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SC SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY

James R. Barber, III, Circuit Court Judge

Appellate Case Number: 2014-001774

Phillip H. Crocker, III

Petitioner,

v.

State of South Carolina

Respondent.

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STATE OF SOUTH CAROLINA

)

COURT OF GENERAL

SESSIONS

COUNTY OF RICHLAND

)

)

02-GS-40-9561

02-GS-40-9503

THE STATE

)

VS.

)

TRANSCRIPT OF RECORD

PHILLIP CROCKER

)

)

)

DEFENDANT,

)

DECEMBER 1ST - 5TH, 2003
COLUMBIA, SOUTH CAROLINA

BEFORE:

THE HONORABLE G. THOMAS COOPER, JUDGE; AND A JURY.

APPEARANCES:

DEITRICH LAKE, ASSISTANT SOLICITOR
KATHERINE LUCK CAMPBELL, ASSISTANT SOLICITOR
ATTORNEYS FOR THE STATE

FIELDING PRINGLE, DEPUTY PUBLIC DEFENDER
DOUGLAS S. STRICKLER, PUBLIC DEFENDER
ATTORNEYS FOR THE DEFENDANT

KAREN TRACY
OFFICIAL COURT REPORTER

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1 (WHEREUPON, COURT'S EXHIBITS NOS. 1, 2 WERE
2 MARKED FOR IDENTIFICATION ONLY.)

3 THE COURT: MS. CAMPBELL, THE STATE'S WITNESS
4 LIST THAT WAS HANDED TO ME TODAY, IS THAT ANY DIFFERENT
5 THAN THE ONE THAT WAS HANDED UP SEVERAL WEEKS AGO?

6 Ms. Campbell: I BELIEVE IT WAS THE ADDITION OF
7 MAYBE TWO NAMES.

8 THE COURT: TELL ME WHICH TWO.

9 Ms. Campbell: PAULA JONES.

10 THE COURT: PAULA JONES AND JOE POWELL.

11 Ms. Campbell: YES, SIR.

12 THE COURT: ALL RIGHT.

13 WE DON'T HAVE A JURY LIST, THOUGH. WE'RE
14 WAITING ON IT.

15 JUST A MINUTE.

16 (PAUSE).

17 THE COURT: AND THE DEFENDANT'S WITNESS LIST HAS
18 NOT CHANGED?

19 Mr. Strickler: YES, SIR, IT HAS. I DON'T KNOW
20 IF I HAVE A COPY OF THE OLD ONE.

21 THE COURT: WELL, I'VE OCTOBER 20TH.

22 Mr. Strickler: YOU HAVE OCTOBER 20TH?

23 THE COURT: YES, I DO.

24 Mr. Strickler: OKAY. I PLACED THE COPY OF THE
25 VOIR DIRE IN MY CURRENT WITNESS LIST.

1 THE COURT: THERE IT IS. I'M SORRY.

2 ALL RIGHT.

3 Mr. Strickler: I THINK IT'S JUST THE ADDITION
4 OF THE ONE NAME, THIS LAST PERSON, I BELIEVE.

5 THE COURT: THE STATED ADDED TWO, YOU ADDED ONE.

6 Ms. Campbell: THE DIFFERENCE IS 18 VERSUS 13.

7 THE COURT: YOU'RE RIGHT, NO. 13, FIVE FOR TWO.

8 Mr. Strickler: I'D GO WITH THE ONE ANY DAY.

9 THE COURT: I'M SURE YOU WOULD.

10 NOW, MS. -- LET ME ASK, LET'S JUST TALK ABOUT
11 THE VOIR DIRE FOR A MOMENT. HAS THE STATE HAD AN
12 OPPORTUNITY TO REVIEW THE DEFENDANT'S VOIR DIRE, PROPOSED
13 VOIR DIRE?

14 Ms. Campbell: YES, YOUR HONOR.

15 THE COURT: ANY OBJECTIONS?

16 Ms. Campbell: YOUR HONOR, WE'D ASK THAT NUMBER
17 ONE BE MADE RECIPROCAL; NUMBER TWO, THREE, AND FOUR BE
18 CONSOLIDATED; NUMBER FIVE BE MADE RECIPROCAL AS FAR AS THE
19 PUBLIC DEFENDER'S OFFICE.

20 THE COURT: OKAY.

21 Ms. Campbell: WE HAVE NO PROBLEM WITH NUMBER
22 SIX OR SEVEN.

23 THE COURT: WAIT A MINUTE.

24 (PAUSE).

25 THE COURT: OKAY.

1 Ms. Campbell: NUMBER EIGHT, I THINK IT SHOULD
2 BE FOR THE STATE OR THE DEFENSE, IF YOU WANT TO ASK THAT
3 ONE.

4 THE COURT: HOW ABOUT JUST TESTIFY?

5 Ms. Campbell: THAT'S FINE. BUT THEN ARE YOU
6 GOING TO INQUIRE FURTHER WHETHER IT'S THE STATE OR THE
7 DEFENSE OR JUST LEAVE IT AT THAT?

8 THE COURT: I'LL ASK THEM BOTH WAYS.

9 Ms. Campbell: OKAY. NUMBER NINE, WE WOULD ASK
10 THAT THE PANEL BE TOLD THAT MR. STRICKLER AND MS. FIELDING
11 ARE A PART OF THE PUBLIC DEFENDER'S OFFICE.

12 THE COURT: OKAY.

13 Ms. Campbell: AND NUMBER 10, I THINK THAT'S
14 PART OF YOUR GENERAL CHARGE, HAS ANYBODY EVER READ OR
15 HEARD ANYTHING ABOUT THIS GENERAL...

16 AND ON NUMBER 11, HAS ANY JUROR HAD CONTACT WITH
17 DILLON, SOUTH CAROLINA. THAT'S WHERE THE VICTIM IS FROM.
18 YOUR HONOR, WE WOULD ASK THEY MAKE THAT RECIPROCAL WITH
19 CHARLOTTE, NORTH CAROLINA, WHERE THE DEFENDANT IS FROM.

20 YOUR HONOR, IN ADDITION TO THAT -- NO, WE'LL
21 LEAVE IT AT THAT. NEVER MIND. I'M SORRY.

22 THE COURT: ALL RIGHT. WITH RESPECT TO THE
23 DEFENDANT'S REQUESTED VOIR DIRE, WHAT'S THE PURPOSE IN
24 ASKING THAT THE -- THAT THE POTENTIAL JUROR BE QUESTIONED
25 OUTSIDE THE PRESENCE OF THE REMAINDER OF THE JURY?

1 MOST JURORS, IT'S BEEN MY EXPERIENCE, WILL
2 EXPRESS THEIR FEELINGS ABOUT IF THEY'VE BEEN A VICTIM,
3 EXPRESS THEM FREELY IN FRONT OF THEIR FELLOW JURORS.

4 Mr. Strickler: YES, SIR. THAT'S PRECISELY MY
5 CONCERN IS THAT THE NATURE OF WHATEVER FEELINGS THEY MAY
6 HAVE AS HAVING BEEN THE VICTIM OF ANY ONE OF THESE
7 INCIDENTS COULD IMPACT THE PERCEPTION OF OTHER JURORS WHO
8 HAVE NOT BEEN VICTIMS IN SUCH A CASE.

9 I'VE ALWAYS BEEN OF THE OPINION IN PRACTICE THAT
10 WHEN THEY RESPOND AFFIRMATIVELY, ESPECIALLY TO AN INSTANCE
11 INVOLVING -- OF A NATURE SUCH AS WE'VE DESCRIBED HERE, THE
12 BETTER PRACTICE, I WOULD SUBMIT, IS TO GO AHEAD AND
13 INQUIRE AS TO THE CIRCUMSTANCES AROUND WHETHER OR NOT IT
14 AFFECTS THEIR ABILITY TO SERVE AT SIDEBAR WITH MADAM COURT
15 REPORTER.

16 THE COURT: ALL RIGHT. ANY OBJECTION TO
17 COMBINING TWO, THREE, AND FOUR?

18 Mr. Strickler: I HAVE NO OBJECTION WITH
19 COMBINING THEM AS LONG AS WE COVER THE TERRITORY I'VE
20 OUTLINED.

21 THE COURT: I'LL DO THAT.

22 AND HOW ABOUT NUMBER EIGHT? IS THERE ANY
23 PROBLEM WITH THE STATE'S POSITION FOR ADDING "OR IN THE
24 DEFENSE OF A CRIMINAL PROSECUTION"?

25 Mr. Strickler: I HAVE NO PROBLEM WITH THAT.

1 THE COURT: OKAY. I'M GOING TO DENY THE STATE'S
2 MOTION. I'LL ASK NUMBER NINE. I'LL COMPLY WITH THE
3 DEFENSE REQUEST NUMBER NINE. ANY OBJECTION TO ADDING
4 CHARLOTTE TO --

5 Mr. Strickler: NO, SIR.

6 THE COURT: NUMBER 11.

7 Mr. Strickler: I'D JUST ASK YOUR HONOR IF I
8 COULD, PLEASE, LET THE RECORD REFLECT THAT I FILED THE
9 ORIGINALS OF THIS REQUESTED VOIR DIRE AND MY WITNESS LIST
10 AND MR. CLERK, AND I'VE GIVEN MADAM COURT REPORTER COPIES
11 OF BOTH OF THEM AND ASK THAT THEY BE MADE COURTS EXHIBITS,
12 SHOULD THEY NEED TO BE REFERRED TO IN THE FUTURE.

13 THE COURT: CERTAINLY.

14 ALL RIGHT. MS. PRINGLE, WITH REGARD TO THE
15 MOTIONS TO SUPPRESS THAT WE'RE TAKING UP PRETRIAL --

16 Ms. Pringle: YES, SIR.

17 THE COURT: -- MY UNDERSTANDING IS YOU WISH TO
18 RENEW THOSE MOTIONS?

19 Ms. Pringle: YES, YOUR HONOR. IF I MAY BRIEFLY
20 ADDRESS THOSE. I WON'T GO INTO ANYWHERE NEAR THE DETAIL
21 THAT I DID PREVIOUSLY, BUT WE WOULD RENEW OUR MOTION
22 SPECIFICALLY, YOUR HONOR, TO SUPPRESS MARIJUANA THAT WAS
23 SEIZED FROM THE DEFENDANT'S HOME PURSUANT TO RULE 404(B).

24 I BELIEVE IT'S ALSO INDICATED, YOUR HONOR, THAT
25 AN AMOUNT OF MARIJUANA, ABOUT 15-OUNCES, WAS FOUND IN A

1 SHED BY THE DEFENDANT'S HOME 90 MILES FROM THE CRIME
2 SCENE, COMPLETELY UNRELATED TO THIS CASE.

3 I THINK, YOUR HONOR, THE PREJUDICE OUTWEIGHS THE
4 PROBATIVE VALUE. I THINK IF YOU CONSIDER ANOTHER DRUG,
5 LIKE COCAINE, ABSOLUTELY NO WAY WOULD THIS EVIDENCE COME
6 IN. IT'S SIMPLY NOT RELEVANT TO THIS CASE.

7 HE'S CHARGED WITH TRAFFICKING MARIJUANA. I
8 WOULD SUBMIT THAT MARIJUANA FOUND IN A SHED 90 MILES FROM
9 THE CRIME SCENE IS NOWHERE NEAR APPROXIMATING THE AMOUNT
10 THAT IS ALLEGED TO BE CONSPIRED ABOUT, WHICH IS ABOUT
11 50 POUNDS, AND IT'S IMPROPER AND UNDULY PREJUDICIAL.

12 WITH RESPECT TO GUNS AND AMMUNITION ALSO SEIZED
13 FROM THE DEFENDANT'S HOME, I ALSO WOULD MOVE TO SUPPRESS
14 THOSE ITEMS PURSUANT TO RULE 403.

15 YOUR HONOR, I DID NOT DO THIS LAST TIME. I
16 APOLOGIZE. IF YOU INDULGE ME, LET ME LIST OUT BRIEFLY
17 WHAT WAS FOUND AT HIS HOME: A RUGER MAGAZINE, 38 SPECIAL
18 WINCHESTER AMMUNITION, ONE NINE-MILLIMETER 33 ROUND
19 MAGAZINE GLOCK, TWO BANANA CLIP MAGAZINES FOR A 7.62 39
20 (PHONETIC) GUN, A 357 REVOLVER, A RUGER SEMIAUTOMATIC 45
21 FOUND IN THE ATTIC, A ROMANIAN RIFLE ALSO FOUND IN THE
22 ATTIC; FIFTEEN 9-MILLIMETER ROUNDS, A BLANK HOLSTER, ONE
23 BOX OF 45 CALIBER AMMUNITION IN THE BEDROOM, ANOTHER
24 BANANA CLIP LOADED EXTRA 7.62 WOLF (PHONETIC) FOUND IN THE
25 BEDROOM AND ASSORTED ADDITIONAL AMMUNITION, YOUR HONOR, A

1 38 AMMUNITION, THIRTY-EIGHT, 357, A 45 AMMUNITION.

2 YOUR HONOR, THE STATE HAS ARGUED THAT THE FACT
3 THAT HE OWNED GUNS AND WAS IN POSSESSION OF AMMUNITION IS
4 PROBATIVE OR RELEVANT IN THIS CASE TO PROVE THAT HE
5 COMMITTED MURDER.

6 YOUR HONOR, THERE'S SO MUCH EXTRANEOUS MATERIAL
7 THAT THEY'RE SEEKING TO ADMIT IN ADDITION TO WEAPONS THAT
8 WERE FOUND IN THE HOME OR 9-MILLIMETER AMMUNITION THAT WAS
9 FOUND IN THE HOME, THAT THIS BECOMES AN INCREDIBLY
10 PREJUDICIAL ONSLAUGHT OF INFORMATION AND EVIDENCE THAT HAS
11 NOTHING TO DO WITH THIS CASE.

12 THERE WAS NO MURDER WEAPON FOUND AT
13 MR. CROCKER'S HOME, THERE WAS NO 9-MILLIMETER WEAPON FOUND
14 AT MR. CROCKER'S HOME. MUCH OF THIS AMMUNITION COULD NOT
15 EVEN BE USED IN A 9-MILLIMETER WEAPON.

16 YOUR HONOR, I THINK THAT WE GET INTO SOMEWHAT OF
17 A CIRCULAR ARGUMENT THERE. THEY'RE CASTING THE NET A
18 LITTLE TOO WIDE TO SAY THAT BECAUSE HE IS A GUN OWNER,
19 THEREFORE, IT'S MORE LIKELY THAT HE COMMITTED THIS MURDER.

20 CERTAINLY THERE ARE MANY, MANY PEOPLE OUT THERE,
21 HALF OF OUR POPULATION WHO HAVE IN THEIR POSSESSION GUNS.
22 THEY'RE CASTING THE NET TOO WIDE.

23 ALSO, JUST TO SPECIFY, AS I NOTED BEFORE, THE
24 AMMUNITION, THERE'S ABSOLUTELY NO AMMUNITION FOUND
25 MATCHING THE BRAND OF THE AMMUNITION FOUND AT THE SCENE OF

1 THE CRIME.

2 THEY CAN'T EVEN TAKE IT THAT STEP FURTHER AND
3 SAY THE AMMUNITION USED IN THE MURDER WEAPON MATCHES
4 ANYTHING FOUND IN THE HOME.

5 IT'S HIGHLY PREJUDICIAL, YOUR HONOR. WE ARGUE
6 IT SHOULD BE EXCLUDED. WE ALSO ARGUED PREVIOUSLY, YOUR
7 HONOR, AND I WON'T RESTATE THE GROUNDS, BUT THE MARIJUANA
8 LAWS BOOK, WE RENEW OUR MOTION FOR THE GROUNDS PREVIOUSLY
9 STATED.

10 THE COURT: AND THE CURRENT --

11 Ms. Pringle: YOUR HONOR, ADDITIONALLY, AS WE
12 ARGUED BEFORE, WE WOULD MOVE TO SUPPRESS THE KORAN. IT
13 HAS ABSOLUTELY NO RELEVANCE TO THIS CASE. THERE WAS A
14 KORAN FOUND IN THE HOUSE. NO OTHER KORAN OR MARIJUANA
15 LAWS BOOK WAS SEIZED FROM THE HOME.

16 THERE WAS SOME EVIDENCE THAT THE INDIVIDUAL THAT
17 COMMITTED THIS MURDER OR THE INDIVIDUAL THAT WAS
18 COMMUNICATING WITH THE VICTIM JUST PRIOR TO THE MURDER
19 WENT BY A MUSLIM NAME, A MUSLIM NAME OF SAYEED (PHONETIC).

20 THAT IS THE GROUNDS ON WHICH THE STATE SEEKS TO
21 INTRODUCE EVIDENCE ABOUT HIS MUSLIM BACKGROUND OR SIMPLY
22 BEING IN OF POSSESSION OF THIS KORAN. THE CONNECTION IS
23 SIMPLY TOO TENUOUS, YOUR HONOR. WE WOULD MOVE TO SUPPRESS
24 IT.

25 THE COURT: WOULD YOU GIVE ME THE LIST OF

1 WEAPONS AGAIN? YOU WENT THROUGH IT. I HEARD -- AT THE
2 PRETRIAL, MY UNDERSTANDING IS THERE WERE FOUR GUNS,
3 WEAPONS.

4 Ms. Pringle: I BELIEVE THERE WERE ONLY THREE,
5 YOUR HONOR, ACTUALLY TAKEN FROM THE HOME.

6 THE COURT: JUST READ BACK WHAT YOU BELIEVE THE
7 STATE HAS OR THE STATE --

8 Ms. Pringle: THIS IS FROM THE LIST OF EVIDENCE
9 SEIZED FROM THE HOME ONE OF THE INVESTIGATORS FILLED OUT,
10 ONE RUGER MAGAZINE.

11 THE COURT: ALL RIGHT. ONE --

12 Ms. Pringle: THE CLIP THAT GOES IN.

13 THE COURT: ONE RUGER. I'M JUST GOING TO WRITE
14 THEM DOWN. YOU CAN TALK FASTER THAN I CAN WRITE.

15 ALL RIGHT. IS THERE A CALIBER ON THAT?

16 Ms. Pringle: NO, SIR.

17 THE COURT: OKAY. GO AHEAD.

18 Ms. Pringle: THIRTY-EIGHT SPECIAL WINCHESTER
19 AMMUNITION.

20 THE COURT: AMMUNITION?

21 Ms. Pringle: YES, SIR.

22 THE COURT: NEXT?

23 Ms. Pringle: ONE 9-MILLIMETER 33 ROUND
24 MAGAZINE, GLOCK.

25 THE COURT: IT'S A GLOCK 9-MILLIMETER MAGAZINE;

1 IS THAT CORRECT?

2 Ms. Pringle: YES.

3 THE COURT: GO AHEAD.

4 Ms. Pringle: TWO -- IT'S LISTED AS BANANA
5 MAGAZINES. IT'S A 7.62 39 GUN, WEAPON.

6 THE COURT: STILL DON'T HAVE THE GUN.

7 Mr. Strickler: I'M GETTING THERE. THE GUNS ARE
8 NEXT, A 357 REVOLVER FOUND IN THE ATTIC.

9 THE COURT: OKAY.

10 Ms. Pringle: A RUGER 45 SEMIAUTOMATIC FOUND IN
11 THE ATTIC, A ROMANIAN RIFLE FOUND IN THE ATTIC.

12 THE COURT: ANYTHING MORE ON THAT?

13 Ms. Pringle: NOT ON WEAPONS, YOUR HONOR.

14 THE COURT: OKAY.

15 Ms. Pringle: THERE WAS SOME ADDITIONAL
16 AMMUNITION, BULLETS, BANANA CLIPS AND THINGS LIKE THAT.

17 Mr. Strickler: I'M SORRY, YOUR HONOR, AS FAR AS
18 THE RIFLE, IT'S THE 7.62 39.

19 THE COURT: THAT MATCHES THE BANANA CLIP?

20 Mr. Strickler: YES, SIR.

21 THE COURT: OKAY. YES, MA'AM, GO AHEAD.

22 Ms. Pringle: NEXT ITEM WAS 15, 9-MILLIMETER
23 LUGER ROUNDS, A BLACK HOLSTER.

24 THE COURT: OKAY.

25 Ms. Pringle: ONE BOX OF 45 CALIBER BLAZER

1 AMMUNITION.

2 THE COURT: OKAY.

3 Ms. Pringle: ANOTHER BANANA CLIP LOADED. IT
4 SAYS EXTRA 7.62 FROM THE BEDROOM.

5 THE COURT: THAT'S FROM A DIFFERENT ROOM?

6 Ms. Pringle: YES, SIR.

7 THE COURT: OKAY.

8 Ms. Pringle: AND THE LAST IS ASSORTED
9 AMMUNITION FOUND, YOUR HONOR, IN THE SHED, A 38 CALIBER,
10 9-MILLIMETER LUGER, 357, 45.

11 THE COURT: ALL AMMO FOUND IN THE SHED?

12 Ms. Pringle: YES, SIR.

13 THE COURT: AMMUNITION?

14 Ms. Pringle: YES, SIR, TO ANOTHER SHOULDER
15 HOLSTER. WE DIDN'T ADDRESS ALL THESE HOLSTERS, BUT WE
16 MOVE TO SUPPRESS THOSE, AS WELL. I DON'T KNOW IF THEY
17 INTEND TO SEEK TO ADMIT THOSE.

18 Ms. Campbell: JUST THAT LAST ONE, SHE LEFT OUT
19 A 380 AMMUNITION.

20 THE COURT: OKAY.

21 Ms. Pringle: I'M SORRY, THAT'S CORRECT.

22 THE COURT: SO REALLY, I ONLY HAVE...

23 Ms. Campbell: THREE GUNS.

24 THE COURT: THREE GUNS.

25 Ms. Pringle: THE GUNS WERE ALL ACTUALLY FOUND.

1 IN THE ATTIC. AMMUNITION WAS FOUND THROUGHOUT THE HOUSE
2 IN THE SHED.

3 THE COURT: OKAY. IS THAT ALL?

4 Ms. Pringle: YES, SIR. THANK YOU.

5 THE COURT: ALL RIGHT. WITH RESPECT TO THE
6 DEFENSE MOTIONS TO SUPPRESS, I'VE CONSIDERED THIS EVIDENCE
7 AND AM INCLINED TO ADMIT THE EVIDENCE OF 15-OUNCES OF
8 MARIJUANA FOUND AT THE DEFENDANT'S HOME SHED, THE GUNS,
9 AMMUNITION, AND THE 9-MILLIMETER MAGAZINE FOUND INSIDE THE
10 DEFENDANT'S HOME AND THE BOOK ON MARIJUANA LAWS AS FOUND
11 IN THE DEFENDANT'S HOME AND WILL SUPPRESS A COPY OF THE
12 KORAN FOUND AT THE DEFENDANT'S HOME.

13 THE REASON BEING THAT GENERALLY EVIDENCE IS
14 RELEVANT AND ADMISSIBLE IF IT HAS ANY TENDENCY TO MAKE ANY
15 EXISTENCE OF THE FACT THAT IS OF CONSEQUENCE TO THE
16 DETERMINATION OF THE ACTION WERE MORE PROBABLE OR LESS
17 PROBABLE THAN IT WOULD HAVE BEEN WITHOUT THE EVIDENCE
18 CITING RULES 401 AND 402.

19 EVEN IF THE EVIDENCE IS IRRELEVANT, IT SHOULD BE
20 EXCLUDED IF IT'S UNFAIR OR THE PREJUDICE SUBSTANTIALLY
21 OUTWEIGHS THE PROBATIVE VALUE UNDER 403.

22 THE DEFENDANT ARGUES THAT 15-OUNCES OF MARIJUANA
23 ALLEGED TO HAVE BEEN FOUND IN THE SHED AT HIS HOME SHOULD
24 BE EXCLUDED UNDER RULE 403.

25 I FIND THE FACT THAT A SUBSTANTIAL AMOUNT OF

1 MARIJUANA WAS FOUND ON THE PREMISES OF THE DEFENDANT IS
2 RELEVANT AND PROBATIVE TO THE CHARGE OF CONSPIRACY TO
3 TRAFFIC IN MARIJUANA.

4 THE INDICTMENT CHARGES THE DEFENDANT WITH
5 CONSPIRING TO SELL, MANUFACTURE, CULTIVATE, DELIVER,
6 PURCHASE, OR BRING MARIJUANA INTO THIS STATE.

7 POSSESSION OF 15-OUNCES OF MARIJUANA COULD
8 INDICATE AN INTENT TO DISTRIBUTE OR A CONSPIRACY TO DO SO.

9 THE EVIDENCE IS CLEARLY PREJUDICIAL FOR THE
10 DEFENDANT. HOWEVER, I FIND IT IS NOT UNFAIRLY PREJUDICIAL
11 AND THE PROBATIVE VALUE OF THIS EVIDENCE OUTWEIGHS ITS
12 PREJUDICIAL EFFECT.

13 THE DEFENDANT THEN ARGUES THAT THREE GUNS, SOME
14 9-MILLIMETER AMMUNITION AND A 9-MILLILITER MAGAZINE FOUND
15 AT THE DEFENDANT'S HOME SHOULD BE SUPPRESSED UNDER 403.

16 THE DEFENDANT ARGUES THAT THE GUNS WERE LAWFULLY
17 POSSESSED AND NONE WAS A 9-MILLIMETER GUN, WHICH WAS SUCH
18 AS WAS BELIEVED TO HAVE BEEN USED IN THE ALLEGED MURDER IN
19 THIS CASE.

20 FURTHERMORE, THE DEFENDANT ARGUES THAT THE
21 9-MILLIMETER AMMUNITION FOUND WAS A DIFFERENT BRAND THAN
22 THE CASING FOUND AT THE SCENE OF THE CRIME.

23 THE STATE ARGUES THAT THE GUNS, THE AMMUNITION,
24 AND THE MAGAZINES ARE ALL RELEVANT BECAUSE THEY TEND TO
25 SHOW THE DEFENDANT WAS NOT ONLY A GUN OWNER BUT ALSO OWNED

1 A 9-MILLIMETER GUN.

2 I FIND, AGAIN, WHILE THIS EVIDENCE MAY BE
3 PREJUDICIAL TO THE DEFENDANT, THE EVIDENCE IS NOT UNFAIRLY
4 PREJUDICIAL. THE PROBATIVE VALUE OF THIS EVIDENCE
5 OUTWEIGHS THE PREJUDICIAL EFFECT.

6 NOW, MS. CAMPBELL, WHAT'S THE STATE'S POSITION
7 ON THE LIST OF 12 -- EITHER MAGAZINES, CLIPS, WEAPONS -- I
8 MEAN AMMUNITION, HOLSTERS, WHAT'S THE RELEVANCE OF ALL OF
9 THOSE THINGS ASIDE FROM THE 9-MILLIMETER AMMUNITION THAT
10 WAS FOUND?

11 Ms. Campbell: YOUR HONOR, THE RELEVANCE WOULD
12 BE JUST THE SAME AS THE GUNS. I MEAN, THAT'S THE
13 DISTINCTION. OBVIOUSLY, THE FACT THAT HE HAD SEVERAL --

14 THE COURT: WELL, HE HAD GUNS IN THERE. NONE OF
15 THE GUNS IS A 9-MILLIMETER. THERE'S A 357, A 45, AND A
16 RIFLE. WHAT'S THE RELEVANCE OF THOSE?

17 Ms. Campbell: WELL, THEY SHOW THAT THE
18 DEFENDANT WAS A GUN OWNER AND SPECIFICALLY THE
19 9-MILLIMETER --

20 THE COURT: I KNOW. WHAT'S THE RELEVANCE OF
21 THOSE?

22 Ms. Campbell: WELL, THEY SHOW HE WAS A GUN
23 OWNER.

24 THE COURT: I KNOW, BUT WHAT'S THE RELEVANCE OF
25 THE FACT THAT HE'S A GUN OWNER?

1 Ms. Campbell: WE ARE -- THEY ARE GOING TO ARGUE
2 THAT WE NEVER RECOVERED THE GUN THAT WAS IT. OUR POSITION
3 IS GOING TO BE, YEAH, HE HAD MULTIPLE GUNS. WE HAD
4 EVIDENCE THAT HE HAD A 9-MILLIMETER.

5 HE GOT RID OF SOME OF THE GUNS. WE'RE GOING TO
6 SHOW THAT HE CHOSE TO GET RID OF THE ONE 9-MILLIMETER HE
7 POSSESSED AT AN EARLIER TIME. THE FACT THAT THE OTHER
8 WEAPON WAS STILL THERE, I MEAN, YOU KNOW, SHOWS CLEARLY HE
9 KNEW WHAT HE WAS DOING GETTING RID OF THE ONE GUN.

10 HE HAS GOT THE 9-MILLIMETER, BUT THE OTHER GUNS
11 ARE RELEVANT AS YOU FOUND IN YOUR RULING, YOUR HONOR.

12 THE COURT: I'M JUST RETHINKING IT. THAT'S WHY
13 I WANTED TO KNOW THE STATE'S POSITION, IN TERMS OF THE
14 EXTENT OF THE LIST OF ITEMS THAT WERE RECOVERED FROM
15 EITHER THE HOUSE OR THE SHED.

16 Ms. Campbell: I MEAN, IF THEY'RE GOING TO
17 STIPULATE THAT HE HAD THE 9-MILLIMETER.

18 THE COURT: I DON'T THINK THAT'S GOING TO
19 HAPPEN.

20 SEE, WHEN I FIRST CONSIDERED IT, I CONSIDERED IT
21 WITH REFERENCE TO THE 9-MILLIMETER AMMUNITION THAT
22 POSSIBLY COULD LINK IT UP TO THE GUN THAT WAS ALLEGEDLY
23 USED IN THE CRIME.

24 Mr. Strickler: YOU FIRST CONSIDERED THE FOUR
25 GUNS, THE 9-MILLIMETER AMMUNITION AND THE MAGAZINE.

1 THE COURT: I DID.

2 WELL, I GUESS IT'S IN THE FORM OF A MOTION IN
3 LIMINE AT THIS POINT. EVEN IF IT'S A MOTION TO SUPPRESS,
4 IT COULD PROBABLY BE CONSIDERED A MOTION IN LIMINE.

5 I'M JUST GOING TO THINK -- I CERTAINLY HAVE NO
6 PROBLEM WITH THE 9-MILLIMETER, MAGAZINE, ANYTHING THAT
7 RELATES TO THE 9-MILLIMETER. I'M JUST GOING TO RETHINK
8 THE WHOLE -- THE ISSUE OF THE OTHER GUNS AT THIS TIME.

9 THEY HAVEN'T BEEN OFFERED YET, SO WHEN AND IF
10 THEY'RE OFFERED, I'LL GIVE YOU MY RULING. AND --

11 Ms. Campbell: BUT YOU --

12 THE COURT: YES.

13 Ms. Campbell: WE JUST -- OUR FIRST CONCERN IS
14 THAT WE GET A PRELIMINARY RULING SO WE CAN PROCEED UNDER
15 THAT GUISE, YOUR HONOR.

16 THE COURT: I THINK YOU'RE BETTER OFF.

17 Ms. Campbell: THANK YOU.

18 THE COURT: WE'LL SEE WHAT HAPPENS.

19 BUT I DO CERTAINLY BELIEVE THAT THE 9-MILLIMETER
20 AND THE MAGAZINE AND AMMUNITION ARE RELEVANT AND
21 ADMISSIBLE.

22 THE DEFENDANT ARGUES THE TWO BOOKS FOUND AT THE
23 DEFENDANT'S HOME SHOULD BE SUPPRESSED AT TRIAL, ONE OF
24 WHICH IS A TEXTBOOK ON MARIJUANA LAW WHILE THE OTHER IS A
25 COPY OF THE KORAN.

1 THE DEFENDANT ARGUES THAT THE MARIJUANA LAW TEXT
2 IS NOT ONE INVOLVING A DRUG TRANSACTION BUT WAS ACTUALLY A
3 ROBBERY SINCE NO ACTUAL DRUGS WERE FOUND AT THE SCENE OF
4 THE TRANSACTION.

5 IT'S ALLEGED THAT THE DEFENDANT WAS ATTEMPTING
6 TO TRICK THE BUYER INTO SELLING HIM SOMETHING OTHER THAN
7 MARIJUANA.

8 IN THIS CASE, HOWEVER, THE CHARGE IS CONSPIRACY
9 TO TRAFFICK MARIJUANA. I'M SORRY, IT'S TRAFFICKING IN
10 MARIJUANA, WHICH CONTAINS A CONSPIRACY ELEMENT.

11 THE FACT THAT THE DEFENDANT OWNED A BOOK ON
12 MARIJUANA LAWS IS RELEVANT TO THAT CHARGE, AND I FIND THE
13 PROBATIVE VALUE OUTWEIGHS THE PREJUDICIAL EFFECT OF THE
14 DEFENDANT. FINALLY, THE DEFENDANT ARGUES THAT A COPY OF
15 THE KORAN, MUSLIM HOLY SCRIPTURAL, WHICH WAS FOUND IN THE
16 DEFENDANT'S HOME SHOULD ALSO BE SUPPRESSED AT TRIAL.

17 THE STATE ARGUES THAT IT SHOULD BE ADMITTED AS
18 EVIDENCE THAT THE DEFENDANT PRACTICED ISLAM AND REFERRED
19 TO HIMSELF AND SAYEED.

20 THE DEFENDANT ARGUES THAT THERE IS, AT BEST, A
21 TENUOUS CONNECTION BETWEEN THIS BOOK AND THIS MAN AND THE
22 PROBATIVE VALUE OF THE BOOK IS OUTWEIGHED BY THE UNFAIR,
23 PREJUDICIAL EFFECTS ON THE DEFENDANT, ESPECIALLY GIVEN
24 SOME PERCEIVED PREJUDICE TOWARDS MUSLIMS SINCE THE ATTACK
25 ON SEPTEMBER 11TH.

1 I AGREE WITH THE DEFENDANT THE FACT THAT THE
2 PERSON MAY GO BY THE NAME SAYEED IN NO WAY INDICATES THAT
3 HE PRACTICES ISLAM AGAINST THE FACT THAT THE KORAN WAS
4 FOUND IN THE DEFENDANT'S HOME IS PROBATIVE OF WHETHER OR
5 NOT HE WENT BY THE NAME SAYEED.

6 FURTHERMORE, ANY PROBATIVE VALUE THAT DOES LIE
7 ON USING THE BOOK AS EVIDENCE IS OUTWEIGHED BY THE
8 PREJUDICIAL EFFECT TO THE DEFENDANT.

9 NOW, ANYTHING FURTHER BEFORE WE BRING THE JURY?

10 Ms. Campbell: NOTHING FROM THE STATE, YOUR
11 HONOR.

12 Mr. Strickler: AND YOUR HONOR, JUST IN REGARDS
13 TO YOUR RULING FOR PURPOSES OF THE RECORD, WE WOULD MOVE
14 TO INCORPORATE THE RECORD OF THE PRETRIAL HEARING WHICH
15 WAS HELD IN THIS MATTER ON OCTOBER 20TH OF THIS YEAR IN
16 FRONT OF YOU, ADDRESSED THESE MATTERS AND A NUMBER OF
17 OTHER MATTERS. MS. JENNY WILLIAMS WAS THE COURT REPORTER
18 AT THAT POINT IN TIME, SO WE'RE NOT DISCUSSING THIS IN A
19 VACUUM.

20 THE COURT: IT'S PART OF THE RECORD.

21 Mr. Strickler: THANK YOU.

22 I BELIEVE MS. PRINGLE HAS A MATTER.

23 Ms. Pringle: JUST A COUPLE OF THINGS BRIEFLY,
24 YOUR HONOR. PREVIOUSLY AT THE PREVIOUS HEARING OF THIS
25 CASE, YOUR HONOR, I MADE A MOTION ON BEHALF OF MR. CROCKER

1 TO DISMISS OR ALTERNATIVELY QUASH THE INDICTMENT FOR
2 TRAFFICKING, YOUR HONOR, PURSUANT TO SOUTH CAROLINA
3 CONSTITUTION ARTICLE ONE SECTION 11 ENTITLING MR. CROCKER
4 TO BE TRIED IN THE COUNTY WHERE THE CRIME IS ALLEGED TO
5 HAVE BEEN COMMITTED. I JUST WANTED TO RENEW THAT MOTION
6 AT THIS TIME.

7 YOUR HONOR, IT IS OUR POSITION THAT THIS COURT
8 DOES NOT HAVE SUBJECT MATTER JURISDICTION OVER THAT CHARGE
9 OR THE TRAFFICKING CHARGE.

10 THE ONLY MEANS OF PROVING THAT CASE WOULD BE TO
11 PROVE THAT THERE WAS A CONSPIRACY TO TRAFFICK IN MARIJUANA
12 IN THE AREA OF DILLON, SOUTH CAROLINA, YOUR HONOR. NO
13 EVENTS REGARDING THE TRAFFICKING TOOK PLACE IN RICHLAND
14 COUNTY.

15 WE ALSO OBJECT ON THE BASIS OF PERSONAL
16 JURISDICTION. THIS COURT IS LACKING PERSONAL JURISDICTION
17 OVER MR. CROCKER. I WOULD ASK THAT THE COURT PLEASE NOTE
18 THIS OBJECTION AT THE HEARING FOR THE TRIAL OF THIS CASE
19 WITH RESPECT TO THE TRAFFICKING OFFENSE, YOUR HONOR, AS IT
20 IS IMPROPER VENUE WITH NO PERSONAL JURISDICTION PURSUANT
21 TO STATE VS. MCCOY AND STATE VS. MCLEOD.

22 I HAVE TWO ADDITIONAL BRIEF ARGUMENTS, YOUR
23 HONOR, UNRELATED TO THE JURISDICTIONAL ARGUMENTS.

24 THE COURT: WHAT'S THE STATE'S POSITION ON
25 JURISDICTION?

1 Ms. Campbell: YOUR HONOR, I THINK WE TOOK THIS
2 UP PRETRIAL. THERE IS JURISDICTION. THERE'S CONSPIRACY.
3 THERE WERE PHONE CALLS EXCHANGED IN THIS COUNTY IN
4 FURTHERANCE OF THE CONSPIRACY AND THE ACTUAL MEETING
5 PLACE. THEY ACTUALLY MET IN THIS COUNTY TO DO THE DRUG
6 TRANSACTION.

7 THE COURT: I THINK I --

8 Ms. Campbell: I THINK YOU RULED ON THAT.

9 THE COURT: I DID AT A PRELIMINARY HEARING. IF
10 MY MEMORY IS CORRECT, I THINK I WAS -- I TOOK THE POSITION
11 I DID NOT HAVE ENOUGH FACTS TO -- I HAD NOT HEARD ENOUGH
12 FACTS TO GIVE A FINAL RULING ON THAT. IT MAY BE AN ISSUE
13 FOR A DIRECTED VERDICT AT SUCH STAGE OF THE TRIAL --

14 Ms. Campbell: YES, SIR.

15 THE COURT: -- BUT UNTIL THAT ISSUE IS FLESHED
16 OUT, THE STATE TAKES THE POSITION THAT THERE IS CONTACT
17 WITH RICHLAND COUNTY. WE'RE TALKING SOLELY ABOUT THE
18 TRAFFICKING CHARGE; IS THAT CORRECT?

19 Ms. Campbell: JUST THE TRAFFICKING, YES, SIR.

20 THE COURT: THAT THERE'S SUFFICIENT CONTACT WITH
21 RICHLAND COUNTY TO ALLOW JURISDICTION IN THIS COUNTY.
22 UNTIL I HEAR THE FACTS, I CAN'T -- I CERTAINLY CAN'T RULE
23 THAT THERE IS NO JURISDICTION. I CAN'T -- IN ONE SENSE I
24 CAN'T RULE THAT THERE IS EITHER. I'LL JUST HAVE TO TAKE
25 THAT UP AT A LATER TIME.

1 Ms. Pringle: THANK YOU, YOUR HONOR.

2 THE COURT: YOUR HONOR, JUST TWO BRIEF DISCOVERY
3 MATTERS: I WANT TO BE SURE, AND I BELIEVE WE DO HAVE
4 EVERYTHING, BUT I WANT TO BE SURE THAT WE'RE NOT MISSING
5 ANYTHING WITH RESPECT TO THE FINGERPRINT ANALYSIS REPORTS
6 FROM THE SHERIFF'S COUNTY SHERIFF'S DEPARTMENT OR ANY
7 OTHER AGENCY THAT MAY HAVE -- IF THERE WERE ANY KINDS OF
8 COMPARISON EXAMINATION OF LATENT PRINTS LIFTED IN THIS
9 MATTER.

10 WE HAVE A REPORT FROM INVESTIGATOR RUSSELL. WE
11 HAVE A REPORT FROM THE F.B.I., TWO INDIVIDUALS WHO
12 EXAMINED THE LATENTS AND COMPARED THEM TO THE KNOWN OF
13 PHILLIP CROCKER, SR. AND PHILLIP CROCKER, III, WHO IS THE
14 DEFENDANT; SENIOR BEING HIS FATHER. YOUR HONOR --

15 THE COURT: HIS FATHER IS SENIOR, AND HE'S THE
16 THIRD?

17 Ms. Pringle: YES, SIR. SENIOR AND MR. CROCKER
18 IS JUNIOR.

19 Ms. Campbell: NO, HE'S THE THIRD, SENIOR IS THE
20 SECOND.

21 Mr. Strickler: DON'T WORRY ABOUT IT.

22 THE COURT: I KNOW YOU'RE NOT WORRIED ABOUT IT,
23 BUT I NEED TO KNOW IF THIS COMES UP LATER WHO IS --

24 Ms. Pringle: HE'S THE THIRD.

25 THE COURT: ALL RIGHT. THANK YOU.

1 Ms. Pringle: HIS FATHER, I SHOULD HAVE SAID, IS
2 JUNIOR.

3 THE COURT: ALL RIGHT.

4 Ms. Pringle: AS I STATED, LATENT PRINT
5 COMPARISONS AND ANALYSIS WERE PERFORMED, I KNOW BY
6 INVESTIGATOR RUSSELL AND ALSO BY AN INVESTIGATOR ANALYST
7 WITH THE F.B.I.

8 I DON'T HAVE ANY OTHER ANALYSIS OR REPORTS OF
9 ANALYSIS FROM ANY OTHER INVESTIGATOR. I JUST WANT TO BE
10 SURE IF THERE'S ANY OVERSIGHT, THAT THOSE DON'T EXIST AND
11 ASK THAT THEY BE TURNED OVER, IF THEY DO.

12 FINALLY, YOUR HONOR --

13 THE COURT: WELL, LET'S -- ANYTHING IN RESPONSE
14 TO THAT?

15 Ms. Campbell: EVERYTHING HAS BEEN TURNED OVER,
16 YOUR HONOR.

17 THE COURT: EVERYTHING HAS BEEN TURNED OVER.

18 Ms. Campbell: THE ENTIRE LAB FILE HAS BEEN
19 COPIED AND TURNED OVER, I THINK ON TWO DIFFERENT
20 OCCASIONS.

21 THE COURT: ALL RIGHT.

22 Ms. Pringle: AND I JUST SPECIFIED, THERE'S A
23 REQUEST IN THERE FROM ZANE PADGETT TO LONNIE GROSS TO
24 PERFORM SOME ANALYSIS OR SOME COMPARISONS, AND THERE ARE
25 NO REPORTS FROM LONNIE GROSS THAT I HAVE. THERE IS SOME

1 PAPERWORK, BUT IT APPEARS THAT THE ONLY PERSON THAT DID
2 THE ACTUAL COMPARISON WAS INVESTIGATOR RUSSELL WITH THE
3 F.B.I. I JUST WANT TO BE CLEAR ABOUT THAT JUST TO BE
4 SURE.

5 THE COURT: OKAY.

6 Ms. Campbell: I'VE TURNED EVERYTHING OVER.
7 I'LL BE GLAD TO MAKE ANOTHER COPY.

8 THE COURT: THAT'S NOT WHAT SHE'S ASKING FOR.
9 SHE WANTS TO KNOW IF THERE'S A RESPONSIVE REPORT WHAT
10 WHAT'S HIS NAME?

11 Ms. Pringle: SPECIFICALLY LONNIE GROSS OR ANY
12 OTHER --

13 THE COURT: LONNIE GROSS.

14 Ms. Pringle: -- AGENTS PERFORMING ANALYSIS OR
15 COMPARISON OF THESE PRINTS.

16 Ms. Campbell: NOT THAT I'M AWARE OF.

17 THE COURT: ALL RIGHT.

18 Ms. Pringle: AND FINALLY, YOUR HONOR, JUST AS
19 WE CAME INTO THE COURTROOM THIS MORNING, WE WERE PRESENTED
20 WITH A WITNESS STATEMENT SIGNED, SWORN, BY MS. PAULA JONES
21 TO INVESTIGATOR, IT LOOKS LIKE SCOTT MCDONALD.

22 THIS WITNESS STATEMENT WAS TAKEN OUT ON
23 NOVEMBER 18TH OF 2003. IT'S DECEMBER 1ST. AS WE WALKED
24 INTO THE COURTROOM, THIS STATEMENT WAS HANDED TO US. THIS
25 INDIVIDUAL HAD BEEN PLACED ON THEIR WITNESS LIST THIS

1 MORNING.

2 YOUR HONOR, WE WOULD MOVE TO SUPPRESS THE
3 TESTIMONY FROM THIS INDIVIDUAL. THERE'S ABSOLUTELY NO
4 REASON WHY THIS COULD NOT HAVE BEEN PROVIDED TO US TWO
5 WEEKS AGO, ONE WEEK AGO, 10 DAYS AGO, WHATEVER, THAT WOULD
6 HAVE ENABLED US TO GO OUT AND INTERVIEW THIS WITNESS.
7 BASED ON HER STATEMENT, IT APPEARS SHE COULD BE A FAIRLY
8 IMPORTANT WITNESS.

9 WE HAD DISCOVERY ISSUES PREVIOUSLY IN THIS CASE.
10 THAT'S WHY WE WERE INITIALLY CONTINUED. IT'S
11 INAPPROPRIATE TO PRESENT US WITH THIS KIND OF EVIDENCE
12 LITERALLY THE MINUTE THE TRIAL STARTS, YOUR HONOR.

13 THE COURT: MS. CAMPBELL.

14 Ms. Campbell: YOUR HONOR, LITERALLY, WE DON'T
15 HAVE TO TURN OVER THAT EVIDENCE UNTIL THE WITNESS TAKES
16 THE STANDS PURSUANT TO THE RULES. WE'RE TRYING TO DO IT
17 AS A COURTESY.

18 IT IS A FIVE-LINE STATEMENT FROM MS. PAULA
19 JONES. I DID TURN IT OVER TODAY. I DON'T THINK THAT IS
20 ANYTHING I HAD TO TURN OVER PURSUANT TO RULE 5 OR ANY
21 OTHER RULE I'M AWARE OF UNTIL LITERALLY, WE TRY TO DO IT
22 AS A COURTESY AHEAD OF TIME, UNTIL LITERALLY THEY TAKE THE
23 STAND.

24 THE COURT: BUT YOU'RE ADDING HER NAME AS A
25 WITNESS?

1 Ms. Campbell: YES, SIR. SHE'S A POTENTIAL
2 WITNESS.

3 THE COURT: I THINK THAT'S --

4 Ms. Campbell: WE TURNED OVER THE STATEMENT
5 AHEAD --

6 THE COURT: I THINK THE OBJECTION --

7 Ms. Campbell: WHAT --

8 THE COURT: -- IS THAT SHE WAS JUST IDENTIFIED
9 TODAY, OR IS THAT TRUE?

10 Ms. Pringle: IT'S BOTH, YOUR HONOR.

11 THE COURT: BOTH.

12 Ms. Campbell: BUT, YOUR HONOR, PURSUANT TO THE
13 RULES, I DON'T HAVE TO TURN OVER ANY STATEMENTS UNTIL THEY
14 TAKE THE STAND PRIOR TO CROSS-EXAMINATION.

15 THE COURT: SHE JUST SAID YOU DIDN'T EVEN LET
16 HER KNOW THAT SHE WAS A POTENTIAL WITNESS.

17 Ms. Campbell: I DON'T HAVE TO DO THAT EITHER.
18 IT'S HIS EX GIRLFRIEND.

19 THE COURT: I DON'T KNOW WHO SHE IS. THE
20 QUESTION IS WHETHER THERE'S ANY VIOLATION OF THE RULES OR
21 ANY UNFAIR OR UNDUE SURPRISE.

22 Ms. Campbell: I'M NOT AWARE OF ANY VIOLATION OF
23 ANY RULE, ANY POTENTIAL VIOLATION OF ANY RULE, YOUR HONOR.

24 I THINK WE'VE COMPLIED WITH RULE 5 AND ANY OTHER
25 RULE, AND I BELIEVE EVEN IN THE DISCOVERY, HER NAME IS

1 MENTIONED IN AN INTERVIEW WITH THE DEFENDANT'S FATHER.

2 THE COURT: WELL, MAYBE. I DON'T KNOW.

3 Ms. Campbell: BUT, YOUR HONOR, I DON'T THINK
4 WE'RE REQUIRED TO GIVE THEM A WITNESS LIST UNTIL --

5 THE COURT: RIGHT AT TRIAL.

6 Ms. Campbell: NOT THAT IT'S REQUIRED.

7 THE COURT: WHAT ABOUT, MS. PRINGLE, RULE
8 (A)(2), INFORMATION NOT SUBJECT TO DISCLOSURE?

9 Ms. Pringle: YOUR HONOR, THERE'S -- SHE IS
10 CORRECT IN A SENSE, BUT THERE'S A REASON WHY THEY TURNED
11 THIS INFORMATION OVER. PART OF IT IS YES, THEY TURNED
12 OVER WITNESS STATEMENTS THAT THEY HAVE TO, TO FACILITATE
13 EASE OF THE WAY THAT THE TRIAL RUNS, BASICALLY, YOUR
14 HONOR.

15 THERE'S ALSO A PROVISION IN RULE 5 THAT REQUIRES
16 THEM TO TURN OVER EVIDENCE WHICH IS MATERIAL TO
17 PREPARATION OF THE DEFENDANT'S CASE, THE DEFENDANT'S
18 DEFENSE, YOUR HONOR. THERE ARE ALSO BRADY CONSIDERATIONS.

19 I HAD NO IDEA. WE COULDN'T GO INTERVIEW THIS
20 PERSON, BUT THAT'S PART OF THE REASON THEY TURN OVER A LOT
21 OF THIS INFORMATION, BECAUSE THEY HAVE TO.

22 Ms. Campbell: YOUR HONOR, WE WOULD HAVE AS A
23 COURTESY IF SHE MENTIONED IT EARLIER.

24 Ms. Pringle: IT'S BEYOND THAT.

25 THE COURT: WELL --

1 Ms. Campbell: I'VE NEVER BEEN HELD TO NOT
2 BRINGING FORTH CERTAIN WITNESSES BECAUSE THEIR NAMES HAVE
3 NOT BEEN TURNED OVER. AS FAR AS GIVING HER A STATEMENT,
4 IN FACT, IF WE HADN'T HAD A STATEMENT, I WOULDN'T HAVE
5 GIVEN HER -- GIVEN THEM ANYTHING UNTIL TODAY ANYWAY.

6 Ms. Pringle: BUT SHE DID.

7 Ms. Campbell: AND I WOULD HAND UP A COPY OF THE
8 STATEMENT I GAVE TO HER.

9 THE COURT: I'M NOT REALLY CONCERNED ABOUT THE
10 STATEMENT.

11 Ms. Campbell: BUT THAT'S -- I MEAN, YOUR HONOR,
12 CLEARLY INFORMATION SUBJECT TO DISCLOSURE OR INFORMATION
13 NOT SUBJECT TO DISCLOSURE, STATEMENTS MADE BY PROSECUTION
14 OR DEFENSE WITNESSES.

15 THE COURT: THAT'S THE WAY I READ IT.

16 Ms. Campbell: THANK YOU, YOUR HONOR.

17 Ms. Pringle: YOUR HONOR, WHAT I'M LOOKING AT IS
18 RULE (A) (5) (1) (C) SPECIFYING THAT DOCUMENTS IN THE
19 POSSESSION, CUSTODY, OR CONTROL OF THE PROSECUTION AND
20 WHICH ARE MATERIAL TO THE PREPARATION OF THE DEFENSE.

21 THE COURT: WELL --

22 Ms. Campbell: WHICH IS SUBJECT TO DISCOVERY.

23 Ms. Pringle: IT'S IN THERE.

24 THE COURT: I DON'T SEE THAT AS THE SAME THING.

25 Ms. Campbell: THANK YOU, YOUR HONOR.

1 THE COURT: I SEE IT -- IT'S COVERED BY (A) (2).

2 Ms. Campbell: THANK YOU.

3 THE COURT: I'M NOT GOING TO PREVENT THAT
4 WITNESS FROM TESTIFYING. I DON'T KNOW WHEN SHE'LL
5 TESTIFY. I DON'T KNOW THAT SHE CAN. TALK TO HER BETWEEN
6 NOW AND WHATEVER TIME SHE DOES TESTIFY.

7 Ms. Pringle: THANK YOU, YOUR HONOR.
8 ONE LAST THING.

9 THE COURT: OKAY.

10 Ms. Pringle: I'D JUST ASK YOUR HONOR THAT THE
11 COURT HAS RULED IN FAVOR OF THE DEFENSE WITH RESPECT TO
12 OUR VOIR DIRE REQUEST CONCLUDING -- INFORMING THE JURY
13 PANEL THAT MR. STRICKLER AND I ARE EMPLOYED BY THE
14 RICHLAND COUNTY PUBLIC DEFENDER'S OFFICE.

15 THE COURT: RIGHT.

16 Ms. Pringle: AS YOU KNOW, AS MS. CAMPBELL HAS
17 EXPRESSED BEFORE YOU IS A STANDARD REQUEST THAT I MAKE IN
18 ANY KIND OF CASE WHERE THE MOTIVE IS ROBBERY OR ANYTHING
19 SUCH AS THAT.

20 YOUR HONOR, THAT IS APPLICABLE IN THIS CASE. I
21 WOULD SIMPLY ASK THAT THE COURT'S RULING WITH RESPECT TO
22 THE JURY PANEL CARRY OVER INTO THE TRIAL OF THIS CASE THAT
23 MS. CAMPBELL WILL REFRAIN, OR MR. LAKE, WILL REFRAIN FROM
24 MENTIONING THAT ASSOCIATION.

25 MR. CROCKER IS CLEARLY ENTITLED TO

1 REPRESENTATION BY COUNSEL. I AM APPOINTED COUNSEL UNDER
2 THE SIXTH AMENDMENT AND YOUR HONOR --

3 THE COURT: ALL RIGHT.

4 Ms. Pringle: THANK YOU.

5 THE COURT: THE STATE IS NOT TO MENTION THE FACT
6 THAT EITHER MR. STRICKLER OR MS. PRINGLE ARE HIGH RANKING
7 OFFICERS OF THE PUBLIC DEFENDER'S OFFICE.

8 Mr. Strickler: HIGH RANKING?

9 Ms. Campbell: YOUR HONOR, THIS MAY BE AN ISSUE
10 WE NEED TO TAKE UP AT A LATER TIME, SHOULD IT BECOME
11 RELEVANT.

12 THE COURT: IF IT BECOMES RELEVANT.

13 Ms. Campbell: I'M JUST PUTTING THAT ON THE
14 RECORD.

15 THE COURT: I DON'T SEE HOW IT COULD, BUT IF IT
16 DOES. ARE YOU READY FOR THE JURY?

17 Ms. Campbell: I'M READY.

18 THE COURT: WELL, HOLD ON A MINUTE. THE JURY
19 HAS BEEN SITTING DOWN THERE SINCE 9 O'CLOCK. DO YOU WANT
20 TO TRY TO GO AHEAD AND DRAW THE JURY NOW?

21 Ms. Campbell: SURE.

22 THE COURT: OR DO YOU WANT TO WAIT, DRAW NOW?

23 Mr. Strickler: IT'S FINE WITH US, YOUR HONOR.

24 THE COURT: BRING THE JURY.

25 MR. STRICKLER, GIVE ME YOUR SPELLING.

1 Mr. Strickler: EVERY TIME WE ENCOUNTER IT IT'S
2 DIFFERENTLY, S-A-Y-E-E-D, S-A-H-I-D.

3 (THE JURY PANEL WAS BROUGHT INTO THE COURTROOM).

4 THE COURT: MISSING ONE, MR. GILYARD?

5 THE BAILIFF: ONE.

6 THE COURT: WE'RE ALWAYS MISSING ONE. ALL
7 RIGHT, LADIES AND GENTLEMEN, IT APPEARS THAT SOMEBODY GOT
8 LOST. I DON'T KNOW WHO IT IS. THE ONLY WAY I CAN FIGURE
9 THAT OUT IS TO CALL THE ROLL. THAT'S PROBABLY THE EASIEST
10 WAY TO DO IT. JUST ANSWER, IF YOU WILL, WHEN I CALL YOUR
11 NAME. JUST ANSWER IT AS IF YOU WERE IN THE THIRD GRADE,
12 OKAY.

13 (WHEREUPON, THE ROLL WAS CALLED.)

14 THE BAILIFF: THERE HE IS.

15 THE COURT: ALL RIGHT. THANK YOU, LADIES AND
16 GENTLEMEN. I WAS GOING TO SAY GOOD MORNING, BUT IT'S
17 AFTERNOON NOW. HOW ARE YOU?

18 THOSE OF YOU WHO ARE HERE, WE'RE GOING TO SELECT
19 A JURY FROM YOUR MIDST FOR THE TRIAL OF A CRIMINAL CASE.
20 THIS IS KNOWN AS THE COURT OF GENERAL SESSIONS. I WANT TO
21 WELCOME YOU TO THE FIFTH CIRCUIT OR THE RICHLAND COUNTY
22 COURT OF GENERAL SESSIONS.

23 OUR COURT SYSTEM, AS YOU PROBABLY KNOW FROM
24 WATCHING TELEVISION, IS DIVIDED INTO TWO SECTIONS, OR TWO
25 DIVISIONS: FIRST, THE CIVIL DIVISION, THE COURT OF COMMON

1 PLEAS; THE SECOND DIVISION, THE COURT OF GENERAL SESSIONS.

2 THESE ARE NAMES THAT HAVE BEEN WITH US IN SOUTH
3 CAROLINA SINCE COLONIAL DAYS. WE JUST NEVER SAW FIT TO
4 CHANGE THE NAMES.

5 THOSE OF YOU, AS I SAID, WHO ARE SELECTED TO SIT
6 ON THIS JURY TODAY WILL BE SITTING ON A CRIMINAL CASE.
7 I'M GOING TO TELL YOU A LITTLE BIT ABOUT IT. I'M GOING TO
8 TELL YOU THE PARTICIPANTS IN THE CASE. I'M GOING TO LIST
9 THE POTENTIAL WITNESSES IN THE CASE, FIND OUT IF ANY OF
10 YOU HAVE ANY KNOWLEDGE ABOUT ANY OF THE WITNESSES OR ANY
11 KNOWLEDGE ABOUT THIS CASE BECAUSE IT'S IMPORTANT THAT WE
12 HAVE A FAIR AND IMPARTIAL JURY, AND THAT EVERYBODY KNOWS
13 IF YOU WERE TO HAVE SOME CONNECTION WITH ONE PARTY OR THE
14 OTHER, THAT THE STATE AND THE DEFENDANT BOTH HAVE THAT
15 KNOWLEDGE.

16 BEFORE I DO THAT, HOWEVER, I WANT TO
17 INTRODUCE -- I ALWAYS INTRODUCE TO YOU, THE PEOPLE THAT
18 ARE GOING TO BE WORKING WITH YOU, THAT IS THOSE OF YOU WHO
19 ARE SELECTED ON THE JURY THIS WEEK. THOSE ARE THE PEOPLE
20 IN THE COURTROOM THAT WILL BE HERE, AS I SAY, WORKING WITH
21 YOU.

22 I ALWAYS TELL JURORS THAT I THINK THE MOST
23 IMPORTANT PERSON OR PERSONS AS FAR AS YOU'RE CONCERNED ARE
24 THE BAILIFFS. THOSE ARE THE PEOPLE WHO ARE HERE FOR YOUR
25 BENEFIT. THEY ARE HERE TO ASSIST YOU IN ANY WAY THEY CAN.

1 THEY ARE HERE TO MEET WHATEVER NEEDS YOU MIGHT HAVE.
2 THEY'RE HERE TO COMMUNICATE FOR YOU WITH THE COURT, IF
3 THAT BECOMES NECESSARY. ANY PROBLEMS THAT YOU MAY HAVE,
4 YOU CERTAINLY CAN APPROACH ANY ONE OF THE THREE BAILIFFS
5 WHO ARE GOING TO BE WORKING WITH THIS CASE THIS WEEK.

6 THE BAILIFFS WHO WILL BE WORKING WITH YOU, AND
7 YOU PROBABLY MET THEM AT THE DOOR, BUT I WANT TO INTRODUCE
8 THEM TO YOU: MR. GILYARD IS SEATED OVER HERE IN THE JURY
9 BOX, MR. HOLLIS IS SEATED IN FRONT OF THE JURY BOX, AND AT
10 THE BACK DOOR IS MR. DYE WHO WILL AGAIN BE ONE OF OUR
11 BAILIFFS TODAY.

12 SEATED DIRECTLY IN FRONT OF ME IS MR. JIM TRUITT
13 WHO IS A MEMBER OF MS. SCOTT'S STAFF AND THE DEPUTY CLERK
14 OF COURT. MR. TRUITT KEEPS UP WITH ALL THE RECORDS,
15 CRIMINAL RECORDS, AND ANYTHING ELSE THAT HAS TO -- THE
16 DIFFERENT CASES, THE DISPOSITION OF CASES, ANY NUMBER OF
17 THINGS THAT THE CLERK'S OFFICE IS RESPONSIBLE FOR KEEPING
18 UP WITH. MR. TRUITT DOES AN EXCELLENT JOB WITH THAT.

19 SEATED TO MY RIGHT IS MS. KAREN TRACY, WHO IS A
20 CERTIFIED COURT REPORTER. SHE WILL TAKE DOWN EVERYTHING
21 THAT IS SAID AND DONE IN THIS COURTROOM THIS WEEK. THIS
22 IS KNOWN AS A COURT OF RECORD. IN OTHER WORDS, A
23 PERMANENT RECORD IS MADE OF EVERYTHING THAT'S SAID AND
24 DONE IN THIS COURTROOM DURING THIS WEEK.

25 SEATED DIRECTLY TO MY RIGHT IS MR. JOSH LONG,

1 WHO IS MY LAW CLERK WHO ASSISTS ME WITH LEGAL MATTERS,
2 SCHEDULING THINGS AND THAT NATURE.

3 MY NAME IS TOM COOPER. I AM A RESIDENT JUDGE OF
4 THE FIFTH JUDICIAL CIRCUIT. THE FIFTH JUDICIAL CIRCUIT
5 INCLUDES BOTH RICHLAND AND KERSHAW COUNTIES. I ALWAYS
6 LIKE TO TELL JURORS THAT, LET THEM KNOW THAT KERSHAW
7 COUNTY IS A PART OF THIS CIRCUIT BECAUSE I LIVE IN KERSHAW
8 COUNTY. MY OFFICE IS HERE IN COLUMBIA, BUT I ACTUALLY
9 LIVE IN CAMDEN.

10 THOSE ARE THE PEOPLE THAT WILL BE WORKING WITH
11 YOU THIS WEEK. WE HOPE THAT THEY'LL MAKE YOUR STAY HERE
12 IN THE COURT OF GENERAL SESSIONS AS PLEASANT AS CAN BE,
13 BUT WE'RE GOING TO CALL ON THOSE OF YOU WHO ARE SELECTED
14 TO SERVE ON THIS JURY TO MAKE SOME VERY IMPORTANT
15 DECISIONS.

16 NOW, IN ANY CRIMINAL CASE, THE CASE IS BROUGHT
17 BY THE STATE OR REPRESENTED BY THE STATE, THE PROSECUTION,
18 IN OTHER WORDS.

19 IN THIS CASE, THE STATE IN RICHLAND COUNTY, IS
20 REPRESENTED BY YOUR FIFTH JUDICIAL CIRCUIT SOLICITOR'S
21 OFFICE, MR. BARNEY GEISE. MR. GEISE IS THE CHIEF
22 PROSECUTOR FOR THIS JUDICIAL CIRCUIT.

23 PROSECUTING THE CASE TODAY ON BEHALF OF
24 MR. GEISE'S STAFF ARE MS. KATHERINE LUCK CAMPBELL AND
25 MR. DEITRICH LAKE. THEY'RE STANDING RIGHT NOW. I'M GOING

1 TO ASK IF ANY MEMBER OF THE JURY PANEL IS RELATED BY BLOOD
2 OR CONNECTED BY MARRIAGE OR EMPLOYMENT OR A CLOSE PERSONAL
3 ACQUAINTANCE WITH EITHER MS. LUCK -- KATHERINE LUCK
4 CAMPBELL OR MR. DEITRICH LAKE. IF SO, PLEASE STAND.

5 (THERE WAS NO RESPONSE).

6 THE DEFENDANT IN THIS CASE TODAY IS MR. PHILLIP
7 CROCKER. MR. CROCKER, WOULD YOU STAND AND FACE THE JURY,
8 PLEASE.

9 I'LL ASK IF ANY MEMBER OF THE JURY PANEL IS
10 RELATED BY BLOOD OR MARRIAGE OR CONNECTED BY EMPLOYMENT OR
11 A CLOSE PERSONAL ACQUAINTANCE TO MR. PHILLIP CROCKER. IF
12 SO, PLEASE STAND. ANYBODY KNOW MR. CROCKER?

13 (THERE WAS NO RESPONSE).

14 MR. CROCKER IS REPRESENTED IN THIS MATTER BY
15 MR. DOUGLAS STRICKLER AND MS. FIELDING PRINGLE. I'LL ASK
16 IF ANY MEMBER OF THE JURY PANEL IS RELATED BY BLOOD OR
17 CONNECTED BY MARRIAGE OR EMPLOYMENT OR A CLOSE PERSONAL
18 ACQUAINTANCE OF EITHER MR. DOUGLAS STRICKLER OR
19 MS. FIELDING PRINGLE. IF SO, PLEASE STAND.

20 (THERE WAS NO RESPONSE).

21 ALL RIGHT. LET ME ASK IF ANY MEMBER OF THE JURY
22 PANEL OR ANY MEMBER OF THE JURY PANEL'S FAMILY IS
23 CONNECTED IN ANY WAY WITH LAW ENFORCEMENT? BY THAT I MEAN
24 EMPLOYEE OR FORMER EMPLOYEE OF ANY OF THE LAW ENFORCEMENT
25 AGENCIES HERE IN RICHLAND COUNTY, THOSE BEING PRIMARILY

1 THE CITY OF COLUMBIA POLICE DEPARTMENT, THE RICHLAND
2 COUNTY POLICE DEPARTMENT -- I'M SORRY, THE SHERIFF'S
3 OFFICE, ANY MEMBER OF THE -- ANY MEMBER OF YOUR FAMILY
4 THAT MIGHT WORK FOR THE STATE DEPARTMENT OF CORRECTIONS AS
5 AN OFFICER OR PERHAPS EVEN FOR THE STATE LAW ENFORCEMENT
6 DIVISION, CITY OF FOREST ACRES, ANY LAW ENFORCEMENT AGENCY
7 THAT YOU HAVE ANY CONNECTION WITH, WOULD YOU PLEASE STAND
8 AND TELL ME YOUR NAME.

9 LET'S START WITH THE GENTLEMAN ON THE BACK WITH
10 THE YELLOW SHIRT, YES, SIR.

11 PROSPECTIVE JUROR: MY NAME IS KEVIN SPEAKS.
12 GOOD AFTERNOON ALL.

13 THE COURT: MR. SPEAKS.

14 PROSPECTIVE JUROR: THANK YOU. I HAVE A SISTER,
15 SERGEANT ANITA SPEAKS WHO WORKS FOR THE CITY OF COLUMBIA
16 POLICE DEPARTMENT.

17 THE COURT: A SISTER?

18 PROSPECTIVE JUROR: A SISTER.

19 THE COURT: THANK YOU VERY MUCH, MR. SPEAKS.

20 PROSPECTIVE JUROR: SURE.

21 PROSPECTIVE JUROR: MY NAME IS ERNESTINE
22 MIDDLETON. I HAVE A FIRST COUSIN WHO IS A CORRECTIONS
23 OFFICER WITH THE DEPARTMENT OF CORRECTIONS.

24 THE COURT: ALL RIGHT. MR. SPEAKS AND
25 MS. MIDDLETON.

1 YES, MA'AM.

2 PROSPECTIVE JUROR: MY HUSBAND WORKS FOR --

3 THE COURT: I NEED TO KNOW --

4 PROSPECTIVE JUROR: I'M SORRY, JANE SEALY.

5 THE COURT: SEALY?

6 PROSPECTIVE JUROR: YES.

7 THE COURT: LET ME GET YOUR JUROR NUMBER, JUST
8 ONE MINUTE.

9 MS. SEALY, NO. 203.

10 YES, MA'AM.

11 PROSPECTIVE JUROR: MY HUSBAND WORKS FOR THE
12 CITY OF FOREST ACRES POLICE DEPARTMENT.

13 THE COURT: CITY OF FOREST ACRES.

14 PROSPECTIVE JUROR: YES.

15 THE COURT: THANK YOU. ANYBODY ELSE?

16 (THERE WAS NO RESPONSE).

17 ALL RIGHT MR. SPEAKS, MS. MIDDLETON, MS. SEALY,
18 WOULD THE FACT THAT A RELATIVE OF YOURS WORKS FOR A LAW
19 ENFORCEMENT AGENCY, WOULD THAT IN ANY WAY INTERFERE WITH
20 OR AFFECT YOUR ABILITY TO MAKE A DECISION AND TO GIVE A
21 FAIR AND IMPARTIAL TRIAL TO BOTH THE STATE AND THE
22 DEFENDANT IN THIS CASE, MR. SPEAKS?

23 PROSPECTIVE JUROR: IS THAT A QUESTION?

24 THE COURT: YES. I SAID WOULD IT, WOULD IT
25 AFFECT YOUR ABILITY TO GIVE A FAIR AND IMPARTIAL TRIAL TO

1 BOTH THE STATE AND THE DEFENDANT IN THIS CASE?

2 PROSPECTIVE JUROR: NO, IT WOULDN'T, YOUR HONOR.

3 THE COURT: THANK YOU VERY MUCH, MR. SPEAKS.

4 MS. MIDDLETON?

5 PROSPECTIVE JUROR: NO, SIR.

6 THE COURT: IT WOULD NOT.

7 MS. SEALY?

8 PROSPECTIVE JUROR: NO, SIR.

9 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

10 LET ME GO ONE STEP FURTHER. I'VE ASKED ABOUT --

11 WELL, LET ME INCLUDE THE FEDERAL BUREAU OF INVESTIGATION.

12 I LEFT THAT ONE OFF THE LIST. ANYBODY WHO HAS ANY

13 RELATIVE OR CLOSE PERSONAL ACQUAINTANCE WHO WORKS FOR ANY

14 FEDERAL LAW ENFORCEMENT AGENCY, THAT COULD EVEN INCLUDE

15 ANY SORT OF POLICE DEPARTMENT WITH THE ARMED SERVICES.

16 I'LL EVEN GO THAT FAR. ANYBODY?

17 YES, MA'AM?

18 PROSPECTIVE JUROR: I DON'T KNOW IF IT WOULD

19 COUNT.

20 THE COURT: WELL, LET'S TRY.

21 PROSPECTIVE JUROR: MY NAME IS LAURETHA WHALEY.

22 THE COURT: MS. WAYNE?

23 PROSPECTIVE JUROR: WHALEY.

24 THE COURT: DO YOU KNOW YOUR NUMBER?

25 PROSPECTIVE JUROR: NO, I DON'T.

1 THE CLERK: 238, YOUR HONOR.

2 THE COURT: 238.

3 MS. WHALEY?

4 PROSPECTIVE JUROR: I HAVE A SISTER WHO WORKS
5 FOR FEDERAL PROBATION AND PAROLE.

6 THE COURT: OKAY. THANK YOU VERY MUCH,
7 MS. WHALEY. THE FACT THAT YOU HAVE A SISTER WHO WORKS FOR
8 THE FEDERAL GOVERNMENT IN THAT POSITION, WOULD THAT IN ANY
9 WAY INTERFERE WITH YOUR ABILITY --

10 PROSPECTIVE JUROR: NO, IT WOULDN'T.

11 THE COURT: -- TO GIVE BOTH THE STATE AND THE
12 DEFENDANT A FAIR AND IMPARTIAL TRIAL?

13 PROSPECTIVE JUROR: NO, IT WOULD NOT.

14 THE COURT: THANK YOU, MS. WHALEY.

15 ALL RIGHT. LET ME ASK THIS QUESTION, LADIES AND
16 GENTLEMEN: AS I SAID, I WANT TO TELL YOU A LITTLE BIT
17 MORE ABOUT THE CASE IN JUST A MINUTE. I WANT TO GET SOME
18 OF THESE PRELIMINARY THINGS DONE. ANY MEMBER OF THE JURY
19 PANEL NOW OR IN THE PAST SUPPORTED, EITHER BY DONATION OR
20 VOLUNTEER WORK OR ANYTHING OF THAT NATURE, GROUPS THAT
21 HAVE AS THEIR PRIMARY PURPOSE OR THEIR PRIMARY GOAL THE
22 ENFORCEMENT OF -- OR THE PROMOTION OF LAW ENFORCEMENT?

23 WHAT I MEAN BY THAT IS SOME GROUPS SUCH AS
24 M.A.D.D., MOTHERS AGAINST DRUNK DRIVING, OR STUDENTS
25 AGAINST DRUNK DRIVING, SOUTH CAROLINA TROOPER'S

1 ASSOCIATION, ANY OF THESE ORGANIZATIONS THAT YOU MAY
2 EITHER VOLUNTEER FOR OR SUPPORT FINANCIALLY OR OTHERWISE
3 THAT YOU CAN TELL US ABOUT? ANY MEMBER OF THE JURY PANEL?

4 MR. SPEAKS?

5 PROSPECTIVE JUROR: WELL, I RECEIVED A TELEPHONE
6 CALL FROM THE RICHLAND COUNTY TROOPERS ASSOCIATION IF I
7 WAS WILLING TO MAKE A CONTRIBUTION AND I DID.

8 THE COURT: OKAY.

9 PROSPECTIVE JUROR: I MEAN, I DIDN'T KNOW
10 ANYONE.

11 THE COURT: ALL RIGHT.

12 PROSPECTIVE JUROR: I MADE A CONTRIBUTION.

13 THE COURT: ALL RIGHT.

14 PROSPECTIVE JUROR: GOT A LITTLE STICKER.

15 THE COURT: ARE YOU SURE IT WAS RICHLAND COUNTY
16 OR THE HIGHWAY DEPARTMENT?

17 PROSPECTIVE JUROR: IT WAS THE HIGHWAY, STATE
18 TROOPER'S ASSOCIATION.

19 THE COURT: OKAY.

20 PROSPECTIVE JUROR: I DIDN'T KNOW ANY OF THOSE
21 PEOPLE.

22 THE COURT: DO YOU HAVE ANY EXPECTATION THAT
23 THAT STICKER ON THE BACK OF YOUR CAR WILL KEEP YOU FROM
24 GETTING A TICKET?

25 PROSPECTIVE JUROR: WELL, I KIND OF HOPE THAT

1 IT, YOU KNOW...

2 THE COURT: THANK YOU VERY MUCH.

3 YES, SIR.

4 PROSPECTIVE JUROR: I'M BRIAN MITCHELL. MY
5 NUMBER SHOULD BE 162.

6 THE COURT: WELL, LET'S FINDS OUT.

7 (PAUSE).

8 IT'S 162, YOU'RE CORRECT. YES, MR. MITCHELL?

9 PROSPECTIVE JUROR: I'M CERTIFIED BY S.L.E.D. AS
10 A CONCEALED WEAPONS PERMIT INSTRUCTOR.

11 THE COURT: INSTRUCTOR.

12 PROSPECTIVE JUROR: YES, SIR.

13 THE COURT: THANK YOU VERY MUCH, MR. MITCHELL.
14 YES, MA'AM.

15 PROSPECTIVE JUROR: MARGARET VALENTINE.

16 THE COURT: WITH A "V".

17 PROSPECTIVE JUROR: LIKE FEBRUARY 14TH.

18 THE COURT: YOU ARE NO. 240.

19 PROSPECTIVE JUROR: I HAVE OFTEN IN THE PAST
20 BEEN A SUPPORTER OF BOTH CITY, LOCAL, AND STATE TROOPER'S
21 ASSOCIATIONS AND HAVE DONATED MONEY FOR THEIR CAUSES.

22 THE COURT: OKAY. THANK YOU VERY MUCH. THANK
23 YOU MS. VALENTINE.

24 ANYBODY ELSE?

25 (THERE WAS NO RESPONSE).

1 IF YOU HAVE, NOW IS THE TIME TO TELL ME ABOUT
2 IT.

3 ALL RIGHT. THANK YOU VERY MUCH, LADIES AND
4 GENTLEMEN.

5 NOW, LADIES AND GENTLEMEN, THE CASE WE'RE ABOUT
6 TO GO INTO, LET ME JUST TELL YOU THIS TO START WITH: IT
7 MAY LAST THE ENTIRE WEEK, DON'T KNOW.

8 I'M GOING TO CALL OUT A LIST OF WITNESSES IN
9 JUST A MINUTE. YOU CAN PROBABLY TELL BY THE LIST OF
10 POTENTIAL WITNESSES THAT THERE ARE A SUBSTANTIAL NUMBER OF
11 WITNESSES IN THE CASE.

12 I WANT TO ASK, AND YOU MAY HAVE BEEN ASKED
13 DOWNSTAIRS WHILE YOU WERE QUALIFIED, BUT I NEED TO KNOW IF
14 ANY MEMBER OF THE JURY PANEL HAS CHILDCARE OBLIGATIONS OR
15 OTHER OBLIGATIONS THAT WOULD INTERFERE WITH YOUR
16 ATTENDANCE AT THE TRIAL IF THE TRIAL WERE TO LAST ALL
17 WEEK.

18 NOW, I'LL TELL YOU THAT GENERALLY SPEAKING,
19 WE'LL WORK NORMAL BUSINESS HOURS, NINE TO FIVE. THERE MAY
20 BE TIMES WHEN AS -- IT'S BECAUSE I HAVE TO TRY TO
21 ANTICIPATE THE LENGTH OF TIME THAT THE TRIAL IS GOING TO
22 TAKE, BUT THERE MAY BE TIMES WHEN I MIGHT ASK YOU TO STAY
23 UNTIL 6 O'CLOCK OR -- I DON'T WANT TO SAY LATER.

24 I NEVER ANTICIPATE IF WE'RE GOING TO RUN PAST
25 6 O'CLOCK. I DO NEED TO KNOW IF SOME PEOPLE HAVE

1 CHILD CARE OBLIGATIONS THAT WOULD PREVENT THEM FROM
2 SERVING, OR AT LEAST IT WOULD GIVE THEM A LOT OF HEART
3 BURN IF THEY HAD CHILD CARE OBLIGATIONS THAT THEY COULD NOT
4 FIND ANY OTHER MEANS TO DEAL WITH.

5 I WANTED TO ASK THAT QUESTION RIGHT UP FRONT, IF
6 ANY MEMBER OF THE JURY PANEL FEELS THAT -- AND THIS IS NOT
7 LET ME JUST -- THIS IS NOT A CASE WHERE YOU'RE GOING TO BE
8 SEQUESTERED OVERNIGHT. IT'S NOT A CASE THAT -- BECAUSE OF
9 THE NUMBER OF WITNESSES, IT'S A CASE THAT MAY TAKE MOST OF
10 THE WEEK, IF NOT THE ENTIRE WEEK, TO GO THROUGH THE TRIAL.

11 I'LL ASK IF ANY MEMBER OF THE JURY PANEL FEELS
12 THAT FOR SOME REASON, AND I'LL LISTEN TO WHAT YOU HAVE TO
13 SAY, THEY COULD NOT SERVE AND SERVE COMFORTABLY THROUGHOUT
14 THIS WEEK. ANY MEMBER OF THE JURY PANEL?

15 YES, MA'AM.

16 PROSPECTIVE JUROR: YES.

17 THE COURT: I NEED TO KNOW WHO YOU ARE.

18 PROSPECTIVE JUROR: I'M SORRY, MARTHA ROGERS.

19 THE COURT: ROGERS?

20 PROSPECTIVE JUROR: 195.

21 THE COURT: I'VE GOT MARTHA ROGERS AS 196.

22 PROSPECTIVE JUROR: OKAY.

23 THE COURT: WILL YOU TAKE THAT?

24 PROSPECTIVE JUROR: MY DAUGHTER JUST HAS TO BE

25 PICKED UP BY SIX. I CAN HAVE SOMEONE ELSE PICK HER UP. I,

1 JUST NEED TO KNOW SO I CAN CONTACT THAT PERSON.

2 THE COURT: OKAY. WE CAN ACCOMMODATE THAT.

3 THAT'S NOT A PROBLEM.

4 YES, MA'AM?

5 PROSPECTIVE JUROR: I ALSO HAVE A TWO YEAR OLD

6 THAT I COULD MAKE ARRANGEMENTS FOR. FRIDAY WILL BE MY

7 BIGGEST CONFLICT. MY HUSBAND WILL BE OUT OF TOWN.

8 THE COURT: YOU SAID FRIDAY?

9 PROSPECTIVE JUROR: YES. BUT IF I DON'T

10 ADVANCE, I COULD MAKE ARRANGEMENTS.

11 THE COURT: AS I SAY, YOU'RE GOING TO KNOW,

12 THOSE OF YOU WHO WILL SIT ON THIS JURY, WILL KNOW IN

13 PLENTY OF TIME. IF YOU NEED TO MAKE ARRANGEMENTS, MAKE

14 PHONE CALLS, THAT SORT OF THING, THAT'S NOT GOING TO BE A

15 PROBLEM. I JUST NEED TO KNOW IF THERE ARE ABSOLUTE

16 BARRIERS THAT WOULD PREVENT YOU FROM SERVING.

17 YES, MA'AM, YOUR NAME?

18 PROSPECTIVE JUROR: MY NAME IS ANGELA, 115.

19 THE COURT: ANGELA?

20 PROSPECTIVE JUROR: UH-HUH.

21 THE COURT: ANGELA WHAT?

22 PROSPECTIVE JUROR: JENKINS.

23 THE COURT: YOU HAVE GOT TWO NAMES, RIGHT? WHAT

24 NUMBER?

25 PROSPECTIVE JUROR: 115.

1 THE COURT: MS. JENKINS?

2 PROSPECTIVE JUROR: I'M SUPPOSED TO PICK UP MY
3 KIDS BEFORE FIVE.

4 THE COURT: DO WHAT?

5 PROSPECTIVE JUROR: I'M SUPPOSED TO PICK UP MY
6 KIDS BEFORE FIVE. I DON'T HAVE NOBODY ELSE TO GO GET
7 THEM.

8 THE COURT: THEY'RE AT...

9 PROSPECTIVE JUROR: THEY CLOSE AT SIX~O'CLOCK.

10 THE COURT: THEY CLOSE AT SIX.

11 PROSPECTIVE JUROR: YEAH. I NEED TO GET THEM
12 BEFORE SIX, BECAUSE I DON'T HAVE NOBODY ELSE TO GET THEM.
13 I HAVE TWO OF THEM IN DAY CARE.

14 THE COURT: AND WHERE -- HOW FAR AWAY IS YOUR
15 DAY CARE?

16 PROSPECTIVE JUROR: THEY GO TO DAY CARE ON TWO
17 NOTCH, SUNSHINE HOUSE.

18 THE COURT: TWO NOTCH?

19 PROSPECTIVE JUROR: UH-HUH. THEY CLOSE AT
20 SIX O'CLOCK. I CALLED THEM TODAY AND TOLD THEM WHERE I
21 WAS AT.

22 THE COURT: OKAY. DO THEY CHARGE YOU EXTRA PAST
23 FIVE O'CLOCK?

24 PROSPECTIVE JUROR: WELL, I AM SUPPOSED TO GET
25 THEM BY FOUR O'CLOCK, BUT I CALLED THEM TO LET THEM KNOW

1 THAT I WOULD PROBABLY BE OUT OF HERE BY FIVE.

2 THEY SAID AS LONG AS I GET THEM BEFORE SIX. I
3 DON'T KNOW WHERE THEY'LL GO IF IT'S AFTER SIX.

4 THE COURT: ALL RIGHT, MS. JENKINS. THANK YOU
5 VERY MUCH FOR THAT INFORMATION.

6 PROSPECTIVE JUROR: YOU'RE WELCOME.

7 THE COURT: ANYBODY ELSE?

8 ALL RIGHT. ALL RIGHT, LADIES AND GENTLEMEN, THE
9 INDICTMENTS IN THIS CASE, AND LET ME JUST TELL YOU WHAT AN
10 INDICTMENT IS, AN INDICTMENT IS A PIECE OF PAPER. AN
11 INDICTMENT IS THE WRITTEN DOCUMENT BY WHICH A CASE IS
12 BROUGHT INTO COURT, INTO CRIMINAL COURT.

13 THE FACTS OR THE STATEMENTS THAT ARE CONTAINED
14 IN THE INDICTMENT ARE NOT EVIDENCE, ARE NOT TO BE TAKEN BY
15 YOU AS ANY EVIDENCE WHATSOEVER OF THE GUILT OR INNOCENCE
16 OF THE DEFENDANT.

17 I WILL TELL YOU NOW, I WILL TELL YOU IF YOU'RE
18 SELECTED ON THIS JURY THAT ANYTIME A DEFENDANT IS BROUGHT
19 INTO COURT, WHETHER IT BE MR. CROCKER OR ANY INDIVIDUAL IN
20 THIS UNITED STATES OR THIS STATE OF SOUTH CAROLINA, THEY
21 ARE PRESUMED TO BE INNOCENT OF THE CHARGES THAT ARE
22 CONTAINED IN THE INDICTMENT. THAT IS A VERY, VERY STRONG
23 PRESUMPTION.

24 I'M GOING TO TELL YOU WHAT THE INDICTMENTS SAY,
25 BUT THOSE OF YOU WHO ARE SELECTED ON THE JURY ARE NOT TO

1 TAKE ANYTHING THAT IS CONTAINED IN THE INDICTMENT AS ANY
2 EVIDENCE AGAINST THE DEFENDANT IN THIS CASE.

3 THE DEFENDANT IS CHARGED IN THIS CASE WITH
4 FIRST -- THE FIRST INDICTMENT CHARGES THE DEFENDANT WITH
5 TRAFFICKING IN MARIJUANA IN EXCESS OF 10 POUNDS.

6 I'M GOING TO TELL YOU A LITTLE BIT ABOUT --
7 WELL, I'LL GO AHEAD AND READ IT TO YOU NOW. I NEED TO
8 KNOW IF ANYBODY KNOWS ANYTHING ABOUT THIS CASE.

9 IT CHARGES THAT ON OR ABOUT NOVEMBER 21ST, 2001,
10 SO WE'RE GOING BACK A LITTLE OVER TWO YEARS AGO, THAT THE
11 DEFENDANT, MR. PHILLIP HENRY CROCKER, DID KNOWINGLY SELL,
12 MANUFACTURE, CULTIVATE, DELIVER, PURCHASE OR BRING INTO
13 THIS STATE OR DID SOMEHOW OR OTHERWISE AID, ABET, OR
14 ATTEMPT, OR CONSPIRE TO SELL IN THIS STATE MARIJUANA IN
15 EXCESS OF 10 POUNDS. THAT'S THE FIRST CHARGE.

16 THE SECOND CHARGE IS THAT THE DEFENDANT,
17 MR. PHILLIP HENRY CROCKER, ON OR ABOUT THAT SAME DAY
18 COMMITTED A MURDER IN RICHLAND COUNTY IN THAT THE
19 DECEASED'S INDIVIDUAL IS ONE NATHANIEL CASEY.

20 NOW, IT'S MY UNDERSTANDING THAT THE FACTS
21 RELATING TO THE MURDER CHARGE ALLEGE THAT THE DEFENDANT
22 COMMITTED MURDER IN THE LOWE'S PARKING LOT ON TWO NOTCH
23 ROAD, LOWE'S ON TWO NOTCH ROAD.

24 I TELL YOU THIS TO DETERMINE IF ANY MEMBER OF
25 THE JURY PANEL HAS ANY KNOWLEDGE OF THIS EVENT ONE WAY OR

1 THE OTHER WHETHER YOU WERE IN THE LOWE'S PARKING LOT,
2 COMING AND GOING FROM THE LOWE'S PARKING LOT, HEARD ABOUT
3 IT THROUGH FRIENDS, HEARD ABOUT IT OR READ ABOUT IT IN THE
4 PRESS, MEDIA COVERAGE, OR ANYTHING OF THAT NATURE. ANY
5 MEMBER OF THE JURY PANEL WHO HAS ANY KNOWLEDGE OF THE
6 FACTS ALLEGED IN THESE INDICTMENTS, PLEASE STAND.

7 YES, SIR, LET ME GET YOUR NAME. WHAT'S YOUR
8 NAME?

9 PROSPECTIVE JUROR: MY NAME IS ROBERT ROOF,
10 NO. 197.

11 THE COURT: ALL RIGHT. JUST LET ME -- WAIT A
12 MINUTE, NO. 197 IS NAMED JENNIFER.

13 PROSPECTIVE JUROR: YEAH, THAT'S THE WAY --
14 THEY'VE GOT THEM MIXED UP IN YOUR OFFICE.

15 THE COURT: NOW, WHOSE MIXED UP?

16 PROSPECTIVE JUROR: IF YOU WANT TO READ MINE.

17 THE COURT: YOU'RE MR. ROBERT ROOF?

18 PROSPECTIVE JUROR: THAT'S CORRECT.

19 THE COURT: I'VE GOT YOU AS 198.

20 PROSPECTIVE JUROR: I'LL REFER TO IT FROM HERE
21 ON OUT.

22 ALL RIGHT. I WAS IN THE LOWE'S AT THE TIME THIS
23 HAPPENED. I SPOKE WITH ONE OF THE EMPLOYEES AT THE
24 TIME --

25 Mr. Strickler: YOUR HONOR.

1 THE COURT: OKAY. LET ME SAY THIS: YOU KNOW
2 SOMETHING ABOUT IT?

3 PROSPECTIVE JUROR: YEAH, THAT'S ALL.

4 THE COURT: I'M GOING TO ASK YOU TO COME UP AND
5 TELL ME SO YOU DON'T TELL EVERYBODY ELSE IN THE JURY.

6 PROSPECTIVE JUROR: OH, OKAY.

7 THE COURT: JUST HAVE A SEAT JUST A MINUTE
8 MR. ROOF.

9 PROSPECTIVE JUROR: ALL RIGHT.

10 THE COURT: YES, SIR. MR. MITCHELL?

11 PROSPECTIVE JUROR: YES. I REMEMBER MEDIA
12 COVERAGE.

13 THE COURT: MEDIA COVERAGE.

14 PROSPECTIVE JUROR: AND FRIENDS.

15 THE COURT: MR. MITCHELL, ROOF.

16 PROSPECTIVE JUROR: RONNY WILLIAMS, 243.

17 THE COURT: RONNY?

18 PROSPECTIVE JUROR: YES.

19 THE COURT: HAVE A SEAT MR. WILLIAMS, 243?

20 PROSPECTIVE JUROR: YES.

21 THE COURT: ALL RIGHT. AND --

22 PROSPECTIVE JUROR: MARTHA ROGERS, 296.

23 THE COURT: MS. ROGERS AND --

24 PROSPECTIVE JUROR: LAURETHA WHALEY.

25 THE COURT: MS. WHALEY, ALL RIGHT.

1 THE CLERK: ONE MORE, YOUR HONOR.

2 THE COURT: OH, I'M SORRY. YES, MA'AM?

3 PROSPECTIVE JUROR: SHARON BROWN.

4 THE COURT: MISS?

5 PROSPECTIVE JUROR: SHARON BROWN.

6 THE CLERK: THIRTY-SEVEN.

7 THE COURT: THIRTY-SEVEN, ALL RIGHT. COUNSEL,
8 APPROACH THE BENCH.

9 MR. ROOF, LET ME JUST TALK TO YOU AT THE BENCH.

10 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
11 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
12 JURY).

13 THE COURT: MR. MITCHELL, LET ME ASK YOU WHAT
14 YOU KNOW ABOUT IT.

15 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
16 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
17 JURY).

18 THE COURT: MR. WILLIAMS.

19 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
20 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
21 JURY).

22 THE COURT: MS. ROGERS.

23 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
24 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
25 JURY).

1 THE COURT: MS. WHALEY.

2 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
3 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
4 JURY).

5 THE COURT: AND MS. BROWN.

6 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
7 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
8 JURY).

9 THE COURT: ALL RIGHT. LET ME ASK MR. ROOF,
10 MR. MITCHELL, MR. WILLIAMS, JUST STAND UP, IF YOU WILL,
11 MS. ROGERS, MS. WHALEY, AND MS. BROWN, DOES THE FACT THAT
12 YOU KNOW, HEARD SOMETHING ABOUT THIS EVENT THAT OCCURRED
13 TWO YEARS AGO, NOVEMBER 21ST, 2001, WOULD THAT IN ANY
14 WAY -- I WOULDN'T SAY IN ANY WAY, BUT WOULD THAT AFFECT
15 YOUR ABILITY TO GIVE BOTH THE STATE AND THE DEFENDANT A
16 FAIR AND IMPARTIAL TRIAL IN THIS CASE, MR. ROOF?

17 PROSPECTIVE JUROR: NO, SIR.

18 THE COURT: IT WOULD NOT.

19 MR. MITCHELL?

20 PROSPECTIVE JUROR: NO, YOUR HONOR.

21 THE COURT: MR. WILLIAMS?

22 PROSPECTIVE JUROR: NO, SIR.

23 THE COURT: MS. ROGERS?

24 PROSPECTIVE JUROR: NO, SIR.

25 THE COURT: MS. WHALEY?

1 PROSPECTIVE JUROR: NO, IT WOULD NOT.

2 THE COURT: AND MS. BROWN?

3 PROSPECTIVE JUROR: NO.

4 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

5 LET ME ASK IF ANY MEMBER OF THE JURY PANEL OR
6 ANY MEMBER OF YOUR FAMILY HAS EITHER BEEN EMPLOYED BY
7 LOWE'S, WHETHER YOU HAVE ANY FINANCIAL INTEREST, STOCK OR
8 WHATEVER IN LOWE'S, ANY FINANCIAL INTEREST IN LOWE'S OR
9 ARE A PATRON, I GUESS AN OCCASIONAL PATRON, A REGULAR
10 PATRON OF LOWE'S? ANY MEMBER OF THE JURY PANEL WHO IS
11 EITHER EMPLOYED BY, HAVE A FINANCIAL INTEREST IN, OR A
12 PATRON OF LOWE'S?

13 (THERE WAS A LARGE AFFIRMATIVE RESPONSE.)

14 THE COURT: MR. ROOF -- ALL RIGHT. LET'S JUST
15 DO THIS, STAY THERE. WE'LL DO IT THIS WAY. EVERYBODY WHO
16 DOES -- NOW, DOES ANY MEMBER -- WELL, LET'S -- LET ME GO
17 THE OTHER WAY. I GUESS THE OTHER WAY IS BETTER. SIT
18 DOWN.

19 ANY MEMBER OF THE JURY PANEL EMPLOYED BY OR ANY
20 MEMBER OF YOUR FAMILY EMPLOYED BY, PLEASE STAND.

21 YES, MA'AM.

22 PROSPECTIVE JUROR: I HAVE A SON WHO WORKS IN
23 ILLINOIS.

24 THE COURT: ILLINOIS?

25 PROSPECTIVE JUROR: YES.

1 THE COURT: AND YOUR NAME AGAIN?

2 PROSPECTIVE JUROR: TAUSHA HINT, JUROR 101.

3 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

4 MR. MITCHELL?

5 PROSPECTIVE JUROR: I'VE WORKED FOR LOWE'S AS A
6 CONSULTANT IN THE PAST, IF THAT MATTERS.

7 THE COURT: HOW LONG AGO?

8 PROSPECTIVE JUROR: THE END OF THE YEAR 2000.

9 THE COURT: THANK YOU, MR. MITCHELL.
10 ANYBODY ELSE?

11 ALL RIGHT. NEXT, ANY MEMBER OF THE JURY PANEL
12 HAVE ANY FINANCIAL INTEREST IN, STOCK OR ANY OTHER
13 FINANCIAL INTEREST IN, THE COMPANY LOWE'S?

14 (THERE WAS NO RESPONSE).

15 OKAY. NOW, PEOPLE WHO REGULARLY SHOP AT LOWE'S.
16 THIS COULD BE -- MR. ROOF, I KNOW -- AND LET'S JUST GO --
17 NO, JUST CALL OUT YOUR NAMES AND GIVE ME YOUR JUROR
18 NUMBER, IF YOU KNOW IT.

19 MR. ROOF AND YOU'RE...

20 PROSPECTIVE JUROR: 198.

21 THE COURT: ALL RIGHT. AND YOU DO CONTRACTING
22 WORK?

23 PROSPECTIVE JUROR: A LOT OF TIMES I'M IN AND
24 OUT PICKING UP THIS AND THAT.

25 THE COURT: YES, MA'AM.

1 PROSPECTIVE JUROR: BRIDGET CLARK, NO. 48, JUST
2 IN AND OUT.

3 THE COURT: ALL RIGHT. MS. CLARK, THANK YOU.
4 YES, SIR.

5 PROSPECTIVE JUROR: THOMAS JACOBS, I DON'T KNOW
6 THE NUMBER, JUST IN AND OUT.

7 THE COURT: MR. JACOBS.

8 THE CLERK: 112, YOUR HONOR.

9 THE COURT: 112. MS. WHALEY?

10 PROSPECTIVE JUROR: I'M A FREQUENT SHOPPER.

11 THE COURT: YES, MA'AM.

12 PROSPECTIVE JUROR: DOROTHY BOYD, NO. 24,
13 MONTHLY PAYMENTS.

14 THE COURT: WHICH MEANS YOU'RE A REGULAR
15 SHOPPER, MS. BOYD, THANK YOU.

16 YES, SIR.

17 PROSPECTIVE JUROR: CASEY HAMMETT, NO. 90. I'M
18 A GARDEN DESIGNER, AND I'M IN THERE ALMOST EVERY DAY.

19 THE COURT: OKAY. THANK YOU, SIR.

20 PROSPECTIVE JUROR: JANET CALDWELL, NO. 41,
21 FREQUENT SHOPPER.

22 THE COURT: FREQUENT SHOPPER.

23 PROSPECTIVE JUROR: TRACY GILMORE, 80. I'M A
24 FREQUENT SHOPPER.

25 THE COURT: MR. MITCHELL?

1 PROSPECTIVE JUROR: BRIAN MITCHELL, 162,
2 FREQUENT SHOPPER.

3 THE COURT: YOU KNOW, I THINK I'M GOING TO GET A
4 FINANCIAL INTEREST IN LOWE'S.

5 YES, SIR.

6 PROSPECTIVE JUROR: JOHN CRANE, NO. 53,
7 OCCASIONAL SHOPPER.

8 THE COURT: MR. CRANE, THANK YOU.

9 PROSPECTIVE JUROR: GARY GRESHAM, 83, FREQUENT
10 SHOPPER.

11 THE COURT: MR. GRESHAM, THANK YOU.

12 PROSPECTIVE JUROR: PAUL PRINGLE, 184,
13 CONSTRUCTION, FREQUENT SHOPPER.

14 THE COURT: MR. PRINGLE, THANK YOU.

15 PROSPECTIVE JUROR: PATRICIA TOWNS, 210,
16 SHOPPER, NOT FREQUENT, BUT SHOPPER.

17 THE COURT: NO MONTHLY PAYMENTS?

18 PROSPECTIVE JUROR: NO, SIR.

19 THE COURT: YES, SIR.

20 PROSPECTIVE JUROR: CHRISTOPHER BROWN, NO. 35.
21 I WORK FOR A CONTRACTOR, SO I'M IN THERE PRETTY MUCH LIKE
22 EVERY OTHER DAY.

23 THE COURT: THANK YOU, MR. BROWN.

24 YES, MA'AM.

25 PROSPECTIVE JUROR: SANDRA HUGHES, NO. 106,

1 FREQUENT SHOPPER.

2 THE COURT: THANK YOU, MS. HUGHES.

3 YES.

4 PROSPECTIVE JUROR: ERNESTINE MIDDLETON. I
5 DON'T KNOW MY NUMBER, OCCASIONAL SHOPPER.

6 THE COURT: MS. MIDDLETON, THANK YOU.

7 PROSPECTIVE JUROR: JAMES SPEAKS, 212. I SHOP
8 THERE QUITE OFTEN. IT'S LIKE A WAL-MART TO ME.

9 THE COURT: I'M SURE THEY'D BE GLAD TO HEAR
10 THAT. THANK YOU, MR. SPEAKS.

11 PROSPECTIVE JUROR: MARTHA ROGERS.

12 THE COURT: MS. ROGERS.

13 PROSPECTIVE JUROR: 96, OCCASIONAL.

14 THE COURT: OCCASIONALLY.

15 PROSPECTIVE JUROR: KERRY WAY, NO. 233 (SIC)
16 OCCASIONALLY SHOP THERE.

17 THE COURT: THANK YOU, MR. WAY.

18 PROSPECTIVE JUROR: ELIZABETH HOUCK, 104,
19 OCCASIONAL SHOPPER.

20 THE COURT: 104.

21 PROSPECTIVE JUROR: YES.

22 THE COURT: THANK YOU, MS. HOUCK.

23 PROSPECTIVE JUROR: KEVIN O'TOOLE, I DON'T KNOW
24 MY NUMBER.

25 THE COURT: WHAT?

1 PROSPECTIVE JUROR: OCCASIONAL SHOPPER. I'M A
2 LOCKSMITH.

3 THE COURT: 175, MR. O'TOOLE.

4 PROSPECTIVE JUROR: THANK YOU.

5 THE COURT: THANK YOU.

6 HAS ANY MEMBER OF THE JURY PANEL OR ANY MEMBER
7 OF YOUR FAMILY BEEN A VICTIM OF A VIOLENT CRIME? IF SO,
8 PLEASE STAND. AGAIN, AS WE DID WITH THE FIRST QUESTION
9 ABOUT LOWE'S, I'LL JUST ASK YOU TO GIVE YOUR NAME AND THEN
10 I'LL ASK YOU TO COME FORWARD.

11 MS. MIDDLETON.

12 PROSPECTIVE JUROR: YES.

13 THE COURT: AND MS...

14 PROSPECTIVE JUROR: MARGARET VALENTINE.

15 THE COURT: MS. VALENTINE.

16 AND MR. --

17 PROSPECTIVE JUROR: THOMAS JACOBS.

18 THE COURT: YES, SIR.

19 PROSPECTIVE JUROR: RICKY MILLER.

20 THE COURT: MILLER?

21 WHO IS NEXT TO YOU, MR. MILLER?

22 PROSPECTIVE JUROR: PATRICIA WOLF.

23 THE COURT: MS. WOLF?

24 PROSPECTIVE JUROR: YEAH, 248.

25 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

1 ALL RIGHT COUNSEL, APPROACH THE BENCH.

2 LET'S START WITH MS. MIDDLETON, COME ON DOWN

3 MS. MIDDLETON.

4 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
5 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
6 JURY).

7 THE COURT: MS. VALENTINE, LADIES FIRST.

8 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
9 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
10 JURY).

11 THE COURT: YES, MA'AM, MS. WOLF.

12 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
13 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
14 JURY).

15 THE COURT: YES, SIR.

16 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
17 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
18 JURY).

19 THE COURT: MR. WOLF.

20 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
21 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
22 JURY).

23 THE COURT: YOU ARE MR. WOLF, AREN'T YOU?

24 PROSPECTIVE JUROR: MILLER.

25 THE COURT: MR. MILLER AND WOLF. I'M SORRY. I

1 GOT THEM MIXED UP.

2 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
3 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
4 JURY).

5 THE COURT: ALL RIGHT. MS. MIDDLETON, MS. WOLF,
6 MR. JACOBS, MR. MILLER, IF YOU WILL JUST STAND, I WANT TO
7 ASK YOU ONE MORE QUESTION.

8 MS. MIDDLETON, WOULD THE FACT THAT YOU RESPONDED
9 AFFIRMATIVELY TO THE LAST QUESTION, I WON'T GET INTO WHAT
10 YOU TOLD ME, BUT WOULD THAT FACT AFFECT YOUR ABILITY TO
11 GIVE BOTH THE STATE AND THE DEFENDANT A FAIR AND IMPARTIAL
12 TRIAL IN THIS CASE?

13 PROSPECTIVE JUROR: NO, SIR, IT WOULDN'T.

14 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.
15 MS. VALENTINE?

16 PROSPECTIVE JUROR: NO, SIR.

17 THE COURT: THE FACT THAT YOU DISCLOSED THOSE TO
18 THE COURT THOSE MATTERS, WOULD THAT IN ANY WAY AFFECT YOUR
19 ABILITY TO GIVE BOTH THE STATE AND THE DEFENDANT A FAIR
20 AND IMPARTIAL TRIAL IN THIS CASE?

21 PROSPECTIVE JUROR: NO, SIR.

22 THE COURT: THANK YOU VERY MUCH, MS. VALENTINE.

23 MS. JACOBS, WOULD THE FACT THAT YOU DISCLOSED
24 CERTAIN -- I'M SORRY, MS. WOLF.

25 PROSPECTIVE JUROR: NO, IT WOULDN'T.

1 THE COURT: IT WOULD NOT. THANK YOU VERY MUCH.

2 NOW, MR. JACOBS, WOULD THE FACTS THAT YOU
3 DISCLOSED TO THE COURT INTERFERE WITH YOUR ABILITY TO GIVE
4 BOTH THE STATE AND THE DEFENDANT A FAIR AND IMPARTIAL
5 TRIAL?

6 PROSPECTIVE JUROR: NO, IT WOULD NOT.

7 THE COURT: THANK YOU VERY MUCH.

8 MR. MILLER?

9 PROSPECTIVE JUROR: NO, SIR.

10 THE COURT: SAME QUESTION. THANK YOU VERY MUCH,
11 MR. MILLER.

12 LET ME ASK IF ANY MEMBER OF THE JURY PANEL HAS
13 EVER TESTIFIED EITHER FOR THE STATE OR FOR THE DEFENDANT
14 IN A CRIMINAL CASE? ANYBODY EVER TESTIFIED IN COURT?

15 YES, SIR. I'LL BE HAPPY TO HEAR FROM YOU.

16 PROSPECTIVE JUROR: GARY GRESHAM, 83.

17 THE COURT: YES, SIR. HOW LONG AGO WAS IT, SIR?

18 PROSPECTIVE JUROR: PROBABLY ABOUT SIX YEARS
19 AGO.

20 THE COURT: SIX YEARS AGO. WHAT WAS THE NATURE
21 OF THE CASE?

22 PROSPECTIVE JUROR: IT WAS A MURDER TRIAL.

23 THE COURT: OKAY. YOU TESTIFIED FOR EITHER THE
24 STATE OR THE DEFENDANT. WHICH ONE?

25 PROSPECTIVE JUROR: FOR THE DEFENDANT.

1 THE COURT: THE DEFENDANT. THANK YOU VERY MUCH.

2 MR. GRESHAM IS NO. 83.

3 ANYBODY ELSE?

4 (THERE WAS NO RESPONSE).

5 DOES ANY MEMBER OF THE JURY PANEL OR ANY MEMBER
6 OF YOUR FAMILY HAVE ANY CONNECTION WITH DILLON, THE TOWN
7 OF DILLON OR DILLON COUNTY, OR THE TOWN OF LATTA, WHICH
8 ALSO MAY BE IN DILLON COUNTY. I'M NOT QUITE SURE. I GET
9 LOST OVER THERE IN THE PEE DEE.

10 ANY MEMBER OF THE JURY PANEL'S FAMILY, OR HAVE
11 ANY CONNECTIONS WITH DILLON OR LATTA?

12 YES, SIR.

13 PROSPECTIVE JUROR: MY PARENTS ARE FOSTER
14 PARENTS, AND THEY HAVE A BRANCH THERE.

15 THE COURT: ALL RIGHT. GIVE ME YOUR NAME AGAIN,
16 SIR.

17 PROSPECTIVE JUROR: MR. BROWN.

18 THE COURT: MR. BROWN. WHAT TYPE OF BUSINESS DO
19 THEY HAVE IN DILLON?

20 PROSPECTIVE JUROR: IT'S THE SOUTH CAROLINA
21 FOSTER PARENTS' ASSOCIATION.

22 THE COURT: OKAY.

23 PROSPECTIVE JUROR: THEY HAVE A BRANCH IN
24 DILLON. THEY HAVE MEETINGS UP THERE.

25 THE COURT: ALL RIGHT. THANK YOU VERY MUCH,

1 MR. BROWN.

2 DID JUDGE MANNING DO THE QUALIFICATION THIS
3 MORNING? HE DID. HE DIDN'T TELL YOU HE WAS FROM DILLON?
4 SEE, YOU LEARN SOMETHING EVERY DAY. CASEY MANNING IS
5 FROM -- OF COURSE, HE CALLS IT "DILLON".

6 HOW ABOUT -- NOBODY FROM LATTA? NOBODY KNOWS
7 ANYTHING ABOUT LATTA? ANYBODY EVER BEEN TO LATTA?
8 PROBABLY NOT.

9 (THERE WAS NO RESPONSE).

10 ALL RIGHT, LADIES AND GENTLEMEN, I'M GOING TO
11 READ A LIST OF POTENTIAL WITNESSES IN THIS CASE. AGAIN,
12 THE QUESTION AS TO EACH WITNESS IS THE SAME: IS ANY
13 MEMBER OF THE JURY PANEL RELATED BY BLOOD OR CONNECTED BY
14 MARRIAGE OR EMPLOYMENT OR A CLOSE PERSONAL ACQUAINTANCE OF
15 ANY ONE OF THE FOLLOWING. IT'S A RATHER EXTENSIVE LIST,
16 BUT JUST LISTEN CAREFULLY. I'LL TRY TO GO SLOW. THINK
17 ABOUT IF YOU KNOW ANY OF THESE PEOPLE. ANY WITNESS WHO IS
18 PRESENT IN THE COURTROOM, PLEASE STAND WHEN I CALL YOUR
19 NAME.

20 SERGEANT SCOTT MCDONALD WITH THE RICHLAND COUNTY
21 SHERIFF'S DEPARTMENT; LIEUTENANT STAN SMITH, ALSO WITH
22 RICHLAND COUNTY; INVESTIGATOR CANNON. THERE IS MR. CANNON
23 IN THE BACK WITH THE RICHLAND COUNTY SHERIFF'S OFFICE;
24 CONSUELO CASEY, MS. CASEY. ANYBODY KNOW MS. CASEY?
25 INVESTIGATOR TRAVIS HOLDORF. HE'S NOT HERE RIGHT NOW.

1 DANNY ANDREWS; SAMMY NELSON; SERGEANT LANCY WEEKS, ALSO
2 WITH RICHLAND COUNTY; INVESTIGATOR RODNEY GONZALES;
3 INVESTIGATOR JAY RUSSELL; SHANNON MILES; SHARYN DAVIS WHO
4 WORKS FOR VERIZON WIRELESS COMPANY. IS MS. DAVIS HERE?
5 BRETT TRIMBLE WORKS FOR SPRINT; SOME WITNESS FROM
6 SINGULAR; IS THAT CORRECT? WE'RE NOT SURE ABOUT WHO?

7 Ms. Campbell: IT'S THE CUSTODIAN AT SINGULAR.

8 THE COURT: IT'S THE CUSTODIAN OF RECORDS.

9 ANYBODY KNOW THE CUSTODIAN OF RECORDS FOR SINGULAR
10 WIRELESS?

11 (THERE WAS NO RESPONSE).

12 DR. ANNE VANDERSTEENHOVEN; IS THAT THE CORRECT
13 PRONUNCIATION? DR. ANNE VANDERSTEENHOVEN; LUTHERINE
14 WILLIAMS. THERE'S MS. WILLIAMS. SERGEANT CHUCK EARLES;
15 KATHLEEN CLARY; WILLIE JENNINGS; MONICA MCLAIN; MARVIN
16 FLEMING; JAMES DAVIS. THIS IS MR. DAVIS. DOLLY JAMES;
17 RHONDA UNDERHILL; ALLISON NYE; WAYNE CANNON; JAMES BYRD;
18 MERCEDES MONTALERO -- MERCEDES MONTALERO; AN EMERGENCY
19 TECHNICIAN WHOSE LAST NAME IS PAUL, LAST NAME IS PAUL. WE
20 DON'T KNOW HIS FIRST NAME. ALSO AN EMERGENCY TECHNICIAN
21 WHOSE LAST NAME IS BECKHAM, MR. BECKHAM.

22 YES, MA'AM?

23 PROSPECTIVE JUROR: I THINK I KNOW HIM. IS THAT
24 AN E.M.T.?

25 THE COURT: YES.

1 PROSPECTIVE JUROR: I'M GOOD FRIENDS WITH HIM.

2 THE COURT: WITH MR. BECKHAM OR IS IT

3 MS. BECKHAM?

4 PROSPECTIVE JUROR: MR.

5 THE COURT: AND YOUR NAME AGAIN?

6 PROSPECTIVE JUROR: 101, TAUSHA HINTZ, I'M

7 SORRY.

8 THE COURT: DOES THE FACT THAT YOU ARE FRIENDS
9 WITH MR. BECKHAM, WOULD THAT IN ANY WAY INTERFERE WITH
10 YOUR ABILITY TO GIVE BOTH THE STATE AND THE DEFENDANT A
11 FAIR AND IMPARTIAL TRIAL IN THIS CASE?

12 PROSPECTIVE JUROR: NO, YOUR HONOR.

13 THE COURT: ALL RIGHT. THANK YOU VERY MUCH,
14 MS. HINTZ.

15 DAVID GIBSON. THIS IS MR. GIBSON. WHO IS
16 MR. GIBSON EMPLOYED BY?

17 THE WITNESS: WACKENHUT.

18 THE COURT: WACKENHUT. KENNETH WHITLER; R. W.
19 LUTHER; MIKE POOLE; TINA GOFF; INVESTIGATOR RAY
20 LIVINGSTON; DAVID BELL; TIMOTHY WAGNER; JOHNNY TAYLOR;
21 INVESTIGATOR JIMMY WHITE; DUSTIN SMITH; DOROTHY
22 FILIATREAU; ROY PASCAL; DEPUTY DAVE WILSON; KATHLEEN
23 CLARY; JIM POWELL -- I ALREADY CALLED KATHLEEN CLARY. JIM
24 POWELL; JOHN EWING; JODY DAVIS; ALBERT FIORI; LIEUTENANT
25 ZANE PADGETT; INVESTIGATOR LONNIE GROSS; ED DABKOWSKI,

1 D-A-B-K-O-W-S-K-I, DABKOWSKI; ANNA ELSEY; JUDY SPELL; TED
2 POWELL; SHERIFF LEON LOTT; BEATRICE CUNNINGHAM, AN
3 EMPLOYEE AT THE ALVIN S. GLENN DETENTION CENTER; LATOYA
4 HUNTER; WILLIAM WESLEY; BILL O'NEILL. THIS IS
5 MR. O'NEILL. PAULA JONES; JOE POWELL; SANDY MURDOCK,
6 TIA -- I'M SORRY, THIS IS SANDY MURDOCK, THANK YOU. TIA
7 MURDOCK.

8 THE WITNESS: SHE IS NOT HERE TODAY.

9 THE COURT: MA'AM?

10 THE WITNESS: SHE IS NOT HERE TODAY, BUT SHE
11 WILL BE.

12 THE COURT: THANK YOU, MS. MURDOCK.
13 TYRONE HARDY.

14 THE WITNESS: HE JUST STEPPED OUT.

15 THE COURT: I'LL GET HIM WHEN HE COMES BACK. I
16 DIDN'T MEAN THAT IN A MENACING WAY.

17 JEFF MCINNIS; JERMAINE JOHNSON; CYNTHIA MCINNIS;
18 THOMAS GUY; KATHERINE RANDOLPH; BENNIE MOSS; STEVE SMITH;
19 JAMES BYRD. I MAY HAVE ALREADY CALLED -- I THINK I
20 ALREADY CALLED THAT ONE OUT. EBONY ROACH; DEBRA ROBINSON;
21 TRAVIS ROBINSON; ANDREW BARRETT; MARY BARRETT; COREY
22 BAKER; CLARENCE JOHNSON.

23 IS MR. HARDY BACK IN COURT? TYRONE HARDY. I
24 CALLED THE NAME. HE WAS HERE A MINUTE AGO. HE STEPPED
25 OUT.

1 I ASKED A MINUTE AGO ABOUT IF YOU HAD ANY
2 CONNECTION WITH DILLON OR DILLON COUNTY. LET ME ASK IF
3 ANY MEMBER OF THE JURY PANEL HAS ANY CONNECTION WITH
4 CHARLOTTE, NORTH CAROLINA, OTHER THAN BEING PANTHER'S
5 FANS, AND IF YOU'RE NOT A PANTHER'S FAN, BUT ANY MEMBER OF
6 THE JURY PANEL HAVE ANY CONNECTION WITH CHARLOTTE, EITHER
7 RELATIVES OR EMPLOYMENT OR ANYTHING OF THAT NATURE?

8 MR. MITCHELL?

9 PROSPECTIVE JUROR: YES.

10 THE COURT: WHAT IS YOUR CONNECTION?

11 PROSPECTIVE JUROR: MY IN LAWS LIVE IN
12 MECKLENBURG COUNTY, AND MY SISTER-IN-LAW AND
13 BROTHER-IN-LAW LIVE IN CABARUSS, WHICH IS ON THE OTHER
14 SIDE.

15 THE COURT: MS. WHALEY?

16 PROSPECTIVE JUROR: I HAVE A STEPDAUGHTER WHO
17 LIVES UP IN CHARLOTTE.

18 THE COURT: THANK YOU, MS. WHALEY. ANYBODY
19 ELSE?

20 I ASKED A MINUTE AGO IF ANY MEMBER OF THE JURY
21 PANEL OR ANY MEMBER OF YOUR FAMILY WAS EMPLOYED BY OR
22 CONNECTED BY BLOOD OR MARRIAGE OR ANY MEMBER OF -- I
23 BELIEVE I ASKED, ANY MEMBER OF THE STAFF OF THE FIFTH
24 JUDICIAL CIRCUIT SOLICITOR'S OFFICE. LET ME ASK THAT
25 QUESTION AGAIN BECAUSE I'M NOT SURE THAT I DID ASK IT.

1 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
2 CONNECTED BY MARRIAGE OR A CLOSE PERSONAL FRIEND OF ANY
3 MEMBER OF THE FIFTH JUDICIAL CIRCUIT SOLICITOR'S OFFICE?
4 IF SO PLEASE STAND.

5 (THERE WAS NO RESPONSE).

6 ANY MEMBER OF THE JURY PANEL OR ANY MEMBER OF
7 YOUR FAMILY WORK FOR DEFENSE LAWYERS? ANYBODY WHO WORKS
8 FOR AN ATTORNEY THAT WORKS IN THE DEFENSE OF CRIMINAL
9 CASES OR PERHAPS WORKED FOR THE PUBLIC DEFENDER'S OFFICE
10 OF RICHLAND COUNTY, ANYTHING LIKE THAT WHERE YOU MAY
11 HAVE -- MAY COME IN CONTACT WITH ANY ATTORNEYS THAT WORKS
12 EITHER IN THE SOLICITOR'S OFFICE OR THE PUBLIC DEFENDER'S
13 OFFICE? ANY MEMBER OF THE JURY PANEL HAVE ANY FRIENDS OR
14 RELATIVES -- MS. HINTZ.

15 PROSPECTIVE JUROR: OUT OF STATE.

16 THE COURT: OUT OF STATE?

17 PROSPECTIVE JUROR: MY MOTHER WORKS FOR THE
18 STATE'S ATTORNEY.

19 THE COURT: IN ILLINOIS.

20 PROSPECTIVE JUROR: IN ILLINOIS.

21 THE COURT: THANK YOU, MS. HINTZ. DO YOU
22 PRONOUNCE IT HINTZ OR "HINTS"?

23 PROSPECTIVE JUROR: HINTZ.

24 THE COURT: THANK YOU, MS. HINTZ.

25 ALL RIGHT, COUNSEL. ANYTHING FURTHER FROM THE

1 STATE?

2 Ms. Campbell: YES, YOUR HONOR.

3 THE COURT: APPROACH THE BENCH.

4 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
5 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
6 JURY).

7 THE COURT: ANYTHING ELSE?

8 Ms. Campbell: NO, SIR.

9 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN, I
10 DID ASK THE QUESTION IF ANY MEMBER OF THE JURY PANEL HAD
11 BEEN THE VICTIM OF A VIOLENT CRIME. I NEED TO ASK IF ANY
12 MEMBER OF THE JURY PANEL OR ANY MEMBER OF YOUR FAMILY HAS
13 EVER BEEN ACCUSED OF COMMITTING A VIOLENT CRIME? LET ME
14 JUST -- LET ME GET YOUR NAME.

15 PROSPECTIVE JUROR: NO. 183.

16 THE COURT: MR. GRESHAM.

17 PROSPECTIVE JUROR: GRESHAM.

18 THE COURT: LIKE THE AUTHOR, LIKE JOHN GRESHAM?

19 PROSPECTIVE JUROR: THAT'S RIGHT.

20 THE COURT: YES, MA'AM.

21 PROSPECTIVE JUROR: CHRIS-ANNA WILSON.

22 THE COURT: MS. WILSON, AND WHAT'S YOUR NUMBER,
23 PLEASE, MS. WILSON?

24 PROSPECTIVE JUROR: I THINK IT'S 247.

25 THE COURT: 247, YES, MA'AM, MS. WILSON.

1 PROSPECTIVE JUROR: 230, MARGARET VALENTINE.

2 THE COURT: MS. VALENTINE, ALL RIGHT. LET ME
3 SPEAK TO YOU INDIVIDUALLY, MR. GRESHAM, AND MS. RUSSELL,
4 OR MS. VALENTINE.

5 PROSPECTIVE JUROR: ACTUALLY, I'VE ALREADY TOLD
6 YOU THAT.

7 THE COURT: YOU ALREADY DISCLOSED THAT, YES,
8 MA'AM.

9 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
10 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
11 JURY).

12 THE COURT: MS. WILSON?

13 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
14 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
15 JURY).

16 THE COURT: MR. GRESHAM, LET ME SPEAK TO YOU.

17 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
18 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
19 JURY).

20 PROSPECTIVE JUROR: DOROTHY BOYD.

21 THE COURT: COME UP MS. BOYD. YOU HAVE
22 SOMETHING YOU WANT TO TELL ME?

23 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
24 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
25 JURY).

1 THE COURT: ALL RIGHT. MS. BOYD, MS. VALENTINE
2 AND MS. WILLIAMS, LET ME JUST FOR THE RECORD, LET ME
3 ASK -- JUST STAND, PLEASE. LET ME ASK EACH OF YOU, WOULD
4 THE FACTS THAT YOU HAVE IMPARTED TO THE COURT IN ANY WAY
5 INTERFERE IN YOUR ABILITY TO GIVE BOTH THE STATE AND THE
6 DEFENDANT A FAIR AND IMPARTIAL TRIAL IN THIS CASE,
7 MS. BOYD?

8 PROSPECTIVE JUROR: NO, YOUR HONOR.

9 THE COURT: MA'AM?

10 PROSPECTIVE JUROR: NO, YOUR HONOR.

11 THE COURT: OKAY. MS. WILSON?

12 PROSPECTIVE JUROR: NO, SIR.

13 THE COURT: MS. VALENTINE?

14 PROSPECTIVE JUROR: NO, SIR.

15 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

16 ALL RIGHT, COUNSEL. ANYTHING FURTHER FROM THE
17 STATE?

18 Ms. Campbell: NO, SIR.

19 THE COURT: ANYTHING FROM THE DEFENDANT?

20 Mr. Strickler: NO, SIR.

21 THE COURT: ALL RIGHT, SIR. GIVE US A JURY,
22 PLEASE.

23 THE CLERK: YES, SIR.

24 LADIES AND GENTLEMEN OF THE JURY, IF I SHOULD
25 CALL OUT YOUR NAME, PLEASE COME FORWARD TO THIS MICROPHONE

1 STANDING HERE TO MY RIGHT. STATE YOUR NAME AND OCCUPATION
2 AND REMAIN STANDING THERE UNTIL I GIVE YOU FURTHER
3 INSTRUCTIONS. IF YOU HAVE ANY BOOKS, COATS, UMBRELLAS, ET
4 CETERA, BRING THOSE WITH YOU IF I CALL OUT YOUR NAME.

5 113, JANICE JAMISON, 113..

6 PROSPECTIVE JUROR: MY NAME IS JANICE JAMISON,
7 EMPLOYED WITH TIME WARNER CABLE.

8 THE CLERK: THANK YOU. STAND RIGHT THERE.
9 WHAT SAYS THE STATE?

10 Ms. Campbell: PLEASE PRESENT MS. JAMISON.

11 THE CLERK: WHAT SAYS THE DEFENSE?

12 Mr. Strickler: PLEASE SWEAR MS. JAMISON.

13 THE CLERK: MA'AM, IF YOU WOULD, PLEASE HAVE A
14 SEAT OVER HERE AT THE JURY BOX AS DIRECTED BY THAT
15 BAILIFF.

16 THE BAILIFF: WATCH YOUR STEP FOR ME, PLEASE.

17 THE CLERK: 185, PAUL PRINGLE, 185.

18 PROSPECTIVE JUROR: MY NAME IS PAUL PRINGLE
19 EMPLOYED BY AXIOM (PHONETIC) INCORPORATED.

20 THE CLERK: WHAT SAYS THE STATE?

21 Ms. Campbell: PLEASE PRESENT MR. PRINGLE.

22 THE CLERK: WHAT SAYS THE DEFENSE?

23 Mr. Strickler: PLEASE SWEAR MR. PRINGLE.

24 THE CLERK: SIR, PLEASE HAVE A SEAT OVER HERE IN
25 THE JURY BOX.

1 THE BAILIFF: WATCH YOUR STEP FOR ME, PLEASE.

2 THE CLERK: 230, MARGARET VALENTINE, 230.

3 PROSPECTIVE JUROR: MARGARET VALENTINE,
4 HEALTHCARE FINANCE, BLUE CROSS BLUE SHIELD OF SOUTH
5 CAROLINA.

6 THE CLERK: WHAT SAYS THE STATE?

7 Ms. Campbell: PLEASE PRESENT MS. VALENTINE.

8 THE CLERK: WHAT SAYS THE DEFENSE?

9 Mr. Strickler: PLEASE EXCUSE MS. VALENTINE FROM
10 THE TRIAL OF THIS CASE.

11 THE CLERK: MA'AM, IF YOU WOULD, PLEASE RETURN
12 TO THE BACK OF THE COURTROOM WHERE YOU SEE THAT BAILIFF
13 STANDING.

14 FIFTY-THREE, JOHN CRANE, 53.

15 PROSPECTIVE JUROR: JOHN CRANE, EMPLOYED BY THE
16 SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES.

17 THE CLERK: WHAT SAYS THE STATE?

18 Ms. Campbell: PLEASE PRESENT MR. CRANE.

19 THE CLERK: WHAT SAYS THE DEFENSE?

20 Mr. Strickler: PLEASE SWEAR MR. CRANE.

21 THE CLERK: SIR, PLEASE HAVE A SEAT OVER HERE IN
22 THE JURY BOX.

23 THE BAILIFF: WATCH YOUR STEP FOR ME, PLEASE.

24 NUMBER 104, ELIZABETH, IS IT HOUCK?

25 THE COURT: HOUCK.

1 THE CLERK: HOUCK, 104.

2 PROSPECTIVE JUROR: ELIZABETH HOUCK. I'M A
3 FIFTH GRADE TEACHER, LEXINGTON SCHOOL DISTRICT ONE.

4 THE CLERK: WHAT SAYS THE STATE?

5 Ms. Campbell: PLEASE PRESENT MS. HOUCK.

6 THE CLERK: WHAT SAYS THE DEFENSE?

7 Mr. Strickler: PLEASE SWEAR MS. HOUCK..

8 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY
9 BOX.

10 The Bailiff: WATCH YOUR STEP FOR ME, PLEASE.

11 THE CLERK: THIRTY-FIVE, CHRISTOPHER BROWN, 35.

12 PROSPECTIVE JUROR: CHRISTOPHER BROWN. I WORK
13 FOR CHASE BUILDERS OF COLUMBIA.

14 THE CLERK: WHAT SAYS THE STATE?

15 Ms. Campbell: PLEASE PRESENT MR. BROWN.

16 THE CLERK: WHAT SAYS THE DEFENSE?

17 Mr. Strickler: PLEASE EXCUSE MR. BROWN FROM THE
18 TRIAL OF THIS CASE.

19 THE CLERK: SIR, PLEASE RETURN TO THE BACK OF
20 THE COURTROOM WHERE YOU SEE THAT BAILIFF.

21 218 LATRICIA TALPS, T-A-L-P-S, 218.

22 PROSPECTIVE JUROR: LATRICIA TALPS, TEACHER,
23 RICHLAND DISTRICT ONE.

24 THE CLERK: WHAT SAYS THE STATE?

25 Ms. Campbell: PLEASE PRESENT MS. TALPS.

1 THE CLERK: WHAT SAYS THE DEFENSE?

2 Mr. Strickler: PLEASE SWEAR MS. TALPS.

3 THE CLERK: PLEASE HAVE A SEAT THERE IN THE JURY
4 BOX, MA'AM.

5 THE BAILIFF: WATCH YOUR STEP FOR ME, PLEASE.

6 THE CLERK: 196, MARTHA ROGERS, 196.

7 PROSPECTIVE JUROR: MARTHA ROGERS, SMITH
8 PRINTING, CUSTOMER SERVICE REPRESENTATIVE.

9 THE CLERK: WHAT SAYS THE STATE?

10 Ms. Campbell: PLEASE PRESENT MS. ROGERS.

11 THE CLERK: WHAT SAYS THE DEFENSE?

12 Mr. Strickler: PLEASE EXCUSE MS. ROGERS FROM
13 THE TRIAL OF THIS CASE.

14 THE CLERK: PLEASE RETURN TO THE BACK OF THE
15 COURTROOM THERE WHERE YOU SEE THE BAILIFF.

16 247, CHRIS-ANNA WILSON, 247.

17 PROSPECTIVE JUROR: MY NAME IS CHRIS-ANNA
18 WILSON. I'M NOT EMPLOYED RIGHT NOW.

19 THE CLERK: WHAT SAYS THE STATE?

20 Ms. Campbell: PLEASE EXCUSE MS. WILSON.

21 THE CLERK: PLEASE RETURN TO THE BACK OF THE
22 COURTROOM THERE WHERE YOU SEE THE BAILIFF.

23 THE BAILIFF: MA'AM, GO TO THE BACK THAT WAY.

24 THE CLERK: 101, TAUSHA HINTZ, 101.

25 PROSPECTIVE JUROR: TAUSHA HINTZ. I'M EMPLOYED

1 BY PROVIDENCE HOSPITAL.

2 THE CLERK: WHAT SAYS THE STATE?

3 Ms. Campbell: PLEASE PRESENT MS. HINTZ.

4 THE CLERK: WHAT SAYS THE DEFENSE?

5 Mr. Strickler: PLEASE EXCUSE MS. HINTZ FROM THE
6 TRIAL OF THIS CASE.

7 THE CLERK: PLEASE RETURN TO THE BACK OF THE
8 COURTROOM.

9 110, BRUCE JACOBS, 110.

10 PROSPECTIVE JUROR: MY NAME IS BRUCE JACOBS,
11 ELECTRICIAN BY TRADE BUT I'M CURRENTLY NOT EMPLOYED.

12 THE CLERK: WHAT SAYS THE STATE?

13 Ms. Campbell: PLEASE EXCUSE MR. JACOBS.

14 THE CLERK: SIR, PLEASE RETURN TO THE BACK OF
15 THE COURTROOM THERE WHERE YOU SEE THE BAILIFF.

16 FORTY-ONE, JANET CALDWELL, 41.

17 PROSPECTIVE JUROR: JANET CALDWELL, EMPLOYED BY
18 BANK OF AMERICA.

19 THE CLERK: WHAT SAYS THE STATE?

20 Ms. Campbell: PLEASE PRESENT MS. CALDWELL.

21 THE CLERK: WHAT SAYS THE DEFENSE?

22 Mr. Strickler: PLEASE SWEAR MS. CALDWELL.

23 THE CLERK: HAVE A SEAT IN THE JURY BOX, MA'AM.
24 NINETY, CASEY HAMMETT, 90.

25 PROSPECTIVE JUROR: CASEY HAMMETT, GARDEN

1 DESIGNER.

2 THE CLERK: WHAT SAYS THE STATE?

3 Ms. Campbell: PLEASE EXCUSE MR. HAMMETT.

4 THE CLERK: SIR, PLEASE RETURN TO THE BACK OF
5 THE COURTROOM WHERE YOU SEE THE BAILIFF.

6 KEVIN O'TOOLE, 175.

7 PROSPECTIVE JUROR: KEVIN O'TOOLE, SELF-EMPLOYED
8 LOCKSMITH.

9 THE CLERK: WHAT SAYS THE STATE?

10 Ms. Campbell: PLEASE PRESENT MR. O'TOOLE.

11 THE CLERK: WHAT SAYS THE DEFENSE?

12 Mr. Strickler: PLEASE SWEAR MR. O'TOOLE.

13 THE CLERK: HAVE A SEAT HERE IN THE JURY BOX.
14 258, LAURETHA WHALEY.

15 PROSPECTIVE JUROR: LAURETHA WHALEY, DIRECTOR OF
16 COMMUNITY OPERATIONS IN THE SCHOOLS.

17 THE CLERK: WHAT SAYS THE STATE?

18 Ms. Campbell: PLEASE PRESENT MS. WHALEY.

19 THE CLERK: WHAT SAYS THE DEFENSE?

20 Mr. Strickler: PLEASE SWEAR MS. WHALEY.

21 THE CLERK: PLEASE HAVE A SEAT IN THE JURY BOX.
22 NINETY-FIVE, CAROLYN HARRISON.

23 The Bailiff: WATCH YOUR STEP FOR ME, PLEASE.

24 PROSPECTIVE JUROR: MY NAME IS CAROLYN HARRISON.
25 I WORK FOR BAPTIST HOSPITAL.

1 THE CLERK: WHAT SAYS THE STATE?

2 Ms. Campbell: PLEASE PRESENT MS. HARRISON.

3 THE CLERK: WHAT SAYS THE DEFENSE?

4 Mr. Strickler: PLEASE SWEAR MS. HARRISON.

5 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY
6 BOX, MA'AM.

7 EIGHTY, TRACY GILMORE.

8 PROSPECTIVE JUROR: MY NAME IS TRACY GILMORE.
9 I'M AN EMPLOYEE OF MODINE MANUFACTURING.

10 THE CLERK: WHAT SAYS THE STATE?

11 Ms. Campbell: PLEASE PRESENT MR. GILMORE.

12 THE CLERK: WHAT SAYS THE DEFENSE?

13 Mr. Strickler: PLEASE SWEAR MR. GILMORE.

14 THE CLERK: HAVE A SEAT IN THE JURY BOX, SIR.

15 The Bailiff: WATCH YOUR STEP.

16 201, JOSEPH SCOTT, 201.

17 PROSPECTIVE JUROR: I'M JOSEPH SCOTT, AND I'M A
18 TEACHER'S AIDE AT V.V. REID.

19 THE CLERK: WHAT SAYS THE STATE?

20 Ms. Campbell: PLEASE PRESENT MR. SCOTT.

21 THE CLERK: WHAT SAYS THE DEFENSE?

22 Mr. Strickler: PLEASE SWEAR MR. SCOTT.

23 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY
24 BOX, SIR.

25 The Bailiff: WATCH YOUR STEP FOR ME.

1 THE CLERK: 198, ROBERT ROOF, 198.

2 PROSPECTIVE JUROR: ROBERT ROOF, GENERAL
3 CONTRACTOR.

4 THE CLERK: WHAT SAYS THE STATE?

5 Ms. Campbell: PLEASE PRESENT MR. ROOF.

6 THE CLERK: WHAT SAYS THE DEFENSE?

7 Mr. Strickler: PLEASE EXCUSE MR. ROOF FROM THE
8 TRIAL OF THIS CASE.

9 THE CLERK: PLEASE RETURN TO THE BACK OF THE
10 COURTROOM, SIR, WHERE YOU SEE THE BAILIFF.

11 203, JONI SEALY, 203.

12 PROSPECTIVE JUROR: I AM JONI SEALY, AND I AM A
13 HOMEMAKER.

14 THE CLERK: WHAT SAYS THE STATE?

15 Ms. Campbell: PLEASE PRESENT MS. SEALY.

16 THE CLERK: WHAT SAYS THE DEFENSE?

17 Mr. Strickler: PLEASE EXCUSE MS. SEALY FROM THE
18 TRIAL OF THIS CASE.

19 THE CLERK: PLEASE RETURN TO THE BACK OF THE
20 COURTROOM WHERE YOU SEE THE BAILIFF.

21 223, LEON TEMPLES, 223.

22 PROSPECTIVE JUROR: LEON TEMPLES, RETIRED, STATE
23 FARM.

24 THE CLERK: WHAT SAYS THE STATE?

25 Ms. Campbell: PLEASE PRESENT MR. TEMPLES.

1 THE CLERK: WHAT SAYS THE DEFENSE?

2 Mr. Strickler: PLEASE SEAT THE JUROR.

3 THE CLERK: HAVE A SEAT IN THE JURY BOX.

4 THE COURT: TWO ALTERNATES.

5 THE CLERK: YES, SIR, YOUR HONOR.

6 162, BRIAN MITCHELL, 162.

7 PROSPECTIVE JUROR: BRIAN MITCHELL, EMPLOYED BY
8 N.C.R. CORPORATION.

9 THE CLERK: WHAT SAYS THE STATE?

10 Ms. Campbell: PLEASE PRESENT MR. MITCHELL.

11 THE CLERK: WHAT SAYS THE DEFENSE?

12 Mr. Strickler: PLEASE EXCUSE MR. MITCHELL FROM
13 THE TRIAL OF THIS CASE.

14 THE CLERK: PLEASE RETURN TO THE BACK OF THE
15 COURTROOM, SIR, WHERE YOU SEE THE BAILIFF.

16 125, BOBBI KENNEDY, 125.

17 PROSPECTIVE JUROR: BOBBI KENNEDY, SOUTH
18 CAROLINA E.T.V.

19 THE CLERK: WHAT SAYS THE STATE?

20 Ms. Campbell: PLEASE PRESENT MS. KENNEDY.

21 THE CLERK: WHAT SAYS THE DEFENSE?

22 Mr. Strickler: PLEASE SWEAR MS. KENNEDY.

23 THE CLERK: PLEASE HAVE A SEAT THERE IN THE JURY
24 BOX.

25 213, JAMES SPEAKS, 213.

1 PROSPECTIVE JUROR: I'M 212.

2 THE CLERK: IT'S NO BIG DEAL.

3 PROSPECTIVE JUROR: KEVIN SPEAKS. I WORK FOR
4 RICHLAND COUNTY SCHOOL DISTRICT ONE AS A RESOURCE
5 INSTRUCTOR.

6 THE CLERK: WHAT SAYS THE STATE?

7 Ms. Campbell: PLEASE EXCUSE MR. SPEAKS.

8 THE CLERK: PLEASE RETURN TO THE BACK OF THE
9 COURTROOM, SIR, WHERE YOU SEE THE BAILIFF.

10 TWENTY-FOUR, DOROTHY BOYD, 24.

11 PROSPECTIVE JUROR: DOROTHY BOYD. I'M A
12 TEACHER'S ASSISTANT FOR RICHLAND DISTRICT TWO.

13 THE CLERK: WHAT SAYS THE STATE?

14 Ms. Campbell: PLEASE PRESENT MS. BOYD.

15 THE CLERK: WHAT SAYS THE DEFENSE?

16 Mr. Strickler: PLEASE SWEAR MS. BOYD.

17 THE CLERK: PLEASE HAVE A SEAT THERE IN THE JURY
18 BOX, MA'AM.

19 THE COURT: ALL RIGHT, COUNSEL. ANY OBJECTION
20 TO THE JURY SELECTION PROCESS FROM THE STATE?

21 Ms. Campbell: NONE FROM THE STATE, YOUR HONOR.

22 THE COURT: FROM THE DEFENSE?

23 Mr. Strickler: BEG THE COURT'S INDULGENCE, YOUR
24 HONOR.

25 THE COURT: CERTAINLY.

1 (PAUSE).

2 Mr. Strickler: NO, SIR, THANK YOU.

3 THE COURT: THANK YOU VERY MUCH.

4 Mr. Strickler: YES, SIR.

5 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN OF
6 THE JURY PANEL WHO WERE NOT SELECTED ON THIS CASE -- I'M
7 GOING TO LET THEM GO EAT?

8 THE CLERK: YES, SIR.

9 THE COURT: WE'RE GOING TO MISS YOU. SERIOUSLY,
10 I WANT TO THANK ALL OF YOU FOR COMING AND BEING WILLING TO
11 SIT IN THIS TRIAL. OBVIOUSLY, YOU WEREN'T SELECTED AS
12 PART OF THE JURY SELECTION PROCESS.

13 THERE MAY BE OTHER WORK FOR YOU TO DO THIS WEEK,
14 HOWEVER. I'M GOING TO ASK YOU TO REPORT TO THE JURY
15 ASSEMBLY ROOM.

16 DO YOU WANT THEM TO GO BACK BY THERE NOW?

17 THE CLERK: NO, SIR.

18 THE COURT: WHAT TIME SHOULD THEY COME BACK?

19 (PAUSE).

20 ALL RIGHT. I'M TOLD BY THE CLERK THAT THERE IS
21 ANOTHER JURY THAT NEEDS TO BE SELECTED THIS AFTERNOON, SO
22 I'M GOING TO ASK YOU TO BE BACK IN THE JURY ASSEMBLY ROOM
23 AT -- CAN YOU MAKE IT BY 3:30, ABOUT AN HOUR? ANYBODY
24 THAT CAN'T MAKE IT BACK? I WOULD ASK YOU TO BE BACK IN
25 THE JURY ASSEMBLY ROOM BY 3:30 FOR FURTHER INSTRUCTIONS.

1 THANK YOU VERY MUCH FOR COMING.

2 (WHEREUPON, THE UNSELECTED MEMBERS OF THE JURY
3 PANEL LEFT THE COURTROOM.)

4 THE COURT: COUNSEL, LET ME SEE YOU FOR A
5 MINUTE. LET'S TALK ABOUT SCHEDULING.

6 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
7 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
8 JURY).

9 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN OF
10 THE JURY, JUST CONSULTING WITH THE ATTORNEYS ABOUT
11 SCHEDULING MATTERS, AS I SAID EARLIER IN MY OPENING
12 REMARKS, THE TRIAL WAS GOING TO BE FAIRLY LENGTHY BUT
13 EVERYBODY SEEMS TO THINK WE CAN COMPLETE IT DURING THE
14 WEEK. I'M RELYING ON WHAT THE ATTORNEYS ARE TELLING ME
15 NOW, BECAUSE I DON'T KNOW MUCH MORE ABOUT THE CASE THAN
16 YOU DO OTHER THAN THE FACT I'VE SEEN THE INDICTMENTS. YOU
17 HAVEN'T SEEN THE INDICTMENTS.

18 IF WE TAKE A LUNCH BREAK NOW, I WOULDN'T ASK YOU
19 TO COME BACK BEFORE AT LEAST AN HOUR. I THINK IT'S FAIR
20 TO LET JURORS -- IF I WANT AN HOUR FOR LUNCH, I THINK IT'S
21 FAIR FOR YOU TO HAVE AN HOUR FOR LUNCH. RATHER THAN ASK
22 YOU TO COME BACK IN AT 4 O'CLOCK AND START THE TRIAL AT
23 THAT TIME, I THINK THE MOST EFFICIENT USE OF OUR TIME, YOU
24 HAVE BEEN HERE ALL DAY. YOU HAVE BEEN SITTING AROUND MOST
25 OF THE DAY.

1 WE NOW HAVE THE JURY. WE'RE READY TO GO.
2 COUNSEL TELLS ME IF WE COME BACK AT 9 O'CLOCK, THEY'LL BE
3 READY TO MOVE RIGHT INTO THE CASE.

4 SOME OF THE WITNESSES THAT YOU SAW, WHEN I
5 CALLED THEIR NAMES ARE NOT HERE TODAY BECAUSE THEY MAY NOT
6 BE THE FIRST WITNESSES THAT ARE GOING TO BE CALLED.

7 I'M GOING TO ASK YOU TO BE BACK AT YOUR JURY
8 ROOM AT 9 O'CLOCK IN THE MORNING. NOW, THE BAILIFFS WILL
9 TAKE YOU BACK TO YOUR JURY ROOM. WHEN YOU COME BACK IN
10 THE MORNING, I'M GOING TO ASK YOU TO COME BACK UPSTAIRS
11 HERE TO THE JURY ROOM THAT'S BEEN ASSIGNED TO YOU, FOR
12 YOU, AND NOT TO GO BACK TO THE JURY ASSEMBLY ROOM. IF YOU
13 GO BACK DOWN THERE, WE'LL GO LOOKING FOR YOU.

14 WE'LL NEED ALL 14 OF YOU HERE, AND THE LAST TWO,
15 MS. BOYD AND MS. KENNEDY, YOU ARE TO SERVE AS ALTERNATES
16 IN THIS CASE. BECAUSE IT WILL RUN THE ENTIRE WEEK, AND
17 SOMETIMES WE DO HAVE PROBLEMS DURING THE WEEK, ALTERNATE
18 JURORS HAVE TO BE SEATED.

19 I'M GOING TO ASK ALL OF YOU TO BE BACK IN THE
20 JURY ROOM PROMPTLY AT 9 O'CLOCK. REMEMBER, IF YOU'RE
21 LATE, YOU'RE HOLDING UP A LOT OF PEOPLE. I'M GOING TO ASK
22 YOU TO BE PROMPT AND NOT CAUSE ANY FURTHER DELAY IN THE
23 CASE.

24 I'M GOING TO ASK YOU TO DO TWO THINGS WHEN YOU
25 GET BACK TO THE JURY ROOM: DON'T DISCUSS THIS CASE AMONG

1 YOURSELVES. I'M GOING TO ASK YOU NOT TO DISCUSS IT WITH
2 ANYONE OVER THE EVENING HOURS BECAUSE YOU HAVEN'T HEARD
3 ANYTHING ABOUT THE CASE OTHER THAN WHAT YOU'VE JUST
4 BRIEFLY BEEN GIVEN A GLIMPSE OF AT THIS POINT.

5 I'M ALSO GOING TO ASK YOU TO SELECT ONE OF YOUR
6 MEMBERS, ONE OF YOUR MEMBERS, TO SERVE AS FOREPERSON OF
7 THE JURY. THAT PERSON WILL OCCUPY THE SEAT THAT THE LADY
8 IN THE FRONT ROW WITH THE BLACK AND WHITE DRESS OCCUPIES
9 NOW. THE FOREMAN WILL OCCUPY THAT SEAT THROUGHOUT THE
10 TRIAL. THE REST OF THE CHAIRS DON'T HAVE ANY NAMES ON
11 THEM, SO YOU CAN SIT WHEREVER YOU ARE MOST COMFORTABLE.

12 THE FOREPERSON OF THE JURY WILL MAINTAIN THAT
13 SEAT THROUGHOUT THE TRIAL. THE FOREPERSON WILL BASICALLY
14 PRESIDE IN THE JURY ROOM, BE THE ONE TO COMMUNICATE WITH
15 THE COURT IF THAT'S NECESSARY ON BEHALF OF THE JURY AND TO
16 EVENTUALLY WRITE THE VERDICT, IF THAT BECOMES NECESSARY AT
17 THE END OF THE TRIAL.

18 SO IT'S -- I ALWAYS TELL JURORS THAT THE
19 FOREPERSON DOESN'T GET PAID ANYMORE THAN ANYBODY ELSE.
20 IT'S JUST A GREAT HONOR, BUT IF YOU WILL DO THAT, IF YOU
21 WILL SELECT ONE OF YOUR FELLOW JURORS, THE TWO ALTERNATES
22 COULD NOT BE THE FOREPERSON, TO SERVE AS THE FOREPERSON OF
23 THE JURY.

24 THE FIRST THING WHEN YOU GET THERE IN THE
25 MORNING, I'D APPRECIATE IT, LET THE BAILIFF KNOW WHO YOUR

1 FOREPERSON IS.

2 THE BAILIFFS ARE GOING TO SHOW YOU NOW WHERE
3 YOUR JURY ROOM IS. HAVE A PLEASANT EVENING. WE'LL SEE
4 YOU. BE READY TO GO AT 9 O'CLOCK IN THE MORNING. THANK
5 YOU VERY MUCH.

6 (WHEREUPON, THE JURY LEFT OPEN COURT AT
7 APPROXIMATELY 2:50 P.M.)

8 THE COURT: ALL RIGHT COUNSEL, ANYTHING FURTHER
9 THIS AFTERNOON?

10 Ms. Campbell: NO, SIR.

11 THE COURT: ALL RIGHT. ARE WE READY TO GO AT
12 9 O'CLOCK?

13 Ms. Campbell: YES, SIR.

14 Mr. Strickler: BRIEFLY IF I COULD, PLEASE.

15 THE COURT: JUST HAVE A SEAT, PLEASE. WE'RE NOT
16 ADJOURNED.

17 MR. STRICKLER.

18 Mr. Strickler: TWO OF WHICH RELATE BACK TO THE
19 PROCEEDINGS LAST TIME THE CASE WAS ACTUALLY CALLED, AND
20 THAT IS TO ONCE AGAIN, WE HAD MOVED FOR SEQUESTRATION OF
21 THE WITNESSES AT THAT TIME. YOU HAD GRANTED THAT MOTION
22 AS TO THE LAY WITNESSES IN THIS CASE, TO INCLUDE
23 MS. CASEY, AND I JUST -- THE MOTION IS STILL IN EFFECT.
24 THEY'VE BEEN IN HERE SO FAR. I HAVEN'T HAD ANY PROBLEM
25 WITH IT SO FAR.

1 THE COURT: ALL RIGHT.

2 Mr. Strickler: THE SECOND THING IN RELATION
3 DIRECTLY TO THAT, ONE OF THE PEOPLE LISTED ON THE STATE'S
4 WITNESS LIST THIS WEEK WAS LUTHERINE WILLIAMS. SHE WAS
5 EXCLUDED FROM THIS TRIAL AT THE LAST HEARING BASED ON
6 VIOLATION OF THE SEQUESTRATION ORDER DURING OUR IN CAMERA
7 HEARINGS.

8 THE COURT: I'M SORRY. I JUST DON'T HAVE A
9 CLEAR MEMORY OF THAT, MR. STRICKLER.

10 Mr. Strickler: YES.

11 THE COURT: SHE SAT IN DURING THE MOTIONS
12 HEARINGS?

13 Mr. Strickler: YES, SIR.

14 THE COURT: WELL, LET'S FIND OUT WHO SHE IS.

15 Mr. Strickler: THIS IS --

16 Ms. Campbell: MS. WILLIAMS IS HERE, YOUR HONOR.
17 I BELIEVE YOU DID EXCLUDE HER AT THAT POINT IN THE CASE IN
18 CHIEF.

19 THE COURT: MR. STRICKLER IS CORRECT?

20 Ms. Campbell: I DON'T KNOW IF YOU MADE THE
21 RULING OR NOT. DOES HE HAVE A TRANSCRIPT? IS IT IN THE
22 TRANSCRIPT?

23 THE COURT: HE DOES.

24 Ms. Campbell: IF HE HAS A TRANSCRIPT, I CAN
25 JUST LOOK AT IT AND CONFIRM IT. I DO REMEMBER THERE BEING

1 A DISCUSSION ABOUT LUTHERINE; YES, SIR, THAT WAS
2 DISCUSSED.

3 Mr. Strickler: AS AN OFFICER OF THIS COURT, YOU
4 DID EXCLUDE IT, YOUR HONOR.

5 Ms. Campbell: YOUR HONOR.

6 THE COURT: FROM THE TRIAL OF THIS CASE?

7 Mr. Strickler: YES, SIR.

8 THE COURT: ALL RIGHT.

9 Ms. Campbell: AND THE SAME VEIN, MS. MURDOCK IS
10 HERE I BELIEVE, I DON'T KNOW IF I'M SAYING HER NAME
11 CORRECTLY. WE'D ASK THAT IT BE MADE RECIPROCAL AS TO
12 THEIR LAY WITNESSES.

13 THE COURT: YES.

14 Mr. Strickler: I UNDERSTAND THAT'S ALWAYS AN
15 ISSUE.

16 Ms. Campbell: I BELIEVE THERE ARE SEVERAL OTHER
17 WITNESSES HERE ALSO.

18 THE COURT: YES. ALL RIGHT. WITH THE EXCEPTION
19 OF --

20 Ms. Campbell: AND I BELIEVE MS. MURDOCK WAS
21 PRESENT IN THE COURTROOM DURING THE PRETRIAL ALSO.

22 THE COURT: I DON'T KNOW. SHE SAYS SHE WAS NOT.
23 SHE IS SHAKING HER HEAD IN THE NEGATIVE.

24 THE WITNESS: WE CAME INTO THE ROOM, BUT WE WERE
25 ASKED TO LEAVE.

1 THE COURT: OKAY. THANK YOU, MS. MURDOCK.

2 NOW, WITH THE EXCEPTION OF --

3 Ms. Campbell: MS. WILLIAMS IN OUR CASE IN
4 CHIEF, I BELIEVE. IF I CAN JUST CONFIRM THAT WITH THE
5 TRANSCRIPT.

6 Mr. Strickler: I DON'T KNOW IF IT'S IN THE
7 TRANSCRIPT OR NOT.

8 Ms. Campbell: IF IT'S NOT --

9 THE COURT: WHO DOES THE STATE WANT TO STAY IN
10 THE ROOM THAT IS NOT SEQUESTERED?

11 Ms. Campbell: THAT WOULD BE THE EXPERT
12 WITNESSES AND THE INVESTIGATORS, AND THEN ONCE THEY
13 TESTIFY, OF COURSE, YOUR HONOR, THEY'RE ABLE TO STAY IN.

14 THE COURT: NOW, WAIT A MINUTE.

15 Ms. Campbell: LAY WITNESSES.

16 THE COURT: WHO DOES THE STATE WISH TO STAY IN
17 THE COURTROOM DURING THE TRIAL OF THE CASE BEFORE THEY
18 TESTIFY?

19 Ms. Campbell: ANY AND ALL -- AND I BELIEVE YOU
20 RULED BEFORE, YOUR HONOR, THAT ANY NONLAY WITNESS CAN STAY
21 IN.

22 THE COURT: IS THAT CORRECT, MR. STRICKLER?

23 Mr. Strickler: AND WE HAVE NO PROBLEM WITH --

24 THE COURT: NONLAY WITNESSES.

25 Mr. Strickler: YES, SIR.

1 THE COURT: IT'S A FAIRLY EXTENSIVE LIST.

2 Mr. Strickler: I UNDERSTAND. THERE ARE A
3 NUMBER OF POLICE OFFICERS, A NUMBER OF EXPERT WITNESSES.
4 I DON'T HAVE ANY PROBLEM WITH THAT.

5 THE COURT: OKAY.

6 Ms. Campbell: AND OTHER THAN THAT, YOUR HONOR,
7 I BELIEVE THAT MS. CONSUELO CASEY WOULD BE CONSIDERED THE
8 VICTIM IN THE CASE. HER HUSBAND WAS SHOT.

9 Mr. Strickler: AND I BELIEVE --

10 Ms. Campbell: UNDER THE VICTIM'S RIGHTS BILL,
11 SHE HAS A RIGHT TO STAY.

12 Mr. Strickler: I BELIEVE WE ADDRESSED THIS AT
13 THE LAST HEARING, AND I BELIEVE SHE WAS SUBJECT TO
14 SEQUESTRATION. I'LL HAVE TO HAVE IT POINTED OUT TO ME IF
15 THERE'S SOME LEGAL BASIS.

16 THE COURT: MY NOTES SAY SHE WAS SEQUESTERED
17 UNTIL SHE TESTIFIES, FROM THE LAST HEARING.

18 Ms. Campbell: OKAY. SO THE VICTIM IS EXCLUDED
19 UNTIL SHE TESTIFIES?

20 THE COURT: YES.

21 Ms. Campbell: I JUST WANTED TO CLARIFY THE
22 RECORD.

23 THE COURT: OKAY. YES.

24 Ms. Campbell: AS FAR AS MS. WILLIAMS, YOUR
25 HONOR, I BELIEVE SHE SAT IN FOR PART OF ONE OF THE

1 HEARINGS. I BELIEVE YOU TOOK THAT UNDER ADVISEMENT AS FAR
2 AS THE MOTION TO HAVE HER EXCLUDED FROM TESTIFYING.

3 THE COURT: I STAND TO BE CORRECTED FROM THE
4 RECORD.

5 Ms. Campbell: AND I'LL LOOK AT IT TONIGHT.

6 THE COURT: AND MR. STRICKLER IS REPRESENTING TO
7 THE COURT --

8 Ms. Campbell: IF IT'S IN THE RECORD, WE HAVE NO
9 PROBLEM WITH IT.

10 Mr. Strickler: I CAN'T SAY IT'S IN THE RECORD.
11 HERE IS THE STATE'S WITNESS LIST. HERE IS MY NOTATION
12 MADE --

13 THE COURT: WHY DON'T WE CHECK IT OUT.

14 Mr. Strickler: EXCLUDED FROM THE CASE IN CHIEF.

15 THE COURT: YOU CHECK WITH THE --

16 Ms. Campbell: I'LL CHECK WITH THE RECORD
17 TONIGHT.

18 THE COURT: YOU CAN DO IT OVERNIGHT.

19 Mr. Strickler: I DON'T KNOW IF IT'S IN HERE OR
20 NOT.

21 THE COURT: YOU HAVE GOT IT.

22 Mr. Strickler: I'LL BE HAPPY TO LOOK INTO IT
23 OVERNIGHT.

24 THE COURT: YOU HAVE EIGHTEEN HOURS TO CHECK
25 INTO IT.

1 Mr. Strickler: THANK YOU VERY MUCH.

2 Ms. Campbell: JUST FOR --

3 Mr. Strickler: I'M SORRY.

4 Ms. Campbell: I'M JUST TRYING TO CLARIFY THE
5 SEQUESTRATION. IT'S MY UNDERSTANDING THEY CAN STAY FOR
6 OPENINGS AND ALL THE WITNESSES HAVE TO BE OUT. THAT'S HOW
7 IT'S BEEN DONE IN THE PAST. I DON'T KNOW.

8 THE COURT: ANY OBJECTION TO THAT PROCEDURE? I
9 MEAN, THE ISSUE IS WHETHER THE WITNESS --

10 Ms. Campbell: AND, OF COURSE, HIS WITNESSES
11 WILL BE ABLE TO STAY IN, TOO, FOR THE SAME.

12 THE COURT: OPENING STATEMENTS ARE NOT EVIDENCE.
13 I DON'T SEE WHY THEY CAN'T STAY AND HEAR OPENING
14 STATEMENTS.

15 Mr. Strickler: YES, I DON'T HAVE ANY PROBLEM
16 WITH THAT.

17 THE COURT: ALL RIGHT. OPENING STATEMENTS AND
18 THEN WITNESSES ARE SEQUESTERED.

19 ONE MORE THING.

20 Mr. Strickler: MS. CAMPBELL, ARE YOU DONE?

21 Ms. Campbell: I'M DONE.

22 Mr. Strickler: JUST, YOUR HONOR, FOR THE
23 RECORD, I'D ASK THE RECORD TO REFLECT THAT WE HAD A SERIES
24 OF BENCH CONFERENCES RELATING TO SOME OF THE POTENTIAL
25 JURORS IN THIS CASE, RESPONSES TO SOME OF THE VOIR DIRE

1 RELATING SPECIFICALLY TO MR. GRESHAM. I BELIEVE HIS JUROR
2 NUMBER IS 83.

3 HE RESPONDED THAT -- LET'S SEE. HE RESPONDED TO
4 SEVERAL THINGS. HE TESTIFIED IN A MURDER TRIAL, TESTIFIED
5 FOR THE DEFENSE, AND THAT HIS SON IS CURRENTLY DOING TIME
6 FOR MURDER.

7 THE COURT: AND ARSON.

8 Mr. Strickler: AND ARSON. AS IT DEVELOPS AT
9 THE BENCH, THE FIFTH CIRCUIT SOLICITOR'S OFFICE PROSECUTED
10 HIM FOR BOTH THE MURDER AND THE ARSON.

11 MS. CAMPBELL, AND MY RECOLLECTION IS PROSECUTED
12 HIM FOR THE ARSON, THOUGH THAT WAS NOT TRIED. MY
13 UNDERSTANDING WAS --

14 Ms. Campbell: IT WAS A PLEA.

15 Mr. Strickler: A PLEA. AND THEN SOME OTHER
16 MEMBER OF THE FIFTH CIRCUIT SOLICITOR'S OFFICE PROSECUTED
17 HIM FOR A MURDER CASE, WHICH WAS A TRIAL. SHE THEN MOVED
18 TO EXCLUDE HIM FOR CAUSE.

19 I OBJECT TO THAT EXCLUSION AND ASKED, YOUR
20 HONOR, AT THAT TIME AS I WAS LEAVING THE BENCH TO GIVE ME
21 AN OPPORTUNITY TO PUT MY OBJECTION FOR EXCLUDING HIM FOR
22 CAUSE ON THE RECORD.

23 I FOUND NO STATEMENT ON HIS PART. CLEARLY,
24 THERE WAS NO STATEMENT THAT HE COULD NOT BE FAIR AND
25 IMPARTIAL AND GIVE A FAIR TRIAL TO BOTH THE STATE AND THE

1 DEFENDANT.

2 YOUR HONOR DIRECTLY ASKED HIM THAT QUESTION. HE
3 INDICATED HE COULD, INDEED, DO SO. I SUBMIT THAT WAS --
4 WITH ALL DUE RESPECT, SIR, AN ABUSE OF DISCRETION OF THE
5 COURT.

6 THE COURT: ALL RIGHT. WHAT WAS THE STATE'S
7 POSITION ON MR. GRESHAM?

8 Ms. Campbell: YOUR HONOR, MY PERSONAL CONTACT
9 WITH MR. GRESHAM, I DID PROSECUTE HIS SON FOR ARSON YEARS
10 AGO IN WHICH MR. GRESHAM HIMSELF IS THE ACTUAL VICTIM OF
11 THE CASE.

12 I DID HAVE PERSONAL CONTACT WITH HIM, WHICH HE
13 DIDN'T SEEM TO RECALL. I DID PERSONALLY PROSECUTE HIS
14 SON, YOUR HONOR. WE WAS AWARE OF THAT FACT. WE FELT HE
15 WAS DIFFERENT FROM PEOPLE LIKE PATRICIA WOLF WHO OUR
16 OFFICE PROSECUTED, I BELIEVE, HER NEPHEW FOR ARMED
17 ROBBERY; FOR BY MS. BOYD, WHOSE SON HAD BEEN PROSECUTED BY
18 THE FEDERAL COURTS FOR ARMED ROBBERY AND IS CURRENTLY
19 SERVING TIME.

20 I BELIEVE THERE IS ONE OTHER PERSON; THE
21 DISTINCTION BEING THAT I HAD PERSONAL CONTACT AND HAD
22 PERSONALLY PROSECUTED HIS SON IN THE MATTER. THEREFORE,
23 WE ASKED THAT HE BE STRUCK FOR CAUSE.

24 THE COURT: AND IT WAS A PERIOD OF TIME AGO,
25 WASN'T IT?

1 Ms. Campbell: I THINK IT'S BEEN.

2 THE COURT: I THINK SIX OR SEVEN YEARS WAS HIS
3 RECOLLECTION.

4 Ms. Campbell: AND THAT'S THE ARSON.

5 Mr. Strickler: EXACTLY.

6 THE COURT: ALL RIGHT. I'LL NOTE YOUR
7 OBJECTION. I STRUCK MR. GRESHAM FOR CAUSE BASED ON THE
8 FACT THAT MS. CAMPBELL REPRESENTED TO THE COURT THAT SHE
9 HAD ACTUALLY PROSECUTED HIS SON, AND THAT THE STATE FELT
10 THERE WAS, I GUESS IN THEIR OPINION, THERE WAS SOME
11 INHERIT BIAS AS A RESULT OF THAT. I FELT IT WAS
12 APPROPRIATE TO STRIKE HIM FOR CAUSE. I NOTE YOUR
13 OBJECTION.

14 Mr. Strickler: THANK YOU, YOUR HONOR.

15 THE COURT: ANYTHING FURTHER?

16 Mr. Strickler: THAT'S ALL I HAVE.

17 Ms. Campbell: NO, SIR.

18 THE COURT: ALL RIGHT. 9 O'CLOCK, BE READY TO
19 GO.

20 Ms. Campbell: 9 O'CLOCK.

21 THE COURT: MS. PRINGLE, I SHOULD HAVE GIVEN YOU
22 A CHANCE.

23 Ms. Pringle: I'LL BE VERY QUICK FROM HERE ON
24 OUT.

25 (THERE WAS AN OVERNIGHT RECESS.)

1 THE COURT: COUNSEL, ANYTHING WE NEED TO TAKE UP
2 BEFORE WE BRING THE JURY, FROM THE STATE?

3 Ms. Campbell: NO, SIR, NOT THAT I'M AWARE OF.

4 THE COURT: FROM THE DEFENSE?

5 Mr. Strickler: YOUR HONOR, JUST THE LAST THING
6 WE DEALT WITH YESTERDAY REFERENCING THE TRANSCRIPT OF THE
7 HEARING PROCEEDING IN THIS MATTER, PAGE 12: MS. CAMPBELL,
8 "OKAY. WITH THE LAY WITNESS, WE WILL SEQUESTER ONCE THE
9 TRIAL STARTS." THE COURT, "YES, INCLUDING THE WIFE OF THE
10 DECEASED." MS. CAMPBELL, "UNTIL SHE TESTIFIES, RIGHT,
11 YOUR HONOR."

12 THE COURT: OKAY.

13 Mr. Strickler: I THINK THAT COVERS IT.

14 THE COURT: THANK YOU.

15 Mr. Strickler: FURTHER ON, SIR, IN MY
16 EXAMINATION OF MS. CASEY, PAGE 126, "IS YOUR MOTHER HERE
17 IN THE COURTROOM TODAY?"

18 "YES, SIR."

19 "WHERE IS SHE?"

20 "IN THE FIRST ROW."

21 QUESTION, "ON THE FIRST ROW, HER NAME IS
22 MS. WILLIAMS; IS THAT CORRECT?"

23 "YES, SIR."

24 "MS. LUTHERINA WILLIAMS?"

25 "YES."

1 OR LUTHERINE WILLIAMS.

2 FURTHER ON, PAGE 132, YOUR HONOR, IT'S THE END
3 OF THE TESTIMONY: "I DO HAVE A MATTER OF LAW TO BRING UP
4 AT THIS POINT IN TIME, JUDGE." YOUR HONOR, "SURE".

5 MS. CAMPBELL: "I'VE STILL GOT TO PUT THE LEAD
6 INVESTIGATOR ON." ME, "I UNDERSTAND IT'S NOT IN RELATION
7 TO THAT. IT'S IN RELATION TO ANOTHER MATTER AND OTHER
8 TESTIMONY."

9 MS. CAMPBELL, "OH, AS FAR AS ERNESTINE
10 WILLIAMS?"

11 MR. STRICKLER, "RIGHT."

12 MS. CAMPBELL, "YEAH, SHE WASN'T SUPPOSED TO BE
13 IN HERE. I DON'T THINK WE'RE GOING TO CALL HER ANYWAY. I
14 UNDERSTAND SHE IS EXCLUDED NOW FROM THE CASE IN CHIEF."

15 MR. STRICKLER, "YES, SHE IS READING MY MIND."

16 THE COURT: ALL RIGHT. EVERYONE UNDERSTAND THE
17 SEQUESTRATION?

18 Mr. Strickler: YES, SIR.

19 THE COURT: THANK YOU, MR. STRICKLER.

20 ALL RIGHT. COUNSEL, MR. PAUL PRINGLE HAS BEEN
21 SELECTED TO BE FOREPERSON OF THE JURY.

22 ALL RIGHT, BAILIFF. BRING THE JURY, PLEASE.

23 THE BAILIFF: I'LL BE GLAD TO, YOUR HONOR.

24 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
25 APPROXIMATELY 9:14 A.M.)

1 THE BAILIFF: THE JURY IS ALL PRESENT, YOUR
2 HONOR.

3 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.
4 GOOD MORNING, LADIES AND GENTLEMEN. GOOD MORNING. I HOPE
5 YOU HAD A PLEASANT EVENING.

6 MR. PRINGLE, THANK YOU FOR SERVING AS
7 FOREPERSON.

8 MADAM CLERK, SWEAR THE JURY, PLEASE.

9 THE CLERK: LADIES AND GENTLEMEN OF THE JURY,
10 PLEASE STAND AND RAISE YOUR RIGHT HAND TO BE SWORN.

11 DO YOU SWEAR OR AFFIRM THAT YOU SHALL WELL AND
12 TRULY TRY AND TRUE DELIVERANCE MAKE, BETWEEN THE STATE OF
13 SOUTH CAROLINA, AND THE DEFENDANT AT BAR, WHOM YOU SHALL
14 HAVE IN CHARGE, AND A TRUE VERDICT GIVE, ACCORDING TO THE
15 LAW AND THE EVIDENCE, SO HELP YOU GOD.

16 (ALL ANSWERED IN THE AFFIRMATIVE.)

17 YOU MAY BE SEATED.

18 THE COURT: THANK YOU VERY MUCH.

19 PRETRIAL CHARGE:

20 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN, AS
21 YOU KNOW BY NOW, WE ARE ABOUT TO BEGIN THE CASE OF THE
22 STATE VS. PHILLIP HENRY CROCKER.

23 WHAT I SAY IN THESE OPENING REMARKS IS INTENDED
24 TO SERVE AS AN INTRODUCTION IN THE TRIAL OF THE CASE.
25 THESE REMARKS ARE NOT A CHARGE ON THE LAW. I'LL CHARGE

1 YOU ON THE LAW THAT'S APPLICABLE IN THIS CASE AT THE CLOSE
2 OF THE TESTIMONY AND BEFORE YOU RETIRE TO CONSIDER YOUR
3 VERDICT.

4 THIS IS MERELY AN EXPLANATION OF THE PROCEDURE
5 WE'LL FOLLOW IN THE TRIAL OF THIS CASE SO YOU MAY BETTER
6 UNDERSTAND WHAT WILL BE HAPPENING FROM TIME TO TIME.

7 THE DEFENDANT IS CHARGED IN THIS INDICTMENT WITH
8 TWO SEPARATE INDICTMENTS, TWO SEPARATE COUNTS, THE FIRST
9 IS TRAFFICKING IN MARIJUANA IN EXCESS OF 10 POUNDS, AND
10 THE SECOND CHARGE IS THAT OF MURDER. BOTH OF THESE EVENTS
11 ARE ALLEGED TO HAVE OCCURRED ON OR ABOUT NOVEMBER 21ST,
12 2001.

13 I'LL EXPLAIN THE ELEMENTS OF EACH OF THOSE
14 CRIMES AT A LATER TIME DURING THE COURSE OF THE TRIAL, BUT
15 THE INDICTMENTS, AS I SAID TO YOU YESTERDAY, ARE SIMPLY
16 THE CHARGE BY WHICH THE CASE IS BROUGHT INTO COURT. THEY
17 ARE NOT IN ANY SENSE EVIDENCE OF THE ALLEGATIONS CONTAINED
18 IN THE INDICTMENTS, AND THE DEFENDANT HAS PLED NOT GUILTY
19 TO EACH OF THESE INDICTMENTS.

20 THE STATE, THEREFORE, HAS THE BURDEN OF PROOF OF
21 EACH OF THE ELEMENTS OF THE INDICTMENTS BEYOND A
22 REASONABLE DOUBT, AND IT WILL BE YOUR DUTY, LADIES AND
23 GENTLEMEN OF THE JURY, TO DECIDE WHETHER THE STATE HAS MET
24 THAT BURDEN.

25 YOUR PURPOSE AS JURORS IS TO FIND AND DETERMINE

PRETRIAL CHARGE

111

1 THE FACTS. YOU ARE THE SOLE JUDGES OF THE FACTS. IF AT
2 ANY TIME I MAKE ANY COMMENT REGARDING THE FACTS OF THE
3 CASE, PLEASE DISREGARD THOSE COMMENTS.

4 YOU ARE TO DETERMINE THE FACTS FROM THE EVIDENCE
5 AND TESTIMONY YOU HEAR DURING THE COURSE OF THE TRIAL.
6 IT'S UP TO YOU TO DETERMINE THE INFERENCES WHICH YOU FEEL
7 MAY BE PROPERLY DRAWN FROM THE EVIDENCE.

8 IT'S ESPECIALLY IMPORTANT THAT YOU PERFORM YOUR
9 DUTY DILIGENTLY AND CONTENTIOUSLY BECAUSE ORDINARILY,
10 THERE'S NO WAY TO CORRECT AN ERRONEOUS DETERMINATION OF
11 THE FACTS BY THE JURY. ON THE OTHER HAND, AND WITH EQUAL
12 EMPHASIS, THE SAME LAW THAT MAKES YOU THE JUDGES OF THE
13 FACTS MAKES ME THE JUDGE OF THE LAW.

14 THE LAW GIVEN TO YOU BY THE COURT IS THE ONLY
15 LAW YOU MAY CONSIDER. YOU MUST ACCEPT AND FOLLOW IT, EVEN
16 THOUGH YOU MAY DISAGREE WITH IT. I CANNOT TELL YOU WHAT
17 FACTS ARE. YOU SHOULD NOT DISAGREE WITH ME WITH WHAT YOU
18 THINK THE LAW IS OR OUGHT TO BE.

19 YOU APPLY IT TO THE FACTS AS YOU FIND THEM FROM
20 THE TESTIMONY OF THE WITNESSES AND ANY OTHER EVIDENCE THAT
21 MAY BE INTRODUCED DURING THE COURSE OF THE TRIAL.

22 AFTER DOING THAT, YOU WILL RENDER YOUR VERDICT,
23 A TRUE AND JUST VERDICT, UNDER THE SOLEMN OATH YOU JUST
24 TOOK AS JURORS.

25 UNTIL I ADVISE YOU TO BEGIN YOUR DELIBERATION,

1 YOU MUST NOT DISCUSS THIS CASE WITH ANYONE, YOUR FELLOW
2 JURORS, FRIENDS, FAMILY MEMBERS OR ANYONE ELSE. AFTER THE
3 CASE IS SUBMITTED TO YOU, YOU MUST DISCUSS IT ONLY IN THE
4 JURY ROOM WITH YOUR FELLOW JURORS.

5 NOW, DURING THE TRIAL I'M GOING TO ASK YOU TO
6 PLEASE NOT READ, WATCH, OR LISTEN TO ANY NEWS REPORTS
7 ABOUT THE CASE. I DOUBT THERE WILL BE ANY BUT SOMETIMES
8 THERE ARE. THIS INCLUDES ANYTHING THAT MAY BE IN THE
9 NEWSPAPERS, ON THE INTERNET OR TELEVISION. YOU MUST NOT
10 CONSIDER ANYTHING YOU HAVE READ OR HEARD ABOUT THE CASE
11 OUTSIDE THE COURTROOM, WHETHER BEFORE OR DURING THE TRIAL.

12 OBVIOUSLY, THE PURPOSE OF THIS IS THAT YOU WOULD
13 BE READING OR HEARING WHAT SOME REPORTER MIGHT THINK WENT
14 ON DURING THE COURSE OF THE TRIAL DURING THE DAY. YOU ARE
15 THE ACTUAL JURY. YOU'RE THE ONES WHO ACTUALLY SEE AND
16 HEAR THAT.

17 IT'S IMPORTANT THAT YOU KEEP AN OPEN MIND AND
18 NOT DECIDE ANY ISSUE IN THIS CASE UNTIL ALL THE EVIDENCE
19 HAS BEEN PRESENTED, THE PARTIES HAVE MADE THEIR CLOSING
20 ARGUMENTS, AND I INSTRUCT YOU ON THE LAW OF THE CASE.

21 IT'S YOUR SOLEMN RESPONSIBILITY TO DETERMINE THE
22 GUILT OR INNOCENCE OF THE DEFENDANT, AND YOUR VERDICT MUST
23 BE BASED SOLELY ON THE EVIDENCE AS IT IS PRESENTED TO YOU
24 DURING THIS TRIAL.

25 NOW, IN JUST A MOMENT, THE SOLICITOR WILL MAKE

PRETRIAL CHARGE

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1 WHAT IS CALLED HIS OR HER OPENING STATEMENT IN WHICH THE
2 SOLICITOR WILL EXPLAIN TO YOU WHAT THE ISSUES IN THE CASE
3 ARE, OR AT LEAST WHAT THE SOLICITOR BELIEVES THE ISSUES
4 ARE IN THE CASE, AND WHAT THEIR EVIDENCE WILL PROVE.

5 THE ATTORNEY FOR THE DEFENDANT MAY ALSO MAKE AN
6 OPENING STATEMENT, ALTHOUGH HE IS NOT REQUIRED TO DO SO.
7 LET ME SAY THAT WHAT THE ATTORNEYS TELL YOU IN THEIR
8 OPENING STATEMENTS IS NOT EVIDENCE IN THIS CASE. IT IS
9 ONLY THEIR CONTENTION AS TO WHAT THE ISSUES ARE.

10 THE EVIDENCE IN THIS CASE WILL BE PRESENTED TO
11 YOU BY THE TESTIMONY OF SWORN WITNESSES FROM THIS WITNESS
12 STAND AND BY ANY EXHIBITS THAT MAY BE INTRODUCED DURING
13 THE COURSE OF THE TRIAL.

14 FROM TIME TO TIME DURING THE TRIAL, YOU MAY HEAR
15 ONE OF THE LAWYERS SAY SOMETHING LIKE, YOUR HONOR, I
16 BELIEVE WE HAVE A QUESTION OF LAW OR MATTER OF LAW TO
17 DISCUSS WITH YOU. MAY WE APPROACH THE BENCH.

18 SOMETIMES I, MYSELF, MIGHT FIND IT NECESSARY TO
19 EXCUSE YOU FROM THE COURTROOM FOR A SHORT PERIOD OF TIME
20 WHILE I DISCUSS MATTERS OF LAW WITH THE ATTORNEYS. THE
21 REASON FOR THIS IS BECAUSE YOU'RE THE JUDGES OF THE FACTS
22 OF THE CASE. SOMETIMES WHEN I'M DISCUSSING MATTERS OF LAW
23 WITH THE ATTORNEYS, IT MAY BE NECESSARY FOR ME TO MAKE
24 SOME COMMENT ABOUT THE FACTS IN CONNECTION WITH A
25 PARTICULAR RULING AND WHETHER A PARTICULAR LAW APPLIES OR

1 NOT.

2 NOW, I'M NOT SUPPOSED TO TELL YOU WHAT I THINK
3 THE FACTS ARE, SO I'LL EXCUSE YOU FROM THE COURTROOM WHILE
4 THESE DISCUSSIONS TAKE PLACE SO THAT IN NO WAY WILL YOU BE
5 INFLUENCED BY ANYTHING THAT I MIGHT SAY OR DO IN
6 CONNECTION WITH THE FACTS.

7 IN DETERMINING WHAT THE TRUE FACTS ARE, YOU MUST
8 DECIDE WHETHER OR NOT THE TESTIMONY OF A WITNESS IS
9 BELIEVABLE. IT WILL BE MY RESPONSIBILITY TO RULE AS A
10 MATTER OF LAW AS TO WHETHER CERTAIN TESTIMONY IS
11 ADMISSIBLE AND WHETHER CERTAIN TESTIMONY, OR NOT, BUT ONCE
12 THE TESTIMONY IS ADMITTED, WHETHER OR NOT YOU BELIEVE IT
13 IS SOLELY FOR YOU TO DETERMINE..

14 IN DECIDING WHETHER OR NOT TO BELIEVE A WITNESS,
15 YOU HAVE THE RIGHT TO CONSIDER THE INTEREST OF ANY
16 WITNESS, THE BIAS OF ANY WITNESS, THE PREJUDICE OF ANY
17 WITNESS AND THE OPPORTUNITY FOR THE WITNESS TO HAVE SEEN
18 AND OBSERVE THE MATTERS AND THINGS ABOUT WHICH THE WITNESS
19 MAY TESTIFY AND THE WAY THE WITNESS ACTS ON THE WITNESS
20 STAND.

21 YOU HAVE A RIGHT TO CONSIDER ANYTHING THAT IS IN
22 THE RECORD THAT WILL HELP YOU EVALUATE THE TESTIMONY OF
23 SEVERAL WITNESSES. THAT MEANS THAT IT IS YOUR DUTY TO PAY
24 CLOSE ATTENTION TO THE WITNESSES, OBSERVE THE WITNESSES,
25 LISTEN TO WHAT THEY HAVE TO SAY, PAY CLOSE ATTENTION TO

PRETRIAL CHARGE

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1 THE ATTORNEYS AND TO THE COURT.

2 TRY NOT TO LET YOUR THOUGHTS WANDER, BUT GIVE
3 STRICT ATTENTION TO THE TESTIMONY IN THE CASE SO AT THE
4 END OF ALL THE TESTIMONY, AFTER THE ARGUMENTS OF COUNSEL
5 AND THE CHARGE ON THE LAW BY THE COURT, YOU WILL THEN BE
6 IN A POSITION TO DETERMINE WHAT THE TRUE FACTS ARE AND TO
7 APPLY THE LAW TO THOSE FACTS AND THUS RENDER A TRUE AND
8 JUST VERDICT.

9 IT WILL BE YOUR DUTY, MR. FOREPERSON, TO PRESIDE
10 IN THE JURY ROOM AND BE THE JURY SPOKESMAN HERE IN COURT.
11 IT WILL ALSO BE YOUR DUTY TO WRITE THE VERDICT. I'LL GIVE
12 YOU FURTHER INSTRUCTS ABOUT THAT AT THE CONCLUSION OF THE
13 CASE.

14 WE'LL NOW BEGIN THE TRIAL. SOLICITOR, MAKE YOUR
15 OPENING COMMENTS.

16 OPENING STATEMENT:

17 Mr. Lake: MAY IT PLEASE THE COURT, YOUR HONOR.

18 GOOD MORNING LADIES AND GENTLEMEN OF THE JURY,
19 GOOD MORNING.

20 THE FIRST TIME THAT NATHANIEL AND CONSUELO CASEY
21 MET CROC, OR PHILLIP CROCKER AS YOU WILL COME TO KNOW HIM,
22 IS BACK ON NOVEMBER 20TH, 2001. IT WAS IN MS. CASEY'S
23 BEAUTY SHOP IN DILLON, SOUTH CAROLINA SOMETIME AFTER 7:30.
24 THAT WAS THE FIRST TIME MEETING HIM.

25 THE SECOND TIME THEY WOULD MEET HIM WOULD BE IN

1 LESS THAN 24 HOURS HERE IN COLUMBIA, SOUTH CAROLINA. WHEN
2 THEY WOULD MEET HIM THIS PARTICULAR TIME, THESE PEOPLE
3 WOULD MEET AGAIN, AT THE END OF THAT MEETING, NATHANIEL
4 CASEY WOULD BE DEAD. HE WOULD BE DEAD FROM A GUNSHOT
5 WOUND TO THE FACE, FROM A BULLET THAT ENTERED JUST UP --
6 UNDER HIS LIP AND CONTINUED IN THE TOP LEFT PORTION OF HIS
7 HEAD, IN THE PROCESS SHATTERING SEVERAL BONES IN HIS
8 SKULL. THAT'S WHAT THIS CASE IS ABOUT IN ITS MOST
9 SIMPLEST FORM, BUT THERE'S NOTHING SIMPLE ABOUT THIS CASE.

10 THERE'S NOTHING SIMPLE ABOUT MURDER. THAT'S WHY
11 MR. CROCKER IS HERE TODAY, TO ANSWER FOR THAT MURDER.
12 WHAT YOU'RE GOING TO HEAR TODAY IS THIS IS EVIDENCE OF A
13 DRUG DEAL THAT WENT BAD. NOT THAT THERE'S SUCH THING AS A
14 GOOD DRUG DEAL, BUT THIS IS ONE THAT WENT HORRIBLY WRONG
15 BECAUSE IT RESULTED IN THE DEATH OF MR. CASEY.

16 WHEN YOU THINK ABOUT THE EVIDENCE THAT WE'RE
17 GOING TO PRESENT TO YOU, THE EVIDENCE IS GOING TO SHOW YOU
18 THAT MR. CASEY SHOULD HAVE BEEN CHARGED WITH TRAFFICKING
19 IN MARIJUANA, CONSPIRACY TO TRAFFIC MARIJUANA. THAT'S
20 WHAT THE EVIDENCE IS GOING TO SHOW YOU. THAT'S WHAT THE
21 LAW IS GOING TO TELL YOU.

22 ALSO, THE LAW IS GOING TO TELL YOU THAT THERE
23 WAS NO LEGAL JUSTIFICATION FOR HIS MURDER, FOR HIS DEATH.
24 I MEAN, WHEN YOU THINK ABOUT WHAT MURDER IS, MURDER IS THE
25 UNLAWFUL TAKING OF ANOTHER PERSON'S LIFE WITH MALICE

OPENING STATEMENT - LAKE

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1 AFORETHOUGHT.

2 THAT MEANS THERE WAS NO LEGAL JUSTIFICATION FOR.
3 THAT PERSON'S DEATH. THAT MEANS THEY HAD THE INTENT.
4 THAT INTENT CAN BE SHOWN BY THE USE OF A GUN, AND THAT
5 INTENT WAS THERE PRIOR TO HIS DEATH. HE WAS ALSO CHARGED
6 WITH CONSPIRACY TO TRAFFIC IN MARIJUANA.

7 WHAT THE EVIDENCE IS GOING TO SHOW YOU, THERE
8 WAS AN AGREEMENT BETWEEN THE PARTIES WHEREBY THEY WERE
9 GOING TO MEET; MR. CASEY WAS GOING TO BE THE BUYER;
10 MR. CROCKER, OR CROC, WAS THE SELLER, AND THEY WERE GOING
11 TO PURCHASE OVER 50 TO 60 POUNDS OF MARIJUANA.

12 NOW, THE STATE BEARS THE BURDEN OF PROOF IN THIS
13 CASE TO PROVE TO YOU BEYOND A REASONABLE DOUBT THAT, IN
14 FACT, HE COMMITTED BOTH OF THESE CRIMES. THAT'S PROOF
15 BEYOND A REASONABLE DOUBT. THAT'S NOT PROOF BEYOND ANY
16 DOUBT, THAT'S NOT PROOF BEYOND NO DOUBT, BUT YOU CAN HAVE
17 SOME DOUBT AND STILL FIND HIM GUILTY.

18 AS LONG AS THE EVIDENCE THAT'S PRESENTED TO YOU
19 FIRMLY CONVINCES YOU THAT HE WAS THE PERSON THAT ENTERED
20 INTO THAT AGREEMENT TO TRAFFIC THAT MARIJUANA, AND AS LONG
21 AS YOU ARE IN AGREEMENT THAT HE WAS CROC; THAT HE WAS OUT
22 THERE AT LOWE'S WITH THAT GUN AND FIRED THAT WEAPON AND
23 HAD NO LEGAL JUSTIFICATION TO TAKE MR. CASEY'S LIFE, AS
24 LONG AS THE EVIDENCE CONVINCES YOU OF THAT, YOU CAN FIND
25 HIM GUILTY.

1 THE STATE IS GOING TO PRESENT TWO TYPES OF
2 EVIDENCE TO YOU TODAY: CIRCUMSTANTIAL EVIDENCE AND DIRECT
3 EVIDENCE. DIRECT EVIDENCE IS WHEN SOMEONE IS GOING TO GET
4 UP ON THIS STAND AND TELL YOU WHAT THEY KNOW AND WHAT THEY
5 SAW IN THE DAYS LEADING UP TO THIS MURDER AND THE DAY OF
6 THE MURDER.

7 CIRCUMSTANTIAL EVIDENCE IS EVIDENCE WHICH ALLOWS
8 YOU TO DRAW SOME TYPE OF INFERENCE, THAT BASED UPON A
9 CERTAIN SET OF FACTS, THIS IS THE LIKELY RESULT.

10 THE JUDGE, AS HE TOLD YOU EARLIER IN HIS
11 COMMENTS, HE'S THE JUDGE OF THE LAW. HE'S GOING TO
12 INSTRUCT YOU IN TERMS OF WHAT THE LAW IS. WHEN HE
13 INSTRUCTS YOU IN TERMS OF CIRCUMSTANTIAL EVIDENCE AND
14 DIRECT EVIDENCE, BOTH OF THEM ARE TO BE CONSIDERED
15 EQUALLY. NEITHER ONE OF THEM IS TO BE GIVEN INDIVIDUAL
16 WEIGHT.

17 WHEN YOU LOOK AT THE EVIDENCE OF WHY HE'S HERE
18 TODAY TO ANSWER TO THESE CHARGES --

19 Ms. Pringle: OBJECTION, YOUR HONOR, "ANSWERING
20 THE CHARGES" IN OPENING STATEMENT. IT SHOULD BE WHAT THE
21 STATE IS GOING TO PROVE.

22 Mr. Lake: HE'S HERE TO ANSWER THESE CHARGES.

23 Ms. Pringle: OBJECTION, YOUR HONOR, SAME
24 GROUNDS.

25 THE COURT: REPHRASE OPENING REMARKS, PLEASE.

OPENING STATEMENT - LAKE

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1 Mr. Lake: THE EVIDENCE IS GOING TO SHOW YOU TWO
2 THINGS OF WHY WE'RE HERE TODAY: ONE OF THOSE IS THE
3 INVESTIGATORS, THE INVESTIGATORS WHO ACTUALLY RESPONDED
4 OUT AT THE SCENE. YOU'RE GOING TO HEAR ABOUT THE THINGS
5 THEY DID AND SOME OF THE THINGS THAT THEY OBSERVED AND
6 SOME OF THE INFORMATION THAT THEY GOT FROM MS. CASEY WHEN
7 SHE GOT OUT THERE.

8 ONE OF THE THINGS THAT YOU'RE GOING TO REALIZE
9 THROUGH THIS TESTIMONY, WHAT YOU'RE GOING TO HEAR, IS THAT
10 WHEN YOU'RE TALKING ABOUT A DRUG DEAL THAT GOES BAD,
11 YOU'RE TALKING ABOUT A DRUG DEAL THAT RESULTS IN SOMEONE'S
12 DEATH, NO ONE WANTS TO TALK ABOUT IT. NO ONE WANTS TO BE
13 FORTHCOMING. NO ONE WANTS TO COME AND GIVE YOU ADDITIONAL
14 INFORMATION.

15 THAT'S WHAT YOU'RE GOING TO SEE IN THIS CASE.
16 THAT INCLUDES MS. CASEY WHO WAS PRESENT AT THE TIME THAT
17 HER HUSBAND WAS KILLED. SHE IS GOING TO TELL YOU THAT
18 WHEN SHE GETS ON THE STAND, THAT SHE WAS PRESENT.

19 AS THE INVESTIGATORS INVESTIGATED THAT CASE,
20 THEY'RE GOING TO TELL YOU THAT THEY REALIZED A LOT MORE.
21 THERE WAS MORE TO THAT ONCE THEY GOT INTO THE
22 INVESTIGATION OF THE CASE. THEY'RE GOING TO TELL YOU HOW
23 THEY FOUND A LARGE BUNDLE OF MONEY. THERE WAS SOMETHING
24 LIKE 40-SOME THOUSAND DOLLARS IN THAT CAR, SOME OF IT
25 WRAPPED UP IN RUBBER BANDS.

1 YOU'RE GOING TO HEAR THERE'S A CONTAINER THAT
2 WAS IN THE CAR THAT WAS PLACED IN THAT CAR BY CROC,
3 MR. CROCKER.

4 YOU'RE GOING TO HEAR TESTIMONY AND EVIDENCE THAT
5 CROC ASKED MR. CASEY TO HELP HIM LOAD THAT ITEM INTO THAT
6 CAR, WHICH IS SUPPOSED TO HAVE THE MARIJUANA IN IT, BUT
7 THERE WASN'T MARIJUANA IN IT.

8 WHAT YOU'RE GOING TO FIND OUT, THEY WERE
9 ACTUALLY CONCRETE MIXES, ALONG WITH BLANKETS. THE
10 EVIDENCE IS GOING TO SHOW THAT MR. CASEY REALIZED THAT.
11 THAT WASN'T DOPE, THAT WASN'T MARIJUANA.

12 WHEN HE REALIZED THAT, HE WAS SHOT. NO ONE
13 WANTS TO TELL YOU THAT. NO ONE TOLD THE OFFICER THAT
14 INITIALLY WHEN THEY INVESTIGATED THE CASE. THEY SAW
15 INITIAL THINGS THAT SHOWED THERE WAS POSSIBLY A DRUG DEAL
16 THAT WENT WRONG.

17 ONE OF THE MOST IMPORTANT THINGS THAT IS GOING
18 TO BE BROUGHT TO THIS COURTROOM AND SHOW YOU AND CONNECT
19 MR. CROCKER, OR CROC, TO THIS MURDER IS ONE OF THESE
20 (INDICATING). IT'S GOING TO BE THE VICTIM'S CELL PHONE.
21 IT'S GOING TO BE THE CROC'S CELL PHONE, MR. CROCKER'S
22 CELL PHONE.

23 WHAT YOU'RE GOING TO REALIZE, AND WHAT THE
24 EVIDENCE IS GOING TO SHOW YOU, IS THAT EVERY TIME YOU USE
25 ONE OF THESE, EVERY TIME MR. CROCKER USED HIS CELL PHONE,

OPENING STATEMENT - LAKE

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1 EVERY TIME THE VICTIM USED THE CELL PHONE, HE LEFT A
2 FOOTPRINT.

3 YOU AND I, WE LEAVE FOOTPRINTS EVERY TIME WE USE
4 OUR PHONE. IT LETS PEOPLE KNOW WHERE WE WERE, WHEN WE ARE
5 THERE AND WHERE WE'RE GOING. THE MORE YOU USE THIS, THE
6 MORE THEY'RE ABLE TO KEEP UP WITH WHERE YOU ARE AND WHERE
7 YOU'RE GOING. THAT'S WHAT THEY DID. THE INVESTIGATORS
8 FOLLOWED THE FOOTSTEPS LEFT BY THE CELL PHONE.

9 WHAT YOU'RE GOING TO FIND OUT IS THAT CROC,
10 MR. CROCKER, CALLED THE VICTIM ON THE DAY OF THIS
11 INCIDENT. HE WAS THE LAST PERSON THAT ACTUALLY TALKED TO
12 THE VICTIM PRIOR TO HIS DEATH, WE'RE TALKING ABOUT MINUTES
13 BEFORE HIS DEATH.

14 LAW ENFORCEMENT IS GOING TO TELL YOU HOW THEY
15 GOT SEARCH WARRANTS ON THE VICTIM'S PHONE AND ON CROCK'S
16 PHONE.

17 IN MY YEARS, I'LL SAY NO ONE IS GIVING UP ALL OF
18 THE INFORMATION. THEY'LL GIVE YOU PIECES OF THE
19 INFORMATION. YOU WILL HEAR MS. CASEY GAVE A DESCRIPTION,
20 WHICH SHE DID. YOU'RE GOING TO SEE THE COMPOSITE, WHICH
21 YOU WILL. YOU WILL HEAR ABOUT THE VEHICLE THAT THE
22 SUSPECT WAS IN, WHICH WAS A STATION WAGON, WITH WOOD
23 PANELING. SHE IS GOING TO GIVE YOU THAT DESCRIPTION. SHE
24 IS GOING TO TELL YOU ABOUT THAT. SHE IS GOING TO TELL YOU
25 ABOUT THE CONTAINER. SHE'S GOING TO TELL YOU ABOUT THE

1 GUNS. SHE'S GOING TO TELL YOU THAT THERE -- SHE HAD SOME
2 INFORMATION THAT THERE WAS A DRUG DEAL GONE WRONG, BUT
3 SHE'S GOING TO TELL YOU THAT SHE DIDN'T KNOW THE FULL
4 EXTENT OF IT INITIALLY, BUT NO ONE IS COMPLETELY
5 FORTHCOMING. EVERYBODY IS SCARED. NO ONE WANTS TO TALK
6 ABOUT IT.

7 THE INVESTIGATORS FOLLOWED THE FOOTPRINTS,
8 FOOTPRINTS LEFT BY CROCK'S PHONE. WHAT THOSE FOOTPRINTS
9 LED TO WAS WILLIAM JENNINGS.

10 WHEN THEY MET MR. JENNINGS, MR. JENNINGS TOLD
11 LAW ENFORCEMENT THAT HE WAS THE MIDDLEMAN. HE TELLS LAW
12 ENFORCEMENT THAT HE'S THE PERSON THAT FACILITATED THE DEAL
13 BETWEEN THE CASEY'S AND CROC, PHIL CROCKER.

14 WHAT HE'S GOING TO TELL YOU IS THAT THE CASEY'S
15 APPROACHED HIM ABOUT GETTING A LARGE QUANTITY OF
16 MARIJUANA. THEY APPROACHED HIM BECAUSE OF THE FACT THAT
17 HE KNEW PEOPLE IN THE SPORTS BUSINESS. HE KNEW PEOPLE IN
18 ENTERTAINMENT. THEY THOUGHT HE KNEW SOMEONE THAT COULD
19 GET HIM THAT LARGE OF SCALE OF MARIJUANA.

20 THE PERSON THAT HE MADE CONTACT WITH WAS THAT
21 GUY RIGHT THERE, CROC, MR. CROCKER, SOMEONE HE KNEW,
22 SOMEONE HE HAD MET A LONG TIME AGO, SOMEONE HE HAD MET
23 RECENTLY WHEN THEY SPOKE WITH HIM, HE TOLD THEM, YEAH, I
24 FACILITATED THE MEETING. I WAS SUPPOSED TO GET ORIGINALLY
25 \$1,000 OUT OF IT, BUT I'M ONLY GOING TO GET \$500 LATER ON.

OPENING STATEMENT - LAKE

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1 HE WAS ALSO CHARGED WITH CONSPIRACY AS BEING PART OF THE
2 AGREEMENT, PART OF THE AGREEMENT WHICH RESULTED IN
3 MR. CASEY'S DEATH.

4 WHAT HE'S GOING TO TELL YOU IS ABOUT THOSE
5 FOOTPRINTS. THEY SHOWED A CONNECTION BETWEEN ALL THREE OF
6 THESE INDIVIDUALS. YOU'RE GOING TO SEE THOSE FOOTPRINTS
7 THAT LED TO MR. JENNINGS ON THE DAYS BEFORE THIS INCIDENT.

8 YOU'RE GOING TO SEE THE FOOTPRINTS FROM
9 CHARLOTTE TO DILLON, SOUTH CAROLINA ON THE DAY OF THE
10 INCIDENT.

11 ONE OF THE THINGS MS. CASEY DIDN'T MENTION IS
12 THAT SHE HAD ACTUALLY MET THE INDIVIDUAL THE NIGHT BEFORE
13 THE MURDER BECAUSE HE HAD COME TO HER SHOP. THEY'RE GOING
14 TO TALK ABOUT AN AGREEMENT. YOU'RE GOING TO SEE THOSE
15 FOOTPRINTS. JUST FOLLOW THE FOOTPRINTS.

16 THE NEXT DAY, YOU'RE GOING TO SEE MORE
17 FOOTPRINTS. YOU'RE GOING TO SEE FOOTPRINTS BETWEEN
18 MR. CROCKER CONTACTING MR. JENNINGS, CONTACTING
19 MS. CASEY'S SHOP TO FIND OUT THEIR WHEREABOUTS BECAUSE
20 THEY WERE SUPPOSED TO MEET THAT DAY.

21 YOU'RE GOING TO SEE THOSE FOOTPRINTS BETWEEN THE
22 VICTIM AND MR. CROCKER, CROC, AS HE'S KNOWN IN THE CELL
23 PHONE, MULTIPLE TIMES AS THEY'RE COMING TO COLUMBIA.

24 HE'S IN CHARLOTTE. THEY'RE FROM LATTA, DILLON.
25 COLUMBIA IS THE MEETING PLACE. YOU'RE GOING TO SEE THOSE

1 FOOTPRINTS AS THEY GET CLOSER AND CLOSER TO EACH OTHER.
2 YOU'RE GOING TO SEE THEM AS THEY APPROACH COLUMBIA.
3 YOU'RE GOING TO SEE THEM AS THEY HIT TWO NOTCH ROAD.
4 YOU'RE GOING TO SEE THEM AS THEY COME UP TOWARD LOWE'S.
5 YOU'RE ACTUALLY GOING TO SEE ON VIDEOTAPE WHERE THESE
6 INDIVIDUALS CAME INTO THE LOWE'S PARKING LOT.

7 MR. CROCKER, CROC, ENTERS INTO THIS LOCATION IN
8 THE PARKING LOT ALMOST 18 SECONDS AFTER THE VICTIM DID, 18
9 SECONDS. WITHIN ABOUT THREE MINUTES, HE WAS DEAD.
10 YOU'RE GOING TO SEE HIS CAR LEAVE OUT OF THAT
11 LOCATION. MR. JENNINGS GIVES A STATEMENT ABOUT THESE
12 INCIDENTS.

13 BASED UPON THAT ADDITIONAL INFORMATION, THEY
14 SHOWED HIM A PHOTO LINEUP. HE IDENTIFIED THE PERSON THAT
15 HE INTRODUCED TO THE CASEY'S AS PHIL CROCKER. THEY SHOWED
16 THE PERSON THAT HE FACILITATED THE DEAL WITH THE CASEY'S,
17 AS PHIL CROCKER.

18 HE'S GOING TO TELL YOU TO BE MEETING THE CASEY'S
19 THAT DAY TO FACILITATE THE AGREEMENT, TO FACILITATE THE
20 SALE OF MARIJUANA, THAT'S CROC. HE'S KNOWN HIM A WHILE.
21 HE KNOWS HE PLAYED BASKETBALL. HE KNOWS THAT HE OWNED
22 SOME STORES. HE'S KNOWN HIM A WHILE.

23 BASED ON THAT INFORMATION. THEY COME TO
24 MS. CASEY. THEY ASK, "WHAT ELSE DO YOU KNOW?" AT THAT
25 TIME SHE SAYS, "YES, I DID MEET WITH HIM THAT NIGHT. I

OPENING STATEMENT - LAKE

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1 WAS THERE."

2 SHE PICKS HIM OUT IN A PHOTO LINEUP AND SAYS,
3 "THAT'S THE PERSON THAT SHOT MY HUSBAND," BUT THAT'S NOT
4 ALL. THERE WAS ONE OTHER PERSON THAT WAS SHOWN THE PHOTO
5 LINEUP. THAT WAS A CUSTOMER THAT WAS IN THE SHOP ON THE
6 NIGHT BEFORE THE MURDER, SOMEONE WHO WAS THERE, SOMEONE
7 WHO WITNESSED MR. CROCKER COME INTO THAT LOCATION, THAT'S
8 MS. MILES.

9 SHE'S GOING TO COME IN AND TELL YOU WHAT SHE SAW
10 THAT NIGHT. SHE IS GOING TO TELL YOU SHE DIDN'T HEAR WHAT
11 THEY WERE SAYING, BUT SHE KNOWS THAT'S THE PERSON THEY MET
12 THAT NIGHT, THAT MR. CASEY WAS THERE, MR. JENNINGS WAS
13 THERE, AND MS. CASEY WAS THERE. THAT'S THE OTHER
14 INDIVIDUAL THAT WAS THERE.

15 WITH ALL THAT INFORMATION, INVESTIGATORS GO UP
16 TO CHARLOTTE, NORTH CAROLINA TO EXECUTE A SEARCH WARRANT.
17 THAT'S WHAT YOU'RE GOING TO HEAR.

18 THEY'RE GOING TO FIND SOME THINGS THAT THEY WERE
19 ACTUALLY LOOKING FOR BECAUSE WHEN THE MURDER OCCURRED --
20 THIS WAS A DRUG TRANSACTION. THE DRUGS WERE SUPPOSED TO
21 BE IN A BLUE CONTAINER, IT'S A STERILITE CONTAINER.
22 YOU'RE GOING TO SEE PICTURES OF THAT STERILITE CONTAINER.

23 INSIDE THAT, AS OPPOSED TO SEEING MARIJUANA, IT
24 WAS ACTUALLY BLANKETS, CONCRETE MIX. THE EVIDENCE IS
25 GOING TO SHOW CROC WAS ABOUT TO GET OVER ON THEM. HE WAS

1 ABOUT TO GET OVER ON THEM, BUT WHEN THEY WENT TO THAT
2 HOUSE AND EXECUTED THE SEARCH WARRANT, THEY FOUND
3 BLANKETS, BLUE BLANKETS, WHICH WERE SIMILAR TO THE BLUE
4 BLANKETS THAT WERE FOUND AT THE SCENE.

5 WHEN I SAIL SIMILAR, YOU'RE GOING TO SEE THEY'RE
6 SIMILAR IN TERMS OF BRAND, COLOR AND SIZE. YOU'RE GOING
7 TO FIND BLUE STERILITE CONTAINERS JUST LIKE THE ONE THAT
8 WAS FOUND AT THE SCENE.

9 ONE THING I DIDN'T TELL YOU IS THAT WHEN THE
10 VICTIM WAS SHOT, HE WAS SHOT WITH A NINE MILLIMETER. THEY
11 FOUND NINE MILLIMETER SHELLS, BULLETS. THEY FOUND A
12 HOLSTER FOR A NINE MILLIMETER.

13 Ms. Pringle: OBJECTION, YOUR HONOR, MAY WE
14 APPROACH?

15 Mr. Lake: BUT THEY DIDN'T --

16 THE COURT: APPROACH THE BENCH.

17 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
18 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
19 JURY).

20 THE COURT: GO AHEAD.

21 Mr. Lake: THANK YOU.

22 THEY FOUND NINE MILLIMETER. THEY FOUND A
23 HOLSTER FOR A NINE MILLIMETER, BUT THEY DIDN'T FIND A NINE
24 MILLIMETER.

25 THEY WERE LOOKING FOR A CAR, A STATION WAGON.

OPENING STATEMENT - LAKE

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1 THEY FOUND EVIDENCE THAT HE OWNED A STATION WAGON, BUT
2 THEY DIDN'T FIND THE STATION WAGON. HE OWNED THE STATION
3 WAGON, WHICH WAS BEIGE WHICH MATCHED THE DESCRIPTION OF
4 THE CAR THAT WAS THERE WITH THE WOOD GRAIN PANELING, BUT
5 THAT CAR WASN'T THERE.

6 THE CAR WAS SOLD, ACCORDING TO HIM, ABOUT A WEEK
7 OR TWO WEEKS PRIOR TO THE POLICE ARRIVING. HE WAS
8 ARRESTED ABOUT THREE WEEKS AFTER THE ACTUAL INCIDENT.

9 THE CAR IS GONE NOW AND HADN'T BEEN RECOVERED AS
10 OF YET. YOU'RE GOING TO HEAR THE OFFICERS SAY THEY
11 SEARCHED FOR THE OWNER OF THIS CAR, WHO HE TOLD THEM HE
12 SOLD IT TO. THEY COULDN'T FIND HIM AT ALL.

13 YOU'RE GOING TO HEAR ABOUT ALL THESE THINGS THAT
14 WERE FOUND AT THAT PARTICULAR LOCATION. YOU'RE GOING TO
15 HEAR FROM THE NEIGHBORS WHO SAW THAT STATION WAGON UP
16 UNTIL NOT TOO LONG AFTER THANKSGIVING SIMILAR TO THE ONE
17 THAT WAS INVOLVED IN THIS PARTICULAR INCIDENT.

18 YOU'RE GOING TO HEAR FROM PEOPLE THAT TELL YOU
19 JUST RIGHT AFTER THIS INCIDENT THERE WAS SOME BURNING THAT
20 WAS GOING ON OUT THERE IN THE DEFENDANT'S YARD JUST RIGHT
21 AFTER THIS, RIGHT AROUND THE THANKSGIVING TIMEFRAME. A
22 NEIGHBOR IS GOING TO TELL YOU SHE THOUGHT THAT WAS
23 UNUSUAL.

24 YOU'RE GOING TO SEE ALL OF THIS EVIDENCE THAT
25 SHOWS A CONNECTION BETWEEN THESE INDIVIDUALS AND THAT

1 PARTICULAR MURDER, ALL CIRCUMSTANTIAL, ALL DIRECT
2 EVIDENCE, A LINK BETWEEN ALL THESE INDIVIDUALS.

3 THIS CASE RIGHT HERE IS GOING TO CHALLENGE YOU.
4 IT'S GOING TO CHALLENGE YOU AS A JURY. IT'S GOING TO
5 CHALLENGE YOU INDIVIDUALLY, AS A JURY, TO CONSIDER
6 EVIDENCE AND PEOPLE THAT THEY WERE INVOLVED IN.

7 YOU MIGHT NOT AGREE WITH THE THINGS THEY WERE
8 INVOLVED IN. YOU MIGHT NOT LIKE THE FACT THEY WERE
9 INVOLVED A DRUG DEAL OR THE FACT THAT YOU THINK THEY'RE
10 NOT DESERVING OF SOMEONE TO CARE ABOUT WHAT HAPPENS TO
11 THEM.

12 THE EVIDENCE MAY MAKE YOU FEEL THAT WAY, BUT AS
13 YOU DO THAT, I ASK THAT YOU CONSIDER THREE THINGS, THREE
14 THINGS THAT IF YOU CONSIDER AS YOU LISTEN TO ALL OF THIS
15 EVIDENCE, IF YOU FOLLOW THESE THREE THINGS, NO ONE WILL
16 QUESTION YOUR DECISION AT THE END, THAT'S L.C.D.

17 I'LL WRITE THIS DOWN FOR YOU. "L" IS THE LAW,
18 AS THE JUDGE INSTRUCTS YOU. HE TOLD YOU AT THE VERY
19 BEGINNING. REGARDLESS OF WHAT YOU'RE INVOLVED IN, WHETHER
20 IT'S RIGHT OR WRONG IN TERMS OF A DRUG TRANSACTION, IT'S
21 STILL UNLAWFUL TO TAKE ANOTHER INDIVIDUAL'S LIFE. THERE'S
22 NO WAY AROUND IT. THERE'S NO LEGAL JUSTIFICATION FOR IT.
23 THAT'S WHAT THE LAW IS GOING TO TELL YOU. I'M GOING TO
24 ASK THAT YOU FOLLOW THE LAW.

25 I ALSO ASK YOU TO LOOK AT "C", WHICH IS

OPENING STATEMENT - LAKE

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1 CORROBORATION. I'M GOING TO TELL YOU, YOU'RE GOING TO
2 HEAR HOW PEOPLE DIDN'T COME FORWARD WHEN THEY ACTUALLY
3 KNEW INFORMATION.

4 THE INVESTIGATORS HAD TO GO LOOKING FOR THEM.
5 THE INVESTIGATORS HAD TO GO TALK TO THEM. THEY DIDN'T
6 COME VOLUNTEER INFORMATION. THEY KNEW MR. CASEY WAS DEAD,
7 BUT NO ONE WANTED TO GET INVOLVED BECAUSE THEY WERE ALL
8 SCARED. THEY KNEW MR. CASEY WAS DEAD. THEY KNEW THIS WAS
9 A MAJOR DRUG TRANSACTION THAT HAD HAPPENED OR WAS GOING TO
10 OCCUR. NOBODY WANTED TO GET INVOLVED.

11 I KNOW THAT IT'S GOING TO AFFECT HOW YOU VIEW
12 THOSE PEOPLE, BUT LOOK AT "C", THE CORROBORATION. I MEAN
13 CORROBORATION, CORROBORATION BETWEEN THE FACTS AS THEY
14 HAPPENED, AS YOU KNOW THEM, THE EVIDENCE AS IT IS
15 PRESENTED TO YOU IN THIS PARTICULAR CASE AND THE TESTIMONY
16 FROM ALL THESE DIFFERENT PEOPLE.

17 LOOK AT THE INVESTIGATION, THE LINEUPS, THE
18 STATEMENTS, THE COMPOSITES, THE DESCRIPTIONS OF THE
19 SUSPECT'S VEHICLE, THE DESCRIPTION OF THE ACTUAL PERSON
20 WHO WAS THE SHOOTER, ALL OF THESE THINGS ARE CONNECTED.
21 LOOK AT THE BIG PICTURE OF THE CORROBORATION.

22 I THINK "D", WHICH IS EQUALLY IMPORTANT IS YOUR
23 DUTY. YOU JUST TOOK A SOLEMN OATH THAT YOU WOULD DECIDE
24 THIS CASE BASED UPON THE LAW AND THE EVIDENCE THAT IS
25 PRESENTED TO YOU; THAT YOU WOULDN'T LET YOUR PERSONAL

1 FEELINGS ABOUT PEOPLE THAT ARE INVOLVED IN DRUGS, PEOPLE
2 THAT ARE INVOLVED IN DRUG TRANSACTIONS. YOU WOULDN'T LET
3 THAT AFFECT HOW YOU RULE ON THE EVIDENCE AS TO THE LAW.

4 IF YOU FOLLOW THOSE THREE THINGS, NO ONE,
5 NEITHER THE STATE NOR THE DEFENSE, CAN QUESTION YOU ABOUT
6 THE DECISION YOU MAKE.

7 THE STATE IS CONVINCED THAT AFTER YOU CONSIDER
8 THIS, CONSIDER ALL THE LAW, CONSIDER ALL THE CORROBORATION
9 BETWEEN THE LINEUPS AND ALL THESE OTHER ITEMS THAT CONNECT
10 MR. CROCKER TO THIS DEAL, YOU'RE GOING TO FIND HIM GUILTY.

11 AT THE CLOSE OF THIS CASE AFTER WE COME TO YOU
12 WITH OUR CLOSING ARGUMENTS, AFTER THE DEFENSE HAS
13 PRESENTED THEIR CLOSING ARGUMENTS, OUR CLOSING ARGUMENTS,
14 AND THE JUDGE HAS INSTRUCTED YOU ON THE LAW, WE'RE GOING
15 TO ASK YOU FOR A VERDICT OF GUILTY.

16 I THINK THE EVIDENCE IS GOING TO SHOW YOU, AND
17 YOU'RE GOING TO BE CONVINCED, THAT HE WAS INVOLVED IN THIS
18 DRUG DEAL, THAT HE IS CROC, THAT HE WAS THE LAST PERSON
19 THAT TALKED TO HIM; HE WAS THE PERSON THAT HAD THAT NINE
20 MILLIMETER, AND HE WAS THE PERSON THAT ACTUALLY FIRED THAT
21 WEAPON THAT SHOT MR. CASEY IN THE FACE.

22 LADIES AND GENTLEMEN OF THE JURY, MY NAME IS
23 DIETRICH LAKE, AND ON BEHALF OF MS. CAMPBELL, IT WILL BE
24 OUR PLEASURE TO PRESENT THIS CASE TO YOU.

25 Ms. Pringle: YOUR HONOR, WITH THE COURT'S

OPENING STATEMENT - LAKE

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1 PERMISSION, WE WOULD LIKE TO WITHDRAW OUR OPENING
2 STATEMENT UNTIL AFTER THE PRESENTATION OF THE STATE'S
3 CASE.

4 THE COURT: VERY WELL. CALL YOUR FIRST WITNESS.

5 Mr. Lake: INVESTIGATOR JERRY CANNON.

6 THE CLERK: PLACE YOUR LEFT HAND ON THE BIBLE,
7 RAISE YOUR RIGHT.

8 JERRY CANNON, AFTER BEING DULY SWORN, TESTIFIED
9 AS FOLLOWS:

10 THE BAILIFF: HAVE A SEAT IN THE WITNESS BOX.

11 THE WITNESS: INVESTIGATOR JERRY CANNON.

12 DIRECT EXAMINATION:

13 BY Mr. Lake

14 Q INVESTIGATOR CANNON, WHERE ARE YOU CURRENTLY
15 EMPLOYED?

16 A THE RICHLAND COUNTY SHERIFF'S DEPARTMENT.

17 Q HOW LONG HAVE YOU BEEN EMPLOYED THERE?

18 A SEVEN YEARS, SIX MONTHS.

19 Q WHAT ARE YOUR CURRENT DUTIES?

20 A I'M CURRENTLY AN INVESTIGATOR IN THE BURGLARY
21 DIVISION.

22 Q WHAT, IF ANY, OTHER DUTIES HAVE YOU HAD OVER THOSE
23 SEVEN-AND-A-HALF YEARS?

24 A I WAS A ROAD DEPUTY FOR ALMOST SEVEN YEARS, TRAINING
25 OFFICER AND MASTER DEPUTY, ALSO ROAD SUPERVISOR.

1 Q OKAY. LET ME TAKE YOU TO THE DATE OF THIS PARTICULAR
2 INCIDENT OF NOVEMBER 21ST, 2001. DID YOU WORK THIS
3 PARTICULAR DAY?

4 A YES, I DID, SIR.

5 Q AND WHAT WAS YOUR ASSIGNMENT THAT AFTERNOON?

6 A I WAS A MASTER DEPUTY TRAINING THAT DAY, TRAINING A
7 ROOKIE OFFICER AT THE ACADEMY IN REGION TWO OF THE
8 DENTSVILLE AREA.

9 Q I'M SORRY, WHAT IS REGION TWO?

10 A DENTSVILLE, THE NORTHEAST COLUMBIA AREA.

11 Q AND YOU WERE WORKING THAT PARTICULAR AREA THAT DAY?

12 A YES, SIR.

13 Q AND COULD YOU PLEASE EXPLAIN TO THE JURY HOW YOU
14 BECAME INVOLVED IN THIS PARTICULAR CASE?

15 A THAT DAY AROUND 3:55, AROUND 3:50, 3:55, I WAS IN THE
16 COLUMBIA MALL AREA. WE WERE COMING OUT OF THE
17 COLUMBIA MALL PARKING LOT. WERE AT THE PARKLANE
18 O'NEILL ROAD STOPLIGHT WHEN I HEARD A GUNSHOT. I
19 DIDN'T KNOW WHERE IT CAME FROM.

20 THERE WAS A LOT OF TRAFFIC THAT DAY, AND THEN I
21 WAS DISPATCHED TO LOWE'S A FEW MINUTES LATER WITH A
22 SHOTS FIRED, VICTIM DOWN.

23 Q WERE YOU WORKING ALONE THAT PARTICULAR DAY?

24 A NO, SIR. I WAS TRAINING A FEMALE OFFICER WHO WAS OUT
25 OF THE ACADEMY.

1 Q OKAY. AND WHO WAS THE FIRST PERSON THAT YOU MADE
2 CONTACT WITH AT THE SCENE?

3 A WHEN I FIRST ROLLED UP ON THE SCENE, I OBSERVED THE
4 VICTIM, MR. CASEY, LAYING ON THE GROUND. HIS WIFE,
5 MS. CASEY, ON TOP OF HIM AND A MANAGER AND A SECURITY
6 OFFICER IN THE PARKING LOT.

7 I IMMEDIATELY MADE CONTACT WITH MS. CASEY TRYING
8 TO REMOVE HER FROM HER HUSBAND BECAUSE SHE WAS ON TOP
9 OF HER HUSBAND.

10 Q OKAY. AND THIS WAS AGAIN -- HOW LONG DID IT TAKE YOU
11 TO RESPOND TO THE SCENE?

12 A I WAS THERE IN A MATTER OF SECONDS, PROBABLY 30
13 SECONDS TO 45 SECONDS. WE WERE ONLY ABOUT 500 YARDS
14 AWAY FROM THE SCENE.

15 Q BUT YOU SAID THAT YOU ACTUALLY HEARD THE SHOTS
16 YOURSELF?

17 A WE HEARD A GUNSHOT BUT DIDN'T KNOW WHERE IT CAME
18 FROM.

19 Q OKAY.

20 A WE WERE PROBABLY 500 YARDS FROM THE LOCATION.

21 Q OKAY. WHO WAS THE FIRST PERSON -- YOU SAID YOU MADE
22 CONTACT WITH MS. CASEY FIRST?

23 A RIGHT. WHEN I GOT THERE, I TRIED TO GET MS. CASEY
24 OFF OF HER HUSBAND. SHE WAS ON TOP OF HER HUSBAND
25 SCREAMING AND CRYING AND ASKING FOR SOMEBODY TO HELP

1 HER.

2 Q OKAY. WHAT IS IT ABOUT HER DEMEANOR THAT YOU
3 REMEMBER THAT DAY?

4 A SHE WAS HYSTERICAL AT THAT POINT. THE BIGGEST
5 PROBLEM THAT I WAS HAVING WAS TRYING TO KEEP HER AWAY
6 SO THAT HER HUSBAND COULD GET SOME MEDICAL ATTENTION
7 AS SOON AS E.M.S. ARRIVED.

8 Q AND AFTER YOU TRIED TO GET HER AWAY, WHAT DID YOU DO
9 NEXT?

10 A I HAD MS. CASEY SIT IN HER VEHICLE WHILE E.M.S.
11 TECHNICIANS ARRIVED. I THEN MADE CONTACT WITH THE
12 SECURITY OFFICER, MR. GIBSON, AND ALSO THE MANAGER OF
13 THE LOWE'S IN THE PARKING LOT.

14 Q YOU INDICATED YOU SPOKE TO MR. GIBSON?

15 A RIGHT.

16 Q WHERE WAS MR. GIBSON WHEN YOU FIRST GOT THERE?

17 A HE WAS COMING FROM -- I WOULD SAY THE EAST DIRECTION
18 FROM THE NATIONSBANK, BANK OF AMERICA, TOWARD THE
19 LOWE'S PARKING LOT. HE WAS STANDING IN THAT
20 DIRECTION.

21 Q AND WHAT, IF ANYTHING, DID YOU LEARN FROM HIM AFTER
22 SPEAKING WITH HIM?

23 A HE GAVE ME A DESCRIPTION OF A VEHICLE THAT WAS SEEN
24 FLEEING THE SCENE AND ALSO A DESCRIPTION OF A BLACK
25 MALE WHO WAS IN THE VEHICLE.

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1 Q AND WHAT WAS THE DESCRIPTION?

2 A THE ONLY THING I GOT AT THE SCENE WAS THAT IT WAS A
3 BLACK MALE DRIVING A SMALL BROWN STATION WAGON THAT
4 FLED ON TWO NOTCH ROAD NORTHBOUND TOWARDS I-20.

5 Q OKAY. UPON GETTING THAT PARTICULAR DESCRIPTION, WHAT
6 DID YOU DO?

7 A I IMMEDIATELY PUT THAT OVER THE RADIO, AND MY
8 SUPERVISOR ARRIVED ON THE SCENE.

9 Q OKAY. AND YOU INDICATED YOU REQUESTED ADDITIONAL
10 ASSISTANCE?

11 A NO, SIR. I DIDN'T REQUEST ADDITIONAL ASSISTANCE AS
12 FAR AS FROM THE LINE UNITS. I REQUESTED A LAB UNIT
13 AND INVESTIGATORS RESPONDING. MY SUPERVISORS
14 RESPONDED AS SOON AS THEY FOUND OUT WHAT I HAD ON THE
15 RADIO.

16 Q OKAY. HOW LONG AFTER YOU CALLED WITH A DISPATCH OF
17 THE DESCRIPTION WAS SOMEONE AT THE SCENE?

18 A IT WAS PROBABLY A MATTER OF TWO OR THREE MINUTES
19 BEFORE THE FIRST UNIT ARRIVED, WHICH I BELIEVE WAS
20 CORPORAL TANNER.

21 Q OKAY. HOW DID YOU SECURE THE SCENE?

22 A WITH YELLOW CRIME SCENE TAPE.

23 Q AND WHO ALL, WITHIN THIS AREA, WAS THERE WHEN YOU
24 SECURED THE LOCATION?

25 A WHO ALL WHAT, SIR?

1 Q WHO ALL WAS WITHIN THIS AREA WHERE YOU SECURED IT
2 WITH TAPE AND EVERYTHING?

3 A THE VICTIM WAS INSIDE THE CRIME SCENE AREA, AND ALSO
4 MS. CASEY WAS, ALONG WITH THE OFFICERS THAT WERE ON
5 THE SCENE. THERE WAS A DEPUTY COSIDAR (PHONETIC) WHO
6 I WAS TRAINING. CORPORAL TANNER, WHO WAS IN THE
7 CRIME SCENE. I ASKED MR. GIBSON TO STAND BY, AND
8 ALSO MR. ANDREWS, I BELIEVE, WAS THE NAME OF THE
9 MANAGER. I ASKED HIM TO STAND BY FOR THE
10 INVESTIGATORS TO ARRIVE.

11 Q NO ONE ELSE WAS ALLOWED IN THE SCENE?

12 A NO.

13 Q AND YOU INDICATED THE VICTIM WAS STILL THERE WHEN YOU
14 ARRIVED?

15 A CORRECT.

16 Q WOULD YOU DESCRIBE TO THE JURY HIS CONDITION?

17 A WHEN I CAME -- WHEN I FIRST ARRIVED ON THE SCENE, I
18 OBSERVED MR. CASEY LAYING IN THE PARKING LOT WITH A
19 GUNSHOT WOUND TO THE FACE.

20 HE WAS LOSING A LOT OF BLOOD. THERE WAS ALSO
21 TISSUE ON THE GROUND FROM THE EXIT WOUND, AND
22 MS. CASEY WAS ON TOP. I HAD TO TRY TO REMOVE HER TO
23 KEEP HER AWAY FROM HIM, AS A WITNESS.

24 Q WAS THE VICTIM ABLE TO COMMUNICATE ANYTHING TO YOU?

25 A NO, SIR. HE WAS NOT ABLE TO COMMUNICATE ANYTHING.

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1 HE WAS UNCONSCIOUS.

2 Q SO HE WASN'T MOVING OR ANYTHING LIKE THAT?

3 A NO, SIR.

4 Q AND DESCRIBE THE REST OF THE SCENE.

5 A THERE WAS A LARGE AMOUNT OF BLOOD ON THE GROUND AT
6 THE REAR OF THE VEHICLE, THE VICTIM'S VEHICLE, WHICH
7 WAS A 1995 CHEVY TAHOE. I DIDN'T APPROACH THE
8 VEHICLE, ENTER THE VEHICLE OR ANYTHING. I JUST TRIED
9 TO MAINTAIN THE SCENE THAT I HAD UNTIL MEDICAL HELP
10 ARRIVED.

11 Q AND DID YOU KNOW WHOSE VEHICLE THAT WAS AT THAT TIME?

12 A NO.

13 Q OKAY. WAS THERE ANYTHING THAT YOU REMEMBER ABOUT
14 THAT VEHICLE ASIDE FROM THE TYPE OF VEHICLE IT WAS?

15 A NO, SIR, NOT RIGHT OFF THE BAT.

16 Q OKAY. AND AT SOME POINT, DID YOU HAVE AN OPPORTUNITY
17 TO BRIEF THE INVESTIGATORS THAT ARRIVED ON THE SCENE?

18 A YES, SIR. WHEN THE INVESTIGATORS ARRIVED ON THE
19 SCENE, IT WAS INVESTIGATOR HOLDORF WAS THE FIRST TO
20 ARRIVE. I BRIEFED HIM AS FAR AS WHAT MS. CASEY HAS
21 TOLD ME HAPPENED.

22 I ALSO SPOKE WITH HIM IN REFERENCE TO WHAT THE
23 SECURITY GUARD HAD SEEN, MR. GIBSON, AND TOLD HIM
24 WHAT I HAD KNOWN WHEN I ARRIVED ON THE SCENE AS FAR
25 AS NOTIFYING THE MEDICAL PERSONNEL AND SECURING THE

1 SCENE.

2 Q AND HOW SOON AFTER YOU NOTIFIED MEDICAL ASSISTANCE
3 DID THEY ARRIVE?

4 A I HONESTLY CAN'T SAY. IT WAS WITHIN A MATTER OF
5 MINUTES. WHEN I REQUESTED THEM, I ADVISED THEM, I
6 SAID WE HAD A VICTIM WITH A GUNSHOT WOUND AND WE
7 NEEDED THEM TO RESPOND QUICKLY.

8 Q AT THE POINT THAT YOU ARRIVED, WHAT WITNESSES ARE YOU
9 AWARE OF?

10 A MS. CASEY, MR. GIBSON, MR. ANDREWS.

11 Q DID YOU SPEAK TO ANYONE ELSE AT THE SCENE?

12 A NOT AT THAT POINT.

13 Q DID YOU INVENTORY THIS VEHICLE?

14 A NO, SIR.

15 Q WERE YOU AWARE OF ANYONE INVENTORYING THIS VEHICLE?

16 A I BELIEVE THE INVESTIGATORS INVENTORIED IT. I TOWED
17 THE VEHICLE ONCE THEY WERE COMPLETED.

18 Q DID YOU EVER LOOK INTO THE VEHICLE AT ANY POINT OR
19 ANYTHING LIKE THAT?

20 A NOT INITIALLY, NO, SIR.

21 Q WHEN YOU SAW THE -- JUST TO BACKTRACK A LITTLE BIT,
22 WHEN YOU SAW THE VICTIM, WHAT ELSE DO YOU RECALL
23 ABOUT HIM? DO YOU REMEMBER WHAT HE WAS WEARING OR
24 ANYTHING LIKE THAT?

25 A NO. I DON'T REMEMBER ANY OF HIS CLOTHING HE WAS

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1 WEARING.

2 Q DO YOU RECALL WHETHER HE WAS BEING COVERED UP WITH
3 ANYTHING AT ANY POINT?

4 A NO. I DO NOT RECALL IF HE WAS BEING COVERED. I KNOW
5 WE TOOK SOME -- I BELIEVE HIS WIFE WAS TRYING TO
6 CONTROL THE BLEEDING, BECAUSE THERE WAS AN AWFUL LOT
7 OF BLOOD LOSS THERE.

8 Q DO YOU KNOW WHAT THEY WERE ATTEMPTING TO CONTROL THE
9 BLEEDING WITH?

10 A I WANT TO SAY A BLANKET, BUT I CAN'T HONESTLY
11 REMEMBER. I BELIEVE IT MIGHT HAVE BEEN A BLANKET.

12 Q APPROXIMATELY HOW LONG WERE YOU AT THE SCENE?

13 A I ARRIVED ON THE SCENE AT 3:58, AND I LEFT AT 6:06.

14 Q AND WHAT, IF ANYTHING ELSE, WERE YOU DOING THIS
15 ENTIRE TIME WHILE YOU WERE AT THE SCENE?

16 A MAINTAINING A CRIME SCENE LOG AS FAR AS WHO ALL THE
17 INVESTIGATORS ARE WHO ENTERED THE CRIME SCENE AREA
18 THAT I TAPED OFF AND PROVIDING ANY ASSISTANCE TO THE
19 INVESTIGATORS THAT THEY REQUIRED.

20 Q AT THAT PARTICULAR TIME, YOU'RE NOT AN INVESTIGATOR
21 THEN; IS THAT CORRECT?

22 A NO, I WAS MADE INVESTIGATOR THIS YEAR.

23 Q SO YOU DIDN'T HAVE ANY INVESTIGATIVE DUTIES?

24 A NO, SIR.

25 Q SO IT WOULDN'T HAVE BEEN YOUR RESPONSIBILITY TO TAKE

1 ANY STATEMENTS FROM ANYONE, CORRECT?

2 A IF THE INVESTIGATORS ASKED ME TO, I WOULD HAVE, SIR.

3 Q DO YOU RECALL WHETHER THEY ASKED YOU TO THAT, THAT

4 PARTICULAR AFTERNOON?

5 A NO, SIR.

6 Q BUT YOU DON'T REMEMBER TAKING ANY?

7 A NO, SIR. I DON'T REMEMBER TAKING ANY STATEMENTS.

8 Q SO IT'S FAIR TO SAY THAT YOU ARRIVED AT THE SCENE AND

9 BASICALLY SET THE SCENE FOR THE INVESTIGATORS TO COME

10 IN AND ACTUALLY DO THE WORK?

11 A RIGHT, AND PROVIDE CRIME SCENE SECURITY AS FAR AS

12 PROTECTING THE SCENE.

13 Mr. Lake: OKAY. LET ME SHOW YOU WHAT'S BEEN --

14 LET ME GET THIS MARKED.

15 (WHEREUPON, STATE'S EXHIBIT NO. 1 WAS MARKED FOR

16 IDENTIFICATION ONLY.)

17 BY Mr. Lake

18 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT

19 NO. 1. DO YOU RECOGNIZE THIS GENERAL AREA?

20 A YES, SIR. THAT'S THE PARKING LOT OF LOWE'S ON TWO

21 NOTCH ROAD WITH THE FIRE DEPARTMENT HERE AND THE

22 APPLEBEE'S RESTAURANT.

23 Q YOUR HONOR, I'M JUST GOING TO USE THIS FOR

24 DEMONSTRATIVE PURPOSES.

25 IF I CAN GET YOU TO USE THIS POINTER TO KIND OF

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1 SHOW EXACTLY WHERE YOU CAME INTO THIS LOCATION AT AND
2 WHERE EVERYTHING IS KIND OF LAID OUT.

3 A I WAS -- WHEN I HEARD THE GUNSHOT, I WAS DOWN -- THIS
4 IS O'NEILL COURT HERE. I WAS DOWN, A LITTLE FURTHER
5 DOWN, THERE'S PARKLANE ROAD AT THAT STOPLIGHT. I
6 RESPONDED TO THE PARKING LOT AT THIS DIRECTION AND
7 CAME AROUND IN HERE WHEN I WAS FLAGGED DOWN AND
8 POINTED THAT THE VICTIM WAS IN THIS AREA HERE.

9 Q AND THIS WOULD BE THE GENERAL LOCATION?

10 A RIGHT. RIGHT IN HERE WOULD BE THE GENERAL LOCATION
11 WHERE THE VICTIM WAS AT.

12 Q AND YOU SAID YOU SECURED THE SCENE. WHAT PARTICULAR
13 AREAS, CAN YOU SHOW THE JURY?

14 A WE TOOK CRIME SCENE TAPE AROUND, ACTUALLY, CUSTOMER'S
15 VEHICLES THAT WERE IN THE PARKING LOT AND SECURED
16 CRIME SCENE TAPE AROUND THE ENTIRE AREA.

17 Q OKAY. YOU NEVER, AT ANY POINT, SAW THIS VEHICLE THAT
18 WAS INVOLVED IN THIS INCIDENT, CORRECT?

19 A NO? AS FAR AS WHO, SIR?

20 Q FROM THE SUSPECT.

21 A NO, I DIDN'T SEE ANYTHING FROM THE SUSPECT AT THAT
22 POINT, NO.

23 Q AND COULD YOU GIVE A GENERAL IDEA OF WHERE THE
24 VICTIM'S BODY WOULD HAVE BEEN?

25 A THE VICTIM'S BODY WOULD HAVE BEEN RIGHT AROUND HERE.

1 I BELIEVE HIS VEHICLE WAS PARKED IN THIS PARKING
2 SPACE RIGHT HERE ALONG THIS SIDE OF THE WALL, AND HIS
3 BODY WAS LYING DIRECTLY BEHIND HIS VEHICLE.

4 Q SO HE'S ACTUALLY NOT IN THE ROADWAY? HE'S IN ONE OF
5 THE PARKING SPACES?

6 A I BELIEVE HE WAS IN ONE OF THE PARKING SPACES. THAT
7 WAS A COUPLE OF YEARS AGO, BUT I BELIEVE HE WAS
8 ACTUALLY IN THE PARKING SPACES.

9 Q DO YOU RECALL WHAT DIRECTION THE TRUCK WAS FACING?

10 A THE TRUCK WAS FACING -- THE FRONT END WAS FACING
11 TOWARD FIRELANE ROAD, AND THE REAR WAS FACING THE
12 WOOD LINE.

13 Q FROM SPEAKING WITH THE WITNESSES OUT THERE INITIALLY,
14 EVEN THOUGH YOU DIDN'T TAKE A STATEMENT FROM THEM, DO
15 YOU RECALL WHERE THEY SAID THE SUSPECT VEHICLE WAS
16 AT?

17 A WELL, I BELIEVE MR. GIBSON TOLD ME THE VEHICLE EXITED
18 OUT HERE ON TWO NOTCH ROAD, WHICH THIS IS THE BANK OF
19 AMERICA PARKING LOT. THE VEHICLE HAD EXITED OUT HERE
20 TO TWO NOTCH ROAD, WHICH IS THIS ROAD HERE. I-20 IS
21 ON THE OTHER SIDE OF FIRELANE ROAD AND THE FIRE
22 STATION, EXITED OUT.

23 Q BUT YOU DIDN'T ACTUALLY SEE THAT YOURSELF, CORRECT?

24 A NO, SIR.

25 Mr. Lake: OKAY. BEG THE COURT'S INDULGENCE,

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1 YOUR HONOR.

2 (PAUSE).

3 (WHEREUPON, STATE'S EXHIBIT NOS. 2 - 5 WERE
4 MARKED FOR IDENTIFICATION ONLY.)

5 BY Mr. Lake

6 Q INVESTIGATOR CANNON, LET ME GET YOU TO TAKE A LOOK AT
7 THESE PICTURES AND ASK IF YOU RECOGNIZE THESE.

8 A THIS IS THE LOWE'S PARKING LOT AT 7441 TWO NOTCH
9 ROAD.

10 Q LOOK AT ALL OF THEM FIRST.

11 A THIS IS NO. -- I GUESS IT'S STATE'S FIVE IS THE
12 PARKING LOT OF LOWE'S AT THE REAR OF THE BANK OF
13 AMERICA AND AGAIN, THE PARKING LOT AT LOWE'S. THIS
14 IS A PHOTO OF THE SCENE THAT DAY AT LOWE'S.

15 Q AND DO THESE PHOTOS FAIRLY AND ACCURATELY DEPICT WHAT
16 THE LOCATION LOOKS LIKE?

17 A YES, THEY DO.

18 Mr. Lake: YOUR HONOR, AT THIS TIME, THE STATE
19 WOULD ASK TO MOVE STATE'S EXHIBIT NO. 2 THROUGH FIVE INTO
20 EVIDENCE.

21 Mr. Strickler: THAT'S WITHOUT OBJECTION.

22 THE COURT: WITHOUT OBJECTION.

23 (WHEREUPON, STATE'S EXHIBITS NOS. 2 - 5 WERE
24 ADMITTED INTO EVIDENCE.)

25 BY Mr. Lake

1 Q IF I COULD GET YOU TO BRIEFLY DESCRIBE TO THE JURY
2 THE LOCATION.

3 A THIS IS THE VICTIM'S VEHICLE, THE CHEVY TAHOE BACKED
4 INTO THE PARKING SPACE BY THE LIGHT POLE, ALSO WHERE
5 THE VICTIM WAS LAYING AND WHERE I PLACED THE CRIME
6 SCENE AND THE OTHER VEHICLES THAT WERE SEALED UP INTO
7 THE CRIME SCENE AREA AT THE TIME.

8 Q WHAT, IF ANYTHING, DID YOU NOTICE ABOUT ITEMS IN
9 THERE?

10 Mr. Strickler: EXCUSE ME, YOUR HONOR, COULD I
11 ASK THAT THE WITNESS IDENTIFY THE PHOTOGRAPH BY NUMBER?

12 THE WITNESS: STATE'S EXHIBIT 2, SIR.

13 Mr. Strickler: THANK YOU.

14 BY Mr. Lake

15 Q WHAT ITEMS ARE YOU SEEING THAT ARE LOCATED WITHIN THE
16 PICTURE?

17 A I SEE A BLUE BLANKET THAT'S LAYING ON THE PARKING LOT
18 DIRECTLY BEHIND THE VICTIM'S VEHICLE. I ALSO SEE MY
19 CRIME SCENE TAPE, THE BLOOD STAIN WHERE THE VICTIM
20 WAS LAYING, THE VICTIM'S VEHICLE WITH THE REAR WINDOW
21 OPEN AND ANOTHER BLUE BLANKET AT THE RIGHT CORNER OF
22 THE PHOTOGRAPH.

23 Q BUT YOU INDICATE YOU NEVER CONFISCATED ANY OF THESE
24 ITEMS, CORRECT?

25 A NO, I NEVER TOOK ANY OF THE ITEMS.

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1 Q YOU NEVER TOOK ANY OF THE ITEMS OUT?

2 A NO.

3 Mr. lake: PERMISSION TO PUBLISH THIS TO THE
4 JURY?

5 THE COURT: YES.

6 BY Mr. Lake

7 Q THIS WOULD BE ACTUALLY A PHOTO --

8 A OF ME IN THERE.

9 Q A PHOTO OF YOU. THIS WOULD BE ON THE DATE OF THIS
10 PARTICULAR INCIDENT?

11 A YES, SIR.

12 Q OKAY. AND LET ME SHOW YOU STATE'S EXHIBIT NO. 3, 4,
13 AND 5. IS THAT ON THE DATE OF THIS PARTICULAR
14 INCIDENT?

15 A NO, SIR.

16 Q OKAY. WOULD THAT ALSO REPRESENT THE AREAS WHERE THIS
17 PARTICULAR INCIDENT OCCURRED?

18 A YES, SIR. IT'S ONE PARKING SPACE ACTUALLY OVER. AT
19 THE RIGHT CORNER OF THE VEHICLE THERE'S A FORM RANGER
20 AND THE TAILGATE OF ANOTHER VEHICLE. THAT'S WHERE
21 THE VICTIM'S VEHICLE WOULD HAVE BEEN PARKED. THAT
22 ALSO SHOWS THE REAR OF THE BANK OF AMERICA.

23 STATE'S EXHIBIT 5 SHOWS THE ACTUAL LANE WHERE
24 THE INCIDENT OCCURRED AT AND SAME FOR STATE'S
25 EXHIBIT 4. IT SHOWS THE LIGHT POLE, THE FRONT OF

1 LOWE'S, AND THE AREA OF THE CRIME SCENE WHERE THE
2 VICTIM'S VEHICLE WOULD HAVE BEEN PARKED AT.

3 Q LET ME JUST SHOW YOU TWO OTHER PHOTOS BRIEFLY.

4 LET ME GET THESE PREMARKED.

5 (WHEREUPON, STATE'S EXHIBITS NOS. 6, 7 WERE
6 MARKED FOR IDENTIFICATION ONLY.)

7 BY Mr. Lake

8 Q THIS WILL BE STATE'S EXHIBIT NO. 6 AND STATE'S
9 EXHIBIT NO. 7. TAKE A LOOK AT BOTH OF THESE PICTURES
10 AND TELL ME DO YOU RECOGNIZE THIS AREA?

11 A YES, SIR. IT'S THE AREA WHERE THE VICTIM WAS LAYING
12 AND THE VICTIM'S VEHICLE IN THE PARKING LOT OF LOWE'S
13 ON TWO NOTCH ROAD.

14 Q THIS WOULD BE WHAT DAY?

15 A NOVEMBER 21, 2001, THE DAY BEFORE THANKSGIVING.

16 Q DOES THAT FAIRLY AND ACCURATELY DEPICT WHAT THE SCENE
17 LOOKED LIKE ON THAT PARTICULAR DAY?

18 A YES, IT DOES, SIR.

19 Mr. Lake: YOUR HONOR, THE STATE WOULD MOVE
20 STATE'S EXHIBIT NO. 6 AND 7 INTO EVIDENCE.

21 Mr. Strickler: THAT'S WITHOUT OBJECTION -- AND
22 NO. 7, SIR, THE NEXT ONE.

23 THE COURT: SIX AND SEVEN.

24 Mr. Strickler: THE NEXT ONE.

25 THE COURT: YES, SIR.

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1 (WHEREUPON, STATE'S EXHIBITS NOS. 6, 7 WERE
2 ADMITTED INTO EVIDENCE.)

3 BY Mr. Lake

4 Q JUST ESTABLISH THESE PHOTOS AND THE OTHERS.

5 A THIS IS A CLOSE UP SHOT WHERE THE VICTIM'S BODY WAS
6 LAYING, THE BLANKETS, THE CRIME SCENE TAPE ON THE
7 GROUND, AND THE VICTIM'S VEHICLE.

8 Q WHAT, IF ANYTHING, ELSE ARE YOU ABLE TO SEE IN THOSE
9 PICTURES?

10 A I SEE A MARKER ON THE PARKING LOT FROM NO. 1. I
11 DON'T KNOW WHAT THE LAB TECHNICIAN PLACED THERE, THE
12 BLANKETS.

13 Q CAN YOU SEE ACTUALLY WHERE THE VICTIM'S BODY ACTUALLY
14 WAS LOCATED?

15 A DEFINITELY. THERE'S A LARGE BLOOD STAIN WHERE THE
16 BLOOD WAS RUNNING DOWNHILL ON A DOWNWARD SLOPE. WHEN
17 I ARRIVED, THE VICTIM'S FEET WERE IN THIS DIRECTION
18 AND HIS HEAD WOULD HAVE BEEN THERE.

19 Q HIS HEAD WAS LYING NEAR THAT LARGER PUDDLE?

20 A HIS HEAD WAS LAYING IN THAT PUDDLE WHEN I ARRIVED
21 THERE.

22 Q WHERE HIS HEAD, IS THAT FACING LOWE'S OR IS IT GOING
23 AWAY FROM LOWE'S?

24 A LOWE'S IS IN THIS DIRECTION DOWN HERE. TWO NOTCH
25 ROAD AND THE BANK OF AMERICA GOES UP IN THE NORTHEAST

1 DIRECTION. HIS BODY WAS LYING THIS WAY, HIS HEAD IN
2 THAT PUDDLE, AND HIS FEET DOWN THIS WAY.

3 Q OKAY. SO --

4 A AND THIS WOULD BE -- I WOULD BE ABLE TO SHOW YOU
5 BETTER. HIS HEAD WAS LAYING IN THE PUDDLE. HIS FEET
6 WERE LAYING TOWARDS LOWE'S.

7 Q YOUR HONOR, MAY I HAVE PERMISSION TO PUBLISH THIS TO
8 THE JURY?

9 WHAT, IF ANYTHING, ELSE DO YOU RECALL DOING OUT
10 THERE AT THE SCENE?

11 A I SECURED THE SCENE, NOTIFIED THE CRIME LAB UNITS.
12 WHEN THE INVESTIGATORS WERE FINISHED THAT DAY, I
13 TOWED THE VEHICLE TO THE COMPOUND, TO THE
14 INVESTIGATORS.

15 Q DO YOU KNOW WHO MAY HAVE INVENTORIED THE VEHICLE OR
16 ANYTHING LIKE THAT?

17 A NO, SIR. I DON'T KNOW WHO INVENTORIED THE VEHICLE.

18 Mr. Lake: JUST A MOMENT, YOUR HONOR.

19 (PAUSE).

20 BY Mr. Lake

21 Q AND THIS INCIDENT DID OCCUR HERE IN RICHLAND COUNTY;
22 IS THAT CORRECT?

23 A YES, SIR. IT DID OCCUR IN RICHLAND COUNTY.

24 Q DO YOU KNOW THE STREET ADDRESS?

25 A YES, SIR, IT'S 7441 TWO NOTCH ROAD.

1 Mr. Lake: OKAY. NO FURTHER QUESTIONS, YOUR
2 HONOR.

3 THE COURT: MR. STRICKLER?

4 Mr. Strickler: MAY IT PLEASE THE COURT, SIR.

5 CROSS-EXAMINATION:

6 BY Mr. Strickler

7 Q GOOD MORNING, INVESTIGATOR.

8 A GOOD MORNING, SIR.

9 Q I TAKE IT FROM YOUR DESCRIPTION OF YOUR TIME AT THE
10 COUNTY THAT YOU ARE AN INVESTIGATOR, A FAIRLY RECENT
11 ONE; IS THAT CORRECT?

12 A SINCE MARCH AT THE SHERIFF'S OFFICE.

13 Q OKAY. PRIOR TO THAT TIME, AS YOU DESCRIBED, YOU WERE
14 WORKING AS A LINE DEPUTY AND LATER AS A MASTER DEPUTY
15 AND TRAINING OFFICER, CORRECT?

16 A A MASTER DEPUTY IS A TRAINING OFFICER.

17 Q YES, SIR.

18 A AND THEN I WAS A CORPORAL SUPERVISOR AT THE SHIFT.

19 Q AND INDEED, THAT WAS A POSITION THAT YOU WERE
20 OCCUPYING ON THE DATE OF THIS PARTICULAR INCIDENT; IS
21 THAT CORRECT?

22 A I WAS THE MASTER TRAINING OFFICER, YES, SIR.

23 Q REALLY JUST A FEW QUESTIONS FOR YOU. YOUR
24 DESCRIPTION OF WHAT YOU DID THAT DAY, THAT'S VERY
25 MUCH THE NORM FOR WHAT A LINE OFFICER WOULD DO WHEN

- 1 RESPONDING TO A MAJOR INCIDENT, CORRECT?
- 2 A YES, SIR.
- 3 Q OKAY. YOU'RE THE FIRST RESPONDING OFFICER. YOU'RE
- 4 FIRST OBLIGATION -- THIS IS STANDARD PROCEDURE, AS I
- 5 UNDERSTAND IT, CORRECT?
- 6 A YES, SIR.
- 7 Q FIRST OBLIGATION, CERTAINLY ADDRESS ANY -- WELL, IF
- 8 THERE'S A PERPETRATOR THERE, DEAL WITH THAT; DEAL
- 9 WITH THE VICTIM, SECURE THE SCENE, CALL FOR THE
- 10 APPROPRIATE ADDITIONAL RESPONDING OFFICERS, CORRECT?
- 11 A CORRECT, SIR.
- 12 Q AND IN THE CASE WHERE THERE'S SOMEONE INJURED AT THE
- 13 SCENE, MAKE SURE MEDICAL ATTENTION ARRIVES?
- 14 A YES, SIR.
- 15 Q SO EVERYTHING THAT YOU DESCRIBED IS PART OF THE
- 16 NORMAL DUTIES OF A RESPONDING OFFICER TO A MAJOR
- 17 CRIME SCENE, CORRECT?
- 18 A YES, SIR.
- 19 Q IT'S NOT NORMALLY THE DUTY OF A RESPONDING OFFICER TO
- 20 BEGIN ANY IN-DEPTH INTERVIEWS OF WITNESSES, CORRECT?.
- 21 A RIGHT.
- 22 Q COLLECT AND SECURE EVIDENCE -- WELL, SECURE IT,
- 23 CERTAINLY, BUT COLLECT EVIDENCE AND DOCUMENT
- 24 EVIDENCE, THAT'S NOT NORMALLY PART OF YOUR DUTIES?
- 25 A CORRECT.

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1 Q AND THIS IS A PROCEDURE THAT'S FOLLOWED -- THAT
2 YOU'RE TRAINED TO FOLLOW AS A NORMAL PART OF YOUR
3 DUTIES AS A POLICE OFFICER?

4 A YES, SIR.

5 Q OKAY. NOW, YOU INDICATED -- AND I JUST -- LET ME
6 MAKE IT STRAIGHT MYSELF. YOU DIDN'T ACTUALLY SEE THE
7 CAR THAT WAS ALLEGED TO HAVE BEEN DRIVEN BY THE
8 PERSON THAT DID THE SHOOTING, RIGHT?

9 A NO, SIR.

10 Q OKAY. YOU SPOKE WITH A MR. GIBSON; IS THAT RIGHT?

11 A YES, SIR, SECURITY OFFICER.

12 Q OKAY. ARE YOU AWARE OF WHETHER HE ACTUALLY SAW THE
13 VEHICLE HIMSELF OR WHETHER HE WAS CONVEYING
14 INFORMATION TO YOU THAT HE HAD, INDEED, RECEIVED FROM
15 ANOTHER PERSON?

16 A ALL I KNOW, SIR, IS THAT HE GAVE ME A DESCRIPTION OF
17 THE VEHICLE.

18 Q OKAY.

19 A I DON'T KNOW IF HE ACTUALLY SEEN IT.

20 Q AND AT THAT TIME, THE DESCRIPTION HE GAVE YOU WAS OF
21 A BLACK MALE DRIVING A BROWN, SMALL STATION WAGON; IS
22 THAT CORRECT?

23 A YES, SIR.

24 Q AND I'M READING FROM THE DOCUMENT HERE IN THE
25 INCIDENT REPORT AND THE SUPPLEMENTARY INCIDENT

1 REPORT. I TAKE IT YOU HAVE THAT AVAILABLE?

2 A YES.

3 Q I SEE YOU GLANCING DOWN AND REFERENCING THINGS. THIS
4 WAS A COUPLE OF YEARS AGO, RIGHT?

5 A YES, SIR.

6 Q AND THE INCIDENT -- AGAIN, THAT'S A STANDARD PIECE OF
7 POLICE PROCEDURE. IT'S A STANDARD FORM WITH AREAS TO
8 PROVIDE AS MUCH INFORMATION, PERTINENT INFORMATION,
9 AS YOU CAN, CORRECT?

10 A YES, SIR.

11 Q OKAY. IT'S A STANDARDIZED FORM, AND YOU USED THAT IN
12 THIS CASE, BOTH THE INCIDENT REPORT AND THE
13 SUPPLEMENTARY REPORT?

14 A CORRECT.

15 Q AND INDEED, IT'S THE SUPPLEMENTAL WHERE YOU HAVE AN
16 OPPORTUNITY TO PROVIDE ADDITIONAL INFORMATION THAT
17 YOU PROVIDE ALL THE INFORMATION THAT YOU HAVE AS TO
18 BOTH THE NATURE OF THE ALLEGED PERPETRATOR OF THE
19 CRIME, WHICH WAS THAT HE WAS A BLACK MALE?

20 A CORRECT.

21 Q AND THE VEHICLE ALLEGEDLY -- IN WHICH HE ALLEGEDLY
22 LEFT, WHICH WAS A BROWN, SMALL STATION WAGON, RIGHT?

23 A YES, SIR.

24 Q AND CERTAINLY, HAD YOU BEEN PROVIDED AT THAT POINT IN
25 TIME FROM ANYONE AT THE SCENE ANY ADDITIONAL

1 INFORMATION REGARDING EITHER THE IDENTITY OF THE
2 VEHICLE OR THE IDENTITY OF THE INDIVIDUAL WHO HAD
3 COMMITTED THIS CRIME, YOU WOULD HAVE RECORDED THAT,
4 CORRECT?

5 A CORRECT, SIR.

6 Q I MEAN, THAT WOULD BE IMPORTANT INFORMATION IN THIS
7 OR IN ANY CASE, CORRECT?

8 A (NODS IN THE AFFIRMATIVE).

9 Q NOW, REFERENCING WHAT'S MARKED AS STATE'S FOR I.D. 1,
10 THIS AERIAL PHOTOGRAPH, DO YOU HAVE ANY IDEA OF WHEN
11 THAT PHOTOGRAPH WAS TAKEN?

12 A NO, SIR. I HAVE NO IDEA WHEN THAT PHOTOGRAPH WAS
13 TAKEN.

14 Q OKAY. STATE'S TWO, THIS PHOTOGRAPH THAT YOU
15 DISCUSSED WITH MR. LAKE, THAT WAS TAKEN THE DATE OF
16 THE INCIDENT, CORRECT?

17 A YES, SIR.

18 Q YOU CAN TELL THE CRIME SCENE TAPE IS UP THERE AND
19 VARIOUS ITEMS AROUND THE BACK OF THE VEHICLE THAT YOU
20 DESCRIBED FOR THE JURY?

21 A YES, SIR.

22 Q NOW, AND STATE'S FIVE, ADDITIONALLY, THAT WAS TAKEN
23 THE DATE OF THE INCIDENT, CORRECT?

24 A YES.

25 Q YOU CAN, ONCE AGAIN, SEE THE CRIME SCENE TAPE THAT

1 YOU REFERENCED AND VARIOUS ITEMS AROUND THE VEHICLE?

2 A YES.

3 Q AND YOU REFERENCED THIS -- IT'S REFERENCED TO OFTEN
4 AS A CONE, BUT IT'S NUMBER ONE THERE?

5 A YES, SIR.

6 Q THAT'S A PIECE OF -- THAT'S AN OBJECT THAT'S STANDARD
7 OR USUALLY PLACED BY AN EVIDENCE INVESTIGATOR AT THE
8 SCENE LOCATING THE POSITION --

9 A CORRECT.

10 Q -- OF A PARTICULAR PIECE OF EVIDENCE, CORRECT?

11 A YES, SIR.

12 Q SO THEY NUMBER THEM SO THEY CAN REFERENCE THE ITEMS
13 OF EVIDENCE THROUGHOUT THE PROCEDURE?

14 A CORRECT.

15 Q AND THEN STATE'S SEVEN, THIS PHOTOGRAPH,
16 ADDITIONALLY, WAS TAKEN THE DATE OF THE INCIDENT,
17 CORRECT?

18 A YES.

19 Q AGAIN, IT'S OF THE REAR OF THE VEHICLE, AND THERE ARE
20 VARIOUS ITEMS THAT YOU DESCRIBED FOR THE JURY AROUND
21 IT?

22 A CORRECT.

23 Q AND I APOLOGIZE, I WASN'T EXACTLY SURE BECAUSE I'M
24 SITTING ALL THE WAY OVER THERE. YOU HAVE INDICATED
25 THIS AREA RIGHT HERE WAS WHERE MR. CASEY'S HEAD WAS

- 1 LOCATED; IS THAT CORRECT?
- 2 A YES, SIR.
- 3 Q AND WERE HIS FEET POINTING OUT IN THIS DIRECTION?
- 4 A CORRECT, SIR.
- 5 Q OKAY. SO AS I FACE THE REAR OF THE VEHICLE, HIS HEAD
- 6 WAS TOWARD THE RIGHT REAR OF THE VEHICLE, AS I FACE
- 7 IT --
- 8 A EXACTLY.
- 9 Q -- AND HIS FEET WERE STRAIGHT OUT OR PARALLEL TO THE
- 10 REAR OF THE VEHICLE; IS THAT CORRECT?
- 11 A YES.
- 12 Q OKAY. NOW, REFERENCING WHAT ARE MARKED AS STATE'S
- 13 THREE --
- 14 A YES, SIR.
- 15 Q -- STATE'S FOUR --
- 16 A (NODS IN THE AFFIRMATIVE).
- 17 Q -- AND STATE'S FIVE, OKAY, THESE PHOTOGRAPHS WERE NOT
- 18 TAKEN THE DATE OF THE INCIDENT; IS THAT CORRECT?
- 19 A CORRECT, SIR.
- 20 Q YOU TESTIFIED THAT THEY FAIRLY AND ACCURATELY DEPICT
- 21 THE SCENE ON THE DATE OF THE INCIDENT. DO THEY
- 22 FAIRLY AND ACCURATELY DEPICT THE NUMBER OF CARS AT
- 23 THE SCENE?
- 24 A NO, SIR.
- 25 Q SO THEY FAIRLY AND ACCURATELY DEPICT THE GENERAL

1 LAYOUT OF THE PARKING LOT?

2 A GENERAL LAYOUT OF THE PARKING LOT IS -- I DON'T
3 UNDERSTAND THE QUESTION.

4 Q WELL, WHAT I'M TRYING TO -- NO TRICK QUESTION. I'M
5 JUST TRYING TO FIGURE OUT WHAT THEY FAIRLY AND
6 ACCURATELY DEPICT IF THEY WERE NOT TAKEN THE DATE OF
7 THE INCIDENT.

8 A LOCATION OF THE PARKING LOT.

9 Q THE LOCATION?

10 A THE GENERAL LOCATION OF WHERE THIS INCIDENT OCCURRED
11 AT THE PARKING LOT.

12 Q OKAY. SO WE SHOULD NOT TAKE FROM THOSE PICTURES THAT
13 THE PARKING LOT, OTHER THAN THIS GENERAL LOCATION,
14 THE PARKING LOT WAS IN THIS PARTICULAR CONDITION ON
15 THE DATE OF THE INCIDENT AS FAR AS HOW OCCUPIED IT
16 WAS OR UNOCCUPIED IT WAS?

17 A CORRECT, IT COULDN'T DEPICT HOW MANY CARS WERE IN
18 THERE, JUST THE LOCATION OF THE PARKING LOT.

19 Q OKAY. I JUST WANTED TO GET IT STRAIGHT.

20 LASTLY, ONCE YOU RECEIVED THE INFORMATION YOU
21 DID FROM MR. GIBSON REGARDING BOTH THE VERY GENERAL
22 DESCRIPTION OF THE INDIVIDUAL WHO IS ALLEGED TO HAVE
23 DONE THIS AND THE DESCRIPTION OF THE VEHICLE, YOU
24 OBVIOUSLY BROADCAST THAT, CORRECT?

25 A I BELIEVE THAT IS STANDARD.

1 Q THAT WOULD BE, INDEED, STANDARD PROCEDURE, CORRECT?

2 A CORRECT.

3 Q THAT'S TO LET ANYONE ELSE -- DO YOU BROADCAST IT
4 IN -- DO YOU CALL IT IN DISPATCH OR BROADCAST IT
5 DIRECTLY YOURSELF?

6 A I BROADCAST IT DIRECTLY MYSELF.

7 Q AND THAT'S TO LET ANY OTHER UNITS THAT MIGHT BE IN
8 THE AREA TO HAVE AN OPPORTUNITY TO BE ON THE LOOKOUT
9 FOR THE DESCRIPTION YOU BROADCAST?

10 A YES, SIR.

11 Q DO YOU KNOW IF TAPES ARE MAINTAINED OF THIS
12 BROADCAST?

13 A I BELIEVE SO.

14 Q THANK YOU VERY MUCH, SIR.

15 A THANK YOU.

16 THE COURT: REDIRECT?

17 Mr. Lake: NOTHING FURTHER FROM THE STATE, YOUR
18 HONOR.

19 THE COURT: YOU MAY COME DOWN. THANK YOU VERY
20 MUCH.

21 ALL RIGHT. NEXT WITNESS.

22 Mr. Lake: MAJOR DAVID GIBSON.

23 THE BAILIFF: PLACE YOUR LEFT HAND ON THE BIBLE;
24 RAISE YOUR RIGHT HAND FOR ME.

25 DAVID GIBSON, AFTER BEING DULY SWORN, TESTIFIED

1 AS FOLLOWS:

2 THE CLERK: HAVE A SEAT IN THE WITNESS BOX AND
3 STATE YOUR FULL NAME FOR THE RECORD.

4 THE WITNESS: I CAN SIT DOWN?

5 THE BAILIFF: YES.

6 THE WITNESS: DAVID GIBSON.

7 DIRECT EXAMINATION:

8 BY Mr. Lake

9 Q MR. GIBSON, WHERE ARE YOU CURRENTLY EMPLOYED?

10 A I'M CURRENTLY EMPLOYED WITH THE WACKENHUT
11 CORPORATION.

12 Q AND HOW LONG HAVE YOU BEEN EMPLOYED WITH WACKENHUT?

13 A FOR THREE YEARS NOW.

14 Q AND WHAT ARE YOUR CURRENT DUTIES AT WACKENHUT?

15 A I'M THE AREA SUPERVISOR FOR THE ENTIRE STATE OF SOUTH
16 CAROLINA.

17 Q AND WHAT DOES THAT ENTAIL, YOUR DUTIES?

18 A POSTING, RELIEVING, CONTRACTING. ANYTHING THAT DEALS
19 WITH CONTRACT SECURITY, I BASICALLY GO OUT AND DO.

20 Q SO YOU PROVIDE SECURITY?

21 A THAT IS CORRECT.

22 Q OKAY. AND WHERE DO YOU TYPICALLY PROVIDE SECURITY
23 AT?

24 A CONTRACT SECURITY, AS YOU KNOW, IS BOUGHT AND PAID
25 FOR. ANYBODY THAT WANTS THE SECURITY CAN PAY FOR IT.

1 Q YOU DO A VARIETY OF DIFFERENT BUSINESSES?

2 A A VARIETY, YES, SIR.

3 Q LET ME TAKE YOU TO THE DATE OF NOVEMBER 21, 2001.

4 WHERE WERE YOU CONDUCTING SECURITY AT?

5 A AS A MATTER OF FACT, BACK THEN I WAS NOT IN THE

6 POSITION I'M IN NOW. BACK THEN I WAS A POST

7 STANDARD, AND I WAS DOING DUTIES AT THE BANK OF

8 AMERICA.

9 Q AND WHAT WERE YOUR DUTIES ON THAT PARTICULAR DAY?

10 A EXCUSE ME?

11 Q WHAT WERE YOUR DUTIES ON THAT PARTICULAR DAY?

12 A MY DUTIES ON THAT PARTICULAR DAY WERE TO GUARD THE

13 BANK AND ENFORCE ANY RULES AND REGULATIONS AS THE

14 MANAGER OF THE BANK WOULD ASK.

15 Q AND WHICH PARTICULAR BANK WERE YOU WORKING AT?

16 A I WAS WORKING AT THE BANK OF AMERICA ON TWO NOTCH

17 ROAD JUST IN FRONT OF LOWE'S. I DON'T KNOW WHAT THE

18 ADDRESS IS. I THINK IT'S THE 7400 BLOCK OR 7300

19 BLOCK OF TWO NOTCH ROAD.

20 Q AND HAVE YOU HAD ANY OTHER EXPERIENCE WITH LAW

21 ENFORCEMENT OR ANYTHING OF THAT TYPE?

22 A AS A MATTER OF FACT, I HAVE. I'M 27 YEARS RETIRED

23 FROM THE MARINE CORPS. WHILE IN THE MARINE CORPS., I

24 SUPERVISED M.P.'S AND CORRECTIONAL FACILITIES.

25 Q OKAY. AND ON THE DAY OF NOVEMBER 21ST, YOU SAID YOU

1 WERE CONDUCTING SECURITY AT THAT PARTICULAR BANK?

2 A THAT IS CORRECT.

3 Q AND CAN YOU TELL THE JURY WHAT HAPPENED AS YOU WERE
4 CONDUCTING SECURITY AT THAT BANK?

5 A WOULD YOU LIKE FOR ME TO START FROM EARLY MORNING?

6 Q START FROM JUST WHERE THE PARTICULAR INCIDENT
7 OCCURRED.

8 A JUST BEFORE THE PARTICULAR INCIDENT OCCURRED -- LET
9 ME START AT LUNCH. I HAD LUNCH BECAUSE THAT'S HOW I
10 GAUGE MY TIME. I HAD LUNCH. WE TAKE BREAKS.

11 I DIDN'T TAKE A BREAK THAT AFTERNOON. IT WAS
12 COOL. IT WASN'T HOT. I WAS OUTSIDE. I WAS
13 POSITIONED SO I COULD SEE TWO DOORS AT THE BANK. THE
14 BANK HAS TWO DOORS. IT'S BUILT KIND OF FUNNY THE WAY
15 IT SITS ON THE CORNER THERE.

16 YOU HAVE TO POSITION YOURSELF TO THE FRONT OF
17 THE BANK SO YOU CAN HAVE A VIEW OF BOTH DOORS OF THE
18 BANK. I WAS STANDING AT PARADE REST. PARADE REST
19 BEING A POSITION THAT'S RIGID BUT NOT TOO RIGID THAT
20 I WOULD FACE OUT. I WAS STANDING OUT THERE
21 OBSERVING.

22 Q AND WHAT HAPPENED AS YOU WERE STANDING OUT THERE
23 OBSERVING?

24 A IN THAT I'M FAMILIAR WITH WHAT A GUNSHOT SOUNDS LIKE,
25 I HEARD A GUNSHOT AROUND 4 O'CLOCK IN THE AFTERNOON,

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1 AND I IMMEDIATELY DID THE IMMEDIATE ACTION THINGS
2 THAT SHOULD BE DONE WHEN YOU HEAR A GUNSHOT, AND
3 YOU'RE GUARDING A BANK.

4 OF COURSE, MY FIRST RESPONSIBILITY WAS TO THE
5 BANK, SO I CHECKED TO MAKE SURE EVERYTHING WAS OKAY.
6 I DID A VISUAL CHECK, LOOKED AT THE PEOPLE. IF THE
7 PEOPLE WOULD HAVE BEEN RUNNING AND SCREAMING, I WOULD
8 HAVE THOUGHT SOMETHING WOULD HAVE BEEN WRONG IN THE
9 BANK; HOWEVER, THIS WAS NOT THE CASE, SO I PROCEEDED
10 TO WALK AROUND NEAR THE A.T.M. SIDE OF THE BANK TO
11 MAKE SURE NO ONE WAS BEING ACCOSTED AT THE A.T.M.

12 Q AND AS YOU WENT AROUND THERE, WHAT DID YOU SEE? WHAT
13 DID YOU OBSERVE?

14 A I RAN INTO SOME CUSTOMERS, AND I ASKED THOSE
15 CUSTOMERS IF THEY HEARD ANYTHING THAT SOUNDED LIKE A
16 GUNSHOT ALSO, JUST TO MAKE SURE I HEARD WHAT I THOUGHT
17 I HEARD. ONE CUSTOMER I CAME ACROSS SAID, "YEAH, I
18 THOUGHT I HEARD SOMETHING."

19 I KEPT WALKING TO THE EDGE OF THE BANK YARD
20 FACILITY. I SAW A YOUNG LADY AT THE PARKING LOT IN
21 LOWE'S WAIVING HER ARMS SAYING, "CALL 911, CALL 911."

22 Q ABOUT HOW FAR ARE YOU AWAY FROM THIS LADY AS YOU
23 OBSERVED HER?

24 A ROUGHLY 80, 90 YARDS.

25 Q AND HOW SOON AFTER THE SHOT DO YOU GET AROUND TO

1 ACTUALLY SEE HER?

2 A LIKE I SAID, IT WAS IMMEDIATELY AFTER I STARTED
3 WALKING. IT COULDN'T HAVE BEEN ANYMORE THAN 30
4 SECONDS TO A MINUTE.

5 Q OKAY. AND WHEN YOU GET AROUND THERE AND ACTUALLY SEE
6 HER, DESCRIBE HER DEMEANOR. I THINK YOU SAID SHE WAS
7 JUMPING UP AND DOWN.

8 A WELL, I WAS A PRETTY GOOD DISTANCE AWAY FROM HER WHEN
9 I FIRST SAW HER. SHE WAS JUMPING AND WAIVING HER
10 ARMS. WELL, I'M SAYING JUMPING. I'M USING THE TERM
11 "JUMP", BUT SHE WAS MORE WAIVING HER ARMS AND MAYBE
12 ON HER TIPTOES, NOT JUMPING, WAIVING HER ARMS SAYING,
13 "CALL 911, CALL 911."

14 Q AT THAT POINT, DO YOU KNOW WHAT HAPPENED?

15 A ONLY BECAUSE I HEARD THE GUNSHOT, I FIGURED SOMEONE
16 HAD BEEN SHOT.

17 Q AND UPON DOING THAT, WHAT DID YOU DO NEXT AFTER GOING
18 AROUND THAT CORNER?

19 A I HAD A CELL PHONE ATTACHED TO MY DUTY BELT. I TOOK
20 THAT CELL PHONE AND I DIALED 911. THAT WAS THE FIRST
21 THING I DID. I DIALED 911. THEN I SAID, "WELL, THE
22 BANK IS OKAY. MAYBE I CAN HELP IN THE LIFE SAVING
23 EFFORT IF THIS INDIVIDUAL HAS BEEN SHOT AT THE PLACE;
24 I CAN GIVE FIRST AID AND ASSISTANCE IN SAVING A
25 LIFE." I PROCEEDED TO SEE IF I COULD SAVE A LIFE.

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1 Q JUST TO BACK UP, HOW MANY SHOTS DID YOU HEAR?

2 A I ONLY HEARD ONE SHOT.

3 Q AND ASIDE FROM THE PERSON THAT YOU SAW JUMPING UP AND
4 DOWN, WAS THERE ANYONE ELSE RIGHT THERE WHERE SHE WAS
5 AT?

6 A AS A MATTER OF FACT, THERE WERE SEVERAL PEOPLE THERE,
7 NONE THAT I COULD FOCUS ON IMMEDIATELY. THERE WERE
8 SEVERAL PEOPLE STANDING AROUND IN THE PARKING LOT,
9 AND THEY WERE ALL LOOKING IN HER DIRECTION.

10 Q WAS ANYONE PROVIDING ANY ASSISTANCE TO HER?

11 A NO.

12 Q WERE YOU THE FIRST PERSON THAT PROVIDED ASSISTANCE TO
13 HER?

14 A I WAS, SIR.

15 Q DESCRIBE WHAT YOU DID AS YOU APPROACHED THE SCENE
16 WHERE SHE WAS AT.

17 A AS I STARTED WALKING FROM THE BERM, WHICH WAS MY
18 INITIAL POSITION IN WHICH I SAW HER, I DIALED 911 ON
19 MY CELL PHONE.

20 AS I SAID PREVIOUSLY, I SPOKE TO THE 911
21 OPERATOR. I TOLD THEM THAT I THOUGHT SOMEONE HAD
22 BEEN SHOT IN THE LOWE'S PARKING LOT. IT TOOK ROUGHLY
23 15, 20 SECONDS TO WALK FROM MY POSITION TO WHERE SHE
24 WAS IN THE PARKING LOT. UPON REACHING HER, SHE WAS
25 HYSTERICAL. SHE WAS SHOUTING.

1 I GAVE AN APPRAISAL OF THE SITUATION. I SAW
2 THAT IT WAS A GUNSHOT WOUND TO THE HEAD. I DIDN'T
3 KNOW WHETHER IT WAS THE FACE OR WHAT. I SAW THE
4 BLOOD COMING FROM THE HEAD; THEREFORE, I KNEW THERE
5 WAS LITTLE THAT I COULD DO IN THE LIFE SAVING EFFORT
6 EXCEPT MAYBE TO MAKE THIS INDIVIDUAL MORE COMFORTABLE
7 TO KEEP HIM FROM GOING INTO SHOCK.

8 Q WHAT, IF ANY, INFORMATION ARE YOU TRYING TO GET FROM
9 THE VICTIM AS YOU ARE ASSESSING THE ENTIRE SCENE?

10 A OKAY. WE'RE MAKING THE VICTIM -- NOW, THE FEMALE
11 THAT I SAW JUMPING OR THE VICTIM ON THE GROUND?

12 Q THE PERSON YOU SAW SHOT.

13 A AS A MATTER OF FACT, I DIDN'T TRY TO GET ANY
14 INFORMATION FROM THAT INDIVIDUAL.

15 Q WHAT ABOUT MS. CASEY, WHAT INFORMATION DID YOU TRY TO
16 GET FROM HER?

17 A I DIDN'T KNOW HER NAME TO BE MS. CASEY, BUT IF YOU
18 SAY THAT IS HER NAME.

19 Q WHAT INFORMATION DID YOU TRY TO GET FROM THE PERSON
20 YOU SAW OUT THERE?

21 A WHAT I DID, I ASKED HER INITIALLY WHAT HAPPENED. SHE
22 KEPT SAYING TO ME -- SHE DIDN'T WANT TO ANSWER WHAT
23 HAPPENED. SHE SAY, "HELP JUNIOR. HELP JUNIOR, DON'T
24 LET JUNIOR DIE."

25 I SAID, "MA'AM, WHO DID THIS?" SHE TOLD ME THAT

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1 THERE WAS A GUY DRIVING BY WHO HAD ASKED FOR
2 ASSISTANCE. WHEN THEY WERE GETTING READY TO RENDER
3 ASSISTANCE TO HIM, HE PULLED THE GUN AND HE SHOT
4 JUNIOR.

5 Q DID SHE GIVE A DESCRIPTION OF THE PERSON WHO SHOT
6 JUNIOR?

7 A I ASKED FOR A DESCRIPTION. I ASKED, "WHAT DID HE
8 LOOK LIKE?" FIRST, I GOT, "I DON'T KNOW WHAT HE
9 LOOKED LIKE." I SAID, "OKAY. IS HE BLACK OR WHITE?"
10 SHE SAID HE'S BLACK.

11 Q WHAT, IF ANY, OTHER TYPE OF DESCRIPTIVE INFORMATION
12 DID SHE GIVE OF THIS PERSON?

13 A SHE DIDN'T GIVE ME ANY OF THE DESCRIPTIVE
14 INFORMATION.

15 Q DID SHE SAY HOW HE LEFT THE SCENE?

16 A AS A MATTER OF FACT, I ASKED HER WHICH WAY DID HE
17 DRIVE OFF. SHE POINTED IN A NORTHERLY DIRECTION THAT
18 WOULD HAVE BEEN TOWARD FIRELANE ROAD, WHICH IS ON THE
19 NORTH END OF THE LOWE'S PARKING LOT.

20 Q DID SHE SAY WHAT TYPE OF VEHICLE THAT PERSON WAS
21 DRIVING?

22 A SHE SAID IT WAS A STATION WAGON.

23 Q DID SHE GIVE YOU ANYTHING OTHER THAN THE FACT THAT IT
24 WAS A STATION WAGON IN TERMS OF THE COLOR OR ANY
25 OTHER TYPE OF DESCRIPTION?

1 A NOT DURING THE -- NOT TO ME.

2 Q NOW, UPON GETTING THIS INFORMATION IN TERMS OF THE
3 DESCRIPTION OF THE PERSON AND THE DESCRIPTION OF THE
4 VEHICLE, OF THE BEIGE STATION WAGON, AND THE BLACK --

5 Mr. Strickler: OBJECTION, YOUR HONOR. THERE'S
6 BEEN NO DESCRIPTION GIVEN BY HIM.

7 THE COURT: I UNDERSTAND.

8 Mr. Strickler: OTHER THAN THE STATION WAGON.

9 BY Mr. Lake

10 Q UPON THE DESCRIPTION OF THE STATION WAGON, WHAT DID
11 YOU DO WITH THAT INFORMATION?

12 A WHILE I WAS ASKING HER FOR THAT INFORMATION, I
13 REDIALED 911. AFTER REDIALING 911, THERE WAS ANOTHER
14 INDIVIDUAL STANDING JUST IN EARSHOT. WHEN I SAY
15 EARSHOT, HE WAS LESS THAN 10 FEET AWAY FROM ME. HE
16 WAS STANDING ON THE OTHER SIDE OF THE VEHICLE THAT
17 SHE IDENTIFIED AS HER VEHICLE, THE ONE THAT THE
18 DECEASED WAS LYING BEHIND.

19 HE WAS THERE. WHEN I STARTED TALKING TO 911, HE
20 STARTED TO CORRECT SOME OF THE INFORMATION THAT I WAS
21 RECEIVING FROM HER.

22 Q WHAT INFORMATION DID HE GIVE YOU?

23 A HE CORRECTED --

24 Mr. Strickler: I'LL OBJECT NOW, AS TO HEARSAY,
25 YOUR HONOR.

1 BY Mr. Lake

2 Q WHAT, IF ANYTHING, DID YOU LEARN AS A RESULT OF
3 SPEAKING TO HIM?

4 Mr. Strickler: I STILL OBJECT AS TO HEARSAY.

5 THE COURT: SUSTAINED.

6 BY Mr. Lake

7 Q WERE YOU ABLE TO GIVE LAW ENFORCEMENT A MORE ACCURATE
8 DESCRIPTION AS YOU TALKED TO 911?

9 A I WAS ABLE TO TELL LAW ENFORCEMENT ONLY THAT
10 INFORMATION I HAD GOTTEN FROM THE OTHER MAN THAT WAS
11 ON THE SCENE.

12 Q AND YOU WERE GIVING THIS INFORMATION AS YOU WERE
13 TALKING TO LAW ENFORCEMENT?

14 A THAT'S CORRECT.

15 Q AND WHAT WAS THAT INFORMATION?

16 A THAT INFORMATION AGAIN WAS PARTLY --

17 Mr. Strickler: I AGAIN OBJECT, SAME BASIS.

18 THE COURT: ALL RIGHT. HE CAN'T TELL WHAT HE
19 LEARNED AS A RESULT OF A HEARSAY CONVERSATION. I SUSTAIN
20 THE OBJECTION.

21 BY Mr. Lake

22 Q UPON GIVING THE 911 OPERATOR ADDITIONAL INFORMATION,
23 WHAT DID YOU DO NEXT?

24 A AFTER GIVING THEM THE ADDITIONAL INFORMATION, I
25 IMMEDIATELY BEGAN TO TRY TO GIVE THE NOW DECEASED

1 WHATEVER AID I COULD TO MAKE HIM COMFORTABLE.

2 Q WHAT DID YOU DO?

3 A I ASKED MS. CASEY, IF I CAN SAY THAT, I ASKED
4 MS. CASEY TO HAND ME SOMETHING TO COVER HIM. I SAID,
5 "DO YOU HAVE ANYTHING TO COVER HIM UP?" SHE SAID SHE
6 HAD SOME BLANKETS IN THE CAR. I SAID, "WELL, OKAY.
7 GET SOME BLANKETS."

8 SHE REACHED IN THE CAR AND GOT A BLANKET AND A
9 PILLOW. I COVERED HIM UP AND THREW THE PILLOW ASIDE.
10 I SAID, "I NEED SOMETHING ELSE. THIS IS NOT GOING TO
11 WORK. I NEED SOMETHING ELSE."

12 THE INDIVIDUAL THAT I MENTIONED PREVIOUSLY, THE
13 NEXT MAN ON THE SCENE, HE FAILED TO GIVE ME ANY
14 ASSISTANCE. I ASKED HIM TO GET ANOTHER BLANKET OUT
15 OF THE CAR. HE DID NOT. I GOT UP, AND I GOT A
16 BLANKET OUT OF THE CAR.

17 THERE WAS A CONTAINER IN THE REAR OF THE CAR
18 THAT I TOOK THE BLANKET FROM. IT WAS A GRAY BLANKET.
19 IT WASN'T BLUE LIKE THE FIRST BLANKET. I TOOK A GRAY
20 BLANKET FROM THE CONTAINER.

21 Q AND DESCRIBE THE CONTAINER THAT YOU GOT THAT ITEM
22 FROM?

23 A I CALL THEM TUPPERWARE CONTAINERS. IT'S A GREAT BIG
24 BLUE CONTAINER LIKE SOME PEOPLE USE FOR LAUNDRY
25 CONTAINERS. THEY WERE MORE STORAGE LIKE.

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1 Q WERE YOU ABLE TO SEE INSIDE OF THAT CONTAINER OR
2 ANYTHING LIKE THAT?

3 A I WAS ABLE TO SEE, BUT I CAN'T TELL YOU WHAT I SAW
4 OTHER THAN THE GRAY BLANKET.

5 Q ARE YOU AWARE OF ANYTHING ELSE IN THAT CONTAINER AT
6 THAT PERIOD OF TIME?

7 A I AM UNAWARE OF ANYTHING ELSE.

8 Q AND OTHER THAN GRABBING THOSE ADDITIONAL BLANKETS,
9 WHAT DID YOU DO?

10 A I WENT BACK TO THE VICTIM ON THE GROUND. I GRABBED
11 ONE ADDITIONAL BLANKET. I COVERED HIM UP. THEN I
12 TRIED TO COMFORT MS. CASEY.

13 Q AND AT SOME POINT, DID LAW ENFORCEMENT ARRIVE?

14 A YES, SIR, LAW ENFORCEMENT DID ARRIVE. AT THAT TIME
15 WHEN LAW ENFORCEMENT ARRIVED, I GAVE THEM A PARTIAL
16 LICENSE PLATE NUMBER.

17 Q WHAT WAS THE --

18 A AND GAVE THEM THE DIRECTION -- THE DIRECTION WAS
19 SOMETHING MS. CASEY GAVE ME.

20 Q WHAT WAS THAT PARTIAL LICENSE PLATE NUMBER?

21 Mr. Strickler: I'LL OBJECT AS TO HEARSAY AT
22 THIS POINT, YOUR HONOR.

23 THE COURT: DID HE GET IT FROM HER? HE DID NOT
24 GET IT FROM HER?

25 Mr. Lake: HE HASN'T TESTIFIED.

1 Mr. Strickler: WELL, I OBJECT AS TO FOUNDATION
2 FOR THE INFORMATION.

3 THE COURT: LICENSE PLATE NUMBER, JUST LAY A
4 FOUNDATION. WHERE DID HE GET IT FROM?

5 Mr. Lake: YOUR HONOR, HE'S ABLE TO TESTIFY AS
6 TO THE PRESENT SENSE OF IMPRESSION, AS TO WHAT'S GOING ON
7 DURING THAT ENTIRE INCIDENT.

8 THE COURT: ALL RIGHT. APPROACH THE BENCH.
9 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
10 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
11 JURY).

12 BY Mr. Lake

13 Q WITHOUT SAYING EXACTLY WHAT YOU GAVE THEM, YOU DID
14 PROVIDE SOME ADDITIONAL INFORMATION TO LAW
15 ENFORCEMENT, CORRECT?

16 A I DID.

17 Q DESCRIBE THE DEMEANOR OF MR. DAVIS AS HE'S OUT THERE
18 AT THE SCENE, THE OTHER INDIVIDUAL THAT PROVIDED THIS
19 ADDITIONAL INFORMATION TO YOU.

20 A OKAY. HE APPEAR TO BE JUST AS MUCH IN SHOCK AS THE
21 LADY, MS. CASEY. HE WAS SLOW IN RESPONDING TO JUST
22 GENERAL CONVERSATION. HE WAS SLOW IN RESPONDING TO
23 GIVING ANY HELP WHEN REQUESTED TO. HE WAS JUST IN
24 AWE OF THE WHOLE INCIDENT.

25 Q SO HE WASN'T ABLE TO ASSIST YOU IN TERMS OF PROVIDING

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1 ANY TYPE OF HELP OR ANYTHING LIKE THAT?

2 A THAT IS CORRECT.

3 Q LET ME SHOW YOU WHAT'S BEEN MARKED INTO EVIDENCE AS
4 STATE'S EXHIBIT NO. 6, 7 AND NO. 2. I ASK YOU, DO
5 YOU RECALL THIS PARTICULAR SCENE?

6 A MINUS THE DECEASED, YES.

7 Q AND YOU INDICATED THERE ARE ITEMS THAT YOU GRABBED
8 OUT OF THE BACK OF THE TRUCK?

9 A YES, SIR.

10 Q WAS THIS HOW THE TRUCK LOOKED WHEN YOU FIRST ACTUALLY
11 GOT THERE? DO YOU RECALL WHETHER THE TOP WAS UP OR
12 NOT?

13 A I CAN'T RECALL WHETHER THE TOP OF IT WAS UP OR NOT.

14 Q DO YOU RECALL OPENING THE TOP?

15 A I DON'T RECALL OPENING THE TOP, NOR DO I RECALL
16 MS. CASEY OPENING THE TOP TO GET THE BLANKET OUT.
17 SHE JUST REACHED AND GOT IT.

18 Q WOULD THESE BE THE BLANKETS YOU WERE REFERRING TO IN
19 TERMS OF THE ONES YOU HAD GOTTEN OUT?

20 A THEY WOULD, SIR.

21 Q OKAY. AND DO YOU RECALL HOW THE VICTIM IN THIS
22 PARTICULAR CASE, THAT WOULD BE THE DECEASED, HOW HE
23 WAS LAID OUT ON THE GROUND?

24 A HE WAS LAYING WITH HIS HEAD AWAY FROM THE VEHICLE AS
25 IF HE FELL. IF THE VEHICLE IS THERE, HE FELL THIS

1 WAY AND WAS FACE UP.

2 Q AND DESCRIBE WHAT THE SCENE LOOKED LIKE ASIDE FROM
3 THE FACT THERE WERE BLANKETS AND EVERYTHING LIKE
4 THAT. WAS HE ABLE TO COMMUNICATE WITH YOU OR
5 ANYTHING LIKE THAT?

6 A HE WASN'T ABLE TO COMMUNICATE. WHEN I GOT THERE, I
7 THINK HIS BODY WAS JUST GOING THROUGH THE NATURAL
8 FUNCTIONS THAT A BODY GOES THROUGH WHEN IT'S
9 EXPIRING. IT WAS ALMOST AS IF HE WAS GASPING FOR
10 AIR, BUT I DON'T THINK HE WAS.

11 Q DO YOU RECALL WHICH DIRECTION HIS BODY WAS FACING?

12 A HEAD?

13 Q YES. DO YOU RECALL WHICH WAY HE WAS FACING?

14 A SOUTHERLY DIRECTION.

15 Q OKAY. TAKE A LOOK AT THIS SCENE RIGHT HERE AND LET
16 ME GET YOU TO USE THIS POINTER. IF YOU COULD, JUST
17 POINT OUT WHERE THE BANK WOULD BE IN THIS PARTICULAR
18 SCENE?

19 A THIS IS LOWE'S. THIS IS THE BANK.

20 Q AND JUST KIND OF SHOW THE JURY WHERE YOU WENT AND
21 APPROACHED THIS PARTICULAR SCENE.

22 A I WAS STANDING HERE. THIS IS INSIDE THE BANK PARKING
23 LOT HERE. I COULD SEE THIS DOOR, THIS DOOR, BUT YOU
24 CAN'T SEE ANYTHING OVER PAST THIS POINT HERE BECAUSE
25 THERE'S A RISE. IT'S LIKE A LITTLE BERM RIGHT THERE.

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1 YOU JUST CAN'T SEE IT UNLESS YOU...

2 THERE'S ALSO SOME TREES HERE THAT WOULD KEEP THE
3 AVERAGE PERSON FROM JUST SEEING STRAIGHT OFF AND
4 SEEING HERE. WHEN I HEARD THE SHOTS, I WALKED FROM
5 HERE TO HERE, THEN TO HERE.

6 THE A.T.M. MACHINE IS HERE. I WAS TRYING TO
7 COVER ALL OF THIS GROUND. ALL OF THIS IS BANK
8 PARKING SPACE OR BANK PROPERTY OVER HERE. THESE ARE
9 BANK CARS. IT GOES OUT OVER HERE INTO LOWE'S. I HAD
10 ALL OF THAT AREA TO COVER.

11 WHEN I GOT HERE, I COULD THEN SEE MS. CASEY.
12 THERE'S A LIGHT POLE DOWN HERE SOME PLACE, AND SHE
13 WAS ABOUT DOWN HERE. NO OTHER CARS WERE THERE. THE
14 VISION WAS NOT OBSCURED IN THE LEAST. I SAW HER
15 PLAINLY.

16 Q AND WHERE WERE THE OTHER WITNESS -- THE ONE YOU
17 LEARNED TO BE MR. DAVIS, WHERE WAS HE WHEN YOU FIRST
18 SAW HIM?

19 A HE WAS STANDING BETWEEN THE VICTIM'S CAR AND THE
20 POLE. THE POLE, I'LL SAY ABOUT RIGHT HERE IN THE
21 PARKING LOT, AND HE WAS STANDING NOT FIVE FEET WHEN I
22 FIRST SAW HIM.

23 I SAW HIM WHEN I WALKED DOWN. WHEN I WALKED
24 DOWN, HE WAS STANDING THERE. HE WAS JUST KIND OF
25 STANDING. THERE WERE PEOPLE STANDING OVER HERE ALSO,

1 HERE AND HERE. THEY WERE ALL LOOKING IN THE
2 DIRECTION OF --

3 Q BUT YOU INDICATED NO ONE ELSE WAS PROVIDING ANY TYPE
4 OF ASSISTANCE OR ANYTHING LIKE THAT, CORRECT?

5 A NO ONE WAS PROVIDING ANYTHING.

6 Q AND YOU INDICATED THERE WAS A POLE. THIS WOULD BE
7 THE POLE YOU WERE REFERRING TO?

8 A THAT POLE.

9 Q AND WHEN DID YOU FIRST SEE MR. DAVIS?

10 A OKAY. I WAS HERE AT THE HEAD OF THE VICTIM, BUT
11 MR. DAVIS IS TALL ENOUGH THAT YOU COULD SEE HIM OVER
12 THESE VEHICLES WHEN YOU WALKED DOWN. WHEN I WAS
13 WALKING DOWN, DOWN THE HILL, HE WAS STANDING OVER
14 THERE, I COULD SEE HIM.

15 Q SO WHERE --

16 Mr. Strickler: I APOLOGIZE, YOUR HONOR. COULD
17 I HAVE THE EXHIBIT NUMBER, PLEASE, SO I'LL KNOW WHAT WE'RE
18 REFERRING TO?

19 Mr. Lake: EXHIBIT NO. 2.

20 Mr. Strickler: THANK YOU.

21 BY Mr. Lake

22 Q AND WHERE THIS LARGE POOL OF BLOOD IS AT, IS THAT
23 WHERE THE HEAD WOULD BE?

24 A THAT'S EXACTLY WHERE THE HEAD WAS.

25 Q OKAY. LET ME GET YOU TO TAKE A LOOK AT THESE PHOTOS

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1 RIGHT HERE AND SEE WHETHER YOU RECOGNIZE THESE
2 PARTICULAR ONES RIGHT HERE. YOU CAN HAVE A SEAT
3 ALSO. DO YOU RECOGNIZE THAT PARTICULAR AREA?

4 A YES, SIR, I SURE DO.

5 Q AND WHAT DO YOU RECOGNIZE THAT TO BE?

6 A I RECOGNIZE THIS TO BE -- THIS IS -- ON THIS PICTURE,
7 THIS IS THAT SECOND LANE. THIS FIRST LANE IS THIS
8 SIDE, AND THIS IS THE POLE THAT I REFERRED TO.

9 Q OKAY. WHAT WOULD BE THIS BUILDING BACK IN THERE?

10 A THAT'S THE BANK. THAT'S THE BANK I WAS SUPPOSED TO
11 BE GUARDING.

12 Q OKAY. AND THIS WOULD BE STATE'S EXHIBIT NO. 3?

13 A YES, SIR.

14 Q AND WOULD MR. DAVIS -- WHERE WOULD HE HAVE BEEN ON
15 THIS PICTURE? THIS IS NOT THE ACTUAL SCENE THAT
16 PARTICULAR DAY, CORRECT?

17 A THAT IS CORRECT. MR. DAVIS WOULD HAVE BEEN A LITTLE
18 BIT FURTHER UP THE AISLE THAN THIS LADY WALKING HERE.

19 Q OKAY. BUT HE WASN'T LIKE RIGHT STANDING OVER THE
20 BODY OR ANYTHING LIKE THAT?

21 A NO, SIR; NO, SIR.

22 Q I'M SORRY.

23 A AND THIS IS A PICTURE I COULD HAVE SEEN FROM THIS
24 BERM RIGHT DOWN ON THIS FIRST ROW.

25 Q AND YOU INDICATED THIS IS WHY YOU HAD TO STEP TO THE

- 1 CORNER? THESE ARE THE TREES YOU INDICATED?
- 2 A THOSE ARE THE TREES.
- 3 Q SO THIS IS THE VERY CORNER OF THE BANK YOU HAD TO
- 4 ACTUALLY LOOK DOWN TO SEE?
- 5 A YES, SIR.
- 6 Q AND ABOUT HOW FAR ARE YOU FROM MS. CASEY WHEN YOU
- 7 FIRST SAW HER, THAT YOU LATER LEARNED TO BE --
- 8 A WHAT I LEARNED TO BE ABOUT 50 YARDS.
- 9 Q DID YOU RUN DOWN THERE, OR DID YOU WALK DOWN THERE
- 10 THE ENTIRE TIME?
- 11 A I WALKED. I DID A FAST WALK.
- 12 Q LET ME SHOW YOU STATE'S EXHIBIT NO. 4. DO YOU
- 13 RECOGNIZE THAT?
- 14 A I SURE DO.
- 15 Q WHAT DO YOU RECOGNIZE THAT TO BE?
- 16 A I RECOGNIZE THIS TO BE THE VIEW FROM WHERE I STOOD IN
- 17 DIRECT LINE TO WHERE THE VICTIM AND THE VICTIM'S
- 18 VEHICLE WAS.
- 19 Q AND THAT'S NOT ON THE DAY OF THIS PARTICULAR
- 20 INCIDENT?
- 21 A NO, SIR.
- 22 Q WAS THAT THE VERY LANE THAT YOU WALKED DOWN?
- 23 A YES, SIR, IT WAS.
- 24 Q AND CAN YOU SEE THAT POLE THAT YOU'RE REFERRING TO?
- 25 IS IT IN THIS PARTICULAR PHOTO OR IS IT NOT IN THAT

1 PHOTO?

2 A THE LIGHT POLE?

3 Q CORRECT.

4 A I BELIEVE THIS IS MY LIGHT POLE RIGHT HERE ON THE
5 OTHER SIDE OF THE TRUCK.

6 Q OKAY. AND SO THIS INCIDENT WOULD HAVE OCCURRED DOWN
7 IN THAT PARTICULAR AREA?

8 A YES, SIR.

9 Q AFTER YOU HAD GIVEN LAW ENFORCEMENT WHAT INFORMATION
10 THAT YOU LEARNED AT THE SCENE, WHAT DID YOU DO AFTER
11 THAT?

12 A I MADE THE OFFICER WHO APPEARED TO BE IN CHARGE AWARE
13 THAT I AM SECURITY FOR THE BANK. WITH HIM BEING
14 THERE ON THE SCENE, WHAT I HAD TO DO WOULD TAKE
15 PRIORITY OVER WATCH, SO I WENT BACK TO THE BANK.

16 Q DID YOU HAVE AN OPPORTUNITY TO SPEAK TO LAW
17 ENFORCEMENT AGAIN?

18 A I SURE DID. IT WAS BEFORE I SECURE FROM THE BANK, I
19 GUESS ABOUT 16:45, THE LAW ENFORCEMENT OFFICERS
20 STARTED TO SHOW UP AT THE BANK. THEN ONE SHOWED UP
21 AND SAID, "OKAY. I'M GOING TO BE THE GUY TAKING YOUR
22 STATEMENT."

23 Q DO YOU RECALL WHO YOU TALKED TO THAT PARTICULAR
24 AFTERNOON?

25 A HE HAD A HISPANIC NAME, GARCIA OR SOMETHING LIKE

1 THAT.

2 Q AND YOU DID PROVIDE HIM WITH A STATEMENT AT THAT
3 PARTICULAR TIME?

4 A I SURE DID.

5 Q HOW LONG AFTER THIS INCIDENT WAS IT THAT YOU PROVIDED
6 A STATEMENT?

7 A AS A MATTER OF FACT, IMMEDIATELY AFTER THE INCIDENT
8 WAS OVER, I HAD TO GO IN AND START WRITING THE
9 STATEMENT SO IT WOULD STILL BE FRESH IN MY MIND. I
10 KNEW THEY WOULD BE COMING AND ASKING ME QUESTIONS. I
11 WENT INSIDE, AND I PREPARED WHAT I WAS GOING TO
12 SCRIPT FROM INSIDE THE BANK IMMEDIATELY.

13 Mr. Lake: BEG THE COURT'S INDULGENCE.

14 (PAUSE).

15 NO FURTHER QUESTIONS.

16 THE COURT: MR. STRICKLER.

17 Mr. Strickler: MAY IT PLEASE THE COURT, YOUR
18 HONOR.

19 CROSS-EXAMINATION:

20 BY Mr. Strickler

21 Q GOOD MORNING, MAJOR, HOW ARE YOU?

22 A I'M DOING FINE, SIR.

23 Q GOOD. REALLY JUST A COUPLE OF QUESTIONS FOR YOU.

24 I UNDERSTAND YOUR DESCRIPTION OF WHAT YOUR
25 DUTIES WERE, YOUR OFFICIAL DUTIES WERE ON THAT DATE.

1 YOU WERE PROVIDING SECURITY AT THE BANK OF AMERICA
2 THAT YOU DESCRIBED; IS THAT CORRECT?

3 A THAT IS CORRECT, SIR.

4 Q AT THAT POINT IN TIME WHEN YOU HEARD WHAT YOU HEARD,
5 YOU DID NOT RESPOND TO THE AREA WHERE THIS INCIDENT
6 TOOK PLACE IMMEDIATELY; IS THAT CORRECT?

7 A THAT IS CORRECT.

8 Q OKAY. YOU WERE WORKING YOUR JOB AT THAT POINT?

9 A THAT IS CORRECT, SIR.

10 Q OKAY. YOU CHECKED THE AREA YOU WERE RESPONSIBLE FOR
11 TO MAKE SURE THE GUNSHOT WASN'T RELATED TO THAT,
12 RIGHT?

13 A THAT IS CORRECT, SIR.

14 Q IT WASN'T SOME IMMEDIATE THREAT TO THE PROPERTY THAT
15 YOU WERE RESPONSIBLE FOR?

16 A THAT IS CORRECT.

17 Q OKAY. YOU CHECKED WITH SOME OTHER PEOPLE TO SEE IF
18 THEY HEARD WHAT YOU HEARD, CORRECT?

19 A I ASKED ONE OTHER PERSON; THAT IS CORRECT.

20 Q AND THEN YOU PROCEEDED UP, WHAT YOU DESCRIBED, AS A
21 BERM --

22 A YES, SIR.

23 Q -- TO SEE WHAT YOU SAW?

24 A YES, SIR.

25 Q YOU DIDN'T HAVE A CLOCK RUNNING AT THAT POINT IN

1 TIME, BUT COULD YOU GIVE US A ROUGH GUESTIMATE AS TO
2 HOW LONG IT WAS BETWEEN WHAT YOU HEARD AND WHEN YOU
3 HIT THE POINT ON THE BERM THAT YOU COULD SEE WHAT YOU
4 DESCRIBED, A MINUTE OR TWO?

5 A I WOULD SAY MAYBE 30 SECONDS TO A MINUTE I HAD MADE
6 IT TO THE BERM.

7 Q OKAY. AND YOU INDICATE THAT YOU PASSED SOME
8 INFORMATION ON TO THE POLICE THAT YOU LEARNED FROM
9 THIS OTHER INDIVIDUAL AT THE SCENE, CORRECT?

10 A THAT IS CORRECT, SIR.

11 Q OKAY. AND MY UNDERSTANDING IS THAT ANY DESCRIPTION
12 OF THE VEHICLE THAT YOU PASSED ON TO THE POLICE OR
13 ANY INDIVIDUAL ASSOCIATED WITH THE VEHICLE THAT YOU
14 PASSED ON TO THE POLICE, OR TAG OF THE VEHICLE, IS
15 INFORMATION THAT YOU LEARNED FROM THIS OTHER
16 INDIVIDUAL, CORRECT?

17 A THAT'S CORRECT.

18 Q IT'S NOT INFORMATION THAT YOU PERSONALLY OBSERVED
19 YOURSELF?

20 A THAT IS CORRECT.

21 Q OKAY. AND YOU INDICATED WHEN YOU WERE ASKED BY
22 MR. LAKE TO DESCRIBE THE POSITION OF WHO WE NOW KNOW
23 IS NATHANIEL CASEY, THE DECEASED IN THIS CASE. YOU
24 SAID HE WAS LYING AWAY FROM THE VEHICLE; IS THAT
25 CORRECT?

- 1 A HIS HEAD WAS AWAY FROM THE VEHICLE.
- 2 Q HIS HEAD WAS AWAY FROM THE VEHICLE?
- 3 A YES, SIR.
- 4 Q AND HIS BACK WAS TOWARD THE VEHICLE?
- 5 A THAT'S CORRECT.
- 6 Q AND WHERE WAS, WHO WE NOW KNOW TO BE CONSUELO CASEY,
- 7 HIS WIFE? WHERE WAS SHE WHEN YOU FIRST SAW HER?
- 8 A WHEN I FIRST SAW HER, SHE WAS STANDING AT THE
- 9 VICTIM'S FEET.
- 10 Q LET ME SHOW YOU WHAT'S MARKED AS STATE'S EXHIBIT
- 11 NO. 7, THIS PHOTOGRAPH. YOU HAVE ALREADY DISCUSSED
- 12 IT, CORRECT?
- 13 A YES, SIR.
- 14 Q IF YOU COULD, PLEASE, CAN YOU POINT FOR ME WHERE YOU
- 15 SAW, IN THIS PICTURE, IF THE VICTIM'S BODY WERE
- 16 PRESENT, WHERE HIS BODY WAS POSITIONED?
- 17 A WELL, USE THE STICK?
- 18 Q YES, PLEASE.
- 19 A ABOUT LIKE THAT.
- 20 Q IS THAT WHERE HIS HEAD WAS OR HIS FEET?
- 21 A HIS HEAD WAS THERE.
- 22 Q HIS HEAD WAS THERE?
- 23 A YES, SIR.
- 24 Q OKAY. SO HIS HEAD WAS THERE?
- 25 A YES, SIR.

1 Q AND HIS FEET WERE TOWARDS THE CAR?

2 A TOWARDS THE CAR, YES, SIR.

3 Q OKAY. AND HE WAS LYING ON HIS BACK?

4 A YES, SIR.

5 Mr. Strickler: ALL RIGHT. BEG THE COURT'S
6 INDULGENCE, YOUR HONOR.

7 (PAUSE).

8 THANK YOU VERY MUCH, SIR, I APPRECIATE IT.

9 THE COURT: REDIRECT?

10 Mr. Lake: NOTHING FURTHER FROM THE STATE, YOUR
11 HONOR.

12 THE COURT: YOU MAY COME DOWN, MR. GIBSON.
13 THANK YOU VERY MUCH.

14 Mr. Lake: CAN WE EXCUSE HIM?

15 Mr. Strickler: WITHOUT OBJECTION, YOUR HONOR.

16 THE COURT: WITHOUT OBJECTION.

17 Mr. Lake: THE STATE WOULD CALL JAMES DAVIS.

18 THE BAILIFF: RAISE YOUR RIGHT HAND, FACE THE
19 CLERK.

20 JAMES DAVIS, AFTER BEING DULY SWORN, TESTIFIED
21 AS FOLLOWS:

22 THE CLERK: HAVE A SEAT IN THE WITNESS BOX,
23 STATE YOUR FULL NAME FOR THE RECORD.

24 THE BAILIFF: WATCH YOUR STEPS FOR ME, PLEASE
25 AND SPEAK IN THE MICROPHONE.

1 THE WITNESS: MY NAME IS JAMES DAVIS.

2 DIRECT EXAMINATION:

3 BY Mr. Lake

4 Q GOOD AFTERNOON, MR. DAVIS. HOW ARE YOU DOING TODAY?

5 A FINE.

6 Q IS THIS YOUR FIRST TIME TESTIFYING IN A TRIAL?

7 A YES, IT IS.

8 Q ARE YOU A LITTLE NERVOUS?

9 A YES, I AM.

10 Q LET ME START BY ASKING YOU A FEW QUESTIONS. DO YOU
11 CURRENTLY LIVE HERE IN COLUMBIA?

12 A NO, SIR, I DON'T.

13 Q WHERE DO YOU CURRENTLY LIVE?

14 A I STAY IN RIDGEWAY, DOWN IN FAIRFIELD COUNTY.

15 Q OKAY. AND ARE YOU CURRENTLY EMPLOYED ANYWHERE?

16 A I'M SELF-EMPLOYED.

17 Q OKAY. AND LET ME TAKE YOU TO THE AFTERNOON OF
18 NOVEMBER 21, 2001. DO YOU RECALL THAT PARTICULAR
19 DAY?

20 A YES.

21 Q DO YOU RECALL BEING AT LOWE'S ON THAT PARTICULAR DAY?

22 A YES, SIR.

23 Q AND WHAT WAS YOUR REASON FOR BEING AT LOWE'S THAT
24 PARTICULAR DAY?

25 A WELL, BEING SELF-EMPLOYED, I'M A CONTRACTOR, A

1 PAINTER. AT THAT TIME, I WAS PAINING AND GOING IN
2 FOR SOME CAULKING AND A UTILITY KNIFE.

3 Q I'M GOING TO ASK YOU TO SPEAK INTO THAT MIC, JUST
4 PULL IT TOWARD YOU.

5 A I WAS GOING IN FOR SOME CAULKING AND A UTILITY KNIFE.

6 Q AND HOW LONG HAD YOU BEEN IN THE LOWE'S AT THAT
7 PARTICULAR TIME, DO YOU RECALL?

8 A IT WASN'T THAT LONG. I WAS IN BETWEEN JOBS.

9 Q YOU WERE IN BETWEEN JOBS. WAS ANYONE WITH YOU?

10 A NO, SIR. I WAS BY MYSELF.

11 Q OKAY. DO YOU REMEMBER, APPROXIMATELY, WHAT TIME OF
12 DAY YOU WERE AT LOWE'S?

13 A IT WAS NEAR BETWEEN 3:30, 4:00, SOMEWHERE ALONG IN
14 THERE.

15 Q AND WHAT, IF ANYTHING, HAPPENED AS YOU WERE LEAVING
16 THE LOWE'S THAT PARTICULAR AFTERNOON?

17 A AS I WAS LEAVING, LIKE I SAID, I WAS -- I WAS COMING
18 OUT OF THE LOWE'S, AND THEN I WAS HEADING TOWARDS MY
19 VEHICLE. I HEARD LIKE THE SOUND OF -- WELL, IT
20 APPEARED TO ME TO BE LIKE A GUNSHOT.

21 I KIND OF HESITATED FOR A MINUTE BECAUSE --
22 ACTUALLY, WHEN I FIRST CAME OUT, YOU KNOW, I SEEN
23 PEOPLE MOVING AROUND. ME GOING IN LOWE'S AS MUCH AS
24 I DO, I NEVER REALLY SEEN IT AS MUCH. YOU KNOW, IT
25 WAS KIND OF ON MY MIND UP IN THE PARKING LOT.

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1 LIKE I SAID, I WAS WALKING TO MY VEHICLE, AND I
2 HEARD THE GUNSHOT. I LOOKED UP AND I COUNTED THREE.
3 I WAS LIKE ONE, TWO, THREE. THEN I HEARD A SCREAM
4 FROM THE LADY, SO I SAID, YOU KNOW, THAT'S A GUNSHOT,
5 CALL THE POLICE. I CALLED 911 AND TOLD THEM THEY'D
6 BETTER GET OVER THERE TO LOWE'S BECAUSE THERE WAS A
7 GUNSHOT. SOMEBODY WAS SHOT AT THE LOWE'S PARKING
8 LOT.

9 Q WHAT MADE YOU COUNT TO THREE?

10 A BECAUSE -- THE ONLY REASON I DID THAT IS BECAUSE IT'S
11 IN AN OLD PARKING LOT. THERE'S A LOT OF CONTRACTING
12 STUFF OUT THERE. LIKE I SAID, I THOUGHT MAYBE
13 SOMEBODY DROPPED SOMETHING, AND IT WENT OFF IN TRUCK.
14 I FIGURED IF IT'S A GUNSHOT, SOMEBODY IS GOING TO
15 SCREAM OR DO SOMETHING. WHEN I HEARD THE LADY
16 SCREAM, I HEARD THE WOMAN'S VOICE, THAT'S WHEN I SAID
17 IT, 911, CALL THE POLICE.

18 Q DO YOU REMEMBER WHAT THE WEATHER CONDITIONS WERE LIKE
19 THAT DAY?

20 A NO. IT WAS CLEAR. IT WAS LIKE A SUNNY DAY, YOU
21 KNOW.

22 Q AND WERE THERE A LOT OF CARS OUT THERE IN THAT
23 PARKING LOT?

24 A AS I RECALL, IT WAS -- I DIDN'T COUNT. IT WASN'T
25 LIKE -- I WASN'T LOOKING TO SEE THE CARS, YOU KNOW,

1 TO PAY ATTENTION AS FAR AS THE NUMBER OF CARS, BUT
2 THERE WERE SOME CARS IN THE PARKING LOT.

3 Q BUT YOU DID SEE A LADY HOLLERING?

4 A UH-HUH.

5 Q WHO WE LATER LEARNED TO BE MS. CASEY?

6 A YES.

7 Q AND WAS THERE ANYTHING OBSTRUCTING YOUR VIEW OF WHERE
8 SHE WAS AT?

9 A SOME VEHICLES PRETTY MUCH WERE OBSTRUCTING. I
10 COULDN'T SEE THE AUTOMOBILE.

11 Q COULD YOU SEE HER? COULD YOU ACTUALLY SEE HER OR
12 JUST HEARD A VOICE?

13 A JUST HEARD A VOICE.

14 Q OKAY. AND AT SOME POINT, DID YOU APPROACH THAT
15 SCENE?

16 A WELL, NOT AT FIRST. LIKE I SAID, IT APPEARED TO BE A
17 MAN WALKING FROM THAT AREA AND GET IN A VEHICLE.
18 WHEN HE PULLED OFF, LIKE I SAID, I WATCHED THE
19 VEHICLE BECAUSE I HEARD THE GUNSHOT. THEN AFTER
20 THAT, AFTER I WATCHED THE VEHICLE LEAVE AND GOT A
21 DESCRIPTION OF IT, I WALKED UP TO THE SCENE OF THE
22 CRIME.

23 Q SO FROM WHERE YOU ACTUALLY -- YOU ACTUALLY SAW THE
24 MALE LEAVE?

25 A YES.

1 Q YOU SAW THE MALE LEAVE?

2 A RIGHT, IT WAS A MALE.

3 Q AND YOU HEARD HIM -- YOU SAW -- HE WAS IN THE
4 DIRECTION OF WHERE THE SHOT CAME FROM, CORRECT?

5 A RIGHT, HE WAS COMING FROM THAT AREA.

6 Q OKAY. AND WHAT WAS THE DISTANCE BETWEEN YOU AND HIM?

7 A WELL, I WAS IN LIKE THE FRONT OF LOWE'S, SO ABOUT 50,
8 75, 100, SOMEWHERE ALONG IN THERE, 75 FEET.

9 Q IF YOU HAD TO USE ME TO GAUGE THE DISTANCE TO THE
10 BACK OF THE COURTROOM, WOULD IT BE FURTHER THAN THAT
11 OR INSIDE THE COURTROOM?

12 A IT LOOKED LIKE, TO ME, IT SEEMED TO BE A LITTLE
13 FARTHER THAN THAT.

14 Q WAS ANYTHING OBSTRUCTING YOUR VIEW OF WHERE HE WAS AT
15 SO YOU COULD SEE HIM?

16 A LIKE I SAID, HIS VEHICLE WAS IN BETWEEN, BUT LIKE
17 OVER -- YOU COULD SEE LIKE OVER A CAR, OVER THE
18 VEHICLE WHEN I LOOKED UP.

19 Q AND YOU INDICATED THAT YOU SAW HIM LEAVE FROM THE
20 SCENE AFTER THE SHOT. DESCRIBE THAT PERSON THAT YOU
21 SAW IN TERMS OF A PHYSICAL DESCRIPTION.

22 A WELL, HE WASN'T BIG. I MEAN, IF I HAD TO USE THE
23 DESCRIPTION, I PLAYED A LOT OF BASKETBALL. A LOT OF
24 PEOPLE I PLAYED BASKETBALL WITH, THEY'RE PROBABLY
25 BROADER OR MORE OF A POST PLAYER SOMETHING, TYPE OF

1 PERSON.

2 Q COULD YOU TELL IN TERMS OF -- I MEAN, WAS HE BLACK OR
3 WAS HE WHITE?

4 A HE WAS BLACK.

5 Q WHAT, IF ANYTHING, COULD YOU TELL ABOUT HIS PHYSICAL
6 DESCRIPTION OF HIS HEIGHT OR ANYTHING LIKE THAT?

7 A FROM MY RECOLLECTION, HE HAD THE -- YOU KNOW, HE HAD
8 MORE HAIR ON HIS -- YOU KNOW, HE HAD HAIR ON HIS
9 HEAD. THAT'S HOW I CAN REMEMBER HIM.

10 I WAS KIND OF SCARED AT THE TIME ALSO SO, YOU
11 KNOW, WE HEARD SHOOTING. I WAS TRYING TO SEE WHAT I
12 CAN AND I REMEMBER, LIKE I SAY, HE HAD HAIR ON HIS
13 HEAD.

14 Q HOW TALL WOULD YOU SAY THAT HE WAS?

15 A JUDGING FROM THE DISTANCE, I MEAN, I'M NOT REALLY
16 GOOD AT THAT, JUDGING HEIGHT, BUT I WOULD SAY HE WAS
17 MORE -- I'M THINKING MORE LIKE MINE, 6'2", 6'3" OR
18 ABOVE.

19 Q SO DID YOU THINK THAT HE WAS TALLER THAN YOU, OR
20 COULD YOU TELL AT THAT POINT?

21 A NO. I WOULD THINK AROUND MY HEIGHT.

22 Q AND HOW TALL ARE YOU, I'M SORRY?

23 A I'M 6'2", 6'3".

24 Q OKAY. IS HE DARK SKINNED, LIGHT SKINNED? DO YOU
25 REMEMBER ANYTHING ABOUT HIM?

1 A HE WASN'T DARK. I MEAN, HE WAS A LITTLE BIT LIGHTER
2 THAN MY COMPLEXION, SOMEWHERE ALONG IN THERE.

3 Q AND YOU INDICATED YOU SAW HIM GET INTO A TYPE OF CAR.
4 WHAT CAR DID YOU SEE HIM GET INTO?

5 A THE CAR I SEEN HIM GET INTO -- IT WAS CUTLASS SIERRA
6 STATION WAGON WITH WOOD GRAIN SIDING ON IT.

7 Q AND DO YOU RECALL WHAT COLOR THAT STATION WAGON WAS?

8 A IT'S A BEIGE OR A GRAYISH LOOKING COLOR, SOMETHING
9 LIKE THAT.

10 Q AND WHAT, IF ANYTHING, ARE YOU OBSERVING HIM DO AS HE
11 WAS APPROACHING THIS CAR, THAT STATION WAGON?

12 A IT LOOKED LIKE HE WAS PUTTING SOMETHING AWAY. THAT'S
13 THE REASON I ASSUMED HE WAS THE ONE THAT -- YOU KNOW,
14 BASICALLY THE ONE THAT -- YOU KNOW, WHERE THE SHOT
15 WAS COMING FROM, BECAUSE HE WAS FLEEING FROM THAT
16 AREA. THAT'S WHY.

17 Q AND YOU SAID HE APPEARED TO BE DOING SOMETHING?

18 A LIKE HE WAS GESTURING, PUTTING SOMETHING AWAY.

19 Q PUTTING SOMETHING AWAY WHERE?

20 A LIKE INSIDE THE SHIRT JACKET, WHATEVER IT WAS.

21 Q AND HOW ARE YOU ABLE TO SEE THIS?

22 A BECAUSE, LIKE I SAY, YOU CAN SEE HIM OVER THE
23 VEHICLE. YOU COULD SEE HIS -- YOU KNOW, OVER THE
24 VEHICLE I COULD SEE.

25 Q WHEN YOU SAY YOU COULD SEE, WOULD THAT BE THE TOP

1 PORTION OF HIS BODY?

2 A UH-HUH.

3 Q WHICH VEHICLE ARE YOU REFERRING TO THAT YOU COULD SEE

4 HIM OVER, THE VEHICLE HE WAS IN?

5 A GETTING READY TO GET INTO AT THE TIME. HE CAME DOWN

6 AND GOT INTO THE VEHICLE. HE HAD TO LOOK OVER AT THE

7 CARS.

8 Q SO AS HE'S STANDING OVER THE STATION WAGON. IF THIS

9 TABLE IS THE STATION WAGON RIGHT HERE, YOU'RE SAYING

10 YOU'RE STILL ABLE TO KIND OF SEE HIM OVER THERE KIND

11 OF PUTTING SOMETHING --

12 A RIGHT.

13 Q -- YOU COULD SEE HIM PUTTING SOMETHING WHAT APPEARED

14 TO BE HIS WAISTBAND AREA?

15 A SOMEWHERE ALONG IN THERE, YEAH.

16 Q OKAY. SO HE'S KIND OF HIGH UP OVER THAT CAR,

17 CORRECT?

18 A UH-HUH.

19 Q YOU'RE NOT SAYING THAT YOU ACTUALLY SAW HIS FACE WHEN

20 YOU DESCRIBED THIS?

21 A NO, I CAN'T SAY.

22 Q BUT YOU KNOW HIS PHYSICAL DESCRIPTION?

23 A RIGHT.

24 Q AND AFTER YOU SAW HIM GET INTO THAT CAR, WHAT DID

25 THAT PERSON DO?

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1 A LIKE I SAY, HE PULLED OUT AND WENT OUT TOWARDS
2 O'NEILL COURT AT THE TIME. I WAS KIND OF UPSET
3 MYSELF BECAUSE I DIDN'T REALLY GET ALL THE
4 DESCRIPTION. LIKE I SAID, I WAS NERVOUS. SOMEBODY,
5 YOU KNOW, HAD BEEN SHOT.

6 I WAS KIND OF UPSET WITH MYSELF. I SAID, I'VE
7 GOT TO GET SOMETHING THAT I COULD TELL THE POLICE.
8 FOR HIM BEING COMPLETELY OUT OF THE PARKING LOT, I
9 WAS TRYING TO GET ALL THE DESCRIPTION OF THE CAR THAT
10 I CAN. THEN WHEN HE PULLED OUT, I TRIED TO WRITE
11 DOWN THE LICENSE PLATE NUMBER.

12 Q AS HE'S GOING DOWN THERE TO THAT CAR, HOW CLOSE ARE
13 YOU TO THAT PARTICULAR CAR?

14 A LIKE I SAID, I WAS ON THE -- I COULDN'T TELL, BUT I
15 WAS ON THE LEFT SIDE OR RIGHT SIDE GOING IN, OF
16 LOWE'S, AND HE WAS MORE ON THE RIGHT SIDE.

17 Q SO HE WOULD HAVE BEEN -- IF YOU'RE STANDING AT THE
18 FRONT OF THE STORE, JUST USE THIS RIGHT HERE. WOULD
19 YOU TAKE A LOOK AT THIS PARTICULAR ITEM? IT'S MARKED
20 AS STATE'S EXHIBIT NO. 1. IS THAT POINTER -- KIND OF
21 POINT OUT TO THE JURY WHERE YOU WOULD HAVE BEEN AS
22 YOU CAME OUT OF THAT STORE.

23 A OKAY. I WOULD HAVE BEEN --

24 Q YOU CAN STAND UP.

25 A I WOULD HAVE BEEN LIKE HERE.

1 Q AND THAT WOULD BE -- IF THIS IS THE FRONT OF THE
2 STORE RIGHT HERE --

3 A UH-HUH.

4 Q -- HOW MANY DIFFERENT WAYS CAN YOU ENTER THAT
5 PARTICULAR LOWE'S STORE?

6 A THERE'S ONE HERE, AND O'NEILL COURT AND UP FROM TWO
7 NOTCH ROAD.

8 Q TO ACTUALLY ENTER INTO THE PHYSICAL STORE, HOW MANY
9 DOORS DO THEY HAVE?

10 A THEY HAVE TWO HERE, THE ENTRANCE, THE EXIT, AND THE
11 CONTRACTOR'S SIDE.

12 Q SO YOU WOULD HAVE BEEN COMING OUT OF THE EXIT SIDE?

13 A RIGHT. BUT SEE, WHEN ALL THIS HAPPENED, I WAS MORE
14 TOWARD THE ENTRANCE.

15 Q SO YOU CAME OUT AND WENT TOWARD THE ENTRANCE?

16 A WHERE MY VEHICLE WAS PARKED.

17 Q KIND OF POINT TO WHERE YOUR VEHICLE WOULD HAVE BEEN
18 POINTED, THE GENERAL AREA.

19 A RIGHT HERE (INDICATING) BECAUSE THAT'S USUALLY EVERY
20 TIME, THERE AT THE LOWE'S PARKING LOT.

21 Q OKAY. AND WHERE EXACTLY ARE YOU WHEN YOU FIRST HEAR
22 THE GUNSHOT THEN?

23 A LIKE RIGHT HERE GETTING READY TO STEP OFF OF THE
24 CONCRETE OR THE SIDEWALK, WHATEVER, AT THE LOWE'S.

25 Q SO YOU'RE NOT ACTUALLY IN THE DRIVEWAY. YOU'RE ON

1 THE SIDEWALK PORTION OF IT?

2 A RIGHT, ON THE SIDE.

3 Q OKAY. AND JUST GIVE THE JURY A GENERAL DESCRIPTION
4 OF THE AREA WHERE YOU HEARD THE GUNSHOT COME FROM?

5 A WELL, I HEARD THE GUNSHOT AND THEN I SEEN IT HERE IN
6 THE AREA. LIKE I SAID, THE MOVEMENT WAS GOING ON UP
7 IN HERE.

8 Q OKAY. THIS IS THE GENERAL AREA RIGHT IN HERE?

9 A YES.

10 Q OKAY. AND WHERE DID YOU SEE THIS PERSON WALKING TO?

11 A LIKE I SAY, HE WAS WALKING IN, LIKE WHERE THE VEHICLE
12 WAS, THE TRUCK. HE WAS WALKING JUST RIGHT DOWN FROM
13 THE --

14 Q HOW DID YOU SEE HIM LEAVE OUT FROM THE SCENE OF THIS?

15 A IT WAS --

16 Q IF HE'S OVER HERE, HOW DID YOU SEE HIM LEAVE? WHERE
17 IS O'NEILL COURT?

18 A O'NEILL COURT IS OVER HERE. HE HAD TO GO DOWN AND GO
19 OUT THIS WAY.

20 Q DID YOU SEE HIM ACTUALLY GO DOWN THAT PARTICULAR WAY,
21 OR YOU JUST KNOW THAT HE WENT TO O'NEIL COURT?

22 A RIGHT. THAT'S THE ONLY WAY I COULD GET THE LICENSE
23 PLATE. HE DIDN'T COME BY ME. HE WAS GOING LIKE AWAY
24 FROM ME. HE WAS FALLING DOWN. LIKE I SAID, HE WAS
25 DRIVING LIKE AN OLDSMOBILE OR WHATEVER. HE WENT DOWN

1 AND ONCE HE MADE THE TURN LEFT, HE WOULD GO OUT
2 TOWARDS O'NEILL COURT.

3 Q IN ORDER TO GET HIS TAG NUMBER, DID YOU HAVE TO RUN
4 OR DO ANYTHING TO CATCH UP WITH HIM?

5 A NO. I DIDN'T TRY TO RUN AND CATCH UP WITH HIM. AS
6 HE TURNED, I LOOKED AND, YOU KNOW, STARTED WRITING IT
7 DOWN.

8 Q AND DESCRIBE HOW HE LEFT THE SCENE, WAS HE --

9 A NONCHALANT. I MEAN, HE DIDN'T SPEED OUT. NOTHING
10 LIKE THAT. HE JUST GOT IN THE CAR AND TRIED TO GO
11 OUT AND LEFT, DIDN'T BRING NO ATTENTION TO HIMSELF.

12 Q AND HOW WAS HE GOING TO HIS CAR? WAS HE DOING IT IN
13 THE SAME MANNER?

14 A HE WASN'T RUNNING.

15 Q SO AFTER THE SHOTS FIRED, AND DID YOU ACTUALLY SEE
16 HIM PLACE SOMETHING GETTING INTO HIS CAR NONCHALANT
17 AND ALL COOL? WOULD THAT BE FAIR TO SAY?

18 A PRETTY MUCH.

19 Q YOU CAN HAVE A SEAT.

20 A THANK YOU.

21 Q AND AFTER YOU HAD GOTTEN HIS TAG INFORMATION, HOW
22 MUCH OF THE TAG DID YOU GET?

23 A I GOT LIKE THE FIRST THREE NUMBERS OFF OF IT. I WAS
24 TRYING TO REMEMBER THE FOURTH. I COULDN'T BECAUSE BY
25 THE TIME I WAS TRYING TO GET EVERYTHING DOWN,

1 SOMEBODY PULLED OUT AND WAS BLOCKING MY VIEW.

2 Q SO YOU WEREN'T ABLE TO GET THE ENTIRE THING?

3 A RIGHT.

4 Q WHAT INFORMATION DID YOU GET IN TERMS OF WHAT THE TAG
5 WAS?

6 A AS FAR AS NUMBERS?

7 Q YES, SIR.

8 A TO TELL YOU THE TRUTH, I CAN'T REMEMBER EXACTLY WHAT
9 THE NUMBERS WERE.

10 Q IF I SHOWED YOU SOMETHING -- DID YOU GIVE A STATEMENT
11 THAT PARTICULAR DAY?

12 A YES, SIR, I DID.

13 Q AND DO YOU RECALL WHO YOU GAVE IT TO?

14 A NO, I DON'T.

15 Q THE TIME YOU GAVE THAT PARTICULAR STATEMENT, WOULD IT
16 HAVE BEEN WHAT YOU REMEMBER AT THAT PARTICULAR TIME?

17 A YES, SIR.

18 Q AND IF YOU SAW THAT PARTICULAR ITEM AGAIN, DO YOU
19 THINK IT WOULD HELP YOU REFRESH YOUR MEMORY IN TERMS
20 OF WHAT THAT TAG NUMBER MIGHT HAVE BEEN?

21 A YES, SIR. I KNOW AT THE VERY END OF IT, I WAS TRYING
22 TO REMEMBER WHETHER IT WAS A "Q" OR A "Z"; THE FOURTH
23 NUMBER, I COULD BARELY GET.

24 Q WELL, I WILL ACTUALLY READ IT. LET ME GET YOU TO
25 TAKE A LOOK AT THE STATEMENT YOU GAVE THAT PARTICULAR

1 DAY. JUST KIND OF LOOK OVER THAT AND LET ME KNOW
2 WHEN YOU'RE THROUGH.

3 A (PAUSE). YES, THAT'S IT.

4 Q DO YOU THINK THAT WOULD HELP YOU REMEMBER IT, REFRESH
5 IT IN TERMS OF WHAT THE TAG NUMBER AND ALL THAT
6 WAS --

7 A YES, SIR.

8 Q -- THAT YOU TOOK DOWN? WHAT DO YOU RECALL ABOUT THAT
9 TAG THERE?

10 A LIKE I SAID, THE FIRST THREE NUMBERS AND ALSO THAT IT
11 WAS A GEORGIA LICENSE PLATE.

12 Q YOU THOUGHT IT WAS A GEORGIA PLATE?

13 A UH-HUH.

14 Q WHAT MADE YOU THINK IT WAS A GEORGIA PLATE?

15 A BECAUSE I TRAVELLED TO GEORGIA A LOT ALSO. THEY'VE
16 GOT THE LITTLE PEACH IN THE MIDDLE OF THE LICENSE
17 PLATE.

18 Q WOULD IT -- WHAT, IF ANYTHING, DO YOU REMEMBER ABOUT
19 THE NUMBERS? WHAT NUMBERS DID YOU HAVE?

20 A 755. THEN, LIKE I SAID, WHEN I GOT TO THE LAST, I
21 COULDN'T REMEMBER IF IT WAS "Q" OR SOME OTHER
22 NUMBER -- I MEAN LETTER.

23 Q SO YOU KNOW IT WAS A GEORGIA PLATE. YOU KNOW BECAUSE
24 THERE WAS A PEACH, CORRECT?

25 A UH-HUH.

1 Q AND YOU SAW THE FIRST THREE NUMBERS 755 OR THE LAST
2 THREE NUMBERS 755?

3 A I THOUGHT IT WAS THE FIRST.

4 Q THE FIRST THREE NUMBERS YOU REMEMBER BEING 755. UPON
5 GETTING THIS INFORMATION, WHAT DID YOU DO WITH THIS
6 INFORMATION?

7 A LIKE I SAID, ONCE I GOT THE INFORMATION, WHOEVER I
8 SEEN WAS GONE. I WENT UP TO WHERE THE SHOOTING HAD
9 HAPPENED TO SEE IF I COULD BE OF ANY ASSISTANCE. SEE
10 IF ANYBODY NEEDED ANY HELP OR WHATEVER, WHATEVER I
11 COULD DO.

12 WHEN I GOT UP THERE, THE SECURITY GUARD WAS UP
13 THERE. YOU KNOW, HE WAS TELLING ME TO PUT SOME
14 BLANKETS ON HIM BECAUSE THE GUY WAS GOING INTO SHOCK.

15 Q WHO ALL DO YOU RECALL BEING AT THE SCENE WHEN YOU
16 FIRST GOT UP THERE TO WHERE THESE INDIVIDUALS ARE AT?

17 A ALL I REMEMBER IS THE SECURITY GUARD AND
18 MS. CONSUELO.

19 Q WOULD THAT BE MS. CASEY?

20 A YEAH, MS. CASEY. SHE WAS THERE. THAT'S ALL I
21 REMEMBER WHEN I GOT UP THERE. NOBODY ELSE, LIKE, WAS
22 THERE AT THAT TIME THAT I COULD REMEMBER.

23 Q DESCRIBE THE DEMEANOR OF MS. CASEY WHILE SHE WAS UP
24 THERE, WHILE YOU SAW HER?

25 A I MEAN, SHE WAS OUT OF IT BECAUSE SHE WAS CALLING HER

1 HUSBAND'S NAME. HIS NAME WAS STICKING IN MY MIND,
2 JUNIOR, JUNIOR. SHE SAID, "COULD YOU HELP HIM?
3 COULD YOU HELP HIM?"

4 Q WHAT WAS MR. -- WHAT YOU LATER LEARNED TO BE
5 MR. GIBSON, THE SECURITY OFFICER, WHAT WAS HIS
6 DEMEANOR LIKE THAT ENTIRE TIME?

7 A WELL, REALLY, HE WAS KIND OF CALM. I MEAN, I WAS
8 KIND OF LOOKING AT HIM FOR INSTRUCTIONS, YOU KNOW,
9 WHAT TO DO. HE SAID HE HAD TO GET BACK TO THE BANK.
10 HE SAID HE HAD TO GET BACK TO THE BANK BECAUSE HE
11 COULD GET FIRED OR WHATEVER. HE SAID, "WOULD YOU
12 STAY HERE," BUT HE STAYED.

13 Q HAD YOU EVER SEEN ANYONE SHOT BEFORE?

14 A NO.

15 Q THIS WAS YOUR FIRST TIME?

16 A (NOD IN THE AFFIRMATIVE).

17 Q WHAT WAS YOUR DEMEANOR LIKE?

18 A I WAS KIND OF OUT OF IT. IT JUST THREW ME OFF.

19 Q DO YOU REMEMBER ANYTHING ABOUT WHAT THE VICTIM LOOKED
20 LIKE AS HE WAS LYING DOWN ON THE GROUND?

21 A LIKE I SAY, HE WAS BLEEDING. HE WAS STILL BREATHING
22 A LITTLE BECAUSE I MEAN, HE JUST LOOKED LIKE HE WAS
23 GONE. THE BLOOD WAS EVERYWHERE.

24 Q AND YOU MEAN BLOOD EVERYWHERE, WHERE WAS THE GENERAL
25 AREA WHERE THE BLOOD WAS LOCATED?

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- 1 A RIGHT BY -- IT LOOKED LIKE WHERE MS. CONSUELO WAS --
2 BEING A PAINTER, PARKING UP AT THE VEHICLE, IT LOOKED
3 LIKE SOMEBODY HAD POURED PAINT IN THE ROAD. YOU
4 KNOW, IT WAS RUNNING OUT.
- 5 Q COULD YOU TELL WHERE THE GUNSHOT WOUND WAS ON THE
6 VICTIM --
- 7 A NO.
- 8 Q -- ON THE DECEASED?
- 9 A NO, I COULDN'T TELL.
- 10 Q WERE YOU ABLE TO LOOK AT THE BODY?
- 11 A YEAH, I WAS ABLE -- I MEAN, I WAS LOOKING AT HIM IN
12 HIS FACE SEEING HIM LIKE GASPING FOR AIR, YOU KNOW.
13 THE BLOOD WAS EVERYWHERE.
- 14 Q DID YOU TELL ANYONE YOU WERE ABLE TO SEE THE VEHICLE
15 THEY WERE DRIVING IN, OR DO YOU KNOW THE VEHICLE THEY
16 WERE DRIVING IN?
- 17 A YOU'RE TALKING ABOUT MS. CASEY?
- 18 Q YES.
- 19 A I REMEMBER IT WAS LIKE A BLACK TRUCK OR WHATEVER IT
20 WAS.
- 21 Q DO YOU REMEMBER ANYTHING ELSE ABOUT THE VEHICLE WHILE
22 YOU WERE UP THERE?
- 23 A THE CONTAINER, THE SECURITY GUARD TOLD ME TO GET A
24 BLANKET OUT. LIKE I SAID, I WAS KIND OF OUT OF IT
25 MYSELF. I THINK HE DID, OR ONE OTHER DID, GET THE

- 1 BLANKET AND PUT ON TOP OF MR. CASEY.
- 2 Q I'M SORRY.
- 3 A I SAID PUT IT ON TOP OF MR. CASEY.
- 4 Q YOU INDICATED THAT THERE WAS A CONTAINER. DID YOU
- 5 ACTUALLY LOOK INSIDE THE CONTAINER. DID YOU LOOK
- 6 INSIDE THE CONTAINER?
- 7 A WHEN I LOOKED, ALL I SEEN WAS A BLANKET. LIKE I
- 8 SAID, HE TOLD ME TO GRAB A BLANKET.
- 9 Q COULD YOU DESCRIBE WHAT THAT CONTAINER LOOKED LIKE?
- 10 DO YOU REMEMBER WHAT THAT LOOKED LIKE?
- 11 A I THOUGHT IT WAS SOMETHING LIKE A RUBBERMAID BLUE
- 12 CONTAINER.
- 13 Q AND WHERE EXACTLY IN THIS VEHICLE IS THAT CONTAINER?
- 14 A IT LOOKED LIKE IT WAS RIGHT AT THE EDGE OF THE TRUCK.
- 15 Q DID YOU HAVE TO OPEN UP THE TRUCK AT ANY POINT TO GET
- 16 INSIDE THE TRUCK TO GET TO WHERE THAT CONTAINER WAS
- 17 LOCATED?
- 18 A I DON'T RECALL ANYTHING ABOUT THE TRUCK.
- 19 Q DO YOU RECALL WHETHER THE HATCH WAS UP OR ANYTHING
- 20 WHEN YOU SAW IT?
- 21 A I THOUGHT IT WAS UP, YEAH, YES.
- 22 Q LET ME SHOW YOU WHAT'S BEEN MARKED INTO STATE'S
- 23 EVIDENCE, STATE'S EVIDENCE NO. 2, 6 AND 7 AND ASK
- 24 YOU, DO YOU RECOGNIZE THOSE PHOTOS OF THAT SCENE?
- 25 A (INDICATING).

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1 Q WHAT DO YOU RECOGNIZE THEM TO BE?

2 A PRETTY MUCH THE TRUCK. I USED THE LANDMARK AS THE
3 POLE. I REMEMBER THE POLE IN THAT PARKING LOT.

4 Q IS THAT HOW YOU REMEMBER EXACTLY WHERE THIS INCIDENT
5 OCCURRED IS BY THAT POLE?

6 A YES.

7 Q SO THAT WOULD BE THE PICTURES OF THE ACTUAL SCENE
8 THAT DAY?

9 A YES, SIR.

10 Q LET ME GET YOU -- AND YOU INDICATED THERE WERE SOME
11 BLANKETS AND THINGS THAT WERE TAKEN OUT OF THAT
12 CONTAINER. WOULD YOU TAKE A LOOK AT THAT? WOULD
13 THOSE BE THE BLANKETS THAT YOU'RE REFERRING TO?

14 A YES, SIR.

15 Q YOU DON'T RECALL -- DO YOU KNOW WHETHER THIS CAR WAS
16 RUNNING OR WHETHER IT WAS STOPPED?

17 A NO.

18 Q OKAY. AND THIS POOL OF BLOOD, WOULD THIS HAVE BEEN
19 WHERE THE VICTIM'S HEAD OR FOOT WOULD BE?

20 A HEAD.

21 Q I'M SORRY, YOU HAVE TO SPEAK UP A LITTLE BIT.

22 A I SAID HIS HEAD.

23 Q AND WHICH DIRECTION IS THAT FACING TOWARD?

24 A I THINK TOWARDS TWO NOTCH.

25 Q IS THAT TOWARDS THE BANK AREA?

1 A RIGHT.

2 Q I'M SORRY?

3 A YES.

4 Q OKAY. AND IF YOU CAN, KIND OF SHOW THE JURY -- JUST
5 LOOK AT THIS PICTURE RIGHT HERE, WHERE YOU WOULD HAVE
6 BEEN WHEN YOU FIRST CAME OUT OF THAT LOCATION AND
7 HEARD THE GUNSHOT?

8 A WHEN I CAME UP, I WAS -- LIKE I SAID, THAT'S HOW I
9 REMEMBER THE POLE I CAME TO. I CAME BETWEEN THE
10 POLE, AND I WAS STANDING LIKE HERE. THE SECURITY
11 GUARD WAS HERE AND MS. CONSUELO WAS HERE -- I MEAN,
12 MS. CASEY.

13 Q MS. CASEY WAS THERE. SO IF YOU'RE COMING OUT THE
14 FRONT, WHERE IS THE FRONT WHEN YOU ORIGINALLY HEARD
15 THAT GUNSHOT?

16 A HERE.

17 Q OKAY. AND HOW FAR IS THIS POLE FROM THAT AREA, CAN
18 YOU SAY?

19 A NO, I CAN'T SAY.

20 Q OKAY. BUT YOU NEVER -- NOW, DID YOU -- HOW CLOSE DID
21 YOU COME TO THIS PARTICULAR SCENE? YOU HAD TO COME
22 TO THE TRUCK, RIGHT?

23 A CORRECT, BECAUSE I WAS STANDING LIKE TO THE LEFT OR
24 RIGHT OF THE GATE.

25 Q AND YOU INDICATED THAT YOU SPOKE WITH MR -- THE

1 SECURITY GUARD AT THAT PARTICULAR TIME?

2 A YES, SIR.

3 Q OKAY. AND WHAT INFORMATION DID YOU GIVE HIM?

4 A I GAVE HIM THE FIRST NUMBERS OF THE LICENSE PLATE.

5 Q AND WHEN YOU GAVE HIM THAT INFORMATION, THAT WOULD BE
6 THE 755 GEORGIA PLATE?

7 A CORRECT, UH-HUH.

8 Q WHAT DID HE DO WITH THAT INFORMATION?

9 A HE WROTE IT DOWN IN HIS HAND. HE WROTE IT DOWN ON
10 HIS HAND. HE DIDN'T HAVE NO PAPER OR NOTHING. HE
11 WROTE IT DOWN AND SAID HE WOULD REMEMBER IT.

12 Q AND WERE YOU THERE WHEN THE POLICE ARRIVED?

13 A YEAH, I WAS THERE WHEN THEY ARRIVED. YOU KNOW, I WAS
14 TRYING TO TELL THEM, YOU KNOW, THAT I KNEW SOMETHING
15 WAS GOING ON. THEY TOLD ME TO GET BACK AND GO SO I
16 JUST LEFT.

17 Q DID YOU GIVE ANYBODY YOUR INFORMATION IN TERMS OF A
18 WAY TO CONTACT YOU?

19 A NO, SIR, I DIDN'T AT THE TIME.

20 Q HOW WERE YOU CONTACTED?

21 A WELL, ACTUALLY I SEEN IT ON THE NEWS. THEN I WENT
22 DOWN TO THE POLICE, AND THEY SAID THEY HAD BEEN
23 LOOKING FOR ME.

24 Q OKAY. SO YOU ACTUALLY WENT DOWN THERE ON YOUR OWN
25 AND TOLD THEM THAT YOU KNEW SOME INFORMATION ABOUT

1 THIS?

2 A YES, SIR.

3 Q YOU TOLD THEM THAT YOU WERE PRESENT AT THE SCENE AT

4 THIS PARTICULAR TIME?

5 A YES, SIR.

6 Q IS THAT WHEN YOU PROVIDED THEM WITH A WRITTEN

7 STATEMENT OF WHAT HAPPENED?

8 A YES, SIR.

9 Q AND WHAT YOU TOLD THEM WAS WHAT YOU REMEMBER

10 HAPPENING THAT PARTICULAR DAY?

11 A YES, SIR.

12 Q IT WAS A BEIGE OR GRAY STATION WAGON?

13 A YES, SIR.

14 Q WAS IT AN OLDER MODEL OR A NEWER MODEL?

15 A LIKE I SAY, IT'S A CUTLASS SIERRA. IT WOULD HAVE TO

16 BE 80S, MAYBE '89.

17 Q IT LOOKED LIKE IT HAD TO BE FROM THE '80S?

18 A YEAH.

19 Q IT LOOKED LIKE IT WAS A VEHICLE FROM THE '80S?

20 A YEAH.

21 Q OKAY. AND YOU SAID -- HOW LONG DID YOU HAVE AN

22 OPPORTUNITY TO SEE THE PERSON THAT YOU THOUGHT SHOT

23 THIS INDIVIDUAL?

24 A WELL, AT THE TIME, LIKE I SAY, I WAS NERVOUS, TOO.

25 SO I WASN'T TRYING TO LOOK AT HIM BUT AT THE SAME

1 TIME I WAS, YOU KNOW. IT JUST SEEMED LIKE IT WAS EYE
2 CONTACT. I CAN'T SAY IT WAS, BETWEEN US. SO, YOU
3 KNOW, FOR A SECOND OR COUPLE OF SECONDS.

4 Q SO YOU KNOW THAT HE'S A BLACK MALE, CORRECT?

5 A UH-HUH.

6 Q YOU SAY HE'S NOT DARK SKINNED, SO HE'S FAIRLY --

7 Mr. Strickler: I'LL OBJECT TO THE LEADING, YOUR
8 HONOR.

9 THE COURT: NO LEADING, JUST ASK THE QUESTION.
10 BY Mr. Lake

11 Q WHAT'S THE SHADE OF HIS SKIN?

12 A AGAIN, I GAVE THE COMPLEXION -- HE WAS A BROWN SHADE.

13 Q SO HE'S BROWN SKINNED. THE HEIGHT?

14 Mr. Strickler: I'LL OBJECT. THIS IS ALL ASKED
15 AND ANSWERED, YOUR HONOR.

16 THE COURT: I'LL OVERRULE IT. GO AHEAD.

17 Mr. Strickler: THANK YOU.

18 BY Mr. Lake

19 Q THE HEIGHT, APPROXIMATE HEIGHT?

20 A YEAH, LIKE I SAID, THE ONE I GAVE LOOKED LIKE 6'1",
21 6'2" SOMETHING LIKE THAT.

22 Q SOMEWHERE CLOSE TO WHAT YOU SAID --

23 A MY HEIGHT.

24 Q WHAT TYPE OF BUILD? WAS IT MUSCULAR OR WHAT TYPE?

25 A ALL I COULD SAY, COMPARE IT TO A BASKETBALL TYPE.

1 Q ARE THOSE FEATURES CONSISTENT WITH MR. CROCKER?

2 A PROBABLY, HE WAS A BIT BIGGER THEN. I MEAN, HE'S GOT
3 THE BROAD SHOULDERS AND WHATEVER, BUT HE WAS A LITTLE
4 BIG BIGGER.

5 Q YOU'RE TALKING ABOUT BIGGER IN TERMS OF WEIGHT?

6 A YES.

7 Q BUT OTHER THAN THAT IN TERMS OF SKIN COMPLEXION,
8 HEIGHT, IS IT CONSISTENT?

9 A WELL, HE MENTIONED -- I JUST SEEN HIS HEIGHT ONCE.

10 Q AT THE TIME THAT YOU SAW THE SUSPECT THAT PARTICULAR
11 AFTERNOON, DID YOU NOTICE ANY FACIAL HAIR ON THIS
12 INDIVIDUAL?

13 A YEAH, I MEAN THAT WAS THE THING, YEAH. HE HAD MORE
14 HAIR, YOU KNOW, LIKE I SAID.

15 Q HE HAD MORE HAIR WHERE?

16 A WELL, ACTUALLY, WHEN I SEEN MR. PHIL CROCKER, I JUST
17 SAID THE GUY I REMEMBER, IT SEEMED LIKE HE HAD MORE
18 HAIR ON HIS HEAD AND FACE.

19 Q ON HIS FACE?

20 A UH-HUH.

21 Q AND HIS HEAD. DID IT APPEAR HE HAD A GOATEE, A BEARD
22 OR WHAT DID HE HAVE?

23 A LIKE I SAID, IT LOOK LIKE HE HAD FACIAL HAIR.

24 Q LET ME SHOW YOU AGAIN, JUST TO KIND OF REFRESH YOUR
25 MEMORY, THE STATEMENT THAT YOU GAVE AND POINT YOU

1 TOWARDS THE LOWER PORTION OF YOUR STATEMENT.

2 LET ME KNOW WHEN YOU'RE FINISHED.

3 (PAUSE).

4 (INDICATING).

5 DO YOU RECALL NOW WHETHER HE HAD FACIAL HAIR OR
6 ANYTHING LIKE THAT?

7 A YEAH, BECAUSE MY STATEMENT SAY IT LOOKED LIKE HE
8 HADN'T SHAVED IN DAYS.

9 Q SO HE HAD A BEARD OR SOMETHING LIKE THAT?

10 A RIGHT.

11 Q HE HADN'T SHAVED?

12 A RIGHT.

13 Q AND WHAT WAS HIS APPROXIMATELY AGE AT THAT TIME?

14 A LIKE I SAID, I'M JUST GUESSING. I DON'T KNOW THE AGE
15 AND THE HEIGHT, BUT I'D SAY AROUND 27, 28, SOMEWHERE
16 ALONG IN THERE.

17 Q AT THAT TIME?

18 A RIGHT.

19 Mr. Lake: I HAVE NO FURTHER QUESTIONS.

20 THE COURT: LET'S TAKE A SHORT BREAK.

21 ALL RIGHT, LADIES AND GENTLEMEN, LET'S TAKE
22 ABOUT A 10 MINUTE BREAK. I ASK YOU TO GO TO YOUR JURY
23 ROOM. AGAIN, DON'T DISCUSS THE CASE AMONG YOURSELVES
24 WHILE YOU'RE IN THE JURY ROOM. WE'LL CALL YOU WHEN WE'RE
25 READY. JUST RELAX YOURSELVES. WE'LL HAVE A MORNING

1 BREAK.

2 (WHEREUPON, THE JURY LEFT OPEN COURT AT
3 APPROXIMATELY 11:20 A.M.)

4 THE COURT: ALL RIGHT. MR. DAVIS, YOU CAN COME
5 DOWN OFF THE WITNESS STAND. JUST DON'T DISCUSS ANYTHING
6 DURING THE BREAK. JUST DURING THE BREAK, STAY TO
7 YOURSELF. DON'T DISCUSS THE CASE WITH ANYBODY IN THE
8 COURTROOM.

9 ALL RIGHT. LET'S STAND AT EASE ABOUT 10
10 MINUTES.

11 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

12 THE COURT: BRING THE JURY, PLEASE.

13 THE BAILIFF: I'LL BE GLAD TO, YOUR HONOR.

14 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
15 APPROXIMATELY 11:40 A.M.)

16 THE BAILIFF: THE JURY IS ALL PRESENT, YOUR
17 HONOR.

18 THE COURT: THANK YOU. MR. STRICKLER.

19 Mr. Strickler: THANK YOU, YOUR HONOR, MAY IT
20 PLEASE THE COURT.

21 CROSS-EXAMINATION:

22 BY Mr. Strickler

23 Q GOOD MORNING, MR. DAVIS.

24 A GOOD MORNING.

25 Q WE'VE NEVER MET, HAVE WE?

1 A NO, SIR.

2 Q I JUST HAVE A FEW QUESTIONS FOR YOU, IF I COULD,
3 PLEASE.

4 MY UNDERSTANDING, ENCAPSULATED, OF YOUR
5 TESTIMONY ON DIRECT WAS THAT YOU CAME OUT THE DOOR OF
6 LOWE'S -- RIGHT AS YOU CAME OUT THE DOOR OF LOWE'S,
7 YOU HEARD WHAT SOUNDED LIKE, TO YOU, LIKE A GUNSHOT?

8 A YES, SIR.

9 Q YOU COUNTED TO THREE BECAUSE IT COULD HAVE BEEN
10 SOMETHING GETTING DROPPED ON THE OUTSIDE. AT THAT
11 POINT IN TIME YOU HEARD A WOMAN SCREAMING.

12 A RIGHT.

13 Q AND THEN YOU OBSERVED A NUMBER OF THINGS THAT YOU
14 DESCRIBED FOR THE COURT?

15 A RIGHT.

16 Q I WANT TO MAKE SURE I'M STRAIGHT ON WHERE YOU WERE
17 AND WHAT YOU SAW, IF I COULD, PLEASE. I'M GOING TO
18 REFER TO WHAT'S BEEN MARKED AS STATE'S EXHIBIT NO. 1,
19 THIS THING UP HERE. YOU CAME OUT OF LOWE'S. YOU
20 CAME OUT RIGHT ABOUT HERE; IS THAT CORRECT?

21 A YES. I WALKED OVER THERE, BUT I CAME OUT THE EXIT
22 SIDE.

23 Q SO YOU WERE ABOUT TO THIS AREA?

24 A RIGHT.

25 Q AND THAT'S WHERE YOU WERE WHEN YOU HEARD WHAT SOUNDED

- 1 LIKE A SHOT?
- 2 A YES, SIR.
- 3 Q AND THEN OBSERVED WHAT YOU OBSERVED; IS THAT CORRECT?
- 4 A YES, SIR.
- 5 Q AND WHEN YOU STARTED OBSERVING THINGS, I BELIEVE YOU
- 6 SAID YOUR VISION WAS OBSCURED SOMEWHAT, BUT WHATEVER
- 7 YOU SAW WAS GOING ON IN THIS VICINITY DOWN HERE?
- 8 A IN THAT VICINITY.
- 9 Q AND YOU'RE STANDING ABOUT HERE AND YOU'RE LOOKING
- 10 HERE, CORRECT?
- 11 A THAT'S CORRECT.
- 12 Q AND I BELIEVE YOU INDICATED THERE WERE SOME CARS IN
- 13 BETWEEN YOU AND WHAT YOU WERE LOOKING AT, CORRECT?
- 14 A YES, SIR.
- 15 Q AND YOU SAW A MAN WALKING TO A CAR --
- 16 A YES.
- 17 Q -- IS THAT CORRECT? I UNDERSTAND HE WAS NOT WALKING
- 18 FAST, AND IT APPEARED HE WAS PUTTING SOMETHING IN HIS
- 19 CLOTHING, CORRECT?
- 20 A YES, SIR.
- 21 Q AND THEN YOU SAW A CAR DRIVE OFF?
- 22 A YES, SIR.
- 23 Q AND IT DIDN'T SPEED OFF, CORRECT?
- 24 A CORRECT.
- 25 Q AND AGAIN, THE DIRECTION YOU TRAVELED WAS UP TOWARDS

1 THIS DIRECTION; IS THAT CORRECT?

2 A NO.

3 Q NO? WHICH DIRECTION DID IT TRAVEL, I'M SORRY? IF
4 YOU KNOW.

5 A DOWN O'NEILL COURT.

6 Q OH, IT WENT DOWN THIS DIRECTION?

7 A YEAH.

8 Q I'M SORRY. IT WAS AT THAT POINT IN TIME THAT YOU
9 THOUGHT YOU'D BETTER GET SOME INFORMATION ABOUT THIS,
10 AND YOU MADE A NOTE OR GOT THE TAG, A PORTION OF THE
11 TAG NUMBER?

12 A YES.

13 Q NOW; YOU WERE QUESTIONED REGARDING WHAT YOU SAW, AND
14 YOU NEED TO MAKE REFERENCE TO A STATEMENT THAT YOU
15 HAD GIVEN, CORRECT?

16 A YES, SIR.

17 Q BECAUSE IT'S BEEN A COUPLE OF YEARS NOW?

18 A YES, SIR.

19 Q AND AS IT TURNS OUT, YOU DIDN'T EXACTLY GIVE THE
20 STATEMENT THAT DAY. YOU GAVE IT SHORTLY THEREAFTER,
21 DECEMBER 6TH; IS THAT RIGHT?

22 A I GUESS AROUND THAT TIME.

23 Q DO YOU HAVE THAT STATEMENT IN FRONT OF YOU, SIR?

24 A NO, SIR.

25 Q OKAY. LET ME SHOW YOU A DOCUMENT AND MAKE SURE WE'RE

1 REFERRING TO THE SAME THING, OKAY. IS THAT A COPY OF
2 THE STATEMENT THAT YOU GAVE?

3 A YES, SIR.

4 Q OKAY. AND THAT WAS GIVEN A COUPLE OF WEEKS AFTER THE
5 INCIDENT WHILE THE EVENTS WERE FAR MORE FRESH IN YOUR
6 MIND THAN THEY ARE TODAY, CORRECT?

7 A YES, SIR.

8 Q THAT WAS TWO YEARS AGO, RIGHT? LET ME ASK YOU, HOW
9 TALL ARE YOU?

10 A I'M 6'2"-AND-A-HALF.

11 Q YOUR HONOR, MAY I APPROACH? I'D LIKE TO ASK HIM TO
12 STEP DOWN FOR A MINUTE, IF HE COULD, PLEASE.

13 JUST STEP DOWN HERE. SO YOU'RE ABOUT
14 6'2"-AND-A-HALF, OKAY. YOU GO AHEAD AND RESUME THE
15 STAND.

16 NOW, YOU DESCRIBED THE INDIVIDUAL THAT YOU SAW
17 GET IN THE CAR. I BELIEVE YOUR INITIAL DESCRIPTION
18 WAS THAT HE WASN'T BIG, CORRECT?

19 A LIKE FAT, NO, HE WASN'T FAT.

20 Q I BELIEVE YOU INDICATED YOU THOUGHT HE WAS ABOUT YOUR
21 HEIGHT?

22 A FROM A DISTANCE. I CAN'T REALLY JUDGE, TOO MUCH,
23 HEIGHT.

24 Q HE WASN'T DARK? DID YOU SAY HE WAS LIGHTER THAN YOU?

25 A NO. LIGHT BROWN SKIN, PROBABLY A LITTLE BIT LIGHTER,

J. DAVIS - CROSS (STRICKLER)

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1 YOU KNOW, NOT MUCH.

2 Mr. Strickler: PHILLIP, WOULD YOU STAND UP,
3 PLEASE.

4 The Defendant: YES.

5 Mr. Strickler: STAND UP NEXT TO ME.

6 (COMPLIES).

7 HAVE A SEAT, PLEASE.

8 BY Mr. Strickler

9 Q NOW, YOU HAVE YOUR STATEMENT IN FRONT OF YOU,
10 CORRECT?

11 A YES, SIR.

12 Q ON DECEMBER 6TH, 2001, YOUR TESTIMONY WAS, OR YOUR
13 STATEMENT WAS, ON NOVEMBER 21ST, 3:30 TO 4 O'CLOCK, I
14 WAS COMING OUT OF LOWE'S ON TWO NOTCH ROAD, AND I
15 HEARD A GUNSHOT, RIGHT?

16 A RIGHT.

17 Q COUNTED TO THREE, AND I HEARD A LADY HOLLER, RIGHT?

18 A YES, SIR.

19 Q DIALED 911 ON MY CELL PHONE, TOLD THE DISPATCHER
20 THERE HAD BEEN A SHOOTING AT THE LOWE'S LOT AND TO
21 GET SOMEONE THERE FAST, RIGHT?

22 A YES, SIR.

23 Q I STAYED IN THE LOWE'S FRONT DOOR AREA AND SAW THE
24 SUSPECT WALK TO HIS VEHICLE?

25 A YES.

1 Q I WAS FACING THE FRONT OF LOWE'S -- OR IT WAS FACING
2 THE FRONT OF LOWE'S --

3 A UH-HUH.

4 Q -- AND IT WAS AN OLDS CUTLASS SIERRA STATION WAGON
5 WITH WOOD GRAIN SIDING AND WAS BEIGE IN COLOR,
6 CORRECT?

7 A YES.

8 Q THAT'S A PRETTY POSITIVE STATEMENT ON YOUR PART,
9 CORRECT?

10 A YES, SIR.

11 Q OLDS CUTLASS SIERRA, WOOD GRAIN SIDING, BEIGE IN
12 COLOR.

13 A YES, SIR.

14 Q DROVE OFF COMING TO THE END OF THE AISLE IN FRONT OF
15 LOWE'S, TURNED LEFT TOWARDS O'NEILL COURT, CORRECT?

16 A YES, SIR.

17 Q JUST AS YOU CORRECTED ME EARLIER AS TO THIS
18 DIRECTION. "I THOUGHT TO MYSELF I NEEDED THE TAG
19 NUMBER. I LOOKED AT THE TAG, STARTED READING
20 NUMBERS, NOTICED THE BACKGROUND WAS PEACH WITH WHAT
21 LOOKED LIKE A PEACH IN THE MIDDLE?"

22 A YES, SIR.

23 Q OKAY. THAT IS CONSISTENT, IN YOUR EXPERIENCE, AS A
24 PERSON WHO LIVES IN THE STATE OF SOUTH CAROLINA WITH
25 A LICENSE TAG FROM THE STATE OF GEORGIA, RIGHT?

1 A YES, SIR.

2 Q PEACH IN THE MIDDLE, PEACH IN COLOR. WE'VE ALL SEEN
3 IT, RIGHT?

4 I READ THE NO. 755, AND I THINK IT WAS A "Q" AND
5 POSSIBLY AN "X"?

6 A YES, SIR.

7 Q THE SUSPECT WENT TO O'NEILL COURT. I'M NOT SURE
8 WHICH WAY HE TURNED, RIGHT?

9 A RIGHT.

10 Q I THEN WENT UP TO WHERE THE VICTIM WAS TO SEE IF I
11 COULD HELP ANY. I SAW HE WAS SHOT IN THE HEAD, AND
12 THERE WASN'T MUCH ELSE I COULD DO, RIGHT?

13 A YES, SIR.

14 Q I TALKED TO THE BANK SECURITY GUARD WHILE I TRIED TO
15 PUT BLANKETS ON THE VICTIM. I TOLD HIM THE VEHICLE
16 DESCRIPTION AND THE PARTIAL TAG NUMBER, JUST AS YOU
17 TESTIFIED TO, RIGHT?

18 A UH-HUH.

19 Q THE SECURITY GUARD WROTE THE NUMBER DOWN ON HIS HAND.
20 HE TOLD YOU TO STAY THERE BECAUSE HE HAD TO GO BACK
21 TO THE BANK. YOU WAITED FOR THE POLICE. THEY TOLD
22 EVERYONE TO GET BACK AND EVENTUALLY YOU LEFT,
23 CORRECT?

24 A YES, SIR.

25 Q JUST AS YOU TESTIFIED HERE TODAY?

- 1 A YES, SIR.
- 2 Q THERE IS A QUESTION AT THAT POINT IN TIME. "DESCRIBE
3 THE SUSPECT TO ME," RIGHT? THAT'S A QUESTION ASKED
4 OF YOU, CORRECT?
- 5 A YES, SIR.
- 6 Q OKAY. AND THE DESCRIPTION YOU PROVIDED ON
7 DECEMBER 6TH, 2001 AT 15:16 HOURS, 3:15 IN THE
8 AFTERNOON, BLACK MALE, ABOUT MEDIUM TO DARK
9 COMPLEXION, CORRECT?
- 10 A YES, SIR.
- 11 Q ABOUT 5'11" TO 6 FEET, CORRECT?
- 12 A YES, SIR.
- 13 Q WHICH WOULD BE SHORTER THAN YOU, RIGHT?
- 14 A YES, SIR.
- 15 Q ABOUT 165 TO 170 POUNDS, CORRECT?
- 16 A RIGHT, UH-HUH.
- 17 Q AS TO FACIAL HAIR, HE LOOKED LIKE HE HADN'T SHAVEN IN
18 A DAY, CORRECT?
- 19 A RIGHT.
- 20 Q OKAY. SO IT DIDN'T APPEAR TO YOU THAT THE PERSON YOU
21 SAW HAD A FULL BEARD? IT LOOKED LIKE HE JUST HADN'T
22 SHAVED IN A FEW DAYS?
- 23 A SUPPOSED TO BE DAYS, NOT A DAY.
- 24 Q OKAY. IT'S SUPPOSED TO BE DAYS, OKAY. IN FACT, IT
25 SHOULDN'T BE SHAVEN IN A DAY. IT SHOULD BE SHAVEN IN

1 SEVERAL DAYS, I MEAN...

2 A IT SAYS HE HAD FACIAL HAIR.

3 Q I TAKE IT FROM YOUR DESCRIPTION WHETHER WE QUIBBLE
4 ABOUT DAY OR DAYS, IT'S NOT WHAT YOU WOULD HAVE
5 DESCRIBED AS A FULL BEARD OR YOU WOULD HAVE SAID HE
6 HAD A FULL BEARD.

7 A TRUE. I MEAN, YOU LOOK LIKE A MAN THAT SHAVES IN A
8 DAY, HOW MUCH HAIR DO YOU HAVE ON YOUR FACE? HE HAD
9 A LOT OF HAIR ON HIS FACE. I'M NOT GOING TO SAY HE
10 COULDN'T HAVE IN DAYS. HE DIDN'T IN DAYS.

11 Q HE WAS WEARING A YELLOW POLO TYPE SHIRT WITH STRIPES.
12 YOU DESCRIBED THE CLOTHING THE PERSON WAS WEARING,
13 CORRECT?

14 A LIKE I SAID, I COULDN'T SEE HIM IN HERE.

15 Q OKAY.

16 A I COULD SEE HIM GESTURING.

17 Q YOU DESCRIBED WHAT YOU COULD OF THE CLOTHING, WHAT
18 YOU SAW, RIGHT?

19 A YES, SIR.

20 Q HE WAS ABOUT 26, 27 YEARS OLD. I SAW HIM TUCKING
21 SOMETHING IN HIS SHIRT AROUND HIS WAIST, BUT YOU
22 COULDN'T TELL WHAT IT WAS, RIGHT?

23 A YES, SIR.

24 Q OKAY. SO THIS IS THE STATEMENT THAT YOU GAVE ON
25 DECEMBER 6TH, AND THAT'S THE DESCRIPTION YOU GAVE OF

1 THE PERSON YOU SAW ON DECEMBER 6TH, CORRECT?

2 A YES, SIR.

3 Q THE DESCRIPTION YOU GAVE ON DECEMBER 6TH OF THE
4 PERSON YOU SAW ON NOVEMBER 21ST?

5 A AS FAR AS ACCURACY, I WOULDN'T SAY IT WAS -- YOU
6 KNOW, BECAUSE -- I'M NOT REALLY THAT GOOD AT JUDGING
7 HEIGHT, I'M NOT. WHAT I GAVE IS, LIKE I SAID, FROM
8 THE APPEARANCE OF THE CAR, YOU KNOW, FROM WHAT I
9 COULD SEE, I JUST -- I MEAN, I'M JUST TRYING TO GET A
10 DESCRIPTION OF THE GUY.

11 Q RIGHT. AND ON DECEMBER 6TH, 2001, THE FELLOW YOU
12 SAW, YOUR BEST ESTIMATE OF HIS HEIGHT WAS THAT HE WAS
13 SHORTER THAN YOU, CORRECT?

14 A FROM A DISTANCE. I MEAN, HE WAS FROM A DISTANCE.
15 I'M JUST JUDGING FROM A DISTANCE FROM HIM.

16 Q DID YOU HAVE AN OPPORTUNITY TO REVIEW THIS STATEMENT
17 THAT YOU GAVE PRIOR TO SIGNING IT?

18 A YES, SIR, I DID LOOK OVER IT.

19 Q AND PRIOR TO SIGNING IT, WERE YOU MADE AWARE OF THE
20 STATEMENT IMMEDIATELY BEFORE YOUR SIGNATURE. I MAKE
21 THIS STATEMENT OF MY OWN FREE WILL AND ACCORD WITHOUT
22 REWARD OR INTIMIDATION. ALL OF THE ABOVE IS THE
23 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
24 CORRECT?

25 A YES, SIR.

1 Q ALL RIGHT. IF YOU COULD PASS THAT TO ME, PLEASE,
2 SIR.

3 AND, YOUR HONOR, PURSUANT TO 803(5), I'D GO
4 AHEAD AND OFFER THIS AT THIS POINT IN TIME.

5 Mr. Lake: YOUR HONOR, MAY WE APPROACH ON THAT?

6 THE COURT: SURE.

7 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
8 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
9 JURY).

10 THE COURT: OVER THE OBJECTION OF THE STATE, THE
11 DOCUMENT IS ADMITTED.

12 Mr. Strickler: THANK YOU, SIR.

13 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 1 WAS MARKED
14 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

15 Mr. Strickler: THAT WILL BE DEFENDANT'S 1. I
16 WON'T PUBLISH IT AS IT'S BEEN PUBLISHED COMPLETELY.

17 THANK YOU VERY MUCH, SIR. THAT'S ALL I HAVE.

18 THE COURT: REDIRECT?

19 Mr. Lake: YES, YOUR HONOR.

20 REDIRECT EXAMINATION:

21 BY Mr. Lake

22 Q YOU STATED YOU WEREN'T THAT GOOD AT HEIGHT?

23 A NO, SIR, I'M NOT.

24 Q BUT YOU SAID THE PERSON YOU SAW REMINDED YOU OF
25 SOMEONE YOU KNEW THAT PLAYED THE POST. EXPLAIN FOR

1 THE JURY WHAT POSITION POST IS.

2 A THE POST PLAYS DOWN LOW. USUALLY, THEY'RE TALLER.

3 POST PLAYERS ARE A LITTLE BROAD. THEY'RE PLAYING THE

4 POST.

5 Q AND YOU JUST ACTUALLY SAW MR. CROCKER AS HE STOOD UP.

6 DID HE HAVE THE APPEARANCE OF SOMEONE THAT PLAYED IN

7 THE POST OR WILL PLAY IN THE POST?

8 A AS A BASKETBALL PLAYER, YEAH.

9 Q WOULD SOMEBODY WHO IS 5'9", 5'11", OR 6 FEET, IS THAT
10 SOMEBODY WHO ACTUALLY PLAYS AT THE POST?

11 A NO, SIR.

12 Q AND WHEN YOU SAW HIM GET INTO THAT CAR, WAS IT CLOSE
13 TO WHERE THE VICTIM WAS LOCATED?

14 A YES, SIR.

15 Mr. Lake: I'M GOING TO PREMARK.

16 (WHEREUPON, STATE'S EXHIBIT NO. 8 WAS MARKED FOR
17 IDENTIFICATION ONLY.)

18 BY Mr. Lake

19 Q AND HOW LONG DID YOU HAVE AN OPPORTUNITY TO VIEW --

20 Mr. Strickler: YOUR HONOR, MAY WE APPROACH,
21 PLEASE?

22 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
23 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
24 JURY).

25 BY Mr. Lake

J. DAVIS - REDIRECT (LAKE)

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1 Q HOW LONG DID YOU HAVE AN OPPORTUNITY TO VIEW THAT
2 VEHICLE THAT YOU SAW?

3 A LIKE I SAID, I DIDN'T GET A FULL VIEW UNTIL HE GOT
4 READY TO TURN, AND THAT'S WHEN I SEEN IT. IT WAS A
5 CUTLASS SIERRA, MAYBE 10 SECONDS. THE TRAFFIC
6 WOULDN'T LET HIM PASS.

7 Q IF YOU HAD TO JUDGE IN TERMS OF TIME, HOW MUCH TIME
8 WOULD YOU SAY THAT WAS?

9 A LIKE I SAY, PROBABLY 15 SECONDS, 10, 15 SECONDS.

10 Q OKAY. AND YOU INDICATED THIS IS A CLEAR DAY,
11 CORRECT?

12 A YES, SIR.

13 Q AND THERE WERE NO OBSTRUCTIONS -- LET ME ASK YOU,
14 WERE THERE ANY OBSTRUCTIONS OF THE VIEW WHEN YOU WERE
15 LOOKING AT THIS CAR?

16 A LIKE I SAID, WHEN IT CAME IN FULL VIEW COMING DOWN
17 THE AISLE BETWEEN THE CARS, YOU COULD SEE THE TOP OF
18 THE LIGHTS THAT WERE FOLLOWING HIM. WHEN HE MADE A
19 TURN TOWARD O'NEILL COURT, YOU COULD SEE HIM.

20 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
21 NO. 8. LET ME GET YOU TO TAKE A LOOK AT THAT AND ASK
22 YOU, DOES THAT APPEAR TO BE CONSISTENT WITH WHAT THE
23 PERSON WAS DRIVING THAT AFTERNOON?

24 A I MEAN, IT LOOKS LIKE THAT, THE OLDSMOBILE CUTLASS
25 SIERRA.

1 Q THAT LOOKED LIKE THE STATION WAGON YOU WERE REFERRING
2 TO IN THIS PARTICULAR PICTURE?

3 A UH-HUH.

4 Q LET ME ASK YOU A QUESTION: DO YOU KNOW THE
5 DIFFERENCE BETWEEN AN OLDS CUTLASS SIERRA STATION
6 WAGON AND A PONTIAC 6000 STATION WAGON?

7 A THAT'S...

8 Q I MEAN, HAVE YOU SEEN BOTH OF THOSE TYPE OF VEHICLES?
9 I MEAN, WOULD YOU KNOW THE DIFFERENCE BETWEEN EITHER
10 ONE IF YOU SAW THEM?

11 A YEAH, MY STEPFATHER IS A MECHANIC, SO I HAD TO WORK
12 AROUND CARS.

13 Q ARE THESE SIMILAR TYPE VEHICLES?

14 A YEAH, THEY ARE SIMILAR.

15 Mr. Lake: NO FURTHER QUESTIONS.

16 THE COURT: RECROSS?

17 Mr. Strickler: NO, SIR, THANK YOU.

18 THE COURT: THANK YOU, MR. DAVIS. WATCH YOUR
19 STEP.

20 THE BAILIFF: WATCH YOUR STEP COMING DOWN.

21 Mr. Lake: YOUR HONOR, MAY THIS WITNESS BE
22 EXCUSED?

23 Mr. Strickler: WITHOUT OBJECTION, SIR.

24 THE COURT: ALL RIGHT. NEXT WITNESS.

25 Ms. Campbell: THE STATE WOULD CALL JENNIFER

1 BLAIR. SHE'S THE WITNESS FROM 911.

2 JENNIFER BLAIR, AFTER BEING DULY SWORN,
3 TESTIFIED AS FOLLOWS:

4 THE CLERK: HAVE A SEAT IN THE WITNESS BOX.
5 STATE YOUR FULL NAME FOR THE RECORD.

6 THE BAILIFF: WATCH YOUR STEPS, PLEASE, AND
7 SPEAK INTO THE MICROPHONE.

8 THE WITNESS: MY NAME IS JENNIFER BLAIR.

9 DIRECT EXAMINATION:

10 BY Ms. Campbell

11 Q MS. BLAIR, WHERE ARE YOU EMPLOYED?

12 A THE CITY OF COLUMBIA, 911 COMMUNICATIONS CENTER.

13 Q AND AT THE CITY OF COLUMBIA 911 COMMUNICATIONS
14 CENTER, WHAT ARE SOME OF YOUR DUTIES?

15 A MY DUTIES, I AM THE ADMINISTRATIVE PHYSICAL OFFICER
16 WITH THE 911 CENTER. MY DUTIES INCLUDE THE BUDGET
17 REPORTS, MAKING RECORDINGS FROM INCIDENTS, SUCH AS
18 THIS CASE AND 911 TAPES AND A VARIETY OF THINGS.

19 Q AND IN THE NORMAL COURSE OF YOUR BUSINESS AT THE 911
20 OFFICE, DO YOU KEEP CERTAIN RECORDINGS OF 911 CALLS?

21 A YES, WE DO.

22 Q THOSE ARE KEPT IN THE NORMAL COURSE OF BUSINESS?

23 A YES.

24 Q AND CAN YOU TELL THIS JURY, WHAT IS A CLOSED INCIDENT
25 REPORT?

- 1 A A CLOSED INCIDENT REPORT IS A COPY OF A CALL THAT WE
2 RECEIVED FROM A CITIZEN WHERE WE DISPATCHED THE
3 POLICE, FIRE, E.M.S. \ IT'S JUST DOCUMENTATIONS OF ALL
4 THE PERTINENT INFORMATION.
- 5 Q AND THAT IS ENTERED INTO THE COMPUTER AT THE TIME THE
6 CALL WENT IN AS TO WHAT'S RELAYED BACK OUT?
- 7 A YES.
- 8 Q AND THAT'S KEPT ALSO IN THE NORMAL COURSE OF
9 BUSINESS?
- 10 A YES.
- 11 Q I'M GOING TO SHOW YOU THIS TAPE. DO YOU RECOGNIZE
12 THIS?
- 13 A YES, I DO.
- 14 Q DID YOU REVIEW THIS TAPE AT MY REQUEST?
- 15 A YES.
- 16 Q IS THAT THE ACTUAL 911 TAPE OR MULTIPLE TAPES THAT
17 WERE DONE BACK ON NOVEMBER 21ST, IN CONNECTION WITH
18 THIS SHOOTING AT LOWE'S?
- 19 A YES, IT IS.
- 20 Q THIS ACTUALLY HAPPENED IN THE COUNTY, BUT IT COMES
21 THROUGH YOUR DISPATCH?
- 22 A THAT'S CORRECT.
- 23 Q HAS THIS TAPE BEEN ALTERED OR CHANGED IN ANY WAY FROM
24 WHAT'S BEEN RECORDED ON THAT DAY?
- 25 A NO, SIR, IT'S NOT.

BLAIR - DIRECT (CAMPBELL)

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1 Ms. Campbell: YOUR HONOR, AT THIS TIME WE'D
2 OFFER THE TAPE INTO EVIDENCE.

3 THE COURT: ANY OBJECTION?

4 Mr. Strickler: WITHOUT OBJECTION, SIR.

5 THE COURT: WITHOUT OBJECTION.

6 (WHEREUPON, STATE'S EXHIBIT NO. 9 WAS MARKED FOR
7 IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

8 BY Ms. Campbell

9 Q AND DO YOU ALSO HAVE TODAY A COPY OF THE CLOSED
10 INCIDENT REPORT FROM WHAT HAPPENED ON NOVEMBER 21ST?

11 A YES, IT IS.

12 Q IS THIS A FAIR AND ACCURATE COPY OF THAT CLOSED
13 INCIDENT REPORT?

14 A YES, MA'AM.

15 Q HAS IT BEEN ALTERED OR CHANGED IN ANY WAY?

16 A NO, MA'AM.

17 Ms. Campbell: YOUR HONOR, AT THIS TIME, WE'D
18 OFFER THE CLOSED INCIDENT REPORT.

19 Mr. Strickler: THAT, TOO, SIR, IS WITHOUT
20 OBJECTION.

21 THE COURT: WITHOUT OBJECTION.

22 (WHEREUPON, STATE'S EXHIBIT NO. 10 WAS MARKED
23 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

24 BY Ms. Campbell

25 Q MS. BLAIR, CAN YOU TELL THE JURY BRIEFLY WHAT'S

1 INCLUDED ON THIS 911 TAPE?

2 A ON THE 911 TAPE, IT IS A TAPE OF SEVERAL CALLS THAT
3 WE RECEIVE PERTAINING TO THIS SHOOTING INCIDENT AT
4 LOWE'S ON TWO NOTCH ROAD. IT ALSO INCLUDES THE RADIO
5 TRAFFIC FROM THE OFFICERS THAT RESPONDED.

6 Q AND IN EVERY CASE, ESPECIALLY WHERE A SHOOTING
7 OCCURRED, YOU MAY HAVE MULTIPLE CALLS COMING IN?

8 A THAT'S CORRECT.

9 Q AND THIS RECORDS SOME OF THEM, IF NOT ALL OF THEM?

10 A YES.

11 Ms. Campbell: YOUR HONOR, AT THIS TIME I'D ASK
12 PERMISSION TO PUBLISH THE TAPE TO THE JURY.

13 THE COURT: GO AHEAD.

14 Ms. Campbell: THANK YOU.

15 (WHEREUPON, THE 911 TAPE WAS PLAYED FOR THE JURY.)

16 BY Ms. Campbell

17 Q THE TAPE THAT WE JUST LISTENED TO IS A SERIES OF THE
18 INITIAL 911 CALLS AND THE DISPATCH BACK AND FORTH
19 BETWEEN OFFICERS AND 911?

20 A YES.

21 Q I SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT 10.
22 WE HEARD A DESCRIPTION OF THE CAR. GO THREE OR FOUR
23 LINES DOWN. DOES IT GIVE A DESCRIPTION OF THE CAR AS
24 IT'S SAID ON THAT TAPE?

25 A YES, IT DOES.

1 Q WHAT DOES IT SAY?

2 A SMALLISH DARK WITH WOOD GRAIN.

3 Q AND DID IT ALSO GIVE A DESCRIPTION RIGHT BELOW THAT
4 OF A SUSPECT?

5 A YES, TALL, LIGHT SKINNED.

6 Q AND I BELIEVE LATER IN HERE IT REFERS TO A BLACK MAN?

7 A YES.

8 Ms. Campbell: THANK YOU, MS. BLAIR. I DON'T
9 HAVE ANYTHING ELSE.

10 THE COURT: QUESTIONS?

11 Mr. Strickler: JUST A COUPLE, PLEASE.

12 CROSS-EXAMINATION:

13 BY Mr. Strickler

14 Q IT'S MS. BLAIR; IS THAT CORRECT?

15 A BLAIR.

16 Q GOOD MORNING OR AFTERNOON.

17 A AFTERNOON.

18 Q LET ME SEE. NOW, THIS DOCUMENT WHICH IS LABELED
19 STATE'S EXHIBIT 10, WHICH IS I GUESS WHAT YOU SAID A
20 CLOSED INCIDENT REPORT?

21 A CLOSED INCIDENT REPORT.

22 Q OKAY. THAT CONTAINS, I TAKE IT, EXCERPTS RELATING TO
23 THE TAPE THAT WE'VE HEARD?

24 A IT CONTAINS INFORMATION THAT WAS GIVEN TO THE CALL
25 TAKER WHEN THE CALL WAS RECEIVED.

1 Q OKAY. IT DOES NOT CONTAIN EVERYTHING IN IT THAT WE
2 HEARD ON THE TAPE?

3 A THAT'S CORRECT, IT DOES NOT.

4 Q THERE ARE NUMEROUS REFERENCES, AND I GUESS IT GETS A
5 LITTLE CONFUSING. THIS TIME IS LISTED IN THIS COLUMN
6 RIGHT HERE; IS THAT CORRECT?

7 A THAT'S CORRECT.

8 Q OKAY. BUT AS YOUR -- SOMETIMES YOU DROP BACK AND
9 START OVER, RIGHT?

10 A RIGHT.

11 Q IS THAT BECAUSE IT'S A DIFFERENT RESOURCE THAT'S
12 CALLING IN?

13 A YOU HAVE TELECOMMUNICATORS HELPING EACH OTHER OUT ON
14 A CALL.

15 Q OKAY. AT THE TOP HERE, WELL, CLOSE TO THE TOP HERE,
16 YOU HAVE A SERIES OF TIMES PROVIDED FOR ROUTING,
17 11:21, 15:58:45?

18 A YES.

19 Q JUST REFER TO THAT, PLEASE. WHAT DOES ROUTED MEAN AS
20 FAR AS THAT NOTATION?

21 A ROUTED MEANS WHEN THE TELECOMMUNICATOR RECEIVED THE
22 CALL. WE HAVE A BUTTON ON THE COMPUTER SYSTEM, WHICH
23 WE CALL IT F-6, IT'S A HOT CALL. THAT MEANS ROUTE.
24 IT WENT TO THE TELECOMMUNICATOR TO DISPATCH TO THE
25 POLICE OFFICER.

1 Q OKAY. AND RIGHT NEXT TO THAT YOU GET A TIME THAT IS
2 LABELED DISPATCHED, CORRECT?

3 A THAT'S CORRECT.

4 Q AND THAT'S THE 21ST, 16:01, AND THIS IS MILITARY TIME
5 SO IT'S AFTERNOON, JUST SUBTRACT 12 FROM THE 16,
6 RIGHT?

7 A THIS MILITARY TIME MEANS 4:01 P.M.

8 Q 4:01 P.M.

9 A AND THREE SECONDS.

10 Q WHAT DOES DISPATCH MEAN RIGHT THERE?

11 A DISPATCH IS WHEN THE TELECOMMUNICATOR ACTUALLY
12 DISPATCHED THIS CALL TO THE POLICE OFFICERS OVER THE
13 RADIO.

14 Q OKAY. SO THE CALL WAS ROUTED TO A TELECOMMUNICATOR
15 AT 15:58, WHICH WOULD BE -- AND 45, WHICH WOULD BE
16 3:58 AND 45 SECONDS IN THE AFTERNOON?

17 A THAT'S CORRECT.

18 Q AND THEN THE TELECOMMUNICATOR THAT THE CALL WENT TO
19 ACTUALLY DISPATCHED A UNIT TO THE SCENE, CORRECT?

20 A THAT'S CORRECT.

21 Q AT 4:01 AND THREE SECONDS AFTER 4:01; IS THAT
22 CORRECT?

23 A THAT'S RIGHT.

24 Q THEN YOU HAVE A TIME WHICH IS LABELED ARRIVED, AND
25 ARRIVED IS NOVEMBER 21ST, 16:03:12, SO THREE MINUTES

1 AFTER FOUR -- THREE MINUTES, 12 SECONDS AFTER FOUR IN
2 THE AFTERNOON, CORRECT?

3 A THAT'S CORRECT.

4 Q AT SOME POINT ON THIS TAPE WE HEARD SOMEONE CALL INTO
5 THE DISPATCH THING SAYING, "I NEED A DISPATCH TIME
6 AND AN ARRIVAL TIME," THAT'S WHERE THEY'RE GETTING
7 THIS INFORMATION, RIGHT?

8 A RIGHT.

9 Q SO THE UNIT -- THIS IS GOING TO BE THE FIRST UNIT ON
10 THE SCENE INDICATING WHEN THEY ARRIVED PURSUANT TO
11 THE DISPATCH?

12 A YES

13 Q OKAY. SO DISPATCHED AT FOUR SECONDS -- I'M GOING TO
14 CALL IT 4:01 IN THE AFTERNOON.

15 A OKAY.

16 Q ARRIVED SHORTLY AFTER 4:03, SOME TWO MINUTES LATER,
17 CORRECT?

18 A YES.

19 Q AND THAT'S WHEN THE LAST UNIT LEAVES THE SCENE?

20 A LEAVES THE SCENE, YES.

21 Q OKAY. AND WHAT WE HEARD ON THE TAPE, SOMEONE CALLING
22 IN FROM THE SCENE ADVISING A STATION WAGON, DARK,
23 POSSIBLY BLUE, WOOD GRAIN, FULL BEARD, BRAVO MIGHT --
24 WOULD THAT BE SHORT FOR BLACK MALE OR ACRONYM FOR
25 BLACK MALE, B.M.?

- 1 A THAT'S CORRECT.
- 2 Q OKAY. TALL, LIGHT SKIN. IS THAT REFLECTED ON THE
- 3 REPORT THERE?
- 4 A YES, IT IS.
- 5 Q COULD YOU DIRECT ME TO WHERE THAT IS?
- 6 A IT'S THE FIFTH ONE DOWN AT 11/21/01 AT 16:14.
- 7 Q OKAY. THE NOTATION THERE IS SMALLISH DARK WITH WOOD
- 8 GRAIN, CORRECT?
- 9 A YES. THEN THE NEXT ONE IS TALL LIGHT SKIN.
- 10 Q ALL RIGHT. IT DOESN'T GO ON TO PROVIDE THE FULL
- 11 SMALLISH DARK, POSSIBLY BLUE LIGHT, WITH WOOD GRAIN,
- 12 RIGHT?
- 13 A NO, IT DOES NOT.
- 14 Q OKAY. MA'AM, WERE YOU SUBPOENAED TO TESTIFY HERE TO
- 15 BRING THESE RECORDS?
- 16 A YES, WE RECEIVED A SUBPOENA.
- 17 Q WHEN DID YOU RECEIVE THE SUBPOENA?
- 18 A EXCUSE ME?
- 19 Q WHEN DID YOU RECEIVE THE SUBPOENA?
- 20 A I'M NOT SURE THE EXACT DATE WHEN WE RECEIVED IT.
- 21 Q TODAY?
- 22 A NO, WE DID NOT RECEIVE IT TODAY.
- 23 Q YESTERDAY?
- 24 A NO.
- 25 Mr. Strickler: THANK YOU VERY MUCH. THAT'S ALL

1 I HAVE.

2 THE COURT: ANYTHING FURTHER?

3 Ms. Campbell: NO, SIR.

4 THE COURT: YOU MAY COME DOWN. THANK YOU VERY
5 MUCH.

6 Ms. Campbell: YOUR HONOR, MAY SHE BE EXCUSED TO
7 GO BACK TO WORK?

8 Mr. Strickler: THAT'S WITHOUT OBJECTION.

9 YOUR HONOR, MAY WE APPROACH VERY BRIEFLY?

10 THE COURT: YES, SIR.

11 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
12 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
13 JURY).

14 THE COURT: LADIES AND GENTLEMEN, I NEED TO TAKE
15 UP A MATTER OF LAW WITH THE ATTORNEYS. IF YOU WOULD,
16 PLEASE, JUST GO TO THE JURY ROOM A FEW MINUTES.

17 WE'RE GOING TO TAKE A LUNCH BREAK. IT MIGHT BE
18 THE BEST TIME TO DO IT NOW.

19 Mr. Strickler: I THINK SO.

20 THE COURT: IT'S 12:30. I THINK THE NEXT --

21 I'VE BEEN ADVISED BY THE ATTORNEYS THE NEXT WITNESS WILL
22 BE RATHER LENGTHY. PROBABLY THE BEST TIME IS TO TAKE A
23 LUNCH BREAK RIGHT NOW.

24 I'LL ASK YOU TO BE BACK IN YOUR JURY ROOM AT --
25 IS AN HOUR ENOUGH? OKAY. 1:30. I'LL ASK YOU TO BE BACK

1 IN THE JURY ROOM AT 1:30. WE'LL RESUME THE TRIAL AT THAT
2 TIME.

3 AGAIN, DON'T DISCUSS THE CASE AMONG YOURSELVES
4 OR WITH ANYONE ELSE OVER THE LUNCH HOUR. SEE YOU AT 1:30.
5 THANK YOU.

6 (WHEREUPON, THE JURY LEFT OPEN COURT AT
7 APPROXIMATELY 12:34 P.M.)

8 THE COURT: LET ME UNDERSTAND WHAT IS AT ISSUE
9 HERE. THE STATE PLANS TO OFFER THE NEXT WITNESS, BEING
10 THE VICTIM'S WIFE.

11 THERE'S SOME EVIDENCE OR SOME INDICATION IN SOME
12 RECORD THAT SHE -- I UNDERSTAND IT BECAUSE I DON'T KNOW
13 ALL THE FACTS YET, SHE NAMES SOMEONE ELSE AS THE
14 PERPETRATOR, IS THAT CORRECT, MS. CAMPBELL?

15 Ms. Campbell: NO, SIR.

16 THE COURT: WELL, TELL ME WHAT'S AT ISSUE HERE.

17 Ms. Campbell: THE ONLY THING THAT'S AT ISSUE IS
18 SHE IS SHOWN A PHOTO LINEUP CONTAINING SIX PEOPLE. SHE
19 DOESN'T RECOGNIZE ANY OF THE PEOPLE IN IT. ONE OF THE
20 PEOPLE IS A GUY NAMED MARTY MORGAN.

21 THE COURT: SHE DOES NOT RECOGNIZE ANYBODY?

22 Ms. Campbell: SHE DOES NOT IDENTIFY HIM.

23 THE COURT: BUT SOMEBODY IS NAMED MARTY MORGAN?

24 Ms. Campbell: WE DO NOT PLAN TO GO INTO MARTY
25 MORGAN.

1 THE COURT: WHAT DOES THAT HAVE TO DO WITH
2 ANYTHING?

3 Ms. Campbell: HE'S GOING TO SAY, WELL, WEREN'T
4 YOU SHOWN THIS LINEUP SO HE CAN BACK IN THROUGH THE
5 INVESTIGATORS, "THAT'S MARTY MORGAN. WASN'T HE A SUSPECT
6 IN THIS CASE." I'M ALLOWED, YOUR HONOR --

7 THE COURT: NOW, WAIT A MINUTE; SHE IS SHOWN A
8 LINEUP OF SIX PEOPLE, ONE OF WHOM IS MR. MORGAN. WHO ARE
9 THE OTHER FIVE?

10 Ms. Campbell: I DON'T KNOW.

11 THE COURT: IS HE GOING TO GET INTO THE OTHER
12 FIVE?

13 I MEAN, HOW DOES MARTY MORGAN TIE INTO ANYTHING,
14 DO YOU KNOW?

15 Mr. Strickler: AT ONE POINT IN TIME, ACCORDING
16 TO MY UNDERSTANDING, FROM MY REVIEW OF THE RECORDS,
17 MR. MORGAN WAS THE PRIME SUSPECT ON THE PART OF THE POLICE
18 IN THIS MATTER.

19 THE COURT: ON THE PART OF THE POLICE?

20 Mr. Strickler: YES, SIR.

21 Ms. Campbell: YES, SIR.

22 THE COURT: THAT'S JUST BASED ON MY
23 INTERPRETATION OF THEIR NOTES.

24 SO THIS WITNESS --

25 Ms. Campbell: SHE WAS SHOWN A PHOTO LINEUP, BUT

1 SHE DID NOT IDENTIFY ANYONE.

2 THE COURT: OKAY.

3 Ms. Campbell: WE DON'T PLAN ON GOING INTO THAT
4 PHOTO LINEUP. I WOULD ASSUME HE WOULDN'T GO INTO IT, BUT
5 THAT'S ALL I WAS TRYING TO ASSERT AT THE BENCH OR
6 ASCERTAIN.

7 THE COURT: YOU'RE SAYING IT WOULD BE IMPROPER
8 CROSS-EXAMINATION --

9 Ms. Campbell: YES, SIR.

10 THE COURT: -- FOR HIM TO DELVE INTO THE MATTER
11 OF MARTY MORGAN.

12 Ms. Campbell: OR ANY SHAPE --

13 THE COURT: IF THIS WITNESS KNOWS ANYTHING ABOUT
14 MARTY MORGAN, AND IF HE RAISES THE ISSUE OF THIRD-PARTY
15 GUILT.

16 Ms. Campbell: YES, SIR. AND I WOULD RELY ON --
17 I THINK I HANDED THAT UP WHEN WE DID PRETRIAL, YOUR HONOR.
18 I KNOW IT'S STATE VS. DONALD DAY, STATE VS. BECKHAM, STATE
19 VS -- JUST A MINUTE. I'LL GIVE YOU THE MOTION.

20 THE COURT: I'M FAMILIAR WITH THIRD-PARTY GUILT.

21 Ms. Campbell: OKAY.

22 THE COURT: WELL, LET'S JUST LEAVE IT THIS WAY:
23 AS I UNDERSTAND THE THIRD -- EVIDENCE OF A THIRD PARTY'S
24 GUILT IS INADMISSIBLE IF IT MERELY CASTS A MERE SUSPICION
25 ON ANOTHER OR RAISES A CONJECTURAL INFERENCE AS TO THE

1 COMMISSION OF THE CRIMINAL ACT BY SOMEONE ELSE.

2 THAT'S CITING A NUMBER OF SOUTH CAROLINA CASES.

3 JUST AS IMPORTANT, THE EVIDENCE OF A THIRD PARTY'S

4 CULPABILITY MUST BE INCONSISTENT WITH THE ACCUSED'S OWN

5 GUILT. NOW, TO MEET THAT STANDARD, I THINK IT WOULD HAVE

6 TO BE SOME KIND OF SHOWING.

7 Mr. Strickler: WELL, YOUR HONOR, A COUPLE OF

8 THINGS: FIRST OF ALL, I DON'T THINK I CAN BE RESTRICTED

9 FROM GOING INTO THE POLICE INVESTIGATION OF THIS CASE.

10 THE FACT THAT SHE WAS SHOWN A LINEUP ON ONE

11 OCCASION BUT DID NOT PICK SOMEONE OUT, I THINK I CAN GO

12 INTO THAT. THAT'S PART AND PARCEL OF THEIR INVESTIGATION.

13 SECONDLY --

14 THE COURT: ALL RIGHT. STOP RIGHT THERE. SHE

15 IS SHOWN A LINEUP. SHE DOESN'T PICK ANYBODY OUT.

16 Mr. Strickler: RIGHT.

17 THE COURT: END OF STORY, RIGHT?

18 (MR. STRICKLER NODS IN THE AFFIRMATIVE).

19 OKAY. IN OTHER WORDS, YOU PROPOSE TO

20 CROSS-EXAMINE HER ABOUT EVERYBODY IN THE LINEUP? IS THAT

21 WHAT YOU'RE SUGGESTING?

22 Mr. Strickler: I DON'T KNOW THAT I CAN GO INTO

23 ANY OF IT WITH HER.

24 Ms. Campbell: IT'S NOT WITH HER. IF HE GOES

25 INTO THAT WITH HER, LATER HE IS GOING TO WANT TO GO INTO

1 IT WITH THE INVESTIGATORS ON THIS PERSON.

2 THE COURT: HE JUST SAID HE -- ALL RIGHT.

3 Ms. Campbell: THAT'S THE PROBLEM.

4 THE COURT: I AGREE WITH MR. STRICKLER. I CAN'T
5 RESTRICT HIS CROSS-EXAMINATION UNTIL HE STARTS GETTING
6 INTO SOMETHING THAT IS INADMISSIBLE, IN WHICH CASE --

7 Ms. Campbell: AND YOUR HONOR, OUR POSITION IS
8 THAT LINEUP IS INADMISSIBLE AS TO THIRD-PARTY GUILT.

9 THE COURT: ALL RIGHT. I'LL JUST HAVE TO HEAR
10 IT IF THAT'S WHERE HE'S GOING. YOU HAVE TO MAKE THE
11 OBJECTION.

12 Mr. Strickler: YES, SIR.

13 THE COURT: I MEAN, IT'S HARD TO DESCRIBE THE
14 PARAMETERS OF HOW FAR HE CAN GO WITH HIS
15 CROSS-EXAMINATION. I KNOW ABOUT AS MUCH ABOUT THE FACTS
16 OF THIS CASE AS I'VE HEARD SINCE THIS TRIAL STARTED.

17 Ms. Campbell: YES, SIR.

18 THE COURT: SO YOU'RE TELLING ME -- I KNOW THERE
19 ARE VOLUMES AND VOLUMES OF INFORMATION AND FACTUAL
20 REPORTS, THIS, THAT, AND THE OTHER.

21 YOU KNOW, IT'S HARD TO SAY RIGHT NOW WHAT HE CAN
22 AND CANNOT GET INTO. I UNDERSTAND YOUR POINT, AND I
23 PROBABLY WILL SUSTAIN YOUR OBJECTION --

24 Ms. Campbell: OKAY.

25 THE COURT: -- UNTIL SUCH TIME, IF THAT'S WHERE

1 IT'S GOING. I CAN'T JUST SAY THAT WITH ABSOLUTE CERTAINTY:
2 AT THIS POINT.

3 Mr. Strickler: AND IF I CAN, YOUR HONOR, IF WE
4 REACH THAT POINT, AND I DON'T KNOW IF WE WOULD REACH THAT
5 POINT, I WOULD REQUEST OBJECTION FOUNDED ON THE RULES OF
6 EVIDENCE.

7 I'VE LOOKED THROUGH THEM LONG AND HARD, AND I
8 CAN'T FIND THIRD-PARTY GUILT ON THERE. I UNDERSTAND THE
9 CONCEPT. I AM AWARE OF THE CASES. I'M NOT BEING
10 FLIPPANT. I'M TRYING -- WITH ALL DUE RESPECT, I'M TRYING
11 TO CONDUCT AN ANALYSIS OF WHERE THIS FALLS DOWN UNDER THE
12 RULES THAT WE OPERATE UNDER NOW AS OPPOSED TO THE RULES
13 THAT WE OPERATED UNDER WHEN THIS LINE OF CASES ORIGINATED.

14 Ms. Campbell: NO, SIR. I'M TALKING ABOUT THE
15 MOST RECENT CASES IN THE LAST THREE YEARS.

16 THE COURT: OKAY. LET'S TALK ABOUT AL-AMIN.

17 Mr. Strickler: AL-AMIN. THAT'S A CASE OF MINE.

18 THE COURT: THAT'S FAIRLY RECENT.

19 Mr. Strickler: YES, SIR.

20 THE COURT: ALL RIGHT, 1:30.

21 Mr. Strickler: THANK YOU, SIR.

22 (WHEREUPON, A LUNCH BREAK WAS TAKEN.)

23 THE COURT: ARE WE READY FOR THE JURY?

24 Ms. Campbell: YES, SIR.

25 Mr. Strickler: YES, SIR.

1 THE COURT: BRING THE JURY.

2 THE BAILIFF: I'LL BE GLAD TO, YOUR HONOR.

3 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
4 APPROXIMATELY 1:45 P.M.)

5 THE BAILIFF: THE JURY IS ALL PRESENT, YOUR
6 HONOR.

7 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.
8 THE STATE MAY CALL YOUR NEXT WITNESS, PLEASE.

9 Ms. Campbell: MAY IT PLEASE THE COURT.

10 THE COURT: YES, MA'AM.

11 Ms. Campbell: THE CALLS MS. CONSUELO CASEY.

12 CONSUELO CASEY, AFTER BEING DULY SWORN,
13 TESTIFIED AS FOLLOWS:

14 THE CLERK: HAVE A SEAT IN THE WITNESS BOX.
15 STATE YOUR FULL NAME FOR THE RECORD.

16 THE BAILIFF: WATCH YOUR STEPS FOR ME, PLEASE
17 AND SPEAK INTO THIS MICROPHONE.

18 THE WITNESS: CONSUELO CASEY.

19 DIRECT EXAMINATION:

20 BY Ms. Campbell

21 Q CONSUELO, HOW OLD ARE YOU?

22 A TWENTY-EIGHT.

23 Q AND WHERE WERE YOU BORN?

24 A MARION, SOUTH CAROLINA.

25 Q AND WHERE DID YOU GROW UP?

1 A IN LATTA.

2 Q LATTA, SOUTH CAROLINA. IS THAT NEAR DILLON?

3 A YES, MA'AM.

4 Q AND APPROXIMATELY HOW FAR IS LATTA, DILLON, FROM

5 COLUMBIA, SOUTH CAROLINA?

6 A HOUR, HOUR-AND-A-HALF.

7 Q HOUR, HOUR-AND-A-HALF?

8 A YES, MA'AM.

9 Q HAVE YOU LIVED IN THE LATTA AREA ALL YOUR LIFE?

10 A YES, MA'AM.

11 Q IS THIS YOUR MOTHER IN THE GRAY JACKET?

12 A YES, MA'AM.

13 Q HAVE YOU EVER BEEN MARRIED?

14 A YES, MA'AM.

15 Q WHO DID YOU MARRY, CONSUELO?

16 A NATHANIEL CASEY, JR.

17 Q NATHANIEL CASEY, JR?

18 A YES, MA'AM.

19 Q AND WHEN DID YOU GET MARRIED?

20 A JULY 14TH, 2001.

21 Q 2001?

22 A YES, MA'AM.

23 Q WHEN DID YOU FIRST -- DID YOU HAVE A NAME YOU CALLED

24 NATHANIEL CASEY, JR.? DID YOU HAVE A NAME FOR HIM?

25 A JUNIOR.

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- 1 Q JUNIOR?
- 2 A YES, MA'AM.
- 3 Q WHEN DID YOU FIRST MEET JUNIOR?
- 4 A NOVEMBER 18TH, 1992.
- 5 Q 1992?
- 6 A YES, MA'AM.
- 7 Q AND TELL THIS JURY HOW YOU FIRST MET JUNIOR.
- 8 A AT A BASKETBALL GAME. I HAD JUST RETURNED TO SCHOOL
- 9 FROM HAVING MY SON, AND IT WAS LIKE THE SAME WEEK I
- 10 WENT BACK TO SCHOOL. HE WAS AT A BASKETBALL GAME,
- 11 AND ONE OF HIS FRIENDS INTRODUCED ME TO HIM AT A
- 12 BASKETBALL GAME.
- 13 Q AT THAT POINT, DID YOU START SEEING EACH OTHER IN
- 14 1992?
- 15 A YES, MA'AM.
- 16 Q HOW OLD WERE YOU?
- 17 A EIGHTEEN.
- 18 Q EIGHTEEN YEARS OLD?
- 19 A YES, MA'AM.
- 20 Q AND YOU HAD ONE CHILD AT THAT POINT?
- 21 A YES, MA'AM. HE WAS ONE MONTH OLD AT THE TIME.
- 22 Q A MONTH OLD?
- 23 A YES, MA'AM.
- 24 Q AND JUNIOR WASN'T THAT CHILD'S FATHER?
- 25 A NO, MA'AM.

1 Q AND YOU HAD GONE BACK TO SCHOOL. DID YOU GRADUATE
2 FROM HIGH SCHOOL?

3 A YES, MA'AM.

4 Q AND WHEN DID YOU GRADUATE FROM HIGH SCHOOL?

5 A MAY 19, 1993.

6 Q DID YOU CONTINUE TO SEE JUNIOR THAT LAST YEAR AFTER
7 YOUR SON WAS BORN?

8 A YES, MA'AM.

9 Q AND OVER THE NEXT 10 YEARS, DID YOUR RELATIONSHIP, I
10 GUESS, CONTINUE UNTIL YOU ALL GOT MARRIED IN 2001?

11 A YES, MA'AM.

12 Q DID YOU HAVE ANY CHILDREN TOGETHER?

13 A WE HAVE A DAUGHTER.

14 Q AND HOW OLD IS THAT DAUGHTER?

15 A SHE'S EIGHT NOW..

16 Q SHE'S EIGHT NOW?

17 A YES, MA'AM.

18 Q AT WHAT POINT DID YOU START LIVING WITH JUNIOR?

19 A NINETY-THREE.

20 Q IN '93?

21 A YES, MA'AM.

22 Q WOULD THAT BE AFTER YOU HAD GRADUATED FROM HIGH
23 SCHOOL?

24 A YES, MA'AM.

25 Q AND AT THAT POINT, DID YOU TAKE YOUR SON WITH YOU?

- 1 A NO, MA'AM, HE STAYED AT MY MOM'S.
- 2 Q HE STAYED WITH YOUR MOM?
- 3 A YES, MA'AM.
- 4 Q AND THEN YOU GAVE BIRTH TO YOUR DAUGHTER A FEW YEARS
- 5 LATER?
- 6 A IN '95.
- 7 Q AND THEN YOU GOT MARRIED IN 2001
- 8 A YES, MA'AM.
- 9 Q CONSUELO, DO YOU WORK? DO YOU HAVE A VOCATION, I
- 10 GUESS WOULD BE A GOOD WAY TO PUT IT?
- 11 A YES, MA'AM.
- 12 Q AND WHAT DO YOU DO FOR A LIVING?
- 13 A I'M A BARBER AND A STYLIST.
- 14 Q A BARBER AND STYLIST?
- 15 A YES, MA'AM.
- 16 Q SO YOU DO HAIR?
- 17 A I DO MEN AND WOMEN'S HAIR.
- 18 Q TELL THIS JURY WHERE YOU WORK AS A STYLIST.
- 19 A MY MOM GAVE ME A BARBERSHOP IN 1997.
- 20 Q IN 1997 YOU SAID YOUR MOM GAVE YOU A BARBERSHOP?
- 21 A YES, MA'AM.
- 22 Q WHAT DOES SHE DO FOR A LIVING?
- 23 A SHE IS A BARBER INSTRUCTOR.
- 24 Q AND, IN FACT, SHE HAS A SCHOOL IN DILLON?
- 25 A YES, MA'AM.

1 Q AND SHE TEACHES PEOPLE TO CUT HAIR AND THINGS LIKE
2 THAT?
3 A YES, MA'AM.
4 Q DOES SHE HAVE HER OWN SALON?
5 A IT'S A BARBER COLLEGE.
6 Q YOU OPENED A SALON OR BARBERSHOP?
7 A IT'S A BARBERSHOP.
8 Q BARBERSHOP?
9 A YES, MA'AM.
10 Q BUT DO YOU DO WOMEN'S AND MEN'S HAIR?
11 A YES, MA'AM.
12 Q WHERE DID YOU OPEN THE BARBERSHOP BACK IN 1997?
13 A ON MAIN STREET IN DILLON.
14 Q ON MAIN STREET IN DILLON?
15 A YES, MA'AM.
16 Q AND WHERE WAS YOUR MOM'S SCHOOL?
17 A SEVEN MILES FROM WHERE I WORK.
18 Q SEVEN MILES FROM WHERE YOU WORK?
19 A YES, MA'AM.
20 Q WHAT TOWN IS THAT LOCATED IN?
21 A LATTA.
22 Q SO LATTA IS ACTUALLY SEVEN MILES FROM DILLON?
23 A YES, MA'AM.
24 Q AND DILLON AND LATTA ARE ALL ABOUT AN HOUR,
25 HOUR-AND-A-HALF FROM COLUMBIA?

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- 1 A YES, MA'AM.
- 2 Q IS THAT A FAIR ASSESSMENT?
- 3 A YES, MA'AM.
- 4 Q I WANT TO TURN YOUR ATTENTION TO THE FALL,
5 SPECIFICALLY NOVEMBER OF 2001, OKAY. THAT FALL, WERE
6 YOU WORKING IN 2001?
- 7 A YES, MA'AM.
- 8 Q WHERE WERE YOU WORKING AT THAT POINT?
- 9 A AT MY BARBERSHOP.
- 10 Q AT YOUR BARBERSHOP?
- 11 A YES, MA'AM.
- 12 Q AND THAT'S THE ONE LOCATED IN DILLON, NOT YOUR MOM'S
13 IN LATTA?
- 14 A YES, MA'AM.
- 15 Q AND WHEN YOU WERE WORKING IN THE BARBERSHOP, YOU WERE
16 MARRIED TO JUNIOR AT THIS POINT, RIGHT?
- 17 A YES, MA'AM.
- 18 Q YOU HAD GOTTEN MARRIED EARLIER THAT YEAR?
- 19 A FOUR MONTHS BEFORE.
- 20 Q FOUR MONTHS BEFORE?
- 21 A YES, MA'AM.
- 22 Q YOU HAD BEEN TOGETHER EIGHT OR NINE YEARS?
- 23 A YES, MA'AM.
- 24 Q AT THAT POINT, WAS JUNIOR WORKING ANYWHERE?
- 25 A NO, MA'AM.

1 Q WHAT DID JUNIOR DO FOR A LIVING? YOU NEED TO TELL
2 THIS JURY.
3 A HE SOLD MARIJUANA.
4 Q HE SOLD MARIJUANA FOR A LIVING?
5 A YES, MA'AM.
6 Q AND YOU WERE AWARE OF THAT AT THE TIME?
7 A YES, MA'AM.
8 Q DID YOU ALSO EARN SOME MONEY, THOUGH, WORKING AT THE
9 BARBERSHOP?
10 A YES, MA'AM.
11 Q IN NOVEMBER OF 2001, DID YOU AND JUNIOR -- WERE YOU
12 MAKING SOME PLANS ABOUT YOUR LIVING ARRANGEMENTS?
13 A YES, MA'AM.
14 Q TELL THE JURY WHAT YOUR PLANS WERE.
15 A WE WAS MOVING. WE WAS BUYING SOME LAND TO BUILD A
16 HOUSE.
17 Q YOU WERE PLANNING ON MOVING?
18 A YES, MA'AM.
19 Q AND YOU WANTED TO BUY SOME LAND?
20 A YES, MA'AM.
21 Q AND AS A RESULT OF THAT, HOW WERE YOU GOING TO GET
22 THE MONEY TO BUY THE LAND?
23 A WE WERE GOING TO BUY THE WEED AND GET THE MONEY.
24 Q WHEN YOU SAY "BUY THE WEED", YOU MEAN MARIJUANA?
25 A YES, MA'AM.

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- 1 Q AND YOU KNEW THAT WAS ILLEGAL?
- 2 A YES, MA'AM.
- 3 Q AND JUNIOR KNEW IT WAS ILLEGAL?
- 4 A YES, MA'AM.
- 5 Q THAT MONTH IN NOVEMBER, DID YOU COME IN CONTACT WITH
- 6 A FRIEND OF YOURS?
- 7 A YES, MA'AM.
- 8 Q A GUY NAMED -- I THINK YOU CALLED HIM WILLIE?
- 9 A YES, MA'AM.
- 10 Q HOW DID YOU KNOW WILLIE? WHAT'S WILLIE'S LAST NAME?
- 11 A JENNINGS.
- 12 Q AND HOW DID YOU KNOW WILLIE?
- 13 A I WENT TO SCHOOL WITH HIM.
- 14 Q YOU WENT TO HIGH SCHOOL WITH HIM?
- 15 A YES, MA'AM.
- 16 Q AND YOU HAD GRADUATED FROM HIGH SCHOOL LIKE EIGHT OR
- 17 NINE YEARS BEFORE. HAD YOU KEPT IN TOUCH, OR WAS
- 18 THIS A CHANCE MEETING? TELL THE JURY ABOUT THAT.
- 19 A HE USED TO SELL C.D.'S AND HE WOULD COME BY MY SHOP
- 20 TO SELL C.D.'S TO THE PEOPLE IN MY SHOP OR TO SOME OF
- 21 THE GIRLS THAT WERE WORKING IN THERE. HE STARTED
- 22 TALKING TO ONE OF THE GIRLS THAT WORKED IN MY SHOP.
- 23 Q AND THAT WAS IN NOVEMBER OF 2001?
- 24 A AT THAT TIME THEY HAD ALREADY BROKEN UP OR WHATEVER,
- 25 BUT HE WAS SEEING --

1 Q OH, I SEE WHAT YOU'RE SAYING. YOU GOT TO KNOW WILLIE
2 AGAIN THROUGH -- HE STARTED DATING A FRIEND OF YOURS?
3 A WELL, SHE WAS WORKING IN MY SHOP, YES, MA'AM.
4 Q OKAY. SO HE STARTED DATING A GIRL THAT WAS WORKING
5 IN YOUR SHOP. HOW LONG BEFORE NOVEMBER OF 2001 DID
6 WILLIE START SEEING THIS GIRL? WAS IT WEEKS, MONTHS,
7 DAYS?
8 A MONTHS.
9 Q MONTHS?
10 A YES, MA'AM.
11 Q DID WILLIE HAVE AN OCCASION TO COME INTO YOUR SHOP IN
12 NOVEMBER OF 2001 TO TALK TO YOU?
13 A YES, MA'AM.
14 Q AND WHY WAS WILLIE TRYING TO TALK TO YOU IN NOVEMBER?
15 A BECAUSE SHE WAS SAYING THAT THE BABY THAT SHE JUST
16 HAD WAS HIS BABY.
17 Q YOU DON'T KNOW WHETHER THAT'S TRUE OR NOT. THAT'S
18 THE INFORMATION YOU WERE GIVEN?
19 A YES, MA'AM.
20 Q AND YOU DON'T KNOW WHETHER THAT'S TRUE OR NOT?
21 A NO, MA'AM.
22 Q AND HE HAD A CONVERSATION WITH YOU ABOUT THAT?
23 A YES, MA'AM.
24 Q AND DURING THE COURSE OF THAT INITIAL CONVERSATION,
25 DID YOU DISCUSS DRUGS IN ANY WAY?

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- 1 A NOT IN THE BEGINNING.
- 2 Q NOT IN THE BEGINNING?
- 3 A NO, MA'AM.
- 4 Q AFTER YOU INITIALLY TALKED TO HIM ABOUT HIS
- 5 GIRLFRIEND PROBLEMS, I GUESS YOU WOULD CALL IT?
- 6 A YES, MA'AM.
- 7 Q DID YOU HAVE SOME MORE CONTACT WITH WILLIE IN
- 8 NOVEMBER OF 2001?
- 9 A HE CAME TO SEE ME. I ASKED HIM ABOUT BUYING THE
- 10 WEED.
- 11 Q ABOUT BUYING THE WEED?
- 12 A YES, MA'AM.
- 13 Q SO WHEN HE CAME TO SEE YOU AND THAT WAS ON ANOTHER
- 14 OCCASION AFTER YOU FIRST TALKED TO HIM ABOUT THAT?
- 15 A YES, MA'AM.
- 16 Q LET ME ASK YOU THIS: IS WILLIE, IS HE KIND' OF
- 17 ASSOCIATED WITH A CERTAIN GROUP OF PEOPLE OR A
- 18 CERTAIN PROFESSION?
- 19 A MUSIC.
- 20 Q MUSIC. WILLIE WORKS IN THE MUSICAL BUSINESS; IS THAT
- 21 CORRECT?
- 22 A YES, MA'AM.
- 23 Q AND YOU'RE AWARE THAT HE WORKS WITH MUSICAL GROUPS
- 24 AND RAP GROUPS AND THINGS OF THAT NATURE?
- 25 A YES, MA'AM.

1 Q AND WHY DID YOU WANT TO ASK WILLIE ABOUT BUYING WEED?

2 A BECAUSE HE KNEW A LOT OF PEOPLE.

3 Q HE KNEW A LOT OF PEOPLE?

4 A YES, MA'AM.

5 Q HE KNEW A LOT OF WHAT KIND OF PEOPLE?

6 A PEOPLE IN THE STREETS, LIKE STREET PEOPLE OR PEOPLE

7 THAT HAD CONNECTIONS WITH BIGGER -- LIKE BIGGER

8 PEOPLE THAN, YOU KNOW, TO BUY LIKE SOME, AND SMOKE

9 IT, LIKE PEOPLE WHO HAD IT IN QUANTITIES.

10 Q IN QUANTITIES BECAUSE YOU AND JUNIOR WANTED TO BUY A

11 LARGE QUANTITY OF MARIJUANA; IS THAT CORRECT? YOU

12 HAVE GOT TO TELL THE JURY ABOUT THIS.

13 A YES, MA'AM.

14 Q AND YOU AND JUNIOR HAD ABOUT HOW MUCH MONEY TO SPEND

15 ON WEED?

16 A FORTY, 30, 40,000.

17 Q \$40,000?

18 A YES, MA'AM.

19 Q SO WE'RE TALKING ABOUT A LOT OF WEED, RIGHT?

20 A YES, MA'AM.

21 Q AND THE REASON YOU WERE GOING TO DO THAT WAS SO THAT

22 JUNIOR COULD SELL IT TO MAKE MONEY?

23 A YES, MA'AM.

24 Q AND WHEN YOU TALKED TO WILLIE, TELL THIS JURY WHAT

25 YOU ASKED HIM INITIALLY WHEN YOU BROUGHT UP THE DRUGS

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- 1 OR WHETHER HE HAD CONNECTIONS TO DRUGS?
- 2 A REPEAT THAT.
- 3 Q TELL THE JURY WHAT YOU ASKED WILLIE ABOUT, INITIALLY,
- 4 ABOUT THE DRUGS?
- 5 A COULD HE FIND SOME FOR ME.
- 6 Q COULD HE FIND SOME FOR YOU?
- 7 A YES, MA'AM.
- 8 Q AND WHEN HE SAID FIND SOME, YOU TOLD HIM YOU WERE
- 9 LOOKING SPECIFICALLY FOR MARIJUANA?
- 10 A YES, MA'AM.
- 11 Q WERE YOU INTERESTED IN ANY OTHER DRUG?
- 12 A NO, MA'AM.
- 13 Q WHY NOT?
- 14 A BECAUSE WE DIDN'T MESS WITH ANY OTHER DRUGS.
- 15 Q AND SPECIFICALLY, DID YOU TELL HIM INITIALLY HOW MUCH
- 16 MONEY YOU WANTED -- HOW MANY POUNDS YOU WANTED?
- 17 A HE KNEW IT WAS A LOT. IT WAS LIKE 50 OR MORE.
- 18 Q WHEN YOU SAY 50 OR MORE, YOU NEED TO EXPLAIN.
- 19 A POUNDS, IT WAS 50 OR MORE POUNDS OF WEED.
- 20 Q FIFTY OR MORE POUNDS OF MARIJUANA?
- 21 A YES.
- 22 Q TO BUY 50 OR MORE POUNDS OF MARIJUANA, HOW MUCH MONEY
- 23 WOULD YOU HAVE TO HAVE TO BUY IT IN QUANTITY?
- 24 A IT DEPENDS. ANYWHERE FROM 40 TO 50, DEPENDING ON THE
- 25 PRICE OF IT.

1 Q DEPENDING ON THE PRICE OF IT. YOU MEAN 40 TO
2 \$50,000?
3 A FORTY TO \$50,000.
4 Q WHEN YOU FIRST TALKED TO WILLIE ABOUT THIS IN
5 NOVEMBER, DID HE INITIALLY HOOK YOU UP WITH ANYBODY?
6 A NO, MA'AM. HE TOLD ME HE WOULD TALK TO ME ANOTHER
7 TIME.
8 Q AND DID YOU HAVE SOME FURTHER CONVERSATIONS WITH
9 WILLIE JENNINGS?
10 A YES, MA'AM.
11 Q WHERE DID THESE CONVERSATIONS TAKE PLACE, BY THE WAY?
12 A IN MY SHOP OR ON THE CELL PHONE.
13 Q IN YOUR SHOP OR ON THE CELL PHONE?
14 A YES, MA'AM.
15 Q JUST SO WE CAN GET IT STRAIGHT, DID WILLIE HAVE A
16 CELL PHONE?
17 A I DON'T REMEMBER HIM HAVING A CELL PHONE.
18 Q YOU DON'T KNOW?
19 A HE WAS CALLING ME.
20 Q YOU HAD A CELL PHONE?
21 A YES, MA'AM.
22 Q DID JUNIOR HAVE A CELL PHONE?
23 A YES, MA'AM.
24 Q AND WILLIE WOULD EITHER COME BY THE SHOP AND SEE YOU,
25 AND THAT'S THE SHOP IN DILLON?

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- 1 A YES, MA'AM.
- 2 Q OR HE WOULD CALL YOU?
- 3 A YES, MA'AM.
- 4 Q WHEN APPROXIMATELY -- BECAUSE WE'RE GOING TO GET TO
- 5 THE LOWE'S INCIDENT, OKAY. PRIOR TO WHAT HAPPENED AT
- 6 LOWE'S, WHEN, APPROXIMATELY, DID WILLIE COME TO YOU
- 7 AND TALK ABOUT HE WAS GOING TO BE ABLE TO HOOK YOU UP
- 8 WITH SOME DRUGS, APPROXIMATELY, IF YOU REMEMBER?
- 9 A IT WAS THE 19TH, OR THE DAY BEFORE. IT WAS LIKE THE
- 10 20TH.
- 11 Q SO IT WAS WITHIN A COUPLE OF DAYS BEFORE THE 21ST,
- 12 WHICH IS THE DATE WE'RE GOING TO GET TO AT LOWE'S?
- 13 A YES, MA'AM.
- 14 Q SO WITHIN A COUPLE OF DAYS BEFORE WILLIE CAME BACK,
- 15 DID HE CALL YOU ON THE PHONE, OR DID HE COME SEE YOU?
- 16 A HE TOLD ME HE WAS GOING TO COME BY.
- 17 Q HE WAS GOING TO COME BY?
- 18 A YES, MA'AM.
- 19 Q DID HE COME BY AND SEE YOU AT THE SHOP?
- 20 A YES, MA'AM.
- 21 Q WAS IT DAYTIME OR NIGHTTIME?
- 22 A DAY.
- 23 Q WHEN HE CAME BY TO SEE YOU AT THE SHOP THAT DAY OR
- 24 TWO BEFORE, DID YOU HAVE A CONVERSATION ABOUT DRUGS?
- 25 A YES, MA'AM.

- 1 Q AND WAS WILLIE GOING TO BE ABLE TO HOOK YOU UP WITH A
2 LARGE QUANTITY OF MARIJUANA?
- 3 A YES, MA'AM.
- 4 Q BECAUSE YOU CAN'T TELL US WHAT HE SAID, OKAY. YOU
5 CAN TALK ABOUT -- DID YOU HAVE A CONVERSATION?
- 6 A YES, MA'AM.
- 7 Q AND BASED ON THE CONVERSATION THE DAY OR TWO BEFORE
8 AT YOUR SALON IN DILLON, DID YOU MAKE FURTHER PLANS
9 TO MEET UP WITH WILLIE AND SOMEONE ELSE?
- 10 A YES, MA'AM.
- 11 Q AND WHEN WERE YOU SUPPOSED TO MEET UP WITH -- YOU
12 CAN'T SAY WHAT WILLIE SAID, BUT WHEN WERE YOU
13 SUPPOSED TO MEET UP WITH WILLIE AND THE PERSON WITH
14 THE DRUGS?
- 15 A THAT NIGHT, THAT TUESDAY NIGHT.
- 16 Q THAT TUESDAY NIGHT?
- 17 A YES, MA'AM.
- 18 Q JUST SO WE CAN GET THIS STRAIGHT, THAT 21ST WAS A
19 WEDNESDAY, RIGHT?
- 20 A YES, MA'AM.
- 21 Q AND THAT TUESDAY NIGHT WOULD HAVE BEEN THE 20TH,
22 RIGHT?
- 23 A YES, MA'AM.
- 24 Q AND WHERE WAS THE MEETING SCHEDULED TO TAKE PLACE?
- 25 A AT MY SHOP.

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- 1 Q AT YOUR SHOP. THAT'S YOUR SHOP AT DILLON?
- 2 A YES, MA'AM.
- 3 Q AND WHO ON YOUR END WAS SUPPOSED TO BE AT THE
- 4 MEETING?
- 5 A THE GUY THAT WE WERE SUPPOSED TO BE MEETING, WILLIE,
- 6 AND MYSELF.
- 7 Q JUST YOU, WILLIE, AND THE GUY YOU WERE SUPPOSED TO BE
- 8 MEETING?
- 9 A AND, JUNIOR.
- 10 Q AND, JUNIOR?
- 11 A YES, MA'AM.
- 12 Q OKAY. AND SO THOSE ARE THE FOUR PEOPLE WHO WERE
- 13 INVOLVED IN THAT CONVERSATION THAT TUESDAY NIGHT,
- 14 RIGHT?
- 15 A YES, MA'AM; YES, MA'AM.
- 16 Q OKAY. AND WHEN -- APPROXIMATELY WHAT TIME DID YOU --
- 17 LET ME BACK UP. I MESSED UP. DID JUNIOR COME TO
- 18 YOUR SHOP THAT NIGHT?
- 19 A YES, MA'AM.
- 20 Q AND THAT EVENING, DID WILLIE AND ANOTHER PERSON SHOW
- 21 UP?
- 22 A YES, MA'AM.
- 23 Q APPROXIMATELY WHAT TIME WAS IT, DO YOU KNOW?
- 24 A IT WAS KIND OF LATE BECAUSE I STAYED IN THE SHOP
- 25 LATE, SO IT WAS LIKE 10.

- 1 Q AROUND 10?
- 2 A 10:30.
- 3 Q DO YOU KNOW THE EXACT TIME?
- 4 A NOT EXACTLY.
- 5 Q OKAY. BECAUSE YOU WEREN'T LOOKING AT YOUR WATCH AS
- 6 THEY WALKED IN THE DOOR?
- 7 A NO, MA'AM.
- 8 Q BUT YOU KNOW IT WAS SOMETIME AFTER DARK AROUND 10 OR
- 9 10:30?
- 10 A YES, MA'AM.
- 11 Q AND WHO ALL WALKED INTO YOUR SHOP THAT NIGHT WHILE
- 12 YOU WERE THERE?
- 13 A HIM AND WILLIE WALKED IN.
- 14 Q OKAY. I'LL GET BACK TO HIM. SO TWO PEOPLE WALKED
- 15 IN, WILLIE AND ANOTHER MAN?
- 16 A YES, MA'AM.
- 17 Q HAD YOU EVER SEEN THE OTHER MAN BEFORE IN YOUR LIFE?
- 18 A NO, MA'AM.
- 19 Q WHEN THEY WALKED IN THE SHOP, WHO ALL WAS IN THE SHOP
- 20 WITH YOU?
- 21 A MYSELF, MY HUSBAND, AND SHANNON MILES.
- 22 Q AND WHO IS SHANNON MILES?
- 23 A A CLIENT OF MINE. I WAS DOING HER HAIR.
- 24 Q A CLIENT OF YOURS?
- 25 A YES, MA'AM.

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- 1 Q YOU WERE DOING HER HAIR?
- 2 A YES, MA'AM.
- 3 Q HOW OLD IS SHANNON MILES, OR HOW OLD WAS SHE THEN?
- 4 A SIXTEEN.
- 5 Q SHE WAS 16 YEARS OLD. WAS IT UNUSUAL FOR YOU TO DO
- 6 PEOPLE'S HAIR AT NIGHT?
- 7 A NO, MA'AM.
- 8 Q AND THAT NIGHT IT WAS YOU AND SHANNON. YOU WERE
- 9 DOING HER HAIR?
- 10 A YES, MA'AM.
- 11 Q AND THEN JUNIOR WAS THERE WITH YOU?
- 12 A YES, MA'AM.
- 13 Q AND AROUND 10 OR 10:30, WILLIE AND THIS OTHER MAN YOU
- 14 HAD NEVER SEEN BEFORE WALKED IN YOUR SHOP?
- 15 A YES, MA'AM.
- 16 Q AND WHEN THEY WALKED IN YOUR SHOP, TELL THE JURY
- 17 WHERE YOU WENT, WHAT HAPPENED.
- 18 A MY SHOP IS -- IT'S A BIG SHOP, SO IT'S LIKE A WALL
- 19 THAT DIVIDES WHERE THE BARBERS CUT AND WHERE I DO
- 20 HAIR ON THE OTHER SIDE AND THEN THE FRONT DOOR. IT'S
- 21 AN OPENING WHERE YOU COULD JUST WALK ON THE SIDE AND
- 22 THEY CAME IN. IT WAS ON THAT SIDE SO THEY WOULDN'T
- 23 BE ON THE SIDE WHERE ME AND MY CLIENTS WERE. I WENT
- 24 OVER THERE. WE WENT OVER THERE TO TALK.
- 25 Q OKAY. LET ME BACK UP FOR A SECOND TO MAKE SURE I

1 UNDERSTAND. YOUR SHOP IS FAIRLY LARGE?

2 A YES, MA'AM.

3 Q AND IT'S DIVIDED INTO TWO SECTIONS, MA'AM?

4 A YES, MA'AM.

5 Q ABOUT EQUAL IN SIZE?

6 A YES, MA'AM.

7 Q AND THERE'S A WALL THAT GOES FROM THE BOTTOM TO THE

8 TOP?

9 A YES, MA'AM, IT'S A CONCRETE WALL.

10 Q HOW DO YOU GET FROM ONE SIDE OF YOUR SHOP TO THE

11 OTHER SIDE OF THE SHOP IF YOU'RE INSIDE?

12 A I GO TOWARDS THE FRONT DOOR AND JUST WALK TO THE

13 OTHER SIDE.

14 Q SO THERE'S AN OPENING TO THE FRONT DOOR WHERE YOU CAN

15 WALK TO EITHER SIDE?

16 A TWO FRONT DOORS.

17 Q TWO FRONT DOORS?

18 A YES, MA'AM.

19 Q ONCE YOU'RE INSIDE, CAN YOU GET FROM ONE SIDE TO THE

20 OTHER?

21 A YES, MA'AM.

22 Q AND THERE'S A DOOR INSIDE, TOO, AS WELL, RIGHT?

23 A YES, MA'AM.

24 Q SO THERE ARE TWO FRONT DOORS YOU CAN GO IN, AND THEN

25 THERE'S A WALL IN THE MIDDLE?

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- 1 A YES, MA'AM.
- 2 Q AND THERE'S A DOOR AND THAT WALL, YOU CAN GET TO
- 3 EITHER SIDE?
- 4 A IT'S AN OPENING.
- 5 Q IT'S BIGGER THAN A DOOR THEN?
- 6 A YES, MA'AM.
- 7 Q SO THERE'S AN OPENING. HOW FAR DOWN THE WALL IS THE
- 8 OPENING? WAS IT TOWARDS THE FRONT OF THE SHOP OR
- 9 TOWARDS THE BACK?
- 10 A IT'S RIGHT IN THE FRONT OF THE SHOP.
- 11 Q RIGHT IN THE FRONT OF THE SHOP. SO NOT ONLY ARE
- 12 THERE TWO SEPARATE DOORS ON THE OUTSIDE, BUT THERE'S
- 13 AN OPENING YOU CAN GO THROUGH EITHER SIDE, RIGHT?
- 14 A YES, MA'AM.
- 15 Q AND ONCE YOU CAME IN, THEY CAME IN WHICH SIDE OF YOUR
- 16 SHOP?
- 17 A I CAN'T REMEMBER EXACTLY WHICH DOOR THEY CAME IN.
- 18 Q THAT'S FINE. WERE YOU DOING SHANNON'S HAIR?
- 19 A YES, MA'AM.
- 20 Q AND WHICH SIDE WERE YOU DOING SHANNON'S HAIR ON?
- 21 A ON THE RIGHT-HAND SIDE.
- 22 Q AS YOU'RE LOOKING AT IT ON THE RIGHT-HAND SIDE.
- 23 A IF YOU'RE LOOKING AT MY SHOP, IT'S ON THE LEFT SIDE.
- 24 Q ON THE LEFT SIDE. SO IF YOU'RE LOOKING AT IT, THEY
- 25 CAME ON THE LEFT SIDE WHERE SHANNON WAS?

1 A YES, MA'AM.

2 Q BUT THEN YOU JUST SAID, OR YOU JUST TESTIFIED, YOU.

3 WENT IN THE OTHER PART OF YOUR STORE?

4 A YES, MA'AM.

5 Q AND WHO ALL WENT IN THE OTHER PART OF YOUR STORE, THE

6 OTHER SIDE?

7 A ME AND MY HUSBAND AND WILLIE AND HIM.

8 Q AND HIM?

9 A YES, MA'AM.

10 Q AND THAT WAS THAT MAN YOU HAD NEVER SEEN BEFORE,

11 RIGHT?

12 A YES, MA'AM.

13 Q AND WHEN YOU GOT IN THERE, SHANNON DIDN'T GO OVER TO

14 THAT SIDE WITH YOU ALL?

15 A NO, MA'AM.

16 Q WHY DID YOU LEAVE SHANNON ON THE OTHER SIDE?

17 A SO SHE WOULDN'T HEAR WHAT WE WERE TALKING ABOUT.

18 Q SO SHE WOULDN'T HEAR WHAT YOU WERE TALKING ABOUT?

19 A YES, MA'AM.

20 Q DO YOU RECALL WHETHER OR NOT THERE WERE OTHER GIRLS

21 IN THERE THAT NIGHT?

22 A NO, I DON'T REMEMBER.

23 Q YOU DON'T REMEMBER. OKAY. ONCE YOU HAD GOTTEN INTO

24 THE OTHER SIDE, WHO DID YOU HAVE A CONVERSATION WITH

25 THAT EVENING?

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- 1 A MYSELF, HIM. WILLIE WAS THERE FOR -- HE STOOD
2 AROUND, BUT IT WAS BASICALLY ME AND HIM AND MY
3 HUSBAND.
- 4 Q AND THIS OTHER MAN?
- 5 A THIS MAN.
- 6 Q THAT HAD CAME WITH WILLIE?
- 7 A YES, MA'AM.
- 8 Q WERE YOU INTRODUCED TO HIM IN ANY WAY?
- 9 A I KNOW THAT WE WAS INTRODUCED, BUT I MEAN, I DON'T
10 REMEMBER.
- 11 Q YOU DIDN'T REMEMBER HIS NAME?
- 12 A NO, MA'AM.
- 13 Q NOT AT FIRST?
- 14 A HUH-UH.
- 15 Q AND THE CONVERSATION, YOU SAID WILLIE WAS WALKING
16 AROUND OR WAS IN A DIFFERENT PART?
- 17 A HE WAS JUST IN AND OUT.
- 18 Q IN AND OUT?
- 19 A YES, MA'AM, IN THE AREA.
- 20 Q BUT THE CONVERSATION WAS GOING ON BETWEEN THE THREE
21 OF YOU, RIGHT?
- 22 A YES, MA'AM.
- 23 Q AND THE MAN THAT CAME IN THE SHOP THAT NIGHT, CAN YOU
24 DESCRIBE HIM TO THE JURY?
- 25 A HE WAS TALL, REALLY TALL. HE HAD A FULL BEARD, LIGHT

- 1 SKIN, THAT'S ABOUT IT.
- 2 Q WAS HE A HEAVY BUILD, A THIN BUILD?
- 3 A HE WAS HEAVIER THAN HE IS NOW.
- 4 Q STILL IN THE BIG SCHEME OF THINGS, WAS HE FAT?
- 5 A NO, HE WASN'T FAT BUT HE'S HEAVIER.
- 6 Q HEAVIER THAN HE IS NOW?
- 7 A YES, MA'AM.
- 8 Q AND HE CAME IN AND YOU HAD A CONVERSATION, AND DID --
- 9 YOU CAN'T SAY WHAT HE SAID AT THAT POINT, BUT DID YOU
- 10 MAKE PLANS TO MEET THE NEXT DAY?
- 11 A YES, MA'AM.
- 12 Q AND WHAT WAS THE PURPOSE OF YOUR MEETING THE NEXT
- 13 DAY?
- 14 A TO GET THE MARIJUANA FROM HIM.
- 15 Q AND WERE YOU BUYING OR SELLING?
- 16 A BUYING IT.
- 17 Q AND HOW MUCH MARIJUANA WERE YOU SUPPOSED TO BUY THE
- 18 NEXT DAY?
- 19 A \$150. IT WAS SUPPOSED TO HAVE BEEN 100.
- 20 Q IT WAS OVER 50 POUNDS?
- 21 A YES, MA'AM.
- 22 Q DID YOU KNOW THE EXACT AMOUNT OF MONEY YOU HAD TO
- 23 TAKE?
- 24 A NO, NOT AT THE TIME.
- 25 Q DID YOU MAKE PLANS TO MEET IN DILLON THE NEXT DAY?

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- 1 A NO, MA'AM.
- 2 Q WHERE DID YOU MAKE PLANS TO MEET?
- 3 A IN COLUMBIA.
- 4 Q AND WHY DID YOU CHOOSE TO MEET IN COLUMBIA TO MAKE
- 5 YOUR DRUG DEAL?
- 6 A BECAUSE HE SAID THAT HE WAS COMING FROM -- THAT HE
- 7 WAS FROM ATLANTA.
- 8 Q FROM ATLANTA?
- 9 A YES, MA'AM.
- 10 Q THAT'S WHAT HE TOLD YOU?
- 11 A YES, MA'AM.
- 12 Q AND HE SAID HE WAS COMING FROM ATLANTA?
- 13 A (NODS IN THE AFFIRMATIVE).
- 14 Q AND HE CHOSE COLUMBIA OR YOU CHOSE COLUMBIA?
- 15 A IT WAS SUPPOSED TO HAVE BEEN FAIRFIELD, BUT WE WERE
- 16 LIKE WHY GO THERE. IF YOU'RE COMING FROM ATLANTA, IT
- 17 WILL BE EASIER TO JUST BE IN COLUMBIA.
- 18 Q IN COLUMBIA?
- 19 A YES, MA'AM.
- 20 Q SO BASICALLY, THAT WAS THE PLACE YOU MUTUALLY DECIDED
- 21 TO MEET?
- 22 A YES, MA'AM.
- 23 Q THAT NIGHT, DID YOU PICK OUT A PLACE TO MEET THE NEXT
- 24 DAY?
- 25 A NO, MA'AM.

1 Q AND WHEN WERE THOSE ARRANGEMENTS SUPPOSED TO BE MADE,
2 DO YOU KNOW?
3 A ON THE WAY THERE.
4 Q ON THE WAY?
5 A TO COLUMBIA.
6 Q AND APPROXIMATELY WHAT TIME WERE YOU SUPPOSED TO
7 MEET, DO YOU REMEMBER?
8 A I JUST -- IT WAS JUST PHONE CALLS EARLIER THAT DAY.
9 Q OKAY. SO BASICALLY, YOU MADE PLANS TO MEET THE NEXT
10 DAY. YOU'RE GOING TO FINALIZE WHERE AND WHEN, BUT
11 YOU KNEW IT WAS GOING TO BE COLUMBIA?
12 A YES, MA'AM.
13 Q AND THE MAIN TWO PARTICIPANTS IN THE CONVERSATION
14 WERE WHO?
15 A WELL, I LET HIM AND MY HUSBAND TALK, AND I WENT BACK
16 ON THE OTHER SIDE TO FINISH HER HAIR.
17 Q OKAY. DO YOU KNOW EXACTLY HOW LONG WILLIE AND THAT
18 GUY WERE IN THE SALON THAT NIGHT OR IN THE SHOP?
19 A MAYBE 15 MINUTES.
20 Q AND WHEN THEY LEFT, DO YOU KNOW EXACTLY HOW THEY
21 LEFT?
22 A I DON'T KNOW.
23 Q DID THEY LEAVE OUT ONE OF THE FRONT DOORS, DO YOU
24 KNOW?
25 A YES, MA'AM.

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- 1 Q DID YOU SEE HIM ANYMORE THAT EVENING?
- 2 A NO, MA'AM.
- 3 Q DID YOU HAVE ANYMORE CONTACT WITH EITHER WILLIE OR
- 4 HIS FRIEND THAT EVENING?
- 5 A NO, MA'AM.
- 6 Q THE NEXT DAY, WHAT DID YOU AND YOUR HUSBAND DO? THAT
- 7 WOULD BE THAT WEDNESDAY THE 21ST, RIGHT?
- 8 A YES, MA'AM. WE CAME TO COLUMBIA.
- 9 Q OKAY. APPROXIMATELY WHAT TIME DID YOU LEAVE DILLON
- 10 THAT DAY, DO YOU REMEMBER? DO YOU REMEMBER IF IT WAS
- 11 MORNING OR AFTERNOON?
- 12 A IT WAS AFTERNOON. IT WAS LIKE 1:30.
- 13 Q 1:30 OR SO?
- 14 A SOMETIME -- IT WAS AFTER 12, SO IT WAS LIKE ONE OR
- 15 TWO.
- 16 Q IT WAS AFTER LUNCH?
- 17 A YES, MA'AM.
- 18 Q YOU DON'T REMEMBER EXACTLY WHAT TIME IT WAS?
- 19 A NO, MA'AM.
- 20 Q AND WHEN YOU LEFT DILLON, WHAT CAR DID YOU TAKE?
- 21 A OUR TRUCK.
- 22 Q WHEN YOU SAY YOUR TRUCK, WHAT KIND OF TRUCK DID YOU
- 23 DRIVE?
- 24 A BLACK TAHOE.
- 25 Q A BLACK TAHOE. WHO DID THAT TRUCK BELONG TO?

- 1 A MY HUSBAND.
- 2 Q AND THIS WAS YOUR HUSBAND'S?
- 3 A YES, MA'AM.
- 4 Q AND HOW DID YOU COME TO COLUMBIA THAT DAY? DID YOU
- 5 TAKE THE HIGHWAY, OR DID YOU GO THE BACK ROADS?
- 6 A NO, MA'AM. WE JUST TOOK 20 FROM FLORENCE TO
- 7 COLUMBIA.
- 8 Q SO YOU GOT TO FLORENCE, AND TOOK 20 TO COLUMBIA; IS
- 9 THAT RIGHT?
- 10 A YES, MA'AM.
- 11 Q THAT MORNING, HAD YOU HAD ANYMORE CONTACT, HAD YOU,
- 12 YOURSELF, THAT YOU KNOW OF, HAVE ANYMORE CONTACT WITH
- 13 THE MAN THAT WAS SUPPOSED TO BE PROVIDING THE
- 14 MARIJUANA?
- 15 A I DON'T THINK IT WAS THAT MORNING. I'M NOT SURE, BUT
- 16 IT WAS A PHONE CALL ABOUT MEETING US LATER ON THAT
- 17 DAY.
- 18 Q AND DID HE MAKE THAT PHONE CALL TO YOU AT YOUR SHOP
- 19 OR TO YOU AT YOUR PHONE OR DO YOU REMEMBER?
- 20 A I DON'T REMEMBER. I REMEMBER TALKING TO HIM IN MY
- 21 SHOP ON MY SHOP PHONE.
- 22 Q OKAY. AND LATER THAT DAY, WERE THERE ADDITIONAL
- 23 PHONE CALLS BETWEEN YOU AND YOUR HUSBAND AND THE
- 24 PERSON YOU WERE BUYING THE DRUGS FROM?
- 25 A YES, MA'AM.

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- 1 Q AND WHEN DID THOSE TAKE PLACE?
- 2 A RIGHT BEFORE WE LEFT DILLON AND ON THE WAY HERE.
- 3 Q RIGHT BEFORE YOU LEFT DILLON AND ON THE WAY HERE?
- 4 A YES, MA'AM.
- 5 Q AND DO YOU REMEMBER WHAT PHONE YOU WERE USING WHEN
- 6 YOU WERE MAKING THOSE PHONE CALLS?
- 7 A JUNIOR'S PHONE.
- 8 Q JUNIOR'S PHONE?
- 9 A YES, MA'AM.
- 10 Q WHEN YOU LEFT DILLON, DID YOU PACK UP THE CAR?
- 11 A PACK IT UP?
- 12 Q DID YOU PUT SOME STUFF IN IT? DID YOU PUT THE MONEY
- 13 IN IT?
- 14 A YES, MA'AM.
- 15 Q AND DID YOU PUT ANYTHING ELSE IN THE CAR?
- 16 A NO, MA'AM. WELL, THE GUN.
- 17 Q THE GUN?
- 18 A IT WAS -- HIS GUN WAS ALWAYS WITH HIM ANYWAY. THE
- 19 OTHER GUN WAS -- HE HAD JUST BOUGHT IT.
- 20 Q HE HAD JUST BOUGHT IT?
- 21 A YES, MA'AM.
- 22 Q AND SO YOU HAD THE MONEY, AND YOU HAD TWO GUNS. WHY
- 23 DID YOU TAKE GUNS WITH YOU?
- 24 A HE ALWAYS HAD HIS GUN. WE JUST DIDN'T LEAVE IT IN
- 25 THE HOUSE BECAUSE -- WELL, THE REASON THAT WE HAD

1 THAT SECOND GUN IS BECAUSE SOMEBODY HAD TRIED TO
2 BREAK IN OUR HOUSE LIKE TWO WEEKS BEFORE.
3 Q LIKE TWO WEEKS BEFORE?
4 A YES, MA'AM.
5 Q AND HE HAD GONE OUT AND PURCHASED A SECOND GUN?
6 A YES, MA'AM, BECAUSE HE ALWAYS HAD HIS WITH HIM.
7 Q AND THAT SMALL ONE WAS FOR WHOM?
8 A FOR ME TO KEEP AT THE HOUSE.
9 Q AND WHEN YOU SAY SMALL, IT WAS REAL SMALL?
10 A YES, MA'AM.
11 Q AND WHERE WERE THOSE GUNS WHEN YOU GOT IN THE CAR?
12 A (THERE WAS NO RESPONSE).
13 Q WERE THEY IN THE FRONT SEAT OR THE BACKSEAT OR DO YOU
14 KNOW?
15 A I KNOW THE SMALL ONE WAS SITTING INSIDE OF THE TRUCK.
16 Q INSIDE OF THE TRUCK?
17 A YES, MA'AM.
18 Q AND DID YOU KNOW WHERE HE KEPT HIS GUN?
19 A I DIDN'T KNOW WHERE IT WAS AT THAT TIME.
20 Q SO YOU DIDN'T KNOW IF IT WAS UNDER THE SEAT OR
21 ANYTHING LIKE THAT?
22 A NO, MA'AM.
23 Q WHEN YOU LEFT, YOU SAID YOU HAD SEVERAL
24 CONVERSATIONS. WHO WAS ON THE PHONE WITH THE PERSON
25 YOU WERE PURCHASING THE MARIJUANA FROM? WERE YOU

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1 TALKING TO HIM OR WAS JUNIOR? .

2 A BOTH OF US HAD SPOKEN TO HIM ON THE WAY HERE.

3 Q BOTH OF YOU HAD SPOKEN TO HIM?

4 A YES, MA'AM.

5 Q AND WHEN YOU HEARD JUNIOR REFER TO HIM, DID YOU HEAR
6 HIM USE ANY NAME OR REFER TO HIM BY ANY NAME?

7 A WHEN HE SAID IT TO ME, HE SAID SAYEED, WHICH IS LIKE
8 A SLANG.

9 Q A SLANG?

10 A YES, MA'AM, LIKE A BIG MAN.

11 Q SO JUNIOR REFERRED TO THE MAN HE WAS PURCHASING THE
12 DRUGS FROM WAS SAYEED?

13 A YES, MA'AM.

14 Q WHAT DOES SAYEED MEAN?

15 A BIG MAN.

16 Mr. Strickler: OBJECTION, YOUR HONOR.

17 THE COURT: SUSTAINED.

18 BY Ms. Campbell

19 Q THAT WAS THE TERM JUNIOR USED?

20 A YES, MA'AM.

21 Q WERE THE PHONE CALLS ON THE WAY HERE, AND ONCE YOU
22 WERE HERE, WERE YOU MAKING THE PHONE CALLS? WAS THE
23 PERSON YOU WERE PURCHASING THE DRUGS FROM MAKING THE
24 PHONE CALLS OR WAS IT BACK AND FORTH?

25 A IT WAS BACK AND FORTH.

- 1 Q BACK AND FORTH. SO YOU WERE MAKING PHONE CALLS TO A
2 PHONE HE HAD --
- 3 A YES, MA'AM.
- 4 Q -- AND THEN HE WAS MAKING PHONE CALLS TO YOU?
- 5 A YES, MA'AM.
- 6 Q ONCE YOU GOT TO COLUMBIA, TELL THE JURY WHAT YOU DID.
- 7 A WE PULLED UP. WE PULLED UP INTO A GAS STATION ON TWO
8 NOTCH AND CALLED HIM, AND HE WAS -- WE WERE SUPPOSED
9 TO HAVE MET HIM AT ONE PLACE. HE CHANGED IT, AND WE
10 WERE GOING TO MEET AT THE LOWE'S.
- 11 Q DO YOU REMEMBER THE FIRST PLACE YOU WERE SUPPOSED TO
12 MEET?
- 13 A TOYS R US.
- 14 Q YOU WERE SUPPOSED TO MEET AT THE TOYS R US TO
15 PURCHASE MARIJUANA?
- 16 A YES, MA'AM.
- 17 Q AND WHOSE CHOICE OF A MEETING PLACE WAS THAT?
- 18 A IT WAS HIS.
- 19 Q AND THEN HE CHANGED THE MEETING PLACE?
- 20 A YES, MA'AM.
- 21 Q AND WHERE WAS THE MEETING PLACE SET UP ONCE YOU GOT
22 TO COLUMBIA?
- 23 A LOWE'S.
- 24 Q LOWE'S?
- 25 A YES, MA'AM.

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1 Q AND DO YOU REMEMBER -- ARE YOU FAMILIAR WITH
2 COLUMBIA?

3 A I'VE BEEN HERE -- I'M FAMILIAR ENOUGH TO KNOW HOW TO
4 GET TO WHERE I NEED TO GET TO.

5 Q DO YOU REMEMBER WHAT ROAD THE LOWE'S WAS ON YOU WERE
6 SUPPOSED TO MEET HIM?

7 A TWO NOTCH. THAT'S WHERE WE PULLED OFF.

8 Q OKAY. TWO NOTCH. THE LOWE'S RIGHT THERE, YOU'RE
9 COMING IN I-20, RIGHT?

10 A YES, MA'AM.

11 Q AND THE LOWE'S ON TWO NOTCH, IT'S RIGHT NEXT TO I-20,
12 ISN'T IT?

13 A YES, MA'AM.

14 Q ONCE YOU GOT TO COLUMBIA, DID YOU GO DIRECTLY TO
15 LOWE'S OR DID YOU STOP SOMEWHERE FIRST?

16 A WE STOPPED AT THAT GAS STATION.

17 Q WHAT GAS STATION?

18 A AS SOON AS YOU COME OFF OF 20, IT'S RIGHT ON THE
19 LEFT-HAND SIDE.

20 Q OKAY. SO IS IT ON THE SAME SIDE OF 20 AS LOWE'S OR
21 IS IT ON THE OTHER SIDE OF 20 AS LOWE'S ON TWO NOTCH?

22 A IT'S ON THE SAME SIDE.

23 Q ON THE SAME SIDE?

24 A YES, MA'AM.

25 Q AND WHEN YOU WENT TO THE GAS STATION, WHAT DID YOU

1 DO?

2 A THAT'S WHEN WE CALLED HIM.

3 Q YOU CALLED HIM?

4 A YES, MA'AM.

5 Q SO AT THAT POINT, YOU WERE SUPPOSED TO STILL BE GOING

6 TO TOYS R US?

7 A YES, MA'AM.

8 Q AND THAT TOYS R US IS OVER BY COLUMBIA MALL, ISN'T

9 IT?

10 A YES, MA'AM.

11 Q AND THEN IT WAS CHANGED TO LOWE'S, WHICH IS ACTUALLY

12 NEAR WHERE YOU WERE?

13 A YES, MA'AM.

14 Q WHAT WAS THE PLAN? DID YOU KNOW WHAT THE PLAN WAS

15 SUPPOSED TO BE ONCE YOU GOT TO LOWE'S?

16 A JUST TO GET THE WEED AND LEAVE.

17 Q WHERE IN LOWE'S WERE YOU SUPPOSED TO MEET HIM, INSIDE

18 OF LOWE'S OR OUTSIDE OF LOWE'S?

19 A OUTSIDE.

20 Q OUTSIDE?

21 A YES, MA'AM.

22 Q AND HOW WERE YOU SUPPOSED TO KNOW WHO HE WAS?

23 A BECAUSE I SEEN HIM THE NIGHT BEFORE.

24 Q YOU HAD SEEN HIM THE NIGHT BEFORE, RIGHT?

25 A YES, MA'AM.

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1 Q AND WERE YOU AWARE OF WHAT KIND OF CAR HE WAS GOING
2 TO BE DRIVING OR ANYTHING LIKE THAT?

3 A I DON'T THINK SO.

4 Q AND AGAIN, HE TOLD YOU HE WAS COMING FROM ATLANTA,
5 RIGHT?

6 A YES, MA'AM.

7 Q WHEN YOU PULLED INTO THE PARKING LOT, HOW DID YOU
8 PULL IN, DO YOU REMEMBER?

9 A WE DROVE -- THE SPACES ARE THIS WAY. WE CAME DOWN --
10 WE CAME DOWN THE SIDE ACROSS TO THE FRONT OF THE
11 BUILDING.

12 Q SO YOU CAME IN FRONT OF THE BUILDING?

13 A YES, MA'AM.

14 Q AND THEN DID YOU PULL UP INTO THE PARKING LOT? THAT
15 PARKING LOT KIND OF SLOPES UP, DOESN'T IT?

16 A YES, MA'AM.

17 Mr. Strickler: I'LL OBJECT TO THE LEADING, YOUR
18 HONOR.

19 THE COURT: I'LL ALLOW IT. IT'S IN. GO AHEAD.

20 BY Ms. Campbell

21 Q THANK YOU.

22 THAT PARKING LOT, YOU PULLED INTO WHERE THE
23 PARKING PLACES ARE?

24 A YES, MA'AM.

25 Q AND WHEN YOU PULLED IN, DID YOU SEE HIM WHEN YOU

1 FIRST PULLED IN?

2 A HE WAS BEHIND US.

3 Q HE WAS BEHIND YOU?

4 A YES, MA'AM.

5 Q AND HOW DID YOU KNOW THAT?

6 A BECAUSE HE -- WHEN WE PARKED, HE CAME BEHIND US.

7 Q OKAY. SO YOU DIDN'T SEE HIM WHEN HE FIRST PULLED IN.

8 YOU SAW HIM AFTER HE PARKED; IS THAT CORRECT?

9 A YES, MA'AM. HE WAS RIGHT BEHIND US.

10 Q AND WHEN HE WAS RIGHT BEHIND YOU, DID YOU NOTICE WHAT

11 KIND OF CAR HE WAS IN?

12 A YES, MA'AM.

13 Q WHAT KIND OF CAR WAS HE DRIVING?

14 A AN OLD STATION WAGON.

15 Q WHEN YOU SAY AN OLD STATION WAGON, DO YOU REMEMBER IT

16 BEING ANY CERTAIN COLOR, CAN YOU REMEMBER?

17 A I THINK IT WAS LIKE A DARK GRAY WITH WOOD GRAIN.

18 Q WOOD GRAIN, LIKE THAT WOOD PANELING STUFF?

19 A YES, MA'AM.

20 Q THAT USED TO BE...

21 WHEN HE PULLED IN, WERE YOU ALREADY STOPPED AND

22 PARKED?

23 A YES, MA'AM, BECAUSE HE BACKED UP TO OUR TRUCK.

24 Q HE BACKED UP TO YOUR TRUCK?

25 A YES, MA'AM.

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1 Q AND WHEN HE BACKED UP TO YOUR TRUCK, WAS HE IN FRONT
2 OF YOUR TRUCK OR BEHIND YOUR TRUCK?

3 (CRYING).

4 Mr. Strickler: YOUR HONOR. YOUR HONOR, IF SHE
5 NEEDS SOME TIME TO COMPOSE HERSELF, I'M OKAY WITH THAT.

6 THE COURT: I UNDERSTAND. I'LL LET MS. CAMPBELL
7 DECIDE THAT.

8 BY Ms. Campbell

9 Q ARE YOU OKAY?

10 A HE WAS BEHIND IT.

11 Q HE WAS BEHIND IT?

12 A YES.

13 Q DID HE PULL UP IN THAT CAR IN THAT STATION WAGON
14 BEHIND YOU?

15 A YES, MA'AM.

16 (CRYING).

17 Mr. Strickler: I'M GOING TO ASK FOR A BREAK IN
18 HER TESTIMONY.

19 Ms. Campbell: SHE IS FINE.

20 THE COURT: SHE'S FINE.

21 BY Ms. Campbell

22 Q TAKE A DEEP BREATH, OKAY. HERE'S SOME WATER. TAKE A
23 SIP IF YOU NEED IT.

24 OKAY, CONSUELO. I KNOW THIS IS HARD, BUT YOU
25 HAVE GOT TO DO IT, OKAY. ONCE HE PULLED UP BEHIND

1 YOU, DID YOU SEE ANYONE GET OUT OF THE CAR?

2 A HE GOT OUT.

3 Q WAS HE THE ONLY PERSON YOU COULD SEE IN THE CAR AT
4 THAT POINT?

5 A THE ONLY ONE IN THE CAR.

6 THE COURT: MS. CAMPBELL, HOLD ON.

7 BY Ms. Campbell

8 Q AND WHEN HE GOT OUT OF THE CAR, WHAT DID YOU DO, WHAT
9 DID JUNIOR DO?

10 A HE GOT OUT BECAUSE HE ASKED ME -- HE TURNED BACK. HE
11 SAID -- HE ASKED HIM TO HELP HIM TAKE THE CONTAINER
12 OUT OF THE CAR.

13 Q HE ASKED HIM TO HELP HIM TAKE THE CONTAINER OUT OF
14 THE CAR?

15 A YES, MA'AM.

16 Q THE OTHER MAN WAS ASKING JUNIOR TO HELP HIM?

17 A YES, MA'AM.

18 Q WHERE WERE YOU?

19 A IN THE FRONT SEAT.

20 Q WHAT WERE YOU DOING?

21 THE COURT: PULL THE MICROPHONE DOWN.

22 BY Ms. Campbell

23 Q YES, I'M SORRY. LET ME PULL THIS DOWN.

24 DO YOU WANT SOME MORE KLEENEX?

25 A (THE WITNESS SHAKES IN THE NEGATIVE).

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1 Q ARE YOU OKAY?

2 A (NODS IN THE AFFIRMATIVE).

3 Q WHEN HE ASKED JUNIOR TO HELP HIM WITH THE CONTAINER,

4 WHAT WERE YOU DOING?

5 A I WAS IN THE FRONT SEAT DOING MY MAKEUP IN THE

6 MIRROR.

7 Mr. Strickler: I'M SORRY. I CAN'T HEAR HER

8 RESPONSES.

9 THE WITNESS: I WAS DOING MY MAKEUP IN THE

10 MIRROR.

11 BY Ms. Campbell

12 Q WHEN YOU WERE DOING YOUR MAKEUP, IS THAT WHEN YOU

13 HEARD THAT FIRST THING ABOUT HELPING HIM?

14 A YES, MA'AM, BECAUSE I HAD -- MY DOOR WAS OPEN.

15 Q YOUR DOOR WAS OPEN. DID YOU SEE WHERE JUNIOR AND THE

16 OTHER MAN WENT AT THAT POINT?

17 A TO HIS CAR.

18 Q TO HIS CAR. ONCE THEY WENT AROUND TO HIS CAR, WHAT'S

19 THE NEXT THING YOU SAW? YOU HAVE GOT TO TELL THE

20 JURY.

21 A I SAW HIM AND JUNIOR PUT THE CONTAINER IN THE BACK OF

22 HIS TRUCK.

23 Q IN THE BACK OF WHOSE TRUCK?

24 A IN THE BACK OF OUR TRUCK.

25 Q AND THE CONTAINER, WHAT DID IT LOOK LIKE, DO YOU

1 REMEMBER?

2 A IT WAS A BIG BLUE, TUPPERWARE LIKE.

3 Q A BIG BLUE TUPPERWARE LIKE CONTAINER?

4 A YES, MA'AM.

5 Q BUT A LOT BIGGER?

6 A YES, MA'AM.

7 Q AND YOU SAW THE TWO OF THEM PUT IT IN THE BACK?

8 A YES, MA'AM.

9 Q COULD YOU ACTUALLY FEEL IT COME INTO THE CAR?

10 A I FELT IT IN THE TRUCK.

11 Q YOU FELT IT WHEN IT WAS IN THE TRUCK?

12 A ONCE THEY SAT IT DOWN IN THE TRUCK, I COULD FEEL IT.

13 Q AND THEN WHAT HAPPENED, CONSUELO?

14 A THEY SAID -- THEY HAD SOME TYPE OF WORDS. I DON'T
15 KNOW WHAT THE CONVERSATION WAS.

16 Q YOU COULDN'T HEAR WHAT THEY WERE SAYING?

17 Mr. Strickler: I'M SORRY. I CAN'T HEAR WHAT
18 SHE'S SAYING.

19 THE COURT: DO YOU WANT TO MOVE A LITTLE CLOSER?

20 Mr. Strickler: NO. I'M HEARING AS WELL AS YOU
21 CAN.

22 THE COURT: I'M HEARING HER FINE.

23 Mr. Strickler: OKAY. THANK YOU, SIR.

24 BY Ms. Campbell

25 Q ALL RIGHT. GO AHEAD, WHAT HAPPENED.

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1 A I COULD HEAR HIM SAY SOMETHING TO JUNIOR, AND JUNIOR
2 SAID SOMETHING BACK. WHEN I TURNED, I SAW HIM COMING
3 OUT WITH HIS GUN.

4 Q AND WHEN YOU SAY YOU TURNED, YOU SAW HIM COMING OUT
5 WITH HIS GUN, WHO HAD THE GUN IN THE BACK OF THE CAR
6 AT THAT POINT?

7 A HE HAD IT.

8 Q AND WHEN YOU SAY HE HAD IT, IT WASN'T JUNIOR?

9 A NO, MA'AM.

10 Q IT WAS THE OTHER MAN?

11 A YES, MA'AM.

12 Q AND WHEN YOU SAW HIM PULL OUT THE GUN, COULD YOU TELL
13 WHERE HE GOT IT FROM OR COULD YOU JUST SEE THE GUN?

14 A HE HAD IT IN HIS FRONT.

15 Q IN HIS FRONT?

16 A HE JUST CAME OUT WITH IT.

17 Q LIKE HIS FRONT CLOTHING OR HIS FRONT POCKET?

18 A IN HIS FRONT CLOTHING.

19 Q LIKE STUFFED IN HIS PANTS?

20 A LIKE THERE, YES, MA'AM.

21 Q AND WHEN YOU SAW HIM COME OUT WITH THE GUN, YOU
22 WEREN'T ABLE TO HEAR WHAT WAS BEING SAID AT THAT
23 POINT, COULD YOU?

24 A AT THAT TIME, THE CONVERSATION HAD ALREADY HAPPENED.
25 WHEN I WAS TURNING AROUND, HE WAS LIKE HE WAS

- 1 SHOOTING AT THE SAME TIME THAT I WAS TURNING.
- 2 Q AND YOU WERE TURNING?
- 3 A (NODS IN THE AFFIRMATIVE).
- 4 Q AND YOU WERE IN THE FRONT SEAT?
- 5 A YES, MA'AM.
- 6 Q AND YOU WERE ACTUALLY TURNING AROUND TO SEE IT, OR
- 7 DID YOU SEE IT IN THE MIRROR?
- 8 A I WAS TURNED AROUND.
- 9 Q AND WHEN YOU TURNED AROUND, TELL THE JURY WHAT YOU
- 10 SAW.
- 11 A I SAW HIM SHOOT HIM.
- 12 Q YOU SAW WHO SHOOT WHO?
- 13 A I SAW HIM SHOOT MY HUSBAND.
- 14 Q COULD YOU TELL AT FIRST IF YOUR HUSBAND HAD BEEN
- 15 SHOT?
- 16 A I KNEW HE WAS SHOT BECAUSE I SAW HIM FALL.
- 17 Q HE FELL DOWN. AND THE MAN WITH THE GUN, WHAT DID HE
- 18 DO THEN, COULD YOU TELL?
- 19 A HE STOOD THERE FOR A SECOND AND LOOKED AT ME. I WAS
- 20 MOVING HIM AWAY (INDICATING) SO HE WOULDN'T SHOOT ME,
- 21 TOO.
- 22 Q WERE YOU STILL IN THE FRONT SEAT?
- 23 A YES, MA'AM.
- 24 Q AND YOU SAID YOU WERE FANNING HIM AWAY?
- 25 A YES, MA'AM.

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- 1 Q SO HE WOULDN'T SHOOT YOU?
- 2 A YES, MA'AM.
- 3 Q AND DID HE GO AWAY?
- 4 A YES, MA'AM.
- 5 Q WHERE DID HE GO?
- 6 A BACK IN HIS CAR, AND HE PULLED OFF.
- 7 Q AND HE PULLED OFF?
- 8 A YES, MA'AM.
- 9 Q DO YOU KNOW WHICH DIRECTION HE WENT IN?
- 10 A HE WENT THE OPPOSITE DIRECTION THAT I WENT BECAUSE I
- 11 WENT -- HE LEFT THIS WAY, AND I WENT AROUND THE
- 12 TRUCK.
- 13 Q YOU WENT AROUND THE TRUCK?
- 14 A YES, MA'AM.
- 15 Q AND WHEN YOU GOT AROUND TO THE BACK OF THE TRUCK,
- 16 TELL THE JURY WHAT YOU FOUND.
- 17 A JUNIOR WAS LYING ON THE GROUND. I COULDN'T SEE WHERE
- 18 HE WAS SHOT AT AT THE TIME.
- 19 Q JUNIOR WAS ON THE GROUND?
- 20 A YES, MA'AM.
- 21 Q AND YOU SAID YOU COULDN'T TELL WHERE HE HAD BEEN
- 22 SHOT?
- 23 A I SAW THE BLOOD ON HIS FACE AFTER A MINUTE, AND IT
- 24 STARTED BLEEDING. I KNEW HE HAD BEEN SHOT.
- 25 THE COURT: I CAN'T HEAR THE CONVERSATION.

1 JUST --

2 BY Ms. Campbell

3 Q TAKE A COUPLE OF DEEP BREATHS, OKAY, CONSUELO. I
4 KNOW THIS IS HARD. I'M SORRY.

5 DID YOU DO ANYTHING TO TRY TO GET SOME HELP?

6 A I ASKED THIS MAN TO CALL 911. HE SHOOK HIS HEAD NO
7 TO ME, SO I TRIED TO USE THE PHONE, THE CELL PHONE.

8 Q YOU TRIED TO USE SOMEBODY'S CELL PHONE?

9 A I TRIED TO USE OUR CELL PHONE.

10 Q AND WERE YOU ABLE TO USE YOUR CELL PHONE?

11 A YES, MA'AM.

12 Q WERE YOU ABLE TO USE IT SUCCESSFULLY AT FIRST?

13 A I CALLED BUT I CALLED THE WRONG PERSON.

14 Q WERE YOU TRYING TO GET HELP FROM ANYBODY THERE IN THE
15 PARKING LOT?

16 A I WAS ASKING EVERYBODY TO HELP.

17 Q DID SOMEBODY COME TO YOUR AID? DID SOMEBODY COME TO
18 HELP YOU?

19 A THE SECURITY GUARD. HE WAS LIKE, TAKE ONE OF THOSE
20 BLANKETS AND PUT IT ACROSS HIM.

21 Q AND DID YOU DO THAT?

22 A YES, MA'AM.

23 Q AND WHERE DID YOU GET THE BLANKET?

24 A OUT OF CONTAINER THAT HE HAD GIVEN TO US.

25 Q OUT OF THE CONTAINER THAT WHO HAD GIVEN TO WHOM?

- 1 A OUT OF THE CONTAINER THAT HE HAD PUT IN THE TRUCK.
- 2 Q AND THAT BLANKET HADN'T BEEN IN THE TRUCK BEFORE
- 3 THAT?
- 4 A NO, MA'AM.
- 5 Q DID THE SECURITY GUARD KEEP TRYING TO HELP YOU? DID
- 6 ANOTHER MAN COME?
- 7 A YES, MA'AM.
- 8 Q DID THE AMBULANCE COME EVENTUALLY?
- 9 A YES, MA'AM.
- 10 Q AND THE POLICE?
- 11 A YES, MA'AM.
- 12 Q DO YOU REMEMBER THE SECURITY GUARD TRYING TO ASK YOU
- 13 WHAT HAD HAPPENED?
- 14 A I REMEMBER HIM TRYING TO TALK TO ME, BUT I DON'T
- 15 REMEMBER EVERYTHING THAT I SAID TO HIM.
- 16 Q DID YOU TELL HIM ABOUT IT WAS A DRUG DEAL?
- 17 A NO, MA'AM.
- 18 Q WHY NOT?
- 19 A I JUST -- RIGHT AT THAT MINUTE I DIDN'T THINK TO SAY
- 20 ANYTHING LIKE THAT. I JUST WANTED HELP.
- 21 Q YOU JUST WANTED HELP?
- 22 A (NODS IN THE AFFIRMATIVE).
- 23 Q YOU DIDN'T TELL HIM IT HAD BEEN ABOUT A DRUG DEAL?
- 24 A NO, MA'AM.
- 25 Q WHAT DID YOU TELL HIM, DO YOU REMEMBER?

- 1 A I THINK I TOLD HIM THAT I THINK THE GUY TRIED TO ROB
2 MY HUSBAND.
- 3 Q AND THAT YOUR HUSBAND HAD BEEN SHOT?
- 4 A YES, MA'AM.
- 5 Q DID YOU GO TO THE HOSPITAL WITH YOUR HUSBAND THAT
6 DAY?
- 7 A YES, MA'AM. I DIDN'T GO WITH HIM. ONE OF THE
8 OFFICERS FOLLOWED HIM THERE.
- 9 Q AND DID YOU RIDE WITH THE OFFICER?
- 10 A YES, MA'AM.
- 11 Q AND YOU FOLLOWED THE AMBULANCE?
- 12 A IT WAS WAY UP AHEAD OF US BUT WE WERE BEHIND.
- 13 Q AND WHEN YOU GOT TO THE HOSPITAL, WHAT HAPPENED?
- 14 A THEY ASKED ME DID I WANT TO GO BACK AND SEE HIM.
- 15 Q DID YOU GO SEE HIM THAT DAY?
- 16 A (THERE WAS NO RESPONSE).
- 17 Q WAS HE PRONOUNCED DEAD THAT AFTERNOON AT THE
18 HOSPITAL?
- 19 A YES, MA'AM.
- 20 Q CONSUELO, LATER THAT DAY, DID YOU HAVE TO TALK TO --
21 DID YOU TALK TO THE POLICE?
- 22 A YES, MA'AM.
- 23 Q DID THEY ASK YOU ABOUT WHAT HAD HAPPENED?
- 24 A YES, MA'AM.
- 25 Q DID YOU TELL THEM THE TRUTH ABOUT WHAT HAD HAPPENED

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1 AT FIRST?

2 A NO, MA'AM.

3 Q WHY NOT?

4 A BECAUSE I WAS SCARED.

5 Q AND WHY WERE YOU SCARED, CONSUELO?

6 A BECAUSE HE WAS SAYING -- I THOUGHT IT WAS DRUGS IN
7 THE TRUCK. I KNEW I WAS GOING TO GO TO JAIL. ALL I
8 COULD THINK ABOUT WAS MY KIDS.

9 Q ALL YOU COULD THINK ABOUT WAS YOUR KIDS?

10 A YES, MA'AM.

11 Q WHY WERE YOU WORRIED ABOUT YOUR KIDS? THEY WEREN'T
12 THERE, WERE THEY?

13 A NO, MA'AM. BUT IT WAS DRUGS, SO THEY MIGHT HAVE
14 TRIED TO DO SOMETHING LIKE TAKE MY KIDS OR SOMETHING.

15 Q WHO MIGHT HAVE TRIED TO TAKE YOUR KIDS?

16 A THE STATE.

17 Q THE STATE MIGHT HAVE TRIED TO TAKE YOUR KIDS? IS
18 THAT WHY YOU DIDN'T TELL AT FIRST?

19 A I WAS SCARED THAT HE WAS GOING TO COME BACK AND GET
20 ME.

21 Q WHO WAS GOING TO COME BACK AND GET YOU?

22 A HIM, MR. CROCKER.

23 Q HOW WOULD HE KNOW HOW TO COME BACK AND GET YOU?

24 A BECAUSE HE HAD BEEN AT MY SHOP. HE KNEW WHERE I
25 WORKED.

1 Q SO THAT'S THE REASON YOU DIDN'T WANT TO TELL THEM THE
2 TRUTH ABOUT WHAT HAPPENED?

3 A YES, MA'AM.

4 Q WERE YOU ABLE TO GIVE THE POLICE A DESCRIPTION?

5 A YES, MA'AM.

6 Q AND DID YOU GIVE THEM A DESCRIPTION OF THE MAN THAT
7 HAD SHOT YOUR HUSBAND?

8 A YES, MA'AM.

9 Q DID YOU KNOW HIS NAME AT THE TIME?

10 A NO, MA'AM.

11 Q LATER THAT AFTERNOON, DID THEY ALSO TAKE YOU OVER TO
12 ANOTHER PLACE AND HAVE YOU WORK WITH AN ARTIST TO DO
13 A COMPOSITE?

14 A (NODS IN THE AFFIRMATIVE).

15 Q OF WHAT THE MAN LOOKED LIKE?

16 A YES, MA'AM.

17 Q AND WHEN YOU WORKED WITH THAT MAN, DID YOU TRY TO
18 WORK WITH HIM TRUTHFULLY ABOUT WHAT THE MAN LOOKED
19 LIKE?

20 A YES. I WANTED THEM TO FIND HIM, BUT I JUST DIDN'T
21 WANT HIM TO KNOW WHERE I WAS.

22 Q WHEN YOU DID THE COMPOSITE, DID YOU ACTUALLY DO THE
23 DRAWING OR DID HE ACTUALLY DO THE DRAWING?

24 A I PICKED OUT ALL THE FEATURES AND EVERYTHING.

25 Q AND I'M GOING TO SHOW YOU THIS COPY ACTUALLY OF YOUR

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1 COMPOSITE. DO YOU RECOGNIZE THAT?

2 A YES, MA'AM.

3 Q AND WHAT DOES THAT SHOW?

4 A THAT'S THE ONE THAT I GAVE TO HIM THAT NIGHT.

5 Q THAT'S THE ONE YOU GAVE TO HIM THAT NIGHT THAT THE
6 MAN HELPED YOU DRAW?

7 A YES, MA'AM.

8 Q HE ACTUALLY DREW IT?

9 A YES, MA'AM.

10 Ms. Campbell: YOUR HONOR, AT THIS TIME WE'D
11 OFFER IT INTO EVIDENCE.

12 Mr. Strickler: WITHOUT OBJECTION.

13 THE COURT: WITHOUT OBJECTION.

14 (WHEREUPON, STATE'S EXHIBIT NO. 11 WAS MARKED
15 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

16 Ms. Campbell: YOUR HONOR, MAY I PUBLISH THIS?

17 THE COURT: YES, MA'AM.

18 BY Ms. Campbell

19 Q CONSUELO, YOU TALKED TO THE POLICE THAT NIGHT ABOUT
20 WHAT HAD HAPPENED?

21 A YES, MA'AM.

22 Q DO YOU REMEMBER WHAT YOU INITIALLY TOLD THEM?

23 A I TOLD THEM THAT HE TRIED -- THAT THIS MAN CAME UP
24 AND ASKED MY HUSBAND FOR HELP, AND I THINK HE TRIED
25 TO ROB HIM AND HE SHOT HIM.

- 1 Q IS THAT THE TRUTH?
- 2 A NO, MA'AM.
- 3 Q WHY DIDN'T YOU TELL THEM THE TRUTH?
- 4 A BECAUSE I WAS JUST SCARED.
- 5 Q DID YOU GO HOME TO DILLON THAT NIGHT, LATTA?
- 6 A YES, MA'AM.
- 7 Q AND OVER THE NEXT WEEK OR TWO DID YOU STAY IN LATTA?
- 8 A YES, MA'AM.
- 9 Q HOW WERE YOU DOING?
- 10 A BAD.
- 11 Q DID YOU HAVE TO GO INTO THE HOSPITAL?
- 12 A SEVERAL TIMES.
- 13 Q AND WHY WAS THAT?
- 14 A BECAUSE I JUST -- I JUST DIDN'T WANT TO BE WITHOUT
- 15 JUNIOR. I COULDN'T -- I COULDN'T KEEP MY HEAD
- 16 TOGETHER.
- 17 Q DID YOU GET ON SOME MEDICATION?
- 18 A YES, MA'AM.
- 19 Q WHAT KIND OF MEDICATION WERE THEY GIVING YOU? WHAT
- 20 WERE THEY TREATING YOU FOR OVER THE NEXT COUPLE OF
- 21 WEEKS AFTER THIS HAPPENED?
- 22 A I HAD A COUPLE OF DIFFERENT SLEEPING PILLS.
- 23 THE COURT: MS. CAMPBELL, MS. CASEY, TRY TO
- 24 SPEAK UP SO I CAN HEAR YOU, OKAY, AND THE JURY CAN HEAR
- 25 YOU.

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1 THE WITNESS: I HAD A COUPLE OF DIFFERENT
2 SLEEPING PILLS, AND I THINK THERE WAS SOMETHING FOR
3 ANXIETY. I HAD FOUR DIFFERENT ONES.

4 BY Ms. Campbell

5 Q OVER THE NEXT SEVERAL WEEKS, DID THE POLICE CONTINUE
6 TO STAY IN TOUCH WITH YOU?

7 A YES, MA'AM.

8 Q AND THEY GOT BACK IN TOUCH WITH YOU, I BELIEVE IN
9 DECEMBER, THE FIRST OF DECEMBER?

10 A YES, MA'AM.

11 Q AND YOU ACTUALLY SHOWED UP AT ONE POINT WITH YOUR
12 LAWYER; IS THAT CORRECT?

13 A YES, MA'AM.

14 Q AND EACH TIME YOU MET WITH THEM, DID YOU EVER -- I
15 MEAN; WHEN DID YOU FINALLY TELL THEM THE TRUTH AND
16 WHY?

17 A I THINK IT WAS THE TIME THAT MY LAWYER AND I WENT
18 BECAUSE IT WASN'T A REASON -- I HAD TO TELL THEM,
19 BECAUSE THEY HAD TO FIND THE PERSON THAT DID IT.

20 Q THEY HAD TO FIND THE PERSON THAT DID IT?

21 A (NODS IN THE AFFIRMATIVE).

22 Q AND YOU FINALLY REALIZED THAT?

23 A I DIDN'T KNOW IF THEY WERE GOING TO TRY TO PUT ME IN
24 JAIL FOR WHAT WAS IN THE TRUCK OR NOT, SO I JUST
25 DIDN'T SAY ANYTHING, BUT THAT MEANT THEY WEREN'T

- 1 GOING TO FIND HIM IF I DIDN'T SO...
- 2 Q WHEN YOU TOLD THEM THE TRUTH, DID THEY ALSO SHOW YOU
- 3 A PHOTO LINEUP?
- 4 A YES, MA'AM.
- 5 Q AND THAT WOULD HAVE BEEN ON DECEMBER 11TH?
- 6 A YES, MA'AM, AROUND ABOUT.
- 7 Q AND I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS
- 8 STATE'S EXHIBIT 3 (PREVIOUS HEARING). DO YOU
- 9 RECOGNIZE THAT?
- 10 A YES, MA'AM.
- 11 Q DO YOU REMEMBER WHO SHOWED YOU THE LINEUP, WHAT
- 12 OFFICERS?
- 13 A MR. SMITH AND MR. O'NEILL.
- 14 Q MR. SMITH?
- 15 A IT WAS A COUPLE OF THEM.
- 16 Q A COUPLE OF THEM?
- 17 A THE WHOLE TIME.
- 18 Q BUT MR. SMITH, THERE IS LIEUTENANT SMITH?
- 19 A YES, MA'AM.
- 20 Q WAS HE ONE OF THE OFFICERS THAT SHOWED IT TO YOU?
- 21 A YES, MA'AM.
- 22 Q AND WHEN HE SHOWED YOU THE LINEUP, WHAT, IF ANYTHING,
- 23 DID HE SAY TO YOU, WHERE WERE YOU?
- 24 A I WAS IN THE INTERROGATION ROOM, I THINK.
- 25 Q AT THE SHERIFF'S DEPARTMENT?

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- 1 A YES, MA'AM.
- 2 Q HERE IN COLUMBIA?
- 3 A YES, MA'AM.
- 4 Q AND THIS WAS WHAT, YOUR THIRD TRIP TO THE SHERIFF'S
- 5 DEPARTMENT?
- 6 A YES, MA'AM.
- 7 Q AND AT THIS POINT, YOU FINALLY TOLD THEM EVERYTHING?
- 8 A YES, MA'AM.
- 9 Q NOW, LET ME GET THIS STRAIGHT: FROM THE MOMENT THAT
- 10 IT HAPPENED, YOU STARTED TELLING THEM SOME OF WHAT
- 11 HAPPENED?
- 12 A YES, MA'AM.
- 13 Q AND THEN FINALLY, YOU TOLD THEM EVERYTHING, OR WHAT
- 14 WAS LEFT, ON THE 11TH?
- 15 A YES, MA'AM.
- 16 Q AND THEY SHOWED YOU THIS LINEUP?
- 17 A YES, MA'AM.
- 18 Q WHEN THEY SHOWED YOU THIS LINEUP, DID THEY TELL YOU
- 19 WHICH ONE TO PICK?
- 20 A NO, MA'AM. THEY JUST PUT IT THERE, AND I POINTED TO
- 21 THEM.
- 22 Q AND YOU SAW THESE SIX PHOTOGRAPHS, RIGHT?
- 23 A YES, MA'AM.
- 24 Q AND WHEN YOU THESE SIX PHOTOGRAPHS, DID YOU RECOGNIZE
- 25 ANYONE?

- 1 A I RECOGNIZED THE MAN THAT SHOT MY HUSBAND.
- 2 Q AND WHICH ONE DID YOU RECOGNIZE TO BE THE ONE THAT
- 3 SHOT YOUR HUSBAND?
- 4 A THE BOTTOM ROW, THE ONE IN THE MIDDLE.
- 5 Q THE BOTTOM ROW?
- 6 A YES, MA'AM.
- 7 Q WHICH ONE?
- 8 A (INDICATING).
- 9 Q THE ONE IN THE MIDDLE?
- 10 A YES, MA'AM.
- 11 Q THE ONE MY FINGER IS POINTING TO RIGHT HERE?
- 12 A YES, MA'AM.
- 13 Q AND AFTER YOU IDENTIFIED HIM AS THE PERSON WHO HAD
- 14 SHOT YOUR HUSBAND, DID YOU SIGN AN AFFIDAVIT TO THAT
- 15 EFFECT?
- 16 A YES, MA'AM.
- 17 Q AND ON HERE I BELIEVE IT'S NUMBER FIVE, BOTTOM MIDDLE
- 18 PHOTO?
- 19 A YES, MA'AM.
- 20 Q AND YOU ALSO SIGNED THAT ON THE SAME DAY THAT YOU
- 21 WERE SHOWN THIS?
- 22 A YES, MA'AM.
- 23 Ms. Campbell: YOUR HONOR, AT THIS TIME, WE'D
- 24 OFFER THEM INTO EVIDENCE OFFICIALLY.
- 25 Mr. Strickler: SUBJECT TO ANY PREVIOUSLY STATED

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1 OBJECTIONS, YOUR HONOR.

2 THE COURT: OVERRULED.

3 Ms. Campbell: DO YOU NEED TO MARK THEM AGAIN?

4 the court reporter: YES. I NEED TO PUT NEW
5 STICKERS ON THEM BECAUSE WE ALREADY HAVE A NUMBER THREE.

6 (WHEREUPON, STATE'S EXHIBITS NOS. 12, 13 WERE
7 MARKED FOR IDENTIFICATION AND RECEIVED INTO
8 EVIDENCE.)

9 Ms. Campbell: YOUR HONOR, PERMISSION TO
10 PUBLISH?

11 BY Ms. Campbell

12 Q MS.-CASEY, THAT NIGHT WHEN YOUR HUSBAND HAD BEEN SHOT
13 WHEN YOU WERE AT THE HOSPITAL, DID THEY COME TO THE
14 HOSPITAL AND ASK YOU FOR ANYTHING?

15 A FOR HIS CELL PHONE.

16 Q FOR THE CELL PHONE?

17 A YES, MA'AM.

18 Q AND I'M GOING TO SHOW YOU THIS CELL PHONE AND ASK IF
19 YOU RECOGNIZE THIS. DO YOU RECOGNIZE THAT?

20 A YES, MA'AM.

21 Q AND WHOSE CELL PHONE IS THIS?

22 A JUNIOR'S.

23 Q JUNIOR'S?

24 A YES, MA'AM.

25 Q IS THAT THE CELL PHONE YOU GAVE THEM THAT NIGHT?

1 A YES, MA'AM.

2 Ms. Campbell: YOUR HONOR, AT THIS TIME, WE'D
3 MARK IT FOR I.D. ONLY.

4 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
5 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
6 JURY).

7 (WHEREUPON, STATE'S EXHIBIT NO. 14 WAS MARKED
8 FOR IDENTIFICATION ONLY.).

9 BY Ms. Campbell

10 Q THE MAN THAT YOU SET UP THE DRUG DEAL WITH, HOW MANY
11 OPPORTUNITIES DID YOU HAVE TO SEE HIM?

12 A I SAW HIM THAT NIGHT BEFORE.

13 Q YOU SAW HIM THE NIGHT BEFORE?

14 A YES, MA'AM.

15 Q AND THEN ON THE 21ST, DID YOU GET TO SEE HIM AGAIN?

16 A YES, MA'AM.

17 Q NOW, TELL THIS JURY, DID YOU GET A GOOD LOOK AT HIS
18 FACE THAT DAY?

19 A YES, MA'AM.

20 Q HOW FAR AWAY WERE YOU WHEN YOU GOT TO SEE HIS FACE?

21 A FIVE OR 10 FEET.

22 Q FIVE OR 10 FEET?

23 A YES, MA'AM. I MEAN, HE WAS AT THE BACK OF THE TRUCK,
24 AND I WAS RIGHT ON THE PASSENGER'S SIDE.

25 Q WAS IT A SUNNY DAY?

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- 1 A YES, MA'AM.
- 2 Q WAS ANYTHING OBSTRUCTING YOUR VIEW?
- 3 A NO, MA'AM.
- 4 Q AND YOU GOT A GOOD LOOK AT HIS FACE?
- 5 A YES, MA'AM.
- 6 Q AND WHEN YOU SAW HIM ON THAT WEDNESDAY, THE MAN THAT
- 7 PULLED OUT THE GUN, DID YOU RECOGNIZE HIM?
- 8 A YES, MA'AM.
- 9 Q WHO DID YOU RECOGNIZE HIM TO BE?
- 10 A THE GUY FROM THE NIGHT BEFORE.
- 11 Q THE MAN THAT YOU SET UP THE DRUG DEAL WITH, THE MAN
- 12 THAT SHOT YOUR HUSBAND IN THE LOWE'S PARKING LOT, DO
- 13 YOU SEE HIM IN THE COURTROOM?
- 14 A YES, MA'AM.
- 15 Q NOW, HAS HIS APPEARANCE CHANGED A LITTLE?
- 16 A YES, MA'AM.
- 17 Q TELL THE JURY HOW HE HAS CHANGED.
- 18 A HE HAS GLASSES ON. HE DON'T HAVE THE HAIR ON HIS
- 19 FACE, AND HE'S NOT AS HEAVY, AND HE WASN'T DRESSED
- 20 LIKE THAT.
- 21 Q BUT YOU RECOGNIZE HIM?
- 22 A YES, MA'AM.
- 23 Q CAN YOU POINT HIM OUT FOR THE JURY?
- 24 A HE'S RIGHT HERE IN THE MIDDLE WITH THE SUIT ON.
- 25 Q AT THIS TABLE RIGHT HERE?

1 A YES, MA'AM.

2 Q IN THE MIDDLE?

3 A YES, MA'AM.

4 Q BETWEEN HIS LAWYERS?

5 A YES, MA'AM.

6 Ms. Campbell: YOUR HONOR, MAY THE...

7 THE COURT: RECORD REFLECT THE WITNESS

8 IDENTIFIED THE DEFENDANT.

9 BY Ms. Campbell

10 Q ONE MORE QUESTION. THAT NIGHT -- AND I MISSED THIS,
11 I'M SORRY. THEY SHOWED YOU SOME STILL PHOTOS OR
12 ACTUALLY A VIDEO FROM THE PARKING LOT?

13 A YES, MA'AM.

14 Q AND I'M GOING TO SHOW YOU THIS PHOTOGRAPH. DO YOU
15 RECOGNIZE THAT?

16 A THIS IS THE CAR HE WAS DRIVING.

17 Q THIS IS THE CAR HE WAS DRIVING?

18 A YES, MA'AM.

19 Ms. Campbell: YOUR HONOR, AT THIS TIME, WE'D
20 OFFER THIS INTO EVIDENCE.

21 Mr. Strickler: CAN WE APPROACH, PLEASE, YOUR
22 HONOR?

23 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
24 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
25 JURY).

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1. THE COURT: LADIES AND GENTLEMEN, JUST RELAX FOR
2 A MINUTE. ANY TIME WE DO THIS, YOU CAN STAND UP AND
3 STRETCH YOUR LEGS, MAKE YOU FEEL BETTER.

4 SUBJECT TO THE DEFENSE OBJECTION.

5 Ms. Campbell: THANK YOU.

6 (WHEREUPON, STATE'S EXHIBITS NOS. 15 - 22 WERE
7 MARKED FOR IDENTIFICATION AND RECEIVED INTO
8 EVIDENCE.)

9 Ms. Campbell: THAT'S ALL I HAVE, YOUR HONOR.

10 THE COURT: CROSS-EXAMINATION?

11 CROSS-EXAMINATION:

12 BY Mr. Strickler

13 Q GOOD AFTERNOON, MS.-CASEY.

14 A GOOD AFTERNOON.

15 Q ARE YOU ALL RIGHT?

16 A I'M FINE.

17 Q OKAY. JUST LET ME KNOW IF YOU HAVE A PROBLEM, OKAY.

18 A OKAY.

19 Q NOW, AS I UNDERSTAND IT FROM YOUR TESTIMONY HERE,
20 WILLIE JENNINGS IS THE PERSON WHO PUT YOU IN TOUCH OR
21 BROUGHT YOU AND YOUR HUSBAND TOGETHER WITH THE
22 INDIVIDUAL MAKING THE MARIJUANA PURCHASE; IS THAT
23 CORRECT?

24 A YES, SIR.

25 Q OKAY. AND YOU HAD KNOWN MR. JENNINGS FOR SOME PERIOD

1 OF TIME, RIGHT?

2 A YES, SIR.

3 Q OKAY. NOW, I GUESS IF I UNDERSTAND YOUR TESTIMONY
4 CORRECTLY, DURING THE TIME IMMEDIATELY BEFORE OR THE
5 RECENT TIME BEFORE NOVEMBER OF 2001, YOU HAD HAD
6 CONTACT WITH HIM BECAUSE HE HAD BEEN SEEING ONE OF
7 THE EMPLOYEES AT YOUR SHOP; IS THAT CORRECT?

8 A YES, SIR.

9 Q OKAY. WHO WAS THAT?

10 A CARLA BROWN.

11 Q CARLA BROWN?

12 A YES, SIR.

13 Q I MEAN, YOU HAD KNOWN HIM FOR SOME PERIOD OF TIME,
14 BUT YOU'RE MOST RECENT ACQUAINTANCE WITH HIM RIGHT
15 PRIOR TO NOVEMBER WAS AS A RESULT OF THIS
16 RELATIONSHIP HE HAD WITH MS. BROWN?

17 A YES, SIR.

18 Q LET ME GET STRAIGHT ON THAT.

19 AND YOU SPOKE WITH -- I GUESS DURING THE FALL OF
20 2001, YOU AND YOUR HUSBAND HAD DECIDED THAT YOU WOULD
21 TRY TO MAKE SOME MONEY THROUGH THIS MOVE YOU WERE
22 CONTEMPLATING BY DOING A DRUG DEAL, OBTAINING SOME
23 MARIJUANA AND THEN SELLING IT YOURSELF; IS THAT
24 RIGHT?

25 A YES, SIR.

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1 Q AND AS I LISTENED TO YOUR TESTIMONY, IT APPEARS -- IT
2 SEEMED TO ME, AND STOP ME IF I'M WRONG, THAT YOU
3 SPOKE TO MR. JENNINGS ABOUT TRYING TO PUT THIS SORT
4 OF THING TOGETHER; IS THAT RIGHT, ABOUT PUTTING YOU
5 IN TOUCH WITH SOMEONE WHO COULD DO THAT?

6- 1 YES SIR

1 Q SO YOU HAD SPOKEN WITH HIM EARLIER IN THAT MONTH?

2 A YES, SIR.

3 Q SO -- AND I'M NOT ASKING YOU TO PIN DOWN AN EXACT
4 NUMBER OF DAYS, BUT YOUR REMEMBRANCE IS THAT YOU
5 BEGAN THE PROCESS OF TRYING TO SET THIS UP WITH
6 MR. JENNINGS OR GET MR. JENNINGS TO SET IT UP FOR YOU
7 SOMETIME DURING THE MONTH OF NOVEMBER; IS THAT RIGHT?

8 A YES, SIR.

9 Q IT COULD BE WEEKS PRIOR TO THE WEEK THIS HAPPENED?

10 A YES, SIR.

11 Q AND YOU SPOKE WITH HIM PERSONALLY IN THE SHOP THERE?

12 A YES, SIR.

13 Q OKAY. AND THEN SUBSEQUENT TO THAT, YOU SPOKE WITH
14 HIM ON THE CELL PHONE?

15 A YES, SIR.

16 Q OKAY. WAS THERE SOME PERIOD OF TIME THAT WENT BY
17 BETWEEN YOUR CONVERSATION WITH HIM IN THE SHOP AND
18 WHEN YOU SPOKE WITH HIM ON THE CELL PHONE?

19 A IT WAS THAT WEEK.

20 Q OKAY. NOW, ON THE EVENING -- LET ME GET THIS
21 STRAIGHT: ON THE DAY -- ON THE 20TH, THE DAY THIS
22 MEETING WAS SUPPOSED TO HAVE HAPPENED IN THE SHOP,
23 YOU HAD SPOKEN WITH MR. JENNINGS EARLIER THAT DAY; IS
24 THAT CORRECT?

25 A YES, SIR.

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1 Q AND THAT WAS SPEAKING WITH HIM FACE-TO-FACE AT THE
2 SHOP?

3 A I DON'T REMEMBER.

4 Q AND THEN THE EVENING THAT THIS MEETING WAS ALLEGED TO
5 HAVE TAKEN PLACE, YOU TESTIFIED EARLIER THAT YOU,
6 YOUR HUSBAND AND SHANNON MILES WERE PRESENT AT THE
7 SHOP, CORRECT?

8 A YES, SIR.

9 Q NOW, IT'S FAIR TO SAY THAT WHAT YOU WENT THROUGH WAS
10 A VERY TRAUMATIC EVENT, RIGHT?

11 A YES, SIR.

12 Q YOUR HUSBAND OF LESS THAN A YEARS TIME AT THAT POINT,
13 AND THE PERSON THAT YOU HAD BEEN LIVING WITH FOR
14 CLOSE TO 10 YEARS TIME AT THAT POINT WAS KILLED. HE
15 HAD BEEN KILLED, CORRECT?

16 A YES, SIR.

17 Q AND YOUR FIRST IMPULSE WAS TO PROVIDE THE POLICE WITH
18 ALL THE INFORMATION NECESSARY TO GO AHEAD AND FIND
19 AND PROSECUTE THE PERSON WHO KILLED THIS MAN WHOM YOU
20 JUST MARRIED A FEW MONTHS EARLIER, RIGHT?

21 A YES, SIR.

22 Q THAT'S THE FIRST THING YOU WANTED TO DO?

23 A YES, SIR.

24 Q ON THE DAY OF THE INCIDENT, THE EVENING OF THE
25 INCIDENT, DO YOU REMEMBER SPEAKING WITH THE POLICE AT

- 1 THE SCENE?
- 2 A I DIDN'T HAVE A CONVERSATION AT THE SCENE.
- 3 Q YOU DON'T REMEMBER HAVING A CONVERSATION AT THE
- 4 SCENE. DO YOU REMEMBER PROVIDING A DESCRIPTION OF
- 5 THE VEHICLE TO THE POLICE AT THE SCENE?
- 6 A YES, SIR.
- 7 Q OKAY. THAT'S WHAT I MEAN. A DESCRIPTION OF THE
- 8 VEHICLE, A BRIEF DESCRIPTION OF THE PERSON?
- 9 A YES, SIR.
- 10 Q YOU REMEMBERED THAT, RIGHT?
- 11 A YES, SIR.
- 12 Q YOU REMEMBERED TO DESCRIBE TO THE POLICE THAT THE
- 13 VEHICLE WAS A DARK STATION WAGON, POSSIBLY BLUE?
- 14 A YES, SIR.
- 15 Q OKAY. YOU WERE CONFUSED AT THAT POINT IN TIME.
- 16 A I WASN'T CONFUSED. I WAS SHOCKED, I GUESS.
- 17 Q YES, MA'AM. WOULD YOU TERM WHAT'S DEPICTED IN
- 18 STATE'S 15 AS A DARK STATION WAGON. WOULD THAT BE
- 19 THE TERM YOU USED FOR THAT?
- 20 A YES, SIR.
- 21 Q OKAY. THAT'S A DARK STATION WAGON. THEN AFTER YOU
- 22 HAD GONE TO THE HOSPITAL, YOU ENDED UP AT THE POLICE
- 23 STATION, CORRECT?
- 24 A YES, SIR.
- 25 Q AND YOU SPOKE WITH THE POLICE FOR QUITE SOME PERIOD

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1 OF TIME, DIDN'T YOU?

2 A YES, SIR.

3 Q DO YOU REMEMBER WHEN YOU GOT THERE FROM THE HOSPITAL?

4 A I DON'T REMEMBER.

5 Q WHAT TIME OF DAY IT WAS WHEN YOU GOT TO THE POLICE
6 STATION?

7 A I DON'T REMEMBER WHAT TIME I GOT THERE.

8 Q YOU DON'T REMEMBER WHAT TIME YOU GOT THERE, OKAY.

9 YOU DO REMEMBER THAT AFTER SPEAKING TO THE POLICE FOR
10 QUITE SOME TIME, YOU ENDED UP GIVING THEM, THE
11 POLICE, A STATEMENT ON NOVEMBER 21, 2001 AT 11:50 AT
12 NIGHT, ALMOST MIDNIGHT.

13 A YES, SIR.

14 Q NOW, HAVE YOU HAD AN OPPORTUNITY TO REVIEW THAT
15 STATEMENT PRIOR TO YOUR TESTIMONY HERE?

16 A I HAVE.

17 Q AT ANY POINT IN TIME IF YOU DON'T REMEMBER, I'LL BE
18 HAPPY TO SUPPLY YOU WITH A COPY, OKAY.

19 A OKAY.

20 Q IN THAT STATEMENT, WHICH RUNS TO SIX TYPED PAGES, YOU
21 NOWHERE ADMIT TO YOUR PARTICIPATION IN SETTING UP ANY
22 DRUG DEAL, CORRECT?

23 A YES, SIR.

24 Q IN THAT STATEMENT YOU DON'T ADMIT TO ACTUALLY JUNIOR
25 SETTING UP A DRUG DEAL. YOU DENY ANY KNOWLEDGE OF

- 1 WHAT WAS GOING ON, CORRECT?
- 2 A YES, SIR.
- 3 Q OKAY. IN THAT STATEMENT -- WELL, LET ME ASK YOU
- 4 THAT. THAT WOULD NOT BE TRUE, CORRECT?
- 5 A NO, SIR.
- 6 Q OKAY. THAT WOULD BE A FALSEHOOD, CORRECT?
- 7 A YES, SIR.
- 8 Q OKAY. BOTH, YOUR LACK OF KNOWLEDGE REGARDING WHAT
- 9 WAS GOING ON WOULD BE A FALSEHOOD, RIGHT?
- 10 A YES, SIR.
- 11 Q THAT'S ON NOVEMBER 21ST. IN ACTUALITY, IF I
- 12 UNDERSTAND YOUR TESTIMONY, YOU ACTUALLY, YOU
- 13 PERSONALLY, ACTUALLY BEGAN THIS PROCESS OF HAVING
- 14 CONTACT WITH MR. JENNINGS THROUGH WHICH THIS DEAL WAS
- 15 PUT TOGETHER?
- 16 A YES, SIR.
- 17 Q NOW, THAT'S NOT SOMETHING THAT YOU DISCUSSED WITH THE
- 18 POLICE ON NOVEMBER 21ST, CORRECT?
- 19 A NO, SIR.
- 20 Q YOU TALK ABOUT NEEDING SOME MONEY TO MAKE THIS MOVE
- 21 THAT YOU WERE CONTEMPLATING, RIGHT?
- 22 A YES, SIR.
- 23 Q AND YOU HAD HOW MUCH MONEY IN THE BACK OF YOUR CAR,
- 24 OVER \$40,000?
- 25 A YES, SIR.

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- 1 Q OKAY. AND YOU WERE TALKING ABOUT GETTING WHAT, LAND
2 VALUED AT -- FROM YOUR STATEMENT, \$10,000?
- 3 A YES, SIR.
- 4 Q IS THAT TRUE?
- 5 A YES, SIR.
- 6 Q AND YOU INDICATED TO POLICE IN THAT STATEMENT THAT
7 YOU SLEPT MOST OF THE WAY FROM LATTA OR DILLON TO
8 COLUMBIA ON THE DATE OF THE INCIDENT, CORRECT?
- 9 A YES, SIR.
- 10 Q THAT WOULD BE NOT TRUE ALSO, CORRECT?
- 11 A YES, SIR.
- 12 Q YOU DON'T MENTION ANYTHING REGARDING THE SERIES OF
13 PHONE CALLS BACK AND FORTH TO THE CAR AND TO THE
14 INDIVIDUAL YOU WERE GOING TO MEET, CORRECT?
- 15 A YES, SIR.
- 16 Q OKAY. AND CERTAINLY DON'T MENTION THE FACT THAT AT
17 LEAST SOME OF THOSE PHONE CALLS INVOLVE YOU AS THE
18 PERSON TALKING ON THE PHONE WITH THE INDIVIDUAL IN
19 THE OTHER CAR, CORRECT?
- 20 A YES, SIR.
- 21 Q IN NOT REVEALING THAT, THAT WOULD BE FALSE, CORRECT?
- 22 A YES, SIR.
- 23 Q THAT WOULD BE A FALSEHOOD, RIGHT?
- 24 A YES, SIR.
- 25 Q NOW, AT THE TIME YOU ARRIVE AT LOWE'S, ACCORDING TO

1 YOUR STATEMENT ON THE 21ST, IT WOULD BE TRUE -- YOU
2 DO NOT INDICATE IN YOUR STATEMENT THAT YOU SAW ANYONE
3 GO TO -- OR SAW YOUR HUSBAND GO TO THE OTHER
4 INDIVIDUAL'S CAR, CORRECT? YOU DON'T INDICATE THAT
5 IN YOUR STATEMENT, DO YOU?

6 A I WOULD TELL THEM THAT HE ASKED THEM FOR HELP.

7 Q RIGHT. DID YOU TELL THEM, "I HEARD A MALE VOICE THAT
8 SAID HEY MAN OR HEY YO, CAN YOU HELP ME MOVE
9 SOMETHING. I COULD REALLY NOT UNDERSTAND BECAUSE THE
10 CAR WAS STILL RUNNING. I DID NOT TURN AROUND TO LOOK
11 BECAUSE I DID NOT THINK ANYTHING OF IT"?

12 A YES, SIR.

13 Q DID YOU TELL THEM THAT? "ABOUT 20 SECONDS WENT BY
14 AND I HEARD A GUNSHOT." DO YOU REMEMBER TELLING THEM
15 THAT?

16 A YES, SIR.

17 Q ALL RIGHT. NOW, NOWHERE IN THAT SEQUENCE OF EVENTS
18 INVOLVES TELLING THEM THAT YOU SAW YOUR HUSBAND GO TO
19 THE OTHER CAR WITH THE OTHER GENTLEMAN WHO HELPED HIM
20 BRING ANYTHING BACK TO YOUR CAR, CORRECT?

21 A NO, SIR.

22 Q BUT THAT'S WHAT HAPPENED AND THAT'S WHAT YOU SAW,
23 RIGHT? THAT'S WHAT YOU HAVE TESTIFIED TO HERE TODAY?

24 A YES, SIR.

25 Q SO YOUR TESTIMONY IS THAT YOU SAW YOUR HUSBAND GO TO

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1 THE OTHER CAR AND HELP THE OTHER INDIVIDUAL BRING
2 SOMETHING BACK TO YOUR CAR?

3 A YES, SIR.

4 Q AND YOU AGREE WITH ME THAT'S NOT CONTAINED IN ANY
5 STATEMENT FROM NOVEMBER 21ST, 2001, WITHIN HOURS OF
6 HAVING YOUR HUSBAND KILLED?

7 A NO, SIR.

8 Q YOUR HUSBAND BEING KILLED, RATHER.

9 AND IN THAT STATEMENT, I TAKE IT YOU AGREE
10 THAT -- YOU INDICATE THAT THE PERSON -- YOU WAIVED TO
11 THE PERSON FROM THE PASSENGER'S SEAT AFTER YOUR
12 HUSBAND WAS SHOT.

13 A YES, SIR.

14 Q YOU WERE STILL IN THE CAR AT THAT POINT IN TIME,
15 CORRECT?

16 A YES, SIR.

17 Q OKAY. YOU THOUGHT HE WAS GOING TO SHOOT YOU,
18 CORRECT, YOU TOLD THEM THAT?

19 A YES, SIR.

20 Q AND BACK UP, GOT INTO THE DRIVER'S SIDE OF A DARK
21 COLORED VEHICLE?

22 A YES, SIR.

23 Q WITH WOOD GRAINED SIDING?

24 A YES, SIR.

25 Q STATION WAGON, RIGHT?

- 1 A YES, SIR.
- 2 Q AND THE PERSON WAS BLACK, ABOUT 6'2" TALL?
- 3 A YES, SIR.
- 4 Q AND AROUND 220?
- 5 A YES, SIR.
- 6 Q CORRECT AND THAT HE HAD A THIN BUILD?
- 7 A YES, SIR.
- 8 Q HE WAS ABOUT JUNIOR'S SIZE, CORRECT?
- 9 A I DON'T REMEMBER SAYING THAT.
- 10 Q AROUND 220 POUNDS, THIN BUILD, ABOUT JUNIOR'S SIZE?
- 11 PERHAPS YOU'RE TALKING ABOUT THE NATURE OF THE BUILD
- 12 RATHER THAN THE HEIGHT. YOUR HUSBAND WAS SHORTER
- 13 THAN 6'2", RIGHT?
- 14 A YES, SIR.
- 15 Q OKAY. SO MAYBE YOU'RE REFERRING TO THE BUILD THAT
- 16 YOU'RE DESCRIBING?
- 17 A YES, SIR.
- 18 Q WELL, WHEN YOU PROVIDED THAT INFORMATION, NONE OF
- 19 THAT WAS TRUE, WAS IT?
- 20 A YES, SIR.
- 21 Q YES, SIR, IT WAS TRUE? I'M SORRY. I INARTFULLY
- 22 ASKED THE QUESTION.
- 23 A THE DESCRIPTION WAS TRUE.
- 24 Q THE DESCRIPTION WAS TRUE, THE PERSON YOU SAW WAS
- 25 6'2" TALL, ABOUT 220 POUNDS. THAT DESCRIPTION WAS

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1 TRUE?

2 A YES, SIR.

3 Q AND THAT DESCRIPTION DESCRIBES PHILLIP CROCKER?

4 A YES, SIR.

5 Q NOW, THIS IS AN INDIVIDUAL THAT YOUR TESTIMONY IS YOU
6 HAD SEEN AT THE -- AT YOUR SHOP THE EVENING BEFORE
7 ABOUT WHAT, 10 TO 11 O'CLOCK AT NIGHT?

8 A YES, SIR.

9 Q SOME TIME IN THAT AREA. YOU HAD THE OPPORTUNITY TO
10 SPEND, OFF AND ON, I GUESS, SOMEWHERE AROUND 15 TO 20
11 MINUTES WITH HIM, CORRECT?

12 A YES, SIR.

13 Q YOU HAD AN OPPORTUNITY TO STAND IN CLOSE PROXIMITY TO
14 HIM. I'M NOT GOING TO SAY YOU STOOD NEXT TO HIM BUT
15 CLOSE TO HIM?

16 A YES, SIR.

17 Q AS CLOSE AS WE ARE?

18 A YES, SIR.

19 Q AND YOUR TESTIMONY IS IT'S YOUR ESTIMATE AS TO THE
20 SIZE OF THE PERSON YOU WERE SPEAKING WITH AT THAT
21 POINT IN TIME WAS THAT HE WAS ABOUT 6'2"?

22 A TO ME THAT'S THE HEIGHT, I WOULD GUESS. I DON'T KNOW
23 HIS EXACT MEASUREMENTS.

24 Q NOW, YOU ALSO INDICATED THAT WHILE YOU DIDN'T KNOW
25 ANYTHING ABOUT WHAT WAS GOING ON, YOU HAD A

1 FEELING -- AGAIN, I'M SORRY, WE'RE TALKING ABOUT THE
2 STATEMENT THAT YOU GAVE NOVEMBER 21ST, 2001, WITHIN
3 HOURS OF HAVING YOUR HUSBAND KILLED WHEN YOU WERE
4 INTERESTED IN PROVIDING INFORMATION TO THE POLICE.

5 WHILE YOU DIDN'T INDICATE YOU HAD ANYTHING TO DO
6 WITH IT, YOU HAD A FEELING THAT PERHAPS YOUR HUSBAND
7 WAS TRYING TO BUY WEED; IS THAT RIGHT?

8 A ARE YOU REFERRING TO THE STATEMENT?

9 Q YES, MA'AM, UH-HUH.

10 A YES, I SAID THAT.

11 Q AND AT THAT POINT IN TIME, YOU TOLD THE POLICE THAT
12 YOU HAD OVER \$40,000 IN THE CAR BECAUSE YOU HAD IT IN
13 THE CAR WHENEVER YOU WERE DRIVING AROUND BECAUSE YOUR
14 HOUSE HAD BEEN BROKEN INTO?

15 A YES, SIR.

16 Q NOW, AT THAT POINT IN TIME, YOU DID NOT PROVIDE THE
17 POLICE WITH THE NAME "CROC", CORRECT?

18 A NO, SIR.

19 Q OKAY. OR WHATEVER, SAYEED, OR WHATEVER ELSE YOU
20 MENTIONED?

21 A NO, SIR.

22 Q NOW, THIS WAS AN INDIVIDUAL YOU SPOKE WITH THAT DAY
23 ON THE PHONE, THE 21ST, RIGHT?

24 A YES, SIR.

25 Q HOW MANY TIMES DID YOU SPEAK WITH HIM ON THE PHONE

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1 FROM THE DRIVE FROM DILLON COUNTY UP TO COLUMBIA?

2 A I DON'T REMEMBER.

3 Q MORE THAN ONE?

4 A YES, SIR.

5 Q WHEN I SAY DID YOU SPEAK WITH HIM, I MEAN, YOU
6 PERSONALLY. MY UNDERSTANDING IS ALSO NATHANIEL CASEY
7 MAY HAVE SPOKEN WITH THE PERSON DURING THE DRIVE
8 ALSO, CORRECT?

9 A YES, SIR.

10 Q OKAY. SO WHEN YOU SPOKE WITH THIS GUY ON THE PHONE,
11 YOU DIDN'T REFER TO HIM BY NAME?

12 A I KNEW HE WAS ANSWERING THE PHONE.

13 Q OKAY. NOW, THAT WAS THE DISCUSSION YOU HAD WITH THE
14 POLICE THAT TOOK SOME PERIOD OF TIME ON
15 NOVEMBER 21ST. YOUR CONTENTION IS THAT YOU WERE
16 PROVIDING INFORMATION TO THE POLICE AT THAT POINT IN
17 TIME TO HELP THEM FIND THE PERSON THAT HAD KILLED
18 YOUR HUSBAND; IS THAT CORRECT?

19 A YES, SIR.

20 Q NOW, AT WHAT POINT IN TIME WAS IT THAT THE POLICE
21 TOLD YOU THEY WOULD GIVE YOU IMMUNITY FROM
22 PROSECUTION ON ANY DRUG CHARGES IF YOU WOULD JUST
23 HELP THEM AS FAR AS THE MURDER GOES?

24 A THEY DIDN'T SAY IT IN THOSE WORDS.

25 Q DO YOU REMEMBER THEM SAYING SOMETHING LIKE THAT?

1 A THEY SAID SOMETHING LIKE, "WE'RE NOT GOING TO DO
2 ANYTHING. WE'RE GOING TO FIND OUT WHO SHOT YOUR
3 HUSBAND IN FRONT OF YOU."

4 Q ALL RIGHT. YOUR TESTIMONY HERE TODAY IS THAT THE
5 POLICE NEVER TOLD YOU YOU WOULD NOT BE PROSECUTED FOR
6 DRUG CHARGES IF YOU COOPERATED IN ASSISTING THEM IN
7 THIS MURDER INVESTIGATION?

8 A NO, SIR.

9 Q THEY NEVER TOLD YOU THAT?

10 A NO, SIR.

11 Q OKAY. AT WHAT POINT IN TIME DID YOU GET A LAWYER TO
12 ASSIST YOU IN YOUR DEALINGS WITH THE POLICE?

13 A HOW LONG AFTER?

14 Q ROUGHLY.

15 A MAYBE TWO WEEKS.

16 Q I'M SORRY?

17 A MAYBE TWO WEEKS.

18 Q OKAY. AND THAT WAS BECAUSE YOU WANTED THE ASSISTANCE
19 OF AN ATTORNEY IN HELPING THE POLICE FIND THE PERSON
20 THAT KILLED YOUR HUSBAND?

21 A REPEAT THAT.

22 Q WHY DID YOU DO THAT, MA'AM?

23 A BECAUSE I WANTED TO TELL THE POLICE EXACTLY WHAT
24 HAPPENED SO THEY COULD FIND THEM. I GOT THE LAWYER
25 TO MAKE SURE WHEN THEY SAID THERE WASN'T ANYTHING

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1 THAT WAS GOING TO HAPPEN THAT I HAD REPRESENTATION
2 JUST IN CASE IT DID, IF THEY TRIED TO GIVE ME CHARGES
3 FOR TRAFFICKING LATER, BECAUSE I DIDN'T KNOW WHAT WAS
4 IN THE CONTAINER.

5 Q SO THE LAWYER YOU HAD WAS SUCCESSFUL IN GETTING THE
6 POLICE NOT TO DO ANYTHING TO YOU?

7 A HE WAS JUST THERE.

8 Q I'M SORRY?

9 A HE WAS JUST THERE. HE REALLY DIDN'T HAVE
10 CONVERSATIONS WITH THEM.

11 Q SO EVEN WITH THE ASSISTANCE OF AN ATTORNEY, YOU WERE
12 UNABLE TO GET A PROMISE FROM THE POLICE THAT YOU
13 WOULDN'T BE PROSECUTED FOR YOUR ROLE IN THIS PROPOSED
14 DRUG DEAL IF YOU HELPED THEM SOLVE THIS MURDER?

15 A MY LAWYER JUST MADE ME UNDERSTAND THAT THERE WASN'T
16 ANYTHING THAT WAS GOING TO HAPPEN.

17 Q SO WHILE THE POLICE NEVER TOLD YOU YOU WOULDN'T BE
18 PROSECUTED, YOUR LAWYER TOLD YOU YOU WOULDN'T BE
19 PROSECUTED?

20 A THAT WAS THE DAY WE GOT TO COLUMBIA.

21 Q THAT WAS THE DAY YOU GOT TO COLUMBIA?

22 A MY LAWYER AND MYSELF.

23 Q OKAY. YOU MADE THREE TRIPS TO COLUMBIA. IS THIS ON
24 THE SECOND TRIP OR THE THIRD TRIP, DO YOU REMEMBER?

25 A THE LAST TRIP, I THINK.

1 Q THE LAST TRIP?

2 A IF I REMEMBER CORRECTLY.

3 Q BECAUSE YOU CAME TO COLUMBIA AGAIN ON DECEMBER 5TH --

4 A I'M NOT SURE OF THAT DATE.

5 Q -- TO TALK TO THE POLICE? AT THAT POINT IN TIME, YOU

6 ALSO PROVIDED A WRITTEN STATEMENT TO THE POLICE,

7 CORRECT?

8 A YES, SIR.

9 Q OKAY. YOU SPOKE WITH THE POLICE FOR SOME PERIOD OF
10 TIME THAT DAY?

11 A YES, SIR.

12 Q WAS YOUR LAWYER WITH YOU THAT DAY?

13 A I DON'T THINK SO.

14 Q OKAY. DO YOU KNOW?

15 A I DON'T REMEMBER HIM BEING THERE. HE COULD HAVE
16 BEEN, I'M NOT SURE.

17 Q REGARDLESS, ON DECEMBER 5TH ABOUT 2:50 IN THE
18 AFTERNOON, YOU GAVE A WRITTEN STATEMENT TO THE
19 POLICE, SOME THREE TYPEWRITTEN PAGES, CORRECT?

20 A YES, SIR.

21 Q HAVE YOU HAD AN OPPORTUNITY TO REVIEW THAT STATEMENT,
22 TOO, PRIOR TO YOUR TESTIMONY?

23 A YES, SIR.

24 Q JUST AS WITH THE FIRST ONE, MA'AM, IF AT ANY POINT IN
25 TIME, YOU'RE UNSURE AND YOU NEED TO MAKE REFERENCE TO

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- 1 IT, JUST LET ME KNOW, OKAY.
- 2 A YES, SIR.
- 3 Q NOW, AT THAT POINT IN TIME YOU WERE ASKED WHY YOU
- 4 WERE NOT COMPLETELY HONEST ON THE NIGHT OF THE
- 5 MURDER?
- 6 A YES, SIR. .
- 7 Q AND YOU WOULD AGREE YOU WEREN'T COMPLETELY HONEST
- 8 THAT NIGHT OF THE MURDER?
- 9 A YES, SIR.
- 10 Q AND YOU WEREN'T HONEST BECAUSE YOU WERE WORRIED ABOUT
- 11 A DRUG CHARGE FROM THE CONTAINER IN THE BACK OF THE
- 12 CAR.
- 13 A YES, SIR.
- 14 Q I REMEMBER THAT. AND THEN YOU WERE ASKED TO GIVE
- 15 THEM THE FULL STORY, DO YOU REMEMBER THAT?
- 16 A YES, SIR.
- 17 Q SO NOW THIS IS DECEMBER 5TH. THIS IS WHAT, TWO WEEKS
- 18 AFTER THE INCIDENT, CORRECT?
- 19 A YES, SIR.
- 20 Q THE 21ST, TWO WEEKS. NOW, ON THE 21ST, YOU HADN'T
- 21 MENTIONED THE NAME WILLIE JENNINGS, CORRECT?
- 22 A NO, SIR.
- 23 Q OKAY. YOU HADN'T MENTIONED YOUR INVOLVEMENT IN
- 24 SETTING UP ANY KIND OF DRUG DEAL, CORRECT?
- 25 A NO, SIR.

- 1 Q YOU DIDN'T TELL THEM ABOUT WILLIE JENNINGS WHEN YOU
2 SPOKE WITH THEM ON THE FIFTH OF DECEMBER, CORRECT?
- 3 A YES, SIR.
- 4 Q NOW, ON THE FIFTH OF DECEMBER, YOU WERE AGAIN WANTING
5 TO PROVIDE INFORMATION TO HELP SOLVE THIS MURDER OF
6 YOUR HUSBAND?
- 7 A YES, SIR.
- 8 Q AND SO, AT THAT POINT IN TIME, YOU TOLD THEM ABOUT
9 HELPING TO SET UP THIS DRUG DEAL?
- 10 A YES, SIR.
- 11 Q AT THAT POINT IN TIME, YOU TOLD THEM ABOUT
12 MR. JENNINGS, "BUFF" I BELIEVE IS THE NICKNAME YOU
13 USED FOR HIM, CORRECT?
- 14 A YES, SIR.
- 15 Q ABOUT MR. JENNINGS COMING TO THE SHOP WITH ANOTHER
16 INDIVIDUAL, RIGHT?
- 17 A YES, SIR.
- 18 Q ALL RIGHT. AND BY THAT NIGHT, I MEAN THE NIGHT
19 BEFORE THE INCIDENT, RIGHT?
- 20 A YES, SIR.
- 21 Q THE SAME ONE YOU TALKED ABOUT. NOW, AT THAT POINT IN
22 TIME, YOU'RE COMING CLEAN WITH THE POLICE, RIGHT?
- 23 A YES, SIR.
- 24 Q YOU'RE TELLING THEM ABOUT THE DRUG DEAL, RIGHT?
- 25 A YES, SIR.

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1 Q OKAY. AND AT THAT POINT IN TIME, YOU INDICATE BUFF .
2 BROUGHT A GUY TO THE SALON, YOUR HUSBAND WAS SITTING
3 UP FRONT. THEY WENT OUTSIDE AND TALKED. THAT DIDN'T
4 HAPPEN, DID IT?

5 A NO, SIR.

6 Q OR DID IT?

7 A NO, SIR.

8 Q WAS IT A CASE THAT THERE WAS NO DRUG DEAL AT ALL, AS
9 IN YOUR FIRST STATEMENT, OR WAS IT THE CASE THAT BUFF
10 AND SOME OTHER INDIVIDUAL MET WITH YOUR HUSBAND
11 OUTSIDE THE SHOP, AS IN THE SECOND STATEMENT, NEITHER
12 OF THOSE ARE TRUE?

13 A THEY MET AT THE SHOP.

14 Q OKAY. THEY DIDN'T MEET OUTSIDE THE SHOP?

15 A NO.

16 Q OKAY. YOU DON'T DISAGREE WITH ME WHEN I INDICATE
17 THAT'S WHAT YOUR STATEMENT SAYS, CORRECT?

18 A I DON'T DISAGREE.

19 Q OKAY. SO THAT WOULD BE WHAT?

20 A THAT WAS NOT THE TRUTH.

21 Q THAT WAS NOT THE TRUTH?

22 A NO, SIR.

23 Q SO ON DECEMBER 5TH WHILE YOU'RE COMING FORWARD WITH
24 THE TRUTH -- WELL, YOU'RE COMING FORWARD WITH PART OF
25 THE TRUTH, I GUESS; IS THAT CORRECT?

1 A YES, SIR.

2 Q PART OF THE TRUTH. BECAUSE ON THE FIFTH OF DECEMBER,
3 YOUR SWORN STATEMENT WAS, "I DIDN'T SEE HIS FACE, BUT
4 I COULD TELL HE WAS A BLACK MAN AND HE WAS TALL."

5 A YES, SIR.

6 Q DO YOU REMEMBER THAT?

7 A YES, SIR.

8 Q NOW, WOULD YOU AGREE WITH ME THAT'S EACH OF THESE
9 STATEMENTS THAT YOU SIGNED, EACH OF THESE STATEMENTS
10 THAT YOU GAVE?

11 A YES, SIR.

12 Q AND AT THE BOTTOM OF YOUR PAGE -- IT'S A MULTIPAGE
13 STATEMENT, YOU SIGNED EACH PAGE OF THE STATEMENT,
14 CORRECT?

15 A YES, SIR.

16 Q AT THE BOTTOM OF THE PAGE IMMEDIATELY ABOVE YOUR
17 SIGNATURE, THERE CONTAINS -- THERE'S THE FOLLOWING
18 LANGUAGE: "I MAKE THIS STATEMENT OF MY OWN FREE WILL
19 AND ACCORD WITHOUT REWARD OR INTIMIDATION. ALL OF
20 THE ABOVE IS THE TRUTH, THE WHOLE TRUTH, AND NOTHING
21 BUT THE TRUTH." DO YOU REMEMBER THAT?

22 A YES, SIR.

23 Q AND YOU SIGNED THE FIRST STATEMENT. YOU SIGNED THE
24 SECOND STATEMENT CONTAINING THAT LANGUAGE?

25 A YES, SIR.

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- 1 Q DO YOU AGREE? NOW, AT THE TIME OF THE SECOND
2 STATEMENT, YOU INDICATE THAT YOUR HUSBAND WAS IN
3 SEARCH OF ABOUT 50 POUNDS OF MARIJUANA
- 4 A YES, SIR.
- 5 Q RIGHT? AT THIS POINT IN TIME, YOU'RE STILL NOT
6 ACTIVELY INVOLVED IN DISCUSSING WHAT'S GOING ON?
- 7 A NO, SIR.
- 8 Q AND YOUR HUSBAND -- YOUR ONLY ACTIVE PARTICIPATION IS
9 YOU CONTACTED WILLIE JENNINGS WHO PUTS THIS
10 CONNECTION TOGETHER, RIGHT?
- 11 A THEY WANTED TO KNOW ABOUT THE GUY. THEY WEREN'T
12 ASKING ME TOO MUCH ABOUT MY INVOLVEMENT.
- 13 Q YOU INDICATE IN YOUR STATEMENT, "I KNEW JUNIOR WAS
14 TALKING 50 POUNDS OR MORE AS FAR AS WHAT HE WAS
15 WANTING TO BUY," CORRECT?
- 16 A YES, SIR.
- 17 Q ALL RIGHT. THAT JUNIOR IS INTERESTED IN IT, RIGHT?
18 YOU WEREN'T INTERESTED IN IT?
- 19 A I MEAN, IT WAS BOTH OF US TALKING TO HIM.
- 20 Q WHICH IS A FACT THAT'S NOT INCLUDED IN YOUR STATEMENT
21 TO THE POLICE --
- 22 A NO, SIR.
- 23 Q -- ON DECEMBER 5TH, CORRECT?
- 24 A NO, SIR.
- 25 Q AND ACTUALLY, WHAT YOU TELL THE POLICE ON

1 DECEMBER 12TH IS THAT AFTER YOUR HUSBAND GOES OUTSIDE
2 TO DISCUSS WHATEVER HE DISCUSSED WITH THIS
3 INDIVIDUAL?

4 A YOU SAID ON THE 12TH.

5 Q EXCUSE ME, DECEMBER 5TH. WE'RE STILL ON THE
6 STATEMENT ON THE FIFTH, THE SECOND OF THE THREE
7 STATEMENTS YOU GAVE.

8 A OKAY.

9 Q THAT "AFTER HE WENT OUTSIDE, HE CAME BACK. THEY
10 TALKED FOR MAYBE FIVE OR 10 MINUTES. IT WASN'T LONG.
11 JUNIOR LEFT THE SHOP THAT NIGHT. I DIDN'T TALK TO
12 HIM ABOUT IT ANYMORE THAT NIGHT." THAT'S WHAT YOU
13 TOLD THE POLICE ON DECEMBER 5TH, RIGHT?

14 A YES, SIR.

15 Q OKAY. SO ON DECEMBER 5TH, 2001, SOME TWO WEEKS AFTER
16 YOUR HUSBAND WAS MURDERED BEFORE YOUR EYES AND YOU'RE
17 ATTEMPTING TO ASSIST IN THE INVESTIGATION OF HIS
18 DEATH, YOU ARE STILL DENYING -- WELL, YOU'RE STILL
19 HAVING YOUR HUSBAND INVOLVED IN SETTING UP THE DEAL
20 AND NOT YOU?

21 A YES, SIR.

22 Q WHEN YOU DISCUSSED WHAT ACTUALLY HAPPENED ON THE DATE
23 OF THE INCIDENT -- THIS IS AGAIN THE STATEMENT ON
24 DECEMBER 5TH, YOU INDICATE AND YOU AGREE, YOU SAY, "I
25 WAS IN THE TAHOE" LIKE YOU PREVIOUSLY STATED.

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1 A YES, SIR.

2 Q I ASSUME WHEN YOU SAY PREVIOUSLY STATED, YOU MEAN THE
3 FIRST STATEMENT?

4 A YES, SIR.

5 Q YOU "HEARD THIS GUY SAY, CAN HE HELP ME?" I BELIEVE
6 YOU MAKE REFERENCE TO THE STATEMENT LIKE THAT,
7 SOMETHING LIKE THAT?

8 A YES, SIR.

9 Q "THE NEXT THING I HEARD WAS THE GUNSHOT"?

10 A YES, SIR.

11 Q NOW, YOU WOULD AGREE WITH ME, I TAKE IT THEN, THAT AS
12 IN YOUR FIRST STATEMENT, YOUR SECOND STATEMENT ALSO
13 CONTAINS NO REFERENCE TO SEEING YOUR HUSBAND WALK TO
14 THE CAR OF THE OTHER INDIVIDUAL AND HELPING CARRY
15 SOMETHING BACK TO YOUR CAR, CORRECT?

16 A DID I SAY THAT IN THE SECOND?

17 Q RIGHT. YOU DON'T SAY THAT IN THE SECOND STATEMENT,
18 DO YOU?

19 A NO, SIR.

20 Q OKAY. THAT'S NOT IN YOUR SECOND STATEMENT. YOUR
21 SECOND STATEMENT IS YOU'RE IN THE FRONT SEAT?

22 A YES, SIR.

23 Q EVERY STATEMENT SAYS YOU'RE IN THE FRONT SEAT DOING
24 YOUR HAIR OR MAKEUP?

25 A YES, SIR.

- 1 Q AND YOUR SECOND STATEMENT SAYS YOU HEAR SOMETHING --
- 2 A YES, SIR.
- 3 Q -- AND THEN YOU HEAR A SHOT, RIGHT?
- 4 A YES, SIR.
- 5 Q BUT THAT'S NOT HOW IT HAPPENED, RIGHT?
- 6 A WHAT DO YOU MEAN THAT'S NOT HOW IT HAPPENED?
- 7 Q WELL --
- 8 A I HEARD THE GUN.
- 9 Q I'M SORRY?
- 10 A I HEARD THE SHOT, YES.
- 11 Q OKAY. AND YOU ALSO SAW YOUR HUSBAND AND THIS OTHER
- 12 PERSON WALKING BACK TO THE OTHER CAR GETTING THE
- 13 CONTAINER AND WALKING BACK TO YOUR CAR, RIGHT?
- 14 A YES, SIR.
- 15 Q OKAY. THAT'S NOT IN YOUR SECOND STATEMENT, RIGHT?
- 16 A NO, SIR.
- 17 Q THAT'S NOT IN YOUR FIRST STATEMENT?
- 18 A NO, SIR.
- 19 Q YOUR STATEMENT SAYS YOU'RE LOOKING OVER YOUR
- 20 SHOULDER, AND YOU ARE STILL IN THE TAHOE AND YOU SAW
- 21 THE MAN LOOKING AT YOU, RIGHT?
- 22 A YES, SIR.
- 23 Q AND YOU WAIVED THE PERSON BACK AFRAID THAT YOU WOULD
- 24 BE SHOT ALSO?
- 25 A YES, SIR.

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1 Q YOU SAID THAT IN YOUR FIRST STATEMENT?

2 A YES, SIR.

3 Q AND THEN YOU PROVIDE TO THE POLICE AGAIN A
4 DESCRIPTION OF THE CAR. "I SAW THE GUY PULLING OFF
5 IN THE STATION WAGON. I SAW A DARK COLORED STATION
6 WAGON WITH WOOD GRAIN SIDING. IT WAS AN OLDER MODEL
7 STATION WAGON." DO YOU REMEMBER TELLING THE POLICE
8 THAT IN YOUR STATEMENT ON DECEMBER 5TH?

9 A YES, SIR.

10 Q SO ON DECEMBER 5TH, IT WAS A DARK COLORED STATION
11 WAGON, AGREED?

12 A YES, SIR.

13 Q ALL RIGHT. AND HOW MUCH IN EXCESS OF \$40,000 THAT
14 WAS IN YOUR CAR WAS DRUG MONEY?

15 A REPEAT THAT QUESTION, AGAIN.

16 Q HOW MUCH OF THE IN EXCESS OF \$40,000 THAT WAS IN YOUR
17 CAR WAS DRUG MONEY, MONEY THAT A BEEN EARNED THROUGH
18 THE SALE OF DRUGS?

19 A ALL OF IT.

20 Q ALL OF IT?

21 A YES, SIR.

22 Q OKAY. NOW, YOU WERE ASKED THAT QUESTION ON
23 DECEMBER 5TH. DO YOU REMEMBER THAT?

24 A YES, SIR.

25 Q WHAT DID YOU TELL THEM?

1 A I TOLD THEM THAT ALL OF THE MONEY WASN'T JUNIOR'S,
2 THAT SOME OF IT WAS MINE.

3 Q IN FACT, "HOW MUCH OF THE CASH IN THE TAHOE WAS DRUG
4 MONEY?" YOUR RESPONSE WAS, "ANYWHERE FROM FIVE TO
5 \$7,000." DOES THAT SOUND ABOUT RIGHT TO YOU?

6 A REPEAT THAT STATEMENT.

7 Q THEY ASKED YOU HOW MUCH OF THAT MONEY WAS DRUG MONEY,
8 THE MONEY FOUND IN THE TAHOE, AND YOUR ANSWER WAS
9 "ANYWHERE FROM FIVE TO \$7,000"?

10 A YES, SIR.

11 Q SO IN ESSENCE, YOU WERE TELLING THEM WELL IN EXCESS
12 OF \$30,000 OF THAT MONEY WAS ACTUALLY YOUR MONEY AND
13 NOT DRUG MONEY, CORRECT?

14 A YES, SIR.

15 Q THAT WOULD BE NOT TRUE, CORRECT? IT WAS ALL DRUG
16 MONEY?

17 A YES, SIR.

18 Q THAT'S YOUR TESTIMONY TODAY, IT'S ALL DRUG MONEY.

19 NOW, MA'AM, YOU RETURNED TO TALK TO THE POLICE
20 AGAIN ON DECEMBER 11TH, 2001. DOES THAT SOUND ABOUT
21 RIGHT?

22 A YES, SIR.

23 Q AND AGAIN, AT THAT POINT IN TIME, YOU TALKED WITH
24 THEM FOR A WHILE AND YOU GAVE THEM A FOUR PAGE
25 TYPEWRITTEN STATEMENT, CORRECT?

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1 A YES, SIR.

2 Q AND AS I ASKED YOU BEFORE, HAVE YOU HAD A CHANCE TO
3 REVIEW THIS STATEMENT PRIOR TO GIVING YOUR TESTIMONY?

4 A YES, SIR.

5 Q JUST AS I SAID BEFORE, IF YOU HAVE PROBLEMS
6 REMEMBERING, LET ME KNOW. I'LL GET YOU A COPY OF IT,
7 OKAY.

8 A YES, SIR.

9 Q OKAY. NOW, EARLIER IN YOUR STATEMENT, YOU INDICATED
10 YOU WERE SCARED, CORRECT?

11 A YES, SIR.

12 Q OKAY. AND YOUR SECOND STATEMENT, YOU INDICATE YOU
13 DIDN'T PROVIDE ALL THE INFORMATION IN YOUR FIRST
14 STATEMENT BECAUSE YOU WERE AFRAID OF WHAT WOULD
15 HAPPEN BECAUSE OF THE POSSIBILITY THERE WAS DRUGS IN
16 THE CONTAINER?

17 A IT'S THE SAME THING TO ME, THAT I WAS SCARED FOR
18 DIFFERENT REASONS.

19 Q WELL, SCARED FOR DIFFERENT REASONS. IN THIS THIRD
20 STATEMENT, YOU WERE SCARED BECAUSE YOU ALSO DIDN'T
21 WANT TO GET THIS 16-YEAR-OLD CHILD INVOLVED; IS THAT
22 CORRECT?

23 A YES, SIR.

24 Q THAT WAS THE GIRL WHOSE HAIR YOU WERE DOING, RIGHT?

25 A YES, SIR.

1 Q NOW, THIS STATEMENT, YOU SAID THE MAN YOU CALLED
2 "CROC" CAME TO YOUR SHOP, AND YOU SAW HIM THEN?

3 A YES, SIR.

4 Q AND IS THAT RIGHT? PREVIOUSLY, YOU DENIED KNOWING
5 WHAT THE NAME "CROC" MIGHT BE IN THIS STATEMENT,
6 HAVEN'T YOU?

7 A YES, SIR.

8 Q IN THE PREVIOUS STATEMENTS?

9 A YES, SIR.

10 Q SO BY THE TIME WE GET TO THE THIRD STATEMENT, YOU
11 KNOW WHAT THE TERM "CROC" MEANS, RIGHT?

12 A YES, SIR.

13 Q OKAY. YOU KNOW WHO IT REFERS TO?

14 A YES, SIR.

15 Q NOW, THAT CELL PHONE YOU IDENTIFIED AS BEING YOUR
16 CELL PHONE, WAS IT YOUR CELL PHONE, YOUR HUSBAND'S
17 CELL PHONE, OR THE JOINT CELL PHONE?

18 A IT WAS JUNIOR'S CELL PHONE.

19 Q OKAY. IT WAS HIS CELL PHONE. SO THIS IS
20 DECEMBER 11TH, 2001 WHEN YOU'RE SPEAKING TO THE
21 POLICE AT 1:20 IN THE AFTERNOON, SOME 20 DAYS, ALMOST
22 THREE WEEKS AFTER THE DEATH OF YOUR HUSBAND --

23 A YES, SIR.

24 Q -- CORRECT? ALMOST THREE WEEKS AFTER YOU GAVE YOUR
25 FIRST STATEMENT.

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1 A YES, SIR.

2 Q OVER RIGHT AT ALMOST A WEEK AFTER YOU GAVE YOUR
3 SECOND STATEMENT ON DECEMBER 5TH, RIGHT?

4 A YES, SIR.

5 Q YOU GAVE YOUR THIRD STATEMENT. AT THAT POINT IN
6 TIME, YOU INDICATE THAT YOU MET THE INDIVIDUAL AT THE
7 SHOP THE NIGHT BEFORE THIS INCIDENT TOOK PLACE,
8 CORRECT?

9 A YES, SIR.

10 Q OKAY. SO SOME THREE WEEKS AFTER THE INCIDENT IS WHEN
11 YOU DECIDE THAT YOU MET THIS INDIVIDUAL AT THE SHOP
12 THE DAY BEFORE THE INCIDENT?

13 A I DECIDED TO TELL THE POLICE.

14 Q YOU DECIDED TO TELL THE POLICE THAT. AND AT THAT
15 POINT IN TIME, YOU TOLD THE POLICE THAT YOU DIDN'T
16 KNOW THE DEAL THAT WAS BEING SET UP WAS COMING DOWN
17 THE NEXT DAY, CORRECT?

18 A REPEAT THAT.

19 Q AT THAT POINT IN TIME, DECEMBER 11TH WHEN YOU GAVE
20 THIS STATEMENT TO THE POLICE, THIS THIRD STATEMENT TO
21 THE POLICE, YOU INDICATE THAT YOU DIDN'T KNOW THE
22 DEAL HAD BEEN SET UP TO HAPPEN THE NEXT DAY?

23 A I DON'T REMEMBER THAT.

24 Q OKAY. LET ME ASK YOU THIS: YOU WOULD AGREE THAT YOU
25 TOLD THE POLICE, "WHEN THE GUY SHOWED UP THAT NIGHT,

1 WILLIE BROUGHT HIM TO THE SHOP. HE DIDN'T SAY HIS
2 NAME WHEN HE CAME IN."

3 A I DIDN'T GET HIS NAME.

4 Q MY HUSBAND PRIMARILY TALKED TO THE MAN ABOUT THE
5 DEAL?

6 A YES, SIR.

7 Q SO YOU'RE JUST WANDERING AROUND THE SHOP?

8 A NO. I WENT BACK TO THE OTHER SIDE TO FINISH HER
9 HAIR.

10 Q "I DIDN'T KNOW UNTIL THE NEXT MORNING THAT THE
11 ARRANGEMENTS HAD BEEN MADE TO MEET IN COLUMBIA?"

12 A YES, SIR.

13 Q OKAY. SO YOUR HUSBAND IS SETTING UP A DEAL FOR 50 --
14 IN EXCESS OF 50 POUNDS OF MARIJUANA, AND IS GOING TO
15 EMPLOY FOR THAT POTENTIALLY IN EXCESS OF \$40,000
16 WORTH OF DRUG MONEY THAT WAS YOURS AND HIS, AND YOU
17 DIDN'T KNOW WHAT THE DEAL WAS HE SET UP?

18 A BUT IT WAS HIS MONEY. IT WASN'T LIKE HE WAS GOING TO
19 TELL ME. . I MEAN, THAT WAS HIS MONEY.

20 Q THAT WAS HIS MONEY?

21 A THAT WAS HIS MONEY.

22 Q OKAY. SO WHILE YOUR -- OKAY. DID YOU CARRY MONEY
23 AROUND IN YOUR CAR ALL THE TIME, LIKE YOU TOLD THE
24 POLICE?

25 A WE HAD -- IT WAS IN THE TRUCK BECAUSE OUR HOUSE HAD

1 GOT BROKEN INTO TWO WEEKS BEFORE.

2 Q OKAY. SO YOU DIDN'T NORMALLY CARRY IT AROUND IN YOUR
3 TRUCK OR YOUR CAR?

4 A NO.

5 Q YOU USUALLY KEPT IT IN THE HOUSE?

6 A YEAH, HE WOULD PUT IT SOMEWHERE.

7 Q HE WOULD. THAT WAS HIS MONEY, RIGHT?

8 A YES, SIR.

9 Q YES, MA'AM. AND AT THAT POINT IN TIME, YOU TELL THE
10 POLICE, "ON THE WAY, I KNOW THAT JUNIOR WAS TALKING
11 TO THE GUY ON THE CELL PHONE"?

12 A YES, SIR.

13 Q YOU TOLD THEM THAT? OKAY. SO NOW, WE HAVE JUNIOR
14 TALKING TO THE GUY ON THE CELL PHONE, BUT YOU DON'T
15 TALK ABOUT YOU TALKING WITH THE GUY ON THE CELL
16 PHONE, RIGHT, IN THE STATEMENT OF DECEMBER 11TH?

17 A NO, SIR.

18 Q OKAY. SO THAT WAS JUST -- YOU FORGET TO MENTION THAT
19 THEN?

20 A I JUST -- I MEAN, I JUST DIDN'T -- IT WASN'T THAT I
21 FORGOT TO MENTION IT.

22 Q OKAY. BUT AS I UNDERSTAND YOUR TESTIMONY HERE TODAY,
23 ON THE WAY FROM DILLON COUNTY TO COLUMBIA, THERE ARE
24 A NUMBER OF PHONE CALLS BACK AND FORTH, CELL PHONE
25 CALLS BACK AND FORTH, MORE THAN ONE OF WHICH YOU

1 PARTICIPATED IN, RIGHT? THAT'S YOUR TESTIMONY HERE
2 TODAY, CORRECT?

3 A YES, SIR.

4 Q ALL RIGHT. NOW, WHEN YOU DESCRIBE THE INCIDENT WHEN
5 YOUR HUSBAND WAS SHOT, YOU WOULD AGREE WITH ME THAT
6 YOU TELL THE POLICE ON DECEMBER 11TH, "WHEN WE GOT TO
7 LOWE'S, I DIDN'T SEE HIM PULL IN," REFERRING TO THE
8 PERSON IN THE OTHER CAR?

9 A YES, SIR.

10 Q HE WAS RIGHT BEHIND YOU, RIGHT?

11 A YES, SIR.

12 Q YOU SEE SOME OF IT. IS THAT YOUR TESTIMONY HERE
13 TODAY?

14 A HE WAS BEHIND US.

15 Q OKAY.

16 A SO I SAW HIM PULL IN BEHIND US.

17 Q OKAY. "I DID HEAR HIM ASK JUNIOR TO HELP." NOW, ON
18 DECEMBER 11TH, YOU INDICATE, "I GLANCED AT HIM, AND
19 COULD TELL HE WAS THE MAN I MET THE NIGHT BEFORE"?

20 A YES, SIR.

21 Q NOW, ON DECEMBER 11TH, 2001, YOU WOULD AGREE WITH ME
22 THAT YOUR STATEMENT CONTAINS NO REFERENCE TO YOUR
23 HUSBAND HELPING THE FELLOW CARRY THIS CONTAINER FROM
24 HIS CAR TO YOUR CAR, RIGHT?

25 A YOU SAID IT DIDN'T?

1 Q IT DOES NOT CONTAIN A REFERENCE TO THAT, TO YOUR
2 HUSBAND HELPING HIM GO TO THE OTHER GUY'S CAR AND
3 HELP HIM CARRY THE CONTAINER.

4 A THE CAR WAS BACK TO BACK.

5 Q RIGHT?

6 A IT WASN'T LIKE HE HAD TO WALK ACROSS THE PARKING LOT.

7 Q OKAY. YOU ALSO INDICATED I DON'T KNOW IF THEY HAD A
8 CONVERSATION. IT HAPPENED SO QUICK. AGAIN, YOU TALK
9 ABOUT PUTTING YOUR MAKEUP ON. "I HEARD THE SHOT"?

10 A YES, SIR.

11 Q DO YOU REMEMBER SEEING THAT ON THE STATEMENT ON
12 DECEMBER 11TH?

13 A YES, SIR.

14 Q SO ON NOVEMBER 21ST, DECEMBER 5TH, AND DECEMBER 11TH,
15 YOUR STATEMENTS HAVE BEEN CONSISTENT IN THAT THEY SAY
16 YOU HEARD A SHOT, RIGHT?

17 A AND THAT I SAW HIM DO IT.

18 Q NOW, ARE YOU MAINTAINING THAT YOU INDICATED THAT ON
19 YOUR STATEMENT OF NOVEMBER 21ST, YOU TOLD THE POLICE
20 YOU SAW THE MAN SHOOT YOUR HUSBAND?

21 A I SAID THAT. I GAVE A DESCRIPTION OF THE MAN THAT I
22 SAW SHOOT MY HUSBAND.

23 Q RIGHT. THAT'S NOT MY QUESTION HERE. I UNDERSTAND
24 WHAT YOU'RE SAYING. ARE YOU TESTIFYING THAT ON
25 NOVEMBER 21ST, YOU SAW HIM PHYSICALLY SHOOT HIM?

- 1 A I DIDN'T TELL THEM THAT, NO.
- 2 Q YOU SAID YOU HEARD A SHOT?
- 3 A YES, SIR.
- 4 Q RIGHT? AND THEN TURNED AND SAW HIM AT THAT POINT?
- 5 A YES, SIR.
- 6 Q OKAY. ARE YOU SAYINGS THAT ON DECEMBER 5TH WHEN YOU
- 7 GAVE THE SECOND STATEMENT, THAT YOU SAW THE MAN --
- 8 YOU TOLD THEM YOU SAW THE MAN WHO SHOT YOUR HUSBAND?
- 9 A NO.
- 10 Q BECAUSE YOU DIDN'T TELL THEM THAT THEN, RIGHT?
- 11 A NO, SIR.
- 12 Q AND ARE YOU TELLING US NOW THAT ON DECEMBER 11TH, YOU
- 13 TOLD THE POLICE THAT YOU SAW THE MAN SHOOT YOUR
- 14 HUSBAND?
- 15 A YOU'RE ASKING ME DID I TELL THEM THAT THEN?
- 16 Q YES. IS THAT IN YOUR STATEMENT THAT YOU GAVE THEM
- 17 THEN, THAT YOU SAW HIM SHOOT, NOT THAT YOU KNEW WHO
- 18 SHOT HIM?
- 19 A IN MY STATEMENTS, I SAID I SAW THE MAN SHOOT MY
- 20 HUSBAND. I DIDN'T SAY IT IN THOSE WORDS. I'M SAYING
- 21 I SAW IT HAPPEN. I JUST CAN'T SAY I SAW HIM SHOOT
- 22 BECAUSE I DIDN'T SEE THE BLAST FROM THE GUN, BUT I
- 23 SAW THE ACTION OF IT. I SAW HIM COME OUT.
- 24 Q ALL RIGHT.
- 25 A I SAW WHAT HAPPENED AFTER HE CAME OUT WITH THE GUN.

- 1 Q ALL RIGHT. WOULD YOU AGREE WITH ME, MA'AM, THAT YOUR
2 STATEMENT OF DECEMBER 11TH SAYS, "I WAS PUTTING ON MY
3 MAKEUP LIKE I PREVIOUSLY STATED. I CAN'T EXPLAIN
4 WHAT MADE HIM DO IT, BUT I HEARD THE SHOT?"
- 5 A YES, SIR, THAT'S WHAT I SAID.
- 6 Q OKAY. "I LOOKED OUT, LIKE I HAVE SAID. THE MAN WAS
7 STARING AT ME?"
- 8 A LOOKING OUT. MY PASSENGER'S DOOR WAS OPEN, SO WHEN
9 I'M LOOKING OVER MY SHOULDER, I'M LOOKING RIGHT AT
10 HIM.
- 11 Q RIGHT. WHERE IN THAT STATEMENT DOES IT SAY I SAW HIM
12 SHOOT HIM? IT SAYS I HEARD HIM SHOOT HIM.
- 13 A OKAY.
- 14 Q IT DOESN'T SAY THAT.
- 15 A OKAY.
- 16 Q WELL, YOU TELL ME.
- 17 A YOU'RE ASKING ME DID --
- 18 Q YEAH. I MEAN, DOES THE STATEMENT SAY YOU HEARD A
19 SHOT OR NOT?
- 20 A YES, SIR.
- 21 Q YES, IT DOES. DOES THE STATEMENT SAY, "I SAW THE MAN
22 SHOOT MY HUSBAND?"
- 23 A NOT IN THOSE WORDS, NO, SIR.
- 24 Q OKAY. NONE OF YOUR STATEMENTS SAY THAT.
- 25 A NOT THAT I SAW HIM SHOOT, NO, SIR.

1 Q YOUR STATEMENTS HAVE BEEN CONSISTENT IN SAYING THAT
2 YOU HEARD A SHOT. YOU'RE IN THE FRONT SEAT PUTTING
3 ON YOUR MAKEUP. YOU HEARD A SHOT, AND YOU TURNED AND
4 YOU SEE A PERSON AT THAT POINT IN TIME?

5 A HOLDING THE GUN, YES, SIR.

6 Q OKAY. LET'S BE CONSISTENT. THAT'S NOT WHAT
7 HAPPENED. YOU SAW THE PERSON SHOOT YOUR HUSBAND.
8 THAT'S YOUR TESTIMONY, RIGHT?

9 A YES, SIR. HE KNOWS I SAW HIM.

10 Q YOU MANAGED TO LEAVE THAT OUT OF THREE SEPARATE SWORN
11 STATEMENTS.

12 A I NEVER DIDN'T SAY THAT HE WAS NOT THE MAN THAT SHOT
13 MY HUSBAND, SIR.

14 Q I'M NOT SAYING THAT'S WHAT YOU'RE SAYING AT ALL. I'M
15 TRYING TO DETERMINE HOW YOU WITNESSED THE EVENT.

16 A OKAY.

17 Q WHETHER YOU WITNESSED IT WITH YOUR EYES OR HEARD IT
18 WITH YOUR EARS AND THEN TURNED.

19 A IT WAS ALL LIKE SIMULTANEOUS.

20 Q YOUR TESTIMONY HERE TODAY IS THAT YOU SAW WITH YOUR
21 EYES THE PERSON SHOOT YOUR HUSBAND.

22 A I SAW HIM COME OUT WITH THE GUN AND POINT IT, AND MY
23 HUSBAND WAS SHOT SECONDS LATER.

24 Q OKAY. YOU WOULD AGREE WITH ME THAT DIDN'T MAKE IT
25 INTO ANY OF YOUR STATEMENTS?

1 A IT JUST WASN'T WORDED LIKE THAT, SIR.

2 Q SO YOU WOULD AGREE WITH ME THAT DIDN'T MAKE IT INTO
3 ANY OF YOUR STATEMENTS, CORRECT?

4 A NO, SIR.

5 Q I'M SORRY. I'M NOT CORRECT. IT'S IN YOUR
6 STATEMENTS?

7 A IT'S NOT.

8 Q OKAY. NOW...

9 THE COURT: MR. STRICKLER, MS. CAMPBELL, LET ME
10 SEE YOU.

11 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
12 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
13 JURY).

14 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN,
15 LET'S TAKE ABOUT A 10-MINUTE BREAK. WE'VE BEEN GOING
16 ABOUT TWO HOURS. COUNSEL IS NOT FINISHED WITH HIS
17 CROSS-EXAMINATION.

18 WE'LL RESUME THAT WHILE WE'RE BACK IN THE
19 COURTROOM. DON'T DISCUSS THE CASE. RELAX A FEW MINUTES
20 HAVE A COCA-COLA OR WHATEVER REFRESHMENTS THE BAILIFFS ARE
21 ABLE TO FURNISH FOR YOU. THANK YOU VERY MUCH.

22 (WHEREUPON, THE JURY LEFT OPEN COURT AT
23 APPROXIMATELY 3:37 P.M.)

24 THE COURT: WE'LL STAND AT EASE FOR ABOUT 10
25 MINUTES.

1 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

2 THE COURT: BRING THE JURY.

3 THE BAILIFF: I'LL BE GLAD TO, YOUR HONOR.

4 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
5 APPROXIMATELY 3:58 P.M.)

6 THE BAILIFF: THE JURY IS ALL PRESENT, YOUR
7 HONOR.

8 THE COURT: THANK YOU VERY MUCH. YOU MAY
9 CONTINUE, MR. STRICKLER.

10 BY Mr. Strickler

11 Q THANK YOU, YOUR HONOR, MAY IT PLEASE THE COURT.

12 JUST A COUPLE MORE THINGS, IF I COULD,

13 MS.~CASEY, PLEASE. HOW TALL WAS YOUR HUSBAND?

14 A 5'7".

15 Q 5'7". I THOUGHT I ASKED YOU THAT EARLIER, BUT I
16 DON'T THINK I DID. HOW TALL ARE YOU?

17 A 5'5".

18 Q NOW, AS I UNDERSTAND YOUR TESTIMONY ON DIRECT, YOUR
19 TESTIMONY IS THAT YOU SAW THE INDIVIDUAL SHOOT YOUR
20 HUSBAND ON NOVEMBER 21, 2001, CORRECT?

21 A YES, SIR.

22 Q AND BY THAT I MEAN SAW THE PERSON FIRE THE GUN WITH
23 YOUR EYES, SAW THAT, RIGHT? THAT'S YOUR TESTIMONY?

24 A YES, SIR.

25 Q OKAY. AND YOU WOULD AGREE WITH ME THAT NEITHER IN

1 YOUR STATEMENT OF NOVEMBER 21, YOUR STATEMENT OF
2 DECEMBER 5TH, OR YOUR STATEMENT OF DECEMBER 11TH,
3 2001, DO YOU MENTION SEEING THE SHOT BEING FIRED?
4 YOU TALK ABOUT HEARING THE SHOT AND TURNING, CORRECT?

5 A YOU'RE ASKING ME DID I SAY THAT I SAW THAT BEFORE?

6 Q I'M ASKING YOU WHETHER THOSE STATEMENTS CONTAIN ANY
7 SENTENCE BY YOU SAYING THAT YOU SAW A PERSON SHOOT
8 YOUR HUSBAND AS OPPOSED TO HEARING A SHOT AND TURNING
9 AND THEN YOU SAW THE PERSON WHEN YOU TURNED?

10 A I SAW HIM COME OUT WITH THE GUN, AND I SAW HIM
11 STANDING THERE STILL WITH THE GUN AFTER MY HUSBAND
12 WAS SHOT.

13 Q ALL RIGHT. AND I UNDERSTAND THAT'S YOUR TESTIMONY
14 HERE TODAY. DID YOU PUT THAT IN YOUR STATEMENT ON
15 NOVEMBER 21, 2001?

16 A (THERE WAS NO RESPONSE.)

17 Q NO?

18 A NO.

19 Q AND YOU DIDN'T THAT PUT THAT IN YOUR STATEMENT OF
20 DECEMBER 5TH, 2001?

21 A I ALWAYS SAID I SAW THE MAN SHOOT MY HUSBAND.

22 Q YOU DIDN'T PUT THAT IN YOUR STATEMENT --

23 A NO, SIR.

24 Q -- DECEMBER 5TH, 2001. YOU DIDN'T PUT THAT IN YOUR
25 STATEMENT OF DECEMBER 11TH, 2001.

1 A NOT THOSE WORDS, SIR.

2 Q OKAY. NOW, DO YOU REMEMBER OCTOBER 20TH, 2003,
3 TESTIFYING IN THIS COURTROOM IN A PRETRIAL PROCEEDING
4 ABOUT THIS CASE? DO YOU REMEMBER THAT?

5 A YES, SIR.

6 Q OKAY. LET ME GIVE YOU A COPY OF THE TRANSCRIPT.
7 THIS IS DIFFERENT FROM THE STATEMENTS, OKAY. THE
8 PAGE NUMBERS ARE HERE ON THE TOP RIGHT. IF YOU LOOK
9 AT IT, THERE ARE LINE NUMBERS DOWN THE SIDE, OKAY.
10 YOU HAVEN'T SEEN THIS BEFORE, SO I'LL GIVE THAT TO
11 YOU.

12 I'VE OPENED IT TO PAGE 116, I BELIEVE; IS THAT
13 RIGHT? LOOK AT THE TOP RIGHT.

14 A YES, SIR.

15 Q OKAY. AND PAGE 116, IF YOU LOOK ON THE LEFT-HAND
16 SIDE AS YOU'RE LOOKING AT IT, LINE 17. NOW, THIS IS
17 A QUESTION TO YOU FROM MS. CAMPBELL AT THAT TIME OR
18 AN ANSWER.

19 QUESTION, "JUST TELL ME WHAT YOU HEARD, NOT WHAT
20 YOU THOUGHT, OKAY." YOUR ANSWER IS, BEGINNING LINE
21 17, "I HEARD MY HUSBAND SAY, HOLD UP, MAN. AT THE
22 SAME TIME, ONE WAS ON ONE SIDE OF THE TRUCK BEHIND
23 ME. THEY WERE ON SEPARATE SIDES OF THE TRUCK. AS I
24 HEARD IT IN TURNING, I SAW HIM WHEN HE SHOT HIM."

25 THEN THE FOLLOWING PAGE, LINE 21, "YOU SAW WHO

1 SHOOT WHO?" LINE 22, YOUR ANSWER, "I SAW MR. CROCKER
2 SHOOT MY HUSBAND." THAT'S YOUR TESTIMONY FROM
3 OCTOBER 20TH, 2003, RIGHT?

4 A YES, SIR.

5 Q YOU WOULD AGREE WITH ME THAT OCTOBER 20TH, 2003,
6 DESPITE WHAT YOU MAY HAVE ALWAYS SAID, OCTOBER 20TH,
7 2003 ON PAGE 116 OF THE TRANSCRIPT OF THE PRETRIAL
8 HEARING IN THE CASE IS THE FIRST TIME YOU'RE CLAIMING
9 TO HAVE ACTUALLY SEEN THE PERSON SHOOT YOUR HUSBAND
10 EVER MANAGED TO MAKE IT INTO PRINT, RIGHT? IT DIDN'T
11 MAKE IT INTO ANY OF THE EARLIER STATEMENTS, BUT IT
12 MAKES IT INTO THE HEARING ON OCTOBER 20TH, 2003?

13 A YES, SIR.

14 Q OKAY. SO OCTOBER 20TH, 2003, ALMOST TWO YEARS AFTER
15 YOUR HUSBAND WAS SHOT AND KILLED, IT MAKES IT TO
16 PRINT THAT YOUR CLAIM IS THAT YOU SAW THE SHOT FIRED,
17 RIGHT?

18 A YES, SIR.

19 Q OKAY. NOW, JUST I DON'T HAVE A LOT MORE TO GO.

20 YOU'RE AT THE SHOP, AND YOU'RE DOING THIS
21 16-YEAR-OLD'S HAIR. ACCORDING TO YOUR STATEMENT OF
22 DECEMBER 11TH, YOU WERE CONCERNED ABOUT DRAGGING HER
23 INTO THIS. WHAT WAS HER NAME?

24 A SHANNON MILES.

25 Q AND SHE WAS THE ONLY OTHER PERSON IN THE SHOP, RIGHT?

1 A YES, SIR.

2 Q I MEAN, OTHER THAN YOU, YOUR HUSBAND, WILLIE
3 JENNINGS, AND MR. CROCKER?

4 A YES, SIR.

5 Q OKAY. I WOULD DIRECT YOUR ATTENTION TO, PLEASE, PAGE
6 109 OF THAT TRANSCRIPT, OKAY. YOU HAVE TO TURN BACK
7 A FEW PAGES. HAVE YOU GOT 109?

8 A UH-HUH.

9 Q AGAIN, THIS IS A QUESTION FROM MS. CAMPBELL, LINE
10 11 -- EXCUSE ME, DROP BACK SOME IN CONTEXT, LINE
11 SEVEN, "TELL THE JUDGE WHAT ALL YOU WERE TALKING
12 ABOUT, WHO WAS THERE AND WHEN YOU WERE HAVING THIS
13 CONVERSATION, TALKING ABOUT THE CONVERSATION BETWEEN
14 THE FOUR OF YOU ALL IN THE SHOP THAT YOU DESCRIBED?"

15 ANSWER, "IT WAS MYSELF, MY HUSBAND, PHILLIP AND
16 WILLIE."

17 Q SO YOU SEE WHERE I'M AT?

18 A YES, SIR.

19 Q THE NEXT LINE IS A QUESTION, "AND IN THE OTHER PART
20 OF THE SHOP, YOU TALKED ABOUT THERE BEING TWO SIDES
21 TO THE SHOP. THE OTHER PART OF THE SHOP WERE THE
22 SISTERS. IT SAYS SHANNON AND HER SISTER." THAT IS
23 AN ATTEMPT TO SPELL THE NAME. I GUESS HER NAME IS
24 SPELLED A LITTLE BIT DIFFERENTLY, AND YOUR ANSWER IS
25 WHAT?

1 A "YES, MA'AM."

2 Q OKAY. SO YOU TESTIFIED TODAY THAT THE 16 YEAR OLD
3 WAS THE ONLY OTHER PERSON IN THE SHOP. IS THAT TRUE
4 OR NOT TRUE?

5 A AT THE TIME THEY CAME IN, YES, SIR.

6 Q AT THE TIME THEY CAME IN?

7 A UH-HUH.

8 Q SO YOUR TESTIMONY IS THAT BY THE TIME YOU WERE HAVING
9 THIS CONVERSATION WITH WILLIE AND YOUR HUSBAND, AND
10 MR. CROCKER, THEN THERE WERE TWO SISTERS AT THE SHOP
11 AT THAT POINT IN TIME?

12 A NO, SIR. SHE WAS THERE EARLIER. I'M SAYING WHEN
13 THEY CAME, SHE WASN'T STILL THERE. THAT'S WHAT I'M
14 SAYING.

15 Q OKAY. YOU WOULD AGREE WITH ME THAT THE PORTION OF
16 THE TRANSCRIPT I'VE REFERRED YOU TO REGARDS THE TIME
17 YOU WERE HAVING THE CONVERSATION. YOU AND YOUR
18 HUSBAND ARE IN ONE SIDE OF THE SHOP TALKING TO
19 MR. CROCKER AND MS. JENNINGS REGARDING THIS DRUG
20 DEAL, RIGHT?

21 A YES, SIR.

22 Q OKAY. AND "WHO WAS THERE WHEN YOU WERE HAVING THE
23 CONVERSATION?"

24 "IT WAS MYSELF AND MY HUSBAND, PHILLIP, AND
25 WILLIE."

1 A YES, SIR.

2 Q AND THEN THE QUESTION, "IN THE OTHER PART OF THE SHOP
3 WERE THE SISTERS, SHANNON, AND HER SISTER." AND YOUR
4 ANSWER IS "YES, MA'AM"?

5 A YES, SIR.

6 Q OKAY. OKAY. SO THEY WERE PRESENT WHEN YOU WERE
7 HAVING THIS MEETING AT THE OTHER SIDE OF THE SHOP?

8 A NO, SIR.

9 Q YOU WOULD AGREE THAT'S YOUR TESTIMONY ON
10 OCTOBER 20TH?

11 A YES, SIR. THAT'S WHAT'S HERE.

12 Q LET ME HAVE THAT BACK.

13 A UH-HUH.

14 Mr. Strickler: BEG THE COURT'S INDULGENCE ONE
15 MOMENT.

16 (PAUSE).

17 Mr. Strickler: THANK YOU. THAT'S ALL I HAVE.

18 THE COURT: REDIRECT?

19 Ms. Campbell: MAY IT PLEASE THE COURT.

20 THE COURT: YES, MA'AM.

21 REDIRECT EXAMINATION:

22 BY Ms. Campbell

23 Q I JUST HAVE A FEW MORE QUESTIONS SO I CAN GET
24 SOMETHING STRAIGHTENED OUT. LET ME ASK YOU THIS AND
25 I'M NOT GOING TO MINCE OVER WORDS, DID JUNIOR HAVE A

1 GUN IN THE BACK OF THE TRUCK?

2 A NO, MA'AM.

3 Q WHO WAS THE ONLY PERSON THAT HAD A GUN AT THE BACK OF
4 THE TRUCK?

5 A THE DEFENDANT.

6 Q HIM?

7 A YES, MA'AM.

8 Q WHO IS THE ONLY PERSON THAT GOT SHOT?

9 A MY HUSBAND.

10 Q HE ASKED YOU ABOUT HEIGHT ON THIS INDIVIDUAL?

11 A YES, MA'AM.

12 Q HOW TALL DID YOU SAY YOU WERE?

13 A 5'5".

14 Q AND BACK WHEN ALL THIS WAS HAPPENING, THE POLICE
15 ASKED YOU ABOUT DIFFERENT HEIGHTS AND DIFFERENT
16 THINGS.

17 A YES, MA'AM.

18 Q DID YOU EVER USE SERGEANT MCDONALD AS AN EXAMPLE IN
19 HEIGHT IN YOUR ESTIMATES OF HEIGHT?

20 A YES, MA'AM.

21 Q THE PERSON YOU SAW OUT THERE THAT DAY THAT SHOT YOUR
22 HUSBAND, WAS HE TALLER OR SHORTER THAN HIM?

23 A TALLER.

24 Q TALLER. DO YOU KNOW HOW TALL SERGEANT MCDONALD IS?

25 A NO, MA'AM.

- 1 Q AFTER THE SHOOTING AND AFTER YOU WENT BACK HOME TO
2 DILLON AFTER YOUR HUSBAND WAS MURDERED --
- 3 A YES, MA'AM.
- 4 Q -- DID YOU HAVE AN OPPORTUNITY TO HAVE ANY MORE
5 CONVERSATIONS WITH WILLIE?
- 6 A HE CALLED MY HOUSE.
- 7 Q AND WHEN WAS THAT?
- 8 A THE NEXT DAY.
- 9 Q THE NEXT DAY?
- 10 A YES, MA'AM.
- 11 Q YOU'RE NOT SURE OF THE EXACT TIME, THE NEXT DAY?
- 12 A IT HAD TO BE.
- 13 Q IT HAD TO BE THE NEXT DAY OR SO?
- 14 A YES, MA'AM.
- 15 Q SO IT WOULD HAVE BEEN THANKSGIVING OR THE DAY AFTER?
- 16 A THANKSGIVING
- 17 Q WHEN HE CALLED YOUR HOUSE, DID YOU HAVE A
18 CONVERSATION?
- 19 A YES, MA'AM.
- 20 Q AND WHEN HE CALLED, DID YOU GET A NAME FROM HIM?
- 21 A YES, MA'AM.
- 22 Q WHAT NAME DID YOU GET?
- 23 A CROCKER.
- 24 Q IS THAT THE FIRST TIME YOU KNEW ABOUT THAT NAME?
- 25 A YES, MA'AM.

1 Q DO YOU REMEMBER WHEN YOU TALKED TO WILLIE THAT DAY OR
2 TWO AFTER THIS SHOOTING, WHAT YOU SAID TO HIM?

3 A I ASKED --

4 Q WHAT YOU SAID TO HIM.

5 A YES, MA'AM.

6 Q WHAT DID YOU SAY?

7 A "WHO WAS HE?"

8 Ms. Campbell: THANK YOU.

9 THE COURT: RECROSS?

10 Mr. Strickler: NO, SIR.

11 THE COURT: ALL RIGHT. THANK YOU VERY MUCH,

12 MS. CASEY. YOU MAY COME DOWN.

13 ALL RIGHT. CALL YOUR NEXT WITNESS.

14 Ms. Campbell: THE STATE WOULD CALL JAY RUSSELL.

15 THE BAILIFF: PLACE YOUR LEFT HAND ON THE BIBLE,

16 RAISE YOUR RIGHT HAND.

17 JERRY RUSSELL, AFTER BEING DULY SWORN, TESTIFIED

18 AS FOLLOWS:

19 THE CLERK: HAVE A SEAT IN THE WITNESS BOX.

20 STATE YOUR FULL NAME FOR THE RECORD.

21 THE BAILIFF: WATCH YOUR STEPS FOR ME, PLEASE,

22 AND SPEAK INTO THIS MICROPHONE.

23 THE WITNESS: MY NAME IS JERRY ALLEN RUSSELL.

24 DIRECT EXAMINATION:

25 BY Ms. Campbell

1 Q INVESTIGATOR RUSSELL, WHERE ARE YOU EMPLOYED?

2 A THE RICHLAND COUNTY SHERIFF'S DEPARTMENT.

3 Q WHAT DO YOU DO THERE?

4 A I'M A FORENSICS INVESTIGATOR.

5 Q CAN YOU TELL THIS JURY AS A FORENSICS INVESTIGATOR

6 WHAT YOUR DUTIES INCLUDE?

7 A CRIME SCENE PROCESSING.

8 Q AND WHEN YOU SAY THE WORDS CRIME SCENE PROCESSING,

9 ARE YOU THE PERSON THAT ANSWERS THE 911 CALL PUT OUT
10 THERE?

11 A NO, MA'AM.

12 Q WHAT DO YOU DO? WHAT'S YOUR FOLLOW UP?

13 A I'M THERE AFTER THE FACT, AFTER THE CRIME HAS BEEN
14 COMMITTED, USUALLY THE REPORT HAS ALREADY BEEN TAKEN,
15 THE SCENE IS SECURED. I COME IN TO FIND OUT WHAT'S
16 LEFT, WHAT KIND OF EVIDENCE IS LEFT, IF THERE'S ANY
17 EVIDENCE AT ALL. IF THERE IS, WHAT I CAN DO TO PUT
18 THAT EVIDENCE WITH A SUSPECT.

19 Q SPECIFICALLY, CAN YOU TELL THIS JURY A LITTLE BIT
20 ABOUT YOUR TRAINING AND YOUR EDUCATION IN THE CRIME
21 SCENE INVESTIGATION FIELD?

22 A MOST OF OUR -- I HAVE A COLLEGE DEGREE, BUT MOST OF
23 MY EDUCATION AS FAR AS CRIME SCENE INVOLVES GOING TO
24 SCHOOLS AT THE SOUTH CAROLINA CRIMINAL JUSTICE
25 ACADEMY AND OTHER PLACES THAT OFFER THOSE KIND OF

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1 SCHOOLS, SUCH AS FINGERPRINT IDENTIFICATION,
2 DEVELOPING FINGERPRINTS. WHEN I SAY DEVELOP, LATENT
3 FINGERPRINTS, LATENT MEANING HIDDEN. WHEN YOU
4 DEVELOP ONE, YOU BRING IT OUT WITH POWDER OR OTHER
5 CHEMICALS, WHETHER CHEMICAL OR PHYSICAL, WHATNOT.
6 THAT'S PRIMARY WHAT WE DO, TIRE TREAD IMPRESSION,
7 FOOTWEAR IMPRESSIONS, TAKE PHOTOGRAPHS, COLLECT BLOOD
8 SWABS, JUST ABOUT ANYTHING LEFT ON A CRIME SCENE,
9 INCLUDES CLUES I'M LOOKING FOR.

10 Q SO YOU HAD SPECIALIZED TRAINING AS FAR AS THE SOUTH
11 CAROLINA CRIMINAL JUSTICE ACADEMY IN PROCESSING A
12 CRIME SCENE?

13 A YES, MA'AM.

14 Q AND PART OF THAT TRAINING, I BELIEVE YOU MENTIONED, I
15 WAS GOING TO GO THERE, INCLUDES FINGERPRINT
16 COLLECTION AND COMPARISON?

17 A YES, MA'AM.

18 Q AND HAVE YOU ALSO HAD SOME ON-THE-JOB TRAINING?

19 A YES, MA'AM.

20 Q AND APPROXIMATELY HOW LONG HAVE YOU BEEN IN THE CRIME
21 SCENE INVESTIGATIVE UNIT AT THE RICHLAND COUNTY
22 SHERIFF'S DEPARTMENT?

23 A A LITTLE OVER TWO YEARS.

24 Q AND AS PART OF THAT UNIT, HAVE YOU BEEN QUALIFIED
25 BEFORE IN THE COURTS OF SOUTH CAROLINA AS AN EXPERT

1 IN CRIME SCENE INVESTIGATION?

2 A YES, MA'AM.

3 Q INCLUDING FINGERPRINT COMPARISON?

4 A AND CRIME SCENE INVESTIGATION.

5 Q AND CRIME SCENE INVESTIGATION?

6 A YES, MA'AM.

7 Ms. Campbell: YOUR HONOR, AT THIS TIME WE'D
8 OFFER HIM AS AN EXPERT IN CRIME SCENE INVESTIGATION AND
9 FINGERPRINT COMPARISON.

10 THE COURT: ANY OBJECTION? ANY VOIR DIRE?

11 Ms. Pringle: JUST A COUPLE OF QUESTIONS, YOUR
12 HONOR. I BELIEVE HE'S BEEN QUALIFIED AS A CRIME SCENE
13 INVESTIGATOR BUT NOT AS A LATENT PRINT.

14 THE COURT: I DON'T KNOW.

15 Ms. Pringle: INVESTIGATOR, JUST A COUPLE OF
16 QUESTIONS. I BREEZED THROUGH YOUR EDUCATION FAIRLY
17 QUICKLY. YOU SAY THAT YOU HAVE A COLLEGE DEGREE?

18 THE WITNESS: YES, MA'AM.

19 Ms. Pringle: HAVE IS YOUR COLLEGE DEGREE FROM?

20 THE WITNESS: THE UNIVERSITY OF SOUTH CAROLINA.

21 Ms. Pringle: WHAT DID YOU STUDY?

22 THE WITNESS: MAJORED IN SOCIOLOGY.

23 Ms. Pringle: NO CRIMINAL JUSTICE STUDIES WHILE
24 AT U S.C.?

25 THE WITNESS: YES, MA'AM, I DID. I HAD QUITE A

1 FEW CRIMINAL JUSTICE CLASSES. THAT WAS MY MAJOR GOING
2 INTO COLLEGE.

3 Ms. Pringle: GIVE US AN IDEA OF HOW MANY.

4 THE WITNESS: I PROBABLY HAD OVER 100 HOURS OF
5 CRIMINAL JUSTICE CLASSES.

6 Ms. Pringle: AND INCLUDED IN THOSE, DID YOU
7 HAVE ANY COURSES IN LATENT PRINT IDENTIFICATION, THE
8 PROCESS OF LIFTING, OR THE PROCESS OF COMPARISON?

9 THE WITNESS: NOT IN COLLEGE BECAUSE THE
10 UNIVERSITY DOESN'T OFFER THOSE CLASSES TO THE CRIMINAL
11 JUSTICE PROGRAM, AT THAT TIME THEY DIDN'T.

12 Ms. Pringle: AT WHAT POINT DID YOU RECEIVE
13 TRAINING IN LATENT PRINT COMPARISON LIFTING AND ANALYSIS?

14 THE WITNESS: AFTER I CAME TO WORK AT THE
15 FORENSICS UNIT IN RICHLAND COUNTY.

16 Ms. Pringle: AND HOW LONG AGO WAS THAT?

17 THE WITNESS: JUST A LITTLE OVER TWO YEARS AGO.

18 Ms. Pringle: AND DESCRIBE FOR US, PLEASE, FOR
19 THE JURY, PLEASE, THE KIND OF TRAINING YOU HAVE HAD.

20 THE WITNESS: LATENT PRINT EXAMINATION FROM THE
21 SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY, WHICH IS A COURSE
22 THAT TEACHES YOU HOW TO IDENTIFY CHARACTERISTICS IN A
23 FINGERPRINT, MAKE FINGERPRINT COMPARISONS, WHATNOT, THAT
24 GO WITH MAKING COMPARISONS. I'VE ALSO DONE PHYSICAL,
25 CHEMICAL, JUST BASIC DEVELOPMENT OF LATENT FINGERPRINTS IS

1 ANOTHER COURSE THEY OFFER THERE.

2 Ms. Pringle: AND WHEN YOU SAY YOU WENT TO THE
3 ACADEMY, AT WHAT POINT DID YOU GO TO THE ACADEMY AFTER
4 YOUR TRAINING?

5 THE WITNESS: AFTER I CAME INTO THE UNIT.

6 Ms. Pringle: AND THAT WAS THREE YEARS AGO?

7 THE WITNESS: TWO YEARS AGO.

8 Ms. Pringle: TWO YEARS AGO. WHEN YOU WENT TO
9 THE ACADEMY, YOU WENT ONE TIME FOR THAT TRAINING?

10 THE WITNESS: YES. IT'S USUALLY 40 OR 80 HOUR
11 CLASSES.

12 Ms. Pringle: AND HOW MUCH OF THAT 40 TO 80
13 HOURS DID YOU FOCUS ON LATENT PRINT IDENTIFICATION LIFTING
14 AND ANALYSIS COMPARISON?

15 THE WITNESS: ONE IS -- WHEN YOU SAY LATENT
16 PRINT LIFTING IDENTIFICATION, YOU'RE SAYING ALL INCLUSIVE.
17 YOU HAVE GOT TO FIND THE PRINT AND DEVELOP IT. ONCE YOU
18 DEVELOP THE PRINT, YOU LIFT THE PRINT, IF IT'S SOMETHING
19 THAT'S GOING TO BE LIFTED. YOU MAY LIFT THE PRINT.
20 THERE'S ALL DIFFERENT WAYS. YOU MAY PHOTOGRAPH IT. YOU
21 MAY NOT EVEN DEVELOP IT WITH POWDER BUT A CHEMICAL.

22 LIKE I SAID, LATENT MEANS HIDDEN. ONCE THE
23 PRINT IS DEVELOPED, IT'S NO LONGER HIDDEN. YOU CAN SEE
24 IT. ONCE YOU HAVE THAT PRINT, DEPENDING ON WHETHER YOU
25 LIFTED IT, PHOTOED IT OR WHATNOT --

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1 Ms. Pringle: INVESTIGATOR RUSSELL.

2 THE WITNESS: UH-HUH, I'M GETTING TO --

3 Ms. Campbell: OBJECTION, YOUR HONOR. SHE CAN'T
4 INTERRUPT HIM.

5 Ms. Pringle: THAT'S FINE. I'M TRYING TO NOT BE
6 REPETITIVE BUT GO AHEAD.

7 THE WITNESS: OKAY. BUT YOUR -- WHAT I'M SAYING
8 IS WHEN YOU ASKED YOUR QUESTION, IT IS ALL INCLUSIVE WITH
9 EVERYTHING I DO WITH A FINGERPRINT.

10 EACH CLASS IS SEPARATE. YOU DON'T GO TO ONE
11 CLASS FOR 40 HOURS AND LEARN IT ALL. YOU DEVELOP THE
12 PRINT. ONCE YOU GET THE PRINT, THEN YOU'RE IN A WHOLE
13 DIFFERENT I.D. CLASS, BASICALLY.

14 Ms. Pringle: OKAY. BREAK IT DOWN FOR ME. WHAT
15 PORTION OF YOUR TRAINING IN THE COURSES THAT YOU TOOK AT
16 THE CRIMINAL JUSTICE ACADEMY, WHAT PORTION WAS DEVOTED TO
17 LIFTING PRINTS?

18 THE WITNESS: BASIC FINGERPRINT DEVELOPMENT, 40
19 HOURS.

20 Ms. Pringle: AND WHAT PORTION OF THAT WAS
21 DEVOTED TO THE ANALYSIS OR COMPARISON OF LATENTS TO INKED
22 PRINTS?

23 THE WITNESS: FORTY HOURS.

24 Ms. Pringle: HAVE YOU HAD ANY ADDITIONAL
25 TRAINING?

1 THE WITNESS: I'VE BEEN TO PALM PRINT
2 EXAMINATION SCHOOL.

3 Ms. Pringle: ANY ADDITIONAL TRAINING IN LATENT
4 FINGERPRINT LIFTING, DEVELOPING, COMPARISON?

5 THE WITNESS: ON-THE-JOB TRAINING.

6 Ms. Pringle: HAVE YOU EVER TESTIFIED BEFORE
7 ABOUT LATENT PRINT COMPARISONS?

8 THE WITNESS: NO, MA'AM.

9 Ms. Pringle: EVER BEEN QUALIFIED --

10 THE WITNESS: NO, MA'AM.

11 Ms. Pringle: -- AS A FINGERPRINT EXAMINER
12 BEFORE?

13 THE WITNESS: NO, MA'AM.

14 Ms. Pringle: YOUR HONOR, I OBJECT TO HIS
15 QUALIFICATIONS AS A LATENT PRINT EXAMINER AS NOT BEING
16 QUALIFIED.

17 THE COURT: LADIES AND GENTLEMEN, LET ME TAKE
18 THIS UP OUTSIDE THE PRESENCE OF THE JURY. LET ME DISCUSS
19 THIS WITH THE LAWYERS FOR JUST A MINUTE. I'LL ASK YOU TO
20 GO TO YOUR JURY ROOM.

21 DON'T DISCUSS THE CASE AMONGST YOURSELVES. I'LL
22 CALL YOU IN JUST A MINUTE.

23 (WHEREUPON, THE JURY LEFT OPEN COURT AT
24 APPROXIMATELY 4:18 P.M.)

25 THE COURT: ALL RIGHT. WHAT'S YOUR OBJECTION?

1 YOU SAY HE'S NOT QUALIFIED, BUT UNDER 702, IT'S FAIRLY
2 BROAD.

3 Ms. Campbell: AND, YOUR HONOR, IF WE CAN GO ON
4 TO THAT. I'LL BE GLAD TO -- I'LL LIMIT MYSELF TO
5 CHARACTERIZING THEIR WITNESS'S TESTIMONY, BUT IF SHE IS
6 GOING TO SAY THAT AGAIN IN FRONT OF A JURY THAT CLEARLY
7 HE'S NOT QUALIFIED, I DON'T THINK THAT'S A VIABLE
8 OBJECTION, NOR DO I APPRECIATE HER COMMENTS IN FRONT OF
9 THE JURY WHEN THEY ARE TOTALLY LUDICROUS ANYWAY.

10 THE COURT: WE'LL STRIKE IT.

11 NOW, WHAT'S THE OBJECTION?

12 Ms. Pringle: YOUR HONOR, WE WOULD OBJECT TO
13 THIS INDIVIDUAL BEING QUALIFIED AS AN EXPERT IN THE AREA
14 OF LATENT PRINT COMPARISON, EXAMINATION.

15 YOUR HONOR, SHE HAS ATTEMPTED TO TENDER HIM AS
16 AN EXPERT IN CRIME SCENE INVESTIGATION AND LATENT PRINT
17 COMPARISON AND EXAMINATION. HE HAS NEVER BEEN QUALIFIED
18 IN A COURT OF LAW BEFORE.

19 THE COURT: I UNDERSTAND. I'M SURE BRAIN
20 SURGEONS -- THEY ALWAYS HAVE TO DO A FIRST TIME.

21 Ms. Pringle: HIS TRAINING IS LIMITED IN LATENT
22 PRINT EVALUATION, EXAMINATION, ANALYSIS WHEN HE WENT TO
23 THE CRIMINAL JUSTICE ACADEMY AND WHEN HE FIRST CAME ON THE
24 JOB TWO YEARS AGO. I OBJECT TO HIS QUALIFICATION IN THAT
25 AREA, YOUR HONOR.

1 THE COURT: WELL, THE RULE IS BROAD TO
2 SCIENTIFIC KNOWLEDGE WHICH WOULD ASSIST THE TRIER OF FACT.
3 I UNDERSTAND THE EVIDENCE FOR DETERMINING THE FACTS AT
4 ISSUE. THE WITNESS IS QUALIFIED. HE CAN TESTIFY IN THE
5 FORM OF AN OPINION OR OTHERWISE. IT'S JUST TO HIS
6 QUALIFICATIONS?

7 Ms. Pringle: YES, SIR, YOUR HONOR.

8 THE COURT: WHAT'S THE STATE'S POSITION?

9 Ms. Campbell: I THINK OUR POSITION IS OBVIOUS.
10 YOU POINTED OUT, YOUR HONOR, EVERYONE HAS TO BE QUALIFIED
11 THE FIRST TIME. HE HAS TALKED ABOUT HIS QUALIFICATIONS,
12 HIS EDUCATIONAL BACKGROUND, HIS TRAINING, AS WELL AS
13 ON-THE-JOB TRAINING.

14 THE COURT: I'M GOING TO ADMIT HIM UNDER 702.
15 I'LL LET HIM TESTIFY --

16 Ms. Campbell: THANK YOU.

17 THE COURT: -- IN THE AREA OF CRIME SCENE
18 INVESTIGATION AND WHAT ELSE?

19 Ms. Campbell: FINGERPRINT COMPARISON.

20 THE COURT: FINGERPRINT COMPARISON.

21 ALL RIGHT. BRING THE JURY.

22 THE BAILIFF: I'LL BE GLAD TO, YOUR HONOR.

23 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
24 APPROXIMATELY 4:21 P.M.)

25 THE BAILIFF: THE JURY IS ALL PRESENT, YOUR

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1 HONOR.

2 THE COURT: ALL RIGHT. THANK YOU, LADIES AND
3 GENTLEMEN. I'M GOING TO ALLOW THIS WITNESS TO TESTIFY AS
4 AN EXPERT WHICH MEANS HE CAN OFFER AN OPINION.

5 NORMALLY, A WITNESS CANNOT OFFER AN OPINION.
6 THEY CAN STATE FACTS. AN EXPERT, SOMEONE QUALIFIED AS AN
7 EXPERT, CAN OFFER AN OPINION. I'M GOING TO ALLOW THIS
8 WITNESS -- QUALIFY HIM AS AN EXPERT. I'M GOING TO ALLOW
9 HIM TO OFFER AN OPINION ABOUT WHATEVER MATTERS HE'S GOING
10 TO BE EXAMINED ABOUT.

11 I'M GOING TO ASK YOU TO DISREGARD THE FINAL
12 STATEMENT OF DEFENSE COUNSEL THAT HE'S NOT QUALIFIED.
13 THANK YOU VERY MUCH.

14 Ms. Campbell: AND YOUR HONOR, HE'S QUALIFIED?

15 THE COURT: YES, MA'AM.

16 BY Ms. Campbell

17 Q THANK YOU.

18 INVESTIGATOR, DID YOU HAVE AN OPPORTUNITY TO
19 RESPOND TO A CRIME SCENE INVOLVING A SHOOTING AT
20 LOWE'S BACK ON NOVEMBER 21, 2001?

21 A YES, MA'AM.

22 Q WHAT SHIFT WERE YOU WORKING THAT DAY, SIR?

23 A EVENING SHIFT.

24 Q WHAT TIME DID THE EVENING SHIFT START?

25 A AT THAT TIME, IT WAS 3 O'CLOCK.

1 Q 3 O'CLOCK IN THE AFTERNOON?

2 A YES, MA'AM.

3 Q AND APPROXIMATELY WHAT TIME IN THE AFTERNOON DID YOU
4 RECEIVE A CALL TO GO TO THE LOWE'S ON TWO NOTCH ROAD?

5 A IF I REMEMBER CORRECTLY, IT WAS AROUND 3:30, 3:45.

6 Q DO YOU KNOW THE EXACT TIME?

7 A NO, MA'AM.

8 Q AND ONCE YOU RECEIVED A CALL TO RESPOND TO THE
9 LOWE'S, DID YOU PROCEED TO THE LOWE'S?

10 A YES, MA'AM.

11 Q AND WERE YOU AT HEADQUARTERS WHEN YOU RECEIVED THE
12 CALL?

13 A YES, MA'AM.

14 Q AND WHEN YOU GOT THERE, TELL THIS JURY WHAT YOU
15 FOUND?

16 A WHEN WE ARRIVED THERE, THE OFFICER THAT HAD ALREADY
17 ARRIVED ON THE SCENE HAD SECURED THE SCENE WITH CRIME
18 SCENE TAPE. ONCE I GOT THERE, I EVALUATED THE
19 SITUATION OF WHAT WAS INSIDE THE CRIME SCENE, WHAT IT
20 ENTAILED, HOW BIG THE CRIME SCENE WAS.

21 THE COMMON PRACTICE IS TO START TAKING
22 PHOTOGRAPHS. AT THE TIME I GET THERE, A LOT OF TIMES
23 I'LL RUN INTO THINGS OR SEE THINGS I NEED TO TAKE A
24 PHOTOGRAPH OF, MARKING ITEMS, SHELL CASINGS, ITEMS ON
25 THE SCENE, MARKING THEM SO THEY WON'T BE DISTURBED SO

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1 THAT LATER I CAN TAKE A PHOTOGRAPH, MAYBE TAKE
2 MEASUREMENTS, WHATNOT. AT THAT TIME -- DO YOU WANT
3 ME TO DESCRIBE THE WHOLE?

4 Q YES, SIR. GO AHEAD.

5 A AT THAT TIME, THE PARKING LOT WAS ROPED OFF IN THE
6 FENCED IN AREA, THE PARKING LOT OF LOWE'S GOING BACK
7 UP TOWARDS TWO NOTCH. THE BIG POWER POLES THAT ARE
8 IN THE PARKING LOT; THERE WAS A SPORT UTILITY
9 VEHICLE, A TAHOE, A FOUR DOOR TAHOE VEHICLE THERE
10 WITH THE BACK OPEN, THE DOOR. THE TWO FRONT DOORS
11 WERE OPEN.

12 THERE WAS A LARGE POOL OF BLOOD IMMEDIATELY
13 BEHIND THE VEHICLE AND SEVERAL, LIKE TOWELS, MAYBE A
14 BLANKET LYING THERE.

15 THE VICTIM, AT THAT TIME, WAS NOT THERE. HE HAD
16 ALREADY BEEN TRANSPORTED TO THE HOSPITAL WHEN I
17 ARRIVED ON THE SCENE. I STARTED EVALUATING AND
18 PROCESSING THE SCENE.

19 Q OKAY. SO IN THIS CASE, WHEN YOU GOT TO THE SCENE,
20 THERE WERE OTHER OFFICERS ON THE SCENE?

21 A CORRECT.

22 Q THE SCENE HAD BEEN TAPED OFF?

23 A YES, MA'AM.

24 Q IT WAS SECURED?

25 A YES, MA'AM.

1 Q AND THE VICTIM HAD ACTUALLY ALREADY BEEN TRANSPORTED
2 TO THE HOSPITAL?

3 A YES, MA'AM.

4 Q IS THAT UNUSUAL IN A SHOOTING CASE FOR THEM TO GO
5 AHEAD AND TRY TO SAVE THE VICTIM?

6 A NO, THAT'S COMMON.

7 Q THAT'S PROPER PROCEDURE?

8 A YES, MA'AM.

9 Q YOU MENTION THE FIRST THING YOU DO WHEN YOU GET TO A
10 CRIME SCENE IS MAKE SURE IT'S SECURE; IS THAT
11 CORRECT?

12 A RIGHT.

13 Q AND THAT WAS DONE IN THIS CASE?

14 A YES, MA'AM.

15 Q WHEN YOU GOT THERE, YOU MENTIONED INITIALLY YOU TRIED
16 TO PHOTOGRAPH EVERYTHING?

17 A YES, MA'AM.

18 Q AND TELL THE JURY WHY YOU TRY TO TAKE PHOTOGRAPHS
19 BEFORE YOU GO IN AND TRY TO COLLECT EVIDENCE AND
20 THINGS OF THAT NATURE?

21 A TO PAINT A PICTURE, BASICALLY, OR TAKE THE PHOTOS SO
22 THAT I'LL HAVE A PICTURE OF THE WHOLE SCENE AS IT
23 LOOKED WHEN I ARRIVED.

24 Q AS IT LOOKED WHEN YOU ARRIVED?

25 A YES, MA'AM.

1 GOTTEN THERE THAT AFTERNOON?

2 A YES, MA'AM.

3 Q AND AGAIN, WE USE THESE TERMS, BUT WHEN A CRIME SCENE
4 IS SECURE, WHAT DOES THAT MEAN? EXPLAIN THAT TO THE
5 JURY.

6 A THE TAPE AND THE PHYSICAL PRESENCE OF THE DEPUTIES,
7 THEY COME THROUGH A LITTLE TRAINING COURSE THROUGH
8 OUR LAB, AND WE TELL THEM THAT SCENE IS SECURE SO
9 THAT NOTHING CAN BE DISTURBED. NOTHING CAN BE
10 BROUGHT INTO THE CRIME SCENE, AND NOTHING CAN BE
11 TAKEN OUT OF THE CRIME SCENE UNTIL THE CRIME SCENE
12 INVESTIGATOR ARRIVES SO THAT WE KNOW EXACTLY WHAT IT
13 WAS LIKE WHEN THE CRIME TOOK PLACE, WHAT HAPPENED.

14 Q SO, IN FACT, ONE OF THE OFFICERS IN THIS CASE, DEPUTY
15 CANNON, ARRIVED AT THE CRIME SCENE, HE WOULD MAKE
16 SURE PEOPLE DON'T TROMP THROUGH THE CRIME SCENE OR
17 BRING THINGS IN OR TAKE THINGS OUT?

18 A YES, MA'AM.

19 Ms. Campbell: YOUR HONOR, AT THIS TIME, WE
20 WOULD OFFER THESE PHOTOGRAPHS INTO EVIDENCE.

21 THE COURT: HAVE THESE NOT BEEN AVAILABLE
22 BEFORE?

23 Ms. Campbell: YES, SIR. THEY'VE ALL BEEN
24 TURNED OVER.

25 THE COURT: ANY OBJECTION?

1 Q SO YOU WANT TO DO THAT CLOSE IN TIME TO THE TIME IT
2 WAS SECURED; IS THAT CORRECT?

3 A YES, MA'AM.

4 Q I'M GOING TO SHOW YOU SOME PHOTOGRAPHS THAT HAVE
5 ALREADY BEEN MARKED INTO EVIDENCE. IT WILL BE
6 STATE'S SIX, SEVEN, AND TWO AND ASK IF YOU RECOGNIZE
7 THOSE PHOTOGRAPHS.

8 A YES, MA'AM.

9 Q AND ARE THOSE PHOTOGRAPHS THAT YOU ACTUALLY TOOK UPON
10 YOUR ARRIVAL AT THE CRIME SCENE THERE AT LOWE'S THAT
11 AFTERNOON?

12 A YES, MA'AM.

13 Q AND WHAT DO THOSE PHOTOGRAPHS DEPICT?

14 A THE BLANKETS I SPOKE OF, A TOWEL OR TWO, AND A SPORT
15 UTILITY VEHICLE AND A LARGE POOL OF BLOOD BEHIND IT.

16 Q AND I'M GOING TO SHOW YOU ANOTHER SERIES OF
17 PHOTOGRAPHS OF THE GENERAL AREA AND ASK IF YOU CAN
18 LOOK AT THESE AND SEE IF YOU RECOGNIZE THOSE.

19 A YES, MA'AM. THEY'RE THE SAME CRIME SCENE.

20 Q SAME CRIME SCENE?

21 A YES, MA'AM.

22 Q IN FACT, ARE THOSE PHOTOGRAPHS YOU TOOK THAT
23 AFTERNOON?

24 A YES, MA'AM.

25 Q IS THAT HOW THE CRIME SCENE APPEARED WHEN YOU HAD

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1 Ms. Pringle: NO OBJECTION.

2 THE COURT: ALL RIGHT. LET'S MOVE.

3 Ms. Campbell: THANK YOU, YOUR HONOR.

4 (WHEREUPON, STATE'S EXHIBITS NOS. 16 - 22 WERE
5 ADMITTED INTO EVIDENCE.)

6 BY Ms. Campbell

7 Q DID YOU ALSO PREPARE A DIAGRAM, ALTHOUGH IT'S NOT TO
8 SCALE?

9 A YES, MA'AM.

10 Q IS THIS A BLOW UP OF THE DIAGRAM YOU PREPARED?

11 A YES, MA'AM, IT IS.

12 Ms. Campbell: YOUR HONOR, AT THIS TIME I'D
13 OFFER IT INTO EVIDENCE.

14 THE COURT: ANY OBJECTION?

15 Ms. Campbell: IT'S NOT TO SCALE.

16 Ms. Pringle: NO OBJECTION, YOUR HONOR.

17 (WHEREUPON, STATE'S EXHIBIT NO. 23 WAS MARKED
18 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

19 Ms. Campbell: MAY THE WITNESS STEP DOWN?

20 THE COURT: CERTAINLY.

21 BY Ms. Campbell

22 Q THANK YOU.

23 INVESTIGATOR RUSSELL, THE FIRST THING I WANT TO
24 LOOK AT IS THE DIAGRAM THAT YOU PREPARED IN THIS
25 CASE, WHICH IS STATE'S EXHIBIT 23.

- 1 IF YOU COME OVER ON THIS SIDE SO THE COURT
2 REPORTER CAN HEAR YOU BETTER AND THEY CAN ALL HEAR
3 YOU BETTER, CAN YOU BASICALLY TELL -- AND AGAIN, THIS
4 IS, FOR THE RECORD, NOT TO SCALE, CORRECT?
- 5 A THAT'S CORRECT.
- 6 Q THIS IS JUST A DIAGRAM OF WHAT YOU FOUND WHEN YOU GOT
7 TO THE SCENE?
- 8 A THAT'S CORRECT.
- 9 Q AND WHAT DOES THIS DIAGRAM SHOW, STATE'S EXHIBIT 23?
- 10 A THE PARKING LOT AREA.
- 11 Q WAIT ONE SECOND. I THINK WE'RE BLOCKING.
- 12 A OH, I'M SORRY.
- 13 Q OKAY. I'M SORRY.
- 14 A THE PARKING LOT AREA THERE AT LOWE'S WHERE THE CRIME
15 SCENE WAS SECURED AND TAPED OFF.
- 16 Q OKAY. AND THIS IS BASICALLY JUST A DIAGRAM OF THE
17 AREA RIGHT AROUND WHERE THE VEHICLE WAS LOCATED?
- 18 A YES, MA'AM.
- 19 Q AND IS THE VICTIM'S VEHICLE, THE TAHOE, DEPICTED IN
20 THIS DIAGRAM?
- 21 A YES, MA'AM, RIGHT HERE.
- 22 Q OKAY. AND ADDITIONALLY, BEHIND THE VICTIM'S VEHICLE,
23 AND YOU HAVE HERE MARKED FRONT AND REAR?
- 24 A THAT'S CORRECT.
- 25 Q IS THAT HOW THE VEHICLE WAS PULLED IN THAT DAY?

1 A THAT'S CORRECT.

2 Q AND I'M GOING TO SHOW YOU STATE'S EXHIBIT TWO, SIX,
3 AND SEVEN, WHICH I CAN'T HOLD ALL IN MY HAND, DO
4 THOSE SHOW HOW THE VEHICLE WAS ACTUALLY PARKED THAT
5 DAY?

6 A YES, MA'AM.

7 Q SO THESE ARE THE ACTUAL PHOTOGRAPHS OF HOW THAT
8 VEHICLE WAS PULLED IN WHEN YOU GOT THERE THAT DAY?

9 A THAT'S CORRECT.

10 Q AND THERE'S AN AREA BEHIND THESE VEHICLES I NOTE
11 WHERE THERE'S SOME LIGHT BLUE CLOTHS IT LOOKS LIKE;
12 IS THAT RIGHT?

13 A YES, MA'AM.

14 Q WHAT ARE THOSE?

15 A BLANKETS.

16 Q BLANKETS. IS THAT HOW THAT APPEARED WHEN YOU GOT
17 THERE THAT DAY?

18 A YES, MA'AM.

19 Q THERE'S ALSO A POOL OF A REDDISH SUBSTANCE THERE ON
20 THE GROUND. WHAT IS THAT?

21 A BLOOD.

22 Q AGAIN, WHEN YOU GOT THERE, E.M.S. HAD ALREADY DONE
23 THEIR JOB IN TAKING THE VICTIM AWAY?

24 A YES, MA'AM.

25 Q I'M GOING TO SHOW YOU SOME BETTER SHOTS, STATE'S

1 EXHIBIT 16 AND 17. IS THAT BASICALLY THE SAME
2 VEHICLE, JUST FROM SLIGHTLY DIFFERENT ANGLES?

3 A YES, MA'AM.

4 Q AND THAT'S HOW IT APPEARED THAT DAY?

5 A YES, MA'AM.

6 Q I NOTICED THAT THE DOORS ARE OPENED, THE BACK HATCH
7 WAS OPEN. IS THAT HOW IT WAS WHEN YOU GOT THERE THAT
8 DAY?

9 A YES, MA'AM.

10 Q SO THIS IS HOW IT APPEARED?

11 A YES, MA'AM.

12 Q AND THIS IS WHAT'S DEPICTED THERE?

13 A YES, MA'AM.

14 Q RIGHT THERE. YOU ALSO MENTIONED YOU HAD A DRAWING IN
15 THERE THAT REPRESENTS WHERE THE VICTIM WAS LYING,
16 APPROXIMATELY, ALTHOUGH IT'S NOT TO SCALE?

17 A RIGHT, IN THE REAR OF THE VEHICLE.

18 Q THE REAR OF THE VEHICLE. AGAIN, THAT'S NOT DEPICTED
19 IN THE PICTURE, BUT YOU HAVE IT IN THE DIAGRAM
20 APPROXIMATELY.

21 A RIGHT.

22 Q AND WHAT ELSE IS DEPICTED ON THIS DIAGRAM?

23 A THESE AREAS HERE, JUST THE POWER POLES THAT WERE IN
24 THE -- IT SAYS IT'S NOT TO SCALE, BUT FROM THE
25 VEHICLE, THE IMMEDIATE AREA AROUND IT. THESE RIGHT

1 HERE ARE TIRE MARKS THAT AT THAT TIME, I HAD NO IDEA
2 WHETHER THEY BELONGED TO THIS CRIME SCENE OR
3 SOMETHING THAT WAS LEFT IN THE LOWE'S PARKING LOT,
4 BUT SINCE THEY WERE INSIDE MY CRIME SCENE, I DID TAKE
5 PHOTOS OF THOSE, AND I MARKED IT ON THE CHART.

6 Q AND AGAIN, WHEN YOU GO TO A CRIME SCENE, YOU AREN'T
7 SURE WHAT MAY BE SIGNIFICANT DOWN THE ROAD AND WHAT
8 MAY NOT?

9 A THAT'S RIGHT.

10 Q BUT YOU DID YOUR JOB PHOTOGRAPHING STATE'S EXHIBIT 21
11 AND 22?

12 A CORRECT.

13 Q THOSE NEVER WERE MATCHED UP TO ANY CAR OR ANYTHING?

14 A NO, MA'AM.

15 Q THERE WAS NEVER A CAR RECOVERED IN THIS CASE?

16 A NO.

17 Q NOR AN INDICATION THOSE WERE LEFT BY ANY CAR?

18 A THAT'S CORRECT.

19 Q I WANT TO FOCUS ON THE BACK OF THE CHEVROLET, STATE'S
20 EXHIBIT 18. WHAT DOES THAT SHOW? TELL THE JURY.

21 A THE REAR OF THE TAHOE AND THE CARGO AREA.

22 Q THE REAR OF THE TAHOE?

23 A YES, MA'AM.

24 Q IS THAT HOW IT APPEARED WHEN YOU GOT THERE THAT DAY?

25 A YES, MA'AM.

1 Q AND AGAIN, I SEE UP HERE, AND IT'S A LITTLE FUNNY
2 ANGLE. WHAT IS THIS UP HERE ON THE TOP, STICKING UP
3 OFF THE TOP?

4 A THE WINDOW, THE REAR HATCH THAT OPENS. IT'S KIND OF
5 A GLASS PIECE. THE BACK OF THE WINDOW BASICALLY
6 OPENS UP.

7 Q THE BACK WINDOW KIND OF OPENS UP ON THE TOP HINGES
8 THERE?

9 A RIGHT.

10 Q AND THAT'S HOW IT WAS WHEN YOU GOT THERE, RIGHT?

11 A YES, MA'AM.

12 Q AND I NOTICE AS WE'RE LOOKING IN THIS PICTURE
13 INSIDE -- LET ME REFER TO STATE'S EXHIBIT 20. IS
14 THIS A CLOSER UP SHOT?

15 A THAT'S CORRECT.

16 Q AND WHAT DOES THIS SHOW?

17 A IT SHOWS THE INSIDE OF THE BACK OF THE VEHICLE.
18 THERE'S A BLUE CONTAINER WITH TAPE ON IT SITTING
19 INSIDE THE CARGO AREA OF THE VEHICLE.

20 Q AND IF I PUT MY FINGER RIGHT HERE AND MY PEN RIGHT
21 HERE, IS THAT THE BLUE CONTAINER YOU'RE REFERRING TO?

22 A YES, MA'AM.

23 Q AND THAT'S THE BLUE CONTAINER. IS THAT HOW IT WAS
24 SITUATED WHEN YOU GOT THERE THAT DAY?

25 A YES, MA'AM.

- 1 Q AND IN THE MIDDLE OF THE BLUE CONTAINER, I SEE SOME
2 BLACK. WHAT IS THAT?
- 3 A TAPE, LIKE ELECTRICAL TAPE.
- 4 Q BLACK ELECTRICAL TAPE?
- 5 A YES, MA'AM.
- 6 Q AND THAT'S HOW IT APPEARED THAT DAY?
- 7 A YES, MA'AM.
- 8 Q AND IS THAT ITEM -- WERE YOU ABLE TO GET INTO IT WHEN
9 YOU GOT THERE?
- 10 A THE CONTAINER?
- 11 Q YES.
- 12 A YES, MA'AM.
- 13 Q SO IT WAS OPEN WHEN YOU GOT THERE?
- 14 A RIGHT.
- 15 Q I SEE YOU'VE ALSO GOT SOME MEASUREMENTS HERE TO A
16 LIGHT POLE AND THINGS OF THAT NATURE?
- 17 A RIGHT.
- 18 Q SO BASICALLY, YOU'RE TRYING TO CENTER WHERE THE
19 VICTIM'S BODY WAS --
- 20 A RIGHT.
- 21 Q -- ONCE HE WAS SHOT?
- 22 A YES, MA'AM.
- 23 Q AND THESE ARE ALL REFLECTED HERE?
- 24 A YES, MA'AM.
- 25 Q OKAY. YOU CAN SIT BACK DOWN, IF YOU WILL.

1 ONCE YOU HAD PHOTOGRAPHED THE SCENE, LET ME GET
2 THIS OUT OF THE WAY. YOU PHOTOGRAPHED THE SCENE, THE
3 EXTERIOR, DID YOU DO ANY KIND OF INVENTORY OR SEARCH
4 OF THE CAR?

5 A YES, MA'AM.

6 Q AND WHEN YOU SEARCHED IN THE CAR, DO YOU KNOW EXACTLY
7 WHAT YOU'RE LOOKING FOR?

8 A NO, MA'AM.

9 Q NOT AT THAT POINT?

10 A NO, MA'AM.

11 Q BUT YOU HAD BEEN BRIEFED ON THE GENERAL FACTS OF THIS
12 CASE?

13 A RIGHT.

14 Q SO AT THE TIME THAT YOU'RE SEARCHING THE CAR AND
15 LOOKING FOR EVIDENCE THAT MAY BE SIGNIFICANT IN THIS
16 CASE, YOU KNOW THAT SOMEONE HAS BEEN SHOT AT LOWE'S?

17 A THAT'S CORRECT.

18 Q AND WHAT, IN ADDITION TO THAT, DO YOU KNOW?

19 A NOT A WHOLE LOT. JUST THAT THERE WAS A SHOOTING.

20 Q BECAUSE AGAIN, THIS IS RIGHT AFTER THE SHOOTING
21 OCCURRED, RIGHT?

22 A CORRECT.

23 Q AND I'M GOING TO SHOW YOU THIS SERIES OF PHOTOGRAPHS
24 OF THE INTERIOR OF THE CAR AND ASK IF YOU RECOGNIZE
25 THOSE.

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1 A YES, MA'AM.

2 Q AND DO THOSE FAIRLY AND ACCURATELY DEPICT CERTAIN
3 ITEMS THAT YOU FOUND IN THE CAR THAT DAY?

4 A YES, MA'AM.

5 Ms. Campbell: YOUR HONOR, AT THIS TIME WE'D
6 OFFER THEM INTO EVIDENCE.

7 Ms. Pringle: NO OBJECTION, YOUR HONOR.

8 BY Ms. Campbell

9 Q GO AHEAD AND IDENTIFY THESE SO I CAN GET THEM MARKED
10 AT ONCE. DO YOU RECOGNIZE THOSE?

11 A YES.

12 Q AND WERE THOSE PHOTOGRAPHS TAKEN AT THE SCENE THAT
13 DAY?

14 A YES, MA'AM.

15 Ms. Campbell: AND, YOUR HONOR, I'D OFFER THESE
16 ALL WITHOUT OBJECTION, I BELIEVE.

17 THE COURT: WITHOUT OBJECTION.

18 (WHEREUPON, STATE'S EXHIBIT NOS. 24 - 29 WERE
19 MARKED FOR IDENTIFICATION AND RECEIVED INTO
20 EVIDENCE.)

21 BY Ms. Campbell

22 Q YOU MENTIONED BEFORE THAT LOOKING INTO THE BACK OF
23 THE TAHOE, YOU COULD SEE THAT BLUE CONTAINER?

24 A YES, MA'AM.

25 Q AND I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS

1 STATE'S EXHIBIT 24. CAN YOU EXPLAIN TO THE JURY WHAT
2 THAT IS?

3 A THAT'S JUST INSIDE THAT BLUE CONTAINER IN THE BACK OF
4 THE VEHICLE.

5 Q AND THIS IS THE BLUE CONTAINER WITH THE TOP PUSHED
6 OFF?

7 A YES, MA'AM.

8 Q AND WHAT IS SHOWN INSIDE THE BLUE CONTAINER ONCE YOU
9 PUSHED THE TOP OFF THAT DAY?

10 A THERE WERE TWO CINDER BLOCKS, A SACK OF CEMENT,
11 CONCRETE, AND SEVERAL BLANKETS.

12 Q AND SEVERAL BLANKETS?

13 A YES, MA'AM.

14 Q I'M GOING TO SHOW YOU THESE ITEMS.

15 Ms. Campbell: YOUR HONOR, MAY HE STEP DOWN?

16 THE COURT: DON'T HURT YOURSELF.

17 BY Ms. Campbell.

18 Q I WON'T. THANK YOU. I'M SORRY, YOUR HONOR.

19 I'M GOING TO ASK YOU TO LOOK AT THESE ITEMS. DO
20 YOU RECOGNIZE THESE.

21 A YES, MA'AM.

22 Q WHAT ARE THESE ITEMS?

23 A THIS IS A BLUE CONTAINER THAT WAS IN THE REAR OF THE
24 VEHICLE. IT'S BROKEN UP CINDER BLOCKS IN THIS BOX,
25 AND THAT'S A SACK OF CEMENT.

1 Q AND THEN THESE TWO ITEMS, DO YOU RECOGNIZE THOSE?

2 A BLANKETS. THE BLANKETS ARE AROUND THE BACK.

3 Q AND WERE ALL THOSE ITEMS CONTAINED IN THE BLUE
4 CONTAINER WHEN YOU GOT THERE?

5 A YES, MA'AM.

6 Q AND AGAIN, WHAT WAS THE CONDITION OF THE BLUE
7 CONTAINER WHEN YOU GOT THERE?

8 A IT WASN'T CUT UP LIKE THIS, BUT IT WAS KIND OF OPEN.

9 Q OPEN LIKE THAT?

10 A YES, MA'AM.

11 Q TO THE POINT WHERE SOMEONE COULD LOOK IN?

12 A CORRECT.

13 Ms. Campbell: OKAY. YOUR HONOR, AT THIS TIME,
14 WE WOULD OFFER ALL THESE ITEMS INTO EVIDENCE.

15 Ms. Pringle: NO OBJECTION.

16 THE COURT: WITHOUT OBJECTION.

17 (WHEREUPON, STATE'S EXHIBITS NOS. 30 - 34 WERE
18 MARKED FOR IDENTIFICATION AND RECEIVED INTO
19 EVIDENCE.)

20 BY Ms. Campbell

21 Q AND AGAIN, JUST FOR THE RECORD, ALL THE ITEMS I HAVE
22 BEFORE ME, STATE'S EXHIBITS 31 THROUGH 34 WERE
23 CONTAINED IN THIS BLUE CONTAINER?

24 A YES, MA'AM.

25 Q AND EXPLAIN TO THE JURY, AND WE'LL GET BACK TO THIS,

1 WAS THIS BLUE CONTAINER IN THIS CONDITION WHEN YOU
2 GOT IT OUT OF THE BACK OF THE CAR?

3 A NO, MA'AM. IT WAS A WHOLE CONTAINER.

4 Q IT WAS A WHOLE CONTAINER?

5 A RIGHT.

6 Q AND I NOTICE THE TOP OF THIS CONTAINER HAS BEEN CUT
7 HERE ON THE SIDE?

8 A YES, MA'AM.

9 Q WAS IT LIKE THAT WHEN YOU GOT IT?

10 A NO, MA'AM.

11 Q DID YOU ACTUALLY DO THAT FOR SOME TESTING LATER?

12 A RIGHT, I DID.

13 Ms. Pringle: OBJECTION TO THE LEADING, YOUR
14 HONOR, AT THIS POINT.

15 THE COURT: OVERRULED. GO AHEAD.

16 BY Ms. Campbell

17 Q THANK YOU.

18 I NOTICE SOME BLACK MARKS, TOO, ON THIS
19 CONTAINER. CAN YOU EXPLAIN THOSE TO THE JURY?

20 A THE BLACK MARKS AND WHATNOT ON THERE, IT CHANGED
21 COLOR AND EVERYTHING ELSE WHEN WE PROCESSED IT FOR
22 LATENT PRESENTS.

23 Q SO YOU PROCESSED FOR LATENT PRINTS. SO THIS
24 CONTAINER ACTUALLY LOOKED LIKE IT APPEARED IN THESE
25 PICTURES?

- 1 A THAT'S CORRECT.
- 2 Q SLIGHTLY OPEN LIKE THAT, AND THERE'S A BETTER PICTURE
- 3 ON STATE'S EXHIBIT 20?
- 4 A YES, MA'AM.
- 5 Q AND THE BLACK DUCT TAPE ON THE BACK, I'LL GET BACK TO
- 6 THAT IN A MINUTE, BUT YOU ACTUALLY PROCESSED THAT,
- 7 TOO?
- 8 A YES, MA'AM.
- 9 Q BUT THAT'S HOW IT APPEARED WHEN YOU PROCESSED IT THAT
- 10 DAY; IS THAT RIGHT?
- 11 A THAT'S CORRECT.
- 12 Q OKAY. DID YOU ALSO PROCESS SOME OTHER ITEMS IN THE
- 13 INTERIOR OF THE CAR?
- 14 A I TOOK -- I DID. I LOCATED SOME OTHER ITEMS IN THE
- 15 CAR.
- 16 Q OKAY.
- 17 A I TOOK PHOTOS OF THEM.
- 18 Q I'M GOING TO SHOW YOU SOME PHOTOGRAPHS FROM THE FRONT
- 19 SEAT AND UNDER THE FRONT SEAT OF THE CAR, STATE'S
- 20 EXHIBIT 26 AND 25?
- 21 A RIGHT.
- 22 Q IS THAT HOW THOSE ITEMS APPEARED WHEN YOU PROCESSED
- 23 THAT CAR THAT DAY?
- 24 A YES, MA'AM.
- 25 Q WHAT ARE THOSE ITEMS, SIR?

- 1 A THIS FIRST ITEM IS A SMALL 22 CALIBER DERRINGER TYPE
2 PISTOL THAT WAS ON THE DASHBOARD OF THE CAR.
- 3 Q A SMALL PISTOL?
- 4 A YES, MA'AM.
- 5 Q AND I NOTICE THAT IT LOOKS LIKE IT'S IN HOLSTER.
- 6 A YES, MA'AM.
- 7 Q IS THAT HOW IT WAS WHEN YOU GOT IT?
- 8 A YES, MA'AM.
- 9 Q AND THIS IS ANOTHER GUN?
- 10 A THIS IS ANOTHER SEMIAUTOMATIC PISTOL. IT WAS UP
11 UNDER THE DRIVER'S SEAT.
- 12 Q UNDER THE DRIVER'S SEAT?
- 13 A YES, MA'AM.
- 14 Q AND WHEN YOU GOT THERE AT THE SCENE THAT DAY, THESE
15 WERE STILL IN THIS POSITION?
- 16 A THAT'S CORRECT.
- 17 Q THIS PISTOL WAS UNDER THE DRIVER'S SEAT, AND THE
18 SMALL GUN AND THE HOLSTER WAS ON THE DASH?
- 19 A RIGHT.
- 20 Q AND THAT'S HOW IT WAS WHEN YOU GOT THERE?
- 21 A YES, MA'AM.
- 22 Q AND IN ADDITION TO THAT, DID YOU NOTE ANY -- DID YOU
23 ALSO FIND SOME MONEY IN THE CAR, STATE'S EXHIBIT 27?
- 24 A THAT'S CORRECT IN THE BLACK BAG.
- 25 Q IN THE BLACK BAG?

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- 1 A YES, MA'AM.
- 2 Q AND DO YOU REMEMBER -- DID YOU COLLECT THE MONEY THAT
- 3 DAY THAT'S IN THIS BLACK DUFFEL BAG?
- 4 A YES, MA'AM. WE TOOK THE WHOLE BAG.
- 5 Q AND DO YOU REMEMBER APPROXIMATELY HOW MUCH MONEY YOU
- 6 COLLECTED FROM THAT BACKSEAT?
- 7 A I DON'T EXACTLY REMEMBER. IT WAS 30 OR \$40,000.
- 8 SOMEWHERE IN THERE. IT WAS A LOT OF MONEY.
- 9 Q A LOT OF MONEY. ONCE YOU HAD TAKEN -- OH FINALLY,
- 10 WHENEVER YOU GO TO A CRIME SCENE, YOU'RE AWARE THAT A
- 11 SHOOTING OR STABBING OR SOMETHING LIKE THAT TAKES
- 12 PLACE, DO YOU SEARCH THE AREA FOR ANY KIND OF WEAPONS
- 13 OR EVIDENCE OF WEAPONS?
- 14 A YES, MA'AM.
- 15 Q DID YOU DO THAT IN THIS CASE, SIR?
- 16 A YES, MA'AM.
- 17 Q WERE YOU ABLE TO FIND ANY GUNS OTHER THAN THE TWO
- 18 FOUND IN THE FRONT SEAT?
- 19 A NO, MA'AM.
- 20 Q AND ALSO, BEFORE I MOVE ON TO THE GUNS, THOSE TWO IN
- 21 THE FRONT SEAT, WAS THERE ANY EVIDENCE THAT THEY HAD
- 22 BEEN FIRED RECENTLY OR ANYTHING OF THAT NATURE?
- 23 A NOT -- JUST APPEARANCE, NOT LIKE NOBODY HAD MOVED
- 24 THEM OR ANYTHING.
- 25 Q OKAY. DID YOU FIND ANY EVIDENCE THERE NEAR THE CAR

- 1 OF A SHOOTING, HOWEVER?
- 2 A YES, MA'AM.
- 3 Q AND I'M GOING TO SHOW YOU STATE'S EXHIBIT 28 AND 29.
- 4 DO YOU RECOGNIZE THOSE?
- 5 A YES, MA'AM. THESE ARE BOTH PHOTOS OF THE SHELL
- 6 CASING.
- 7 Q AND THEN I'M GOING TO SHOW YOU THIS ITEM. DO YOU
- 8 RECOGNIZE THAT?
- 9 A YES, MA'AM.
- 10 Q IS THAT WHAT WAS ACTUALLY THE SHELL CASING THAT IS
- 11 DEPICTED IN STATE'S EXHIBIT 28 AND 29?
- 12 A YES, MA'AM.
- 13 Q AND WHERE WAS THIS SHELL CASING LOCATED?
- 14 A LYING BEHIND THE -- TO THE REAR OF THE VEHICLE, THE
- 15 BLACK TAHOE.
- 16 Q TO THE REAR OF THE BLACK TAHOE?
- 17 A YES, MA'AM.
- 18 Q SO IT WOULD HAVE BEEN LOCATED -- I SHOW YOU STATE'S
- 19 EXHIBIT 19 IN THE REAR OF THAT.
- 20 A RIGHT. IT'S ACTUALLY GOT A NUMBER RIGHT BY IT.
- 21 Q SO THAT'S ACTUALLY THIS NUMBER RIGHT HERE?
- 22 A YES, MA'AM.
- 23 Q WELL, I CAN'T LINE IT UP.
- 24 A RIGHT OVER HERE IS THE NUMBER 10. IT'S HARD TO SEE.
- 25 Q THIS IS THE CLOSE UP. 28 AND 29 IS THE CLOSE UP OF

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1 STATE'S EXHIBIT 18 -- 19, EXCUSE ME. THE MARKER IS
2 OVER HERE.

3 TELL ME, HOW DOES A SHELL CASING, IS THAT
4 DIFFERENT FROM WHAT I ALWAYS CALL A BULLET?

5 A YES, IT IS.

6 Q AND HOW IS THAT DIFFERENT?

7 A IT'S AN EMPTY SHELL CASING.

8 Q IT'S AN EMPTY SHELL CASING. HOW DOES AN EMPTY SHELL
9 CASING TYPICALLY GET IN A CRIME SCENE IF A SHOOTING
10 HAS OCCURRED?

11 A AFTER YOU FIRE A GUN, THE SHELL CASING IS EJECTED
12 FROM THE WEAPON. IF IT'S AN AUTO WEAPON, A
13 SEMIAUTOMATIC WEAPON, IT WILL EJECT IT.

14 Q OKAY. THERE ARE TWO DIFFERENT KINDS OF HANDGUNS; IS
15 THAT CORRECT?

16 A YES, MA'AM.

17 Q THERE'S A REVOLVER AND A SEMIAUTOMATIC?

18 A YES, MA'AM.

19 Q IF I HAVE A REVOLVER, IS THAT ONE OF THE THINGS THAT
20 TWIRL IN THE MIDDLE?

21 A THAT'S CORRECT.

22 Q IF I HAD A REVOLVER, WOULD IT LEAVE A SHELL CASING,
23 TYPICALLY, AT THE SCENE?

24 A NO, MA'AM.

25 Q THEY DON'T EJECT THE SHELL CASINGS?

- 1 A THAT'S CORRECT.
- 2 Q BUT SAY IF I HAD A SEMIAUTOMATIC HANDGUN, IT EJECTS
- 3 THE SHELL CASING?
- 4 A RIGHT.
- 5 Q AND HOW DOES THAT HAPPEN?
- 6 A AN EXTRACTOR EXTRACTS THE SHELL OUT OF THE GUN, THE
- 7 SHELL CASING.
- 8 Q AND IT ACTUALLY FLIES OUT OF THE SIDE OF THE GUN?
- 9 A YES, MA'AM.
- 10 Q SO YOU DID FIND EVIDENCE THAT A SHOOTING HAD TAKEN
- 11 PLACE OTHER THAN THE BLOOD ON THE GROUND?
- 12 A THAT'S CORRECT.
- 13 Q AND WERE YOU ABLE TO DETERMINE WHAT KIND OF SHELL
- 14 CASING THIS WAS?
- 15 A YES, MA'AM.
- 16 Q WHAT IS IT?
- 17 A IT'S A WINCHESTER NINE MILLIMETER LUGER.
- 18 Q A WINCHESTER NINE MILLIMETER SHELL CASING?
- 19 A RIGHT.
- 20 Q SO THIS IS THE TYPE OF AMMUNITION THAT WOULD BE IN A
- 21 NINE MILLIMETER HANDGUN?
- 22 A THAT'S CORRECT.
- 23 Q AND THERE WERE NO OTHER WEAPONS THAT YOU FOUND AT THE
- 24 SCENE?
- 25 A THAT'S CORRECT.

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1 Q I'M GOING TO SHOW YOU TWO MORE ITEMS. SEE IF YOU
2 RECOGNIZE THESE. YOU ACTUALLY LOOKED AT THIS
3 EARLIER.

4 A THAT'S THE WEAPON FROM UNDER THE SEAT OF THE VEHICLE.

5 Q THAT'S THE WEAPON FROM UNDER THE SEAT OF THE VEHICLE
6 THAT'S SHOWN IN THE PHOTOS?

7 A YES, MA'AM. AND THIS WAS ON THE DASHBOARD.

8 Q OKAY. AND WHEN YOU FOUND IT, THE WEAPON WAS ACTUALLY
9 IN THE HOLSTER?

10 A YES, MA'AM.

11 Q JUST FOR CLARIFICATION, THIS SMALLER GUN HAS BEEN
12 DISMANTLED?

13 A CORRECT.

14 Ms. Campbell: YOUR HONOR, AT THIS TIME WE'D
15 OFFER IT INTO EVIDENCE.

16 THE COURT: ANY OBJECTION?

17 Ms. Pringle: NO OBJECTION.

18 (WHEREUPON, STATE'S EXHIBITS NOS. 35, 36 WERE
19 MARKED FOR IDENTIFICATION AND RECEIVED INTO
20 EVIDENCE.)

21 BY Ms. Campbell

22 Q ONCE YOU HAD PHOTOGRAPHED THE SCENE AND COLLECTED
23 EVIDENCE, YOU COLLECTED MORE EVIDENCE FROM THE
24 INTERIOR OF THE CAR; IS THAT CORRECT?

25 A THAT'S RIGHT.

1 Q WHAT DO YOU DO WHEN YOU GO ABOUT PROCESSING A CRIME
2 SCENE LOOKING FOR THINGS SUCH AS FINGERPRINTS OR
3 BLOOD EVIDENCE THAT MAY BE USEFUL, THINGS OF THAT
4 NATURE?

5 A JUST SCRAPE FROM A VEHICLE. THAT PARTICULAR VEHICLE
6 WE TOWED TO OUR COMPOUND.

7 Q OKAY.

8 A AN ENCLOSED LOT.

9 Q AN ENCLOSED LOT.

10 A A SECURED BUILDING.

11 Q AND THE REASON YOU TOWED THAT CAR AFTER -- YOU
12 COLLECTED THESE ITEMS OUT THERE AT THE SCENE, RIGHT?

13 A RIGHT.

14 Q AND AFTER YOU HAD TOWED THE CAR TO A -- WHERE DID
15 YOU -- TO THE COMPOUND, YOU CALLED IT?

16 A YES, WE CALL IT THE COMPOUND. THAT'S A BUILDING THAT
17 IS OWNED AND OPERATED BY THE SHERIFF'S DEPARTMENT.
18 IT'S BASICALLY A BUILDING WE KEEP VEHICLES IN LIKE
19 THAT UNTIL WE CAN DO A LITTLE MORE WORK ON THEM
20 PROCESSING THEM, WHATNOT, WHATEVER WE NEED TO DO IT
21 ON IT.

22 Q SO YOU CAN DO A MORE THOROUGH JOB PROCESSING IT?

23 A THAT'S CORRECT.

24 Q AND AFTER YOU TOW A CAR FROM A CRIME SCENE TO PROCESS
25 IT, YOU'RE LOOKING FOR FINGERPRINTS?

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- 1 A THAT'S CORRECT.
- 2 Q IF IT OCCURRED IN THE CAR, YOU MIGHT BE LOOKING FOR
3 BLOOD EVIDENCE IN THE CAR?
- 4 A RIGHT..
- 5 Q WERE YOU AWARE OF WHERE THE SHOOTING TOOK PLACE IN
6 THIS CASE?
- 7 A YES, MA'AM.
- 8 Q AND THAT WASN'T IN THE CAR?
- 9 A AS FAR AS I COULD TELL, IT TOOK PLACE OUTSIDE THE
10 VEHICLE.
- 11 Q DID YOU FIND ANYTHING OF SIGNIFICANCE OUTSIDE THE
12 CAR?
- 13 A NO, MA'AM.
- 14 Q ANY EVIDENCE THE PERPETRATOR HAD EVER BEEN IN THE
15 CAR?
- 16 A NO, MA'AM.
- 17 Q DID YOU PROCESS THE AUTOMOBILE FOR THE PRESENCE OF
18 FINGERPRINTS?
- 19 A I DID.
- 20 Q WERE YOU AWARE OF WHAT PART OF THE CAR THE SHOOTER
21 HAD ACTUALLY BEEN NEAR OR POSSIBLY TOUCHED?
- 22 A IT WAS THE REAR OF THE VEHICLE JUST FROM THE CRIME
23 SCENE.
- 24 Q FROM THE CRIME SCENE?
- 25 A RIGHT.

1 Q AND WHEN YOU PROCESSED THE CAR, WERE YOU ABLE TO
2 RETRIEVE ANY FINGERPRINTS THAT YOU COULD USE LATER
3 FOR IDENTIFICATION PURPOSES?

4 A NONE THAT WERE WHAT WE CALL SUFFICIENT QUALITY WITH
5 ENOUGH RIDGE DETAIL TO MAKE ANY SENSE OF IT.

6 Q OKAY.

7 A MORE SMUDGES THAN ANYTHING.

8 Q AND EXPLAIN THAT TO THE JURY. WHEN YOU PROCESS A
9 CAR, THERE SHOULD BE FINGERPRINTS ON IT. WHY WEREN'T
10 YOU ABLE TO GET ANY USABLE FINGERPRINTS OFF THIS CAR?

11 A A LOT OF ENVIRONMENTAL FACTORS CONTRIBUTE TO IT,
12 DUST, THE WIND, RAIN, ANYTHING. AS EASY AS IT IS TO
13 PUT A FINGERPRINT ON A VEHICLE, IT'S JUST AS EASY FOR
14 IT TO GET SMEARED BY ANOTHER FINGERPRINT.

15 SOMETIMES YOU HAVE FINGERPRINTS ON TOP OF OTHER
16 FINGERPRINTS WHICH MAKES IT WHERE IT'S NOT SUFFICIENT
17 FOR IDENTIFYING ANY CHARACTERISTICS IN THE
18 FINGERPRINT ITSELF.

19 Q LET ME ASK YOU THIS, INVESTIGATOR: IF I WALK UP HERE
20 AND PUT MY FINGER HERE AND THERE AND HAVEN'T MOVED
21 IT, AM I GOING TO LEAVE A FINGERPRINT THERE THAT YOU
22 COULD LIFT?

23 A YOU COULD.

24 Q WHY DO YOU SAY I COULD? SHOULDN'T I HAVE ONE THERE?

25 A THERE WILL BE A REMNANT OF YOUR FINGERPRINT THERE,

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1 BUT IT WILL DEPEND ON YOUR FINGER, HOW MOIST YOUR
2 FINGER IS.

3 Q HOW MOIST THE FINGER, WHETHER OR NOT I MOVE MY
4 FINGER?

5 A CORRECT.

6 Q THE TYPE OF SURFACE?

7 A YES, MA'AM.

8 Q SOME SURFACES, SUCH AS GLASS, ARE MUCH MORE CONDUCTIVE
9 TO FINGERPRINTS THAN OTHERS?

10 A THAT'S CORRECT.

11 Q THINGS OF THAT NATURE. YOU PROCESSED THIS ENTIRE
12 CAR?

13 A YES, MA'AM.

14 Q AND WERE YOU ACTUALLY ABLE TO LIFT FINGERPRINTS OF
15 SORTS?

16 A I LIFTED SEVERAL THAT I TERM THEM "QUESTIONABLE
17 QUALITY". USUALLY WHEN WE PROCESS A CAR, WE PUT
18 FINGERPRINT DUST INSIDE, OUTSIDE, GO BACK OVER IT,
19 MORE LIKE WITH A FINE TOOTH COMB, REALLY EXAMINE IT,
20 GET IN AN AREA WHERE YOU START SEEING BITS AND PIECES
21 OF FINGERPRINTS, THEY MAY PUT MORE POWER IN THAT
22 AREA. YOU GO BACK, PUT YOUR LIFTING TAPE ON.
23 SOMETIMES IT LOOKS LIKE IT MAY -- IF IT'S
24 QUESTIONABLE, I'LL TAKE IT BACK TO THE OFFICE AFTER I
25 HAVE LOOKED AT IT.

1 I DOCUMENT ON THE CARD ITSELF THE LOCATION OF IT.
2 TO SHOW, TO HELP ME AND ANYBODY ELSE WHO WILL LOOK AT
3 IT SO THEY'LL KNOW WHERE THAT ROUGHLY CAME FROM ON
4 THE VEHICLE, TAKE IT BACK TO THE OFFICE AND LOOK AT
5 IT THERE WITH A MAGNIFYING GLASS. I HAVE DIFFERENT
6 SIZE MAGNIFYING GLASSES TO SEE IT, SEE IF THERE'S ANY
7 CHARACTERISTICS IN THERE THAT ARE IDENTIFIABLE,
8 SOMETHING I CAN LOOK AT.

9 IF AND WHEN I DO GET ANOTHER PRINT, I WANT TO
10 SEE IF THEY ACTUALLY DO THE COMPARISON, I'VE GOT TO
11 FIND THOSE CHARACTERISTICS IN THERE. IF I DON'T HAVE
12 THOSE OR THEY'RE NOT SUFFICIENT, I DON'T HAVE
13 ANYTHING TO COMPARE IT, NOTHING TO WORK WITH.

14 Q OKAY. SO SAY IF YOU GET A PRINT, A PARTIAL PRINT OR
15 SOMETHING, IT MAY HAVE WHAT WE CALL SOME RIDGE DETAIL
16 SHOWING THE OUTLINE OF THE PRINT, BUT IT MAY NOT BE
17 ENOUGH TO COMPARE?

18 A THAT'S CORRECT.

19 Q OR IT MAY BE TOO SMUDGED TO COMPARE?

20 A YES, MA'AM.

21 Q THINGS OF THAT NATURE?

22 A YES, MA'AM.

23 Q AND IN THIS CASE, YOU WERE ABLE TO LIFT SEVERAL
24 PRINTS FROM THE CAR?

25 A YES, MA'AM.

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1 Q WERE ANY OF ANY QUALITY FOR WHICH YOU COULD MAKE
2 FURTHER COMPARISONS?

3 A NO, MA'AM.

4 Q NONE TO WHICH YOU COULD EVEN MATCH THE VICTIM. YOU
5 KNOW HE WAS IN THE CAR, RIGHT?

6 A RIGHT.

7 Q IS THAT UNUSUAL?

8 A NO, MA'AM.

9 Q YOU ALSO REMOVED SOME ITEMS FROM THE CAR. OF
10 PARTICULAR INTEREST, I WANT TO FOCUS ON STATE'S
11 EXHIBIT 30 AND THE DUCT TAPE THAT WAS AROUND IT.

12 A RIGHT.

13 Q DID YOU DO ANY PROCESSING ON THAT ITEM?

14 A ON THE DUCT TAPE?

15 Q AND THE BLUE CONTAINER.

16 A YES, MA'AM. I THINK IT'S ELECTRICAL TAPE.

17 Q YES, I'M SORRY. I FORGOT TO PUT THAT IN. IN THIS
18 BOX?

19 A RIGHT.

20 Q THAT'S GOT THE BLACK TAPE?

21 A YES, MA'AM.

22 Ms. Campbell: YOUR HONOR, AT THIS TIME I'D
23 OFFER IT INTO EVIDENCE.

24 IT'S THE TAPE.

25 Ms. Pringle: NO OBJECTION.

1 THE COURT: WITHOUT OBJECTION.

2 (WHEREUPON, STATE'S EXHIBIT NO. 37 WAS MARKED
3 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

4 BY Ms. Campbell

5 Q AND AGAIN, STATE'S EXHIBIT 37, BACK TO THE TAPE, THE
6 PHOTOGRAPH ON THE BACK --

7 A YES, MA'AM.

8 Q -- AROUND THIS?

9 A YES, MA'AM.

10 Q YOU TOOK THAT INTO CUSTODY, TOO?

11 A YES, MA'AM.

12 Q AND WHEN YOU TOOK THAT, DID YOU -- WERE YOU CAREFUL
13 WITH IT SO THAT YOU COULD PROCESS IT AT A LATER TIME?

14 A RIGHT.

15 Q AND WHAT KIND OF PROCESSING WERE YOU GOING TO DO ON
16 THESE ITEMS?

17 A ON THE BLUE CONTAINER, I PROCESSED IT USING
18 CYANOACRYLATE, FOR A BETTER TERM, IT'S SUPERGLUE. I
19 CAN EXPLAIN HOW THE PROCESS WORKS, BUT I USED THAT ON
20 THERE. I USED THE STICKY SIDE POWDER, WHICH IS A
21 PHOTO CHEMICAL MIXED WITH BLACK FINGERPRINT POWDER,
22 AND IT IS JUST A CHEMICAL THAT ONCE YOU MIX THEM
23 TOGETHER, THEY'LL ADHERE TO FINGERPRINTS ON THE BACK
24 OF THE TAPE.

25 Q ON THE BACK OF THE TAPE?

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- 1 A YES, MA'AM.
- 2 Q AND AGAIN, YOU WERE PROCESSING THIS AND LOOKING FOR
- 3 FINGERPRINTS; IS THAT CORRECT?
- 4 A YES; YES, MA'AM.
- 5 Q WAS THERE ANY BLOOD EVIDENCE OR ANYTHING LIKE THAT
- 6 FOR ANY D.N.A. ON THESE ITEMS?
- 7 A NO, MA'AM.
- 8 Q AND WHEN YOU WERE ABLE TO -- LET ME ELIMINATE THESE
- 9 FIRST, THE CONCRETE AND THE BLANKETS, WERE THOSE
- 10 SUITABLE FOR ANY FURTHER PROCESSING?
- 11 A THE BRICKS WEREN'T. THE SACK OF CEMENT, THE ACTUAL
- 12 PAPER SACK, WE TREATED WITH NINHYDRIN CHEMICAL.
- 13 Q THE CEMENT YOU DID TRY TO TREAT TO DEVELOP IT?
- 14 A WE SPRAYED IT WITH NINHYDRIN.
- 15 Q WERE YOU ABLE TO DEVELOP ANY FINGERPRINTS OFF THE
- 16 CEMENT BAG?
- 17 A NO, MA'AM.
- 18 Q OKAY. AND THAT IS MADE OF PAPER AND COVERED IN DUST;
- 19 IS THAT CORRECT?
- 20 A THAT'S CORRECT.
- 21 Q WOULD YOU EXPECT TO FIND ANY FINGERPRINTS?
- 22 A PROBABLY NOT. ON JUST A REGULAR PIECE OF PAPER
- 23 MAYBE, BUT THAT CEMENT SACK WAS KIND OF --
- 24 Q AND AGAIN, THE BLANKETS JUST WEREN'T SUITABLE?
- 25 A RIGHT.

1 Q AND THAT'S BECAUSE OF THE MATERIAL THEY WERE MADE OF?

2 A RIGHT.

3 Q BUT YOU DID PROCESS THE BLUE CONTAINER?

4 A YES, MA'AM.

5 Q STARTING FIRST WITH THE DUCT TAPE, WHAT DID YOU
6 PROCESS IT WITH AND WHAT DID YOU FIND?

7 A I PUT IT IN THE FREEZER. THE FREEZER MAKES IT EASIER
8 TO HANDLE. THE REGULAR OLD REFRIGERATOR IN THE LAB,
9 IT MAKES IT WHERE IT'S NOT STICKING TOGETHER.

10 WE MIX A PHOTO SOLUTION THAT WE KEEP THAT WE
11 DEVELOP OUR BLACK AND WHITE FILM IN A DARKROOM. WE
12 HAVE A BOOK THAT WE USE. YOU LOOK UP -- IT'S CALLED
13 STICKY SIDE POWDER, THAT'S THE SOLUTION OR CHEMICAL
14 THAT'S USED TO PUT ON THE BACK OF TAPE ON THE STICKY
15 SIDE.

16 WHEN YOU BRUSH IT ON WITH JUST A REGULAR FEATHER
17 FINGERPRINT BRUSH, AS YOU BRUSH IT ON, IT'S SUPPOSED
18 TO ADHERE. IT DOESN'T REALLY ADHERE. IT LEAVES A
19 BLANK SPOT WHERE THE FINGERPRINT IS. IT MAKES THE
20 FINGERPRINT, THE LATENT, WHICH IS THE HIDDEN
21 FINGERPRINT, IT MAKES THAT FINGERPRINT ADHERE ON THAT
22 TAPE. THAT'S WHAT I DID WITH THE TAPE.

23 Q AND WHAT WERE THE RESULTS WHEN YOU PROCESSED THE
24 TAPE?

25 A I DIDN'T FIND ANY FINGERPRINTS ON THE TAPE.

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1 Q YOU WEREN'T ABLE TO FIND ANY FINGERPRINTS ON THE
2 TAPE?

3 A NO, MA'AM.

4 Q DID YOU DO ANY FURTHER PROCESSING ON THE BLUE
5 CONTAINER?

6 A YES, MA'AM.

7 Q JUST FOR THE RECORD, I MAY TOUCH THIS TAPE, BUT I MAY
8 NOT LEAVE ENOUGH RIDGE DETAIL OR SMUDGE OR FOR
9 WHATEVER REASON, I MAY NOT LEAVE A VIABLE PRINT?

10 A RIGHT. OR YOU COULD BE WEARING GLOVES.

11 Q A NUMBER OF REASONS. DID YOU PROCESS THE BLUE
12 CONTAINER, STATE'S EXHIBIT 30?

13 A YES, MA'AM.

14 Q WHAT DID YOU FIND WHEN YOU PROCESSED THE BLUE
15 CONTAINER?

16 A I USED CYANOACRYLATE, WHICH IS A VERSION OF
17 SUPERGLUE. YOU TAKE THE CYANOACRYLATE WHICH COMES IN
18 A BOTTLE LIKE A SUPERGLUE BOTTLE. NORMALLY, IF IT'S
19 A SMALL ITEM, SAY SOMETHING THIS BIG (INDICATING) YOU
20 CAN PUT IT IN A TANK. IT'S AN AQUARIUM WITH A LID
21 THAT YOU CAN SEAL ON THERE. IT'S GOT A HOT PLATE IN
22 THERE. YOU PUT A LITTLE DISH IN THERE. YOU PUT THE
23 CYANO ON IT OR THE SUPERGLUE.

24 THE HOT PLATE HEATS IT UP. THE ONLY WAY THAT
25 SUPERGLUE OR CYANOACRYLATE WILL ADHERE TO THE AMINO

1 ACIDS OF MOISTURE IS IN ITS GAS FORM. YOU HAVE TO
2 HEAT IT UP. YOU ALSO PUT A CUP OF WARM WATER INSIDE
3 OF IT TO CREATE HUMIDITY AND MOISTURE INSIDE THAT
4 TANK.

5 ONCE IT COMES INTO THE GAS FORM, IT'S LIKE
6 BOILING WATER. IT TURNS INTO A VAPOR OR GAS. THE
7 CYANOACRYLATE TURNS INTO A GAS. IT CIRCULATES IN THE
8 TANK. THE TANK LOOKS CLEAR LIKE AN AQUARIUM WHEN YOU
9 START OUT.

10 WHEN YOU FINISH, THE TANK IS WHITE ALL OVER
11 BECAUSE THE GAS IS STUCK TO IT. I CAN'T PUT THAT
12 CONTAINER IN THAT TANK BECAUSE THE TANK IS ONLY ABOUT
13 THAT BIG.

14 WE HAVE A TENT. IT'S THE SEARCH AND FINGERPRINT
15 COMPANY (PHONETIC). WHEN YOU PUT THAT TENT UP, THE
16 TENT IS DESIGNED TO DO ANYTHING UP TO A HUMAN BODY.
17 YOU CAN PUT A BODY IN THERE AND FUME IT.

18 WHEN I SAY FUME, I MEAN USE THE CYANOACRYLATE.
19 I DIDN'T HAVE A HOT PLATE. IT'S THE SAME THING
20 THERE. ONCE YOU HEAT THEM UP AND TEAR THEM APART,
21 THERE'S A CHEMICAL REACTION THAT TAKES PLACE BECAUSE
22 OF THAT CYANO OR SUPERGLUE TO TURN INTO A GAS FORM
23 WHEN IT'S INSIDE THE MOIST AIR.

24 WHAT I DID IS PUT THAT INSIDE THE TENT. I
25 SEALED THE TENT TO THE FLOOR OF THE LAB, AND THEN I

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1 TOOK LITTLE CUPS OF HOT WATER. I JUST LET THE WATER
2 RUN UNTIL IT GOT REAL HOT. I THINK I ACTUALLY HEATED
3 SOME IN THE MICROWAVE JUST TO CREATE HUMIDITY IN
4 THERE AND A MOISTURE, A MOIST AREA IN THERE.

5 WHEN THAT REACTS WITH THE HOT PACKS, IT'S THE
6 SAME AS HAVING IT ON THE HOT PLATE. THAT VAPOR COMES
7 OUT OR THAT GAS, THE CYANO IS A GAS, AND IT ADHERES
8 TO FINGERPRINTS.

9 I DID THAT LATE THAT EVENING AND LEFT IT
10 OVERNIGHT SO IT WOULD -- I MEAN, THE LONGER, THE
11 BETTER.

12 I LEFT IT UNTIL THE NEXT MORNING WHEN I GOT
13 THERE. I HAD SEVERAL LATENTS -- THEY WERE NO LONGER
14 LATENT FINGERPRINTS. THEY WERE ACTUALLY FINGERPRINTS
15 ON THE CONTAINER.

16 Q AND I BELIEVE YOU SAID WHEN YOU GOT BACK AFTER IT HAD
17 BEEN PROCESSED AND LEFT OVER NIGHT, IT WAS IN A
18 SECURE AREA?

19 A IT WAS LOCKED INSIDE.

20 Q THE NEXT MORNING, WHAT DID YOU FIND?

21 A THE FINGERPRINTS ON THE CONTAINER.

22 Q AND IN WHAT AREA OF THE CONTAINER DID YOU FIND THE
23 FINGERPRINTS THAT WERE OF SUFFICIENT QUALITY TO BE
24 COMPARED?

25 A AROUND THE TOP EDGES AND THE LID AREA.

- 1 Q AND I'M GOING TO SHOW YOU --
- 2 A THE PLACES THAT I CUT OUT.
- 3 Q -- ON STATE'S EXHIBIT 30, HERE ON THE TOP, THERE'S
- 4 SOME SQUARE CUT OUT AREAS.
- 5 A RIGHT.
- 6 Q ARE THOSE PLACES YOU ACTUALLY CUT OUT?
- 7 A YES, MA'AM.
- 8 Q WHY DID YOU CUT THOSE AREAS OUT OF THE TOP HERE?
- 9 A TO TAKE THE FINGERPRINT, THE ACTUAL FINGERPRINT, AS
- 10 IT APPEARED ONCE IT WAS DEVELOPED WITH THE
- 11 CYANOACRYLATE JUST TO TAKE IT OUT SO I COULD PRESERVE
- 12 IT.
- 13 Q AND THERE WAS A NUMBER YOU GOT ACTUALLY OFF THE TOP?
- 14 A RIGHT.
- 15 Q AND THEN I NOTICE HERE ON THE SIDE OF THIS STERILITE
- 16 CONTAINER ARE SOME MORE CUT OUTS HERE AND ON THIS
- 17 CORNER.
- 18 A YES, MA'AM.
- 19 Q AND OVER HERE.
- 20 A RIGHT.
- 21 Q AND RIGHT HERE.
- 22 A RIGHT.
- 23 Q ARE THOSE ALSO AREAS OF THE ACTUAL CONTAINER THAT YOU
- 24 CUT OUT WHERE THERE WERE FINGERPRINTS?
- 25 A YES, MA'AM.

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1 Q AND I'M GOING TO SHOW YOU THESE BOXES THAT AREN'T THE
2 U.S. MAIL.

3 A NO. THESE ARE OUR LITTLE BOXES THAT CONTAIN EACH
4 PIECE.

5 Q SO THESE ARE THE ACTUAL PIECES --

6 A YES, MA'AM.

7 Q -- WITH THE FINGERPRINT THAT WAS CUT FROM HERE?

8 A YES, MA'AM.

9 Ms. Campbell: YOUR HONOR, AT THE TIME WE'D
10 OFFER THEM INTO EVIDENCE.

11 Ms. Pringle: NO OBJECTION.

12 THE COURT: WITHOUT OBJECTION.

13 (WHEREUPON, STATE'S EXHIBITS NOS. 38 - 45 WERE
14 MARKED FOR IDENTIFICATION AND RECEIVED INTO
15 EVIDENCE.)

16 BY Ms. Campbell

17 Q INVESTIGATOR, ONCE YOU PROCESSED THE ITEMS IN THIS
18 WAY WITH THE SUPERGLUE MIXTURE YOU TALKED ABOUT, DID
19 THE FINGERPRINTS REMAIN FAIRLY INTACT?

20 A RIGHT.

21 Q I WANT YOU JUST -- YOUR HONOR, MAY THE WITNESS STEP
22 DOWN FOR A MOMENT?

23 THE COURT: YES.

24 BY Ms. Campbell

25 Q TAKING ANY ONE OR TWO OF THESE, WHATEVER YOU WANT, IS

1 THAT A GOOD ONE, IN STATE'S EXHIBIT 41. ON THE SIDE
2 OF THESE BOXES I NOTE, TOO, THAT YOU HAVE CERTAIN
3 NUMERALS.

4 A RIGHT.

5 Q THAT'S THE CASE NUMBER? IS THAT THE CASE NUMBER OF
6 THE SHOOTING AT LOWE'S?

7 A YES, MA'AM.

8 Q AND WHAT DO THESE NUMBERS MEAN?

9 A THE 81 IS AFTER I DEVELOPED THEM, I TOOK PHOTOGRAPHS
10 OF THEM. THE WAY IT'S LABELED ON THE ORIGINAL
11 CONTEXT SHEET, THESE "L'S" ARE FOR LATENT, LS-2 IS
12 LATENT NUMBER TWO.

13 Q SO BASICALLY, THE "L" IS LATENT PRINT NUMBER ONE
14 HERE?

15 A RIGHT.

16 Q AND THAT WOULD BE LATENT PRINT NUMBER TWO?

17 A TWO.

18 Q THAT'S JUST A NUMBERING SYSTEM YOU ASSIGNED THEM TO?

19 A YES, MA'AM.

20 Q AND THESE, AGAIN, ARE ALL TAKEN FROM THE BACK OF THE
21 TAHOE, RIGHT?

22 A THAT'S CORRECT.

23 Q AND USING THAT ONE, I GUESS AS AN EXAMPLE, CAN YOU
24 SHOW THE JURY WHAT KIND OF PRINTS YOU DEVELOPED?

25 A IS IT ALL RIGHT IF I PASS THEM AROUND, OR IS IT GOING

1 TO HURT?

2 (THERE WAS NO RESPONSE).

3 THE BAILIFF: LUCK.

4 Ms. Campbell: I'M SORRY, GO AHEAD.

5 THE WITNESS: IS IT OKAY TO PASS IT AROUND?

6 IT'S NOT GOING TO HURT IF THEY LOOK AT IT.

7 Ms. Campbell: OH REALLY? OKAY.

8 THE WITNESS: IT'S FIXED.

9 BY Ms. Campbell

10 Q IT'S FIXED, OKAY, SO YOU CAN'T MESS IT UP NOW. PRIOR
11 TO THAT, IT CAN BE MESSED UP, RIGHT? IF SOMEONE ELSE
12 COMES ALONG AND TOUCHES IT BEFORE IT'S ACTUALLY SET,
13 BEFORE YOU DO YOUR WORK, IT COULD HAVE BEEN SMUDGED.

14 A CYANO IS PRETTY MUCH FIXED UNLESS YOU SQUIRT ACETONE
15 OR SOMETHING ON IT.

16 Q OKAY. TELL THE JURY WHAT THEY ARE LOOKING AT THERE.

17 A THAT IS THE ACTUAL IMPRESSION OF THE PARTIAL PRINT ON
18 THE CONTAINER ONCE THE CYANO OR SUPERGLUE HAS ADHERED
19 TO IT.

20 Q AND AGAIN, THESE BOXES, SOME OF THEM HAVE MULTIPLE
21 PIECES IN IT --

22 A CORRECT.

23 Q -- THOSE ARE ALL FINGERPRINTS THAT YOU COLLECTED
24 AFTER PROCESSING?

25 A YES.

1 Q YOU MENTIONED THAT YOU ACTUALLY PHOTOGRAPHED THESE
2 FINGERPRINTS AND PUT THEM ON A PRINT SHEET.

3 A CONTACT SHEET.

4 Q CONTACT SHEET. DO YOU HAVE THAT WITH YOU?

5 A I HAVE ONE.

6 Q AND IS THIS THE ACTUAL PHOTOGRAPH? THIS IS THE
7 CONTACT SHEET?

8 A IT'S A NEGATIVE CONTACT SHEET.

9 Q A NEGATIVE CONTACT SHEET?

10 A RIGHT.

11 Q SO THESE ARE THE ACTUAL PHOTOGRAPHS OF THE ONES?

12 A RIGHT, THE ONES THAT ARE IN THOSE BOXES.

13 Ms. Campbell: YOUR HONOR, AT THIS TIME I'D
14 OFFER IT INTO EVIDENCE.

15 WHERE DID SHE GO?

16 Ms. Pringle: NO OBJECTION.

17 (WHEREUPON, STATE'S EXHIBIT NO. 46 WAS MARKED
18 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

19 BY Ms. Campbell

20 Q AFTER YOU DEVELOPED THOSE PRINTS AT A LATER DATE, DID
21 YOU HAVE AN OCCASION TO COMPARE IT TO THE VICTIM IN
22 THE CASE, NATHANIEL CASEY, AND HIS WIFE'S PRINTS?

23 A YES, MA'AM.

24 Q AND DID ANY OF THE PRINTS THAT YOU FOUND MATCH EITHER
25 NATHANIEL CASEY OR HIS WIFE CONSUELO CASEY?

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- 1 A NO, MA'AM.
- 2 Q AT A LATER DATE, DID YOU TRY TO MATCH THOSE PRINTS TO
- 3 THE DEFENDANT?
- 4 A YES, MA'AM.
- 5 Q AND WERE YOU ABLE TO MATCH THE PRINTS THAT WERE FOUND
- 6 ON THIS CONTAINER THAT WAS INSIDE THE TAHOE TO THE
- 7 DEFENDANT, PHILLIP CROCKER?
- 8 A NO, MA'AM.
- 9 Q EXPLAIN TO THE JURY -- YOU WERE NOT ABLE TO CONNECT
- 10 THE PRINTS TO ANY OF THOSE THREE PEOPLE. DO YOU HAVE
- 11 A SYSTEM IN PLACE IN YOUR LABORATORY WHERE YOU CAN
- 12 RUN PRINTS THROUGH A COMPUTER SYSTEM TO TRY TO MATCH
- 13 THEM UP?
- 14 A YES, MA'AM.
- 15 Q WHAT'S THAT SYSTEM CALLED?
- 16 A A.F.I.S.
- 17 Q EXPLAIN TO THE JURY WHAT A.F.I.S. IS AND HOW THAT
- 18 HELPS YOU AS AN INVESTIGATOR.
- 19 A IT'S A SYSTEM WHERE THE PRINTS KIND OF SCAN INTO A
- 20 COMPUTER. IN OUR A.F.I.S. SYSTEM IT RUNS THROUGH --
- 21 IT'S JUST IN THE STATE OF SOUTH CAROLINA. IT'S THE
- 22 SOUTH CAROLINA A.F.I.S.
- 23 S.L.E:D. KEEPS A DATABASE, STATE LAW ENFORCEMENT
- 24 DIVISION DOWN ON BROAD RIVER ROW. IT'S WHERE IT
- 25 ORIGINATES. THEY HAVE A DATABASE, A COMPUTERIZED

1 DATABASE, ON FINGERPRINT CARDS FOR FOLKS WHO HAVE
2 BEEN ARRESTED OR FINGERPRINTED FOR WHATEVER REASON.

3 THE A.F.I.S. SYSTEM, ONCE IT IS SCANNED IN,
4 DOESN'T IDENTIFY EXACTLY THIS PRINT BELONGS TO THIS
5 PERSON. IT GIVES YOU -- IT NARROWS THE SEARCH DOWN
6 AND MAKES IT A LITTLE EASIER.

7 IT WILL GIVE YOU A SCORE. ON THAT SCORE --
8 ACCORDING TO THAT SCORE, IT WILL TELL YOU WHETHER THE
9 LIKELIHOOD IT'S -- YOU KNOW, I THINK IT'S 10.

10 I DON'T RUN THE A.F.I.S. SYSTEM. WE HAVE
11 ANOTHER INVESTIGATOR THAT DOES IT, WHICH WE CAN ALL
12 DO IT. IT'S BASICALLY JUST A MATTER OF INPUT. IT
13 GOES OUT, RUNS THROUGH THE DATABASE. IT COMES BACK
14 AND TELLS YOU OKAY, THESE 10 ARE CLOSE.

15 ONCE YOU DO THAT, IT'S BACK TO THE SCIENCE OF
16 WHAT WE CALL H.D., ANALYZE, COMPARE, EVALUATE, HAVE
17 IT VERIFIED. THAT WAY WE'RE NOT RELYING STRICTLY ON
18 THAT COMPUTER.

19 SOMETIMES IT MAY COME BACK AND SAY IT'S SOMEONE.
20 ONCE WE EXAMINE IT WITH THE NAKED EYE AND A
21 MAGNIFYING GLASS, SITTING THERE LOOKING AT THE TWO OF
22 THEM, SOMETIMES WE FIND OUT THAT THE SYSTEM DIDN'T
23 MAKE A MATCH. YOU HAVE TO MAKE THAT MATCH YOURSELF.

24 AGAIN, WE GO THROUGH A VERIFICATION SYSTEM AS
25 THESE PRINTS HAVE BEEN VERIFIED MORE THAN ONCE OR

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- 1 TWICE TO VERIFY IF THEY'RE A MATCH OR NOT A MATCH,
2 EITHER OR. IT STILL HAS TO BE VERIFIED.
- 3 Q IN THIS CASE WHEN THEY WERE RUN THROUGH THE A.F.I.S.
4 SYSTEM, OR ANY CASE, WHEN IT'S RUN THROUGH THE
5 A.F.I.S. SYSTEM, IT CAN GIVE YOU POSSIBLE NAMES OF
6 POSSIBLE PEOPLE?
- 7 A CORRECT.
- 8 Q IN THIS CASE WHEN YOU RAN IT THROUGH THE SOUTH
9 CAROLINA A.F.I.S. SYSTEM, DID IT INDICATE IT TO BE A
10 POSSIBLE MATCH TO ANYONE?
- 11 A NO, MA'AM.
- 12 Q HOW MANY PRINTS DID YOU ACTUALLY HAVE OF SUFFICIENT
13 QUALITY TO DO COMPARISONS?
- 14 A SEVENTEEN OR 18.
- 15 Q SEVENTEEN OR 18 DIFFERENT PRINTS, AND SOME OF THOSE
16 MAY BE CLUSTERED TOGETHER; IS THAT CORRECT?
- 17 A THAT'S CORRECT.
- 18 Q SO AS OF PROBABLY JANUARY 1ST OF 2002, IT WASN'T THE
19 DEFENDANTS, AND NEITHER THE VICTIM NOR HIS WIFE,
20 RIGHT?
- 21 A THAT'S CORRECT.
- 22 Q SUBSEQUENT TO THAT, DID YOU TAKE ANY FURTHER STEPS IN
23 TRYING TO IDENTIFY WHOSE FINGERPRINTS WERE ON THIS?
- 24 A YES, MA'AM. WE TOOK -- THE LATENTS WERE SENT TO THE
25 F.B.I. THEY HAVE A NATIONAL SYSTEM THEY USE.

1 Q AND WHEN YOU SAY YOU TOOK THE LATENTS, I'M SHOWING
2 YOU STATE'S EXHIBIT 46, THOSE ITEMS IN THOSE LITTLE
3 BOXES THERE.

4 A RIGHT. IT WASN'T THE ACTUAL ITEMS. IT WAS THIS
5 NEGATIVE CONTACT SHEET THAT WAS SENT TO THE F.B.I.

6 Q IS THAT THE TYPICAL WAY OF DOING COMPARISONS FROM A
7 CONTACT SHEET?

8 A RIGHT. YOU CAN DO IT FROM A CONTACT SHEET. THEY CAN
9 ACTUALLY DEVELOP FROM THE NEGATIVES OR BIG ONES,
10 EITHER OR.

11 Q AND YOU SAID YOU SENT THOSE FINGERPRINTS TO THE
12 F.B.I.?

13 A YES, MA'AM.

14 Q AND WHAT WAS THE PURPOSE IN YOUR SENDING THEM TO THE
15 F.B.I. FOR FURTHER SEARCHING?

16 A TO IDENTIFY WHOSE PRINTS THEY WERE.

17 Q AND WHEN YOU SENT THEM TO THE F.B.I. AGAIN, THEY HAD
18 AN A.F.I.S. SYSTEM?

19 A RIGHT. IT'S A MUCH LARGER SCALE, MORE THAN SOUTH
20 CAROLINA. IT'S A NATIONAL.

21 Q NATIONAL SCALE?

22 A YES, MA'AM.

23 Q BUT IT DOES BASICALLY THE SAME THING YOU JUST
24 DESCRIBED?

25 A SAME THING.

1 Q AND WHEN IT WAS SENT OFF TO A.F.I.S., DID IT COME
2 BACK TO A POSSIBLE HIT AS TO A MATCH?

3 A YES, MA'AM.

4 Q AND WHO WAS THE HIT TO?

5 A IT WAS TO A PHILLIP CROCKER.

6 Q PHILLIP CROCKER?

7 A YES, MA'AM.

8 Q AND THE DEFENDANT IS PHILLIP CROCKER, III; IS THAT
9 CORRECT?

10 A THAT'S CORRECT.

11 Q AND THIS WOULD BE PHILLIP CROCKER, II?

12 A YES, MA'AM, JR., II, NOT PHILLIP CROCKER, III.

13 Q SO THE PRINTS, MULTIPLE ONES MATCHED?

14 A YES, MA'AM.

15 Q AND DO YOU KNOW THE RELATIONSHIP BETWEEN PHILLIP
16 HENRY CROCKER, II, AND PHILLIP CROCKER, III?

17 A FATHER.

18 Ms. Pringle: OBJECTION, YOUR HONOR, BASIS IS
19 HEARSAY, IF HE KNOWS.

20 THE COURT: DO YOU KNOW OF YOUR OWN KNOWLEDGE?

21 THE WITNESS: NO, NOT UNTIL I WAS TOLD LATER.

22 THE COURT: THANK YOU VERY MUCH. I'LL SUSTAIN
23 THE OBJECTION.

24 BY Ms. Campbell

25 Q OKAY. I'LL GET BACK.

1 PHILLIP HENRY CROCKER, II, THEY DID MATCH HIM --
2 BUT PHILLIP HENRY CROCKER, II, THEY DID?
3 A YES, MA'AM.
4 Q ONCE YOU GOT THAT INFORMATION, YOU DIDN'T JUST ASSUME
5 IT WAS CORRECT, THOUGH. DID YOU DO SOME FURTHER
6 INVESTIGATION ON YOUR OWN?
7 A YES, MA'AM.
8 Q I'M GOING TO SHOW YOU A COPY OF A SHEET OF A
9 FINGERPRINT CARD. DO YOU RECOGNIZE THAT?
10 A YES, MA'AM.
11 Q IS THAT A COPY OF THE CARD BELONGING TO PHILLIP HENRY
12 CROCKER, II, OR JR.?
13 A YES, MA'AM, A CERTIFIED COPY OF IT.
14 Q CERTIFIED COPY?
15 A YES, MA'AM.
16 Q AND ONCE YOU WERE ABLE TO GET THAT -- GO BACK TO THE
17 REAL THING. I'LL HAVE IT MARKED. DID YOU DO ANY
18 COMPARISONS BETWEEN THOSE PRINTS TO CONFIRM A MATCH
19 TO PHILLIP HENRY CROCKER, II?
20 A YES, MA'AM.
21 Q AND WHAT WERE YOUR FINDINGS WHEN YOU DID YOUR OWN
22 COMPARISONS?
23 A THAT NOT ALL BUT I BELIEVE IT'S EIGHT OF THE LATENTS
24 THAT WERE DEVELOPED ON THAT CONTAINER AND
25 PHOTOGRAPHED AND COMPARED DID ACTUALLY MATCH PHILLIP

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1 HENRY CROCKER, II.

2 Q AND AT MY REQUEST, IN PREPARATION FOR COURT, DID YOU
3 DO A BLOWUP TO AID YOU IN DESCRIBING THIS FOR THE
4 JURY?

5 A THAT'S CORRECT.

6 Q AND I SHOW YOU THIS. DO YOU RECOGNIZE THIS?

7 A YES, MA'AM.

8 Q IS THAT THE BLOWUP YOU PREPARED?

9 A YES, MA'AM, I DID.

10 Ms. Campbell: PUTTING IT INTO EVIDENCE.

11 Ms. Pringle: MAY WE APPROACH, YOUR HONOR?

12 THE COURT: SURE..

13 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
14 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
15 JURY).

16 THE COURT: JUST RELAX A MINUTE.

17 Ms. Campbell: I'LL DO IT FOR DEMONSTRATIVE
18 PURPOSES.

19 YOUR HONOR, MAY HE STEP DOWN A MOMENT?

20 THE COURT: YES.

21 (WHEREUPON, STATE'S EXHIBIT NO. 47 WAS MARKED
22 FOR IDENTIFICATION ONLY.)

23 THE COURT: FOR IDENTIFICATION.

24 BY Ms. Campbell

25 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S

1 EXHIBIT 47. CAN YOU TELL THE JURY, WHAT DOES THIS
2 SHOW?

3 A THIS IS AN INKED FINGERPRINT; THIS IS A LATENT
4 FINGERPRINT OR PHOTOS OF BOTH.

5 Q PHOTOS OF BOTH?

6 A YES, MA'AM.

7 Q AND BE CAREFUL ABOUT THAT. I DON'T WANT YOU TO...

8 AGAIN, THE INKED FINGERPRINT, WHERE DOES THAT
9 COME FROM?

10 A THE FINGERPRINT CARD.

11 Q THE ACTUAL FINGERPRINT CARD ITSELF?

12 A YES, MA'AM.

13 Q WHICH THIS IS A CERTIFIED COPY?

14 A YES, MA'AM.

15 Q THAT'S WHERE THE INKED FINGERPRINT COMES FROM.

16 THAT'S WHEN IT'S CAREFULLY ROLLED IN A CONTROLLED
17 ENVIRONMENT?

18 A YES, MA'AM.

19 Q AND THAT'S THE ONE OVER HERE. THAT'S WHAT YOU'RE
20 ALWAYS MAKING A COMPARISON TO?

21 A CORRECT.

22 Q AND IN THIS CASE, YOU HAVE THIS LATENT FINGERPRINT.
23 WHICH ONE OF THESE IS IT?

24 A THAT'S THE NUMBER SIX FINGER.

25 Q "L-6"?

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1 A THAT'S IT RIGHT THERE.

2 Q YES. AND WHEN YOU'RE DOING YOUR COMPARISONS, YOU'RE
3 DOING IT IN A CONTROLLED LABORATORY ENVIRONMENT?

4 A YES, MA'AM.

5 Q AND THIS IS A PHOTOGRAPH OF THE ACTUAL LATENT PRINT
6 OR THE PRINT THAT WAS GOTTEN FROM THIS BOX?

7 A RIGHT, FROM THE CONTAINER.

8 Q TELL THE JURY HOW YOU GO ABOUT MAKING A COMPARISON
9 AND WHAT MAKES THESE TWO MATCH.

10 A WHEN I ACTUALLY TOOK THE PHOTOGRAPH, YOU MIGHT NOT BE
11 ABLE TO SEE FROM HERE. YOU CAN SEE LITTLE DOTS
12 INSIDE OF HERE. THESE ARE RIDGES AND FURROWS. WHEN
13 I ACTUALLY TOOK THE PHOTOGRAPH, IT APPEARS WHITE ON
14 THIS BLUE CONTAINER.

15 WHEN I TOOK THE PHOTOGRAPH IN BLACK AND WHITE,
16 THE RIDGES, WHICH ARE THE THINGS YOU SEE ON YOUR
17 FINGERS THERE, THE RIDGES UP HERE ARE WHITE BECAUSE
18 THE CYANO ADHERED TO -- THE SUPERGLUE ADHERED TO
19 THOSE IMPRESSIONS, THOSE RIDGES.

20 WHAT I HAD TO DO IS A BLACK AND WHITE REVERSAL.
21 YOU SEE THE DOTS ON THIS ONE ARE IN THE WHITE.
22 THAT'S WHAT IT LOOKS LIKE WHEN IT CAME OFF OF HERE.

23 TO MAKE IT EASIER FOR MYSELF TO MAKE A
24 COMPARISON AND AS A VISUAL AID HERE IN COURT, I JUST
25 DID A BLACK AND WHITE REVERSAL WITH THE PICTURE

1 ITSELF SO THAT THESE APPEAR THE SAME. THE ACTUAL
2 RIDGES ARE BLACK IN HERE. THE ACTUAL RIDGES ARE
3 BLACK IN THE INKED IMPRESSION. IT SOUNDS KIND OF
4 CRAZY BUT IT'S NOT. IT'S A MATTER OF FLIPPING THE
5 BACKGROUND KIND OF THING.

6 Q ONCE YOU HAD DONE THAT, WERE YOU ABLE TO MAKE A
7 COMPARISON BETWEEN THE TWO?

8 A ACTUALLY, I MADE THE COMPARISON PRIOR TO THAT.

9 Q OKAY. YOU MADE THE COMPARISON PRIOR TO THAT.

10 A YES.

11 Q THERE ARE DIFFERENT FURROUGHS AND RIDGES. WHAT --
12 CAN YOU SHOW SOME OF THE SIMILARITIES?

13 A YOU LOOK FOR CHARACTERISTICS IN THE FINGERPRINT. YOU
14 TRY TO FIND -- YOU MAY LOOK AT THE INKED IMPRESSION.
15 I ALWAYS LIKE TO LOOK OVER HERE AND FIND THE
16 CHARACTERISTICS IN THE ACTUAL LATENT AND THEN TRY TO
17 LOCATE THEM IN THE INKED IMPRESSION.

18 Q UH-HUH.

19 A AS YOU GO THROUGH, YOU START LOOKING FOR THOSE
20 CHARACTERISTICS. THOSE ARE -- THEY'RE CALLED GAULTEN
21 (PHONETIC) DETAILS. THERE'S BIFURCATIONS WHICH ARE
22 MORE OR LESS WHERE TWO RIDGES KIND OF FORK OFF OR
23 BIFURCATE. YOU KNOW, ONE TURNS INTO TWO.

24 THERE'S ENDING RIDGES. THIS ONE RIGHT HERE,
25 NUMBER 10, IS A BIFURCATION. YOU CAN SEE WHERE THE

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1 TWO ARE ON HERE, SPLIT OFF.

2 ON THE LATENTS, IT'S A LOT HARDER TO SEE.

3 SOMETIMES YOU HAVE TO ADJUST THE LIGHT ON IT AND PUT
4 MORE LIGHT ON ONE SIDE OR MORE LIGHT ON THE OTHER
5 SIDE.

6 IT DOESN'T CHANGE THE FINGERPRINT ITSELF AT ALL.
7 IT JUST MAKES IT WHERE IT'S EASIER FOR THE EYE TO
8 SEE. THERE'S SEVERAL -- THERE'S AN ENDING RIDGE
9 RIGHT HERE, I BELIEVE NUMBER EIGHT.

10 I'VE GOT IT. I DID IT SO MANY TIMES. NUMBER
11 FOUR, THE ENDING RIDGE. IT GOES DOWN TO WHERE IT WAS
12 ALSO RIGHT HERE. NUMBER FIVE IS A BIFURCATION.

13 SOMETIMES THEY SEE IT. SOMETIMES WHAT MAY LOOK
14 LIKE -- OVER HERE IT MAY LOOK LIKE AN ENDING RIDGE.
15 IF YOU LOOK OVER HERE, THERE'S AN ENDING RIDGE RIGHT
16 HERE. IT MAY LOOK LIKE A BIFURCATION. IT TAKES A
17 LOT OF TIME AND A LOT OF STUDY. THAT'S WHY WE ALSO
18 DO THE ANALYSIS, COMPARISON, EVALUATING WHAT YOU
19 ANALYZE AND COMPARE. YOU GET IT VERIFIED. LIKE I
20 SAID, THESE HAVE BEEN VERIFIED.

21 Ms. Pringle: OBJECTION, YOUR HONOR.

22 Ms. Campbell: AS TO WHAT?

23 Ms. Pringle: HEARSAY.

24 THE COURT: WHAT WAS HEARSAY?

25 Ms. Campbell: I DON'T KNOW.

1 Ms. Pringle: MAY WE APPROACH?

2 THE COURT: I'M NOT SURE WHAT YOU'RE TALKING
3 ABOUT.

4 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
5 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
6 JURY).

7 BY Ms. Campbell

8 Q I'M SORRY. YOU CAN TALK ABOUT THE RIDGES. GO AHEAD
9 YOU'RE FINE.

10 A I DON'T WANT TO SAY...

11 Q YOU'RE FINE. SO BASICALLY, YOU DID A COMPARISON ON
12 EACH OF THESE.

13 A CORRECT.

14 Q AND YOU SAID THAT YOU CAME UP WITH SEVEN OR EIGHT
15 PRINTS FROM THIS CONTAINER THAT ACTUALLY MATCHED TO
16 PHILLIP HENRY CROCKER, II?

17 A YES, MA'AM.

18 Q AND WITH FINGERPRINTS, CAN TWO PEOPLE HAVE THE SAME
19 FINGERPRINTS?

20 A NO, MA'AM.

21 Q TWO PEOPLE CANNOT HAVE THE SAME FINGERPRINTS?

22 A NO, MA'AM.

23 Q AND THESE FINGERPRINTS ARE UNIQUE TO PHILLIP HENRY
24 CROCKER, II?

25 A THAT'S CORRECT.

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1 Q AND EVEN HIS RELATIVES WOULDN'T HAVE THE SAME
2 FINGERPRINTS?

3 A THAT'S CORRECT.

4 Q AND AGAIN, THIS IS JUST SHOWING ONE OF THE
5 COMPARISONS, BUT YOU MADE THESE SEPARATE FOR EACH
6 ONE?

7 A YES. THIS IS THIS ONE I JUST MADE FOR A VISUAL AID.

8 Q AND AGAIN, THESE ARE THE FINGERPRINTS HERE THAT ARE
9 IN HERE?

10 A RIGHT.

11 Q OKAY. YOU CAN TAKE THE STAND.

12 INVESTIGATOR RUSSELL, WERE THERE A COUPLE OF
13 PRINTS, HOWEVER, THAT HAVE NEVER BEEN MATCHED FROM
14 THIS CONTAINER?

15 A YES, MA'AM.

16 Q THOSE ALSO HAVE BEEN RUN THROUGH A.F.I.S. AND THERE'S
17 NO MATCH?

18 A THAT'S CORRECT.

19 Q BUT EIGHT OF THOSE MATCHED PHILLIP HENRY CROCKER, II?

20 A YES, MA'AM.

21 Q DID YOU HAVE AN OCCASION TO GO TO THE HOSPITAL THAT
22 EVENING AND ACTUALLY GATHER SOME EVIDENCE FROM THE
23 VICTIM IN THE CASE?

24 A YES, MA'AM.

25 Q AND WHEN DID YOU GO TO THE HOSPITAL?

1 A AFTER I COMPLETED PROCESSING THE SCENE AND WE GOT THE
2 SCENE CLEARED OUT THERE AT LOWE'S.

3 Q AND WHEN YOU GOT TO THE HOSPITAL, HAD THE VICTIM
4 ALREADY BEEN PRONOUNCED DEAD?

5 A YES, MA'AM.

6 Q AND WHEN YOU GOT THERE, WHAT KIND OF EVIDENCE WERE
7 YOU TRYING TO GET WHEN YOU GOT TO THE HOSPITAL THAT
8 AFTERNOON OR THAT EVENING, I SHOULD SAY?

9 A GUNPOWDER RESIDUE WAS ONE OF THE ITEMS I WAS LOOKING
10 FOR.

11 Q WHY ARE YOU LOOKING FOR -- TELL THIS JURY WHAT KIND
12 OF TEST YOU'RE PERFORMING AND WHAT YOU'RE LOOKING FOR
13 WHEN YOU'RE DOING A GUNPOWDER RESIDUE TEST, A G.P.R.?

14 A IT'S A PROCESS OF STICKY TABS. IT'S HARD TO EXPLAIN,
15 BUT IF THERE'S ANY GUNPOWDER RESIDUE ON YOUR HANDS AT
16 THE SCENE, THE FIRST OFFICERS ON THE SCENE, AS WELL
17 AS THE E.M.S. PERSONNEL, PARAMEDICS, WHATNOT, WHEN
18 THEY GO TO A SCENE LIKE THAT, THEY REALIZE THAT MAYBE
19 WE'RE GOING TO DO THAT. THEY TAKE BROWN PAPER BAGS
20 AND ACTUALLY TAPE OVER THE HANDS.

21 WHEN I ARRIVED AT THE HOSPITAL, MR. CASEY HAD
22 BROWN PAPER BAGS TAPED OVER HIS HANDS. WHAT THEY'RE
23 THERE FOR IS TO SECURE HIS HANDS SO THAT WHEN THEY
24 GET TO THE HOSPITAL, THE MEDICAL STAFF DOESN'T WIPE
25 THEIR HANDS OFF WITH ALCOHOL SWABS OR WET PAPER

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1 TOWELS OR WHATNOT. THAT WOULD DESTROY ANY EVIDENCE,
2 GUNPOWDER RESIDUE.

3 WITHIN A SPECIFIED AMOUNT OF TIME, I CAN GO OVER
4 THE BACKS OF BOTH HANDS AND THE PALMS OF BOTH HANDS.
5 THOSE ARE ENCLOSED AND THEY'RE SEALED. ALSO, YOU
6 COULD USE NITRIC ACID, PUT IT ON A SWAB. I ALSO RUB
7 THAT ON. THOSE ARE ALSO PLACED IN TO SECURE, AND
8 THEY'RE ALL SENT TO S.L.E.D. FOR A CHEMIST TO ANALYZE
9 THOSE AND LOOK FOR TRACES OF GUNPOWDER RESIDUE.

10 Q FOR TRACES OF GUNPOWDER RESIDUE. YOU DID THE VICTIM
11 THAT NIGHT, RIGHT?

12 A YES, MA'AM.

13 Q AND YOU MENTION THAT YOU HAVE TO THIS WITHIN A
14 CERTAIN AMOUNT OF TIME?

15 A YES, MA'AM.

16 Q IS IT A MATTER OF DAYS, WEEKS, OR MONTHS?

17 A SIX HOURS.

18 Q A MATTER OF SIX HOURS. WHY IS THAT?

19 A EVEN SHOOTING A GUN IN YOUR OWN HAND, THE POWDER CAN
20 DISSIPATE. I MEAN, IT'S MICROSCOPIC. THE HANDS ARE
21 BACK, SO THEY GET BRUSHED ACROSS THE SHEET OR
22 WHATNOT.

23 AFTER A CERTAIN AMOUNT OF TIME, I BELIEVE THEY
24 GO AROUND DIFFERENT THEORIES. DIFFERENT PLACES AND
25 DIFFERENT PEOPLE HAVE DIFFERENT THEORIES, BUT WE

1 ABIDE BY -- OUR POLICY IS SIX HOURS.

2 IN THAT AMOUNT OF TIME, THAT STUFF SHOULDN'T
3 HAVE BEEN WIPED OFF OR ABSORBED OR WHATNOT FOR ANY
4 REASON. INSIDE OF SIX HOURS, YOU CAN STILL DO THE
5 TEST AND SEND IT IN TO SEE IF IT'S POSITIVE.

6 Q AND, IN FACT, AT THE HOSPITAL, THEY KNOW IF A PERSON
7 IS THE VICTIM OF A SHOOTING, TO BAG THE HANDS?

8 A THAT'S CORRECT.

9 Q AND THAT WAS DONE IN THIS CASE?

10 A YES, IT'S DONE ON THE SCENE.

11 Q ON THE SCENE?

12 A IF HE WOULD HAVE BEEN THERE, I WOULD HAVE DONE IT.

13 Q AT THE HOSPITAL?

14 A YES, MA'AM:

15 Q AND YOU ACTUALLY TOOK IT WITHIN THE TIME LIMITS WE'RE
16 TALKING ABOUT?

17 A YES, MA'AM.

18 Q THAT EVENING AS SOON AS YOU LEFT THE SCENE?

19 A YES, MA'AM.

20 Q AND AGAIN, YOU'RE LOOKING TO SEE IF HE HAS GUNPOWDER
21 RESIDUE ON HIS HANDS?

22 A JUST LIKE A PREP KIT. I'M JUST TAKING A SAMPLE.

23 Q YOU DON'T DO THE TEST?

24 A NO.

25 Q YOU'RE COLLECTING THE EVIDENCE SO IT CAN BE TESTED

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1 LATER?

2 A THAT'S RIGHT.

3 Q AND IT'S FOR THE PRESENCE OF GUNPOWDER RESIDUE?

4 A YES, MA'AM.

5 Q AND THAT WAS DONE ON THE VICTIM IN THIS CASE,

6 MR. CASEY?

7 A YES, MA'AM.

8 Q WERE YOU AWARE, AND YOU MAY BE AWARE, THAT THE

9 DEFENDANT WAS ARRESTED, I BELIEVE ON DECEMBER 12TH,

10 APPROXIMATELY THREE OR FOUR WEEKS LATER?

11 A YES, MA'AM.

12 Q DID YOU CONDUCT ANY GUNPOWDER RESIDUE KITS ON HIM A

13 MONTH, THREE, OR FOUR WEEKS LATER WHEN HE WAS

14 ARRESTED?

15 A NO, MA'AM.

16 Q WHY NOT?

17 A THERE WOULDN'T HAVE BEEN ANY REASON TO.

18 Q BECAUSE THE TESTS AREN'T VALID AFTER SIX HOURS?

19 A RIGHT.

20 Ms. Campbell: THAT'S ALL I'D HAVE, YOUR HONOR.

21 Ms. Pringle: CAN WE APPROACH, YOUR HONOR?

22 THE COURT: SURE.

23 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE

24 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE

25 JURY).

1 CROSS-EXAMINATION:

2 BY Ms. Pringle

3 Q GOOD AFTERNOON, INVESTIGATOR RUSSELL.

4 A GOOD AFTERNOON.

5 Q DO YOU NEED WATER OR ANYTHING? YOU HAVE BEEN UP
6 THERE A WHILE.

7 A NO, I JUST GOT SOME, THANKS.

8 Q I'M GOING TO TRY TO MOVE FAIRLY QUICKLY. I KNOW IT'S
9 LATE IN THE DAY. EVERYBODY IS SOMEWHAT TIRED,
10 PROBABLY INCLUDING YOU.

11 JUST TO BACK UP A LITTLE BIT, YOU ARE CURRENTLY
12 EMPLOYED WITH THE RICHLAND COUNTY SHERIFF'S
13 DEPARTMENT, AS YOU TESTIFIED?

14 A YES, MA'AM.

15 Q AND YOU STATED EARLIER IN YOUR TESTIMONY, WHEN YOU
16 FIRST GOT ON THE STAND, THAT YOU HAVE BEEN IN YOUR
17 CURRENT POSITION FOR ABOUT TWO YEARS?

18 A YES, MA'AM.

19 Q AND PRIOR TO THAT, WHAT WAS YOUR EMPLOYMENT?

20 A I HAD BEEN WITH THE SHERIFF'S DEPARTMENT TWO YEARS
21 BEFORE I CAME TO THE FORENSIC'S LAB.

22 Q AND WHAT WERE YOU DOING AT THE SHERIFF'S DEPARTMENT?

23 A I WAS A LINE OFFICER.

24 Q AND FOR THOSE OF US WHO DON'T KNOW, WHAT IS A LINE
25 OFFICER?

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1 A I WORKED ON THE ROAD PATROL, PATROLLED IN REGION TWO
2 HERE IN RICHLAND COUNTY.

3 Q SO YOU WOULDN'T HAVE ACTUALLY BEEN DOING FORENSIC
4 EVIDENCE COLLECTION OR FORENSIC EVIDENCE ANALYSIS AS
5 A LINE OFFICER?

6 A FINGERPRINT, DUSTING FOR FINGERPRINTS AND WHATNOT,
7 YES, I DID THAT ON THE LINE.

8 Q AND IN PROCESSING THE VEHICLE WHICH YOU TESTIFIED YOU
9 DID THAT ALONG WITH, I BELIEVE YOU PROCESSED THAT
10 VEHICLE WITH INVESTIGATOR LIVINGSTON?

11 A YES, MA'AM.

12 Q CORRECT, INVESTIGATOR LIVINGSTON WAS ASSISTING YOU?

13 A RIGHT.

14 Q AND IN PROCESSING THE VEHICLE, JUST TO BREAK IT
15 COMPLETELY DOWN, YOU'RE TRYING TO IDENTIFY A SUSPECT
16 IN THE CASE, CORRECT?

17 A CORRECT.

18 Q AND YOU'RE TRYING TO IDENTIFY EVIDENCE THAT WILL LINK
19 TO A SUSPECT IN THE CASE?

20 A THAT'S CORRECT.

21 Q YOU'RE LOOKING FOR THE PRESENCE OF BLOOD?

22 A CORRECT.

23 Q YOU'RE LOOKING FOR THE PRESENCE OF FINGERPRINTS?

24 A CORRECT.

25 Q FOOTPRINTS?

1 A CORRECT.

2 Q IF THEY EXIST?

3 A YES.

4 Q TIRE TRACKS?

5 A RIGHT.

6 Q HAIR?

7 A RIGHT.

8 Q FIBER EVIDENCE?

9 A RIGHT.

10 Q ANYTHING THAT MAY ASSIST IN IDENTIFYING A SUSPECT IN

11 A CASE, CORRECT?

12 A THAT'S CORRECT.

13 Q AND IN PROCESSING THIS VEHICLE, YOU TESTIFIED ABOUT

14 CERTAIN ITEMS THAT YOU FOUND AND INVENTORIED IN THE

15 VEHICLE?

16 A RIGHT.

17 Q YOU ALSO TESTIFIED TO THE LOCATION OF THOSE ITEMS?

18 A RIGHT.

19 Q AND AMONG THOSE ITEMS, WE'VE SEEN SOME COME INTO

20 EVIDENCE TODAY, WAS A NINE MILLIMETER PISTOL?

21 A THAT'S RIGHT.

22 Q AND A 22 CALIBER PISTOL?

23 A YES, MA'AM.

24 Q AND YOU TESTIFIED THAT WHEN YOU CAME ON THE SCENE AND

25 WHEN YOU INVENTORIED THE VEHICLE, THE 22 CALIBER WAS

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1 ON THE DASH?

2 A THAT'S CORRECT.

3 Q AND THE NINE MILLIMETER WAS UNDER THE SEAT?

4 A UNDER THE DRIVER'S SEAT.

5 Q INVESTIGATOR RUSSELL, WHEN YOU GET THERE, YOU TAKE
6 THE SCENE AS IT IS?

7 A THAT'S CORRECT.

8 Q AND YOU DIDN'T MOVE ANYTHING?

9 A RIGHT.

10 Q YOU DO NOT KNOW, BEFORE YOU GOT THERE OR BEFORE THE
11 CRIME SCENE WAS SECURED, IF ANYTHING WAS MOVED?

12 A THAT'S RIGHT.

13 Q AND AT THE POINT AT WHICH -- AND YOU TESTIFIED AS TO
14 WHAT IT MEANS TO SECURE A CRIME SCENE?

15 A RIGHT.

16 Q A POINT AT WHICH A CRIME SCENE IS SECURED, YOU CAN
17 ASSUME THAT NOTHING HAS BEEN MOVED --

18 A RIGHT.

19 Q -- OR TAMPERED WITH?

20 A RIGHT.

21 Q BUT YOU DO NOT KNOW, BEFORE YOU GET THERE OR BEFORE
22 THE FIRST OFFICER ON THE SCENE GETS THERE, IF ANY OF
23 THE EVIDENCE IS MOVED?

24 A THAT'S CORRECT.

25 Q YOU ALSO TOOK A BLOOD SAMPLE FROM THE POOL OF BLOOD

- 1 AT THE REAR OF THE VEHICLE?
- 2 A RIGHT.
- 3 Q PRESUMABLY BLOOD FROM THE VICTIM. IS THAT FAIR THAT
- 4 WAS YOUR ASSUMPTION AT THE TIME?
- 5 A RIGHT.
- 6 Q AND YOU ALSO TOOK -- AND I DON'T BELIEVE YOU
- 7 TESTIFIED ABOUT THIS ON DIRECT EXAMINATION, BUT YOU
- 8 ALSO LOCATED IN THE VEHICLE, IN THE REAR CARGO
- 9 AREA -- JUST TO CLARIFY, THE REAR CARGO AREA WOULD BE
- 10 THE AREA WHERE THE STERILITE CONTAINER WAS, CORRECT?
- 11 A YEAH, THE VERY REAR OF THE VEHICLE.
- 12 Q AND IN AN S.U.V., THE AREA IN WHICH YOU CAN LIFT THE
- 13 HATCH OPEN?
- 14 A CORRECT.
- 15 Q AND THAT'S THE CARGO AREA?
- 16 A CORRECT.
- 17 Q AND THAT WAS AN AREA THAT WAS A LOCATION VERY CLOSE
- 18 TO THE CRIME THAT WAS COMMITTED?
- 19 A UH-HUH.
- 20 Q AND FROM THE REAR CARGO AREA, YOU COLLECTED A PAIR OF
- 21 SCISSORS?
- 22 A THAT'S RIGHT.
- 23 Q AND ON THESE SCISSORS YOU IDENTIFIED WHAT YOU
- 24 BELIEVED TO BE BLOOD?
- 25 A CORRECT.

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- 1 Q A SUBSTANCE THAT LOOKED LIKE BLOOD?
- 2 A THAT'S CORRECT.
- 3 Q WHEN YOU LOCATE BLOOD AT A CRIME SCENE --
- 4 A UH-HUH.
- 5 Q -- OR TAKE -- SOMETIMES YOU TAKE A SWAB OF BLOOD AT A
- 6 CRIME SCENE.
- 7 A RIGHT.
- 8 Q IF IT'S ON CARPET, FOR INSTANCE, YOU WOULD JUST SWAB
- 9 IT, CORRECT?
- 10 A CORRECT.
- 11 Q YOU DO THAT FOR A REASON.
- 12 A CORRECT.
- 13 Q YOU TAKE THAT EVIDENCE FOR THE SAME REASON WE TALKED
- 14 ABOUT A FEW MINUTES AGO TO TRY TO IDENTIFY A SUSPECT,
- 15 IF A SUSPECT IS EVER DETAINED AND LINK THAT SUSPECT
- 16 TO THE CRIME; IS THAT CORRECT?
- 17 A THAT'S CORRECT.
- 18 Q AND SPECIFICALLY WITH BLOOD, YOU WOULD SUBMIT THAT
- 19 FOR D.N.A. TESTING?
- 20 A CORRECT.
- 21 Q AND EVERYONE HAS SOME IDEA OF WHAT D.N.A. IS, BUT CAN
- 22 YOU JUST GIVE US THE SKINNY OR HOW YOU CAN GET D.N.A.
- 23 OR WHAT KIND OF SUBSTANCES YOU CAN GET D.N.A. FROM?
- 24 A BODY FLUIDS, HAIR, BLOOD.
- 25 Q AND D.N.A. OBTAINED FROM A PAIR OF SCISSORS -- I KNOW

- 1 YOU'RE NOT A D.N.A. EXPERT.
- 2 A RIGHT.
- 3 Q BUT D.N.A. OBTAINED FROM A PAIR OF SCISSORS COULD BE
- 4 VERY CONCLUSIVE EVIDENCE IN A CASE.
- 5 A IT COULD BE.
- 6 Q IN A TRIAL OF A CASE IF THAT D.N.A. EVIDENCE CAME
- 7 BACK EITHER IDENTIFYING OR INCLUDING A SUSPECT, OR IF
- 8 THAT EVIDENCE CAME BACK EXCLUDING, MEANING IT DIDN'T
- 9 MATCH THE SUSPECT --
- 10 A UH-HUH.
- 11 Q -- IF IT ALSO DID NOT MATCH THE VICTIM?
- 12 A THAT'S CORRECT.
- 13 Q AND IN THIS CASE, YOU OBVIOUSLY TOOK NOTE OF THAT,
- 14 AND THAT WAS SIGNIFICANT AND IMPORTANT TO YOU BECAUSE
- 15 YOU SUBMITTED THE SCISSORS FOR TESTING.
- 16 A RIGHT.
- 17 Q AND THAT'S PART OF WHAT YOU DO WHEN YOU -- IF YOU'RE
- 18 NOT QUALIFIED TO PERFORM CERTAIN TESTING, WHICH
- 19 D.N.A., THAT'S NOT YOUR AREA?
- 20 A RIGHT.
- 21 Q YOU WOULD SUBMIT --
- 22 A I COLLECT EVIDENCE AND SUBMIT IT.
- 23 Q AND YOU DID DO THAT IN THIS CASE, CORRECT?
- 24 A I BELIEVE I DID. I'M LOOKING NOW AT MY NOTES HERE.
- 25 Q I BELIEVE IT'S IN YOUR REPORT OF NOVEMBER 22ND, 2001.

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1 (PAUSE).

2 A YEAH, IT'S IN THERE.

3 Q AND IN CONDUCTING YOUR INVESTIGATION, IT'S STANDARD
4 PROCEDURE FOR YOU TO GENERATE REPORTS OF WHAT YOU DO?

5 A THAT'S RIGHT.

6 Q YOU GENERATE THOSE REPORTS BECAUSE, OBVIOUSLY, YOU
7 ARE INVOLVED IN A LOT OF CASES, ARE YOU NOT?

8 A YES, MA'AM.

9 Q AND THIS PARTICULAR INCIDENT TOOK PLACE TWO YEARS
10 AGO?

11 A YES, MA'AM.

12 Q SO YOU GENERATE REPORTS TO KEEP TRACK OF WHAT YOU
13 HAVE DONE IN EACH CASE AND HELP YOU REMEMBER WHAT
14 YOU'VE DONE.

15 A YES, MA'AM.

16 Q AND AFTER YOU REVIEWED YOUR REPORT THAT YOU GENERATED
17 BACK ON NOVEMBER 22ND OF 2001, HAVE YOU BEEN ABLE TO
18 CONFIRM THAT YOU DID SUBMIT THESE SCISSORS FOR D.N.A.
19 ANALYSIS?

20 A NO. I DON'T SEE ON MY REPORT WHERE I REMOVED A PAIR
21 OF SCISSORS FROM THE RIGHT REAR CARGO AREA OF THE
22 VEHICLE. I TOOK THEM FOR PROCESSING.

23 Q OKAY. SO YOU TOOK THEM FOR PROCESSING?

24 A UH-HUH.

25 Q SO, IF ANY D.N.A. ANALYSIS -- IF ANYONE WANTED TO

1 HAVE D.N.A. ANALYSIS PERFORMED OR CONDUCTED, IT COULD
2 BE DONE?

3 A FINGERPRINT, D.N.A., ANY KIND OF ANALYSIS COULD HAVE
4 BEEN DONE TO THEM.

5 Q AND WAS AN ANALYSIS PERFORMED ON THOSE SCISSORS?

6 A WHAT TYPE OF ANALYSIS ARE YOU SPEAKING OF?

7 Q D.N.A. ANALYSIS. DO YOU KNOW?

8 A NOT RIGHT OFF THE TOP OF MY HEAD, NO. THAT'S WHY I'M
9 LOOKING THROUGH MY NOTES AT THIS TIME.

10 (PAUSE).

11 CAN YOU SHOW ME THE REPORT OR GIVE ME THE NUMBER
12 OF THE REPORT WHERE I ACTUALLY STATED THEY HAVE BLOOD
13 ON THEM? I'M SHOWING HERE WHERE I REMOVED THEM FROM
14 THE VEHICLE AND TOOK THEM TO THE LAB. THE NEXT THING
15 I SEE IS WHERE I TREATED THEM WITH CYANO.

16 THIS IS THE ONE I'M READING, MA'AM. I.O.,
17 MEANING INVESTIGATIVE OFFICER, REMOVED A PAIR OF
18 SCISSORS FROM THE RIGHT REAR CARGO AREA OF THE
19 VEHICLE AND TOOK THEM TO THE LAB FOR PROCESSING.

20 YOU GOT ME CONFUSED BECAUSE YOU STATED WHEN YOU
21 STARTED OUT THAT THERE WAS BLOOD ON THEM, AND I
22 DIDN'T -- I'M TRYING TO FIND THAT. MAYBE IT'S ON THE
23 BOTTOM HERE.

24 Q TRY THIS ONE (INDICATING).

25 A OKAY. ALL RIGHT. I COLLECTED A SAMPLE. IT WASN'T

- 1 SUBMITTED.
- 2 Q IT WAS NOT?
- 3 A IF IT HAD BEEN, IT WOULD BE STATED.
- 4 Q BUT IT WAS BLOOD?
- 5 A AS FAR AS I COULD TELL FROM THE PRESUMPTIVE TEST, THE
- 6 HEMOSTICK, YES.
- 7 Q BUT THAT TEST WAS NEVER CONDUCTED. NO D.N.A.
- 8 ANALYSIS WAS EVER CONDUCTED?
- 9 A NO, MA'AM.
- 10 Q OKAY. TO GO BACK OVER A LITTLE BIT OF WHAT WE
- 11 COVERED EARLIER ON, NOT TO BELABOR IT, BUT JUST TO GO
- 12 BACK A LITTLE BIT TO YOUR EXPERIENCE AS A LATENT
- 13 PRINT EXAMINER. YOU HAVE BEEN DOING -- YOU HAVE BEEN
- 14 IN THAT POSITION OF LATENT PRINT ANALYSIS ONLY FOR
- 15 ABOUT TWO YEARS?
- 16 A RIGHT.
- 17 Q AND THIS IS ACTUALLY YOUR FIRST TIME TESTIFYING ABOUT
- 18 AN ANALYSIS OR COMPARISON THAT YOU MADE?
- 19 A RIGHT.
- 20 Q AND THAT'S NOT TO SAY THAT YOU HAVEN'T MADE
- 21 COMPARISONS BEFORE, BUT YOU HAVE NEVER BEEN TO COURT
- 22 TO TESTIFY?
- 23 A I'VE NEVER BEEN QUALIFIED AS AN EXPERT, THAT'S
- 24 CORRECT.
- 25 Q AND YOUR TRAINING IS BASICALLY LIMITED -- CORRECT ME

1 IF I'M MISSING ANYTHING, BUT IT'S LIMITED TO WHAT YOU
2 RECEIVED FROM THE CRIMINAL JUSTICE ACADEMY?

3 A NO. ON THE JOB, I LOOK AT PRINTS. EVEN WORKING ON
4 THE LINE AS A PATROL OFFICER, YOU LOOK AT PRINTS. SO
5 TECHNICALLY, YOU'RE TRAINING. YOU'RE TRAINING ALL
6 THE TIME.

7 Q AND --

8 A NO, YOU'RE NOT CERTIFIED. THAT DOESN'T MEAN YOU
9 DON'T KNOW WHAT YOU'RE LOOKING AT.

10 Q BUT YOU TOOK A 40 TO 80-HOUR COURSE?

11 A RIGHT.

12 Q AND I'M SURE YOU WILL AGREE THAT LOOKING AT THIS
13 STUFF IS PRETTY COMPLICATED?

14 A YES, IT IS.

15 Q AND IT TAKES A TRAINED EYE TO LOOK AT THIS AND PICK
16 OUT THESE VERY MINUTE POINTS.

17 A THAT'S TRUE.

18 Q AND CHARACTERISTICS, IS THAT FAIR? AND YOU HAVE
19 TAKEN THE ONE 40 TO 80-HOUR COURSE IN ADDITION TO
20 THAT ON-THE-JOB TRAINING?

21 A THAT'S CORRECT.

22 Q HAVE YOU EVER TAKEN ANY F.B.I. COURSES?

23 A WHAT KIND OF F.B.I. COURSES?

24 Q ANY F.B.I. COURSES IN LATENT PRINT EXAMINATION.

25 A I DON'T KNOW OF ANY SPECIFIC F.B.I. COURSES IN THAT.

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1 Q SO YOU NEVER HAD ANY?

2 A NO, NOT FROM THE F.B.I., NO.

3 Q ARE YOU FAMILIAR WITH THE INTERNATIONAL ASSOCIATION
4 FOR IDENTIFICATION?

5 A YES, MA'AM. I'M A MEMBER OF THAT ASSOCIATION.

6 Q I'M SORRY?

7 A I SAID YES, MA'AM. I'M A MEMBER OF THAT ASSOCIATION.

8 Q ALL RIGHT. AND EXPLAIN TO THE JURY, PLEASE, YOU SAY
9 YOU'RE A MEMBER OF THAT ASSOCIATION. WHAT DOES THAT
10 MEAN?

11 A THAT MEANS THAT I PAY THEM -- MY DEPARTMENT PAYS
12 MEMBERSHIP DUES, AND I PARTICIPATE IN DIFFERENT TYPES
13 OF SEMINARS, CONFERENCES, WHATNOT.

14 WHAT THEY DO, SOMETIMES THEY'LL BRING IN PRODUCT
15 SUPPLIERS THAT SUPPLY CRIME SCENE EQUIPMENT, STUFF WE
16 USE EVERY DAY, FINGERPRINT TAPE, WHATNOT. THEY MAY
17 BRING IN SOMEONE THAT IS WELL VERSED IN FINGERPRINTS
18 OR D.N.A., DEATH INVESTIGATION, WHATNOT, HAVE A
19 CONFERENCE WHERE WE'D GO AND WE, OF COURSE, WOULD SIT
20 AND LISTEN TO THEM SPEAK AND LEARN ABOUT WHATEVER
21 THEIR EXPERTISE MAY BE.

22 Q AND THERE IS A DIFFERENCE BETWEEN BEING A MEMBER AND
23 BEING CERTIFIED BY THAT ORGANIZATION?

24 A THAT'S CORRECT.

25 Q ARE YOU CERTIFIED BY THAT ORIGINATION?

1 A NO, MA'AM, I'M NOT.

2 Q AND THERE'S ALSO A SOUTH CAROLINA BRANCH OF THAT
3 ORGANIZATION, IS THERE NOT?

4 A RIGHT.

5 Q ARE YOU CERTIFIED? ARE YOU A MEMBER OF THE SOUTH
6 CAROLINA BRANCH OR THE INTERNATIONAL?

7 A YES, MA'AM, BOTH.

8 Q AND THAT IS SOMETHING THAT YOU'RE -- ONE OF THE PERKS
9 OF YOUR EMPLOYMENT; I ASSUME, IS THAT THEY PAY YOUR
10 MEMBERSHIP DUES AND FEES?

11 A RIGHT.

12 Q BUT YOU'RE NOT CERTIFIED?

13 A NO. THERE'S NOTHING THAT REQUIRES ME TO BE
14 CERTIFIED.

15 Q CERTAINLY, BUT YOU COULD BE?

16 A YES, I COULD BE. IN FACT, I'M WORKING ON CRIME SCENE
17 AT THIS TIME TO GET CERTIFIED.

18 Q AND SOME PEOPLE WHO PERFORM THESE ANALYSES WHO COME
19 IN AND TESTIFY ARE CERTIFIED?

20 A SOME PEOPLE ARE.

21 Q AND PART OF YOUR TRAINING AND EDUCATION TO BECOME A
22 LATENT PRINT EXAMINER, AS YOU ACKNOWLEDGED, IT'S
23 PRETTY COMPLEX; IT'S PRETTY DETAILED.

24 A THAT'S CORRECT.

25 Q AND YOU REQUIRE -- MUCH LIKE BEING A LAWYER REQUIRES

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- 1 READING PUBLICATIONS --
- 2 A RIGHT.
- 3 Q -- IN ADDITION TO ON-THE-JOB TRAINING?
- 4 A THAT'S CORRECT.
- 5 Q I JUST WANT TO RUN A COUPLE OF PUBLICATIONS BY YOU
- 6 AND ASK YOU IF YOU'RE FAMILIAR WITH THEM, ALL RIGHT?
- 7 A OKAY.
- 8 Q ARE YOU FAMILIAR WITH FINGERPRINT AND IDENTIFICATION
- 9 MAGAZINE?
- 10 A I'VE HEARD OF IT.
- 11 Q HOW ABOUT JOURNAL OF FORENSIC SCIENCES?
- 12 A YES.
- 13 Q IDENTIFICATION NEWS?
- 14 A NO, NEVER HEARD OF THAT.
- 15 Q FINGERPRINT MECHANICS?
- 16 A ARE YOU REFERRING TO A BOOK OR PERIODICAL OR WHAT?
- 17 Q IT'S A PERIODICAL.
- 18 A YES.
- 19 Q AND I KNOW YOU HAVE HEARD OF THIS ONE: SCIENCE OF
- 20 FINGERPRINTS, DEPARTMENT OF JUSTICE PUBLICATION,
- 21 UNITED STATES DEPARTMENT OF JUSTICE PUBLICATION?
- 22 A I'VE SEEN THAT BEFORE.
- 23 Q SORT OF THE BIBLE OF --
- 24 A NOT NECESSARILY THE BIBLE BUT I'VE SEEN IT.
- 25 Q AND YOU TESTIFIED -- I WANT TO TALK TO YOU A LITTLE

1 BIT ABOUT THE SCIENCE UNDERLYING FINGERPRINT
2 ANALYSIS. YOU TESTIFIED, AND MS. CAMPBELL MOVED YOU
3 FAIRLY QUICKLY THROUGH THIS PART. I WANT TO TAKE YOU
4 BACK TO A LITTLE BIT OF THE SCIENCE THAT GOES ALONG
5 WITH THIS.

6 A OKAY.

7 Q YOU TESTIFIED THAT FINGERPRINTS ARE UNIQUE TO
8 INDIVIDUALS?

9 A THEY ARE.

10 Q AND WE KNOW THAT -- WELL, LET ME REPHRASE THAT. THAT
11 IS BASED ON THE FACT THAT NO EXAMINER HAS BASICALLY
12 EVER SEEN TWO FINGERPRINTS THAT THEY WOULD SAY ARE
13 IDENTICAL?

14 A THAT'S CORRECT.

15 Q IT'S NOT AS IF THERE'S SOME GIANT COMPUTER IN THE SKY
16 OUT THERE, SOME GIANT COMPUTER, AMASSING ALL OF THESE
17 FINGERPRINTS AND LOOKING AT THEM SAYING ABSOLUTELY NO
18 TWO FINGERPRINTS ACROSS THE WORLD ARE THE SAME?

19 A NO, NO COMPUTER HAS EVER SAID THAT.

20 Q AND, IN FACT, REALLY, THERE IS NO EMPIRICAL DATA THAT
21 SPEAKS TO THAT ISSUE, IS THERE?

22 A WHAT DO YOU MEAN EMPIRICAL DATA?

23 Q THERE'S NO RESEARCH, NO STUDIES THAT HAVE BEEN
24 PERFORMED TO CREATE OR GENERATE SOME SORT OF
25 EMPIRICAL DATA THAT WE KNOW SCIENTIFICALLY THAT

1 THAT'S TRUE. THAT IS INSTEAD REALLY BASED ON
2 EXPERIENCE?

3 A THAT'S RIGHT.

4 Q WHAT HAS HAPPENED WITH EXAMINERS OVER THE YEARS?

5 A UH-HUH.

6 Q AND YOU'RE THE PERFECT EXAMPLE. YOU'RE AN EXAMINER
7 IN A LAB LOOKING AT KNOWN PRINTS AND LIFTED PRINTS.
8 THAT'S WHAT THAT'S BASED ON, CORRECT?

9 A RIGHT.

10 Q AND THERE'S A REASON WHY THERE'S NO -- WHY WE DON'T
11 DO THIS ALL BY COMPUTER. I'LL COME BACK TO THE
12 A.F.I.S. ASPECT OF THIS. THERE'S A REASON, IS THERE
13 NOT -- I MEAN, THIS IS NOT SOMETHING THAT COULD BE
14 DONE BY A COMPUTER CONCLUSIVELY?

15 A THAT'S RIGHT.

16 Q AND THAT IS BECAUSE THIS IS A SUBJECTIVE ANALYSIS.
17 THIS IS SOMETHING THAT A PERSON HAS TO LOOK AT?

18 A RIGHT.

19 Q AND SO -- AND LET ME JUST ASK YOU SOMETHING: YOU
20 BASE YOUR TESTIMONY THAT THESE PRINTS ARE THE SAME,
21 ARE A MATCH, I THINK IS THE WORD YOU USED, YOU BASED
22 THAT TESTIMONY ON THESE COMMON POINTS, THESE COMMON
23 RIDGE CHARACTERISTICS, ONE THROUGH 10 --

24 A RIGHT.

25 Q -- THAT YOU IDENTIFIED HERE, CORRECT? THOSE COMMON

1 POINTS RIDGE CHARACTERISTICS, YOU TESTIFIED ABOUT
2 SOME OF THEM. I'M NOT GOING TO GO ALL THE WAY BACK
3 THROUGH THAT, BIFURCATION, RIDGE ENDINGS, DOTS, THAT
4 SORT OF THING. EVERYONE HAS, OR MANY PEOPLE HAVE,
5 RIDGE CHARACTERISTICS IN COMMON?

6 A YES.

7 Q CORRECT?

8 A THAT'S CORRECT.

9 Q AND WE ALL, TO SOME EXTENT, HAVE SOME OF THOSE.

10 A YES.

11 Q SO WHEN YOU'RE LOOKING AT THIS FAIRLY SUBJECTIVE
12 ANALYSIS, YOU'RE LOOKING AT THESE TWO PRINTS. YOU'RE
13 LOOKING FOR A COMMON NUMBER OF POINTS, CORRECT?

14 A CHARACTERISTICS. I DON'T NECESSARILY CALL THEM
15 COMMON POINTS.

16 Q ALL RIGHT. DO YOU HAVE A MINIMUM NUMBER OF
17 CHARACTERISTICS --

18 A NO, MA'AM.

19 Q -- OR POINTS THAT YOU WOULD REQUIRE TO MAKE A MATCH?

20 A NO, MA'AM.

21 Q IN THIS ONE YOU HAVE IDENTIFIED 10?

22 A RIGHT.

23 Q AND THIS IS THE ONLY ONE YOU TESTIFIED TO. WHAT
24 NUMBER IS THAT ON THE CONTACT SHEET, IF YOU WILL?

25 A I BELIEVE IT'S -- IF I'M NOT MISTAKEN, I BELIEVE IT'S

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- 1 L-1. I BELIEVE IT IS L-1 ON THE CONTACT SHEET.
- 2 Q I'M SORRY?
- 3 A I'VE GOT L-1, I BELIEVE IS THE NUMBER. THIS IS ONE
- 4 OF THE NUMBERS ON THE CONTACT SHEET THAT I HAD OR
- 5 USED OR WHATNOT. I'VE GOT SEVERAL OF THEM. IT'S THE
- 6 SAME THING. IT'S JUST A NEGATIVE CONTACT SHEET.
- 7 Q DO YOU KNOW WHICH ONE THIS IS?
- 8 A IT'S L-1. I MAY HAVE IT RIGHT HERE.
- 9 Q YOU HAVE SOME KIND OF KEY THAT HELPS YOU WITH YOUR
- 10 NUMBERING SYSTEM?
- 11 A SAY IT AGAIN.
- 12 Q YOU HAVE A KEY THAT HELPS YOU WITH YOUR NUMBERING
- 13 SYSTEMS? THERE'S "L" NUMBERS?
- 14 A YES, THE "L" NUMBERS ARE THE LATENT NUMBERS. IT'S
- 15 THE "L" DASH. THAT'S WHAT I'M WORKING WITH. THEY
- 16 HAVE A FRAME NUMBER ON THERE. THAT IS REFERENCED IN
- 17 SOME OF THIS, BUT I'M WORKING ONLY WITH "L" NUMBERS.
- 18 Q OKAY. THE ONLY ONE I CAN REALLY SPEAK TO, THE ONLY
- 19 ONE YOU CAN TESTIFY ABOUT IS THIS ONE. YOU HAVE
- 20 IDENTIFIED 10 POINTS?
- 21 A CORRECT.
- 22 Q AND YOU TESTIFIED, OF COURSE, THAT MINIMUM POINTS OF
- 23 COMPARISON, SOME EXAMINERS DO REQUIRE A MINIMUM
- 24 NUMBER?
- 25 A THAT'S CORRECT.

1 Q AND SOME DON'T?

2 A YES, MA'AM.

3 Q THAT IS A POLICY OF YOUR AGENCY, IS IT NOT?

4 A NOT NECESSARILY A POLICY. THERE'S NOTHING WRITTEN
5 THAT SAYS YOU HAVE TO HAVE A CERTAIN AMOUNT OF THEM.
6 WE KIND OF HAVE AN UNSPOKEN RULE.

7 WE LIKE TO, THERE AGAIN, GET BACK TO
8 VERIFICATION. I LIKE TO AT LEAST SEE SEVEN OR EIGHT
9 CHARACTERISTICS THAT ARE THE SAME IN A PRINT BEFORE I
10 LOOK CLOSER AT IT TO SEE IF THEY'RE GOING TO MATCH
11 UP.

12 Q THERE ARE 75 TO 175 CHARACTERISTICS IN ANY GIVEN
13 PRINT. IS THAT ABOUT RIGHT?

14 A THERE COULD BE MORE THAN THAT.

15 Q OKAY. SO YOU'RE SAYING THAT YOU COULD MAKE A MATCH
16 OFF OF SEVEN OR EIGHT?

17 A YES, MA'AM.

18 Q AND YOU'RE AWARE THAT, OF COURSE, AS I STATED, SOME
19 AGENCIES, SOME EXAMINERS, SOME EXPERTS, DO REQUIRE A
20 MINIMUM NUMBER OF POINTS?

21 A YES, SOME DO.

22 Q AND THOSE MINIMUM NUMBERS VARY ANYWHERE FROM ABOVE
23 WHAT YOU IDENTIFIED HERE, 12 TO 14, 12 TO 16?

24 A I'M JUST CURIOUS WHERE YOU'RE GETTING THIS
25 INFORMATION FROM.

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1 Q I'LL BE HAPPY TO SHOW IT TO YOU.

2 A I'VE HEARD SOME AGENCIES DON'T REQUIRE ANY. THEY GO
3 AS LOW AS TWO BECAUSE THESE ARE UNIQUE
4 CHARACTERISTICS.

5 Q IT'S A PUBLICATION (INDICATING).

6 A LET ME SEE.

7 (PAUSE).

8 OKAY.

9 Q BUT YOU DON'T DISAGREE THAT SOME PEOPLE -- THAT IT'S
10 A SUBJECTIVE ANALYSIS. PEOPLE MAKING A MATCH OR A
11 COMPARISON ON THE BASIS OF DIFFERENT NUMBERS,
12 DIFFERENT THINGS THEY'RE LOOKING FOR --

13 A CORRECT.

14 Q -- IT IS NOT A COMPLETELY ANALYTICAL OBJECTIVE
15 ANALYSIS?

16 A I WOULDN'T SAY THAT. THEY ARE UNIQUE. THE
17 CHARACTERISTICS YOU'RE LOOKING AT ARE UNIQUE. YOU
18 MAY PICK OUT 50 THAT AREN'T THE SAME, 50 I PICKED
19 OUT, BUT THEY'RE GOING TO BE THE SAME 50, ONCE YOU
20 PICKED THE WHOLE OR THE SAME ONES IN THE LATENT. NO,
21 IT'S NOT UNIQUE TO EACH INDIVIDUAL EXAMINER.

22 Q ALL RIGHT. BEFORE I MOVE ON, AND I AM GOING TO MOVE
23 ON, JUST TO FOLLOW UP ON THE LACKING EMPIRICAL
24 EVIDENCE, LACKING EMPIRICAL DATA, SURROUNDING THIS
25 SCIENCE, AND THIS IS SOMEWHAT BEFORE YOUR TIME, BUT

1 I'M GOING TO ASK YOU ABOUT IT ANYWAY, AND I'LL BE
2 HAPPY TO SHOW IT TO YOU: ARE YOU AWARE OR DO YOU
3 KNOW OR HAVE YOU EVER SEEN THE DEPARTMENT OF JUSTICE
4 SOLICITATION BACK IN 1999, 2000 ASKING FOR RESEARCH
5 INFORMATION, HARD NUMBERS, DATA, ABOUT FINGERPRINTS?
6 ARE YOU AWARE OF THAT?

7 A YES, I AM. THAT'S BEEN GOING ON SINCE 1686, PEOPLE
8 ASKING FOR HARD DATA.

9 Q WELL, THE DEPARTMENT OF JUSTICE HAD NEVER DONE IT
10 BEFORE UNTIL THIS YEAR.

11 A OKAY.

12 Q CORRECT?

13 A I ASSUME.

14 Q ALL RIGHT.

15 A I DON'T KNOW NUMBERS AND DATES AND WHATNOT WITH THE
16 DEPARTMENT OF JUSTICE.

17 Q ALL RIGHT. YOU TESTIFIED ABOUT THE PRINTS THAT YOU
18 LIFTED FROM THE VEHICLE, AND YOU DETERMINED THAT
19 THOSE PRINTS WERE NOT SUFFICIENT TO MAKE A MATCH.

20 A INSUFFICIENT RIDGE DETAIL FOR COMPARISON.

21 Q MEANING THERE'S NOT ENOUGH, OR IT'S NOT CLEAR ENOUGH
22 OR WHATEVER?

23 A YEAH. THERE'S JUST NOTHING THERE THAT HE COULD DO
24 ANYTHING WITH.

25 Q AND THAT'S REALLY ONE OF THE FIRST DETERMINATIONS YOU

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1 MAKE. YOU LOOK AT THOSE PRINTS --

2 A RIGHT.

3 Q -- AND THEN YOU DECIDE IS THIS THING EVEN GOOD ENOUGH
4 FOR ME TO MAKE A MATCH ON THIS?

5 A YES, MA'AM.

6 Q CAN I COUNT UP ENOUGH?

7 A IT'S KIND OF RISKY, TOO.

8 Q AND THE ONE FROM THE VEHICLE, WE'RE NOT EVEN -- YOU
9 DIDN'T -- THERE'S NO REPORT, THERE'S NO ANALYSIS
10 BECAUSE YOU COULDN'T DO IT.

11 A RIGHT.

12 Q YOU WERE ABLE TO FIGURE THAT OUT FAIRLY QUICKLY?

13 A YES, MA'AM.

14 Q YOU WERE PROVIDED INKED PRINT CARDS OF A FEW PEOPLE
15 FOR COMPARISON TO THE LATENTS?

16 Ms. Campbell: OBJECTION, YOUR HONOR. MAY WE
17 APPROACH?

18 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
19 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
20 JURY).

21 BY Ms. Pringle

22 Q INVESTIGATOR RUSSELL, IN ORDER TO MAKE A COMPARISON
23 OF A LATENT, WHEN WE'RE TALKING ABOUT LATENTS, WE'RE
24 TALKING ABOUT PRINTS YOU GOT OFF OF HERE?

25 A RIGHT.

1 Q IN ORDER TO MAKE A COMPARISON TO A LATENT PRINT, YOU
2 HAVE TO HAVE A KNOWN INKED PRINT; IS THAT CORRECT?

3 A THAT'S CORRECT.

4 Q AND A KNOWN INKED PRINT IS EXACTLY WHAT YOU ALREADY
5 TESTIFIED TO AND IT'S SELF-EXPLANATORY.

6 A RIGHT.

7 Q IT'S A PRINT OFF OF INKED, AND YOU KNOW WHOSE IT IS?

8 A RIGHT.

9 Q WHEN YOU'RE MAKING THESE COMPARISONS, THESE REQUESTS
10 ARE MADE TO YOU BY THE INVESTIGATORS ON THE CASE --

11 A YES, MA'AM.

12 Q -- THE DETECTIVES THAT ARE INVOLVED IN THE CASE?

13 A RIGHT.

14 Q AND COULD YOU PLEASE TELL THE JURY WHAT INKED CARDS,
15 WHAT KNOWN INKED CARDS, WERE PRESENTED TO YOU FOR
16 COMPARISON?

17 A YOU WANT THE NAMES OF EACH PERSON?

18 Q YES, PLEASE.

19 A CONSUELO CASEY. I HAVE DAVID GIBSON, MICHAEL POOLE,
20 MARTIN MORGAN, NATHANIEL CASEY, JAMES DAVIS. I THINK
21 THERE WERE A COUPLE MORE. I DON'T HAVE THEM ALL ON
22 ONE LIST, OF COURSE, PHILLIP HENRY CROCKER, III, AND
23 PHILLIP HENRY CROCKER, JR., OR II. I BELIEVE THAT'S
24 IT.

25 Q AND DID YOU ACTUALLY CONDUCT A COMPARISON OF THE

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1 LATENTS TO ALL OF THOSE INDIVIDUALS?

2 A YES, MA'AM.

3 Q INVESTIGATOR RUSSELL, DID YOU GENERATE ANY REPORT
4 OTHER THAN -- WITH RESPECT TO THE RESULTS OF YOUR
5 ANALYSIS OTHER THAN YOUR REPORT DATED OCTOBER 13TH,
6 2003?

7 A NO. NO OTHER MATCH REPORT WAS DONE, NOT BY ME IT
8 WASN'T.

9 Q AND JUST TO POINT THAT OUT, YOUR COMPARISON WAS
10 CONDUCTED OCTOBER 2003?

11 A RIGHT.

12 Q WITH RESPECT TO THE TUPPERWARE AND THE LIFTING
13 PROCESS, AND AGAIN, I DON'T WANT TO MAKE YOU HAVE TO
14 GO ALL THE WAY THROUGH THAT.

15 A IF YOU DON'T MIND, YOU KEEP SPEAKING OF LIFTING.
16 NOTHING WAS EVER LIFTED FROM THAT.

17 Q I APOLOGIZE. YOU'RE ABSOLUTELY RIGHT.

18 A I JUST DON'T WANT TO CONFUSE THE JURY WITH LIFTING
19 AND WHAT'S --

20 Q I APOLOGIZE.

21 A THAT IS ALL RIGHT.

22 Q THE PROCESSING OF THE PRINTS, AND WHEN YOU SAY YOU
23 DIDN'T LIFT THEM, YOU'RE SAYING THAT BECAUSE YOU
24 PHOTOGRAPHED THEM.

25 A RIGHT.

1 Q OTHER THAN TAKING THEM OFF OF THE SURFACE?

2 A RIGHT.

3 Q AND THERE'S A REASON YOU DO THAT?

4 A RIGHT.

5 Q BECAUSE IT'S EASIER TO MAKE AN ANALYSIS OR COMPARISON
6 IF YOU DON'T MOVE THEM AROUND TOO MUCH?

7 A RIGHT.

8 Q AND YOU DON'T HAVE TO WITH THIS?

9 A THOSE ARE FIXED. YOU CAN ACTUALLY PULL ONE OF THOSE
10 PIECES OUT AND MAKE A COMPARISON.

11 Q I'LL TRY TO STOP SAYING LIFTING. YOU'RE ABSOLUTELY
12 RIGHT. WHEN YOU PERFORMED THE CYANO, AND I'M GOING
13 TO SAY SUPERGLUE BECAUSE I CAN'T SAY THAT WORD.

14 A THAT'S ALL RIGHT.

15 Q YOU PERFORMED THE SUPERGLUE FUMING PROCESS ON THE
16 TUPPERWARE CONTAINER, I BELIEVE IN YOUR REPORT FROM
17 NOVEMBER 22ND, 2001 AND YOUR TESTIMONY TODAY, IN
18 FACT, YOU TESTIFIED THAT YOU PUT THE CHEMICALS IN
19 THERE AND YOU LEFT THE CONTAINER IN THE TANK TO FUME
20 OVERNIGHT.

21 A CORRECT.

22 Q I ASSUME, INVESTIGATOR RUSSELL, THAT -- WELL,
23 DEPENDING ON THE CHEMICAL THAT YOU'RE USING, THE
24 EXPOSURE TIME CAN VARY, CORRECT?

25 A RIGHT.

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1 Q THAT'S ONE OF THE THINGS YOU LEARN IN YOUR TRAINING
2 IS THAT WHEN YOU PLACE THE CONTAINER IN, AND
3 DEPENDING ON THE KIND OF SUPERGLUE OR THE PARTICULAR
4 CHEMICAL, THE MANUFACTURER OF THE CHEMICAL, THE
5 EXPOSURE TIME CAN VARY?

6 A RIGHT.

7 Q AND ONE OF THE THINGS YOU WANT TO AVOID IS
8 OVEREXPOSURE.

9 A YES.

10 Q BECAUSE IF YOU HAVE OVEREXPOSURE, YOU ACTUALLY END UP
11 GETTING TOO MUCH OF THE MATERIAL ADHERING TO THE
12 FINGERPRINT, AND IT MAKES IT HARDER TO LOOK AT.

13 A YEAH, OH, YEAH.

14 Q MORE DIFFICULT TO EXAMINE.

15 A RIGHT.

16 Q AND I'M ASSUMING, CORRECT ME IF I'M WRONG, BUT I'M
17 ASSUMING THAT YOU DON'T WORK OVERNIGHT.

18 A THAT PARTICULAR NIGHT, I BELIEVE I LEFT AROUND
19 MIDNIGHT OR SO.

20 Q AND THAT DID NOT AFFORD YOU THE OPPORTUNITY TO CHECK
21 ON THE FUMING OF THIS ITEM AT SPECIFIC INTERVALS, DID
22 IT?

23 A NO, IT DIDN'T.

24 Q AND I'M GOING TO HAND YOU THE SCIENCE OF
25 FINGERPRINTS, THE PUBLICATION THAT YOU INDICATED

1 YOU'RE FAMILIAR WITH.

2 A OKAY.

3 Q AND IF YOU COULD, PLEASE, BEGIN WITH "THEREFORE".

4 A "THEREFORE, INSPECTION OF EACH SPECIMEN AT SPECIFIC
5 INTERVALS IS NECESSARY." DO YOU WANT ME TO CONTINUE?

6 Q AND THAT IS THE PORTION DEALING WITH CYANOACRYLATE OR
7 SUPERGLUE, CORRECT?

8 A THAT'S TRUE IN A TANK. I WAS IN A TENT. I WAS USING
9 ALL DIFFERENT METHODS THAN YOU HAVE PICTURED IN THAT
10 PICTURE.

11 Q WELL, THAT WAS SPEAKING GENERALLY TO SUPERGLUE.

12 A THAT WAS NOT GENERAL. THE SUPERGLUE, I EXPLAINED I
13 USED WHAT WE CALL HOT PACKS. IT'S A TOTALLY
14 DIFFERENT MAKE UP. IT TAKES A LOT LONGER. YOU HAVE
15 A CHEMICAL REACTION THAT HAS TO TAKE PLACE THERE.

16 SOMETIMES YOU HAVE TO PUT THEM IN THE HEAT.
17 I'VE DONE VEHICLES WHERE I PUT THEM ON THE HEATER OF
18 MY JEEP. I LET THEM SIT THERE 30, 45 MINUTES TO HEAT
19 UP, JUST TO GET THEM TO ACTIVATE TO CREATE THAT GAS
20 TO ADHERE.

21 I DON'T WANT TO MISLEAD THE JURY THINKING THAT I
22 DIDN'T CHECK ON IT OVERNIGHT. IT'S A TOTALLY
23 DIFFERENT APPLICATION THAN YOU HAVE THERE IN THAT
24 BOOK THAT YOU HAVE.

25 Q AND IN YOUR OPINION, AND FROM LOOKING AT THESE PRINTS

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1 THE NEXT DAY AND DEVELOP, YOU WERE ABLE TO -- THEY
2 WERE ALL IDENTIFIABLE. THEY WERE ALL OF SUFFICIENT
3 QUALITY, UNLIKE THE PRINTS TAKEN FROM THE VEHICLE.

4 A NO, THEY WEREN'T ALL OF SUFFICIENT QUALITY.

5 Q HOW MANY WERE?

6 A SEVEN. AS A MATTER OF FACT, I'VE GOT IT RIGHT HERE.

7 Q WELL, LET ME REPHRASE THAT. I THINK MAYBE --

8 Ms. Campbell: OBJECTION, YOUR HONOR. HE HAS A
9 RIGHT TO ANSWER THE QUESTIONS THAT SHE IS ASKING.

10 THE COURT: REPHRASE IT. GO AHEAD.

11 BY Ms. Pringle

12 Q JUST TRYING TO SPEED THINGS ALONG.

13 A THAT'S FINE.

14 Q LET ME SEE IF I CAN GET IT A DIFFERENT WAY. THERE
15 ARE 17 PRINTS LIFTED TOTAL?

16 A RIGHT.

17 Q AND YOU HAVE GOT THE NUMBER L-1 TO L-17?

18 A CORRECT.

19 Q ONE OF THOSE IS ACTUALLY A DUPLICATE?

20 A RIGHT.

21 Q SO THERE ARE ACTUALLY 16 TOTAL?

22 A CORRECT.

23 Q OKAY. AND JUST TO BE VERY, VERY CLEAR, THERE ARE NO
24 PRINTS WHATSOEVER FOUND ON THE DEFENDANT, NO MATCHES
25 WHATSOEVER ON THE DEFENDANT?

- 1 A NO, MA'AM, YOU'RE EXACTLY RIGHT.
- 2 Q AND YOU DID CONDUCT THAT COMPARISON?
- 3 A YES, MA'AM.
- 4 Q YOU WERE ABLE TO IDENTIFY EIGHT PRINTS THAT YOU HAVE
- 5 TESTIFIED, AND YOU ONLY TESTIFIED SPECIFICALLY REALLY
- 6 AS TO ONE WITH RESPECT TO THE POINTS IN THE
- 7 DEMONSTRATIVE EVIDENCE, BUT YOU WERE ABLE TO IDENTIFY
- 8 WHAT YOU TESTIFIED IS EIGHT PRINTS THAT COULD BE
- 9 MATCHED WITH PHILLIP CROCKER, SR.?
- 10 A YES, MA'AM.
- 11 Q AND ONE OF THOSE IS A DUPLICATE?
- 12 A CORRECT.
- 13 Q SO THAT'S SEVEN PLUS ONE, THAT GETS YOU TO EIGHT.
- 14 A CORRECT.
- 15 Q SO WE'VE ACTUALLY GOT NINE LEFT, CORRECT?
- 16 A CORRECT.
- 17 Q AND THOSE REMAINING NINE, YOU WERE ABLE TO
- 18 CONCLUSIVELY, ACCORDING TO YOUR REPORT, SAY THAT
- 19 THOSE REMAINING NINE ARE NOT ONE IN THE SAME WITH
- 20 EITHER THE DEFENDANT OR PHILLIP HENRY CROCKER, SR.?
- 21 A CORRECT.
- 22 Q THEREFORE, ALL REMAINING NINE WERE OF SUFFICIENT
- 23 QUALITY THAT YOU COULD EXCLUDE THOSE INDIVIDUALS?
- 24 A NO. THAT'S NOT WHAT'S IN THE REPORT. I HAD TWO THAT
- 25 WERE NO MATCH OF SUFFICIENT RIDGE DETAIL; ONE, TWO,

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1 THREE, FOUR, FIVE -- SEVEN WERE INSUFFICIENT RIDGE
2 DETAIL, MEANING THAT THERE WAS NOT SUFFICIENT RIDGE
3 DETAIL TO MAKE A COMPARISON TO ANYONE. THE OTHER TWO
4 WERE NO MATCH. THEY OBVIOUSLY MATCHED SOMEBODY.
5 THEY'RE SOMEBODY'S FINGERPRINTS, BUT TO MY KNOWLEDGE,
6 WE WEREN'T ABLE TO FIND OUT WHOSE FINGERPRINTS THEY
7 ARE.

8 Q YOU HAVE TO HELP ME OUT HERE, INVESTIGATOR RUSSELL.
9 DOES YOUR REPORT NOT SAY THAT L-9, L-10, L-11, L-12,
10 L-13, L-15, L-16, L-17 IS NOT ONE IN THE SAME WITH
11 ANY FRICTION RIDGE SKIN DEPICTED BY PHILLIP HENRY
12 CROCKER, JR. --

13 A LET ME SEE THAT.

14 Q -- OR, SR.?

15 A YES. YOU'RE LOOKING AT -- IT'S A TWO-PAGE REPORT,
16 YEAH. THAT'S CORRECT. THEY DON'T MATCH EITHER OF
17 THE PHILLIP HENRY CROCKER'S.

18 Q AND THAT WOULD INDICATE THAT YOU WERE ABLE TO EXCLUDE
19 THEM?

20 A IF IT'S INSUFFICIENT, THEN OBVIOUSLY THERE'S NOTHING
21 THERE TO MATCH EITHER OF THE PHILLIP CROCKER'S SO NO,
22 THEY DIDN'T MATCH THEM. THERE WAS NO EVIDENCE THERE
23 TO MAKE A MATCH.

24 Q THAT'S NOT WHAT YOUR REPORT SAYS, THOUGH. IT SAYS
25 IT'S NOT THEM.

1 A NOT ONE IN THE SAME WITH ANY OF THE FRICTION RIDGE
2 SKIN DEPICTED IN C-1 OR C-2 WHICH ARE CERTIFIED
3 PHOTOCOPIES OF ALL FINGERPRINT CARDS BEARING THE
4 NAMES OF THE TWO INDIVIDUALS WE'RE SPEAKING OF.

5 Q AND YOUR TESTIMONY HERE TODAY IS THAT THERE WERE TWO
6 THAT WERE OF INSUFFICIENT QUALITY.

7 A NO, MA'AM, TWO NO MATCHES. THAT MEANS THEY DIDN'T
8 MATCH ANYBODY WE COMPARED THEM TO. THEY DIDN'T COME
9 UP IN THE A.F.I.S. SYSTEM MATCHING ANY INDIVIDUAL.
10 THEY'RE OBVIOUSLY SOMEBODY'S FINGERPRINTS. WE JUST
11 DON'T KNOW WHO.

12 THEY ARE NOT IN THE SYSTEM ANYWHERE. THEY'RE
13 NOT ONE OF THE SUSPECTS THAT WE COMPARED THEM TO.
14 THEY'RE JUST TWO NO MATCHES. THEY'RE TWO
15 FINGERPRINTS ON THAT CONTAINER. WE DON'T KNOW WHO
16 THEY BELONG TO. WE KNOW FOR A FACT THEY DON'T BELONG
17 TO THE PEOPLE WE COMPARED THEM TO.

18 Q ALL RIGHT. I APOLOGIZE BECAUSE I DID WANT TO MOVE
19 THROUGH THIS QUICKLY.

20 A I FEEL LIKE YOU'RE TRYING TO MAKE IT CONFUSING BY
21 MATCH, NO MATCH, INSUFFICIENT. I KNOW THAT
22 INSUFFICIENT CAN'T BE A MATCH. THERE'S NOTHING THERE
23 TO MATCH. IT'S A SMUDGE. IT'S NOTHING. I CAN'T
24 WRITE ON THE REPORT THERE'S ANY DOUBT IN MY MIND. IT
25 CAN BE THEIR PRINT BUT IT'S SMUDGED SO I DON'T KNOW.

RUSSELL - CROSS (PRINGLE)

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- 1 Q OKAY. SO YOU LIFTED -- YOU ACTUALLY IDENTIFIED,
2 EXCUSE ME, IN THE PROCESSING OF THIS TUPPERWARE
3 CONTAINER --
- 4 A CORRECT.
- 5 Q -- SEVENTEEN PRINTS?
- 6 A RIGHT HERE.
- 7 Q ONE OF WHICH IS A DUPLICATE.
- 8 A RIGHT.
- 9 Q EIGHT OF WHICH YOU IDENTIFIED.
- 10 A CORRECT.
- 11 Q TWO OF WHICH YOU SAY COULD HAVE BEEN IDENTIFIED BUT
12 WEREN'T?
- 13 A RIGHT.
- 14 Q AND SO WHAT IS YOUR TESTIMONY ABOUT THE REMAINING
15 SEVEN?
- 16 A HANG ON JUST A MINUTE, MA'AM. ONE, TWO, THREE, FOUR,
17 FIVE, SIX, SEVEN. THERE ARE SEVEN LATENT
18 FINGERPRINTS. THERE'S TWO NO MATCHES. THERE'S ONE,
19 TWO, THREE, FOUR, FIVE, SIX, SEVEN; SEVEN THAT ARE
20 INSUFFICIENT RIDGE DETAIL, MEANING THERE IS NOTHING
21 THERE, NO CHARACTERISTICS THAT YOU CAN -- THERE'S
22 NOTHING THERE TO WORK WITH, SO THOSE REMAINING
23 SEVEN -- THAT'S WHY ON THE REPORT IT STATES THAT THEY
24 DON'T MATCH THE PHILLIP CROCKER'S. DOES THAT ANSWER
25 YOUR QUESTION?

- 1 Q IT DOES AND IT DOESN'T, BUT I'M GOING TO ACCEPT IT.
- 2 A I WANT TO MAKE MYSELF CLEAR.
- 3 Q NO, YOU ARE VERY CLEAR. IN YOUR REPORT, YOU SAID IT
- 4 IS NOT ONE IN THE SAME, CAN'T BE MATCHED TO THESE TWO
- 5 INDIVIDUALS.
- 6 A RIGHT.
- 7 Q YOUR TESTIMONY IS WHAT THAT MEANS IS IT CONTAINS
- 8 INSUFFICIENT RIDGE DETAIL TO MAKE A MATCH?
- 9 A UH-HUH.
- 10 Q AND YOU'RE SAYING THAT YOU CAN EXCLUDE THEM ON THE
- 11 BASIS OF THAT?
- 12 A RIGHT.
- 13 Q AND YOU ARE SAYING THAT THERE WERE ACTUALLY SEVEN
- 14 PRINTS THAT WERE INSUFFICIENT RIDGE DETAIL.
- 15 A THAT'S CORRECT.
- 16 Ms. Pringle: BEG THE COURT'S INDULGENCE ONE
- 17 MOMENT.
- 18 (PAUSE).
- 19 BY Ms. Pringle
- 20 Q ARE YOU FAMILIAR WITH THE F.B.I. ANALYSIS IN THIS
- 21 CASE?
- 22 A WITH THE ANALYSIS THEY DID?
- 23 Q UH-HUH.
- 24 A I'M SOMEWHAT FAMILIAR. I HAVE A COPY OF SOME OF
- 25 THEIR PAPERWORK.

RUSSELL - CROSS (PRINGLE)

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- 1 Q ARE YOU AWARE THAT THEY DID A REPORT IN THIS CASE?
- 2 A WHAT KIND OF REPORT, A MATCH REPORT?
- 3 Q YES.
- 4 A HANG ON JUST A SECOND.
- 5 (PAUSE).
- 6 YEAH.
- 7 Q ACCORDING TO THE F.B.I., NO MATTER HOW YOU CUT THE
- 8 MATH, LET ME DO THIS QUICKLY: NO MATTER HOW YOU DO
- 9 THE MATH, THEY DISAGREE WITH YOU ABOUT THE NUMBER OF
- 10 PRINTS THAT WERE IDENTIFIABLE OR OF SUFFICIENT
- 11 QUALITY TO MAKE AN IDENTIFICATION; IS THAT CORRECT?
- 12 A THEY HAVE, ONE, TWO, THREE, FOUR, SIX, SEVEN, SEVEN,
- 13 YEAH.
- 14 Q THREE MORE. I'M ALMOST DONE. THE LIST OF NAMES THAT
- 15 YOU CALLED OFF AND ASKED YOU WHAT KNOWN INKED PRINT
- 16 CARDS YOU WERE PROVIDED TO COMPARE.
- 17 A YOU WANT TO KNOW WHICH?
- 18 Q NO, NO, NO.
- 19 A OKAY.
- 20 Q DO YOU REMEMBER WHEN I ASKED YOU ABOUT THAT?
- 21 THE NAMES THAT YOU LISTED OFF, DID YOU SAY
- 22 WILLIE JENNINGS WAS ONE OF THE CARDS YOU WERE
- 23 PRESENTED, PROVIDED?
- 24 A YEAH, HE'S NOT ON THAT LIST, BUT I DO HAVE HIS CARD
- 25 ON HERE. WHAT I HAVE TO GO BY IS A DIFFERENT

1 REQUEST. THIS IS ONE REQUEST HERE WHERE THEY
2 REQUESTED THAT THOSE FOLKS ON THAT LIST BE COMPARED.

3 HE'S INCLUDED, JUST NOT ON THAT PARTICULAR LIST
4 I WAS LOOKING AT. THESE REQUESTS COME IN FROM TIME
5 TO TIME. SOMETIMES IT WILL ALL COME IN AT ONE TIME.
6 SOMETIMES IT'S A WEEK OR TWO BEFORE THEY GO TO TRIAL,
7 AND THEY DECIDE THERE'S SOMEONE ELSE THEY WANT TO
8 COMPARE IT TO.

9 Q I'M SURE THAT HAPPENS A LOT. THE BRAND OF CARTRIDGE
10 CASE THAT'S FOUND AT THE SCENE -- I'M SORRY, THE
11 BRAND OF THE AMMUNITION IN THE NINE MILLIMETER FOUND
12 UNDER THE DRIVER'S SIDE OF THE SEAT WAS WINCHESTER
13 NINE MILLIMETER LUGER AMMUNITION?

14 A I'M NOT SURE. I'D HAVE TO GO BACK AND ACTUALLY LOOK
15 AT THAT.

16 THE COURT: WHAT WAS THE QUESTION AGAIN?

17 Ms. Pringle: I BELIEVE HIS TESTIMONY WAS THAT
18 THE AMMUNITION ACTUALLY IN THE NINE MILLIMETER LUGGER --

19 THE WITNESS: NO, I HAVEN'T TESTIFIED TO THAT,
20 MA'AM. I TESTIFIED TO THE AMMUNITION OF THE SHELL CASING
21 FOUND AT THE CRIME SCENE.

22 RIGHT OFF THE TOP OF MY HEAD, I DON'T REMEMBER
23 WHAT KIND OF AMMUNITION THAT WAS IN THAT NINE MILLIMETER
24 ON THE SEAT.

25 Ms. Pringle: OKAY.

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1 THE WITNESS: WHEN THE SOLICITOR WAS ASKING ME
2 ABOUT THE SHELL CASING ON THE SCENE.

3 BY Ms. Pringle

4 Q THE SHELL CASING AT THE SCENE WAS A WINCHESTER BRAND?

5 A RIGHT.

6 Q OKAY. FINALLY, THE -- JUST TO BE VERY CLEAR, YOUR
7 REPORT, DECEMBER 19TH --

8 A UH-HUH.

9 Q -- YOU DID, WERE ABLE TO CONFIRM TO YOUR SATISFACTION
10 THAT THERE WAS BLOOD PRESENT ON THE SCISSORS.

11 A RIGHT, THAT REPORT SHOWED THAT EARLIER, YES, MA'AM.
12 YEAH, I USED A HEMOSTICK TEST, WHICH IS A PRESUMPTIVE
13 TEST. IT DOESN'T -- NOTHING FOR SURE, BUT IT'S A
14 PRESUMPTIVE TEST.

15 Ms. Pringle: BEG THE COURT'S INDULGENCE.

16 (PAUSE).

17 THE COURT: REDIRECT.

18 Ms. Pringle: I HAVE NO FURTHER QUESTIONS.

19 Ms. Campbell: YES, SIR.

20 REDIRECT EXAMINATION:

21 BY Ms. Campbell

22 Q THOSE SCISSORS WERE FOUND INSIDE THE CARGO AREA?

23 A YES, MA'AM.

24 Q AND THAT WAS DRIED BLOOD?

25 A YES, MA'AM.

- 1 Q AND JUST -- IT SEEMS STUPID, BUT THIS WAS A SHOOTING.
2 IT WASN'T A STABBING; IS THAT CORRECT?
- 3 A YES, MA'AM.
- 4 Q AND THERE WERE NO DROPS OF BLOOD LEADING FROM THE
5 SCENE WHERE ANYONE HAD BEEN STABBED OR ANYONE ELSE
6 HAD BEEN SHOT? THERE WAS ONE BIG POOL WHERE THE
7 VICTIM DIED?
- 8 A YES, MA'AM.
- 9 Q AND THERE WAS NO OTHER BLOOD SMEARS OR ANYTHING ELSE
10 IN THE VEHICLE INDICATING THAT ANYONE HAD LEANED IN
11 OR BEEN STABBED OR ANYTHING OF THAT NATURE THAT YOU
12 WOULD FIND A STABBING?
- 13 A NOTHING THAT I OBSERVED, NO, MA'AM.
- 14 Q SO IT WASN'T NECESSARY TO SEND THE SCISSORS OFF FOR
15 ANY FURTHER TESTING?
- 16 A NO, MA'AM.
- 17 Q AND SHE HAS ASKED YOU ABOUT A BUNCH OF DIFFERENT
18 CARDS THAT YOU COMPARED, ONE WAS WILLIE JENNINGS, A
19 CODEFENDANT, I BELIEVE, IN THIS CASE.
- 20 A YES, MA'AM.
- 21 Q ANOTHER ONE, MIKE POOLE, SOME OTHER OFFICERS AT THE
22 SCENE.
- 23 A YES, MA'AM.
- 24 Q ANYONE THAT MAY HAVE HAD CONTACT?
- 25 A RIGHT.

RUSSELL - REDIRECT (CAMPBELL)

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1 Q DID YOU GO AND DO THE COMPARISON ON THESE TWO PRINTS
2 THAT WEREN'T IDENTIFIED?

3 A YOU MEAN COMPARING --

4 Q TO THOSE CARDS.

5 A YES.

6 Q WERE ANY OF THOSE PEOPLE MATCHED TO THE PRINTS ON
7 THIS THING?

8 A NO, MA'AM.

9 Q SHE ASKED YOU ABOUT THE F.B.I. REPORT ABOUT THE
10 NUMBERS OF DIFFERENT PRINTS THEY MATCHED. HOW MANY
11 PRINTS DID THE F.B.I. INDEPENDENTLY MATCH TO PHILLIP
12 HENRY CROCKER, II?

13 Ms. Pringle: OBJECTION, HEARSAY, YOUR HONOR.

14 Ms. Campbell: SHE OPENED IT.

15 Ms. Pringle: OBJECTION.

16 THE COURT: COUNSEL, JUST A SECOND. OVERRULED.

17 Ms. Campbell: THANK YOU. GO AHEAD.

18 THE WITNESS: THEY ACTUALLY HAVE SEVEN LISTED.

19 DOWN IN THE NEXT SENTENCE, THEY DO SAY THAT THE LATENT,
20 WHAT THEY CALL NUMBER 12 AND 11 ALSO APPEARS IN 11. THEY
21 DID HAVE EIGHT. THEY JUST LISTED SEVEN BECAUSE OF THE
22 DUPLICATE.

23 BY Ms. Campbell

24 Q SEVEN, JUST LIKE YOU DID.

25 A RIGHT, MATCHING PHILLIP HENRY CROCKER.

1 Q JUNIOR.

2 A JUNIOR.

3 Q AND THAT WAS AN INDEPENDENT EXAMINATION BY ANOTHER
4 F.B.I. EXAMINER?

5 A YES.

6 Ms. Pringle: OBJECTION, SAME BASIS.

7 THE COURT: I OVERRULED.

8 BY Ms. Campbell

9 Q WHEN THESE PRINTS WERE SUBMITTED TO THE F.B.I. FOR
10 THEM TO RUN THROUGH THEIR A.F.I.S. COMPUTER PROGRAM
11 UP THERE, I GUESS IS THE BEST WAY TO PUT IT?

12 A YES, MA'AM.

13 Q DID YOU SUBMIT ANY SUSPECT'S NAMES, SUCH AS THE
14 DEFENDANT'S FATHER OR ANYBODY LIKE THAT?

15 Ms. Pringle: OBJECTION, YOUR HONOR. NO PRIOR
16 TESTIMONY.

17 THE COURT: OVERRULED.

18 THE WITNESS: NOT TO MY KNOWLEDGE.

19 BY Ms. Campbell

20 Q NOT?

21 A RIGHT.

22 Q SO THEY CAME UP WITH THE NAME PHILLIP HENRY CROCKER,
23 II THROUGH A.F.I.S., THE NATIONAL A.F.I.S. SYSTEM; IS
24 THAT CORRECT?

25 A THAT'S CORRECT.

1 Q AND THEN THEY MADE THEIR INDEPENDENT VERIFICATION?

2 A YES, MA'AM.

3 Q AND THEN YOU MADE YOUR INDEPENDENT VERIFICATION?

4 A YES, MA'AM.

5 Q AND THERE'S BEEN ANOTHER INDEPENDENT VERIFICATION?

6 Ms. Pringle: HEARSAY --

7 THE COURT: OVERRULED.

8 Ms. Pringle: -- OBJECTION.

9 BY Ms. Campbell

10 Q AND WHO WAS THAT?

11 A THERE'S BEEN SEVERAL.

12 Q INCLUDING OTHER PEOPLE IN YOUR OFFICE?

13 A YES, MA'AM.

14 Q AND WHO IS THAT?

15 A LIEUTENANT ZANE PADGETT, INVESTIGATOR LONNIE GROSS,
16 TWO OTHER INDIVIDUALS THAT VERIFIED THEM.

17 Q AND THIS INFORMATION AND ALL -- OH, I'M SORRY. I'M
18 GOING TO ASK YOU ONE MORE QUESTION. SHE ASKED YOU
19 ABOUT, SAID JUST THIS ONE PRINT MATCHED. I SHOW YOU
20 THIS BLOWUP YOU DID AT MY REQUEST; IS THAT CORRECT?

21 A YES, MA'AM.

22 Q THIS IS A MATCH, ISN'T IT?

23 A YES, MA'AM.

24 Q AND SHE HAS ASKED YOU ABOUT THERE ARE ONLY 10 POINTS,
25 THERE ARE ONLY 10 POINTS. SOME PEOPLE WANT 12 OR 14;

1 IS THAT CORRECT?

2 A YES, MA'AM.

3 Q THERE ARE MORE THAN 10 POINTS. YOU DOCUMENTED 10; IS
4 THAT CORRECT?

5 A YES, MA'AM.

6 Q AND, IN FACT, IF YOU GO TO ANY OTHER POINT ON HERE,
7 YOU CAN GO TO THE CORRESPONDING POINT ON HERE?

8 A YES, MA'AM.

9 Q SO THERE ARE LITERALLY --

10 Ms. Pringle: OBJECTION TO THE LEADING, YOUR
11 HONOR.

12 THE COURT: SUSTAINED.

13 BY Ms. Campbell

14 Q ARE THERE MORE THAN 10 POINTS THAT MATCH?

15 A YES.

16 Q AND SHE ASKED YOU ON THIS ONE THAT YOU WERE ABLE TO
17 MATCH, YOU WERE ABLE TO MATCH INDEPENDENTLY SEVEN
18 DIFFERENT PRINTS TO PHILLIP HENRY CROCKER II; IS THAT
19 CORRECT?

20 A CORRECT.

21 Q SO JUST BECAUSE THIS ONE IS BLOWN UP, IT DOESN'T MAKE
22 IT A BETTER MATCH OR A WORSE MATCH THAN ANY OF THE
23 OTHERS?

24 A CORRECT.

25 Q AND ALL OF THESE MATCHES WERE DONE WITH THESE THINGS?

RUSSELL - REDIRECT (CAMPBELL)

455

1 A YES, MA'AM.

2 Q AND VERIFIED OVER AND OVER?

3 A YES, MA'AM.

4 Ms. Pringle: OBJECTION AGAIN, SAME BASIS.

5 THE COURT: I'LL SUSTAIN THAT ONE.

6 Ms. Campbell: THAT'S ALL I HAVE, YOUR HONOR.

7 (PAUSE).

8 THE COURT: NOTHING FURTHER?

9 (THERE WAS NO RESPONSE.)

10 THE COURT: THANK YOU VERY MUCH. YOU MAY COME
11 DOWN.

12 Ms. Campbell: MAY HE BE EXCUSED, YOUR HONOR?

13 Ms. Pringle: NO OBJECTION.

14 Ms. Campbell: THANK YOU.

15 THE COURT: WITHOUT OBJECTION. THERE'S NO
16 OBJECTION.

17 ALL RIGHT, LADIES AND GENTLEMEN, I THINK THAT
18 WILL CONCLUDE THE TESTIMONY FOR TODAY. I'LL ASK YOU TO BE
19 BACK IN THE JURY ROOM AT 9 O'CLOCK. WE'LL TRY TO START
20 PROMPTLY AT NINE. I'LL ASK YOU NOT TO DISCUSS THE CASE
21 AMONG YOURSELVES OR WITH ANYONE ELSE OVER THE EVENING
22 HOURS. WE MADE PROGRESS TODAY. WE'VE GOT TO WORK HARD
23 TOMORROW.

24 SEE YOU IN THE MORNING. THANK YOU VERY MUCH.
25 HAVE A PLEASANT EVENING.

1 (WHEREUPON, THE JURY LEFT OPEN COURT AT
2 APPROXIMATELY 6:18 P.M.)

3 THE COURT: HAS THERE NOT BEEN AN OPPORTUNITY TO
4 MARK EXHIBITS?

5 Ms. Campbell: I'LL BE GLAD TO GET WITH THE
6 COURT REPORTER THIS EVENING, YOUR HONOR, AND MARK SOME
7 MORE IF THEY WANT TO STAY AND LOOK AT THEM.

8 THE COURT: WELL, IT WAS FAIRLY TIME CONSUMING
9 TODAY TO DO THAT. YOU MAY NOT HAVE -- I DON'T KNOW HOW
10 MANY MORE EXHIBITS YOU PLAN TO OFFER, BUT THAT MIGHT SPEED
11 THINGS ALONG, EVEN IF IT'S NOT THIS EVENING, IT WILL BE
12 FIRST THING IN THE MORNING TO DO SO.

13 I MEAN, HOW MANY MORE PHOTOGRAPHS, EXHIBITS?
14 THERE'S NO REASON. I MEAN, THERE'S NO REASON TO HAVE TO
15 RE-EXAMINE EACH ONE AS WE GO THROUGH THE DAY.

16 HAVE YOU IDENTIFIED WHICH EXHIBITS YOU PLAN TO
17 OFFER?

18 Ms. Campbell: THEY HAVE EVERYTHING I PLAN ON
19 INTRODUCING, AND THEY'VE HAD ACCESS TO EVERY PIECE OF
20 EVIDENCE.

21 THE COURT: I KNOW, BUT DO THEY KNOW WHICH ONES
22 YOU PLAN TO INTRODUCE? JUST YES OR NO.

23 Ms. Campbell: I HAVEN'T GONE THROUGH THE
24 PHOTOGRAPHS INDIVIDUALLY, BUT PRETTY MUCH EVERY PHOTOGRAPH
25 I'M INTRODUCING.

1 THE COURT: LET'S DO. IN LET'S TRY TO IN THE
2 MORNING AT 8:30 OR A QUARTER TILL, WILL YOU BE PRESENT AND
3 IDENTIFY FOR THE DEFENDANT WHAT YOU PLAN TO OFFER
4 TOMORROW? CAN YOU DO THAT?

5 Ms. Campbell: I CAN DO THAT TONIGHT, YOUR
6 HONOR. I DON'T HAVE A PROBLEM WITH THAT. I'LL BE GLAD TO
7 DO IT TONIGHT.

8 THE COURT: ALL RIGHT. LET'S DO IT TONIGHT
9 THEN.

10 Ms. Campbell: IN FACT, WE CAN DO IT RIGHT NOW.

11 Mr. Strickler: I'LL BE MORE THAN HAPPY TO DO
12 THEM TOMORROW AT 8:30 OR A QUARTER TO NINE. THAT SUITS ME
13 BETTER.

14 THE COURT: IF YOU WANT ME TO, I'LL DECIDE THAT.

15 Mr. Strickler: YES, SIR.

16 THE COURT: BUT THIS IS WHAT YOU PLAN TO OFFER
17 TOMORROW?

18 Ms. Campbell: THOSE ARE THE PHOTOGRAPHS. I
19 HAVE SOME ADDITIONAL EVIDENCE.

20 THE COURT: ALL RIGHT. LET MR. STRICKLER LOOK
21 AT THEM OVERNIGHT.

22 Ms. Campbell: HE GETS TO KEEP THE PICTURES?

23 THE COURT: YOU JUST SAID HE HAD THE PICTURES.

24 Ms. Campbell: HE HAS A COPY OF EVERY PICTURE I
25 PLAN ON INTRODUCING.

1 Mr. Strickler: IF I CAN LOOK AT THESE NOW AND
2 PLACE THEM SOME PLACE SO WE CANNOT ADD TO THEM OVERNIGHT
3 SO I CAN RELY ON THEM THAT THOSE ARE THE ONES THEY PLAN TO
4 INTRODUCE TOMORROW.

5 THE COURT: DON'T TEST THE PATIENCE OF THE
6 COURT, PLEASE.

7 Mr. Strickler: YES, SIR. MY APOLOGIES, YOUR
8 HONOR.

9 THE COURT: I'M TRYING TO EXPEDITE THINGS.
10 MS. PRINGLE -- I'M SORRY, MS. CAMPBELL.

11 Ms. Campbell: YES, SIR.

12 THE COURT: CAN YOU GET THE REDACTION OF THAT
13 PHOTO?

14 Ms. Campbell: IF THEY HAVE A PAIR OF SCISSORS,
15 I CAN.

16 Mr. Strickler: I'M SORRY, COULD I ASK THAT A
17 PHOTOCOPY BE MADE IN ITS CURRENT STATE SO THAT IT REFLECTS
18 WHAT I AM OBJECTING TO?

19 Ms. Campbell: NO PROBLEM.

20 Mr. Strickler: I MEAN, THAT'S THE ONLY REASON.

21 THE COURT: WE'LL DO THAT RIGHT NOW. IS ACE
22 GOING TO DO IT?

23 Ms. Campbell: YES, SIR.

24 Mr. Strickler: AS TO THESE PHOTOGRAPHS
25 PRESENTED TO ME BY MS. CAMPBELL, I HAVE NO OBJECTION, YOUR

1 HONOR.

2 THE COURT: ALL RIGHT. FINE. THANK YOU.

3 Ms. Campbell: YOUR HONOR, I'VE GOT THE PHONES
4 HERE THAT WERE RECOVERED FROM THE HOUSE, AND I'VE GOT HIM
5 BRINGING IN THE REST OF THE EVIDENCE.

6 THE COURT: OKAY. LEFT --

7 Ms. Campbell: WHICH IS ALL FROM THE SEARCH
8 WARRANT. THEY HAVE A LIST OF EVERYTHING. I THINK THEY
9 NEED TO RESOLVE THE GUN ISSUE.

10 THE COURT: LET'S RESOLVE IT RIGHT NOW. I HAVE
11 A LIST.

12 Ms. Campbell: YES, SIR.

13 THE COURT: THAT MS. PRINGLE PROVIDED. I ASSUME
14 IT'S A COMPLETE LIST OF 12 ITEMS; IS THAT CORRECT?

15 Ms. Campbell: YES, SIR. I BELIEVE THAT IS
16 CORRECT. I DON'T DISPUTE THAT.

17 THE COURT: ALL RIGHT. FOUR OF THOSE ITEMS
18 APPLY TO A 45 RUGER SEMIAUTOMATIC, THAT BEING THE 45 RUGER
19 AUTOMATIC, THE RUGER MAGAZINE CLIP, 15 LUGER ROUNDS, AND A
20 BOX OF 45 AMMUNITION.

21 Ms. Campbell: YES, SIR.

22 THE COURT: FOUR OF THOSE ITEMS APPLY TO A
23 ROMANIAN 762 RIFLE, THAT BEING THE RIFLE ITSELF, TWO
24 BANANA MAGAZINES, BANANA CLIP, AND ASSORTED -- I'M PUTTING
25 ASSORTED AMMO IN THAT GROUP BECAUSE IT'S NOT IDENTIFIED

1 OTHER THAN THAT.

2 Ms. Campbell: YES, SIR.

3 THE COURT: ALL APPLYING TO OR RELATED TO A
4 ROMANIAN RIFLE.

5 Ms. Campbell: YES, SIR.

6 THE COURT: THERE IS A 38 WINCHESTER THERE THAT
7 WAS FOUND AT THE SCENE, 38 WINCHESTER AMMUNITION.

8 Ms. Campbell: YES, SIR.

9 THE COURT: A 357 REVOLVER.

10 Ms. Campbell: YES, SIR.

11 THE COURT: AND TWO ITEMS THAT RELATE TO A NINE
12 MILLIMETER, THAT COULD RELATE TO A NINE MILLIMETER, THAT
13 IS THE NINE MILLIMETER MAGAZINE AND A HOLSTER, WHICH I
14 THINK MR. LAKE, WHO IS BUSY TALKING RIGHT NOW. MR. LAKE.

15 Mr. Lake: YES, SIR.

16 THE COURT: DID YOU NOT IDENTIFY IN YOUR OPENING
17 STATEMENT THAT THE HOLSTER FIT A NINE MILLIMETER?

18 Mr. Lake: I DO RECALL SAYING THAT THERE WAS A
19 HOLSTER. I DIDN'T MENTION THE SHELL CASINGS THAT WERE
20 ACTUALLY FOUND ON --

21 THE COURT: I THOUGHT YOU SAID THAT IT WOULD FIT
22 A NINE MILLIMETER.

23 Ms. Campbell: THERE IS A HOLSTER THAT WILL FIT.

24 THE COURT: ALL RIGHT. SO THAT THEORETICALLY
25 APPLIES.

1 Ms. Campbell: AND THERE'S ALSO NINE MILLIMETER
2 AMMUNITION.

3 THE COURT: WHERE IS THAT?

4 Ms. Campbell: IT'S RIGHT HERE, ASSORTED
5 AMMUNITION.

6 THE COURT: WELL, THAT'S ASSORTED AMMUNITION.
7 DOES IT SAY WHAT IT IS?

8 Ms. Campbell: IT'S NINE MILLIMETER, YES, SIR.

9 THE COURT: OKAY. I THOUGHT IT SAID ASSORTED.

10 Ms. Campbell: OF THE ASSORTMENT. SOME OF IT IS
11 NINE MILLIMETER.

12 THE COURT: OKAY. THERE'S A NINE MILLIMETER
13 MAGAZINE AND NINE MILLIMETER AMMUNITION; IS THAT CORRECT?

14 Ms. Campbell: YES.

15 THE COURT: THE DEFENSE HAS ASKED TO SUPPRESS
16 ALL ITEMS FOUND AT THE -- THESE ITEMS FOUND IN THE SHED;
17 IS THAT CORRECT?

18 Ms. Pringle: YES. YES, SIR. OUR MOTION TO
19 SUPPRESS IS ALL AMMUNITION, INCLUDING THE NINE MILLIMETER
20 AMMUNITION.

21 THE COURT: ALL RIGHT.

22 Ms. Pringle: SORTED AMMUNITION, AND THE GUNS.

23 THE COURT: ALL RIGHT. I SEE NO RELEVANCE TO
24 THE 45 RUGER MAGAZINE, THE 15 RUGER ROUNDS, THE BOX OF 45
25 AMMUNITION, THE ROMANIAN RIFLE, BANANA CLIPS, BANANA

1. MAGAZINES, THE WINCHESTER SPECIAL AMMUNITION, AND THE 357
2. REVOLVER.

3. THERE IS CERTAINLY RELEVANCE TO ANYTHING THAT'S
4. CONNECTED TO A NINE MILLIMETER IF NINE MILLIMETER ROUNDS
5. OR SHELL CASINGS WERE FOUND AT THE SCENE OF THE ALLEGED
6. MURDER.

7. I THINK UNDER 403 -- I HAVE RECONSIDERED MY
8. EARLIER DECISION ON THE 403 ANALYSIS OF THIS EVIDENCE AND
9. THAT ALTHOUGH THERE MAY BE SOME RELEVANCE, SOME SCANT
10. RELEVANCE TO THIS CASE, A MURDER AND TRAFFICKING OF
11. MARIJUANA, I THINK THE PREJUDICIAL VALUE OF THE
12. INTRODUCTION OF THE RUGER, THE 762, AND THE 357, AND THE
13. 38 WINCHESTER SPECIAL AMMUNITION IS MORE PREJUDICIAL THAN
14. PROBATIVE AND GRANT THE DEFENDANT'S MOTION.

15. I'LL HEAR FROM YOU, BUT MY INCLINATION IS TO
16. GRANT THE DEFENDANT'S MOTION AS TO THOSE ITEMS WITH THE
17. EXCEPTION OF THE NINE MILLIMETER, ANYTHING TO DO WITH A
18. NINE MILLIMETER.

19. Ms. Campbell: OKAY.

20. THE COURT: ALL RIGHT.

21. Ms. Campbell: I UNDERSTAND YOUR RULING.

22. THE COURT: OKAY.

23. Ms. Campbell: I DON'T THINK ANYTHING I'M GOING
24. TO SAY IS GOING TO CHANGE YOUR MIND.

25. THE COURT: NO. I THOUGHT ABOUT IT, AND IT HAS

1 NOTHING TO DO WITH THE MURDER. THE STRETCH MOST -- THE
2 MOST I CAN STRETCH THE ANALYSIS IS THAT THE GUNS MAY BE
3 CONSIDERED TOOLS OF THE TRADE OR SOMETHING OF THAT NATURE
4 IN THE DRUG TRAFFICKING BUSINESS BUT --

5 Ms. Campbell: AND THAT WOULD BE JUST OUR CASE
6 IN CHIEF THEY WILL BE SUPPRESSED?

7 THE COURT: YES.

8 Ms. Campbell: YOUR HONOR, I'M GOING TO CUT OFF
9 THE TOP.

10 THE COURT: SHOW THAT TO MR. STRICKLER.

11 Ms. Campbell: I'M GOING TO CUT IT ALL THE WAY
12 ACROSS FROM HERE.

13 Mr. Strickler: YES, SIR. OF COURSE, WHAT I ASK
14 YOUR HONOR IS -- I DON'T THINK WE EVER GOT THIS ON THE
15 RECORD. WE DID IT AT THE BENCH.

16 THE COURT: YOU SAID YOU WERE GOING TO MAKE IT
17 ON THE RECORD SO GO AHEAD.

18 Mr. Strickler: WE MIGHT AS WELL DO IT NOW.

19 THE COURT: IT WAS THE OBJECTION DURING
20 MS.~CASEY'S TESTIMONY THAT SHE WAS SHOWN IT AND THEN
21 IDENTIFIED IT AS THE VEHICLE. YOUR OBJECTION WAS THAT SHE
22 SAW IT OR COULD HAVE SEEN THE HANDWRITTEN NOTATION IN THE
23 UPPER RIGHT HAND CORNER OF THE PHOTOGRAPH WHICH I RULED
24 FROM THE BENCH, WITHOUT PUTTING IT ON THE RECORD, THAT SHE
25 ONLY SAW IT INSTANTANEOUS.

1 AT THAT MOMENT, SHE DID NOT HAVE THE
2 OPPORTUNITY. IT'S VAGUELY PRINTED ON THERE, BUT SHE
3 DIDN'T HAVE THE OPPORTUNITY TO SEE OR READ IT IN THAT
4 INSTANT THAT IT WAS PRESENTED; THEREFORE, I WAS GOING TO
5 ALLOW THE PHOTOGRAPH TO BE INTRODUCED.

6 Mr. Strickler: YES, SIR. AND THANK YOU, YOUR
7 HONOR. THAT STATES COMPLETELY THE BASIS FOR MY OBJECTION
8 AS IT RELATES TO STATE'S -- WHAT'S MARKED AS STATE'S 15
9 AND IN EVIDENCE.

10 MY UNDERSTANDING, YOUR HONOR, AND MY OBJECTION
11 WAS BECAUSE OF THE SCRIPT AT THE TOP OF THE EXHIBIT, WHICH
12 SAYS "SUSPECT'S VEHICLE".

13 I JUST -- THE OBJECTION -- THOUGH SHE ALREADY
14 BLURTED OUT THE ANSWER AT THE TIME I APPROACHED, WAS TO
15 THE FACT THAT THE VEHICLE -- THE PHOTOGRAPH AND WHAT IT
16 PURPORTS TO SHOW WAS IDENTIFIED FOR HER PRIOR TO HER
17 MAKING AN IDENTIFICATION IN THE PHOTOGRAPH.

18 MY UNDERSTANDING FROM MS. CAMPBELL IS SHE IS
19 GOING TO REMOVE THE TOP PORTION OF THIS WITH THE WRITING
20 "SUSPECT'S VEHICLE". WE HAVE --

21 THE COURT: FOR THE RECORD, YOU HAVE IT, A
22 PHOTOGRAPHIC REPRESENTATION OF BEFORE.

23 Mr. Strickler: YES, SIR. SHE HAS REMOVED IT,
24 AND IT IS REDACTED.

25 Ms. Campbell: IT'S BEAUTIFUL.

1 Mr. Strickler: IF I COULD, WE HAVE --

2 THE COURT: SAVE IT.

3 Ms. Campbell: THANK YOU.

4 Mr. Strickler: -- A PHOTOGRAPHIC RECORD OF
5 BEFORE. I WOULD GO AHEAD AND ATTACH THE REDACTED PORTION
6 TO IT AND ASK THAT IT BE MADE A COURT'S EXHIBIT.

7 THE COURT: WHY DON'T YOU TAKE IT HOME, SAVE IT.
8 WHY DON'T YOU FRAME IT. ALL RIGHT. ANYTHING FURTHER THIS
9 AFTERNOON?

10 Mr. Strickler: NO, SIR.

11 THE COURT: I'M GETTING A LITTLE GIDDY HERE.

12 Ms. Campbell: I'VE GOT THE EVIDENCE IN MY
13 OFFICE IF HE WANTS TO LOOK AT IT TONIGHT, THE PHYSICAL
14 EVIDENCE, IN ADDITION TO THE PHOTOS.

15 Mr. Strickler: I'VE ALREADY LOOKED AT ALL THE
16 PHYSICAL EVIDENCE.

17 THE COURT: WELL, LET'S TRY TO MOVE IT ALONG A
18 LITTLE QUICKER TOMORROW.

19 Ms. Campbell: WE'LL PREMARK AT LEAST ALL OF THE
20 PHOTOS.

21 THE COURT: GO AHEAD.

22 Ms. Campbell: WHETHER THEY COME IN OR NOT.

23 (WHEREUPON, COURT'S EXHIBIT NO. 3 WAS MARKED FOR
24 IDENTIFICATION ONLY.)

25 (WHEREUPON, STATE'S EXHIBITS NOS. 48 - 70 WERE

1 MARKED FOR IDENTIFICATION ONLY.)

2 THE COURT: ALL RIGHT. ANYTHING FOR THE RECORD
3 BEFORE WE START?

4 Ms. Campbell: NO, YOUR HONOR. I THINK I NEED
5 TO BE CLEAR ABOUT ONE THING. I THINK I UNDERSTOOD YOUR
6 RULING VERY SUCCINCTLY AND CLEARLY. WE'LL BE ABLE TO GO
7 INTO THE NINE MILLIMETER CLIP, THE NINE MILLIMETER
8 AMMUNITION, AND THE HOLSTER.

9 THE COURT: CORRECT.

10 Ms. Campbell: THAT WOULD BE THE EXTENT OF IT.
11 THERE WILL BE NO MENTION OF THE OTHER GUNS FROM ANYONE,
12 PERIOD.

13 THE COURT: THAT'S CORRECT.

14 Ms. Campbell: OKAY.

15 THE COURT: NOTHING ELSE THAT HAS ANY NINE
16 MILLIMETER CONNECTION.

17 Ms. Campbell: THANK YOU.

18 Mr. Strickler: AND YOUR HONOR, I HAD A BRIEF
19 CONVERSATION WITH MS. CAMPBELL ABOUT THAT. I SPOKE WITH
20 MS. PRINGLE. I THINK SHE NEEDS TO ADDRESS THAT ISSUE,
21 BRIEFLY ADDRESS THE ISSUE MS. CAMPBELL JUST RAISED.

22 THE COURT: OKAY.

23 Mr. Strickler: I THINK SHE HAS A COUPLE OF
24 OTHER MINOR MATTERS.

25 THE COURT: ALL RIGHT.

1 Ms. Pringle: WITH RESPECT TO THE WEAPONS AND
2 AMMUNITION LOCATED IN THE DEFENDANT'S HOME, OUR MOTION, AS
3 YOU KNOW, WAS TO SUPPRESS EVERYTHING THAT WAS TAKEN FROM
4 THE DEFENDANT'S HOME, INCLUDING THE NINE MILLIMETER
5 AMMUNITION, AS WELL AS THE HOLSTER THAT WAS TAKEN THAT
6 THEY HAVE ASSERTED IS UNIQUELY USED FOR A NINE MILLIMETER
7 WEAPON AS OPPOSED TO ANY OTHER KIND OF WEAPON.

8 YOUR HONOR, IN LIGHT OF THE FACT THAT YOU HAVE
9 RULED THAT THOSE ITEMS MAY BE SUPPRESSED TO THE EXTENT
10 THAT THE NINE MILLIMETER INFORMATION COULD COME IN, WE
11 WOULD WITHDRAW OUR MOTION THAT THEY NOT GET INTO THE
12 EVIDENCE REGARDING THE OTHER GUNS, AS WELL, AND THE
13 AMMUNITION.

14 THE COURT: SAY THAT AGAIN.

15 Ms. Pringle: IN LIGHT OF THE RULING THAT ONLY
16 SOME OF THE ITEMS BE SUPPRESSED RATHER THAN ALL, WE'D
17 WITHDRAW OUR MOTION TO SUPPRESS THE OTHER EVIDENCE.

18 THE COURT: SO YOU WANT TO WITHDRAW IT IF THEY
19 TALK ABOUT SOME OF THE GUNS?

20 Ms. Pringle: IF YOU WOULD ALLOW ME, I'D ALSO
21 LIKE TO PUT SOME OF THE MATTERS THAT WERE ADDRESSED AT THE
22 BENCH CONFERENCES: YESTERDAY DURING THE TESTIMONY OF
23 INVESTIGATOR RUSSELL, OBJECTIONS THAT WERE MADE BY ME
24 DURING THE SOLICITOR'S REDIRECT, IF I COULD JUST PLACE THE
25 SUBSTANCE OF THOSE OBJECTIONS, SOME OF IT WAS MADE, I

1 BELIEVE, IN OPEN COURT UP ON THE RECORD AND SOME OF IT UP
2 AT THE BENCH. I'D LIKE TO PLACE IT ON THE RECORD AT THIS
3 TIME.

4 THE COURT: GO AHEAD.

5 Ms. Pringle: YOUR HONOR, SEVERAL OBJECTIONS
6 WERE MADE BY ME. THE SOLICITOR WAS PERMITTED -- AFTER
7 CROSS-EXAMINATION, SHE ASKED THE INVESTIGATOR ON REDIRECT
8 IF HIS FINDING WITH RESPECT TO THE MATCHES AND COMPARISONS
9 THAT HE HAD MADE, IF THOSE COMPARISONS HAD BEEN VERIFIED,
10 IN OTHER WORDS, THOSE COMPARISONS HAD ALSO BEEN MADE BY
11 OTHER INVESTIGATORS BOTH IN HIS OFFICE, THE RICHLAND
12 COUNTY SHERIFF'S DEPARTMENT, AS WELL AS BY THE F.B.I., IF
13 THOSE COMPARISONS HAD BEEN VERIFIED, AND WHAT WERE THE
14 RESULTS OF THOSE COMPARISONS MADE BY THE RICHLAND COUNTY
15 SHERIFF'S DEPARTMENT, OTHER INVESTIGATORS, AS WELL AS THE
16 F.B.I. I OBJECTED ON THE GROUNDS OF HEARSAY, YOUR HONOR.
17 THAT WAS CLEARLY OFFERED FOR THE TRUTH OF THE MATTER
18 ASSERTED. HER RESPONSE UP AT THE BENCH WAS THAT I HAD
19 SOMEHOW OPENED THE DOOR TO THAT.

20 THE COURT: IT WASN'T AT THE BENCH.

21 Ms. Pringle: I BELIEVE THAT -- I'M SORRY. I
22 MAY BE MISTAKEN: I THOUGHT THAT PORTION OF HER RESPONSE
23 WAS UP AT THE BENCH. SOME OF THIS MAY BE REPETITIVE. I
24 APOLOGIZE FOR THAT. I JUST WANT TO BE VERY SURE BECAUSE A
25 LOT OF IT HAPPENED VERY QUICKLY.

1 YOUR HONOR, I JUST WANT TO POINT OUT THERE WERE
2 NO OBJECTIONS MADE DURING MY CROSS-EXAMINATION OF HIM.
3 WHEN I ASKED HIM SPECIFICALLY THE QUESTIONS ABOUT THE
4 F.B.I. DISAGREEING WITH HIM ABOUT WHICH PRINTS WERE
5 SUFFICIENT FOR IDENTIFICATION, I WOULD SUBMIT TO YOU THAT
6 HAD THERE BEEN AN OBJECTION MADE ON THE BASIS OF HEARSAY,
7 WHICH WOULD HAVE BEEN THE ONLY APPROPRIATE OBJECTION,
8 THERE WASN'T.

9 HAD THAT OBJECTION BEEN MADE, MY ELICITATION OF
10 THAT TESTIMONY -- I WAS NOT ELICITING HEARSAY. IN FACT, I
11 DON'T KNOW WHAT THE TRUTH IS. I DON'T KNOW WHICH ONE. I
12 WAS ONLY BRINGING OUT AND IMPEACHING HIM ON THE GROUNDS
13 THAT NEITHER OF THEM AGREE ON THAT.

14 YOUR HONOR, I JUST WANTED THAT TO BE CLEAR. I
15 DON'T KNOW IF THIS ISSUE MAY ARISE LATER IN THE TRIAL, IF
16 THEY INTEND TO CALL THOSE INDIVIDUALS TO ADD TO THAT, BUT
17 I JUST SUBMIT TO THE COURT OUR ARGUMENT IS THAT WAS ERROR.
18 IT WAS PREJUDICE TO ALLOW HIM -- PREJUDICIAL TO ALLOW HIM
19 TO TESTIFY THAT HIS RESULTS HAVE BEEN CONFIRMED BY OTHER
20 INDIVIDUALS. I JUST WANTED TO PLACE THAT ON THE RECORD,
21 YOUR HONOR.

22 THE COURT: WELL, IF I RECALL THE COLLOQUY AT
23 THE TIME, YOU RAISED THE ISSUE OF THE F.B.I. REPORT -- OR
24 ATTEMPTED TO IMPEACH HIM WITH THAT REPORT.

25 YOU THEN OBJECTED WHEN THE STATE -- I ASSUME

1 BECAUSE I HAVEN'T SEEN THE REPORT, BROUGHT OUT THROUGH THE
2 WITNESS THAT SOME OF THE F.B.I. REPORT DID NOT IMPEACH HIM
3 ENTIRELY, BUT THERE WAS SOME AGREEMENT BETWEEN HIS
4 FINDINGS AND THE F.B.I. REPORT. YOU OBJECTED ON THE
5 GROUNDS OF HEARSAY. I OVERRULED IT.

6 I FELT YOU OPENED THE DOOR TO THE ADMISSION OF
7 THAT TYPE OF EVIDENCE BY CROSS-EXAMINING HIM ON THAT
8 REPORT.

9 NOW, AS TO THE VERIFICATION BY OTHER ENTITIES OF
10 THE SHERIFF'S OFFICE, I WILL TELL YOU THAT THAT LINE OF
11 QUESTIONING AND THE LINE OF OBJECTIONS, THE SERIES OF
12 OBJECTIONS, THE LINE OF QUESTIONING, I MAY HAVE OVERLOOKED
13 THE QUESTION OR MAY NOT CLEARLY HAVE HEARD THE QUESTION
14 ABOUT VERIFICATION OF OTHER MEMBERS OF THE SHERIFF'S
15 OFFICE. I PROBABLY WOULD HAVE SUSTAINED THAT OBJECTION
16 HAD I UNDERSTOOD IT CLEARLY.

17 NOW, WHETHER THE STATE -- I UNDERSTOOD EARLIER
18 THAT THE STATE PLANNED TO BRING WITNESSES TO VERIFY
19 MR. RUSSELL'S FINDINGS ANYWAY, BUT NEVERTHELESS, IT WAS
20 PROBABLY IMPROPER TO ALLOW HIM TO TESTIFY THAT HIS RESULTS
21 HAD BEEN VERIFIED BY OTHER MEMBERS OF THE SHERIFF'S
22 DEPARTMENT BECAUSE THAT WOULD HAVE PROBABLY CLEARLY BEEN
23 HEARSAY.

24 I WILL INSTRUCT THE JURY TO DISREGARD THAT LINE
25 OF TESTIMONY, IF THAT'S THE APPROPRIATE THING TO DO. I

1 HAVEN'T HEARD WHERE THE STATE PLANS TO GO INTO IT.

2 ALL RIGHT. MS. CAMPBELL, AS TO THE ISSUE OF THE
3 GUNS, THE MOTION HAS BEEN MADE AND RULED ON. NOW, IT'S
4 BEEN WITHDRAWN.

5 DOES THE STATE PLAN TO GO -- I'M NOT GOING TO
6 EVEN ASK IF YOU PLAN TO GO INTO IT, BUT THERE'S NO
7 OBJECTION, AS I UNDERSTAND IT, TO YOUR OFFERING
8 WHATEVER -- IF YOU CHOOSE TO DO SO, WHATEVER WAS FOUND AT
9 THE DEFENDANT'S HOME BY WAY OF GUNS AND AMMUNITION.

10 Ms. Campbell: YOUR HONOR, WE INTEND JUST TO GO
11 INTO THE NINE MILLIMETER AMMUNITION AND THINGS, WHICH YOU
12 HAVE RULED, WHICH YOU FEEL IS PROPER.

13 THE COURT: THAT'S FINE.

14 Ms. Campbell: THAT'S WHAT WE WOULD BE LIMITING.

15 THE COURT: OKAY.

16 Ms. Campbell: SO WE WOULD BE LIMITING IT TO THE
17 NINE MILLIMETER ITEMS, AND IT WILL ONLY BE ONE HOLSTER.

18 THE COURT: AS TO THE VERIFICATION OF
19 MR. RUSSELL'S RESULTS?

20 Ms. Campbell: SERGEANT ZANE PADGETT WILL BE
21 TESTIFYING. HE'S THE SECOND OR THIRD WITNESS UP THIS
22 MORNING. HE WILL, I THINK, ELIMINATE -- ALTHOUGH YOU CAN
23 INSTRUCT THE JURY, WE HAVE NO PROBLEM IF THEY WANT A
24 CURATIVE INSTRUCTION.

25 THE COURT: WELL, THEY -- I DON'T KNOW WHETHER

1 THEY WANT A CURATIVE INSTRUCTION OR NOT.

2 Ms. Pringle: THAT'S SORT OF MY POINT AND MY
3 CONCERN IS THAT THEY NOW, AFTER ELICITING HEARSAY FROM THE
4 WITNESS YESTERDAY, FROM INVESTIGATOR RUSSELL, THAT HIS
5 FINDINGS WERE VERIFIED BY AN INDIVIDUAL FROM THE RICHLAND
6 COUNTY SHERIFF'S DEPARTMENT TO THEN BRING IN THAT
7 INDIVIDUAL, ZANE PADGETT, TO STATE THAT HE VERIFIED THAT
8 WOULD BE CUMULATIVE AND ADD TO THE ERROR COMMITTED
9 YESTERDAY.

10 THE COURT: THAT'S NO ERROR --

11 Ms. Campbell: THANK YOU.

12 THE COURT: -- TO BRING IN SOMEBODY TO VERIFY
13 THE WITNESS'S REPORT.

14 Ms. Pringle: I THINK IT WOULD NOT HAVE BEEN HE
15 HAD NOT ALREADY TESTIFIED. IT BECOMES CUMULATIVE.

16 THE COURT: I'LL BE GLAD TO, IF THE DEFENSE
17 WISHES, TO INSTRUCT THEM TO THIS POINT THERE'S BEEN NO
18 VERIFICATION, IF THAT'S WHAT YOU WANT.

19 WOULD YOU APPROACH THE BENCH? LET ME ASK YOU
20 SOMETHING THAT OCCURRED TO ME LAST NIGHT.

21 (WHEREUPON, THERE WAS A BENCH CONFERENCE.)

22 THE COURT: ALL RIGHT. COUNSEL, ARE YOU READY
23 FOR THE JURY?

24 Ms. Campbell: THE STATE IS READY.

25 Mr. Strickler: THE DEFENSE IS READY.

1 THE COURT: BRING THE JURY, PLEASE.

2 THE BAILIFF: I'LL BE GLAD TO, YOUR HONOR.

3 (WHEREUPON, STATE'S EXHIBIT NO. 71 WAS MARKED
4 FOR IDENTIFICATION ONLY.)

5 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
6 APPROXIMATELY 9:22 A.M.)

7 THE BAILIFF: THE JURY IS ALL PRESENT, YOUR
8 HONOR.

9 THE COURT: THANK YOU VERY MUCH. I HOPE YOU HAD
10 A PLEASANT EVENING. WE'RE READY TO CONTINUE WITH THE
11 TRIAL. LET ME TELL YOU ONE THING BEFORE WE BEGIN:
12 YESTERDAY AFTERNOON WHEN OFFICER RUSSELL WAS TESTIFYING,
13 THERE WAS SOME TESTIMONY ON HIS BEHALF THAT HIS
14 FINGERPRINT ANALYSIS HAD BEEN VERIFIED BY OTHER -- SOME
15 OTHER ENTITY WITHIN THE RICHLAND COUNTY SHERIFF'S OFFICE.
16 I'M GOING TO ASK YOU TO DISREGARD THAT TESTIMONY. THAT
17 WAS PROBABLY AN IMPROPER STATEMENT.

18 I HAVE RULED NOW THAT IT WAS INADMISSIBLE. I'M
19 GOING TO ASK YOU TO DISREGARD THAT TESTIMONY. I DON'T
20 KNOW WHAT ELSE IS COMING IN THE COURSE OF TRIAL, BUT AS
21 FAR AS VERIFICATION OF HIS REPORT, HE SAID THAT SOMEONE
22 ELSE SAID IT WAS VERIFIED, IT PROBABLY FALLS WITHIN THE
23 HEARSAY EXCEPTION. IT'S INADMISSIBLE EVIDENCE. I'M GOING
24 TO ASK YOU TO DISREGARD THAT.

25 ALL RIGHT. MS. CAMPBELL, CALL YOUR NEXT

1 WITNESS, PLEASE.

2 Ms. Campbell: MAY IT PLEASE THE COURT. THE
3 STATE WOULD CALL JIM POWELL.

4 JAMES POWELL, AFTER BEING DULY SWORN, TESTIFIED
5 AS FOLLOWS:

6 THE CLERK: HAVE A SEAT IN THE WITNESS BOX.
7 STATE YOUR FULL NAME FOR THE RECORD.

8 THE BAILIFF: WATCH YOUR STEPS FOR ME AND SPEAK
9 INTO THE MICROPHONE.

10 THE WITNESS: MY NAME IS JAMES POWELL.

11 DIRECT EXAMINATION:

12 BY Ms. Campbell

13 Q OFFICER POWELL, WHERE ARE YOU EMPLOYED?

14 A I'M WITH THE MECKLENBURG COUNTY SHERIFF'S OFFICE IN
15 CHARLOTTE, NORTH CAROLINA.

16 Q AND WHAT DO YOU DO AT THE MECKLENBURG COUNTY
17 SHERIFF'S DEPARTMENT IN CHARLOTTE, NORTH CAROLINA?

18 A I'M A FINGERPRINT ANALYST.

19 Q YOU'RE A FINGERPRINT ANALYST. AS A FINGERPRINT
20 ANALYST IN CHARLOTTE, NORTH CAROLINA, IN THE
21 SHERIFF'S DEPARTMENT THERE, DO YOU KEEP CERTAIN
22 RECORDS IN THE NORMAL COURSE OF BUSINESS AT YOUR
23 DEPARTMENT?

24 A YES, MA'AM, WE DO.

25 Q AND INCLUDED IN THOSE RECORDS, ARE THOSE ORIGINAL

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- 1 FINGERPRINT CARDS WITH INFORMATION ABOUT CERTAIN
2 PEOPLE?
3 A YES, MA'AM, WE DO.
4 Q AND THOSE ARE KEPT IN THE NORMAL COURSE OF BUSINESS?
5 A YES, MA'AM.
6 Q AT MY REQUEST, DID YOU BRING AN ORIGINAL FINGERPRINT
7 CARD BELONGING TO PHILLIP HENRY CROCKER, II, TODAY?
8 A YES, MA'AM.
9 Q DO YOU HAVE THAT CARD WITH YOU? THIS IS ACTUALLY A
10 COPY OF THE CARD. DO YOU HAVE THE ORIGINAL?
11 A YES, SIR.
12 Q THIS IS THE ORIGINAL CARD YOU BROUGHT WITH YOU?
13 A YES, MA'AM.
14 Q AND THIS IS A TRUE COPY OF THAT CARD; IS THAT
15 CORRECT?
16 A YES, MA'AM.
17 Q AND YOU AREN'T ALLOWED TO LEAVE THIS WITH US HERE
18 TODAY?
19 A THAT IS CORRECT.
20 Q BUT THIS COPY HAS THE SAME INFORMATION ON IT?
21 A YES, MA'AM, IT DOES.
22 Q AND THIS IS KEPT IN THE NORMAL COURSE OF BUSINESS; IS
23 THAT RIGHT?
24 A THAT'S RIGHT.
25 Ms. Campbell: YOUR HONOR, AT THIS TIME WE'D

1 OFFER THE FINGERPRINT CARD, WITHOUT OBJECTION.

2 THE COURT: WITHOUT OBJECTION.

3 (WHEREUPON, STATE'S EXHIBIT NO. 72 WAS MARKED
4 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

5 Ms. Campbell: STATE'S EXHIBIT 72, YOUR HONOR.

6 THE COURT: THANK YOU.

7 BY Ms. Campbell

8 Q OFFICER POWELL, JUST FOR THE RECORD, WHO DOES THIS
9 FINGERPRINT CARD BELONG TO?

10 A IT BELONGS TO PHILLIP HENRY CROCKER.

11 Q PHILLIP HENRY CROCKER?

12 A YES, MA'AM.

13 Q IS HE DESIGNATED AS A WHITE OR BLACK MALE?

14 A BLACK MALE.

15 Q WHAT WAS HIS DATE OF BIRTH?

16 A 7/5/46.

17 Q 7/5/46?

18 A YES, MA'AM.

19 Ms. Campbell: THAT'S ALL I HAVE, YOUR HONOR.

20 THE COURT: CROSS-EXAMINATION?

21 Mr. Strickler: NO, SIR, YOUR HONOR.

22 THE COURT: THANK YOU VERY MUCH, MR. POWELL.

23 Ms. Campbell: MAY HE BE EXCUSED?

24 THE COURT: ANY OBJECTION?

25 Mr. Strickler: NO OBJECTION.

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1 THE COURT: YOU MAY BE EXCUSED.

2 Ms. Campbell: THE STATE WOULD CALL RAY
3 LIVINGSTON.

4 RAY LIVINGSTON, AFTER BEING DULY SWORN,
5 TESTIFIED AS FOLLOWS:

6 THE WITNESS: RAY LIVINGSTON.

7 DIRECT EXAMINATION:

8 BY Ms. Campbell

9 Q INVESTIGATOR LIVINGSTON, WHERE ARE YOU EMPLOYED?

10 A RICHLAND COUNTY SHERIFF'S DEPARTMENT.

11 Q AND WHAT DO YOU DO AT THE RICHLAND COUNTY SHERIFF'S
12 DEPARTMENT?

13 A I'M A FORENSIC INVESTIGATOR.

14 Q RICHLAND COUNTY, THAT'S HERE IN COLUMBIA?

15 A YES, MA'AM.

16 Q AND YOU'RE IN THE FORENSIC INVESTIGATIVE UNIT?

17 A YES, MA'AM.

18 Q AND WHAT ARE YOUR DUTIES AT THE FORENSIC
19 INVESTIGATIVE UNIT AT THE RICHLAND COUNTY SHERIFF'S
20 DEPARTMENT?

21 A PROCESS CRIME SCENES, COLLECT EVIDENCE.

22 Q AND DO YOU WORK WITH INVESTIGATOR RUSSELL WHO WAS
23 HERE YESTERDAY?

24 A YES, MA'AM.

25 Q AND WHO IS THE SUPERVISOR OVER YOUR DEPARTMENT?

- 1 A LIEUTENANT ZANE PADGETT.
- 2 Q LIEUTENANT ZANE PADGETT?
- 3 A YES, MA'AM.
- 4 Q INVESTIGATOR RUSSELL, TURNING YOUR ATTENTION BACK TO
- 5 NOVEMBER OF 2001, DID YOU ASSIST IN THE INVESTIGATION
- 6 AT THE SCENE INVESTIGATOR RUSSELL DID?
- 7 A YES, MA'AM.
- 8 Q BACK ON NOVEMBER 21, 2001 AT LOWE'S?
- 9 A YES, MA'AM.
- 10 Q AND AS PART OF YOUR DUTIES THAT DAY, DID YOU HAVE AN
- 11 OPPORTUNITY TO GO TO -- EXCUSE ME, THE NEXT DAY, DID
- 12 YOU HAVE AN OPPORTUNITY TO GO TO AN AUTOPSY INVOLVING
- 13 NATHANIEL CASEY, JR.?
- 14 A YES, MA'AM.
- 15 Q AND PRIOR TO THAT, THAT EVENING, DID YOU HAVE AN
- 16 OPPORTUNITY TO GO TO THE HOSPITAL WHERE MR. CASEY'S
- 17 BODY WAS?
- 18 A YES, MA'AM.
- 19 Q AND WHEN YOU WENT TO THE HOSPITAL, DID YOU ASSIST
- 20 INVESTIGATOR RUSSELL IN COLLECTING WHAT'S KNOWN AS
- 21 GUNSHOT RESIDUE KITS?
- 22 A YES, MA'AM.
- 23 Q CAN YOU TELL THE JURY JUST BRIEFLY, WHAT'S THE
- 24 PURPOSE OF GETTING A GUNSHOT RESIDUE KIT?
- 25 A SEEING IF THE INDIVIDUAL HAD FIRED A WEAPON OF ANY

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- 1 TYPE, COLLECT THE EVIDENCE FROM THE HANDS.
- 2 Q AND WHEN YOU WENT TO THE HOSPITAL, INVESTIGATOR
- 3 RUSSELL ACTUAL DID THE SWABBING AND THE STICKY TABS,
- 4 WE CALL IT?
- 5 A YES, MA'AM.
- 6 Q ONCE THAT EVIDENCE WAS COLLECTED, HOW IS IT KEPT? IS
- 7 IT PUT IN A SEALED THING? HOW IS IT KEPT?
- 8 A IT'S JUST PLACED IN A SEALED CONTAINER.
- 9 Q SEALED CONTAINER?
- 10 A YES, MA'AM.
- 11 Q WAS THAT DONE IN THIS CASE?
- 12 A YES, MA'AM.
- 13 Q AND ONCE THAT EVIDENCE WAS COLLECTED FROM NATHANIEL
- 14 CASEY, JR., DID YOU THEN TAKE IT INTO YOUR
- 15 POSSESSION?
- 16 A YES, MA'AM.
- 17 Q AT A LATER DATE, DID YOU HAVE OCCASION TO TAKE IT TO
- 18 S.L.E.D.?
- 19 A YES, MA'AM.
- 20 Q AND WHAT DATE DID YOU ACTUALLY TAKE IT TO S.L.E.D.?
- 21 A I BELIEVE IT WAS NOVEMBER 30TH.
- 22 Q NOVEMBER 30TH?
- 23 A YES, MA'AM.
- 24 Q FROM NOVEMBER 21ST UNTIL NOVEMBER 30TH, DID YOU HAVE
- 25 AN OPPORTUNITY -- EXCUSE ME, NOT AN OPPORTUNITY --

1 DID YOU HAVE THAT EVIDENCE WITHIN YOUR CUSTODY AND
2 CONTROL?

3 A YES, MA'AM.

4 Q HOW WAS IT BEING KEPT OVER THAT ALMOST NINE DAY
5 PERIOD?

6 A IN A LOCKED CONTAINER.

7 Q IN A LOCKED CONTAINER?

8 A YES, MA'AM.

9 Q DID ANYONE ELSE HAVE ACCESS OR COULD GET TO THAT
10 CONTAINER?

11 A NO, MA'AM, I HAD THE KEY.

12 Q DID ANYONE TAMPER WITH THAT EVIDENCE OR CHANGE THAT
13 EVIDENCE IN ANY WAY?

14 A NO, MA'AM.

15 Q WHEN YOU TOOK IT TO S.L.E.D. ON NOVEMBER 30TH, WAS IT
16 IN THE SAME CONDITION AS WHEN IT WAS SEALED AFTER IT
17 HAD BEEN COLLECTED, WHEN IT WAS SEALED?

18 A YES, MA'AM.

19 Q ONCE YOU GOT IT TO S.L.E.D. ON NOVEMBER 30TH, WHAT
20 DID YOU DO WITH IT?

21 A I TURNED IT OVER TO ONE OF THE DETECTIVES THAT
22 COLLECTED THE EVIDENCE.

23 Q WAS IT STILL IN A SEALED CONDITION THEN?

24 A YES, MA'AM.

25 Q YOU ALSO MENTIONED YOU HAD AN OPPORTUNITY TO GO TO

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1 THE AUTOPSY THE NEXT DAY; IS THAT CORRECT?

2 A YES, MA'AM.

3 Q WERE YOU ABLE TO DETERMINE, OR IN YOUR OBSERVATIONS
4 THERE AT THE AUTOPSY, WAS THERE A GUNSHOT INVOLVED IN
5 CAUSING THE DEATH OF MR. CASEY?

6 A YES, MA'AM, GUNSHOT WOUND TO THE HEAD.

7 Q GUNSHOT WOUND TO THE HEAD. TELL THIS JURY, THERE ARE
8 DIFFERENT KINDS OF GUNSHOTS. IS THIS WHAT WE CALL A
9 THROUGH AND THROUGH?

10 A YES, MA'AM.

11 Q WHAT IS THAT?

12 Ms. Pringle: OBJECTION, YOUR HONOR. CAN WE
13 APPROACH?

14 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE
15 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE
16 JURY).

17 BY Ms. Campbell

18 Q I'M SORRY. CONTINUE. WHAT KIND OF GUNSHOT WAS
19 SUSTAINED IN THIS CASE?

20 A IT WAS A THROUGH AND THROUGH.

21 Q WHAT HAPPENED TO THE BULLET?

22 A THE PROJECTILE WENT IN ONE SIDE AND EXITED THE OTHER
23 SIDE.

24 Q AND THE PATHOLOGIST CAN TESTIFY MORE SPECIFICALLY AS
25 TO THE SPECIFICS --

1 A UH-HUH.

2 Q -- BUT TYPICALLY IN THIS CASE WHEN A PROJECTILE EXITS
3 LIKE A THROUGH A THROUGH, A HEAD SHOT, WHAT HAPPENS
4 TO THE BULLET ONCE IT EXITS THE HEAD?

5 A IT CONTINUES.

6 Q SO IT'S NOT NECESSARILY FOUND AT THE SCENE?

7 A YES, MA'AM.

8 Q AND WHEN IT IS A THROUGH AND THROUGH, IS THAT
9 UNUSUAL?

10 A NO, MA'AM, IT'S NOT UNUSUAL.

11 Q BUT THE SHELL CASING WAS FOUND AT THE SCENE?

12 A THE SHELL CASING WAS FOUND.

13 Ms. Campbell: THAT'S ALL I HAVE OF THIS
14 WITNESS, YOUR HONOR.

15 Ms. Pringle: NO QUESTIONS OF THIS WITNESS.

16 THE COURT: ALL RIGHT. THANK YOU,
17 MR. LIVINGSTON. YOU MAY COME DOWN.

18 Ms. Campbell: THE STATE WOULD CALL LIEUTENANT
19 ZANE PADGETT.

20 ZANE PADGETT, AFTER BEING DULY SWORN, TESTIFIED
21 AS FOLLOWS:

22 THE CLERK: HAVE A SEAT IN THE WITNESS BOX,
23 STATE YOUR FULL NAME FOR THE RECORD.

24 THE BAILIFF: WATCH YOUR SEAT FOR ME, ZANE.
25 SPEAK IN THE MICROPHONE.

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1 THE WITNESS: ZANE PADGETT.

2 DIRECT EXAMINATION:

3 BY Ms. Campbell

4 Q LIEUTENANT PADGETT, WHERE ARE YOU EMPLOYED?

5 A I'M EMPLOYED WITH THE RICHLAND COUNTY SHERIFF'S
6 DEPARTMENT HERE IN COLUMBIA.

7 Q AND WHAT DO YOU DO AT THE RICHLAND COUNTY SHERIFF'S
8 DEPARTMENT?

9 A I'M A SUPERVISOR IN CHARGE OF THE ENTIRE FORENSIC
10 LABORATORY UNIT.

11 Q CAN YOU TELL THIS JURY, AS THE SUPERVISOR OF THE
12 FORENSIC LABORATORY HERE IN RICHLAND COUNTY, WHAT DO
13 YOUR DUTIES INCLUDE?

14 A MY DUTIES INCLUDE BASICALLY SUPERVISING A TOTAL OF 16
15 PERSONNEL. NONE OF THOSE PERSONNEL ARE ACTUALLY
16 FORENSIC INVESTIGATORS. SOME OF THOSE ARE FORENSIC
17 INVESTIGATORS THAT ACTUALLY GO OUT AND PROCESS THE
18 CRIME SCENE. I'M ALSO IN CHARGE OF THE VIDEO
19 ENHANCEMENT, THE DRUG ANALYSIS AREA, AND ALSO
20 BALLISTICS.

21 Q CAN YOU TELL THIS JURY A LITTLE BIT ABOUT YOUR
22 EDUCATION AND CRIME SCENE INVESTIGATIONS,
23 SPECIFICALLY AS TO FINGERPRINT COMPARISONS?

24 A I'VE BEEN INVOLVED IN FINGERPRINT COMPARISONS FOR
25 OVER 20 YEARS. I'VE BEEN THROUGH ALL THE BASIC

1 COURSES AND THE ADVANCED COURSES AT THE F.B.I. AT THE
2 ADVANCED FINGERPRINT ACADEMY. THAT HAS BEEN WORKING
3 FOR OVER 20 YEARS.

4 Q YOU HAVE BEEN DOING IT FOR OVER 20 YEARS?

5 A YES, MA'AM.

6 Q AND WHEN YOU SAY YOU ATTENDED ALL THE BASIC COURSES
7 AT THE ACADEMY, THAT'S THE CRIMINAL JUSTICE ACADEMY
8 HERE IN SOUTH CAROLINA?

9 A YES, MA'AM; THE BASIC AND ADVANCED.

10 Q AND YOU ATTENDED ADDITIONAL COURSES AT THE F.B.I.?

11 A THAT IS CORRECT, ALSO PALM PRINT COURSES.

12 Q AND THE DIFFERENCE BETWEEN PALM PRINTS AND
13 FINGERPRINTS IS WHAT?

14 A THE DIFFERENCE IS ACTUALLY THE LOCATION ON THE HANDS.

15 Q SO FINGERPRINTS ARE ON THE END?

16 A THE FINGERPRINTS ARE ON THE END OF THE DIGITS, AND
17 PALM PRINTS ARE ON THE ACTUAL PALM.

18 Q AND YOU'RE LOOKING FOR A FINGERPRINT UNIQUE TO THE
19 PALM?

20 A THAT'S CORRECT.

21 Q AND HAVE YOU TESTIFIED BEFORE AS AN EXPERT IN THE
22 AREA OF CRIME SCENE INVESTIGATIONS SPECIFICALLY AS TO
23 FINGERPRINT COMPARISON?

24 A YES, MA'AM, I HAVE.

25 Q HOW MANY TIMES HAVE YOU BEEN QUALIFIED IN THOSE

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1 AREAS?

2 A WELL OVER 50.

3 Ms. Campbell: YOUR HONOR, AT THIS TIME, WE'D
4 OFFER HIM AS AN EXPERT IN CRIME SCENE INVESTIGATIONS.
5 SPECIFICALLY AS-TO FINGERPRINT COMPARISON.

6 Ms. Pringle: NO OBJECTION.

7 THE COURT: WITHOUT OBJECTION.

8 BY Ms. Campbell

9 Q LIEUTENANT PADGETT, ARE YOU FAMILIAR WITH THE
10 SHOOTING THAT OCCURRED AT LOWE'S ON NOVEMBER 21,
11 2001?

12 A YES, MA'AM, I AM.

13 Q AND JUST TO BE CLEAR, YOU DID NOT ACTUALLY GO TO THE
14 CRIME SCENE THAT DAY, DID YOU?

15 A NO, MA'AM. I DID NOT ACTUALLY GO TO THE CRIME SCENE.

16 Q DID YOU LATER BECOME INVOLVED IN THE INVESTIGATION OF
17 THIS CASE, HOWEVER?

18 A YES, MA'AM.

19 Q TELL THE JURY HOW IT CAME TO YOUR ATTENTION AND HOW
20 YOU BECAME INVOLVED IN THE INVESTIGATION.

21 A BASICALLY, I WAS NOTIFIED WHEN THE INCIDENT ACTUALLY
22 OCCURRED. TO MY KNOWLEDGE, I DON'T BELIEVE I WAS IN
23 TOWN WHEN THE ACTUAL INCIDENT OCCURRED, BUT I WAS
24 NOTIFIED OF IT.

25 WHEN I RETURNED TO TOWN, I SAT DOWN WITH THE

1 INVESTIGATORS, FORENSIC INVESTIGATORS, THAT PROCESSED
2 THE SCENE AND WENT OVER ALL THE EVIDENCE THAT THEY
3 HAD COLLECTED AND THAT THEY HAD DONE.

4 Q AND SPECIFICALLY AT A LATER DATE, DID IT COME TO YOUR
5 ATTENTION THAT SOME FINGERPRINTS HAD BEEN LIFTED FROM
6 A BLUE CONTAINER FROM THE BACK OF THE CAR AT THE
7 CRIME SCENE?

8 A THAT IS CORRECT. INVESTIGATOR RUSSELL HAD PROCESSED
9 THE BLUE CONTAINER.

10 Q WHEN I SAY LIFTED, THAT'S NOT A CORRECT TERM.

11 A RIGHT. I WAS GOING TO CORRECT YOU ON THAT IN A
12 MINUTE.

13 Q OKAY. I APOLOGIZE.

14 A HE DEVELOPED SOME LATENT FINGERPRINTS ON THE
15 TUPPERWARE CONTAINER. THE WAY THAT THESE ARE
16 DEVELOPED ON THIS PARTICULAR TYPE OF MATERIAL, THEY
17 COULD NOT ACTUALLY BE LIFTED OFF THE MATERIAL.
18 THEY'RE PERMANENTLY ETCHED IN THE OBJECT.

19 THERE ARE ONLY TWO WAYS YOU CAN ACTUALLY WORK
20 WITH THOSE PARTICULAR LATENT PRINTS: NUMBER ONE,
21 WORK WITH THE ACTUAL OBJECT ITSELF OR WITH THE
22 LATENTS ACTUALLY ETCHED IN THERE OR YOU CAN TAKE A
23 PHOTOGRAPH OF IT.

24 Q OKAY. I'M GOING TO SHOW YOU THESE CUTTINGS THAT HAVE
25 ALREADY BEEN MARKED INTO EVIDENCE, WHICH ARE ACTUALLY

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1 CUTTINGS FROM THE BLUE CONTAINER.

2 A YES, MA'AM.

3 Q YOU'RE FAMILIAR WITH THOSE?

4 A I'M FAMILIAR WITH ALL OF THOSE.

5 Q AS IT IS POLICY IN YOUR CASE, ONCE THOSE FINGERPRINTS

6 IS -- THEY'RE SET IN STONE, I GUESS IS THE WAY TO PUT

7 IT --

8 A THEY ARE PRETTY MUCH SET IN STONE.

9 Q WERE ANY ATTEMPTS MADE WITHIN YOUR LAB TO RUN THEM

10 THROUGH A SYSTEM IN YOUR LAB TO FIND OUT WHO THOSE

11 FINGERPRINTS BELONG TO?

12 A YES, MA'AM. WE HAVE A SYSTEM THAT IS REFERRED TO AS

13 THE A.F.I.S. SYSTEM. IT'S THE AUTOMATED FINGERPRINT

14 IDENTIFICATION SYSTEM. BASICALLY, WHAT IT DOES IS IT

15 TAKES AN UNKNOWN LATENT LIKE THE LATENT FINGERPRINTS

16 THAT ARE ON THESE OBJECTS. THEY HAVE ENTERED INTO

17 THIS COMPUTER SYSTEM BY PLOTTING. THAT LATENT IS

18 SENT ELECTRONICALLY TO S.L.E.D., THE SOUTH CAROLINA

19 LAW ENFORCEMENT DIVISION, AND THE COMPUTERS THERE

20 ACTUALLY CHECK THE POINTS OF MINUTIA ON THE LATENTS

21 THAT WE ENTERED, AND IT CHECKS IT AGAINST THE KNOWN

22 INKED FINGERPRINTS OF EVERYBODY THAT HAS BEEN

23 ARRESTED, POLICE OFFICERS, SCHOOL TEACHERS, DAY CARE

24 WORKERS, ANYBODY THAT HAS A FINGERPRINT CARD ON FILE

25 AT S.L.E.D.

1 IT ACTUALLY CHECKS THAT PRINT AGAINST ALL THE
2 KNOWN INK FINGERPRINTS. IT COMES BACK WITH A
3 QUANTITATIVE NUMBER STATING LIKE THE COMPUTER THINKS
4 IT MAY HAVE MATCHED THIS PRINT OR THIS PRINT. AT THE
5 END, IT HAS TO BE DONE EYEBALL TO EYEBALL. THAT'S
6 BASICALLY WHAT WE DO WITH THE UNKNOWN LATENT
7 FINGERPRINTS.

8 Q OKAY. SO BASICALLY, IT COULD BE RUN THROUGH THIS
9 A.F.I.S. SYSTEM AND THE COMPUTER SYSTEM. IT COMES
10 BACK WITH IT COULD BE A MATCH TO ONE OR MORE PEOPLE.

11 A IT WOULD COME BACK WITH A FIGURE SAYING IT THINKS IT
12 MAY HAVE MATCHED THIS, AND WE HAVE TO EYEBALL IT
13 WITHIN THE HUMAN EYE TO SEE THAT IT DOES MATCH.
14 THAT'S ONLY WITHIN THE STATE OF SOUTH CAROLINA.

15 Q THAT'S WHAT I WAS GOING TO GET TO. THE SYSTEM THAT
16 YOU HAVE AVAILABLE TO YOU IN YOUR LABORATORY IS
17 WITHIN THE STATE OF SOUTH CAROLINA?

18 A ONLY THE KNOWN FINGERPRINTS WITHIN THE STATE OF SOUTH
19 CAROLINA.

20 Q AND WHEN -- WHEN THESE PRINTS WERE RUN THROUGH THE
21 SOUTH CAROLINA A.F.I.S., WERE THERE ANY MATCHES MADE?

22 A NO. ALL THE RESULTS THAT CAME BACK ON ALL THESE
23 LATENT PRINTS, THERE WERE NO ACTUAL POSITIVE MATCHES
24 TO ANY KNOWN FINGERPRINTS IN THE STATE.

25 Q AND ARE YOU AWARE THERE WERE ACTUALLY COMPARISONS

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1 DONE TO THE VICTIM IN THE CASE, NATHANIEL CASEY, THE
2 VICTIM'S WIFE, CONSUELO CASEY, AS WELL AS THE SUSPECT
3 IN THIS CASE, PHILLIP HENRY CROCKER, III?

4 A YES, MA'AM. THAT IS STANDARD IN ALL INVESTIGATIONS
5 LIKE THIS. WE'LL ACTUALLY TAKE THE VICTIM OF THE
6 CRIME, ANY KNOWN RELATIVES, POSSIBLY, YOU KNOW, OF
7 THE VICTIM. IF THERE IS A SUSPECT OR A SUBJECT THAT
8 HAS BEEN DEVELOPED, WE'LL GET THEIR KNOWN INKED
9 FINGERPRINTS AND AUTOMATICALLY COMPARE THEM TO THE
10 LATENT PRINTS.

11 Q AND IN THIS CASE, THERE ARE SOME ADDITIONAL
12 COMPARISONS DONE WITH POLICE OFFICERS AT THE SCENE
13 AND THINGS OF THAT NATURE?

14 A THERE WERE SEVERAL ADDITIONAL COMPARISONS DONE IN
15 THIS CASE.

16 Q WERE ANY MATCHES MADE, DONE IN THAT WAY?

17 A THERE WERE NO POSITIVE IDENTIFICATIONS OF ANY OF
18 THOSE PEOPLE, OF THE INVESTIGATORS, TAKEN AT THE
19 TIME.

20 Q ONCE YOU EXHAUSTED YOUR DATA BANK AND RAN THROUGH THE
21 KNOWN PEOPLE YOU HAD, DID YOU PROCEED FURTHER IN
22 TRYING TO IDENTIFY THESE PRINTS?

23 A YES, MA'AM. THE F.B.I., THE FEDERAL BUREAU OF
24 INVESTIGATION, ALSO HAS THE SAME SYSTEM THAT WE HAVE,
25 THIS A.F.I.S. SYSTEM.

1 THEIR SYSTEM IS UNIQUE IN THE FACT THAT THEY CAN
2 ACTUALLY COMPARE ANY UNKNOWN LATENTS TO KNOWN INKED
3 FINGERPRINTS OF EVERYBODY IN THE UNITED STATES THAT
4 HAS BEEN ARRESTED INSTEAD OF JUST SOUTH CAROLINA.

5 Q DID YOU SEND -- OR ACTUALLY, DID YOU PARTICIPATE IN
6 HAVING THESE PRINTS REVIEWED BY THE F.B.I. AND THE
7 F.B.I. AGENCIES?

8 A YES, MA'AM. WHAT WE DID IS WE TOOK PHOTOGRAPHS OF
9 THE LATENTS ON THE BLUE CONTAINER, MADE A CONTACT
10 SHEET WHERE THE ACTUAL LATENTS WERE THE EXACT SAME
11 SIZE AS A FINGERPRINT.

12 THESE PHOTOGRAPHS -- I TURNED THEM OVER TO THE
13 F.B.I. TO HAVE THEM TRANSPORT THEM UP TO WASHINGTON
14 SO THEY CAN RUN IT ON THEIR NATIONAL SYSTEM.

15 Q I'M GOING TO SHOW YOU WHAT HAS BEEN MARKED AS STATE'S
16 EXHIBIT 46. DO YOU RECOGNIZE THAT?

17 A YES, MA'AM. THIS IS A COPY OF ONE OF THE CONTACT
18 SHEETS THAT I ACTUALLY HANDED OVER TO THE F.B.I. SO
19 THEY COULD RUN ALL THE UNKNOWN LATENTS ON THEIR
20 NATIONAL SYSTEM.

21 Q DID YOU ACTUALLY PERSONALLY MAKE SURE THE F.B.I. GOT
22 THOSE?

23 A HE CAME TO MY OFFICE, AND I PUT IT IN HIS HAND.

24 Q AT A LATER DATE, DID YOU RECEIVE -- AND YOU CAN'T SAY
25 WHAT THE F.B.I. DID, DID YOU RECEIVE INFORMATION FROM

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1 THE F.B.I. THAT YOU COULD FOLLOW UP ON?

2 A YES, MA'AM. THE F.B.I. ACTUALLY SENT US A REPORT ON
3 THE UNKNOWN LATENTS THAT WE SENT TO THEM AND WHETHER
4 THEY HAD ANY MATCHES OR NOT.

5 Q AND BASED ON THAT REPORT, DID YOU DO ANY COMPARISONS
6 YOURSELF IN YOUR LABORATORY?

7 A THAT IS CORRECT. ONCE WE GOT THE FINDINGS FROM THE
8 F.B.I., WE TOOK THEIR INFORMATION AND DID OUR OWN
9 COMPARISON, PRETTY MUCH TO VERIFY THEIR COMPARISON.

10 Q I'M GOING TO SHOW YOU STATE'S EXHIBIT NO. 72. DO YOU
11 RECOGNIZE THAT?

12 A YES, MA'AM. THIS IS A CERTIFIED COPY OF A
13 FINGERPRINT CARD OF A PHILLIP HENRY CROCKER.

14 Q AND THAT IS NOT THE DEFENDANT?

15 A NO, MA'AM, IT IS NOT THE DEFENDANT.

16 Q BUT IT WAS PHILLIP HENRY CROCKER WHO WAS BORN IN
17 1946?

18 A JULY 5TH, 1946.

19 Q WHAT, IF ANY, COMPARISONS DID YOU DO USING THAT
20 FINGERPRINT CARD ONCE YOU HAD RECEIVED THAT
21 INFORMATION?

22 A ONCE WE RECEIVED INFORMATION FROM THE F.B.I., WE TOOK
23 THE CERTIFIED INKED FINGERPRINT CARD OF PHILLIP HENRY
24 CROCKER. I BELIEVE SHE'S KNOWN AS "II" OR "JR."

25 WE TOOK THIS AND THEN ACTUALLY DID A PHYSICAL

1 COMPARISON OF THESE KNOWN INK PRINTS TO ALL THE
2 UNKNOWN LATENTS THAT WERE ON THE BLUE CONTAINER.

3 Q IS THAT STANDARD PROCEDURE FOR YOU TO VERIFY?

4 A ABSOLUTELY. ANY TIME -- IF WE HAVE ANOTHER AGENCY
5 THAT SAYS THERE IS A POSITIVE MATCH ON THE
6 FINGERPRINT, IT'S NOT THAT WE DON'T TAKE THEIR WORD
7 FOR IT. WE WANT TO VERIFY IT WITHIN OUR DEPARTMENT
8 ALSO. THAT'S JUST STANDARD IN ANY DEPARTMENT.

9 Q AND INVESTIGATOR RUSSELL WAS THE MAIN INVESTIGATOR
10 INVOLVED IN THE ACTUAL CRIME SCENE PROCESSING?

11 A HE IS WHAT WE REFER TO AS THE PRIMARY INVESTIGATOR,
12 FORENSIC INVESTIGATOR ON THE SCENE. HE WOULD HAVE
13 BEEN THE FIRST ACTUALLY TO TAKE A LOOK AT IT.

14 Q IS IT STANDARD PROCEDURE WITHIN YOUR DEPARTMENT FOR
15 YOU OR ANOTHER OFFICER IN YOUR DEPARTMENT TO CONFIRM?

16 A THAT IS CORRECT. ON ANY FINGERPRINT COMPARISON,
17 WHETHER IT'S A POSITIVE MATCH OR A NEGATIVE MATCH OR
18 AN INCONCLUSIVE MATCH, WE MAKE SURE WE HAVE ANOTHER
19 INDIVIDUAL IN THE FORENSIC LABORATORY VERIFY ALL THE
20 PRIMARY OFFICER'S FINDINGS.

21 Q AND LIEUTENANT, CAN YOU TELL THIS JURY BASICALLY HOW
22 YOU GO ABOUT MAKING A FINGERPRINT MATCH OR
23 ELIMINATING THE PERSON AS BEING A FINGERPRINT MATCH?

24 A IT'S A VERY TIMELY PROCESS. YOU WILL ACTUALLY TAKE
25 THE UNKNOWN LATENT PRINTS, AND YOU WILL BLOW THEM UP,

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1 MAKE THEM LARGER. YOU CAN DO IT ON A COMPUTER. YOU
2 COULD PHOTOGRAPH IT, BLOW IT UP. WE HAVE SPECIAL
3 EQUIPMENT, CAMERA AND VIDEO EQUIPMENT, THAT WILL BLOW
4 IT UP ON THE T.V. SCREEN.

5 YOU TAKE ONE OF THOSE, AND THEN YOU WILL TAKE
6 ALL OF THE KNOWN INKED FINGERPRINTS THAT YOU'RE
7 COMPARING, YOU WILL BLOW EACH ONE OF THOSE UP TO THE
8 SAME SIZE AS TO THE UNKNOWN ONE.

9 YOU'LL HAVE TO PHYSICALLY CHECK THE LATENT AND
10 THE KNOWN INKED FINGERPRINT TO SEE IF THERE WERE
11 POSITIVE POINTS OF IDENTIFICATION, IN OTHER WORDS,
12 THE EXACT SAME CONFIGURATIONS, WHAT WE CALL POINTS OF
13 MINUTIAE, THAT EITHER MATCH OR DO NOT MATCH THE KNOWN
14 PRINT.

15 YOU WILL HAVE TO COME TO A CONCLUSION OF WHETHER
16 IT IS A DEFINITE POSITIVE MATCH, NO DOUBT IN YOUR
17 MIND IT IS THE SAME PRINT OR WILL EITHER COME TO THE
18 CONCLUSION IT IS NOT A NEGATIVE MATCH. IT IS NOT THE
19 SAME PRINT. THEN YOU'LL HAVE PRINTS WHICH ARE
20 INSUFFICIENT, MEANING THEY DO NOT CONTAIN ENOUGH
21 DETAIL TO COMPARE TO ANYBODY. THERE'S JUST NOT
22 ENOUGH THERE TO COMPARE.

23 Q AND, OF COURSE, YOU WANT TO MAKE SURE THAT IF YOU'RE
24 COMPARING TO ANOTHER PERSON'S FINGERPRINT, THERE'S
25 ENOUGH THERE TO MAKE SURE IT IS THEM?

1 A THAT IS CORRECT. IT IS EITHER A POSITIVE
2 IDENTIFICATION, IT IS A NEGATIVE IDENTIFICATION, OR
3 IT'S WHAT IS CALLED INSUFFICIENT MEANING YOU DO NOT
4 HAVE ENOUGH DETAIL PRINT TO COMPARE IT TO ANYONE.

5 Q AND IN THIS CASE, ARE YOU AWARE OF HOW MANY PRINTS
6 WERE ACTUALLY LIFTED FROM THIS CONTAINER THAT WAS
7 FOUND IN THE BACK OF THE CAR?

8 A I WANT TO SAY THERE WERE LIKE A TOTAL OF 16 LATENTS
9 LIFTED FROM THE CONTAINER.

10 Q AND BASED ON YOUR -- WHEN YOU DO YOUR VERIFICATIONS,
11 YOU DO THOSE INDEPENDENTLY FROM THE F.B.I. OR ANYBODY
12 ELSE?

13 A THAT IS CORRECT. ACTUALLY, EVEN THERE ARE OCCASIONS
14 WHERE I DON'T KNOW THE RESULTS OF THE INVESTIGATOR
15 THAT HAS COMPARED THE PRINTS BEFORE.

16 IN OTHER WORDS, I DON'T WANT HIS OPINION TO BIAS
17 ME, IN OTHER WORDS. SO MANY TIMES -- I THINK THAT
18 MAY HAVE BEEN THE CASE IN THIS CASE, THAT I DON'T
19 KNOW WHAT DID AND DIDN'T MATCH. I JUST SAT DOWN AND
20 STARTED FROM SCRATCH.

21 Q SO WHEN YOU SAT DOWN AND STARTED FROM SCRATCH WITH
22 THESE 16 PRINTS, NOT KNOWING WHICH ONE, IF ANY,
23 MATCHED OR NOT?

24 A I THINK I KNEW THERE WERE SOME MATCHES, BUT I DIDN'T
25 KNOW WHICH ONES DID AND DIDN'T.

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1 Q CAN YOU TELL THE JURY, WHEN YOU SAT DOWN WITH THESE
2 PRINTS, WHAT WERE YOUR FINDINGS, YOUR INDEPENDENT
3 FINDINGS?

4 A MY FINDINGS WERE THAT THERE WERE SEVEN LATENTS ON THE
5 TUPPERWARE CONTAINER THAT WERE POSITIVELY IDENTIFIED
6 AS PHILLIP HENRY CROCKER'S FINGERPRINTS. THERE WAS
7 ALSO AN EIGHTH LATENT THAT WAS THE SAME LATENT, IN
8 OTHER WORDS, THE SAME FINGER, THE SAME LATENT THAT
9 WE'VE IDENTIFIED IS THE SAME AS THE INKED PRINTS.
10 THOSE WERE THE POSITIVE IDENTIFICATIONS.

11 Q OKAY. WERE THERE ADDITIONAL FINGERPRINTS THAT YOU
12 ATTEMPTED TO MATCH BUT COULDN'T?

13 A THERE WERE TWO ADDITIONAL LATENTS ON THE BLUE
14 CONTAINERS THAT CONTAINED SUFFICIENT RIDGE DETAIL TO
15 COMPARE TO SOMEONE, BUT THEY WERE NOT PHILLIP HENRY
16 CROCKER'S, AND THEY WERE NOT ANYONE ELSE'S THAT WE
17 WERE GIVEN FINGERPRINTS TO COMPARE THEM TO. IN OTHER
18 WORDS, THEY COULD BE COMPARED TO SOMEONE, BUT THEY
19 DID NOT MATCH ANY OF THE INDIVIDUAL NAMES WE HAD.

20 Q AND THE REST OF THE FINGERPRINTS, I BELIEVE THERE
21 WERE SIX OR SEVEN MORE?

22 A YES, MA'AM. I BELIEVE THERE ARE SEVEN. WE HAD SEVEN
23 ADDITIONAL. RIGHT, WE HAD SEVEN ADDITIONAL LATENT
24 PRINTS FROM THE BLUE CONTAINERS THAT CONTAINED
25 INSUFFICIENT RIDGE DETAIL.

1 IN OTHER WORDS, THERE WAS NONE OF THAT DETAIL IN
2 THE PRINT. IT COULD BE ANYONE'S. IT COULD NOT BE
3 ANYONE'S. THERE'S NO WAY TO COMPARE IT.

4 Q THERE'S NOT ENOUGH THERE TO MAKE AN IDENTIFICATION OR
5 AN ELIMINATION?

6 A THAT IS CORRECT.

7 Q YOU HAVE GOT COPIES BEFORE YOU. YOU MENTIONED THAT
8 WHEN YOU LOOKED AT THESE TWO THINGS, YOU REDUCE THEM
9 DOWN AND YOU TRY TO COMPARE THEM TO ABOUT THE SAME
10 SIZE?

11 A THAT'S CORRECT.

12 Q DO YOU HAVE SOME DOCUMENTS THAT YOU USED IN THIS
13 CASE?

14 A YES, MA'AM. THESE WERE ACTUALLY DONE ON THE
15 COMPUTER. THEY WERE DONE ON THE A.F.I.S. COMPUTER
16 WHICH IS NOT SENT TO S.L.E.D. THESE WERE THE LATENT
17 PRINTS ON THE LEFT HAND SIDE. ALL OF THEM FROM THE
18 BLUE CONTAINER. ON THE RIGHT SIDE ARE THE KNOWN
19 INKED FINGERPRINTS OF PHILLIP HENRY CROCKER, II.

20 Q SO THOSE WOULD BE THE FINGERPRINT, WHICHEVER ONE WAS
21 APPROPRIATE, THAT WAS TAKEN FROM THIS CARD HERE,
22 STATE'S EXHIBIT 72?

23 A YES, MA'AM. WHICHEVER ONE WAS A POSITIVE
24 IDENTIFICATION, WE PUT THEM SIDE BY SIDE SO WE CAN
25 ACTUALLY LOOK AT THEM ON THE SCREEN. THE ACTUAL

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1 SCREEN ITSELF, WHEN THEY'RE PUT ON THE COMPUTER
2 SCREEN, ARE A LOT BIGGER. THESE ARE JUST PRINTS OF
3 WHAT CAME OFF THE SCREEN.

4 Q AND THESE ARE ACTUAL COPIES OF WHAT YOU COMPARED?

5 A THAT'S CORRECT.

6 Ms. Campbell: YOUR HONOR, AT THIS TIME WE'D
7 OFFER THEM INTO EVIDENCE.

8 Ms. Pringle: NO OBJECTION.

9 THE COURT: WITHOUT OBJECTION.
10 (WHEREUPON, STATE'S EXHIBITS NOS. 73 - 79 WERE
11 MARKED FOR IDENTIFICATION AND RECEIVED INTO
12 EVIDENCE.)

13 BY Ms. Campbell

14 Q I'LL LET YOU LOOK AT THESE IN A MINUTE. YOU
15 MENTIONED THAT THERE WERE SOME THAT JUST SIMPLY
16 WEREN'T ENOUGH RIDGE DETAIL.

17 A THAT IS CORRECT. I BELIEVE THERE ARE SEVEN HERE.
18 THESE ARE SEVEN OF THE LATENTS OFF THE BLUE
19 CONTAINER. THERE WAS NOT ENOUGH DETAIL TO MATCH
20 ANYONE.

21 THE REASON THERE'S A BLANK SCREEN ON THE RIGHT
22 IS BECAUSE THERE'S NO KNOWN PRINT WE COULD EVEN MATCH
23 IT TO. WE JUST LEFT THAT ONE THERE.

24 Q OKAY. AND THEN YOU ALSO MENTIONED THERE WERE TWO
25 ADDITIONAL PRINTS THAT WERE SUFFICIENT DETAIL, BUT

1 THEY WERE NOT PHILLIP HENRY CROCKER, II, OR THE III
2 OR ANYONE ELSE?

3 A THERE WERE KNOWN OF -- ANY OF THE NAMES WE WERE
4 GIVEN, ALL OF SEVERAL NAMES. AGAIN, THE REASON FOR
5 THE BLANK SCREEN ON THE RIGHT, THERE WERE NO KNOWN
6 PRINTS THAT WE COULD MATCH.

7 Ms. Campbell: OKAY.

8 Ms. Pringle: NO OBJECTION.

9 THE COURT: WITHOUT OBJECTION.

10 (WHEREUPON, STATE'S EXHIBITS NOS. 80 - 88 WERE
11 MARKED FOR IDENTIFICATION AND RECEIVED INTO
12 EVIDENCE.)

13 BY Ms. Campbell

14 Q JUST TO CLARIFY FOR THE RECORD, 80 THROUGH 86 ARE THE
15 ONES THAT ARE SIMPLY NOT ENOUGH RIDGE DETAIL TO
16 INCLUDE OR EXCLUDE ANYONE?

17 A THAT'S CORRECT.

18 Q AND THEN FINALLY, STATE'S EXHIBIT 87 AND 88 ARE THE
19 TWO UNKNOWNNS, I WOULD SAY?

20 A EIGHTY-SEVEN AND 88, THERE IS SUFFICIENT RIDGE DETAIL
21 TO COMPARE IT, BUT THEY DIDN'T MATCH ANYONE THAT WE
22 KNEW OF.

23 Q LET ME ASK YOU THIS, LIEUTENANT: IF I GO UP AND I
24 TOUCH, LIKE A TABLE OR DIFFERENT OBJECTS, AM I
25 NECESSARILY GOING TO LEAVE A FINGERPRINT? CAN YOU

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1 EXPLAIN THAT TO THE JURY?

2 A YES, MA'AM. ACTUALLY, WE CALL LATENT PRINTS AN
3 ACCIDENT. JUST BECAUSE YOU TOUCH AN OBJECT, JUST
4 BECAUSE YOU HANDLE AN OBJECT, JUST BECAUSE YOU DRIVE
5 A CAR, JUST BECAUSE YOU PULLED A WEAPON, THAT DOESN'T
6 NECESSARILY MEAN YOU WILL LEAVE A LATENT PRINT ON IT.

7 GENERALLY, YOU MAYBE WILL NOT LEAVE A PRINT ON
8 IT. THERE ARE SO MANY FACTORS THAT ARE INVOLVED.
9 IT'S THE TYPE OF SURFACE, THE TEXTURE OF THE SURFACE,
10 THE MOISTURE IN THE AIR, HOW MUCH OIL OR AMINO ACIDS
11 YOU MAY BE SECRETING OUT OF YOUR PORES OR YOUR
12 FINGERS. THERE ARE SO MANY FACTORS INVOLVED.

13 WHEN WE GET LATENT PRINTS FROM A CRIME SCENE, WE
14 ARE ACTUALLY ECSTATIC SOMETIMES. WE ARE HAPPY TO GET
15 THEM, UNLIKE TELEVISION WHERE THEY LIFT LATENT PRINTS
16 OFF OF EVERY WEAPON THEY FIND, EVERY OBJECT THAT IS
17 TOUCHED, THAT'S NOT TRUE IN THE REAL WORLD.

18 Q ONCE A LATENT PRINT IS PUT INTO PLACE, CAN IT STAY
19 THERE A PERIOD OF TIME?

20 A THEY HAVE LIFTED PRINTS OFF OF OBJECTS I KNOW, IN
21 FACT, ARE OVER 45, 50 YEARS OLD.

22 Q BUT CONDITIONS SUCH AS, YOU MENTIONED, WEATHER, I
23 GUESS MOISTURE IN THE AIR?

24 A WEATHER, MOISTURE IN THE AIR, HUMIDITY, THE
25 TEMPERATURE. THERE ARE SO MANY FACTORS INVOLVED

1 WHETHER PRINTS CAN ACTUALLY BE ABLE TO BE DEVELOPED
2 OFF AN OBJECT OR NOT.

3 Q SO THE FACTORS INCLUDE NOT ONLY THE SURFACE YOU'RE
4 TOUCHING, BUT LIKE IF I WERE TO TOUCH SOMETHING,
5 THINGS ABOUT MY SKIN OR WHAT I'M DOING AT THE TIME.

6 A THAT'S CORRECT.

7 Q AND YOU'RE FAMILIAR WITH THE TERM "SMUDGED"?

8 A YES.

9 Q AND WHAT IS A SMUDGE?

10 A A FINGERPRINT, YOU'RE BASICALLY TRANSFERRING A
11 PATTERN FROM THE TIPS OF YOUR FINGERS TO AN OBJECT.
12 IT'S LIKE A STAMP, IF YOU WANT TO CONSIDER IT
13 ANYTHING, A STAMP, A CONFIDENTIAL STAMP ON A
14 DOCUMENT. THAT'S BASICALLY WHAT YOU'RE DOING.

15 IF YOU WERE TO TAKE A STAMP AND STAMP IT DOWN ON
16 A PIECE OF PAPER AND JUST TAKE THE STAMP SLIGHTLY AND
17 MOVE IT TO ONE DIRECTION WHILE IT'S IN CONTACT WITH
18 THE SURFACE, YOU'RE GOING TO SMUDGE THE STAMP. YOU
19 ARE GOING TO SMUDGE IT.

20 YOU WILL DO THE SAME THING WITH FINGERPRINTS.
21 IF YOU GRASP AN OBJECT AND YOU JUST PULL SLIGHTLY OR
22 MOVE YOUR FINGERS WHEN IT'S ON THE OBJECT IN ANY
23 DIRECTION AT ALL, IT'S GOING TO TAKE ALL THOSE RIDGE
24 LINES AND THE TRANSFERENCE OF THEM. IT'S GOING TO
25 JUST SMUDGE IT COMPLETELY.