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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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PADGETT - DIRECT (CAMPBELL)

501

1 THAT'S WHY I SAY WE'RE ECSTATIC WHEN WE GET GOOD
2 PRINTS BECAUSE A GOOD PRINT HAS TO PRETTY MUCH BE
3 LEFT ON THE SURFACE STRAIGHT DOWN. IF YOU MOVE IT,
4 IT'S GOING TO BE SMUDGED, WHICH CAN CAUSE WHAT WE
5 REFER TO AS THE INSUFFICIENT RIDGE DETAILS. IN OTHER
6 WORDS, THEY'RE SO SMUDGED, THEY'RE NOT CLEAR, AND WE
7 CAN'T COMPARE THEM TO ANYONE.

8 Q I WANT TO TALK NOW ABOUT THE LATENT PRINTS, WHICH ARE
9 STATE'S EXHIBITS 73 THROUGH 79. THOSE WERE ACTUAL
10 MATCHES THAT WERE MADE TO PHILLIP HENRY CROCKER, II?

11 A THAT'S CORRECT. THESE ARE WHAT WE CALL THE POSITIVE
12 IDENTIFICATIONS.

13 Q AND I'M GOING TO SHOW YOU WHAT HAS BEEN MARKED AS
14 STATE'S EXHIBIT 47. ARE YOU FAMILIAR WITH THIS
15 CHART?

16 A YES, MA'AM, I AM.

17 Q AND ON HERE, I SEE THAT IT'S ACTUALLY CHARTED OR 10
18 POINTS OF COMPARISON. IS THAT THE ONLY 10 POINTS ON
19 THESE FINGERPRINTS THAT MATCH?

20 A NO, MA'AM. THERE'S MANY MORE THAN THE 10 POINTS OF
21 POSITIVE IDENTIFICATION ON THOSE PRINTS. WE DECIDED
22 TO CHART JUST 10 OF THEM JUST TO SHOW SOMEONE THAT'S
23 NOT FAMILIAR WITH FINGERPRINTS WHERE YOU CAN ACTUALLY
24 SEE THE POINTS OF IDENTIFICATION, WHERE THEY MATCHED,
25 THE ONE ON THE LEFT AND THE ONE ON THE RIGHT.

1 IF WE PLOT MORE THAN THAT, THE ENTIRE CHART IS
2 GOING TO BE FILLED WITH NUMBERS AND LINES. YOU
3 REALLY WOULDN'T BE ABLE TO LOOK AT IT. IT'S TOO
4 CONFUSING TO ACTUALLY LOOK AT.

5 GENERALLY WHEN WE DO FINGERPRINT COMPARISONS,
6 CHARTS LIKE THIS FOR COURT, WE'LL PLOT IT ANYWHERE
7 FROM NINE AND MAYBE 12 POINTS OF POSITIVE
8 IDENTIFICATION. THERE ARE MANY MORE THAN 10 ON HERE.

9 Q AND ON EACH ONE OF THESE PRINTS, I THINK IT'S STATE'S
10 EXHIBIT 73 THROUGH 79, HOW MANY POINTS OF COMPARISON,
11 POINTS OF SIMILARITY, ARE THERE ON EACH ONE OF THEM?

12 A WELL, FIRST OF ALL, THERE IS NO MINIMUM REQUIREMENT
13 FOR POINTS OF COMPARISON OR POSITIVE IDENTIFICATION
14 IN ORDER TO CONSIDER A LATENT PRINT A POSITIVE
15 IDENTIFICATION FOR A KNOWN INKED FINGERPRINT.

16 WE GENERALLY WILL NOT GO TO COURT OR SAY IT'S A
17 POSITIVE IDENTIFICATION WITH UNDER NINE POINTS OF
18 INTEREST. THAT'S NOT REALLY A POSITIVE. IT'S JUST
19 KIND OF A THING AMONG FINGERPRINT EXPERTS IN THE
20 STATE OF SOUTH CAROLINA.

21 WE GENERALLY DO NOT DO UNDER NINE. I HAVE DONE
22 POSITIVE IDENTIFICATIONS MYSELF WITH AS FEW AS SIX.
23 THESE MATCHES HERE HAVE MANY MORE THAN NINE.

24 Q MANY MORE THAN NINE?

25 A MANY MORE THAN NINE.

PADGETT - DIRECT (CAMPBELL)

503

1 Q MANY MORE THAN 12?

2 A PROBABLY MUCH MORE.

3 Q MANY MORE THAN 15?

4 A YES, MA'AM.

5 Ms. Pringle: OBJECTION, YOUR HONOR, UNLESS HE
6 KNOWS.

7 THE COURT: DON'T LEAD HIM. JUST ASK THE
8 QUESTIONS.

9 Ms. Campbell: YES, SIR.

10 I DON'T HAVE ANY FURTHER QUESTIONS. THANK YOU.

11 CROSS-EXAMINATION:

12 BY Ms. Pringle

13 Q GOOD MORNING, LIEUTENANT PADGETT.

14 A GOOD MORNING.

15 Q I HAVE JUST A COUPLE OF QUESTIONS FOR YOU THIS
16 MORNING. DID YOU GENERATE ANY REPORT IN THIS CASE OF
17 YOUR ANALYSIS OF THE LATENT PRINTS OTHER THAN A
18 REPORT DATED DECEMBER 14TH OF 2001?

19 A WHAT REPORT IS THAT YOU'RE REFERRING TO?

20 Q THIS WAS, I BELIEVE, YOUR INITIAL COMPARISON OF THE
21 PRINTS TO THE DEFENDANT THAT DECEMBER?

22 A YES, MA'AM. THIS IS MY REPORT OF THE COMPARISON OF
23 THE LATENT PRINTS ON THE BLUE CONTAINER TO THE
24 DEFENDANT'S.

25 Q AND YOUR FINDINGS, OF COURSE, WERE THAT NONE OF THE

1 LATENTS THAT WERE DEVELOPED MATCHED THE DEFENDANT?

2 A NONE OF THE LATENTS THAT COULD BE POSITIVELY
3 IDENTIFIED TO SOMEONE MATCHED; THAT IS CORRECT.

4 Q AND THE ONES THAT -- AND JUST TO CLARIFY WHAT YOU
5 JUST SAID RIGHT THERE, THE ONLY ONES THAT COULDN'T BE
6 MATCHED OR IDENTIFIED ARE ONES THAT HAVE SUFFICIENT
7 RIDGE DETAIL?

8 A THAT IS CORRECT.

9 Q AND YOU WOULD NOT PUT ON YOUR REPORT THAT ONES THAT
10 DON'T HAVE SUFFICIENT RIDGE DETAIL COULD BE MATCHED
11 TO ANYONE OR COULD NOT BE MATCHED TO ANYONE BECAUSE
12 THEY'RE INSUFFICIENT TO MAKE A MATCH?

13 A WE MAY SOMETIMES INCLUDE THAT REPORT OR SOMETIMES MAY
14 NOT BECAUSE IF THEY'RE INSUFFICIENT, THEY'RE NOT
15 COMPARABLE.

16 Q THANK YOU. AT WHAT POINT -- AND YOU TESTIFIED YOU
17 WENT BACK AND VERIFIED INVESTIGATOR RUSSELL'S
18 FINDINGS. WHEN DID YOU DO THAT?

19 A I BELIEVE IT WAS SHORTLY AFTER WE GOT THE REPORT FROM
20 THE F.B.I. I DON'T KNOW THE EXACT DATE.

21 Q WELL, YOU KNOW THAT INVESTIGATOR RUSSELL DID NOT
22 CONDUCT HIS COMPARISON OR GENERATE A REPORT ANYWAY
23 UNTIL OCTOBER 2003. WAS IT AFTER OCTOBER 2003?

24 A I DON'T BELIEVE SO. I COMPARED THESE PRIOR TO, I
25 MEAN I HAD VERIFIED PRIOR TO THAT.

PADGETT - CROSS (PRINGLE)

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- 1 Q OKAY. BUT YOU HAVE NOT GENERATED ANY OTHER REPORT?
- 2 A NOT THAT I KNOW OF.
- 3 Q AND IN THE REPORT I JUST HANDED YOU, YOU IDENTIFIED
- 4 IN THAT REPORT ITEMS L-1 TO L-13.
- 5 A OH, THE ONE YOU JUST HANDED ME?
- 6 Q YES. YOU IDENTIFIED 13 PRINTS OF VALUE AND SAID THAT
- 7 THEY COULD NOT BE LINKED TO THE DEFENDANT.
- 8 A THAT IS CORRECT.
- 9 Q AND YOUR TESTIMONY TODAY IS THAT HOW MANY OF VALUE?
- 10 I BELIEVE YOU TESTIFIED TODAY THAT THERE WERE SEVEN
- 11 THAT WERE OF INSUFFICIENT RIDGE DETAIL.
- 12 A THAT IS CORRECT.
- 13 Q WHICH WOULD BE CONSISTENT WITH INVESTIGATOR RUSSELL'S
- 14 FINDINGS AND TESTIMONY YESTERDAY?
- 15 A I DON'T KNOW HIS TESTIMONY YESTERDAY.
- 16 Q BUT YOU DO KNOW HIS FINDINGS?
- 17 A I DO KNOW HIS FINDINGS; THAT'S CORRECT.
- 18 Q AND HIS FINDINGS WERE THAT SEVEN WERE OF INSUFFICIENT
- 19 RIDGE DETAIL. ALTHOUGH, THAT'S NOT WHAT HE WROTE IN
- 20 HIS REPORT?
- 21 A I WOULD ASSUME SO.
- 22 Q OKAY. WHICH WOULD LEAVE -- AND I'M NO MATH EXPERT,
- 23 BUT THAT WOULD LEAVE 10 OF VALUE. IF SEVEN ARE OF
- 24 INSUFFICIENT VALUE AND 17 ARE TOTAL, THERE ARE 10 OF
- 25 REMAINING VALUE?

1 A THAT COULD BE CORRECT.

2 Q BUT YOUR ORIGINAL REPORT LOOKED AT 13 OF VALUE.

3 A PROBABLY.

4 Q AND JUST GETTING DOWN TO THE BASICS -- THIS IS JUST
5 THE BASICS. THE FIRST THING YOU DO IS DECIDE WHETHER
6 OR NOT YOU CAN LOOK AT A PRINT, WHETHER OR NOT IT'S
7 EVEN IDENTIFIABLE.

8 A SOMETIMES WE WILL ACTUALLY LOOK AT ALL THE
9 FINGERPRINTS AT ONE TIME, AND YOU MAY WANT TO TAKE
10 OUT SOME OF THE ONES THAT ARE INSUFFICIENT RIDGE
11 DETAIL, HAVE INSUFFICIENT RIDGE DETAIL.

12 SOME OF THE ONES THAT HAVE INSUFFICIENT RIDGE
13 DETAIL, YOU'RE STILL GOING TO COMPARE TO THE KNOWN
14 INKED FINGERPRINTS. IN OTHER WORDS, IF I HAVE A
15 LATENT PRINT THAT I LOOK AT AND I SAY, THIS IS
16 INSUFFICIENT RIDGE DETAIL. IT'S NOT GOING TO BE
17 COMPARED TO SOMEONE, BUT IT HAS SOME DETAIL, BUT IT'S
18 REALLY INSUFFICIENT TO BE ABLE TO SAY IT AS A
19 POSITIVE IDENTIFICATION, THAT DOESN'T MEAN I'M
20 NECESSARILY GOING TO TAKE THAT PRINT AND JUST DISCARD
21 IT AWAY AND NOT LOOK AT IT.

22 THAT MAY MEAN, WELL, LET'S TAKE A LOOK AT IT,
23 TAKE A LOOK AT THE KNOWN PRINT AND SEE IF WE CAN FIND
24 ANY POSITIVE IDENTIFICATION. THERE ARE SOME PRINTS
25 THAT ARE SO SMUDGED YOU CAN'T SEE ANYTHING. THOSE

PADGETT - CROSS (PRINGLE)

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1 ARE DEFINITELY INSUFFICIENT, BUT THERE ARE SOME OTHER
2 PRINTS THAT YOU WOULD CONSIDER INSUFFICIENT FOR A
3 POSITIVE MATCH. IT DOESN'T MEAN YOU'RE GOING TO
4 ACTUALLY COMPLETELY DISREGARD THEM AND NOT COMPARE
5 THEM TO ANYONE.

6 THAT WOULD PROBABLY COME UP TO THE REASON WHERE
7 I ACTUALLY HAD THE L-1 THROUGH L-13, BECAUSE THERE
8 ARE PROBABLY A COUPLE OF THE ONES THAT ARE CONSIDERED
9 INSUFFICIENT THAT I ACTUALLY TOOK A LOOK AT AND
10 COMPARED THEM TO.

11 Q OKAY. AND YOUR ORIGINAL REPORT DID LOOK AT -- YOU
12 FOUND PERHAPS AT THAT TIME 13 OF SUFFICIENT RIDGE
13 DETAIL. THAT, IN FACT, WOULD BE CONSISTENT WITH THE
14 F.B.I. REPORT FINDING 13 OF SUFFICIENT RIDGE DETAIL?

15 A THAT MAY BE, YES, MA'AM.

16 Q AND ALSO, YOU HAVE TESTIFIED TODAY, ALTHOUGH OUR
17 NUMBERS SORT OF KEEP CHANGING, BUT YOU TESTIFIED
18 TODAY THERE WERE TWO UNKNOWNNS THAT COULD NOT BE
19 MATCHED BUT COULD BE IDENTIFIED?

20 A YES, MA'AM.

21 Q SUFFICIENT RIDGE DETAIL. WE DON'T KNOW WHO THOSE
22 PEOPLE ARE?

23 A I DON'T AT THIS POINT.

24 Q WE KNOW IT'S NOT THE DEFENDANT?

25 A THAT'S CORRECT.

1 Q AND YOU'RE AWARE -- OBVIOUSLY, YOU'RE AWARE BECAUSE
2 YOU TESTIFIED ABOUT THE REPORT OF THE F.B.I., BECAUSE
3 YOU ARE AWARE THAT THE F.B.I. HAS A DIFFERENT NUMBER
4 ON THAT AND FOUND THREE THAT WERE NOT EVEN
5 SUFFICIENT -- I MEAN, I'M SORRY, THREE THAT WERE
6 UNKNOWN BUT NOT MATCHED?

7 A POSSIBLY.

8 Q OKAY. SO ALTHOUGH OUR NUMBERS ARE DIFFERENT, THE ONE
9 THING WE DO KNOW IS THAT NONE OF THESE PRINTS MATCHED
10 MR. CROCKER, THE DEFENDANT?

11 A NONE OF THE ONES THAT ARE COMPARABLE MATCHES HIS;
12 THAT'S CORRECT.

13 Ms. Pringle: I HAVE NO FURTHER QUESTIONS.

14 THE COURT: REDIRECT?

15 Ms. Campbell: REDIRECT AND FOLLOW UP ON THAT.

16 REDIRECT EXAMINATION:

17 BY Ms. Campbell

18 Q LIEUTENANT, THOUGH, THE MATCH THAT THE F.B.I. DID
19 MAKE WAS TO PHILLIP HENRY CROCKER, II, WASN'T IT?

20 Ms. Pringle: OBJECTION, YOUR HONOR.

21 THE COURT: OVERRULED.

22 THE WITNESS: YES, IT WAS.

23 Ms. Campbell: THANK YOU.

24 THE COURT: ANYTHING FURTHER?

25 Ms. Pringle: NO.

PADGETT - REDIRECT (CAMPBELL)

509

1 THE COURT: ALL RIGHT. THANK YOU VERY MUCH,
2 MR. PADGETT.

3 Ms. Campbell: YOUR HONOR, MAY HE BE EXCUSED?

4 THE COURT: ANY OBJECTION?

5 Mr. Strickler: WITHOUT OBJECTION.

6 THE COURT: MR. PADGETT, YOU'RE EXCUSED.

7 Ms. Campbell: THE STATE WOULD CALL ROY PASCAL.
8 ROY PASCAL, AFTER BEING DULY SWORN, TESTIFIED AS
9 FOLLOWS:

10 THE COURT: WATCH YOUR STEP FOR ME, PLEASE, AND
11 SPEAK INTO THE MICROPHONE.

12 THE WITNESS: ROY PASCAL.

13 DIRECT EXAMINATION:

14 BY Ms. Campbell

15 Q AGENT PASCAL, WHERE ARE YOU EMPLOYED?

16 A THE STATE LAW ENFORCEMENT DIVISION COMMONLY KNOWN AS
17 S.L.E.D.

18 Q WHAT IS S.L.E.D.?

19 A IT'S THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION.

20 Q AND WHAT DO YOU DO THERE?

21 A I'M A FORENSIC ARTIST.

22 Q AS A FORENSIC ARTIST, CAN YOU TELL THIS JURY A LITTLE
23 BIT ABOUT YOUR DUTIES?

24 A BASICALLY, I'M THE POLICE SKETCH ARTIST. I SIT DOWN
25 WITH THE VICTIM AND/OR WITNESS OF THE CRIME, AND THEY

1 GIVE A VERBAL DESCRIPTION OF WHAT THE PERSON LOOKED
2 LIKE. IN CONJUNCTION WITH THE WITNESS, AT THEIR
3 DIRECTION, WE DO A DRAWING.

4 Q AND CAN YOU TELL THE JURY A LITTLE ABOUT YOUR
5 EDUCATION AND YOUR TRAINING IN THIS FIELD?

6 A YES. I ATTENDED THE CHARLESTON SOUTHERN UNIVERSITY.
7 UPON GRADUATION FROM THERE I ATTENDED THE RINGLING
8 SCHOOL OF ART IN SARASOTA, FLORIDA. THEN I ATTENDED
9 THE F.B.I. FACIAL IDENTIFICATION COURT IN QUANTICO,
10 VIRGINIA. I ATTENDED ADVANCED FORENSIC ARTIST
11 COURSES AT SCOTTSDALE ARTIST SCHOOL, SCOTTSDALE,
12 ARIZONA. I ALSO TOOK ADVANCED COURSES AT THE
13 UNIVERSITY OF OKLAHOMA, AND I'M ALSO A MEMBER OF THE
14 INTERNATIONAL ASSOCIATION OF IDENTIFICATION AND SERVE
15 AS EDITOR FOR THE GENERAL CONCERNING FORENSIC ART
16 MATTERS.

17 Q HAVE YOU BEEN QUALIFIED BEFORE AS AN EXPERT IN THE
18 AREA OF FORENSIC ARTISTRY?

19 A YES, I HAVE.

20 Q APPROXIMATELY HOW MANY TIMES HAVE YOU BEEN QUALIFIED
21 IN COURT?

22 A OVER 20 TIMES.

23 Ms. Campbell: YOUR HONOR, AT THIS TIME, WE'D
24 OFFER HIM AS AN EXPERT FORENSIC ARTIST.

25 Mr. Strickler: I HAVE NO VOIR DIRE FOR THE

PASCAL - DIRECT (CAMPBELL)

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1. GENTLEMAN.

2. THE COURT: NO VOIR DIRE?

3. Mr. Strickler: NO, SIR.

4. THE COURT: ALL RIGHT. HE'S ADMITTED AS AN
5. EXPERT.

6. BY Ms. Campbell

7. Q TURNING YOUR ATTENTION BACK TO NOVEMBER OF 2001, IN
8. THIS CASE, DID YOU HAVE OCCASION TO COME IN CONTACT
9. WITH A YOUNG WOMAN NAMED CONSUELO CASEY?

10. A YES, I DID.

11. Q WHEN DID YOU COME INTO CONTACT WITH MS. CASEY?

12. A IT WAS ON NOVEMBER 21ST AT 8:50 P.M.

13. Q 8:50 P.M. SO IT'S ALMOST 9 O'CLOCK IN THE EVENING?

14. A THAT'S CORRECT.

15. Q AND WHAT WAS THE PURPOSE OF YOU MEETING WITH
16. MS. CASEY THAT EVENING?

17. A FOR THE PURPOSE OF DOING A POLICE SKETCH OR COMPOSITE
18. DRAWING.

19. Q AND CAN YOU TELL THE JURY WHEN YOU FIRST CAME IN
20. CONTACT WITH MS. CASEY, WHAT YOU WENT ABOUT DOING AND
21. WHAT YOUR GOAL WAS, WHAT YOU WERE TRYING TO GET?

22. A INITIALLY, I EXPLAINED THE PROCESS TO HER. THE
23. PURPOSE WAS TO DRAW A COMPOSITE SKETCH, WHICH IS A
24. LIKENESS OF THE INDIVIDUAL WHO COMMITTED THE CRIME.

25. Q THAT COMMITTED THE CRIME. IN THIS CASE, WHEN YOU

1 CAME IN CONTACT WITH MS. CASEY, DO YOU RECALL WHAT
2 HER DEMEANOR WAS LIKE?

3 A YES. SHE SEEMED INITIALLY A LITTLE BIT UPSET, A
4 LITTLE BIT CONCERNED. UPON EXPLAINING THE PROCESS
5 AND TAKING SOME TIME AND ASSURING HER THAT SHE WAS
6 SAFE AND THE NATURE OF WHAT WE WOULD BE DOING, SHE
7 TENDED TO CALM DOWN AND WORKED WITH ME.

8 Q TELL THIS JURY WHAT STEPS YOU WENT THROUGH AND HOW
9 THIS COMPOSITE, WHICH I'M GOING TO SHOW YOU IN A
10 MINUTE, WAS ACTUALLY MADE?

11 A WE SIT DOWN AND EXPLAIN THE PROCESS, EXPLAIN TO THE
12 WITNESS THAT I WORK AT HER DIRECTION. IT'S HER
13 DRAWING, NOT MY DRAWING. IF SHE WANTS CHANGES AT ANY
14 POINT IN TIME, SHE COULD MAKE THOSE CHANGES. I OFTEN
15 SAY IT'S LIKE THE GOLDDLOCKS TECHNIQUE, "THE NOSE IS
16 TOO BIG, THE NOSE IS TOO SMALL, THE NOSE IS JUST
17 RIGHT. SO WE ATTEMPT TO CREATE A LIKENESS OF THE
18 INDIVIDUAL.

19 Q AND WHEN YOU SAY A LIKENESS OF THE INDIVIDUAL, ARE
20 YOU ABLE TO, EVEN WITH YOUR SKILLS AND YOUR
21 TECHNIQUE, CREATE AN ABSOLUTE LIKENESS?

22 A COMPOSITE SKETCHES AREN'T EXPECTED TO BE A PORTRAIT
23 OF THE INDIVIDUAL. IT ALL DEPENDS ON THE PERSON'S --
24 THE LENGTH OF TIME THEY GOT TO SEE THE PERSON, IF THE
25 PERSON IS MOVING, THOSE TYPE OF SITUATIONS.

PASCAL - DIRECT (CAMPBELL)

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1 IN ALL HONESTY, IT'S A PORTRAIT ARTIST. EVEN
2 WITH PEOPLE SITTING IN FRONT OF YOU, SOMETIMES THE
3 LIKENESS COULD BE DIFFICULT TO CAPTURE, EXACT
4 LIKENESS.

5 Q HOWEVER, YOUR ATTEMPT IS TO GET THE GENERAL
6 CHARACTERISTICS AND THE GENERAL SIMILARITIES?.

7 A THAT'S CORRECT.

8 Q IN THIS CASE, HOW MUCH TIME DID YOU ACTUALLY SPEND
9 WITH MS. CASEY THAT EVENING?

10 A ABOUT AN HOUR-AND-A-HALF.

11 Q AND DURING THAT PERIOD OF TIME, DO YOU USE A MACHINE?
12 DO YOU DO IT BY HAND? HOW IS THAT DONE?

13 A IT'S DONE SIDE BY SIDE. I USE A PENCIL AND A PIECE
14 OF PAPER.

15 Q AND DO YOU HAVE THE ORIGINAL COMPOSITE IN THIS CASE?

16 A YES, I DO.

17 Q I'M GOING TO SHOW YOU STATE'S EXHIBIT 11. DO YOU
18 RECOGNIZE THAT AS A COPY?

19 A YES, I DO. THIS IS A COPY OF THE DRAWING GENERATED
20 AS A RESULT OF THE INTERVIEW.

21 Q AND AT MY REQUEST, YOU ACTUALLY BROUGHT THE ORIGINAL
22 DRAWING TODAY?

23 A YES.

24 Q IS THAT IN YOUR HAND?

25 A YES. IT HAS MY NAME ON THE FRONT INDICATING I WAS

1 THE ARTIST, AND IT ALSO HAS THE WITNESS'S SIGNATURE
2 ON THE BACK.

3 Ms. Campbell: YOUR HONOR, AT THIS TIME WE'D
4 OFFER IT INTO EVIDENCE.

5 Mr. Strickler: WITHOUT OBJECTION.

6 THE COURT: WITHOUT OBJECTION.

7 (WHEREUPON, STATE'S EXHIBIT NO. 89 WAS MARKED
8 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

9 BY Ms. Campbell

10 Q AND I SHOW YOU STATE'S EXHIBIT 89. CAN YOU TAKE --
11 THIS IS THE ACTUAL COMPOSITE YOU MADE ON THE EVENING
12 OF THE 21ST?

13 A THAT'S CORRECT.

14 Q AND THIS IS THE LIKENESS OF THE MAN SHE SAW SHOOT HER
15 HUSBAND?

16 A THAT'S CORRECT.

17 Q CAN YOU TAKE THE JURY, JUST QUICKLY STEP BY STEP HOW
18 THIS IS CREATED?

19 A YES. WE START OUT WITH A NARRATIVE. IN OTHER WORDS,
20 THE WITNESS JUST TELLS ME ABOUT THE PERSON THEY SAW.
21 GIVE AN INDICATION OF AGE, APPROXIMATE HEIGHT,
22 APPROXIMATE WEIGHT, ANY IDENTIFIABLE CHARACTERISTIC,
23 ANY ITEMS OF CLOTHING THEY MAY HAVE ON, THESE TYPE OF
24 THINGS.

25 FROM THAT POINT, I HAVE CERTAIN REFERENCE

PASCAL - DIRECT (CAMPBELL)

515

1 MATERIAL: A VARIETY OF HEADS, A VARIETY OF EYES, A
2 VARIETY OF NOSES THAT GIVES THE INDIVIDUAL A WAY OF
3 COMMUNICATING TO ME, YOU KNOW.

4 WHEN SOMEONE SAYS A WIDE NOSE, THAT MAY MEAN ONE
5 THING TO ONE PERSON, SOMETHING ELSE TO ANOTHER
6 PERSON. THEY SAY, "IT LOOKS LIKE THIS NOSE BUT IT'S
7 DIFFERENT. IT LOOKS LIKE THIS. IT'S A LITTLE
8 LONGER, A LITTLE SHORTER."

9 WE GO BACK AND FORTH OFTEN MOVING FEATURES,
10 MAKING THINGS WIDER, UNTIL THE WITNESS IS SATISFIED
11 WITH THE DRAWING.

12 Q AND IN THIS, I ALSO NOTE THAT YOU HAVE GOT SOME HEAD
13 GEAR THAT YOU'VE DONE A SIDE VIEW ON?

14 A YES. THAT WAS DESCRIBED TO ME FROM THE WITNESS AS A
15 WAVE CAP, A BLACK WAVE CAP.

16 Q A BLACK HAT?

17 A YES.

18 Q AND YOU DID A SIDE VIEW SHOWING HOW THAT JUST
19 GENERALLY --

20 A IT WAS TIED IN THE BACK. THAT'S ADDITIONAL
21 INFORMATION THAT MIGHT HELP IN THE IDENTIFICATION.

22 Q IN THIS I NOTE, TOO, YOU HAVE GOT THINGS SUCH AS SKIN
23 TONE AND FACIAL HAIR DEPICTED?

24 A YES.

25 Q AND IN THIS CASE, THE FACIAL HAIR I NOTICE IS A

1 BEARD?

2 A YES. THE WITNESS DESCRIBED IT AS A BEARD AND
3 MUSTACHE AND THICK BLACK IN COLOR.

4 Q AND ONCE -- IS THIS PROCESS -- WAS THIS JUST
5 IMMEDIATELY -- DID YOU IMMEDIATELY GET THIS OR DID
6 YOU HAVE TO MAKE CHANGES?

7 A WE HAD TO MAKE CHANGES.

8 Q AND THAT WAS DONE IN THIS CASE?

9 A YES.

10 Q ONCE IT WAS COMPLETED, MS.~CASEY SAID THAT RESEMBLED
11 THE PERSON THAT HAD SHOT HER HUSBAND?

12 A YES. YOU GET TO THE POINT WHERE YOU MAKE AS MANY
13 CHANGES AS CLOSE TO A LIKENESS AS SHE CAN OBTAIN.

14 Q AND I NOTICE -- DOES SHE INDICATE THIS IS A BLACK
15 MALE?

16 A YES. SHE INDICATES IT'S A BLACK MALE WITH LIGHT
17 SKIN.

18 Ms. Campbell: THAT'S ALL I'D HAVE, YOUR HONOR.

19 THE COURT: YES, SIR.

20 Mr. Strickler: MAY IT PLEASE THE COURT.

21 CROSS-EXAMINATION:

22 BY Mr. Strickler

23 Q GOOD MORNING.

24 A GOOD MORNING.

25 Q HAVE YOU BEEN REFERRING TO SOME NOTES YOU MADE?

PASCAL - CROSS (STRICKLER)

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1 A YES.

2 Q CAN I TAKE A BRIEF LOOK AT THOSE?

3 A YES.

4 Mr. Strickler: BEG THE COURT'S INDULGENCE JUST
5 A MOMENT, YOUR HONOR.

6 (PAUSE).

7 BY Mr. Strickler

8 Q OKAY. IF YOU COULD, PLEASE. I HAVEN'T HAD AN
9 OPPORTUNITY TO LOOK AT THIS BEFORE. IF YOU COULD,
10 PLEASE, CAN YOU PROVIDE THE FULL INFORMATION THAT
11 WORKED FROM, OR MADE NOTE OF, THAT YOU WORKED FROM AS
12 FAR AS THE FULL PHYSICAL DESCRIPTION, AND I GUESS
13 THERE ARE SOME CLOTHING DESCRIPTION DOWN AT THE
14 BOTTOM?

15 A THAT'S CORRECT.

16 Q COULD YOU GO AHEAD AND PROVIDE THAT FOR THE JURY?

17 A ALL RIGHT. IT WAS INDICATED TO ME THAT IT WAS A
18 BLACK MALE, AGE LATE 20S, EARLY 30S, EYES WERE DARK,
19 COMPLEXION LIGHT SKIN, HEIGHT APPROXIMATELY 6'2",
20 WEIGHT 220 POUNDS, BUILD WAS SLIM, HAIR COLOR SHORT
21 BUT HAD A SHORTNESS -- WELL, IT JUST SAYS SHORT/WAVE
22 CAP, WHICH TO ME MEANS SHORT ON THE SIDES WITH A WAVE
23 CAP. FACIAL HAIR: BEARD AND MOUSTACHE, THICK,
24 BLACK. ALSO UNDER THE NOTE, IT SAYS WAVE CAP, BLACK;
25 BLACK SKI JACKET WITH WHITE LETTERING ON THE BACK;

1 NOT BIG EARS, CLOSE TO HEAD.

2 Q OKAY. AND THIS INFORMATION WAS INFORMATION YOU
3 PERSONALLY DEVELOPED FROM SPEAKING WITH MS. CASEY ON
4 THAT EVENING, CORRECT?

5 A THAT IS CORRECT.

6 Q YOU SPENT, I BELIEVE YOU SAID, ABOUT AN
7 HOUR-AND-A-HALF WITH HER?

8 A THAT'S CORRECT.

9 Q IN THE PROCESS OF CONSTRUCTING THIS COMPOSITE THAT
10 YOU PUT TOGETHER. OF COURSE, WHATEVER YOU PUT DOWN,
11 WHATEVER FEATURES THAT YOU RENDER, THAT'S ENTIRELY
12 CONDITIONED UPON WHAT SHE IS TELLING YOU, CORRECT?

13 A THAT'S CORRECT, AT HER DIRECTION.

14 Q YOU DON'T ATTEMPT TO HAVE ANY INPUT OR ELABORATE ON
15 ANYTHING YOURSELF, RIGHT?

16 A THAT'S RIGHT.

17 Q IN LOOKING AT WHAT'S MARKED AS STATE'S 89, IT SHOWS
18 UP BETTER THAN IT DID ON THE ZEROX THAT I'VE BEEN
19 LOOKING AT BEFORE, I TAKE IT THOSE ARE TEETH THAT ARE
20 DEPICTED?

21 A THAT'S CORRECT.

22 Q SO THE MOUTH AND LIP ARE PARTIALLY DOWN?

23 A MY OWN HANDWRITING IS DIFFICULT TO READ, BUT IT
24 APPEARS -- IT APPEARS TO SAY "SMEAR".

25 Q OKAY. AND YOU, OF COURSE, HAVE NO IDEA AT ALL AS FAR

PASCAL - CROSS (STRICKLER)

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1 AS WHO WAS INVOLVED IN THIS, DO YOU?

2 A NO.

3 Ms. Pringle: THANK YOU.

4 THE COURT: REDIRECT?

5 Ms. Campbell: NO, YOUR HONOR. MAY HE BE

6 EXCUSED?

7 THE COURT: YOU, MR. PASCAL, COME DOWN.

8 CALL YOUR NEXT WITNESS.

9 Mr. Lake: THE STATE WOULD CALL SHANNON MILES.

10 THE CLERK: PLACE YOUR LEFT HAND ON THE BIBLE,

11 PLEASE.

12 SHANNON MILES, AFTER BEING DULY SWORN, TESTIFIED

13 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 THAT MICROPHONE.

18 DIRECT EXAMINATION:

19 BY Mr. Lake

20 Q GOOD MORNING, MS. MILES. HOW ARE YOU DOING?

21 A FINE.

22 Q WHERE DO YOU CURRENTLY LIVE?

23 A I'M FROM DILLON, SOUTH CAROLINA.

24 Q HOW LONG HAVE YOU LIVED IN DILLON?

25 A NINETEEN YEARS.

- 1 Q DO YOU HAVE ANY SIBLINGS, ANY BROTHERS OR SISTERS?
- 2 A YES. I HAVE FOUR SISTERS AND ONE BROTHER.
- 3 Q FOUR SISTERS AND ONE BROTHER. HOW DO YOU KNOW
- 4 CONSUELO CASEY?
- 5 A CONSUELO, SHE HAS BEEN DOING MY HAIR SINCE PROBABLY
- 6 ABOUT FIVE-AND-A-HALF YEARS.
- 7 Q ABOUT FIVE-AND-A-HALF YEARS?
- 8 A (NODS IN THE AFFIRMATIVE).
- 9 Q AND HOW OLD ARE YOU NOW?
- 10 A NINETEEN.
- 11 Q NINETEEN. SO THAT WOULD HAVE BEEN PROBABLY WHEN YOU
- 12 WERE ABOUT 13 OR 14, SOMEWHERE AROUND THERE?
- 13 A UH-HUH.
- 14 Q LET ME TAKE YOU BACK TO THE DATE OF NOVEMBER 21ST,
- 15 2001, A COUPLE OF DAYS BEFORE THANKSGIVING, ACTUALLY.
- 16 DO YOU REMEMBER THAT TIME? DO YOU REMEMBER THAT DAY?
- 17 A YES.
- 18 Q DO YOU RECALL GETTING YOUR HAIR DONE THAT PARTICULAR
- 19 DAY?
- 20 A YES, SIR.
- 21 Q DO YOU KNOW EXACTLY, APPROXIMATELY, WHAT TIME YOU
- 22 WERE THERE GETTING YOUR HAIR DONE?
- 23 A I KNOW IT WAS NIGHT. I CAN'T REMEMBER WHAT TIME IT
- 24 WAS.
- 25 Q OKAY. AND WHO DO YOU REMEMBER BEING AT THE SHOP WITH

MILES - DIRECT (LAKE)

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- 1 YOU?
- 2 A THE PEOPLE THAT WAS AT THE SHOP?
- 3 Q CORRECT. WHO WAS WITH YOU, ACTUALLY?
- 4 A JUST ME AND CONSUELO.
- 5 Q CONSUELO?
- 6 A AND HER HUSBAND.
- 7 Q CONSUELO'S HUSBAND?
- 8 A UH-HUH.
- 9 Q AND HOW LONG HAD YOU BEEN THERE BEFORE SOMEONE CAME
- 10 INTO THAT SHOP THAT YOU DID NOT RECOGNIZE?
- 11 A YOU'RE ASKING ME HOW LONG?
- 12 Q YES, MA'AM.
- 13 A COULD YOU ASK ME AGAIN?
- 14 Q HAD CONSUELO STARTED ON YOUR HAIR BY THE TIME SOMEONE
- 15 CAME IN?
- 16 Mr. Strickler: OBJECTION, YOUR HONOR, TO THE
- 17 LEADING.. IT ASSUMES FACTS NOT IN EVIDENCE. WHETHER THEY
- 18 CAME IN THE SHOP --
- 19 THE COURT: HE JUST ASKED HER WHEN CONSUELO
- 20 STARTED HER HAIR.
- 21 GO AHEAD. OVERRULED.
- 22 BY Mr. Lake
- 23 Q HAD CONSUELO STARTED DOING YOUR HAIR?
- 24 A NO. SHE WAS GETTING READY TO START DOING IT.
- 25 Q AT ANY POINT THAT EVENING, DID ANYONE ENTER THAT

- 1 STORE, THAT BEAUTY SHOP, THAT YOU DID NOT KNOW?
- 2 A YES, SIR.
- 3 Q HOW LONG HAD YOU BEEN AT THE SHOP BEFORE THIS PERSON
- 4 ENTERED INTO THE SHOP THAT YOU DIDN'T KNOW?
- 5 A I WAS THERE A GOOD WHILE.
- 6 Q AND WHERE WERE YOU LOCATED WHEN THIS PERSON CAME INTO
- 7 THE SHOP?
- 8 A AT HER HAIR SALON IN DILLON.
- 9 Q AND COULD YOU DESCRIBE THIS SHOP IN TERMS OF WHAT THE
- 10 LAYOUT IS OF THIS PARTICULAR SHOP?
- 11 A IT'S LIKE A SHOP WITH TWO DIFFERENT SIDES WHERE MEN
- 12 CUT HAIR AND WHERE SHE DOES HAIR AT.
- 13 Q OKAY. WOULD YOU HAVE BEEN IN THE SIDE WHERE CONSUELO
- 14 DID HAIR, WHICH WOULD BE THE FEMALE SIDE?
- 15 A UH-HUH.
- 16 Q IS THERE ANYTHING THAT CUTS OFF BOTH SECTIONS OR
- 17 ANYTHING LIKE THAT?
- 18 A YES, SIR.
- 19 Q OKAY. AND WHAT WOULD THAT BE?
- 20 A EXCUSE ME?
- 21 Q WHAT WAS THAT THAT ACTUALLY CUTS OFF BOTH SIDES?
- 22 A IT'S LIKE A WALL IN BETWEEN.
- 23 Q AND IS THIS LIKE A WELL LIT AREA?
- 24 A UH-HUH.
- 25 Q WHEN THIS PERSON CAME INTO THE SHOP, WHERE WERE YOU

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- 1 SEATED? WHERE WERE YOU AT?
- 2 A I WAS ON THE WOMEN'S SIDE.
- 3 Q OKAY. AND WHERE DID THIS PERSON ENTER INTO THE STORE
- 4 AT?
- 5 A ON THE MEN'S SIDE.
- 6 Q AND HOW DID YOU HAVE AN OPPORTUNITY TO SEE THIS
- 7 PERSON WHEN THEY CAME IN?
- 8 A I GOT UP AND LOOKED.
- 9 Q OKAY. AND HOW LONG DID YOU HAVE AN OPPORTUNITY TO
- 10 LOOK AT THIS PERSON?
- 11 A IT WAS A GOOD -- PROBABLY A GOOD LONG TIME.
- 12 Q AND DID THIS PERSON COME IN BY THEMSELVES?
- 13 A NO, SIR.
- 14 Q THEY CAME IN WITH SOMEONE ELSE?
- 15 A YES, SIR.
- 16 Q THESE TWO INDIVIDUALS THAT CAME INTO THE STORE, DID
- 17 EITHER ONE OF THEM LOOK ALIKE?
- 18 A NO.
- 19 Q AND WHAT WAS THE DESCRIPTION OF THE PERSON THAT YOU
- 20 SAID THAT YOU DIDN'T RECOGNIZE? COULD YOU DESCRIBE
- 21 WHAT HE LOOKED LIKE?
- 22 A HE WAS REAL TALL. HE DIDN'T HAVE ANY GLASSES ON. HE
- 23 HAD A WHOLE BUNCH OF HAIR ON HIS FACE.
- 24 Q AND YOU INDICATED THAT HE CAME INTO THE SHOP ON THE
- 25 MEN'S SIDE, CORRECT?

1 A UH-HUH.

2 Q WHAT DID HE DO UPON ENTERING ON THE MEN'S SIDE? WHAT

3 DID HE DO?

4 A WHAT DID HE DO?

5 Q YES.

6 A HE JUST CAME IN AND WALKED IN. THEY WERE ON THE

7 OTHER SIDE.

8 Q AND WHEN YOU SAY "THEY", WHO WOULD THEY BE?

9 A HIM AND ANOTHER SHORT DUDE.

10 Q ANOTHER SHORT DUDE. DID THEY TALK TO ANYONE THAT WAS

11 IN THE SHOP?

12 A YES, SIR.

13 Q WHO DID THEY TALK TO THAT WAS IN THE SHOP?

14 A CONSUELO AND JUNIOR.

15 Q AND WHILE THEY WERE TALKING, WERE YOU ABLE TO LISTEN

16 TO WHAT THEY WERE SAYING?

17 A NO, SIR.

18 Q WHY WERE YOU UNABLE TO HEAR WHAT THEY WERE SAYING?

19 A BECAUSE THERE'S A WALL RIGHT THERE.

20 Q HOW LONG WOULD YOU SAY THEY WERE OVER THERE TALKING?

21 A NO LONGER THAN 15 MINUTES.

22 Q NO LONGER THAN 15 MINUTES?

23 A UH-HUH.

24 Q AND THEY'RE ON THE OTHER SIDE OF THAT WALL THE ENTIRE

25 TIME?

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- 1 A YES, SIR.
- 2 Q WHAT WERE YOU DOING THIS ENTIRE TIME WHILE THEY'RE
- 3 OVER THERE?
- 4 A WHEN THEY FIRST WALKED IN, I LOOKED TO SEE WHO CAME
- 5 IN. AFTER THAT, I WENT AND SAT BACK DOWN IN THE
- 6 CHAIR.
- 7 Q SO THIS WOULD BE ONE OF THE BEAUTY CHAIRS?
- 8 A UH-HUH.
- 9 Q YOU SAID THEY WERE IN THERE ABOUT ANOTHER 15 MINUTES.
- 10 WHAT HAPPENED? WHEN DID THEY LEAVE?
- 11 A THEY LEFT AFTER THEY FINISHED TALKING. IT WAS LIKE
- 12 15 MINUTES.
- 13 Q I'M SORRY?
- 14 A GO AHEAD.
- 15 Q WHICH WAY DID THEY LEAVE OUT?
- 16 A THE SAME WAY THEY CAME IN.
- 17 Q AND WHEN THEY LEFT OUT, WHO LEFT OUT AT THAT
- 18 PARTICULAR TIME?
- 19 A THE SHORT GUY AND THE TALL GUY.
- 20 Q YOU SAID THE SHORT GUY. DESCRIBE WHAT THE SHORT GUY
- 21 LOOKED LIKE.
- 22 A HE'S KIND OF SHORT AND CHUBBY AND KIND OF DARK SKIN.
- 23 Q DARK SKIN. DID YOU HAVE AN OPPORTUNITY TO SEE THIS
- 24 TALL PERSON AGAIN?
- 25 A YES, SIR, BECAUSE WHEN HE WALKED OUT, HE LOOKED AT ME

1 TWICE.

2 Q YOU SAID HE LOOKED AT YOU TWICE?

3 A (NODS IN THE AFFIRMATIVE).

4 Q HOW LONG WOULD YOU SAY YOU HAD AN OPPORTUNITY TO LOOK

5 AT HIM WHEN HE LOOKED AT YOU TWICE?

6 A ABOUT THREE MINUTES.

7 Q ABOUT THREE MINUTES. DURING THIS TIME, IS THERE

8 ANYTHING OBSTRUCTING YOUR VIEW OF THIS PERSON?

9 A (NODS IN THE AFFIRMATIVE).

10 Q WHAT'S OBSTRUCTING YOUR VIEW? ARE YOU ABLE TO SEE

11 HIM --

12 A UH-HUH.

13 Q -- THE ENTIRE TIME THAT HE WAS LOOKING AT YOU?

14 A UH-HUH.

15 Q OKAY. HOW CLOSE WERE YOU TO THIS TALL PERSON THAT

16 YOU SAID? IF YOU HAD TO ESTIMATE A DISTANCE AND

17 USING ME AS A BAROMETER, HOW CLOSE WERE YOU TO THIS

18 PERSON?

19 A LIKE WHEN YOU WERE STANDING AROUND THERE

20 (INDICATING).

21 Q LIKE THIS CLOSE RIGHT HERE?

22 A UH-HUH.

23 Q AT THAT TIME, YOU KNEW HIM TO BE TALL?

24 A UH-HUH.

25 Q YOU KNEW HIM TO BE LIGHT SKINNED?

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1 A (NODS IN THE AFFIRMATIVE).

2 Q YES. HE HAD FACIAL HAIR?

3 A (NODS IN THE AFFIRMATIVE).

4 Q IS THERE ANYTHING ELSE THAT YOU REMEMBER ABOUT HIM?

5 A HE DIDN'T HAVE ANY GLASSES.

6 Q OKAY. DID HE SAY ANYTHING TO YOU?

7 A NO, SIR.

8 Q THE ENTIRE TIME?

9 A NO, SIR.

10 Q WAS THERE ANYTHING THAT STOOD OUT ABOUT HIM? WAS

11 THERE ANYTHING THAT MADE YOU REMEMBER WHAT HE LOOKED

12 LIKE?

13 A YES, SIR.

14 Q WHAT MADE YOU REMEMBER WHAT HE LOOKED LIKE?

15 A HE LOOKED LIKE OSAMA BIN LADEN. THAT'S WHEN HE HAD A

16 WHOLE BUNCH OF HAIR ON HIS FACE.

17 Q YOU'RE NOT SAYING HE'S ACTUALLY OSAMA BIN LADEN, ARE

18 YOU?

19 A NO. I SAID HE REMINDED ME OF HIM BECAUSE OF ALL THE

20 HAIR HE HAD ON HIS FACE.

21 Q SO WHEN YOU SAW HIM THAT PARTICULAR TIME, THAT'S WHAT

22 MADE YOU REMEMBER HIM?

23 A YEAH.

24 Q WHAT HIS FACED LOOKED LIKE. YOU THOUGHT HE LOOKED

25 LIKE OSAMA BIN LADEN?

- 1 A UH-HUH.
- 2 Q AT SOME POINT AFTER THIS INCIDENT, DID YOU HAVE AN
- 3 OPPORTUNITY TO SPEAK TO THE INVESTIGATORS ABOUT THIS
- 4 CASE?
- 5 A YES, SIR.
- 6 Q WERE YOU SHOWN A PHOTO LINEUP?
- 7 A YES, SIR.
- 8 Q AND WHEN WERE YOU SHOWN THIS PHOTO LINEUP, DO YOU
- 9 REMEMBER?
- 10 A I DON'T REMEMBER.
- 11 Q WAS IT NOT TOO LONG AFTER THIS PARTICULAR INCIDENT?
- 12 A UH-HUH.
- 13 Q AND DO YOU REMEMBER WHERE YOU WERE SHOWN THIS LINEUP?
- 14 A YEAH, AT MCDONALD'S.
- 15 Q HE WAS AT MCDONALD'S?
- 16 A UH-HUH.
- 17 Q AND DO YOU RECALL THE INVESTIGATOR THAT SHOWED YOU
- 18 THE LINEUP?
- 19 A YES, SIR.
- 20 Q WHAT WAS THE INVESTIGATOR'S NAME?
- 21 A I KNOW HIS LAST NAME IS, I THINK, GONZALES.
- 22 Q DO YOU SEE HIM HERE IN THE COURTROOM?
- 23 A YEAH.
- 24 Q COULD YOU POINT TO HIM?
- 25 A THE MAN RIGHT THERE (INDICATING).

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- 1 Q OKAY. WHEN HE WAS SHOWING YOU THIS PHOTO LINEUP, YOU
2 SAID YOU'RE IN MCDONALD'S. WHICH MCDONALD'S ARE YOU
3 IN?
- 4 A I THINK IT WAS BISHOPVILLE.
- 5 Q ARE YOU OUTSIDE, INSIDE? WHERE ARE YOU AT?
- 6 A INSIDE, INSIDE.
- 7 Q ARE YOU STANDING UP, AT A TABLE, OR WHAT ARE YOU
8 DOING?
- 9 A AT A TABLE SITTING DOWN.
- 10 Q AND AT THE TABLE WHERE YOU'RE ACTUALLY SITTING DOWN,
11 WHO WAS PRESENT AT THAT TABLE?
- 12 A IT WAS JUST ME, HIM, AND CONSUELO.
- 13 Q OKAY. WAS CONSUELO SITTING AT THE TABLE WITH YOU?
- 14 A UH-HUH.
- 15 Q AND DID YOU HAVE AN OPPORTUNITY TO VIEW THIS LINEUP?
- 16 A YES, SIR.
- 17 Q WHAT, IF ANYTHING, DID INVESTIGATOR GONZALES SAY TO
18 YOU PRIOR TO SHOWING YOU THAT PHOTO LINEUP?
- 19 A HE ASKED ME DID I SEE ANYBODY THAT I RECOGNIZED THAT
20 NIGHT IN THE SHOP.
- 21 Q DID HE SUGGEST TO YOU AT ANY POINT WHO TO CHOOSE?
- 22 A EXCUSE ME?
- 23 Q DID HE SUGGEST TO YOU WHO TO PICK OUT IN THAT LINEUP?
- 24 A NO, SIR.
- 25 Q DID CONSUELO TELL YOU WHO TO PICK OUT IN THAT LINEUP?

1 A NO, SIR.

2 Q DID ANYONE IN THAT MCDONALD'S THAT PARTICULAR
3 AFTERNOON SAY, "THIS IS THE PERSON THAT YOU SHOULD
4 PICK OUT"?

5 A NO, SIR.

6 Q DID YOU SELECT A PHOTOGRAPH OF A PERSON?

7 A YES, SIR.

8 Q HOW LONG DID IT TAKE YOU TO SELECT THIS PERSON?

9 A BY THE TIME I LOOKED AT IT, I FOUND HIM.

10 Q AND THIS IS THE PERSON THAT YOU RECALL LOOKING LIKE
11 OSAMA BIN LADEN, CORRECT?

12 A YES, SIR.

13 (WHEREUPON, STATE'S EXHIBITS NOS. 90, 91 WERE
14 MARKED FOR IDENTIFICATION ONLY.)

15 BY Mr. Lake

16 Q LET'S ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S
17 EXHIBIT NO. 91 AND ASK YOU DO YOU RECOGNIZE IT.

18 A (NODS IN THE AFFIRMATIVE).

19 Q WHAT DO YOU RECOGNIZE IT TO BE?

20 A WHAT DO YOU MEAN, WHICH PICTURE?

21 Q NO. I MEAN, WHAT DO YOU RECOGNIZE THIS LINEUP TO BE?
22 IS THIS THE LINEUP THAT WAS SHOWN TO YOU ON THAT
23 PARTICULAR DAY?

24 A YES, SIR; YEAH.

25 Q AND DID YOU SELECT SOMEONE IN THAT PHOTOGRAPH?

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- 1 A YES, SIR.
- 2 Q WHICH PERSON DID YOU SELECT?
- 3 A THE SECOND ONE IN THE TOP ROW.
- 4 Q I'M SORRY, COULD YOU SPEAK UP?
- 5 A THE SECOND ONE IN THE TOP ROW.
- 6 Q COULD YOU POINT TO HIM?
- 7 A (INDICATING).
- 8 Q AND DID YOU HAVE AN OPPORTUNITY TO COMPLETE A
- 9 DOCUMENT INDICATING YOUR PICK?
- 10 A YES, SIR.
- 11 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
- 12 NO. 90 AND ASK YOU, DO YOU RECOGNIZE YOUR SIGNATURE?
- 13 A YES, SIR.
- 14 Q AND THAT'S YOUR SIGNATURE INDICATING WHICH PERSON
- 15 THAT YOU CHOSE?
- 16 A YES, SIR.
- 17 Q AND THAT WOULD BE THE MIDDLE ROW, NUMBER TWO?
- 18 A UH-HUH.
- 19 Q WOULD THAT BE CORRECT?
- 20 A YES, SIR.
- 21 Q MS. MILES, DO YOU SEE THE PERSON IN THE COURTROOM
- 22 TODAY THAT YOU SAID LOOKED LIKE OSAMA BIN LADEN AND
- 23 THE PERSON THAT CAME INTO THE SHOP THAT NIGHT?
- 24 A YES, SIR.
- 25 Q WHERE DO YOU SEE HIM SEATED?

1 A RIGHT THERE.

2 Q THAT WOULD BE THIS GENTLEMAN RIGHT HERE?

3 A YES, SIR.

4 Q AND PRIOR TO THAT NIGHT, HAD YOU EVER SEEN HIM
5 BEFORE?

6 A NO, SIR.

7 Q THE ONLY REASON WHY YOU WERE THERE THAT NIGHT WAS TO
8 GET YOUR HAIR DONE, CORRECT?

9 A (NODS IN THE AFFIRMATIVE).

10 Mr. Lake: BEG THE COURT'S INDULGENCE.

11 (PAUSE).

12 Mr. Lake: NO FURTHER QUESTIONS.

13 THE COURT: LET THE RECORD REFLECT THE WITNESS
14 IDENTIFIED THE DEFENDANT.

15 ANYTHING?

16 Mr. Strickler: MAY IT PLEASE THE COURT.

17 CROSS-EXAMINATION:

18 BY Mr. Strickler

19 Q GOOD MORNING, MS. MILES.

20 A GOOD MORNING.

21 Q YOU'RE STILL LIVING IN DILLON; IS THAT RIGHT?

22 A YES, SIR.

23 Q WERE YOU UP IN COLUMBIA ON MONDAY OF THIS WEEK?

24 A YES, SIR.

25 Q HOW DID YOU GET TO COLUMBIA ON MONDAY?

MILES - CROSS (STRICKLER)

533

- 1 A CONSUELO'S MOM.
- 2 Q I'M SORRY, CONSUELO BROUGHT YOU?
- 3 A NO, HER MOTHER.
- 4 Q HER MOTHER BROUGHT YOU. WERE YOU UP HERE YESTERDAY?
- 5 A YES, SIR.
- 6 Q AND HOW DID YOU GET HERE YESTERDAY?
- 7 A CONSUELO'S MOM.
- 8 Q AND YOU'RE OBVIOUSLY HERE TODAY. HOW DID YOU GET
- 9 HERE TODAY?
- 10 A CONSUELO'S MOM.
- 11 Q AND YOU CAME UP HERE ON OCTOBER 20TH OF THIS YEAR TO
- 12 TESTIFY IN A PRETRIAL HEARING IN THIS CASE.
- 13 A UH-HUH.
- 14 Q DO YOU REMEMBER THAT, SAME COURTROOM, SAME JUDGE,
- 15 SAME PEOPLE. HOW DID YOU GET TO COURT THAT DAY?
- 16 A I RODE WITH NATHANIEL'S DAD.
- 17 Q YOU RODE WITH NATHANIEL'S DADDY THAT DAY?
- 18 A UH-HUH.
- 19 Q LET'S SEE. YOU TESTIFIED ABOUT MAKING AN
- 20 IDENTIFICATION WHENEVER IT WAS, AT SOME POINT AFTER
- 21 THIS INCIDENT. YOU DON'T REMEMBER WHAT DATE IT WAS,
- 22 RIGHT?
- 23 A NO, SIR.
- 24 Q AND YOU SAY YOU BELIEVE IT WAS IN BISHOPVILLE THAT
- 25 YOU MET AT MCDONALD'S?

- 1 A YES, SIR.
- 2 Q AND AT THAT MEETING, YOU WERE PRESENT, AND
- 3 MR. GONZALES WITH THE SHERIFF'S DEPARTMENT WAS THERE,
- 4 AND CONSUELO WAS THERE, RIGHT?
- 5 A YES, SIR.
- 6 Q AND HOW DID YOU GET TO THE MCDONALD'S IN BISHOPVILLE?
- 7 A CONSUELO.
- 8 Q OKAY. NOW, ON THE EVENING YOU TESTIFIED -- YOUR
- 9 TESTIMONY WAS THAT ON NOVEMBER 21ST, 2001, YOU WERE
- 10 HAVING YOUR HAIR DONE, RIGHT?
- 11 A YES, SIR.
- 12 Q THAT'S THE DATE THAT YOU SAW THESE FOLKS COME IN TO
- 13 THE -- CONSUELO'S SHOP THAT YOU DIDN'T KNOW, RIGHT?
- 14 A YES, SIR.
- 15 Q AND BEFORE THEY CAME IN THE SHOP, WHO WAS IN THE
- 16 SHOP? IT WAS YOU, CONSUELO, AND JUNIOR, RIGHT?
- 17 A UH-HUH.
- 18 Q AND AS I UNDERSTAND IT, THESE FOLKS CAME IN THE SHOP.
- 19 YOU DESCRIBED THE SHOP. IT'S GOT TWO SIDES TO IT.
- 20 YOU WERE ON ONE SIDE. WAS CONSUELO WORKING ON YOUR
- 21 HAIR AT THAT POINT IN TIME?
- 22 A SHE WAS GETTING READY TO START DOING IT.
- 23 Q GETTING READY TO START. ARE THERE A NUMBER OF CHAIRS
- 24 IN THE BEAUTY SHOP?
- 25 A IT'S LIKE -- IT'S LIKE THREE ON -- I THINK ABOUT

MILES - CROSS (STRICKLER)

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- 1 THREE OR FOUR ON THE WOMEN'S SIDE.
- 2 Q OKAY. THAT'S THE SIDE I'M INTERESTED IN. THAT'S THE
- 3 SIDE YOU WERE ON, RIGHT?
- 4 A UH-HUH.
- 5 Q SO THERE WERE THREE OR FOUR ON THE WOMEN'S SIDE?
- 6 A RIGHT.
- 7 Q AND WHICH CHAIR WERE YOU IN?
- 8 A THE FIRST ONE.
- 9 Q THE FIRST ONE. THAT WOULD BE CLOSEST TO THE DOOR, I
- 10 ASSUME; IS THAT RIGHT?
- 11 A (NODS IN THE AFFIRMATIVE).
- 12 Q AND THESE FELLOWS CAME THOUGH THE DOOR. THERE'S TWO
- 13 DOORS TO THE SHOP, RIGHT?
- 14 A UH-HUH.
- 15 Q ONE GOES INTO THE WOMEN'S SIDE, THE OTHER GOES TO THE
- 16 OTHER SIDE OF THE SHOP; IS THAT RIGHT?
- 17 A YEAH. BUT BY ME SITTING IN THAT FIRST CHAIR, I CAN'T
- 18 SEE NOTHING ON THE OTHER SIDE UNLESS I GET UP.
- 19 Q OKAY. THEN I GUESS THERE'S A DOORWAY OR AN OPENING
- 20 BETWEEN THE TWO SIDES RIGHT THERE AT THE DOORS; IS
- 21 THAT RIGHT?
- 22 A YES, SIR.
- 23 Q OKAY. SO THE GUYS COME IN THE SHOP; IS THAT RIGHT?
- 24 YOU'RE SITING IN THE CHAIR?
- 25 A UH-HUH.

- 1 Q THAT'S WHEN YOU SEE THEM?
- 2 A UH-HUH.
- 3 Q OKAY. THEY STOPPED AND HAD A CONVERSATION WITH YOU,
- 4 RIGHT?
- 5 A NO.
- 6 Q NO, OKAY. THEY COME IN AND WALK BACK TO THE BACK OF
- 7 THE WOMEN'S SIDE AND SIT DOWN ON THE WOMEN'S SIDE; IS
- 8 THAT RIGHT?
- 9 A NO.
- 10 Q NO. THEY COME THROUGH THE DOOR AND GO THROUGH THE
- 11 OPENING OVER INTO THE OTHER SIDE?
- 12 A THEY CAME IN ON THE MEN'S SIDE.
- 13 Q THEY CAME IN ON THE MEN'S SIDE?
- 14 A YEAH.
- 15 Q OKAY. SO THEY DIDN'T COME IN THE SIDE YOU'RE ON?
- 16 A NO.
- 17 Q SO I'M TRYING TO GET THIS STRAIGHT. IF YOU'RE FACING
- 18 THE STREET, OKAY, IF YOU'RE LOOKING AT THE FRONT OF
- 19 THE SHOP, WHICH SIDE WOULD BE THE WOMEN'S SIDE AS
- 20 YOU'RE LOOKING AT IT, THE LEFT SIDE OR THE RIGHT
- 21 SIDE?
- 22 A YOU'RE SAYING IF YOU'RE ON THE STREET?
- 23 Q YEAH. I'M STANDING ON THE STREET LOOKING AT THE
- 24 FRONT OF THIS SHOP. IS THE DOOR ON THE LEFT TO THE
- 25 WOMEN'S SIDE, OR IS THE DOOR ON THE RIGHT ON THE

MILES - CROSS (STRICKLER)

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1 WOMEN'S SIDE?

2 A THEY'RE BOTH ON THE SAME SIDE.

3 Q OKAY.

4 A BUT WHEN YOU'RE ON THE STREET, IT'S WHICH WAY YOU'RE

5 COMING AND WHICH DOOR YOU REACH FIRST.

6 Q OKAY.

7 A BOTH SIDES HAVE DOORS COMING IN.

8 Q OKAY. THEY CAME THROUGH THE DOOR TO THE MEN'S SIDE?

9 A YES, SIR.

10 Q AND YOU COULD SEE THAT FROM WHERE YOU WERE SEATED IN

11 THE WOMEN'S SIDE, RIGHT?

12 A NO.

13 Q NO?

14 A I HAD TO GET UP.

15 Q YOU HAD TO GET UP. SO YOU GOT UP AND LOOKED OUT?

16 A I GOT UP. WHEN I HEARD SOMEBODY COMING IN, THAT'S

17 WHEN I GOT UP AND LOOKED.

18 Q YOU GOT UP AND WALKED THROUGH THAT ARCHWAY YOU'RE

19 TALKING ABOUT AND LOOKED?

20 A UH-HUH.

21 Q SO THEY CAME IN THE DOOR TO THE MEN'S SIDE AND JUST

22 STOOD THERE, RIGHT THERE AT THE ENTRANCE, AND YOU

23 WENT OVER AND LOOKED AT THEM?

24 A LIKE WHERE I WAS AT, WHEN I SEEN SOMEBODY COMING IN,

25 I GOT UP. I DIDN'T GO ON THE SIDE WHERE THE MEN WERE

1 AT. I WAS STILL ON THE WOMEN'S SIDE.

2 Q OKAY. AND I GUESS YOU GOT UP OUT OF THE CHAIR AND
3 WALKED DOWN WHERE YOU COULD SEE IN THAT ARCHWAY
4 BETWEEN THE TWO SIDES, RIGHT?

5 A YEAH.

6 Q AND MY QUESTION IS, THE PEOPLE THAT HAD COME IN, THEY
7 JUST COME IN THE DOOR AND WERE JUST STANDING THERE AT
8 THE FRONT DOOR, OR WERE THEY COMING IN WALKING
9 TOWARDS WHENEVER CONSUELO AND NATHANIEL WERE?

10 A THEY CAME IN. THEY WERE ON THE MEN'S SIDE. THEY
11 WALKED WHERE THE WALL IS THAT YOU CAN'T SEE ANYTHING
12 ON THE INSIDE.

13 Q OKAY. SO AS THEY CAME IN, YOU GOT UP, WENT AND
14 LOOKED AT THEM, SO YOU SAW THEM AS THEY WERE WALKING
15 BACK TOWARDS --

16 A I SEEN THEM WALKING IN. I WENT AND SAT BACK DOWN.
17 WHEN THEY FINISHED TALKING, I GOT BACK UP AND LOOKED
18 AGAIN.

19 Q OKAY. SO WHEN YOU CAME IN THE DOOR, YOU GOT OUT OF
20 THE CHAIR, WALKED OVER, AND THEY WERE WALKING INTO
21 THE SHOP; IS THAT RIGHT?

22 A UH-HUH.

23 Q THE MEN'S SIDE OF THE SHOP, AND THEN YOU WENT AND SAT
24 BACK DOWN?

25 A UH-HUH.

MILES - CROSS (STRICKLER)

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1 Q OKAY. AND THAT'S HOW LONG YOU HAD SEEN THEM THE
2 FIRST TIME YOU SAW THEM, RIGHT?

3 A YES, SIR.

4 Q SOMEONE SITS THERE. YOU DIDN'T SEE THEM COME INSIDE
5 THE BUILDING. YOU HEARD THE DOOR OPEN, YOU GOT UP,
6 WENT TO TAKE A LOOK, AND THEN YOU WENT AND SAT BACK
7 DOWN, RIGHT?

8 A UH-HUH.

9 Q AND THEN YOU COULDN'T HEAR ANYTHING THAT WAS BEING
10 SAID OVER ON THE OTHER SIDE. YOU TESTIFIED TO THAT,
11 RIGHT?

12 A UH-HUH.

13 Q OKAY. AND YOU COULDN'T SEE ANYTHING ON THE OTHER
14 SIDE, RIGHT?

15 A NO, SIR.

16 Q YOU JUST SAT THERE FOR A WHILE, 15 MINUTES, 20
17 MINUTES, SOMETHING LIKE THAT?

18 A YEAH.

19 Q OKAY. AND THEN, I GUESS YOU HEARD THEM AS THEY WERE
20 LEAVING?

21 A YES, SIR.

22 Q OKAY. YOU HEAR THEM BEFORE THEY GET TO THE DOOR, OR
23 YOU HEAR THEM AFTER THEY GET TO THE DOOR OR WHAT?

24 A YOU MEAN WHEN THEY WERE COMING IN?

25 Q NO WHEN THEY'RE COMING OUT, WHEN THEY'RE LEAVING.

1 A I HEARD THEM LEAVING.

2 Q YOU HEARD THEM LEAVING?

3 A UH-HUH.

4 Q WHAT DID YOU HEAR? DID YOU HEAR THE DOOR OPEN AND

5 KNOW THEY WERE LEAVING THEN OR WHAT DID YOU HEAR?

6 A FOOTPRINTS (SIC) AND THEY WERE WALKING OUT.

7 Q OKAY. FOOTSTEPS AS THEY WERE WALKING OUT?

8 A UH-HUH.

9 Q SO AS THEY WERE WALKING OUT -- WHAT, YOU GOT UP OUT

10 OF YOUR CHAIR AGAIN AND WENT OVER TO THE OPENING TO

11 TAKE A LOOK?

12 A YES, SIR.

13 Q OKAY. AND THEN THEY CAME TO THE OPENING, AND THEY

14 STOOD THERE FOR A WHILE AND LOOKED AT YOU?

15 A THE TALL ONE DID.

16 Q THE TALL ONE STOOD THERE FOR A WHILE AND LOOKED AT

17 YOU?

18 A HE LOOKED AT ME TWICE BEFORE HE WALKED OUT.

19 Q HE LOOKED AT YOU ONCE, AND THEN LOOKED AT YOU AGAIN?

20 A UH-HUH.

21 Q OKAY. AND HOW LONG DID HE STAND THERE AND STARE AT

22 YOU?

23 A ABOUT THREE MINUTES.

24 Q ABOUT THREE MINUTES?

25 A UH-HUH.

MILES - CROSS (STRICKLER)

541

- 1 Q WAS THE OTHER FELLOW STANDING THERE WITH HIM?
- 2 A NO, SIR.
- 3 Q OKAY. SO THE OTHER GUY WENT AHEAD AND WENT ON OUT OF
- 4 THE BUILDING?
- 5 A (NODS IN THE AFFIRMATIVE).
- 6 Q AND YOU INDICATED ON DIRECT THAT MS. CASEY HAD BEEN
- 7 DOING YOUR HAIR FOR ABOUT WHAT, FIVE-AND-A-HALF
- 8 YEARS; IS THAT CORRECT?
- 9 A YES, SIR.
- 10 Q OKAY. AND YOU GET YOUR HAIR DONE FAIRLY OFTEN BY
- 11 HER, DON'T YOU? EVERY COUPLE OF WEEKS, SOMETHING
- 12 LIKE THAT?
- 13 A I USED TO.
- 14 Q YOU USED TO?
- 15 A UH-HUH.
- 16 Q AT THE TIME THIS WAS HAPPENING ON NOVEMBER 21ST,
- 17 2001, YOU WERE GETTING YOUR HAIR DONE EVERY COUPLE OF
- 18 WEEKS, RIGHT?
- 19 A YES, SIR.
- 20 Q SO YOU SAW MS. CASEY FAIRLY OFTEN OVER A PERIOD OF
- 21 SEVERAL YEARS, RIGHT?
- 22 A (NODS IN THE AFFIRMATIVE).
- 23 Q AND YOU INDICATED THAT THE PERSON YOU SAW, THE PERSON
- 24 THAT STARED AT YOU FOR, WHAT, YOUR TESTIMONY IS TODAY
- 25 LOOKED AT YOU TWICE AND STOOD THERE FOR ABOUT THREE

- 1 MINUTES ON HIS WAY OUT, RIGHT --
- 2 A YES, SIR.
- 3 Q -- THAT YOU THOUGHT HE LOOKED LIKE OSAMA BIN LADEN
- 4 BECAUSE OF ALL THE HAIR ON HIS FACE, RIGHT?
- 5 A (NODS IN THE AFFIRMATIVE).
- 6 Q AND WHEN YOU WENT TO BISHOPVILLE TO MAKE THE
- 7 IDENTIFICATION, YOU RODE UP THERE WITH CONSUELO,
- 8 RIGHT?
- 9 A YES, SIR.
- 10 Q AND YOU SAT THERE AND YOU PICKED OUT THAT PICTURE
- 11 FROM THAT LINEUP AND SIGNED YOUR NAME ON THAT PIECE
- 12 OF PAPER, AND CONSUELO WAS SITTING THERE WITH YOU AND
- 13 MR. GONZALES, RIGHT?
- 14 A YES, SIR.
- 15 Q MA'AM, I'M GOING TO GIVE YOU A DOCUMENT HERE. THIS
- 16 IS WHAT'S CALLED A TRANSCRIPT OF YOUR TESTIMONY WHEN
- 17 YOU TESTIFIED BACK IN OCTOBER, OKAY.
- 18 A UH-HUH.
- 19 Q AND THE TOP OF THE PAGE AS YOU'RE LOOKING AT IT RIGHT
- 20 HERE, THAT'S GOT A PAGE NUMBER ON IT, OKAY. ON THE
- 21 SIDE OF THE PAGE RIGHT HERE, THOSE ARE LINE NUMBERS,
- 22 ALL RIGHT. I'M GOING TO ASK YOU A COUPLE OF
- 23 QUESTIONS ABOUT THIS, OKAY. I'LL DIRECT YOUR
- 24 ATTENTION TO A PAGE AND A LINE NUMBER, RIGHT?
- 25 A ALL RIGHT.

MILES - CROSS (STRICKLER)

543

1 Q IF YOU HAVE ANY PROBLEMS FINDING IT, LET ME KNOW.
2 I'LL GIVE YOU THIS. YOU DO REMEMBER TESTIFYING ON
3 OCTOBER 20TH, 2003 IN THIS SAME COURTROOM IN FRONT OF
4 THIS SAME JUDGE AT A PRETRIAL HEARING IN THIS MATTER,
5 RIGHT?

6 A YES, SIR.

7 Q OKAY. NOW, I DIRECT YOUR ATTENTION, MS. MILES, TO
8 PAGE 70. LOOK AT THE UPPER RIGHT CORNER AS YOU'RE
9 LOOKING AT THE DOCUMENT, OKAY. I DIRECT YOUR
10 ATTENTION -- THE PAGE IS LABELED DIRECT BY
11 MS. CAMPBELL. I DIRECT YOUR ATTENTION TO LINE 24 --
12 DO YOU HAVE PAGE 70?

13 A YES, SIR.

14 Q OKAY. LINE 24, THE SECOND LINE FROM THE BOTTOM,
15 OKAY. NOW, THE QUESTION FROM MS. CAMPBELL, "IN THE
16 TIME THAT YOU GOT TO SEE HIS FACE AND EVERYTHING, THE
17 TOTAL TIME YOU WERE LOOKING AT HIM, WAS HOW LONG, DO
18 YOU KNOW?"

19 TURN TO PAGE 71, PLEASE. LINE TWO IS LABELED
20 "A", THAT'S ANSWER. WHAT WAS YOUR ANSWER ON
21 OCTOBER 20TH, 2003?

22 A OH, "A COUPLE OF SECONDS".

23 Q PARDON ME, MA'AM?

24 A A COUPLE OF SECONDS.

25 Q A COUPLE OF SECONDS?

1 A UH-HUH.

2 Q AGAIN, THE QUESTION WAS, "FROM THE TIME THAT YOU GOT
3 TO SEE HIS FACE AND EVERYTHING, THE TOTAL TIME YOU
4 WERE LOOKING AT HIM, WAS HOW LONG, DO YOU KNOW?"
5 YOUR ANSWER WAS "A COUPLE OF SECONDS", CORRECT?

6 A YES, SIR.

7 Q OKAY. NOW, MY QUESTION FOR YOU NOW, MA'AM, IS WAS IT
8 A COUPLE OF SECONDS THAT YOU HAD TO OBSERVE THIS MAN
9 TOTAL, COMING IN AND GOING OUT, TOTAL? WAS IT A
10 COUPLE OF SECONDS, AS YOU TESTIFIED UNDER OATH A
11 MONTH-AND-A-HALF AGO THAT IT WAS, OR WAS IT HOWEVER
12 LONG IT WAS COMING IN AND THE THREE MINUTES THAT YOU
13 TESTIFIED HE STOOD THERE AT THE DOOR LOOKING AT YOU
14 ON THE WAY OUT BECAUSE THAT'S WHAT YOU TESTIFIED TO
15 TODAY? WHICH IS IT, MA'AM?

16 A THREE MINUTES.

17 Q OKAY. SO IT'S THREE MINUTES. YOUR TESTIMONY IS THE
18 PERSON THAT REMINDS YOU OF OSAMA BIN LADEN BECAUSE OF
19 ALL THE FACIAL HAIR HE HAD STOOD THERE AND STARED AT
20 YOU, STARED AT YOU TWICE?

21 A YES, SIR.

22 Q AND THAT STARING AT YOU TWICE TOOK THREE MINUTES?

23 A UH-HUH.

24 Q ONE MINUTE, MA'AM, AND COUNTING.

25 (PAUSE).

MILES - CROSS (STRICKLER)

545

1 TWO MINUTES, MS. MILES.

2 (PAUSE).

3 AND THREE MINUTES, MS. MILES. THAT'S HOW LONG
4 HE STARED AT YOU?

5 A NO, THREE MINUTES AIN'T THAT LONG.

6 Q SO YOU TOOK AN OATH TODAY TO TELL THE TRUTH, AND YOU
7 SAID HE STARED AT YOU FOR THREE MINUTES. YOU TOOK AN
8 OATH OCTOBER 20TH, AND THE TRANSCRIPT RIGHT THERE
9 SAYS THE TOTAL TIME YOU SAW THE MAN COMING OUT WAS A
10 COUPLE OF SECONDS. WHICH IS IT?

11 A EXCUSE ME?

12 Q I'M SORRY?

13 A EXCUSE ME?

14 Q IS WHICH IS IT, MINUTES OR A COUPLE OF SECONDS?

15 A WELL, A MINUTE WAS LIKE ABOUT THREE OR TWO MINUTES.

16 Q OKAY, MA'AM. IT DEFINITELY WASN'T A COUPLE OF
17 SECONDS, AS YOU SAID ON OCTOBER 20TH IN THIS VERY
18 COURTROOM WHILE YOU WERE UNDER OATH?

19 A NO, BECAUSE HE LOOKED AT ME TWO TIMES.

20 Q VERY WELL, MA'AM. AND YOU SAY YOU THINK YOU MET IN
21 BISHOPVILLE, IS THAT RIGHT, WHEN YOU DID THIS LINEUP?

22 A YES, SIR.

23 Q ALL RIGHT. I DIRECT YOUR ATTENTION TO PAGE 72 OF
24 THAT TRANSCRIPT IN FRONT OF YOU FROM THAT SAME
25 HEARING ON OCTOBER 20TH OF THIS YEAR. DO YOU HAVE

1 PAGE 72?

2 A UH-HUH.

3 Q THIS IS, AGAIN, DIRECT BY MS. CAMPBELL. I DIRECT
4 YOUR ATTENTION TO A QUESTION ON LINE SIX. THE
5 QUESTION IS, "AND AFTER THAT, DID THE POLICE COME IN
6 CONTACT WITH YOU? DID THEY MAKE CONTACT WITH YOU?
7 DID THEY CALL YOU UP?" WHAT WAS YOUR ANSWER THEN?

8 (THERE WAS NO RESPONSE).

9 YOUR ANSWER BEGINS ON LINE NINE. YOUR ANSWER
10 WAS, "I KNOW I HAD TO GO TO -- I THINK IT WAS IN
11 COLUMBIA TO MEET WITH ONE." THAT'S YOUR ANSWER,
12 RIGHT?

13 A YEAH, BUT I DON'T KNOW NOTHING ABOUT THESE TIMES.

14 Q OKAY. WHEN YOU WERE ASKED THE QUESTION ON
15 OCTOBER 20TH, YOU SAID, "I THINK IT WAS IN COLUMBIA,"
16 RIGHT?

17 A TRUE.

18 Q OKAY. AND THEN, AGAIN, I DIRECT YOUR ATTENTION TO --
19 WELL, FURTHER ON DOWN AT LINE 22, THE QUESTION IS,
20 "YOU DON'T REMEMBER IF IT WAS A FAST FOOD RESTAURANT
21 OR SOMETHING LIKE" -- YOUR ANSWER ON LINE 24 IS,
22 "YEAH, I THINK IT WAS MCDONALD'S," RIGHT?

23 A UH-HUH.

24 Q THAT'S WHAT YOUR ANSWER IS?

25 A UH-HUH.

MILES - CROSS (STRICKLER)

547

1 Q SAME THING YOU SAID TODAY.

2 THEN PAGE 20 -- 73, I'M SORRY. AND THEN THE
3 QUESTION ON 73, LINE TWO, "DO YOU REMEMBER WHERE IT
4 WAS?" ANSWER "HMM", NEGATIVE.

5 THE QUESTION IS, "WAS IT IN DILLON OR COLUMBIA
6 OR LATTA?" YOUR ANSWER WAS, "IT WASN'T IN DILLON. I
7 THINK IT WAS IN COLUMBIA," CORRECT?

8 A UH-HUH.

9 Mr. Strickler: BEG THE COURT'S INDULGENCE.

10 THE COURT: YES.

11 (PAUSE).

12 Mr. Strickler: THANK YOU. THAT'S ALL I HAVE.

13 THE COURT: REDIRECT?

14 Mr. Lake: YES, SIR, YOUR HONOR.

15 REDIRECT EXAMINATION:

16 BY Mr. Lake

17 Q MS. MILES, WHETHER IT WAS IN COLUMBIA, OR DILLON, OR
18 NEW YORK, YOU WERE SHOWN A PHOTO LINEUP, CORRECT?

19 A YES.

20 Q AND THIS WAS THE PHOTO LINEUP THAT YOU WERE SHOWN?

21 Mr. Strickler: OBJECTION TO THE LEADING.

22 Mr. Lake: CORRECT?

23 THE WITNESS: YES, SIR.

24 Mr. Strickler: I OBJECT TO THE LEADING.

25 THE COURT: I UNDERSTAND. I SUSTAIN YOUR

1 OBJECTION. JUST ASK HER A QUESTION.

2 BY Mr. Lake

3 Q DID ANYONE SUGGEST TO YOU WHO TO CHOOSE?

4 A NO, SIR.

5 Mr. Strickler: I OBJECT, IMPROPER REDIRECT. I
6 DIDN'T ASK HER A THING ABOUT THE --

7 THE COURT: ALL RIGHT. OVERRULED. GO AHEAD.
8 LET'S WIND THIS UP.

9 Mr. Lake: ALL RIGHT.

10 Mr. Strickler: THANK YOU, SIR.

11 BY Mr. Lake

12 Q AT THE TIME THAT YOU ACTUALLY SAW THE GUY THAT YOU
13 SAID LOOKED LIKE OSAMA BIN LADEN, WERE YOU LOOKING AT
14 YOUR WATCH THE ENTIRE TIME THAT HE WAS LOOKING AT
15 YOU?

16 A NO, SIR.

17 Q I MEAN, ARE YOU SITTING THERE COUNTING TO 60 EACH
18 TIME?

19 A NO, SIR.

20 Q YOU'RE JUST GIVING YOUR OPINION?

21 A YES.

22 Q ARE YOU GIVING YOUR OPINION?

23 A YES, SIR.

24 Q MR. STRICKLER SHOWED YOU A -- DO YOU STILL HAVE A
25 COPY OF THAT TRANSCRIPT OVER THERE?

MILES - REDIRECT (LAKE)

549

- 1 A YES, SIR.
- 2 Q I WANT TO TURN YOUR ATTENTION TO PAGE 69. CAN YOU
- 3 GET TO 69?
- 4 A UH-HUH.
- 5 Q OKAY. WE'RE GOING TO DO A LITTLE QUESTION/ANSWER
- 6 FROM THAT SAME DAY. I'LL READ OUT THE QUESTION; YOU
- 7 GIVE ME THE ANSWER, OKAY?
- 8 A UH-HUH.
- 9 Q THE QUESTION WAS ASKED ON LINE 11, "TELL THE JUDGE
- 10 ABOUT THAT WHEN YOU GOT TO SEE HIM THEN." COULD YOU
- 11 READ OUT YOUR ANSWER?
- 12 A IT SAYS, "WHEN I -- WHEN HE WALKED OUT, HE LOOKED AT
- 13 ME TWICE, AND I THOUGHT TO MYSELF WHEN I SAW HIM,
- 14 THEN I HAD -- I HAD A WHOLE BUNCH" -- EXCUSE ME, "HE
- 15 HAD A WHOLE BUNCH OF HAIR ON HIS FACE."
- 16 Q THE QUESTION, "THAT'S WHAT YOU THOUGHT TO YOURSELF?"
- 17 A YES, SIR.
- 18 Q CONTINUE TO READ THE ANSWER, I'M SORRY.
- 19 A ON LINE 17?
- 20 Q YES, LINE 17.
- 21 A WELL, REALLY, I THOUGHT HE LOOKED LIKE OSAMA BIN
- 22 LADEN WHEN I FIRST SAW HIM.
- 23 Q AND THE COURT SAID -- THOUGHT WHAT? WHAT WAS YOUR
- 24 RESPONSE ON NUMBER 20?
- 25 A "HE LOOKED LIKE OSAMA BIN LADEN WITH ALL THE HAIR ON

1 HIS FACE."

2 Q OKAY. LET ME GET YOU TO TURN TO PAGE NUMBER 74 IN
3 THAT TRANSCRIPT. PAGE 74, LET ME DRAW YOUR ATTENTION
4 TO QUESTION 12.

5 Mr. Strickler: I'LL OBJECT, YOUR HONOR. AGAIN,
6 IMPROPER REDIRECT. I DID NOT --

7 THE COURT: ALL RIGHT. APPROACH THE BENCH,
8 PLEASE.

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 I APOLOGIZE. I'LL ASK YOU THAT QUESTION AGAIN.

14 TURN YOUR ATTENTION TO LINE NUMBER 12. THE
15 QUESTION WAS, "AND WHEN HE SHOWED YOU THE PICTURES,
16 DID ANYBODY, CONSUELO OR ANYONE ELSE, TELL YOU WHO TO
17 PICK?" WHAT WAS YOUR ANSWER ON LINE 14?

18 A "NO".

19 Q IS THAT WHAT YOU SAID?

20 A UH-HUH.

21 Q READ YOUR EXACT ANSWER.

22 A "NO, MA'AM." THAT'S WHAT I HAVE.

23 Q AND THE PERSON THAT YOU SAW THAT LOOKED LIKE OSAMA
24 BIN LADEN IS THAT PERSON; IS THAT CORRECT?

25 A YES, SIR.

- MILES - REDIRECT (LAKE)

551

1 Q AND THAT'S THE PERSON WHO WAS AT THAT HEARING,
2 CORRECT?

3 Mr. Strickler: I OBJECT AGAIN.

4 THE COURT: OVERRULED.

5 Mr. Strickler: THIS IS DIRECT TESTIMONY.

6 THE COURT: I UNDERSTAND.

7 Mr. Lake: BEG THE COURT'S INDULGENCE.

8 (PAUSE).

9 NO FURTHER QUESTIONS.

10 THE COURT: RECROSS?

11 Mr. Strickler: NOTHING FURTHER.

12 THE COURT: COME DOWN, MS. MILES. THANK YOU
13 VERY MUCH.

14 Mr. Lake: BEG THE COURT'S INDULGENCE.

15 (PAUSE).

16 NO FURTHER QUESTIONS.

17 THE COURT: RECROSS?

18 Mr. Strickler: NOTHING FURTHER.

19 THE COURT: COME DOWN, MS. MILES. THANK YOU
20 VERY MUCH.

21 THE WITNESS: THANK YOU.

22 Mr. Strickler: OF COURSE, YOUR HONOR, I HAVE NO
23 OBJECTION IF SHE WANTS TO BE EXCUSED.

24 THE COURT: I UNDERSTAND. THANK YOU.

25 Mr. Lake: THE STATE WOULD CALL INVESTIGATOR

1 GONZALES.

2 RODNEY GONZALES, 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 WITNESS: IT'S INVESTIGATOR RODNEY GONZALES.

7 DIRECT EXAMINATION:

8 BY Mr. Lake

9 Q INVESTIGATOR GONZALES, WHERE ARE YOU CURRENTLY
10 EMPLOYED?

11 A I'M EMPLOYED WITH THE RICHLAND COUNTY SHERIFF'S
12 DEPARTMENT HERE IN COLUMBIA.

13 Q AND HOW LONG HAVE YOU BEEN EMPLOYED THERE?

14 A I'VE BEEN EMPLOYED THERE APPROXIMATELY SIX YEARS.

15 Q APPROXIMATELY HOW LONG?

16 A SIX YEARS.

17 Q AND WHAT ARE YOUR CURRENT DUTIES?

18 A MY CURRENT DUTIES ARE MAJOR CRIMES UNIT HANDLING
19 ASSAULTS AND FROM TIME TO TIME, HOMICIDE.

20 Q AND WHAT, IF ANY, OTHER DUTIES HAVE YOU HAD OVER THE
21 YEARS?

22 A I'VE HAD NARCOTICS EXPERIENCE FOR SEVERAL YEARS. I
23 USED TO WORK FOR RICHLAND COUNTY PREVIOUSLY BACK IN
24 THE '80S, AS WELL. THAT GAVE ME SEVERAL YEARS OF
25 EXPERIENCE IN THE NARCOTICS FIELD.

GONZALES - DIRECT (LAKE)

553

1 Q OKAY. AND LET ME TAKE YOU TO THE DATE OF NOVEMBER
2 21, 2001. WERE YOU WORKING THAT PARTICULAR DAY?

3 A I WAS, SIR.

4 Q AND WERE YOU WORKING ALONE?

5 A NO, SIR, I WAS NOT. I WAS ALSO WORKING WITH SERGEANT
6 MCDONALD AND LIEUTENANT SMITH.

7 Q AND COULD YOU TELL THE JURY HOW YOU BECAME INVOLVED
8 IN THIS PARTICULAR CASE?

9 A YES, SIR. I WAS DIRECTED BY MAJOR WILSON, WHO IS OUR
10 CHIEF COMMANDER IN THE INVESTIGATIVE DIVISION, TO GO
11 AND ASSIST AT THE LOWE'S ON TWO NOTCH ROAD IN
12 REFERENCE TO A HOMICIDE.

13 UPON ARRIVING TO THE SCENE, I WAS DIRECTED TO
14 GET SOME INFORMATION FROM SEVERAL WITNESSES AT THAT
15 TIME.

16 Q AND WHO DID YOU KNOW THE WITNESSES TO BE?

17 A AT THIS TIME, I SPOKE WITH MR. DAVID GIBSON, WHO WAS
18 A LIEUTENANT FOR WACKENHUT SECURITY WORKING SECURITY
19 AT THE -- I BELIEVE IT WAS THE BANK ADJACENT TO THE
20 LOWE'S, WHICH IS NATIONSBANK.

21 Q JUST KIND OF BACK UP A LITTLE BIT. WHO WAS AT THE
22 SCENE WHEN YOU FIRST ARRIVED THERE?

23 A THERE WERE SEVERAL PEOPLE. YOU HAVE INVESTIGATOR
24 HOLDORF; INVESTIGATOR CANNON; OF COURSE, SERGEANT
25 MCDONALD'S; LIEUTENANT SMITH; AND MYSELF.

1 Q AND WAS THE VICTIM STILL THERE?

2 A ABSOLUTELY.

3 Q AND WHAT ABOUT THE GUARD? WAS HE ALSO THERE?

4 A HE WAS ALSO THERE, SIR.

5 Q OKAY. AND YOU INDICATED THAT YOU INTERVIEWED HIM?

6 A CORRECT.

7 Q AT WHAT POINT DID YOU HAVE AN OPPORTUNITY TO

8 INTERVIEW HIM?

9 A SHORTLY AFTER THE INCIDENT. AS SOON AS I ARRIVED
10 THERE, WITHIN SEVERAL MINUTES, I WAS GUIDED. I WAS
11 TOLD THAT HE HAD SOME INFORMATION TO GO AHEAD AND
12 RETRIEVE IT.

13 Q OKAY. AND WHEN DID YOU GO TO SPEAK TO HIM, TO
14 INTERVIEW HIM?

15 A AT FIRST WE WERE DISCUSSING THE MATTER AT AN ENCLOSED
16 OFFICE WITHIN THE BANK BECAUSE IT WAS STILL OPEN, BUT
17 ONCE THE BANK WAS GETTING READY TO CLOSE, WE ENDED UP
18 MOVING TO HEADQUARTERS. I FINALIZED THE QUESTIONING
19 THERE AND LATER ON FINALIZED IT ON PAPER.

20 Q YOU ACTUALLY TOOK A WRITTEN STATEMENT FROM HIM?

21 A I DID.

22 Q AND WHEN DID YOU TAKE THAT WRITTEN STATEMENT FROM
23 HIM?

24 A I TOOK THAT STATEMENT ON THE 21ST OF NOVEMBER, 2001.

25 Q AND THIS WOULD BE THE SAME DAY OF THE MURDER?

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1 A YES, SIR.

2 Q AND WHAT INFORMATION DID YOU GATHER FROM THAT
3 INTERVIEW?

4 A FROM THAT WE GATHERED THAT HE WAS -- AT THE TIME OF
5 THE INCIDENT, HE WAS POSITIONED AT THE RIGHT SIDE OF
6 THE BANK WHERE THE TWO CONCRETE SIDEWALKS MEET.

7 HE WAS PRETTY MUCH FACING THE LOWE'S PARKING LOT
8 BECAUSE HE WAS CHECKING SECURITY IN THE PARKING LOT
9 OF THE BANK.

10 HE HEARD A SINGLE SHOT, AT WHICH TIME HE NOTICED
11 THAT -- HE WALK TOWARDS THE BACK OF THE BANK TO GET A
12 BETTER VIEW OF THE WHOLE PARKING LOT AT THE LOWE'S
13 AND SAW A BLACK FEMALE YELLING AND SCREAMING,
14 JUMPING, ASKING FOR HELP. HE WALKED TOWARDS HER AS
15 HE WAS PHONING 911 FROM HIS CELL PHONE AND SPOKE WITH
16 DISPATCH.

17 ONCE HE GOT TO HER, HE ASKED HER WHAT HAPPENED.
18 SHE RESPONDED, "A GUY DROVE UP AND ASKED FOR THEIR
19 HELP. HE TURNED AROUND AND SHOT HIM." MR. GIBSON
20 WENT ON AND SHE BECAME HYSTERICAL AND SAID, "DON'T
21 LET JUNIOR DIE." WHEN HE ASKED WHO JUNIOR WAS, SHE
22 SAID IT WAS HIM, REFERRING TO THE MAN SHOT. HE ASKED
23 IF HE WAS HER SON. SHE RESPONDED THAT HE WAS HER
24 HUSBAND.

25 Q WHEN YOU HAD AN OPPORTUNITY TO SPEAK WITH HIM, DID

1 YOU GET A DESCRIPTION OF THE SUSPECT AND OF THE.
2 SUSPECT'S VEHICLE?

3 A YES, SIR. HE DESCRIBED THE INFORMATION TO BE A BLACK
4 -- I'M SORRY.

5 Q DID YOU KNOW WHAT TYPE OF VEHICLE IT WAS?

6 A YES. HE ASKED, "WHAT KIND OF VEHICLE WAS IT?" SHE
7 STATED IT WAS A STATION WAGON. SHE STOOD UP AND
8 POINTED TOWARDS THE EXIT OF FIRELANE ROAD, WHICH IS
9 WHERE THE VEHICLE SUPPOSEDLY LEFT.

10 Q AND DID YOU LEARN A DESCRIPTION OF THE ACTUAL
11 INDIVIDUAL?

12 A YES, YES. APPARENTLY WHERE MR. GIBSON ASKED HER WHAT
13 DID THE GUY LOOK LIKE, SHE WASN'T SURE AT THE TIME,
14 PROBABLY FROM -- HE CLARIFIED HIS QUESTION AND ASKED,
15 "WAS HE WHITE OR BLACK?" SHE SAID BLACK.

16 Q AND YOU INDICATED YOU TOOK A STATEMENT FROM HIM. DID
17 MR. GIBSON GIVE YOU A COLOR OF THAT STATION WAGON IN
18 HIS STATEMENT?

19 A I'LL HAVE TO LOOK AT IT, BUT I BELIEVE FROM --

20 Q DO YOU HAVE THAT STATEMENT IN FRONT OF YOU?

21 A IT BEING A BEIGE -- IT WAS A BEIGE STATEMENT -- I
22 MEAN A BEIGE STATION WAGON AND THAT --

23 Mr. Strickler: I JUST OBJECT AT THIS POINT.

24 THIS IS ALL DOUBLE HEARSAY.

25 THE COURT: IT SURE IS.

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1 Mr. Lake: YOUR HONOR, THIS IS FROM HER
2 TESTIMONY.

3 Mr. Strickler: IF WE WANT TO GO THROUGH IT
4 AGAIN, THAT'S FINE. I'LL WITHDRAW MY OBJECTION.

5 THE COURT: ALL RIGHT.

6 BY Mr. Lake

7 Q WHAT DID -- AFTER YOU HAD TAKEN A STATEMENT FROM
8 MR. GIBSON THAT AFTERNOON, WHAT DID YOU DO NEXT?

9 A I ASSISTED SERGEANT WEEKS IN RETRIEVING NUMBERS FROM
10 THE VICTIM'S CELL PHONE NUMBER.

11 Q AT WHAT POINT DID YOU RETRIEVE THE VICTIM'S CELL
12 NUMBER? WHO RETRIEVED THE VICTIM'S CELL PHONE?

13 A THAT, I DON'T KNOW. SERGEANT WEEKS HAD IT IN HER
14 HAND.

15 Q OKAY.

16 A I WAS FAMILIAR WITH THE TYPE OF PHONE, THAT SHE WAS
17 DEALING WITH, MORE THAN SHE WAS. I ASKED HER IF I
18 COULD HELP HER TRY TO RETRIEVE NUMBERS.

19 Q AND PRIOR TO OBTAINING THAT PARTICULAR CELL PHONE,
20 WHAT ELSE DID YOU DO? DID YOU DO ANYTHING ELSE PRIOR
21 TO THAT?

22 A NO, SIR.

23 Q OKAY. AND YOU INDICATED YOU WERE ABLE TO SECURE SOME
24 INFORMATION. WERE YOU ABLE TO SECURE SOME
25 INFORMATION FROM THE CELL PHONE?

1 A YES.

2 Q AFTER GETTING THAT INFORMATION, WHAT DID YOU DO WITH
3 IT?

4 A FROM THAT POINT WE WERE ADVISED FROM MAJOR WILSON
5 THAT THERE WERE SEVERAL FAMILY MEMBERS AT THE FRONT
6 DESK, AT WHICH TIME WE WENT DOWN AND SPOKE WITH EACH
7 ONE OF THEM.

8 Q WHO WERE THESE PEOPLE, DO YOU KNOW?

9 A FRIENDS AND FAMILY.

10 Q OKAY. AND AFTER YOU HAD SPOKEN WITH THE FRIENDS AND
11 FAMILY, WHO WERE THE FRIENDS AND FAMILY OF?

12 A BOTH THE VICTIM AND -- WELL, THE VICTIM AND THE WIFE.

13 Q AND AFTER YOU HAD SPOKEN WITH THE FAMILY, DID YOU
14 HAVE AN OPPORTUNITY LATER ON THAT NIGHT TO SPEAK WITH
15 MS. CASEY?

16 A YES.

17 Q WHEN DO YOU RECALL SPEAKING WITH HER?

18 A I DON'T HAVE THE EXACT TIME, BUT IT WAS DIRECTLY
19 AFTER WE FINISHED THE MEETING WITH THE FAMILY
20 MEMBERS.

21 Q AND WHO WAS PRESENT WITH YOU WHEN YOU SPOKE WITH HER,
22 DO YOU RECALL?

23 A NO, SIR.

24 Q AND AT THAT TIME WAS SHE ABLE TO GIVE YOU SOME
25 INFORMATION IN TERMS OF A GENERAL DESCRIPTION OF THE

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1 VEHICLE?

2 A I BELIEVE SHE DID. LET ME DOUBLE CHECK MY NOTES
3 HERE.

4 (PAUSE).

5 THE COURT: COUNSEL APPROACH THE BENCH, PLEASE.

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

9 THE COURT: LET'S TAKE ABOUT -- LADIES AND
10 GENTLEMEN, IT'S TIME FOR A MORNING BREAK. I'M GOING TO
11 INTERRUPT THIS DIRECT TESTIMONY FOR A FEW MINUTES. I'LL
12 ALLOW YOU TO GO TO YOUR JURY ROOM, TAKE A BREAK. RELAX A
13 FEW MINUTES.

14 I DON'T KNOW IF YOU HAVE ANY REFRESHMENTS BACK
15 THERE. DON'T DISCUSS THE CASE AMONGST YOURSELVES WHILE
16 YOU'RE AT LUNCH.-- AT LUNCH? DON'T GO TO LUNCH, WHILE
17 YOU'RE IN THE JURY ROOM. WE'LL GET YOU BACK IN ABOUT 10
18 MINUTES. THANK YOU VERY MUCH.

19 (WHEREUPON, THE JURY LEFT OPEN COURT AT
20 APPROXIMATELY 11:03 A.M.)

21 THE COURT: LET'S BE AT EASE.

22 SERGEANT, PLEASE REVIEW YOUR REPORT DURING THE
23 BREAK. LET'S TRY TO MOVE THIS ALONG A LITTLE QUICKER IF
24 WE CAN.

25 THE WITNESS: YES, SIR.

1. (WHEREUPON, A SHORT BREAK WAS TAKEN.)

2 (WHEREUPON, STATE'S EXHIBITS NOS. 92 - 95 WERE
3 MARKED FOR IDENTIFICATION ONLY.)

4 THE COURT: IS THIS EVIDENCE THAT YOU'RE MARKING
5 GOING TO BE OFFERED THIS MORNING?

6 Ms. Campbell: YES, SIR, WITH THIS WITNESS.

7 THE COURT: ARE YOU READY TO PROCEED?

8 Mr. Lake: CORRECT.

9 Mr. Strickler: THE DEFENSE IS READY.

10 THE COURT: ALL RIGHT. BRING THE JURY, PLEASE.

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

12 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
13 APPROXIMATELY 1:25 A.M.)

14 THE BAILIFF: THE JURY IS ALL PRESENT, YOUR
15 HONOR.

16 THE COURT: LADIES AND GENTLEMEN, THE ATTORNEYS
17 WERE DOING A LITTLE BIT OF HOUSEKEEPING DURING THE BREAK.
18 HOPEFULLY IT WILL SPEED UP THE PRESENTATION OF THE
19 EVIDENCE.

20 MR. LAKE, YOU MAY PROCEED.

21 BY Mr. Lake

22 Q THANK YOU. INVESTIGATOR GONZALES, AS YOU WERE
23 WORKING ON THIS PARTICULAR CASE, DID YOU HAVE AN
24 OPPORTUNITY TO ASSIST OTHER INVESTIGATORS IN THIS
25 CASE IN CHIEF?

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- 1 A YES, I DID.
- 2 Q AND DID YOU HAVE AN OPPORTUNITY TO PARTICIPATE IN A
- 3 SEARCH WARRANT?
- 4 A YES, I DID.
- 5 Q AND WHEN DID YOU PARTICIPATE IN THAT SEARCH WARRANT?
- 6 A THAT WAS ON THE DAY THAT WE WENT TO MECKLENBURG.
- 7 Q AND WHERE DID YOU EXECUTE THE SEARCH WARRANT?
- 8 A I'M SORRY?
- 9 Q WHERE?
- 10 A IN MECKLENBURG, NORTH CAROLINA.
- 11 Q DID YOU HAPPEN TO KNOW THE SPECIFIC ADDRESS OF THE
- 12 LOCATION?
- 13 A 2207 WOODBURY.
- 14 Q AND WHOSE ADDRESS WAS THAT?
- 15 A THAT WAS MR. -- THE DEFENDANT'S.
- 16 Q OKAY. AND WHO PARTICIPATED IN THAT PARTICULAR
- 17 SEARCH?
- 18 A MEMBERS OF THE MECKLENBURG POLICE DEPARTMENT,
- 19 LIEUTENANT SMITH, SERGEANT CHUCK EARLES FROM THE
- 20 FORENSIC DIVISION AND MYSELF.
- 21 Q AT THAT POINT, DID YOU HAVE REASON TO BELIEVE THAT
- 22 EVIDENCE FROM THIS PARTICULAR CRIME WOULD BE FOUND AT
- 23 THAT LOCATION?
- 24 A YES, SIR.
- 25 Q AND IN PARTICULAR, WHAT TIME DID YOU GO TO EXECUTE

1 THE SEARCH WARRANT? WAS IT IN THE MORNING HOURS,
2 LATE AFTERNOON?

3 A IT WAS DURING THE AFTERNOON, MIDDAY, IF I'M NOT
4 MISTAKEN.

5 Q AND WHAT WAS YOUR ROLE IN THE SEARCH OF THAT
6 PARTICULAR ADDRESS?

7 A JUST TO LOOK FOR ANYTHING THAT HAD TO DEAL WITH THE
8 INCIDENT AT HAND.

9 Q AND DESCRIBE HOW YOU ENTERED INTO THAT RESIDENCE.

10 A FIRST OF ALL, WE LOOKED AT THE RESIDENCE. WE FOUND
11 WHAT THE BEST LOCATION WAS, THROUGH THE BACK DOOR
12 THROUGH SOME FRENCH DOORS. WE WERE ABLE TO BUST
13 THROUGH THE DOOR AND RUSHED INTO THE RESIDENCE AFTER
14 WE WERE ALLOWING -- YOU KNOW, TELLING WHO WE WERE. I
15 WENT UPSTAIRS, AND AS I WAS APPROACHING THE RIGHT
16 HALLWAY, I SAW THE DEFENDANT COMING OUT OF ONE OF THE
17 LEFT --

18 Q AND LET ME ASK YOU, BEFORE YOU -- DID YOU HAVE TO
19 FORCE ENTRY INTO THE RESIDENCE?

20 A YES, SIR.

21 Q PRIOR TO FORCING ENTRY INTO THE RESIDENCE, DID YOU
22 TRY TO ENTER THE RESIDENCE THROUGH ANY OTHER MEANS?

23 A I BELIEVE WE CHECKED THE FRONT DOOR, THINGS LIKE
24 THAT, JUST TO SEE WHICH WAS THE BEST LOCATION.

25 Q OKAY. AND YOU SAID YOU INDICATED -- DID YOU KNOCK OR

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- 1 DO ANYTHING LIKE THAT PRIOR TO COMING IN?
- 2 A YES; YES, WE DID.
- 3 Q IS THIS BEFORE YOU FORCED ENTRY?
- 4 A YES, SIR.
- 5 Q WAS THERE ANY RESPONSE TO YOUR KNOCK?
- 6 A NONE. WE EVEN ATTEMPTED TO TALK THROUGH THE WINDOWS
- 7 AT TIMES.
- 8 Q AND HOW LONG DID YOU KNOCK AND TALK THROUGH THE
- 9 WINDOWS BEFORE YOU ACTUALLY FORCED ENTRY?
- 10 A A GOOD 10 MINUTES.
- 11 Q AND YOU INDICATED THAT YOU ENCOUNTERED MR. CROCKER AT
- 12 THE TOP OF THE STAIRS?
- 13 A YES, SIR.
- 14 Q AND WHERE WAS MR. CROCKER TAKEN UPON ENTRY INTO THE
- 15 RESIDENCE?
- 16 A HE WAS STARTLED. I BROUGHT HIM TO THE GROUND. I
- 17 ADVISED HIM THAT HE WAS UNDER ARREST.
- 18 Q AND WHAT WAS HIS DEMEANOR LIKE?
- 19 A AT THE MOMENT, HE WAS SURPRISED. AT THE MOMENT WHEN
- 20 I PLACED HIM ON THE GROUND.
- 21 Q OKAY. AND THEN YOU -- AT WHAT POINT DID YOU CONTINUE
- 22 ON WITH THE SEARCH OF THAT RESIDENCE?
- 23 A LIKE SHORTLY -- ONCE I HANDCUFFED HIM AND LIEUTENANT
- 24 SMITH MIRANDIZED HIM, I STARTED SEARCHING THE KITCHEN
- 25 AREA, THE COUNTER SECTION.

- 1 Q OKAY. AND WOULD YOU KIND OF DESCRIBE FOR THE JURY
2 EXACTLY WHAT ITEMS YOU RECOVERED AND WHERE DID YOU
3 RECOVER THOSE ITEMS?
- 4 A YES, SIR. I RECOVERED ASSORTED PAPERWORK AT SEVERAL
5 LOCATIONS, THE FIRST RIGHT BEDROOM, AS WELL AS
6 LARGE -- APPROXIMATELY HALF A POUND OF A GREEN LEAFY
7 SUBSTANCE THAT WAS DETERMINED TO BE MARIJUANA; TWO
8 CELL PHONES FROM THE P.C.S. BOX THAT WAS IN THE
9 BOTTOM OFFICE, AND ONE DELL COMPUTER; THREE CELL
10 PHONE CHARGERS -- ADDITIONAL CELL PHONE CHARGERS; A
11 LAND ROVER TITLE, AND STATION WAGON OWNER INFORMATION
12 THAT WAS ON TOP OF THE KITCHEN COUNTER. IT ALSO
13 STATED THE TAG NUMBER WAS M.P.H. 7746, AND ONE BOOK
14 THAT HAD TO DO WITH GROWING MARIJUANA.
- 15 Q OKAY.
- 16 A I SAW A NINE MILLIMETER LUGER, ONE BLACK SHOULDER
17 HOLSTER. THAT WAS FOUND IN THE SHED, AS WELL.
- 18 Q DID YOU DISCOVER ANY OTHER ITEMS? DID YOU RECOVER
19 ANY OTHER ITEMS?
- 20 A PRETTY MUCH, THAT'S WHAT IT WAS.
- 21 Q SO IT WAS JUST ASSORTED PAPERWORK?
- 22 A YES.
- 23 Q AND YOU FOUND THE MARIJUANA?
- 24 A CORRECT.
- 25 Q AND YOU FOUND -- HOW MANY TOTAL CELL PHONES DID YOU

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1 FIND?

2 A HOLD ON A SECOND. I FOUND A TOTAL OF FIVE, FIVE.

3 Q LET ME SHOW YOU WHAT'S ALREADY BEEN MARKED INTO --

4 LET ME SHOW YOU WHAT'S BEEN MARKED FOR I.D., STATE'S

5 EXHIBIT NO. 52.

6 Mr. Strickler: THAT'S WHAT HE'S GOING TO

7 TESTIFY TO?

8 Ms. Campbell: YES, SIR.

9 Mr. Strickler: THAT'S WITHOUT OBJECTION.

10 THE COURT: WITHOUT OBJECTION.

11 (WHEREUPON, STATE'S EXHIBIT NO. 52 WAS ADMITTED

12 INTO EVIDENCE.)

13 BY Mr. Lake

14 Q LET ME ASK YOU, DO YOU RECOGNIZE THAT?

15 A YES, I DO..

16 Q WHAT DO YOU RECOGNIZE IT TO BE?

17 A THIS IS THE BACK YARD OF THE RESIDENCE THAT WE

18 CONDUCTED THE SEARCH WARRANT ON. THIS IS THE BACK

19 SHED THAT I WAS LOOKING IN WHERE I FOUND THE

20 MARIJUANA.

21 Q AND THIS WOULD BE ON THE DATE THAT YOU EXECUTED THE

22 SEARCH WARRANT?

23 A EXECUTED THE SEARCH WARRANT, YES, SIR.

24 Q SO IT FAIRLY AND ACCURATELY DEPICTS WHAT THE AREA

25 LOOKED LIKE?

1 A THAT'S CORRECT.

2 Q OKAY. AND LET ME SHOW YOU WHAT'S BEEN MARKED AS
3 STATE'S EXHIBIT NO. 57 AND ASK YOU TO TAKE A LOOK AT
4 THAT. I ASK YOU, DO YOU RECOGNIZE THAT?

5 A I DO.

6 Q WHAT DO YOU RECOGNIZE IT TO BE?

7 A THIS WAS THE HALF A POUND TYPE BAG THAT I FOUND
8 INSIDE THE SHED UNDERNEATH THE BICYCLE THAT WAS IN
9 THAT POSITION.

10 Q AND THAT WOULD BE A BAG OF WHAT?

11 A MARIJUANA.

12 Q DOES IT FAIRLY AND ACCURATELY DEPICT WHAT IT LOOKED
13 LIKE AT THAT PARTICULAR TIME?

14 A YES, EXACTLY AS IT WAS.

15 Mr. Lake: AND AT THIS TIME, THE STATE WOULD
16 MOVE 52 AND 56 INTO EVIDENCE.

17 THE COURT: IT'S ALREADY BEEN ADMITTED.

18 Mr. Lake: OH, IT'S ALREADY BEEN ADMITTED?

19 THE COURT: YES.

20 Mr. Lake: PERMISSION TO PUBLISH IT TO THE JURY?

21 THE COURT: YES, SIR.

22 BY Mr. Lake

23 Q INVESTIGATOR GONZALES, I'M GOING TO SHOW YOU A NUMBER
24 OF EXHIBITS AND ASK YOU TO TAKE A LOOK AT EACH ONE OF
25 THESE ITEMS.

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1 I'M GOING TO SHOW YOU WHAT HAS BEEN MARKED AS
2 STATE'S EXHIBIT NO. 92, STATE'S EXHIBIT NO. 93,
3 STATE'S EXHIBIT NO. 94, STATE'S EXHIBIT NO. 95 -- AND
4 THIS ONE HERE NEEDS TO BE MARKED.

5 The court Reporter: WHAT IS IT?

6 Mr. Lake: NINE MILLIMETER LUGER ROUNDS.

7 (WHEREUPON, STATE'S EXHIBIT NO. 96 WAS MARKED
8 FOR IDENTIFICATION ONLY.)

9 Mr. Lake: AND STATE'S EXHIBIT NUMBER 96.

10 THE WITNESS: YES, SIR.

11 BY Mr. Lake

12 Q AND DO YOU RECOGNIZE THOSE ITEMS?

13 A I DO, SIR.

14 Q AND JUST KIND OF BRIEFLY -- COULD YOU DESCRIBE WHAT
15 EACH ITEM IS THAT YOU GOT?

16 A YES, SIR. THESE RIGHT HERE ARE THE ASSORTED
17 PAPERWORK THAT I FOUND IN THE DOWNSTAIRS OFFICE.

18 Mr. Strickler: COULD WE HAVE A NUMBER WITH
19 THAT, PLEASE, SIR?

20 THE WITNESS: ITEM NUMBER 23, WHICH IS EXHIBIT
21 NO. 92.

22 Mr. Strickler: THANK YOU.

23 THE WITNESS: AND THE REASON YOU HAVE TWO
24 NUMBERS IN HERE IS ONE IS THE WAY WE LOCATED IT IN THE
25 SEARCH WARRANT WHEN WE TURN IT IN TO THE JUDGE, AND, OF

1 COURSE, IT'S GOT A DIFFERENT NUMBER FOR THE EXHIBIT HERE
2 IN THE COURTROOM.

3 THIS WOULD BE ITEM NO. 14 WHICH IS EXHIBIT
4 NO. 93. THIS IS THE GREEN LEAFY SUBSTANCE THAT IS
5 MARIJUANA WHICH YOU WILL FIND IN THOSE PICTURES THAT I
6 FOUND.

7 BY Mr. Lake

8 Q WHAT TYPE OF FORM IS THAT? WHAT TYPE OF FORM IS THAT
9 IN?

10 A IT'S IN WHAT WE CALL A BLOCK. IT'S COMPRESSED;
11 BASICALLY, FOR LARGE QUANTITY SELLING.

12 Q AND THAT WAS ACTUALLY FOUND IN THE SHED ALSO?

13 A CORRECT.

14 Q OKAY. GO THROUGH THE OTHER ITEMS.

15 A SURE. EXHIBIT 94, THIS IS THE BOOK THAT IS IN
16 REFERENCE TO HOW TO GROW MARIJUANA AND SO FORTH AND
17 ADDITIONAL ASSORTED PAPERS.

18 Q WHAT TYPE OF PAPERWORK IS IN THERE? JUST KIND OF
19 TAKE A LOOK AND SEE.

20 A INSIDE THIS YOU WILL SEE THE REGISTRATION CARD IN
21 REFERENCE TO THE VEHICLE, IN REFERENCE TO THE
22 PONTIAC, THE STATION WAGON, THAT WE WERE LOOKING FOR.

23 Q AND WHAT TYPE OF PONTIAC IS THAT?

24 A IT'S AN '88 PONTIAC 6000 STATION WAGON.

25 Q AND WHAT OTHER TYPE OF PAPERWORK ARE YOU FINDING IN

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1 THAT?

2 A WE FOUND A BIRTH CERTIFICATE AND A W-2 FORM OR
3 TAXES -- YEAH, A W-2 FORM FOR THE GENTLEMAN THAT
4 BOUGHT THIS VEHICLE FROM THE DEFENDANT, ACCORDING TO
5 THE DEFENDANT. HIS NAME WAS ALEJANDRO DIOS VASQUEZ.

6 Q AND WHAT OTHER ITEMS DID YOU FIND DURING YOUR SEARCH?

7 A ALL RIGHT. IN ADDITION TO THAT, I FOUND NINE
8 MILLIMETER STAR FIRE TYPE ROUNDS.

9 Q BUT YOU DIDN'T FIND A NINE MILLIMETER WEAPON,
10 CORRECT?

11 A NO, SIR, WE DID NOT.

12 Q YOU FOUND THE ROUNDS TO THAT?

13 A YES, WE DID.

14 Mr. Strickler: COULD WE HAVE THE NUMBER? IS
15 THAT MARKED AS AN EXHIBIT?

16 THE WITNESS: I'M SORRY, THIS IS EXHIBIT NO. 96.

17 Mr. Strickler: THANK YOU.

18 THE WITNESS: AND IN THIS BOX MARKED EXHIBIT 95
19 SHOWS THE CELL PHONES THAT I FOUND IN THE RESIDENCE.

20 BY Mr. Lake

21 Q HOW MANY CELL PHONES DID YOU FIND TOTAL?

22 A I'VE GOT FOUR, FIVE.

23 Q ARE THEY ALL THE SAME BRAND AND MODEL?

24 A APPROXIMATELY, YES, SIR. THE DISTINCTION OF THIS,
25 THEY'RE PRETTY MUCH -- THEY'RE BASICALLY THE SAME.

1 Q YOU CAN TAKE A SEAT. ARE THOSE ACTUALLY ALL THE
2 ITEMS YOU FOUND IN YOUR SEARCH?

3 A YES, SIR.

4 Q AND AFTER YOU FOUND THESE ITEMS DURING YOUR PART OF
5 THE SEARCH, DO YOU AT SOME POINT TURN THESE ITEMS
6 OVER TO ANYONE?

7 A I DID. I TURNED THEM OVER TO SERGEANT MCDONALD, WHO
8 WAS THE ONE HANDLING THE PROCESS OF WHO WAS FINDING
9 WHAT AND WHERE. THAT'S WHY IT WAS IN THE WARRANT SO
10 IT WOULD BE DETERMINED.

11 Q SO IT WOULD BE FAIR TO SAY THAT ONCE YOU FOUND IT,
12 YOU TURNED IT OVER TO THE CONTROL AND CUSTODY OF
13 INVESTIGATOR MCDONALD?

14 A CORRECT.

15 Q AND HE HAD THE RESPONSIBILITY FROM THAT POINT ON?

16 A YES, SIR.

17 Q OKAY. AND AFTER YOU EXECUTED THAT SEARCH WARRANT, AT
18 SOME POINT, DID YOU HAVE AN OPPORTUNITY TO MEET
19 MS. MILES AND SHOW HER A PHOTO LINEUP?

20 A YES, I DID.

21 Q WHEN DO YOU RECALL HAVING AN OPPORTUNITY TO SHOW HER
22 THAT LINEUP?

23 A IT WAS ON DECEMBER 20TH, 2001. I TRAVELED TO
24 BISHOPVILLE AT THE MCDONALD'S AT 1101 SUMTER HIGHWAY
25 WHERE I MET WITH HER AND CONSUELO.

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- 1 Q AND YOU INDICATED MS.~CASEY WAS THERE. WHY WAS
2 MS.~CASEY THERE?
- 3 A SHE WAS TRANSPORTING THE YOUNG LADY, MS. MILES.
- 4 Q SHE ACTUALLY JUST GAVE HER A RIDE?
- 5 A YES.
- 6 Q OKAY. AND YOU INDICATED THAT YOU SHOWED HER A PHOTO
7 LINEUP, CORRECT?
- 8 A CORRECT.
- 9 Q AND WHEN YOU SHOWED HER THAT PHOTO LINEUP, WHAT, IF
10 ANYTHING, DID YOU SAY TO HER PRIOR TO SHOWING HER
11 THAT PHOTO LINEUP?
- 12 A I BASICALLY JUST TOLD HER, "DO YOU SEE ANYBODY HERE
13 THAT YOU RECOGNIZE?"
- 14 Q DID MS.~CASEY SAID ANYTHING TO HER IN TERMS OF WHAT
15 SHE SHOULD DO IN TERMS OF THAT LINEUP?
- 16 A NOT AT ALL.
- 17 Q DID YOU SUGGEST AT ANY POINT WHO SHE SHOULD PICK OUT
18 IN THIS PARTICULAR PINE UP?
- 19 A NO, SIR.
- 20 Q DOES MS.~CASEY SAY WHO SHE SHOULD POINT OUT IN THIS
21 PARTICULAR LINEUP?
- 22 A NO, SIR.
- 23 Q DOES ANYONE IN THAT ENTIRE MCDONALD'S TELL MS.~CASEY
24 WHO TO CHOOSE IN THAT LINEUP?
- 25 A NO, SIR.

- 1 Q DO YOU KNOW MS. CASEY'S MOTHER?
- 2 A MS. WILLIAMS, YES.
- 3 Q WAS SHE PRESENT THERE?
- 4 A NO.
- 5 Q IT WAS JUST YOU AND -- IS MS.~CASEY, IS SHE ACTUALLY
- 6 SEATED AT -- WHERE -- LET ME JUST BACKTRACK. WHERE
- 7 ARE YOU AT IN THE STORE?
- 8 A WE'RE INSIDE IN A BOOTH AREA. THEN MS.~CASEY IS
- 9 SEATED IN THE BOOTH ADJACENT TO US WHERE I GET A
- 10 CHANCE TO BE JUST ALONE WITH MS. MILES, BASICALLY,
- 11 BUT SHE CAN STILL HEAR ME. YOU HAVE BEEN IN A
- 12 MCDONALD'S BEFORE WHERE YOU HAVE AN ADJACENT BOOTH.
- 13 Q SHE IS IN THE IMMEDIATE VICINITY OF WHERE YOU ARE?
- 14 A YES.
- 15 Q WHERE SHE COULD HEAR WHAT YOU'RE SAYING?
- 16 A YES.
- 17 Q DID HE TELL YOU ANYTHING?
- 18 A NO, SIR.
- 19 Q DID SHE TELL MS. MILES ANYTHING?
- 20 A NO, SIR.
- 21 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S
- 22 EXHIBIT 91 AND ASK YOU DO YOU RECOGNIZE IT?
- 23 A I DO. THIS IS THE LINEUP THAT I SHOWED MS. MILES ON
- 24 THAT DAY.
- 25 Q IS IT IN SUBSTANTIALLY THE SAME CONDITION AS IT WAS

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1 WHEN YOU SHOWED IT TO HER THAT DAY?

2 A YES, SIR.

3 Q LET ME SHOW YOU -- DOES SHE IDENTIFY ON THERE WHICH
4 PERSON SHE CHOSE?

5 A SHE DID.

6 Q WHICH PERSON DID SHE CHOOSE?

7 A TOP MIDDLE ONE.

8 Mr. Lake: OKAY. YOUR HONOR, AT THIS POINT, THE
9 STATE WOULD MOVE STATE'S EXHIBIT NUMBER 91 INTO EVIDENCE.

10 Mr. Strickler: WITHOUT OBJECTION.

11 THE COURT: WITHOUT OBJECTION.

12 (WHEREUPON, STATE'S EXHIBIT NO. 91 WAS ADMITTED
13 INTO EVIDENCE.)

14 BY Mr. Lake

15 Q YOU INDICATED SHE PICKED NUMBER -- THE TOP MIDDLE?

16 A TOP MIDDLE.

17 Q WHO WOULD THAT BE IN THIS PARTICULAR CASE?

18 A THE DEFENDANT.

19 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
20 NO. 90 AND GET YOU TO TAKE A LOOK AT THAT. WHAT DO
21 YOU RECOGNIZE THAT TO BE?

22 A THAT IS OUR RICHLAND COUNTY SHERIFF'S STATEMENT THAT
23 WE PRESENT WHEN WE PRESENT TO SOMEBODY A LINEUP.
24 THAT WILL TELL US, YOU KNOW, WHO THEY PICKED.

25 Q AND IN THAT PARTICULAR FORM, DOES SHE INDICATE WHO

1 SHE PICKED?

2 A YES, SIR.

3 Q AND WHAT WAS HER INDICATION?

4 A MIDDLE ONE; TOP ROW, NUMBER TWO.

5 Q OKAY. IS THERE A SIGNATURE AFFIXED TO THAT
6 PARTICULAR DOCUMENT?

7 A THERE IS.

8 Q WHO COMPLETED THE REST OF THE DOCUMENT?

9 A I DID.

10 Q IS THIS DOCUMENT COMPLETED AT OR NEAR THE TIME THIS
11 INCIDENT OCCURRED?

12 A YES, SIR.

13 Q WAS IT IN YOUR CUSTODY AND CONTROL THE ENTIRE TIME?

14 A CORRECT.

15 Mr. Lake: YOUR HONOR, AT THIS POINT, THE STATE
16 WOULD MOVE STATE'S EXHIBIT NUMBER 90 INTO EVIDENCE.

17 Mr. Strickler: THAT'S WITHOUT OBJECTION.

18 THE COURT: WITHOUT OBJECTION.

19 (WHEREUPON, STATE'S EXHIBIT NO. 90 WAS ADMITTED
20 INTO EVIDENCE.)

21 Mr. Lake: AT THIS POINT, THE STATE WOULD MOVE
22 STATE'S EXHIBIT NUMBER -- ASK PERMISSION TO PUBLISH TO THE
23 JURY STATE'S EXHIBIT NUMBER 90 AND 91.

24 THE COURT: GO AHEAD.

25 Mr. Lake: NO FURTHER QUESTIONS.

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1 Mr. Strickler: MAY IT PLEASE THE COURT.

2 THE COURT: YES, SIR.

3 CROSS-EXAMINATION:

4 BY Mr. Strickler

5 Q GOOD MORNING, INVESTIGATOR.

6 A GOOD MORNING, SIR.

7 Q I'VE GOT A FEW THINGS I NEED TO GO OVER WITH YOU.
8 PRIOR TO THE BREAK, YOU WERE TESTIFYING ABOUT
9 INFORMATION MR. GIBSON PROVIDED YOU THERE AT THE
10 SCENE AND LATER A STATEMENT THAT HE -- THAT YOU
11 REDUCED TO WRITING AT THE SHERIFF'S DEPARTMENT,
12 CORRECT?

13 A YES, SIR.

14 Q OKAY. YOU UNDERSTAND, DON'T YOU -- WHEN HE TESTIFIED
15 EARLIER, YOU UNDERSTOOD AT THAT TIME AND YOU
16 UNDERSTOOD TODAY, THAT MR. GIBSON NEVER SAW THE CAR
17 TO GET ANY DESCRIPTION HIMSELF?

18 A CORRECT.

19 Q HE WAS PROVIDING YOU WITH INFORMATION THAT HAD BEEN
20 PROVIDED TO HIM BY WHO WAS IT, I THINK IT WAS
21 MR. DAVIS? WAS THAT THE FELLOW THAT GAVE HIM THE
22 INFORMATION?

23 A IT WAS ANOTHER WITNESS THERE.

24 Q ANOTHER WITNESS. SO THERE'S NO CONTENTION ON YOUR
25 PART THAT MR. GIBSON WAS PROVIDING YOU WITH

- 1 INFORMATION ABOUT ANYTHING THAT HE ACTUALLY SAW
2 HIMSELF IN REGARDS TO THE CAR OR ANY DESCRIPTION OF A
3 DRIVER OF THE CAR?
- 4 A CORRECT.
- 5 Q CORRECT?
- 6 A CORRECT.
- 7 Q HE DIDN'T SEE ANY OF THAT, RIGHT?
- 8 A THAT'S CORRECT.
- 9 Q OKAY. I GUESS LAST THING IS FIRST: YOU TESTIFIED
10 ABOUT SHOWING A LINEUP TO MS. MILES IN BISHOPVILLE?
- 11 A YES, SIR.
- 12 Q CORRECT? AND THAT WAS DONE ON DECEMBER 20TH?
- 13 A CORRECT.
- 14 Q 2001, CORRECT? AT THAT LINEUP OR AT THAT PROCEDURE
15 THAT YOU CONDUCTED AT THE MCDONALD'S IN BISHOPVILLE,
16 YOU WERE PRESENT, MS. MILES WAS PRESENT, AND
17 MS. CASEY WAS PRESENT, CORRECT?
- 18 A THAT'S CORRECT.
- 19 Q OKAY. IT'S YOUR UNDERSTANDING, AS WAS TESTIFIED HERE
20 TODAY, THAT MS. MILES RODE WITH MS. CASEY UP TO
21 BISHOPVILLE TO ACTUALLY MEET YOU THERE, CORRECT?
- 22 A CORRECT.
- 23 Q AND WE HAVE TO ASSUME YOU RODE BACK TO DILLON FROM
24 THERE. MS. CASEY HAD EARLIER CONDUCTED OR
25 PARTICIPATED IN A LINEUP, CORRECT?

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- 1 A YES, SIR.
- 2 Q OKAY. I'LL SHOW YOU WHAT'S MARKED AS STATE'S
- 3 EXHIBIT 13 ON THE BLUE, THAT'S -- AND 12 WITH THE
- 4 BLUE. YOU HELPED PARTICIPATE OR HELPED CONDUCT THAT
- 5 LINEUP PROCEDURE, RIGHT?
- 6 A YES, SIR.
- 7 Q I SEE YOUR NAME ON THE AFFIDAVIT RIGHT THERE.
- 8 A THAT'S CORRECT.
- 9 Q AND THAT PROCEDURE WAS CONDUCTED ON DECEMBER 11TH, IF
- 10 I READ THE DOCUMENT CORRECTLY?
- 11 A YES, SIR.
- 12 Q ALL RIGHT. AND WHAT DID MS. CASEY AND -- LET ME SEE.
- 13 DO YOU HAVE THE OTHER LINEUP? WHAT DID MS. CASEY AND
- 14 MS. MILES DISCUSS ON THEIR RIDE TO DILLON FROM
- 15 BISHOPVILLE ON DECEMBER 20TH?
- 16 A I HAVE NO IDEA, SIR.
- 17 Q ALL RIGHT. AND WHAT DID MS. CASEY AND MS. MILES
- 18 DISCUSS BETWEEN DECEMBER 11TH AND DECEMBER 20TH,
- 19 MAYBE WHEN MS. CASEY IS DOING MS. MILES' HAIR? WHAT
- 20 DID THEY DISCUSS THEN?
- 21 A I HAVE NO IDEA, SIR.
- 22 Q BETWEEN THE DATE OF DECEMBER 11TH AND DECEMBER 20TH,
- 23 DECEMBER 11TH BEING THE DATE THAT MS. CASEY MADE HER
- 24 IDENTIFICATION IN THIS CASE, CORRECT?
- 25 A YES, SIR.

- 1 Q AND DECEMBER 20TH BEING THE DATE THAT MS. MILES
2 PURPORTS TO MAKE AN IDENTIFICATION IN THIS CASE AND
3 SIGNED THE DOCUMENTS THAT YOU HAVE THERE, YOU HAVE NO
4 IDEA, ABSOLUTELY NO IDEA, WHAT THOSE FOLKS TALKED
5 ABOUT, IF THEY TALKED ABOUT ANYTHING?
- 6 A THAT'S CORRECT.
- 7 Q RIGHT. SO FOR A PERIOD OF ABOUT 10 DAYS, THEY HAD
8 THE ABILITY TO CONTACT EACH OTHER, CERTAINLY KNEW
9 ABOUT EACH OTHER BECAUSE MS. MILES RODE TO
10 BISHOPVILLE WITH MS. CASEY, CORRECT?
- 11 A RIGHT.
- 12 Q SO WE HAVE NO IDEA WHAT WENT ON BETWEEN THE TWO OF
13 THEM BETWEEN THAT APPROXIMATELY 10-DAY PERIOD, RIGHT?
- 14 A YES, SIR.
- 15 Q NOW, YOU INDICATED IN YOUR DIRECT TESTIMONY THAT YOU
16 PARTICIPATED IN THE SEARCH OF THE DEFENDANT'S
17 ADDRESS, WHICH IS 2207 WOODBURY IN CHARLOTTE?
- 18 A 6707 WOODTHRUSH.
- 19 Q OKAY. 6707 WOODTHRUSH?
- 20 A YES.
- 21 Q OKAY. IF, BY CHANCE, YOU SAID 2207 WOODBERRY, YOU
22 MISSPOKE YOURSELF?
- 23 A THAT WAS A MISSTATEMENT, YES, SIR.
- 24 Q SO YOU ARE TALKING ABOUT 6707 WOODTHRUSH. YOU
25 INDICATED -- YOU WERE INVOLVED IN THIS INVESTIGATION.

1 YOU DID OTHER ASPECTS OF THE INVESTIGATION YOU
2 HAVEN'T GONE INTO DURING YOUR TESTIMONY. YOU HAVE
3 GOT ABOUT 15 SINGLE SPACE TYPED PAGES OF NOTES
4 RELATED TO YOUR WORK IN THIS CASE, RIGHT?

5 A YES, SIR.

6 Q OKAY. NOW, AND THIS WAS NOVEMBER 21ST, 2001. THE
7 SEARCH IN CHARLOTTE TOOK PLACE DECEMBER 12TH OF 2001,
8 IF MY RECOLLECTION IS CORRECT?

9 A YES, SIR.

10 Q ALL RIGHT. AND YOU INDICATED ON YOUR DIRECT THAT YOU
11 KNOCKED ON THE FRONT DOOR AND WAITED ABOUT 10
12 MINUTES?

13 A YES, SIR.

14 Q AND I'LL DIRECT YOUR ATTENTION TO PAGE 14. DO YOU
15 HAVE YOUR NOTES WITH YOU, SIR?

16 A I DO.

17 Q OKAY. I DIRECT YOUR ATTENTION TO PAGE 14 OF YOUR
18 NOTES. THIS IS THE SECTION DEALING WITH THE 12TH OF
19 DECEMBER, 2001. IT WOULD BE THE TOP OF THE PAGE,
20 FOURTH PARAGRAPH DOWN, BEGINNING WITH "WE
21 SURROUNDED"?

22 A YES, SIR.

23 Q OKAY. WE SURROUNDED THE RESIDENCE, AND AFTER NOT
24 GETTING A RESPONSE AT THE DOOR, INVESTIGATING
25 OFFICERS FORCED THE LOWER FRENCH DOORS, CORRECT?

- 1 A CORRECT.
- 2 Q THAT IS YOUR DESCRIPTION OF THE PROCESS BY WHICH YOU
- 3 GAINED ENTRY INTO THE RESIDENCE?
- 4 A YES, SIR.
- 5 Q OKAY. IS THERE ANYTHING ELSE IN YOUR NOTES RELATING
- 6 TO THAT PORTION OF THE SEARCH, THE STEPS YOU TOOK
- 7 PRIOR TO ENTRY OF THE RESIDENCE?
- 8 A NO, SIR.
- 9 Q OKAY. SO IT'S YOUR INDEPENDENT RECOLLECTION NOW TWO
- 10 YEARS AFTER THE FACT THAT YOU KNOCKED AT THE DOOR AND
- 11 THEN WAITED 10 MINUTES AND CONTINUED TO KNOCK, WHAT?
- 12 CONTINUED TO KNOCK? WHAT DID YOU DO FOR THOSE 10
- 13 MINUTES?
- 14 A WE SURROUNDED THE LOCATION. WE ATTEMPTED TO KNOCK ON
- 15 THE DOOR. WE ATTEMPTED TO CONTACT ANYBODY ON THE
- 16 INSIDE. WE LOUDLY SAID THROUGH THE WINDOWS AGAIN,
- 17 "IS THERE ANYBODY IN THE RESIDENCE?" WE WERE NOT
- 18 GETTING AN ANSWER, AT LEAST FOR A GOOD SOLID 10
- 19 MINUTES.
- 20 Q A GOOD SOLID 10 MINUTES. THAT'S NOT REFLECTED IN
- 21 YOUR NOTES ANYWHERE, RIGHT?
- 22 A THAT'S CORRECT.
- 23 Q THE FACT YOU SPENT 10 MINUTES WAITING OUTSIDE THE
- 24 DOOR. YOU HAD A MURDER WARRANT FOR PHILLIP AT THAT
- 25 POINT IN TIME, RIGHT?

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- 1 A YES.
- 2 Q SO YOU APPROACHED THE DOOR, SURROUNDED THE HOUSE -- I
- 3 MEAN, SURROUNDING THE HOUSE WAS A VALID THING TO DO,
- 4 RIGHT?
- 5 A YES, SIR.
- 6 Q HE'S CHARGED WITH THE MOST SERIOUS CRIME WE HAVE IN
- 7 THE STATE OF SOUTH CAROLINA, RIGHT?
- 8 A YES, SIR.
- 9 Q AND YOUR TESTIMONY IS THAT YOU SURROUNDED THE HOUSE.
- 10 HOW MANY OFFICERS PARTICIPATED IN THIS SEARCH?
- 11 A I CANNOT TELL YOU EXACTLY, BUT THERE WAS A GOOD --
- 12 LET'S SEE, FROM US, OUR DEPARTMENT, THERE'S FOUR, AT
- 13 LEAST THREE OTHER ONES FROM MECKLENBURG. I KNOW FOR
- 14 A FACT WE HAD TWO OTHER ONES, TWO INVESTIGATORS FROM
- 15 MECKLENBURG, AND ONE OFFICER FROM A PATROL UNIT. I
- 16 BELIEVE THEY MIGHT HAVE HAD ANOTHER ONE, BUT THOSE
- 17 ARE THE ONES I CAN THINK OF.
- 18 Q SO ROUGHLY, HOW MANY FROM CHARLOTTE, MECKLENBURG
- 19 UNIFORMED AND OTHERWISE?
- 20 A THREE.
- 21 Q THREE SO MAYBE SEVEN?
- 22 A THREE, MAYBE FOUR.
- 23 Q SO SEVEN OR EIGHT OFFICERS TOTAL?
- 24 A YES, SIR.
- 25 Q AND YOU MENTIONED CHARLOTTE, MECKLENBURG, I MEAN,

1 THAT IS NORTH CAROLINA. YOU CAN'T JUST GO WALTZING
2 UP TO NORTH CAROLINA AND SERVE PAPERS UP THERE; IS
3 THAT CORRECT?

4 A NO, SIR.

5 Q ACTUALLY, THE SEARCH WARRANT HAS TO GET ISSUED UP
6 THERE. THEN YOU GO UP THERE, AND THE LOCAL
7 DEPARTMENT ACTUALLY IS IN CHARGE OF GAINING ENTRY AND
8 CONDUCTING THE SEARCH?

9 A CORRECT.

10 Q THEY'RE COOPERATING WITH YOUR AGENCY?

11 A CORRECT.

12 Q SO YOU SURROUND THE HOUSE, AND YOUR STATEMENT IS THAT
13 YOU DIDN'T GET ANY ANSWER. IT WAS ABOUT 10 MINUTES
14 OR SO BEFORE YOU ACTUALLY EFFECTED ENTRY WHILE YOU'RE
15 STANDING THERE WITH A WARRANT FOR SOMEONE CHARGED
16 WITH MURDER AND DRUG TRAFFICKING, RIGHT?

17 A YES, SIR.

18 Q OKAY. VERY GOOD. YOUR NOTES DON'T REFLECT ANY
19 PARTICULAR TIME PERIOD THAT YOU WAIT PRIOR TO
20 EFFECTING ENTRY, DO THEY?

21 A THEY DO NOT.

22 Q NOW, YOU HAVE IDENTIFIED -- THOUGH THEY HAVEN'T BEEN
23 INTRODUCED AT THIS PARTICULAR POINT, A NUMBER OF
24 ITEMS THAT I GUESS YOU PERSONALLY WERE INVOLVED IN
25 RECOVERING FROM THE RESIDENCE, CORRECT?

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- 1 A YES, SIR.
- 2 Q OKAY. AND YOU IDENTIFIED, I BELIEVE, ITEM NUMBER 93,
3 WHICH YOU DESCRIBED AS SOME MARIJUANA. THAT WAS
4 RECOVERED FROM A SHED IN THE REAR OF THE RESIDENCE;
5 IS THAT CORRECT?
- 6 A YES, SIR.
- 7 Q OKAY. WHO EFFECTED ENTRY TO THE SHED?
- 8 A I DID.
- 9 Q AND HOW WAS ENTRY EFFECTED THERE?
- 10 A IF I'M NOT MISTAKEN, THERE WAS A LOCK. WE HAD TO POP
11 THE LOCK AND THEN OPEN THE DOORS.
- 12 Q SO THE SHED WAS LOCKED AND YOU HAD TO POP THE LOCK,
13 RIGHT?
- 14 A YES, SIR.
- 15 Q DO YOU KNOW -- STRIKE THAT. YOU ALSO INDICATE, I
16 BELIEVE, ITEM NUMBER 94 IS ONE OF THOSE MANILA
17 ENVELOPES THAT HAS ASSORTED PAPERWORK IN IT TO
18 INCLUDE A BOOK ON HOW TO GROW MARIJUANA?
- 19 A YES, SIR.
- 20 Q OKAY. AND AFTER YOU RECOVERED THE ITEMS THAT YOU
21 PERSONALLY RECOVERED, YOU TURNED THEM OVER TO
22 SERGEANT MCDONALD?
- 23 A CORRECT.
- 24 Q AND HE WAS ACTING AS THE SCRIBNER AT THAT PARTICULAR
25 POINT IN TIME, THAT ONE PERSON THAT RECORDS WHERE THE

1 STUFF WAS RECOVERED FROM, BY WHOM?

2 A CORRECT.

3 Q AND IS THEN RESPONSIBLE FOR IT UNTIL IT'S MOVED DOWN
4 THE LINE?

5 A YES, SIR.

6 Q OKAY. BEG THE COURT'S INDULGENCE, YOUR HONOR.

7 (PAUSE).

8 YOU ALSO TESTIFIED -- AND I GUESS IT'S GOING TO
9 BE IN WHAT'S MARKED AS STATE'S 92, RICHLAND COUNTY
10 23. THERE'S SOME PAPERWORK RELATING TO A CAR THAT --
11 NO, THAT'S IN 94 ALSO, PAPERWORK RELATED TO A CAR
12 THAT WAS SOLD TO AN INDIVIDUAL BY THE NAME OF
13 VASQUEZ?

14 A YES, SIR.

15 Q OKAY. AND MR. CROCKER POINTED OUT TO YOU --

16 A YES, SIR.

17 Q -- WHERE THAT PAPERWORK WAS, RIGHT?

18 A HE DID.

19 Q HE LET YOU KNOW WHERE IT WAS.

20 A HE DID.

21 Q THAT WAS ONE OF THE THINGS YOU WERE INTERESTED IN
22 FINDING WHEN YOU CONDUCTED THE SEARCH, RIGHT?

23 A YES, SIR.

24 Q OKAY. SO YOU ASKED HIM AND HE TOLD YOU WHERE
25 PAPERWORK WAS?

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1 A YES, SIR.

2 Mr. Strickler: OKAY. THANK YOU. THAT'S ALL I
3 HAVE.

4 THE COURT: ANY REDIRECT?

5 Mr. Lake: NOTHING FROM THE STATE.

6 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.
7 YOU MAY COME DOWN, OFFICER.

8 Ms. Campbell: YOUR HONOR, MAY HE BE EXCUSED?

9 Mr. Strickler: WITHOUT OBJECTION.

10 THE COURT: WITHOUT OBJECTION.

11 Ms. Campbell: THE STATE CALLS PAULA JONES.

12 PAULA JONES, AFTER BEING DULY SWORN, TESTIFIED
13 AS FOLLOWS:

14 THE CLERK: HAVE A SEAT IN THE WITNESS BOX,
15 STATE YOUR FULL NAME FOR THE RECORD.

16 THE BAILIFF: GO RIGHT AROUND HERE, WATCH YOUR
17 STEP FOR ME, PLEASE, AND SPEAK INTO THAT MICROPHONE.

18 THE WITNESS: PAULA SUZETTE JONES.

19 DIRECT EXAMINATION:

20 BY Ms. Campbell

21 Q MS. JONES, WHERE DO YOU LIVE?

22 A I LIVE IN LAKE WYLIE, SOUTH CAROLINA, WHICH IS ALSO
23 CALLED CLOVER.

24 Q CLOVER, SOUTH CAROLINA. IS THAT NEAR THE NORTH
25 CAROLINA BORDER?

- 1 A YES.
- 2 Q WHERE DO YOU WORK?
- 3 A THE AMERICAN RED CROSS.
- 4 Q WHERE IS THE AMERICAN RED CROSS YOU WORK?
- 5 A IN CHARLOTTE, SOUTH CAROLINA.
- 6 Q CHARLOTTE, NORTH CAROLINA. HOW LONG HAVE YOU BEEN
- 7 EMPLOYED AT THE AMERICAN RED CROSS IN CHARLOTTE,
- 8 NORTH CAROLINA?
- 9 A SINCE '95, BUT I HAD A BREAK IN EMPLOYMENT FOR TWO
- 10 YEARS FOR GRADUATE SCHOOL.
- 11 Q FOR GRADUATE SCHOOL. SO YOU COMPLETED COLLEGE AND
- 12 WENT ON THROUGH GRADUATE SCHOOL. DO YOU KNOW A MAN
- 13 NAMED PHILLIP CROCKER, III?
- 14 A YES.
- 15 Q CAN YOU TELL THE JURY HOW YOU KNOW PHILLIP CROCKER,
- 16 III?
- 17 A HE WAS MY BOYFRIEND.
- 18 Q WHAT YEARS WAS HE YOUR BOYFRIEND, MA'AM?
- 19 A FROM '95 UNTIL 2000.
- 20 Q '95 UNTIL 2000?
- 21 A YES.
- 22 Q WOULD THAT BE THE SPRING, THE SUMMER, THE FALL OF
- 23 2000, DO YOU REMEMBER?
- 24 A WHEN IT ENDED?
- 25 Q WHEN IT ENDED.

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1 A THE FALL OF 2000.

2 Q I DON'T WANT TO GO INTO THE SPECIFICS OF WHY IT
3 ENDED, BUT IT WAS THE FALL OF 2000 WHEN YOU BROKE UP
4 YOUR RELATIONSHIP?

5 A UH-HUH.

6 Q AND DURING THE TIME PERIOD WHEN YOU DATED, WERE YOU
7 AWARE OR DID YOU KNOW A MAN NAMED PHILLIP HENRY
8 CROCKER, II?

9 A YES.

10 Q AND WHAT WAS PHILLIP HENRY CROCKER'S, II RELATIONSHIP
11 TO PHILLIP HENRY CROCKER, III?

12 A HIS FATHER.

13 Q HIS FATHER: AND WAS MR. PHILLIP HENRY CROCKER, II
14 LIVING IN THE CHARLOTTE AREA AT SOME TIME?

15 A YES.

16 Q AND DURING THE TIME PERIOD YOU DATED, DID HE ACTUALLY
17 LIVE IN THE CHARLOTTE AREA?

18 A YES.

19 Q AND WOULD HE COME OVER TO PHILLIP HENRY CROCKER'S,
20 III HOUSE ON OCCASION?

21 Mr. Strickler: OBJECTION TO THE LEADING, YOUR
22 HONOR.

23 THE COURT: SAY "DID HE".

24 BY Ms. Campbell

25 Q DID HE COME OVER TO PHILLIP HENRY CROCKER'S HOUSE?

1 A YES.

2 Q INSIDE HIS HOUSE?

3 A YES.

4 Q AND THEY HAD CONTACT DURING THAT PERIOD OF TIME,
5 CORRECT?

6 A YES.

7 Mr. Strickler: NOW, I OBJECT AGAIN TO THE
8 LEADING.

9 THE COURT: ALL RIGHT. PLEASE ANSWER THE
10 QUESTIONS. DON'T LEAD THE WITNESS.

11 Ms. Campbell: I WON'T, YOUR HONOR.

12 BY Ms. Campbell

13 Q DURING THE PERIOD OF TIME WHEN YOU DATED HIM UP UNTIL
14 THE FALL OF 2000, WERE YOU AWARE OR DID HE HAVE ANY
15 AUTOMOBILES, PHILLIP HENRY CROCKER, III? DID HE HAVE
16 ANY AUTOMOBILES?

17 A YES.

18 Q AND HOW MANY AUTOMOBILES DO YOU REMEMBER HIM HAVING
19 AT THAT POINT?

20 A DURING THE TIME WE DATED?

21 Q UH-HUH.

22 A ABOUT FOUR.

23 Q ABOUT FOUR. WHAT TYPE OF AUTOMOBILES DID PHILLIP
24 HENRY CROCKER, III. I'M SORRY, I DON'T MEAN TO

25 CONFUSE HIM. DO YOU SEE HIM HERE IN THE COURTROOM?

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1 A YES.

2 Q CAN YOU POINT HIM OUT FOR THE JURY?

3 A THERE.

4 Q THIS PERSON RIGHT HERE?

5 A YES.

6 Q AND THAT'S THE PERSON YOU USED TO DATE, FOR THE
7 RECORD?

8 A YES.

9 Ms. Campbell: AND, YOUR HONOR, MAY THE RECORD
10 REFLECT SHE HAS IDENTIFIED THE DEFENDANT?

11 THE COURT: SO REFLECTED.

12 BY Ms. Campbell

13 Q DURING THAT PERIOD OF TIME, WHAT KIND OF CARS DID HE
14 HAVE?

15 A HE HAD A LEXUS, AN OLDER MODEL CONVERTIBLE CADILLAC,
16 I BELIEVE, THEN A STATION WAGON, AND THEN A RANGE
17 ROVER.

18 Q AND YOU MENTIONED THAT HE HAD A STATION WAGON. DO
19 YOU REMEMBER ANYTHING SPECIFIC ABOUT THE STATION
20 WAGON?

21 A NO, I DON'T.

22 Q WAS IT A NEW STATION WAGON, AN OLD STATION WAGON?
23 CAN YOU CHARACTERIZE IT THAT WAY?

24 A IT WAS AN OLD STATION WAGON.

25 Q AND DID HE HAVE ANY WAY HE REFERRED TO IT? DID HE

- 1 CALL IT A CERTAIN NAME?
- 2 A NOT TO MY KNOWLEDGE.
- 3 Q NOT TO YOUR KNOWLEDGE. DID YOU USUALLY RIDE IN THAT
- 4 STATION WAGON?
- 5 A NO.
- 6 Q BUT IT WAS ONE OF HIS CARS?
- 7 A YES.
- 8 Q AND DURING THE TIME YOU DATED -- FINALLY, MA'AM, THIS
- 9 IS MY LAST SET OF QUESTIONS: WERE YOU AWARE OF
- 10 WHETHER OR NOT THE DEFENDANT HAD ANY WEAPONS?
- 11 A YES.
- 12 Q AND HOW DID YOU COME TO FIND OUT HE HAD A WEAPON?
- 13 A THERE WAS ONE IN THE CLOSET.
- 14 Q IN THE CLOSET IN WHERE?
- 15 A THE BEDROOM.
- 16 Q IN WHOSE BEDROOM?
- 17 A OURS.
- 18 Q YOUR BEDROOM?
- 19 A YES.
- 20 Q AND WHERE WERE YOU LIVING AT THE TIME?
- 21 A IN CHARLOTTE.
- 22 Q AND WHAT STREET, DO YOU REMEMBER?
- 23 A WOODTHRUSH.
- 24 Q WOODTHRUSH?
- 25 A DRIVE.

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1 Q DRIVE. THE GUN YOU SAW WAS ON WOODTHRUSH DRIVE?

2 A YES.

3 Q DO YOU REMEMBER WHAT TYPE OF GUN HE HAD?

4 A IT WAS A NINE MILLIMETER.

5 Q AND YOU SAW THAT PRIOR TO YOUR BREAK UP IN THE FALL

6 OF 2000?

7 A YES.

8 Ms. Campbell: THANK YOU, MA'AM. I APPRECIATE

9 IT.

10 THE COURT: CROSS-EXAMINATION?

11 CROSS-EXAMINATION:

12 BY Mr. Strickler

13 Q GOOD MORNING, MS. JONES.

14 A GOOD MORNING.

15 Q MY NAME IS DOUG STRICKLER. WE HAVEN'T MET BEFORE,

16 HAVE WE?

17 A NO.

18 Q JUST A COUPLE OF QUESTIONS FOR YOU, PLEASE. YOU

19 INDICATED THAT PHIL HAD FOUR CARS DURING THIS PERIOD

20 THAT YOU DATED FROM '95 UNTIL 2000; IS THAT CORRECT?

21 A YES.

22 Q HE A FOUR OF THEM AT ONCE, OR IS THAT OVER THAT

23 PERIOD OF TIME HE HAD A TOTAL OF FOUR CARS?

24 A OVER THAT PERIOD OF TIME IT WAS ABOUT A TOTAL OF

25 FOUR.

- 1 Q OKAY. I JUST WANTED TO KNOW IF HE HAD ALL FOUR CARS
2 AT ONCE. PARDON ME IF I GET -- I DON'T WANT TO GET
3 TOO PERSONAL. IS JONES YOUR MAIDEN NAME?
4 A IT'S MY LAST NAME, YES.
5 Q OKAY. AND YOU INDICATE THAT DURING THE PERIOD YOU
6 ALL WERE TOGETHER, THAT PHIL HAD A NINE MILLIMETER
7 FIREARM; IS THAT CORRECT?
8 A YES.
9 Q YOU SAW THAT FIREARM YOURSELF?
10 A YES.
11 Q YOU TOOK IT DOWN AND HANDLED IT YOURSELF?
12 A NO.
13 Q OKAY. DID YOU SEE IT STORED IN THE CLOSET?
14 A YES.
15 Q THAT'S WHERE YOU SAID IT WAS, RIGHT?
16 A YES.
17 Q OKAY. AND THEN PHIL TOLD YOU IT WAS A NINE
18 MILLIMETER?
19 A I KNOW WHAT A NINE MILLIMETER LOOKS LIKE.
20 Q OKAY. WHAT DOES A NINE MILLIMETER LOOK LIKE?
21 A IT LOOKS LIKE A NINE MILLIMETER.
22 Q WELL.
23 A I KNOW IT'S NOT A REVOLVER.
24 Q I UNDERSTAND. SO YOU KNOW IT'S NOT A REVOLVER?
25 A RIGHT.

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- 1 Q AND YOU KNOW IT TO BE A SEMIAUTOMATIC PISTOL?
- 2 A YES.
- 3 Q ONE OF THE THINGS WITH THE CLIP THAT GOES IN THE GRIP
- 4 OF THE GUN?
- 5 A YES.
- 6 Q AND THE THING THAT SLIDES BACK AND FORTH ON THE TOP?
- 7 A YES.
- 8 Q OKAY. ARE YOU AWARE THAT THERE ARE MANY VARIETIES OF
- 9 GUNS THAT COME IN THAT CONFIGURATION?
- 10 A NO.
- 11 Q FOR EXAMPLE, THE COLT 45, MODEL 1911, THE FIREARM OF
- 12 CHOICE FOR THE U.S. MILITARY FOR THE BETTER PART OF
- 13 THE 20TH CENTURY LOOKS JUST LIKE THAT.
- 14 A I HAVE NO IDEA WHAT A COLT 45 LOOKS LIKE.
- 15 Q SO YOU SAW WHAT YOU BELIEVE TO BE A NINE MILLIMETER
- 16 HANDGUN, CORRECT?
- 17 A YES.
- 18 Q AND THAT'S YOUR HONEST BELIEF, CORRECT?
- 19 A YES.
- 20 Q IT LOOKED LIKE WHAT PEOPLE REFERRED TO AS A NINE
- 21 MILLIMETER. THAT'S A VERY POPLAR TERM, RIGHT?
- 22 A YES.
- 23 Q BUT TO BE COMPLETELY HONEST WITH YOUR TESTIMONY, NINE
- 24 MILLIMETER RELATES TO THE BORE SIZE, THE CALIBER OF
- 25 THE GUN. YOU HAVE NO REAL IDEA WHAT THE CALIBER OF

1 THE GUN WAS?

2 A I DON'T KNOW WHAT THE CALIBER OF THE GUN WAS.

3 Q OKAY. THAT'S ALL I WANT TO FIND OUT. YOU KNOW YOU
4 SAW A SEMIAUTOMATIC WEAPON THAT LOOKS LIKE WHAT YOU
5 ACQUAINT OR KNOW OF AS A NINE MILLIMETER HANDGUN,
6 RIGHT?

7 A YES.

8 Mr. Strickler: OKAY. THANK YOU VERY MUCH,
9 MA'AM.

10 THE COURT: ANYTHING FURTHER?

11 Ms. Campbell: NOTHING, YOUR HONOR. MAY SHE BE
12 EXCUSED?

13 THE COURT: MS. JONES, YOU'RE FREE TO GO. THANK
14 YOU VERY MUCH.

15 Ms. Campbell: DOTTY FILIATREULT.

16 DOROTHY FILIATREULT, AFTER BEING DULY SWORN,
17 TESTIFIED AS FOLLOWS:

18 THE CLERK: HAVE A SEAT IN THE WITNESS BOX.
19 STATE YOUR FULL NAME FOR THE RECORD.

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

21 THE WITNESS: DOROTHY LYNN FILIATREULT, F-, AS
22 IN FRANK, I-L-I-A-T-R-E-A-U-L-T.

23 DIRECT EXAMINATION:

24 BY Ms. Campbell

25 Q WELL, I BUTCHERED YOUR NAME, I'M SORRY.

FILIATREULT - DIRECT (CAMPBELL)

595

1 AGENT, WHERE ARE YOU EMPLOYED?

2 A I WORK FOR THE SOUTH CAROLINA LAW ENFORCEMENT
3 DIVISION, COMMONLY KNOWN AS S.L.E.D.

4 Q WHAT DO YOU DO AT S.L.E.D.?

5 A I'M A TRACE ANALYST IN THE FORENSICS DIVISION.

6 Q HOW LONG DID YOU WORK FOR S.L.E.D.?

7 A I WORKED AS AN ANALYST IN THE TRACE EVIDENCE
8 DEPARTMENT FOR OVER SIX YEARS.

9 Q DURING WHAT PERIOD OF TIME DID YOU WORK AS A TRACE
10 ANALYST AT S.L.E.D.?

11 A I BELIEVE IT BEGAN IN THE FALL OF '96 UP UNTIL
12 RECENTLY.

13 Q FALL OF '96 UP UNTIL RECENTLY. YOU NO LONGER WORK IN
14 THAT DEPARTMENT?

15 A NO.

16 Q CAN YOU TELL THE JURY WHY?

17 A I'M CURRENTLY STAYING AT HOME WITH MY CHILD RIGHT
18 NOW.

19 Q YOU HAVE A YOUNG CHILD?

20 A UH-HUH.

21 Q AND BACK WHEN YOU WERE WORKING THERE, YOU SAID YOU
22 WORKED AT THE TRACE DEPARTMENT; IS THAT CORRECT?

23 A YES.

24 Q CAN YOU TELL THIS JURY AS PART OF THE TRACE
25 DEPARTMENT WHAT KIND OF TESTING YOU DID IN THE TRACE

1 DEPARTMENT?

2 A CERTAINLY. THE TRACE EVIDENCE DEPARTMENT DEALS WITH
3 EVIDENCE FROM A CRIME SCENE THAT DEALS WITH HAIR,
4 FIBER, GUNPOWDER, GUNSHOT RESIDUE, EXPLOSIVES, PAINT,
5 DUCT TAPE. ANYTHING THAT THEY'RE NOT REALLY SURE
6 WHAT IT IS, IT USUALLY COMES TO US FOR SOME SORT OF
7 IDENTIFICATION AND COMPARISON.

8 Q CAN YOU TELL THIS JURY A LITTLE BIT ABOUT YOUR
9 TRAINING AND YOUR EDUCATION IN THE FIELD OF TRACE
10 EVIDENCE?

11 A I RECEIVED MY BACHELOR OF SCIENCE DEGREE FROM WOFFORD
12 COLLEGE. AFTER GRADUATION FROM WOFFORD, I
13 IMMEDIATELY STARTED WORKING AT S.L.E.D. AT THE TRACE
14 EVIDENCE DEPARTMENT WHERE I UNDERWENT AN EXTENSIVE
15 IN-HOUSE TRAINING PROGRAM UNDER A COURT-QUALIFIED
16 EXAMINER IN THE DIFFERENT DISCIPLINES OF TRACE
17 EVIDENCE.

18 I WOULD START WITH ONE DISCIPLINE OF TRACE
19 EVIDENCE, BECOME PROFICIENT IN THAT, TAKE AN EXAM,
20 GET OUTSIDE TRAINING, WHATEVER IT TOOK FOR THAT TYPE
21 OF TRAINING, AND THEN MOVE TO THE NEXT. GUNSHOT
22 RESIDUE WAS THE FIRST DISCIPLINE THAT I PERFORMED.

23 Q AND YOU TESTIFIED BEFORE AS AN EXPERT IN THE FIELD OF
24 TRACE EVIDENCE, SPECIFICALLY ABOUT GUNSHOT RESIDUE?

25 A YES, I HAVE.

1 Q AND YOU HAVE BEEN QUALIFIED?

2 A YES.

3 Ms. Campbell: YOUR HONOR, AT THIS TIME, WE
4 WOULD OFFER HER AS AN EXPERT IN TRACE EVIDENCE.

5 Mr. Strickler: I HAVE NO QUESTIONS, NO VOIR
6 DIRE, FOR MS. FILIATREULT.

7 THE COURT: GO AHEAD.

8 BY Ms. Campbell

9 Q AGENT, TURNING YOUR ATTENTION TO THE CASE AT HAND,
10 DID YOU RECEIVE A GUNSHOT RESIDUE KIT IN CONNECTION
11 WITH THIS CASE?

12 A YES, I DID.

13 Q AND WHEN DID YOU ACTUALLY RECEIVE THAT?

14 A I ACTUALLY TOOK CUSTODY OF THE GUNSHOT RESIDUE KIT ON
15 DECEMBER 3RD OF 2001.

16 Q PRIOR TO YOU ACTUALLY TAKING CUSTODY OF IT, IT HAD
17 BEEN STORED IN THE PROPER MANNER WITHIN S.L.E.D., AT
18 S.L.E.D.?

19 A YES, MA'AM. WHAT HAPPENS IS WE HAVE A LOG IN
20 DEPARTMENT AT THE FORENSIC BUILDING. THOSE ARE
21 TECHNICIANS THAT ARE TRAINED AND ASSIGNED TO
22 BASICALLY HELP THE INVESTIGATORS FROM THE DIFFERENT
23 COUNTIES TO BRING THEIR EVIDENCE IN, MAKE SURE IT IS
24 PROPERLY SEALED, AND THAT IT GETS TO THE PROPER
25 DEPARTMENT FIRST, SUCH AS GUNSHOT RESIDUE COMING TO

1 US.

2 WE ACTUALLY HAVE A LOCK BOX IN THE LOG IN
3 DEPARTMENT WHICH LOOKS LIKE A LOCKED, SEALED MAILBOX,
4 THE TYPE THAT YOU CAN PUT YOUR MAIL INTO ON THE
5 STREET. THAT IS WHERE I CAN GO COLLECT THAT EVIDENCE
6 WHEN I HAVE AN APPROPRIATE TIME FOR SUCH. IN THIS
7 CASE, I COLLECTED THIS GUNSHOT RESIDUE KIT ON THE 3RD
8 OF DECEMBER.

9 Q AND WHEN YOU COLLECTED THE KIT, WAS IT IN THE PROPER
10 ORDER?

11 A YES, MA'AM. THAT IS ONE OF THE FIRST THINGS THAT WE
12 LOOK FOR IS THE OUTSIDE SEAL, THE OUTER ENVELOPE,
13 WHICH IS A S.L.E.D. ENVELOPE. THAT WAS PROPERLY
14 SEALED, AND AS I OPENED THE EVIDENCE, UNLESS I SEE
15 SOMETHING UNUSUAL, I CONTINUED WITH MY EXAMINATION,
16 WHICH THERE IS NO NOTATIONS IN MY DOCUMENT THAT THERE
17 WAS ANYTHING UNUSUAL.

18 Q SO IN THIS CASE, IN THIS COURTROOM, THE EVIDENCE WAS
19 SUBMITTED PROPERLY AND SEALED?

20 A YES, MA'AM.

21 Q AND THE GUNSHOT RESIDUE KIT THAT YOU DID THE
22 EXAMINATION ON, WAS THERE AN INDICATION OF WHO THAT
23 WAS FROM?

24 A YES, MA'AM. THAT KIT WAS LABELED CASEY NATHANIEL,
25 JR.

1 Q SO THAT WOULD BE CASEY, LAST NAME FIRST, AND
2 NATHANIEL, JR.?

3 A YES.

4 Q SO IT WAS NATHANIEL CASEY, JR.?

5 A YES.

6 Q AND TELL THE JURY WHAT, IF ANY, EXAMINATIONS YOU DID
7 ON THIS GUNSHOT KIT WHEN YOU INITIALLY RECEIVED IT.

8 A THE GUNSHOT RESIDUE KIT ITSELF IS ACTUALLY A TWO-PART
9 KIT. THAT IS SO WE CAN DO TWO DIFFERENT EXAMINATIONS
10 IF NEEDED. BOTH ARE LOOKING FOR GUNSHOT RESIDUE OR
11 THE MATERIALS THAT ARE CONSISTENT WITH GUNSHOT
12 RESIDUE.

13 WHEN WE GET THESE KITS IN, THERE'S ONE
14 EXAMINATION THAT WE DO FIRST SIMPLY BECAUSE WE CAN DO
15 SO MANY OF THEM ALL AT ONCE. IT IS NOT A SCREENING
16 TECHNIQUE. IT CERTAINLY IS A TECHNIQUE TO LOOK FOR
17 MATERIALS CONSISTENT WITH GUNSHOT RESIDUE.

18 I WENT THROUGH THE PROTOCOL FOR SETTING UP THAT
19 RUN AND ANALYZED THOSE SAMPLES FOR GUNSHOT RESIDUE.
20 Q AND IN THE CASE INVOLVING THE GUNSHOT RESIDUE KIT FOR
21 NATHANIEL CASEY, JR., WHAT WERE THE RESULTS OF YOUR
22 FINDINGS?

23 A I'LL READ FROM MY REPORT.

24 Q YES.

25 A "IN THE SAMPLES SUBMITTED IN THE KIT LABELED CASEY.

1 NATHANIEL, JR., THE QUANTITY OF MEDALS DETECTED DID
2 NOT INDICATE THE PRESENCE OF GUNSHOT RESIDUE."

3 Q SO THERE WAS NO GUNSHOT RESIDUE INDICATED IN YOUR
4 TESTING?

5 A CORRECT.

6 Q TELL THE JURY, WHAT DOES THAT MEAN? WHAT ARE YOU
7 LOOKING FOR, AND WHY DO YOU DO THAT TEST?

8 A WELL, THE WHOLE PURPOSE OF THE GUNSHOT RESIDUE EXAM
9 IS TO DETERMINE WHETHER OR NOT SOMEONE POTENTIALLY
10 FIRED WEAPON OR WAS IN CLOSE PROXIMITY TO THAT WEAPON
11 WHEN IT WAS DISCHARGED.

12 GUNSHOT RESIDUE, OBVIOUSLY, IS A RESIDUE THAT'S
13 LEFT FROM THE DISCHARGE OF ANY TYPE OF FIREARM. IT
14 CAN BE POSITIVE ON A PERSON'S HANDS AS THEY SHOOT A
15 WEAPON OR ANYONE THAT IS IN VERY CLOSE VICINITY TO
16 THAT WEAPON WHEN IT IS DISCHARGED.

17 WE ARE SIMPLY LOOKING FOR THIS MATERIAL THAT IS
18 UNIQUE TO GUNSHOT RESIDUE TO DETERMINE WHETHER OR NOT
19 ONE OF THOSE -- THOSE SCENARIOS ACTUALLY OCCURRED.

20 Q AND WHEN YOU'RE LOOKING FOR THIS, THE COLLECTION OF
21 THE SAMPLE ITSELF, YOU DON'T DO THAT PART, RIGHT?

22 A NOT IN THIS CASE. I HAVE IN OTHER CASES.

23 Q BUT IN THIS CASE, IT WAS DONE WITHIN A CERTAIN --
24 DOES IT HAVE TO BE DONE WITHIN A CERTAIN NUMBER OF
25 HOURS?

FILIATREULT - DIRECT (CAMPBELL)

601

1 A ON A LIVE PERSON, IT IS BEST TO COLLECT THE KIT AS
2 CLOSE TO THE TIME OF THE INCIDENT AS POSSIBLE. WE
3 ACTUALLY HAVE A SIX-HOUR TIMEFRAME IN WHICH ONCE THAT
4 SIX HOURS HAS PASSED, WE NO LONGER WILL ACCEPT A KIT
5 COLLECTED FROM A LIVE PERSON.

6 THE REASON BEING IS THAT THIS MATERIAL IS QUITE
7 FRAGILE, AND ANYTHING THAT YOU DO WITH YOUR HANDS
8 FROM THE TIME THAT YOU DISCHARGE A WEAPON UNTIL THE
9 TIME THAT THE KIT IS COLLECTED CAN ACTUALLY DESTROY
10 THE EVIDENCE THAT WE'RE LOOKING FOR AND THUS, GIVE US
11 FALSE READINGS.

12 FOR INSTANCE, IF YOU PUT YOUR HANDS IN YOUR
13 POCKETS, OR IF YOU RUB YOUR HANDS TOGETHER, PUT YOUR
14 HANDS THROUGH YOUR HAIR, OR EVEN JUST YOUR NORMAL
15 ABSORPTION RATES OF YOUR BODY, THAT CAN ACTUALLY
16 DIMINISH THE AMOUNTS THAT WE CAN FIND TO THE POINT
17 THAT WE CAN'T FIND ANY AT ALL.

18 SO FOR A LIVE PERSON, WE HAVE A SIX-HOUR TIME
19 WINDOW IN WHICH WE CAN COLLECT THESE KITS. ON A
20 DECEASED INDIVIDUAL, HOWEVER, ALL OF THE VARIABLES
21 THAT WE HAVE TO TAKE INTO ACCOUNT FOR A LIVE VICTIM,
22 OR A LIVE SUSPECT, NO LONGER TAKES INTO
23 CONSIDERATION. SO FOR A DECEASED INDIVIDUAL, WE CAN
24 ACTUALLY COLLECT THIS MATERIAL INDEFINITELY PROVIDED
25 THAT THEIR HANDS ARE KEPT IN AN UNCONTAMINATED

1 ENVIRONMENT.

2 Q SO IF A PERSON IS DECEASED, SUCH AS NATHANIEL CASEY,
3 JR., AND THE COLLECTION WAS DONE THAT SAME EVENING,
4 THAT WOULD BE A VIABLE TEST, ONE YOU WOULD TEST?

5 A CERTAINLY.

6 Q AS YOU DID IN THIS CASE?

7 A YES, MA'AM.

8 Q AND AGAIN, IT INDICATED NO GUNSHOT RESIDUE WAS
9 PRESENT?

10 A CORRECT.

11 Q NOW, YOU INDICATED THAT WHEN A PERSON FIRES A GUN,
12 YOU'RE LOOKING FOR THE PRESENCE?

13 A UH-HUH.

14 Q SO WHEN A PERSON ACTUALLY FIRES A GUN, GUNSHOT
15 RESIDUE MAY GET ON THEIR HANDS?

16 A YES, MA'AM.

17 Q AND YOU ALSO INDICATED THAT IF THE HANDS ARE IN CLOSE
18 PROXIMITY WHEN IT IS BEING FIRED, SUCH AS UP OR
19 SOMETHING LIKE THAT --

20 A YES, MA'AM.

21 Q -- IT MAY GET ON THEIR HANDS. WHAT ABOUT IF A PERSON
22 HANDLES A GUN?

23 A THAT CERTAINLY IS A POSSIBILITY. WE CAN FIND GUNSHOT
24 RESIDUE ON A PERSON'S HANDS, BUT PARTICULARLY THE
25 PALMS OF THEIR HANDS, IF THEY ACTUALLY HANDLED A

FILIATREULT - DIRECT (CAMPBELL)

603

1 DIRTY WEAPON. FOR INSTANCE, A WEAPON THAT HAS BEEN
2 PREVIOUSLY DISCHARGED, SAY SOMEONE FIRED A WEAPON,
3 SET IT DOWN, THAT MATERIAL, THE GUNSHOT RESIDUE, IS
4 ACTUALLY GOING TO REMAIN ON THAT WEAPON UNTIL THAT
5 WEAPON IS CLEANED.

6 IF THREE DAYS LATER, FOUR DAYS LATER, 10 DAYS
7 LATER, SOMEONE ELSE COMES BY AND PICKS UP THE GUN,
8 SAY WITH THEIR RIGHT HAND AND THEN PUTS IT DOWN, THEN
9 THEORETICALLY, WE SHOULD BE ABLE TO FIND GUNSHOT
10 RESIDUE ON THE RIGHT PALM OF THEIR HAND, YET NO OTHER
11 REGION.

12 Q AND WAS THERE ANY GUNSHOT RESIDUE IN THE PALM OR THE
13 BACK OF THE HANDS IN THIS CASE?

14 A I HAVE NO GUNSHOT RESIDUE DETECTED IN THIS PARTICULAR
15 CASE.

16 Q AND FINALLY, IN THIS CASE, THE DEFENDANT IN THE CASE
17 WASN'T ARRESTED UNTIL SOME TWO OR THREE WEEKS LATER.
18 WOULD THERE HAVE BEEN ANY PURPOSE IN TRYING TO DO A
19 GUNSHOT KIT ONCE HE WAS ARRESTED?

20 A NO, MA'AM. THE KIT MUST BE COLLECTED WITHIN SIX
21 HOURS ON A LIVE INDIVIDUAL.

22 Ms. Campbell: THAT'S ALL I HAVE, YOUR HONOR.

23 Mr. Strickler: MAY IT PLEASE THE COURT.

24 THE COURT: YES, SIR.

25 CROSS-EXAMINATION:

1 BY Mr. Strickler

2 Q GOOD AFTERNOON, MA'AM.

3 A GOOD AFTERNOON.

4 Q JUST A FEW QUESTIONS FOR YOU, PLEASE. YOU HAVE YOUR
5 REPORT WITH YOU?

6 A YES, SIR.

7 Q DO YOU HAVE, BY ANY CHANCE, THE LAB FILE WITH YOU
8 WITH YOUR RAW DATA?

9 A YES, SIR.

10 Q OKAY. COULD I TAKE A QUICK LOOK AT THAT, PLEASE?

11 (COMPLIES).

12 THANK YOU. I'LL GET IT RIGHT BACK TO YOU.

13 NOW, MY UNDERSTANDING OF WHAT YOU'RE LOOKING FOR
14 IN THIS TESTING IS THE PRESENCE, REALLY, OF THREE
15 ELEMENTS: BARIUM, LEAD, AND ANTIMONY; IS THAT
16 CORRECT?

17 A THAT IS CORRECT.

18 Q ALL RIGHT. THOSE ARE ELEMENTS THAT ARE ASSOCIATED
19 WITH THE DISCHARGING OF A FIREARM, I TAKE IT, RIGHT?

20 A YES, SIR. THE REASON THAT THOSE THREE ARE ASSOCIATED
21 WITH THE DISCHARGE OF A WEAPON IS BECAUSE THE PRIMER
22 CAP, THE INITIATION OF THE ENTIRE BULLET COMING OUT
23 INTO THE GUN IS ACTUALLY CREATED WITH THOSE THREE
24 ELEMENTS IN MIND, AND AS WELL, THE BULLET ITSELF IS
25 TYPICALLY MADE OF LEAD.

FILIATREULT - CROSS (STRICKLER)

605

1 Q OKAY. AND WHEN YOU GET THE SAMPLES IN, YOU MAKE THIS
2 DETERMINATION BY DOING WHAT, MASS SPECTROMETRY
3 (PHONETIC) -- I CAN'T EVEN PRONOUNCE IT. YOU MASS
4 SPEC. IT OR WHAT?

5 A NO, SIR.

6 Q OKAY.

7 A IN THIS PARTICULAR CASE, AND WITH THE DATA THAT YOU
8 HAVE IN YOUR HAND, THAT'S ACTUALLY PERFORMED WITH AN
9 INDUCTIVELY COUPLED PLASMA SPECTROMETER.

10 Q SPECTROMETER, THANK YOU. IS THE CASE THAT YOU CAN
11 PICK UP CERTAIN LEVELS OR A CERTAIN AMOUNT OF EVEN
12 THESE ELEMENTS JUST OUT IN THE ENVIRONMENT, RIGHT?

13 A OH, ABSOLUTELY. THESE ELEMENTS ARE NOT ELEMENTS THAT
14 ARE RARE TO OUR ENVIRONMENT. FOR INSTANCE, ANTIMONY
15 IS A METAL HARDENER. LEAD, THERE'S MANY THINGS THAT
16 WE CAN FIND THAT HAVE LEAD IN IT. AS WELL, BARIUM IS
17 ACTUALLY ONE OF THOSE MATERIALS THAT MAKES MAKE UP
18 FOR MANY WOMEN.

19 FOR THAT REASON, WE TAKE THAT INTO
20 CONSIDERATION. WE HAVE OUR LEVELS SET HIGH ENOUGH,
21 AFTER YEARS OF RESEARCH, THAT WE ARE LOOKING FOR
22 LEVELS, NOT JUST THE METALS, BUT THE LEVELS OF THOSE
23 THAT WOULD BE CONSISTENT WITH GUNSHOT RESIDUE.

24 NOW, ALSO TAKING INTO ACCOUNT EACH PERSON HAVING
25 A DIFFERENT ENVIRONMENT. EACH OF US, FOR INSTANCE,

1 HAVE DIFFERENT PROFESSIONS, DIFFERENT HOBBIES.

2 WE WANT TO SEE WHAT TYPES OF ENVIRONMENTAL
3 CONTAMINANTS THAT PERSON WOULD HAVE IN THEIR BODY IN
4 A NORMAL DAY WITHOUT HAVING A POSSIBILITY OF THE
5 DISCHARGE OF A FIREARM DURING THAT DAY.

6 WITH EACH SAMPLE, WE ALSO TAKE A CONTROL SAMPLE.
7 THAT CONTROL SAMPLE IS TAKEN FROM AN AREA OF THE BODY
8 THAT WOULD NOT BE INTRODUCED TO GUNSHOT RESIDUE. FOR
9 INSTANCE, IF THE PERSON HAD ON A SHIRT, IT COULD BE
10 TAKEN FROM THE STOMACH AREA OR THE BACK. A LOT OF
11 TIMES, IT'S TAKEN FROM THE BACK OF THE ARM, IF THEY
12 HAD ON A LONG SLEEVED SHIRT. IF THEY HAD ON PANTS,
13 IT COULD BE TAKEN FROM THE BACK OF THE CALF.

14 Q OKAY. AND I ASK YOU THAT SIMPLY BECAUSE WHAT YOU
15 REPORT OUT IS IN THE SAMPLE SUBMITTED IN THE KIT
16 LABELED CASEY, NATHANIEL, JR., THE QUANTITIES OF
17 METALS DETECTED DID NOT INDICATE THE PRESENCE OF
18 GUNSHOT RESIDUE, RIGHT?

19 A CORRECT.

20 Q WHICH IS NOT TO SAY THAT YOU DIDN'T DETECT QUANTITIES
21 OF BARIUM, LEAD, AND ANTIMONY IN THE SAMPLES,
22 CORRECT?

23 A CORRECT.

24 Q OKAY.

25 A WE SIMPLY DID NOT DETECT ENOUGH TO WARRANT IT BEING

FILIATREAU - CROSS (STRICKLER)

607

1 CONSIDER GUNSHOT RESIDUE.

2 Q RIGHT. AND WHAT YOU HAVE IS A SET OF PROCEDURES OR A
3 PROTOCOL THAT YOU FOLLOW WHEN HAD YOU'RE DOING YOUR
4 TESTING THAT SAYS IF WE GET A LEVEL OVER A CERTAIN
5 LEVEL, THEN WE CALL IT, RIGHT?

6 A CORRECT.

7 Q ACTUALLY, WE HAVE A COUPLE OF LEVELS IN THERE, RIGHT?

8 A YES, SIR, WE DO. IT'S ACTUALLY -- UNFORTUNATELY, WE
9 WOULD LOVE FOR IT TO BE BLACK AND WHITE, AND
10 NEGATIVES USUALLY ARE BLACK AND WHITE, BUT WHEN YOU
11 GET INTO POSITIVES, WE TAKE SEVERAL DIFFERENT STEPS
12 TO MAKE SURE WE TAKE A CONSERVATIVE APPROACH, WHICH
13 MEANS THERE ARE DIFFERENT LEVELS WE WILL LOOK FOR AND
14 DIFFERENT STEPS WE'LL TAKE ONCE WE FIND THOSE LEVELS.

15 Q AND I ASSUME WHAT YOU REPORT HERE IS THE LOWEST
16 LEVEL?

17 A CORRECT, HE WAS NEGATIVE ALL THE WAY.

18 Q NOW, AS I UNDERSTAND IT, ON A LIVE INDIVIDUAL THE
19 METALS THAT ARE DEPOSITED DURING THE DISCHARGE OF A
20 FIREARM CAN BE SHED BY THE BODY, IF YOU WILL ACCEPT
21 THAT TERM, IN A NUMBER OF WAYS OVER TIME, RIGHT?
22 JUST BRUSHING YOUR HAND AGAINST SOMETHING. THESE ARE
23 MICROSCOPIC PARTICLES OF PHYSICAL ELEMENTS, RIGHT?

24 A CORRECT.

25 Q OKAY. SO BRUSHING YOUR HAND AGAINST SOMETHING COULD

1 CAUSE SOME PARTICLES TO FALL OFF OR ADHERE TO THE
2 OTHER SURFACE, RIGHT?

3 A CORRECT.

4 Q OKAY. YOU SWEAT. IT COULD RUN -- THE SWEAT COULD
5 RINSE THE PARTICLES FROM THE BODY SURFACE, RIGHT?

6 A CORRECT, ON A LIVE INDIVIDUAL.

7 Q OKAY. ON A LIVE INDIVIDUAL, I UNDERSTAND THAT. YOUR
8 TESTIMONY IS THAT ON A DECEASED INDIVIDUAL, THOSE
9 SORT OF THINGS WOULD HAPPEN, OR AT LEAST ONCE THE
10 HANDS ARE BAGGED, THE POSSIBILITY FOR PARTICLES BEING
11 SHED IS OVER WITH, RIGHT?

12 A WELL, THE HANDS DON'T NECESSARILY HAVE TO BE BAGGED,
13 BUT CORRECT, ONCE A PERSON IS DECEASED, ALL OF THE
14 VARIABLES THAT YOU JUST MENTIONED NO LONGER ARE TAKEN
15 INTO CONSIDERATION. BASICALLY, THE MATERIAL WILL
16 THEN REMAIN ON THE HANDS AT THAT POINT UNTIL THE
17 GUNSHOT RESIDUE KIT IS COLLECTED OR UNTIL SOME OTHER
18 FACTOR CONTAMINATES THE HANDS --

19 Q OKAY.

20 A -- SUCH AS THE MORGUE WASHING THE HANDS OR WHATEVER
21 HAPPENS.

22 Q SOMEONE GRABBING THE HAND OF SOMEONE AND HOLDING THE
23 HAND OF SOMEONE AFTER THEY'VE BEEN SHOT CAN TAKE OFF
24 PARTICLES IN THAT FASHION, RIGHT?

25 A THAT COULD POTENTIALLY REMOVE SOME, YES, SIR.

FILIATREULT - CROSS (STRICKLER)

609

1 Q OKAY. THE WHOLE PURPOSE OF THE BAGGING OF THE HANDS
2 IS THAT YOU ASSURE THERE'S NO MORE CONTACT, AND YOU
3 REMOVE THAT OPPORTUNITY FOR SHEDDING THE PARTICLES AT
4 THAT POINT IN TIME, RIGHT?

5 A THAT IS THE INTENT.

6 Q OKAY.

7 A WITH THE BAGGING OF THE HANDS, YES, SIR.

8 Q OKAY. SO YOU FOUND THE QUANTITIES -- BECAUSE YOU DID
9 FIND QUANTITIES OF BARIUM, LEAD, AND ANTIMONY IN THIS
10 CASE -- OF METALS DETECTED, DID NOT INDICATE THE
11 PRESENCE OF GUNSHOT RESIDUE, CORRECT?

12 A CORRECT.

13 Mr. Strickler: THANK YOU VERY MUCH.

14 REDIRECT EXAMINATION:

15 BY Ms. Campbell

16 Q JUST A COUPLE OF QUESTIONS.

17 AS YOU TESTIFIED, THE DEGREES, IF IT HAD BEEN
18 POSITIVE IN ANY WAY, THERE MAY BE DEGREES OF GRAY,
19 BUT THIS IS A NEGATIVE, WHICH YOU SAID IS BLACK AND
20 WHITE?

21 A YES, MA'AM.

22 Q THIS IS THE NEGATIVE. THE THINGS THAT HE ASKED YOU
23 ABOUT GRABBING A HAND AND OTHER THINGS LIKE THAT,
24 THOSE ARE THE THINGS YOU TAKE INTO ACCOUNT OVER A
25 SIX-HOUR PERIOD FOR A LIVE PERSON, RIGHT?

1 A CORRECT.

2 Q BUT EVEN IF THOSE THINGS HAPPENED WITHIN THE SIX
3 HOURS, EVEN IF THE PERSON IS ALIVE, YOU WOULD -- IF
4 IT'S TAKEN WITHIN SIX HOURS, IT SHOULD INDICATE THE
5 PRESENCE OF GUNSHOT RESIDUE?

6 A IT WON'T NECESSARILY EVERY TIME. THIS MATERIAL IS
7 FRAGILE, AND IT CAN BE DESTROYED OR REMOVED, SUCH AS
8 WASHING YOUR HANDS --

9 Q WASHING THE HANDS.

10 A -- ANYTHING LIKE THAT.

11 Q WASHING THE HANDS, ESPECIALLY, IS SOMETHING THAT CAN
12 REMOVE GUNSHOT RESIDUE.

13 A ABSOLUTELY. IF SOMEONE WASHES THEIR HANDS PROPERLY
14 ONE MINUTE AFTER THEY SHOOT THE WEAPON, THAT REMOVES
15 ALL THE MATERIAL. WE WILL NOT BE ABLE TO FIND ANY.
16 HOWEVER, AS I STATED EARLIER, THE THINGS THAT WE
17 TALKED ABOUT, THOSE CAN DIMINISH THE AMOUNTS FOUND SO
18 THAT WE WOULD NOT BE ABLE TO DETECT IT.

19 Q BUT AGAIN, IF IT'S DONE IN A SIX-HOUR PERIOD, THOSE
20 ARE THINGS YOU WOULD TAKE INTO ACCOUNT?

21 A YES, MA'AM.

22 Ms. Campbell: THANK YOU.

23 THE COURT: RECROSS EXAMINATION?

24 Mr. Strickler: JUST VERY BRIEFLY, YOUR HONOR.

25 CROSS-EXAMINATION:

FILIATREULT - CROSS (CAMPBELL)

611

1 BY Mr. Strickler

2 Q CAN YOU REFER TO YOUR RAW DATA, PLEASE?

3 A YES, SIR.

4 Q AND YOU HAVE GOT A NUMBER OF SAMPLES. CAN YOU -- YOU
5 MEASURED THESE, YOUR RAW DATA, IN WHAT, PARTS PER
6 MILLION THAT YOU FIND?

7 A PARTS PER BILLION.

8 Q PARTS PER?

9 A BILLION.

10 Q WITH A "B", PARTS PER BILLION. SO YOU HAVE SAMPLES
11 FROM WHERE, FROM WHAT AREAS?

12 A IN THIS PARTICULAR KIT, AS WELL AS ALL GUNSHOT
13 RESIDUE KITS THAT WE ANALYZE ON THE I.C.P.M.S., WHICH
14 IS THE INSTRUMENT I TALKED ABOUT EARLIER, THERE ARE
15 FIVE SAMPLES: ONE FROM THE RIGHT PALM, THE RIGHT
16 BACK, THE LEFT PALM AND THE LEFT BACK, AND THE
17 CONTROL SAMPLE THAT WAS COLLECTED FROM SOME OTHER
18 PART OF THE BODY THAT WOULD NOT HAVE BEEN INTRODUCED
19 TO A POTENTIAL SHOOTING.

20 Q OKAY. AND IF YOU COULD QUICKLY, JUST TELL ME PARTS
21 PER BILLION FROM THE RIGHT PALM, BARIUM, LEAD, AND
22 ANTIMONY.

23 A THERE WERE EIGHT PARTS PER BILLION OF ANTIMONY; 127
24 PARTS PER BILLION OF LEAD, AND 190 PARTS PER BILLION
25 OF BARIUM.

- 1 Q OKAY. AND THE RIGHT -- WHEN YOU SAY RIGHT BACK, YOU
2 MEAN THE BACK OF THE RIGHT HAND, RIGHT?
- 3 A YES.
- 4 Q WHAT WERE THE SAME NUMBERS? I GUESS YOU WENT
5 ANTIMONY, LEAD, BARIUM?
- 6 A YES.
- 7 Q OKAY. AGAIN?
- 8 A SIX PARTS PER BILLION OF ANTIMONY, 29 PARTS PER
9 BILLION OF LEAD, 129 PARTS PER BILLION OF BARIUM.
- 10 Q OKAY. AND THEN THE LEFT PALM?
- 11 A THE LEFT PALM CONTAINED 13 PARTS PER BILLION OF
12 ANTIMONY, 90 PARTS PER BILLION OF LEAD, 119 PARTS PER
13 BILLION OF BARIUM.
- 14 Q OKAY. AND THE BACK OF THE LEFT HAND?
- 15 A FIVE PARTS PER BILLION OF ANTIMONY, 51 PARTS PER
16 BILLION OF LEAD, AND TWO PARTS PER BILLION OF BARIUM.
- 17 Q AND THEN YOUR CONTROL?
- 18 A THOSE ARE NUMBERS ACTUALLY WITH THE CONTROL ALREADY
19 SUBTRACTED OUT.
- 20 Q OKAY. THE CONTROL HAS BEEN SUBTRACTED OUT THERE, SO
21 ACTUALLY, AFTER SUBTRACTING THE CONTROL OUT, THEN
22 WHAT WOULD BE BEFORE YOU SUBTRACT THE CONTROL OUT?
23 WHAT WOULD BE THE PARTS PER BILLION OF ANTIMONY FROM
24 THE RIGHT PALM?
- 25 A 9.65 PARTS PER BILLION.

FILIATREAU - CROSS (CAMPBELL)

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1 Q 9.65. AND LEAD?

2 A 136.5 PARTS PER BILLION.

3 Q OKAY. AND BARIUM?

4 A 3,859 PARTS PER BILLION.

5 Mr. Strickler: OKAY. ALL RIGHT. THANK YOU.

6 THE COURT: YOU MAY COME DOWN.

7 CAN THE WITNESS BE EXCUSED?

8 Ms. Campbell: NO OBJECTION.

9 THE COURT: APPROACH THE BENCH, PLEASE.

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

13 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN, I
14 HAVE BEEN ADVISED BY THE ATTORNEYS THAT THE NEXT WITNESS
15 MAY BE EXTENSIVE -- LENGTHY IN TERMS OF BOTH DIRECT AND
16 CROSS-EXAMINATION.

17 RATHER THAN HOLD YOU HERE WELL PAST 1 O'CLOCK, I
18 THINK IT'S PROBABLY THE BEST, MOST EFFICIENT USE OF OUR
19 TIME TO GO AHEAD AND HAVE OUR LUNCH BREAK AT THIS POINT.
20 WE MOVED ALONG REASONABLY WELL THIS MORNING.

21 I'M GOING TO EXCUSE YOU NOW UNTIL 1:30 FOR OUR
22 LUNCH BREAK. I'LL ASK YOU TO BE BACK IN THE JURY ROOM AT
23 1:30. THAT WILL BE A LITTLE OVER AN HOUR.

24 PLEASE AGAIN, DON'T DISCUSS THE CASE AMONG
25 YOURSELVES WHILE YOU'RE AT LUNCH OR WITH ANYONE ELSE OR

1 AMONG YOURSELVES WHEN YOU RETURN TO THE JURY ROOM.

2 HAVE A PLEASANT LUNCH. WE'LL SEE YOU AT 1:30.

3 IS ANYBODY TOO COOL, BY THE WAY? I COOLED IT DOWN FROM
4 YESTERDAY. I DON'T WANT YOU TO HAVE TO WEAR YOUR PARKAS.

5 THE JUROR: YOU'RE FREEZING US.

6 (WHEREUPON, THE JURY LEFT OPEN COURT AT
7 APPROXIMATELY 12:27 P.M.)

8 THE COURT: OKAY. WE'LL STAND AT EASE UNTIL
9 1:30.

10 (WHEREUPON, A LUNCH BREAK WAS TAKEN.)

11 THE COURT: ANYTHING BEFORE WE BRING THE JURY?

12 Ms. Campbell: YOUR HONOR, JUST ONE QUICK
13 MATTER. IF WE CAN PUT UP A CUSTODIAN WITNESS WHO IS
14 QUICK. IT WON'T TAKE FIVE MINUTES.

15 THE COURT: OUT OF TURN?

16 Ms. Campbell: I REPRESENTED TO YOU -- I DIDN'T
17 WANT YOU TO THINK I MISREPRESENTED THINGS, ALTHOUGH I
18 GUESS I DID.

19 THE COURT: I'D NEVER SAY THAT.

20 Ms. Campbell: THANK YOU.

21 THE COURT: AS TO ANY COUNSEL UP HERE IN THIS
22 COURT.

23 BRING THE JURY, PLEASE.

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

25

1 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
2 APPROXIMATELY 1:44 P.M.)

3 THE BAILIFF: THE JURY IS ALL PRESENT, YOUR
4 HONOR.

5 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN. I
6 HOPE YOU HAD A PLEASANT LUNCH.

7 MS. CAMPBELL, CALL YOUR NEXT WITNESS.

8 Ms. Campbell: YOUR HONOR, WE'D CALL SHARYN
9 DAVIS.

10 SHARYN DAVIS, AFTER BEING DULY SWORN, TESTIFIED
11 AS FOLLOWS:

12 THE BAILIFF: HAVE A SEAT AND SPEAK INTO THE
13 MICROPHONE.

14 DIRECT EXAMINATION:

15 BY Ms. Campbell

16 Q AND YOU ARE MS. DAVIS?

17 A YES.

18 Q AND MS. DAVIS, WHERE ARE YOU EMPLOYED?

19 A VERIZON.

20 Q AND WHERE DO YOU WORK, WHAT TOWN?

21 A DURHAM, NORTH CAROLINA.

22 Q AS PART OF YOUR DUTIES IN VERIZON, DO YOU KEEP
23 CERTAIN RECORDS, BUSINESS RECORDS, IN THE NORMAL
24 COURSE OF BUSINESS?

25 A YES.

1 Q AND ARE YOU ONE OF THE CUSTODIANS OVER THOSE RECORDS?

2 A YES.

3 Q AT MY REQUEST -- PURSUANT TO A SUBPOENA, NOT A
4 REQUEST, DID YOU PROVIDE US WITH A CERTAIN ACCOUNT
5 NUMBER AND SUBSCRIBER INFORMATION?

6 A YES.

7 Q AND DO YOU HAVE A COPY OF THAT HERE WITH YOU TODAY?

8 A YES, I DO.

9 Q AND THAT'S SUBSCRIBER NUMBER, INFORMATION, FOR A JOHN
10 WILLIAMS ON ACCOUNT NUMBER 7182996611127?

11 A YES.

12 Q AND DO YOU HAVE THAT COPY WITH YOU?

13 A YES.

14 Q AND THIS IS ONE OF THE RECORDS YOU KEEP IN THE NORMAL
15 COURSE OF BUSINESS?

16 A YES.

17 Ms. Campbell: YOUR HONOR, AT THIS TIME, WE'D
18 OFFER IT INTO EVIDENCE.

19 THE COURT: WHAT'S THE NAME ON THE ACCOUNT?

20 Ms. Campbell: JOHN WILLIAMS.

21 Mr. Strickler: WITHOUT OBJECTION.

22 THE COURT: THANK YOU.

23 (WHEREUPON, STATE'S EXHIBIT NO. 97 WAS MARKED
24 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

25 Ms. Campbell: THAT'S ALL I'D HAVE OF THIS

S. DAVIS - DIRECT (CAMPBELL)

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1 WITNESS, YOUR HONOR.

2 THE COURT: ANY QUESTIONS?

3 Mr. Strickler: JUST A COUPLE.

4 CROSS-EXAMINATION:

5 BY Mr. Strickler

6 Q THIS IS MR. JOHN WILLIAM'S ACCOUNT. DOES

7 MR. WILLIAMS HAVE AN ADDRESS?

8 A CAN I GET IT?

9 Q I'M SORRY.

10 Ms. Campbell: IT'S ON THE -- HERE'S ANOTHER

11 COPY.

12 BY Mr. Strickler

13 Q I'LL SHOW YOU.

14 A OKAY.

15 Q THIS IS THE ITEM YOU IDENTIFIED, CORRECT?

16 A YES.

17 Q STATE'S NUMBER 97. YOU'RE CUSTODIAN OF RECORDS. YOU

18 DON'T KEEP ALL THIS INFORMATION.

19 A RIGHT.

20 Q DOES MR. WILLIAMS HAVE AN ADDRESS?

21 A YES.

22 Q WHAT WOULD THAT BE?

23 A APARTMENT 14-H, 140 WEST 174TH STREET, BRONX, NEW

24 YORK, 10453-7534 ZIP CODE.

25 Q OKAY. AND DOES THIS ACCOUNT RELATE TO A PARTICULAR

1 PHONE NUMBER?

2 A YES.

3 Q WHAT WOULD BE THE PHONE NUMBER IT RELATES TO?

4 A (718)299-6611.

5 Q OKAY. AND DOES THIS -- DO YOUR RECORDS INDICATE WHEN
6 THAT ACCOUNT WAS ACTIVE, OR IF IT'S STILL ACTIVE AT
7 THIS POINT IN TIME?

8 A NOT THIS PARTICULAR RECORD.

9 Q OKAY. DOES IT INDICATE WHEN THAT ACCOUNT CAME INTO
10 SERVICE?

11 A I'M NOT SURE.

12 Mr. Strickler: VERY GOOD, MA'AM. THANK YOU
13 VERY MUCH.

14 THE COURT: ANYTHING FURTHER OF THIS WITNESS?

15 Ms. Campbell: NO, YOUR HONOR. MAY SHE BE
16 EXCUSED?

17 Mr. Strickler: WITHOUT OBJECTION.

18 THE COURT: NO OBJECTION.

19 THANK YOU, MS. DAVIS. YOU MAY COME DOWN.

20 Ms. Campbell: THE STATE CALLS WILLIE JENNINGS.
21 BEG THE COURT'S INDULGENCE.

22 THE COURT: YES.

23 (PAUSE).

24 Ms. Campbell: MAY WE APPROACH, YOUR HONOR?

25 THE COURT: CERTAINLY.

S. DAVIS - CROSS (STRICKLER)

619

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

4 Ms. Campbell: THE STATE WOULD CALL DAVID BELL.
5 DAVID BELL, AFTER BEING DULY SWORN, TESTIFIED AS
6 FOLLOWS:

7 THE CLERK: HAVE A SEAT IN THE WITNESS BOX AND
8 STATE YOUR FULL NAME.

9 THE BAILIFF: WATCH YOUR STEP FOR ME, PLEASE.
10 SPEAK INTO THE MICROPHONE.

11 DIRECT EXAMINATION:

12 BY Ms. Campbell

13 Q INVESTIGATOR BELL, WHERE ARE YOU EMPLOYED?

14 A I'VE EMPLOYED WITH THE RICHLAND COUNTY SHERIFF'S
15 DEPARTMENT?

16 Q AND WHAT DO YOU CURRENTLY DO THERE?

17 A I WORK IN THE FORENSIC LAB. I ANALYZE ALL THE
18 MARIJUANA THAT COMES IN THE SHERIFF'S DEPARTMENT, AND
19 I WORK ON THE COLD CASE HOMICIDE SQUAD.

20 Q OKAY. SO YOU ANALYZE THIS. YOU HAVE A COUPLE OF
21 JOBS AT THE SHERIFF'S DEPARTMENT CURRENTLY?

22 A YES, MA'AM.

23 Q YOU ANALYZE MARIJUANA?

24 A YES, MA'AM.

25 Q OR SUSPECTED MARIJUANA, I ASSUME?

1 A YES, MA'AM.

2 Q AND THEN IN ADDITION TO THAT, YOUR DUTIES, YOU'RE ON
3 THE COLD CASE SQUAD?

4 A YES, MA'AM.

5 Q AND WHAT DOES THE COLD CASE SQUAD DO?

6 A WE INVESTIGATE UNSOLVED HOMICIDES.

7 Q OLD HOMICIDES?

8 A YES, MA'AM.

9 Q FROM YEARS IN THE PAST?

10 A YES, MA'AM.

11 Q AND AS PART OF YOUR DUTIES AS A MARIJUANA ANALYST, IF
12 I CAN SAY THAT, CAN YOU TELL THIS JURY A LITTLE BIT
13 ABOUT YOUR TRAINING?

14 A I WAS CERTIFIED AT THE SOUTH CAROLINA LAW ENFORCEMENT
15 DIVISION TO ADMINISTER TESTS ON MARIJUANA. THAT WAS
16 THREE YEARS AGO THIS MONTH.

17 Q THREE YEARS AGO?

18 A RIGHT.

19 Q AND HAVE YOU TESTIFIED BEFORE AS AN EXPERT IN
20 ANALYZING MARIJUANA?

21 A YES, MA'AM, I HAVE.

22 Q AND YOU HAVE BEEN QUALIFIED IN THAT RESPECT?

23 A YES, MA'AM.

24 Ms. Campbell: YOUR HONOR, AT THIS POINT WE
25 WOULD OFFER HIM AS AN EXPERT ANALYST FOR MARIJUANA ONLY.

D. BELL - DIRECT (CAMPBELL)

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1 Mr. Strickler: AND I HAVE NO VOIR DIRE FOR
2 MR. BELL.

3 THE COURT: NO VOIR DIRE.

4 BY Ms. Campbell

5 Q INVESTIGATOR BELL, IN REFERENCE TO THIS CASE
6 SPECIFICALLY, DID YOU RECEIVE A QUANTITY OF MARIJUANA
7 TO BE ANALYZED?

8 A YES, MA'AM, I DID.

9 Q AND I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS
10 STATE'S EXHIBIT 93 AND JUST ASK IF YOU CAN LOOK AT
11 THAT FOR ME.

12 A YES, MA'AM. I DID THIS TEST ON THE 8TH OF JANUARY,
13 2002. IT'S GOT WHERE I SIGNED IT AT THE BOTTOM WHERE
14 I DID THIS TEST.

15 Q AND WHEN YOU RECEIVED THIS MARIJUANA, WAS IT IN A
16 SEALED CONDITION PRIOR TO YOUR ANALYZING IT?

17 A YES, MA'AM.

18 Q AND CAN YOU TELL THIS JURY WHAT, IF ANY, TESTING YOU
19 DID WHEN YOU RECEIVED THIS PACKAGE OF MARIJUANA OR
20 WHAT WAS THOUGHT TO BE MARIJUANA?

21 A YES, MA'AM. ANYTIME I GET A SAMPLE OF MARIJUANA,
22 WHAT I HAVE TO DO IS I HAVE TO DO A MICROSCOPIC TEST
23 ON THE MARIJUANA, AND THERE'S FOUR CHARACTERISTICS OF
24 MARIJUANA THAT ARE RECOGNIZED UNDER SOUTH CAROLINA
25 LAW.

1 I HAVE DEFINED THREE OF THE FOUR CHARACTERISTICS
2 OF MARIJUANA BEFORE I DO A CHEMICAL TEST ON IT TO SEE
3 IF IT HAS ANY T.H.C.

4 ONCE I FIND IT, IF I DO FIND THE THREE
5 CHARACTERISTICS THAT I NEED, I'LL TAKE A SAMPLE WITH
6 TWEEZERS AND PUT IT IN MY TEST DISH, AND I'LL DO A
7 CHEMICAL TEST ON IT TO SEE IF IT HAS T.H.C. ON IT.

8 Q AND IN THIS CASE INVOLVING THIS PACKAGE, DID YOU DO
9 THIS TEST?

10 A YES, MA'AM, I DID.

11 Q AND DID YOUR TEST -- WHAT WERE THE RESULTS OF YOUR
12 INITIAL TESTING?

13 A THE TEST WAS POSITIVE FOR T.H.C. MARIJUANA.

14 Q DID YOU DO ANY FURTHER TESTING?

15 A NO, MA'AM.

16 Q AND SO AS A RESULT OF YOUR TESTING THAT WAS POSITIVE,
17 DID YOU ALSO TRY TO ESTABLISH WHAT KIND OF WEIGHT
18 WE'RE TALKING ABOUT WITH THIS?

19 A YES, MA'AM: ONCE I TEST IT AND SEE IF IT'S
20 MARIJUANA, THEN I WILL WEIGH IT. ON THIS PARTICULAR
21 ITEM, WHICH WAS ITEM NUMBER 14 ON OUR EVIDENCE SHEET,
22 THE TOTAL WEIGHT WAS 439.98 GRAMS.

23 Q 439.98 GRAMS?

24 A YES, MA'AM.

25 Q CAN YOU PUT THAT IN TERMS OTHER THAN GRAMS?

D. BELL - DIRECT (CAMPBELL)

623

- 1 A 15.5313 OUNCES.
- 2 Q FIFTEEN PLUS OUNCES; IS THAT CORRECT?
- 3 A YES, MA'AM.
- 4 Q AND YOU'RE FAMILIAR WITH HOW MARIJUANA IS PACKAGED
- 5 AND DISTRIBUTED AND THINGS OF THAT NATURE?
- 6 A WELL, I SEE IT IN DIFFERENT FORMS.
- 7 Q IN DIFFERENT FORMS?
- 8 A YES, MA'AM.
- 9 Q AND HOW WOULD YOU CHARACTERIZE THIS FORM?
- 10 A IT WAS IN A -- LIKE A -- YOU COULD SEE WHERE IT'S
- 11 REAL HARD, LIKE IN A CAKE FORM.
- 12 Q IN A CAKE FORM?
- 13 A YES, MA'AM.
- 14 Q WHY IS MARIJUANA SOMETIMES IN A CAKE FORM?
- 15 A THAT'S USUALLY USED FOR SHIPPING WHEN YOU'RE
- 16 TRANSPORTING IT AND SO FORTH.
- 17 Q TRANSPORTING IT?
- 18 A YES, MA'AM.
- 19 Q IN A CAKE FORM, CAN YOU PUT MORE IN A SMALLER SPACE?
- 20 A YES, MA'AM.
- 21 Ms. Campbell: THAT'S ALL I HAVE.
- 22 CROSS-EXAMINATION:
- 23 BY Mr. Strickler
- 24 Q GOOD AFTERNOON, MR. BELL.
- 25 A GOOD AFTERNOON.

1 Q JUST A COUPLE OF THINGS. ON DECEMBER 18TH, 2001, YOU
2 CONDUCTED TESTING ON SOME MATERIAL FROM NATHANIEL
3 CASEY?

4 A YES, SIR.

5 Q WITH AN INCIDENT DATE OF NOVEMBER 21ST OF 2001?

6 A THAT IS CORRECT, SIR.

7 Q AND THE MATERIAL THAT YOU TESTED WAS MARIJUANA ALSO?

8 A YES, SIR.

9 Q YOU WERE -- THAT WAS THE FUNCTION OF YOUR -- THE
10 PURPOSE OF YOUR TEST WAS TO DETERMINE WHAT IT WAS?

11 A CORRECT.

12 Q AND THE RESULTS OF YOUR TESTING WERE THAT THE
13 SUBSTANCE YOU TESTED WAS MARIJUANA, CORRECT?

14 A YES, SIR.

15 Q OKAY. AND THAT WEIGHED IN AT WHAT?

16 A THIS WEIGHED AT 5.21 GRAMS OR A LITTLE LESS THAN
17 TWO-TENTHS OF AN OUNCE.

18 Q SO LESS THAN A QUARTER OF AN OUNCE?

19 A YES.

20 Q OKAY. LET ME HAVE THAT BACK.

21 THE INFORMATION YOU WERE PROVIDED WAS THAT THIS
22 MATERIAL WAS RECOVERED FROM THE VICTIM'S PANTS
23 POCKET?

24 A YES, SIR, THAT WAS INDICATED ON THE FORM.

25 Q THAT'S SOME INFORMATION THAT WAS PASSED ON TO YOU AT

D. BELL - CROSS (STRICKLER)

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1 THE TIME YOU RECEIVED IT?

2 A THAT WAS ON THE EVIDENCE SHEET, YES, SIR.

3 Mr. Strickler: THANK YOU VERY MUCH, SIR.

4 REDIRECT EXAMINATION:

5 BY Ms. Campbell

6 Q THE FORM -- I'M SORRY, I FORGOT THAT. THE MARIJUANA
7 THAT WAS FOUND IN THE VICTIM'S POCKET, WAS IT IN THE
8 SAME FORM AS THE CLUMP THAT YOU FOUND, THE LARGER
9 CLUMP, FROM THE DEFENDANT'S RESIDENCE?

10 A IT WAS IN A SMALL BAG.

11 Q A SMALL AMOUNT?

12 A YES, MA'AM.

13 Ms. Campbell: THANK YOU. THAT'S ALL I HAVE.

14 THE COURT: RECROSS?

15 Mr. Strickler: NO, SIR.

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

17 MR. BELL. YOU MAY COME DOWN.

18 Ms. Campbell: MAY WE APPROACH?

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

22 Ms. Campbell: YOUR HONOR, CAN HE BE EXCUSED?

23 Mr. Strickler: CERTAINLY.

24 THE COURT: LADIES AND GENTLEMEN OF THE JURY,

25 IT'S MY UNDERSTANDING THAT THE NEXT WITNESS IS PARKING HIS

1 CAR. NOW, I HOPE IT'S WITHIN A BLOCK OF THE COURTHOUSE,
2 BUT HE WAS SUPPOSED TO BE HERE AT 1:30. HOPEFULLY, HE'LL
3 BE HERE WITHIN THE NEXT TWO OR THREE MINUTES.

4 JUST BE AT EASE FOR A MINUTE RATHER THAN GET --
5 IF YOU WOULD PREFER TO GET UP AND GO TO YOUR JURY ROOM A
6 MINUTE, I'LL BE GLAD TO LET YOU DO THAT. OTHERWISE, I
7 THINK WE MIGHT AS WELL JUST -- I'VE GOT TO WAIT, YOU HAVE
8 GOT TO WAIT.

9 (PAUSE).

10 Ms. Campbell: THE STATE WOULD CALL WILLIE
11 JENNINGS.

12 THE BAILIFF: PLACE YOUR LEFT HAND ON THE BIBLE,
13 RAISE YOUR RIGHT HAND, FACE THE CLERK.

14 WILLIE JENNINGS, AFTER BEING DULY SWORN,
15 TESTIFIED AS FOLLOWS:

16 THE CLERK: HAVE A SEAT IN THE WITNESS BOX.
17 STATE YOUR FULL NAME FOR THE RECORD.

18 THE WITNESS: WILLIE FREDERICK JENNINGS.

19 DIRECT EXAMINATION:

20 BY Ms. Campbell

21 Q WHERE DO YOU LIVE?

22 A NOW?

23 Q YES, SIR.

24 A BLYTHEWOOD.

25 Q BLYTHEWOOD?

JENNINGS - DIRECT (CAMPBELL)

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- 1 A YEAH.
- 2 Q HOW LONG HAVE YOU BEEN LIVING IN THE COLUMBIA AREA?
- 3 A SIX MONTHS.
- 4 Q DID YOU GET LOST COMING TO COURT TODAY?
- 5 A YEAH.
- 6 Q PRIOR TO LIVING IN COLUMBIA, SOUTH CAROLINA, WHERE
- 7 ELSE HAD YOU LIVED, SIR?
- 8 A LATTA, RALEIGH.
- 9 Q LATTA, THAT'S LATTA, SOUTH CAROLINA?
- 10 A YEAH.
- 11 Q WHERE IS LATTA, WHAT PART OF SOUTH CAROLINA?
- 12 A DILLON COUNTY.
- 13 Q YOU MENTIONED YOU ALSO LIVED IN RALEIGH. IS THAT IN
- 14 NORTH OR SOUTH CAROLINA?
- 15 A NORTH CAROLINA.
- 16 Q AND HOW LONG DID YOU LIVE IN RALEIGH?
- 17 A OFF AND ON, TWO OR THREE YEARS.
- 18 Q TWO OR THREE YEARS. WHAT DO YOU DO FOR A LIVING,
- 19 SIR?
- 20 A I MAKE MUSIC.
- 21 Q YOU MAKE MUSIC?
- 22 A YEAH.
- 23 Q AND WHEN YOU DO THAT, TELL THIS JURY WHAT YOU DO.
- 24 A MAKE CD'S..
- 25 Q I GUESS THEY DON'T MAKE RECORDS ANYMORE?

1 A NO.

2 Q I GUESS THEY USED TO. YOU DO HIP HOP?

3 A YEAH.

4 Q HOW LONG HAVE YOU BEEN IN THE MUSIC BUSINESS?

5 A ABOUT 10 YEARS.

6 Q ABOUT 10 YEARS?

7 A YEAH.

8 Q WHERE DID YOU GROW UP?

9 A DILLON COUNTY.

10 Q DID YOU GO TO HIGH SCHOOL THERE?

11 A YEAH.

12 Q WHAT HIGH SCHOOL DID YOU GO TO?

13 A LATTA HIGH SCHOOL.

14 Q LATTA HIGH SCHOOL?

15 A YEAH.

16 Q DO YOU KNOW A LADY NAMED CONSUELO CASEY?

17 A YEAH.

18 Q HOW DO YOU KNOW MS.~CASEY?

19 A I WENT TO SCHOOL WITH HER.

20 Q YOU WENT TO SCHOOL WITH HER. WAS SHE YOUNGER OR

21 OLDER THAN YOU?

22 A A YEAR YOUNGER.

23 Q AND DID YOU GO TO THE SAME HIGH SCHOOL? IS WHAT

24 YOU'RE TALKING ABOUT?

25 A YEAH.

JENNINGS - DIRECT (CAMPBELL)

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- 1 Q OVER THE LAST 10 YEARS, HAVE YOU HAD A LOT OF CONTACT
2 WITH HER OR NOT?
- 3 A OFF AND ON.
- 4 Q OFF AND ON. DO YOU KNOW A MAN NAMED PHILLIP CROCKER?
- 5 A YEAH.
- 6 Q CAN YOU TELL THIS JURY HOW YOU KNOW PHILLIP CROCKER?
7 YOU'RE GOING TO HAVE TO SPEAK IN THAT MICROPHONE.
8 IT'S HARD TO HEAR SOMETIMES.
- 9 A I'D KNOWN HIM ABOUT A YEAR.
- 10 Q BEFORE ALL THIS HAPPENED?
- 11 A YEAH.
- 12 Q YOU KNEW HIM FOR ABOUT A YEAR PRIOR TO THAT?
- 13 A YEAH.
- 14 Q TELL THIS JURY HOW YOU MET PHILLIP CROCKER. YOU'RE
15 TALKING ABOUT THIS PHILLIP CROCKER?
- 16 A YEAH.
- 17 Q HOW DID YOU MEET PHILLIP CROCKER?
- 18 A THROUGH MARTY.
- 19 Q THROUGH MARTY?
- 20 A MARTY MORGAN.
- 21 Q MARTY MORGAN. AND WHO IS MARTY MORGAN?
- 22 A A FRIEND OF MINE.
- 23 Q A FRIEND OF YOURS?
- 24 A YEAH.
- 25 Q AND HOW DID MARTY, OR IF YOU KNOW, HOW DID MARTY

1 MORGAN KNOW PHILLIP CROCKER?

2 A I DON'T KNOW.

3 Q YOU DON'T KNOW. WHAT KIND OF RELATIONSHIP, WHEN YOU

4 FIRST MET PHILLIP CROCKER, DID YOU HAVE WITH

5 MR. CROCKER?

6 A ON A MUSIC LEVEL.

7 Q ON A MUSIC LEVEL?

8 A YEAH.

9 Q AND EXPLAIN THAT TO ME, WHEN YOU SAY A MUSIC LEVEL,

10 THAT YOU HAD A RELATIONSHIP.

11 A WE HAD A MOVIE COMING OUT.

12 Q YOU HAD A MOVIE COMING OUT?

13 A YEAH.

14 Q WHO HAD A MOVIE COMING OUT?

15 A PHILLIP CROCKER.

16 Q WHAT KIND OF MOVIE WAS HE PUTTING OUT?

17 A LIKE A BASKETBALL DOCUMENTARY.

18 Q A BASKETBALL DOCUMENTARY?

19 A YEAH.

20 Q AND HE GOT INTO CONTACT WITH YOU ABOUT YOUR MUSIC?

21 A MARTY PUT IT TOGETHER.

22 Q PUT IT TOGETHER. WHAT WAS HE GOING TO DO WITH YOUR

23 MUSIC?

24 A PUT IT ON HIS MOVIE.

25 Q PUT IT ON THAT MOVIE, THAT DOCUMENTARY?

JENNINGS - DIRECT (CAMPBELL)

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- 1 A YEAH.
- 2 Q DID YOU HAVE CONVERSATIONS OVER THAT YEAR PERIOD
- 3 ABOUT YOUR MUSIC?
- 4 A YEAH.
- 5 Q DURING THAT YEAR, AND WHEN I SAY PRIOR TO THIS EVENT,
- 6 I MEAN PRIOR TO WHAT HAPPENED AT LOWE'S, OKAY. I'M
- 7 GOING TO USE THAT AS A REFERENCE POINT. DURING THAT
- 8 YEAR PRIOR TO THAT THANKSGIVING AT LOWE'S, HOW
- 9 FREQUENT WAS YOUR CONTACT WITH PHILLIP CROCKER?
- 10 A NOT MUCH, JUST OCCASIONAL.
- 11 Q OCCASIONAL?
- 12 A YEAH.
- 13 Q AND WOULD YOU SEE HIM ON A DAILY BASIS, A WEEKLY
- 14 BASIS, A MONTHLY BASIS, OR CAN YOU EVEN PUT IT IN
- 15 TERMS LIKE THAT?
- 16 A I CAN'T PUT IT LIKE THAT, NO.
- 17 Q YOU CAN'T PUT IT LIKE THAT?
- 18 A NO.
- 19 Q DID YOU SEE HIM MORE THAN ONCE A MONTH?
- 20 A NO.
- 21 Q WHEN YOU WOULD GO SEE PHILLIP CROCKER, WOULD YOU GO
- 22 BY YOURSELF OR WOULD YOU GO WITH OTHER PEOPLE?
- 23 A I'D GO WITH MARTY.
- 24 Q YOU WOULD GO WITH MARTY?
- 25 A YEAH.

1 Q AND WOULD YOU SAY HE AND MARTY HAD A CLOSER
2 RELATIONSHIP THAN YOU AND PHILLIP DID?

3 A YEAH.

4 Q HAD YOU EVER BEEN TO PHILLIP CROCKER'S HOUSE?

5 A YEAH.

6 Q DO YOU REMEMBER WHERE HE LIVED, WHAT CITY?

7 A CHARLOTTE.

8 Q AND THAT'S CHARLOTTE, NORTH CAROLINA?

9 A UH-HUH.

10 Q WHEN YOU WENT TO VISIT HIM AT HIS HOUSE, THAT WAS IN
11 CHARLOTTE?

12 A UH-HUH.

13 Q DO YOU REMEMBER THE NAME OF THE STREET HE WAS IN?

14 A NO.

15 Q DO YOU REMEMBER WHERE IT WAS?

16 A I REMEMBER THE GENERAL LOCATION BUT NOT THE NAME OF
17 THE STREET.

18 Q AND WHEN YOU WENT THERE, DID YOU GO BY YOURSELF OR
19 DID YOU ALWAYS GO WITH MARTY?

20 A I WENT WITH MARTY.

21 Q I WANT TO TURN YOUR ATTENTION TO THAT NOVEMBER OF
22 2001, OKAY, TWO YEARS OKAY.

23 A OKAY.

24 Q IN THAT MONTH, DID YOU HAVE CONTACT WITH CONSUELO
25 CASEY. I THINK HER MAIDEN NAME WAS WILLIAMS?

JENNINGS - DIRECT (CAMPBELL)

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- 1 A YEAH, IT WAS WILLIAMS.
- 2 Q AND CAN YOU TELL THE JURY WHEN YOU MADE CONTACT OR
- 3 HOW YOU MADE CONTACT WITH CONSUELO THAT MONTH?
- 4 A I MIGHT HAVE RAN INTO HER THE FIRST TIME.
- 5 Q EXCUSE ME?
- 6 A I RAN INTO HER.
- 7 Q YOU RAN INTO HER?
- 8 A YES, JUST TALKING TO HER.
- 9 Q AND WHAT CITY WERE YOU IN WHEN YOU BUMPED INTO
- 10 CONSUELO?
- 11 A LATTA.
- 12 Q IN LATTA?
- 13 A YEAH.
- 14 Q WHERE DID YOU SEE HER WHEN YOU WERE IN LATTA?
- 15 A I DON'T KNOW THE NAME OF IT.
- 16 Q YOU FORGOT THE NAME OF THE STORE?
- 17 A THEY SERVE FOOD IN THERE.
- 18 Q OKAY. AND LATER THAT MONTH, DID YOU HAVE AN OCCASION
- 19 TO GO BY HER SHOP?
- 20 A IN NOVEMBER?
- 21 Q IN NOVEMBER.
- 22 A YEAH.
- 23 Q TELL THE JURY ABOUT HOW YOU CAME IN CONTACT WITH
- 24 CONSUELO AND WHAT YOU INITIALLY WERE TALKING ABOUT.
- 25 A WE WAS TALKING ABOUT SHE NEEDED TO GET A BAG.

1 Q OKAY. WHEN YOU FIRST STARTED TALKING, WERE YOU
2 TALKING SOMETHING ABOUT YOU AND A GIRLFRIEND?

3 A YEAH.

4 Q WHAT WAS THAT ABOUT?

5 Mr. Strickler: I'LL OBJECT TO THE LEADING AT
6 THIS POINT, YOUR HONOR.

7 THE COURT: I'LL ALLOW THIS. GO AHEAD.

8 Ms. Campbell: THANK YOU.

9 THE COURT: OVERRULED.

10 BY Ms. Campbell

11 Q THANK YOU.

12 WHAT WERE YOU TALKING ABOUT, YOU AND CONSUELO?

13 A WHAT?

14 Q WHEN YOU FIRST CAME IN CONTACT, RIGHT?

15 A ABOUT THE GIRLFRIEND.

16 Q ABOUT THE GIRLFRIEND?

17 A YEAH.

18 Q OKAY.

19 A I WAS GOING TO SEE ABOUT GETTING A BLOOD TEST.

20 Q A BLOOD TEST?

21 A YEAH.

22 Q AND THE GIRLFRIEND, WHAT WAS HER RELATIONSHIP WITH
23 CONSUELO? WHY WERE YOU TALKING TO CONSUELO ABOUT IT?

24 A I MEAN, CONSUELO KNEW HER. I DIDN'T REALLY KNOW WHAT
25 HER RELATIONSHIP WAS.

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- 1 Q SO SHE KNEW HER?
- 2 A YEAH.
- 3 Q AND YOU WERE TALKING TO HER. AT SOME POINT IN
- 4 NOVEMBER WHEN YOU WERE TALKING TO CONSUELO, DID THE
- 5 SUBJECT OF DRUGS COME UP?
- 6 A YEAH.
- 7 Q CAN YOU TELL THE JURY ABOUT THAT?
- 8 A I MEAN, WHAT DO YOU WANT ME TO TELL YOU?
- 9 Q I WANT YOU TO TELL ME ABOUT THAT CONVERSATION.
- 10 A SHE JUST ASKED IF I KNEW WHERE SHE COULD GET SOME
- 11 MARIJUANA.
- 12 Q SHE ASKED YOU IF YOU KNEW WHERE SHE COULD GET SOME
- 13 MARIJUANA?
- 14 A YEAH.
- 15 Q AND WHEN SHE ASKED YOU THAT, WHAT DID YOU SAY TO HER?
- 16 A THE FIRST TIME?
- 17 Q YES, SIR.
- 18 A WELL, I DIDN'T DO IT THE FIRST TIME.
- 19 Q YOU DIDN'T?
- 20 A HUH-UH.
- 21 Q AND WHEN SHE ASKED YOU THAT, WHERE WERE YOU?
- 22 A WE WERE IN THE STORE.
- 23 Q IN THE STORE?
- 24 A YEAH.
- 25 Q AT WHOSE STORE?

- 1 A I FORGET THE NAME OF THAT STORE.
- 2 Q OKAY. AND DID SHE ASK YOU AGAIN ON ANOTHER OCCASION?
- 3 A YEAH.
- 4 Q AND WHAT WAS SHE ASKING YOU FOR WHEN SHE ASKED YOU
- 5 AGAIN?
- 6 A SHE JUST SAID SOME MARIJUANA. SHE DIDN'T SAY
- 7 ANYTHING OTHER THAN THAT.
- 8 Q SHE DIDN'T SAY ANYTHING OTHER THAN THAT?
- 9 A HUH-UH.
- 10 Q AFTER TALKING TO CONSUELO, DID YOU FOLLOW UP ON WHAT
- 11 SHE WAS ASKING YOU ABOUT?
- 12 A YES.
- 13 Q OKAY. CAN YOU TELL THE JURY WHAT YOU DID?
- 14 A WELL, REALLY, I JUST MENTIONED IT, AND PHIL SAID THAT
- 15 HE MIGHT COULD GET HIS HANDS ON IT, SO I INTRODUCED
- 16 THOSE TWO.
- 17 Q SO YOU SAID PHIL SAID, RIGHT?
- 18 A YEAH.
- 19 Q AND WHO IS PHIL?
- 20 A PHILLIP CROCKER.
- 21 Q THE DEFENDANT, PHIL CROCKER?
- 22 A YEAH.
- 23 Q AND YOU MENTIONED IT TO HIM?
- 24 A YEAH.
- 25 Q WHEN DID YOU DO THAT, DO YOU REMEMBER?

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- 1 A I DON'T REMEMBER EXACTLY.
- 2 Q WHERE WERE YOU WHEN YOU MENTIONED IT TO HIM?
- 3 A I WAS IN CHARLOTTE.
- 4 Q YOU WERE IN CHARLOTTE, NORTH CAROLINA?
- 5 A UH-HUH.
- 6 Q AND DO YOU REMEMBER IF YOU WERE AT A BUSINESS, A
- 7 RESIDENCE, OR WHAT?
- 8 A I DON'T REMEMBER EXACTLY.
- 9 Q AND WHY DID YOU MENTION IT TO PHIL?
- 10 A WELL, REALLY, I WAS JUST TALKING.
- 11 Q YOU WERE JUST TALKING?
- 12 A YEAH.
- 13 Q AND WHEN YOU MENTIONED IT TO HIM, CAN YOU TELL THE
- 14 JURY WHAT YOU SAID?
- 15 A I SAID A FRIEND OF MINE WAS LOOKING FOR MARIJUANA,
- 16 AND HE SAID THAT HE KNEW -- THAT HE MIGHT COULD GET
- 17 HIS HANDS ON IT.
- 18 Q AND HE SAID HE MIGHT BE ABLE TO GET HIS HANDS ON
- 19 SOME?
- 20 A YEAH.
- 21 Q AND YOU JUST MENTIONED THIS IN PHIL'S PRESENCE. WAS
- 22 ANYBODY ELSE AROUND WHEN YOU MENTIONED THIS TO HIM?
- 23 A HUH-UH.
- 24 Q AFTER YOU MENTIONED THIS TO PHIL, DID YOU GET BACK IN
- 25 TOUCH WITH CONSUELO?

- 1 A YEAH.
- 2 Q AND WHEN WAS THAT, DO YOU REMEMBER, APPROXIMATELY?
- 3 A NO. I DON'T REMEMBER EXACTLY BUT I TOLD HER.
- 4 Q WAS IT THE SAME MONTH, THAT THANKSGIVING?
- 5 A YEAH, IT WAS AROUND THAT TIME.
- 6 Q AROUND THAT TIME?
- 7 A YEAH.
- 8 Q AND HOW DID YOU GET BACK IN TOUCH WITH CONSUELO?
- 9 A I WENT TO HER SHOP.
- 10 Q YOU WENT TO HER SHOP?
- 11 A YEAH.
- 12 Q AND DURING THIS PERIOD OF TIME, WHERE WERE YOU
- 13 LIVING, MR. JENNINGS?
- 14 A IN RALEIGH.
- 15 Q IN RALEIGH?
- 16 A YEAH..
- 17 Q BUT, OBVIOUSLY, YOU WERE BETWEEN RALEIGH AND
- 18 CHARLOTTE AND DILLON?
- 19 A I WAS LIKE RUNNING AROUND WITH MR. CHEEKS, AND I WAS
- 20 LIKE BACK AND FORTH.
- 21 Q OKAY, WELL, EXPLAIN THAT TO ME. YOU WERE RUNNING
- 22 AROUND WITH MR. CHEEKS?
- 23 A DOING MUSIC.
- 24 Q AND WHO IS MR. CHEEKS?
- 25 A HE IS AN ARTIST WITH UNIVERSAL RECORDS.

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- 1 Q HE'S AN ARTIST WITH UNIVERSAL RECORDS?
- 2 A YEAH.
- 3 Q SO AS PART OF -- YOU TRAVELLED A LOT?
- 4 A YEAH.
- 5 Q BUT DURING THAT MONTH OF NOVEMBER WHEN ALL OF THIS
- 6 HAPPENED, YOU WERE IN CHARLOTTE AND IN RALEIGH AND
- 7 DILLON; IS THAT RIGHT?
- 8 A YEAH.
- 9 Q TELL THE JURY ABOUT THE CONVERSATION AFTER YOU TALKED
- 10 TO PHIL -- DOES PHIL HAVE A NICKNAME?
- 11 A CROC.
- 12 Q CROC. HIS LAST NAME IS CROCKER?
- 13 A YEAH.
- 14 Q OKAY. AFTER YOU HAD THE CONVERSATION WITH CONSUELO
- 15 AND YOU MENTIONED IT WITH PHIL, AND HE INDICATED --
- 16 WHAT DID HE SAY?
- 17 A THAT HE MIGHT COULD GET HIS HANDS ON MARIJUANA.
- 18 Q WHAT DID YOU DO?
- 19 A I TOLD CONSUELO ABOUT IT.
- 20 Q YOU TOLD --
- 21 A I INTRODUCED THEM.
- 22 Q AND YOU INTRODUCED THEM?
- 23 A YEAH.
- 24 Q OKAY. I'M GOING TO GET TO THAT. AS PART OF YOUR
- 25 PART IN SETTING UP THIS DEAL, WERE YOU SUPPOSED TO

- 1 GET SOME MONEY?
- 2 A YEAH.
- 3 Q AND HOW MUCH MONEY WERE YOU SUPPOSED TO GET?
- 4 A \$500.
- 5 Q WERE YOU SUPPOSED TO ACTUALLY BE THERE WHEN THE DEAL
- 6 WENT DOWN?
- 7 A NO.
- 8 Q YOU SAID THAT YOU THEN INTRODUCED THEM; IS THAT
- 9 CORRECT?
- 10 A YEAH.
- 11 Q AND HOW DID YOU SET UP TO INTRODUCE THEM? TELL THE
- 12 JURY ABOUT THAT.
- 13 A I MEAN, HE CAME DOWN TO DILLON TOWARDS THE SHOP.
- 14 Q HE CAME DOWN TO DILLON?
- 15 A YEAH.
- 16 Q AND YOU TOOK HIM TO THE SHOP?
- 17 A YEAH.
- 18 Q AND WHEN HE CAME DOWN TO DILLON, WHERE DID YOU MEET
- 19 HIM?
- 20 A WHERE DID I MEET HIM?
- 21 Q UH-HUH.
- 22 A AT SOUTH OF THE BORDER, I THINK.
- 23 Q AT SOUTH OF THE BORDER?
- 24 A YEAH.
- 25 Q THAT'S, I GUESS, NEAR DILLON, ISN'T IT?

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- 1 A THAT IS DILLON.
- 2 Q THAT IS DILLON?
- 3 A YEAH.
- 4 Q OKAY. I DIDN'T UNDERSTAND THAT. YOU MET HIM AT
- 5 SOUTH OF THE BORDER?
- 6 A YEAH.
- 7 Q DID YOU ALREADY SET UP THE MEETING WITH CONSUELO?
- 8 A YEAH, I TOLD HIM SHE WAS COMING.
- 9 Q WAS THE MEETING JUST WITH CONSUELO OR WAS SOMEONE
- 10 ELSE INVOLVED?
- 11 A JUST CONSUELO.
- 12 Q YOU JUST DEALT WITH CONSUELO, RIGHT?
- 13 A YEAH.
- 14 Q BUT YOU WERE AWARE OF CONSUELO'S HUSBAND JUNIOR?
- 15 A I WASN'T AWARE OF THAT UNTIL I GOT THERE.
- 16 Q OKAY. I GUESSED THAT. I MISUNDERSTOOD THAT. WHEN
- 17 YOU SET UP THIS THING, APPROXIMATELY, DO YOU REMEMBER
- 18 WHAT TIME OF NIGHT IT WAS WHEN YOU MET PHIL?
- 19 A NO.
- 20 Q WAS IT BEFORE OR AFTER DARK?
- 21 A IT WAS DARK.
- 22 Q IT WAS DARK. WHEN YOU MET PHIL AT SOUTH OF THE
- 23 BORDER, DID YOU THEN PROCEED TO GO SOMEWHERE ELSE?
- 24 A TO CONSUELO'S SHOP.
- 25 Q TO CONSUELO'S SHOP. HOW FAR AWAY IS CONSUELO'S SHOP

1 FROM SOUTH OF THE BORDER, IF YOU'RE DRIVING?
2 A SEVEN OR EIGHT MILES.
3 Q SEVEN OR EIGHT MILES. WHO DROVE TO CONSUELO'S SHOP,
4 DO YOU REMEMBER?
5 A BOTH OF US DROVE. I DROVE MY CAR AND HE DROVE.
6 Q SO HE WAS STILL IN HIS CAR?
7 A UH-HUH.
8 Q AND YOU WERE IN YOURS?
9 A YEAH.
10 Q DO YOU REMEMBER WHAT CAR PHILLIP CROCKER WAS DRIVING
11 THAT NIGHT?
12 A A RANGE ROVER.
13 Q A RANGE ROVER?
14 A UH-HUH.
15 Q AND WHAT CAR WERE YOU DRIVING THAT NIGHT?
16 A I HAD A BUICK CENTURY.
17 Q A CENTURY?
18 A YEAH.
19 Q AND HE THEN FOLLOWED YOU TO CONSUELO'S SHOP?
20 A UH-HUH.
21 Q WHEN YOU GOT THERE, WHAT DID YOU DO?
22 A WENT IN THE SHOP.
23 Q OKAY. AND WHO ALL WENT IN THE SHOP WITH YOU?
24 A JUST ME AND PHIL.
25 Q YOU AND PHIL?

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- 1 A UH-HUH.
- 2 Q ONCE YOU GOT INSIDE THE SHOP, TELL THE JURY WHAT
- 3 HAPPENED.
- 4 A I INTRODUCED THEM, SAT DOWN, AND THEY TALKED.
- 5 Q SO YOU INTRODUCED THEM, AND WHEN YOU SAID YOU
- 6 INTRODUCED THEM, WHO WERE YOU INTRODUCING?
- 7 A CONSUELO AND CROC, PHIL.
- 8 Q WAS ANYBODY ELSE THERE?
- 9 A THERE WAS PEOPLE IN THE SHOP, BUT I DIDN'T REALLY
- 10 KNOW WHO THEY WERE.
- 11 Q DID YOU KNOW CONSUELO'S HUSBAND, JUNIOR?
- 12 A YEAH, I KNOW HIM.
- 13 Q WAS HE THERE?
- 14 A YEAH, HE WAS THERE.
- 15 Q AND WHEN YOU INTRODUCED THEM, YOU INTRODUCED THE
- 16 PERSON YOU REFERRED TO AS PHIL OR CROC TO CONSUELO?
- 17 A UH-HUH.
- 18 Q DID YOU INTRODUCE HIM TO HER HUSBAND?
- 19 A NO.
- 20 Q AND WERE YOU THERE WHEN THEY INTRODUCED -- WHAT WAS
- 21 HAPPENING?
- 22 A I SAT DOWN IN THE CHAIR. THEY SEPARATED THE
- 23 BARBERSHOP FROM THE BEAUTY SALON.
- 24 Q OKAY. YOU WERE SITING DOWN IN A CHAIR?
- 25 A YEAH.

- 1 Q SO THEY HAD A CONVERSATION, AND YOU SET UP THE
2 MEETING, BUT YOU WEREN'T REALLY A PART OF PLANS AFTER
3 THAT?
- 4 A NO.
- 5 Q HOW LONG WERE YOU IN THE SHOP, DO YOU KNOW?
- 6 A NO, I DON'T REMEMBER.
- 7 Q WAS IT FOR HOURS, OR MINUTES, OR DO YOU KNOW?
- 8 A NO, MINUTES.
- 9 Q MINUTES?
- 10 A YEAH.
- 11 Q AND WHEN YOU LEFT THE SHOP, HOW DID YOU LEAVE?
- 12 A I DROVE MY CAR. HE DROVE HIS HOME, HIS TRUCK.
- 13 Q AND DO YOU KNOW THE TERMS OF WHEN THEY WERE SUPPOSED
14 TO MEET OR WHAT WAS SUPPOSED TO GO ON?
- 15 A NO.
- 16 Q DID YOU KNOW THEY WERE SUPPOSED TO MEET, THOUGH?
- 17 A I WAS GOING TO MEET THEM.
- 18 Q AND DID YOU KNOW WHO WAS GOING TO BE BUYING THE DRUGS
19 AND WHO WAS GOING TO BE SELLING THE DRUGS?
- 20 A WELL, TO MY -- I THOUGHT SHE WAS GOING TO BUY THEM,
21 AND HE WAS GOING TO SELL THE DRUGS.
- 22 Q SHE WAS GOING TO BE THE ONE BUYING, AND HE WAS THE
23 ONE SELLING?
- 24 A YEAH.
- 25 Q AND YOU NEVER DEALT WITH JUNIOR DIRECTLY, DID YOU?

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- 1 A NO.
- 2 Q ONCE YOU LEFT THAT NIGHT, WHERE DID YOU GO?
- 3 A AFTER I LEFT DILLON?
- 4 Q UH-HUH.
- 5 A I DON'T REALLY REMEMBER. I WAS SOMEWHERE IN TOWN,
6 BUT I DON'T KNOW EXACTLY WHERE I WAS.
- 7 Q DOES YOUR FAMILY STILL LIVE IN DILLON?
- 8 A YEAH.
- 9 Q AND DID YOU STAY IN TOWN THAT NIGHT?
- 10 A YEAH.
- 11 Q AND THAT WOULD BE IN THE DILLON AREA, LATTA?
- 12 A DILLON COUNTY.
- 13 Q DILLON COUNTY. IS LATTA A FEW MILES FROM DILLON?
- 14 A YEAH.
- 15 Q SO YOU STAYED IN THE AREA THAT NIGHT?
- 16 A YEAH.
- 17 Q THE NEXT DAY -- WHAT NIGHT OF THE WEEK WAS THIS, DO
18 YOU REMEMBER?
- 19 A NO.
- 20 Q YOU DON'T REMEMBER WHAT NIGHT IT WAS? DO YOU KNOW
21 WHEN THE TRANSFER OF DRUGS WAS SUPPOSED TO HAPPEN?
- 22 A I DON'T EXACTLY REMEMBER.
- 23 Q THE NEXT DAY, WHAT DID YOU DO?
- 24 A THE NEXT MORNING?
- 25 Q YES, SIR, THE NEXT MORNING.

1 A WELL, I WENT TO CONSUELO'S SHOP.

2 Q YOU WENT TO CONSUELO'S SHOP THAT MORNING?

3 A YEAH.

4 Q DID YOU SPEAK TO CONSUELO AGAIN?

5 A YEAH.

6 Q AND WHEN YOU SPOKE TO CONSUELO, DID YOU FIND OUT

7 ANYTHING ABOUT WHAT WAS SUPPOSED TO TRANSPIRE LATER

8 THAT DAY?

9 A NO. SHE WANTED ME TO CALL HIM, BECAUSE SHE COULDN'T

10 GET IN CONTACT WITH HIM.

11 Q AND SHE WANTED YOU TO CONTACT WHOM?

12 A PHIL.

13 Q BECAUSE SHE COULDN'T GET IN CONTACT WITH HIM?

14 A YEAH.

15 Q DID YOU DO THAT FOR HER?

16 A I TRIED BUT HE DIDN'T PICK UP AT THE TIME.

17 Q DID YOU TALK WITH PHILLIP CROCKER ANY ON THAT

18 MORNING, THE NEXT DAY?

19 A YEAH, EARLIER.

20 Q EARLIER THAT DAY YOU TALKED TO HIM?

21 A UH-HUH.

22 Q AND WHEN YOU TALKED WITH PHIL THAT MORNING, WERE YOU

23 DISCUSSING THE TERMS OF THE DRUG DEAL OR WHAT?

24 A NO. HE JUST WANTED ME TO GO TO THE SHOP TO SEE IF

25 CONSUELO AND JUNIOR WERE THERE.

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- 1 Q TO SEE IF CONSUELO AND JUNIOR WERE THERE?
- 2 A UH-HUH.
- 3 Q IS THAT WHY YOU WENT TO CONSUELO'S SHOP THE NEXT
- 4 MORNING?
- 5 A UH-HUH.
- 6 Q AND WHEN YOU GOT TO THE SHOP, THAT'S WHEN CONSUELO
- 7 WAS THERE?
- 8 A UH-HUH.
- 9 Q AND THAT'S WHEN SHE TOLD YOU SHE WANTED YOU TO GET IN
- 10 TOUCH WITH HIM?
- 11 A UH-HUH.
- 12 Q AND YOU TRIED?
- 13 A YEAH.
- 14 Q BUT YOU COULDN'T?
- 15 A YEAH.
- 16 Q HOW LONG WERE YOU IN THE SHOP THAT MORNING, DO YOU
- 17 REMEMBER?
- 18 A MAYBE FIVE MINUTES.
- 19 Q MAYBE FIVE MINUTES. AND THAT MORNING, DID YOU TALK
- 20 TO PHILLIP CROCKER ANY AFTER THAT INITIAL
- 21 CONVERSATION?
- 22 A AFTER THE FIRST CONVERSATION, NO.
- 23 Q AFTER YOU LEFT THE SHOP, DID YOU HAVE ANYMORE
- 24 CONVERSATIONS WITH CONSUELO OR HER HUSBAND --
- 25 A NO.

- 1 Q -- THAT DAY?
- 2 A NO.
- 3 Q WHERE DID YOU GO AFTER YOU LEFT THE SHOP -- IS THE
- 4 SHOP IN DILLON OR LATTA?
- 5 A IN DILLON.
- 6 Q IT'S IN DILLON?
- 7 A UH-HUH.
- 8 Q WHERE DID YOU GO AFTER YOU LEFT THE SHOP IN DILLON?
- 9 A TO BENNETTSVILLE, SOUTH CAROLINA.
- 10 Q TO BENNETTSVILLE?
- 11 A UH-HUH.
- 12 Q WHY WERE YOU GOING TO BENNETTSVILLE?
- 13 A TO PICK UP MARTY TO GO BACK HOME.
- 14 Q WHEN YOU SAID TO GO BACK HOME, WHERE WERE YOU HEADING
- 15 BACK TO?
- 16 A RALEIGH.
- 17 Q TO RALEIGH?
- 18 A YEAH.
- 19 Q THAT'S IN NORTH CAROLINA?
- 20 A YEAH.
- 21 Q AND DO YOU KNOW APPROXIMATELY WHAT TIME YOU PICKED UP
- 22 MARTY?
- 23 A I DON'T KNOW THE EXACT TIME, NO.
- 24 Q WAS IT DAYLIGHT OR NIGHTTIME?
- 25 A DAYTIME.

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- 1 Q DAYTIME. IT WAS AFTER YOU HAD BEEN TO THE SHOP AND
2 TALKED TO CONSUELO?
- 3 A YEAH.
- 4 Q WHEN YOU PICKED UP MARTY FROM BENNETTSVILLE, WHERE
5 DID YOU GO?
- 6 A HEADED TOWARDS RALEIGH.
- 7 Q HEADED TOWARDS RALEIGH. AND HOW DID YOU GET TO
8 RALEIGH FROM BENNETTSVILLE?
- 9 A GO LIKE OVER TO CLIO.
- 10 Q WHAT ARE THOSE, I'M SORRY? I CAN'T HEAR YOU.
- 11 A YOU GO THROUGH CLIO.
- 12 Q CLIO, C-L-I-O?
- 13 A YEAH.
- 14 Q YOU GO THROUGH, WHAT WAS THE OTHER TOWN YOU NAMED?
- 15 A LAURINBURG.
- 16 Q LAURINBURG, NORTH CAROLINA. THAT'S ACROSS THE
17 BORDER?
- 18 A ABERDEEN.
- 19 Q ABERDEEN?
- 20 A SANFORD.
- 21 Q SANFORD?
- 22 A YEAH.
- 23 Q IS THERE A CERTAIN HIGHWAY YOU TAKE UP TO GET TO --
24 OR DO YOU USE THE BACK ROADS?
- 25 A U.S. 1.

1 Q U.S. 1. AND DID YOU GO BACK TO RALEIGH THAT
2 AFTERNOON?

3 A YEAH.

4 Q DO YOU REMEMBER WHAT TIME --

5 A WE MADE A COUPLE OF STOPS, BUT I DON'T KNOW EXACTLY
6 WHAT TIME.

7 Q OKAY. BUT YOU WENT BACK. YOU MADE A COUPLE OF STOPS
8 TO VISIT PEOPLE OR EAT?

9 A YEAH, TO LAURINBURG, MESS AROUND.

10 Q TO MAKE SOME STOPS BECAUSE YOU ALL WERE HEADING UP
11 NORTH TOWARDS RALEIGH?

12 A YEAH.

13 Q DID YOU GET TO RALEIGH THAT SAME DAY?

14 A YEAH, WE GOT TO RALEIGH THE SAME DAY.

15 Q AND DO YOU REMEMBER IF IT WAS STILL LIGHT OR DARK
16 WHEN YOU GOT TO RALEIGH?

17 A IT WAS DARK WHEN WE GOT THERE.

18 Q AND THIS IS AROUND THANKSGIVING, SO IT GETS DARK
19 PRETTY EARLY?

20 A YEAH.

21 Q LIKE THIS WEEK?

22 A UH-HUH.

23 Q AND WHEN YOU GOT TO RALEIGH, WHERE DID YOU GO?

24 A WENT HOME.

25 Q AND YOU WENT HOME. WHEN YOU SAY HOME, WERE YOU

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- 1 LIVING WITH MARTY AT THE TIME?
- 2 A YEAH.
- 3 Q WHERE WERE YOU LIVING?
- 4 A I FORGOT THE ADDRESS, BUT I KNOW WHERE WE STAYED. IT
- 5 WAS WAKE FOREST ROAD.
- 6 Q OFF WAKE FOREST ROAD?
- 7 A OUT THAT WAY.
- 8 Q THAT EVENING, DID YOU HAVE ANYMORE CONTACT WITH
- 9 PHILLIP CROCKER?
- 10 A THAT NIGHT.
- 11 Q AND TELL THE JURY, THAT NIGHT, WHAT HAPPENED WHEN YOU
- 12 TALKED? DID YOU COME IN? DID YOU SEE HIM, OR DID
- 13 YOU TALK TO HIM?
- 14 A I TALKED TO HIM.
- 15 Q AND TELL THE JURY HOW YOU CAME ABOUT TALKING TO
- 16 PHILLIP CROCKER THAT EVENING?
- 17 A I CALLED HIM JUST TO SEE HOW EVERYTHING WENT.
- 18 Q AND WHEN YOU SAY HOW EVERYTHING WENT, WHAT WERE YOU
- 19 ASKING?
- 20 A WHEN I CALLED THE FIRST TIME -- WELL, I CALLED ONE
- 21 PHONE. HE DIDN'T PICK UP, SO I CALLED THE OTHER
- 22 PHONE.
- 23 Q SO HE HAD TWO PHONES?
- 24 A YEAH.
- 25 Q AND WHEN YOU CALLED THE SECOND PHONE, DID HE PICK UP?

- 1 A YEAH.
- 2 Q AND TELL THE JURY YOUR CONVERSATION WHEN YOU TALKED
- 3 TO PHILLIP CROCKER THE EVENING -- THIS IS THE DAY
- 4 BEFORE THANKSGIVING?
- 5 A YEAH.
- 6 Q THAT EVENING, TELL THEM EXACTLY WHAT WAS SAID BETWEEN
- 7 YOU AND PHILLIP CROCKER.
- 8 A WELL, HE SAID TO RUN THE MINUTES OFF THE PHONE. SOME
- 9 PEOPLE WOULD BE LOOKING FOR ME.
- 10 Q YOU HAVE TO SAY IT A LITTLE SLOWER THAN THAT. I
- 11 CAN'T UNDERSTAND YOU.
- 12 A HE SAID TO RUN THE MINUTES OFF MY PHONE BECAUSE
- 13 PEOPLE WOULD BE LOOKING FOR ME.
- 14 Q HE TOLD YOU TO RUN THE MINUTES OFF YOUR PHONE BECAUSE
- 15 PEOPLE WOULD BE LOOKING FOR IT?
- 16 A LOOKING FOR ME.
- 17 Q LOOKING FOR YOU. DID YOU SAY ANYTHING PRIOR TO THAT
- 18 TO MAKE HIM SAY THAT TO YOU?
- 19 A I ASKED HOW EVERYTHING WENT.
- 20 Q AND WHEN YOU ASKED HIM HOW EVERYTHING WENT, WHAT WERE
- 21 YOU REFERRING TO?
- 22 A THE DEAL.
- 23 Q THE DEAL?
- 24 A YEAH.
- 25 Q AND WHEN YOU ASKED HIM HOW EVERYTHING WENT, THAT'S

1 WHEN HE SAID THAT TO YOU?

2 A YEAH.

3 Q DID YOU ASK HIM ANYMORE QUESTIONS AFTER THAT?

4 A NO.

5 Q DID HE SAY ANYTHING ELSE TO YOU ABOUT YOUR PHONE OR

6 YOU?

7 A NO.

8 Q WHAT DID YOU DO AS A RESULT OF THE CONVERSATION WITH

9 PHIL?

10 A WELL, I MEAN, MY INITIAL THOUGHT WAS SOMEBODY WAS

11 ROBBED, BUT I REALLY DIDN'T KNOW.

12 Q YOU DIDN'T KNOW?

13 A NO.

14 Q WHY DID YOU THINK SOMETHING HAD GONE WRONG?

15 A BECAUSE HE TOLD ME TO RUN THE MINUTES OFF MY PHONE.

16 Q HE TOLD YOU TO RUN THE MINUTES OFF YOUR PHONE. WHAT

17 DOES THAT MEAN?

18 A I DON'T KNOW.

19 Q AFTER HE TOLD YOU TO RUN THE MINUTES OFF THE PHONE,

20 DID YOU HAVE ANY FURTHER CONVERSATIONS THAT NIGHT?

21 A NO.

22 Q DID YOU TALK TO HIM ANYMORE AFTER THAT?

23 A NO.

24 Q DID YOU HAVE ANYMORE CONVERSATIONS WITH CONSUELO THAT

25 WEEK?

- 1 A LATER ON THAT WEEK, YEAH.
- 2 Q LATER THAT WEEK?
- 3 A LIKE FRIDAY, A COUPLE OF DAYS AFTER, MAYBE.
- 4 Q A COUPLE OF DAYS AFTER?
- 5 A YEAH.
- 6 Q AND WHEN YOU HAD A CONVERSATION WITH CONSUELO, DID
- 7 YOU SEE HER, OR DID YOU HAVE A CONVERSATION WITH HER?
- 8 A CONVERSATION.
- 9 Q AND WERE YOU IN DILLON, OR WHERE WERE YOU?
- 10 A I WAS IN MARYLAND.
- 11 Q MARYLAND?
- 12 A YEAH.
- 13 Q AND WHO INITIATED THAT PHONE CALL, YOU?
- 14 A YEAH, ME.
- 15 Q AND YOU WERE CALLING CONSUELO?
- 16 A YEAH.
- 17 Q WHY WERE YOU CALLING CONSUELO?
- 18 A BECAUSE I HAD INVITED HER TO A SHOW THAT WE HAD IN
- 19 COLUMBIA. I WAS CALLING TO SEE IF SHE STILL WAS
- 20 GOING TO GO.
- 21 Q AND WHEN YOU CALLED CONSUELO, DID YOU GET TO TALK TO
- 22 HER?
- 23 A YEAH.
- 24 Q DO YOU REMEMBER WHAT SHE ASKED YOU?
- 25 A SHE JUST TOLD ME, SHE SAID, "YOUR BOY SHOT JUNIOR."

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- 1 Q DID SHE ASK YOU ANYTHING ELSE?
- 2 A WHAT WAS THE NAME OF HIM.
- 3 Q WHAT WAS THE NAME?
- 4 A YEAH.
- 5 Q WHAT WAS HIS NAME?
- 6 A UH-HUH.
- 7 Q WAS THAT THE FIRST TIME YOU HAD HEARD ABOUT WHAT HAD
- 8 HAPPENED TO JUNIOR?
- 9 A YEAH, UH-HUH.
- 10 Q DID YOU HAVE ANYMORE CONVERSATIONS WITH PHILLIP
- 11 CROCKER AFTER THAT?
- 12 A HUH-UH.
- 13 Q AND THE PERSON YOU KNOW AS PHILLIP CROCKER, DO YOU
- 14 SEE HIM HERE IN THE COURTROOM? I THINK YOU POINTED
- 15 HIM OUT EARLIER.
- 16 A YEAH.
- 17 Q CAN YOU POINT HIM OUT FOR THE JURY?
- 18 A SITTING OVER THERE.
- 19 Q SITTING AT THIS TABLE?
- 20 A UH-HUH.
- 21 Q WHERE IS HE SITTING AT THE TABLE?
- 22 A BETWEEN THE TWO LAWYERS.
- 23 Q BETWEEN THE -- IN THE MIDDLE?
- 24 A YEAH.
- 25 Q AFTER YOU HEARD ABOUT WHAT HAPPENED TO JUNIOR, AT A

1 LATER DATE, DID YOU BECOME AWARE THE POLICE WERE
2 LOOKING FOR YOU?

3 A UH-HUH.

4 Q AND HOW DID YOU BECOME AWARE THE POLICE WERE LOOKING
5 FOR YOU?

6 A I WAS SITTING UP WITH ELAN GROSS (PHONETIC). THEY
7 CALLED ELAN GROSS AND TOLD HIM THAT -- REALLY, THEY
8 TOLD HIM I WAS INVOLVED IN A HOMICIDE. THEY SENT ME
9 BACK DOWN THERE.

10 Q THAT'S THE BUSINESS YOU WERE WORKING FOR?

11 A I WAS GETTING READY TO SET UP A DEAL WITH THEM.

12 Q SET UP A DEAL WITH WHOM?

13 A TO SET UP A DEAL WITH THEM.

14 Q WITH WHAT COMPANY?

15 A ELAN GROSS.

16 Q UNIVERSAL?

17 A YEAH.

18 Q THAT'S WHO MR. CREEKS WAS WITH?

19 A YEAH.

20 Q AND THEY TOLD YOU THE POLICE WERE LOOKING FOR YOU TO
21 TALK TO YOU?

22 A UH-HUH.

23 Q AND AT THAT POINT, WHAT DID YOU DO?

24 A I CAME BACK TO SEE WHAT WAS WHAT. I CAME TO
25 COLUMBIA, AND I CALLED THE POLICE --

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- 1 Q OKAY.
- 2 A -- TO SEE WHAT WAS GOING ON.
- 3 Q AND THAT WAS A WEEK OR TWO AFTER ALL OF THIS
- 4 HAPPENED, WASN'T IT?
- 5 A I DON'T KNOW THE EXACT DATE.
- 6 Q YOU DON'T KNOW THE EXACT DATE?
- 7 A YEAH.
- 8 Q BUT IT WAS AFTER, IT WAS MORE THAN A FEW DAYS AFTER
- 9 IT HAPPENED?
- 10 A YEAH.
- 11 Q WHY DIDN'T YOU GO TO THE POLICE BEFORE?
- 12 A I MEAN, I DIDN'T REALLY KNOW WHAT HAPPENED.
- 13 Q YOU DIDN'T KNOW WHAT HAD HAPPENED THAT DAY, BUT YOU
- 14 KNEW IT HAD HAPPENED THE NIGHT BEFORE. SO WHEN YOU
- 15 FOUND OUT THE POLICE WERE LOOKING FOR YOU, YOU CAME
- 16 TO COLUMBIA?
- 17 A YEAH.
- 18 Q AND DID YOU ACTUALLY GO TO THE SHERIFF'S DEPARTMENT?
- 19 A I DIDN'T REALLY KNOW WHAT IT WAS. I CALLED FROM THE
- 20 PAY PHONE.
- 21 Q UH-HUH.
- 22 A AND THEN THEY TOLD ME THE INVESTIGATOR THAT WAS
- 23 LOOKING FOR ME WAS ON A TRIP, SO I WENT BACK HOME.
- 24 Q YOU WENT BACK HOME?
- 25 A YEAH.

- 1 Q AND DID THE INVESTIGATORS, THE NEXT DAY OR TWO, GET
2 IN TOUCH WITH YOU AGAIN?
- 3 A YEAH.
- 4 Q AND WHEN YOU SAY YOU WENT BACK HOME THEN, WHERE DID
5 YOU GO?
- 6 A TO MY MOTHER'S HOUSE.
- 7 Q YOUR MOTHER'S HOUSE?
- 8 A YEAH.
- 9 Q IS THAT IN DILLON OR IN NORTH CAROLINA?
- 10 A DILLON.
- 11 Q AND THAT'S WHERE THE POLICE CONTACTED YOU?
- 12 A YEAH.
- 13 Q AND DID THE POLICE COME TO YOUR MOTHER'S HOUSE AND
14 TALK TO YOU?
- 15 A YEAH.
- 16 Q AND WHEN THEY TALKED TO YOU, DID YOU ULTIMATELY COME
17 BACK TO COLUMBIA WITH THEM THAT DAY?
- 18 A UH-HUH.
- 19 Q AND WHEN YOU CAME BACK TO COLUMBIA WITH THEM, DID YOU
20 GIVE THEM A STATEMENT?
- 21 A YEAH.
- 22 Q AND YOU GAVE THEM A STATEMENT ABOUT THE EVENTS
23 LEADING UP TO THE 21ST?
- 24 A I TOLD THEM WHAT I KNEW. I MEAN, I DIDN'T REALLY
25 KNOW, YOU KNOW.

- 1 Q THAT DAY, YOU INDICATED YOU KNEW WHO CROC WAS?
- 2 A YEAH.
- 3 Q AND YOU TOLD THEM?
- 4 A UH-HUH.
- 5 Q AND YOU GAVE THEM WHATEVER INFORMATION YOU HAD ABOUT
- 6 HIS WHEREABOUTS?
- 7 A YEAH.
- 8 Q AND YOU GAVE THEM THE STATEMENT?
- 9 A YEAH.
- 10 Q AND THAT DAY, DID YOU GO HOME?
- 11 A THE DAY AFTER THE QUESTIONING?
- 12 Q THE DAY YOU GOT QUESTIONED.
- 13 A YEAH.
- 14 Q AT A LATER DATE, DID YOU COME BACK AND THEY TOOK AN
- 15 ADDITIONAL STATEMENT FROM YOU? DO YOU REMEMBER THAT?
- 16 THEY ASKED YOU A COUPLE MORE QUESTIONS?
- 17 A UH-HUH.
- 18 Q THEY ALSO ARRESTED YOU, DID THEY NOT?
- 19 A YEAH.
- 20 Q AND WHAT DID THEY ARREST YOU FOR?
- 21 A TRAFFICKING MARIJUANA.
- 22 Q TRAFFICKING IN MARIJUANA?
- 23 A UH-HUH.
- 24 Q AND THAT WAS FOR YOUR ROLE IN SETTING UP THE DRUG
- 25 DEAL?

- 1 A YEAH.
- 2 Q AND THOSE CHARGES ARE STILL PENDING?
- 3 A YEAH.
- 4 Q AND I BELIEVE YOUR LAWYER IS HERE IN THE COURTROOM?
- 5 A YEAH, SHE'S RIGHT THERE.
- 6 Q HAS ANYONE PROMISED YOU ANYTHING TO GET YOU TO
- 7 TESTIFY HERE TODAY?
- 8 A NO.
- 9 Q ANY DEALS BEEN MADE FOR YOUR TESTIMONY?
- 10 A HUH-UH.
- 11 Q LET ME ASK YOU A FEW FOLLOW UP QUESTIONS. IN THE
- 12 WEEK PRIOR TO ALL OF THIS HAPPENING, HAD YOU EVER
- 13 USED MARTY'S PHONE OR CROCK'S PHONE TO MAKE PHONE
- 14 CALLS?
- 15 A YEAH.
- 16 Q YOU ARE AWARE -- YOU HAD BEEN TO CROCK'S HOUSE; IS
- 17 THAT RIGHT?
- 18 A UH-HUH.
- 19 Q DID YOU KNOW WHETHER OR NOT HE HAD MORE THAN ONE CAR?
- 20 A I KNOW HE HAD LIKE A "HOOPTIE". IT SAT ON THE SIDE.
- 21 Q A WHAT?
- 22 A IT WASN'T DRIVABLE.
- 23 Q WHAT'S A "HOOPTIE"?
- 24 A LIKE A RATTY, RATTY CAR.
- 25 Q A RATTY CAR?

- 1 A YEAH, JUST A "HOOPTIE".
- 2 Q A "HOOPTIE"?
- 3 A AN OLD CAR.
- 4 Q AN OLD CAR?
- 5 A YEAH.
- 6 Q DO YOU REMEMBER WHAT KIND OF CAR THIS "HOOPTIE" WAS?
- 7 A AN OLD STATION WAGON.
- 8 Q AN OLD STATION WAGON?
- 9 A YEAH.
- 10 Ms. Campbell: THAT'S ALL I HAVE.
- 11 THE COURT: CROSS-EXAMINATION.
- 12 Mr. Strickler: THANK YOU, YOUR HONOR. MAY IT
- 13 PLEASE THE COURT.
- 14 CROSS-EXAMINATION:
- 15 BY Mr. Strickler
- 16 Q GOOD AFTERNOON, MR. JENNINGS.
- 17 A HOW ARE YOU DOING?
- 18 Q FINE. NOW, YOUR TESTIMONY HERE IN COURT IS THAT YOU
- 19 MET PHIL THROUGH MARTY, AND WHERE WAS IT THAT YOU MET
- 20 HIM?
- 21 A THE FIRST TIME I SAW HIM?
- 22 Q YEAH.
- 23 A HE HAD A STORE.
- 24 Q HE HAD A STORE?
- 25 A YEAH, ATHLETE'S FOOT.

1 Q AND YOU TESTIFIED THAT YOU GAVE A COUPLE OF
2 STATEMENTS TO THE POLICE, RIGHT?

3 A YEAH.

4 Q WHEN YOU WERE TALKING TO MS. CAMPBELL?

5 A YEAH.

6 Q IN FACT, YOU GAVE ONE ON DECEMBER 10TH, 2001 AND
7 ANOTHER ON DECEMBER 17TH, 2001. DOES THAT SOUND
8 ABOUT RIGHT TO YOU?

9 A I DON'T KNOW WHETHER IT WAS THAT DATE.

10 Q OKAY. ARE YOU ACQUAINTED WITH THIS GENTLEMAN SITTING
11 THE SECOND TO THE END ON THAT SIDE WITH THE BLUE COAT
12 ON, MR. MCDONALD, INVESTIGATOR MCDONALD?

13 A WHAT WAS YOUR QUESTION?

14 Q ARE YOU ACQUAINTED WITH HIM, MET HIM BEFORE?

15 A NO, I'M NOT ACQUAINTED WITH HIM.

16 Q I UNDERSTAND. YOU MET HIM IN RELATION TO THIS CASE,
17 CORRECT?

18 A UH-HUH.

19 Q OKAY. AND YOU TALKED WITH HIM SOME PERIOD OF TIME ON
20 DECEMBER 10TH, 2001, RIGHT?

21 A SAY THAT AGAIN.

22 Q YOU TALKED WITH HIM FOR A WHILE ON DECEMBER 10TH,
23 2001, THE DAY YOU GAVE THAT STATEMENT, THAT FIRST
24 STATEMENT.

25 A I DON'T KNOW HOW LONG I TALKED TO HIM, BUT I TALKED

- 1 TO HIM.
- 2 Q YOU REMEMBER TALKING TO HIM, RIGHT?
- 3 A YEAH.
- 4 Q OKAY. AND THAT WAS AT THE SHERIFF'S DEPARTMENT HERE
- 5 IN COLUMBIA, CORRECT?
- 6 A THE FIRST TIME I TALKED TO HIM, I WAS AT --
- 7 Q YOU TALKED WITH HIM AT YOUR HOUSE DOWN IN DILLON OR
- 8 LATTA?
- 9 A DILLON.
- 10 Q DILLON. THEN YOU CAME UP TO COLUMBIA, RIGHT?
- 11 A THAT'S CORRECT.
- 12 Q OKAY. ALL RIGHT. NOW, YOUR TESTIMONY HERE TODAY IS
- 13 THAT YOU MET PHIL IN CHARLOTTE. THE FIRST TIME WAS
- 14 AT HIS STORE IN CHARLOTTE, RIGHT?
- 15 A CORRECT.
- 16 Q CORRECT. THAT'S ROUGHLY ABOUT A YEAR BEFORE THIS
- 17 WHOLE THING HAPPENED?
- 18 A THAT'S CORRECT.
- 19 Q THAT WOULD BE THIS INCIDENT IS NOVEMBER 2001, SO IT
- 20 WOULD HAVE BEEN LATE IN 2000 OR SO?
- 21 A I DON'T KNOW THE EXACT DATE, I REALLY DON'T.
- 22 Q SOME TIME ABOUT A YEAR BEFORE?
- 23 A I MEAN, ROUGHLY.
- 24 Q ROUGHLY A YEAR BEFORE. DO YOU REMEMBER TELLING
- 25 INVESTIGATOR MCDONALD ON DECEMBER 10TH, 2001 AT ABOUT

1 12:30 IN THE AFTERNOON AT YOUR PLACE, AT YOUR
2 RESIDENCE, THAT PHIL DROVE A RANGE ROVER WITH GEORGIA
3 TAGS?
4 A CORRECT.
5 Q DO YOU REMEMBER TELLING THEM THAT?
6 A CORRECT, YEAH.
7 Q OKAY. DO YOU REMEMBER TELLING THEM AT THAT POINT IN
8 TIME THAT YOU HAD MET PHIL A COUPLE OF YEARS AGO IN
9 ATLANTA?
10 A YEAH, CORRECT.
11 Q OKAY. SO DECEMBER 10TH, 2001 AT YOUR HOUSE IN
12 DILLON, YOU TOLD THEM THAT -- OR MR. MCDONALD THAT
13 YOU HAD MET PHIL FIRST A COUPLE OF YEARS EARLIER IN
14 ATLANTA, CORRECT?
15 A CORRECT. YOU WANT TO KNOW WHY I TOLD HIM THAT?
16 Q YOU ALSO TOLD HIM AT THAT TIME THAT HE'S ABOUT
17 6'7" TO 6'9".
18 A UH-HUH.
19 Q HE HAD CORNBROWS IN HIS HAIR?
20 A YEAH.
21 Q AND HE WORE FANCY CLOTHES, ALLIGATOR SKIN SUITS, AND
22 THINGS LIKE THAT?
23 A UH-HUH.
24 Q RIGHT. NOW, THAT'S DECEMBER 10TH, 2001. WHEN WAS IT
25 THAT YOU INITIALLY TRIED TO -- THIS WAS AT -- THIS

1 CONVERSATION, THAT PART OF THE CONVERSATION WAS AT
2 YOUR PLACE IN DILLON. WAS IT YOUR MOTHER'S PLACE IN
3 DILLON?

4 A YES.

5 Q OKAY. AND THEN YOU HAD ACTUALLY TRIED TO GET IN
6 TOUCH WITH THEM EARLIER, A DAY OR TWO EARLIER?

7 A YEAH, CORRECT.

8 Q OKAY. AND AT THAT POINT IN TIME, YOU CALLED HIM FROM
9 DILLON, SAID YOU WERE COMING TO COLUMBIA, RIGHT?

10 A CORRECT.

11 Q YOU CAME TO COLUMBIA, RIGHT?

12 A GOT HERE IN COLUMBIA.

13 Q YOU GOT HERE IN COLUMBIA. THEN WHAT, YOU DIDN'T MEET
14 WITH HIM? .

15 A SAY THAT AGAIN.

16 Q THEN YOU DIDN'T MEET WITH HIM WHEN YOU CAME TO
17 COLUMBIA?

18 A THEY DIDN'T KNOW I WAS COMING.

19 Q I THOUGHT YOU CALLED THEM AND SAID YOU WERE COMING.

20 A I CALLED THEM FROM A PAY PHONE WHEN I GOT TO
21 COLUMBIA.

22 Q OKAY. YOU DIDN'T CALL FROM YOUR MOTHER'S PLACE?

23 A NO, I DIDN'T.

24 Q AND THEN WHEN YOU GOT TO COLUMBIA, YOU CALLED FROM A
25 PAY PHONE. YOU DIDN'T MEET WITH HIM THAT DAY, RIGHT?

- 1 A HE WAS IN CHURCH.
- 2 Q OKAY. YOU CALLED WHO, MR. SMITH, LIEUTENANT SMITH?
- 3 A STAN.
- 4 Q AND THEN YOU AGREED TO COME IN ON THE 10TH AND SPEAK
- 5 WITH HIM ON THE 10TH, COME TO COLUMBIA?
- 6 A I DON'T KNOW THAT DATE, SIR.
- 7 Q PARDON ME?
- 8 A I DON'T KNOW THE EXACT DATE.
- 9 Q OKAY. BUT THE FACT IS, YOU DIDN'T COME BACK TO
- 10 COLUMBIA. THEY ENDED UP COMING DOWN TO DILLON OR
- 11 LATTA AND MET YOU DOWN THERE, RIGHT?
- 12 A I CAME TO COLUMBIA THE FIRST TIME. I CALLED FROM A
- 13 PAY PHONE.
- 14 Q RIGHT.
- 15 A THEN THEY GOT BACK IN CONTACT WITH ME. THEY CAME TO
- 16 MY MOTHER'S HOUSE.
- 17 Q SO THEY CAME TO YOUR MOTHER'S HOUSE. YOU HAD NOT
- 18 TOLD THEM?
- 19 A I INVITED THEM UP.
- 20 Q RIGHT. YOU HADN'T TOLD THEM YOU WERE COMING TO
- 21 COLUMBIA A SECOND TIME AND THEN NOT COME?
- 22 A THEY BROUGHT ME BACK TO COLUMBIA WITH THEM.
- 23 Q BEFORE THEY GOT DOWN TO DILLON. YOU HADN'T TOLD THEM
- 24 BEFORE THEY MADE THE TRIP TO DILLON THAT YOU WOULD
- 25 COME TO COLUMBIA AND THEN NOT SHOW UP AGAIN?

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1 A OKAY. SO I CALLED THEM FROM A PAY PHONE. THEY CAME
2 AND GOT BACK -- THEY NEVER GOT IN CONTACT WITH ME. I
3 MEAN, EXACTLY HOW THE -- I'M NOT REALLY SURE OF YOUR
4 QUESTION.

5 Q THE QUESTION IS ONE DAY YOU COME TO COLUMBIA, AND YOU
6 CALL THEM AND MR. SMITH WASN'T THERE. YOU TURNED
7 AROUND AND GO BACK TO DILLON OR LATTA, RIGHT?

8 A UH-HUH.

9 Q AND MY QUESTION TO YOU IS DID YOU THEN CONTACT THEM
10 AND TELL THEM THAT YOU WOULD COME BACK TO COLUMBIA?

11 A THEY CONTACTED ME. I TOLD THEM I DIDN'T REALLY HAVE
12 A RIDE BACK WITH THEM.

13 Q OKAY.

14 A SO THEY CAME TO MY MOTHER'S HOUSE.

15 Q SO YOU DENY THAT YOU TOLD THE POLICE YOU WOULD COME
16 TO COLUMBIA ON A SECOND OCCASION?

17 A I DON'T REMEMBER, SIR.

18 Q OKAY. SO YOU DON'T REMEMBER. IT'S NOT THAT YOU DENY
19 IT. YOU DON'T REMEMBER IT?

20 A I DON'T REMEMBER.

21 Q OKAY. SO YOU DON'T REMEMBER. THAT'S YOUR RESPONSE?

22 A YES.

23 Q OKAY. DON'T REMEMBER AND DENY IT ARE TWO SEPARATE
24 RESPONSES, SO YOU DON'T REMEMBER.

25 Ms. Campbell: OBJECTION, YOUR HONOR. THAT'S

1 ASKED AND ANSWERED.

2 THE COURT: OVERRULED. GO AHEAD.

3 Mr. Strickler: THANK YOU.

4 BY Mr. Strickler

5 Q REGARDLESS, YOU HAD THIS MEETING IN DILLON AT YOUR
6 MAMA'S PLACE, RIGHT?

7 A UH-HUH.

8 Q AND AT THAT MEETING WERE YOU AND MR. SMITH,
9 LIEUTENANT SMITH, PHIL SMITH, HE WAS THERE?

10 A BOTH OF THEM.

11 Q AND INVESTIGATOR MCDONALD, RIGHT? DID YOU KNOW AT
12 THAT POINT IN TIME -- THEY TOLD YOU THEY HAD A
13 WARRANT ON YOU AT THAT POINT IN TIME FOR TRAFFICKING
14 MARIJUANA, DIDN'T THEY, DOWN THERE IN DILLON, IN
15 LATTA?

16 A I MEAN, I FOUND OUT AFTER I TOLD THEM WHAT I WANTED
17 TO TELL THEM. I MEAN, I REALLY DIDN'T WANT TO MISS
18 THE IMPORTANT PART OF THE CONVERSATION, NO.

19 Q BUT THEY DID TELL YOU THEY HAD THAT, RIGHT?

20 A YEAH.

21 Q DID THEY TELL YOU THEY DIDN'T HAVE TO SERVE THE
22 WARRANT ON YOU, THEY COULD JUST HOLD ON TO IT?

23 A NO, THEY DIDN'T TELL ME THAT.

24 Q THEY DIDN'T TELL YOU THAT?

25 A NO.

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- 1 Q SO AFTER THAT CONVERSATION IN DILLON OR LATTI, YOU
2 ALL CAME UP TO COLUMBIA, RIGHT?
- 3 A CORRECT.
- 4 Q SO THEY SERVED THE WARRANT ON YOU FOR TRAFFICKING IN
5 MARIJUANA AND THEY PUT YOU IN CUFFS AND DROVE YOU IN
6 THE CAR UP TO COLUMBIA, RIGHT?
- 7 A NO, IT DIDN'T HAPPEN LIKE THAT.
- 8 Q IT DIDN'T HAPPEN LIKE THAT.
- 9 A I HAD MY OWN THREE WHEELER.
- 10 Q OKAY. WHOSE CAR WAS IT?
- 11 A I DON'T KNOW WHOSE CAR IT WAS, BUT I STAYED IN
12 COLUMBIA.
- 13 Q ALL RIGHT. SO YOU DIDN'T HAVE ANY HANDCUFFS ON YOU,
14 RIGHT?
- 15 A NO, I DIDN'T.
- 16 Q AND THEY HADN'T SERVED ANY PAPERS ON YOU, RIGHT, A
17 WARRANT FOR YOUR ARREST?
- 18 A NOT AT THE TIME THEY DIDN'T, NO.
- 19 Q SO YOU KNEW THEY HAD A WARRANT FOR YOU. THEY DIDN'T
20 SERVE IT ON YOU. YOU GOT IN THE CAR WITH THEM AND
21 DROVE BACK TO COLUMBIA, RIGHT?
- 22 A CORRECT.
- 23 Q RIGHT. DID ANY OF YOUR FAMILY FOLLOW YOU UP HERE TO
24 COLUMBIA?
- 25 A YEAH.

1 Q OKAY. SO YOU HAD FAMILY FOLLOW YOU TO TOWN, RIGHT?

2 A UH-HUH.

3 Q AND THEN AFTER YOU GOT TO TOWN HERE, YOU SAT DOWN
4 WITH THE POLICE, WITH THE SHERIFF'S DEPARTMENT, WITH
5 MR. MCDONALD, AND YOU GAVE THEM A STATEMENT, CORRECT?

6 A THAT'S CORRECT.

7 Q AND WHEN YOU WERE DONE GIVING THE STATEMENT, THEN
8 THEY SERVED THE WARRANT ON YOU FOR TRAFFICKING
9 MARIJUANA, AND YOU WERE TAKEN TO THE COUNTY JAIL AND
10 BOOKED ON THAT CHARGE, CORRECT?

11 A NOT ON THAT DAY, NO.

12 Q NOT ON THAT DAY, OKAY. SO AFTER YOU GAVE THE
13 STATEMENT, YOU LEFT THE SHERIFF'S DEPARTMENT WHILE
14 THIS WARRANT WAS HANGING ON YOU AND GOT IN THE CAR
15 WITH YOUR FAMILY AND DROVE BACK IN THE CAR TO DILLON
16 OR LATTA?

17 A THAT'S TRUE.

18 Q OKAY. AND THEN AT SOME LATER POINT IN TIME, MAYBE
19 EVEN LIKE DECEMBER 17TH, A WEEK LATER, YOU CAME BACK
20 TO COLUMBIA AND GAVE ANOTHER WRITTEN STATEMENT TO THE
21 POLICE, CORRECT?

22 A WELL, I GAVE THEM THE STATEMENT THAT SAME NIGHT I
23 CAME TO COLUMBIA.

24 Q I UNDERSTAND THAT. THAT'S WHY I SAID ANOTHER WRITTEN
25 STATEMENT. YOU GAVE A STATEMENT ON THE 10TH, RIGHT,

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- 1 A WRITTEN STATEMENT?
- 2 A UH-HUH.
- 3 Q THEY LET YOU GO, AND YOU WENT BACK HOME. THEN ABOUT
- 4 A WEEK LATER, YOU CAME UP HERE AND GAVE ANOTHER
- 5 WRITTEN STATEMENT, RIGHT?
- 6 A RIGHT.
- 7 Q AND THEN THEY FINALLY SERVED A WARRANT ON YOU, RIGHT?
- 8 A UH-HUH.
- 9 Q OKAY. WHAT KIND OF BOND DID YOU HAVE SET ON YOU,
- 10 SIR?
- 11 A A P.R. BOND.
- 12 Q A P.R. BOND. WHAT IS A P.R. BOND?
- 13 A I DON'T KNOW WHAT IT MEANS.
- 14 Q IT MEANS A PERSONAL RECOGNIZANCE BOND. IT'S A BOND
- 15 THAT LETS YOU OUT OF JAIL ON YOUR PROMISE TO SHOW
- 16 BACK UP TO COURT, RIGHT?
- 17 A THAT'S RIGHT.
- 18 Q YOU DON'T HAVE TO GO SPEND MONEY ON A BONDSMAN OR
- 19 ANYTHING LIKE THAT BECAUSE YOU JUST GET OUT OF JAIL
- 20 BECAUSE YOU SAY "I'LL COME BACK TO COURT," RIGHT?
- 21 A THAT'S CORRECT.
- 22 Q YOU GET IN TROUBLE IF YOU DON'T COME BACK TO COURT,
- 23 BUT IT DOESN'T COST YOU ANY MONEY TO GET OUT OF JAIL?
- 24 A NO, SIR.
- 25 Q THAT'S WHAT A P.R. BOND IS?

- 1 A YEAH.
- 2 Q SO CHARGED WITH TRAFFICKING IN EXCESS OF 10 POUNDS OF
- 3 MARIJUANA, YOU WERE RELEASED THE SAME DAY ON A
- 4 PERSONAL RECOGNIZANCE BOND. NOW, I UNDERSTAND YOUR
- 5 TESTIMONY HERE TODAY IS THOSE CHARGES ARE STILL
- 6 PENDING AGAINST YOU. YOU STILL ARE LOOKING AT THAT
- 7 TRAFFICKING CHARGE, RIGHT?
- 8 A YEAH.
- 9 Q YOU GOT AN ATTORNEY HERE, RIGHT?
- 10 A YES, SIR.
- 11 Q MS. MIMS BACK THERE, RIGHT?
- 12 A UH-HUH.
- 13 Q AND I UNDERSTAND FROM YOUR TESTIMONY TO MS. CAMPBELL,
- 14 THAT NO ONE HAS PROMISED YOU ANYTHING IN EXCHANGE FOR
- 15 YOUR TESTIMONY, RIGHT?
- 16 A THAT'S RIGHT.
- 17 Q OKAY. YOU CERTAINLY HOPE TO BETTER YOURSELF OR YOUR
- 18 POSITION AS FAR AS YOUR CHARGE GOES THROUGH YOUR
- 19 TESTIMONY HERE, DON'T YOU, SIR?
- 20 A I MEAN, SIR, REALLY AT THIS POINT IN MY LIFE, I
- 21 REALLY DON'T CARE ABOUT THAT.
- 22 Q YOU DON'T CARE ABOUT THAT?
- 23 A NO, I DON'T.
- 24 Q YOU REALIZE THAT YOU'RE FACING UP TO 10 YEARS IN
- 25 PRISON?

- 1 A THAT'S FINE.
- 2 Q ON THE TRAFFICKING CHARGE.
- 3 A UH-HUH.
- 4 Q AND THAT'S OF NO CONCERN TO YOU AT THIS POINT?
- 5 A NOT RIGHT NOW.
- 6 Q YES, SIR. . . OKAY. HAVE YOU HAD AN OPPORTUNITY, SIR,
- 7 TO REVIEW EITHER OR BOTH OF THE STATEMENTS THAT YOU
- 8 GAVE, THE WRITTEN STATEMENTS THAT YOU GAVE, TO THE
- 9 POLICE IN THIS CASE?
- 10 A YES.
- 11 Q OKAY. BECAUSE I'D LIKE TO ASK YOU SOME QUESTIONS
- 12 ABOUT THEM, OKAY.
- 13 A YEAH.
- 14 Q IF AT ANY TIME YOU CAN'T REMEMBER OR YOU NEED TO TAKE
- 15 A LOOK AT THE STATEMENTS, JUST LET ME KNOW.
- 16 A OKAY.
- 17 Q I HAVE A COPY OF THEM HERE. I'LL BE HAPPY TO GIVE IT
- 18 TO YOU.
- 19 A OKAY.
- 20 Q THIS STATEMENT YOU GAVE, THE FIRST STATEMENT YOU
- 21 GAVE, OKAY, HOW DID YOU DESCRIBE PHIL'S APPEARANCE?
- 22 A I MEAN, I REALLY DON'T REMEMBER. THE FIRST STATEMENT
- 23 I GAVE, I LIED. I JUST STRAIGHT UP LIED BECAUSE...
- 24 Q DO YOU REMEMBER TELLING THEM THAT HIS HAIR IS IN A
- 25 SHORT AFRO WITH CORNROWS?

1 A I JUST TOLD THEM A LIE, SIR. I JUST TOLD YOU THE
2 WHOLE STATEMENT, I LIED ON THAT STATEMENT.

3 Q THAT WHOLE STATEMENT?

4 A BECAUSE I WAS LIKE SCARED AND NERVOUS AT THE TIME. I
5 DIDN'T REALLY KNOW WHAT WAS GOING ON. THEN ONCE I
6 TALKED TO MY FAMILY, I CHANGED MY WHOLE MIND AND
7 DECIDED TO DO IT THE RIGHT WAY. I DID LIE ON THE
8 FIRST STATEMENT.

9 Q OKAY. SO THE WHOLE FIRST STATEMENT IS A LIE?

10 A SOME OF IT, BUT SOME OF IT IS NOT.

11 Q OKAY. SO SOME OF THE FIRST STATEMENT IS A LIE?

12 A I MEAN, YEAH.

13 Q OKAY. YOU WOULD AGREE THAT YOU TOLD THE POLICE THAT
14 PHIL WEARS HIS HAIR IN A SHORT AFRO WITH CORNROWS,
15 RIGHT?

16 A YES, SIR.

17 Q THAT'S A LIE? THAT'S THE TRUTH, RIGHT?

18 A SIR, AT THE TIME, I REALLY DON'T REMEMBER HOW HE
19 LOOKED AT THE TIME.

20 Q WELL, SIR, DO YOU REMEMBER WHAT LIE YOU WERE TELLING
21 DECEMBER 10TH, 2001?

22 A OKAY. THE FIRST STATEMENT WAS A LIE. I'LL JUST
23 LEAVE IT LIKE THAT BECAUSE I DON'T REMEMBER.

24 Q WELL, SIR, WOULD IT HELP YOU TO REFERENCE THE FIRST
25 STATEMENT?

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1 A YEAH, LET ME LOOK AT IT.

2 Q THAT'S WHY I SAID I HAD A COPY. I'LL BE HAPPY TO LET
3 YOU TAKE A LOOK AT IT.

4 A OKAY.

5 Q MAY I APPROACH, YOUR HONOR?

6 TAKE A LOOK AT THIS AND SEE IF YOU RECOGNIZE IT,
7 SIR.

8 A LIKE I SAID, SOME OF THIS STATEMENT IS A LIE, AND
9 SOME OF IT IS NOT.

10 Q WE'LL GO ONE STEP AT A TIME. FIRST OF ALL, DO YOU
11 RECOGNIZE THE DOCUMENT I GAVE YOU?

12 A YES, I RECOGNIZE IT.

13 Q OKAY. DOES IT APPEAR TO BE A COPY OF A STATEMENT YOU
14 GAVE ON DECEMBER 10TH, 2001, TO THE RICHLAND COUNTY
15 SHERIFF'S DEPARTMENT?

16 A DECEMBER 11TH, YEAH.

17 Q OKAY. YOU REFERENCED THE TOP OF THE STATEMENT. IT
18 IS DATED THE 10TH DAY OF DECEMBER, 2001, AT 22:47
19 HOURS, THE TOP OF THE FIRST PAGE, THE VERY FIRST
20 LINE.

21 A OKAY.

22 Q RIGHT?

23 A UH-HUH.

24 (PAUSE).

25 THE COURT: ASK HIM A QUESTION, PLEASE.

1 BY Mr. Strickler

2 Q THANK YOU, SIR.

3 MR. JENNINGS, THE STATEMENT, IF YOU WILL LOOK AT
4 THE TOP OF THE FIRST PAGE OF THE STATEMENT, PLEASE,
5 OKAY, CONTAINS THE DATE, "PERSONALLY APPEARED BEFORE
6 ME THIS 10TH DAY OF DECEMBER, 2001; AT 22:47 HOURS,"
7 IS THAT TRUE? IS THAT CORRECT?

8 A I DON'T KNOW THE EXACT TIME.

9 Q I'M ASKING YOU THE FIRST LINE.

10 A I KNOW THAT'S WHAT IT'S SAYING.

11 Q THAT'S WHAT IT SAYS?

12 A YEAH.

13 Q THEN DOWN AT THE BOTTOM, EACH OF THE THREE PAGES IS
14 SIGNED BY YOU, CORRECT?

15 A YEAH.

16 Q THOSE ARE YOUR -- THAT'S YOUR SIGNATURE THREE TIMES,
17 THE BOTTOM OF EACH PAGE, CORRECT?

18 A ONE TIME.

19 Q I'M SORRY?

20 A YEAH, THREE TIMES.

21 Q AND INDEED, RIGHT NEXT TO THAT, IT SAYS, "SWORN AND
22 SUBSCRIBED BEFORE ME THIS 11TH DAY OF DECEMBER, 2001,
23 AT 00:15 HOURS," 15 MINUTES AFTER MIDNIGHT, RIGHT?

24 A UH-HUH.

25 Q OKAY. NOW, RIGHT ABOVE YOUR SIGNATURE, A SHORT

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- 1 PARAGRAPH, RIGHT BEFORE YOUR SIGNATURE, SIR, DOESN'T
2 IT SAY, "I MAKE THIS STATEMENT OF MY OWN FREE WILL
3 AND ACCORD WITHOUT REWARD OR INTIMIDATION. ALL OF
4 THE ABOVE IS THE TRUTH, THE WHOLE TRUTH, AND NOTHING
5 BUT THE TRUTH." DO YOU SEE THOSE LINES?
- 6 A YES, I SEE THAT.
- 7 Q OKAY. THAT'S RIGHT ABOVE YOUR SIGNATURE ON ALL THREE
8 PAGES, RIGHT?
- 9 A YEAH.
- 10 Q OKAY. NOW, PARTS OF THE STATEMENT ARE NOT TRUE. IS
11 THAT YOUR TESTIMONY HERE?
- 12 A UH-HUH.
- 13 Q OKAY. LET ME ASK YOU THIS: GOING BACK TO WHERE WE
14 STARTED HERE. ONE, IT'S -- THIS STATEMENT IS WHAT'S
15 CALLED QUESTION AND ANSWER FORM. YOU SEE A "Q" WITH
16 THE QUESTION BY IT AND THEN AN "A", THAT'S THE
17 ANSWER.
- 18 ON THE FIRST PAGE, ONE, TWO, THE THIRD QUESTION
19 IS, "WHAT DOES PHIL LOOK LIKE?" NOW, YOUR RESPONSE
20 TO THAT QUESTION, YOU INDICATE THAT HE HAS HIS HAIR
21 IN A SHORT AFRO WITH CORNROWS. TRUE OR FALSE?
- 22 A I DON'T REMEMBER IF HE HAD CORNROWS OR NOT AT THE
23 TIME, SIR.
- 24 Q THERE'S NO QUESTION THAT AT THE TIME THAT YOU GAVE
25 THE STATEMENT, YOU SWORE AS A MATTER OF THE TRUTH,

1 THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, THAT HE
2 HAD HIS HAIR IN A SHORT AFRO WITH CORNROWS, CORRECT?
3 THERE'S NO QUESTION YOU MADE THAT STATEMENT?

4 A NO. THERE'S NO QUESTION I MADE THAT STATEMENT.

5 Q AND YOU'RE NOT SURE WHETHER THAT WAS A LIE AT THE
6 TIME OR NOT BECAUSE YOU CAN'T REMEMBER NOW WHAT HIS
7 APPEARANCE LOOKED LIKE. IS THAT WHAT YOU'RE TELLING
8 US?

9 A IT'S BEEN TWO YEARS.

10 Q IT'S BEEN TWO YEARS, OKAY. SO THAT'S EITHER THE
11 TRUTH OR A LIE, BUT REGARDLESS, THAT'S WHAT YOU SWORE
12 WAS THE TRUTH ON DECEMBER 10TH AND DECEMBER 11TH,
13 2001, RIGHT?

14 A CORRECT.

15 Q HE HAS A BEARD. IS THAT THE TRUTH OR A LIE?

16 A YEAH, HE HAS A BEARD.

17 Q WE'RE TALKING ABOUT DECEMBER 10TH AND DECEMBER 11TH,
18 2001. THE LAST TIME YOU SAW HIM BEFORE THEN, RIGHT?

19 A I DON'T REALLY REMEMBER IT AT THE TIME, BUT I MEAN --
20 I DON'T REMEMBER.

21 Q YOU DON'T REMEMBER WHETHER HE HAD A BEARD OR NOT?

22 A NO, I DON'T.

23 Q OKAY. SO THAT IS YOUR TESTIMONY TODAY IS THAT YOU
24 DON'T REMEMBER WHETHER HE HAD A BEARD.

25 YOU NEXT WRITE, OR THE STATEMENT READS AND YOU

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- 1 ATTEST THAT IT IS THE TRUTH AND YOU SIGN IT, "HE
2 DRESSES FLASHY AND WEARS A LOT OF RINGS WHEN HE IS
3 OUT ON THE TOWN." TRUE OR FALSE?
- 4 A THAT'S TRUE.
- 5 Q THAT'S TRUE. YOU REMEMBER THAT?
- 6 A I REMEMBER THAT.
- 7 Q THAT'S CLEAR. NO QUESTION IN YOUR MIND ABOUT THAT.
8 SO WHILE THE PRECEDING STATEMENTS MAY BE TRUE OR MAY
9 BE FALSE, YOU'RE NOT SURE; THAT ONE YOU'RE SURE OF IS
10 TRUE, RIGHT?
- 11 A THAT'S TRUE.
- 12 Q OKAY. NOW, DROP DOWN A COUPLE MORE QUESTIONS. THE
13 QUESTION IS, "WHAT DOES PHIL DRIVE?" DO YOU SEE THAT
14 QUESTION?
- 15 A UH-HUH.
- 16 Q YOU TOLD THEM AT THAT TIME THAT HE DROVE A BURGUNDY
17 RANGE ROVER WITH GEORGIA PLATES, TRUE OR FALSE?
- 18 A THAT'S TRUE.
- 19 Q HE DROVE AT THAT POINT IN TIME A BURGUNDY RANGE ROVER
20 WITH GEORGIA TAGS, THAT'S TRUE?
- 21 A THAT'S TRUE.
- 22 Q YOU CAN'T REMEMBER WHAT HE LOOKED LIKE, BUT YOU
23 REMEMBER WHAT CAR HE DROVE?
- 24 A CORRECT.
- 25 Q VERY WELL, SIR. AND YOU INDICATE IN THIS STATEMENT

1 HERE RIGHT AT THE VERY BEGINNING, THE FIRST QUESTION,
2 YOU TELL THEM WHEN YOU'RE IN COLUMBIA, "I FIRST MET
3 HIM AT A SNEAKER STORE IN CHARLOTTE ABOUT A YEAR
4 AGO."

5 THAT'S RIGHT AT THE TOP OF THE PAGE. DO YOU SEE
6 THAT, THE FIRST QUESTION ON THE FIRST PAGE. "DO YOU
7 KNOW A GUY NAMED CROC?"

8 "YEAH. I FIRST MET HIM AT A SNEAKER STORE IN
9 CHARLOTTE ABOUT A YEAR AGO." TRUE OR FALSE?

10 A TRUE.

11 Q OKAY. SO MEETING HIM IN ATLANTA -- I MEAN, YOU CAN
12 REMEMBER THAT. YOU CAN REMEMBER MEETING HIM ABOUT A
13 YEAR BEFORE THEN IN A SNEAKER STORE?

14 A OKAY, ATLANTA WAS A LIE.

15 Q ATLANTA IS A LIE; CHARLOTTE IS THE TRUTH.

16 OKAY. NOW, I'VE GOT TO BOUNCE BACK FOR JUST A
17 SECOND. WHEN YOU SPOKE TO LIEUTENANT SMITH AND
18 INVESTIGATOR MCDONALD DOWN AT YOUR MAMA'S PLACE, DID
19 YOU TELL THEM AT THAT POINT IN TIME THAT PHIL WANTED
20 TO HOOK UP WITH CONSUELO TO SET UP A HIP HOP SALON?
21 DO YOU REMEMBER TELLING THEM THAT?

22 A CAN I SEE THAT STATEMENT? YOU DIDN'T GIVE ME THAT.

23 Q THAT'S BECAUSE IT'S NOT A STATEMENT.

24 A WELL, I TOLD YOU FIRST THE INITIAL STATEMENT I GAVE
25 HIM WAS A LIE.

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- 1 Q YOU HAVE GOT THE INITIAL STATEMENT YOU GAVE RIGHT
2 BEFORE YOU, SIR.
- 3 A THAT'S NOT THE ONE YOU'RE READING.
- 4 Q WHEN YOU SPOKE WITH MR. MCDONALD AND MR. SMITH AT
5 YOUR MAMA'S PLACE IN DILLON COUNTY, DID YOU TELL THEM
6 THAT PHIL HAD INDICATED HE WANTED TO MEET WITH
7 CONSUELO TO DISCUSS OPENING A HIP HOP SALON. DID YOU
8 TELL THEM THAT?
- 9 A CAN I SEE THE STATEMENT YOU'RE READING FROM?
- 10 Q NO, SIR.
- 11 A I DON'T REMEMBER THAT.
- 12 Q YOU DON'T REMEMBER THAT?
- 13 A NO, I DON'T.
- 14 Q OKAY. YOU DON'T REMEMBER THE CONVERSATION YOU HAD
15 WITH MR. SMITH AND MR. MCDONALD IN YOUR MAMA'S HOUSE
16 IN DILLON COUNTY?
- 17 A I MEAN, IF I SAW IT IN WRITING, MAYBE I COULD
18 REMEMBER. RIGHT NOW I REALLY DON'T REMEMBER.
- 19 Q VERY WELL, SIR. NOW, AND I'M SORRY IF I'M JUMPING
20 AROUND A LITTLE BIT. I'M TRYING TO COVER EVERYTHING.
21 MY UNDERSTANDING OF WHAT YOU TESTIFIED TO HERE IN
22 COURT TODAY IS THAT WHEN YOU AND PHIL ARRIVED AT THE
23 BARBERSHOP, BEAUTY SALON, IN DILLON, MS.~CASEY'S
24 PLACE --
- 25 A UH-HUH.

- 1 Q -- OKAY, THAT YOU ALL WENT IN THE STORE, AND YOU
2 INTRODUCED PHIL TO MS. CASEY?
- 3 A CORRECT.
- 4 Q YOU DIDN'T INTRODUCE HIM TO NATHANIEL CASEY, JR.
5 RIGHT? THE THREE OF THEM TALKED, AND YOU WENT OVER
6 AND SAT IN THE CHAIR BETWEEN THE TWO SIDES OF THE
7 SHOP. IS THAT YOUR TESTIMONY?
- 8 A RIGHT BY THE DOOR.
- 9 Q RIGHT BY THE DOOR. OKAY. SO THAT SHOP HAS TWO DOORS
10 IN THE FRONT. ONE GOES IN THE SIDE THAT'S A BEAUTY
11 SHOP. THE OTHER GOES IN THE SIDE THAT'S A
12 BARBERSHOP; IS THAT CORRECT?
- 13 A UH-HUH.
- 14 Q IS THERE A PASSAGEWAY?
- 15 A LITTLE DOORWAY.
- 16 Q THE LITTLE DOORWAY BETWEEN THE TWO SIDES?
- 17 A UH-HUH.
- 18 Q THERE'S NOT A DOOR HANGING THERE, THOUGH?
- 19 A NO.
- 20 Q IT'S JUST OPEN, OKAY. SO YOU WERE SITTING IN A CHAIR
21 RIGHT BY THE DOORWAY, RIGHT?
- 22 A YEAH.
- 23 Q OKAY. THAT'S ABOUT WHERE YOU SAT DURING HOWEVER LONG
24 THIS CONVERSATION BETWEEN THE THREE OF THEM TOOK
25 PLACE, RIGHT?

1 A CORRECT.

2 Q ALL RIGHT. WHEN YOU INTRODUCED PHIL TO CONSUELO,
3 BECAUSE YOU DIDN'T INTRODUCE HIM TO NATHANIEL, HOW
4 DID YOU INTRODUCE HIM? CONSUELO, PHILLIP CROCKER?
5 PHILLIP CROCKER, CONSUELO CASEY?

6 A PHILLIP CROCKER, THIS IS CONSUELO.

7 Q PARDON ME?

8 A I MAY HAVE TOLD HIM IT WAS CONSUELO WHEN I INTRODUCED
9 THEM, THAT'S IT.

10 Q AND WHAT DID YOU TELL HER HIS NAME WAS?

11 A CROC.

12 Q CROC. SO YOU INTRODUCED HIM AS CROC TO CONSUELO?

13 A YEAH.

14 Q BECAUSE YOU NEVER HAD ANY DEALINGS WITH NATHANIEL
15 CASEY AT ALL, JUNIOR, YOU NEVER DEALT WITH HIM ABOUT
16 THIS?

17 A NOT REALLY, NO.

18 Q DID YOU EVEN KNOW HIM?

19 A I KNEW HIM, YEAH.

20 Q YOU KNEW HIM, BUT AS FAR AS THIS SEQUENCE OF EVENTS
21 ABOUT SOME MARIJUANA DEAL, YOU HAD NO TROUBLE WITH
22 HIM AT ALL ABOUT THAT, RIGHT?

23 A NO.

24 Q IT HAD JUST BEEN CONSUELO, RIGHT?

25 A RIGHT.

1 Q NOW, WHEN WAS IT, SIR, THAT THIS DEAL STARTED TO GET
2 HOOKED UP? WHEN DID CONSUELO START SPEAKING WITH YOU
3 ABOUT POSSIBLY GETTING SOME -- HOOKING HER UP WITH
4 SOMEONE THAT COULD GET HER SOME MARIJUANA?

5 A I DON'T KNOW THE EXACT TIME.

6 Q OKAY.

7 A I MEAN A WHILE.

8 Q IF YOU CAN, PLEASE, LET'S TAKE -- LET'S TAKE
9 NOVEMBER 21ST, THE DATE THAT JUNIOR WAS KILLED, AS
10 THE TIMEFRAME. DID SHE START TALKING WITH YOU ABOUT
11 IT A MONTH BEFORE THEN?

12 A I DON'T REMEMBER.

13 Q YOU DON'T REMEMBER. SO IF I ASKED IF IT WAS A MONTH
14 OR TWO WEEKS, YOU WOULDN'T REMEMBER?

15 A NO.

16 Q TWO WEEKS OR ONE WEEK?

17 A NO.

18 Q WOULD YOU REMEMBER?

19 A NO.

20 Q ONE WEEK OR TWO DAYS, WOULD YOU REMEMBER?

21 A I DON'T REMEMBER.

22 Q OKAY. WHEN DID YOU FIRST DISCUSS WITH FILL THE
23 POSSIBILITY OF SETTING UP THIS MARIJUANA DEAL?

24 A I MEAN, I REALLY WASN'T SETTING IT UP. I WAS REALLY
25 JUST SPEAKING. I WAS REALLY SPEAKING ON THE FACT

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- 1 THAT I KNEW SOMEBODY THAT KNEW SOMETHING ABOUT IT.
2 REALLY, I WAS TALKING IN GENERAL.
- 3 Q OKAY.
- 4 A BUT THEN IT CAME ABOUT.
- 5 Q WHEN WAS IT?
- 6 A I REALLY DON'T REMEMBER THE DATE.
- 7 Q DON'T REMEMBER. WAS IT A WEEK BEFORE?
- 8 A (THE WITNESS SHAKES IN THE NEGATIVE).
- 9 Q WAS IT A MONTH BEFORE?
- 10 A I DON'T REMEMBER, SIR.
- 11 Q YOU DON'T REMEMBER. OKAY. IF YOU DON'T REMEMBER,
12 YOU DON'T REMEMBER. THAT'S FINE.
- 13 NOW, YOU'RE DOING A FAIR AMOUNT DURING THIS TIME
14 PERIOD WE'RE TALKING ABOUT, LATE 2001, YOU'RE DOING A
15 FAIR AMOUNT OF MOVING ABOUT, RIGHT?
- 16 A TRUE.
- 17 Q YOU'RE ON THE ROAD?
- 18 A UH-HUH.
- 19 Q RIGHT. ARE YOU TOURING WITH MR. CHEEKS?
- 20 A YEAH.
- 21 Q ARE YOU DOING SHOWS UP AND DOWN THE EAST COAST OR
22 WHAT?
- 23 A YEAH, BASICALLY, YEAH.
- 24 Q I'M SORRY. SPEAK UP JUST A LITTLE BIT.
- 25 A YES, YES, YES..

1 Q I DON'T WANT YOU SHOUTING.

2 A I'M SORRY. I DIDN'T MEAN TO SHOUT..

3 Q I JUST WANT FOLKS TO BE ABLE TO HEAR YOU, OKAY. SO

4 YOU'RE DOING SHOWS UP AND DOWN THE EAST COAST. IS

5 RALEIGH YOUR HOME BASE?

6 A RALEIGH AND DILLON.

7 Q RALEIGH AND DILLON. NOW, MARTY MORGAN, THE GUY YOU

8 WERE STAYING WITH IN RALEIGH, WAS HE AFFILIATED WITH

9 MR. CHEEKS?

10 A YES.

11 Q SO HE WOULD BE TOURING WITH YOU ALSO?

12 A YEAH.

13 Q AND THAT WAS HIS PLACE UP IN RALEIGH YOU WERE STAYING

14 AT?

15 A CORRECT.

16 Q AND MARTY, HE'S NOT WITH US ANYMORE, RIGHT?

17 A THAT'S CORRECT.

18 Q MARTY PASSED ON A YEAR AGO?

19 A SOMETHING LIKE THAT.

20 Q SOMETHING LIKE THAT. SO AFTER YOU HAD THIS MEETING,

21 YOU, AND PHIL, AND NATHANIEL CASEY, AND CONSUELO

22 CASEY AT CONSUELO'S PLACE OF BUSINESS. YOUR

23 TESTIMONY IS THAT YOU DIDN'T KNOW THE PARTICULARS OF

24 THE DEAL OR WHATEVER THEY DISCUSSED BETWEEN YOU WERE

25 SITTING IN THE DOORWAY BETWEEN THE TWO PARTS OF THE

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- 1 SHOP, RIGHT?
- 2 A RIGHT.
- 3 Q AND WHENEVER THEY GOT DONE, THE CONVERSATION TOOK --
- 4 DO YOU HAVE ANY IDEA, 15 MINUTES?
- 5 A I'M NOT SURE. I DON'T REMEMBER.
- 6 Q NOT A LONG CONVERSATION, BUT MORE THAN JUST, "HI, HOW
- 7 DO YOU DO"; RIGHT?
- 8 A MORE THAN THAT.
- 9 Q OKAY. SO AT THAT POINT IN TIME, YOU LEFT. YOU AND
- 10 PHIL LEFT AT THE SAME TIME?
- 11 A UH-HUH.
- 12 Q YOU GOT IN YOUR CAR; HE GOT IN HIS CAR?
- 13 A YEAH.
- 14 Q AND THEN YOU LEFT, RIGHT?
- 15 A CORRECT.
- 16 Q YOU DIDN'T LEAVE TOGETHER?
- 17 A I MEAN, HE LEFT FOLLOWING ME.
- 18 Q HE LEFT FOLLOWING YOU. WHERE DID YOU GO FROM THERE?
- 19 A WENT AND GOT SOMETHING TO EAT.
- 20 Q WENT AND GOT SOMETHING TO EAT, OKAY. THEN YOU WENT
- 21 YOUR SEPARATE WAYS. YOU, AT THAT POINT IN TIME,
- 22 STILL DID NOT KNOW THE PARTICULARS OF ANY DEAL THAT
- 23 HAD BEEN SET UP OR EVEN WHETHER ANY DEAL HAD BEEN SET
- 24 UP?
- 25 A I KNEW A DEAL WAS SET UP, SIR. I DIDN'T KNOW THE

- 1 PARTICULARS OF IT.
- 2 Q OKAY. YOU DIDN'T DISCUSS THAT WHILE YOU BROKE BREAD
- 3 TOGETHER?
- 4 A WHILE WE DID WHAT?
- 5 Q WHILE YOU ATE.
- 6 A YEAH.
- 7 Q YOU DISCUSSED THAT?
- 8 A NO, WE DIDN'T.
- 9 Q OH, YOU DIDN'T.
- 10 A YEAH.
- 11 Q OKAY. AND THEN, IF I UNDERSTAND YOUR TESTIMONY HERE
- 12 TODAY CORRECTLY, THE FOLLOWING MORNING, YOU SPOKE
- 13 WITH HIM; IS THAT RIGHT?
- 14 A CORRECT.
- 15 Q OKAY. AND HE WANTED YOU TO GO BY AND CHECK THE SHOP
- 16 FOR MS.~CASEY AND NATHANIEL CASEY?
- 17 A TO SEE WAS SHE UP THERE.
- 18 Q SEE WHETHER THEY'RE UP THERE. THAT'S WHAT BROUGHT
- 19 YOU BY THE SHOP?
- 20 A INITIALLY, YES.
- 21 Q I'M SORRY?
- 22 A YES.
- 23 Q AND THEN CONSUELO ASKED YOU TO CONTACT PHIL AT THAT
- 24 POINT?
- 25 A CORRECT.

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- 1 Q AND DID YOU?
- 2 A I TRIED TO.
- 3 Q YOU COULDN'T GET AHOLD OF HIM?
- 4 A HUH-UH.
- 5 Q OKAY. WHEN WAS THE NEXT TIME YOU TALKED WITH HIM?
- 6 A WITH WHO?
- 7 Q PHIL?
- 8 A LATER ON.
- 9 Q LATER ON THAT AFTERNOON, THAT EVENING, AFTER YOU
- 10 HOOKED BACK UP WITH MARTY?
- 11 A THAT NIGHT.
- 12 Q THAT NIGHT, OKAY. ALL RIGHT. SO YOU DIDN'T SPEAK
- 13 WITH HIM AGAIN THAT DAY. REGARDLESS, BY FRIDAY OF
- 14 THAT WEEK, YOU WERE UP IN MARYLAND WITH MR. CHEEKS?
- 15 A NO. I WAS IN MARYLAND FOR THANKSGIVING.
- 16 Q SO YOU WERE UP IN MARYLAND, RIGHT. THAT'S WHEN YOU
- 17 CALLED MS.~CASEY?
- 18 A LIKE I SAY, I DON'T REMEMBER WHICH DAY IT WAS. IT
- 19 WAS THE NIGHT OF THE SHOW, DURING THAT DAY, WHATEVER
- 20 DAY THE SHOW WAS.
- 21 Q OKAY.
- 22 A SHE WAS SUPPOSED TO GO TO THE SHOW WITH ME.
- 23 Q THE SHOW DOWN HERE?
- 24 A IN COLUMBIA.
- 25 Q SO YOU CALLED HER FROM MARYLAND?

1 A YEAH.

2 Q YOU WERE GOING TO DRIVE DOWN TO COLUMBIA?

3 A I HAD TO DRIVE DOWN HERE.

4 Q RIGHT. SO YOU WERE CALLING BEFORE YOU HEADED DOWN
5 JUST TO CHECK TO SEE IF SHE WAS GOING TO MAKE THE
6 SHOW?

7 A I WAS GOING TO STOP IN DILLON, AND THEY WERE GOING TO
8 FOLLOW ME.

9 Q I'M SORRY?

10 A I WAS GOING TO STOP IN DILLON, AND THEY WERE GOING TO
11 FOLLOW ME TO THE SHOW.

12 Q OKAY. I GOT YOU. OKAY. NOW, THIS WASN'T THE FIRST
13 TIME THAT CONSUELO TRIED TO GET YOU TO GET AHOLD OF
14 MARIJUANA FOR HER, WAS IT?

15 A NO.

16 Q NO. I MEAN, YOU TOLD THE POLICE, OR DID YOU, WHEN
17 YOU GAVE THEM THE STATEMENT ON DECEMBER 10TH, THAT
18 CONSUELO ONCE OFFERED YOU \$1,000 TO GO TO NEW YORK TO
19 GET SOME WEED. YOU TOLD HER YOU DIDN'T DO THAT
20 STUFF. THAT'S THE LAST TWO SENTENCES IN THE THIRD
21 PARAGRAPH OF PAGE TWO OF YOUR STATEMENT?

22 A YEAH, I TOLD THEM THAT.

23 Q IS THAT PART TRUE?

24 A UH-HUH.

25 Q THAT'S TRUE?

1 YOUR HONOR, I BEG THE COURT'S INDULGENCE ONE
2 MOMENT, PLEASE.

3 (PAUSE).

4 JUST THE LAST THING -- EXCUSE ME.

5 (PAUSE).

6 ALONG THE LINES OF WHAT WE DISCUSSED BRIEFLY
7 EARLIER, YOU INDICATED YOU DIDN'T KNOW THE PARTICULARS OF
8 ANY DEAL THAT HAD BEEN SET UP, RIGHT?

9 A CORRECT.

10 Q YOU'RE PRETTY SURE A DEAL HAD BEEN SET UP. THAT'S
11 WHY YOU BROUGHT THE PEOPLE TOGETHER, RIGHT?

12 A YEAH.

13 Q YOU DIDN'T BRING ANYONE TOGETHER TO SET UP A DEAL
14 INVOLVING NO DRUGS, RIGHT? THE WHOLE IDEA OF YOU
15 GETTING INVOLVED WAS TO PUT SOMEONE WITH MARIJUANA IN
16 CONTACT WITH SOMEONE THAT WANTED MARIJUANA, RIGHT?

17 A UH-HUH.

18 Q RIGHT?

19 A YES. SELLING DRUGS, YES.

20 Q THAT'S WHAT A DRUG DEAL IS, RIGHT?

21 A YEAH.

22 Q SOMEBODY'S GOT SOME. SOMEONE WANTS SOME, AND THE
23 MIDDLEMAN PUTS THEM TOGETHER, RIGHT?

24 A YEAH.

25 Q AND YOU GO MAKE 500 BUCKS FOR PUTTING THIS THING

1 TOGETHER, RIGHT?

2 A CORRECT.

3 Q ALL RIGHT. OKAY. SO YOUR IDEA WAS THAT YOU WERE
4 GOING TO PUT TOGETHER SOMEONE WHO WANTED TO BUY DRUGS
5 WITH SOMEONE WHO WANTED TO SELL DRUGS, RIGHT?

6 A CORRECT.

7 Q YOU DIDN'T INTEND TO PUT SOMEONE TOGETHER THAT WANTED
8 TO BUY DRUGS WITH SOMEONE THAT JUST WANTED TO NOT
9 SHOW UP WITH ANY DRUGS AND ROB THEM, RIGHT?

10 A NO.

11 Q THAT WASN'T YOUR UNDERSTANDING OF WHAT WAS GOING ON
12 AT ALL, RIGHT?

13 A NO.

14 Mr. Strickler: OKAY. THANK YOU VERY MUCH.

15 THE COURT: REDIRECT?

16 Ms. Campbell: YES, SIR.

17 REDIRECT EXAMINATION:

18 BY Ms. Campbell

19 Q MR. JENNINGS, LET'S GET ONE THING STRAIGHT: YOU
20 DON'T WANT TO BE HERE TODAY, DO YOU? YOU DON'T WANT
21 TO BE HERE TODAY, DO YOU?

22 A (THE WITNESS SHAKES IN THE NEGATIVE).

23 Q YOU'RE UNDER SUBPOENA?

24 A YEAH, I'M UNDER SUBPOENA.

25 Q AND HE'S ASKED YOU SOME SPECIFICS ABOUT DIFFERENT

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- 1 THINGS AND EVERYTHING. BEFORE I GET ANY FURTHER, HE
2 ASKED YOU ABOUT MARTY, YOUR ROOMMATE AT THE TIME.
- 3 A UH-HUH.
- 4 Q AND YOU INDICATED MARTY HAS DIED?
- 5 A YEAH.
- 6 Q HOW DID MARTY DIE?
- 7 A HEART ATTACK.
- 8 Q HE HAD A HEART ATTACK. HOW WAS -- WHAT DID MARTY
9 LOOK LIKE?
- 10 A SOMEWHAT LIKE ME.
- 11 Q SOMEWHAT LIKE YOU? WHEN YOU SAY SOMEWHAT LIKE YOU,
12 WHAT DO YOU MEAN BY THAT?
- 13 A AS FAR AS LIKE BUILD AND SHAPE, SKIN COLOR.
- 14 Q HOW WOULD YOU CHARACTERIZE YOUR BUILD AND SHAPE?
- 15 A WELL FIT, SHORTER.
- 16 Q SHORTER?
- 17 A YEAH.
- 18 Q AND HE WAS BUILT A LOT LIKE YOU, RIGHT?
- 19 A RIGHT.
- 20 Q AND AS FAR AS HIS SKIN TONE AND SKIN COLOR, WAS IT
21 SIMILAR TO YOURS?
- 22 A UH-HUH.
- 23 Q HE'S ASKED YOU SOME SPECIFICS ABOUT YOUR STATEMENT;
24 IS THAT RIGHT?
- 25 A YEAH.

1 Q AND LET'S GET THIS STRAIGHT: WHEN YOU FOUND OUT THE
2 POLICE WERE LOOKING FOR YOU, YOU CAME TO COLUMBIA
3 LOOKING FOR THEM?

4 A UH-HUH.

5 Mr. Strickler: I'LL OBJECT TO THE LEADING.
6 THIS IS REDIRECT, YOUR HONOR. IT'S HER WITNESS.

7 Ms. Campbell: I'M JUST REHASHING TO TRY TO MOVE
8 IT ALONG, YOUR HONOR.

9 THE WITNESS: YEAH.

10 THE COURT: I BELIEVE IT IS. I SUSTAIN THE
11 OBJECTION.

12 BY Ms. Campbell

13 Q WHEN YOU FOUND OUT THE POLICE WERE LOOKING FOR YOU,
14 WHAT DID YOU DO?

15 A CAME TO COLUMBIA.

16 Q AND YOU WERE LOOKING FOR THEM?

17 A YEAH.

18 Q AND DO YOU REMEMBER WHAT DAY OF THE WEEK IT WAS WHEN
19 YOU CAME?

20 A IT WAS A SUNDAY.

21 Q IT WAS A SUNDAY. AND LATER, YOU GOT IN TOUCH WITH
22 THEM OR THEY GOT IN TOUCH WITH YOU?

23 A CORRECT.

24 Q AND YOU TOLD THEM YOU HAD A PROBLEM HAVING A RIDE, I
25 BELIEVE?

JENNINGS - REDIRECT (CAMPBELL)

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- 1 A UH-HUH.
- 2 Q AND HE'S ASKED YOU SOME QUESTIONS ABOUT YOUR
3 STATEMENT. DO YOU STILL HAVE THAT STATEMENT THERE IN
4 FRONT OF YOU?
- 5 A UH-HUH.
- 6 Q OKAY. AND YOU CAN REFER TO THAT FOR ME. HE JUST
7 ASKED YOU ABOUT A COUPLE OF LINES. WHEN HE ASKED
8 YOU, YOU KNOW, ABOUT THIS THIRD PARAGRAPH DOWN, HE
9 ASKED YOU ABOUT CORNROWS, RIGHT?
- 10 A YEAH.
- 11 Q WHAT'S THE COMPLETE DESCRIPTION THAT YOU GAVE OF WHAT
12 PHIL LOOKED LIKE BACK WHEN THEY ASKED YOU ON
13 DECEMBER 10TH? WHAT DID YOU TELL THEM WAS IN YOUR
14 STATEMENT?
- 15 A HE HAD HIS HAIR IN A SHORT AFRO WITH CORNROWS.
- 16 Q OKAY. DID YOU -- START AT THE BEGINNING AFTER THE
17 "A".
- 18 A BLACK MALE, BROWN SKIN, 6'7, 6'9", AND ABOUT 235,
19 250: HE HAD SHORT HAIR IN CORNROWS AND WEARS
20 FLASHY -- LOTS OF RINGS.
- 21 Q AND DURING THE TIME PERIOD THAT YOU KNEW HIM, HAD HE
22 HAD CORNROWS AT SOME TIME?
- 23 A AT ONE TIME.
- 24 Q HE ALSO ASKED YOU FURTHER DOWN IN ONE OF THESE
25 QUESTIONS ABOUT WHAT KIND OF CAR HE DROVE; IS THAT

1. RIGHT?
- 2 A UH-HUH.
- 3 Q AND WHAT KIND OF CAR DID HE DRIVE?
- 4 A A RANGE ROVER, BURGUNDY RANGE ROVER.
- 5 Q DID YOU GIVE A FURTHER DESCRIPTION OF IT?
- 6 A WITH THE BRUSH GUARD ON THE FRONT AND CHROME RIMS.
- 7 Q WITH THE BRUSH GUARD ON THE FRONT AND CHROME RIMS.
- 8 A UH-HUH.
- 9 Q AND THEN FINALLY, HE ASKED YOU -- IN THIS WHOLE
- 10 STATEMENT, HE ASKED YOU ONE OTHER THING ABOUT HAS
- 11 CONSUELO OFFERED YOU MONEY FOR DRUGS?
- 12 A UH-HUH.
- 13 Q HE DIDN'T GO OVER THE REST OF THIS, EVERYTHING ELSE
- 14 IN HERE, AND YOU HAD AN OPPORTUNITY TO REVIEW THIS?
- 15 EVERYTHING ELSE IN THIS STATEMENT THAT YOU TOLD THE
- 16 POLICE?
- 17 A UH-HUH.
- 18 Q IS ALL WHAT YOU TESTIFIED TO?
- 19 A YES.
- 20 Q IT'S THE TRUTH?
- 21 A UH-HUH. I MEAN, HE WAS READING FROM TWO DIFFERENT
- 22 STATEMENTS.
- 23 Q I UNDERSTAND, BUT IN THIS STATEMENT YOU SIGNED, THE
- 24 ONE HE HAS MADE -- AND YOU SIGNED IT AS THE TRUTH?
- 25 A YEAH.

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- 1 Q AND EVERYTHING HE HAS GONE OVER, THAT'S THE TRUTH?
- 2 A THIS STATEMENT IS CORRECT. I MEAN THE OTHER ONE, HE
- 3 TRIED TO MIX THEM UP TOGETHER.
- 4 Q THE OTHER ONE HE DIDN'T SHOW YOU?
- 5 A NO.
- 6 Q OKAY. BUT THIS ONE, THE ONE YOU SIGNED AS THE TRUTH,
- 7 THAT WAS THE TRUTH?
- 8 A YEAH.
- 9 Q AND ALL OF THIS?
- 10 A UH-HUH.
- 11 Q THREE PAGES OF IT?
- 12 A YEAH.
- 13 Q AND YOU TOLD THEM ABOUT PHILLIP CROCKER, AND YOU TOLD
- 14 THEM ABOUT CONSUELO. YOU TOLD THEM ABOUT YOUR PART
- 15 IN THIS, TOO, DIDN'T YOU?
- 16 A UH-HUH.
- 17 Q AT THAT POINT, YOU KNEW THEY HAD A WARRANT FOR YOU?
- 18 A UH-HUH.
- 19 Q AND YOU STILL TOLD THEM THE TRUTH?
- 20 A YEAH.
- 21 Q JUST SO THIS JURY WON'T GET CONFUSED, WHAT YOU PUT IN
- 22 THIS STATEMENT IS THE TRUTH?
- 23 A YEAH.
- 24 Ms. Campbell: YOUR HONOR, AT THIS TIME, WE'D
- 25 OFFER HIS STATEMENT INTO EVIDENCE PURSUANT TO 106, 803(5),

1 I BELIEVE. I'LL GET A CLEAN COPY.

2 THE COURT: WITHOUT OBJECTION?

3 Mr. Strickler: NO, WITH OBJECTION.

4 THE COURT: THERE'S AN OBJECTION. LADIES AND
5 GENTLEMEN OF THE JURY, LET ME TAKE UP A MATTER WITH THE
6 ATTORNEYS. IT'S A MATTER OF LAW.

7 IT'S ALMOST 3:30, PROBABLY A GOOD TIME TO TAKE A
8 SHORT BREAK. I'LL ASK YOU TO GO TO THE JURY ROOM JUST FOR
9 A FEW MINUTES, RELAX. WE'LL CALL YOU WHEN WE'RE READY.

10 THANK YOU. DON'T DISCUSS THE CASE AMONGST
11 YOURSELVES WHILE YOU'RE IN THE JURY ROOM.

12 (WHEREUPON, THE JURY LEFT OPEN COURT AT
13 APPROXIMATELY 3:24 P.M.)

14 THE COURT: ALL RIGHT. WHAT'S THE OBJECTION?

15 Mr. Strickler: THE OBJECTION? WELL, IF THE
16 OFFER UNDER 106, YOUR HONOR, IS THE RULE OF COMPLETENESS
17 AND, YOU KNOW, SHE'S, RIGHT. I JUST WENT INTO A COUPLE OF
18 AREAS IN THE STATEMENT. THE GENERAL RULE, STATE V.
19 STOKES, A SOUTH CAROLINA CASE 548 S.E.2D, 202 AT 205, ONLY
20 THAT PORTION OF THE REMAINDER OF THE STATEMENT WHICH
21 EXPLAINS OR CLARIFIES THE PREVIOUSLY ADMITTED PORTION
22 SHOULD BE INTRODUCED.

23 THE COURT: WHAT'S BEEN INTRODUCED?

24 Mr. Strickler: PARDON ME?

25 THE COURT: WHAT HAS BEEN INTRODUCED?

JENNINGS - REDIRECT (CAMPBELL)

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1 Mr. Strickler: WHAT HAS BEEN INTRODUCED WAS
2 THROUGH MY CROSS-EXAMINATION. IN ESSENCE, THE FIRST PAGE
3 DOWN TO THE QUESTION AS TO THE BOTTOM OF THE PAGE, IT
4 DIDN'T GO INTO THAT. ONE PORT OF THE LAST TWO SENTENCES
5 OF THE THIRD PARAGRAPH ON THE SECOND PAGE, THOSE ARE THE
6 ONLY PORTIONS I INTRODUCED. THERE'S NOTHING ELSE THAT I
7 SEE THAT HELPS CLARIFY THE LAST TWO SENTENCES IN THE
8 SECOND PARAGRAPH ON PAGE TWO.

9 THE COURT: TALKING ABOUT 106, MS. CAMPBELL,
10 SAYS --

11 Ms. Campbell: THE PARTY SEEKING -- I'M SORRY.
12 I DIDN'T MEAN TO INTERRUPT YOU.

13 THE COURT: ALL IN FAIRNESS SHOULD BE CONSIDERED
14 CONTEMPORANEOUSLY WITH IT.

15 Ms. Campbell: UH-HUH.

16 THE COURT: WHAT IS IT?

17 Ms. Campbell: THE ENTIRE STATEMENT SHOULD BE
18 CONSIDERED AS A WHOLE, NOT THE THREE PARTS HE PICKED OUT.
19 THAT'S THE REASON FOR 106.

20 THE COURT: WELL, I'LL HAVE TO READ THE
21 STATEMENT.

22 Ms. Campbell: OH YES, SIR. I'LL HAND IT UP TO
23 YOU. WHAT DID I DO WITH IT?

24 THE COURT: MR. STRICKLER, STATE YOUR OBJECTION
25 AGAIN. LET ME UNDERSTAND WHAT SHE IS SAYING -- OR THE

1 STATE IS SAYING, THAT YOU INTRODUCED A PART OF THIS
2 STATEMENT UNDER STATE V. JACKSON, ANY PART OF THE
3 COMMUNICATION -- IF OR WHEN A PART OF THE COMMUNICATION OR
4 TRANSACTION WAS BROUGHT UP BY ONE PARTY, ALL OF IT MAY BE
5 BROUGHT OUT -- THE WHOLE OF IT MAY BE BROUGHT OUT BY THE
6 OPPOSING PARTY.

7 NOW, I REALIZE THERE IS A LOT MORE IN THIS
8 STATEMENT THAT DOESN'T EVEN RELATE TO THE QUESTIONS THAT
9 YOU ASKED.

10 Mr. Strickler: WHICH IS PRECISELY THE BASIS FOR
11 MY OBJECTION.

12 THE COURT: WELL, I FIGURED THAT'S WHAT IT WAS.
13 IT GOES WELL BEYOND THE -- IT JUST GOES ON FOR SEVERAL
14 PAGES BEYOND QUESTIONS THAT YOU ASK.

15 NOW, IF IT'S MERELY -- MY READING OF THE RULE
16 IS, TO BE FAIR TO BOTH SIDES, THAT THE INTRODUCTION OF A
17 PART OF THE STATEMENT DOESN'T CREATE A FALSE IMPRESSION
18 THAT IS NOT BELAYED BY OTHER PORTIONS OF THE DOCUMENT.

19 Mr. Strickler: YES, SIR.

20 THE COURT: BUT IT'S HARD AT THIS POINT TO SAY
21 WHAT YOUR -- WHAT IS PROPER TO ANSWER YOUR QUESTION, TO
22 RESPOND TO THE QUESTIONS THAT YOU ASKED, AS OPPOSED TO
23 GETTING INTO THINGS LIKE DOES CROC CARRY A GUN?

24 Ms. Campbell: I'LL BE GLAD TO REDACT THAT PART
25 OUT.

1 THE COURT: DO WHAT?

2 Ms. Campbell: I PURPOSELY DID NOT GO INTO
3 WHETHER HE CARRIED A GUN WITH HIM OR NOT.

4 THE COURT: WHAT ARE YOU ASKING TO PUT IN? YOU
5 SAID THE WHOLE STATEMENT.

6 Ms. Campbell: THE WHOLE STATEMENT.

7 THE COURT: WELL, THAT'S RIGHT THERE IN THE
8 MIDDLE OF THE STATEMENT.

9 Ms. Campbell: IF YOU RULE THAT PART IS
10 ADMISSIBLE, I'LL BE GLAD TO REDACT THE PART ABOUT THE GUN.

11 THE COURT: NO. I USE THAT AS AN EXTREME
12 EXAMPLE AS TO WHAT THE STATEMENT CONTAINS THAT HAS NOTHING
13 TO DO WITH QUESTIONS THAT MR. --

14 Ms. Campbell: AND WE WOULD BE GLAD TO REDACT
15 THE STATEMENT ABOUT THE PARTS ABOUT WHICH HE WAS ASKING
16 THE QUESTION, WHICH WAS ABOUT WHAT HAPPENED AND WHAT HE
17 PUT IN THE STATEMENT.

18 THE COURT: YOU CAN'T THROW THE WHOLE THING AT
19 ME AND SAY WE WILL REDACT CERTAIN PORTIONS OF IT.

20 Ms. Campbell: YOUR HONOR, THE ONLY PORTION WE
21 WOULD BE ATTEMPTING TO REDACT WOULD BE THAT ABOUT THE GUN.

22 THE COURT: I MEAN, THERE'S A -- THERE'S A
23 RESPONSE. THERE'S A QUESTION IN THE FRONT.

24 THE FIRST PAGE SAYS, "WHAT CAR DOES PHIL DRIVE?"
25 ON THE THIRD PAGE, WHICH MR. STRICKLER NEVER GOT INTO,

1 SAYS, "HAVE YOU SEEN THE STATION WAGON WITH WOOD GRAIN
2 SIDING?" HE SHOWED HIM A PICTURE OF IT. "YES, THAT'S ON
3 THE SIDE OF CROCK'S HOUSE."

4 IN OTHER WORDS, THAT'S PROBABLY THE COMPLETENESS
5 OF THE ANSWERS THAT HE GAVE, AND THAT THIS JURY PROBABLY
6 IS ENTITLED TO HEAR OR SEE.

7 Ms. Campbell: YES, SIR.

8 THE COURT: BUT THEN THERE'S -- THEN HE SAYS, HE
9 TOLD THEM "THE MOTHERFUCKERS WERE GOING LOOKING FOR ME AND
10 MAKE SURE YOU BURN UP THOSE MINUTES ON THE PHONE AND GET
11 RID OF IT."

12 I MEAN, THERE'S JUST SO MUCH OTHER STUFF IN
13 THERE THAT ARE NOT RESPONSIVE TO THE QUESTIONS THAT WERE
14 ASKED BY HIM.

15 IN OTHER WORDS, I'M OFFERING -- TAKING THE
16 POSITION THAT I AGREE WITH YOU, IN FAIRNESS, PORTIONS OF
17 THIS PROBABLY OUGHT TO BE ALLOWED TO BE INTRODUCED AND
18 SHOWN TO THE JURY.

19 Ms. Campbell: OKAY.

20 THE COURT: HOWEVER, THERE'S A LOT OF IT THAT'S
21 EXTRANEOUS TO ANY LINE OF QUESTIONS THAT WERE ASKED OF
22 MR. STRICKLER.

23 Ms. Campbell: AND I'LL BE GLAD TO GO THROUGH
24 THE STATEMENT AND REDACT THE PARTS YOU THINK ARE NOT
25 RIGHT, LIKE ABOUT THE GUN.

JENNINGS - REDIRECT (CAMPBELL)

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1 THE COURT: "HE TOLD ME THAT THE MOTHERFUCKERS
2 ARE GOING TO BE LOOKING FOR ME."

3 Ms. Campbell: HE TESTIFIED TO THAT ON DIRECT,
4 AND BASICALLY INFERRED THAT HE DIDN'T PUT ANYTHING IN HIS
5 STATEMENT. HE BROUGHT OUT THREE SEPARATE PARTS.

6 THE COURT: WELL, WOULD YOU BE OPPOSED TO
7 REDACTING THE STATEMENT?

8 Ms. Campbell: I'LL WORK ON THAT RIGHT NOW, YOUR
9 HONOR.

10 THE COURT: OTHERWISE -- AND I'M NOT SO SURE
11 UNDER 803(5) THAT IT'S ADMISSIBLE.

12 Ms. Campbell: AND I WOULD ALSO PROCEED UNDER
13 106.

14 THE COURT: YOU JUST DID 106.

15 Ms. Campbell: AND UNDER 803(5). I JUST WANT TO
16 MAKE THAT FOR THE RECORD.

17 THE COURT: OKAY.

18 Ms. Campbell: BECAUSE YOU LET THEIRS IN UNDER
19 803.

20 THE COURT: I LET ONE IN UNDER 803(5).

21 Ms. Campbell: IN WHICH WE ONLY ASKED ONE
22 QUESTION ABOUT ONE LINE ON IT, AND THE ENTIRE STATEMENT
23 CAME IN.

24 THE COURT: IN THAT CASE, I FELT THAT THE FIFTH
25 PRONG OF THE RULE THAT THE WITNESS HAD INSUFFICIENT MEMORY

1 OF THE FACTS IN THE RECORD TO BE ABLE TO TESTIFY TO
2 JUSTIFY THE ADMISSION OF THAT STATEMENT. I'M LOOKING AT
3 THE FIVE PRONG TEST UNDER 803(5).

4 Mr. Strickler: AND YOUR HONOR --

5 THE COURT: THAT WAS A MARGINAL CALL BUT
6 NEVERTHELESS IT'S IN.

7 Mr. Strickler: YOUR HONOR, JUST AS TO 803(5), I
8 JUST REFER...

9 THE COURT: IT SAYS THEY HAVE NO PRESENT MEMORY.

10 Mr. Strickler: THEY SAY AS TO --

11 THE COURT: YOU SAID IT WAS ON ALL FOURS.

12 Mr. Strickler: IT CERTAINLY WAS. AS TO
13 INTRODUCTION OF THE STATEMENT AS EVIDENCE ON HER PART, I
14 JUST DIRECT HER ATTENTION, OF COURSE, TO THE ULTIMATE
15 CLAUSE OF 803(5).

16 THE COURT: OF THE ADVERSE PARTY.

17 Mr. Strickler: YEAH, SHE CAN'T DO IT.

18 THE COURT: ALL RIGHT. YOUR BEST SHOT IS 106.

19 Ms. Campbell: AND I THINK UNDER -- I'LL PULL
20 STATE VS. JACKSON, BUT IT'S MY UNDERSTANDING ONCE HE
21 PUBLISHES PART OF THE STATEMENT, IT CAN BE BROUGHT IN IN
22 ITS ENTIRETY. THAT'S JUST MY POSITION. I'LL BE GLAD TO
23 REDACT OUT THE PARTS ABOUT THE GUN.

24 THE COURT: GIVE ME SOMETHING ON IT BY IN THE
25 MORNING, AND WE'LL -- YOU DON'T HAVE TO DO IT NOW.

JENNINGS - REDIRECT (CAMPBELL)

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1 Ms. Campbell: OH.

2 THE COURT: YOU'RE FINISHED WITH THE WITNESS,
3 AREN'T YOU?

4 Ms. Campbell: HE MAY HAVE MORE QUESTIONS.

5 Mr. Strickler: OH, IF SHE INTRODUCES THE
6 STATEMENT, I HAVE A WHOLE SLEW OF QUESTIONS TO ASK HIM.

7 THE COURT: ALL RIGHT.

8 Mr. Strickler: HE HAS ALREADY DECLARED THE
9 WHOLE THING IS A LIE.

10 THE COURT: WELL, 803(5) PROBABLY DISQUALIFIES
11 IT ANYWAY, BECAUSE HE HAS TO ASSERT THAT IT'S THE TRUTH.
12 HE HAS NOT DONE THAT. IT'S NOT BEING INTRODUCED BY AN
13 ADVERSE PARTY UNDER 803(5).

14 Ms. Campbell: I UNDERSTAND, UNDER 106.

15 THE COURT: DID YOU GET ALL THAT?

16 The court Reporter: WELL, YEAH.

17 THE COURT: NO, I'M NOT TALKING TO YOU.

18 The court Reporter: OH, OKAY.

19 THE COURT: WELL, IF YOU WANT TO PUT IT IN, YOU
20 BETTER START WORKING ON IT.

21 Ms. Campbell: I'LL START WORKING ON IT RIGHT
22 NOW.

23 THE COURT: ALL RIGHT. LET'S TAKE 10 MINUTES.

24 Ms. Campbell: THANK YOU.

25 THE COURT: MR. JENNINGS, YOU CAN RELAX A FEW

1 MINUTES. DON'T COME DOWN. YOU CAN TALK TO ANYBODY EXCEPT
2 YOUR LAWYER WHILE WE'RE IN THE BREAK. OKAY.

3 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

4 THE COURT: DO YOU NEED THAT ON?

5 Ms. Campbell: IT'S FOR THE NEXT WITNESS.

6 Mr. Strickler: CAN WE ASK WHAT THAT IS?

7 THE COURT: IT LOOKS LIKE A COMPUTER SCREEN.

8 Mr. Strickler: I DON'T KNOW. I HAVEN'T BEEN
9 PROVIDED A COMPUTER. I JUST DON'T KNOW.

10 THE COURT: MAYBE IT'S A POWER POINT
11 PRESENTATION.

12 Mr. Strickler: IT MAY BE, IN WHICH CASE IT
13 HASN'T BEEN PROVIDED TO ME PURSUANT TO MY REQUEST OF
14 DISCOVERY. IT'S A PIECE OF EVIDENCE THAT HASN'T BEEN
15 PRODUCED. I HAVEN'T BEEN PROVIDED THAT.

16 Ms. Campbell: YOU HAVE BEEN PROVIDED THE STILLS
17 FROM THIS WHICH WE TOOK THE PHOTOS. IT WAS JUST THE
18 NUMBERS SHE GOES THROUGH WHEN SHE GOT THE VICTIM'S PHONE.

19 Mr. Strickler: I HAVEN'T BEEN PROVIDED THIS
20 EVIDENCE.

21 Ms. Campbell: YES, SIR. IT'S IN LANCY WEEKS'.
22 FOLLOW UP, AS WELL AS HE'S BEEN PROVIDED WITH STILLS FROM
23 THIS.

24 THE COURT: OKAY.

25 Mr. Strickler: THAT I'VE SEEN.

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1 THE COURT: OKAY.

2 Mr. Strickler: A PICTURE OF THAT, I'VE SEEN.

3 THE COURT: HOW LONG DOES THIS RUN?

4 Ms. Campbell: TEN SECONDS.

5 THE COURT: OH, THAT'S IT?

6 Ms. Campbell: HOW LONG DOES IT RUN, CAROL? DO
7 YOU KNOW?

8 THE WOMAN: ABOUT FIVE 10 SECONDS, FIVE, TEN.

9 Ms. Campbell: I MEAN, I'M PLANNING TO FREEZE
10 FRAME ON A COUPLE JUST TO SHOW THE NUMBERS.

11 THE COURT: I UNDERSTAND. I'M JUST TRYING TO
12 MAKE SURE MR. STRICKLER SEES IT.

13 Mr. Strickler: THESE ONES I DON'T HAVE A
14 PROBLEM WITH BECAUSE I'VE SEEN THOSE. THOSE WERE NOT
15 PROVIDED TO ME IN DISCOVERY.

16 THE WOMAN: THAT'S IT.

17 Mr. Strickler: THE FIRST ONE IS A VIDEO OF
18 SOMEONE DOING SOMETHING. I WAS NOT PROVIDED THAT.

19 THE COURT: THEY'RE OBVIOUSLY DIALING THE
20 NUMBER.

21 Ms. Campbell: JUDGE, DO YOU WANT TO SEE IT
22 AGAIN?

23 THE COURT: MR. STRICKLER DOES.

24 Ms. Campbell: OKAY. IT TAKES 10 SECONDS.

25 (WHEREUPON, A POWER POINT PRESENTATION WAS

1 PLAYED.)

2 Mr. Strickler: OKAY. AND WHAT MEDIA IS THAT
3 ON, A C.D.?

4 THE WOMAN: UH-HUH.

5 Mr. Strickler: I STILL OBJECT BECAUSE IT'S NOT
6 BEEN PROVIDED TO ME PURSUANT TO MY MOTION FOR DISCOVERY.

7 THE COURT: WHAT IS IT?

8 Ms. Campbell: YOUR HONOR, ALL THIS SHOWS, THIS
9 IS THE VICTIM'S PHONE THAT WAS TAKEN AT THE HOSPITAL THAT
10 NIGHT.

11 SERGEANT WEEKS, WHO IS SITTING HERE, ACTUALLY
12 TOOK THE PHONE, AND SHE ACTUALLY JUST TOOK -- WELL, THIS
13 IS A VIDEOTAPE OF HER PULLING UP THE NUMBER WHICH IS
14 ULTIMATELY GOING TO LEAD BACK TO THE DEFENDANT.

15 THE COURT: WHAT DO YOU MEAN PULLING UP THE
16 NUMBER?

17 Ms. Campbell: HE HAD -- WELL, YOU KNOW, HOW --
18 WELL, I CAN'T DO IT, BUT CERTAIN PEOPLE WHO HAVE KNOWLEDGE
19 CAN PUT IN THEIR PHONE LIKE A NAME, AND IT AUTOMATICALLY
20 DIALS THE NUMBER.

21 THE COURT: YES.

22 Ms. Campbell: THAT'S WHAT THIS IS SHOWING.
23 THAT'S THE EXTENT OF IT.

24 THE COURT: HOW DID MS. WEEKS KNOW THE NUMBER?

25 Ms. Campbell: HOW DID SHE KNOW THE NUMBER?

JENNINGS - REDIRECT (CAMPBELL)

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1 THE COURT: YES, OR SHE JUST SCROLLED?

2 Ms. Campbell: THE NAME ON IT IS CROC.

3 THE COURT: SHE WENT ON THE PHONE -- SHE
4 SCROLLED.

5 Ms. Campbell: IT'S ON THE PHONE. THE NAME IS
6 "CROC".

7 THE COURT: YOU SCROLLED ALL THE NUMBERS AND LET
8 IT DIAL?

9 Ms. Weeks: ALL THE DIALED CALLS AND ALL THE --
10 YES, I WANTED TO SEE WHO HE SPOKE TO, THE VICTIM SPOKE TO,
11 PRIOR TO HIS DEATH ON HIS CELL PHONE. SO WHAT I DID --

12 THE COURT: SO YOU DID PRIOR CALLS?

13 Ms. Weeks: DIALED CALLS, YES.

14 THE COURT: OKAY.

15 Ms. Weeks: YOU COULD SAY PRIOR CALLS OR DIALED
16 CALLS.

17 THE COURT: I UNDERSTAND NOW.

18 Mr. Strickler: THERE'S BEEN A DISCOVERY MOTION
19 STAMPED IN THIS CASE --

20 THE COURT: I KNOW THAT.

21 Mr. Strickler: -- SINCE I'VE HAD IT. IT'S A
22 YEAR.

23 THE COURT: I KNOW THAT.

24 Mr. Strickler: I MEAN, THIS OBVIOUSLY -- I
25 MEAN, I DON'T GUESS SHE JUST DID THIS TODAY FOR

1 PREPARATION FOR THE CASE.

2 THE COURT: THE QUESTION IS WHETHER THE STATE
3 DISCLOSED TO YOU THAT CROCK'S NAME WAS ON THE PHONE.

4 Mr. Strickler: YES, SIR. THERE'S NO QUESTION
5 ABOUT THAT.

6 THE COURT: OKAY.

7 Mr. Strickler: MY --

8 THE COURT: THIS IS JUST A VISUAL REPRESENTATION
9 OF HOW IT'S DONE.

10 Mr. Strickler: YES, SIR.

11 Ms. Campbell: AND HE'S SEEN THE STILL PHOTOS OF
12 THIS DEMONSTRATION.

13 Mr. Strickler: I MAY HAVE. THIS IS ACTUALLY A
14 RENDERING OF A SCIENTIFIC TEST IN REGARD TO IT.

15 THE COURT: NOT IF I CAN DO IT.

16 Mr. Strickler: IN FACT, PERMIT THE DEFENDANT --
17 THIS IS RULE 5() (C), DOCUMENTS AND TANGIBLE OBJECTS. UPON
18 REQUEST OF THE DEFENDANT, THE PROSECUTOR SHALL PERMIT SPEC
19 AND COPY PHOTOGRAPHS --

20 THE COURT: WELL --

21 Mr. Strickler: THIS IS A VIDEOTAPE OR COMPUTER
22 RECORD, VIDEO RECORD.

23 THE COURT: WELL, IT'S NOTHING MORE THAN A
24 VISUALIZATION OF -- IN OTHER WORDS, THE STATE, JUST AS
25 EASILY, I ASSUME THEY STILL HAVE THE PHONE. THEY COULD

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1 DEMONSTRATE IT IN FRONT OF THE JURY, AND IT WILL PRODUCE
2 THE SAME INFORMATION, I DON'T KNOW.

3 Ms. Weeks: I DON'T KNOW IF IT WOULD STILL BE
4 STORED ON THE PHONE, OR IF IT'S EVEN CHARGED. IT WAS 2001
5 WHEN I DID THIS.

6 THE COURT: ALL RIGHT. IF IT IS WHAT THE STATE
7 REPRESENTS IT TO BE, I'LL --

8 Ms. Campbell: JUST FOR THE RECORD, YOUR HONOR,
9 I'LL SHOW YOU WHAT WE PROVIDED TO HIM.

10 THE COURT: DID YOU IT SAY "CROC" ON IT? DOES
11 IT SAY "CROC"?

12 Ms. Campbell: IT SAYS "CROC". SEE, "CROC".

13 Mr. Strickler: I'LL SHOW YOU WHAT THEY PROVIDED
14 US, JUDGE.

15 Ms. Campbell: HE'S HAD ACCESS TO IT. I MEAN
16 IT'S IN LANCY WEEKS' FOLLOW UP.

17 Mr. Strickler: THE VIDEO IS IN HER FOLLOW UP?

18 THE COURT: ALL RIGHT. I'M GOING TO ALLOW IT.

19 Mr. Strickler: ALL RIGHT. THANK YOU, SIR, OVER
20 MY OBJECTION.

21 THE COURT: CERTAINLY.

22 Mr. Strickler: THE ONLY POINT BEING, YOUR
23 HONOR, IS THAT AT SOME POINT -- I MEAN, AT SOME POINT IN
24 THE DISCOVERY PROCESS, IT NEEDS TO GET WRAPPED UP, THAT'S
25 ALL.

1 Ms. Campbell: YOUR HONOR, I'LL JUST PUT IN THE
2 STILL PHOTOS, THAT'S FINE. IF HE HAS A PROBLEM WITH IT.

3 THE COURT: LET'S DON'T GO THERE, PLEASE. WE
4 CAN DO THE STILL PHOTOS. THAT'S EVEN BETTER.

5 Ms. Campbell: OKAY.

6 THE COURT: ALL RIGHT. DO YOU WANT TO DO THIS?
7 WHERE IS THE WITNESS?

8 MR. JENNINGS, COME ON BACK UP.

9 DO YOU WANT TO DO THIS IN CAMERA, OR WOULD
10 YOU -- WHICH PORTIONS OF THE -- MS. CAMPBELL?

11 Ms. Campbell: SORRY.

12 THE COURT: WHICH PORTIONS OF THE WITNESS'S
13 STATEMENT DO YOU WISH TO REDIRECT YOUR QUESTIONS RELATING
14 TO THAT STATEMENT?

15 Ms. Campbell: ON THE FIRST PAGE, YOUR HONOR, IT
16 WOULD BE THE FIRST QUESTION, THE THIRD QUESTION.

17 THE COURT: OF COURSE, I DON'T HAVE IT BUT --

18 Ms. Campbell: OH, I DIDN'T GIVE YOU A COPY?
19 I'M SORRY.

20 THE COURT: AS LONG AS THE DEFENSE COUNSEL...

21 Ms. Campbell: IT MIGHT BE EASIER IF YOU REFER
22 TO IT. JUST IGNORE MY HIGHLIGHTING.

23 THE COURT: DO YOU WANT TO ASK HIM ABOUT --

24 Ms. Campbell: THE FIRST QUESTION.

25 THE COURT: ALL RIGHT. THEY'RE NOT NUMBERED.

1 Ms. Campbell: YES, SIR. I'M REFERRING TO PAGE
2 ONE, THE FIRST SET OF, YOU KNOW, QUESTION AND ANSWER.

3 THE COURT: ALL RIGHT.

4 Ms. Campbell: AND SKIP DOWN TO THE THIRD ONE.

5 THE COURT: THE THIRD ONE.

6 Ms. Campbell: AND THEN THE FIFTH ONE.

7 THE COURT: THE FIFTH ONE.

8 Ms. Campbell: AND THEN THE NEXT PAGE.

9 I'M ON THE WRONG PAGE, EXCUSE ME.

10 THE THIRD PARAGRAPH AND THE FOURTH PARAGRAPH.

11 THE COURT: ON WHICH PAGE?

12 Ms. Campbell: THE SECOND PAGE, I'M SORRY, YOUR
13 HONOR. IT STARTS, "I WAS AT A GAS STATION."

14 THE COURT: "I WAS AT A GAS STATION."

15 Ms. Campbell: YEAH, THAT THIRD AND FOURTH
16 PARAGRAPH.

17 THE COURT: "TUESDAY".

18 Ms. Campbell: "ON TUESDAY" AND THEN "AROUND
19 6:30 TO SEVEN." THEN ON THE THIRD PAGE --

20 THE COURT: YOU'RE TALKING ABOUT THE ENTIRE
21 FOURTH PARAGRAPH?

22 Ms. Campbell: I CAN LEAVE OUT THE PART ABOUT
23 WHERE THEY ATE.

24 THE COURT: ALL RIGHT.

25 Ms. Campbell: THEN ON THE -- LET ME MARK THESE

1 SO I'LL KNOW. THEN ON THE LAST PAGE, YOUR HONOR, IT WOULD
2 BE THE THIRD -- WELL, ACTUALLY, IT'S THE SECOND FULL
3 PARAGRAPH WHERE HE CALLED ME LATER THAT AFTERNOON.

4 THE COURT: UH-HUH.

5 Ms. Campbell: I THINK THAT'S THE EXTENT OF HIS
6 CROSS.

7 THE COURT: ALL RIGHT. ARE YOU READY FOR THE
8 JURY?

9 Ms. Campbell: THE STATE'S READY.

10 THE COURT: BRING THE JURY -- I'M SORRY,
11 DEFENSE?

12 WAIT A MINUTE, MR. DYE.

13 Mr. Strickler: BEG THE COURT'S INDULGENCE.

14 (PAUSE).

15 YOUR HONOR, JUST I OBJECTED ON YOUR -- TO HER
16 PROPOSED INTRODUCTION. WITH ALL DUE RESPECT, SIR, I'D
17 LIKE TO ASK FOR A RULING ON MY OBJECTION, THE OBJECTION TO
18 THE INTRODUCTION OF THE STATEMENT.

19 THE COURT: ALL RIGHT. THE RULING IS THAT SHE
20 OFFERED OR INDICATED SHE WAS GOING TO OFFER THE ENTIRE
21 STATEMENT. TO THE EXTENT THAT I GRANTED YOUR MOTION, I
22 GRANTED YOUR MOTION TO THE EXTENT THAT THE STATE WOULD NOT
23 BE ALLOWED TO INTRODUCE THE ENTIRE STATEMENT IN RESPONSE
24 TO YOUR CROSS-EXAMINATION; HOWEVER, I RULE UNDER 106 THAT
25 PORTIONS OF THE STATEMENT WHICH ARE RESPONSIVE TO YOUR

1 CROSS-EXAMINATION CREATE -- TO THE EXTENT THAT YOUR
2 CROSS-EXAMINATION IS INCOMPLETE, AN INCOMPLETE EXAMINATION
3 OF THE ENTIRE STATEMENT, I WILL ALLOW THE STATE TO OFFER
4 IN EVIDENCE UNDER RULE 106 PORTIONS OF THE STATEMENT WHICH
5 I DEEM TO BE RESPONSIVE, OR IN FAIRNESS, PORTIONS OF THE
6 DOCUMENT WHICH IN EFFECT -- RESPONSIVE IS NOT THE PROPER
7 WORD, BUT NEVERTHELESS, RELATE TO OR HAVE SOME BEARING ON
8 THE ISSUES THAT YOU BROUGHT OUT IN CROSS-EXAMINATION.

9 Mr. Strickler: ALL RIGHT, SIR., DOES
10 MS. CAMPBELL HAVE A COPY THAT SHE'S MARKED? I WANT TO
11 MAKE SURE THAT I --

12 THE COURT: SHE HAS MARKED HER OWN COPIES.

13 Mr. Strickler: I TRIED TO MARK THEM AS SHE WAS
14 GOING ALONG.

15 ALL RIGHT, SIR. THAT IS YOUR FINAL RULING IN
16 THIS REGARD, THEN, THAT YOU WILL PERMIT HER TO GO INTO
17 THOSE ITEMS?

18 THE COURT: YES.

19 Mr. Strickler: SIR, IF I COULD THEN, AT THIS
20 POINT IN TIME, JUST WITH ALL DUE RESPECT, OF COURSE,
21 OBJECT TO YOUR RULING IN THIS REGARD. I SUBMIT THAT SHE
22 HAD AN OPPORTUNITY TO GO AHEAD AND FULLY DIRECT HER
23 WITNESS.

24 I ASKED QUESTIONS IN RESPONSE TO THAT DIRECT.
25 ALL THE AREAS THAT I ASKED QUESTIONS ABOUT IN RELATION TO

1 THE STATEMENT RELATED TO AREAS THAT SHE HAD ALREADY
2 DIRECTED ON.

3 IF SHE WANTS TO GO BACK THROUGH HER DIRECT
4 AGAIN, SO IT'S ALL IMPROPER REDIRECT. IT DOESN'T GO TO
5 EXPLAIN THOSE PORTIONS THAT I DID GO INTO WHICH IS -- I
6 UNDERSTAND YOUR RULING IS PURSUANT TO RULE 106, THE SO
7 CALLED RULES.

8 THE COURT: YEAH, THAT WAS THE RULE UNDER WHICH
9 THE MAIN PORTION OF THE DOCUMENT IS OFFERED.

10 Mr. Strickler: YES, SIR. ALL RIGHT. THANK
11 YOU, SIR. I'D JUST LIKE THE RECORD TO REFLECT MY
12 CONTINUED OBJECTION TO PROCEEDING ON THE BASIS OF THIS
13 STATEMENT FOR WHAT SHE PROPOSES TO INTRODUCE AT THIS POINT
14 IN TIME DOES NOT GO TO -- DOES NOT AID IN EXPLAINING OR
15 CLARIFYING ANYTHING THAT I WENT INTO.

16 THANK YOU, SIR.

17 THE COURT: ALL RIGHT. LET'S BRING THE JURY,
18 PLEASE.

19 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
20 APPROXIMATELY 4:18 P.M.)

21 THE BAILIFF: THE JURY IS ALL PRESENT, YOUR
22 HONOR.

23 THE COURT: ALL RIGHT. THANK YOU VERY MUCH,
24 LADIES AND GENTLEMEN. I APPRECIATE YOUR PATIENCE WITH US.
25 WHEN I SAY 10 MINUTES, I'M THINKING 10 MINUTES. THAT

1 DOESN'T MEAN I CAN ALWAYS -- YES, MA'AM.

2 BY Ms. Campbell

3 Q THANK YOU. MAY IT PLEASE THE COURT.

4 MR. JENNINGS, I JUST HAVE A COUPLE MORE
5 QUESTIONS. THE STATEMENT THAT'S BEEN IN FRONT OF
6 YOU, HAVE YOU HAD AN OPPORTUNITY TO REVIEW THAT
7 STATEMENT?

8 A YEAH.

9 Q AND IN THIS STATEMENT, THE ONE YOU SIGNED, WHERE HE
10 ASKED YOU ABOUT WHERE YOU SIGNED IT TO TELL THE TRUTH
11 AND EVERYTHING --

12 A RIGHT.

13 Q -- IT OUTLINES EVERYTHING THAT DID HAPPEN, RIGHT?

14 Mr. Strickler: I OBJECT TO THE LEADING,
15 OUTLINES.

16 THE COURT: I UNDERSTAND.

17 Mr. Strickler: THANK YOU.

18 THE COURT: SUSTAINED.

19 BY Ms. Campbell

20 Q WHAT DOES IT REFLECT?

21 A THE STATEMENT?

22 Q THE STATEMENT?

23 A WHO PHIL CROCKER WAS.

24 Q WHO PHIL CROCKER WAS?

25 A UH-HUH.

1 Q IS THAT STATEMENT THE TRUTH OR A LIE?

2 A THAT STATEMENT IS THE TRUTH.

3 Ms. Campbell: THANK YOU. THAT'S ALL I NEEDED.

4 THANK YOU, YOUR HONOR.

5 THE COURT: ANYTHING FURTHER?

6 Mr. Strickler: MAY WE APPROACH?

7 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE

8 PRESENCE, BUT NOT WITHIN THE HEARING, OF THE

9 JURY)..

10 THE COURT: ANYTHING FURTHER?

11 Mr. Strickler: NO, SIR.

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

13 MR. JENNINGS. YOU MAY COME DOWN.

14 Ms. Campbell: THE STATE WOULD CALL SERGEANT

15 LANCY WEEKS.

16 LANCY WEEKS, AFTER BEING DULY SWORN, TESTIFIED

17 AS FOLLOWS:

18 THE CLERK: HAVE A SEAT IN THE WITNESS BOX.

19 STATE YOUR FULL NAME FOR THE RECORD.

20 THE WITNESS: LANCY WEEKS.

21 DIRECT EXAMINATION:

22 BY Ms. Campbell

23 Q SERGEANT WEEKS, WHERE ARE YOU EMPLOYED?

24 A I'M EMPLOYED WITH THE RICHLAND COUNTY SHERIFF'S

25 DEPARTMENT.

1 Q AND WHAT DO YOU DO AT THE RICHLAND COUNTY SHERIFF'S
2 DEPARTMENT?

3 A I'M SERGEANT OF THE SEX CRIMES UNIT. WE INVESTIGATE
4 SEXUAL ASSAULTS OF ADULTS AND CHILDREN, PHYSICAL
5 ABUSE OF CHILDREN. WE ALSO INVESTIGATE ABUSE OF THE
6 ELDERLY, AND WE MANAGE THE SEX OFFENDER REGISTRY FOR
7 RICHLAND COUNTY.

8 Q CAN YOU TELL THIS JURY A LITTLE BIT ABOUT YOUR
9 TRAINING IN THE FIELD OF LAW ENFORCEMENT?

10 A I ATTENDED THE CRIMINAL JUSTICE ACADEMY IN 1991.
11 I'VE HAD NUMEROUS ADVANCED TRAINING COURSES AT THE
12 CRIMINAL JUSTICE ACADEMY, ALSO WITH THE PUBLIC AGENCY
13 TRAINING COUNSEL.

14 Q HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

15 A THIRTEEN YEARS.

16 Q AND HOW LONG HAVE YOU BEEN AT THE SHERIFF'S
17 DEPARTMENT?

18 A SEVEN.

19 Q AND PRIOR TO BEING AT THIS SHERIFF'S DEPARTMENT, YOU
20 WORKED WITH ANOTHER SHERIFF'S DEPARTMENT?

21 A I WORKED WITH THE GREENWOOD CITY POLICE DEPARTMENT IN
22 GREENWOOD, SOUTH CAROLINA.

23 Q CITY POLICE. SO YOU HAVE A TOTAL OF 13 YEARS
24 EXPERIENCE.

25 A YES, MA'AM.

1 Q DID YOU HAVE AN OPPORTUNITY BACK IN NOVEMBER OF 2001
2 TO ASSIST LIEUTENANT SMITH AND SERGEANT MCDONALD AND
3 OTHER OFFICERS INTO AN INVESTIGATION OF THE SHOOTING
4 AT THE LOWE'S PARKING LOT ON TWO NOTCH?

5 A YES, I DID.

6 Q AND WHEN DID YOU FIRST BECOME INVOLVED IN THE CASE?

7 A ABOUT 4:30 P.M. ON NOVEMBER 21ST.

8 Q AND IN WHAT CAPACITY DID YOU INITIALLY BECOME
9 INVOLVED?

10 A I HAD HEARD THAT A MURDER OCCURRED AT LOWE'S. I
11 CALLED MY SUPERVISOR, WHO IS LIEUTENANT SMITH, AND
12 ASKED HIM IF HE NEEDED MY HELP.

13 Q AND PURSUANT TO YOUR CONVERSATION WITH LIEUTENANT
14 SMITH, YOU CAN'T SAY WHAT HE SAID, BUT PURSUANT TO
15 THAT, DID YOU GO ANYWHERE?

16 A YES, I DID.

17 Q WHERE DID YOU PROCEED?

18 A I WENT TO THE PALMETTO RICHLAND MEMORIAL HOSPITAL
19 EMERGENCY ROOM.

20 Q AND WHEN YOU GOT TO THE PALMETTO RICHLAND MEMORIAL
21 HOSPITAL EMERGENCY ROOM, DID YOU MAKE CONTACT WITH
22 ANYONE THERE?

23 A YES, I DID.

24 Q AND WHO DID YOU CONTACT?

25 A MS.~CASEY, THE VICTIM'S WIFE.

- 1 Q THE VICTIM'S WIFE?
- 2 A YES.
- 3 Q AND THAT WOULD BE CONSUELO CASEY?
- 4 A YES.
- 5 Q WHEN YOU WERE CONTACTING MS.~CASEY, WHAT WAS THE
- 6 PURPOSE OF YOU MAKING CONTACT WITH MS.~CASEY ON THAT
- 7 AFTERNOON RIGHT AFTER HER HUSBAND HAD BEEN MURDERED?
- 8 A I WANTED TO RETRIEVE HER HUSBAND'S CELLULAR PHONE
- 9 FROM HER.
- 10 Q TELL THIS JURY WHY YOU THOUGHT THAT WAS IMPORTANT,
- 11 WHY IT WAS IMPORTANT TO GET THAT CELLULAR PHONE THAT
- 12 AFTERNOON.
- 13 A IT WAS IMPORTANT TO FIND OUT WHOM THE VICTIM HAD LAST
- 14 SPOKEN TO PRIOR TO HIS DEATH.
- 15 Q AND UPON MAKING CONTACT WITH MS.~CASEY, DID SHE
- 16 VOLUNTARILY GIVE UP THE TELEPHONE THAT BELONGED TO
- 17 HER HUSBAND?
- 18 A YES, SHE DID.
- 19 Q SHE HAD THAT WITH HER AT THE TIME?
- 20 A YES.
- 21 Q AND I'M GOING TO SHOW YOU THIS THAT'S BEEN MARKED AS
- 22 STATE'S EXHIBIT 14 AND ASK IF YOU RECOGNIZE THAT.
- 23 A YES. THIS IS THE CELL PHONE THAT I COLLECTED FROM
- 24 MS.~CASEY.
- 25 Q THAT'S THE CELL PHONE YOU ACTUALLY COLLECTED?

1 A YES, MA'AM, IT IS.

2 Q ONCE YOU HAD -- HAS IT BEEN ALTERED OR CHANGED IN ANY
3 WAY?

4 A NOT THAT I'M AWARE OF, NO, IT'S BEEN IN EVIDENCE.

5 Ms. Campbell: YOUR HONOR, AT THIS TIME, WE'D
6 OFFER IT INTO EVIDENCE. I BELIEVE IT HAS BEEN ACTUALLY
7 PUT INTO EVIDENCE, STATE'S 14.

8 Mr. Strickler: THAT'S WITHOUT OBJECTION.

9 (WHEREUPON, STATE'S EXHIBIT NO. 14 WAS ADMITTED
10 INTO EVIDENCE.)

11 BY Ms. Campbell

12 Q ONCE YOU GOT POSSESSION OF THE CELL PHONE, TELL THIS
13 JURY WHAT YOU DID.

14 A I RETURNED TO THE LOWE'S PARKING LOT AND SPOKE TO MY
15 LIEUTENANT, LIEUTENANT SMITH, AND ADVISED HIM THAT I
16 HAD RETRIEVED THE CELL PHONE.

17 Q AFTER THAT, DID YOU ACTUALLY DO ANYTHING WITH THE
18 CELL PHONE?

19 A YES. I WENT BACK TO HEADQUARTERS WHERE I BEGAN TO
20 VIEW THE CELL PHONE TO DETERMINE WHOM THE VICTIM HAD
21 LAST SPOKEN TO.

22 Q AND WHEN YOU SAY YOU BEGAN TO VIEW THE CELL PHONE,
23 AND CELLULAR PHONES, I'M NOT VERY GOOD WITH THEM BUT
24 YOU CAN ACTUALLY SEE WHAT KINDS OF THINGS ON THE CELL
25 PHONE ITSELF?

- 1 A YES. I LOOKED FOR DIALED CALLS.
- 2 Q DIALED CALLS?
- 3 A YES.
- 4 Q AND WHAT WAS THE REASON YOU WERE LOOKING FOR DIALED
- 5 CALLS OFF THE VICTIM'S CELL PHONE?
- 6 A I WANTED TO SEE WHO HE SPOKE TO PRIOR TO HIS DEATH.
- 7 Q AND WERE YOU AWARE APPROXIMATELY, JUST APPROXIMATELY,
- 8 WHAT TIME THE SHOOTING OCCURRED?
- 9 A I'M NOT SURE.
- 10 Q WAS IT THAT AFTERNOON, THOUGH?
- 11 A YES.
- 12 Q AND YOU WERE AWARE IT WAS THAT AFTERNOON?
- 13 A YES.
- 14 Q AND IT WAS ON NOVEMBER 21ST?
- 15 A YES.
- 16 Q AND WHEN YOU LOOKED BACK INTO THIS, WERE YOU ABLE TO
- 17 PULL UP SOME NUMBERS?
- 18 A YES, I DID.
- 19 Q AND SPECIFICALLY, THE DIALED NUMBERS YOU WERE LOOKING
- 20 FOR WERE THE MOST RECENTLY DIALED NUMBERS?
- 21 A YES.
- 22 Q AND YOU WERE ABLE TO PULL THAT UP?
- 23 A YES.
- 24 Q AND WHEN YOU GOT THAT NUMBER, DID YOU DO ANYTHING
- 25 FURTHER WITH THE PHONE TO SEE IF IT HAD BEEN LOGGED

1 IN ANY DIFFERENT MANNER?

2 A WHEN I CHECKED THE DIALED CALLS, THE PHONE HAD 10
3 DIALED CALLS, SO WITH EACH ONE, I WROTE EACH NUMBER
4 DOWN. IF IT HAD A NAME ASSOCIATED WITH IT, I WROTE
5 THE NAME DOWN. THEN I LOOKED TO SEE WHAT TIME THAT
6 CALL WAS PLACED. THEN I WROTE THAT TIME DOWN BY THE
7 NUMBER.

8 Q THE MOST RECENT CALLS THAT HAD BEEN PLACED, WERE
9 THOSE PLACED TO A CERTAIN NUMBER?

10 A YES.

11 Q AND DO YOU REMEMBER WHAT THAT NUMBER WAS?

12 A I'LL HAVE TO LOOK AT MY NOTES.

13 Q YOU CAN LOOK AT YOUR NOTES.

14 A THE CALL THAT WAS SIGNIFICANT WAS MADE ON
15 NOVEMBER 21ST. ACTUALLY, ON THE PHONE IT SAYS
16 4:45 P.M., WHICH IS -- THE PHONE WAS AN HOUR AHEAD.
17 IT SHOULD HAVE BEEN -- IT WAS ACTUALLY PLACED AT
18 3:45 P.M. THAT WAS TO A PERSON BY THE NAME OF CROC,
19 C-R-O-C.

20 Q SO LET ME GET THIS STRAIGHT, IT SHOWED UP AS THE TIME
21 THE CALL WAS PLACED. THE LAST CALL THAT WAS PLACED
22 WAS AT 4:45 ON THIS PHONE.

23 A IT WASN'T THE LAST CALL THAT WAS MADE. THE
24 SIGNIFICANCE IN THE TIME IS THAT IT WAS MADE PRIOR TO
25 THE VICTIM'S DEATH, AND THE OTHER CALLS THAT WERE

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- 1 MADE WERE MADE AFTER HIS DEATH.
- 2 Q THE LAST CALL MADE PRIOR TO HIS DEATH WAS ACTUALLY
- 3 THE TIME -- YOU SAID THIS PHONE'S TIME WAS OFF ONE
- 4 HOUR?
- 5 A IT WAS AHEAD ONE HOUR.
- 6 Q IT WAS AHEAD ONE HOUR?
- 7 A YES.
- 8 Q SO IT WOULD HAVE ACTUALLY BEEN 3:45 IN THE AFTERNOON?
- 9 A THAT'S CORRECT.
- 10 Q AND YOU ALSO SAID IT HAD SIGNIFICANCE BECAUSE IT HAD
- 11 A NAME DIALED IN WITH IT?
- 12 A YES.
- 13 Q WHAT DOES THAT MEAN? HOW IS THAT DONE?
- 14 A WELL, I HAVE A NEXTEL, SO I KNOW THAT I CAN PROGRAM A
- 15 TELEPHONE NUMBER IN, LIKE MY MOM'S. I PROGRAMMED HER
- 16 NUMBER IN, AND THEN I PUT HER NAME IN. I SAVE IT
- 17 WITH THAT NUMBER.
- 18 Q AND THAT WAY THAT MAKES IT EASIER TO DIAL? IS THAT
- 19 THE PURPOSE?
- 20 A YES, YES. YOU CAN GO TO THE NAME, SCROLL THROUGH IT
- 21 TO "CROC" AND HIT SEND. THE CALL WILL GO THROUGH.
- 22 Q AND THE CALL THAT YOU FOUND TO BE THE LAST CALL MADE
- 23 PRIOR TO HIS DEATH, DID YOU MEMORIALIZE HOW IT CAME
- 24 UP ON THE PHONE IN ANY WAY?
- 25 A YES. I WASN'T SURE ONCE THIS PHONE WAS PLACED INTO

1 EVIDENCE, YOU KNOW, IF THE BATTERY WENT DEAD, WOULD
2 THOSE CALLS STILL BE SAVED ON THE PHONE YEARS LATER,
3 SHOULD WE NEED IT IN COURT.

4 I TOOK A DIGITAL CAMERA, AND I BROUGHT THE CALL
5 UP, THE NAME "CROC". I PHOTOGRAPHED IT WITH MY
6 DIGITAL CAMERA. THEN I WENT TO THE TIME THAT THE
7 CALL WAS MADE. THAT DISPLAYED ON THE SCREEN, THE
8 TIME, AND THEN I PHOTOGRAPHED THAT, AS WELL.

9 Q DO YOU HAVE THOSE PHOTOGRAPHS WITH YOU HERE TODAY?

10 A YES.

11 Q ARE THESE THE PHOTOGRAPHS YOU MADE, ACTUALLY, THAT
12 AFTERNOON OR THAT EVENING, ACTUALLY?

13 A ACTUALLY, I DID THIS SEVEN DAYS LATER.

14 Q OKAY.

15 A ONCE I HAD WROTE DOWN ALL THE NUMBERS, THE DIALED
16 CALLS, THE 10 DIALED CALLS, I GAVE THE PHONE BACK TO
17 SERGEANT MCDONALD. SEVEN TO EIGHT DAYS LATER, HE
18 BROUGHT THE PHONE BACK TO ME AND ASKED ME TO PLACE
19 THE PHONE INTO EVIDENCE SINCE I COLLECTED IT.

20 Q OKAY.

21 A I TURNED THE PHONE BACK ON TO SEE IF THESE CALLS WERE
22 STILL ON THERE AND THEY WERE. I SAID, "I'D BETTER
23 PHOTOGRAPH THESE PHONE CALLS." THAT'S WHAT I DID. I
24 PHOTOGRAPHED IT.

25 THEN WITH THIS DIGITAL CAMERA WE HAVE, IT HAS A

1 THREE-AND-A-HALF INCH FLOPPY DISK, AND I SAVED IT --
2 PROBABLY YOU CAN VIDEOTAPE OR RECORD WITH THAT
3 DIGITAL CAMERA FOR LIKE 10 SECONDS ON THAT DISK. I
4 ALSO VIDEOTAPED IT ON THE DISK.

5 Q AND THIS IS ACTUALLY -- THESE ARE THE ACTUAL
6 PHOTOGRAPHS YOU TOOK, I BELIEVE IT WAS SEVEN OR EIGHT
7 DAYS LATER?

8 A YES, THOSE ARE ALL.

9 Q AND THAT'S JUST HOW THE PHONE CAME UP THAT NIGHT YOU
10 ORIGINALLY GOT IT?

11 A YES.

12 Ms. Campbell: YOUR HONOR, AT THIS TIME WE WOULD
13 OFFER IT INTO EVIDENCE.

14 Mr. Strickler: THAT'S WITHOUT OBJECTION.

15 THE COURT: ALL RIGHT.

16 (WHEREUPON, STATE'S EXHIBIT NO. 98 WAS MARKED
17 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

18 Ms. Campbell: YOUR HONOR, MAY THE WITNESS STEP
19 DOWN?

20 THE COURT: CERTAINLY, YES.

21 BY Ms. Campbell

22 Q CAN YOU SHOW THE JURY -- SORRY. HERE IS THE PHONE.
23 I THINK IT'S BEEN RECHARGED.

24 BASICALLY, TELL THE JURY ON STATE'S EXHIBIT 98,
25 WHAT'S IN THE UPPER CORNER? WHAT'S THE FIRST

1 PHOTOGRAPH?

2 A DIALED CALLS, THAT'S ON THE MENU.

3 Q OKAY.

4 A IT SAYS DIALED CALLS.

5 Q CAN YOU PULL THAT UP ON IT NOW?

6 A YES. IT'S CHARGED. IT'S JUST...

7 (PAUSE).

8 OKAY. DIALED CALLS.

9 Q AND THAT'S WHAT'S REFLECTED HERE IN THIS UPPER
10 RIGHT-HAND CORNER?

11 A YES.

12 Q AND THEN THE NEXT PHOTOGRAPH THAT YOU TOOK WITH YOUR
13 DIGITAL CAMERA BACK IN NOVEMBER, I GUESS, OF 2001,
14 WHAT DOES IT SHOW?

15 A DIALED CALLS TO -- HERE WHEN I SELECTED DIALED CALLS,
16 THERE'S 10 CALLS THAT WERE MADE. THE PHONE SAVES 10
17 CALLS. IF YOU MAKE A PHONE CALL, IT BUMPS ONE OF
18 THOSE CALLS OFF. THAT'S THE BEST WAY THAT I CAN
19 EXPLAIN IT. WHEN I SCROLLED DOWN TO DIAL EIGHT, THE
20 NAME "CROC" APPEARS.

21 Q THE NAME "CROC" APPEARS?

22 A YES.

23 Q AND THAT WAS ALREADY IN THE PHONE WHEN YOU TOOK
24 POSSESSION OF IT? YOU DIDN'T PUT THAT IN THERE?

25 A NO, I DID NOT.

1 Mr. Strickler: YOUR HONOR, I'D ASK THAT SHE NOT
2 LEAN INTO THE JURY BOX.

3 THE WITNESS: YOUR HONOR, THE JUROR WAS LEANING.

4 THE COURT: I'LL LET THE JUROR LOOK. THE SCREEN
5 IS VERY SMALL.

6 Mr. Strickler: YES, SIR.

7 THE COURT: YOU CAN PASS IT AROUND, IF
8 NECESSARY.

9 BY Ms. Campbell

10 Q JUST PASS IT AROUND, YEAH.

11 SO THAT'S WHAT'S REFLECTED IN THIS UPPER
12 LEFT-HAND CORNER THAT YOU MEMORIALIZED BACK IN
13 NOVEMBER OF 2001?

14 A YES.

15 Q AND THAT WAS THE NAME THAT WAS ALREADY IN THE PHONE
16 WHEN YOU GOT IT?

17 A YES.

18 Q AND WERE YOU ABLE TO PULL UP THE CALL TIME?

19 A YES.

20 Q AND I THINK -- WE DON'T HAVE TO SHOW THIS ONE, TOO,
21 BUT DOWN HERE IT SAYS CALL TIME?

22 A YES.

23 Q AND JUST A SECOND. I'LL LET THEM LOOK AT IT.

24 (PAUSE).

25 WHEN YOU TRIED TO PULL UP THE CALL TIME THAT

1 CORRESPONDED TO THIS ONE THAT SAYS "CROC" --

2 A RIGHT.

3 Q -- WHAT WAS THE TIME REFLECTED ON THE PHONE?

4 A 4:45 P.M. WELL, 4:45:05 P.M. ON NOVEMBER 21ST, 2001.

5 Q AND UNDER THIS YOU HAVE THE NOTE DAYLIGHT SAVINGS

6 TIME, SO IT'S NOT BEEN CHANGED?

7 A YEAH, THE CELL PHONE WAS AN HOUR AHEAD. IT SHOULD

8 HAVE BEEN 3:45, BUT THE NAME "CROC" APPEARS ON THE

9 PHONE. WHEN I HIT OPTIONS, I COULD SELECT A NUMBER

10 OF THINGS, BUT ONE OF -- WHAT I WANTED TO SEE IS CALL

11 TIME, THE TIME THAT THAT CALL WAS MADE. I SELECT

12 CALL TIME, AND IT TELLS ME THAT ON NOVEMBER 21ST,

13 2001, THE CALL WAS MADE AT 4:45.

14 Q AND THAT WOULD BE THE TIME OF THE CALL THAT

15 CORRESPONDS TO THE NAME "CROC"?

16 A YES.

17 Q HAVE A SEAT.

18 AFTER YOU HAD PULLED UP THAT INFORMATION, DID

19 YOU HAVE AN OPPORTUNITY -- DID YOU TURN THAT

20 INFORMATION OVER TO OTHER INVESTIGATORS IN THE CASE?

21 A YES, MA'AM, I DID. I TURNED IT OVER TO SERGEANT

22 MCDONALD.

23 Q AND OTHER THAN COLLECTING THE PHONE AND PUTTING THAT

24 INFORMATION IN YOUR NOTES, DID YOU HAVE ANYTHING ELSE

25 TO DO WITH THE INVESTIGATION?

1 A I BELIEVE I TALKED WITH A FEW WITNESSES, BUT OTHER
2 THAN THAT, THAT'S ALL, AND I PLACED THE PHONE INTO
3 EVIDENCE.

4 Ms. Campbell: THANK YOU, SERGEANT. PLEASE
5 ANSWER ANY QUESTIONS THE DEFENSE MAY HAVE.

6 CROSS-EXAMINATION:

7 BY Mr. Strickler

8 Q JUST A COUPLE THINGS, PLEASE. GOOD AFTERNOON.

9 A HELLO.

10 Q NOW, THE NAME "CROC" THAT YOU REFERENCED THAT COMES
11 UP, THAT'S STORED SOMEWHERE JUST IN RELATION TO THE
12 CALL OR IS IT STORED IN RELATION TO LIKE THE SPEED
13 DIAL ON THE PHONE?

14 A IT'S STORED IN THE DIALED CALLS.

15 Q RIGHT.

16 A IT'S STORED IN THAT AREA.

17 Q RIGHT.

18 A I ASSUME WITH THE NAME "CROC", WHEN IT APPEARS, THE
19 NAME "CROC" AND THAT NUMBER WAS STORED WITHIN THE
20 PHONE, AS WELL.

21 Q IT PRETTY MUCH HAS TO BE --

22 A YES.

23 Q -- TO COME UP WITH THAT?

24 A YES.

25 Q AND IT'S NOT YOUR PHONE?

1 A NO, IT'S NOT.

2 Q YOU DIDN'T STORE THE TERM "CROC" IN, DID YOU?

3 A NO, SIR, I DID NOT.

4 Q SO YOU DON'T KNOW WHO STORED THE TERM "CROC",
5 CORRECT?

6 A NO, SIR, I DO NOT.

7 Q YOU DON'T KNOW WHEN THAT WAS STORED IN THE PHONE?

8 A NO, I DO NOT.

9 Q YOU DON'T KNOW WHY THAT WAS STORED IN THE PHONE?

10 A NO.

11 Q WHY THAT TERM WAS CHOSEN. YOU CERTAINLY DON'T KNOW
12 OF YOUR OWN KNOWLEDGE WHAT THE SIGNIFICANCE OF THAT
13 TERM WAS TO WHOEVER PUT IT IN THE PHONE, RIGHT?

14 A NO, I DO NOT.

15 Mr. Strickler: OKAY. THANK YOU.

16 REDIRECT EXAMINATION:

17 BY Ms. Campbell

18 Q BUT IT IS SIGNIFICANT BECAUSE THAT'S THE LAST CALL
19 MADE PRIOR TO HIS DEATH THAT SAID THE NAME "CROC"?

20 A YES, THAT IS SIGNIFICANT, YES.

21 Ms. Campbell: THANK YOU.

22 Mr. Strickler: NOTHING FURTHER, YOUR HONOR.

23 THE COURT: ALL RIGHT. THANK YOU, SERGEANT

24 WEEKS. YOU MAY COME DOWN.

25 Ms. Campbell: THE STATE WOULD CALL SERGEANT

1 CHUCK EARLES.

2 CHARLES EARLES, 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 WITNESS: CHARLES A. EARLES.

7 DIRECT EXAMINATION:

8 BY Ms. Campbell

9 Q SERGEANT EARLES, WHERE ARE YOU EMPLOYED?

10 A THE RICHLAND COUNTY SHERIFF'S DEPARTMENT.

11 Q AND WHAT DO YOU DO THERE, SIR?

12 A I'M THE SERGEANT IN THE FORENSIC SCIENCE UNIT.

13 Q HOW LONG HAVE YOU BEEN IN THE FORENSIC SCIENCE UNIT?

14 A I'VE BEEN IN THE FORENSIC SCIENCE UNIT SINCE MARCH OF
15 1999.

16 Q HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT, SIR?

17 A I'VE BEEN IN LAW ENFORCEMENT SINCE 1987, JANUARY OF
18 '87.

19 Q DID YOU BECOME INVOLVED IN THE INVESTIGATION --

20 INVOLVED IN THE SHOOTING AT THE LOWE'S PARKING LOT ON
21 NOVEMBER 21ST OF 2001?

22 A YES, I DID.

23 Q YOU DIDN'T ACTUALLY RESPOND TO THE SCENE ON
24 NOVEMBER 21ST, DID YOU?

25 A I DID NOT GO INTO THE SCENE. I WENT BY TO MAKE SURE

1 MY FORENSIC INVESTIGATORS HAD EVERYTHING THEY NEEDED
2 AND THEN LEFT.

3 Q I BELIEVE INVESTIGATOR LIVINGSTON, RUSSELL, AND OTHER
4 OFFICERS WERE ALREADY TAKING CARE OF THAT SCENE?

5 A THAT'S CORRECT.

6 Q AT A LATER DATE, APPROXIMATELY TWO WEEKS LATER, DID
7 YOU HELP IN THE EXECUTION OF A SEARCH WARRANT IN
8 CHARLOTTE, NORTH CAROLINA?

9 A I DID.

10 Q AND WHAT OFFICERS DID YOU ACCOMPANY UP TO NORTH
11 CAROLINA?

12 A I WENT WITH LIEUTENANT SMITH, SERGEANT MCDONALD, AND
13 INVESTIGATOR GONZALES.

14 Q WHAT DATE WAS THAT THAT YOU ACTUALLY WENT?

15 A THAT WAS DECEMBER 12TH, 2001.

16 Q THAT WAS DECEMBER 12TH, 2001?

17 A YES.

18 Q SO THAT WOULD HAVE BEEN APPROXIMATELY THREE WEEKS
19 AFTER THE SHOOTING?

20 A YES.

21 Q AND WHAT RESIDENCE WERE YOU EXECUTING THE LAWFUL
22 SEARCH WARRANT ON?

23 A THE SEARCH WARRANT WAS EXECUTED AT 6707 WOODTHRUSH
24 DRIVE IN CHARLOTTE.

25 Q 6707 WOODTHRUSH DRIVE?

1 A THAT'S CORRECT.

2 Q AND WERE YOU AWARE OF WHOSE RESIDENCE THAT WAS?

3 A I'M SURE I WAS.

4 Q OKAY. WHEN YOU GOT THERE, PRIOR TO GOING AND
5 EXECUTING THE SEARCH WARRANT, DID YOU HAVE LOCAL LAW
6 ENFORCEMENT BECOME INVOLVED?

7 A WE DID.

8 Q WHAT WAS THE PURPOSE OF THAT?

9 A THAT WAS TO HAVE OFFICERS WITH THE CORRECT
10 JURISDICTION PRESENT SINCE OUR COMMISSIONS DID NOT
11 EXTEND INTO THAT AREA. WE NEEDED OFFICERS THAT HAD
12 JURISDICTION IN THE IMMEDIATE AREA.

13 Q SO YOU MADE SURE THAT YOU FOLLOWED THE RULES AND GOT
14 LOCAL OFFICERS INVOLVED?

15 A THAT'S CORRECT.

16 Q AND, SIR, YOUR PURPOSE IN GOING ON THE SEARCH WARRANT
17 THAT DAY WAS WHAT?

18 A PRIMARILY PHOTOGRAPHY, DOCUMENTATION OF EVIDENCE,
19 DOCUMENTATION OF THE CONDITION OF THE HOUSE BEFORE
20 THE SEARCH WARRANT, WENT TO ASSIST IN COLLECTING
21 EVIDENCE.

22 Q ONCE ENTRY WAS MADE, AND I BELIEVE YOU HAD TO DO SOME
23 FORCED ENTRY AFTER KNOCKING?

24 A I WAS NOT INVOLVED IN THE INITIAL ENTRY. I WENT IN
25 THE BACK DOOR AFTER THE FORCED ENTRY WAS MADE.

1 Q WERE THERE SOME PHOTOGRAPHS TAKEN OF THE EXTERIOR OF
2 THE HOUSE INITIALLY?

3 A YES.

4 Q I'M GOING TO SHOW YOU A SERIES OF PHOTOGRAPHS --
5 SORRY. SOMEBODY HAS BEEN MESSING WITH THE PICTURES.

6 (PAUSE).

7 DO YOU RECOGNIZE THOSE?

8 A YES. THESE WERE PHOTOGRAPHS THAT I TOOK OF THE
9 EXTERIOR OF THE HOUSE.

10 Q OF THE EXTERIOR OF THE HOUSE?

11 A YES.

12 Q I'LL SHOW YOU ONE ADDITIONAL ONE THAT I JUST FOUND,
13 STATE'S EXHIBIT 52. DO YOU RECOGNIZE THAT ALSO?

14 A YES. THAT'S A PHOTOGRAPH THAT I TOOK OF A STORAGE
15 SHED IN THE BACK OF THE HOUSE LOOKING FROM THE GATE
16 WHERE YOU ENTERED THE BACKYARD.

17 Ms. Campbell: YOUR HONOR, AT THIS TIME WE'D
18 OFFER INTO EVIDENCE STATE 53, 51, AND 54, I BELIEVE
19 WITHOUT OBJECTION.

20 Ms. Pringle: NO OBJECTION.

21 (WHEREUPON, STATE'S EXHIBITS NOS. 51, 53, 54
22 WERE ADMITTED INTO EVIDENCE.)

23 BY Ms. Campbell

24 Q I'LL GET YOU TO COME DOWN AND TALK ABOUT IT IN A
25 MINUTE.

1 ONCE ENTRY HAD BEEN MADE, DID YOU TAKE SOME
2 FURTHER PICTURES OF THE INTERIOR OF THE HOUSE?

3 A YES. I TOOK QUITE A FEW.

4 Q AND OF THE INTERIOR OF THE SHED?

5 A THAT'S CORRECT.

6 Q I'M GOING TO SHOW YOU THESE PHOTOGRAPHS AND ASK YOU
7 TO LOOK THROUGH THEM TO SEE IF YOU RECOGNIZE THEM.

8 A YES, I DO.

9 Q AND ARE THOSE ALL PHOTOGRAPHS YOU TOOK ON
10 DECEMBER 12TH, 2001 AT THE WOODTHRUSH ADDRESS?

11 A YES, MA'AM.

12 Q AND DO THOSE FAIRLY AND ACCURATELY DEPICT AT LEAST
13 PARTS OF THE SCENE AS YOU FOUND THEM?

14 A YES, THEY DO.

15 Ms. Campbell: YOUR HONOR, MAY WE APPROACH ABOUT
16 ONE PHOTOGRAPH?

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

20 Ms. Campbell: I BELIEVE WITHOUT OBJECTION AS TO
21 EXHIBIT 50, 49, 48, 62, 63, 64, 67, 66, 65, 61, 58, 60,
22 59, 55. I BELIEVE THERE WAS AN OBJECTION TO THAT
23 NUMBER 68, WHICH IS NOT COMING IN.

24 TAKING THESE, YOUR HONOR, MAY THE WITNESS STEP
25 DOWN?

1 THE COURT: YES.

2 (WHEREUPON, STATE'S EXHIBITS NOS. 50, 49, 48,
3 62, 63, 64, 67, 66, 65, 61, 58, 60, 59, 55 WERE
4 ADMITTED INTO EVIDENCE.)

5 BY Ms. Campbell

6 Q I'M GOING TO SHOW YOU, FIRST OF ALL, THE INTERIOR OF
7 THE HOUSE AREA, WHICH IS STATE'S EXHIBIT 65. DO YOU
8 RECALL WHERE THAT CLOSET WAS?

9 A YES. IT WAS IN AN UPSTAIRS BEDROOM. I PERCEIVED IT
10 TO BE THE MASTER BEDROOM.

11 Q I'LL SHOW YOU SOME ADDITIONAL PHOTOGRAPHS OF THE
12 INTERIOR. DO YOU RECOGNIZE THOSE?

13 A YES.

14 Q WHAT DO THOSE SHOW?

15 A THEY WERE TAKEN IN A CLOSET IN A DOWNSTAIRS BATHROOM.
16 WHEN WE TAKE THE CRIME SCENE PHOTOGRAPHS, WE START
17 OUT OFF WITH A LARGER PERSPECTIVE TO SHOW WHERE
18 THINGS ARE IN RELATION TO EACH OTHER AND WORK OUR WAY
19 IN.

20 WHAT YOU HAVE HERE IS A SHOT OF THE CLOSET
21 SHOWING A SHOT OF THE HOLSTER AND THIS BROWN
22 CONTAINER. AS YOU MOVE IN CLOSER, YOU SEE THE BROWN
23 CONTAINER AGAIN AND SOME AMMUNITION INSIDE THERE. WE
24 HAVE A CLOSE-UP OF THE AMMUNITION INSIDE THE
25 CONTAINER.

1 Q THERE WERE ALSO SOME PHOTOGRAPHS TAKEN OF SOME OTHER
2 ROOMS OF THE INTERIOR OF THE HOUSE?

3 A YES.

4 Q GOING THROUGH THOSE, CAN YOU JUST TELL THEM WHAT
5 THOSE ARE, GENERALLY?

6 A THESE ARE GENERAL PHOTOS. ANYTIME WE'RE INVOLVED IN
7 A SITUATION LIKE THIS, WE'LL TAKE THE OVERALL
8 PHOTOGRAPHS OF EACH ROOM AS WE ENTER IT AND GET ALL
9 THE ITEMS IN THE ROOM. I'M NOT EXACTLY SURE WHICH
10 ROOM THESE ARE IN. I BELIEVE THIS ONE TO BE THE
11 DOWNSTAIRS DEN, WHICH IS -- THIS IS A PICTURE OF THE
12 AMMUNITION.

13 Q UH-HUH.

14 A I BELIEVE THAT THESE ARE FROM ANOTHER BEDROOM.

15 Q A BEDROOM?

16 A I'M NOT SURE.

17 Q OKAY. AND ALSO, SOME OTHER PICTURES TAKEN FROM AN
18 AREA --

19 A THESE PICTURES ARE FROM THE GARAGE, WHICH WAS
20 APPARENTLY BEING USED FOR A WEIGHT ROOM. THERE WERE
21 NO VEHICLES INSIDE THE GARAGE.

22 Q THERE WERE NO VEHICLES INSIDE THE GARAGE?

23 A THAT'S CORRECT.

24 Q AND I SHOW YOU THESE OF THE CONTAINERS.

25 A YES. THESE PICTURES WERE TAKEN INSIDE THE STORAGE

1 ROOM, THAT WAS IDENTIFIED IN THE EARLIER PHOTOGRAPH,
2 THAT WAS REMOVED FROM THE HOUSE.

3 ONCE AGAIN, IT'S THE SAME THEORY. WE'RE LOOKING
4 AT A LARGER PERSPECTIVE AND LOOKING IN CLOSER. THE
5 POINT OF INTEREST HERE IS THESE CONTAINERS, WHICH IS
6 AN OVERALL SHOT OF THE CONTAINERS.

7 WHEN WE MOVE IN CLOSER TO -- I'M SORRY. THIS IS
8 THE OVERALL PICTURE OF THE CONTAINERS. WE MOVE IN
9 CLOSER TO DEMONSTRATE THE BLANKET INSIDE THE
10 CONTAINER. IT'S A LIGHT BLUE, I BELIEVE, POLYESTER
11 BLANKET. THE THIRD SHOT IS DEMONSTRATING THE COLOR
12 OF THE CONTAINER HERE IN THE BOX.

13 Q AND ONE ADDITIONAL FROM THAT AREA. THERE'S SOME MORE
14 OF THE BLANKET?

15 A YEAH, ANOTHER ONE OF THE SIMILAR LIKE POLYESTER
16 BLANKET.

17 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S
18 EXHIBIT 48. IS THAT JUST A GENERAL SHOT?

19 A YES, IT IS.

20 Q OKAY. FINALLY, THE OUTSIDE OF THE HOUSE, YOU
21 MENTIONED THE STORAGE AREA HAD SOME OF THESE STORAGE
22 CONTAINERS AND STUFF?

23 A THAT'S CORRECT.

24 Q I'M SHOWING YOU STATE'S EXHIBIT 52. DOES THAT SHOW
25 THE BOXES IN THE YARD?

- 1 A YES.
- 2 Q AND STATE'S EXHIBIT 51, IS THAT ANOTHER SHOT OF THE
- 3 ANGLE AT THE BACK OF THE HOUSE?
- 4 A YES. IT'S A SHOT OF THIS GENERAL AREA LOOKING BACK
- 5 AT THE HOUSE.
- 6 Q FINALLY, SERGEANT, SOME ADDITIONAL PHOTOGRAPHS YOU
- 7 TOOK OF THE EXTERIOR OF THE HOUSE.
- 8 A YES. THIS IS THE FRONT OF THE HOUSE AS IT APPEARS
- 9 FROM THE STREET.
- 10 Q WHAT'S THE NUMBER ON THE BACK OF IT?
- 11 A FIFTY-FOUR.
- 12 Q STATE'S EXHIBIT 54?
- 13 A YEAH.
- 14 Q AND I NOTICE THERE'S AN AUTOMOBILE PARKED IN FRONT OF
- 15 THE GARAGE?
- 16 A THAT'S CORRECT.
- 17 Q AND AGAIN, YOU MENTIONED THERE WERE NO OTHER
- 18 AUTOMOBILES IN THE GARAGE?
- 19 A THAT'S CORRECT.
- 20 Q WAS THE ONLY AUTOMOBILE THAT YOU FOUND AT THE HOUSE
- 21 TO BE THE RANGE ROVER?
- 22 A THAT'S CORRECT.
- 23 Q AND STATE'S EXHIBIT 53, IS THAT A CLOSE-UP OF THE
- 24 RANGE ROVER?
- 25 A YES, IT IS.

1 Q ONCE YOU HAD PHOTOGRAPHED PARTS OF THE SCENE AND
2 EVERYTHING, DID YOU THEN PARTICIPATE IN HELPING TO
3 COLLECT THE EVIDENCE WHICH WAS THEN TURNED OVER TO
4 SERGEANT MCDONALD?

5 A YES, I DID.

6 Q AND THAT WAS THE EXTENT OF YOUR INVOLVEMENT IN THIS
7 CASE?

8 A THAT'S CORRECT.

9 Ms. Campbell: THAT'S ALL I HAVE, YOUR HONOR.

10 THE COURT: QUESTIONS?

11 Ms. Pringle: MAY IT PLEASE THE COURT.

12 CROSS-EXAMINATION:

13 BY Ms. Pringle

14 Q GOOD AFTERNOON, SERGEANT EARLES.

15 A HI.

16 Q I HAVE JUST A COUPLE OF QUICK QUESTIONS FOR YOU.

17 A OKAY.

18 Q WHEN YOU ARRIVED IN THE NEIGHBORHOOD OF THE HOME THAT
19 YOU WENT TO SEARCH, YOU, OBVIOUSLY, HAD AN
20 OPPORTUNITY TO VIEW AND OBSERVE THE NEIGHBORHOOD?

21 A YES.

22 Q AND CAN YOU DESCRIBE THE STREET THAT THIS HOUSE WAS
23 LOCATED ON?

24 A IT APPEARED TO BE A STANDARD SUBURBAN STREET, NOTHING
25 STOOD OUT OR ANYTHING.

- 1 Q WELL, IS IT A STREET THAT RUNS THROUGH OR A STREET
2 THAT'S A DEAD END? DO YOU RECALL. IS IT A
3 CUL-DE-SAC?
- 4 A MY IMPRESSION IS IT'S A DEAD END.
- 5 Q IS IT FAIR TO SAY IT'S A CUL-DE-SAC?
- 6 A IT'S A LITTLE FURTHER -- IT'S A LITTLE BIT BEYOND THE
7 HOUSE. IT WAS CONSIDERED LIKE A TURNAROUND.
- 8 Q AND THIS IS IN A NEIGHBORHOOD?
- 9 A YES.
- 10 Q AND YOU CAN'T QUITE TELL THAT FROM THE PHOTOGRAPHS,
11 BUT YOU CAN SEE IT'S A HOME WITH A GOOD SIZE YARD,
12 BUT IT'S IN A NEIGHBORHOOD?
- 13 A YES, IT IS.
- 14 Q WITH OTHER HOMES CLOSE BY?
- 15 A YES.
- 16 Q YOU TESTIFIED THAT YOU LOCATED SOME PAPERWORK
17 REGARDING THE STATION WAGON?
- 18 A NO, I DIDN'T TESTIFY TO THAT.
- 19 Q REGARDING A VEHICLE.
- 20 A NO, I DIDN'T TESTIFY TO THAT.
- 21 Q DID YOU LOCATE SOME PAPERWORK?
- 22 A I DID.
- 23 Q AND ARE YOU AWARE THAT MR. CROCKER ASSISTED IN THE
24 FINDING OF THAT PAPERWORK?
- 25 A I DON'T RECALL THAT, NO.

1 Q THE CONTAINERS THAT YOU HAVE TESTIFIED TO THAT ARE
2 LOCATED IN THE PHOTOGRAPHS --

3 A UH-HUH.

4 Q -- THAT YOU TOOK PICTURES OF WHILE YOU WERE THERE AT
5 THE HOUSE --

6 A YES.

7 Q -- YOU HAD AN OPPORTUNITY TO VIEW THOSE CONTAINERS?

8 A YES.

9 Q OBVIOUSLY, YOU TOOK PHOTOGRAPHS OF THEM.

10 A YES.

11 Q AND IN VIEWING THEM, IS IT FAIR TO SAY -- HAVE YOU
12 EVER BEEN TO WAL-MART? LET ME ASK YOU THAT.

13 A YES.

14 Q BEEN TO A K-MART, OF COURSE?

15 A SURE.

16 Q AND THESE KIND OF CONTAINERS THAT YOU VIEWED IN THE
17 HOME AND YOU TOOK PHOTOGRAPHS OF, THERE'S NOTHING
18 UNIQUE ABOUT THOSE CONTAINERS. THEY'RE CONTAINERS
19 THAT YOU COULD FIND AT ANY KIND OF A SUPERSTORE,
20 WAL-MART OR K-MART?

21 A I WOULD ASSUME SO.

22 Q AND ADDITIONALLY, POLYESTER BLANKETS, LIGHT BLUE
23 POLYESTER BLANKETS, THESE KIND OF BLANKETS,
24 SIMILARLY, YOU COULD FIND IN ANY KIND OF SUPERSTORE,
25 WAL-MART OR K-MART?

1 A I WOULDN'T KNOW. I NEVER WENT SHOPPING FOR THEM, BUT
2 I WOULDN'T THINK THEY WOULD BE --

3 Q NOTHING UNIQUE ABOUT THESE BLANKETS THAT YOU NOTED?

4 A NO.

5 Ms. Pringle: YOUR HONOR, MAY WE APPROACH JUST A
6 MOMENT?

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

10 (WHEREUPON, DEFENDANT'S EXHIBITS NOS. 2 - 5 WERE
11 MARKED FOR IDENTIFICATION ONLY.)

12 BY Ms. Pringle

13 Q SERGEANT EARLES, AS AN INITIAL MATTER, I'M JUST GOING
14 TO HAND YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
15 NO. 50. CAN YOU DESCRIBE FOR THE JURY WHAT YOU'RE
16 SEEING IN THAT PHOTOGRAPH?

17 A IT'S A VIEW OF THE GARAGE AREA WITH THE WEIGHT SET
18 AND THE SHOES ON THE WALL.

19 Q THE SHOES ON THE WALL. THOSE ARE TENNIS SHOES,
20 CORRECT?

21 A WELL, THEY'RE ATHLETIC SHOES.

22 Q TENNIS SHOES, ATHLETIC SHOES. THERE ARE NO LEATHER
23 SHOES, FLASHY SHOES, FANCY SHOWS, IDENTIFIED IN THIS
24 PHOTOGRAPH, WOULD YOU AGREE?

25 A I DON'T KNOW. I'D HAVE TO LOOK AT IT MORE CLOSELY.

1 I DON'T SEE ANY, NO.

2 Q LIKewise, SERGEANT EARLES, STATE'S EXHIBIT NO. 61,
3 ARE THERE ANY SHOES EVIDENT IN THAT PHOTOGRAPH?

4 A YES, I SEE FIVE ATHLETIC SHOES.

5 Q ANY FANCY SHOES, FLASHY SHOES, CROCODILE SKIN SHOES,
6 IN THAT PHOTOGRAPH?

7 A I SEE FIVE ATHLETIC SHOES.

8 Q I SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
9 NUMBER 53, A PHOTOGRAPH OF THE RANGE ROVER. TELL US
10 WHAT STATE THAT LICENSE TAG INDICATES THAT VEHICLE IS
11 FROM.

12 A IT'S A NORTH CAROLINA TAG.

13 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS DEFENSE EXHIBIT
14 NUMBER FIVE AND ASK YOU WHAT THAT'S A PHOTOGRAPH OF.

15 A THAT'S A PHOTOGRAPH OF A CLOSET WITHIN THE HOUSE.

16 Q IS THAT A PHOTOGRAPH THAT YOU TOOK, SERGEANT EARLES?

17 A YES.

18 Q AND DOES IT FAIRLY AND ACCURATELY REPRESENT WHAT YOU
19 SAW THAT DAY, THE PHOTOGRAPH YOU TOOK THAT DAY?

20 A YES, IT DOES.

21 Ms. Pringle: I'D OFFER DEFENSE EXHIBIT NUMBER
22 FIVE INTO EVIDENCE AT THIS TIME.

23 THE COURT: WITHOUT OBJECTION.

24 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 5 WAS
25 ADMITTED INTO EVIDENCE.)

1 BY Ms. Pringle

2 Q AND SERGEANT EARLES, THIS IS A CLOSET OF, PRESUMABLY,
3 MR. CROCKER'S CLOTHES, CORRECT?

4 A YES. IF I COULD LOOK AT THE OTHER CLOSET PHOTOGRAPH.

5 Q SURE.

6 I ASK PERMISSION FOR THE WITNESS TO STEP DOWN,
7 YOUR HONOR.

8 THE COURT: CERTAINLY.

9 BY Ms. Pringle

10 Q HELP ME FIND WHICH ONE TO SPEED IT UP.

11 (PAUSE).

12 THIS IS A CLOSET IN MR. ROCKER'S HOME, CORRECT?

13 A THAT'S CORRECT. THAT'S THE ONE THAT'S REPRESENTED IN
14 THE OTHER PHOTOGRAPH.

15 Q THE BEDROOM CLOSET?

16 A CORRECT.

17 Q AND IS IT FAIR TO SAY THAT IN THIS CLOSET, THE
18 CLOTHES THAT YOU CAN VIEW IN THIS PHOTOGRAPH, THERE
19 ARE NO FLASHY CLOTHES IN THIS PHOTOGRAPH?

20 A I HAVE NO IDEA HOW MUCH CLOTHES COST.

21 Q WELL, WHAT I MEAN --

22 A ALL I SEE IS A CLOSET FULL OF CLOTHES.

23 Q DO YOU SEE A BUNCH OF CROCODILE SUITS, ALLIGATOR
24 SHOES, JEWELRY?

25 A I DON'T SEE ANYTHING THAT STANDS OUT AS BEING VERY

1 EXPENSIVE TO ME.

2 Ms. Pringle: REQUEST PERMISSION PUBLISH THIS TO
3 THE JURY, YOUR HONOR.

4 THE COURT: SURE.

5 BY Ms. Pringle

6 Q I SHOW YOU WHAT'S BEEN MARKED DEFENSE EXHIBIT
7 NUMBER THREE AND ASK YOU WHAT THAT IS.

8 A THAT IS A PHOTOGRAPH TAKEN, I BELIEVE, IN THE DINING
9 AREA OF MR. CROCKER'S HOME AT 6707 WOODTHRUSH.

10 Q AND THIS IS A PHOTOGRAPH THAT YOU TOOK?

11 A YES.

12 Q IT FAIRLY AND ACCURATELY REPRESENTS THE SCENE THAT
13 YOU TOOK THAT DAY?

14 A YES.

15 Ms. Pringle: I OFFER DEFENSE EXHIBIT
16 NUMBER THREE INTO EVIDENCE, YOUR HONOR.

17 THE COURT: WITHOUT OBJECTION.

18 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 3 WAS
19 ADMITTED INTO EVIDENCE.)

20 BY Ms. Pringle

21 Q IN THAT PHOTOGRAPH, DO YOU SEE SOME CLOTHES?

22 A YES, I DO.

23 Q HANGING ON CHAIRS?

24 A CHAIRS.

25 Q DO YOU SEE FLASHY CLOTHES HANGING ON THOSE CHAIRS?

1 A I SEE CLOTHES.

2 Ms. Pringle: REQUEST PERMISSION TO PUBLISH TO
3 THE JURY, YOUR HONOR?

4 THE COURT: YES, MA'AM.

5 Ms. Pringle: BEG THE COURT'S INDULGENCE.

6 (PAUSE).

7 NO FURTHER QUESTIONS.

8 THE COURT: ANY REDIRECT?

9 Ms. Campbell: NO, SIR.

10 THE COURT: THANK YOU, SIR. SERGEANT EARLES,
11 YOU MAY COME DOWN.

12 Ms. Campbell: MAY HE BE EXCUSED, YOUR HONOR?

13 Mr. Strickler: NO OBJECTION.

14 THE COURT: NO OBJECTION.

15 Ms. Campbell: I'M SORRY, YOUR HONOR. I FORGOT
16 TO GET SERGEANT WEEKS EXCUSED. MAY SHE BE EXCUSED?

17 Mr. Strickler: THAT'S WITHOUT OBJECTION.

18 Ms. Campbell: THANK YOU.

19 Mr. Strickler: SURE.

20 Ms. Campbell: THE STATE WOULD CALL ERNEST
21 DICKEY.

22 ERNEST DICKEY, AFTER BEING DULY SWORN, TESTIFIED
23 AS FOLLOWS:

24 THE CLERK: HAVE A SEAT IN THE WITNESS BOX.
25 STATE YOUR FULL NAME FOR THE RECORD.

1 DIRECT EXAMINATION:

2 BY Ms. Campbell

3 Q HI, MR. DICKEY.

4 A YES.

5 Q WHERE ARE YOU EMPLOYED?

6 A WITH SINGULAR WIRELESS.

7 Q HOW LONG HAVE YOU WORKED WITH SINGULAR WIRELESS?

8 A SIX-AND-A-HALF YEARS.

9 Q AND WHAT OFFICE ARE YOU CURRENTLY ASSOCIATED WITH?

10 A I WORK IN THE CHARLOTTE OFFICE.

11 Q AND AS PART OF YOUR DUTIES IN THE CHARLOTTE OFFICE,

12 DO YOU KEEP CERTAIN RECORDS IN YOUR NORMAL COURSE OF
13 BUSINESS?

14 A YES, WE DO.

15 Q AT MY REQUEST, DO YOU HAVE SOME OF THOSE RECORDS WITH
16 YOU TODAY?

17 A YES, I DO.

18 Q AND THOSE ARE RECORDS THAT YOU KEEP IN THE NORMAL

19 COURSE OF BUSINESS, AND THEY HAVEN'T BEEN ALTERED OR
20 TAMPERED WITH IN ANY WAY?

21 A NOT AT ALL.

22 Q AND YOU HAVE THOSE RECORDS WITH YOU?

23 A YES, I DO.

24 Ms. Campbell: YOUR HONOR, AT THIS TIME WE'D

25 OFFER THEM INTO EVIDENCE.

Vol II

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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

1 BEG THE COURT'S INDULGENCE.

2 (PAUSE).

3 Mr. Strickler: WITHOUT OBJECTION.

4 Ms. Campbell: BEG THE COURT'S INDULGENCE.

5 (PAUSE).

6 THESE ARE WITHOUT OBJECTION?

7 Mr. Strickler: YES, MA'AM..

8 (WHEREUPON, STATE'S EXHIBIT NO. 99 WAS MARKED
9 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

10 Ms. Campbell: I THINK I NEED TO STAPLE THESE.

11 IS THAT OKAY?

12 Mr. Strickler: YES.

13 Ms. Campbell: BEG THE COURT'S INDULGENCE.

14 (PAUSE).

15 BY Ms. Campbell

16 Q THESE ARE THE ACTUAL PHONE RECORDS THAT GO TO A PHONE
17 BELONGING TO A WILLIE F. JENNINGS?

18 A YES.

19 Q AND THAT WOULD BE A CELLPHONE?

20 A YES, IT IS.

21 Q AND THESE ARE ACTUALLY RECORDS SUBPOENAED FROM THE
22 DAY OF -- I BELIEVE IN NOVEMBER OF 2000 IS WHEN ALL
23 THESE CALLS WERE; IS THAT CORRECT? 2001, I'M SORRY.

24 A 2001, YES.

25 Q AND ALSO AT OUR REQUEST, YOU ALL HAVE CERTAIN CELLS,

1 CELL SITES?

2 A YES, WE DO.

3 Q CAN YOU EXPLAIN TO THE JURY, WHAT IS A CELL SITE?

4 LIKE IF I USE A TELEPHONE, WHAT IS THE SIGNIFICANCE
5 OF WHERE I MAKE THE CALL AND WHAT CELL SITE IT HITS
6 ON?

7 A WELL, THE CELL SITE ACTUALLY DRIVES THE CALL. THE
8 CALL SIGNALS OUT TO A CELL SITE. IT CAPTURES IT,
9 THEN IT TRANSFERS IT BASED ON THE CELL SITE NUMBERS.
10 IT SENDS IT TO OUR SWITCH BOARDS; IT SENDS IT TO THE
11 CORRECT NUMBER YOU'RE TRYING TO CONTACT. THE CELL
12 SITE IS THE LOCATION.

13 Q THE LOCATION?

14 A YES, THE LOCATION.

15 Q SO WHEN A PHONE CALL IS MADE, IN MOST CASES, YOU CAN
16 DETERMINE WHERE THE GENERAL AREA THE PHONE CALL IS
17 MADE FROM?

18 A YES.

19 Q EVEN IF IT'S A PHONE SAY -- IF IT'S MY CELLPHONE, I'M
20 HERE IN COLUMBIA, IT WOULD HIT A CERTAIN CELL SITE,
21 BUT IF I GO TO ANOTHER STATE OR SOMETHING, IT WOULD
22 HIT ANOTHER CELL SITE?

23 A YES, IT WOULD.

24 Q I'M GOING TO SHOW A COPY OF THIS THREE-PAGE LIST OF
25 CELL SITES.

1 A YES, THAT'S IT.

2 Q AND THIS IS GENERAL INFORMATION --

3 A YES.

4 Q -- BUT THOSE ARE CELL SITES WITHIN THE SINGULAR
5 NETWORK?

6 A NETWORK.

7 Q THESE ARE KEPT IN THE NORMAL COURSE -- WELL,
8 ACTUALLY, THEY'RE PUBLIC KNOWLEDGE. THEY'RE IN THE
9 NORMAL COURSE OF BUSINESS?

10 A YES.

11 Ms. Campbell: YOUR HONOR, AT THIS TIME I'D
12 OFFER THESE.

13 Mr. Strickler: WITHOUT OBJECTION.

14 Ms. Campbell: MAY I BORROW YOUR STAPLER AGAIN?
15 (WHEREUPON, STATE'S EXHIBIT NO. 100 WAS MARKED
16 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

17 Ms. Campbell: THANK YOU, MR. DICKEY. PLEASE
18 ANSWER ANY QUESTIONS THE DEFENSE MAY HAVE.

19 THE COURT: ANY QUESTIONS OF THIS WITNESS?

20 Mr. Strickler: BEG THE COURT'S INDULGENCE ONE
21 MOMENT.

22 (PAUSE).

23 YOUR HONOR, NO. THANK YOU.

24 THE COURT: YOU MAY COME DOWN, MR. DICKEY.

25 THANK YOU VERY MUCH.

1 CAN HE BE EXCUSED?

2 Mr. Strickler: WITHOUT OBJECTION.

3 THE COURT: WITHOUT OBJECTION.

4 Ms. Campbell: BEG THE COURT'S INDULGENCE.

5 (PAUSE).

6 THE COURT: CALL YOUR NEXT WITNESS.

7 Mr. Lake: THE STATE COULD CALL AGENT KEN

8 WHITLER.

9 KENNETH WHITLER, AFTER BEING DULY SWORN,
10 TESTIFIED AS FOLLOWS:

11 THE CLERK: HAVE A SEAT IN THE WITNESS BOX.

12 STATE YOUR FULL NAME FOR THE RECORD.

13 THE WITNESS: MY NAME IS KENNETH H. WHITLER.

14 IT'S SPELLED W-H-I-T-L-E-R.

15 DIRECT EXAMINATION:

16 BY Mr. Lake

17 Q AGENT WHITLER, WHERE ARE YOU CURRENTLY EMPLOYED?

18 A THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION.

19 Q IS THAT OTHERWISE KNOWN AS S.L.E.D.?

20 A YES.

21 Q HOW LONG HAVE YOU BEEN EMPLOYED WITH S.L.E.D.?

22 A SINCE 1997.

23 Q AND WHAT ARE YOUR CURRENT DUTIES AT S.L.E.D.?

24 A I'M A FIREARMS TOOL MARK EXAMINER AT THE FORENSIC
25 LABORATORY.

- 1 Q HOW LONG HAVE YOU HAD THIS PARTICULAR POSITION?
- 2 A SINCE 1997.
- 3 Q AND WHAT ARE SOME OF THE OTHER DUTIES YOU HAD WHILE
- 4 AT S.L.E.D.?
- 5 A THAT'S IT.
- 6 Q OKAY.
- 7 A I'VE BEEN IN THE DEPARTMENT THAT ENTIRE TIME.
- 8 Q OKAY. COULD YOU EXPLAIN TO THE JURY WHAT YOUR
- 9 EDUCATIONAL BACKGROUND IS?
- 10 A WELL, I HAVE UNDERGRADUATE AND GRADUATE DEGREES FROM
- 11 THE UNIVERSITY OF SOUTH CAROLINA.
- 12 Q IN WHAT FIELD?
- 13 A CRIMINAL JUSTICE, GENERAL STUDIES, AND PUBLIC
- 14 ADMINISTRATION.
- 15 Q AND SO ESSENTIALLY, ARE YOU ABLE TO TALK ABOUT
- 16 BALLISTICS AND FIREARMS AND WEAPONS?
- 17 A NO. NONE OF THOSE HAVE ANYTHING TO DO FIREARMS
- 18 IDENTIFICATION.
- 19 Q ARE YOU CERTIFIED IN THE AREA OF TESTING BALLISTICS
- 20 OR ANYTHING ALONG THAT LINE, FIREARMS TESTING?
- 21 A YES, SIR. THERE IS NO SCHOOL TO GO TO TO GET A
- 22 DEGREE IN FIREARMS IDENTIFICATION. YOU HAVE TO LEARN
- 23 IT FROM OTHER FIREARMS EXAMINERS. WHEN I WAS WITH
- 24 THE F.B.I. LABORATORY, I WAS TRAINED IN THEIR
- 25 LABORATORY AND BECAME A QUALIFIED EXAMINER IN 1991

1 WITH THE F.B.I.

2 IN 1997, I RETIRED AND CAME TO WORK FOR S.L.E.D.
3 DOING BASICALLY THE SAME THING.

4 Q JUST KIND OF BACK UP A LITTLE BIT. HOW LONG WERE YOU
5 WITH THE F.B.I. LABORATORY?

6 A FROM 19 -- I WAS IN -- I STARTED IN THE F.B.I. IN
7 1976 AND RETIRED IN 1997. I WENT TO THE LABORATORY
8 IN 1989 AND WENT THROUGH THE TRAINING PERIOD AND
9 BECAME A QUALIFIED EXAMINER IN 1991.

10 Q OKAY. AND WHAT CERTIFICATION DO YOU HAVE IN TERMS OF
11 FIREARMS TESTING?

12 A I WAS QUALIFIED BY THE F.B.I. AS A QUALIFIED FIREARMS
13 EXAMINER.

14 Q AND HAVE YOU EVER TESTIFIED AS AN EXPERT BEFORE?

15 A YES, SIR, I HAVE.

16 Q HOW MANY TIMES WOULD YOU ESTIMATE YOU TESTIFIED AS AN
17 EXPERT?

18 A APPROXIMATELY 150.

19 Mr. Lake: YOUR HONOR, AT THIS TIME, I'D ASK
20 THAT AGENT WHITLER BE QUALIFIED AS AN EXPERT IN BALLISTICS
21 TESTING.

22 Mr. Strickler: AND YOUR HONOR, I HAVE NO VOIR
23 DIRE FOR AGENT WHITLER.

24 THE COURT: ADMITTED AS AN EXPERT.

25 BY Mr. Lake

1 Q THANK YOU, YOUR HONOR.

2 AGENT WHITLARK -- WHITLER, I'M SORRY, I
3 APOLOGIZE. DID YOU HAVE AN OPPORTUNITY TO EXAMINE
4 SOME ITEMS AS IT RELATES TO THIS PARTICULAR CASE?

5 A YES, I DID.

6 Q WHAT ITEMS DID YOU HAVE AN OPPORTUNITY TO REVIEW?

7 A I EXAMINED A FIRED CARTRIDGE CASE AND A PISTOL.

8 Q AND WHAT WAS YOUR UNDERSTANDING FROM THAT FIRED
9 CARTRIDGE CASE? WHERE DID THAT COME FROM?

10 A I DON'T KNOW.

11 Q WHO WAS IT SUBMITTED BY?

12 A IT WAS SUBMITTED BY THE RICHLAND COUNTY SHERIFF'S
13 DEPARTMENT.

14 Q AND WHAT TYPE OF FIREARM WAS SUBMITTED FOR YOU TO
15 EXAMINE?

16 A A HIGHPOINT FIREARMS NINE MILLIMETER LUGER CALIBER
17 PISTOL.

18 Q AND WHAT WAS INCLUDED WITH THAT PARTICULAR PISTOL?

19 A A MAGAZINE AND EIGHT UNFIRED CARTRIDGES.

20 Q OKAY. AND THAT WAS ALSO SUBMITTED TO YOU BY THE
21 RICHLAND COUNTY SHERIFF'S DEPARTMENT?

22 A YES, SIR.

23 Q AND APPROXIMATELY WHEN DID THEY SUBMIT THAT, THESE
24 ITEMS, TO BE TESTED?

25 A IT WAS SUBMITTED TO THE LABORATORY ON NOVEMBER 27TH

1 OF -- IT LOOKS LIKE 2001.

2 Q OKAY. AND WHAT, IF ANY, INFORMATION WERE YOU
3 PROVIDED PRIOR TO THE TESTING OF THESE ITEMS?

4 A I WASN'T PROVIDED WITH ANY.

5 Q WERE YOU ASKED TO TEST THESE PARTICULAR ITEMS?

6 A THE DEPARTMENT BRINGS THE EVIDENCE TO THE
7 LABORATORY -- RATHER TO THE DEPARTMENTS THAT ARE
8 GOING TO DO THE EXAMS.

9 WE RARELY HAVE ANY CONTACT WITH THE DEPARTMENT
10 WHEN WE DO OUR EXAMS. WE DO THEM, SEND THE EVIDENCE
11 BACK DOWNSTAIRS, AND THEY PICK IT UP. WE NEVER SEE
12 THEM.

13 Q SO ESSENTIALLY, IF I WERE TO CLARIFY THIS FOR THE
14 JURY, YOUR ROLE WAS TO FIRE THIS PARTICULAR FIREARM
15 TO DETERMINE WHETHER THAT FIRED CARTRIDGE CAME FROM
16 THAT SAME GUN?

17 A THAT'S CORRECT.

18 Q OKAY. AND WHAT WERE THE RESULTS OF YOUR EXAMINATION
19 FROM THE FIRED CARTRIDGE AND THIS WEAPON?

20 A I DETERMINED THAT THE CARTRIDGE CASE THEY SUBMITTED
21 WAS NOT FIRED BY THE PISTOL THEY SUBMITTED.

22 Q AND EXPLAIN THAT PROCESS FOR DETERMINING THAT.

23 A WELL, YOU TEST FIRE THE PISTOL. YOU COMPARE THE
24 FIRED CARTRIDGE CASES FROM THE PISTOL, THAT YOU KNOW
25 WERE FIRED BY THE PISTOL, AND MICROSCOPICALLY COMPARE

1 IT TO THE FIRED CARTRIDGE CASE THAT WAS SUBMITTED.
2 BY LOOKING AT THE CARTRIDGE CASE, I DETERMINED THAT
3 THAT CARTRIDGE CASE WAS NOT FIRED BY THE PISTOL.

4 Mr. Lake: BEG THE COURT'S INDULGENCE.

5 (PAUSE).

6 NOTHING ELSE FROM THE STATE.

7 Mr. Strickler: MAY IT PLEASE THE COURT, SIR.

8 CROSS-EXAMINATION:

9 BY Mr. Strickler

10 Q GOOD AFTERNOON, AGENT WHITLER.

11 A GOOD AFTERNOON.

12 Q MY NAME IS DOUG STRICKLER. I'M HERE REPRESENTING THE
13 DEFENDANT SEATED OVER THERE. JUST A FEW QUESTIONS
14 FOR YOU, IF I COULD, PLEASE.

15 THE CARTRIDGE CASE THAT YOU EXAMINED IN THIS
16 CASE WAS A NINE MILLIMETER LUGER CALIBER WINCHESTER
17 BRAND CARTRIDGE CASE; IS THAT CORRECT?

18 A THAT'S CORRECT.

19 Q OKAY. NOW, NINE MILLIMETER RELATES TO THE SIZE OF
20 THE BORE ON THE WEAPON, THAT THE CARTRIDGE CASE IS
21 FOR; IS THAT CORRECT?

22 A THAT'S CORRECT.

23 Q OKAY. AND WHEN IT SAYS NINE MILLIMETER LUGER
24 CALIBER, THERE'S SOMETHING SPECIAL ABOUT THE LUGER
25 DESIGNATION; IS THAT CORRECT?

1 A THAT'S JUST A DESIGNATION FOR THAT PARTICULAR
2 CARTRIDGE.

3 Q OKAY.

4 A IT'S ALSO KNOWN AS A NINE MILLIMETER PARABELLUM
5 BECAUSE THIS CARTRIDGE WAS ORIGINALLY USED IN THE
6 LUGER PISTOL YEARS AGO. THAT NAME IS ONE OUT OF A
7 NINE MILLIMETER PARABELLUM.

8 Q IS THERE A DIFFERENCE -- SO THE NINE MILLIMETER LUGER
9 AMMUNITION IS A PARABELLUM CARTRIDGE CASE?

10 A THAT'S ANOTHER NAME FOR IT.

11 Q OKAY.

12 A IT'S ALSO KNOWN AS NINE BY 19 MILLIMETERS.

13 Q NINE BY 19.

14 A YES, SIR.

15 Q SO THERE ARE, I TAKE IT, OTHER VARIETIES OF OTHER
16 NINE MILLIMETER AMMUNITION; IS THAT CORRECT?

17 A YES, SIR.

18 Q OKAY. PARABELLUM RELATES TO THE SHAPING OF THE
19 CARTRIDGES?

20 A NO, THAT'S JUST THE NAME OF IT.

21 Q THAT'S IT, OKAY. SO A NINE MILLIMETER LUGER
22 CARTRIDGE CASING IS NOT NECESSARILY THE SAME AS SOME
23 OTHER VARIETY OF NINE MILLIMETER CARTRIDGE?

24 A NO. THERE'S OTHER CARTRIDGES THAT HAVE NINE
25 MILLIMETER IN THE TITLE, BUT THAT'S NOT -- THEY'RE

1 NOT THE SAME.

2 Q OKAY. AND THE NINE MILLIMETER IN THIS CASE WAS A
3 NINE MILLIMETER LUGER CALIBER AND NINE MILLIMETER
4 PARABELLUM CALIBER IN A WINCHESTER BRAND, CORRECT?

5 A THAT'S CORRECT.

6 Q NOW, THE WINCHESTER, THAT'S JUST THE NAME OF THE
7 MANUFACTURER; IS THAT RIGHT?

8 A THE NAME OF THE MANUFACTURER.

9 Q OKAY. NOW, WINCHESTER IS NOT THE ONLY MANUFACTURER
10 OF NINE MILLIMETER PARABELLUM, NINE MILLIMETER
11 AMMUNITION; IS THAT CORRECT?

12 A THAT'S CORRECT.

13 Q CAN YOU GIVE US SOME OTHER POSSIBLE PRODUCERS OF NINE
14 MILLIMETER LUGER AMMUNITION?

15 A REMINGTON, FEDERAL, SPEAR. YOU HAVE A HOST OF
16 FOREIGN COUNTRIES THAT MAKE IT.

17 Q SO A LOT OF DIFFERENT MANUFACTURERS --

18 A YES, SIR.

19 Q -- MAKE NINE MILLIMETER AMMUNITION?

20 BEG THE COURT'S INDULGENCE, YOUR HONOR.

21 (PAUSE).

22 WE HAVE NOT MARKED STATE'S 96 YET INTO EVIDENCE,
23 THIS BOX OF -- IT PURPORTS TO BE NINE MILLIMETER
24 LUGER AMMUNITION FROM, WHAT MANUFACTURER IS THAT?

25 A ELDORADO.

- 1 Q ELDORADO. IS THAT ONE OF THE HOST OF OTHER PLACES
2 THAT MIGHT --
- 3 A THEY'RE ACTUALLY -- YES, ALSO KNOWN AS P.M.C.
- 4 Q P.M.C.
- 5 A IT'S JUST ANOTHER MANUFACTURER.
- 6 Q JUST ANOTHER MANUFACTURER, OKAY. BUT ELDORADO,
7 P.M.C., REMMINGTON, FEDERAL, SPEARS, THEY'RE NOT THE
8 SAME AS WINCHESTER, CORRECT?
- 9 A NO, THEY'RE NOT.
- 10 Q AND THE CARTRIDGE CASES, I TAKE IT, SINCE YOU CAN
11 TELL WHO THE MANUFACTURER IS, CONTAINS SOME OR HAS
12 SOME DESIGNATION ON THE SHELL CASING ITSELF WHICH
13 WOULD INDICATE WHO THE MANUFACTURER IS; IS THAT
14 CORRECT?
- 15 A IT HAS WHAT'S CALLED A HEAD STAMP.
- 16 Q UH-HUH.
- 17 A IT USUALLY HAS THE MANUFACTURER'S NAME OR INITIALS OR
18 WHATEVER THEY CHOOSE TO PUT ON IT.
- 19 Q OKAY. AND THAT'S HOW YOU CAN DETERMINE WHO THE
20 MANUFACTURER OF A PARTICULAR SHELL CASING IS, THROUGH
21 THE HEAD STAMP?
- 22 A YES.
- 23 Q OKAY. AND THEN AS FAR AS DETERMINING WHETHER A
24 CARTRIDGE -- THE SECOND THING YOU NEED TO DO IN THIS
25 CASE, OR THE THING YOU NEEDED TO DO IN THIS CASE, WAS

1 TO DETERMINE WHETHER THE CARTRIDGE CASING THAT WAS
2 SUPPLIED TO YOU WAS FIRED BY THE NINE MILLIMETER
3 FIREARM THAT WAS SUPPLIED TO YOU, CORRECT?

4 A THAT'S CORRECT.

5 Q OKAY. AND IN ORDER TO DO THAT, YOU DO SOME TEST
6 FIRING ON SOME -- YOU HAVE TO DETERMINE IF THE GUN IS
7 IN OPERATING CONDITION. YOU DO SOME TEST FIRINGS AND
8 EXAMINE THE MICROSCOPIC MARKS LEFT ON THE SHELL
9 CASINGS AS THEY ARE, IN THIS CASE, EJECTED FROM THE
10 SEMIAUTOMATIC HANDGUN?

11 A ACTUALLY, WE'RE LOOKING AT THE MARKS PUT ON THE
12 PRIMER AREA --

13 Q OKAY.

14 A -- WHICH ARE INDICATIVE OF FIRING.

15 Q OKAY.

16 A I COMPARED THOSE MICROSCOPIC MARKS ON THE PRIMER OF
17 THE CARTRIDGE CASE AND DETERMINED THEY WERE NOT IN
18 AGREEMENT WITH THOSE THAT WERE ON THE TEST FIRED
19 CARTRIDGE CASE THAT I OBTAINED FROM FIRING THE
20 PISTOL. I WAS ABLE TO DETERMINE THE CARTRIDGE CASE
21 WAS NOT FIRED FROM THAT PISTOL.

22 Q OKAY. NOW, THE PISTOL THAT WAS SUPPLIED TO YOU, THIS
23 NINE MILLIMETER THAT WAS SUPPLIED TO YOU, WAS
24 SUPPLIED WITH A CLIP WITH AMMUNITION IN IT; IS THAT
25 CORRECT?

1 A THAT'S CORRECT.

2 Q OKAY. AND THAT WAS -- WHAT AMMUNITION CAME WITH THAT
3 FIREARM?

4 A THEY WERE WINCHESTER BRAND CARTRIDGES.

5 Q WINCHESTER BRAND, NINE MILLIMETER, LUGER CARTRIDGES?

6 A YES, SIR.

7 Mr. Strickler: OKAY. THANK YOU VERY MUCH.

8 THE COURT: MS. LAKE?

9 Mr. Lake: NOTHING FROM THE STATE, YOUR HONOR.

10 THE COURT: AGENT WHITLER, YOU MAY COME DOWN.

11 THANK YOU VERY MUCH.

12 Mr. Lake: MAY THIS WITNESS BE EXCUSED, YOUR
13 HONOR?

14 Mr. Strickler: CERTAINLY, WITHOUT OBJECTION.

15 THE COURT: LET ME SEE YOU JUST A MINUTE. LET
16 ME SEE COUNSEL JUST A MINUTE.

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

20 THE COURT: REMARK THEM?

21 Ms. Campbell: HE SAID HE DIDN'T HAVE A PROBLEM
22 WITH THEM COMING IN.

23 Mr. Strickler: I'LL STIPULATE THEY CAME FROM
24 WHERE THEY CAME FROM.

25 Ms. Campbell: THANK YOU.

1 (WHEREUPON, STATE'S EXHIBIT NO. 101 WAS MARKED
2 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

3 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN OF
4 THE JURY, THE NEXT WITNESS IS -- THE STATE PLANS TO CALL
5 IS LIKELY TO BE LENGTHY IN TERMS OF EITHER DIRECT OR CROSS
6 EXAMINATION. IT'S 5:15. WE KEPT YOU LATE LAST NIGHT.
7 I'M SORRY TO HAVE TO MAKE YOU WALK OUT IN THE DARK.

8 I THINK PROBABLY THE BEST USE OF OUR TIME -- I
9 THINK WE'RE PRETTY MUCH ON SCHEDULE. I NEVER KNOW, BUT
10 THE BEST I CAN DETERMINE, WE'RE PRETTY MUCH ON SCHEDULE.
11 I THINK PROBABLY THE BEST USE OF OUR TIME WOULD BE TO GO
12 AHEAD AND ADJOURN FOR THE EVENING.

13 I'LL ASK YOU AGAIN NOT TO DISCUSS THE CASE
14 AMONGST YOURSELVES OR WITH ANYONE ELSE OVER THE EVENING
15 HOURS.

16 I HOPE YOU HAVE A PLEASANT EVENING. WE'LL START
17 AGAIN AT 9 O'CLOCK IN THE MORNING. WORK HARD TOMORROW AND
18 HOPEFULLY FINISH UP ON FRIDAY. THAT'S MY EXPECTATION, BUT
19 WE'LL SEE HOW IT GOES. HAVE A PLEASANT EVENING. WE'LL
20 SEE YOU AT 9 O'CLOCK IN THE MORNING.

21 (WHEREUPON, THE JURY LEFT OPEN COURT AT
22 APPROXIMATELY 5:22 P.M.)

23 THE COURT: IS THERE ANYTHING BEFORE WE ADJOURN?

24 Ms. Campbell: NO, SIR.

25 THE COURT: DO YOU WANT TO WAIT UNTIL IN THE

1 MORNING, MS. CAMPBELL?

2 Ms. Campbell: OKAY.

3 THE COURT: ALL RIGHT. WE'LL STAND AT EASE
4 UNTIL 9 O'CLOCK.

5 (THERE WAS AN OVERNIGHT RECESS.)

6 (WHEREUPON, STATE'S EXHIBITS NOS. 102 - 117 WERE
7 MARKED FOR IDENTIFICATION ONLY.)

8 THE COURT: IS THE STATE READY TO PROCEED?

9 Ms. Campbell: THE STATE'S READY, YOUR HONOR.

10 THE COURT: IS THE DEFENSE READY TO PROCEED?

11 Mr. Strickler: YES, SIR.

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 9:20 A.M.)

16 THE BAILIFF: THE JURY IS ALL PRESENT, YOUR
17 HONOR.

18 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN.

19 I HOPE YOU HAD A PLEASANT EVENING AND A SAFE
20 DRIVE IN.

21 WE'RE READY FOR YOU TO CALL YOUR NEXT WITNESS.

22 Ms. Campbell: THANK YOU, YOUR HONOR. THE STATE
23 CALLS DR. VANDERSTEENHOVEN.

24 ANNE VANDERSTEENHOVEN, AFTER BEING DULY SWORN,
25 TESTIFIED AS FOLLOWS:

1 THE CLERK: HAVE A SEAT UP HERE. STATE YOUR
2 NAME INTO THE MICROPHONE.

3 THE WITNESS: THAT IS
4 V-A-N-D-E-R-S-T-E-E-N-H-O-V-E-N.

5 DIRECT EXAMINATION:

6 BY Ms. Campbell

7 Q DOCTOR, WHERE ARE YOU EMPLOYED?

8 A AT PALMETTO RICHLAND MEMORIAL HOSPITAL.

9 Q WHAT DO YOU DO THERE?

10 A I'M A PATHOLOGIST.

11 Q A PATHOLOGIST?

12 A YES.

13 Q AS A PATHOLOGIST, CAN YOU TELL THIS JURY WHAT YOUR
14 DUTIES INCLUDE.

15 A MY DUTIES INCLUDE ANATOMIC AND CLINICAL PATHOLOGY.
16 BASICALLY, REVIEW OF MULTIPLE SURGICAL SPECIMENS,
17 AUTOPSIES, AND RUN THE CLINICAL LABORATORY.

18 Q PART OF YOUR DUTIES, ONE OF THINGS YOU DO AS PART OF
19 YOUR DUTIES IS TO PERFORM AN AUTOPSY?

20 A YES.

21 Q AND ONE OF THE THINGS YOU DO IS TO DETERMINE THE
22 CAUSE OF DEATH?

23 A YES.

24 Q CAN YOU TELL THIS JURY ABOUT YOUR TRAINING AND
25 EDUCATION IN THE MEDICAL FIELD?

1 A I HAVE A BACHELOR'S OF SCIENCE DEGREE IN MICROBIOLOGY
2 FROM THE UNIVERSITY OF FLORIDA; A P.H.D. IN
3 IMMUNOLOGY AND MICROBIOLOGY FROM THE MEDICAL
4 UNIVERSITY OF SOUTH CAROLINA; A MEDICAL DOCTOR DEGREE
5 FROM THE MEDICAL UNIVERSITY OF THE SOUTH CAROLINA; I
6 DID ANATOMIC AND CLINICAL PATHOLOGY TRAINING AT DUKE
7 UNIVERSITY. DURING THAT PERIOD OF TIME, I ACTED AS A
8 DEPUTY MEDICAL EXAMINER FOR DURHAM COUNTY, NORTH
9 CAROLINA UNDER THE GUIDANCE OF THE CHIEF MEDICAL
10 EXAMINER'S OFFICE IN CHAPEL HILL.

11 Q SO YOU'RE ACTUALLY A MEDICAL DOCTOR, AND YOUR
12 SPECIALTY IS PATHOLOGY?

13 A YES.

14 Ms. Campbell: YOUR HONOR, AT THIS TIME WE'D
15 OFFER HER AS AN EXPERT IN PATHOLOGY.

16 Mr. Strickler: ANY DIFFERENT FIELDS OR BRANCHES
17 IN PATHOLOGY?

18 THE WITNESS: I AM BOARD CERTIFIED IN ANATOMIC
19 AND CLINICAL PATHOLOGY WITH A SPECIALTY IN
20 HEMATOPATHOLOGY, SPECIFICALLY AT RICHLAND, AND IN CHARGE
21 OF THE BLOOD BANK, MICROBIOLOGY, AS WELL AS A MOLECULAR
22 PATHOLOGY LABORATORY.

23 Mr. Strickler: I HAVE NO OBJECTION TO HER
24 QUALIFICATIONS IN ANATOMIC OR CLINICAL PATHOLOGY.

25 THE COURT: THANK YOU.

1 BY Ms. Campbell

2 Q DOCTOR, ONE OF YOUR DUTIES IS TO PERFORM AUTOPSIES,
3 ON OCCASION?

4 A YES.

5 Q AND TURNING YOUR ATTENTION TO NOVEMBER OF 2001, DID
6 YOU HAVE AN OPPORTUNITY TO PERFORM AN AUTOPSY ON A
7 NATHANIEL CASEY?

8 A YES, I DID.

9 Q WHEN DID YOU FIRST COME IN CONTACT WITH MR. CASEY, OR
10 HIS BODY?

11 A ON THANKSGIVING DAY OF THAT YEAR.

12 Q THANKSGIVING DAY?

13 A YES.

14 Q YOU WERE CALLED IN TO PERFORM AN AUTOPSY?

15 A YES.

16 Q WHERE DID THAT OCCUR?

17 A THE AUTOPSY OCCURRED IN THE MORGUE OF RICHLAND
18 HOSPITAL.

19 Q AND TELL THIS JURY, WHEN YOU'RE PERFORMING AN
20 AUTOPSY, WHAT STEPS YOU GO THROUGH INITIALLY WHEN
21 PERFORMING AN AUTOPSY.

22 A THE FIRST THING WE DO IS WE GET THE HISTORY FROM
23 WHO -- EITHER THE PHYSICIAN THAT'S PROVIDING IT OR
24 THE CORONER'S OFFICE. WE DO A GROSS INSPECTION OF
25 THE BODY LOOKING FOR ANY WOUNDS, INJURIES, BODY

1 PIERCINGS, TATTOOS TO MAKE SURE WE'RE IDENTIFYING THE
2 BODY.

3 ONCE THE EXTERNAL EXAM IS DONE, WE FREQUENTLY
4 TAKE X-RAYS. IN THIS PARTICULAR CASE, WHICH WE DID
5 LOOKING FOR ANY BULLET FRAGMENTS THAT MIGHT HAVE BEEN
6 PRESENT.

7 WE PERFORMED AN INTERNAL EXAMINATION OF ALL THE
8 ORGANS, DRAW TOXICOLOGY STUDY OF BLOOD AND URINE.
9 THEN ONCE WE'RE DONE WITH THE GROSS EXAMINATION,
10 TISSUE SECTIONS ARE TAKEN AND SUBMITTED FOR HISTOLOGY
11 WHERE SLIDES ARE COMPARED, AND WE LOOK AT THEM UNDER
12 THE MICROSCOPE. THE TOXICOLOGY IS THEN SENT TO
13 S.L.E.D. FOR A DETERMINATION.

14 Q AND ALL THAT COMES INTO --

15 A ALL THAT COMES INTO A FINAL AUTOPSY REPORT.

16 Q OKAY. IN TAKING THIS ONE STEP AT A TIME, DOCTOR,
17 WHEN YOU FIRST COME IN CONTACT WITH -- YOU SAID YOU
18 DO AN EXTERNAL EXAMINATION; IS THAT CORRECT?

19 A YES.

20 Q AND YOU WERE LOOKING FOR, IN THIS CASE, YOU HAD
21 ALREADY GOTTEN A HISTORY WITH THE CORONER; IS THAT
22 CORRECT?

23 A YES.

24 Q AND YOU KNEW THERE WAS A SHOOTING INVOLVED IN THIS
25 DEATH?

1 A YES.

2 Q OR POSSIBLY INVOLVED WITH THIS DEATH.

3 SO WHEN YOU WERE FIRST COMING IN CONTACT WITH
4 THE BODY, ARE YOU LOOKING FOR ANY EXTERNAL INDICATION
5 OF ANY WOUNDS OR ANYTHING OF THAT NATURE?

6 A EXACTLY.

7 Q CAN YOU TELL THIS JURY, WHEN YOU DID YOUR EXTERNAL
8 EXAMINATION OF NATHANIEL CASEY, WHAT YOUR FINDINGS
9 WERE?

10 A THE MOST OBVIOUS FINDING WAS THAT THERE WAS A SMALL,
11 APPROXIMATELY ONE CENTIMETER, WOUND JUST TO THE
12 LATERAL ASPECT OF THE MOUTH. THE OTHER WAS A LARGE
13 EXIT WOUND, WHICH WAS ON TOP OF THE HEAD. THERE WAS
14 ACTUALLY BRAIN EXCRETING AT THAT TIME.

15 Q OKAY. SO YOU GOT WHAT YOU WOULD CHARACTERIZE -- THE
16 MOST OBVIOUS THING WAS THE EXTERNAL, THE ENTRANCE
17 WOUND?

18 A YES.

19 Q I'LL TALK ABOUT THAT IN A MINUTE. THEN THERE WAS
20 ANOTHER ONE THAT YOU WOULD CHARACTERIZE AS AN EXIT
21 WOUND ON THE TOP OF THE HEAD?

22 A YES.

23 Q DID YOU LOOK FOR ANY OTHER SIGNS OF TRAUMA, BRUISING,
24 OR ANY OTHER SIGNS OF THE BODY?

25 A YES. THE BODY IS EXAMINED, ALL THE LIMBS, THE BACK,

1 THE FRONT, TO SEE IF THERE'S ANY SCARS, INJURIES,
2 LACERATIONS, ANYTHING LIKE THAT. NOTHING ON THOSE
3 LINES WAS FOUND.

4 Q ANY EVIDENCE OF CUTS?

5 A NO.

6 Q BRUISING, ANYTHING LIKE THAT?

7 A NO.

8 Q AND IN THIS CASE WHEN YOU DID YOUR EXTERNAL
9 EXAMINATION, OTHER THAN WHAT YOU SAID YOU FOUND ON
10 THE HEAD, WAS THERE ANY OTHER INDICATION OF ANY OTHER
11 KIND OF WOUNDS, BRUISING, OR ANYTHING OF THAT NATURE
12 THAT YOU COULD SEE THAT WAS EXTERNAL?

13 A NO.

14 Q SO AT THAT POINT, ONCE YOU HAD COMPLETED YOUR
15 EXTERNAL EXAMINATION, DID YOU PROCEED TO, I GUESS AN
16 INTERNAL EXAMINATION?

17 A INTERNAL EXAMINATION.

18 Q AND TELL THE JURY HOW YOU GO ABOUT DOING THAT.

19 A THE BODY IS OPENED WITH A SURGICAL INCISION. WE
20 TYPICALLY CALL IT A Y-SHAPED INCISION ACROSS THE
21 CHEST AND DOWN INTO THE ABDOMEN. IT'S EXPOSED.

22 WE LOOK FOR ANY SORTS OF INJURIES, TISSUE
23 DAMAGE, OF THE ORGANS INITIALLY. THEN WE DISSECT OUT
24 THE VARIOUS ORGANS FROM THE BODY, EXAMINE EACH ONE
25 INDIVIDUALLY, WEIGHING THEM, SEEING IF THERE'S ANY

1 SIGNS OF AN INJURY TO THEM, AS WELL AS IF THERE'S ANY
2 NATURAL DISEASE PROCESSES THAT'S GOING ON, AS WELL.

3 Q AND IN YOUR INTERNAL EXAMINATION OF THE INTERNAL
4 ORGANS, LET'S START WITH THOSE, WERE THERE ANY
5 ABNORMALITIES, ANYTHING THAT WOULD HAVE CONTRIBUTED
6 TO THE DEATH, OTHER THAN THE GUNSHOT WOUND, ALREADY
7 MENTIONED?

8 A NO.

9 Q DID YOU ALSO DO AN EXAMINATION THEN OF THE HEAD?

10 A YES.

11 Q AND WHAT DID YOU FIND WHEN YOU EXAMINED HIS HEAD?

12 A BASICALLY, THE SKULL CAP IS REMOVED. WE EXAMINE THE
13 BRAIN IN SITU. AT THAT POINT IN TIME, YOU COULD SEE
14 THERE WERE MULTIPLE FRACTURES OF THE SKULL AROUND THE
15 AREA OF THE EXIT WOUND.

16 THERE WAS CLEARLY DAMAGE TO THE BRAIN TISSUE
17 EXTENDING FROM THE AREA AROUND THE MOUTH OUT TO THE
18 EXIT WOUND AREA. ALONG THIS TRACK WAS HEMORRHAGE,
19 BLOOD, DISRUPTURE OF THE NORMAL BRAIN CELL TISSUE.

20 Q ONCE YOU HAD EXAMINED HIM, DO YOU HAVE A CHART YOU
21 USUALLY USE IN NOTING THE ACTUAL COURSE IN THIS CASE
22 OF THE BULLET WOUND?

23 A RIGHT.

24 Q I'M GOING TO SHOW YOU A COPY -- THIS IS A BLOWUP OF
25 THE CHART YOU USED?

1 A RIGHT. WE USE THIS JUST FOR DOCUMENTATION PURPOSES.
2 FOR EXAMPLE, HERE I DOCUMENTED THAT THERE WAS SMALL,
3 APPROXIMATELY ONE CENTIMETER --

4 Q LET ME STOP YOU RIGHT THERE AND GET A PEN. I'M GOING
5 TO LET YOU SAY SOMETHING. THIS IS THE DOCUMENT USED.

6 YOUR HONOR, AT THIS TIME I'D MARK IT FOR I.D.
7 SINCE SHE WILL WRITE ON IT.

8 (WHEREUPON, STATE'S EXHIBIT NO. 118 WAS MARKED
9 FOR IDENTIFICATION ONLY.)

10 Ms. Campbell: AND, YOUR HONOR, MAY THE WITNESS
11 STEP DOWN?

12 THE COURT: CERTAINLY.

13 BY Ms. Campbell

14 Q WATCH OUT. I'VE GOT SO MUCH STUFF UP HERE. I'M
15 SORRY.

16 IF YOU CAN COME OVER ON THIS SIDE SO YOU CAN
17 MARK ON IT. THERE ARE SEVERAL DIFFERENT ANGLES OF
18 THE HEAD THAT ARE DEPICTED.

19 A YES.

20 Q YOU'RE REFERRING TO YOUR NOTES --

21 A YES.

22 Q -- FOR ACCURACY. DOCTOR, CAN YOU SHOW -- YOU
23 MENTIONED THAT IT WAS AN ENTRANCE WOUND. YOU
24 MENTIONED THAT YOU HAD CERTAIN SPECIALIZED TRAINING
25 IN A FORENSIC AREA AS FAR AS A DEPUTY?

- 1 A I WORKED AS A MEDICAL EXAMINER.
- 2 Q YOU WERE THE MEDICAL EXAMINER IN NORTH CAROLINA FOR A
- 3 PERIOD OF TIME. SO YOU'RE FAMILIAR WITH GUNSHOT
- 4 WOUNDS AND INJURIES OF THAT NATURE?
- 5 A YES.
- 6 Q OKAY. YOU MENTIONED THAT YOU CHARACTERIZED THIS ONE
- 7 WOUND ON HIS FACE AS AN ENTRANCE WOUND. CAN YOU
- 8 POINT OUT OR DRAW ON THIS DIAGRAM APPROXIMATELY WHERE
- 9 THAT ENTRANCE WOUND WOULD HAVE BEEN?
- 10 A APPROXIMATELY THERE.
- 11 Q WHERE THIS RED DOT IS?
- 12 A YES.
- 13 Q IT WAS AN ENTRANCE WOUND. HOW DO YOU KNOW THAT WAS
- 14 AN ENTRANCE WOUND IN THIS CASE?
- 15 A ENTRANCE WOUNDS ARE TYPICALLY RELATIVELY SMALL
- 16 COMPARED TO THE SIZE OF THE EXIT WOUND. THEY ARE
- 17 SMOOTH LINED. THERE'S NOT A LOT OF TISSUE DAMAGE AT
- 18 THE POINT OF ENTRY INTO THE TISSUE.
- 19 Q AND WE GO IN AND THE SHAPE OF THE ENTRANCE WOUND AND
- 20 THINGS OF THAT NATURE CAN DETERMINE OTHER THINGS,
- 21 TOO, SUCH AS HOW FAR AWAY A PERSON -- THE GUN WAS
- 22 WHEN IT WAS SHOT AND THINGS OF THAT NATURE, TOO,
- 23 RIGHT?
- 24 A RIGHT.
- 25 Q BUT IN THIS CASE, YOU MENTIONED THE ENTRANCE WOUND

1 WENT THERE. YOU JUST TESTIFIED THERE WAS SKULL
2 FRACTURES AND TISSUE AND BRAIN DAMAGE ALL THROUGH THE
3 HEAD. WHERE WAS THE EXIT WOUND, APPROXIMATELY, IN
4 THIS CASE?

5 A THE EXIT WOUND WAS ON THE...

6 (A RINGING CELLPHONE WENT OFF).

7 Ms. Campbell: WAIT JUST ONE MINUTE.

8 (PAUSE).

9 ALL RIGHT. I'M SORRY.

10 THE WITNESS: APPROXIMATELY ONE BY 0.5 SONOMETER
11 REGION OF THE -- ABOUT 12 INCHES ABOVE THE LEFT EAR.

12 BY Ms. Campbell

13 Q 12 INCHES ABOVE THE LEFT EAR?

14 A SO THAT WOULD HAVE BEEN SOMEWHERE, ACCORDING TO THE
15 DIAGRAM, RIGHT ABOUT IN THERE.

16 Q RIGHT ABOUT IN THERE?

17 A RIGHT.

18 Q THAT'S LOOKING DOWN AT THE TOP OF THE HEAD; IS THAT
19 CORRECT?

20 A RIGHT.

21 Q SO THE TRAVEL OF THIS BULLET IN THIS CASE, AND YOU
22 MENTIONED IT WAS SKULL FRACTURES IN THIS CASE?

23 A YES.

24 Q WHERE WERE THE FRACTURES LOCATED?

25 A THERE WERE SOME FRACTURES OF THE MANDIBLE UP IN THIS

1 AREA, SO IT PENETRATED THROUGH.

2 Q WHICH WOULD BE THE JAWBONE?

3 A THE JAWBONE UP IN THIS AREA. THERE'S BASICALLY SOME
4 FACIAL BONES AND THINGS OUT INTO THE BACK. THE SKULL
5 WAS FRACTURED UP IN HERE.

6 Q SO THE BULLET ACTUALLY TRAVELED AT AN UPWARD,
7 BACKWARD ANGLE IN THIS CASE?

8 A YES.

9 Q ACTUALLY CROSSING -- WOULD BE ALMOST AT AN ANGLE LIKE
10 THIS?

11 A YES.

12 Q IS THAT CORRECT? JUST LIKE THAT. OKAY. YOU
13 MENTIONED THERE WAS ACTUALLY BRAIN MATTER EXCRETING
14 FROM THE HEAD?

15 A YES.

16 Q COULD THIS MAN HAVE SURVIVED THIS SHOT FROM THIS
17 CASE?

18 A NO.

19 Ms. Campbell: THANK YOU.

20 YOUR HONOR, AT THIS TIME WE WOULD MOVE STATE'S
21 EXHIBIT 118 INTO EVIDENCE.

22 Mr. Strickler: WITHOUT OBJECTION.

23 THE COURT: WITHOUT OBJECTION.

24 (WHEREUPON, STATE'S EXHIBIT NO. 118 WAS ADMITTED
25 INTO EVIDENCE.)

1 BY Ms. Campbell

2 Q DID YOU DO ANY FURTHER EXAMINATIONS OR DRAW ANY BLOOD
3 OR ANYTHING OF THAT NATURE?

4 A YES, BLOOD WAS DRAWN AND SENT TO S.L.E.D. FOR
5 TOXICOLOGY STUDIES.

6 Q WHY DO YOU NEED TO CHECK ON THE TOXICOLOGY?

7 A WE DO THAT ROUTINELY ON ALL OF OUR FORENSIC CASES
8 MAKING SURE -- SEEING IF THERE WAS ALCOHOL OR DRUG
9 USE INVOLVED IN THE DECEASED.

10 Q WAS THERE ANY INDICATION OF ALCOHOL OR DRUG USE IN
11 NATHANIEL CASEY?

12 A NO. THEY WERE ALL REPORTED BACK AS NEGATIVE.

13 Q NEGATIVE. DOCTOR, THE CAUSE OF DEATH -- YOU ISSUED A
14 REPORT IN THIS CASE ONCE YOU GOT A BACK ALL YOUR
15 FINDINGS?

16 A YES.

17 Q WHAT WAS THE CAUSE OF DEATH AS YOU INDICATED?

18 A PENETRATING GUNSHOT WOUND WITH EXTENSIVE BRAIN
19 INJURY.

20 Q PENETRATING GUNSHOT WOUND. AGAIN, THAT'S THE GUNSHOT
21 WOUND, THE ENTRANCE WOUND WAS IN THE FACE AND THE
22 EXIT WOUND WAS THE TOP OF THE FACE?

23 A YES.

24 Q DOCTOR, IN YOUR EXPERIENCE, AND IS PART OF YOUR
25 TRAINING -- ARE YOU TRAINED ABOUT GUNSHOT WOUNDS AND

1 WHAT THE DISTANCES INVOLVED IN GUNSHOT WOUNDS, WHAT
2 THAT INDICATES?

3 A YES.

4 Q IF SOMEONE PUTS A GUN UP TO A PERSON'S --

5 Mr. Strickler: YOUR HONOR, IF SHE DESIRES HER
6 TO TESTIFY TO THAT, I'D LIKE TO ASK THAT SHE BE QUALIFIED,
7 AND SHE MAY VERY WELL BE IN THE FIELD OF FORENSIC
8 PATHOLOGY IN ADDITION TO ANATOMIC AND CLINICAL PATHOLOGY,
9 SEPARATE FIELDS.

10 SHE MAY VERY WELL BE QUALIFIED TO TESTIFY TO
11 THAT, I DON'T KNOW.

12 THE COURT: STATE YOUR QUESTION AGAIN.

13 BY Ms. Campbell

14 Q IN YOUR EXPERIENCE AS A PATHOLOGIST GENERALLY AND
15 WITH YOUR EXPERIENCE IN THE FORENSIC FIELD, CAN YOU
16 INDICATE, CAN YOU TELL FROM THE SHAPE OF GUNSHOT
17 WOUNDS AND OTHER THINGS, HOW FAR AWAY A GUN WAS
18 APPROXIMATELY?

19 A YES, YOU CAN GET SOME DEGREE OF ESTIMATION.

20 Mr. Strickler: YES, I OBJECT.

21 THE COURT: I UNDERSTAND.

22 DO YOU FEEL COMFORTABLE IN ANSWERING THAT
23 QUESTION, DOCTOR?

24 THE WITNESS: YES.

25 THE COURT: BASED ON WHAT, WHAT EXPERIENCE?

1 THE WITNESS: EXPERIENCE WITH POTENTIALLY OTHER
2 CASES AND WITH ACADEMIC READING, THINGS LIKE THAT..

3 THE COURT: DO YOU CARE TO ASK HER ABOUT THESE
4 QUALIFICATIONS?

5 Mr. Strickler: JUST BRIEFLY. I MAY VERY WELL
6 STIPULATE.

7 THE COURT: LET MR. STRICKLER ASK ABOUT YOUR
8 BACKGROUND AND QUALIFICATIONS BEFORE ANSWERING THAT TYPE
9 OF A QUESTION.

10 Mr. Strickler: THANK YOU, SIR.
11 GOOD MORNING, DOCTOR.

12 THE WITNESS: GOOD MORNING.

13 THE COURT: JUST A FEW QUESTIONS. YOU TESTIFIED
14 AS TO QUALIFICATIONS REGARDING ANATOMIC AND CLINICAL
15 PATHOLOGY, CORRECT?

16 THE WITNESS: YES.

17 Mr. Strickler: YOU ARE BOARD CERTIFIED IN
18 THOSE, RIGHT?

19 THE WITNESS: YES.

20 Mr. Strickler: BOARD CERTIFICATION IS A TERM OF
21 ART AS FAR AS DOCTORS GO. IT INDICATES YOU'VE BEEN
22 TESTED --

23 THE WITNESS: RIGHT.

24 Mr. Strickler: -- AND CERTIFIED AS QUALIFIED IN
25 PARTICULAR AREAS.

1 NOW, THERE'S A SEPARATE AREA OF PATHOLOGY KNOWN
2 AS FORENSIC PATHOLOGY; IS THAT CORRECT?

3 THE WITNESS: YES.

4 Mr. Strickler: OKAY. AND THERE ARE BOARD
5 CERTIFICATIONS THAT ARE ADMINISTERED, AND YOU CAN GET
6 BOARD CERTIFIED IN FORENSIC PATHOLOGY, CORRECT?

7 THE WITNESS: RIGHT, CORRECT.

8 Mr. Strickler: I TAKE IT YOU ARE NOT BOARD
9 CERTIFIED IN FORENSIC PATHOLOGY?

10 THE WITNESS: RIGHT, RIGHT.

11 Mr. Strickler: FORENSIC PATHOLOGY INVOLVES --
12 IN ADDITION TO DOING THE KIND OF WORK THAT'S DONE IN
13 ANATOMICAL AND CLINICAL PATHOLOGY, IT INVOLVES MAKING
14 DETERMINATIONS AS TO A CAUSE AND MANNER OF DEATH, CORRECT?

15 THE WITNESS: YES.

16 Mr. Strickler: OKAY. MANNER OF DEATH IN
17 PARTICULAR AS TO WHETHER SOMETHING IS A HOMICIDE OR
18 ACCIDENT, ET CETERA, RIGHT, AND THERE'S SPECIALIZED
19 TRAINING INVOLVED --

20 THE WITNESS: YES.

21 Mr. Strickler: -- IN BEING CERTIFIED?

22 MY QUESTION TO YOU THEN IS DURING THE COURSE OF
23 YOUR ACADEMIC BACKGROUND THAT YOU RELATED TO US, DID YOU
24 RECEIVE OR UNDERTAKE TRAINING OR COURSE WORK IN FORENSIC
25 PATHOLOGY?

1 THE WITNESS: AS PART OF OUR ANATOMIC TRAINING,
2 WE DID DO AUTOPSIES, SOME OF WHICH WERE FORENSIC CASES,
3 AND WE DID HAVE LECTURES THAT WERE GIVEN BY DR. JOHN BUTTS
4 AND HIS ASSOCIATES FROM THE NORTH CAROLINA MEDICAL
5 EXAMINER'S OFFICE SPECIFICALLY RELATING TO A NUMBER OF
6 FORENSIC TYPE CASES, INCLUDING GUNSHOTS.

7 Mr. Strickler: AND THIS WAS WHILE YOU WERE
8 UNDERGOING POSTGRADUATE?

9 THE WITNESS: DURING RESIDENCY TRAINING.

10 Mr. Strickler: OKAY. AND THEN I BELIEVE YOU
11 INDICATED THAT YOU SPENT SOME PERIOD OF TIME WORKING AS A
12 DEPUTY MEDICAL EXAMINER IN NORTH CAROLINA?

13 THE WITNESS: YES. THE RESIDENTS AT THAT POINT
14 IN TIME ACTED AS THE DEPUTY MEDICAL EXAMINERS FOR DURHAM
15 COUNTY. THEY DIDN'T HAVE A SEPARATE SYSTEM. WE WORKED
16 WITH DR. BUTTS ON A NUMBER OF CASES.

17 Mr. Strickler: AND WHEN WERE YOU EMPLOYED AS
18 DEPUTY MEDICAL EXAMINER?

19 THE WITNESS: THAT WOULD HAVE BEEN 19 -- AROUND
20 1988, '91.

21 Mr. Strickler: '88 TO '91? DURING THAT PERIOD
22 OF TIME, DID YOU HAVE OCCASION TO BE INVOLVED IN RENDERING
23 OPINIONS REGARDING GUNSHOT WOUND CASES?

24 THE WITNESS: ACTUALLY NOT. MOST OF THE
25 AUTOPSIES THAT WERE RELATED TO HOMICIDES OR SUICIDES WERE

1 SENT TO CHAPEL HILL TO BE PERFORMED AT THEIR OFFICE. WE
2 ACTUALLY INVESTIGATED A NUMBER OF THE SCENES. THAT WAS
3 PART OF OUR ROLE.

4 Mr. Strickler: I'M SORRY, INVESTIGATE WHAT?

5 THE WITNESS: THE SCENES.

6 Mr. Strickler: THAT'S ALSO -- I MEAN, AS A
7 FORENSIC PATHOLOGIST, THE TOTAL PICTURE OF THE INCIDENT --

8 THE WITNESS: RIGHT.

9 Mr. Strickler: -- IS IMPORTANT IN ARRIVING AT
10 THE KIND OF CONCLUSIONS THAT A FORENSIC PATHOLOGIST USES
11 TO ARRIVE AT, RIGHT?

12 THE WITNESS: EXACTLY.

13 Mr. Strickler: OKAY. SO YOU HAD SOME TRAINING
14 DURING YOUR RESIDENCY. SUBSEQUENT TO THE PERIOD '88
15 THROUGH '91, HAVE YOU BEEN CALLED UPON TO CONDUCT
16 AUTOPSIES RELATING TO HOMICIDES BY GUNSHOT WOUND?

17 THE WITNESS: NOT UNTIL I CAME TO RICHLAND.
18 I'VE BEEN HERE FOR APPROXIMATELY -- JUST UNDER
19 TWO-AND-A-HALF YEARS. I WAS IN PRIVATE PRACTICE IN DALLAS
20 FOR ABOUT NINE YEARS.

21 Mr. Strickler: OKAY.

22 THE WITNESS: AND WE DID GENERAL HOSPITAL BASED
23 AUTOPSIES.

24 Mr. Strickler: AND THEN HAVE YOU EVER BEEN
25 OFFERED AS AN EXPERT IN THE FIELD OF FORENSIC PATHOLOGY?

1 THE WITNESS: NO.

2 Mr. Strickler: YOU NEVER HAVE BEEN OFFERED,
3 NEVER BEEN QUALIFIED, AS AN EXPERT IN THE FIELD OF
4 FORENSIC PATHOLOGY?

5 THE WITNESS: IT'S NEVER COME UP.

6 Mr. Strickler: YES, MA'AM. THANK YOU, MA'AM.
7 BEG THE COURT'S INDULGENCE ONE MOMENT.
8 (PAUSE).

9 THANK YOU, SIR. WITH ALL DUE RESPECT, I WOULD
10 SUBMIT SHE'S NOT QUALIFIED.

11 THE COURT: ALL RIGHT. I SUSTAIN THE OBJECTION.

12 Ms. Campbell: MAY WE APPROACH?

13 THE COURT: CERTAINLY.

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 DOCTOR, LET ME JUST ASK YOU THIS: YOU'RE FAMILIAR
19 WITH, IN YOUR TRAINING, GUNSHOT WOUNDS?

20 A YES.

21 Q AND THERE ARE DIFFERENT TYPES OF GUNSHOT WOUNDS, AND
22 A LOT OF IT DEPENDS ON THE DISTANCE THE GUN IS HELD?

23 Mr. Strickler: I OBJECT TO THE LEADING, YOUR
24 HONOR.

25 THE COURT: ALL RIGHT. JUST ASK THE QUESTION.

1 BY Ms. Campbell

2 Q YOU'RE FAMILIAR WITH DIFFERENT TYPES OF GUNSHOT
3 WOUNDS?

4 A YES.

5 Q WHAT IS A CONTACT WOUND WHEN A GUNSHOT IS INVOLVED?

6 A A CONTACT WOUND IS WHEN THE GUN IS PLACED AGAINST THE
7 SKIN DIRECTLY, AND THERE'S A CERTAIN SOURCE OF
8 PATTERNS THAT CAN BE ELICITED WHEN THAT HAPPENS.

9 Q A CERTAIN SOURCE OF PATTERN?

10 A YES.

11 Q TYPICALLY, WITH A CONTACT WOUND WHEN IT'S TOUCHING
12 WHATEVER PART OF THE BODY IT IS, WHAT DOES THE WOUND
13 LOOK LIKE?

14 A FREQUENTLY THERE'S -- SINCE THERE'S EXTENSIVE
15 PRESSURE THAT'S COMING WITH THE BULLET, COMING OUT,
16 YOU GET A BLOWOUT OF AN AREA. YOU CAN ALSO GET SOME
17 POWDER BURNS AND THINGS FROM THE GUN BEING CLOSE TO
18 THE SKIN AT THAT POINT IN TIME, SOME STIPPLING, SOME
19 ACTUAL -- SOMETHING RELATED TO THE RELEASE OF THE GAS
20 FROM THE BULLET.

21 Q AND TELL THIS JURY, WHAT IS -- WHEN YOU SAY STIPPLING
22 OR POWDER BURNS, WHAT DOES THAT INDICATE?

23 A THAT INDICATES A CLOSER CONTACT WITH THE GUN AT THAT
24 POINT IN TIME AS THE BULLET IS ENTERING.

25 Q IT WOULD INDICATE THAT THE GUN IS ACTUALLY EITHER

1 TOUCHING OR IN CLOSE PROXIMITY?

2 A CLOSE PROXIMITY.

3 Mr. Strickler: I OBJECT TO THE LEADING.

4 BY Ms. Campbell

5 Q WHAT WOULD THAT INDICATE, I'M SORRY?

6 A CLOSE PROXIMITY.

7 Q CLOSE PROXIMITY. WHEN YOU SAY CLOSE PROXIMITY, DO
8 YOU MEAN YARDS, FEET, INCHES?

9 Mr. Strickler: I OBJECT, YOUR HONOR, ON MY
10 PREVIOUS BASIS.

11 THE COURT: OVERRULED. I'M GOING TO ALLOW THAT.

12 Mr. Strickler: THANK YOU, SIR.

13 THE WITNESS: I'M SORRY, WHAT WAS THAT?

14 BY Ms. Campbell

15 Q WHEN YOU SAY THAT THE GUN, THERE IS STIPPLING -- OR
16 WHAT DID YOU SAY IT WAS?

17 A POWDER INJURIES.

18 Q POWDER INJURIES. WHAT WOULD IT INDICATE ABOUT HOW
19 CLOSE THE MUZZLE OF THE GUN WAS AFTER IT WAS FIRED?

20 A IT IS USUALLY WITHIN SOME DEGREE OF SOME INCHES FROM
21 THERE.

22 Q WITHIN INCHES?

23 A UH-HUH.

24 Q AND IN THIS CASE, IN THIS WOUND, THIS GUNSHOT WOUND,
25 WAS THERE ANY INDICATION OF ANY STIPPLING, POWDER

1 BURNS, OR ANYTHING INDICATING IT WAS A CLOSE OR A
2 CONTACT WOUND?

3 A NO.

4 Q AND WHAT DOES THE EVIDENCE IN THIS CASE, IN YOUR
5 EXPERT OPINION, INDICATE AS FAR AS HOW FAR THE GUN
6 WAS AT THE TIME IT WAS FIRED?

7 A IT WAS SUGGESTED --

8 Mr. Strickler: I OBJECT, LACK OF QUALIFICATION,
9 YOUR HONOR.

10 THE COURT: SUSTAINED.

11 THE WITNESS: IT WAS SUGGESTED IT WAS --

12 THE COURT: MA'AM, MA'AM.

13 GO ON TO THE NEXT QUESTION.

14 BY Ms. Campbell

15 Q DOCTOR, FINALLY, AS FAR AS THE CAUSE OF DEATH IN THIS
16 CASE, WAS THERE ANY INDICATION -- HOW WOULD YOU -- IN
17 THIS CASE WITH THIS GUNSHOT WOUND, HOW WAS THE ACTUAL
18 ENTRANCE WOUND SHAPED?

19 A IT WAS SLIGHTLY ROUND TO A LITTLE BIT OVAL, I GUESS
20 YOU WOULD CALL IT.

21 Q AND BASED ON YOUR TRAINING AND YOUR EXPERTISE, WHAT
22 DOES THAT INDICATE?

23 A SOME DISTANCE REMOVED FROM, NOT DIRECT CONTACT, OR UP
24 CLOSE CONTACT.

25 Ms. Campbell: THAT'S ALL I HAVE.

1 THE COURT: ANY QUESTIONS?

2 Mr. Strickler: THANK YOU, YOUR HONOR. MAY IT
3 PLEASE THE COURT.

4 CROSS-EXAMINATION:

5 BY Mr. Strickler

6 Q DOCTOR, GOOD MORNING AGAIN. A COUPLE OF THINGS.

7 WHEN YOU GO IN -- WHEN YOU BEGIN AN AUTOPSY, YOU
8 DON'T COME INTO THE PROCESS WITH A PRECONCEIVED
9 CONCLUSION --

10 A NO.

11 Q -- WHEN YOU BEGIN THE PROCESS, RIGHT?

12 A RIGHT.

13 Q EVEN THOUGH YOU HAVE BEEN PROVIDED WITH SOME
14 INFORMATION IT'S A GUNSHOT WOUND, THE FIRST -- AS I
15 HEARD YOU TESTIFY, THE FIRST THING YOU DO IS A
16 GENERAL EXAMINATION OF THE EXTERIOR OF THE BODY,
17 CORRECT?

18 A YES.

19 Q AT THAT POINT IN TIME, YOU ARE CERTAINLY AWARE OF AND
20 TAKE NOTE OF, THE INJURIES IN THIS CASE, THE INJURIES
21 THAT CAUSED THE DEATH, BUT YOU ARE DOING A GENERAL
22 EXAMINATION OF THE ENTIRE BODY, CORRECT?

23 A CORRECT.

24 Q SIMPLY BECAUSE YOU CAN'T TELL WHAT MAY END UP BEING
25 SIGNIFICANT IN A PARTICULAR CASE, RIGHT?

- 1 A EXACTLY.
- 2 Q AND YOU DID THAT IN THIS CASE, CORRECT?
- 3 A YES.
- 4 Q IN YOUR GENERAL EXAMINATION OF THE BODY REVEALED THE
- 5 INJURIES THAT YOU DESCRIBED THAT CERTAINLY CAUSED
- 6 DEATH IN THIS CASE, AND REVEALED, AS I UNDERSTAND
- 7 YOUR TESTIMONY, NO OTHER INJURIES, CORRECT?
- 8 A YES.
- 9 Q YOU DIDN'T FIND ANY ABRASIONS TO THE BODY, CORRECT?
- 10 A NO, NOT THAT I RECALL.
- 11 Q OKAY. AN ABRASION IS A SCRAPE?
- 12 A A SCRAPE.
- 13 Q YOU DIDN'T FIND ANY CONTUSIONS TO THE BODY NOT
- 14 ASSOCIATED WITH THE GUNSHOT WOUND?
- 15 A RIGHT.
- 16 Q CONTUSION IS BRUISES, RIGHT? YOU DIDN'T FIND ANY
- 17 LACERATIONS TO THE BODY NOT ASSOCIATED WITH THE
- 18 GUNSHOT WOUND, CORRECT?
- 19 A CORRECT.
- 20 Q LACERATION, THAT'S CUT.
- 21 A RIGHT.
- 22 Q SO YOU FOUND NO CUTS, NO SCRAPES, NO BRUISES TO THE
- 23 BODY OTHER THAN THOSE ASSOCIATED WITH THE ENTRANCE
- 24 AND THE EXIT WOUND IN THIS CASE, CORRECT?
- 25 A YES.

1 Q OKAY. AND CERTAINLY SINCE YOU COME INTO IT WITH AN
2 OPEN MIND AND YOU COME INTO IT TO RECORD WHAT YOU
3 DETECT, IF YOU HAD NOTED ANYTHING, YOU WOULD MAKE A
4 NOTE OF IT IN YOUR REPORT, RIGHT?

5 A YES.

6 Q IT MAY BE SIGNIFICANT TO YOU. SOMEONE ELSE FURTHER
7 DOWN THE LINE MAY WANT TO REVIEW IT, DRAW SOME OTHER
8 CONCLUSIONS. IT'S NOT YOUR PRACTICE, AND THE
9 PRACTICE OF PATHOLOGY IN GENERAL, TO JUST GO AHEAD
10 AND DECIDE WELL, WE'LL JUST LEAVE THAT OUT?

11 A NO.

12 Q IF IT HAD BEEN THERE, YOU WOULD HAVE RECORDED IT?

13 A RIGHT.

14 Q IN FACT, THERE'S A DIAGRAM OF THE HEAD IN CASES WHERE
15 THERE ARE INJURIES TO OTHER PORTIONS OF THE BODY.
16 THERE'S ANOTHER DIAGRAM THAT'S USED OF A FULL HUMAN
17 BODY --

18 A RIGHT.

19 Q -- WHERE YOU CAN NOTE THE LOCATIONS OF THE VARIOUS
20 INJURIES?

21 A EXACTLY.

22 Q AND HAD THOSE BEEN PRESENT IN THIS CASE, YOU WOULD
23 HAVE PREPARED SOMETHING LIKE THAT, CORRECT?

24 NOW, IN DOING YOUR GENERAL EXTERNAL EXAMINATION,
25 YOU ARRIVE AT A ROUGH ESTIMATE AS TO THE HEIGHT OF

1 THE PERSON THAT YOU'RE EXAMINING?

2 A YES. THAT'S USUALLY -- THE PATIENT -- THE DECEASED
3 IS USUALLY LYING DOWN.

4 Q ON THE TABLE?

5 A ON THE TABLE. WE TRY TO GET A ROUGH ESTIMATE BASED
6 ON THE TAPE MEASURE.

7 Q AND IN THIS PARTICULAR CASE, YOUR ESTIMATE AS TO THE
8 HEIGHT OF MR. NATHANIEL CASEY WAS WHAT?

9 A RECORDED HERE AS 66-AND-A-HALF INCHES.

10 Q WHICH WOULD BE 5 FEET 6-AND-A-HALF INCHES?

11 A SOMETHING LIKE THAT, YES.

12 Q OKAY. NOW, AS I UNDERSTAND YOUR TESTIMONY, AND I WAS
13 TRYING TO WATCH YOU, YOU GOT AN ENTRANCE
14 APPROXIMATELY HERE?

15 A RIGHT.

16 Q AND AN EXIT APPROXIMATELY...

17 A RIGHT, SOMEWHERE RIGHT ABOUT THERE.

18 Q ABOUT THERE?

19 A UH-HUH.

20 Q OKAY. AND BULLETS CAN DO SOME FUNNY THINGS WHEN THEY
21 HIT BONES IN GENERAL --

22 A EXACTLY.

23 Q -- AND HIT THE HEAD IN GENERAL, RIGHT?

24 A CORRECT.

25 Q THEY BOUNCE AROUND AND SPIN AND EVERYTHING. IN THIS

- 1 PARTICULAR CASE, YOU WERE ABLE TO DETERMINE THAT THE
2 BULLET IN THIS MATTER TRAVELED A FAIRLY STRAIGHT
3 PATH; IS THAT CORRECT?
- 4 A FROM WHAT YOU COULD TELL, THERE WAS EXTENSIVE
5 DAMAGE --
- 6 Q RIGHT.
- 7 A -- CAUSED BY THE BULLET.
- 8 Q YOU DIDN'T SEE EVIDENCE TO OTHER AREAS OF THE SKULL
9 THAT IT HAD RICOCHETTED AROUND IN THE SKULL OR
10 ANYTHING LIKE THAT?
- 11 A I MEAN, THERE WAS EXTENSIVE BONE FRAGMENTATION, BUT
12 YOU COULD DRAW PRETTY MUCH A PROBE LINE FROM ONE
13 POINT TO THE OTHER.
- 14 Q AND BONE FRAGMENTATION, I TAKE IT, WAS ASSOCIATED
15 WITH BONES IN THE AREA OF THE ENTRANCE?
- 16 A RIGHT, AND UP PAST -- BEHIND THE EYE.
- 17 Q AND YOU INDICATED WHEN YOU LOOKED AT THE WOUND, THE
18 ENTRANCE WOUND, THAT IT WAS ROUND, MAYBE A LITTLE
19 OVAL IN NATURE?
- 20 A UH-HUH, YES.
- 21 Q AND WHAT CONCLUSIONS DID YOU INDICATE YOU COULD DRAW
22 FROM THAT?
- 23 A CONCLUSIONS IN WHAT REGARD? I MEAN, THAT WAS THE
24 ENTRANCE WOUND BECAUSE IT WAS SMOOTH.
- 25 Q LET ME ASK IT A DIFFERENT WAY: DID THE ENTRANCE

- 1 WOUND EXHIBIT EVIDENCE OF AN ABRASION COLLAR?
- 2 A NO.
- 3 Q OKAY. WHAT'S AN ABRASION COLLAR?
- 4 A AN ABRASION COLLAR IS THE AREA OF BRUISING OR SKIN
- 5 STIPPLING RIGHT AROUND THE HOLE.
- 6 Q OKAY.
- 7 A THE PENETRATION HOLE.
- 8 Q DO YOU KNOW WHAT THE SIGNIFICANCE OF A PENETRATION
- 9 COLLAR IS?
- 10 A IT WOULD SUGGEST CLOSER UP PENETRATION.
- 11 Q ISN'T IT TRUE THAT THE SHAPE OF AN ENTRANCE WOUND CAN
- 12 GIVE YOU -- CAN AID IN DETERMINING A DIRECTION FROM
- 13 WHICH -- IN SOME CASES, CAN DETERMINE A DIRECTION IN
- 14 WHICH A ROUND ENTERS THE SKIN?
- 15 A IT CAN. I THINK ONE OF THE PROBLEMS WITH -- FOR
- 16 EXAMPLE, WITH A FACE WITH A LOT OF FAT, YOU KNOW,
- 17 ESPECIALLY IN THE CHEEK AREA, THE SKIN IS NOT TAUT.
- 18 YOU COULD POTENTIALLY GET SOME FLEXIBILITY THERE.
- 19 Q OKAY. YOU MENTIONED THE TERMS POWDER BURNS AND
- 20 STIPPLING?
- 21 A YES.
- 22 Q ARE THOSE ONE IN THE SAME OR ARE THOSE SEPARATE
- 23 TERMS?
- 24 A THE STIPPLING WOULD BE A PHYSICAL DESCRIPTION OF IT.
- 25 Q OKAY. AND CAN YOU TELL US HOW A PERSON 6'9" SHOOTING

1 AT SOMEONE WHO IS 5'6"-AND-A-HALF INCHES TALL
2 INFLECTS A WOUND WHICH TRAVELS FROM THE BOTTOM TO
3 TOP?

4 A I GUESS YOU -- AT THAT POINT, YOU WOULD HAVE TO SAY
5 IS IT A DIRECT SHOT VERSUS WAS THE PERSON POSITIONED
6 IN A DIFFERENT WAY. THAT WOULD ALLOW EITHER A SHOT
7 FROM BELOW VERSUS WHETHER THE PERSON'S HEAD WAS
8 POTENTIALLY BENT BACK IN SOME WAY THAT WOULD ALLOW
9 THAT.

10 Mr. Strickler: YES, MA'AM. THANK YOU VERY
11 MUCH.

12 REDIRECT EXAMINATION:

13 BY Ms. Campbell

14 Q JUST TO FOLLOW UP WITH THAT ONE SECOND, DOCTOR, YOU
15 SAID THAT IF A PERSON'S HEAD WAS POTENTIALLY BENT
16 BACK, SAY IF A PERSON SAW SOMEONE PULLING A GUN BACK
17 AND RAISED THEIR HEAD BACK LIKE THAT, A DEFENSIVE
18 MOVE, WOULD THAT BE CONSISTENT WITH THE WOUND IN THIS
19 CASE?

20 A YES. THAT ANGLE WOULD INDICATE THAT POSSIBILITY.

21 Ms. Campbell: THANK YOU. I DON'T HAVE ANYTHING
22 FURTHER.

23 Mr. Strickler: NO, SIR.

24 Ms. Campbell: YOUR HONOR, MAY SHE BE EXCUSED?

25 Mr. Strickler: CERTAINLY.

1 THE COURT: DOCTOR, YOU CAN BE EXCUSED WITHOUT
2 OBJECTION.

3 Ms. Campbell: MAY IT PLEASE THE COURT.

4 THE COURT: YES. CALL YOUR NEXT WITNESS.

5 Ms. Campbell: THE STATE CALLS BRETT TRIMBLE.

6 BRETT TRIMBLE, AFTER BEING DULY SWORN, TESTIFIED
7 AS FOLLOWS:

8 THE CLERK: PLEASE HAVE A SEAT, SIR. STATE YOUR
9 FULL NAME FOR THE RECORD AND SPELL YOUR LAST.

10 DIRECT EXAMINATION:

11 BY Ms. Campbell

12 Q MR. TRIMBLE, WHERE ARE YOU EMPLOYED?

13 A SPRINT COMMUNICATIONS COMPANY.

14 Q SPRINT COMMUNICATIONS?

15 A YES.

16 Q IN WHAT CITY DO YOU WORK?

17 A OVERLAND PARK, KANSAS.

18 Q KANSAS?

19 A UH-HUH.

20 Q AND AT SPRINT COMMUNICATIONS CENTER, WHAT DO YOUR
21 DUTIES INVOLVE?

22 A I'M A SECURITY ANALYST, CUSTODIAN OF RECORD. WE
23 MAINTAIN THE RECORDS PRODUCED BY SPRINT.

24 Q AND PURSUANT TO SEVERAL SUBPOENAS, DID YOU BRING SOME
25 RECORDS HERE TODAY?

1 A YES, WE DID.

2 Q AND ARE THESE RECORDS THAT WERE ORIGINALLY SUBPOENAED
3 BY THE SHERIFF'S DEPARTMENT, I BELIEVE, THE RICHLAND
4 COUNTY SHERIFF'S DEPARTMENT?

5 A YES.

6 Q AND THEY BELONG TO -- CERTAIN INFORMATION AS FAR AS
7 CELL SITES, AS WELL AS SUBSCRIBER INFORMATION, AND
8 SOME PHONE RECORDS?

9 A CORRECT.

10 Q WERE THESE RECORDS KEPT IN THE NORMAL COURSE OF
11 BUSINESS?

12 A YES.

13 Q HAVE THEY BEEN ALTERED OR CHANGED IN ANY WAY?

14 A NO.

15 Mr. Strickler: IT'S WITHOUT OBJECTION.

16 THE COURT: WITHOUT OBJECTION.

17 (WHEREUPON, STATE'S EXHIBIT NO. 119 WAS MARKED
18 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

19 BY Ms. Campbell

20 Q I KNOW THESE RECORDS INCLUDE SUBSCRIBER INFORMATION,
21 PHONE RECORDS WITH A CERTAIN PHONE NUMBER, AS WELL AS
22 CELL SITE INFORMATION?

23 A THAT'S CORRECT.

24 Q AND WHAT DO THE CELL SITES INDICATE, SIR?

25 A THE CELL SITE INDICATES THE GENERAL AREA, ZERO TO

1 THREE MILES, OF WHERE A CALL IS BEING MADE OR
2 RECEIVED.

3 Q OKAY. SO EXPLAIN THAT TO ME. IF I'M USING MY
4 CELLPHONE, WHICH IS MY PORTABLE PHONE, RIGHT, THAT'S
5 WHAT I CALL IT.

6 A THAT'S CORRECT.

7 Q MY PORTABLE PHONE, WHEN I'M USING IT, IF I USE IT,
8 SAY IN KANSAS CITY, IS IT GOING TO HIT ON A DIFFERENT
9 CELL SITE FROM WHEN I USE IT IN COLUMBIA?

10 A THAT'S CORRECT.

11 Q AND SPECIFICALLY IN THESE DOCUMENTS, YOU CAN TELL
12 WHERE A PERSON WAS, LIKE YOU SAID, WITHIN A
13 THREE-MILE RADIUS?

14 A YES, ZERO TO THREE MILES.

15 Q ACCORDING TO THE CELL SITE OF WHERE THEY WERE USING
16 IT?

17 A THAT'S CORRECT.

18 Q AND THESE WERE ORIGINALLY -- I BELIEVE THE COVER
19 SHEET SAYS ON NOVEMBER 26 OF '01 --

20 A YES.

21 Q -- PROVIDED TO THE SHERIFF'S DEPARTMENT?

22 A YES.

23 Ms. Campbell: THANK YOU, SIR. I HAVE NOTHING
24 FURTHER.

25 THE COURT: ANYTHING FURTHER?

1 Mr. Strickler: NO QUESTIONS.

2 THE COURT: THANK YOU VERY MUCH, MR. TRIMBLE.

3 YOU CAN COME DOWN.

4 THE WITNESS: YES, SIR.

5 THE COURT: CAN MR. TRIMBLE BE EXCUSED?

6 Mr. Strickler: THAT'S WITHOUT OBJECTION.

7 Mr. Lake: THE STATE WOULD CALL ALLISON HOWELL.

8 THE COURT: WHAT WAS THE NAME?

9 Mr. Lake: ALLISON HOWELL. SHE WAS FORMERLY
10 NYE.

11 THE COURT: I'M SORRY?

12 Mr. Lake: ALLISON HOWELL. SHE WAS FORMERLY

13 NYE.

14 THE COURT: ALL RIGHT.

15 Mr. Strickler: YOUR HONOR, WHILE WE'RE WAITING,
16 MAY WE APPROACH?

17 THE COURT: CERTAINLY.

18 STRETCH IF YOU NEED TO.

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

22 THE BAILIFF: PLACE YOUR LEFT HAND ON THE BIBLE,
23 RAISE YOUR RIGHT HAND, FACE THE CLERK.

24 ALLISON HOWELL, AFTER BEING DULY SWORN,
25 TESTIFIED AS FOLLOWS:

1 THE CLERK: PLEASE HAVE A SEAT UP HERE, MA'AM.
2 STATE YOUR FULL NAME FOR THE RECORD.

3 THE WITNESS: MY FULL NAME IS ALLISON LESLIE
4 HOWELL.

5 DIRECT EXAMINATION:

6 BY Mr. Lake

7 Q GOOD MORNING, MS. HOWELL. HOW ARE YOU DOING TODAY?

8 A FINE.

9 Q YOU WERE ORIGINALLY ALLISON NYE, CORRECT?

10 A YES, I WAS. I GOT MARRIED JUNE 7TH.

11 Q OF THIS YEAR?

12 A (NODS IN THE AFFIRMATIVE).

13 Q CAN YOU TELL US WHERE YOU CURRENTLY LIVE?

14 A I CURRENTLY LIVE IN CLOVER, SOUTH CAROLINA. I JUST
15 MOVED FROM CHARLOTTE, FROM WOODTHRUSH.

16 Q YOU LIVED -- WHAT WAS YOUR ADDRESS THERE AT
17 WOODTHRUSH?

18 A 6715 WOODTHRUSH DRIVE.

19 Q DO YOU KNOW THE DEFENDANT IN THIS PARTICULAR CASE?

20 A YES.

21 Q HOW DO YOU KNOW HIM?

22 A HE WAS MY NEIGHBOR.

23 Q AND WHEN YOU SAY THAT HE WAS YOUR NEIGHBOR, DID HE
24 LIVE IN THE SAME AREA, OR HOW CLOSE WAS HE TO YOU?

25 A HE LIVED IN THE NEXT HOUSE BESIDE ME TO THE RIGHT.

1 Q AND IN THIS PARTICULAR NEIGHBORHOOD WHERE YOU -- WHAT
2 PART OF THE NEIGHBORHOOD ARE YOU IN?

3 A I'M IN A CUL-DE-SAC.

4 Q SO YOU'RE ACTUALLY IN A CUL-DE-SAC RIGHT BESIDE EACH
5 OTHER?

6 A YEAH.

7 Q AND HOW LONG WOULD YOU SAY THAT YOU LIVED BESIDE THE
8 DEFENDANT IN THIS CASE?

9 A PROBABLY ABOUT A YEAR-AND-A-HALF.

10 Q WHO WAS IN THAT NEIGHBORHOOD FIRST?

11 A HE WAS.

12 Q HE WAS THERE BEFORE YOU?

13 A YES. HE LIVED THERE BEFORE I MOVED THERE.

14 Q AND WHEN DID YOU MOVE THERE?

15 A I MOVED THERE IN, I WOULD SAY MAY OF 2001 -- 2000,
16 MAY OF 2000.

17 Q MAY OF 2000?

18 A YEAH.

19 Q AND WERE YOU LIVING AT YOUR ADDRESS BY YOURSELF?

20 A ME AND MY FOUR CHILDREN.

21 Q OKAY. AND YOU INDICATED YOU LIVED BESIDE HIM FOR
22 ABOUT A YEAR-AND-A-HALF?

23 A UH-HUH.

24 Q AT ANY TIME DURING THAT OPPORTUNITY -- DID YOU HAVE
25 AN OPPORTUNITY TO VIEW THE TYPE OF VEHICLES THAT WERE

1 IN THAT PARTICULAR YARD?

2 A YES.

3 Q WOULD YOU EXPLAIN TO THE JURY, OR TELL THE JURY, WHAT
4 VEHICLES WERE IN THAT YARD?

5 A THERE WERE -- THERE WAS LIKE A BURGUNDY COLORED LAND
6 ROVER OR RANGE ROVER THAT I SAW HIM DRIVE A LOT, AND
7 THEN THERE WAS ALSO A BLACK VEHICLE, THE SAME KIND OF
8 TYPE BUT MAYBE A THICKER BODY STYLE. IT WASN'T A
9 FORD OR A CHEVROLET. IT WAS LIKE A LAND ROVER OR
10 RANGE ROVER OR SOMETHING TO THAT EFFECT.

11 Q AND WHO DO YOU RECALL DRIVING THAT PARTICULAR
12 VEHICLE?

13 A HIS FATHER AND HIM, I RECALL, DRIVING EITHER ONE OF
14 THE VEHICLES.

15 Q OKAY. WERE THERE ANY OTHER TYPE OF VEHICLES IN THE
16 YARD?

17 A YEAH, THERE WAS A STATION WAGON THERE.

18 Q WHERE EXACTLY WAS THAT STATION WAGON?

19 A WELL, AT FIRST IT WAS PARKED TO THE RIGHT OF THE
20 DRIVEWAY BECAUSE WHEN THEY GOT IT, THERE WAS
21 SOMETHING WRONG WITH THE TIRES ON THE VEHICLE. SO IT
22 WASN'T DRIVEN RIGHT AT FIRST WHEN THEY GOT IT.

23 Q HOW LONG WOULD YOU SAY THAT IT WAS DISABLED OR PARKED
24 BESIDE THE YARD?

25 A FOR A WHILE. I WOULD SAY AT LEAST, AT LEAST, MAYBE

1 ABOUT A MONTH-AND-A-HALF, TWO MONTHS, MAYBE.

2 Q OKAY. AT ANY POINT, DID YOU EVER SEE ANYONE DRIVING
3 THAT PARTICULAR STATION WAGON?

4 A YEAH, I SAW HIM DRIVE IT.

5 Q AND WHO WOULD "HIM" BE?

6 A IS IT THE DEFENDANT?

7 Q MR. CROCKER?

8 A YES.

9 Q THAT WOULD BE YOUR NEIGHBOR, CORRECT?

10 A YES, MY NEIGHBOR.

11 Q SO AT THAT POINT, HE HAD ACTUALLY GOTTEN THE VEHICLE
12 FIXED?

13 A YEAH, THEY HAD GOTTEN IT FIXED.

14 Q AND I'M SORRY, WHAT DID YOU SAY THE PROBLEM WAS WITH
15 THAT VEHICLE?

16 A THE TIRES WERE FLAT ON IT.

17 Q OKAY. AND DID YOU HAVE AN OPPORTUNITY WITHIN THAT
18 YEAR-AND-A-HALF TO OBSERVE THE OTHER VEHICLES IN THAT
19 CAR OR TO SEE --

20 A THERE WERE ALWAYS A LOT OF VEHICLES COMING IN AND OUT
21 OF THE HOME. THEY HAD VISITORS, BECAUSE THE ONLY
22 VEHICLES THAT WERE THERE ON THE MAIN STREAM OF TIME
23 WERE THE BURGUNDY VEHICLE AND THE BLACK VEHICLE.

24 Q AND YOU SAID THE --

25 A AND THE STATION WAGON, OF COURSE.

1 Q AND YOU SAID THAT YOU SAW THAT BURGUNDY VEHICLE WHICH
2 YOU THOUGHT WAS A LAND ROVER OR A RANGE ROVER ON A
3 NUMBER OF OCCASIONS?

4 A YES.

5 Q WHAT, IF ANYTHING, DO YOU REMEMBER ABOUT THE TAGS
6 THAT WERE ON THAT VEHICLE?

7 A I REMEMBER IT HAVING GEORGIA TAGS AT ONE TIME. I
8 REMEMBER THE BLACK VEHICLE HAVING GEORGIA TAGS AT ONE
9 TIME.

10 IT ALMOST SEEMED LIKE THEY WOULD SWITCH THEM
11 OUT. I NOTICED THE TAGS BECAUSE THE AMOUNT OF CARS
12 THAT WERE OVER THERE ALL THE TIME WERE FROM DIFFERENT
13 AREAS.

14 IT WAS HARD NOT TO SEE THEM BECAUSE MY
15 DRIVEWAY -- THE CARS WOULD BE PARKED LIKE RIGHT
16 BEFORE MY DRIVEWAY AND BACK BEHIND HIS DRIVEWAY, SO
17 IT'S SOMETHING I NOTICED ALL THE TIME.

18 Q AND YOU SAID THAT -- AND YOU KNEW HIM TO BE LIVING IN
19 CHARLOTTE AT THAT TIME, CORRECT?

20 A YES, HE WAS THERE.

21 Q BUT THE VEHICLE THAT HE WAS DRIVING, THAT RANGE
22 ROVER, HAD GEORGIA TAGS ON IT?

23 A GEORGIA TAGS, YES.

24 Q AND YOU INDICATED YOU SAW HIS FATHER THERE?

25 A YES.

- 1 Q HOW OFTEN DID YOU SEE HIS FATHER THERE?
- 2 A QUITE A BIT. HE DIDN'T LIVE THERE, BUT HE WAS THERE
- 3 VISITING QUITE A BIT.
- 4 Q AND WHEN YOU SAY QUITE A BIT, HOW OFTEN WOULD YOU SAY
- 5 QUITE A BIT IS?
- 6 A I GUESS I WOULD SEE HIM -- I MEAN, HE MAY GO -- I MAY
- 7 HAVE WENT MAYBE A WEEK WITHOUT SEEING HIM, OR I DON'T
- 8 KNOW WHAT KIND OF TIMEFRAME, YOU KNOW, YOU'RE TALKING
- 9 ABOUT, BUT HE WAS THERE. I KNOW HE DIDN'T LIVE
- 10 THERE, BUT HE WAS THERE A LOT.
- 11 Q WHAT DID HIS FATHER LOOK LIKE? WHAT DO YOU REMEMBER
- 12 ABOUT HIS FATHER?
- 13 A I REMEMBER HIS FATHER BEING, YOU KNOW, A BLACK MAN
- 14 WITH SHORT BLACK HAIR. HE LIMPED AND HE HAD A
- 15 GRAYISH -- LIKE HIS FACIAL HAIR, BEARD.
- 16 Q HE HAD A BEARD WITH GRAY HAIR IN IT?
- 17 A YEAH.
- 18 Q YOU SAID HE HAD SHORT HAIR?
- 19 A YEAH. IT SEEMED LIKE HE WORE GLASSES FROM TIME TO
- 20 TIME WHEN I SAW HIM.
- 21 Q AND YOU SAID THE COMPLEXION OF HIS SKIN, IS IT DARK
- 22 SKINNED OR LIGHT SKINNED?
- 23 A I THOUGHT HE WAS A DARKER SKINNED, DARKER SKINNED
- 24 MAN. HE ALWAYS DRESSED YOUNGER THAN HE WAS. YOU
- 25 KNOW, I WOULD SEE HIM IN SPORTS CLOTHES OR WARM UP

1 SUITS.

2 Q WAS HE WEARING A LOT OF JUMPSUITS A LOT OF TIMES?

3 A YEAH.

4 Q YOU SAID HE WAS AN OLDER GENTLEMAN WHO WOULD DRESS
5 YOUNGER?

6 A YES. HE WAS OLDER AND WOULD DRESS YOUNGER THAN HE
7 WAS, A VERY CLEAN MAN.

8 Mr. Lake: OKAY. BEG THE COURT'S INDULGENCE.

9 (PAUSE).

10 NO FURTHER QUESTIONS.

11 Mr. Strickler: MAY IT PLEASE THE COURT, YOUR
12 HONOR.

13 THE COURT: YES, MA'AM -- SIR.

14 CROSS-EXAMINATION:

15 BY Mr. Strickler

16 Q GOOD MORNING, MS. HOWELL.

17 A GOOD MORNING.

18 Q I BELIEVE YOU TESTIFIED THAT YOU LIVED -- THIS IS THE
19 HOUSE NEXT DOOR TO MR. CROCKER'S RESIDENCE?

20 A YES.

21 Q YOU LIVED THERE FOR WHAT, ABOUT A YEAR-AND-A-HALF?

22 A I WAS THERE ABOUT A YEAR-AND-A-HALF UNTIL HE WAS
23 ARRESTED, YES.

24 Q OKAY. AND YOU HAVE FOUR CHILDREN?

25 A YES, SIR.

- 1 Q AND AT THAT POINT IN TIME, WERE YOU EMPLOYED?
- 2 A I WAS BUT I HAD THE -- I HAD THANKSGIVING WEEKEND
- 3 OFF, THE WEEK OF THE HOLIDAY.
- 4 Q YES, MA'AM. WHERE WERE YOU WORKING?
- 5 A I WAS SELF-EMPLOYED. I HAD A CLEANING COMPANY.
- 6 Q I'M SORRY?
- 7 A I HAD A CLEANING COMPANY, ALLISON'S CLEANING COMPANY.
- 8 Q AND THAT WAS YOUR EMPLOYMENT FOR THE FULL TIME THAT
- 9 YOU WERE IN THE HOUSE NEXT TO MR. CROCKER?
- 10 A YES, SIR.
- 11 Q AND HOW WAS BUSINESS THOSE DAYS?
- 12 A IT WAS GOOD. I CHOSE TO WORK FOR MYSELF SO, YOU
- 13 KNOW, I COULD BE AVAILABLE FOR MY CHILDREN WHEN THEY
- 14 NEEDED ME.
- 15 Q YOU HAD BUSINESS ON A REGULAR BASIS?
- 16 A YEAH.
- 17 Q YOU HAD A REGULAR SET OF CLIENTS THAT YOU DID THE
- 18 CLEANING FOR?
- 19 A YEAH.
- 20 Q OKAY. ARE THESE PRIVATE INDIVIDUALS, OR DID YOU DO
- 21 CLEANING FOR COMPANIES?
- 22 A BOTH.
- 23 Q BOTH?
- 24 A YEAH, COMMERCIAL, AND RESIDENTIAL, AND NEW
- 25 CONSTRUCTION.

- 1 Q DID YOU WORK BY YOURSELF, OR DID YOU HAVE EMPLOYEES
2 THAT WORKED WITH YOU?
- 3 A I WORKED MAINLY BY MYSELF, BUT I HAD FRIENDS THAT
4 WOULD, YOU KNOW, LIKE MY BEST FRIEND WOULD COME AND
5 HELP ME SOMETIMES.
- 6 Q OKAY. SO FROM TIME TO TIME, YOU ACTUALLY HAD PEOPLE
7 WORKING FOR YOU, RIGHT?
- 8 A YEAH.
- 9 Q AND YOUR CHILDREN -- YOU INDICATE YOU HAD FOUR KIDS.
10 HOW OLD ARE THEY NOW?
- 11 A WELL, I HAVE A 15-YEAR-OLD SON.
- 12 Q UH-HUH.
- 13 A I HAVE AN EIGHT-YEAR-OLD DAUGHTER, A SIX-YEAR-OLD
14 SON, AND A TWO-YEAR-OLD SON.
- 15 Q I'M SORRY, A TWO YEAR OLD?
- 16 A YES.
- 17 Q OKAY. AND THIS STATION WAGON THAT YOU INDICATE YOU
18 SAW PARKED AT PHIL'S HOUSE, YOU DON'T KNOW WHAT COLOR
19 IT WAS, DO YOU?
- 20 A IT WAS A BLUISH SILVER COLOR, BUT IT HAD A WOOD
21 GRAIN. THAT WAS THE MAIN THING I REMEMBER, THE WOOD
22 GRAIN ACROSS THE -- LIKE THE MIDDLE OF THE SIDE. IT
23 WAS DENTED UP. THAT'S WHAT I REMEMBER THE MOST ABOUT
24 IT WAS THE WOOD GRAIN WITH THE DENT.
- 25 Q BLUISH SILVER?

- 1 A YES.
- 2 Q DO YOU REMEMBER GIVING A STATEMENT TO THE POLICE IN
- 3 THIS MATTER --
- 4 A YEAH, SAME WOOD GRAIN.
- 5 Q -- ON DECEMBER 12TH --
- 6 A YES.
- 7 Q -- OF 2001?
- 8 A YES.
- 9 Q HAVE YOU HAD AN OPPORTUNITY TO REVIEW THAT STATEMENT
- 10 PRIOR TO TODAY?
- 11 A YES, I HAVE.
- 12 Q OKAY. WOULD YOU AGREE WITH ME THAT IN YOUR
- 13 STATEMENT, YOU INDICATE IT WAS DENTED UP. "I CAN'T
- 14 REMEMBER THE COLOR?"
- 15 A YES.
- 16 Q "OTHER THAN THE WOOD GRAIN?"
- 17 A YES.
- 18 Q SO ON DECEMBER 12TH, 2001, YOU COULD NOT REMEMBER THE
- 19 COLOR OF THE CAR, CORRECT?
- 20 A I WASN'T FOR SURE IF IT WAS BLUE OR SILVER, SO I
- 21 DECIDED FOR MYSELF NOT TO PUT THAT IN THERE.
- 22 Q YOU WEREN'T SURE?
- 23 A THE MOST DOMINANT WAS THE WOOD GRAIN.
- 24 Q AND NOW --
- 25 A I KNOW IT WASN'T WHITE.

1 Q SOME TWO YEARS AFTER THE FACT, YOU ARE SURE THAT IT
2 WAS --

3 A NO. I STILL STAND WITH BLUISH OR SILVER COLOR. THE
4 MAIN DOMINANT THING IS THE WOOD GRAIN ON THE SIDE.
5 THEY HAD NICE VEHICLES. THERE WAS NO REASON FOR
6 THIS -- THIS WAS A CHEAP VEHICLE TO BE IN THEIR
7 DRIVEWAY.

8 Q NOW, WHEN DID YOU FIRST NOTICE THIS VEHICLE PARKED --
9 WAS IT IN THEIR DRIVEWAY OR TO THE SIDE OF THEIR
10 DRIVEWAY?

11 A IT WAS IN THE DRIVEWAY PARKED TO THE RIGHT. THEY
12 HAVE A DRIVEWAY WHERE YOU COULD FIT TWO CARS BESIDE
13 EACH OTHER.

14 Q UH-HUH.

15 A IT WAS ALWAYS -- WHEN THEY FIRST GOT IT, TO THE
16 RIGHT, PARKED TO THE RIGHT, OUT OF THE WAY.

17 Q AS YOU FACED THE HOUSE, IT WOULD BE ON THE RIGHT-HAND
18 SIDE OF THE DRIVEWAY?

19 A YES, SIR.

20 Q OKAY. AND WHEN DID YOU FIRST NOTICE THE CAR THERE?

21 A PROBABLY ABOUT -- I'D SAY THREE OR FOUR MONTHS BEFORE
22 THAT THANKSGIVING HOLIDAY.

23 Q ON HOW MANY OCCASIONS IN THIS YEAR-AND-A-HALF DID YOU
24 SPEAK WITH PHIL?

25 A NOT VERY MUCH, PROBABLY TWO OR THREE OCCASIONS.

1 Q AND ON HOW MANY OCCASIONS DURING THIS PERIOD OF TIME
2 DID YOU SPEAK WITH HIS FATHER?

3 A I NEVER REALLY HAD A CONVERSATION WITH HIS FATHER.
4 IT WAS JUST "HELLO" AND "HOW ARE YOU".

5 Q YOU INDICATE THAT YOU SAW HIM THERE QUITE A BIT, HIS
6 FATHER THERE QUITE A BIT --

7 A YES.

8 Q -- BUT THAT HE DIDN'T LIVE THERE?

9 A NOT TO MY KNOWLEDGE, HE DIDN'T LIVE THERE.

10 Q NOT TO YOUR KNOWLEDGE, HE DIDN'T LIVE THERE?

11 A HE HAD A HOUSE AT THE BEACH.

12 Q HOW OFTEN IS QUITE A BIT?

13 A WHAT DO YOU WANT, LIKE A TIME SPAN OF HOW MANY DAYS
14 WITHIN A MONTH?

15 Q DID YOU SEE HIM ON A DAILY BASIS THERE, ONCE A WEEK?

16 A WELL, IT DEPENDS. IF HE WAS THERE A WEEK, I WOULD
17 SEE HIM IN AND OUT. THERE WERE TIMES HE WOULD COME
18 AND STAY FOR UP TO TWO WEEKS.

19 Q OKAY. SO YOUR BELIEF WAS THAT WHEN HE WOULD BE
20 THERE, IF HE DIDN'T LIVE THERE, HE WOULD BE THERE
21 LIVING THERE FOR A PERIOD OF TIME AND THEN LEAVE?

22 A HE WOULD COME AND VISIT FOR A PERIOD OF TIME. I KNOW
23 HE DIDN'T LIVE THERE, BECAUSE WHEN THE FATHER WASN'T
24 AROUND, THERE WERE MORE VEHICLES, AND THERE WERE MORE
25 PARTIES AND VISITORS, I WOULD SAY. WHEN THE FATHER

1 CAME AROUND, ALL OF THAT WOULD STOP.

2 Q WHAT HOURS -- WERE YOU HOME WHEN YOU WORKED ON A
3 REGULARLY SCHEDULED -- 'I TAKE IT YOU DIDN'T --

4 A I MADE MY OWN SCHEDULE. YOU KNOW, SOME DAYS I WOULD
5 GET UP IN THE MORNING AND GO AND TAKE CARE OF MY
6 WORK. LIKE NEW CONSTRUCTION I WOULD SCHEDULE AT
7 NIGHT SOMETIMES WHEN MY MOTHER COULD WATCH MY
8 CHILDREN BECAUSE NEW CONSTRUCTION WOULD TAKE A LONG
9 TIME. I DIDN'T DO AS MUCH NEW CONSTRUCTION AS I DID
10 COMMERCIAL AND RESIDENTIAL.

11 Q AND WHEN WAS IT THAT YOU BROUGHT TO THE ATTENTION OF
12 THE POLICE THE COLOR OF THE STATION WAGON YOU SAW?

13 A I TOLD THEM THE DAY THEY QUESTIONED ME THE FIRST TIME
14 THAT I THOUGHT IT TO BE EITHER A BLUE OR A LIGHT
15 SILVER, BUT I DECIDED NOT TO PUT THAT INTO MY
16 STATEMENT BECAUSE I WASN'T SURE. THE MOST DOMINATE
17 THING I SAY, ONCE AGAIN, WAS THE WOOD GRAIN AND THE
18 DENTS IN THE VEHICLE.

19 Q AND WHEN DID YOU TELL THE POLICE ABOUT THE GEORGIA
20 TAGS ON THE RANGE ROVER, LAND ROVER, WHATEVER?

21 A I DIDN'T TELL THEM ANYTHING ABOUT THE TAGS ON THE
22 FIRST DAY I WAS QUESTIONED.

23 Q OKAY.

24 A IT WOULD BE MY NEXT VISIT.

25 Q YOU TOLD THEM THE SECOND TIME?

- 1 A YEAH.
- 2 Q AND THIS WAS WHAT, A BURGUNDY RANGE ROVER?
- 3 A OR A LAND ROVER.
- 4 Q LAND ROVER, RANGE ROVER. WHEN WAS IT THAT YOU SAW
- 5 THESE IN YOUR DRIVEWAY, HIS FATHER AT HIS HOUSE,
- 6 PLEASE?
- 7 A OFF AND ON, IT WOULD BE THE BURGUNDY OR THE BLACK
- 8 VEHICLE. IT SEEMED LIKE THEY WERE SWITCHING THEM OUT
- 9 BECAUSE -- THE REASON I REMEMBER IS BECAUSE HE WASN'T
- 10 FROM GEORGIA. HE LIVED THERE.
- 11 Q SURE. YOU'RE HIS NEXT DOOR NEIGHBOR, WERE HIS NEXT
- 12 DOOR NEIGHBOR, CORRECT?
- 13 A CORRECT.
- 14 Q OKAY. AND THE RANGE ROVER, LAND ROVER, THE BURGUNDY
- 15 CAR --
- 16 A UH-HUH.
- 17 Q -- OKAY, WOULD BE PARKED IN THE DRIVEWAY?
- 18 A OR ON THE STREET. THEY DON'T HAVE CERTAIN PARKING
- 19 PLACES.
- 20 Q OKAY. SO I TAKE IT YOU WOULD LEAVE YOUR HOUSE. YOU
- 21 WALKED NEXT DOOR, TAKE A LOOK AT THE TAGS ON THE CAR,
- 22 WALK BACK TO YOUR HOUSE?
- 23 A NO, SIR.
- 24 Q YOU WOULD LEAVE YOUR HOUSE, WALK NEXT DOOR, CHECK THE
- 25 TAGS ON THE CAR ON THE STREET, BACK TO YOUR HOUSE?

1 A DO YOU WANT ME TO ANSWER YOU, OR DO YOU WANT TO KEEP
2 GOING?

3 Q NO. THAT WAS THE SECOND QUESTION, I BELIEVE.

4 A OKAY. I'M NOT -- WELL, I DIDN'T KNOW WHAT YOU WERE
5 DOING.

6 NO. I WOULDN'T WALK NEXT DOOR JUST TO LOOK AT
7 THE TAGS. THE TAGS WERE VERY -- YOU KNOW, I PAID
8 ATTENTION TO THE TAGS BECAUSE OF THE AMOUNT OF
9 VEHICLES THAT WERE ALWAYS OVER THERE.

10 I PAID ATTENTION TO HIS VEHICLE BECAUSE I LIKED
11 HIS VEHICLE, AND I AM JUST ONE OF THOSE TAG PEOPLE
12 THAT LOOK AT TAGS. I AM ON THE HIGHWAY A LOT, AND I
13 PAY ATTENTION TO THE TAGS.

14 THERE'S -- I DON'T KNOW IF YOU DO BUT THEY HAVE
15 NEW DESIGNS AND PEOPLE HAVE THEIR NAMES PUT ON THEM.
16 JUST, I NEVER WALKED OUT OF MY HOUSE OVER TO THEIR
17 DRIVEWAY TO LOOK AT THEIR TAGS. YOU COULD SEE THEM.
18 WHEN I WOULD COME TO MY DRIVEWAY, I HAD TO PASS THEIR
19 HOUSE.

20 Q YOU INDICATE THAT YOU BELIEVE THIS PERSON THAT YOU
21 KNEW TO BE PHIL'S FATHER WALKED WITH A LIMP?

22 A YEAH, HE HAD A LIMP. I DON'T KNOW IF HE HURT HIMSELF
23 OR WHAT. I CONTRIBUTED IT TO HIS AGE, PROBABLY, IS
24 WHAT I ALWAYS THOUGHT.

25 Q DID YOU NOTICE ANYTHING OTHER -- DISTINCTIVE ABOUT

1 THE TAGS IN THE CAR THAT YOU ASSOCIATED WITH HIS
2 FATHER AS OPPOSED TO THE ONE THAT YOU ASSOCIATED WITH
3 PHIL?

4 A NO. JUST THAT SOMETIMES IT WOULD HAVE NORTH CAROLINA
5 TAGS AND SOMETIMES IT HAD GEORGIA TAGS. I'VE SEEN
6 WEST VIRGINIA TAGS. I'VE SEEN NEW YORK TAGS OVER
7 THERE. I'VE SEEN A LOT OF TAGS OVER THERE.

8 Q YOU HAVE SEEN -- NOW YOU'RE TELLING US YOU HAVE SEEN
9 WEST VIRGINIA TAGS ON THE CAR AND NEW YORK TAGS?

10 A NO, NO, NO.

11 Q ALL RIGHT.

12 A NO. THAT'S NOT WHAT I'M SAYING. THE ONLY TAGS THAT
13 I'VE EVER SEEN ON THE BURGUNDY AND THE BLACK CAR WERE
14 EITHER NORTH CAROLINA TAGS OR GEORGIA TAGS.

15 Q YES, MA'AM.

16 A I'M TALKING ABOUT VISITOR'S CARS.

17 Q OTHERS.

18 A WHEN I SAY WEST VIRGINIA OR NEW YORK TAGS, I'M
19 TALKING ABOUT VISITOR'S CARS. THEY WEREN'T CARS THAT
20 WERE NORMALLY THERE. I WOULD CALL THEM VISITORS.
21 THEY WERE CARS. THEY WERE NOT THIS LAND ROVER, RANGE
22 ROVER TYPE STUFF.

23 Q AND WHILE YOU WERE MAKING THESE OBSERVATIONS, YOU
24 WERE WORKING, RIGHT?

25 A WHAT DO YOU MEAN? I CAN'T BE WORKING AND SEEING THAT

1 GOING ON. I DON'T KNOW IF YOU'RE TRYING TO BE TRICKY
2 OR WHAT. I'M JUST SAYING WHEN I WOULD COME HOME FROM
3 WORK OR HOME FROM THE GROCERY STORE OR HOME FROM
4 ANYWHERE OR WHEN I WAS LEAVING MY HOME TO GO
5 SOMEWHERE, THAT'S WHEN I WOULD NOTICE THESE THINGS,
6 YES.

7 Q IT WASN'T WHILE YOU WERE WORKING. IT WASN'T WHILE
8 YOU WERE CARING FOR YOUR CHILDREN, RIGHT?

9 A WELL, IF I'M IN MY HOUSE CARING FOR MY CHILDREN, I'M
10 WORKING. I'M NOT, YOU KNOW, SEEING THAT STUFF GOING
11 ON.

12 Q YES, MA'AM.

13 A WHEN I'M LEAVING AND COMING TO MY HOME, OR IF I'M OUT
14 IN THE YARD WITH THE KIDS, WHICH ALL THE KIDS IN THE
15 NEIGHBORHOOD PLAY IN THE ROAD A LOT, AND WE WALK UP
16 AND DOWN THE ROAD -- SO WE WALK UP AND DOWN THE ROAD.
17 I WOULD NOTICE THESE THINGS WHEN I'M WALKING MY
18 CHILDREN UP AND DOWN THE ROAD, TOO.

19 Mr. Strickler: BEG THE COURT'S INDULGENCE.

20 (PAUSE).

21 THANK YOU VERY MUCH. THAT'S ALL I HAVE.

22 Mr. Lake: NOTHING FROM THE STATE, YOUR HONOR.

23 THE COURT: THANK YOU.

24 Mr. Lake: I'D ASK THAT THIS WITNESS BE EXCUSED.

25 THE COURT: WITHOUT OBJECTION. YOU MAY BE

1 EXCUSED.

2 Mr. Lake: THANK YOU.

3 Ms. Campbell: THANK YOU, MA'AM.

4 THE STATE CALLS SCOTT MCDONALD.

5 SCOTT MCDONALD, AFTER BEING DULY SWORN,

6 TESTIFIED AS FOLLOWS:

7 THE CLERK: PLEASE HAVE A SEAT, SIR. STATE YOUR
8 FULL NAME FOR THE THE RECORD.

9 THE WITNESS: SCOTT MCDONALD.

10 DIRECT EXAMINATION:

11 BY Ms. Campbell

12 Q SERGEANT MCDONALD, WHERE ARE YOU EMPLOYED?

13 A WITH THE RICHLAND COUNTY SHERIFF'S DEPARTMENT HERE IN
14 COLUMBIA.

15 Q AND WHAT DO YOU DO THERE?

16 A I'M A SERGEANT IN MAJOR CRIMES, SPECIFICALLY WITH THE
17 ARMED ROBBERY DIVISION.

18 Q AND CAN YOU TELL THIS JURY AS PART OF YOUR DUTIES IN
19 MAJOR CRIMES WHAT ALL YOU DO?

20 A I SUPERVISE THE ASSIGNMENT AND INVESTIGATION OF ALL
21 ARMED ROBBERIES, CARJACKINGS, HOME INVASIONS, HERE IN
22 RICHLAND COUNTY, BOTH RESIDENTIAL AND INDIVIDUAL.

23 Q AND ARE PART OF YOUR DUTIES ALSO IN AN INVESTIGATIVE
24 CAPACITY?

25 A THAT'S CORRECT.

1 Q SO YOU AREN'T THE GUY -- IF I CALL 911, YOU AREN'T
2 THE GUY THAT'S GOING TO -- YOU AREN'T A LINE DEPUTY
3 THAT'S GOING TO RESPOND TO THAT?

4 A NO, MA'AM.

5 Q YOU'RE ONE OF THE INVESTIGATORS THAT ACTUALLY FOLLOWS
6 UP ON CERTAIN LEADS AND THINGS OF THAT NATURE?

7 A THAT'S CORRECT.

8 Q CAN YOU TELL THIS JURY A LITTLE BIT ABOUT YOUR
9 EDUCATION, YOUR EXPERIENCE, IN THE LAW ENFORCEMENT
10 FIELD?

11 A I GRADUATED FROM THE UNIVERSITY OF SOUTH CAROLINA IN
12 1986 WITH A DEGREE IN CRIMINAL JUSTICE. I'VE BEEN
13 EMPLOYED WITH THE SHERIFF'S DEPARTMENT SINCE MARCH OF
14 1988. SINCE 1994, I'VE BEEN AN INVESTIGATOR WITH THE
15 RICHLAND COUNTY SHERIFF'S DEPARTMENT FIRST AS A
16 BURGLARY INVESTIGATOR AND BURGLARY SERGEANT, AND MOST
17 RECENTLY, A SERGEANT IN MAJOR CRIMES, ARMED
18 ROBBERIES. I ATTENDED THE SOUTH CAROLINA CRIMINAL
19 JUSTICE ACADEMY, THEIR BASIC CERTIFICATION CLASS, AND
20 I'VE HAD SEVERAL OTHER CLASSES INVOLVING
21 INVESTIGATION, INTERROGATION, CRIME SCENE, THINGS
22 LIKE THAT.

23 Q AND SERGEANT, ARE YOU ONE OF THE PEOPLE THAT, SAY,
24 WHEN A HOMICIDE OCCURS, ARE YOU ONE OF THE PEOPLE
25 THAT MAY BE ASSIGNED TO INVESTIGATE?

1 A THAT'S CORRECT.

2 Q AND IN THIS CASE, I WANT TO TURN YOUR ATTENTION TO
3 THE SHOOTING ON NOVEMBER 21ST, 2001, AT THE LOWE'S
4 PARKING LOT ON TWO NOTCH ROAD, WERE YOU INVOLVED IN
5 THAT AS ONE OF THE INVESTIGATORS ON THAT CASE?

6 A YES, I WAS.

7 Q AND, IN FACT, ARE YOU ONE OF THE PRIMARY
8 INVESTIGATORS?

9 A YES, I WAS.

10 Q AND IT WOULD BE YOU AND LIEUTENANT SMITH WHO IS
11 SITTING RIGHT HERE --

12 A THAT'S CORRECT.

13 Q -- WERE THE TWO PRIMARY INVESTIGATORS IN THE CASE?

14 A THAT'S CORRECT.

15 Q TELL THIS JURY HOW YOU INITIALLY BECAME INVOLVED IN
16 THE INVESTIGATION AT THE LOWE'S?

17 A I WAS WORKING ON EVENING SHIFT THAT DAY. I WAS THE
18 EVENING SHIFT SUPERVISOR, MAJOR CRIMES ON CALL IS
19 WHAT WE CALL IT.

20 BASICALLY, AS THE EVENING SHIFT INVESTIGATOR, IF
21 THERE IS A HOMICIDE OR OTHER SERIOUS CRIME,
22 OBVIOUSLY, I'M NOTIFIED, AND I RESPOND AND I BEGIN
23 THE INVESTIGATION.

24 ON THAT PARTICULAR DAY, THIS INCIDENT STILL
25 OCCURRED WHILE THE DAY SHIFT FOLKS WERE STILL AT

1 WORK, AS WELL. SOME OF THEM RESPONDED, AS WELL.

2 Q AND WHEN YOU RESPONDED TO THE SCENE, WHAT DID YOU
3 FIND WHEN YOU GOT THERE?

4 A I FOUND INVESTIGATOR HOLDORF WHO HAD SPECIFICALLY
5 REQUESTED ME THREW MY NEXTEL PHONE. THERE WERE
6 SEVERAL LINE OFFICERS THERE. DEPUTY CANNON, I SPOKE
7 WITH HIM BRIEFLY ON WHAT HE HAD AT THIS POINT, AS
8 WELL AS INVESTIGATOR HOLDORF. CRIME SCENE TAPE WAS
9 SET UP. THE VICTIM'S WIFE WAS STILL PRESENT AT THE
10 SCENE.

11 Q OKAY. WHEN YOU GOT THERE, HAD MR. CASEY'S BODY -- HE
12 WASN'T PRONOUNCED DEAD UNTIL HE WAS AT THE HOSPITAL,
13 BUT HAD HIS BODY BEEN REMOVED?

14 A YES, IT HAD.

15 Q AND WHEN YOU GOT THERE, YOU SAID THAT MS. CASEY OR
16 CONSUELO CASEY WAS STILL THERE AT THE SCENE?

17 A YES, SHE WAS.

18 Q DID YOU INITIATE ANY CONTACT WITH HER INITIALLY,
19 RIGHT THEN?

20 A NOT UPON MY IMMEDIATE ARRIVAL. I WAS BRIEFED BY A
21 DEPUTY AND BY AN INVESTIGATOR ALREADY ON THE SCENE TO
22 SEE WHAT WE HAD BEFORE I SPOKE WITH HER.

23 Q AND AS AN INVESTIGATOR IN MAJOR CRIMES, IN A MURDER
24 CASE TYPICALLY, WHEN YOU GET TO A SCENE, WHAT TYPES
25 OF THINGS ARE YOU TRYING TO GET AHOLD OF RIGHT THERE

1 AT THE SCENE RIGHT AFTER THE SHOOTING OCCURS?

2 A I TRY TO EVALUATE THE SITUATION WE HAVE. FIRST OF
3 ALL, I WANT TO MAKE SURE THE CRIME SCENE IS SECURE,
4 WHICH IT WAS UPON MY ARRIVING AT THE CRIME SCENE.
5 THE TAPE HAD PLACED KEEPING BYSTANDERS, ONLOOKERS,
6 ANYONE OUT OF THE CRIME SCENE UNTIL THE LAB ARRIVES
7 SO THEY CAN BEGIN THEIR JOB OF PROCESSING THE CRIME
8 SCENE.

9 ONCE I WAS BRIEFED BY THE INVESTIGATORS AS TO
10 WHAT WE HAD AT THIS POINT, I STARTED FORMULATING A
11 GAME PLAN ON HOW THIS INVESTIGATION SHOULD PROCEED,
12 AND IF THERE WERE ANY OTHER WITNESSES, THINGS LIKE
13 THAT.

14 Q OKAY. YOU MENTIONED OTHER WITNESSES THERE AT THE
15 SCENE. IS ONE OF THE MOST IMPORTANT THINGS TO
16 DETERMINE WHO ACTUALLY SAW SOMETHING HAPPEN THERE AT
17 THE SCENE?

18 A THAT'S CORRECT.

19 Q AND WHEN YOU GOT TO THE SCENE, I BELIEVE YOU WERE
20 AWARE THAT HE'S NOW MAJOR GIBSON --

21 Mr. Strickler: OBJECTION TO THE LEADING.

22 Ms. Campbell: I'M TRYING TO GET THROUGH THIS,
23 YOUR HONOR.

24 BY Ms. Campbell

25 Q WERE YOU AWARE THAT THERE WERE CERTAIN WITNESSES

1 THERE AT THE SCENE?

2 A YES, I WAS.

3 Q AND ARE YOU FAMILIAR WITH A MAN NAMED GIBSON?

4 A THERE'S A MAN NAMED DAVID GIBSON WHO WAS A SECURITY
5 OFFICER AT THE BANK OF AMERICA.

6 Q AND HE HAD INFORMATION ABOUT THE SHOOTING, BUT HE
7 HADN'T SEEN ANYTHING; IS THAT CORRECT?

8 A THAT'S CORRECT.

9 Q WERE YOU ALSO AWARE THAT THERE WAS ONE OTHER PERSON
10 THAT ACTUALLY SAW THE SUSPECT IN THIS CASE?

11 A THAT'S CORRECT, MS. CASEY.

12 Q MS. CASEY. AND ALTHOUGH MR. DAVIS WASN'T THERE AT
13 THE SCENE THAT DAY, LATER DID IT BECOME -- DID YOU
14 BECOME AWARE THERE WAS ANOTHER PERSON THAT ACTUALLY
15 SAW SOMETHING?

16 A YES, WE DID. MR. DAVIS CONTACTED OUR OFFICE TO
17 INDICATE HE HAD SEEN SOMETHING.

18 Q AND THIS LOWE'S PARKING LOT, THERE WERE OTHER PEOPLE
19 AROUND, RIGHT?

20 A YES.

21 Q DID YOU TAKE -- DID YOU TRY TO DETERMINE IF ANYBODY
22 ELSE HAD ACTUALLY SEEN ANYTHING ABOUT THE SHOOTING?

23 A YES, WE DID. BETWEEN MYSELF, THE OTHER LINE DEPUTIES
24 THAT WERE PRESENT AT THE SCENE, THE OTHER
25 INVESTIGATORS THAT WERE REQUESTED AT THE SCENE,

1 HELPED WITH THE CROWD. WE WENT TO THE STORE TO SEE
2 IF ANYONE MIGHT HAVE SEEN ANYTHING, ANY POSSIBLE
3 WITNESSES AT ALL.

4 Q AND WERE THERE ANY THAT ACTUALLY SAW ANYTHING ABOUT
5 THE SHOOTING?

6 A NOT PRESENT AT THAT TIME, NO.

7 Q AND I BELIEVE EVEN ON THE 911 TAPE, THERE IS A
8 MR. ANDREWS WHO WAS THE MANAGER OF THE STORE?

9 A YES. I SPOKE WITH MR. ANDREWS WHO WAS PRESENT UPON
10 MY ARRIVAL. HE INDICATED HE HAD NOT SEEN ANYTHING
11 NOR SEEN THE VEHICLE. HE HAD BEEN ALERTED THAT THERE
12 WAS A SHOOTING IN THE PARKING LOT. HE RESPONDED OUT
13 TO THE PARKING LOT, AND HE ALSO CALLED 911 TO REPORT
14 THE SHOOTING.

15 Q BUT HE HADN'T ACTUALLY SEEN ANYTHING?

16 A NO, HE HAD NOT.

17 Q AT THAT POINT -- I'M TRYING TO DETERMINE WHAT
18 WITNESSES MAY HAVE SEEN ANYTHING. DID YOU TRY TO
19 TAKE FURTHER STEPS THERE AT THE SCENE TO SEE IF ANY
20 OF THE ACTIONS HAD BEEN RECORDED?

21 A YES, WE DID. WE IMMEDIATELY STARTED LOOKING AT THE
22 AREA TO SEE IF THERE WERE ANY VIDEO CAMERAS,
23 POSSIBLY, THAT MIGHT HAVE CAPTURED ANY OF THE
24 INCIDENT.

25 THERE WAS, IN FACT -- WE SENT AN INVESTIGATOR,

1 JOHN EWING, INSIDE THE LOWE'S TO SEE IF THEY HAD ANY
2 TYPE OF VIDEO SURVEILLANCE, WHICH THEY DID HAVE, AND
3 ASKED FOR THEIR TAPE, WHICH THEY TURNED OVER TO US.

4 Q AND THAT AFTERNOON, DID YOU HAVE AN OPPORTUNITY TO
5 REVIEW THE TAPE -- WHEN YOU SAY THERE WAS A TAPE THAT
6 WAS TURNED OVER TO YOU, WHAT AREA DID THE TAPE
7 CANVAS?

8 A SPECIFICALLY, THE FRONT PARKING LOT AREA OF THE
9 STORE. IT WAS JUST OUTSIDE THE FRONT DOOR. I
10 BELIEVE THEY HAD SOME RIDING LAWN MOWERS AND THINGS
11 LIKE THAT IN THAT AREA THEY KEEP TABS ON WITH THE
12 CAMERA.

13 Q AND AT THIS POINT, YOU CAN'T SAY WHAT WAS SAID TO
14 YOU, BUT AT THIS POINT YOU HAD BECOME AWARE OF A
15 GENERAL DESCRIPTION OF THE SUSPECT, AS WELL AS THE
16 SUSPECT'S VEHICLE?

17 A THAT IS CORRECT.

18 Q BEG THE COURT'S INDULGENCE WHILE I FIND SOMETHING.

19 (PAUSE).

20 DID YOU HAVE AN OPPORTUNITY THAT AFTERNOON TO
21 VIEW THE VIDEOTAPE AT THE FRONT OF THE LOWE'S?

22 A YES, I DID. IT WAS TAKEN BACK TO OUR HEADQUARTERS,
23 PUT ON OUR VCR'S. WE SCANNED THROUGH IT LOOKING TO
24 SEE IF WE COULD IDENTIFY THE VEHICLE.

25 Q AND THAT AFTERNOON WHEN YOU TOOK -- YOU TOOK CONTROL

1 OF THE VIDEO, ACTUALLY?

2 A YES, I DID.

3 Q AND WHEN YOU GOT IT IN YOUR POSSESSION, YOU HAD AN
4 OPPORTUNITY TO REVIEW IT?

5 A YES, I DID.

6 Q AND AT MY REQUEST, WERE PARTS OF THAT VIDEOTAPE --
7 HERE IT IS -- TRANSFERRED ONTO ANOTHER TAPE, WHICH
8 CAN ACTUALLY BE PLAYED HERE IN COURT?

9 A YES.

10 Q AND OTHER THAN THIS -- THIS DOESN'T SHOW THE WHOLE
11 TAPE THAT DAY, RIGHT?

12 A RIGHT.

13 Q BUT CERTAIN PARTS?

14 A YES. THE TAPE HAS ACTUALLY ABOUT 15 OR 16 DIFFERENT
15 CAMERAS AND IT JUMPS AROUND. IF YOU JUST HIT PLAY ON
16 A NORMAL VCR, YOU WOULD NOT BE ABLE TO VIEW IT. IT
17 JUMPS AROUND SEVERAL FRAMES PER SECOND IN A LOOP. WE
18 ISOLATED JUST THE CAMERA THAT WAS FACING OUTSIDE THE
19 STORE THAT CAPTURED PART OF THIS INCIDENT.

20 Q I ASK YOU TO LOOK AT STATE'S EXHIBIT NO. 71. HAVE
21 YOU REVIEWED THIS VIDEOTAPE?

22 A YES, I HAVE.

23 Q DOES THAT ACTUALLY -- THE PARTS YOU JUST TALKED ABOUT
24 THAT YOU FOCUSED ON, DOES THAT ACTUALLY SHOW THE
25 PARTS THAT ACTUALLY SHOW ANYTHING ABOUT THIS

1 INCIDENT?

2 A YES.

3 Q WAS THERE ACTUALLY A CAMERA TRAINED ON THE PART OF
4 THE PARKING LOT WHERE NATHANIEL CASEY HAD PARKED HIS
5 CAR?

6 A NO.

7 Q SO WERE YOU ABLE TO GET ANY VIDEO IMAGES OF WHAT
8 ACTUALLY HAPPENED?

9 A NO, WE WERE NOT.

10 Q IN THAT EVENT, DID YOU ALSO GO TO THE TAPE TO LOOK
11 FOR ANYTHING ELSE THAT MIGHT HELP YOU?

12 A YES.

13 Q AND YOU COULDN'T SEE WHAT HAPPENED ON THE VIDEO.
14 WHAT WERE YOU TRYING TO FIND AS YOU LOOKED --

15 A TRYING TO IDENTIFY THE SUSPECT VEHICLE FROM THIS
16 VIDEOTAPE TO GET A BETTER IDEA OF WHAT WE WERE
17 LOOKING FOR, POSSIBLY A TAG NUMBER, POSSIBLY A
18 SUSPECT DESCRIPTION, HOW CLOSE THE VEHICLE WAS TO THE
19 CAMERA.

20 Q OKAY. AND IN YOUR REVIEW OF THE TAPE THAT AFTERNOON
21 AFTER YOU TOOK POSSESSION OF IT, WERE YOU ABLE TO
22 FIND GLIMPSES OF THE SUSPECT VEHICLE ON IT?

23 A YES, WE WERE.

24 Q AND IN THIS TAPE, WHAT IS SHOWN? WHERE IS THE
25 SUSPECT VEHICLE?

1 A THE SUSPECT VEHICLE IS SHOWN COMING IN FROM O'NEILL
2 COURT APPROXIMATELY 18 SECONDS BEHIND THE VICTIM'S
3 VEHICLE, WHICH IS A BLACK TAHOE. WHEN WE PLAY THE
4 VEHICLE, YOU WILL SEE THE TAHOE COME IN FOLLOWED 18
5 SECONDS LATER BY THE SUSPECT VEHICLE.

6 Q OKAY. I'M GOING TO SHOW YOU THESE, STATE'S
7 EXHIBIT 15, 69, AND 70. DO YOU RECOGNIZE THOSE?

8 A YES.

9 Q ARE THOSE ACTUALLY STILL SHOTS THAT YOU PRODUCED BACK
10 WHEN THIS HAPPENED?

11 A YES.

12 Q AND WHAT DO THOSE STILL SHOTS SHOW?

13 A THE SUSPECT VEHICLE IN THIS INCIDENT.

14 Q AND THOSE ARE SHOWN ON STATE'S EXHIBIT 71?

15 A YES.

16 Ms. Campbell: YOUR HONOR, AT THIS TIME WE WOULD
17 OFFER THEM INTO EVIDENCE.

18 Mr. Strickler: THAT'S ALREADY IN. THAT'S
19 WITHOUT OBJECTION AS TO THE EXHIBITS.

20 THE COURT: THE VIDEO AND THE STILLS?

21 Mr. Strickler: YES, SIR.

22 the court reporter: WHAT NUMBERS ARE THOSE
23 AGAIN?

24 Ms. Campbell: THE TWO THAT HAVEN'T BEEN PUT IN
25 BEFORE ARE 69 AND 70. THEN 71 IS THE TAPE.

1 the court reporter: OKAY.

2 (WHEREUPON, STATE'S EXHIBITS NOS. 69, 70, 71
3 WERE ADMITTED INTO EVIDENCE.)

4 Ms. Campbell: YOUR HONOR, MAY I SHOW THE VIDEO
5 TO THE JURY?

6 THE COURT: CERTAINLY, IF YOU'RE PREPARED TO DO
7 SO.

8 Ms. Campbell: THANK YOU.

9 THE COURT: CAN YOU HELP HER WITH THAT,
10 MR. LAKE, SINCE YOU DIDN'T HELP HER MOVE THE CONCRETE
11 BLOCK?

12 Ms. Campbell: SORRY.

13 (WHEREUPON, THE VIDEOTAPE WAS PLAYED FOR THE JURY.)
14 BY Ms. Campbell

15 Q SERGEANT, IF YOU COULD COME DOWN HERE AND WATCH IT,
16 DON'T TRIP ON THIS. THIS IS ACTUALLY TAKEN FROM THE
17 ORIGINAL VIDEO?

18 A YES.

19 Q BUT OTHER THAN BEING REDUCED IN TIME AND THE MEDIA
20 IT'S PLAYED ON, HAS IT BEEN ALTERED OR CHANGED IN ANY
21 WAY?

22 A NO.

23 Q COME OVER ON THIS SIDE SO SHE CAN HEAR YOU.

24 WHAT HAPPENED TO YOUR FOOT?

25 A I HAD TO HAVE LIGAMENT SURGERY.

1 Q OKAY.

2 A THIS IS THE VICTIM'S VEHICLE ENTERING RIGHT HERE, THE
3 BLACK TAHOE. YOU CAN SEE AN INDICATION ON THE
4 SCREEN, THE SUSPECT VEHICLE -- I MEAN THE VICTIM'S
5 VEHICLE IN RED.

6 Q AND THE TIME REFLECTED ON THE SCREEN, IS IT ACCURATE?

7 A IT'S ONE HOUR FAST.

8 Q ONE HOUR FAST, JUST LIKE THE VICTIM'S PHONE?

9 A YES. THIS WOULD BE THE SUSPECT VEHICLE COMING IN
10 HERE. IT GOES ON PAST WHERE THE VICTIM'S VEHICLE
11 TURNED ON HERE. THIS IS JUST ANOTHER VIEW OF THE
12 SUSPECT VEHICLE IN THE PARKING LOT.

13 Q THE SUSPECT VEHICLE?

14 A YES.

15 Q AND NOW, IT'S SHOWING THE SAME SCENE OVER AND OVER?

16 A YEAH, NOW IT'S IN COLOR, THE SAME THING.

17 Q WHERE IS THE AREA WHERE THE TWO CARS ARE ACTUALLY
18 PARKED?

19 A IT WILL BE OUT IN THIS AREA HERE, THE UPPER PARKING
20 LOT CLOSER TO THE BANK. THAT WOULD BE A STILL SHOT
21 OF THE SUSPECT VEHICLE.

22 Q WHILE YOU'RE STANDING UP, AGAIN I WANT TO SHOW YOU
23 STATE'S EXHIBIT 70. WHAT DOES THAT SHOW?

24 A THAT IS A VIEW OF THE VEHICLE AS IT PASSES CLOSEST TO
25 THE CAMERA AS WE'RE TRYING TO IDENTIFY THE EXACT MAKE

1 AND MODEL OF THE SUSPECT VEHICLE.

2 Q OKAY. AND STATE'S EXHIBIT 69?

3 A THAT IS A PICTURE OF THE SUSPECT VEHICLE ENHANCED FOR
4 TRYING TO BRING OUT, ZOOM IN ON THE VEHICLE. IT
5 LOOKS LIKE THERE'S POSSIBLY SOME DAMAGE AROUND THAT
6 DOOR AREA THERE.

7 Q AND FINALLY, STATE'S EXHIBIT 15?

8 A THAT'S JUST ANOTHER STILL SHOT OF THE SUSPECT VEHICLE
9 AS IT CAME IN THE PARKING LOT, IN COLOR.

10 Q AND ALL OF THESE ARE TAKEN FROM THIS VIDEO?

11 A FROM THAT VIDEO.

12 Q AND REDUCED ON HERE. OKAY. YOU CAN TAKE THE STAND.
13 DON'T TRIP.

14 SERGEANT MCDONALD, AFTER REVIEWING THE VIDEO
15 THAT AFTERNOON, DID YOU TAKE ANY FURTHER STEPS IN
16 TRYING TO SECURE EVIDENCE THAT AFTERNOON THAT MIGHT
17 HELP YOU IN THE INVESTIGATION?

18 A AFTER WE IDENTIFIED WHAT WE BELIEVED TO BE THE
19 SUSPECT VEHICLE, WE DID SHOW THIS VIDEO TO MS. CASEY
20 WHO CONFIRMED THIS WAS THE SUSPECT'S VEHICLE.

21 Q AND THAT WAS LATER THAT AFTERNOON?

22 A LATER THAT EVENING, YES.

23 Q THAT EVENING ALSO, DID YOU AND LIEUTENANT SMITH ASK
24 SERGEANT WEEKS TO RETRIEVE CERTAIN ITEMS FOR YOU?

25 A YES. SHE HAD RETRIEVED THE VICTIM'S CELLPHONE FROM

1 MS. CASEY AT THE HOSPITAL.

2 Q AND WHY WOULD YOU DO THAT? WHY IS THAT AN IMPORTANT

3 INVESTIGATIVE TOOL IN THIS AGE AND THIS TIME?

4 A NOWADAYS, MORE AND MORE, WE FIND CELLPHONE TECHNOLOGY

5 AIDS US GREATLY IN IDENTIFYING SUSPECTS, SHOWING

6 THEIR TRAVELS, OFTENTIMES BEFORE, AFTER, AND DURING A

7 CRIME. IN THIS PARTICULAR CASE, WE ASKED FOR THE

8 VICTIM'S CELLPHONE TO CHECK THE MOST RECENT CALLS ON

9 IT, BOTH OUTGOING AND INCOMING, TO SEE IF THAT COULD

10 AID US.

11 Q AND THAT WAS SECURED THAT SAME AFTERNOON ON THE 21ST?

12 A YES, IT WAS.

13 Q NOW, THAT AFTERNOON, TOO, HAD YOU BEEN GIVEN

14 INFORMATION ABOUT A POTENTIAL LICENSE PLATE?

15 A YES. WE WERE GIVEN A GEORGIA TAG WITH THE FIRST

16 THREE NUMBERS BEING 755.

17 Q AND WITH THAT INFORMATION, OF COURSE, YOU'RE ABLE TO

18 GO FIND THIS TAG, RIGHT?

19 A IT'S A PARTIAL TAG. WE CAN'T JUST PLUG IT IN THE

20 COMPUTER AND GET SOMETHING BACK WITHOUT A FULL TAG.

21 UNFORTUNATELY, DUE TO THE THANKSGIVING HOLIDAY, WE

22 HAD CALLED THE GEORGIA DEPARTMENT OF MOTOR VEHICLES,

23 THEIR EQUIVALENT OF S.L.E.D. DOWN THERE, WHICH IS

24 CALLED THE G.B.I., GEORGIA BUREAU OF INVESTIGATION,

25 BUT THERE WAS NO ONE THERE TO ASSIST US UNTIL MONDAY

1 MORNING AS FAR AS RUNNING ALL POSSIBLE TAGS ON
2 STATION WAGONS.

3 Q DID YOU FOLLOW UP ON THAT IN THE COMING DAYS?

4 A YES, I DID THAT MONDAY MORNING. I SPOKE WITH THEM.

5 Q AND WHAT WERE YOU ABLE TO FIND OUT ABOUT TRYING TO
6 TRACE THIS CASE THROUGH THE TAG?

7 A WE KEPT COMING UP EMPTY. WE TRIED 755, ALL VEHICLES.
8 WE TRIED 755 JUST STATION WAGONS, BLUE STATION
9 WAGONS. IT APPEARED ON THE VIDEO IT MIGHT BE A BLUE
10 OR A GRAYISH TYPE VEHICLE, BUT EACH TIME WE JUST
11 COULDN'T COME UP WITH ANY INFORMATION THAT COULD
12 ASSIST US.

13 Q AND INVESTIGATOR, IN YOUR EXPERIENCE AS AN
14 INVESTIGATOR, CAN TAGS BE -- EVEN IF THEY'RE EXPIRED,
15 BE USED IN CERTAIN INSTANCES?

16 A YES, ALL THE TIME.

17 Q AND THOSE WOULDN'T BE TRACEABLE IN ANY WAY, RIGHT?

18 A NO. OFTENTIMES WHEN YOU RUN A TAG, FOR WHATEVER
19 REASON, IT WILL COME UP NOT ON FILE. I CAN RUN A
20 CURRENT TAG IN GOOD STANDING, AND IT COMES BACK NOT
21 ON FILE FOR WHATEVER REASON.

22 Q THAT EVENING AFTER GATHERING THIS INFORMATION AND
23 EVERYTHING, YOU WERE NOT ABLE TO DETERMINE WHO THE
24 SHOOTER WAS?

25 A NO, NOT AT THIS POINT.

1 Q NOW, YOU DID INTERVIEW MS. CASEY THAT EVENING?

2 A I DID NOT SPECIFICALLY INTERVIEW HER. I WAS MAINLY
3 FOCUSED WITH THE VIDEOTAPE. OTHER INVESTIGATORS
4 INTERVIEWED HER, AND I PUT OUT WHAT WE CALL A BOLO AT
5 THE END OF THE NIGHT BASED ON THE COMPOSITE SKETCH
6 MS. CASEY HAD DONE, AND THE INFORMATION WE HAD AT
7 THAT TIME ON THE VEHICLE FROM OUR VIDEO AND FROM HER
8 DESCRIPTION AND FROM THE OTHER WITNESS'S DESCRIPTIONS
9 OF THE VEHICLE.

10 Q OKAY. YOU DID HAVE CONTACT WITH MS. CASEY THAT
11 EVENING?

12 A I HAD BRIEF CONTACTS WITH HER HERE AND THERE, YES.

13 Q WHAT WAS HER DEMEANOR LIKE?

14 A SHE WAS EXTREMELY UPSET, SCARED.

15 Q THE NEXT DAY, DID YOU CONTINUE WITH THIS
16 INVESTIGATION?

17 A YES, I DID.

18 Q AND THAT WOULD HAVE BEEN THANKSGIVING?

19 A THAT'S CORRECT.

20 Q AND THE NEXT DAY, DID YOU FOLLOW UP ON THE
21 INFORMATION YOU WERE ABLE TO GET FROM THE VICTIM'S
22 PHONE IN THIS CASE?

23 A YES, I DID. I PREPARED SEARCH WARRANTS FOR CALLS
24 COMING IN AND GOING OUT FROM THE VICTIM'S CELLPHONE,
25 WHICH ENDED UP BEING A SINGULAR CELLPHONE.

1 I ALSO PREPARED A SEARCH WARRANT ON A POSSIBLE
2 SUSPECT PHONE, THE LAST PHONE CALL THE VICTIM HAD
3 RECEIVED FROM BY A PERSON ONLY IDENTIFIED AS "CROC"
4 IN THE SAVED NUMBER PORTION OF THE PHONE.

5 Q OKAY. AND THIS PERSON WAS IDENTIFIED, THE LAST PHONE
6 CALL WAS IDENTIFIED AS "CROC", C R -- IS IT
7 C-R-O-C-K?

8 A C-R-O-C.

9 Q AND WHAT WAS THE NUMBER THAT YOU WERE -- AS FAR AS
10 YOU GETTING IT OFF THE VICTIM'S PHONE, RIGHT?

11 A RIGHT.

12 Q WHAT NUMBER WERE YOU GETTING SEARCH WARRANTS FOR?

13 A (646)408-5502. THAT WOULD BE A SPRINT PHONE.

14 Q HOW CAN YOU TELL IT'S A SPRINT PHONE?

15 A THERE'S ACTUALLY A WEBSITE I'VE BEEN PROVIDED WITH,
16 PRIMERIS.COM. YOU GO AND PUT A PREFIX IN. A 646 OR
17 408, IT WILL TELL YOU WHAT COMPANY THAT PHONE IS
18 ASSOCIATED WITH.

19 Q AND THAT DAY, DID YOU FORWARD THESE SEARCH WARRANTS
20 TO SPRINT AND TO SINGULAR?

21 A YES. I HAD THEM SIGNED THAT NIGHT BY A MAGISTRATE.
22 THEY WERE FAXED TO SPRINT, SINGULAR RESPECTIVELY;
23 HOWEVER, DUE TO THE HOLIDAYS, WE KNEW THEY WOULD SIT
24 THERE UNTIL MONDAY MORNING WHEN SOMEONE ARRIVED.
25 THERE WAS NO ONE THERE TO RESPOND.

1 Q AND AS YOUR INVESTIGATION IS GOING ON, SERGEANT,
2 SIMULTANEOUSLY, IS THE LABORATORY ALSO PROCESSING THE
3 EVIDENCE THAT WAS COLLECTED THERE AT THE SCENE?

4 A THAT'S CORRECT. THEY HAD BEGUN PROCESSING EVIDENCE
5 THEY FOUND, INCLUDING THE LARGE PLASTIC TUPPERWARE
6 TYPE CONTAINER.

7 Q YOU WORK HAND-IN-HAND, BUT THESE ARE TWO SEPARATE
8 AVENUES BEING PURSUED?

9 A CORRECT.

10 Q AT THIS POINT, BY THE SECOND DAY OF THE
11 INVESTIGATION, DID YOU BECOME AWARE OF WHAT WAS FOUND
12 IN THE BLUE CONTAINER IN THE BACK OF THE TAHOE?

13 A YES. I LEARNED THERE WERE CONCRETE BLOCKS AND
14 CONCRETE MIX.

15 Q WHAT DID THAT, IN YOUR EXPERIENCE, INDICATE?

16 A IT APPEARED ON THE SURFACE TO BE A DRUG TRANSACTION
17 OF SOME SORT THAT POSSIBLY WENT BAD.

18 Q OVER THE NEXT SEVERAL DAYS, DID YOU CONTINUE TO TRY
19 TO GATHER EVIDENCE FROM OTHER VIDEOTAPES OF
20 BUSINESSES AROUND?

21 A YES, I DID. MYSELF AND INVESTIGATOR GONZALES WENT
22 OUT JUST TO CHECK EVERY BUSINESS AROUND THAT AREA WE
23 COULD THINK OF THAT MIGHT HAVE A VIDEO CAPTURING
24 EITHER VEHICLE OR THE SUSPECT, THE BANK OF AMERICA,
25 HONEYBAKED HAM, CONVENIENCE STORES ACROSS THE STREET.

1 NONE OF THESE PROVIDED ANY KIND OF INFORMATION THAT
2 WAS USEFUL TO US.

3 Q AND EVENTUALLY, OVER THE NEXT SEVERAL DAYS, DID YOU
4 BECOME AWARE OF THE SUBSCRIBER -- WHAT WE CALL
5 SUBSCRIBER INFORMATION THAT WAS ATTACHED TO THAT
6 PHONE NUMBER?

7 A YES, I DID.

8 Q AND WHAT WAS THAT -- WHO DID THE INFORMATION INDICATE
9 THAT PHONE NUMBER -- OR WHOSE NAME IT WAS REGISTERED
10 IN, I GUESS, IS A GOOD WAY TO PUT IT.

11 A A GENTLEMAN BY THE NAME OF JOHN SIEMAN.

12 Q JOHN SIEMAN. DID YOU ATTEMPT TO FOLLOW UP WITH
13 MR. SIEMAN?

14 A YES, WE DID.

15 Q AS TO WHERE HIS PHONE WAS?

16 A YES, WE DID.

17 Q AND AS A RESULT OF YOUR INVESTIGATION, WERE YOU AWARE
18 OF WHETHER OR NOT JOHN SIEMAN HAD EVER -- HAD HE EVER
19 GOTTEN A PHONE IN HIS NAME?

20 A HE HAD NEVER GOTTEN A PHONE IN HIS NAME. HE'S AN
21 ATTORNEY IN ARLINGTON, VIRGINIA; HAD BEEN THE VICTIM
22 OF IDENTITY THEFT PREVIOUSLY, BUT HAD NEVER ORDERED
23 THIS PHONE.

24 Q DURING THIS TIME PERIOD, TOO, FOLLOWING UP WITH THE
25 PHONE CALL, ARE YOU ATTEMPTING TO GET WHAT WE CALL

1 CELL SITE INFORMATION FOR THE SPRINT PHONES?

2 A YES.

3 Q AND APPROXIMATELY WHEN DID YOU ACTUALLY RECEIVE THE
4 SPRINT PHONE RECORDS THAT I'M GOING TO SHOW YOU,
5 WHICH IS STATE'S EXHIBIT 119?

6 A ON THE 26TH OF NOVEMBER, 2001.

7 Q AND TELL THIS JURY, BASICALLY, WHEN YOU GET THIS
8 PHONE RECORD -- I'M GOING TO GO INTO IT MORE, WHAT
9 TYPES OF THINGS YOU'RE TRYING TO DETERMINE FROM THOSE
10 PHONE RECORDS.

11 A I'M TRYING TO LOCATE WHERE THE SUSPECT -- IF THIS WAS
12 OUR SUSPECT, WHERE HE MAY HAVE BEEN PRIOR TO THIS
13 INCIDENT, WHO HE WAS CALLING, WHERE HE WAS AT, THAT
14 TYPE OF THING.

15 OH, CORRECTION. I ACTUALLY RECEIVED CELL SITE
16 INFORMATION ON THE 28TH.

17 Q THE 28TH?

18 A THE SUBSCRIBER INFORMATION THEY PROVIDED TO US MONDAY
19 MORNING RELATIVELY QUICK, BUT IT TOOK MORE TIME TO
20 DEVELOP ALL THE CALLS.

21 Q AND GOING OVER THE PHONE CALLS, DID YOU -- AND PART
22 OF YOUR DUTIES IS YOU TRY TO DEVELOP DIFFERENT PEOPLE
23 TO TALK TO --

24 A YEAH.

25 Q -- THAT MAY BE ASSOCIATED WITH THAT PHONE?

1 A TRYING TO FIGURE OUT, YEAH, WHO THIS PHONE MAY BELONG
2 TO, ACTUALLY, SINCE THE SUBSCRIBER INFORMATION
3 APPEARED TO BE INACCURATE.

4 Q LET ME ASK YOU THIS, INVESTIGATOR, BEFORE I GO ANY
5 FURTHER -- SERGEANT, EXCUSE ME: IS IT UNUSUAL FOR A
6 PHONE TO BE TAKEN OUT IN SOMEONE'S NAME WITH IDENTITY
7 THEFT?

8 A NO. MORE AND MORE, WITH THE INTRODUCTION OF THE
9 INTERNET, IT'S EASY TO GO ON LINE AND ORDER THINGS
10 AND PROVIDE FALSE INFORMATION, AND THINGS ARE SENT.
11 THESE COMPANIES DON'T SEEM TO CHECK REAL CLOSELY.

12 Q ON DECEMBER 5TH OF 2001, YOU WERE STILL INVOLVED IN
13 THE INVESTIGATION?

14 A DECEMBER 5TH, YES.

15 Q AND DID YOU HAVE AN OPPORTUNITY AT THAT POINT TO MEET
16 WITH MS. CONSUELO CASEY AGAIN?

17 A YES, I DID.

18 Q WAS SHE INTERVIEWED FOR A SECOND TIME?

19 A YES, SHE WAS.

20 Q AND AGAIN, THAT WAS A WRITTEN STATEMENT?

21 A YES. I DIDN'T TAKE THE STATEMENT FROM HER, BUT SHE
22 DID PROVIDE US WITH FURTHER INFORMATION THAT GREATLY
23 AIDED US.

24 Q AND ON DECEMBER 6TH -- AND DURING THIS PERIOD OF
25 TIME, TOO, DID YOU DEVELOP THE NAME WILLIE JENNINGS

1 AS THE NAME OF SOMEONE YOU NEEDED TO TALK TO?

2 A YES. LIEUTENANT SMITH NOTICED THE CALLS ON THE CALL
3 RECORDS WHERE WILLIE JENNINGS HAD CALLED A PERSON
4 HERE IN COLUMBIA. THAT FEMALE WAS ABLE TO IDENTIFY
5 IT AS BELONGING TO WILLIE JENNINGS. AS A RESULT OF
6 THIS, WE DISCOVERED A LINK BETWEEN THE SUSPECT, THE
7 VICTIM, AND WILLIE JENNINGS. WE KNEW HE WAS AN
8 IMPORTANT PERSON THAT WE WOULD NEED TO TALK TO.

9 Q AND DID YOU START ATTEMPTING, AFTER THE FIFTH OR THE
10 SIXTH, I BELIEVE, ATTEMPTING TO CONTACT MR. WILLIE
11 JENNINGS?

12 A YES, WE DID.

13 Q AND I BELIEVE LIEUTENANT SMITH FOLLOWED UP ON THAT;
14 IS THAT CORRECT?

15 A THAT'S CORRECT.

16 Q AND ON DECEMBER 6TH, DID YOU HAVE CONTACT WITH
17 MR. JAMES DAVIS OR TERRANCE DAVIS?

18 A YES. HE HAD COME FORWARD. WE PUT AN ARTICLE OUT TO
19 THE NEWS MEDIA REQUESTING ANY WITNESSES TO COME
20 FORWARD THAT MAY HAVE GIVEN INFORMATION. IN
21 PARTICULAR, WE GAVE A DESCRIPTION, I THINK, OF A
22 BLACK MALE WITH A CAROLINA SWEATSHIRT THAT THE BANK
23 GUARD DESCRIBED AS THE MAN THAT APPROACHED HIM. HE
24 JUST NEVER CAUGHT HIS NAME.

25 MR. DAVIS HAD SEEN THIS ARTICLE AND CAME FORWARD

1 AS THE PERSON WHO WAS WEARING THAT AND HAD GOTTEN THE
2 TAG INFORMATION THAT DAY.

3 Q ON DECEMBER 9TH OF 2001, DID YOU RECEIVE INFORMATION
4 THAT WILLIE JENNINGS WAS ATTEMPTING TO GET IN TOUCH
5 WITH YOU?

6 A YES, I DID. MY DEPUTY CHIEF, ACTUALLY MAJOR WILSON,
7 AT THE TIME, CONTACTED ME BY MY BEEPER. IT WAS A
8 SUNDAY, EARLY AFTERNOON, SAYING THAT WILLIE JENNINGS
9 HAD SHOWN UP IN COLUMBIA, WANTED TO SEE LIEUTENANT
10 SMITH. LIEUTENANT SMITH WAS UNAVAILABLE AND WILLIE
11 WAS NOW ON HIS WAY HOME TO THE LATTA AREA. HE
12 PROVIDED ME WITH A HOME PHONE NUMBER TO CALL WILLIE
13 AT.

14 Q AND LET ME GET THIS STRAIGHT: ON THAT SUNDAY WHEN
15 WILLIE JENNINGS WAS ATTEMPTING TO GET IN TOUCH WITH
16 LIEUTENANT SMITH SMITH --

17 A THAT'S CORRECT.

18 Q -- HE PROVIDED A NUMBER WHERE HE COULD BE REACHED?

19 A HIS MOTHER'S PHONE NUMBER, YES.

20 Q THAT PHONE NUMBER WAS IN WHAT CITY?

21 A IN LATTA, SOUTH CAROLINA.

22 Q DID YOU ATTEMPT TO CONTACT MR. JENNINGS?

23 A YES, I DID. I CALLED THE RESIDENCE ONE TIME AND WAS
24 TOLD HE HAD NOT ARRIVED THERE YET. I CALLED BACK
25 ABOUT 45 MINUTES LATER, AND I GOT AN ANSWERING

- 1 MACHINE. I LEFT A MESSAGE FOR WILLIE, AND I CALLED
2 BACK AGAIN, GOT AN ANSWERING MACHINE. ABOUT
3 6:30 THAT NIGHT, WILLIE CALLED ME ON MY CELLPHONE.
4 Q SO HE CALLED YOU BACK ON YOUR CELLPHONE WHERE YOU
5 LEFT A MESSAGE?
6 A THAT'S CORRECT.
7 Q AT THAT POINT -- YOU CAN'T SAY WHAT HE SAID TO YOU,
8 BUT AT THAT POINT, DID YOU SPEAK WITH WILLIE?
9 A YES..
10 Q AT THAT POINT DID YOU ATTEMPT TO MEET UP WITH HIM
11 LATER?
12 A YES.
13 Q THE NEXT DAY ON DECEMBER 10TH, DID YOU ACTUALLY GET
14 IN TOUCH WITH WILLIE, TO SEE WILLIE?
15 A YES, I DID. LIEUTENANT SMITH AND MYSELF WENT TO
16 LATTA AND MET WITH WILLIE AT HIS RESIDENCE.
17 Q OKAY. WAS WILLIE SUPPOSED TO COME IN THAT MORNING?
18 A HE WAS SUPPOSED TO COME IN. HE DIDN'T HAVE A RIDE.
19 HE WAS SCARED. WE TOLD HIM WE WOULD COME TO GET HIM.
20 Q IN FACT, DID YOU TRAVEL TO LATTA, SOUTH CAROLINA?
21 A YES, WE DID.
22 Q WAS WILLIE SMITH WHERE HE TOLD YOU HE WAS GOING --
23 WAS WILLIE JENNINGS WHERE HE TOLD YOU HE WAS GOING TO
24 BE?
25 A HE WAS AT HIS MOTHER'S RESIDENCE, YES.

1 Q WHICH WAS THE PHONE NUMBER HE PROVIDED YOU ON THAT
2 SUNDAY?

3 A YES.

4 Q WHEN YOU WENT AND TALKED WITH MR. JENNINGS, YOU
5 TALKED TO HIM FOR A PERIOD OF TIME IN LATTA?

6 A YES. A COUPLE OF HOURS OR BETTER AT HIS MOTHER'S
7 RESIDENCE. HE WAS VERY APPREHENSIVE, VERY SCARED.
8 WHEN WE SAT DOWN TO TALK TO HIM, HE WAS PRETTY SHAKEN
9 UP OVER THE INCIDENT.

10 Q AT THIS POINT, DID YOU HAVE A WARRANT FOR HIS ARREST?

11 A YES, WE DID.

12 Q WHAT DID YOU HAVE A WARRANT FOR, WAS IT FOR MURDER?

13 A NO. IT WAS FOR TRAFFICKING IN MARIJUANA.

14 Q YOU CAN'T SAY WHAT INFORMATION, BUT AT THAT POINT,
15 DID YOU HAVE ANY INFORMATION THAT WILLIE WAS ACTUALLY
16 INVOLVED IN ANY MURDER?

17 A NO.

18 Q BUT BASED ON THE INFORMATION YOU HAD, YOU GOT A
19 TRAFFICKING IN MARIJUANA WARRANT?

20 A YES. BASED ON THE INFORMATION MS. CASEY HAD PROVIDED
21 US, HE WAS KIND OF THE MIDDLEMAN THAT INTRODUCED THE
22 DEFENDANT TO HER HUSBAND AND HERSELF THE NIGHT PRIOR
23 TO THE INCIDENT.

24 Q AND THAT AFTERNOON WHEN YOU MET WITH WILLIE ON THE
25 TENTH, I BELIEVE -- WHAT DAY OF THE WEEK WAS THAT,

1 MONDAY? HE TRIED TO GET IN TOUCH WITH YOU THAT
2 SUNDAY?

3 A YES, THAT WOULD HAVE BEEN MONDAY, YES.

4 Q SO THAT WOULD HAVE BEEN A MONDAY. AND AFTER MEETING
5 WITH HIM AT HIS HOME, DID HE AGREE TO COME BACK TO
6 COLUMBIA WITH YOU ALL?

7 A YEAH. WE FELT HE HAD FURTHER INFORMATION. HE WAS
8 REAL HESITANT. HE WOULD START TO SPEAK AND STOP
9 MIDSSENTENCE. THIS WENT ON QUITE SOME TIME. WE TRIED
10 TO REASSURE HIM AND TOLD HIM WE JUST NEEDED THE
11 TRUTH. HE SEEMED HESITANT.

12 WE ASKED HIM WHAT THE PROBLEM WAS. HE WAS JUST
13 SCARED. THINGS HAD GOTTEN BAD FOR HIM IN THE LATTA,
14 DILLON AREA.

15 THE CASEY FAMILY, AND FRIENDS OF THE VICTIM,
16 WERE UPSET WITH HIM KNOWING THAT HE WAS LINKED IN
17 THIS SOMEHOW. ALSO, HE WAS SCARED OF THE DEFENDANT,
18 SO HE HAD, REALLY, NOWHERE TO TURN AND WAS SCARED AT
19 THIS TIME.

20 HE AGREED TO COME BACK TO COLUMBIA SO WE COULD
21 TALK TO HIM A LITTLE BIT FURTHER. WE HAD TO GET SOME
22 FINGERPRINTS TO DO COMPARISON PRINTS TO SEE IF THERE
23 WAS ANYTHING ON THIS CRATE.

24 Q SO AT THAT POINT, YOU WERE AWARE THAT THERE WERE
25 FINGERPRINTS FROM THE --

1 A THAT'S CORRECT. WE WANTED TO DO SOME ELIMINATION
2 PRINTS AND TAKE A LOOK AT HIS PRINTS TO SEE IF THEY
3 MATCHED ANY OF THE PRINTS THEY HAD FROM THIS CRATE.

4 Q WHEN YOU SAY THIS CRATE, YOU MEAN THE CONTAINER WITH
5 THE CONCRETE AND WHATEVER IT WAS IN THERE?

6 A YEAH, THE PLASTIC CONTAINER.

7 Q AND WHEN HE CAME BACK TO COLUMBIA WITH YOU, DID
8 YOU -- DID HE CONTINUE TO TALK TO YOU?

9 A YES.

10 Q IN FACT, DID YOU TAKE A STATEMENT FROM HIM THAT
11 EVENING?

12 A YES. LATER ON THAT NIGHT I DID TAKE A STATEMENT FROM
13 HIM.

14 Q AND THE STATEMENT YOU TOOK FROM HIM WAS, I BELIEVE, A
15 THREE-PAGE STATEMENT?

16 A I BELIEVE SO.

17 Q AND IN THAT STATEMENT AT THAT POINT, WAS WILLIE BEING
18 FORTHCOMING WITH YOU?

19 A YES, HE WAS. LIKE I SAY, AFTER SOME INITIAL
20 HESITANCY AT HIS RESIDENCE, BY THE TIME WE GOT TO
21 HEADQUARTERS, I MEAN, WE KNEW THE DEFENDANT'S NAME,
22 WHERE HE LIVED, EVERYTHING. WE WERE JUST CONFIRMING
23 THIS WITH HIM, WENT OVER IT SEVERAL TIMES WITH HIM
24 AND TOOK A STATEMENT.

25 Q OKAY. AND IN THE COURSE OF YOUR INVESTIGATION AS IT

1 CONTINUES OVER THE NEXT SEVERAL WEEKS AND MONTHS, DID
2 YOU CORROBORATE WHAT WILLIE TOLD YOU IN THAT
3 STATEMENT?

4 A YEAH. WE WERE ABLE TO DO THAT THROUGH THE PHONE
5 RECORDS. ALSO, WHEN WE ASKED MS. CASEY QUESTIONS,
6 HER ANSWERS CORROBORATED WHAT WILLIE HAD SAID.

7 Q BASED ON -- NOT BASED ON THAT INFORMATION, SO THIS
8 INFORMATION -- DID YOU DETAIN WILLIE THAT DAY?

9 A NO, WE DIDN'T. WE RELEASED HIM THAT NIGHT.

10 Q IS THAT UNUSUAL?

11 A NO. HE WAS COOPERATIVE WITH US. HE HAD GONE OUT OF
12 HIS WAY TO TRY TO CONTACT US, WHICH IS UNUSUAL.

13 USUALLY, WHEN WE'RE LOOKING FOR SOMEONE, WE HAVE TO
14 HUNT THEM DOWN. WILLIE CAME FORTH ON HIS OWN. HE
15 WAS FULLY COOPERATIVE WITH US. HE CAME TO COLUMBIA
16 WITH US THAT NIGHT. HE WAS ALLOWED TO RETURN HOME.

17 Q AND HE TURNED HIMSELF IN AT A LATER TIME?

18 A YEAH. WE TOLD HIM WE DID HAVE A WARRANT. WE WOULD
19 MAKE ARRANGEMENTS AT A LATER DATE FOR HIM TO TURN
20 HIMSELF IN, WHICH HE DID.

21 Q AT WHAT POINT DID YOU GET AN ARREST WARRANT FOR
22 MURDER FOR PHILLIP CROCKER?

23 A THAT WOULD BE AFTER WE HAD THE NAME OF PHILLIP
24 CROCKER IDENTIFIED THROUGH WILLIE. WE HAD A PHOTO
25 LINEUP E-MAILED TO US FROM THE CHARLOTTE AREA THAT

1 NIGHT.

2 THE CHARLOTTE POLICE DEPARTMENT DETECTIVE UP
3 THERE E-MAILED US A PHOTO LINEUP THROUGH THE COMPUTER
4 THROUGH THE INTERNET.

5 WE SHOWED THAT TO WILLIE THAT NIGHT. HE
6 CONFIRMED THAT WAS, IN FACT, THE MAN HE WAS TALKING
7 OF, PHILLIP CROCKER. THEN WE PRODUCED IT TO CONSUELO
8 THE FOLLOWING DAY. WE ASKED HER TO COME BACK.

9 Q WHICH WOULD HAVE BEEN ON THE 11TH?

10 A YES. WE ASKED HER TO COME IN TO TAKE A LOOK. WE HAD
11 PICTURES WE WANTED TO SHOW HER. ONCE SHE CONFIRMED
12 THAT WAS THE MAN THAT SHOT HER HUSBAND AND THE MAN
13 THAT HAD BEEN IN DILLON THE NIGHT BEFORE AT HER
14 SALON, WE IMMEDIATELY WENT TO THE LOCAL MAGISTRATE
15 AND GOT AN ARREST WARRANT FOR PHILLIP CROCKER.

16 Q ON THE 11TH -- I SKIPPED THIS FOR A MINUTE AND I
17 DIDN'T MEAN TO, ON DECEMBER 11TH, MS. CONSUELO CASEY
18 CAME BACK IN?

19 A SHE CAME IN, THAT'S CORRECT.

20 Q AND DID SHE PROVIDE YOU WITH A STATEMENT?

21 A SHE DID PROVIDE A FURTHER STATEMENT ON SOME OF THE
22 THINGS WE DISCUSSED ON THE PHONE WITH HER THE NIGHT
23 BEFORE CORROBORATING WILLIE'S STORY. WE SHOWED HER
24 THE PHOTO LINEUP.

25 Q YOU'RE AWARE THAT MS. CASEY HAD BEEN NOT TRUTHFUL IN

1 HER EARLIER STATEMENTS?

2 A THAT'S CORRECT. THERE WERE A NUMBER OF FACTORS GOING
3 ON. SHE WAS SCARED, UPSET.

4 Mr. Strickler: I'LL OBJECT. THAT'S NOT
5 RESPONSIVE TO THE QUESTION, ALSO CALLS FOR SPECULATION ON
6 HIS PART AS TO WHY SHE WAS UNTRUTHFUL.

7 THE COURT: I'LL SUSTAIN IT.

8 BY Ms. Campbell

9 Q YOU WERE AWARE THAT SHE WASN'T FORTHCOMING IN HER
10 PRIOR?

11 A THAT'S CORRECT.

12 Q AND DID SHE RELATE TO YOU OR ARE YOU AWARE OF THE
13 REASONS WHY?

14 A YES, I AM.

15 Q INVESTIGATOR MCDONALD, IN YOUR EXPERIENCE AS AN
16 INVESTIGATOR, TOO, YOU SAID THAT WILLIE WAS SCARED,
17 SHE WAS SCARED. IS THAT UNUSUAL IN A CASE OF THIS
18 NATURE?

19 A NO. ANYTIME A MURDER HAS BEEN COMMITTED, THAT'S AN
20 EXTREMELY VIOLENT INCIDENT AND PEOPLE JUST AREN'T
21 FORTHCOMING. YOU USUALLY HAVE TO GO FIND THEM,
22 WITNESSES, THINGS LIKE THAT, ANYTHING ASSOCIATED WITH
23 DRUGS, AS WELL.

24 PEOPLE DON'T JUST SHOW UP ON YOUR DOORSTEP AT
25 THE STATION WANTING TO TELL YOU INFORMATION. WE HAVE

1 TO GO OUT AND FIND THEM AND BRING THEM IN TO TALK TO
2 THEM.

3 Q AND LET ME GET ONE THING STRAIGHT: UP UNTIL
4 DECEMBER 11TH, 2001, YOU HAD DEVELOPED PHILLIP
5 CROCKER AND CONFIRMED IT AND THINGS OF THAT NATURE?

6 A RIGHT.

7 Q AND THROUGH THE PHONE RECORDS, AND I'LL GET BACK TO
8 THOSE IN A MINUTE, THOSE ALSO CORROBORATED EVERYTHING
9 THAT EVERYONE ELSE HAD TOLD YOU?

10 A THAT'S CORRECT.

11 Q HAD PHILLIP CROCKER EVER CONTACTED YOUR DEPARTMENT?

12 A NO, HE HAD NOT.

13 Q HAD YOU HAD ANY CONTACT, OR ANYONE IN YOUR
14 DEPARTMENT, HAD ANY CONTACT WITH PHILLIP CROCKER THAT
15 HE INITIATED?

16 A NO.

17 Q ON DECEMBER 12TH, DID YOU HAVE -- YOU HAD A WARRANT
18 FOR HIS ARREST AT THAT POINT?

19 A YES, WE DID.

20 Q AT THIS POINT, DID YOU ALSO GET A SEARCH WARRANT?

21 A YES.

22 Q AND TELL THE JURY WHY YOU WERE GETTING A SEARCH
23 WARRANT?

24 A WE GOT A SEARCH WARRANT TO GO TO HIS RESIDENCE IN
25 CHARLOTTE, NORTH CAROLINA. ALL OF THIS WAS DONE WITH

1 THE COOPERATION OF THE DETECTIVE, ALBERT FIORI, WITH
2 THE CHARLOTTE MECKLENBURG POLICE DEPARTMENT.

3 SINCE WE HAVE NO JURISDICTION WITH CHARLOTTE, WE
4 HAVE TO WORK THROUGH THAT AGENCY. LIEUTENANT SMITH
5 HAD COORDINATED THIS WITH MR. FIORI TO GET ALL THE
6 NECESSARY INFORMATION TO PUT IN THE SEARCH WARRANT,
7 THINGS WE WOULD BE LOOKING FOR ON THE SEARCH WARRANT,
8 TRYING TO TIE MR. CROCKER TO THIS CRIME.

9 Q AND WHAT WERE THE NATURE OF THE THINGS YOU WERE
10 LOOKING FOR?

11 A WE KNEW THIS WAS A NINE MILLIMETER THAT HAD KILLED
12 MR. CASEY. WE WERE LOOKING FOR ANY KIND OF
13 AMMUNITION, ANY NINE MILLIMETER GUNS. WE WERE
14 LOOKING FOR ANY TYPE OF FABRIQUE BLANKETS WHICH WERE
15 FOUND AT THE SCENE IN THE PLASTIC CONTAINER WHEN IT
16 WAS DELIVERED TO MR. CASEY, ANY CELLPHONES,
17 SPECIFICALLY THE SPRINT CELLPHONE THAT CORRESPONDED
18 TO THIS CASE, THINGS LIKE THAT.

19 Q AND WHEN YOU GOT TO CHARLOTTE, APPROXIMATELY WHAT
20 TIME DID YOU GET TO CHARLOTTE THAT MORNING ON THE
21 12TH?

22 A WE ARRIVED AT APPROXIMATELY TEN O'CLOCK AT THE
23 CHARLOTTE MECKLENBURG HEADQUARTERS WHERE WE
24 COORDINATED WITH MR. FIORI AND HIS SERGEANT, SERGEANT
25 OLAR, I THINK IS HOW YOU PRONOUNCE HER NAME.

1 Q AT THAT POINT DID YOU GET A SEARCH WARRANT OR WAS THE
2 SEARCH WARRANT --

3 A THE SEARCH WARRANT WAS ALREADY THERE. WE WERE
4 DISCUSSING THE CASE, DISCUSSED WHAT WE WOULD BE DOING
5 WITH THE OFFICERS, AND THEN THEY WERE ASSISTING US BY
6 GETTING LINE OFFICERS TO MEET WITH US, AS WELL, IN A
7 COORDINATED EFFORT TO GO OUT AND SERVE THE SEARCH
8 WARRANT.

9 Q DID YOU GO OUT AND SERVE THE SEARCH WARRANT THAT DAY
10 ON THE 12TH?

11 A YES. APPROXIMATELY 11:20, WE ARRIVED AT
12 MR. CROCKER'S RESIDENCE.

13 Q WHAT'S THE ADDRESS OF THAT RESIDENCE?

14 A 6707 WOODTHRUSH DRIVE.

15 Q PURSUANT TO THE RULES AND REGULATIONS, YOU HAD THE
16 LOCAL PEOPLE INVOLVED, RIGHT, THE LOCAL POLICE?

17 A THE LOCAL PEOPLE ACTUALLY SERVED THE SEARCH WARRANT.
18 WE ARE THERE TO SEARCH AND ASSIST, BUT IT'S REALLY
19 THEIR SEARCH WARRANT AT THAT POINT --

20 Q OKAY.

21 A -- THEIR JURISDICTION.

22 Q THEIR JURISDICTION. THAT'S WHY THEY'RE INVOLVED?

23 A WE FOLLOW THEIR RULES AND THEIR REGULATIONS AND
24 POLICIES, YES.

25 Q WHEN YOU FIRST GOT TO THE RESIDENCE, HOW MANY

1 OFFICERS WERE WITH YOU THAT DAY, DO YOU REMEMBER?

2 A IT WAS FOUR FROM OUR DEPARTMENT, TWO DETECTIVES FROM
3 CHARLOTTE MECKLENBURG, AND I BELIEVE TWO OR THREE
4 UNIFORMED OFFICERS FROM THEIR DEPARTMENT, AS WELL.

5 Q AND WHAT WAS THE PROCEDURE THAT YOU FOLLOWED THAT DAY
6 WHEN YOU INITIALLY GOT TO THE HOUSE?

7 A WE HAD PREVIOUSLY MET UP WITH EVERYONE AT A
8 CONVENIENCE STORE, GAS STATION, PRIOR TO GOING TO THE
9 RESIDENCE. WE ALL GAVE EACH OTHER SIGNS WHO WOULD GO
10 THROUGH THE FRONT DOOR, THE BACK DOOR, THE SIDES,
11 THINGS LIKE THAT.

12 Q IS THAT UNUSUAL?

13 A NO. IT'S FOR THE OFFICER'S SAFETY. ALSO, IF THE
14 DEFENDANT WERE TO TRY TO FLEE IN ANY WAY, HE WOULDN'T
15 BE ABLE TO ESCAPE, AND ALSO TO TAKE THE POSITION TO
16 RECOVER IN CASE THERE WAS ANY GUN PLAY OR ANYTHING
17 LIKE THAT.

18 Q IN THIS CASE, YOU WENT IN AND DIFFERENT PEOPLE WERE
19 POSITIONED AROUND THE HOUSE?

20 A THAT'S CORRECT.

21 Q HOW DID YOU INITIALLY MAKE CONTACT OR TRY TO SEE IF
22 ANYONE WAS INSIDE THE RESIDENCE?

23 A I DON'T KNOW WHO EXACTLY WAS DOING IT, BUT THERE WAS
24 KNOCKING AND RINGING OF THE DOORBELL FOR SEVERAL
25 MINUTES, LOUD KNOCKS, REPEATED PHONE -- I MEAN,

1 DOORBELL RINGING, BUT THERE WAS NO RESPONSE.

2 Q WERE YOU IDENTIFYING YOURSELF?

3 A YES, WE WERE.

4 Q AND HOW DID YOU IDENTIFY YOURSELF AS YOU WERE
5 KNOCKING ON THE DOOR AND RINGING THE DOORBELL?

6 A I WAS ACTUALLY AT THE REAR OF THE RESIDENCE. I
7 WASN'T, PER SE, SAYING "SHERIFF'S DEPARTMENT" OR
8 ANYTHING. THE PEOPLE AT THE FRONT DOOR WERE
9 IDENTIFYING THEMSELVES.

10 Q OKAY. THE PEOPLE AT THE FRONT DOOR. WAS ENTRY
11 GAINED THAT AFTERNOON --

12 A YES, IT WAS.

13 Q -- OR THAT MORNING, EXCUSE ME.

14 A YES.

15 Q WHERE WAS THE INITIAL ENTRY GAINED?

16 A THROUGH A REAR DOOR. I ACTUALLY HAD TO FORCE ENTRY.
17 I BELIEVE INVESTIGATOR GONZALES AND POSSIBLY ONE OF
18 THE OTHER OFFICERS FROM CHARLOTTE ACTUALLY FORCED THE
19 ENTRY TO THE REAR DOOR.

20 Q AT THAT POINT, DID ALL THE OFFICERS ENTER THE HOUSE
21 OR SOME OF THEM?

22 A SOME OF THEM DID ENTER. SEVERAL OF US REMAINED
23 OUTSIDE IN CASE HE WERE TO COME THROUGH A WINDOW OR
24 ANYONE WAS TO TRY TO FLEE OR ANYTHING LIKE THAT.

25 Q AND YOU WERE ONE OF THE OFFICERS THAT ACTUALLY

1 REMAINED OUTSIDE?

2 A YES.

3 Q AFTER ENTRY WAS GAINED, WAS MR. CROCKER IN THE
4 RESIDENCE?

5 A YES, HE WAS.

6 Q BUT HE HAD NOT RESPONDED TO ANY OF THE KNOCKING OF
7 THE DOORBELL RINGING OR THE IDENTIFICATIONS?

8 A NO, HE HAD NOT.

9 Q AND ONCE INSIDE, WAS HE TAKEN INTO CUSTODY BY
10 LIEUTENANT SMITH?

11 A YES.

12 Q AND YOU DIDN'T HAVE ANY REAL CONTACT WITH THE
13 DEFENDANT AT THAT POINT?

14 A NO, I DIDN'T SPEAK WITH HIM.

15 Q OTHER THAN TO OBSERVE HIM?

16 A YEAH. I OBSERVED HIS DEMEANOR AND THEN BEGAN TO
17 CONDUCT A SEARCH.

18 Q OKAY. ONCE THE DEFENDANT HAD BEEN TAKEN INTO
19 CUSTODY, A SEARCH ENSUED?

20 A THAT'S CORRECT.

21 Q AND WERE DIFFERENT OFFICERS SEARCHING DIFFERENT PARTS
22 OF THE HOUSE AND THE -- I BELIEVE THERE'S A SHED OUT
23 BACK?

24 A THAT'S CORRECT.

25 Q AND WHEN YOU'RE DOING A SEARCH WARRANT, IS IT OKAY

1 FOR YOU TO SEARCH THE SHED OUT BACK?

2 A YES. THE SEARCH WARRANT ALWAYS ENTAILS ANY
3 OUTBUILDINGS, VEHICLES APPURTENANT TO THE RESIDENCE.

4 Q AND AGAIN, THIS IS A SEARCH WARRANT THAT WAS GOTTEN
5 THROUGH A MAGISTRATE IN THE PROPER MANNER?

6 A THAT'S CORRECT.

7 Q DID YOU PARTICIPATE IN THE SEARCH OF THE HOUSE THAT
8 DAY?

9 A YES, I DID.

10 Q AND INVESTIGATOR GONZALES HAS ALREADY TESTIFIED THAT
11 HE FOUND SEARCH ITEMS. WERE THOSE ITEMS TURNED OVER
12 TO YOU?

13 A EVERYTHING WE BROUGHT INTO THE KITCHEN TABLE TYPE
14 AREA WHERE THE ITEMS WERE IDENTIFIED AND LOGGED ON
15 EVIDENCE SHEETS FOR THE SEARCH WARRANT.

16 Q OKAY. AND I'LL GET BACK TO THAT. LET ME GO AHEAD
17 AND MOVE THESE INTO EVIDENCE WHILE I'M THINKING ABOUT
18 IT.

19 SO THE ITEMS THAT INVESTIGATOR GONZALES
20 COLLECTED, ITEMS 92 THROUGH 96, WHICH INCLUDED THE
21 HOLSTER, SOME PAPERWORK, A CLIP -- I'M SORRY, NOT A
22 CLIP, THINGS OF THAT NATURE, HE TURNED OVER TO YOU?

23 A CORRECT. ACTUALLY, EVERYTHING WAS BROUGHT INTO
24 MR. FIORI -- IT WAS THEIR SEARCH WARRANT, ASSISTED IN
25 IDENTIFYING EVERYTHING AND MAKING SURE WE RECORDED

1 EVERYTHING ON PAPER THAT WAS BEING TAKEN.

2 Q OKAY. HE ALSO FOUND A NUMBER OF PHONES, AND THOSE
3 WERE ALSO TURNED OVER TO YOU?

4 A CORRECT.

5 Ms. Campbell: YOUR HONOR, AT THIS TIME I WOULD
6 MOVE 92 THROUGH 96 INTO EVIDENCE, THE ITEMS FOUND BY
7 INVESTIGATOR GONZALES.

8 Mr. Strickler: YOUR HONOR, SUBJECT TO OUR
9 PREVIOUSLY STATED OBJECTION IN REGARDS TO STATE'S 93, THE
10 MARIJUANA RECOVERED, AND THAT PORTION OF STATE'S 94, WHICH
11 IS TERMED A MARIJUANA BOOK, SUBJECT TO THOSE PREVIOUSLY
12 STATED OBJECTIONS.

13 THE COURT: OKAY. THE EVIDENCE IS ADMITTED OVER
14 THE DEFENDANT'S OBJECTION.

15 (WHEREUPON, STATE'S EXHIBITS NOS. 92 - 96 WERE
16 ADMITTED INTO EVIDENCE.)

17 BY Ms. Campbell

18 Q THANK YOU, YOUR HONOR.

19 BEFORE I GO ANY FURTHER, THE MARIJUANA THAT WAS
20 ACTUALLY TURNED OVER TO YOU, THAT KIND OF CORNER
21 BLOCK OF MARIJUANA, DID YOU TAKE IT INTO CUSTODY THAT
22 DAY?

23 A YES.

24 Q DID YOU LATER PUT IT INTO YOUR EVIDENCE ROOM?

25 A YES, I DID.

1 Q IN WHAT MANNER WAS IT PUT INTO EVIDENCE WHEN YOU
2 RETURNED TO THE SHERIFF'S DEPARTMENT?

3 A I TURNED IT OVER TO THE EVIDENCE TECHNICIAN,
4 MR. LUTHER. FROM THERE, THE MARIJUANA WAS LATER
5 EXAMINED BY DAVID BELL FROM OUR DEPARTMENT.

6 Q AND IT WAS IN A SEALED MANNER, PLACED INTO EVIDENCE?

7 A YES, IT WAS.

8 Q AND IT REMAINED THAT WAY UNTIL INVESTIGATOR BELL GOT
9 IT?

10 A THAT'S CORRECT.

11 Q YOU ACTUALLY PARTICIPATED IN THE SEARCH THAT DAY
12 ALSO?

13 A YES, I DID.

14 Q AND WHAT ITEMS DID YOU -- WHAT PARTS OF THE HOUSE
15 WERE YOU SEARCHING?

16 A ACTUALLY, I SEARCHED THE ENTIRE RESIDENCE. MY
17 INITIAL FOCUS WAS THE MASTER BEDROOM, MR. CROCKER'S
18 BEDROOM.

19 Q AND THERE HAVE BEEN SOME PHOTOGRAPHS ENTERED, AND
20 SERGEANT EARLES WAS UP THERE, AND HIS PRIMARY FOCUS
21 WAS TO TAKE PHOTOGRAPHS?

22 A TO TAKE PHOTOS AND ASSIST IN THE COLLECTION OF
23 EVIDENCE, YES.

24 Q AND THERE ARE SOME PHOTOGRAPHS TAKEN, LIKE FROM THE
25 OUTSIDE LOOKING INTO THE CLOSETS AND STUFF, CLOTHING,

- 1 DID YOU OBSERVE CLOTHING IN THE RESIDENCE THAT DAY?
- 2 A YES, I DID.
- 3 Q AND THERE'S BEEN A QUESTION ABOUT WHETHER OR NOT
- 4 MR. CROCKER HAD ANY SUITS OR ANY DRESS CLOTHING?
- 5 A YES.
- 6 Q WAS THAT PRESENT IN THE --
- 7 A YES. HE HAD SEVERAL SUITS IN THERE. THEY DIDN'T
- 8 APPEAR TO BE OF ANY EVIDENTIARY VALUE, THAT'S WHY
- 9 NONE WERE TAKEN.
- 10 Q BUT THEY WERE THERE?
- 11 A YES.
- 12 Q BUT YOU ONLY WERE ALLOWED, PURSUANT TO THE SEARCH
- 13 WARRANT, TO TAKE THINGS?
- 14 A OF EVIDENTIARY VALUE.
- 15 Q THAT PERTAINED TO THIS CASE?
- 16 A YEAH, THAT PERTAINED TO THIS CASE.
- 17 Q I SHOW YOU WHAT'S BEEN MARKED, SOMEWHERE, AS STATE'S
- 18 EXHIBIT 102. DO YOU RECOGNIZE THIS BOX?
- 19 A YES, I DO.
- 20 Q AND WHAT DOES THIS BOX CONTAIN?
- 21 A IT'S A BOX OF FABRIQUE BRAND BLANKETS.
- 22 Q IS THAT ONE OF THE THINGS YOU WERE LOOKING FOR?
- 23 A YES. THAT WAS THE ORIGINAL TUPPERWARE TYPE CONTAINER
- 24 THAT WAS DELIVERED TO MR. CASEY. IT HAD THAT TYPE OF
- 25 BLANKET IN IT.

1 Q I SHOW YOU STATE'S EXHIBIT 34 AND 33. YOU MENTIONED
2 THAT -- ARE THESE THE TYPE BLANKETS YOU WERE LOOKING
3 FOR?

4 A YES.

5 Q WHAT IS THE BRAND NAME?

6 A FABRIQUE.

7 Q WHY WERE YOU LOOKING FOR A BLANKET? IT'S JUST A
8 BLANKET, ISN'T IT?

9 A WELL, IT'S FAIRLY UNIQUE. YOU KNOW, THAT SAME EXACT
10 TYPE OF COLOR, THAT SAME EXACT BLANKET, 100 PERCENT
11 POLYESTER. IT'S KIND OF UNIQUE. IT TIES HIM TO THE
12 CRIME SCENE.

13 Q THERE'S ONE WHITE ONE HERE, BUT THIS WHOLE BOX IS
14 FULL OF THESE SAME BLUE BLANKETS, ISN'T IT?

15 A CORRECT.

16 Q WHICH IN AND OF ITSELF JUST CORROBORATES WHAT WAS
17 FOUND AT THE SCENE.

18 Mr. Strickler: OBJECTION TO THE LEADING.

19 BY Ms. Campbell

20 Q WHAT DOES IT MEAN?

21 A THIS TIES IN TO THE BLANKETS THAT WERE FOUND AT THE
22 SCENE, CORROBORATION TYING THE SUSPECT TO THE CRIME
23 SCENE.

24 Q DID YOU ALSO, AS PART OF YOUR SEARCH, WERE YOU
25 LOOKING FOR A CERTAIN BRAND OF CONTAINERS?

1 A YES, WE WERE. STERILITE BRAND CONTAINERS.

2 Q AND I'M GOING TO SHOW YOU WHAT'S BEEN MARKED -- DO
3 YOU KNOW WHAT THE NUMBERS ARE?

4 the court reporter: I PUT IT ON THE OUTSIDE.

5 Ms. Campbell: ON THE OUTSIDE?

6 the court reporter: UNDER THE HANDLE, I THINK.

7 BY Ms. Campbell

8 Q OH HERE IT IS. I'M SORRY. STATE'S EXHIBIT 103, 114,
9 115, 116, AND 117.

10 A YES. THOSE ARE ALL STERILITE TOPS AND A CONTAINER.

11 Q WHY IS THERE ONLY ONE CONTAIN AND FOUR TOPS?

12 A WE WERE LIMITED ON HOW MUCH WE COULD BRING BACK.

13 THERE WERE MANY, MANY STERILITE CONTAINERS OF THIS
14 SORT IN THE SHED AREA. WE TOOK ONE AND SEVERAL OF
15 THE TOPS FROM SEVERAL OF THE OTHERS.

16 Q SEVERAL TOPS FROM THE OTHERS?

17 A JUST TO DEMONSTRATE THERE WAS AN ABUNDANCE OF THESE
18 TOPS IN THERE.

19 Q AND WHERE WERE THESE LOCATED?

20 A IN THE SHED IN THE REAR.

21 Q IN THE SHED AT THE REAR. WHERE WERE THE BLANKETS
22 FOUND?

23 A ALSO AT THE SHED.

24 Ms. Campbell: YOUR HONOR, AT THIS TIME WE WOULD
25 OFFER ALL OF THESE INTO EVIDENCE, INCLUDING THE BLANKETS.

1 Mr. Strickler: THAT'S WITHOUT OBJECTION.

2 THE COURT: WITHOUT OBJECTION.

3 (WHEREUPON, STATE'S EXHIBITS NOS. 102, 103, 114
4 - 117 WERE ADMITTED INTO EVIDENCE.)

5 BY Ms. Campbell

6 Q THERE WERE SEVERAL PHONES TURNED OVER TO YOU. DID
7 YOU ACTUALLY FIND ONE PHONE YOURSELF?

8 A YES, I DID.

9 Q I'M GOING TO SHOW YOU STATE'S EXHIBIT 109. DO YOU
10 RECOGNIZE THIS?

11 A YES, I DO.

12 Q AND WHERE DID YOU FIND -- NOT YOU ALL, YOU, FIND
13 THAT?

14 A IT WAS IN A RIGHT REAR BEDROOM AT THE RESIDENCE.

15 Q IN THE RIGHT REAR BEDROOM?

16 A UH-HUH.

17 Q AND WAS THAT A MASTER BEDROOM, ANOTHER BEDROOM?

18 A NO. THAT WOULD BE ANOTHER BEDROOM. HIS BEDROOM WAS
19 TO THE LEFT. THIS WOULD BE TO THE RIGHT.

20 Q AND I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS
21 STATE'S EXHIBIT -- WHAT NUMBER IS ON THAT PHONE, BY
22 THE WAY? NOT THAT NUMBER, THE BLUE, THE STATE'S
23 EXHIBIT NUMBER?

24 A 109.

25 Q THANK YOU. I'M GOING TO SHOW YOU STATE'S

- 1 EXHIBIT 108. THAT'S A BLACK DOO-RAG?
- 2 A RIGHT.
- 3 Q WHY DID YOU TAKE THAT, AS WELL AS STATE'S
- 4 EXHIBIT 110? WHY DID YOU TAKE THOSE ITEMS INTO
- 5 EVIDENCE?
- 6 A THE COMPOSITE MS. CASEY GAVE, IT WAS IN THE
- 7 DESCRIPTION, SOME TYPE OF WAVE CAP OR DOO-RAG.
- 8 Q AND, IN FACT, STATE'S EXHIBIT 113, WHERE WERE THOSE
- 9 ITEMS FOUND?
- 10 A EXHIBIT 113 WAS FOUND INSIDE THE RANGE ROVER?
- 11 Q INSIDE THE RANGE ROVER?
- 12 A YES.
- 13 Q AND WHERE WAS THE RANGE ROVER LOCATED?
- 14 A IT WAS PARKED IN FRONT OF THE RESIDENCE.
- 15 Q HOW MANY OTHER AUTOMOBILES WERE THERE AT THE
- 16 RESIDENCE WHEN YOU GOT THERE?
- 17 A JUST THAT ONE.
- 18 Q OKAY. AND THE SECOND ONE, I'M SORRY?
- 19 A THIS WAS FOUND IN THE FAR LEFT BEDROOM, WHICH WOULD
- 20 HAVE BEEN MR. CROCKER'S BEDROOM.
- 21 Q MR. CROCKER 'S BEDROOM?
- 22 A YES.
- 23 Q AND THE FINAL ONE, I'M SORRY?
- 24 A ALSO IN THE RIGHT REAR BEDROOM.
- 25 Q OKAY. AND AGAIN, YOU TOOK THOSE INTO EVIDENCE

1 BECAUSE OF?

2 A DUE TO THE COMPOSITE SKETCH, THE DESCRIPTION OF SOME
3 TYPE OF WAVE CAP, SOME TYPE OF DOO-RAG, TYPE OF
4 HEADWEAR, THE DEFENDANT MAY HAVE BEEN WEARING.

5 Q OKAY. THAT WAS FROM MS. CASEY?

6 A MS. CASEY.

7 Ms. Campbell: YOUR HONOR, AT THIS TIME WE WOULD
8 OFFER THOSE INTO EVIDENCE, INCLUDING THE PHONE, 109.

9 Mr. Strickler: THAT'S WITHOUT OBJECTION, SIR.

10 THE COURT: WITHOUT OBJECTION.

11 (WHEREUPON, STATE'S EXHIBITS NOS. 108, 109 WERE
12 ADMITTED INTO EVIDENCE.)

13 BY Ms. Campbell

14 Q ALSO, IN YOUR PARTICIPATION IN THE SEARCH, I'M GOING
15 TO SHOW YOU STATE'S EXHIBIT 105. DO YOU RECOGNIZE
16 THAT?

17 A YES. THAT'S A BLACK HOLSTER.

18 Q OKAY. AND THAT BLACK HOLSTER, WOULD A NINE
19 MILLIMETER WEAPON FIT IN THAT HOLSTER?

20 A YES.

21 Q AND I SHOW YOU STATE'S EXHIBIT 106. DO YOU RECOGNIZE
22 THAT?

23 A YES. IT'S A GLOCK NINE MILLIMETER CLIP, HOLDS 33
24 ROUNDS.

25 Q AND YOU FOUND THE HOLSTER WHERE?

- 1 A IT WAS FOUND IN A CLOSET.
- 2 Q IN A CLOSET?
- 3 A UH-HUH.
- 4 Q AND YOU FOUND THE NINE MILLIMETER MAGAZINE? IS THIS
- 5 WHAT IT'S CALLED?
- 6 A YES.
- 7 Q WHERE WAS IT FOUND?
- 8 A I'M TRYING TO FIND IT. THE MAGAZINE WAS FOUND IN
- 9 MR. CROCKER'S BEDROOM.
- 10 Q IN MR. CROCKER'S BEDROOM?
- 11 A THAT'S CORRECT.
- 12 Q AND AGAIN, A NINE MILLIMETER -- AND ON THIS, IT SAYS
- 13 NINE MILLIMETER, DOESN'T IT?
- 14 A YES, IT DOES.
- 15 Q GLOCK NINE MILLIMETER?
- 16 A YEAH.
- 17 Q AND THIS IS THE TYPE OF MAGAZINE USED WITH THE NINE
- 18 MILLIMETER GUN?
- 19 A YES.
- 20 Q THIS APPEARS TO BE LARGER THAN USUAL?
- 21 A YES. THE GENERAL PUBLIC GENERALLY DOES NOT HAVE
- 22 AUTHORITY TO HAVE THIS TYPE, ONLY LAW ENFORCEMENT OR
- 23 MILITARY.
- 24 Q FINALLY, I SHOW YOU STATE'S EXHIBIT 107. DO YOU
- 25 RECOGNIZE THOSE?

1 A YES. THESE ARE SEVERAL NINE MILLIMETER ROUNDS
2 LOCATED AT THE RESIDENCE DOWNSTAIRS IN A DEN AREA.

3 Q IN A DEN AREA. I'M GOING TO SHOW YOU A PICTURE,
4 STATE'S EXHIBIT 63 AND 62. IS THAT HOW THEY
5 APPEARED?

6 A YES.

7 Q AND THOSE WERE FOUND IN THE DOWNSTAIRS DEN?

8 A YES.

9 Q BY YOU?

10 A YES.

11 Ms. Campbell: YOUR HONOR, AT THIS TIME WE WOULD
12 MOVE THESE THREE ITEMS INTO EVIDENCE.

13 Mr. Strickler: WITHOUT OBJECTION.

14 THE COURT: WITHOUT OBJECTION.

15 (WHEREUPON, STATE'S EXHIBITS NOS. 105 - 107 WERE
16 ADMITTED INTO EVIDENCE.)

17 BY Ms. Campbell

18 Q I'M GOING TO SHOW YOU STATE'S EXHIBIT 48. WHAT DOES
19 THAT DEPICT?

20 A THAT'S A PICTURE OF THE DEFENDANT MOMENTS AFTER HIS
21 ARREST.

22 Q MOMENTS AFTER HIS ARREST. SPECIFICALLY AS TO FACIAL
23 HAIR, HOW DID THE DEFENDANT APPEAR THAT DAY?

24 A HE HAD A THICK BEARD AND MUSTACHE.

25 Q AND IS THAT SHOWN IN THAT PICTURE?

1 A YES, IT IS.

2 Q NOW, WE HAVE SEEN WILLIE JENNINGS ONCE -- LET ME WRAP
3 THIS UP. ONCE ALL THE ITEMS HAD BEEN COLLECTED, THEY
4 WERE LOGGED IN ON A SHEET OF PAPER AS TO WHAT THEY
5 WERE AND WHERE THEY WERE FOUND?

6 A THAT'S CORRECT.

7 Q AND THEN THEY WERE TURNED OVER TO YOU, AND YOU
8 BROUGHT THEM BACK AND PUT THEM INTO EVIDENCE?

9 A RIGHT. I TOOK THEM BACK TO COLUMBIA, THEN THEY WERE
10 ENTERED INTO EVIDENCE.

11 Q YOU MENTIONED THAT YOU KNOCKED ON THE DOOR SEVERAL
12 MINUTES BEFORE ENTERING. IN FACT, PRIOR TO THE
13 ENTRY, WERE SOME PHOTOGRAPHS TAKEN?

14 A YES. PER CHARLOTTE'S POLICY, AS IT WAS EXPLAINED TO
15 US, THEY HAVE TO ACTUALLY PHOTOGRAPH THE RESIDENCE
16 PRIOR TO MAKING ENTRY TO SHOW ANY DAMAGES THAT THEY
17 CREATE UPON MAKING ENTRY. IT'S SOMETHING UNIQUE IN
18 THEIR DEPARTMENT. WE DON'T DO THAT HERE. WE HAD TO
19 HOLD UP WHILE PICTURES WERE SNAPPED AT THE DOOR WHERE
20 THE ENTRY WAS GOING TO BE MADE.

21 Q THE PAPERWORK THAT WAS TURNED OVER TO YOU BY
22 INVESTIGATOR GONZALES INCLUDED A BOOK ON MARIJUANA
23 LAWS, BUT BESIDES THAT, IT INCLUDES SOME PAPERWORK ON
24 A PONTIAC 6000?

25 A THAT'S CORRECT. IT WAS A 1988 PONTIAC 6000 STATION

- 1 WAGON.
- 2 Q I HAND THIS TO YOU AND ASK YOU TO PULL OUT THAT
- 3 PAPERWORK FOR ME.
- 4 A OKAY.
- 5 Q THE VEHICLE THAT YOU WERE LOOKING FOR HAD BEEN
- 6 DESCRIBED AS WHAT?
- 7 A BY THE WITNESSES?
- 8 Q UH-HUH.
- 9 A POSSIBLY AN OLDSMOBILE. WE'D GOTTEN DESCRIPTIONS OF
- 10 BEIGE; ACCORDING TO US LOOKING AT THE VIDEO, KIND OF
- 11 BLUE OR SILVERY GRAY COLOR, DEFINITELY A GENERAL
- 12 MOTORS PRODUCT FROM WHAT WE COULD DETERMINE FROM THE
- 13 VIDEO.
- 14 Q EXPLAIN TO ME WHAT YOU MEAN, A GENERAL MOTORS
- 15 PRODUCT.
- 16 A GENERAL MOTORS MAKES SEVERAL DIFFERENT TYPE OF
- 17 VEHICLES: PONTIAC, BUICK, CADILLAC, CHEVROLET. THEY
- 18 ALL MAKE SIMILAR -- MOST OF THE VEHICLES ARE VERY
- 19 SIMILAR IN APPEARANCE. THEY MAY CHANGE THE TRIM A
- 20 LITTLE BIT AND THE DESIGN HERE AND THERE, BUT
- 21 BASICALLY, THE OVERALL VEHICLE IS THE SAME, WITHIN
- 22 THE SAME GENERAL MOTORS COMPANY.
- 23 Q AND I'M GOING TO HAND YOU UP PHOTOGRAPHS, SOME
- 24 PHOTOGRAPHS, OF THOSE DIFFERENT AUTOMOBILES.
- 25 A YES.

1 Q AND THERE YOU HAVE AN EXAMPLE OF THREE G.E. (SIC)
2 AUTOMOBILES, I BELIEVE?

3 A THREE G.M.

4 Q G.M., EXCUSE ME, NOT G.E.

5 A ONE IS A PONTIAC 6000 STATION WAGON. IT'S BLUE IN
6 COLOR WITH THE WOOD GRAIN SIDING. ALL THESE PICTURES
7 WERE PULLED FROM THE INTERNET.

8 THIS IS A 1988 OLDS CUTLASS WAGON, ALSO WITH THE
9 BLUE IN COLOR WITH WOOD GRAIN SIDING, AND A BUICK
10 CENTURY STATION WAGON, WHICH IS A G.M. PRODUCT, BLUE
11 WITH THE WOOD GRAIN SIDING. ALL THREE OF THESE
12 VEHICLES APPEARED TO BE ROUGHLY THE SAME VEHICLE.

13 Q AND THOSE ARE ALL APPROXIMATELY THE SAME AGE?

14 A YEAH, THEY'RE ALL 1988 MODELS.

15 Q 1988. WE HAVE TWO OF THE SAME ONES.

16 A YES, THAT'S AN EXTRA.

17 Ms. Campbell: YOUR HONOR, AT THIS TIME WE'D
18 OFFER THEM INTO EVIDENCE.

19 Mr. Strickler: WITHOUT OBJECTION.

20 THE COURT: WITHOUT OBJECTION.

21 (WHEREUPON, STATE'S EXHIBIT NO. 120 WAS MARKED
22 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

23 BY Ms. Campbell

24 Q I SHOW YOU STATE'S EXHIBIT 120. WOULD YOU PULL THAT
25 PAPERWORK FOR ME?

1 DID YOU FIND EVIDENCE OF A STATION WAGON WITH
2 WOOD GRAIN SIDING IN -- WELL, LET ME GET THIS
3 STRAIGHT: WAS THE STATION WAGON THERE?

4 A NO, IT WASN'T.

5 Q BUT DID YOU FIND EVIDENCE THAT THE STATION WAGON HAD
6 BEEN THERE?

7 A YES. WE FOUND AN OWNER'S MANUAL FOR THE PONTIAC
8 6000. WE FOUND A STATE OF NORTH CAROLINA
9 REGISTRATION CARD FOR THE VEHICLE, A WARRANTY AND
10 OWNER ASSISTANCE INFORMATION PACKET ON THE VEHICLE,
11 AND A RECEIPT FROM PEP BOYS WHERE SOME WORK WAS DONE
12 ON THE VEHICLE.

13 Q OKAY. AND A RESULT OF SPEAKING TO THE DEFENDANT THAT
14 DAY, DID HE INDICATE HE HAD GOTTEN RID OF THE
15 VEHICLE?

16 A HE INDICATED HE HAD SOLD IT A COUPLE OF WEEKS PRIOR.

17 Q A COUPLE OF WEEKS PRIOR?

18 A UH-HUH.

19 Q WOULD THAT HAVE BEEN AFTER THANKSGIVING OR BEFORE
20 THANKSGIVING?

21 A THAT WOULD HAVE BEEN AFTER.

22 Q DID HE INDICATE TO WHOM HE SOLD THE CAR?

23 A A HISPANIC MALE BY THE NAME OF L. ALEJANDRO DIOS
24 VASQUEZ. HE INDICATED THE W-2 STATEMENT AND THE
25 BIRTH CERTIFICATE BELONGED TO THE PERSON HE SOLD THE

1 CAR TO.

2 Q DID YOU MAKE ANY ATTEMPTS TO TRY TO FIND THE PERSON
3 WHO HAD BOUGHT THAT CAR?

4 A YES. BEFORE WE LEFT CHARLOTTE THAT DAY, WE WENT BY A
5 RESIDENCE ON, I BELIEVE, SNOW ROAD TRYING TO
6 LOCATE -- IT'S AN APARTMENT BUILDING. NO ONE THERE
7 HAD EVER HEARD OF MR. VASQUEZ.

8 FOR A COUPLE OF WEEKS AFTER THIS, WE TRIED EVERY
9 AVENUE WE COULD THINK OF, BASED ON THE W-2 AND THE
10 BIRTH CERTIFICATE, TRYING TO GET HIM IDENTIFIED TO
11 LOCATE HIM TO SEE IF WE COULD FIND THIS VEHICLE
12 NATIONWIDE.

13 Q WERE YOU EVER ABLE TO FIND THE CAR?

14 A NO. A NATIONWIDE BOLO WAS ISSUED ON THE VEHICLE, AS
15 WELL, WHERE IF THE VEHICLE WERE PULLED OVER FOR ANY
16 REASON, IT WOULD SHOW THE OFFICER THAT PULLED IT OVER
17 THAT WE WERE LOOKING FOR IT IN REFERENCE TO A
18 HOMICIDE.

19 Q AND THAT'S BEEN IN EFFECT FOR THE LAST TWO YEARS?

20 A YES.

21 Q HAVE YOU FOUND THE VEHICLE?

22 A THE VEHICLE HAS NEVER BEEN FOUND.

23 Q AND HE GOT RID OF IT RIGHT AFTER THANKSGIVING?

24 A YES.

25 Q AND FINALLY, I WANT TO SHOW YOU STATE'S EXHIBIT 120.

1 THE VEHICLE THAT HE ACTUALLY OWNED WAS THE PONTIAC
2 6000?

3 A THAT'S CORRECT.

4 Q AND THAT'S THE SECOND PAGE OF THAT EXHIBIT?

5 A THAT'S CORRECT.

6 Q AND THEN ON THE THIRD PAGE, WHAT CAR DOES THIS SHOW?

7 A THAT'S AN '88 OLDS CUTLASS.

8 Q AN OLDS CUTLASS. SO THE LAST PAGE IS THE OLDS
9 CUTLASS, AND THEN THAT'S WHAT THE PONTIAC 6000 LOOKS
10 LIKE?

11 A CORRECT.

12 Q SO YOU WERE NEVER ABLE TO GET THE CAR, SO YOU
13 COULDN'T PROCESS IT OR DO ANYTHING WITH IT?

14 A NO. I'VE RUN IT PERIODICALLY WITHIN THE LAST TWO
15 YEARS TO SEE IF IT HAD BEEN REGISTERED ANYWHERE, BY
16 CHANCE, IF SOMEONE HAD MISSED IT WHEN IT WAS PULLED
17 OR SOMETHING LIKE THAT.

18 Q AND, OF COURSE, IN EVERY HOMICIDE INVESTIGATION
19 INVOLVING A SHOOTING, YOU'RE LOOKING FOR THE GUN.

20 A CORRECT.

21 Q YOU GOT AMMUNITION, THE CLIP, BUT DID YOU FIND ANY
22 GUN THERE AT THE RESIDENCE?

23 A NO.

24 Q SO YOU WEREN'T ABLE TO DO ANY TESTING ON ANY GUN?

25 A NO, WE WEREN'T.

1 Q IN THE LAST TWO YEARS, HAVE YOU EVER FOUND THE GUN?

2 A NO, WE HAVE NOT.

3 Q LET ME GET THIS STRAIGHT: THERE WAS A NINE
4 MILLIMETER GUN RECOVERED FROM THE VICTIM'S CAR; IS
5 THAT RIGHT?

6 A THAT'S CORRECT.

7 Q AND THAT WAS THE ACTUAL -- I SHOW YOU STATE'S
8 EXHIBIT 35. THIS WAS THE ACTUAL GUN THAT WAS SENT TO
9 S.L.E.D.?

10 A YES.

11 Q IT WAS NOT THE GUN THAT FIRED THE BULLET FROM THE
12 SHELL CASINGS?

13 A NO. THE BALLISTICS TEST INDICATE THIS WAS NOT THE
14 GUN THAT FIRED THE ROUND THAT WAS FOUND AT THE SCENE,
15 THE CASING.

16 Q LET ME TALK TO YOU A LITTLE BIT ABOUT THE PHONES THAT
17 WERE FOUND IN THE SEARCH WARRANT. HOW MANY TOTAL
18 CELLPHONES WERE FOUND AT THE RESIDENCE OF THE
19 DEFENDANT?

20 A A TOTAL OF SIX.

21 Q AND IN YOUR FOLLOW UP INVESTIGATION, DID YOU ATTEMPT
22 TO DETERMINE -- AND I'M GOING TO SHOW YOU THESE THAT
23 HAVE BEEN MARKED STATE'S EXHIBIT 95. TELL THE JURY,
24 DID YOU DO ANY FURTHER INVESTIGATION TRYING TO
25 DETERMINE WHO THOSE PHONES BELONGED TO?

1 A YES, WE DID. WE SUBPOENAED OR SENT SEARCHES TO THE
2 COMPANIES ASSOCIATED WITH THESE CELLPHONES. WE WERE
3 ABLE TO PULL UP THE PHONE NUMBERS OFF THE CELLPHONES
4 THEMSELVES AND CORRESPONDINGLY CONTACTED THE
5 DIFFERENT AGENCIES THESE PHONES WERE REGISTERED WITH.

6 ALL OF THEM CAME BACK TO DIFFERENT NAMES. MANY
7 OF THEM WERE CLOSED ACCOUNTS. I TALKED TO A COUPLE
8 OF THE PEOPLE THAT THESE PHONES SUPPOSEDLY BELONGED
9 TO, AND THEY DIDN'T KNOW WHAT I WAS TALKING ABOUT.

10 Mr. Strickler: I OBJECT.

11 THE WITNESS: TALKING ABOUT --

12 Mr. Strickler: I OBJECT.

13 THE COURT: SUSTAINED.

14 BY Ms. Campbell

15 Q YOU CAN'T TALK ABOUT WHAT THEY TOLD YOU, BUT WERE YOU
16 ABLE TO CONFIRM WHETHER OR NOT -- THESE PHONES WERE
17 ALL IN DIFFERENT NAMES?

18 A YES, THEY WERE.

19 Q DURING THE COURSE OF YOUR INVESTIGATION, THE PEOPLE
20 WHOSE NAMES THOSE PHONES WERE IN, DID ANY OF THEM
21 HAVE THOSE PHONES?

22 A ONE PERSON.

23 Q ONE PERSON. SO THE OTHER -- IS IT FOUR OR FIVE
24 PEOPLE?

25 A FIVE.

1 Q AND AGAIN, IN YOUR EXPERIENCE AS AN INVESTIGATOR, IS
2 IT UNUSUAL FOR -- BECAUSE OF THE INTERNET, TO GET
3 PHONES IN JUST DIFFERENT PEOPLE'S NAMES?

4 A IT HAPPENS ALL THE TIME.

5 Q IN YOUR FOLLOW UP INVESTIGATION, TOO, IF THE PHONE IS
6 IN A FICTITIOUS NAME, ARE THE ACCOUNTS DELINQUENT?

7 A GENERALLY, THE BILL IS NEVER PAID. AFTER A MONTH OR
8 TWO, THE PHONE IS CUT OFF.

9 Q NOW, I WANT TO TALK ABOUT THE PHONE RECORDS YOU
10 SUBPOENAED. YOU GOT PHONE RECORDS -- LET'S GET ONE
11 THING STRAIGHT, TOO. YOU WERE ALSO LOOKING FOR THE
12 PHONE THAT BELONGED TO THIS 646-408-5502 NUMBER?

13 A THAT'S CORRECT.

14 Q AND AGAIN, AT THIS POINT IN YOUR INVESTIGATION, WERE
15 YOU ABLE TO DETERMINE THAT THE PERSON WHOSE NAME THE
16 PHONE WAS IN HAD NEVER HAD THE PHONE?

17 A THAT'S CORRECT.

18 Q DID YOU FIND THAT PHONE FOR THAT NUMBER ANYWHERE?

19 A THAT PHONE WAS NEVER FOUND, NO.

20 Q THE GUN WAS NEVER FOUND, THE CAR WAS NEVER FOUND, AND
21 THE PHONE WAS NEVER FOUND?

22 A CORRECT.

23 Q IN REVIEWING THE CELLPHONE RECORDS, TELL THIS JURY
24 WHAT ALL CELLPHONE RECORDS THAT YOU SUBPOENAED AND
25 WERE ABLE TO REVIEW.

1 A I SUBPOENAED THE VICTIM'S CELLPHONE INFORMATION. I
2 SUBPOENAED THE 646-408-5502 CELLPHONE SUBSCRIBER
3 INFORMATION AND RECORDS. I ALSO SUBPOENAED A
4 CELLPHONE BELONGING TO WILLIE JENNINGS, WHICH WAS A
5 SINGULAR CELLPHONE, AS WELL. A MARTY MORGAN
6 RESIDENTIAL LINE WAS ALSO -- A SEARCH WARRANT WAS
7 DONE FOR THAT.

8 Q AND WE'VE HAD THE CUSTODIAN OF RECORDS COME UP HERE
9 AND TALK ABOUT THE CELL SITES. CAN YOU EXPLAIN TO
10 THE JURY WHEN A PHONE IS BEING USED, HOW THAT CAN AID
11 YOU IN YOUR INVESTIGATION AS TO WHERE A PERSON IS
12 WHEN THEY'RE USING THAT PHONE?

13 A WHENEVER YOU MAKE A PHONE CALL, YOU HIT OFF THE
14 NEAREST TOWER IS THE WAY IT'S --

15 Mr. Strickler: I'LL OBJECT.

16 THE COURT: ALL RIGHT.

17 ON WHAT GROUNDS?

18 Ms. Campbell: WHAT GROUNDS?

19 Mr. Strickler: NOT QUALIFIED TO TESTIFY, AS A
20 POLICE OFFICER.

21 THE COURT: ALL RIGHT. I UNDERSTAND. LET'S DO
22 THIS: LET'S TAKE ABOUT A 10-MINUTE BREAK. HOW ABOUT
23 THAT? EVERYBODY AGREE WITH THAT?

24 (JURORS NOD IN THE AFFIRMATIVE).

25 ALL RIGHT. LET'S BE AT EASE. I'LL ASK THE JURY

1 TO GO TO THE JURY ROOM. DON'T DISCUSS THE CASE AMONGST
2 YOURSELVES. WE'LL CALL YOU IN ABOUT 10 OR 15 MINUTES. I
3 NEED TO TAKE THIS UP WITH THE ATTORNEYS.

4 (WHEREUPON, THE JURY LEFT OPEN COURT AT
5 APPROXIMATELY 11:28 A.M.)

6 THE COURT: MS. CAMPBELL, DO YOU WANT TO PROFFER
7 THIS TESTIMONY?

8 Ms. Campbell: YES.

9 THE COURT: YOUR OBJECTION IS THAT THE WITNESS
10 IS NOT QUALIFIED?

11 Mr. Strickler: FIRST, HE'S NOT QUALIFIED. HE'S
12 GIVING HEARSAY; THE INFORMATION PROVIDED WOULD BE BASED ON
13 INFORMATION PROVIDED IN -- OUTSIDE THIS COURTROOM.

14 Ms. Campbell: NO. THE INFORMATION IS IN --

15 Mr. Strickler: I KNOW. I UNDERSTAND HE'S GOING
16 TO BE REFERRING TO THE RECORDS. YES, I UNDERSTAND THAT.

17 THE COURT: WHAT ARE YOU --

18 Mr. Strickler: HIS ABILITY TO INTERPRET THE
19 RECORDS. HE HAS NO ABILITY. IT GOES BACK TO HIS
20 QUALIFICATIONS, YOUR HONOR.

21 THE COURT: WELL, I THINK HE DOESN'T HAVE TO BE
22 AN EXPERT TO MATCH A NUMBER TO A NUMBER, IF THAT'S WHAT
23 HE'S GOING TO DO.

24 Mr. Strickler: WELL, LET MS. CAMPBELL TELL YOU
25 WHAT HE'S GOING TO DO.

1 THE COURT: PROFFER IT. OKAY. GO AHEAD.

2 BY Ms. Campbell

3 Q SERGEANT, DID YOU RECEIVE CERTAIN CELL SITE
4 INFORMATION FROM CERTAIN COMPANIES?

5 A YES, I DID.

6 Q AND DID YOU ALSO RECEIVE CERTAIN PHONE RECORDS?

7 A YES, I DID.

8 Q AND ONCE YOU RECEIVED THOSE RECORDS, AND IT DOESN'T
9 TAKE AN EXPERT, DID YOU GO BACK AND BASED ON THE
10 INFORMATION PROVIDED IN THE PHONE RECORDS, MATCH IT,
11 CORRELATE IT, TO THE CELL SITE INFORMATION?

12 A YES. MYSELF AND INVESTIGATOR GONZALES ALSO WENT TO A
13 LOCAL SPRINT OFFICE WHERE WE SAT DOWN FOR ABOUT AN
14 HOUR-AND-A-HALF.

15 THE COURT: SAY THAT AGAIN SLOWLY.

16 THE WITNESS: INVESTIGATOR GONZALES AND MYSELF
17 ALSO WENT TO A LOCAL SPRINT OFFICE, CORPORATE OFFICE HERE
18 IN TOWN ON HUGEE STREET, AND SHOWED THEM WHAT WE HAD AND
19 WERE INSTRUCTED ON HOW TO DECIPHER THESE RECORDS. WE WERE
20 GIVEN A...

21 Ms. Campbell: A KEY.

22 THE WITNESS: A KEY INDICATING WHAT EACH COLUMN
23 STOOD FOR AND WHAT THAT MEANT, WHAT ALL THESE NUMBERS AND
24 LETTERS MEAN ON THESE CHARTS. WE WENT --

25 BY Ms. Campbell

- 1 Q THE KEY BASICALLY TOLD YOU -- FROM THE KEY, YOU WERE
2 ABLE TO WORK WITH IT?
- 3 A RIGHT. AND WE WENT THROUGH SOME OF THE NUMBERS WITH
4 THE PERSON AT SPRINT THERE TO MAKE SURE WE UNDERSTOOD
5 WHAT WE WERE DOING BEFORE WE LEFT.
- 6 Q DO YOU HAVE A COPY OF THAT KEY WITH YOU?
- 7 A YES, I DO.
- 8 Q I THINK IT'S IN HERE. HERE IT IS.
9 IT'S PART OF STATE'S EXHIBIT 119, YOUR HONOR,
10 SPRINT.
- 11 I'M SHOWING YOU PART OF STATE'S EXHIBIT 119,
12 THESE TWO PAGES. IS THAT THE KEY TO THE CELL SITE
13 INFORMATION?
- 14 A THAT'S CORRECT.
- 15 Q IS THAT THE INFORMATION PROVIDED TO YOU?
- 16 A FOR THE SPRINT PHONE, YES.
- 17 Q AND THIS TELLS YOU THE DIFFERENT SECTORS ON THE CELL
18 SITE ITSELF?
- 19 A THAT'S CORRECT.
- 20 Q AND WHAT THAT MEANS?
- 21 A RIGHT.
- 22 Q AND USING THESE TWO ITEMS, YOU WERE ABLE TO GO
23 THROUGH AND CORRELATE IT TO THE RECORDS YOU HAVE?
- 24 A WE HAVE A LISTING OF SITES BY NUMBER.
- 25 Q WHICH ARE ALSO PART OF 119?

1 A RIGHT.

2 Ms. Campbell: I'D HAND THAT UP TO THE COURT TO
3 REVIEW.

4 THE COURT: ALL RIGHT. GO AHEAD.

5 BY Ms. Campbell

6 Q SERGEANT, BASED ON THAT, WERE YOU ABLE TO LOOK AT THE
7 PHONE RECORDS AND DETERMINE CERTAIN THINGS ABOUT THE
8 PHONE RECORDS, SUCH AS THE TIME A PHONE CALL WAS
9 MADE?

10 A RIGHT.

11 Q THE DATE, OF COURSE?

12 A THE DATE.

13 Q THE NUMBER THAT WAS CALLED?

14 A CORRECT.

15 Q AND THEN THE LOCATION WHERE THE PHONE WAS WHEN THE
16 CALL WAS MADE?

17 A RIGHT.

18 THE COURT: IS THAT IT?

19 Ms. Campbell: I MEAN, HE DID IT FROM -- YEAH.

20 THE COURT: I UNDERSTAND THAT, BUT THEN WHAT
21 FOLLOWS? HE GOING TO LINK UP NUMBERS?

22 Ms. Campbell: YES, SIR. HE'LL LINK UP THE
23 NUMBERS.

24 THE COURT: AND PLACES.

25 Ms. Campbell: AND PLACES, THAT'S IT. I CAN

1 SHOW YOU THE DIAGRAMS.

2 THE COURT: NOW, WHAT DIAGRAMS? OH, YOUR
3 DIAGRAMS.

4 Ms. Campbell: YES, SIR. THEY'RE FROM THE PHONE
5 RECORDS THAT ARE ALREADY IN EVIDENCE. ALL THIS
6 INFORMATION IS IN EVIDENCE.

7 THE COURT: MR. STRICKLER?

8 Mr. Strickler: SHE JUST EXACTLY MADE MY POINT.
9 HE WENT, SPENT AN HOUR-AND-A-HALF SITTING AROUND TALKING
10 TO SOMEONE WHO DOES UNDERSTAND THESE RECORDS. HE PROVIDED
11 THEM WITH THESE KEYS AND EXPLAINED TO HIM HOW HE SAYS THEY
12 WORK.

13 NOW, THAT'S THE PERSON WHO COULD TESTIFY ABOUT
14 HOW TO INTERPRET THESE RECORDS, NOT THE OFFICER WHO IS
15 HERE TESTIFYING.

16 HE IS TESTIFYING AS TO CONCLUSIONS DRAWN FROM
17 RECORDS REGARDING WHICH HE DOES NOT HAVE PERSONAL
18 KNOWLEDGE, REGARDING WHICH HE DOES NOT HAVE ANY EXPERTISE.
19 YOU KNOW, WE JUST HAVE THE WRONG PERSON HERE TO TESTIFY.

20 Ms. Campbell: HE'S THE ONE THAT DID ALL THIS
21 WORK, YOUR HONOR.

22 THE COURT: I UNDERSTAND.

23 Ms. Campbell: I UNDERSTAND.

24 THE COURT: MR. STRICKLER, I THINK -- I DON'T
25 WANT TO BE TOO BROAD ABOUT THIS, BUT I THINK ANYBODY -- I

1 DON'T KNOW. ANYBODY IS PROBABLY A BAD -- SOMEONE WHO IS
2 GIVEN A KEY TO READ A CHART THAT HAS NUMBERS AND LETTERS
3 PROBABLY CAN DO THEM AND NEED NOT BE AN EXPERT TO DO IT.

4 NOW, I THINK WITH THE KEY THAT WAS JUST HANDED
5 TO ME, IF I TOOK A FEW MINUTES, I COULD PROBABLY FIGURE
6 OUT HOW TO DO IT. I DON'T THINK I NEED TO BE AN EXPERT TO
7 BE ABLE TO DO THAT.

8 IT SEEMS TO ME TO BE A RATHER SIMPLE PROCEDURE.
9 IF I KNOW THE CODE OR THE NUMBER OF THE SITE, AND I ASSURE
10 YOU, THIS IS THE FIRST TIME I HAVE EVER ENCOUNTERED IT,
11 BUT IF I KNOW THE CODE NUMBER FOR THE SITE, AND I SEE THE
12 KEY WHERE A PHONE CALL COMES FROM AND THIS IS WHERE A
13 PHONE CALL TERMINATED, I COULD FIGURE IT OUT.

14 I DON'T THINK IT TAKES EXPERT TESTIMONY TO
15 FIGURE OUT WHERE A PHONE CALL CAME FROM, REGARDLESS OF
16 WHERE THE KEY CAME FROM. I DON'T THINK IT'S HEARSAY.

17 Mr. Strickler: THANK YOU, SIR, JUST NOTE MY
18 OBJECTION.

19 THE COURT: YES.

20 Mr. Strickler: I'M NOW REFERRING TO SOME CHARTS
21 THAT I ASSUME AT SOME POINT IN TIME SHE INTENDS TO
22 INTRODUCE. SPECIFICALLY REFERRING TO VARIOUS INFORMATION
23 THAT'S NOT CONTAINED ON THE CELLPHONE RECORDS, WHICH IS --
24 I MEAN --

25 THE COURT: AGAIN, I HAVEN'T SEEN THAT.

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1 Mr. Strickler: WELL...

2 THE COURT: DESCRIBE IT.

3 Mr. Strickler: WE HAVE THREE CHARTS, WHICH I'LL
4 TAKE MS. CAMPBELL'S WORD FOR, AND WE'VE BEEN PROVIDED
5 COPIES OF THEM, ARE INFORMATION WHICH HAS BEEN EXTRACTED
6 FROM THE VARIOUS RECORDS.

7 THE COURT: OKAY. A VOLUME OF RECORDS.

8 Mr. Strickler: WELL, FROM THE VARIOUS RECORDS
9 THAT WE HAVE. I WOULD AGREE THAT DATES AND THE TIMES AND
10 THE NUMBER CALLED ARE CONTAINED IN THE RECORDS. AS TO
11 LOCATION OF THE PHONE, NEAREST CELL TOWER, DOES THAT REFER
12 TO THE LOCATION OF THE NEAREST CELL TOWER THAT'S BEING --

13 THE WITNESS: NO. THAT WOULD BE THE CELLPHONE
14 TOWER THE CALL WAS HITTING OFF OF WHICH WOULD BE THE
15 CLOSEST ONE, YES.

16 Mr. Strickler: OKAY. SO THAT'S THE TOWERS, AND
17 YOU DO HAVE THE INFORMATION REGARDING THAT, WHICH WITH ALL
18 DUE RESPECT, I MUST DISAGREE WITH YOUR RULING. HE HAS
19 SOMETHING TO REFER TO IN THAT REGARD.

20 THIS LAST SHEET, OKAY, AGAIN REFERENCES DATE,
21 CALLER, NUMBER, CALLED NUMBER, TIME, LENGTH. THAT
22 INFORMATION IS ON THE RECORDS.

23 THIS INFORMATION RIGHT HERE IN THIS LAST COLUMN,
24 OKAY, IS NOT CONTAINED IN THE RECORDS. THIS INFORMATION
25 CONTAINED IN THE LAST COLUMN IS NOT DRAWN FROM ANY CELL

1 SITE RECORD. THIS INFORMATION RELATES TO PEOPLE WHO THEY
2 ALLEGE WERE CALLED AT THESE TIMES.

3 THE COURT: AND THAT'S DIFFERENT FROM THE OTHER?

4 Mr. Strickler: THAT'S DIFFERENT FROM THE
5 OTHER -- THE INFORMATION IN THE OTHER TWO PARTS OF THE
6 CHART, OKAY.

7 THE COURT: I SEE. THAT CHART INDICATES THE
8 RECIPIENT OF THE CALL? IS THAT WHAT YOU'RE --

9 Mr. Strickler: YES, SIR. AS OPPOSED TO THE
10 EARLIER CHART'S LOCATION OF THE PHONE, NEAREST CELL TOWER.

11 THE COURT: OKAY. JUST LET ME UNDERSTAND WHAT
12 YOU'RE SAYING.

13 Mr. Strickler: YES, SIR.

14 THE COURT: YOU'RE SAYING THAT THIRD CHART
15 INDICATES A RECIPIENT OF THE CALL FOR WHICH THERE'S NO
16 VERIFICATION THAT YOU COULD HAVE HAD THE CELLPHONES.

17 Mr. Strickler: PRECISELY. UNDER THE COLUMN
18 LOCATION CALL INITIATED. THAT WOULD BE MY UNDERSTANDING.

19 THE COURT: IS THAT WHAT IT DEPICTS,
20 MS. CAMPBELL?

21 Ms. Campbell: YOUR HONOR, IT DOES DEPICT THAT.
22 IT DEPICTS -- AND WE DO HAVE INFORMATION. HE CONFIRMED
23 WHO THOSE PHONES BELONG TO. THAT'S WHO THEY BELONGED TO
24 AND WHAT THE RELATIONSHIP TO THE DEFENDANT WAS.

25 Mr. Strickler: OKAY.

1 Ms. Campbell: IT WAS PART OF THIS
2 INVESTIGATION. I ADMIT IT'S DIFFERENT FROM THE CELLPHONE
3 RECORDS, IF HE'S ABANDONING THAT ISSUE.

4 THE COURT: I'M JUST TRYING TO -- I THINK SIX
5 CELLPHONES WERE FOUND. THERE WAS NO IDENTIFIABLE OWNER
6 WITH THE EXCEPTION OF ONE. WHICH CELLPHONE DO YOU --

7 Ms. Campbell: YES, SIR. THIS IS THE CELLPHONE
8 THAT THE -- WE SUBPOENAED --

9 THE COURT: THE VICTIM?

10 Ms. Campbell: -- NUMBERS FROM THE CELLPHONE TO
11 WHICH THE VICTIM MADE THE LAST CALL BEFORE HIS DEATH,
12 WHICH IS THE 646 NUMBER.

13 THE COURT: WELL, COULD THAT CHART NOT SAY
14 VICTIM'S PHONE INSTEAD OF VICTIM? I DON'T KNOW WHAT IT
15 SAYS.

16 Mr. Strickler: YOUR HONOR --

17 Ms. Campbell: IT DOESN'T SAY ANYTHING.

18 Mr. Strickler: I'M SORRY, I'M NOT TRYING TO
19 MISLEAD YOU AT ALL.

20 THE COURT: I'M WORRIED ABOUT THE LAST COLUMN.

21 Mr. Strickler: THESE NUMBERS ON THIS LAST PAGE
22 WE'RE TALKING ABOUT, OR THE LAST PORTION OF THE CHART, ARE
23 ALL RELATED TO CALLS FROM THIS SUSPECT PHONE THAT'S NEVER
24 BEEN RECOVERED, RIGHT?

25 THE COURT: OKAY.

1 Ms. Campbell: YES.

2 Mr. Strickler: THEY ARE FROM THAT. THEY ARE TO
3 OTHER NUMBERS, OKAY. SO THEY ALL COME FROM THE SUSPECT'S
4 PHONE. THE INFORMATION IN THIS FINAL COLUMN IS
5 INFORMATION SPECIFICALLY AS TO WHO THE STATE ALLEGES THE
6 CALLS WERE TO. HE'S NOT, I WOULD SUBMIT, INDEPENDENT OF
7 THE EARLIER OBJECTION --

8 THE COURT: I HEAR YOU, BUT WHY WOULD NOT THE
9 CALLED NUMBER, THIRD CALLED, WHY COULD NOT THE STATE
10 IDENTIFY WHO OWNED THAT PHONE?

11 Mr. Strickler: WELL, IF HE CAN GO AHEAD AND
12 PROVIDE HOW THEY IDENTIFIED WHO OWNED THE PHONE.

13 THE COURT: WELL, I MEAN, WE'VE HAD MS. CASEY
14 SAID MY NUMBER WAS SO AND SO AND SO AND SO.

15 Mr. Strickler: I UNDERSTAND THAT. THEN AFTER
16 THAT -- THEN WE HAVE A RELATIONSHIP TO THE DEFENDANT GIVEN
17 IN THIS COLUMN.

18 THE COURT: ALL RIGHT. MAYBE THAT NEEDS TO
19 BE --

20 Ms. Campbell: OKAY. I'LL REMOVE THE
21 RELATIONSHIP AND JUST HAVE HIM TESTIFY, IF HE KNOWS THE
22 RELATIONSHIP.

23 Mr. Strickler: WELL, CAN WE DEAL WITH THAT
24 WHILE WE HAVE THE JURY OUT, OR DO WE NEED TO SEND THEM OUT
25 AT THE TIME HE DOES THAT? I MEAN, HOW DOES HE KNOW THE

1 RELATIONSHIP?

2 THE COURT: I THINK THE CALLED NUMBER, IT'S
3 CERTAINLY ADMISSIBLE TO PUT ON THE CHART.

4 Mr. Strickler: OKAY.

5 THE COURT: AND WE'RE UNDER 1006, TO PUT ON THE
6 CHART WHO THAT PHONE IS KNOWN TO BELONG TO. THAT'S JUST A
7 SUMMARY RULE. THAT'S ALL IT IS, A SUMMARY RULE.

8 Mr. Strickler: IT'S A SUMMARY RULE. I JUST
9 WANT TO REFRESH MY RECOLLECTION.

10 Ms. Campbell: I'LL HAVE THE RELATIONSHIP
11 DELETED OFF THE CHART.

12 THE COURT: ALL RIGHT. IF IT IS -- IF IT IS IN
13 EVIDENCE WHO THAT PHONE BELONGED TO, THAT'S RELEVANT.

14 Ms. Campbell: YES, SIR.

15 THE COURT: AGAIN, I HAVEN'T SEEN THAT, BUT...

16 Ms. Campbell: SO YOU'RE STILL OBJECTING TO
17 THESE TWO?

18 THE COURT: I'M OVERRULING THAT OBJECTION.

19 Mr. Strickler: HE'S ALREADY OVERRULED THAT AS
20 MUCH AS...

21 THE COURT: IT'S THE LINKING UP AND THE
22 IDENTIFICATION ON THE THIRD CHART THAT GOES BEYOND WHAT'S
23 ALREADY IN EVIDENCE. IT CALLS FOR SUPPOSITIONS ON THIS
24 WITNESS'S PART THAT PERHAPS HE HAS NO ABILITY TO MAKE.

25 Mr. Strickler: WELL, THE ONLY OTHER POINT I

1 HAVE AS TO THE IDENTITIES OF THE INDIVIDUALS, AS OPPOSED
2 TO THEIR ALLEGED RELATIONSHIP WITH MR. CROCKER AS TO THE
3 IDENTITIES, IS WHETHER OR NOT HE CAN TESTIFY TO THEIR
4 IDENTITY DEPENDS ON WHERE HE OBTAINED THAT INFORMATION, I
5 WOULD SUBMIT.

6 THE COURT: A LOT OF IT IS ALREADY IN THE
7 RECORD.

8 Mr. Strickler: NONE OF THAT IS IN THE RECORD.

9 THE COURT: IS CONSUELO CASEY'S, JUNIOR CASEY'S
10 PHONE NUMBER NOT IN THE RECORD?

11 Mr. Strickler: NO. THESE ARE ALL ALLEGED
12 RELATIONS OF MR. CROCKER. NONE OF THAT IS IN THE RECORD
13 AT THIS POINT.

14 THE COURT: OKAY.

15 Mr. Strickler: SO I UNDERSTAND WHAT YOUR HONOR
16 HAS RULED. I JUST -- MY WHOLE POINT IS WHETHER IT'S
17 ADMISSIBLE OR NOT WILL DEPEND ON HOW HE OBTAINS THE
18 INFORMATION.

19 THE COURT: WELL, LET'S LOOK AT IT. WHAT ARE
20 THOSE, THE LAST COLUMN?

21 Ms. Campbell: THE LAST COLUMN, IT JUST SAYS THE
22 NAME.

23 THE COURT: JUST READ ONE. I MEAN, I CAN'T READ
24 IT.

25 Ms. Campbell: IT SAYS, "WANDA MILTON CROCKER,

1 FIRST COUSIN." I HAVE AGREED TO DELETE IT.

2 THE COURT: SAY IT AGAIN.

3 Ms. Campbell: "WANDA MILTON CROCKER, FIRST
4 COUSIN."

5 THE COURT: LET'S LEAVE "FIRST COUSIN" OFF. HOW
6 DOES HE KNOW WANDA MILTON --

7 Ms. Campbell: GRANDFATHER, MOTHER'S SIDE,
8 UNCLE, MOTHER'S SIDE, DISTANT RELATIVE. HE DOES HAVE
9 INFORMATION THROUGH HIS INVESTIGATION AS TO HOW HE KNOWS
10 THE RELATIONSHIP OF THOSE PEOPLE.

11 THE COURT: HOW DOES HE KNOW THE PHONE NUMBER OF
12 THOSE PEOPLE?

13 Ms. Campbell: IT'S IN THE RECORDS THAT ARE
14 ALREADY IN. THOSE ARE FROM THE SUSPECT'S PHONE, THAT
15 PHONE NUMBER AND THOSE PHONE RECORDS.

16 Mr. Strickler: I'M NOT TAKING ANY ISSUE WITH
17 THAT.

18 THE COURT: WHAT ARE YOU TAKING ISSUE WITH, THE
19 RELATIONSHIP?

20 Mr. Strickler: THE RELATIONSHIP.

21 THE COURT: THAT'S BEEN REDACTED.

22 Mr. Strickler: AND THE NAMES OF WHAT -- I DON'T
23 KNOW HOW HE LEARNED WHAT THE NAMES ARE.

24 THE COURT: I GUESS WE'LL HAVE TO ASK HIM.

25 Mr. Strickler: I WAS JUST TRYING TO GO AHEAD.

1 IT MAY BE HE LEARNED THEM IN SOME INNOCUOUS WAY.

2 THE COURT: WHY DON'T YOU ASK HIM.

3 Mr. Strickler: I'LL BE HAPPY TO HAVE HER ASK
4 HIM. IT'S HER WITNESS AT THIS POINT.

5 THE COURT: WELL, SOMEBODY ASK HIM, OR I'LL ASK
6 HIM.

7 SERGEANT MCDONALD, APPARENTLY, THERE ARE
8 FAMILIAL RELATIONSHIPS TO THE DEFENDANT ON THIS CHART
9 IDENTIFIED WITH THE PHONE NUMBERS, CORRECT; IS THAT
10 CORRECT?

11 THE WITNESS: CORRECT.

12 THE COURT: HOW WAS THIS CHART DEVELOPED AND
13 HOW -- DID YOU PRODUCE THIS INFORMATION OR DID THE
14 SOLICITOR'S OFFICE PRODUCE IT?

15 THE WITNESS: I PRODUCED THIS INFORMATION. YOUR
16 HONOR, I LITERALLY WENT THROUGH EVERY PAGE OF THIS
17 DOCUMENT.

18 THE COURT: OKAY.

19 THE WITNESS: AND ATTEMPTED TO CROSS-REFERENCE
20 EVERY SINGLE PHONE NUMBER I COULD USING THE INTERNET.
21 THERE'S ANYWHO.COM. THERE'S SEVERAL WEBSITES YOU CAN PUT
22 IN A PHONE NUMBER. IF IT'S NOT AN UNLISTED NUMBER, IT
23 WILL COME BACK TO A -- IT'S LIKE A BIG PHONE BOOK, IS WHAT
24 IT IS.

25 THE COURT: YOU LOOKED IN THE PHONE BOOK.

1 THE WITNESS: YOU CAN PUT IT IN, AND IT WILL
2 COME BACK WITH A NAME.

3 THE COURT: WITH A NAME.

4 THE WITNESS: I THEN CALLED THE RESIDENCE OF
5 MILTON CROCKER. I THOUGHT THAT MIGHT BE A RELATIVE OF
6 MR. CROCKER, SO I CALLED AND SPOKE WITH SOMEONE THERE. I
7 ASKED THE RELATIONSHIP TO THE PERSON I SPOKE TO AT THAT
8 RESIDENCE.

9 THE COURT: YOU ASKED MILTON HOW HE WAS RELATED
10 TO PHILLIP?

11 THE WITNESS: I MEAN, I CAN TELL YOU WHO I
12 TALKED TO ON EACH PHONE CALL AND WHAT INFORMATION WAS
13 GIVEN TO ME.

14 ON THAT PARTICULAR ONE, I SPOKE WITH A KIM
15 GODWIN, WHO IS THE SISTER OF WANDA MILTON CROCKER WHO
16 LIVES AT THE RESIDENCE.

17 ACCORDING TO MS. GODWIN, WANDA IS THE FIRST
18 COUSIN OF PHILLIP CROCKER, III. THAT'S WHAT I DID ON ALL
19 OF THESE PHONE CALLS THAT ARE ON THAT CHART. I TALKED TO
20 SOMEONE PERSONALLY.

21 THE COURT: IS IT HEARSAY TO SAY THAT?

22 Mr. Strickler: YES, IT IS.

23 THE COURT: THAT'S MY COUSIN?

24 Mr. Strickler: YES, SIR. ACTUALLY, THE
25 INFORMATION FROM THE INTERNET IS HEARSAY.

1 Ms. Campbell: WELL --

2 Mr. Strickler: IF I COULD, PLEASE, YOUR HONOR,
3 WHEN WERE THE SEARCHES DONE BY YOU ON THE INTERNET?

4 THE WITNESS: WHEN WERE THEY DONE?

5 Mr. Strickler: YES, SIR. AS TO THESE NUMBERS,
6 IN OCTOBER OF 2003?

7 THE WITNESS: ROUGHLY, YES.

8 Mr. Strickler: OKAY. TWO YEARS AFTER THE
9 INCIDENT..

10 FIRST -- SECONDLY, IT IS HEARSAY; THIRD, AS TO
11 RESPONSES FROM PEOPLE ON THE PHONE, THAT'S CLASSIC
12 HEARSAY.

13 THE COURT: I UNDERSTAND. I'M BEING FACETIOUS
14 WHEN I ASK --

15 Mr. Strickler: I'M SORRY?

16 THE COURT: I'M BEING A LITTLE FACETIOUS WHEN
17 I'M ASKING YOU IF YOU CAN SAY THAT IS MY COUSIN, AND IS
18 THAT HEARSAY..

19 Mr. Strickler: I'M SORRY. MY ABILITY TO
20 DISTINGUISH SUBTLETIES ARE IMPAIRED AT THIS POINT, JUDGE.

21 THE COURT: I UNDERSTAND. IN THE HEAT OF THE
22 BATTLE, I UNDERSTAND THAT.

23 Ms. Campbell: AND, YOUR HONOR, IF I MAY.

24 THE COURT: SURE.

25 Ms. Campbell: PART OF HIS INVESTIGATION WAS TO

1 CONFIRM THIS. I MEAN, I DON'T HAVE TO GO -- AND IF HE
2 WANTS TO, I CAN GO INTO HOW HE KNOWS.

3 I WASN'T GOING TO GO INTO THE FACT THAT HIS
4 SECOND OR FIRST COUSIN GAVE IT UP OR ANYTHING; JUST THAT
5 THROUGH HIS INVESTIGATION, AND HE CAN EXPLAIN HOW HE DID
6 IT, THAT HE CAME UP WITH SPECIFIC WAYS TO ASSOCIATE THIS
7 PHONE WITH THIS MAN AND HIS RELATIVES.

8 THE COURT: THEN WHAT'S THE RELEVANCE OF IT?

9 Ms. Campbell: THE RELEVANCE IS THIS PHONE IS IN
10 SOMEONE'S -- FICTITIOUS -- HE STOLE SOMEBODY'S IDENTITY,
11 AND WE ARE NOW LINKING THIS PHONE TO HIM PERSONALLY.
12 BECAUSE WHOEVER HAD THIS PHONE WAS MAKING PHONE CALLS,
13 JUST COINCIDENTALLY, TO PHILLIP CROCKER'S RELATIVES, BOTH
14 ON HIS FATHER AND HIS MOTHER'S SIDE.

15 THE COURT: WHAT'S THE RELEVANCE IN THIS CASE?

16 Ms. Campbell: THE RELEVANCE IN THIS CASE IS
17 THEY'RE GOING TO SAY SOMEONE WAS USING THE PHONE AND IT
18 WASN'T HIM.

19 THE COURT: SO...

20 Ms. Campbell: THIS SHOWS THAT SOMEONE WHO KNOWS
21 PHILLIP CROCKER'S RELATIVES WAS CALLING HIM FROM THIS
22 PHONE IN THE DAYS LEADING UP --

23 THE COURT: WHAT DOES THAT HAVE TO DO WITH THIS
24 CASE?

25 Ms. Campbell: IT HAS EVERYTHING TO DO WITH THIS

1 CASE, BECAUSE WE HAVE TO LINK -- AND THE REASON HE'S
2 FINDING THESE PHONE RECORDS IS BECAUSE WE HAVE TO LINK
3 THIS PHONE WITH HIM. WE DON'T RECOVER THE PHONE. HE HAS
4 IT IN A FICTITIOUS PERSON'S NAME.

5 THE COURT: YOU NEVER RECOVERED THAT PHONE?

6 Ms. Campbell: YES, THIS PHONE, WHICH IS THE
7 PHONE...

8 THE COURT: I SEE WHAT YOU'RE SAYING, OKAY.

9 Ms. Campbell: THAT'S THE REASON IT'S RELEVANT.

10 THE COURT: I UNDERSTAND. ALL OF THESE CALLS
11 COME FROM THAT PHONE?

12 Ms. Campbell: YES, SIR.

13 THE COURT: AND THEY GO TO PEOPLE WHO ARE --

14 Ms. Campbell: RELATED TO THE DEFENDANT.

15 THE COURT: -- RELATED TO, WHICH CREATES THE
16 IMPLICATION --

17 Ms. Campbell: YES.

18 THE COURT: -- THAT HE'S USING THE PHONE.

19 Ms. Campbell: YES, SIR.

20 THE COURT: NOT THE FACT THAT CROC IS ON THE
21 PHONE IS A MERE COINCIDENCE.

22 Ms. Campbell: NOW, IF HE WANTS TO STIPULATE
23 THAT WAS HIS PHONE, WE DON'T HAVE TO DO THAT.

24 THE COURT: I DON'T THINK THE DEFENSE COUNSEL IS
25 PREPARED TO STIPULATE.

1 Ms. Campbell: I DON'T THINK SO.

2 THE COURT: ALL RIGHT. I'M GOING TO TAKE ABOUT
3 A 10-MINUTE BREAK BECAUSE I NEED TO.

4 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

5 THE COURT: ALL RIGHT. MS. CAMPBELL, I'M GOING
6 TO ALLOW THE WITNESS TO TESTIFY TO THE INFORMATION
7 SUMMARIZED ON THE CHARTS, WITH THE EXCEPTION OF THE
8 FAMILIAL RELATIONSHIP, THE CELLPHONE OWNERS TO THE
9 DEFENDANT.

10 I SUGGEST IF YOU PLAN TO USE THAT CHARGE, THAT
11 INFORMATION NEEDS TO BE REDACTED. YOU CAN USE THE
12 CELLPHONE OWNERS AS DETERMINED BY THIS WITNESS, BUT IN THE
13 THE FAMILIAL RELATIONSHIP.

14 I THINK THAT THE CALLING OF THE NUMBERS AND
15 LEARNING FROM SOME SOURCE, AND THOSE NUMBERS, WHAT THE
16 FAMILIAL RELATIONSHIP OF THE OWNER OF THE PHONE TO THE
17 DEFENDANT IS, IS PROBABLY DOUBLE HEARSAY. I DO NOT THINK
18 THAT'S APPROPRIATE. I DON'T THINK IT'S RELEVANT.

19 Ms. Campbell: OKAY. WE REDACTED THAT OUT.

20 THE COURT: IT'S BEEN REDACTED?

21 Ms. Campbell: YES, SIR. I JUST WANTED TO SHOW
22 YOU.

23 THE COURT: OH, I'M SORRY. I DIDN'T SEE THAT.
24 ARE YOU READY FOR THE JURY?

25 Mr. Strickler: JUST LET THE RECORD REFLECT MY

1 OBJECTION TO --

2 THE COURT: I UNDERSTAND.

3 Mr. Strickler: -- THE INFORMATION YOU'RE
4 PERMITTING IN AS TO THE NAMES OF THE OWNERS, AS IT
5 CONTINUES TO THE HEARSAY BASIS FOR THAT, JUDGE.

6 THE COURT: I UNDERSTAND. I JUST DON'T BELIEVE
7 THE HEARSAY RULE, THAT 800 WAS DESIGNED TO PREVENT SOMEONE
8 FROM LOOKING UP A NUMBER IN THE PHONE BOOK.

9 IF YOU GET TO THE POINT IN PRACTICE WHERE IF YOU
10 HAD TO BRING EVERY OWNER OF A PHONE IN WHOSE NAME APPEARS
11 IN A PHONE BOOK, YOU GET TO A POINT OF TOTAL CHAOS.

12 Mr. Strickler: YES, SIR.

13 THE COURT: I UNDERSTAND YOUR OBJECTION.

14 Mr. Strickler: JUST FOR CLARITY, IT'S NOT A
15 PHONE BOOK. IT'S SEARCHED ON THE INTERNET ALMOST TWO
16 YEARS AFTER THE FACT.

17 THE COURT: WELL, THAT'S CERTAINLY SOMETHING TO
18 CROSS-EXAMINE.

19 Mr. Strickler: THANK YOU.

20 Ms. Campbell: AND YOUR HONOR, I'VE TAKEN UP
21 THE --

22 Mr. Strickler: WAIT FOR MS. PRINGLE.

23 Ms. Campbell: JUST SO WE CAN MARK --

24 Mr. Strickler: WE CAN BEGIN WITHOUT HER. SHE
25 IS ON HER WAY SHORTLY.

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1 THE COURT: BRING THE JURY, PLEASE.

2 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
3 APPROXIMATELY 12:06 P.M.)

4 (WHEREUPON, STATE'S EXHIBITS NOS. 121 - 128 WERE
5 MARKED FOR IDENTIFICATION ONLY.)

6 BY Ms. Campbell

7 Q SERGEANT, BEFORE I GET BACK TO THAT, LET ME ASK YOU
8 ONE QUESTION: YOU HAVE SEEN STATE'S EXHIBIT 1?

9 A YES, I HAVE.

10 Q IS THAT AN AERIAL VIEW OF THE LOWE'S PARKING LOT AND
11 THE BANK OF AMERICA UP THERE?

12 A YES, IT IS.

13 Q DOES THAT FAIRLY AND ACCURATELY DEPICT JUST THE
14 GENERAL AREA OF THE PARKING LOT?

15 A YES, IT DOES.

16 Ms. Campbell: YOUR HONOR, AT THIS TIME WE'D
17 OFFER IT INTO EVIDENCE.

18 Mr. Strickler: THAT'S WITHOUT OBJECTION.

19 (WHEREUPON, STATE'S EXHIBIT NO. 1 WAS ADMITTED
20 INTO EVIDENCE.)

21 BY Ms. Campbell

22 Q SERGEANT, WHEN WE LEFT, WE WERE TALKING ABOUT THE
23 PHONE RECORDS. EXPLAIN TO THIS JURY AGAIN, YOU
24 SUBPOENAED CERTAIN INFORMATION; IS THAT CORRECT?

25 A YES. THE RECORDS, BOTH INCOMING AND OUTGOING PHONE

1 CALLS.

2 Q AND YOU SUBPOENAED RECORDS FROM WHOM?

3 A FROM SPRINT AND SINGULAR.

4 Q OKAY. AND AS FAR AS THOSE, NOW, WE HAVE THIS
5 INFORMATION THAT I'VE ALREADY WRITTEN UP HERE THAT
6 WAS FOUND ON THE VICTIM'S PHONE. IT WAS KEYED IN AS
7 CROC, AND IT WAS THIS PHONE NUMBER?

8 A THAT'S CORRECT.

9 Q AND THIS WAS ACTUALLY A SPRINT PHONE NUMBER?

10 A YES, IT WAS.

11 Q IN ADDITION TO THAT, AFTER THIS -- LET ME ASK YOU
12 THIS: WHAT WAS THE CASEY'S PHONE NUMBER?

13 A (843) 615-3711.

14 Q AND THAT WAS ACTUALLY THE VICTIM'S PHONE?

15 A YES, IT WAS.

16 Q DID YOU ALSO EVER DETERMINE WHETHER OR NOT WILLIE
17 JENNINGS HAD A PHONE?

18 A YES. HE HAD A CELL PHONE WE DID A SEARCH WARRANT ON,
19 A SINGULAR PHONE.

20 Q DID YOU SUBPOENA HIS RECORD?

21 A YES, WE DID.

22 Q AND WHAT WAS HIS NUMBER?

23 A (919) 389-6777.

24 Q OKAY. LET'S START WITH THOSE THREE NUMBERS. SO YOU
25 GOT THE PHONE RECORDS ON ALL THREE OF THOSE NUMBERS

1 INITIALLY?

2 A YES.

3 Q AND INITIALLY, YOU GOT THE NUMBERS FROM THE VICTIM'S
4 PHONE?

5 A THAT'S WHERE WE ORIGINALLY DEVELOPED THE 646 NUMBER
6 FROM.

7 Q AND THEN YOU SUBPOENAED THE NUMBERS FROM THIS PHONE
8 NUMBER. AGAIN, WHAT WAS THE SIGNIFICANCE OF THIS 646
9 PHONE NUMBER?

10 A THAT WAS THE LAST PHONE NUMBER THAT TALKED TO THE
11 VICTIM BEFORE HIS DEATH.

12 Q BEFORE HIS DEATH. AND THE 646 PREFIX, DO YOU KNOW
13 WHAT STATE THAT BELONGS TO?

14 A NEW YORK.

15 Q NEW YORK. WOULD THAT BE CONSISTENT WITH HOW THIS
16 PHONE WAS OBTAINED?

17 Mr. Strickler: I OBJECT TO HIM DRAWING
18 CONCLUSIONS AS TO THE CONSISTENCY OR LACK OF CONSISTENCY,
19 YOUR HONOR.

20 BY Ms. Campbell

21 Q IT WAS A NEW YORK INTERCHANGE. YOU DON'T HAVE TO SAY
22 THAT. THE VICTIM'S PHONE, THAT'S AN 843 NUMBER?

23 A YES.

24 Q AND WHAT PART OF THE COUNTRY DOES 843, THE PREFIX,
25 CORRESPOND TO?

1 A THE SOUTH CAROLINA EXCHANGE OVER TOWARDS DILLON,
2 LATTA AREA.

3 Q AND LET'S GET ONE THING STRAIGHT: THE VICTIM'S
4 PHONE, WHOSE NAME WAS IT IN?

5 A MS. LUTHERINE WILLIAMS, SHE HAD GOTTEN IT FOR HER
6 DAUGHTER AND SON-IN-LAW.

7 Q HER DAUGHTER CONSUELO?

8 A UH-HUH.

9 Q MS. LUTHERINE WILLIAMS?

10 A YES.

11 Q SO THAT WAS A DIRECT LINK ON THIS PHONE NUMBER?

12 A RIGHT.

13 Q AND WILLIE'S PHONE, THIS 919 NUMBER, WHAT AREA IS
14 919?

15 A THE NORTH CAROLINA AREA.

16 Q NORTH CAROLINA. AT THE TIME, WHERE WAS WILLIE
17 LIVING?

18 A THE RALEIGH AREA.

19 Q WAS WILLIE'S PHONE IN WILLIE'S NAME?

20 A YES, IT WAS.

21 Q SO THE ONLY PHONE THAT WASN'T -- NEVER MIND. I'LL
22 GET BACK TO THAT.

23 ONCE YOU HAD GOTTEN THAT INFORMATION, DID YOU
24 ATTEMPT TO LOOK AT IT?

25 A YES, I DID.

1 Q AND I'M GOING TO SHOW YOU STATE'S EXHIBIT 119. DID
2 YOU GET SOME INFORMATION ABOUT CELL SITES --

3 A YES, I DID.

4 Q -- FROM A LOCAL COMPANY. I SHOW YOU THESE TWO PAGES.
5 DO YOU RECOGNIZE THOSE?

6 A YES. IT'S CELL SITE INFORMATION THAT'S KEYED TO TELL
7 US WHAT EACH COLUMN STANDS FOR WHEN WE LOOK AT THESE
8 RECORDS.

9 Q OKAY.

10 A THIS IS ANOTHER PAGE THAT ACTUALLY SHOWS A CELL SITE
11 TOWER LOOKING DOWN ON IT. THERE'S THREE SITES. EACH
12 SITE CORRESPONDS TO A NUMBER. THAT ACTUALLY TELLS IF
13 SOMEONE WAS NORTH, SOUTH, EAST, SOUTHWEST OF THE
14 TOWER WHEN THE CALL WAS PLACED.

15 Q OKAY. THAT'S PART OF THE RECORDS THAT WERE ENTERED
16 EARLIER INTO 119.

17 YOUR HONOR, CAN I MAKE THESE 119-A JUST TO
18 DISTINGUISH THEM?

19 GO AHEAD.

20 Mr. Strickler: I HAVE NO OBJECTION.

21 Ms. Campbell: HE OBJECTS?

22 Mr. Strickler: I SAID NO, I HAVE NO OBJECTION.

23 THE COURT: GO AHEAD.

24 (WHEREUPON, STATE'S EXHIBIT NO. 119-A WAS MARKED
25 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

1 BY Ms. Campbell

2 Q EXPLAIN TO THE JURY -- THANK YOU.

3 YOUR HONOR, MAY THIS WITNESS STEP DOWN?

4 THE COURT: CERTAINLY.

5 BY Ms. Campbell

6 Q JUST USING AN EXAMPLE THIS FIRST PAGE OF 119 AFTER
7 THE COVER PAGE, EXPLAIN TO THE JURY WHAT SIGNIFICANT
8 INFORMATION IS CONTAINED IN EACH OF THESE PHONE
9 CALLS?

10 A THIS FIRST NUMBER IS A CALLING NUMBER. THAT'S THE
11 PHONE THAT'S CALLING WHATEVER THIS NUMBER IS. THE
12 DIALED NUMBER IS THE NUMBER THAT WAS ACTUALLY DIALED
13 BY THAT PHONE, AND THEN THE CALLED NUMBER STARTS
14 HERE.

15 OF COURSE, WE HAVE THE INCIDENT DATE HERE; THE
16 TIME IS MILITARY TIME; THE DURATION OF THE CALL HERE
17 IN SECONDS, AND THIS IS WHERE IT GETS TECHNICAL.

18 Q IT'S "F"?

19 A IT'S A CALL ASSIGNMENT. THIS PROVIDES A GENERAL
20 LOCATION OF THE PHONE. THE NEXT COLUMN, COLUMN "G"
21 WOULD BE THE SPECIFIC SITE IN WHICH THE CALL WAS
22 INITIATED.

23 Q IN WHICH THE CALL WAS INITIATED?

24 A RIGHT. THE LAST THREE DIGITS INDICATE THE TOWER IT'S
25 HITTING ON.

1 Q OKAY. AND THAT'S INFORMATION THAT'S EXPLAINED HERE
2 ON 119-A AND HOW TO LOOK AT THIS INFORMATION?

3 A CORRECT.

4 Q AND USING THIS AS YOUR AID, WERE YOU ABLE TO LOOK AT
5 THE PHONE RECORDS AND DETERMINE CERTAIN THINGS?

6 A YES, I WAS.

7 Q AND LET ME MAKE ONE THING STRAIGHT: EVERY TIME A
8 PHONE CALL IS MADE, DOES A SITE NECESSARILY SHOW UP
9 ON THE INFORMATION?

10 A THE SITE WON'T IF IT'S NOT A COMPLETED CALL. I MEAN,
11 IT MAY SHOW THE GENERAL AREA THE PHONE WAS IN, BUT
12 UNLESS IT HITS AND THERE WAS A PICK UP ON THE OTHER
13 END, IT WOULD BE ZEROS.

14 Q I WANT TO TAKE THESE. DID YOU HAVE AN OPPORTUNITY
15 TO -- USING BOTH THE VICTIM'S RECORDS AND THE RECORDS
16 FROM THE 646 NUMBER, AND I'LL GET TO WILLIE'S IN A
17 MINUTE, DID YOU HAVE AN OPPORTUNITY TO REDUCE SOME OF
18 THESE AND SHOW WHERE THE CALL WAS RECEIVED OR
19 INITIATED?

20 A YES. DO YOU WANT ME TO COME DOWN THERE?

21 Q NO. I'LL COME OVER THERE.

22 A OKAY.

23 Q ALL THIS INFORMATION IS CONTAINED IN THESE PHONE
24 RECORDS THAT HAVE ALREADY BEEN SUBMITTED?

25 A THAT IS CORRECT.

1 Q TELL THE JURY, TAKING THEM ONE AT A TIME -- YOU NEED
2 TO COME OVER HERE IF I'M IN THE WAY. LOOKING AT THE
3 DATE OF THE ACTUAL INCIDENT, OR THE DAY BEFORE, I
4 BELIEVE --

5 A THE DAY BEFORE WAS NOVEMBER 20TH, 2001.

6 Q AND THAT CALL, THE FIRST COLUMN SHOWS WHO THE CALLING
7 NUMBER WAS?

8 A THAT'S CORRECT.

9 Q AND THE SECOND COLUMN SHOWS THE NUMBER THAT WAS
10 CALLED?

11 A THAT'S CORRECT.

12 Q IF YOU COULD STEP OVER HERE WHERE THEY COULD SEE.
13 THAT'S GOOD.

14 GO THROUGH AND EXPLAIN TO THE JURY WHAT YOU WERE
15 ABLE TO DETERMINE FROM THESE PHONE RECORDS.

16 A LIKE I SAID, HERE ON NOVEMBER 20TH, 2001, WE HAVE A
17 CALL FROM THIS (646)408-5502 NUMBER, WHICH IS THE
18 "CROC" SPRINT CELLPHONE NUMBER. THAT PHONE DIALED
19 THE NUMBER OF (843)774-3766. CAN I EXPLAIN WHOSE
20 NUMBER THAT IS?

21 Q YES, 843 WHAT NUMBER?

22 A 774.

23 Q THIRTY-SEVEN WHAT?

24 A SIXTY-SIX.

25 Q WHY IS THAT PHONE CALL SIGNIFICANT?

1 A THAT IS THE PHONE NUMBER TO CONSUELO'S HAIR SALON AND
2 BARBERSHOP IN DILLON.

3 Mr. Strickler: I'D ASK THAT SHE REFRAIN FROM
4 CHARACTERIZING CALLS AS BEING SIGNIFICANT OR
5 INSIGNIFICANT, YOUR HONOR. THAT'S A MATTER FOR THE JURY.

6 THE COURT: ALL RIGHT. JUST IDENTIFY THEM.
7 BY Ms. Campbell

8 Q WHAT DOES THIS CALL INDICATE?

9 A THIS CALL INDICATES THAT THE SUSPECT, OR DEFENDANT
10 PHONE, CALLED CONSUELO'S BARBERSHOP AND SALON IN
11 DILLON ON THE 20TH, THE NIGHT BEFORE THIS INCIDENT,
12 IN MILITARY TIME, THAT WOULD BE 7:42 P.M. AND NINE
13 SECONDS. THE CALL'S DURATION WAS 118 SECONDS.

14 THE TOWER IT WAS HITTING OFF WHEN THIS CALL WAS
15 PLACED WAS 210 RED ROAD IN DILLON, SOUTH CAROLINA.
16 AS THE PHONE CONTINUED, IT SWITCHED TO THE NEXT
17 CLOSEST TOWER, 445 DELPHIN ROAD (PHONETIC) ALSO IN
18 DILLON.

19 AS HE WAS TRAVELING, IT WENT FROM ONE TOWER TO
20 THE NEXT TOWER AS THE PHONE WAS IN MOTION.

21 Q AS THE PHONE WAS IN MOTION. MOVING TO THE 21ST, THE
22 DATE OF THE ACTUAL SHOOTING, WHAT'S THE NEXT CALL YOU
23 KNOW?

24 A THE DAY OF THE SHOOTING 11/21/01, WE ONCE AGAIN HAVE
25 THIS 646 NUMBER CALLING THE VICTIM'S PHONE,

1 CELLPHONE, AT 12:28 NOONTIME, 12:30 ROUGHLY, THREE
2 SECONDS.

3 THAT CALL WAS INITIATED FROM 7300 -- FROM THE
4 CELL SITE LOCATED AT 7300 ROBINSON CHURCH ROAD IN
5 CHARLOTTE, NORTH CAROLINA. THAT IS VERY SIGNIFICANT.

6 Q OKAY. AND THE ADDRESS -- I LEFT THESE OVER HERE.
7 THE ADDRESS IN CHARLOTTE IS 7300 --

8 A ROBINSON CHURCH ROAD.

9 Q AND I'M GOING TO SHOW YOU STATE'S EXHIBIT 126. WHAT
10 DOES THAT SHOW?

11 A THAT'S A MAP OF THE CHARLOTTE AREA, SPECIFICALLY
12 WOODTHRUSH DRIVE WHERE THE DEFENDANT LIVED, THIS AREA
13 RIGHT HERE.

14 ROBINSON CHURCH ROAD IS RIGHT HERE. THE CELL
15 SITE WAS LOCATED RIGHT HERE ON ROBINSON CHURCH ROAD.
16 THE CALL WAS PLACED, AND IT HIT ON THE CLOSEST TOWER,
17 WHICH WOULD HAVE BEEN ROBINSON CHURCH ROAD TO SEE HOW
18 CLOSE IT IS TO THE RESIDENCE.

19 Q AND THAT'S WITHIN A THREE MILE RADIUS OF THE TOWER OF
20 WOODTHRUSH?

21 A 1.9 DRIVING MILES.

22 Q AND THAT WOULD BE THE CLOSEST CELL SITE TO
23 WOODTHRUSH?

24 A CORRECT.

25 Q WHERE THE DEFENDANT LIVED?

1 A CORRECT.

2 Q WE NOTE THE NEXT PHONE CALL ON NOVEMBER 21ST. AGAIN,
3 WHICH NUMBER IS MAKING THE CALL?

4 A THE "CROC" SPRINT CELLPHONE CALLS WILLIE'S CELL PHONE
5 919, 12:29:22, TOTALS 63 SECONDS. ONCE AGAIN, THE
6 CALL WAS PLACED HITTING ON THE SAME CELL TOWER THERE
7 AT 7300 ROBINSON CHURCH ROAD IN CHARLOTTE.

8 Q SO AT THE TIME THAT CALL WAS MADE AT 12:29, THE
9 PERSON WAS WITHIN A THREE MILE RADIUS OF ROBINSON
10 CHURCH ROAD?

11 A CORRECT.

12 Q WHICH WOODTHRUSH LANE IS?

13 A WELL WITHIN THAT DISTANCE, YES.

14 Q THE NEXT CALL THAT'S MADE?

15 A ALSO, THE SAME PHONE. IT'S CALLING 774-3766, WHICH
16 ONCE AGAIN IS CONSUELO'S SALON IN DILLON. THIS IS AT
17 12:30. IT'S A NINE SECOND CALL. ONCE AGAIN, THE
18 SAME TOWER IS BEING HIT.

19 Q OKAY. AND WHEN THESE CALLS ARE OF THIS DURATION,
20 DOES THAT MEAN NECESSARILY THAT SOMEONE PICKED UP OR
21 NOT?

22 A THEY COULD HAVE PICKED UP. IT COULD HAVE BEEN BRIEF.
23 NOW, A THREE SECOND ONE PROBABLY WASN'T A
24 CONVERSATION. IT COULD HAVE PICKED UP, OR WHEN THEY
25 WENT TO ANSWER, IT HUNG UP. THAT TYPE OF THING.

1 Q OKAY. THE NEXT PHONE CALL GOING OUT, AGAIN, IS TO
2 WHERE?

3 A ONCE AGAIN, THIS PHONE CALL IS GOING TO THE SHOP AT
4 12:30:60 SECONDS ALSO COMING FROM ROBINSON CHURCH
5 ROAD. THE "CROC" PHONE AGAIN CALLS THE SHOP AT
6 12:33:27. THAT'S ALSO A THREE SECOND CALL.

7 Q AGAIN, HE WAS ATTEMPTING?

8 A YEAH, ALSO HERE, THE SAME NUMBER IS CALLED.

9 Q OKAY..

10 A AND AT THIS --

11 Q AT THAT POINT, ALL THESE PHONE CALLS ARE MADE BY THIS
12 PHONE, WHICH IS LOCATED WITHIN THREE MILES OF 7300
13 ROBINSON CHURCH ROAD IN CHARLOTTE, NORTH CAROLINA?

14 A THAT'S CORRECT.

15 Q OKAY. GOING TO THE NEXT SET OF CALLS ON 11/21?

16 A ALL THE WAY HERE, OKAY. RIGHT HERE (843)615-3711,
17 THAT WOULD BE THE VICTIM'S CELLPHONE.

18 Q UH-HUH.

19 A THE VICTIM'S CELLPHONE.

20 Q AT THIS POINT, YOU COMBINED THE DEFENDANT'S AND THE
21 VICTIM'S?

22 A RIGHT.

23 Q THE VICTIM IS MAKING -- ATTEMPTING TO CALL AT THIS
24 POINT, RIGHT?

25 A YEAH. HE OR SHE IS CALLING THE "CROC" PHONE, SPRINT

1 PHONE (646)408-5502.

2 Q OKAY. AND HE MAKES HOW MANY ATTEMPTS TO TRY TO CALL
3 THAT PHONE WITHIN THAT TIME PERIOD?

4 A OKAY. THAT WAS AN INCOMPLETE CALL. THIS OCCURS 15
5 MORE TIMES.

6 Q SO THAT MEANS 15 MORE INCOMPLETE CALLS?

7 A YEAH. EITHER THE PHONE WAS OFF OR HE WASN'T
8 ANSWERING.

9 Q AND THAT WAS THE VICTIM, NATHANIEL CASEY, TRYING TO
10 CALL THIS PHONE LABELED AS "CROC"?

11 A THAT'S RIGHT.

12 Q OKAY.

13 A THE NEXT ONE WE HAVE IS THE SPRINT PHONE, THE "CROC"
14 PHONE, CALLING THE VICTIM'S CELL PHONE. THIS IS AT
15 3:09 IN THE AFTERNOON, 15 SECONDS. THE CELL TOWER
16 HE'S HITTING OFF IS 10810 FARROW ROAD, WHICH WOULD BE
17 THE BLYTHEWOOD AREA.

18 Q THE BLYTHEWOOD AREA. AND WHEN YOU'RE TRAVELING FROM
19 CHARLOTTE INTO THE COLUMBIA AREA, DO YOU -- WHAT ROAD
20 WOULD YOU TAKE? WHAT MAJOR HIGHWAY WOULD BE --

21 A I-77.

22 Mr. Strickler: OBJECTION, YOUR HONOR.

23 THE COURT: OVERRULED.

24 Mr. Strickler: AS TO HOW HE TRAVELED.

25 THE COURT: OVERRULED. GO AHEAD.

1 BY Ms. Campbell

2 Q GO AHEAD. YOU CAN TESTIFY.

3 A THESE ARE I-77.

4 Q AND I-77 GOES THROUGH WHAT SMALL TOWN COMING INTO

5 COLUMBIA?

6 A BLYTHEWOOD.

7 Q WOULD THAT BE CONSISTENT WITH SOMEONE TRAVELING DOWN

8 I-77 MAKING THAT CALL?

9 A YES.

10 Q INTO THE COLUMBIA AREA?

11 A RIGHT.

12 Q WHEN IS THE NEXT PHONE CALL?

13 A THE SAME PHONE, THE "CROC" SPRINT CELL PHONE CALLING

14 THE VICTIM'S CELL PHONE AT 15:10, A 34 SECOND

15 CONVERSATION, ONCE AGAIN STILL HITTING AT THAT SAME

16 CELL SITE ON FARROW ROAD.

17 Q AND AGAIN, THIS IS THE "CROC" PHONE THAT HAD BEEN IN

18 CHARLOTTE IS NOW IN THE COLUMBIA AREA HITTING ON

19 FARROW ROAD?

20 A RIGHT.

21 Q AND THAT IS IN WHAT PART OF THE COUNTY?

22 A NORTHERN RICHLAND COUNTY TOWARDS BLYTHEWOOD.

23 Q TOWARDS BLYTHEWOOD. THE NEXT CALL?

24 A THIS IS THE VICTIM'S PHONE CALLING CROCK'S PHONE.

25 IT'S AT 3:20. IT'S 23 SECONDS LONG. CROCK'S PHONE

1 IS IN THE AREA AROUND 207 PISGAH CHURCH ROAD.

2 Q AND WHERE IS THAT IN THE COUNTY, SIR?

3 A IT'S ALSO IN THE NORTHERN RICHLAND COUNTY AREA JUST
4 OFF PARKLANE ROAD.

5 Q AS YOU'RE PROCEEDING IN TOWN, SAY GOING DOWN I-77
6 COMING INTO BLYTHEWOOD, WOULD THAT BE THE NEXT AREA
7 OF TOWN YOU WOULD HIT COMING INTO TOWN?

8 A YEAH. IF YOU GET OFF PARKLANE ROAD, PISGAH CHURCH IS
9 WITHIN A MILE OR TWO FROM THERE.

10 Q OKAY. WHEN IS THE NEXT ONE? WAIT, I THINK I HAVE
11 ANOTHER ONE.

12 A THAT'S FARROW ROAD.

13 Q IS THAT THE ACTUAL FARROW ROAD AREA?

14 A YES, IT IS. THE CELL TOWER IS LOCATED RIGHT HERE ON
15 FARROW ROAD. OBVIOUSLY, THIS IS I-77 COMING DOWN
16 INTO COLUMBIA. THE TOWER WOULD BE RIGHT THERE WHERE
17 THAT PINPOINT IS.

18 Q OKAY. AND THEN YOU MENTIONED THE NEXT HIT ON THAT
19 PHONE WAS ON THE CELL TOWER ON PISGAH CHURCH ROAD?

20 A RIGHT. IT'S RIGHT THERE LOCATED AT PISGAH CHURCH.
21 THAT'S 555, I-77 IS COMING DOWN.

22 Q AND THAT WOULD CONTINUE INTO THE COUNTY FROM THE
23 NORTH?

24 A RIGHT.

25 Q AND THE NEXT CALL ON THE CHART, I'M SORRY?

1 A THE NEXT ONE WOULD BE THE VICTIM'S CELL PHONE CALLING
2 BACK TO CROCK'S CELL PHONE. IT'S AT 3:21. IT LASTED
3 37 SECONDS. IT'S HITTING OFF THE TOWER AT 401 NORTH
4 CHELSEA ROAD HERE IN COLUMBIA.

5 Q AND WHOSE PHONE WOULD BE HITTING OFF OF NORTH
6 CHELSEA?

7 A THE SUSPECT PHONE.

8 Q AND WHERE IS THAT? TELL THE JURY WHERE CHELSEA ROAD
9 IS.

10 A CHELSEA ROAD IS JUST OFF OF TWO NOTCH ROAD. THIS IS
11 I-77 COMING ON DOWN THROUGH HERE, JUST NORTH OF I-77.

12 Q AND JUST SO WE CAN CLARIFY THINGS ON THIS STATE'S
13 123, ALL OF THESE LOCATIONS ARE WHERE THE CROC PHONE
14 IS HITTING, RIGHT?

15 A THAT'S CORRECT.

16 Q OKAY. GO AHEAD WITH THE NEXT ONE.

17 A I'M LOST HERE. LET'S SEE.

18 (PAUSE).

19 OKAY. THE NEXT ONE IS THE DEFENDANT -- THE CROC
20 PHONE CALLING THE VICTIM'S CELL PHONE AT 3:27, A 23
21 SECOND DURATION, AT 207 PISGAH CHURCH ROAD AGAIN.

22 Q OKAY.

23 A THE NEXT ONE IS --

24 Q AND THAT'S 3:27 IN THE AFTERNOON?

25 A RIGHT, THIS IS ALL MILITARY TIME.

1 Q OKAY.

2 A THE NEXT ONE IS THE CROC PHONE. HE CALLS THE CROC
3 PHONE FOR WHATEVER REASON. I DON'T KNOW IF HE'S
4 CHECKING VOICE MAIL OR WHAT AT THIS POINT, BUT IT
5 DOES REGISTER AS A CALL, TOTAL TIME OF 203 SECONDS.
6 AT THIS TIME, HE'S HITTING A TOWER ON SHAKESPEARE
7 ROAD.

8 Q SHAKESPEARE ROAD. WHAT PART OF TOWN IS SHAKESPEARE
9 ROAD, SIR?

10 A IT'S STILL CONSIDERED NORTHERN RICHLAND COUNTY.
11 SHAKESPEARE ROAD RUNS RIGHT UP BEHIND THE COLUMBIA
12 MALL RIGHT HERE. THE CELL SITE IS RIGHT HERE.

13 Q THE CELL SITE IS HERE?

14 A RIGHT HERE, RIGHT.

15 Q OKAY.

16 A AND THIS SHAKESPEARE ROAD RUNS INTO COLUMBIA MALL.
17 THE LOWE'S WOULD BE UP IN THIS AREA HERE.

18 Q IS THAT WITHIN THREE MILES?

19 A YES.

20 Q AND THAT WAS AT WHAT TIME?

21 A THAT WAS AT 15:28. THAT WOULD BE 3:28.

22 Q OKAY. AND THEN CONTINUING DOWN THERE, ONE, TWO,
23 THREE, FOUR, FIVE, SIX, SEVEN MORE CALLS, I BELIEVE?

24 A RIGHT. ALL OF THESE HE'S HITTING OFF.

25 Q ONE, TWO, THREE, FOUR, I'M SORRY. FIVE MORE CALLS

1 AFTER HE CALLS HIS VOICE MAIL?

2 A ALL OF THESE, HE'S CALLING THE VICTIM'S PHONE. IT
3 WOULD BE THE CROC PHONE CALLING THE VICTIM'S PHONE.
4 ALL OF THESE ARE HITTING OFF THE TOWER ON SHAKESPEARE
5 ROAD.

6 Q ON SHAKESPEARE ROAD. THAT WOULD BE WITHIN THE TOWER
7 NEAREST LOWE'S?

8 A CORRECT.

9 Q AND SOME OF THESE ARE VARYING TIME 14 SECONDS, 70
10 SECONDS?

11 A SIX SECONDS, NINE SECONDS, THAT'S CORRECT.

12 Q AND THEN THE FINAL CALL DOWN HERE?

13 A THE FINAL PHONE CALL IS THE CROC PHONE CALLING THE
14 VICTIM'S PHONE AT 3:43. IT LASTED 52 SECONDS HITTING
15 ON THE CELL SITE ON NORTH CHELSEA ROAD.

16 Q AND WHERE IS NORTH CHELSEA ROAD?

17 A IT'S NORTHERN RICHLAND COUNTY JUST OFF TWO NOTCH ROAD
18 A LITTLE BIT ABOVE I-77. THAT'S 77 THERE. THERE'S
19 NORTH CHELSEA, AND THE CELL SITE IS RIGHT THERE.

20 Q AND THE CELL SITE IS RIGHT THERE. HOW FAR IS THAT
21 FROM LOWE'S?

22 A THE NORTH CHELSEA, PROBABLY TWO TO THREE MILES.

23 Q AND AGAIN, IF A PERSON IS BETWEEN CELL SITES,
24 DEPENDING ON WHICH ONE THEY'RE CLOSER TO IS WHERE IT
25 HITS?

1 A YES.

2 Ms. Campbell: YOUR HONOR, AT THIS TIME WE WOULD
3 OFFER STATE'S EXHIBIT 123, 128, 124, 125, AND 126 INTO
4 EVIDENCE.

5 Mr. Strickler: AS TO 123, SUBJECT TO MY
6 PREVIOUSLY STATED OBJECTION, YOUR HONOR, BUT NO OBJECTION
7 TO THE OTHERS.

8 THE COURT: YOUR PREVIOUS OBJECTION IS
9 OVERRULED. THE DOCUMENTS ARE ADMITTED.

10 (WHEREUPON, STATE'S EXHIBITS NOS. 123 - 126, 128
11 WERE ADMITTED INTO EVIDENCE.)

12 BY Ms. Campbell

13 Q FOR THE RECORD, WERE THERE ANY MORE PHONE CALLS IN
14 THE RECORDS, AND THE RECORDS ARE IN, AFTER THIS?

15 A THERE WAS OTHER ACTIVITY ON THAT PHONE. I THINK I
16 HAVE IT RIGHT HERE IN FRONT OF ME.

17 Q OKAY. YOU CAN GO BACK ON THE STAND.

18 A BASICALLY, THERE WERE OTHER NUMBERS CALLING THAT
19 PHONE. THAT PHONE DOESN'T CALL OUT AGAIN.

20 Q THAT PHONE DOESN'T CALL OUT AGAIN?

21 A NO, THE RECORDS --

22 Q SO THE LAST PHONE CALL WAS AT 3:43 IN THE AFTERNOON.
23 APPROXIMATELY WHAT TIME DID THE SHOOTING TAKE PLACE?

24 A APPROXIMATELY 3:55.

25 Q YOU MENTIONED THAT YOU ALSO GOT SOME PHONE RECORDS

1 FROM WILLIE JENNINGS?

2 A YES, I DID.

3 Q AND I'M GOING TO SHOW YOU STATE'S EXHIBIT 122. I
4 HATE TO MAKE YOU COME DOWN ONE MORE TIME. WHAT ARE
5 THE PHONE CALLS -- ALL THESE RECORDS ARE STATE'S
6 EXHIBIT 99?

7 A CORRECT.

8 Q AND WHAT DOES THIS CHART SHOW?

9 A THIS SHOWS THE LOCATION OF MR. JENNINGS' CELL PHONE
10 AND THE CALLS HE MADE ON THE INCIDENT DATE AND THE
11 DAY PRIOR.

12 ON 11/20/01 AT 4:18 IN THE AFTERNOON, WILLIE
13 CALLED THE SHOP, CONSUELO'S SALON IN DILLON. THAT
14 DIDN'T GIVE A READING AS TO WHAT CELL SITE FOR
15 WHATEVER REASON.

16 Ms. Campbell: OKAY. BEFORE I DO THAT, LET ME
17 MOVE IT INTO EVIDENCE.

18 YOUR HONOR, AT THIS TIME I'D MOVE IT INTO
19 EVIDENCE, 122.

20 Mr. Strickler: SUBJECT TO MY PREVIOUSLY STATED
21 OBJECTION.

22 THE COURT: YOUR OBJECTION IS OVERRULED. THE
23 DOCUMENT IS ADMITTED.

24 Mr. Strickler: GO AHEAD.

25

1 (WHEREUPON, STATE'S EXHIBIT NO. 122 WAS ADMITTED
2 INTO EVIDENCE.)

3 BY Ms. Campbell

4 Q GO AHEAD.

5 A 11/21/01, THE FOLLOWING DAY AT 10 IN THE MORNING, THE
6 NUMBER (876)543-2173 IS CALLED BY THIS PHONE. THE
7 PHONE IS HITTING OFF OF A TOWER ON RED ROAD IN HAMER,
8 SOUTH CAROLINA.

9 Q KEEP GOING.

10 A OKAY. THE NEXT PHONE CALL IS AT 10:46 IN THE
11 MORNING.

12 Q ON WHAT DAY?

13 A THE 21ST.

14 Q THE 21ST, WHICH IS THE DAY THIS OCCURRED?

15 A DIALED TO (704)840-6754 NUMBER, ALSO AN UNKNOWN
16 LOCATION ON THAT.

17 Q WHAT NUMBER WAS DIALED THEN?

18 A (704)840-6754. THIS IS ACTUALLY A CELL PHONE THAT
19 WAS LOCATED AT MR. CROCKER'S RESIDENCE DURING THE
20 SEARCH WARRANT.

21 Q OKAY. LET ME GET THAT STRAIGHT. I WANT TO GET BACK
22 TO THAT IN A MINUTE. WHAT'S THAT NUMBER?

23 A (704)840-6754.

24 Q AND THIS IS A CELL PHONE THAT WAS FOUND WHERE?

25 A MR. CROCKER'S RESIDENCE DURING THE SEARCH WARRANT.

1 Q AT THE DEFENDANT'S HOUSE. THAT PHONE IS THIS ONE?

2 A YES, THAT'S CORRECT.

3 Q AND WAS THIS PHONE IN MR. CROCKER'S NAME?

4 A NO, IT WASN'T.

5 Q BUT IT WAS IN HIS HOUSE WHEN YOU DID THE SEARCH

6 WARRANT?

7 A THAT'S CORRECT.

8 Q AND THIS SHOWS THE PHONE CALL FROM WILLIE'S PHONE TO

9 THIS PHONE?

10 A THAT'S CORRECT.

11 Q OKAY. THE NEXT PHONE CALL ON 11/21/01 WAS ON 11:17.

12 ONCE AGAIN, THIS SAME NUMBER OF (876)543-2173 IS

13 DIALED. THE CELL SITE IT'S HITTING OFF OF IS ON WEST

14 JACKSON STREET IN DILLON, SOUTH CAROLINA.

15 ONCE AGAIN, 11/21, THE SAME NUMBER IS CALLED,

16 ONCE AGAIN HITTING OFF OF WEST JACKSON STREET IN

17 DILLON.

18 Q AND THIS IS WHERE WILLIE JENNINGS'S PHONE IS HITTING,

19 RIGHT?

20 A RIGHT.

21 Q AND THIS IS TO SHOW THE POSITION OF THE PHONE WHEN

22 IT'S BEING DIALED?

23 A THAT'S CORRECT. ANOTHER PHONE CALL AT 12:33, THE

24 SAME NUMBER. NOW IT'S HITTING ON BUILDER'S ROAD IN

25 SUMTER, SOUTH CAROLINA. 2:07 IN THE AFTERNOON, THE

1 SAME NUMBER IS DIALED, STILL IN SUMTER ON BUILDER'S
2 ROAD.
3 Q IS SUMTER NEAR BENNETTSVILLE?
4 A YES.
5 Q THANK YOU.
6 A ONCE AGAIN, 11/21/01, 2:21 SAME NUMBER, STILL IN
7 SUMTER ON BUILDER'S ROAD.
8 Q OKAY. AND THAT'S AT 2:21 THE AFTERNOON OF THE
9 SHOOTING, RIGHT?
10 A 2:51, YEAH.
11 Q 2:51 IN THE AFTERNOON?
12 A RIGHT.
13 Q WHERE IS IT HITTING?
14 A SANDY GROVE CHURCH ROAD IN BENNETTSVILLE.
15 Q OKAY.
16 A WE'LL GET TO THE INCIDENT DATE AT 3:13 IN THE
17 AFTERNOON.
18 Q SO THIS IS APPROXIMATELY 30, 45 MINUTES PRIOR TO THE
19 SHOOTING?
20 A CORRECT.
21 Q UH-HUH.
22 A THE SAME NUMBER IS DIALED. IT'S HITTING OFF OF A
23 CELL SITE IN CLIO, SOUTH CAROLINA?
24 Q WHERE IS CLIO, SOUTH CAROLINA?
25 A IT'S NORTH OF THE BENNETTSVILLE AREA.

1 Q NORTH OF BENNETTSVILLE?

2 A YEAH.

3 Q IS IT TOWARDS NORTH CAROLINA?

4 A YEAH, NORTH OF CLIO, TOWARDS NORTH CAROLINA.

5 Q OKAY.

6 A THE NEXT PHONE CALL ON THE 21ST IS AT 3:26. THIS IS
7 ROUGHLY A HALF HOUR BEFORE THE INCIDENT OCCURS. THIS
8 NUMBER IS CALLED HERE, 2273 THIS TIME. IT'S HITTING
9 OFF OF A TOWER IN LAURINBURG, NORTH CAROLINA. SO
10 MR. JENNINGS WAS ACTUALLY IN NORTH CAROLINA AT THIS
11 TIME.

12 Q DO YOU KNOW HOW FAR LAURINBURG, NORTH CAROLINA IS
13 FROM COLUMBIA, SOUTH CAROLINA?

14 A I DON'T PERSONALLY KNOW.

15 Q WAS IT MORE THAN AN HOUR?

16 A YES.

17 Q OKAY.

18 A ONCE AGAIN, 11/21/01, THIS IS AFTER THE INCIDENT
19 WOULD HAVE OCCURRED. THIS IS AT 4:24 IN THE
20 AFTERNOON. THAT SAME NUMBER IS CALLED.

21 AT THIS POINT, THE PHONE WAS IN RAEFORD, NORTH
22 CAROLINA HITTING OFF OF A TOWER THERE.

23 Q IS RAEFORD, NORTH CAROLINA NORTH OF LAURINBURG?

24 A YES. IT'S NORTH OF LAURINBURG, SO THEY'RE GOING AWAY
25 FROM COLUMBIA.

1 Q OKAY.

2 A THE NEXT PHONE CALL AT 4:27, THE SAME NUMBER IS
3 DIALED. NOW IT'S IN ABERDEEN, WHICH IS NORTH OF
4 RAEFORD, NORTH CAROLINA.

5 Q AND WOULD THAT ALL BE CONSISTENT WITH TRAVELING
6 TOWARDS RALEIGH?

7 A THAT WOULD BE CORRECT.

8 Q THANK YOU.

9 A WE HAVE THIS 11/21 AT 4:41. THIS IS WILLIE CALLING
10 HIS OWN CELL PHONE. APPARENTLY, THAT'S HOW YOU CHECK
11 MESSAGES. IT'S NOT HITTING ON A TOWER UP THERE.

12 Q OKAY.

13 A 4:41, A FEW SECONDS AFTER THIS CALL, HE CALLS IT
14 AGAIN. THIS TIME WE GET A SIGNAL. IT'S PICKING UP
15 AT 375 YOUNGS ROAD, VASS, NORTH CAROLINA.

16 Q WHERE IS VASS, NORTH CAROLINA?

17 A NORTH OF ABERDEEN AND RAEFORD.

18 Q OKAY.

19 A ONCE AGAIN AT 4:51, HE'S CALLING THIS NUMBER AGAIN.
20 HE'S HITTING ON A CELL TOWER IN CAMERON, NORTH
21 CAROLINA. HE'S GOING NORTH, PROGRESSIVELY NORTH,
22 EACH PHONE CALL.

23 ONCE AGAIN, SAME DAY, 5:09 IN THE AFTERNOON,
24 IT'S ALMOST A LITTLE OVER AN HOUR AFTER THE INCIDENT.
25 HE'S CHECKING HIS VOICE MAIL, IT LOOKS LIKE AGAIN.

1 HE IS HITTING OFF OF A SANFORD, NORTH CAROLINA CELL
2 TOWER THERE, WHICH IS NORTH OF CAMERON, VASS, AND
3 ABERDEEN.

4 Q OKAY.

5 A THEN WE HAVE TWO ADDITIONAL CALLS AT 5:09. ACTUALLY,
6 BOTH OF THOSE CALLS REGISTERED AT THE SAME TIME. ONE
7 AT 5:22:59. ONCE AGAIN, HE'S CHECKING HIS --
8 APPARENTLY, HIS VOICE MAIL. IT'S NOT HITTING A TOWER
9 AND NOT GOING THROUGH.

10 Q IN YOUR REVIEW OF THE RECORDS, FINALLY, BEFORE YOU
11 SIT DOWN, STATE'S EXHIBIT 121, DOES THIS REFLECT SOME
12 OF THE PHONE NUMBERS FROM THE "CROC" PHONE?

13 A THAT'S CORRECT.

14 Q WOULD HAVE BEEN DIALED IN THE DAYS PRIOR?

15 A THAT'S CORRECT.

16 Q FROM THIS PHONE NUMBER? ONE OF THEM IS ON
17 NOVEMBER -- YOUR HONOR, AT THIS TIME WE'D MOVE
18 STATE'S EXHIBIT 121 INTO EVIDENCE.

19 Mr. Strickler: SUBJECT TO MY PREVIOUSLY STATED
20 OBJECTION, YOUR HONOR.

21 THE COURT: OVERRULED.

22 (WHEREUPON, STATE'S EXHIBIT NO. 121 WAS ADMITTED
23 INTO EVIDENCE.)

24 Ms. Campbell: THANK YOU. AT THE TIME OF THE
25 FIRST PHONE CALL --

1 THE COURT: OVERRULED. THE DOCUMENT IS ADMITTED
2 OVER THE OBJECTION OF THE DEFENDANT.

3 Ms. Campbell: THANK YOU, YOUR HONOR. SORRY.
4 BY Ms. Campbell

5 Q THE FIRST PHONE CALL ON NOVEMBER 18TH, THE CALL
6 NUMBER AGAIN IS?

7 A CROCK'S SPRINT CELL PHONE IS CALLING THIS NUMBER HERE
8 AT 19:27 HOURS, WHICH WOULD BE 7:27 IN THE EVENING.
9 IT LASTED 335 SECONDS.

10 Q AND WHO WAS THE PERSON THAT PERSON WAS CALLING?

11 A A WANDA MILTON CROCKER.

12 Q A WANDA MILTON CROCKER?

13 A RIGHT.

14 Q AND IN ADDITION TO THAT, DID YOU CHECK THREE OTHER
15 NUMBERS?

16 A YES, I DID.

17 Q AND I BELIEVE THOSE WERE ON THE DAY BEFORE THE
18 INCIDENT OCCURRED?

19 A YES, ON THE 20TH.

20 Q AND THOSE WERE TO HARRY JONES, WILLIAM JONES, AND
21 LARRY WILLIAMS?

22 A THAT'S CORRECT.

23 Q OKAY. YOU CAN GET BACK ON THE STAND. THANK YOU VERY
24 MUCH.

25 CHECKING ON ALL THESE PHONES THAT YOU FOUND AT

1 THE RESIDENCE AND FOLLOWING UP ON THEM, WERE THE
2 ACCOUNTS DELINQUENT?

3 A YES. MOST OF THEM, THESE PHONES HAD BEEN CUT OFF, NO
4 LONGER HAD SERVICE.

5 Q BUT THIS PHONE THAT WILLIE CALLED WAS ACTUALLY IN THE
6 RESIDENCE?

7 A YES, IT WAS.

8 Ms. Campbell: YOUR HONOR, AT THIS TIME I'D MOVE
9 THIS INTO EVIDENCE, JUST THE PHONE NUMBERS.

10 Mr. Strickler: I OBJECT.

11 Ms. Campbell: THEY'VE BEEN TESTIFIED TO.

12 Mr. Strickler: THAT'S THE EXACT BASIS FOR MY
13 OBJECTION. IT'S BEEN TESTIFIED TO.

14 Ms. Campbell: THEY'RE JUST TO KEEP THE JURY --
15 THE COURT: IT'S 1006.

16 Ms. Campbell: EXCUSE ME?

17 THE COURT: 1006, IT'S A SUMMARY.

18 Mr. Strickler: I UNDERSTAND YOUR RULING, YOUR
19 HONOR.

20 THE COURT: GO AHEAD, MARK IT.

21 (WHEREUPON, STATE'S EXHIBIT NO. 129 WAS MARKED
22 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

23 BY Ms. Campbell

24 Q JUST ONE MORE QUESTION ABOUT THIS AREA. THIS CELL
25 TOWER IS LOCATED, I BELIEVE, ON SHAKESPEARE ROAD.

1 YOU MENTION THAT IT'S -- I SHOW YOU STATE'S
2 EXHIBIT 124. YOU MENTIONED THAT IT WAS NEAR COLUMBIA
3 MALL?

4 A CORRECT.

5 Q AND WHERE ON HERE DOES THAT SHOW THAT? JUST POINT IT
6 OUT.

7 A THIS IS THE COLUMBIA MALL AREA. COLUMBIA MALL
8 BOULEVARD GOES AROUND THE MALL.

9 Q UH-HUH.

10 A THE CELL SITE IS RIGHT HERE ON SHAKESPEARE ROAD.
11 THIS IS THE MALL.

12 Q THIS IS THE MALL THAT'S CIRCLED?

13 A RIGHT.

14 Q WHERE IS THE "TOYS R US"?

15 A THE "TOYS R US" WOULD BE RIGHT IN THIS AREA RIGHT
16 HERE.

17 Q RIGHT NEXT TO COLUMBIA MALL?

18 A JUST ADJACENT TO -- ACTUALLY, RIGHT HERE ON --
19 ADJACENT TO TWO NOTCH ROAD HERE.

20 Q SO THAT WOULD BE WELL WITHIN -- I MEAN --

21 A YEAH, LIKE A QUARTER OF A MILE, IF THAT.

22 Q BEG THE COURT'S INDULGENCE.

23 (PAUSE).

24 AND THAT WAS THE SHAKESPEARE, AND THEN THE FINAL
25 CALL BEFORE -- THERE ARE A NUMBER OF CALLS ON

1 SHAKESPEARE ROAD. THE FINAL CALL ON NORTH CHELSEA --
2 IS NORTH CHELSEA A LITTLE CLOSER TO LOWE'S?

3 A SHAKESPEARE ROAD WOULD BE A LITTLE BIT FURTHER,
4 PROBABLY, THAN -- YEAH, WHERE THE LOWE'S WAS.

5 Q SHAKESPEARE ROAD MIGHT BE CLOSER TO "TOYS R US"?

6 A YEAH.

7 Ms. Campbell: THANK YOU, SERGEANT.

8 THE COURT: MOVE ON.

9 Mr. Strickler: YES, SIR.

10 THE COURT: APPROACH THE BENCH, COUNSEL.

11 Mr. Strickler: BEG THE COURT'S INDULGENCE ONE
12 MOMENT.

13 (PAUSE).

14 OH YES, APPROACH THE BENCH.

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

18 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN.

19 IT'S -- I THOUGHT WE COULD MOVE ON WITH CROSS-EXAMINATION
20 UNTIL I SAW FOUR OF YOU LOOK AT YOUR WATCHES, WHICH
21 INDICATED TO ME THAT YOU WOULD LIKE TO GET SOMETHING TO
22 EAT BEFORE WE DO THAT.

23 CROSS-EXAMINATION IS LIKELY TO BE, I WILL SAY
24 LENGTHY, BUT AT LEAST MORE LENGTHY THAN YOU PROBABLY WILL
25 WANT TO SIT THERE AND LISTEN TO IF YOUR STOMACH IS

1 GROWLING. I THINK NEVERTHELESS, I THINK IT WILL BE
2 APPROPRIATE TO TAKE A LUNCH BREAK.

3 TRY TO KEEP IT SHORT, OR AT LEAST AS SHORT AS WE
4 CAN. I'LL ASK YOU TO BE BACK IN THE JURY ROOM AT 1:30.
5 IF YOU CAN'T QUITE MAKE THAT AND YOU'RE NOT HERE UNTIL A
6 QUARTER TILL, I WON'T DOCK YOUR PAY, BUT LET'S TRY TO MEET
7 BACK ON TIME. IF YOU CAN MAKE IT BACK BY 12:30 -- I MEAN,
8 1:30, THAT'S FINE.

9 IF SOMEBODY HAS -- I DON'T KNOW WHAT THE WEATHER
10 IS LIKE OUT THERE. IF YOU CAN'T GET BACK UNTIL A QUARTER
11 TO TWO, WE WILL WAIT ON YOU, ALL RIGHT.

12 AGAIN, DON'T DISCUSS THE CASE AMONGST YOURSELVES
13 OR WITH ANYONE ELSE OVER THE LUNCH HOUR. I HOPE YOU HAVE
14 A PLEASANT LUNCH.

15 (WHEREUPON, THE JURY LEFT OPEN COURT AT
16 APPROXIMATELY 12:45 P.M.)

17 THE COURT: ALL RIGHT. LET'S STAND AT EASE
18 UNTIL ABOUT 12:30 -- 1:30.

19 (WHEREUPON, A LUNCH BREAK WAS TAKEN.)

20 (THE TRIAL WAS DELAYED BRIEFLY WHEN THE FIRE
21 ALARM SOUNDED.)

22 THE COURT: ARE YOU READY TO PROCEED?

23 Mr. Strickler: YES, SIR.

24 THE COURT: IS THE STATE READY TO PROCEED?

25 Ms. Campbell: THE STATE IS READY.

1 THE COURT: BRING THE JURY, PLEASE.

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

3 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
4 APPROXIMATELY 2:24 P.M.)

5 THE BAILIFF: THE JURY'S ALL PRESENT, YOUR
6 HONOR.

7 THE COURT: THANK YOU VERY MUCH. SORRY FOR THE
8 INTERRUPTION, BUT WE DIDN'T LOSE TOO MUCH TIME.

9 MR. STRICKLER.

10 Mr. Strickler: THANK YOU, SIR. MAY IT PLEASE
11 THE COURT.

12 CROSS-EXAMINATION:

13 BY Mr. Strickler

14 Q GOOD AFTERNOON, INVESTIGATOR.

15 A GOOD AFTERNOON.

16 Q SORRY.

17 A YES.

18 Q SERGEANT. SERGEANT, IN THE SCHEME OF THINGS, THAT'S
19 HIGHER UP?

20 A RIGHT.

21 Q I GUESS WHAT I'D LIKE TO DO IS START AT THE BACK AND
22 WORK FORWARD AS FAR AS YOUR TESTIMONY GOES. THIS
23 PHONE THAT YOU REFER TO AS THE CROC PHONE
24 (646)408-5502, THE SPRINT PHONE, THAT PHONE WAS
25 ACTIVATED ON NOVEMBER 12TH, 2001; IS THAT CORRECT?

1 A I BELIEVE THAT'S CORRECT.

2 Q OKAY. IT WAS ACTIVATED WHEN IT WENT INTO SERVICE,
3 CORRECT?

4 A UH-HUH.

5 Q AND DO YOU HAVE THE PHONE RECORDS. LET'S SEE. WE'LL
6 BE REFERRING TO THESE P.C.S., SPRINT P.C.S. PHONE
7 RECORDS. DO YOU HAVE THEM?

8 A (INDICATING).

9 Q OKAY. DO YOU HAVE A COPY OF THIS?

10 A YES, SIR.

11 Q DO YOU HAVE A COPY OF THE DOCUMENT REFERRED TO AS THE
12 REPOLL NUMBER LIST?

13 A I DO.

14 Q ALL RIGHT, SIR. THEN IF I COULD DIRECT YOUR
15 ATTENTION TO THE FIRST CALL REFLECTED FOR THIS PHONE,
16 THIS 408-5502.

17 A PAGE ONE?

18 Q I'M NOT SURE ABOUT PAGE NUMBERS. I'M GOING TO REFER
19 TO IT -- THE FIRST CALL I CAN FIGURE OUT IS
20 NOVEMBER 12TH, 2001 AT TEN O'CLOCK AT NIGHT, ROUGHLY?

21 A MINE BEGINS ON 11/14/01.

22 Q TAKE A LOOK.

23 A IS THIS YOUR ONLY COPY?

24 Q NO. I HAVE ANOTHER COPY, SIR.

25 YOU ACTUALLY GOT RECORDS RELATING TO THIS PHONE

1 ON SEVERAL OCCASIONS, DIDN'T YOU?

2 A I GOT THE INITIAL REQUEST FOR THE -- I BELIEVE IT'S
3 THE 14TH THROUGH THE 22ND..

4 Q ONE PERIOD OF TIME --

5 A RIGHT.

6 Q -- AND THEN YOU WENT BACK AND GOT IT FOR ANOTHER
7 PERIOD OF TIME, CORRECT?

8 A FOR ONE OR TWO DAYS AFTER.

9 Q FOR ONE OR TWO DAYS AFTER, AND THEN GOT THEM FOR
10 BEFORE ALSO. ARE YOU ACQUAINTED WITH THE RECORD THAT
11 I'VE JUST SHOWN YOU?

12 A RIGHT.

13 Q THAT IS THE CALL RECORD, SAME THING WE'VE GOT RIGHT
14 HERE, FOR THE PERIOD OF 11/12 THROUGH 11/13, I
15 BELIEVE?

16 A CORRECT.

17 Q IF I COULD, PLEASE, SIR, YOU WOULD AGREE THAT THE
18 FIRST CALL REFLECTED ON THIS PHONE FROM
19 NOVEMBER 12TH -- I'M CALLING IT TEN O'CLOCK -- WELL,
20 EXCUSE ME, EIGHT O'CLOCK AT NIGHT, 20:02?

21 A CORRECT.

22 Q THE REPOLL NUMBER ON THAT IS 687, CORRECT?

23 A THAT'S CORRECT.

24 Q THAT WOULD BE NEW YORK, RIGHT?

25 A I DO NOT HAVE A 678. I HAVE A 679, WHICH IS NEW

1 YORK.

2 Q I GOT YOU, THE SAME PROBLEM I ENCOUNTERED. HOW ABOUT

3 262, A REPOLL NUMBER WHICH IS THE ONE FOR THE NEXT

4 CALL?

5 A I HAVE A 262 FOR NEW YORK.

6 Q NEW YORK. THE NEXT CALL WAS AT 22:23 ON THE 12TH,

7 CORRECT?

8 A THAT'S CORRECT.

9 Q AND THAT WOULD BE 10:23?

10 A THAT'S CORRECT.

11 Q IN THE EVENING, OKAY. SO ON NOVEMBER 12TH AT 10:23

12 IN THE EVENING, WE CAN PLACE THIS PHONE IN NEW YORK,

13 CORRECT, SPECIFICALLY --

14 A CORRECT.

15 Q -- THE WEST MURRAY, LONG ISLAND ONE?

16 A CORRECT.

17 Q OKAY. NOW, IF YOU WILL, THERE ARE A NUMBER OF CALLS

18 ON -- A FEW CALLS ON THE 13TH IN THIS 262 EXCHANGE.

19 ON THE 13TH AT 1:46 IN THE AFTERNOON, WE GET A CALL

20 THAT'S REFLECTED, A REPOLL NUMBER OF 400, WHICH WOULD

21 BE WHAT, BALTIMORE?

22 A BALTIMORE.

23 Q OKAY. WE HAVE GOT A 678. WE'RE NOT SURE WHAT THAT

24 IS, AND WE HAVE A SERIES OF BALTIMORE REPOLL NUMBERS?

25 A THAT'S CORRECT.

1 Q AGAIN ON THE 13TH, CORRECT?

2 A THAT'S CORRECT.

3 Q OKAY. THEN ON THE 13TH, WE CONTINUE TO HAVE

4 BALTIMORE OCCASIONALLY, AND THEN THIS 678, WHICH

5 WE'RE NOT SURE OF. THEN ON THE 13TH AT 20:30, WHICH

6 WOULD BE 8:30 AT NIGHT --

7 A CORRECT.

8 Q -- WE GET A REPOLL NUMBER OF 558, WHICH WOULD BE

9 RALEIGH, CORRECT? EXCUSE ME, RICHMOND.

10 A RICHMOND.

11 Q RICHMOND. SO WE HAVE GOT NEW YORK, WE'VE GOT

12 BALTIMORE, WE HAVE GOT RICHMOND. THEN ON THE 13TH AT

13 23:24, 11:24 IN THE EVENING ON NOVEMBER 13TH, 2001,

14 WE GET A REPOLL NUMBER OF 553, CORRECT?

15 A THAT'S CORRECT.

16 Q OKAY. AND 553 IS RALEIGH, RIGHT?

17 A THAT IS RALEIGH.

18 Q OKAY. SO BETWEEN THE 12TH AND 11:30 AT NIGHT ON THE

19 13TH, THIS PHONE WALKS ITS WAY, OR MAKES ITS WAY,

20 FROM NEW YORK TO BALTIMORE THROUGH RICHMOND AND TO

21 RALEIGH, CORRECT?

22 A CORRECT.

23 Q OKAY. DO YOU HAVE THOSE DOCUMENTS I PROVIDED YOU?

24 I'D GO AHEAD AND MOVE TO INTRODUCE THESE AT THIS

25 POINT.

1 Ms. Campbell: I THINK THEY'RE IN.

2 Mr. Strickler: I'M NOT SURE IF THEY'RE IN OR
3 NOT.

4 Ms. Campbell: THEY SHOULD BE IN.

5 Mr. Strickler: THEY SHOULD BE IN.

6 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 6 WAS MARKED
7 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

8 BY Mr. Strickler

9 Q THANK YOU. NOW IF I COULD, PLEASE, LET ME GET YOU
10 TO -- I'VE BEEN REFERENCING THESE REPOLL NUMBERS.

11 IF YOU COULD JUST START, AND IF YOU WOULD, AS WE
12 SAID, NEW YORK WAS WHAT, 262? WOULD THAT BE THE
13 11/12 AT 22:23. JUST HIGHLIGHT THE REPOLL NUMBER ON
14 THAT, PLEASE.

15 THEN THE FIRST BALTIMORE REPOLL NUMBER WE SEE,
16 THAT'S THE 400 NUMBER, IF YOU COULD HIGHLIGHT THAT,
17 THE 13:56:35 ON THE 13TH.

18 THEN IF WE'D GO DOWN TO THE 13TH AT 20:30:16,
19 8:30 IN THE EVENING; IS THAT CORRECT? YES. THAT'S
20 THE FIRST 558 REPOLL NUMBER. COULD YOU HIGHLIGHT
21 THAT?

22 A YEAH, I'M WITH YOU. I'M WITH YOU.

23 Q OKAY. THAT'S THE FIRST REPOLL. IF YOU WILL
24 HIGHLIGHT THAT. THEN ON THE SECOND PAGE ON 11/13 AT
25 23:24:29, 11:24 IN THE EVENING. IF YOU COULD

1 HIGHLIGHT THAT 553, THAT'S THE RALEIGH REPOLL NUMBER.
2 OKAY. SO LET ME ASK YOU THIS, SIR: WHO DOES PHILLIP
3 CROCKER KNOW IN NEW YORK?

4 A I DON'T KNOW WHO HE KNOWS IN NEW YORK.

5 Q WHAT INFORMATION DO YOU HAVE PLACING PHIL CROCKER IN
6 NEW YORK ON NOVEMBER 12TH, 2001?

7 A TO THE BEST OF MY KNOWLEDGE, NONE.

8 Q NONE, CORRECT. NOW, AGAIN REFERRING TO THE
9 DOCUMENTATION THAT'S IN EVIDENCE, WE TALKED ABOUT,
10 AGAIN, ON THIS 408-5502 NUMBER FOR NOVEMBER 20TH, THE
11 DATE OF THIS MEETING ALLEGED TO HAVE OCCURRED AT THE
12 BEAUTY SHOP, OKAY.

13 IF WE CAN -- THIS IS IN THE MAIN BODY OF THE
14 INFORMATION YOU ALL HAVE. I'M LOOKING AT -- IT
15 APPEARS TO BE PAGE 13 OF THIS REPORT?

16 A RIGHT.

17 Q OKAY. NOW, ON THE 20TH AT 17:54:35, THAT WOULD BE:
18 5:54:35 IN THE AFTERNOON, CORRECT?

19 A CORRECT.

20 Q OKAY. WE SHOW -- AND THIS IS FOR THE (646)408-5502
21 PHONE. WE SHOW A REPOLL NUMBER OF 553, CORRECT?

22 A THAT'S CORRECT.

23 Q AND THAT WOULD BE RALEIGH, CORRECT?

24 A LET ME JUST MAKE A REFERENCE. WHAT WAS THE TIME
25 AGAIN?

- 1 Q 17:54:35.
- 2 A 553, RALEIGH.
- 3 Q OKAY. AND THERE ARE A SERIES OF CALLS WITH THE 553
- 4 REPOLL NUMBER RUNNING FROM 17:54, 5:54 IN THE
- 5 EVENING, THROUGH 18:20, WHICH WOULD BE 6:20 IN THE
- 6 EVENING, CORRECT?
- 7 A CORRECT.
- 8 Q FROM 554 THROUGH 620, WE HAVE REPOLL NUMBERS FROM THE
- 9 RALEIGH AREA?
- 10 A CORRECT.
- 11 Q AND ONCE AGAIN, THE REPOLL NUMBER INDICATES -- THE
- 12 REPOLL NUMBER GIVES YOU A TAG OF A GENERAL AREA AND
- 13 THEN YOU GO TO YOUR CELL TOWER INFORMATION TO GET THE
- 14 SPECIFICS AS TO WHAT ROAD IT IS ON, RIGHT?
- 15 A RIGHT. IT MIGHT BE IN THE RALEIGH AREA, BUT IT MAY
- 16 NOT ACTUALLY BE IN THE CITY OF RALEIGH. IT MIGHT BE
- 17 IN THAT REGION.
- 18 Q WELL, I MEAN -- AND WE COULD DROP OUT AND GO TO THESE
- 19 NUMBERS --
- 20 A RIGHT.
- 21 Q -- AND THESE COLUMNS RIGHT HERE --
- 22 A EXACTLY.
- 23 Q -- AND CONSULT THE OTHER CHARTS, AND WE WOULD BE ABLE
- 24 TO TAKE IT DOWN TO THE EXACT PLACE.
- 25 A RIGHT.

1 Q OKAY. I'M GOING TO TRY TO MOVE ALONG, BUT FOR MY
2 PURPOSES AND THE PURPOSES OF THIS, WE CAN ESTABLISH
3 THAT THE CELL TOWER THAT HANDLED IT WAS IN THE
4 GENERAL VICINITY OF RALEIGH, CORRECT?

5 A I WOULD AGREE WITH THAT; YES.

6 Q AND AGAIN, IF I COULD, THIS IS A COPY OF THE PAGE YOU
7 HAVE BEEN REFERRING TO. COULD YOU JUST MARK THOSE
8 553 DOWN AT THE BOTTOM OF THAT PAGE?

9 A (THE WITNESS COMPLIES.)

10 Q OKAY. NOW, THE VERY NEXT PAGE IN THE REPORT, PAGE
11 14, WE CONTINUE WITH A SERIES OF 553 THROUGH IT LOOKS
12 LIKE 18:29, 6:29 IN THE EVENING, CORRECT?

13 A CORRECT.

14 Q REFLECTING PHONE CALLS THAT ARE BOUNCING OFF OF SOME
15 CELL TOWER IN THE GENERAL VICINITY OF RALEIGH?

16 A THAT'S CORRECT.

17 Q OKAY. WE THEN GET ONE OFF OF 355, WHICH I CAN'T
18 FIND. I DIDN'T HAVE A CHANCE TO TALK WITH ANYONE
19 ABOUT THESE.

20 A I DON'T HAVE THAT ONE.

21 Q OKAY. WE GET SOME MORE 553, THEN WE GET A 690 AT
22 18:50, THAT'S THE TENTH, 12TH CALL DOWN.

23 A UH-HUH.

24 Q 1690 IS WHAT'S REFERRED TO AS AIR GATE TWO
25 (PHONETIC), A COLUMBIA -- OR AIR GATE, RATHER, A

1 COLUMBIA REPOLL NUMBER, CORRECT?

2 A CORRECT. THERE'S ACTUALLY TWO COLUMBIA --

3 Q RIGHT.

4 A -- COLUMBIA SITES: COLUMBIA ONE, AND COLUMBIA TWO.

5 I'M TRYING TO SEE WHICH ONE THIS IS. COLUMBIA --

6 Q I BELIEVE IT'S COLUMBIA TWO.

7 A TWO, CORRECT.

8 Q ALL RIGHT.

9 A WHICH IS NOT GOING TO BE IN COLUMBIA.

10 Q I UNDERSTAND THAT, EXACTLY. IN FACT, IF WE CAN GO

11 TO -- DO YOU HAVE YOUR CELL SITE ADDRESSES?

12 A YES, I DO.

13 Q COLUMBIA ONE, AND COLUMBIA TWO, OKAY. NOW, IF WE CAN

14 GO TO COLUMBIA TWO, AND THEN WE GET TO THE FIRST 690

15 SHOWS AT 6:50 IN THE EVENING. THEN WE GET 2194, AND

16 YOU IGNORE THE FIRST DIGIT. THAT REFLECTS WHAT SIDE

17 OF THE CELL TOWER IS RECEIVING THE CALL, SO 194 IS

18 ACTUALLY WHAT YOU'RE LOOKING FOR, FOR THE CELL TOWER

19 INFORMATION, WHICH WOULD BE DILLON?

20 A 210 RED ROAD IN DILLON, CORRECT.

21 Q OKAY. SO AT SIX --

22 A CAN I CORRECT THAT?

23 Q SURE.

24 A ACTUALLY, IT'S 210 RED ROAD ACTUALLY LOCATED IN THE

25 CITY OF HAMER.

- 1 Q OKAY.
- 2 A THE SITE NAME FOR THAT SITE IS DILLON, BUT THE ACTUAL
- 3 LOCATION IS HAMER.
- 4 Q YOU'RE CORRECT. I ONLY WENT THROUGH THE FIRST
- 5 COLUMN.
- 6 A RIGHT.
- 7 Q ALL THE OTHERS FURTHER DOWN. IF YOU COULD, PLEASE,
- 8 MARK THAT -- LET ME GIVE YOU THE SHEET, OR YOU HAVE
- 9 THE SHEET.
- 10 THAT'S AT, LET ME SEE. AT 1850, OKAY, SO THAT
- 11 690 RIGHT THERE IS IN THE DILLON AREA.. THEN YOU HAVE
- 12 A SERIES FROM 1850 THROUGH 1856. YOU GET DILLON
- 13 REPOLL NUMBERS, CORRECT, 690?
- 14 A CORRECT.
- 15 Q REFLECTED?
- 16 A WELL, YOU HAVE THE COLUMBIA TWO REPOLL SITES.
- 17 Q EXCUSE ME.
- 18 A YEAH, CORRECT. IT'S GOING TO BE THE SAME TOWER.
- 19 Q BUT IT'S ALL THE SAME TOWER?
- 20 A YEAH, THE SAME TOWER.
- 21 Q A TOWER IN THE DILLON VICINITY?
- 22 A HAMER, YES.
- 23 Q WE CONTINUE TO GET THE OCCASIONAL REFERENCES TO NEW
- 24 YORK. IS THAT CALL GETTING ROUTED THERE SOMEHOW?
- 25 A THAT'S AN INCOMPLETE CALL THAT WAS ROUTED. THERE'S

1 ZEROS.

2 Q RIGHT.

3 A THAT WAS NOT A COMPLETE CALL.

4 Q OKAY. SO DOWN THROUGH -- AS I COUNT IT, 20:36:39 ON

5 THIS SAME PAGE -- WE'RE GETTING A SERIES OF CALLS TO

6 COLUMBIA TWO. THEY ARE TO THE 194 OR 195 TOWER. THE

7 194 BEING 210 RED ROAD IN HAMER OR DILLON COUNTY; 195

8 BEING 445 DOTHEN ROAD (PHONETIC) ALSO IN DILLON

9 COUNTY, CORRECT?

10 A DILLON, YES.

11 Q OKAY. SO NOW, AFTER THAT POINT -- THAT'S 20:36:39 IS

12 THE LAST ONE REFLECTED THERE, CORRECT?

13 A CORRECT.

14 Q TO THAT REPOLL NUMBER?

15 A THAT'S CORRECT.

16 Q THE NEXT CALL ON THE 20TH. THIS IS THE DAY BEFORE

17 THE INCIDENT ON THIS, WHAT'S LABELED THE CROC PHONE.

18 THE NEXT CALL THAT'S REFLECTED IS AT 21:19, WHICH

19 WOULD BE WHAT, 9:19 IN THE EVENING?

20 A UH-HUH.

21 Q 9:19:15, AT FIFTEEN SECONDS AFTER 9:19. THAT REPOLL

22 NUMBER IS 553, WHICH IS AGAIN RALEIGH, CORRECT?

23 A THE RALEIGH REGION, YES.

24 Q RALEIGH REGION, OKAY. AND THERE ARE A SERIES OF

25 RALEIGH REGION REPOLL NUMBERS, CORRECT?

1. A CORRECT.

2. Q OKAY. IF YOU COULD, PLEASE, SIR, JUST AS YOU DID
3 WITH THAT, WOULD YOU MARK THE BEGINNING OF THE 690
4 REPOLL NUMBERS AND THEN THE BEGINNING OF THE 553
5 REPOLL NUMBERS ON THAT.. THAT SHOULD BE THE SAME PAGE
6 YOU'RE REFERRING TO.

7 I'D MOVE TO INTRODUCE THESE DOCUMENTS. THEY'RE
8 PROBABLY ALREADY IN EVIDENCE. THEY ARE ALREADY IN
9 EVIDENCE, BUT I'D LIKE TO INTRODUCE THESE.

10 THE COURT: WITHOUT OBJECTION.

11 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 7 WAS MARKED
12 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

13 BY Mr. Strickler

14 Q SO ON THE 20TH, WE GET THIS "CROC" PHONE MOVING FROM
15 RALEIGH TO DILLON, THEN BACK TO RALEIGH.

16 NOW, THOSE RECORDS -- WELL, EITHER FOR THAT
17 PHONE OR FOR THE PHONE THAT'S LISTED TO MR. JENNINGS,
18 OR THE VICTIM'S PHONE, SALON PHONE, THOSE RECORDS DO
19 NOT TELL YOU WHO MADE THE PHONE CALLS, CORRECT?

20 A CORRECT.

21 Q THEY TELL YOU WHEN A PHONE CALL OCCURRED, AND SINCE
22 IT'S A CELL PHONE AND IT'S BOUNCING OFF OF THESE
23 TOWERS, YOU CAN NARROW IT DOWN TO A PRETTY SPECIFIC
24 LOCATION WHERE THE PHONE WAS AT THE TIME THE CALL WAS
25 PLACED, CORRECT?

1 A THAT'S CORRECT.

2 Q OKAY. AS TO WHO MADE THE CALL, AS TO WHO PHYSICALLY
3 HAD CUSTODY OF THE PHONE AT THAT POINT IN TIME, THEY
4 DON'T TELL YOU ANYTHING ABOUT THAT?

5 A NO, THERE'S NO WAY TO DETERMINE THAT.

6 Q ALL RIGHT. NOW, ON -- I'M JUST ABOUT DONE WITH THIS
7 ASPECT OF IT. ON NOVEMBER 19TH, 2001, WILLIE
8 JENNINGS SPOKE WITH ONE MARVIN FLEMING AND ALSO
9 WITH --

10 A SWITCHING THE PHONE RECORDS?

11 Q NO. I'M STILL ON THE SAME PHONE RECORDS, I BELIEVE.

12 A OKAY.

13 Q MARVIN FLEMING, AND MONICA MCCLAIN?

14 A CORRECT.

15 Q NOW, THOSE PHONE CALLS, THIS WILLIE JENNINGS SPOKE
16 WITH MARVIN FLEMING AND MONICA MCCLAIN. WHEN WILLIE
17 JENNINGS ON NOVEMBER 19TH SPOKE WITH MARVIN FLEMING
18 AND MONICA MCCLAIN, WHAT PHONE NUMBER DID THOSE CALLS
19 COME FROM?

20 A IT WOULD BE FROM THE (646)408-5502 PHONE.

21 Q OKAY. YOU PERSONALLY CHECKED INTO THAT, CORRECT?

22 A LIEUTENANT SMITH ACTUALLY NOTICED THIS WHEN HE WAS
23 REVIEWING THE CHARTS, AS WELL.

24 Q OKAY. SO DO YOUR NOTES REFLECT THE PHONE NUMBER FOR
25 MARVIN FLEMING'S PHONE ON THE 19TH?

1 A DO YOU WANT THE PHONE NUMBER?

2 Q YES, SIR.

3 A (803) 743-0807.

4 Q AND THAT WAS A PHONE CALL MADE BY, CONFIRMED BY YOU
5 AS HAVING BEEN MADE BY, WILLIE JENNINGS FROM THIS
6 PHONE TO MARVIN FLEMING?

7 A I HAVE NOT CONFIRMED THAT WITH WILLIE, NO, MYSELF.

8 Q WELL --

9 A THE INVESTIGATOR --

10 Q ALL RIGHT. I'LL JUST TAKE A LITTLE BREAK FROM THIS
11 LINE OF QUESTIONING AND TALK TO YOU A LITTLE BIT
12 ABOUT YOUR POSITION AS ONE OF THE TWO LEAD
13 INVESTIGATORS IN THE CASE, OKAY.

14 JUST AS WE DISCUSSED EARLIER ABOUT THE FIRST
15 OFFICER ON THE SCENE HAVING CERTAIN DUTIES, THE LEAD
16 INVESTIGATORS ON THE CASE HAVE CERTAIN
17 RESPONSIBILITIES.

18 A OKAY.

19 Q CERTAINLY, THEY'RE RESPONSIBLE FOR CONDUCTING ASPECTS
20 OF THE INVESTIGATION THEMSELVES.

21 A CORRECT.

22 Q RIGHT. BUT AS IN ANY HUMAN ENDEAVOR THAT'S INVOLVING
23 SEVERAL PEOPLE, SOMEONE NEEDS TO HAVE THE BIG
24 PICTURE, RIGHT?

25 A CORRECT.

1 Q AND PART OF THE ADDITIONAL RESPONSIBILITIES THE LEAD
2 INVESTIGATOR HAS IS SERVING AS A CLEARING HOUSE FOR
3 THE INFORMATION BEING GENERATED, NOT JUST BY HIM OR
4 HER, BUT ALL THE PEOPLE INVOLVED IN THE
5 INVESTIGATION, CORRECT?

6 A THAT'S CORRECT.

7 Q SO YOU ARE AWARE, IN YOUR CAPACITY AS LEAD
8 INVESTIGATOR IN THIS CASE, OF WHAT WE'VE JUST BEEN
9 DISCUSSING?

10 A YES, I'M AWARE OF IT.

11 Q THE INFORMATION YOU HAVE IS THAT MARVIN FLEMING WAS
12 CONTACTED BY WILLIE JENNINGS USING THIS CROC PHONE ON
13 NOVEMBER 19TH, 2001, CORRECT?

14 A THAT'S CORRECT.

15 Q AND IT WOULD ALSO BE THE CASE THAT ON THAT SAME DATE,
16 WILLIE JENNINGS, USING THIS CROC PHONE, CONTACTED A
17 WOMAN BY THE NAME OF MONICA MCCLAIN?

18 A THAT IS CORRECT.

19 Q OKAY. I WON'T GO DIGGING THROUGH THE RECORDS AND
20 HIGHLIGHTING THEM. ANYONE IS WELCOME TO, BUT WE'RE
21 AGREEING ON THAT, RIGHT?

22 A RIGHT.

23 Q OKAY. ALL RIGHT. I HAVE A NUMBER OF OTHER THINGS
24 I'D LIKE TO GET INTO, AND I'D LIKE TO MOVE AWAY FROM
25 CELL PHONE RECORDS FOR A WHILE AND TALK ABOUT SOME

1 OTHER ASPECTS TO YOUR INVESTIGATION, OKAY. THAT
2 WOULD GIVE ME AN OPPORTUNITY TO SHIFT TO ANOTHER BOOK
3 MYSELF.

4 (PAUSE).

5 OKAY. AT THE -- YOU RESPONDED TO THE SCENE
6 SHORTLY AFTER THE INCIDENT, CORRECT?

7 A THAT'S CORRECT.

8 Q OKAY. AT THE POINT IN TIME YOU RESPONDED, WAS
9 MR. CASEY'S BODY STILL AT THE SCENE, OR DID IT
10 ALREADY --

11 A IT HAD ALREADY BEEN REMOVED.

12 Q ALL RIGHT. E.M.S. HAD ALREADY COME AND TAKEN HIS
13 BODY AWAY?

14 A THAT'S CORRECT.

15 Q YOU ARE AWARE, AS HAS BEEN TESTIFIED TO HERE THAT --
16 AS WE HEARD ON THE 911 TAPE, THAT WE GET A BROADCAST
17 OF A BROWN CAR AS BEING THE SUSPECT VEHICLE. THIS IS
18 RIGHT AROUND THE TIME OF THE INCIDENT ITSELF?

19 A I'M AWARE OF IT. I BELIEVE I HEARD IT EN ROUTE TO
20 THE SCENE.

21 Q OKAY. AND THAT'S REFLECTED, NOT ONLY ON THE 911
22 TAPE, BUT WHAT'S MARKED AS STATE'S EXHIBIT NO. 10,
23 CORRECT?

24 A THAT'S CORRECT.

25 Q OKAY. BROWN CAR, BROWN STATION WAGON, PARTIAL

- 1 GEORGIA TAG?
- 2 A CORRECT.
- 3 Q OKAY. A CALL OUT THAT IT'S A SMALLISH DARK CAR WITH
- 4 WOOD GRAIN, CORRECT? THAT WAS GOING OUT AT THAT
- 5 POINT IN TIME?
- 6 A THAT'S CORRECT.
- 7 Q THE INFORMATION IS IT'S A TALL, LIGHT SKINNED BLACK
- 8 MALE. YOU GET A CALL, AS COULD BE HEARD ON THE 911
- 9 TAPE THAT ACCORDING TO MS. CASEY, IT WAS A DARK CAR,
- 10 POSSIBLY BLUE IN COLOR, CORRECT?
- 11 A I'M NOT FOLLOWING THAT QUESTION. CAN YOU REPEAT
- 12 THAT?
- 13 Q DID YOU HEAR THAT BROADCAST, A DARK CAR, POSSIBLY
- 14 BLUE IN COLOR?
- 15 A I DIDN'T HEAR THAT.
- 16 Q OKAY. NOW, YOU ARE ALSO AWARE THAT WE GET AN INITIAL
- 17 DESCRIPTION BECAUSE -- YOU SPOKE WITH MR. DAVIS
- 18 YOURSELF, RIGHT?
- 19 A YES. I SPOKE TO MR. DAVIS SEVERAL DAYS INTO THE
- 20 INVESTIGATION. HE CAME FORWARD.
- 21 Q OKAY. THEN YOU CAUGHT UP WITH HIM, OR RATHER WHEN
- 22 HE --
- 23 A WE -- WE HEARD THE INFORMATION --
- 24 Q YOU PUT THE INFORMATION OUT, AND HE GOT IN TOUCH WITH
- 25 YOU, RIGHT?

1 A RIGHT. WE PUT AN ARTICLE IN THE PAPER ASKING FOR ANY
2 WITNESSES TO COME FORWARD. HE WAS ONE OF THE KEY
3 ONES THAT GOT THE TAG NUMBER ON THE VEHICLE.

4 Q RIGHT. I DIDN'T MEAN TO IMPLY THAT YOU HAD TO GO
5 TRACK HIM DOWN. WHEN HE LEARNED YOU WANTED TO TALK
6 WITH HIM, HE MADE HIMSELF AVAILABLE.

7 THE INFORMATION THAT HE PROVIDED YOU WHEN YOU
8 SAT HIM DOWN WAS THAT THE INDIVIDUAL WAS ABOUT 5'11"
9 TO SIX FEET TALL, 165 TO 170, LOOKED LIKE HE HADN'T
10 SHAVEN IN A DAY, RIGHT?

11 A HIS DESCRIPTION TO ME WAS A BLACK MALE, MEDIUM TO
12 DARK COMPLEXION, 5'11" TO SIX FEET.

13 Q LOOKED LIKE HE HADN'T SHAVEN IN A DAY?

14 A LOOKED LIKE HE HADN'T SHAVEN IN A DAY.

15 Q IN A DAY, OKAY. ALL RIGHT. AND LET ME ASK YOU THIS:
16 YOU HAD THE OPPORTUNITY TO SPEAK WITH MS. CASEY
17 YOURSELF, CORRECT?

18 A WHEN?

19 Q DURING THE COURSE OF YOUR INVESTIGATION.

20 A YES, I DID.

21 Q OKAY. AND YOU'RE ACQUAINTED WITH THE VARIOUS WRITTEN
22 STATEMENTS THAT YOU GAVE DURING THE COURSE OF YOUR
23 INVESTIGATION?

24 A YES.

25 Q OKAY. AND CAN YOU DIRECT ME TO THE FIRST OCCASION ON

1 WHICH SHE INDICATES SHE SAW THE INDIVIDUAL SHOOT HER
2 HUSBAND, AS OPPOSED TO HEARING A SHOT AND THEN
3 TURNING AND SEEING HIM, AFTER THE SHOTS WERE FIRED?

4 A HER INITIAL STATEMENT ON PAGE THREE, THE THIRD
5 PARAGRAPH WHERE SHE TALKS, "ABOUT 20 SECONDS WENT BY,
6 AND I HEARD A GUNSHOT. I TURNED TO MY RIGHT AND SAW
7 MY HUSBAND FALLING."

8 Q GO AHEAD.

9 A "I THEN SAW THE BLACK GUY."

10 Q OKAY. SO I'M JUST TRYING TO ESTABLISH THE SEQUENCE
11 OF EVENTS HERE, SIR. ACCORDING TO THE INFORMATION
12 YOU HAD AT THAT POINT IN TIME --

13 A YEAH.

14 Q -- SHE HEARD A SHOT, TURNED, AND SAW THE GUY.

15 A LET ME CONTINUE. I DON'T KNOW IF I CAN SPEAK PART OF
16 THIS.

17 Q LET ME TAKE A LOOK AT WHERE YOU'RE GOING HERE.

18 (PAUSE).

19 RIGHT NOW MY QUESTION IS AS TO THE SEQUENCE OF
20 EVENTS. THE SEQUENCE OF EVENTS AS RELATED TO THAT
21 STATEMENT IS HEAR A SHOT, TURN, AND SEE SOMEONE THAT
22 SHE RECOGNIZED?

23 A SHE SAW SOMEONE HOLDING A GUN IN HIS RIGHT HAND,
24 THAT'S RIGHT.

25 Q OKAY. THE SEQUENCE WAS HEAR, TURN, SEE, RIGHT?

1 A CORRECT.

2 Q NOW, THE ADDITIONAL STATEMENTS GIVEN HAVE ALL BEEN
3 HEAR, TURN, SEE, HAVEN'T THEY?

4 A BASICALLY, HIM STANDING THERE WITH A SMOKING GUN,
5 YES.

6 Q I'M NOT TAKING ANY ISSUE WITH THAT. THE SEQUENCE OF
7 EVENTS, THOUGH, IS HEAR GUNSHOT, TURN, SEE.

8 A RIGHT.

9 Q OKAY. UNTIL WE LEARN THAT SHE ACTUALLY SAW THE SHOTS
10 BEING FIRED?

11 A I DON'T KNOW IF SHE EVER SAID THAT. I THINK SHE
12 HEARD THE GUN. SHE TURNED AND SAW THE SUSPECT
13 STANDING THERE WITH A GUN.

14 Q OKAY. THAT'S THE SEQUENCE OF EVENTS AS YOU
15 UNDERSTAND THEM, RIGHT?

16 A THAT'S CORRECT.

17 Q OKAY. ALL RIGHT. I'M SORRY. I AM TRYING TO MOVE
18 THROUGH THINGS. IF I BOUNCE AROUND A LITTLE BIT,
19 I'LL JUST HAVE TO APOLOGIZE TO YOU. I'M JUST TRYING
20 TO GET THROUGH THEM.

21 WE'VE ALREADY ESTABLISHED YOU SHOWED THIS VIDEO
22 OF THIS STATION WAGON PULLING IN. NOW, IT DIDN'T
23 PULL IN DIRECTLY BEHIND THE TAHOE. THERE WAS ANOTHER
24 CAR IN BETWEEN THEM, AND THERE WAS A LAG OF SOME FEW
25 SECONDS ANYWAY?

- 1 A ABOUT 18 SECONDS APPROXIMATELY, YES.
- 2 Q EIGHTEEN SECONDS. INDEED, AS YOU TESTIFIED TO, THE
- 3 CAMERA IS NOT TRAINED IN SUCH A WAY THAT IT CAN --
- 4 THAT IT SHOWED WHERE THAT CAR WENT?
- 5 A NO.
- 6 Q RIGHT?
- 7 A WELL, IT SHOWED THE CAR COMING IN, PASSING THE
- 8 CAMERA, GOING OUT OF VIEW.
- 9 Q IN FACT, IT SHOWS THE TAHOE COMING IN TO ONE LANE OF
- 10 PARKING PLACES, AND THE -- WHAT YOU FEEL IS THE
- 11 SUSPECT VEHICLE DRIVING PAST THAT LANE, CORRECT?
- 12 A THAT'S CORRECT.
- 13 Q OKAY. THAT'S IT AS FAR AS COMING IN?
- 14 A CORRECT.
- 15 Q SO, IT DOESN'T PULL IN TO WHERE THE TAHOE COMES IN.
- 16 IT DRIVES PAST IT.
- 17 A THAT'S CORRECT.
- 18 Q OKAY. NOW, IN PROCESSING THE CAR, YOU WILL AGREE
- 19 THAT A PAIR OF SCISSORS WAS RECOVERED FROM THE RIGHT
- 20 REAR CARGO AREA, CORRECT?
- 21 A WHICH CAR ARE WE SPEAKING OF?
- 22 Q THE TAHOE, I'M SORRY.
- 23 A YES.
- 24 Q I'M ACTUALLY TRYING TO DO SOMETHING SEQUENTIALLY.
- 25 A OKAY.

- 1 Q I DON'T KNOW THAT I'M GOING TO BE SUCCESSFUL.
- 2 A YES. THERE WAS A PAIR OF SCISSORS RECOVERED FROM THE
- 3 TAHOE.
- 4 Q AND YOU UNDERSTAND THAT THOSE TESTED, AT A
- 5 PRELIMINARY TEST AT THE SHERIFF'S DEPARTMENT,
- 6 POSITIVE FOR THE PRESENCE OF HUMAN BLOOD, CORRECT?
- 7 A CORRECT.
- 8 Q ALL RIGHT. AND YOU WOULD AGREE ALSO THAT THOSE
- 9 SCISSORS WERE NOT FORWARDED, TO YOUR KNOWLEDGE,
- 10 ANYWHERE FOR FURTHER TESTING; IS THAT CORRECT?
- 11 A THAT'S CORRECT.
- 12 Q ALL RIGHT. NOW, YOU WILL AGREE THAT YOU ARE UNAWARE
- 13 OF ANY INDICATION OF CUTS, AS OPPOSED TO GUNSHOT
- 14 WOUNDS, CUTS AS TO MR. NATHANIEL CASEY?
- 15 A NONE THAT I'M AWARE OF.
- 16 Q OKAY. WHILE WE HAVE SOME FINGERPRINTS IN THIS CASE,
- 17 WE HAVE NO FINGERPRINTS -- WELL, WE HAVE NO
- 18 FINGERPRINTS RELATING TO THIS GENTLEMAN HERE?
- 19 A NONE TO PHILLIP HENRY CROCKER, III, NO.
- 20 Q NONE TO PHILLIP HENRY CROCKER, III, CORRECT?
- 21 A CORRECT.
- 22 Q AND A GEORGIA TAG ON PHIL'S BURGUNDY ROVER. WE DON'T
- 23 HAVE A GEORGIA TAG, DO WE?
- 24 A WE DO NOT HAVE A GEORGIA TAG.
- 25 Q OKAY. WE DON'T HAVE A GEORGIA TAG THAT WAS RECOVERED

1 IN THE SEARCH?

2 A NO.

3 Q WE'VE GOT MS. NYE INDICATING SHE SAW A GEORGIA TAG.

4 A THAT'S CORRECT.

5 Q THE FIRST TIME SHE'S INTERVIEWED, SHE DOESN'T TELL
6 YOU ANYTHING ABOUT A GEORGIA TAG, CORRECT?

7 A I DID NOT SPECIFICALLY INTERVIEW HER, NO.

8 Q OKAY. HER STATEMENT, THAT YOU ARE AWARE OF, DOESN'T
9 REFERENCE A GEORGIA TAG?

10 A SHE WASN'T ASKED THE FIRST TIME.

11 Q I GOT YOU. SO THE SECOND TIME, SHE DOESN'T REFERENCE
12 THE GEORGIA TAG, OR DOES IT?

13 A I'D HAVE TO CHECK IN HER STATEMENT.

14 Q TELL ME WHEN MS. NYE LETS YOU KNOW THERE'S A GEORGIA
15 TAG.

16 (PAUSE).

17 A YES. I HAVE A COPY OF THE SECOND STATEMENT HERE WITH
18 ME.

19 Q ARE YOU AWARE OF THE STATEMENT THAT SHE'S GIVEN THAT
20 REFERENCES A GEORGIA TAG? I ONLY HAVE ONE STATEMENT.
21 ARE YOU AWARE OF A STATEMENT?

22 A I KNOW THERE WAS A SECOND STATEMENT. I DON'T HAVE IT
23 IN FRONT OF ME.

24 Q AND YOU ARE UNAWARE AS TO WHETHER OR NOT THAT
25 REFERENCES A GEORGIA TAG?

1 A NOT WITHOUT REVIEWING IT AGAIN.

2 Q AND YOU HAVE A STATEMENT BEFORE YOU, AND THAT IS
3 DATED WHAT?

4 A DECEMBER 12TH.

5 Q THAT'S THE SAME ONE I HAVE AND THE ONLY ONE I HAVE.
6 WE WOULD AGREE THAT STATEMENT DOESN'T REFERENCE THE
7 GEORGIA TAG?

8 A IT DOES NOT.

9 Q OKAY. YOU WOULD AGREE THAT THAT STATEMENT, AS
10 OPPOSED TO HERE TODAY TWO YEARS LATER, SHE COULDN'T
11 REMEMBER -- SHE SWORE THAT SHE COULDN'T REMEMBER THE
12 COLOR OF THE CAR THAT SHE CLAIMS --

13 A SAY THAT AGAIN.

14 Q YOU AGREE THAT MS. NYE ON DECEMBER 12TH, 2001, AS
15 OPPOSED TO TODAY IN HER STATEMENT, INDICATED THAT SHE
16 COULDN'T REMEMBER WHAT THE COLOR OF THE CAR WAS?

17 A I HEARD HER TESTIMONY TODAY AS TO WHY.

18 Q ALL RIGHT. I'LL ASK IT MORE, SIR.

19 A OKAY.

20 Q HER STATEMENT IN 2001, DECEMBER 2001, LESS THAN A
21 MONTH AFTER THE INCIDENT, YOU WOULD AGREE SHE DOESN'T
22 INDICATE WHAT THE COLOR OF THE CAR IS?

23 A SHE DOES REFERENCE, "I CAN'T REMEMBER THE COLOR OTHER
24 THAN THE WOOD GRAIN TRIM."

25 Q RIGHT. SHE DOES REFERENCE THE WOOD GRAIN TRIM, OKAY.

1 NOW, ARE YOU ACQUAINTED WITH THIS PHOTOGRAPH?

2 A YES, I AM.

3 Q OKAY. THAT IS A PHOTOGRAPH OF PHIL CROCKER FROM WHEN
4 HE WAS ARRESTED IN THIS CASE, CORRECT?

5 A THAT'S CORRECT.

6 Q OKAY. IT WAS USED LATER IN A LINEUP THAT WAS SHOWN
7 TO MS. SALES, RIGHT?

8 A MILES.

9 Q MILES, I'M SORRY, YEAH.

10 A MILES, THAT'S CORRECT.

11 Q WE CAN SEE IT IN THE LINEUP THERE. THERE'S SOME,
12 OKAY, A BOOKING PHOTO FROM DECEMBER 14TH.

13 A I THINK IT'S THE 13TH. LET ME VERIFY THAT, FROM THE
14 13TH.

15 Q DECEMBER 13TH, AFTER PHIL WAIVED EXTRADITION IN NORTH
16 CAROLINA AND CAME DOWN HERE; IS THAT RIGHT?

17 A THAT'S CORRECT.

18 Mr. Strickler: OKAY. I'D MOVE TO INTRODUCE
19 THIS AT THIS POINT IN TIME.

20 Ms. Campbell: WITHOUT OBJECTION.

21 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 8 WAS MARKED
22 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

23 BY Mr. Strickler

24 Q DEFENSE 8.

25 ARE YOU ACQUAINTED WITH MS. MILES' STATEMENT

1 FROM HER TESTIMONY? YOU WERE SITTING HERE IN COURT
2 LISTENING TO HER, RIGHT?

3 A YES.

4 Q I SHOW YOU ANOTHER PICTURE AND ASK IF YOU RECOGNIZE
5 THAT.

6 A IT APPEARS TO BE OSAMA BIN LADEN, BUT I DON'T KNOW
7 THAT FOR SURE.

8 Q APPEARS TO YOU TO BE OSAMA BIN LADEN?

9 A IT APPEARS, RESEMBLES.

10 Mr. Strickler: I WOULD MOVE TO INTRODUCE THIS,
11 YOUR HONOR.

12 Ms. Campbell: YOUR HONOR.

13 THE COURT: IS THERE AN OBJECTION?

14 Ms. Campbell: I DON'T HAVE AN OBJECTION
15 ANYMORE.

16 THE COURT: ALL RIGHT.

17 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 9 WAS MARKED
18 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

19 Ms. Campbell: JUST, YOUR HONOR, FOR THE FUTURE,
20 IF HE WANTS TO INTRODUCE PHOTOGRAPHS, IF I COULD JUST LOOK
21 AT THEM AT SOME POINT, OKAY.

22 Mr. Strickler: I'M SORRY, I SHOWED IT TO YOU.

23 Ms. Campbell: IT WOULD EXPEDITE THINGS.

24 BY Mr. Strickler

25 Q THANK YOU.

1 NOW, CAN YOU CHARACTERIZE THE PRESENCE OR
2 ABSENCE OF FACIAL HAIR IN WHAT'S MARKED AS
3 DEFENDANT'S 9 AND DEFENDANT'S 8? IS IT SIMILAR?

4 A BOTH OF THEM HAVE FACIAL HAIR. ONE IS LONGER THAN
5 THE OTHER.

6 Q YES, SIR. NOW, YOU'RE A POLICE OFFICER AND HAVE BEEN
7 A POLICE OFFICER FOR QUITE SOME -- A NUMBER OF YEARS?

8 A A LITTLE OVER 15 YEARS.

9 Q I WOULD TAKE IT THAT IN THE COURSE OF YOUR TIME AS A
10 POLICE OFFICER, YOU HAVE DEVELOPED A CERTAIN
11 ACQUAINTANCE WITH FIREARMS, SPECIFICALLY WITH SMALL
12 ARMS, HANDGUNS?

13 A SOME INFORMATION.

14 Q YOU'RE ACQUAINTED WITH SEMIAUTOMATIC, RIGHT?

15 A YES, YES.

16 Q YOU'RE ACQUAINTED WITH THE GLOCK PISTOL?

17 A YES.

18 Q ARE YOU AWARE THAT GLOCK COMES IN A VARIETY OF
19 CALIBERS?

20 A YES.

21 Q OKAY. ARE YOU ACQUAINTED THEN -- I BELIEVE MR. -- IS
22 IT WHITLER, THE BALLISTICS MAN FROM S.L.E.D.,
23 REFERENCED A GLOCK NINE MILLIMETER PARABELLUM OFF A
24 GLOCK -- OR PARABELLUM AMMUNITION OFTEN REFERRED TO
25 AS NINE BY 19.

1 LET ME SHOW YOU THIS AND ASK YOU IF THE PICTURE
2 AT THE TOP OF THE PAGE IS CONSISTENT WITH A GLOCK
3 NINE MILLIMETER PISTOL?

4 A IT WOULD BE CONSISTENT, YES.

5 Q OKAY. IF I COULD, PLEASE, LET ME SHOW YOU THIS: LET
6 ME ASK YOU, DO YOU UNDERSTAND -- ARE YOU AWARE OF
7 WHETHER GLOCK MAKES A 10-MILLIMETER PISTOL?

8 A I WAS NOT AWARE.

9 Q WOULD IT SURPRISE YOU?

10 A IT APPEARS SO HERE. I WAS NOT FAMILIAR WITH A
11 10-MILLIMETER THAT THEY PRODUCE.

12 Q OKAY. ARE YOU AWARE THAT GLOCK MAKES A 357 CALIBER
13 PISTOL?

14 A REVOLVER?

15 Q SEMIAUTOMATIC.

16 A SEMIAUTOMATIC, NO, I WASN'T.

17 Q ARE YOU AWARE THAT GLOCK MAKES A 380 AUTOMATIC?

18 A YES.

19 Q SEMIAUTOMATIC?

20 A YES, I WAS.

21 Q OKAY. ARE YOU AWARE THAT GLOCK MANUFACTURES A 40
22 CALIBER SEMIAUTOMATIC PISTOL?

23 A YES.

24 Q OKAY. SO YOU'RE AWARE OF THE 380, THE 40, AND THE
25 NINE MILLIMETER?

- 1 A CORRECT.
- 2 Q OKAY. THE OTHER TWO, DO YOU HAVE ANY PARTICULAR
- 3 EXPERIENCE WITH?
- 4 A NO.
- 5 Q ARE YOU AWARE THAT GLOCK MANUFACTURES A 45 CALIBER
- 6 AUTOMATIC PISTOL?
- 7 A YES.
- 8 Q OKAY. REFERENCING THE FOUR THAT YOU'RE AWARE OF, CAN
- 9 YOU TAKE A LOOK AT THESE DOCUMENTS AND SEE IF THE
- 10 PHOTOGRAPHS ARE CONSISTENT WITH THE APPEARANCE OF
- 11 THOSE PISTOLS?
- 12 A THEY ARE SOMEWHAT SIMILAR. SOME ARE A LITTLE LONGER
- 13 OR A LITTLE SHORTER WHERE THE GRIPS ARE, THE HANDLE
- 14 OF IT, WHERE THE CLIP WOULD GO, SPECIFICALLY THE 380.
- 15 Q OKAY. THOSE APPEAR TO BE ACCURATE REPRESENTATIONS OF
- 16 THE APPEARANCE OF EACH OF THESE MODELS?
- 17 A IT'S JUST A PICTURE. IT'S A DRAWING. IT'S NOT
- 18 ACTUALLY A PICTURE, IT APPEARS TO ME.
- 19 Q APPEARS TO YOU?
- 20 A THAT DOESN'T APPEAR TO BE A PICTURE TO ME. IT
- 21 APPEARS TO BE A DRAWING OF SOME SORT.
- 22 Q OKAY. AND WHAT'S THE DIFFERENCE IN THE APPEARANCE OF
- 23 THESE FIREARMS?
- 24 A LIKE I SAID, A COUPLE OF THEM, THE GRIPS WHERE YOU
- 25 WOULD GRIP THE GUN, IT WOULD BE SHORTER.

1 Q SHORTER?

2 A FROM THOSE PICTURES THERE. I DON'T HAVE THE GUN IN
3 FRONT OF ME.

4 Q WELL, I MEAN, ARE YOU ACQUAINTED WITH THE FIREARMS
5 YOURSELF?

6 A ROUGHLY. I MEAN, I HAVEN'T HELD ONE LATELY OR
7 EXAMINED IT CLOSELY, NO. I'M NOT A BALLISTIC EXPERT.

8 Q WELL, I UNDERSTAND THAT. NO OFFENSE, BUT I'M NOT
9 TRYING TO QUALIFY YOU AS ONE. I WAS JUST WONDERING
10 IF IN YOUR EXPERIENCE WITH THE POLICE YOU HAVE AN
11 ACQUAINTANCE WITH THIS GUN.

12 NOW, YOU HAD THE OPPORTUNITY TO PARTICIPATE IN
13 SOME INTERVIEWS WITH MR. JENNINGS; IS THAT CORRECT?

14 A YES, I DID.

15 Q OKAY. SPECIFICALLY, ON DECEMBER 9TH, I BELIEVE YOU
16 INDICATED YOU LEARNED THAT MR. JENNINGS HAD TRIED TO
17 CONTACT YOU ALL AND HAD BEEN UNABLE TO?

18 A THAT'S CORRECT. I WAS NOTIFIED BY MAJOR WILSON,
19 MAJOR DAVID WILSON. HE BEEPED ME TO ALERT ME THAT HE
20 HAD BEEN TRYING TO GET AHOLD OF LIEUTENANT SMITH.

21 Q RIGHT. THEN YOU PERSONALLY TOOK STEPS TO TRY TO GO
22 AHEAD AND FACILITATE A MEETING BETWEEN YOUR
23 DEPARTMENT AND WILLIE JENNINGS; IS THAT CORRECT?

24 A YES, I DID.

25 Q OKAY. HE'S AN IMPORTANT WITNESS AS FAR AS YOU'RE

1 CONCERNED?

2 A YES, HE WAS.

3 Q AND MR. JENNINGS WOULD AGREE TO COME TO COLUMBIA ON
4 DECEMBER 10TH, THE NEXT DAY, CORRECT?

5 A THE WAY IT WAS LEFT, THE LAST TIME I SPOKE TO HIM ON
6 THE 9TH, HE WAS GOING TO COME TO COLUMBIA THAT
7 MORNING.

8 Q AND INDEED, MR. JENNINGS DID NOT COME TO COLUMBIA ON
9 THE 10TH AS HE WAS EXPECTED?

10 A NO, HE DID NOT.

11 Q WHICH LED YOU TO REINITIATE CONTACT WITH HIM AND
12 TRAVEL TO DILLON, LATTA WITH MR. SMITH --

13 A THAT WOULD BE CORRECT.

14 Q -- TO INTERVIEW HIM, RIGHT? AND AT THAT INITIAL
15 INTERVIEW WITH HIM, HE DID TELL YOU HE FIRST MET PHIL
16 IN ATLANTA A COUPLE OF YEARS EARLIER, CORRECT?

17 A HE INDICATED TO US HE HAD MET HIM IN ATLANTA A COUPLE
18 OF YEARS PRIOR, THAT'S CORRECT. HE DIDN'T PUT A
19 FIRST BEFORE THAT.

20 Q I'M SORRY?

21 A HE DIDN'T PUT A FIRST, WHERE HE FIRST MET HIM.

22 Q OKAY.

23 A HE INDICATED HE MET HIM IN ATLANTA.

24 Q A COUPLE OF YEARS PRIOR? HE INDICATED HE OFTEN WORE
25 DOO-RAGS AND LIKED TO WEAR FANCY CLOTHES, ALLIGATOR

1 SKINNED SUITS, ET CETERA?

2 A THAT'S CORRECT.

3 Q AT THAT POINT IN TIME, YOU TALKED -- YOU AND
4 MR. SMITH SPOKE WITH HIM FOR SOME PERIOD OF TIME DOWN
5 THERE AT HIS MOTHER'S HOUSE --

6 A YES.

7 Q -- IN LATTA?

8 A YES.

9 Q OKAY. AT THAT POINT IN TIME, YOU ALL HAD A WARRANT
10 EXISTING FOR HIS ARREST IN TRAFFICKING MARIJUANA
11 RELATING TO THE MARIJUANA SUPPOSEDLY INVOLVED IN THIS
12 INCIDENT, CORRECT?

13 A THAT'S CORRECT.

14 Q AT THAT POINT IN TIME IN LATTA, YOU ALL INFORMED HIM
15 THAT YOU HAD THE WARRANT, BUT YOU DIDN'T HAVE TO
16 SERVE IT AT THIS POINT IN TIME, RIGHT?

17 A THAT'S CORRECT.

18 Q SUBSEQUENT TO THAT, HE RODE WITH YOU ALL BACK UP TO
19 COLUMBIA. YOU ENDED UP SITTING DOWN, AND YOU ENDED
20 UP GETTING A WRITTEN STATEMENT, RIGHT?

21 A HE AGREED TO COME BACK TO COLUMBIA. WE TOOK A
22 STATEMENT AND ALSO GOT COMPARISON FINGERPRINTS FROM
23 HIM.

24 Q OKAY. SO AT THE POINT IN TIME WHEN HE AGREED TO COME
25 TO COLUMBIA, HE KNEW YOU HAD A WARRANT OUT FOR HIM,

1 OR A WARRANT FOR HIS ARREST PENDING, AND HE KNEW THAT
2 YOU HAD AGREED NOT TO GO AHEAD AND SERVE IT ON HIM
3 THEN, JUST SIT DOWN AND TALK WITH HIM, CORRECT?

4 A THAT'S CORRECT.

5 Q ALL RIGHT. AND INDEED, AFTER SPEAKING WITH HIM AFTER
6 GETTING THE COMPARISON PRINTS, YOU LET HIM GO HOME TO
7 HIS FAMILY, RIGHT?

8 A THAT'S CORRECT.

9 Q OKAY.

10 A I TOLD HIM TO MAKE HIMSELF AVAILABLE BECAUSE WE WOULD
11 HAVE TO SERVE THIS WARRANT.

12 Q RIGHT. AND YOU ARE ALSO AWARE THAT -- BEG THE
13 COURT'S INDULGENCE ONE MOMENT.

14 (PAUSE).

15 YOU ARE ALSO AWARE IN YOUR CAPACITY AS A CHIEF
16 INVESTIGATOR THAT CONSUELO CASEY HAD BEEN TOLD THAT
17 SHE WOULD HAVE IMMUNITY FROM PROSECUTION ON ANY DRUG
18 CHARGES AS LONG AS SHE CAME CLEAN REGARDING
19 INFORMATION ON THE HOMICIDE?

20 A I EXPLAINED TO HER THE INITIAL -- THE NIGHT OF THIS
21 INCIDENT, OUR MAIN FOCUS WAS TO SOLVE THIS HOMICIDE,
22 IDENTIFY THE SUSPECT IN THE MURDER OF HER HUSBAND.
23 WE'RE NOT INTERESTED IN PURSUING CHARGES AGAINST HER.

24 Q SO THE ANSWER WOULD BE YES?

25 A YES.

1 Q YOU ARE AWARE FROM THE EVENING OF THE 21ST, THE FIRST
2 OF THIS SERIES OF STATEMENTS AND INTERACTION WITH
3 MS. CASEY THAT SHE HAD BEEN INFORMED SHE WOULD NOT BE
4 PROSECUTED FOR ANY DRUG CHARGES ARISING OUT OF THIS
5 INCIDENT AS LONG AS SHE WAS COOPERATING WITH YOU AS
6 FAR AS THIS HOMICIDE, CORRECT?

7 A CORRECT.

8 Q THERE IS, SOMEWHERE IN THIS STACK OF EVIDENCE HERE, A
9 22 CALIBER DERRINGER PISTOL. I REFER TO IT AS
10 DERRINGER ANYWAY.

11 A THAT'S WHAT I CALL IT, AS WELL.

12 Q A LITTLE GUN, 22 CALIBER. THERE IS, I ALSO BELIEVE,
13 A PHOTOGRAPH REFLECTING WHERE IT WAS LOCATED IN THE
14 CAR. THIS PISTOL WAS RECOVERED FROM THE TAHOE ON THE
15 THE 21ST AT THE SCENE THERE AT LOWE'S, RIGHT?

16 A THAT'S CORRECT.

17 Q AND IT WAS LOCATED -- AT THE TIME IT WAS RECOVERED
18 FROM THE TAHOE, IT WAS DISCOVERED ON THE PASSENGER'S
19 SIDE DASH; IS THAT CORRECT?

20 A I BELIEVE THAT'S WHERE IT WAS FOUND ON THE PICTURES.

21 Q THIS IS WHERE IT WAS LOCATED?

22 A THAT'S CORRECT.

23 Q IT'S NOT THE DASH BELOW THE FRONT WINDSHIELD. IT'S
24 UP ABOVE WHERE THE GLOVE BOX WOULD BE?

25 A YEAH. IT'S ON THE DASH ON THE PASSENGER'S SIDE.

1 Q YOU GOT ELIMINATION PRINTS FROM WILLIE JENNINGS?

2 A YES.

3 Q WHEN WERE THOSE PRINTS COMPARED TO THE PRINTS FROM
4 THIS BLUE CONTAINER? I UNDERSTAND YOU GOT THEM
5 DECEMBER 10TH, 2001.

6 A YOUR HONOR, MAY I STEP DOWN TO GET THE OTHER PART OF
7 THIS CASE JACKET?

8 (THE CASE JACKET WAS BROUGHT TO THE WITNESS.)

9 I'M LOOKING AT THE REPORT HERE. IT'S GOT A DATE
10 OF 12/16/2003 INDICATED ON IT.

11 Q FROM WHICH OF YOUR I.D. FOLKS?

12 A IT SAYS IT WAS PROCESSED BY LIEUTENANT ZANE PADGETT,
13 COMPARED OFF LATENTS RECOVERED FROM TUPPERWARE
14 CONTAINER TO KNOWN INKED FINGERPRINTS OF WILLIE
15 JENNINGS WITH NEGATIVE RESULTS.

16 Q OKAY. AND THAT WAS DONE WHEN, 12/16/2001 OR 2003?

17 A THE DATE ON THIS IS 12/16/2003.

18 Q WHICH IS -- COULD I SEE THAT, PLEASE?

19 A IT APPEARS TO BE A TYPO.

20 Q CAN WE GET A COPY OF THIS, PLEASE AT SOME POINT IN
21 TIME?

22 THE DATE ON THE REPORT IS 12/16/2003.

23 A THAT'S CORRECT.

24 Q ALL RIGHT, SIR. NOW, YOU INDICATED, AND I'M GOING TO
25 MOVE, I THINK, THE ONE BULLET RECOVERED FROM THE

1 SCENE -- THE ONE BULLET FROM THE SCENE -- THE ONE
2 SHELL CASING RECOVERED FROM THE SCENE, HAS BEEN
3 IDENTIFIED AS A WINCHESTER BRAND NINE MILLIMETER
4 LUGGER ROUND, CORRECT?

5 A CORRECT.

6 Q YOU AND MAYBE SOME OTHER OFFICERS HAVE TESTIFIED
7 ABOUT RECOVERING SOME NINE MILLIMETER ROUNDS FROM
8 DURING THE SEARCH OF PHIL'S HOUSE IN CHARLOTTE,
9 CORRECT?

10 A THAT'S CORRECT.

11 Q HOW MANY NINE MILLIMETER LUGER WINCHESTER ROUNDS WERE
12 RECOVERED DURING THAT SEARCH?

13 A NONE.

14 Q NONE. AS TO RECOVERING ROUNDS, NINE MILLIMETER
15 ROUNDS, YES; AS TO ROUNDS WHICH WERE OF THE SAME
16 BRAND AS A ROUND THAT EVENTUALLY -- AS THE SHELL
17 CASING THAT IS ASSOCIATED WITH THE DEATH OF
18 MR. CASEY, NO?

19 A THEY WERE NINE MILLIMETER LUGER ROUNDS. THEY WERE
20 NOT WINCHESTER.

21 Q OKAY. AND YOU ALSO INDICATED THAT WHEN YOU SEARCHED
22 THE PLACE -- NOW, AT THE TIME YOU DID THE SEARCH OF
23 PHIL'S HOUSE IN CHARLOTTE, YOU ALREADY HAD SPOKEN
24 WITH WILLIE JENNINGS. YOU HAD SPOKEN WITH HIM IN
25 LATTA AND THEN SPOKEN WITH HIM AGAIN -- TAKEN A

1 STATEMENT FROM HIM LATER THE SAME DAY ON THE 10TH, I
2 BELIEVE --

3 A THAT'S CORRECT.

4 Q -- HERE AT THE SHERIFF'S DEPARTMENT? SO YOU'RE
5 ALREADY ACQUAINTED WITH HIS STATEMENT REGARDING
6 FLASHY DRESSING, RINGS, ALLIGATOR SUITS, WHATEVER.
7 YOU INDICATE THERE'S SOME SUITS.

8 SINCE YOU HAD THIS INFORMATION REGARDING HOW HE
9 DRESSED, WHY DIDN'T YOU PURSUE RECOVERING ANY
10 CLOTHING WHICH YOU FOUND WHICH MATCHED THOSE
11 DESCRIPTIONS?

12 A WE WERE THERE TO RECOVER ANY EVIDENCE OF THE CRIME.
13 WE DON'T HAVE ANY DESCRIPTION OF HIM WEARING AN
14 ALLIGATOR SUIT DURING THIS INCIDENT. WE HAVE OTHER
15 DESCRIPTIONS OF THE JACKET AND SHIRT, WHICH WE DID
16 LOOK FOR. NOWHERE IN OUR DESCRIPTION FROM THE
17 INCIDENT DID WE HAVE ANYTHING ABOUT AN ALLIGATOR SUIT
18 OR FANCY CLOTHES BEING WORN BY THE DEFENDANT.

19 Q OKAY. AND WHERE WERE YOU -- YOU'RE NOT TESTIFYING
20 THAT YOU SAW ANY ALLIGATOR SUITS WHEN YOU --

21 A I DON'T KNOW WHAT AN ALLIGATOR SUIT IS.

22 Q THAT MAKES TWO OF US, OKAY.

23 A I'VE HEARD OF ALLIGATOR SHOES, BUT I DON'T KNOW WHAT
24 AN ALLIGATOR SUIT IS.

25 Q OKAY. AT THE TIME THAT SEARCH WAS CONDUCTED, ITEMS

1 WERE TAKEN FROM PHIL'S HOUSE, AND HIS CAR WAS
2 CONFISCATED ALSO, CORRECT?

3 A THE RANGE ROVER WAS CONFISCATED, YES.

4 Q AND YOU BROUGHT THAT BACK TO COLUMBIA AND DID A
5 FURTHER SEARCH ON IT IN COLUMBIA?

6 A CORRECT. WE SEARCHED IT AT THE SCENE. WE WERE
7 SEIZING THE VEHICLE DUE TO THE DRUG TRANSACTION.

8 Q OKAY. AND WHO TOWED HIS CAR BACK TO COLUMBIA?

9 A IT WASN'T TOWED.

10 Q IT WAS DRIVEN BY THE SHERIFF'S DEPARTMENT?

11 A YES.

12 Q WHY DID YOU ALL DRIVE HIS CAR AND TOW THE TAHOE?

13 A IT WAS DECIDED TO BE DRIVEN BACK TO COLUMBIA.

14 Q YOU DON'T HAVE ANY PROCEDURE ON WHETHER YOU DRIVE A
15 CONFISCATED VEHICLE AS OPPOSED TO TOWING IT?

16 A IT'S DRIVEN ALL THE TIME. A LOT OF TIMES, THE
17 NARCOTICS AGENTS DRIVE THE VEHICLES BACK TO THEIR
18 HEADQUARTERS.

19 Q VERY GOOD, SIR. WE ARE ACTUALLY MOVING ON OVER TO
20 THE AREA OF CHARLOTTE.

21 NOW, YOU TESTIFIED, AND YOU INTRODUCED THESE
22 BLANKETS RECOVERED IN THE SEARCH, THAT THEY WERE
23 LIGHT BLUE FABRIQUE BLANKETS AND THEY'RE FAIRLY
24 UNIQUE. HOW MANY LIGHT BLUE FABRIQUE BLANKETS HAVE
25 BEEN PRODUCED?

1 A EVER?

2 Q HOW MANY LIGHT BLUE FABRIQUE BLANKETS THAT WOULD
3 MATCH THESE FAIRLY UNIQUE ONES THAT WE HAVE
4 INTRODUCED INTO EVIDENCE HERE, HOW MANY OF THEM HAVE
5 BEEN PRODUCED?

6 A I HAVE NO INFORMATION ON HOW MANY OF THEM HAVE BEEN
7 PRODUCED.

8 Q ARE THESE THE ONLY ONES PRODUCED?

9 A NO.

10 Q WHERE CAN YOU BUY THEM, ANY IDEA?

11 A THESE APPEAR TO BE THE KIND YOU WOULD -- FROM A
12 HOSPITAL SUPPLY COMPANY, SOMETHING LIKE THAT. I
13 DON'T THINK I'VE EVER SEEN A BLANKET LIKE THIS IN A
14 WAL-MART OR A STORE LIKE THAT. IT'S KIND OF AN
15 INSTITUTIONAL TYPE, COMMERCIAL.

16 Q IT HAS AN INSTITUTIONAL LOOK TO IT. SO YOU'RE NOT
17 THEORIZING THE UNIQUENESS RELATES SOMEHOW TO A
18 PERSONAL PRODUCTION RUN FOR THE USE OF PHIL CROCKER?

19 A CAN YOU RESTATE IT? I DON'T UNDERSTAND YOUR
20 QUESTION.

21 Q THAT'S OKAY. I'LL MOVE ON.

22 YOU ALSO INDICATED THESE -- WHAT'S THE BRAND
23 NAME HERE, STERILITE, STARLIGHT?

24 A STERILITE.

25 Q STERILITE CONTAINERS ARE FAIRLY UNIQUE. NOW, I SEE

1 THIS ONE HERE. THIS ONE IS THE ONE THAT WAS
2 RECOVERED FROM THE TAHOE, RIGHT?

3 A THAT'S CORRECT.

4 Q OKAY. I SEE THIS ONE HERE. THIS, AND THE LIDS, WERE
5 FROM THE SEARCH CONDUCTED AT PHIL'S PLACE, RIGHT?

6 A THOSE WERE TAKEN FROM THE SHED. THERE WERE MULTIPLE
7 CONTAINERS LIKE THAT. WE JUST COULDN'T BRING EVERY
8 CONTAINER BACK, SO WE BROUGHT THE LIDS FROM SEVERAL
9 OTHERS, AS WELL.

10 Q IS THIS CONTAINER THE SAME AS THAT CONTAINER?

11 A THE STERILITE TUPPERWARE TYPE STORAGE CONTAINERS.

12 Q YES, SIR. IS THIS THE SAME SIZE AS THAT CONTAINER?

13 A NOT THE SAME SIZE EXACTLY.

14 Q AND THAT CONTAINER HAS YELLOW HANDLES ON IT, OR
15 HANDLES ON IT AT ALL, ACTUALLY?

16 A NO. THIS ONE HAS BEEN CUT UP QUITE A BIT. I DON'T
17 KNOW WHAT WAS ON IT ORIGINALLY, DURING THE
18 PROCESSING.

19 Q WELL, OKAY.

20 A I CAN'T SEE THE HANDLES. ALL I CAN SEE --

21 Q OKAY. IF IT WERE CUT UP, THEN THE PIECES CUT OFF
22 WOULD BE IN HERE SOMEWHERE, RIGHT?

23 A THAT'S CORRECT.

24 Q IF IT HAD HANDLES AT SOME POINT IN TIME, WE'LL FIND
25 THEM IN THOSE LITTLE BOXES.

1 HOW MANY OF THESE STERILITE CONTAINERS LIKE THIS
2 CAN A CORPORATION PRODUCE?

3 A I HAVE NO IDEA.

4 Q ANY IDEA WHERE YOU CAN BUY ONE OF THOSE?

5 A YOU CAN BUY THOSE AT WAL-MART, I'VE SEEN THEM.

6 Q IS THAT FAIRLY UNIQUE?

7 A IT'S THE SAME EXACT BRAND NAME AS THE ONE DELIVERED
8 TO OUR VICTIM, KIND OF UNIQUE.

9 Q OKAY.

10 A OUT OF ALL THE OTHER BRANDS OUT THERE.

11 Q YES, SIR, OUT OF ALL THE OTHER BRANDS. YOU HAVE NO
12 IDEA HOW MANY THOUSANDS, HUNDREDS OF THOUSANDS, OF
13 THIS SAME CONTAINER HAVE BEEN PRODUCED BY THE
14 COMPANY?

15 A NO, I DON'T.

16 Q THERE'S ALSO SOME -- WHAT ARE REFERRED TO AS DOO-RAGS
17 RECOVERED. IS THERE SOME CONTENTION THAT DOO-RAGS,
18 AS YOU USE THE TERM, IS THERE SOME DISTINCTIVE
19 CHARACTERISTIC?

20 A WHEN MS. CASEY GAVE HER COMPOSITE SKETCH TO THE
21 S.L.E.D. ARTIST, HE MADE A NOTATION IN HER
22 DESCRIPTION ABOUT THE SUSPECT SOMEHOW TYING HIS HAIR
23 BACK OR HAVING SOME TYPE OF WAVE CAP, SHE CALLED IT.
24 WE CALL IT A DOO-RAG.

25 Q ALL RIGHT.

1 A SO WHEN THEY WERE OBSERVED DURING THE SEARCH, THEY
2 WERE SEIZED.

3 Q SO I TAKE IT THAT YOUR CONTENTION IS THAT IT RELATES
4 TO SOME PART OF THE DESCRIPTION GIVEN, BUT YOU'RE NOT
5 CONTENDING THAT IT IS A DISTINCTIVE ARTICLE OF
6 CLOTHING, ARE YOU? LOTS OF PEOPLE HAVE SIMILAR
7 ARTICLES OF CLOTHING, CORRECT?

8 A LOTS OF PEOPLE WEAR DOO-RAGS OR WAVE CAPS, YES. IT
9 WAS A DIRECT DESCRIPTION GIVEN BY OUR VICTIM OF THE
10 SUSPECT AND HIS CLOTHING.

11 LIKE I SAID, WHEN WE WENT THERE, THAT'S WHAT WE
12 WERE LOOKING FOR. THESE WERE SOME OF THE ITEMS THAT
13 FIT THAT DESCRIPTION.

14 Q NOW, AS TO -- LET ME START HERE. AS TO THE
15 INFORMATION CONTAINED ON WHAT'S MARKED AS STATE'S
16 121, THIS CHART HERE, AS TO THE INFORMATION ON NAMES
17 AND ADDRESSES --

18 A RIGHT.

19 Q -- WHERE WAS THAT INFORMATION OBTAINED? OBTAINED
20 FROM --

21 A THE INTERNET, A SITE CALLED ANY WHO.COM. IT'S
22 BASICALLY A NATIONWIDE PHONEBOOK. YOU ENTER A PHONE
23 NUMBER. IF IT'S NOT AN UNLISTED NUMBER, IT WILL COME
24 BACK WITH A PERSON'S NAME, ADDRESS, ET CETERA.

25 Q OKAY. SO YOU SEARCHED ON ANYWHO.COM, AND THAT'S

1 WHERE YOU CAME UP WITH THAT INFORMATION. WHEN WAS
2 THAT SEARCH CONDUCTED, SIR? YOU DID THAT YOURSELF,
3 RIGHT?

4 A I DID THAT. I ACTUALLY WENT THROUGH THIS ENTIRE
5 PHONE RECORD HERE TO CROSS-REFERENCE EVERY SINGLE
6 NUMBER, ABOUT 20 PAGES WORTH, BACK IN OCTOBER OF THIS
7 YEAR.

8 Q SO WHATEVER INFORMATION IS REFLECTED THERE IS
9 CONSISTENT WITH THE INFORMATION YOU PULLED OFF OF
10 SOME INTERNET SITE IN OCTOBER OF 2003, CORRECT?

11 A I PULLED IT OFF AN INTERNET SITE, AND I ALSO
12 CONFIRMED IT.

13 Q YES, SIR. THIS BOTTOM CELLPHONE NUMBER HERE, OKAY, I
14 THINK THERE'S ONE PHONE CALL FROM THAT TO WILLIE
15 JENNINGS ON THE 21ST; IS THAT RIGHT?

16 A THERE'S TWO ON THE 21ST, AND THERE'S ACTUALLY THREE
17 THAT MORNING, AND TWO THE NIGHT AFTER THE INCIDENT.

18 Q OKAY. AND WERE THOSE CALLS ANSWERED?

19 A ONE OF THEM WAS ANSWERED THAT NIGHT.

20 Q ONE OF THEM WAS ANSWERED. WHERE WAS THAT PHONE
21 LOCATED ON THE 21ST?

22 A I DON'T HAVE A SEARCH WARRANT FOR THAT PHONE --

23 Q OKAY.

24 A -- TO INDICATE WHERE IT WAS ON THE 21ST.

25 Q YOU KNOW THAT WILLIE JENNINGS CALLED THAT PHONE?

1 A YEAH. THAT WAS ANOTHER NUMBER HE KNEW TO GET AHOLD
2 OF MR. CROCKER AT.

3 Q NOW, LET ME FIND OUT WHERE THAT INFORMATION CAME
4 FROM, ANOTHER NUMBER HE KNEW WHERE TO GET AHOLD OF
5 MR. CROCKER AT.

6 A FROM WILLIE JENNINGS.

7 Q THAT'S IN HIS STATEMENT?

8 A NO, IT'S NOT IN HIS STATEMENT.

9 Q NO, IT'S NOT, SIR. WHEN DID YOU DO THE CHECKING THAT
10 CAME UP WITH THAT NUMBER RIGHT THERE BEING ASSOCIATED
11 WITH ONE OF THOSE?

12 A I WAS CHECKING IN OCTOBER WHEN I RE-REVIEWED WILLIE'S
13 CELLPHONE LOGS, SHOW HIM CALLING THAT NUMBER ON THOSE
14 DATES.

15 Q OKAY. SO IN OCTOBER OF 2003, THAT'S THE YEAR YOU'RE
16 REFERRING TO, RIGHT?

17 A THAT'S CORRECT.

18 Q SO ONCE AGAIN IN OCTOBER OF 2003, YOU FIND IN
19 CROSS-REFERENCING THOSE NUMBERS THAT IS ONE OF THE
20 NUMBERS FOUND -- ONE OF THE PHONES FOUND IN PHIL'S
21 HOUSE IN DECEMBER OF 2001, CORRECT?

22 A RIGHT. MY INVESTIGATIONS DON'T STOP THE DAY OF THE
23 ARREST. THEY CONTINUE ON RIGHT UP UNTIL TRIAL TIME.

24 Q YES, SIR. AND YOU HAVE FROM THE PLACING OF THE PHONE
25 CALL, THE OCCURRENCE OF THE PHONE CALL FROM WILLIE

1 JENNINGS'S PHONE RECORDS, THAT'S WHAT YOU HAVE --

2 A UH-HUH.

3 Q -- YOU CAN'T DETERMINE WHERE THAT PHONE WAS LOCATED
4 ON NOVEMBER 21ST, 2001, CAN YOU?

5 A THIS 704?

6 Q YEAH, UH-HUH.

7 A I DON'T KNOW ITS LOCATION, NO.

8 Q YOU KNOW WHERE IT WAS WHEN YOU ALL RECOVERED IT
9 DURING THE SEARCH?

10 A I KNOW IT WAS IN PHIL'S HOUSE WHEN WE DID THE SEARCH
11 WARRANT.

12 Q WHERE IT WAS PRIOR TO THAT POINT IN TIME, YOU DON'T
13 KNOW, RIGHT?

14 A NO.

15 Q IN WHOSE POSSESSION IT WAS PRIOR TO THAT TIME, YOU DO
16 NOT KNOW, RIGHT?

17 A I DO NOT.

18 Q OKAY. THERE IS CONTAINED IN EVIDENCE HERE AND
19 ENTERED INTO EVIDENCE A BOOK THAT HAS BEEN -- I'VE
20 GOT TO LOCATE IT.

21 BEG THE COURT'S INDULGENCE. I'M ABOUT DONE.

22 LET ME FIND IT.

23 (PAUSE).

24 IT'S BEEN REFERRED TO AS A BOOK ON HOW TO GROW
25 MARIJUANA. IT'S ENTITLED "MARIJUANA LAW".

1 A YES.

2 Q THE CONSTITUTIONAL LAW OF BASICS. WOULD THAT HAVE
3 SOMETHING TO DO WITH HOW TO GROW MARIJUANA?

4 A NO.

5 Q GATHERING INFORMATION, BIG BROTHER IS WATCHING.
6 ENCOUNTERS WITH POLICE, SEARCHES WITH AND WITHOUT
7 WARRANTS, MARIJUANA IN YOUR CAR.

8 CAN YOU TAKE A LOOK THROUGH THE INDEX THERE AND
9 FIND ME THE CHAPTER ON HOW YOU GROW MARIJUANA?

10 A YEAH, CHAPTER EIGHT IS ON GARDENS: MARIJUANA GARDENS
11 IN THE HOME, MARIJUANA GARDENS INSIDE THE CURTILAGE
12 OF THE HOME, CREATING A CURTILAGE IN THE EYES OF THE
13 COURT, SUCCESSFULLY CONSTRUCTED CURTILAGES, GARDENS
14 SITUATED OUTSIDE HOMES CURTILAGE.

15 Q OKAY.

16 A SEARCHING YOUR HOME BASED ON SEEING YOUR BACKYARD
17 GARDEN, LINKING REMOTE GARDENS TO THE GARDEN,
18 EVIDENCE OF AN INDOOR GARDEN IS INSUFFICIENT FOR A
19 SEARCH WARRANT, POLICE FLY-OVERS, D.A.'S DOMESTIC
20 MARIJUANA ERADICATION PROGRAM, MARIJUANA GARDENS ON
21 PUBLIC PROPERTY, HIGH-TECH SURVEILLANCE OF GOVERNMENT
22 LAND.

23 Q OKAY.

24 A A WHOLE CHAPTER ON IT.

25 Q OKAY. WHAT CHAPTER IS THAT?

1 A CHAPTER EIGHT.

2 Q CHAPTER EIGHT, OKAY. NOW, HOW TO GROW MARIJUANA AS
3 OPPOSED TO THE LAW AS IT RELATES TO CULTIVATING
4 MARIJUANA, TURN TO CHAPTER EIGHT. CAN YOU SEE IF IT
5 TELLS YOU WHEN THE BEST TIME TO PLANT THAT SEED IS?

6 A I DON'T SEE THE SPECIFIC TIPS ON HOW TO GROW IT.

7 Q ALL RIGHT, SIR. THE BOOK, ANYWAY, ON GROWING
8 MARIJUANA IS ENTITLED "MARIJUANA LAW". THAT'S IN
9 EVIDENCE.

10 REALLY, JUST THE LAST THING: OF THE ITEMS THAT
11 WERE RECOVERED, AND YOU WERE ACTING AS THE SCRIBNER
12 FOR THE SEARCH IN THE SEARCH IN CHARLOTTE; IS THAT
13 CORRECT?

14 A I WAS SITTING AT THE TABLE. MR. FIORI, I BELIEVE HE
15 ACTUALLY SCRIBED IT SINCE IT WAS A CHARLOTTE SEARCH
16 WARRANT.

17 Q OKAY, NORTH CAROLINA.

18 A THEY WERE SERVING THE WARRANT. WE WERE ASSISTING.

19 Q RIGHT. NOW, A NUMBER OF ITEMS -- I JUST WANT TO
20 RECAP. WHAT ITEMS, PLEASE, WERE RECOVERED FROM THE
21 SHED IN THE -- IT'S RECOVERED IN ONE OF THESE
22 PICTURES IN EVIDENCE, FROM THE SHED BEHIND THE HOUSE
23 AS OPPOSED TO FROM THE HOUSE ITSELF?

24 A THE GREEN LEAFY SUBSTANCE, THE MARIJUANA --

25 Q OKAY.

1 A -- WAS FOUND IN THE SHED BY INVESTIGATOR GONZALES.

2 Q ALL THE MARIJUANA THAT WAS RECOVERED THERE WAS FOUND
3 IN THE SHED BY GONZALES, RIGHT?

4 A YES, THE LOCKED SHED, THE STERILITE CONTAINERS --

5 Q OKAY.

6 A -- THE BLANKETS.

7 Q THE BLANKETS. IS THAT IT? WAS ANY OF THE AMMUNITION
8 FOUND IN THE SHED?

9 A I DON'T THINK IT WAS FOUND IN THE SHED. IT WAS ALL
10 FOUND IN THE RESIDENCE.

11 Q SO THE MARIJUANA, THE CONTAINERS, AND THE BLANKETS
12 WERE ALL FOUND IN THE SHED, RIGHT?

13 A RIGHT.

14 Q ONE LAST TIME, IF I CAN BEG THE COURT'S INDULGENCE?
15 (PAUSE).

16 REGARDING THIS FELLOW THAT -- PHIL TOLD YOU WHO
17 HE HAD SOLD THE CAR TO, RIGHT?

18 A HE TOLD ME -- HE GAVE US A NAME OF SOMEBODY. HE SAID
19 HE SOLD IT TO, CORRECT.

20 Q GAVE YOU ALL A NAME, DIRECTED YOU ALL TO WHERE THE
21 PAPERWORK WAS IN RELATION TO IT, RIGHT?

22 A YES, HE DID.

23 Q OKAY. THAT'S AT THE TIME OF THE SEARCH, RIGHT?

24 A YES.

25 Q THIS VASQUEZ FELLOW. NOW, YOU CHECKED AROUND ON

1 VASQUEZ, AND INDEED, YOU RECEIVED INDICATION THAT
2 THIS VASQUEZ FELLOW WAS AT ONE POINT IN TIME IN
3 CHARLESTON WORKING WITH A CONSTRUCTION COMPANY,
4 RIGHT?

5 A AN UNKNOWN CONSTRUCTION COMPANY IN THE CHARLESTON
6 AREA.

7 Q OKAY.

8 A POSSIBLY IS ALL WE HAVE.

9 Q SO IT'S NOT LIKE VASQUEZ -- WELL, YOU HAD, WHAT, A
10 COPY OF A BIRTH CERTIFICATE RELATING TO --

11 A A COPY OF A BIRTH CERTIFICATE AND A W-2 THAT NOTHING
12 ON IT APPARENTLY EXISTS, FROM OUR RESEARCH.

13 Q FROM YOUR RESEARCH?

14 A I CONTACTED THE LOCAL POLICE DEPARTMENTS WHERE THAT
15 W-2 CAME BACK TO. THEY NEVER HEARD OF THE BUSINESS.

16 Q OKAY.

17 A I CONTACTED THE BUSINESS THEMSELVES. THEY NEVER HAD
18 AN EMPLOYEE BY THAT NAME, ALTHOUGH WE HAD A W-2 WITH
19 HIS NAME ON IT.

20 Q AND YOU GOT AN INDICATION THIS VASQUEZ FELLOW WAS
21 WORKING IN CHARLESTON IN CONSTRUCTION?

22 A ONE OF THE PEOPLE WE SPOKE TO AT THE APARTMENT
23 COMPLEX WHERE HE WAS SUPPOSED TO LIVE THOUGHT HE MAY
24 BE A CONSTRUCTION WORKER THAT WORKS IN CHARLESTON.

25 Q OKAY. SO WHERE HE WAS SUPPOSED TO LIVE, YOU WENT AND

1 YOU TALKED WITH SOME FOLKS THERE. THEY, INDEED, WERE
2 ACQUAINTED WITH VASQUEZ?

3 A THEY HAD HEARD OF HIM.

4 Mr. Strickler: RIGHT. OKAY. THANK YOU VERY
5 MUCH, SIR.

6 THE COURT: REDIRECT?

7 Ms. Campbell: YES, SIR.

8 REDIRECT EXAMINATION:

9 BY Ms. Campbell

10 Q WANT TO TAKE THESE A LITTLE BIT AT A TIME. THE FIRST
11 THING I WANT TO TALK ABOUT ARE THE PHONE RECORDS.
12 THE FIRST THING I WANT TO TALK ABOUT IS STATE'S
13 EXHIBIT 121.

14 HE ASKED YOU SPECIFICALLY -- AND THESE ARE ALL
15 PHONE CALLS, AGAIN, JUST TO REFRESH YOUR MEMORY, I
16 SAY EXHIBIT 121, THESE ARE PHONE CALLS FROM
17 NOVEMBER 18TH AND NOVEMBER 20TH THAT WERE FROM THE
18 PHONE (646) 408-5502, RIGHT?

19 A CORRECT.

20 Q THE ONE THAT WAS IN THE VICTIM'S PHONE WITH THE NAME
21 CROC?

22 A THAT IS CORRECT.

23 Q AND HE ASKED YOU IF -- HOW YOU CONFIRMED WHETHER OR
24 NOT THAT YOU WENT ON THE INTERNET, YOU TOLD HIM --

25 Mr. Strickler: I ABSOLUTELY DID NOT ASK HIM HOW

1 HE CONFIRMED IT, YOUR HONOR.

2 Ms. Campbell: NO, YOUR HONOR. HE OPENED THE
3 DOOR TO HOW HE CONFIRMED IT.

4 Mr. Strickler: MAY WE APPROACH?

5 THE COURT: COUNSEL, COUNSEL, I KNOW IT'S LATE
6 IN THE DAY BUT...

7 WHAT DO YOU WANT TO TALK ABOUT? COME ON.

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

11 Ms. Campbell: THANK YOU, YOUR HONOR.

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

15 BY Ms. Campbell

16 Q AND THESE PEOPLE: WANDA MILTON CROCKER, HARRY JONES,
17 WILLIAM JONES, LARRY WILLIAMS. YOU SAID YOU
18 ORIGINALLY FOUND THESE NUMBERS ON THE INTERNET?

19 A AT A WEBSITE CALLED ANYWHO.COM.

20 Q AND LISTEN TO ME VERY CAREFULLY: ONCE -- DID YOU DO
21 ANYTHING -- YOU CAN'T SAY WHAT YOU DID, BUT DID YOU
22 DO ANYTHING TO CONFIRM THAT THESE ARE THE PEOPLE THAT
23 LIVED THERE?

24 A YES, I CERTAINLY DID.

25 Q THAT WAS CONFIRMED?

1 A YES, I DID.

2 Q HE ALSO ASKED YOU ABOUT SOME PHONE RECORDS LEADING UP
3 TO THAT DAY. I THINK HE PUT IN SOME RECORDS ABOUT
4 THIS PHONE BEING, I BELIEVE IT WAS IN NEW YORK ON THE
5 12TH MAYBE, AND VIRGINIA ON THE 13TH, IS THAT WHAT IT
6 WAS? I CAN'T REMEMBER. DIFFERENT PLACES?

7 A DIFFERENT PLACES.

8 Q BALTIMORE WAS ONE OF THEM.

9 A BALTIMORE, RALEIGH.

10 Q AND DO YOU HAVE INDEPENDENT -- YOU CAN'T SAY WHAT IT
11 IS, CONFIRMATION THAT THIS DEFENDANT TRAVELED BETWEEN
12 NORTH CAROLINA --

13 Mr. Strickler: I OBJECT TO THAT.

14 Ms. Campbell: CAN WE APPROACH, YOUR HONOR?

15 THE COURT: LADIES AND GENTLEMEN, LET'S TAKE
16 ABOUT A FIVE-MINUTE BREAK, PLEASE. LET ME TRY TO -- JUST
17 GO TO YOUR JURY ROOM. DON'T DISCUSS THE CASE AMONGST
18 YOURSELVES. JUST GET A CUP OF COFFEE.

19 (WHEREUPON, THE JURY LEFT OPEN COURT AT
20 APPROXIMATELY 3:49 P.M.)

21 THE COURT: PROFFER THE TESTIMONY.

22 Ms. Campbell: SERGEANT, HE ASKED YOU ABOUT THE
23 PHONE AND WHERE IT WAS ON THE 12TH AND 13TH AND THINGS OF
24 THAT NATURE. HE MENTIONED AREAS SUCH AS NEW YORK AND
25 WASHINGTON. I BELIEVE VIRGINIA WAS ONE OF THEM.

1 THE COURT: NEW YORK, BALTIMORE, RICHMOND, AND
2 RALEIGH.

3 Ms. Campbell: THANK YOU.

4 THE WITNESS: RIGHT.

5 Ms. Campbell: DO YOU HAVE -- ARE YOU AWARE, AND
6 HAVE YOU BEEN PROVIDED INFORMATION THAT THIS DEFENDANT
7 TRAVELED TO DIFFERENT STATES --

8 THE WITNESS: YES, I DO.

9 Ms. Campbell: -- ON A REGULAR BASIS?

10 THE COURT: AS TO THOSE STATES, NEW YORK,
11 MARYLAND, VIRGINIA, AND NORTH CAROLINA.

12 THE WITNESS: I HAVE A HOTEL RECEIPT FROM
13 CHESAPEAKE, VIRGINIA; PHILLIP CROCKER'S NAME FOR NOVEMBER
14 16TH.

15 THE COURT: THIS IS THE 13TH. WASN'T IT THE
16 12TH OR 13TH?

17 Mr. Strickler: YES, SIR, THE 12TH OR 13TH.

18 THE WITNESS: AND I HAVE ANOTHER, FOR THE 17TH,
19 ANOTHER HOTEL RECEIPT FROM --

20 THE COURT: SHE'S ASKING ABOUT THE 12TH AND THE
21 13TH.

22 Ms. Campbell: NO, YOUR HONOR. I'M ASKING
23 GENERALLY IF HE TRAVELED; NOT SPECIFICALLY AS TO THOSE
24 DATES.

25 THE COURT: I'M SORRY. I THOUGHT THAT WAS THE

1 QUESTION.

2 Ms. Campbell: I APOLOGIZE.

3 THE COURT: ALL RIGHT. WHAT DO YOU HAVE?

4 THE WITNESS: I HAVE TWO HOTEL RECEIPTS FROM THE
5 16TH AND THE 17TH --

6 THE COURT: ALL RIGHT.

7 THE WITNESS: -- WITH MR. CROCKER STAYING AT
8 HOTELS IN CHESAPEAKE, VIRGINIA.

9 Ms. Campbell: DO YOU ALSO -- DID YOU ALSO HAVE
10 AN OPPORTUNITY TO REVIEW A VIDEOTAPE THAT WAS PRODUCED BY
11 THE DEFENDANT?

12 THE WITNESS: YES, I HAVE.

13 Ms. Campbell: AND IN THAT VIDEOTAPE, DOES IT
14 INDICATE THAT HE TRAVELS TO DIFFERENT AREAS TO ATTEND
15 BASKETBALL TOURNAMENTS AND THINGS OF THAT NATURE?

16 THE WITNESS: YES, IT DOES.

17 Ms. Campbell: IN DIFFERENT STATES?

18 THE WITNESS: YES, IT DOES.

19 THE COURT: ALL RIGHT. LET'S GET YOUR
20 OBJECTION, MR. STRICKLER, AS TO THE TRAVELING.

21 Mr. Strickler: SPECIFICALLY AS TO -- MY
22 QUESTION INVOLVING THE TRAVELING OF THAT PHONE DOWN ON THE
23 EAST COAST ON NOVEMBER 12TH AND NOVEMBER 13TH, 2001.

24 THE COURT: RIGHT.

25 Mr. Strickler: I'M WAITING TO HEAR, WITH ALL

1 DUE RESPECT, TO ANYTHING THAT RELATES TO THAT TIMEFRAME,
2 AND I'VE HEARD NOTHING.

3 THE COURT: OKAY.

4 Mr. Strickler: AS TO MORE GENERALIZED
5 STATEMENTS, IF THEY CAN PROVIDE SOMETHING OTHER THAN HE
6 HAS INFORMATION, HE CAN'T TESTIFY AS TO WHETHER HE HAS
7 INFORMATION OF -- REGARDING MR. CROCKER'S --

8 THE COURT: HE SAID HE HAD HOTEL RECEIPTS.

9 Mr. Strickler: YES. IF THEY CAN BRING PEOPLE
10 HERE TO VERIFY THAT THOSE ARE INDEED VALID HOTEL RECEIPTS.
11 IT'S GOT ME. I DON'T KNOW WHETHER THEY'RE VALID OR NOT.

12 Ms. Campbell: THE DEFENSE PROVIDED THEM TO ME.

13 Mr. Strickler: I JUST SAID THAT, AND I HAVEN'T
14 BEEN -- I HAVEN'T INTRODUCED THEM YET.

15 THE COURT: WELL, THEN WE'RE TALKING ABOUT
16 VIDEOTAPES AND BASKETBALL TOURNAMENTS. WE'RE GETTING FAR
17 AFIELD.

18 Ms. Campbell: I DON'T WANT TO GET FAR AFIELD.
19 ALL I WANT TO SAY IS THIS DEFENDANT TRAVELED BETWEEN
20 STATES. HE HAS THAT INFORMATION. I'M NOT GOING BEYOND
21 WHERE HE WENT.

22 Mr. Strickler: AND IF SHE HAS ANYTHING OTHER
23 THAN HEARSAY TO SUPPORT THAT, SHE MIGHT.

24 THE COURT: ALL RIGHT. I'M GOING TO SUSTAIN
25 YOUR OBJECTION.

1 Mr. Strickler: OKAY.

2 THE COURT: AS FAR AS TRAVEL -- IF THE PHONE
3 LINKS UP WITH THE 12TH, 13TH, IN NEW YORK, BALTIMORE,
4 RICHMOND, OR RALEIGH, IT'S ADMISSIBLE. OTHERWISE, I'M
5 GOING TO RULE IT INADMISSIBLE.

6 Ms. Campbell: OKAY. THEN SPECIFICALLY, I'M
7 GOING TO PROVE THAT HE WAS IN THOSE PLACES ON THE 17TH AND
8 THE 18TH. WE DO HAVE INFORMATION THAT CONFIRMS THAT ON
9 THE PHONE.

10 THE COURT: THAT'S FINE. IT MAY NOT COME IN
11 THROUGH THIS WITNESS. IT MAY COME IN WITH WITNESS
12 A.B.C.D. OR E. I DON'T KNOW.

13 Ms. Campbell: THIS IS THE WITNESS THAT IS
14 FAMILIAR WITH THE PHONE RECORDS. I THINK I CAN GET IT OUT
15 WITH THE PHONE RECORDS. IT INDICATES WHAT STATE HE WAS IN
16 ON THE 16TH AND 17TH.

17 THE COURT: IF THOSE ARE PHONE RECORDS AND THEY
18 HAVE BEEN SUPPLIED, THOSE ARE ALL ADMISSIBLE.

19 Ms. Campbell: THIS IS THE SAME STUFF HE HAS
20 ASKED HIM ABOUT AS FAR AS RECEIPTS AND THINGS HE'S DONE
21 WITH EVERY OTHER WITNESS. I THINK I HAVE THE RIGHT TO SAY
22 CAN YOU CONNECT IT.

23 THE COURT: HE'S NOT TALKING ABOUT HOTEL
24 RECEIPTS. HE'S TALKING ABOUT TELEPHONE NUMBERS. ALL THE
25 TELEPHONE NUMBERS ARE IN, ALL THE DATES OF THE TELEPHONE

1 CALLS ARE IN, IF HE CAN LINK THEM UP. I MEAN, IF HE'S
2 CALLING THE -- IF A CALL IS MADE ON THE 16TH OR THE 17TH
3 FROM ANYWHERE. I DON'T KNOW WHAT'S IN THOSE RECORDS.

4 Ms. Campbell: THE CALLS ARE MADE FROM THE 16TH
5 AND THE 17TH FROM THE VIRGINIA AREA, YES, SIR.

6 THE COURT: HE CAN TESTIFY TO THAT. WHAT HE'S
7 NOT -- WHAT HE CAN'T TESTIFY TO IS HE KNOWS HE WAS IN A
8 HOTEL IN TIMBUKTU ON THE 16TH BECAUSE HE'S GOT A HOTEL
9 RECEIPT BECAUSE THOSE AREN'T IN EVIDENCE. THEY'RE NOT IN
10 EVIDENCE. IF HE'S SITTING ON THAT PHONE IN TIMBUKTU, IT
11 OUGHT TO BE REFLECTED IN THE PHONE RECORDS.

12 Ms. Campbell: EXCUSE ME?

13 THE COURT: IF HE'S SITTING IN TIMBUKTU TALKING
14 ON THE TELEPHONE, IT OUGHT TO BE IN THOSE RECORDS.

15 Ms. Campbell: IT IS IN THE RECORDS THAT
16 CORRESPONDENCE WITH WHAT THE RECEIPT SAYS.

17 THE COURT: WELL, LET HIM SAY IT.

18 Ms. Campbell: ALL RIGHT.

19 Mr. Strickler: I'M SORRY, I'M NOT SURE ON THE
20 RULING ON THAT, YOUR HONOR.

21 THE COURT: THE RULING IS YOU OBJECTED TO HOTEL
22 RECEIPTS.

23 Mr. Strickler: YES, SIR.

24 THE COURT: HOWEVER, ALL OF THE PHONE RECORDS
25 HAVE BEEN ADMITTED.

1 Mr. Strickler: CORRECT.

2 THE COURT: IF THERE'S A PHONE RECORD FROM THAT
3 PHONE ON THE 16TH OR 17TH OR 12TH OR 13TH OR WHENEVER FROM
4 WHERE EVER, HE CAN TESTIFY TO THAT.

5 Mr. Strickler: HE CAN TESTIFY TO THAT. YOUR
6 RULING IS THAT HE CAN TESTIFY AS TO WHERE HE IS LOCATED,
7 THE PHONE CALLS AND OTHER POINTS IN TIME.

8 THE COURT: WHERE THE PHONE IS.

9 Mr. Strickler: OKAY. I'M SORRY, YOUR HONOR.

10 THE COURT: GO AHEAD.

11 Mr. Strickler: I WOULD JUST OBJECT ON THE BASIS
12 THAT I SPECIFICALLY ASKED HIM ABOUT THE 12TH, THE 13TH,
13 THE 20TH, AND THE 21ST.

14 THE COURT: THE 21ST.

15 Mr. Strickler: THOSE ARE THE ONLY DATES I WENT
16 INTO. THIS IS IMPROPER REDIRECT.

17 THE COURT: THAT'S MY DECISION. I DETERMINE
18 IT'S NOT.

19 Mr. Strickler: I'M NOT GIVING YOU A HARD TIME,
20 JUDGE.

21 THE COURT: I UNDERSTAND.

22 Mr. Strickler: YES, SIR.

23 Ms. Campbell: THE THING I WANTED TO DO IS A
24 GENERAL QUESTION, WERE YOU FAMILIAR WITH THIS DEFENDANT,
25 THAT HE TRAVELLED. I MEAN, HE KNOWS THAT. IT'S PURSUANT

1 TO HIS INVESTIGATION.

2 THE COURT: NO. HE KNOWS THE PHONE TRAVELS.

3 Ms. Campbell: NO. HE KNOWS THIS DEFENDANT
4 TRAVELS.

5 THE COURT: HE DOES, BUT HOW DOES HE KNOW IT?

6 Ms. Campbell: BASED ON A VIDEO PRODUCED, WHICH
7 IS PUBLIC KNOWLEDGE, BY THE DEFENDANT.

8 THE COURT: THAT'S NOT EVIDENCE, IS IT, AT THIS
9 STAGE IN THE TRIAL?

10 Ms. Campbell: HALF OF THE BASIS OF HIS
11 TESTIMONY TODAY IS NOT IN EVIDENCE.

12 THE COURT: I THOUGHT IT WAS ALL IN EVIDENCE.

13 Ms. Campbell: NO, SIR. "AS PART OF YOUR
14 INVESTIGATION," HE CAN TESTIFY AS TO PART OF HIS
15 INVESTIGATION --

16 THE COURT: TRY TO GET IT OUT.

17 Ms. Campbell: -- TO WHAT KNOWLEDGE HE GOT --

18 THE COURT: THEN TRY TO GET THE TAPE IN, IF
19 THAT'S WHERE YOU WANT TO GO. I'M NOT RUNNING THE CASE,
20 MS. CAMPBELL.

21 Ms. Campbell: YES, SIR.

22 THE COURT: I'M TRYING NOT TO RUN THE CASE.

23 Ms. Campbell: YOU ARE.

24 THE COURT: I'M TRYING TO STAY IN THE MIDDLE OF
25 THE CASE, BUT LET'S NOT OPEN THE FLOODGATES. IF HE WANTS

1 TO TESTIFY ABOUT THE TAPE, PUT IT UP.

2 Ms. Campbell: I CAN'T GET IT IN THROUGH HIM.

3 THE COURT: WELL, THEN ALL YOU CAN DO IS JUST
4 ASK YOUR QUESTION, AND I'LL JUST HAVE TO RULE ON IT. IF
5 THERE'S AN OBJECTION, I'LL JUST HAVE TO RULE ON IT.

6 Ms. Campbell: OKAY.

7 THE COURT: ARE YOU READY FOR THE JURY?

8 Ms. Campbell: YES, SIR.

9 THE COURT: ALL RIGHT. BRING THE JURY, PLEASE.
10 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
11 APPROXIMATELY 3:58 P.M.)

12 THE BAILIFF: THE JURY'S ALL PRESENT.

13 THE COURT: ALL RIGHT. YOU MAY CONTINUE,
14 MS. CAMPBELL.

15 BY Ms. Campbell

16 Q THANK YOU, YOUR HONOR.

17 AS I WAS SAYING, HE ASKED YOU ABOUT SOME PHONE
18 CALLS ON THE 12TH AND THE 13TH OF NOVEMBER?

19 A YES, HE DID.

20 Q AND YOU DON'T KNOW WHERE THE DEFENDANT WAS AT THAT
21 POINT, DO YOU?

22 A NO.

23 Q AND HE ASKED YOU ABOUT ANOTHER SERIES OF PHONE CALLS
24 EARLIER THAT WEEK THAT WILLIE JENNINGS WAS LINKED TO,
25 I BELIEVE THE PHONE CALL TO MARVIN FLEMING?

1 A THAT WOULD BE LATER IN THE WEEK.

2 Q YES. DID WILLIE JENNINGS TELL YOU ABOUT THAT PHONE
3 CALL?

4 A HE TOLD US ABOUT THAT, YES.

5 Q HE WAS OPEN AND TOLD YOU ABOUT THAT, TOO?

6 A YES, HE DID.

7 Q HE ALSO ASKED YOU ABOUT SOME PHONE CALLS LATER THAT
8 EVENING IN THE PHONE RECORDS. I'M GOING TO HAND YOU
9 THE PHONE RECORDS, WHICH IS STATE'S EXHIBIT 119.

10 IN THAT PHONE RECORD, DOES IT REFLECT PHONE
11 CALLS WILLIE JENNINGS MADE TO THE DEFENDANT AT THE
12 (704)840-NUMBER THAT EVENING?

13 A IT WOULDN'T REFLECT IT ON THIS, NO.

14 Q ON THE SINGULAR PHONES?

15 A IT WOULD BE SINGULAR, WILLIE JENNINGS' SINGULAR
16 RECORDS.

17 Q THE SINGULAR RECORDS?

18 A CORRECT.

19 Q AND THOSE PHONE CALLS ARE REFLECTED?

20 A YES, THEY ARE.

21 Q AND IN WILLIE'S STATEMENT, HE ASKED YOU
22 SPECIFICALLY -- DIDN'T WILLIE TELL YOU HE HAD CALLED
23 HIM THAT EVENING IN HIS STATEMENT?

24 A HE HAD. WE WERE LOOKING UNDER THE 646 NUMBER
25 ORIGINALLY THINKING THAT'S THE NUMBER HE CALLED HIM

1 AT; HOWEVER, WE PUT THE TWO AND TWO TOGETHER, THE
2 (704)840-6754 NUMBER THAT HE HAD CALLED, ACCORDING TO
3 HIS CELLPHONE, WITH THE PHONE THAT WE FOUND AT THE
4 RESIDENCE DURING THE SEARCH WARRANT, WHICH WOULD BE
5 THE PHONE THAT WILLIE CALLED TWICE THE EVENING OF
6 THIS INCIDENT.

7 Q WHICH ARE IN THOSE RECORDS?

8 A YES, THEY WERE.

9 Q AND AT WHAT TIME WERE THOSE PHONE CALLS?

10 A THERE'S ONE AT 19:50, WHICH WOULD BE 7:50 IN THE
11 EVENING.

12 Q IN THE EVENING?

13 A AND ONE AT 7:30.

14 Q AND ONE OF THOSE PHONE CALLS, DOES IT INDICATE A
15 CONVERSATION TOOK PLACE, JUST LIKE WILLIE SAID?

16 A THAT'S CORRECT.

17 Q AND DID YOU ASK HIM, AT THE TIME, WHICH PHONE HE
18 CALLED?

19 A NO. HE JUST SAID HE CALLED. I TOOK IT TO MEAN HE
20 WAS CALLING THE SPRINT PHONE. I DIDN'T KNOW THERE
21 WAS ANOTHER PHONE UNTIL JUST RECENTLY.

22 Q AND THAT JUST HAPPENS TO BE THE PHONE THAT WAS IN THE
23 DEFENDANT'S RESIDENCE WHEN YOU DID YOUR SEARCH
24 WARRANT?

25 A THAT IS CORRECT.

1 Q AND JUST TO BE CLEAR, THE CROC (646)408-5502 NUMBER
2 THAT WAS IN THE VICTIM'S PHONE, THE LAST PHONE CALL
3 HE MADE PRIOR TO DYING, WAS THERE EVER ANOTHER PHONE
4 CALL AFTER FOUR P.M., WAS THERE EVER ANOTHER PHONE
5 CALL ACCEPTED AT THAT PHONE NUMBER?

6 Mr. Strickler: I OBJECT, IMPROPER REDIRECT.

7 THE COURT: OVERRULED.

8 Mr. Strickler: I DIDN'T GO THERE AT ALL.

9 Ms. Campbell: THANK YOU. YOU CAN ANSWER ME.

10 THE WITNESS: OKAY. THERE WAS NOT ANOTHER PHONE
11 CALL PLACED FROM THAT PHONE. THERE WERE CALLS TO IT, BUT
12 NOTHING -- IT LOOKS LIKE IT WASN'T PICKED UP ON THAT
13 NUMBER.

14 BY Ms. Campbell

15 Q WOULDN'T PICK UP?

16 A NO. IN FACT, ON WILLIE'S PHONE, WE HAVE CALLS TO
17 THAT NUMBER. I'M TRYING TO FIND IT.

18 Q UH-HUH.

19 A I'M SORRY. I WAS LOOKING AT SOMETHING ELSE. IT WAS
20 EARLIER IN THE DAY.

21 Q EARLIER IN THE DAY?

22 A YEAH.

23 Q AND, IN FACT, EARLIER IN THE DAY, THERE WERE CALLS
24 PLACED AND RECEIVED, RIGHT?

25 A YES.

1 Q BUT THERE WERE NO MORE PHONE CALLS RECEIVED ON THAT
2 PHONE?

3 Mr. Strickler: OBJECT TO THE LEADING.

4 BY Ms. Campbell

5 Q AFTER WHAT TIME WERE THERE NO MORE PHONE CALLS
6 RECEIVED ON THAT PHONE, THAT CROC PHONE? I'M SHOWING
7 YOU STATE'S EXHIBIT 123.

8 A 15:43:47, WHICH WOULD BE THE 3:43:47.

9 Q 3:43:47?

10 A RIGHT.

11 Q THAT WOULD BE APPROXIMATELY 11-AND-A-HALF MINUTES
12 PRIOR TO THE VICTIM BEING MURDERED?

13 A CORRECT. THE WAY I KNOW THAT IS ALL THESE ZEROS IN
14 THESE COLUMNS HERE INDICATE THE CALL WASN'T
15 COMPLETED, MEANING NO ONE PICK UP.

16 Q AND THIS CHART, STATE'S EXHIBIT 123, JUST ONE MORE
17 QUESTION, THAT ACCURATELY PORTRAYS --

18 Mr. Strickler: I OBJECT TO THE LEADING.

19 THE COURT: ALL RIGHT.

20 BY Ms. Campbell

21 Q WHAT DOES THIS SHOW ABOUT WHERE THE PERSON THAT WAS
22 MAKING THE PHONE CALLS?

23 A THAT SHOWS THE LOCATION OF THAT PHONE AT THOSE TIMES.

24 Mr. Strickler: I OBJECT, YOUR HONOR. I DID NOT
25 DISCUSS --

1 THE COURT: OVERRULED.

2 Mr. Strickler: I OBJECT, IMPROPER REDIRECT.

3 THE COURT: OVERRULED, GO AHEAD.

4 Ms. Campbell: GO AHEAD. I'M SORRY.

5 THE WITNESS: THOSE ARE THE CELL SITE LOCATIONS.

6 THE PHONE WAS WITHIN JUST A COUPLE OF MILES OF THOSE
7 LOCATIONS AT THAT THOSE TIMES ON THAT DATE, WHICH WAS THE
8 INCIDENT DATE OF NOVEMBER 21ST, 2001. THE VERY FIRST CALL
9 WAS MADE PRIOR UP IN DILLON.

10 BY Ms. Campbell

11 Q WHICH WAS NOVEMBER 20TH, AND THESE CALLS ARE ALL FROM
12 THAT AFTERNOON?

13 A ALL OF THOSE ARE CORROBORATED BY THE STATEMENTS OF
14 WILLIE JENNINGS AND CONSUELO CASEY.

15 Q I WANT TO TALK A LITTLE BIT ABOUT THE CAR
16 DESCRIPTION. HAS ANYONE EVER SAID IN ANY OF THE CAR
17 DESCRIPTIONS -- HE ASKED YOU IF YOU TALKED TO
18 MR. DAVIS AND MS. CASEY ABOUT THE CAR DESCRIPTION?

19 A RIGHT.

20 Q WERE THEIR CAR DESCRIPTIONS CONSISTENT?

21 A YES.

22 Q AS FAR AS THE TYPE OF CAR?

23 A YES.

24 Q WERE THEIR CAR DESCRIPTIONS CONSISTENT AS FAR AS THE
25 WOOD PANELING?

1 A THAT SEEMED TO BE THE THING EVERYONE FOCUSED ON WAS
2 THE WOOD GRAIN.

3 Q AND I SHOW YOU STATE'S EXHIBIT 15. DO YOU RECOGNIZE
4 THAT?

5 A YES, I DO.

6 Q AND THAT'S THE CAR?

7 A THAT IS THE CAR.

8 Q AS THEY DESCRIBED. HE ASKED YOU ABOUT SOME SCISSORS
9 THAT WERE FOUND IN THE BACK OF THE TAHOE?

10 A YES.

11 Q YOU WERE THE CHIEF INVESTIGATING OFFICER?

12 A YES.

13 Q YOU WANTED TO MAKE SURE EVERY PIECE OF EVIDENCE IS
14 PURSUED?

15 A THAT'S RIGHT.

16 Q DO THOSE SCISSORS HAVE ANYTHING TO DO WITH THIS
17 CRIME?

18 A NO, THEY DIDN'T.

19 Q HE ASKED YOU ABOUT THE GUN THAT WAS NEVER RECOVERED.

20 DO YOU WANT TO OBJECT?

21 Mr. Strickler: IF I WANT TO OBJECT, MA'AM, I'LL
22 OBJECT.

23 BY Ms. Campbell

24 Q OKAY.

25 HE ASKED YOU ABOUT THE GUN THAT WAS NEVER

1 RECOVERED.

2 A YES.

3 Q AND THAT WAS NOT RECOVERED IN YOUR SEARCH WARRANT
4 THAT YOU EXECUTED ON DECEMBER 12TH; IS THAT RIGHT?

5 A THAT'S CORRECT.

6 Q NOR DID YOU FIND THE CAR?

7 A NO.

8 Q NOR DID YOU FIND THE PHONE?

9 A NO.

10 Q BUT YOU DID FIND NINE MILLIMETER AMMUNITION?

11 A YES, WE DID.

12 Q AND WHERE WAS THAT AMMUNITION FOUND?

13 Ms. Pringle: OBJECT. IMPROPER REDIRECT, YOUR
14 HONOR.

15 THE COURT: OVERRULED.

16 Ms. Campbell: THANK YOU.

17 THE WITNESS: LOCATED IN MR. CROCKER'S
18 RESIDENCE.

19 BY Ms. Campbell

20 Q IN HIS RESIDENCE? YOU ALSO FOUND STATE'S
21 EXHIBIT 106. THAT'S A MAGAZINE?

22 A YES, THAT'S A --

23 Mr. Strickler: OBJECT, IMPROPER REDIRECT.

24 ASKED AND ANSWERED ON DIRECT. I NEVER CROSS-EXAMINED
25 REGARDING THAT MAGAZINE WHATSOEVER.

1 THE COURT: OVERRULED, GO ON.

2 Mr. Strickler: THANK YOU, SIR.

3 THE WITNESS: YES. WE FOUND THIS. IT'S A GLOCK
4 NINE MILLIMETER CLIP WITHIN THE RESIDENCE, AS WELL.

5 BY Ms. Campbell

6 Q AND THIS HOLSTER?

7 A AND THE HOLSTER.

8 Mr. Strickler: OBJECT, IMPROPER REDIRECT. I
9 NEVER CROSS-EXAMINED REGARDING THAT HOLSTER WHATSOEVER.

10 THE COURT: OVERRULED.

11 BY Ms. Campbell

12 Q THE AMMUNITION, AS WELL AS THE MAGAZINE, WHAT TYPE OF
13 GUN CAN NINE MILLIMETER AMMUNITION BE USED ON IN THAT
14 MAGAZINE?

15 A A NINE MILLIMETER WEAPON.

16 Q THAT'S WHAT --

17 A SPECIFICALLY, THIS CLIP WOULD ONLY GO IN A GLOCK.

18 Q AS FAR AS AMMUNITION GOES, ARE THERE DIFFERENT KINDS
19 OF AMMUNITION THAT ARE FOR SALE?

20 A YES.

21 Q AND WINCHESTER, OR WHATEVER BRAND IT IS, IT'S STILL
22 CATEGORIZED BY THE MILLIMETERS OR THE 357, NINE
23 MILLIMETER, WHATEVER?

24 A BY THE CALIBER, CORRECT.

25 Q HE ASKED YOU ABOUT THE BLANKETS IN THE CASE. THESE

1 BLANKETS ARE IDENTICAL TO THE BLANKETS FOUND IN THE
2 CONTAINER?

3 A THEY ARE IDENTICAL, YES, SAME BRAND, SAME COLOR.

4 Q AND JUST FOR CLARIFICATION, THE CONTAINERS, THE
5 STERILITE CONTAINER, HE HAD THOSE IN HIS RESIDENCE
6 ALSO?

7 A NUMEROUS.

8 Q BACK IN THE STORAGE AREA?

9 A IN THE SHED AREA, YES.

10 Q WOULD YOU CONSIDER, OFFICER, THAT IT IS UNIQUE IF HIS
11 FATHER'S FINGERPRINTS ARE ON THE CONTAINER?

12 A EXTREMELY.

13 Mr. Strickler: OBJECT TO THE OPINION SHE IS
14 ASKING FOR FROM THE OFFICER.

15 Ms. Campbell: HE CHARACTERIZED IT UNIQUE IN HIS
16 CROSS-EXAMINATION, YOUR HONOR.

17 THE COURT: HE DIDN'T TALK ABOUT THE
18 FINGERPRINTS. I'M GOING TO SUSTAIN THAT.

19 BY Ms. Campbell

20 Q OKAY.

21 AND AGAIN, JUST FOR CLARIFICATION, WHEN YOU DO A
22 SEARCH WARRANT, YOU CAN'T JUST GO IN AND TAKE THE
23 STERE OR EVERYTHING THAT DOESN'T HAVE TO DO WITH THE
24 CRIME, CAN YOU?

25 A NO. IT'S PERTAINING TO THE CRIME AND WHY WE'RE

1 THERE. WE'RE LOOKING FOR ITEMS PERTAINING TO THE
2 INCIDENT AND HIS DESCRIPTION ON THE INCIDENT DAY.

3 Q AND SPECIFICALLY, YOU'RE LIMITED -- I THINK THAT'S
4 IT.

5 JUST ONE MORE QUESTION ABOUT THE PHONE RECORDS.
6 HE ASKED YOU ABOUT WHEN YOU DID SOME OF THESE
7 COMPARISONS AND EVERYTHING. WHEN DID YOU GET ALL
8 THESE PHONE RECORDS, THOUGH? HOW LONG HAVE THEY BEEN
9 IN YOUR POSSESSION?

10 A THEY'VE BEEN IN MY POSSESSION SINCE A FEW DAYS AFTER
11 THE INCIDENT.

12 Q AND THE PHONE NUMBERS ON THOSE RECORDS, THEY HAVEN'T
13 CHANGED IN ANY WAY?

14 A NO, THEY HAVEN'T.

15 Ms. Campbell: THAT'S ALL I HAVE, YOUR HONOR.

16 Mr. Strickler: MAY IT PLEASE THE COURT, YOUR
17 HONOR?

18 THE COURT: YES, SIR.

19 CROSS-EXAMINATION:

20 BY Mr. Strickler

21 Q I HAVE THREE THINGS, MAYBE FOUR: YOU INDICATED THIS
22 INFORMATION, A NUMBER OF TIMES, IS CORROBORATED BY A
23 STATEMENT BY WILLIE JENNINGS. THAT WOULD BE THE SAME
24 STATEMENT THAT HE CHARACTERIZED AS A BUNCH OF LIES
25 WHEN HE WAS EXAMINED, RIGHT? RIGHT?

1 A HE INDICATED TO ME -- I TOOK THE STATEMENT FROM HIM,
2 AND THAT WAS HIS STATEMENT. THAT WAS THE TRUTH.
3 EARLIER IN THE DAY HE HAD GIVEN SOMETHING FALSE TO
4 US, BUT THAT STATEMENT WAS THE TRUTH.

5 Q VERY WELL, SIR. LET'S SEE. YOU INDICATED THE CAR
6 DESCRIPTION WAS CONSISTENT. LET ME GET -- IF I
7 UNDERSTAND YOU CORRECTLY, BROWN AND BLUE ARE
8 CONSISTENT WITH EACH OTHER, CORRECT?

9 A NO.

10 Q BEIGE AND DARK ARE CONSISTENT WITH EACH OTHER,
11 CORRECT?

12 A NO.

13 Q THANK YOU VERY MUCH, SIR.

14 NOW, WHEN YOU SEARCHED, YOU WERE CERTAINLY
15 INTERESTED IN CLOTHING BECAUSE YOU HAD A DESCRIPTION
16 OF A BLACK COAT WITH WHITE A CIRCLE AND WHITE CIRCLES
17 INSIDE IT. THAT WAS PROVIDED. YOU HAD THAT
18 INFORMATION AS A PIECE OF CLOTHING WORN BY THE PERSON
19 WHO COMMITTED THIS MURDER. YOU HAD THAT PIECE OF
20 INFORMATION AVAILABLE FOR YOU AT THE TIME YOU
21 CONDUCTED THIS SEARCH, CORRECT?

22 A CORRECT.

23 Q DO YOU HAVE A COAT HERE ANYWHERE?

24 A NO, WE DON'T.

25 Q DID YOU RECOVER A COAT HERE ANYWHERE?

1 A NO, WE DIDN'T.

2 Q YOU ALSO HAD A DESCRIPTION OF A SHIRT WITH A YELLOW
3 STRIPE ON IT, I THINK?

4 A YELLOW POLO SHIRT.

5 Q A YELLOW POLO SHIRT. IS IT HERE ANYWHERE?

6 A NO.

7 Q WAS IT LOCATED IN CHARLOTTE, NORTH CAROLINA DURING
8 THE COURSE OF THE SEARCH AT ANY POINT IN TIME?

9 A NO.

10 Q THOSE THINGS DON'T EXIST EITHER, TO THE BEST OF YOUR
11 KNOWLEDGE?

12 A WE DID NOT FIND THEM.

13 Mr. Strickler: YOU DIDN'T FIND THEM. THANK YOU
14 VERY MUCH.

15 THE COURT: ALL RIGHT, SIR. YOU MAY COME DOWN.
16 THANK YOU VERY MUCH.

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

18 Ms. Campbell: MAY IT PLEASE THE COURT.

19 THE COURT: CALL YOUR NEXT WITNESS.

20 Ms. Campbell: THE STATE CALLS DR. CLAY NICHOLS.

21 THE CLERK: PLACE YOUR LEFT HAND ON THE BIBLE,
22 RAISE YOUR RIGHT HAND.

23 CLAY NICHOLS, AFTER BEING DULY SWORN, TESTIFIED
24 AS FOLLOWS:

25 THE CLERK: PLEASE HAVE A SEAT, SIR. STATE YOUR

1 FULL NAME FOR THE RECORD.

2 THE WITNESS: CLAY ALLEN NICHOLS, N-I-C-H-O-L-S.

3 DIRECT EXAMINATION:

4 BY Ms. Campbell

5 Q DR. NICHOLS, WHERE ARE YOU EMPLOYED?

6 A AT PALMETTO RICHLAND MEMORIAL HOSPITAL.

7 Q WHAT DO YOU DO THERE, SIR?

8 A I'M A FORENSIC PATHOLOGIST.

9 Q CAN YOU TELL THIS JURY A LITTLE BIT ABOUT YOUR
10 EDUCATION AND TRAINING IN THE FIELD OF FORENSIC
11 PATHOLOGY?

12 A I RECEIVED MY BACHELOR OF SCIENCE DEGREE FROM THE
13 UNIVERSITY OF OKLAHOMA IN 1981. I RECEIVED MY
14 MEDICAL DEGREE ALSO FROM OKLAHOMA IN 1985. AFTER
15 THAT, I ENTERED A RESIDENCY PROGRAM IN ANATOMIC AND
16 FORENSIC PATHOLOGY AT THE MEDICAL UNIVERSITY OF SOUTH
17 CAROLINA, COMPLETING THAT IN 1990. AFTER THAT, I WAS
18 ON THE FACULTY AT M.U.S.C. UNTIL 2001, AT WHICH POINT
19 I LEFT AND WENT INTO PRIVATE PRACTICE HERE AT
20 RICHLAND MEMORIAL. I'M BOARDER CERTIFIED --

21 Mr. Strickler: YOUR HONOR, I DON'T WANT TO
22 INTERRUPT AND CERTAINLY DON'T WANT TO RESTRICT HER
23 WHATSOEVER IF SHE WANTS TO GO ON, BUT I WILL STIPULATE TO
24 HIS QUALIFICATIONS AND EXPERTISE IN THE AREA OF FORENSIC
25 PATHOLOGY.

1 THE COURT: ALL RIGHT. YOU MAY CONTINUE IF YOU
2 WISH.

3 BY Ms. Campbell

4 Q THANK YOU. YOU'RE BOARD CERTIFIED IN FORENSIC
5 PATHOLOGY?

6 A YES.

7 Q AND YOU HAVE BEEN QUALIFIED BEFORE IN COURT AS AN
8 EXPERT IN FORENSIC PATHOLOGY?

9 A NUMEROUS TIMES, YES.

10 Ms. Campbell: YOUR HONOR, AT THIS TIME WE WOULD
11 OFFER HIM AS AN EXPERT.

12 THE COURT: SO ACCEPTED, GO AHEAD.

13 BY Ms. Campbell

14 Q DR. NICHOLS, YOU'RE FAMILIAR WITH DR. ANNE
15 VANDERSTEENHOVEN, I BELIEVE IS HER NAME?

16 A YES, SHE IS A PATHOLOGIST IN OUR GROUP.

17 Q AS PART OF YOUR DUTIES, ALL OF YOU PERFORM AUTOPSIES?

18 A IF I'M THERE AT WORK, WHICH I USUALLY AM, I DO THE
19 AUTOPSIES. ON THIS PARTICULAR DAY, I WAS ON
20 VACATION, AND THE DUTIES GET ROTATED AROUND THE OTHER
21 PATHOLOGISTS.

22 Q IF YOU HAD AN OPPORTUNITY -- OR BACK WHEN THIS
23 HAPPENED, DID YOU HAVE AN OPPORTUNITY TO MEET WITH
24 THE DOCTOR -- I CALL HER DR. ANNE -- AT THE TIME AND
25 GO OVER THE CASE?