

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Appeal from Newberry County

S.C. Supreme Court

The Honorable Brooks P. Goldsmith, Circuit Court Judge
2000-CP-36-0051

STEPHEN ANDREW BECKHAM,

PETITIONER,

vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

SUPPLEMENTAL APPENDIX

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STATE OF SOUTH CAROLINA)
COUNTY OF NEWBERRY) COURT OF GENERAL SESSIONS
STATE OF SOUTH CAROLINA,)
PLAINTIFF,) TRANSCRIPT OF RECORD
VERSUS) 96-GS-36-79
STEPHEN ANDREW BECKHAM,)
DEFENDANT.)

NEWBERRY, SOUTH CAROLINA
SEPTEMBER 14-OCTOBER 4, 1996

B E F O R E

HONORABLE HENRY F. FLOYD, JUDGE.

A P P E A R A N C E S

W. TOWNES JONES, IV, SOLICITOR
MICHAEL T. COULTER, DEPUTY SOLICITOR
BETTY C. STROM, ASST. SOLICITOR
KNOX MCMAHON, DEPUTY SOLICITOR
APPEARING ON BEHALF OF THE PLAINTIFF.

JACK SWERLING, ATTORNEY
RICHARD HARPOOTLIAN, ATTORNEY
APPEARING ON BEHALF OF THE DEFENDANT.

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1 T.V. OR RADIO, CAN WE READ? OTHER THAN THE
2 NEWSPAPERS?

3 THE COURT: THERE IS SOME CONTROL OVER
4 THAT AND THERE ARE SOME VCR'S AND THINGS LIKE THAT.
5 WE'LL ENTERTAIN YOU.

6 MS. WARDLAW: SEE MOVIES? OKAY.

7 THE COURT: BUT SOME OF THE BOOKS WE
8 MAY HAVE TO SCREEN.

9 MS. WARDLAW: OKAY. RIGHT.

10 THE COURT: GENERALLY SPEAKING, OKAY?

11 MS. WARDLAW: AS LONG AS I'VE GOT MY
12 BOOKS, I'M ALL RIGHT.

13 THE COURT: ALL RIGHT. WE'LL SEE YOU
14 WEDNESDAY. ELEVEN O'CLOCK, OKAY?

15 MS. WARDLAW: ELEVEN O'CLOCK WEDNESDAY.

16 THE COURT: AND HE'LL SHOW YOU WHERE TO
17 COME TO.

18 MS. DEAL. SAVILLA J. DEAL. COULD I
19 GET YOU TO RAISE YOUR RIGHT HAND PLEASE?

20 SAVILLA J. DEAL, BEING DULY
21 SWORN, TESTIFIES AS FOLLOWS:

22 THE COURT: ALL RIGHT, MA'AM, IF YOU'LL
23 STEP UP AND HAVE A SEAT AND YOU PRONOUNCE YOUR
24 FIRST NAME SAVILLA?

25 MS. DEAL: SAVILLA BUT I GO BY JANICE.

1 IT MAKES IT EASIER.

2 THE COURT: OKAY. SAVILLA J. DEAL.

3 MS. DEAL, I THINK THIS MORNING I INTRODUCED THE
4 LAWYERS TO YOU BUT SOLICITOR JONES AND HIS STAFF
5 ARE PROSECUTING THE CASE AND MR. SWERLING AND MR.
6 HARPOOTLIAN ARE DEFENDING MR. BECKHAM.

7

8 NOW, HAVE YOU EVERY SERVED ON A JURY
9 BEFORE?

10 MS. DEAL: NO.

11 THE COURT: OKAY. HAVE YOU EVER BEEN
12 IN A COURTROOM BEFORE?

13 MS. DEAL: YES.

14 THE COURT: OKAY. WELL, WE...DUE TO
15 THE POTENTIAL NATURE OF THIS CASE, THE RULES
16 PROVIDE THAT JURORS ARE TO BE INDIVIDUALLY EXAMINED
17 ABOUT CERTAIN THINGS THAT MAY BE RELEVANT TO THE
18 TRIAL AND I WANT TO TELL YOU AT THE OUTSET THAT
19 THERE AREN'T ANY RIGHT OR WRONG ANSWERS.

20 WE'RE NOT HERE TO TRY TO EMBARRASS YOU
21 OR PUT YOU ON THE SPOT, BUT WE DO WANT TO KNOW, AND
22 OF COURSE, NOBODY'S HERE TO CHALLENGE WHAT YOU
23 BELIEVE, BUT SOME OF YOUR BELIEFS ARE IMPORTANT IN
24 MAKING THE DECISION IN A CASE OF THIS NATURE. DO
25 YOU UNDERSTAND THAT?

1 MS. DEAL: YES.

2 THE COURT: NOW MA'AM, ONE OF THE
3 THINGS THAT WE'RE GOING TO BE TALKING ABOUT HAS TO
4 DO WITH PENALTY, BUT I WANT TO MAKE SURE THAT YOU
5 UNDERSTAND THE FACT THAT WE TALK ABOUT PENALTIES.
6 LIFE IMPRISONMENT, DEATH PENALTY, IN NO WAY INFERS
7 OR IMPLIES THAT THE DEFENDANT IN THIS CASE IS
8 GUILTY OF ANYTHING. YOU CAN ACCEPT THAT?

9 MS. DEAL: YES.

10 THE COURT: NOW, HAVE YOU HEARD TO
11 CONCEPT OF THE PRESUMPTION OF INNOCENCE OR THE
12 LEGAL PRINCIPLE OF THE PRESUMPTION OF INNOCENCE?

13 MS. DEAL: YES.

14 THE COURT: IS THAT A LEGAL PRINCIPLE
15 THAT YOU CAN FOLLOW AND BELIEVE IN?

16 MS. DEAL: YES.

17 THE COURT: NOW, MA'AM, THE REASON I
18 ASK YOU THAT QUESTION IS, OF COURSE, THE FIRST
19 PHASE OF THE TRIAL OF THIS TYPE IS WHETHER OR NOT A
20 DEFENDANT IS GUILTY OF MURDER. IF IT TURNS OUT
21 THAT HE IS NOT BASED UPON THE LAW AND THE EVIDENCE
22 THEN THAT WOULD END THE CASE, BUT IF THE JURY
23 DETERMINES THAT A VERDICT OF GUILTY FOR MURDER IS
24 ESTABLISHED BASED ON THE LEGAL PRINCIPLES AND THE
25 EVIDENCE, THEN WE WOULD GO TO WHAT'S CALLED THE

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1 SECOND PHASE. AND IN THE SECOND PHASE THE JURY
2 DETERMINES WHAT THE APPROPRIATE PUNISHMENT IS,
3 WHETHER IT BE LIFE IN PRISON OR DEATH. ARE YOU
4 WITH ME SO FAR?

5 MS. DEAL: YES.

6 THE COURT: OKAY. NOW, IN THAT SECOND
7 STAGE EXPERIENCE HAS TAUGHT US THAT JURORS
8 GENERALLY FALL INTO THREE CATEGORIES AND I WANT TO
9 GIVE YOU THOSE THREE CATEGORIES AND ASK YOU COULD
10 YOU TELL ME WHICH CATEGORY YOU MIGHT BE IN.

11 THE FIRST CATEGORY IS THAT THE JUROR
12 SAYS THAT A DEFENDANT HAS BEEN FOUND GUILTY OF
13 MURDER, THEN I VOTE FOR THE DEATH PENALTY AND I
14 WOULD ALWAYS VOTE FOR THE DEATH PENALTY IN EVERY
15 CASE. OKAY?

16 THE SECOND CATEGORY IS THE DEFENDANT...
17 A DEFENDANT HAS BEEN FOUND GUILTY OF MURDER AND THE
18 JUROR SAYS I WOULD ALWAYS VOTE FOR LIFE
19 IMPRISONMENT. I WOULD NEVER VOTE FOR THE DEATH
20 PENALTY.

21 THE THIRD CATEGORY HAS TO DO WITH
22 JURORS WHO SAY WELL, A DEFENDANT HAS BEEN GUILTY OF
23 MURDER, BUT I WANT TO LISTEN TO ALL OF THE EVIDENCE
24 ABOUT AGGRAVATING CIRCUMSTANCES, THAT'S THE THINGS
25 THAT MAKE IT WORSE, OR MITIGATING CIRCUMSTANCES

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1 WHICH MAKES IT NOT SO BAD, BEFORE I MAKE UP MY MIND
2 ON WHETHER TO IMPOSE LIFE OR DEATH. DO YOU
3 UNDERSTAND THAT CATEGORY OF JUROR?

4 IF I HAD TO ASK YOU TODAY WHICH
5 CATEGORY WOULD YOU FALL INTO, COULD YOU TELL WHICH
6 ONE?

7 MS. DEAL: I WOULD HOPE I WOULD FALL IN
8 "C".

9 THE COURT: IN "C". ALL RIGHT, WELL
10 LET ME ASK YOU THIS.

11 IF, BASED ON THE EVIDENCE AND THE LAW
12 IN THE CASE, THE DEATH PENALTY WAS THE APPROPRIATE
13 PUNISHMENT, COULD YOU IMPOSE THE DEATH PENALTY?

14 MS. DEAL: I THINK SO.

15 THE COURT: ON THE OTHER HAND, IF THE
16 EVIDENCE IN THE CASE AND THE LEGAL PRINCIPLES
17 WARRANTED A LIFE SENTENCE, COULD YOU IMPOSE A LIFE
18 SENTENCE?

19 MS. DEAL: I THINK SO.

20 THE COURT: OKAY. IF THE DEATH
21 SENTENCE WAS THE APPROPRIATE SENTENCE IN THE CASE,
22 AND YOU CAME TO THAT CONCLUSION, THE LAW PROVIDES
23 OR REQUIRES THAT THE INDIVIDUAL JURORS SIGN THAT
24 SENTENCE SHEET OR DEATH WARRANT ACKNOWLEDGING THE
25 FACT THAT THEY BELIEVE THAT THE DEATH PENALTY IS

1 THE APPROPRIATE PUNISHMENT. MA'AM, IF YOU FELT
2 THAT THE DEATH PENALTY WAS THE APPROPRIATE
3 PUNISHMENT IN THE CASE, COULD YOU SIGN YOUR NAME TO
4 THE DEATH WARRANT?

5 MS. DEAL: I'M NOT SURE. I WOULD HOPE
6 I COULD, BUT I DON'T KNOW FOR A FACT.

7 THE COURT: IF...

8 MS. DEAL: IF I WERE FIRMLY CONVINCED,
9 I BELIEVE I COULD.

10 THE COURT: OKAY. OF COURSE, YOU'VE
11 NEVER HAD TO SIT ON A JURY AND MAKE THAT KIND OF A
12 DETERMINATION BEFORE, HAVE YOU?

13 MS. DEAL: NO.

14 THE COURT: ALL RIGHT. HAVE
15 YOU...WELL, LET ME LET THE SOLICITOR AND THE
16 DEFENSE ATTORNEYS ASK YOU A FEW QUESTIONS AND LET'S
17 SEE WHAT DEVELOPS.

18 OKAY, MR. SOLICITOR?

19 MR. JONES: THANK YOU, YOUR HONOR.

20 HELLO, MS. DEAL. HOW ARE YOU THIS
21 EVENING?

22 MS. DEAL: I'M PRETTY GOOD. I'M
23 GETTING COLD AND HUNGRY, BUT I THINK I'LL BE ALL
24 RIGHT.

25 MR. JONES: I THINK WE ALL ARE AND IT

1 IS LATE AND WE APPRECIATE YOUR PATIENCE WITH US
2 TODAY. WE'VE BEEN WORKING JUST AS HARD AND STEADY
3 AS WE CAN, THANKS TO THE JUDGE.

4 MS. DEAL, THESE QUESTIONS THAT THE
5 JUDGE ASKED YOU ARE VERY, VERY IMPORTANT QUESTIONS
6 AND I REALIZE THAT YOU HAVEN'T HAD A LOT OF TIME TO
7 THINK ABOUT JUST EXACTLY HOW YOU WOULD FEEL AND, AS
8 THE JUDGE POINTED OUT TO YOU, YOU NEVER REALLY KNOW
9 UNTIL YOU'RE IN THAT SITUATION, BUT I THINK THAT
10 WHAT YOU NEED TO KNOW NOW IS THAT YOU'RE VERY CLOSE
11 TO THAT SITUATION AND SO WE NEED TO KNOW.

12 NOW, AS THEY POINTED OUT, THAT PERSON
13 OVER THERE IS ON TRIAL, DEFENDANT BECKHAM.

14 MS. DEAL: YES SIR.

15 MR. JONES: HAVE YOU SEEN HIM?

16 MS. DEAL: YES.

17 MR. JONES: OKAY. AND, WE'RE TALKING
18 ABOUT YOU IMPOSING THE DEATH PENALTY AND YOU'RE
19 TELLING US THAT...

20 MR. HARPOOTLIAN: YOUR HONOR, I OBJECT.
21 THE SOLICITOR JUST POINTED TO MR. BECKHAM.

22 THE COURT: I SUSTAIN THE OBJECTION.
23 IT'S A DEFENDANT.

24 MR. JONES: I BEG YOUR PARDON. YOU CAN
25 IMPOSE THE DEATH PENALTY, IS THAT WHAT YOU'RE

1 SAYING?

2 MS. DEAL: I THINK SO.

3 MR. JONES: MA'AM?

4 MS. DEAL: I THINK SO.

5 MR. JONES: YOU THINK SO?

6 MS. DEAL: I WOULD HOPE THAT I CAN BUT
7 I CAN'T SWEAR THAT I WOULD.

8 MR. HARPOOTLIAN: YOUR HONOR, I OBJECT.
9 THAT ISN'T THE STANDARD. THE STANDARD IS COULD SHE
10 CONSIDER GIVING IT, NOT...

11 THE COURT: WELL, OVERRULED. WE'LL
12 ARGUE THAT A LITTLE BIT.

13 MR. JONES: AND OF COURSE, MS. DEAL,
14 IF, WHEN YOU SAY I WOULD HOPE SO AND I WOULD LIKE
15 TO THINK SO, BUT I CAN'T...I BELIEVE YOU SAID I
16 CAN'T SWEAR, I CAN'T TELL YOU, AND THAT'S THE THING
17 IS, IF YOU'RE NOT SURE AND YOU DON'T THINK YOU
18 COULD, THEN DON'T YOU THINK YOU PROBABLY ARE
19 LEANING TOWARDS...

20 MR. HARPOOTLIAN: I OBJECT TO THIS LINE
21 OF QUESTIONING. IT'S NOT APPROPRIATE UNDER THE
22 LAW.

23 THE COURT: SUSTAINED AS TO THE FORM
24 QUESTION.

25 MR. JONES: WOULD YOU AGREE THAT IF

1 YOUR HESITATION OF THE CONCEPT, IN OTHER WORDS THE
2 FACT THAT YOU HESITATE HERE AS WE'RE TALKING
3 HONESTLY WITH ONE ANOTHER, YOU'RE TRYING TO SEARCH
4 YOURSELF AND YOU FEEL, I BELIEVE...

5 MR. HARPOOTLIAN: YOUR HONOR, I WOULD
6 OBJECT. I HAVE A MATTER OF LAW I'D LIKE TO TAKE UP
7 WITH YOU.

8 THE COURT: OKAY. ALL RIGHT, MS. DEAL,
9 LET ME ASK YOU, IF YOU WOULD, JUST STEP RIGHT OUT
10 THERE AND WE'LL BE RIGHT WITH YOU IN JUST A MINUTE.

11 I WAS TRYING TO PUT MY HAND ON WHAT
12 Y'ALL ARE GOING TO ARGUE ABOUT.

13 OKAY, MR. HARPOOTLIAN, WHAT'S YOUR
14 OBJECTION?

15 MR. HARPOOTLIAN: YOUR HONOR, WHAT
16 IS...THE SOLICITOR IS ATTEMPTING TO HAVE THIS JUROR
17 SAY WHETHER SHE WOULD OR SHE WOULDN'T. THE PROPER
18 STANDARD, AS I UNDERSTAND IT, IS WHETHER SHE WOULD
19 CONSIDER THE DEATH PENALTY. OUR COURT, THE UNITED
20 STATES SUPREME COURT, OUR STATUTE SPECIFICALLY SAYS
21 THAT PEOPLE THAT HAVE SOME AVERSION TO THE DEATH
22 PENALTY CANNOT BE EXCLUDED, IF THEY COULD CONSIDER
23 IT, AND WHAT THE SOLICITOR IS ATTEMPTING TO GET
24 THIS JUROR TO SAY IS THAT SHE'S UNCOMFORTABLE WITH
25 IT.

1 I HOPE WE SEAT TWELVE PEOPLE THAT ARE
2 UNCOMFORTABLE WITH IT. THAT'S THE WHOLE IDEA HERE
3 IS TO HAVE PEOPLE WHO AREN'T PREDISPOSED TO GIVE
4 THE DEATH PENALTY. AND I MEAN THAT STARTS WITH
5 WITHERSPOON AND GOES ON DOWN. SO, WHAT I'M
6 SUGGESTING IS THAT THE LINE OF THE QUESTIONING IS
7 IMPROPER. THIS JUROR'S QUALIFIED. SHE HAS
8 INDICATED...AS A MATTER OF FACT, I NOTICED THAT
9 WHEN YOU SAID DO YOU THINK YOU COULD GIVE A LIFE
10 SENTENCE, HER RESPONSE WAS...SHE EQUIVOCATED JUST
11 AS MUCH ON LIFE AS SHE DID ON DEATH. IT'S JUST A
12 DIFFICULT DECISION. THAT'S ALL HER ANSWERS MEAN,
13 BUT THE SOLICITOR'S ATTEMPTING TO GET HER TO SAY
14 OH, I REALLY...I COULDN'T GIVE THE DEATH PENALTY,
15 AND I THINK THAT'S NOT THE ISSUE. I DON'T THINK
16 THAT'S THE APPROPRIATE QUESTION.

17 THE COURT: MR. SOLICITOR?

18 MR. JONES: YOUR HONOR, THE STATE VS.
19 PLATT, 1984, 313 S.E. 2ND 619. THE TEST OF A
20 JUROR'S QUALIFICATIONS IS THE ABILITY TO REACH A
21 VERDICT OF EITHER GUILT OR INNOCENCE AND, IF
22 NECESSARY, TO VOTE FOR THE DEATH SENTENCE. THE
23 ABILITY TO MERELY CONSIDER THESE POSSIBILITIES IS
24 NOT SUFFICIENT TO QUALIFY A JUROR.

25 THE COURT: BUT, THE QUESTION IS, AND

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1 BOTH OF YOU ARE DANCING AROUND IT. THE QUESTION
2 IS, CAN THIS JUROR RENDER A VERDICT ACCORDING TO
3 LAW, THAT IS, IF THE CIRCUMSTANCES WARRANTED A
4 DEATH SENTENCE, COULD SHE IMPOSE IT, OR LIKewise,
5 COULD SHE IMPOSE A LIFE SENTENCE.

6 SHE ANSWERED MY QUESTIONS; ESSENTIALLY,
7 SHE HOPED THAT SHE COULD, I MEAN, WHAT ELSE DO YOU
8 WANT?

9 MR. JONES: I WANT TO KNOW WHETHER SHE
10 COULD OR NOT. SHE SAID I THINK SO, JUDGE, SHE'S
11 CONSIDERING IT NOW. SHE HASN'T MADE UP HER MIND
12 AND THAT'S WHAT I'M TRYING TO GET HER TO DO IS TO
13 MAKE UP HER MIND HERE. SHE SAID I THINK I COULD,
14 JUDGE, OR I WOULD HOPE I COULD, JUDGE, BUT I DON'T
15 KNOW IS THE FOLLOW-UP ON THE STATEMENT. SHE DIDN'T
16 SAY THAT BUT THAT'S THE NEXT FOLLOW-UP ON HER
17 STATEMENT. I THINK I COULD. I HOPE I COULD.
18 SHE'S CONSIDERING IT, JUDGE, AND IF SHE ULTIMATELY
19 BOXES HERSELF IN AND DECIDES WHILE SHE'S ON THE
20 STAND HERE THIS AFTERNOON, THAT SHE COULD, THEN
21 SHE'S QUALIFIED, BUT IF SHE DOESN'T, JUDGE, IF SHE
22 SAYS WELL, AFTER CONSIDERING IT, YOU KNOW I THOUGHT
23 I COULD A MINUTE AGO, AND I HOPED I COULD A MINUTE
24 AGO, BUT I SAT RIGHT HERE AND LISTENED TO YOU AND
25 NOW I'VE DECIDED I CAN'T. AND THAT'S WHAT WE'RE

1 TRYING TO DECIDE, JUDGE, AND IF SHE SAYS THAT,
2 THEN, OF COURSE, THEY'VE GOT A SHOT AT
3 REHABILITATING HER, BUT IF SHE SAYS SHE CAN'T UP
4 HERE, THEN I...WHAT I WAS DOING WAS I WAS GETTING
5 CLOSE TO HER ADDRESSING THAT ISSUE. THINKING ABOUT
6 IT AND HOPING ABOUT IT AND ULTIMATELY DECIDING
7 WHETHER SHE COULD OR NOT. AND, JUDGE, IT ALSO
8 GOES...I'VE E GOT ANOTHER CASE HERE, STATE VS.
9 BELL, 1990, IF A JUROR'S OPINIONS WOULD PREVENT OR
10 SUBSTANTIALLY IMPAIR THE PERFORMANCE OF HIS OR HER
11 DUTIES, THEN SHE OR HE SHOULD BE EXCLUDED FOR
12 CAUSE. AND, HERE AGAIN, SHE HASN'T DECIDED WHETHER
13 OR NOT SHE CAN ACTUALLY ADHERE TO THE LAW. SHE
14 SAID, I THINK SO, I HOPE SO. SHE DIDN'T TELL YOU
15 SHE COULD ADHERE TO THE LAW OR THE FACTS IF IT
16 WARRANTED. RESPECTFULLY, YOUR HONOR, I THINK THAT
17 WOULD BE THE POSITION THAT WE WOULD BE ENTITLED TO
18 TAKE WITH REGARD TO HER RESPONSES AND I'M NOT
19 TRYING TO DRAW THESE THINGS OUT. WE HAD PEOPLE
20 THAT ANSWERED YOUR QUESTIONS THAT SAID I FALL INTO
21 CATEGORY THREE. COULD YOU GIVE THE DEATH PENALTY?
22 YES, I COULD. THAT'S AN AFFIRMATIVE RESPONSE.
23 IT'S AN OPINION BUT IT'S AN AFFIRMATIVE RESPONSE,
24 AND THEY'LL BE PEOPLE THAT WILL SAY, NO I COULDN'T
25 GIVE THE DEATH PENALTY. I CAN'T DO THAT. AND THEN

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1 YOU'RE GOING TO HAVE PEOPLE THAT ARE GOING TO
2 SAY...THE ONES THAT WE NEED TO ATTEMPT TO FIND OUT
3 WHETHER THEY COULD OR COULDN'T AND SAY, I THINK I
4 COULD. MAYBE, I'M NOT SURE. I HOPE SO. AND
5 THAT'S BASICALLY WHAT SHE SAID TO YOU, JUDGE.

6 THE COURT: MR. HARPOOTLIAN?

7 MR. HARPOOTLIAN: YOUR HONOR, ALL I'M
8 POINTING AT IS THIS. THAT SHE HAS, FIRST OF ALL,
9 CATEGORIZED HERSELF AS THE THIRD CATEGORY. SO,
10 SHE'S INDICATED SHE COULD DO EITHER. SHE'S, ON
11 BOTH SIDES, WHEN YOU SAID COULD YOU GIVE SOMEONE
12 LIFE? I THINK SO. COULD YOU GIVE DEATH? I THINK
13 SO. SHE'S NOT EQUIVOCATING SO MUCH AS SHE
14 DOESN'T...I MEAN YOU'RE ASKING HER IN THE ABSTRACT.
15 ARE THERE CIRCUMSTANCES UNDER WHICH YOU COULD GIVE
16 THE DEATH PENALTY. ARE THERE CIRCUMSTANCES UNDER
17 WHICH YOU COULD GIVE LIFE? YES, BUT SHE CAN'T
18 IMAGINE WHAT THOSE ARE WITHOUT TALKING ABOUT THE
19 FACTS, AND WE'RE PROHIBITED FROM GIVING HER
20 HYPOTHETICALS. YOU KNOW, IF SOMEONE KIDNAPPED YOUR
21 NEXT DOOR NEIGHBOR'S CHILD AND MURDERED HIM, WOULD
22 YOU GIVE THE DEATH PENALTY? I MEAN, I THINK WE'RE
23 GETTING INTO TOO MUCH SPECULATION HERE AS TO...I
24 THINK THE SOLICITOR CAN PROBE, MAKE HIS PROBE...AS
25 FAR AS HE CAN PROBE TO DETERMINE WHETHER OR NOT HE

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1 OUGHT TO EXERCISE HIS PREEMPTORY CHALLENGE, BUT I
2 DON'T THINK THAT THIS WOMAN COULD BE DISQUALIFIED,
3 BECAUSE SHE HAS NOT INDICATED SHE COULDN'T GIVE THE
4 DEATH PENALTY. WHAT SHE'S INDICATED IS THAT...SHE
5 CLASSIFIES HERSELF AS THE THIRD CATEGORY. WHEN YOU
6 ASKED HER, COULD YOU GIVE A LIFE SENTENCE? I THINK
7 SO. COULD YOU GIVE A DEATH SENTENCE? I THINK SO.
8 AND I THINK WHAT THE SOLICITOR'S TRYING TO DO IS
9 BOX HER AND I DON'T THINK THAT'S RIGHT.

10 THE COURT: WELL, YOU AGREE THAT THE
11 STANDARD...THAT THE PLATT STANDARD IS THAT THEY
12 HAVE TO BE ABLE TO...I MEAN, JUST CONSIDERING IS
13 NOT ENOUGH.

14 MR. HARPOOTLIAN: WELL, SERIOUSLY
15 CONSIDERING, I MEAN, WHAT PLATT STANDS FOR IS THAT
16 THERE'S GOT TO BE A VIABLE ALTERNATIVE. YOU MAY BE
17 OPPOSED TO THE DEATH PENALTY BUT THERE ARE
18 CIRCUMSTANCES UNDER WHICH YOU COULD GIVE IT. THE
19 PROBLEM IS, WE CAN'T SAY UNDER THESE...WOULD YOU
20 CONSIDER GIVING IT UNDER THESE CIRCUMSTANCES.
21 WE'RE PROHIBITED FROM DOING THAT. I MEAN, I COULD
22 GET THIS WOMAN, I THINK IN ABOUT THIRTY SECONDS, TO
23 COMMIT TO PUT SOMEBODY IN THE ELECTRIC CHAIR. I
24 JUST HAVE TO BE ABLE TO GIVE HER THE NEXT DOOR
25 NEIGHBOR'S CHILD WAS KIDNAPPED, RAPED AND TORTURED.

1 THE COURT: CAN'T DO THAT.

2 MR. HARPOOTLIAN: CAN'T DO THAT. SO,
3 WHAT I'M SAYING IS THAT GIVEN THAT YOU CANNOT DO
4 THAT, THAT THE SOLICITOR CAN'T GET HER TO SPECULATE
5 THAT SHE WOULD BE UNCERTAIN. I MEAN, IT'S SORT OF
6 THE MIRROR IMAGE OF THAT. NOT KNOWING ANY FACTS,
7 NOT KNOWING ANY CIRCUMSTANCES, NOT KNOWING WHAT
8 THIS CASE IS ABOUT, NOT KNOWING WHAT'S INVOLVED,
9 WOULD YOU SAY TO US THAT YOU HAVE DIFFICULTY
10 CONCEIVING OF A SITUATION UNDER WHICH YOU'D GIVE
11 THE DEATH PENALTY. SHE'S JUST BEING HONEST. SHE
12 HAS A DIFFICULT TIME WITH IT AND THAT'S THE KIND OF
13 JUROR THAT I THINK THAT OUR COURTS WANT ON A DEATH
14 PENALTY CASE, ONE WHO HAS DIFFICULTY WITH IT.

15 MR. JONES: YOUR HONOR?

16 THE COURT: YES?

17 MR. JONES: ARE YOU GOING TO ALLOW ME
18 TO GO FORWARD?

19 THE COURT: YES SIR.

20 MR. JONES: ALL RIGHT, THEN I WOULD
21 JUST POINT OUT FOR THE RECORD, IT'S ON THE RECORD,
22 JUDGE, THAT WHEN SHE SAID I HOPE I'M CATEGORY
23 THREE. I WOULD LIKE TO THINK SO AND I HOPE I'M
24 CATEGORY THREE.

25 THE COURT: Y'ALL READ TOO MUCH INTO

1 THAT.

2 MR. JONES: ALL RIGHT.

3 THE COURT: BRING MS. DEAL BACK IN.

4 ALL RIGHT, MS. DEAL, LET MR. JONES
5 CONTINUE HIS EXAMINATION, OKAY?

6 MR. JONES: MS. DEAL, I CAN'T REMEMBER
7 EXACTLY, I WAS KIND OF IN THE MIDDLE OF A
8 QUESTION...KIND OF ASKING YOU AND SUGGESTING THAT
9 WHAT YOU COULD DO, IS THAT YOU COME TO A POINT
10 ABOUT MAKING A DECISION ABOUT WHERE YOU STAND WITH
11 REGARD TO BEING ABLE TO OPPOSE THE DEATH PENALTY ON
12 A HUMAN BEING, AND THE REASON I ASK YOU TO COME TO
13 TERMS WITH THAT, YOU MAY BE VERY, VERY, VERY
14 CLOSE...

15 MR. HARPOOTLIAN: YOUR HONOR, I OBJECT
16 TO THIS. IS HE GOING TO ASK A QUESTION OR...

17 THE COURT: GENTLEMEN, I WILL DRAW THE
18 LINE, BUT ONCE I DRAW IT, I'M GOING TO DRAW IT ON
19 BOTH SIDES ON THE NOT ASKING THE QUESTION. SO,
20 EITHER WE AGREE NOW AND WE'RE GOING TO CUT OUT THE
21 EDITORIAL COMMENT ON BOTH SIDES AND ONLY ASK THE
22 QUESTIONS OR I'M GOING TO GIVE YOU SOME LEEWAY SO
23 WHICH WAY DO YOU WANT IT?

24 MR. HARPOOTLIAN: MAY I CONFER WITH THE
25 SOLICITOR FOR JUST A MOMENT?

1 THE COURT: SURE. IT MAKES NO
2 DIFFERENCE TO ME, BUT I'M TELLING YOU, WE EITHER GO
3 ON THE EDITORIAL COMMENT OR WE'RE NOT. NOW, WHICH
4 WAY DO Y'ALL WANT IT?

5 MR. HARPOOTLIAN: BEFORE WE MAKE THAT
6 DECISION, CAN I CONFER WITH THE SOLICITOR?

7 MR. HARPOOTLIAN: I WITHDRAW THE
8 OBJECTION.

9 THE COURT: OBJECTION'S WITHDRAWN.
10 NOW, HAVING MUTUALLY AGREED TO THAT PROCESS,
11 GENTLEMEN, AT LEAST KEEP IT WITHIN A REASONABLE
12 AMOUNT OF TIME. ALL RIGHT?

13 MR. HARPOOTLIAN: YES SIR.

14 THE COURT: I'M TALKING TO BOTH OF YOU
15 NOT JUST ONE OF YOU.

16 MR. HARPOOTLIAN: YES SIR.

17 THE COURT: AND YOU MADE THE RIGHT
18 DECISION, I'M JUST... MAKE SURE Y'ALL UNDERSTAND.
19 OKAY.

20 ALL RIGHT, MR. SOLICITOR.

21 MR. JONES: WELL, MS. DEAL, LET ME ASK
22 YOU, HAVING MADE THAT STATEMENT, LET ME ASK YOU A
23 COUPLE OF QUESTIONS. OF COURSE, YOU CONSIDER WHAT
24 WE'RE DISCUSSING ARE VERY SERIOUS. IT CARRIES A
25 GREAT BURDEN, I ASSUME YOU BELIEVE IT CARRIES A

1 BURDEN OF RESPONSIBILITY.

2 MS. DEAL: YES.

3 MR. JONES: SOMETHING THAT YOU WOULD
4 CARRY WITH YOU FROM NOW UNTIL.

5 MS. DEAL: RIGHT.

6 MR. JONES: AND, SO IT'S SOMETHING
7 THAT, GIVEN THE OPPORTUNITY TO SEARCH YOURSELF FOR
8 WHETHER OR NOT YOU COULD DO THAT OR WOULD DO THAT,
9 YOU UNDERSTAND AND YOU'RE NOT GIVEN A WHOLE LOT OF
10 TIME TO DO THAT, BUT I WOULD HOPE THAT YOU WOULD
11 TRY TO DO THAT NOW AND THAT YOU WOULD BE AS HONEST
12 WITH US AS POSSIBLE, BECAUSE...YOU KNOW, IF, AND IT
13 MAY BE, THAT YOU'LL HAVE TO CONSIDER THIS, THEN IT
14 WOULDN'T BE FAIR DOWN THE ROAD TO SAY, WELL, I TOLD
15 THEM I COULD. I JUST REALLY CAN'T. THAT WOULDN'T
16 BE FAIR, WOULD IT?

17 MS. DEAL: NO, IT WOULD NOT.

18 MR. JONES: SO, HAVE YOU THOUGHT ABOUT
19 IT?

20 MS. DEAL: YES.

21 MR. JONES: ALL RIGHT, AND WOULD YOU BE
22 ABLE TO IMPOSE THE DEATH PENALTY?

23 MS. DEAL: NO.

24 MR. JONES: YOU WOULD NOT?

25 MS. DEAL: I DON'T THINK I WOULD.

1 MR. JONES: WELL, YOU SAY AGAIN YOU
2 DON'T THINK YOU WOULD. DO YOU KNOW THAT YOU
3 WOULDN'T?

4 MS. DEAL: I REALLY AND TRULY DON'T
5 THINK I COULD IMPOSE THE DEATH PENALTY.

6 MR. JONES: WELL, LET'S DECIDE...LET'S
7 SAY YOU HAVE TO MAKE A DECISION. YOU CAN OR YOU
8 CAN'T AND LEAVE THINK OUT OF IT. MA'AM?

9 MS. DEAL: NO, I COULD NOT.

10 MR. JONES: SO, THAT'S A FIRM ANSWER?
11 YOU LEAVE I DON'T THINK I COULD OR I THINK I
12 COULD...LET'S JUST DECIDE ONE WAY OR THE OTHER NOW,
13 IF YOU COULD. COULD YOU DECIDE ONE WAY OR THE
14 OTHER NOW?

15 MS. DEAL: I CAN DECIDE NOW.

16 MR. JONES: WHICH IS THAT?

17 MS. DEAL: NO, I COULD NOT IMPOSE THE
18 DEATH PENALTY.

19 MR. JONES: YOU'RE CERTAIN OF THAT?

20 MS. DEAL: I'M CERTAIN.

21 MR. JONES: YOU'RE POSITIVE OF THAT?

22 MS. DEAL: I HAVE BECOME POSITIVE, YES.

23 MR. JONES: AND YOU WILL REMAIN
24 POSITIVE REGARDLESS OF THE QUESTIONS THAT ARE ASKED
25 OF YOU FROM THIS POINT FORWARD?

1 MS. DEAL: YES.

2 MR. JONES: ARE YOU SURE?

3 MS. DEAL: I'M POSITIVE.

4 MR. JONES: YOU'RE POSITIVE. WELL,
5 THANK YOU MS. DEAL.

6 THE COURT: RE-DIRECT EXAMINATION, MR.
7 HARPOOTLIAN?

8 MR. HARPOOTLIAN: IF IT PLEASE THE
9 COURT. MS. DEAL, I'M DICK HARPOOTLIAN AND I
10 REPRESENT, ALONG WITH MR. SWERLING OVER HERE, MR.
11 STEVE BECKHAM AND BEFORE I GET TO INTRODUCE HIM,
12 NOW, THIS DEATH PENALTY QUESTION BOTHERS ME AND LET
13 ME PURSUE IT WITH YOU A LITTLE BIT. YOU
14 UNDERSTAND, STEPHEN BECKHAM HAS A RIGHT, JUST AS
15 ANY DEFENDANT DOES, TO HAVE A JURY OF HIS PEERS
16 HEAR HIS CASE. DO YOU UNDERSTAND THAT?

17 MS. DEAL: YES.

18 MR. HARPOOTLIAN: AND THERE ARE PEOPLE
19 WHO, THROUGH THIS LIFE, DEVELOP AN OPINION THAT
20 EVERYBODY WHO'S CHARGED WITH A MURDER SHOULD GET
21 THE DEATH PENALTY. DO YOU UNDERSTAND THERE ARE
22 PEOPLE LIKE THAT? MS. DEAL: YES.

23 MR. HARPOOTLIAN: THEN THERE ARE PEOPLE
24 WHO BELIEVE THAT EVERY PERSON WHO'S TRIED AND
25 CONVICTED OF MURDER SHOULD GET LIFE NO MATTER WHAT,

1 NO MATTER THE CIRCUMSTANCES, NO MATTER HOW
2 EGREGIOUS, NO MATTER HOW AGGRAVATING. YOU
3 UNDERSTAND THAT?

4 MS. DEAL: YES.

5 MR. HARPOOTLIAN: AND THOSE ARE TWO
6 PEOPLE THAT ARE ON EITHER EXTREME OF THE SPECTRUM.
7 NOW, THERE ARE MANY PEOPLE WHO ARE UNCOMFORTABLE
8 WITH THE DEATH PENALTY. THEY THINK IT SHOULD BE
9 USED SPARINGLY, ONLY IN THE MOST EXTREME CASES,
10 ONLY IN THE MOST EGREGIOUS CIRCUMSTANCES AND AS I
11 EXPLAINED A MOMENT AGO THERE ARE PEOPLE WHO THINK
12 IT OUGHT TO BE USED IN EVERY CASE.
13 MANY PEOPLE FALL INTO THE MIDDLE. THAT IS, THEY
14 THINK THAT THE DEATH PENALTY IS NOT APPROPRIATE FOR
15 EVERY CASE, BUT THERE ARE THOSE CASES WHICH ARE SO
16 EGREGIOUS, SO AGGRAVATED, AND THE LEGISLATURE HAS
17 LAID OUT A SERIES OF AGGRAVATING CIRCUMSTANCES, AND
18 IF SOMEONE IS ON ONE OF THESE JURIES AND THEY FIND
19 THE EXISTENCE OF AN AGGRAVATING CIRCUMSTANCE, THEY
20 CAN GIVE THE DEATH PENALTY IF IT'S MURDER OR
21 AGGRAVATING CIRCUMSTANCE OR IT'S MURDER AND A RAPE,
22 MURDER AND A KIDNAPPING, MURDER AND AN ARMED
23 ROBBERY, THOSE KINDS OF AGGRAVATING CIRCUMSTANCES.
24 THEY CAN...THEY DON'T HAVE TO, BUT THEY CAN GIVE
25 THE DEATH PENALTY. IT'S NOT AN AUTOMATIC

1 CONVICTION OF MURDER MEANS THE DEATH PENALTY. DO
2 YOU UNDERSTAND?

3 MS. DEAL: YES.

4 MR. HARPOOTLIAN: NOW, THE SOLICITOR
5 HAS ATTEMPTED TO BRING ABOUT SOME CATHARTIC
6 RESPONSE FROM YOU HERE AS WE'VE GONE THROUGH THIS
7 AND I GUESS THAT YOU'VE HAD AN OPPORTUNITY TO TALK
8 ABOUT THE DEATH PENALTY OUTSIDE THIS COURTROOM IN
9 YOUR LIFE.

10 MS. DEAL: OH YEAH, IN MY LIFE.

11 MR. HARPOOTLIAN: SURE, AND YOU'VE
12 EXPRESSED AN OPINION, APPARENTLY, IN THE PAST
13 OUTSIDE THIS COURTROOM THAT YOUR POSITION ON THE
14 DEATH PENALTY IS WHAT?

15 MS. DEAL: MY POSITION IS THAT
16 SOMETIMES THE DEATH PENALTY IS APPROPRIATE, BUT I
17 DON'T KNOW WHETHER I COULD GIVE THAT PENALTY.

18 MR. HARPOOTLIAN: OKAY, WELL THEN LET'S
19 EXAMINE THAT. SOMETIMES IT'S APPROPRIATE, IN THE
20 ABSTRACT.

21 MS. DEAL: UH HUH.

22 MR. HARPOOTLIAN: OKAY. YOU, HOWEVER,
23 DON'T KNOW WHETHER YOU COULD DO THAT, BUT IF YOU
24 WERE ON THE JURY AND THE JUDGE TOLD YOU, HERE ARE
25 THE AGGRAVATING CIRCUMSTANCES. WOULD YOU LISTEN TO

1 THE...FIRST OF ALL, WOULD YOU LISTEN TO THE FACTS
2 AND EVIDENCE?

3 MS. DEAL: YES.

4 MR. HARPOOTLIAN: WOULD YOU LISTEN TO
5 THE JUDGE'S CHARGE AND ARE THERE CIRCUMSTANCES
6 UNDER WHICH YOU COULD FIND THE AGGRAVATING
7 CIRCUMSTANCES WERE PRESENT AND THAT THE DEATH
8 PENALTY WAS WARRANTED?

9 MS. DEAL: I THINK SO.

10 MR. HARPOOTLIAN: I'M SORRY, YOU HAVE
11 TO SPEAK UP.

12 MS. DEAL: YES.

13 MR. HARPOOTLIAN: YES. AND SO, WHEN
14 YOU TOLD THE SOLICITOR A MOMENT AGO THAT YOU WERE
15 OPPOSED TO THE DEATH PENALTY, AND WHEN YOU SAID YOU
16 WERE OPPOSED TO IT, YOU DIDN'T MEAN THAT YOU WERE
17 OPPOSED TO THE DEATH PENALTY ON A MORAL OR
18 RELIGIOUS BASIS, DID YOU?

19 MS. DEAL: NO.

20 MR. HARPOOTLIAN: YOU JUST FELT THAT IT
21 IS A VERY EXTREME MEASURE.

22 MS. DEAL: YEAH, UH HUH.

23 MR. HARPOOTLIAN: AND YOU WOULD NOT, IF
24 AT ALL POSSIBLE, I MEAN, YOU'RE NOT VOLUNTEERING TO
25 SIT ON THIS JURY. YOU DON'T WANT TO BE HERE.

1 MS. DEAL: UH UH.

2 MR. HARPOOTLIAN: OKAY. AND YOU DON'T
3 WANT TO VOTE, BE PUT IN A POSITION TO VOTE FOR THE
4 DEATH PENALTY, DO YOU?

5 MS. DEAL: THAT'S CORRECT.

6 MR. HARPOOTLIAN: BUT IF...BUT YOU'VE
7 INDICATED THAT YOU COULD FOLLOW THE JUDGE'S CHARGE
8 ON THE LAW, YOU COULD LISTEN TO THE EVIDENCE, YOU
9 COULD MAKE A DECISION ON GUILT OR INNOCENCE,
10 THERE'S NO PROBLEM WITH THAT, IS THERE?

11 MS. DEAL: NO.

12 MR. HARPOOTLIAN: AND THEN, IF YOU
13 FOUND THE DEFENDANT GUILTY IN A CASE, THEN MOVED
14 INTO THE SECOND STAGE, THE SENTENCING STAGE, YOU'D
15 FOLLOW THE LAW?

16 MS. DEAL: I PROBABLY WOULD.

17 MR. HARPOOTLIAN: AND YOU'D LISTEN TO
18 THE FACTS AND EVIDENCE AND YOU'D BASE YOUR VERDICT
19 OF LIFE OR DEATH BASED ON THOSE FACTS, EVIDENCE AND
20 LAW, IS THAT CORRECT?

21 MS. DEAL: YES.

22 MR. HARPOOTLIAN: AND IF THE
23 CASE...THERE ARE CASES IN WHICH YOU COULD IMPOSE
24 THE DEATH PENALTY, ARE THERE NOT?

25 MS. DEAL: YES THERE ARE.

1 MS. HARPOOTLIAN: AND IT WOULD DEPEND
2 ON THE FACTS AND THE EVIDENCE, IS THAT CORRECT?

3 MS. DEAL: THAT'S CORRECT.

4 MR. HARPOOTLIAN: NOW, A MOMENT AGO THE
5 SOLICITOR ASKED YOU SOMEWHAT THE SAME QUESTION.
6 THAT'S WHY WE LAWYERS GET SUCH A BAD REPUTATION, I
7 SUPPOSE. AND YOU INDICATED TO HIM, ANSWERED A
8 LITTLE BIT DIFFERENT THAN YOU'VE GIVEN ME. WHY IS
9 THAT?

10 MS. DEAL: WELL, IT GOES BACK TO WHAT I
11 SAID. I THINK IT'S APPROPRIATE IN SOME
12 CIRCUMSTANCES, BUT I REALLY AND TRULY DO NOT KNOW
13 WHETHER I COULD BUT IF I HAD TO, I GUESS I WOULD.

14 MR. HARPOOTLIAN: OKAY. NO ONE IS
15 SAYING YOU HAVE TO...

16 MS. DEAL: I KNOW, BUT IF...IF I WERE
17 IN THE CIRCUMSTANCES WHERE I HAD TO MAKE A
18 DECISION...

19 MR. HARPOOTLIAN: RIGHT.

20 MS. DEAL: I GUESS I WOULD, BUT I
21 CANNOT TELL YOU MORE THAN THAT.

22 MR. HARPOOTLIAN: WELL, AND WE'RE NOT
23 ASKING FOR MORE THAN THAT. NO ONE IS ASKING YOU AT
24 THIS TIME TO SAY WOULD YOU. ALL WE'RE ASKING YOU
25 TO SAY IS COULD YOU? COULD YOU IS THE QUESTION.

1 IN THE APPROPRIATE CIRCUMSTANCE, COULD YOU SENTENCE
2 SOMEONE TO DEATH?

3 MS. DEAL: NO. I'M JUST GOING TO HAVE
4 TO RENEGE. NO, I REALLY AND TRULY...I KNOW I'M
5 GOING AROUND IN CIRCLES BUT I REALLY...

6 MR. HARPOOTLIAN: I BEG THE COURT'S
7 INDULGENCE FOR A MOMENT.

8 THE COURT: YES SIR.

9 MR. HARPOOTLIAN: LET ME MAKE SURE I
10 UNDERSTAND YOU. ARE YOU SAYING UNDER NO
11 CIRCUMSTANCES COULD YOU SIT ON A JURY AND SENTENCE
12 SOMEONE TO DEATH OR ARE THERE CIRCUMSTANCES UNDER
13 WHICH YOU COULD DO THAT?

14 MS. DEAL: I SAID THAT THERE WERE
15 CIRCUMSTANCES WHERE I COULD BUT I REALLY AND TRULY
16 DON'T THINK I COULD UNDER ANY CIRCUMSTANCES. I
17 DON'T THINK I PERSONALLY COULD.

18 MR. HARPOOTLIAN: WHY IS THAT?

19 MS. DEAL: I DON'T WANT THAT
20 RESPONSIBILITY IS WHAT IT BOILS DOWN TO.

21 MR. HARPOOTLIAN: WELL, LET ME PROBE
22 THAT FOR JUST A LITTLE BIT. IT'S NOT WANTING THE
23 RESPONSIBILITY...YOU'RE NOT OPPOSED TO THE DEATH
24 PENALTY, WE'VE DECIDED THAT, AND YOU THINK IT'S
25 APPROPRIATE IN SOME CIRCUMSTANCES. YOU'RE NOT

1 RELIGIOUSLY, MORALLY OR ETHICALLY OPPOSED TO IT.
2 YOU JUST DON'T WANT THE RESPONSIBILITY OF SITTING
3 ON A JURY AND IMPOSING THE DEATH PENALTY.

4 MS. DEAL: THAT'S CORRECT.

5 MR. HARPOOTLIAN: BUT, IF YOU'RE ON THE
6 JURY, LET'S SAY YOU GET PUT ON THE JURY, AND YOU'RE
7 IN THAT SITUATION, I MEAN, AT THAT POINT YOU DO
8 HAVE THE RESPONSIBILITY, COULD YOU DO IT?

9 MS. DEAL: NO.

10 MR. HARPOOTLIAN: OKAY. I DON'T HAVE
11 ANY FURTHER QUESTIONS.

12 THE COURT: MS. DEAL, IF YOU'D STEP
13 OUTSIDE JUST A MOMENT, PLEASE MA'AM.

14 MR. HARPOOTLIAN, THAT WAS A NICE TRY,
15 BUT I DON'T BELIEVE YOU GOT BY IT, DO YOU?

16 MR. HARPOOTLIAN: WELL, YOUR HONOR, FOR
17 THE RECORD, I WOULD STATE THAT SHE HAS EQUIVOCATED,
18 I THINK WHAT'S SHE'S TRYING...SOMETHING TO DO WITH
19 AVOID BEING ON THE JURY. I THINK IF SHE WERE ON
20 THE JURY, SHE COULD CONSIDER THE DEATH PENALTY, AND
21 FOR THAT REASON, I WOULD ASK YOU TO QUALIFY HER.

22 THE COURT: WELL, I WOULD DENY, TO
23 QUALIFY THE JUROR IN THAT SHE SAID PRETTY
24 EMPHATICALLY THAT SHE COULDN'T DO IT SO BRING MS.
25 DEAL RIGHT TO THE DOOR.

1 MS. DEAL, I THANK YOU VERY MUCH FOR
2 COMING TODAY, BUT ONE OF THE REQUIREMENTS IS THAT A
3 JUROR MUST BE ABLE TO DO THAT AND CERTAINLY, I SAID
4 THERE WERE NO RIGHT OR WRONG ANSWERS AND YOU ARE
5 CERTAINLY ENTITLED TO YOUR OPINION AND I APPRECIATE
6 YOUR PATIENCE TODAY AND YOU'RE FREE TO GO HOME.

7 MS. DEAL: THANK YOU.

8 THE COURT: ALL RIGHT.

9 ALL RIGHT, NOW WE TALKED ABOUT TRYING
10 TO GET SOME EXHIBITS DONE SO WHAT DO WE WANT...TAKE
11 ABOUT TWO MORE OR TRY TO GET ONE OR TWO, HOW ABOUT
12 ONE MORE?

13 MR. JONES: JUDGE, WE'RE TALKING ABOUT
14 SEVEN O'CLOCK, MAYBE WE CAN GET TWO MORE.

15 THE COURT: ALL RIGHT, WELL, I'LL HOLD
16 TWO JUST TO SEE, I MEAN, IT MIGHT BE QUICK.

17 ALTON, HOW ABOUT HOLD...THE NEXT ONE IN
18 WOULD BE ALICE LAMAR AND THEN THE NEXT ONE WOULD BE
19 LOUISE K. JAMES. THE REST OF THEM, BROTHERS,
20 WHITE, MOORE, SIGMAN AND HALL, THEY CAN GO HOME AND
21 NEED TO BE HERE AT NINE O'CLOCK IN THE MORNING. DO
22 YOU FOLLOW ME OR DO YOU NEED MY LIST? WHY DON'T
23 YOU JUST USE MY LIST SO WE DON'T GET...

24 ALL RIGHT, IF YOU'LL COME AROUND HERE
25 AND RAISE YOUR RIGHT HAND, PLEASE MA'AM.

1 ALICE C. LAMAR, BEING DULY
2 SWORN, TESTIFIES AS FOLLOWS:

3 THE COURT: ALL RIGHT, AND IF YOU'D
4 HAVE A SEAT AND MAKE YOURSELF COMFORTABLE. THAT
5 THING WILL BITE YOU IF YOU'RE NOT CAREFUL. THAT
6 MICROPHONE THERE, IF YOU'LL ADJUST IT SO YOU CAN
7 TALK INTO IT. OKAY. ALL RIGHT.

8 AND MS. LAMAR, I APPRECIATE YOUR
9 PATIENCE. THESE THINGS JUST TAKE A LITTLE TIME.
10 OKAY.

11 NOW, DID YOU GET A CHANCE TO READ THE
12 LETTER THAT I HANDED OUT TODAY?

13 MS. LAMAR: YES SIR.

14 THE COURT: OKAY, AND HAVING READ THAT
15 LETTER, DO YOU HAVE ANY QUESTIONS OF ME ABOUT WHAT
16 WAS IN IT OR SOMETHING YOU REALLY DIDN'T
17 UNDERSTAND?

18 MS. LAMAR: NO SIR.

19 THE COURT: OKAY. WELL, WE
20 ARE...BECAUSE OF THE POTENTIAL NATURE OF THE TRIAL,
21 AS I TOLD YOU, WE ARE ENTITLED TO...THE LAWYERS FOR
22 EACH SIDE ARE ENTITLED TO ASK YOU SOME QUESTIONS
23 AND I WANT TO MAKE SURE THAT YOU UNDERSTAND THAT
24 THERE AREN'T ANY RIGHT OR WRONG ANSWERS AND
25 NOBODY'S HERE TO CHALLENGE HOW YOU FEEL, BUT

1 WE...ON SOME OF THE RELEVANT QUESTIONS, WE DO NEED
2 TO KNOW HOW YOU FEEL. FAIR ENOUGH?

3 MS. LAMAR: THAT'S QUITE ALL RIGHT.

4 THE COURT: OKAY. NOW, MS. LAMAR, I
5 WANT TO IMPRESS UPON YOU THE FACT THAT WE ARE GOING
6 TO BE TALKING ABOUT PENALTIES, LIFE IMPRISONMENT
7 AND THE DEATH PENALTY. I DON'T WANT YOU TO INFER
8 OR IMPLY THAT MR. BECKHAM IS GUILTY OF ANYTHING.

9 MS. LAMAR: I UNDERSTAND.

10 THE COURT: HE IS NOW PRESUMED TO BE
11 INNOCENT OF THESE CHARGES AND WILL REMAIN THAT WAY
12 UNLESS THE STATE CAN PROVE HIM GUILTY BEYOND A
13 REASONABLE DOUBT. YOU CAN FOLLOW THAT...APPRECIATE
14 AND UNDERSTAND THAT?

15 MS. LAMAR: YES SIR.

16 THE COURT: ALL RIGHT NOW, MA'AM, THERE
17 ARE, IN A TYPICAL DEATH PENALTY CASE, THERE ARE TWO
18 PHASES. THE FIRST PHASE IS THE GUILT PHASE, THAT
19 IS WHETHER OR NOT THE STATE CAN PROVE GUILT. OKAY?
20 IF THEY CANNOT PROVE GUILT, THEN AS FAR AS THE
21 JURY'S ACTIVITIES ARE CONCERNED, THE CASE IS OVER,
22 HOWEVER, IF THEY MEET THAT BURDEN OF PROOF AND THE
23 JURY RETURNS A VERDICT OF GUILTY OF MURDER, THEN WE
24 GO TO THE SECOND PHASE OF THE TRIAL CALLED THE
25 PENALTY PHASE. ARE YOU FOLLOWING ME?

1 MS. LAMAR: UH HUH.

2 THE COURT: OKAY. NOW, IN THE PENALTY
3 PHASE YOU WOULD HEAR TESTIMONY AND EVIDENCE ABOUT
4 AGGRAVATING CIRCUMSTANCES AND MITIGATING
5 CIRCUMSTANCES AND YOU WOULD BE ASKED, AS THE JURY,
6 TO IMPOSE THE SENTENCE, BE IT LIFE OR DEATH. DO
7 YOU UNDERSTAND THAT?

8 MS. LAMAR: YES SIR.

9 THE COURT: ALL RIGHT NOW, MA'AM,
10 HISTORY KIND OF TEACHES US THAT THERE ARE THREE
11 KINDS OF JURORS WHO ARE INTERVIEWED. NUMBER ONE,
12 THERE'S THE JUROR THAT SAYS, WELL, WE FOUND A
13 DEFENDANT GUILTY OF MURDER AND THE DEATH PENALTY
14 SHOULD BE IMPOSED AND I WOULD ALWAYS VOTE FOR THE
15 DEATH PENALTY. THAT'S ONE TYPE OF JUROR.

16 THE SECOND TYPE OF JUROR IS ONE THAT
17 SAYS, WE FOUND THE DEFENDANT GUILTY OF MURDER, BUT
18 I BELIEVE THAT LIFE IMPRISONMENT IS THE MOST
19 APPROPRIATE PUNISHMENT EVERY TIME SO, THEREFORE, I
20 WON'T VOTE FOR THE DEATH PENALTY.

21 THEN THERE ARE THOSE WHO SAY THAT I AM
22 AWARE THAT HE IS CONVICTED OF MURDER, BUT I WANT TO
23 LISTEN TO THE AGGRAVATING CIRCUMSTANCES, THE
24 MITIGATING CIRCUMSTANCES, AND I WOULD FOLLOW THE
25 JUDGE'S INSTRUCTIONS AND THE EVIDENCE, AND I WOULD

1 WANT TO CONSIDER BOTH MY OPTIONS, BE IT DEATH OR
2 LIFE. OKAY?

3 WHICH JUROR WOULD YOU THINK THAT YOU
4 WOULD BE?

5 MS. LAMAR: THE THIRD.

6 THE COURT: IN THE THIRD. MA'AM, IF
7 THE FACTS AND CIRCUMSTANCES AND THE EVIDENCE AND
8 THE LAW REQUIRED OR YOU WERE CONVINCED THAT THE
9 DEATH PENALTY WAS THE APPROPRIATE PUNISHMENT, COULD
10 YOU IMPOSE THE DEATH PENALTY?

11 MS. LAMAR: YES SIR.

12 THE COURT: LIKEWISE, IF THE EVIDENCE
13 OF LAW, THE FACTS, CIRCUMSTANCES, IN YOUR OPINION,
14 WARRANTED A LIFE SENTENCE, COULD YOU IMPOSE A LIFE
15 SENTENCE?

16 MS. LAMAR: YES SIR.

17 THE COURT: MA'AM, AN ADDITIONAL
18 REQUIREMENT IS THAT IF THE JURY COMES TO THE
19 DECISION THAT THE DEATH PENALTY IS THE APPROPRIATE
20 SENTENCE AND IS TO BE IMPOSED, EACH INDIVIDUAL
21 JUROR IS REQUIRED TO SIGN HIS OR HER NAME TO THE
22 VERDICT FORM, OR WHAT IS CALLED THE DEATH WARRANT.
23 IF YOU FOUND THAT THE DEATH PENALTY WAS THE
24 APPROPRIATE PUNISHMENT, COULD YOU SIGN YOUR NAME TO
25 THE WARRANT?

1 MS. LAMAR: YES SIR.

2 THE COURT: NOW I'M GOING TO LET THE
3 LAWYERS ASK YOU SOME QUESTIONS. AGAIN, NO RIGHT OR
4 WRONG ANSWERS. MR SOLICITOR?

5 MR. JONES: GOOD EVENING, MS. LAMAR.

6 MS. LAMAR: GOOD EVENING.

7 MR. JONES: I WANT TO THANK YOU FOR
8 YOUR PATIENCE WITH US TODAY. WE HAVE BEEN WORKING,
9 THANKS TO THE JUDGE, DILIGENTLY ALL DAY, BUT I ALSO
10 WANT TO THANK YOU FOR YOUR WILLINGNESS TO SERVE.
11 YOU HAD AN OPTION OUT AND YOU CHOSE TO STAY AND I,
12 AS A PUBLIC SERVANT, CONSTANTLY APPRECIATE THOSE
13 FOLKS THAT ARE INVOLVED IN PART OF THIS COUNTRY'S
14 WORK, THE JUDICIAL SYSTEM AND ANY OTHER ASPECT OF
15 IT SO I APPRECIATE THAT VERY MUCH.

16 WE RECEIVED THE JUROR QUESTIONNAIRES
17 THAT YOU FILLED OUT AND THERE WERE A COUPLE OF
18 THINGS, IF YOU DON'T MIND...

19 MS. LAMAR: NOT AT ALL.

20 MR. JONES: ...THAT I WANTED TO ASK
21 YOU. YOU MENTIONED THAT YOU HAVE A FAMILY MEMBER
22 WHO WORKED FOR AN ATTORNEY'S OFFICE?

23 MS. LAMAR: YES SIR.

24 MR. JONES: AND THAT WOULD BE WHAT
25 FAMILY MEMBER?

1 MS. LAMAR: IT WAS MY DAUGHTER. SHE
2 WORKS FOR A LAWYER IN LAFAYETTE, LOUISIANA.

3 MR. JONES: HOW LONG HAS SHE WORKED FOR
4 HIM?

5 MS. LAMAR: SHE HAS WORKED FOR HER FOR
6 ABOUT A YEAR, I THINK.

7 MR. JONES: AND WHAT TYPE OF PRACTICE
8 DOES SHE HAVE?

9 MS. LAMAR: CIVIL CASES, MAINLY.

10 MR. JONES: OKAY. DOES YOUR DAUGHTER
11 HAVE A...IS SHE A SECRETARY, PARALEGAL,
12 INVESTIGATOR?

13 MS. LAMAR: SHE IS SORT OF A GIRL
14 FRIDAY. SHE JUST DOES...SHE'S THE COOK AND BOTTLE
15 WASHER.

16 MR. JONES: GOOD, GOOD. WELL, I'LL
17 TELL YOU, EVERY LAW OFFICE NEEDS SOMEBODY LIKE
18 THAT.

19 AGAIN, THESE ARE QUESTIONS THAT I
20 JUST...

21 MS. LAMAR: THAT'S ALL RIGHT.

22 MR. JONES: IF I ASK ONE THAT YOU WOULD
23 PREFER NOT TO ANSWER, JUST LET ME KNOW, OKAY? IS
24 YOUR DAUGHTER MARRIED?

25 MS. LAMAR: YES.

1 THE COURT: AND DOES SHE HAVE A FAMILY?

2 MS. LAMAR: YES.

3 MR. JONES: WHAT IS HER FAMILY?

4 MS. LAMAR: SHE HAS A HUSBAND AND TWO
5 DAUGHTERS, ONE DAUGHTER IS TWENTY-TWO AND THE OTHER
6 DAUGHTER IS FIVE.

7 MR. JONES: GREAT, THAT'S GREAT. I
8 HAVE A DAUGHTER THAT'S THREE AND I'M PRETTY EXCITED
9 ABOUT THAT. YOU MENTIONED THAT YOU LIKE TO WATCH
10 CNN NEWS, IS THAT YOUR FAVORITE SHOW, CNN NEWS?

11 MS. LAMAR: OH YES, UH HUH.

12 MR. JONES: IS THAT YOUR FAVORITE SHOW,
13 PRETTY MUCH?

14 MS. LAMAR: ONE OF THEM.

15 MR. JONES: YEAH, YEAH. JUST ONE
16 SECOND, IF I COULD...I WOULD, IF I MIGHT, MS.
17 LAMAR, THIS IS MICHAEL COULTER. HE'S A DEPUTY
18 SOLICITOR WHO'S BEEN WORKING WITH ME ON THIS CASE,
19 AND BETTY STROM. SHE'S A DEPUTY SOLICITOR WITH ME
20 ALSO AND WILL BE WORKING ON THIS CASE. I WILL BE
21 CONFERRING WITH THEM FROM TIME TO TIME ABOUT THE
22 INPUT THAT THEY COULD...

23 THANK YOU, MS. LAMAR. THAT'S ALL I
24 HAVE FOR YOU.

25 THE COURT: MR. HARPOOTLIAN?

1 MR. HARPOOTLIAN: I BEG THE COURT'S
2 INDULGENCE, YOUR HONOR.
3 THE COURT: MR. SWERLING?
4 MR. SWERLING: YES, YOUR HONOR.
5 THE COURT: GO AHEAD.
6 MR. SWERLING: MS. LAMAR, MY NAME'S
7 JACK SWERLING. HOW ARE YOU TODAY?
8 MS. LAMAR: HOW DO YOU DO, SIR.
9 MR. SWERLING: IT'S GETTING A LITTLE
10 LATE.
11 MS. LAMAR: HUNGRY.
12 MR. SWERLING: YOU'RE HUNGRY TOO? I
13 KNOW WHAT YOU MEAN.
14 I'M REPRESENTING STEPHEN BECKHAM.
15 MS. LAMAR: YES.
16 MR. SWERLING: THAT'S STEPHEN.
17 STEPHEN, STAND UP.
18 MS. LAMAR: YES, HOW DO YOU DO?
19 MR. SWERLING: AND NEXT TO ME IS DICK
20 HARPOOTLIAN AND A YOUNG FELLOW FROM OUR OFFICE, A
21 NEW LAWYER, ALEX BOSTIC.
22 WE REPRESENTING STEPHEN. THE STATE HAS
23 ACCUSED HIM OF MURDER, AS YOU HEARD THE JUDGE SAY
24 AND IN THAT CASE, THEY'RE SEEKING THE DEATH
25 PENALTY. WHAT WE'RE LOOKING FOR IS TO SEE WHETHER

1 OR NOT YOU ARE A JUROR OR WOULD BE A JUROR IN THAT
2 CASE.

3 OKAY, NOW, I THINK THAT THE JUDGE'S
4 EXPLANATION, WHICH WAS PRETTY CLEAR BEFORE, BUT LET
5 ME JUST GO BACK OVER WITH YOU A COUPLE OF
6 PRINCIPLES HE WAS TALKING ABOUT. OKAY?

7 MS. LAMAR: YES SIR.

8 MR. SWERLING: AS WE SIT HERE RIGHT
9 NOW, IT IS SIX FORTY-FIVE. YOU CAN LOOK OVER AT
10 MR. BECKHAM OR ANYBODY ACCUSE THEM OF CRIME. CAN
11 YOU PRESUME THEM TO BE INNOCENT?

12 MS. LAMAR: OF COURSE.

13 MR. SWERLING: OKAY. YOU DON'T HAVE
14 ANY PROBLEM AT ALL WITH THAT PRINCIPLE?

15 MS. LAMAR: NO, NONE WHATSOEVER.

16 MR. SWERLING: AND, IF THE STATE FAILED
17 TO PROVE GUILT BEYOND A REASONABLE DOUBT, WHICH IS
18 THE STANDARD, YOU WOULD HAVE NO HESITATION IN
19 FINDING THAT PERSON NOT GUILTY?

20 MS. LAMAR: NO, NO HESITATION.

21 MR. SWERLING: NOW, HAVE YOU COME INTO
22 THE COURT...HAVE YOU HEARD ANYTHING ABOUT THIS CASE
23 AT ALL?

24 MS. LAMAR: NO, VERY LITTLE. I DON'T
25 KNOW ANYTHING ABOUT IT.

1 MR. SWERLING: SO IT'S JUST...

2 MS. LAMAR: JUST A VERY BRIEF ACCOUNT
3 THAT WAS IN THE PAPER, THAT'S ALL.

4 MR. SWERLING: WONDERING WHY YOU'RE
5 HERE?

6 MS. LAMAR: YES.

7 MR. SWERLING: HOW YOU GOT LUCKY ENOUGH
8 TO BE HERE. DO YOU REMEMBER ANYTHING IN PARTICULAR
9 ABOUT WHAT YOU READ?

10 MS. LAMAR: NO, IT WAS QUITE A WHILE
11 AGO AND I DON'T REMEMBER...I DOUBT IF I READ MUCH
12 ABOUT IT ANYWAY.

13 MR. SWERLING: SO YOU COME INTO COURT
14 TODAY AND YOU DON'T HAVE ANY REAL OPINIONS ABOUT
15 THIS CASE WHATSOEVER AS FAR AS HIS GUILT OR
16 INNOCENCE?

17 MS. LAMAR: NO, I HAVE NO PRECONCEIVED
18 NOTIONS AT ALL.

19 MR. SWERLING: NOW, THERE'S, YOU KNOW,
20 YOU MAY HEAR DURING THE COURSE OF THIS TRIAL, SOME
21 TESTIMONY ABOUT MARITAL DISCORD, YOU MAY HEAR SOME
22 TESTIMONY ABOUT SOME DRUGS. DOES THAT...WOULD THAT
23 INFLUENCE YOU IN ANY WAY AS FAR AS THE GUILT OR
24 INNOCENCE OF A PERSON?

25 MS. LAMAR: NO, I DON'T THINK SO UNLESS

1 IT'S PART OF THE EVIDENCE THAT GOES WITH IT. I
2 MEAN, THAT'S JUST...I'D HAVE TO...THAT'S A
3 HYPOTHETICAL QUESTION THAT I DON'T THINK I COULD
4 ANSWER, SIR.

5 MR. SWERLING: THAT'S A GOOD POINT.
6 WHAT YOU'RE SAYING IS THAT IF IT'S RELEVANT TO THE
7 EVIDENCE IN THE CASE, IT WOULD BECOME IMPORTANT TO
8 YOU?

9 MS. LAMAR: YES.

10 MR. SWERLING: ...BUT IF IT WAS NOT
11 RELEVANT...

12 MS. LAMAR: IF IT'S NOT, THEN...

13 MR. SWERLING: ALL RIGHT, JUST THE FACT
14 THAT THERE WAS DISCORD AND MAYBE THERE WAS SOME
15 DRUG USE IN THE CASE WOULD NOT ACCORD YOU TO BE
16 PREDISPOSED ONE WAY OR ANOTHER?

17 MS. LAMAR: NOT NECESSARILY.

18 MR. SWERLING: ALL RIGHT. THAT
19 WOULDN'T TROUBLE YOU SO MUCH, IT WOULDN'T OFFEND
20 YOU JUST BY ITS EXISTENCE?

21 MS. LAMAR: NO, I DON'T LIKE IT, I
22 DON'T LIKE THEM BUT...

23 MR. SWERLING: UNDERSTOOD, UNDERSTOOD.
24 SO AS FAR AS THE GUILT OR INNOCENCE PART OF THIS
25 SITUATION, YOU HAVE NO REALLY OPINIONS WHATSOEVER?

1 MS. LAMAR: NO, I DO NOT.

2 MR. SWERLING: YOU COULD FOLLOW THE LAW
3 AND FIND A DEFENDANT NOT GUILTY OR GUILTY, AS I
4 UNDERSTAND DEPENDING UPON WHAT THE EVIDENCE SHOWED
5 OR DID NOT SHOW?

6 MS. LAMAR: WHATEVER.

7 MR. SWERLING: OKAY. NOW, THIS IS A
8 VERY UNIQUE SITUATION. WHEN WE'RE DRAWING A JURY
9 IN A CASE, WE'RE ALSO TALKING ABOUT PUNISHMENT
10 BECAUSE UNDER OUR SYSTEM, AS THE JUDGE WAS
11 EXPLAINING TO YOU, THE JURY, IF THEY WERE TO FIND
12 SOMEONE GUILTY IN A CASE WHERE THE STATE ALLEGES
13 MURDER WITH AGGRAVATED CIRCUMSTANCES, THE STATE CAN
14 SEEK THE DEATH PENALTY. AND, BUT AT THIS POINT, WE
15 MAY NEVER GET TO THAT STAGE. IN THIS CASE OR IN
16 ANY CASE. WE JUST...IT IS IN THIS TYPE OF CASE,
17 THAT THE STATE CAN GO AHEAD AND DO THAT. DO YOU
18 UNDERSTAND?

19 MS. LAMAR: YES, I DO UNDERSTAND.

20 MR. SWERLING: SO, BY ASKING YOU THESE
21 QUESTIONS, I HOPE THAT IN NO WAY WOULD YOU READ
22 INTO THAT, THAT WE MAY GET TO THAT STAGE AT ALL.

23 MS. LAMAR: RIGHT, I UNDERSTAND WHAT
24 YOU'RE SAYING.

25 MR. SWERLING: WE MAY, WE JUST HAVE TO

1 ASK YOU SOME QUESTIONS ABOUT THAT AND AS I
2 UNDERSTAND WHAT YOU'RE SAYING, THE JUDGE
3 CATEGORIZES SORT OF IN THREE DIFFERENT CATEGORIES:
4 THOSE WHO WILL SAY THAT THE DEATH PENALTY IS
5 APPROPRIATE IN EVERY CASE WHERE THERE'S A MURDER;
6 THOSE PEOPLE WHO SAY THE DEATH PENALTY IS NOT
7 APPROPRIATE WHERE THERE'S A MURDER; AND THEN
8 THERE'S THE THIRD CATEGORY OF PEOPLE IN WHICH YOU
9 FIND YOURSELF IN...

10 MS. LAMAR: YES.

11 MR. SWERLING: ...WHICH SAYS THAT THE
12 DEATH PENALTY IS APPROPRIATE IN SOME CIRCUMSTANCES
13 AND IT'S NOT APPROPRIATE IN OTHER CIRCUMSTANCES
14 WHERE THERE'S A HOMICIDE WITH AGGRAVATING
15 CIRCUMSTANCES.

16 MS. LAMAR: THAT'S CORRECT.

17 MR. SWERLING: SO, YOU, BY ANSWERING IN
18 THE THIRD CATEGORY, WHAT I UNDERSTAND IS THAT YOU
19 UNDERSTAND THAT THERE COULD BE A HOMICIDE. YOU
20 UNDERSTAND THAT THERE COULD BE AGGRAVATING
21 CIRCUMSTANCES, THAT THAT MURDER WAS COMMITTED UNDER
22 AGGRAVATING CIRCUMSTANCES, BUT THOSE THINGS, IN AND
23 OF ITSELF, DON'T REQUIRE YOU TO BE PREDISPOSED ONE
24 WAY OR THE OTHER AS FAR AS WHAT THE PENALTY SHOULD
25 BE?

1 MS. LAMAR: NO.

2 MR. SWERLING: YOU'D STILL WANT TO KNOW
3 MORE ABOUT THE CASE, MORE ABOUT THE FACTS AND
4 CIRCUMSTANCES OF THE CASE, IS THAT CORRECT?

5 MS. LAMAR: YES, THAT IS CORRECT.

6 MR. SWERLING: AND DEPENDING UPON WHAT
7 THOSE FACTS AND CIRCUMSTANCES ARE, YOU COULD VOTE
8 FOR LIFE OR YOU COULD VOTE FOR DEATH?

9 MS. LAMAR: THAT'S CORRECT.

10 MR. SWERLING: DO YOU...DOES IT TROUBLE
11 YOU THAT WE'RE HAVING TO TALK ABOUT IT AT THIS
12 POINT WHEN WE HAVEN'T EVEN GOTTEN INTO THE TRIAL OF
13 THE CASE AND, OBVIOUSLY, YOU UNDERSTAND MR.
14 BECKHAM'S PLEADING NOT GUILTY?

15 MS. LAMAR: NO, THAT DOESN'T TROUBLE ME
16 AT ALL. I THINK IT'S A VERY GOOD THING.

17 MR. SWERLING: OKAY, YOU THINK IT'S
18 GOOD THAT WE ARE ABLE TO DISCUSS THAT AT THIS POINT
19 AND TIME...

20 MS. LAMAR: YES.

21 MR. SWERLING: ...EVEN THOUGH WE DON'T
22 CONCEDE THAT POINT AT ALL?

23 MS. LAMAR: YES, I THINK IT IS A GOOD
24 THING.

25 MR. SWERLING: GOOD, GOOD. I

1 APPRECIATE THAT. THANK YOU.

2 WHEN YOU'VE BEEN OUT, I GUESS THAT
3 THERE HAVE BEEN TIMES WHEN YOU'VE EXPRESSED YOUR
4 FEELINGS ABOUT THE DEATH PENALTY.

5 MS. LAMAR: I SUPPOSE SO. I DON'T
6 REMEMBER ANY SPECIFIC CASE RIGHT NOW UNLESS IT WAS
7 SOMETHING, SOME HEINOUS SERIAL KILLER OR SOMETHING
8 OF THAT SORT IN THE NEWSPAPER, I MIGHT HAVE SAID
9 SOMETHING ABOUT IT.

10 MR. SWERLING: IT'S KIND OF ONE OF
11 THOSE THINGS THAT PEOPLE HAVE AN OPINION ABOUT,
12 POLITICAL, RELIGIOUS...

13 MS. LAMAR: I'VE NEVER FELT THAT I'VE
14 HAD TO EXPRESS AN OPINION ON THAT. I'D HAVE TO BE
15 PART OF...I'D HAVE TO KNOW THE FACTS OF THE CASE
16 AND WHAT YOU READ IN THE NEWSPAPER ISN'T ALWAYS THE
17 FACTS.

18 MR. SWERLING: THAT'S TRUE. WE
19 APPRECIATE THAT TOO. SO IN OTHER WORDS, EVEN WHEN
20 YOU HAVE FELT SOMETHING ABOUT THE DEATH PENALTY OR
21 MAY HAVE EXPRESSED AN OPINION ABOUT THE DEATH
22 PENALTY, IT WAS PRETTY MUCH CIRCUMSTANCE ORIENTED
23 OR CASE SPECIFIC. IT WASN'T A GENERAL STATEMENT?

24 MS. LAMAR: NO, IT WAS NOT.

25 MR. SWERLING: IS THAT PRETTY FAIR?

1 MS. LAMAR: THAT'S CORRECT.

2 MR. SWERLING: NOW WE GOT THIS
3 QUESTIONNAIRE AND I KNOW WE'RE KIND OF INTRUDING ON
4 YOUR PRIVATE LIFE A LITTLE BIT AND I APOLOGIZE
5 ABOUT THAT. PERHAPS SOMEDAY YOU CAN ASK ME SOME
6 QUESTIONS, BUT I UNDERSTAND YOU'RE AN R.N.?

7 MS. LAMAR: YES I AM.

8 MR. SWERLING: YOU WERE AN R.N. FOR A
9 NUMBER OF YEARS?

10 MS. LAMAR: YES, I STILL AM.

11 MR. SWERLING: YOU STILL ARE...YOU
12 STILL PRACTICE?

13 MS. LAMAR: WELL, NOT ACTIVELY, BUT I
14 DO SOME VOLUNTEER WORK.

15 MR. SWERLING: OKAY. AND DO YOU HAVE
16 TO MAINTAIN A CERTIFICATION FOR THAT?

17 MS. LAMAR: NO, I HAVE AN INACTIVE
18 LICENSE.

19 MR. SWERLING: I SEE, OKAY. YOU HAD
20 INDICATED HERE AND OBVIOUSLY, YOU CONTINUE TO READ
21 SOME TEXTBOOKS...

22 MS. LAMAR: YES, I DO. I'M STILL VERY
23 INTERESTED IN MY PROFESSION.

24 MR. SWERLING: OKAY AND CNN NEWS?

25 MS. LAMAR: YES.

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1 MR. SWERLING: OKAY. ONE OF...TWO
2 THINGS I WANTED TO ASK YOU ABOUT. YOU HAD...I
3 GUESS ONE OF YOUR CHILDREN HAD A DIVORCE. IS THERE
4 TWO...?

5 MS. LAMAR: WHAT'S THAT?

6 MR. SWERLING: WAS THERE AN AGE
7 DIFFERENCE?

8 MS. LAMAR: YES. ONE OF MY
9 GRANDCHILDREN IS TWENTY-TWO YEARS OLD AND THE OTHER
10 ONE IS FIVE.

11 MR. SWERLING: IT'S JUST TWO DIFFERENT
12 FAMILIES OR...?

13 MS. LAMAR: MY DAUGHTER MARRIED TWICE.

14 MR. SWERLING: SHE MARRIED TWICE.

15 OKAY, THAT'S WHAT I MEANT. SHE HAD A...

16 MS. LAMAR: SHE HAD TWO FAMILIES SO TO
17 SPEAK.

18 MR. SWERLING: OKAY, I WAS JUST TRYING
19 TO CLEAR THAT UP. THERE'S A BIG DIFFERENCE THERE.

20 THE OTHER THING I'D LIKE TO ASK YOU
21 ABOUT, IF I COULD, WAS YOU HAD SAID THAT HAD
22 ANYBODY...HAVE YOU EVER BEEN THE VICTIM OF A CRIME?
23 I HOPE YOU DON'T MIND...

24 MS. LAMAR: NOT AT ALL, I'LL TELL YOU
25 ABOUT IT. IT WAS SIXTY YEARS AGO. I WAS FOURTEEN

1 YEARS OLD AND OUR HOUSE WAS BROKEN INTO BY TWO BOYS
2 WHO RAN AWAY FROM A CORRECTIONAL INSTITUTION AND
3 THE REST OF THIS, I MUST TELL YOU, IT IS, WELL, NOT
4 EXACTLY HEARSAY, IT'S FROM THE STATEMENT OF ONE OF
5 THE BOYS, BECAUSE I HAVE COMPLETE AMNESIA ABOUT THE
6 WHOLE INCIDENT AND ALWAYS HAVE.

7 THEY CAME INTO THE HOUSE AND CAME INTO
8 MY BEDROOM AND I SAT UP AND ASKED WHO'S THERE, AND
9 ONE OF THEM HIT ME ON THE HEAD WITH A FLASHLIGHT
10 AND KNOCKED ME OUT. AND THE ONLY THING I KNOW
11 ABOUT IT IS THAT I WOKE UP WITH A SMALL HEAD WOUND
12 AND WOKE UP MY MOTHER AND TOLD HER THAT SOMETHING
13 WAS WRONG AND WE LOOKED AROUND AND SAW THAT THE
14 HOUSE HAD BEEN RANSACKED AND CALLED THE POLICE AND
15 THEY WERE CAUGHT THE NEXT DAY.
16 THERE HAD BEEN NO SEQUELAE FROM THAT AT ALL, EITHER
17 PHYSICAL OR EMOTIONAL.

18 MR. SWERLING: GOOD, THAT WAS SIXTY
19 YEARS AGO.

20 MS. LAMAR: YEAH, IT WAS SIXTY YEARS.

21 MR. SWERLING: YOU ALSO HAD INDICATED
22 AGAIN AND IT'S ONE OF THOSE PERSONAL QUESTIONS, HAD
23 ANY MEMBER OF YOUR FAMILY BEEN ARRESTED, WAS THAT
24 SOMETHING THAT...

25 MS. LAMAR: YES.

1 MR. SWERLING: ...A CLOSE MEMBER OF THE
2 FAMILY?

3 MS. LAMAR: YES, IT WAS.

4 MR. SWERLING: CAN WE EXPLORE THAT A
5 LITTLE BIT?

6 MS. LAMAR: YES, IF YOU'D LIKE. OF
7 COURSE, IT'S NOT A VERY HAPPY THOUGHT, BUT IT WAS
8 MY DAUGHTER.

9 MR. SWERLING: OKAY. WHAT WERE THE
10 CIRCUMSTANCES, IF I MIGHT ASK?

11 MS. LAMAR: FRAUDULENT CHECKS.

12 MR. SWERLING: OKAY. SO I MEAN, WAS
13 THAT LOCAL, HERE?

14 MS. LAMAR: NO.

15 MR. SWERLING: OKAY, WHERE WAS...SHE
16 LIVES OUT OF STATE?

17 MS. LAMAR: IT WAS IN LOUISIANA.

18 MR. SWERLING: COULD YOU INDULGE ME ONE
19 MOMENT?

20 I HAD ASKED YOU BEFORE ABOUT YOUR
21 DAUGHTER, YOU SAID SHE HAD TWO FAMILIES. DID HER
22 FIRST MARRIAGE END IN A DIVORCE OR IS SHE A WIDOW?

23 MS. LAMAR: IT WAS DIVORCE.

24 MR. SWERLING: AND WAS THE DIVORCE...WE
25 HAD INDICATED THAT MAYBE YOU MIGHT HEAR SOME

1 EVIDENCE OF SOME MARITAL DISCORD, WAS THE DIVORCE
2 WITH REGARDS TO YOUR DAUGHTER, A PLEASANT ONE OR AN
3 UNPLEASANT ONE? WAS IT FOUGHT OUT OR...?

4 MS. LAMAR: WELL, I DON'T THINK DIVORCE
5 IS EVER PLEASANT BUT IT WASN'T HOSTILE, IF THAT'S
6 WHAT YOU MEAN.

7 MR. SWERLING: YEAH, IT WAS NOT A
8 HOSTILE SITUATION?

9 MS. LAMAR: NO, IT WAS NOT HOSTILE.

10 MR. SWERLING: SO NOTHING REALLY THAT
11 YOU HAD FROM THAT EXPERIENCE WOULD IN ANY WAY TAINT
12 YOU OR...

13 MS. LAMAR: THIS WAS MY DAUGHTER YOU'RE
14 SPEAKING OF.

15 MR. SWERLING: YES, RIGHT. NOTHING
16 FROM THAT EXPERIENCE WITH YOUR DAUGHTER WOULD IN
17 ANY WAY AFFECT YOU IN THIS PARTICULAR SITUATION?

18 MS. LAMAR: OH NO, NO.

19 MR. SWERLING: ALL RIGHT, THANK YOU
20 VERY MUCH AND I APPRECIATE YOUR STAYING HERE.

21 MS. LAMAR: THAT'S QUITE ALL RIGHT.

22 THE COURT: WAIT JUST A MINUTE, MA'AM.

23 MS. LAMAR, IF YOU'D STAY RIGHT THERE WITH ME JUST A
24 MINUTE. ALL RIGHT, MS. LAMAR, I FIND YOU
25 QUALIFIED FOR PURPOSES OF BEING PLACED IN THE JURY

1 POOL AND WHAT WE WILL DO, WE'LL END UP WITH ABOUT
2 FORTY PEOPLE IN THE POOL AND WE WILL STRIKE DOWN TO
3 A JURY OF TWELVE PLUS TWO ALTERNATES SOMETIME
4 WEDNESDAY MORNING.

5 IN ANTICIPATION THAT YOU MIGHT GET
6 SELECTED TO SERVE ON THE JURY, I WOULD ASK YOU TO
7 COME WEDNESDAY MORNING AT ELEVEN O'CLOCK AND THE
8 BAILIFF WILL SHOW YOU WHERE TO COME TO, PACK TO GO
9 TO NEWBERRY FOR A PERIOD NOT TO EXCEED TEN DAYS.

10 SLED WILL PROVIDE FOR YOUR
11 TRANSPORTATION AND SECURITY. THE COUNTY OF
12 NEWBERRY WILL PROVIDE FOR YOUR LODGING AND MEALS
13 AND THAT TYPE THING.

14 I WOULD SUGGEST THAT YOU HAVE SOMEBODY
15 BRING YOU HERE AND IF YOU'RE NOT SELECTED,
16 CERTAINLY SO YOU COULD CALL THEM AND THEY'D COME
17 BACK AND GET YOU OR IF YOU ARE, THEN WE'LL
18 TRANSPORT YOU ON TO NEWBERRY.

19 OKAY? FAIR ENOUGH?

20 MS. LAMAR: THAT'S FINE.

21 THE COURT: NOW, PLEASE DON'T DISCUSS
22 THE CASE WITH ANYONE OR ALLOW ANYONE TO DISCUSS IT
23 WITH YOU, NOR READ, NOR LISTEN, NOR WATCH ANY
24 ACCOUNT OF THE TRIAL OR PROCEEDINGS, OKAY?

25 WE LOOK FORWARD TO SEEING YOU WEDNESDAY

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1 MORNING AT ELEVEN O'CLOCK. AND YOU CAN DRESS
2 COMFORTABLY NOW SO...

3 MS. LAMAR: THANK YOU.

4 THE COURT: OKAY?

5 NOW, WE'LL PICK BACK UP AS FAR AS THE
6 JURY VOIR DIRE IS CONCERNED IN THE MORNING AT NINE.
7 I THINK WE'RE ALL GETTING THE HANG OF IT. IT'LL
8 MOVE ALONG FAIRLY WELL. WE JUST GOT TO GET OUR
9 WINGS OUT THERE.

10 I'M NOT DISAPPOINTED IN THE PROGRESS
11 TODAY BECAUSE I THINK ANYTIME YOU HAVE AN OUT...GO
12 GET A JURY OUT OF TOWN, YOU GET A LOT MORE EXCUSES
13 AND THEY DON'T WANT TO GO AND WE RAN INTO THAT
14 TODAY AND I THINK THAT TOOK US A LITTLE LONGER.
15 OTHERWISE, I THINK WE'RE ALL RIGHT.

16 ANYTHING WE NEED TO DO ON THE RECORD
17 NOW BEFORE WE LEAVE?

18 MR. JONES: NOT REALLY ON THE RECORD,
19 JUDGE, BUT YOU HAD ASKED A MINUTE AGO IF WE'RE
20 GOING TO THE MOTEL. MAYBE, LET'S GO AHEAD,
21 DEPENDING ON WHAT THE PLANS ARE. I MEAN IT SUITS
22 ME TO DO IT ANYTIME, TOMORROW MORNING, TOMORROW AT
23 LUNCH, TOMORROW AFTERNOON, TONIGHT AND TOMORROW
24 NIGHT, YOU KNOW, WEDNESDAY, WEDNESDAY NIGHT,
25 WHENEVER. IT SUITS ME, WHENEVER.

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1 THE COURT: WE CAN DO THAT AND LET ME,
2 JUST FOR MARKING PURPOSES. OKAY. ALL RIGHT.

3 THINK ABOUT THIS ALL THE WAY THROUGH.
4 GIVE YOURSELVES OR TRY TO GIVE YOURSELVES AND ALL
5 OF US, A HALF OF DAY TO THREE OR FOUR HOURS OF FREE
6 TIME BEFORE WE START THE CASE SO YOU CAN GET YOUR
7 MIND INTO IT AND THAT KIND OF STUFF SO THAT'S ONE
8 REASON I'M WILLING TO DO IT TONIGHT AND WORK A
9 LITTLE HARD TOMORROW TO GIVE YOURSELF THAT LITTLE
10 BIT OF THINK TIME BEFORE YOU START. YOU WORK A LOT
11 BETTER IF YOU DO THAT SO LET'S WORK TOWARD DOING
12 THAT.

13 OKAY, WE'LL ADJOURN UNTIL NINE O'CLOCK
14 IN THE MORNING AND THEN WE'LL GO WORK OUT THE
15 EXHIBITS TONIGHT.

16 LET ME ADVISE YOU THAT MORGAN MARTIN
17 HAS BEEN RETAINED BY MR. COLOR...MORGAN MARTIN HAS
18 BEEN RETAINED BY MR. COLOR. APPARENTLY, BOTH SIDES
19 HAVE SUBPOENAED HIM, SO Y'ALL NEED TO COORDINATE A
20 LITTLE BIT WITH HIM ABOUT WHEN YOU ANTICIPATE THAT
21 ISSUE COMING UP OR WHATEVER IT'S ABOUT.

22 OKAY, LOUISE JAMES.

23 STEP RIGHT UP HERE IN THE BOX AND I'M
24 GOING TO SWEAR YOU IN AND THEN WE'LL ASK YOU SOME
25 QUESTIONS.

1 LOUISE K. JAMES, BEING DULY

2 SWORN, TESTIFIES AS FOLLOWS:

3 THE COURT: HOW ABOUT POSITIONING THAT
4 MIKE, IF YOU WOULD, SO THAT WE MIGHT CAN HEAR YOU
5 TALK. OKAY, YOU WANT TO PULL YOUR CHAIR UP A
6 LITTLE BIT. THERE YOU GO.

7 DID YOU HAVE A GOOD EVENING?

8 MS. JAMES: I TALK LOUD ANYWAY.

9 THE COURT: OKAY. AND, MS. JAMES,
10 YESTERDAY, DID YOU GET A CHANCE TO READ THE LETTER
11 THAT I HANDED OUT?

12 MS. JAMES: YES SIR, I DID, BUT I MEANT
13 TO READ IT AGAIN BUT I DIDN'T.

14 THE COURT: THAT'S OKAY. IT WASN'T A
15 HOMEWORK ASSIGNMENT. IT WAS JUST FOR YOU TO READ
16 YESTERDAY, OKAY? ALL RIGHT, LET ME ASK YOU THIS,
17 HAVE YOU EVER BEEN ON A JURY BEFORE?

18 MS. JAMES: YES.

19 THE COURT: OKAY. HERE IN THIS COUNTY?

20 (NODS AFFIRMATIVE)

21 THE COURT: YOU NEED TO TALK LIKE...

22 MS. JAMES: YES.

23 THE COURT: OKAY. AND, WAS IT A
24 CRIMINAL JURY OR A CIVIL JURY?

25 MS. JAMES: CRIMINAL.

1 THE COURT: CRIMINAL JURY, OKAY. WELL,
2 LET ME ASK YOU THIS. DO YOU UNDERSTAND WHAT WE
3 MEAN BY THE PRESUMPTION OF INNOCENCE, THAT A PERSON
4 ACCUSED OF A CRIME IS PRESUMED INNOCENT OF THAT
5 CRIME?

6 MS. JAMES: YES SIR.

7 THE COURT: AND IS THAT SOMETHING THAT
8 YOU...A PRINCIPLE OF LAW OR BELIEF THAT YOU CAN
9 FOLLOW?

10 MS. JAMES: I THINK SO.

11 THE COURT: WELL, IN THIS CASE, LET ME
12 ASK YOU WHETHER OR NOT YOU HAVE FORMED OR EXPRESSED
13 ANY OPINION AS TO THE INNOCENCE OR GUILT OF STEPHEN
14 BECKHAM?

15 MS. JAMES: NO SIR, BECAUSE I DON'T
16 KNOW WHAT IT'S ALL ABOUT.

17 THE COURT: ALL RIGHT. NOW, UNDER
18 OUR...BECAUSE OF THE NATURE OF THE TRIAL, MA'AM,
19 NORMALLY JUST THE JUDGE GETS TO ASK YOU SOME
20 QUESTIONS BUT IN THIS SITUATION, BOTH THE
21 PROSECUTOR AND THE DEFENSE LAWYERS GET TO ASK YOU
22 SOME QUESTIONS IN A FEW MINUTES. OKAY?

23 MS. JAMES: YES SIR.

24 THE COURT: ALL RIGHT, NOW I WANT TO
25 MAKE SURE YOU UNDERSTAND THIS. THERE AREN'T ANY

1 RIGHT ANSWERS. THERE AREN'T ANY WRONG ANSWERS AND
2 ALL WE'RE WANTING TO DO IS TO KNOW WHAT YOUR ANSWER
3 TO THE QUESTION WILL BE, WHAT YOUR BELIEFS ARE.
4 WE'RE NOT HERE TO EMBARRASS YOU OR CHALLENGE YOU OR
5 PUT YOU ON THE SPOT. ALL RIGHT? IS THAT FAIR
6 ENOUGH?

7 MS. JAMES: I'M SCARED.

8 THE COURT: WELL, THAT'S OKAY.
9 EVERYBODY ELSE IS. ALL RIGHT, NOW, IT'S NO TEST.
10 IT'S JUST A MATTER OF KNOWING WHAT YOU THINK ABOUT
11 SOME THINGS, OKAY?

12 MS. JAMES: I UNDERSTAND.

13 THE COURT: ALL RIGHT. NOW, WE'RE
14 GOING TO TALK ABOUT...ONE OF THE THINGS THAT WE'RE
15 GOING TO TALK ABOUT ARE PENALTIES. WE'RE GOING TO
16 TALK ABOUT THE DEATH PENALTY. WE'RE GOING TO TALK
17 ABOUT LIFE IN PRISON. I WANT TO MAKE SURE THAT YOU
18 UNDERSTAND THE FACT THAT WE TALK ABOUT THAT DOES
19 NOT INFER OR MEAN THAT MR. BECKHAM IS GUILTY OF
20 ANYTHING. OKAY?

21 MS. JAMES: YES SIR.

22 THE COURT: DO YOU UNDERSTAND THAT THE
23 STATE HAS TO ESTABLISH HIS GUILT BEYOND A
24 REASONABLE DOUBT FIRST?

25 MS. JAMES: YES SIR.

1 THE COURT: ALL RIGHT. NOW, LET'S
2 ASSUME THAT YOU ARE A JUROR ON A CASE AND GUILT OF
3 A DEFENDANT TO THE CRIME OF MURDER HAS BEEN
4 ESTABLISHED. OKAY, CAN YOU PUT YOURSELF IN THAT
5 POSITION?

6 MS. JAMES: YES SIR.

7 THE COURT: NORMALLY, THERE ARE THREE
8 KINDS OF JURORS. LET ME DESCRIBE THOSE FOR YOU.
9 ONE TYPE OF JUROR SAYS WE FOUND HIM GUILTY OF
10 MURDER BASED UPON THE EVIDENCE AND, THEREFORE, I
11 VOTE FOR THE DEATH PENALTY BECAUSE I THINK THE
12 DEATH PENALTY IS APPROPRIATE ALL THE TIME. OKAY,
13 YOU UNDERSTAND THAT JUROR?

14 MS. JAMES: YES SIR.

15 THE COURT: OKAY. THE SECOND JUROR IS,
16 WE FOUND HIM GUILTY OF MURDER BUT I VOTE FOR LIFE
17 IMPRISONMENT BECAUSE I THINK THAT'S THE APPROPRIATE
18 PUNISHMENT EVERY TIME. DO YOU UNDERSTAND THAT
19 JUROR?

20 MS. JAMES: YES.

21 THE COURT: NOW, THE THIRD TYPE OF
22 JUROR SAYS, WELL I GOING TO LISTEN TO THE EVIDENCE
23 OF AGGRAVATION AND TO EVIDENCE OF MITIGATION, YOU
24 KNOW THE THINGS THAT MAKE IT WORSE OR THINGS THAT
25 MAKE IT NOT QUITE SO BAD, BEFORE I MAKE UP MY MIND

1 AND AFTER I HEAR THAT, I'LL DECIDE WHETHER IT
2 SHOULD BE LIFE OR DEATH. DO YOU UNDERSTAND THAT
3 TYPE OF JUROR?

4 MS. JAMES: YES.

5 THE COURT: ALL RIGHT, NOW, MA'AM,
6 COULD YOU TELL ME, IF YOU COULD, WHICH TYPE OF
7 JUROR DO YOU THINK YOU WOULD BE, FIRST, SECOND OR
8 THE THIRD?

9 MS. JAMES: WELL I...I WOULD WANT TO BE
10 THE ONE THAT KNOWS ALL OF THE EVIDENCE AND
11 EVERYTHING.

12 THE COURT: SO YOU WOULDN'T BE
13 PREDISPOSED...YOU WOULDN'T HAVE YOUR MIND MADE UP
14 ONE WAY OR THE OTHER NO MATTER WHAT?

15 MS. JAMES: NOT UNTIL I HAD HEARD
16 EVERYTHING.

17 THE COURT: ALL RIGHT, WELL LET ME ASK
18 YOU THIS. LET'S SUPPOSE THAT YOU'VE LISTENED TO
19 THE EVIDENCE OF AGGRAVATION AND TO MITIGATION AND,
20 BASED UPON THAT EVIDENCE AND BASED UPON LEGAL
21 INSTRUCTIONS, YOU CAME TO THE CONCLUSION THAT THE
22 DEATH PENALTY WAS THE APPROPRIATE PUNISHMENT.
23 COULD YOU IMPOSE THE DEATH PENALTY?

24 MS. JAMES: I COULD IF I KNEW ALL OF
25 THE EVIDENCE AND THAT'S WHAT I FELT WAS FAIR.

1 THE COURT: ALL RIGHT, LET ME ASK IT
2 THE OTHER WAY. LET'S ASSUME THAT YOU'VE LOOKED AT
3 ALL THE EVIDENCE THAT YOU SAY YOU WANT TO AND
4 YOU'VE CONSIDERED THE AGGRAVATING CIRCUMSTANCES AND
5 ANY MITIGATING CIRCUMSTANCES AND YOU FELT THAT LIFE
6 IMPRISONMENT WAS THE APPROPRIATE PUNISHMENT. COULD
7 YOU IMPOSE A LIFE SENTENCE?

8 MS. JAMES: YES SIR.

9 THE COURT: ALL RIGHT. NOW, LET ME
10 TAKE YOU ONE STEP FURTHER, MS. JAMES. OUR LAW
11 REQUIRES THAT IF THE JURY BELIEVES, BASED UPON THE
12 EVIDENCE AND THE LAW, THAT THE DEATH PENALTY IS THE
13 APPROPRIATE PUNISHMENT, AND THAT'S THE DECISION
14 THAT YOU MADE, INDIVIDUAL JURORS ARE REQUIRED TO
15 SIGN THEIR NAMES TO THE SENTENCE SHEET OR DEATH
16 WARRANT. DO YOU UNDERSTAND WHAT I MEAN BY THAT?

17 (NODS AFFIRMATIVE).

18 THE COURT: MA'AM, IF YOU FELT THE
19 DEATH PENALTY WAS THE APPROPRIATE PUNISHMENT IN THE
20 CASE, COULD YOU SIGN YOUR NAME TO THAT DEATH
21 WARRANT?

22 MS. JAMES: IF IT WAS BAD ENOUGH, ALL
23 THE EVIDENCE.

24 THE COURT: WELL, LET ME LET THE
25 SOLICITOR AND THE DEFENSE ATTORNEY TO ASK YOU SOME

1 QUESTIONS. I PROMISE YOU THEY WON'T BITE YOU AND
2 I'LL TAKE GOOD CARE OF YOU, ALL RIGHT?

3 ALL RIGHT, MR. SOLICITOR.

4 MS. JAMES: I'M JUST WONDERING IF I
5 SHOULD CALL YOU, YOUR HONOR?

6 THE COURT: WHATEVER'S FINE, OKAY?

7 YOU WANT SOME WATER, ARE YOU ALL RIGHT?

8 MS. JAMES: I'M FINE.

9 THE COURT: OKAY. ALL RIGHT, THIS IS
10 SOLICITOR JONES.

11 MR. JONES: GOOD MORNING, MS. JAMES. I
12 HOPE YOU'RE DOING ALL RIGHT. DON'T BE NERVOUS.
13 WE'RE JUST HEAR TRYING TO FIND OUT A FEW THINGS
14 ABOUT YOU. YOU FILLED OUR YOUR JUROR QUESTIONNAIRE
15 AND WE GOT A COPY OF THAT SO WE'VE READ OVER SOME
16 OF THAT.

17 YOU KNOW, MS. JAMES, WE'RE...THERE'S
18 REALLY NO NEED TO BE NERVOUS, BECAUSE ALL THAT
19 WE'RE TRYING TO FIND OUT IS HOW YOU FEEL ABOUT SOME
20 MATTERS, MAINLY HOW YOU FEEL ABOUT THE DEATH
21 PENALTY...

22 MS. JAMES: I UNDERSTAND.

23 MR. JONES: ...AND WHETHER OR NOT YOU
24 COULD BE OBJECTIVE AND HEAR ALL THE EVIDENCE BEFORE
25 YOU MADE ANY DECISION ABOUT ANYTHING. YOU CAN DO

1 THAT, CAN'T YOU?

2 MS. JAMES: YES SIR.

3 MR. JONES: THIS IS SERIOUS BUSINESS.

4 I MEAN WE'RE HERE ON BUSINESS. THAT'S WHAT WE'RE
5 HERE FOR AND WE JUST WANT TO ASK YOU SOME QUESTIONS
6 ABOUT THAT.

7 IF I ASK YOU A QUESTION THAT YOU FEEL
8 IS TOO PERSONAL, JUST TELL ME THAT YOU THINK IT IS
9 AND I'LL TAKE THAT INTO CONSIDERATION. I DON'T
10 MEAN TO STEP ON YOUR TOES IN ANY WAY WITH THE
11 QUESTIONS THAT I ASK YOU.

12 YOU MENTIONED THAT YOU'VE LIVED HERE
13 ALL YOUR LIFE. YOU GREW UP IN OCONEE COUNTY?

14 MS. JAMES: YES SIR.

15 MR. JONES: AND YOU'RE RETIRED FROM
16 WHAT TYPE OF WORK?

17 MS. JAMES: I WAS WORKING AT DUNLOP
18 WHEN I RETIRED, BUT I DIDN'T PUT DOWN ALL THE
19 PLACES THAT I HAVE WORKED, BUT IT WAS ALL TEXTILE.
20 I MEAN, YOU KNOW, I WORKED UNTIL I GOT DISABLED.

21 MR. JONES: GOOD, GOOD. AND, YOUR
22 DISABILITY IS WHAT, MA'AM?

23 MS. JAMES: SPASMODIC TORTICOLLIS. I
24 HAVE A TREMOR AND DIFFERENT THINGS. MY NECK DRAWS
25 UP. I AM BETTER, YOU KNOW.

1 MR. JONES: GOOD. WELL, YOU LOOK
2 GREAT. DOES IT...ARE YOU GETTING ALONG FINE...I
3 MEAN IT DOESN'T INHIBIT YOUR ABILITY TO BE ALONE
4 FOR A WHILE, TO LIVE IN A HOTEL FOR A COUPLE OF
5 WEEKS AND THAT SORT OF THING? YOU COULD DO THAT?

6 MS. JAMES: SURE.

7 MR. JONES: SO YOU GET ALONG JUST FINE
8 AS FAR AS YOUR EVERYDAY ACTIVITIES, COOKING AND
9 DRESSING, AND ALL THAT SORT OF THING?

10 MS. JAMES: I LIVE ALONE. I'M A WIDOW.

11
12 MR. JONES: I SEE.

13 MS. JAMES, YOU MENTIONED THAT...THE
14 JUDGE ASKED YOU ABOUT...IF THE REQUIREMENT THAT IF
15 YOU DECIDE THAT THE PROPER PUNISHMENT IN THE CASE
16 IS THE DEATH PENALTY, THAT YOU COULD IMPOSE THAT
17 SENTENCE ON ANOTHER HUMAN BEING.

18 MS. JAMES: WELL, THE WAY I FEEL ABOUT
19 THAT, I GOT TO KNOW WHAT IT'S ALL ABOUT, HOW BAD
20 THE SITUATION WAS AND EVERYTHING. I CAN'T SAY THAT
21 NOT KNOWING ANYTHING ABOUT IT.

22 MR. JONES: THANK YOU VERY MUCH, MA'AM,
23 AND I AGREE WITH THAT.

24 MR. HARPOOTLIAN: YOUR HONOR, I HATE TO
25 INTERRUPT THE SOLICITOR, BUT, WHETHER OR NOT HE

1 AGREES WITH THAT IS NOT RELEVANT AND I BELIEVE HE'S
2 BEGINNING TO BADGER THIS JUROR. I OBJECT TO ANY
3 FURTHER...

4 THE COURT: I OVERRULE YOUR LAST
5 OBJECTION AND SUSTAIN YOUR FIRST ONE AS TO WHETHER
6 YOU ARE IN AGREEMENT OR NOT.

7 MR. JONES: ALL RIGHT.

8 WELL, LET ME ASK YOU THIS, MS. JAMES.
9 IF YOU LOOKED AT ALL THE EVIDENCE AND YOU HAD
10 ALREADY, LET'S TAKE FOR A MINUTE, YOU'RE AT THE
11 STAGE WHERE YOU'VE SEEN THE EVIDENCE, YOU'VE
12 DECIDED THAT THE DEFENDANT IS GUILTY AND YOU'VE
13 DECIDED THAT IT'S BAD ENOUGH, COULD YOU THEN IMPOSE
14 THE DEATH PENALTY FOR ANOTHER HUMAN BEING'S LIFE?

15 MS. JAMES: I COULD IF IT WAS BAD
16 ENOUGH, IF I THOUGHT IT WAS BAD.

17 MR. JONES: SO YOU'VE THOUGHT ABOUT THE
18 DEATH PENALTY?

19 MS. JAMES: I'VE THOUGHT ABOUT IT BUT
20 I'VE NEVER BEEN PUT IN THIS SITUATION.

21 MR. JONES: ALL RIGHT. WELL, MS.
22 JAMES, LET'S ASSUME THAT YOU'RE VERY, VERY, VERY
23 CLOSE TO BEING PUT IN THAT SITUATION AND LET'S
24 ASSUME THAT SINCE YOU ARE VERY CLOSE TO BEING PUT
25 IN THAT SITUATION, YOU NEED TO DECIDE WITHIN YOUR

1 OWN SELF, TO MAKE UP YOUR MIND RIGHT NOW.

2 MR. HARPOOTLIAN: YOUR HONOR, I THINK
3 SHE'S ANSWERED THE SAME QUESTION THREE TIMES NOW.
4 SHE SAID SHE COULD IF IT WAS BAD ENOUGH.
5 APPARENTLY, IT'S NOT THE ANSWER THAT HE WANTS TO...

6 THE COURT: WELL, I'LL GIVE HIM A
7 LITTLE MORE LEEWAY, BUT SOLICITOR, YOU KNOW...

8 MR. JONES: JUDGE, I'M...THIS IS MY
9 NEXT TO LAST QUESTION. I'M VERY CLOSE TO
10 CONCLUDING MY QUESTIONS OF MS. JAMES.

11 THE COURT: ALL RIGHT.

12 MR. JONES: LET'S ASSUME THAT YOU'RE
13 VERY CLOSE AND YOU NEED TO MAKE THAT DECISION TODAY
14 AND WHAT I'M ASKING YOU IS IF YOU'VE DECIDED IT'S
15 BAD ENOUGH, YOU COULD DO THAT. YOU COULD IMPOSE
16 THE DEATH PENALTY ON ANOTHER HUMAN BEING?

17 MS. JAMES: I COULD BUT AGAIN, I WOULD
18 HAVE...IT'D HAVE TO BE BAD, IF THAT'S WHAT YOU'RE
19 ASKING ME.

20 MR. JONES: WELL, I'M TRYING TO BE
21 CLEAR WITH MY QUESTION...

22 MS. JAMES: I KNOW YOU'RE ASKING ME AM
23 I FOR THE DEATH PENALTY? DO I APPROVE OF THE DEATH
24 PENALTY OF WHATEVER? IS THAT WHAT YOU'RE ASKING
25 ME?

1 MR. JONES: WELL, I BELIEVE YOU APPROVE
2 OF IT IN CERTAIN CASES. THAT'S WHAT I'M ASKING
3 YOU. DO YOU APPROVE OF IT IN CERTAIN CASES? IS
4 THAT CORRECT?

5 MS. JAMES: YES.

6 MR. JONES: AM I RIGHT THERE?

7 MS. JAMES: YES.

8 MR. JONES: MS. JAMES, DO YOU KNOW WHAT
9 THE SOLICITOR IS? I'M THE PROSECUTOR. I'M THE ONE
10 PROSECUTING THE CASE. DO YOU UNDERSTAND THAT?

11 MS. JAMES: UH HUH.

12 MR. JONES: WELL I'D LIKE TO INTRODUCE
13 YOU TO A COUPLE OF FOLKS THAT ARE GOING TO HELP ME
14 DO THAT. THIS IS MR. MICHAEL COULTER, DEPUTY
15 SOLICITOR, AND SEATED NEXT TO HIM IS MS. BETTY
16 STROM. SHE'S A DEPUTY SOLICITOR IN MY OFFICE ALSO.
17 AND NEXT TO HER IS MR. KNOX MCMAHON. HE'S A DEPUTY
18 SOLICITOR IN RICHLAND COUNTY, THE FIFTH CIRCUIT.
19 AND WE'RE ALL WORKING TOGETHER TO PRESENT THE CASE
20 AND THE EVIDENCE IN THIS CASE SO I'M GOING TO ASK
21 THEM IF THEY HAVE ANYTHING THEY WANTED ME TO ASK
22 YOU RIGHT QUICK, IF THAT'S OKAY?

23 ONE LAST QUESTION, MS. JAMES. THE
24 JUDGE HAD ASKED YOU THIS AND I WANTED TO JUST MAKE
25 SURE I UNDERSTOOD YOUR RESPONSE. HE MENTIONED THAT

1 IF YOU HAD HEARD ALL OF THE EVIDENCE AND YOU
2 DECIDED THAT IT WAS BAD ENOUGH, THAT IT WAS A BAD
3 ENOUGH CASE. IT WAS A CASE WHERE THE DEATH PENALTY
4 WOULD BE PROPER PUNISHMENT AND THEN IT WAS UP TO
5 YOU TO ACTUALLY PERSONALLY, ALONG WITH THE OTHER
6 JURORS, IMPOSE THAT SENTENCE ON ANOTHER HUMAN
7 BEING, THE LAW REQUIRES YOU TO WRITE YOUR NAME
8 DOWN. THAT I, LOUISE K. JAMES, IMPOSE THE DEATH
9 SENTENCE ON THIS HUMAN BEING.

10 MR. HARPOOTLIAN: YOUR HONOR, THAT IS
11 NOT WHAT THAT SPECIFIC DOCUMENT WOULD SAY AND IT'S
12 SIGNED BY ALL THE JURORS AND IT JUST SAYS WHAT THE
13 VERDICT IS AND THEY SIGN IT. IT DOESN'T SAY I
14 IMPOSE THIS PENALTY.

15 THE COURT: SUSTAIN AS TO THE FORM OF
16 THE QUESTION.

17 MR. JONES: LET ME ASK YOU THIS...

18 MR. HARPOOTLIAN: YOUR HONOR, I OBJECT.
19 THIS QUESTION IS THE SAME QUESTION THAT HE'S ASKED
20 HER FIVE TIMES, SIX TIMES NOW.

21 THE COURT: I OVERRULE THE OBJECTION.

22 MR. JONES: MS. JAMES, I HOPE I'M NOT
23 BOTHERING YOU WITH MY QUESTIONS.

24 MS. JAMES: NO, YOU'RE NOT.

25 MR. JONES: ALL RIGHT. WELL, THEN I

1 WANT TO ASK YOU, IF YOU DECIDED THAT IT WAS A CASE
2 THAT WAS BAD ENOUGH, COULD YOU SIGN YOUR NAME
3 IMPOSING...FOR THE PURPOSE OF IMPOSING THE DEATH
4 PENALTY ON ANOTHER HUMAN BEING?

5 MS. JAMES: I COULD.

6 MR. JONES: THANK YOU, MA'AM.

7 THE COURT: YOUR WITNESS, MR.

8 HARPOOTLIAN.

9 MR. HARPOOTLIAN: GOOD MORNING, MS.

10 JAMES.

11 MS. JAMES: GOOD MORNING.

12 MR. HARPOOTLIAN: MY NAME IS DICK
13 HARPOOTLIAN AND I'M AN ATTORNEY IN COLUMBIA AND I'M
14 REPRESENTING STEVE BECKHAM WHO'S THE GUY ON TRIAL
15 HERE, OKAY? I'LL BE WORKING WITH JACK SWERLING,
16 THIS GENTLEMEN RIGHT HERE. WE'RE BOTH FROM
17 COLUMBIA SO WE PRACTICE LAW DOWN THERE AND DO YOU
18 KNOW EITHER ONE OF US?

19 MS. JAMES: NO.

20 MR. HARPOOTLIAN: OKAY. AND YOU DON'T
21 KNOW ANY OF THESE FOLKS OVER HERE WITH THE
22 SOLICITOR'S OFFICE, DO YOU?

23 MS. JAMES: NO.

24 MR. HARPOOTLIAN: I NEED TO TALK TO YOU
25 JUST A MINUTE TO SOME EXTENT LIKE THE SOLICITOR DID

1 ALTHOUGH I HOPE I'M NOT AS LONG AS HE WAS. I DON'T
2 THINK I HAVE AS MANY QUESTIONS AS HE HAD.

3 THE COURT: NOW, MR. HARPOOTLIAN,
4 DON'T, DON'T BANNER BACK AND FORTH NOW. JUST MOVE
5 ON.

6 MR. HARPOOTLIAN: YES SIR.

7 THE NATURE OF THE COURTROOM IS THAT WE
8 BECOME SOMETIMES ARGUMENTATIVE AND PRETENTIOUS AND
9 IF I, IN ANY WAY OFFEND YOU DURING THIS PROCESS, I
10 APOLOGIZE FOR IT.

11 MR. JONES: YOUR HONOR, WHEN HE SAYS WE
12 BECOME, I THINK HE SHOULD CONFINE THAT TO I...

13 THE COURT: WELL, NO, I THINK HE'S
14 TALKING IN GENERALITIES. I WON'T SUSTAIN THAT
15 OBJECTION.

16 OKAY, GO AHEAD.

17 MR. HARPOOTLIAN: OKAY, LET ME MOVE ON.

18 THIS GENTLEMEN...STAND UP, STEPHEN.

19 THAT'S STEPHEN BECKHAM AND HE IS THE PERSON WHO IS
20 ON TRIAL HERE, OKAY?

21 MS. JAMES: UH HUH.

22 MR. HARPOOTLIAN: THE REST OF US ARE
23 LAWYERS, COURT ATTACHES, JUDGES, WHATEVER, OKAY,
24 SHERIFF'S DEPUTIES...THIS IS THE GENTLEMEN WHO'S ON
25 TRIAL, OKAY? THANK YOU, STEVE.

1 AND SEATED BEHIND HIM IS HIS FAMILY,
2 SEATED NEXT TO HIM IS MR. SWERLING, SEATED OVER IN
3 THE CORNER IS ALEX BOSTIC, A YOUNG LAWYER WHO IS
4 WORKING WITH US ON THIS CASE. I JUST WANT YOU TO
5 BE AWARE OF WHO ALL THE PEOPLE ARE.

6 \ THE JUDGE ASKED YOU AND WE SPENT A LOT
7 OF TIME JUST A MINUTE AGO TALKING ABOUT PENALTY IN
8 THIS CASE. THAT IS, WHAT WOULD HAPPEN IF A GUILTY
9 VERDICT WAS RETURNED. LET ME TALK TO YOU A LITTLE
10 BIT ABOUT THE FIRST STAGE.

11 THIS CASE, LIKE ANY OTHER CASE
12 INVOLVING THE DEATH PENALTY...OF COURSE, THE DEATH
13 PENALTY'S INVOKED WHEN THE SOLICITOR, THIS
14 GENTLEMEN RIGHT HERE, ASKS THAT THAT HAPPEN. ONCE
15 THAT HE ASKS THAT HAPPEN, THEN CERTAIN PROCEDURES
16 COME INTO PLAY. ONE OF THOSE PROCEDURES IS WHAT
17 WE'RE GOING THROUGH RIGHT NOW. THIS IS THE ONLY
18 CASE, THE ONLY KIND OF CASE, WHERE THE LAWYERS
19 ACTUALLY HAVE A CHANCE TO GET UP AND TALK TO A
20 JUROR.

21 YOU SAID YOU HAD BEEN ON JURY DUTY
22 BEFORE.

23 MS. JAMES: NOT LIKE THIS.

24 MR. HARPOOTLIAN: MA'AM? DID YOU SAY
25 YOU'D BEEN ON JURY DUTY BEFORE?

1 MS. JAMES: YES, BUT I SAID NOT LIKE
2 THIS.

3 MR. HARPOOTLIAN: NOT LIKE THIS, THAT'S
4 RIGHT. AND THAT'S THE POINT I'M TRYING TO MAKE.
5 WHEN YOU CAME UP HERE BEFORE, YOU PROBABLY WALKED
6 UP AND STOOD IN FRONT OF A MICROPHONE AND SAID YOUR
7 NAME AND THEY SAID SEAT THE JUROR, STRIKE THE
8 JUROR, AND THAT WAS IT, WASN'T IT?

9 MS. JAMES: YES SIR.

10 MR. HARPOOTLIAN: AND THAT WAS A
11 CRIMINAL CASE?

12 MS. JAMES: UH HUH.

13 MR. HARPOOTLIAN: WHAT KIND OF A CASE
14 WAS THAT?

15 MS. JAMES: WELL, IT WAS, A PRISONER
16 HAD CUT ANOTHER PRISONER DOWN THE BACK AND HE PLED
17 GUILTY BEFORE WE GOT THROUGH.

18 MR. HARPOOTLIAN: SO YOU NEVER ACTUALLY
19 HAD A CHANCE TO HEAR THE WHOLE CASE AND DELIBERATE
20 AND ALL THAT?

21 MS. JAMES: NO.

22 MR. HARPOOTLIAN: DID YOU ENJOY THAT
23 EXPERIENCE? WAS THAT SOMETHING INTERESTING TO YOU?

24

25 MS. JAMES: IT WAS VERY INTERESTING.

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1 IT WAS THE FIRST TIME I WAS EVER IN A COURT.

2 MR. HARPOOTLIAN: DO YOU WATCH COURT ON
3 TELEVISION?

4 MS. JAMES: SOMETIMES.

5 MR. HARPOOTLIAN: SOMETIMES. WELL, AS
6 YOU NOW KNOW, THIS CASE, BECAUSE WE'VE GONE THROUGH
7 THIS PROCESS, IS DIFFERENT. THE OTHER THING THAT'S
8 DIFFERENT IS THAT...WELL, THAT'S NOT DIFFERENT IS
9 THAT, JUST LIKE THAT CASE YOU SAT IN, THAT THERE'S
10 GOING TO BE A TRIAL AS TO WHETHER OR NOT STEPHEN
11 BECKHAM COMMITTED THIS CRIME. IN CASES SUCH AS
12 THIS, JUST LIKE ANY CASE, AND THIS JUDGE HAS
13 ALREADY TOLD YOU, THE DEFENDANT IS PRESUMED
14 INNOCENT. OKAY?

15 MS. JAMES: I KNOW.

16 MR. HARPOOTLIAN: DO YOU UNDERSTAND
17 THAT?

18 MS. JAMES: OH YES.

19 MR. HARPOOTLIAN: SO, WHEN WE START
20 TALKING ABOUT THE PENALTY STAGE IN ANY CASE, ANY
21 DEATH PENALTY CASE, WE MAY NEVER GET TO THAT STAGE.
22 THE JURY MAY RETURN A VERDICT OF NOT GUILTY AND
23 THEN THERE WOULD BE NO NEED TO GO ON TO THAT SECOND
24 TRIAL. THAT SECOND STAGE IS REALLY ANOTHER TRIAL
25 ON WHAT THE PENALTY OUGHT TO BE. SO IF THE JURY

1 RETURNS A VERDICT OF NOT GUILTY, THERE IS NO SECOND
2 TRIAL. DO YOU UNDERSTAND THAT?

3 MS. JAMES: UH HUH.

4 MR. HARPOOTLIAN: NOW, IF, HOWEVER, THE
5 JURY WERE TO FIND EVIDENCE THAT CONVINCES THEM
6 BEYOND A REASONABLE DOUBT, AND TO THE DEGREE THE
7 STATE RELIES ON CIRCUMSTANTIAL EVIDENCE TO A MORAL
8 CERTAINTY OF THE DEFENDANT'S GUILT, THEN WE WOULD
9 MOVE INTO THAT SECOND STAGE. AND AS I UNDERSTAND
10 WHAT YOU'VE SAID TO THE SOLICITOR...

11 MR. JONES: YOUR HONOR, THAT'S NOT THE
12 STANDARD OF PROOF.

13 MR. HARPOOTLIAN: FOR CIRCUMSTANTIAL
14 EVIDENCE, IT IS.

15 THE COURT: SUSTAINED.

16 MR. HARPOOTLIAN: I'M SORRY, YOUR
17 HONOR?

18 THE COURT: PROOF BEYOND A REASONABLE
19 DOUBT DOES NOT INVOLVE MORAL CERTAINTY.

20 MR. HARPOOTLIAN: TO THE DEGREE THEY
21 RELY ON CIRCUMSTANTIAL EVIDENCE...

22 MR. JONES: YOUR HONOR.

23 MR. HARPOOTLIAN: SHROCK AND IT'S...

24 THE COURT: THAT'S THE QUES...THE
25 QUESTION IS, NOT IN THIS CASE BUT IN ANY CASE, IF

1 YOU FIND GUILT BEYOND A REASONABLE DOUBT, THAT'S AS
2 FAR AS YOU NEED TO GO ON THAT QUESTION.

3 MR. HARPOOTLIAN: BUT I'M CORRECT ABOUT
4 THE STANDARD ON CIRCUMSTANTIAL EVIDENCE, YOUR
5 HONOR, AM I NOT?

6 THE COURT: NO SIR.

7 MR. HARPOOTLIAN: BUT TO THE
8 EXTENT...THE EXTENT RELIES...

9 THE COURT: YOU THINK I'M GOING TO TELL
10 THE JURY THAT? NO SIR.

11 MR. HARPOOTLIAN: BUT YOU'RE NOT GOING
12 TO TELL THE JURY THERE'S TWO KINDS OF EVIDENCE...

13 THE COURT: I AM NOT GOING TO USE THE
14 WORD MORAL CERTAINTY IN MY CHARGE. NOW, I JUST
15 TELL YOU, THAT'S REVERSIBLE ERROR. MR. SWERLING
16 HANDLED REFAULT AND I'M VERY FAMILIAR WITH THAT AND
17 MORAL CERTAINTY IS A NO-NO.

18 MR. HARPOOTLIAN: WELL, TO THE
19 EXCLUSION OF ANY OTHER REASONABLE EXPLANATION...

20 THE COURT: WELL ABSOLUTELY THAT AND I
21 HAVE A GOOD CHARGE ON IT AND THAT IS THE STANDARD.

22 MR. HARPOOTLIAN: OKAY.

23 THE COURT: OKAY.

24 MR. HARPOOTLIAN: WHAT THIS JUDGE WILL
25 TELL YOU IS THAT YOU MUST FIND THE DEFENDANT, IN

1 ANY CASE, MUST FIND THE DEFENDANT GUILTY BEYOND A
2 REASONABLE DOUBT TO THE...AND TO THE DEGREE THAT
3 THE STATE RELIES ON CIRCUMSTANTIAL EVIDENCE TO THE
4 EXCLUSION OF ANY OTHER REASONABLE EXPLANATION.

5 OKAY?

6 IF YOU GET PAST THAT HURDLE IN ANY CASE
7 SUCH AS THIS, A DEATH PENALTY CASE, YOU GO ON TO
8 THE SECOND STAGE WHERE THERE ARE BASICALLY TWO
9 CHOICES, ONE OF THEM IS TO SENTENCE THE DEFENDANT
10 TO LIFE IN THE PENITENTIARY, AND THE OTHER IS TO
11 SENTENCE THE DEFENDANT TO DEATH. AND YOU
12 UNDERSTAND THAT?

13 MS. JAMES: YES SIR.

14 MR. HARPOOTLIAN: NOW, AS I UNDERSTAND
15 YOUR RESPONSES, THERE ARE OCCASIONS IN WHICH YOU
16 WOULD FIND LIFE WOULD BE APPROPRIATE. NOT EVERY
17 MURDER CASE REQUIRES THE DEATH PENALTY, IN YOUR
18 OPINION, DOES IT?

19 MS. JAMES: NO.

20 MR. HARPOOTLIAN: OKAY. AND THERE ARE
21 CASES IN WHICH THE DEATH PENALTY WOULD BE
22 APPROPRIATE BUT YOU'D WANT TO HEAR ALL OF THE
23 EVIDENCE, YOU'D WANT TO BE ABSOLUTELY CERTAIN OF
24 THAT EVIDENCE BEFORE YOU COULD IMPOSE THE DEATH
25 PENALTY, IS THAT CORRECT?

1 MS. JAMES: THAT'S CORRECT.

2 MR. HARPOOTLIAN: NOW, IN YOUR
3 BACKGROUND, OF COURSE WE HAVE THIS JURY
4 QUESTIONNAIRE THAT YOU FILLED OUT. AS I UNDERSTAND
5 IT YOU'RE FROM...ARE YOU ORIGINALLY FROM SENECA OR
6 WESTMINSTER? DID YOU GROW UP HERE?

7 MS. JAMES: WESTMINSTER. OCONEE COUNTY
8 ALL MY LIFE.

9 MR. HARPOOTLIAN: ALL YOUR LIFE. AND,
10 YOU INDICATE THAT YOU'RE RETIRED, WHAT DID YOU DO
11 BEFORE YOU WERE RETIRED?

12 MS. JAMES: I DID ALL KIND OF TEXTILE
13 WORK.

14 MR. HARPOOTLIAN: TEXTILE WORK. AND
15 YOU ATTEND THE CLAIRMONT BAPTIST CHURCH?

16 MS. JAMES: YES SIR.

17 MR. HARPOOTLIAN: AND YOU WATCH
18 BASEBALL ON TELEVISION?

19 MS. JAMES: THAT'S MY FAVORITE.

20 MR. HARPOOTLIAN: THE BRAVES?

21 MS. JAMES: THE BRAVES, YEAH.

22 MR. HARPOOTLIAN: THE BRAVES. THE
23 BRAVES HAVE HAD A TOUGH TIME LATELY. DID THEY
24 FINALLY WIN?

25 MS. JAMES: TWO TIMES.

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1 MR. HARPOOTLIAN: TWO TIMES. THEY WERE
2 ON A STRING THERE THAT WORRIED US ALL.

3 CAN YOU THINK OF ANY REASON WHY YOU
4 COULDN'T BE FAIR AND IMPARTIAL TO MR. BECKHAM OVER
5 HERE IF YOU ARE ON THE JURY? ANY REASON THAT YOU
6 COULDN'T GIVE HIM JUSTICE?

7 MS. JAMES: NO SIR.

8 MR. HARPOOTLIAN: OKAY. ONE SECOND,
9 LET ME GO OVER HERE AND TALK TO MR. SWERLING.
10 SOMETIMES I FORGET TO ASK THINGS I'M SUPPOSED TO
11 ASK AND HE TELLS ME WHAT TO DO, OKAY?

12 MS. JAMES: OKAY.

13 MR. HARPOOTLIAN: MS. JAMES, I THINK
14 I...MR. SWERLING'S TOLD ME I'VE DONE EVERYTHING I'M
15 SUPPOSED TO DO HERE. I WANT TO THANK YOU VERY MUCH
16 FOR YOUR PATIENCE. I KNOW THIS EARLY IN THE
17 MORNING IT'S PROBABLY TOUGH LISTENING TO ME AND
18 OTHERS.

19 MS. JAMES: I HAD MY BREAKFAST. I'LL
20 BE...

21 MR. HARPOOTLIAN: OKAY. THANK YOU VERY
22 MUCH. I APPRECIATE YOUR PATIENCE.

23 THE COURT: ALL RIGHT, SOLICITOR. MR.
24 HARPOOTLIAN? ALL RIGHT, MS. JAMES, WE FIND YOU
25 QUALIFIED TO BE PLACE IN THE POOL FROM WHICH WE

1 WILL SELECT THIS JURY. THIS DOES NOT MEAN THAT
2 YOU'RE ACTUALLY ON THE JURY BUT IT MEANS THAT
3 YOU'RE SUBJECT TO BEING PLACED ON IT.

4 NOW I WOULD ASK YOU, PLEASE, TO GO HOME
5 AND PACK AND COME BACK TOMORROW AT ELEVEN O'CLOCK.
6 PACK TO STAY ABOUT TEN DAYS DOWN IN NEWBERRY IF
7 YOU'RE SELECTED.

8 NOW, SLED WILL TAKE CARE OF
9 TRANSPORTING YOU DOWN THERE AND YOUR SECURITY AND
10 SO FORTH WHILE YOU'RE THERE. NEWBERRY COUNTY WILL
11 PAY FOR YOUR LODGING AND YOUR MEALS AND THAT SORT
12 OF THING. NOW, ANY PROBLEMS WITH THAT?

13 MS. JAMES: NO SIR.

14 THE COURT: ALL RIGHT. NOW, THIS TRIAL
15 IS SERIOUS BUT WE'LL MAKE IT AS COMFORTABLE FOR YOU
16 AS WE CAN SO IF YOU'LL HAVE...CAN SOMEBODY BRING
17 YOU BY AND LEAVE YOU TOMORROW AT ELEVEN. THAT'S
18 THE BEST WAY TO DO IT AND THEN, IN THE EVENT THAT
19 YOU'RE NOT SELECTED, JUST BE SURE YOU CAN CALL BACK
20 AND SAY COME GET ME, OKAY?

21 ALL RIGHT. WE'LL SEE YOU TOMORROW AT
22 ELEVEN O'CLOCK...FOR ABOUT TEN DAYS AND YOU CAN
23 DRESS COMFORTABLY. THAT'S FINE, SURE. YOU DON'T
24 HAVE TO DRESS UP IN SUNDAY CLOTHES. ALL RIGHT,
25 HAVE A NICE DAY. WE'LL SEE YOU TOMORROW AT ELEVEN

1 O'CLOCK.

2 MS. JAMES: THANK YOU.

3 THE COURT: I KNOW WE'RE ALL BORN AND
4 RAISED TO ASK QUESTIONS BUT SOMETIMES YOU DON'T
5 HAVE TO ASK QUESTIONS, YOU KNOW. IT'S NOT
6 NECESSARY, YOU KNOW. OKAY, BRING THE NEXT
7 JUROR IN. THAT'D BE JAMES BROTHERS.

8 MR. JAMES S. BROTHERS, BEING
9 DULY SWORN, TESTIFIES AS FOLLOWS:

10 THE COURT: ALL RIGHT, THANK YOU SIR.
11 IF YOU'D HAVE A SEAT AND MR. BROTHERS, YOUR CORRECT
12 NAME IS JAMES S. BROTHERS?

13 MR. BROTHERS: YES SIR.

14 THE COURT: ALL RIGHT, SIR. AND,
15 YESTERDAY, OF COURSE I INTRODUCED THE ATTORNEYS TO
16 YOU, SOLICITOR JONES WILL BE PROSECUTING THE CASE.
17 MR. SWERLING AND MR. HARPOOTLIAN WILL BE DEFENDING
18 THE CASE.

19 DID YOU GET A CHANCE TO READ THE LETTER
20 THAT I HANDED OUT YESTERDAY?

21 MR. BROTHERS: YES SIR.

22 THE COURT: ALL RIGHT, AND DO YOU HAVE
23 ANY QUESTIONS ABOUT THE CONTENTS OF THE LETTER? IS
24 THERE ANYTHING YOU DIDN'T UNDERSTAND IN IT?

25 MR. BROTHERS: NO SIR.

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1 THE COURT: OKAY. NOW, THIS
2 IS...BECAUSE OF THE NATURE...THE POTENTIAL NATURE
3 OF THE CASE, THE PROCEDURE CHANGES A LITTLE BIT.
4 ORDINARILY, I'M THE ONLY ONE THAT GETS TO ASK
5 QUESTIONS OF JURORS, BUT IN THIS CASE, THE STATE'S
6 ATTORNEY AND THE DEFENSE ATTORNEYS WILL GET AN
7 OPPORTUNITY TO ASK YOU SOME QUESTIONS ABOUT SOME
8 RELEVANT ISSUES IN THIS CASE AND WHAT THEY'RE GOING
9 TO BE DOING, AND I'M GOING TO BE DOING, IS TO
10 SOLICIT FROM YOU SOME OF YOUR VIEWS.

11 THERE AREN'T ANY RIGHT OR WRONG
12 ANSWERS. NOBODY'S HERE TO CHALLENGE YOU OR TO
13 EMBARRASS YOU BUT THERE ARE SOME THINGS WE KIND OF
14 NEED TO KNOW WHAT...HOW YOU FEEL. IS THAT FAIR
15 ENOUGH?

16 MR. BROTHERS: YES SIR.

17 THE COURT: OKAY. NOW, ONE OF THE
18 THINGS THAT WE'RE GOING TO TALK ABOUT HAS TO DO
19 WITH PENALTY AND THE FACT THAT WE TALK ABOUT THE
20 DEATH PENALTY AND THE FACT THAT WE TALK ABOUT LIFE
21 IMPRISONMENT, I WANT TO MAKE SURE THAT YOU DON'T
22 INFER OR IMPLY THAT MR. BECKHAM, THE DEFENDANT IN
23 THIS CASE, IS GUILTY OF ANYTHING AT THIS POINT.

24 HAVE YOU FORMED OR EXPRESSED ANY
25 OPINION AS TO THE GUILT OR INNOCENCE OF MR. BECKHAM

1 AT THIS TIME?

2 MR. BROTHERS: NO SIR.

3 THE COURT: OKAY. SO, DO YOU
4 UNDERSTAND AND CAN YOU FOLLOW THE LEGAL PRINCIPLE
5 OF THE PRESUMPTION OF INNOCENCE OF AN ACCUSED?

6 MR. BROTHERS: YES SIR.

7 THE COURT: OKAY. WELL THAT'S
8 IMPORTANT BECAUSE, AS YOU UNDERSTAND, THIS TRIAL
9 HAS POTENTIALLY TWO PARTS TO IT. THE FIRST PART,
10 YOU HAVE TO DETERMINE GUILT AND THE SECOND PART,
11 THE PENALTY.

12 LET'S ASSUME, FOR THE MOMENT, THAT YOU
13 ARE IN A JURY TRIAL AND GUILT OF MURDER BEYOND A
14 REASONABLE DOUBT HAS BEEN ESTABLISHED AND THEN
15 YOU'RE PLACED INTO THE PENALTY PHASE AND YOU'RE
16 PRESENTED EVIDENCE OF AGGRAVATION AND MITIGATION,
17 OKAY? AGGRAVATION, OF COURSE, MEANS MAKES IT
18 WORSE. MITIGATION MEANS TO KIND OF LESSEN THE
19 EFFECT.

20 ALL RIGHT, NOW, IF YOU GET TO THE
21 PENALTY PHASE IN A TRIAL IN A DEATH PENALTY CASE IN
22 WHICH YOU ARE A JUROR, THE JURY IMPOSES THE
23 PUNISHMENT. THE CHOICE IS LIFE IMPRISONMENT OR
24 DEATH, OKAY? NOW, THERE ARE USUALLY THREE KINDS OF
25 JURORS AND TRADITION KIND OF TELLS US THAT THEY

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1 FALL IN THESE CATEGORIES.

2 NUMBER ONE IS THE JUROR THAT SAYS WE
3 FOUND HIM GUILTY OF MURDER AND THERE'S EVIDENCE OF
4 AGGRAVATION, I WOULD ALWAYS VOTE FOR THE DEATH
5 PENALTY, NO MATTER WHAT.

6 THE SECOND GROUP SAYS WE
7 FOUND HIM GUILTY OF MURDER AND THERE'S EVIDENCE OF
8 AGGRAVATION BUT I ALWAYS VOTE FOR LIFE
9 IMPRISONMENT. I DON'T VOTE FOR THE DEATH PENALTY
10 AS THE APPROPRIATE PUNISHMENT.

11 THERE'S A THIRD GROUP THAT SAYS WE
12 FOUND HIM GUILTY OF MURDER. THERE'S EVIDENCE OF
13 AGGRAVATION. THERE'S EVIDENCE OF MITIGATION, BUT I
14 WANT TO CONSIDER ALL THAT AND I WANT TO LOOK AT MY
15 CHOICES AND I MIGHT CONSIDER DEATH AND I MIGHT
16 CONSIDER LIFE BUT I'LL CONSIDER THE WHOLE RECORD
17 FIRST.

18 WHICH GROUP DO YOU THINK YOU WOULD FALL
19 INTO?

20 MR. BROTHERS: THE LATTER.

21 THE COURT: OKAY. NOW, LET'S SAY THAT,
22 FOR EXAMPLE, THAT YOU'RE IN THAT GROUP AND YOU HAVE
23 HEARD ALL OF THE EVIDENCE IN AGGRAVATION AND
24 MITIGATION, AND YOU HAVE COME TO THE CONCLUSION
25 THAT THE DEATH PENALTY IS THE APPROPRIATE

1 PUNISHMENT UNDER THE FACTS AND EVIDENCE OF LAW IN
2 THE CASE. COULD YOU IMPOSE THAT SENTENCE?

3 MR. BROTHERS: YES SIR.

4 THE COURT: LIKEWISE, IF YOU FELT,
5 BASED ON THE FACTS, THE LAW AND THE EVIDENCE IN THE
6 RECORD OF THE CASE, THAT THE LIFE SENTENCE WAS THE
7 MORE APPROPRIATE PUNISHMENT, COULD YOU IMPOSE A
8 LIFE SENTENCE?

9 MR. BROTHERS: YES SIR.

10 THE COURT: YOU WOULD NOT BE
11 PREDISPOSED TO IMPOSE ONE OR THE OTHER
12 AUTOMATICALLY?

13 MR. BROTHERS: THAT'S CORRECT.

14 THE COURT: NOW, UNDER SOUTH CAROLINA
15 LAW, IF A JURY COMES TO THE CONCLUSION THAT THE
16 DEATH PENALTY IS THE APPROPRIATE PUNISHMENT, EACH
17 INDIVIDUAL JUROR MUST SIGN THEIR NAME TO THE
18 VERDICT FORM OR THE DEATH WARRANT ACKNOWLEDGING
19 THAT THAT IS THEIR DECISION.

20 SIR, IF YOU FELT THAT THE DEATH PENALTY
21 WAS THE APPROPRIATE PUNISHMENT IN A CASE IN WHICH
22 YOU HAD THE RIGHT TO MAKE THAT DECISION, COULD YOU
23 SIGN YOUR NAME TO THE DEATH WARRANT?

24 MR. BROTHERS: YES, SIR.

25 THE COURT: OKAY. I'M GOING TO LET THE

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1 SOLICITOR AND THE DEFENSE ATTORNEYS ASK YOU A FEW
2 QUESTIONS. AGAIN, THE SAME RULES ABOUT NO RIGHT OR
3 WRONG ANSWERS. OKAY?

4 MR. BROTHERS: OKAY.

5 THE COURT: ALL RIGHT, SOLICITOR JONES.

6 MR. JONES: GOOD MORNING, MR. BROTHERS.

7 MR. BROTHERS: GOOD MORNING.

8 MR. JONES: HOW ARE YOU?

9 MR. BROTHERS: FINE, THANKS.

10 MR. JONES: I APPRECIATE YOUR BEING
11 PATIENT WITH US YESTERDAY. THE JUDGE HAD US
12 WORKING PRETTY STEADY THE WHOLE DAY TRYING TO GET
13 ALONG TODAY.

14 AT THE OUTSET, I DIDN'T GET THE CHANCE
15 TO INTRODUCE SOME OF THE PEOPLE THAT ARE GOING TO
16 HELP ME PROSECUTE THIS CASE. THIS IS CHIEF DEPUTY
17 SOLICITOR, MICHAEL COULTER, RIGHT HERE. THIS IS
18 DEPUTY SOLICITOR BETTY STROM AND DEPUTY SOLICITOR
19 KNOX MCMAHON.

20 I NOTICE...WE GOT YOUR JUROR
21 INFORMATION THAT YOU FILLED OUT AND SENT IN. I
22 NOTICE THAT YOU WENT TO MARSHALL AND WEST VIRGINIA
23 UNIVERSITY.

24 MR. BROTHERS: WEST VIRGINIA STATE

25 COLLEGE. MR. JONES: WEST VIRGINIA STATE

1 COLLEGE?

2 MR. BROTHERS: YES SIR.

3 MR. JONES: OKAY, I DIDN'T SEE WHAT
4 THAT WAS. ALL RIGHT, YOU WENT TO SCHOOL UP THERE?

5 MR. BROTHERS: YES SIR.

6 MR. JONES: I REALLY DON'T HAVE BUT A
7 COUPLE OF QUESTIONS FOR YOU THIS MORNING. YOU
8 COULD TAKE THE TIME THAT IT WOULD TAKE TO HEAR THE
9 EVIDENCE IN THIS CASE AND MAKE THE PROPER DECISION,
10 IS THAT RIGHT?

11 MR. BROTHERS: YES SIR.

12 MR. JONES: THANK YOU VERY MUCH.

13 THE COURT: MR. HARPOOTLIAN OR MR.
14 SWERLING.

15 MR. SWERLING: GOOD MORNING.

16 MR. BROTHERS: GOOD MORNING.

17 MR. SWERLING: MY NAME IS JACK SWERLING
18 AND I'M FROM COLUMBIA. I JUST WANT TO INTRODUCE
19 YOU TO MY CO-COUNSEL IN THE CASE IS RICHARD
20 HARPOOTLIAN.

21 MR. BROTHERS: GOOD MORNING.

22 MR. SWERLING: HE'S ALSO FROM COLUMBIA
23 AND WE'RE BEING ASSISTED BY ALEX BOSTIC, WHO'S A
24 YOUNG LAWYER, AND, OF COURSE, THIS IS STEPHEN
25 BECKHAM. STEPHEN, WILL YOU STAND UP?

1 MR. BROTHERS: GOOD MORNING.

2 MR. SWERLING: AND THIS IS HIS FAMILY
3 BEHIND HIM. THANKS STEPHEN.

4 I, TOO, ONLY HAVE A COUPLE OF
5 QUESTIONS. AGAIN, WE HAVE THE QUESTIONNAIRE AND WE
6 HAVE SOME INFORMATION ABOUT YOU WHICH I GUESS YOU
7 FILLED OUT AND SENT BACK INTO THE COURT AND THAT
8 ANSWERS A LOT OF THE QUESTIONS THAT WE HAVE BUT
9 THERE ARE A COUPLE OF PROCEDURAL THINGS WE'D LIKE
10 TO TALK TO YOU ABOUT.

11 THIS IS A VERY UNIQUE PROCESS. THIS IS
12 A...HAVE YOU EVER PARTICIPATED IN COURT BEFORE?

13 MR. BROTHERS: NO SIR.

14 MR. SWERLING: I GUESS YOUR IMPRESSION
15 OF A TRIAL IS THAT YOU COME INTO THE COURT AND THE
16 STATE PRESENTS ITS EVIDENCE AND THE DEFENDANT
17 PRESENTS EVIDENCE IF HE WANTS TO OR SHE WANTS TO,
18 WE'RE JUST TALKING ABOUT IN GENERAL, AND THEN THE
19 JURY GETS TO RESOLVE THOSE ISSUES, WHETHER OR NOT
20 THE STATE HAS PROVEN THAT GUILT BEYOND A REASONABLE
21 DOUBT, AND IF SO, THEN THEY ARE ENTITLED TO A
22 VERDICT. AND IF THEY HAVE NOT PROVEN GUILT BEYOND
23 A REASONABLE DOUBT, THEN THE DEFENSE IS ENTITLED TO
24 A VERDICT.

25 YOU ARE FAMILIAR WITH THOSE PRINCIPLES

1 FROM JUST LIVING IN OUR SOCIETY AND T.V. AND
2 NEWSPAPERS?

3 MR. BROTHERS: YES SIR.

4 MR. SWERLING: AND YOU'RE ALSO FAMILIAR
5 WITH THE...I ASSUME, WITH THE PRINCIPLE, AS THE
6 JUDGE WAS TALKING ABOUT, ABOUT THE PRESUMPTION OF
7 INNOCENCE. THAT IN OUR SOCIETY, ANY DEFENDANT
8 WHO'S ACCUSED OF A CRIME IS PRESUMED TO BE INNOCENT
9 AND THE STATE HAS TO COME FORWARD WITH EVIDENCE OF
10 GUILT BEFORE THE STATE IS ENTITLED TO THAT VERDICT
11 OF GUILTY AND THEY HAVE TO COME FORWARD...THE
12 STANDARD IS BEYOND A REASONABLE DOUBT. YOU
13 UNDERSTAND THAT?

14 MR. BROTHERS; YES, SIR, I DO.

15 MR. SWERLING: REASONABLE DOUBT IS JUST
16 SOMETHING THAT WOULD CAUSE A REASONABLE PERSON TO
17 HESITATE.

18 NOW, THE UNIQUE PART ABOUT THIS CASE,
19 AS OPPOSED TO WHAT WE WERE TALKING ABOUT BEFORE IN
20 JUST A GENERAL CRIMINAL CASE, IS THAT NORMALLY,
21 YOU'RE NOT ASKED QUESTIONS ABOUT PUNISHMENT, BUT IN
22 OUR CAPITAL SENTENCING SCHEME, A JURY ALSO GETS TO
23 DECIDE PUNISHMENT IF THEY DECIDE A PERSON IS
24 GUILTY.

25 SO, THAT'S WHY WE'RE DOING THIS PROCESS

1 AT THIS POINT AND TIME. WE'RE GOING THROUGH THESE
2 QUESTIONNAIRES AND WE'RE GOING THROUGH WITH THE
3 QUESTIONS TO YOU CONCERNING WHAT YOUR ATTITUDES AND
4 YOUR BELIEFS ARE CONCERNING THE FIRST PART OF THE
5 TRIAL, WHICH IS OBVIOUSLY THE MOST IMPORTANT PART
6 OF THE TRIAL BECAUSE YOU NEVER GET THE SECOND PART
7 IF YOU DON'T GET PAST THE FIRST PART. AND ALSO,
8 WHAT YOUR ATTITUDES AND OPINIONS ARE ABOUT THE
9 SECOND PART OF THE TRIAL.

10 OF COURSE, YOU UNDERSTAND THAT PEOPLE
11 HAVE ATTITUDES ABOUT THE DEATH PENALTIES OR
12 PROBABLY ATTITUDES LIKE OTHER...POLITICS OR
13 RELIGION...PEOPLE HAVE A PRETTY DEFINITE ATTITUDE
14 ABOUT IT, DON'T THEY?

15 LET ME ASK YOU ABOUT THE FIRST PART OF
16 THE TRIAL. YOU UNDERSTAND, I GUESS, FROM WHAT
17 WE'RE TALKING ABOUT, THAT THERE'S NO CONCESSION AT
18 THIS POINT, AT ALL, THAT WE'RE EVER GOING TO GET TO
19 THE SECOND PART OF THE TRIAL.

20 MR. BROTHERS: RIGHT.

21 MR. SWERLING: MR. BECKHAM HAS PLED NOT
22 GUILTY. HE ASSERTS HIS RIGHT THAT HE IS NOT
23 GUILTY. HE ASSERTS THE BELIEF THAT HE IS NOT
24 GUILTY AND WE'RE GOING TO IMPANEL A JURY THAT'S
25 GOING TO HAVE TO DECIDE WHETHER OR NOT THE STATE

1 CAN PROVE HIS GUILT BEYOND A REASONABLE DOUBT
2 BEFORE ANYTHING ELSE HAPPENS, OKAY, AND YOU
3 UNDERSTAND THAT HE'S PRESUMED INNOCENT?

4 MR. BROTHERS: YES SIR.

5 MR. SWERLING: DO YOU HAVE ANY
6 DIFFICULTY OR DO YOU FEEL ANY DIFFICULTY WITH THOSE
7 PRINCIPLES OF LAW THAT HE, LIKE ANY OTHER PERSON
8 WHO'S ACCUSED OF A CRIME, IS PRESUMED TO BE
9 INNOCENT?

10 MR. BROTHERS: NO, I DON'T HAVE
11 PROBLEMS WITH THAT.

12 MR. SWERLING: AND LIKEWISE, DO YOU
13 PERSONALLY HAVE ANY DIFFICULTY OR ANY BELIEFS OR
14 ANY KIND OF FEELINGS ABOUT THE FACT THAT THE STATE
15 IS PLACED ON A VERY HIGH BURDEN OF HAVING TO PROVE
16 THAT GUILT BEYOND A REASONABLE DOUBT BEFORE THEY'RE
17 EVER ENTITLED TO ANY KIND OF A VERDICT OF GUILTY?

18 MR. BROTHERS: NO.

19 MR. SWERLING: AND, WERE THE EVIDENCE
20 TO SHOW THAT HE WAS GUILTY, YOU COULD FIND HIM
21 GUILTY, AND WERE THE EVIDENCE TO CREATE A
22 REASONABLE DOUBT OF HIS GUILT, YOU COULD FIND HIM
23 NOT GUILTY?

24 MR. BROTHERS: YES SIR.

25 MR. SWERLING: AND AS YOU SIT THERE

1 RIGHT NOW, IS THAT CORRECT?

2 MR. BROTHERS: YES SIR.

3 MR. SWERLING: AND AS YOU SIT THERE
4 RIGHT NOW, LIKE ANY OTHER DEFENDANT, HE'S PRESUMED
5 TO BE INNOCENT IN YOUR MIND.

6 MR. BROTHERS: CORRECT.

7 MR. SWERLING: YOU DON'T HAVE ANY...YOU
8 DON'T KNOW ANYTHING ABOUT THIS CASE?

9 MR. BROTHERS: NO SIR, I DON'T.

10 MR. SWERLING: YOU NEVER HEARD ANYTHING
11 ABOUT IT?

12 MR. BROTHERS: NO. WELL, NO.
13 YESTERDAY ON THE RADIO, JUST THE FACT THAT THE
14 JURORS HAD...THAT JURY SELECTION WAS GOING ON AND
15 THAT WAS THE FIRST TIME.

16 MR. SWERLING: ANYTHING PARTICULAR
17 ABOUT THE FACTS OF THE CASE?

18 MR. BROTHERS: NO SIR.

19 MR. SWERLING: IT WAS JUST GENERALLY A
20 INTRODUCTION TO THE FACT THAT THE TRIAL WAS GOING
21 ON UP HERE.

22 MR. BROTHERS: CORRECT.

23 MR. SWERLING: AND AS THE JUDGE
24 EXPLAINED, IT'S VERY UNUSUAL, WE'RE COMING UP TO
25 OCONEE COUNTY, THIS BEAUTIFUL COUNTY, TO PICK A

1 JURY AND TRANSPORT THEM BACK DOWN TO NEWBERRY
2 COUNTY, WHICH IS ALSO A PRETTY COUNTY, BUT WE'RE
3 GOING TO BE TRYING THE CASE IN NEWBERRY COUNTY...

4 MR. BROTHERS: RIGHT.

5 MR. SWERLING: ...AND THE JURY WILL BE
6 SEQUESTERED THERE. OKAY. NOW, LET ME JUST ASK YOU
7 ALSO SOME FEELINGS ABOUT THE DEATH PENALTY. DO YOU
8 HAVE ANY REAL STRONG CONVICTIONS ABOUT THE DEATH
9 PENALTY?

10 MR. BROTHERS: STRONG...I DON'T HAVE A
11 STRONG BELIEF ONE WAY OR THE OTHER. I DO FEEL THAT
12 CERTAIN CRIMES ARE PUNISHABLE BY DEATH SO I DO
13 BELIEVE IN THE DEATH PENALTY. I DO BELIEVE, LIKE I
14 SAID, THERE ARE CERTAIN CRIMES THAT ARE PUNISHABLE
15 BY DEATH.

16 MR. SWERLING: SO YOU FALL INTO WHAT
17 THE JUDGE HAS DESCRIBED IN THOSE THREE CATEGORIES?

18 MR. BROTHERS: YES.

19 MR. SWERLING: ONE OF THE THINGS THAT I
20 WOULD LIKE TO JUST EXPLORE WITH YOU A MOMENT, WHEN
21 THE JUDGE WAS TALKING ABOUT THOSE THREE CATEGORIES,
22 HE'S TALKING ABOUT THE THREE CATEGORIES WERE IF THE
23 JURY WERE TO FIND SOMEONE GUILTY OF MURDER. OKAY.
24 AND IN THAT FIRST CATEGORY WHEN SOMEONE'S FOUND
25 GUILTY OF MURDER, THE JUDGE IS SAYING THERE ARE

1 SOME PEOPLE WHO BELIEVE THAT IN A MURDER
2 CONVICTION, ONCE THE STATE HAS PROVEN THAT GUILT
3 BEYOND A REASONABLE DOUBT, THAT THE JUROR FEELS
4 THAT THE DEATH PENALTY IS ALWAYS APPROPRIATE. AS I
5 UNDERSTAND, YOU DON'T FALL IN THAT CATEGORY AT ALL,
6 IS THAT CORRECT?

7 MR. BROTHERS: CORRECT, YES SIR.

8 MR. SWERLING: AND THEN YOU...THE JUDGE
9 IS TALKING ABOUT A MURDER CONVICTION WHERE SOME
10 JURORS FEEL LIKE, UNDER NO CIRCUMSTANCES, EVEN IF
11 THEY FOUND SOMEBODY GUILTY OF MURDER, WOULD THEY
12 FEEL THE DEATH PENALTY IS APPROPRIATE.

13 MR. BROTHERS: RIGHT. I DON'T FALL IN
14 THAT CATEGORY.

15 MR. SWERLING: YOU DON'T FALL IN THAT
16 CATEGORY EITHER.

17 MR. BROTHERS: RIGHT.

18 MR. SWERLING: SO, WHAT YOU'RE SAYING,
19 WHAT I UNDERSTAND YOU'RE SAYING AND CORRECT ME IF
20 I'M WRONG, IS THAT THERE ARE THOSE CASES WHERE
21 SOMEONE IS FOUND GUILTY OF MURDER AND THAT YOU FEEL
22 LIKE THE DEATH PENALTY IS APPROPRIATE AND THEN
23 THERE ARE SOME CASES WHERE SOMEONE WOULD BE FOUND
24 GUILTY OF MURDER WHERE YOU DON'T FEEL THAT THE
25 DEATH PENALTY WOULD BE APPROPRIATE.

1 MR. BROTHERS: YES, THAT'S HOW I
2 BELIEVE.

3 MR. SWERLING: AND YOU, I GUESS, WOULD
4 LOOK AT THE PARTICULAR CIRCUMSTANCES OF THAT CASE?
5 WOULD THAT BE SOMETHING IMPORTANT TO YOU?

6 MR. BROTHERS: I WOULD HAVE TO HEAR
7 EVERYTHING, YES SIR, TO MAKE A DECISION.

8 MR. SWERLING: AND YOU WOULD WANT TO
9 HEAR STUFF ABOUT THE FACTS OF THE CRIME, THE
10 ALLEGED CRIME, THE FACTS ABOUT THE DEFENDANT
11 HIMSELF OR THE PERSON WHO'S CHARGED WITH THAT
12 CRIME?

13 MR. BROTHERS: YES SIR.

14 MR. SWERLING: THAT WAY YOU COULD MAKE
15 A DECISION. EVERYTHING POSSIBLE, YOU'D LIKE TO
16 HAVE ALL THAT INFORMATION SO YOU COULD ACCESS IT,
17 DIGEST IT AND THEN COME UP WITH AN OPINION ABOUT
18 WHAT YOU THOUGHT WAS APPROPRIATE, I GUESS.

19 MR. BROTHERS: YES SIR.

20 MR. SWERLING: YOU, SITTING HERE RIGHT
21 NOW, DON'T FEEL ONE WAY OR THE OTHER ABOUT THAT?

22 MR. BROTHERS: NO SIR, I DO NOT.

23 MR. SWERLING: EVEN IF THERE WERE A
24 MURDER CONVICTION?

25 MR. BROTHERS: I DON'T KNOW ENOUGH

1 ABOUT IT, SIR.

2 MR. SWERLING: SO, EVEN IF YOU GOT TO
3 THAT STAGE, YOU'D STILL WANT TO HEAR A LOT OF
4 INFORMATION AS TO CIRCUMSTANCES SURROUNDING AND
5 AROUND THE PERSON, AROUND THE FAMILY, AND THINGS OF
6 THAT NATURE. THOSE KINDS OF THINGS WOULD BE
7 IMPORTANT TO YOU IN MAKING THAT ASSESSMENT?

8 MR. BROTHERS: YES SIR.

9 MR. SWERLING: YOU UNDERSTAND,
10 OBVIOUSLY, IT WOULD BE A VERY IMPORTANT, HEAVY
11 DECISION TO HAVE TO MAKE.

12 MR. BROTHERS: YES SIR.

13 MR. SWERLING: OKAY. AND I THINK, AS
14 THE JUDGE EXPLAINED TO YOU, THE JURY WOULD MAKE A
15 RECOMMENDATION OF WHAT THE SENTENCE WOULD BE, A
16 UNANIMOUS RECOMMENDATION, AND IF THE JURY
17 UNANIMOUSLY RECOMMENDED THE DEATH SENTENCE, THE
18 JURY WOULD HAVE TO SIGN THEIR NAMES TO THAT DEATH
19 SENTENCE. IT'S NOT REALLY A RECOMMENDATION,
20 THAT'S WHAT'S IMPOSED...

21 MR. BROTHERS: RIGHT.

22 MR. SWERLING: ...AND IF IT'S NOT
23 UNANIMOUS, THEN HE WOULD NOT GIVE A DEATH SENTENCE.

24 MR. BROTHERS: YES SIR, I UNDERSTAND.

25 MR. SWERLING: SO, YOU UNDERSTAND,

1 BASICALLY, THE DIRECTIONS THAT WE'RE GOING IN IN
2 THIS CASE AND WHY THIS CASE IS A LITTLE BIT
3 UNUSUAL...WELL, THESE TYPES OF CASES ARE A LITTLE
4 BIT UNUSUAL, DIFFERENT THAN THE NORMAL CRIMINAL
5 TRIAL THAT COMES INTO THE GENERAL SESSIONS COURT.

6 MR. BROTHERS: YES SIR.

7 MR. SWERLING: AND, THE FACT THAT WE'RE
8 TALKING TO YOU AND THE FACT THAT WE'RE HAVING TO
9 ASK YOU THESE QUESTIONS, I MEAN, DOES THAT GIVE YOU
10 ANY KIND OF NEGATIVE FEELINGS ABOUT HAVING TO SIT
11 ON THIS JURY...?

12 MR. BROTHERS: NO SIR, I UNDERSTAND.

13 MR. SWERLING: ...OR ABOUT THE PROCESS?

14 MR. BROTHERS: NO SIR.

15 MR. SWERLING: YOU WOULDN'T HOLD THE
16 FACT THAT WE'RE TRYING TO EXPLORE THESE VERY
17 PERSONAL BELIEFS ON YOUR PART IN ANY WAY AGAINST
18 EITHER SIDE?

19 MR. BROTHERS: NO SIR.

20 MR. SWERLING: OKAY, YOU UNDERSTAND
21 THAT THIS IS WHAT WE HAVE TO DO?

22 MR. BROTHERS: YES SIR.

23 MR. SWERLING: BUT YOU ALSO UNDERSTAND
24 THAT OUT OF THESE QUESTIONS WE'RE ASKING YOU ABOUT
25 THE DEATH PENALTY ARE ONLY IF WE EVER GET TO THAT

1 STAGE?

2 MR. BROTHERS: YES SIR.

3 MR. SWERLING: THERE'S GOING TO BE A
4 TRIAL FIRST ON WHETHER OR NOT MR. BECKHAM IS GUILTY
5 OR INNOCENT, WHETHER THE STATE CAN PROVE HIS GUILT
6 BEYOND A REASONABLE DOUBT OF GUILTY OR INNOCENT.

7 MR. BROTHERS: RIGHT.

8 MR. SWERLING: OKAY. AND YOU
9 UNDERSTAND THAT THAT SITUATION ALSO HAS TO BE AN
10 UNANIMOUS VERDICT.

11 MR. BROTHERS: YES SIR.

12 MR. SWERLING: EXCUSE ME ONE MINUTE AND
13 LET ME TALK TO MR. HARPOOTLIAN AND SEE IF I'VE GOT
14 ANOTHER QUESTION FOR YOU. WE'VE KNOWN EACH OTHER A
15 LONG TIME SO HE KNOWS WHAT I FORGET AND SOMETIMES I
16 KNOW WHAT HE FORGETS.

17 LET ME ASK YOU THIS, WHEN DEALING WITH
18 A CASE LIKE THIS OR IN ANY CASE, ARE YOU AWARE OF
19 ANYBODY WHO'S HAD SOME SERIOUS MARITAL DISCORD?
20 PROBLEMS IN A FAMILY?

21 MR. JONES: JUDGE, WHAT'S THAT GOT TO
22 DO WITH MR. BROTHERS' BELIEFS AND OPINIONS ON THE
23 DEATH PENALTY? I OBJECT TO ANY PARTICULAR FACTS...

24 MR. SWERLING: I'M JUST ASKING IF
25 HE...IF ANY OF THAT, YOUR HONOR, WOULD IN ANY WAY

1 INFLUENCE THE JUROR OR WHETHER THERE'S A CAUSE OF
2 ANY PARTICULAR PROBLEMS TO BE PREDISPOSED ONE WAY
3 OR THE OTHER.

4 THE COURT: I UNDERSTAND WHAT YOUR
5 QUESTION IS. THAT'S THE FIRST TIME THE OBJECTION
6 HAS BEEN RAISED. LET ME ASK YOU TO STEP OUTSIDE
7 JUST A MINUTE.

8 MR. BROTHERS: YES SIR.

9 MR. SWERLING: JUDGE, IF THE JURY...IF
10 THE STATE DOES NOT INTEND TO GET INTO THAT KIND OF
11 INFORMATION, THEN I DON'T THINK I'D PURSUE THE
12 QUESTION, BUT I THINK THE FACT THAT IF THE STATE
13 INTENDS TO TRY AND OFFER ANY EVIDENCE OF MARITAL
14 DISCORD OR IF THERE'S ANY EVIDENCE OF ANY KIND OF
15 DRUG USE, I THINK THAT PEOPLE'S EXPERIENCES IN LIFE
16 NEED TO BE EXPLORED AS TO WHETHER OR NOT THAT WOULD
17 PREDISPOSE THEM ONE WAY OR THE OTHER EITHER AS TO
18 THE GUILT OR INNOCENCE OF A PERSON OR AS TO WHAT
19 THE PUNISHMENT OUGHT TO BE. THAT'S THE BASIS OF
20 THE QUESTIONS.

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

23 MR. JONES: JUDGE, THAT'S A PROBLEM FOR
24 THE JURY AND IT GOES TO CREDIBILITY. I MEAN, WE'RE
25 HERE TRYING TO DECIDE WHETHER OR NOT THEY'RE DEATH

1 PENALTY QUALIFIED AND WHETHER OR NOT THEY CAN SIT
2 ON THIS JURY AND RETURN A VERDICT OF LIFE OR DEATH.

3
4 THEY ARE TRYING TO BRING UP...AND THEY
5 DID IT A COUPLE OF TIMES YESTERDAY, AND YOU'RE
6 RIGHT, YOUR HONOR, WE DIDN'T OBJECT, BUT WE
7 DISCUSSED IT LAST NIGHT AND WE DECIDED WE WOULD AT
8 EVERY TURN THIS MORNING, WHICH IS WHAT WE'VE DONE.
9 AND THE REASON FOR IT, JUDGE, IS TODAY, AS IN
10 YESTERDAY, WHAT THEY'RE TRYING TO DO, IS QUESTION
11 THE JURORS AND GET THEIR FEELINGS ABOUT POTENTIAL
12 FACTUAL ISSUES IN THIS CASE. THE FACTUAL ISSUES
13 ARE FOR THE JURY TO DECIDE WITHIN THEIR OWN
14 PROVINCE AND NOT FOR THEM TO BEGIN AT THIS STAGE,
15 AT THIS JUNCTURE, TO TRY TO EXPLORE BASIC OPINIONS
16 THAT THEY HAVE, TRYING TO ACTUALLY PIGEONHOLE THEM
17 IN A CORNER INTO CERTAIN FACTUAL ISSUES. I MEAN IF
18 WE BEGIN...IF YOU ALLOW THIS PROCESS TO GO INTO THE
19 EXPLORATION OF HOW THEY FEEL ABOUT THE NUMEROUS
20 FACTUAL ISSUES THAT CAN COME UP IN THIS CASE, WE
21 COULD BE HERE A GOOD TWO OR THREE HOURS ON EACH
22 JUROR. BECAUSE IF YOU'RE GOING TO ALLOW THEM TO GO
23 INTO DOMESTIC ABUSE AND DRUGS AS THEY DID YESTERDAY
24 AND THE POTENTIAL THINGS LIKE THIS, THEN THERE ARE
25 ALL KINDS OF ISSUES. INSURANCE IS AN ISSUE.

1 MURDER FOR HIRE IS AN ISSUE: HOW THEY FEEL ABOUT
2 INFIDELITY, HOW THEY FEEL ABOUT ADULTERY, HOW THEY
3 FEEL ABOUT DRUG USE, HOW THEY FEEL ABOUT
4 PORNOGRAPHY, HOW THEY FEEL ABOUT TOPLESS DANCERS,
5 HOW THEY FEEL ABOUT POKER MACHINES, HOW THEY FEEL
6 ABOUT LOTS OF ISSUES, JUDGE. THAT IF WE WANT TO
7 FIND OUT WHAT KIND OF FACTUAL DETERMINATION WAS
8 MADE BY THESE JURORS BASED ON NO STATEMENT, I JUST
9 THINK IT'S TOTALLY OUTSIDE THE PARAMETERS OF THIS
10 PROCESS. THIS PROCESS IS TO DETERMINE WHETHER OR
11 NOT THEY'RE CAPABLE OF RETURNING A VERDICT OF LIFE
12 OR DEATH, DEPENDING ON THE FACTS, AND THIS JUROR IS
13 AS SIMPLE AND BASIC AND STRAIGHTFORWARD AS ANY
14 YOU'LL FIND IN THIS PROCESS AND YET WE'RE GOING ON
15 FOR MORE THAN HALF OF HOUR AT THIS JUNCTURE AND
16 OPENING UP A DOOR AT THIS JUNCTURE THAT COULD LEAVE
17 US HERE FOR ANOTHER HALF HOUR TO HOUR WITH THIS
18 JUROR.

19 THE COURT: MR. SOLICITOR, I SUSTAIN
20 YOUR OBJECTION AND YOU REMEMBER THE ARGUMENT THAT
21 YOU MADE TO ME WHEN I DEAL WITH THE QUESTIONS AS TO
22 CHARACTER AND LYLE ISSUES. JUST REMEMBER THAT.
23 REMEMBER THE ARGUMENT THAT YOU JUST MADE. IT WILL
24 COME BACK AROUND SO, I SUSTAIN THE OBJECTION. YOU
25 LIMIT THE QUESTION...

1 MR. JONES: THAT THE ARGUMENT THAT I
2 MADE FOR THIS PROCESS.

3 THE COURT: JUST REMEMBER WHAT I'M
4 SAYING. THERE'S A LOT OF THINGS YOU...BOTH SIDES,
5 BOTH SIDES HAVE BEEN TALKING ABOUT A LOT OF THINGS
6 IN CONFERENCES, ETC., THAT MAY NOT HAVE ANYTHING TO
7 DO WITH THE GUILT OR INNOCENCE OF A DEFENDANT OR
8 THE APPROPRIATE PUNISHMENT SO THIS...I UNDERSTAND
9 THAT Y'ALL ALL GOT LOTS OF IDEAS ABOUT WHAT'S
10 RELEVANT, MAYBE A LOT OF THINGS THAT AREN'T
11 RELEVANT. I AGREE WITH YOU ON THIS POINT THAT
12 THAT'S NOT RELEVANT. SUSTAINED.

13 ALL RIGHT, BRING THE JUROR BACK IN.

14 MR. SWERLING: YOUR HONOR, COULD WE
15 HOLD HIM UP FOR A SECOND, I JUST WANT TO GET SOME
16 GUIDANCE?

17 THE COURT: I'M SORRY, I GOT YOU BACK
18 IN TOO QUICKLY. JUST ONE SEC'...

19 THE QUESTION, ISSUES OF DRUG USE,
20 ISSUES OF INFIDELITY, ARE JUST LIKE QUESTIONS,
21 WOULD YOU BELIEVE A POLICE OFFICER OVER ANOTHER
22 WITNESS. IT'S ALL THE SAME STUFF. I WOULD KEEP
23 THAT OUT BASED ON THE OBJECTION HAVING BEEN MADE
24 NOR IF YOU MAKE AN OBJECTION TO THEM GETTING INTO
25 SOME OF THE ISSUES, I'LL SUSTAIN THAT TOO.

1 THE QUESTION BASICALLY IS THE VERY
2 BASIC PRINCIPLE, THE PRESUMPTION OF INNOCENCE,
3 PROVE BEYOND A REASONABLE DOUBT, WHETHER...I MEAN
4 EVERYTHING YOU'VE SAID SO FAR TO THIS POINT.

5 MR. SWERLING: YES SIR. THE REASON, I
6 DIDN'T MEAN TO KEEP SENDING HIM OUT BUT I JUST WANT
7 TO UNDERSTAND FOR GUIDE PURPOSES, WE'RE NOT...DON'T
8 GO INTO ANY OF THESE ISSUES ABOUT MARITAL DISCORD
9 OR DRUG USE OR ANY OF THE THINGS THAT MR. JONES
10 ENUMERATED ARE OFF LIMITS DURING VOIR DIRE.

11 THE COURT: YEAH, AND QUITE FRANKLY,
12 THAT MAY HAVE ABSOLUTELY NOTHING TO DO WITH GUILT
13 OR INNOCENCE.

14 MR. SWERLING: I UNDERSTAND. I JUST
15 WANT TO MAKE SURE, JUST SO THE RECORD'S CLEAR, WE
16 WOULD TRY AND PURSUE THOSE ISSUES DURING OUR VOIR
17 DIRE EXAMINATION FOR WHATEVER PURPOSE WE NEED TO.
18 I GUESS WE NEED TO TAKE EXCEPTION AND, YOUR HONOR,
19 WE WOULD TRY TO PURSUE THAT WITH ALL THE JURORS.
20 AND I UNDERSTAND YOUR HONOR'S RULING AND I RESPECT
21 IT. THERE'S NOT A PROBLEM WITH THAT. I JUST WANT
22 TO MAKE SURE THE RECORD'S REFLECTING THAT WE
23 BELIEVE THAT SINCE THE STATE OBVIOUSLY INTENDS TO
24 OFFER THIS INFORMATION, WE NEED TO FIND OUT IF
25 JURORS ARE GOING TO BE PREDISPOSED ONE WAY OR THE

1 OTHER AND THEY'VE HAD SOME SORT OF LIFE EXPERIENCE
2 THAT WOULD, IN ANY WAY, MAKE THEM BIASED ONE WAY OR
3 THE OTHER ON IT. JUST SO YOUR HONOR UNDERSTANDS
4 OUR POSITION.

5 THE COURT: I UNDERSTAND AND RECOGNIZE
6 THAT IT WOULD BE A CONTINUING OBJECTION. LET THE
7 RECORD REFLECT THAT IT'S ONGOING.

8 NOW, DON'T OPEN THE DOOR SOLICITOR.

9 MR. JONES: THANK YOU, YOUR HONOR.

10 THE COURT: ALL RIGHT, BRING THE
11 WITNESS IN.

12 I'M SORRY.

13 MR. BROTHERS: THAT'S OKAY.

14 THE COURT: MR. SWERLING, DID YOU HAVE
15 ANYTHING ELSE OF THIS JUROR?

16 MR. SWERLING: NO, YOUR HONOR.

17 THE COURT: ALL RIGHT, MR. SOLICITOR.

18 MR. JONES: NO, YOUR HONOR.

19 THE COURT: ALL RIGHT, MR. BROTHERS,
20 YOU ARE QUALIFIED TO SERVE ON THE JURY IN THIS
21 CASE. NOW, YOU'LL BE PLACED IN A POOL FROM WHICH
22 WE WILL DRAW, ULTIMATELY, THE JURY.

23 I WOULD ASK YOU NOT TO DISCUSS THE CASE
24 WITH ANYONE OR ALLOW ANYONE TO DISCUSS IT WITH YOU
25 OR READ OR WATCH OR LISTEN TO ANY ACCOUNT ABOUT THE

1 TRIAL.

2 I NEED YOU TO REPORT BACK TOMORROW AT
3 ELEVEN O'CLOCK, PACKED TO GO TO NEWBERRY FOR A
4 PERIOD OF TEN DAYS. WE THINK WE CAN DO IT WITHIN
5 THAT PERIOD OF TIME.

6 SLED WILL PROVIDE FOR YOUR
7 TRANSPORTATION AND SECURITY WHILE YOU'RE IN
8 NEWBERRY. NEWBERRY COUNTY WILL PAY FOR YOUR MEALS
9 AND YOUR LODGING AND THE THINGS NECESSARY FOR THE
10 JURY TO FUNCTION.

11 THE BEST SUGGESTION I COULD MAKE TO
12 YOU, IF YOU CAN HAVE SOMEBODY DROP YOU OFF WITH
13 YOUR LUGGAGE AND IN THE EVENT THAT YOU'RE SELECTED,
14 OF COURSE, YOU'LL GO ON TO NEWBERRY, AND IN THE
15 EVENT THAT YOU'RE NOT, BE SURE YOU HAVE SOMEBODY
16 THAT CAN COME BACK AND PICK YOU UP, OKAY? AND,
17 RIGHT NOW, BASED ON THE SCHEDULE OF THINGS, WE MAY
18 BE RUNNING JUST A LITTLE BIT BEHIND THAT SCHEDULE
19 BUT WE'RE GOING TO TRY AND STAY ON IT.

20 SEE YOU TOMORROW AT ELEVEN, OKAY? HAVE
21 A NICE DAY.

22 MR. BROTHERS: THANKS.

23 MR. JONES: YOUR HONOR, BEFORE WE BRING
24 THE NEXT JUROR IN, IF I COULD INQUIRE OF YOU, IF I
25 MIGHT BE ABLE TO CONDUCT THE VOIR DIRE OF THE JUROR

1 AND HAVE EITHER MR. MCMAHON OR MR. COULTER OR MS.
2 STROM VOICE A LEGAL ARGUMENT TO YOU, IF IT ARISES.

3 THE COURT: WELL, LET ME TELL YOU ABOUT
4 THAT. I GOT NINE, I GOT TEN RULES OF ENGAGEMENT
5 WRITTEN DOWN IN MY CHAMBERS. NOW I DON'T MIND
6 TAKING YOU ALL ON ONE AT A TIME BUT I DON'T THINK
7 IT'S FAIR TO CHANGE THE RULES.

8 THE RULES ARE THAT IF, AND IT'S
9 GOING...WE COULD WORK A HARDSHIP ON ALL OF YOU, BUT
10 THE RULES ARE VERY SIMPLE AND I'M NOT GOING TO
11 CHANGE THAT. YOU EXAMINE THE WITNESS, YOU MAKE THE
12 OBJECTIONS, YOU MAKE THE ARGUES.

13 NOW, YOU CAN CONSULT WITH THEM ALL YOU
14 WANT BUT I'M NOT GOING TO BE DOUBLE-TEAMED BY
15 EITHER SIDE. NOT THAT I DON'T THINK COULDN'T DEAL
16 WITH IT, BUT I DON'T WANT TO, OKAY?

17 MR. JONES: WELL I WAS GOING TO
18 ELIMINATE MYSELF FROM THE ARGUMENT WHICH...

19 THE COURT: WELL YOU'RE SUCH FUN TO
20 ARGUE WITH, SEE.

21 MR. HARPOOTLIAN: WE MIGHT NEED
22 PRACTICE, YOUR HONOR. WE'RE MAKING SENSE OF THIS.

23 THE COURT: AND I HAVE, QUITE FRANKLY,
24 BEFORE WE START THE TRIAL, HAVE ABOUT TEN RULES OF
25 ENGAGEMENT. THAT JUST HAPPENS TO BE ONE OF THEM

1 THAT'S ON THE LIST AND I KNEW IT WOULD COME UP
2 SOONER OR LATER SO WE'LL DEAL WITH THAT.

3 IT ALSO WEARS YOU DOWN A LITTLE BIT
4 TOO.

5 OKAY, BRING THE NEXT WITNESS, DENNIS
6 WHITE.

7 MR. DENNIS WHITE, BEING DULY
8 SWORN, TESTIFIES AS FOLLOWS:

9 THE COURT: YOU CAN PUT YOUR HAND DOWN.

10 MR. WHITE, HAVE YOU EVER BEEN IN A
11 COURTROOM BEFORE?

12 MR. WHITE: NO SIR.

13 THE COURT: OKAY, NEVER BEEN ON A JURY?

14 MR. WHITE: WELL, I HAD A DIVORCE,
15 DIVORCE COURT, SMALL.

16 THE COURT: YOU NEED TO SPEAK UP JUST A
17 LITTLE BIT.

18 MR. WHITE: I'VE BEEN IN A DIVORCE
19 COURT.

20 THE COURT: OKAY. NOW, MR. WHITE, DID
21 YOU GET A CHANCE TO READ THE LETTER THAT I HANDED
22 OUT YESTERDAY?

23 MR. WHITE: YES.

24 THE COURT: OKAY. DO YOU HAVE ANY
25 QUESTIONS ABOUT WHAT WAS IN THE LETTER OR SOMETHING

1 YOU DIDN'T PARTICULARLY UNDERSTAND OR WANT ME TO
2 EXPLAIN?

3 MR. WHITE: NOT THAT I KNOW OF.

4 THE COURT: I'M GOING TO REALLY NEED
5 FOR YOU TO TALK INTO THAT MIKE.

6 NOW, LET ME TELL YOU THIS AND YOU DON'T
7 HAVE TO LOOK AT ME WHILE YOU...YOU CAN LOOK AT
8 THESE PEOPLE OUT HERE IF THAT WILL HELP YOU TALK
9 INTO THE MIKE.

10 MR. WHITE: OKAY.

11 THE COURT: UNDER THE NATURE OF THIS
12 CASE, ORDINARILY ONLY THE JUDGE GETS TO ASK
13 QUESTIONS OF A JUROR BUT IN THIS CASE, THIS
14 PROSECUTOR, MR. JONES, OR THE DEFENSE ATTORNEYS,
15 MR. SWERLING OR MR. HARPOOTLIAN, WILL GET TO ASK
16 YOU QUESTIONS AS WELL ABOUT CERTAIN FEELINGS OR
17 BELIEFS THAT YOU HAVE IN A CASE LIKE THIS.

18 NOW I WANT TO TELL YOU THAT THERE
19 AREN'T ANY RIGHT ANSWERS OR THERE AREN'T ANY WRONG
20 ANSWERS. NOBODY'S HERE TO CHALLENGE WHAT YOU
21 BELIEVE OR INSULT YOU OR EMBARRASS YOU, OKAY?

22 MR. WHITE: OKAY.

23 THE COURT: ALL RIGHT, SO ALL WE DO
24 WANT TO KNOW, THOUGH, IS ON SOME OF THE RELEVANT
25 ISSUES, IF YOU HAVE FEELINGS, WHAT ARE THEY, OR

1 BELIEFS, WHAT ARE THEY.

2 FAIR ENOUGH?

3 MR. WHITE: YOU WANT ME TO ANSWER NOW?

4 THE COURT: NO, LET ME GET TO IT FIRST.

5 MR. WHITE: OKAY.

6 THE COURT: ALL RIGHT. NOW, LET ME ASK
7 YOU THIS. HAVE YOU FORMED OR EXPRESSED ANY OPINION
8 AS TO THE GUILT OR INNOCENCE OF MR. BECKHAM IN THIS
9 CASE, THE DEFENDANT?

10 MR. WHITE: NO SIR.

11 THE COURT: ALL RIGHT, AND DO YOU
12 UNDERSTAND THE LEGAL PRINCIPLE OF...THAT A PERSON
13 ACCUSED OF A CRIME IS PRESUMED INNOCENT OF THAT
14 CRIME UNTIL THE STATE PROVES HIS GUILT?

15 MR. WHITE: THAT'S RIGHT.

16 THE COURT: ALL RIGHT. CAN YOU FOLLOW
17 THAT PRINCIPLE OF LAW?

18 MR. WHITE: YES, SIR.

19 THE COURT: THE REASON THAT'S
20 IMPORTANT, MR. WHITE, IS THAT IN A FEW MINUTES
21 WE'RE GOING TO BE TALKING ABOUT PENALTIES. WE'RE
22 GOING TO TALK ABOUT THE DEATH PENALTY A LITTLE BIT.
23 WE'RE GOING TO TALK ABOUT LIFE IMPRISONMENT AND I
24 WANT TO BE SURE THAT YOU DON'T INFER OR IMPLY OR
25 ASSUME THAT MR. BECKHAM IS GUILTY OF ANYTHING.

1 THAT HAS NOT BEEN ESTABLISHED YET.

2 DO YOU UNDERSTAND THAT?

3 MR. WHITE: YES.

4 THE COURT: OKAY. NOW, LET'S SAY THAT
5 YOU ARE PLACED ON A JURY WHERE THE STATE IS SEEKING
6 THE DEATH PENALTY AND A JURY OF TWELVE MEN AND
7 WOMEN WHICH YOU ARE A PART OF HAVE UNANIMOUSLY
8 FOUND A DEFENDANT GUILTY OF MURDER. OKAY? AND
9 THEN YOU ARE ASKED TO CONSIDER THE PUNISHMENT THAT
10 SHOULD BE IMPOSED IN THE PENALTY PHASE, THE SECOND
11 TRIAL. ARE YOU WITH ME SO FAR?

12 MR. WHITE: YES.

13 THE COURT: ALL RIGHT. DO YOU
14 UNDERSTAND THAT IN A DEATH PENALTY TRIAL, THAT ONLY
15 THE JURY CAN SET THE PUNISHMENT?

16 MR. WHITE: YES.

17 THE COURT: OKAY. NOW, WE KNOW FROM
18 EXPERIENCE THAT THERE ARE BASICALLY THREE KINDS OF
19 JURORS WHEN WE COME TO THIS TYPE OF CASE. THE
20 FIRST GROUP OF JURORS SAID WE FOUND A DEFENDANT
21 GUILTY OF MURDER AND WE FOUND AGGRAVATING
22 CIRCUMSTANCES AND I WOULD ALWAYS VOTE FOR THE DEATH
23 PENALTY, BECAUSE I THINK THAT'S THE APPROPRIATE
24 PUNISHMENT IN EVERY CASE. DO YOU UNDERSTAND THAT
25 TYPE OF JUROR?

1 MR. WHITE: YES.

2 THE COURT: OKAY. THE SECOND TYPE OF
3 JUROR, YES WE FOUND A DEFENDANT GUILTY OF MURDER.
4 THERE IS EVIDENCE OF AGGRAVATING CIRCUMSTANCES, BUT
5 I WOULD ALWAYS VOTE FOR LIFE IMPRISONMENT BECAUSE I
6 FEEL THAT'S THE APPROPRIATE PUNISHMENT. AND DO YOU
7 UNDERSTAND THAT TYPE OF JUROR?

8 MR. WHITE: YES.

9 THE COURT: ALL RIGHT. THERE'S A THIRD
10 TYPE OF JUROR THAT SAYS, YES, WE'VE FOUND A
11 DEFENDANT GUILTY OF MURDER. THERE IS EVIDENCE OF
12 AGGRAVATION. THERE MAY OR MAY NOT BE EVIDENCE OF
13 MITIGATION BUT I WANT TO LOOK AT ALL OF THE RECORD
14 AND I WANT TO CONSIDER WHAT IS THE MOST APPROPRIATE
15 PUNISHMENT. IT MIGHT BE LIFE. IT MIGHT BE DEATH.

16 IF I COULD ASK YOU, COULD YOU TELL ME
17 WHICH ONE OF THOSE THREE CATEGORIES YOU MIGHT FALL
18 IN?

19 MR. WHITE: I WOULDN'T WANT TO PUT HIM
20 TO DEATH.

21 THE COURT: COULD YOU UNDER...AND WE'RE
22 NOT TALKING ABOUT ANY PARTICULAR PERSON AT THIS
23 POINT AND TIME, WE'RE TALKING ABOUT A DEFENDANT WHO
24 HAS BEEN FOUND GUILTY AND THEN YOU'RE ASKED TO SET
25 THE PUNISHMENT. ARE THERE CIRCUMSTANCES UNDER

1 WHICH YOU COULD CONSIDER AND IMPOSE THE DEATH
2 PENALTY IF YOU THOUGHT IT WERE APPROPRIATE?

3 MR. WHITE: I COULDN'T DO THAT.

4 THE COURT: UNDER ANY SET OF
5 CIRCUMSTANCES?

6 MR. WHITE: NO SIR.

7 THE COURT: ALL RIGHT, MR. SOLICITOR,
8 ANY QUESTIONS?

9 MR. JONES: NO SIR.

10 THE COURT: MR. HARPOOTLIAN?

11 MR. HARPOOTLIAN: JUST A COUPLE.

12 MR. WHITE, I'M DICK HARPOOTLIAN. I
13 REPRESENT STEPHEN BECKHAM SEATED OVER HERE.

14 MR. WHITE: YES SIR.

15 MR. HARPOOTLIAN: YOU'VE INDICATED TO
16 THE JUDGE THAT YOU WOULD HAVE NO PROBLEM WHATSOEVER
17 SITTING IN JUDGMENT OF MR. BECKHAM'S GUILT OR
18 INNOCENCE, IS THAT CORRECT? YOU COULD FIND HIM
19 INNOCENT OR GUILTY BASED ON THE FACTS AND EVIDENCE
20 YOU HEARD?

21 MR. WHITE: I WOULDN'T WANT TO PUT HIM
22 TO DEATH.

23 MR. HARPOOTLIAN: WELL, WE'RE GOING TO
24 GET TO THAT IN JUST A MOMENT, OKAY?

25 MR. WHITE: OKAY.

1 MR. HARPOOTLIAN: AND NO ONE WANTS TO
2 PUT ANYONE TO DEATH. THAT'S A VERY HEALTHY
3 ATTITUDE.

4 MR. JONES: YOUR HONOR, THAT'S NOT A
5 QUESTION. THAT'S A COMMENT. I OBJECT TO THAT.

6 THE COURT: WELL, NOW, LISTEN. IF
7 YOU'RE GOING TO OBJECT TO EDITORIAL COMMENTING BY
8 BOTH OF YOU NOW I'M GOING TO DRAW THE LINE. NOW,
9 WHICH WAY DO YOU WANT IT?

10 MR. JONES: YOUR HONOR, I WAS OBJECTED
11 TO WHEN I MENTIONED TO A WITNESS THAT I AGREED WITH
12 HER POSITION AND YOU SUSTAINED IT.

13 THE COURT: WELL AGREEMENT IS...THAT'S
14 A DIFFERENT THING.

15 MR. JONES: HE SAID IT WAS A VERY...

16 THE COURT: ALL RIGHT, SUSTAINED.

17 MR. JONES: THANK YOU.

18 THE COURT: MOVE ON.

19 MR. HARPOOTLIAN: YES SIR.

20 THE COURT: I'M GOING TO CUT IT ALL
21 OUT. JUST ASK QUESTIONS. THAT'S ALL I WANT YOU TO
22 DO.

23 MR. HARPOOTLIAN: THANK YOU, YOUR
24 HONOR.

25 THE QUESTION IS NOT WHETHER YOU WANT TO

1 OR NOT. THE QUESTION IS, ARE THERE ANY
2 CIRCUMSTANCES UNDER WHICH YOU WOULD
3 CONSIDER...CONSIDER MEANS BE ABLE TO VOTE FOR THE
4 DEATH PENALTY?

5 MR. WHITE: I COULDN'T.

6 MR. HARPOOTLIAN: NOT UNDER ANY
7 CIRCUMSTANCES?

8 MR. WHITE: NO, SIR.

9 MR. HARPOOTLIAN: OKAY, THANK YOU.

10 THE COURT: ALL RIGHT, MR. WHITE, I
11 APPRECIATE VERY MUCH YOUR FEELINGS AND YOUR VIEWS
12 ABOUT THE DEATH PENALTY. AS I SAID, THERE ARE NO
13 RIGHT OR WRONG ANSWERS, BUT THE LAW OF SOUTH
14 CAROLINA REQUIRES THAT A JUROR AT LEAST BE ABLE TO
15 IMPOSE BOTH OPTIONS SHOULD THE FACTS DEMONSTRATE
16 ONE OR THE OTHER IS APPROPRIATE. SO I'M GOING TO
17 EXCUSE YOU FROM SERVICE IN THIS CASE, AND THANK YOU
18 VERY MUCH FOR COMING.

19 MR. WHITE: THANK YOU, SIR.

20 THE COURT: MATTHEW MOORE.

21 MATTHEW E. MOORE, BEING DULY
22 SWORN, TESTIFIED AS FOLLOWS:

23 THE COURT: ALL RIGHT, YOU CAN HAVE A
24 SEAT THERE AND GET YOURSELF COMFORTABLE WHERE YOU
25 CAN SPEAK INTO THAT MICROPHONE FOR ME.

1 THE COURT: ALL RIGHT, HAVE YOU EVER
2 BEEN ON A JURY BEFORE?
3 A NO.
4 THE COURT: EVER BEEN IN COURT BEFORE?
5 A NO.
6 THE COURT: OKAY. DID YOU GET A CHANCE
7 TO READ THE LETTER THAT I HANDED OUT YESTERDAY?
8 A YES, SIR.
9 THE COURT: AND DID YOU UNDERSTAND WHAT
10 IT WAS ABOUT?
11 A YES, SIR.
12 THE COURT: DO YOU HAVE ANY QUESTIONS
13 ABOUT THE LETTER THAT YOU DIDN'T UNDERSTAND?
14 A NO, SIR.
15 THE COURT: ALL RIGHT, NOW, WE
16 ORDINARILY--YOU GO BY MATT OR MATTHEW?
17 A EITHER ONE.
18 THE COURT: ORDINARILY, MATT, UNDER
19 CIRCUMSTANCES IN A COURTROOM ONLY THE JUDGE GETS TO
20 ASK JURORS QUESTIONS, BUT BECAUSE OF THE POTENTIAL
21 NATURE OF A CASE LIKE THIS, THE PROSECUTOR AND THE
22 DEFENSE ATTORNEYS ALSO WILL GET A CHANCE TO ASK YOU
23 SOME QUESTIONS ABOUT SOME OF YOUR RELEVANT VIEWS ON
24 SOME SUBJECTS.
25 NOW, I WANT TO MAKE SURE YOU UNDERSTAND

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1 RIGHT OFF THE BAT, THERE AREN'T ANY RIGHT ANSWERS,
2 WRONG ANSWERS, NOBODY'S HERE TO CHALLENGER WHAT YOU
3 BELIEVE OR EMBARRASS YOU OR PUT YOU ON THE SPOT.
4 BUT WE DO NEED TO KNOW YOUR FEELINGS ABOUT SOME OF
5 THE RELEVANT, POTENTIAL ISSUES IN THE CASE. IS
6 THAT FAIR ENOUGH?

7 A YES, SIR.

8 THE COURT: HAVE YOU FORMED OR
9 EXPRESSED ANY OPINION AS TO THE INNOCENCE OR GUILT
10 OF MR. BECKHAM IN THIS CASE?

11 A NO, SIR.

12 THE COURT: ALL RIGHT, AND DO YOU KNOW
13 ANYTHING ABOUT THE FACTS IN THE CASE?

14 A NOT BEYOND WHAT WAS SAID YESTERDAY, NO,
15 SIR.

16 THE COURT: ALL RIGHT NOW, THE REASON I
17 ASK THAT QUESTION IS THAT IN A FEW MINUTES WE'RE
18 GOING TO BE TALKING ABOUT PUNISHMENT AS ONE OF THE
19 ISSUES THAT'S RELEVANT. WE'RE GOING TO TALK ABOUT
20 THE DEATH PENALTY, WE'RE GOING TO TALK ABOUT LIFE
21 IMPRISONMENT. I WANT TO MAKE SURE YOU UNDERSTAND
22 THAT A PERSON ACCUSED OF A CRIME IS PRESUMED TO BE
23 INNOCENT OF THAT CRIME UNLESS THE STATE CAN PROVE
24 IT. DO YOU UNDERSTAND THAT CONCEPT?

25 A YES, SIR.

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1 THE COURT: AND CAN YOU FOLLOW THAT?

2 A YES, SIR.

3 THE COURT: AND AS I SAY, THE REASON
4 THAT'S IMPORTANT IS I DON'T WANT YOU TO INFER OR
5 IMPLY BECAUSE WE'RE TALKING ABOUT PENALTIES THAT
6 MR. BECKHAM IS GUILTY OF ANYTHING. YOU UNDERSTAND
7 THAT?

8 A YES, SIR.

9 THE COURT: ALL RIGHT. NOW, LET ME PUT
10 YOU ON A JURY IN WHICH THE DEATH PENALTY IS BEING
11 SOUGHT. IN THE FIRST PHASE OF THE JURY TRIAL,
12 STATE WILL BE PRESENTING EVIDENCE AS TO THE GUILT
13 OF THE DEFENDANT, OR A DEFENDANT. AND LET'S ASSUME
14 THAT THE STATE HAS MET ITS BURDEN AND A VERDICT OF
15 GUILT IS RETURNED, OKAY? BECAUSE IF A GUILTY
16 VERDICT IS NOT RETURNED, OR A NOT GUILTY VERDICT IS
17 RETURNED THEN THE CASE IS OVER AS FAR AS YOU, THE
18 JUROR, IS CONCERNED.

19 LET'S ASSUME A GUILTY VERDICT IS
20 RETURNED, AND THEN YOU ARE PRESENTED EVIDENCE OF
21 AGGRAVATION, EVIDENCE OF MITIGATION. AND THEN
22 YOU'RE ASKED, AS A JUROR, TO DETERMINE WHAT IS THE
23 APPROPRIATE PUNISHMENT IN THE CASE, BE IT LIFE OR
24 DEATH. DO YOU UNDERSTAND PROCEDURALLY THAT'S WHAT
25 YOU MIGHT BE ASKED TO DO IN THE CASE?

1 A YES, SIR.

2 THE COURT: AND DO YOU UNDERSTAND THAT
3 A JURY IS THE ONLY BODY THAT HAS THE POWER TO
4 IMPOSE THE DEATH PENALTY OR LIFE IN A CASE LIKE
5 THIS?

6 A YES, SIR.

7 THE COURT: OKAY. NOW, I SET THIS UP
8 TO ASK YOU THIS. THERE ARE THREE TYPES OF JURORS
9 GENERALLY THAT WE FIND. NUMBER ONE, WE FIND A
10 JUROR THAT SAYS, "WE FOUND A DEFENDANT GUILTY OF
11 MURDER, WE FOUND AGGRAVATING CIRCUMSTANCES, NO
12 MATTER WHAT ELSE IS IN THE RECORD, I'D ALWAYS VOTE
13 FOR THE DEATH PENALTY. I THINK THAT'S THE
14 APPROPRIATE PUNISHMENT FOR THAT SITUATION."

15 THEN THERE'S A GROUP OF JURORS WHO
16 SAYS, "TRUE, WE FOUND THE DEFENDANT GUILTY OF
17 MURDER, WE FOUND AGGRAVATING CIRCUMSTANCES BUT I
18 BELIEVE THAT LIFE IMPRISONMENT IS ALWAYS THE
19 APPROPRIATE PUNISHMENT, I VOTE FOR LIFE."

20 THEN WE HAVE A THIRD GROUP THAT SAYS,
21 "TRUE, WE FOUND THE DEFENDANT GUILTY OF MURDER,
22 THERE'S EVIDENCE OF AGGRAVATION, THERE'S EVIDENCE
23 OF MITIGATION, I WANT TO LOOK AT THIS WHOLE RECORD
24 AND I'M GOING TO DECIDE WHAT IS THE APPROPRIATE
25 PUNISHMENT. IT MIGHT BE, AFTER I LOOK AT IT, IT'S

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1 LIFE; IT MIGHT BE, IT'S DEATH."

2 WHICH ONE OF THOSE CATEGORIES WOULD YOU
3 THINK YOU WOULD LIKELY FALL IN?

4 A PROBABLY THE THIRD.

5 THE COURT: PROBABLY THE THIRD. WELL,
6 LET ME ASK YOU THIS. LET'S ASSUME THAT YOU'RE
7 SITTING ON THAT JURY, THERE'S BEEN A CONVICTION OF
8 MURDER, EVIDENCE OF AGGRAVATING CIRCUMSTANCES.
9 THERE MAY OR MAY NOT BE EVIDENCE OF MITIGATION.
10 COULD YOU, IF YOU FELT THE APPROPRIATE PUNISHMENT
11 WAS THE DEATH PENALTY, COULD YOU IMPOSE IT?

12 A YES.

13 THE COURT: ON THE OTHER HAND, IF YOU
14 WERE SITTING ON THAT JURY AND YOU GOT THE
15 CONVICTION OF MURDER, YOU'VE GOT EVIDENCE OF
16 AGGRAVATION, YOU MAY OR MAY NOT HAVE EVIDENCE OF
17 MITIGATION, COULD YOU CONSIDER IMPOSING A LIFE
18 SENTENCE?

19 A YES.

20 THE COURT: ALL RIGHT. NOW, I NEED TO
21 TAKE YOU ONE STEP FURTHER. LET'S ASSUME JUST FOR
22 THE MOMENT THAT YOU FELT THE DEATH PENALTY WAS THE
23 APPROPRIATE PUNISHMENT. THE LAW OF THIS STATE
24 REQUIRES THAT THE INDIVIDUAL JURORS MUST SIGN THEIR
25 NAME TO THE SENTENCE SHEET OR TO THE DEATH WARRANT

1 ACKNOWLEDGING THE FACT THAT IS THEIR INDIVIDUAL
2 DECISION TO IMPOSE THE DEATH PENALTY.

3 IF YOU FELT THE DEATH PENALTY WAS THE
4 APPROPRIATE UNDER THE FACTS AND THE LAW IN THE
5 CASE, COULD YOU SIGN YOUR NAME TO THE WARRANT?

6 A YES.

7 THE COURT: ALL RIGHT. LET ME ASK THE
8 SOLICITOR TO ASK YOU SOME QUESTIONS. THEN MR.
9 HARPOOTLIAN OR MR. SWERLING MAY HAVE SOME QUESTIONS
10 FOR YOU.

11 SOLICITOR?

12 EXAMINATION BY:

13 MR. JONES:

14 Q GOOD MORNING, MR. MOORE.

15 A MORNING.

16 Q HOW ARE YOU DOING?

17 A FINE.

18 Q APPRECIATE YOUR PATIENCE WITH US
19 YESTERDAY AND THIS MORNING. WE'VE GOT A DIFFICULT
20 PROCESS, A LOT OF WORK TO DO, AND THIS WHOLE SYSTEM
21 IS ONE THAT WORKS THIS WAY.

22 YOU MENTIONED THAT YOU, I BELIEVE YOU
23 SAID THAT YOU WOULD PROBABLY FALL IN THE THIRD
24 CATEGORY.

25 A YES, SIR.

1 Q DID YOU HAVE A CHANCE TO THINK ABOUT IT
2 BEFORE YOU CAME HERE THIS WEEK ABOUT WHETHER OR NOT
3 YOU WOULD BE ABLE TO IMPOSE THE DEATH PENALTY IF IT
4 WAS THE PROPER PUNISHMENT?

5 A I THOUGHT ABOUT IT A LOT IN THE PAST,
6 YES.

7 Q AND ARE YOU TELLING ME HERE TODAY THAT
8 AFTER HAVING THOUGHT ABOUT IT A LOT, YOU'RE PRETTY
9 FIRM WHEN YOU TELL US HERE TODAY THAT YOU COULD DO
10 THAT?

11 A PRETTY FIRM, YES, SIR.

12 Q WELL, LET'S TAKE IT ONE STEP FURTHER
13 AND SAY THAT THE POTENTIAL JUROR IN THIS CASE, YOU
14 MIGHT BE VERY, VERY CLOSE TO HAVING TO MAKE THAT
15 DECISION. AND LET'S SAY THAT YOU ARE AT THE POINT
16 WHERE YOU HAVE TO MAKE THAT DECISION. LET'S ASSUME
17 THAT YOU ARE RIGHT NOW. COULD YOU IMPOSE THE DEATH
18 PENALTY ON ANOTHER HUMAN BEING?

19 A IF I THOUGHT IT WAS APPROPRIATE, YES,
20 SIR.

21 Q ALL RIGHT. AND IF YOU THOUGHT IT WAS
22 APPROPRIATE, YOU COULD SIGN YOUR NAME, AS YOU TOLD
23 THE JUDGE?

24 A YES, SIR.

25 Q AND YOU'VE THOUGHT ABOUT THAT?

1 A YES, SIR.

2 Q AND OF COURSE, IN DETERMINING WHETHER
3 OR NOT IT WAS APPROPRIATE, YOU'D HAVE TO LOOK AT
4 ALL OF THE FACTS?

5 A YES, SIR.

6 Q MR. MOORE, I'D LIKE TO INTRODUCE YOU TO
7 SOME FOLKS HERE TODAY. THIS IS DEPUTY SOLICITOR
8 MICHAEL COULTER; HE'D BE ASSISTING IN THE
9 PROSECUTION OF THE CASE.

10 DEPUTY SOLICITOR BETTY STROM IN THE
11 BACK. SHE'S ALSO ASSISTING. AND DEPUTY SOLICITOR
12 KNOX MCMAHON. SOLICITOR MCMAHON IS HELPING US HERE
13 TODAY. THEY'LL BE HERE DURING THE COURSE OF THE
14 TRIAL, PRESENTING EVIDENCE AND ASSISTING IN VARIOUS
15 CAPABILITIES.

16 THE VICTIM'S FAMILY IN THIS CASE IS
17 PRESENT ALSO. VICKIE LANDER BECKHAM WAS MURDERED
18 AND THAT'S HER DAD BACK HERE IN THE BLUE SUIT, AND
19 HER MOM IS SEATED NEXT TO HIM. WE APPRECIATE YOUR
20 BEING HERE AND THAT'S ALL THE QUESTIONS I HAVE.

21 THE COURT: MR. HARPOOTLIAN.

22 MR. HARPOOTLIAN: YES, SIR.

23 EXAMINATION BY:

24 MR. HARPOOTLIAN:

25 Q GOOD MORNING, MR. MOORE.

1 A GOOD MORNING.

2 Q MY NAME IS DICK HARPOOTLIAN. I'M AN
3 ATTORNEY THAT PRACTICES LAW IN COLUMBIA. AND I,
4 ALONG WITH JACK SWERLING, REPRESENT STEPHEN
5 BECKHAM. LET ME INTRODUCE MR. SWERLING TO YOU.
6 JACK?

7 MR. SWERLING: GOOD MORNING.

8 Q JACK'S READING. I INTERRUPTED HIM.
9 I'M SORRY. AND THIS IS STEPHEN BECKHAM.

10 NOW, MR. BECKHAM, STEPHEN OVER HERE IS
11 THE PERSON THAT'S ON TRIAL. DO YOU KNOW ANY OF US
12 OR ANYONE SEATED OVER HERE AT THE PROSECUTION
13 TABLE? HEARD OF US, SEEN US?

14 A I'VE HEARD OF YOU, BUT I...

15 Q YOU'VE HEARD OF ME? OKAY, WAS THAT IN
16 A POLITICAL CONTEXT?

17 A IN A POLITICAL CONTEST, YES SIR.

18 Q OKAY. THE FACT THAT YOU'VE HEARD OF
19 ME, WOULD THAT IN ANY WAY INFLUENCE YOUR
20 PARTICIPATION IN THIS CASE? WOULD THAT MAKE YOU
21 MORE LIKELY, OR LESS LIKELY TO BE FAIR TO EITHER
22 SIDE?

23 A NO, SIR.

24 Q OKAY. I'VE JUST GOT A STRANGE NAME AND
25 ONCE YOU'VE HEARD IT, IT'S DIFFICULT TO FORGET;

1 THAT'S ABOUT IT?

2 A WELL, DIDN'T YOU RUN FOR OFFICE?

3 Q YES, I DID.

4 A WELL, THAT'S HOW I HEARD OF YOU.

5 Q I'D RATHER NOT DISCUSS THAT AT THIS
6 POINT. LET'S MOVE ON TO HAPPIER AREAS.

7 YOU'VE INDICATED THAT, I THINK YOU SAID
8 YOU'VE NEVER BEEN ON A JURY BEFORE, IS THAT
9 CORRECT?

10 A NO, SIR.

11 Q AND SO YOU'VE NEVER PARTICIPATED IN THE
12 PROCESS OF DELIBERATION IN A CASE, IS THAT CORRECT?

13 A THAT'S CORRECT.

14 Q THE JUDGE HAS TOLD YOU THAT YOU'VE GOT
15 TO PRESUME THE DEFENDANT INNOCENT. THAT IS THERE
16 IS A PRESUMPTION OF INNOCENCE THAT IN ANY CRIMINAL
17 CASE, THAT BEFORE A JURY IS SWORN AND DURING THE
18 PROCESS, THEY HAVE TO PRESUME THEM INNOCENT. DO
19 YOU UNDERSTAND THAT?

20 A YES, SIR.

21 Q AND DO YOU HAVE ANY PROBLEM DOING THAT?

22 A NO, SIR.

23 Q SIMPLY BECAUSE THE STATE HAS MADE AN
24 ACCUSATION IN THE FORM OF AN INDICTMENT WHICH THE
25 JUDGE READ TO YOU, THAT DOESN'T IN ANY WAY INDICATE

1 TO YOU THAT MR. BECKHAM OR ANYBODY IN MR. BECKHAM'S
2 POSITION WOULD BE GUILTY OF A CRIME, IS THAT
3 CORRECT?

4 A YES, SIR.

5 Q NOW, WHAT DO YOU DO AT WEST POINT-
6 STEVENS?

7 A I DO SEVERAL THINGS. I RUN THE OFFICE,
8 RUN THE SHIPPING FOR THE NEXT DAY. SOMETIMES DRIVE
9 DIFFERENT MACHINES.

10 Q OKAY.

11 A I COULD KEEP GOING, I GUESS.

12 Q THAT'S DOWN AT CLEMSON, RIGHT?

13 A YES, SIR.

14 Q AND YOU'RE SINGLE?

15 A YES, SIR.

16 Q THE JUDGE HAS ASKED YOU, AND THE
17 SOLICITOR ASKED YOU JUST A MOMENT AGO WHETHER YOU
18 WOULD HAVE ANY DIFFICULTY IN IMPOSING THE DEATH
19 PENALTY IN THE APPROPRIATE CASE, AND YOU'VE
20 INDICATED YOU WOULD NOT, IS THAT CORRECT?

21 A I THINK I WOULD HAVE DIFFICULTY, BUT I
22 COULD DO IT, YES, SIR.

23 Q OKAY. AND I GUESS THAT ANSWERS MY NEXT
24 QUESTION WHICH WOULD BE, YOU UNDERSTAND SIMPLY
25 BECAUSE SOMEONE IS CONVICTED OF A MURDER, EVEN IF

1 THERE ARE AGGRAVATING CIRCUMSTANCES PRESENT, AND
2 THE JUDGE WILL TELL YOU ABOUT THOSE AT SOME POINT.
3 IT WILL BE LIKE MURDER PLUS A KIDNAPPING, MURDER
4 PLUS A RAPE, MURDER PLUS AN ARMED ROBBERY, YOU
5 DON'T NECESSARILY HAVE TO IMPOSE THE DEATH PENALTY.
6 DO YOU UNDERSTAND THAT?

7 A OH, YES, SIR.

8 Q LET ME CHECK WITH MR. SWERLING OVER
9 HERE TO SEE IF THERE'S ANYTHING I'VE FORGOTTEN TO
10 ASK YOU, OKAY?

11 THANK YOU. I APPRECIATE YOUR PATIENCE.

12 THE COURT: SOLICITOR, ANYTHING?

13 MR. JONES: NO, SIR.

14 THE COURT: ALL RIGHT, MR. SIGMAN,
15 YOU'RE QUALIFIED TO SERVE ON THE JURY PANEL. NOW,
16 WHAT WE'RE GOING TO DO IS PUT YOUR NAME IN THE
17 POOL....I'M SORRY, MR. MOORE. DID I CALL YOU MR.
18 SIGMAN? MR. MOORE.

19 YOU MAY OR MAY NOT BE SELECTED
20 ULTIMATELY TO SERVE ON THE JURY, BUT NEVERTHELESS,
21 I NEED FOR YOU TO GO HOME AND PACK AND REPORT BACK
22 TOMORROW AT ELEVEN O'CLOCK. I'D SUGGEST YOU PACK
23 FOR A PERIOD OF UP TO TEN DAYS.

24 YOU CAN DRESS COMFORTABLE, BUT NOT
25 TACTFULLY, OKAY? YOU DON'T HAVE TO WEAR SUNDAY

1 CLOTHES, BUT YOU CAN'T WEAR BEACH CLOTHES, OKAY?

2 SLED WILL PROVIDE FOR YOUR
3 TRANSPORTATION AND YOUR SECURITY, IF YOU'RE
4 SELECTED, WHILE YOU'RE ON THE JURY. THE COUNTY OF
5 NEWBERRY WILL PAY FOR YOUR LODGING, MEALS AND
6 THINGS NECESSARY FOR THE JURY TO DO ITS JOB.

7 ANY QUESTIONS?

8 A NO, SIR.

9 THE COURT: OKAY, SEE YOU TOMORROW AT
10 ELEVEN. SUGGEST THAT YOU HAVE SOMEBODY DROP YOU
11 OFF. IN CASE YOU ARE SELECTED, WE'LL TAKE YOU ON
12 TO NEWBERRY; IF YOU'RE NOT, BE SURE YOU CAN CALL
13 THEM AND THEY'LL COME BACK AND GET YOU, OKAY? AND
14 THE BAILIFF WILL SHOW YOU WHERE TO REPORT TO. ALL
15 RIGHT, THANK YOU, SIR.

16 THE NEXT ONE IS MR. SIGMAN. MR. JOEL
17 A. SIGMAN.

18 JOEL A. SIGMAN, BEING DULY
19 SWORN, WAS EXAMINED AS FOLLOWS:

20 THE COURT: ALL RIGHT, YOU CAN PUT YOUR
21 HAND DOWN, AND HAVE YOU EVER BEEN ON A JURY BEFORE?

22 A TRAFFIC COURT.

23 THE COURT: TRAFFIC COURT, OKAY. DID
24 YOU GET A CHANCE TO READ THE LETTER THAT I HANDED
25 OUT YESTERDAY?

1 A YES, SIR.

2 THE COURT: DO YOU HAVE ANY QUESTIONS
3 ABOUT WHAT YOU READ?

4 A NO, IT WAS PRETTY STRAIGHTFORWARD.

5 THE COURT: GENERALLY UNDERSTOOD IT?
6 OKAY. WELL, I THINK THAT LETTER INDICATED THAT
7 UNDER, BECAUSE OF THE POTENTIAL NATURE OF THIS
8 CASE, THE LAWYERS ALSO GET A CHANCE TO ASK YOU SOME
9 QUESTIONS ABOUT YOUR RELEVANT VIEWS. AND I, OF
10 COURSE, ALWAYS GET THAT OPPORTUNITY.

11 NOW, I WANT TO MAKE SURE YOU UNDERSTAND
12 THERE AREN'T ANY RIGHT ANSWERS OR WRONG ANSWERS,
13 AND NOBODY'S HERE TO CHALLENGE WHAT YOU BELIEVE OR
14 WHY YOU BELIEVE IT. BUT ON SOME OF THE ISSUES THAT
15 ARE RELEVANT TO OUR PROCEEDING HERE, WE KIND OF
16 NEED TO KNOW HOW YOU FEEL. IS THAT FAIR ENOUGH?

17 A YES, SIR.

18 THE COURT: FIRST, LET ME ASK YOU, HAVE
19 YOU FORMED OR EXPRESSED ANY OPINION AS TO THE
20 INNOCENCE OR GUILT OF MR. BECKHAM IN THIS CASE?

21 A NO, SIR.

22 THE COURT: DO YOU KNOW ANYTHING ABOUT
23 THE FACTS IN THE CASE?

24 A NO, SIR.

25 THE COURT: NOW, ARE YOU FAMILIAR WITH

1 THE IDEA THAT A CITIZEN ACCUSED OF A CRIME IS
2 PRESUMED INNOCENT OF THAT CRIME UNTIL THE STATE CAN
3 ESTABLISH HIS GUILT BY EVIDENCE BEYOND A REASONABLE
4 DOUBT?

5 A YES, SIR.

6 THE COURT: IS THAT A PRINCIPLE OF LAW
7 THAT YOU APPRECIATE AND CAN FOLLOW?

8 A YES, SIR.

9 THE COURT: ALL RIGHT. NOW, THE REASON
10 I NEEDED TO KNOW THAT IS THAT WE'RE GOING TO TALK
11 PRIMARILY ABOUT PENALTIES DURING THIS PARTICULAR
12 INTERROGATION HERE. BUT THE FACT THAT WE'RE
13 TALKING ABOUT THE PENALTIES, LIFE IMPRISONMENT OR
14 DEATH, DOES NOT--YOU SHOULDN'T INFER OR IMPLY THAT
15 MR. BECKHAM IS GUILTY OF ANYTHING. THE STATE HAS
16 TO DO THAT FIRST; YOU UNDERSTAND THAT?

17 A YES, SIR.

18 THE COURT: ALL RIGHT. NOW, LET ME PUT
19 YOU ON AN IMAGINARY JURY FOR A FEW MINUTES. AND OF
20 COURSE, YOU UNDERSTAND ON THAT JURY THE FIRST PART
21 OF A JURY TRIAL WOULD BE TO DETERMINE GUILT OR
22 INNOCENCE, OKAY? I WANT YOU TO ASSUME THAT YOU'RE
23 SITTING IN A CASE WHERE THE DEATH PENALTY IS BEING
24 SOUGHT, AND YOU, THE JURY, HAVE RETURNED A VERDICT
25 OF GUILTY OF MURDER. THAT'S WHAT YOU'VE FOUND THE

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1 VERDICT TO BE. DO YOU UNDERSTAND THAT UNDER THE
2 LAW OF THIS STATE THAT ONLY THE JURY IS ENTITLED TO
3 SET THE PUNISHMENT IN A CASE OF THIS NATURE?

4 A I DIDN'T KNOW THAT.

5 THE COURT: ALL RIGHT. WELL, THAT'S
6 TRUE. WHERE THERE'S A JURY TRIAL ON THE GUILT OR
7 INNOCENCE, AND IF THERE IS A VERDICT OF GUILTY,
8 THEN THE--ONLY THE JURY CAN DETERMINE WHAT THE
9 APPROPRIATE PUNISHMENT IS.

10 NOW, LET'S ASSUME YOU FOUND GUILT. AND
11 THEN YOU'RE PRESENTED EVIDENCE OF THE CONVICTION,
12 EVIDENCE OF AGGRAVATING CIRCUMSTANCES, AND YOU MAY
13 OR MAY NOT GET EVIDENCE OF MITIGATING
14 CIRCUMSTANCES. NOW, GENERALLY THERE ARE
15 THREE KINDS OF JURORS. THE FIRST KIND OF JUROR
16 SAYS, "WE'VE GOT A CONVICTION, WE'VE GOT EVIDENCE
17 OF AGGRAVATION; I'D ALWAYS VOTE FOR THE DEATH
18 PENALTY. I THINK THAT'S THE APPROPRIATE PUNISHMENT
19 IN THIS CASE, AND THAT'S ALL I'M GOING TO
20 CONSIDER."

21 THE SECOND GROUP IS, "WE'VE GOT A
22 CONVICTION; YES, THERE'S AGGRAVATING CIRCUMSTANCES
23 THERE; MAY OR MAY NOT BE MITIGATING CIRCUMSTANCES.
24 I'M GOING TO ALWAYS VOTE FOR LIFE IMPRISONMENT. I
25 THINK THAT'S ALWAYS THE APPROPRIATE PUNISHMENT."

1 THEN WE HAVE A THIRD GROUP. SAYS,
2 "YES, WE'VE GOT A CONVICTION; YES, THERE'S EVIDENCE
3 OF AGGRAVATING CIRCUMSTANCES. THERE MAY OR MAY NOT
4 BE EVIDENCE OF MITIGATING CIRCUMSTANCES, BUT THAT
5 JUROR SAYS, "WELL, I WANT TO THINK ABOUT ALL OF
6 THAT, AND I'M GOING TO DECIDE WHETHER IT SHOULD BE
7 LIFE OR DEATH, AND I WANT TO LOOK AT THE WHOLE
8 RECORD."

9 DO YOU KNOW WHICH ONE OF THOSE GROUPS
10 YOU MIGHT FALL IN?

11 A I'D SAY THE THIRD GROUP.

12 THE COURT: OKAY. WELL, LET ME ASK YOU
13 THIS. LET'S SUPPOSE THAT YOU LISTENED TO THE
14 EVIDENCE, AND THERE'S EVIDENCE OF GUILT, OR THERE
15 WAS A CONVICTION. THERE'S EVIDENCE OF AGGRAVATING;
16 MAY OR MAY NOT BE EVIDENCE OF MITIGATING
17 CIRCUMSTANCES. IF YOU FELT THAT THE DEATH PENALTY
18 WAS THE APPROPRIATE PUNISHMENT IN THAT CASE, COULD
19 YOU IMPOSE THE DEATH SENTENCE?

20 A YES, SIR.

21 THE COURT: IF YOU FELT, AFTER
22 CONSIDERING THE EVIDENCE OF THE CONVICTION,
23 AGGRAVATING CIRCUMSTANCES, AND AGAIN, THERE MAY OR
24 MAY NOT BE EVIDENCE OF MITIGATING CIRCUMSTANCES.
25 IN THAT SITUATION, IF YOU FELT THAT LIFE

1 IMPRISONMENT WAS THE MORE APPROPRIATE PUNISHMENT,
2 COULD YOU CONSIDER IMPOSING THAT?

3 A YES, SIR.

4 THE COURT: ALL RIGHT. LET ME TAKE YOU
5 ONE STEP FURTHER. LET'S ASSUME THAT YOU FOUND,
6 BASED UPON THE CONVICTION AND THE EVIDENCE, AND THE
7 LAW, THAT THE DEATH PENALTY WAS THE MOST
8 APPROPRIATE PUNISHMENT, OR MORE APPROPRIATE, OUR
9 LAW REQUIRES THAT EACH INDIVIDUAL JUROR MUST SIGN
10 THEIR NAME TO THE SENTENCE SHEET OR THE DEATH
11 WARRANT, ACKNOWLEDGING THAT THAT IS THEIR DECISION.
12 IF YOU FELT THAT THE DEATH PENALTY WAS THE
13 APPROPRIATE PUNISHMENT, COULD YOU SIGN YOUR NAME TO
14 THE DEATH WARRANT?

15 A YES, SIR.

16 THE COURT: ALL RIGHT, SOLICITOR, ANY
17 QUESTIONS? AND THEN WE'LL PASS IT TO THE DEFENSE
18 ATTORNEYS, OKAY?

19 MR. JONES: BRIEFLY, YOUR HONOR.

20 THE COURT: YES, SIR.

21 EXAMINATION BY:

22 MR. JONES:

23 Q GOOD MORNING, MR. SIGMAN.

24 A GOOD MORNING.

25 Q HOW ARE YOU?

1 A I'M FINE.

2 Q MY NAME IS TOWNES JONES. I'M THE

3 PROSECUTOR IN THIS CASE AND PRESENTING THE

4 EVIDENCE. I'M ASSISTED BY A COUPLE OF FOLKS HERE

5 TODAY, MR. MICHAEL COULTER AND MR. KNOX MCMAHON;

6 MS. BETTY STROM IN THE RED JACKET ON THE BACK ROW

7 THERE IS ALSO HELPING ME. JUST WANTED TO INTRODUCE

8 YOU TO THOSE FOLKS.

9 WE'VE GOT YOUR JURY INFORMATION AND

10 LOOKED OVER SOME OF YOUR BACKGROUND, AND I NOTICED

11 YOU'RE MARRIED AND HAVE A SMALL CHILD?

12 A YES.

13 Q ONE YEAR OLD?

14 A FIVE YEARS OLD.

15 Q FIVE YEARS OLD. WOULD YOU BE ABLE TO

16 LEAVE YOUR FAMILY FOR A COUPLE OF WEEKS TO TAKE ON

17 THE RESPONSIBILITIES OF THIS JOB?

18 A YES.

19 Q YOU COULD DO THAT?

20 A UH-HUH.

21 Q THANK YOU, VERY MUCH.

22 THE COURT: MR. HARPOOTLIAN?

23 EXAMINATION BY:

24 MR. HARPOOTLIAN:

25 Q MR. SIGMAN, MY NAME IS DICK

1 HARPOOTLIAN. I, ALONG WITH JACK SWERLING, THIS
2 GENTLEMAN RIGHT HERE, REPRESENT STEPHEN BECKHAM.
3 STAND UP, STEPHEN.

4 STEPHEN IS THE GUY THAT'S ON TRIAL
5 HERE, OKAY? THE REST OF US ARE PARTICIPATING IN
6 THIS PROCESS, BUT IT IS ACTUALLY HIS TRIAL. DO YOU
7 KNOW ANY ONE OF US?

8 A NO, SIR.

9 Q OKAY, AND YOU DON'T KNOW MR. BECKHAM,
10 OR HIS FAMILY THAT'S SEATED BEHIND ME, YOU DON'T
11 KNOW THEM EITHER?

12 A NO.

13 Q SO YOU HAVE, YOU KNOW NOTHING ABOUT
14 THIS CASE?

15 A BASICALLY.

16 Q READ ANYTHING ABOUT IT IN THE PAPER?

17 A NO.

18 Q HEARD ABOUT IT ON TV, SEEN IT, RADIO,
19 NOTHING?

20 A NOTHING, REALLY.

21 Q OKAY. NOW, THE JUDGE HAS TOLD YOU THAT
22 THIS CASE, THIS TRIAL MAY ACTUALLY END UP BEING TWO
23 TRIALS. THE FIRST TRIAL IS ON GUILT OR INNOCENCE.
24 THAT IS JUST LIKE ANY OTHER CRIMINAL TRIAL WHERE
25 THE DEFENDANT IS PRESUMED INNOCENT, AND YOU'VE

1 INDICATED YOU COULD FOLLOW THE JUDGE'S INSTRUCTION
2 ON THE PRESUMPTION OF INNOCENCE. THAT YOU
3 WOULDN'T--THAT HE'S PRESUMED INNOCENT. HE DOESN'T
4 HAVE TO PROVE ANYTHING TO YOU, YOU UNDERSTAND THAT?

5 A RIGHT.

6 Q AND THAT IF THE STATE MEETS THEIR
7 BURDEN AND PROVES TO YOU, BEYOND A REASONABLE
8 DOUBT, THE GUILT OF THE DEFENDANT, THEN AND ONLY
9 THEN, WILL YOU GO ON TO THAT SECOND TRIAL WHICH IS
10 ON SENTENCE. IS THAT CORRECT? DO YOU UNDERSTAND
11 THAT?

12 A YES.

13 Q NOW, I NOTICE THAT YOU ARE ORIGINALLY
14 FROM CLINTON, IS THAT CORRECT?

15 A YES, SIR.

16 Q AND AS A RESULT OF BEING FROM CLINTON,
17 DO YOU KNOW MR. JONES WHO'S THE SOLICITOR THERE?
18 OR HIS FATHER OR ANY MEMBER OF THE FAMILY?

19 A NOT THAT I KNOW OF.

20 Q AND YOU WENT TO CLEMSON?

21 A YES, SIR.

22 Q WHAT YEAR DID YOU GRADUATE?

23 A '93, MAY OF '93.

24 Q NOW, YOU'VE INDICATED, AND SIMPLY
25 BECAUSE WE'RE TALKING ABOUT THIS SECOND STAGE, I

1 WANT TO REEMPHASIZE THAT BY NO MEANS ARE WE SAYING
2 WE'LL GET TO THAT SECOND STAGE. DO YOU UNDERSTAND
3 THAT?

4 A YES, SIR.

5 Q OKAY. WE'VE GOT TO DEAL WITH GUILT OR
6 INNOCENCE OF THE DEFENDANT BEFORE WE EVER GET
7 THERE, BUT WE'RE ASKING YOU QUESTIONS ABOUT THAT IN
8 THE EVENT WE GET TO THAT SECOND STAGE. YOU'VE
9 INDICATED THAT YOU FALL INTO THAT THIRD CATEGORY,
10 THAT YOU COULD CONSIDER THE DEATH PENALTY UNDER THE
11 APPROPRIATE CIRCUMSTANCES, IS THAT CORRECT?

12 A YES, SIR.

13 Q BUT YOU UNDERSTAND THAT NOT EVERY
14 CONVICTION FOR MURDER RESULTS IN THE DEATH PENALTY?

15 A RIGHT.

16 Q AND THAT THERE ARE AGGRAVATING AND
17 MITIGATING CIRCUMSTANCES, THINGS THAT WOULD BE
18 BROUGHT BEFORE YOU TO HELP YOU AND GUIDE YOU IN
19 THAT DECISION. IT'S CALLED GUIDED DISCRETION ON
20 THE PART OF THE JURY. DO YOU UNDERSTAND THAT?

21 A YES.

22 Q AND THERE ARE MURDERS YOU'VE THOUGHT
23 ABOUT FOR WHICH YOU COULD GIVE A LIFE SENTENCE, IS
24 THAT CORRECT?

25 A YES.

- 1 Q NOW, HAVE YOU EVER HAD THE OPPORTUNITY
2 TO TALK ABOUT THE DEATH PENALTY BEFORE THESE
3 QUESTIONS WE'VE GIVEN TO YOU HERE TODAY? HAVE YOU
4 EVER TALKED ABOUT IT OVER A BEER WITH A FRIEND, OR
5 IN CLASS OR...?
- 6 A YES.
- 7 Q AND WHAT HAS BEEN YOUR GENERAL ATTITUDE
8 ABOUT IT? I MEAN, WOULD YOU CALL YOURSELF A DEATH
9 PENALTY ADVOCATE?
- 10 A I WOULDN'T CALL MYSELF AN ADVOCATE.
11 I'D SAY THAT I COULD DO IT IF THE CIRCUMSTANCES
12 CALLED FOR IT. I WOULDN'T HESITATE TO DO IT IF THE
13 SITUATION DID CALL FOR IT.
- 14 Q OKAY. NOW, I ALSO NOTICE ON YOUR--TWO
15 THINGS I WANT TO ASK YOU ABOUT FROM THIS
16 QUESTIONNAIRE. ONE IS THAT YOU'VE GOT A BUMPER
17 STICKER ON YOUR CAR THAT SAYS R-U-G-E-R. IS THAT
18 RUGER?
- 19 A RUGER.
- 20 Q RUGER. WHAT IS THAT...
- 21 A NAME BRAND OF A FIREARM.
- 22 Q FIREARM. AND DO YOU OWN A RUGER?
- 23 A YES, SIR.
- 24 Q AND THAT'S WHY YOU HAVE THE BUMPER
25 STICKER?

- 1 A YES, SIR.
- 2 Q AND YOUR FAVORITE TELEVISION PROGRAM IS
- 3 THE X-FILES, IS THAT CORRECT?
- 4 A YES, SIR.
- 5 Q WATCH IT EVERY FRIDAY NIGHT?
- 6 A EVERY CHANCE I GET.
- 7 Q EVERY CHANCE YOU GET. AND YOU LIKE
- 8 MYSTERIES THEN?
- 9 A OH, YEAH.
- 10 Q AND IS THAT, WHEN YOU READ, YOU READ
- 11 NOVELS THAT ARE MYSTERIES, BOOKS, AND WATCH
- 12 TELEVISION SHOWS THAT ARE MYSTERIES? X-FILES,
- 13 AMERICAN'S MOST WANTED, THOSE KINDS OF THINGS?
- 14 A YES, SIR.
- 15 Q AND I NOTICE YOU SUBSCRIBE TO OUTDOOR
- 16 LIFE, AND SPORTS AFIELD. ARE YOU A HUNTER?
- 17 A YES, SIR.
- 18 Q DO YOU BELONG TO ANY SORT OF HUNTING
- 19 CLUB?
- 20 A NO, SIR.
- 21 Q HUNT DEER, DOVE, WHAT?
- 22 A DEER AND TURKEY.
- 23 Q DEER AND TURKEY. AND THE SOLICITOR HAS
- 24 MENTIONED IF YOU WERE INVOLVED OR PICKED FOR THIS
- 25 JURY, YOU'D BE AWAY FROM YOUR FAMILY AND HOME FOR A

1 COUPLE OF WEEKS PERHAPS. THAT WOULDN'T CAUSE ANY
2 HARDSHIP?

3 A NO, SIR.

4 Q WOULDN'T BE ABLE TO ATTEND THOSE
5 CLEMSON FOOTBALL GAMES.

6 A I'M NOT A CLEMSON FAN.

7 Q ESPECIALLY THIS YEAR, RIGHT?

8 EXCUSE ME ONE SECOND AND LET ME ASK MR.
9 SWERLING IF I'VE MISSED ANYTHING.

10 THANK YOU. THAT'S ALL WE WOULD HAVE.
11 I APPRECIATE YOUR PATIENCE WITH MY PESTERING
12 QUESTIONS.

13 A OKAY.

14 THE COURT: ALL RIGHT, SOLICITOR
15 APPROVE?

16 ALL RIGHT, MR. SIGMAN, YOU'RE QUALIFIED
17 TO SERVE ON THE JURY. WHAT WE'RE GOING TO DO IS
18 PUT YOU IN A PANEL NOW OF ABOUT THIRTY FIVE TO
19 FORTY JURORS FROM WHICH WE WILL SELECT THE JURY.
20 YOU MAY OR MAY NOT GET SELECTED.

21 NOW WHAT I WOULD ASK YOU TO DO, PLEASE
22 NOT TO DISCUSS THE CASE WITH ANYONE OR ALLOW ANYONE
23 TO DISCUSS IT WITH YOU, OR LISTEN OR WATCH OR READ
24 ANYTHING ACCOUNT ABOUT THE TRIAL, ALL RIGHT.

25 AND TO ALSO PACK AND BE HERE TOMORROW

1 AT ELEVEN O'CLOCK, PREPARED TO GO TO NEWBERRY FOR A
2 PERIOD OF ABOUT TEN DAYS.

3 A OKAY.

4 THE COURT: SLED WILL PROVIDE FOR YOUR
5 TRANSPORTATION AND SECURITY WHILE YOU ARE ON THE
6 JURY; THE COUNTY OF NEWBERRY WILL PAY FOR YOUR
7 LODGING, MEALS AND THINGS NECESSARY TO PERFORM YOUR
8 DUTIES.

9 I WOULD SUGGEST YOU HAVE SOMEONE DROP
10 YOU OFF, BUT ALSO BE ABLE TO CALL THAT PERSON BACK
11 IF YOU'RE NOT SELECTED, OKAY? AND OF COURSE, IF
12 YOU ARE, WE'LL JUST GO ON TO NEWBERRY, OKAY?

13 SEE YOU TOMORROW AT ELEVEN O'CLOCK.

14 A ELEVEN O'CLOCK. WHERE SHOULD WE MEET?

15 THE COURT: HE'LL SHOW YOU RIGHT NOW.

16 HAVE A NICE DAY.

17 A THANK YOU.

18 THE COURT: NEXT ONE IS MS. HALL.

19 JANICE LYNETTE HALL, BEING

20 DULY SWORN, WAS EXAMINED AS FOLLOWS:

21 THE COURT: THESE PEOPLE BACK HERE GOT

22 A CHANCE TO LOOK AT ALL OF THESE JUROR

23 QUESTIONNAIRES. I DIDN'T GET A CHANCE SO LET ME

24 ASK YOU, ONE OF THE QUESTIONS WAS HAVE YOU BEEN ON

25 A JURY BEFORE?

1 A NO.

2 THE COURT: NEVER HAVE? BEEN IN A

3 COURTROOM BEFORE?

4 A YES.

5 THE COURT: AND YOU'RE GOING TO TRI-

6 COUNTY TECH?

7 A YES.

8 THE COURT: AND THAT'S A SIX HOUR

9 PROGRAM. IT'S NOT CONSIDERED FULL TIME, RIGHT?

10 A NO.

11 THE COURT: OKAY. SO WE NEED TO FIGURE

12 OUT ABOUT THAT PROFESSOR. ALL RIGHT, NOW DID YOU

13 GET A CHANCE TO READ THE LETTER THAT I ASKED YOU,

14 OR THAT I GAVE OUT YESTERDAY?

15 A YES, SIR.

16 THE COURT: AND DO YOU HAVE ANY

17 QUESTIONS ABOUT WHAT WAS IN THERE?

18 A NO, SIR.

19 THE COURT: AND SO YOU PRETTY WELL

20 UNDERSTOOD THE CONCEPT?

21 A OH, YES.

22 THE COURT: I THINK THE LETTER SAYS

23 SOMETHING TO THE EFFECT THAT THERE WILL BE AN

24 EXAMINATION OF YOU ABOUT CERTAIN OF YOUR VIEWS, AND

25 ORDINARILY JUST THE JUDGE GETS TO ASK THE

1 QUESTIONS. BUT THE SOLICITOR AND THE DEFENSE
2 ATTORNEYS WILL GET A CHANCE AS WELL. I WANT TO
3 MAKE SURE YOU UNDERSTAND, NOBODY'S HERE TO
4 EMBARRASS YOU OR PUT YOU ON THE SPOT. THERE'S NO
5 RIGHT OR WRONG ANSWERS, BUT WE DO NEED TO KNOW HOW
6 YOU FEEL ON CERTAIN THINGS. IS THAT FAIR ENOUGH?

7 A YES, SIR.

8 THE COURT: ALL RIGHT NOW, HAVE YOU
9 FORMED OR EXPRESSED ANY OPINION AS TO THE INNOCENCE
10 OR GUILT OF MR. BECKHAM IN THIS CASE?

11 A NO, SIR.

12 THE COURT: AND DO YOU KNOW ANYTHING
13 ABOUT THE FACTS OF THE CASE?

14 A I HAVE NO IDEA.

15 THE COURT: ALL RIGHT. DO YOU
16 UNDERSTAND THAT A CITIZEN ACCUSED OF A CRIME IS
17 PRESUMED TO BE INNOCENT OF THAT CRIME UNTIL THE
18 STATE ESTABLISHES HIS GUILT BY A CERTAIN BURDEN OF
19 PROOF.

20 IS THAT A PRINCIPLE THAT YOU APPRECIATE
21 AND CAN FOLLOW?

22 A YES, I DO.

23 THE COURT: ALL RIGHT, THE REASON I
24 NEED TO MAKE SURE YOU RESPONDED TO THOSE TWO
25 QUESTIONS AS YOU DID IS ONE OF THE THINGS WE'RE

1 GOING TO TALK ABOUT IS PENALTIES, DEATH PENALTY OR
2 LIFE IMPRISONMENT. AND THE FACT THAT WE TALK ABOUT
3 THE DEATH PENALTY OR LIFE IMPRISONMENT, I DON'T
4 WANT YOU TO INFER OR IMPLY THAT MR. BECKHAM IS
5 GUILTY OF ANYTHING. WE HAVEN'T CROSSED THAT BRIDGE
6 YET, OKAY?

7 ALL RIGHT NOW, LET ME PUT YOU ON AN
8 IMAGINARY JURY WHEREIN THE DEATH PENALTY IS BEING
9 SOUGHT, AND ON THAT JURY, YOU AND YOUR FELLOW
10 JURORS COME TO THE UNANIMOUS CONCLUSION THAT THE
11 STATE HAS PROVEN GUILT BEYOND A REASONABLE DOUBT
12 FOR THE CRIME OF MURDER, OKAY?

13 DO YOU UNDERSTAND THAT UNDER OUR LAW
14 THAT IN THAT KIND OF SCENARIO WHEN WE GO TO THE
15 SECOND PHASE ONLY THE JURY CAN DETERMINE WHAT THE
16 PUNISHMENT IS?

17 A YES, YOUR HONOR.

18 THE COURT: DO YOU ALSO UNDERSTAND THAT
19 IF A VERDICT OF NOT GUILTY IS RETURNED THEN YOU
20 DON'T HAVE TO GO TO THE SECOND STAGE?

21 A YES, I DO.

22 THE COURT: ALL RIGHT, LET'S GET TO
23 THAT SECOND STAGE THOUGH. LET'S ASSUME THAT YOU
24 LISTEN TO THE EVIDENCE AND HEAR LEGAL INSTRUCTIONS
25 ABOUT AGGRAVATING CIRCUMSTANCES, AND YOU MAY OR MAY

1 NOT HEAR EVIDENCE ABOUT MITIGATING CIRCUMSTANCES,
2 OKAY? AND YOU UNDERSTAND WHAT AGGRAVATING AND
3 MITIGATING IS?

4 A YES, SIR.

5 THE COURT: OKAY. I ASK YOU THAT FOR
6 THIS PURPOSE. WE KNOW THAT JURORS TEND TO FALL IN
7 ONE OF THREE CATEGORIES, AND LET ME KIND OF FIND
8 OUT WHERE YOU ARE.

9 THE FIRST GROUP IS, "THERE'S A MURDER
10 CONVICTION, THERE'S EVIDENCE OF AGGRAVATION, THE
11 DEATH PENALTY IS ALWAYS THE APPROPRIATE PUNISH, I
12 VOTE FOR DEATH IN EVERY CASE."

13 SECOND GROUP IS, "YES, THERE'S A
14 CONVICTION; YES, THERE'S EVIDENCE OF AGGRAVATION,
15 BUT I VOTE FOR LIFE IMPRISONMENT IN EVERY CASE, NO
16 MATTER HOW AGGRAVATING OR WHATEVER."

17 THEN THERE'S A THIRD GROUP THAT SAYS,
18 "I WANT TO LISTEN TO THE EVIDENCE OF THE
19 CONVICTION, I WANT TO LISTEN TO EVIDENCE OF
20 AGGRAVATION, I WANT TO LISTEN TO ANY EVIDENCE OF
21 MITIGATION, AND THERE MAY OR MAY NOT BE THAT,
22 BEFORE I MAKE UP MY MIND, AND AFTER I'VE HEARD IT,
23 I'LL SIT DOWN AND EVALUATE WHETHER LIFE OR DEATH IS
24 THE APPROPRIATE PUNISHMENT."

25 COULD YOU TELL ME WHICH GROUP YOU MIGHT

1 FALL IN?

2 A THE THIRD. I WANT TO KNOW EVERY MINOR
3 DETAIL POSSIBLE.

4 THE COURT: OKAY. LET ME ASK YOU--
5 LET'S ASSUME THAT YOU HEARD EVERYTHING, YOU'VE
6 LISTENED TO EVERYTHING THAT'S BEEN PRESENTED. IF
7 YOU CAME TO THE CONCLUSION THAT THE APPROPRIATE
8 PUNISHMENT IN THE CASE WAS THE DEATH PENALTY, COULD
9 YOU IMPOSE THE DEATH PENALTY?

10 A YES, I COULD.

11 THE COURT: ON THE OTHER HAND, IF YOU
12 CAME TO THE CONCLUSION, AFTER CONSIDERING THE
13 CONVICTION, AGGRAVATING CIRCUMSTANCES, WHETHER OR
14 NOT THERE WAS ANY MITIGATING CIRCUMSTANCES, COULD
15 YOU RETURN A VERDICT FOR A LIFE SENTENCE?

16 A IT ALL DEPENDS ON THE EVIDENCE
17 PRESENTED TO ME.

18 THE COURT: OKAY, BUT YOU COULD
19 CONSIDER EITHER ONE?

20 A I COULD.

21 THE COURT: LET ME TAKE YOU A STEP
22 FURTHER. LET'S ASSUME YOU AND YOUR FELLOW JURORS
23 UNANIMOUSLY CAME TO THE CONCLUSION THAT THE DEATH
24 PENALTY WAS THE APPROPRIATE PUNISHMENT. OUR LAW
25 REQUIRES THAT EACH INDIVIDUAL JUROR MUST SIGN THEIR

1 NAME TO THE DEATH WARRANT OR THE SENTENCE
2 ACKNOWLEDGING THAT THAT IS THEIR VERDICT.

3 MA'AM, IF YOU FELT THE DEATH PENALTY
4 WAS THE APPROPRIATE PUNISHMENT, COULD YOU SIGN YOUR
5 NAME?

6 A I COULD.

7 THE COURT: ALL RIGHT. LET ME ASK THE
8 SOLICITOR, AND THEN THE DEFENSE ATTORNEYS TO ASK
9 YOU ANY QUESTIONS THEY'D LIKE.

10 SOLICITOR JONES?

11 MR. JONES: THANK YOU, YOUR HONOR.

12 EXAMINATION BY:

13 MR. JONES:

14 Q GOOD MORNING, MS. HALL.

15 A GOOD MORNING.

16 Q I APOLOGIZE ABOUT ALL THE
17 INCONVENIENCES YESTERDAY.

18 A IT'S OKAY.

19 Q I NOTICE THAT YOU, IN ADDITION TO YOUR
20 SCHOOL, YOU JUST STARTED WORK?

21 A YES.

22 Q WE'VE GOT THE QUESTIONNAIRES...

23 A THAT'S FINE.

24 Q WE'VE GOT THOSE AND WE HAD A CHANCE TO
25 READ THROUGH THEM, AND YOUR'S WAS TYPED UP REAL

1 NICE SO I COULD READ IT.
2 YOU JUST STARTED TODAY?
3 A YES.
4 Q IF YOU WERE SELECTED ON THIS JURY...
5 A THERE'S NO PROBLEM.
6 Q YOU MENTIONED, WHEN THE JUDGE WAS
7 ASKING YOU SOME QUESTIONS, THAT BEFORE YOU MADE A
8 DECISION ABOUT THE DEATH PENALTY, YOU WOULD WANT TO
9 KNOW EVERY MINOR DETAIL?
10 A YES, SIR.
11 Q AND THE JUDGE MENTIONED SOME PRINCIPLES
12 TO YOU, HE MENTIONED THE PRESUMPTION OF INNOCENCE
13 WHICH IS A LEGAL PRINCIPLE.
14 A UH-HUH.
15 Q AND YOU SAID THAT YOU WOULD ABIDE BY
16 THAT LAW.
17 A UH-HUH.
18 Q AS THE JUDGE WOULD GIVE IT TO YOU. AND
19 THERE'S A LEGAL PRINCIPLE CALLED THE BURDEN OF
20 PROOF OF THE PROSECUTION WHEN THEY'RE PRESENTING
21 EVIDENCE IN A CASE. THE BURDEN OF PROOF IS BEYOND
22 A REASONABLE DOUBT. SO YOU WOULD ACCEPT THAT LEGAL
23 PRINCIPLE ALSO?
24 A YES, I WOULD.
25 Q AND USE IT AS THE MEASURING STICK FOR

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1 THE SUFFICIENCY OF THE EVIDENCE REQUIRED TO ENABLE
2 YOU TO RETURN A VERDICT OF GUILTY OR NOT GUILTY?

3 A I WOULD JUST TAKE AND ANALYZE BOTH
4 SIDES, AND LISTEN TO EVERY MINOR DETAIL, WHAT,
5 WHEN, WHERE, HOW.

6 Q AND TAKE ALL OF THAT...

7 A ...INTO CONSIDERATION.

8 Q AND BASE YOUR VERDICT ON THE TOTALITY
9 OF ALL OF THAT. IS THAT WHAT I HEAR YOU SAYING?

10 A YES, I WOULD.

11 Q SO YOU WOULD WANT TO KNOW AS MUCH AS
12 YOU COULD ABOUT A CASE?

13 A YES, I WOULD. I WOULD NOT MAKE ANY
14 HASTY DECISIONS. I WOULD WANT TO FULLY KNOW WHAT
15 IS PRESENTED BEFORE ME.

16 Q IF I COULD FOR A MOMENT, INTRODUCE YOU
17 TO SOME OF THE FOLKS THAT WILL BE HELPING ME. THIS
18 IS DEPUTY SOLICITOR MICHAEL COULTER.

19 MR. COULTER: GOOD MORNING.

20 A GOOD MORNING.

21 Q HE WILL BE ASSISTING IN THE
22 PROCEEDINGS. DEPUTY SOLICITOR BETTY STROM IS ALSO
23 HERE, AND SOLICITOR KNOX MCMAHON FROM THE FIFTH
24 CIRCUIT, WILL BE ASSISTING ME DURING THE COURSE OF
25 THE TRIAL. AND I WOULD LIKE FOR YOU TO KNOW THE

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1 VICTIM IN THIS CASE, VICKIE LANDER BECKHAM, SHE WAS
2 MURDERED, AND HER PARENTS ARE HERE. THIS IS HER
3 DAD IN THE BLUE SUIT. THAT'S MR. SENATOR JIM
4 LANDER, AND HER MOM, JOLENE LANDER.
5 A GOOD MORNING.
6 Q I DON'T HAVE ANY FURTHER QUESTIONS.
7 THE COURT: MR. HARPOOTLIAN?
8 MR. HARPOOTLIAN: MAY IT PLEASE THE
9 COURT, YOUR HONOR?
10 THE COURT: YES, SIR.
11 EXAMINATION BY:
12 MR. HARPOOTLIAN:
13 Q MS. HALL, I'M DICK HARPOOTLIAN. NICE
14 TO SEE YOU THIS MORNING.
15 A GOOD MORNING.
16 Q I SAW YOU YESTERDAY, AND YOU'RE BACK
17 AGAIN TODAY.
18 A YES, I AM.
19 Q I NEED TO ASK YOU A FEW QUESTIONS, AND
20 I'M NOT TRYING TO PUT YOU ON THE SPOT, NOT TRYING
21 TO EMBARRASS YOU, NOT TRYING TO DELVE INTO YOUR
22 PERSONAL BACKGROUND, BUT WE NEED TO KNOW A LITTLE
23 BIT ABOUT YOU.
24 A BE MY GUEST.
25 Q OKAY. FIRST OF ALL, BEFORE WE GO ANY

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1 FURTHER, LET ME INTRODUCE YOU TO, I'VE INTRODUCED
2 MYSELF. LET ME INTRODUCE MR. JACK SWERLING WHO IS
3 MY CO-COUNSELOR.

4 MR. SWERLING: GOOD MORNING, MS. HALL.

5 A GOOD MORNING.

6 Q WE'RE BOTH ATTORNEYS FROM COLUMBIA.
7 AND SEATED NEXT TO HIM IS STEPHEN BECKHAM. STEPHEN
8 IS THE PERSON ON TRIAL HERE. HE'S THE DEFENDANT.
9 HE'S THE PERSON ACCUSED OF THIS CRIME. ALSO, THE
10 HUSBAND OF THE VICTIM IN THIS CASE. THE VICTIM AND
11 THE DEFENDANT WERE HUSBAND AND WIFE AT THE TIME OF
12 HER DEATH.

13 AND SEATED BEHIND HIM ARE--YOU CAN GO
14 AHEAD AND SIT DOWN, STEPHEN.--ARE HIS PARENTS AND
15 FAMILY. HIS MOTHER IS NOT HERE THIS MORNING BUT
16 SHE WILL BE HERE LATER ON. DO YOU KNOW ANY OF
17 THESE FOLKS?

18 A I HAVE NEVER MET THEM BEFORE IN MY
19 LIFE.

20 Q OKAY. AND YOU DON'T KNOW ME OR MR.
21 SWERLING OR...

22 A UNTIL I RECEIVED THE
23 RECOMMENDATION...OR THE QUESTIONNAIRE, I HAD
24 ABSOLUTELY NO IDEA WHAT HAD HAPPENED, WHEN.

25 Q OKAY.

1 A I WAS CLUELESS...

2 Q CLUELESS?

3 A AS I AM TODAY.

4 Q OKAY. AND THAT'S WHAT SORT OF THE

5 PERFECT JUROR SHOULD BE, IS NOT HAVE ANY

6 INFORMATION. THAT'S WHY I'M ASKING YOU THAT.

7 THE JUDGE ASKED YOU A LITTLE WHILE AGO

8 IF YOU'D EVER BEEN ON A JURY, AND YOU SAID NO. BUT

9 YOU SAID YOU'D BEEN IN A COURTROOM BEFORE.

10 A YES, I HAVE.

11 Q WHAT WAS THAT OCCASION?

12 A IT WAS A MURDER TRIAL. I WAS IN EIGHTH

13 GRADE AND I SAT RIGHT OVER THERE. AND IT WAS JUST,

14 I GUESS A FIELD TRIP FOR US TO WATCH THE JUDICIAL

15 SYSTEM.

16 Q AND JUDGE BALLENGER, WAS HE THE JUDGE?

17 A YES, HE WAS. AND I DO BELIEVE ALEX

18 MCCAULEY WAS PROSECUTING.

19 Q MCCAULEY? HE WAS AN ASSISTANT...

20 A YES.

21 Q NOW, YOU WORK AT CLEMSON UNIVERSITY?

22 A THAT'S CHANGED. I WORK WITH QUEKEY,

23 BUT THEY HAVE A JURY DUTY POLICY TO WHERE YOU CAN

24 HAVE ABSENCE.

25 Q OKAY, GOOD. THE JUDGE ASKED YOU WHICH

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1 CATEGORY YOU FIT IN AND YOU SAID THE THIRD
2 CATEGORY. THAT WAS YOU COULD CONSIDER LIFE OR
3 CONSIDER DEATH, IS THAT CORRECT?

4 A DEPENDING UPON THE EVIDENCE, YES, SIR.

5 Q OKAY. LET ME BACK UP FOR JUST A
6 SECOND. UNDERSTAND THAT IN A DEATH PENALTY CASE,
7 OR A MURDER CASE IN WHICH THE SOLICITOR ASKS FOR
8 THE DEATH PENALTY, WE HAVE TWO TRIALS WITHIN ONE
9 TRIAL, MAYBE. THE DEFENDANT IS PRESUMED INNOCENT.

10 A YES, HE IS.

11 Q THE MURDER TRIAL MAY END IN A NOT
12 GUILTY VERDICT AND THAT WOULD BE THE END OF IT. DO
13 YOU UNDERSTAND THAT?

14 A YES, I DO.

15 Q SIMPLY BECAUSE THERE IS THIS
16 POSSIBILITY OF A SECOND TRIAL, IF YOU WILL, AND
17 IT'S ONLY A POSSIBILITY, WE HAVE TO ASK YOU A
18 LITTLE BIT ABOUT YOUR BELIEFS ON THE DEATH PENALTY.
19 NO ONE HERE IS CONCEDED, NO ONE IN ANY WAY IS
20 IMPLYING THAT WE WOULD EVER GET TO THAT SECOND
21 STAGE. DO YOU UNDERSTAND THAT?

22 A YES, I DO.

23 Q AND YOU SAID IN A SECOND STAGE YOU
24 COULD CONSIDER A LIFE SENTENCE OR A DEATH SENTENCE,
25 IS THAT CORRECT?

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1 A (NODS AFFIRMATIVE)

2 Q I'M SORRY, YOU HAVE TO SAY YES BECAUSE

3 SHE HAS TO...

4 A YES, YES, I CAN. YES.

5 Q AND THERE ARE MURDER CASES THEN IN

6 WHICH YOU THINK A LIFE SENTENCE IS APPROPRIATE?

7 A YES.

8 Q AND MURDER CASES IN WHICH YOU THINK THE

9 DEATH SENTENCE IS APPROPRIATE?

10 A YES.

11 Q THE JUDGE WILL TELL YOU, IF WE EVER GET

12 TO THAT SECOND STAGE, THERE ARE THING YOU NEED TO

13 CONSIDER, AGGRAVATING AND MITIGATING CIRCUMSTANCES,

14 AND YOU WOULD FOLLOW THE JUDGE'S CHARGE. YOU WOULD

15 LISTEN TO HIM, WOULDN'T YOU?

16 A YES.

17 Q OKAY. CAN YOU THINK OF ANY REASON WHY

18 YOU SHOULDN'T BE ON THIS JURY?

19 A NONE AT ALL.

20 Q OKAY. THEN LET ME JUST LOOK... YOU'VE

21 LIVED HERE ALL OF YOUR LIFE?

22 A YES, I HAVE.

23 Q YOU WATCH THE DISCOVERY--THE OPERATION

24 ON THE LEARNING CHANNEL. WHAT IS THAT?

25 A IT'S SURGEONS THAT GO IN AND PERFORM

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1 OPERATIONS.

2 Q THAT'S NOT THE ONE WHERE THEY'VE GOT
3 THE CLOSE PICTURES OF PEOPLE BEING...

4 A CUT UP AND FIXED, YES.

5 Q THAT'S YOUR FAVORITE PROGRAM?

6 A WELL, I'M A NURSING MAJOR, SO...

7 Q OH, OKAY. THAT MAKES SENSE. THAT
8 MAKES SENSE. OKAY. LET ME CHECK WITH MR.
9 SWERLING. SOMETIMES I FORGET TO ASK SOME THINGS,
10 AND LET ME SEE IF HE WANTS TO REMIND ME OF
11 ANYTHING.

12 MR. SWERLING THINKS IT'S IMPORTANT FOR
13 ME TO ASK YOU ABOUT THIS. IN RESPONSE TO A
14 QUESTION BY THE SOLICITOR, YOU SAID BEFORE YOU
15 COULD MAKE A DECISION, YOU'D HAVE TO LISTEN TO BOTH
16 SIDES. YOU UNDERSTAND, THE JUDGE WILL TELL YOU THE
17 LAW IS THE DEFENDANT DOESN'T HAVE TO PROVE
18 ANYTHING?

19 A YES, I DO.

20 Q SO WHEN YOU SAID YOU'D LISTEN TO BOTH
21 SIDES, THE FACT OF THE MATTER IS, YOU UNDERSTAND,
22 ONE SIDE MAY NOT PRESENT ONE SCINTILLA OF EVIDENCE,
23 MAY NOT SAY A WORD, MAY NOT PUT ANYTHING BEFORE
24 YOU. THE BURDEN OF PROOF IS ON THE STATE TO PROVE
25 THE DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT.

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1 A YES, IT IS.

2 Q AND I JUST WANTED TO MAKE SURE YOU...

3 A YES.

4 Q OKAY. I THINK--IS THAT IT? OKAY,

5 THAT'S ALL WE'D HAVE FOR YOU. THANK YOU VERY MUCH

6 FOR BEING PATIENT WITH ME. I KNOW I'VE SORT OF

7 STUMBLED THROUGH THIS.

8 A OH, IT'S JUST LIKE THE MILITARY. YOU

9 HAVE TO HURRY UP AND WAIT.

10 Q OKAY. WAIT ONE MINUTE. I THINK THE

11 JUDGE MAY WANT TO...

12 THE COURT: MS. HALL, BOTH SIDES AND I

13 FIND YOU QUALIFIED TO BE PLACED IN A POOL FROM

14 WHICH YOU WILL BE SELECTED, FROM WHICH WE WILL

15 ULTIMATELY SELECT THE JURY.

16 NOW, I'D ASK YOU TO GO HOME AND PACK

17 AND COME BACK HERE TOMORROW AT ELEVEN O'CLOCK,

18 PREPARED, IF YOU'RE SELECTED TO GO TO NEWBERRY, FOR

19 A PERIOD OF ABOUT TEN DAYS.

20 YOU CAN DRESS COMFORTABLE. YOU DON'T

21 HAVE TO WEAR SUNDAY CLOTHES, NOR CAN YOU WEAR BEACH

22 CLOTHES, OKAY. AND SLED WILL PROVIDE FOR YOUR

23 SECURITY AND YOUR TRANSPORTATION TO AND FROM

24 NEWBERRY. THE COUNTY WILL PAY FOR YOUR LODGING,

25 MEALS AND THINGS NECESSARY FOR THE JURY TO

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1 FUNCTION.

2 NOW, PLEASE DON'T DISCUSS THE CASE WITH
3 ANYONE OR ALLOW ANYONE TO DISCUSS IT WITH YOU, NOR
4 READ, WATCH, OR LISTEN TO ANY ACCOUNT OF THE TRIAL,
5 ALL RIGHT?

6 A YES, SIR.

7 THE COURT: SEE YOU TOMORROW AT ELEVEN
8 O'CLOCK, AND THE BAILIFF WILL SHOW YOU WHERE TO
9 COME, OKAY? THANKS.

10 ALL RIGHT, THAT COMPLETES A. ALL
11 JURORS ARE QUALIFIED EXCEPT FOR JUROR NUMBER THREE,
12 WHICH WAS SAVILLA DEAL, AND JUROR NUMBER SEVEN,
13 DENNIS WHITE. THAT GIVES US EIGHT. THAT'S ABOUT
14 THREE HOURS AND A HALF. I THINK NOW WE'VE GOT IT
15 DOWN WHERE WE CAN MOVE ON.

16 I WILL TELL YOU THAT ONE OF THE JURORS
17 ON--WHICH ONE?

18 CLERK: PANEL G.

19 THE COURT: ON PANEL G, HAD A HEART
20 ATTACK.

21 MR. HARPOOTLIAN: PANEL WHAT?

22 THE COURT: HEART ATTACK.

23 MR. HARPOOTLIAN: NO, WHAT PANEL?

24 CLERK: NINE.

25 THE COURT: PANEL NINE. SO PROBABLY WE

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1 . WON'T HAVE...

2 CLERK: PANEL G, NUMBER NINE.

3 THE COURT: PANEL G, NUMBER NINE. AND

4 IS IN CCU AT OCONEE. SO WE WON'T HAVE THAT

5 SITUATION.

6 REPORTER: WHAT NUMBER, YOUR HONOR?

7 THE COURT: PANEL G, NUMBER NINE. AND

8 I ASK THAT THOSE NAMES NOT BE DISCLOSED AS TO THAT

9 SITUATION. THAT'S THE REASON I'M ONLY GIVING YOU

10 THE NUMBER AND THE PANEL.

11 MR. HARPOOTLIAN: THAT WOULD BE JUROR

12 NUMBER NINETY-SEVEN?

13 THE COURT: THAT'S CORRECT. ALL RIGHT,

14 LET'S TAKE A SHORT BREAK AND--

15 MR. JONES: JUDGE?

16 THE COURT: YES.

17 MR. JONES: I JUST WANT TO BRING TO

18 YOUR ATTENTION THERE'S A POTENTIAL JUROR ON PANEL

19 B, AND WE'RE NOT SURE WHETHER WE HAVE...

20 THE COURT: MARCENGILL? I'LL ASK.

21 I'LL DO THAT, WHETHER OR NOT HE HAS A CRIMINAL

22 RECORD.

23 MR. JONES: DID YOU WANT TO WAIT UNTIL

24 HE COMES UP OR COULD YOU DO THAT BEFORE WE START...

25 THE COURT: I WANT TO DO IT UNDER OATH

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1 BECAUSE I MAKE SURE--HE SWORE TO TELL ME THE TRUTH
2 THE OTHER DAY AND HE DIDN'T HAVE IT.

3 MR. JONES: AND THAT'S MY PROBLEM,
4 BECAUSE HE'S BACK THERE WITH NINE OTHER JURORS.
5 AND YOU'VE GOT HIM PRETTY MUCH SEQUESTERED WITH
6 NINE OTHER POTENTIAL JURORS, AND I'D LIKE FOR YOU
7 TO GO AHEAD AND QUESTION HIM ON THAT NOW, YOU KNOW,
8 AND FIND OUT IF THERE'S AN EXPLANATION FOR IT.
9 BECAUSE, YOU KNOW, I THINK THAT SOMEONE WHO
10 POSSIBLY HAS NOT BEEN STRAIGHTFORWARD WITH THE
11 COURT AT THIS JUNCTURE SHOULD NOT BE IN A POSITION
12 TO INFECT OTHER JURORS OTHERWISE. AND HE'S IN THAT
13 POSITION.

14 THE COURT: ALL RIGHT, BRING MR.
15 MARCENGILL IN AND LET ME PUT EVERYBODY'S MIND AT
16 EASE.

17 GIVE ME THE PROPER NAME.

18 MR. JONES: RONNIE HOYET MARCENGILL.

19 THE COURT: HAVE A SEAT, PLEASE SIR,
20 AND LET ME SWEAR YOU IN.

21 RONNIE HOYET MARCENGILL,
22 BEING DULY SWORN, WAS EXAMINED AS FOLLOWS:

23 THE COURT: I NEED TO KNOW WHETHER OR
24 NOT YOU HAVE BEEN CONVICTED OF ARSON IN THE THIRD
25 DEGREE?

1 A NO, SIR. THEY TRIED TO CONVICT ME, BUT
2 THEY COULDN'T.

3 THE COURT: YOU WEREN'T SENTENCED TO
4 TEN YEARS, SUSPENDED AND FIVE YEARS PROBATION?

5 A SENTENCED TO ONE YEAR.

6 THE COURT: WELL, THEY COULDN'T
7 SENTENCE YOU UNLESS YOU GOT CONVICTED NOW.

8 A WELL, I MEAN, I HAD TO GET A LAWYER AND
9 EVERYTHING.

10 THE COURT: DID YOU HAD A JURY TRIAL?

11 A NO.

12 THE COURT: DID YOU STAND OUT THERE IN
13 FRONT OF THAT BENCH AND PLEAD GUILTY?

14 A NO, I PLEADED NOT GUILTY, BUT THEY
15 TRIED TO FIND ME GUILTY AND ALL THAT.

16 THE COURT: WELL, I MEAN, ONE OF TWO
17 THINGS HAPPENED. NOW EITHER A JURY RETURNED A
18 VERDICT OF GUILT, OR YOU STOOD OUT THERE IN FRONT
19 OF JUDGE...

20 A WELL, I DID STAND IN FRONT OF A JUDGE.

21 THE COURT: DID YOU TELL HIM YOU WERE
22 GUILTY AND HE SENTENCED YOU?

23 A YEAH, HE SENTENCED ME, YEAH.

24 THE COURT: YOU PLED GUILTY THEN.

25 A WELL, I DIDN'T, I FIGURED, YOU KNOW, NO

1 JAIL TIME OR NOTHING.

2 THE COURT: WELL, MR. MARCENGILL,
3 YESTERDAY, I SAID IT DOES NOT MATTER WHETHER YOU
4 WENT TO JAIL. I GAVE YOU THAT EXAMPLE. I GAVE YOU
5 LARCENY, AND I SAID YOU GOT PROBATION, THE FACT IS
6 YOU STILL COULD GET TEN YEARS. DID YOU HEAR ME
7 EXPLAIN THAT YESTERDAY?

8 A YES, SIR.

9 THE COURT: WELL, WHY DIDN'T YOU TELL
10 ME THE TRUTH YESTERDAY?

11 A WELL, YOU KNOW, I JUST...I DON'T KNOW.

12 THE COURT: ALL RIGHT, THERE'S NO
13 QUESTION YOU WERE CONVICTED OF ARSON IN THE THIRD
14 DEGREE?

15 A NO.

16 THE COURT: ALL RIGHT. HAVE YOU
17 DISCUSSED THE CASE WITH ANYONE OR ALLOWED ANYONE TO
18 DISCUSS THE CASE WITH YOU?

19 A NO, SIR. I AIN'T EVEN HEARD NOTHING
20 ABOUT THE...

21 THE COURT: DID YOU DISCUSS ANYTHING
22 WITH THE JURORS IN THAT PANEL BACK THERE TODAY?

23 A NO, SIR. NO, SIR. NO, SIR. ALL WE
24 TALKED ABOUT IS HOW MANY PANELS THAT'S BEEN
25 SELECTED.

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1 THE COURT: NOTHING ABOUT THE FACTS?

2 A NOTHING ABOUT THE FACTS. I DON'T KNOW
3 NOTHING ABOUT THIS CASE. WHEN I GOT MY
4 QUESTIONNAIRE, THAT'S THE FIRST TIME I EVER HEARD
5 ABOUT IT.

6 THE COURT: ON YOUR QUESTIONNAIRE IT
7 ASKED WHETHER OR NOT YOU HAD A PRIOR CRIMINAL
8 RECORD, DIDN'T IT? WHY DIDN'T YOU ANSWER THAT
9 QUESTION?

10 A MISDEMEANOR.

11 THE COURT: THAT'S NOT WHAT IT ASKED.
12 IT ASKED WHETHER OR NOT YOU HAD A PRIOR CRIMINAL
13 RECORD. AM I RIGHT, GENTLEMEN?

14 MR. JONES: YES, SIR. I'M SORRY, YOUR
15 HONOR. THE QUESTION IS, "HAVE YOU EVER BEEN
16 ARRESTED, YOU OR A FAMILY MEMBER EVER BEEN
17 ARRESTED?"

18 THE COURT: THAT'S EVEN BROADER. I
19 MEAN, THAT GOES NOT EVEN A CONVICTION. DID YOU
20 ANSWER ON THE QUESTIONNAIRE THAT YOU'D BEEN
21 ARRESTED FOR ARSON?

22 A WELL, I AIN'T NEVER BEEN ARRESTED. I
23 MEAN, THEY DIDN'T NEVER ARREST ME FOR--THEY DIDN'T
24 NEVER TAKE ME TO JAIL FOR THAT. THEY DIDN'T NEVER
25 PUT NO HANDCUFFS ON ME, YOU KNOW.

1 CLERK: THAT'S NOT THE QUESTION, JUDGE.
2 IT JUST ASKS IF ANY MEMBER OF YOUR FAMILY HAD EVER
3 BEEN ARRESTED.

4 THE COURT: OKAY.

5 MR. HARPOOTLIAN: YOUR HONOR, THE
6 QUESTION, NUMBER THIRTY-EIGHT, IS HAS ANY MEMBER OF
7 YOUR FAMILY EVER BEEN ARRESTED?

8 THE COURT: ALL RIGHT, I DON'T HAVE IT
9 IN FRONT OF ME. THAT'S WHY I'M ASKING. DID IT ASK
10 WHETHER OR NOT HE HAD A PRIOR CRIMINAL RECORD?

11 MR. JONES: I'M LOOKING. NO, SIR.

12 THE COURT: ALL RIGHT. WHAT DO THEY
13 PAY JURORS HERE?

14 ALL RIGHT, MR. MARCENGILL, I FIND THAT
15 YOU'RE IN CONTEMPT OF COURT FOR FAILING TO DISCLOSE
16 YOUR PRIOR CRIMINAL RECORD WHEN ASKED YESTERDAY.
17 THE PENALTY IS EITHER ONE DAY OR \$15 WHICH IS YOUR
18 JURY PAY...ONE DAY OR \$30. I'M NOT GOING TO PAY
19 YOU FOR EITHER DAY. DO YOU UNDERSTAND THAT? DO
20 YOU WANT TO DO THE ONE DAY OR PAY THE \$30?

21 A I'LL PAY THE \$30.

22 THE COURT: ALL RIGHT, TAKE HIM INTO
23 CUSTODY AND COLLECT THE \$30.

24 MR. JONES: YOUR HONOR, COULD I, BEFORE
25 HE GOES, COULD I ASK HIM JUST A QUESTION. I MEAN,

1 IF YOU TELL ME...

2 THE COURT: I'VE ALREADY ASKED AND HE
3 SAID HE DID NOT TALK TO ANY MEMBER OF THE PANEL
4 ABOUT THE CASE.

5 MR. JONES: ABOUT THE FACTS OF THE
6 CASE, BUT YOU DIDN'T ASK HIM IF HE DISCUSSED WITH
7 THE PANEL HIS FEELINGS ABOUT THE WAY HE WAS TREATED
8 IN THE CRIMINAL JUSTICE SYSTEM CONCERNING HIS CASE.
9 BECAUSE I GATHER THAT HE FELT LIKE HE WAS KIND OF
10 PUSHED INTO PLEADING GUILTY.

11 THE COURT: DID YOU DISCUSS THAT?

12 A NO, SIR. THEY DON'T KNOW NOTHING ABOUT
13 IT.

14 MR. JONES: ALL RIGHT. OKAY.

15 THE COURT: ALL RIGHT, THIRTY DOLLARS
16 OR ONE DAY, AND THAT'S PAYABLE NOW.

17 LET'S TAKE A SHORT BREAK. PULL HIM OUT
18 OF THE PANEL. DON'T PUT HIM BACK IN THERE.

19 ALSO, JUROR NUMBER TWENTY-SEVEN, MR.
20 CANNON, WAS EXCUSED FOR MEDICAL REASONS. MR.
21 SWERLING REMEMBERS THAT. THAT WAS THE GUY THAT WAS
22 BENT OVER, HAD THE LEG PROBLEMS, UP HERE ON THE
23 SIDE. HE'S NOT IN OUR IMMEDIATE DRAW ANYWAY.

24 (BRIEF RECESS)

25 THE COURT: HI , MS. DICKERSON, HOW

1 ARE YOU DOING?

2 A I'M FINE, SIR.

3 LYNN R. DICKERSON, BEING DULY
4 SWORN, WAS EXAMINED AS FOLLOWS:

5 THE COURT: MS. DICKERSON, HAVE YOU
6 EVER BEEN IN COURT BEFORE, OR ON A JURY?

7 A NO, I HAVEN'T.

8 THE COURT: OKAY. SO THIS IS YOUR FIRST
9 TIME EVEN BEING INSIDE A COURTROOM?

10 A NO, I HAVE BEEN INSIDE A COURTROOM
11 BEFORE.

12 THE COURT: OKAY. DID YOU GET A CHANCE
13 TO READ THE LETTER THAT I HANDED OUT YESTERDAY?

14 A YES, I DID.

15 THE COURT: DO YOU HAVE ANY QUESTIONS
16 ABOUT WHAT YOU READ OR SOMETHING YOU DIDN'T
17 UNDERSTAND?

18 A NOT AT THIS TIME.

19 THE COURT: OKAY, SO THE BASIC
20 CONCEPTS, YOU HAD NO PROBLEM WITH THAT?

21 A CORRECT.

22 THE COURT: OKAY. NOW, AS YOU WILL
23 RECALL, BECAUSE OF THE POTENTIAL NATURE OF THIS
24 CASE, THE ATTORNEYS ALSO GET AN OPPORTUNITY TO ASK
25 YOU SOME QUESTIONS. ORDINARILY, ONLY THE JUDGE

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1 GETS TO ASK THE QUESTIONS, BUT I WANT TO TELL YOU
2 OFF THE BAT THAT WE'RE GOING TO ASK YOU SOME THINGS
3 ABOUT SOME BELIEFS OR RELEVANT FEELINGS THAT YOU
4 MIGHT HAVE ABOUT A CASE LIKE THIS. THERE AREN'T
5 ANY RIGHT ANSWERS, THERE AREN'T ANY WRONG ANSWERS
6 AND NOBODY IS HERE TO CHALLENGE WHAT YOU BELIEVE,
7 BUT IT IS NECESSARY FOR US TO KNOW WHAT YOU DO
8 BELIEVE ABOUT SOME OF THE RELEVANT QUESTIONS. IS
9 THAT FAIR ENOUGH?

10 A YES, SIR.

11 THE COURT: OKAY. NOW, DO YOU, OR HAVE
12 YOU FORMED OR EXPRESSED ANY OPINION AS TO THE GUILT
13 OR INNOCENCE OF MR. BECKHAM, THE DEFENDANT IN THIS
14 CASE?

15 A WELL, I GUESS UNFORTUNATELY TO THIS
16 CASE, I DO ENJOY MY MORNING COFFEE WITH THE
17 GREENVILLE NEWSPAPER, AND A COUPLE OF YEARS AGO
18 THEY DID COVER THIS VERY WELL. AND DUE TO READING
19 THOSE ARTICLES, YOU KNOW, IT'S TO THE POINT THAT HE
20 WAS CONVICTED WITHIN THE NEWSPAPER.

21 THE COURT: ALL RIGHT, WELL, LET ME ASK
22 YOU THIS. HAVING READ THAT MATERIAL, AND THERE'S
23 NOTHING WRONG WITH READING NEWSPAPERS AND KNOWING
24 THINGS ABOUT...CAN YOU SET ASIDE WHAT YOU READ IN
25 THE NEWSPAPER, AND IF YOU WERE SELECTED TO SIT ON

1 THE JURY IN THIS CASE AND COULD YOU SIT IN THE JURY
2 BOX, SET THAT ASIDE AND LISTEN TO THE EVIDENCE AND
3 MAKE YOUR OWN DECISION, BASED UPON WHAT IS
4 PRESENTED TO YOU?

5 A I WOULD LIKE TO THINK THAT I COULD BE
6 FAIR.

7 THE COURT: AND YOU COULD SET ASIDE
8 ANYTHING THAT YOU READ IN THE NEWSPAPER AND NOT
9 CONSIDER IT?

10 A I BELIEVE SO.

11 THE COURT: IN OTHER WORDS, YOU
12 UNDERSTAND A LOT OF TIMES PEOPLE HEAR THINGS OR
13 LISTEN TO THINGS OR SOMETHING, AND THEY ALL OF A
14 SUDDEN--ME, FOR EXAMPLE, I MEAN, I DON'T LIVE IN A
15 COCOON AND SO I HAVE TO SET THOSE THINGS ASIDE. SO
16 I GUESS THE QUESTION IS CAN YOU SET IT ASIDE AND
17 TRY IT ON ITS MERITS?

18 A I BELIEVE I CAN.

19 THE COURT: OKAY. NOW, LET ME ASK YOU
20 THEN AGAIN, DO YOU BELIEVE IN THE PRINCIPLE OF LAW
21 AND CAN YOU FOLLOW THE PRINCIPLE THAT A CITIZEN
22 ACCUSED OF A CRIME IS PRESUMED TO BE INNOCENT OF
23 THAT CRIME UNTIL AND UNLESS THE STATE CAN ESTABLISH
24 HIS GUILT BY EVIDENCE CONVINCING YOU OF THAT FACT
25 BEYOND A REASONABLE DOUBT?

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1 A YES, SIR.

2 THE COURT: AND YOU CAN FOLLOW THAT?

3 A YES, SIR.

4 THE COURT: ALL RIGHT. NOW, THEN

5 TAKING INTO CONSIDERATION THE FACT THAT YOU HAD

6 READ SOME ACCOUNT SOME TIME AGO AND OUR DISCUSSION

7 ABOUT THAT AND NOW OUR DISCUSSION ABOUT THE

8 PRESUMPTION OF INNOCENCE, I WOULD ASK YOU NOW, HAVE

9 YOU FORMED OR EXPRESSED ANY OPINION AS TO THE

10 INNOCENCE, OR DO YOU HAVE ANY OPINION AS TO THE

11 GUILT OR INNOCENCE OF THE DEFENDANT AT THIS TIME?

12 A NOT TAKING INTO ACCOUNT ANY PREVIOUS

13 KNOWLEDGE, OR TAKING INTO ACCOUNT?

14 THE COURT: WELL, I ASKED YOU COULD YOU

15 SET THAT ASIDE AND YOU SAID YOU COULD.

16 A THEREFORE, I HAVE NOT FORMED AN

17 OPINION.

18 THE COURT: NOW WILL THAT BEAR UPON

19 YOUR OPINION?

20 A I DON'T UNDERSTAND YOUR QUESTION.

21 THE COURT: IN OTHER WORDS, YOU'RE NOT

22 GOING TO CONSIDER THOSE NEWSPAPER ARTICLES, ARE

23 YOU?

24 A RIGHT.

25 THE COURT: AND YOU CAN DO THAT?

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1 A YES.

2 THE COURT: OKAY. ALL RIGHT. WELL,
3 THE REASON I NEED TO BE SURE ABOUT THAT IS THAT YOU
4 HAVE, ONE OF THE THINGS WE'RE GOING TO TALK ABOUT
5 IN THIS CASE ARE PENALTIES, DEATH PENALTY, LIFE
6 IMPRISONMENT.

7 A UH-HUH.

8 THE COURT: OKAY? AND THE FACT THAT
9 WE'RE TALKING ABOUT THAT, I DON'T WANT YOU TO INFER
10 OR IMPLY THAT MR. BECKHAM IS GUILTY OF ANYTHING.
11 IS THAT FAIR ENOUGH?

12 A YES, SIR.

13 THE COURT: ALL RIGHT. THE FIRST PHASE
14 OF A TRIAL LIKE THIS IS THAT THE STATE WOULD HAVE
15 TO PUT UP ITS EVIDENCE AND CONVINCE YOU AND YOUR
16 FELLOW JURORS BEYOND A REASONABLE DOUBT MR. BECKHAM
17 WAS GUILTY. THEY CAN'T DO THAT IF THE JURY VERDICT
18 WOULD BE NOT GUILTY. DO YOU UNDERSTAND?

19 A UH-HUH.

20 THE COURT: AND IF THE VERDICT IS
21 GUILTY, OF COURSE THEN YOU GO TO THE SECOND PHASE,
22 YOU REALIZE THAT?

23 A YES, SIR.

24 THE COURT: ALL RIGHT, NOW LET ME PUT
25 YOU ON AN IMAGINARY JURY. I DON'T WANT TO TALK

1 ABOUT THE SPECIFICS OF THIS CASE WITH YOU BECAUSE
2 WE DON'T KNOW WHAT THE EVIDENCE IS GOING TO
3 PRESENT. BUT LET'S ASSUME YOU'RE ON A JURY, AND
4 YOU AND YOUR FELLOW JURORS HAVE UNANIMOUSLY FOUND A
5 DEFENDANT GUILTY OF MURDER, BEYOND A REASONABLE
6 DOUBT, OKAY?

7 A OKAY.

8 THE COURT: AND IN THIS CASE, THE STATE
9 HAS ASKED FOR THE DEATH PENALTY. DO YOU REALIZE
10 THAT IN THAT SITUATION IF THE JURY DETERMINES GUILT
11 IN THE GUILT PHASE, THAT ONLY THE JURY CAN
12 DETERMINE THE APPROPRIATE PUNISHMENT IN THE PENALTY
13 PHASE? DO YOU UNDERSTAND THAT?

14 A YES, SIR.

15 THE COURT: SO, WE GO TO THE SECOND
16 STAGE AND EVIDENCE OF AGGRAVATION IS PRESENTED TO
17 YOU, AND THERE MAY OR MAY NOT BE EVIDENCE OF
18 MITIGATION. AND YOU KNOW THE DIFFERENCE BETWEEN
19 MITIGATING AND AGGRAVATING?

20 A NOT AT THIS TIME.

21 THE COURT: ALL RIGHT, AGGRAVATING
22 MEANS SOMETHING MAKES THE CRIME WORSE.

23 A UH-HUH.

24 THE COURT: THE CRIME OF MURDER WORSE.
25 MITIGATING IS SOMETHING THAT MIGHT LESSEN OR WORK

1 IN A PERSON'S FAVOR, OKAY?

2 A OKAY.

3 THE COURT: NOW, YOU'RE ASKED TO LISTEN
4 TO THAT EVIDENCE. ORDINARILY, JURORS IN THAT
5 SITUATION FALL INTO THREE CATEGORIES, AND LET ME
6 DISCUSS THESE WITH YOU.

7 THE FIRST CATEGORY IS, "WE'VE GOT A
8 CONVICTION, WE'VE GOT EVIDENCE OF AGGRAVATION;
9 DOESN'T MATTER WHETHER WE HAVE ANY EVIDENCE IN
10 MITIGATION, I VOTE FOR THE DEATH PENALTY BECAUSE I
11 BELIEVE THE DEATH PENALTY IS ALWAYS THE APPROPRIATE
12 PUNISHMENT." OKAY? THAT'S THE FIRST TYPE JUROR.

13 THERE'S A SECOND TYPE. "TRUE, WE'VE
14 GOT A CONVICTION, TRUE THERE'S EVIDENCE OF
15 AGGRAVATING CIRCUMSTANCES, AND IT DOESN'T REALLY
16 MATTER WHETHER THERE'S MITIGATING EVIDENCE OR NOT,
17 I BELIEVE THAT LIFE IMPRISONMENT IS ALWAYS THE
18 APPROPRIATE PUNISHMENT. I'M VOTING FOR LIFE IN
19 THIS CASE."

20 THE THIRD TYPE OF JUROR IS, "OKAY,
21 TRUE, WE'VE GOT A CONVICTION, TRUE, THERE'S
22 EVIDENCE OF AGGRAVATION, AGGRAVATING CIRCUMSTANCES,
23 AND THERE MAY OR MAY NOT BE EVIDENCE OF MITIGATION
24 CIRCUMSTANCES, FOR THE SAKE OF DISCUSSION, BUT I
25 WANT TO LOOK AT THE WHOLE RECORD AND THEN I'M GOING

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1 TO DECIDE BASED UPON THE WHOLE RECORD AS TO WHETHER
2 OR NOT I SHOULD IMPOSE A LIFE SENTENCE OR A DEATH
3 SENTENCE."
4 WHICH JUROR WOULD YOU LIKELY FALL IN,
5 CATEGORY ONE, TWO, OR THREE?
6 A ONE.
7 THE COURT: IN ONE? ALWAYS FOR THE
8 DEATH PENALTY?
9 A YES, SIR.
10 THE COURT: ARE THERE ANY CIRCUMSTANCES
11 UNDER WHICH YOU COULD CONSIDER AND GIVE A LIFE
12 SENTENCE?
13 A NOT THAT I'M AWARE OF.
14 THE COURT: ALL RIGHT. WELL, LET ME
15 TAKE YOU ONE STEP FURTHER. IF YOU THOUGHT THE
16 APPROPRIATE PUNISHMENT IN THE CASE, COULD YOU SIGN
17 YOUR NAME AS REQUIRED BY OUR LAW TO THE VERDICT
18 FORM OR THE DEATH WARRANT?
19 A YES.
20 THE COURT: ALL RIGHT. SOLICITOR, ANY
21 QUESTIONS?
22 MR. JONES: YES, YOUR HONOR, I WOULD
23 LIKE TO...
24 THE COURT: OKAY.
25 EXAMINATION BY:

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1 MR. JONES:
2 Q GOOD MORNING, MS. DICKERSON.
3 A HELLO.
4 Q HOW ARE YOU?
5 A FINE.
6 Q YOU MENTIONED TO THE JUDGE THAT YOU
7 WOULD ALWAYS FALL INTO CATEGORY ONE?
8 A YES.
9 Q THAT YOU FEEL THE DEATH PENALTY IS
10 ALWAYS THE APPROPRIATE PUNISHMENT FOR A MURDER, IS
11 THAT CORRECT?
12 A THAT'S CORRECT.
13 Q SO YOU DISAGREE WITH THE PRINCIPLE OF
14 LIFE IMPRISONMENT?
15 A IN THE...YES.
16 Q WHY?
17 A HAVING BEEN, YOU KNOW, A CASE BEING
18 FOUND GUILTY OF MURDER, I BELIEVE THE JUDGE STATED,
19 AND AGGRAVATED NATURE, THEN WHY WOULD--I HAVE NO
20 REASON FOR LIFE IMPRISONMENT TO BE NECESSARY.
21 Q WELL, YOU MENTIONED AGGRAVATED NATURE,
22 BUT SUPPOSE YOU FOUND...
23 MR. HARPOOTLIAN: YOUR HONOR, I'D
24 OBJECT TO ANY HYPOTHETICAL.
25 THE COURT: I DON'T THINK HE'S GIVING A

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1 HYPOTHETICAL. I THINK HE'S GIVING THE GENERIC,
2 EITHER AGGRAVATING OR MITIGATING. I WOULD CAUTION
3 HIM NOT TO GIVE A HYPOTHETICAL. THE GENERIC TERMS
4 I THINK ARE CERTAINLY USEABLE.

5 MR. HARPOOTLIAN: FINE. I JUST THOUGHT
6 MAYBE HE WAS GETTING READY...AND I APOLOGIZE TO THE
7 SOLICITOR, IF I ANTICIPATED HIM COMMITTING AN ERROR
8 THAT HE WASN'T GETTING READY TO COMMIT.

9 THE COURT: OKAY. THANK YOU.
10 SOLICITOR, MOVE ON.

11 Q WHAT I WAS GOING TO ASK YOU WAS IF YOU
12 FIND THE MURDER, AND THEN YOU FIND SOME MITIGATING
13 CIRCUMSTANCES.

14 A UH-HUH.

15 Q MITIGATING MEANING, "THIS IS WHY IT
16 HAPPENED. THIS IS WHY." THESE MITIGATING
17 CIRCUMSTANCES ARE FACTS THAT ARE PRESENTED TO YOU
18 FROM THE WITNESS STAND TO EXPLAIN TO YOU AND TO ASK
19 YOU TO CONSIDER WHY IN THIS PARTICULAR CASE, UNDER
20 THESE FACTS, IT'S NOT NECESSARILY APPROPRIATE FOR
21 THE DEATH PENALTY, BUT RATHER LIFE IMPRISONMENT
22 WITHOUT PAROLE WOULD BE MORE APPROPRIATE BECAUSE OF
23 THESE MITIGATING FACTORS, THESE REASONS WHY THIS
24 KILLING OCCURRED. DO YOU FOLLOW WHAT I'M SAYING
25 NOW?

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1 A YES.

2 Q IN OTHER WORDS, THERE ARE SITUATIONS
3 WHERE WE GO, "WELL, THIS IS WHY IT'S A BAD MURDER."
4 THAT'S PRESENTED TO YOU, AND THEN THERE'S A
5 SITUATION WHICH SAYS, "WELL, THIS IS WHY, YOU KNOW,
6 IT WAS A MURDER, BUT YOU DIDN'T KNOW THIS, YOU
7 DIDN'T KNOW THIS, YOU DIDN'T KNOW THIS. LET US
8 SHOW YOU WHAT ALL CAME INTO PLAY TO CAUSE THIS
9 THING TO HAPPEN." DO YOU FOLLOW WHAT I'M SAYING?

10 A YES.

11 MR. HARPOOTLIAN: YOUR HONOR, I THINK I
12 OBJECT TO THIS LINE OF QUESTIONING. CAUSE IS NOT
13 THE ISSUE IN MITIGATION. IT'S CIRCUMSTANCES
14 SURROUNDING THE DEFENDANT, THIS PERSON, THAT PERSON
15 OR WHATEVER.

16 THE COURT: SUSTAINED AS TO THE FORM OF
17 THE QUESTION.

18 MR. HARPOOTLIAN: THANK YOU.

19 Q WELL, WHAT I'M ASKING YOU IS IF YOU
20 WERE TO BE GIVEN MITIGATING FACTS IN A MURDER CASE,
21 AND THOSE FACTS THAT COULD BE PRESENTED TO YOU,
22 MITIGATING FACTS, EXPLAINING FACTS THAT WOULD ALLOW
23 YOU TO SAY, "LIFE IS, IN THIS CASE, PROPER. LIFE
24 IN THIS CASE IS THE MORE PROPER SENTENCE THAN
25 DEATH?"

1 A I'M SORRY, I DIDN'T GET THE FINAL
2 QUESTION OUT OF THAT. GIVEN ALL OF THESE
3 MITIGATING CIRCUMSTANCES, COULD I DISTINGUISH
4 BETWEEN, YOU REFERENCED A GOOD MURDER AND A BAD
5 MURDER. I DON'T SEE A DIFFERENCE.
6 Q WELL, WHAT I'M ASKING IS, ...
7 A AND...
8 Q ...ACCEPT THE PRINCIPLE THAT MURDER IS
9 BAD...
10 MR. HARPOOTLIAN: YOUR HONOR, HE'S NOT
11 ALLOWING HER TO ANSWER THE QUESTION. HE'S
12 INTERRUPTED HER. SHE APPARENTLY WAS GOING TO
13 FINISH THAT ANSWER.
14 THE COURT: ALL RIGHT, IT MIGHT HELP
15 YOU PHRASE YOUR NEXT QUESTION.
16 DO YOU WANT TO FINISH YOUR ANSWER?
17 A HE CAN CONTINUE.
18 THE COURT: ALL RIGHT.
19 Q YOU UNDERSTAND, I DON'T KNOW IF I
20 INTRODUCED MYSELF. I'M THE PROSECUTOR. I'M THE
21 ONE THAT WOULD BE PRESENTING THE EVIDENCE.
22 A YES.
23 Q AND ACCEPTING YOUR PRINCIPLE, I'M
24 ASKING YOU A QUESTION NOW. LET'S ACCEPT YOUR
25 PRINCIPLE THAT ALL MURDERS ARE BAD. THEN YOU HAVE

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1 AGAIN MITIGATING FACTS THAT ARE PRESENTED AS
2 EVIDENCE TO YOU, THAT GIVE YOU THE OPTION OF
3 SAYING, "WELL, THIS IS THE REASON," THESE
4 MITIGATING FACTS ARE FACTS THAT WILL BE PRESENTED
5 TO YOU TO SAY, FOR YOU AND THE OTHER TWELVE JURORS
6 TO CONSIDER AND BE ABLE TO RETURN A VERDICT OF LIFE
7 AS OPPOSED TO DEATH EVERY TIME, IF THESE MITIGATING
8 FACTS WERE PRESENT.

9 A I'M SORRY, MITIGATING FACTS SOUNDS LIKE
10 AN EXCUSE TO ME, AND I DON'T BELIEVE IN THAT. IF A
11 PERSON IS FOUND GUILTY IN A COURT OF LAW, AND IF A
12 PENALTY IS A DEATH SENTENCE, AND THEY ARE FOUND
13 GUILTY, AND FOR SOME REASON THEY WEREN'T, OR YOU
14 KNOW, SOMETHING WAS MISCONSTRUED, THEN THE JUSTICE
15 SYSTEM HAS FAILED IN THAT WAY. BUT IF THEY'RE
16 FOUND GUILTY, THEN THEY'RE GUILTY AND I JUST DON'T
17 SEE MITIGATING FACTORS MAKING IT A GOOD MURDER OR A
18 BAD MURDER. IF THEY'RE GUILTY, THEN CONTINUE ON
19 WITH THE NEXT STAGE, IN WHICH I WOULD SUPPORT A
20 DEATH PENALTY, MITIGATION OR GOOD REASONS OR BAD
21 REASONS LEADING UP TO THE CRIME BEING COMMITTED.

22 Q SO YOU HAVE PRETTY MUCH THOUGHT ABOUT
23 THIS SITUATION, AND ARE YOU SAYING THAT UNDER NO
24 CIRCUMSTANCES, UNDER NO CIRCUMSTANCES WHATSOEVER...

25 MR. HARPOOTLIAN: YOUR HONOR, THAT'S

1 . NOT THE STANDARD...

2 Q ...COULD YOU SPARE...

3 MR. HARPOOTLIAN: ...UNDER NO
4 CIRCUMSTANCES.

5 THE COURT: I'M GOING TO ALLOW HIM TO
6 ASK THE QUESTION.

7 MR. HARPOOTLIAN: YOUR HONOR, IF I
8 MIGHT STATE, SHE'S INDICATED SHE'D VOTE FOR THE
9 DEATH PENALTY AND...

10 THE COURT: I UNDERSTAND WHAT HER
11 ANSWER IS.

12 MR. HARPOOTLIAN: I DON'T UNDERSTAND
13 WHY THIS...

14 THE COURT: I'M GOING TO ALLOW HER TO
15 ANSWER.

16 MR. HARPOOTLIAN: YES, SIR.

17 Q YOU'VE THOUGHT ABOUT THE ISSUE OF
18 MURDER AND THE DEATH PENALTY AND HOW IT APPLIES,
19 AND WHEN IT APPLIES AND WHERE IT APPLIES. WHAT I'M
20 ASKING YOU NOW IS ARE YOU SAYING THAT UNDER NO
21 CIRCUMSTANCES COULD YOU ALLOW A HUMAN BEING
22 CONVICTED OF MURDER TO RECEIVE LIFE IMPRISONMENT?

23 A THAT IS CORRECT.

24 THE COURT: ANYTHING FROM THE DEFENSE?

25 MR. HARPOOTLIAN: NO, SIR.

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1 THE COURT: ALL RIGHT, MS. DICKERSON,
2 COULD I ASK YOU TO STEP OUTSIDE JUST A MINUTE,
3 PLEASE MA'AM?

4 A YES, SIR.

5 (JUROR EXCUSED)

6 THE COURT: I DON'T SEE ANY WAY. DO
7 Y'ALL AGREE? OKAY. BRING HER BACK IN.

8 (JUROR RETURNED TO OPEN COURTROOM.)

9 THE COURT: MS. DICKERSON, AS I SAID,
10 THERE ARE NO RIGHT OR WRONG ANSWERS, AND OF COURSE
11 YOU'RE ENTITLED TO HOWEVER YOU FEEL. BUT ONE OF
12 THE REQUIREMENTS A JUROR MUST MEET IN ORDER TO
13 SERVE ON A CASE, THEY MUST BE WILLING TO IMPOSE A
14 LIFE SENTENCE AS WELL AS A DEATH SENTENCE, AND I
15 UNDERSTAND YOUR STRONG FEELINGS ABOUT THAT. BUT
16 FOR THAT REASON, I WOULD HAVE TO EXCUSE YOU FROM
17 SERVICE IN THIS CASE, SO YOU'RE FREE TO GO, AND
18 WE'LL SEND YOU A CHECK, OKAY? THANK YOU.

19 A THANK YOU.

20 THE COURT: JOE TURNER. I TEND TO
21 AGREE THAT THE LAST QUESTION IS NOT REALLY A PROPER
22 QUESTION.

23 MR. JONES: ALL RIGHT, BUT I DIDN'T
24 OBJECT WHEN HE ASK...

25 THE COURT: I UNDERSTAND THAT, AND

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1 WE'RE MOVING ALONG PRETTY GOOD. BUT YOU KNOW,
2 WHEN...I'LL TELL YOU FOLKS, THE THREE JURORS OR
3 FOUR THAT WE'VE MISSED, THEY MISS MY QUESTIONS,
4 THEY'RE GOING TO MISS YOURS.

5 MR. JONES: WELL, JUDGE, YOU NOTICE
6 AFTER I ASKED THAT QUESTION, I DIDN'T ASK ANY MORE.

7 THE COURT: OH, I UNDERSTAND. I
8 UNDERSTAND. I KNEW HOW FIRM SHE WAS SO IT WASN'T
9 GOING TO MAKE ANY DIFFERENCE ONE WAY OR THE OTHER.

10 JOE L. TURNER, BEING DULY
11 SWORN, WAS EXAMINED AS FOLLOWS:

12 THE COURT: HOW ARE YOU DOING TODAY?

13 A FINE.

14 THE COURT: HAVE YOU EVER BEEN IN COURT
15 BEFORE?

16 A NO.

17 THE COURT: NEVER BEEN ON A JURY?

18 A NO.

19 THE COURT: OKAY. DID YOU GET A CHANCE
20 TO LOOK AT THE, OR READ THE LETTER THAT I HANDED
21 OUT YESTERDAY?

22 A YES.

23 THE COURT: DO YOU HAVE ANY QUESTIONS
24 ABOUT WHAT WAS IN THE LETTER OR WAS IT REASONABLY
25 STRAIGHTFORWARD?

1. A I UNDERSTOOD IT FINE.

2 THE COURT: OKAY. NOW, I THINK AS THE
3 LETTER INDICATED TO YOU, THE POTENTIAL NATURE OF
4 THIS CASE IS THE DEATH PENALTY CASE, AND UNDER OUR
5 RULES, WHEN THAT OCCURS, THE ATTORNEYS ALSO GET AN
6 OPPORTUNITY TO ASK YOU QUESTIONS JUST LIKE I DO.
7 USUALLY, IT'S ONLY THE JUDGE, BUT IN THIS CASE,
8 THEY GET TO ASK QUESTIONS, TOO.

9 NOW, WE'RE GOING TO ASK YOU SOME
10 QUESTIONS ABOUT YOUR RELEVANT VIEWS ON CERTAIN
11 ISSUES THAT MAY DEVELOP IN THIS CASE. AND THE FACT
12 THAT WE'RE ASKING FOR YOUR OPINION OR YOUR VIEW
13 ABOUT CERTAIN THINGS, IT'S NOT INTENDED TO
14 CHALLENGE WHAT YOU FEEL, OR TO EMBARRASS YOU OR PUT
15 YOU ON THE SPOT. THERE'S NOT ANY RIGHT OR WRONG
16 ANSWERS. SO WHAT WE REALLY WANT TO KNOW THOUGH ON
17 SOME OF THE QUESTIONS IS, YOU KNOW, WHAT DO YOU
18 BELIEVE. IS THAT FAIR ENOUGH?

19 A FAIR ENOUGH.

20 THE COURT: OKAY. NOW, HAVE YOU FORMED
21 OR EXPRESSED ANY OPINION AS TO THE INNOCENCE OR
22 GUILT OF MR. BECKHAM, THE DEFENDANT IN THIS CASE?

23 A I HAVE NOT.

24 THE COURT: AND DO YOU KNOW ANYTHING
25 ABOUT THE FACTS IN THE CASE.

1 A NO, I DON'T.

2 THE COURT: A CITIZEN ACCUSED OF A
3 CRIME IS PRESUMED INNOCENT OF THAT CRIME UNTIL AND
4 UNLESS THE STATE OR GOVERNMENT PROVES HIS GUILT
5 BEYOND A REASONABLE DOUBT? IS THAT A PRINCIPLE YOU
6 CAN FOLLOW?

7 A YES.

8 THE COURT: THE REASON I ASK THAT
9 QUESTION OF YOU IS BECAUSE ONE OF THE THINGS WE'RE
10 GOING TO TALK ABOUT IS PENALTIES, DEATH PENALTY,
11 LIFE IMPRISONMENT. AND THE FACT WE'RE DISCUSSING
12 THAT, I WANT TO MAKE SURE YOU UNDERSTAND YOU'RE NOT
13 TO INFER OR IMPLY THAT MR. BECKHAM IS GUILTY OF
14 ANYTHING. CAN YOU DO THAT?

15 A YES, SIR.

16 THE COURT: OKAY. NOW, YOU UNDERSTAND
17 THAT THERE IS A TRIAL, THERE'S ACTUALLY TWO TRIALS.
18 THERE'S A TRIAL FOR GUILT AND IF GUILT IS FOUND
19 THEN THERE'S A PENALTY PHASE, YOU UNDERSTAND THAT?

20 A YES, SIR.

21 THE COURT: LET ME PUT YOU ON AN
22 IMAGINARY JURY, IF I COULD. AND THE STATE'S
23 SEEKING THE DEATH PENALTY IN THE CASE, AND THE JURY
24 UNANIMOUSLY FINDS A DEFENDANT GUILTY OF MURDER. DO
25 YOU UNDERSTAND IN THAT SITUATION THAT IN THE

1 PENALTY PHASE, ONLY THE JURY CAN DETERMINE WHAT THE
2 APPROPRIATE PUNISHMENT IS, WHETHER IT BE LIFE OR
3 DEATH?

4 A YES, SIR.

5 THE COURT: OKAY. WELL, LET'S ASSUME
6 THEN THAT YOU FOUND GUILT BEYOND A REASONABLE
7 DOUBT, YOU GO TO THE PENALTY PHASE, AND YOU'RE
8 ASKED TO FIX THE PUNISHMENT, LIFE OR DEATH. WE
9 KNOW THAT THERE ARE THREE KINDS OF JURORS,
10 GENERALLY SPEAKING.

11 THERE'S THE KIND OF JUROR THAT WOULD
12 SAY, "WE'VE GOT A CONVICTION, THERE'S EVIDENCE OF
13 AGGRAVATION IN THIS CASE. IT DOESN'T MATTER
14 WHETHER THERE'S MITIGATION OR NOT, I VOTE FOR THE
15 DEATH PENALTY BECAUSE I THINK THAT'S ALWAYS THE
16 APPROPRIATE PUNISHMENT." ALL RIGHT, THAT'S ONE
17 TYPE.

18 THE SECOND TYPE IS, "TRUE, WE'VE GOT A
19 CONVICTION; TRUE, THERE'S EVIDENCE OF AGGRAVATING
20 CIRCUMSTANCES, AND THERE MAY OR MAY NOT BE
21 MITIGATION IN THE CASE. BUT NEVERTHELESS, I VOTE
22 FOR LIFE IMPRISONMENT BECAUSE I FEEL THAT LIFE
23 IMPRISONMENT IS ALWAYS THE APPROPRIATE PUNISHMENT."
24 THAT'S JUROR NUMBER TWO.

25 THEN THERE'S JUROR NUMBER THREE THAT

1 SAYS, "TRUE, WE'VE GOT A CONVICTION FOR MURDER,
2 PLUS WE'VE GOT AGGRAVATING CIRCUMSTANCES, AND
3 AGAIN, YOU MAY OR MAY NOT HAVE MITIGATING
4 CIRCUMSTANCES. BUT I WANT TO LOOK AT THE WHOLE
5 RECORD, AND I'LL DECIDE WHETHER IN THIS CASE THE
6 APPROPRIATE PUNISHMENT IS DEATH OR LIFE, AND THEN
7 I'LL VOTE ACCORDING TO MY CONSCIENCE AND THE FACTS
8 AND EVIDENCE."

9 IF I HAD TO ASK YOU WHICH JUROR YOU
10 WOULD LIKELY BE, COULD YOU TELL ME?

11 A YES, SIR.

12 THE COURT: WHICH ONE?

13 A NUMBER THREE.

14 THE COURT: NUMBER THREE. WELL, LET ME
15 ASK YOU NOW. LET'S SUPPOSE YOU WENT THROUGH THAT
16 DELIBERATIVE PROCESS, AND YOU CONSIDERED THE
17 CONVICTION AND THE AGGRAVATING AND ANY MITIGATING
18 CIRCUMSTANCES, AND YOU CAME TO THE CONCLUSION THAT
19 THE APPROPRIATE PUNISHMENT WAS THE DEATH PENALTY,
20 COULD YOU, SIR, IMPOSE THE DEATH PENALTY?

21 A YES, SIR.

22 THE COURT: LIKEWISE, IF YOU WENT
23 THROUGH THAT SAME PROCESS, AND YOU CAME TO THE
24 CONCLUSION THAT THE APPROPRIATE PUNISHMENT WAS LIFE
25 IMPRISONMENT, COULD YOU IMPOSE A LIFE SENTENCE?

1 A YES, SIR.

2 THE COURT: NOW LET ME TAKE YOU A STEP

3 FURTHER. LET'S ASSUME THAT YOU'VE COME TO THE

4 CONCLUSION THAT THE DEATH PENALTY IS THE

5 APPROPRIATE PUNISHMENT, OUR STATUTE REQUIRES THAT

6 THE INDIVIDUAL JURORS MUST AFFIX THEIR NAME OR SIGN

7 THEIR NAME TO THE DEATH WARRANT OR THE VERDICT

8 SHEET, ACKNOWLEDGING THAT THAT IS THEIR INDIVIDUAL

9 VERDICT. SIR, COULD YOU SIGN YOUR NAME TO THE

10 DEATH WARRANT OR THE SENTENCING SHEET IF YOU FELT

11 THE DEATH PENALTY WAS APPROPRIATE?

12 A I COULD.

13 THE COURT: ALL RIGHT, I'M GOING TO LET

14 THE LAWYERS ASK YOU SOME QUESTIONS, MR. SOLICITOR

15 AND THEN --OR MR. MCMAHON AND THEN MR. SWERLING.

16 MR. MCMAHON: MAY IT PLEASE THE COURT?

17 EXAMINATION BY:

18 MR. MCMAHON:

19 Q GOOD MORNING, MR. TURNER.

20 A GOOD MORNING.

21 Q MY NAME IS KNOX MCMAHON. I'M THE

22 ASSISTANT SOLICITOR FROM DOWN IN THE FIFTH CIRCUIT,

23 RICHLAND AND KERSHAW COUNTY. MYSELF AND SOLICITOR

24 JONES, SOLICITOR COULTER, SOLICITOR STROM WILL BE

25 PROSECUTING THIS CASE ON BEHALF OF THE STATE.

1 AND OF COURSE, THE DEFENSE ATTORNEYS,
2 MR. SWERLING--I DON'T SEE MR. HARPOOTLIAN RIGHT
3 NOW, AND THE DEFENDANT, STEPHEN BECKHAM. YOU DON'T
4 KNOW ANY OF US, YOU DON'T ANY PARTIES INVOLVED IN
5 THIS CASE, IS THAT CORRECT?

6 A NO, SIR. I...

7 Q I JUST...EXCUSE ME?

8 A I DO NOT.

9 Q AND I JUST WANT TO ASK YOU A FEW
10 QUESTIONS TO MAKE SURE I CLARIFY MY UNDERSTANDING
11 OF YOUR RESPONSES TO HIS HONOR.

12 AS I UNDERSTAND IT, YOU DON'T KNOW
13 ANYTHING AT ALL ABOUT THE FACTS OF THIS CASE,
14 HAVEN'T HEARD ANYTHING OR READ ANYTHING ABOUT IT?

15 A NO, I DON'T KNOW ANYTHING.

16 Q AND AS FAR AS THE FIRST PHASE OF THE
17 TRIAL, THAT GUILT PHASE OF THE TRIAL, IF YOU WERE
18 CHOSEN, SELECTED TO BE A MEMBER OF THIS JURY, YOU
19 COULD LISTEN TO THE EVIDENCE AND WOULD LISTEN TO
20 THE EVIDENCE, DECIDE WHAT THE FACTS ARE, AND BE
21 ABLE TO RETURN A VERDICT, WHETHER IT BE GUILTY OR
22 NOT GUILTY, BASED ON WHAT YOU HEAR IN THE
23 COURTROOM, IS THAT CORRECT, SIR?

24 A THAT'S CORRECT.

25 Q AND BASED ON THE LAW THAT HIS HONOR

1 TOLD YOU THE LAW OF SOUTH CAROLINA WAS, IS THAT
2 CORRECT?

3 A THAT'S CORRECT.

4 Q I UNDERSTAND YOU'VE NEVER SERVED ON
5 JURY DUTY BEFORE?

6 A I HAVE NOT.

7 Q BUT YOU WOULD BE ATTENTIVE, YOU WOULD
8 LISTEN TO THE WITNESSES, YOU WOULD EVALUATE THE
9 EVIDENCE, LISTEN TO THE LAW, FOLLOW THE LAW AND
10 REACH A VERDICT, WHETHER IT BE GUILTY OR NOT
11 GUILTY, IS THAT CORRECT?

12 A THAT'S RIGHT.

13 Q AND YOU WOULDN'T HAVE ANY PROBLEMS
14 WHATSOEVER DOING THAT?

15 A NO, SIR.

16 Q AND THERE'S NO REASON YOU WOULDN'T BE A
17 FAIR AND IMPARTIAL JUROR BOTH TO THE DEFENDANT AND
18 TO THE STATE OF SOUTH CAROLINA, IS THAT CORRECT?

19 A THAT'S CORRECT.

20 Q ALL RIGHT NOW, LET'S SAY--LET'S ASSUME
21 YOU WERE CHOSEN FOR A JURY SUCH AS THIS, AND THE
22 JURY HAD RETURNED A VERDICT OF GUILTY OF MURDER.
23 IT IS AT THAT POINT YOU WOULD GO TO THE SECOND
24 PHASE. AGAIN, IT WOULD BE THE JURY'S DUTY TO
25 DETERMINE WHAT THE APPROPRIATE PUNISHMENT WAS, LIFE

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- 1 . OR DEATH. DO YOU UNDERSTAND THAT?
- 2 A YES, SIR.
- 3 Q AND JUST LIKE YOU HAVE NOT FORMED AN
- 4 OPINION ABOUT THE GUILT OF THE DEFENDANT, YOU,
- 5 SITTING HERE RIGHT NOW, HAVE NO OPINION AS TO
- 6 APPROPRIATE PUNISHMENT, IS THAT CORRECT?
- 7 A THAT'S RIGHT.
- 8 Q AND BEFORE YOU MADE THAT DECISION, YOU
- 9 WOULD WANT TO HEAR IT ALL, WOULDN'T YOU, SIR?
- 10 A YES, SIR.
- 11 Q ANY AND ALL EVIDENCE IN AGGRAVATION?
- 12 A YES, SIR.
- 13 Q AND ANY AND ALL EVIDENCE IN MITIGATION,
- 14 IS THAT RIGHT, SIR?
- 15 A THAT'S TRUE.
- 16 Q AND YOU WOULD LISTEN TO THAT?
- 17 A YES, SIR.
- 18 Q IN THAT PHASE, AND YOU WOULD LISTEN TO
- 19 THE LAW AS JUDGE FLOYD TOLD YOU THE LAW WAS,
- 20 CORRECT? AND NOT MAKE YOUR DECISION UNTIL YOU HAD
- 21 HEARD EVERYTHING TO DECIDE WHAT THE APPROPRIATE
- 22 PUNISHMENT SHOULD BE, IS THAT RIGHT?
- 23 A RIGHT.
- 24 Q AS I UNDERSTAND YOUR RESPONSES TO HIS
- 25 HONOR, YOU PLACED YOURSELF IN THAT THIRD CATEGORY?

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1 A YES, SIR.

2 Q AND THAT'S THAT JUROR THAT'S NEITHER

3 AUTOMATICALLY COMMITTED TO LIFE OR DEATH, BUT

4 YOU'RE GOING TO DECIDE IT BASED ON ALL THE FACTS

5 AND CIRCUMSTANCES?

6 A THAT'S CORRECT.

7 Q THAT'S A VERY SERIOUS DECISION TO YOU?

8 A YES.

9 Q AND YOU'RE NOT GOING TO MAKE THAT

10 DECISION UNTIL YOU HEAR EVERYTHING, IS THAT RIGHT?

11 A THAT'S RIGHT.

12 Q AND AGAIN, AS HIS HONOR ASKED YOU, IN

13 SOUTH CAROLINA UNDER OUR LAW, IN A CASE LIKE THIS,

14 EACH AND EVERY JUROR, IF THEY CHOSE IN THAT PENALTY

15 PHASE, TO IMPOSE THE DEATH PENALTY, EACH AND EVERY

16 JUROR MUST SIGN HIS OR HER NAME TO A DOCUMENT

17 IMPOSING THE DEATH PENALTY. IF YOU DECIDED, AFTER

18 LISTENING TO EVERYTHING, THAT THE DEATH PENALTY WAS

19 THE APPROPRIATE PUNISHMENT, YOU COULD SIGN YOUR

20 NAME, COULDN'T YOU, MR. TURNER?

21 A I COULD.

22 Q AND IF YOU DECIDED THAT IT WAS NOT, IF

23 YOU DECIDED THE LIFE SENTENCE WAS APPROPRIATE, YOU

24 COULD VOTE FOR A LIFE SENTENCE, IS THAT CORRECT?

25 A YES, SIR.

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1 Q THANK YOU, MR. TURNER. I DON'T HAVE
2 ANY FURTHER QUESTIONS.

3 THE COURT: MR. SWERLING?

4 MR. SWERLING: YES, SIR.

5 EXAMINATION BY:

6 MR. SWERLING:

7 Q GOOD MORNING, MR. TURNER.

8 A GOOD MORNING.

9 Q ALMOST AFTERNOON. MY NAME IS JACK
10 SWERLING, AS MR. MCMAHON HAS TOLD YOU. AND OF
11 COURSE, THIS IS STEPHEN BECKHAM. STEPHEN, WILL YOU
12 STAND UP? AND THAT'S HIS DAD BEHIND HIM.

13 YOU UNDERSTAND STEPHEN IS THE ONE ON
14 TRIAL HERE. THE STATE HAS ACCUSED HIM OF A PRETTY
15 SERIOUS OFFENSE OF MURDER. AND THIS IS SORT OF A
16 UNIQUE PROCESS THAT WE'RE GOING THROUGH RIGHT NOW.
17 YOU'VE PROBABLY SEEN SOME COURT ON TV, AND YOU
18 PROBABLY HAVE READ ABOUT IT IN THE NEWSPAPER, BUT
19 IN THIS PARTICULAR KIND OF SITUATION, THE LAWYERS
20 GET TO ASK YOU QUESTIONS, AS THE JUDGE TOLD YOU.
21 THAT'S NOT THE WAY IT'S NORMALLY DONE, AND THERE'S
22 A REASON FOR THAT. KIND OF WHAT I WANTED TO DO IS
23 EXPLAIN THOSE PRINCIPLES TO YOU SO YOU WOULD
24 UNDERSTAND IT A LITTLE BIT BETTER.

25 UNDER OUR SYSTEM WHERE THE STATE IS

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1 ASKING FOR THE DEATH PENALTY, YOU UNDERSTAND THE
2 STATE'S THE ONE MAKING THAT REQUEST?

3 A YES, SIR.

4 Q UNDER THAT SYSTEM AND THAT SYSTEM
5 ALONE, THE JURY, UNLIKE ANY OTHER SITUATION, GETS
6 TO DECIDE WHAT THE PUNISHMENT IS, OKAY? THEY MAKE
7 A RECOMMENDATION TO THE JUDGE, BUT THE JUDGE
8 FOLLOWS THAT RECOMMENDATION AND IMPOSES THE
9 SENTENCE THE JURY DECIDES, IF YOU GET TO THAT
10 STAGE, OKAY? IF YOU GET TO THE PUNISHMENT STAGE.

11 YOU REALLY HAVE TWO TRIALS, OKAY? AND
12 ONE OF THE REASONS WE'RE ALLOW TO ASK YOU THE
13 QUESTIONS WE ARE RIGHT NOW IS BECAUSE THE FIRST
14 STAGE WHICH TALKS ABOUT GUILT OR INNOCENCE, AND IF
15 THERE'S A VERDICT OF GUILTY, THEN THERE'S A SECOND
16 STAGE OR A SECOND TRIAL THAT TALKS ABOUT THE
17 PUNISHMENT. ALMOST TWO DIFFERENT TRIALS, SAME
18 JURY, ALL THE PARTICIPANTS ARE THE SAME, BUT IT'S
19 TWO REALLY DIFFERENT TRIALS.

20 AND WHAT I'D LIKE FOR YOU TO UNDERSTAND
21 AT THIS POINT IS THE FACT THAT WE'RE ASKING YOU
22 THESE QUESTIONS AT THIS POINT IN TIME IS SO WE CAN
23 SORT OF KNOW SOME OF YOUR FEELINGS ABOUT SOME
24 THINGS IN BOTH ASPECTS OF THE CASE, OKAY?

25 BUT WE'D LIKE YOU TO KNOW THAT THAT'S

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1 NOT ANY CONCESSION AT ALL ABOUT STEPHEN BECKHAM'S
2 POSITION IN THIS SITUATION. HE HAS PLED NOT
3 GUILTY, OKAY? AND WE CONTEND THAT THE STATE WILL
4 NOT PROVE HIS GUILT BEYOND A REASONABLE DOUBT.

5 MR. MCMAHON: OBJECTION, YOUR HONOR.

6 THE COURT: SUSTAINED.

7 Q WE--OUR POSITION IS THAT WE MAY NOT GET
8 TO THAT SECOND STAGE OF THE TRIAL, AND WE WON'T GET
9 TO IT, OKAY? NOW, SO WHAT THAT MEANS IS WE HAVE TO
10 GO THROUGH THAT FIRST STAGE OF THE TRIAL AT THIS
11 POINT.

12 AND THE STATE'S GOING TO HAVE TO
13 PRESENT HIS GUILT TO YOUR SATISFACTION AND TO THE
14 JURY'S SATISFACTION UNANIMOUSLY, BEFORE THE STATE'S
15 ENTITLED TO A VERDICT. YOU UNDERSTAND THAT, DON'T
16 YOU?

17 A YES, SIR.

18 Q AND YOU UNDERSTAND THAT A DEFENDANT,
19 ANYBODY ACCUSED OF A CRIME IS PRESUMED TO BE
20 INNOCENT. DO YOU UNDERSTAND THAT? IN OTHER WORDS,
21 THEY DON'T HAVE TO PROVE ANYTHING.

22 A I UNDERSTAND.

23 Q AND THE STATE, THE WHOLE BURDEN, THAT
24 HEAVY BURDEN RESTS ON THE STATE TO GO AHEAD AND
25 PROVE GUILT BEYOND A REASONABLE DOUBT. AND IF THE

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1 STATE PROVES GUILT BEYOND A REASONABLE DOUBT, THEN
2 THEY'RE ENTITLED TO THE VERDICT. BUT WHAT HAPPENS
3 IF THEY DON'T?

4 A WELL, THERE WOULDN'T BE A VERDICT. I
5 MEAN, IT WOULD BE NOT GUILTY.

6 Q NOT GUILTY. AND YOU UNDERSTAND,
7 THEY'RE THE ONES THAT HAVE TO PRESENT ALL THE
8 EVIDENCE.

9 A YEAH.

10 Q A DEFENDANT DOESN'T HAVE TO PRESENT ANY
11 EVIDENCE, OKAY? NOW, DOES THE FACT THAT WE'RE
12 ASKING THESE QUESTIONS ABOUT PUNISHMENT IN ANY WAY
13 GIVE YOU ANY KIND OF IDEAS ABOUT GUILT OR INNOCENCE
14 AT THIS POINT?

15 A NO.

16 Q YOU UNDERSTAND WE HAVE TO DO THAT?

17 A YEAH.

18 Q LET ME ASK YOU ABOUT PUNISHMENT, IF I
19 COULD, FOR A COUPLE OF MINUTES, OKAY? YOU HAVE
20 ANY--IS YOUR OPINION ABOUT THE DEATH PENALTY, YOU
21 FALL IN CATEGORY THREE, AS I UNDERSTAND, WHICH
22 BASICALLY SAYS IT'S APPROPRIATE IN SOME CASES?

23 A YES, SIR.

24 Q AND IN OTHER MURDER CASES, IT'S NOT
25 APPROPRIATE?

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- 1 A WELL, IT DEPENDS ON THE CIRCUMSTANCES.
- 2 Q RIGHT. BUT WHAT I'M SAYING IS IN
- 3 MURDER CASES, IT'S APPROPRIATE IN SOME
- 4 CIRCUMSTANCES AND IT'S NOT APPROPRIATE IN OTHER
- 5 CIRCUMSTANCES.
- 6 A THAT'S TRUE.
- 7 Q IS THAT THE WAY YOU FEEL ABOUT IT?
- 8 A YES, SIR. YES, SIR.
- 9 Q OKAY. AND YOU UNDERSTAND WHEN THE
- 10 JUDGE WAS ASKING YOU THOSE THREE CATEGORIES, HE WAS
- 11 TALKING ABOUT MURDER CASES?
- 12 A YES, SIR.
- 13 Q OKAY, WHERE THERE WAS A HOMICIDE, A
- 14 LIFE WAS TAKEN.
- 15 A UH-HUH.
- 16 Q SO YOU ARE IN FAVOR OR YOU SUPPORT THE
- 17 DEATH PENALTY?
- 18 A YES, SIR.
- 19 Q AND IS THAT A STRONG CONVICTION YOU
- 20 HAVE, SOMETHING THAT YOU'VE HELD FOR A LONG TIME?
- 21 A YES, I WOULD UPHOLD THE DEATH PENALTY
- 22 IN CERTAIN CASES, YOU KNOW. IT'S NOT EVERY MURDER
- 23 CASE, LIKE YOU SAY, BUT I DO SUPPORT THE DEATH
- 24 PENALTY.
- 25 Q AND YOU SUPPORT IT IN CERTAIN FACTUAL

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1 SITUATIONS?

2 A YEAH.

3 Q AND IS THIS SOMETHING YOU'VE GIVEN A

4 LOT OF THOUGHT TO, OR YOU'VE TALKED ABOUT IT, OR IS

5 IT JUST SOMETHING YOU'VE NEVER BEEN CONFRONTED WITH

6 BEFORE?

7 A WELL, I'VE NEVER GIVEN A LOT OF THOUGHT

8 TO IT, BUT I DO THINK THAT'S A PROPER PUNISHMENT IN

9 CERTAIN CASES.

10 Q OF COURSE, NOW YOU'RE SITTING IN THE

11 WITNESS CHAIR AND WE'RE ASKING YOU QUESTIONS ABOUT

12 HOW YOU FEEL ABOUT IT IN A COURTROOM SETTING, NOT

13 JUST OUTSIDE TALKING TO SOME FRIENDS OR AT WORK OR

14 SOMETHING LIKE THAT.

15 A YEAH.

16 Q IT'S A LITTLE DIFFERENT.

17 A UH-HUH.

18 Q IT'S A HEAVY KIND OF THING AND NOBODY

19 IS TRYING TO PUT YOU ON THE SPOT. SO YOU COME INTO

20 COURT, AND IF YOU FOUND SOMEONE GUILTY, IF A JURY--

21 LET'S JUST ASK IN A GENERAL SENSE, IF YOU FOUND, IF

22 A JURY FOUND SOMEBODY GUILTY BEYOND A REASONABLE

23 DOUBT, AND THE JURY WAS UNANIMOUS ABOUT THAT, THEN

24 YOU'D GO INTO A SECOND PART OF THAT TRIAL.

25 A YES, SIR.

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1 Q AND I GUESS FROM YOUR ANSWER, THERE
2 WOULD BE FACTORS THAT WOULD BE IMPORTANT TO YOU IN
3 DECIDING WHAT THE PUNISHMENT, THE APPROPRIATE
4 PUNISHMENT SHOULD BE.
5 A YES, SIR. IT WOULD BE.
6 Q NOW, THE JUDGE USED WORDS LIKE, AND THE
7 SOLICITOR USED WORDS LIKE AGGRAVATION AND
8 MITIGATION, AND THOSE ARE LEGAL TERMS IN THE
9 CONTEXT OF WHAT WE'RE TALKING ABOUT. IN OTHER
10 WORDS, AGGRAVATING CIRCUMSTANCES ARE ISSUES THAT
11 MAKE A MURDER CASE MORE AGGRAVATED OR DIFFERENT
12 THAN ANOTHER MURDER CASE, OKAY? NOT EVERY,
13 OBVIOUSLY, EVERY HOMICIDE CASE, IF YOU MAKE THAT
14 FINDING, IS THE SAME, CORRECT?
15 A YES, SIR.
16 Q AND SO YOU UNDERSTAND AGGRAVATION MEANS
17 IT MAKES IT WORSE?
18 A UH-HUH.
19 Q THAT THERE ARE FACTORS THAT MAKE IT
20 WORSE. AND THE JUDGE TALKED ABOUT MITIGATING
21 FACTORS, TALKED ABOUT SITUATIONS THAT DON'T MAKE IT
22 BETTER, BECAUSE YOU DON'T MAKE IT BETTER. BUT
23 THERE ARE ISSUES THAT A JURY SHOULD CONSIDER ABOUT
24 THE CASE, ABOUT THE PEOPLE, ABOUT THE CIRCUMSTANCES
25 THAT WOULD SHOW OR THE JURY WOULD CONSIDER THAT

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- 1 DEATH WOULD NOT BE APPROPRIATE. YOU UNDERSTAND
2 THAT?
- 3 A YES, SIR.
- 4 Q AS A MATTER OF FACT, THOUGH, THE JURY
5 DOESN'T HAVE TO MAKE ANY FINDING AT ALL TO MAKE A
6 LIFE SENTENCE, OR TO RECOMMEND A LIFE SENTENCE.
7 YOU UNDERSTAND THAT, TOO?
- 8 A YES.
- 9 Q BUT IN ORDER TO RECOMMEND A DEATH
10 SENTENCE, THEY HAVE TO FIND THESE AGGRAVATING
11 FACTORS. YOU UNDERSTAND THAT, TOO. I MEAN, I
12 GUESS, YOU KNOW, FROM THE EXPLANATION THE JUDGE
13 GAVE, YOU WOULDN'T ALWAYS FIND FOR THE DEATH
14 PENALTY?
- 15 A NO. NOT IN EVERY SITUATION, NO.
- 16 Q OKAY, EVEN IF YOU FOUND AGGRAVATING
17 CIRCUMSTANCES?
- 18 A IT DEPENDED ON THE CIRCUMSTANCES, WHAT
19 THEY WERE.
- 20 Q YOU WOULDN'T FEEL COMPELLED THOUGH, IN
21 YOUR HEART AND YOUR MIND, YOU WOULDN'T FEEL
22 COMPELLED ALWAYS TO DO THAT?
- 23 A NO, THERE AGAIN, IT'S ACCORDING TO THE
24 CIRCUMSTANCES.
- 25 Q AND YOU WOULD SIT IN THAT JURY AND YOU

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1 WOULD LISTEN TO EVERYTHING THAT WAS PRESENTED?

2 A YES, SIR.

3 Q AND YOU'D DIGEST THAT, AND THAT WOULD
4 BE PART OF YOUR OPINION?

5 A YES, SIR.

6 Q AS TO WHAT THE APPROPRIATE PUNISHMENT
7 SHOULD BE? IS THAT A FAIR ANALYSIS OF IT?

8 A YES, IT IS.

9 Q AND COMING INTO A JURY, COMING IN RIGHT
10 NOW AND SITTING ON THAT WITNESS STAND, AND BEING IN
11 THIS UNCOMFORTABLE POSITION, WHICH I UNDERSTAND IT
12 IS, YOU REALLY DON'T HAVE AN OPINION ONE WAY OR THE
13 OTHER, ABOUT GUILT OR INNOCENCE, I UNDERSTAND.

14 A NO, I DON'T. I DON'T KNOW NOTHING
15 ABOUT IT.

16 Q AND EVEN KNOWING IT'S A HOMICIDE CASE,
17 AS I UNDERSTAND, YOU HAVE NO OPINION AT ALL, AND NO
18 FEELING ONE WAY OR THE OTHER AS TO WHAT THE
19 PUNISHMENT OUGHT TO BE?

20 A NO.

21 Q BECAUSE YOU REALLY DON'T KNOW ANYTHING
22 ABOUT THE CASE?

23 A BECAUSE I DON'T KNOW ANYTHING ABOUT THE
24 CASE.

25 Q YOU'D WANT TO HEAR IT?

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1 A YES, SIR.

2 Q IN THE FIRST PHASE, YOU'D WANT TO BE

3 SATISFIED BEYOND A REASONABLE DOUBT IN THE FIRST

4 PHASE?

5 A YES.

6 Q AND THE JUDGE TALKED TO YOU ABOUT, AND

7 THE SOLICITOR ALSO ABOUT IN THE SECOND PHASE, OF

8 COURSE YOU COULD FIND A LIFE SENTENCE FOR ANY

9 REASON.

10 A YEAH.

11 Q OKAY, YOU UNDERSTAND THAT?

12 A UH-HUH.

13 Q YOU ALONG WITH OTHER MEMBERS OF THE

14 JURY OR YOU ALONE, OKAY? IF YOU FEEL THAT.

15 MR. MCMAHON: I OBJECT TO YOU ALONE.

16 THE COURT: SUSTAINED.

17 Q I'M TALKING ABOUT YOUR PERSONAL

18 FEELINGS, OKAY? WHAT YOU FEEL IS APPROPRIATE.

19 IN THE FIRST PHASE, IN ORDER TO FIND A

20 DEFENDANT GUILTY OR MR. BECKHAM GUILTY OR ANY

21 DEFENDANT GUILTY, IT HAS TO BE A UNANIMOUS VERDICT.

22 A YEAH.

23 Q YOU UNDERSTAND ALSO IN THE SECOND

24 PHASE, THERE IS A SHEET OF PAPER WHERE YOU HAVE TO

25 SIGN YOUR NAME.

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1 A UH-HUH.

2 Q IN ORDER FOR HIM TO BE SENTENCED TO

3 DEATH, IT ALSO HAS TO BE UNANIMOUS. YOU UNDERSTAND

4 THAT? UNANIMITY IS THE WHOLE ISSUE HERE.

5 A YEAH.

6 Q THANK YOU. I'M SORRY--HAS ANYTHING

7 I'VE SAID TO YOU OR ASKED YOU ANY QUESTIONS MADE

8 YOU FEEL UNCOMFORTABLE OR...

9 A NO.

10 Q OR KIND OF FEEL NEGATIVE ABOUT ONE SIDE

11 OR THE OTHER?

12 A NO.

13 Q YOU UNDERSTAND WHAT WE'RE TRYING TO DO

14 IS JUST EXPLORE YOUR BELIEFS?

15 A YES.

16 Q MAYBE SOMEDAY YOU'LL HAVE THE

17 OPPORTUNITY TO ASK US SOME QUESTIONS. THANK YOU.

18 THE COURT: MR. MCMAHON? MR. SWERLING?

19 ALL RIGHT, MR. TURNER, BOTH SIDES HAVE

20 ACCEPTED YOU, AND I FIND YOU QUALIFIED FOR PURPOSES

21 OF BEING PLACED IN THE JURY SELECTION POOL.

22 NOW THAT MEANS WE WILL STRIKE FROM A

23 POOL OF ABOUT THIRTY-FIVE TO FORTY JURORS SOMETIME

24 TOMORROW. YOU MAY OR MAY NOT BE SEATED ON THE

25 ACTUAL JURY.

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1 I WOULD ASK YOU TO PLEASE COME BACK
2 TOMORROW AT ELEVEN O'CLOCK, PACKED TO GO TO
3 NEWBERRY JUST IN CASE YOU ARE SELECTED. WE
4 ESTIMATE ABOUT TEN DAYS OR LESS, AS THE CASE MAY
5 BE.

6 SLED WILL PROVIDE FOR YOUR
7 TRANSPORTATION AND SECURITY; NEWBERRY COUNTY WILL
8 PROVIDE FOR YOUR LODGING, MEALS AND THINGS
9 NECESSARY TO DO YOUR JOB.

10 I WOULD ASK YOU NOT TO DISCUSS THE CASE
11 WITH ANYONE OR ALLOW ANYONE TO DISCUSS IT WITH YOU,
12 NOR READ, WRITE, NOR WATCH OR LISTEN TO ANY ACCOUNT
13 ABOUT THE TRIAL, OKAY?

14 NOW, I WOULD SUGGEST YOU HAVE SOMEBODY
15 BRING YOU AND DROP YOU OFF. IN THE EVENT THAT
16 YOU'RE NOT SELECTED THOUGH, BE ABLE TO CALL THEM
17 AND ASK YOU TO COME BACK AND GET YOU, ALL RIGHT?
18 DO YOU UNDERSTAND EVERYTHING?

19 A YES, SIR.

20 THE COURT: ALL RIGHT. AS FAR AS THE
21 ATTIRE WHILE YOU'RE ON THE JURY, YOU DON'T HAVE TO
22 WEAR SUNDAY CLOTHES, BUT NEITHER CAN YOU WEAR BEACH
23 BUM CLOTHES, OKAY? YOU'RE FINE JUST LIKE THAT.

24 A OKAY. I NEED TO--I'VE GOT A FOURTEEN
25 YEAR OLD SON. I'M A SINGLE PARENT. I'VE GOT TO

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1 MAKE ARRANGEMENTS FOR HIM TO STAY WITH MY MOTHER OR
2 SOMETHING.

3 THE COURT: OKAY. WELL, WE HOPE YOU
4 CAN WORK THAT OUT, AND WE'LL SEE YOU TOMORROW. AND
5 THE BAILIFF WILL SHOW YOU WHERE TO COME BACK TO.

6 (JUROR EXCUSED.)

7 MR. MCMAHON: YOUR HONOR, MAY I BRING
8 UP ONE MATTER BEFORE THE NEXT JUROR COMES IN?

9 THE COURT: SURE.

10 MR. MCMAHON: WE HAD DISCUSSED IT, AND
11 I--WE, MYSELF, AND SOLICITOR JONES AND MR. COULTER,
12 AND I DIDN'T OBJECT DURING THE QUESTIONING, BUT
13 SEVERAL TIMES THEY'VE ASKED OR PHRASED QUESTIONS TO
14 JURORS, "WE CONTEND THAT WE WILL NEVER GET TO THAT
15 STAGE." WE OBJECT TO THAT, OR EITHER I GUESS THE
16 REVERSE WILL BE, "THE STATE CONTENDS WE'RE GOING TO
17 GET TO THAT STAGE." I THINK IT'S PREDISPOSING A
18 JUROR THAT THEIR POSITION IS, THEIR PERSONAL
19 OPINIONS ARE, "WE'RE NOT GOING TO GET TO THAT
20 STAGE," AND I DON'T THINK THAT'S APPROPRIATE FOR
21 VOIR DIRE, THAT PARTICULAR FORM OF QUESTION.

22 THE COURT: WELL, MR. SWERLING, DON'T
23 YOU THINK, AND MR. MCMAHON, DON'T YOU THINK YOU GET
24 TO THE SAME POINT THAT DON'T YOU UNDERSTAND UNLESS
25 A JURY FINDS A DEFENDANT GUILTY BEYOND A REASONABLE

1 DOUBT, THERE IS NO REASON TO GO TO THE SECOND
2 STAGE. I MEAN, THAT'S WHAT WE'RE ASKING. IF YOU
3 PERSONALIZE IT ON "WE CONTEND," AREN'T WE CROSSING
4 THE BRIDGE?

5 MR. SWERLING: WELL, JUDGE, I GUESS I
6 DON'T KNOW ANY GOOD WAY TO GO AHEAD AND EXPLAIN TO
7 THE JURY THAT WE'RE TALKING ABOUT PUNISHMENT HERE,
8 BUT THERE'S A WHOLE ISSUE HERE, GUILT OR INNOCENCE,
9 THAT YOU'RE NOT GOING TO GET TO IT.

10 THE COURT: I KNOW THAT WE DON'T NEED,
11 I KNOW WE'RE NOT GOING TO TRY THIS CASE IN A
12 VACUUM, AND THAT IS A CRITICAL PROBLEM FOR THE
13 DEFENSE BECAUSE, I MEAN, I'VE SAT THERE, YOU KNOW.

14 MR. MCMAHON: AND I'M NOT OBJECTING TO
15 THAT, YOUR HONOR.

16 THE COURT: BUT I THINK TO SAY, AND I
17 SUSTAIN THE OBJECTION THAT "WE CONTEND," IT DOESN'T
18 MATTER WHAT EITHER ONE OF Y'ALL CONTEND. THE
19 QUESTION IS THE PROCESS IS WHAT IS AT ISSUE. SO I
20 WOULD SUSTAIN IT AS TO PERSONAL VOUCHING OR
21 CONTENTIONS, BUT--ABOUT YOUR OPINION, BUT AS TO THE
22 SYSTEM ITSELF, I'LL ALLOW YOU LATITUDE BECAUSE I
23 KNOW THAT'S A CRITICAL ISSUE FOR THE DEFENSE.

24 MR. SWERLING: JUDGE, I WOULD AT LEAST
25 LIKE TO BE ABLE TO SAY, "THE DEFENDANT CONTENTS HE

1 IS NOT GUILTY."

2 THE COURT: YOU CERTAINLY CAN TELL THE
3 JUROR THAT HE CONTENDS AND HAS PLED THAT HE IS NOT
4 GUILTY. THAT'S FUNDAMENTAL IN THIS CASE, IN ANY
5 CASE FOR THAT MATTER. BUT WHAT YOU BELIEVE OR WHAT
6 THEY BELIEVE, IT DOESN'T COUNT FOR SQUAT.

7 MR. SWERLING: WELL, I UNDERSTAND, YOUR
8 HONOR. THAT WAS NOT THE INTENT OF THE QUESTION.

9 THE COURT: OH, I UNDERSTAND WHAT
10 YOU'RE DOING.

11 MR. SWERLING: THE QUESTION WAS JUST TO
12 TRY AND EXPLAIN TO THE JUROR WE MAY NOT GET THERE.

13 MR. MCMAHON: I DON'T HAVE ANY
14 OBJECTION TO THAT, BUT IF IT'S SOMETHING LIKE, "THE
15 DEFENDANT HAS PLED NOT GUILTY," AS OPPOSED TO THE
16 "DEFENDANT CONTENDS," OR SOMETHING LIKE THAT, THE
17 DEFENDANT HAS PLED NOT GUILTY. I CERTAINLY HAVE NO
18 OBJECTION TO HIM EXPLAINING, YOU KNOW, THE REASON
19 WE'RE ASKING ABOUT PUNISHMENT NOW IS IT'S THE ONLY
20 CHANCE WE HAVE. I UNDERSTAND THAT.

21 THE COURT: AND I AGREE WITH THAT, MR.
22 MCMAHON. IT IS THAT HE HAS PLED NOT GUILTY. HE
23 CAN'T CONTEND ANYTHING. HE MAY NOT TAKE THE STAND.
24 HE'S PLED NOT GUILTY. HE DOESN'T HAVE TO PROVE
25 ANYTHING EITHER THOUGH.

1 MR. MCMAHON: THANK YOU.
2 THE COURT: OKAY, BARBARA GAINES.
3 LET ME, WHILE THEY'RE GETTING THAT
4 JUROR, LET ME ASK YOU THIS. WE DO HAVE PANEL C
5 HERE AND WE WILL HAVE PANEL D HERE AT ONE. THAT
6 GIVES US THIRTY JURORS SITTING THERE AND I HAVE TO
7 PUT THE FIRST MESSAGE ON FOR PANEL E. THIRTY PLUS
8 EIGHT...
9 MR. JONES: SEVEN, ISN'T IT, JUDGE?
10 THE COURT: SEVEN?
11 MR. JONES: SEVEN LEFT IN PANEL D, I
12 BELIEVE.
13 THE COURT: YEAH, SEVEN LEFT BUT WE'VE
14 GOT EIGHT OFF THE FIRST PANEL SO WE'VE GOT EIGHT
15 GOOD ONES, AND WE'VE GOT--YOU THINK WE COULD BRING
16 PANEL E BACK IN THE MORNING, OR LATER TONIGHT? I
17 DON'T CARE.
18 MR. JONES: JUDGE, COULD WE HAVE THEM
19 CALL...
20 THE COURT: LATER? HOW ABOUT THAT, AT
21 FIVE O'CLOCK. PUT THE MESSAGE ON FOR PANEL AND F.
22 HOW ARE YOU DOING?
23 MS. GAINES: FINE.
24 BARBARA D. GAINES, BEING DULY
25 SWORN, WAS EXAMINED AS FOLLOWS:

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1 THE COURT: ALL RIGHT, YOU CAN PUT YOUR
2 HAND DOWN, AND IN THE MEANTIME, MS. GAINES, HAVE
3 YOU EVER SERVED ON A JURY BEFORE?

4 A NO, SIR.

5 THE COURT: BEEN IN A COURTROOM BEFORE
6 YESTERDAY?

7 A YES.

8 THE COURT: OKAY, BEEN A WITNESS OR
9 SOMETHING IN A CASE?

10 A NO, I WAS CALLED ONCE BEFORE ABOUT FIVE
11 YEARS AGO BUT I DIDN'T SERVE.

12 THE COURT: OKAY. DID YOU GET A CHANCE
13 TO READ THE LETTER THAT I HANDED OUT YESTERDAY?

14 A I DIDN'T GET ONE.

15 THE COURT: SHE DID NOT GET A LETTER.
16 THAT'S RIGHT, SHE WAS LATER.

17 MADAM CLERK, COULD WE GET HER A LETTER?

18 I'M GOING TO GIVE THAT TO YOU AND I'M
19 GOING TO GO OVER THIS WITH YOU NOW. ANYWAY, WHEN
20 YOU GET A CHANCE, IF YOU WILL RE-READ IT FOR ME.
21 IN FACT, IS THERE ANY OBJECTION TO TAKING HER OUT
22 OF LINE AND LET HER READ THE LETTER BECAUSE THAT
23 MAKES IT A LOT EASIER.

24 MR. SWERLING: THAT'S FINE.

25 THE COURT: CAN I DO THAT? LET ME ASK

1 YOU IF YOU WOULD, LET ME TAKE A JUROR AHEAD OF YOU
2 WHILE YOU READ THAT LETTER AND AS SOON AS YOU'VE
3 READ IT, I'LL BRING YOU BACK IN.

4 A OKAY, GO BACK TO THE ROOM?

5 THE COURT: YEAH. IT HELPS YOU A LOT
6 IN UNDERSTANDING IT.

7 BRING DELLA PRICE IN. NOW, WE'LL STAY
8 IN THE ORDER BUT...

9 DELLA F. PRICE, BEING DULY
10 SWORN, WAS EXAMINED AS FOLLOWS:

11 THE COURT: ALL RIGHT, THANK YOU. YOU
12 CAN PUT YOUR HAND DOWN, AND IF YOU WANT TO SLIP UP
13 TOWARD THAT MICROPHONE, IT'S NOT GOING TO BITE YOU.
14 FIX IT WHERE YOU CAN KIND OF TALK INTO IT.

15 ALL RIGHT, MS. PRICE, HAVE YOU EVER
16 BEEN ON A JURY BEFORE?

17 A YES, SIR.

18 THE COURT: HOW LONG AGO?

19 A I GUESS IT'S BEEN ABOUT TEN YEARS AGO.

20 THE COURT: WAS IT A CRIMINAL OR CIVIL?

21 A NO, CIVIL.

22 THE COURT: CIVIL CASE. ALL RIGHT.

23 WELL, DID YOU GET A CHANCE YESTERDAY TO READ THAT
24 LETTER I HANDED OUT?

25 A YES, SIR.

1 THE COURT: WAS THERE ANYTHING IN THE
2 LETTER THAT YOU JUST DIDN'T UNDERSTAND OR IT
3 CONFUSED YOU, OR YOU WANT ME TO EXPLAIN TO YOU?

4 A NO, SIR.

5 THE COURT: OKAY. WELL, AS YOU WILL
6 RECALL, IN THAT LETTER IT SAID THIS IS A POTENTIAL
7 DEATH PENALTY CASE, AND THERE ARE CERTAIN
8 PROCEDURES THAT ARE UNIQUE TO THIS TYPE OF CASE.
9 AND ONE OF THOSE IS THAT ORDINARILY WHILE ONLY THE
10 JUDGE GETS TO ASK JUROR QUESTIONS, IN THIS TYPE OF
11 SITUATION, BOTH THE PROSECUTION LAWYERS AND THE
12 DEFENSE ATTORNEYS WILL GET TO ASK YOU SOME
13 QUESTIONS ABOUT SOME OF YOUR RELEVANT BELIEFS,
14 OKAY?

15 NOW, WE'RE NOT HERE TO CHALLENGE
16 ANYTHING THAT YOU BELIEVE OR TO PUT YOU ON THE
17 SPOT. THERE AREN'T ANY RIGHT OR WRONG ANSWERS, BUT
18 THERE ARE SOME THINGS THAT WE NEED TO KNOW WHAT
19 YOUR BELIEFS ARE. IS THAT FAIR ENOUGH?

20 A THAT'S FAIR.

21 THE COURT: OKAY. MA'AM, DO YOU
22 UNDERSTAND THAT A CITIZEN ACCUSED OF A CRIME IS
23 PRESUMED TO BE INNOCENT OF THAT CRIME UNTIL OR
24 UNLESS THE STATE CAN PROVE HIS GUILT BEYOND A
25 REASONABLE DOUBT?

1 A YES, SIR.

2 THE COURT: IS THAT A PRINCIPLE OF LAW
3 THAT YOU CAN ACCEPT AND FOLLOW?

4 A YES, SIR.

5 THE COURT: AND HAVE YOU FORMED OR
6 EXPRESSED ANY OPINION AS TO THE GUILT OR INNOCENCE
7 OF MR. BECKHAM, THE DEFENDANT IN THIS CASE?

8 A NO, SIR.

9 THE COURT: AND DO YOU KNOW ANYTHING
10 ABOUT THE FACTS OF THE CASE?

11 A NO, SIR.

12 THE COURT: ALL RIGHT, THE REASON I
13 ASKED YOU THOSE COUPLE OF QUESTIONS ARE THAT ONE OF
14 THE THINGS WE'RE GOING TO TALK ABOUT FOR A FEW
15 MINUTES HAS TO DO WITH PENALTIES, LIFE IMPRISONMENT
16 AND THE DEATH PENALTY. AND I NEED TO MAKE SURE
17 THAT YOU HAVE, WON'T INFER OR IMPLY THE FACT THAT
18 WE'RE TALKING ABOUT PENALTIES THAT MR. BECKHAM IS
19 GUILTY OF ANYTHING. YOU WON'T DO THAT, WILL YOU?

20 A NO.

21 THE COURT: THE FACT THAT WE TALK ABOUT
22 PENALTIES, UNTIL YOU HEAR THE EVIDENCE, YOU'RE NOT
23 GOING TO MAKE UP YOUR MIND ABOUT THAT?

24 A NO, SIR.

25 THE COURT: OKAY. ALL RIGHT, DO YOU

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1 UNDERSTAND THAT THERE ARE TWO-- ESSENTIALLY,
2 THERE'S POTENTIALLY TWO SEPARATE TRIALS. ONE HAS
3 TO DO WITH GUILT AND THE OTHER HAS TO DO WITH
4 PENALTY. DO YOU FOLLOW ME?

5 A YES, SIR.

6 THE COURT: OKAY. LET'S TALK A LITTLE
7 BIT--LET ME PUT YOU ON A JURY. AND YOU AND YOUR
8 FELLOW JURORS HAVE COME TO THE CONCLUSION THAT THE
9 STATE HAS FAILED TO PROVE GUILT BEYOND A REASONABLE
10 DOUBT. YOU UNDERSTAND IN THAT SITUATION, YOU CAN
11 GO HOME?

12 A UH-HUH.

13 THE COURT: BUT LET'S SAY, ON THE OTHER
14 HAND, THE STATE HAS PROVED THE GUILT OF A DEFENDANT
15 BEYOND A REASONABLE DOUBT OF MURDER. DO YOU
16 UNDERSTAND THAT YOU WILL THEN GO TO A PENALTY
17 STAGE, AND YOU WILL DETERMINE WHAT THE PENALTY IS?

18 A YES.

19 THE COURT: OKAY. NOW, ORDINARILY,
20 THERE ARE THREE KINDS OF JURORS WHEN WE TALK ABOUT
21 THE DEATH PENALTY. THERE'S ONE TYPE OF JUROR THAT
22 SAYS, "WE'VE GOT A CONVICTION, THERE'S EVIDENCE OF
23 AGGRAVATION; DOESN'T MATTER WHETHER THERE'S ANY
24 MITIGATION, I VOTE FOR THE DEATH PENALTY BECAUSE I
25 BELIEVE THAT'S ALWAYS THE APPROPRIATE PENALTY."

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1 THAT'S ONE TYPE OF JUROR. OKAY, YOU UNDERSTAND
2 THAT JUROR?

3 A YES.

4 THE COURT: ALL RIGHT, THERE'S A SECOND
5 TYPE OF JUROR. "IT'S TRUE, WE'VE GOT A CONVICTION.
6 THERE'S EVIDENCE OF AGGRAVATION, THERE MAY OR MAY
7 NOT BE EVIDENCE OF MITIGATION, BUT I THINK LIFE
8 IMPRISONMENT IS ALWAYS THE APPROPRIATE PUNISHMENT.
9 I'M VOTING FOR LIFE." OKAY?

10 WE'VE GOT A THIRD JUROR, AND THAT THIRD
11 GROUP OF JURORS SAY, "OKAY, WE'VE GOT A CONVICTION
12 FOR MURDER, PLUS WE'VE GOT EVIDENCE OF AGGRAVATION,
13 PLUS WE MAY OR MAY NOT HAVE EVIDENCE OF MITIGATION,
14 BUT I WANT TO LOOK AT THE WHOLE PICTURE, AND I'M
15 GOING TO DECIDE, BASED ON THE WHOLE PICTURE OF THIS
16 CASE, WHETHER OR NOT THE DEATH PENALTY OR LIFE
17 IMPRISONMENT IS THE APPROPRIATE PUNISHMENT."

18 DO YOU FOLLOW ME WITH THAT THIRD JUROR?

19 A YES.

20 THE COURT: IF I COULD ASK YOU, WHICH
21 CATEGORY WOULD YOU LIKELY BE IN AS A JUROR?

22 A THIRD.

23 THE COURT: IN THE THIRD? ALL RIGHT,
24 SO IF YOU FELT, AFTER CONSIDERING ALL THE EVIDENCE,
25 AND THE LEGAL INSTRUCTIONS THAT THE DEATH PENALTY

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1 WAS THE APPROPRIATE PUNISHMENT IN THE CASE, COULD
2 YOU RETURN A DEATH SENTENCE?

3 A YES, SIR.

4 THE COURT: LIKEWISE, MA'AM, IF YOU
5 FELT, AFTER CONSIDERING THAT SAME EVIDENCE, THAT
6 THE LIFE SENTENCE WAS THE MORE APPROPRIATE
7 PUNISHMENT, COULD YOU RETURN A LIFE SENTENCE?

8 A UH-HUH

9 THE COURT: ALL RIGHT. AND LET ME TAKE
10 YOU ONE STEP FURTHER. OUR LAW IN THIS STATE
11 REQUIRES IF A JURY FINDS THAT THE DEATH PENALTY IS
12 THE APPROPRIATE PUNISHMENT, THEY MUST EACH
13 INDIVIDUALLY SIGN THEIR NAME TO THE VERDICT FORM OR
14 TO THE DEATH WARRANT, ACKNOWLEDGE THAT THAT IS
15 THEIR VERDICT.

16 IF YOU FELT, IN A CASE, THAT THE DEATH
17 PENALTY WAS THE APPROPRIATE VERDICT, COULD YOU SIGN
18 YOUR NAME TO THE WARRANT?

19 A YES, SIR.

20 THE COURT: ALL RIGHT, I'M GOING TO LET
21 THE LAWYERS ASK YOU SOME QUESTIONS AND IT WILL BE
22 SOME OF THE SAME THINGS I'VE ASKED YOU ABOUT, MAYBE
23 FROM A LITTLE DIFFERENT PERSPECTIVE.

24 A OKAY. OKAY.

25 THE COURT: ALL RIGHT, SOLICITOR.

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1 EXAMINATION BY:

2 MR. JONES:

3 Q GOOD AFTERNOON, MS. PRICE.

4 A GOOD AFTERNOON.

5 Q HOW Y'ALL DOIN'?

6 A FINE.

7 Q GOOD. APPRECIATE YOUR PATIENCE WITH US
8 IN THIS MATTER, AND I JUST HAVE A FEW QUESTIONS FOR
9 YOU, BUT BEFORE I ASK YOU, I'D LIKE TO INTRODUCE
10 YOU TO SOME FOLKS THAT ARE GOING TO HELP ME WITH
11 THE PROSECUTION OF THE CASE.

12 THIS IS DEPUTY SOLICITOR MICHAEL
13 COULTER, AND SOLICITOR KNOX MCMAHON, AND DEPUTY
14 SOLICITOR BETTY STROM.

15 A HEY.

16 Q THIS IS A MURDER CASE, AS THE JUDGE
17 POINTED OUT TO YOU, AND THE VICTIM IN THIS CASE,
18 VICTORIA LANDER BECKHAM, WAS MURDERED. HER PARENTS
19 ARE HERE TODAY.

20 THIS IS HER DAD IN THE BLUE COAT BACK
21 HERE, THE BLUE SUIT, SENATOR JIM LANDER, AND HIS
22 WIFE, JOLENE LANDER, VICKIE'S MOM AND DAD.

23 YOU MENTIONED TO THE JUDGE THAT YOU
24 WOULD LISTEN TO ALL OF THE FACTS BEFORE YOU DECIDED
25 WHAT THE APPROPRIATE PUNISHMENT WOULD BE, IS THAT

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1 CORRECT>?
2 A YES. YES, SIR.
3 Q AND THAT AFTER YOU LISTENED TO THE
4 FACTS, YOU COULD RETURN A VERDICT OF EITHER LIFE OR
5 IMPOSITION OF THE DEATH PENALTY?
6 A YES, SIR.
7 Q AND YOU COULD SIGN YOUR NAME IMPOSING
8 THE DEATH PENALTY?
9 A YES, YES.
10 Q WELL, I HAVE NO FURTHER QUESTIONS.
11 THANK YOU, VERY MUCH.
12 A THANK YOU.
13 THE COURT: MR. SWERLING, MR.
14 HARPOOTLIAN?
15 EXAMINATION BY:
16 MR. SWERLING:
17 Q HEY, MS. PRICE, GOOD AFTERNOON.
18 A GOOD AFTERNOON.
19 Q MY NAME IS JACK SWERLING. HOW ARE YOU
20 TODAY?
21 A FINE.
22 Q I REPRESENT STEPHEN BECKHAM. STEPHEN,
23 STAND UP. THAT'S STEPHEN. HE'S THE ONE THIS CASE
24 IS ALL ABOUT. HE'S ON TRIAL. HE'S THE DEFENDANT
25 IN THIS CASE. AND THAT'S RICHARD HARPOOTLIAN WHO

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1 IS CO-COUNSEL IN THE CASE. AND ALEX POSTICK OVER
2 THERE WHO IS A YOUNG LAWYER WHO'S ASSISTING US.
3 AND THAT'S STEPHEN'S FAMILY, HIS FATHER BACK THERE.
4 NOW THAT YOU'VE MET EVERYBODY IN THE
5 COURTROOM, YOU DON'T KNOW ANYBODY HERE, DO YOU?
6 A NO, SIR.
7 Q BUT YOU'VE MET EVERYONE. I ALSO NOTICE
8 YOU WORK AT THE HOLIDAY INN.
9 A UH-HUH.
10 Q AND A NUMBER OF PEOPLE, SINCE WE'RE ALL
11 FROM OUT OF THIS AREA, A NUMBER OF PEOPLE ARE
12 STAYING HERE AT THE HOLIDAY INN. YOU HAVEN'T RUN
13 INTO ANY OF US AT THE HOLIDAY INN?
14 A NO, SIR. I HAVEN'T WORKED ANY THIS
15 WEEK.
16 Q YOU DIDN'T WORK...
17 A NO, I'M NOT WORKING THIS WEEK.
18 Q WE'VE GOT YOUR QUESTIONNAIRE AND WE'VE
19 GOT A LITTLE BIT OF INFORMATION ABOUT YOU. WE'RE
20 KIND OF LOOKING INTO YOU; IT'S KIND OF A UNIQUE
21 SITUATION FOR YOU, I'M SURE, WHERE YOU HAD TO FILL
22 OUT A QUESTIONNAIRE AND PEOPLE GET TO KNOW A LITTLE
23 BIT ABOUT YOUR PERSONAL LIFE. I'D LIKE TO EXPLAIN
24 THAT FOR A MOMENT, IF I CAN.
25 A OKAY.

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1 Q THIS IS A CRIMINAL TRIAL, BUT IT'S NOT
2 LIKE THE KIND OF CRIMINAL TRIAL YOU WOULD NORMALLY
3 READ ABOUT OR SEE ON TV.

4 YOU'VE BEEN IN COURT BEFORE, DID YOU
5 SAY?

6 A CIVIL COURT.

7 Q OKAY, CIVIL COURT. BUT YOU KNOW, IN
8 GENERAL, EVEN FROM READING THE PAPER AND WATCHING
9 TV THAT MOST CRIMINAL TRIALS, THE STATE BRINGS A
10 CHARGE, A JURY IS IMPANELLED AND THE JURY GETS TO
11 DECIDE, BASED UPON THE EVIDENCE PRESENTED WHETHER
12 OR NOT THE DEFENDANT IS NOT GUILTY OR GUILTY,
13 RIGHT?

14 A YES, SIR.

15 Q OKAY. AND THAT'S THE ONLY THING THEY
16 GET TO DECIDE.

17 A RIGHT.

18 Q AND THEN THE JUDGE DETERMINES IF IN
19 FACT THE JURY SAYS UNANIMOUSLY THAT THERE WAS
20 ENOUGH EVIDENCE BEYOND A REASONABLE DOUBT, AND THEN
21 THE JUDGE GETS TO DECIDE THE PUNISHMENT.

22 WHAT WE HAVE HERE IS KIND OF A
23 DIFFERENT SITUATION. THIS IS A SITUATION, IT'S A
24 HOMICIDE CASE, A MURDER CASE WHERE THE STATE HAS
25 ANNOUNCED ITS INTENTION TO SEEK THE DEATH PENALTY

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1 IF THE PERSON IS CONVICTED, OKAY? THAT'S A BIG
2 WORD, IF.

3 A IF, YEAH.

4 Q IF THE PERSON IS CONVICTED. AND UNDER
5 THAT SCHEME THAT THE LEGISLATURE DEvised, THE JURY
6 GETS TO DECIDE IF THE STATE PROVES GUILT BEYOND A
7 REASONABLE DOUBT THEN THE JURY GETS TO DECIDE WHAT
8 THE PUNISHMENT OUT TO BE, JUST LIKE THE JUDGE DOES
9 IN A NON-DEATH PENALTY CASE. OKAY?

10 A UH-HUH.

11 Q SO WHY AM I BRINGING ALL OF THAT UP?
12 JUST TO SORT OF EXPLAIN TO YOU THERE'S A REASON WHY
13 WE'RE ASKING YOU THESE QUESTIONS. BECAUSE EVEN
14 THOUGH WE ARE STILL TALKING ABOUT GUILT OR
15 INNOCENCE, OKAY, AND WE'RE GOING TO HAVE A TRIAL ON
16 GUILT OR INNOCENCE, WE'RE TALKING ABOUT PUNISHMENT
17 BECAUSE THERE WON'T BE ANOTHER OPPORTUNITY.
18 THERE'S NO OTHER OPPORTUNITY TO REALLY DISCUSS THAT
19 WITH YOU AND WHAT YOUR VIEWS OF THAT ARE. OKAY?

20 SO WHAT I'D LIKE TO EXPLAIN AGAIN ON
21 THAT IS THAT THIS CASE IS A SITUATION, JUST LIKE IN
22 ANY CASE WHERE A JURY WOULD FIRST HAVE--REMEMBER,
23 WE USED THE WORD "IF" BEFORE, THE JURY'S GOING TO
24 FIRST HAVE TO DETERMINE WHETHER OR NOT THE STATE
25 HAS PROVEN GUILT BEYOND A REASONABLE DOUBT. AND

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1 THEY'D HAVE TO DO THAT TO A JURY'S UNANIMOUS
2 SATISFACTION, OKAY?

3 A YEAH.

4 Q NOW, STEPHEN BECKHAM HAS PLED NOT
5 GUILTY IN THIS CASE, SO WE'RE GOING TO HAVE A TRIAL
6 ON WHETHER OR NOT THE STATE CAN MEET ITS BURDEN OF
7 PROVING GUILT BEYOND A REASONABLE DOUBT, OKAY? AND
8 IF THEY HAVE NOT, THE JURY SAYS SO AND THAT'S THE
9 END. THAT'S THE END OF THE CASE.

10 IF THE JURY SAYS, AFTER HEARING ALL OF
11 THE EVIDENCE, WE FIND BEYOND A REASONABLE, FINDS
12 THE DEFENDANT GUILTY, THEN WE GO INTO THIS SECOND
13 TRIAL. IT'S ALMOST LIKE A WHOLE NEW TRIAL, OKAY?
14 AND THE LEGISLATURE, AS THE JUDGE HAS EXPLAINED TO
15 YOU, HAS PASSED IN THIS STATUTORY SCHEME THINGS
16 THAT THE JURY CAN CONSIDER, WHETHER TO IMPOSE A
17 LIFE SENTENCE OR A DEATH SENTENCE.

18 PRETTY HEAVY KIND OF BURDEN?

19 A UH-HUH.

20 Q NOW, YOU SAID YOU FALL INTO CATEGORY
21 THREE, WHICH IS YOU THINK A DEATH SENTENCE IS
22 APPROPRIATE IN SOME CASES, BUT A LIFE SENTENCE IS
23 ALSO APPROPRIATE IN SOME CASES.

24 A THAT'S RIGHT.

25 Q AND YOUR FEELING ABOUT THE DEATH

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1 PENALTY IS SOMETHING, IS IT LONG-STANDING, OR IS IT
2 SOMETHING YOU'VE GIVEN A LOT OF THOUGHT ABOUT, OR
3 WAS IT SOMETHING THAT JUST BECAUSE YOU CAME INTO
4 THE COURTROOM TODAY AND GOT ASKED THOSE QUESTIONS,
5 IT WAS SOMETHING YOU GOT PUT ON THE SPOT ABOUT?

6 A NO, SIR. NO. I THOUGHT ABOUT IT.

7 Q YOU THOUGHT ABOUT IT? IS IT A STRONG
8 FEELING ON YOUR PART?

9 A WELL, NOT TOO STRONG, BUT...

10 Q SO YOU HAVE FEELINGS ABOUT IT THAT IT'S
11 AN APPROPRIATE PUNISHMENT, BUT IT SHOULD BE USED
12 SPARINGLY?

13 A THAT'S RIGHT.

14 Q NOW, AGAIN, WE'RE TALKING ABOUT IF WE
15 GET TO THAT SECOND PHASE OF THE TRIAL. THE JUDGE
16 HAS USED SOME WORDS LIKE AGGRAVATION. THE
17 SOLICITOR HAS USED SOME WORDS LIKE AGGRAVATION.
18 THEY'VE ALSO USED WORDS ABOUT MITIGATION, OKAY?

19 THERE'S, OBVIOUSLY, THE OFFENSE HERE,
20 IF YOU WERE TO FIND THE PERSON GUILTY, IS MURDER.
21 OKAY? MURDER IS THE TAKING OF ANOTHER LIFE.

22 A UH-HUH.

23 Q AND UNDER OUR DEATH PENALTY, THE JURY
24 GETS TO CONSIDER AGGRAVATION, WHAT MAKES THE CASE
25 AGGRAVATING, OR AGGRAVATING FACTORS, OKAY?

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1 A UH-HUH.

2 Q AND IF THEY FIND AGGRAVATING FACTORS,
3 AND ONLY IF THEY FIND AGGRAVATING FACTORS CAN A
4 JURY IMPOSE THE DEATH PENALTY, OKAY? YOU
5 UNDERSTAND THAT, DON'T YOU?

6 A YES, SIR.

7 Q BUT A JURY CAN ALWAYS IMPOSE A LIFE
8 SENTENCE EVEN IF THEY FIND THOSE THINGS.

9 A YES.

10 Q THEY DON'T HAVE TO FIND ANY MITIGATING
11 FACTORS. YOU UNDERSTAND THAT, TOO? IT'S
12 COMPLETELY UP TO YOU, OR MEMBERS OF THE JURY, THE
13 JURY AS A WHOLE.

14 A UH-HUH.

15 Q AND THE LEGISLATURE HAS ALSO SAID,
16 WELL, THE JURY CAN CONSIDER MITIGATING FACTORS,
17 TOO. FACTORS THAT MAKE IT WHAT THE JURY SHOULD
18 CONSIDER THAT THE DEATH PENALTY SHOULD NOT BE
19 IMPOSED. SO, THAT'S WHAT THOSE WORDS REALLY MEAN.
20 YOU'LL GET A LOT MORE DEFINITION LATER ABOUT WHAT
21 GOES ON, BUT REALLY, IT'S YOU HAVE MURDER AND THEN
22 YOU HAVE THOSE AGGRAVATING FACTORS, AND YOU HAVE
23 MURDER AND YOU MITIGATING FACTORS.

24 WHAT I HEAR YOU SAYING IS--AND YOU CAME
25 IN THERE AND YOU GOT PUT ON THE SPOT SITTING IN

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1 THAT WITNESS CHAIR TODAY, IS THAT YOU COME INTO THE
2 COURTROOM AND YOU DON'T HAVE ANY OPINION ABOUT
3 WHETHER HE'S INNOCENT OR HE'S GUILTY?
4 A NO, SIR.
5 Q YOU'RE WILLING TO LISTEN TO THE
6 EVIDENCE...
7 A YES, SIR, SURE AM.
8 Q YOU'RE WILLING TO PRESUME HIM INNOCENT?
9 A RIGHT.
10 Q WILLING TO REQUIRE THE STATE TO FIND
11 HIM GUILTY BEYOND A REASONABLE DOUBT BEFORE YOU
12 EVER GOT TO THAT SECOND STAGE, IF WE EVER GOT TO
13 THE SECOND STAGE?
14 A RIGHT.
15 Q AND IF THEY DIDN'T FIND HIM GUILTY
16 BEYOND A REASONABLE DOUBT, YOU COULD FIND HIM NOT
17 GUILTY, CORRECT? YOU DON'T HAVE ANY PROBLEM WITH
18 THAT, DO YOU?
19 A NO, SIR.
20 Q AND IF YOU GOT TO THAT POINT, LET ME
21 KEEP USING THAT WORD "IF," THAT BIG WORD, "IF." IF
22 WE GOT TO THAT SECOND TRIAL, JUST BECAUSE HE WAS
23 FOUND GUILTY OF MURDER, YOU WOULDN'T FEEL LIKE YOU
24 HAD TO IMPOSE THE DEATH PENALTY, WOULD YOU?
25 A NO, SIR.

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- 1 Q AND YOU WOULD CONSIDER AND STILL
2 BELIEVE, AND STILL HAVE AN OPEN MIND ABOUT WHETHER
3 OR NOT IT SHOULD BE A LIFE SENTENCE?
- 4 A RIGHT.
- 5 Q YOU DON'T SIT THERE RIGHT NOW HAVING
6 ANY OPINION WHATSOEVER, DO YOU?
- 7 A NO, SIR.
- 8 Q AND ALL OF THOSE OPTIONS WOULD BE OPEN
9 TO YOU?
- 10 A RIGHT.
- 11 Q AND YOU UNDERSTAND THAT THE SECOND
12 PHASE OF THE TRIAL, OUR LAW REQUIRES A UNANIMOUS
13 VERDICT TOO, IN ORDER TO SENTENCE HIM TO DEATH?
- 14 A RIGHT.
- 15 Q AND THE JUDGE WAS TELLING YOU ABOUT
16 SIGNING YOUR NAME, HAVING TO SIGN YOUR NAME AND
17 EVERYTHING. YOU BELIEVE IN THOSE PRINCIPLES, HAVE
18 NO DIFFICULTY WITH THAT, THAT IT WOULD HAVE TO BE
19 UNANIMOUS?
- 20 A THAT'S RIGHT.
- 21 Q ALL RIGHT. EXCUSE ME ONE MINUTE AND
22 LET ME GO TALK TO MY LEARNED CO-COUNSEL FOR A
23 MINUTE AND SEE IF HE'S GOT SOMETHING...
- 24 A OKAY.
- 25 Q I HAVE NOTHING FURTHER. THANK YOU.

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1 THE COURT: SOLICITOR, ANYTHING
2 FURTHER?

3 ALL RIGHT, MA'AM, WE FIND YOU QUALIFIED
4 TO SERVE, OR BE PLACED IN A POOL FROM WHICH WE WILL
5 ULTIMATELY SELECT THE JURY. AND MS. PRICE, I WOULD
6 ASK YOU TO COME BACK TOMORROW AT ELEVEN O'CLOCK,
7 PACKED TO GO TO NEWBERRY.

8 NOW, I SUGGEST YOU PACK UP TO TEN DAYS.
9 I DON'T KNOW HOW LONG IT WILL BE, BUT SLED WILL
10 PROVIDE FOR YOUR TRANSPORTATION AND YOUR SECURITY
11 WHILE YOU'RE THERE, AND NEWBERRY WILL PAY FOR YOUR
12 LODGING AND YOUR MEALS AND THAT TYPE THING.

13 YOU MAY GET SELECTED, AND IF SO, WE'LL
14 GO ON TO NEWBERRY TOMORROW. BUT IF YOU DON'T,
15 PLEASE HAVE SOMEBODY THAT YOU CAN CALL TO COME BACK
16 AND GET YOU SO YOU WON'T BE STRANDED.

17 A WELL, I'LL HAVE MY CAR.

18 THE COURT: WELL, YOU CAN BRING YOUR
19 CAR UP HERE, AND WORK IT OUT WITH THE SHERIFF ABOUT
20 WHERE TO LEAVE IT. WE'LL TAKE CARE OF THAT. SO
21 SEE YOU TOMORROW AT ELEVEN.

22 A OKAY, I CAN GO HOME NOW?

23 THE COURT: YES, MA'AM. NOW, WAIT A
24 MINUTE. DON'T DISCUSS THE CASE OR ALLOW ANYONE TO
25 DISCUSS IT WITH YOU.

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1 A I WON'T.
2 THE COURT: DON'T READ OR WRITE OR
3 LISTEN TO ANY ACCOUNT.
4 A I WON'T.
5 THE COURT: OKAY.
6 A THANK YOU.
7 THE COURT: ALL RIGHT, SEE YOU TOMORROW
8 AT ELEVEN O'CLOCK.
9 (JUROR EXCUSED.)
10 MS. GAINES, AND LET'S LET PANEL C GO TO
11 LUNCH. ASK THEM TO BE BACK AT TWO O'CLOCK. WHEN
12 PANEL D GETS HERE, LET THEM GO TO LUNCH, COME BACK
13 AT TWO O'CLOCK. AND WE'RE GOING TO WORK THE REST
14 OF THESE.
15 ALL RIGHT, MS. GAINES, LET'S SEE, I
16 SWORE YOU IN AWHILE AGO, DIDN'T I?
17 A YES, SIR.
18 THE COURT: OKAY, WELL, YOU'RE STILL
19 UNDER OATH. DID YOU GET A CHANCE TO READ THE
20 LETTER?
21 A YES, SIR.
22 THE COURT: OKAY, DID IT HELP YOU ANY?
23 A YES, SIR.
24 THE COURT: OKAY, IS THERE ANYTHING IN
25 THAT LETTER YOU DON'T UNDERSTAND OR GOT A QUESTION

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1 ABOUT? IS IT REASONABLY STRAIGHTFORWARD?

2 A YES.

3 THE COURT: AND THE REASON I'M ASKING
4 IS I HAVE TO TRY THESE CASES ALL THE TIME, AND I
5 WANT TO MAKE SURE IT'S AS CLEAR AS I CAN MAKE IT,
6 OKAY?

7 OKAY. AS THE LETTER INDICATED TO YOU,
8 USUALLY, ONLY THE JUDGE GETS TO ASK QUESTIONS OF
9 JURORS, BUT BECAUSE OF THE POTENTIAL NATURE OF THE
10 CASE, THE PROSECUTOR GETS TO ASK YOU SOME QUESTIONS
11 AND THEN THE DEFENSE ATTORNEY GETS TO ASK YOU SOME
12 QUESTIONS ABOUT SOME OF YOUR RELEVANT VIEWS ON SOME
13 OF THE ISSUES IN THE CASE.

14 NOW, I WANT TO MAKE SURE YOU UNDERSTAND
15 NOBODY'S HERE TO CHALLENGE WHAT YOU BELIEVE OR PUT
16 YOU ON THE SPOT, OR EMBARRASS YOU. THERE AREN'T
17 ANY RIGHT ANSWERS OR WRONG ANSWERS, THEY'RE YOUR
18 ANSWERS.

19 IN ORDER FOR US TO ASSURE THAT EACH
20 SIDE GETS A FAIR TRIAL, WE NEED TO KNOW WHAT YOUR
21 VIEWS ARE ON SOME OF THE QUESTIONS, SO IS THAT FAIR
22 ENOUGH?

23 A UH-HUH.

24 THE COURT: NOW, HAVE YOU FORMED OR
25 EXPRESSED ANY OPINION AS TO THE GUILT OR INNOCENCE

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1 OF STEPHEN BECKHAM WHO IS THE DEFENDANT IN THIS
2 CASE?

3 A HUH-UH. (SHAKES HEAD NEGATIVE)

4 THE COURT: ALL RIGHT, DO YOU KNOW
5 ANYTHING ABOUT THE FACTS IN THE CASE?

6 A HUH-UH.

7 THE COURT: ALL RIGHT, DO YOU
8 UNDERSTAND THE PRINCIPLE OF LAW AND CAN YOU FOLLOW
9 THIS INSTRUCTION THAT A CITIZEN ACCUSED OF A CRIME
10 IS PRESUMED TO BE INNOCENT OF THAT CRIME UNTIL AND
11 UNLESS THE STATE CAN PROVE HIS GUILT?

12 A YES, SIR.

13 THE COURT: AND CAN YOU FOLLOW THAT?

14 A YES.

15 THE COURT: NOW THE REASON I NEED TO BE
16 SURE YOU CAN DO THAT IS BECAUSE YOU'RE BEING ASKED
17 ON THE FRONT-END OF A TRIAL ABOUT SOME THINGS ABOUT
18 WHAT YOU BELIEVE THAT MAY DEVELOP ON THE BACKEND OF
19 THE TRIAL. SO YOU DON'T KNOW ANYTHING ABOUT THE
20 FACTS AND I WANT TO MAKE SURE YOU DON'T INFER OR
21 IMPLY THAT MR. BECKHAM'S GUILTY OF ANYTHING. I
22 MEAN, YOU DON'T KNOW ANYTHING SO YOU DON'T HAVE ANY
23 BASIS TO DO THAT, RIGHT?

24 A RIGHT.

25 THE COURT: OKAY. NOW, LET ME PUT YOU

1 ON A JURY IN A DEATH PENALTY CASE WHERE THE STATE
2 IS SEEKING THAT. DO YOU UNDERSTAND THAT ONLY
3 OCCURS WHEN THERE IS THE ALLEGATIONS OF MURDER?
4 OKAY?

5 A (NODS AFFIRMATIVE)

6 THE COURT: NOW, LET'S ASSUME YOU'RE ON
7 A JURY, AND OF COURSE THERE'S A MURDER ALLEGATION.
8 AND YOU AND YOUR FELLOW JURORS RETURN A VERDICT OF
9 GUILTY BEYOND A REASONABLE DOUBT. DO YOU
10 UNDERSTAND THAT YOU GO THEN TO A SECOND PHASE AND
11 DETERMINE WHAT THE PUNISHMENT IS?

12 A YES, SIR

13 THE COURT: DO YOU UNDERSTAND UNDER OUR
14 SYSTEM ONLY YOU, YOU AND YOUR FELLOW JURORS ALONE,
15 DETERMINE THE PUNISHMENT OF THAT TYPE CASE? YOU
16 UNDERSTAND THAT?

17 A YES, SIR.

18 THE COURT: DO YOU ALSO UNDERSTAND IF
19 YOU RETURNED A VERDICT OF NOT GUILTY MEANS YOU
20 WOULD NOT GO TO THE SECOND STAGE?

21 A RIGHT.

22 THE COURT: WELL, LET'S TALK ABOUT THAT
23 SECOND STAGE. LET'S ASSUME THAT YOU'RE ON A JURY
24 AND YOU FOUND THE DEFENDANT GUILTY OF MURDER.
25 USUALLY, THERE ARE THREE KINDS OF JURORS.

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1 THE FIRST KIND OF JUROR IS, "WELL,
2 WE'VE GOT A CONVICTION OF A DEFENDANT, PLUS WE'VE
3 GOT THE EVIDENCE OF AGGRAVATING CIRCUMSTANCES. AND
4 IT DOESN'T MATTER TO ME WHETHER THERE IS OR IS NOT
5 ANY MITIGATING EVIDENCE, I VOTE FOR THE DEATH
6 PENALTY BECAUSE I THINK IN EVERY CASE WHERE THERE'S
7 MURDER PLUS AGGRAVATING CIRCUMSTANCE, THE DEATH
8 PENALTY IS APPROPRIATE." DO YOU UNDERSTAND THAT
9 TYPE JUROR?

10 A UH-HUH.

11 THE COURT: THERE'S A SECOND TYPE OF
12 JUROR THAT SAYS, "IT'S TRUE THAT WE'VE GOT A MURDER
13 CONVICTION, AND IT'S TRUE THERE'S EVIDENCE OF
14 AGGRAVATION," AND FOR PURPOSES OF THIS DISCUSSION,
15 IT DOESN'T MATTER IF THERE'S MITIGATING
16 CIRCUMSTANCES OR NOT, THIS JUROR SAYS, "I VOTE FOR
17 LIFE IMPRISONMENT BECAUSE I THINK THAT LIFE IS
18 ALWAYS THE APPROPRIATE PUNISHMENT WHERE THERE IS A
19 MURDER PLUS AGGRAVATING CIRCUMSTANCES." DO YOU
20 UNDERSTAND THAT TYPE JUROR?

21 A YES.

22 THE COURT: NOW, AGGRAVATING--BEFORE I
23 GET TO THE THIRD JUROR--AGGRAVATING CIRCUMSTANCE
24 MEANS SOMETHING THAT MAKES THE CRIME OF MURDER
25 WORSE THAT WOULD TEND TO SUGGEST THE DEATH PENALTY

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1 IS THE MORE APPROPRIATE PUNISHMENT. DO YOU
2 UNDERSTAND THAT?

3 A YES, SIR.

4 THE COURT: MITIGATING CIRCUMSTANCES
5 ARE THOSE CIRCUMSTANCES THAT WOULD, TAKEN AGAINST
6 AGGRAVATING CIRCUMSTANCE THAT WOULD TEND TO SAY
7 THAT LIFE IMPRISONMENT IS THE MORE APPROPRIATE
8 PUNISHMENT. DO YOU UNDERSTAND THAT?

9 A UH-HUH.

10 THE COURT: ALL RIGHT. SO WE COME TO
11 THE THIRD JUROR, WE'VE GOT FIRST, ALWAYS FOR DEATH;
12 SECOND, ALWAYS FOR LIFE. WE COME TO THE THIRD
13 JUROR AND THEY SAY, "WELL, WE GOT A CONVICTION,
14 WE'VE GOT AGGRAVATING CIRCUMSTANCES. WE MAY OR MAY
15 NOT HAVE MITIGATING CIRCUMSTANCES, BUT I WANT TO
16 LOOK AT THE WHOLE RECORD, AND I WANT TO, BEFORE I
17 MAKE UP MY MIND, I'M GOING TO EXAMINE IT CAREFULLY.
18 AND I MIGHT VOTE FOR THE DEATH PENALTY OR I MIGHT
19 VOTE FOR A LIFE SENTENCE."

20 IF I HAD TO ASK YOU WHICH JUROR YOU
21 WOULD LIKELY BE, COULD YOU TELL ME WHICH ONE?

22 A C.

23 THE COURT: SO YOU WOULD CONSIDER BOTH?

24 A (NODS AFFIRMATIVE)

25 THE COURT: SO LET ME ASK YOU, MS.

1 GAINES, THAT IF THE EVIDENCE AND THE LAW IN THE
2 CASE, BASED ON THAT YOU WERE CONVINCED THAT THE
3 DEATH PENALTY WAS THE APPROPRIATE SENTENCE, COULD
4 YOU VOTE TO IMPOSE THE DEATH PENALTY?

5 A UM...

6 THE COURT: I KNOW I'M ASKING YOU IN
7 THE ABSTRACT, BUT I'VE TOLD YOU WE'VE GOT A MURDER,
8 PLUS WE'VE GOT AN AGGRAVATING CIRCUMSTANCE, OR
9 CIRCUMSTANCES. AND WHETHER OR NOT THERE'S
10 MITIGATING EVIDENCE, WE DON'T KNOW YET. SO THE
11 QUESTION IS IF YOU FELT IN LIGHT OF THE FACTS AND
12 THE EVIDENCE AND THE LAW, AND YOU WERE TOLD THAT
13 YOU WERE AUTHORIZED UNDER THAT SET OF FACTS TO
14 IMPOSE THE DEATH PENALTY, COULD YOU IN FACT IMPOSE
15 IT?

16 A YES, SIR.

17 THE COURT: ALL RIGHT. NOW, LIKEWISE,
18 IF YOU WERE TOLD, OR IF YOU LOOKED AT THE
19 CIRCUMSTANCES, A CONVICTION, THE EVIDENCE AND SO
20 FORTH, AND YOU CAME TO THE CONCLUSION THAT A LIFE
21 SENTENCE WAS THE MORE APPROPRIATE PUNISHMENT THAN
22 THE DEATH SENTENCE, COULD YOU IMPOSE A DEATH
23 SENTENCE, I MEAN A LIFE SENTENCE. I'M SORRY, A
24 LIFE SENTENCE?

25 A YES, SIR.

1 THE COURT: OKAY. IN OTHER WORDS, YOU
2 WOULDN'T BE FOR ONE OR THE OTHER AUTOMATICALLY?

3 A NO.

4 THE COURT: LET ME TAKE YOU A STEP
5 FURTHER. LET'S SAY THAT YOU, NUMBER ONE, ARE
6 AUTHORIZED BY LAW TO IMPOSE THE DEATH SENTENCE;
7 NUMBER TWO, YOU, BASED UPON YOUR VIEW OF THE
8 EVIDENCE AND THE LAW, ARE CONVINCED THE DEATH
9 PENALTY IS THE APPROPRIATE PUNISHMENT. COULD YOU
10 SIGN YOUR NAME TO THE SENTENCING FORM OR THE DEATH
11 WARRANT, INDICATING THAT YOU VOTED FOR THE DEATH
12 PENALTY? AND THAT IS A REQUIREMENT WHICH ALL OF
13 THE JURORS WHO VOTE FOR THE DEATH PENALTY MUST BE
14 ABLE TO SIGN THEIR NAME TO DO THAT.

15 IF YOU FELT THAT THE DEATH PENALTY WAS
16 THE APPROPRIATE PUNISHMENT, COULD YOU DO THAT?

17 A YES, SIR. SURE CAN.

18 THE COURT: OKAY, SOLICITOR?

19 EXAMINATION BY:

20 MR. JONES:

21 Q GOOD AFTERNOON, MS. GAINES.

22 A GOOD AFTERNOON.

23 Q WE GOT A COPY OF THE QUESTIONNAIRE THAT
24 YOU FILLED OUT, SOME OF THE INFORMATION THAT YOU
25 HAD ON THERE, BUT THE QUESTION THAT I WANT TO TALK

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1 TO YOU ABOUT IS THE ONE THAT THE JUDGE WENT OVER
2 WITH YOU ABOUT YOUR ABILITY TO IMPOSE THE DEATH
3 PENALTY.

4 A YES, SIR.

5 Q AND OF COURSE, WE RECOGNIZE THAT YOU'RE
6 TRYING TO BE STRAIGHTFORWARD WITH US AND THAT YOU
7 ARE BEING STRAIGHTFORWARD WITH US, AND WHAT I ASK
8 YOU TO DO IS TO BE STRAIGHTFORWARD WITH YOURSELF
9 ALSO. BECAUSE WHEN YOU ARE TALKING TO US ABOUT
10 WHAT YOU COULD DO AND WOULD DO, LET'S ASSUME, YOU
11 KNOW, THAT YOU'RE, IF YOU'RE SELECTED, OR, YOU
12 KNOW, YOU'RE GETTING CLOSER TO MAKING A DECISION
13 ABOUT WHAT YOU COULD DO AS FAR AS THE DEATH PENALTY
14 IS CONCERNED. AND SO YOU'VE THOUGHT ABOUT YOU
15 COULD BE RESPONSIBLE FOR IMPOSING THE DEATH PENALTY
16 ON A FELLOW HUMAN BEING, AND YOU BELIEVE YOU COULD
17 BE RESPONSIBLE FOR IMPOSING THE DEATH PENALTY ON A
18 FELLOW HUMAN BEING?

19 MR. HARPOOTLIAN: YOUR HONOR?

20 THE COURT: YES, SIR.

21 MR. HARPOOTLIAN: I DON'T THINK THAT'S
22 THE APPROPRIATE QUESTION. WHAT SHE'D BE
23 RESPONSIBLE FOR IS DETERMINING WHETHER OR NOT THAT
24 IS THE APPROPRIATE...SHE'S NOT GOING TO HAVE THE
25 RESPONSIBILITY FOR...

1 MR. JONES: YOUR HONOR...

2 THE COURT: I SUSTAIN THE OBJECTION AS
3 TO THE FORM OF THE QUESTION. ASK THE QUESTION.
4 ASK IT IN THE FORM OF A QUESTION RATHER THAN A
5 STATEMENT. I THINK THAT WILL CURE HIS PROBLEM.

6 MR. JONES: WELL, JUDGE, I'LL JUST ASK
7 A DIFFERENT QUESTION.

8 THE COURT: OKAY.

9 Q MS. GAINES, I WAS GOING TO WAIT FOR
10 THAT HORN TO STOP, BUT IT COULD GO ON FOR SOME TIME
11 SO I'LL GO AHEAD AND ASK YOU THIS QUESTION, OKAY.

12 A YEAH.

13 Q THE REASON I'M ASKING YOU THIS QUESTION
14 IS THAT I NOTICED SOME HESITATION WHEN THE JUDGE...

15 MR. HARPOOTLIAN: YOUR HONOR, I OBJECT
16 TO THAT. IF HE'S GOING TO ASK A QUESTION, HE NEEDS
17 TO ASK IT. HE DOESN'T NEED TO SAY, "I NOTICE SOME
18 HESITATION."

19 THE COURT: I OVERRULE THAT OBJECTION.
20 ASK THE QUESTION.

21 Q I NOTICED SOME HESITATION WHEN THE
22 JUDGE ASKED YOU AT THE VERY BEGINNING ABOUT THE
23 DEATH PENALTY. DID I ACCURATELY OBSERVE YOUR
24 REACTION?

25 A YES, SIR.

1 Q AND WHEN I NOTICED THAT HESITATION, I
2 ASK YOU IF YOU WERE AT THAT POINT NOT SO MUCH
3 UNDECIDED ABOUT WHETHER YOU COULD OR COULDN'T, BUT
4 TRYING TO SEARCH YOURSELF, RECOGNIZING THE VERY
5 LARGE AND PERMANENT BURDEN THAT RESTS ON YOUR
6 SHOULDERS WITH THE ACT OF THE IMPOSITION OF THE
7 DEATH PENALTY? IS THAT WHAT...

8 MR. HARPOOTLIAN: YOUR HONOR, THIS IS
9 NOT A QUESTION. THIS IS AN ON-GOING...

10 THE COURT: SUSTAINED.

11 MR. HARPOOTLIAN: THANK YOU.

12 THE COURT: NOW YOU EACH ONE HAVE
13 RAISED THE QUESTION OF EDITORIALIZING...

14 MR. JONES: YOUR HONOR, YOUR HONOR,
15 COULD WE HANDLE THIS OUTSIDE THE PRESENCE OF THE
16 JUROR?

17 THE COURT: NO, I SUSTAINED THAT. I
18 SUSTAINED THAT. YOU CAN ASK THE QUESTION. YOU CAN
19 DO THE SAME THING BY ASKING STRAIGHTFORWARD
20 QUESTIONS. I SUSTAINED IT JUST LIKE I DID AGAINST
21 MR. HARPOOTLIAN.

22 ASK THE QUESTION.

23 Q DID I ACCURATELY ASSESS YOUR RESPONSE
24 AND THE BASIS FOR YOUR HESITATION? I ASK YOU IF
25 YOUR HESITATION WAS BASED ON THE FACT THAT YOU WERE

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1 TRYING TO DECIDE IF YOU HAD EMOTIONALLY DEALT WITH
2 THE HEAVY BURDEN THAT WOULD COME WITH IMPOSING THE
3 DEATH PENALTY ON SOMEBODY?

4 A YES, SIR.

5 Q THAT'S WHAT I ASKED YOU. THE QUESTION
6 IS I SAID I NOTICED SOME HESITATION, AND I THOUGHT
7 THAT THAT HESITATION WAS BASED ON YOUR TRYING TO
8 DECIDE WHETHER YOU HAD EMOTIONALLY DEALT WHETHER
9 YOU WERE ABLE OR CAPABLE OF DOING THAT.

10 A I'M CAPABLE. BUT YOU KNOW, A DEATH
11 PENALTY IS SO, THAT'S SO SERIOUS AND IT'S NOTHING
12 TO PLAY WITH, IT'S NOTHING TO JOKE ABOUT. YOU
13 KNOW, IT'S GOT TO BE, YOU KNOW, UP FRONT. AND IT'S
14 SOMETHING THAT, I KNOW IF I WAS A JUROR AND I HEARD
15 THE CASE, AND IF I KNEW WITHOUT A REASONABLE DOUBT
16 THAT I WAS RIGHT, YOU KNOW, THERE WOULDN'T BE NO
17 PROBLEM FOR ME TO SAY YES TO THE DEATH PENALTY.

18 Q YOU WEREN'T HERE WHEN THE DEFENDANT
19 INTRODUCED HIMSELF YESTERDAY, WERE YOU?

20 A NO, SIR.

21 Q HAVE YOU SEEN THE DEFENDANT TODAY? DO
22 YOU KNOW WHO THE DEFENDANT IS?

23 A YES, SIR.

24 Q WHO IS THE DEFENDANT?

25 A THE ONE WITH THE GLASSES IN THE MIDDLE.

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1 Q UH-HUH. YOU JUST KIND OF GATHERED FROM
2 YOUR OBSERVATIONS FROM BEING HERE IN THE COURTROOM?
3 A YES, SIR.
4 Q OKAY. NOW, I NOTICE YOU HAVE A CHILD,
5 A BOY THAT'S FOUR YEARS OLD?
6 A YES, SIR.
7 Q AND YOU BROUGHT HIM WITH YOU YESTERDAY?
8 A NO, SIR.
9 Q OH, YOU DIDN'T? YOU BROUGHT ANOTHER
10 CHILD?
11 A YES, SIR.
12 Q THAT WAS I GUESS EITHER DANELLE OR
13 JASMINE?
14 A UH-HUH, JASMINE.
15 Q JASMINE CAME WITH YOU?
16 A YES, SIR.
17 Q AND SHE'S FIVE?
18 A YES, SIR.
19 Q AND YOU ARE PREPARED TO LEAVE THEM FOR
20 A SUBSTANTIAL PERIOD OF TIME, FOR TWO TO THREE
21 WEEKS, IF THAT'S WHAT THIS DUTY REQUIRES, IS THAT
22 CORRECT?
23 A IF I HAD TO.
24 MR. HARPOOTLIAN: I DIDN'T
25 UNDERSTAND...

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1 THE COURT: SHE SAID SHE COULD.
2 MR. HARPOOTLIAN: YEAH, BUT DID HE SAY
3 FOUR WEEKS?
4 MR. JONES: SAID TWO TO THREE, YOUR
5 HONOR.
6 MR. HARPOOTLIAN: I'M SORRY, TWO TO
7 THREE. OKAY.
8 Q AND YOU WOULD BE ABLE TO CONCENTRATE ON
9 THE CASE AND NOT BE CONCERNED TOO MUCH ABOUT HOW
10 THE FOUR YEAR OLD AND THE FIVE YEAR OLD WERE
11 GETTING ALONG?
12 A YES, SIR..
13 Q AND WHO TAKES CARE OF THEM WHEN YOU'RE
14 GONE?
15 A MY HUSBAND.
16 Q AND WHAT DOES YOUR HUSBAND DO?
17 A HE WORKS AT JACOB'S. I'M NOT SURE WHAT
18 HE DOES.
19 Q WHAT SHIFT DOES HE WORK?
20 A FIRST..
21 Q SO WHO WILL TAKE CARE OF THEM...
22 A MY MOTHER.
23 Q I'M FAMILIAR WITH THE PENTECOSTAL THAT
24 YOU BELONG TO, BUT I'M NOT FAMILIAR WITH THE CHURCH
25 OF GOD, M.P.G.T. WHAT DO THOSE LETTERS STAND FOR?

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1 A MILITANT PILLAR GROUNDED OF THE TRUTH.
2 Q MILLITANT PENITENT...
3 A MILLITANT PILLER GROUNDED OF THE TRUTH.
4 Q AND ARE YOU A REGULAR ATTENDING MEMBER
5 OF THE CHURCH?
6 A YES, SIR.
7 Q DO YOU HOLD ANY OFFICE IN THE CHURCH?
8 A NO, SIR.
9 Q WHEN YOU SAY YOU COULD IMPOSE THE DEATH
10 PENALTY, AND THE JUDGE MENTIONED TO YOU THAT UNDER
11 LAW, IF YOU'RE GOING TO IMPOSE IT, YOU HAVE TO SIGN
12 YOUR NAME, THEN YOU CAN SIGN YOUR NAME DOWN, TOO?
13 A YES, SIR.
14 Q WHEN YOU SAY IT DEPENDS ON WHAT KIND OF
15 CASE IT IS, THE STRENGTH OF CASE, ARE YOU TALKING
16 ABOUT THE AMOUNT OF PROOF THAT IS PRESENT IN
17 WHETHER OR NOT THE DEFENDANT DID IT, OR ARE YOU
18 TALKING ABOUT THE TYPE OF MURDER THAT IT WAS?
19 A THE TYPE...
20 MR. HARPOOTLIAN: YOUR HONOR, I'D HAVE
21 TO OBJECT TO THAT QUESTION. YOU WILL GIVE HER A
22 FRAMEWORK IN WHICH SHE WILL CONSIDER THAT UNDER THE
23 LAW.
24 THE COURT: I OVERRULE THAT OBJECTION.
25 SHE UNDERSTANDS THAT CONCEPT. SHE UNDERSTANDS IT.

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1 OVERRULED.

2 MR. HARPOOTLIAN: YES, SIR.

3 Q I DIDN'T HEAR YOUR ANSWER. I COULDN'T

4 OVERHEAR FROM THE OBJECTION OVER THERE.

5 A I SAID THE TYPE.

6 Q EXCUSE ME ONE MOMENT, PLEASE.

7 PARDON ME ONE MINUTE, PLEASE.

8 MS. GAINES, I JUST HAVE ONE BASICALLY

9 LAST QUESTION FOR YOU, AND THAT IS YOU UNDERSTAND

10 THE IMPORTANCE, AS I MENTIONED A LITTLE BIT AGO, OF

11 RECOGNIZING AT THIS PROCEEDING, RIGHT HERE TODAY,

12 WHAT YOU ARE CAPABLE OF DOING AND WHAT YOU'RE NOT

13 CAPABLE OF DOING?

14 A YES, SIR.

15 Q AND THAT IS IMPORTANT, DO YOU

16 UNDERSTAND IT IS IMPORTANT BECAUSE IF YOU TELL US

17 NOW, IF IT'S UNDERSTAND CIRCUMSTANCES FOR A CERTAIN

18 TYPE OF MURDER I CAN IMPOSE A DEATH PENALTY, IF YOU

19 TELL US THAT NOW, AND THEN TWO WEEKS FROM NOW, YOU

20 CHANGE YOUR MIND...

21 MR. HARPOOTLIAN: YOUR HONOR, I OBJECT

22 TO THAT...

23 THE COURT: I SUSTAIN THAT OBJECTION.

24 Q ...AND YOU SAY I KNOW...

25 THE COURT: NOW, LET ME LET YOU STEP

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1 OUT JUST A MINUTE.

2 (JUROR EXCUSED FROM OPEN COURTROOM)

3 NOW, MR. HARPOOTLIAN AND SOLICITOR, I
4 DON'T WANT TO HEAR ONE MORE QUESTION PUT TO THE
5 JURY ABOUT A DEFENDANT--THIS DEFENDANT IN THE
6 PENALTY PHASE. I DON'T WANT IT INFERRED TO THEM
7 THAT HE'S ON--GOING TO BE FACING THE DEATH PENALTY.
8 WE TALK ABOUT THE DEATH PENALTY IN THE ABSTRACT.
9 THE JUROR SAYS SHE CAN IMPOSE IT, AND COULD AND
10 WOULD, WITHOUT REGARD TO HIM.

11 BUT NOW, Y'ALL HAVE DONE THE SAME
12 THINGS IN YOUR QUESTIONS. NOW, I'M GOING TO STEP
13 IN ON MY OWN AND CUT YOU OFF.

14 MR. HARPOOTLIAN: YOUR HONOR...

15 THE COURT: WE'RE TALKING ABOUT IN THIS
16 CASE SIMPLY WHETHER OR NOT SHE CAN IMPOSE THE DEATH
17 PENALTY. SHE SAYS SHE CAN AND SHE CAN SPEND THE
18 TIME AND...YOU KNOW, I DON'T UNDERSTAND ALL OF
19 THAT.

20 NOW, Y'ALL GUILTY OF THE SAME THING.
21 NOW WITHOUT OBJECTION, I'M GOING TO STEP IN FROM
22 HERE ON OUT. NO MORE REFERENCES TO HIM, EXCEPT
23 WHEN YOU START OUT AND HE'S PLED NOT GUILTY.

24 MR. HARPOOTLIAN: YES, SIR.

25 THE COURT: EVERYTHING IS IN THE

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1 ABSTRACT WITH THE JURORS. ALL RIGHT.

2 MR. JONES: AND YOUR HONOR, IN THAT
3 REGARD, IN THE ABSTRACT, AND I'M ASKING THIS
4 QUESTION FOR GUIDANCE.

5 THE COURT: YES, SIR.

6 MR. JONES: IN THE ABSTRACT, CAN'T I--
7 YOU KNOW, WE ASK THEM, "HAVE YOU EVER THOUGHT ABOUT
8 THE DEATH PENALTY BEFORE? HAVE YOU EVER DISCUSSED
9 THE DEATH PENALTY WITH ANYBODY? HAVE YOU DEVELOPED
10 AN OPINION ABOUT..."

11 THE COURT: YOU CAN DO THAT. SO FAR,
12 SO GOOD.

13 MR. JONES: ALL RIGHT, AND, "YOU'VE
14 TOLD US HERE TODAY THAT YOU MADE UP YOUR MIND, YOU
15 CAME INTO THIS COURTROOM, YOU ASKED THE JUDGE'S
16 QUESTIONS..."

17 THE COURT: YES, SIR. SO FAR, SO GOOD.

18 MR. JONES: "ARE YOU GOING TO BE ABLE
19 TO TELL US THE SAME THING NEXT MONTH?"

20 THE COURT: ABSOLUTELY NOT.

21 MR. JONES: WHY NOT?

22 THE COURT: BECAUSE IT'S HER OPINION
23 NOW BASED ON SOMETHING SHE DOESN'T KNOW ANYTHING
24 ABOUT. SHE DOESN'T KNOW WHAT THE EVIDENCE IS. SHE
25 SAID...

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1 MR. JONES: I'M NOT ASKING HER ABOUT
2 THIS CASE.

3 THE COURT: SHE SAID THAT SHE COULD
4 IMPOSE THE DEATH PENALTY TODAY. THAT'S WHAT
5 COUNTS, NOT TWO WEEKS FROM NOW, TODAY. SHE'S
6 QUALIFIED TODAY. SHE SAYS SHE CAN DO IT TODAY, AND
7 SHE WILL.

8 NOW THIS BUSINESS OF TRYING TO GET THEM
9 TO COMMIT TO YOU THAT THEY'RE NOT GOING TO BACK UP
10 ON THEIR OPINION TWO WEEKS FROM NOW I THINK IS OVER
11 THE LINE.

12 NOW YOU'VE GOT TO TRUST THE JUROR'S
13 RESPONSES. I MEAN, YOU'VE JUST GOT TO TRUST THEM.
14 BUT NOW TO TRY TO CORNER THEM IN, AND VICE VERSA,
15 TRY TO UNCORNER THEM, IS OVER THE LINE. THEY TELL
16 YOU THAT THEY CAN CONSIDER AGGRAVATING
17 CIRCUMSTANCES, MITIGATING CIRCUMSTANCES, AND RETURN
18 IT AND SIGN THEIR NAME, THAT'S GOOD ENOUGH FOR ME.

19 MR. JONES: WELL, JUDGE, SHE DIDN'T DO
20 THAT. SHE HESITATED WHEN YOU ASKED HER AT THE VERY
21 BEGINNING. SHE DID NOT COME FORWARD. JUDGE, SHE
22 DIDN'T . SHE DID NOT TELL YOU STRAIGHTFORWARD,
23 "YES, I CAN DO IT." SHE WAS HESITATING FROM THE
24 BEGINNING, AND SHE EVEN ASKED QUESTIONS ON--WHEN
25 SHE WAS QUESTIONED ON A COUPLE OF OCCASIONS. SHE

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1 SAID, "I BELIEVE I COULD." SHE LOOKED AT YOU AND
2 SHE HESITATED, AND THAT'S WHY I'M TRYING TO FIND
3 OUT SOME MORE ABOUT HER.

4 THE COURT: THAT'S NO PROBLEM ABOUT THE
5 HESITATION. I LET YOU ASK THAT, BUT I'M NOT GOING
6 TO LET YOU AND I'M NOT GOING TO LET THEM ASK A
7 QUESTION, "ARE YOU GOING TO CHANGE YOUR MIND IN TWO
8 WEEKS." WE DON'T KNOW WHAT THE EVIDENCE IS GOING
9 TO BE IN TWO WEEKS. IT'S WHAT THEY CAN DO TODAY.
10 WE'RE GOING TO SWEAR THIS JURY TOMORROW, AND IT'S
11 WHAT THEIR ANSWER IS TODAY THAT COUNTS. AND THAT'S
12 THE WAY IT'S GOT TO BE.

13 YOU KNOW, WE CAN'T GIVE THEM
14 HYPOTHETICAL. COURT SAYS I CAN'T LET YOU DO THAT.
15 WE CAN'T GIVE THEM EXAMPLES. I MEAN, I'M STUCK
16 WITH THEIR ANSWER TODAY. IF THEY SAY THEY CAN DO
17 IT TODAY, YOU'VE GOT TO TAKE THEM.

18 MR. JONES: ALL RIGHT, JUDGE. CAN I
19 ASK HER A QUESTION WHEN SHE COMES IN?

20 THE COURT: YES, SIR. BRING HER IN.
21 NOW, I'M TELLING YOU BOTH, I'M JUMPING IN WITHOUT
22 AN OBJECTION IF YOU MAKE IT PERSONAL FROM HERE ON
23 OUT. LET'S MOVE ON WITH THE THING.

24 (JUROR RETURNED TO OPEN COURTROOM)

25 ALL RIGHT, MS. GAINES, THE SOLICITOR

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1 HAS GOT MAYBE A COUPLE MORE QUESTIONS FOR YOU.

2 Q (BY MR. JONES) MS. GAINES, SUFFICE IT
3 TO SAY, THAT I WOULD ASK YOU IS IT TRUE THAT YOU
4 HAVE ADEQUATELY, SUFFICIENTLY RESOLVED IN YOUR OWN
5 MIND AND YOUR OWN PERSON THAT YOU COULD IMPOSE THE
6 DEATH PENALTY?

7 A YES, SIR.

8 Q ALL RIGHT, BEFORE I GO ON, I'D LIKE YOU
9 TO KNOW SOMETHING. THE VICTIM IN THIS CASE IS
10 VICKIE LANDER BECKHAM. SHE WAS MURDERED BY HER
11 HUSBAND, WE CONTEND, ALLEGE...

12 MR. HARPOOTLIAN: YOUR HONOR.

13 MR. JONES: ALLEGE, YOUR HONOR.

14 MR. HARPOOTLIAN: MURDERED BY HER
15 HUSBAND? I MEAN, HE DIDN'T SAY ALLEGEDLY AND I
16 OBJECT TO THAT. AND I'D LIKE IT...

17 THE COURT: SUSTAINED. AND MA'AM, THE
18 LAWYERS SOMETIMES, YOU'RE GOING TO DECIDE THIS CASE
19 BASED ON EVIDENCE AND NOT WHAT THEY SAY. CAN YOU
20 DO THAT?

21 A YES, SIR.

22 THE COURT: ALL RIGHT, REPHRASE YOUR
23 QUESTION.

24 Q ALL RIGHT, WE ALLEGE THAT IN THIS
25 INDICTMENT. I WANT YOU TO--I WANT TO INTRODUCE TO

1 YOU HER PARENTS.

2 HER DAD IS HERE IN THIS BLUE SUIT,
3 SENATOR LANDER, AND HER MOM HERE, JOLENE LANDER.
4 THANK YOU, MA'AM.

5 THE COURT: ALL RIGHT, EXAMINATION, MR.
6 HARPOOTLIAN.

7 EXAMINATION BY:

8 MR. HARPOOTLIAN:

9 Q MS. GAINES, MY NAME IS DICK
10 HARPOOTLIAN. I'M AN ATTORNEY FROM COLUMBIA. I,
11 ALONG WITH JACK SWERLING,--THIS IS JACK SWERLING
12 RIGHT HERE.

13 MR. SWERLING: GOOD MORNING.

14 Q WE'RE CO-COUNSEL, AND WE REPRESENT
15 STEPHEN BECKHAM. STAND UP, PLEASE STEVE. DO YOU
16 KNOW ANY OF US?

17 A NO, SIR.

18 Q AND THIS IS ALEX POSTICK OVER HERE, A
19 YOUNG LAWYER WHO'S ASSISTING US WITH THIS CASE.

20 I'M GOING TO BE A LOT BRIEFER THAN THE
21 SOLICITOR BECAUSE I THINK WE'VE GONE THROUGH A LOT
22 OF WHAT YOU SAID CONCERNING SENTENCING. I WANT TO
23 TALK TO YOU JUST A MINUTES, HOWEVER, ABOUT AN AREA
24 I THINK NEEDS A LITTLE MORE EXAMINATION.

25 THE JUDGE EXPLAINED TO YOU THAT THIS

1 PERHAPS WILL BE TWO TRIALS, ONE WOULD DETERMINE THE
2 GUILT OR INNOCENCE OF THE DEFENDANT. AND IF HE
3 WERE FOUND GUILTY, AND ONLY IF HE WERE FOUND
4 GUILTY, WOULD WE GO ON TO THE SECOND STAGE OF
5 SENTENCING.

6 YOU KNOW, IN MOST TRIALS, IF THE
7 DEFENDANT IS FOUND GUILTY IN ALL OTHER TRIALS
8 EXCEPT THIS KIND OF CASE, A DEATH PENALTY CASE, THE
9 JUDGE DOES THE SENTENCING.

10 NOW, IN THIS CASE, THE SOLICITOR, THE
11 GENTLEMAN THAT'S JUST BEEN TALKING TO YOU, HAS
12 ASKED FOR THE DEATH PENALTY AND THAT KEYS THIS
13 PROCESS WHERE WE GO, WE GET TO ASK JURORS QUESTIONS
14 WHICH IS NOT ALLOWED IN ANY OTHER KIND OF CASE.
15 THERE'S THIS TWO TRIAL PROCESS PERHAPS.

16 BUT I WANT TO GO BACK TO THAT FIRST
17 TRIAL. I WANT TO GO BACK AND TALK JUST A MINUTE
18 ABOUT THAT FIRST TRIAL WHICH IS GUILT OR INNOCENCE.
19 THE JUDGE HAS EXPLAINED TO YOU THE PRESUMPTION OF
20 INNOCENCE, THAT IS, THE DEFENDANT IS PRESUMED
21 INNOCENT IN A CRIMINAL CASE. DO YOU UNDERSTAND
22 THAT?

23 A UH-HUH.

24 Q DO YOU EMBRACE THAT? DO YOU UNDERSTAND
25 THAT SOMEONE SIMPLY BECAUSE THE SOLICITOR SIGNS AN

1. INDICTMENT OR A GRAND JURY RETURNS ONE, OR AN
2. ACCUSATION IS MADE, THAT PERSON IS PRESUMED
3. INNOCENT. THEY'RE PRESUMED NOT TO HAVE COMMITTED A
4. CRIME, IS THAT CORRECT?

5. A YES, SIR.

6. Q AND I MEAN, WE'VE TALKED A LOT ABOUT
7. YOUR BELIEFS IN TERM OF SENTENCING. DO YOU BELIEVE
8. THAT JUST AS MUCH AS YOU BELIEVE EVERYTHING ELSE
9. YOU'VE TOLD US?

10. A YES, SIR.

11. Q OKAY. AND IF THE--AFTER HEARING ALL
12. THE EVIDENCE IN THE CASE, YOU HAD A REASONABLE
13. DOUBT ABOUT THAT EVIDENCE, IN ANY CASE, WOULD YOU
14. VOTE NOT GUILTY? WOULD YOU BE ABLE TO FIND THE
15. DEFENDANT NOT GUILTY?

16. A YES, SIR.

17. Q OKAY. NOW, SEATED BEHIND STEPHEN, AND
18. YOU'VE MET THE VICTIM'S PARENTS, ARE STEPHEN'S
19. FATHER AND OTHER FAMILY MEMBERS. YOU UNDERSTAND A
20. VERDICT, A DECISION IN A CASE, GUILTY OR NOT
21. GUILTY, ISN'T BASED ON SYMPATHY OR PASSION OR
22. PREJUDICE? YOU UNDERSTAND THAT?

23. A YES, SIR.

24. Q AND YOU FURTHER UNDERSTAND, OF COURSE,
25. YOU'VE HEARD THE VICTIM'S NAME IS THE SAME AS THE

1 DEFENDANT'S NAME. THEY WERE HUSBAND AND WIFE.
2 DOES THAT GIVE YOU ANY SPECIAL CONCERN?
3 A NO, SIR.
4 Q YOU ARE FROM THIS COUNTY? LIVED HERE
5 ALL YOUR LIFE?
6 A YES, SIR.
7 Q OKAY. AND THE LAST QUESTION I WOULD
8 HAVE IS YOU UNDERSTAND THAT WE MAY NEVER GET TO, IN
9 A CASE SUCH AS THIS, THAT SECOND STAGE? DO YOU
10 UNDERSTAND THAT?
11 A YES, SIR.
12 Q LET ME FIND OUT FROM MR. SWERLING IF
13 I'VE MISSED ANYTHING.
14 THANK YOU SO MUCH FOR ALL YOUR PATIENCE
15 WITH US. I KNOW I'VE BEEN JUMPING UP AND DOWN.
16 THE COURT: ALL RIGHT, MS. GAINES, BOTH
17 SIDES FIND YOU QUALIFIED AND I FIND YOU QUALIFIED
18 TO SERVE ON THE JURY. WHAT WILL HAPPEN IS WE WILL
19 PLACE YOU IN A POOL FROM WHICH WE WILL ULTIMATELY
20 SELECT A JURY.
21 SO IN THAT CONNECTION, MA'AM, I'D ASK
22 YOU TO GO HOME AND PACK AND BE BACK TOMORROW ABOUT
23 ELEVEN O'CLOCK, PREPARED TO STAY ABOUT TEN DAYS IN
24 NEWBERRY. I'M NOT SAYING EXACTLY HOW LONG IT'S
25 GOING TO BE.

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