ON HER.

23 Q. -- IN THIS CASE. HOW ABOUT OTHER
24 MEDICATION YOU'VE TAKEN AFTER YOUR INCARCERATION AND
25 WHEN YOU WERE PRESENT AT WILLIAM S. HALL? HAVE EVER

1 HEARD OF ANTI-HYPNOTIC MEDICATION?

2 A. NO, I TAKE ELAVIL FOR DEPRESSION.

3 Q. OKAY. YOU WOULDN'T PUT THAT IN THAT
4 CATEGORY, THEN?

5 A. WELL, YES. IT'S A DEPRESSANT. I'M TAKING
6 IT FOR MEDICATION, NOT AS A DRUG AND A HIGH.

7 Q. OKAY. IT WILL KEEP YOU ON AN EVEN KEEL,
8 WON'T IT, BOBBY? YOU AND DANNY GOT A LOT IN COMMON,
9 DON'T YOU?

10 A. NOT VERY MUCH. JUST GREW UP KNOWING ONE
11 ANOTHER.

12 Q. JUST GREW UP KNOWING ONE ANOTHER.
13 APPARENTLY DRINKING AND DOPING TOGETHER BECAUSE HE
14 CERTAINLY HAS HIS SHARE OF EXPERIENCE IN THAT
15 CATEGORY TOO.

16 A. THE PAST THREE YEARS PRIOR TO ME MOVING UP
17 THERE IN THE COUNTRY.

18 Q. OKAY. AS A MATTER OF FACT, I BELIEVE HE'S
19 BEEN SEEN IN SOME FACILITIES. YOU MAY NOT BE AWARE
20 OF THAT, BUT PRETTY SIMILAR HISTORY. Y'ALL COULD
21 ALMOST BE BROTHERS, COULDN'T YOU?

22 A. I WOULDN'T THINK SO. MY LIFE WAS
23 DIFFERENT THAN HIS.

24 Q. OKAY. HE HAD A LITTLE BIT TOUGHER LIFE IN
25 SOME RESPECTS AND YOU HAD IT A LITTLE BIT TOUGHER IN

1 THAT WOULD MEAN THAT YOU INTERACTED WITH HIM, YOU DID
2 THINGS WITH HIM?

3 A. YES.

4 Q. OKAY. AS A MATTER OF FACT, IN THIS SOCIAL
5 HISTORY, IF YOU WANT TO CALL IT THAT, YOU INDICATED
6 TO THE COUNSELOR AND YOU MADE THIS SAME STATEMENT TO
7 SEVERAL OTHER INVESTIGATORS, THAT YOU WERE PRETTY
8 MUCH RECLUSIVE. YOU STAYED IN THE TRAILER OTHER THAN
9 WHEN PEOPLE CAME BY TO SEE YOU, BROUGHT YOU SOMETHING
10 TO DRINK OR TOOK YOU OUT. RIGHT?

11 A. YES, SIR.

12 Q. AND DANNY DID THOSE THINGS?

13 A. HE WAS WITH ME SOMETIMES.

14 Q. OKAY. HOW OFTEN A WEEK WAS HE WITH YOU?

15 A. COME AND GO. DIFFERENT DAYS, DIFFERENT
16 HOURS.

17 Q. ON THE AVERAGE. IF I TOLD YOU HE SAID HE
18 SAW YOU FOUR TO FIVE TIMES A WEEK ON THE AVERAGE,
19 WOULD THAT SOUND CORRECT TO YOU?

20 A. IT'S ACCORDING TO HOW YOU WANT TO LOOK AT
21 IT.

22 Q. WELL, I WANT TO LOOK AT IT AT THE PROPER
23 WAY.

24 A. THAT COULD BE TAKEN DIFFERENT WAYS BY
25 DIFFERENT PEOPLE, YOU KNOW. I CAN'T SIT HERE AND

1 ANSWER THAT SPECIFICALLY.

2 Q. OKAY. WELL, YOU'VE ANSWERED A LOT OF
3 QUESTIONS SPECIFICALLY THAT THE SOLICITOR ASKED --
4 POSTED TO YOU. DO YOU MIND TRYING TO ANSWER MY
5 QUESTIONS AS SPECIFICALLY AS YOU CAN?

6 A. IF I CAN.

7 Q. OKAY. YOUR FIRST STATEMENT WAS ON
8 FEBRUARY 25TH. DO YOU REMEMBER? '95?

9 A. YES. YES, SIR.

10 Q. THAT'S THE DATE YOU LOOKED AT IT. AND IN
11 THAT STATEMENT, THERE WAS NO MENTION OF MARTIN
12 MCINTOSH?

13 A. NO, SIR.

14 Q. NO, SIR.

15 MR. ERVIN: BEG THE COURT'S INDULGENCE.

16 THE COURT: ALL RIGHT, SIR.

17 BY MR. ERVIN:

18 Q. FEBRUARY 25TH. IS IT YOUR TESTIMONY TO
19 THIS JURY THAT THE NAME MARTIN MCINTOSH SHOULD BE IN
20 YOUR STATEMENT?

21 A. THE ONE THAT YOU SHOWED ME WHILE AGO WITH
22 THE 22ND OF MARCH -- 25TH.

23 Q. THE FIRST STATEMENT THAT YOU MADE, THE ONE
24 I SHOWED YOU, FEBRUARY 25TH, TO THE POLICE.

25 A. YEAH.

1 Q. THE FIRST ONE YOU MADE.

2 A. THE ONE THAT THE FIVE WROTE OR THE --

3 Q. I DON'T KNOW WHO WROTE IT.

4 A. THE FIVE WROTE? SHOULDN'T BE. IT MIGHT
5 BE. SHOULDN'T BE.

6 Q. WELL, YOU JUST TOLD ME THAT IT WAS.

7 A. WELL IT SHOULDN'T BE, BUT IT...

8 Q. WELL, LET'S BACK UP.

9 A. YOU KNOW, IT MIGHT HAVE.

10 Q. YOU JUST TOLD ME THAT IT WAS IN THERE.
11 FIND IT.

12 A. I SAID, NO, IT SHOULDN'T BE.

13 Q. WHEN YOU SAY IT SHOULDN'T BE -- AND YOU
14 KEEP LOOKING AT IT, BUT WHEN YOU SAY IT SHOULDN'T BE,
15 IT SHOULDN'T BE BECAUSE YOU HAVEN'T BEEN THROUGH
16 ENOUGH DRESS REHEARSALS BY THEN, HAVE YOU?

17 A. NO, SIR.

18 Q. NO, SIR?

19 A. IT WEREN'T THAT.

20 Q. IT WEREN'T THAT?

21 A. WHAT I'M HERE TODAY TO DO.

22 Q. YOU'RE HERE TO GET IT ALL CORRECTED TODAY?

23 A. TO TELL THE TRUTH.

24 Q. OKAY. WELL, YOU WEREN'T TELLING THE TRUTH
25 ON FEBRUARY 25TH. IS THAT WHAT YOU'RE SAYING?

1 A. NO.

2 Q. NO?

3 A. I'M SAYING BACK THEN I COULD HAVE TOLD
4 THEM ANYTHING.

5 Q. OH, BUT YOU'VE ALL OF A SUDDEN HAD A
6 CHANCE TO DRY OUT FROM ALL OF THE CRACK AND ALL OF
7 THE CREEK LIQUOR AND ALL OF THE VALIUM AND ALL OF THE
8 POT AND ALL OF THE LSD AND EVERYTHING ELSE AND NOW
9 ALL OF A SUDDEN YOUR BRAIN IS JUST AS LUCID AS LAKE
10 WALLACE?

11 A. IF YOU BELIEVE THAT, YOU KNOW SOMETHING I
12 DON'T.

13 Q. WELL, THAT SEEMS TO BE WHAT YOU'RE SAYING.
14 FEBRUARY 25TH. HOW MANY PEOPLE DID YOU SAY WERE IN
15 THE CAR WHEN YOU WENT TO BURNT FACTORY POND BRIDGE?
16 YOU DON'T NEED TO LOOK AT YOUR STATEMENT. YOU
17 REMEMBER WHAT YOU SAID.

18 A. THE NIGHT THAT THEY PICKED HER UP AT THE
19 SHACK DEAD?

20 Q. I'M TALKING ABOUT WHEN THEY TOOK HER TO
21 THE BRIDGE, THE NIGHT WHEN YOU SAID THAT YOU WERE IN
22 THE VEHICLE THAT TOOK HER TO THE BRIDGE.

23 A. I DIDN'T SAY -- I SAID WE WAS IN THERE,
24 DANNY DAVIS, THE ONE THAT WAS RICK STUCKEY'S COUSIN,
25 RICKY STUCKEY AND THAT GIRL. AND I SAID THERE WERE A

1 COUPLE OF GUYS IN THERE. I DIDN'T MENTION THEIR
2 NAMES OR THE ONES AT THE SHACK.

3 Q. ALL RIGHT. I'M GOING TO READ THIS TO YOU
4 AND YOU TELL ME IF THIS IS WHAT YOU SAID. "I TOLD
5 THEM THEY BETTER TAKE HIM -- TAKE HER TO BURNT
6 FACTORY OR SOME PLACE. RINGO CAME BACK WITH A CAR,
7 OLD BIG FOUR-DOOR CAR. IN THE CAR WAS RICKY, RINGO,
8 TWO UNKNOWN BLACK MALES AND MYSELF. WE THEN WENT TO
9 THE OLD HOUSE WHERE RICKY USED TO LIVE. THEY PULLED
10 IN THE YARD WITH LIGHTS SHINING ON THE HOUSE. TWO OR
11 THREE WENT TO THE HOUSE AND GOT THE GIRL AND CAME
12 BACK AND PUT HER IN THE BACK SEAT BESIDE ME. THEY
13 TOTES HER TO THE CAR. SHE WAS BOUND AND TIED IN
14 FOOT, HANDS BEHIND BACK AND TAPE AROUND FACE. SHE
15 CRIED ALL OVER MY SHOULDERS AND ACTED LIKE WANTED
16 HELP. SOMEONE SAID LET'S GO TO BURNT FACTORY."

17 A. YES, SIR.

18 Q. AIN'T NO DANNY DAVIS IN THAT ONE. NOT AT
19 THAT POINT.

20 A. NO. I DIDN'T MENTION HIS NAME.

21 Q. AS A MATTER OF FACT, YOU DIDN'T SAY HIS
22 NAME.

23 A. I DIDN'T MENTION A LOT OF THE NAMES IN
24 THAT ONE.

25 Q. HUH-UH. HUH-UH. YOU HADN'T HAD A CHANCE

1 TO. IT WAS YOUR FIRST STATEMENT.

2 A. NO.

3 Q. AS A MATTER OF FACT --

4 A. IT WAS BECAUSE I DIDN'T MENTION THEIR
5 NAME. THAT'S ALL IT WAS.

6 Q. WELL, IF I REMEMBER YOUR RESPONSE JUST A
7 MINUTE AGO, YOU SAID IT WAS BECAUSE AT THAT TIME,
8 BASICALLY, THAT WAS THE BEST YOU COULD RECOLLECT.
9 THAT WAS THE BEST YOU COULD DO?

10 A. THAT WAS WHAT I COULD SAY AT THAT TIME
11 THAT I CAME OUT AND SAID.

12 Q. YEAH, THAT'S YOU WHAT FELT COMFORTABLE
13 WITH ON FEBRUARY 25TH?

14 A. NO, SIR. THAT'S JUST WHAT I CAME OUT WITH
15 AND SAID.

16 Q. OKAY. SO NOW WE -- WE KNOW THAT THAT'S
17 ALL WRONG, BUT THERE ARE FIVE PEOPLE IN THAT CAR ON
18 FEBRUARY 25TH?

19 A. WELL, SOME OF THE STATEMENT AIN'T WROTE
20 THE WAY I SAID IT EITHER. I DIDN'T WRITE IT.

21 Q. OH. OH. SO YOU'RE SAYING THAT THERE
22 MIGHT BE MISTAKES IN THIS STATEMENT THAT WAS
23 WITNESSED BY WHO?

24 A. JERRY STARNES AND HAROLD JACOBS.

25 Q. WELL, I GUESS IF THEY MADE MISTAKES ON

1 THIS ONE, THE REST OF THEM ARE SUBJECT TO THAT ONE
2 TOO?

3 A. IT'S ACCORDING TO HOW YOU LOOK AT IT, SIR.
4 I KNOW THE TRUTH, THOUGH.

5 Q. ACCORDING TO HOW I LOOK AT IT. WELL, I
6 LOOK AT IT IF YOU TELL ME THAT THERE'S A MISTAKE IN
7 IT THEN YOU MEAN THERE'S A MISTAKE IN IT, MR. RANSOM.

8 A. YES, SIR.

9 Q. AND I OUGHT TO BE ABLE TO BELIEVE WHAT YOU
10 SAY, SHOULDN'T I?

11 A. I DON'T KNOW IF YOU DO OR NOT.

12 Q. WELL, I DON'T IF YOU SIT HERE AND
13 CONTRADICT YOURSELF, CAN I? CAN I BELIEVE WHAT YOU
14 SAY IF YOU TELL ME ONE THING ONE MINUTE AND TURN
15 AROUND THE NEXT MINUTE AND SAY SOMETHING ELSE?

16 A. THAT'S UP TO YOU, SIR. NOT MY --

17 Q. HOW CAN ANYBODY BELIEVE ANYBODY,
18 MR. RANSOM, WHEN THEY SAY ONE THING ONE MINUTE AND
19 THE NEXT MINUTE TURN AND SAY SOMETHING ELSE?

20 A. YOU'VE GOT TO USE YOUR OWN JUDGMENT, SIR.

21 Q. GOT TO USE YOUR OWN JUDGMENT. FIVE PEOPLE
22 IN THE CAR. 2/25. WHAT WERE YOU DOING BETWEEN 2/25
23 AND 3/10? DIDN'T SEE ANY PHOTOGRAPHS DURING THAT
24 PERIOD? YOU TESTIFIED ON DIRECT SOMETHING ABOUT
25 SOME -- SOMEBODY SHOWING YOU SOME PHOTOGRAPHS?

1 SAME STATEMENT, YOU REFER TO TWO UNKNOWN BLACK MALES.
2 RIGHT?

3 A. YES, SIR.

4 Q. SO HE KIND OF REFRESHED YOUR MEMORY WITH
5 PHOTOGRAPHS, DIDN'T HE?

6 A. NO, SIR.

7 Q. WELL, WHAT WERE THE PHOTOGRAPHS FOR
8 JUST -- JUST FOR YOUR VIEWING PLEASURE?

9 A. NO. TO SEE IF I RECOGNIZED ANYONE.

10 Q. OKAY. WE CALL THAT A SHOW UP. HE STUCK
11 PICTURES IN YOUR FACE AND SAID WERE THEY THERE?

12 A. NO, SIR. THAT'S NOT WHAT HE DONE.

13 Q. WELL, TELL US WHAT HE DID BECAUSE IT'S ALL
14 NEWS TO EVERYBODY SITTING OVER HERE AND IN THIS
15 COURTROOM.

16 A. WHAT WAS DONE, THEY ASKED ME DID I WANT TO
17 LOOK AT SOME PHOTOS TO SEE IF I RECOGNIZED ANYBODY.
18 I SAID YES, I WOULD.

19 Q. WELL, RECOGNIZED ANYBODY OR JUST TO SEE IF
20 YOU KNEW THEM?

21 A. THAT'S WHAT WAS SAID, YES, SIR.

22 Q. OH, THAT'S ALL HE WANTED TO KNOW, IF YOU
23 HAD CASUAL ACQUAINTANCES IN THE AREA. OR DID HE SAY,
24 "ROBERT RANSOM, TELL ME WHO WAS THERE." YOU POINT --
25 PICK THEM OUT OF THESE PICTURES, SO THESE PEOPLE HAD

1 TO BE THERE.

2 A. THAT'S NOT WHAT HE SAID.

3 Q. WHAT DID HE SAY?

4 A. HE SAID WOULD YOU MIND LOOKING AT SOME
5 PHOTOS AND SEE IF YOU RECOGNIZE ANY OF THESE PEOPLE
6 THAT I KNOW IN THIS, AND I SAID, "ALL RIGHT. I'LL
7 LOOK AT THEM."

8 Q. ALL RIGHT. HAD YOU MADE THE STATEMENTS
9 YET?

10 A. THAT WAS OUT OF MY -- AFTER MY STATEMENT.

11 Q. THAT WAS AFTER YOUR STATEMENT. AND WOULD
12 IT HAVE BEEN, DO YOU THINK, BOBBY, BECAUSE YOU SAID
13 SOMETHING ABOUT NOT KNOWING THESE TWO BLACK MALES?

14 A. NO, SIR. I DIDN'T MENTION THEIR NAMES.

15 Q. I KNOW --

16 A. I DIDN'T SAY. I DIDN'T KNOW THEM.

17 Q. WHEN YOU PUT IN YOUR STATEMENT -- ONCE
18 AGAIN, I'M SURE THEY DIDN'T GET IT DOWN RIGHT, NOW.
19 LET ME MAKE SURE WE'RE ON THE SAME PAGE HERE. IN THE
20 CAR WAS RICKY. RICKY STUCKEY; RIGHT?

21 A. YES, SIR.

22 Q. RINGO?

23 A. YES, SIR.

24 Q. YOU ACTED LIKE YOU DIDN'T KNOW WHO HE WAS
25 EARLIER FOR A WHILE. TWO UNKNOWN BLACK MALES. DON'T

1 THAT MEAN YOU DON'T KNOW THE NAME? THAT'S WHAT IT
2 MEANS TO ME.

3 A. NO, SIR. THAT'S BECAUSE I DIDN'T NAME
4 THEIR NAMES.

5 Q. WELL, THERE IS A DIFFERENCE BETWEEN TWO
6 UNKNOWN AND TWO UNNAMED BLACK MALES. WHEN YOU DON'T
7 KNOW SOMEBODY'S NAME, THEY ARE UNKNOWN. RIGHT? WHEN
8 YOU DON'T WANT TO SAY THEIR NAME, YOU SAY I DON'T
9 WANT TO SAY THEIR NAME, THEY ARE UNNAMED AT THIS
10 TIME; I'LL TELL YOU LATER. RIGHT?

11 A. NO, SIR. I JUST DIDN'T WANT TO MENTION NO
12 NAMES.

13 Q. WELL, THAT'S NOT THE WAY THIS READS.

14 A. YOU CAN READ IT DIFFERENT WAYS, SIR.

15 Q. AND YOU CAN TAKE EVERYTHING YOU SAY
16 DIFFERENT WAYS, BOBBY RANSOM, CAN'T YOU?

17 A. EVERYBODY CAN.

18 Q. BUT WHAT YOU'RE SAYING IN COURT HERE TODAY
19 DOESN'T NEED TO BE SUBJECT TO SPECULATION, BOBBY.
20 YOU UNDERSTAND THAT?

21 A. I UNDERSTAND THAT.

22 Q. THIS JURY NEEDS TO BE ABLE TO BELIEVE IT.

23 A. THEY SHOULD.

24 Q. THEY NEED TO BE ABLE TO BELIEVE YOU 100
25 PERCENT UNDER OATH, AND YOU UNDERSTAND THAT, DON'T

1 YOU?

2 A. TO DO THEIR JOB, YEAH.

3 Q. TO DO THEIR JOB. WHERE WAS DANNY DAVIS IN
4 YOUR STATEMENT ON 2/25? I GUESS YOU COVERED FOR YOUR
5 GOOD BUDDY THAT DAY, WEREN'T YOU?

6 A. NO, SIR. I JUST DIDN'T MENTION HIS NAME.

7 Q. YEAH, YOU JUST KIND OF FORGOT ABOUT OLD
8 DANNY. WE'VE BEEN LIVING AROUND EACH OTHER TWO OR
9 THREE YEARS, KNOWN EACH OTHER ALL OF YOUR LIVE; WE
10 WOULDN'T MENTION THEIR NAME.

11 THE COURT: DON'T MAKE SPEECHES. ASK A
12 QUESTION.

13 BY MR. ERVIN:

14 Q. ALL OF THOSE THINGS THAT WE JUST MENTIONED
15 ABOUT DANNY DAVIS, YOU KNEW HIM ALL OF YOUR LIFE,
16 DIDN'T YOU?

17 A. YES, SIR.

18 Q. BEEN LIVING THERE TWO OR THREE YEARS,
19 DIDN'T YOU?

20 A. YES, SIR.

21 Q. THAT DIDN'T HAVE ANYTHING TO DO WITH YOU
22 LEAVING HIS NAME OUT OF THE STATEMENT, THE FIRST
23 STATEMENT THAT YOU MADE, DID IT?

24 A. NO, SIR. NONE OF THE NAMES I LEFT OUT, I
25 JUST DIDN'T MENTION THEM.

1 Q. JUST KIND OF A CONVENIENT OMISSION, WASN'T
2 IT? THEN ON YOUR FIRST I GUESS YOU CALL IT REAL
3 STATEMENT DATED 3/10/95, THE FIRST MENTION OF MARTIN
4 MCINTOSH, WHOM I'M REPRESENTING OVER HERE, WAS ON
5 PAGE 18 OF THAT STATEMENT?

6 A. WHAT PAGE IT WAS, I DON'T REMEMBER. I
7 DON'T. I KNOW IT WAS SOMEWHERE.

8 Q. I'LL GET TO THAT IN A MINUTE. BUT DO YOU
9 DISAGREE OR AGREE WITH WHAT I JUST SAID?

10 A. NO, THAT'S THE FIRST TIME I MENTIONED HIS
11 NAME.

12 Q. AND IN THAT STATEMENT, YOU SAID HE WAS AT
13 A PARTY?

14 A. YES, SIR.

15 Q. AND YET WHEN YOU STOOD IN FRONT OF JUDGE
16 COTTINGHAM FRIDAY AND PLED GUILTY TO ALL OF THESE
17 HEINOUS CRIMES, YOU DIDN'T MENTION ANYTHING ABOUT HIM
18 BEING AT THE PARTY. WOULD YOU LIKE FOR ME TO PULL
19 THE TRANSCRIPT OUT? I'LL PULL THAT OUT TOO.

20 A. I DIDN'T GET THAT -- I DIDN'T GET THAT
21 ACROSS.

22 Q. OH, YOU DIDN'T GET TO THAT FRIDAY?

23 A. NO, SIR. I WENT THROUGH IT JUST LIKE I
24 COULD. I JUST WEREN'T SPECIFIC ABOUT EVERYTHING.

25 Q. YOU DON'T THINK THE GOOD SOLICITOR HERE

1 HAD PLENTY OF OPPORTUNITY TO ASK YOU ABOUT IT?

2 A. YES, SIR. I JUST SKIPPED THROUGH SOME OF
3 IT.

4 Q. JUST SKIPPED ON OVER THAT TOO, HUH? WHEN
5 YOU WENT TO PAGELAND THAT DAY, MADE YOUR STATEMENT AT
6 4:20, YOUR FIRST STATEMENT, THE ONE THAT'S TYPED OUT,
7 YOU HAD THE CHANCE TO READ IT, HAVEN'T YOU?

8 A. YEAH, I'VE READ IT.

9 Q. AS A MATTER OF FACT, YOU'VE HAD IT OVER
10 THE WEEKEND, I'M SURE, DIDN'T YOU?

11 A. I HAD IT EVER SINCE I GOT MY MOTION FOR
12 DISCOVERY.

13 Q. EVER SINCE YOU GOT YOUR MOTION FOR
14 DISCOVERY. AND THAT IS THE 21-PAGE DOCUMENT TAKEN AT
15 4:20 IN PAGELAND?

16 A. YES, SIR.

17 Q. RIGHT. FIVE MINUTES AFTER YOUR BUDDY
18 DANNY DAVIS CONCLUDED HIS TWO STATEMENTS?

19 A. YES, SIR.

20 Q. HIS FIRST ONE WAS AT 3:40?

21 A. I DON'T KNOW WHAT TIME IT WAS.

22 Q. WELL, IF I TELL YOU THAT, ARE YOU GOING TO
23 ARGUE WITH ME OR DO YOU KNOW?

24 A. I'LL JUST GO BY THE TIME YOU SAY IS ON
25 THERE. I DON'T KNOW WHAT TIME IT WAS.

1 Q. HIS SECOND STATEMENT, WRITTEN STATEMENT
2 WAS AT 4:15?

3 A. THAT'S WHAT TIME IT WAS.

4 Q. LOOK ON THERE AND TELL ME WHEN YOUR FIRST
5 STATEMENT WAS. TELL THE JURY WHEN YOU MADE THAT --
6 WHAT TIME IT WAS AND WHEN YOU MADE IT.

7 A. IT'S GOT HERE 4:20.

8 Q. THAT'S --

9 A. THAT'S THE TAPE RECORDED STATEMENT.

10 Q. RIGHT. THE TAPE RECORDED STATEMENT. THEY
11 STARTED IT AT 4:20. EXCUSE ME.

12 MR. ERVIN: EXCUSE ME, YOUR HONOR.
13 BY MR. ERVIN:

14 Q. WHICH WAS FIVE MINUTES AFTER THIS
15 STATEMENT TAKEN BY DANNY DAVIS AT 4:15. RIGHT? YOU
16 KNOW HE WAS IN THERE IN PAGELAND WITH YOU?

17 A. YEAH.

18 Q. DID Y'ALL GO TOGETHER?

19 A. DID WE WHAT?

20 Q. DID YOU RIDE UP THERE TOGETHER? WERE YOU
21 STAYING IN PAGELAND TOGETHER?

22 A. NO, SIR. HE WAS ALREADY LOCKED UP. I
23 WASN'T.

24 Q. OKAY. YOU JUST MET HIM OVER THERE?

25 A. NO, SIR I WENT UP THERE TO SEE HIM.

1 Q. YOU WENT UP THERE TO SEE HIM?
2 A. YES, SIR.
3 Q. ALL THE WAY TO PAGELAND?
4 A. YES, SIR.
5 Q. WHO DROVE YOU UP THERE?
6 A. LAW ENFORCEMENT DIVISION.
7 Q. OH, SO IT WASN'T JUST LIKE YOU WENT TO SEE
8 YOUR GOOD BUDDY. YOU HAD A LITTLE ASSISTANCE GETTING
9 TO PAGELAND. THAT'S ABOUT A 50, 55 MINUTE RIDE,
10 ISN'T IT?
11 A. YES, SIR.
12 Q. WELL, THE WAY YOU MADE IT SOUND, YOU JUST
13 MADE A CASUAL TRIP UP THERE. BUT YOU HAD A RIDE UP
14 THERE?
15 A. NO, SIR. I'M JUST SAYING I WENT TO SEE
16 DANNY.
17 Q. TELL ME THE CIRCUMSTANCE, BOBBY, THAT YOU
18 WENT TO SEE YOUR GOOD BUDDY DANNY. TELL THE JURY HOW
19 THAT GOT ARRANGED.
20 A. TO GO UP THERE AND CONFRONT HIM ABOUT WHAT
21 HAPPENED. I WAS ASKED TO GO UP THERE AND CONFRONT
22 HIM ABOUT WHAT HAPPENED. AND I SAID, YES, I WOULD.
23 Q. SO THEY SENT YOU TO GO TO TALK TO YOUR
24 GOOD FRIEND DANNY?
25 A. THEY SENT ME TO CONFRONT HIM.

1 Q. CONFRONT HIM?

2 A. ABOUT THIS INCIDENT.

3 Q. AND AS A RESULT OF THIS, OF YOUR
4 CONFRONTATIONS WITH DANNY, HE MADE A STATEMENT AT
5 3:40?

6 A. YES, SIR.

7 Q. HE MADE A STATEMENT AT 4:15?

8 A. YES, SIR.

9 Q. AND LO AND BEHOLD, YOU MADE A STATEMENT AT
10 4:20 AND AT 4:45 AND FOR THE FIRST TIME OUT OF YOUR
11 MOUTH CAME THE NAME MARTIN MCINTOSH?

12 A. YES, SIR.

13 Q. AND FOR THE FIRST TIME, NOT IN YOUR FIRST
14 STATEMENT, THE 4:20 STATEMENT, BUT AT 4:45 AFTER YOU
15 HAD FINISHED THIS 21-PAGE STATEMENT, YOU NOT ONLY
16 NAMED HIM IN YOUR 21-PAGE STATEMENT, AFTER YOU
17 FINISHED THAT, YOU GO BACK AND DO A LITTLE
18 HANDWRITTEN ONE. RIGHT?

19 A. I DIDN'T WRITE THAT.

20 Q. WELL, SOMEBODY WROTE IT FOR YOU. I GUESS
21 THEY MIGHT HAVE MADE SOME ERRORS TOO. BUT FOR THE
22 FIRST TIME AT 4:45, NOW, THAT'S 25 MINUTES AFTER THAT
23 LONG TYPEWRITTEN DOCUMENT, FOR THE VERY FIRST TIME
24 MARTIN MCINTOSH IS NOW ON THE BRIDGE?

25 A. YES, SIR.

1 Q. WHOOPY-DO. I GUESS YOU DON'T THINK THAT'S
2 SIGNIFICANT, DO YOU, BOBBY?

3 A. NO, SIR.

4 Q. YOU WOULDN'T GIVE IT ANY WEIGHT, WOULD
5 YOU?

6 A. NO, SIR.

7 Q. YOU SAID SOMETHING KIND OF UNUSUAL DURING
8 YOUR TESTIMONY ABOUT SOMETHING LIKE YOU DID BEFORE.
9 I REALLY GOT LOST ON THAT ONE. YOU SAID SOMETHING
10 ABOUT BEING PARDONED AND STROM THURMOND. AND I GUESS
11 STROM THURMOND HADN'T BEEN THE GOVERNOR IN SOUTH
12 CAROLINA SINCE THE '40'S, I THINK. BUT WHAT'S THIS
13 BUSINESS ABOUT LIKE YOU'VE DONE BEFORE? HAVE YOU
14 BEEN IN THIS BOAT BEFORE?

15 A. I WAS CHARGED WITH IT.

16 Q. WHAT WERE YOU TALKING WITH?

17 A. KIDNAPPING AND RAPE.

18 Q. YOU WERE?

19 A. YES, SIR.

20 Q. WHEN?

21 A. '81, '82.

22 Q. AND YOU WERE PARDONED BY THE GOVERNOR?

23 A. YES, SIR. WRITTEN PARDON.

24 Q. WRITTEN PARDON?

25 A. I DON'T KNOW IF HE WAS GOVERNOR THEN OR

1 WHAT, BUT IT WAS FROM HIM.

2 Q. SENATOR THURMOND SAID YOU CAN FORGET ABOUT
3 RAPING THAT GIRL BACK IN '81 AND KIDNAPPING?

4 A. I WOULDN'T LET ANYONE BELIEVE THAT THE WAY
5 YOU SAID IT BECAUSE IT WASN'T LIKE THAT.

6 Q. WELL, YOU TELL ME. I'M JUST ASKING. I'M
7 PRETTY CURIOUS. THAT'S A PRETTY GOOD STORY THERE,
8 BOBBY.

9 A. NO, SIR. I WASN'T GIVING A STORY BECAUSE
10 IT WAS THE TRUTH.

11 Q. WELL, TO BEGIN, A PARDON, YOU FIRST HAVE
12 TO EITHER PLEAD GUILTY OR BE CONVICTED. SO WHAT
13 YOU'RE TELLING ME IS AT SOME POINT IN TIME, YOU
14 EITHER PLED GUILTY TO KIDNAPPING AND RAPE OR WERE
15 CONVICTED BY A JURY OF KIDNAPPING AND RAPE. GIVE ME
16 A CHOICE.

17 A. NO, SIR. NEITHER ONE.

18 Q. SO WHERE DID THE PARDON COME FROM?

19 A. CAME FROM IN BETWEEN. IT NEVER WENT TO
20 COURT.

21 Q. OUGHT TO BE SOME RECORD OF IT SOMEWHERE,
22 SHOULDN'T THERE BE?

23 A. WHAT?

24 Q. OUGHT TO BE SOME RECORDS OF SOMETHING LIKE
25 THAT.

1 A. FRIEND OF MINE HAS STILL GOT HIS PARDON.

2 Q. AND THAT WAS HERE IN MARLBORO COUNTY?

3 A. YES, SIR.

4 Q. WAS THAT A BLACK GIRL OR A WHITE GIRL?

5 A. WHITE WOMAN.

6 Q. OKAY. HOW ABOUT YOUR FRIEND? HOW MANY

7 PEOPLE WERE INVOLVED IN THIS ONE?

8 A. THREE BROTHERS.

9 Q. THREE BROTHERS?

10 A. YES, SIR.

11 Q. ALL FROM MCCOLL?

12 A. YES, SIR.

13 Q. SO NOW WHAT YOU'RE TELLING ME IS YOU'VE

14 BEEN INVOLVED IN TWO SEPARATE INCIDENTS, ONE IN '81

15 AND ONE NOW, ONE IN BENNETTSVILLE AND ONE IN MCCOLL?

16 A. I WAS LIVING IN MARLBORO COUNTY AT THE

17 TIME WHEN IT WAS -- THE FIRST ONE.

18 Q. WELL, MCCOLL, THE LAST TIME I CHECKED, IS

19 IN MARLBORO COUNTY, ISN'T IT?

20 A. WELL, I CONSIDER BENNETTSVILLE MARLBORO

21 COUNTY, NOT MCCOLL.

22 Q. BOBBY, YOU ARE KNEE DEEP IN ALL OF THIS

23 STUFF, BUT THE REAL TRUTH, YOU KNOW RINGO KILLED THIS

24 GIRL, DON'T YOU?

25 A. SAY WHAT, SIR?

1 Q. YOU KNOW RINGO KILLED THIS GIRL, DARLENE?

2 A. I DIDN'T SEE IT.

3 Q. YOU DIDN'T SEE IT, BUT YOU KNOW IT?

4 A. ALL I KNOW IS WHAT I SUSPECT.

5 Q. AND IT WOULD BE FAIR TO SAY THAT IN EVERY
6 STATEMENT THAT YOU'VE MADE OTHER THAN THE ONE -- THAT
7 YOU WERE THE FIRST PERSON TO MENTION OR SUGGEST THE
8 BURNT FACTORY POND AS A PLACE TO DISPOSE OF
9 MS. PATTERSON'S BODY. YOU WERE THE FIRST PERSON TO
10 BRING IT UP.

11 A. NO, SIR, IT WEREN'T THAT WAY.

12 Q. IT WEREN'T THAT WAY. YOU JUST KIND OF
13 SAID, WELL, PEOPLE LIKE TO DUMP BODIES DOWN AT BURNT
14 FACTORY POND. THAT'S A PRETTY GOOD SPOT, ISN'T IT?

15 A. THERE WAS NO CONVERSATION ABOUT DUMPING
16 NOBODY.

17 Q. WELL, AS I RECALL YOUR STATEMENTS, THEY
18 WERE SAYING THEY NEEDED TO DO SOMETHING WITH THE GIRL
19 AND YOU SAID SOMETHING ABOUT THE BURNT FACTORY POND
20 AS A PRETTY GOOD PLACE?

21 A. NO, SIR. WHEN RICKY STUCKEY CONFESSED TO
22 ME THAT THEY STILL HAD THAT GIRL, I WAS SUGGESTING TO
23 THEM THAT THEY TURN HER LOOSE, TAKE HER SOMEWHERE,
24 BACK ROAD, COUNTRY ROAD, BURNT FACTORY, SOMEWHERE AND
25 TURN HER LOOSE. AT THAT TIME, NOBODY MENTIONED HER

1 WAS ON THAT BRIDGE, CAN'T YOU?

2 A. I CAN TELL HOW MANY PEOPLE WAS THERE AND
3 WHERE THEY WERE AT.

4 Q. RIGHT. YOU ALSO TALKED ABOUT BEING
5 PROMISED PROTECTIVE CUSTODY. YOU KIND OF CONSIDERED
6 THAT LIKE WITNESS PROTECTION, DIDN'T YOU?

7 A. THAT'S WHAT I ASKED FOR.

8 Q. EXCUSE ME, BOBBY. BOBBY.

9 A. THAT'S WHAT I ASKED FOR.

10 Q. THAT'S WHAT YOU WANTED. IT'S CALLED --

11 A. EYEWITNESS PROTECTION PLAN BECAUSE OF THE
12 SHAPE I'M IN, ME BEING CRIPPLED AND I ACCEPTED THE
13 FACT THAT I HAD GIVEN THEM THIS PART OF THIS.

14 Q. EYEWITNESS PROTECTION PLAN BECAUSE YOU'RE
15 IN THIS SHAPE AND BECAUSE YOU HAD GIVEN THEM THIS
16 PART OF THIS?

17 A. I HAD WHAT --

18 Q. YOU HAD GIVEN THEM WHAT THEY WANTED?

19 A. NO. I JUST TOLD THEM THE TRUTH AND I
20 ASKED FOR PROTECTIVE CUSTODY AND EYEWITNESS
21 PROTECTION PLAN TO KEEP ME FROM GETTING HURT ANY
22 WORSE THAN WHAT I AM.

23 Q. BOBBY, YOU TELL ME IF I'M WRONG. BUT AS I
24 UNDERSTAND YOUR TESTIMONY AND AS I'M STANDING HERE
25 RIGHT NOW, YOU TELL ME IF I'M WRONG, YOU WERE

1 PROMISED PROTECTIVE CUSTODY, WHAT YOU CALL THE
2 EYEWITNESS PROTECTION PLAN, ON FEBRUARY THE 25TH OF
3 1995, IF YOU TELL THEM THE TRUTH?

4 A. I TOLD THEM THAT'S WHAT I WANTED AFTER I
5 GAVE -- BEFORE I GAVE THEM MY STATEMENT.

6 Q. AND YOU GAVE THEM A STATEMENT?

7 A. YEAH.

8 Q. AND NOW YOU'RE SAYING IT AIN'T TRUE?

9 A. I HAVEN'T SEEN NO STATEMENTS THEY WROTE
10 THAT DAY, THEM FIVE. THAT THERE'S THE STATEMENT.
11 THE TOP SHEET, IN MY THING, IT HAD JERRY SMITH'S
12 NOTES IN MY MOTION FOR DISCOVERY. THAT THERE HAD
13 JERRY SMITH'S NOTES.

14 Q. YOU HAVEN'T SEEN THEIR STATEMENTS?

15 A. NOT THAT THEY WROTE THAT I GAVE THEM THAT
16 DAY. THAT THERE IS ONE THAT THEY HANDED ME AND IT
17 HAD ON THERE JERRY SMITH'S NOTES.

18 Q. WHO IS THAT?

19 A. HE'S THE ONE THAT COME TO MY HOUSE WHEN I
20 CALLED FOR SOMEONE TO COME GET ME TO TAKE ME -- FOR
21 CHUCK FOLEY TO COME GET ME TO TAKE ME DOWN TO TALK TO
22 THE FIVE OF THEM.

23 Q. OH, SO HE HAD SOME NOTES FOR YOU TO READ
24 TOO?

25 A. NO. THAT'S WHAT IT APPEARS HE PUT ON

1 THERE, THE NOTES.

2 Q. YOU READ SOME NOTES BEFORE YOU MADE YOUR
3 STATEMENT. IS THAT WHAT YOU'RE SAYING NOW?

4 A. NO, SIR.

5 Q. WELL, WHAT ARE YOU SAYING, BOBBY? TELL ME
6 WHAT YOU MEAN.

7 A. I JUST SAID IT PLAIN AND CLEAR, RIGHT
8 THERE.

9 Q. WELL, I DIDN'T UNDERSTAND YOU. I'M DUMB.

10 A. WELL, YOU'RE SOUNDING LIKE IT TO ME.

11 Q. I'M FEELING LIKE IT RIGHT NOW.

12 A. I'M SAYING THAT THAT THERE STATEMENT IS
13 NOTES OF JERRY SMITH, AND THAT'S ALL I CAN SAY.

14 Q. THEY ARE HIS NOTES AND NOT YOUR WORDS?

15 A. THEY ARE WORDS THAT SOMEONE WROTE. THEY
16 ARE WORDS THAT LOOK LIKE HAVE BEEN PLACED TOGETHER
17 FROM NOTES. THEY AREN'T THE FIVE STATEMENTS THAT
18 THEY WROTE THAT DAY, INDIVIDUAL, EACH ONE OF THEM.

19 Q. DID YOU SIGN THIS DOCUMENT?

20 A. YES, I SIGNED IT. JERRY STARNES IS THE
21 ONE THAT HANDED IT TO ME.

22 Q. YOU SIGNED IT. DIDN'T READ IT. THIS ONE
23 AIN'T SUPPOSED TO MEAN ANYTHING. RIGHT?

24 A. ALL I'M SAYING FROM MY OPINION IS THAT'S
25 NOTES FROM JERRY SMITH'S STATEMENT I GAVE THAT DAY

1 THAT WAS WROTE BY FIVE DIFFERENT INDIVIDUALS. THEY
2 WROTE THEM THEMSELVES.

3 Q. ALL RIGHT. THIS ONE IS NO GOOD. RIGHT?

4 A. NO, I'M NOT SAYING THAT. I'M SAYING
5 THAT'S WHAT THAT IS, JERRY SMITH'S NOTES.

6 Q. NOT YOUR WORDS. 3/10, THAT ONE IS GOOD?

7 A. YES. ALL OF THEM IS GOOD. THEY'VE GOT
8 THE SAME WORDS IN THEM, BUT THE ONE THAT YOU JUST
9 MENTIONED --

10 Q. JUST DIFFERENT VERSIONS OF THE SAME PLACE.
11 DIFFERENT STORY. RIGHT?

12 A. YES, SIR.

13 THE COURT: MR. PADGETT -- HAVE YOU
14 CONCLUDED, MR. ERVIN? I'M SORRY.

15 MR. ERVIN: I DON'T HAVE ANYTHING FURTHER,
16 YOUR HONOR. THANK YOU.

17 THE COURT: ALL RIGHT. MR. PADGETT OR
18 MR. ROGERS AS THE CASE MAY BE.

19 MR. PADGETT: YES, SIR.

20 C R O S S - E X A M I N A T I O N

21 BY MR. PADGETT:

22 Q. MR. RANSOM, YOU HAVE HAD WITH YOUR
23 EXPERIENCE IN TAKING VARIOUS DRUGS AND DRINKING A
24 WIDE ASSORTMENT OF ALCOHOL. WHAT WOULD YOU DEFINE AS
25 A BINGE?

1 A. A WHAT?

2 Q. A BINGE.

3 A. I DON'T KNOW WHAT THAT IS.

4 Q. SO IF YOU USED THE WORD BINGE IN ANY OF
5 YOUR STATEMENTS, YOU DIDN'T KNOW WHAT YOU WERE
6 TALKING ABOUT?

7 A. THE WORD BINGE?

8 Q. YEAH, BINGE.

9 A. NO, SIR. NOT AS I REMEMBER. NOT THE WORD
10 BINGE.

11 Q. WELL, IF SOMEBODY GOT DRUNK FOR A LONG
12 PERIOD OF TIME, HAVE YOU EVER HEARD THAT CALLED A
13 BINGE?

14 A. NO, SIR.

15 Q. ALL RIGHT. IF YOU SAID THAT YOU WERE ON A
16 BINGE, THAT WOULD BE INCORRECT?

17 A. I DON'T KNOW. THAT'S WHAT YOU SAID I WAS.

18 Q. WELL, LET ME USE SOME MORE COMMON WORD. I
19 GUESS DO YOU KNOW WHAT BEING ON A DRUNK IS?

20 A. YES, SIR.

21 Q. WHAT'S THAT MEAN?

22 A. THAT'S HAVING A HANGOVER FROM DRINKING A
23 LITTLE TOO MUCH.

24 Q. WELL, FOR THESE PEOPLE WHO DRINK, HOW LONG
25 WOULD BEING ON A DRUNK BE?

1 A. IT'S ACCORDING TO THE INDIVIDUAL AND HOW
2 MUCH THEY CAN CONSUME AND WHAT THEY CAN CONSUME AND
3 WHAT THEIR HABITS ARE.

4 Q. WELL, IF SOMEBODY CAME UP TO YOU AND SAID,
5 WELL, I WAS ON A DRUNK LAST WEEK, HOW LONG WOULD THAT
6 USUALLY LAST, IN YOUR MIND?

7 A. THAT'S ACCORDING TO A DAY. THAT'S
8 ACCORDING TO THE INDIVIDUAL. IT WOULD BE ANYWHERE
9 FROM A DAY TO FOUR OR FIVE DAYS.

10 Q. A DAY TO FOUR OR FIVE DAYS. BUT DURING
11 THIS TIME FRAME WHERE MRS. PATTERSON WAS MISSING, YOU
12 TOLD THE POLICE THAT YOU HAD BEEN ON A DRUNK FOR
13 EIGHT OR NINE MONTHS, DIDN'T YOU?

14 A. STRAIGHT EVERY DAY.

15 Q. EIGHT OR NINE MONTHS?

16 A. THREE YEARS AND EIGHT OR NINE MONTHS
17 STRAIGHT EVERY DAY.

18 Q. ON A DRUNK?

19 A. ON A DRUNK. HIGH ON DRUGS, WHATEVER.

20 Q. AND BOTH?

21 A. ANY OF THEM.

22 Q. AND YOU TOLD US YOU HAD BLACKOUT SPELLS.
23 RIGHT?

24 A. I SAID SOMETIMES WHEN I DRANK UNTIL I
25 PASSED OUT I WOULD GO TWO OR THREE DAYS LIKE THAT. I

1 WON'T REMEMBER WHAT HAPPENS UNTIL I GET STRAIGHT AND
2 THEN THERE IT IS.

3 Q. YOU LOSE TIME I THINK YOU USED THE
4 EXPRESSION. RIGHT?

5 A. YES, SIR.

6 Q. LOSING TIME? YOUR HEAD IS IN THE CLOUDS.
7 RIGHT?

8 A. YES, SIR.

9 Q. ALL RIGHT. YOU'RE CERTAINLY NOT THINKING
10 OR SEEING CLEARLY WHEN YOU'RE ON A DRUNK, ARE YOU?

11 A. AGAIN, THAT DEPENDS ON THE INDIVIDUAL
12 THAT'S CONSUMING THE ALCOHOL.

13 Q. WELL --

14 A. NO ONE PERSON'S INPUT IS THE SAME.

15 Q. HOW ABOUT YOURS?

16 A. MINE VARIES FROM THE CONDITION THAT I TAKE
17 WHEN I DRINK OR DRUG.

18 Q. WELL, LET'S SEE. HOW ABOUT WHEN YOU TOLD
19 THE POLICE DURING THIS DEAL YOU SAID AT THE BRIDGE
20 THAT BECAUSE OF ME BEING DRUGGED UP LIKE I WAS, I
21 DIDN'T REALLY WANT TO BELIEVE ANYTHING. DO YOU
22 REMEMBER SAYING THAT?

23 A. IT WAS MORE LIKE ME BEING STRUNG OUT LIKE
24 I WAS.

25 Q. DO YOU REMEMBER BEING TOO DRUNK AND STRUNG

4 A. YES, SIR.

6 | A. I DIDN'T KNOW WHO IT WAS THAT TOTED ME.

10 ACTUALLY GOING BACK THREE OR FOUR YEARS. LAST WEEK
11 WHEN THE SOLICITOR WAS QUESTIONING YOU, HE HAD TO
12 COME OVER AND TURN THE PAGES ON YOUR STATEMENT FOR
13 YOU, DIDN'T HE?

15 Q. YOU CAN'T USE YOUR HANDS. AND YET YOU SAY
16 THAT ALTHOUGH THE WATER WAS SWIFT, CURRENT WAS
17 RUNNING STRONG, YOU WENT SWIMMING?

20 Q. YOU WENT INTO THE WATER. RIGHT?

22 Q. SWIFT AND RISING WATER. RIGHT?

24 Q. AND YOU STATE THAT THE BODY, IF YOU WERE
25 THERE AT ALL, WHICH OF COURSE IS COMING INTO

1 QUESTION, BUT IT WAS SEVEN OR EIGHT FEET OUT IN THE
2 WATER. IS THAT WHAT YOU TOLD US?

3 A. IT WAS ABOUT THAT FAR AWAY FROM THE BANK.

4 Q. SO A MAN WHO IS DRUGGED UP ON A DRUNK FOR
5 THREE OR FOUR YEARS, DOESN'T EVEN KNOW WHO IS
6 CARRYING HIM AROUND, WENT INTO HIGH AND SWIFT WATER
7 TO TRY TO RECOVER A BODY YOU SAID YOU JUST SAW ROLL A
8 COUPLE OF TIMES. IS THAT CORRECT?

9 A. I SAID I WENT IN THERE WHERE SHE WAS AT TO
10 TRY TO PULL HER HANDS LOOSE.

11 Q. AND YOU SAID YOU WENT DOWN ONE SIDE OF HER
12 ONE TIME?

13 A. YES, SIR.

14 Q. SWAM BACK AROUND TO THE OTHER SIDE?

15 A. I SAID NOTHING ABOUT SWIMMING. I SAID
16 CRAWLED IN AND CRAWLED OUT.

17 Q. WELL, YOU DIDN'T END UP IN LAKE WALLACE,
18 DID YOU?

19 A. NO, I'VE BEEN DOWN THERE IN OTHER CREEKS
20 THOUGH, DOING THE SAME.

21 Q. ALL RIGHT. THIS EYEWITNESS PROTECTION
22 PROGRAM OR SOMETHING, DID ANYBODY EVER TALK TO YOU
23 ABOUT IF YOU WOULD GIVE THEM THE RIGHT STATEMENT THEY
24 WOULD PUT YOU IN A HOME FOR CRIPPLED PEOPLE AND HELP
25 YOU OUT?

1 Q. AND LASTLY, WHEN YOUR PLEA WAS TAKEN LAST
2 WEEK, MR. RANSOM, WHAT WAS THE FIRST THING THAT YOU
3 AND SOLICITOR WILSON WANTED TO DO? DO YOU REMEMBER?

4 A. TO GO THROUGH AND CLARIFY WHAT THE
5 STATEMENTS WAS TO PRESENT THEM THE RIGHT WAY.

6 Q. CLARIFY. AND YOU KEPT USING A CERTAIN
7 WORD THAT STARTED WITH A G. DO YOU REMEMBER WHAT
8 THAT WORD WAS?

9 A. CERTAIN WORD THAT STARTED WITH A G?

10 Q. YEAH. YOU KEPT TELLING EVERYBODY IN THE
11 COURT THAT YOU HAD GLINCHES. WHAT'S A GLINCH?

12 A. GLITCHES.

13 Q. ALL RIGHT. A GLITCH THIS WEEK?

14 A. THE WAY THEY WERE WROTE AND TAPED.

15 Q. AND YOU AND THE SOLICITOR, AT THE TIME
16 YOUR PLEA WAS TAKEN, WENT THROUGH AND JUST BASICALLY
17 GOT EVERYTHING YOU COULD TO FIT JUST RIGHT, DIDN'T
18 YOU?

19 A. WE DIDN'T GET ALL OF IT TO FIT JUST RIGHT.
20 WE DIDN'T GET IT ALL CLEAR. NO, SIR. THAT'S WHAT
21 I'M HERE TO DO TODAY.

22 Q. THAT'S OBVIOUS YOU DIDN'T GET IT ALL RIGHT
23 LAST WEEK. BUT YOU MET WITH THE SOLICITOR BEFORE YOU
24 CAME OUT HERE AND DID THAT, DIDN'T YOU?

25 A. NO, SIR. I NEVER MET HIM NOWHERE.

1 Q. NEVER TALKED TO ANY INVESTIGATORS?

2 A. NO, SIR.

3 Q. HE JUST KNEW THERE WERE GLINCHES AND YOU
4 NEVER TOLD HIM THAT?

5 A. I TOLD HIM THAT WHEN I GOT UP HERE AND
6 STARTED IN THE PROCESS OF THAT.

7 Q. RIGHT.

8 A. AND HE SAID ALL RIGHT.

9 Q. AND Y'ALL WENT THROUGH AND CORRECTED A
10 BUNCH OF THINGS. RIGHT? GET LINED UP RIGHT; ISN'T
11 THAT CORRECT?

12 A. WE WENT THROUGH IT TO TRY TO CLEAR UP AS
13 MUCH AS WE COULD WITHOUT SKIPPING ANY.

14 Q. TRIED TO CLEAR UP AS MUCH OF YOUR
15 STATEMENTS AS YOU COULD?

16 A. I WANTED IT TO BE TRUE.

17 Q. AND CORRECT ALL OF THE THINGS THAT YOU
18 SAID WERE FALSE?

19 A. WELL, NO, SIR, NOT THAT WAY. I WAS
20 REFERRING TO THE WAY IT WAS WROTE OR TAPED.

21 Q. WHAT'S THE OPPOSITE OF TRUTH?

22 A. THE OPPOSITE OF TRUTH IS FALSE.

23 MR. PADGETT: THANK YOU.

24 MR. REDMOND: IF IT PLEASE THE COURT.

25 C R O S S - E X A M I N A T I O N

1 BY MR. REDMOND:

2 Q. BOBBY, THERE HAD BEEN ALLUSIONS MADE TO
3 SOME STATEMENTS THAT YOU HAD GIVEN. I THINK THE
4 FIRST ONE WAS 2/25/95, DO YOU REMEMBER TALKING TO
5 MR. ERVIN ABOUT THAT?

6 A. YES, SIR.

7 Q. AND ISN'T IT TRUE THAT IN NO TIME IN THIS
8 STATEMENT DOES JEFF WALLS' NAME EVEN APPEAR?

9 A. YES, SIR.

10 Q. THEN ON THE -- ON THE 10TH OF MARCH, THERE
11 WAS AN ALLUSION MADE TO THAT STATEMENT. DO YOU
12 REMEMBER?

13 A. YES, SIR.

14 Q. DO YOU REMEMBER ON PAGE 19 WHERE YOU
15 MENTIONED JEFF WALLS NAME THE FIRST TIME?

16 A. I DON'T KNOW WHAT THE PAGE IT WAS.

17 Q. I'LL SHOW IT TO YOU. HERE. BE GLAD TO
18 LET YOU TAKE A LOOK AT IT.

19 A. ALL RIGHT.

20 Q. THAT'S THE FIRST TIME YOU MENTIONED JEFF'S
21 NAME, WASN'T IT?

22 A. YES, SIR.

23 Q. AND WHEN DID YOU MENTION JEFF WALLS' NAME?
24 YOU DIDN'T VOLUNTEER THAT NAME, DID YOU?

25 A. I'VE BEEN TRYING TO VOLUNTEER THAT NAME

