

VOLUME THREE OF FOUR
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

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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

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Q. BUT THAT'S THE FIRST TIME YOU HAD EVER
MENTIONED THAT, THOUGH. ISN'T THAT TRUE?

A. YES, SIR.

MR. REDMOND: THANK YOU. I HAVE NOTHING
FURTHER FOR THIS WITNESS.

THE COURT: MR. MOORE, DO YOU HAVE ANY
QUESTIONS?

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

BY MR. MOORE:

Q. BOBBY, I WANT TO ASK YOU THE SAME
QUESTIONS I ASKED DANNY DAVIS.

A. YES, SIR.

Q. YOU NEVER SAW LEROY STATON DEAL WITH ANY
DUCT TAPE OR PUT ANY DUCT TAPE ON DARLENE PATTERSON,
DID YOU?

A. NO, SIR, I DIDN'T.

Q. NOT AT ALL?

A. I DON'T KNOW HOW SHE GOT LIKE THAT. I
DIDN'T SEE HOW SHE GOT LIKE THAT. SHE WAS ALREADY
LIKE THAT.

Q. YOU NEVER SAW LEROY STATON PICK THE GIRL
UP FROM HER HOUSE AND TAKE HER TO ANY HOUSE IN THE
COUNTRY OR ANY SHACK OR HOUSE OR TRAILER, DID YOU?

A. NO, SIR.

Q. AS FAR AS YOU KNOW, RINGO PEARSON STARTED

1 WORKING ON HER CAR AND STARTED DATING HER?

2 A. I DON'T EVEN KNOW THAT, SIR.

3 Q. BUT YOU HAVE SEEN STATEMENTS TO THAT
4 EFFECT, HAVEN'T YOU?

5 A. YES, SIR.

6 Q. AND THEN WHEN HE PICKED HER UP, HE TOOK
7 HER OUT IN THE COUNTRY. CORRECT?

8 A. THAT'S WHAT THE STATEMENTS SAY. I DON'T
9 KNOW.

10 Q. ALL RIGHT. THERE'S ONLY ONE DEFENDANT
11 CHARGED NOW -- CHARGED WITH THE DEATH PENALTY; IS
12 THAT CORRECT?

13 A. I DON'T KNOW IF IT IS OR NOT. I THOUGHT
14 HE WAS TO GO TAKE A TEST SOMEWHERE TO SEE IF HE WAS
15 COMPETENT TO STAND TRIAL.

16 Q. THAT'S PEARSON. RIGHT. RINGO PEARSON.

17 A. YES, SIR.

18 Q. AND IF HE'S FOUND COMPETENT, HE IS CHARGED
19 WITH THE DEATH PENALTY. IS THAT YOUR UNDERSTANDING?

20 A. WELL, IT WAS.

21 Q. ALL RIGHT. I'VE ONLY GOT ONE MORE THING.
22 YOU WROTE A LETTER TO RICK MOORE IN INVESTIGATION
23 WHEN YOU WERE IN PRISON. DO YOU REMEMBER THAT
24 LETTER?

25 A. YES, SIR.

Q. DID YOU MAKE A STATEMENT IN THAT LETTER THAT WHEN THE SLED OFFICERS WERE INTERVIEWING YOU, THEY OPENED TWO BOTTLE OF LIQUOR FOR ME THE FIRST TIME TO QUESTION ME AT MY HOUSE?

A. ON TWO DIFFERENT OCCASIONS.

Q. AND AT LEAST TWO DIFFERENT OCCASIONS?

A. YES.

Q. WHAT WAS THE PURPOSE OF THAT?

A. FOR ME TO DRINK IT. I COULDN'T OPEN IT.

Q. IT WASN'T TO KIND OF LOOSEN YOUR TONGUE TO GET YOU TO SAY A WHOLE LOT?

A. NO, SIR. BECAUSE I COULDN'T OPEN IT WITH MY HANDS.

MR. MOORE: OKAY. ALL RIGHT. I HAVE NOTHING FURTHER OFFICER. THANK YOU.

THE COURT: ALL RIGHT. MR. WILL ROGERS.

MR. WILL ROGERS: MAY IT PLEASE THE COURT.

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

BY MR. WILL ROGERS:

Q. MR. RANSOM, I JUST HAVE A COUPLE OF QUESTIONS FOR YOU. I THINK YOU STATED HERE THAT YOU HAVE GIVEN IS IT THREE STATEMENTS TO POLICE, ONE ON FEBRUARY 25TH, AND THEN TWO ON MARCH THE 10TH OF '95?

A. YES, SIR.

Q. OKAY. AND ISN'T IT TRUE THAT YOU HAVE

1 NEVER MENTIONED MY CLIENT ALFONZO STATON IN ANY OF
2 THOSE STATEMENTS ON FEBRUARY 25TH OR THE TWO ON
3 3/10/95?

4 A. YES, SIR.

5 Q. OKAY. LET ME ASK YOU, AND THE FIRST TIME
6 YOU EVER MENTION MY CLIENT'S NAME WAS AFTER YOU HAD
7 CUT A DEAL WITH THE PROSECUTION, AND THAT WAS LAST
8 WEEK. IS THAT TRUE?

9 A. THAT WAS -- IF THAT WAS WHEN I MENTIONED
10 HIS NAME THE FIRST TIME, BUT THAT WEREN'T THE REASON
11 WHY I KNOW.

12 Q. LET ME ASK YOU, IS THIS YOUR HANDWRITING?
13 IS THAT YOUR LETTER THAT YOU WROTE TO DELTON POWERS
14 WHO WAS THE ASSISTANT SOLICITOR AT THE TIME?

15 A. YEAH.

16 Q. OKAY. HOW ABOUT READ THIS PORTION FOR ME
17 THAT'S HIGHLIGHTED.

18 A. "THEY DECIDED TO WRITE IT ALL THE WAY THEY
19 WANTED TO AND HOW THEY WANTED TO WRITE TO HEAR IT."

20 MR. WILL ROGERS: OKAY. THAT'S ALL I
21 HAVE, YOUR HONOR.

22 THE COURT: THANK YOU. MR. LAWSON, ANY
23 QUESTIONS, SIR?

24 MR. LAWSON: YES, YOUR HONOR.

25 THE COURT: YOU MAY PROCEED.

CROSS - EXAMINATION

BY MR. LAWSON:

Q. IF IT PLEASE THE COURT. WHAT WERE YOU REFERRING TO IN THAT LETTER, MR. RANSOM?

A. I WAS JUST IMPLICATING THAT THEY WROTE THE STATEMENTS DOWN -- I PRESENTED IT ONE WAY AND THE WAY THEY WROTE IT WAS DIFFERENT FROM THE WAY THAT I SAID IT. THAT'S ALL.

Q. WHAT STATEMENT? ALL OF THEM AT THAT POINT?

A. WELL, I WAS JUST REFERRING TO THE WRITTEN STATEMENTS THAT THEY TOOK AND THE TAPED STATEMENTS.

Q. THE ONE ON FEBRUARY THE 25TH AND THE ONE ON MARCH THE 10TH?

A. YEAH.

Q. OKAY.

A. YES, SIR.

Q. BECAUSE EVEN THOUGH I THINK YOU HAD SAID SOMETHING WHEN MR. ERVIN ASKED YOU ABOUT THIS FEBRUARY 25TH -- THE STATEMENT THAT THEY HAVE ATTRIBUTED TO YOU; RIGHT?

A. YEAH.

Q. YOU SAID THAT'S JERRY SMITH'S NOTES. RIGHT?

A. NO, SIR. I SAID JERRY SMITH HANDED ME

1 THIS TO SIGN.

2 Q. UH-HUH.

3 A. BUT THIS HERE WAS JERRY SMITH'S NOTES FROM
4 WHAT WAS IN IT.

5 Q. OKAY.

6 A. BUT I SIGNED THAT AND HANDED IT TO HIM FOR
7 THE FIVE STATEMENTS THAT EACH ONE OF THEM WROTE
8 SEPARATELY WHEN I WAS TELLING IT TO THEM.

9 Q. OKAY. SO -- AND HAVE YOU SEEN ANY OF
10 THOSE FIVE STATEMENTS?

11 A. NOT THEIR FIVE IN PARTICULAR, NO. THAT'S
12 WHY COME THAT ONE THERE HAS GOT WORDS AND PARTS OF IT
13 IN THERE, BUT IT'S NOT THE ONE -- I SIGNED THAT SHEET
14 FOR SAYING THAT THAT WAS WHAT I SAID.

15 Q. OKAY. AT ONE TIME, DID YOU HAVE A COPY OF
16 WHAT YOU SAID?

17 A. NO, NOT THOSE FIVE TIMES. NO, THOSE
18 FIVE -- THAT FIRST TIME, NO.

19 Q. SO THERE'S -- THERE IS FIVE STATEMENTS
20 THAT -- WELL, ARE THEY TRUE?

21 A. WELL, IT'S JUST ONE STATEMENT, JUST FIVE
22 INDIVIDUALS WROTE THEM.

23 Q. FIVE INDIVIDUALS WROTE THEM?

24 A. AT THE SAME TIME.

25 Q. AT THE SAME TIME. AND -- AND THAT WAS THE

1 FIRST TIME YOU SAID ANYTHING. AND YOU SAID I THINK
2 THAT YOU HAD NOT MENTIONED SOME THINGS AT THAT TIME;
3 IS THAT RIGHT?

4 A. YES, SIR. ALL THE WAY THROUGH SOME OF
5 THEM. I DIDN'T MENTION NONE OF THEM UNTIL I COME
6 HERE TO GET IT PRESENTED TO THE COURT TODAY.

7 Q. OKAY. SO SINCE -- WELL, SINCE BACK IN
8 NOVEMBER OF 1994, YOU'VE BEEN KEEPING THINGS TO
9 YOURSELF UNTIL YOU GOT HERE IN COURT THIS WEEK?

10 A. NO, SIR.

11 Q. NO? OKAY.

12 A. I'VE BEEN TRYING TO GET THINGS OUT AND
13 JUST COULDN'T GET THEM.

14 Q. OKAY. SO YOU'VE BEEN GETTING THEM OUT
15 LITTLE BY LITTLE AS BEST YOU COULD?

16 A. IT'S BEEN A HARD STRUGGLE.

17 Q. BEEN A HARD STRUGGLE. SO IN FEBRUARY OF
18 '95, YOU -- YOU GAVE A LITTLE BIT, WHAT YOU FELT
19 COMFORTABLE GIVING. IS THAT RIGHT?

20 A. NO, SIR. THAT'S NOT WHAT I WOULD SAY.

21 Q. OKAY.

22 A. I GAVE THEM WHAT I --

23 Q. WELL, DID YOU TELL THE TRUTH IN FEBRUARY?

24 A. YES. I GIVE THEM WHAT I GAVE THEM AT THAT
25 MOMENT.

1 Q. OKAY. AND THEN IN MARCH, YOU GAVE A
2 RECORDED STATEMENT. WAS THAT THE TRUTH?

3 A. YES, SIR. WITH THE GLITCHES IN BETWEEN IT
4 HERE AND THERE.

5 Q. GLITCHES IN BETWEEN IT SAYING THAT THE
6 TAPE RECORDER MESSED UP YOUR VOICE OR MESSED UP THE
7 WAY YOU ANSWERED THE QUESTION?

8 A. NO, SIR. JUST SPECIFIC QUESTIONS.

9 Q. THAT --

10 A. NOT --

11 Q. THAT YOU DIDN'T UNDERSTAND OR THAT YOU
12 ANSWERED WRONG?

13 A. NO, SIR. IT WASN'T MONOLOGUED DIRECTLY
14 WITH ALL OF THE WORDS THAT WERE BEING PRESENTED THAT
15 SHOULD HAVE BEEN PRESENTED JUST POINT BLANK, STRAIGHT
16 OUT QUESTIONS AND STRAIGHT ANSWERS.

17 Q. OKAY. SO SOMETIMES THE QUESTIONS DICTATED
18 THE ANSWER? IS THAT WHAT YOU'RE SAYING?

19 A. NO, SIR. I'M SAYING IT WAS SHORTER THAN
20 WHAT THE ANSWER COULD HAVE BEEN.

21 Q. IT WAS SHORTER-- YOU HELD BACK SOME
22 INFORMATION?

23 A. NO, SIR. THE POINT BLANK QUESTIONS I WAS
24 ASKED WERE JUST POINT BLANK. COULDN'T PROVIDE AND
25 READ OFF TWO MORE LINES FOR ONE LINE THAT WAS --

1 Q. OKAY. GO AHEAD. WELL, AM I UNDERSTANDING
2 NOW THAT THE QUESTIONS DIDN'T LEND THEMSELVES TO YOUR
3 GIVING LONG ANSWERS?

4 A. YES, SIR.

5 Q. OH. SO -- AND YOU DIDN'T SAY WAIT A
6 MINUTE, I WANT TO TELL YOU THE WHOLE STORY RIGHT NOW?
7 YOU DIDN'T SAY THAT?

8 A. WHEN I TOLD THEM I WOULD GIVE THAT
9 STATEMENT, I SAID YES, I WOULD GIVE IT OF MY OWN FREE
10 WILL.

11 Q. OKAY. AND WAS IT THE WHOLE STORY?

12 A. IT WAS THE WHOLE STORY EXCEPT FOR WHAT
13 WEREN'T IN IT.

14 Q. OKAY. WELL, THEN IT WASN'T THE WHOLE
15 STORY, WAS IT?

16 A. IT WEREN'T COMPLETE, NO, SIR.

17 Q. ALL RIGHT. THEN I GUESS YOU DIDN'T GIVE
18 ANY MORE STATEMENTS UNTIL THE DAY THAT YOU PLED
19 GUILTY. IS THAT CORRECT?

20 A. THE DAY THAT I PLED GUILTY.

21 Q. RIGHT?

22 A. I HADN'T GIVEN ANY STATEMENTS BUT THE TWO
23 THAT THEY PRESENTED TO ME, THE TAPED ONE AND THE
24 WRITTEN ONE.

25 Q. WELL, NOW, WHEN YOU PLED GUILTY, YOU WERE

1 ASKED QUESTIONS TOO, WEREN'T YOU?

2 A. TRIED TO CLARIFY THE TWO STATEMENTS.

3 Q. OKAY. SO BETWEEN MARCH THE 10TH OF '95
4 AND NOW WE'RE IN MARCH OF '97, YOU DIDN'T GIVE ANY
5 STATEMENTS IN BETWEEN. IS THAT CORRECT?

6 A. I WROTE SEVERAL DIFFERENT ORGANIZATIONS
7 ASKING FOR HELP TO IMPROVE WHAT HAPPENED IN THIS.

8 Q. YOU -- BUT YOU DIDN'T MAKE ANY STATEMENTS
9 TO LAW ENFORCEMENT. YOU DIDN'T -- THEY DIDN'T COME
10 BACK AND RETAPE OR RECORD YOU, ASKING FOR ANY
11 EXTENDED INFORMATION, ANYTHING ELSE; IS THAT RIGHT?

12 A. OH, NO, SIR. JUST THOSE TWO DAYS -- I
13 MEAN, THOSE TWO TAPED ONES AND THE TALKED ONE.

14 Q. ALL RIGHT. NOW, BEFORE YOU GAVE THE
15 STATEMENT ON FEBRUARY THE 25TH, HAD YOU TALKED TO LAW
16 ENFORCEMENT BEFORE THAT?

17 A. SAY THAT AGAIN.

18 Q. YOU HAD -- HAD YOU TALKED TO LAW
19 ENFORCEMENT BEFORE FEBRUARY THE 25TH?

20 A. HAVE I TALKED TO THEM? YES.

21 Q. YOU TALKED TO THEM BEFORE THE FIRST
22 STATEMENT?

23 A. YES, SIR.

24 Q. RIGHT? WHICH IS NOT WRITTEN UP PROPERLY
25 YOU SAY AND IS NOT THE WRITINGS THAT YOU SAW SOMEBODY

1 TAKING DOWN, WHAT WE'VE BEEN PRESENTED?

2 A. WELL, THAT ONE THERE THAT'S BEING
3 PRESENTED, I DIDN'T GET -- I DIDN'T LOOK AT THAT WHEN
4 I SIGNED THAT. I SIGNED THAT -- THE ONE THAT I GAVE
5 THEM THAT THE FIVE OF THEM WROTE INDIVIDUALLY.

6 MR. LAWSON: BEAR WITH ME ONE MOMENT, YOUR
7 HONOR.

8 THE COURT: ALL RIGHT, SIR.

9 BY MR. LAWSON:

10 Q. I'VE JUST BEEN HANDED SOMETHING HERE. AND
11 YOU WEREN'T ASKED ABOUT A PRIOR CONVICTION. YOU HAVE
12 A PRIOR CONVICTION FOR DISTRIBUTION OF MARIJUANA; IS
13 THAT CORRECT?

14 A. YES, SIR.

15 Q. AND THAT WAS HERE IN MARLBORO COUNTY?

16 A. YES, SIR.

17 Q. ALL RIGHT. AND SO THAT IS -- YOU HAVEN'T
18 BEEN PARDONED FOR THAT?

19 A. NO, SIR. I PROMISED THE JUDGE I WOULDN'T
20 COME BACK BEFORE HIM AGAIN.

21 Q. OKAY. THAT WASN'T JUDGE COTTINGHAM, WAS
22 IT?

23 A. YES, SIR.

24 Q. WELL, YOU'RE GOING TO BE BACK IN FRONT OF
25 HIM AGAIN, AREN'T YOU?

1 A. THAT'S WHAT I SAID. I HAD TO APOLOGIZE TO
2 HIM.

3 Q. OKAY. NOW, BACK ON FEBRUARY THE 25TH,
4 1995, ON FEBRUARY 25TH, 1995, YOU GO AND YOU TALK
5 WITH LAW ENFORCEMENT AND THERE IS ABOUT FIVE PEOPLE
6 THERE?

7 | A. YES, SIR.

8 Q. WHO WERE THE FIVE PEOPLE THAT WERE THERE?

9 A. HAROLD JACOBS, FRED KNIGHT, SHERIFF CHUCK
10 FOLEY, JERRY STARNES AND FRAZIER.

11 Q. OKAY. ALL FIVE OF THEM WRITING DOWN
12 NOTES?

13 A. YES, SIR.

14 Q. SHERIFF -- SHERIFF DID?

15 A. YES, SIR. ALL OF THEM.

16 Q. YOU WATCHED HIM?

17 A. YES, SIR.

18 Q. HE TOOK NOTES DOWN HIMSELF?

19 A. THEY DIDN'T TAKE NOTES. THEY WROTE THREE
20 OR FOUR PAGES.

21 O. WROTE WHAT YOU SAID?

22 A. NOT COMPLETELY EXACTLY, NO. THEY WROTE IT
23 IN --

24 O. WELL --

25 | A. THE WAY THEY SEEN HOW TO WRITE IT.

Q. OKAY. BUT WHAT I'M SAYING IS THE SHERIFF SAT RIGHT THERE, AND AS YOU TALKED, HE WAS TAKING NOTES FROM WHAT YOU SAID?

A. YES, SIR. ALL OF THEM DID.

Q. ALL OF THEM DID. NOW, I WANT TO ASK YOU SOMETHING.

A. YES, SIR.

Q. IN 1995, WHEN YOU GAVE THAT STATEMENT, ESPECIALLY THE ONE OVER ON MARCH 10TH, THE TAPED STATEMENT, WOULDN'T YOUR MEMORY BACK THEN BE A LOT BETTER THAN IT IS TODAY?

A. WHY?

Q. I'M ASKING THE QUESTIONS. YOU ANSWER THEM. WOULD IT HAVE BEEN BETTER AS TO WHAT HAPPENED IN 1994 THAN YOUR MEMORY IS TODAY?

A. IT'S JUST THE SAME.

Q. IT'S THE SAME?

A. I DIDN'T DETAIL SOME THINGS UNTIL I GOT TO COURT HERE TODAY AND PRESENTED IT TODAY THIS WAY.

Q. WHAT DAY DID ROBERT GRAHAM MOVE INTO THAT TRAILER?

A. HE MOVED IN THERE -- LORD, THAT WAS THREE -- THREE OR FOUR MONTHS AFTER I MOVED UP THERE.

Q. THREE OR FOUR MONTHS AFTER YOU MOVED UP THERE? AND YOU HAD BEEN THERE TWO YEARS?

1 A. WELL, I WAS THERE TWO YEARS. THEY --
2 WELL, ABOUT THREE OR FOUR MONTHS THAT I WAS THERE, A
3 YEAR. THEY HADN'T BEEN THERE LONG, I DON'T THINK.

4 Q. OKAY. WHAT MONTH WAS IT THEY MOVED IN?

5 A. I DON'T KNOW, SIR.

6 Q. OKAY. THAT'S A LONG TIME AGO, WASN'T IT?

7 A. WELL, IT'S BEEN FOUR YEARS NOW. TWO THERE
8 AND TWO LOCKED UP. IT'S BEEN AWHILE.

9 Q. OKAY. WELL, WHEN DO YOU THINK YOU WOULD
10 HAVE COME CLOSER TO REMEMBERING WHEN THEY MOVED IN,
11 THE DAY AFTER THEY MOVED IN OR TWO WEEKS AFTER THEY
12 MOVED IN?

13 A. I COULDN'T GIVE YOU THAT BECAUSE I DON'T
14 KNOW WHAT DAY OR WHAT MONTH OR WHAT PART OF THE YEAR
15 IT WAS.

16 Q. OKAY. I AIN'T ASKING YOU WHEN IT WAS.
17 I'M ASKING YOU WOULD YOU REMEMBER MORE LIKELY THAN
18 NOT THE CLOSER TO THE TIME OR THE FURTHER AWAY FROM
19 THE TIME THAT I ASKED YOU?

20 A. I DON'T KNOW WHEN IT WOULD BE.

21 Q. ALL RIGHT. NOW, YOU'RE TELLING US THAT
22 RIGHT NOW WHAT YOU SAY IS EVERYTHING. RIGHT?

23 A. TO WHAT'S GOING ON HERE TODAY? OR TO WHAT
24 YOU JUST ASKED ME ABOUT NOT KNOWING WHEN THEY MOVED
25 IN?

1 Q. TO WHAT WE ARE DOING IN THIS MARVELOUS OLD
2 COURTHOUSE.

3 A. THIS HERE IS SUPPOSED TO BE TO CLARIFY
4 WHAT HAPPENED AND SHOW WHO'S GUILTY. YES, TO PRESENT
5 ALL OF IT.

6 Q. AND THE TRUTH. RIGHT?

7 A. YES, SIR.

8 Q. GOT TO TELL THE TRUTH, DON'T YOU?

9 A. YES, SIR.

10 Q. AND THE TRUTH IS PRETTY MUCH WHAT YOU SAID
11 ON MARCH THE 10TH, 1995, ISN'T IT?

12 A. YES, SIR.

13 Q. PRETTY MUCH. BUT THERE'S SOME DIFFERENCE?

14 A. YES, SIR. LIKE I SAID, IT WAS WRITTEN AND
15 TAKEN. NO, I DIDN'T DO IT. I JUST TRIED TO PUT IT
16 OUT AS GOOD AS I COULD THE WAY IT WAS SUPPOSED TO
17 HAVE BEEN.

18 Q. THE WAY IT WAS SUPPOSED TO HAVE BEEN?

19 A. THE WAY IT SHOULD BE READ AND SAID IN
20 COURT LIKE I'M TRYING TO DO TODAY.

21 Q. LIKE YOU'RE TRYING TO DO TODAY, THE WAY IT
22 SHOULD BE SAID. NOW, YOU HAVE SAID THAT ROBERT WAS
23 AT THE TRAILER. ROBERT GRAHAM?

24 A. YES, SIR.

25 Q. WELL, NOW, OF COURSE AT ONE TIME YOU GAVE

1 A STATEMENT AND YOU SAID YOU THOUGHT HE WAS THERE.

2 IS THAT RIGHT?

3 A. YES, SIR.

4 Q. ALL RIGHT. AND THE REASON YOU THOUGHT HE
5 WAS THERE IS BECAUSE THAT'S WHERE HE LIVED. RIGHT?

6 A. NOT ONLY THAT, SIR, NO.

7 Q. WELL, WHY ELSE DID YOU THINK HE WAS THERE?

8 A. WHY ELSE DID I THINK HE WAS THERE?

9 Q. YEAH.

10 A. BECAUSE HE WAS THERE, AND I JUST DIDN'T
11 MENTION THE NAMES LIKE THE REST OF THEM.

12 Q. NO, YOU SAID ROBERT WAS THERE.

13 A. I SAID ROBERT GRAHAM WAS THERE THAT
14 MORNING, THAT DAY AT THE COOKOUT AND THEN THAT NIGHT
15 AT THE PARTY.

16 Q. BUT DIDN'T YOU GO -- AND WHEN THE OFFICER
17 SAID -- WELL, I TELL YOU WHAT --

18 A. I SAID HE WAS THERE BECAUSE HIM AND RICKY
19 STUCKEY LIVED THERE.

20 Q. THAT'S RIGHT. THAT'S WHY YOU THOUGHT
21 ROBERT WAS THERE, ISN'T IT?

22 A. YES.

23 Q. ROBERT WASN'T IN A CAR WITH YOU AT ANY
24 TIME, WAS HE? ROBERT GRAHAM?

25 A. I'VE BEEN IN THE CAR WITH HIM SEVERAL

1 TIMES.

2 Q. ALL RIGHT. BUT YOU AIN'T NEVER BEEN IN
3 THE CAR WITH HIM ABOUT WHAT WE'RE IN THIS MARVELOUS
4 OLD COURTROOM ABOUT, HAVE YOU?

5 A. OH, NO, SIR.

6 Q. YOU'RE NOT TRYING TO TELL US NOW THAT YOU
7 LEFT HIS NAME OUT ON THE -- AS BEING SOMEBODY ON THE
8 BRIDGE, ARE YOU?

9 A. NO, SIR. HE WEREN'T THERE.

10 Q. HE WASN'T THERE?

11 A. NO.

12 Q. AND HE WASN'T EVER IN A CAR WITH YOU IN
13 RELATION TO THIS CASE, WAS HE?

14 A. OH, NO, SIR.

15 Q. AND YOU NEVER HEARD ROBERT SAY ANYTHING
16 ABOUT A GIRL OR ANYTHING ELSE IN THAT TRAILER, DID
17 YOU?

18 A. NO. THEY WERE JUST PRESENT WHEN I CAME TO
19 HAVE KNOWLEDGE OF HER BEING THERE.

20 Q. ALL RIGHT. AND YOU NEVER SAID ANYTHING TO
21 ROBERT ABOUT IT, DID YOU?

22 A. I NEVER SAID ANYTHING TO ANY OF THEM. I
23 JUST -- UNTIL THE SECOND TIME. THAT'S WHEN I TOLD
24 THEM TO TAKE ME HOME; THEY WERE GOING TO BE IN
25 TROUBLE, THAT GIRL IN THERE LIKE THAT.

1 Q. BUT YOU DIDN'T SAY THAT TO ROBERT?

2 A. NO, SIR. NOT TO ANYONE SPECIFICALLY.
3 JUST TO THE ONES THAT WERE THERE.

4 Q. ROBERT NEVER AGREED WITH YOU OR AS FAR AS
5 YOU KNOW WITH ANYONE ELSE IN THIS CASE TO DO ANYTHING
6 IN RELATION TO THIS GIRL, DID YOU?

7 A. NO, SIR. I DIDN'T EITHER.

8 Q. YOU DIDN'T AGREE TO DO ANYTHING?

9 A. NO, SIR.

10 Q. AS I UNDERSTAND WHAT YOU SAY HAPPENED, YOU
11 WERE KIND OF DUPED INTO THIS, THOUGH. IS THAT RIGHT?

12 A. SORT OF SO.

13 Q. YEAH. BECAUSE YOU THOUGHT YOU WERE GOING
14 TO GET YOU A BOTTLE OF LIQUOR. RIGHT?

15 A. WELL, I WENT TO THE PARTY AND ALL TO GET
16 HIGH AND TALK TO PEOPLE, AND SAME WAY WHEN I WENT TO
17 GET MY -- I WANTED TO GO GET ME SOME LIQUOR WHEN THEY
18 PICKED HER UP THE LAST TIME. YES, SIR. IT WAS JUST
19 COINCIDENCE. I WAS PUT IN -- PUT IN CIRCUMSTANCES.

20 Q. YOU WERE IN THE WRONG PLACE AT THE WRONG
21 TIME. IS THAT WHAT YOU'RE SAYING?

22 A. I WAS IN A MESS.

23 Q. OKAY. NOW, AND WHAT YOU'RE -- I THINK
24 WHAT YOU TESTIFIED TO IS THAT BASICALLY YOU THOUGHT
25 WHEN YOU GOT IN THE CAR YOU WERE JUST GOING TO GET A

1 BOTTLE OF LIQUOR?

2 A. YES, SIR. THAT'S WHAT I ASKED TO DO.

3 Q. BUT THEN THEY MADE YOU GO WITH THEM?

4 A. NO, SIR.

5 Q. WELL, THEY WOULDN'T LET YOU OUT?

6 A. WELL, NO SIR. IT WASN'T THAT. THEY JUST
7 ALL OF A SUDDEN PULLED -- TURNED IN, PULLED UP THERE
8 WHERE THAT SHACK WAS AND BROUGHT HER OUT AND THREWED
9 HER IN THE CAR.

10 Q. ALL RIGHT. NOW, BUT THEN THEY DIDN'T TAKE
11 YOU RIGHT HOME EITHER. THEY TOOK YOU WITH THEM?

12 A. OH, YES, SIR.

13 Q. OKAY. AND THEN THE NEXT TIME, I
14 BELIEVE -- OR AS BEST AS YOU KNOW, THE NEXT TIME THAT
15 SHE WAS PLACED IN A CAR, YOU WERE BASICALLY PUT BACK
16 IN THE CAR AGAIN IN THE SAME WAY. RIGHT?

17 A. RIGHT. WE JUST GOT THAT MIXED UP. THEY
18 PUT HER IN THE CAR THAT NIGHT FROM THE PARTY AND TOOK
19 HER TO THE SHACK I WAS TELLING SHE WAS IN. BUT ABOUT
20 WHEN THEY WAS TAKING ME TO GET THE BOTTLE OF LIQUOR,
21 THAT'S WHEN THEY WERE IN THE SHACK THEN.

22 Q. OKAY. WELL, HOW -- OKAY. ALL RIGHT.
23 THAT'S RIGHT. THEY PUT YOU IN THE CAR THAT NIGHT?

24 A. TO TAKE ME HOME.

25 Q. TO TAKE YOU HOME?

1 A. YES, SIR.

2 Q. AND THEN THE SECOND TIME WAS WHEN YOU WERE
3 GOING TO GET THE BOTTLE OF LIQUOR?

4 A. LAST TIME WAS WHEN I WAS GOING TO GET THE
5 BOTTLE OF LIQUOR WHEN I SEEN THEM.

6 Q. OKAY. HOW MANY TIMES WERE YOU IN THE CAR
7 WHEN THIS -- WITH THIS GROUP OF INDIVIDUALS THAT ARE
8 CHARGED HERE, OTHER THAN ROBERT GRAHAM, AND -- AND
9 THE VICTIM, DARLENE PATTERSON?

10 A. THAT NIGHT WHEN I ASKED THEM TO TAKE ME
11 HOME AND THEN THAT NIGHT THEY PICKED HER UP FROM THE
12 SHACK AND TOOK HER TO THE WATER HOLE.

13 Q. OKAY. SO BOTH TIMES THAT YOU WERE IN THAT
14 VEHICLE OR A VEHICLE, BOTH OF THOSE TIMES WAS BASED
15 ON YOU BEING MISLED INTO BEING INTO THAT SITUATION?

16 A. YEAH, IT WAS UNDERSTOOD TO BE THAT WAY.

17 Q. OKAY. AND YOU HAVE PLED UNDER ALFORD
18 VERSUS NORTH CAROLINA; IS THAT CORRECT?

19 A. YES, SIR.

20 Q. YOU PLED BECAUSE YOU KNEW WHAT HAPPENED
21 AND YOU KNEW WHAT WAS GOING ON?

22 A. WELL, I PLED BECAUSE I FELT GUILTY ON WHAT
23 HAPPENED AND NOT DOING NOTHING ABOUT IT AFTER IT
24 HAPPENED.

25 Q. OKAY. NOW, WHEN YOU HAVE -- YOU SAY AN

1 EIGHT-MONTH DRUNK AND THEN A YEAR -- A THREE-YEAR
2 DRUNK ON TOP -- WHAT WERE YOU SAYING? I CAN'T -- I'M
3 TOTALLY LOST NOW.

4 A. THREE YEARS I WAS IN A PHASE OF DRINKING
5 AND DRUGS REAL HEAVY. THE PAST EIGHT OR NINE MONTHS,
6 DEPRESSION HAD SET ON ME REAL BAD AND I JUST HAD TO
7 HAVE SOMETHING EVERY DAY.

8 Q. OKAY. SO THAT'S -- AT THE POINT THAT THIS
9 OCCURRED, YOU WERE IN THE MIDDLE OF A MAJOR
10 DEPRESSIVE PERIOD IN WHICH YOU HAD DRANK EVERY DAY
11 FOR EIGHT TO NINE MONTHS?

12 A. YES, SIR.

13 Q. ALL RIGHT. AND DURING THOSE PERIODS,
14 THERE WERE TIMES WHEN YOU WOULD LOSE TIME?

15 A. A LITTLE TIME, YES, SIR.

16 Q. OKAY. AND YOU SAW ROBERT I WOULD ASSUME
17 OCCASIONALLY SINCE HE LIVED DOWN THERE?

18 A. YES, SIR. HE'S A PRETTY GOOD OLD BOY.

19 Q. AND NEVER GAVE YOU ANY TROUBLE?

20 A. NO, SIR.

21 Q. NOT AFRAID OF HIM?

22 A. NO, SIR.

23 Q. AND -- AND HE WAS IN AND OUT OF THERE
24 GOING BACK AND FORTH TO WORK AND GOING TO HIS MAMA --
25 HIS MAMA LIVED RIGHT AROUND THE CORNER TOO, DIDN'T

1 SHE?

2 A. YES, SIR. I'VE BEEN THERE WITH HIM.

3 Q. OKAY. AND SO IT WOULDN'T BE UNUSUAL FOR
4 YOU TO THINK DURING THAT PERIOD WITH YOU DRINKING AND
5 ALL -- YOU SAW ROBERT RIGHT REGULAR, DIDN'T YOU?

6 A. YEAH.

7 Q. OKAY. AND IF SOMEBODY ASKED YOU WHO DID
8 YOU SEE AT THAT TRAILER, WOULDN'T IT BE NORMAL FOR
9 YOUR MIND TO THINK OF ROBERT GRAHAM AS BEING AT THAT
10 TRAILER?

11 A. WELL, IT WOULD, SIR, YES. BUT I SAID HE
12 WAS THERE BECAUSE HE WAS, AND I'M TRUTHFUL ABOUT IT.

13 Q. OKAY. AND YOU'RE TELLING THE TRUTH ABOUT
14 IT. THERE IS NO POSSIBILITY IN YOUR MIND THAT YOUR
15 MIND MAY BE PLAYING TRICKS ON YOU ABOUT ANYTHING IN
16 THIS CASE?

17 A. NO, SIR.

18 Q. ALL RIGHT. YOU TESTIFIED THAT THE GIRL IN
19 THE CAR WAS CRYING ON YOUR SHOULDER AND TALKING TO
20 YOU?

21 A. THAT'S WHAT I THOUGHT IT FELT LIKE.

22 Q. DID YOUR MIND PLAY TRICKS ON YOU?

23 A. I FELT LIKE AND THOUGHT THAT'S WHAT WAS
24 GOING ON, AND IT WASN'T.

25 Q. DID YOUR MIND PLAY TRICKS ON YOU?

1 A. I TOLD THEM I DIDN'T KNOW BECAUSE THAT'S
2 WHAT I THOUGHT LIKE AND FELT LIKE.

3 Q. IF SHE DIDN'T, DID YOUR MIND PLAY TRICKS
4 ON YOU?

5 A. MY MIND WOULDN'T LET ME BELIEVE WHAT I
6 DIDN'T WANT TO BELIEVE.

7 Q. BUT YOUR MIND WILL LET YOU BELIEVE?

8 A. MY MIND -- I DIDN'T BELIEVE WHAT MY
9 MIND -- ME ONLY, I DIDN'T BELIEVE THIS WAS GOING ON.
10 I DIDN'T BELIEVE ANY OF THIS WAS HAPPENING.

11 Q. AND WHAT TOLD YOU -- OR WHO HAS NOW TOLD
12 YOU WHAT YOUR MIND IS SUPPOSED TO BELIEVE?

13 A. I TOLD MYSELF THEN NOT TO BELIEVE WHAT WAS
14 GOING ON, AND I DIDN'T. BUT NOW, I BELIEVE WHAT WAS
15 GOING ON AND IT WAS REAL.

16 Q. OKAY. SO NOW YOU BELIEVE WHAT WAS GOING
17 ON. THERE IS NO POSSIBILITY ANYWHERE IN YOUR
18 TESTIMONY FOR YOUR MIND TO HAVE PLAYED ANY TRICKS ON
19 YOU?

20 A. THIS IS REAL.

21 Q. HUH?

22 A. THIS IS REAL.

23 Q. THIS IS REAL. THIS IS REAL. AND WHAT YOU
24 WERE DOING AT THAT TIME, DRINKING EVERY DAY?

25 A. YES, SIR.

1 Q. TO THE POINT OF PASSING OUT?

2 A. YES, SIR.

3 Q. IS REAL TOO.

4 A. YES, SIR.

5 Q. WHAT I'M HAVING PROBLEMS IS -- WITH IS
6 YOUR REFUSAL TO ADMIT TO ME THAT DURING THAT PERIOD
7 OF TIME THINGS HAPPENED THAT YOU LOST AND YOU LOST
8 TRACK OF. THAT'S WHAT I'M SAYING.

9 A. I UNDERSTAND THAT.

10 Q. AND YOU WON'T SAY THAT, WILL YOU?

11 A. NO, SIR. I'VE SAID ALL ALONG THERE'S SOME
12 DAYS MISSING THAT I CAN'T PLACE.

13 Q. THERE'S DAYS MISSING. YOU ARE SAYING
14 THAT, THEN?

15 A. YES, SIR.

16 Q. OKAY. BECAUSE I THINK THAT AT SOME POINT
17 IN TIME, YOU HAD THOUGHT THAT -- THAT THE YOUNG --
18 THE VICTIM WAS AT THE TRAILER FOR THREE OR FOUR DAYS?

19 A. NO, SIR. I SAID IT SEEMED LIKE A DAY OR
20 TWO.

21 Q. A DAY OR TWO?

22 A. YES, SIR.

23 Q. YOU NEVER SAID THREE OR FOUR?

24 A. WELL, I SAID THREE OR FOUR, BUT THE DAY
25 COUNTING THAT I SEEN HER THAT NIGHT AND THE DAY AT

1 THE PARTIES.

2 Q. OKAY. WELL, LET ME ASK YOU, HOW DO YOU
3 NOW KNOW THAT THE DAY THAT YOU PASSED OUT WAS THE
4 SAME DAY THAT YOU WOKE UP AND WENT BACK?

5 A. IT WAS THAT NIGHT WHEN I WENT BACK.

6 Q. HOW DO YOU KNOW THAT?

7 A. HOW DO I KNOW THAT? BECAUSE I -- WHEN I
8 PASSED OUT AND WENT TO SLEEP AND I SAT AROUND AND
9 DRANK ME SOME MORE CREEK LIQUOR, AND THEN THAT NIGHT
10 THEY CAME BACK AND GOT ME.

11 Q. HOW DO YOU KNOW THAT?

12 A. AND THEY TOOK ME DOWN THERE.

13 Q. DID SOMEBODY TELL YOU THAT THIS IS
14 TONIGHT?

15 A. I COULD SEE WITH MY OWN EYES, SIR.

16 Q. YOU COULD SEE WITH YOUR OWN EYES. YOU
17 COULD SEE THAT THE SUN HADN'T COME UP AND SAT AGAIN
18 AND IT WAS THE NEXT NIGHT THAT YOU WOKE UP?

19 A. NO, SIR. IT WASN'T THE NEXT NIGHT. IT
20 WAS THE SAME NIGHT.

21 Q. BUT YOU COULD TELL THAT?

22 A. YES, SIR. IT WAS THE SAME NIGHT.

23 Q. SAME NIGHT. SO NOW ALL OF THAT HAPPENED
24 IN ONE NIGHT, NOT TWO OR THREE DAYS?

25 A. COOKOUT AND PARTY WAS IN ONE DAY.

1 Q. OKAY. THE COOKOUT, YOU'RE SURE THEY WAS
2 COOKING PIG FEET THAT DAY IN NOVEMBER?

3 A. I DIDN'T LOOK IN THE POT, NO, SIR.

4 Q. YOU DIDN'T EAT NOTHING?

5 A. NO, SIR. ROBERT GRAHAM TOOK BETTY CAULDER
6 TO GO GET SOME BEER.

7 Q. HE DID?

8 A. YES, SIR.

9 Q. AND THEN ROBERT LEFT, DIDN'T HE?

10 A. YES, SIR.

11 Q. AND HE DIDN'T COME BACK BEFORE YOU LEFT.
12 YOU WERE GONE BEFORE HE CAME BACK, WEREN'T YOU?

13 A. I --

14 Q. IF HE CAME BACK.

15 A. I DON'T KNOW IF HE WAS THERE THEN OR NOT.
16 I KNOW SOMEBODY WOKE ME UP LATER AND TOOK ME HOME.
17 THE NEXT TIME I SEEN HIM WAS THAT NIGHT. AND I DON'T
18 KNOW IF HE WAS THERE THE REST OF THAT DAY OR NOT, NO,
19 SIR.

20 Q. BUT YOU KNOW HE LEFT?

21 A. YES, SIR. HE -- YEAH, HE LEFT.

22 Q. NOW, WHEN -- WHEN YOU SAY CREEK LIQUOR,
23 YOU'RE TALKING ABOUT MOONSHINE?

24 A. YEAH. BOOTLEG.

25 Q. BOOTLEG LIQUOR. YOU'RE TALKING ABOUT

1 BOOTLEG, YOU'RE TALKING ABOUT LIQUOR -- STILL LIQUOR
2 OR ARE YOU TALKING ABOUT UN -- YOU KNOW, WHERE YOU
3 BUY IT FROM A BOOTLEGGER BUT IT'S STILL DISTILLED
4 LIQUOR; YOU'RE JUST GETTING IT WHEN THE LIQUOR STORE
5 AIN'T OPEN? WHICH WAY ARE YOU TALKING ABOUT?

6 A. IT'S MOONSHINE. CREEK.

7 Q. REAL LIVE WHITE MOONSHINE?

8 A. OH, YEAH.

9 Q. YEAH. AND AM I -- AND ONE TIME DURING ONE
10 OF THE OCCASIONS IN THIS CASE I THOUGHT YOU SAID YOU
11 SHOTGUNED THE REST OF YOUR QUART OR HALF PINT OR
12 PINT, WHATEVER?

13 A. MY PINT.

14 Q. YOUR PINT.

15 A. WHEN THEY WERE COMING UP TO ME.

16 Q. WHAT DOES SHOTGUN MEAN?

17 A. KNOCKED IT OUT STRAIGHT.

18 Q. JUST DRANK IT STRAIGHT DOWN?

19 A. YES, SIR.

20 Q. SO NOBODY ELSE WOULD ASK YOU FOR ANY OF
21 IT?

22 A. THAT WAS MY INTENTIONS.

23 Q. OKAY.

24 THE COURT: MR. LAWSON, HOW LONG DO YOU
25 CONCLUDE THAT THIS CROSS-EXAMINATION WILL GO? THE

1 JURY HAS BEEN OUT NOW SINCE 2:30. IF YOU NEED SOME
2 MORE ADDITIONAL TIME, I'LL CERTAINLY GIVE IT TO YOU.

3 MR. LAWSON: WE CAN TAKE A BREAK, YOUR
4 HONOR.

5 THE COURT: DO YOU THINK YOU'RE ABOUT
6 THROUGH WITH YOUR CROSS-EXAMINATION?

7 MR. LAWSON: WE CAN TAKE A BREAK, YOUR
8 HONOR.

9 THE COURT: NO, GO AHEAD -- LET ME LET YOU
10 GO AHEAD A LITTLE WHILE AND SEE HOW LONG -- BUT THE
11 JURY HAS BEEN OUT SINCE 2:30. GO AHEAD.

12 MR. LAWSON: I KNOW. I'M FEELING THAT NO
13 BREAK TOO, JUDGE.

14 THE COURT: ALL RIGHT.

15 BY MR. LAWSON:

16 Q. MR. RANSOM, YOU KNOW, I HAD ASKED YOU
17 ABOUT ROBERT AND YOU SEEING HIM THERE AND YOU WERE
18 ASKED IN YOUR RECORDED STATEMENTS TO NAME THE PEOPLE
19 THAT YOU SAW THERE. AND DO YOU RECALL SAYING I
20 BELIEVE I SEEN ROBERT IN THERE ONE TIME BECAUSE HE
21 STAYED THERE? DO YOU REMEMBER SAYING THAT?

22 A. YES. THAT'S WHAT I SAID.

23 Q. OKAY. AND DO YOU REMEMBER WHEN MR. KNIGHT
24 THEN SAID ROBERT WHO? AND YOU RESPONDED BIG ROBERT
25 GRAHAM. I CAN'T BE FOR SURE. I KNOW THERE WAS A

1 CROWD THERE. I JUST DIDN'T REMEMBER THEIR NAMES OR
2 NOTHING, YOU KNOW. THERE WAS A BUNCH OF PEOPLE
3 THERE?

4 A. YES, SIR.

5 Q. SO WHEN YOU SAID ROBERT GRAHAM, YOU KNOW,
6 I CAN'T BE FOR SURE, WERE YOU TELLING AGENT KNIGHT
7 THE TRUTH AT THAT TIME?

8 A. I WAS TELLING HIM I DIDN'T WANT TO MENTION
9 SOMEONE'S NAME AT THAT POINT.

10 Q. THAT'S WHAT YOU WERE SAYING THERE?

11 A. THAT'S WHAT I WAS SAYING. I DIDN'T CARE
12 TO MENTION. RATHER NOT, IF HE WAS THERE OR NOT.

13 Q. OKAY. SO THAT'S A CODE THAT YOU USE
14 THROUGHOUT HERE, BUT YOU MENTIONED HIS NAME, ROBERT
15 GRAHAM?

16 A. YES, SIR. BUT I DIDN'T WANT TO DEFINITELY
17 FINGERPOINT HIM FOR DOING SOMETHING OR BEING
18 SOMEWHERE.

19 Q. SO IN OTHER WORDS, YOU WERE LYING?

20 A. NO, SIR. I WAS TELLING THE TRUTH. I JUST
21 DIDN'T COME STRAIGHT OUT WITH IT.

22 Q. WELL, YOU KNOW --

23 A. THAT'S WHAT I'M HERE TO DO TODAY.

24 Q. OH, OKAY. YOU'RE DOING IT TODAY?

25 A. YES, SIR.

1 Q. WE'RE ALL SUPPOSED TO NOW BELIEVE
2 MR. RANSOM BECAUSE WHAT HE SAID ON THE 10TH OF MARCH
3 WAS CODED?

4 A. NO, SIR. Y'ALL ARE EXPECTED TO BELIEVE
5 WHAT Y'ALL WANT; NOT WHAT I SAY.

6 Q. NO, NO, NO, NO. NOT AT ALL. WHAT I WANT
7 TO KNOW, HOW YOU'RE GOING TO CONVINC ME THAT ON
8 MARCH THE 150TH, YOU WERE TRYING TO PROTECT ROBERT
9 GRAHAM BY PUTTING HIS NAME IN THIS CASE.

10 A. I DIDN'T SAY PROTECT. I DIDN'T CARE TO
11 INVOLVE THE ONES' NAMES THAT I WEREN'T READY TO
12 PRESENT TO THE COURT OR WHAT WAS GOING ON UNTIL IT
13 WAS TIME TO DO SO.

14 Q. ALL RIGHT. WHAT WERE YOU DOING, THEN?
15 WERE YOU HOLDING BACK TO TRY AND USE THEM AS CHIPS IN
16 A DEAL THAT YOU WERE TRYING TO CUT FOR YOURSELF?

17 A. NO, SIR.

18 MR. LAWSON: I DON'T HAVE ANY MORE
19 QUESTIONS.

20 THE COURT: ALL RIGHT, SIR. DO YOU HAVE
21 ANY FURTHER QUESTIONS?

22 MR. WILSON: NO, SIR.

23 THE COURT: YOU MAY COME DOWN. LET'S TAKE
24 A BREAK AND WE'LL CALL YOU BACK VERY SHORTLY.

25 (WHEREUPON, THE JURY WAS REMOVED

FROM THE COURTROOM AND THE
FOLLOWING PROCEEDINGS COMMENCED
IN OPEN COURT.)

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

THE COURT: ALL RIGHT. LET THE RECORD
REFLECT THAT ALL ARE PRESENT, INCLUDING THE
DEFENDANTS. MR. ERVIN, YOU HAVE SOMETHING YOU WANTED
TO STATE?

MR. ERVIN: AS JUST DISCUSSED IN CHAMBERS,
THERE WAS SOME TESTIMONY FROM BOBBY RANSOM THAT HE
HAD SEEN SOME PHOTOS IN CONJUNCTION WITH HIS
STATEMENT DATED 2/25/95, AND ALSO SEEN SOME
STATEMENTS THAT DAY PREPARED BY JERRY -- WHATEVER HIS
NAME WAS -- SMITH. SMITH. AND NOTES FROM
STATEMENTS. SOMETHING TO THAT EFFECT. THE SOLICITOR
HAS INDICATED TO ME THAT IN CHECKING WITH THE
OFFICERS THAT NO PHOTOS WERE SHOWN TO THE -- TO
MR. RANSOM AND ALSO NO NOTES. AND I GUESS WE COULD
EITHER STIPULATE TO THAT OR HE -- HOWEVER THE
COURTROOM DEEMS APPROPRIATE.

THE COURT: WHAT'S YOUR POSITION,
MR. SOLICITOR?

MR. WILSON: WELL, ON THE NOTE PART, LET
ME GET THAT CLEAR FIRST. YOUR HONOR, IN REGARDS TO

1 THE NOTES, I DON'T REMEMBER EXACTLY WHAT HIS
2 TESTIMONY WAS. I KNOW HE SAID SOMETHING ABOUT HE SAW
3 THEM WRITING. THESE OFFICERS HAVE INDICATED TO ME
4 THAT YES, THEY WERE WRITING, BUT THAT THEY NEVER TOOK
5 THEIR NOTES OVER AND SHOWED THEM TO HIM AND SAID READ
6 THESE NOTES OR GOT HIS APPROVAL ON THE NOTES. THEY
7 WERE JUST -- WHILE HE WAS TALKING, THEY WERE MAKING
8 NOTES ABOUT WHAT HE WAS TALKING ABOUT.

9 NOW, IF THAT'S WHAT HE'S ASKING, THEN THE ANSWER
10 TO THAT IS YES, THEY DID -- THEY WERE MAKING NOTES
11 FROM THE CONVERSATION THAT THEY WERE HAVING FROM HIM,
12 HANDWRITTEN NOTES THEY WERE DOING FOR THEMSELVES.
13 THERE WAS NO TRANSCRIPTION OF THOSE NOTES TO WHERE HE
14 WAS REQUIRED TO SIGN OR WHERE HE APPROVED THEIR
15 HANDWRITTEN NOTES OR ANYTHING ELSE OR THEY ASKED HIM
16 WERE THEY WERE ACCURATE OR INACCURATE OR ANYTHING OF
17 THAT NATURE AT ANY TIME WHILE THAT I'M AWARE.

18 THE COURT: ALL RIGHT.

19 MR. WILSON: NOW, IN REGARD TO THE SECOND
20 PART OF THE ISSUE, WHICH WAS THE PHOTOGRAPHIC LINEUP,
21 MY UNDERSTANDING, AND I HAVE DISCUSSED THAT WITH
22 THESE OFFICERS DURING THE BREAK, THERE WAS NEVER A
23 LINEUP IN THIS CASE EVER AT ANY POINT IN TIME. THERE
24 WAS A BURGLARY THAT A NUMBER OF THESE DEFENDANTS THAT
25 ARE INVOLVED IN THIS CASE WAS THOUGHT TO HAVE BEEN

1 INVOLVED IN WHICH OCCURRED ON A FRIDAY NIGHT BEFORE
2 THE SATURDAY NIGHT, WHICH WOULD HAVE BEEN FRIDAY
3 NIGHT THE 11TH AFTER A FOOTBALL GAME. THERE WAS SOME
4 BREAK-INS. SOME OF THESE DEFENDANTS WERE SUSPECTS IN
5 THOSE BREAK-INS ON THAT FRIDAY NIGHT, WHICH WOULD
6 HAVE BEEN THE FRIDAY PRECEDING THIS SATURDAY.

7 THERE WAS A LINE-UP MADE FOR THAT. RINGO
8 PEARSON WAS AT THAT POINT IN TIME GOING TO COOPERATE
9 WITH LAW ENFORCEMENT AND IN TRYING TO APPREHEND THOSE
10 PERSONS WHO WERE INVOLVED IN THE BURGLARY. OF
11 COURSE, AS YOU WILL FIND OUT LATER, HE PROBABLY WAS
12 INVOLVED TOO. BUT HE NEVER WENT THROUGH WITH IT. SO
13 HE NEVER SAW THE LINE-UP BECAUSE AFTER THAT HE
14 REFUSED TO COOPERATE. SO THAT LINE-UP WAS NEVER
15 SHOWN TO ANYBODY IS WHAT I HAVE BEEN TOLD TODAY.

16 MR. ERVIN: YOUR HONOR, IT SUITS ME RATHER
17 THAN HIM CALL, THE OFFICER, IF THIS -- IF THIS IS
18 OKAY WITH SOLICITOR WILSON, JUST TO STIPULATE THAT NO
19 PHOTOGRAPHS -- BASED ON THE STATEMENT HE'S MADE, NO
20 PHOTOGRAPHS WERE SHOWN TO BOBBY RANSOM.

21 MR. WILSON: THAT'S -- I WILL STIPULATE
22 THAT NO PHOTOGRAPHS WERE, ACCORDING TO OFFICER
23 JACOBS, OFFICER KNIGHT AND WHO ELSE WAS THERE WHEN
24 WE -- AND OFFICER TOMMY FRAZIER, JACOBS AND STARNES.

25 THE COURT: DOES THAT MEET YOUR CONCERNS,

1 IF ANY, THAT YOU HAVE? WE'LL STIPULATE THAT NO
2 PHOTOGRAPHS WERE SHOWN AND I'LL HAVE HIM DO THAT AS
3 THE JURY COMES BACK OUT. AND DO ALL SIX ATTORNEYS
4 AGREE TO THAT PRIOR --

5 MR. ERVIN: ALL PARTIES STIPULATE.

6 THE COURT: SO THAT WILL ELIMINATE THE
7 NECESSITY OF HAVING TO GO INTO ANY ISSUE OF
8 PHOTOGRAPHY. IS THE NEXT WITNESS READY?

9 MR. WILSON: YES, SIR.

10 THE COURT: ALL RIGHT. MAKE THAT
11 STIPULATION AS SOON AS THE JURY COMES IN. MAKE THAT
12 STIPULATION. BRING THE JURY IN.

13 (WHEREUPON, THE JURY WAS RETURNED
14 TO THE COURTROOM AND THE FOLLOWING
15 PROCEEDINGS WERE COMMENCED IN
16 OPEN COURT.)

17 THE COURT: ALL RIGHT. SOLICITOR, I
18 UNDERSTAND THAT THERE IS A STIPULATION WITH REFERENCE
19 TO SOME TESTIMONY OF THE PREVIOUS WITNESS.

20 MR. WILSON: YES, SIR. THE LAST WITNESS
21 WHO TESTIFIED, MR. RANSOM, THERE WAS SOME TESTIMONY
22 ABOUT WHETHER OR NOT THERE WAS A PHOTOGRAPHIC LINE-UP
23 PICTURE OF SOME TYPE SHOWN TO HIM AT SOME TIME WHEN
24 HE WAS MAKING A STATEMENT. THERE WAS NO PHOTOGRAPHIC
25 LINE-UP EVER DONE OR SHOWN TO HIM AND THE STATE WILL

1 STIPULATE TO THAT.

2 THE COURT: ALL RIGHT. THERE IS A
3 STIPULATION AND AN AGREEMENT THAT A PHOTOGRAPHIC
4 LINE-UP WAS NOT SHOWN TO THAT WITNESS. ALL RIGHT,
5 SIR.

6 WHERE IS THE CLERK? PLEASE HAVE THIS WITNESS
7 COME AROUND AND SWEAR HIM.

8 THE CLERK: PLEASE COME AROUND AND PLACE
9 YOUR LEFT HAND ON THE BIBLE. RAISE YOUR RIGHT HAND
10 AND BE SWORN. PLEASE STATE YOUR FULL NAME FOR THE
11 RECORD.

12 THE WITNESS: JERRY EUGENE WARD.

13 JERRY WARD,
14 HAVING BEEN FIRST DULY SWORN BY THE CLERK OF COURT,
15 TESTIFIED AS FOLLOWS:

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

18 Q. MR. WARD, WOULD YOU STATE YOUR FULL NAME
19 FOR THE COURT.

20 A. JERRY EUGENE WARD, SIR.

21 Q. AND MR. WARD, ARE YOU PRESENTLY
22 INCARCERATED?

23 A. YES, SIR.

24 Q. ALL RIGHT. AND WHERE ARE YOU
25 INCARCERATED?

1 A. DEMOPOLIS, ALABAMA.

2 Q. AND ON WHAT CHARGE, IF YOU KNOW?

3 A. THIRD DEGREE BURGLARY.

4 Q. DO YOU HAVE ANY PENDING CHARGES IN
5 MARLBORO COUNTY?

6 A. NO, SIR.

7 Q. ALL RIGHT. HAVE YOU EVER HAD ANY PENDING
8 CHARGES IN MARLBORO COUNTY?

9 A. NO, SIR.

10 Q. ALL RIGHT. DO YOU HAVE ANY PENDING
11 CHARGES IN SOUTH CAROLINA ANYWHERE?

12 A. NO, SIR.

13 Q. ALL RIGHT. NOW, LET ME ASK YOU, AT SOME
14 POINT IN TIME --

15 THE COURT: YES, SIR. MR. ROGERS.

16 MR. ROGERS: I APOLOGIZE. WE HAVE A BRIEF
17 MATTER OF LAW WE WOULD LIKE TO TAKE UP OUTSIDE OF THE
18 PRESENCE OF THE JURY.

19 THE COURT: LET YOU GO TO YOUR JURY ROOM
20 JUST A MOMENT.

21 (WHEREUPON, THE JURY WAS REMOVED
22 FROM THE COURTROOM AND THE
23 FOLLOWING PROCEEDINGS COMMENCED
24 IN OPEN COURT.)

25 THE COURT: YES, SIR.

1 MR. ROGERS: I APOLOGIZE. IT'S COME TO
2 OUR ATTENTION THAT MR. WARD IS GOING TO TESTIFY BASED
3 ON INFORMATION THAT WAS GIVEN TO HIM FROM ONE OR MORE
4 OF THE DEFENDANTS WHILE THEY WERE IN PRISON.
5 MR. WARD WAS APPARENTLY ACTING AS THEIR LEGAL
6 ADVISOR. IN FACT, ONE OF HIS STATEMENTS INDICATES AS
7 SUCH, THAT THEY TOLD HIM THINGS BECAUSE THEY DIDN'T
8 HAVE AN ATTORNEY. HE WAS ACTING AS THEIR -- HIS --
9 THEIR JAILHOUSE LAWYER.

10 IT IS OUR POSITION THAT BECAUSE THE STATEMENTS
11 WERE MADE TO HIM IN SUCH A FASHION AS THEIR LEGAL
12 REPRESENTATIVE THAT THE ATTORNEY/CLIENT PRIVILEGE
13 ATTACHES.

14 THE COURT: THERE'S A UNITED STATES
15 SUPREME COURT CASE DIRECTLY ON POINT. I CAN'T CITE
16 IT AT THIS MOMENT, BUT I'LL GET IT FOR YOU. HE WAS
17 NOT PRACTIC--- HE'S NOT A LAWYER, NOT IN THE PRACTICE
18 OF LAW. WOULD YOU CARE TO ADDRESS THAT? YOU MAY
19 HAVE THE CASE.

20 MR. WILSON: YES, SIR. THERE'S A CASE
21 DIRECTLY ON POINT. HE IS NOT A LAWYER. THERE WAS
22 NO -- THERE SHOULD NOT HAVE BEEN ANY EXPECTATION OF
23 PRIVACY OR CONFIDENTIALITY BETWEEN HIM AND THEM. AND
24 NOT ONLY THAT, IN THIS PARTICULAR SITUATION WHAT WE
25 CAN SHOW IS THAT THERE WAS COMMUNICATION THAT EACH OF

1 THESE DEFENDANTS WAS TALKING TO HIM, KNEW THAT HE WAS
2 TALKING WITH THE OTHER DEFENDANT, AND THEY WERE GOING
3 BACK AND FORTH, WHICH IS EXACTLY WHAT WAS HAPPENING
4 HERE.

5 THE COURT: MR. ROGERS, YOU ARE PROTECTED
6 FOR THE RECORD ON THE ISSUE, BUT THAT HAS PREVIOUSLY
7 BEEN --

8 MR. REDMOND: AND I NEED TO JOIN IN THAT
9 MOTION.

10 THE COURT: I'LL ACCEPT THAT AS FROM ALL
11 SIX OF YOU, AND THAT IS RESPECTFULLY OVERRULED. THE
12 UNITED STATES SUPREME COURT HAS ADDRESSED THAT.
13 THERE'S NO EXPECTATION OF PRIVACY. HE'S NOT IN THE
14 PRACTICE OF LAW, NEVER HELD HIMSELF OUT IN THE
15 PRACTICE OF LAW.

16 MR. ROGERS: VERY WELL. THE SECOND MATTER
17 IS WE NEED TO SETTLE MR. WARD'S RECORD. I DON'T
18 THINK WE'VE BEEN PROVIDED WITH A RAP SHEET, SO WE
19 DON'T KNOW WHAT HE'S BEEN IN PRISON FOR AND WHETHER
20 THERE ARE ANY IMPEACHABLE CONVICTIONS.

21 THE COURT: CAN WE PROCEED WHILE IT'S
22 BEING MADE AVAILABLE TO YOU?

23 MR. WILSON: YOUR HONOR, GIVE ME A MINUTE
24 BECAUSE I WANT THEM TO HAVE IT BEFORE WE ACTUALLY
25 START. I THOUGHT THEY HAD IT AND I'M SORRY.

1 MR. ROGERS: I HAVEN'T SEEN IT. I DON'T
2 KNOW ANYTHING ABOUT IT.

3 MR. WILSON: YOUR HONOR, I'M NOT SURE WE
4 HAVE IT. IT WILL TAKE FIVE MINUTES. IF YOU WILL
5 GIVE US FIVE MINUTES, WE'LL HAVE IT FOR THEM.

6 THE COURT: YES, SIR, IF THAT -- YES, SIR.
7 WE CAN DO THAT.

8 MR. ROGERS: I APOLOGIZE, YOUR HONOR.

9 THE COURT: NO, THAT'S FINE. YOU SHOULD
10 HAVE HAD IT.

11 MR. WILSON: YES, SIR. I'M SORRY. I
12 SHOULD HAVE HAD IT.

13 THE COURT: MR. PADGETT, MOTION GRANTED TO
14 PROCURE A RAP SHEET ON THIS WITNESS.

15 (WHEREUPON, A BREAK WAS TAKEN
16 FROM THE PROCEEDINGS.)

17 THE COURT: OKAY. ARE WE NOW READY TO
18 PROCEED?

19 MR. WILSON: JUDGE, WE NEED TO SETTLE THE
20 RECORD, GET CLEAR WHICH ONES WE CAN USE AND WHICH
21 ONES MAY BE A PROBLEM. I DON'T HAVE ANY OBJECTION TO
22 ANYTHING THAT'S ON THERE. THEY CAN ASK HIM ABOUT IT.
23 I'M NOT TRYING TO HIDE ANYTHING.

24 THE COURT: YOU CAN ASK ANYTHING.

25 MR. PADGETT: IT DOES, JUDGE. THANK YOU.

1 THE COURT: ALL RIGHT, SIR. ARE WE NOW
2 READY? BRING THE JURY.

3 (WHEREUPON, THE JURY WAS RETURNED
4 TO THE COURTROOM AND THE FOLLOWING
5 PROCEEDINGS WERE COMMENCED IN
6 OPEN COURT.)

7 THE COURT: ALL RIGHT. ALL ARE PRESENT.
8 BY MR. WILSON:

9 Q. MR. WARD, I THINK WHEN WE HAD LEFT OFF, I
10 WAS ASKING YOU SOME QUESTIONS ABOUT WHERE YOU WERE
11 INCARCERATED. NOW, WHERE ARE YOU INCARCERATED NOW?

12 A. DEMOPOLIS, ALABAMA.

13 Q. ALL RIGHT. AND I THINK I ASKED YOU IF YOU
14 HAD ANY PENDING CHARGES IN MARLBORO COUNTY AT ANY
15 POINT IN TIME?

16 A. NO, SIR.

17 Q. ALL RIGHT. AND DO YOU HAVE ANY PENDING
18 CHARGES OR OUTSTANDING CHARGES ANYWHERE IN SOUTH
19 CAROLINA AS WE SPEAK?

20 A. NO, SIR.

21 Q. THAT YOU KNOW ABOUT?

22 A. NO, SIR.

23 Q. ALL RIGHT. NOW, YOU STILL HAVE CHARGES IN
24 WHAT IS IT --

25 A. DEMOPOLIS.

1 Q. DEMOPOLIS?

2 A. YES, SIR.

3 Q. ALABAMA?

4 | A. YES, SIR.

5 Q. AND THAT'S WHERE YOU CAME HERE FROM?

6 A. YES, SIR.

7 Q. ALL RIGHT. NOW, LET ME ASK YOU, HAVE YOU
8 MADE ANY DEAL WITH THE STATE?

9 | A. NO, SIR.

10 Q. DID WE CUT ANY TIME FOR YOU OR GIVE YOU
11 ANY BREAK ON A SENTENCE OR ANYTHING ELSE?

12 | A. NO, SIR, NOT AT ALL.

13 Q. NOW, LET ME ASK YOU IF AT SOME POINT IN
14 TIME YOU WERE HOUSED IN THE SOUTH CAROLINA
15 CORRECTIONAL FACILITIES?

16 A. YES, SIR, I WAS.

17 Q. AND WHERE WAS THAT?

18 A. BROAD RIVER CORRECTIONAL INSTITUTION,
19 EDISTO UNIT.

20 Q. ALL RIGHT. AND WHAT WERE YOU THERE FOR?

21 A. I WAS ON SAFEKEEPING STATUS, SIR, AS A
22 RESULT OF AN ESCAPE FROM A COUNTY FACILITY.

23 Q. ALL RIGHT. NOW, EXPLAIN TO ME WHAT THAT
24 IS. WHEN YOU SAY YOU WERE ON SAFEKEEPING STATUS,
25 WHAT DOES THAT MEAN?

1 A. IT'S A GOVERNOR'S ORDER. THERE'S A PLACE
2 THERE WHERE THEY PUT INMATES WHO ARE -- THEY
3 DETERMINE, YOU KNOW, ARE SECURITY RISKS TO A COUNTY
4 FACILITY.

5 Q. OKAY. AND SO YOU WERE KEPT AT A
6 SAFEKEEPING FACILITY?

7 A. YES, SIR.

8 Q. ALL RIGHT. AND WHAT'S THE NAME OF THAT
9 PRISON AGAIN?

10 A. BROAD RIVER CORRECTIONAL INSTITUTE.

11 Q. ONE MINUTE. ALL RIGHT. NOW, LET ME --
12 BEFORE I GO INTO ANYTHING FURTHER ABOUT BROAD RIVER,
13 LET ME BACK UP AND ASK YOU, YOU HAVE BEEN IN TROUBLE
14 WITH THE LAW IN THE PAST, HAVE YOU NOT?

15 A. YES, SIR.

16 Q. ALL RIGHT. AND I WANT YOU TO TELL THIS
17 JURY WHATEVER YOU HAVE BEEN CONVICTED OF THAT YOU
18 KNOW ABOUT. WHATEVER IT IS THAT YOU'VE BEEN
19 CONVICTED OF, JUST TELL THEM ABOUT IT IN THE PAST.

20 A. I HAVE AN EXTENSIVE RECORD. IT CONSISTS
21 OF BURGLARY, THE LATEST BEING I THINK I PLED GUILTY
22 TO THREE COUNTS OF SAFE CRACKING, TWO BURGLARIES, TWO
23 GRAND LARCENIES AND ESCAPE. I HAVE -- I THINK IT WAS
24 AN ASSAULT OR TWO DATING FROM YEARS BACK. I'VE GOT A
25 PRETTY EXTENSIVE DRIVING RECORD.

1 Q. ALL RIGHT.

2 A. WHAT DO YOU CALL IT, MAKING A FALSE
3 STATEMENT TO A POLICE OFFICER EVEN SOME TIME AGO.

4 Q. OKAY.

5 A. THAT'S ABOUT ALL THAT I CAN -- I'M SURE
6 THERE'S MORE, BUT I CAN'T RECALL OFF THE TOP OF MY
7 HEAD. THAT'S MORE OR LESS THE HIGHLIGHTS OF IT.

8 Q. BUT YOU HAVE A PRETTY EXTENSIVE RECORD.
9 YOU ADMIT THAT?

10 A. YES, SIR.

11 Q. AND YOU'VE BEEN CONVICTED OF A NUMBER OF
12 THOSE THINGS THAT YOU'VE JUST DESCRIBED TO ME?

13 A. EVERY ONE OF THEM.

14 Q. AND SERVED TIME FOR THEM?

15 A. YES, SIR.

16 Q. IN FACT, YOU WERE SERVING TIME WHEN YOU
17 HAD AN OCCASION TO MEET SOME OF THE PEOPLE INVOLVED
18 IN THIS CASE; IS THAT RIGHT?

19 A. I WAS AWAITING TRIAL, YES, SIR.

20 Q. ALL RIGHT. NOW, LET ME ASK YOU, WHILE YOU
21 WERE UP THERE AWAITING TRIAL, DID YOU HAVE AN
22 OCCASION TO MEET MR. STUCKEY?

23 A. YES, SIR.

24 Q. RICKY STUCKEY?

25 A. YES, SIR.

1 Q. DID YOU HAVE AN OCCASION TO MEET A FELLOW
2 CALLED RINGO PEARSON?

3 A. YES, SIR, I DID.

4 Q. DID YOU HAVE AN OCCASION TO MEET DANNY
5 DAVIS?

6 A. YES, SIR.

7 Q. WHAT ABOUT ROBERT OR BOBBY RANSOM?

8 A. YES, SIR.

9 Q. ALL RIGHT. AND WHAT ABOUT JEFFREY WALLS?

10 A. YES, I DID.

11 Q. ALL RIGHT. NOW, WERE ALL OF Y'ALL AT THE
12 SAME INSTITUTION?

13 A. YES, SIR.

14 Q. OKAY. NOW, PRIOR TO -- WELL, LET ME ASK
15 YOU, WHEN WAS THAT? WHEN WAS IT THAT YOU FIRST MET
16 THESE GUYS?

17 A. THEY CAME IN TWO SEPARATE BATCHES. IT
18 WAS -- ONE WAS IN -- LET'S SEE. RANSOM AND DAVID --
19 NO, RANSOM CAME IN PROBABLY MAY. MAYBE -- MAYBE HE
20 CAME FIRST, BACK IN FEBRUARY, AND ANOTHER CREW CAME
21 TWO OR THREE MONTHS LATER.

22 Q. OKAY. THIS IS '95?

23 A. YES, SIR. MID '95.

24 Q. ALL RIGHT. AND NOW, AT SOME POINT IN
25 TIME, DID YOU HAVE CONTACT WITH THESE INDIVIDUALS?

1 A. YES, SIR. QUITE OFTEN.

2 Q. ALL RIGHT. HOW DID YOU COME TO HAVE
3 CONTACT WITH THEM?

4 A. WELL, IN THE BEGINNING, SAFEKEEPING STATUS
5 IS -- LET'S SEE. IT'S COMPOSED OF 24 CELLS ON ONE
6 TIER. THERE'S EIGHT CELLS FACING EIGHT CELLS WITH
7 EIGHT CELLS DOWN THE BACK, SO IT'S PRETTY HARD NOT TO
8 COME IN CONTACT WITH PEOPLE.

9 Q. SO YOU'VE GOT 16 CELLS FACING EACH OTHER?

10 A. NO, SIR. THREE ROWS OF EIGHT.

11 Q. THREE ROWS OF EIGHT?

12 A. YES, SIR.

13 Q. AND WHAT I'M ASKING YOU, TWO ROWS OF EIGHT
14 FACE EACH OTHER?

15 A. YES, SIR.

16 Q. SO IF YOU'RE IN ONE CELL ACROSS THIS HALL,
17 THERE'S SOMEONE ACROSS FROM THE CELL IN FRONT OF YOU
18 WHO COULD SEE YOU?

19 A. YES, SIR. BASICALLY ACROSS THE BUILDING,
20 BUT IT'S THE SAME FORMAT WE'RE TALKING.

21 Q. OKAY. NOW -- AND SO HOW -- HOW FREQUENTLY
22 WHEN -- ONCE THEY CAME THERE, YOU SAY SOMETIME MID OF
23 '95, HOW DID YOU GET TO KNOW THEM? HOW DID YOU GET
24 TO KNOW THEM IF IN FACT YOU DID? HOW DID YOU GET TO
25 KNOW THEM AND IN WHAT CAPACITY?

Q. OKAY.

Q. AND LET ME ASK YOU, AT DIFFERENT POINTS IN DID YOU HAVE CONVERSATIONS WITH MR. WALLS AND MR. STUCKEY ABOUT THIS CASE?

Q. . . . AND ABOUT WHAT WAS HAPPENING IN THIS CASE?

Q. ALL RIGHT. AND HOW LONG WERE THEY THERE
THE SAME PRISON FACILITY THAT YOU WERE THERE?

A. I WOULD SAY SIX -- SIX TO EIGHT MONTHS. I LEFT IN NOVEMBER AND THEY CAME IN MID-'95, SO SIX TO EIGHT MONTHS, SIR.

Q. SO THEY WERE THERE SIX TO EIGHT MONTHS
BEFORE YOU LEFT?

A. YES, SIR.

Q. AND WHEN YOU LEFT, YOU LEFT THEM THERE?

A. YES, SIR.

Q. NOW, PRIOR TO THEM COMING TO THIS PRISON

1 FACILITY, DID YOU KNOW ANY OF THESE FOLK?

2 A. NO, SIR.

3 Q. HAD YOU MET ANY OF THEM ANYWHERE?

4 A. NO, SIR.

5 Q. DID YOU KNOW DANNY DAVIS?

6 A. NO, SIR.

7 Q. DID YOU KNOW RANSOM?

8 A. NO, SIR.

9 Q. DID YOU KNOW RICKY STUCKEY?

10 A. NO, SIR.

11 Q. DID YOU KNOW RINGO PEARSON?

12 A. NO, SIR.

13 Q. DID YOU KNOW JEFFREY WALLS?

14 A. NO, SIR.

15 Q. YOU HAD NEVER MET THEM IN YOUR LIFE, HAD
16 YOU?

17 A. NO, SIR.

18 Q. NOW, WHEN THEY CAME TO THE PRISON
19 FACILITY, AT SOME POINT IN TIME, DID YOU HAVE OR
20 OVERHEAR CONVERSATIONS BETWEEN -- AND RIGHT NOW, I'M
21 ONLY INTERESTED IN CONVERSATIONS THAT YOU MIGHT HAVE
22 EITHER HEARD OR BEEN INVOLVED IN WITH MR. STUCKEY OR
23 MR. WALLS.

24 A. YES, SIR, I DID.

25 Q. ALL RIGHT. TELL US FIRST OF ALL ABOUT

1 ANY -- WELL, LET ME ASK YOU THIS SO I CAN BE MORE
2 SPECIFIC, IF I CAN. DID YOU EVER HAVE ANY
3 CONVERSATIONS WITH MR. WALLS OR WERE YOU PRESENT WHEN
4 ANY CONVERSATION WAS HAD WITH MR. WALLS?

5 A. YES, SIR, I WAS.

6 Q. ABOUT SEXUAL INTERCOURSE WITH DARLENE
7 PATTERSON, THE DEAD LADY?

8 A. YES, SIR.

9 Q. TELL THIS JURY ABOUT THAT CONVERSATION.

10 A. I DON'T -- NATURALLY, I DON'T RECALL THE
11 SPECIFIC NIGHT THAT IT WAS, BUT I OVERHEARD AN
12 ARGUMENT BETWEEN MR. PEARSON AND MR. WALLS CONCERNING
13 WHO HAD SEX WITH THIS LADY FIRST. I STILL DON'T --
14 HE JUST CALLED HER NAME. I DON'T KNOW HER NAME. I
15 JUST KNEW THERE WAS A VICTIM AT THE TIME.

16 Q. ALL RIGHT. SO MR. WALLS AND MR. PEARSON
17 WAS ARGUING ABOUT WHO HAD HAD SEX WITH HER FIRST?

18 A. YES, SIR.

19 Q. DID THEY SAY WHERE THIS SEXUAL ACT WAS
20 SUPPOSED TO HAVE TAKEN PLACE?

21 A. WELL, DUE TO PRIOR CONVERSATIONS, IT WAS
22 KNOWN THAT IT WAS MR. STUCKEY'S MOBILE HOME, SIR.

23 Q. SO THEY WERE SAYING THAT IT WAS AT
24 MR. STUCKEY'S MOBILE HOME?

25 A. YES, SIR.

1 Q. ALL RIGHT. WELL, DID THEY DECIDE BETWEEN
2 THEM WHICH OF THE TWO OF THE THEM ACTUALLY HAD SEX
3 WITH HER FIRST?

4 A. NO, SIR. BOTH OF THEM WERE BASICALLY
5 DENYING, YOU KNOW, BEING SECOND.

6 Q. ALL RIGHT. SO BOTH OF THEM -- NEITHER ONE
7 OF THEM WANTED TO HAVE BEEN THE SECOND PERSON?

8 A. RIGHT.

9 Q. NOW, LET ME ASK YOU IF -- IF AT SOME POINT
10 IN TIME THERE WAS A CONVERSATION OR IF YOU HAD A
11 CONVERSATION WITH MR. WALLS AND/OR MR. STUCKEY ABOUT
12 HOW THIS LADY GOT TIED UP THE LAST TIME AND --

13 A. YES, SIR.

14 Q. AND WHY SHE WAS TIED UP.

15 A. YES, SIR. I WAS TOLD THAT BY MR. STUCKEY
16 AND MR. WALLS PROBABLY TOGETHER AND SEPARATELY,
17 THAT --

18 MR. PADGETT: YOUR HONOR, AT THIS TIME I
19 OBJECT TO ANY STATEMENTS MADE BY ANYONE ELSE AS
20 HEARSAY.

21 MR. WILSON: HE SAID MR. STUCKEY AND
22 MR. WALLS TOLD HIM THIS.

23 THE COURT: THIS TESTIMONY IS FOR THE JURY
24 TO DETERMINE. HE SAYS THAT THE STATEMENT WAS MADE IN
25 THE PRESENCE OF MR. STUCKEY AND TAKES IT OUT OF THE

1 HEARSAY EXCEPTION. HE'S ENTITLED TO SAY THAT IF THAT
2 OCCURRED.

3 MR. PADGETT: WE OBJECT TO THAT, YOUR
4 HONOR, AND WE BASE THIS ON BRUTEN.

5 THE COURT: NO. I WILL PERMIT IT. GO
6 AHEAD. ALL OF THIS IS FOR THE JURY TO DETERMINE.
7 BY MR. WILSON:

8 Q. WHAT DID MR. STUCKEY AND MR. WALLS TELL
9 YOU ABOUT HOW SHE GOT TIED UP?

10 A. THEY SAID THAT UPON LEAVING THE --
11 MR. STUCKEY'S APARTMENT OR MOBILE HOME THAT
12 MR. PEARSON SLAPPED THE VICTIM AND THEY PROCEEDED --
13 AT SOME ABANDONED HOUSE OR SOMETHING. AND I'M REALLY
14 NOT SURE OF -- I DON'T RECALL PRECISELY WHETHER
15 MR. STUCKEY WENT WITH THEM ON THAT SPECIFIC TRIP, BUT
16 ON A RETURN TRIP, HE DID GO WITH THEM AND THE VICTIM
17 WAS MAKING NOISES IN THE HOUSE AND MR. PEARSON
18 RETURNED BACK INTO THE HOUSE AND TAPED HER UP.

19 Q. OKAY.

20 A. TO QUIETEN HER DOWN.

21 Q. SO SHE WAS MAKING NOISE?

22 | A. YES, SIR.

23 Q. AND WAS -- BASED ON THE CONVERSATIONS THAT
24 WAS HAD, WAS MR. STUCKEY AND MR. WALLS PRESENT WHEN
25 THAT WAS DONE?

1 A. YES, SIR. THEY DIDN'T SAY THEY WENT IN
2 THE HOUSE. THEY SAID THEY STAYED IN THE CAR.

3 Q. THEY STAYED IN THE CAR?

4 A. YES, SIR.

5 Q. AND PEARSON WENT IN AND DID THE DAMAGE?

6 A. YES, SIR.

7 Q. NOW, DID THEY -- DID THEY EVER TALK ABOUT
8 HOW THEY CAME TO DECIDE TO -- TO MAKE THE DECISION
9 ABOUT WHAT TO DO WITH HER?

10 A. YES, SIR. THERE WAS -- IT WAS TOLD TO ME
11 THAT THEY WENT TO MR. RANSOM.

12 Q. BEFORE YOU GO ANY FURTHER, I JUST WANT YOU
13 TO TELL ME -- I DON'T WANT -- I DON'T WANT TO KNOW
14 WHAT MR. PEARSON SAID, BUT JUST WHAT MR. STUCKEY AND
15 MR. WALLS MIGHT HAVE SAID TO YOU ABOUT IT. AND IF
16 THEY DIDN'T SAY ANYTHING TO YOU, JUST TELL ME. THOSE
17 ARE THE ONLY TWO I'M INTERESTED IN.

18 A. I DON'T RECALL STUCKEY AND WALLS SAYING
19 ANYTHING AT ALL ABOUT THE -- GOING TO MR. RANSOM'S
20 HOUSE.

21 Q. OKAY. DID MR. STUCKEY EVER TALK ABOUT
22 WHETHER HE HAD SEX WITH HER?

23 A. MR. STUCKEY?

24 Q. YES, SIR.

25 A. NO, SIR. HE SAID HE DID NOT.

1 WAS THAT -- THAT -- AND THESE ARE YOUR WORDS, AND YOU
2 TELL ME IF THIS IS CORRECT.

3 MR. PADGETT: YOUR HONOR, AT THIS POINT, I
4 OBJECT. MR. WILSON HAS CALLED THIS MAN AS A WITNESS.
5 LET'S HEAR WHAT HE HAS TO SAY AT THIS POINT IN TIME.

6 THE COURT: WELL, LET HIM CONDUCT HIS
7 EXAMINATION IN ACCORDANCE WITH HIS DESIRES AND YOU
8 CAN HANDLE YOURS THE WAY YOU WANT IT. GO AHEAD.

9 BY MR. WILSON:

10 Q. LET ME ASK YOU THIS. AND I'LL SHOW YOU
11 YOUR STATEMENT AND ASK YOU JUST TO TAKE A LOOK AT
12 THAT FOR ME.

13 A. YES, I'M FAMILIAR WITH THAT.

14 Q. ALL RIGHT. NOW, IF YOU WOULD, WOULD YOU
15 TELL US WHY IT WAS -- WELL, LET ME ASK YOU THIS WAY,
16 I GUESS. IN YOUR CONVERSATIONS WITH RICKY STUCKEY
17 AND JEFF WALLS, WHY WAS IT THAT THEY FOUND IT
18 NECESSARY --

19 MR. PADGETT: OBJECTION, LEADING.

20 THE COURT: NO, SIR. I HAVEN'T HEARD THE
21 QUESTION YET.

22 MR. PADGETT: I HAVE, AND HE'S LEADING,
23 JUDGE.

24 THE COURT: I HAVEN'T. GO AHEAD.

25 BY MR. WILSON:

1 Q. LET ME ASK THE QUESTION. MY QUESTION TO
2 YOU IS THIS. AND I'LL REPHRASE IT JUST SO WE DON'T
3 RUN INTO PROBLEMS HERE. WE DON'T WANT TO UPSET
4 ANYBODY. AT SOME POINT IN TIME, YOU SAID THAT THEY
5 DISCUSSED WHY THEY HAD TO TIE HER UP?

6 A. YES, SIR.

7 Q. ALL RIGHT. AND AGAIN, WHY WAS THAT? WHY
8 DID THEY HAVE TO TIE HER UP?

9 A. MR. PEARSON HAD SLAPPED THE LADY AND SHE
10 WAS BECOMING UNCONTROLLABLE.

11 Q. OKAY. WHAT DID HE TELL HER BASED ON WHAT
12 MR. STUCKEY AND MR. WALLS OVER THERE TOLD YOU? WHAT
13 DID HE TELL YOU?

14 A. THAT HE HAD TO TAKE HER TO GET RID OF HER
15 SOMEWHERE.

16 Q. AND RID OF HER IN WHAT FASHION?

17 A. THAT WAS NEVER DISCUSSED. SHE OBVIOUSLY
18 INTERPRETED -- THE WAY THAT IT WAS TOLD TO ME, IT WAS
19 THAT SHE INTERPRETED IT AS SOMETHING WAS GOING TO
20 HAPPEN TO HER. AND THAT'S WHEN SHE BECAME
21 UNCONTROLLABLE.

22 Q. OKAY. AND DID THEY TELL YOU HOW LONG THAT
23 WAS BEFORE THEY ACTUALLY TOOK HER AND THREW HER IN
24 THE RIVER?

25 A. NO, SIR, THEY DIDN'T.

1 Q. DID THEY TELL YOU HOW LONG THEY KEPT HER
2 THERE?

3 A. LATER ON, IT WAS -- THE PROBLEM I'M HAVING
4 IN CONVEYING THIS IS SOME OF THESE CONVERSATIONS TOOK
5 PLACE SIX MONTHS BEFORE I LEFT. SOME OF THEM, YOU
6 KNOW -- SOME OF IT WAS ADDED ON EIGHT MONTHS AFTER.
7 BUT YOU KNOW, IT WAS PICKED UP IN BITS AND PIECES.
8 BUT LATER ON, IT WAS DETERMINED THAT IT WAS SOMEWHERE
9 IN THE NEIGHBORHOOD OF TWO DAYS, SIR.

10 Q. LET ME ASK YOU, DID THEY SAY WHAT PART OF
11 HER -- WHEN HE GOT MAD WITH HER, WHAT PARTS OF HER
12 DID HE TAPE UP? DID HE SAY?

13 MR. PADGETT: OBJECTION, LEADING.

14 THE COURT: THAT DOESN'T SUGGEST AN
15 ANSWER. DID HE SAY WHAT PART?

16 MR. PADGETT: I WOULD LIKE TO KNOW WHAT --

17 THE COURT: HE'S ASKING SPECIFICALLY WHAT
18 PART. I DON'T KNOW HOW HE CAN BE MORE SPECIFIC IN
19 HIS QUESTIONING. GO AHEAD.

20 BY MR. WILSON:

21 Q. IN THE CONVERSATION WITH MR. STUCKEY AND
22 MR. WALLS, DID THEY TELL YOU WHAT PARTS OF
23 MS. PATTERSON OR THE LADY'S BODY OR THE WOMAN'S BODY
24 THAT THEY TAPED UP?

25 A. IN THE BEGINNING, THE HANDS, AND THEN THE

1 FACIAL AREA.

2 Q. ALL RIGHT. NOW, WHY WERE THEY TELLING YOU
3 ALL OF THIS STUFF?

4 A. WELL, AFTER MY UNSUCCESSFUL ESCAPE ATTEMPT
5 IN ORANGEBURG COUNTY JAIL, MY ONLY -- SEEMED LIKE MY
6 ONLY VIABLE ALTERNATIVE WAS THE LAW LIBRARY WHICH I
7 BEGAN UTILIZING EVERY DAY, EVERY CHANCE I GOT. AND
8 THEN PEOPLE SEEMED TO COME TO ME ASKING ME, YOU KNOW,
9 MY OPINION OF THIS AND THAT. I GUESS THEY DIDN'T
10 WANT TO GO LOOK FOR THEMSELVES. THEY FIGURED THEY
11 WOULD USE ME FOR A SHORTCUT.

12 Q. DID RICKY STUCKEY EVER TELL YOU THAT HE
13 SAW ANYBODY HAVE SEX WITH THE GIRL?

14 A. YES, SIR.

15 Q. ALL RIGHT. WHO DID HE TELL YOU HE SAW
16 HAVE SEX WITH THE GIRL?

17 A. RINGO.

18 Q. ALL RIGHT. SO RICKY STUCKEY TOLD YOU THAT
19 HE SAW RINGO HAVE SEX WITH THE GIRL?

20 A. THAT'S CORRECT, SIR.

21 Q. DID EITHER RICKY STUCKEY OR JEFFREY WALLS
22 TELL YOU HOW MANY OTHER PEOPLE HAD SEX WITH HER THAT
23 THEY SAW OR KNEW ABOUT?

24 A. NO, SIR. NOT DIRECTLY. OTHER THAN
25 ARGUMENTS BETWEEN RINGO AND MR. WALLS, NO, SIR.

1 Q. OTHER THAN THE ARGUMENTS BETWEEN WHOM,
2 NOW?

3 A. RINGO AND JEFFREY WALLS.

4 Q. OKAY. AND THAT WAS OVER WHO HAD SEX WITH
5 HER FIRST?

6 A. YES, SIR.

7 MR. WILSON: I DON'T THINK I HAVE ANY MORE
8 QUESTIONS. THANK YOU VERY MUCH. ANSWER ANY
9 QUESTIONS THESE GENTLEMEN MIGHT HAVE FOR YOU.

10 THE WITNESS: YES, SIR.

11 THE COURT: MR. ERVIN.

12 MR. ERVIN: I DON'T HAVE ANY QUESTIONS,
13 YOUR HONOR.

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

15 BY MR. PADGETT:

16 Q. DO YOU RECALL LAW ENFORCEMENT ASKING YOU
17 IS THAT THE SAME RICKY STUCKEY THAT TOLD YOU THAT HE
18 WAS AT THE ABANDONED HOUSE WHEN THE GIRL WAS TAPED UP
19 AND YOU REPLIED HE DID NOT TELL ME THAT? DO YOU
20 RECALL THAT?

21 A. HE DID NOT TELL ME THAT?

22 Q. YEAH. DO YOU RECALL TELLING ME THAT?

23 A. IF YOU COULD SHOW ME THAT ON THE
24 STATEMENT. THAT ISSUE WAS BROUGHT UP TWICE DURING
25 THAT CONVERSATION. IT WOULD BE MORE HELPFUL TO ME,

1 SIR.

2 MR. WILSON: WHAT PAGE, YOUR HONOR?

3 BY MR. PADGETT:

4 Q. OKAY. DO YOU RECALL TELLING THE POLICE
5 OFFICERS THAT RINGO PEARSON CONFESSED TO KILLING THIS
6 GIRL?

7 A. YES, SIR, I DO.

8 Q. ALL RIGHT. MR. WARD, LET ME ASK YOU A
9 COUPLE OF OTHER QUESTIONS HERE. HOW OLD ARE YOU?

10 A. FORTY-ONE, SIR.

11 Q. HOW OLD?

12 A. FORTY-ONE.

13 Q. AND YOU'VE BEEN IN AND OUT OF PRISON SINCE
14 THE '70'S. CORRECT?

15 A. YES, SIR.

16 Q. AND AREN'T YOU -- HAVEN'T YOU PRETTY MUCH
17 BEEN SORT OF A PROFESSIONAL WITNESS, WOULD YOU SAY?

18 A. PROFESSIONAL WITNESS?

19 Q. YES, SIR.

20 A. SIR, I ANSWER SUBPOENAS. IF THAT'S --

21 Q. HAVEN'T YOU CONTACTED SOLICITORS OVER TIME
22 AND TOLD THEM YOU HAVE INFORMATION THAT COULD BENEFIT
23 YOURSELF IF YOU GAVE IT TO THE STATE?

24 A. COULD BENEFIT MYSELF?

25 Q. YEAH.

1 A. NO, SIR. I HAVEN'T CONTACTED ANY
2 SOLICITOR'S OFFICE AND TOLD THEM THAT I MIGHT HAVE
3 INFORMATION THAT MIGHT BENEFIT MYSELF.

4 Q. WERE YOU EVER IN SAFEKEEPING WITH A ROGER
5 DALE JOHNSON?

6 A. YES, SIR, I WAS.

7 Q. DID YOU EVER WRITE LETTERS TO THE
8 SOLICITOR IN THAT CASE INDICATING THAT YOU HAD
9 INFORMATION ON ROGER DALE?

10 A. YES, SIR. I WROTE THE SOLICITOR A LETTER
11 AND TOLD HIM THAT THIS PERSON HAD CONFESSED TO
12 CHOPPING UP A 30-YEAR OLD MOTHER OF THREE CHILDREN TO
13 DEATH WITH A TWO-AND-A-HALF FOOT MACHETE, SIR.

14 Q. DID SOLICITOR BAILEY PROMISE YOU SIX YEARS
15 IN RETURN FOR TESTIFYING?

16 A. YES, SIR, HE DID.

17 Q. WERE YOU THEN TRANSFERRED TO ANOTHER
18 FACILITY?

19 A. NOT IMMEDIATELY, NO, SIR.

20 Q. DID YOU EVER START MEETING WITH AN INMATE
21 NAMED JOSEPH GARDNER?

22 A. YES, SIR, I DID.

23 Q. DID YOU TESTIFY IN HIS CASE?

24 A. YES, SIR, I DID.

25 MR. PADGETT: NO FURTHER QUESTIONS.

1 MR. REDMOND: IF IT PLEASE THE COURT, YOUR
2 HONOR.

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

4 BY MR. REDMOND:

5 Q. MR. WARD, YOU HAD INDICATED IN YOUR -- ON
6 THE SOLICITOR'S DIRECT TESTIMONY THAT BOBBY RANSOM
7 WAS THERE ABOUT 60 DAYS BEFORE -- ABOUT TWO OR THREE
8 MONTHS BEFORE EVERYBODY ELSE GOT THERE. ISN'T THAT
9 CORRECT?

10 A. APPROXIMATELY, YES, SIR.

11 Q. AND DURING THAT TIME, HADN'T YOU HAD THE
12 OPPORTUNITY TO TALK WITH BOBBY RANSOM?

13 A. BOBBY RANSOM WAS ON PROTECTIVE CUSTODY.
14 IT WAS VERY HARD. HE DIDN'T COME OUTSIDE AT ALL.

15 Q. SO DID YOU EVER TALK TO HIM?

16 A. VERY FEW TIMES.

17 Q. BUT ISN'T IT TRUE THAT HE GAVE YOU
18 INFORMATION CONCERNING HIS PARTICIPATION IN THIS
19 CASE?

20 A. THE INFORMATION THAT MR. RANSOM GAVE ME
21 WHEN HE GOT THERE WAS TOTALLY WRONG, NOT EVEN IN
22 CONTEXT WITH WHAT'S GOING ON HERE, SIR.

23 Q. OKAY. WHEN YOU SAY IT WAS TOTALLY WRONG,
24 WASN'T IT CONCERNING THIS CASE?

25 A. HE TOLD ME THAT HE WAS TESTIFYING AGAINST

1 TWELVE BLACK PEOPLE FOR RAPING A WHITE GIRL. I DON'T
2 THINK THAT'S WHAT THIS TRIAL IS ALL ABOUT.

3 Q. BUT HE DID INDICATE TO YOU THAT HE WAS
4 INCARCERATED AND HE WAS GOING TO TESTIFY AGAINST 12
5 BLACK DUDES. ISN'T THAT WHAT HE REALLY TOLD YOU?

6 A. THAT'S RIGHT.

7 Q. AND ACCORDING TO YOUR STATEMENT -- YOU
8 REMEMBER THIS STATEMENT, DON'T YOU? RIGHT?

9 A. YES, SIR, I DO.

10 Q. ON PAGE FIVE, ISN'T IT TRUE THAT HE WAS
11 NOT REALLY CONCERNED AT THE TIME BECAUSE HE WAS GOING
12 TO TESTIFY AGAINST 12 BLACK DUDES. ISN'T THAT WHAT
13 HE SAID?

14 A. HE WASN'T CONCERNED -- WELL, HE SAID HE
15 WASN'T CONCERNED ABOUT HIS STATUS. HE WAS LEADING ME
16 ON TO BELIEVE THAT HE WASN'T INVOLVED IN THE CRIME AT
17 ALL, SIR.

18 Q. BUT YOU TOOK HIM AT HIS WORD. AS A MATTER
19 OF FACT, ISN'T IT TRUE THAT YOU PREPARED SEVERAL
20 DOCUMENTS FOR BOBBY RANSOM?

21 A. NO, SIR. THAT'S NOT CORRECT AT ALL.

22 Q. YOU NEVER PREPARED ANY DOCUMENTS FOR BOBBY
23 RANSOM?

24 A. FOR BOBBY RANSOM, NO, SIR.

25 Q. DANNY DAVIS? YOU NEVER PREPARED --

1 A. DANNY DAVIS, I HAVE, YES, SIR.

2 Q. SO YOU TALKED TO BOBBY RANSOM FOR 60 DAYS
3 BEFORE EVERYBODY ELSE GOT THERE?

4 A. THAT'S CORRECT.

5 Q. SO BY THE TIME EVERYBODY ELSE GOT THERE,
6 YOU KNEW ENOUGH ABOUT WHAT WAS GOING ON TO TRY TO
7 HELP YOUR FRIEND BOBBY RANSOM. ISN'T THAT TRUE?

8 A. THIS CASE NEVER CAME TO LIGHT UNTIL THE
9 OTHER FIVE -- FOUR DEFENDANTS ARRIVED AT THAT
10 INSTITUTION, SIR.

11 Q. SO YOU EXPECT THIS JURY TO BELIEVE,
12 MR. WARD, THAT DURING THAT 60 DAYS MR. RANSOM COMES
13 IN HERE -- AND IT SAYS HERE WHEN HE FIRST GOT THERE
14 THAT HE POURED HIS HEART OUT TO YOU -- WHETHER YOU
15 BELIEVE IT, RIGHT OR WRONG, HE POURED HIS HEART OUT
16 TO YOU ON THIS CASE.

17 A. THAT STATEMENT SAYS HE POURED HIS HEART
18 OUT TO ME?

19 Q. WELL, THIS STATEMENT SAYS, SIR, THAT WHEN
20 HE FIRST GOT THERE, HE TOLD YOU IN DETAIL ABOUT A
21 CASE THAT HE WAS INVOLVED IN.

22 A. RIGHT.

23 Q. THIS CASE RIGHT HERE.

24 A. IT DOESN'T RESEMBLE THIS CASE.

25 Q. WHICH YOU SAY IT'S INCORRECT, WHAT HE TOLD

1 YOU. ISN'T THAT TRUE?

2 A. YES, SIR.

3 Q. MR. WARD, WHERE WERE JEFFREY WALLS AND
4 RINGO PEARSON WHENEVER YOU OVERHEARD -- CONVENIENTLY
5 OVERHEARD THIS CONVERSATION?

6 A. THEY WERE IN THEIR CELLS, SIR.

7 Q. OKAY. THEY WERE IN THEIR CELLS. AND YOU
8 SAY IT'S AN OPEN AREA. YOU CANNOT HEAR FROM ONE SIDE
9 TO THE OTHER, OBVIOUSLY.

10 A. OBVIOUSLY.

11 Q. SO YOU EXPECT US TODAY TO BELIEVE THAT
12 THEY WERE ARGUING?

13 A. YES, SIR.

14 Q. ARGUING ACROSS THE CELL ABOUT WHO HAD SEX
15 WITH THE GIRL FIRST?

16 A. ABSOLUTELY.

17 Q. BUT THEY DIDN'T DIRECT THAT TO YOU. YOU
18 OVERHEARD THIS. CORRECT?

19 A. WELL, IN A LITTLE ARGUING MATCH LIKE THAT,
20 YOU ALWAYS CALL PEOPLE INTO IT AND YOU SAY LISTEN TO
21 THIS; DO YOU BELIEVE THIS. DO YOU KNOW WHAT I MEAN?

22 Q. SO IN OTHER WORDS, NOW, THESE TWO GUYS
23 CHARGED WITH THIS OFFENSE, THEY ARE ARGUING ABOUT WHO
24 HAD SEX WITH THE GIRL FIRST. THAT SOUNDS A LITTLE
25 BRAGGADOCIOS, DOESN'T IT?

1 A. YES, SIR. IT DOES.

2 Q. AND BY THAT, I MEAN BOASTFUL.

3 A. IT SOUNDS VERY BOASTFUL.

4 Q. SO YOU ARE EXPECTING US TO BELIEVE THAT
5 THIS IS WHAT TOOK PLACE.

6 A. STRANGER THINGS HAVE HAPPENED, SIR.

7 Q. AND THEN -- YEAH, STRANGER THINGS LIKE
8 YOUR TESTIFYING IN ALL OF THESE OTHERS CASES. ISN'T
9 THAT CORRECT? WOULDN'T YOU CALL YOURSELF A
10 PROFESSIONAL SNITCH, SIR?

11 A. PROFESSIONAL SNITCH? I DON'T KNOW THE
12 DEFINITION OF A PROFESSIONAL SNITCH. COULD YOU BE
13 MORE SPECIFIC?

14 Q. WELL, LOOK IN THE MIRROR, SIR. LET ME ASK
15 YOU THIS. YOU GOT TO KNOW DANNY DAVIS SO WELL THAT
16 YOU EVEN AT SOME POINT TRIED TO REASSURE HIM. ISN'T
17 THAT TRUE?

18 A. REASSURE HIM?

19 Q. YEAH. LET ME GIVE YOU AN EXAMPLE HERE.
20 YOU EVEN REFERRED TO HIM BY HIS NICKNAME. YOU KNOW
21 HIS NICKNAME, DON'T YOU?

22 A. I NEVER REFERRED TO HIM BY HIS NICKNAME,
23 SIR. HE WROTE ME A LETTER AND SIGNED IT CRAZY LEGS.

24 Q. I SHOW YOU THIS. BUT YOU KNOW HIS
25 NICKNAME. RIGHT?

1 A. YES, SIR. I DO NOW AFTER HE SIGNED THAT.

2 Q. AND HE REFERRED TO HIMSELF AS CRAZY LEGS
3 IN HIS LETTER TO YOU; CORRECT?

4 A. YES, SIR.

5 Q. SO YOU WOULD HAVE HAD TO KNOW OR ELSE YOU
6 WOULDN'T KNOW WHO HE WAS TALKING ABOUT -- OR WHO THE
7 LETTER WAS TALKING ABOUT. ISN'T THAT TRUE?

8 A. I KNEW WHO THE LETTER CAME FROM, SIR. IT
9 DIDN'T COME THROUGH THE MAIL. IT CAME DIRECTLY TO
10 ME.

11 Q. BUT WHAT I'M SAYING IS, SIR, IF HE SIGNS
12 HIS LETTER CRAZY LEGS, HOW IN THE WORLD ARE YOU GOING
13 TO KNOW WHO CRAZY LEGS WAS ON THE LETTER IF YOU
14 DIDN'T KNOW PREVIOUSLY?

15 A. SIR, IF HE HADN'T SIGNED THE LETTER AT ALL
16 I WOULD HAVE KNOWN WHO IT WAS FROM BECAUSE HE STOOD
17 THERE AT THE DOOR AND SAID, HERE, I'M SENDING YOU
18 THIS, AND AN OFFICER WALKED AROUND AND HANDED IT TO
19 ME.

20 Q. BUT HE SENT YOU OTHER LETTERS. YOU TALKED
21 TO DANNY DAVIS QUITE A BIT TOO. ISN'T THAT TRUE?

22 A. AS MUCH AS I TALKED TO ANYONE, THERE, SIR.

23 Q. WHEN YOU SAY AS MUCH AS I TALKED TO ANYONE
24 -- AND LET ME SHOW YOU THIS REASSURANCE THAT I WAS
25 GOING TO DISCUSS WITH YOU.

1 MR. REDMOND: BEG THE COURT'S INDULGENCE.
2 BY MR. REDMOND:

3 Q. ON PAGE 35 HERE OF YOUR STATEMENT, ISN'T
4 IT TRUE THAT YOU -- THAT AFTER DANNY -- YOU WROTE A
5 LETTER RIGHT AFTER DANNY GOT THERE AND IT DISCUSSED
6 WHAT HE WAS ORIGINALLY CHARGED WITH, AND YOU TOLD
7 HIM, WELL, YOU WEREN'T AT ALL INVOLVED WITH THIS
8 MURDER.

9 A. I TOLD HIM THAT?

10 Q. YES. YOU TOLD HIM THAT. DO YOU WANT ME
11 TO --

12 A. NO, SIR. HE TOLD ME THAT. I -- HOW WOULD
13 I KNOW HE WASN'T INVOLVED IN A MURDER, SIR?

14 Q. I SAID -- LET ME READ THIS PORTION RIGHT
15 HERE. YOU SEE WHERE I'M READING FROM?

16 A. UH-HUH.

17 Q. "I SAID, 'DANNY, YOU KNOW YOU WERE NOT
18 INVOLVED AT ALL IN THIS MURDER.' WHY -- I SAID,
19 'DANNY, YOU KNOW, YOU WERE NOT ALL INVOLVED IN THIS
20 MURDER.' AND HE SAID, 'NO, NOT.'" DANNY SAID THAT.
21 ISN'T THAT TRUE?

22 A. RIGHT.

23 Q. NOT DANNY SAID. EXCUSE ME. LET ME
24 CLARIFY THE RECORD. YOU SAID THAT.

25 A. BASED ON WHAT HE SAID.

1 Q. BUT YOU SAID -- YOU MADE THAT STATEMENT.
2 WHAT I JUST READ, THAT WAS YOU TALKING. YOU WERE
3 REASSURING DANNY.

4 A. DANNY WAS REASSURING ME THAT HE HAD
5 NOTHING TO DO WITH THE CRIME, SIR.

6 Q. BUT YOU MADE THE STATEMENT. YOU WERE
7 REASSURING DANNY AT THAT TIME. IS THAT RIGHT?

8 A. YES, SIR. YES, SIR.

9 MR. REDMOND: BEG THE COURT'S INDULGENCE,
10 YOUR HONOR.

11 BY MR. REDMOND:

12 Q. ONE LAST QUESTION. ISN'T IT TRUE THAT YOU
13 INDICATED THAT YOU HAVE GIVEN FALSE STATEMENTS TO
14 POLICE BEFORE AND HAVE PLED GUILTY TO IT OR PLED
15 GUILTY BEFORE?

16 A. YES, SIR, I DID.

17 MR. REDMOND: I HAVE NO FURTHER QUESTIONS.

18 MR. MOORE: NO QUESTIONS.

19 MR. WILL ROGERS: NO QUESTIONS.

20 THE COURT: MR. LAWSON.

21 MR. LAWSON: BEAR WITH ME ONE MINUTE,
22 JUDGE.

23 THE COURT: ALL RIGHT.

24 MR. LAWSON: I DON'T HAVE ANY QUESTIONS.

25 MR. WILSON: NOTHING IN ADDITION, YOUR

1 HONOR.

2 THE COURT: ALL RIGHT. YOU MAY COME DOWN.
3 THANK YOU.

4 THE WITNESS: THANK YOU.

5 MR. WILSON: THAT WOULD BE THE STATE'S
6 CASE, YOUR HONOR.

7 THE COURT: ALL RIGHT, SIR. IT'S ABOUT 20
8 MINUTES UNTIL 6:00 AND I DON'T THINK YOU WANT TO
9 START THE DEFENSE CASE AT THIS TIME.

10 MR. ERVIN: NOT AT THIS LATE HOUR, YOUR
11 HONOR.

12 THE COURT: I WOULD NOT THINK SO. SO
13 MADAM FOREMAN, LADIES AND GENTLEMEN, THE STATE HAS
14 NOW CONCLUDED THE GIVING OF ITS TESTIMONY AND THIS IS
15 A GOOD TIME TO RECESS FOR THE EVENING. WHEN YOU
16 RETURN IN THE MORNING, PLEASE RETURN PROMPTLY AT
17 10:00. REMEMBER MY ADMONITION. DON'T DISCUSS THE
18 CASE WITH ANYONE. PERMIT NO ONE TO DISCUSSION IT
19 WITH YOU OR IN YOUR PRESENCE. DO NOT DISCUSS IT WITH
20 EACH OTHER. AND I PARTICULARLY CALL YOUR ATTENTION
21 TO THE FACT THAT IT'S NOT LIKELY, BUT IF SOMETHING
22 COMES ON TELEVISION ABOUT THIS CASE, PLEASE TURN IT
23 OFF. IF YOU HAPPEN TO SEE A NEWSPAPER ARTICLE,
24 PLEASE DON'T READ IT. THE REASON FOR THAT IS
25 WHATEVER YOUR VERDICT IS, IT'S GOT TO BE BASED ON THE

1 LAW AND EVIDENCE HEARD IN THIS COURTROOM AND FROM NO
2 OTHER SOURCE.

3 SO I WILL -- EVERYBODY ELSE, NOW, REMAIN SEATED.
4 TRY AND BE BACK AROUND 9:30. YOUR CLERK TELLS ME HE
5 WILL HAVE SOME REFRESHMENTS FOR YOU. THANK YOU.

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

10 THE COURT: I WANT TO GET ON THE RECORD
11 THAT THE DEFENDANTS HAVE THE ABSOLUTE RIGHT TO
12 TESTIFY AND NOT TESTIFY. CAN THAT DECISION BE TOLD
13 TO ME THIS EVENING?

14 MR. PADGETT: NO, SIR.

15 MR. REDMOND: NO, SIR. YOUR HONOR, I
16 WOULD RATHER CONSULT WITH MY CLIENT.

17 MR. ERVIN: I WOULD RATHER WAIT UNTIL THE
18 MORNING. THAT GIVES THEM A CHANCE TO --

19 THE COURT: THAT'S FINE. THAT'S FINE.

20 MR. ERVIN: DO YOU WANT TO HEAR MOTIONS
21 NOW OR IN THE MORNING?

22 THE COURT: NO, SIR. IF THERE'S ANY
23 MOTION, LET'S HEAR THEM AT THIS STAGE. WHEN WE GET
24 HERE AT 10:00 IN THE MORNING, I PROPOSE TO START
25 TAKING THE TESTIMONY. WHAT MOTIONS DO YOU HAVE?

1 MR. ERVIN: WELL, I HAVE SEVERAL, YOUR
2 HONOR. LET ME GET THE CASES OUT FIRST.

3 THE COURT: ALL RIGHT.

4 MR. ERVIN: YOUR HONOR, FIRST OF ALL, AS
5 TO MARTIN MCINTOSH, AT THIS TIME WE WOULD MAKE A
6 MOTION FOR A DIRECTED VERDICT AS TO THE INDICTMENT
7 FOR MURDER, CRIMINAL SEXUAL CONDUCT, KIDNAPPING AND
8 CONSPIRACY BASED ON OUR POSITION THAT THE STATE HAS
9 FAILED TO PRODUCE ANY EVIDENCE EITHER DIRECT OR
10 CIRCUMSTANTIAL WHICH REASONABLY TENDS TO PROVE THE
11 GUILT OF THE ACCUSED OR FROM WHICH GUILT MAY BE
12 FAIRLY OR LOGICALLY DEDUCED. I WOULD ALSO CITE STATE
13 VERSUS -- EXCUSE ME, YOUR HONOR. I'M TRYING TO PULL
14 THE CASE UP. BROWN VERSUS THE STATE OF SOUTH
15 CAROLINA, WHICH IS A PCR CASE. IT'S OPINION NUMBER
16 23602, SUPREME COURT.

17 THE COURT: RELATING TO WHAT ISSUE,
18 PLEASE?

19 MR. ERVIN: YOUR HONOR, BASICALLY, IT'S MY
20 POSITION THAT THE STATE HAS FAILED TO PRODUCE ANY
21 EVIDENCE THAT MARTIN MCINTOSH PLAYED ANY PART IN THE
22 MURDER OF DARLENE PATTERSON. THERE'S BEEN NO
23 TESTIMONY BY ANY OF THE STATE'S WITNESSES THAT HE HAD
24 CRIMINAL SEXUAL CONDUCT, ANY SEXUAL ACTIVITY WITH THE
25 VICTIM, THAT HE PLAYED ANY PART IN THE RESTRAINT OF

1 THE VICTIM OR THAT THERE WAS ANY AGREEMENT BETWEEN
2 HIM AND ANY OTHERS TO DO ANY OF THE ABOVE, ANY OF THE
3 OFFENSES, THAT HE WAS ACTUALLY INVOLVED IN ANY OF THE
4 COMMISSION OF THE ACTS. FINALLY, VIEWING ALL OF THE
5 EVIDENCE IN THE LIGHT MOST FAVORABLE TO THE STATE, AT
6 BEST THEY HAVE PUT HIM PRESENT AT THE SCENE OF A
7 CRIME AFTER IT'S BEEN COMMITTED.

8 THE COURT: LET ME HEAR FROM THE STATE ON
9 THAT ISSUE.

10 MR. WILSON: YOUR HONOR, I THINK THE
11 EVIDENCE IS QUITE CLEAR IN THE RECORD IN TERMS OF
12 MR. MCINTOSH. AND MY RECOLLECTION IS THIS, IS THAT
13 ONE, HE WAS AT THE HOUSE, AT THE TRAILER INITIALLY,
14 AND THERE WAS TESTIMONY ABOUT THAT. ADDITIONALLY, HE
15 WAS AT THE ABANDONED HOUSE. AND THEN THIRDLY, HE WAS
16 PRESENT WHEN THEY WENT IN THE HOUSE TO GET HER OUT TO
17 BRING HER -- TO TAKE HER TO THE RIVER TO THROW HER
18 IN. THEN HE RODE WITH THEM IN THE CAR AND WAS THERE
19 WHEN THEY DUMPED HER IN THE RIVER. THEN RODE BACK
20 WITH THEM WHEN THE STATEMENT WAS MADE ABOUT IF
21 ANYBODY TOLD WHAT WAS GOING TO HAPPEN TO THEM.

22 THE COURT: MY NOTES REFLECT THAT. I
23 DON'T KNOW WHETHER YOU BELIEVE IT OR NOT. THAT'S FOR
24 THE JURY TO DETERMINE. BUT SURELY, THAT'S IN THIS
25 RECORD, MR. ERVIN.

1 MR. ERVIN: YOUR HONOR, WHAT I RECALL
2 BEING IN THE RECORD FROM BOBBY RANSOM WAS -- DANNY
3 DAVIS NEVER REALLY TESTIFIED TO ANYTHING OTHER THAN
4 MARTIN MCINTOSH WAS ON THE BRIDGE. BOBBY RANSOM
5 NEVER PUT HIM AT THE PARTY. AS A MATTER OF FACT --

6 THE COURT: WELL, THERE IS TESTIMONY THAT
7 HE AT LEAST WAS ON THE BRIDGE, WASN'T HE?

8 MR. ERVIN: YES, SIR.

9 THE COURT: WELL, THAT STANDING ALONE IS
10 SUFFICIENT TO LET IT GO TO THE JURY AT THIS STAGE.

11 MR. ERVIN: WELL, YOUR HONOR, THE
12 TESTIMONY IS CLEAR FROM THE STATE'S TWO WITNESSES
13 THAT SHE WAS DEAD WHEN SHE WAS ON THE BRIDGE.

14 THE COURT: NO, SIR, IT'S NOT. NO, SIR.
15 I JUST RESPECTFULLY OVERRULE THAT. I UNDERSTAND THAT
16 YOU DISAGREE WITH THE EVIDENCE.

17 MR. ERVIN: YES, SIR.

18 THE COURT: AND I UNDERSTAND THE BASIS FOR
19 YOUR DISAGREEMENT. AND I HAVE NO PROBLEM WITH THAT.
20 AND I WOULD UNDERSTAND YOUR DISAGREEMENT WITH THE
21 CREDIBILITY OF THE WITNESSES, BUT THAT'S NOT FOR ME
22 TO DETERMINE. THAT'S FOR THE JURY TO DETERMINE.
23 THOSE MOTIONS ARE -- IS THERE --

24 MR. ERVIN: FOR THE PURPOSE OF THE
25 RECORD --

1 THE COURT: -- IN THE RECORD TO GO FORWARD
2 AT THIS STAGE. ALL RIGHT. HOW ABOUT YOU, MISTER --
3 LET'S TAKE IT AS -- HOW ABOUT EITHER ONE OF YOU?

4 MR. ROGERS: YOUR HONOR, ON BEHALF OF
5 RICKY STUCKEY, WE WOULD MAKE A MOTION FOR THE
6 DIRECTED VERDICT ON THE SAME GROUNDS, SPECIFICALLY
7 WITH RESPECT TO THE CRIMINAL SEXUAL CONDUCT. I DON'T
8 BELIEVE THERE WAS ANY TESTIMONY BY ANYONE THAT RICKY
9 STUCKEY HAD SEX WITH HER. I BELIEVE THIS LAST
10 WITNESS, THE ONLY TESTIMONY WAS THAT THERE WAS NO
11 MENTION THAT RICKY EVER HAD SEX WITH HER. WE HAVE NO
12 OTHER EVIDENCE WHATSOEVER THAT INDICATES THAT RICKY
13 HAD SEX.

14 THE COURT: ISN'T THERE OVERWHELMING
15 EVIDENCE, IF BELIEVED, IN THIS RECORD THAT HE WAS IN
16 THAT ROOM WHEN THEY WERE HAVING SEX WITH HER AND SHE
17 WAS TIED UP?

18 MR. ROGERS: NO, SIR. NO, YOUR HONOR. AS
19 I RECALL IT, THE EVIDENCE WAS SHE WAS IN THE TRAILER
20 TIED UP AND RICKY WAS THERE.

21 THE COURT: I UNDERSTAND. BUT WASN'T
22 THERE ANY -- DON'T Y'ALL WANT TO PARTICIPATE? LET ME
23 HEAR -- I UNDERSTAND YOUR POSITION FOR THE RECORD.
24 GO AHEAD.

25 MR. WILSON: THERE'S TESTIMONY IN THIS

1 RECORD, AS BEST I CAN RECALL, YOUR HONOR, THAT
2 MR. STUCKEY WAS PRESENT ONE -- ACCORDING TO FIRST
3 THIS LAST WITNESS, HE WAS PRESENT WHEN MR. RINGO
4 PEARSON HAD SEXUAL RELATIONS WITH HER. AND THIS IS
5 HIS HOUSE WHERE HE LIVES, WHERE HE HAS CONTROL, WHERE
6 SHE'S TIED UP AND TAPED UP, ACCORDING TO THE
7 TESTIMONY. AND IF SHE'S TAPED UP IN HIS HOUSE AND
8 RINGO PEARSON HAD SEX WITH HER IN HIS HOUSE IN THAT
9 CONDITION, THAT ALONE WOULD MAKE HIM AN AIDER AND
10 ABETTER. AND THE INDICTMENTS DOESN'T JUST CHARGE
11 THAT HE HAD CRIMINAL -- THAT HE HAD SEX WITH HER.
12 WHAT IT SAYS IS THAT -- OR THAT HE WAS PRESENT AIDING
13 AND ABETTING WITH SUCH. AND CERTAINLY BY PROVIDING A
14 HAVEN FOR THEM TO TIE THIS GIRL UP AND KEEP HER AND
15 HAVE SEX WITH HER MAKES HIM A PRINCIPAL.

16 THE COURT: MR. ROGERS, THERE IS
17 TESTIMONY, IF BELIEVED BY THE JURY --

18 MR. ROGERS: YOUR HONOR, THE ONLY
19 TESTIMONY THAT I RECALL IS JEFFREY GRAHAM SAYING THAT
20 HE HEARD THAT RICKY HAD SEX WITH HER. I MEAN, I
21 DON'T THINK THAT THAT ALONE AND THE FACT THAT THE
22 ACTS TOOK PLACE IN HIS TRAILER IS ENOUGH TO HAVE THE
23 JURY TO CONSIDER WHETHER HE HAD SEX WITH HER.

24 THE COURT: THERE WAS OTHER TESTIMONY THAT
25 WHILE IN THE TRAILER AND WHILE THIS UNFORTUNATE

1 VICTIM WAS BOUND AND GAGGED THAT HE WAS THERE
2 PRESENT.

3 MR. ROGERS: SO THERE --

4 THE COURT: I DON'T SUGGEST THAT'S TRUE OR
5 NOT. I SUGGEST THAT'S WHAT'S IN THIS RECORD.

6 MR. ROGERS: SO IT'S GOING TO THE JURY ON
7 THE THEORY OF THE AIDER AND ABETTER?

8 THE COURT: YES, SIR.

9 MR. ROGERS: WELL, I ALSO JOIN MR. ERVIN'S
10 MOTION WITH REGARD TO CONSPIRACY. THE MURDER AT THE
11 BRIDGE TESTIMONY FROM THE PATHOLOGIST WAS THAT IN HER
12 OPINION THAT MINUTES AFTER THE TAPE WAS PLACED OVER
13 HER HEAD, SHE WAS DEAD.

14 THE COURT: WELL, THEN THE JURY MIGHT WELL
15 INFER THAT THAT DEATH OCCURRED IN -- IN YOUR CLIENT'S
16 HOUSE AND IN HIS PRESENCE AND AT HIS HANDS. I DON'T
17 KNOW. I UNDERSTAND YOUR PROBLEM, BUT THAT'S THE
18 TESTIMONY IN THE RECORD AND I WOULD RESPECTFULLY
19 OVERRULE THAT AT THIS STAGE. YOU'VE ALREADY BEEN
20 HEARD.

21 MR. ERVIN: YES, SIR. I JUST WANTED --
22 YOUR HONOR, I DON'T BELIEVE WE EVER ADDRESSED
23 CRIMINAL SEXUAL CONDUCT AS TO MARTIN MCINTOSH. THERE
24 WASN'T ANY EVIDENCE IN THE RECORD REGARDING HIM WITH
25 RESPECT TO THAT.

1 THE COURT: WHAT'S YOUR POSITION ON THAT?

2 MR. WILSON: MY POSITION ON THAT IS MARTIN
3 MCINTOSH IS THE PREMISE OF THE HAND OF ONE OF THESE
4 DEFENDANTS IS THE HAND OF ALL OF THEM. ALL THERE
5 AIDING AND ABETTING AND PARTICIPATING THERE AT THE
6 HOUSE, AT THE PARTIES WHEN THIS GIRL IS TIED UP. I'M
7 SORRY. AT THE TRAILER -- IS THERE AT THE TRAILER,
8 THE HOUSE, THERE WHEN THEY TAKE HER TO THE CAR AND TO
9 THE BRIDGE AND DUMP HER OFF, THERE WHEN THEY MAKE THE
10 STATEMENTS OF KEEPING IT QUIET. HE'S AN AIDER AND
11 ABETTOR AND PRESENT THROUGHOUT THE PROCESS.

12 THE COURT: YOU MAY DISAGREE WITH THE
13 TESTIMONY, MR. ERVIN, BUT THAT IS THE TESTIMONY.

14 MR. ERVIN: YOUR HONOR, I UNDERSTAND THAT
15 AS FAR AS HIS PRESENCE, BUT MERELY BEING PRESENT AS
16 FAR AS BEING AN AIDER AND ABETTOR, THE TESTIMONY WAS
17 THAT HE WAS PRESENT AT THE TRAILER. THERE WAS ONE
18 PERSON THAT TESTIFIED THAT HE WAS PRESENT AT THE
19 TRAILER WHEN THEY WERE COOKING PIG'S FEET. THE
20 REMAINDER OF THE TESTIMONY CONCERNED HIM AND JEFFREY
21 WALLS BEING AT A SHACK WHEN THEY CAME TO PICK THEM
22 UP. AND YOU KNOW, THOSE OTHER -- THERE WAS NOTHING
23 ABOUT CRIMINAL SEXUAL CONDUCT.

24 THE COURT: YES, SIR. MR. ERVIN, IF --
25 AND I DON'T SAY THIS OCCURRED, BUT IF SEVERAL PEOPLE

1 ARE AT A HOUSE WHEN A POOR UNFORTUNATE VICTIM IS
2 BOUND AND GAGGED AND PEOPLE ARE HAVING SEX WITH THAT
3 POOR CREATURE, ANYBODY THERE KNOWING THAT'S GOING ON
4 OBVIOUSLY IS AIDING AND ABETTING. NOW, FROM THE
5 TESTIMONY, THE JURY COULD INFER THOSE FACTS. THEY
6 MAY NOT. BUT I CAN'T GAUGE THE CREDIBILITY OF THESE
7 WITNESSES NOR THE TRUTH OF IT. BUT THAT'S THE
8 EVIDENCE IN THE CASE AT THIS STAGE.

9 YES, SIR.

10 MR. REDMOND: YOUR HONOR, I WOULD SIMPLY
11 JOIN EVERYTHING THAT MR. ROGERS AND MR. ERVIN HAVE
12 SAID IN MOVING FOR A DIRECTED VERDICT ON THE
13 ABSENCE --

14 THE COURT: I WOULD RESPECTFULLY DENY THAT
15 BASED ON WHAT THE RECORD NOW REFLECTS.

16 MR. REDMOND: YES, SIR.

17 MR. MOORE: I WOULD JOIN ALL THREE SO FAR,
18 YOUR HONOR. AND I WOULD MAKE A DIRECTED VERDICT ON
19 THE GROUNDS THAT THE EVIDENCE WOULD NOT SUSTAIN A
20 VERDICT ON ALL CHARGES.

21 THE COURT: WHAT IS YOUR POSITION AS TO
22 THE LAST TWO? I WANT YOUR POSITION AS TO
23 MR. REDMOND'S CLIENT AND MR. MOORE.

24 MR. WILSON: MR. WALLS I THINK IS THE --
25 THE CASE IS REplete WITH INFORMATION ABOUT MR. WALLS

1 AND HIS INVOLVEMENT IN THIS PARTICULAR CASE. THE
2 LAST WITNESS CLEARLY INDICATES THAT MR. WALLS WAS
3 PRESENT AT CRITICAL TIMES INCLUDING WHEN THE VICTIM
4 WAS TIED UP THE LAST TIME AND MOST LIKELY WHEN SHE
5 WAS TAPED UP FOR THE LAST TIME AND WHEN SHE DIED.

6 THE COURT: THAT'S MY RECOLLECTION. HOW
7 ABOUT LEROY STATON? WHAT'S YOUR POSITION WITH REGARD
8 TO MR. MOORE'S CLIENT?

9 MR. WILSON: THERE'S SO MANY OF THESE.
10 GIVE ME ONE SECOND. LET ME GET MY BEARINGS HERE.

11 THE COURT: I WANT TO TAKE EACH DEFENDANT,
12 AS THEY ARE ENTITLED TO THAT, AND THE STATE'S
13 POSITION AS TO EACH ONE SEPARATELY.

14 MR. MOORE: YOU WANT TO TAKE THEM BY THE
15 CHARGES, YOUR HONOR?

16 THE COURT: SIR?

17 MR. MOORE: DO YOU WANT TO TAKE THEM BY
18 THE CHARGES? IN OTHER WORDS, I DON'T FEEL LIKE THERE
19 WAS ANY TESTIMONY RELATING TO THE KIDNAPPING BY MY
20 CLIENT. ALSO, I DON'T FEEL LIKE THERE WAS ANY
21 REFERENCE TO CRIMINAL SEXUAL CONDUCT.

22 THE COURT: LET ME HEAR GENERALLY WHAT HE
23 SAYS, AND THEN WE'LL ASK IT WITH SPECIFICITY.

24 MR. MOORE: AND THEN MY PARTICULAR
25 POSITION ON THE MURDER IS THAT THE PATHOLOGIST

1 TESTIFIED THAT THE MURDER OCCURRED WITH THE TAPE,
2 WITH SUFFOCATION.

3 THE COURT: ALL RIGHT.

4 MR. WILSON: YOUR HONOR, MY UNDERSTANDING
5 WAS -- I'M SORRY. MY UNDERSTANDING IS MR. STATON ON
6 SEVERAL OCCASIONS --

7 THE COURT: MR. LEROY STATON, NOW.

8 MR. WILSON: LEROY STATON IS INVOLVED ON
9 SEVERAL OCCASIONS. ONE, IT'S IS MY UNDERSTANDING IS
10 HE'S AT THE HOUSE WHEN THEY ARE HAVING THE PARTY.
11 BOTH MR. RANSOM AND MR. DAVIS PUTS HIM THERE. THEN
12 HE'S PRESENT AGAIN WHEN THEY GOT IN THE CAR TO TAKE
13 THE -- TO TAKE THE LADY TO THE BRIDGE TO DUMP HER OFF
14 THE BRIDGE. HE WAS IN THE CAR AND WAS THERE WHEN
15 THEY TOOK HER AND THEY THREW HER OFF THE BRIDGE.

16 MR. MOORE: HE WAS NEVER IDENTIFIED.

17 MR. WILSON: YES. BOTH MR. DAVIS AND
18 MR. RANSOM SAID HE WAS THERE.

19 MR. MOORE: SAID HE WAS IN THE CAR. I
20 AGREE WITH THAT. BUT NOT AS TO HE THREW HER OFF THE
21 BRIDGE.

22 MR. WILSON: NOBODY SAYS THEY THREW HER
23 OFF THE BRIDGE, BUT THEY WERE ALL PRESENT IN THE CAR
24 WITH HER WHEN SHE WAS THROWN OFF THE BRIDGE AND THEN
25 THEY ALL MADE AN AGREEMENT AFTER THAT THAT NOBODY WAS

1 GOING TO TELL.

2 THE COURT: THE JURY WELL MAY DETERMINE
3 UNDER THE HAND OF ONE IS THE HAND OF ALL DOCTRINE
4 THAT THEY ARE ALL GUILTY OF MURDER. I'M GOING TO
5 SUBMIT IT TO THE JURY AT THIS STAGE UNLESS I HEAR
6 SOMETHING FROM THE DEFENDANTS THAT WOULD TELL ME
7 OTHERWISE.

8 MR. WILL ROGERS: I HAVE THE SAME MOTION.

9 THE COURT: YOU UNDERSTAND, NOW, THIS
10 RECORD REFLECTS THAT MY RULING IS NOW BASED ON SUCH
11 MATTERS AS THE RECORD REFLECTS AT THE END OF THE
12 STATE'S CASE.

13 MR. WILL ROGERS: YES, YOUR HONOR. I
14 WOULD LIKE TO MAKE A MOTION ON BEHALF OF MY
15 DEFENDANT, ALFONZO STATON, ON ALL COUNTS AND ALSO
16 LIKE TO BRING TO YOUR ATTENTION AS FAR AS COUNT TWO,
17 MURDER, THEY SPECIFICALLY STATE THAT SHE WAS KILLED
18 BY MEANS OF STRANGULATION. SO THAT IS AN ELEMENT OF
19 THE OFFENSE THAT THEY HAVE ALLEGED IN THIS CASE.

20 THE COURT: WELL, AS I RECALL THE
21 TESTIMONY, THE TESTIMONY WAS MOST PROBABLY THAT IT
22 OCCURRED BY STRANGULATION. ISN'T THAT WHAT WAS SAID?

23 MR. ROGERS: SUFFOCATION, YOUR HONOR.

24 MR. ERVIN: ASPHYXIATION.

25 THE COURT: DO YOU HEAR HIS OBJECTION TO

1 THAT? HE SAYS YOUR INDICTMENT SAYS STRANGULATION.

2 MR. WILSON: STRANGULATION?

3 THE COURT: LET HIM HEAR YOU.

4 MR. WILSON: I'M SORRY.

5 MR. WILL ROGERS: IN THE COUNT TWO OF
6 MURDER, IT SAYS THAT THE ALLEGATION IS THAT SHE WAS
7 KILLED BY MEANS OF STRANGULATION.

8 MR. WILSON: WHAT'S THE --

9 MR. PADGETT: WE JOIN IN THAT, YOUR HONOR.

10 MR. REDMOND: I WOULD JOIN IN THAT, YOUR
11 HONOR.

12 MR. WILSON: WHAT'S THE QUESTION? I'M NOT
13 UNDERSTANDING THE QUESTION.

14 THE COURT: YOU ARE DIFFERENTIATING
15 BETWEEN STRANGULATION AND SUFFOCATION. IS THAT --

16 MR. WILL ROGERS: YES, YOUR HONOR.

17 THE COURT: DO YOU WANT TO RESPOND TO
18 THAT?

19 MR. WILSON: YES, SIR. JUST BRIEFLY.
20 FROM THE PATHOLOGIST' TESTIMONY, SHE DOESN'T KNOW HOW
21 SHE DIED. WHAT SHE -- AND SHE'LL ADMIT THAT. SHE
22 SAYS THE BEST I CAN TELL TO A MEDICAL CERTAINTY, I
23 THINK IT WAS ASPHYXIATION. AND I ASKED HER
24 SPECIFICALLY, CAN YOU SAY SHE DIDN'T DROWN? SHE
25 SAID, I CAN'T SAY THAT. IS IT POSSIBLE --

1 THE COURT: NO. HER QUARREL IS WITH THE
2 DIFFERENCE BETWEEN STRANGULATION AND SUFFOCATION AS
3 I -- IS THAT YOUR POSITION?

4 MR. WILL ROGERS: I'M SORRY, YOUR HONOR?

5 MR. PADGETT: YES, SIR. THEY WERE
6 INDICTED ON STRANGULATION. THERE'S NO EVIDENCE OF
7 THAT --

8 MR. WILSON: THEY WERE INDICTED ON MURDER
9 AND ALL WE DID IS TRY TO EXPLAIN THE MANNER IN WHICH
10 THE MURDER OCCURRED.

11 MR. PADGETT: AND MISSED THE MARK.

12 MR. WILSON: AND MURDER IS THE KILLING OF
13 ONE HUMAN BEING BY ANOTHER WITH MALICE AFORETHOUGHT.

14 MR. REDMOND: BUT THAT'S AN ELEMENT OF THE
15 INDICTMENT, YOUR HONOR.

16 THE COURT: NO, SIR. I'M GOING TO
17 OVERRULE THAT.

18 MR. ERVIN: I WOULD --

19 THE COURT: I WILL ACCEPT FROM ALL OF --

20 MR. WILSON: AND I WILL TELL YOU RIGHT
21 NOW, MY THEORY OF THE CASE IS THAT SHE WAS STRANGLED.
22 SHE WAS STRANGLED BY THAT WATER WHEN HE THREW HER IN
23 THERE BECAUSE SHE COULDN'T BREATHE OUT OF HER NOSE.
24 THAT'S WHAT MY THEORY IS AND I STILL THINK THAT.

25 THE COURT: ALL RIGHT. WELL, I'VE RULED

1 ON THAT.

2 MR. WILL ROGERS: THE COUNT ON CRIMINAL
3 SEXUAL CONDUCT, THERE'S NO TESTIMONY WHATSOEVER THAT
4 MY CLIENT HAD ANY KIND OF SEXUAL RELATIONSHIP WITH
5 ANYBODY OR SEXUAL INTERCOURSE WITH ANYBODY.

6 THE COURT: WHAT IS YOUR POSITION WITH
7 REGARDS TO ALFONZO STATON? PLEASE STATE THAT FOR THE
8 RECORD.

9 MR. WILSON: HIS CLIENT IS MORE INVOLVED
10 PROBABLY WITH THE CRIMINAL SEXUAL CONDUCT THAN ANY
11 OTHER DEFENDANT IN HERE. HIS CLIENT WAS WITH RINGO
12 PEARSON AT THE BURGER KING -- WHICH IS WHAT THE
13 TESTIMONY IN THIS RECORD IS -- WHEN THEY SAID THEY
14 WERE GOING TO GET THEIR DICK SUCKED. THEY GET IN THE
15 CAR AND GO GET HER. AT LEAST THAT'S THE TESTIMONY AT
16 THAT POINT IN TIME IS WHEN THEY GO AND GET HER.

17 MR. WILL ROGERS: YOUR HONOR, I THINK HE'S
18 MISTATING WHAT THE TESTIMONY WAS. THE TESTIMONY WAS
19 MY CLIENT WAS NOT WITH THEM, THAT HE WAS IN A
20 SEPARATE VEHICLE, THAT THE OTHER TWO LEFT. MY CLIENT
21 WASN'T EVEN IN THE VEHICLE WITH THEM.

22 MR. WILSON: HE'S RIGHT. I APOLOGIZE,
23 YOUR HONOR. LET ME CORRECT THAT. HE IS ABSOLUTELY
24 RIGHT. HE IS ABSOLUTELY RIGHT AND I MISTATED, AND I
25 APOLOGIZE. HIS CLIENT WAS PRESENT WHEN THE STATEMENT

1 WAS MADE. HE WAS IN A SEPARATE CAR. MR. WALLS WAS
2 THE ONE WHO WAS WITH MR. PEARSON RIDING IN
3 MR. PEARSON'S CAR. HIS CLIENT WAS PRESENT, THOUGH,
4 AT THE TIME THAT STATEMENT WAS MADE. HIS CLIENT IS
5 THEN LATER PRESENT AT THE TRAILER AND HIS CLIENT IS
6 LATER PRESENT AT THE HOUSE AND THEN HIS CLIENT IS
7 LATER PRESENT WHEN THEY GO AND GET THE SAME WOMAN
8 THAT THEY WERE GOING TO HAVE SUCK THEIR PRIVATE
9 PARTS. HE'S PRESENT ALL OF THESE TIMES AND THEN HE'S
10 PRESENT WHEN THEY TAKE HER TO THE BRIDGE AND DUMP HER
11 OFF.

12 THE COURT: THAT'S WHAT I -- MY NOTES
13 REFLECT THAT. ISN'T THAT TRUE? I MEAN, I DON'T SAY
14 THAT IT'S TRUE, BUT I SAY IT'S TRUE THAT IT'S IN THE
15 RECORD.

16 MR. WILL ROGERS: THAT IS IN THE RECORD,
17 YOUR HONOR.

18 THE WITNESS: ALL RIGHT. I WOULD OVERRULE
19 YOUR MOTIONS, RESPECTFULLY. ALL RIGHT. MR. LAWSON.

20 MR. LAWSON: MAY IT PLEASE THE COURT? I
21 JOIN ALL OF THE MOTIONS MADE BY ALL OF MY CO-COUNSEL.
22 I RENEW MY MOTION FOR SEVERANCE AS PREVIOUSLY MADE AT
23 THIS TIME. I ALSO MOVE FOR A DIRECTED VERDICT OF
24 ACQUITTAL AS TO ALL CHARGES AGAINST MY CLIENT ROBERT
25 GRAHAM.

1 YOUR HONOR, IF THE STATE'S POSITION IS THAT MERE
2 PRESENCE IS ENOUGH TO CONVICT SOMEONE OF AIDING AND
3 ABETTING, THAT IS NOT A PROPER PROPOSITION OF LAW.
4 MERE PRESENCE IN THIS STATE CAN NEVER BE SUFFICIENT.

5 THE COURT: I AGREE. MERE PRESENCE IS
6 NOT. I AGREE WITH THAT PROPOSITION. BUT THE STATE
7 ALLEGES MORE THAN MERE PRESENCE. DO YOU WANT TO
8 RESPOND TO THAT?

9 MR. WILSON: YES, SIR. JUST GIVE ME ONE
10 SECOND. I'M TRYING --

11 MR. LAWSON: BUT YOUR HONOR, FROM -- IN
12 THIS RECORD, I ASKED THE STATE'S WITNESSES IF MY
13 CLIENT EVER AGREED TO ANYTHING OR PARTICIPATED IN
14 ANYTHING OR DID ANYTHING IN RELATION TO THE CRIMES
15 INVOLVED AND THE STATE'S OWN WITNESSES SAID NO.

16 THE COURT: WELL, THAT'S YOUR RECOLLECTION
17 OF IT, AND I ACCEPT -- I ACCEPT IT AS YOUR
18 RECOLLECTION, BUT LET ME HEAR WHAT MR. WILSON SAYS
19 THE RECORD REFLECTS REGARDING YOUR CLIENT. NOW, YOUR
20 CLIENT OBVIOUSLY IS NOT CHARGED WITH MURDER.

21 MR. WILSON: YOUR HONOR, THE BEST I CAN
22 RECALL, HE -- MR. GRAHAM HERE, AND I THINK THE RECORD
23 WILL BEAR THIS OUT, ONE, THAT THIS IS HIS RESIDENCE
24 ALONG WITH MR. STUCKEY. SECOND THING IS I THINK THAT
25 THERE'S TESTIMONY FROM -- FROM WITNESSES THAT HE WAS

1 TESTIMONY FROM ONE WITNESS -- AND I MADE A NOTE OF IT
2 HERE -- HE WAS STANDING IN THE LIVING ROOM.

3 MR. LAWSON: HE WAS STANDING IN THE LIVING
4 ROOM AT ONE POINT, BUT NOT WHEN THE WOMAN WAS ON THE
5 COUCH.

6 THE COURT: NO, STAND--- NO, THAT'S NOT MY
7 RECOLLECTION.

8 MR. WILSON: THAT'S NOT MINE EITHER. AND
9 THAT IS NOT WHAT THE RECORD WILL SHOW. THE RECORD
10 WILL SHOW --

11 MR. LAWSON: YOUR HONOR, I WANT --

12 THE COURT: LET HIM TALK AND THEN -- I'VE
13 LET YOU TALK. LET HIM TALK A FEW MINUTES AND THEN
14 I'LL GIVE YOU THE OPPORTUNITY.

15 MR. WILSON: AND YOUR HONOR, I AGREE WITH
16 MR. LAWSON IN ONE SENSE, THAT MR. JEFFREY GRAHAM DID
17 VACILLATE. AIN'T NO QUESTION ABOUT THAT. BUT WHEN I
18 ASKED HIM WHETHER OR NOT HE SAID THAT, HE SAID, YEAH,
19 I SAID THAT. THEN WHEN MR. LAWSON ASKED HIM, HE
20 SAID, WELL, THAT AIN'T TRUE. AIN'T NONE OF THAT
21 TRUE. OF COURSE HE SAID EVERYTHING THAT HE SAID
22 WASN'T TRUE. BUT HE ADMITTED THAT HE SAID IT AND
23 IT'S IN THIS RECORD. NOW, WHETHER THE JURY CHOOSES
24 TO BELIEVE THAT OR NOT -- THEY MAY JUST FIND THAT
25 WHAT HE'S TELLING AIN'T THE TRUTH AND EVERYTHING HE

1 SAID IS A LIE. AND THAT'S FINE WITH ME.

2 THE COURT: HE SAID IT BOTH WAYS IS MY
3 RECOLLECTION.

4 MR. WILSON: HE SAID --

5 MR. LAWSON: YOUR HONOR, WHAT HE SAID --
6 WHAT HE SAID, IF HE SAID ANYTHING, WAS THAT HE SAID
7 IN PREVIOUS STATEMENTS THAT MR. GRAHAM SAID HE HAD
8 SEX WITH THE GIRL.

9 MR. WILSON: EXACTLY. THAT'S RIGHT.

10 MR. LAWSON: OKAY. THAT'S A CORPUS
11 DELICTI PROBLEM IN AND OF ITSELF BECAUSE THAT'S AN
12 OUT-OF-COURT STATEMENT BY A DEFENDANT MADE TO A THIRD
13 PARTY AS TO THE BODY OF THE CRIME WHERE THERE IS
14 ABSOLUTELY NO OTHER EVIDENCE IN THE RECORD AS TO THE
15 OFFENSE. NONE.

16 MR. WILSON: YOUR HONOR, JUST SO I CAN
17 REFRESH MR. LAWSON'S RECOLLECTION, THE TESTIMONY WAS
18 THAT MR. GRAHAM WAS PRESENT, THAT THERE WAS SOME
19 DISCUSSION BY BETTY CAULDER ABOUT GOING TO GET SOME
20 BEER, THAT MR. GRAHAM WAS IN THE FRONT ROOM OF THE
21 HOUSE, WHICH IS WHEN MR. DAVIS I THINK WENT IN THERE
22 TO GET THE BEER. THERE WAS NO BEER. THAT'S WHEN THE
23 GIRL WAS ON THE COUCH. THEY HAD A CONVERSATION. HE
24 LEFT WITH BETTY CAULDER TO GO GET THE BEER. THEN
25 MR. DAVIS SAYS HE GOT DRUNK AND THEN HE FELL OUT. SO

1 I DON'T KNOW WHAT TIME THEY CAME OUT FROM GETTING THE
2 BEER, BUT THEN WHEN HE CAME BACK LATER THAT NIGHT,
3 MR. GRAHAM WAS THERE AGAIN AND THE GIRL WAS THERE.

4 THE COURT: THAT'S MY RECOLLECTION,
5 MR. LAWSON.

6 MR. LAWSON: BUT YOUR HONOR, THAT'S MERE
7 PRESENCE.

8 MR. WILSON: THIS IS HIS HOUSE. THIS IS
9 HIS HOUSE WITH THE VICTIM TIED UP.

10 THE COURT: THERE IS TESTIMONY,
11 MR. LAWSON, IF BELIEVED, THAT THAT UNFORTUNATE VICTIM
12 WAS HELD THERE AGAINST HER WILL IN A DEPLORABLE
13 POSITION WHILE YOUR CLIENT WAS THERE, WHILE HE LEFT
14 WITH THE OTHER INDIVIDUALS TO GO GET THE BEER. AND
15 THERE'S TESTIMONY, IF BELIEVED, THAT SHE WAS STILL IN
16 THAT TROUBLED CONDITION WHEN THEY RETURNED. I DON'T
17 SAY IT HAPPENED. I'M SAYING THAT'S WHAT'S IN THE
18 RECORD. NOW, YOUR MOTION IS RESPECTFULLY OVERRULED.
19 ALL RIGHT. WHAT ELSE, GENTLEMEN?

20 MR. WILSON: I DON'T HAVE ANYTHING ELSE,
21 YOUR HONOR.

22 THE COURT: ANYTHING AT THIS TIME? ALL
23 RIGHT. BEFORE WE GO, LET ME SAY THIS TO YOU, NOW. I
24 HAVE NO IDEA AS TO WHETHER THESE DEFENDANTS WILL OR
25 WILL NOT TESTIFY. BUT BEFORE THE JURY STARTS IN THE

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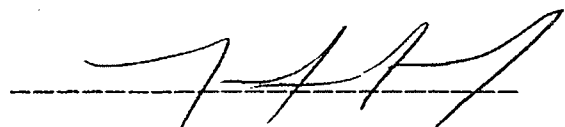
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

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

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

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



MARK W. HAGOOD, RPR

1 THE COURT: I WILL STOP AT THE CONCLUSION
2 OF THE TESTIMONY AND WE'LL JUST TAKE AN HOUR'S BREAK
3 OR SO AND GIVE ALL OF YOU THE SAME OPPORTUNITY.

4 MR. LAWSON: I MEAN, BECAUSE THAT GOES FOR
5 US TOO.

6 THE COURT: I JUST SAID THAT. DIDN'T YOU
7 HEAR WHAT I SAID?

8 MR. LAWSON: YES, SIR.

9 THE COURT: OKAY.

10 MR. LAWSON: BECAUSE I DON'T KNOW WHAT THE
11 REST OF THEM ARE GOING TO DO EITHER.

12 THE COURT: ALL RIGHT. SEE YOU IN THE
13 MORNING AT 10:00.

14 (WHEREUPON, THE FOREGOING
15 PROCEEDINGS WERE ADJOURNED
16 FOR THE EVENING.)

17 (END OF VOLUME 7.)
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1 MORNING, I WOULD LIKE TO MAKE A DETERMINATION FOR THE
2 RECORD THAT PROTECTS ALL OF US THAT THEY FULLY
3 UNDERSTAND THEIR RIGHT TO TESTIFY AND THEY FULLY
4 UNDERSTAND THEIR RIGHT NOT TO TESTIFY. I WANT THE
5 RECORD TO REFLECT IN THE EVENT THEY CHOOSE NOT TO
6 TESTIFY THAT THEY UNDERSTAND THAT THE JURY WILL BE
7 CHARGED THAT THEIR SILENCE CANNOT, MUST NOT BE USED
8 AGAINST THEM. THAT DETERMINATION IS GOING TO BE ON
9 THE RECORD ONE WAY OR THE OTHER INDIVIDUALLY AS TO
10 EACH OF THESE DEFENDANTS. ALL RIGHT. I'LL SEE Y'ALL
11 AT 10:00 IN THE MORNING. ANYTHING ELSE NOW?

12 MR. WILSON: YES, SIR. BEFORE WE BREAK,
13 I'M AT A LITTLE BIT OF A DISADVANTAGE HERE. I DON'T
14 KNOW WHAT THEIR PLANS ARE AND I'M NOT ENTITLED TO,
15 AND I DON'T REALLY WANT TO KNOW. BUT WHAT MY CONCERN
16 IS, THOUGH, I DON'T WANT TO BE CAUGHT FLATFOOTED IN
17 THE NIGHT. OBVIOUSLY I'VE GOT TO PREPARE FOR ALL OF
18 THEIR WITNESSES, AND I DON'T MIND DOING THAT. MY
19 CONCERN IS IF THEY DECIDE THAT THEY ARE NOT GOING TO
20 PUT UP ANY WITNESSES TOMORROW, THEN I WOULD ASK THE
21 COURT TO GIVE ME A COUPLE OF HOURS TO PREPARE MY
22 CLOSING STATEMENTS BEFORE WE START.

23 THE COURT: OH, I WILL DO THAT FOR YOU AND
24 THEM.

25 MR. WILSON: ALL RIGHT.

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 EIGHT

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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IN CAMERA AND PRE-TRIAL MOTIONS
JURY PANEL VOIR DIRE
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1 THE COURT: ALL RIGHT. I ASSUME THAT WE
2 CONCLUDED WITH ALL OF THE MOTIONS AT YESTERDAY'S
3 PROCEEDINGS. ARE WE NOW READY TO BEGIN THE DEFENSE?
4 ALL RIGHT. ARE YOU IN A POSITION TO TELL ME AT THIS
5 TIME WHICH DEFENDANTS ELECT NOT TO TESTIFY?

6 MR. ERVIN: YOUR HONOR, MARTIN MCINTOSH
7 WILL TESTIFY.

8 MR. MOORE: MY CLIENT WILL TESTIFY, YOUR
9 HONOR.

10 THE COURT: ALL RIGHT. WHAT'S THE
11 POSITION OF THE OTHER FOUR?

12 MR. REDMOND: MY CLIENT NOT WILL NOT
13 TESTIFY, YOUR HONOR.

14 THE COURT: ALL RIGHT. HAVE HIM COME
15 FORWARD. HOW ABOUT THE OTHERS? MR. LAWSON?

16 MR. LAWSON: NO, SIR, YOUR HONOR. MY
17 CLIENT WILL NOT TESTIFY.

18 THE COURT: HAVE HIM COME FORWARD.
19 MR. ROGERS OR MR. PADGETT?

20 MR. PADGETT: HE WILL.

21 THE COURT: ALL RIGHT. AS I UNDERSTAND
22 IT, THESE THREE -- OR THESE FOUR WILL NOT TESTIFY.
23 TWO WILL TESTIFY. IS THAT CORRECT?

24 MR. REDMOND: THREE THAT WILL TESTIFY AND
25 THREE WILL NOT TESTIFY, YOUR HONOR.

1 THE COURT: ALL RIGHT. FOR THE RECORD,
2 WHAT IS YOUR NAME?

3 MR. WALLS: JEFFREY WALLS.

4 THE COURT: AND WHO IS YOUR ATTORNEY?

5 MR. WALLS: KERNARD REDMOND.

6 THE COURT: HAS MR. REDMOND ADVISED YOU
7 THAT YOU HAVE THE ABSOLUTE RIGHT TO TESTIFY IN YOUR
8 DEFENSE IF YOU CHOOSE TO?

9 MR. WALLS: YES, SIR.

10 THE COURT: HAS HE ALSO ADVISED YOU THAT
11 YOU HAVE THE ABSOLUTE RIGHT NOT TO TESTIFY?

12 MR. WALLS: YES, SIR.

13 THE COURT: YOU WOULD OBVIOUSLY CONFER
14 WITH YOUR ATTORNEY AS TO YOUR POSITION, BUT THE FINAL
15 DECISION RESTS WITH YOU. DO YOU UNDERSTAND THAT?

16 MR. WALLS: YES, SIR.

17 THE COURT: IS IT YOUR DESIRE TO TESTIFY
18 OR DO YOU -- IT IS NOT YOUR DESIRE TO TESTIFY?

19 MR. WALLS: NOT TO TESTIFY.

20 THE COURT: ALL RIGHT, SIR. I WANT YOU TO
21 UNDERSTAND, NOW, THAT THAT IS YOUR DECISION. YOU
22 HAVE THE FULL RIGHT TO TESTIFY AND YOU HAVE THE
23 ABSOLUTE RIGHT NOT TO TESTIFY. IF YOU ELECT NOT TO
24 TESTIFY, I WOULD INSTRUCT THE JURY THAT YOUR FAILURE
25 TO TESTIFY MUST NOT AND COULD NOT BE HELD AGAINST YOU

1 IN ANY WAY WHATSOEVER. DO YOU UNDERSTAND THAT?

2 MR. WALLS: YES, SIR.

3 THE COURT: DO YOU HAVE ANY QUESTIONS
4 ABOUT YOUR RIGHT TO TESTIFY OR YOUR RIGHT TO REMAIN
5 SILENT?

6 MR. WALLS: NO, SIR.

7 THE COURT: MR. REDMOND, IS THERE ANY
8 FURTHER INQUIRY THAT YOU NEED TO MAKE UPON THIS
9 RECORD OF YOUR CLIENT ON THAT ISSUE?

10 MR. REDMOND: NO, SIR, YOUR HONOR. I
11 THINK YOU COVERED IT.

12 THE COURT: I JUST WANT THE RECORD TO
13 REFLECT THAT IT HIS DECISION TO TESTIFY OR NOT TO
14 TESTIFY IS FREELY, VOLUNTARILY AND KNOWINGLY MADE.
15 AND IF HE ELECTS NOT TO TESTIFY, IT IS WAIVED BY HIM
16 AND HIM ALONE.

17 MR. REDMOND: UNDERSTOOD, YOUR HONOR.

18 THE COURT: ALL RIGHT, SIR. YOUR NAME,
19 SIR?

20 MR. GRAHAM: ROBERT GRAHAM.

21 THE COURT: SIR?

22 MR. GRAHAM: ROBERT GRAHAM.

23 THE COURT: AND WHO IS YOUR ATTORNEY?

24 MR. GRAHAM: JACK LAWSON.

25 THE COURT: HAVE YOU ADVISED YOUR CLIENT

1 OF HIS RIGHT TO TESTIFY?

2 MR. LAWSON: I HAVE, YOUR HONOR.

3 THE COURT: HAVE YOU ALSO ADVISED HIM OF
4 HIS RIGHT NOT TO TESTIFY?

5 MR. LAWSON: I HAVE, YOUR HONOR.

6 THE COURT: WHAT DOES YOUR CLIENT ELECT TO
7 DO IN THIS CASE?

8 MR. LAWSON: HE WILL NOT TESTIFY.

9 THE COURT: OKAY. MR. DEFENDANT, YOUR
10 ATTORNEY TELLS ME THAT AFTER DISCUSSIONS WITH HIM
11 THAT YOU ELECT NOT TO TESTIFY; IS THAT CORRECT?

12 MR. GRAHAM: YES, SIR.

13 THE COURT: NOW, OBVIOUSLY YOU WOULD
14 DISCUSS WITH YOUR ATTORNEY THIS IMPORTANT DECISION.
15 HOWEVER, THE FINAL DECISION RESTS WITH YOU. YOU MAY
16 TESTIFY IF YOU CHOOSE TO. YOU MAY NOT TESTIFY IF YOU
17 CHOOSE TO. IF YOU ELECT NOT TO TESTIFY, I WOULD
18 INSTRUCT THE JURY THAT YOUR FAILURE TO TESTIFY CANNOT
19 AND MUST NOT BE USED AGAINST YOU IN ANY WAY. DO YOU
20 UNDERSTAND THAT?

21 MR. GRAHAM: YES, SIR.

22 THE COURT: DO YOU HAVE ANY QUESTIONS
23 ABOUT YOUR RIGHT TO TESTIFY OR RIGHT NOT TO TESTIFY?
24 BE GLAD TO ANSWER ANY QUESTIONS FOR YOU OR ANY OTHER
25 OF THESE DEFENDANT.

1 MR. GRAHAM: NO, SIR.

2 THE COURT: YOU ARE TELLING ME THAT YOUR
3 DECISION NOT TO TESTIFY IS YOURS AND IS KNOWINGLY AND
4 FREELY MADE; IS THAT RIGHT?

5 MR. GRAHAM: YES, SIR.

6 THE COURT: AND YOU UNDERSTAND IF YOU
7 WISHED TO TESTIFY, YOU WOULD HAVE THAT RIGHT TO DO
8 THAT TOO?

9 MR. GRAHAM: YES, SIR.

10 THE COURT: OKAY. WHO IS YOUR CLIENT,
11 COUNSEL?

12 MR. WILL ROGERS: ALFONZO STATON.

13 THE COURT: HAVE YOU ADVISED MR. STATON OF
14 HIS RIGHT TO TESTIFY?

15 MR. WILL ROGERS: YES, YOUR HONOR.

16 THE COURT: EQUALLY IMPORTANT, HAS HE BEEN
17 ADVISED OF HIS RIGHT NOT TO TESTIFY?

18 MR. WILL ROGERS: YES, SIR, YOUR HONOR.

19 THE COURT: WHAT DOES YOUR CLIENT ELECT TO
20 DO?

21 MR. WILL ROGERS: NOT TESTIFY.

22 THE COURT: MR. DEFENDANT, YOU'VE HEARD ME
23 EXAMINE THESE OTHER TWO DEFENDANTS IN YOUR PRESENCE
24 ON THIS ISSUE, HAVE YOU NOT?

25 MR. ALFONZO STATON: YES, SIR.

1 THE COURT: DO YOU UNDERSTAND THAT YOU
2 HAVE THE RIGHT TO TESTIFY IN YOUR OWN BEHALF IF YOU
3 CHOOSE TO?

4 MR. ALFONZO STATON: YES, SIR.

5 THE COURT: DO YOU UNDERSTAND THAT IF YOU
6 ELECT NOT TO TESTIFY, THAT IS YOUR CONSTITUTIONAL
7 RIGHT?

8 MR. ALFONZO STATON: YES, SIR.

9 THE COURT: IF YOU ELECT NOT TO TESTIFY, I
10 WOULD CHARGE THE JURY THAT YOUR SILENCE COULD NOT,
11 MUST NOT BE USED AGAINST YOU IN ANY WAY. DO YOU
12 UNDERSTAND THAT?

13 MR. ALFONZO STATON: YES, SIR.

14 THE COURT: THE DECISION, NOW, OBVIOUSLY
15 YOU WOULD DISCUSS WITH YOUR LAWYER, BUT THE DECISION
16 RESTS WITH YOU. DO YOU UNDERSTAND THAT?

17 MR. ALFONZO STATON: YES, SIR.

18 THE COURT: DO YOU UNDERSTAND FULLY IF YOU
19 SAY TO ME, JUDGE, I WANT TO TESTIFY, YOU WOULD BE
20 AFFORDED THAT OPPORTUNITY?

21 MR. ALFONZO STATON: YES, SIR.

22 THE COURT: EQUALLY IMPORTANT, IF YOU SAY
23 TO ME, JUDGE, I DO NOT WISH TO TESTIFY, I WILL
24 CERTAINLY GRANT YOU THAT WISH TOO AND CHARGE THE JURY
25 AS I'VE TOLD YOU. DO YOU UNDERSTAND THAT?

1 MR. ALFONZO STATON: YES, SIR.

2 THE COURT: DO YOU HAVE ANY QUESTIONS
3 ABOUT WHAT THIS DISCUSSION IS?

4 MR. ALFONZO STATON: NO, SIR.

5 THE COURT: MR. ROGERS, ANYTHING YOU WISH
6 TO DISCUSS AT THIS TIME?

7 MR. WILL ROGERS: NO, SIR, YOUR HONOR.

8 THE COURT: MR. LAWSON?

9 MR. LAWSON: NO, SIR.

10 THE COURT: MR. REDMOND?

11 MR. REDMOND: NO, SIR.

12 THE COURT: LET THE RECORD REFLECT THAT I
13 HAVE DISCUSSED THE RIGHT TO TESTIFY WITH ALL OF THESE
14 NAMED DEFENDANTS, ALL OF WHO KNOWINGLY AND FREELY
15 WAIVE THEIR RIGHT TO TESTIFY. THE JURY WILL BE
16 CHARGED THAT THEIR FAILURE TO TESTIFY MUST NOT,
17 CANNOT BE USED AGAINST THEM IN ANY WAY, THAT THE
18 FAILURE CANNOT EVEN ENTER INTO THE DELIBERATIONS IN
19 THE JURY ROOM. ANYTHING FURTHER YOU WANT ME TO
20 INQUIRE ABOUT?

21 MR. WILL ROGERS: NO, SIR.

22 MR. LAWSON: NO, SIR.

23 MR. REDMOND: NO, SIR.

24 THE COURT: ALL RIGHT. BRING THE JURY IN
25 FOR ME.

GARY WISE - DIRECT BY MR. ERVIN

1111

(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
PROCEED.

MR. ERVIN: CALL GARY WISE TO THE STAND.

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: GARY WISE.

GARY WISE,
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. ERVIN:

Q. MR. WISE, YOU GO BY GARY WISE?

A. YES, SIR.

Q. TELL THE JURY WHERE YOU LIVE AND WHAT YOU
DO FOR A LIVING.

A. I LIVE AT 1626 HIGHWAY 385, BENNETTSVILLE,
AND I WORK AT MEGGS FORD.

Q. YOU WORK AT MEGGS FORD?

A. YES, SIR.

1 Q. IF YOU WOULD, PLEASE SPEAK INTO THE
2 MICROPHONE SO THE COURT REPORTER CAN TAKE DOWN
3 EVERYTHING YOU ARE SAYING. ARE YOU IN THE MILITARY?

4 A. WAS.

5 Q. YOU WERE IN THE MILITARY?

6 A. YES, SIR.

7 Q. WHEN DID YOU COMPLETE YOUR MILITARY
8 SERVICE?

9 A. '91.

10 Q. 1991? AND WHAT BRANCH OF THE SERVICE WERE
11 YOU IN?

12 A. MARINE CORP.

13 Q. HOW LONG WERE YOU IN THE MARINE CORP?

14 A. FOUR YEARS ACTIVE, FOUR YEARS RESERVE.

15 Q. OKAY. SO AFTER YOUR EIGHT YEARS IN THE
16 MILITARY, YOU RETURNED TO BENNETTSVILLE TO -- TO YOUR
17 HOME TOWN TO WORK?

18 A. YES, SIR.

19 Q. ARE YOU MARRIED?

20 A. YES, SIR.

21 Q. HOW MANY CHILDREN DO YOU HAVE?

22 A. ONE CHILD.

23 Q. ONE CHILD. DO YOU STILL LIVE IN THE AREA
24 KNOWN AS THE BURNT FACTORY POND AREA IN THAT PART OF
25 THE COUNTY?

GARY WISE - DIRECT BY MR. ERVIN

1113

1 A. PROBABLY ABOUT THREE OR FOUR MILES FROM IT
2 NOW.

3 Q. THREE OR FOUR MILES FROM IT?

4 A. YES, SIR.

5 Q. ARE YOU LIVING IN THE SAME PLACE YOU WERE
6 BACK IN 1994?

7 A. NO, SIR.

8 Q. OKAY. WHERE WERE YOU LIVING BACK IN 1994?

9 A. 323 FACTORY LANE ON BURNT FACTORY DIRT
10 ROAD.

11 Q. SO THAT WAS PRETTY CLOSE TO THE BURNT
12 FACTORY POND?

13 A. YES, SIR. MAYBE TWO OR THREE TENTHS OF A
14 MILE FROM THE CREEK ITSELF.

15 Q. OKAY. BACK IN '94, WHEN YOU WERE ARRIVING
16 AT 323 FACTORY LANE ROAD, DID YOU FREQUENTLY DRIVE
17 DOWN TO BURNT FACTORY POND ROAD?

18 A. YES, SIR.

19 Q. THE ROAD THAT SEPARATES THE POND, OR LAKE
20 IF YOU WANT TO CALL IT THAT, FROM THE TWO SPILLWAYS?

21 A. YES, SIR.

22 Q. YOU WERE SUBPOENAED TO TESTIFY BY THE
23 STATE OF SOUTH CAROLINA IN THIS CASE, WEREN'T YOU?

24 A. YES, SIR. I WAS SUBPOENAED FOR A
25 PRE-COURT HEARING AND THEN I HAD ANOTHER SUBPOENA.

1 Q. AS A MATTER OF FACT, BACK IN '94, YOU GAVE
2 A STATEMENT TO THE SHERIFF'S DEPARTMENT, DIDN'T YOU?

3 A. YES, SIR.

4 Q. THAT WAS ON THE 25TH OF NOVEMBER, THE DAY
5 AFTER MS. PATTERSON'S BODY WAS FOUND?

6 A. YES, SIR. I -- SOME TIME AROUND THAT
7 TIME, YES, SIR.

8 Q. I CAN SHOW YOU THIS TO ALLOW YOU TO
9 REFRESH YOUR MEMORY.

10 A. ALL RIGHT, SIR.

11 Q. THAT SHOULD HAVE THE DATE AT THE BOTTOM
12 WHEN YOU MADE THAT STATEMENT TO THEM. DOES THAT LOOK
13 LIKE THE STATEMENT THAT YOU MADE TO THE SHERIFF'S
14 DEPARTMENT ON THE 25TH OF NOVEMBER?

15 A. UH-HUH.

16 Q. OR A COPY OF IT?

17 A. YES, SIR.

18 THE COURT: TALK OUT A LITTLE LOUDER FOR
19 US, PLEASE, SIR.

20 THE WITNESS: ALL RIGHT, SIR.

21 THE COURT: I WANT THE JURY TO BE ABLE TO
22 HEAR YOU.

23 BY MR. ERVIN:

24 Q. DOES THAT LOOK LIKE A COPY OF THE
25 STATEMENT?

1 A. YES, SIR.

2 Q. IN YOUR STATEMENT, YOU INDICATED THAT YOU
3 AND WAYNE TURNER LEFT YOUR MOBILE HOME AND WERE GOING
4 TO FLORENCE AND THAT YOU NOTICED SOMETHING IN THE
5 SPILLWAY POND?

6 A. YES, SIR.

7 Q. TELL THE JURY WHAT DAY THAT WAS THAT YOU
8 AND WAYNE WERE LEAVING TO GO TO FLORENCE AND WHAT
9 EXACTLY YOU SAW.

10 A. IT WAS A COUPLE OF DAYS BEFORE THE ACTUAL
11 BODY WAS -- I'M NOT SURE ABOUT THE DATE. IT'S BEEN
12 AWHILE BACK NOW.

13 Q. IN RELATION TO THANKSGIVING, WAS IT
14 THANKSGIVING DAY OR PRIOR TO THAT?

15 A. A COUPLE OF DAYS BEFORE, MAYBE TWO, MAYBE
16 THREE DAYS BEFORE THANKSGIVING.

17 Q. OKAY.

18 A. AND WE SAW SOMETHING PINKISH RED IN THE
19 POND, IN THE CREEK BESIDE THE OLD SPILLWAY. AND WE
20 PUT IT OFF AS A DEER CARCASS OR AN ANIMAL BODY OR
21 WHATEVER AND JUST WENT ON TO FLORENCE.

22 Q. DO YOU HUNT FREQUENTLY?

23 A. YES, SIR.

24 Q. SO YOU DIDN'T THINK IT WOULD BE THAT
25 UNUSUAL FOR --

1 THE COURT: LET ME ASK YOU SOMETHING. CAN
2 YOU HEAR THIS WITNESS? I THINK YOU PROBABLY NEED TO
3 TALK A LITTLE LOUDER FOR US.

4 BY MR. ERVIN:

5 Q. ALL RIGHT. YOU INDICATED TO ME THAT YOU
6 HUNT FREQUENTLY YOURSELF?

7 A. YES, SIR.

8 Q. SO AT THAT -- WHEN YOU SAW WHATEVER THAT
9 WAS IN THE WATER, YOU DIDN'T THINK ANYTHING UNUSUAL
10 AT THAT TIME ABOUT IT?

11 A. NO, SIR.

12 Q. YOU THOUGHT IT MIGHT HAVE BEEN A DEER
13 CARCASS?

14 A. YES, SIR.

15 Q. WAS THAT THE FIRST TIME YOU HAD NOTICED
16 THE OBJECT IN THE WATER?

17 A. I'M NOT EXACTLY FOR SURE IF IT'S THE FIRST
18 TIME OR NOT, BUT I DON'T THINK IT WAS BECAUSE I
19 REMEMBER THE FIRST TIME I SAW SOMETHING IN THE CREEK,
20 IT WAS ON THE FRONT SIDE OF THE SANDBAR, CLOSER TO
21 THE ROAD. AND ME AND LITTLE WAYNE WERE TALKING ABOUT
22 IT, WHICH IS WAYNE TURNER. IT WAS AT THE BACKSIDE OF
23 THE CREEK.

24 Q. OKAY. HAD THERE BEEN A LOT OF RAIN THAT
25 MIGHT HAVE --

GARY WISE - DIRECT BY MR. ERVIN

1117

1 A. THE -- THE DAY WE WERE GOING TO FLORENCE,
2 I THINK IT WAS RAINING OR HAD RAINED THE NIGHT BEFORE
3 AND THE WATER HAD RISEN IN THE CREEK.

4 Q. OKAY. SO THE FIRST TIME YOU SAW WHATEVER
5 THAT OBJECT WAS, YOU STATED IT WAS ON A SANDBAR OF
6 SOME TIME?

7 A. YES, SIR. IT WAS A LITTLE SANDBAR IN
8 THE -- IN THE SIDES OF THE CREEK THERE.

9 Q. UH-HUH.

10 A. LOOKED LIKE IT WAS SITTING UP AGAINST THE
11 SIDE, CLOSER TO THE ROAD.

12 Q. AND THE NEXT TIME, IT HAD FLOATED FURTHER?

13 A. YES, SIR. BACK.

14 Q. OKAY. AND ON THE DAY THAT YOU AND WAYNE
15 WENT TO FLORENCE, WHICH WAS A COUPLE OF TWO TO THREE
16 DAYS BEFORE THANKSGIVING, THERE HAD BEEN SOME RAIN?

17 A. YES, SIR.

18 Q. DO YOU KNOW HOW MANY DAYS IT WAS BEFORE
19 YOU AND WAYNE SAW WHAT -- WHAT YOU NOW BELIEVE TO BE
20 A BODY, THAT YOU FIRST SAW IT?

21 A. NO, SIR. I CAN'T BE EXACT.

22 Q. WAS IT A DAY OR TWO?

23 A. A DAY OR TWO, YES, SIR. JUST A COUPLE OF
24 DAYS AT THE MOST.

25 Q. WAS THERE ANYTHING THAT DREW YOUR

1 ATTENTION TO IT OR DO YOU TRAVEL THAT ROAD
2 FREQUENTLY?

3 A. YES, SIR. I TRAVEL BACK AND FORTH A LOT.
4 IT'S NOT UNUSUAL TO SEE ALL KINDS OF STUFF PEOPLE --

5 Q. -- THROW OUT?

6 A. -- THROW IN, TRASH AND REFRIGERATORS,
7 T.V.'S, ANYTHING ELSE.

8 Q. OKAY.

9 A. SO --

10 Q. HAD THE SHERIFF'S DEPARTMENT CONTACTED YOU
11 OR DID YOU CONTACT THE SHERIFF'S DEPARTMENT WHEN YOU
12 FOUND OUT THAT A BODY HAD BEEN FOUND IN THE BURNT
13 FACTORY SPILLWAY?

14 A. I'M NOT EXACTLY SURE ABOUT THAT. I
15 PROBABLY SAID SOMETHING TO ONE OF THE DEPUTIES. I'M
16 NOT FOR SURE ABOUT IT.

17 Q. YOU KNOW QUITE A FEW OF THEM?

18 A. YES, SIR.

19 MR. ERVIN: OKAY. THAT'S ALL I HAVE FROM
20 THIS WITNESS, YOUR HONOR.

21 THE COURT: ANY -- WE'LL PROCEED IN THE
22 FOLLOWING MANNER. THE DEFENSE WILL CONCLUDE THEIR
23 CROSS-EXAMINATION AND THEN THE SOLICITOR WILL
24 CONCLUDE HIS.

25 MR. PADGETT: NO QUESTIONS, JUDGE.

MR. REDMOND: NO QUESTIONS, JUDGE.

MR. MOORE: NO QUESTIONS.

MR. WILL ROGERS: NO QUESTIONS, YOUR

MR. LAWSON: NO QUESTIONS.

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

BY MR. WILSON:

Q. MR. WISE, I JUST HAD A COUPLE OF QUESTIONS. WHATEVER IT WAS THAT YOU SAW, YOU WEREN'T REAL SURE THAT IT WAS A BODY, WERE YOU?

A. NO, SIR.

Q. BECAUSE IF YOU HAD BEEN SURE OF THAT, YOU WOULD HAVE GONE TO LAW ENFORCEMENT AND TOLD THEM THAT YOU HAD SEEN A BODY IN THE RIVER?

A. OH, YES, SIR.

Q. AND YOU ACTUALLY THOUGHT THAT WHAT YOU SAW WAS A DEER CARCASS?

A. YES, SIR.

Q. AND YOU THINK THAT THIS WAS AROUND THE 22ND OF -- OF NOVEMBER, A COUPLE OF DAYS BEFORE THANKSGIVING WHEN YOU SAW IT?

A. YES, SIR.

Q. AND EVEN NOW, DID YOU EVER GO DOWN -- DID YOU GO DOWN TO THE RIVER ON THE 24TH, WHEN THE BODY WAS ACTUALLY REMOVED FROM THE RIVER?

1 A. NO, SIR. I WAS OUT OF TOWN ALL DAY.

2 Q. OKAY. SO YOU DON'T KNOW IF WHATEVER IT
3 WAS THAT THEY FOUND ON THE 24TH WAS EXACTLY WHAT YOU
4 SAW. YOU JUST THINK THAT IT MIGHT HAVE BEEN. IS
5 THAT WHAT YOU'RE SAYING?

6 A. YES, SIR.

7 Q. OKAY.

8 A. WELL, I GAVE AN IDEA OF WHERE I HAD SEEN
9 IT AND THAT'S ABOUT WHERE IT WAS FOUND, SO...

10 Q. SO WHATEVER WAS FOUND WAS FOUND IN THAT
11 SAME GENERAL AREA WHERE YOU THOUGHT YOU SAW -- LET ME
12 SHOW YOU -- LET ME SHOW YOU WHAT'S MARKED AS STATE'S
13 EXHIBIT NUMBER 6 AND ASK YOU TO TAKE A LOOK AT THAT
14 FOR ME. IS THAT WHAT YOU SAW OR DO YOU KNOW?

15 A. NO, SIR. WHAT I -- I DON'T KNOW THAT
16 THAT'S WHAT I SAW. IT WAS A WAYS BACK OFF THE ROAD
17 AND WHAT I HAD SEEN WAS PINKISH, RED COLOR.

18 Q. OKAY. SO YOU DON'T KNOW IF THIS IS WHAT
19 YOU SAW?

20 A. NO, SIR.

21 Q. AND THIS IS STATE'S EXHIBIT 6, WHICH IS A
22 BODY OF A PERSON, IS IT NOT?

23 A. APPEARS TO BE, YES, SIR.

24 MR. WILSON: ALL RIGHT. I DON'T HAVE ANY
25 OTHER QUESTIONS. THANK YOU SO MUCH.

THE COURT: YOU MAY COME DOWN.

MR. ERVIN: FRANKLIN TURNER.

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

FRANKLIN TURNER,
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. ERVIN:

Q. THANK YOU. PLEASE STATE YOUR FULL NAME.

A. FRANKLIN DWAYNE TURNER.

Q. YOU LIVE HERE IN BENNETTSVILLE?

A. NO, SIR. I STAY GOING TOWARDS MCCOLL.

Q. BETWEEN BENNETTSVILLE AND MCCOLL?

A. YES, SIR.

Q. WHERE DO YOU WORK?

A. AT ADVANCED AUTO PARTS.

Q. HERE IN BENNETTSVILLE?

A. YES, SIR.

Q. OKAY. DO YOU REMEMBER BEING WITH GARY

1 WISE BACK ON NOVEMBER 22ND OF 1994?

2 A. I CAN'T RECALL THE DATE, BUT YES, I WAS
3 WITH HIM.

4 Q. WAS IT PRIOR TO THANKSGIVING OF 1994?

5 A. YES, SIR.

6 Q. DO YOU RECALL SEEING SOMETHING THAT CAUGHT
7 HIS ATTENTION ON THAT DAY?

8 A. YES, SIR.

9 Q. TELL THE JURY WHAT DISCUSSION YOU HAD
10 WITH -- WITH GARY THAT DAY.

11 MR. WILSON: TO ANY DISCUSSION THAT THEY
12 HAD?

13 MR. ERVIN: HE'S SITTING RIGHT HERE, YOUR
14 HONOR.

15 THE COURT: SIR?

16 MR. ERVIN: HE'S SITTING RIGHT HERE.

17 MR. WILSON: I WITHDRAW IT. I HAVE NO --
18 FINE. I HAVE NO OBJECTIONS.

19 MR. ERVIN: TELL THE JURY WHAT YOU AND
20 GARY DISCUSSED.

21 THE WITNESS: WELL, WE WERE GOING TO
22 FLORENCE.

23 THE COURT: GET A LITTLE CLOSER TO THE
24 MICROPHONE FOR ME, PLEASE.

25 THE WITNESS: WE WERE GOING TO FLORENCE

1 AND WE STOPPED ON THE BRIDGE AND WE WAS TALKING ABOUT
2 FISHING, AND WE WERE JUST LOOKING DOWN AT THE WATER.
3 AND AT THE BACK OF THE POND, WELL, BACK THE LITTLE
4 DRUMWAY THERE, WE SEEN SOMETHING JUST FLOATING IN THE
5 WATER. IT WAS A PINKISH RED COLOR. AND ME AND HIM
6 DISCUSSED IT. HE THOUGHT IT WAS LIKE A DEER CARCASS
7 AND I TOLD HIM I DIDN'T THINK IT WAS; YOU KNOW,
8 SOMETHING FLOATING IN THE WATER. AND WE JUST LEFT IT
9 ALONE AND WENT ON TO FLORENCE AND DIDN'T THINK
10 NOTHING ELSE ABOUT IT.

11 Q. OKAY. DID YOU LATER GIVE A STATEMENT TO
12 THE SHERIFF'S DEPARTMENT OR WAS GARY THE ONLY ONE WHO
13 DID?

14 A. GARY DID.

15 MR. ERVIN: THAT'S ALL I HAVE FROM THIS
16 WITNESS.

17 THE COURT: SOLICITOR? EXCUSE ME. ANY
18 QUESTIONS?

19 MR. PADGETT: NO QUESTIONS.

20 MR. REDMOND: NO QUESTIONS.

21 MR. MOORE: NO QUESTIONS.

22 MR. LAWSON: NO QUESTIONS, YOUR HONOR.

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

24 BY MR. WILSON:

25 Q. MR. TURNER, LET ME ASK YOU, THIS WAS ON

1 THE 22ND. ARE YOU SURE IT'S THE 22ND?

2 A. NO, SIR.

3 Q. COULD IT HAVE BEEN THE 23RD?

4 A. I COULDN'T TELL YOU EXACTLY THE DATE.

5 THAT'S SOMETHING I CAN'T RECALL.

6 Q. OKAY. AND YOU SAY IT WAS LIKE 3:00 IN THE
7 AFTERNOON?

8 A. IT WAS IN THE AFTERNOON. IT WAS A FAIR
9 DAY, YOU KNOW, PRETTY CLEAR. IT WAS A LITTLE COOL.

10 Q. OKAY. NOW, HAD YOU BEEN DOWN TO THAT
11 RIVER BEFORE EARLIER THAT WEEK OR WAS THIS THE FIRST
12 TIME THAT WEEK THAT YOU HAD BEEN DOWN THERE?

13 A. ME?

14 Q. YES, SIR.

15 A. NO, SIR. I WAS RIDING WITH GARY. I
16 WASN'T FAMILIAR WITH THE AREA.

17 Q. OKAY.

18 A. AND I DIDN'T KNOW NOTHING ABOUT IT.

19 Q. AND YOU SAW SOMETHING, BUT YOU'RE NOT
20 SAYING WHAT YOU SAW WAS A BODY. YOU'RE NOT REAL SURE
21 WHAT YOU SAW?

22 A. NO, SIR. I --

23 Q. WERE YOU -- I'M SORRY. GO AHEAD.

24 A. ALL WE SEEN WAS JUST SOMETHING THAT WAS
25 JUST FLOATING.

1 MARTIN MCINTOSH,
2 HAVING BEEN FIRST DULY SWORN BY THE CLERK OF COURT,
3 TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION
5 BY MR. ERVIN:

6 Q. STATE YOUR FULL NAME, MARTIN.

7 A. MARTIN MCINTOSH.

8 Q. SPEAK INTO THE MICROPHONE SO THAT THE
9 COURT REPORTER AND THE JUDGE AND THE JURY AND
10 EVERYBODY ELSE CAN HEAR YOU. YOU PROBABLY NEED TO
11 HOLD IT UP A LITTLE BIT TOWARDS YOUR MOUTH WHEN
12 YOU'RE SPEAKING. MARTIN, WHERE ARE YOU FROM?

13 A. NEW YORK.

14 Q. WHERE DO YOU LIVE IN NEW YORK OR WHERE DID
15 YOU LIVE BEFORE YOU WERE ARRESTED AND PLACED IN
16 CUSTODY ON THESE CHARGES?

17 A. I LIVED IN BROOKLYN, NEW YORK, WITH MY
18 MOM'S --

19 THE COURT: MR. MCINTOSH, YOU'RE GOING TO
20 HAVE TO TALK A LITTLE LOUDER FOR ME, PLEASE.

21 THE WITNESS: I LIVED IN BROOKLYN, NEW
22 YORK WITH MY MOTHER.

23 BY MR. ERVIN:

24 Q. WITH YOUR MOTHER?

25 A. YES, SIR.

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1 Q. WHAT IS YOUR MOTHER'S NAME?

2 A. EMMA MCINTOSH.

3 Q. IS SHE HERE TODAY?

4 A. NO, SIR.

5 Q. WHY NOT, IF YOU KNOW?

6 A. BECAUSE SHE'S KIND OF SICK AND SHE'S NOT
7 ABLE TO TRAVEL.

8 Q. SHE WASN'T ABLE TO TRAVEL?

9 A. NO, SIR.

10 Q. IS YOUR FATHER HERE?

11 A. YES, SIR.

12 Q. WHERE IS YOUR FATHER SITTING?

13 A. FIRST PERSON ON THE LEFT-HAND SIDE.

14 Q. FIRST ROW THERE?

15 A. YES, SIR.

16 Q. IN THE RED SHIRT? IS HE FROM MARLBORO
17 COUNTY?

18 A. HE WAS RAISED -- HE WAS BORN DOWN HERE IN
19 SOUTH CAROLINA, BUT HE LIVES IN NEW YORK NOW.

20 Q. OKAY. WAS HE BORN AND RAISED IN CLIO?

21 A. YES, SIR.

22 Q. YOUR GRANDMOTHER?

23 A. YES, SIR.

24 Q. IS SHE HERE?

25 A. YES, SIR.

1 Q. ALSO BEHIND YOUR FATHER THERE?

2 A. YES, SIR.

3 Q. HAVE YOU SPENT A FAIR AMOUNT OF TIME
4 YOURSELF IN SOUTH CAROLINA? YOU STATED THAT YOU'RE
5 FROM BROOKLYN, NEW YORK, BUT DO YOU COME TO SOUTH
6 CAROLINA OFTEN?

7 A. YES, SIR. I'VE BEEN COMING DOWN HERE
8 SINCE I WAS -- SINCE I WAS A LITTLE BOY BACK AND
9 FORTH.

10 Q. OKAY. DO YOU HAVE FAMILY DOWN HERE,
11 COUSINS AND SUCH?

12 A. YES, SIR.

13 Q. MARTIN, BEFORE WE GET STARTED IN YOUR
14 TESTIMONY, I'M GOING TO ASK YOU A QUESTION CONCERNING
15 SOME TROUBLE YOU GOT IN UP IN NEW YORK. BACK IN
16 1989, I BELIEVE THAT MIGHT BE THE EXACT YEAR, BUT
17 AROUND 1989, YOU PLED GUILTY TO A LARCENY CHARGE AND
18 A WEAPONS CHARGE, HAVING A WEAPON, AND YOU SERVED
19 ABOUT SIX MONTHS?

20 A. YES, SIR.

21 Q. WERE YOU GUILTY OF THOSE CHARGES YOU PLED
22 GUILTY TO?

23 A. YES, SIR.

24 Q. AND YOU PLED GUILTY TO THEM?

25 A. YES, SIR.

1 Q. AND YOU DID THE SIX MONTHS THAT YOU WERE
2 REQUIRED TO DO?

3 A. YES, SIR.

4 Q. OKAY.

5 THE COURT: MISTER -- MADAM FOREMAN,
6 LADIES AND GENTLEMEN, SOME TESTIMONY IS BEING ADDUCED
7 REGARDING A PRIOR RECORD, IF ANY, OF THIS DEFENDANT.
8 IF YOU DETERMINE THAT YOU DESIRE TO USE THAT
9 TESTIMONY, AND THAT'S FOR YOU TO DETERMINE, IT CAN
10 ONLY BE USED AS TO HIS CREDIBILITY AND BELIEVABILITY.
11 A PRIOR BAD RECORD INVOLVING SOMETHING OTHER THAN THE
12 ELEMENTS IN THIS CRIME CANNOT BE USED AS ANY ELEMENT
13 FOR THE CHARGE FOR WHICH HE'S BEING TRIED TODAY. IT
14 CAN ONLY BE USED AS TO HIS CREDIBILITY AND
15 BELIEVABILITY IF YOU DESIRE TO DO SO.

16 MR. ERVIN: THANK YOU, YOUR HONOR.
17 BY MR. ERVIN:

18 Q. MARTIN, YOU'VE INDICATED THAT YOU CAME
19 DOWN TO SOUTH CAROLINA FREQUENTLY DURING YOUR
20 LIFETIME?

21 A. YES.

22 Q. IN '94, HAD YOU BEEN DOWN TO SOUTH
23 CAROLINA?

24 A. YES, SIR.

25 Q. HOW MANY TIMES HAD YOU BEEN HERE DURING

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1 STILL LIVE IN THE LESTER AREA?

2 A. AS FAR AS I KNOW, YES, SIR.

3 Q. AGAIN, YOU'RE GOING TO HAVE TO SPEAK UP A
4 LITTLE BIT MORE, MARTIN. I KNOW YOU DON'T TALK VERY
5 LOUD.

6 A. AS FAR AS I KNOW. YES, AS FAR AS I KNOW.

7 Q. THE LAST TIME YOU RAN INTO HIM, HE WAS
8 STILL LIVING IN THE LESTER AREA?

9 A. YES, SIR.

10 Q. SO YOU STAYED WITH HIM IN SEPTEMBER?

11 A. UH-HUH.

12 Q. HOW LONG WERE YOU DOWN HERE IN SEPTEMBER?

13 A. MAYBE FOR ABOUT A WEEK OR TWO. I CAN'T
14 EXACTLY REMEMBER.

15 Q. OKAY. AND YOU LEFT AND WENT BACK TO
16 BROOKLYN?

17 A. YES.

18 Q. OKAY. AND YOU CAME BACK IN NOVEMBER?

19 A. YES.

20 Q. DO YOU REMEMBER THE -- THE DATES THAT YOU
21 WERE HERE IN NOVEMBER?

22 A. I LEFT NEW YORK IN NOVEMBER 2ND OF 1994.

23 Q. WHO DID YOU LEAVE WITH?

24 A. TWO FRIENDS OF MINE FROM NEW YORK.

25 Q. OKAY. AND WHO WERE THEY?

1 A. ONE'S NAME WAS RAPHAEL AND THE OTHER ONE'S
2 NAME IS COREY.

3 Q. OKAY. AND DID Y'ALL STAY HERE IN
4 BENNETTSVILLE OR WHERE DID YOU STAY THEN?

5 A. STAYED HERE IN MARLBORO COUNTY,
6 BENNETTSVILLE.

7 Q. OKAY. WHO DID YOU STAY WITH THEN?

8 A. BUTCH.

9 Q. WITH BUTCH MOORE?

10 A. YES, SIR.

11 Q. OKAY. AND HOW LONG DID YOU STAY HERE?

12 A. WE STAYED HERE -- WE GOT HERE THE 2ND. WE
13 STAYED HERE FOR ABOUT FIVE DAYS.

14 Q. OKAY. AND WHEN DID YOU GO BACK?

15 A. NOVEMBER 7TH.

16 Q. NOVEMBER 7TH?

17 A. 1994.

18 Q. OKAY. IS THAT WHEN YOU HAD A RENTAL CAR?

19 A. YES, SIR.

20 Q. OKAY. I'M GOING TO SHOW YOU SOME
21 DOCUMENTS HERE AND I'M GOING TO ASK YOU TO READ THIS
22 DOCUMENT FROM ALAMO RENTAL CAR WHICH INDICATES THAT
23 YOU ARE THE DRIVER OF A RENTAL VEHICLE WHERE YOU'RE
24 LISTED AS A DRIVER -- EXCUSE ME, ON A RENTAL VEHICLE
25 REQUEST. IS THAT CORRECT?

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1 A. YES, SIR.

2 Q. AND ALSO THIS SAME DOCUMENT INDICATES THAT
3 A GERALD BROWN WAS THE PERSON WHO THE RENTAL CAR WAS
4 BEING CHARGED TO?

5 A. YES, SIR.

6 Q. TO HIS VISA?

7 A. YES, SIR.

8 Q. OKAY. EXPLAIN THAT TO THE JURY.

9 A. EXCUSE ME?

10 Q. EXPLAIN THAT TO THE JURY.

11 A. OH, OKAY. HE RENTED THE CAR FOR ME.

12 WELL, HE -- HE USED HIS -- HIS VISA, YOU KNOW, TO GET
13 THE CAR FOR ME BECAUSE I DIDN'T HAVE A CREDIT CARD TO
14 -- YOU HAVE TO HAVE A CREDIT CARD TO GET A CAR AND I
15 DIDN'T HAVE ONE.

16 Q. SPEAK UP, MARTIN.

17 A. YOU HAVE TO HAVE A CREDIT CARD TO RENT A
18 VEHICLE UP IN NEW YORK. YOU KNOW, IT'S NECESSARY TO
19 HAVE A CREDIT CARD. SO I DIDN'T HAVE ONE, SO I ASKED
20 HIM, YOU KNOW, CAN YOU DO THAT FOR ME? AND HE
21 AGREED.

22 Q. OKAY. AND DID YOU IN FACT DRIVE THAT
23 RENTAL CAR DOWN HERE WITH THE TWO GUYS YOU WERE JUST
24 TALKING ABOUT?

25 A. YES, SIR.

1 Q. OKAY. IS -- ARE YOU FAMILIAR WITH GERALD
2 BROWN'S SIGNATURE?

3 A. YES, SIR.

4 Q. IS THAT HIS SIGNATURE ON PAGE THREE OF THE
5 RENTAL AGREEMENT?

6 A. YES, SIR.

7 Q. AND ALSO THEN ON PAGE FOUR OF THE RENTAL
8 AGREEMENT?

9 A. YES, SIR.

10 Q. AT THE BOTTOM OF THIS PAGE, WHEN DOES IT
11 INDICATE THAT THE RENTAL CAR WAS RETURNED TO
12 BROOKLYN, NEW YORK?

13 A. NOVEMBER 10TH, 1994.

14 Q. OKAY. IS THAT IN FACT WHEN THE CAR WAS
15 RETURNED?

16 A. YES, SIR.

17 Q. DID YOU RETURN IT?

18 A. YES, SIR.

19 MR. ERVIN: YOUR HONOR, I WOULD OFFER THIS
20 INTO EVIDENCE AS DEFENDANT'S EXHIBIT 1 AT THIS TIME.

21 THE COURT: HAVE YOU SEEN THIS INDICTMENT?

22 MR. WILSON: I HAVE NON SEEN IT, BUT I
23 HAVE NO OBJECTIONS TO IT. BUT I WOULD LIKE TO SEE IT.
24 WHILE HE'S REVIEWING THAT.

25 THE COURT: WAIT A MINUTE. I WANT TO GET

1 THIS ISSUE RESOLVED FIRST. ALL RIGHT. WITHOUT
2 OBJECTION. GO AHEAD.

3 (DEFENDANT'S EXHIBIT NUMBER 1
4 MARKED FOR IDENTIFICATION AND
5 ENTERED INTO EVIDENCE.)

6 BY MR. ERVIN:

7 Q. NOW, YOU'VE INDICATED THAT YOU RETURNED
8 THE ALAMO RENTAL CAR TO THE ALAMO DEALERSHIP, I GUESS
9 YOU WOULD CALL IT, OR ALAMO PLACE OF BUSINESS IN
10 BROOKLYN, NEW YORK ON NOVEMBER 10TH?

11 A. YES.

12 Q. IS THAT THE DATE YOU ARRIVED BACK IN NEW
13 YORK OR HAD YOU BEEN IN NEW YORK?

14 THE COURT: NO, YOU'RE LEADING HIM NOW.
15 ASK HIM WHAT DAY IT IS.

16 BY MR. ERVIN:

17 Q. WHEN DID YOU GET BACK TO NEW YORK?

18 A. THE 7TH OF NOVEMBER.

19 Q. OKAY. AND SO YOU HAD BEEN TO NEW YORK FOR
20 THREE DAYS AT THAT POINT?

21 A. YES, SIR.

22 Q. OKAY. WHAT DID YOU DO WHEN YOU GOT BACK
23 TO NEW YORK? DO YOU REMEMBER ANYTHING SIGNIFICANT
24 DURING THAT PERIOD OF TIME?

25 A. WELL, MY GODBROTHER HAD A PARTY ON THE

1 9TH --

2 Q. SPEAK UP A LITTLE BIT, MARTIN. YOU GOT TO
3 REMEMBER EVERYBODY CAN'T HEAR YOU.

4 A. MY GODBROTHER HAD A BIRTHDAY PARTY ON THE
5 9TH OF NOVEMBER AND ME AND MY BROTHER ATTENDED IT.

6 Q. WHEN YOU SAY YOUR GODBROTHER, WHO IS THAT?

7 A. HIS NAME IS JAMES WOODBERRY.

8 Q. OKAY. JAMES WOODBERRY.

9 A. YES, SIR.

10 Q. AND YOU AND YOUR BROTHER ATTENDED IT. WHO
11 IS YOUR BROTHER?

12 A. PHILLIP AUSTIN.

13 Q. OKAY. PHILLIP AUSTIN IS YOUR BROTHER FROM
14 NEW YORK?

15 A. YES, SIR.

16 Q. HIS PARTY WAS ON NOVEMBER 9TH?

17 A. ON THE 9TH OF NOVEMBER.

18 Q. DID YOU DO ANYTHING ELSE DURING THAT
19 PERIOD OF TIME THAT YOU CAN RECALL?

20 A. BESIDES THE PARTY, NO. IT'S KIND OF COLD
21 IN NEW YORK DURING THAT TIME OF YEAR THERE, SO MOST
22 OF THE TIME, I WAS WITH MY FAMILY.

23 Q. WITH YOUR MOTHER?

24 A. MY MOTHER, YES, AND MY GIRLFRIEND.

25 Q. WHAT'S YOUR GIRLFRIEND'S NAME?

1 A. KESHA MOORE.

2 Q. OKAY. DO YOU REMEMBER WHEN YOU RETURNED
3 TO SOUTH CAROLINA?

4 A. YES, SIR.

5 Q. WHEN WAS THAT?

6 A. ON THE 22ND OF NOVEMBER.

7 Q. AND HOW DID YOU GET BACK DOWN HERE?

8 A. GREYHOUND.

9 Q. DO YOU REMEMBER WHAT ROUTE YOU TOOK FROM
10 NEW YORK OR WHAT PARTICULAR GREYHOUND SERVICE YOU
11 USED?

12 A. YEAH. IT DEPARTED IN NEW YORK AROUND
13 MAYBE ABOUT 9:00, 9:30 THAT NIGHT. THEY NEVER LEAVE
14 EXACTLY AT THE TIME THEY SAY. BUT IT WAS AROUND
15 9:00, 9:30, AND WE ARRIVED DOWN HERE -- WELL, WE MADE
16 TWO STOPS, TWO OR THREE STOPS. I BELIEVE WASHINGTON
17 WAS ONE OF THEM AND FAYETTEVILLE WAS ANOTHER ONE.
18 AND MY FINAL DESIGNATION WAS LAURINBURG BECAUSE
19 BENNETTSVILLE AT THE TIME DIDN'T HAVE A BUS SERVICE
20 STATION HERE. THEY HAD MOVED IT. IT WAS NO MORE
21 SERVICE THERE.

22 Q. UH-HUH. EXCUSE ME, YOUR HONOR. YOU SAY
23 YOU WENT TO LAURINBURG?

24 A. YES, SIR.

25 Q. DO YOU RECALL WHAT TIME YOU ARRIVED IN

1 LAURINBURG?

2 A. SOMETIME AROUND 11:00, 11:15. I DON'T
3 KNOW EXACTLY, REMEMBER EXACTLY THE EXACT TIME, BUT IT
4 WAS AROUND 11:00.

5 Q. IN THE MORNING?

6 A. YES, SIR. IT WOULD HAVE BEEN THAT
7 MORNING.

8 Q. AND WHAT WERE YOU COMING BACK DOWN --

9 A. WELL, LET ME -- WAIT. IT WAS THE 23RD
10 BECAUSE THE BUS LEFT OUT --

11 THE COURT: TALK A LITTLE CLOSER.

12 THE WITNESS: IT WAS THE 23RD BECAUSE THE
13 BUS LEFT OUT -- I LEFT OUT OF NEW YORK THE 22ND AT
14 NIGHT, SO WE ARRIVED THAT MORNING, THE 23RD.

15 BY MR. ERVIN:

16 Q. AND WHY DO YOU RECALL IT BEING THE 23RD?
17 WERE YOU COMING BACK DOWN HERE TO SEE ANYBODY?

18 A. YEAH, IT WAS DURING THE HOLIDAYS.

19 Q. OKAY.

20 A. AND WHILE I WAS DOWN HERE AROUND THE 7TH,
21 YOU KNOW, THE 2ND AND THE 7TH, I HAD SEEN MY COUSIN
22 DEMETRIUS. HE'S FROM TATUM. AND I HAD PROMISED I
23 WOULD COME BACK DOWN FOR THE HOLIDAYS AND SPEND A
24 LITTLE TIME WITH HIM.

25 Q. WHEN YOU SAY HOLIDAYS, DO YOU MEAN

1 THANKSGIVING?

2 A. THANKSGIVING, YES, SIR.

3 Q. AND WHEN YOU GOT TO LAURINBURG, HOW DID
4 YOU GET TO BENNETTSVILLE?

5 A. MY COUSIN WAS SUPPOSED TO COME AND PICK ME
6 UP, BUT HE DON'T HAVE A CAR, SO I HAD TO TAKE A CAB.

7 Q. AND WHERE DID YOU TAKE A CAB TO?

8 A. TO TATUM.

9 Q. OKAY. AND TO WHOSE HOUSE?

10 A. MY COUSIN DEMITRIUS.

11 Q. AND WHAT DID YOU DO WHEN YOU ARRIVED AT
12 HIS HOUSE?

13 A. I STAYED THERE FOR I BELIEVE IT WAS ABOUT
14 TWO -- WELL, AT FIRST, WHEN I FIRST GOT DOWN HERE,
15 YOU KNOW, I CALLED -- I GOT A FRIEND OF MINE, JOE
16 STUCKEY, AND I CALLED HIM TO LET HIM KNOW THAT I WAS,
17 YOU KNOW, DOWN HERE. I WAS -- I HAD CAME BACK DOWN.

18 Q. TALKING ABOUT BIG JOE STUCKEY?

19 A. BIG JOE STUCKEY, YES, SIR.

20 Q. AND DOES HE RUN THE GARAGE THAT WE'VE
21 HEARD SOME TESTIMONY ABOUT?

22 A. YES, SIR. YES, SIR.

23 Q. HAVE YOU DONE SOME WORK FOR HIM BEFORE?

24 A. YES, SIR.

25 Q. AND SINCE --

1 NIGHT.

2 Q. OKAY. AND WHERE DID YOU GO THEN?

3 A. WELL, I HAD PROMISED MY COUSIN THAT I WAS
4 GOING TO HELP HIM COOK THANKSGIVING DINNER, SO I TOLD
5 JOE, YOU KNOW --

6 Q. WHICH COUSIN ARE YOU REFERRING TO NOW?

7 A. DEMITRIUS.

8 Q. OKAY.

9 A. SO I TOLD JOE TO DROP ME BY DEMITRIUS'. I
10 WAS GOING TO PICK UP SOME STUFF FROM THE SUPERMARKET,
11 BI-LO'S. AND AFTER WE LEFT FROM THE SHOP AROUND
12 8:00, WE GOT -- WE WENT DOWN TO BI-LO'S AND PICKED UP
13 SOME STUFF THAT I PROMISED DEMITRIUS I WAS GOING TO
14 GET AND THEN HE TOOK ME BACK TO TATUM AFTER THAT.

15 Q. TO TATUM?

16 A. YES, SIR.

17 Q. DID YOU SPEND THE NIGHT IN TATUM ON THE
18 23RD?

19 A. YES, SIR.

20 Q. WHERE DID YOU EAT THANKSGIVING DINNER THE
21 NEXT MORNING?

22 A. WELL, ACTUALLY, I ATE THANKSGIVING DINNER
23 AT TWO DIFFERENT PLACES THAT DAY.

24 Q. OKAY. TELL THE JURY WHERE YOU HAD
25 THANKSGIVING.

1 A. WELL, JOE CAME AND PICKED ME UP ABOUT
2 8:00, 8:30 THAT MORNING AND WE WENT TO THE SHOP THAT
3 MORNING. WE FINISHED UP ON SOME WORK THAT HE HAD TO
4 DO ON SOME OF THE CARS. AND THEN FROM THE SHOP, WE
5 WENT TO HIS SISTER'S HOUSE.

6 Q. OKAY. WHO WAS HIS SISTER, IF YOU REMEMBER
7 HER NAME?

8 A. JENNIE.

9 Q. JENNIE?

10 A. YES, SIR.

11 Q. AND WHAT HAPPENED AFTER THAT?

12 A. I ATE THANKSGIVING DINNER THERE AND THEN
13 ABOUT I WOULD SAY IT HAD TO BE ABOUT 2:00 I ASKED JOE
14 TO TAKE ME BACK TO TATUM.

15 Q. OKAY. AND DID HE DO SO?

16 A. YES, SIR.

17 Q. AND WHEN YOU ARRIVED IN TATUM, WHAT TIME
18 WAS IT APPROXIMATELY? I KNOW NOT EXACTLY --

19 A. AT ABOUT 2:30, 2:45 BECAUSE I -- WE -- HIS
20 SISTER STAYS GOING TOWARDS HAMLET. I DON'T KNOW THE
21 EXACT NAME OF THE AREA SHE'S STAYING IN, BUT IT'S
22 GOING TOWARDS HAMLET. IT'S ON THE OTHER SIDE OF 79
23 AND 38.

24 Q. OKAY. AND HOW LONG DID YOU STAY THERE?

25 A. IN TATUM?

1 Q. UH-HUH.

2 A. THE REST OF THE DAY.

3 Q. OKAY. AND WHERE DID YOU STAY AFTER THAT?

4 A. I STAYED ABOUT THREE OR FOUR DAYS IN

5 TATUM.

6 Q. IN TATUM IN YOUR COUSIN'S HOUSE?

7 A. YES, SIR.

8 Q. DO YOU KNOW RICKY STUCKEY?

9 A. YES, SIR.

10 Q. HOW LONG HAVE YOU KNOWN RICKY? THAT'S

11 JOE'S SON?

12 A. YES, THAT'S JOE'S BROTHER.

13 Q. JOE'S BROTHER?

14 A. UH-HUH.

15 Q. OKAY.

16 A. I KNEW JOE FROM MAYBE SIX OR SEVEN YEARS,

17 BUT I AIN'T NEVER REALLY KNOWED RICK THAT GOOD. I

18 KNEW RICK MAYBE A YEAR OR TWO.

19 Q. OKAY. SO IN NOVEMBER OF '94, YOU'VE KNOWN

20 HIM APPROXIMATELY A YEAR. WOULD THAT BE FAIR TO SAY?

21 A. IN NOVEMBER OF 1994, I MAY HAVE KNOWN HIM

22 ABOUT TWO YEARS OR TWO-AND-A-HALF YEARS.

23 Q. OKAY.

24 A. LIKE THAT.

25 Q. YOU WERE DOWN HERE, ACCORDING TO WHAT

1 YOU'VE TESTIFIED TO, IN EARLY NOVEMBER, AND YOU
2 RETURNED TO NEW YORK AROUND -- AROUND THE 7TH OF
3 NOVEMBER?

4 A. YES, SIR.

5 Q. OKAY. WHEN YOU CAME BACK ON THE 23RD, DID
6 YOU HEAR ANY TALK REGARDING DARLENE PATTERSON?

7 A. NO, SIR.

8 Q. OKAY. YOU SAY THAT YOU -- YOU KNEW RICKY
9 FOR A COUPLE OF YEARS AT THAT POINT. DID YOU LATER
10 MOVE IN WITH RICKY STUCKEY?

11 A. YES, SIR.

12 Q. WHEN DID YOU MOVE IN WITH RICKY STUCKEY?

13 A. MAYBE A WEEK OR TWO IN DECEMBER. THE
14 FIRST -- THE FIRST WEEK OR MAYBE THE SECOND WEEK OF
15 DECEMBER.

16 Q. OKAY. DECEMBER OF '94?

17 A. OF '94, YES.

18 Q. OKAY. DO YOU KNOW BOBBY RANSOM, THE
19 FELLOW THAT -- THE HANDICAPPED MAN WHO TESTIFIED IN
20 COURT?

21 A. YES.

22 Q. TELL THE JURY WHEN YOU FIRST MET HIM.

23 A. WHEN I MOVED IN WITH RICKY STUCKEY.

24 Q. OKAY. DECEMBER OF '94?

25 A. DECEMBER OF '94.

1 Q. HOW ABOUT DANNY DAVIS?

2 A. WELL, NOW, I DON'T KNOW HIM AS WELL. I
3 HAD -- I HAD MET HIM MAYBE A WEEK OR TWO AFTER I MET
4 POSSIBLY --

5 Q. IN DECEMBER OF '94?

6 A. IN DECEMBER OF '94.

7 Q. OKAY. HAD YOU EVER BEEN TO RICKY
8 STUCKEY'S TRAILER PRIOR TO DECEMBER OF '94?

9 A. ONE TIME.

10 Q. WHEN WAS THAT?

11 A. NOVEMBER -- THE WEEK I WAS DOWN, NOVEMBER
12 2ND TO THE 7TH.

13 Q. WAS ANYTHING UNUSUAL GOING ON THEN?

14 A. WELL, WE DIDN'T STAY. WE JUST DROPPED
15 RICK OFF FROM WORK BECAUSE HE WAS WORKING AT THE SHOP
16 ALSO.

17 Q. WHEN YOU SAY WE, WHO DROPPED HIM OFF?

18 A. ME AND JOE.

19 Q. YOU AND JOE, HIS BROTHER?

20 A. YES, SIR.

21 Q. YOU SAY YOU MOVED IN WITH RICKY STUCKEY IN
22 DECEMBER OF '94. WAS ANYBODY ELSE LIVING THERE THEN?

23 A. YES, SIR.

24 Q. WHO WAS THAT?

25 A. ROBERT GRAHAM.

1 Q. OKAY. WHEN YOU MOVED IN THERE IN DECEMBER
2 OF '94, DID -- WAS ANYTHING UNUSUAL GOING ON, IN YOUR
3 OPINION?

4 A. NO, SIR.

5 Q. DID RICKY HAVE A GIRLFRIEND AT THAT TIME?

6 A. YES, SIR.

7 Q. WHAT WAS HER NAME?

8 A. I DON'T EVEN KNOW. I ONLY KNOW HER BY FOX
9 ANN.

10 Q. OKAY. WAS THERE ANY TALK IN THE COMMUNITY
11 IN THAT AREA THEN REGARDING THE DEFENDANT DARLENE
12 PATTERSON?

13 A. IN NOVEMBER OR DECEMBER?

14 Q. DECEMBER.

15 A. OH, YEAH. IT WAS A LITTLE BIT OF TALK BY
16 THEN ABOUT A GIRL BEING FOUND.

17 Q. OKAY. DID ANYONE EVER MENTION TO YOU THAT
18 THEY WERE INVOLVED IN THIS CRIME?

19 A. NO, SIR.

20 Q. ANY OF THESE INDIVIDUALS SEATED OVER HERE
21 CHARGED WITH THIS CRIME?

22 A. NO, SIR.

23 Q. NOBODY'S EVER MADE ANY MENTION?

24 A. NO, SIR.

25 Q. OKAY. DID YOU CONTINUE TO LIVE AT RICKY

1 Q. DO YOU KNOW JEFFREY GRAHAM?

2 A. YES, SIR.

3 Q. THE YOUNG MAN WHO TESTIFIED TWO DAYS AGO?

4 A. YES, SIR.

5 Q. HAD YOU EVER SEEN HIM AROUND THE SHOP?

6 A. YEAH. HE USED TO WORK THERE TOO.

7 Q. IN HIS STATEMENT TO THE POLICE, THERE WAS
8 AN INDICATION THAT THERE WAS SO MUCH DISCUSSION
9 REGARDING DARLENE PATTERSON AT THE SHOP. DO YOU KNOW
10 WHETHER OR NOT THAT OCCURRED?

11 A. NO, SIR.

12 Q. COULD YOU HAVE BEEN THERE WHILE THAT WAS
13 GOING ON?

14 A. IF IT WAS ANY TIME AFTER THE 22ND OF
15 NOVEMBER.

16 Q. YOU COULD HAVE BEEN?

17 A. YEAH.

18 Q. DID YOU HEAR IT?

19 A. NO, SIR.

20 Q. BUT YOU WERE IN AND OUT OF THE SHOP
21 FREQUENTLY DURING THAT PERIOD OF TIME?

22 A. WELL, YES. YES.

23 Q. WHAT WERE YOU DOING AT THE SHOP USUALLY
24 WHEN YOU WERE THERE?

25 A. EXCUSE ME?

1 Q. WHAT WERE YOU DOING AT THE SHOP WHEN YOU
2 WERE THERE NORMALLY?

3 A. WELL, WHAT I USED TO DO IS I DIDN'T KNOW
4 HOW TO SAND OR ANYTHING OR PAINT OR ANYTHING LIKE
5 THAT, BUT I WOULD TAPE UP THE CARS AND SAND -- HELP
6 WATER SAND THEM DOWN BEFORE THEY PAINT THEM AND STUFF
7 LIKE THAT.

8 Q. SO YOU MADE A LITTLE EXTRA MONEY HELPING
9 JOE WITH THE CARS?

10 A. YES, SIR.

11 Q. OKAY. AND YOU STATED THAT HAROLD JACOBS
12 APPROACHED YOU FOR THE FIRST TIME IN JANUARY AND
13 ASKED YOU -- THE MIDDLE OF JANUARY?

14 A. MAYBE THE SECOND WEEK OF JANUARY. I'M NOT
15 SURE EXACTLY WHEN, BUT IT WAS IN JANUARY. IT WASN'T
16 TOO MUCH AFTER THE HOLIDAYS, I KNOW.

17 Q. OKAY. DID YOU HAVE ANY CONTACT WITH HIM
18 AFTER THAT?

19 A. ONE OTHER TIME, YES.

20 Q. WHEN WAS THAT?

21 A. I BELIEVE IT WAS AROUND THE FIRST OF
22 FEBRUARY.

23 Q. OKAY. TELL THE JURY ABOUT THAT.

24 A. HAROLD JACOBS, JERRY STARNES, I BELIEVE IT
25 WAS, AND AN F.B.I. AGENT BY THE NAME OF HAYDEN CAME

1 AND HANDED ME A SUBPOENA.

2 Q. GAVE YOU A SUBPOENA TO APPEAR BEFORE THE
3 GRAND JURY LIKE JEFFREY DID?

4 A. A GRAND JURY HEARING IN COLUMBIA.

5 Q. WHEN WAS THAT SCHEDULED FOR?

6 A. APRIL THE 4TH OF 1995.

7 Q. OKAY. DID YOU RETURN TO NEW YORK ANY TIME
8 IN FEBRUARY?

9 A. YES, SIR.

10 Q. WHEN WAS THAT?

11 A. THE EXACT DATE, I CAN'T REMEMBER.

12 Q. WELL, AROUND WHAT TIME DID YOU RETURN BACK
13 TO NEW YORK?

14 A. HAD -- IT WAS A COUPLE OF DAYS AFTER MY
15 BIRTHDAY BECAUSE MY BIRTHDAY IS IN [REDACTED], THE
16 17TH, SO IT WAS AFTER MY BIRTHDAY, I KNOW.

17 Q. SO SOME TIME AFTER [REDACTED]
18 YOU WENT BACK TO NEW YORK?

19 A. YES.

20 Q. AND WHO DID YOU GO BACK TO STAY WITH THEN?

21 A. MY MOTHER.

22 Q. OKAY. AND YOU STAYED THERE UNTIL WHEN?

23 A. UNTIL APRIL.

24 Q. OKAY. WHEN YOU --

25 A. APRIL 4TH, 1995.

25 A. YES, SIR.

1 Q. AT THE U.S. ATTORNEY'S OFFICE?

2 A. YES, SIR.

3 Q. WITHOUT GOING INTO ANYTHING ELSE THE
4 SECRETARY SAID, DID SHE FINALLY CALL MARLBORO COUNTY?

5 A. YEAH, I ASKED HER TO CALL MARLBORO COUNTY.

6 Q. AND WHO DID YOU ASK HER TO CALL?

7 A. HAROLD JACOBS.

8 Q. OKAY. DID SHE DO THAT?

9 A. YES, SIR.

10 Q. AND WHEN SHE CALLED MARLBORO COUNTY, HOW
11 LONG HAD YOU BEEN WAITING IN THE WAITING ROOM AT THE
12 U.S. ATTORNEY'S OFFICE AT THAT TIME?

13 A. MAYBE AN HOUR AND A HALF TO TWO HOURS.

14 Q. AND WHEN SHE CALLED MARLBORO COUNTY, THEY
15 LET YOU GET ON THE PHONE, DIDN'T THEY?

16 A. YES, SIR.

17 Q. AND DID YOU HAVE A CONVERSATION WITH
18 HAROLD JACOBS?

19 A. YES, SIR.

20 Q. AND WHAT DID HAROLD JACOBS TELL YOU TO DO?

21 A. SAID I NEEDED TO COME TO SPEAK TO HIM IN
22 MARLBORO COUNTY.

23 Q. WHAT DID YOU TELL HIM?

24 A. I TOLD HIM I WAS WILLING, BUT I DIDN'T
25 HAVE ENOUGH MONEY TO GET THERE BECAUSE I HAD PAID MY

1 WAY ALL THE WAY DOWN TO COLUMBIA AND I WAS WILLING TO
2 COME, BUT HE WOULD HAVE TO SEND SOMEONE FOR ME
3 BECAUSE I DIDN'T HAVE ENOUGH CAR MONEY TO GET FROM
4 COLUMBIA TO BENNETTSVILLE.

5 Q. OKAY. AND DID THEY SEND A CAR TO GET YOU?

6 A. YES, SIR.

7 Q. DID YOU GO TO BENNETTSVILLE THEN?

8 A. YES, SIR.

9 Q. WHO CAME AND GOT YOU? A DEPUTY?

10 A. IT WAS SOME -- I DON'T KNOW -- THREE
11 DIFFERENT CARS COMING FROM COLUMBIA.

12 Q. OKAY. WHEN YOU ARRIVED IN MARLBORO
13 COUNTY, WHO DID YOU MEET WITH THERE?

14 A. WELL, I'M NOT -- IF I'M NOT MISTAKEN, I'VE
15 MET WITH SO MANY DIFFERENT PEOPLE, BECAUSE WE STOPPED
16 IN CAMDEN, AND THEN I CHANGED TO ANOTHER CAR, THEN WE
17 STOPPED IN SOCIETY HILL.

18 Q. SO IN OTHER WORDS, THEY RELAYED YOU BACK
19 TO MARLBORO COUNTY?

20 A. YEAH. IT WAS SO MANY DIFFERENT OFFICERS
21 AT THE TIME, I DIDN'T KNOW WHO SOME OF THESE OFFICERS
22 WERE.

23 Q. OKAY. VARIOUS COUNTY OFFICERS?

24 A. YEAH.

25 Q. FROM KERSHAW COUNTY TO --

1 A. YES, SIR.

2 Q. -- WHEN YOU ARRIVED IN MARLBORO COUNTY?

3 A. YEAH.

4 Q. WHO DID YOU MEET WITH?

5 A. HAROLD JACOBS, JERRY STARNES, FRED KNIGHT.

6 IT WAS DIFFERENT -- IT WAS SO MANY DIFFERENT ONES,
7 BUT THOSE ARE THE ONES I PARTICULARLY REMEMBER RIGHT
8 NOW.

9 Q. AND THEY READ YOU YOUR RIGHTS AT THAT
10 TIME?

11 A. YES, SIR.

12 Q. TOLD YOU YOU WERE UNDER ARREST?

13 A. YES, SIR.

14 Q. DID THEY ASK YOU TO MAKE A STATEMENT?

15 A. YES, SIR.

16 Q. AND WHAT DID YOU TELL THEM?

17 A. I DIDN'T WANT TO MAKE A STATEMENT ABOUT
18 SOMETHING I DIDN'T KNOW ABOUT.

19 Q. AND AT THAT POINT, YOU WERE ARRESTED?

20 A. YES, SIR.

21 Q. YOU'VE BEEN IN CUSTODY EVER SINCE?

22 A. EVER SINCE.

23 Q. SO YOU'VE BEEN IN JAIL FOR --

24 A. TWO YEARS.

25 Q. -- TWO YEARS NOW?

1 A. APRIL 4TH WILL MAKE TWO YEARS.

2 Q. HAVE YOU BEEN LOOKING FORWARD TO THIS DAY?

3 A. YES, SIR.

4 Q. WHY IS THAT?

5 A. BECAUSE I WANT EVERYONE TO KNOW THAT I AM
6 INNOCENT OF THESE CHARGES.

7 Q. ARE YOU CONCERNED THAT BECAUSE YOU KNOW
8 SOME OF THESE PEOPLE WHO HAVE BEEN CHARGED WITH THIS,
9 THERE MIGHT BE A SPILLOVER EFFECT?

10 A. YES, SIR.

11 Q. AND WHAT CAN YOU DO ABOUT THAT, MARTIN?
12 IS THERE ANY QUESTION IN YOUR MIND THAT IT WAS AROUND
13 NOVEMBER 22ND -- YOU SAY YOU ARRIVED HERE ON THE
14 23RD. IS THERE ANY QUESTION IN YOUR MIND THAT WAS
15 THE CORRECT DAY?

16 A. YES, SIR.

17 Q. YOU'RE SURE IT WAS?

18 A. YES.

19 Q. MARTIN, IS THERE ANYTHING ELSE YOU WOULD
20 LIKE TO TELL THIS JURY REGARDING THIS?

21 A. IT HURTS WHEN YOU'RE BEING ACCUSED OF
22 SOMETHING THAT YOU KNOW YOU DIDN'T DO.

23 Q. DID YOU HAVE ANY PROBLEMS WITH DANNY DAVIS
24 OR BOBBY RANSOM AS FAR AS YOU KNOW?

25 A. NO, SIR.

1 Q. BUT NO QUESTION YOU DIDN'T KNOW THEM UNTIL
2 DECEMBER OF '94?

3 A. YES, SIR.

4 Q. NEVER SEEN THEM BEFORE?

5 A. NO, SIR.

6 Q. THEY LIVE PRETTY CLOSE TO RICKY STUCKEY
7 WHERE YOU WERE STAYING THERE?

8 A. YES.

9 Q. HOW MANY TIMES WOULD YOU SAY YOU SAW THEM
10 IN DECEMBER AND -- JANUARY OF '95 AND DECEMBER OF
11 '94?

12 A. BETWEEN -- REPEAT THE DATE.

13 Q. WELL, AFTER YOU MOVED IN WITH RICKY
14 STUCKEY IN DECEMBER OF '94 --

15 A. YES.

16 Q. -- HOW MANY TIMES DID YOU SEE DANNY DAVIS
17 AND BOBBY RANSOM? WAS IT QUITE OFTEN?

18 A. WELL, MOST OF THE TIME, WE WERE AT THE
19 SHOP DOING WORK, SO WE DIDN'T GET HOME UNTIL LATE
20 DIFFERENT TIMES OF THE NIGHT.

21 Q. UH-HUH.

22 A. BECAUSE WE WOULD BE DOWN HERE ALL DAY.
23 BUT SOMETIMES, YOU KNOW, WE WOULD SEE THEM. I WOULD
24 SAY MAYBE SEVEN OR EIGHT TIMES.

25 Q. OKAY. AND THE -- ONE MORE THING, MARTIN

1 THE FELLOW THAT YOU SAID YOU WERE STAYING WITH IN
2 EARLY NOVEMBER, BUTCH MOORE.

3 A. YES.

4 Q. TO THE BEST OF YOUR KNOWLEDGE, DOES HE
5 STILL LIVE IN THE LESTER AREA?

6 A. YES, SIR.

7 Q. OKAY. AND THAT'S THE BUTCH MOORE THAT WE
8 ATTEMPTED TO HAVE THE MARLBORO COUNTY SHERIFF'S
9 DEPARTMENT SERVE A SUBPOENA ON THIS WEEK?

10 A. YES.

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

12 THE COURT: ALL RIGHT. ANY EXAMINATION
13 FROM THE DEFENSE COUNSEL?

14 MR. PADGETT: ONE MOMENT, YOUR HONOR.

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

16 BY MR. PADGETT:

17 Q. MARTIN, HOW LONG HAVE YOU KNOWN RICKY
18 STUCKEY?

19 A. MAYBE TWO YEARS. TWO-AND-A-HALF YEARS.

20 Q. DO YOU KNOW A FELLOW NAMED RINGO PEARSON?

21 A. I'VE MET HIM, YES.

22 Q. DO YOU SEE HIM HERE TODAY?

23 A. NO.

24 Q. OKAY. NOW, YOU WERE AROUND RICKY'S
25 TRAILER SOME DURING THIS TIME. RIGHT? ISN'T THAT

1 WHAT YOU TOLD US?

2 A. EXCUSE ME?

3 Q. YOU WERE AT RICKY'S TRAILER SOME DURING
4 THIS TIME. CORRECT? ISN'T THAT WHAT YOU TOLD US?

5 DIDN'T YOU STAY THERE FOR AWHILE?

6 A. OH, YES. YES.

7 Q. AND DIDN'T YOU TELL US YOU KNEW HIS
8 GIRLFRIEND, FOX ANN?

9 A. YES.

10 Q. WASN'T SHE THERE AT THE TRAILER QUITE
11 OFTEN?

12 A. YES, SHE WOULD COME BY THERE.

13 Q. AND SHE WOULD ACTUALLY SPEND THE NIGHT
14 THERE A LOT TOO, WOULDN'T SHE?

15 A. YES.

16 Q. NOW, WHEN YOU WERE WORKING AT MACK
17 STUCKEY'S GARAGE, YOU NEVER HEARD RICKY STUCKEY SAY
18 ANYTHING ABOUT GETTING SOMEONE OUT OF HIS TRAILER,
19 DID YOU?

20 A. NO, SIR.

21 Q. YOU NEVER SAW ANY GIRL TIED UP THERE OR
22 ANYTHING, DID YOU?

23 A. NO, SIR.

24 MR. PADGETT: THANK YOU.

25 THE COURT: MR. REDMOND.

1 MR. REDMOND: NO QUESTIONS.

2 THE COURT: MR. MOORE.

3 MR. MOORE: NO QUESTIONS.

4 THE COURT: MR. WILL ROGERS.

5 MR. WILL ROGERS: YES, SIR.

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

7 BY MR. WILL ROGERS:

8 Q. WHEN WAS THE FIRST TIME YOU MET MY CLIENT,
9 ALFONZO STATON?

10 A. IT HAD TO BE -- WELL, SEPTEMBER OF '95.

11 Q. AND WHERE DID YOU MEET HIM?

12 A. AT THE MARLBORO COUNTY DETENTION CENTER.

13 Q. AND THAT'S THE FIRST TIME YOU HAD EVER
14 SEEN HIM?

15 A. FIRST TIME I EVER SEEN HIM.

16 MR. WILL ROGERS: THAT'S ALL I HAVE, YOUR
17 HONOR.

18 THE COURT: MR. LAWSON.

19 MR. LAWSON: IF IT PLEASE THE COURT.

20 BY MR. LAWSON:

21 Q. MARTIN, YOU SAID YOU LIVED AT THAT TRAILER
22 WITH RICKY FROM DECEMBER -- ABOUT THE SECOND WEEK OF
23 DECEMBER OF '94?

24 A. BETWEEN THE FIRST AND THE SECOND WEEK.

25 Q. OKAY. UNTIL FEBRUARY OF '95?

A. YES, SIR.

Q. ALL RIGHT. DID ROBERT GRAHAM LIVE THERE THAT WHOLE TIME?

A. NO, SIR.

Q. ALL RIGHT. WHEN DID HE MOVE OUT?

A. SOMETIME IN JANUARY.

Q. OKAY. DO YOU KNOW WHERE HE MOVED TO?

A. TO HIS MOTHER'S. I BELIEVE HIS MOTHER'S RESIDENCE.

Q. OKAY. AND HIS MOTHER LIVED, WHAT, ABOUT A MILE FROM THE TRAILER?

A. IF IT'S EVEN THAT FAR.

Q. MAY NOT EVEN BE THAT FAR?

A. MAY NOT EVEN BE THAT FAR.

Q. ALL RIGHT. FROM NOVEMBER -- FROM DECEMBER OF '94 UNTIL JANUARY OF '95, DID YOU SEE ROBERT GRAHAM OCCASIONALLY?

A. ONLY WHEN HE WAS HOME FROM WORK, WHICH IS -- A LOT OF TIMES HE WAS AT WORK.

Q. OKAY. SO YOU DIDN'T -- EVEN THOUGH YOU WERE STAYING AT THE TRAILER, YOU DIDN'T SEE ROBERT A LOT?

A. NO, SIR. ONLY WHEN HE WAS AT WORK OR COME HOME FROM WORK.

Q. ALL RIGHT. AND THAT WOULD BE BASICALLY AT

1 NIGHTTIME?

2 A. AT NIGHT, YES.

3 Q. ALL RIGHT. HE WOULD COME IN AND SLEEP?

4 A. YES.

5 Q. GET UP IN THE MORNING AND LEAVE EARLY,
6 WOULDN'T HE?

7 A. ABOUT 5:30, 6:00, YES.

8 Q. ALL RIGHT. I DON'T HAVE ANY OTHER
9 QUESTIONS.

10 MR. WILSON: THANK YOU, YOUR HONOR.

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

12 BY MR. WILSON:

13 Q. MR. MARTIN MCINTOSH:

14 A. YES.

15 Q. LET ME ASK YOU FIRST, WHEN IS THE LAST
16 TIME YOU HAD ANY KIND OF A JOB?

17 A. THE LAST -- MY LAST EMPLOYMENT?

18 Q. LAST JOB.

19 A. MY LAST EMPLOYMENT WAS IN '93.

20 Q. IN '93. YOU HAVEN'T HAD A JOB SINCE '93.
21 RIGHT?

22 A. NO, SIR.

23 Q. AND WHAT WAS THAT?

24 A. WELL, I WAS WORKING AT A RESTAURANT.

25 Q. HOW LONG DID YOU WORK THERE?

1 A. MAYBE ABOUT SIX MONTHS.

2 Q. ALL RIGHT.

3 A. SEVEN MONTHS.

4 Q. AND THAT'S THE LONGEST JOB YOU'VE HAD
5 SINCE YOU'VE BEEN 18 YEARS OLD, ISN'T IT?

6 A. NO, SIR.

7 Q. WHERE HAVE YOU WORKED LONGER THAN THAT?

8 A. I USED TO WORK FOR MERRILL-LYNCH.

9 Q. DOING WHAT?

10 A. KEY-OP WORK.

11 Q. A WHAT?

12 A. KEY OPERATOR, WORK KEY-OP.

13 Q. WHEN WAS THAT?

14 A. '88, '89.

15 Q. ALL RIGHT. HOW LONG DID YOU WORK THERE?

16 A. MAYBE FOR ABOUT A YEAR.

17 Q. ALL RIGHT. SO HOW OLD ARE YOU NOW?

18 A. I'M 29.

19 Q. 29 YEARS OLD AND THE LONGEST JOB YOU'VE
20 EVER HAD IN YOUR LIFE WAS ABOUT A YEAR. BUT YOU HAD
21 MONEY SO THAT EVERY MONTH OR SO YOU COULD COME FROM
22 NEW YORK AND RENT A CAR AND COME DOWN TO MARLBORO
23 COUNTY?

24 A. NO, SIR.

25 Q. WELL, YOU JUST TOLD YOUR LAWYER THAT YOU

1 WERE DOWN HERE IN SEPTEMBER; YOU CAME BACK AGAIN IN
2 NOVEMBER; YOU CAME AGAIN IN DECEMBER. RIGHT?

3 A. YES, SIR.

4 Q. SO A MAN WITH NO JOB AND WITH NO INCOME
5 RENTING CARS, RIDING UP AND DOWN THE ROAD FROM NEW
6 YORK TO MARLBORO COUNTY. WHY?

7 A. WELL, BEING IN NEW YORK, IT'S ROUGH
8 SOMETIMES. AND SOMETIMES I JUST HAVE TO GET AWAY.
9 AND MY MOM IS VERY SICK. I REALLY DON'T EVEN WANT TO
10 GO INTO DETAIL ABOUT HER SICKNESS. AND IT'S HARD TO
11 DEAL WITH AND I JUST NEEDED TO GET AWAY.

12 Q. NEEDED TO GET AWAY?

13 A. YES, SIR.

14 Q. SO YOU COME DOWN TO MARLBORO COUNTY IN
15 THAT RENTED CAR. YOU STAY DOWN HERE FOR A WEEK OR
16 TWO. RIGHT?

17 A. YES, SIR.

18 Q. THEN YOU DRIVE ON BACK UP, RENT YOU A CAR,
19 DRIVE ON BACK UP TO NEW YORK. NO JOB. THEN YOU
20 DRIVE ON BACK DOWN HERE TO MARLBORO COUNTY AND NOW
21 YOU SAY THAT YOU WERE STAYING WITH YOUR BUDDY MOORE.
22 RIGHT?

23 A. YES, SIR.

24 Q. WHAT DID YOU SAY HIS FIRST NAME WAS?

25 A. BUTCH MOORE.

1 Q. BUTCH MOORE?

2 A. YES, SIR.

3 Q. NOBODY COULDN'T FIND HIM TO SERVE ANY
4 PAPERS ON HIM?

5 A. NO, SIR.

6 Q. BUT YOU SAY HE EXISTS?

7 A. YES, SIR.

8 Q. AND HE'S YOUR FRIEND. RIGHT?

9 A. YES, SIR.

10 Q. BUT YOU CAN'T FIND HIM. YOU CAN'T FIND
11 HIM BECAUSE HE DOESN'T EXIST, DOES HE? HE DOESN'T
12 EXIST. YOU DIDN'T STAY WITH ANY BUTCH MOORE.

13 A. YES, SIR.

14 Q. YOU STAYED RIGHT OVER THERE AT THAT
15 TRAILER WITH YOUR GOOD BUDDY, MR. GRAHAM, 'OL ROBERT
16 GRAHAM AND 'OL RICKY STUCKEY, DIDN'T YOU?

17 A. NO, SIR.

18 Q. NO, SIR.

19 A. NO, SIR. I DIDN'T STAY THERE UNTIL
20 DECEMBER.

21 Q. NOW, YOU TOLD YOUR LAWYER THAT YOU DIDN'T
22 KNOW RICKY STUCKEY. YOU KNEW BIG JOE STUCKEY?

23 A. YES, SIR.

24 Q. AND YOU DIDN'T MEET RICKY STUCKEY UNTIL
25 ABOUT A YEAR BEFORE ALL OF THIS HAPPENED?

1 Q. AND THAT -- THAT -- BUT YOU DIDN'T KNOW
2 RICKY UNTIL ABOUT A YEAR BEFORE ALL OF THIS HAPPENED?

3 A. TWO-AND-A-HALF YEARS, BETWEEN A YEAR AND
4 TWO-AND-A-HALF YEARS.

5 Q. WELL, THAT AIN'T WHAT YOU TOLD YOUR
6 LAWYER, IS IT?

7 A. NO, SIR.

8 Q. YOU TOLD HIM BETWEEN A YEAR AND
9 TWO-AND-A-HALF YEARS?

10 A. YES, SIR.

11 Q. ALL RIGHT. OKAY. NOW, SO YOU KNOW BIG
12 JOE STUCKEY FOR TWO YEARS?

13 A. SEVEN YEARS.

14 Q. NO, LET ME FINISH. FOUR YEARS --
15 FOUR-AND-A-HALF YEARS BEFORE YOU MET HIS BROTHER, AND
16 YOU WERE THERE AT HIS GARAGE TIME AND TIME AGAIN.
17 BUT YOU DIDN'T KNOW HIS BROTHER WHO WAS IN THAT
18 GARAGE PRACTICALLY EVERY DAY. RIGHT?

19 A. WELL, THE FIRST TIME I EVER BEEN TO THAT
20 GARAGE WAS '94.

21 Q. SO YOU'VE KNOWN HIM FOR SIX OR SEVEN YEARS
22 AND YOU'VE NEVER BEEN TO HIS GARAGE UNTIL '94, WHICH
23 IS WHEN ALL OF THIS STUFF HAPPENED. RIGHT?

24 A. THEY JUST STARTED -- THEY JUST MOVED INTO
25 THAT GARAGE RECENTLY, AS OF I KNOW.

1 Q. WELL, THAT'S FINE. LET'S TALK ABOUT SOME
2 OTHER THINGS. LET'S TALK -- LET'S GO BACK AND TALK
3 SOME MORE ABOUT HOW YOU AFFORDED TO COME UP AND DOWN
4 THE ROAD.

5 A. YES, SIR.

6 Q. WITH NO JOB.

7 A. YES, SIR.

8 Q. WHO WAS PAYING FOR YOU TO RENT THESE CARS
9 TO COME DOWN HERE?

10 A. WELL, MY DADDY, HE -- HE HAD GOT -- HE
11 USED TO BE A CONSTRUCTION WORKER AND HE HAD GOTTEN
12 HURT SOME YEARS AGO AND HE HAD A SETTLEMENT. AND HE
13 GAVE ME AND MY BROTHER 5,000 DOLLARS APIECE FOR
14 CHRISTMAS.

15 Q. WHAT YEAR CHRISTMAS?

16 A. '93.

17 Q. SO HE GAVE YOU 5,000 DOLLARS IN '93.
18 RIGHT?

19 A. YES, SIR.

20 Q. AND YOU'RE TELLING US THAT IN SEPTEMBER OF
21 1993, YOU STILL HAD SOME OF THAT 5,000 DOLLARS LEFT,
22 EVEN THOUGH YOU DIDN'T HAVE NO JOB AND NO INCOME?

23 A. YES, SIR, BECAUSE HE WOULDN'T GIVE IT ALL
24 AT ONE TIME.

25 Q. SO HE DIDN'T GIVE IT ALL AT ONE TIME. SO

1 NOW YOU'RE SAYING HE DIDN'T GIVE YOU THE 5,000
2 DOLLARS FOR CHRISTMAS. HE GAVE PART OF IT?

3 A. HE GAVE 5,000 DOLLARS AT CHRISTMAS, BUT
4 NOT ALL AT ONE TIME.

5 Q. HOW MUCH WOULD HE GIVE YOU?

6 A. MAYBE A THOUSAND OR MAYBE WHATEVER WE
7 ASKED FOR, BUT I WOULDN'T NEVER GET OVER A THOUSAND
8 DOLLARS. I WOULD GET, YOU KNOW, 500 DOLLARS AT A
9 TIME, YOU KNOW. SOMETHING LIKE THAT.

10 Q. WELL, HOW MUCH DID HE GIVE YOU DURING
11 CHRISTMAS IS WHAT I'M ASKING YOU.

12 A. WELL, DURING CHRISTMAS THAT YEAR, I THINK
13 I GOT ABOUT A THOUSAND DOLLARS.

14 Q. ALL RIGHT. SO YOU GOT A THOUSAND AT
15 CHRISTMAS. YOU HAD FOUR LEFT. RIGHT?

16 A. YES, SIR.

17 Q. ALL RIGHT. WHEN DID YOU GET SOME MORE
18 MONEY FROM HIM OUT OF THAT 5,000 DOLLARS?

19 MR. ERVIN: I'M GOING TO OBJECT AT THIS
20 TIME TO RELEVANCE.

21 MR. WILSON: THIS IS RELEVANT TO HIS
22 CREDIBILITY.

23 THE COURT: THIS IS CROSS-EXAMINATION.

24 THE WITNESS: DIFFERENT TIMES THROUGHOUT
25 THE YEAR I WOULD GO SEE MY FATHER AND GO GET MONEY

2 BY MR. WILSON:

4 A. YES, SIR.

5 Q. SO WHAT YOU'RE SAYING NOW IS THAT YOUR
6 DADDY WAS GIVING YOU THE MONEY TO COME DOWN HERE TO
7 RENT THESE CARS AND CATCH THE BUSES AND TO GET ON THE
8 AMTRAK OR WHATEVER ELSE YOU WERE DOING?

9 A. NO, SIR. I DIDN'T SAY HE WOULD GIVE IT TO
10 ME TO DO THAT. THAT'S WHAT I DONE WITH IT.

11 Q. THAT'S WHAT YOU DONE WITH IT?

12. A. YES, SIR.

13 Q. ALL RIGHT. NOW, WHEN YOU WOULD COME DOWN
14 HERE, YOU KNEW RICKY STUCKEY -- I'M SORRY, YOU KNEW
15 BIG JOE STUCKEY. RIGHT?

16 A. YES, SIR.

17 Q. AND YOU NEVER STAYED AT BIG JOE STUCKEY'S
18 HOUSE. RIGHT?

19 | A. WELL, NO, NOT DURING THAT TIME, NO.

20 Q. SO IN THE SEVEN YEARS THAT YOU WERE COMING
21 DOWN HERE, YOU NEVER STAYED ANY TIME AT BIG JOE
22 STUCKEY'S HOUSE?

23 A. OH, YES. YES.

24 Q. ALL RIGHT. AND ALL OF THOSE TIMES THAT
25 YOU STAYED AT HIS HOUSE, YOU NEVER MET HIS BROTHER

1 RICKY?

2 A. NO, SIR. NOT UNTIL 9 -- MAYBE AROUND '92,
3 '93.

4 Q. MAYBE AROUND '92?

5 A. YES, SIR.

6 Q. OKAY.

7 A. '92, '93, ONE OF THOSE YEARS.

8 Q. UH-HUH.

9 A. '92 OR '93. ONE OF THOSE YEARS.

10 Q. '92 OR '93?

11 A. YES, SIR.

12 Q. ALL RIGHT. NOW, YOU KNOW JEFFREY GRAHAM?

13 A. YES, SIR.

14 Q. IS JEFFREY RELATED TO YOU?

15 A. NO, SIR.

16 Q. ALL RIGHT, SIR. AND Y'ALL GOT ALONG GOOD,
17 DIDN'T YOU?

18 A. YEAH. WE GOT -- YOU KNOW, WE HAD A
19 FRIENDSHIP, YES.

20 Q. ALL RIGHT. Y'ALL HAD A FRIENDSHIP. Y'ALL
21 NEVER HAD NO CROSS WORDS, NO ARGUMENT, NO FIGHT?

22 A. NO, SIR.

23 Q. HE BEARS NO ILL WILL AGAINST YOU THAT YOU
24 KNOW OF. RIGHT?

25 A. NO, SIR.

1 Q. NOW, TELL US ABOUT THE CONVERSATION THAT
2 JEFFREY TOLD US ABOUT WHERE Y'ALL WERE UP THERE AT
3 THE GARAGE AND RICKY STUCKEY IS TELLING THEM YOU'VE
4 GOT TO GET THAT B OUT OF MY HOUSE. TELL US ABOUT
5 THAT.

6 A. I NEVER HEARD A CONVERSATION.

7 Q. YOU WEREN'T UP THERE AT THE GARAGE WHEN
8 ALL OF THAT WAS GOING ON?

9 A. IF IT WAS -- IF THERE WAS A CONVERSATION
10 HELD ANY TIME AFTER THE 22ND OF NOVEMBER, I MIGHT
11 HAVE BEEN THERE, BUT I NEVER HEARD ANY CONVERSATION.

12 Q. WELL, LET'S TALK ABOUT THAT. YOU SAY ANY
13 CONVERSATION AFTER THE 22ND OF NOVEMBER. YOUR -- YOU
14 ARE TRYING TO CLAIM YOU WERE IN NEW YORK ON THE 22ND
15 OF NOVEMBER. IS THAT WHAT YOU'RE SAYING?

16 A. NO, SIR.

17 Q. YOU WEREN'T IN NEW YORK ON THE 22ND OF
18 NOVEMBER. RIGHT?

19 A. PART OF -- PART OF THE 22ND.

20 Q. WELL, LET'S LOOK AT THIS. LET'S LOOK AT
21 THIS. SHOW ME ANYWHERE ON HERE WHERE IT SAYS THAT
22 YOU ARE IN NEW YORK ON THE 22ND OF NOVEMBER. SHOW ME
23 ANYWHERE ON THERE WHERE IT SAYS YOU ARE IN NEW YORK.

24 A. IT DOESN'T SAY.

25 Q. IT DOESN'T SAY THAT, DOES IT?

1 A. NO, SIR.

2 Q. SHOW ME ANYWHERE ON THERE WHERE IT SAYS
3 YOU WERE IN NEW YORK ON THE 11TH OF NOVEMBER.

4 A. NO, SIR, BUT THE CAR WAS RETURNED.

5 Q. THE CAR WAS RETURNED ON THE 10TH.

6 A. THE 10TH, YES, SIR.

7 Q. THE 10TH OF NOVEMBER. HOW LONG DOES IT
8 TAKE YOU TO DRIVE FROM NEW YORK TO MARLBORO COUNTY?

9 A. MAYBE 12 -- MAYBE 12 HOURS.

10 Q. SO YOU COULD HAVE TURNED THAT CAR IN ON
11 THE 10TH AND BEEN BACK DOWN HERE BEFORE MIDNIGHT ON
12 THE 10TH, COULDN'T YOU? NO DOUBT ABOUT THAT, IS
13 THERE, SON? HUH? COULDN'T YOU?

14 A. IF YOU SAY SO, YES.

15 Q. I'M ASKING YOU. COULD NOT YOU HAVE DRIVEN
16 FROM NEW YORK TO MARLBORO COUNTY AFTER YOU TURNED
17 THAT CAR IN ON THE 10TH AND BEEN DOWN HERE BY
18 MIDNIGHT?

19 A. YES, SIR.

20 Q. NO QUESTION ABOUT THAT?

21 A. IF YOU SAY IT, YES.

22 Q. AND AIN'T NO QUESTION ABOUT THE FACT THAT
23 JEFFREY GRAHAM AND YOU WERE LIKE TWO PEAS IN A POD.
24 Y'ALL GOT ALONG LIKE BEE AND HONEY, DIDN'T YOU?

25 A. I WOULDN'T SAY WE WERE.

1 Q. HUH?

2 A. I WOULDN'T SAY THAT. I KNEW HIM AND WE
3 WERE -- I KNEW HIM FROM BEING DOWN AT THE SHOP THERE
4 AND, YOU KNOW, WE WERE FRIENDS, BUT...

5 Q. AIN'T NO QUESTION HE USED TO BE DOWN THERE
6 AT THAT SHOP. RIGHT?

7 A. AIN'T NO QUESTION.

8 Q. AND YOU WERE DOWN THERE AT THAT SHOP.
9 RIGHT?

10 A. ANY TIME AFTER NOVEMBER 22ND.

11 Q. AND 'OL RICKY STUCKEY, HE WAS DOWN THERE
12 AT THAT SHOP TOO, WASN'T HE?

13 A. HE WORKED THERE, YES.

14 Q. YEAH. AND AIN'T NO QUESTION -- AIN'T NO
15 QUESTION THAT RICKY STUCKEY LIVED WITH ROBERT GRAHAM
16 OVER THERE, IS THERE?

17 A. NO, SIR.

18 Q. NO QUESTION ABOUT THAT, IS THERE, SON?

19 A. NO, SIR.

20 Q. AND AIN'T NO QUESTION ABOUT WHEN YOU WERE
21 DOWN HERE IN FEBRUARY -- I'M SORRY, NOVEMBER, THEY
22 WERE LIVING TOGETHER THEN?

23 A. I HADN'T BEEN TO THERE BUT ONE TIME AND
24 THAT WAS --

25 Q. I DIDN'T ASK YOU WHEN YOU WENT THERE. I

1 ASKED YOU WEREN'T THEY --

2 MR. ERVIN: YOUR HONOR, I WOULD ASK HIM TO
3 ALLOW HIM TO ANSWER.

4 THE COURT: THIS IS CORRECT --

5 MR. ERVIN: HE'S INTERRUPTING HIM, JUDGE.

6 THE COURT: NO, HE WILL CONDUCT THIS
7 EXAMINATION. NOW LET HIM ASK THE QUESTION. I'LL
8 GIVE HIM AMPLE OPPORTUNITIES TO ANSWER. GO AHEAD.
9 BY MR. WILSON:

10 Q. WERE THEY LIVING TOGETHER IN NOVEMBER OF
11 1994 WHEN YOU WERE DOWN HERE THE FIRST WEEK IS WHAT
12 YOU SAID, THE FIRST WEEK OF NOVEMBER?

13 A. NOVEMBER WHEN --

14 Q. 1994.

15 A. ANY TIME AFTER DECEMBER WHEN I MOVED IN,
16 THAT'S WHEN I KNEW THEY WERE STAYING TOGETHER. WHEN
17 ROBERT AND RICKY MOVED IN TOGETHER, I HAVE NO IDEA.
18 BUT WHEN I MOVED IN, BOBBY WAS STAYING THERE, YES.

19 Q. WELL, WHEN IS THE FIRST TIME YOU WENT OUT
20 TO THE TRAILER?

21 A. DURING THE -- BETWEEN THE 2ND AND 7TH, I
22 WENT THERE AND DROPPED RICKY OFF.

23 Q. BETWEEN THE 2ND AND 7TH OF WHAT?

24 A. OF NOVEMBER.

25 Q. WELL, THAT'S MY POINT, SON. THAT'S WHAT

1 I'M ASKING YOU. WEREN'T YOU LIVING TOGETHER IN
2 NOVEMBER OF 1994? YOU WENT TO THEIR HOUSE.

3 A. I DON'T KNOW BECAUSE I NEVER MET ROBERT
4 THEN.

5 Q. WELL, YOU WENT TO THEIR HOUSE, BUT YOU
6 HADN'T MET THEM YET?

7 A. WE JUST DROPPED RICKY OFF. WE DIDN'T GO
8 INSIDE OR ANYTHING. I MEAN, I DROPPED HIM OFF -- WE
9 DROPPED HIM OFF, ME AND JOE.

10 Q. ALL RIGHT. LET'S TALK ABOUT DANNY DAVIS.

11 A. YES, SIR.

12 Q. NOW, YOU KNEW DANNY DAVIS, DIDN'T YOU?

13 A. AFTER I MOVED IN WITH RICKY STUCKEY AND
14 ROBERT GRAHAM, YES.

15 Q. WELL, NOW, YOU WERE HANGING AROUND THAT
16 SHOP. AND HOW MANY -- HOW MANY -- HOW MANY DAYS
17 WOULD YOU -- IN FACT, YOU SAID THAT YOU WERE UP THERE
18 WORKING ON SOME CARS OR SOMETHING. RIGHT?

19 A. YES, SIR. JUST TO HELP OUT.

20 Q. AND DANNY CAME UP TO THAT SHOP FROM TIME
21 TO TIME, DIDN'T HE?

22 A. NO, SIR.

23 Q. NEVER CAME TO THAT SHOP?

24 A. NOT WHILE I WAS THERE. NO, I NEVER SEEN
25 DANNY AROUND THE SHOP.

1 Q. WELL, HOW DID YOU MEET HIM IF HE NEVER
2 CAME AT THE SHOP?

3 A. FROM BEING AT RICKY'S TRAILER WHEN I WAS
4 STAYING THERE.

5 Q. SO NOW, IF YOU HAD NEVER MET DANNY DAVIS
6 BEFORE 1994, HOW WOULD HE KNOW YOU?

7 A. I DIDN'T SAY I NEVER MET HIM BEFORE '94.
8 I SAID I DIDN'T MEET HIM UNTIL DECEMBER OF '94.

9 Q. YOU DIDN'T MEET HIM UNTIL DECEMBER OF '94?

10 A. YES, SIR.

11 Q. OKAY. SO THE FIRST TIME -- AND WHEN WAS?

12 A. HE HAD CAME DOWN TO RICKY'S TRAILER
13 BEFORE.

14 Q. CAME DOWN TO RICKY'S TRAILER?

15 A. YES, SIR.

16 Q. AIN'T NO QUESTION THAT THAT'S WHERE YOU
17 MET HIM. RIGHT? AT RICKY'S TRAILER?

18 A. CAME TO USE THE PHONE.

19 Q. Y'ALL WEREN'T COOKING PIG FEETS THAT DAY?

20 A. EXCUSE ME?

21 Q. WERE Y'ALL COOKING PIG FEETS THAT DAY,
22 THAT DAY THAT YOU MET DANNY DAVIS? WERE Y'ALL
23 COOKING PIG FEET OUT THERE AT RICKY'S HOUSE?

24 A. I DON'T KNOW NOTHING ABOUT NO PIG FEET.

25 Q. HUH?

1 A. I DON'T KNOW NOTHING ABOUT NO PIG FEET.

2 Q. WHAT WERE Y'ALL COOKING?

3 A. I DON'T REMEMBER BEING AT NO COOKING.

4 Q. YOU DON'T REMEMBER BEING AT NO COOKING?

5 A. NO.

6 Q. NOW, YOU SAID THAT WHEN YOU CAME DOWN

7 HERE, SOMEBODY ELSE WAS WITH YOU. RIGHT?

8 A. EXCUSE ME?

9 Q. WHEN YOU CAME IN NOVEMBER.

10 A. UH-HUH.

11 Q. YOU HAD SOMEBODY WITH YOU. RIGHT?

12 A. YES, SIR.

13 Q. YOUR BROTHER?

14 A. NO.

15 Q. WELL, WHO IS C POP?

16 A. C POP? I DON'T KNOW --

17 Q. C POP, T POP, A POP, WHOEVER. WHO IS THIS

18 POP PERSON?

19 A. I DON'T KNOW ANYBODY BY THAT NAME.

20 Q. HUH?

21 A. I DON'T KNOW ANYBODY BY THAT NAME.

22 Q. OH, NOW, COME ON, NOW. YOU KNOW WHO C POP

23 IS.

24 A. NO, SIR.

25 Q. ISN'T THAT YOUR TRAVELLING BUDDY?

1 A. I KNOW A BOY NAMED COREY. I DON'T KNOW
2 ANYBODY BY THE NAME OF C POP.

3 Q. WELL, I KNEW YOU WEREN'T TALKING -- IT'S
4 HIS STREET NAME. Y'ALL CALL HIM C POP. RIGHT?

5 A. NO, SIR,

6 Q. YOU DON'T CALL HIM C POP?

7 A. NO, SIR.

8 Q. WHAT DO YOU CALL HIM?

9 A. COREY.

10 Q. COREY. SO COREY CAME WITH YOU. RIGHT?

11 A. YES, SIR.

12 Q. ALL RIGHT. WELL, HOW DID COREY GET BACK
13 TO NEW YORK?

14 A. WE DROVE.

15 Q. WE DROVE WHAT?

16 A. A RENTED CAR.

17 Q. SO COREY WAS IN THE SAME RENT-A-CAR THAT
18 YOU WENT BACK IN?

19 A. YES, SIR.

20 Q. ON THE 10TH?

21 A. NO, THE 7TH.

22 Q. Y'ALL WENT BACK ON THE 7TH. YOU TURNED
23 THE CAR IN ON THE 10TH?

24 A. YES, SIR.

25 Q. ALL RIGHT. NOW, NOW, COREY STAYED DOWN

1 HERE WITH YOU FOR HOW LONG?

2 A. THE FIVE DAYS THAT WE WERE HERE.

3 Q. I'M SORRY. WHAT?

4 A. THE FIVE DAYS THAT WE WERE HERE.

5 Q. THE FIVE DAYS THAT YOU WERE HERE?

6 A. YES, SIR.

7 Q. FROM NOVEMBER 2ND TO NOVEMBER --

8 A. 7TH.

9 Q. -- 7TH. WHY DID YOU ONLY STAY FIVE DAYS?

10 WHY DID YOU STAY FIVE DAYS AND GO BACK AND TURN

11 AROUND AND COME RIGHT BACK IN A WEEK AND A HALF?

12 A. WE STOPPED IN VIRGINIA, ACTUALLY.

13 Q. STOPPED IN VIRGINIA?

14 A. YES, SIR.

15 Q. WHEN?

16 A. ON OUR WAY DOWN.

17 Q. SO YOU LEFT NEW YORK BEFORE THE 2ND?

18 A. NO, WE LEFT -- WE LEFT THE 2ND, THE 1ST,

19 AND GOT DOWN HERE THE 2ND, BUT ON OUR WAY DOWN, WE

20 STOPPED IN VIRGINIA.

21 Q. NOW, LET ME ASK YOU SOMETHING. AIN'T NO

22 QUESTION ABOUT THE FACT THAT YOU'RE A THIEF?

23 A. A THIEF.

24 Q. YOU'RE A THIEF. YOU'RE AN ADMITTED PLED

25 GUILTY OFFICIAL CONVICT, THIEF. RIGHT?

1 A. WELL, IF YOU CALL GRAND LARCENY THIEF, I
2 GUESS SO.

3 Q. WHAT DO YOU CALL IT?

4 A. I SAID IF YOU CALL THE CHARGE OF GRAND
5 LARCENY THIEVING, THEN I GUESS I'M A THIEF, THEN.

6 Q. YOU DON'T CALL GRAND LARCENY STEALING?

7 A. IF THAT'S WHAT IT'S CALLED, YES, I PLED
8 GUILTY TO IT. I DID IT, SO I'M A THIEF, IF YOU --

9 Q. ALL RIGHT. YOU DON'T MIND ADMITTING TO
10 THAT, DO YOU?

11 A. NO.

12 Q. ARE YOU ASHAMED OF THAT?

13 A. NO.

14 Q. YOU'RE NOT ASHAMED OF BEING A THIEF?

15 A. YEAH. I'M -- I MEAN, I'M NOT ASHAMED -- I
16 MEAN, I ADMITTED TO WHAT I DONE.

17 Q. THAT'S WHAT I'M ASKING YOU. AREN'T YOU
18 ASHAMED TO BE A THIEF?

19 A. YEAH. I'M ASHAMED THAT I -- YOU KNOW, I
20 DONE WHAT I DID.

21 Q. YOU'RE ASHAMED YOU GOT CAUGHT?

22 A. NO, I'M NOT ASHAMED I GOT CAUGHT.

23 Q. NOW, YOU SAID THAT GERALD BROWN WAS
24 LETTING YOU USE HIS -- HE USED HIS VISA CARD TO RENT
25 YOU THE CARD. RIGHT?

1 A. YES, SIR.

2 Q. SHOW ME YOUR RECEIPTS WHERE YOU PAID FOR
3 THE CAR.

4 A. HE HAS THE AGREEMENTS.

5 Q. NO, I'VE SEEN THE AGREEMENT. THAT'S A
6 CONTRACT. GOT GERALD BROWN'S NAME ON IT.

7 | A. YES, SIR.

8 Q. WHAT I'M SAYING IS SHOW ME THE RECEIPT
9 WHERE YOU PAID SOME MONEY TO RENT THE CAR.

10 A. I GAVE THE MONEY TO GERALD BROWN. HE USED
11 HIS VISA TO GET THE CARD.

12 Q. YOU GAVE HIM CASH MONEY. RIGHT?

13	A. RIGHT.

14 Q. CAN'T TRACE THAT, CAN YOU? HUH? HUH?

15 A. EXCUSE ME?

16 Q. OKAY. ONE OF THE THINGS THAT YOU SAID,
17 WHICH WAS THAT ONCE YOU CAME BACK THE FIRST THING YOU
18 DID WAS YOU CALLED JOE STUCKEY TO LET HIM KNOW THAT
19 YOU WERE BACK IN TOWN -- WHY IS THAT? NOW, Y'ALL
20 WERE JUST FRIENDS. YOU WERE JUST DOWN HERE AND YOU
21 WERE AT YOUR BUDDY'S HOUSE OVER IN LESTER. WHY WOULD
22 YOU CALL JOE STUCKEY TO LET HIM KNOW THAT YOU WERE
23 DOWN HERE?

24 A. BECAUSE HE'S MY FRIEND.

25 Q. HE WAS YOUR FRIEND?

A. UH-HUH.

Q. NOW, DID YOU EVER MEET DARLENE DAVIS?

A. NO, SIR.

Q. PATTERSON. LET ME SHOW YOU THIS. TAKE A
LOOK AT STATE'S EXHIBIT 6. IS THAT HOW Y'ALL LEFT
HER?

A. I NEVER SEEN THIS PICTURE BEFORE. I NEVER
SEEN THIS.

Q. I KNOW YOU'VE NEVER SEEN THE PICTURE
BEFORE. WHAT I'M ASKING YOU, IS THAT HOW YOU LEFT
HER?

A. NEVER SEEN THIS PERSON BEFORE.

Q. NEVER SEEN THIS PERSON BEFORE?

A. NO, SIR.

Q. YOU CAN'T SEE A FACE. HOW DO YOU KNOW?

A. I KNOW IT'S A PERSON. I DON'T KNOW IF
IT'S A MAN OR LADY. I KNOW IT'S A PERSON. I NEVER
SEEN THIS PERSON BEFORE.

Q. DO YOU KNOW JEFF WALLS?

A. I MET HIM IN THE COUNTY JAIL.

Q. TAKE A LOOK AT THAT. STATE'S EXHIBIT
NUMBER 5. WHO TIED THAT UP LIKE THAT? DO YOU KNOW?

A. I DON'T KNOW, SIR.

Q. YOU DON'T KNOW. AND IF YOU KNEW, YOU
WOULDN'T TELL ME ANYWAY, WOULD YOU? HUH?

1 NIGHTTIME?

2 A. AT NIGHT, YES.

3 Q. ALL RIGHT. HE WOULD COME IN AND SLEEP?

4 A. YES.

5 Q. GET UP IN THE MORNING AND LEAVE EARLY,
6 WOULDN'T HE?

7 A. ABOUT 5:30, 6:00, YES.

8 Q. ALL RIGHT. I DON'T HAVE ANY OTHER
9 QUESTIONS.

10 MR. WILSON: THANK YOU, YOUR HONOR.

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

12 BY MR. WILSON:

13 Q. MR. MARTIN MCINTOSH.

14 A. YES.

15 Q. LET ME ASK YOU FIRST, WHEN IS THE LAST
16 TIME YOU HAD ANY KIND OF A JOB?

17 A. THE LAST -- MY LAST EMPLOYMENT?

18 Q. LAST JOB.

19 A. MY LAST EMPLOYMENT WAS IN '93.

20 Q. IN '93. YOU HAVEN'T HAD A JOB SINCE '93.
21 RIGHT?

22 A. NO, SIR.

23 Q. AND WHAT WAS THAT?

24 A. WELL, I WAS WORKING AT A RESTAURANT.

25 Q. HOW LONG DID YOU WORK THERE?

1 A. MAYBE ABOUT SIX MONTHS.

2 Q. ALL RIGHT.

3 A. SEVEN MONTHS.

4 Q. AND THAT'S THE LONGEST JOB YOU'VE HAD
5 SINCE YOU'VE BEEN 18 YEARS OLD, ISN'T IT?

6 A. NO, SIR.

7 Q. WHERE HAVE YOU WORKED LONGER THAN THAT?

8 A. I USED TO WORK FOR MERRILL-LYNCH.

9 Q. DOING WHAT?

10 A. KEY-OP WORK.

11 Q. A WHAT?

12 A. KEY OPERATOR, WORK KEY-OP.

13 Q. WHEN WAS THAT?

14 A. '88, '89.

15 Q. ALL RIGHT. HOW LONG DID YOU WORK THERE?

16 A. MAYBE FOR ABOUT A YEAR.

17 Q. ALL RIGHT. SO HOW OLD ARE YOU NOW?

18 A. I'M 29.

19 Q. 29 YEARS OLD AND THE LONGEST JOB YOU'VE
20 EVER HAD IN YOUR LIFE WAS ABOUT A YEAR. BUT YOU HAD
21 MONEY SO THAT EVERY MONTH OR SO YOU COULD COME FROM
22 NEW YORK AND RENT A CAR AND COME DOWN TO MARLBORO
23 COUNTY?

24 A. NO, SIR.

25 Q. WELL, YOU JUST TOLD YOUR LAWYER THAT YOU

1 WERE DOWN HERE IN SEPTEMBER; YOU CAME BACK AGAIN IN
2 NOVEMBER; YOU CAME AGAIN IN DECEMBER. RIGHT?

3 A. YES, SIR.

4 Q. SO A MAN WITH NO JOB AND WITH NO INCOME
5 RENTING CARS, RIDING UP AND DOWN THE ROAD FROM NEW
6 YORK TO MARLBORO COUNTY. WHY?

7 A. WELL, BEING IN NEW YORK, IT'S ROUGH
8 SOMETIMES. AND SOMETIMES I JUST HAVE TO GET AWAY.
9 AND MY MOM IS VERY SICK. I REALLY DON'T EVEN WANT TO
10 GO INTO DETAIL ABOUT HER SICKNESS. AND IT'S HARD TO
11 DEAL WITH AND I JUST NEEDED TO GET AWAY.

12 Q. NEEDED TO GET AWAY?

13 A. YES, SIR.

14 Q. SO YOU COME DOWN TO MARLBORO COUNTY IN
15 THAT RENTED CAR. YOU STAY DOWN HERE FOR A WEEK OR
16 TWO. RIGHT?

17 A. YES, SIR.

18 Q. THEN YOU DRIVE ON BACK UP, RENT YOU A CAR,
19 DRIVE ON BACK UP TO NEW YORK. NO JOB. THEN YOU
20 DRIVE ON BACK DOWN HERE TO MARLBORO COUNTY AND NOW
21 YOU SAY THAT YOU WERE STAYING WITH YOUR BUDDY MOORE.
22 RIGHT?

23 A. YES, SIR.

24 Q. WHAT DID YOU SAY HIS FIRST NAME WAS?

25 A. BUTCH MOORE.

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 4

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1 Q. BUTCH MOORE?

2 A. YES, SIR.

3 Q. NOBODY COULDN'T FIND HIM TO SERVE ANY
4 PAPERS ON HIM?

5 A. NO, SIR.

6 Q. BUT YOU SAY HE EXISTS?

7 A. YES, SIR.

8 Q. AND HE'S YOUR FRIEND. RIGHT?

9 A. YES, SIR.

10 Q. BUT YOU CAN'T FIND HIM. YOU CAN'T FIND
11 HIM BECAUSE HE DOESN'T EXIST, DOES HE? HE DOESN'T
12 EXIST. YOU DIDN'T STAY WITH ANY BUTCH MOORE.

13 A. YES, SIR.

14 Q. YOU STAYED RIGHT OVER THERE AT THAT
15 TRAILER WITH YOUR GOOD BUDDY, MR. GRAHAM, 'OL ROBERT
16 GRAHAM AND 'OL RICKY STUCKEY, DIDN'T YOU?

17 A. NO, SIR.

18 Q. NO, SIR.

19 A. NO, SIR. I DIDN'T STAY THERE UNTIL
20 DECEMBER.

21 Q. NOW, YOU TOLD YOUR LAWYER THAT YOU DIDN'T
22 KNOW RICKY STUCKEY. YOU KNEW BIG JOE STUCKEY?

23 A. YES, SIR.

24 Q. AND YOU DIDN'T MEET RICKY STUCKEY UNTIL
25 ABOUT A YEAR BEFORE ALL OF THIS HAPPENED?

1 A. YES, SIR.

2 Q. BUT NOW YOU WERE COMING DOWN HERE, GOING
3 TO HIS GARAGE AND MR. BIG JOE STUCKEY'S GARAGE, WHO
4 IS RICKY'S BROTHER, FREQUENTLY, WEREN'T YOU?

5 A. EXCUSE ME?

6 Q. WHAT I'M ASKING YOU IS WHEN YOU WERE
7 COMING DOWN HERE FROM NEW YORK, YOU WERE HANGING OUT
8 THERE AT BIG JOE STUCKEY'S GARAGE. RIGHT?

9 A. I ONLY BEEN THERE TWICE, DOWN TWICE.

10 Q. WELL, YOU TOLD HIM THREE TIMES DOWN YOU'VE
11 BEEN.

12 A. EXACTLY. IN SEPTEMBER AND IN NOVEMBER AND
13 DECEMBER.

14 Q. WELL, BUT YOU TOLD YOUR LAWYER THAT YOU
15 HAD BEEN COMING DOWN FOR YEARS ON A FREQUENT BASIS.

16 A. BUT I DIDN'T KNOW RICKY STUCKEY THEN. I
17 DIDN'T KNOW RICKY STUCKEY UNTIL ABOUT ONLY ABOUT
18 TWO-AND-A-HALF YEARS. I KNEW HIS BROTHER FOR ABOUT
19 SEVEN YEARS, BUT THAT'S -- JOE USED TO STAY IN
20 BENNETTSVILLE, IN THE CITY LIMITS OF BENNETTSVILLE.
21 I MET HIM THROUGH ANOTHER FRIEND.

22 Q. WELL, BUT YOU TOLD YOUR LAWYER THAT YOU
23 HAD KNOWN BIG JOE STUCKEY FOR ABOUT SIX OR SEVEN
24 YEARS.

25 A. YES, SIR.

1 Q. AND THAT -- THAT -- BUT YOU DIDN'T KNOW
2 RICKY UNTIL ABOUT A YEAR BEFORE ALL OF THIS HAPPENED?

3 A. TWO-AND-A-HALF YEARS, BETWEEN A YEAR AND
4 TWO-AND-A-HALF YEARS.

5 Q. WELL, THAT AIN'T WHAT YOU TOLD YOUR
6 LAWYER, IS IT?

7 A. NO, SIR.

8 Q. YOU TOLD HIM BETWEEN A YEAR AND
9 TWO-AND-A-HALF YEARS?

10 A. YES, SIR.

11 Q. ALL RIGHT. OKAY. NOW, SO YOU KNOW BIG
12 JOE STUCKEY FOR TWO YEARS?

13 A. SEVEN YEARS.

14 Q. NO, LET ME FINISH. FOUR YEARS --
15 FOUR-AND-A-HALF YEARS BEFORE YOU MET HIS BROTHER, AND
16 YOU WERE THERE AT HIS GARAGE TIME AND TIME AGAIN.
17 BUT YOU DIDN'T KNOW HIS BROTHER WHO WAS IN THAT
18 GARAGE PRACTICALLY EVERY DAY. RIGHT?

19 A. WELL, THE FIRST TIME I EVER BEEN TO THAT
20 GARAGE WAS '94.

21 Q. SO YOU'VE KNOWN HIM FOR SIX OR SEVEN YEARS
22 AND YOU'VE NEVER BEEN TO HIS GARAGE UNTIL '94, WHICH
23 IS WHEN ALL OF THIS STUFF HAPPENED. RIGHT?

24 A. THEY JUST STARTED -- THEY JUST MOVED INTO
25 THAT GARAGE RECENTLY, AS OF I KNOW.

1 Q. WELL, THAT'S FINE. LET'S TALK ABOUT SOME
2 OTHER THINGS. LET'S TALK -- LET'S GO BACK AND TALK
3 SOME MORE ABOUT HOW YOU AFFORDED TO COME UP AND DOWN
4 THE ROAD.

5 A. YES, SIR.

6 Q. WITH NO JOB.

7 A. YES, SIR.

8 Q. WHO WAS PAYING FOR YOU TO RENT THESE CARS
9 TO COME DOWN HERE?

10 A. WELL, MY DADDY, HE -- HE HAD GOT -- HE
11 USED TO BE A CONSTRUCTION WORKER AND HE HAD GOTTEN
12 HURT SOME YEARS AGO AND HE HAD A SETTLEMENT. AND HE
13 GAVE ME AND MY BROTHER 5,000 DOLLARS APIECE FOR
14 CHRISTMAS.

15 Q. WHAT YEAR CHRISTMAS?

16 A. '93.

17 Q. SO HE GAVE YOU 5,000 DOLLARS IN '93.
18 RIGHT?

19 A. YES, SIR.

20 Q. AND YOU'RE TELLING US THAT IN SEPTEMBER OF
21 1993, YOU STILL HAD SOME OF THAT 5,000 DOLLARS LEFT,
22 EVEN THOUGH YOU DIDN'T HAVE NO JOB AND NO INCOME?

23 A. YES, SIR, BECAUSE HE WOULDN'T GIVE IT ALL
24 AT ONE TIME.

25 Q. SO HE DIDN'T GIVE IT ALL AT ONE TIME. SO

1 NOW YOU'RE SAYING HE DIDN'T GIVE YOU THE 5,000
2 DOLLARS FOR CHRISTMAS. HE GAVE PART OF IT?

3 A. HE GAVE 5,000 DOLLARS AT CHRISTMAS, BUT
4 NOT ALL AT ONE TIME.

5 Q. HOW MUCH WOULD HE GIVE YOU?

6 A. MAYBE A THOUSAND OR MAYBE WHATEVER WE
7 ASKED FOR, BUT I WOULDN'T NEVER GET OVER A THOUSAND
8 DOLLARS. I WOULD GET, YOU KNOW, 500 DOLLARS AT A
9 TIME, YOU KNOW. SOMETHING LIKE THAT.

10 Q. WELL, HOW MUCH DID HE GIVE YOU DURING
11 CHRISTMAS IS WHAT I'M ASKING YOU.

12 A. WELL, DURING CHRISTMAS THAT YEAR, I THINK
13 I GOT ABOUT A THOUSAND DOLLARS.

14 Q. ALL RIGHT. SO YOU GOT A THOUSAND AT
15 CHRISTMAS. YOU HAD FOUR LEFT. RIGHT?

16 A. YES, SIR.

17 Q. ALL RIGHT. WHEN DID YOU GET SOME MORE
18 MONEY FROM HIM OUT OF THAT 5,000 DOLLARS?

19 MR. ERVIN: I'M GOING TO OBJECT AT THIS
20 TIME TO RELEVANCE.

21 MR. WILSON: THIS IS RELEVANT TO HIS
22 CREDIBILITY.

23 THE COURT: THIS IS CROSS-EXAMINATION.

24 THE WITNESS: DIFFERENT TIMES THROUGHOUT
25 THE YEAR I WOULD GO SEE MY FATHER AND GO GET MONEY

1 FROM HIM.

2 BY MR. WILSON:

3 Q. DIFFERENT TIMES OF THE YEAR?

4 A. YES, SIR.

5 Q. SO WHAT YOU'RE SAYING NOW IS THAT YOUR
6 DADDY WAS GIVING YOU THE MONEY TO COME DOWN HERE TO
7 RENT THESE CARS AND CATCH THE BUSES AND TO GET ON THE
8 AMTRAK OR WHATEVER ELSE YOU WERE DOING?

9 A. NO, SIR. I DIDN'T SAY HE WOULD GIVE IT TO
10 ME TO DO THAT. THAT'S WHAT I DONE WITH IT.

11 Q. THAT'S WHAT YOU DONE WITH IT?

12 A. YES, SIR.

13 Q. ALL RIGHT. NOW, WHEN YOU WOULD COME DOWN
14 HERE, YOU KNEW RICKY STUCKEY -- I'M SORRY, YOU KNEW
15 BIG JOE STUCKEY. RIGHT?

16 A. YES, SIR.

17 Q. AND YOU NEVER STAYED AT BIG JOE STUCKEY'S
18 HOUSE. RIGHT?

19 A. WELL, NO, NOT DURING THAT TIME, NO.

20 Q. SO IN THE SEVEN YEARS THAT YOU WERE COMING
21 DOWN HERE, YOU NEVER STAYED ANY TIME AT BIG JOE
22 STUCKEY'S HOUSE?

23 A. OH, YES. YES.

24 Q. ALL RIGHT. AND ALL OF THOSE TIMES THAT
25 YOU STAYED AT HIS HOUSE, YOU NEVER MET HIS BROTHER

1 RICKY?

2 A. NO, SIR. NOT UNTIL 9 -- MAYBE AROUND '92,
3 '93.

4 Q. MAYBE AROUND '92?

5 A. YES, SIR.

6 Q. OKAY.

7 A. '92, '93, ONE OF THOSE YEARS.

8 Q. UH-HUH.

9 A. '92 OR '93. ONE OF THOSE YEARS.

10 Q. '92 OR '93?

11 A. YES, SIR.

12 Q. ALL RIGHT. NOW, YOU KNOW JEFFREY GRAHAM?

13 A. YES, SIR.

14 Q. IS JEFFREY RELATED TO YOU?

15 A. NO, SIR.

16 Q. ALL RIGHT, SIR. AND Y'ALL GOT ALONG GOOD,
17 DIDN'T YOU?

18 A. YEAH. WE GOT -- YOU KNOW, WE HAD A
19 FRIENDSHIP, YES.

20 Q. ALL RIGHT. Y'ALL HAD A FRIENDSHIP. Y'ALL
21 NEVER HAD NO CROSS WORDS, NO ARGUMENT, NO FIGHT?

22 A. NO, SIR.

23 Q. HE BEARS NO ILL WILL AGAINST YOU THAT YOU
24 KNOW OF. RIGHT?

25 A. NO, SIR.

Q. NOW, TELL US ABOUT THE CONVERSATION THAT JEFFREY TOLD US ABOUT WHERE Y'ALL WERE UP THERE AT THE GARAGE AND RICKY STUCKEY IS TELLING THEM YOU'VE GOT TO GET THAT B OUT OF MY HOUSE. TELL US ABOUT THAT.

A. I NEVER HEARD A CONVERSATION.

Q. YOU WEREN'T UP THERE AT THE GARAGE WHEN ALL OF THAT WAS GOING ON?

A. IF IT WAS -- IF THERE WAS A CONVERSATION HELD ANY TIME AFTER THE 22ND OF NOVEMBER, I MIGHT HAVE BEEN THERE, BUT I NEVER HEARD ANY CONVERSATION.

Q. WELL, LET'S TALK ABOUT THAT. YOU SAY ANY CONVERSATION AFTER THE 22ND OF NOVEMBER. YOUR -- YOU ARE TRYING TO CLAIM YOU WERE IN NEW YORK ON THE 22ND OF NOVEMBER. IS THAT WHAT YOU'RE SAYING?

A. NO, SIR.

Q. YOU WEREN'T IN NEW YORK ON THE 22ND OF NOVEMBER. RIGHT?

A. PART OF -- PART OF THE 22ND.

Q. WELL, LET'S LOOK AT THIS. LET'S LOOK AT THIS. SHOW ME ANYWHERE ON HERE WHERE IT SAYS THAT YOU ARE IN NEW YORK ON THE 22ND OF NOVEMBER. SHOW ME ANYWHERE ON THERE WHERE IT SAYS YOU ARE IN NEW YORK.

A. IT DOESN'T SAY.

Q. IT DOESN'T SAY THAT, DOES IT?

1 A. NO, SIR.

2 Q. SHOW ME ANYWHERE ON THERE WHERE IT SAYS
3 YOU WERE IN NEW YORK ON THE 11TH OF NOVEMBER.

4 A. NO, SIR, BUT THE CAR WAS RETURNED.

5 Q. THE CAR WAS RETURNED ON THE 10TH.

6 A. THE 10TH, YES, SIR.

7 Q. THE 10TH OF NOVEMBER. HOW LONG DOES IT
8 TAKE YOU TO DRIVE FROM NEW YORK TO MARLBORO COUNTY?

9 A. MAYBE 12 -- MAYBE 12 HOURS.

10 Q. SO YOU COULD HAVE TURNED THAT CAR IN ON
11 THE 10TH AND BEEN BACK DOWN HERE BEFORE MIDNIGHT ON
12 THE 10TH, COULDN'T YOU? NO DOUBT ABOUT THAT, IS
13 THERE, SON? HUH? COULDN'T YOU?

14 A. IF YOU SAY SO, YES.

15 Q. I'M ASKING YOU. COULD NOT YOU HAVE DRIVEN
16 FROM NEW YORK TO MARLBORO COUNTY AFTER YOU TURNED
17 THAT CAR IN ON THE 10TH AND BEEN DOWN HERE BY
18 MIDNIGHT?

19 A. YES, SIR.

20 Q. NO QUESTION ABOUT THAT?

21 A. IF YOU SAY IT, YES.

22 Q. AND AIN'T NO QUESTION ABOUT THE FACT THAT
23 JEFFREY GRAHAM AND YOU WERE LIKE TWO PEAS IN A POD.
24 Y'ALL GOT ALONG LIKE BEE AND HONEY, DIDN'T YOU?

25 A. I WOULDN'T SAY WE WERE.

1 Q. HUH?

2 A. I WOULDN'T SAY THAT. I KNEW HIM AND WE
3 WERE -- I KNEW HIM FROM BEING DOWN AT THE SHOP THERE
4 AND, YOU KNOW, WE WERE FRIENDS, BUT.....

5 Q. AIN'T NO QUESTION HE USED TO BE DOWN THERE
6 AT THAT SHOP. RIGHT?

7 A. AIN'T NO QUESTION.

8 Q. AND YOU WERE DOWN THERE AT THAT SHOP.
9 RIGHT?

10 A. ANY TIME AFTER NOVEMBER 22ND.

11 Q. AND 'OL RICKY STUCKEY, HE WAS DOWN THERE
12 AT THAT SHOP TOO, WASN'T HE?

13 A. HE WORKED THERE, YES.

14 Q. YEAH. AND AIN'T NO QUESTION -- AIN'T NO
15 QUESTION THAT RICKY STUCKEY LIVED WITH ROBERT GRAHAM
16 OVER THERE, IS THERE?

17 A. NO, SIR.

18 Q. NO QUESTION ABOUT THAT, IS THERE, SON?

19 A. NO, SIR.

20 Q. AND AIN'T NO QUESTION ABOUT WHEN YOU WERE
21 DOWN HERE IN FEBRUARY -- I'M SORRY, NOVEMBER, THEY
22 WERE LIVING TOGETHER THEN?

23 A. I HADN'T BEEN TO THERE BUT ONE TIME AND
24 THAT WAS --

25 Q. I DIDN'T ASK YOU WHEN YOU WENT THERE. I

1 ASKED YOU WEREN'T THEY --

2 MR. ERVIN: YOUR HONOR, I WOULD ASK HIM TO
3 ALLOW HIM TO ANSWER.

4 THE COURT: THIS IS CORRECT --

5 MR. ERVIN: HE'S INTERRUPTING HIM, JUDGE.

6 THE COURT: NO, HE WILL CONDUCT THIS
7 EXAMINATION. NOW LET HIM ASK THE QUESTION. I'LL
8 GIVE HIM AMPLE OPPORTUNITIES TO ANSWER. GO AHEAD.
9 BY MR. WILSON:

10 Q. WERE THEY LIVING TOGETHER IN NOVEMBER OF
11 1994 WHEN YOU WERE DOWN HERE THE FIRST WEEK IS WHAT
12 YOU SAID, THE FIRST WEEK OF NOVEMBER?

13 A. NOVEMBER WHEN --

14 Q. 1994.

15 A. ANY TIME AFTER DECEMBER WHEN I MOVED IN,
16 THAT'S WHEN I KNEW THEY WERE STAYING TOGETHER. WHEN
17 ROBERT AND RICKY MOVED IN TOGETHER, I HAVE NO IDEA.
18 BUT WHEN I MOVED IN, BOBBY WAS STAYING THERE, YES.

19 Q. WELL, WHEN IS THE FIRST TIME YOU WENT OUT
20 TO THE TRAILER?

21 A. DURING THE -- BETWEEN THE 2ND AND 7TH, I
22 WENT THERE AND DROPPED RICKY OFF.

23 Q. BETWEEN THE 2ND AND 7TH OF WHAT?

24 A. OF NOVEMBER.

25 Q. WELL, THAT'S MY POINT, SON. THAT'S WHAT

1 I'M ASKING YOU. WEREN'T YOU LIVING TOGETHER IN
2 NOVEMBER OF 1994? YOU WENT TO THEIR HOUSE.

3 A. I DON'T KNOW BECAUSE I NEVER MET ROBERT
4 THEN.

5 Q. WELL, YOU WENT TO THEIR HOUSE, BUT YOU
6 HADN'T MET THEM YET?

7 A. WE JUST DROPPED RICKY OFF. WE DIDN'T GO
8 INSIDE OR ANYTHING. I MEAN, I DROPPED HIM OFF -- WE
9 DROPPED HIM OFF, ME AND JOE.

10 Q. ALL RIGHT. LET'S TALK ABOUT DANNY DAVIS.

11 A. YES, SIR.

12 Q. NOW, YOU KNEW DANNY DAVIS, DIDN'T YOU?

13 A. AFTER I MOVED IN WITH RICKY STUCKEY AND
14 ROBERT GRAHAM, YES.

15 Q. WELL, NOW, YOU WERE HANGING AROUND THAT
16 SHOP. AND HOW MANY -- HOW MANY -- HOW MANY DAYS
17 WOULD YOU -- IN FACT, YOU SAID THAT YOU WERE UP THERE
18 WORKING ON SOME CARS OR SOMETHING. RIGHT?

19 A. YES, SIR. JUST TO HELP OUT.

20 Q. AND DANNY CAME UP TO THAT SHOP FROM TIME
21 TO TIME, DIDN'T HE?

22 A. NO, SIR.

23 Q. NEVER CAME TO THAT SHOP?

24 A. NOT WHILE I WAS THERE. NO, I NEVER SEEN
25 DANNY AROUND THE SHOP.

1 A. I DON'T KNOW NOTHING ABOUT NO PIG FEET.

2 Q. WHAT WERE Y'ALL COOKING?

3 A. I DON'T REMEMBER BEING AT NO COOKING.

4 Q. YOU DON'T REMEMBER BEING AT NO COOKING?

5 A. NO.

6 Q. NOW, YOU SAID THAT WHEN YOU CAME DOWN
7 HERE, SOMEBODY ELSE WAS WITH YOU. RIGHT?

8 A. EXCUSE ME?

9 Q. WHEN YOU CAME IN NOVEMBER.

10 A. UH-HUH.

11 Q. YOU HAD SOMEBODY WITH YOU. RIGHT?

12 A. YES, SIR.

13 Q. YOUR BROTHER?

14 A. NO.

15 Q. WELL, WHO IS C POP?

16 A. C POP? I DON'T KNOW --

17 Q. C POP, T POP, A POP, WHOEVER. WHO IS THIS
18 POP PERSON?

19 A. I DON'T KNOW ANYBODY BY THAT NAME.

20 Q. HUH?

21 A. I DON'T KNOW ANYBODY BY THAT NAME.

22 Q. OH, NOW, COME ON, NOW. YOU KNOW WHO C POP
23 IS.

24 A. NO, SIR.

25 Q. ISN'T THAT YOUR TRAVELLING BUDDY?

1 A. I KNOW A BOY NAMED COREY. I DON'T KNOW
2 ANYBODY BY THE NAME OF C POP.

3 Q. WELL, I KNEW YOU WEREN'T TALKING -- IT'S
4 HIS STREET NAME. Y'ALL CALL HIM C POP. RIGHT?

5 A. NO, SIR,

6 Q. YOU DON'T CALL HIM C POP?

7 A. NO, SIR.

8 Q. WHAT DO YOU CALL HIM?

9 A. COREY.

10 Q. COREY. SO COREY CAME WITH YOU. RIGHT?

11 A. YES, SIR.

12 Q. ALL RIGHT. WELL, HOW DID COREY GET BACK
13 TO NEW YORK?

14 A. WE DROVE.

15 Q. WE DROVE WHAT?

16 A. A RENTED CAR.

17 Q. SO COREY WAS IN THE SAME RENT-A-CAR THAT
18 YOU WENT BACK IN?

19 A. YES, SIR.

20 Q. ON THE 10TH?

21 A. NO, THE 7TH.

22 Q. Y'ALL WENT BACK ON THE 7TH. YOU TURNED
23 THE CAR IN ON THE 10TH?

24 A. YES, SIR.

25 Q. ALL RIGHT. NOW, NOW, COREY STAYED DOWN

1 HERE WITH YOU FOR HOW LONG?

2 A. THE FIVE DAYS THAT WE WERE HERE.

3 Q. I'M SORRY. WHAT?

4 A. THE FIVE DAYS THAT WE WERE HERE.

5 Q. THE FIVE DAYS THAT YOU WERE HERE?

6 A. YES, SIR.

7 Q. FROM NOVEMBER 2ND TO NOVEMBER --

8 A. 7TH.

9 Q. -- 7TH. WHY DID YOU ONLY STAY FIVE DAYS?

10 WHY DID YOU STAY FIVE DAYS AND GO BACK AND TURN
11 AROUND AND COME RIGHT BACK IN A WEEK AND A HALF?

12 A. WE STOPPED IN VIRGINIA, ACTUALLY.

13 Q. STOPPED IN VIRGINIA?

14 A. YES, SIR.

15 Q. WHEN?

16 A. ON OUR WAY DOWN.

17 Q. SO YOU LEFT NEW YORK BEFORE THE 2ND?

18 A. NO, WE LEFT -- WE LEFT THE 2ND, THE 1ST,
19 AND GOT DOWN HERE THE 2ND, BUT ON OUR WAY DOWN, WE
20 STOPPED IN VIRGINIA.

21 Q. NOW, LET ME ASK YOU SOMETHING. AIN'T NO
22 QUESTION ABOUT THE FACT THAT YOU'RE A THIEF?

23 A. A THIEF.

24 Q. YOU'RE A THIEF. YOU'RE AN ADMITTED PLED
25 GUILTY OFFICIAL CONVICT, THIEF. RIGHT?

1 A. WELL, IF YOU CALL GRAND LARCENY THIEF, I
2 GUESS SO.

3 Q. WHAT DO YOU CALL IT?

4 A. I SAID IF YOU CALL THE CHARGE OF GRAND
5 LARCENY THIEVING, THEN I GUESS I'M A THIEF, THEN.

6 Q. YOU DON'T CALL GRAND LARCENY STEALING?

7 A. IF THAT'S WHAT IT'S CALLED, YES, I PLED
8 GUILTY TO IT. I DID IT, SO I'M A THIEF, IF YOU --

9 Q. ALL RIGHT. YOU DON'T MIND ADMITTING TO
10 THAT, DO YOU?

11 A. NO.

12 Q. ARE YOU ASHAMED OF THAT?

13 A. NO.

14 Q. YOU'RE NOT ASHAMED OF BEING A THIEF?

15 A. YEAH. I'M -- I MEAN, I'M NOT ASHAMED -- I
16 MEAN, I ADMITTED TO WHAT I DONE.

17 Q. THAT'S WHAT I'M ASKING YOU. AREN'T YOU
18 ASHAMED TO BE A THIEF?

19 A. YEAH. I'M ASHAMED THAT I -- YOU KNOW, I
20 DONE WHAT I DID.

21 Q. YOU'RE ASHAMED YOU GOT CAUGHT?

22 A. NO, I'M NOT ASHAMED I GOT CAUGHT.

23 Q. NOW, YOU SAID THAT GERALD BROWN WAS
24 LETTING YOU USE HIS -- HE USED HIS VISA CARD TO RENT
25 YOU THE CARD. RIGHT?

1 A. YES, SIR.

2 Q. SHOW ME YOUR RECEIPTS WHERE YOU PAID FOR
3 THE CAR.

4 A. HE HAS THE AGREEMENTS.

5 Q. NO, I'VE SEEN THE AGREEMENT. THAT'S A
6 CONTRACT. GOT GERALD BROWN'S NAME ON IT.

7 A. YES, SIR.

8 Q. WHAT I'M SAYING IS SHOW ME THE RECEIPT
9 WHERE YOU PAID SOME MONEY TO RENT THE CAR.

10 A. I GAVE THE MONEY TO GERALD BROWN. HE USED
11 HIS VISA TO GET THE CARD.

12 Q. YOU GAVE HIM CASH MONEY. RIGHT?

13 A. RIGHT.

14 Q. CAN'T TRACE THAT, CAN YOU? HUH? HUH?

15 A. EXCUSE ME?

16 Q. OKAY. ONE OF THE THINGS THAT YOU SAID,
17 WHICH WAS THAT ONCE YOU CAME BACK THE FIRST THING YOU
18 DID WAS YOU CALLED JOE STUCKEY TO LET HIM KNOW THAT
19 YOU WERE BACK IN TOWN -- WHY IS THAT? NOW, Y'ALL
20 WERE JUST FRIENDS. YOU WERE JUST DOWN HERE AND YOU
21 WERE AT YOUR BUDDY'S HOUSE OVER IN LESTER. WHY WOULD
22 YOU CALL JOE STUCKEY TO LET HIM KNOW THAT YOU WERE
23 DOWN HERE?

24 A. BECAUSE HE'S MY FRIEND.

25 Q. HE WAS YOUR FRIEND?

1 A. UH-HUH.

2 Q. NOW, DID YOU EVER MEET DARLENE DAVIS?

3 A. NO, SIR.

4 Q. PATTERSON. LET ME SHOW YOU THIS. TAKE A
5 LOOK AT STATE'S EXHIBIT 6. IS THAT HOW Y'ALL LEFT
6 HER?

7 A. I NEVER SEEN THIS PICTURE BEFORE. I NEVER
8 SEEN THIS.

9 Q. I KNOW YOU'VE NEVER SEEN THE PICTURE
10 BEFORE. WHAT I'M ASKING YOU, IS THAT HOW YOU LEFT
11 HER?

12 A. NEVER SEEN THIS PERSON BEFORE.

13 Q. NEVER SEEN THIS PERSON BEFORE?

14 A. NO, SIR.

15 Q. YOU CAN'T SEE A FACE. HOW DO YOU KNOW?

16 A. I KNOW IT'S A PERSON. I DON'T KNOW IF
17 IT'S A MAN OR LADY. I KNOW IT'S A PERSON. I NEVER
18 SEEN THIS PERSON BEFORE.

19 Q. DO YOU KNOW JEFF WALLS?

20 A. I MET HIM IN THE COUNTY JAIL.

21 Q. TAKE A LOOK AT THAT. STATE'S EXHIBIT
22 NUMBER 5. WHO TIED THAT UP LIKE THAT? DO YOU KNOW?

23 A. I DON'T KNOW, SIR.

24 Q. YOU DON'T KNOW. AND IF YOU KNEW, YOU
25 WOULDN'T TELL ME ANYWAY, WOULD YOU? HUH?

1 A. SIR?

2 Q. LET'S TALK ABOUT -- GO AHEAD. I'M SORRY.
3 I DIDN'T INTEND TO CUT YOU OFF. GO AHEAD.

4 A. IF I KNEW ANYTHING ABOUT ANY OF THIS, I
5 WOULD HAVE BEEN TALKING TO THE POLICE. I WOULD HAVE
6 TALKED TO THE PEOPLE IN COLUMBIA A LONG TIME AGO.

7 Q. WELL, LET'S TALK ABOUT THAT FOR A MINUTE.
8 THE POLICE CAME TO YOU, SON, DID THEY NOT?

9 A. YES, SIR.

10 Q. BACK IN FEBRUARY FOR THE FIRST TIME.
11 FEBRUARY THE 7TH?

12 A. JANUARY.

13 Q. FEBRUARY 7TH?

14 A. JANUARY.

15 Q. DO YOU DENY THAT THE POLICE CAME TO YOU
16 FEBRUARY 7TH OF 1995?

17 A. THE FIRST TIME THAT THE POLICE CAME TO ME
18 WAS JANUARY 2ND -- I MEAN, AROUND THE FIRST WEEK OR
19 SECOND WEEK OF JANUARY. AND THEY CAME AND ASKED ME
20 FOR I.D. AND THEY NEVER ASKED ME ANY QUESTIONS THAT
21 DAY.

22 Q. YOU SURE THAT WASN'T FEBRUARY 7TH?

23 A. NO, IT WAS JANUARY.

24 Q. YOU'RE ABSOLUTELY POSITIVE THAT IT WAS
25 JANUARY?

1 A. POSITIVE IT WAS JANUARY.

2 Q. NO QUESTION IN YOUR MIND ABOUT THAT?

3 A. NO QUESTION.

4 Q. SO YOU'RE SAYING IT WAS --

5 A. -- THE FIRST TIME.

6 Q. AND THEY CAME TO YOU AND THEY ASKED YOU

7 FOR IDENTIFICATION, DIDN'T THEY?

8 A. YES, SIR.

9 Q. BEFORE THEY ASKED YOU ANYTHING ELSE, THEY
10 SAID SHOW ME SOME I.D., DIDN'T THEY?

11 A. YES, SIR.

12 Q. AND YOU WERE AT -- TELL THIS JURY WHERE
13 YOU WERE AT.

14 A. I WAS AT JOE STUCKEY'S SHOP.

15 Q. WHERE?

16 A. JOE STUCKEY'S SHOP.

17 Q. JOE STUCKEY'S SHOP. AND THEY CAME
18 STRAIGHT OUT THERE TO YOU AT JOE STUCKEY'S SHOP AND
19 TOLD YOU TO SHOW THEM SOME I.D. THEN THEY ASKED YOU
20 ABOUT THIS MURDER, DIDN'T THEY?

21 A. NO, SIR, THEY NEVER ASKED ME ANYTHING.

22 Q. UH-HUH. YOU DENY THAT THEY ASKED YOU
23 ABOUT THIS MURDER AND YOU TOLD THEM --

24 A. THEY NEVER ASKED ME ANYTHING ABOUT THE
25 CASE.

1 Q. NEVER ASKED YOU?

2 A. NO, SIR.

3 Q. THEY JUST CAME UP THERE AND ASKED YOU TO
4 SHOW ME SOME I.D. AND YOU SHOWED THEM SOME I.D. AND
5 THEY SAID, ALL RIGHT, THANK YOU, SIR, AND WALKED
6 RIGHT OFF?

7 A. YES, SIR.

8 Q. SO THEY JUST HAPPENED TO KNOW WHO YOU
9 WERE. RIGHT?

10 A. THEN ABOUT TWO WEEKS LATER, THAT'S WHEN
11 THEY CAME WITH THE SUBPOENA.

12 Q. WELL, LET'S TALK SOME MORE ABOUT YOUR
13 STORY HERE. NOW, THE TRUTH IS THE FIRST TIME THAT
14 YOU HAVE TOLD ANYBODY IN LAW ENFORCEMENT THIS STORY
15 ABOUT YOUR BEING IN NEW YORK IS TODAY, ISN'T IT?

16 A. YES, SIR.

17 Q. YOU AIN'T -- FOR TWO-AND-A-HALF YEARS, YOU
18 AIN'T NEVER TOLD THIS STORY.

19 MR. ERVIN: YOUR HONOR, I OBJECT TO THIS
20 NOW.

21 MR. WILSON: NO, SIR. HE PUT HIM UP THERE
22 AND HE ASKED HIM THAT VERY THING.

23 THE COURT: NO, SIR. THIS IS
24 CROSS-EXAMINATION, NOW. YOU GENTLEMEN HAD A FULL
25 OPPORTUNITY --

MR. ERVIN: YOUR HONOR, I'VE GOT A MATTER
OF LAW ON THIS ONE NOW.

THE COURT: ALL RIGHT, SIR. I'LL LET YOU
GO TO THE JURY ROOM.

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

THE COURT: ALL RIGHT. MR. ERVIN, WHAT'S
YOUR PROPOSITION? SOLICITOR, LET ME CALL YOUR
ATTENTION SO YOU'LL KNOW WHAT HE'S TALKING ABOUT.
YES, SIR.

MR. ERVIN: YOUR HONOR, FIRST OF ALL,
HE'S ENGAGING IN BURDENSHP. THIS IS A VIOLATION OF
DOYLE VERSUS OHIO.

THE COURT: JUST FOR THE RECORD, NOW, WHAT
BURDENSHP ARE YOU TALKING ABOUT?

MR. ERVIN: DOYLE VERSUS OHIO PRIMARILY.
HE'S ABOUT TO COMMENT ON THIS DEFENDANT'S RIGHT TO
REMAIN SILENT. HE HAS A RIGHT TO REMAIN SILENT.
WHAT HE SAID WAS THE FIRST TIME YOU TOLD LAW
ENFORCEMENT. HE DOESN'T HAVE THE RIGHT TO GO INTO
THE FIRST TIME HE TOLD LAW ENFORCEMENT ABOUT
ANYTHING.

THE COURT: I'VE GOT YOUR POSITION. WHAT

1 DO YOU SAY, SOLICITOR?

2 MR. WILSON: JUDGE, HE ASKED HIM THE VERY
3 THING. HE ASKED HIM WHEN HE WENT TO THE F.B.I. AND
4 DID THE POLICE EVER TRY TO TALK TO YOU AND ASK YOU
5 ANY OF THIS STUFF.

6 MR. ERVIN: I DIDN'T HIM WHAT --

7 MR. WILSON: YES --

8 THE COURT: YES, YOU DID. I'VE GOT THE
9 RECORD THAT SAYS YOU DID.

10 MR. ERVIN: YOUR HONOR, I ASKED HIM IF HE
11 WENT TO COLUMBIA AND TURNED HIMSELF IN AT THE U.S.
12 ATTORNEY'S OFFICE.

13 THE COURT: YES, SIR.

14 MR. ERVIN: HE SAID HE DID.

15 THE COURT: YES, SIR.

16 MR. ERVIN: I ASKED HIM IF HE MADE A
17 STATEMENT TO THE POLICE AND HE SAID HE TOLD THEM HE
18 KNEW NOTHING ABOUT IT.

19 THE COURT: THAT --

20 MR. ERVIN: OKAY.

21 THE COURT: YOU OPENED UP THE FACT THAT HE
22 MADE A STATEMENT.

23 MR. ERVIN: WELL, HE DOESN'T HAVE -- HE
24 DOESN'T HAVE TO GO TO THE POLICE AND SAY I WAS IN NEW
25 YORK IN NOVEMBER. AND HE DOESN'T HAVE THE RIGHT TO

HIS RESPONSE WAS. AND WHAT I'M DOING NOW IS ASKING HIM, NO, YOU DIDN'T TELL THEM -- YOU DIDN'T TELL THEM THIS STORY THAT YOU'RE NOW TELLING NOW. HE DIDN'T TELL THEM THAT.

MR. ERVIN: YOUR HONOR, THAT'S --

THE COURT: THE RECORD WILL REFLECT THAT HE'S ENTITLED TO CROSS-EXAMINE. NOW, LET ME SAY THIS TO ALL OF YOU GENTLEMEN. LET ME SAY IT TO EACH ONE OF YOU. I GAVE EACH ONE OF YOU SIX INDIVIDUALS WIDE LATITUDE IN CROSS-EXAMINING EVERY ONE OF THE STATE'S WITNESSES. YOU MUST UNDERSTAND THAT THE STATE OF SOUTH CAROLINA TOO IS ENTITLED TO A FAIR TRIAL. I'M GOING TO GIVE THIS SOLICITOR THE SAME WIDE LATITUDE THAT I GAVE EACH OF YOU SIX. I CONCLUDE THIS EXAMINATION IS PROPER UNDER YOUR DIRECT QUESTIONING AND I'M GOING TO LET IT PROCEED.

NOW, WE'LL TAKE A FIVE-MINUTE BREAK AND THEN WE'LL START AGAIN. THANK YOU.

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

THE COURT: NOW, LADIES AND GENTLEMEN, I SHOULD HAVE MENTIONED THIS THIS MORNING, BUT I DO SO AGAIN TODAY. I RECOGNIZE THAT THERE ARE PEOPLE IN THE COURTROOM CONCERNED WITH THE VICTIM'S INTEREST. I RECOGNIZE THAT THERE ARE PEOPLE IN THE COURTROOM

1 CONCERNED WITH THE DEFENDANTS' INTERESTS. I TOLD YOU
2 YESTERDAY I DIDN'T WANT ANY CONVERSATION GOING ON
3 WITH THE DEFENDANTS THEMSELVES AND I NOTICE THAT
4 YOU'VE ABIDED BY THAT AND I THANK YOU FOR THAT.

5 NOW, THERE WILL BE VARIOUS WITNESSES TESTIFYING
6 IN THIS TRIAL TODAY AND I WANT TO MAKE SURE THAT
7 NOBODY IN THE AUDIENCE ON EITHER SIDE, NOW, HAS ANY
8 COMMENTS, GESTURES, FACIAL SIGNALS OF ANY KIND
9 WHATSOEVER. AND THAT RELATES TO THOSE WHO ARE
10 INTERESTED IN THE VICTIMS IN THIS CASE. THAT ALSO
11 RELATES TO THOSE INTERESTED IN THE DEFENDANT. I
12 CANNOT PERMIT ANY KIND OF CONDUCT, GRIMACE,
13 SIGNALS --- EYE CONTACT, ANYTHING LIKE THAT. THUS FAR
14 THIS WEEK, ALL OF YOU HAVE COMPLIED WITH MY REQUEST
15 AND I THANK YOU FOR IT. I WOULD EXPECT THAT
16 CONTINUED COMPLIANCE TODAY AND THANK ALL OF YOU. ALL
17 RIGHT. BRING THE JURY IN.

18 MR. ERVIN: YOUR HONOR, EXCUSE ME, BEFORE
19 WE BRING THE JURY BACK IN, JUST FOR THE RECORD.

20 THE COURT: YES, SIR.

21 MR. ERVIN: MY POINT --

22 THE COURT: HAVE YOU GOT ANOTHER POSITION
23 OTHER THAN THE ONE THAT YOU PREVIOUSLY --

24 MR. ERVIN: I'M JUST TRYING TO PLACE MY
25 POSITION ON THE RECORD BECAUSE I'M NOT SURE I PLACED

1 IT ON THERE VERY CLEARLY IN THE HEAT OF THE BATTLE.

2 THE COURT: ALL RIGHT.

3 MR. ERVIN: I OBJECT UNDER DOYLE VERSUS
4 OHIO AND HARRIS VERSUS NEW YORK. I BELIEVE THE CASE
5 WAS THAT IF MARTIN MCINTOSH INVOKED HIS RIGHT TO
6 SILENCE, THAT OBVIOUSLY HE WOULDN'T BE ABLE TO
7 QUESTION HIM ABOUT THAT. BUT MY POINT IS THAT MARTIN
8 MCINTOSH SAID THAT HE KNEW NOTHING ABOUT THE
9 INCIDENT. WHAT HE'S GOING BACK AND DOING NOW IS
10 TRYING TO SAY BECAUSE HE DIDN'T TELL HIM WHERE HE WAS
11 IN NOVEMBER -- FROM THE 2ND TO THE 10TH, THAT THAT'S
12 SOME PRIOR INCONSISTENT STATEMENT AS IF HE HAD A DUTY
13 TO PRODUCE THAT INFORMATION. YOU CAN IMPEACH WITH A
14 PRIOR INCONSISTENT STATEMENT. THAT'S WHAT NEW YORK
15 VERSUS HARRIS SAYS. BUT HERE, HE'S TRYING TO USE IT
16 AS A VIOLATION BASICALLY OF THE FIFTH AMENDMENT RIGHT
17 TO SAY YOU DIDN'T TELL THEM WHERE YOU WERE BEFORE IT
18 HAPPENED, AS IF HE HAD SOME DUTY TO DO THAT.

19 THE COURT: YOUR POSITION IS CERTAINLY ON
20 THE RECORD. I'LL LET THE SOLICITOR SPEAK TO THAT.
21 THIS IS NOT A VIOLATION OF DOYLE IN THAT THIS
22 DEFENDANT DID NOT EXERCISE HIS RIGHT TO REMAIN
23 SILENT. HE EXERCISED HIS RIGHT TO MAKE A STATEMENT
24 AND HE DID SO. SOLICITOR, GET YOUR POSITION ON THE
25 RECORD.

1 BY MR. WILSON:

2 Q. LET'S GO BACK TO WHERE WE STOPPED. WHAT I
3 WAS ASKING YOU WAS THE POLICE TALKED TO YOU, DID THEY
4 NOT?

5 A. THAT'S ACCORDING TO WHEN YOU'RE TALKING
6 ABOUT.

7 Q. WELL, LET'S TALK ABOUT WHEN YOU CAME TO
8 COLUMBIA. YOU TOLD YOUR LAWYER THAT YOU CAME DOWN TO
9 COLUMBIA?

10 A. YES, SIR.

11 Q. AND THE POLICE WANTED TO TALK TO YOU?

12 A. YES, SIR.

13 Q. AND YOU TALKED TO THEM, AGREED TO TALK TO
14 THEM, DID YOU NOT?

15 A. YES, SIR.

16 Q. AND YOU TOLD THEM AT THAT POINT IN TIME,
17 YEAH, I DON'T KNOW ANYTHING ABOUT THIS THING. I WAS
18 IN NEW YORK.

19 A. NO, I NEVER MENTIONED WHERE I WAS. I JUST
20 TOLD THEM I DIDN'T KNOW WHAT THEY WERE TALKING ABOUT
21 AND THEY ASKED ME DID I WANT TO MAKE A STATEMENT. I
22 TOLD THEM NO. THEN THEY ASKED -- THEY KEPT ASKING ME
23 TO MAKE STATEMENTS. I TOLD THEM I WANTED TO SPEAK TO
24 A LAWYER.

25 Q. AND WHEN YOU TOLD THEM YOU WANTED TO SPEAK

1 TO A LAWYER, THEY STOPPED, DIDN'T THEY?

2 A. NO, THEY CONTINUED TO ASK ME QUESTIONS.

3 Q. WELL, DID YOU TELL THEM ANYTHING?

4 A. NO.

5 Q. SO THAT'S MY POINT. THEY STOPPED YOU AT
6 SOME POINT BECAUSE YOU'RE HERE AND YOU DIDN'T TELL
7 THEM ANYTHING. RIGHT?

8 A. EVEN AFTER THEY TALKED TO ME -- THE SAME
9 DAY I CAME TO MARLBORO COUNTY UP FROM COLUMBIA,
10 THAT'S THE SAME DAY THEY APPOINTED ME A LAWYER. THEY
11 TOOK ME TO CHARLIE USHER I BELIEVE HIS NAME IS.

12 Q. UH-HUH.

13 A. AND APPOINTED A LAWYER. BUT THEY STILL
14 CAME TO QUESTION ME.

15 Q. SO THEY GAVE YOU A LAWYER THE VERY SAME
16 DAY?

17 A. YES, SIR.

18 Q. THE SAME DAY YOU ASKED FOR ONE, THEY GAVE
19 YOU ONE, DIDN'T THEY?

20 A. YES, SIR.

21 Q. ANY OF THESE FELLOWS MISTREAT YOU, BEAT
22 YOU UP, KNOCK YOU BESIDE YOUR HEAD, HIT YOU WITH
23 ANYTHING IN ANY WAY? NAME ONE OFFICER THAT
24 MISTREATED YOU OTHER THAN TRYING TO TALK TO YOU.
25 TELL ME ANYTHING THAT THEY DID TO YOU THAT WAS WRONG.

1 A. ONE OFFICER OUT OF THE BUNCH. THE REST OF
2 THEM WAS -- YOU KNOW, THEY TALKED TO ME NICE. YOU
3 KNOW, THEY DIDN'T HARASS ME OR ANYTHING. BUT ONE
4 PARTICULAR OFFICER ALWAYS MADE SMART COMMENTS, CUSSED
5 ME OUT, TOLD ME I'M GOING TO BURN IN HELL AND THINGS
6 LIKE THAT, OFFICER HAROLD JACOBS.

7 Q. TOLD YOU YOU WERE GOING TO BURN IN HELL.
8 BURN IN HELL FOR DOING WHAT? FOR MURDERING THIS
9 GIRL?

10 A. HE WAS JUST SAYING ALL TYPES OF COMMENTS
11 LIKE THAT.

12 Q. I SEE TODAY THAT YOU'VE GOT YOUR BIBLE IN
13 YOUR HAND. RIGHT?

14 A. YES, SIR.

15 Q. ARE YOU A CHRISTIAN MAN?

16 A. WELL, I HAVE -- SINCE I'VE BEEN AT THE
17 COUNTY JAIL, I HAVE BECOME INVOLVED IN -- WITH THE
18 CHURCH, AND I TRY.

19 Q. SO YOU GOT JAILHOUSE RELIGION?

20 A. EXCUSE ME?

21 Q. YOU GOT JAILHOUSE RELIGION?

22 A. IT'S NOT JAILHOUSE RELIGION. IT'S JUST ME
23 TRYING TO DO RIGHT BY THE WILL OF GOD AND BEING
24 SAVED.

25 Q. WELL, WHEN YOU WERE OUT THERE STEALING

1 THEM PEOPLE'S PROPERTY, YOU DIDN'T HAVE NO RELIGION
2 THEN AND YOU WEREN'T CARRYING NO BIBLE, WERE YOU?

3 A. EVERYBODY MAKES MISTAKES, SIR.

4 Q. YOU DIDN'T HAVE RELIGION WHEN YOU WERE
5 DOWN HERE AT RICKY STUCKEY'S. WHEN YOU SAY YOU WERE
6 DOWN THERE IN FEBRUARY, YOU DIDN'T HAVE RELIGION.
7 RIGHT? YOU GOT RELIGION WHEN YOU GOT CAUGHT AND PUT
8 IN JAIL, DIDN'T YOU? ISN'T THAT WHEN YOU GOT
9 RELIGION? THINGS CHANGE WHEN YOU GET IN THAT JAIL
10 CELL, DOESN'T IT?

11 A. SIR, DURING -- WHEN I WAS IN JAIL WAS NOT
12 THE FIRST TIME I'VE EVER BEEN SAVED. I HAVE BEEN
13 BAPTIZED AND SAVED BEFORE.

14 Q. SO YOU'RE A BACKSLIDER. SO YOU GOT
15 RELIGION?

16 A. IT'S NOT -- IT'S NOT THAT BACKSLIDING.
17 IT'S -- EVERYONE IS GOING TO COMMIT SIN. GOD TELLS
18 US THAT.

19 Q. WELL, LET'S TALK ABOUT THAT FOR A MINUTE,
20 NOW. LET'S TALK ABOUT THIS SIN, MURDER. THAT'S A
21 PRETTY BIG SIN, ISN'T IT?

22 A. YES, SIR.

23 Q. KIDNAPPING?

24 A. YES, SIR.

25 Q. THAT'S A PRETTY BIG SIN, ISN'T IT?

1 A. YES, SIR.

2 Q. CRIMINAL SEXUAL CONDUCT. THAT'S A BIG
3 SIN?

4 A. YES, SIR.

5 Q. BACK ON NOVEMBER THE 12TH THROUGH NOVEMBER
6 THE 24TH, YOU DIDN'T HAVE NO RELIGION THEN. YOU
7 WEREN'T CARRYING NO BIBLE THEN, WERE YOU? YOU WERE
8 OUT DOING THE DEVIL'S WORK, WEREN'T YOU?

9 A. NO, SIR.

10 Q. GETTING INTO ANY AND EVERYTHING YOU WANTED
11 TO GET INTO. RIGHT? NO QUESTION ABOUT THAT. YOU
12 WERE DOING WHATEVER IT WAS THAT YOU WANTED TO DO
13 DURING THAT PERIOD. TODAY YOU COME IN HERE, YOU'RE
14 CRYING, YOU GOT YOUR BIBLE, BUT YOU WEREN'T CRYING IN
15 NOVEMBER, WERE YOU? NOVEMBER 1994 WHEN THIS VICTIM
16 WAS THROWN IN THAT WATER, YOU WEREN'T CRYING, WERE
17 YOU? YOU WEREN'T CRYING WHEN THEY WRAPPED THAT TAPE
18 AROUND HER FACE, WERE YOU?

19 A. SIR, I HAVE NO IDEA.

20 Q. YOU WEREN'T CRYING?

21 A. I DON'T KNOW ANYTHING ABOUT THIS. I WAS
22 NOT HERE. AND IF -- IF I KNEW ANYTHING, I WOULD HAVE
23 THEN CAME AND TALKED TO THESE PEOPLE. I HAVE NO IDEA
24 WHO WAS INVOLVED. I COULDN'T TELL YOU. I WAS NOT
25 HERE.

Q. YOU WEREN'T HERE?

A. NO, SIR.

Q. YOU WEREN'T. YOU WERE IN NEW YORK.

RIGHT? RIGHT? WEREN'T YOU IN NEW YORK?

A. YES, SIR.

Q. SHOW ME ONE THING THAT SAYS ON THE 12TH OF NOVEMBER THROUGH THE 24TH OF NOVEMBER YOU WERE IN NEW YORK. ONE THING.

MR. WILSON: NO OTHER QUESTIONS.

THE COURT: LET ME TELL THE JURY THIS.

LADIES AND GENTLEMEN, THERE IS SOME TESTIMONY IN THIS RECORD REGARDING THIS INDIVIDUAL OF AN ALLEGED STATEMENT THAT HE MAKES. IN THIS CONNECTION, I TELL YOU THAT A DEFENDANT HAS THE ABSOLUTE RIGHT TO MAKE A STATEMENT. IF HE ELECTS TO REMAIN ABSOLUTELY SILENT, THAT IS HIS ABSOLUTE CONSTITUTIONAL RIGHT, AND HIS SILENCE MAY NOT BE USED AGAINST HIM. A DEFENDANT IF HE ELECTS TO MAKE A STATEMENT MAY STOP AT ANY TIME AND THEREAFTER ELECT TO REMAIN SILENT. AND IF SHOULD THAT OCCUR, THAT SILENCE CANNOT AND MUST NOT BE USED AGAINST HIM IN ANY WAY WHATSOEVER. THE FACT THAT HE ELECTS INITIALLY OR LATER, THAT FACT CANNOT BE USED AGAINST ANY DEFENDANT AND THIS DEFENDANT WHATSOEVER. YOU MAY REDIRECT.

MR. ERVIN: JUST A COUPLE OF QUESTIONS,

1 YOUR HONOR.

2 R E D I R E C T E X A M I N A T I O N
3 BY MR. ERVIN:

4 Q. MARTIN, THE SOLICITOR MADE A THE BIG DEAL
5 OUT OF THE FACT THAT YOUR FATHER GAVE YOU SOME MONEY,
6 THAT YOU HAD SOME MONEY TO COME DOWN HERE ON --

7 A. YES, SIR.

8 Q. THAT'S YOUR FATHER RIGHT HERE?

9 A. YES, SIR.

10 Q. HE HAD SOME TYPE OF WORKER'S COMPENSATION
11 SETTLEMENT, DIDN'T HE?

12 A. YES, SIR.

13 Q. YOUR FATHER HAS GIVEN YOU MONEY REALLY
14 YOUR ENTIRE LIFE, HADN'T HE?

15 A. YES, SIR.

16 Q. BROUGHT YOU TO MARLBORO COUNTY SINCE YOU
17 WERE A LITTLE BOY?

18 A. MANY TIMES, YES.

19 Q. HE OWNS PROPERTY HERE IN MARLBORO COUNTY,
20 DON'T HE?

21 A. IN CLIO.

22 Q. IN CLIO. THAT'S WHERE HE WAS BORN AND
23 RAISED. DO YOU CONSIDER MARLBORO COUNTY LIKE A
24 SECOND HOME?

25 A. YES.

1

2

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24

1 A. YES.

2 Q. WHO IS THAT?

3 A. MY AUNT.

4 Q. WHEN DID SHE DIE?

5 A. ABOUT A MONTH AGO.

6 Q. WHILE YOU WERE IN PRISON. WERE YOU CLOSE
7 WITH HER?

8 A. YEAH.

9 THE COURT: NOW, IS THIS IN RESPONSE TO
10 ANY CROSS-EXAMINATION?

11 MR. ERVIN: HE'S ASKING ABOUT THE BIBLE
12 HE'S GOT IN HIS HANDS.

13 MR. WILSON: I HAVE NO OBJECTION.

14 THE COURT: YOU HAVE NO QUESTIONS?

15 MR. WILSON: NO OBJECTION.

16 THE COURT: ALL RIGHT.

17 BY MR. ERVIN:

18 Q. AND DURING THIS TWO-YEAR PERIOD, THE AUNT
19 THAT YOU WERE CLOSE TO, YOU DIDN'T GET A CHANCE TO
20 SEE HER?

21 A. NO.

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

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

24 BY MR. WILSON:

25 Q. YOUR LAWYER ASKED YOU IF IT'S TOUGH TO SIT

1 IN JAIL FOR SOMETHING YOU DIDN'T DO. IT'S TOUGH TO
2 DIE THE WAY THAT DARLENE PATTERSON DIED, ISN'T IT?

3 A. YES.

4 Q. IT'S TOUGH TO BE TAPED UP AND CAN'T
5 BREATHE, ISN'T IT?

6 A. YES, IT IS.

7 Q. IT'S TOUGH TO BE THROWN OFF A BRIDGE INTO
8 A RIVER, ISN'T IT?

9 A. YES, IT IS.

10 Q. IT'S TOUGH TO LEAVE YOUR CHILDREN, ISN'T
11 IT?

12 A. YES, IT IS.

13 THE COURT: THIS WITNESS MAY NOW COME
14 DOWN. CALL YOUR NEXT WITNESS. DOES THAT CONCLUDE --

15 MR. ERVIN: THAT CONCLUDES MARTIN
16 MCINTOSH'S WITNESSES.

17 THE COURT: ALL RIGHT. MR. PADGETT OR
18 MR. ROGERS -- NO, WE'RE GOING TO TAKE THEM OUT OF
19 ORDER. BY AGREEMENT OF DEFENSE COUNSEL, WE'VE AGREED
20 TO LET HIM GO TO ACCOMMODATE HIS WITNESSES.

21 MR. PADGETT: YES, SIR.

22 THE COURT: MR. MOORE, YOU MAY NOW PRESENT
23 THE DEFENSE OF YOUR CLIENT.

24 MR. MOORE: FIRST CHARACTER WITNESS, YOUR
25 HONOR.

THE COURT: ALL RIGHT.

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: REVEREND LEBBY.

REVEREND SHELLIE LEBBY,
HAVING AFFIRMED TO TELL THE TRUTH, THE WHOLE TRUTH AND
NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. MOORE:

Q. I BELIEVE YOU ARE REVEREND SHELLIE LEBBY?

A. YES, SIR.

Q. AND YOU ARE PASTOR OF GOODWIN'S CHAPEL
A.M.E. ZION CHURCH IN MARLBORO COUNTY?

A. YES, SIR.

Q. OUT ON NEWTON ROAD?

A. YES, SIR.

Q. AND LEROY STATON IS A MEMBER OF THAT
CHURCH?

A. YES, SIR.

Q. AND ALL OF HIS FAMILY IS A MEMBER OF THAT
CHURCH? HIS WIFE, HIS CHILDREN, HIS MOTHER, HIS
SISTER?

A. YES, SIR.

1 Q. LEROY BEEN A FAITHFUL MEMBER OF THAT
 2 CHURCH FOR A NUMBER OF YEARS?

3 A. YES, SIR.

4 Q. HE AND HIS FAMILY AT CHURCH JUST ABOUT
 5 EVERY SUNDAY?

6 A. JUST ABOUT.

7 Q. APPROXIMATELY HOW MANY MEMBERS ATTENDS
 8 YOUR CHURCH SERVICES ON SUNDAYS?

9 A. WE'RE TALKING ABOUT MAYBE -- MAYBE A
 10 HUNDRED.

11 Q. SO IT WOULD BE EASY TO REMEMBER HIM AND
 12 SEE HIM AND NOTICE THAT HE IS AT CHURCH WHEN HE IS ON
 13 SUNDAY?

14 A. YES, SIR.

15 Q. WHAT IS LEROY'S GENERAL REPUTATION FOR
 16 ATTENDING CHURCH WITHIN YOUR COMMUNITY?

17 A. AS FAR AS I KNOW, HE'S RELIABLE.

18 Q. HAVE YOU ALWAYS FOUND HIM RELIABLE IN THE
 19 STATEMENTS HE'S MADE TO YOU?

20 A. YES, SIR.

21 Q. WOULD YOU BELIEVE HIS TESTIMONY UNDER OATH
 22 AS A WITNESS IN THE COURTROOM?

23 A. I WILL. YES, SIR.

24 Q. ABSOLUTELY?

25 A. YES, SIR.

1 Q. DO YOU HAVE ANYTHING IN LEROY'S BEHALF
2 THAT YOU WOULD ALSO LIKE TO TELL THIS JURY AT THIS
3 TIME?

4 A. YOUR HONOR --

5 THE COURT: NO, SIR. YOU'VE GOT TO LIMIT
6 IT, NOW, TO HIS CHARACTER HERE, AND THAT'S ALL. GO
7 AHEAD. GO AHEAD, REVEREND.

8 THE WITNESS: THE REASON I KNOW BROTHER
9 STATON SO WELL IS BECAUSE HE IS A MEMBER OF THE USHER
10 BOARD AND CONSISTS OF SIX USHERS, TWO AT EACH DOOR.
11 AND HE'S ONE OF THE ONES THAT USHERS OUR PEOPLE IN
12 THE CHURCH. AND THAT'S ONE REASON THAT I KNOW HIM SO
13 WELL BECAUSE WE GIVE SIGNALS AS WHEN IS IT TO LET
14 THEM IN AND WHEN NOT TO LET THEM IN AND HE IS A DOOR
15 USHER. AND I KNOW IF HE'S IN CHURCH BECAUSE HE'S
16 PROPERLY DRESSED AND HE'S STANDING AT THE DOOR.

17 Q. DOES HE PARTICIPATE IN FUNERALS?

18 A. YES, SIR. SOMETIMES HE'S A PALLBEARER.
19 IF WE NEED THE USHER, HE'S THERE TO ASSIST US.

20 Q. SO HE'S GENERALLY AVAILABLE ANY TIME YOU
21 NEED HIM FOR ANYTHING INVOLVING CHURCH ACTIVITIES?

22 A. YES, SIR.

23 MR. MOORE: THANK YOU. STAY RIGHT THERE.

24 THE COURT: GENTLEMEN FOR THE DEFENSE, ANY
25 QUESTIONS?

1 MR. PADGETT: NO.

2 MR. REDMOND: NO QUESTIONS.

3 MR. WILL ROGERS: NO QUESTIONS.

4 MR. LAWSON: NO QUESTIONS.

5 THE COURT: MR. WILSON.

6 MR. WILSON: JUST A COUPLE OF QUESTIONS.

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

8 BY MR. WILSON:

9 Q. REVEREND, SOMETIMES SOME OF THE BIGGER
10 SINNERS COME TO THE CHURCH DOORS, DON'T THEY?

11 A. I'M JUST A PREACHER. I'M NOT A JUDGE.

12 Q. WELL, YOU'RE HERE JUDGING LEROY STATON
13 BECAUSE YOU JUST TOLD US WHAT KIND OF PERSON HE WAS,
14 SO YOU'VE ALREADY JUDGED HIM. WHAT I'M SIMPLY ASKING
15 YOU IS WHETHER OR NOT SOMETIMES SOME OF THE BIGGEST
16 DEVILS COME TO THE CHURCH DOOR?

17 A. CAN'T ANSWER YOU BECAUSE I'M NOT -- I'M
18 ONLY A PASTOR AND I ONLY PASTOR MY MEMBERS.

19 Q. I UNDERSTAND THAT.

20 A. OKAY.

21 Q. BUT THAT'S NOT WHAT I ASKED YOU, REVEREND.
22 WHAT I SIMPLY ASKED YOU WAS SOMETIMES THE BIGGEST
23 DEVILS COMES TO THE CHURCH. AND I'M NOT SAYING
24 THAT'S BAD. I'M JUST SAYING THAT THAT'S TRUE, ISN'T
25 IT?

1 A. IS IT? I'M ONLY SAYING WHAT BROTHER
2 STATON --

3 Q. WELL, I UNDERSTAND YOU'RE ONLY SAYING WHAT
4 BROTHER STATON WANTS YOU TO SAY. I'M HERE ASKING YOU
5 A SIMPLE, STRAIGHTFORWARD, STRAIGHT-OUT QUESTION.
6 YOU TOOK THE STAND TO TESTIFY ABOUT MR. STATON AND
7 ABOUT HIS CHARACTER AND ABOUT HIS CREDIBILITY, I
8 ASSUME. RIGHT?

9 A. RIGHT.

10 Q. OKAY. AND I'M SIMPLY ASKING YOU A SIMPLE,
11 STRAIGHTFORWARD QUESTION. SOMETIMES SOME OF THE
12 BIGGEST DEVILS COME TO THE CHURCH. RIGHT? OR YOU
13 DON'T HAVE NO DEVILS AT YOUR CHURCH?

14 A. YOU WANT AN ANSWER?

15 Q. IF YOU WANT TO ANSWER ME, REVEREND, THAT
16 IS FINE. IF YOU DON'T, I UNDERSTAND.

17 A. MAYBE AT THE CHURCH YOU GO TO, YOU CAN ASK
18 YOURSELF THAT QUESTION.

19 Q. I KNOW THERE'S SOME DEVILS IN MY CHURCH.
20 I'M ASKING YOU ABOUT YOUR CHURCH.

21 A. THAT'S YOUR CHURCH.

22 Q. SO AIN'T NO DEVILS AT YOUR CHURCH?

23 A. I'M NOT SAYING IT.

24 Q. I'M ASKING YOU. ARE THERE OR ARE THERE
25 NOT?

1 A. I'M NOT SAYING --

2 Q. ARE THERE DEVILS AT YOUR CHURCH.

3 A. NO, SIR.

4 Q. REVEREND, WAS LEROY STATON IN CHURCH ON
5 SUNDAY THE 13TH --

6 A. I DON'T REMEMBER.

7 Q. -- 1994?

8 A. I DON'T REMEMBER THAT FAR BACK AS TO WHAT
9 SUNDAY THAT FAR BACK HE WAS THERE. I KNOW HE WAS
10 THERE THIS PAST SUNDAY BECAUSE I TALKED WITH HIM.

11 Q. ALL RIGHT. WELL, I'M CONCERNED ABOUT THE
12 SUNDAY NOVEMBER 13TH AND SUNDAY NOVEMBER 20TH, 1994.
13 WAS HE IN CHURCH ON THOSE TWO SUNDAYS HOLDING THEM
14 DOORS?

15 A. DON'T REMEMBER.

16 Q. SO YOU DON'T KNOW WHETHER HE WAS THERE OR
17 NOT?

18 A. NO, NOT THAT SUNDAY.

19 Q. AND YOU DON'T KNOW WHAT HE DOES ONCE HE
20 LEAVES CHURCH, DO YOU?

21 A. AM I SUPPOSED TO KNOW?

22 Q. I DON'T KNOW. YOU'RE HERE TESTIFYING.
23 NOT ME.

24 A. I WOULDN'T THINK THAT I SHOULD KNOW WHAT
25 HE'S DOING.

1 Q. THAT'S MY POINT. THAT'S EXACTLY MY POINT,
2 REVEREND. YOU DON'T KNOW WHAT HE DOES AFTER HE
3 LEAVES THOSE DOORS, DO YOU? YOU DON'T KNOW WHO HE
4 HANGS OUT WITH, DO YOU? YOU DON'T KNOW WHAT HE'S
5 DOING ON MONDAY MORNING, DO YOU? OR WEDNESDAY
6 AFTERNOON OR THURSDAY NIGHT?

7 A. I KNOW WHAT HE'S DOING ON SUNDAY WHEN HE'S
8 THERE.

9 Q. WHEN HE'S THERE. BUT YOU DON'T KNOW
10 ANYTHING ABOUT THOSE OTHER SIX DAYS OF THE WEEK.
11 ACTUALLY, YOU DON'T EVEN KNOW ANYTHING ABOUT THOSE
12 OTHER SIX-AND-A-HALF DAYS BECAUSE YOU DON'T KNOW
13 ANYTHING ABOUT WHAT HE DOES WHEN HE LEAVES CHURCH ON
14 SUNDAY. RIGHT? IS THAT RIGHT OR IS THAT WRONG?

15 A. I KNOW WHAT HE'S DOING WHILE HE'S THERE.

16 Q. OKAY. SO ALL YOU'RE TELLING US --

17 A. I KNOW WHAT HE'S DOING THERE.

18 Q. I UNDERSTAND. AND THE ONLY THING YOU'RE
19 TELLING US IS THAT EVERY NOW AND THEN YOUR GOOD
20 MEMBER LEROY COMES AND HE STANDS AT THE DOOR, AND
21 WHEN HE'S AT THE DOOR, YOU KNOW WHERE HE IS AND
22 WHAT HE'S DOING, AND HE'S RELIABLE ABOUT BEING THERE
23 TO STAND AT THAT DOOR. OTHER THAN THAT, YOU DON'T
24 KNOW ANYTHING ABOUT WHAT LEROY STATON DOES, DO YOU?

25 A. YOU SAID THE GOOD MEMBER. I SAID HE'S A

1 MEMBER. I DIDN'T USE THE WORD GOOD.

2 Q. OH, SO NOW YOU'RE SAYING HE'S NOT A GOOD
3 MEMBER?

4 A. THE BIBLE SAYS THAT NO MAN IS GOOD.

5 Q. THAT'S WHAT I WAS ASKING YOU ABOUT, SOME
6 OF THEM DEVILS THAT COME THERE.

7 A. I KNOW. BUT HE'S -- HE'S ALL RIGHT WHEN
8 HE'S THERE.

9 Q. NONE OF US ARE GOOD, ARE WE? WE'RE ALL
10 JUST SINNERS SAVED BY GRACE AT BEST. RIGHT?

11 A. YOU'RE DOING THE TALKING.

12 Q. YOU'RE THE REVEREND. I JUST WANTED TO ASK
13 YOU A COUPLE OF QUESTIONS, REVEREND. THANK YOU SO
14 MUCH. I APPRECIATE IT.

15 THE WITNESS: THANK YOU TOO.

16 THE COURT: ANY FURTHER WITNESSES?

17 MR. MOORE: I WOULD LIKE TO CALL THE
18 DEFENDANT'S MOTHER. LETHA STATON.

19 THE CLERK: PLEASE COME AROUND AND PLACE
20 YOUR LEFT HAND ON THE BIBLE. RAISE YOUR RIGHT HAND
21 AND BE SWORN. PLEASE STATE YOUR FULL NAME FOR THE
22 RECORD.

23 THE WITNESS: LETHA STATON.

24 LETHA STATON,

25 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. MOORE:

Q. OKAY. TALK INTO THIS MICROPHONE.

MS. STATON, COULD YOU TURN A LITTLE BIT -- LOOK THIS WAY? I WANT YOU TO LOOK TOWARD THE JURY.

A. YES, SIR.

Q. YOUR NAME IS LETHA STATON?

A. YES, SIR.

Q. AND LEROY STATON SITTING OVER THERE IN THE SHIRT, WHITE COLLAR, THAT'S YOUR SON?

A. THAT'S MY SON.

Q. HOW OLD IS YOUR SON?

A. HE'S 43. 43.

Q. [REDACTED] HIS BIRTHDAY?

A. YES, SIR.

Q. SO HE'S -- HE WAS 43 LAST MONDAY, THREE OR FOUR DAYS AGO?

A. UH-HUH.

Q. DID YOU GIVE HIM A CHRISTIAN UPBRINGING, A GOOD RAISING?

A. YES, SIR.

Q. HAVE YOU RAISED HIM IN THE CHURCH?

A. I CERTAINLY DID.

Q. TOOK HIM TO CHURCH EVERY SUNDAY?

1 A. YES, SIR.

2 Q. THAT WAS AT THE CHURCH THAT THE REVEREND
3 JUST TESTIFIED TO, GOODWIN CHAPEL?

4 A. GOODWIN CHAPEL A.M.E. ZION.

5 Q. DID YOU TEACH YOUR SON GOOD CHRISTIAN
6 PRINCIPLES THROUGHOUT HIS LIFE?

7 A. YES, SIR.

8 Q. WHAT WOULD YOU CONSIDER LEROY'S GENERAL
9 REPUTATION FOR TELLING THE TRUTH WITHIN YOUR
10 COMMUNITY AND WITHIN YOUR CHURCH COMMUNITY?

11 A. TELLING.

12 Q. IN OTHER WORDS, HAVE YOU FOUND HIM
13 RELIABLE WHEN YOU ASK HIM TO DO SOMETHING?

14 A. OH, NO, SIR. NO, SIR. HE'S MIGHTY GOOD
15 AND FAITHFUL ABOUT DOING WHAT I ASK HIM.

16 Q. I SEE. WOULD YOU BELIEVE HIS TESTIMONY
17 UNDER OATH IN A COURT OF LAW?

18 A. YES, SIR, I WOULD.

19 MR. MOORE: THANK YOU, MS. STATON. I
20 DON'T HAVE ANY OTHER QUESTIONS.

21 THE COURT: DOES THAT CONCLUDE YOUR
22 EXAMINATION?

23 MR. MOORE: YES, SIR.

24 THE COURT: MR. WILSON, DO YOU HAVE ANY
25 QUESTIONS? NOBODY ELSE HAS ANY?

MR. PADGETT: NO, SIR.

MR. WILL ROGERS: NO, SIR.

MR. LAWSON: NO QUESTIONS.

MR. ERVIN: NO QUESTIONS.

MR. REDMOND: I HAVE NO QUESTIONS.

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

BY MR. WILSON:

Q. MS. STATON, JUST A COUPLE OF THINGS,
MA'AM. DO YOU REMEMBER US TALKING ONCE BEFORE?

A. YES, SIR.

Q. ALL RIGHT. AND THAT WAS, WHAT, MAYBE A
MONTH AGO OR SO?

A. YES, SIR.

Q. RIGHT HERE AT THIS COURTHOUSE. RIGHT?

A. YES, SIR.

Q. AND DO YOU REMEMBER A CONVERSATION WE
HAD -- DO YOU KNOW MR. STUCKEY OVER HERE?

A. THAT'S MY GRANDSON.

Q. ALL RIGHT. WHAT ABOUT RICKY -- I'M SORRY.
JOE STUCKEY. DO YOU KNOW JOE STUCKEY TOO?

A. YES, SIR.

Q. WHAT'S HIS RELATIONSHIP TO YOU?

A. MY GRANDSON.

Q. ALL RIGHT. SO LEROY IS YOUR SON. JOE --
I'M SORRY. RICKY HERE IS YOUR GRANDSON?

1 A. GRANDSON.

2 Q. GRANDSON. AND WHAT ABOUT ALFONZO?

3 A. MY GRANDSON.

4 Q. HE'S YOUR GRANDSON. AND WHAT ABOUT
5 JEFFREY? IS HE RELATED TO YOU, JEFFREY WALLS?

6 A. NO, SIR.

7 Q. WHAT ABOUT MARTIN MCINTOSH OVER HERE? IS
8 HE RELATED TO YOU?

9 A. NO, SIR.

10 Q. WHAT ABOUT ROBERT GRAHAM?

11 A. WELL, HE'S IN MY FAMILY.

12 Q. HE'S IN YOUR FAMILY TOO?

13 A. YES, SIR.

14 Q. SO ALL BUT TWO OF THEM ARE IN YOUR FAMILY.
15 EXCEPT FOR WALLS AND MARTIN MCINTOSH, THE REST OF
16 THESE FELLOWS ARE IN YOUR FAMILY?

17 A. YES, SIR.

18 Q. AND YOU LOVE EVERY ONE OF THEM?

19 A. YES, SIR.

20 Q. AIN'T NO QUESTION ABOUT THAT?

21 A. NO, SIR.

22 Q. AND YOU'RE A GOOD PERSON. AIN'T NO
23 QUESTION ABOUT THAT.

24 A. YES, SIR.

25 Q. AND I APPRECIATE YOU BEING HERE?

A. YES, SIR.

1 Q. AND THE PROPERTY IT'S ON?

2 A. YES, SIR.

3 Q. DO YOU WORK? YOU PAID OFF THE MORTGAGE ON
4 THAT HOUSE?

5 A. YES, SIR.

6 Q. AND I BELIEVE YOUR AGE IS 44 YEARS OLD?

7 A. YES, SIR.

8 Q. ARE YOU MARRIED?

9 A. YES, SIR.

10 Q. AND WHAT IS YOUR WIFE'S NAME?

11 A. LELIA STATON.

12 Q. DOES SHE WORK?

13 A. YES, SIR.

14 Q. WHERE DOES SHE WORK?

15 A. SHE WORKS AT UNION IN ROCKINGHAM.

16 Q. ALL RIGHT, SIR. AND HOW MANY CHILDREN DO
17 YOU HAVE?

18 A. I HAVE FOUR KIDS AND ONE GRANDCHILD.

19 Q. HOW MANY CHILDREN LIVE WITH YOU?

20 A. I HAVE THREE THAT -- I HAVE TWO THAT ARE
21 LIVING WITH ME NOW.

22 Q. ALL RIGHT. AND WHERE DID YOU GO TO HIGH
23 SCHOOL?

24 A. I WENT TO HIGH SCHOOL AT MCCOLL, SOUTH
25 CAROLINA.

Q. AND HOW FAR IN SCHOOL DID YOU GO?

A. I WENT TO THE 10TH GRADE.

Q. AND WHERE ARE YOU WORKING NOW?

A. I'M AT PERDUE IN ROCKINGHAM.

Q. AND HOW LONG HAVE YOU BEEN WORKING THERE?

A. THIRTEEN MONTHS.

Q. AND WHERE DOES YOUR WIFE WORK?

A. WHERE DOES MY WIFE WORK?

Q. RIGHT.

A. MY WIFE WORKS UP IN UNION IN ROCKINGHAM.

Q. OKAY. NOW, LET'S START RIGHT AFTER YOU LEFT HIGH SCHOOL. WHERE WERE YOU FIRST EMPLOYED?

WHERE DID YOU WORK?

A. AT SCOTLAND WOOD IN GIBSON.

Q. HOW LONG DID YOU WORK THERE?

A. I WORKED OVER THERE FOR ABOUT FOUR YEARS -- NO, ABOUT THREE YEARS. THEN I LEFT THERE AND I WENT TO CAROLINA CONCENTRATING IN LAURINBURG. I WORKED OVER THERE FOR ABOUT TWO YEARS AND THEN I LEFT THERE. I WENT TO PALMETTO BRICKYARD IN CHERAW. I WORKED OUT THERE FOR 13 YEARS.

Q. YOU'VE ALWAYS WORKED HARD AND KEEP UP YOUR FAMILY AND NEVER DRAW ANY GOVERNMENT CHECK?

A. NO, SIR. I ALWAYS WORKED HARD FOR WHAT I GOT.

A. I WORKED WITH MR. SMITH APPROXIMATELY
ABOUT THREE MONTHS.

Q. HOW LONG?

A. ABOUT THREE -- ABOUT THREE MONTHS.

Q. AND WHAT THREE MONTHS WAS THAT?

A. I STARTED TO WORK WITH HIM IN THE LAST OF
OCTOBER AND I WORKED ALL THE WAY UP THROUGH -- LET ME
SEE.

Q. LET'S GO OVER THAT. THIS IS OCTOBER OF
'94?

A. YES, SIR.

Q. AND YOU WORKED UNTIL HOW LONG?

A. I WORKED SOME WITH -- I WORKED WITH HIM
UNTIL JANUARY.

Q. ALL RIGHT. IS KENNY SMITH LIVING TODAY?

A. NO, SIR.

Q. WHEN DID HE DIE?

A. HE DIED IN JUNE. I THINK IT WAS '95,
WASN'T IT?

Q. ALL RIGHT. IS THIS A PICTURE OF
MR. SMITH?

A. YES, SIR.

Q. IS THAT A FUNERAL PROGRAM?

A. YES, SIR.

Q. ALL RIGHT. WERE HIS SERVICES CONDUCTED BY

1 JACKSON FUNERAL HOME IN LAURINBURG?

2 A. YES, SIR.

3 Q. AND WHAT'S THE DATE ON THAT?

4 A. JUNE THE 23RD, 1996.

5 Q. SO THAT'S WHEN HE DIED AND THAT'S WHEN HE
6 WAS BURIED?

7 A. YES, SIR.

8 Q. OKAY. LET'S GO BACK TO NOVEMBER 1994.
9 WHEN YOU GOT OFF WORK, WHAT DID YOU DO?

10 A. I CAME HOME.

11 Q. DID YOU GO STRAIGHT HOME?

12 A. YES, SIR.

13 Q. EAT SUPPER AND WATCH T.V.?

14 A. YES, SIR.

15 Q. WHAT HAPPENED AFTER THAT?

16 A. THEN, YOU KNOW, I MIGHT SIT AROUND, WATCH
17 T.V. MIGHT GO TO THE STORE OR SOMETHING, YOU KNOW,
18 BE GONE MAYBE A LITTLE SHORT WHILE.

19 Q. BUT YOU STAYED AROUND HOME FOR THE MOST
20 PART?

21 A. YES, SIR. AND MOST OF THE TIME WHEN I DO
22 GO TO THE STORE MY WIFE BE WITH ME.

23 Q. WELL, THAT WAS GOING TO BE MY NEXT
24 QUESTION. WHO WAS AT HOME WITH YOU AT NIGHT?

25 A. MY WIFE.

1 Q. HOW ABOUT YOUR CHILDREN?

2 A. YES, SIR.

3 Q. HOW ABOUT YOUR GRANDCHILD?

4 A. NO, SIR. MY GRANDCHILD DON'T LIVE WITH
5 ME.

6 Q. ALL RIGHT. NOW, YOU HEARD THE TESTIMONY
7 EARLIER THIS WEEK FROM DANNY DAVIS AND ROBERT RANSOM,
8 DIDN'T YOU?

9 A. YES, SIR.

10 Q. AND MOST OF THE STATEMENTS AND THE
11 ACTIVITIES THAT THEY TESTIFIED TO HAPPENED AT NIGHT,
12 DIDN'T THEY?

13 A. YES, SIR.

14 Q. AND ALL DURING THIS TIME, YOU WERE AT HOME
15 WITH YOUR WIFE AND CHILDREN?

16 A. YES, SIR.

17 Q. THAT'S YOUR TESTIMONY?

18 A. YES, SIR.

19 Q. OKAY. NOW, FOR THE ENTIRE PERIOD FROM
20 NOVEMBER 12TH, 1994 THROUGH NOVEMBER 24TH, 1994 --
21 NOW, LET'S GET THE DAYS OF THE WEEK STRAIGHT.
22 NOVEMBER 12TH WAS A SATURDAY. NOVEMBER 24TH WAS
23 THANKSGIVING DAY, A THURSDAY. WERE YOU AT HOME WITH
24 YOUR WIFE AND FAMILY AT NIGHT OR WORKING WITH KENNY
25 SMITH IN THE DAYTIME DURING WEEK DAYS?

1 A. YES, SIR.

2 Q. YOU ARE ABSOLUTELY SURE OF THAT?

3 A. YES, SIR.

4 Q. AND ON SATURDAYS, THERE WERE TWO SATURDAYS
 5 DURING THAT PERIOD, NOVEMBER 12TH AND NOVEMBER 19TH.
 6 WHAT WERE YOU DOING ON THOSE TWO SATURDAYS?

7 A. I WAS HOME.

8 Q. AND THE TWO SUNDAYS, NOVEMBER 13TH,
 9 NOVEMBER 20TH, WERE YOU IN CHURCH MOST OF THE DAY
 10 WITH YOUR WIFE AND CHILDREN?

11 A. YES, SIR.

12 Q. AND WHERE WERE YOU ON SUNDAY NIGHTS?

13 A. AT HOME.

14 Q. AND NOW IT'S TWO YEARS -- A LITTLE OVER
 15 TWO YEARS LATER. ABOUT TWO YEARS AND FIVE MONTHS I
 16 BELIEVE WE'RE GOING INTO. YOU CAN RECALL THOSE
 17 DATES, NOVEMBER 12TH THROUGH NOVEMBER 24TH?

18 A. WELL, I -- I -- YES, SIR, BECAUSE I
 19 REMEMBER, YOU KNOW, FROM THE TIME THAT THEY CAME OUT
 20 TO THE HOUSE, YOU KNOW, AND STARTED QUESTIONING ME,
 21 THEN I CAN REMEMBER BACK WHEN, YOU KNOW, WHAT I WAS
 22 DOING AT THAT TIME.

23 Q. ALL RIGHT. NOW, WHEN YOU SAY THEY, YOU
 24 MEAN -- EXCUSE ME, SHERIFF'S OFFICERS?

25 A. YES, SIR.

1 Q. AND SLED OFFICERS?

2 A. YES, SIR.

3 Q. HOW MANY TIMES DID THEY COME AND HOW OFTEN
4 DID THEY COME?

5 A. WELL, FIRST WHEN THEY CAME OUT THERE, THEY
6 CAME OUT THERE LOOKING FOR MY SON, MY STEPSON,
7 DWAYNE. AND THEY ASKED FOR DWAYNE, YOU KNOW, AND
8 DWAYNE WAS IN THERE IN THE BED ASLEEP. AND THEY
9 ASKED ME WAS HE HERE. AND I SAID, "YES, SIR, HE'S IN
10 THERE IN BED ASLEEP." THEY SAID, "WILL YOU GO IN
11 THERE AND GET HIM?" I SAID, "YES, SIR. WHAT'S THE
12 MATTER?" THEY SAID THEY WANTED TO TALK TO HIM, SO I
13 WENT IN THERE AND WOKE DWAYNE UP AND SAID THE POLICE
14 ARE UP HERE WANTING TO SPEAK WITH HIM. SO HE GOT UP,
15 CAME ON OUTSIDE AND TALKED TO THEM.

16 THE COURT: TALK INTO THE MICROPHONE A
17 LITTLE BETTER FOR US, PLEASE, SO EVERYBODY CAN HEAR
18 YOU.

19 THE WITNESS: AND HE GOT UP AND CAME
20 OUTSIDE. AND YOU KNOW, HE TALKED WITH THEM. AND SO
21 THEY TOOK HIM DOWNTOWN. AND I TOLD HIM NO SOONER
22 THAN HIS MAMA GETS THERE THAT WE WOULD BE ON DOWN
23 THERE TO SEE WHAT WAS GOING ON. AND SO HE WENT ON
24 DOWN THERE AND THAT'S WHEN WE HEARD ALL ABOUT THIS
25 ABOUT THE WOMAN BEING KILLED.

1 BY MR. MOORE:

2 Q. ALL RIGHT. LET'S -- LET'S DROP BACK A
3 LITTLE BIT. THE OFFICERS AND THE DEPUTIES FIRST
4 STARTED COMING TO SEE YOU IN DECEMBER OF '94, JANUARY
5 OF '95; IS THAT CORRECT?

6 A. YES -- LET ME SEE. I THINK WHEN THEY
7 FIRST CAME TO SEE ME WAS -- LET ME SEE. I THINK IT
8 WAS IN FEBRUARY OF '95.

9 Q. ALL RIGHT. WELL, THEY ASKED YOU
10 QUESTIONS, OBVIOUSLY, ABOUT YOUR WHEREABOUTS FROM
11 NOVEMBER 12TH THROUGH NOVEMBER 24TH, DIDN'T THEY?

12 A. YES, SIR.

13 Q. THAT WAS TWO OR THREE MONTHS AFTER THAT,
14 WASN'T IT?

15 A. YES, SIR.

16 Q. AND YOU THOUGHT BACK TO THANKSGIVING; IS
17 THAT CORRECT?

18 A. YES, SIR.

19 Q. AND WHAT DID YOU TELL THOSE OFFICERS?

20 A. I TOLD THEM I WAS WORKING AT THAT TIME. I
21 TOLD THEM, YOU KNOW, THE WORK I WAS DOING WITH KENNY
22 SMITH AT THAT TIME.

23 Q. ALL RIGHT. DID THEY ASK YOU ABOUT
24 SPECIFIC TIMES, DAY TIMES OR NIGHT TIMES?

25 A. NO, SIR.

Q. WHEN THE SLED OFFICERS AND THE SHERIFF'S OFFICERS CAME TO SEE YOU, IF I WAS GOING TO ASK YOU THIS AGAIN AS LEGAL MUMBO JUMBO, BUT DID THEY MIRANDIZE YOU THERE? AND WHAT THAT MEANS IS DID THEY GIVE YOU A MIRANDA WARNING. WAIT A MINUTE BEFORE YOU ANSWER. DID THEY ASK YOU IF YOU WANTED A LAWYER PRESENT WHEN YOU TALKED TO LAW OFFICERS, THAT YOU HAD THE RIGHT TO REMAIN SILENT AND THAT ANYTHING YOU SAY COULD AND WOULD BE USED AGAINST YOU?

A. NO, SIR, THEY DID NOT ASK ME THAT.

Q. NEVER ASKED YOU ANYTHING LIKE THAT?

A. NO, SIR.

Q. DID THEY --

THE COURT: LET'S STOP ONE MINUTE. WAIT ONE MINUTE, NOW. YOU -- HAVE THE JURY STEP OUT, PLEASE.

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

THE COURT: MR. MOORE, I WANT TO MAKE SURE OUTSIDE OF THE PRESENCE OF THE JURY, ARE YOU RAISING A JACKSON V. DENNO ISSUE HERE?

MR. MOORE: NO, SIR. NO, SIR. I UNDERSTAND THAT DEALS WITH REFUSAL OF MIRANDA TO BE

1 GIVEN.

2 THE COURT: WELL, YOU'VE ASKED HIM, NOW,
 3 WAS HE MIRANDIZED BEFORE HE MADE A STATEMENT. ISN'T
 4 THAT WHAT YOU -- HE'S SAYING NO. DOESN'T THAT RAISE
 5 AN ISSUE WHETHER THE STATEMENT WAS FREELY AND
 6 VOLUNTARILY GIVEN?

7 MR. MOORE: NO, BECAUSE HE'S GOING TO
 8 SUBSEQUENTLY I BELIEVE STATE THAT HE DID NOT MAKE A
 9 STATEMENT.

10 THE COURT: ALL RIGHT. SOLICITOR, DO YOU
 11 HAVE ANY --

12 MR. WILSON: THE ONLY -- HE'S GIVEN A
 13 STATEMENT. THE ONLY THING HE'S EVER SAID IS HE
 14 DIDN'T KNOW NOTHING ABOUT NOTHING.

15 THE COURT: IT LOOKED TO ME LIKE HE WAS
 16 GETTING INTO A JACKSON V. DENNO HEARING. BUT YOU
 17 RAISE NO JACKSON V. DENNO ISSUE?

18 MR. MOORE: NO, SIR. I UNDERSTAND
 19 ENTIRELY WHAT YOUR --

20 THE COURT: THAT'S WHAT I -- BRING THE
 21 JURY BACK.

22 (WHEREUPON, THE JURY WAS RETURNED
 23 TO THE COURTROOM AND THE FOLLOWING
 24 PROCEEDINGS WERE COMMENCED IN
 25 OPEN COURT.)

1 THE COURT: ALL RIGHT. YOU MAY PROCEED.

2 BY MR. MOORE:

3 Q. OKAY. THE SLED OFFICERS OR THE DEPUTIES,
4 THEY NEVER ASKED YOU TO GIVE A WRITTEN STATEMENT OR A
5 VERBAL STATEMENT INVOLVING YOUR INVOLVEMENT IN ANY OF
6 THESE CRIMES THAT WERE PLACED AGAINST YOU. ISN'T
7 THAT CORRECT?

8 A. NO, SIR.

9 Q. AND THE REASON THEY NEVER -- NEVER DID
10 THAT IS BECAUSE YOU ALWAYS DENIED THAT YOU HAD
11 ANYTHING WHATSOEVER TO DO WITH IT. IS THAT CORRECT?

12 A. THAT'S CORRECT.

13 Q. OKAY. LET'S GO INTO YOUR CONTACT, YOUR
14 ASSOCIATION WITH ME. YOU WERE FIRST ARRESTED IN
15 MARCH OF 1995; IS THAT CORRECT?

16 A. YES, SIR.

17 Q. BUT PUT IN THE MARLBORO COUNTY JAIL?

18 A. NO, SIR. I WAS PUT UP THERE IN PAGELAND.

19 Q. HOW LONG DID YOU STAY IN PAGELAND?

20 A. TWO MONTHS.

21 Q. AND THEN YOU WERE TAKEN TO THE MARLBORO
22 COUNTY --

23 A. YES, SIR.

24 Q. ALL RIGHT. AND I WAS A COURT-APPOINTED
25 LAWYER; IS THAT CORRECT?

1 A. YES, SIR.

2 THE COURT: I DON'T KNOW THAT THAT'S ANY
3 RELEVANT ISSUE TO THE QUESTION BEFORE US TODAY, ABOUT
4 HIS BOND MATTER.

5 MR. MOORE: I'M SHOWING HIS BACKGROUND AND
6 HOW MUCH MONEY HE HAD TO COME UP WITH, YOUR HONOR.

7 THE COURT: NO, SIR. THAT'S NOT RELEVANT
8 TO ANY ISSUE IN THIS CASE.

9 BY MR. MOORE:

10 Q. WELL, LET ME GET BACK TO YOUR
11 INCARCERATION. YOU WERE IN PAGELAND AND IN MARLBORO
12 COUNTY DETENTION CENTER FROM MARCH TO AUGUST 1995.
13 IS THAT CORRECT?

14 A. YES, SIR.

15 Q. SO YOU WERE ONLY IN JAIL FOR FIVE MONTHS?

16 A. YES, SIR.

17 Q. OKAY. DO YOU REMEMBER THE STATE'S LAST
18 WITNESS, A FELLOW NAMED JERRY WARD UP HERE YESTERDAY?

19 A. YES, SIR.

20 Q. FELLOW FROM ALABAMA?

21 A. YES, SIR.

22 Q. AND HE TESTIFIED, I BELIEVE, TO HIS
23 INCARCERATION AND HIS CONVERSATIONS WITH SOME
24 DEFENDANTS IN COLUMBIA AT BROAD RIVER PRISON. RIGHT?

25 A. YES, SIR.

1 Q. YOU WERE NEVER IN COLUMBIA. YOU WERE
2 NEVER IN BROAD RIVER PRISON. YOU GOT OUT ON BOND.
3 CORRECT?

4 A. YES, SIR.

5 Q. YOU NEVER SAW THAT GUY, NEVER HAD ANYTHING
6 TO DO WITH HIM?

7 A. NO, SIR.

8 Q. OKAY. DURING ALL OF THIS TIME WHEN I
9 TALKED TO YOU IN JAIL AND I TALKED TO YOU ABOUT
10 MAKING ARRANGEMENTS FOR YOUR BOND ABOUT GETTING --
11 THE COURT: NO, SIR. I'VE ALREADY SAID,
12 NOW, ARRANGEMENTS FOR BOND HAS NO BEARING ON ANY
13 ISSUE IN THIS CASE, MR. MOORE.
14 BY MR. MOORE:

15 Q. DURING ALL OF THE TIMES THAT YOU CAME TO
16 MY OFFICE DURING THE TWO-AND-A-HALF YEARS, YOU'VE
17 ALWAYS TOLD ME YOU DIDN'T HAVE ANYTHING TO DO WITH
18 THESE CRIMES?

19 A. YES, SIR.

20 Q. EVER WAVERED FROM THAT POSITION?

21 A. NO, SIR.

22 Q. THAT'S YOUR POSITION FROM DAY ONE?

23 A. YES, SIR.

24 Q. TWO-AND-A-HALF YEARS AGO?

25 A. YES, SIR.

1 Q. WHEN ALL OF THIS STUFF CAME UP?

2 A. YES, SIR.

3 Q. NOW, HOW MANY TIMES DID I ASK YOU IF YOU
4 WERE INVOLVED IN ANY OF THESE CRIMES?

5 A. MAYBE OVER A HUNDRED TIMES.

6 Q. AND WHAT DID YOU ALWAYS SAY?

7 A. NO, SIR. I HAD NOTHING TO DO WITH IT.

8 Q. OKAY. LEROY, ALL OF YOUR LIFE, YOU'VE
9 WORKED HARD, KEPT A JOB, BUILT A HOUSE, PAID OFF THE
10 MORTGAGE FOR YOUR FAMILY TO LIVE IN THE HOUSE?

11 A. YES, SIR.

12 Q. AND GENERALLY PRETTY WELL TAKEN CARE OF
13 YOUR FAMILY WITH YOUR INCOME; ISN'T THAT CORRECT?

14 A. YES, SIR.

15 Q. YOU'VE NEVER BEEN IN ANY TROUBLE YOURSELF,
16 HAVE YOU?

17 A. NO, SIR.

18 Q. YOU DON'T HAVE ANY CRIMINAL RECORD, DO
19 YOU?

20 A. NO, SIR.

21 Q. BUT ONE TIME YOU AND YOUR WIFE, ABOUT TEN
22 YEARS AGO, YOU GOT IN A LITTLE FUSS. SHE WENT UP TO
23 CAROL GRAY AND TOOK OUT A WARRANT; IS THAT RIGHT?

24 A. YES, SIR.

25 Q. AND WHAT HAPPENED ON THE WARRANT?

1 | A. SHE TOOK IT UP.

2 Q. YOU MEAN IT WAS DROPPED?

3 | A. YEAH. DROPPED.

4 Q. BUT DIDN'T YOU HAVE TO PAY A FINE ON IT?

5 A. YES, SIR. I THINK I HAD TO PAY 240

6 | DOLLARS. SOMETHING LIKE THAT. I CAN'T --

7 Q. BUT YOUR WIFE DIDN'T GO TO COURT. SHE

8 | DIDN'T --

9 | A. NO, SIR.

10 Q. ALL RIGHT. THAT'S THE ONLY TYPE OF

11 CRIMINAL RECORD YOU'VE EVER HAD?

12 A. YES, SIR.

13 Q. HAVE YOU GOT A GOOD DRIVER'S LICENSE OR A

14 DRIVER'S LICENSE NOW?

15 A. OH, YES, SIR.

16 Q. OKAY. I'M GOING TO SHOW YOU THIS. IS

17 THAT A COPY OF YOUR DRIVING RECORD FROM THE SOUTH

18 CAROLINA HIGHWAY DEPARTMENT?

19 A. YES, SIR.

20 Q. YOU'VE NEVER HAD ANY D.U.I.'S, D.U.S.'S?

21 | A. NO, SIR.

22 Q. NO POINTS ON THAT LICENSE?

23 A. NO MORE THAN I HAD A TICKET ONE TIME.

24 O. BUT THERE'S NOTHING SHOWING ON IT NOW, IS

25 THERE?

1 A. OH, NO, SIR.

2 Q. ALL RIGHT. SAYS ZERO POINTS, DOESN'T IT?

3 A. YES, SIR.

4 Q. ALL RIGHT. BASICALLY YOU'VE BEEN A PRETTY
5 GOOD DRIVER ALL OF YOUR LIFE, HAVEN'T YOU?

6 A. YES. BEEN DRIVING FOR TWO-AND-A-HALF
7 YEARS.

8 Q. WHY WOULD YOU THINK BOBBY RANSOM AND DANNY
9 DAVIS WOULD TESTIFY AGAINST YOU?

10 A. THE ONLY REASON I THINK DANNY DAVIS AND
11 ROBERT RANSOM WOULD TESTIFY AGAINST ME IS ONLY
12 BECAUSE THE POLICE WANTED THEM TO DO THAT.

13 Q. DO YOU THINK THEY WERE KIND OF FORCED TO
14 NAME ANYBODY THAT THEY COULD IN ORDER TO GET A GOOD
15 DEAL FOR THEMSELVES LIKE REDUCED CHARGES, REDUCED
16 SENTENCES?

17 A. YES, SIR, BECAUSE THEY DON'T EVEN HARDLY
18 KNOW ME. THEY DON'T EVEN HARDLY KNOW ME.

19 Q. HAVE YOU EVER MET EITHER ONE OF THEM?

20 A. I'VE SAW THEM BEFORE, BUT I NEVER, YOU
21 KNOW, MET THEM.

22 Q. WHERE DID YOU SEE THEM?

23 A. I SEEN THEM DOWN THERE THAT DAY ON -- IT
24 WAS -- IN SEPTEMBER THAT DAY THAT WE COOKED SOME PIG
25 FEETS DOWN THERE.

1 Q. NOW, YOU SAY DOWN THERE. WHERE IS DOWN
2 THERE?

3 A. DOWN THERE AT THE TRAILER THAT DAY.

4 Q. THAT'S MR. GRAHAM'S TRAILER?

5 A. YES, SIR.

6 Q. HOW OFTEN DID YOU GO TO THAT TRAILER?

7 A. I DIDN'T NEVER GO DOWN THERE MAYBE BUT
8 ABOUT TWICE. ROBERT ALWAYS WORKED ON -- ON WEEKDAYS
9 AND, YOU KNOW, SEE, I BE OFF ON SUNDAY AND ROBERT
10 WORKED ON SUNDAYS TOO.

11 Q. I SEE. HOW DID YOU GO DOWN THERE?

12 A. WE -- I WAS UP THERE IN GIBSON AND I SAW
13 ROBERT UP THERE AND RICKY, AND I ASKED THEM AND WE
14 STA--- WE WERE TALKING AND THEY SAID THEY WERE GOING
15 TO GO DOWN THERE AND GET SOME PIGS FOOT AND COOK
16 THEM. AND SO I HAD WENT DOWN THERE -- WE HAD WENT UP
17 THERE TO THE STORE AND GOT SOME, TWO DOLLARS A BOX,
18 AND WENT DOWN THERE TO ROBERT'S MOTHER'S HOUSE AND
19 GOT THE WASH POT AND WENT OVER THERE AND --

20 Q. WHAT WERE YOU DRIVING?

21 A. I WAS DRIVING MY WHITE CAR.

22 Q. I SEE. IS THAT THE ONLY TIME YOU'VE EVER
23 BEEN UP TO THAT TRAILER?

24 A. YES, SIR.

25 Q. WHAT MONTH WAS THAT?

1 A. THAT WAS IN SEPTEMBER.

2 Q. SEPTEMBER 1994?

3 A. YES, SIR.

4 Q. DID YOU EVER HAVE OCCASION TO GO UP TO
5 GOODWIN'S MILL POND ROAD AND PULL IN THE BACK OF
6 STANTON'S BARBECUE TO SEE YOUR FRIEND ROBERT? OR DID
7 YOU GO GET SCRAPS FOR YOUR DOG?

8 A. OH, NO, SIR.

9 Q. WELL, DID YOU EVER DRIVE THAT TRUCK UP AND
10 DOWN THAT ROAD?

11 A. I HAVE DROVE MY TRUCK BACK THERE.

12 Q. SO SOMEBODY COULD POSSIBLY HAVE SEEN THAT
13 ORANGE TRUCK GOING UP AND DOWN THAT ROAD?

14 A. YES, SIR.

15 Q. WELL, WHAT WERE YOU DRIVING THE TRUCK UP
16 AND DOWN THE ROAD FOR?

17 A. I HAD -- AT ONE TIME I HAD MOVED A COUCH
18 FOR ROBERT.

19 Q. HELPED HIM MOVE A COUCH?

20 A. YES. I MOVED A COUCH FOR HIM. HIS UNCLE
21 GAVE HIM A COUCH AND HE CAME OVER TO MY HOUSE AND
22 ASKED ME WOULD I GO PICK IT UP FOR HIM.

23 Q. I SEE. SO OTHER THAN THAT AND THE ONE
24 TIME YOU WERE THERE IN SEPTEMBER, YOU'VE NEVER BEEN
25 UP TO THE END OF THAT ROAD WHICH IS WHERE THAT

1 TRAILER IS?

2 A. NO, SIR.

3 Q. YOU EMPHATICALLY STATE THAT YOU HAVEN'T
4 HAD ONE THING TO DO WITH THESE CRIMES THAT YOU'VE
5 BEEN CHARGED WITH?

6 A. NO, SIR.

7 Q. IS THAT CORRECT?

8 A. THAT'S CORRECT.

9 MR. MOORE: ALL RIGHT. ANSWER ANY
10 QUESTIONS THAT THESE LAWYERS OR THE SOLICITOR MAY
11 HAVE.

12 THE COURT: GENTLEMEN FOR THE DEFENSE, ANY
13 QUESTIONS? MR. ERVIN?

14 MR. ERVIN: NO, SIR.

15 THE COURT: MR. PADGETT? MR. REDMOND?

16 MR. REDMOND: NO, SIR.

17 THE COURT: MR. ROGERS?

18 MR. WILL ROGERS: NO, SIR.

19 THE COURT: MR. LAWSON?

20 MR. ROGERS: WE'RE WAITING ON MAHLON, YOUR
21 HONOR.

22 THE COURT: EXCUSE ME.

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

24 BY MR. PADGETT:

25 Q. YOU SAID YOU WERE AT RICKY AND ROBERT'S

1 TRAILER ONE TIME. RIGHT?

2 A. YES, SIR.

3 Q. AND THEY WERE COOKING SOME PIG'S FEET?

4 A. YES, SIR.

5 Q. DID YOU SEE ANYTHING UNUSUAL GOING ON THAT
6 DAY?

7 A. NO, SIR.

8 Q. EVERYBODY WAS ABOVE BOARD AND ACTING
9 RIGHT?

10 A. NO, SIR.

11 Q. DID YOU SEE ANY GIRL TIED UP ANYWHERE?

12 A. NO, SIR.

13 MR. PADGETT: NO FURTHER QUESTIONS.

14 THE COURT: MR. WILSON.

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

16 BY MR. WILSON:

17 Q. MR. STATON, AS I UNDERSTAND IT, YOU'RE
18 SAYING THAT THESE POLICE OFFICERS -- AND I THINK THIS
19 IS WHAT YOU TOLD YOUR LAWYER. IF IT'S NOT CORRECT,
20 THEN YOU CORRECT ME. THESE POLICE OFFICERS TRIED TO
21 TALK TO YOU. THEY NEVER READ YOU YOUR RIGHTS AND
22 TRIED TO GET YOU TO GIVE THEM A STATEMENT AND YOU
23 REFUSED, AND THAT JUST WENT ON FOR BACK AND FORTH.
24 RIGHT?

25 A. THEY NEVER READ MY RIGHTS UNTIL THEY GOT

1 READY TO ARREST ME.

2 Q. NEVER READ YOUR RIGHTS UNTIL THEY GOT
3 READY TO ARREST YOU. AND WHEN WERE YOU ARRESTED?

4 A. MARCH 3RD.

5 Q. OF WHEN?

6 A. OF '95.

7 Q. SO THEY READ YOU YOUR RIGHTS ON MARCH THE
8 3RD?

9 A. YES, SIR.

10 Q. SO AT SOME POINT IN TIME, THEY DID READ
11 YOU YOUR RIGHTS? RIGHT?

12 A. YEAH. AT THAT POINT IN TIME, THEY DID.

13 Q. ALL RIGHT. BUT THAT'S NOT WHAT YOU TOLD
14 YOUR LAWYER. YOU TOLD YOUR LAWYER THAT THEY NEVER
15 READ YOU YOUR RIGHTS. RIGHT? ISN'T THAT YOU WHAT
16 TOLD HIM? HUH?

17 A. YEAH. YES, SIR.

18 Q. ALL RIGHT. AND WHEN WERE YOU ARRESTED
19 AGAIN?

20 A. MARCH THE 3RD.

21 Q. MARCH THE 3RD. AND NO QUESTION THEY READ
22 YOU YOUR RIGHTS ON MARCH THE 3RD. RIGHT?

23 A. YES, SIR.

24 Q. TAKE A LOOK AT THAT BECAUSE THAT'S YOUR
25 SIGNATURE ON THERE, ISN'T IT? HUH? YOU'RE LEROY

1 STATON. RIGHT?

2 A. YES, SIR.

3 Q. AND THAT'S YOUR NAME DOWN THERE ON THE
4 RIGHT?

5 A. YES, SIR.

6 Q. AND YOU PUT IT DOWN THERE. RIGHT? HUH?
7 YOU DIDN'T WRITE THAT?

8 MR. MOORE: YOUR HONOR.

9 THE WITNESS: YES, SIR, THIS IS.

10 MR. MOORE: YOUR HONOR, MR. STATON HAS
11 PROBLEMS READING. I DOUBT IF HE CAN COMPREHEND THAT.

12 THE COURT: WELL, HE'S ASKING IF IT'S HIS
13 SIGNATURE. HE CAN SAY HE CAN'T IDENTIFY HIS
14 SIGNATURE OR HE CAN -- I'LL LEAVE IT FOR HIM TO
15 ANSWER. THE JURY WILL DECIDE ANYWAY.

16 BY MR. WILSON:

17 Q. CAN YOU WRITE?

18 A. YEAH.

19 Q. IS THAT YOUR NAME WRITTEN DOWN THERE?

20 A. YEAH, THAT'S MY NAME WRITTEN DOWN THERE.

21 Q. WHAT I'M ASKING, DID YOU WRITE IT DOWN
22 THERE?

23 A. IT DON'T LOOK LIKE MY WRITING.

24 Q. DON'T LOOK LIKE YOU'RE WRITING?

25 A. NO, SIR.

1 Q. ALL RIGHT. LET'S LOOK AT THIS FORM RIGHT
2 HERE, BUT THIS IS THE DAY YOU WERE ARRESTED, NO
3 QUESTION ABOUT THAT?

4 A. YES, SIR.

5 Q. AND IT SAYS YOU HAVE THE RIGHT TO REMAIN
6 SILENT, DON'T IT?

7 A. YES, SIR.

8 Q. ANYTHING YOU SAY CAN AND WILL BE USED
9 AGAINST YOU IN A COURT OF LAW?

10 A. YES, SIR.

11 Q. YOU HAVE A RIGHT TO TALK TO THE LAWYER AND
12 HAVE HIM PRESENT WHILE YOU ARE BEING QUESTIONED. IT
13 SAYS THAT, DOESN'T IT?

14 A. YES, SIR.

15 Q. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE
16 WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY
17 QUESTIONS IF YOU WISH ONE. RIGHT?

18 A. YES, SIR.

19 Q. IF YOU DESIRE TO MAKE A STATEMENT OR
20 ANSWER QUESTIONS, YOU HAVE THE RIGHT TO STOP AT ANY
21 TIME. RIGHT?

22 A. YES, SIR.

23 Q. AND THEN DOWN UNDER THAT IT SAYS "THIS IS
24 TO CERTIFY THAT THE ABOVE RIGHTS HAVE BEEN EXPLAINED
25 TO ME AND THAT I UNDERSTAND THE RIGHTS AS THEY HAVE

1 BEEN EXPLAINED TO ME. RIGHT?

2 A. YES, SIR.

3 Q. AND THEN YOUR SIGNATURE IS UNDER THAT?

4 A. YES, SIR.

5 Q. OKAY. AND YOUR NAME IS LEROY STATON?

6 A. YES, SIR.

7 Q. YOU LIVE AT [REDACTED],

8 [REDACTED], SOUTH CAROLINA?

9 A. NO, SIR. [REDACTED].

10 Q. THAT'S WHAT I SAID. [REDACTED],

11 [REDACTED].

12 A. IT'S NOT [REDACTED].

13 Q. WHAT IS IT?

14 A. IT'S -- IT'S [REDACTED],

15 [REDACTED].

16 Q. WELL, I MISREAD IT. I APOLOGIZE. THE
17 ADDRESS IS [REDACTED], [REDACTED], SOUTH
18 CAROLINA?

19 A. YES, SIR.

20 Q. DATE OF BIRTH, [REDACTED]?

21 A. YES, SIR.

22 Q. HEIGHT 5'7", WEIGHT 210. EYES BROWN, HAIR
23 BLACK. RIGHT?

24 A. YES, SIR.

25 Q. SOCIAL SECURITY NUMBER [REDACTED].

25 O. ABOUT HOW MANY TIMES DO YOU THINK YOU'VE

BEEN THERE?

A. OVER WHAT PERIODS OF TIME ARE YOU TALKING ABOUT?

Q. LET'S SAY OVER -- FOR THE YEAR LEADING UP TO THIS MURDER. FROM -- FROM JANUARY OF 1994 UNTIL DECEMBER OF 1994.

A. MAYBE ABOUT SIX OR SEVEN TIMES.

Q. WELL, WHY DID YOU TELL YOUR LAWYER THAT YOU HAD ONLY BEEN THERE ONE TIME AND THAT WAS IN SEPTEMBER AND THAT THE ONLY OTHER TIME YOU WERE EVEN ON THAT ROAD WAS WHEN YOU HAD THAT COUCH ON THAT ORANGE TRUCK?

A. THAT WAS DURING THE PERIOD OF TIME HE WAS TALKING ABOUT IN NOVEMBER.

Q. OH. SO YOU'RE SAYING -- WELL, NO, YOU SAID YOU WENT THERE IN SEPTEMBER. HE DIDN'T EVER ASK YOU ABOUT NOVEMBER. HE ASKED YOU HAD YOU BEEN THERE. YOU SAID NO, THAT YOU HAD ONLY BEEN THERE ONE TIME AND THE ONLY OTHER TIME YOU WERE ON THAT ROAD WAS WHEN YOU HAD THAT ORANGE TRUCK WITH THE COUCH ON IT. ISN'T THAT WHAT YOU SAID?

A. YES, SIR.

Q. THAT'S NOT TRUE, THOUGH, IS IT? YOU WERE DOWN THERE A GOOD BIT, JUST LIKE YOU SAID, SIX OR SEVEN TIMES. RIGHT? AND YOU DON'T REALLY REMEMBER

1 WHAT THE DATE WAS THAT Y'ALL ATE THEM PIG FEET, DO
2 YOU?

3 A. YES, I REMEMBER.

4 Q. YOU REMEMBER. YOU REMEMBER THAT YOU ATE
5 PIG FEET IN SEPTEMBER. RIGHT?

6 A. THAT'S WHEN WE COOKED THEM.

7 Q. SEPTEMBER?

8 A. YES, SIR.

9 Q. BUT JUST HAPPENED SO THEY WERE HAVING PIG
10 FEET IN NOVEMBER WHEN THEY HAD THE GIRL UP THERE.
11 RIGHT? COINCIDENCE; RIGHT?

12 A. I WASN'T DOWN THERE IN NOVEMBER.

13 Q. WASN'T DOWN THERE IN NOVEMBER. SO YOU ATE
14 YOUR PIG FEET IN SEPTEMBER. RIGHT?

15 A. THE ONLY ONE WAS COOKED WAS IN SEPTEMBER
16 THAT I KNOW ABOUT.

17 Q. ALL RIGHT. SO THE ONLY PIG FEET YOU KNOW
18 ABOUT BEING COOKED WAS COOKED IN SEPTEMBER?

19 A. YES, SIR.

20 Q. SO THEY COULDN'T HAVE HAD NO PIG FEET UP
21 THERE IN NOVEMBER. RIGHT?

22 A. I WOULDN'T KNOW BECAUSE I WASN'T THERE.

23 Q. WASN'T THERE IN NOVEMBER. YOU WEREN'T
24 THERE BECAUSE THE GIRL WAS IN THERE IN NOVEMBER, SO
25 YOU DON'T WANT TO BE THERE IN NOVEMBER. RIGHT? YOU

WANT TO BE THERE IN SEPTEMBER. RIGHT?

A. I DIDN'T KNOW NO GIRL BACK THERE IN NOVEMBER.

Q. YOU DIDN'T KNOW ABOUT THE GIRL BACK THERE
IN NOVEMBER?

A. NO, I DIDN'T KNOW THEY WAS THERE IN NOVEMBER.

Q. WE'LL COME TO THAT IN A MINUTE. BUT FIRST, LET'S TALK ABOUT THAT ORANGE TRUCK AND THAT COUCH YOU'RE TALKING ABOUT. DIDN'T YOU TELL YOUR LAWYER THAT YOU HAD THAT ORANGE TRUCK AND THAT YOU WERE HAULING A COUCH?

A. I SAID I WENT TO PICK UP A COUCH FOR ROBERT.

Q. FROM ROBERT WHO?

A. I WENT AND PICKED UP ONE FOR ROBERT GRAHAM.

Q. YOU WENT AND PICKED UP A COUCH FOR ROBERT GRAHAM?

A. YES, SIR.

Q. THE SAME ROBERT GRAHAM SITTING OVER HERE.
RIGHT?

A. YES, SIR.

Q. NO QUESTION ABOUT THAT, IS THERE?

A. THAT'S THE ONE I PICKED THE COUCH UP FOR.

1 Q. PICKED THE COUCH UP FOR HIM IN THAT ORANGE
2 TRUCK THAT DANNY DAVIS TALKED ABOUT. RIGHT? HUH?

3 A. I DON'T KNOW NOTHING ABOUT HIM TALKING
4 ABOUT MY TRUCK.

5 Q. WHEN DANNY DAVIS SAID THAT THERE WAS AN
6 ORANGE TRUCK, WAS THAT NOT TRUE? YOU DO HAVE AN
7 ORANGE TRUCK, DON'T YOU?

8 A. YES, SIR.

9 Q. ALL RIGHT. SO AIN'T NO QUESTION ABOUT THE
10 FACT THAT YOU'VE GOT AN ORANGE TRUCK. RIGHT?

11	A.	RIGHT.

12 Q. NOW, YOU DIDN'T HAPPEN TO TAKE THIS COUCH
13 THAT YOU GOT FOR ROBERT GRAHAM AND PUT IT ON THE
14 PORCH AT THAT ABANDONED HOUSE, DID YOU?

15 A. NO, SIR.

16 Q. WELL, HOW DID THE COUCH GET ON THE PORCH
17 OF THE ABANDONED HOUSE?

18 A. I WENT AND PICKED THE COUCH UP FOR ROBERT
19 TO TAKE TO HIS TRAILER. HIS UNCLE GAVE HIM A COUCH.

20 Q. HIS UNCLE GAVE HIM A COUCH AND YOU PICKED
21 IT UP FROM HIS UNCLE AND YOU TOOK IT TO ROBERT'S
22 TRAILER. IS THAT WHAT YOU'RE SAYING?

23 A. YES, SIR.

24 Q. BUT YOU DIDN'T TAKE IT TO THE ABANDONED
25 HOUSE?

A. NO, SIR.

Q. AND PUT IT ON THE PORCH? YOU DIDN'T?

A. NO, SIR.

Q. WELL, DO YOU KNOW HOW THAT COUCH GOT ON THE PORCH OF THAT ABANDONED HOUSE, HOW A COUCH GOT ON THAT PORCH?

A. NO, SIR.

Q. YOU DON'T KNOW. NOW, JEFFREY IS YOUR
COUSIN?

A. HE'S NO RELATION TO ME.

Q. Y'ALL ARE NOT RELATED?

A. NO, SIR.

Q. AT ALL?

A. NO, SIR.

Q. BUT Y'ALL ARE BUDDIES? ARE Y'ALL BUDDIES,
YOU AND JEFFREY?

A. NO, SIR.

Q. JEFFREY GRAHAM, I'M TALKING ABOUT.

A. NO, SIR.

Q. YOU DON'T LIKE HIM?

A. I JUST -- I MEAN, I AIN'T GOT NOTHING AGAINST HIM, BUT WE AIN'T BUDDIES.

Q. OKAY. YOU KNEW HIS SISTER. RIGHT?

A. I'VE SEEN THEM BEFORE.

Q. AND WHERE HAVE YOU SEEN HIS SISTER AT?

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1 A. I SAW HER TO THE STORE IN GIBSON.

2 Q. WERE Y'ALL FRIENDS?

3 | A. NO, SIR.

4 Q. WELL, WHY WOULD YOU BE GOING TO HER HOUSE

5 | TO VISIT?

6 A. I HADN'T BEEN TO HER HOUSE.

7 Q. YOU HADN'T BEEN THERE?

8 | A. NO, SIR.

9 Q. SO YOU NEVER WENT THERE TO SEE HER?

10	A. NO, SIR.

11 Q. YOU NEVER WENT THERE WITH RINGO?

12 A. NO, SIR.

13 Q. YOU AND RINGO NEVER WENT THERE TO SEE HER?

14 A. NO, SIR.

15 Q. WELL, DID YOU TELL JEFFREY WE GOT US A GAL

16 UP THERE, COME ON AND GET YOU A PIECE?

17 | A. NO, SIR.

18 Q. YOU DIDN'T TELL HIM THAT?

19	A. NO, SIR.

20 Q. WHY DO YOU THINK THAT JEFFREY WOULD MAKE

21 UP SOMETHING ON YOU WHEN YOU SAY Y'ALL ARE NOT

22 ENEMIES? Y'ALL HADN'T HAD NO BAD BLOOD OR ANYTHING.

23 WHY WOULD HE WANT TO MAKE SOMETHING UP ON YOU? DO

24 YOU KNOW WHY HE WOULD WANT TO DO THAT?

25 A. I SURELY DON'T. I DON'T KNOW WHY ANYBODY

ELSE WOULD WANT TO MAKE UP SOMETHING ON ME.

Q. STRANGE, ISN'T IT?

A. YEAH, IT SURE IS.

Q. OUT OF ALL OF THE PEOPLE IN THE WHOLE WORLD, WHY DO YOU THINK HE PICKED YOU?

A. I DON'T KNOW.

Q. YEAH. NOW, YOU -- YOU KNOW FOX ANN?

A. YES, SIR.

Q. WHAT'S HER REAL NAME?

A. WHAT'S MY REAL NAME?

Q. NO. WHAT'S FOX ANN'S REAL NAME?

A. MARILYN BENNETT. I THINK THAT'S HER REAL NAME. I'M NOT FOR SURE.

Q. ALL RIGHT.

A. BUT I JUST KNOW HER BY THE NAME FOX ANN.

Q. DO YOU REMEMBER JANUARY 24TH OF 1995 BEING UP THERE AT YOUR GOOD BUDDY ROBERT GRAHAM AND RICKY STUCKEY'S HOUSE WHEN THE POLICE BROUGHT JEFFREY GRAHAM BY?

A. I'VE NEVER BEEN UP THERE WHEN THE POLICE BROUGHT JEFFREY GRAHAM UP THERE.

Q. YOU DENY THAT YOU WERE AT THAT TRAILER WITH FOX ANN WITH RICKY STUCKEY, WITH ROBERT GRAHAM, WITH BOBBY RANSOM AND LEE SLOAN ON JANUARY 24, 1995 WHEN THE POLICE BROUGHT ROBERT GRAHAM AND DROPPED HIM

1 OFF BECAUSE HE HAD BEEN TALKING TO THEM?

2 A. YES, SIR, BECAUSE MY SON HAD NEVER BEEN UP
3 TO THAT TRAILER, NOT THAT I KNOWS OF.

4 Q. I'M NOT ASKING YOU -- I'M ASKING YOU ABOUT
5 YOU. I'M ASKING YOU WERE YOU THERE ON JANUARY 24TH,
6 WHEN THEY BROUGHT HIM BACK?

7 A. OF '95?

8 Q. YES, SIR.

9 A. YES, SIR.

10 Q. ALL RIGHT. SO WHAT YOU SAID JUST NOW
11 WASN'T TRUE. YOU WERE THERE, WEREN'T YOU?

12 A. YES, SIR.

13 Q. ALL RIGHT. AND YOU WERE THERE BECAUSE
14 Y'ALL HAD FOUND OUT THAT JEFFREY GRAHAM WAS TALKING
15 TO THE POLICE AND Y'ALL WERE GETTING TOGETHER BECAUSE
16 YOU WERE ALL CONCERNED ABOUT IT, WEREN'T YOU? WHAT
17 IS HE TELLING THEM?

18 A. NO, SIR. THE REASON I WAS THERE WAS
19 BECAUSE I WENT UP THERE TO PUT AN ALTERNATOR ON
20 ROBERT'S CAR.

21 Q. OH. OH. SO JUST HAPPENED COINCIDENCE
22 AGAIN. RIGHT? YOU JUST HAPPENED TO BE THERE WHEN
23 THEY HAPPENED TO BRING 'OL ROBERT GRAHAM BACK TO DROP
24 HIM OFF. YOU HAPPENED TO BE THERE FIXING AN
25 ALTERNATOR. RIGHT?

1 A. I WAS THERE WHEN THEY CAME TO PICK HIM UP.
2 I WASN'T THERE WHEN THEY DROPPED HIM OFF.

3 Q. ALL RIGHT. WHEN THEY CAME TO PICK HIM UP.
4 WELL, THERE WAS A DISCUSSION IN THAT HOUSE, WASN'T
5 THERE? THERE WASN'T ANY DISCUSSION IN THAT HOUSE
6 ABOUT WHAT HAD HAPPENED AND WHAT Y'ALL WERE GOING TO
7 TELL THE POLICE?

8 A. NO, SIR. THERE WASN'T NO DISCUSSION ABOUT
9 WHAT HAPPENED BECAUSE WE DIDN'T EVEN KNOW WHAT THE
10 POLICE CAME UP THERE TO PICK ROBERT UP FOR.

11 Q. OH, COME ON, NOW. COME ON, NOW. THE
12 POLICE DRIVE UP THERE -- ALL OF Y'ALL GET UP IN THAT
13 LITTLE MOBILE HOME, THE POLICE DRIVE UP THERE, CALL
14 ROBERT OUTSIDE TO TELL HIM TO GET IN THAT CAR AND
15 NOBODY KNOWS WHY HE'S GOING DOWN THERE?

16 A. NO, I DIDN'T KNOW WHY THEY CAME UP THERE
17 TO GET HIM.

18 Q. SO YOU THOUGHT IT WAS EASTER AND THEY CAME
19 TO GET HIM FOR THE BUNNY. RIGHT?

20 A. THAT'S WHAT YOU SAY.

21 Q. AFTER THEY TOOK ROBERT AND PUT HIM IN THE
22 CAR -- I'M SORRY, JEFFREY AND PUT HIM IN THE CAR, YOU
23 AND ROBERT HAD A CONVERSATION, DIDN'T YOU?

24 MR. LAWSON: OBJECTION, YOUR HONOR. WE
25 NEED TO GO OFF -- THE JURY NEEDS TO GO OUT ON THIS.

1 THE COURT: AT THIS POINT, I'LL PERMIT HIM
2 TO SAY --

3 MR. LAWSON: YOUR HONOR.

4 THE COURT: -- A CONVERSATION. WAIT A
5 MINUTE. DON'T ARGUE WITH ME. I'LL SEE WHERE HE'S
6 GOING WITH THAT. HE'S ENTITLED TO ASK THAT SIMPLE
7 QUESTION.

8 MR. LAWSON: YOUR HONOR, HE HAS REPEATEDLY
9 DURING THIS CROSS-EXAMINATION INVOLVING SOME DATE ON
10 JANUARY 24TH, 1995 SAID WHEN THEY BROUGHT JEFFREY
11 GRAHAM DOWN THERE, WHEN THEY PICKED UP ROBERT GRAHAM,
12 WHEN THEY PICKED UP JEFFREY GRAHAM. IS THAT
13 JEFFREY -- NOW, IS IT JEFFREY GRAHAM OR ROBERT GRAHAM
14 HE'S TALKING ABOUT OR IS IT BOTH?

15 THE COURT: HAVE A SEAT AND I'LL LET HIM
16 CLARIFY IT FOR YOU. GO AHEAD, SOLICITOR.
17 BY MR. WILSON:

18 Q. JEFFREY GRAHAM. SO IT'S ABSOLUTELY
19 UNMISTAKABLY CLEAR, JEFFREY GRAHAM, YOUR GOOD FRIEND.
20 AND ROBERT GRAHAM WAS THE OWNER AND RESIDENT OF THIS
21 HOUSE, THAT MOBILE HOME THAT YOU WERE UP THERE
22 HANGING OUT AT FIXING THAT ALTERNATOR. RIGHT?

23 MR. LAWSON: OBJECTION, YOUR HONOR.
24 THERE'S NO EVIDENCE OF THE OWNERSHIP.

25 THE COURT: HE'S ASKING THE QUESTION. I

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1 DON'T KNOW WHETHER IT IS OR NOT. IT'S FOR THE JURY
2 TO DETERMINE. HE'S ENTITLED TO ASK THE QUESTION. GO
3 AHEAD.

4 BY MR. WILSON:

5 Q. WHOSE HOUSE WAS IT THAT YOU WENT UP THERE
6 TO FIX THAT ALTERNATOR AT?

7 A. ROBERT'S HOUSE.

8 Q. ROBERT'S HOUSE. SAME 'OL ROBERT GRAHAM
9 SITTING RIGHT THERE. RIGHT? AIN'T NO QUESTION ABOUT
10 THAT, IS THERE?

11 A. NO, SIR.

12 Q. THAT'S WHERE HE STAYED. SO HE LEFT,
13 JEFFREY GRAHAM. YOU'RE THERE. JEFFREY GRAHAM IS
14 THERE WHEN THE POLICE COME TO GET HIM. RIGHT? WHAT
15 DO Y'ALL TALK ABOUT AFTER HE GOT IN THAT CAR AND
16 DRIVES OFF WITH THE POLICE, YOU AND ROBERT, FOX ANN,
17 RICKY STUCKEY? Y'ALL ARE STILL THERE. WHAT DO Y'ALL
18 TALK ABOUT THEN?

19 A. ROBERT GRAHAM WAS NOT THERE.

20 Q. WELL, YOU JUST SAID YOU WERE THERE WHEN
21 THE POLICE GOT JEFFREY, PUT HIM IN THE CAR AND TOOK
22 HIM AWAY.

23 A. I SAID ROBERT GRAHAM. I DID NOT SAY
24 JEFFREY.

25 Q. OH, SO NOW YOU'RE SAYING THE POLICE DIDN'T

1 GET JEFFREY. THEY GOT ROBERT. IS THAT WHAT YOU'RE
2 SAYING?

3 A. THAT'S WHO THEY PICKED UP.

4 Q. SO THEY GOT ROBERT AND THEY TOOK ROBERT
5 OFF. RIGHT?

6 A. YEAH.

7 Q. AND THAT LEFT YOU AND FOX ANN AND WHO ELSE
8 THERE?

9 A. RICKY.

10 Q. RICKY AND WHO ELSE?

11 A. THAT WAS ALL.

12 Q. ALL RIGHT. WELL, WHAT DID Y'ALL TALK
13 ABOUT THEN AFTER THEY GOT ROBERT, NOT --

14 A. WHAT WAS THERE TO TALK ABOUT? WE DIDN'T
15 KNOW WHAT THEY CAME AND GOT ROBERT FOR. I DIDN'T.

16 Q. YOU DIDN'T KNOW WHAT THEY GOT HIM FOR?

17 A. NO, SIR.

18 Q. ALL RIGHT. Y'ALL WEREN'T CONCERNED ABOUT
19 WHAT THEY GOT HIM FOR?

20 A. NO, SIR. I MEAN, I WAS WONDERING WHY THEY
21 CAME UP THERE AND PICKED ROBERT UP.

22 Q. BUT YOU DON'T REMEMBER ON JANUARY 24TH --
23 AND YOU'RE SAYING THAT WAS ON JANUARY 24TH THAT THEY
24 CAME AND GOT ROBERT GRAHAM. IS THAT WHAT YOU'RE
25 TELLING US?

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A. THAT'S WHAT YOU SAY.

Q. NO, I'M ASKING YOU A QUESTION. WHAT I ASKED YOU WAS DIDN'T THEY GET JEFFREY GRAHAM? YOU TOLD ME NO, THEY CAME AND GOT ROBERT GRAHAM. I'M ASKING YOU AGAIN, DO YOU DENY THAT THEY CAME THERE AND GOT JEFFREY GRAHAM ON JANUARY 24 OF 1995 AND YOU WERE THERE WITH THESE PEOPLE THAT I'VE LISTED?

THE COURT: WAIT A MINUTE. YES, SIR,
MR. MOORE.

MR. MOORE: HE'S ALREADY ANSWERED THAT QUESTION, YOUR HONOR.

THE COURT: NO, SIR. THIS IS
CROSS-EXAMINATION, MR. MOORE. I'M GOING TO GIVE HIM
THE SAME LATITUDE I GAVE Y'ALL. GO AHEAD.
BY MR. WILSON:

Q. TELL US WHICH ONE IT WAS. JANUARY 24, 1995, JUST TELL ME WHO IT WAS THAT THE POLICE CAME AND GOT.

A. ROBERT GRAHAM.

Q. ROBERT GRAHAM. AND THAT'S WHAT YOU SAY
AND YOU'RE CERTAIN OF THAT. RIGHT?

A. THAT'S RIGHT. THAT'S WHO.

Q. OKAY. NOW, WHAT DID Y'ALL TALK ABOUT?
AFTER THEY GOT ROBERT AND PUT HIM IN THE CAR, WHAT
DID Y'ALL TALK ABOUT?

A. YES, SIR.

Q. ALL RIGHT. SO HE CAN'T COME. RIGHT?

A. NO, SIR.

Q. ALL RIGHT. AND YOU GOT NO OTHER PROOF TO SHOW THAT YOU WORKED FOR HIM, DO YOU?

A. NO, SIR.

Q. ALL RIGHT. JUST YOUR WORD. RIGHT? BUT THE MOST IMPORTANT THING IS YOUR WIFE WAS WORKING SECOND SHIFT, WASN'T SHE?

A. MY WIFE HADN'T EVER WORKED SECOND SHIFT.

Q. YOUR WIFE WASN'T WORKING SECOND SHIFT IN NOVEMBER OF 1994? DO YOU DENY THAT?

A. NO, SIR. SHE AIN'T NEVER WORKED SECOND SHIFT.

Q. WHAT HOURS IS SECOND SHIFT?

A. WHAT YOU TALKING ABOUT? FROM 3:00 TO --

Q. I'M ASKING YOU WHAT SHIFT DID SHE WORK?

A. SHE WORKED FROM 7:00 TO 3:30.

Q. IN THE NIGHT OR DAY?

A. IN THE DAYTIME.

Q. IN 1994, WAS SHE WORKING THOSE HOURS?

A. YES, SIR.

Q. IN NOVEMBER?

A. YES, SIR.

Q. YOU'RE CERTAIN OF THAT?

1 A. I THINK -- YES, SIR. NOT UNLESS -- I KNOW
2 SHE HAD WENT TO 12-HOUR SHIFTS, BUT I KNOW SHE --

3 Q. THAT'S EXACTLY RIGHT. SHE WAS WORKING
4 12-HOUR SHIFTS DURING THAT PERIOD, WASN'T SHE? AND
5 SHE WAS GONE MOST OF THE TIME DURING THE NIGHT UNTIL
6 LATE, SO YOU WERE HOME BY YOURSELF, WASN'T YOU?

7 A. I'M NOT FOR SURE WHAT -- WHAT HOURS SHE
8 WAS WORKING, BUT I'M THINKING SHE WAS STILL WORKING
9 FROM 7:00 UNTIL 3:30.

10 Q. ALL RIGHT. HAD YOU EVER GONE TO JEFFREY
11 GRAHAM'S HOUSE THERE -- AND I SAID JEFFREY GRAHAM'S
12 HOUSE THIS TIME. NOT ROBERT. JEFFREY GRAHAM. DID
13 YOU EVER GO TO JEFFREY GRAHAM'S HOUSE EVER?

14 A. NO, SIR.

15 Q. NEVER IN YOUR LIFE BEEN TO JEFFREY
16 GRAHAM'S HOUSE?

17 A. NO, SIR.

18 Q. NEVER IN YOUR LIFE TALKED TO HIS SISTER AT
19 HIS HOUSE?

20 A. NO, SIR. NO MORE THAN SPEAKING TO HER.

21 Q. NEVER WENT THERE WITH RINGO?

22 A. NO, SIR.

23 Q. WELL, LET'S TALK ABOUT YOUR RELATIONSHIP
24 WITH RINGO NOW. YOU AND RINGO WERE KIND OF BUDDIES,
25 WEREN'T YOU?

A. NO, SIR.

Q. WELL, NOW, Y'ALL WORKED ON CARS TOGETHER,
DIDN'T YOU? HUH? COME ON, NOW.

A. ME AND RINGO NEVER WORKED ON NO CAR
TOGETHER.

Q. WHAT ABOUT THAT GARAGE YOU'VE GOT IN YOUR
BACKYARD? YOU AND RINGO NEVER WORKED ON A CAR IN THE
GARAGE?

A. NO, SIR.

Q. NEVER IN ALL OF THOSE YEARS. IN FACT, YOU
WERE HELPING HIM FIX HIS CAR.

A. I NEVER HELPED RINGO FIX NO CAR.

Q. NEVER HELPED RINGO FIX A CAR?

A. NO, SIR.

Q. DENY THAT?

A. I NEVER HAVE.

Q. WELL, YOU TOOK WOOD TO JEFFREY WALLS'
MAMA'S HOUSE, DIDN'T YOU?

A. TOOK WOOD?

Q. WOOD.

A. YES, SIR.

Q. YOU DON'T DENY THAT, DO YOU?

A. NO, SIR.

Q. SO YOU AND JEFFREY WALLS WERE GOOD BUDDIES
TOO. RIGHT?

1 A. I NEVER KNOWED JEFFREY WALLS.

2 Q. YOU DIDN'T KNOW JEFREY WALLS, BUT YOU WERE
3 HAULING WOOD UP TO HIS MAMA'S HOUSE?

4 A. I DIDN'T KNOW JEFFREY WALLS.

5 Q. HUH? WELL, HE LIVED WITH HIS MAMA, DIDN'T
6 HE? AND YOU WERE TAKING HIS MAMA WOOD THERE.

7 A. DOES THAT MEAN I'VE GOT TO KNOW HIM
8 BECAUSE I CARRIED A LOAD OF WOOD THERE?

9 Q. SO YOU DON'T KNOW JEFFREY WALLS?

10 A. NO, SIR.

11 Q. ALL RIGHT. NOW, YOU AND RINGO, Y'ALL ARE
12 COUSINS, AREN'T YOU?

13 A. YES, SIR.

14 Q. BUT Y'ALL AREN'T FRIENDS?

15 A. WELL, YOU KNOW, WE'RE NOT -- WE'RE
16 COUSINS, BUT NO, WE'RE NOT FRIENDS.

17 Q. ALL RIGHT. YOU BARELY KNOW HIM TOO.
18 RIGHT?

19 A. I'VE BEEN KNOWING HIM ALL OF MY LIFE.
20 WHAT YOU MEAN, I BARELY KNOW HIM?

21 Q. WELL, YOU SAID Y'ALL AREN'T FRIENDS, NEVER
22 WORKED ON NO CAR TOGETHER AND YOU AIN'T DONE THIS
23 TOGETHER AND YOU AIN'T DONE THAT TOGETHER, BUT NOW
24 YOU'RE COUSINS. RIGHT?

25 A. WE'VE BEEN COUSINS ALL OF OUR LIVES.

1 Q. COUSINS ALL OF YOUR LIFE. HOW FAR DID HE
2 GROW UP FROM YOU? HOW FAR WAS HIS HOUSE FROM YOUR
3 HOUSE WHEN Y'ALL WERE GROWING UP? HALF A MILE,
4 QUARTER OF A MILE?

5 A. I DON'T KNOW. MAYBE TWO MILES. SOMETHING
6 LIKE THAT.

7 Q. BUT Y'ALL DIDN'T -- WEREN'T FRIENDS,
8 DIDN'T DO ANYTHING TOGETHER OR LAYING OUT TOGETHER?

9 A. NO, SIR. I DON'T HANG OUT WITH KIDS.

10 Q. IN FACT, YOU DON'T KNOW NONE OF THESE
11 FELLOWS OVER HERE, DID YOU? YOU DON'T KNOW ANY OF
12 THESE PEOPLE, ALL OF THESE STRANGE FOLKS IN HERE WITH
13 YOU. RIGHT? HUH?

14 A. YEAH, I KNOW THEM.

15 Q. WELL, NOW, MS. LETHA, THAT IS YOUR
16 GRANDMA -- IS YOUR MAMA.

17 A. YES, SIR. THAT'S MY MOTHER.

18 Q. WELT, NOW, ALFONZO HAS GOT TO BE YOUR
19 COUSIN?

20 A. YES, SIR.

21 Q. BECAUSE Y'ALL HAVE GOT THE SAME LAST NAME.
22 RIGHT?

23 A. YES, SIR.

24 Q. AND ROBERT IS YOUR COUSIN?

25 A. YES, SIR.

1 Q. ALL RIGHT. AND WHAT ABOUT RICKY STUCKEY?
2 IS HE YOUR COUSIN?

3 A. YES, SIR.

4 Q. AND JEFF, YOU KNOW JEFF WALLS -- YOU KNOW
5 JEFF WALLS OVER THERE. RIGHT?

6 A. YES, SIR.

7 Q. ALL RIGHT. WELL, NOW, YOU JUST TOLD ME
8 YOU DIDN'T KNOW JEFF.

9 A. I MEAN I DIDN'T KNOW HIM. THE ONLY REASON
10 I MET HIM IS SINCE I'VE BEEN IN JAIL. I KNOW HIM.
11 I'VE BEEN IN THE DETENTION CENTER WITH HIM.

12 Q. WELL, NOW, HE WASN'T IN THE DETENTION
13 CENTER WHEN YOU WERE HAULING THAT WOOD OVER THERE,
14 WERE YOU -- WAS HE?

15 A. NO, SIR.

16 Q. ALL RIGHT. NOW, LET ME ASK YOU ABOUT
17 RANSOM AND DAVIS. YOU KNEW BOTH OF THEM. RIGHT?

18 A. I'VE SEEN THEM.

19 Q. YOU'VE SEEN THEM?

20 A. YEAH.

21 Q. SO YOU DIDN'T KNOW THEM EITHER?

22 A. I DON'T KNOW THEM PERSONALLY, NO.

23 Q. WELL, I THOUGHT YOU TOLD YOUR LAWYER THAT
24 YOU MET THEM IN SEPTEMBER UP THERE AT THAT PIG FEET
25 COOKOUT.

1 A. I SAID I SEEN THEM. I DIDN'T SAY I MET
2 THEM. YOU KNOW, NOT TO HAVE NO CONVERSATIONS WITH
3 THEM OR NOTHING LIKE THAT.

4 Q. SO YOU DIDN'T HAVE A CONVERSATION WITH
5 THEM. YOU JUST KIND OF SAW THEM?

6 A. I SAW THEM UP THERE, YES, SIR.

7 Q. AND NEVER SAW THEM AGAIN BEFORE YOU GOT
8 ARRESTED AND PUT IN JAIL FOR THIS THING. RIGHT?

9 A. NO, SIR.

10 Q. NO, SIR, YOU DIDN'T OR NO, SIR, YOU DID
11 SEE THEM AGAIN? WHICH IS IT?

12 A. I DID NOT SEE THEM.

13 Q. NEVER SAW THEM AGAIN?

14 A. NO, SIR.

15 Q. SO YOU MET THEM ONE TIME IN YOUR WHOLE
16 LIFE, WHICH WAS SEPTEMBER AT A PIG FOOT COOKOUT. AND
17 ALL OF A SUDDEN, THEY ARE SAYING YOU WERE WITH THEM
18 ALL OF THESE OTHER TIMES DOING ALL OF THESE OTHER
19 THINGS?

20 A. YEAH.

21 Q. OF ALL OF THE PEOPLE, WHY DO YOU THINK
22 THEY WOULD PICK YOU? HAVE YOU GOT ANY IDEA ABOUT IT?

23 A. NO, I DON'T HAVE NO IDEA ABOUT THAT, BUT
24 THE ONLY REASON I -- LIKE I TOLD MY LAWYER, THE ONLY
25 REASON I THINK THEY PICKED ME IS SOMETHING THE LAW

1 ENFORCEMENT HAD TO DO WITH IT. THEY DON'T KNOW
2 NOTHING ABOUT ME.

3 Q. SO YOU THINK THE POLICE TOLD THEM GET 'OL
4 LEROY STATON. LET'S GET HIM.

5 A. YEAH.

6 Q. HE'S A GOOD ONE. WE'LL GET LEROY. RIGHT?
7 HUH?

8 A. SOMETHING LIKE THAT, I GUESS.

9 Q. SOMETHING LIKE THAT. THAT'S A GOOD OF
10 STORY AS ANY, ISN'T IT?

11 A. I KNOW THEY DON'T KNOW ANYTHING ABOUT ME.

12 Q. YEAH. BUT LET ME SHOW YOU THESE PICTURES,
13 STATE'S EXHIBIT NUMBER 6. LOOK AT THAT. TAKE IT.
14 LAST TIME YOU SAW DARLENE, WAS SHE LIKE THAT?

15 A. I NEVER SAW DARLENE PATTERSON A DAY IN MY
16 LIFE.

17 Q. NEVER SAW DARLENE PATTERSON A DAY IN YOUR
18 LIFE?

19 A. NO, SIR. NEVER HAVE.

20 Q. NEVER HAVE. AND YOU DIDN'T HAUL HER DOWN
21 TO THAT BRIDGE WITH THESE OTHER FELLOWS OVER THERE,
22 EXCEPT ROBERT, SO WE CAN BE CLEAR HERE.

23 A. NO, SIR.

24 Q. EXCEPT FOR ROBERT. YOU DIDN'T HAUL HER
25 DOWN TO THAT BRIDGE AND THROW HER OFF IN THE WATER.

1 YOU DIDN'T DO THAT, DID YOU?

2 A. NO, SIR. WHAT WOULD POSSESS ME TO DO
3 SOMETHING LIKE THAT?

4 Q. WELL, THAT'S A GOOD QUESTION. AND I WOULD
5 LIKE TO HEAR THE ANSWER TO IT IF YOU WOULD WANT TO
6 TELL US.

7 A. I'M NOT CRAZY.

8 Q. YOU'RE NOT? YOU'RE JUST MEAN, AREN'T YOU?

9 A. I WOULDN'T BE THAT MEAN TO DO NOTHING LIKE
10 THAT.

11 Q. NO? YOU'RE NOT MEAN ENOUGH TO DO THAT?

12 A. I NEVER DONE NOTHING IN MY LIFE. WHY
13 WOULD I DO SOMETHING LIKE THAT NOW?

14 Q. LET'S TAKE A LOOK AT THESE TWO. TAKES A
15 PRETTY DISGUSTING PERSON TO DO SOMETHING LIKE THIS,
16 DOESN'T IT? NO QUESTION ABOUT THAT?

17 A. THAT'S THE TRUTH.

18 Q. STATE'S EXHIBIT NUMBER 5. LOOK AT IT.
19 BAD, ISN'T IT?

20 A. YES, IT IS. IT IS REALLY BAD.

21 Q. YOU WOULD AGREE WITH ME THAT ANYBODY WHO
22 WOULD DO THAT NEEDED TO BE CONVICTED OF MURDER?

23 A. YES, SIR. I AGREE WITH YOU ON THAT.

24 Q. SHOULD BE CONVICTED OF KIDNAPPING?

25 A. YES, SIR.

1 Q. SHOULD BE CONVICTED OF CRIMINAL SEXUAL
2 CONDUCT, SHOULDN'T THEY?

3 A. YES, SIR.

4 Q. SHOULD BE CONVICTED OF CRIMINAL
5 CONSPIRACY?

6 A. YES, SIR. ANYBODY THAT WOULD DO THAT.

7 Q. ANYBODY THAT WOULD DO THAT, JUST LIKE YOU.
8 RIGHT?

9 A. I HADN'T DONE THAT.

10 Q. HADN'T DONE THAT.

11 MR. WILSON: I DON'T THINK I HAVE ANY MORE
12 QUESTIONS.

13 THE COURT: ANY FURTHER REDIRECT FROM YOU,
14 MR. MOORE?

15 MR. MOORE: JUST A FEW, YOUR HONOR.

16 THE COURT: ALL RIGHT.

17 R E D I R E C T E X A M I N A T I O N
18 BY MR. MOORE:

19 Q. IS YOUR WIFE HERE IN COURT TODAY, LEROY?

20 A. YES, SIR.

21 Q. WOULD YOU ASK HER TO STAND UP FOR THE
22 RECORD?

23 A. HOW ABOUT STAND UP THERE. THAT'S MY WIFE
24 OVER THERE.

25 Q. ALL RIGHT. I WANT TO GET BACK TO NOVEMBER

1994.

A. YES, SIR.

Q. IT'S YOUR TESTIMONY THAT SHE WAS WORKING
FIRST SHIFT, 7:00 TO 3:30?

A. YES, SIR.

Q. SHE WAS HOME THEREAFTER?

A. YES, SIR.

Q. SHE SAW YOU AT ALL TIMES?

A. YES, SIR.

Q. ALL RIGHT. AND NO WAY IN HELL DID YOU
HAVE ANYTHING TO DO WITH THIS CRIME?

A. NO, SIR.

THE COURT: WAIT A MINUTE, NOW. THIS IS
YOUR WITNESS. YOU CAN'T DO THAT. YOU CAN ASK HIM A
QUESTION. DON'T MAKE A STATEMENT TO HIM. ASK HIM A
QUESTION. YOU CAN'T LEAD HIM.

BY MR. MOORE:

Q. THERE'S NO WAY WHATSOEVER --

THE COURT: WAIT A MINUTE. THAT'S
LEADING.

BY MR. MOORE:

Q. DID YOU HAVE ANYTHING WHATSOEVER TO DO
WITH THESE CRIMES?

A. NO, SIR.

THE COURT: ALL RIGHT. COME DOWN. DOES

1 THAT CONCLUDE THE QUESTIONING OF THIS WITNESS?

2 MR. PADGETT: YES, SIR.

3 MR. WILL ROGERS: NO QUESTIONS.

4 MR. LAWSON: THAT'S ALL.

5 MR. REDMOND: NO QUESTIONS.

6 MR. ERVIN: I HAVE NO QUESTIONS, YOUR
7 HONOR.

8 THE COURT: ALL RIGHT. YOU MAY COME DOWN.

9 MR. MOORE: I'VE GOT ONE MORE, YOUR HONOR.

10 THE COURT: IT'S 1:30. I THINK IT'S TIME
11 TO TAKE A BREAK FOR LUNCH. LADIES AND GENTLEMEN, WE
12 USUALLY COME BACK AT 1:00 AND LET YOU COME BACK AT
13 2:30. IT'S NOW 1:30, SO I'M GOING TO ASK THAT YOU
14 RETURN AT 3:00. THAT WILL GIVE YOU AN HOUR AND A
15 HALF TO HAVE A SUFFICIENT LUNCH.

16 REMEMBER MY ADMONITIONS, NOW. DON'T TALK
17 DISCUSS THE CASE WITH ANYONE, NOT EVEN AMONG
18 YOURSELVES. UNDER NO CIRCUMSTANCES LET ANYONE GET
19 CLOSE TO YOU WHO WANTS TO TALK ABOUT THIS CASE. IF
20 ANYBODY WHOMSOEVER SHOULD EVEN ATTEMPT TO TALK ABOUT
21 THIS CASE IN YOUR PRESENCE, YOU FIND OUT WHO THEY ARE
22 AND REPORT THAT BACK TO ME. NOW, EVERYBODY REMAIN
23 SEATED UNTIL THIS JURY RETIRES FROM THE COURTHOUSE.
24 SEE YOU BACK AT 3:00. THANK YOU.

25 (WHEREUPON, THE JURY WAS REMOVED

FROM THE COURTROOM AND THE
FOLLOWING PROCEEDINGS COMMENCED
IN OPEN COURT.)

MR. LAWSON: YOUR HONOR, I HAVE A MATTER
OF LAW I WOULD LIKE TO TAKE UP.

THE COURT: WE'LL BE GLAD TO DO THAT.
WHAT IS YOUR --

MR. LAWSON: YOUR HONOR, I AM AT THIS
POINT FACED WITH THE UNFORTUNATE POSITION OF HAVING
TO MOVE FOR A MISTRIAL, OR IN THE ALTERNATIVE FOR
SEVERANCE AS I HAVE REQUESTED NUMEROUS TIMES. THE
PROBLEM HAS BEEN CREATED BY THE CROSS-EXAMINATION OF
THIS WITNESS INVOLVING THE PICKING UP AND QUESTIONING
BY THE POLICE OF MY CLIENT WHICH DID IN FACT OCCUR ON
JANUARY THE 24TH, 1995. MY CLIENT, NOT JEFFREY
GRAHAM. I AM NOW PUT IN THE POSITION IN A CASE WHERE
I HAD CHOSEN AND MY CLIENT HAD CHOSEN NOT TO TESTIFY
TO REQUIRE US TO TESTIFY IN ORDER TO REMEDY THE
PROBLEM OF CLARIFYING THE FACT THAT ON JANUARY THE
24TH, IN 1995, MY CLIENT WAS PICKED UP AND QUESTIONED
BY THE POLICE.

THE COURT: WHAT'S YOUR RESPONSE, MR.
WILSON?

MR. WILSON: YOUR HONOR, MY RESPONSE IS
THIS. THIS WITNESS WAS PRESENT. WHETHER IT WAS

1 JEFFREY GRAHAM OR WHETHER IT WAS ROBERT GRAHAM WHO
2 WENT WITH THE POLICE IS TOTALLY IMMATERIAL. HE -- I
3 HAVE EVERY RIGHT TO ASK HIM WHO -- WHO WAS THERE WHEN
4 THIS OCCURRED. AND WHAT HE HAS TESTIFIED TO, HE SAID
5 IT WASN'T JEFFREY GRAHAM, THAT IT WAS ROBERT GRAHAM.
6 DOESN'T CHANGE ANYTHING. I STILL HAVE THE RIGHT TO
7 ASK HIM THAT QUESTION. WHO WAS THERE AND WHAT DID
8 THEY DISCUSS WHEN THAT -- WHEN THE POLICE TOOK
9 WHOEVER IT WAS AWAY, WHICH IS WHAT I WAS ASKING HIM
10 AND HE TESTIFIED ABOUT THAT.

11 THE COURT: YES, SIR. I OVERRULE THAT.

12 MR. LAWSON: YOUR HONOR, IT STILL -- IT'S
13 THE WHOLE SITUATION ALL OVER AGAIN OF BEING PAINTED
14 WITH THE SAME BRUSH. IN A CRIMINAL TRIAL OF THIS
15 MAGNITUDE, YOUR HONOR --

16 THE COURT: LET ME SAY THIS TO YOU. YOU
17 WERE GIVEN FULL OPPORTUNITY TO CROSS-EXAMINE THIS
18 WITNESS ON THAT ISSUE AND ANY OTHER WITNESSES. NOW,
19 MR. LAWSON, I'VE RULED OBVIOUSLY FOR ABOUT THE 15TH
20 TIME I'M NOT GOING TO SEVER THESE CASES AND YOUR
21 POINT IS NOT WELL TAKEN. WE ARE IN RECESS UNTIL
22 3:00. THANK YOU.

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

25 (END OF VOLUME 8.)

CERTIFICATE OF REPORTER

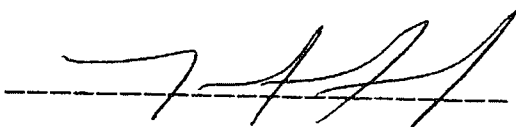
STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

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

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

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


MARK W. HAGOOD, RPR

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 NINE

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: ALL RIGHT. YOU MAY REST IN
2 THE PRESENCE OF THE JURY. AS I UNDERSTAND, YOU HAVE
3 NO FURTHER WITNESSES?

4 MR. MOORE: WE REST, YOUR HONOR.

5 THE COURT: WE'LL TAKE YOU OUT OF ORDER
6 AND WE'LL GO BACK NOW TO MR. PADGETT AND MR. ROGERS.
7 BRING THE JURY IN.

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

12 THE COURT: THE JURY IS PRESENT. ALL
13 DEFENDANTS ARE PRESENT. MR. MILTON MOORE, IN DEFENSE
14 OF LEROY STATON, WE WERE AT THAT ASPECT OF THE CASE
15 WHEN WE BROKE FOR LUNCH. DOES HE HAVE ANY OTHER
16 WITNESSES TO PRESENT?

17 MR. MOORE: NO, SIR, YOUR HONOR. WE REST.

18 THE COURT: ALL RIGHT. THEN WE'LL RETURN
19 NOW TO THE REGULAR ORDER. NEXT WOULD BE MR. PADGETT
20 OR MR. ROGERS ON BEHALF OF MR. RICKY STUCKEY.

21 MR. ROGERS: THANK YOU, YOUR HONOR. THE
22 DEFENSE WOULD CALL MYRA BENNETT.

23 THE CLERK: COME ON AROUND HERE. PLEASE
24 COME AROUND AND PLACE YOUR LEFT HAND ON THE BIBLE.
25 RAISE YOUR RIGHT HAND AND BE SWORN. PLEASE STATE

1 YOUR FULL NAME FOR THE RECORD.

2 THE WITNESS: MYRA BENNETT.

3 MYRA BENNETT,

4 HAVING BEEN FIRST DULY SWORN BY THE CLERK OF COURT,

5 TESTIFIED AS FOLLOWS:

6 DIRECT EXAMINATION

7 BY MR. ROGERS:

8 Q. WOULD YOU STATE YOUR NAME FOR THE RECORD?

9 A. MYRA BENNETT.

10 Q. MS. BENNETT, WHERE DO YOU LIVE?

11 A. I LIVE IN GIBSON.

12 Q. AND HOW LONG HAVE YOU LIVED THERE?

13 A. FOR ABOUT THREE OR FOUR YEARS.

14 Q. ARE YOU EMPLOYED?

15 A. PART-TIME.

16 Q. OKAY. WHAT KIND OF WORK DO YOU DO?

17 A. I HAUL GLASS FOR METZER.

18 Q. DO YOU HAVE A NICKNAME?

19 A. FOX ANN.

20 Q. FOX ANN. OKAY. DO YOU KNOW THE DEFENDANT
21 IN THIS CASE, RICKY STUCKEY?

22 A. YES.

23 Q. AND HOW LONG HAVE YOU BEEN KNOWING HIM?

24 A. ALL OF MY LIFE.

25 Q. OKAY. BACK IN NOVEMBER OF 1994, DID YOU

1 AND RICKY HAVE A RELATIONSHIP?

2 A. YES, SIR.

3 Q. AND HOW OFTEN WOULD YOU SEE HIM?

4 A. PROBABLY I KNOW TWO OR THREE TIMES A WEEK.

5 Q. OKAY. AND WOULD YOU EVER GO TO WHERE HE
6 LIVED?

7 A. YES.

8 Q. WOULD HE EVER COME TO YOUR HOUSE?

9 A. YES.

10 Q. BACK IN NOVEMBER, YOU SAID YOU HAD BEEN
11 GOING TO THE TRAILER APPROXIMATELY THREE OR FOUR
12 TIMES A WEEK?

13 A. YES.

14 Q. DID YOU EVER GO OVER THERE ONE TIME WHEN
15 THEY WERE COOKING PIG FEET?

16 A. I WENT THERE WHEN THEY WERE COOKING.

17 Q. COOKING?

18 A. YES, I CAN'T TELL --

19 Q. DO YOU REMEMBER WHEN THAT WAS?

20 A. NO.

21 Q. WOULD IT HAVE BEEN IN NOVEMBER OR
22 SEPTEMBER OR OCTOBER? DO YOU HAVE ANY RECOLLECTION
23 AS TO WHEN YOU WENT OVER --

24 A. I'M NOT SURE.

25 Q. THEY WERE COOKING PIG FEET?

1 A. I'M NOT SURE.

2 Q. OKAY. WHEN YOU WENT OVER TO HIS TRAILER
3 NORMALLY, WOULD YOU NORMALLY STAY THERE OR WOULD YOU
4 NORMALLY GO BACK TO YOUR -- YOUR PLACE?

5 A. NORMALLY?

6 Q. OR WAS THERE ANYTHING NORMAL? I MEAN,
7 WOULD THERE BE TIMES THAT YOU WOULD STAY WITH HIM?

8 A. YES.

9 Q. AND WOULD THERE BE TIMES THAT HE WOULD
10 STAY WITH YOU?

11 A. YES.

12 Q. DO YOU REMEMBER ON THE DAY OF THE PIG FOOT
13 PARTY OR COOKING PIG FEET Y'ALL SPENT THE NIGHT THAT
14 NIGHT TOGETHER?

15 A. I'M NOT SURE.

16 Q. OKAY. SO YOU DON'T KNOW. YOU MAY HAVE,
17 BUT YOU JUST DON'T REMEMBER?

18 A. RIGHT.

19 Q. NOW, WHEN WAS THE FIRST TIME THAT YOU
20 HEARD ABOUT THE DEATH THAT'S INVOLVED IN THIS CASE?

21 A. ABOUT -- IT WAS EITHER THE DAY -- THE
22 NIGHT OF THANKSGIVING, THAT AFTERNOON OR THE DAY
23 AFTER.

24 Q. OKAY. WAS THERE TALK IN THE NEIGHBORHOOD
25 ABOUT IT?

1 A. YES.

2 Q. OKAY. DID THE POLICE EVER TALK TO YOU
3 ABOUT THIS CASE?

4 A. YES.

5 Q. HOW MANY TIMES?

6 A. ABOUT 15.

7 Q. AND THAT WOULD BE OVER A PERIOD OF HOW
8 MANY DAYS OR WEEKS OR MONTHS?

9 A. LET'S SEE. EVERY DAY FOR ONE WEEK AND
10 PROBABLY ABOUT TWO OR THREE DAYS LATER. I MEANT TWO
11 OR THREE DAYS AFTER THAT. I'M NOT SURE.

12 Q. AND WHEN YOU TALKED WITH THE POLICE OR
13 WHEN THEY CAME TO TALK WITH YOU, HOW WOULD YOU
14 CATEGORIZE -- HOW WOULD YOU DESCRIBE Y'ALL'S
15 DISCUSSIONS? WERE THEY FRIENDLY? WERE THEY COMING
16 AS FRIEND OR OTHERWISE? I MEAN, DID THEY TREAT YOU
17 NICE OR NOT?

18 A. NOT.

19 Q. OKAY. WELL, TELL US ABOUT HOW THEY
20 TREATED YOU WHEN THEY CAME TO TALK TO YOU ABOUT WHAT
21 YOU MAY OR MAY NOT HAVE KNOWN ABOUT THIS CASE.

22 A. THEY ASKED ME -- THEY WAS JUST ASKING
23 ROUTINE QUESTIONS. THEY NEVER ASKED -- THEY JUST
24 ASKED ME DID I KNOW ANYTHING ABOUT IT, DID I KNOW THE
25 GIRL, HAD I EVER SEEN HER AND THINGS LIKE THAT. A

COUPLE OF TIMES, THEY SAID YOU MIGHT AS WELL SAY WHAT YOU KNOW BECAUSE WE KNOW THAT YOU KNOW SOMETHING.

Q. WERE YOU EVER THREATENED WITH ARRESTS OR INDICTMENTS OR CHARGES?

A. YES.

Q. OKAY. DO YOU RECALL WHO THREATENED YOU?

A. NO, I CAN'T.

Q. OKAY. WHAT WAS SAID IN THAT REGARD?

A. THAT IF I DIDN'T TELL -- IF I DIDN'T SAY WHAT I KNEW, THAT I WOULD GO TO JAIL AND COULDN'T GET OUT. IF I DIDN'T SAY WHAT I KNEW, MY BOND WOULD BE SO HIGH THAT I COULDN'T GET OUT.

Q. AND THIS WAS DURING THE PERIOD OF TIME THAT THEY WERE COMING TO TALK TO YOU EVERY DAY?

A. YES.

Q. DID THE -- DID THEY ALSO EVEN GO TO YOUR LANDLORD?

A. I WAS TOLD THAT THEY WERE --

Q. OKAY.

A. -- THEY DID. I'M NOT -- I DIDN'T KNOW.

Q. OKAY. WHERE WERE YOU LIVING AT THAT TIME?

A. I MOVED INTO THE TRAILER, INTO --

Q. INTO RICKY'S TRAILER?

A. YES.

Q. AND THEN THE POLICE CAME AND TALKED WITH

1 YOU AT THE TRAILER?

2 A. YES. EVERY DAY.

3 Q. AND THEN THERE CAME A TIME THAT YOU GOT
4 EVICTED?

5 A. YES.

6 Q. YOU THINK THE POLICE HAD SOMETHING TO DO
7 WITH THAT?

8 A. I THINK THEY DID.

9 Q. AND WHY?

10 A. BECAUSE THE LANDLORD SAID THAT I THINK
11 YOU'RE INVOLVED IN THAT AND THAT YOU COULDN'T STAY
12 HERE. AND THE POLICE -- A COUPLE OF DAYS BEFORE THAT
13 HAPPENED, THE POLICE SAID IT'S NOT GOING TO DO YOU NO
14 GOOD TO STAY DOWN HERE AND KEEP THIS TRAILER FOR THEM
15 TO GET OUT OF JAIL AND COME BACK TO.

16 Q. OKAY. AND YOU WENT BY THAT TRAILER QUITE
17 OFTEN?

18 A. QUITE OFTEN.

19 Q. AND YOU WOULD GO OVER SOMETIMES
20 UNANNOUNCED?

21 A. YES.

22 Q. WERE YOU AWARE THAT YOU WERE ON THE
23 SOLICITOR'S WITNESS LIST FOR THIS TRIAL?

24 A. YES. I MEANT, WHAT YOU --

25 Q. WERE YOU AWARE THAT THE SOLICITOR HAD PUT

1 YOU ON THEIR LIST FOR THEM?

2 A. YES.

3 Q. AND YOU HAD TALKED TO THE SOLICITOR ABOUT
4 WHAT YOU KNEW IN THIS CASE?

5 A. YES.

6 MR. ROGERS: COURT'S INDULGENCE JUST A
7 MOMENT.

8 BY MR. ROGERS:

9 Q. MS. BENNETT, YOU WERE IN THE TRAILER ALL
10 OF THE TIME. YOU MOVED INTO THE TRAILER AFTER RICKY
11 MOVED OUT. DID YOU EVER SEE ANYTHING IN THE TRAILER
12 THAT WOULD HAVE INDICATED THAT THE GIRL HAD BEEN IN
13 THERE OR BEEN TIED UP OR ANYTHING?

14 A. NO, I DID NOT.

15 MR. ROGERS: COURT'S INDULGENCE JUST A
16 MOMENT.

17 BY MR. ROGERS:

18 Q. WHEN DID YOU MOVE IN THERE, MS. BENNETT?

19 A. I'M NOT SURE. I WAS IN THE PROCESS OF
20 MOVING IN WHEN THE POLICEMEN CAME IN AND RAIDED IT OR
21 SOMETHING.

22 Q. WOULD THAT HAVE BEEN IN DECEMBER?

23 A. COULD HAVE BEEN.

24 Q. AND THAT WAS CLEARLY AFTER THE
25 THANKSGIVING. YOU DIDN'T MOVE IN UNTIL AFTER

1 THANKSGIVING OF '94?

2 A. CORRECT.

3 Q. AND DID YOU STAY -- SPEND A LOT OF TIME
4 THERE AFTER THE TRAILER -- I MEAN, BEFORE YOU MOVED
5 IN WHEN RICKY WAS THERE?

6 A. YES.

7 Q. AND Y'ALL WERE HAVING A SEXUAL
8 RELATIONSHIP?

9 A. YES.

10 MR. ROGERS: THAT'S ALL.

11 THE COURT: ALL RIGHT, SIR. THE DEFENSE
12 MAY CROSS-EXAMINE AT THIS TIME. ANYBODY HAVE ANY
13 QUESTIONS? MR. LAWSON:

14 MR. LAWSON: NO QUESTIONS.

15 MR. ERVIN: NO QUESTIONS.

16 MR. MOORE: NO QUESTIONS.

17 MR. REDMOND: I HAVE NO QUESTIONS.

18 MR. WILL ROGERS: NO QUESTIONS, YOUR
19 HONOR.

20 THE COURT: NONE.

21 MR. ROGERS: YOUR HONOR, MAY I ASK ONE
22 ADDITIONAL QUESTION?

23 THE COURT: SURE.

24 BY MR. ROGERS:

25 Q. I BELIEVE YOU HAD JOKED WITH SOME OF THE

1 FELLOWS ABOUT THEM GETTING AN ALIBI. TELL THE JURY
2 ABOUT THAT, HOW THAT CAME ABOUT.

3 A. I HAD SPENT THE NIGHT AND I WAS IN THE BED
4 AND THE POLICEMAN CAME AND PICKED UP ROBERT. AND
5 WHEN ROBERT CAME BACK, THEY WERE JUST TALKING AND I
6 MADE THE JOKE THAT YOU BETTER GET YOUR ALIBI
7 TOGETHER. BUT IT WAS A JOKE BECAUSE I WAS NOT AWARE
8 OF WHAT WAS GOING ON.

9 Q. YOU DIDN'T THINK ANY -- YOU WERE JOKING
10 BECAUSE YOU DIDN'T THINK THAT RICKY WAS INVOLVED?

11 A. I HAD BEEN IN CANADA AND REALLY DIDN'T
12 KNOW ANYTHING AND HADN'T REALLY HEARD ANYTHING, SO
13 THEREFORE, I WAS RAISED THAT YOU ARE INNOCENT UNTIL
14 PROVEN GUILTY.

15 Q. HOW LONG WERE YOU IN CANADA?

16 A. TOTAL, PROBABLY FOR ABOUT A WEEK.
17 THERE'S -- IT'S ON A LOG HERE. THEY HAVE THE
18 LOGBOOK.

19 Q. AND WAS THAT BEFORE OR AFTER THANKSGIVING?

20 A. I CAME BACK THE DAY -- I CAME BACK THE
21 DAY -- THANKSGIVING MORNING.

22 Q. SO YOU HAD BEEN GONE --

23 A. -- FOR ABOUT A WEEK, OR GIVE OR TAKE A
24 DAY.

25 Q. GIVE OR TAKE A DAY?

1 A. YES.

2 MR. ROGERS: THANK YOU. ANSWER ANY
3 QUESTIONS MR. WILSON MIGHT HAVE. OH, I'M SORRY.

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

5 BY MR. ERVIN:

6 Q. MS. BENNETT, DO YOU KNOW A MAN NAMED
7 SAMUEL BUTCH MOORE? HAVE YOU EVER HEARD OF BUTCH?
8 BUTCH MOORE, LIVES IN THE LESTER COMMUNITY?

9 A. OH, BUTCH? I -- I THINK I DO.

10 MR. ERVIN: OKAY. THAT'S ALL.

11 MR. LAWSON: IF IT PLEASE THE COURT.

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

13 BY MR. LAWSON:

14 Q. MS. BENNETT, ON THE DAY THAT THE POLICE
15 CAME AND PICKED UP ROBERT, YOU WERE LIVING THERE AT
16 THE TRAILER?

17 A. NOT LIVING, NO.

18 Q. OKAY. YOU WERE --

19 A. YEAH, SPENDING THE NIGHT.

20 Q. YOU WERE STAYING THERE, SPENDING THE
21 NIGHT?

22 A. YES.

23 Q. DIDN'T ROBERT MOVE OUT THE NEXT DAY?

24 A. YES.

25 Q. THE VERY NEXT DAY?

1 A. UH-HUH.

2 MR. LAWSON: THAT'S ALL I HAVE.

3 THE COURT: ALL RIGHT. YOU MAY
4 CROSS-EXAMINE NOW, SOLICITOR.

5 MR. WILSON: YES, SIR.

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

7 BY MR. WILSON:

8 Q. DO I UNDERSTAND YOU TO SAY THAT YOU AND --
9 YOU AND RICKY WERE DATING?

10 A. I SAID WE WAS HAVING A SEXUAL
11 RELATIONSHIP.

12 Q. OKAY.

13 A. IF YOU WANT TO CALL IT DATING, YOU CAN.

14 Q. ALL RIGHT. WELL, I JUST WANT TO KNOW WHAT
15 YOU CALL IT.

16 A. OKAY.

17 Q. AND YOU WERE STAYING AT HIS HOUSE FROM
18 TIME TO TIME?

19 A. YES.

20 Q. OKAY. AND THE POLICE CAME TO TALK TO YOU,
21 DIDN'T THEY?

22 A. YES.

23 Q. AND YOU TOLD THEM THAT YOU WERE IN CANADA
24 FOR TWO-AND-A-HALF WEEKS AND YOU DIDN'T KNOW NOTHING
25 ABOUT THIS AND YOU DIDN'T COME BACK UNTIL

1 THANKSGIVING DAY. ISN'T THAT WHAT YOU TOLD THEM?

2 A. I TOLD THEM I HAD BEEN IN CANADA. I WAS
3 NOT SURE -- I DIDN'T SAY -- I WASN'T SURE ABOUT THE
4 -- OF THE AMOUNT OF DAYS THAT I WAS GONE.

5 Q. DO YOU DENY THAT YOU TOLD THEM THAT YOU
6 WENT TO CANADA AND YOU WERE GONE FOR TWO-AND-A-HALF
7 WEEKS; YOU CAME BACK THANKSGIVING MORNING; YOU COULD
8 NOT HAVE BEEN HERE ON THE 12TH WHEN SHE GOT MISSING;
9 YOU COULD NOT HAVE BEEN HERE ANY TIME DURING THIS
10 PERIOD AND YOU KNEW ABSOLUTELY NOTHING ABOUT IT?
11 THAT'S WHAT YOU TOLD THEM.

12 A. I DIDN'T TELL THEM I WAS GONE NO TWO WEEKS
13 THAT I KNOW OF BECAUSE YOU HAVE THE LOG.

14 Q. WE'LL COME TO THAT IN A JUST A MINUTE.

15 A. OKAY.

16 Q. WHAT I'M SAYING, WHEN YOU TALKED TO THEM,
17 YOU TOLD THEM YOU WERE GONE TWO-AND-A-HALF WEEKS.
18 THEN THEY WENT TO YOUR BOYFRIEND DRIVER OF THIS
19 LONG-DISTANCE TRUCK AND GOT HIS LOGS AND CAME BACK TO
20 YOU?

21 A. UH-HUH.

22 Q. AND TOLD YOU YOU COULDN'T HAVE BEEN GONE
23 TWO-AND-A-HALF WEEKS BECAUSE HIS TRUCK WAS HERE.
24 THAT'S WHEN THE STATE DIDN'T CALL YOU AS A WITNESS,
25 ISN'T IT?

1 A. I DON'T UNDERSTAND WHAT YOU'RE SAYING.

2 Q. YOU UNDERSTAND EXACTLY WHAT I'M SAYING.
3 WHAT I'M SAYING TO YOU IS YOU TOLD US YOU WERE GONE
4 FOR TWO-AND-A-HALF WEEKS AND YOU WEREN'T HERE ANY
5 TIME DURING THAT PERIOD. AND WHEN WE WENT AND TALKED
6 TO YOUR DRIVER -- AND WHAT'S HIS NAME? HOLD ON JUST
7 A MINUTE. WE'VE GOT IT RIGHT HERE. J. C. PEOPLES.
8 RIGHT?

9 A. RIGHT.

10 Q. AND THAT'S YOUR BOYFRIEND -- OTHER
11 BOYFRIEND. HUH?

12 A. YEAH.

13 Q. AND HE WAS DRIVING TRUCK FOR A.G. METZER
14 TRUCKING COMPANY. RIGHT?

15 A. RIGHT.

16 Q. AND WE GOT THE LOGS AND CAME BACK TO YOU
17 AND TOLD YOU THAT AIN'T NO WAY YOU COULD HAVE BEEN
18 GONE WITH HIM FOR TWO-AND-A-HALF WEEKS BECAUSE HIS
19 LOG SHOWS THAT THE TRUCK WAS LOGGED IN FOR BEING HERE
20 THREE DAYS DURING THAT PERIOD. AND THAT'S WHEN THE
21 DECISION WAS MADE NOT TO CALL YOU AS A WITNESS,
22 WASN'T IT?

23 A. I DON'T KNOW ABOUT WHAT DECISION WAS --
24 WHY THE DECISION WAS MADE.

25 Q. WELL, YOU DIDN'T GET CALLED, DID YOU?

1 A. HUH-UH.

2 Q. LET'S TALK ABOUT THIS CONVERSATION THAT
3 YOU HAD BACK ON THE 24TH OF JANUARY, THIS MYSTERIOUS
4 CONVERSATION THAT APPARENTLY NEVER HAPPENED OR MAYBE
5 DID HAPPEN, OR WHATEVER, JANUARY 24TH. TELL ME, YOU
6 JUST TOLD THE LAWYER JUST A SECOND AGO THAT THERE WAS
7 A CONVERSATION, AND I THINK YOUR WORDS WERE -- OR
8 MAYBE IT WAS HIS WORDS -- YOU WERE JOKING. YOU WERE
9 JOKING ABOUT THEM HAVING AN ALIBI. WHO WAS JOKING?
10 WHO WAS IT THAT WAS JOKING ABOUT HAVING AN ALIBI IN
11 THE MURDER OF THIS LADY?

12 A. WHO WAS JOKING?

13 Q. YES.

14 A. I WAS NOT AWARE OF WHAT WAS GOING ON.

15 Q. WELL, WHY IN THE WORLD WOULD YOU SAY "YOU
16 GOT TO HAVE AN ALIBI" IF YOU DIDN'T KNOW WHAT WAS
17 GOING ON? WHAT SENSE WOULD THAT MAKE TO TELL
18 SOMEBODY, "WELL, YOU GUYS BETTER GET YOUR ALIBI
19 TOGETHER" IF YOU DON'T KNOW WHAT'S GOING ON?

20 A. A LOT OF PEOPLE SAY THINGS AND NOT MEANING
21 NO HARM. I DID NOT KNOW ANYTHING AND I WAS -- I HAD
22 COME OUT OF THE ROOM AND I WAS JUST JOKING WITH
23 THEM.

24 Q. YOU KNEW ENOUGH TO TELL THEM THAT THEY
25 BETTER GET THEM AN ALIBI, DIDN'T YOU?

A. NO.

Q. WELL, WHY DID YOU TELL THEM THAT?

A. I SAID IT FOR THE REASON THAT I SAID IT.
I SAID IT. I WAS NOT AWARE OF WHAT WAS REALLY GOING
ON.

Q. AND THE POLICE --

A. I WAS NOT.

Q. OKAY.

A. I WAS NOT AWARE OF THIS BEING NOTHING
SERIOUS. I WAS -- I'M JUST SAYING I WAS NOT AWARE OF
THIS -- WHAT WAS GOING ON AS FAR AS THEM BEING
INVESTIGAT--- I DIDN'T KNOW ANY OF THIS.

Q. WELL, NOW, COME ON, NOW.

A. WELL, COME ON.

Q. COME ON, NOW. THIS IS JANUARY 24TH.

A. I UNDERSTAND THAT.

Q. WE'RE NOT TALKING ABOUT THANKSGIVING DAY.
WE'RE TALKING ABOUT JANUARY 24TH. IT HAD BEEN ALL
OVER THE NEWSPAPER, ALL OVER TELEVISION AND
EVERYWHERE ELSE, HADN'T IT? SO YOU KNEW EXACTLY WHAT
WAS GOING ON, DIDN'T YOU?

A. NO, NOT AT THAT TIME.

Q. OH, NOT AT THAT TIME?

A. NO, SIR.

Q. SO JANUARY 24TH OF 1995, THREE MONTHS

1 AFTER THIS HAPPENED, YOU DIDN'T KNOW ANYTHING ABOUT
2 WHAT WAS GOING ON, DID YOU?

3 A. WHEN I KNEW -- I -- THAT WAS THE DAY THAT
4 THEY STARTED -- THAT WAS THE DAY THAT THEY
5 QUESTIONED.

6 Q. QUESTIONED WHO?

7 A. ROBERT.

8 Q. ROBERT WHO?

9 A. GRAHAM.

10 Q. WHICH ONE IS ROBERT GRAHAM? WHICH ONE IS
11 ROBERT?

12 A. OH, RIGHT THERE.

13 Q. OKAY. SO THEY QUESTIONED 'OL ROBERT
14 GRAHAM OVER THERE, DIDN'T THEY?

15 A. YES.

16 Q. POLICE CAME TO THE HOUSE AND GOT HIM,
17 DIDN'T THEY?

18 A. YES.

19 Q. AND Y'ALL WERE ALL IN THE HOUSE, INCLUDING
20 'OL MCINTOSH HERE WITH HIS BIBLE. HE WAS THERE,
21 WASN'T HE?

22 A. YES, SIR.

23 Q. HE DIDN'T HAVE THAT BIBLE THEN, DID HE?

24 A. I DON'T KNOW.

25 Q. WELL, YOU WAS IN THERE WITH HIM?

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1 A. I SAID I DIDN'T SEE IT.

2 Q. OKAY. AND IF HE HAD BEEN THERE STANDING,
3 HOLDING IT UP TO HIS CHEST, YOU WOULD HAVE SAW IT,
4 WOULDN'T YOU?

5 A. I WOULD HAVE SEEN IT IF HE HAD IT UP TO
6 HIS CHEST, YES.

7 Q. SURE YOU WOULD. WHO ELSE WAS THERE OTHER
8 THAN YOU AND MCINTOSH?

9 A. RICKY.

10 Q. RICKY WHO?

11 A. STUCKEY.

12 Q. RICKY STUCKEY. OVER HERE WITH THE RED TIE
13 AND CROSS ON HIS CHIN. THAT'S HIM. RIGHT?

14 A. YES.

15 Q. HE WAS THERE, WASN'T HE?

16 A. YES.

17 Q. LET'S GET US AN ALIBI. WHO ELSE?

18 A. LEROY.

19 Q. LEROY WHO?

20 A. STATON.

21 Q. LEROY STATON, PREACHER MAN BACK HERE. HE
22 WAS BACK THERE TOO, WASN'T HE?

23 A. YES, SIR.

24 Q. HE WAS GOING TO GET HIM AN ALIBI TOO,
25 WASN'T HE?

1 A. I DON'T KNOW THAT.

2 Q. YOU DON'T KNOW THAT. WHO ELSE WAS THERE?

3 A. SOME BOY THAT I DIDN'T KNOW.

4 Q. JEFFREY GRAHAM. HE WAS ONE OF THE BOYS
5 THAT WAS THERE.

6 A. I DON'T KNOW.

7 Q. JEFFREY GRAHAM WAS THERE, WASN'T HE?

8 A. I DON'T KNOW JEFFREY GRAHAM.

9 Q. DON'T KNOW JEFFREY GRAHAM?

10 A. NO, I DON'T.

11 Q. NOW, WHAT KIND OF RELATIONSHIP DO YOU AND
12 RICKY HAVE? Y'ALL JUST KIND OF SAW EACH OTHER WHEN
13 IT WAS CONVENIENT BECAUSE YOU HAD THE TRUCK DRIVER
14 TOO AT THE SAME TIME. RIGHT? NOW, WHICH ONE OF THEM
15 WERE YOU FOOLING?

16 A. WHICH ONE WAS I WHAT?

17 Q. WHICH ONE WERE YOU FOOLING, RICKY OR THE
18 TRUCK DRIVER?

19 A. FOOLING? I WASN'T FOOLING NEITHER ONE OF
20 THEM.

21 Q. SO YOU SLEEP WITH RICKY A LITTLE WHILE AND
22 THEN SLIDE OVER TO THE TRUCK DRIVER AND SHOOT OUT OF
23 TOWN WITH HIM A LITTLE WHILE, AND THEN COME BACK AND
24 HANG OUT WITH RICKY A LITTLE WHILE. RIGHT?

25 A. I'M GROWN. AND YES, I DO -- I DID

1 WHATEVER I WANTED TO DO.

2 Q. WHATEVER YOU WANTED TO DO. JUST EXACTLY
3 WHAT THE REST OF THIS CROWD WAS DOING. ANYTHING THEY
4 WANTED TO DO IS WHAT YOU WERE DOING. RIGHT?

5 A. YOU SAID THAT.

6 Q. WELL, I'M JUST ASKING YOU.

7 A. NO.

8 Q. YOU'RE THE EXPERT. RIGHT?

9 A. NO.

10 Q. NO WHAT?

11 A. NO, HUH-UH.

12 Q. HUH-UH?

13 A. YES, I WAS WITH RICKY.

14 Q. OKAY. I UNDERSTAND THAT. I UNDERSTAND
15 THAT. NOW, AIN'T NO QUESTION THAT YOU WERE UP AT
16 THAT HOUSE WHEN THEY HAD THEM PIG FEET, IS THERE?

17 A. NOT IN THE HOUSE, NO.

18 Q. NO, I DIDN'T ASK YOU THAT. I ASKED YOU
19 THERE'S NO QUESTION ABOUT IT YOU WERE UP THERE AT
20 THAT TRAILER WHEN THEY WERE COOKING THEM PIG FEET.
21 RIGHT? COME ON, NOW.

22 A. I DON'T KNOW WHAT WAS IN THAT POT.

23 Q. WELL, NOW, YOU TOLD -- WHY YOU WANT TO
24 TELL YOUR LAWYER --

25 A. I DID NOT TELL HIM I SAW WHAT WAS IN THE

1 POT.

2 Q. WELL, HE ASKED YOU WHEN THEM PIG FEET WERE
3 COOKING, AND YOU SAID YEAH. NOW YOU DON'T WANT TO
4 TELL ME YEAH.

5 A. NO.

6 Q. WHY NOT?

7 A. I -- WELL, I GUESS THAT'S WHAT IT WAS IN
8 THERE, YEAH.

9 Q. YOU KNEW THAT'S WHAT IT WAS IN THERE. NOW
10 COME ON, NOW.

11 A. NO, I DON'T KNOW.

12 Q. OKAY. ALL RIGHT.

13 A. I DON'T KNOW. I DID NOT LOOK IN THE POT.

14 Q. WELL, WHY DID YOU TELL HIM IT WAS AND NOW
15 YOU'RE SAYING YOU DON'T KNOW?

16 A. WELL, AFTER THEY SAID POT COOKING, THAT
17 WAS THE ONLY TIME I WAS UP THERE WHEN THEY WERE
18 COOKING AT THAT HOUSE OUTSIDE.

19 Q. OKAY. BUT THEY WERE COOKING UP SOMETHING
20 UP THERE IN THAT BIG POT. RIGHT?

21 A. YES, BUT I ALSO WENT TO A COOKOUT AT
22 BOBBY'S HOUSE.

23 Q. ALL RIGHT. AND IF SOMEBODY SAID THAT YOU
24 WERE THERE, THAT WOULD BE TRUE, WOULDN'T IT?

25 A. YES, UH-HUH.

1 Q. OKAY. NO QUESTION ABOUT THAT?

2 A. NO QUESTION ABOUT THAT.

3 Q. WHO ELSE WAS UP THERE WHEN THEY WERE
4 COOKING THOSE PIG FEET? TELL ME WHO ELSE. WHAT
5 ABOUT 'OL ROBERT GRAHAM OVER HERE?

6 A. I DIDN'T SEE ROBERT.

7 Q. YOU DIDN'T SEE ROBERT?

8 A. NO, SIR.

9 Q. WHAT ABOUT ALFONZO OVER HERE ON THE END?

10 A. I DON'T EVEN KNOW ALFONZO --

11 Q. OKAY. DON'T KNOW --

12 A. -- THAT WELL.

13 Q. WHAT ABOUT YOUR GOOD BUDDY HERE?

14 A. LEROY?

15 Q. YEAH.

16 A. YES, LEROY WAS THERE.

17 Q. LEROY WAS THERE. WHAT ABOUT MR. WALLS?
18 WAS HE THERE?

19 A. I DON'T KNOW MR. WALLS.

20 Q. DON'T KNOW MR. WALLS. WHAT ABOUT RICKY
21 HERE?

22 A. YES.

23 Q. WHAT ABOUT MCINTOSH?

24 A. I DIDN'T SEE HIM.

25 Q. ALL RIGHT.

1 A. NO.

2 Q. WHO ELSE WAS THERE?

3 A. YOU'VE GOT --

4 Q. A PARTY, PIG FEET COOKING, AND KNOWING BUT
5 TWO PEOPLE. THERE'S GOT TO HAVE MORE THAN TWO PEOPLE
6 THERE IF WE'RE GOING TO HAVE PIG FEET COOKING IN A
7 BIG OLD WASH POT. RIGHT?

8 A. THAT'S WHAT YOU SAY.

9 Q. WHO ELSE WAS THERE COOKING AT THIS PARTY
10 GETTING READY TO EAT THESE PIG FEET?

11 A. I ONLY SAW LEROY STATON AND VERNON DUNBAR
12 OUTSIDE, THAT I CAN REMEMBER. I SAW RICKY THROUGH
13 THE WINDOW -- THE TRAILER HAS A LONG WINDOW. ONE
14 SIDE OF THE TRAILER HAS -- IS A WHOLE WINDOW.

15 Q. I'M SORRY. GO AHEAD.

16 A. THAT WAS IT.

17 Q. SO YOU SAW RICKY THROUGH THE WINDOW?

18 A. I SAW RICKY THROUGH THE WINDOW.

19 Q. ALL RIGHT. BUT WHY DID YOU GO UP THERE?
20 NOW, YOU JUST --

21 A. I TOOK.

22 Q. GO AHEAD. I'M SORRY.

23 A. I TOOK A LABRADOR -- I MEAN, A CHOW.

24 Q. TOOK A DOG, SOME TYPE OF DOG UP THERE?

25 A. YES.

1 Q. AND YOU TOOK HIM UP THERE FOR WHAT?

2 A. I GAVE IT TO HIM.

3 Q. ALL RIGHT. AND YOU HAD JUST COME BACK IN
4 TOWN, HADN'T YOU? HADN'T YOU JUST COME BACK IN TOWN
5 OFF YOUR TRIP?

6 A. I DON'T KNOW IF I HAD BEEN OR HADN'T BEEN.

7 Q. WELL, WASN'T THAT RIGHT IN BETWEEN --

8 MR. ROGERS: YOUR HONOR, I WOULD ASK HIM
9 TO ALLOW HER TO ANSWER.

10 MR. WILSON: HE'S ABSOLUTELY RIGHT. AND I
11 APOLOGIZE.

12 THE COURT: YES, SIR. I'LL PERMIT THAT.
13 ALLOW HER TO ANSWER, SOLICITOR.

14 MR. WILSON: GO AHEAD. I'M SORRY.

15 THE WITNESS: WHAT DID YOU WANT ME TO --
16 RE-ASK.

17 BY MR. WILSON:

18 Q. WHAT I'M ASKING YOU IS TO TELL ME ON THAT
19 DAY WHETHER YOU HAD JUST COME BACK IN TOWN FROM YOUR
20 TRIP WITH YOUR BOYFRIEND ON THE TRUCK?

21 A. I'M NOT SURE WHETHER I HAD BEEN OR WAS
22 GETTING READY TO GO. I AM NOT SURE.

23 Q. WELL, NOW, Y'ALL ACTUALLY LEFT ON WHAT,
24 THE 12TH OR 13TH, WASN'T IT?

25 A. I'M NOT SURE. YOU HAVE THE LOG.

1 YOUR BOYFRIEND RICKY OWNED OR RENTED OR LEASED OR HAD
2 OR WHATEVER?

3 A. FIVE.

4 Q. FIVE ROOMS?

5 A. YES.

6 Q. ALL RIGHT. AND THAT INCLUDES THE
7 BATHROOMS?

8 A. YEAH.

9 Q. UH-HUH.

10 A. UH-HUH.

11 Q. OKAY. THERE IS A COUCH IN THERE.

12 A. IN THE HOUSE?

13 Q. UH-HUH.

14 A. YES.

15 Q. NO QUESTION ABOUT THAT, IS THERE?

16 A. EXCUSE ME?

17 Q. THERE'S NO QUESTION ABOUT THE FACT THAT
18 THERE'S A COUCH IN THAT TRAILER?

19 A. RIGHT.

20 Q. AND IF SOMEBODY SAID THAT THERE WAS A
21 COUCH IN THERE, THAT WOULD BE CORRECT, WOULDN'T IT?
22 WOULDN'T IT?

23 A. YES, SIR.

24 Q. OKAY. NOW, YOU SAID THAT THE POLICE HAD
25 TALKED TO YOU ABOUT 15 TIMES. RIGHT?

1 A. THE POLICE TALKED TO ME ON SEVERAL
2 OCCASIONS. I SHOULDN'T HAVE SAID 15, BUT I'M
3 POSITIVE THAT IT WAS MORE THAN FIVE.

4 Q. OKAY. SO NOW WE'RE DOWN FROM 15 TO 5?

5 A. WHATEVER. YES, SIR. YES.

6 Q. BECAUSE THEY DIDN'T TALK TO YOU NO 15.
7 THEY TALKED TO YOU --

8 A. I SAID -- I DID SAY ABOUT 15.

9 Q. I KNOW YOU SAID 15.

10 A. THEY TALKED TO ME A WHOLE LOT.

11 Q. THEY CAME TO YOUR HOUSE FOUR OR FIVE DAYS
12 IN A ROW, DIDN'T THEY?

13 A. SURE DID.

14 Q. AND THEY WANTED TO TALK TO YOU ABOUT WHAT
15 WAS GOING ON, ABOUT THAT PIG FOOT PARTY, DIDN'T THEY?
16 BUT YOU DIDN'T WANT TO TALK TO THEM. YOU DIDN'T WANT
17 TO TALK ABOUT IT BECAUSE YOU DIDN'T KNOW NOTHING
18 ABOUT IT BECAUSE YOU WERE OUT OF TOWN. RIGHT?

19 A. THERE WERE TWO COOKOUTS.

20 Q. ALL RIGHT. TELL ME ABOUT IT. WHAT DID
21 Y'ALL HAVE AT THE OTHER COOKOUT?

22 A. HOT DOGS, HAMBURGERS.

23 Q. ALL RIGHT. BUT THERE WASN'T BUT ONE
24 COOKOUT WHERE THEY HAD PIG FEET. RIGHT?

25 A. I DIDN'T SEE WHAT WAS IN THE POT.

Q. OKAY. WELL, WHATEVER. HOW MANY OTHER --
YOU SAID THERE WASN'T BUT TWO, AND YOU DON'T COOK HOT
DOGS AND HAMBURGERS IN THE WASH POT, DO YOU? HUH?
AND IF THEY ONLY HAD TWO PARTIES AND COOKED PIG FEET
ONE TIME, IT WOULD HAVE TO BE THAT PARTY, WOULDN'T
IT?

A. YEAH.

Q. OKAY. WELL, THAT'S ALL I'M TRYING TO GET
AT.

A. UH-HUH.

Q. NOW, WHEN THEY HAD THE -- WHEN Y'ALL HAD
THE PIG FOOT PARTY AND WHEN YOU WENT THERE JUST FOR A
FEW MINUTES, YOU DROPPED THE DOG OFF. RIGHT? AND
THEN YOU LEFT. IS THAT RIGHT? WELL, DID YOU COME
BACK THAT NIGHT?

A. I'M NOT SURE.

Q. WELL, DID YOU SEE DANNY DAVIS THERE? YOU
KNOW DANNY DAVIS?

A. YEAH.

Q. WAS HE THERE?

A. I KNOW HIM WHEN I SEE HIM.

Q. DID YOU SEE HIM?

A. I DIDN'T SEE HIM.

Q. WHAT ABOUT RANSOM? WAS HE THERE?

A. WHO?

A. NO.

Q. NOBODY ELSE?

A. NO.

Q. AND YOU DIDN'T GO IN THE HOUSE TO SEE WHO ELSE WAS IN THERE?

A. NO, I DID NOT.

Q. LET ME ASK YOU THIS. DO YOU REMEMBER WHEN I ASKED YOU WHETHER OR NOT JANUARY 24TH YOU SAID THE POLICE CAME AND GOT ROBERT GRAHAM TO TAKE HIM TO TALK TO HIM AND I WAS ASKING YOU ABOUT THE JOKE YOU SAID -- YOU MADE ABOUT SOMEBODY NEEDING TO GET THEM AN ALIBI, NEEDED TO GET AN ALIBI TOGETHER? YOU REMEMBER THAT. RIGHT?

A. YEAH, I REMEMBER.

Q. WELL, WHO -- WHO WAS IT -- WHO WAS IT THAT SAID I'M GOING TO TELL THEM I'M GAY?

A. MARTIN SAID THAT.

Q. MARTIN MCINTOSH SAID THAT, DIDN'T HE?

A. YES, SIR.

Q. AIN'T NO QUESTION ABOUT IT. THE FELLOW WITH THE BIBLE OVER HERE. HE SAID THAT. DIDN'T HE SAY IT? THERE AIN'T NO QUESTION ABOUT THE FACT THAT MARTIN MCINTOSH SAID I'M GOING TO TELL THEM I'M GAY. THAT WAY HE COULDN'T BE HAVING SEX WITH NO WOMAN BECAUSE HE'S GAY. HE'S GOT HIM AN ALIBI. RIGHT?

1 A. HE SAID THAT.

2 Q. YEAH, HE SAID THAT.

3 MR. WILSON: I DON'T THINK I HAVE ANY
4 OTHER QUESTIONS. THANK YOU SO MUCH.

5 THE COURT: ANY -- ANY CROSS -- ANY
6 FURTHER CROSS-EXAMINATION?

7 MR. ERVIN: YES, YOUR HONOR.

8 THE COURT: LET ME ASK YOU THIS FIRST.
9 ANY FURTHER REDIRECT OF THIS WITNESS?

10 MR. ERVIN: EXCUSE ME, YOUR HONOR. I
11 THOUGHT THEY WERE FINISHED.

12 THE COURT: I'LL CERTAINLY GIVE YOU THAT
13 OPPORTUNITY.

14 MR. ERVIN: I UNDERSTAND. I THOUGHT THEY
15 GAVE ME THE GO-AHEAD.

16 MR. ROGERS: I HAVE NOTHING FURTHER, YOUR
17 HONOR.

18 THE COURT: ALL RIGHT. YOU MAY PROCEED.

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

20 BY MR. ERVIN:

21 Q. FOX ANN, WHEN THIS CONVERSATION TOOK PLACE
22 IN THERE THAT THE SOLICITOR WAS ASKING YOU ABOUT THAT
23 WAS ON JANUARY -- JANUARY 25TH WHEN THEY SUPPOSEDLY
24 CAME OUT THERE, THEY CAME OUT THERE TO TALK TO
25 ROBERT. RIGHT?

1 A. I AM NOT SURE OF NO DATES.

2 Q. OKAY.

3 A. I AM NOT --

4 Q. WAS IT THE DAY THE POLICE CAME OUT TO TALK
5 TO ROBERT?

6 A. WHAT ABOUT THE DATE?

7 Q. YOU JUST TESTIFIED THAT YOU WERE -- YOU
8 HAD THIS CONVERSATION WITH SEVERAL PEOPLE IN THE
9 TRAILER. YOU WERE JOKING, YOU BETTER GET YOUR
10 ALIBIS. RIGHT?

11 A. YES.

12 Q. WHEN HE ASKED YOU SOME QUESTIONS ABOUT
13 THAT. AND YOU SAID THAT THAT OCCURRED THE DAY THAT
14 THE POLICE CAME OUT TO TALK TO ROBERT GRAHAM AND HE
15 MOVED OUT THE NEXT DAY?

16 A. YES, SIR.

17 Q. IS THAT RIGHT?

18 A. JUST -- IT -- YES, SIR. HE MOVED OUT THE
19 NEXT DAY.

20 Q. WAS THIS IN JANUARY -- LATE JANUARY?

21 A. I'M NOT SURE OF THE --

22 Q. I'M NOT ASKING YOU THE EXACT DATE?

23 A. TIME?

24 Q. JUST --

25 A. BUT THE DAY THAT THEY QUESTIONED THEM,

1 THERE WAS NO DOUBT THAT ROBERT DID MOVE.

2 Q. OKAY. AND WHEN MARTIN SAID THIS, WHAT WAS
3 THE TONE OF HIS VOICE? WERE Y'ALL JOKING AROUND LIKE
4 YOU SAID?

5 A. I WAS GETTING READY TO GO TO WORK.

6 Q. OKAY.

7 A. AND I -- WHEN THE POLICE PICKED ROBERT UP,
8 I WAS BACK IN -- I WAS ASLEEP AND I HEARD A CAR, THEN
9 I CAME OUT OF THE ROOM.

10 Q. UH-HUH.

11 A. BUT I CAN'T TELL YOU THE TONE OF HIS VOICE
12 BECAUSE I WENT ON TO WORK. I WAS --

13 Q. YOU WEREN'T PAYING THAT MUCH ATTENTION?

14 A. NO.

15 Q. WHEN DID YOU MOVE IN THERE?

16 A. I WAS IN THE PROCESS OF MOVING IN THERE
17 THE DAY THAT THEY CAME IN AND THE POLICEMEN WENT
18 THROUGH THE HOUSE.

19 Q. YOU DON'T REMEMBER WHEN THAT WAS?

20 A. NO, SIR. NO, SIR.

21 Q. WAS IT IN JANUARY OF '95?

22 A. I'M NOT SURE, SIR.

23 Q. WAS THAT AFTER THEY TALKED TO ROBERT OR
24 BEFORE?

25 A. I'M NOT SURE.

Q. YOU'RE NOT SURE? MARTIN WAS LIVING THERE
IN DECEMBER AND JANUARY OF '95. YOU KNOW THAT, DON'T
YOU?

A. I THINK ME AND MARTIN CAME ABOUT THE SAME
TIME.

Q. ABOUT THE SAME TIME.

A. THEY DIDN'T STAY -- THEY HADN'T BEEN IN
THAT TRAILER A LONG TIME.

Q. OKAY. AND IF I REMEMBER YOUR TESTIMONY
CORRECTLY, YOU WERE IN CANADA UP UNTIL THANKSGIVING?

A. I WAS IN CANADA, BUT I'M NOT SURE OF THE
DATE. THE ONLY THING I DO KNOW IS THAT I DID COME
BACK THANKSGIVING.

Q. CAME BACK THANKSGIVING?

A. YES, SIR.

Q. AND YOU'RE SURE THAT AFTERWARDS, THAT WAS
ABOUT THE TIME THAT ROBERT WAS MOVING IN, WHICH WOULD
HAVE BEEN SOMETIME IN DECEMBER OR JANUARY, MARTIN
MCINTOSH WAS STAYING THERE IN DECEMBER OR JANUARY OF
'95 AT RICKY'S TRAILER?

A. MARTIN WAS THERE -- LET'S SEE. MARTIN WAS
THERE -- I'M NOT SURE WHEN MARTIN WAS THERE. ALL I
KNOW IS MARTIN WAS THERE.

Q. OKAY. THESE LOGS THAT YOU KEEP REFERRING
TO, THE SOLICITOR HAS A COPY OF THOSE?

1 A. YES, SIR.

2 Q. AND THAT SHOWS WHEN YOU WERE IN CANADA?

3 A. YES, SIR.

4 Q. CAN I SEE THOSE, PLEASE? WELL, THESE LOGS
5 INDICATE THAT YOU WERE THEN IN CANADA FROM NOVEMBER
6 THE 16TH THROUGH NOVEMBER THE 23RD OF 1994. DOES
7 THAT SOUND ABOUT RIGHT?

8 A. WHATEVER THAT LOG SAYS, THAT'S WHEN I WAS
9 THERE.

10 Q. OKAY. AND THESE CONVERSATIONS YOU HAD
11 THAT YOU'VE TESTIFIED TO OCCURRED AFTER YOU GOT BACK
12 FROM CANADA. YOU'RE SURE OF THAT?

13 A. I AM NOT SURE.

14 Q. YOU'RE NOT SURE WHEN ANYTHING HAPPENED?

15 A. NO, SIR. I'M NOT SURE.

16 Q. OKAY. WELL, THE POLICE WOULDN'T HAVE BEEN
17 OUT THERE TALKING TO ANYBODY AT THAT POINT BECAUSE
18 MRS. PATTERSON'S BODY WASN'T RECOVERED UNTIL THE
19 24TH. TELL ME IF YOU CAN IDENTIFY THIS LOG.

20 A. YES.

21 Q. HOW CAN YOU IDENTIFY IT?

22 A. BECAUSE IT COME FROM THE LOGBOOK.

23 Q. WELL, I UNDERSTAND THAT. I MEAN, IS THAT
24 A LOGBOOK THAT YOU'RE FAMILIAR WITH?

25 A. YES, I'M VERY FAMILIAR WITH IT.

1 Q. THAT'S THE COMPANY THAT YOU JUST SAID YOU
2 WORKED FOR?

3 A. YES.

4 MR. ERVIN: YOUR HONOR, I OFFER THIS INTO
5 EVIDENCE AS DEFENDANT'S EXHIBIT.

6 (DEFENDANT'S EXHIBIT NUMBER 2
7 MARKED FOR IDENTIFICATION AND
8 ENTERED INTO EVIDENCE.)

9 BY MR. ERVIN:

10 Q. ON THAT OCCASION YOU WENT BY THERE, I KNOW
11 YOU INDICATED THAT MARTIN WASN'T THERE, BUT YOU ALSO
12 STATED THAT LEROY STATON AND RICKY STUCKEY WAS INSIDE
13 AND HE CAME OUTSIDE, AND THERE WAS ANOTHER INDIVIDUAL
14 THERE?

15 A. I DIDN'T TELL YOU THAT LEROY STATON WAS
16 INSIDE.

17 Q. EXCUSE ME. RICKY?

18 A. I DIDN'T -- NO, I'M NOT SAYING --

19 Q. YOU DID SAY THAT LEROY WAS OUTSIDE?

20 A. YES.

21 Q. AND RICKY WAS INSIDE AND HE CAME OUTSIDE?

22 A. YES.

23 Q. AND KNOW THAT THEY HAD A WASH POT THAT
24 THEY WERE COOKING SOMETHING IN?

25 A. YES.

1 Q. AND THAT SOMEBODY ELSE WAS PRESENT?

2 A. VERNON DUNBAR.

3 Q. VERNON DUNBAR?

4 A. YES.

5 Q. AND YOU DIDN'T SEE ANYBODY ELSE OUT THERE?

6 A. I DID NOT SEE ANYBODY.

7 Q. OKAY. AND THAT WAS DURING THE DAYTIME, I
8 GUESS?

9 A. YES, IT WAS ON THE DAY.

10 Q. AND YOU BROUGHT THE DOG OVER THERE?

11 A. YES, I DID.

12 Q. DID YOU SEE ANYTHING UNUSUAL ON THAT DAY.
13 I MEAN, ANYTHING THAT CAUGHT YOUR ATTENTION OR --

14 A. NOT THAT I KNOW OF, NO.

15 Q. YOU JUST STOPPED BY FOR A LITTLE WHILE?

16 A. I WAS -- I HAD LEFT THE DOG AT MY SISTER'S
17 HOUSE IN GIBSON AND SHE REALLY DIDN'T HAVE THE PROPER
18 PLACE TO KEEP HIM, AND THEY KEPT BUGGING ME TO GET
19 HIM, TO TAKE HIM SO HE WOULD HAVE SOMEWHERE TO STAY.
20 AND RICKY HAD ASKED THE PREACHER FOR HIM AND I JUST
21 TOOK THE DOG OUT THERE THAT DAY.

22 Q. OKAY. YOU DIDN'T GO INSIDE, BUT DID
23 ANYBODY TRY TO STOP YOU FROM GOING IN? WAS IT LIKE
24 SOMEBODY WAS SAYING DON'T GO IN THE TRAILER?

25 A. NO. NO.

1 Q. AND BOBBY RANSOM, YOU SAID HE WASN'T THERE
2 THAT DAY?

3 A. I DIDN'T SAY HE WASN'T THERE. I SAID I
4 DIDN'T SEE HIM.

5 Q. YOU DIDN'T SEE HIM. EXCUSE ME. DID YOU
6 SEE BOBBY RANSOM OVER THERE MUCH IN DECEMBER OR
7 JANUARY AFTER YOU GOT BACK FROM CANADA? BOBBY LIVED
8 PRETTY CLOSE BY, DIDN'T HE?

9 A. YES.

10 Q. AS DID DANNY DAVIS?

11 A. YES.

12 Q. DID YOU SEE THEM OVER THERE SOME AFTER YOU
13 GOT BACK FROM CANADA? BOBBY RANSOM?

14 A. BOBBY I'VE SEEN OVER THERE NOT MUCH
15 BECAUSE HE COULDN'T WALK.

16 Q. RIGHT. BUT YOU SAW HIM OVER THERE SOME?

17 A. ABOUT ONE TIME.

18 MR. ERVIN: OKAY. BEG THE COURT'S
19 INDULGENCE.

20 BY MR. ERVIN:

21 Q. YOU ALSO TESTIFIED ABOUT ANOTHER COOKOUT,
22 A HAMBURGER/HOT DOG COOKOUT. DO YOU REMEMBER WHEN
23 THAT WAS IN RELATION TO THE WASH POT COOKOUT? WAS IT
24 AFTER OR BEFORE? DO YOU REMEMBER ABOUT WHAT DAY IT
25 WAS?

1 A. I'M NOT SURE. I THINK IT WAS BEFORE. I'M
 2 NOT SURE.

3 Q. OKAY.

4 A. BUT IT WAS AT BOBBY'S HOUSE.

5 Q. AT BOBBY'S HOUSE?

6 A. YES, SIR.

7 Q. WHO ALL WAS THERE THAT DAY?

8 A. ME, RICKY, BILLIE BATTON, TWO WHITE GIRLS
 9 THAT LIVED IN THE FRONT OF BOBBY.

10 Q. UH-HUH.

11 A. A LITTLE BABY AND JEFF GRAHAM.

12 Q. OKAY. JUST A NEIGHBORHOOD KIND OF
 13 GATHERING, FROM WHAT YOU'RE SAYING?

14 A. YEAH.

15 Q. OKAY. AND YOU DON'T REALLY KNOW WHETHER
 16 OR NOT THE WASH POT MATTERS -- AND I CALL IT THE WASH
 17 POT PARTY -- BECAUSE YOU DON'T KNOW WHAT WAS IN THE
 18 WASH POT BEFORE YOU WENT TO CANADA OR AFTERWARDS?

19 A. I'M NOT SURE.

20 Q. YOU'RE NOT SURE?

21 A. NO, SIR.

22 Q. OKAY. BUT YOU ARE SURE THAT MARTIN WASN'T
 23 THERE THAT DAY?

24 A. I SAID I DIDN'T SEE HIM.

25 MR. ERVIN: RIGHT. THAT'S ALL I HAVE,

1 YOUR HONOR.

2 THE COURT: ALL RIGHT. DOES THAT CONCLUDE
3 ALL OF THE QUESTIONING? HOW ABOUT IT, SOLICITOR?
4 DOES THAT CONCLUDE THE QUESTIONING?

5 MR. WILSON: YES, SIR. THANK YOU.

6 MR. ROGERS: MAY BE SHE BE EXCUSED, YOUR
7 HONOR?

8 THE COURT: YES, SIR.

9 MR. ROGERS: THANK YOU.

10 THE COURT: YES, SIR. I'M SORRY. WHERE
11 ARE WE NOW? NEXT WITNESS.

12 MR. PADGETT: ARE YOU READY TO PROCEED?

13 THE COURT: YES, SIR. I'M SORRY.

14 MR. PADGETT: WE CALL RICKY STUCKEY.

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

19 THE WITNESS: RICKY STUCKEY.

20 RICKEY STUCKEY,
21 HAVING BEEN FIRST DULY SWORN BY THE CLERK OF COURT,
22 TESTIFIED AS FOLLOWS:

23 D I R E C T E X A M I N A T I O N
24 BY MR. PADGETT:

25 Q. STATE YOUR NAME FOR ME, PLEASE.

1 A. RICKY STUCKEY.

2 Q. RICKY, YOU ARE CHARGED IN THIS CASE,
3 OBVIOUSLY.

4 A. YES, SIR.

5 Q. AND YOU HAVE BEEN AWAITING FOR TRIAL FOR
6 OVER TWO YEARS. ISN'T THAT CORRECT?

7 A. YES, SIR.

8 Q. AND YOU HAVE BEEN IN JAIL ALL OF THAT
9 TIME?

10 A. YES, SIR.

11 Q. OKAY. NOW, LET'S START BACK AT DURING
12 THIS SAME TIME FRAME, NOVEMBER 1994. WHERE WERE YOU
13 WORKING?

14 A. AT MY FATHER'S SHOP.

15 Q. AND WHERE IS THAT?

16 A. OUT ON 385.

17 Q. IS THAT MACK STUCKEY'S GARAGE?

18 A. YES, SIR.

19 Q. AND IT'S STILL IN BUSINESS TODAY, ISN'T
20 IT?

21 A. YES, SIR.

22 Q. WHAT DID YOU DO AT THAT SHOP? WHAT WAS
23 YOUR PROFESSION?

24 A. I PAINT CARS.

25 Q. AND HOW OLD ARE YOU?

1 A. THIRTY-FIVE.

2 Q. SO YOU WERE AROUND 33 AT THE TIME?

3 A. YES, SIR.

4 Q. AND WHO ELSE WORKED WITH YOU THERE? YOUR
 5 FATHER?

6 A. WELL, HE WAS WHEN I LEFT. HE DON'T WORK
 7 NO MORE.

8 Q. HE'S DISABLED NOW, ISN'T HE?

9 A. YES, SIR.

10 Q. DID YOU WORK EVERY DAY PRETTY MUCH?

11 A. YES, SIR.

12 Q. OKAY. NOW, THERE'S NO DOUBT BUT THAT
 13 RINGO PEARSON IS THE PERSON THAT -- WELL, LET ME
 14 REPHRASE THAT QUESTION. YOU ARE KIN TO RINGO
 15 PEARSON?

16 A. FIRST COUSIN.

17 Q. THE MAN WE'VE BEEN TALKING ABOUT FOR A
 18 WEEK?

19 A. YES, SIR.

20 Q. NOW, DO YOU HAVE ANY IDEA HOW ANYBODY
 21 MIGHT HAVE TIED YOU IN WITH HAVING ANYTHING TO DO
 22 WITH RINGO? DID YOU EVER HAVE ANYTHING TO DO WITH
 23 RINGO PEARSON?

24 A. WELL, AT ONE TIME, I USED TO DRIVE FOR HIM
 25 BEFORE I LOST MY LICENSE.

1 Q. OKAY. YOU'VE GOT TO SPEAK UP. I CAN
 2 BARELY HEAR YOU AND I'M STANDING RIGHT HERE. OKAY?

3 A. OKAY. A YEAR BEFORE I LOST MY LICENSE, I
 4 USED TO DRIVE FOR RINGO.

5 Q. WHAT DO YOU MEAN DRIVE FOR RINGO? DID HE
 6 HAVE A LICENSE THEN OR WHAT?

7 A. WHO, RINGO?

8 Q. YEAH.

9 A. NO, HE DIDN'T HAVE NO LICENSE. IF HE
 10 WANTED TO GO SOMEWHERE, LIKE UPTOWN MAYBE, HE WOULD
 11 WANT ME TO DRIVE. BUT IF HE WAS GOING OUT OF TOWN,
 12 SOMETHING LIKE THAT...

13 Q. OKAY. DID THAT RELATIONSHIP EVER COME TO
 14 AN END?

15 A. YEAH, AFTER I LOST MY LICENSE.

16 Q. WHEN DID YOU LOSE YOUR LICENSE?

17 A. IN JULY.

18 Q. OF WHAT YEAR?

19 A. '93.

20 Q. '93?

21 A. I THINK IT WAS -- YEAH, '93.

22 Q. OKAY. SO IT WAS AT LEAST -- LET ME SEE
 23 HERE. I'M GOING TO ASK YOU THIS. COULD IT HAVE BEEN
 24 THE FIRST PART OF '94?

25 A. YES. IT WAS THE FIRST PART OF '94 BECAUSE

1 HE TOLD ME MY LICENSE WOULD BE SUSPENDED FOR A YEAR.

2 Q. OKAY. BUT WHAT CAUSED IT WAS IN '93. IS
3 THAT CORRECT?

4 A. SIR?

5 Q. WHAT CAUSED THE SUSPENSION WAS IN '93; IS
6 THAT CORRECT?

7 A. YES, SIR.

8 Q. OKAY. ALL RIGHT. NOW, AFTER YOU LOST
9 YOUR LICENSE, DID YOU HANG OUT WITH RINGO PEARSON ANY
10 MORE?

11 A. NO, SIR.

12 Q. OKAY. WAS THERE ANYTHING THAT EVER
13 HAPPENED INVOLVING RINGO WHERE Y'ALL MIGHT HAVE HAD A
14 FALLING OUT?

15 A. YES, SIR.

16 Q. ALL RIGHT. LOOK. TELL THE JURY WHAT
17 HAPPENED.

18 A. I HAD LET RINGO START WORKING TO THE SHOP
19 AND ONE DAY HIS CAR WOULDN'T CRANK. HE HAD THE
20 KICKER BOX AND AMPS --

21 Q. SPEAK UP, PLEASE.

22 A. HE HAD THE KICKER BOX AND AMPS AND STUFF
23 ALL IN HIS CAR, AND HIS BATTERY WENT DEAD AND HE WENT
24 AND TOOK A BATTERY OUT OF ONE OF THE TRUCKS OUT THERE
25 AND MY FATHER COULDN'T FIND THE BATTERY. IT SO

1 HAPPENED HE WAS WALKING TO THE STORE AND RINGO HAD
2 THE HOOD UP ON HIS CAR AND HE SAW THE BATTERY IN THE
3 CAR AND HE TOLD HIM TO TAKE THE BATTERY OUT OF THE
4 CAR AND LEAVE THERE AND DON'T COME BACK.

5 Q. OKAY. NOW, AFTER YOUR FATHER TOLD HIM NOT
6 TO COME AROUND ANY MORE, WHAT HAPPENED WITH RINGO?

7 A. HE NEVER COME BACK TO THE SHOP NO MORE.

8 Q. THAT WAS THE END OF HIM COMING AROUND
9 THERE?

10 | A. YES, SIR.

11 Q. OKAY. WHEN DID THAT HAPPEN? DO YOU
12 REMEMBER?

13 A. NO, SIR.

14 Q. WAS THERE --

15 A. IT WAS IN THE SUMMERTIME.

16 Q. OF WHAT YEAR?

17 | A. OF 9 - - - 9 - - -

18 Q. WAS IT THE SAME YEAR THAT MS. PATTERSON
19 GOT KILLED?

20	A. NO, SIR.

21 Q. WAS IT THE YEAR BEFORE THAT?

22 | A. YES, SIR.

23 Q. OKAY. YOU STATED YOUR LICENSE WAS
24 SUSPENDED THE BEGINNING OF '94?

25 | A. YES, SIR.

1 Q. ALL RIGHT. MS. PATTERSON WAS KILLED IN
2 '94?

3 A. WELL, I KNOW I -- I KNOW I LOST MY LICENSE
4 WHEN I GOT LOCKED UP. THAT MARCH, I WAS SUPPOSED TO
5 BE GETTING THEM BACK.

6 Q. OKAY. ALL RIGHT. NOW, TELL ME ABOUT YOUR
7 RELATIONSHIP WITH FOX ANN OR MYRA BENNETT AS WE KNOW
8 HER.

9 A. WELL, SHE WAS JUST A FRIEND OF MINE.

10 Q. ALL RIGHT. WERE Y'ALL HAVING A SEXUAL
11 RELATIONSHIP?

12 A. YES, SIR.

13 Q. HOW MUCH TIME WERE YOU SPENDING WITH HER
14 IN NOVEMBER OF 1994?

15 A. EVERY DAY OR EVERY OTHER NIGHT.

16 Q. OKAY. WOULD YOU GO TO HER HOME?

17 A. YES, SIR, AFTER I LEAVE THE SHOP.

18 Q. AND HOW WOULD YOU GET THERE?

19 A. I WOULD GET MY BROTHER TO DROP ME OFF OR
20 MY FATHER.

21 Q. OKAY. AND IF YOU WEREN'T AT HER HOME,
22 WHERE WOULD SHE BE?

23 A. SIR?

24 Q. IF YOU WEREN'T GOING TO HER HOME TO SPEND
25 THE NIGHT, WHERE WOULD SHE BE?

1 A. SHE WOULD ALREADY BE TO MY HOUSE.
2 Q. WHICH WAS THE TRAILER?
3 A. THAT WAS THE TRAILER.
4 Q. OKAY. SO Y'ALL SAW EACH OTHER SEVERAL
5 TIMES A WEEK, THEN?
6 A. YES, SIR.
7 Q. OKAY. DO YOU REMEMBER HAVING A COOKOUT AT
8 THAT TRAILER AT SOME POINT WHERE A WASH POT WAS USED?
9 A. YES, SIR.
10 Q. WHERE DID YOU GET THE WASH POT?
11 A. FROM MS. GRACIE DURANT.
12 Q. OKAY. AND WHAT DID YOU COOK IN THAT WASH
13 POT?
14 A. TWO BOXES OF PIG'S FEET.
15 Q. WHERE DID YOU GET THAT?
16 A. AT MS. LINDY'S STORE.
17 Q. AND HOW MANY PIGS FEET COME IN A BOX?
18 A. SOMETIMES EIGHT.
19 Q. OKAY. SO YOU HAD ---
20 A. SOMETIMES SEVEN.
21 Q. YOU HAD ABOUT SEVEN OR EIGHT TO A BOX?
22 A. SEVEN OR EIGHT. DEPENDS ON HOW BIG THEY
23 WERE.
24 Q. SO YOU HAD MAYBE 14, 16 PIG FEET?
25 A. YES, SIR.

1 Q. NOT MUCH MEAT ON A PIG'S FOOT, IS THERE?

2 A. NO, SIR.

3 Q. HOW MANY CAN YOU USUALLY EAT DURING ONE
 4 SITTING?

5 A. SIR?

6 Q. HOW MANY PIG'S FEET CAN YOU USUALLY EAT
 7 DURING ONE MEAL?

8 A. ME?

9 Q. YEAH.

10 A. I CAN EAT ABOUT SIX.

11 Q. SO THERE WAS ONLY ABOUT 16 TO 18 THERE?
 12 OKAY. DO YOU REMEMBER WHO WAS THERE WHEN Y'ALL
 13 COOKED THE PIG'S FEET?

14 A. YES, SIR.

15 Q. WHO?

16 A. ME -- ME, RICKY STUCKEY WAS THERE, LEROY
 17 STATON, ROBERT GRAHAM, BOBBY RANSOM, BETTY LOU,
 18 VERNON DUNBAR AND DANNY GRAHAM -- DANNY -- DANNY. I
 19 DON'T KNOW HIS LAST NAME.

20 Q. OKAY. WHAT TIME DID YOU START COOKING
 21 THOSE PIG FEET? DO YOU REMEMBER? I KNOW IT'S BEEN A
 22 LONG TIME.

23 A. IT WAS LATE IN THE AFTERNOON BECAUSE WE
 24 HAD JUST RODE AROUND DOING NOTHING AND WE DECIDED TO
 25 COOK THEM.

1 HUNGRY, SAID LET'S COOK SOME PIG'S FEET IN THE WASH
2 POT.

3 Q. ALL RIGHT. Y'ALL DID A LOT OF COOKING IN
4 THE WASH POTS, DIDN'T YOU? OR IF I'M PUTTING WORDS
5 IN YOUR MOUTH, STOP ME.

6 A. I NEVER COOKED NO PIG'S FEET AT THE HOUSE
7 BUT ONCE.

8 Q. ALL RIGHT. BUT HOW ABOUT AT THE SHOP?

9 A. WELL, WE COOKED ANYTHING AT THE SHOP IN A
10 POT.

11 Q. BUT THIS IS THE ONLY TIME YOU COOKED IN
12 THE WASH POT AT THE TRAILER?

13 A. YES, SIR.

14 Q. ALL RIGHT. AND YOU STARTED COOKING ABOUT
15 WHAT TIME?

16 A. I WOULD SAY IT HAD TO BE LIKE 2:00, AFTER
17 2:00.

18 Q. ALL RIGHT.

19 A. AFTER 12:00, I KNOW.

20 Q. WELL, I'M GOOD WITH GAS GRILLS, BUT I'M
21 NOT GOOD WITH POTS AND PIG'S FEET. HOW LONG DOES IT
22 TAKE TO COOK A PIG'S FOOT?

23 A. THEY WOULD BE FROZEN. PROBABLY ABOUT AN
24 HOUR AND A HALF.

25 Q. WERE THESE FROZEN?

25 Q. LIGHT POLE IS RIGHT BY THE TRAILER; IS

1 THAT RIGHT?

2 A. YES, SIR. AT THE END OF THE TRAILER.

3 Q. ALL RIGHT. WAS THIS TRAILER CLOSED UP OR
4 WAS IT OPEN?

5 A. OPEN.

6 Q. BOTH DOORS OPEN?

7 A. YES, SIR.

8 Q. THERE'S ONE ON THE FRONT, ISN'T THERE?

9 A. SIR?

10 Q. IS THERE A DOOR ON THE FRONT?

11 A. A DOOR ON THE FRONT AND A DOOR ON THE
12 BACK.

13 Q. BOTH DOORS OPEN?

14 A. YES, SIR. YES, SIR.

15 Q. WHY WERE BOTH OF THESE DOORS OPEN?

16 A. SINCE I WAS GOING TO BE THERE, I LET THEM
17 STAY OPEN SO THE HOUSE COULD AIR OUT SOME.

18 Q. WHERE WAS THE BEER?

19 A. IN THE REFRIGERATOR.

20 Q. WERE THE DOORS OPEN SO PEOPLE COULD GO IN
21 AND OUT AND GET BEER?

22 A. YES, SIR.

23 Q. ALL RIGHT. SO DOORS WERE OPEN THE WHOLE
24 TIME; IS THAT RIGHT?

25 A. YES, SIR.

1 A. NO, SIR. I NEVER SEEN HER IN THE TRAILER.

2 Q. OKAY. YOU KNEW DARLENE PATTERSON A LONG
3 TIME BEFORE WHAT HAPPENED TO HER, DIDN'T YOU?

4 A. YES, SIR.

5 Q. TELL THE JURY WHERE THAT WAS.

6 A. WELL, I WENT TO SCHOOL WITH HER AND SHE
7 WAS ABOUT TWO YEARS IN FRONT OF ME. AND AFTER SHE
8 GRADUATED, I HADN'T SEEN HER NO MORE UNTIL I MOVED
9 OUT HERE AFTER I GRADUATED IN '80. I SAW HER ONE
10 TIME MAYBE IN 198--- '86. I HADN'T SEEN HER SINCE
11 '86.

12 Q. NEVER SAW HER AGAIN SINCE '86?

13 A. NO, SIR. I SAW HER ON THE -- SHE HAD HER
14 LITTLE BOY WITH HER. THEY WAS GETTING SOME CANDY.
15 THAT WAS THE ONLY TIME I SEEN HER. I NEVER HUNG
16 AROUND BENNETTSVILLE ANYWAY.

17 Q. WHERE WOULD YOU HANG AROUND?

18 A. AROUND GIBSON.

19 Q. RICKY, WHEN WAS THE FIRST TIME THAT YOU
20 HEARD THAT SOMETHING TERRIBLE HAD HAPPENED TO DARLENE
21 PATTERSON?

22 A. I DON'T KNOW EXACTLY WHAT DATE IT IS, BUT
23 I KNOW IT WAS ON A TUESDAY BECAUSE I LAID OUT OF WORK
24 ON -- USUALLY LAID OUT OF WORK ON MONDAY FROM WORKING
25 ON THAT SATURDAY AND SOMETIMES I WORKED ON SUNDAY.

1 A. THIRTY-FIVE.

2 Q. AND YOUR CRIMINAL RECORD, DO YOU -- YOU DO
 3 HAVE A CRIMINAL RECORD, DON'T YOU?

4 A. YES, SIR.

5 Q. CONSISTS OF FORGERY?

6 A. YES, SIR.

7 Q. BACK WHEN?

8 A. ABOUT '90, I THINK.

9 Q. YEARS AGO?

10 A. YES, SIR.

11 Q. FORGERY?

12 A. YES, SIR.

13 Q. OKAY.

14 A. MIGHT HAVE BEEN '89. '89 OR '90.

15 Q. AND WHAT WAS THAT? A CHECK?

16 A. YES, SIR.

17 Q. OKAY. BEFORE I SIT DOWN, I'VE GOT TO ASK
 18 YOU ONE OTHER QUESTION. NOW, SOLICITOR WILSON HAS
 19 KIND OF POKED FUN AT THE FACT THAT SOME OF YOU
 20 FELLOWS MIGHT HAVE RELIGION, AND I NOTICE THAT YOU
 21 HAVE A CROSS ON. HOW LONG HAVE YOU BEEN WEARING THAT
 22 CROSS?

23 A. TWO YEARS.

24 Q. ALL RIGHT.

25 A. TWO YEARS AND ABOUT TWO MONTHS.

1 Q. AND I'VE BEEN REPRESENTING YOU FOR OVER
 2 TWO YEARS, HAVEN'T I?

3 A. YES.

4 Q. AND I'VE BEEN TO SEE YOU MANY TIMES IN THE
 5 JAIL TO TALK ABOUT THINGS, HAVEN'T I?

6 A. YES, SIR.

7 Q. AND YOU'VE BEEN WEARING THAT CROSS EVERY
 8 TIME I'VE EVER SEEN YOU, HAVEN'T YOU?

9 A. YES, SIR.

10 Q. YOU'RE NOT WEARING IT TO IMPRESS ANYBODY,
 11 ARE YOU?

12 A. NO, SIR.

13 Q. YOU WEREN'T TRYING TO IMPRESS ME, WERE
 14 YOU?

15 A. NO, SIR. I HAD IT BEFORE I SAW YOU.

16 Q. AND WASN'T THAT THE ONLY THING YOU WERE
 17 LEFT WITH ONE TIME WHEN YOU WERE MOVED?

18 A. WHEN THEY TOOK ME DOWN TO BROAD RIVER ROAD
 19 IN COLUMBIA AND STRIPPED EVERYTHING AND THEY HAD ME
 20 TO TAKE OFF EVERYTHING THAT I HAD ON, THAT'S THE ONLY
 21 THING THE SERGEANT WOULD LET ME KEEP.

22 Q. AND YOU'VE STILL GOT IT TODAY?

23 A. YES, SIR.

24 Q. RICKY, HAVE YOU GOT ANYTHING ELSE YOU WANT
 25 TO TELL THIS JURY? HAVE I LEFT ANYTHING OUT?

1 A. NOTHING BUT I'M SORRY THAT SHE GOT KILLED.
2 I MEAN, I DON'T SEE WHAT ELSE -- WASN'T NO REASON FOR
3 SOMEBODY TO KILL HER BECAUSE I ALWAYS THOUGHT SHE WAS
4 A NICE GIRL IN SCHOOL.

5 Q. DID YOU HAVE ANYTHING TO DO WITH IT?

6 A. SIR?

7 Q. YOU DIDN'T HAVE ANYTHING TO DO WITH IT,
8 DID YOU?

9 A. NO, SIR.

10 Q. NOTHING WHATSOEVER?

11 A. NO, SIR.

12 MR. PADGETT: THANK YOU.

13 THE COURT: MR. ERVIN.

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

15 BY MR. ERVIN:

16 Q. MR. STUCKEY, DO YOU KNOW A FELLOW BY THE
17 NAME OF SAMUEL BUTCH MOORE?

18 A. YES, SIR.

19 Q. WHO IS THAT?

20 A. IT'S MY FIRST COUSIN.

21 Q. DO YOU KNOW WHERE HE LIVES?

22 A. YES, SIR.

23 Q. TELL THE JURY WHERE HE LIVES.

24 A. HE LIVES OUT IN LESTER ON A DIRT ROAD,
25 FIRST DIRT ROAD TO THE LEFT.

1 Q. FIRST DIRT ROAD TO THE LEFT?

2 A. YES, SIR.

3 Q. DOES HE LIVE IN A TRAILER THERE?

4 A. YES, SIR.

5 Q. IS HE HARD TO FIND?

6 A. NO, SIR. YOU CAN SEE HIM RIGHT OUT IN THE
 7 OPEN. IT'S RIGHT OUT IN THE OPEN IN THE FIELD.

8 Q. SO IF THOSE DIRECTIONS WERE GIVEN FOR THE
 9 SHERIFF'S DEPARTMENT TO SERVE A SUBPOENA, IT
 10 SHOULDN'T BE TOO DIFFICULT TO LOCATE BUTCH MOORE?

11 A. ALL YOU'VE GOT TO DO IS GO ON BOYKIN ROAD.

12 Q. DID MARTIN MCINTOSH MOVE IN WITH YOU IN
 13 DECEMBER OF '94?

14 A. YES, SIR. I KNOW IT WAS AFTER CHRISTMAS
 15 SOMETIME, AROUND THE CHRISTMAS HOLIDAYS.

16 Q. OKAY. AND HE STAYED THERE UNTIL ABOUT
 17 WHAT TIME, IF YOU RECALL?

18 A. ABOUT WHAT TIME? HOW LONG DID HE LIVE
 19 THERE?

20 Q. UH-HUH.

21 A. UNTIL THEY LOCKED ME UP.

22 Q. OKAY.

23 MR. ERVIN: BEG THE COURT'S INDULGENCE.
 24 BY MR. ERVIN:

25 Q. YOU HEARD YOUR OLD GIRLFRIEND FOX ANN SAY

1 THAT THE CONVERSATION TOOK PLACE AT THE TRAILER
2 SOMETIME IN JANUARY WHEN SHE WAS TALKING ABOUT
3 ALIBIS. WERE YOU THERE THEN?

4 A. YES, SIR.

5 Q. DO YOU RECALL MARTIN SAYING WHAT SHE SAID
6 HE SAID?

7 A. YES, SIR.

8 Q. WHAT WAS THE CONTEXT OF THAT? WAS SHE
9 JOKING WHEN SHE SAID IT?

10 A. YEAH, SHE JUST CAME BACK FROM THE BACK AND
11 SHE DIDN'T EVEN KNOW WHAT -- WHAT THE POLICE CAME
12 THERE FOR. AND I DIDN'T KNOW WHAT THEY CAME THERE
13 FOR EITHER. AND SHE SAID, "I DON'T KNOW WHAT IT IS,
14 BUT" -- WELL, ROBERT HAD BEEN DOWN TO THE TALK TO THE
15 POLICE.

16 Q. UH-HUH.

17 A. AND CAME -- AND THEN THEY CAME AND GOT ME.
18 AND SHE SAID Y'ALL BETTER HAVE A GOOD -- BETTER HAVE
19 A GOOD ALIBI OR BE ABLE TO TELL THEM WHERE YOU WAS.

20 Q. OKAY.

21 A. AT THE TIME OF THIS.

22 Q. AND DID MARTIN MAKE THAT STATEMENT IN YOUR
23 PRESENCE?

24 A. YES, SIR.

25 Q. SOMETHING ABOUT BEING GAY? IS HE GAY, TO

1 YOUR KNOWLEDGE?

2 A. NO, HE WAS JUST JOKING BECAUSE HE JUST
 3 SAID THAT BECAUSE HE DON'T KNOW NOTHING ABOUT IT.

4 Q. OFF THE CUFF REMARK?

5 A. YEAH.

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

7 THE COURT: MR. REDMOND?

8 MR. REDMOND: NO.

9 THE COURT: MR. MOORE?

10 MR. MOORE: NO.

11 THE COURT: MR. WILL ROGERS.

12 MR. WILL ROGERS: YES, SIR. PLEASE THE
 13 COURT.

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

15 BY MR. WILL ROGERS:

16 Q. MR. STUCKEY, TWO OR THREE QUESTIONS FOR
 17 YOU. MY CLIENT, ALFONZO STATON, HAS HE EVER BEEN TO
 18 YOUR TRAILER?

19 A. HAVE HE EVER BEEN IN THERE?

20 Q. YEAH. WELL, TO YOUR TRAILER.

21 A. HE RODE IN THE YARD ONE TIME.

22 Q. OKAY. AND WHAT WAS HE DOING THERE?

23 A. HIS SISTER HAD SOME KIND OF ACTIVITY GOING
 24 ON AT SCHOOL ABOUT SAVING CANS OR SOMETHING AND HE --
 25 HIS MOTHER HAD ASKED ME WAS I SAVING CANS AT ONE

1 TIME, SO I TOLD THEM, YEAH, I WAS SAVING CANS, BUT I
2 LEFT THE CANS OVER TO THE OLD HOUSE WHEN I MOVED,
3 THAT HE COULD GO OVER THERE AND GET THEM.

4 Q. UH-HUH.

5 A. WELL, FONZ CAME TO THE TRAILER AND ASKED
6 ME WHERE THE CANS WAS, SO HE ASKED ME WHERE THE CANS
7 WAS AND DROVE ON OFF.

8 Q. OKAY. DID HE EVER HANG AROUND YOUR
9 FATHER'S GARAGE ANY?

10 A. NO, SIR.

11 Q. OKAY. DO YOU KNOW IF ALFONZO DRINKS?

12 A. NO, HE DON'T DRINK.

13 MR. WILL ROGERS: THAT'S ALL I HAVE, YOUR
14 HONOR.

15 THE COURT: ALL RIGHT, SIR. MR. LAWSON?

16 MR. LAWSON: MAY IT PLEASE THE COURT.

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

18 BY MR. LAWSON:

19 Q. MR. STUCKEY, WHEN DID YOU MOVE IN THAT
20 TRAILER?

21 A. I REALLY DON'T KNOW THE DATES, SIR.

22 Q. WAS IT DURING THE YEAR 1994?

23 A. YEAH. WE MORE -- WE HAVEN'T STAYED THERE
24 A YEAR.

25 Q. YOU HADN'T EVEN BEEN THERE A YEAR?

1 A. NO, SIR.

2 Q. DID YOU MOVE THERE IN THE SUMMERTIME?

3 A. YEAH, IT WAS WARM.

4 Q. IT WAS WARM? OKAY. AND IT WAS IN 1994?

5 A. YES, SIR.

6 MR. LAWSON: ALL RIGHT. I DON'T HAVE
7 ANYTHING FURTHER.

8 THE COURT: MR. WILSON.

9 MR. WILSON: THANK YOU, YOUR HONOR.

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

11 BY MR. WILSON:

12 Q. MR. STUCKEY, YOU SAID THAT YOU'VE BEEN
13 WEARING YOUR CROSS NOW FOR TWO YEARS. RIGHT?

14 A. YES, SIR.

15 Q. BUT YOU WEREN'T WEARING IT WHEN THE POLICE
16 CAME THERE TO ARREST YOU AND PUT YOU IN JAIL FOR THIS
17 CRIME. YOU WEREN'T WEARING IT THEN, WERE YOU? YOU
18 GOT THAT CROSS AFTER YOU GOT IN PRISON, AFTER YOU GOT
19 CAUGHT.

20 A. BECAUSE I DON'T KNOW HOW TO MAKE ONE.

21 Q. HUH?

22 A. I DON'T KNOW HOW TO MAKE A CROSS LIKE
23 THIS.

24 Q. WELL, I DIDN'T ASK YOU IF YOU KNOW HOW TO
25 MAKE IT. WHAT I WAS ASKING YOU WAS YOU WEREN'T

1 WEARING IT.

2 A. NO, SIR.

3 Q. BECAUSE YOU HADN'T GOTTEN SAVED YET. YOU
 4 DIDN'T GET SAVED UNTIL YOU GOT CAUGHT. SOMETHING
 5 ABOUT GETTING CAUGHT CAUSES YOU TO GET SAVED, DOESN'T
 6 IT?

7 A. I'M NOT SAVED NOW.

8 Q. YOU AIN'T SAVED NOW?

9 A. NO, SIR.

10 Q. NOW, YOU'RE TELLING THE TRUTH NOW, AREN'T
 11 YOU?

12 A. THAT'S RIGHT.

13 Q. YOU'RE NOT SAVED NOW. YOU'RE JUST WEARING
 14 THAT CROSS TO IMPRESS SOMEBODY, I ASSUME, AREN'T YOU?
 15 ISN'T THAT WHY YOU GOT IT ON? YOU ARE TRYING TO
 16 IMPRESS -- YOU AIN'T SAVED. YOU AIN'T NO CHRISTIAN.
 17 YOU'RE A SINNER FROM YOUR HEART. YOU'RE WEARING THAT
 18 CROSS SIMPLY TO IMPRESS PEOPLE. THAT'S THE ONLY
 19 REASON YOU'VE GOT IT ON, ISN'T IT?

20 A. NO, SIR.

21 Q. TELL THE TRUTH, NOW. COME ON.

22 A. NO, SIR.

23 Q. WELL, IF YOU AIN'T SAVED, YOU AIN'T NO
 24 CHRISTIAN, WHY IN THE WORLD DO YOU WEAR A CROSS
 25 AROUND YOUR NECK?

1 Q. IN FEBRUARY OF '95. SO NINE MONTHS BEFORE
2 THAT. SO WHAT, APRIL OR MAY BEFORE YOU START SEEING
3 HER, OF '94?

4 A. I CAN'T REALLY SAY.

5 Q. WELL, YOU DON'T REALLY KNOW, BUT Y'ALL HAD
6 BEEN DATING SEVERAL MONTHS OR SEEING EACH OTHER
7 SEVERAL MONTHS OR SLEEPING TOGETHER SEVERAL MONTHS,
8 WHATEVER YOU WANT TO CALL IT. RIGHT?

9 A. RIGHT.

10 Q. NOW, YOU TOLD YOUR LAWYER, UNLESS I'M
11 MISTAKEN, THAT -- AND LET ME SEE WHAT YOU SAID. I
12 THINK YOU SAID, "WELL, SHE SPENT EVERY OTHER NIGHT
13 WITH ME. WE SPENT THREE TO FOUR TIMES A WEEK
14 TOGETHER." ISN'T THAT WHAT YOU SAID?

15 A. YES, SIR.

16 Q. THAT AIN'T REALLY TRUE, THOUGH, IS IT?

17 A. YES, SIR.

18 Q. WELL, WHAT ABOUT WHEN SHE WAS GOING WITH
19 THE OTHER FELLOW IN CANADA FOR EIGHT DAYS OR NINE
20 DAYS? SHE COULDN'T HAVE BEEN WITH YOU THEN. RIGHT?

21 A. SHE WASN'T GONE NINE DAYS.

22 Q. WELL, SHE WENT -- SHE LEFT ON THE 16TH,
23 DIDN'T SHE?

24 A. I DON'T KNOW.

25 Q. SHE DIDN'T COME BACK UNTIL THE 24TH.

A. ALWAYS BEEN MY FRIEND.

Q. ALWAYS WAS YOUR FRIEND. AND HE WAS YOUR FRIEND IN NOVEMBER OF '94, WASN'T HE?

A. HE WILL ALWAYS BE MY FRIEND.

Q. I DIDN'T ASK YOU THAT. I ASKED YOU WASN'T HE YOUR FRIEND IN NOVEMBER OF '94?

A. YES, SIR. YES, SIR.

Q. ALL RIGHT. AND RINGO WOULD COME AROUND THAT GARAGE FROM TIME TO TIME, WOULDN'T HE?

A. NOT AFTER MY FATHER RAN HIM OFF.

Q. WELL, WHEN DID HE RUN HIM OFF? THAT WASN'T UNTIL JANUARY, WAS IT? JANUARY OF '95 WHEN HE RAN RINGO OFF FOR STEALING A BATTERY?

A. NO.

Q. WHEN WAS IT? JANUARY OF '95. THAT'S EXACTLY WHAT IT WAS. WASN'T IT JANUARY OF '95 THAT HE RUN HIM OFF?

A. NO, SIR.

Q. WELL, WHEN WAS IT? WASN'T IT JANUARY OF '95? TELL US WHEN IT WAS.

A. IT WAS WAY OVER IN '94.

Q. WAY OVER IN '94. WELL, NOW, THERE AIN'T NO QUESTION ABOUT THE FACT THAT Y'ALL HAD THEM PIG FEET UP THERE. RIGHT?

A. RIGHT.

25 O. ROBERT GRAHAM. ROBERT GRAHAM WAS THERE

1 WHEN YOU WERE COOKING THEM PIG FEET, WASN'T HE?

2 A. YES, SIR.

3 Q. THAT WAS HIS TRAILER AND YOURS TOO.

4 RIGHT?

5 A. YES, SIR.

6 Q. SO Y'ALL WERE COOKING PIG FEET, YOU AND
7 ROBERT, AT Y'ALL'S PLACE OVER THERE. WHO ELSE WAS
8 OVER THERE WHEN THEM PIG FEETS WAS COOKING?

9 A. LEROY STATON.

10 Q. LEROY STATON, PREACHER BACK HERE. HE WAS
11 THERE. RIGHT? LEROY, WERE YOU THERE? LEROY WAS
12 THERE. WHO ELSE WAS THERE?

13 A. MYRA.

14 Q. WHO?

15 A. BOBBY.

16 Q. WHO?

17 A. BOBBY RANSOM.

18 Q. BOBBY RANSOM WAS THERE. WHO ELSE?

19 A. VERNON DUNBAR.

20 Q. AIN'T NO QUESTION ABOUT THE FACT THAT
21 BOBBY RANSOM WAS THERE, IS THERE? HE WAS THERE,
22 WASN'T HE?

23 A. YES, SIR.

24 Q. HE WAS. AND HE WAS IN THAT WHEELCHAIR AND
25 HE WAS DRINKING, WASN'T HE?

1 A. YES, SIR.

2 Q. ALL RIGHT. NOW, LET'S TALK ABOUT YOUR
3 BUDDY MARTIN MCINTOSH OVER HERE FOR A MINUTE. MARTIN
4 MCINTOSH, AIN'T NO QUESTION THAT ON JANUARY 24TH,
5 WHEN THE POLICE COME TO GET ROBERT GRAHAM TO TALK TO
6 HIM, THAT YOU WERE AT THE HOUSE. RIGHT?

7 A. YES, SIR.

8 Q. AIN'T NO QUESTION ABOUT THAT, IS THERE?

9 A. NO, SIR.

10 Q. ALL RIGHT. AND AIN'T NO QUESTION ABOUT
11 THE FACT THAT AFTER THE POLICE GOT ROBERT AND PUT HIM
12 IN THE CAR AND DROVE OFF, Y'ALL START TALKING ABOUT
13 GIVING HIM AN ALIBI, GETTING AN ALIBI. RIGHT?

14 A. NO, SIR. ABOUT WHAT?

15 Q. WELL, THAT'S WHAT I'M TRYING TO FIND OUT.
16 NOW, YOU JUST TOLD YOUR LAWYER THAT, YEAH, THERE WAS
17 A CONVERSATION ABOUT AN ALIBI, BUT IT WAS A JOKE.
18 NOW, WAS THERE A CONVERSATION OR WASN'T THERE?

19 A. THAT WAS AFTER THEY HAD DONE TOOK ME
20 DOWNTOWN AND BROUGHT BOTH OF US BACK.

21 Q. WELL, AND I UNDERSTAND, BUT I'M SIMPLY
22 ASKING YOU WHETHER OR NOT THERE WAS A CONVERSATION IN
23 THAT TRAILER WITH YOU AND SOME OTHER FOLKS PRESENT
24 WHERE THERE WAS DISCUSSION ABOUT AN ALIBI. THAT'S
25 ALL I'M ASKING YOU.

1 A. YES, SIR.

2 Q. ALL RIGHT. AIN'T NO QUESTION ABOUT THAT,
3 IS THERE, SON? IS THERE?

4 A. NO, SIR.

5 Q. AND AIN'T NO QUESTION ABOUT THE FACT THAT
6 OLD MARTIN MCINTOSH HERE SAID, "WELL, IF THEY ASK ME,
7 I'M GOING TO TELL THEM I'M GAY." THAT'S WHAT HE
8 SAID, ISN'T IT?

9 A. YES, SIR.

10 Q. WELL, WHAT WAS YOUR ALIBI GOING TO BE?
11 DID YOU TALK ABOUT THAT WITH THEM?

12 A. I HAVE NO ALIBI ABOUT IT. I'M NOT GOING
13 TO TELL THEM I'M GAY.

14 Q. WELL, AFTER -- AFTER Y'ALL HAD THIS
15 DISCUSSION ABOUT THE ALIBI, DIDN'T A GROUP OF Y'ALL
16 KIND OF MOVE OVER TO THE SIDE OUTSIDE OF FOX ANN'S
17 PRESENCE WHERE YOU CAN TALK SOME MORE AND LEFT HER?

18 A. NO, SIR.

19 Q. YOU DIDN'T DID THAT?

20 A. I WENT TO WORK WHEN THEY CAME BACK.

21 Q. WELL, NOW, LET'S TALK ABOUT THAT FOR A
22 MINUTE. WHO WENT TO THE POLICE STATION FIRST, YOU OR
23 ROBERT?

24 A. ROBERT GRAHAM.

25 Q. ROBERT GRAHAM. AND FOX ANN WAS GOING TO

1 WORK WHEN HE CAME BACK, WASN'T SHE?

2 A. NO, SIR.

3 Q. SHE WASN'T THERE WHEN ROBERT CAME BACK
4 WITH THE POLICE?

5 A. YES, SHE WAS.

6 Q. SHE WAS STILL THERE. IS THAT YOUR STORY?

7 A. SHE WAS STILL THERE.

8 Q. YOU SURE OF THAT?

9 A. I'M SURE.

10 Q. YOU'RE SURE THAT FOX ANN WASN'T GETTING
11 DRESSED TO GO TO WORK WHEN THE POLICE CAME TO THE
12 HOUSE THAT MORNING TO GET ROBERT?

13 A. SHE WAS GETTING DRESSED, BUT SHE DIDN'T
14 GO. SHE WENT TO SEE WHAT THE POLICE GOT ROBERT FOR.

15 Q. WENT WHERE?

16 A. SIR?

17 Q. WENT WHERE?

18 A. I SAID SHE DIDN'T GO TO WORK RIGHT THEN
19 BECAUSE SHE WAITED TO SEE WHAT THE POLICE WANTED WITH
20 ROBERT.

21 Q. WELL, WHEN SHE WAS THERE WHILE ROBERT WAS
22 GONE AND YOU WAS THERE, IS THAT WHEN THE CONVERSATION
23 TOOK PLACE ABOUT THE ALIBI OR IS THAT WHEN ROBERT
24 CAME BACK?

25 A. WHEN ROBERT CAME BACK AND I CAME BACK.

1 Q. OKAY. ROBERT WAS THERE IS WHAT YOU'RE
2 SAYING. YOU ARE SAYING THAT ROBERT WAS THERE, THAT
3 ROBERT GRAHAM WHEN THIS CONVERSATION ABOUT THE ALIBI
4 WAS DONE, 'OL ROBERT GRAHAM WAS THERE TOO, WASN'T HE?

5 A. YES, SIR.

6 Q. HUH? HUH?

7 A. YES, SIR.

8 Q. DID I UNDERSTAND YOU TO SAY THAT YOU'VE
9 KNOWN DARLENE FOR A LONG TIME?

10 A. YES, SIR.

11 Q. AND YOU SAY THAT SHE WAS A NICE GIRL?

12 A. AS FAR AS I KNOW.

13 Q. AS FAR AS YOU KNOW?

14 A. YES, SIR.

15 Q. SHE NEVER DONE ANYTHING TO NOBODY, DID
16 SHE?

17 A. NO, SIR.

18 Q. LOOK AT THAT. STATE'S EXHIBIT NUMBER 4.
19 SHE DIDN'T DESERVE THAT, DID SHE?

20 A. NO, SIR.

21 Q. LOOK AT STATE'S EXHIBIT NUMBER 6. YOU
22 THINK SHE DESERVED THAT?

23 A. NO, SIR.

24 Q. WHAT DO YOU THINK OUGHT TO HAPPEN TO
25 SOMEBODY WHO WOULD DO SOMETHING LIKE THAT TO A

PERSON?

MR. ERVIN: OBJECTION, YOUR HONOR.

MR. WILSON: I WITHDRAW THE QUESTION.

BY MR. WILSON:

Q. NOT NICE, IS IT?

A. NO, SIR.

Q. NOW, YOU WERE IN PRISON UP IN THERE IN COLUMBIA WITH JERRY WARD, WEREN'T YOU?

A. YES, SIR.

Q. AIN'T NO QUESTION ABOUT THAT, IS THERE?

A. NO, SIR.

Q. AND AIN'T NO QUESTION ABOUT -- WELL, LET ME ASK YOU THIS WAY. AIN'T NO QUESTION ABOUT THE FACT THAT JERRY WARD IS WHAT YOU CALL A JAILHOUSE LAWYER. RIGHT?

A. I DIDN'T THINK HE WAS NO LAWYER.

Q. WELL, I DIDN'T ASK YOU IF YOU THOUGHT HE WAS A LAWYER. WHAT I ASKED YOU WAS --

A. NO.

Q. ISN'T HE WHAT YOU CALL ONE OF THEM JAILHOUSE LAWYERS?

A. NO.

Q. NO. WELL, DIDN'T YOU TALK TO HIM? HUH?

A. YEAH, I TALKED TO HIM.

Q. YOU TALKED TO HIM. AIN'T NO QUESTION

1 ABOUT THE FACT THAT YOU TALKED TO HIM, IS THERE?

2 A. YEAH, I HAVE TALKED TO HIM.

3 Q. ALL RIGHT. AND HE DIDN'T KNOW YOU BEFORE
 4 YOU CAME TO PRISON, DID HE?

5 A. NO, SIR.

6 Q. HE AIN'T EVEN FROM MARLBORO COUNTY, IS HE?

7 A. NO, SIR.

8 Q. SO HE WOULDN'T KNOW ANYTHING ABOUT YOU
 9 UNLESS YOU TOLD HIM SOMETHING ABOUT YOU, WOULD HE, AS
 10 FAR AS YOU KNOW. RIGHT?

11 A. BUT HE ALREADY KNOWED ME BEFORE I GOT
 12 THERE.

13 Q. HE ALREADY KNEW YOU BEFORE YOU GOT THERE?

14 A. HE KNEW MY NAME.

15 Q. WELL, LET ME ASK YOU ABOUT THAT. HE KNEW
 16 YOUR NAME. DID YOU TELL HIM THAT YOU WERE WITH RINGO
 17 WHEN RINGO WRAPPED THAT TAPE AROUND HER FACE SO TIGHT
 18 THAT SHE COULDN'T BREATHE? HUH?

19 A. NO, SIR.

20 Q. YOU DIDN'T TELL HIM THAT. YOU DIDN'T TELL
 21 HIM THAT YOU WERE WITH RINGO WHEN RINGO TOLD HIM --
 22 TOLD HER WHAT HE'S GOING TO DO TO HER IF SHE DIDN'T
 23 ACT RIGHT BECAUSE SHE WAS MAKING NOISE?

24 A. NO, SIR.

25 Q. YOU WEREN'T THERE EITHER WHEN THAT

1 HAPPENED. RIGHT?

2 A. NO, SIR.

3 Q. WELL, WHAT DOES JERRY WARD HAVE AGAINST
4 YOU?

5 A. SIR?

6 Q. WHAT DOES JERRY WARD HAVE AGAINST YOU?
7 DID -- DID YOU AND HE HAVE A BIG FIGHT UP THERE AT
8 THE PRISON?

9 A. NO, I NEVER HAD A FIGHT SINCE I'VE BEEN IN
10 PRISON.

11 Q. WELL, WAS HE UPSET WITH YOU ABOUT
12 SOMETHING, I MEAN, MISTREATED YOU ABOUT SOMETHING OR
13 YOU HAD SOME BAD FEELINGS BETWEEN THE TWO OF YOU?

14 A. NO, SIR.

15 Q. WELL, DID YOU TELL HIM THAT -- DID YOU
16 TELL HIM ABOUT HOW Y'ALL TOOK HER AND DUMPED HER OFF
17 THE BRIDGE?

18 A. NO, SIR, BECAUSE I DIDN'T TAKE NOBODY AND
19 DUMP THEM OFF THE BRIDGE.

20 Q. YOU DIDN'T TELL HIM ABOUT THAT?

21 A. I DIDN'T TELL NOBODY I DID THAT.

22 Q. WHAT ABOUT JEFFREY GRAHAM? NOW, JEFFREY
23 IS YOUR COUSIN. RIGHT?

24 A. WHO?

25 Q. JEFFREY GRAHAM.

1 A. NO, SIR.

2 Q. Y'ALL ARE NOT RELATED?

3 A. NO, SIR.

4 Q. Y'ALL JUST KIND OF KNOW EACH OTHER?

5 A. YES, SIR.

6 Q. HUH?

7 A. YES, SIR.

8 Q. IN FACT, YOU BOTH WORKED FOR YOUR DAD AT
 9 THE SHOP PART-TIME. RIGHT?

10 A. YES, SIR.

11 Q. AND AIN'T NO QUESTION THAT JEFFREY WORKED
 12 UP THERE. RIGHT?

13 A. NO, SIR.

14 Q. AND HE WAS UP THERE EVERY DAY WORKING BACK
 15 DURING THIS TIME ANYWAY. RIGHT?

16 A. HE WASN'T UP THERE EVERY DAY.

17 Q. WELL, MOST DAYS, HE WORKED THERE. RIGHT?

18 A. RIGHT.

19 Q. AND DO YOU RECALL HAVING A CONVERSATION
 20 WHERE YOU WAS TELLING YOUR DAD THAT TO GET THAT B OUT
 21 OF MY TRAILER, GOT TO GET HER OUT OF THERE?

22 A. NO, SIR.

23 Q. YOU DON'T REMEMBER SAYING THAT WHEN
 24 JEFFREY GRAHAM WAS THERE?

25 A. NO, SIR.

1 Q. YOU DO HAVE A COUCH IN THAT TRAILER.

2 RIGHT? THERE WAS A -- BACK IN NOVEMBER OF 1994,
 3 THERE WAS A COUCH IN THAT TRAILER. RIGHT?

4 A. THERE'S TWO COUCHES IN THAT TRAILER.

5 Q. TWO COUCHES IN THERE. ARE THEY ACROSS
 6 FROM EACH OTHER BACK THEN?

7 A. YES, SIR.

8 Q. WHOSE IDEA WAS IT TO TAKE HER DOWN THERE
 9 TO THE RIVER AND DUMP HER IN?

10 A. I DON'T KNOW.

11 Q. YOU DON'T KNOW? WHAT RELATIONSHIP ARE YOU
 12 TO JEFFREY WALLS?

13 A. NO KIN TO JEFF.

14 Q. NO KIN AT ALL. NOW, LET ME ASK YOU THIS,
 15 RICKY. FROM NOVEMBER THE 12TH TO NOVEMBER 24TH, YOU
 16 WERE RIGHT THERE AT THAT TRAILER, WEREN'T YOU?

17 A. YES, SIR.

18 Q. NO QUESTION ABOUT THAT, IS THERE? IS IT,
 19 SON?

20 A. IN AND OUT.

21 Q. IN AND OUT. BUT YOU WERE THERE EVERY
 22 SINGLE DAY AND EVERY SINGLE NIGHT?

23 A. NO, SIR.

24 Q. NO, SIR, WHAT?

25 A. I WASN'T THERE EVERY DAY AND EVERY NIGHT.

1 Q. WHERE WERE YOU?

2 A. I STAYED IN GIBSON SOMETIMES.

3 Q. WELL, WHICH NIGHT DID YOU STAY IN GIBSON?

4 A. I COULDN'T -- I COULDN'T SAY WHAT NIGHTS I
5 STAYED OUT THERE.

6 Q. WHAT ABOUT ROBERT GRAHAM? DID HE STAY
7 THERE AT THAT TRAILER?

8 A. YES, SIR.

9 Q. HE WAS THERE EVERY NIGHT TOO, WASN'T HE,
10 FROM NOVEMBER 12TH TO NOVEMBER 24TH. HE WAS THERE
11 EVERY SINGLE NIGHT AND EVERY SINGLE DAY JUST LIKE
12 YOU, WASN'T HE?

13 A. HE WAS. I WASN'T.

14 Q. NO, BUT HE WAS THERE, BUT YOU WEREN'T
15 THERE?

16 A. NO, SIR.

17 Q. ALL RIGHT. SO IF ANYTHING WENT ON IN THAT
18 TRAILER BETWEEN NOVEMBER 12TH AND NOVEMBER 24TH, 'OL
19 ROBERT GRAHAM WAS THERE, WASN'T HE?

20 A. YES, SIR.

21 Q. NO QUESTION ABOUT THAT, IS THERE?

22 A. IF IT -- IF IT WENT ON WHILE HE WAS THERE
23 NOT WORKING.

24 Q. ALL RIGHT. BUT YOU WEREN'T THERE. RIGHT?
25 BECAUSE YOU WERE SPENDING SOME NIGHTS OVER IN GIBSON

1 EVERY NOW AND THEN?

2 A. RIGHT.

3 Q. IF ANYTHING WAS GOING ON, IT WAS ONE OF
4 THOSE NIGHTS YOU WAS UP IN GIBSON?

5 A. THAT'S RIGHT.

6 Q. HUH?

7 A. THAT'S RIGHT.

8 Q. YEAH. THAT'S RIGHT. THAT'S YOUR STORY
9 AND YOU'RE STICKING TO IT. RIGHT?

10 A. THAT'S THE TRUTH.

11 Q. OKAY. LET'S LOOK AT THIS. LOOK AT THAT
12 TAPE THERE. HERE, LOOK AT IT.

13 A. I SEE IT.

14 Q. NO, I WANT YOU TO TAKE -- LOOK AT IT. WHO
15 PUT THAT TAPE ON DARLENE PATTERSON?

16 A. I DON'T HAVE THE SLIGHTEST IDEA.

17 Q. YOU DON'T HAVE ANY IDEA?

18 A. NO, SIR.

19 MR. ROGERS: YOUR HONOR, I OBJECT. HE
20 CAN'T STARE THE WITNESS DOWN.

21 MR. WILSON: I JUST ASKED HIM A QUESTION.

22 MR. ROGERS: NO, YOU'RE NOT ASKING A
23 QUESTION.

24 THE COURT: NO, SIR. THIS IS PROPER
25 CROSS-EXAMINATION. GO AHEAD.

1 BY MR. WILSON:

2 Q. LET ME SHOW YOU THIS PIECE TOO. WHO PUT
 3 THIS PIECE ON HER WHICH IS STATE'S EXHIBIT 10? WHO
 4 PUT THAT ON THERE?

5 A. I DON'T KNOW.

6 Q. YOU DON'T KNOW WHO PUT THAT ON HER EITHER?

7 A. NO, SIR.

8 Q. WELL, WHO TOSSED HER OFF THAT BRIDGE?

9 A. I DON'T KNOW THAT EITHER.

10 Q. DON'T KNOW THAT EITHER. BUT TELL -- DID
 11 YOU TELL JERRY WARD THAT YOU WATCHED RINGO HAVE SEX
 12 WITH DARLENE PATTERSON IN THE TRAILER BECAUSE THE
 13 DOOR WAS CRACKED OPEN?

14 A. NO, SIR.

15 Q. YOU DIDN'T TELL HIM THAT EITHER?

16 A. NO, SIR.

17 THE COURT: OKAY. WE'RE GOING TO STOP THE
 18 CROSS-EXAMINATION AT THIS MOMENT. THE JURY INDICATES
 19 THEY NEED TO RETIRE. LET'S TAKE ABOUT A FIVE-MINUTE
 20 BREAK AND WE'LL BE READY TO START AGAIN.

21 (WHEREUPON, THE JURY WAS REMOVED
 22 FROM THE COURTROOM AND THE
 23 FOLLOWING PROCEEDINGS COMMENCED
 24 IN OPEN COURT.)

25 (WHEREUPON, A BREAK WAS TAKEN

FROM THE PROCEEDINGS.)

THE COURT: ALL RIGHT. LET'S SEE. YOU WERE IN CROSS-EXAMINATION.

MR. WILSON: I WAS COMPLETED.

THE COURT: YES, SIR. AND I APOLOGIZE FOR INTERRUPTING YOU. BRING THE JURY IN.

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

THE COURT: ALL RIGHT. YOU MAY CONTINUE YOUR EXAMINATION. PLEASE TURN AROUND, MR. WITNESS, AND FACE THE MICROPHONE FOR ME. GO AHEAD.

BY MR. WILSON:

Q. MR. STUCKEY, LET ME ASK YOU, AT SOME POINT IN TIME, DID YOU GET IN A CAR WITH MR. DAVIS AND MR. RANSOM AND MR. RINGO PEARSON AND TAKE DARLENE FROM THE TRAILER TO AN OLD ABANDONED HOUSE?

A. NO, SIR.

Q. YOU DIDN'T DO THAT?

A. NO, SIR.

Q. WELL, WHAT ABOUT DID YOU GET WITH THEM WHEN THEY TOOK HER FROM THE OLD ABANDONED HOUSE AND TOOK HER DOWN TO BURNT FACTORY ROAD AND DUMPED HER OFF THE BRIDGE?

1 A. NO, SIR.

2 Q. YOU WEREN'T IN THE CAR THEN?

3 A. NO, SIR.

4 Q. WELL, NOW, YOU DO KNOW WHERE THE OLD
5 ABANDONED HOUSE IS. RIGHT?

6 A. THE HOUSE I USED TO LIVE IN?

7 Q. YEAH.

8 A. YES, SIR.

9 Q. AND IT JUST HAPPENED THAT THE OLD
10 ABANDONED HOUSE THAT WE'RE TALKING ABOUT IS THE SAME
11 HOUSE THAT YOU KIND OF GREW UP IN. RIGHT?

12 A. YES, SIR. BUT NOBODY LIVES THERE NOW, OR
13 AT LEAST BACK THEN.

14 Q. LOOK AT STATE'S EXHIBIT 15. THAT IS THE
15 HOUSE, ISN'T IT?

16 A. YES, SIR.

17 Q. AND THIS IS THAT SIDE VIEW OF THIS HOUSE
18 CLOSER UP. NO QUESTION THAT THIS IS THE HOUSE YOU
19 GREW UP IN. RIGHT?

20 A. YES, SIR.

21 Q. ALL RIGHT. NOW, YOU KNEW WHERE IT WAS.
22 RIGHT?

23 A. YEAH, I KNOW WHERE THE HOUSE IS.

24 Q. AND YOU KNEW WHERE IT WAS BACK IN 1994?

25 A. YES, SIR.

Q. NOW, THE TRAILER BELONGED TO YOU. RIGHT?

A. YES, SIR.

Q. YOU AND ROBERT. RIGHT?

A. YES, SIR.

Q. LET ME SHOW YOU THESE TWO PHOTOGRAPHS.

ISN'T THAT Y'ALL'S TRAILER BACK IN 1994?

A. YES, SIR.

MR. WILSON: YOUR HONOR, I WOULD OFFER
THESE TWO PHOTOGRAPHS AS STATE'S EXHIBITS.

THE COURT: ALL RIGHT.

(STATE'S EXHIBIT NUMBER 31 AND 32
MARKED FOR IDENTIFICATION AND
ENTERED INTO EVIDENCE.)

MR. WILSON: YOUR HONOR. IN REGARDS TO
STATE'S EXHIBIT NUMBER 13 -- WITH REGARD TO STATE'S
EXHIBIT 13 AND 15, THEY ARE IN EVIDENCE.

BY MR. WILSON:

Q. NOW, LET ME SHOW YOU STATE'S EXHIBIT
NUMBER 13. NOW, THIS IS THE OLD ABANDONED HOUSE
WHERE YOU GREW UP. RIGHT?

A. YES, SIR.

Q. AND HOW FAR IS THAT FROM WHERE YOUR
TRAILER WAS THAT YOU AND ROBERT GRAHAM WERE SHARING?
HUH?

A. THE TRAILER FROM THE HOUSE THERE, THREE

1 MILES.

2 Q. ABOUT THREE MILES. ALL RIGHT. AND
3 STATE'S EXHIBIT NUMBER 15 IS JUST A MORE DISTANT VIEW
4 OF THAT SAME OLD ABANDONED HOUSE, ISN'T IT?

5 A. YES, SIR.

6 Q. AND THERE ARE REALLY NO HOUSES VERY CLOSE
7 TO THIS, ARE THERE?

8 A. MY MOTHER'S HOUSE.

9 Q. WHERE IS THAT?

10 A. IT'S NOT FAR.

11 Q. IT'S NOT FAR.

12 A. IT'S NOT SHOWN ON THERE.

13 Q. OKAY. IT'S NOT SHOWN ON THERE. AND
14 THERE'S A LONG DIRT ROAD FROM THE HIGHWAY THAT COMES
15 UP TO THIS HOUSE, ISN'T THERE?

16 A. NO, SIR.

17 Q. WELL, HOW CLOSE IS THIS HOUSE TO THE
18 HIGHWAY?

19 A. ABOUT 20 YARDS.

20 Q. FROM HERE TO THE BACK OF THAT COURTROOM OR
21 FURTHER?

22 A. FROM HERE TO THE COURT -- THE WALL BACK
23 THERE.

24 Q. ALL RIGHT. AND THERE'S A ROAD FROM THE
25 HIGHWAY -- THIS HOUSE SITS THAT FAR BACK OFF THE

1 HIGHWAY, DON'T IT?

2 A. YES, SIR.

3 Q. AND THERE'S NOTHING ELSE OUT THERE?

4 A. SOME TOBACCO BARNs RIGHT BESIDE THERE.

5 Q. RIGHT. SO IT'S KIND OF DESERTED OUT
6 THERE, ISN'T IT?

7 A. YES, SIR.

8 Q. AND AT NIGHT, THERE'S NOT MUCH STREET
9 LIGHT OUT THERE, IS THERE?

10 A. NONE.

11 Q. NONE? IS THAT WHERE Y'ALL TOOK HER AT?

12 A. I DIDN'T TAKE HER NOWHERE.

13 Q. WELL, WHO TOOK HER?

14 A. I DON'T KNOW.

15 Q. YOU DON'T KNOW? YOU THINK THAT'S A
16 COINCIDENCE THAT IT WAS YOUR TRAILER AND YOUR
17 ABANDONED HOUSE?

18 A. SIR?

19 MR. WILSON: I DON'T HAVE ANY OTHER
20 QUESTIONS.

21 THE COURT: ANY REDIRECT?

22 MR. PADGETT: JUST ONE.

23 R E D I R E C T E X A M I N A T I O N
24 BY MR. PADGETT:

25 Q. RICKY, RINGO PEARSON KNEW ALL ABOUT THAT?

1 HOUSE, DIDN'T HE?

2 A. SIR?

3 Q. RINGO PEARSON KNEW WHERE THAT HOUSE WAS,
4 DIDN'T HE?

5 A. YES, SIR.

6 MR. PADGETT: NOTHING FURTHER.

7 THE COURT: ALL RIGHT. YOU MAY COME DOWN.
8 ALL RIGHT, SIR. ANY OTHER WITNESSES ON BEHALF OF
9 THIS DEFENDANT?

10 MR. PADGETT: NO, SIR.

11 THE WITNESS: MR. REDMOND, ANY WITNESSES?

12 MR. REDMOND: NO, YOUR HONOR.

13 THE COURT: MR. MOORE, YOUR DEFENDANT HAS
14 PREVIOUSLY PRESENTED HIS CASE. MR. WILL ROGERS?

15 MR. WILL ROGERS: NO WITNESSES, YOUR
16 HONOR.

17 MR. LAWSON: YOUR HONOR, I HAVE A WITNESS.
18 I WAS TRYING TO GUESSTIMATE WHAT TIME TO HAVE HIM
19 HERE AND I HAVE HIM COMING AT 5:30. I HAVE ONE OTHER
20 WITNESS, BUT I DON'T KNOW HOW QUICKLY WE CAN GET
21 THROUGH THAT WITNESS.

22 THE COURT: DO YOU HAVE ANY WITNESS THAT
23 WE CAN PRESENT AT THIS TIME?

24 MR. LAWSON: YES, SIR, BUT I DON'T WANT
25 TO --

1 THE COURT: LET'S TAKE IT OUT OF ORDER.

2 MR. LAWSON: ALL RIGHT, SIR. YOUR HONOR,
3 WE WOULD CALL GRACIE GRAHAM.

4 THE CLERK: PLEASE COME AROUND AND PLACE
5 YOUR LEFT HAND ON THE BIBLE. RAISE YOUR RIGHT HAND
6 AND BE SWORN. PLEASE STATE YOUR FULL NAME FOR THE
7 RECORD.

8 THE WITNESS: GRACIE GRAHAM.

9 GRACIE GRAHAM,
10 HAVING BEEN FIRST DULY SWORN BY THE CLERK OF COURT,
11 TESTIFIED AS FOLLOWS:

12 DIRECT EXAMINATION
13 BY MR. LAWSON:

14 Q. STATE YOUR NAME, PLEASE.

15 A. MY NAME IS GRACIE L. GRAHAM.

16 Q. ALL RIGHT. AND ARE YOU RELATED TO ROBERT
17 GRAHAM?

18 A. YES. I'M HIS MOTHER.

19 Q. YOU'RE HIS MOTHER?

20 A. YES.

21 Q. YOU'VE KNOWN HIM ALL OF HIS LIFE?

22 A. ALL OF HIS LIFE.

23 Q. AND WHERE DO YOU LIVE, MS. GRAHAM?

24 A. I LIVE AT 1559 HIGHWAY 79 EAST.

25 Q. AND WHERE IS THAT?

1 A. THAT'S IN BENNETTSVILLE, SOUTH CAROLINA.

2 Q. OKAY. ARE YOU NERVOUS?

3 A. NOT REALLY.

4 Q. OKAY. HOW LONG HAVE YOU LIVED IN
5 BENNETTSVILLE?

6 A. ALL OF MY LIFE.

7 Q. OKAY. HOW LONG HAVE YOU LIVED IN THE
8 HOUSE YOU PRESENTLY LIVE IN?

9 A. WELL, IN THAT HOUSE, I'VE BEEN IN THAT
10 HOUSE APPROXIMATELY SEVEN YEARS, BUT I'VE BEEN IN
11 THAT COMMUNITY ALL OF MY LIFE.

12 Q. OKAY. AND WHERE DOES ROBERT LIVE NOW?

13 A. ROBERT LIVES WITH ME.

14 Q. ALL RIGHT. AND IN 1994, DID HE AT SOME
15 POINT IN TIME MOVE OUT?

16 A. YES, HE DID.

17 Q. OKAY. AND DO YOU KNOW WHEN APPROXIMATELY
18 IT WAS THAT HE MOVED INTO THE TRAILER?

19 A. I CAN'T RECALL THE DAY THAT HE -- YOU
20 KNOW, THAT TIME THAT HE MOVED, BUT HE DID MOVE.

21 Q. WAS IT IN THE SUMMERTIME, YOU THINK?

22 A. WELL, IT WASN'T COLD. I MEAN, IT WASN'T
23 COLD. IT WAS PROBABLY ABOUT MAYBE THE LAST OF THE
24 SUMMER. SOMETHING LIKE THAT.

25 Q. AND THAT WAS 1994?

1 A. YES.

2 Q. PRIOR TO THAT TIME, WHERE DID HE LIVE?

3 A. HE LIVED OVER ON GOODWIN POND ROAD.

4 Q. ALL RIGHT. WITH YOU?

5 A. I MEAN, WHEN HE MOVED, HE MOVED ON THE
6 GOODWIN POND ROAD.

7 Q. OKAY. INTO A TRAILER?

8 A. YES.

9 Q. ALL RIGHT. AND BEFORE HE MOVED OUT, DID
10 HE LIVE WITH YOU?

11 A. HE WAS LIVING WITH ME.

12 Q. AND HOW LONG HAD HE LIVED WITH YOU BEFORE
13 HE MOVED?

14 A. ALL OF HIS LIFE.

15 Q. OKAY. AND WHEN DID HE MOVE BACK IN WITH
16 YOU? DO YOU REMEMBER THAT?

17 A. HE MOVED BACK IN WITH ME ON JANUARY THE
18 25TH, 1995.

19 Q. AND THAT WAS ONE DAY AFTER HE TALKED WITH
20 THE POLICE ON JANUARY THE 24TH?

21 A. YES.

22 Q. AND DID YOU COME DOWN TO THE SHERIFF'S
23 OFFICE ON JANUARY 24TH?

24 A. YES. WE WAS OUT AT THE DETENTION CENTER.
25 THAT'S WHAT HE SAID.

1 Q. OKAY. AND YOU WENT OUT THERE TOO?

2 A. YES.

3 Q. AND DID THE OFFICERS INDICATE TO YOU THAT
4 ROBERT SHOULD MOVE BACK HOME?

5 A. YES.

6 Q. AND SO THE NEXT DAY, HE DID. IS THAT
7 RIGHT?

8 A. YES.

9 Q. AND HE'S BEEN WITH YOU EVER SINCE?

10 A. EVER SINCE.

11 Q. IN 1994, WHERE WAS ROBERT WORKING?

12 A. AT STANTON'S BARBECUE.

13 Q. AND IS HE STILL WORKING THERE TODAY?

14 A. YES.

15 Q. HOW LONG HAD HE BEEN WORKING THERE?

16 A. APPROXIMATELY JUST ABOUT 17 YEARS.

17 Q. OKAY. AND WHAT IS HIS WORK SCHEDULE?

18 A. HIS WORK SCHEDULE, HE GOES TO WORK AT 8:00
19 A.M., GET OFF AT 2:00 AND GO BACK TO WORK AT 4:00 AND
20 WORKED UNTIL 9:30 OR 10:00 AT NIGHT. AND ON
21 SATURDAYS, HE WORKS ALL DAY ON SATURDAY, GO TO WORK
22 AT 8:00 AND WORK UNTIL 10:00. AND ON SUNDAYS, HE
23 WOULD GO AT 8:00 AND WORK AROUND ABOUT 3:30.

24 Q. ALL RIGHT. AND WHAT DAYS IS HE OFF DURING
25 THE WEEK?

1 A. MONDAY AND TUESDAY.

2 Q. ALL RIGHT. AND BACK IN 1994, WAS HE
3 WORKING ANYWHERE ELSE?

4 A. YES. ON MONDAYS, HE WOULD GO AND UNLOAD A
5 TRUCK IN LAUREL HILL. HE WOULD GO OUT THERE TO WORK
6 WITH STEVE, A MAN NAMED STEVE. HE WOULD UNLOAD A
7 TRUCK.

8 Q. AND WHAT DAY WOULD HE DO THAT ON?

9 A. ON MONDAYS.

10 Q. ON MONDAYS?

11 A. YES.

12 Q. ALL RIGHT. AND NORMALLY YOU SAY HE WOULD
13 GET A BREAK IN THE AFTERNOON; IS THAT CORRECT?

14 A. YES.

15 Q. FROM 2:00 UNTIL 4:00?

16 A. FROM 2:00 UNTIL 4:00.

17 Q. AND WHAT DOES HE NORMALLY -- WHAT WOULD HE
18 NORMALLY DO DURING THAT BREAK?

19 A. FROM MONDAY THROUGH FRIDAY, UNTIL HE GOT
20 UP AT 2:00, HE WOULD COME TO MY HOUSE AND STAY THERE
21 UNTIL 2:30. THEN WE WOULD GO TO THE SCHOOL HOUSE AT
22 MCCOLL SCHOOL HOUSE AND PICK UP MY TWO GRANDCHILDREN
23 AND WE WOULD GET BACK HOME AROUND 3:20. AND THEN
24 WE -- THEN HE -- THEN WHEN WE GOT THERE BACK FROM
25 SCHOOL, HE WOULD HELP THE CHILDREN GET IN WOOD,

1 HELP -- HELP HIS SON GET HIS LESSON OUT SO THAT, YOU
2 KNOW, HE WON'T BE IN THE NIGHT. HE WOULD GET IT OUT,
3 THEN IT WOULD BE TIME FOR HIM TO GO BACK TO WORK.

4 Q. ALL RIGHT. AND WAS THAT HIS NORMAL
5 EVERYDAY ROUTINE?

6 A. YES. YES.

7 Q. DURING NOVEMBER OF 1994 AS WELL?

8 A. YES. NORMAL ROUTINE.

9 Q. AND WOULD YOU SEE HIM IN THE MORNINGS?

10 A. YES. HE WOULD COME TO MY HOUSE SOMETIMES
11 IF -- BETWEEN 7:05 AND 7:15, EAT BREAKFAST EVERY
12 MORNING BECAUSE I COOKS A FULL MEAL BREAKFAST SEVEN
13 DAYS A WEEK.

14 Q. ALL RIGHT. AND HE WOULD COME TO YOUR
15 HOUSE FOR BREAKFAST?

16 A. YES.

17 Q. EVEN WHEN HE WAS LIVING IN THE TRAILER?

18 A. YES. HE WOULD EAT AT MY HOUSE.

19 Q. ALL RIGHT. WOULD -- HOW WOULD YOU GET IN
20 TOUCH WITH HIM?

21 A. I WOULD -- SOME MORNINGS I KNOW AT CERTAIN
22 TIMES HE WAS SUPPOSED TO BE THERE AND HE WOULDN'T BE
23 THERE AND I CALLED AND HE SAID, WELL, I'M RUNNING A
24 LITTLE LATE. I OVERSLEPT, BUT I'M COMING. SO HE
25 WOULD ALWAYS COME AND EAT BREAKFAST.

1 Q. ALL RIGHT. AND ON THE DAYS THAT HE WAS
2 OFF, WOULD HE COME DOWN THERE ON THOSE DAYS TOO?

3 A. YES. HE WOULD COME THEN TOO.

4 Q. ALL RIGHT. ON SUNDAY, DID YOU SAY HE
5 WOULD NORMALLY GET OFF AT WHAT TIME?

6 A. BETWEEN 3:00 AND 3:30.

7 Q. ALL RIGHT. AND WHAT WAS HIS NORMAL
8 ROUTINE ON THURSDAY -- ON SUNDAYS? EXCUSE ME.

9 A. WELL, WHEN HE WOULD GET OFF ON SUNDAYS, HE
10 WOULD COME OVER BECAUSE HE HAD A DOG AT MY HOUSE. HE
11 WOULD BRING THE BONES THAT HE GOT FROM STANTON TO
12 FEED THE DOGS. HE WOULD MESS AROUND WITH THE
13 CHILDREN AWHILE AND THEN HE WOULD TAKE THEM TO GIBSON
14 AND LET THEM BUY SOMETHING BECAUSE HE WOULD GO TO --
15 I WOULD GO TO CHURCH. I BE IN CHURCH PRACTICALLY
16 EVERY SUNDAY. I'M A CHURCH PERSON. AND HE WOULD BE
17 AROUND THERE WITH THEM. AND IF -- AND THEN HE MAY
18 LEAVE THE CHILDREN -- YOU KNOW, HE MAY TELL THE
19 CHILDREN, WELL, I'M GOING TO RUN OVER TO THE TRAILER
20 AND I'LL BE BACK, AND HE WOULD COME ABOUT THERE AND
21 HE WOULD STAY. REGARDLESS OF WHAT TIME OF NIGHT WE
22 WOULD GET HOME FROM CHURCH, ROBERT WOULD BE AT MY
23 HOUSE WAITING FOR US TO COME IN TO SEE THAT WE GOT
24 HOME SAFE AND THEN HE WOULD GO HOME.

25 Q. AND THEN HE WOULD GO HOME?

1 A. YES.

2 Q. AND THEN WHEN HE WOULD GO HOME, HE WOULD
3 CALL YOU?

4 A. YES, HE WOULD CALL ME.

5 Q. AND THIS WAS HIS NORMAL AND REGULAR
6 ROUTINE?

7 A. YES.

8 Q. IN JANUARY OF 1995, WHEN THE POLICE CAME
9 AND TALKED TO ROBERT AND THEN YOU CAME DOWN AND THEY
10 TALKED, DID YOU THEN GO BACK AND TRY TO FIGURE OUT IF
11 THAT WAS THE SAME ROUTINE THAT HE HAD ALL THROUGH
12 NOVEMBER AS WELL?

13 A. WHAT YOU MEAN?

14 Q. WELL, WHEN THE POLICE TALKED TO ROBERT,
15 DID YOU THINK IT WAS IMPORTANT THEN TO GO BACK AND
16 TRY TO REMEMBER WHAT HAD HAPPENED DURING NOVEMBER OF
17 1994?

18 A. I DON'T UNDERSTAND YOU, MR. LAWSON. I
19 DON'T UNDERSTAND. CLEAR IT UP. MAYBE I CAN
20 UNDERSTAND IF YOU CLEAR IT UP.

21 Q. AT SOME POINT IN TIME, DID YOU SIT DOWN
22 AND TRY TO REMEMBER WHAT HAPPENED IN NOVEMBER OF
23 1994?

24 A. YES, I TRIED TO.

25 Q. ALL RIGHT. AND THAT WAS IN JANUARY OF

1 1995?

2 A. YES.

3 Q. OKAY. AND WHEN YOU WENT BACK, DID -- WAS
4 THERE ANYTHING THAT STUCK OUT IN YOUR MIND DIFFERENT
5 THAT ROBERT HAD DONE DIFFERENT DURING THAT PERIOD OF
6 TIME?

7 A. NO, NOT TO MY -- NOT -- NOT TO MY
8 KNOWLEDGE.

9 Q. ALL RIGHT. AND SO AS BEST YOU CAN
10 REMEMBER, HIS ROUTINE WAS THE SAME?

11 A. YES.

12 Q. OKAY.

13 A. THE BEST -- THE BEST OF MY KNOWLEDGE.

14 Q. ALL RIGHT. AND YOU SAT THERE AND THOUGHT
15 ABOUT IT?

16 A. YES.

17 Q. DID ROBERT USUALLY EAT SUPPER WITH YOU AS
18 WELL?

19 A. YES.

20 Q. HE WOULD COME BY AFTERWARDS?

21 A. HE WOULD COME BY. AFTER HE WOULD GET OFF
22 OF WORK, HE WOULD COME BY AND EAT SUPPER EVERY NIGHT.

23 Q. ALL RIGHT. DOES -- DOES ROBERT HAVE A
24 SPEECH PROBLEM?

25 A. YES, HE DOES. A SPEECH AND A SLEEPING

1 PROBLEM.

2 Q. AND IS IT -- IS IT HARD FOR HIM TO TALK?

3 A. YES, IT IS.

4 Q. IS IT HARD FOR PEOPLE TO UNDERSTAND HIM?

5 A. YES, BECAUSE HE MUMMERS. HE MURMURS A
6 WHOLE LOT AND HE CAN'T BRING HIS WORDS OUT AND HE
7 GETS BUMFUMLED WHEN HE TRIES TO TALK. HE GOT -- HE
8 GETS REAL NERVOUS WHEN HE'S TRYING TO TALK BECAUSE HE
9 DON'T -- YOU KNOW, HE CAN'T BRING IT OUT LIKE HE'S
10 SUPPOSED TO BRING IT.

11 Q. AND SOMETIMES DO YOU HAVE TROUBLE
12 UNDERSTANDING?

13 A. YES, I DO.

14 Q. AND WHAT DO YOU SAY TO HIM?

15 A. A LOT OF TIMES WHEN HE BE TALKING, I'LL
16 SAY, SON, WHAT DID YOU SAY? YOU KNOW, AND HE SAY
17 WELL, BA, BA, BA. AND I SAY, WELL, I DIDN'T
18 UNDERSTAND WHAT YOU SAID. YOU KNOW, AND THEN HE GETS
19 ALL NERVOUSFIED AND I SAY JUST DON'T WORRY ABOUT IT.
20 I SAY THAT'S ALL RIGHT.

21 MR. LAWSON: ALL RIGHT. ANSWER ANY
22 QUESTIONS THESE OTHER ATTORNEYS HAVE FOR YOU.

23 MR. ERVIN: NO QUESTIONS.

24 MR. PADGETT: NO QUESTIONS, YOUR HONOR.

25 MR. REDMOND: NO QUESTIONS, YOUR HONOR.

MR. MOORE: NO QUESTIONS, YOUR HONOR.

MR. WILL ROGERS: NO QUESTIONS, YOUR HONOR.

THE COURT: YOU MAY EXAM MINUTE.

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

BY MR. WILSON:

Q. MS. GRACIE, ROBERT IS YOUR SON?

A. YES, HE IS.

Q. AND YOU LOVE HIM. RIGHT?

A. I LOVE ALL OF MY CHILDREN.

Q. AND THAT'S WHAT MOTHERS DO?

A. YES.

Q. AND NO MATTER HOW BAD WE TURN OUT, MOTHERS ALWAYS LOVE YOU, DON'T THEY?

A. YES.

Q. THE GOOD ONES DO?

A. THE GOOD ONES AND THE BAD ONES, WE STILL LOVE THEM.

Q. RIGHT. AND THERE'S NOTHING WRONG WITH THAT, IS THERE?

A. NOTHING AT ALL.

Q. NOT A THING IN THE WORLD. BUT NOW, MS. GRACIE, THE POLICE CAME TO TALK TO YOU ABOUT THIS BACK IN JANUARY, DID THEY NOT? JANUARY OF 1995, THE 25TH DAY?

1 A. YES. YES, THEY CAME TO MY HOUSE.

2 Q. OKAY. WELL, MY QUESTION, THOUGH, WAS DID
3 THEY COME AND TALK WITH YOU?

4 A. TALK WITH ME?

5 Q. YES, MA'AM.

6 A. WHEN THEY CAME THERE, THEY TALKED WITH ME
7 AND ROBERT.

8 Q. OKAY.

9 A. ALL OF US WERE THERE.

10 Q. OKAY. THAT'S WHAT I'M ASKING YOU. AND
11 THEY TOOK A STATEMENT FROM YOU, DIDN'T THEY?

12 A. THEY DIDN'T TAKE NO STATEMENT, NO, NOT
13 FROM ME.

14 Q. THEY DIDN'T HAVE YOU SIGN A STATEMENT,
15 MS. GRACIE?

16 A. NO, I DIDN'T SIGN -- BECAUSE I DIDN'T SIGN
17 NO STATEMENT, NOT AT MY HOUSE, I DID NOT.

18 Q. I DIDN'T ASK YOU AT YOUR HOUSE. I SIMPLY
19 ASKED YOU ON JANUARY 25TH, MS. GRACIE, IF THE POLICE
20 CAME TO YOU AND HAD YOU SIGN A STATEMENT?

21 A. TO MY -- NOW, I DON'T KNOW. I -- I CAN'T
22 SAY THAT I DID; I CAN'T SAY THAT I DIDN'T BECAUSE
23 I -- BECAUSE I DON'T KNOW.

24 Q. NOW, MS. GRACIE?

25 A. YES.

1 Q. YOU'RE A CHRISTIAN WOMAN, AREN'T YOU?

2 A. YES.

3 MR. LAWSON: OBJECTION, YOUR HONOR. I
4 RAISE AN OBJECTION UNDER RULE OF IMPROPER QUESTIONING
5 OF A WITNESS AS TO THEIR BELIEFS.

6 THE COURT: NO, SIR. HE'S NOT DOING THAT.
7 GO AHEAD.

8 THE WITNESS: OKAY.

9 MR. LAWSON: YOUR HONOR --

10 THE COURT: NO, SIR. HE'S NOT DOING THAT,
11 MR. LAWSON. HE ASKED A SIMPLE QUESTION.

12 MR. WILSON: I'LL WITHDRAW THE QUESTION.
13 BY MR. WILSON:

14 Q. MS. GRACIE, LET ME JUST SHOW YOU THIS
15 DOCUMENT HERE. YOU CAN READ AND WRITE, CAN YOU NOT?

16 A. YES, I CAN.

17 Q. LOOK DOWN THERE AT THE BOTTOM OF THAT
18 PAGE, JUST DOWN THERE AT THE BOTTOM. WHOSE SIGNATURE
19 IS THAT THERE?

20 A. YES, THIS IS MINE. THIS IS MINE. BUT I
21 SAID TO MY KNOWLEDGE, I DIDN'T KNOW IT. THAT'S WHAT
22 I SAID. I SAID TO MY KNOWLEDGE I DON'T THINK THAT I
23 DID. THAT'S WHAT I SAID.

24 Q. WELL, TO YOUR KNOWLEDGE, YOU DIDN'T, BUT
25 YOU KNOW THAT'S YOUR SIGNATURE.

1 A. THIS IS MY SIGNATURE, YES.

2 Q. ALL RIGHT. AND THAT'S YOUR STATEMENT,
3 ISN'T IT?

4 A. YES.

5 Q. AND THE POLICE CAME AND TALKED TO YOU
6 JANUARY 25TH OF 1995, DID THEY NOT?

7 A. YES, THEY TALKED TO ME.

8 Q. OKAY. AND THEY WERE CONCERNED ABOUT WHAT
9 YOU MIGHT KNOW ABOUT WHAT WENT ON UP THERE AT THAT
10 ABANDONED HOUSE, WEREN'T THEY?

11 A. AT WHAT ABANDONED HOUSE?

12 Q. YOU KNOW, THE OLD ABANDONED HOUSE UP THERE
13 WHERE RICKY STUCKEY AND THEM USED TO LIVE AT. NOW,
14 YOU KNOW MS. EULA STUCKEY AND WE'RE COMING TO THAT IN
15 JUST A MINUTE.

16 MR. PADGETT: OBJECTION, YOUR HONOR. I
17 HAVE A MATTER OF LAW I NEED TO DISCUSS WITH YOU JUST
18 A MINUTE, PLEASE.

19 THE COURT: LET YOU GO TO YOUR JURY ROOM
20 JUST A MOMENT.

21 (WHEREUPON, THE JURY WAS REMOVED
22 FROM THE COURTROOM AND THE
23 FOLLOWING PROCEEDINGS COMMENCED
24 IN OPEN COURT.) AS FAR

25 MR. PADGETT: JUDGE, OUT OF ABUNDANCE OF

1 PRECAUTION, MR. SOLICITOR WILSON WAS ABOUT TO READ
2 FROM A STATEMENT THAT MS. GRAHAM GAVE. MUCH OF THAT
3 STATEMENT IS HEARSAY IN WHICH MS. GRAHAM QUOTES WHAT
4 RICKY STUCKEY'S MOTHER TOLD HER AND PART OF THE
5 STATEMENT IS ALSO WHAT ROBERT GRAHAM TOLD TO HER, HIS
6 MOTHER. AND WE OBJECT TO THAT ON THE GROUNDS OF
7 BRUTEN.

8 THE COURT: LET ME HEAR YOUR POSITION,
9 MR. WILSON.

10 MR. WILSON: YOUR HONOR, THIS IS A
11 STATEMENT THAT THIS WITNESS HAS GIVEN ABOUT WHAT HER
12 KNOWLEDGE IS WHICH IS NOW INCONSISTENT. SHE IS NOW
13 SAYING AS BEST I CAN RECALL THAT HER SON ROBERT WAS
14 COMING BY HER HOUSE EVERY DAY AND THAT HE WAS THERE
15 AND FROM WHAT I CAN UNDERSTAND, SHE DIDN'T KNOW
16 NOTHING ABOUT ALL OF THIS STUFF, WHICH IS NOT TRUE.
17 SHE TOLD THE POLICE BACK ON JANUARY 25TH THAT A WEEK
18 BEFORE THANKSGIVING SHE WAS TOLD BY ROBERT GRAHAM
19 THAT THIS GIRL WAS BEING HELD UP THERE AT THIS HOUSE
20 BY RINGO PEARSON AND THAT RINGO HAD BROUGHT SEVERAL
21 PEOPLE UP THERE, INVITED THEM UP THERE TO MESS WITH
22 THE GIRL.

23 THE COURT: SHE IS STATING WHAT ROBERT
24 GRAHAM -- IT WOULD BE ADMISSIBLE AS AGAINST ROBERT
25 GRAHAM, BUT NOT THE OTHERS.

1 MR. WILSON: I UNDERSTAND. THIS IS WHAT
2 SHE SAID HER SON ROBERT GRAHAM TOLD HER.

3 THE COURT: AND RINGO IS NOT HERE, SO
4 THAT'S ALL RIGHT. BUT I DON'T WANT ANY HEARSAY AS TO
5 THESE OTHER DEFENDANTS.

6 MR. WILSON: ALL RIGHT. THE ONLY THING
7 I'M INTERESTED IN SHOWING -- IF SHE ADMITS THIS, THAT
8 WILL HELP US ELIMINATE THE WHOLE PROBLEM. THE ONLY
9 THING I'M INTERESTED IN SHOWING IS THAT SHE KNEW AND
10 ROBERT GRAHAM KNEW THAT THIS VICTIM WAS BEING HELD UP
11 AT THAT HOUSE BEFORE THANKSGIVING.

12 THE COURT: INSOFAR AS HER TESTIMONY
13 CONCERNS ROBERT GRAHAM, SHE'S ENTITLED TO BRING IT UP
14 AND YOU ARE ENTITLED TO ASK ABOUT IT AND HE MAY
15 CROSS-EXAMINE ABOUT IT. BUT WE'RE NOT GOING TO GET
16 INTO ANY HEARSAY TESTIMONY. HE SAYS HE'S NOT GOING
17 TO DO THAT. I UNDERSTAND YOUR CONCERN.

18 MR. PADGETT: JUDGE, WHAT HE'S NOT TELLING
19 YOU -- WHAT HE'S NOT TELLING YOU IS THAT WHAT THIS
20 LADY CAN SAY HER SON TOLD HER IS WHAT HER SON -- SHE
21 SAYS HER SON SAYS RICKY TOLD HIM.

22 THE COURT: NO, SIR. IF I UNDERSTAND,
23 WHAT SHE TOLD RINGO PEARSON, WHO IS NOT INVOLVED --

24 MR. PADGETT: NO, NO.

25 THE COURT: WAIT A MINUTE. LET'S GET IT

1 STRAIGHT.

2 MR. WILSON: IT'S BOTH WAYS. IT'S TWO
3 THINGS. IT'S TWO THINGS. WHAT IT IS, SHE'S SAYING
4 WHAT ROBERT TOLD HER, THAT RINGO TOLD HIM. AND WHAT
5 ROBERT SAYS RICKY STUCKEY TOLD HIM, THE ONLY THING
6 ABOUT -- BECAUSE I DON'T CARE WHAT SHE TOLD THEM.
7 THE ONLY THING I'M INTERESTED IS TO SHOW THAT ROBERT
8 GRAHAM KNEW PRIOR TO --

9 THE COURT: LIMIT IT TO THAT, IF YOU CAN.

10 MR. WILSON: THAT'S WHAT I'M SAYING. AND
11 THAT'S UP TO HER AND --

12 MR. LAWSON: NO, NO, NO.

13 MR. WILSON: I'M WANTING TO ASK HER THE
14 QUESTION, BUT MY CONCERN IS I'M NOT GOING TO SIT HERE
15 AND LET HER LIE AND SAY SHE DOESN'T KNOW, AND THEN
16 I'M WITHHELD FROM ASKING HER THE QUESTION.

17 THE COURT: IF SHE DENIES IT, I'M GOING TO
18 LET YOU CROSS-EXAMINE HER ABOUT IT. LET'S LIMIT THIS
19 CONVERSATION TO WHAT CONVERSATION SHE HAD WITH ROBERT
20 GRAHAM.

21 MR. WILSON: THAT'S ALL I WANT.

22 MR. PADGETT: BUT WHAT ROBERT GRAHAM
23 SUPPOSEDLY TOLD HER IS WHAT RICKY SAID.

24 THE COURT: NO, SIR. WE'RE NOT GOING TO
25 GET INTO THAT.

1 MR. PADGETT: THAT'S EXACTLY WHAT HE'S
2 GOING TO --

3 THE COURT: NO, SIR. HE'S AN OFFICER OF
4 THE COURT.

5 MR. WILSON: NO, I DON'T CARE WHAT RICKY
6 STUCKEY SAID. I AM NOT GOING TO GET INTO THAT. WHAT
7 I CARE ABOUT IS THE FACT THAT ROBERT TOLD HER THIS
8 THE WEEK BEFORE THANKSGIVING.

9 THE COURT: HE JUST WANTS TO SHOW BY THIS
10 EXAMINATION THAT SHE HAD KNOWLEDGE OF IT BECAUSE IN
11 THIS STATEMENT ROBERT GRAHAM TOLD HER ABOUT IT, AND
12 THAT'S AS FAR AS HE PROPOSES TO GO.

13 MR. PADGETT: I HAVEN'T ASKED YOU FOR MUCH
14 IN THIS TRIAL, JUDGE, BUT I'M ASKING FOR YOU TO READ
15 THAT STATEMENT BEFORE WE GO ANY FURTHER. WOULD YOU
16 PLEASE DO THAT? IT'S SHORT.

17 THE COURT: HAS SHE HAD AN OPPORTUNITY TO
18 READ THE STATEMENT TOO? LET HER -- BEFORE WE DO
19 THIS, LET HER LOOK AT IT. DO YOU HAVE ANY OBJECTIONS
20 TO HIM ASKING HER WHAT ROBERT GRAHAM WHO WAS IN THIS
21 COURT REPRESENTED BY ATTORNEY TOLD HER?

22 MR. PADGETT: YES, SIR.

23 THE COURT: AS LONG AS SHE DOESN'T GO INTO
24 THE SUBSTANCE OF WHAT WAS SAID?

25 MR. PADGETT: WHAT -- THEORETICALLY,

1 ACCORDING TO THAT STATEMENT, IF ROBERT TOLD HER
2 ANYTHING, IT'S NOT HIS OWN PERSONAL KNOWLEDGE. IT'S
3 WHAT RICKY MIGHT HAVE SAID TO HIM.

4 THE COURT: THAT'S NOT THE ISSUE. THE
5 QUESTION IS WHETHER HE KNEW ABOUT IT OR NOT.

6 MR. WILSON: EXACTLY. EXACTLY RIGHT.

7 THE COURT: THAT'S THE ONLY THING. I'M
8 GOING TO PERMIT THAT LIMITED CROSS-EXAMINATION.

9 NOW, LISTEN TO ME. IN HIS EXAMINATION OF YOU,
10 DO YOU UNDERSTAND THAT HE'S PERMITTED TO ASK YOU WHAT
11 ROBERT GRAHAM -- THAT YOU HAD A CONVERSATION WITH
12 ROBERT GRAHAM ABOUT THIS? DO YOU UNDERSTAND THAT?

13 THE WITNESS: YES, SIR.

14 THE COURT: HE'S PERMITTED TO ASK YOU
15 WHETHER OR NOT IT'S TRUE. I DON'T KNOW. YOU WILL
16 HAVE TO ANSWER THAT. LEAVE OUT -- YOU WANT HIM TO
17 LEAVE OUT ANY --

18 MR. WILSON: I WANT HER TO LEAVE OUT ANY
19 NAMES OTHER THAN ROBERT GRAHAM.

20 THE COURT: DON'T MENTION ANY NAMES OTHER
21 THAN ROBERT GRAHAM.

22 MR. LAWSON: YOUR HONOR, I OBJECT TO THAT
23 BECAUSE THAT IS REDACTING THE STATEMENT SO AS TO MAKE
24 MY CLIENT IMPLIEDLY GUILTY.

25 THE COURT: NO, SIR. WE'LL SEE HOW IT

1 GOES, GENTLEMEN.

2 MR. PADGETT: JUDGE, WOULD YOU PLEASE READ
3 THE STATEMENT? PLEASE?

4 THE COURT: GENTLEMEN, I CAN READ THIS
5 STATEMENT ALL DAY LONG. I AM GOING TO PERMIT HIM TO
6 CROSS-EXAMINE HER ON THE CONVERSATION HE HAD WITH --
7 SHE HAD WITH ROBERT GRAHAM ABOUT THIS. WE'RE NOT
8 GOING INTO THE SUBSTANCE OF THE CONVERSATION. THAT
9 IS CLEAR. YOU UNDERSTAND WHAT WE'RE SAYING, DON'T
10 YOU, SOLICITOR?

11 MR. WILSON: YES, SIR. AND YOUR HONOR,
12 JUST SO I CAN HELP THEM, IF IT WILL MAKE THEM -- HELP
13 THEM FEEL MORE AT EASE, WHAT I INTEND TO ASK HER IS
14 THIS.

15 THE COURT: LISTEN VERY CAREFULLY.
16 BY MR. WILSON:

17 Q. MS. GRACIE, THE WEEK BEFORE THANKSGIVING,
18 YOU ALREADY KNEW THAT THAT GIRL WAS BEING HELD UP
19 THERE AT THE HOUSE, DID YOU NOT?

20 A. DID I KNOW IT?

21 Q. YES, MA'AM.

22 A. I HEARD IT.

23 Q. AND YOU HEARD IT FROM YOUR SON, ROBERT
24 GRAHAM, DIDN'T YOU?

25 A. ROBERT, YES.

1 MR. WILSON: OKAY. THAT'S -- THAT'S WHAT
2 I WANT.

3 MR. LAWSON: THAT'S ALL YOU'RE GOING TO
4 ASK?

5 MR. WILSON: IF SHE ANSWERS THE QUESTION,
6 THAT'S ALL I INTEND TO ASK HER.

7 MR. LAWSON: WELL, JUDGE, THEN I FEEL THAT
8 I HAVE TO COME BACK AND GO INTO THE ENTIRE STATEMENT.

9 MR. WILSON: IT'S HIS WITNESS.

10 THE COURT: I'M NOT -- WELL --

11 MR. WILSON: HE CAN'T PUT UP THE WITNESS,
12 THEN TRY TO HIDE FROM WHAT SHE'S GOT TO STAY.

13 THE COURT: I'M NOT GOING TO DO THAT.

14 MR. PADGETT: THIS IS NOT YOUR USUAL
15 STATEMENT. AND FOR THE THIRD TIME, I ASK YOU TO READ
16 IT. THIS IS A LAND MINE THAT WE'RE GOING TO STEP
17 INTO.

18 THE COURT: NO, SIR. IT'S NOT. NOW,
19 MR. WILSON, LET ME ASK YOU IN --

20 MR. LAWSON: IT'S DOUBLE HEARSAY.

21 THE COURT: NO, SIR. IT'S NOT HEARSAY.
22 IT'S A STATEMENT SUPPOSEDLY MADE BY YOUR CLIENT.

23 MR. LAWSON: THAT WAS MADE BY SOMEBODY
24 ELSE.

25 THE COURT: THERE'S NO QUESTION IN MY MIND

1 THIS IS YOUR WITNESS AND HE CAN ASK HER IF SHE HAD A
2 CONVERSATION WITH YOUR CLIENT. SHE CAN SAY NO OR
3 YES. I DON'T KNOW. NOW, WHAT -- WHAT WOULD BE THE
4 STATE'S POSITION IF HE STARTS ASKING HER ABOUT WHAT
5 ELSE SHE SAID ABOUT OTHER PEOPLE?

6 MR. WILSON: THAT'S HIS RIGHT.

7 THE COURT: YES, SIR. BUT HOW ABOUT THE
8 RIGHTS OF THESE OTHER DEFENDANTS? THAT -- THAT
9 CONCERNS ME.

10 MR. MOORE: YOUR HONOR.

11 THE COURT: WAIT A MINUTE, PLEASE, NOW,
12 GENTLEMEN.

13 MR. WILSON: SHE WOULD -- SHE WOULD HAVE
14 THE RIGHT, JUDGE, TO TESTIFY ABOUT WHAT A DEFENDANT
15 TOLD HER AND THAT'S WHAT'S BEING ASKED. AND MY
16 QUESTION IS --

17 THE COURT: I WILL CHARGE THE JURY IT'S
18 NOT FOR THE TRUTH OF THE MATTER ASSERTED. IT'S ONLY
19 FOR THAT HE TOLD HER THIS. AND I WOULD CHARGE THE
20 JURY THAT IF IT COMES OUT -- IF YOU WANT TO ASK THEM,
21 I'M NOT GOING TO STOP IT. I WILL CHARGE THE JURY
22 THAT THEY MAY USE THIS ONLY IF THEY FIRST FOUND IT
23 TRUE AND ONLY AS A CONVERSATION SHE HAD WITH HIM.

24 MR. WILSON: THE ONLY THING I'M INTERESTED
25 IN SHOWING IS THAT MS. GRACIE AND ROBERT KNEW THAT

1 THIS GIRL WAS BEING HELD UP THERE. THEY HAD
2 INFORMATION ABOUT IT PRIOR TO THANKSGIVING, WHICH IS
3 WHEN THE GIRL WAS FOUND. THE WEEK BEFORE -- OR IS
4 WHAT HER STATEMENT SAYS.

5 MR. LAWSON: SO WHAT? THE STATE'S
6 EVIDENCE, THE GIRL WAS DEAD FROM THEIR WITNESS ON THE
7 12TH. THANKSGIVING IS THE 24TH. KNOWING SOMEBODY IS
8 DEAD AFTER THE FACT IS NOT A CRIME.

9 THE COURT: ARGUE ALL OF THAT TO THE JURY
10 WHEN WE START. THAT WILL BE GREAT FOR YOU.

11 MR. PADGETT: THE STATEMENT DOES NOT SAY
12 SHE KNEW THAT GIRL WAS UP THERE. THE STATEMENT DOES
13 NOT SAY ROBERT KNEW THAT GIRL WAS UP THERE. AND FOR
14 THE FOURTH TIME, I ASK THE COURT TO READ IT. AND I
15 ASK THAT IT BE MADE A COURT'S EXHIBIT. THIS IS NOT
16 YOUR STANDARD STATEMENT.

17 THE COURT: WELL, NOW -- YOU KNOW, READ
18 THE STATEMENT, THAT PART OF IT, SOLICITOR, AND TELL
19 ME ABOUT IT, THAT PART.

20 MR. LAWSON: I THINK HE NEEDS TO READ THE
21 WHOLE STATEMENT, YOUR HONOR.

22 MR. WILSON: I'LL READ THE STATEMENT.
23 THIS IS WHAT THE STATEMENT SAYS. "I, GRACIE GRAHAM,
24 AM NOT UNDER ARREST NOR AM I BEING DETAINED FOR ANY
25 CRIMINAL OFFENSE IN ANY WAY, BLAH, BLAH, BLAH. I AM

1 60 YEARS OF AGE. I LIVE AT 1559 HIGHWAY 79 EAST,
2 BENNETTSVILLE, SOUTH CAROLINA. APPROXIMATELY ONE
3 WEEK BEFORE THANKSGIVING 1994, I, GRACIE GRAHAM, WAS
4 AT MY CHURCH" -- AND I DON'T WANT TO GO INTO THIS
5 PART -- "ON NEWTON ROAD I OVERHEARD SOME YOUNG MEN
6 SAY IT'S A PITY HOW THEY HAVE DONE THAT YOUNG GIRL.
7 SOMETIMES DURING THE WEEK BEFORE THANKSGIVING "-- AND
8 THIS IS ANOTHER PART THAT I'M NOT INTERESTED IN --
9 "THAT EULA STUCKEY CAME TO MY HOUSE -- CAME TO MY
10 HOUSE AND SAT DOWN AND ASKED ME HAD I HEARD ANYTHING
11 ABOUT THAT POOR GIRL UP THERE AT THE HOUSE ON PEARSON
12 ROAD. AND I SAW TEARS RUNNING DOWN HER FACE AND I
13 TOLD HER I WAS AT A FUNERAL AND I HAD HEARD ABOUT IT,
14 A GIRL UP IN A HOUSE AT -- UP AT THE HOUSE, BUT I DID
15 NOT KNOW THAT IT WAS THE GIRL. EULA STUCKEY DID NOT
16 TELL ME WHERE SHE HEARD -- WHO SHE HEARD IT FROM."

17 THE COURT: SO FAR WE'RE ALL RIGHT.

18 MR. WILSON: THIS IS THE PART I'M
19 INTERESTED IN. "SOMETIME DURING THAT WEEK BEFORE
20 THANKSGIVING, MY SON, ROBERT GRAHAM, CAME TO MY HOUSE
21 AND WAS TELLING ME AND MY FAMILY SOMETHING ABOUT
22 RICKY STUCKEY HAD TOLD HIM" -- TOLD HIM -- LET ME SEE
23 WHERE I'M AT HERE. "TOLD HIM ROBERT TOLD ME AND MY
24 FAMILY THAT RICKY STUCKEY TOLD HIM THAT RINGO PEARSON
25 HAD A GIRL UP THERE AT THE HOUSE WHERE RICKY USED TO

1 LIVE ON PEARSON ROAD AND WAS INVITING PEOPLE TO COME
2 UP THERE AND MESS WITH HER. ROBERT ALSO SAID RICKY
3 SAID THEY HAD HER TAPED UP. I TOLD MY SON, ROBERT,
4 WHATEVER RICKY TOLD YOU, DON'T GET YOURSELF INVOLVED
5 IN IT. AND TWO OR THREE DAYS LATER, MY SON ROBERT
6 CAME BACK TO MY HOUSE AND SAID RICKY SAID RINGO
7 INVITED ALFONZO STATON, DWAYNE SLOAN, LEROY STATON UP
8 TO THE HOUSE WHERE THE GIRL WAS AT ON PEARSON ROAD."

9 THE COURT: ALL RIGHT. NOW, I'M GOING TO
10 LIMIT YOUR CROSS-EXAMINATION TO KNOWLEDGE THAT HE HAD
11 AND TOLD HER ABOUT. NOT WHAT THE KNOWLEDGE IS. THAT
12 HE HAD KNOWLEDGE. JUST LIMIT IT TO THAT. NOW, IF
13 MR. LAWSON GETS INTO THAT, I'M NOT GOING TO RESTRAIN
14 HIM FROM THAT. THE JURY WILL BE INSTRUCTED BY ME
15 THAT THEY ARE TO DISREGARD THAT EXCEPT AS TO
16 KNOWLEDGE THAT ROBERT GRAHAM MAY OR MAY NOT HAVE HAD.

17 YES, SIR.

18 MR. PADGETT: BEFORE THAT JURY WENT OUT,
19 JUDGE, SOLICITOR WILSON SAID IN FRONT OF THE JURY
20 WE'RE GOING TO GET TO EULA STUCKEY IN A MINUTE.

21 THE COURT: EULA STUCKEY IS NOT A
22 DEFENDANT IN THIS CASE.

23 MR. PADGETT: HE MADE REFERENCE THAT HE
24 WAS GOING TO GET TO HER STATEMENT WHICH IS COMPLETE
25 HEARSAY.

1 THE COURT: WELL, LET'S SEE HOW IT GOES.
2 HE UNDERSTANDS WHAT WE'RE TALKING ABOUT.

3 MR. WILL ROGERS: YOUR HONOR, I JUST WANT
4 TO MAKE IT CLEAR. I DON'T THINK I EVER OFFICIALLY
5 OBJECTED, BUT I OBJECT ON THE SAME BASIS THAT
6 MR. PADGETT IS.

7 THE COURT: YES, SIR. YOU LISTEN VERY
8 CAREFULLY AS WE PROCEED ON THE BASIS OF OUTLINE.

9 MR. ROGERS: CAN WE GET SOME CLARIFICATION
10 NOW THAT IF THAT'S WHAT HE'S GOING TO DO AND
11 MR. LAWSON GETS BACK UP WITH THE WHOLE STATEMENT,
12 WE'RE RIGHT BACK TO THE BRUTEN PROBLEMS. WE'RE RIGHT
13 BACK TO DOUBLE HEARSAY. AND I DON'T KNOW THAT WE CAN
14 CROSS THAT BRIDGE WHEN WE GET TO IT BECAUSE IT WILL
15 BE TOO LATE IF YOU'RE GOING TO ALLOW HIM TO THEN
16 CROSS-EXAMINE HER ON THE ENTIRE STATEMENT.

17 THE COURT: NO, SIR. I'M NOT GOING TO DO
18 THAT. I'M JUST GOING TO LET HIM CROSS-EXAMINE HER AS
19 TO HIS PRIOR KNOWLEDGE, IF HE SAID IT. I DON'T KNOW
20 WHETHER HE SAID IT OR NOT. AND WE'RE GOING TO STOP
21 AT THAT. AND IF THAT'S ALL HE ASKS, I'M NOT GOING TO
22 LET YOU GET INTO WHAT ELSE HE SAID EITHER. THAT'S
23 NOT RIGHT TO DO THAT.

24 MR. LAWSON: JUDGE, THAT IS IMPLIEDLY
25 RULING BY THIS COURT THAT KNOWLEDGE IN AND OF ITSELF

1 CREATES GUILT IN THIS CASE --

2 THE COURT: WELL, THAT'S YOUR POSITION.

3 MR. LAWSON: -- TO ALLOW THIS STATEMENT
4 IN.

5 THE COURT: NO, SIR. THE STATEMENT IS NOT
6 COMING IN. NOW, HAVE YOU A SEAT. I'VE RULED ON
7 THIS. BRING THIS JURY IN. HE KNOWS WHAT I'M GOING
8 TO PERMIT. AND GENTLEMEN, ONE MORE TIME, HE IS
9 ENTITLED TO CROSS-EXAMINE HER ON --

10 MR. ROGERS: YOUR HONOR, MAY WE MAKE THIS
11 STATEMENT A PART OF THE RECORD?

12 THE COURT: YES, SIR. I'LL MAKE THE
13 STATEMENT A PART OF THE RECORD. AGAIN, MR. WILSON,
14 YOU UNDERSTAND MY RULING --

15 MR. WILSON: YES, SIR.

16 THE COURT: -- WITH REGARD TO THAT. THIS
17 IS AS TO KNOWLEDGE ONLY, NOT THE CONTENT OF IT.

18 MR. WILSON: YES, SIR.

19 THE COURT: BRING THEM IN.

20 (WHEREUPON, THE JURY WAS RETURNED
21 TO THE COURTROOM AND THE FOLLOWING
22 PROCEEDINGS WERE COMMENCED IN
23 OPEN COURT.)

24 (COURT'S EXHIBIT NUMBER 4
25 MARKED FOR IDENTIFICATION.)

1 THE COURT: ALL RIGHT.

2 MR. WILSON: THANK YOU, YOUR HONOR.

3 BY MR. WILSON:

4 Q. NOW, MS. GRACIE, YOU KNEW BEFORE
5 THANKSGIVING THAT THAT GIRL WAS BEING HELD UP THERE
6 AT THAT HOUSE, DIDN'T YOU? DIDN'T YOU?

7 A. REPEAT THAT.

8 Q. DIDN'T YOU KNOW THAT THAT GIRL OR A GIRL
9 WAS BEING HELD UP THERE AT A HOUSE ON PEARSON ROAD
10 BEFORE THANKSGIVING, THE WEEK BEFORE THANKSGIVING?
11 DIDN'T YOU KNOW THAT?

12 A. YES, BUT I DIDN'T KNOW --

13 Q. AND DIDN'T YOU -- AND DIDN'T YOU HEAR THAT
14 FROM ROBERT GRAHAM? DIDN'T YOU?

15 A. YES. I HEARD IT FROM HIM.

16 MR. WILSON: ALL RIGHT. I DON'T HAVE ANY
17 OTHER QUESTIONS.

18 THE COURT: ALL RIGHT. DOES THAT CONCLUDE
19 YOUR CROSS-EXAMINATION?

20 MR. WILSON: I'M FINISHED, YES, SIR.

21 THE COURT: IS THERE ANY OTHER
22 CROSS-EXAMINATION?

23 MR. PADGETT: NO, SIR.

24 MR. REDMOND: NOTHING FURTHER.

25 MR. MOORE: NO, SIR.

1 MR. WILL ROGERS: NO, SIR.

2 MR. LAWSON: NO, YOUR HONOR --

3 THE COURT: ALL RIGHT. YOU MAY COME DOWN.

4 MR. LAWSON: NO, YOUR HONOR. I HAVE --

5 THE COURT: OH, YOU HAVE SOME. THANK YOU.

6 THANK YOU. GO AHEAD.

7 MR. MOORE: YOUR HONOR.

8 THE COURT: YES, SIR.

9 MR. MOORE: COULD WE HAVE A STATEMENT

10 CLARIFYING OR --

11 THE COURT: NO, SIR. NOW LISTEN, HAVE A
12 SEAT. I'M SATISFIED WITH WHERE WE ARE AND I'M
13 CURIOUS TO SEE WHAT YOUR NEXT QUESTION IS. AND BE
14 VERY CAREFUL, NOW. YOU KNOW WHAT MY RULING HAS BEEN
15 ON THIS THING.

16 R E D I R E C T E X A M I N A T I O N
17 BY MR. LAWSON:

18 Q. MS. GRACIE, YOU UNDERSTAND WHAT THE
19 SOLICITOR JUST ASKED YOU?

20 A. I THINK I -- I THINK I DID, MR. LAWSON.
21 I'M NOT SURE. I THINK I DID. I'M NOT SURE.

22 Q. AND WHAT YOU HEARD ALSO WAS WHAT SOMEBODY
23 HEARD, WASN'T IT?

24 A. YES.

25 MR. LAWSON: THAT'S ALL.

1 THE COURT: ALL RIGHT, SIR. YOU MAY COME
2 DOWN. THANK YOU.

3 ALL RIGHT, SIR. IS YOUR 5:30 WITNESS HERE NOW?

4 MR. LAWSON: YES, SIR. LYNN STANTON.

5 THE CLERK: PLEASE COME AROUND AND PLACE
6 YOUR LEFT HAND ON THE BIBLE. RAISE YOUR RIGHT HAND
7 AND BE SWORN. PLEASE STATE YOUR FULL NAME FOR THE
8 RECORD.

9 THE WITNESS: LYNN STANTON.

10 LYNN STANTON,
11 HAVING BEEN FIRST DULY SWORN BY THE CLERK OF COURT,
12 TESTIFIED AS FOLLOWS:

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

14 BY MR. LAWSON:

15 Q. YOU WILL HAVE TO TALK INTO THAT MICROPHONE
16 FOR US.

17 A. YES, SIR.

18 Q. WOULD YOU STATE YOUR NAME FOR US, PLEASE.
19 YOUR NAME?

20 A. LEN STANTON.

21 Q. MR. STANTON, WHERE DO YOU WORK?

22 A. STANTON'S BARBECUE.

23 Q. AND YOU OWN THAT?

24 A. WELL, MY WIFE DOES NOW.

25 Q. ISN'T THAT ALWAYS THE CASE? AND HOW LONG

1 HAVE YOU BEEN -- HAD THAT BUSINESS OPEN?

2 A. APPROXIMATELY 30 YEARS.

3 Q. ALL RIGHT, SIR. IN THE COURSE OF RUNNING
4 THAT BUSINESS, DO -- HAVE YOU MET A GENTLEMAN NAMED
5 ROBERT GRAHAM?

6 A. OH, YEAH.

7 Q. DO YOU SEE HIM HERE TODAY?

8 A. YEAH.

9 Q. IS THAT HIM SITTING OVER THERE IN THE
10 BLACK SHIRT?

11 A. YEAH.

12 Q. AND WHEN DID YOU FIRST MEET ROBERT?

13 A. WELL, I'VE BEEN KNOWING HIM ACTUALLY ABOUT
14 23 YEARS, BUT HE'S BEEN WORKING FOR ME ABOUT 20.

15 Q. AND HAS HE WORKED FOR YOU FULL TIME?

16 A. YES, SIR.

17 Q. NOW, WHAT'S HIS WORK SCHEDULE?

18 A. FROM 8:00 IN THE MORNING UNTIL 2:00 IN THE
19 AFTERNOON, THEN HE COMES BACK AT 4:00 AND WORKS UNTIL
20 ABOUT 9:00, 9:30.

21 Q. ALL RIGHT. THAT'S MONDAY -- NO, WHAT'S
22 THAT? WEDNESDAY, THURSDAY AND FRIDAY?

23 A. AND SATURDAY AND SUNDAY.

24 Q. ALL RIGHT. SATURDAY AND SUNDAY. DOES HE
25 WORK SATURDAY ALL DAY?

1 A. YES, SIR. HE'S THERE ALL DAY.

2 Q. ALL RIGHT. AND THEN SUNDAY?

3 A. FROM 8:00 UNTIL 3:00.

4 Q. OKAY. YOU'RE CLOSED ON SUNDAY EVENING?

5 A. YES, SIR.

6 Q. OKAY. AND THEN MONDAY AND TUESDAY YOU'RE
7 CLOSED?

8 A. YES, SIR.

9 Q. FROM TIME TO TIME, DOES HE WORK FOR YOU ON
10 MONDAY AND TUESDAY?

11 A. I HAVE HAD HIM A FEW TIMES, YOU KNOW, TO
12 COME IN AND WORK A LITTLE BIT ON MONDAY OR TUESDAY.

13 Q. ALL RIGHT. DO YOU KNOW WHETHER OR NOT AT
14 SOME POINT IN 1994 HE WAS WORKING ON MONDAY UP IN
15 LAUREL HILL OR SOMEWHERE UNLOADING TRUCKS FOR A
16 GENTLEMAN ON MONDAY?

17 A. I BELIEVE YOU WOULD BE SPEAKING OF STEVE
18 MILLS, THE DISTRIBUTOR THAT DISTRIBUTES MY BARBECUE.

19 Q. YES, SIR. AND HE WOULD GO AND WORK FOR
20 HIM SOMETIMES ON MONDAY?

21 A. YEAH. I THINK IT'S ON MONDAY MORNINGS.

22 Q. ALL RIGHT. WHAT KIND OF EMPLOYEE HAS
23 ROBERT BEEN?

24 A. WELL, HE'S BEEN A VERY DEPENDABLE. I'VE
25 NEVER HAD HIM TO LAY OUT, YOU KNOW, UNLESS HE REALLY

1 HAD SOMETHING REALLY WRONG WITH HIM.

2 Q. ALL RIGHT. AND DOES HE -- HE COMES TO
3 WORK REGULAR?

4 A. YES, SIR.

5 Q. ALL RIGHT. HE DOESN'T LAY OUT?

6 A. NO, SIR.

7 Q. AND YOU SAY HE'S BEEN WITH YOU ABOUT 20
8 YEARS NOW?

9 A. ABOUT 20 YEARS.

10 Q. ALL RIGHT. BACK IN NOVEMBER OF 1994, HE
11 WAS WORKING FOR YOU THEN?

12 A. YES, SIR.

13 Q. ALL RIGHT. AND AT -- AT SOME POINT AFTER
14 THANKSGIVING OF '94, DID THE POLICE START COMING AND
15 TALKING TO ROBERT FROM TIME TO TIME?

16 A. YES, SIR.

17 Q. IS THERE ANYTHING BASED ON THAT, GO BACK
18 THINKING, OF ANY DAYS THAT HE MISSED DURING THAT
19 PERIOD OF TIME?

20 A. NO, SIR.

21 Q. ALL RIGHT. HE -- HE WAS WORKING, AS BEST
22 YOU CAN RECALL, REGULAR --

23 A. YES, SIR.

24 Q. -- AT THAT TIME? DOES ROBERT HAVE ANY
25 PROBLEMS COMMUNICATING?

1 A. QUITE A BIT.

2 Q. HOW IS THAT?

3 A. I REALLY NEED A GOOD INTERPRETER FOR HIM.

4 Q. WHO'S ABOUT THE ONLY ONE WHO CAN INTERPRET
5 FOR HIM?

6 A. HIS MOTHER.

7 Q. AND WHAT IS THE NATURE OF THE PROBLEM?

8 A. I REALLY DON'T KNOW, BUT HE STUTTERS AND
9 MUMBLES?

10 Q. OKAY. NOW, HAS ROBERT EVER CAUSED YOU ANY
11 PROBLEMS IN THE 20 YEARS YOU'VE KNOWN HIM?

12 A. NOT A BIT, NO, SIR.

13 Q. AND OF COURSE YOU DON'T KNOW WHAT HE DOES
14 AFTER WORK OR ANYTHING LIKE THAT?

15 A. NO, I DO NOT.

16 Q. YOU'RE HERE JUST TO TELL THIS JURY ABOUT
17 WHAT KIND OF EMPLOYEE HE IS?

18 A. YES, SIR.

19 MR. LAWSON: ANSWER ANY QUESTIONS ANYBODY
20 ELSE MAY HAVE.

21 MR. PADGETT: NO QUESTIONS.

22 MR. REDMOND: NO QUESTIONS, YOUR HONOR.

23 MR. MOORE: NO QUESTIONS.

24 MR. WILL ROGERS: NO QUESTIONS, YOUR
25 HONOR.

MR. WILSON: JUST A COUPLE OF QUESTIONS.

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

BY MR. WILSON:

Q. MR. STANTON, YOU'RE JUST HERE TO SAY THAT HE'S WORKED FOR YOU FOR A NUMBER OF YEARS AND HE'S A GOOD EMPLOYEE?

A. YES, SIR.

Q. OTHER THAN THAT, YOU HAVE ABSOLUTELY NO IDEA WHAT HE DOES WHEN HE'S AT HOME OR OUTSIDE OF EMPLOYMENT?

A. NO, I DO NOT. I CANNOT SAY I KNOW THAT. I DON'T.

MR. WILSON: THANK YOU SO MUCH. THANK YOU, SIR.

THE COURT: THANK YOU, MR. STANTON. YOU MAY BE EXCUSED. DO YOU HAVE ANY FURTHER WITNESS?

MR. LAWSON: YOUR HONOR, I DO NOT AT THIS TIME, BUT I DO NOT WANT TO REST UNTIL WE TAKE UP A MATTER THAT WE MAY NEED TO.

THE COURT: ALL RIGHT, SIR. YOU ARE ASKING ME TO EXCUSE THE JURY AT THIS TIME?

MR. LAWSON: THAT'S ALL OF THE WITNESSES I HAVE RIGHT NOW.

THE COURT: WHAT DO YOU MEAN RIGHT NOW?

MR. LAWSON: WELL, I WANT TO PUT SOMETHING

1 ON THE RECORD.

2 THE COURT: ALL RIGHT. WE'RE GOING TO
3 FINISH THE TESTIMONY HERE TODAY, NOW. LET THERE BE
4 NO QUESTION ABOUT THAT. YOU WANT TO LET THE JURY GO
5 BEFORE YOU MAKE THAT DECISION? DO YOU HAVE A MATTER
6 YOU NEED TO GET ON THE RECORD BEFORE YOU MAKE A
7 DECISION? ARE YOU GOING --

8 MR. ERVIN: IF WE COULD JUST HAVE ABOUT
9 FIVE MINUTES, YOUR HONOR.

10 THE COURT: YEAH.

11 MR. LAWSON: YEAH, IF WE COULD HAVE ABOUT
12 FIVE MINUTES.

13 THE COURT: ALL RIGHT. WE'LL DO THAT.
14 LET THE JURY GO OUT FOR A MINUTE.

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

19 MR. ERVIN: YOUR HONOR, I THINK WHAT HE'S
20 SAYING --

21 THE COURT: NO, LET'S ADDRESS THIS. WE'RE
22 AT THAT STAGE WHERE MR. LAWSON'S CLIENT IS PUTTING UP
23 HIS DEFENSE.

24 MR. ERVIN: YES, SIR.

25 THE COURT: I WANT TO KNOW WHETHER OR NOT

1 YOU CAN ANSWER ME, DO YOU HAVE ANY OTHER WITNESSES OR
2 IS IT DETERMINATIVE ON THAT OTHER ISSUE? TELL ME
3 WHAT YOUR PROBLEM IS AND I'LL TRY AND WORK WITH YOU.

4 MR. LAWSON: YOUR HONOR, I UNDERSTAND
5 THERE'S SOMEBODY HERE POSSIBLY TO PLEAD GUILTY AND
6 THAT THEY MAY BE A WITNESS IN THE CASE.

7 THE COURT: WELL, I DON'T KNOW WHETHER
8 THEY ARE GOING TO BE A WITNESS OR NOT.

9 MR. WILSON: I DON'T EITHER.

10 THE COURT: SIR?

11 MR. WILSON: I DON'T EITHER. IS THAT A
12 QUESTION FOR ME?

13 MR. LAWSON: AND I'LL TURN IT OVER TO --

14 MR. ERVIN: IF SO, IF THE STATE BRINGS
15 ANOTHER WITNESS IN REPLY, OBVIOUSLY WE'LL BE ABLE TO
16 REPLY TO THAT.

17 THE COURT: WHEN HAVE WE EVER HAD
18 SUR-REBUTTAL IN THIS STATE?

19 MR. ERVIN: WHAT I'M SAYING IS THIS. IF
20 THEY BRING THAT WITNESS IN AFTER WE CLOSE --

21 THE COURT: IF THAT WITNESS IS JUST REPLY,
22 YOU WOULD NOT BE ENTITLED TO REBUTTAL ON REPLY. THE
23 WITNESS, IF ANY, WOULD BE SOLELY LIMITED UNDER THE
24 RULES TO REPLY. THERE WOULD NOT BE ANY NEW EVIDENCE.

25 MR. MOORE: YOUR HONOR, WHY CAN'T WE JUST

1 ASK THE SOLICITOR WHETHER HE HAS ANY WITNESS COMING
2 IN?

3 MR. WILSON: I DON'T KNOW.

4 MR. MOORE: WE'RE GETTING READY TO CLOSE
5 BOTH SIDES. YOU'VE GOT TO KNOW.

6 MR. ERVIN: YOUR HONOR -- WELL, YOU
7 UNDERSTAND THIS. YOU'RE THERE, I THINK. THE OTHER
8 POINT I WANTED TO MAKE, I HAVE A BRIEF WITNESS IN --

9 THE COURT: LET ME SAY THIS TO YOU. I
10 CANNOT TELL THE SOLICITOR WHAT HIS REPLY TESTIMONY
11 IS, IF ANY. I HAVE NO WAY OF KNOWING WHETHER HE'S
12 GOING TO HAVE REPLY TESTIMONY. I ONLY TELL YOU THAT
13 HE WILL BE REQUIRED TO FOLLOW THE RULES. THAT'S ALL
14 I CAN SAY TO YOU, SIR.

15 MR. ERVIN: YES, SIR.

16 THE COURT: WHAT'S YOUR PROBLEM,
17 MR. MOORE?

18 MR. MOORE: THAT'S IT.

19 THE COURT: MR. LAWSON, EXPRESS WHATEVER
20 YOUR PROBLEM IS FOR THE RECORD. IF YOU'RE ASKING
21 ME -- I DON'T KNOW WHETHER MR. WILSON HAS A REPLY
22 WITNESS OR NOT.

23 MR. LAWSON: WELL, APPARENTLY NEITHER DOES
24 HE, YOUR HONOR. IF IT'S THE CO-DEFENDANT THAT'S
25 GOING TO TESTIFY --

1 THE COURT: MY CONCERN IS THIS. DO YOU
2 HAVE ANY OTHER WITNESS ON BEHALF OF YOUR CLIENT TO
3 PRESENT TO THIS JURY? AND THEN WE'LL FIND OUT IF
4 THERE'S ANY OTHER REPLY BECAUSE HE'S UP NEXT. DOES
5 THAT ANSWER YOUR QUESTION?

6 MR. LAWSON: YOUR HONOR, I WOULD LIKE TO
7 PULL THE STATE'S PROBLEM AND SAY THAT MY WITNESS IS
8 ON THE WAY FROM CHARLESTON AND SHOULD ARRIVE IN ABOUT
9 AN HOUR.

10 THE COURT: YES, SIR. YOU MIGHT SAY THAT,
11 BUT YOU BETTER BE PREPARED TO GIVE ME A SWORN
12 AFFIDAVIT AS AN OFFICER OF THE COURT IF YOU WANT TO
13 KEEP YOUR BAR LICENSE.

14 MR. LAWSON: SOMEBODY GO GET ON 95.

15 MR. ERVIN: JUDGE, I HAVE ONE BRIEF
16 WITNESS.

17 THE COURT: LET ME CONCLUDE HERE. DO YOU
18 HAVE ANOTHER WITNESS? DOES THE -- DOES THE DEFENDANT
19 DESIRE TO TESTIFY?

20 MR. LAWSON: WELL, IF OUR -- IF I
21 UNDERSTAND IT, ARE YOU -- ARE WE TAKING THE POSITION
22 I'M THE ONLY DEFENDANT THAT HAS NOT RESTED --

23 THE COURT: YES, SIR.

24 MR. LAWSON: -- AT THIS POINT?

25 THE COURT: DO YOU HAVE ANOTHER POSITION I

1 CAN TAKE ON THAT?

2 MR. LAWSON: WELL, I THINK JAY SAID HE HAD
3 ONE.

4 MR. ERVIN: WELL, IF HE RESTS, I'M GOING
5 TO OFFER ONE WITNESS IN REPLY TO SOME TESTIMONY OF
6 THE CO-DEFENDANT. THAT'S WHAT I'M --

7 THE COURT: I'LL DO THAT. THE STATE WILL
8 HAVE THE FINAL REPLY. WHEN YOU GET THROUGH, HE'S GOT
9 ANOTHER WITNESS. NOW, DO YOU WANT TO CONFER WITH
10 YOUR CLIENT A MOMENT?

11 MR. LAWSON: YES, SIR.

12 THE COURT: OKAY. HE HAS NOT -- DO YOU
13 WANT ME TO DISCUSS WITH HIM UPON THE RECORD WHETHER
14 HE DESIRES TO TESTIFY?

15 MR. LAWSON: I ALREADY -- WE'VE ALREADY
16 DONE THAT THIS MORNING AND HE SAID HE WAS NOT GOING
17 TO TESTIFY, BUT I THINK BASED ON WHAT HAPPENED THIS
18 AFTERNOON, I NEED TO TALK TO HIM ONE MORE -- IT'S
19 HARD BECAUSE WE DON'T HAVE THE ROOM.

20 THE COURT: GO TALK TO HIM -- WE'LL TAKE A
21 TEN-MINUTE BREAK -- AND DECIDE WHAT YOU WANT TO DO.

22 MR. LAWSON: THANK YOU, JUDGE.

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

25 THE COURT: ALL RIGHT. ABOUT READY TO

PROCEED?

MR. WILSON: YES, SIR.

THE COURT: ALL RIGHT. MR. LAWSON, ARE YOU NOW READY TO CONCLUDE YOUR DEFENSE?

MR. LAWSON: YES, YOUR HONOR.

THE COURT: ALL RIGHT. DO YOU HAVE ANOTHER WITNESS?

MR. LAWSON: YES, YOUR HONOR.

THE COURT: ALL RIGHT. BRING THE JURY IN.

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

THE COURT: THE JURY IS PRESENT, MR. LAWSON.

MR. LAWSON: PLEASE THE COURT? THE DEFENSE CALLS ROBERT GRAHAM.

THE COURT: COME AROUND, ROBERT GRAHAM.

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: ROBERT GRAHAM.

ROBERT GRAHAM,
HAVING BEEN FIRST DULY SWORN BY THE CLERK OF COURT,

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Q. AND HOW LONG HAVE YOU BEEN COOKING THERE?

A. WELL, 20 YEARS.

Q. A LONG TIME?

A. YES.

Q. ALL RIGHT. WHAT DID YOU DO BESIDES WORK
AT STANTON'S, ROBERT?

A. MOST WHAT EVERYBODY DO.

Q. OKAY. SAY THAT AGAIN.

A. MOSTLY WHAT OTHER PEOPLE DO.

Q. ALL RIGHT. HAVE YOU EVER WORKED AT OTHER
JOBS TOO?

A. YEAH, SCOTLAND WOOD FOR FOUR YEARS, AND
THAT'S IT.

Q. OKAY. DID YOU USED TO GO TO LAUREL HILL?

A. YEAH.

Q. ON MONDAY?

A. ON MONDAY.

Q. WHEN DID YOU DO THAT?

A. MONDAY MORNING.

Q. OKAY. I MEAN, WHAT PERIOD OF TIME? DO
YOU REMEMBER WHEN?

A. BETWEEN 9:00 AND 9:30.

Q. ALL RIGHT. WHAT YEAR DID YOU START DOING
THAT?

A. TWO DAYS A WEEK.

1 Q. AND HOW LONG DID YOU DO IT FOR?

2 A. ABOUT SIX MONTHS.

3 Q. AND WHAT YEAR DID YOU START? DID YOU DO
4 THAT IN '94? IN 1994, DID YOU WORK FOR MR. MILLS?

5 A. YEAH.

6 Q. OKAY. AND YOU WORKED -- YOU WOULD GO UP
7 THERE ON MONDAY?

8 A. YEAH.

9 Q. AND UNLOAD THE TRUCKS FOR HIM?

10 A. YEAH.

11 Q. NOW, WHO STAYS IN THE HOUSE WHERE YOU LIVE
12 NOW?

13 A. IT'S MY MAMA, MY SISTER, MY SON AND MY --
14 MY LITTLE NEPHEWS, MICHAEL.

15 Q. OKAY. AND HOW OLD IS YOUR SON, ROBERT?

16 A. SIXTEEN.

17 Q. HE'S 16?

18 A. YEAH.

19 Q. HE'S A BIG BOY, ISN'T HE?

20 A. YEAH.

21 Q. YOUR MAMA'S HOUSE IS WHAT, ABOUT A MILE
22 FROM STANTON'S?

23 A. YES, SIR. ABOUT A MILE.

24 Q. AND DID YOU AT SOME TIME IN 1994 RENT A
25 TRAILER?

1 A. YES.

2 Q. AND WHERE WAS THAT TRAILER?

3 A. GOODWIN POND ROAD.

4 Q. AND HOW FAR WAS THAT FROM YOUR HOUSE?

5 A. THAT'S ABOUT A MILE AND A HALF, I BELIEVE.
6 IT'S OUT THERE.

7 Q. ALL RIGHT. WAS THE TRAILER IN BETWEEN
8 YOUR MAMA'S HOUSE AND STANTON'S BARBECUE?

9 A. NO. HUH-UH.

10 Q. WELL, PUT IT THIS WAY. WHERE THE TRAILER
11 WAS WAS ON A ROAD BETWEEN YOUR MAMA'S HOUSE AND
12 STANTON'S?

13 A. OH, YEAH. YES, SIR.

14 Q. RIGHT? OKAY. SO IF YOU ARE LEAVING YOUR
15 MAMA'S HOUSE, YOU GO TOWARDS STANTON'S AND THEN YOU
16 TAKE A RIGHT TO GO DOWN TO THE TRAILER. RIGHT?

17 A. YES.

18 Q. NOW, WHEN DID YOU MOVE INTO THAT HOUSE --
19 TRAILER?

20 A. I DON'T REALLY REMEMBER WHEN IT WAS.

21 Q. WAS IT IN 1994?

22 A. YEAH, IT WAS IN 1994.

23 Q. AND YOU HADN'T LIVED THERE LONG?

24 A. NO.

25 Q. OKAY. WHEN DID YOU MOVE OUT?

1 A. IN '95.

2 Q. OKAY. WAS IT IN JANUARY?

3 A. YEAH.

4 Q. OKAY. AND I BELIEVE YOU HAD HAD AN
5 INTERVIEW WITH THE POLICE ON JANUARY THE 24TH. ISN'T
6 THAT RIGHT? LAW ENFORCEMENT? AND THEN YOU MOVED THE
7 NEXT DAY?

8 A. YES, SIR.

9 Q. DID THEY RECOMMEND THAT YOU MOVE?

10 A. YES.

11 Q. AND THEY -- THEY TOLD YOU WHAT -- THEY
12 TOLD YOU TO GO BACK TO YOUR MAMA'S HOUSE?

13 A. YEAH, THEY TOLD ME IF I STILL BE THERE
14 WHEN THEY RAID THE HOUSE THAT THEY WOULD RAID ME.
15 TOLD ME TO MOVE BACK, THAT THOSE OTHER FIVE -- WHAT
16 THEY WERE GOING TO DO.

17 Q. OKAY. SO THEY TOLD YOU TO MOVE BACK?

18 A. YES.

19 Q. AND TALK WITH YOUR MAMA?

20 A. YEAH.

21 Q. OKAY. NOW, DID YOU AT SOME POINT TELL
22 YOUR MAMA SOME THINGS THAT YOU HAD HEARD?

23 A. YEAH.

24 Q. OKAY. AND WAS THAT SOMETHING THAT YOU
25 KNEW ABOUT FIRST-HAND?

1 A. HUH-UH.

2 Q. WHAT WAS IT? IT WAS SOMETHING --

3 A. -- THAT I HEARD.

4 Q. HUH?

5 A. THAT WAS SOMETHING THAT I HAD HEARD.

6 Q. SOMETHING THAT YOU HEARD?

7 A. YEAH.

8 Q. ALL RIGHT. AND SOMEBODY TOLD YOU
9 SOMETHING?

10 A. UH-HUH.

11 Q. AND THEN YOU TOLD YOUR MAMA. AND NOW AT
12 SOME POINT, DID YOU AND YOUR MOM SIT DOWN AND TRY TO
13 FIGURE OUT YOUR SCHEDULE GOING BACK THROUGH NOVEMBER
14 OF 1994?

15 A. YEAH.

16 Q. WHY DID YOU DO THAT?

17 A. BECAUSE TO PUT THE DAYS TOGETHER TO SEE
18 WHAT -- WHAT WAS GOING ON.

19 Q. DID SOMETHING THE POLICE SAY MAKE YOU
20 THINK THAT WAS NECESSARY?

21 A. NO, NOT REALLY SO.

22 Q. WERE YOU BEING QUESTIONED ABOUT SOMETHING?

23 A. YEAH, I WAS BEING QUESTIONED ABOUT IT.

24 Q. AND WHAT WAS IT YOU WERE BEING QUESTIONED
25 ABOUT?

1 | A. ABOUT SOME -- SOME GIRL.

2 Q. OKAY. AND DID YOU KNOW THE GIRL?

3 A. NO, I DID NOT.

4 Q. DO YOU KNOW HER TODAY?

5 A. NO, SIR.

6 Q. DO YOU KNOW THE NAME DARLENE PATTERSON

7 | NOW?

8 A. I HEAR THE NAME.

9 Q. YOU KNOW THE NAME?

10 | A. YES.

11 Q. HAVE YOU EVER SEEN HER?

12 | A. NO.

13 Q. HAD -- AT THIS POINT TODAY, HAVE YOU --

14 YOU HAVE NEVER SEEN DARLENE PATTERSON?

15 A. NO, SIR.

16 Q. ALL RIGHT. NOW, DID Y'ALL USED TO HAVE

17 | COOKOUTS OR PARTIES DOWN AT THE TRAILER REGULAR?

18 A. NO, WE HAD ONE -- ONE COOKOUT. WE WERE

19 COOKING SOME PIG FEET. THAT'S ALL.

20 Q. DID DO THAT?

21 A. YES.

22 Q. DO YOU REMEMBER WHEN THAT WAS?

23 | A. PROBABLY SEPTEMBER. SOMETHING LIKE THAT.

24 Q. OKAY. ALL RIGHT. DID YOU SEE ANY GIRL AT

25 THE TRAILER THE NIGHT Y'ALL DID THAT?

1	A.	NO.

2 | Q. OR THE DAY YOU DID THAT?

3 A. NO.

4 Q. DO YOU REMEMBER WHEN IT WAS?

5 | A. IT WAS -- IT WAS ON A MONDAY.

6 Q. IT WAS ON A MONDAY?

7 | A. YEAH.

8 Q. HOW DO YOU KNOW IT WAS ON A MONDAY?

9 | A. BECAUSE I WALKED UP THERE.

10 Q. OKAY.

11 | A. I WAS OFF ON THAT DAY.

12 Q. WELL, YOU'RE OFF ON TUESDAY TOO, AREN'T
13 YOU?

14 A. YEAH.

15 | Q. COULD IT HAVE BEEN A TUESDAY?

16 A. NO, IT WAS ON A MONDAY.

17 Q. IT WAS ON A MONDAY?

18 | A. YEAH.

19 Q. DID THEY USED TO HAVE COOKOUT -- DO YOU
20 KNOW BOBBY RANSOM?

21 A. YEAH.

22 Q. ROBERT RANSOM, WHERE DID HE LIVE?

23 | A. RIGHT UP THE STREET.

24 Q. RIGHT UP, DOWN THE STREET OR BACK

25 | TOWARDS --

1 A. RIGHT UP THE STREET.

2 Q. AND DID YOU KNOW DANNY DAVIS?

3 A. YEAH.

4 Q. AND WHERE DID HE LIVE?

5 A. HE LIVED ON DOWN FURTHER.

6 Q. OKAY. WHO LIVED CLOSER TO YOU?

7 A. BOBBY.

8 Q. BOBBY DID?

9 A. YEAH.

10 Q. DID YOU GET ALONG WITH BOBBY?

11 A. WE GOT ALONG PRETTY GOOD, YEAH.

12 Q. NEVER HAD NO REASON TO CROSS WORDS WITH

13 HIM OR ANYTHING?

14 A. NO.

15 Q. WHAT ABOUT DANNY?

16 A. NO.

17 Q. DID -- DID THEY USED TO HAVE PARTIES RIGHT

18 REGULAR DOWN AT BOBBY'S HOUSE?

19 A. YEAH.

20 Q. HOW OFTEN WOULD THEY DO THAT?

21 A. PROBABLY ABOUT ONCE A DAY. SOMETHING LIKE

22 THAT.

23 Q. ABOUT WHAT?

24 A. ONCE A DAY.

25 Q. ONCE A DAY?

1 Q. AND YOU GOT A BREAK THEN AND DID WHAT?

2 A. WELL, I WOULD LEAVE THERE AND GO BACK TO
3 MY MAMA'S HOUSE, STAY THERE UNTIL 2:30 AND GO GET MY
4 NEPHEW AT SCHOOL, AND THEN WE WOULD COME BACK THERE
5 AND STAY THERE UNTIL I WENT BACK TO WORK.

6 Q. OKAY. AND THEN WHAT TIME WOULD YOU GET
7 OFF?

8 A. ABOUT 9:00, 9:30.

9 Q. AND THEN WHAT WOULD YOU DO AT 9:00 OR 9:30
10 WHEN YOU GOT OFF?

11 A. MOST OF THE TIME I WOULD GO BACK OVER TO
12 MY MAMA'S HOUSE.

13 Q. AND WHAT WOULD YOU DO?

14 A. STAY THERE AND EAT. AND SOMETIMES I WOULD
15 GET ME TO EAT SOMETHING.

16 Q. AND HOW LONG WOULD YOU USUALLY STAY THERE?

17 A. UNTIL ABOUT -- NO LATER THAN 10:30.

18 Q. ALL RIGHT. AND THEN WHAT WOULD YOU DO?

19 THIS IS WHILE YOU LIVED IN -- WHEN YOU WERE LIVING IN
20 THE TRAILER?

21 A. YEAH.

22 Q. THIS IS WHAT YOU WOULD DO?

23 A. YEAH.

24 Q. AND WHAT WOULD YOU DO THEN? WOULD YOU GO
25 BACK TO THE TRAILER?

1 A. GO BACK TO THE TRAILER.

2 Q. NOW, THE WEEKENDS WERE DIFFERENT. RIGHT?

3 A. YEAH.

4 Q. YOUR WORK SCHEDULE WAS DIFFERENT. WHAT
5 WOULD -- YOU WOULD STILL GET UP AND GO TO YOUR MAMA'S
6 FOR BREAKFAST?

7 A. YEAH.

8 Q. AND THEN YOU WOULD WORK ON SATURDAYS ALL
9 DAY?

10 A. ALL DAY.

11 Q. AND WHAT TIME WOULD YOU NORMALLY GET OFF
12 ON SATURDAY?

13 A. ABOUT 10:00.

14 Q. AT NIGHT?

15 A. YEAH.

16 Q. YOU DIDN'T GET A BREAK ON SATURDAY?

17 A. HUH-UH.

18 Q. THAT'S THE BUSY DAY?

19 A. YEAH.

20 Q. AND WHAT WOULD YOU DO WHEN YOU GOT OFF OF
21 WORK?

22 A. I WOULD GO BACK HOME AND GO TO MY MAMA'S
23 HOUSE AGAIN -- GO THERE AGAIN FOR SATURDAY NIGHT.

24 Q. AND THEN ON SUNDAY, YOU WOULD GO IN AT
25 8:00 AND GET UP AND GO EAT BREAKFAST?

1 A. YEAH, GO BY MY MAMA'S HOUSE.

2 Q. AND THEN YOU WOULD GO TO WORK AND GET OFF
3 ABOUT 3:00?

4 A. 3:00 OR 3:30.

5 Q. AND THEN WHAT WOULD YOU NORMALLY DO ON
6 SUNDAY?

7 A. MOST OF THE TIME I WOULD LEAVE THERE,
8 GO -- LEAVE WORK AND GO TO MY MAMA'S HOUSE, SEE WHAT
9 THEY HAD TO EAT, AND THEN I WOULD GO HOME AND GO BACK
10 OVER THERE FOR Y'ALL TO LEAVE TO GO TO CHURCH LIKE
11 THAT.

12 Q. WERE THERE ANY THINGS THAT YOU NORMALLY
13 DID ON SUNDAYS?

14 A. NO. LAY AROUND THE HOUSE.

15 Q. ALL RIGHT. LIKE WASH THE CAR OR ANYTHING
16 LIKE THAT?

17 A. WELL, MOST OF THE TIME, YEAH.

18 Q. ALL RIGHT. WAS THERE ANYTHING YOU WOULD
19 BRING HOME FROM WORK ON SUNDAYS THAT YOU DIDN'T BRING
20 THE REST OF THE WEEK?

21 A. NO.

22 Q. WELL, WHAT ABOUT WHEN YOU WOULD BRING YOUR
23 APRONS HOME?

24 A. I BRING THEM ON SUNDAYS LIKE TO MY MAMA'S
25 HOUSE.

1 Q. ON SUNDAY EVENING?

2 A. YEAH.

3 Q. WHAT WOULD YOU DO -- WHY WOULD YOU BRING
4 THEM HOME?

5 A. TO WASH -- LET HER WASH THEM FOR ME.

6 Q. LET HER WASH THEM?

7 A. YEAH.

8 Q. WHAT ELSE WOULD YOU BRING ON SUNDAY?

9 A. DOG BONES.

10 Q. DOG BONES?

11 A. YEAH.

12 Q. FROM THE RESTAURANT?

13 A. YEAH.

14 Q. AND YOU WOULD GIVE THEM TO THE DOGS AT THE
15 HOUSE? ALL RIGHT. NOW, WHEN Y'ALL, YOU AND YOUR
16 MOM, SAT DOWN AND WENT BACK AND STARTED THINKING
17 THROUGH THIS THING, WAS THERE A TIME IN NOVEMBER OF
18 1994 WHEN YOU RECALL A SUNDAY WHERE YOU WENT TO THE
19 TRAILER AND SOMEBODY WAS THERE?

20 A. YEAH.

21 Q. ALL RIGHT. DO YOU REMEMBER WHAT DAY THAT
22 WAS, WHAT DAY OF THE MONTH?

23 A. I DON'T EXACTLY REMEMBER WHAT DAY IT WAS.

24 Q. ALL RIGHT. WAS IT BEFORE THANKSGIVING?

25 A. YEAH. I WOULD SAY IT WAS BEFORE

1 THANKSGIVING.

2 Q. BEFORE THANKSGIVING?

3 A. YEAH.

4 Q. AND YOU CAME TO THE TRAILER FROM WORK THAT
5 DAY?

6 A. THAT MONDAY.

7 Q. THAT'S A SUNDAY.

8 A. NO. I HAD WENT BY MY MAMA'S HOUSE.

9 Q. ALL RIGHT. YOU WENT WHERE?

10 A. UP TO MY MAMA'S HOUSE.

11 Q. TO YOUR MAMA'S HOUSE?

12 A. YEAH.

13 Q. AND YOU STOPPED BY THERE?

14 A. YEAH.

15 Q. AND HOW LONG DID YOU STAY AT YOUR MAMA'S
16 HOUSE?

17 A. ABOUT 15, 20 MINUTES, LIKE THAT.

18 Q. OKAY. SO THEN YOU GOT DOWN TO THE TRAILER
19 ABOUT WHAT TIME?

20 A. IT WOULD BE ABOUT 4--- I BELIEVE IT WOULD
21 BE BETWEEN 4:00 OR 4:30, SOMETHING.

22 Q. BETWEEN 4:00 AND 4:30?

23 A. YEAH.

24 Q. AND YOU PULLED UP IN THE YARD. DID YOU
25 GET OUT OF YOUR CAR?

1 A. YEAH.

2 Q. ALL RIGHT. DID YOU SEE ANYBODY YOU KNEW
3 THERE?

4 A. NO.

5 Q. YOU DIDN'T SEE ANYBODY?

6 A. NOBODY.

7 Q. ALL RIGHT. WHAT -- WHAT HAPPENED THEN,
8 ROBERT?

9 A. WELL, I LEFT, WENT BACK TO GO BACK TO MY
10 MAMA'S HOUSE. I STAYED OVER THERE UNTIL ABOUT 9:00
11 OR SOMETHING LIKE THAT, I BELIEVE. THEN I WENT BACK
12 HOME. STILL NOBODY WAS THERE BUT ME. THERE WASN'T
13 NOBODY ELSE.

14 Q. NOW, WHEN -- DID -- DID YOU AT SOME POINT
15 START HEARING THINGS FROM PEOPLE TALKING?

16 A. YEAH, BECAUSE -- YEAH.

17 Q. YOU STARTED --

18 A. RUMORS.

19 Q. HUH?

20 A. YEAH.

21 Q. YOU STARTED HEARING THINGS?

22 A. UH-HUH.

23 Q. WHO DID YOU START HEARING THINGS FROM?

24 A. WELL, MOST OF THE TIME I GO -- I HAD ASKED
25 ANYTHING HAPPEN ON THIS? THEY SAID NO. WHAT ABOUT

1 THIS SIDE? NO, THEY DIDN'T -- THEY DIDN'T.

2 Q. ALL RIGHT. I MISSED THAT ROBERT.

3 A. THAT'S WHY I ASKED THE BOYS IF ANYTHING
4 HAPPENED ON THAT SIDE. HE SAID, NO. AND I SAID,
5 WELL, HOW ABOUT THE OTHER SIDE? NO, NOTHING HADN'T
6 HAPPENED YET.

7 Q. THAT'S WHEN YOU TALKED TO YOUR MAMA?

8 A. UH-HUH.

9 Q. AND YOUR MAMA ASKED YOU IF YOU HAD HEARD
10 ANY NEWS?

11 A. YEAH.

12 Q. OKAY. AND THEN, WELL, DO YOU KNOW WHAT
13 DAY THAT WAS?

14 A. NO, NOT EXACTLY. NO.

15 Q. ALL RIGHT. DID YOU EVER SEE A GIRL TAPED
16 UP AT THAT TRAILER?

17 A. NO, SIR.

18 Q. ALL RIGHT. DID YOU EVER SEE ANYBODY ON
19 THE COUCH AT THAT TRAILER?

20 A. NO, SIR.

21 Q. YOU NEVER SAW NOBODY LAYING ON THE COUCH?

22 A. NOT ON THE COUCHED ALL TAPED UP, NO.

23 Q. HUH?

24 A. NOT TAPED UP.

25 Q. NOT TAPED UP?

1 A. NO.

2 Q. BUT DID YOU SEE SOMEBODY ON THE COUCH?

3 A. I SAW SOMEBODY ON THE COUCH, BUT NOT TAPED
4 UP THERE.

5 Q. OKAY. YOU NEVER SAW ANYBODY TAPED UP?

6 A. NO.

7 Q. WHERE DID -- WAS THERE A TIME WHEN MARTIN
8 MCINTOSH STAYED THERE FOR A WHILE?

9 A. YES.

10 Q. FROM TIME TO TIME?

11 A. YEAH.

12 Q. WHERE DID HE SLEEP?

13 A. HE SLEPT ON THE COUCH.

14 Q. HE SLEPT ON THE COUCH?

15 A. YEAH.

16 Q. AND -- AND SO YOU NEVER SAW A GIRL TAPED
17 UP AT THAT TRAILER?

18 A. NO.

19 Q. DID YOU -- LET'S SEE. DID YOU -- YOU SAW
20 SOMEBODY ON THE COUCH. DID YOU THINK ANYTHING ABOUT
21 IT?

22 A. NO.

23 Q. WHY NOT?

24 A. WELL, MOST OF THE TIMES HE BE THERE ON THE
25 COUCH ASLEEP. I FIGURED HE WAS IN THERE ASLEEP.

1 Q. ALL RIGHT. AND YOU GOT UP THERE EARLY?

2 A. YEAH.

3 Q. THERE WOULD BE SOMEBODY ASLEEP ON THE
4 COUCH?

5 A. YEAH.

6 Q. AND YOU WOULD GO AND -- LEAVE AND GO TO
7 WORK?

8 A. YEAH.

9 Q. AND IF THAT WAS A SUNDAY, THEN YOU WOULD
10 GO TO WORK THAT DAY?

11 A. I WOULD GO.

12 Q. NOW, DID YOU EVER -- DID YOU EVER HAVE SEX
13 WITH ANYBODY THAT YOU DIDN'T KNOW AT THAT TRAILER?

14 A. HUH-UH.

15 Q. DID YOU EVER COMMIT CRIMINAL SEXUAL
16 CONDUCT? DO YOU KNOW WHAT THAT IS? THAT'S RAPE.
17 DID YOU EVER RAPE ANYBODY THAT WAS TAPED UP AT THAT
18 TRAILER?

19 A. NO.

20 Q. DID YOU AT SOME POINT HEAR ABOUT SOME
21 GIRL?

22 A. YEAH.

23 Q. THAT WAS TAPED?

24 A. YEAH.

25 Q. DID YOU HEAR THAT SHE WAS TAPED UP AT YOUR

1 TRAILER?

2 A. NO.

3 Q. WHERE DID YOU HEAR SHE WAS TAPED UP AT?

4 A. OLD ABANDONED HOUSE.

5 Q. AT AN ABANDONED HOUSE?

6 A. YEAH.

7 Q. AND YOU HEARD THAT?

8 A. JUST SOME --

9 Q. -- RUMORS?

10 A. -- RUMORS.

11 Q. OR SPECULATION? WHO TOLD YOU THAT?

12 A. WELL, MY MAMA MENTIONED IT TO ME ABOUT IT
13 ONE TIME.

14 Q. SAY AGAIN?

15 A. MY MAMA MENTIONED IT TO ME, HAD I HEARD
16 ANYTHING ABOUT IT, AND I SAID NO, NOT YET, I DIDN'T.

17 Q. THEN DID YOU THEN HEAR SOMETHING ABOUT IT
18 AFTER YOUR MAMA SAID SOMETHING TO YOU?

19 A. ABOUT TWO DAYS LATER, YEAH.

20 Q. AND YOU HEARD SOMETHING ABOUT A GIRL BEING
21 TAPED UP?

22 A. YEAH.

23 Q. AND WHAT DID YOU HEAR?

24 A. SAID THAT RINGO HAD SOME GIRL IN THE OLD
25 PEARSON HOUSE, OLD ABANDONED HOUSE.

1 Q. IN THE OLD STUCKEY HOUSE?

2 A. STUCKEY HOUSE.

3 Q. SAID RINGO HAD SOME GIRL UP THERE?

4 A. YEAH.

5 Q. AND YOU HEARD THAT?

6 A. YEAH.

7 Q. DID YOU CALL ANYBODY AND TELL THEM ABOUT

8 HEARING THAT?

9 A. WELL, I DIDN'T -- I DIDN'T KNOW FOR SURE
10 SHE WAS THERE. I DIDN'T KNOW. I DIDN'T TELL ANYBODY
11 LIKE THAT.

12 Q. YOU HEARD TALK?

13 A. I HEARD TALK. THAT'S ALL.

14 Q. NOW, DID YOU COME -- ONE DAY, WERE YOU
15 STARTING TO GET THE BONES OUT OF THE TRUNK OF YOUR
16 CAR DOWN AT YOUR TRAILER? DID YOU HAVE THEM IN THE
17 TRUNK?

18 A. UH-HUH.

19 Q. YOU DIDN'T TAKE THEM OUT AT THE TRAILER,
20 THOUGH, DID YOU?

21 A. HUH-UH.

22 Q. NO?

23 A. NO.

24 Q. AND WHAT DID YOU -- WHAT DID YOU DO WITH
25 THEM?

1 A. I LEFT THEM IN THE CAR.

2 Q. YOU LEFT THEM IN THE TRUNK?

3 A. YEAH.

4 Q. WAS ANYBODY THERE THAT DAY?

5 A. NO. WHEN I GOT THERE, LEROY PULLED UP.

6 Q. LEROY WAS THERE?

7 A. HE PULLED UP AFTER I WAS THERE.

8 Q. WHO PULLED UP?

9 A. LEROY.

10 Q. AND WAS SOMEBODY WITH HIM?

11 A. NO, I DON'T THINK SO. NO.

12 Q. OKAY. DID YOU TALK WITH LEROY?

13 A. I TALKED TO HIM.

14 Q. DID HE -- DID HE -- HE DIDN'T HAVE ANYBODY
15 WITH HIM?

16 A. HUH-UH.

17 Q. AND DID YOU GO INTO THE TRAILER AT THAT
18 TIME?

19 A. NO, I STOOD OUTSIDE.

20 Q. HUH?

21 A. OUT IN THE YARD.

22 Q. Y'ALL WERE TALKING IN THE YARD. ALL
23 RIGHT. AND YOU THEN LEFT THE HOUSE. IS THAT RIGHT?

24 A. YEAH.

25 Q. YOU LEFT -- WHAT DID YOU LEAVE FOR?

Q. NOW, AT THE -- WHEN YOU GOT THERE, YOU WENT TO GIBSON AND THEN YOU CAME BACK?

A. UH-HUH.

Q. IS THAT RIGHT?

A. UH-HUH.

Q. AND YOU CAME BACK TO YOUR MAMA'S HOUSE?

A. YEAH.

Q. WHAT DID YOU DO THEN?

A. I STOOD AROUND THERE AND PLAYED WITH THE KIDS A LITTLE WHILE.

Q. OKAY. AND HOW LONG DID YOU STAY AT YOUR MOM'S?

A. SHE WENT TO CHURCH, I BELIEVE. I BELIEVE IT WAS ABOUT 2:00 WHEN THEY GOT BACK. I KNOW THAT, THAT SUNDAY NIGHT.

Q. OKAY. YOU'RE TALKING ABOUT THE TIME WHEN SHE WENT TO A SINGING?

A. YEAH.

Q. ALL RIGHT. IS THAT THE SAME TIME WE'RE TALKING ABOUT?

A. UH-HUH. YEAH.

Q. ARE YOU SURE ABOUT THAT, ROBERT? YOU'RE NOT GETTING CONFUSED? THERE WAS A SINGING TIME, WASN'T THERE?

A. YEAH.

1 Q. AND YOU STAYED UNTIL ABOUT 2:00?

2 | A. YEAH.

3 Q. IF SHE JUST WENT TO REGULAR CHURCH, WHAT
4 TIME WOULD IT HAVE BEEN WHEN YOU WENT BACK TO THE
5 TRAILER?

6 | A. ABOUT 8:00 OR 8:30, 9:00.

7 Q. OKAY. AND ON THIS PARTICULAR SITUATION,
8 DO YOU REMEMBER ANYBODY BEING THERE WHEN YOU GOT
9 BACK?

10	A.	NO.

11 Q. OKAY. AT -- AT THAT -- WHEN YOU WERE
12 LIVING AT THAT TRAILER THERE, DID -- HOW DID IT COME
13 THAT YOU AND RICKY STARTED LIVING TOGETHER?

14 A. WE HEARD TALK ABOUT -- HE HAD TALKED ABOUT
15 THE TRAILER. HE HAD TOLD ME ABOUT IT AND ASKED ME IF
16 I WANTED TO MOVE IN THE TRAILER, AND I TOLD HIM YEAH.

17 Q. OKAY. AND THAT WAS THE FIRST TIME YOU
18 EVER LIVED OUT --

19 | A. YES.

20 Q. -- OUT ON YOUR OWN, ISN'T IT?

21 A. YES.

22 Q. AND SO YOU WENT -- YOU WENT -- YOU WENT
23 AND YOU RENTED A TRAILER?

24 A. WE RENTED IT TOGETHER.

25 Q. Y'ALL RENTED THE TRAILER?

1 A. YEAH.

2 Q. AND DID HE STAY THERE MOST EVERY NIGHT?

3 A. NO. HUH-UH. HE OUT AND IN.

4 Q. OUT AND IN?

5 A. YEAH.

6 Q. AND WHO PAID THE BILLS UP THERE AT THE
7 TRAILER?

8 A. WELL, WE WAS SUPPOSED TO PAY TOGETHER, BUT
9 I WOULD PAY MOST OF THEM.

10 Q. YOU PAID MOST OF THEM?

11 A. YEAH.

12 Q. NOW, DO YOU REMEMBER TALKING TO THE
13 POLICE, ROBERT? LAW ENFORCEMENT? DO YOU REMEMBER
14 TALKING TO LAW ENFORCEMENT?

15 A. YEAH.

16 Q. DO YOU REMEMBER YOU GAVE THEM A STATEMENT?
17 DO YOU REMEMBER WHEN THAT WAS?

18 A. I BELIEVE IT WAS THE 29 -- THE 3 AND 9 OF
19 '95 I BELIEVE IT WAS.

20 Q. OKAY. AND WHAT WERE THEY ASKING YOU
21 ABOUT?

22 A. THEY ASKED ABOUT DID I KNOW ANYTHING ABOUT
23 A DARLENE PATTERSON OR SOMETHING.

24 Q. ALL RIGHT. AND WHAT DID YOU TELL THEM?

25 A. I TOLD THEM NO. I DON'T KNOW NOTHING

1 | ABOUT HER; NEVER SEEN HER. NEVER SEEN HER BEFORE.

2 Q. ALL RIGHT. AND THEN DID THEY TELL YOU
3 SOME OTHER THINGS? DID THEY COME AND TALK TO YOU A
4 NUMBER OF TIMES?

5 A. YEAH.

6 Q. YEAH. AND ABOUT HOW MANY TIMES DID THEY
7 TALK TO YOU?

8 A. THEY CAME TO MY HOUSE ABOUT FOUR OR FIVE
9 TIMES AND CAME ON THE JOB A COUPLE OF TIMES.

10 Q. A COUPLE OF TIMES?

11 A. YES.

12 Q. AND THEN DID YOU COME DOWN AND TALK TO
13 THEM AT THE POLICE STATION OR AT -- WHERE WERE YOU
14 WHEN --

15 A. TO THE DETENTION -- TO THE DETENTION
16 CENTER, POLICE STATION.

17 Q. YEAH. AND WAS THAT ON JANUARY THE 24TH?

18 A. YEAH. AND THAT'S WHEN THEY TOLD ME --
19 THAT'S WHEN THEY TOLD ME TO MOVE BACK HOME.

20 Q. THAT'S WHEN THEY TOLD YOU TO MOVE BACK
21 HOME?

22 | A. YEAH.

23 Q. AND SO YOU MOVED BACK HOME THE NEXT DAY?

24 | A. YEAH.

25 Q. AND WHAT DID YOU TELL THEM THAT DAY?

1 A. WELL, I TOLD THEM I SAW SOMETHING ON THE
2 COUCH, BUT I DIDN'T KNOW WHAT IT WAS. I DIDN'T KNOW
3 IF IT WAS A FEMALE OR A MALE. I DIDN'T KNOW. IT WAS
4 CURLED UP. I DIDN'T SEE WHAT IT WAS.

5 Q. ALL RIGHT. DID YOU TELL THEM THAT YOU HAD
6 HEARD SOME THINGS?

7 A. YEAH, I HEARD TALK ABOUT IT.

8 Q. YOU TOLD THEM THAT SOMEBODY HAD TOLD YOU
9 SOME INFORMATION, DIDN'T YOU? WHAT DID YOU TELL
10 THEM, ROBERT?

11 A. THAT THE OLD STUCKEY HOUSE, ABANDONED
12 STUCKEY HOUSE, THAT THEY HAD A GIRL THERE AND THAT IF
13 ANYBODY WANTED TO GO THERE AND MESS WITH HER, THEY
14 COULD GO.

15 Q. WHO DID YOU SAY -- WHO DID YOU TELL THEM
16 TOLD YOU THAT?

17 A. TOLD THEM RICKY TOLD ME THAT.

18 Q. WHO?

19 A. RICKY.

20 Q. RICKY TOLD YOU THAT?

21 A. YEAH.

22 Q. AND DID YOU SAY ANYTHING TO HIM WHEN HE
23 TOLD YOU THAT?

24 A. HUH-UH.

25 Q. DID YOU ASK HIM WHAT WAS GOING ON OR WHY

1 OR ANYTHING?

2 A. NO.

3 Q. YOU DIDN'T CALL THE POLICE AT THAT POINT?

4 A. NO.

5 Q. NOW, THERE WAS A LOT OF TALK GOING AROUND,
6 WASN'T THERE?

7 A. YEAH.

8 Q. AND -- AND YOU -- AND YOU HEARD A LOT OF
9 TALK, DIDN'T YOU?

10 A. UH-HUH.

11 Q. AND SOME PEOPLE TOLD YOU SOME THINGS,
12 DIDN'T THEY? PEOPLE SAID THINGS TO YOU?

13 A. YEAH.

14 Q. AND WHAT YOU JUST SAID WAS ONE OF THE
15 THINGS, THAT THEY HAD A GIRL UP AT THE OLD STUCKEY
16 HOUSE. DID THEY TELL -- DID -- DID YOU HEAR THAT SHE
17 WAS TAPED UP?

18 A. NO, NOT TAPED. NO.

19 Q. DID YOU -- DID YOU HEAR SOME NAMES OF SOME
20 PEOPLE THAT HAD BEEN UP THERE WITH THE GIRL?

21 A. I HEARD SOME NAMES, BUT ALL OF THAT IS
22 HEARSAY.

23 Q. RIGHT. I UNDERSTAND THAT. WHAT DID YOU
24 HEAR?

25 THE COURT: DON'T GET INTO HEARSAY, NOW.

1 MR. LAWSON: THAT'S WHAT HE'S SAYING.
2 HE'S SAYING WHAT HE HEARD WAS HEARSAY.

3 BY MR. LAWSON:

4 Q. THAT PEOPLE TOLD YOU THINGS. RIGHT,
5 ROBERT?

6 A. YEAH.

7 Q. AND WHAT YOU HEARD WAS WHAT PEOPLE WERE
8 TELLING YOU?

9 A. TELLING ME.

10 Q. WHAT INFORMATION DO YOU HAVE THAT YOU
11 YOURSELF SAW IN THIS CASE?

12 A. I DIDN'T SEE NOTHING.

13 Q. YOU DIDN'T SEE ANYTHING?

14 A. I DIDN'T SEE ANYTHING.

15 Q. YOU NEVER SAW --

16 A. NEVER SAW A GIRL.

17 Q. NEVER SAW A GIRL AT THAT TRAILER?

18 A. NO.

19 Q. YOU NEVER HAD SEX WITH THAT GIRL AT THAT
20 TRAILER?

21 A. NO.

22 Q. WE'RE TALKING ABOUT THE WEEK BEFORE
23 THANKSGIVING, NOW.

24 A. YEAH.

25 Q. YOU HEARD THAT THERE WAS A GIRL BEING HELD

1 DOWN THERE AT THE STUCKEY HOME; IS THAT RIGHT?

2 | A. YEAH.

3 Q. DID YOU EVER GO DOWN THERE?

4 A. NO.

5 Q. DID YOU EVER SEE THAT GIRL?

6	A.	NO.

7 Q. DID YOU GO TO A BRIDGE -- YOU KNOW WHERE

8 BURN'T FACTORY POND IS?

9	A.	NO.

10 Q. YOU AIN'T NEVER BEEN DOWN TO THAT POND?

11 A. NEVER BEEN THERE.

12 Q. NEVER BEEN THERE?

13 A. YEAH. WITH Y'ALL WHEN WE DROVE DOWN THERE

14 | THAT DAY.

15 Q. SAY THAT AGAIN.

16 | A. WITH YOU.

17 Q. HUH?

18 A. WITH YOU THE OTHER DAY.

19 Q. OKAY. BUT THAT'S BEEN LONG SINCE ALL OF

20 | THIS HAPPENED?

21 A. YEAH. THAT'S THE ONLY TIME.

22 Q. THAT'S THE ONLY TIME YOU'VE BEEN DOWN

23 | THERE?

24 | A. YEAH.

25 Q. YOU DON'T KNOW HOW A BODY GOT THROWN IN

THERE?

A. HUH-UH.

Q. NOW, DID -- DID THE POLICE -- THE POLICE
CAME AND PICKED YOU UP FROM YOUR HOUSE ON THE 2---
FROM THE TRAILER ON THE 24TH. RIGHT?

A. YEAH.

Q. AND THERE WERE SOME PEOPLE THERE, WEREN'T THERE?

A. YEAH.

Q. WHEN YOU GOT THERE, WHO WAS THERE?

A. IT WAS LEROY STATON, RICKY AND FOX ANN.

Q. ANYBODY ELSE?

A. AND ANOTHER GUY THAT I DIDN'T KNOW.

Q. YOU DIDN'T KNOW?

A. NO.

Q. WHAT ABOUT MARTIN? WAS HE THERE?

A. NO, I DON'T THINK SO.

Q. YOU DON'T THINK SO? DO YOU REMEMBER WHAT DAY OF THE WEEK THAT WAS, JANUARY THE 24TH?

A. IT HAD TO BE ON A TUESDAY.

Q. HAD TO BE ON A TUESDAY?

A. YES, SIR.

Q. WHY DID IT HAVE TO BE ON A TUESDAY?

A. BECAUSE I HAD -- I HAD GIVEN MY CAR TO LEROY TO PUT AN ALTERNATOR ON MY CAR.

1 Q. YOU WERE PUTTING AN ALTERNATOR --

2 A. I HAD THE CAR -- HIM ON THE CAR SO IT
 3 WOULD GO ON IT.

4 Q. OKAY. DID YOU GO TO WORK THE NEXT DAY?

5 A. YEAH.

6 Q. AFTER YOU GOT OFF WORK, WHAT DID YOU DO?

7 A. I MOVED BACK HOME.

8 Q. YOU MOVED BACK HOME?

9 A. YEAH.

10 Q. HAVE YOU BEEN THERE EVER SINCE?

11 A. YEAH.

12 Q. DID YOU HEAR ANYBODY TRYING TO TELL YOU
 13 THAT YOU NEEDED TO MAKE UP A STORY OR SOMETHING AT
 14 THAT TIME, THAT DAY, BEFORE YOU LEFT TO TALK TO THE
 15 POLICE?

16 A. HUH-UH.

17 MR. LAWSON: BEAR WITH ME ONE MINUTE, YOUR
 18 HONOR. THAT'S ALL I HAVE, YOUR HONOR.

19 THE COURT: ALL RIGHT, SIR. ANY
 20 CROSS-EXAMINATION, MR. ERVIN?

21 MR. ERVIN: JUST A FEW QUESTIONS, YOUR
 22 HONOR.

23 C R O S S - E X A M I N A T I O N
 24 BY MR. ERVIN:

25 Q. ROBERT, FROM WHAT I UNDERSTAND, OR HAVE

1 GLEANED FROM YOUR TESTIMONY, THERE WAS A LOT OF TALK
2 GOING AROUND ABOUT THE TIME MS. PATTERSON'S BODY WAS
3 FOUND AND EVEN BEFORE THAT; IS THAT RIGHT?

4 A. YES, THERE WAS. YES.

5 Q. YES?

6 A. YES, SIR.

7 Q. AND YOU HAD HAD SOME CONVERSATIONS WITH
8 RICKY STUCKEY?

9 A. YES.

10 Q. OKAY. MARTIN MCINTOSH MOVED IN WITH YOU
11 AND RICKY AFTER THANKSGIVING, DIDN'T HE, BEFORE
12 CHRISTMAS?

13 A. YEAH, A WEEK OR SO.

14 Q. A WEEK OR SO AFTER THANKSGIVING?

15 A. YES.

16 Q. BUT BEFORE CHRISTMAS?

17 A. THAT'S RIGHT.

18 Q. BUT AFTER THANKSGIVING?

19 A. YES.

20 Q. MARTIN MCINTOSH WASN'T AT ANY PIG'S FEET
21 PARTY?

22 A. NO, HE WASN'T.

23 Q. AND YOU NEVER HEARD ANYTHING ABOUT THIS
24 FROM MARTIN MCINTOSH, DID YOU?

25 A. HUH-UH.

1 Q. BUT AFTER THANKSGIVING AND BEFORE -- LET
2 ME TRY TO PUT THIS IN A CONCISE MANNER. AFTER
3 THANKSGIVING, THAT WOULD BE LATE NOVEMBER/EARLY
4 DECEMBER, AFTER MS. PATTERSON'S BODY WAS FOUND, A LOT
5 OF PEOPLE WERE TALKING ABOUT IT, WEREN'T THEY?

6 A. YES.

7 Q. AND THAT CONTINUED ON THROUGH JANUARY,
8 DIDN'T IT?

9 A. YEAH.

10 Q. PEOPLE IN THE COMMUNITY BECAUSE THIS WAS
11 THE SAME COMMUNITY WHERE HER BODY WAS FOUND. ISN'T
12 THAT RIGHT?

13 A. YEAH.

14 Q. A LOT OF PEOPLE WERE WONDERING WHO DID IT,
15 WEREN'T THEY?

16 A. YEAH.

17 MR. ERVIN: EXCUSE ME, YOUR HONOR.

18 BY MR. ERVIN:

19 Q. ROBERT, DID YOU EVER HAVE ANY IDEA BEFORE
20 THANKSGIVING WHEN YOU WERE HEARING THIS TALK ABOUT A
21 GIRL UP AT THE OLD STUCKEY ABANDONED HOUSE THAT IT
22 WAS THE SAME GIRL THAT WAS FOUND THANKSGIVING DAY?

23 A. NO, SIR.

24 Q. YOU DIDN'T PUT TWO AND TWO TOGETHER AT
25 THAT POINT. SOMETIME AFTER THANKSGIVING, BEFORE

1 CHRISTMAS, WHEN MARTIN MOVED IN WITH YOU AND RICKY,
2 YOU SAY HE SLEPT ON THE COUCH?

3 A. YEAH.

4 Q. THAT WAS THE ONLY PLACE FOR HIM TO SLEEP,
5 WASN'T IT?

6 A. YEAH.

7 Q. AND WHEN YOUR MAMA ASKED YOU TO MOVE HOME
8 ON THE 25TH OF JANUARY, HE WAS STILL LIVING THERE
9 LIKE HE TESTIFIED, WASN'T HE?

10 A. YEAH.

11 Q. TO THE BEST OF YOUR KNOWLEDGE, HE STAYED
12 THERE UNTIL HE WENT BACK TO NEW YORK IN FEBRUARY?

13 A. I RECKON SO.

14 MR. ERVIN: OKAY.

15 THE COURT: DOES THAT CONCLUDE YOUR
16 QUESTIONING?

17 MR. ERVIN: NO FURTHER QUESTIONS.

18 THE COURT: MR. PADGETT.

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

20 BY MR. PADGETT:

21 Q. ROBERT, HOW FAR DID YOU GO IN SCHOOL?

22 A. TWELFTH GRADE.

23 Q. CAN YOU READ AND WRITE PRETTY GOOD?

24 A. I CAN WRITE.

25 Q. DID YOU WRITE THIS STATEMENT EVERYBODY

KEEPS TALKING ABOUT?

A. HUH-UH.

Q. POLICE WROTE IT FOR YOU?

A. UH-HUH.

Q. AND YOU WERE QUESTIONED HOW MANY TIMES
BEFORE THIS CAME UP?

A. BETWEEN TWO -- ABOUT TWO OR THREE TIMES.

Q. HOW MANY?

A. ABOUT TWO OR THREE.

Q. YOU SAY THEY TOOK -- CAME AND GOT YOU OFF
YOUR JOB?

A. NO, THEY CAME ON THE JOB.

Q. STANTON'S BARBECUE?

A. YEAH.

Q. TALKED TO YOU AT WORK?

A. YEAH.

Q. HOW MANY TIMES DID THEY TALK TO YOU BEFORE
THEY TOOK YOU DOWN TO THE POLICE STATION?

A. AFTER WHEN THEY PICKED ME UP AND BROUGHT
ME TO THE POLICE STATION.

Q. WHAT'S THAT?

A. AFTER THEY PICKED ME UP AND BROUGHT ME TO
THE POLICE STATION.

Q. THEY PICKED YOU UP AT THE POLICE STATION?

A. WHEN THEY CAME TO THE TRAILER AND PICKED

1 ME UP FROM THE TRAILER.

2 Q. THAT'S WHEN THEY TOOK YOU DOWN THERE?

3 A. YEAH.

4 Q. HOW MANY PEOPLE WERE IN THE ROOM WHEN THEY
5 TALKED TO YOU?

6 A. FOUR. FOUR OR FIVE.

7 Q. FOUR OR FIVE POLICE OFFICERS?

8 A. YEAH.

9 Q. DID YOU HAVE A LAWYER WITH YOU?

10 A. NO, I DIDN'T KNOW WHAT WAS GOING ON AT THE
11 TIME.

12 Q. YOU'VE NEVER BEEN IN TROUBLE, HAVE YOU?

13 A. NO.

14 Q. YOU'VE NEVER BEEN INTERROGATED BY THE
15 POLICE, HAVE YOU?

16 A. NO, SIR.

17 Q. BUT YOU DIDN'T WRITE THESE WORDS DOWN.
18 NOW, THIS STATEMENT WAS GIVEN IN JANUARY. ARE YOU
19 REAL GOOD AT REMEMBERING SPECIFIC DATES?

20 A. NO, NOT REAL GOOD.

21 Q. THERE'S SOME SPECIFIC DATES IN HERE AND
22 WE'VE SEEN THIS COME UP DURING THE TRIAL. DID YOU
23 PUT THESE DATES IN THIS STATEMENT?

24 A. HUH-UH.

25 Q. SO THESE DATES COULD BE COMPLETELY WRONG,

1 COULDN'T THEY?

2 A. YEAH, I DIDN'T PUT THEM IN THERE.

3 Q. WHAT'S THAT?

4 A. I DIDN'T PUT THEM IN THERE.

5 Q. OKAY. SO WHEN AND WHAT WAS SAID AND ALL
6 COULD BE COMPLETELY CONFUSED. RIGHT?

7 A. YEAH.

8 Q. AND WAS WRITTEN DOWN?

9 A. I HEARD THAT -- I HEARD ALL OF THAT WHEN
10 IT WAS SAID.

11 Q. BUT WHEN EVERYTHING WAS HEARD, THESE
12 DATES, THAT COULD BE COMPLETELY WRONG, COULDN'T IT?

13 A. YEAH.

14 Q. NOW, RICKY WAS YOUR ROOMMATE. RIGHT?

15 A. YEAH.

16 Q. THEY'VE WRITTEN SOME THINGS IN HERE THAT
17 RICKY TOLD YOU. DIDN'T YOU TELL MR. ERVIN THAT THERE
18 WAS A LOT OF TALKING GOING ON AFTER MS. PATTERSON
19 DISAPPEARED?

20 A. YEAH. OUT IN THE STREET, YEAH, TALK.

21 Q. A LOT OF RUMORS GOING ON?

22 A. YEAH.

23 Q. PEOPLE SAYING VARIOUS THINGS. ISN'T THAT
24 RIGHT?

25 A. I GUESS SO. UH-HUH.

1 Q. OKAY. YOU NEVER SAW A GIRL TAPED UP AT
2 YOURS AND RICKY'S TRAILER, DID YOU?

3 A. NO, SIR.

4 Q. YOU WERE AT A PIG'S FEET PARTY, WEREN'T
5 YOU?

6 A. YES.

7 Q. SHE WASN'T THERE, WAS SHE?

8 A. NO, SIR.

9 Q. AND YOU NEVER SAW RICKY WITH A GIRL TAPED
10 UP, DID YOU?

11 A. NOT IN MY PRESENCE, NO.

12 Q. HUH?

13 A. NOT IN MY PRESENCE, I DIDN'T SEE IT.

14 Q. YOU NEVER SAW THAT, DID YOU?

15 A. HUH-UH.

16 Q. YOU NEVER SAW RICKY TAPE ANYBODY UP, DID
17 YOU?

18 A. NO.

19 Q. YOU NEVER SAW RICKY RAPE ANYBODY, DID YOU?

20 A. NO.

21 Q. YOU NEVER SAW RICKY DO ANY HARM TO
22 ANYBODY, DID YOU?

23 A. NO, NOT IN MY PRESENCE. NO.

24 Q. YOU DIDN'T SEE IT. OKAY. AND THE ONLY
25 THING YOU CAN TELL US IS WHAT YOU SAW. RIGHT? IS

1 THAT RIGHT?

2 A. YEAH.

3 Q. OKAY. AND ISN'T IT TRUE, ROBERT, THAT OUT
4 OF ALL OF THESE RUMORS YOU HEARD FLYING AROUND AND
5 EVERYTHING, WOULD YOU AGREE WITH ME THAT THE BASIS OF
6 WHAT YOU HEARD WAS THAT RINGO PEARSON WAS MESSING
7 WITH DARLENE PATTERSON? IS THAT WHAT YOU HEARD?

8 A. YEAH, I HEARD THAT.

9 Q. OKAY.

10 A. I DON'T KNOW HOW TRUE IT WAS, BUT I HEARD
11 IT.

12 Q. OKAY.

13 A. BUT I DON'T KNOW.

14 Q. BUT IT WAS RINGO, RIGHT?

15 A. YEAH.

16 Q. AND IN FACT, HE'S CONFESSED TO THIS,
17 HADN'T HE?

18 A. I DON'T KNOW.

19 MR. PADGETT: THAT'S ALL I HAVE.

20 MR. REDMOND: NO QUESTIONS.

21 MR. MOORE: NO QUESTIONS.

22 MR. WILL ROGERS: YOUR HONOR, I WOULD LIKE
23 TO ADDRESS A MATTER OF LAW BEFORE HE STARTS
24 CROSS-EXAMINATION.

25 THE COURT: LET YOU GO TO YOUR JURY ROOM

1 JUST A MINUTE.

2 (WHEREUPON, THE JURY WAS REMOVED
3 FROM THE COURTROOM AND THE
4 FOLLOWING PROCEEDINGS COMMENCED
5 IN OPEN COURT.)

6 MR. WILL ROGERS: BEFORE HE STARTS
7 CROSS-EXAMINATION, THERE'S A HEARSAY STATEMENT THAT
8 ADDRESSES MY CLIENT, AND I WANT TO ADDRESS IT NOW
9 BEFORE IT POSSIBLY COMES OUT ON CROSS-EXAMINATION.

10 THE COURT: IF HE SAID IT TO THIS WITNESS,
11 IT'S NOT HEARSAY. THIS IS THE WITNESS, NOW. IT
12 WOULD HAVE BEEN HEARSAY COMING FROM HIS MOTHER AS TO
13 WHAT THIS WITNESS HEARD SOMEBODY SAY. BUT I DON'T
14 KNOW WHETHER YOUR CLIENT TALKED TO HIM OR NOT.

15 MR. WILL ROGERS: I'M NOT TALKING ABOUT MY
16 CLIENT. SOMEBODY SAID --

17 THE COURT: I THOUGHT YOU WERE
18 REPRESENTING YOUR CLIENT. WHO ARE YOU CONCERNED
19 WITH?

20 MR. WILL ROGERS: I AM -- RICKY STUCKEY
21 MADE A COMMENT TO --

22 THE COURT: WHAT IS YOUR MOTION? WHAT ARE
23 YOU SAYING TO ME?

24 MR. WILL ROGERS: I DON'T -- WHAT
25 MR. STUCKEY SAYS TO HIM MENTIONS MY GUY AND I THINK

1 IF IT'S BROUGHT OUT, I DON'T THINK IT SHOULD --

2 THE COURT: I DON'T THINK IT WILL BE
3 BROUGHT OUT. I'LL HAVE TO WAIT AND SEE.

4 MR. WILL ROGERS: WELL, I JUST WANTED TO
5 BRING IT TO YOUR ATTENTION.

6 THE COURT: YEAH, I UNDERSTAND THAT. I'M
7 LISTENING TO THIS VERY CAREFULLY. WE'RE NOT GOING TO
8 LET ANY HEARSAY COME IN. BUT WHATEVER, IF ANY -- AND
9 THIS IS OUTSIDE OF THE PRESENCE OF THE JURY.

10 WHATEVER THESE DEFENDANTS SAID TO THIS WITNESS IS
11 OBVIOUSLY ADMISSIBLE AND YOU CAN CROSS-EXAMINE HIM ON
12 IT. DOES THAT ANSWER YOUR CONCERN?

13 SOLICITOR, ANY COMMENT FOR THE RECORD CONCERNING
14 THAT ISSUE?

15 MR. WILSON: YES, SIR. I UNDERSTAND THE
16 RULE.

17 THE COURT: ALL RIGHT. LET'S WAIT FOR
18 MR. ERVIN TO GET BACK. ALL RIGHT. BRING THE JURY
19 BACK.

20 (WHEREUPON, THE JURY WAS RETURNED
21 TO THE COURTROOM AND THE FOLLOWING
22 PROCEEDINGS WERE COMMENCED IN
23 OPEN COURT.)

24 THE COURT: ALL RIGHT. SOLICITOR WILSON.
25 NOW, GENTLEMEN, ALL OF YOU ARE THROUGH

1 CROSS-EXAMINING, AS I UNDERSTAND IT.

2 MR. LAWSON, DO YOU HAVE ANY OTHER WITNESSES?

3 MR. LAWSON: NO, YOUR HONOR.

4 MR. WILSON: THANK YOU, YOUR HONOR.

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

6 BY MR. WILSON:

7 Q. MR. GRAHAM, THE POLICE TALKED WITH YOU
8 BACK ON JANUARY THE 24TH; IS THAT RIGHT? WHEN THEY
9 CAME TO GET YOU FROM THE TRAILER?

10 A. YEAH.

11 Q. ALL RIGHT. AND ONE OF THE LAWYERS ASKED
12 YOU IF YOU HAD YOUR LAWYER PRESENT AND YOU SAID NO.
13 RIGHT? YOU DIDN'T HAVE A LAWYER, DID YOU?

14 A. NO.

15 Q. ALL RIGHT. BUT YOUR MAMA WAS THERE WITH
16 YOU, WASN'T SHE?

17 A. WHAT AT THE --

18 Q. AT THE POLICE STATION WHEN THEY TALKED TO
19 YOU?

20 A. YEAH.

21 Q. AND YOUR SISTER WAS THERE?

22 A. YEAH.

23 Q. RIGHT?

24 A. YEAH.

25 Q. OKAY. SO YOU WEREN'T THERE BY YOURSELF.

1 RIGHT?

2 A. RIGHT.

3 Q. OKAY. NOW, IN FACT, YOUR MAMA TALKED TO
4 THE POLICE THAT SAME DAY, MS. GRACIE. RIGHT?

5 A. I BELIEVE SO. PROBABLY HAVE BEFORE I GOT
6 DOWN THERE.

7 Q. OKAY. SO SHE WAS DOWN THERE WHEN YOU GOT
8 DOWN THERE?

9 A. YEAH.

10 Q. AND YOUR SISTER?

11 A. RIGHT.

12 Q. AND THEY WERE WAITING ON YOU WHEN YOU GOT
13 DOWN THERE. RIGHT?

14 A. YEAH.

15 Q. NOW, AND THE POLICE TALKED TO YOU. THEY
16 READ YOU YOUR RIGHTS TOO, DIDN'T THEY? DIDN'T THEY
17 TELL YOU YOU DIDN'T HAVE TO TALK TO THEM IF YOU
18 DIDN'T WANT TO? THEY TOLD YOU THAT, DIDN'T THEY?

19 A. YEAH.

20 Q. IN FACT, THEY HAD YOU SIGN A FORM, DIDN'T
21 THEY?

22 A. YEAH.

23 Q. ALL RIGHT. AND THEY TOLD YOU IF YOU
24 WANTED A LAWYER, THEY WOULDN'T QUESTION YOU. THEY
25 WOULD JUST GET YOU A LAWYER, DIDN'T THEY?

ROBERT GRAHAM - CROSS BY MR. WILSON

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1 A. AT THAT TIME, I DIDN'T --

2 Q. I'M SORRY?

3 A. THEY DIDN'T SAY NOTHING TO ME LIKE THAT.

4 Q. THEY DIDN'T SAY NOTHING TO YOU?

5 A. NOT ABOUT NO LAWYER, NO.

6 Q. WELL, LET'S LOOK AT THIS. IS THAT YOUR
7 NAME DOWN THERE? ROBERT LEE GRAHAM?

8 A. THAT'S MINE.

9 Q. IS THAT YOUR SIGNATURE?

10 A. YEAH.

11 Q. YOU CAN WRITE. RIGHT?

12 A. YEAH.

13 Q. YOU CAN READ. RIGHT?

14 A. YEAH.

15 Q. AND ARE THOSE YOUR INITIALS RIGHT THERE?

16 A. YEAH.

17 Q. AND THAT FIRST INITIAL BY NUMBER ONE SAYS
18 YOU HAVE THE RIGHT TO REMAIN SILENT, AND THEN YOU
19 SIGNED THAT? YOU NEED TO SAY YES OR NO.

20 A. YES.

21 Q. OKAY. AND THEN NUMBER TWO SAYS ANYTHING
22 YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT
23 OF LAW. AND THEN YOU PUT YOUR INITIALS BY THAT,
24 DIDN'T YOU?

25 A. YEAH.

1 Q. AND THEN NUMBER THREE SAYS YOU HAVE THE
2 RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH
3 YOU WHILE YOU ARE BEING QUESTIONED. THEN YOU SIGNED
4 THAT AND PUT YOUR NAME BY IT -- YOUR INITIALS BY IT.
5 RIGHT? AND THEN ARE YOUR INITIALS RIGHT THERE BY IT,
6 ISN'T IT?

7 A. YEAH.

8 Q. AND THEN NUMBER FOUR SAYS IF YOU CAN'T
9 AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO
10 REPRESENT YOU BEFORE ANY QUESTIONING IF YOU WISH ONE.
11 AND THEN YOU SIGNED THAT TOO AND PUT YOUR INITIALS BY
12 IT, DIDN'T YOU?

13 A. YES.

14 Q. OKAY. SO THEY DID TELL YOU THAT, DIDN'T
15 THEY? HUH?

16 A. YEAH, THEY DID.

17 Q. OKAY. NOW, ROBERT, YOU KNOW RICKY REAL
18 WELL. Y'ALL WERE LIVING TOGETHER. RIGHT?

19 A. YEAH.

20 Q. OKAY. AND YOU SAID TO YOUR LAWYER THAT AT
21 SOME POINT IN TIME YOU STARTED HEARING A LOT OF STUFF
22 ABOUT WHAT WAS GOING ON. RIGHT?

23 A. RIGHT.

24 Q. JANUARY 24TH, WHEN YOU TALKED TO THE
25 POLICE, YOU TOLD THE POLICE THAT YOU HEARD IT FROM

1 RICKY STUCKEY?

2 A. I DID. YEAH. I DID SAY THAT. I WAS
3 GOING BY WHAT SOMEBODY TOLD ME.

4 Q. WHAT I'M ASKING YOU IS DIDN'T YOU TELL THE
5 POLICE THAT RICKY STUCKEY TOLD YOU THAT THEY HAD A
6 GIRL UP THERE AT THE OLD PEARSON ROAD HOUSE, AT THAT
7 OLD ABANDONED HOUSE, ALL TAPED UP, AND THAT ANYBODY
8 COULD GO UP THERE AND MESS WITH HER IF THEY WANTED
9 TO?

10 A. THAT'S WHAT THEY TOLD ME. RIGHT.

11 Q. I'M NOT SAYING THEY. I'M ASKING YOU,
12 DIDN'T RICKY STUCKEY TELL YOU THAT?

13 A. WELL, HOW DO I KNOW? I DON'T KNOW
14 ANYTHING BUT HE TOLD ME THAT.

15 Q. I DIDN'T ASK YOU THAT. WHAT I ASKED YOU
16 IS DIDN'T RICKY STUCKEY TELL YOU THAT?

17 A. YEAH.

18 Q. ALL RIGHT. AND HE TOLD YOU THAT THE WEEK
19 BEFORE THANKSGIVING. RIGHT?

20 A. YEAH.

21 Q. ALL RIGHT. AIN'T NO QUESTION ABOUT THAT,
22 IS THERE?

23 A. NO.

24 Q. NO. NOW, YOUR LAWYER ASKED YOU -- YOU
25 WORKED A LOT, DIDN'T YOU, ROBERT?

1 A. YEAH.

2 Q. AND A LOT OF TIMES YOU WOULD GET HOME LATE
3 AT NIGHT?

4 A. YEAH.

5 Q. AND YOU WASN'T ALWAYS THERE, WAS YOU? I
6 MEAN, TALKING ABOUT AT THE TRAILER, YOU WEREN'T
7 ALWAYS THERE. YOU WERE IN AND OUT BETWEEN YOUR
8 MAMA'S HOUSE AND WORKING, WERE YOU NOT?

9 A. YEAH.

10 Q. BUT RICKY WAS THERE MORE THAN YOU WAS
11 DURING THE DAYTIME AND EVENING AND THINGS?

12 A. YEAH.

13 Q. AND ON SUNDAY EVENING -- ONE SUNDAY
14 EVENING WHEN YOU CAME HOME -- THAT SUNDAY EVENING
15 WHEN YOU CAME HOME, WHEN YOU HAD THEM BONES IN THE
16 BACK OF YOUR CAR -- DO YOU REMEMBER THAT?

17 A. YEAH.

18 Q. WHEN YOU CAME IN THAT HOUSE THAT NIGHT,
19 ARE YOU SURE YOU DIDN'T SEE A GIRL ON THAT COUCH OVER
20 THERE?

21 A. NOBODY WAS THERE.

22 Q. COME ON, NOW.

23 A. NOBODY.

24 Q. YOU CAN TELL US.

25 A. I'M TELLING YOU NOW.

Q. WASN'T NO GIRL ON THAT COUCH THAT NIGHT
WHEN YOU CAME IN THERE?

A. NO. NOBODY.

Q. I'M NOT SAYING YOU PUT HER IN THERE. I'M
JUST ASKING, YOU DIDN'T SEE ONE IN THERE?

A. I DIDN'T SEE NOBODY IN THE HOUSE.

Q. YOU DIDN'T SEE NOBODY IN THE HOUSE?

A. NO, NOBODY.

Q. ARE YOU SURE, NOW, ROBERT?

A. YEAH.

Q. YOU'RE UNDER OATH, NOW.

A. YEAH. I'M SURE.

Q. ALL RIGHT. SO YOU DIDN'T SEE HER?

A. HUH-UH.

Q. NOW, ROBERT, YOU HEARD ABOUT THIS YOU SAY
FROM RICKY A WEEK BEFORE THANKSGIVING. DID YOU TELL
ANYBODY?

A. DID I WHAT?

Q. DID YOU TELL ANYBODY?

A. TELL WHO? NO, I DIDN'T TELL ANYBODY. WHY
WOULD I TELL ANYBODY?

Q. WELL, YOU TOLD YOUR MAMA. RIGHT?

A. MY MAMA ASKED ME IF THERE WAS ANY NEWS AND
I TOLD HER NO, NOT YET. AND SHE SAID WHAT HAPPENED?
AND I JUST --

1 Q. WELL, WHAT KIND OF NEWS WAS YOUR MAMA
 2 ASKING YOU HAD YOU HEARD ABOUT?

3 A. ASK ME ABOUT IF I HEARD ANY NEWS.

4 Q. SLOW DOWN, NOW. YOU'RE GETTING TOO FAST.

5 A. SHE ALWAYS ASKED ME THAT.

6 Q. SHE ALWAYS ASKED YOU THAT?

7 A. YEAH.

8 Q. BUT SHE ASKED YOU SPECIFICALLY, DID SHE
 9 NOT, HAD YOU HEARD ANYTHING ABOUT THIS GIRL UP THERE
 10 ON PEARSON ROAD AT THAT OLD ABANDONED HOUSE?

11 A. NO, NOT THEN. NO.

12 Q. HUH?

13 A. I DIDN'T HEAR NO KIND OF NEWS THEN. I
 14 DIDN'T HEAR NO KIND OF NEWS THEN BECAUSE I WAS AT
 15 WORK.

16 Q. OH, YOU DIDN'T HEAR THE NEWS THEN?

17 A. NO.

18 Q. BUT YOU HEARD IT BEFORE THANKSGIVING AND
 19 YOU TOLD YOUR MAMA ABOUT IT. RIGHT?

20 A. YEAH, WHAT RICKY STUCKEY TOLD ME.

21 Q. OKAY. NOW, LET ME ASK YOU, THERE'S NO
 22 QUESTION, ROBERT, THAT Y'ALL HAD THE COOKOUT. RIGHT?

23 A. RIGHT.

24 Q. WITH THE PIG FEET?

25 A. YEAH.

ROBERT GRAHAM - CROSS BY MR. WILSON

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1 Q. THAT DID HAPPEN?

2 A. YEAH.

3 Q. AND THAT DID HAPPEN AT YOUR HOUSE?

4 A. YEAH.

5 Q. AND THERE'S NO QUESTION THAT DANNY DAVIS
6 AND BOBBY RANSOM, THEY WERE OVER THERE AT THAT PIG --
7 PIG COOKING?

8 A. RIGHT.

9 Q. RIGHT?

10 A. RIGHT.

11 Q. ALL RIGHT. AND WHO ELSE WAS OVER THERE
12 THAT DAY WHEN Y'ALL WERE COOKING THOSE PIG FEET?

13 A. IT WAS RICKY STUCKEY, LEROY STATON.

14 Q. I'M SORRY. TAKE YOUR TIME AND TALK SLOW
15 BECAUSE I'M HAVING A DIFFICULT TIME --

16 A. RICKY STUCKEY.

17 Q. RICKY STUCKEY.

18 A. LEROY STATON.

19 Q. LEROY STATON.

20 A. DANNY DAVIS.

21 Q. DANNY DAVIS.

22 A. BOBBY RANSOM. BETTY LOU CAULDER.

23 Q. BETTY LOU CAULDER. WHAT ABOUT FOX ANN?
24 DID FOX ANN COME OVER THERE FOR A MINUTE OR TWO?

25 A. FOR A MINUTE OR TWO, YEAH.

1 Q. FOX ANN CAME OVER FOR A MINUTE OR TWO?

2 A. YEAH.

3 Q. AND THAT'S WHEN SHE CAME TO BRING THE DOG?

4 A. YEAH.

5 Q. BUT SHE DIDN'T COME INSIDE. RIGHT?

6 A. NO, SIR.

7 Q. ALL RIGHT. NOW, ROBERT, AFTER RICKY TOLD

8 YOU ABOUT THIS GIRL BEING UP THERE AND PEOPLE WOULD

9 GO UP THERE AND MESS WITH HER IF THEY WANTED TO, DID

10 YOU GO UP THERE?

11 A. NO.

12 Q. YOU NEVER DID GO UP TO THE OLD ABANDONED

13 HOUSE?

14 A. NO, NEVER.

15 Q. YOU DIDN'T, NOW?

16 A. HUH-UH.

17 Q. NOW, ROBERT, WHEN -- AT SOME POINT IN

18 TIME, AFTER THE BODY WAS FOUND, IT WAS ALL IN THE

19 NEWSPAPER AND ON THE NEWS AND EVERYWHERE ELSE, WASN'T

20 IT?

21 A. YEAH.

22 Q. HUH?

23 A. YEAH.

24 Q. AND EVERYBODY WAS TALKING ABOUT IT,

25 WEREN'T THEY?

1 A. YEAH.

2 Q. AND YOU STILL SAY YOU DIDN'T -- AFTER ALL
3 OF WHAT YOU HAD BEEN TOLD, YOU DIDN'T PUT THE TWO AND
4 TWO TOGETHER AND KNOW THAT THAT'S WHAT HAD HAPPENED?

5 A. WELL, I COULDN'T SAY WHETHER IT HAPPENED
6 OR NOT BECAUSE I DIDN'T GO UP THERE TO SEE. SEE, I
7 DIDN'T GO UP THERE. I DON'T KNOW WHAT HAPPENED UP
8 THERE.

9 Q. WELL, SO YOU DIDN'T GO UP THERE TO SEE
10 AND -- BUT YOU THOUGHT ENOUGH OF IT TO TELL YOUR MAMA
11 ABOUT IT. RIGHT?

12 A. WELL, SHE ASKED ME ABOUT IT.

13 Q. SHE ASKED YOU ABOUT IT?

14 A. YEAH.

15 Q. SO SHE HAD HEARD ABOUT IT TOO?

16 A. YEAH, BEFORE I DID.

17 Q. BEFORE YOU DID, SHE HEARD ABOUT IT?

18 A. RIGHT.

19 Q. SO BEFORE THE BODY IS FOUND, ALL OF Y'ALL
20 KNOW ABOUT IT, BUT NOBODY DOES ANYTHING.

21 MR. WILSON: I HAVE NO OTHER QUESTIONS.
22 THANK YOU VERY MUCH.

23 THE COURT: ANY EXAMINATION?

24 R E C R O S S - E X A M I N A T I O N
25 BY MR. PADGETT:

1 Q. ROBERT, WHAT YOU'RE TELLING US IS YOUR
2 MAMA HEARD ABOUT THIS DEAL BEFORE YOU DID; IS THAT
3 RIGHT?

4 A. RIGHT.

5 MR. PADGETT: THANK YOU.

6 THE COURT: MR. REDMOND.

7 MR. REDMOND: NOTHING.

8 MR. MOORE: NOTHING, YOUR HONOR.

9 MR. WILL ROGERS: NOTHING, YOUR HONOR.

10 MR. LAWSON: THAT WOULD BE THE DEFENSE'S
11 CASE, YOUR HONOR.

12 THE COURT: THIS WITNESS MAY COME DOWN.
13 AS I UNDERSTAND IT, YOU MAY HAVE SOME REPLY TESTIMONY
14 FROM THE DEFENSE STANDPOINT?

15 MR. ERVIN: VERY BRIEF, POSSIBLY.

16 THE COURT: ALL RIGHT. AND THEN THERE MAY
17 OR MAY NOT BE SOME REPLY TESTIMONY. WELL, I'M NOT
18 GOING TO ASK YOU TO DO THAT AT THIS TIME. ALL RIGHT.

19 MR. WILSON: JUDGE, MAY WE -- MAY WE
20 APPROACH THE BENCH, PLEASE?

21 THE COURT: YES, SIR.

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

25 THE COURT: ALL RIGHT. WE HAVE ONE SHORT

1 REPLY WITNESS WHICH WOULD CONCLUDE THE TAKING OF ALL
2 OF THE TESTIMONY.

3 MR. ERVIN: YOUR HONOR, I RECALL MARTIN
4 MCINTOSH AS TO ONE ISSUE.

5 MARTIN MCINTOSH,
6 HAVING BEEN PREVIOUSLY DULY SWORN BY THE CLERK OF
7 COURT, TESTIFIED AS FOLLOWS:

8 D I R E C T E X A M I N A T I O N
9 BY MR. ERVIN:

10 Q. MARTIN, YOU HEARD SOME TESTIMONY REGARDING
11 AN INCIDENT ON JANUARY 5TH, I BELIEVE OF 1995, FROM
12 FOX ANN?

13 A. YES, SIR.

14 Q. THE DAY THAT ROBERT GRAHAM AND SOMEBODY
15 ELSE HAD BEEN QUESTIONED?

16 A. YES.

17 Q. HAD YOU HEARD A LOT OF RUMORS AND TALK IN
18 THE COMMUNITY AT THAT POINT, WITHOUT GOING INTO
19 EVERYTHING THAT YOU HAD HEARD FROM ALL OF THE PEOPLE
20 WHO LIVED AROUND THERE?

21 A. YEAH. THERE WAS -- THERE WAS A LOT OF
22 TALK AROUND.

23 Q. OKAY. AND DO YOU REMEMBER FOX ANN MAKING
24 THE STATEMENT ABOUT PEOPLE BETTER HAVE ALIBIS OR YOU
25 BETTER HAVE YOUR ALIBIS OR ANYTHING TO THAT EFFECT?

1 A. YES, SIR.

2 Q. OKAY. DID YOU MAKE SOME STATEMENT ABOUT
3 I'M NOT WORRIED ABOUT IT; I'M GAY, OR SOMETHING TO
4 THAT EFFECT? OR DO YOU REMEMBER?

5 A. SOMETHING LIKE THAT, YES.

6 Q. OKAY. WHAT WAS THE -- YOUR REASON FOR
7 SAYING THAT OR WAS THERE ANY REASON FOR MAKING THAT
8 STATEMENT?

9 A. I WAS JUST JOKING BECAUSE SHE WAS JOKING.

10 THE COURT: IS THAT IT?

11 MR. ERVIN: THAT'S IT.

12 THE COURT: ANY EXAMINATION ON THAT ISSUE
13 FROM THE STATE?

14 MR. WILSON: NO REPLY.

15 THE COURT: YOU MAY COME DOWN. ALL RIGHT.
16 THAT THEN WILL CONCLUDE THE -- ANY REPLY FROM THE
17 STATE?

18 MR. WILSON: NOTHING, YOUR HONOR.

19 THE COURT: ALL RIGHT. FINE. LADIES AND
20 GENTLEMEN OF THE JURY, WE ARE NOW AT THAT STAGE OF
21 THIS TRIAL WHERE ALL OF THE TESTIMONY IS NOW
22 COMPLETE. WHEN WE RETURN ON MONDAY MORNING, I HOPE
23 THAT WE CAN FINISH THIS CASE ON MONDAY. CERTAINLY IF
24 WE CANNOT, WE'LL CERTAINLY FINISH IT BY NOON TUESDAY.
25 I HOPE TO MAKE EVERY EFFORT TO FINISH IT ON MONDAY.

1 WHEN WE RETURN ON MONDAY, EACH LAWYER AND MR. WILSON
2 FOR THE STATE WILL GIVE YOU A FINAL SUMMATION.

3 NOW, WHAT THESE LAWYERS TELL YOU IS NOT
4 EVIDENCE. IT'S THEIR VIEW OF THE EVIDENCE. THE
5 EVIDENCE, AS I TOLD YOU, COMES FROM THIS WITNESS
6 STAND. EACH OF THESE ATTORNEYS WILL MAKE A FINAL
7 CLOSING ARGUMENT. EACH DEFENSE ATTORNEY AND THE
8 STATE'S ATTORNEY. I WILL GIVE YOU AT THAT TIME THE
9 APPROPRIATE INSTRUCTIONS IN THE LAW WITH REGARD TO
10 EVERY ISSUE THAT HAS BEEN RAISED IN THE TRIAL OF THIS
11 CASE, REMEMBERING, HOWEVER, THAT YOU 12 ARE THE
12 FINDERS OF THE FACTS AND YOU WILL TAKE THE FACTS,
13 MEANING THE TRUTH, THE TRUTH AS YOU FIND IT TO BE
14 FROM ALL OF THE TESTIMONY AND EVIDENCE PRESENTED, AND
15 APPLY THAT TRUTH TO THE LAW OF THIS CASE AND
16 THEREAFTER REACH A VERDICT THAT'S FAIR TO THE STATE
17 OF SOUTH CAROLINA AND THE VICTIM'S FAMILY AND THAT'S
18 EQUALLY FAIR TO EACH AND EVERYONE OF THESE
19 DEFENDANTS.

20 NOW, QUITE OFTEN, IN A CASE OF THIS KIND, WE
21 SEQUESTER THE JURY, MEANING TO LEAVE THE JURY IN THE
22 MOTELS OVERNIGHT. I HAD -- I HAVE ELECTED NOT TO DO
23 THAT BECAUSE EACH OF YOU HAVE TOLD ME -- AND EACH OF
24 YOU ARE ADHERING TO MY ADMONISHMENTS. DO NOT DISCUSS
25 THIS CASE WITH ANYONE. UNDER NO CIRCUMSTANCES LET

1 ANYONE DISCUSS IT WITH YOU. LET NO ONE DISCUSS IT IN
2 YOUR PRESENCE.

3 NOW, SOME OF YOU WILL BE AT CHURCH SUNDAY AND
4 PEOPLE ARE GOING TO WALK UP AND SAY, WELL, TELL ME
5 WHAT'S GOING ON, OR YOU'RE A JUROR. STOP THEM. WALK
6 AWAY FROM THAT CONVERSATION. I TELL YOU NOW THAT
7 WHEN WE RETURN ON MONDAY MORNING, MY OBLIGATION AS
8 TRIAL JUDGE WILL REQUIRE ME TO ASCERTAIN FROM EACH
9 AND EVERY ONE OF YOU WHETHER OR NOT ANYBODY ON EITHER
10 SIDE OF THIS ISSUE HAS ATTEMPTED TO CONTACT YOU OR TO
11 TALK ABOUT THIS CASE IN ANY WAY. SHERIFF, STAND UP
12 FOR ME. WOULD YOU GIVE ME YOUR SHERIFF'S NUMBER?

13 SHERIFF: THEY CAN CALL 911.

14 THE COURT: IF ANYBODY UNDER ANY
15 CIRCUMSTANCE -- LISTEN TO ME AS CAREFULLY AS YOU CAN.
16 I WOULD REGARD IT AS A MOST SERIOUS OFFENSE IF
17 ANYBODY IN ANY WAY ATTEMPTS TO CONTACT YOU OR DISCUSS
18 ANY ISSUE OF THIS CASE. AND I TELL YOU NOW AND YOU
19 CAN TELL THEM FOR ME THAT IF THAT OCCURS, THEY ARE
20 GOING TO JAIL MONDAY MORNING. IF ANYBODY HAS ANY
21 QUESTIONS ABOUT THAT, LET ME KNOW.

22 NOW, WHAT I WANT YOU TO DO IS THIS. IF ANYBODY
23 COMES UP AND PERSISTS IN TALKING TO YOU, HANG UP,
24 WALK AWAY AND CALL THIS SHERIFF AT 911 AND THAT
25 INDIVIDUAL WILL BE LOCKED UP AS SOON AS WE CAN GET

1 OUR HANDS ON THEM. NOW, I DO THAT FOR YOUR
2 PROTECTION. I WANT YOU OVER THE WEEKEND TO ENJOY THE
3 BENEFIT OF THE WEEKEND AND TO ENJOY YOUR FAMILY, AND
4 I DID NOT WANT TO LOCK YOU UP IN A MOTEL AT NIGHT AND
5 I'M NOT GOING TO DO THAT. I TRUST YOU TO TELL ME AND
6 THE SHERIFF IF ANYBODY ANYWHERE VIOLATES THIS
7 INSTRUCTION.

8 NOW, ALL YOU'VE GOT TO SAY IS LISTEN, I'M UNDER
9 OATH AND I'M REQUIRED TO REPORT THIS CONVERSATION TO
10 THE SHERIFF AND TO JUDGE COTTINGHAM BECAUSE HE'S
11 GOING TO ASK ME UNDER OATH MONDAY MORNING IF ANYBODY
12 TALKED TO ME AND I'M NOT GOING TO LIE TO HIM. NOW,
13 DOES ANYBODY HAVE ANY QUESTIONS ABOUT THIS?

14 (ALL ANSWER IN THE NEGATIVE.)

15 THE COURT: NOW, THERE MAY OR MAY NOT BE
16 SOME REFERENCE TO THE TRIAL OF THIS CASE. I
17 UNDERSTAND THAT THE FLORENCE MORNING NEWS HAS BEEN
18 COVERING IT FROM TIME TO TIME. I DON'T THINK ANY OF
19 YOU SUBSCRIBE TO THE FLORENCE MORNING NEWS, BUT IF
20 YOU DO, DON'T READ IT. THERE MAY BE SOMETHING ON
21 TELEVISION INVOLVING SOME ISSUE IN THIS CASE --

22 PLEASE BE SEATED. NOBODY'S RELEASED YOU FROM
23 THIS COURTROOM.

24 IF SOMETHING COMES ON THE TELEVISION OR
25 SOMETHING, PLEASE TURN AWAY FROM THEM AND FOR THE

1 MUCH.

2 (WHEREUPON, THE JURY WAS REMOVED
3 FROM THE COURTROOM AND THE
4 FOLLOWING PROCEEDINGS COMMENCED
5 IN OPEN COURT.)

6 THE COURT: ALL RIGHT. NOW, LADIES AND
7 GENTLEMEN IN THE AUDIENCE, I KNOW THAT THERE ARE
8 STRONG FEELINGS, AND I CAN APPRECIATE THAT FACT, FROM
9 THE VICTIM'S FAMILY AND FRIENDS. I CAN CERTAINLY
10 APPRECIATE THE FACT THAT THERE ARE STRONG FEELINGS ON
11 THIS ISSUE FROM FRIENDS AND FAMILY OF ALL OF THESE
12 DEFENDANTS. I TELL YOU NOW, PLEASE TELL YOUR FRIENDS
13 AND EVERYBODY ELSE, DON'T -- DON'T CONTACT THIS JURY
14 BECAUSE I PROMISE YOU, IF I FIND OUT THAT YOU DID,
15 I'M GOING TO PUT THEM IN JAIL JUST AS QUICK AS I CAN
16 FIND THEM. AND I DON'T SUGGEST THAT ANYBODY MIGHT
17 INTENTIONALLY DO IT, BUT SOMEBODY MIGHT NOT KNOWINGLY
18 ON EITHER SIDE. SO IF YOU'VE GOT ANY FRIENDS, YOU
19 BETTER TELL THEM TO LEAVE THIS JURY ALONE BECAUSE I'M
20 GOING TO ASK EACH AND EVERY ONE OF THEM UNDER OATH
21 MONDAY MORNING. AND IF I FIND OUT TO THE CONTRARY,
22 IT'S GOING TO BE TOUGH. ALL RIGHT. ANYTHING
23 FURTHER? ANYBODY ELSE GOT ANY QUESTIONS?

24 I LOOK FORWARD -- LISTEN, GENTLEMEN, I HAVE
25 PROVIDED TO EACH ATTORNEY AND TO THE STATE'S ATTORNEY

1 A COPY OF MY PROPOSED CHARGE. PLEASE EXAMINE THEM
2 AND I'LL HAVE A CHARGE CONFERENCE BETWEEN ALL
3 ATTORNEYS AT 9:30 ON MONDAY MORNING. 9 -- I WANT THE
4 LAWYERS TO BE HERE AT 9:30 SO WE CAN GET STARTED
5 PROMPTLY. ANY QUESTIONS? SEE EVERYBODY MONDAY
6 MORNING.

7 (WHEREUPON, THE FOREGOING
8 PROCEEDINGS WERE ADJOURNED
9 FOR THE EVENING.)

10 (END OF VOLUME 9.)

CERTIFICATE OF REPORTER

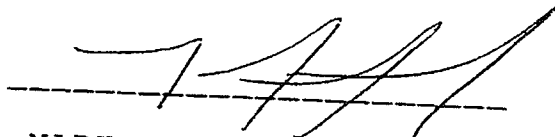
STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

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

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

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


MARK W. HAGOOD, RPR

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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 TEN

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 MR. ERVIN: YOUR HONOR, WE DO NEED TO
2 RENEW ALL OF OUR MOTIONS MADE AT THE CONCLUSION OF
3 THE STATE'S CASE.

4 THE COURT: ALL RIGHT. WE'LL DO THAT.
5 LET ME GET ON THE RECORD, FIRST. ALL RIGHT. LET THE
6 RECORD REFLECT THAT ALL PRESENT ARE HERE. ALL
7 NECESSARY ARE HERE AND THE DEFENDANTS ARE HERE
8 ACCOMPANIED BY THEIR ATTORNEYS. THE STATE IS
9 REPRESENTED BY MR. WILSON.

10 GENTLEMEN, WE CONCLUDED THIS CASE AT
11 APPROXIMATELY 7:00 ON FRIDAY EVENING, AS I RECALL,
12 AND I THINK THE RECORD WILL REFLECT THAT THE DEFENSE
13 HAD RESTED AND THE STATE HAD NO REPLY, THUS ENDING
14 ALL OF THE TESTIMONY. WE ARE NOW AT THAT PART OF THE
15 CASE WHERE WE WILL HAVE FINAL ARGUMENT AND CHARGE TO
16 THE JURY. AS I HAVE INDICATED EARLIER, IT IS NOW MY
17 POLICY TO CHARGE THE JURY EVEN BEFORE COUNSEL ARGUES.
18 AFTER YOU ARGUE, I'LL BE BACK WITH SOME CONCLUDING
19 REMARKS AND IT IS AT THAT TIME THAT THE JURY WILL BE
20 EXCUSED SO THAT EVERYBODY WILL HAVE AN OPPORTUNITY TO
21 OFFER ANY EXCEPTIONS OR ADDITION TO THE CHARGE.

22 IN ADDITION TO THAT, THE JURY WILL BE FULLY
23 ADVISED THAT IF ANY QUESTIONS OF LAW ARISE, PENCIL
24 AND PAPER WILL BE PROVIDED. THEY -- ALL THEY HAVE TO
25 DO IS MAKE THAT KNOWN TO ME AND WE'LL FURTHER

1 INSTRUCT THEM. AND MR. FUNDERBURK, MAKE SURE THAT
2 PENCIL AND PAPER ARE PROVIDED TO THE FORELADY FOR
3 THAT PURPOSE AND ANY OTHER PURPOSES THEY NEED.

4 IT WILL NOW BE AT THE STAGE OF THE CASE WHERE I
5 WILL HEAR ANY MOTION FROM THE STATE OR THE DEFENSE.
6 FIRST FROM THE STATE.

7 MR. WILSON: NOTHING FROM THE STATE, YOUR
8 HONOR.

9 THE COURT: ALL RIGHT. LET'S HEAR ANY
10 MOTIONS BEGINNING WITH EACH INDIVIDUAL DEFENDANT.
11 MR. ERVIN.

12 MR. ERVIN: YOUR HONOR, ON BEHALF OF
13 MARTIN MCINTOSH, I WOULD RENEW THE MOTION FOR
14 DIRECTED VERDICT WHICH I MADE LAST WEEK AT THE
15 CONCLUSION OF THE STATE'S CASE FOR THE SAME REASONS
16 THAT I STATED AT THAT TIME.

17 THE COURT: ALL RIGHT, SIR. THE RECORD
18 WILL REFLECT MY RULINGS THEN AND THE SAME IS NOW.
19 THERE IS SUFFICIENT EVIDENCE, IN MY VIEW, IN THIS
20 RECORD ON ALL COUNTS THAT IT BE SUBMITTED TO THE JURY
21 TO MAKE THE APPROPRIATE DETERMINATION. YES, SIR.
22 RESPECTFULLY DENIED.

23 MR. ROGERS.

24 MR. ROGERS: YOUR HONOR, ON BEHALF OF
25 RICKY STUCKEY, I WOULD RENEW MY MOTION FOR A DIRECTED

1 VERDICT AT THIS TIME BASED ON THE SAME GROUNDS THAT
2 WE ARGUED AT THE END OF THE STATE'S CASE. AGAIN, I
3 WOULD RENEW OUR MOTION FOR SEVERANCE BASED ON SOME OF
4 THE TESTIMONY THAT CAME OUT IN THE DEFENSE'S CASE.

5 THE COURT: OKAY. MOTION FOR SEVERANCE IS
6 DENIED NOT ONLY AS TO YOUR CLIENT, BUT AS TO THE
7 OTHER FIVE DEFENDANTS. SO THE RECORD WILL BE FULLY
8 UNDERSTOOD, EACH ONE OF YOU HAVE MOVED ON NUMEROUS
9 OCCASIONS FOR A SEVERANCE AND RENEW THAT MOTION
10 TODAY, ALL OF WHICH IS RESPECTFULLY DENIED FOR THE
11 REASONS INDICATED. AND AS TO YOUR MOTION FOR A
12 DIRECTED VERDICT, THAT TOO IS DENIED HAVING CONCLUDED
13 THAT AS TO YOUR DEFENDANT, THERE IS SUFFICIENT
14 EVIDENCE ON ALL COUNTS THAT THE JURY MAKE THE
15 APPROPRIATE DETERMINATION.

16 YES, SIR.

17 MR. REDMOND: YOUR HONOR, ON BEHALF OF
18 JEFFREY WALLS, I WOULD ALSO RENEW THE MOTION FOR
19 DIRECTED VERDICT AND JOIN IN THE SEVERANCE MOTION FOR
20 THE SAME GROUNDS STATED PRIOR.

21 THE COURT: SEVERANCE IS DENIED AND MOTION
22 DENIED FOR THE REASONS PREVIOUSLY STATED AS TO YOUR
23 CLIENT. THERE ARE JURY ISSUES ON ALL COUNTS FOR
24 WHICH HE STANDS INDICTED.

25 MR. MOORE: YOUR HONOR, ON BEHALF OF LEROY

1 STATON, I RENEW MY MOTION FOR A DIRECTED VERDICT ON
2 THE GROUNDS THAT THE EVIDENCE WILL NOT SUSTAIN A
3 VERDICT, AND I ALSO RENEW THE MOTION FOR SEVERANCE.

4 THE COURT: MOTION DENIED AS TO BOTH
5 ISSUES. THERE IS, IN MY VIEW, SUFFICIENT EVIDENCE
6 FOR THE JURY TO MAKE THE DETERMINATION.

7 MR. WILL ROGERS: ON BEHALF OF MY CLIENT,
8 ALFONZO STATON, I WOULD LIKE TO MAKE A MOTION FOR A
9 DIRECTED VERDICT AND ALSO A MOTION FOR SEVERANCE.
10 THESE MOTIONS ARE BASED ON THE ARGUMENTS THAT WE
11 PRESENTED THROUGHOUT THE TRIAL AND AT THE CLOSE OF
12 THE STATE'S CASE.

13 THE COURT: MOTION DENIED AS TO SEVERANCE
14 AND AS TO DIRECTED VERDICT ON THE SAME GROUNDS. IT
15 IS MY VIEW THAT THERE IS SUFFICIENT EVIDENCE TO MAKE
16 IT A QUESTION FOR THE JURY AS TO ALL COUNTS.

17 MR. LAWSON.

18 MR. LAWSON: IF IT PLEASE THE COURT, YOUR
19 HONOR, WE WOULD RENEW ALL MOTIONS MADE AT THE CLOSE
20 OF THE STATE'S CASE AND MOVE FOR A DIRECTED VERDICT
21 AND A MOTION TO SEVERANCE ON BEHALF OF ROBERT GRAHAM
22 ON THE SAME GROUNDS AS STATED AT THAT TIME, YOUR
23 HONOR.

24 THE COURT: ALL RIGHT, SIR. MOTION DENIED
25 AS TO SEVERANCE. MOTION DENIED AS TO DIRECTED

1 VERDICT. THERE IS SUFFICIENT EVIDENCE AS TO ALL
2 COUNTS UPON WHICH YOUR DEFENDANT IS CHARGED TO MAKE
3 IT AN ISSUE FOR THE JURY.

4 MR. LAWSON: ALSO, YOUR HONOR, IF PLEASE
5 THE COURT, I HAD SUBMITTED REQUESTS FOR CHARGE. I
6 HAVE PROVIDED A COPY OF THOSE TO THE CLERK -- TO THE
7 COURT REPORTER AS A COURT'S EXHIBIT. AS I UNDERSTAND
8 IT, THE REQUEST IN RELATION TO INDIVIDUAL
9 CONSIDERATION UNDER THE --

10 THE COURT: NUMBER ONE AND TWO ARE -- I
11 KNOW THAT'S GRANTED.

12 MR. LAWSON: CORRECT. AND THEN THE MERE
13 PRESENCE AND THE MERE KNOWLEDGE WILL BE INCLUDED IN
14 YOUR GENERAL CHARGE, AS I UNDERSTAND IT.

15 THE COURT: CORRECT.

16 MR. LAWSON: AND I HAVE SUBMITTED THE
17 OTHER ONES AND WOULD ASK THEM TO BE MARKED AS A
18 COURT'S EXHIBIT.

19 THE COURT: ALL RIGHT.

20 (COURT'S EXHIBIT NUMBER 5
21 MARKED FOR IDENTIFICATION.)

22 THE COURT: ALL RIGHT. NOW, NUMBER THREE
23 IS IN MY CHARGE. NUMBER 4, I AM GOING TO CHARGE THE
24 FIRST PARAGRAPH OR FIRST SENTENCE OF YOUR CHARGE. I
25 CONCLUDE THAT YOUR REQUEST TO CHARGE 5, 6 AND 7 ARE

1 INCORPORATED IN THE -- 5, 6, 7 AND 8 ARE INCORPORATED
2 IN THE CHARGE THAT I PROPOSE TO GIVE. THAT IS -- YOU
3 MAY OF COURSE MAKE THOSE A PART OF THE RECORD.

4 MR. LAWSON: YES, SIR. AND I HAVE ALREADY
5 HANDED THEM TO THE --

6 THE COURT: OKAY. ONE AND TWO WILL BE
7 CHARGED AS GIVEN. ALL RIGHT. ANYTHING ELSE?

8 MR. LAWSON: YOUR HONOR, IF I COULD HAVE
9 JUST A MOMENT. AS I WAS LOOKING THROUGH THE CHARGES,
10 IF I COULD FIND IT, THERE WAS ONE SENTENCE THAT I
11 FELT WAS A LITTLE MISLEADING.

12 THE COURT: WELL, LET'S HEAR IT.

13 MR. LAWSON: OH. YOUR HONOR, IT'S ON PAGE
14 17 UNDER THE -- THE NUMBERED PAGES IN THE TOP, AIDER
15 AND ABETTOR.

16 THE COURT: YES, SIR.

17 MR. LAWSON: AND THE LAST PARAGRAPH PRIOR
18 TO THE CITE, IT SAYS ALL PERSONS PRESENT, AND THEN
19 COMMA, AIDING AND ABETTING.

20 THE COURT: UH-HUH.

21 MR. LAWSON: ARE REGARDED AS PRINCIPALS
22 AND EACH COULD BE GUILTY. I JUST HAVE A PROBLEM WITH
23 THE WAY THAT IS STATED, ALL PERSONS PRESENT, AND THEN
24 IT'S OBVIOUSLY QUALIFIED THERE AFTERWARD, BUT IT
25 WOULD APPEAR TO BE SOMEWHAT MISLEADING.

1 THE COURT: THAT'S LISTED AS COMING FROM
2 STATE V. PUTMAN AND IT'S IN ERVIN'S BOOK VERBATIM. I
3 DON'T HAVE ANY PROBLEMS STRIKING THAT. HAVE YOU READ
4 THAT LAST ONE?

5 MR. WILSON: IN HIS --

6 THE COURT: LOOK AT 17.

7 MR. WILSON: IN HIS CHARGE OR YOUR CHARGE?

8 THE COURT: NO, MINE. PAGE 17, I THINK
9 IT'S A CORRECT PROPOSITION OF LAW. HE QUESTIONS THE
10 LAST PARAGRAPH.

11 MR. WILSON: ALL RIGHT. WELL, I MEAN, I
12 THINK THAT -- THAT IT'S SIMPLY STATING WHAT THE
13 ELEMENTS NECESSARY ARE IN ORDER TO BE FOUND GUILTY,
14 AND ONE OF THE THINGS THAT MUST -- THAT THE STATE HAS
15 TO SHOW IS THAT NOT ONLY WERE YOU AIDING AND
16 ABETTING, BUT THAT YOU WERE PRESENT IN ORDER TO BE A
17 PRINCIPAL.

18 THE COURT: NO. READ THE LAST PARAGRAPH,
19 THOUGH, REGARDING THE PERPETRATOR IS REGARDED AS THE
20 AGENT OR INSTRUMENT BY WHICH A CRIME IS COMMITTED,
21 NOT AS THE CHIEF CRIMINAL. SO I THINK I'M GOING TO
22 LEAVE THAT IN THERE. STATE DOES NOT CONCLUDE THAT
23 EVERYBODY ACTUALLY DID IT, UNDER THE HAND OF ONE IS
24 THE HAND OF ALL.

25 MR. LAWSON: I UNDERSTAND, YOUR HONOR.

1 AND I UNDERSTAND THAT -- AS THE SOLICITOR SAID, AS AN
2 ELEMENT, IT'S -- IT'S THE PRESENCE --

3 THE COURT: I THINK I'M GOING TO LEAVE IT
4 IN THERE. GIVEN THAT STATEMENT WITH THE TOTALITY OF
5 THE CONSPIRACY AND HAND OF ONE, HAND OF ALL, I THINK
6 EVERYBODY UNDERSTANDS. ANYTHING ELSE?

7 GENTLEMEN, INCIDENTALLY, I'M GOING TO MAKE
8 INQUIRY ON THE RECORD, NOW, AS TO WHETHER OR NOT THIS
9 JURY HAS BEEN CONTACTED BY ANYBODY AT ANY TIME.
10 ANYBODY HAVE ANY OBJECTION TO THAT?

11 MR. ERVIN: I DON'T HAVE AN OBJECTION TO
12 IT, YOUR HONOR.

13 MR. WILSON: NONE FROM THE STATE.

14 MR. ERVIN: I WOULD ASK THAT IN
15 CONJUNCTION WITH THAT, THAT YOU INQUIRE AS TO WHETHER
16 OR NOT THEY'VE READ ANYTHING IN THE PAPER AND ALSO
17 SEEN ANYTHING ON TELEVISION.

18 THE COURT: I LISTENED VERY CAREFULLY.
19 THERE'S BEEN NOTHING IN THE PAPERS THAT I KNOW OF.

20 MR. ERVIN: I'M NOT AWARE OF ANYTHING
21 EITHER, BUT JUST AS A PRECAUTIONARY MATTER.

22 THE COURT: INCIDENTALLY, LET ME CAUTION
23 THE AUDIENCE, NOW. I KNOW THAT THERE'S A GREAT DEAL
24 OF INTEREST IN THIS CASE, NOT ONLY FROM THE
25 PERSPECTIVE FRIENDS AND FAMILY OF THE VICTIM, BUT

1 ALSO FROM THE PERSPECTIVE OF THE FRIENDS AND FAMILY
2 OF THE DEFENDANTS.

3 NOW, THIS COURT WILL HAVE NO OUTBURSTS, NO
4 COMMENTS, NO NOISE OF ANY KIND DURING THE COURSE OF
5 THIS DAY. AND TO DISOBEY THAT ADMONITION WOULD CAUSE
6 THE PERPETRATOR TO BE IN CONTEMPT OF COURT. I WOULD
7 NOT ANTICIPATE THAT WOULD HAPPEN. SOMETIMES PEOPLE
8 GET OVERWHELMED AND JUST CAN'T HELP YOURSELVES, BUT
9 IF YOU FEEL LIKE THAT, PLEASE LEAVE. DO NOT DO THAT
10 IN THIS COURTROOM.

11 AND CHIEF, I REQUEST THAT YOU ENFORCE THAT VERY
12 DILIGENTLY. ANYTHING ELSE? MOVE THAT THING FOR ME.

13 (WHEREUPON, THE JURY WAS RETURNED
14 TO THE COURTROOM AND THE FOLLOWING
15 PROCEEDINGS WERE COMMENCED IN
16 OPEN COURT.)

17 THE COURT: LET THE RECORD PLEASE REFLECT
18 THAT THE JURY IS PRESENT. GOOD MORNING, MADAM
19 FOREMAN, LADIES AND GENTLEMEN OF THE JURY. I TRUST
20 THAT ALL OF YOU HAD A PLEASANT WEEKEND. YOU WILL
21 HAVE REMEMBERED, NOW, MY ADMONITION ON FRIDAY NOT TO
22 DISCUSS THIS CASE WITH ANYONE, TO LET NO ONE DISCUSS
23 IT WITH YOU; IF ANYONE SHOULD ATTEMPT TO CONTACT YOU
24 IN ANY MANNER, PLEASE LET THE SHERIFF KNOW. AND MY
25 INQUIRY TO ALL OF YOU UPON YOUR OATH AT THIS TIME,

1 SINCE ADJOURNMENT ON FRIDAY, HAS ANYBODY MADE --
2 ATTEMPTED TO MAKE ANY CONTACT WITH YOU ABOUT ANY
3 ISSUE IN THE CASE? IF SO, PLEASE RAISE YOUR HAND.

4 (NO RESPONSE.)

5 THE COURT: HAVE ANY OF YOU ATTEMPTED TO
6 CONTACT ANYBODY ABOUT ANY ISSUE IN THIS CASE?

7 (NO RESPONSE.)

8 THE COURT: HAS ANY ISSUE IN THIS CASE
9 BEEN DISCUSSED IN YOUR PRESENCE, PLEASE RAISE YOUR
10 HAND.

11 (NO RESPONSE.)

12 THE COURT: HAVE YOU DISCUSSED ANY ISSUE
13 IN THE PRESENCE OF OTHERS? PLEASE RAISE YOUR HAND.

14 (NO RESPONSE.)

15 THE COURT: HAVE ANY OF YOU READ ANYTHING
16 IN THE NEWSPAPER ABOUT ANY ISSUE IN THE CASE? I
17 LOOKED AT THE NEWSPAPERS AND I DIDN'T SEE ANYTHING.

18 (NO RESPONSE.)

19 THE COURT: ANY OF YOU SAW ANYTHING ON
20 T.V.?

21 (NO RESPONSE.)

22 THE COURT: HAS ANY INFORMATION COME TO
23 ANY OF YOU DURING THE WEEKEND AFTER ADJOURNMENT ABOUT
24 THIS CASE FROM ANY SOURCE WHATSOEVER?

25 (NO RESPONSE.)