

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 TO FACILITATE. I DON'T WANT TO...

2 A WELL, WHAT IF WE CAN'T FIND THIS CHILD
3 AT CLEMSON, SIR? HE'S...

4 THE COURT: WE'LL WORK THAT OUT.

5 THAT'S WHY I WANT TO SEND THAT GUY WITH YOU SO THAT
6 WE CAN MAKE SURE WE GET IT WORKED OUT.

7 A OKAY. ALL RIGHT.

8 THE COURT: I DON'T WANT YOU WORRYING
9 ABOUT A THING. OKAY?

10 A ALL RIGHT.

11 THE COURT: SOMEBODY GO WITH HER.

12 A CAN I...AM I ALLOWED TO CALL AND TELL
13 MY CHILDREN?

14 THE COURT: SURE. AND HE'LL GO WITH
15 YOU.

16 ALL RIGHT, MS. TALLEY?

17 TWO-OH-CLOCK TOMORROW, SOLICITOR? IS
18 THAT ALL RIGHT?

19 MR. JONES: OH, YOUR HONOR, I'M SORRY.

20 THE COURT: I'M JUST ASKING.

21 MR. JONES: YES, SIR.

22 THE COURT: ALL RIGHT.

23 MR. JONES: I HAD MENTIONED ONE...

24 CAROL L. TALLEY, BEING

25 CALLED AND DULY SWORN, TESTIFIES AS FOLLOWS:

1 THE COURT: YOUR CORRECT NAME IS CAROL

2 L. TALLEY?

3 A THAT'S IT.

4 THE COURT: AND MS. TALLEY, DID YOU

5 GET TO READ MY LETTER THE OTHER DAY?

6 A I READ IT.

7 THE COURT: OKAY. AND HAVE YOU FORMED

8 OR EXPRESSED ANY OPINION AS TO THE GUILT OR

9 INNOCENCE OF MR. BECKHAM?

10 A NO, SIR.

11 THE COURT: DO YOU KNOW ANYTHING ABOUT

12 THIS CASE?

13 A NO, SIR, I DON'T.

14 THE COURT: ARE YOU FAMILIAR WITH THE

15 PRINCIPLE THAT A PERSON ACCUSED OF A CRIME IS

16 PRESUMED INNOCENT OF THAT CRIME UNTIL THE STATE CAN

17 PROVE HIS GUILT?

18 A (NODS HEAD AFFIRMATIVE)

19 THE COURT: IS THAT SOMETHING, MS.

20 TALLEY, THAT YOU CAN UNDERSTAND...YOU CAN

21 APPRECIATE AND FOLLOW AS A JUROR?

22 A YES, SIR.

23 THE COURT: OKAY. NOW, WE'RE GOING TO

24 TALK A LITTLE BIT ABOUT PENALTIES...POTENTIAL IN

25 THIS CASE, THIS IS A DEATH PENALTY CASE...AND

1 BECAUSE IT IS, IT HAS THAT POTENTIAL, BOTH THE
2 SOLICITOR AND THE DEFENSE ATTORNEYS AND MYSELF GET
3 TO ASK YOU SOME QUESTIONS ABOUT SOME THINGS THAT
4 MIGHT BE RELEVANT. THERE ARE NO RIGHT ANSWERS, NO
5 WRONG ANSWERS. NOBODY'S HERE TO CHALLENGE YOU.
6 JUST SIMPLY WE WANT TO KNOW ON SOME THINGS WHAT DO
7 YOU BELIEVE. OKAY?

8 A OKAY.

9 THE COURT: ALL RIGHT. AND THE FACT
10 THAT WE TALK ABOUT PENALTIES NOW, I WANT TO MAKE
11 SURE YOU DON'T INFER OR IMPLY THAT MR. BECKHAM IS
12 GUILTY OF ANYTHING BECAUSE WE HAVEN'T HEARD ANY
13 EVIDENCE YET. YOU WON'T DO THAT, WILL YOU?

14 A NO, I WON'T.

15 THE COURT: OKAY. HAVE YOU BEEN ON A
16 JURY BEFORE?

17 A THIS IS THE FIRST TIME IN MY LIFE.

18 THE COURT: OKAY. WELL, ORDINARILY
19 OUR CRIMINAL JUSTICE SYSTEM A JURY SITS AND THEY
20 MAKE ONE ULTIMATE DETERMINATION AFTER LISTENING TO
21 THE EVIDENCE AND THE LAW. THEY DECIDE WHETHER OR
22 NOT A DEFENDANT IS GUILTY OR NOT GUILTY OF THE
23 CRIMES FOR WHICH HE'S CHARGED. WHEN THAT HAPPENS,
24 THEN IF THE JURY RETURNS A VERDICT OF NOT GUILTY OF
25 COURSE THE DEFENDANT IS FREE FROM THE CHARGES. IF

1 THE DEFENDANT IS FOUND GUILTY THEN HE IS BROUGHT IN
2 FRONT OF A JUDGE AND A JUDGE SENTENCES HIM. NOW,
3 THAT'S TRUE ABOUT ALL OF THE CASES THAT WE HANDLE
4 IN THIS STATE EXCEPT ONE TYPE AND THAT ONE TYPE IS
5 A DEATH PENALTY CASE AND THAT'S WHERE THE JURY HAS
6 TWO ULTIMATE RESPONSIBILITIES. NUMBER ONE, THEY'VE
7 GOT TO DETERMINE WHETHER OR NOT A DEFENDANT IS
8 GUILTY OR NOT GUILTY OF A MURDER. OKAY? IF THEY
9 FIND THE PERSON NOT GUILTY THAT ENDS THE JURY'S
10 RESPONSIBILITY. IF THEY FIND THE DEFENDANT GUILTY
11 OF MURDER THEN WE HAVE A SEPARATE HEARING AND AT
12 THAT HEARING THE JURY BECOMES THE SENTENCING
13 AUTHORITY. AND WHAT HAPPENS DURING THAT HEARING,
14 THEY OF COURSE HEAR EVIDENCE OF AGGRAVATING
15 CIRCUMSTANCES...

16 A UH-HUH. (YES).

17 THE COURT: ...THINGS THAT MAKE THAT
18 MURDER WORSE THAT WOULD AUTHORIZE A JURY TO IMPOSE
19 THE DEATH PENALTY. AND THEY MAY OR MAY NOT HEAR
20 EVIDENCE OF MITIGATING CIRCUMSTANCES, BUT IT CAN BE
21 OFFERED.

22 NOW, THEN THE JURY WOULD TAKE THAT
23 EVIDENCE OF THAT CONVICTION, THOSE AGGRAVATING
24 CIRCUMSTANCES, AND ANY MITIGATING CIRCUMSTANCES,
25 AND THEY WOULD DELIBERATE AND THEY WOULD DECIDE

1 WHAT IS THE MOST APPROPRIATE PUNISHMENT. IS IT THE
2 DEATH PENALTY OR IS IT THE LIFE IMPRISONMENT?
3 OKAY? AND YOU CAN...AND A JURY HAS THE RIGHT TO
4 IMPOSE EITHER ONE UNDER THOSE CIRCUMSTANCES.

5 WE HAVE THREE TYPES OF JURORS,
6 GENERALLY, WHEN THEY GET FACED WITH THAT PROBLEM.
7 WE HAVE ONE JUROR THAT SAYS, "I WILL...I VOTE FOR
8 THE DEATH PENALTY EVERY TIME BECAUSE I BELIEVE
9 THAT'S THE APPROPRIATE PUNISHMENT." WE HAVE SOME
10 JURORS WHO SAY, "NO, I ALWAYS VOTE FOR LIFE
11 IMPRISONMENT BECAUSE I BELIEVE THAT'S THE
12 APPROPRIATE PUNISHMENT." AND THEN WE HAVE A THIRD
13 GROUP OF JURORS THAT SAY THAT, "WELL, I WANT TO
14 LOOK AT THIS CASE IN PARTICULAR AND I WILL CONSIDER
15 A DEATH SENTENCE, I WILL CONSIDER A LIFE SENTENCE.
16 AND AFTER I'VE CONSIDERED THEM THEN I WILL VOTE FOR
17 ONE OR THE OTHER BASED ON MY VIEW OF THE CASE."

18 COULD YOU TELL ME WHICH CATEGORY YOU
19 MIGHT MOST LIKELY WOULD FALL IN?

20 A THE LAST ONE.

21 THE COURT: OKAY. SO, MA'AM, IF YOU
22 FELT, BASED ON THE LAW AND THE EVIDENCE, THAT THE
23 MOST APPROPRIATE PUNISHMENT IN A CASE, WHERE THE
24 DEATH PENALTY CAN BE SOUGHT, THAT A LIFE SENTENCE
25 WOULD BE THE APPROPRIATE SENTENCE, COULD YOU

1 IMPOSE...VOTE TO IMPOSE A LIFE SENTENCE?

2 A POSSIBLY.

3 THE COURT: OKAY. IF YOU FELT THAT,
4 AFTER CONSIDERING THE SAME EVIDENCE IN THAT SAME
5 CASE AND YOU CAME TO THE CONCLUSION THAT THE DEATH
6 PENALTY WAS THE APPROPRIATE PUNISHMENT, COULD YOU
7 VOTE TO IMPOSE THE DEATH PENALTY?

8 A I'VE GOT TO THINK JUST A MINUTE.

9 THE COURT: OKAY. YOU HAVE BOTH
10 CHOICES AND OF COURSE YOU HAVE TO BE SATISFIED OF
11 THE APPROPRIATE PUNISHMENT.

12 A I COULD IF IT WAS NECESSARY.

13 THE COURT: YOU COULD IF NECESSARY?
14 ALL RIGHT. NOW, LET ME TAKE YOU ONE STEP...OF
15 COURSE NECESSARY DEPENDS ON YOUR VIEW.

16 A YEAH, I KNOW.

17 THE COURT: OKAY. ALL RIGHT. NOW, WE
18 HAVE A REQUIREMENT IN THIS STATE THAT IF A JURY
19 FINDS, UNDER THE APPROPRIATE CIRCUMSTANCES, THAT
20 THE DEATH PENALTY IS THE APPROPRIATE SENTENCE, EACH
21 INDIVIDUAL JUROR IS REQUIRED TO SIGN THEIR NAME TO
22 THE SENTENCE FORM, THE VERDICT OF THE SENTENCE
23 FORM, ACKNOWLEDGING THAT THAT WAS THEIR DECISION.
24 IF YOU FELT THAT THE DEATH PENALTY WAS THE
25 APPROPRIATE PUNISHMENT AND VOTED TO IMPOSE IT,

1 COULD YOU SIGN THE SENTENCING FORM?

2 A IF I HAD TO, I COULD.

3 THE COURT: OKAY. IF THAT WERE A
4 REQUIREMENT OF THE LAW, COULD YOU DO THAT?

5 A YES.

6 THE COURT: OKAY. AND YOU, UNDER YOUR
7 OATH, WOULD AGREE TO FOLLOW THE LEGAL INSTRUCTIONS
8 OF THE COURT?

9 A YES, SIR.

10 THE COURT: MR. SOLICITOR? QUESTIONS?

11 MR. JONES: YES, SIR.

12 THE COURT: THEY'RE GOING TO ASK YOU A
13 FEW QUESTIONS...

14 A OKAY.

15 THE COURT: ..EACH SIDE, THEY MAY BE
16 SOME OF THE SAME QUESTION I'VE ALREADY ASKED YOU
17 FROM A LITTLE DIFFERENT ANGLE.

18 A ALL RIGHT.

19 THE COURT: OKAY.

20 DIRECT EXAMINATION:

21 BY MR. JONES:

22 Q MS. TALLEY, IT IS?

23 A YES, SIR.

24 Q MY NAME IS TOWNES JONES AND I'M THE
25 PROSECUTOR IN THIS CASE.

1 A I'M GOING TO TAKE MY GLASSES OFF AND
2 LAY THEM RIGHT THERE.

3 THE COURT: ALL RIGHT, AND I WON'T LET
4 YOU FORGET THEM EITHER.

5 A OKAY.

6 Q HOW ARE YOU DOING?

7 A FINE.

8 Q GOOD. SORRY ABOUT THE LATENESS OF THE
9 HOUR. SORRY ABOUT EVERYTHING. WE'RE WORKING JUST
10 AS FAST AS WE CAN GO. YOU TOLD THE JUDGE YOU
11 THOUGHT YOU COULD, IF YOU SERVED AS A JUROR ON A
12 MURDER CASE AND THE JURY DECIDED THE DEFENDANT WAS
13 GUILTY THAT THEN WHEN YOU WENT INTO THAT SECOND
14 PHASE OF THE TRIAL THAT TO DECIDE WHAT THE PROPER
15 PUNISHMENT IS SUPPOSED TO BE AND IF YOU DECIDED
16 THAT IT WAS A TYPE OF MURDER WHERE THE DEATH
17 PENALTY WAS THE APPROPRIATE PUNISHMENT, THAT YOU
18 WOULD IMPOSE...YOU WOULD VOTE TO IMPOSE THE DEATH
19 PENALTY?

20 A THAT'S WHAT I SAID.

21 Q AND DO YOU KNOW THAT TO BE A FACT?

22 A YEP. MY CONSCIENCE IS CLEAR.

23 Q THANK YOU, MA'AM.

24 THE COURT: MR. SWERLING?

25 CROSS-EXAMINATION:

1 BY MR. SWERLING:
2 Q HI, MS. TALLEY, HOW ARE YOU? I'M JACK
3 SWERLING.
4 A OKAY, I'M CAROL.
5 Q OKAY. HOW ARE YOU?
6 A FINE.
7 Q I DIDN'T CATCH THE LAST QUESTION, THE
8 ANSWER? YOU SAID YOUR CONSCIENCE IS CLEAR?
9 A I SAID MY CONSCIENCE IS CLEAR ON IT.
10 Q ABOUT WHAT?
11 A ABOUT THE DEATH PENALTY, ABOUT WHAT HE
12 ASKED ME ABOUT.
13 Q YOU MEAN THAT YOU WOULD IMPOSE IT?
14 A I'M CLEAR ON IT.
15 Q IN WHAT RESPECT? DO YOU MEAN
16 CLEAR...I DIDN'T UNDERSTAND WHAT YOU MEAN IN
17 "CLEAR?"
18 A WELL....
19 Q CLEAR THAT IT'S APPROPRIATE?
20 A I'M NOT SAYING I'M AGAINST IT. I'M
21 NOT SAYING I'M FOR IT.
22 Q OH, OKAY. ALL RIGHT.
23 A I'M JUST FULL OF NERVES. Y'ALL CAN
24 JUST LOOK OVER ME.
25 Q IT'S ALL RIGHT. IT'S ALL RIGHT. I

1 UNDERSTAND. YOU HAVE NO PROBLEMS...I MEAN, YOU
2 DON'T COME IN HERE...YOU HAVE NO PROBLEM...I MEAN,
3 YOU DON'T COME IN HERE HAVING NO OPINION ABOUT
4 WHETHER OR MR. BECKHAM'S GUILTY OR INNOCENCE?

5 A I DON'T EVEN KNOW HIM. I DON'T KNOW
6 WHO HE IS.

7 Q OKAY. DO YOU PRESUME HIM TO BE
8 INNOCENT.

9 A HE IS INNOCENT UNTIL PROVEN GUILTY.

10 Q AND THAT'S A PRINCIPLE YOU BELIEVE IN?

11 A YES.

12 Q AND YOU BELIEVE THE STATE MUST PROVE
13 HIM GUILTY BEYOND A REASONABLE DOUBT?

14 A RIGHT.

15 Q AND YOU WOULD HOLD HIM TO THAT, WOULD
16 YOU NOT? YOU'D HOLD HIM TO THAT? AND IF THEY
17 DIDN'T PROVE GUILT BEYOND A REASONABLE DOUBT THEN
18 YOU'D FIND MR. BECKHAM NOT GUILTY -- IF THEY DIDN'T
19 PROVE HIS GUILT BEYOND A REASONABLE DOUBT?

20 A IF HE'S GUILTY, YES. IF HE ISN'T HE
21 ISN'T. THAT'S ALL I CAN SAY.

22 Q AND THEY WOULD HAVE TO PROVE THAT TO
23 YOU BEYOND A REASONABLE DOUBT.

24 A I KNOW.

25 Q AND YOU WOULD HAVE NO PROBLEM WITH

1 THAT?

2 A NOPE.

3 Q OKAY. NOW, MS. CAPPS...? PARDON?

4 A YOU'RE GETTING ME CONFUSED.

5 Q NO, I'M NOT TRYING TO. IF THERE'S A

6 QUESTION, YOU CAN ASK ME TO REPEAT IT? OKAY?

7 A OKAY.

8 Q WHAT I'M ASKING YOU IS THAT IF THE

9 STATE DID NOT PROVE THAT HE WAS GUILTY BEYOND A

10 REASONABLE DOUBT, COULD YOU FIND HIM NOT GUILTY?

11 A POSSIBLY.

12 Q POSSIBLY?

13 A THAT'S ALL I CAN SAY. Y'ALL ARE

14 MAKING ME NERVOUS.

15 THE COURT: HE DOESN'T MEAN TO.

16 A I'M NOT USED TO THIS.

17 Q PARDON?

18 A I'M NOT...

19 Q I UNDERSTAND. THE LAW SAYS THAT MR.

20 BECKHAM, ANYBODY, ANY PERSON CHARGED WITH A CRIME

21 IS PRESUMED INNOCENT...

22 A UNTIL THEY'RE PROVEN GUILTY. I KNOW

23 THE LAW.

24 Q OKAY. AND WHAT I'M ASKING YOU IS DO

25 YOU BELIEVE THAT?

1 A YEAH, I BELIEVE IT WITH ALL MY HEART.

2 Q AND YOU WOULD REQUIRE THE STATE,

3 BEFORE YOU FOUND SOMEONE GUILTY, TO PROVE THAT

4 GUILT BEYOND A REASONABLE DOUBT?

5 A YES.

6 Q OKAY. IF THEY DIDN'T...IF THE STATE

7 DIDN'T PROVE SOMEONE GUILTY BEYOND A REASONABLE

8 DOUBT, WHAT WOULD YOU VOTE?

9 A HOW WOULD I VOTE ON IT?

10 Q IF THEY DIDN'T PROVE IT?

11 A I DON'T KNOW.

12 Q WELL, IF THEY DIDN'T PROVE IT...

13 A ALL RIGHT, THE PERSON ISN'T GUILTY...

14 Q ALL RIGHT, IF THEY DIDN'T PROVE IT...

15 A ...AND THEY PROVED IT, THE STATE

16 PROVED IT...

17 Q IF THE STATE DIDN'T PROVE HIM GUILTY,

18 WOULD YOU HAVE ANY PROBLEMS FINDING HIM NOT GUILTY?

19 A NOPE.

20 Q OKAY. ALL RIGHT.

21 A OKAY. I'M ALL RIGHT NOW.

22 Q OKAY. IF THE STATE...WE GET TO...IF

23 THE STATE WERE TO CONVINCE YOU AND THE JURY

24 UNANIMOUSLY THAT A PERSON IS GUILTY, THAT'S THE

25 ONLY TIME WE EVEN GET TO THAT SECOND STAGE OF THAT

1 TRIAL. OKAY?

2 A OKAY.

3 Q FIRST YOU'VE GOT TO FIND HIM GUILTY.

4 A YEP. AND THEN...

5 Q AND YOU UNDERSTAND THAT MR. BECKHAM

6 HAS PLED NOT GUILTY? OKAY?

7 A OKAY.

8 Q SO WE'RE GOING TO HAVE A TRIAL...

9 A A JURY TRIAL.

10 Q A JURY TRIAL FOR THE STATE AND FOR

11 YOU, FOR THE STATE WOULD TO TRY AND PROVE AND FOR

12 YOU AS A JUROR TO SIT TO DECIDE WHETHER OR NOT THE

13 STATE CAN PROVE HE'S GUILTY. AND AS I UNDERSTAND

14 IT, WHAT YOU'RE SAYING IS THAT IF THE STATE DIDN'T

15 DO IT YOU WOULD FIND HIM NOT GUILTY? IS THAT

16 RIGHT?

17 A THAT'S WHAT I SAID.

18 Q OKAY. YOU BELIEVE THAT? ALL RIGHT.

19 NOW, IF, ON THE OTHER HAND, YOU WERE TO FIND HIM

20 GUILTY, OR THE JURY WOULD TO FIND HIM GUILTY, THEN

21 WE GET TO THE SECOND PHASE OF THIS TRIAL WHERE YOU

22 HAVE TO DECIDE WHAT THE PUNISHMENT OUGHT TO BE,

23 OKAY? IN OTHER WORDS, THE STATE CONTENDS THAT THIS

24 IS A MURDER WHERE THERE'S CIRCUMSTANCES IN

25 AGGRAVATION, OKAY? AS OPPOSED TO A MURDER WHERE

1 THERE'S NO AGGRAVATION.

2 A UH-HUH. (YES).

3 Q DO YOU HAVE ANY OPINIONS AT THIS POINT

4 AS WHAT THE PUNISHMENT OUGHT TO BE IF YOU GET TO

5 THAT POINT?

6 A NOT RIGHT NOW, I DON'T. I DON'T KNOW

7 NOTHING ABOUT IT.

8 Q I MEAN, YOU OBVIOUSLY HAVE SOME BELIEF

9 IN THE DEATH PENALTY. DO YOU BELIEVE...

10 A TO A CERTAIN EXTENT, I DO.

11 Q ALL RIGHT. YOU BELIEVE THAT'S

12 APPROPRIATE UNDER CERTAIN CIRCUMSTANCES?

13 A UNDER CERTAIN...YEAH.

14 Q BUT, YOU ALSO BELIEVE THAT EVEN IN A

15 MURDER CASE THAT THERE ARE CIRCUMSTANCES THAT ARE

16 APPROPRIATE FOR A LIFE SENTENCE?

17 A (NODS HEAD AFFIRMATIVE)

18 Q PARDON?

19 A (NODS HEAD AFFIRMATIVE)

20 Q YOU DO? SO, DEPENDING UPON THE

21 CIRCUMSTANCES, YOU WOULD FEEL THAT YOU WOULD KEEP

22 AN OPEN MIND...?

23 A YEAH, I WOULD.

24 Q ...AND COULD VOTE FOR LIFE OR DEATH?

25 IS THAT RIGHT?

1 A YEP.

2 Q IS THERE ANY REASON WHY YOU DON'T

3 THINK YOU SHOULD SIT ON THIS JURY?

4 A NO.

5 Q OKAY. YOU SEEM REAL NERVOUS. IS THAT

6 JUST A...

7 A I'M ALL RIGHT. THIS IS THE FIRST TIME

8 I'VE EVER DONE THIS.

9 Q OKAY. SO, I MEAN, THAT'S ALL IT IS?

10 A YES, THAT'S IT.

11 Q OKAY. DOES IT HAVE ANYTHING TO DO

12 WITH THE NATURE OF THE CASE?

13 A NO.

14 Q DOES IT HAVE ANYTHING TO DO WITH THE

15 TYPE OF PUNISHMENT THE STATE IS SEEKING IN THE

16 CASE?

17 A NO. I JUST...

18 Q DO YOU HAVE THIS OPINION ABOUT THE

19 DEATH PENALTY...IS IT A LONG-STANDING OPINION? I

20 MEAN, IS IT A VERY STRONG OPINION?

21 A YES AND NO.

22 Q YES AND NO IN WHAT RESPECT?

23 A ALL RIGHT, YOU WANT ME TO EXPLAIN

24 MYSELF?

25 Q SURE. YES. PLEASE. SURE.

1 A OKAY, LIKE I TOLD YOU BEFORE, I
2 BELIEVE IT TO A CERTAIN EXTENT, IT SHOULD BE DONE.
3 OTHERWISE, A LIFE SENTENCE COULD BE...
4 Q YOU WOULD BELIEVE THAT, TOO?
5 A YEAH.
6 Q OKAY, SO YOU WOULD HAVE TO...
7 A IT JUST DEPENDS.
8 Q ALL RIGHT. YOU'D HAVE SEARCH YOUR
9 HEART?
10 A YEAH.
11 Q AND YOUR CONSCIENCE? IS THAT WHAT
12 YOU'RE SAYING?
13 A YEP.
14 Q AND WHATEVER WAY YOU THOUGHT IT WAS
15 APPROPRIATE, YOU COULD WITH THE OTHER MEMBERS OF
16 THE JURY...
17 A YES, YES.
18 Q ...MAKE THAT DECISION?
19 A YEAH.
20 Q OKAY. THANK YOU.
21 THE COURT: WAIT A MINUTE, MS. TALLEY.
22 ONES?
23 (ALL ANSWER YES)
24 THE COURT: ALL RIGHT, MS. TALLEY, I
25 FIND YOU QUALIFIED TO BE PUT IN A POOL FROM WHICH

1 WE'RE GOING TO SELECT A JURY.

2 A OKAY.

3 THE COURT: NOW WAIT. I'VE GOT TO...

4 A ALL RIGHT.

5 THE COURT: LISTEN TO ME CAREFULLY

6 NOW. HOW LONG WOULD IT TAKE YOU TO GET PACKED UP

7 TO GO TO NEWBERRY TONIGHT?

8 A I'M PACKED NOW.

9 THE COURT: OH, YOU ARE? WHERE ARE

10 YOUR CLOTHES?

11 A I WAS WAITING FOR THIS.

12 THE COURT: OKAY. WELL, HOW LONG

13 WOULD IT TAKE YOU TO BRING THEM HERE?

14 A MY CLOTHES ARE DOWN AT SENECA.

15 THEY'RE PACKED UP.

16 THE COURT: WELL, GO GET THEM AND BE

17 BACK ABOUT 8:00...

18 A ARE Y'ALL LEAVING TONIGHT?

19 THE COURT: YES, MA'AM.

20 A WHAT ABOUT MY JOB? I'VE GOT A JOB TO

21 GO TO TOMORROW.

22 THE COURT: NO, WE'LL TAKE CARE OF

23 THAT PROBLEM. THEY WILL NOTIFY THEM THAT YOU'RE ON

24 THE JURY.

25 A OKAY. I WORK AT J.P. STEVENS.

1 THE COURT: THAT'S RIGHT. AND YOUR
2 JOB IS NOT IN JEOPARDY BY SERVING ON A JURY IN THIS
3 STATE.

4 A OKAY.

5 THE COURT: NOW, WE CAN HAVE...WE CAN
6 MAKE ARRANGEMENTS FOR YOU TO NOTIFY THEM THAT
7 YOU'RE ON THE BECKHAM JURY. NOW DON'T DISCUSS THE
8 CASE OR ALLOW ANYONE TO DISCUSS IT WITH YOU, THE
9 FACTS OF IT. AND DON'T READ OR LISTEN TO ANY
10 ACCOUNT OF THE TRIAL. AND IF YOU'LL COME
11 BACK...IT'LL TAKE YOU ABOUT FORTY-FIVE MINUTES?

12 A BETTER MAKE IT ABOUT EIGHT...HOW LONG
13 ARE YOU GOING TO BE HERE?

14 THE COURT: WELL, I'M GOING TO BE HERE
15 UNTIL YOU GET HERE. YOU TELL ME WHAT'S REASONABLE.
16 I KNOW I'M PUTTING A LOT OF PRESSURE ON YOU.

17 A IS 8:15 TOO LATE?

18 THE COURT: NO, IT'S 7:15...8:15?
19 YEAH, IT'S ALL RIGHT. EIGHT-FIFTEEN.

20 A I'VE GOT TO CALL MY HUSBAND AND TELL
21 HIM WHERE I'M GOING.

22 THE COURT: OKAY.

23 A IF YOU DON'T MIND.

24 THE COURT: I DON'T MIND. ALL RIGHT.
25 BE BACK HERE AT 8:15.

1 A OKAY. BYE-BYE.

2 THE COURT: BYE.

3 ALL RIGHT, WANDA ALEXANDER IS THE NEXT
4 ONE.

5 WANDA ALEXANDER, BEING
6 CALLED AND DULY SWORN, TESTIFIES AS FOLLOWS:

7 THE COURT: I APOLOGIZE FOR THE LATE
8 TIME. WE'RE TRYING TO WRAP UP TODAY SO THAT
9 EVERYBODY WILL KNOW WHERE THEY STAND TODAY.

10 DID YOU GET A CHANCE TO READ THE
11 LETTER THAT I GAVE TO YOU MONDAY?

12 A UH-HUH. (YES).

13 THE COURT: OKAY. AND YOU GENERALLY
14 UNDERSTAND IT?

15 A YES.

16 THE COURT: MA'AM, HAVE YOU FORMED OR
17 EXPRESSED ANY OPINION AS TO THE GUILT OR INNOCENCE
18 OF MR. BECKHAM IN THIS CASE?

19 A NO.

20 THE COURT: DO YOU KNOW ANYTHING ABOUT
21 THE CASE?

22 A NO, JUST WHAT YOU TOLD.

23 THE COURT: OKAY. AND DO YOU...ARE
24 YOU FAMILIAR WITH THE LEGAL PRINCIPLE THAT SAYS
25 THAT WHEN A PERSON IS ACCUSED OF A CRIME THAT HE IS

1 PRESUMED INNOCENT OF THAT CRIME UNLESS THE STATE
2 CAN PROVE HIM GUILTY?

3 A (NODS HEAD AFFIRMATIVE)

4 THE COURT: IS THAT A PRINCIPLE OF
5 LAW, IF YOU WERE A JUROR, THAT YOU COULD ACCEPT AND
6 FOLLOW?

7 A YES.

8 THE COURT: ALL RIGHT. AND MA'AM,
9 THERE ARE SOME QUESTIONS THAT WE'RE GOING TO ASK
10 YOU, BECAUSE THE STATE IS SEEKING THE DEATH PENALTY
11 IN THE CASE, AND THERE ARE NO RIGHT OR WRONG
12 ANSWERS. NOBODY'S HERE TO CHALLENGE WHAT YOU
13 THINK. BUT, ON SOME ISSUES, RELEVANT ISSUES, WE
14 KIND OF NEED TO KNOW WHAT YOUR THINKING PROCESS IS.
15 SO, JUST BE AS CANDID WITH US AS YOU CAN.

16 NOW, WE ARE GOING TO TALK ABOUT
17 PENALTY AND I WANT TO MAKE SURE THOUGH THAT YOU
18 UNDERSTAND THE FACT THAT WE TALK ABOUT DEATH
19 PENALTY OR LIFE IMPRISONMENT THAT YOU DON'T INFER
20 OR IMPLY FROM THAT THAT MR. BECKHAM IS GUILTY OF
21 ANYTHING. YOU WON'T DO THAT, WILL YOU?

22 A NO.

23 THE COURT: OKAY. HAVE YOU BEEN ON A
24 JURY BEFORE?

25 A NO.

1 THE COURT: ORDINARILY IN A CRIMINAL
2 JURY TRIAL THE JURY MAKES ONE ULTIMATE DECISION AND
3 THAT IS WHETHER OR NOT A DEFENDANT IS GUILTY OR NOT
4 GUILTY OF THE CRIME FOR WHICH HE'S CHARGED. OKAY?
5 IF THE JURY FINDS HIM NOT GUILTY, THAT ENDS THE
6 CASE. IF HE'S FOUND GUILTY THEN HE COMES BEFORE A
7 JUDGE LIKE MYSELF AND HE'S SENTENCED. THAT'S TRUE
8 ABOUT ALL OF THE CASES THAT WE HANDLE IN OUR STATE
9 EXCEPT ONE TYPE AND THE ONE EXCEPTION IS WHERE THE
10 STATE IS SEEKING THE DEATH PENALTY. IN THAT CASE,
11 THE JURY HAS TWO ULTIMATE RESPONSIBILITIES.

12 FIRST, IT MUST DETERMINE WHETHER OR
13 NOT A DEFENDANT IS GUILTY OF THE CRIME OF MURDER OR
14 NOT GUILTY. OKAY? NOT GUILTY, THAT ENDS THE
15 JURY'S INVOLVEMENT. BUT, IF A JURY FINDS A
16 DEFENDANT GUILTY OF MURDER THEN THAT SAME JURY
17 BECOMES THE SENTENCING AUTHORITY, JUST LIKE THE
18 JUDGE, TO IMPOSE SENTENCE. AND WE HAVE A SEPARATE
19 PROCEEDING WHERE A JURY HEARS EVIDENCE OF
20 CIRCUMSTANCES THAT AGGRAVATE THAT MURDER, HEARS
21 TESTIMONY ABOUT MITIGATION AND THINGS LIKE THAT,
22 UPON WHICH THEY ARE THEN ASKED TO GO BACK AND
23 DELIBERATE AND DECIDE WHAT IS THE APPROPRIATE
24 PUNISHMENT, WHICH IS THE SECOND ULTIMATE DECISION.
25 THAT IS, IS THE MOST APPROPRIATE PUNISHMENT LIFE

1 IMPRISONMENT OR IS IT THE DEATH PENALTY. NOW,
2 PROCEDURALLY DO YOU FOLLOW ME TO THAT POINT?

3 A UH-HUH. (YES).

4 THE COURT: NOW, WE KNOW FROM
5 EXPERIENCE WHEN JURORS ARE PRESENTED WITH THAT
6 SITUATION THEY FALL INTO THREE CATEGORIES. WE HAVE
7 ONE GROUP OF JURORS WHO SAY, "I WILL ALWAYS VOTE
8 FOR THE DEATH PENALTY BECAUSE I BELIEVE THAT'S
9 ALWAYS THE APPROPRIATE PUNISHMENT FOR THAT
10 SITUATION." WE HAVE JURORS WHO SAY, "I WILL ALWAYS
11 VOTE FOR LIFE IMPRISONMENT BECAUSE I THINK LIFE
12 IMPRISONMENT IS ALWAYS THE APPROPRIATE PUNISHMENT."
13 AND THEN WE HAVE A THIRD GROUP OF JURORS WHO SAY,
14 "I WANT TO LOOK AT THIS CASE SPECIFICALLY, THE
15 FACTS OF IT, AND I WILL CONSIDER A DEATH SENTENCE,
16 I'LL CONSIDER A LIFE SENTENCE, AND AFTER I'VE
17 LOOKED AT ALL OF IT I'LL DECIDE WHICH ONE I THINK
18 IS APPROPRIATE."

19 I KNOW UNTIL TODAY YOU'VE NEVER HAD
20 THIS QUESTION ASKED OF YOU, BUT IF YOU WERE IN A
21 JURY SITUATION WHERE WOULD YOU LIKELY BE? WHAT
22 CATEGORY?

23 A IN THE THIRD CATEGORY.

24 THE COURT: IN THE THIRD CATEGORY.

25 SO, MS. ALEXANDER, IF YOU FELT, AFTER CONSIDERING

1 ALL OF THE EVIDENCE AND THE LEGAL PRINCIPLES, THAT
2 THE APPROPRIATE PUNISHMENT IN A CASE WAS A LIFE
3 SENTENCE -- THAT IS YOU HAVE A MURDER PLUS
4 AGGRAVATING CIRCUMSTANCES AND SO FORTH -- COULD YOU
5 IMPOSE, VOTE TO IMPOSE A LIFE SENTENCE?

6 A YES.

7 THE COURT: YOU COULD DO THAT? IF, ON
8 THE OTHER HAND, YOU TOOK THAT SAME CASE THAT WE'RE
9 TALKING ABOUT AND YOU CAME TO THE CONCLUSION THAT
10 THE APPROPRIATE PUNISHMENT WAS THE DEATH SENTENCE,
11 DEATH PENALTY, COULD YOU VOTE TO IMPOSE THE DEATH
12 PENALTY?

13 A I'M NOT SURE, HONESTLY.

14 THE COURT: OKAY.

15 A YOU KNOW, WE TALKED MONDAY...AM I FREE
16 TO SPEAK?

17 THE COURT: SURE.

18 A I TOLD YOU MONDAY THAT I DIDN'T THINK
19 I COULD DO THAT FOR RELIGIOUS BELIEFS. WELL, I
20 THOUGHT OUR CHURCH DID NOT BELIEVE IN THE DEATH
21 PENALTY. I, MYSELF, LIKE I SAID, I'M IN THE THIRD
22 CATEGORY. THERE'S A PLACE FOR HIM IN SOCIETY, IN
23 THE WORLD...

24 THE COURT: OKAY.

25 A ...AND I DIDN'T KNOW IF I WOULD BE

1 GOING AGAINST THE CHURCH BY DOING IT. BUT, THEY
2 DON'T HAVE A STANCE ON IT.

3 THE COURT: OKAY.

4 A BUT, I DON'T KNOW IF I COULD ACTUALLY
5 DO IT.

6 THE COURT: WELL, OF COURSE YOU KNOW
7 EVERY JUROR THAT COMES HERE IS FACED WITH THAT
8 DILEMMA AND OF COURSE EVERYBODY HAS TO THINK AND
9 SEARCH ABOUT IT. BUT, IF THE LAW OF THE STATE SAYS
10 THAT WHEN YOU HAVE A MURDER AND YOU HAVE THE PROOF
11 OF AN AGGRAVATING CIRCUMSTANCE BEYOND A REASONABLE
12 DOUBT THAT A JURY IS PERMITTED, NOT REQUIRED BUT
13 PERMITTED, TO IMPOSE THE DEATH SENTENCE, LIKEWISE
14 THEY CAN IMPOSE A LIFE SENTENCE IF THEY WANT, AND
15 THAT WAS THE LAW -- AND THAT IS THE LAW OF THIS
16 STATE -- COULD YOU FOLLOW THOSE LEGAL INSTRUCTIONS,
17 IF THE SITUATION WARRANTED, AND IMPOSE A DEATH
18 SENTENCE? IF YOU FELT IT WAS THE APPROPRIATE
19 THING?

20 A IT WOULD BE MY DUTY, YEAH.

21 THE COURT: YOU COULD DO YOUR DUTY?

22 A YEAH. IT WOULD BE MY DUTY AS A
23 CITIZEN, AS A...FOR MY CHURCH, FOR...

24 THE COURT: OKAY. NOW, LET ME TAKE
25 YOU ONE STEP FURTHER. IF, AND WE'RE TALKING ABOUT

1 IF YOU COME TO THAT CONCLUSION THAT THE DEATH
2 PENALTY WAS THE APPROPRIATE PUNISHMENT UNDER THE
3 CIRCUMSTANCES, OUR STATUTE REQUIRES THAT JURORS BE
4 ABLE TO SIGN THEIR NAMES TO THE SENTENCING FORM
5 THAT ACKNOWLEDGES THAT THAT IS THEIR SENTENCE, THAT
6 IS VOTED TO FIX THE PUNISHMENT BY WAY OF THE DEATH
7 PENALTY. COULD YOU SIGN YOUR NAME TO THE SHEET?

8 A WELL, ALONG WITH MY DUTY I WOULD HAVE
9 TO.

10 THE COURT: THAT'S THE LEGAL
11 INSTRUCTIONS. I MEAN, IF YOUR CONSCIENCE PERMITTED
12 YOU TO CARRY OUT YOUR DUTY, YOU COULD DO IT?

13 A YEAH, IF MY CONSCIENCE...YEAH, RIGHT.
14 IF IT PERMITTED ME TO GO THAT FAR, YES.

15 THE COURT: ALL RIGHT. OKAY. LET ME
16 LET THE SOLICITOR ASK YOU SOME QUESTIONS AND THEN
17 MR. SWERLING.

18 DIRECT EXAMINATION:

19 BY MR. JONES:

20 Q MS. ALEXANDER, MY NAME IS TOWNES JONES
21 AND I'M THE PROSECUTOR IN THIS CASE. I'LL BE
22 PRESENTING THE EVIDENCE THAT WE HAVE. IN LISTENING
23 TO YOUR ANSWERS TO THE JUDGE I THOUGHT I DETECTED
24 SOME HESITATION ON YOUR PART ABOUT YOUR...WHETHER
25 OR NOT YOU WOULD, IF YOU SAT ON A JURY AND THAT

1 SORT OF THING, WHETHER OR NOT YOU WOULD VOTE TO
2 IMPOSE THE DEATH PENALTY.

3 A YES.

4 Q WELL, AS A RESULT OF THE HESITATION, I
5 HAVE TO ASK YOU IF YOU WOULD?

6 A WELL, IS THIS A YES OR NO ANSWER?

7 Q WELL, IF YOU KNOW IN YOUR HEART AND
8 MIND, BECAUSE YOU SWORE TO TELL THE TRUTH...

9 A YEAH.

10 Q ...TO THE JUDGE AND THAT'S WHAT WE'RE
11 LOOKING FOR IS THE TRUTH HERE. AND WHAT I'M ASKING
12 YOU IS THAT IF YOU SERVED ON A CASE AND THE VERDICT
13 WAS GUILTY OF MURDER THEN YOU HAVE A SEPARATE
14 PROCEEDING WHERE YOU SIT DOWN AND DECIDE WHAT THE
15 PROPER PUNISHMENT IS AND IF YOU LOOKED AT A CASE
16 AND SAID, "WELL, THIS IS A PROPER CASE FOR THE
17 DEATH PENALTY." IF YOU DECIDED THAT, THEN THE
18 QUESTION HAS TO BE ASKED, WOULD YOU VOTE TO
19 IMPOSE...

20 MR. SWERLING: YOUR HONOR, I'D HAVE TO
21 OBJECT TO THE QUESTION, "WOULD YOU?" I MEAN,
22 THAT'S TRYING TO STAKE IT OUT IN THIS PARTICULAR
23 SITUATION.

24 Q WOULD YOU VOTE TO IMPOSE THE DEATH
25 PENALTY?

1 THE COURT: I OVERRULE THE OBJECTION.

2 Q THAT'S THE NEXT STEP THAT YOU HAVE TO
3 TAKE AND SO THAT'S WHY WE ASK THIS QUESTION HERE OF
4 YOU, SO THAT WE CAN GET A TRUTHFUL AND HONEST
5 ANSWER FROM YOU NOW.

6 A WELL, I DON'T FEEL COMFORTABLE EVEN
7 THINKING ABOUT IT. I'VE NEVER BEEN PUT IN THIS
8 SITUATION. I'VE SEARCHED MY HEART IN THE LAST FEW
9 DAYS TO SEE HOW I BELIEVE, HOW THE CHURCH BELIEVES,
10 AND I KNOW, YOU KNOW, THAT IT GOES ON AND IT'S
11 RIGHT IN CASES, BUT IT'S HARD FOR ME TO PUT MYSELF
12 IN THAT PLACE. I REALLY WOULD BE UNCOMFORTABLE
13 DOING IT. I WOULD DO MY DUTY, I WOULD HAVE TO, BUT
14 THERE IS HESITATION IN ENDING SOMEBODY'S LIFE, IN
15 MY HEART.

16 Q WELL...

17 A EVEN THOUGH THE GUILT IS PROVED OR
18 WHATEVER...

19 Q WELL, YOU UNDERSTAND THAT EVEN...WHAT
20 I'M ASKING YOU IS, YOU SAY YOU'LL DO YOUR DUTY, IF
21 YOU WERE ON THAT JURY THAT DECIDED THAT MURDER WAS
22 THE VERDICT AND THEN YOU WENT TO THE SECOND SET OF
23 CIRCUMSTANCES FOR WHAT THE PUNISHMENT WOULD BE AND
24 THE JURY FOUND AGGRAVATING CIRCUMSTANCES AND SAID,
25 "THIS IS A CASE WHERE THE DEATH PENALTY IS

1 APPROPRIATE," THE REASON I ASK YOU WOULD YOU BE
2 ABLE TO VOTE FOR THE DEATH PENALTY IS BECAUSE UNDER
3 THE LAW YOU DON'T HAVE TO. BUT, WE'RE ASKING YOU
4 NOW, IF THE CIRCUMSTANCES WERE FOUND AND IT WAS AN
5 AGGRAVATING CIRCUMSTANCE, WOULD YOU?

6 MR. SWERLING: JUDGE, SHE CAN'T MAKE
7 THAT DECISION. I OBJECT TO THAT. HE'S SAYING, "IF
8 THEY FOUND THE AGGRAVATING CIRCUMSTANCE, WOULD YOU
9 VOTE FOR THE DEATH PENALTY?" I MEAN, THAT'S
10 STAKING HER OUT IN THIS CASE.

11 THE COURT: I SUSTAIN THAT OBJECTION.
12 "COULD."

13 MR. JONES: ALL RIGHT.

14 Q WE'RE JUST TRYING TO FIND OUT IF YOU
15 KNOW WHETHER OR NOT YOU, YOU KNOW, WHETHER YOU CAN
16 BE HONEST WITH US TODAY AND SAY...BECAUSE, YOU
17 KNOW, WE'RE NOT TRYING TO JUST GET YOU TO ANSWER
18 THE QUESTION SO THEN WE'LL STOP ASKING YOU
19 QUESTIONS AND GO, "SHEW, IT'S OVER IT," BECAUSE IT
20 DOESN'T NECESSARILY STOP. SO, YOU KNOW, WHAT WE'RE
21 ASKING YOU TO DO IS JUST TO TRY TO...AND THE
22 QUESTION I'M ASKING YOU, I'LL GO THROUGH...I'LL TRY
23 TO GIVE YOU WHAT I UNDERSTAND THE SCENARIO IS.
24 LET'S SUPPOSE YOU WERE SERVING ON A JURY AND THE
25 CHARGE IS MURDER AND THE JURY FINDS THE DEFENDANT

1 GUILTY OF MURDER AND THEN IN A DEATH PENALTY CASE
2 YOU'D GO TO THE SECOND STAGE OF THE TRIAL WHERE THE
3 JURY DECIDES WHETHER THE PUNISHMENT IS A LIFE
4 SENTENCE OR A DEATH PENALTY. I'M ASKING YOU, IF
5 THE JURY DECIDED THAT THE APPROPRIATE PUNISHMENT
6 WAS THE DEATH PENALTY, WOULD YOU VOTE TO IMPOSE THE
7 DEATH PENALTY?

8 MR. SWERLING: I OBJECT.

9 THE COURT: I SUSTAIN THE OBJECTION.

10 THE QUESTION IS, "COULD YOU VOTE..."

11 Q ...COULD YOU?

12 A YES.

13 Q YOU KNOW THAT?

14 A YES. IF THE JURY FOUND THE DEFENDANT
15 GUILTY WITH AGGRAVATING CIRCUMSTANCES THAT THE
16 DEATH PENALTY WOULD APPLY, YES.

17 Q YOU COULD?

18 A YEAH.

19 Q THANK YOU.

20 THE COURT: QUESTIONS OR ANYTHING, MR.

21 SWERLING?

22 MR. SWERLING: ONE OR TWO, YOUR HONOR.

23 CROSS-EXAMINATION:

24 BY MR. SWERLING:

25 Q MS. ALEXANDER, I JUST WANT TO

1 INTRODUCE MYSELF. MY NAME IS JACK SWERLING. I AM
2 REALLY SORRY ABOUT YOUR BEING IMPOSED ON FOR THESE
3 COUPLE OF DAYS HERE. I JUST WANTED TO ASK YOU A
4 COUPLE OF QUESTIONS, IF I COULD? YOU HAVE NO
5 OPINION, AS I UNDERSTAND IT, ABOUT...YOU HAVE NO
6 INFORMATION ABOUT THIS CASE AT ALL?

7 A NO.

8 Q AND THE JUDGE TOLD YOU ABOUT THE
9 PRESUMPTION OF INNOCENCE?

10 A UH-HUH. (YES).

11 Q DO YOU BELIEVE IN THAT?

12 A YEAH.

13 Q DO YOU BELIEVE THAT A PERSON IS
14 PRESUMED INNOCENT UNTIL THEY'RE PROVEN GUILTY
15 BEYOND A REASONABLE DOUBT?

16 A RIGHT.

17 Q YOU UNDERSTAND THAT STEPHEN BECKHAM
18 HAS SAID...HAS PLED NOT GUILTY?

19 A RIGHT.

20 Q YOU UNDERSTAND THAT THERE'S GOING TO
21 BE A TRIAL ON THE ISSUE OF INNOCENCE OR GUILT?

22 A RIGHT.

23 Q AND EVERYBODY'S STANDING HERE TALKING
24 ABOUT PUNISHMENT, BUT WE HAVEN'T EVEN GOTTEN PAST
25 THAT FIRST STAGE YET. DO YOU UNDERSTAND THAT?

1 A RIGHT.

2 Q BUT UNDER THE LAW, THIS IS THE TYPE OF
3 CASE IF THE STATE IS SEEKING THE DEATH PENALTY, IF
4 THE JURY FINDS A PERSON GUILTY THEN WE HAVE THIS
5 SECOND STAGE WHERE EVERYBODY TALKS ABOUT
6 PUNISHMENT. IT'S THE ONLY TIME THE JURY GETS TO
7 DECIDE PUNISHMENT. OKAY? BUT THERE'S A BIG IF
8 THERE. WE DON'T GET TO THAT SECOND STAGE UNLESS WE
9 GET PAST THE FIRST STAGE, OKAY? YOU HAVE NO
10 PROBLEMS SITTING ON THAT FIRST STAGE OF THE TRIAL?

11 A NO.

12 Q AND YOU HAVE NO OPINION ABOUT IT ONE
13 WAY OR THE OTHER?

14 A NO.

15 Q IS THAT RIGHT? YOU UNDERSTAND HE'S
16 PLED NOT GUILTY?

17 A RIGHT.

18 Q WHAT YOU'VE JUST SAID...ALL YOU'VE
19 BEEN TRYING TO SAY FOR THE LAST TWENTY MINUTES IS
20 IT'S A DIFFICULT DECISION?

21 A YES.

22 Q AND IT'S A WEIGHTY DECISION, A HEAVY
23 DECISION? BUT YOU COULD FOLLOW THE JUDGE'S
24 INSTRUCTIONS ON THE LAW?

25 A YES, SIR.

1 Q OKAY. THAT'S ALL I HAVE. THANK YOU.
2 WELL, LET ME...ONE OTHER QUESTION. YOU SAID THAT
3 YOU, YOU MENTIONED THAT YOU WERE THE VICTIM OF A
4 CRIME? COULD I INQUIRE ABOUT THAT IF IT'S NOT TOO
5 PERSONAL? ON YOUR QUESTIONNAIRE...?

6 A I WAS THE VICTIM OF A CRIME?

7 Q YEAH. DID YOU INDICATE OR WAS THAT
8 JUST AN ERROR?

9 A I DON'T KNOW IF I LISTED THAT I WAS
10 THE VICTIM OF A CRIME. MY HOUSE WAS BROKE IN TO
11 ONE TIME.

12 Q YEAH.

13 A MY SISTER HAD DIED FROM...I DON'T
14 KNOW, THERE NEVER WAS A CASE MADE THERE. I DON'T
15 KNOW WHAT MAYBE...I HAD A DIVORCE ON PHYSICAL
16 CRUELTY, SO...YOU KNOW, EITHER ONE OF THOSE WHEN I
17 FILLED IT OUT. I'M NOT THINKING ABOUT WHAT
18 EXACTLY...BUT, LIKE IF YOUR HOUSE WAS BROKE INTO OR
19 ANYTHING, THAT'S A VICTIM OF A CRIME.

20 Q OH, YEAH. DEFINITELY.

21 A YOU SAID SOMETHING ABOUT A DIVORCE ON
22 PHYSICAL CRUELTY? IS THAT WHAT YOU WERE SAYING?

23 A UH-HUH. (YES).

24 Q YOU TALKED LIKE THAT WAS SOME
25 MANY...YOU WERE MARRIED...YOU'D BEEN MARRIED

1 FOURTEEN YEARS?

2 A FOURTEEN, YEAH. I WAS MARRIED BEFORE.

3 Q OH, OKAY. SO, YOU'RE TALKING ABOUT
4 YOUR PREVIOUS MARRIAGE?

5 A YEAH.

6 Q OKAY. YOU SAID SOMETHING ABOUT YOUR
7 SISTER? I'M NOT TRYING TO PRY, BUT I JUST
8 DIDN'T...WHAT WAS THAT ALL ABOUT?

9 A WELL, I DON'T KNOW IF I WAS, YOU KNOW,
10 THINKING...THERE WAS NO TRIAL OR ANYTHING. THERE'S
11 NOTHING...NOBODY WAS ACCUSED OF DOING ANYTHING.

12 Q WAS SHE KILLED?

13 A WELL, SHE FROZE TO DEATH.

14 Q SHE FROZE...

15 A SO, THERE WAS NO...IT WAS RULED
16 ACCIDENTAL.

17 Q IT WAS RULED ACCIDENTAL? NOBODY WAS
18 CHARGED?

19 A NO.

20 Q IT WAS NOT A HOMICIDE?

21 A NO.

22 Q SO, YOU WERE JUST THINKING WHEN YOU
23 ANSWERED THAT QUESTION, YOU WERE TALKING MORE ABOUT
24 YOUR HOUSE BEING BROKEN INTO?

25 A YEAH, I'M SURE I MUST BE OR ABOUT MY

1 DIVORCE. BUT THAT'S PRETTY MUCH IT.

2 Q OKAY. DO YOU ANY OF THOSE EXPERIENCES
3 IN ANY WAY WOULD THEY ENTER INTO YOUR CONSIDERATION
4 OF THIS CASE?

5 A NO.

6 Q WOULD THEY HAVE ANYTHING TO DO WITH IT
7 AT ALL?

8 A NO.

9 Q PUT IT ASIDE?

10 A YEAH.

11 Q OKAY. DID YOU EVER THINK THAT YOUR
12 SISTER DIED AS A RESULT OF SOME MURDER OR SOMETHING
13 LIKE THAT?

14 A WELL, YOU KNOW, IT WAS A SUSPICIOUS
15 DEATH SO WE WONDERED...

16 Q BUT, IT WAS NOT RULED THAT WAY?

17 A NO, IT WAS RULED ACCIDENTAL.

18 Q RULED ACCIDENTAL.

19 A IT WAS INVESTIGATED.

20 Q HOW LONG AGO WAS THAT, IF I MIGHT ASK?

21 A THAT'S BEEN TEN OR ELEVEN YEARS.

22 Q BUT THAT WOULD NOT INFLUENCE YOU OR
23 ENTER INTO A DECISION IN ANY WAY?

24 A NO, BECAUSE I KNOW NOTHING ABOUT HOW
25 IT HAPPENED. SHE JUST FROZE TO DEATH IN HER YARD.

1 Q ALL RIGHT. THE ONLY OTHER THING I
2 WANTED TO ASK YOU, YOU MENTIONED TO THE JUDGE THAT
3 YOU THOUGHT YOUR CHURCH MIGHT HAVE A POSITION WITH
4 RESPECT TO THE DEATH PENALTY?

5 A UH-HUH. (YES).

6 Q BUT THEY DO NOT?

7 A THEY DO NOT, NO.

8 Q SO, YOU JUST FOLLOW YOUR CONSCIENCE?

9 A RIGHT.

10 Q OKAY. THANK YOU. I APPRECIATE IT.

11 THE COURT: ONES, GENTLEMEN?

12 (ALL ANSWERED YES).

13 THE COURT: ALL RIGHT. MS. ALEXANDER,

14 I FIND YOU QUALIFIED FOR PURPOSES OF SERVING ON

15 THIS JURY. HOW LONG WOULD IT TAKE YOU TO GET

16 PACKED TO GO TO NEWBERRY TONIGHT?

17 A WELL, HOW LONG DOES IT NEED TO TAKE

18 ME?

19 THE COURT: WELL, I WON'T GIVE YOU

20 THAT ANSWER. HOW ABOUT CAN YOU BE BACK HERE

21 ABOUT...WHERE DO YOU LIVE?

22 A I LIVE ABOUT EIGHT MILES FOR HERE.

23 THE COURT: WESTMINSTER?

24 A NO.

25 THE COURT: SENECA?

1 A NO, UP TOWARDS SALEM.

2 THE COURT: CAN YOU DO IT IN AN HOUR
3 OR SO? YOU MAY NOT HAVE TO GO BECAUSE WE'RE
4 PUTTING YOU IN A POOL BUT ON THE OTHER HAND, YOU
5 MIGHT.

6 A I JUST BE BACK HERE READY TO GO AND I
7 MAY NOT HAVE TO GO?

8 THE COURT: YOU MAY GET TO GO RIGHT
9 BACK HOME. BUT, YOU MAY GO. I NEED FOR YOU TO
10 PACK FOR APPROXIMATELY TEN DAYS. WE HAVE LAUNDRY
11 SERVICES. IF YOU WANT TO USE THE LAUNDRY SERVICES
12 YOU CAN DO THAT, TOO. AND I KNOW IT'S SHORT
13 NOTICE, BUT IT'S TWO HOURS AWAY AND THAT'S ONE
14 REASON I'M TRYING TO GET YOU...AND IF YOU NEED ANY
15 ASSISTANCE ABOUT GETTING TO AND FROM...DO YOU NEED
16 THAT?

17 A NO.

18 THE COURT: OKAY. WILL YOU DO THE
19 BEST YOU CAN TOWARD THE NEIGHBORHOOD OF 8:30 OR SO?
20 OR 9:00?

21 A OKAY.

22 THE COURT: AND WE'RE NOT GOING TO RUN
23 OFF AND LEAVE YOU IF YOU GET TO GO.

24 A HOW'S...CAN I ASK HOW YOU'RE GOING TO
25 CHOOSE?

1 THE COURT: YES. WE ARE GOING TO DO
2 IT BY THE STRIKE SYSTEM WHERE ONE SIDE GETS TO
3 STRIKE AND THE OTHER SIDE STRIKES UNTIL WE GET DOWN
4 TO THE NUMBER. AND WE'RE REAL CLOSE TO HAVING THIS
5 WORKED OUT. NINE-O-CLOCK, OKAY? SEE YOU THEN.

6 A OKAY.

7 THE COURT: FOLKS, WE'RE LOOKING AT
8 TRYING TO GET TWO MORE AND IT'S A TWO HOUR AND
9 FIFTEEN MINUTE DRIVE DOWN THERE FOR THESE JURORS.
10 NOW, I'M NOT WORRIED ABOUT Y'ALL OR ME, BUT...OKAY?

11 MS. CARNES?

12 MR. JONES: JUDGE, YOU'RE HAVING HER
13 COME BACK AT 9:00?

14 THE COURT: NINE-O-CLOCK TONIGHT.
15 SHE'S GOT TO HAVE AN HOUR AND A HALF TO PACK. I
16 MEAN, I CAN'T JUST SAY GO BRING YOUR SUITCASE.

17 MR. JONES: WELL...

18 THE COURT: THAT'S MY PROBLEM RIGHT
19 NOW.

20 MR. JONES: OF COURSE, THEY'VE GOT TWO
21 STRIKES.

22 MR. HARPOOTLIAN: LET'S SEE WHAT THE
23 NEXT ONE LOOKS LIKE. MAYBE IF WE AGREE...YOU KNOW,
24 AT THAT POINT WE KNOW OUR TWO STRIKES AND WHAT THE
25 NEXT ONE LOOKS LIKE.

1 MR. JONES: THAT'S FINE.

2 THE COURT: I MEAN, I DON'T CARE.

3 YOU'RE ENTITLED TO WHAT YOU'RE ENTITLED TO.

4 MR. HARPOOTLIAN: YES, SIR.

5 THE COURT: JUST BEAR IN MIND THAT...

6 OKAY, BRING MS. CARNES IN.

7 MR. JONES: I'LL TAKE EITHER ONE OF
8 THEM, JUDGE.

9 THE COURT: WELL, I KNOW. AND AGAIN,
10 SOLICITOR, I APPRECIATE THAT GENEROSITY, BUT THEY
11 OF COURSE ARE IN A DIFFERENT BALL GAME THAT THEY
12 CAN'T...

13 MR. JONES: OKAY.

14 MR. HARPOOTLIAN: WE HAVE TO
15 (INAUDIBLE) AT SOME POINT.

16 THE COURT: I UNDERSTAND THAT AND HE
17 UNDERSTANDS. WE ALL DO.

18 MR. HARPOOTLIAN: YOUR HONOR, MAYBE
19 SHE COULD GO IN THE MORNING. IN THE MORNING, "WE'D
20 LIKE YOU AVAILABLE AT 1:00 FOR ANY HEARINGS. WE
21 DON'T THINK THERE'S ANYTHING BUT A COUPLE OF HOUSE
22 CLEANING THINGS...HOUSEKEEPING THINGS." AND THE
23 SUBSTANTIVE EVIDENTIARY STUFF CAN BE DEALT WITH
24 DURING THE PROCESS.

25 THE COURT: HI, MS. CARNES, HOW ARE

1 YOU DOING? I'M SORRY YOU'RE HAVING TO WAIT SO
2 LONG, BUT WE'RE ALMOST THROUGH.

3 BRENDA CARNES, BEING CALLED
4 AND DULY SWORN, TESTIFIES AS FOLLOWS:

5 THE COURT: MS. CARNES, DID YOU GET A
6 CHANCE TO READ MY LETTER THE OTHER DAY?

7 A UH-HUH. (YES).

8 THE COURT: OKAY. AND YOU UNDERSTAND
9 THAT THIS IS A CASE WHERE THE STATE IS SEEKING THE
10 DEATH PENALTY?

11 A UH-HUH. (YES).

12 THE COURT: SO, WE'RE GOING TO HAVE TO
13 ASK YOU SOME QUESTIONS ABOUT SOME RELEVANT VIEWS
14 THAT MAY HAVE SOME BEARING ON THE ISSUES IN THE
15 CASE. AND THERE AREN'T ANY WRONG OR RIGHT ANSWERS.
16 WE JUST NEED TO KNOW WHAT THE ANSWERS ARE.

17 HAVE YOU FORMED OR EXPRESSED ANY
18 OPINION AS TO THE GUILT OR INNOCENCE OF THE
19 DEFENDANT, STEPHEN BECKHAM, IN THIS CASE?

20 A NO.

21 THE COURT: DO YOU KNOW ANYTHING ABOUT
22 THE FACTS?

23 A NO.

24 THE COURT: OKAY. WE'RE GOING TO
25 TALK...WELL, LET ME ASK YOU THIS. ARE YOU FAMILIAR

1 WITH THE PRINCIPLE OF LAW THAT SAYS THAT A PERSON
2 ACCUSED OF A CRIME IS PRESUMED TO BE INNOCENT OF
3 THAT CRIME UNTIL AND UNLESS HIS GUILT IS
4 ESTABLISHED BY THE STATE?

5 A YES.

6 THE COURT: DO YOU BELIEVE IN THAT
7 PRINCIPLE?

8 A OH, YEAH.

9 THE COURT: ALL RIGHT. AND IF YOU
10 WERE A JUROR YOU WOULD ACCEPT AND FOLLOW THAT?

11 A YES.

12 THE COURT: OKAY. WE'RE GOING TO TALK
13 ABOUT PENALTIES FOR A FEW MINUTES AND I WANT TO
14 MAKE SURE THE FACT THAT WE DISCUSS PENALTY IN NO
15 WAY SHOULD YOU INFER OR IMPLY THAT MR. BECKHAM IS
16 GUILTY OF ANYTHING. AND YOU WON'T DO THAT, WILL
17 YOU?

18 A NO.

19 THE COURT: OKAY. NOW, HAVE YOU EVER
20 BEEN ON A JURY BEFORE?

21 A NO.

22 THE COURT: OKAY. MA'AM, IN A
23 CRIMINAL TRIAL SETTING GENERALLY A JURY HAS ONE
24 ULTIMATE RESPONSIBILITY AND THAT IS TO DETERMINE
25 WHETHER OR NOT A DEFENDANT IS NOT GUILTY OR GUILTY

1 OF THE CHARGES FACING HIM. IF HE'S FOUND NOT
2 GUILTY BY A JURY, THAT OF COURSE RELEASES HIM FROM
3 THE CHARGES. IF HE IS FOUND GUILTY OF AN OFFENSE
4 THEN HE IS BROUGHT BEFORE A JUDGE LIKE MYSELF AND
5 HE IS SENTENCED AND I SENTENCE HIM. THAT HAPPENS
6 IN ALL OF OUR CRIMINAL CASES IN SOUTH CAROLINA
7 EXCEPT IN ONE SITUATION AND THAT SITUATION IS WHERE
8 THE STATE IS SEEKING THE DEATH PENALTY. IN THAT
9 SITUATION A JURY, TRIAL JURY, HAS TWO ULTIMATE
10 RESPONSIBILITIES, POTENTIALLY. THE FIRST
11 RESPONSIBILITY THEY HAVE, AS IN ALL CASES, THAT IS
12 TO DETERMINE WHETHER OR NOT A DEFENDANT IS GUILTY
13 OF THE CRIME OF MURDER. IF HE'S NOT GUILTY, THAT
14 ENDS THE JURY'S INVOLVEMENT. IF A VERDICT OF
15 GUILTY IS RETURNED THEN THE JURY HAS A SECOND
16 ULTIMATE RESPONSIBILITY AND THAT IS IT ACTS THE
17 SENTENCING AUTHORITY IN THE CASE -- NOT THE JUDGE,
18 THE JURY. AND IN THAT PROCEEDING, IF IT'S
19 NECESSARY, THE JURY WILL HEAR EVIDENCE OF
20 AGGRAVATING CIRCUMSTANCES, HEAR EVIDENCE OF
21 MITIGATING CIRCUMSTANCES AND OTHER THINGS, AND FROM
22 THAT WHOLE RECORD THE JURY WILL THEN BE ASKED TO
23 LOOK AT THE CASE AND TO DECIDE WHAT IS THE
24 APPROPRIATE PUNISHMENT, BE IT LIFE IMPRISONMENT OR
25 DEATH. PROCEDURALLY DO YOU FOLLOW ME AT THIS POINT

1 IN TIME?

2 A (NODS HEAD AFFIRMATIVE)

3 THE COURT: OKAY. NOW, WE KNOW THAT
4 WHEN JURORS ARE PRESENTED WITH THAT SITUATION, THEY
5 REACT GENERALLY IN THREE WAYS. WE HAVE ONE GROUP
6 OF JURORS THAT SAYS, "WE'VE GOT A MURDER
7 CONVICTION. WE'VE GOT PROOF OF AGGRAVATING
8 CIRCUMSTANCES BEYOND A REASONABLE DOUBT. IT
9 DOESN'T MATTER ABOUT MITIGATING CIRCUMSTANCES. I
10 THINK THE DEATH PENALTY IS ALWAYS THE APPROPRIATE
11 PUNISHMENT IN THIS CASE AND I VOTE FOR DEATH."

12 THE SECOND GROUP IS, "WE AGREE THERE
13 IS A CONVICTION FOR MURDER. THERE'S AGGRAVATING
14 CIRCUMSTANCES. MAY OR MAY NOT BE MITIGATING
15 CIRCUMSTANCES," BUT THAT JUROR SAYS, "NO, I BELIEVE
16 THAT LIFE IMPRISONMENT IS ALWAYS THE APPROPRIATE
17 PUNISHMENT AND I VOTE FOR LIFE."

18 THE THIRD GROUP OF JURORS SAYS, "WE
19 AGREE ABOUT THE CONVICTION, THE AGGRAVATING AND
20 MITIGATING CIRCUMSTANCES. BUT, I WANT TO LOOK AT
21 THIS CASE SPECIFICALLY AND WHEN I DO I WILL BE ABLE
22 TO CONSIDER A LIFE SENTENCE AND I'LL BE ABLE TO
23 CONSIDER A DEATH SENTENCE AND THEN I'LL DETERMINE
24 WHICH IS THE APPROPRIATE SENTENCE AND WHEN I DO
25 THAT I WILL VOTE FOR ONE OR THE OTHER BASED UPON MY

1 VIEW OF THE CASE."

2 IF YOU WERE A JUROR IN A CASE, A DEATH
3 PENALTY TYPE CASE, WHICH CATEGORY WOULD YOU LIKELY
4 BE IN ?

5 A I'D PROBABLY BE IN THE SECOND ONE.

6 THE COURT: THE SECOND?

7 A YES.

8 THE COURT: MEANING ALWAYS A LIFE
9 SENTENCE?

10 A I'VE NEVER DONE THIS.

11 THE COURT: ACTUALLY, NOBODY ELSE THAT
12 WE'VE INTERVIEWED...WE'VE INTERVIEWED ABOUT SIXTY-
13 SOME-ODD JURORS AND NOBODY ELSE HAS BEEN ON A DEATH
14 PENALTY JURY EITHER. AND I REALIZE THAT.

15 LET ME ASK IT THIS WAY. LET'S SUPPOSE
16 THAT YOU'RE ON THAT JURY AND YOU'RE CALLED UPON TO
17 MAKE A DECISION AND IF, AFTER CONSIDERING ALL OF
18 THE EVIDENCE AND THE LEGAL REQUIREMENTS, YOU CAME
19 TO THE CONCLUSION THAT A LIFE SENTENCE WAS AN
20 APPROPRIATE SENTENCE, COULD YOU VOTE TO IMPOSE A
21 LIFE SENTENCE?

22 A I THINK SO.

23 THE COURT: ALL RIGHT. LIKEWISE, YOU
24 TAKE THAT SAME CASE BUT YOU CAME TO THIS CONCLUSION
25 THAT THE DEATH PENALTY, INSTEAD OF A LIFE SENTENCE,

1 WAS THE MOST APPROPRIATE SENTENCE, COULD YOU VOTE
2 TO IMPOSE THE DEATH PENALTY IF YOU FELT IT WAS THE
3 APPROPRIATE SENTENCE?

4 A I THINK SO.

5 THE COURT: YOU COULD DO THAT?

6 A UH-HUH. (YES).

7 THE COURT: NOW, IN ADDITION, MS.

8 CARNES, WHEN A JURY ARRIVES AT A DECISION THAT THE
9 DEATH PENALTY SHOULD BE IMPOSED, THEN OUR STATUTE
10 SAYS, AND YOU WOULD BE INSTRUCTED, THAT EACH JUROR
11 MUST AFFIX THEIR SIGNATURE TO THE VERDICT FORM OR
12 THE SENTENCE FORM THAT SAYS THAT WE ACKNOWLEDGE AND
13 FIND THAT THAT IS OUR SENTENCE. IF YOU FELT THAT
14 THE DEATH PENALTY WAS THE APPROPRIATE PUNISHMENT,
15 COULD YOU SIGN YOUR NAME TO THE FORM?

16 A YES.

17 THE COURT: I'M GOING TO LET THE
18 SOLICITOR AND THE ATTORNEYS ASK YOU SOME QUESTIONS
19 AND THEN WE'LL MOVE ALONG. OKAY? SOLICITOR JONES?
20 DIRECT EXAMINATION:

21 BY MR. JONES:

22 Q GOOD EVENING, MS. CARNES.

23 A HELLO.

24 Q HOW ARE YOU?

25 A FINE.

1 Q MY NAME IS TOWNES JONES. I'M THE
2 PROSECUTOR. I'M PRESENTING THE EVIDENCE IN THIS
3 CASE AND I HEARD...I COULD...YOU UNDERSTOOD WHAT
4 THE JUDGE ASKED YOU, DIDN'T YOU?
5 A UH-HUH. YES, SIR.
6 Q AND I THOUGHT I HEARD YOU SAY, WHEN HE
7 ASKED YOU ABOUT THE DEATH PENALTY, YOU SAID, "WELL,
8 YOU KNOW, I'VE NEVER DONE THAT..."
9 A (NODS HEAD AFFIRMATIVE)
10 Q RIGHT. SO, WHAT WE'RE ASKING YOU A
11 QUESTION ABOUT A SITUATION TO KNOW IF YOU COULD DO
12 THAT AND OF COURSE YOU TAKE AN OATH THAT WHEN YOU
13 COME IN HERE WITH THE JUDGE TO TELL THE TRUTH.
14 A UH-HUH. (YES).
15 Q AND IT'S HARD TO BE TRUTHFUL TO HIM OR
16 TO ME OR TO ANYBODY UNTIL YOU'VE BEEN TRUTHFUL WITH
17 YOURSELF, HONEST, AND KNOW HOW YOU FEEL, WHAT YOUR
18 POSITION IS. HAVE YOU DONE THAT?
19 A I THINK SO.
20 Q WELL, YOU SAY YOU THINK SO. COULD
21 YOU...WOULD I BE IMPOSING TOO MUCH IF I ASKED YOU
22 TO TELL ME YES OR NO?
23 A NO.
24 Q WELL, WHICH IS IT? YES OR NO?
25 A YES.

1 Q THANK YOU, MS. CARNES.

2 THE COURT: ALL RIGHT, MR.

3 SOLICITOR...I MEAN MR. HARPOOTLIAN?

4 CROSS-EXAMINATION:

5 BY MR. HARPOOTLIAN:

6 Q I'M SORRY, I COULD NOT HEAR THE
7 QUESTION THE SOLICITOR. IT WAS A LITTLE SOFT OVER
8 HERE JUST A SECOND AGO. WHAT WAS IT HE JUST ASKED
9 YOU? WHAT WAS THE QUESTION THE SOLICITOR JUST
10 ASKED YOU?

11 A HE ASKED ME IF I COULD MAKE THE
12 DECISION.

13 Q AND YOU INDICATED THAT YOU COULD...

14 A YES.

15 Q ...IN THE APPROPRIATE CASE GIVE A LIFE
16 SENTENCE? IN THE APPROPRIATE CASE GIVE THE DEATH
17 PENALTY? IS THAT CORRECT?

18 A YES.

19 Q LET ME ASK YOU JUST A COUPLE OF
20 QUESTIONS. YOU HAVE LIVED IN OCONEE COUNTY MOST OF
21 YOUR LIFE?

22 A YES.

23 Q ALL OF YOUR LIFE?

24 A MOST OF MY LIFE, YES, SIR.

25 Q OKAY. JUST A SECOND HERE. OKAY. AND

1 YOU'VE...LET ME BACK UP JUST A SECOND HERE AND I'M
2 A LITTLE PUNCHY BECAUSE WE'VE BEEN DOING THIS FOR A
3 LITTLE WHILE TODAY AND I'M A LITTLE TIRED. SO, IF
4 I BABBLE A LITTLE BIT, I'M TRYING TO FOCUS ON WHAT
5 I'M SUPPOSED TO BE ASKING YOU.

6 THE SOLICITOR ASKED YOU AND THE JUDGE
7 HAS ASKED YOU ABOUT WHAT WOULD PROBABLY BE CALLED
8 THE PUNISHMENT TRIAL OR THE PENALTY TRIAL IN A CASE
9 SUCH AS THIS. LET ME REMIND YOU, AND BACK UP JUST
10 A LITTLE BIT, TO REMIND YOU THAT WE MAY NEVER GET
11 TO, AND IN A CASE SUCH AS THIS THEY SOMETIMES NEVER
12 GET TO THAT SECOND STAGE. THE FIRST TRIAL IS TO
13 DETERMINE THE GUILT OR INNOCENCE OF THE DEFENDANT.

14 STEPHEN, STAND UP, PLEASE? THIS IS
15 STEPHEN BECKHAM. THANK YOU, STEPHEN. STEPHEN IS
16 THE PERSON ON TRIAL HERE. THE SOLICITOR HAS ASKED
17 FOR THE DEATH PENALTY IN THIS CASE, BUT BEFORE WE
18 EVER GET TO THAT STAGE THE JURY WOULD HAVE TO FIND
19 BEYOND A REASONABLE DOUBT THAT THE STATE HAS PROVED
20 THAT HE COMMITTED THE CRIME OF MURDER AND BEFORE
21 THEY CAN DO THAT THEY'VE GOT TO PRESUME HIM
22 INNOCENT. CAN YOU DO THAT?

23 A YES.

24 Q DO YOU KNOW ANYTHING ABOUT THIS CASE?
25 DO YOU HAVE ANYTHING THAT'S HAPPENED TO YOU IN YOUR

1 BACKGROUND OR ANYTHING THAT YOU THINK WOULD MAKE IT
2 DIFFICULT OR IMPOSSIBLE FOR YOU TO ADOPT THAT LEGAL
3 POSITION THAT HE IS PRESUMED INNOCENT? THAT HE IS
4 INNOCENT AS HE SITS THERE RIGHT NOW, IN YOUR MIND?

5 A NO.

6 Q OKAY. AND SO YOU THINK YOU COULD BE
7 FAIR TO BOTH THE STATE OF SOUTH CAROLINA,
8 REPRESENTED BY THE SOLICITOR OVER HERE, AND TO
9 STEPHEN BECKHAM...?

10 A YES.

11 Q ...IN BOTH THE GUILT OR INNOCENCE
12 TRIAL AND IN THE EVENT WE GET INTO THAT SECOND
13 PHASE YOU'RE NOT PREDISPOSED TO GIVE LIFE OR DEATH?
14 IS THAT CORRECT?

15 A YES.

16 Q IT WOULD DEPEND ON THE CIRCUMSTANCES?

17 A YES.

18 Q AND I JUST...I'M NOT GOING TO BELABOR
19 THE POINT, BUT YOU UNDERSTAND SIMPLY BECAUSE
20 SOMEONE'S CONVICTED OF MURDER, EVEN AN AGGRAVATED
21 MURDER, THERE'S NO REQUIREMENT THAT THEY RECEIVE
22 THE DEATH PENALTY. DO YOU UNDERSTAND THAT?

23 A YES.

24 Q THAT'S UP TO THE JURY AND THEY CAN
25 GIVE A LIFE SENTENCE EVEN WITH THE MOST EGREGIOUS

1 CIRCUMSTANCES OF AGGRAVATION, THE MOST AGGRAVATING
2 CASE, THEY CAN STILL RETURN A LIFE VERDICT. DO YOU
3 UNDERSTAND THAT?

4 A YES.

5 Q AND YOU CAN OPERATE WITHIN THAT
6 FRAMEWORK?

7 A YES.

8 Q EXCUSE ME ONE SECOND. LET ME SEE IF
9 STEPHEN HAS ANYTHING.

10 THE COURT: ONES, GENTLEMEN?

11 (ALL ANSWER YES)

12 THE COURT: ALL RIGHT. HOW ARE WE
13 DOING NOW?

14 MR. JONES: JUDGE...ONES AND LETS GO
15 AHEAD AND LOOK AT THE NEXT ONE.

16 THE COURT: OKAY. ALL RIGHT. MS.
17 CARNES, YOU HAVE...I FIND YOU QUALIFIED TO SERVE ON
18 THE JURY AND LET ME APOLOGIZE BEFORE I SAY, BUT
19 WE'RE TAKING THE JURY TO NEWBERRY TONIGHT TO GIVE
20 EVERYBODY A CHANCE TO GET SETTLED AND GET IN THEIR
21 ROOMS AND GET A GOOD NIGHT'S SLEEP. WE'RE NOT
22 REALLY GOING TO ACTUALLY START TAKING TESTIMONY
23 UNTIL THE MIDDLE OF THE DAY TOMORROW. HOW LONG
24 WOULD IT TAKE YOU TO GET PACKED TO GO TO NEWBERRY
25 IF YOU'RE SELECTED? I MEAN, I'M GOING TO ASK YOU

1 TO PACK IN ANTICIPATION YOU COULD GET SELECTED.
2 YOU MIGHT NOT. BUT, HOW LONG WOULD IT TAKE YOU TO
3 DO THAT?

4 A FORTY-FIVE MINUTES MAYBE?

5 THE COURT: SO, YOU COULD BE BACK A
6 QUARTER 'TIL NINE, 9:00?

7 A YES.

8 THE COURT: ALL RIGHT. NOW YOU MAY
9 NOT HAVE TO GO, BUT IF YOU DO SLED WILL BE
10 TRANSPORTING YOU, PROVIDING FOR YOUR SECURITY.
11 NEWBERRY'S PAYING FOR YOUR ROOM AND YOUR LODGING
12 AND THAT KIND OF STUFF. WE'RE ANTICIPATING THIS
13 CASE COULD TAKE APPROXIMATELY TEN DAYS, HOPEFULLY
14 NOT. AND SO I WOULD ASK YOU TO PACK ALONG THOSE
15 LINES. WE WILL HAVE LAUNDRY SERVICE IS NECESSARY.

16 MR. JONES: YOUR HONOR, IT MIGHT BE
17 BETTER IF SHE JUST REMAINED WITH US FOR ABOUT
18 FIFTEEN MINUTES AND THEN WE COULD TELL HER WHAT SHE
19 WAS GOING TO HAVE TO DO.

20 THE COURT: I'LL BE GLAD...

21 MR. HARPOOTLIAN: I MEAN, WE...

22 THE COURT: IF YOU THINK YOU CAN DO IT
23 IN FIFTEEN MINUTES, I'D RATHER DO THAT.

24 MR. JONES: WELL, YOU KNOW, TWENTY
25 MINUTES, JUDGE.

1 THE COURT: ALL RIGHT.

2 MR. JONES: SHE'LL HAVE THE SAME
3 AMOUNT OF...

4 THE COURT: LET ME HOLD YOU SEPARATE
5 AND THEN WE'LL KNOW THAT IN JUST A FEW MINUTES.
6 THEY PROMISE ME THEY'RE GOING TO BE QUICKER. OKAY?
7 A OKAY.

8 THE COURT: ALL RIGHT. JUST KEEP HER
9 SEPARATED.

10 (JUROR IS EXCUSED FROM THE OPEN
11 COURTROOM)

12 THE COURT: BRING ME SHARON MOORE.
13 THAT'S OUT OF PANEL G.

14 MR. HARPOOTLIAN: WE JUST HAVE A
15 COUPLE OF HOUSECLEANING MATTERS THAT WE CAN DEAL
16 WITH AND AS SUBSTANTIVE MATTERS ARISE DURING THE
17 TRIAL, WE BOTH AGREE THAT THAT WOULD BE AN
18 APPROPRIATE POINT AT WHICH TO DEAL WITH THOSE.

19 THE COURT: SO, THE OPENING STATEMENTS
20 I DON'T HAVE TO ADDRESS ANY LIMITATION ON THAT?

21 MR. HARPOOTLIAN: WE'RE GOING TO STAY
22 AWAY FROM ANYTHING THAT WOULD BE...

23 MR. SWERLING: STIPULATED.

24 MR. HARPOOTLIAN: ...THAT YOU MIGHT
25 HAVE...

1 THE COURT: HOW ABOUT YOU HAVE LUNCH
2 WITH ME TOMORROW AND WE TALK ABOUT RULES OF
3 ENGAGEMENT?

4 MR. JONES: THAT'S FINE.

5 MR. HARPOOTLIAN: WHO'S BUYING?

6 THE COURT: I DON'T KNOW YET.

7 MS. MOORE, HOW ARE YOU DOING? WE'RE
8 GETTING CLOSE, I PROMISE.

9 SHARON MOORE, BEING CALLED
10 AND DULY SWORN, TESTIFIES AS FOLLOWS:

11 THE COURT: AGAIN, I APOLOGIZE TO YOU,
12 BUT WE'RE JUST ABOUT THERE.

13 A THAT'S FINE.

14 THE COURT: I FIGURE EVERYBODY WOULD
15 RATHER KNOW WHERE THEY'RE GOING TO BE TONIGHT THAN
16 TOMORROW.

17 A YES, SIR.

18 THE COURT: OKAY. DID YOU READ MY
19 LETTER FROM MONDAY?

20 A YES, SIR.

21 THE COURT: DID YOU UNDERSTAND IT?

22 A YES, SIR.

23 THE COURT: DO YOU HAVE...HAVE YOU
24 FORMED OR EXPRESSED ANY OPINION AS TO THE GUILT OR
25 INNOCENCE OF STEPHEN BECKHAM, THE DEFENDANT IN THIS

1 CASE?

2 A NO, SIR.

3 THE COURT: DO YOU KNOW ANYTHING ABOUT
4 THE FACTS?

5 A NO, SIR, NOT OTHER THAN WHAT BASICALLY
6 I'VE...ON THE PAPER THAT I RECEIVED AND JUST BY
7 YOUR LETTER. THAT'S ALL I KNOW.

8 THE COURT: OKAY. YOU KNOW THERE'S A
9 PRINCIPLE OF LAW THAT SAYS THAT WHEN A PERSON IS
10 ACCUSED OF A CRIME HE'S PRESUMED TO BE INNOCENT OF
11 THAT CRIME? ARE YOU FAMILIAR WITH THAT?

12 A YES, SIR.

13 THE COURT: IS THAT A PRINCIPLE THAT
14 IF YOU WERE A JUROR THAT YOU COULD ACCEPT AND
15 FOLLOW IN A TRIAL?

16 A YES, SIR.

17 THE COURT: OKAY. WHAT THAT MEANS IS
18 THAT UNTIL AND UNLESS THE STATE CAN MEET ITS BURDEN
19 OF PROOF THAT A DEFENDANT IS ALWAYS PRESUMED
20 INNOCENT. YOU CAN DO THAT?

21 A YES, SIR.

22 THE COURT: OKAY. NOW, WE'RE GOING TO
23 ASK YOU SOME QUESTIONS ABOUT SOME SUBJECTS THAT ARE
24 RELEVANT TO OUR TRIAL. THERE ARE NO RIGHT ANSWERS,
25 THERE ARE NO WRONG ANSWERS, JUST YOUR ANSWERS.

1 OKAY?

2 WE'RE GOING TO TALK ABOUT DEATH
3 PENALTY AND LIFE IMPRISONMENT. BUT, I WANT TO MAKE
4 SURE THAT YOU DON'T INFER FROM THE FACT THAT WE
5 HAVE THIS DISCUSSION NOW THAT YOU INFER OR IMPLY
6 THAT MR. BECKHAM IS GUILTY OF ANYTHING BECAUSE WE
7 DON'T KNOW WHAT THE EVIDENCE IS. OKAY?

8 A OKAY.

9 THE COURT: CAN YOU DO THAT?

10 A YES, SIR.

11 THE COURT: BEEN ON A JURY BEFORE?

12 A NO, SIR.

13 THE COURT: OKAY. WELL, IN ALMOST ALL
14 CRIMINAL CASES TRIED IN THIS STATE THE TRIAL JURY
15 HAS ONE ULTIMATE RESPONSIBILITY AND THAT IS TO
16 DETERMINE WHETHER A DEFENDANT IS GUILTY OR NOT
17 GUILTY OF THE CHARGE HE'S FACING. IF HE'S NOT
18 GUILTY...FOUND NOT GUILTY BY THE JURY THEN HE'S
19 FREE FROM THOSE CHARGES. IF HE'S FOUND GUILTY THEN
20 HE'S BROUGHT IN FRONT OF A JUDGE LIKE MYSELF AND
21 HE'S SENTENCED ACCORDING TO WHAT THE STATUTE
22 ALLOWS. NOW THAT'S TRUE ABOUT ALL OF THE CASES
23 THAT WE TRY IN THIS STATE EXCEPT ONE CATEGORY AND
24 THAT IS WHERE THE STATE IS SEEKING THE DEATH
25 PENALTY, AS THEY ARE IN THIS CASE. AND SO IN THAT

1 SITUATION THE JURY HAS TWO ULTIMATE
2 RESPONSIBILITIES, POTENTIALLY. THE FIRST ONE, OF
3 COURSE, AS IN ALL CASES THE JURY MUST MAKE A
4 DETERMINATION OF WHETHER A DEFENDANT IS NOT GUILTY
5 OR GUILTY OF THE CRIME OF MURDER. IF THE JURY
6 FINDS THE VERDICT TO BE NOT GUILTY THAT ENDS YOUR
7 INVOLVEMENT IN THE CASE. IF A JURY RETURNS A
8 VERDICT OF GUILTY THEN YOU'RE REQUIRED TO MAKE THE
9 SECOND ULTIMATE DECISION AND THAT IS THE JURY,
10 INSTEAD OF THE JUDGE, SITS AS THE SENTENCING
11 AUTHORITY AND YOU'RE EMPOWERED TO EITHER IMPOSE A
12 LIFE SENTENCE OR DEATH SENTENCE BASED UPON YOUR
13 VIEW OF THE CASE. OKAY?

14 A UH-HUH. (YES).

15 THE COURT: NOW, IN THAT SECOND PART
16 WHEN YOU'RE DETERMINING WHAT IS THE APPROPRIATE
17 SENTENCE, YOU WILL BE OF COURSE AWARE OF THE FACT
18 THAT YOU HAVE ALREADY CONVICTED A DEFENDANT OF THE
19 CRIME OF MURDER, BUT YOU WILL ALSO GET, BY WAY OF
20 TESTIMONY AND EVIDENCE, EVIDENCE OF CIRCUMSTANCES
21 OF AGGRAVATION, THINGS THAT THE STATE CLAIMS
22 AGGRAVATES THAT MURDER THAT WOULD AUTHORIZE OR
23 PERMIT YOU TO IMPOSE THE DEATH PENALTY. YOU MAY
24 ALSO HEAR TESTIMONY OF MITIGATING CIRCUMSTANCES,
25 THINGS ABOUT THE DEFENDANT OR THINGS LIKE THAT THAT

1 MIGHT MITIGATE AGAINST IMPOSING THE DEATH SENTENCE.

2 OKAY? DO YOU FOLLOW ME?

3 A UH-HUH. (YES).

4 THE COURT: ALL RIGHT. NOW, WHEN

5 JURORS ARE FACED WITH THAT SITUATION, WE KNOW THAT

6 THEY FALL INTO THREE CATEGORIES. WE HAVE ONE SET

7 OF JURORS WHO SAY, "WE'VE GOT THAT CONVICTION.

8 WE'VE GOT PROOF OF THE CIRCUMSTANCES IN AGGRAVATION

9 BEYOND A REASONABLE DOUBT. IT DOESN'T MATTER ABOUT

10 MITIGATING CIRCUMSTANCES." THAT JUROR SAYS, "IN

11 THAT SITUATION I BELIEVE THAT THE DEATH PENALTY IS

12 THE APPROPRIATE PUNISHMENT AND I WILL ALWAYS VOTE

13 FOR DEATH." OKAY? DO YOU FOLLOW ME WITH THAT

14 JUROR?

15 A UH-HUH. (YES).

16 THE COURT: ALL RIGHT. WE HAVE A

17 SECOND JUROR WHO SAYS, "IT'S TRUE, WE HAVE A--THE

18 MURDER CONVICTION. WE HAVE THE CIRCUMSTANCES IN

19 AGGRAVATION. WE MAY OR MAY NOT HAVE MITIGATING

20 CIRCUMSTANCES," BUT THAT JUROR SAYS, "I BELIEVE

21 THAT LIFE IMPRISONMENT IS ALWAYS THE APPROPRIATE

22 PUNISHMENT AND I WILL VOTE FOR LIFE ALWAYS."

23 WE HAVE A THIRD SET OF JURORS WHO SAY,

24 "WE AGREE ABOUT THE CONVICTION, THE MITIGATING AND

25 AGGRAVATING CIRCUMSTANCES," BUT THAT JUROR SAYS, "I

1 WANT TO LOOK AT THE FACTS IN THIS SPECIFIC CASE AND
2 I WILL CONSIDER A LIFE SENTENCE. I WILL CONSIDER A
3 DEATH SENTENCE. AND THEN I WILL MAKE A DECISION AS
4 TO WHAT I THINK IS THE APPROPRIATE PUNISHMENT, BE
5 IT LIFE OR DEATH." OKAY?

6 A UH-HUH. (YES).

7 THE COURT: IF YOU HAD TO PUT YOURSELF
8 IN ONE OF THOSE CATEGORIES, WHICH ONE WOULD IT
9 LIKELY BE?

10 A I'D PROBABLY SAY YOUR SECOND CHOICE.

11 THE COURT: THAT MEANS THE LIFE
12 SENTENCE? LET ME ASK IT TO YOU THIS WAY. LET'S
13 ASSUME THAT YOU'RE SITTING ON THE JURY IN THE
14 SENTENCING PHASE AND YOU HAD A MURDER CONVICTION.
15 YOU GOT EVIDENCE OF AGGRAVATION. YOU MAY OR MAY
16 NOT HAVE EVIDENCE OF MITIGATION. IF, AFTER LOOKING
17 AT THE CASE, YOU CAME TO THE CONCLUSION THAT THE
18 APPROPRIATE SENTENCE WAS A LIFE SENTENCE, COULD YOU
19 VOTE TO IMPOSE THAT SENTENCE?

20 A YES.

21 THE COURT: ALL RIGHT. LET'S TAKE THE
22 SITUATION IN THAT CASE BUT YOU CAME TO A DIFFERENT
23 CONCLUSION AND YOUR CONCLUSION WAS THAT BASED ON
24 ALL OF THE CIRCUMSTANCES, THE AGGRAVATING, THE
25 MITIGATING, THE CONVICTION, THE RECORD OF THE CASE,

1 YOU CAME TO THE CONCLUSION THAT THE APPROPRIATE
2 PUNISHMENT FOR A DEFENDANT WOULD BE THE DEATH
3 PENALTY. COULD YOU VOTE TO IMPOSE THE DEATH
4 PENALTY?

5 A YES, SIR.

6 THE COURT: OKAY. NOW, IN ADDITION TO
7 OTHER STATUTORY REQUIREMENTS THAT WE HAVE ABOUT THE
8 DEATH PENALTY, WE HAVE ONE THAT A JURY, WHEN THEY
9 FIND THAT THE DEATH PENALTY IS THE APPROPRIATE
10 PUNISHMENT, WHEN THEY FIND IT, THEN EACH INDIVIDUAL
11 JUROR MUST AFFIX THEIR SIGNATURE TO THE SENTENCE
12 FORM WHICH ACKNOWLEDGES THE FACT THAT THAT IS THEIR
13 DECISION. OKAY?

14 A OKAY.

15 THE COURT: IF YOU FOUND THAT THE
16 SENTENCE SHOULD BE THE DEATH SENTENCE, COULD YOU
17 SIGN YOUR NAME TO THAT FORM?

18 A YES, SIR.

19 THE COURT: OKAY. YOU UNDERSTAND WE
20 HAVE STATUTES THAT THE GENERAL ASSEMBLY PASSES AND
21 CONGRESS PASSES AND ALL OF THAT, DO YOU UNDERSTAND
22 THAT IN A TRIAL COURT SITUATION THAT A TRIAL JUDGE
23 HAS INSTRUCTIONS AND MAKES RULINGS AND THOSE
24 RULINGS AND INSTRUCTIONS TO JURORS CONSTITUTE THE
25 LAW IN THE CASE? DOES THAT MAKE SENSE TO YOU?

1 JUST LIKE A STATUTE.

2 A YES, SIR, I THINK SO.

3 THE COURT: IF I GAVE YOU LEGAL
4 INSTRUCTIONS TO FOLLOW, COULD YOU UNDER YOUR OATH
5 FOLLOW AND APPLY THOSE INSTRUCTIONS?

6 A YES, SIR. IF I UNDERSTOOD THEM, YES,
7 SIR.

8 THE COURT: OKAY. ALL RIGHT. I'M
9 GOING TO LET THE LAWYERS ASK YOU SOME QUESTIONS.
10 THEY MAY BE SIMILAR TO WHAT I HAVE, BUT JUST BE
11 RESPONSIVE TO THEM, PLEASE? SOLICITOR JONES?

12 MR. JONES: THANK YOU, YOUR HONOR.

13 DIRECT EXAMINATION:

14 BY MR. JONES:

15 Q GOOD EVENING, MS. MOORE.

16 A GOOD EVENING.

17 Q THANK YOU FOR BEING SO PATIENT.

18 A IT'S BEEN A LONG EVENING.

19 Q YOU HAD NO CHOICE, DID YOU?

20 A NO, SIR.

21 Q WELL, WE'VE BEEN WORKING HARD. WE'VE
22 BEEN TRYING. I HEARD YOUR ANSWERS TO THE JUDGE'S
23 QUESTIONS. IT SOUNDS LIKE YOU WERE JUST AS HONEST
24 WITH HIM AS YOU COULD BE. WERE YOU?

25 A YES, SIR.

1 Q AND SO, YOU...IF YOU WERE TO SERVE ON
2 A JURY AND THE JURY FOUND A PERSON GUILTY OF MURDER
3 THEN YOU WOULD THEN HAVE TO GO INTO A SENTENCING
4 STAGE AND YOU COULD LOOK AT THE FACTS AND DECIDE
5 WHAT WAS THE MOST APPROPRIATE PUNISHMENT AND IF YOU
6 DECIDED THE MOST APPROPRIATE PUNISHMENT WAS THE
7 DEATH PENALTY THEN YOU COULD VOTE TO IMPOSE THE
8 DEATH PENALTY?

9 A YES, SIR.

10 Q OKAY. AND IF YOU DECIDED THE MOST
11 APPROPRIATE PUNISHMENT WAS A LIFE SENTENCE THEN YOU
12 WOULD VOTE TO IMPOSE A LIFE SENTENCE? IS THAT
13 CORRECT?

14 A IF THAT'S WHAT I CHOSE, YES, SIR.

15 Q ALL RIGHT. AND IN A SITUATION WHERE
16 YOU'VE GOT A MURDER CONVICTION, YOU WOULDN'T JUST
17 AUTOMATICALLY JUMP TO A DECISION ONCE YOU GOT A
18 MURDER VERDICT THAT ONE PUNISHMENT OR THE OTHER WAS
19 MORE IMPORTANT? YOU WOULD HAVE TO LOOK AT THE TYPE
20 OF MURDER AND WHAT ALL FACTORS WERE INVOLVED BEFORE
21 YOU COULD DECIDE...

22 A YES, SIR.

23 Q ...WHICH PUNISHMENT, WOULDN'T YOU?

24 A YES, SIR.

25 Q OKAY. WELL, THANK YOU VERY MUCH.

1 THE COURT: ALL RIGHT, MR.

2 HARPOOTLIAN, DO YOU HAVE ANY QUESTIONS?

3 MR. HARPOOTLIAN: YES, SIR, JUST A

4 FEW.

5 CROSS-EXAMINATION:

6 BY MR. HARPOOTLIAN:

7 Q MS. MOORE, I'M DICK HARPOOTLIAN AND I

8 REPRESENT STEVE BECKHAM. STAND UP, STEVE. STEVE

9 IS THE GUY THAT'S ON TRIAL HERE, OKAY?

10 A UH-HUH. (YES).

11 Q AND WE'VE BEEN TALKING A LOT ABOUT

12 PUNISHMENT AND PENALTY AND DEATH PENALTY AND LIFE

13 SENTENCE AND ALL THOSE SORTS OF THINGS AND IN THE

14 PROCESS OF DOING THAT WE MAY HAVE GIVEN YOU THE

15 IMPRESSION THAT HIS GUILT OR INNOCENCE HAS ALREADY

16 BEEN DETERMINED. LET ME MAKE SURE THAT YOU

17 UNDERSTAND THAT WE HAVE YET TO HAVE A TRIAL ON THAT

18 ISSUE AND HE, AS THE JUDGE TOLD YOU, IS PRESUMED

19 INNOCENT AS HE SITS HERE RIGHT NOW.

20 A YES, SIR.

21 Q DO YOU HAVE ANY PROBLEM WITH THAT

22 CONCEPT? SIMPLY BECAUSE HE'S BEEN ACCUSED OF

23 SOMETHING, DOES THAT MEAN TO YOU OR IN ANY WAY

24 INDICATE TO YOU THAT HE'S NOT INNOCENT?

25 A IT DOESN'T IMPLY THAT HE...IT IMPLIES

1 THAT HE IS INNOCENT BECAUSE HE HASN'T HAD A TRIAL.
2 Q GREAT. SO, AND I JUST WANT TO MAKE
3 SURE, WE'RE A LITTLE PUNCHY, WE'VE BEEN HERE ALL
4 DAY DOING THIS, SO I'M NOT IMPLYING THAT YOU ARE,
5 BUT WE'RE TRYING TO WALK THROUGH THIS WITH EACH
6 JUROR...SO, WE MAY NOT GET TO THAT SECOND TRIAL,
7 THAT SENTENCING TRIAL. IT MAY BE THAT THE MATTER
8 IS RESOLVED WITHOUT THE NEED FOR A SENTENCING TRIAL
9 BECAUSE HE IS PRESUMED INNOCENT AND IN ANY CASE
10 SUCH AS THIS THE DEFENDANT MAY BE FOUND NOT GUILTY
11 AND THERE'S NO NEED TO GO TO THAT SENTENCING TRIAL.
12 BUT, WE NEED TO ASK YOU ABOUT IT.

13 A OKAY.

14 Q IN THE UNLIKELIHOOD THAT WE END UP
15 THERE, OKAY?

16 A UH-HUH. (YES).

17 Q YOU'VE INDICATED TO THE SOLICITOR AND
18 THE JUDGE THAT YOU HAVE NO PREVIOUS POSITION AS TO
19 SENTENCE IN A MURDER CASE, IS THAT CORRECT?

20 A YES.

21 Q DO YOU UNDERSTAND WHAT I MEAN TO THAT?
22 YOU'RE NOT PREDISPOSED AS YOU SIT THERE IS
23 SOMEBODY'S FOUND GUILTY OF MURDER TO GIVE THEM
24 EITHER LIFE OR DEATH?

25 A NO, SIR, I WOULD HAVE TO HEAR THE

1 CIRCUMSTANCES.

2 Q OKAY. AND THERE ARE SOME MURDER CASES

3 IN WHICH YOU THINK LIFE IS THE APPROPRIATE PENALTY?

4 A DEPENDING ON THE CIRCUMSTANCES.

5 Q OKAY. BUT THERE ARE SOME, DEPENDING

6 ON THE CIRCUMSTANCES,...

7 A YES, SIR.

8 Q ...WHERE LIFE IS THE APPROPRIATE

9 PENALTY?

10 A YES, SIR.

11 Q AND THERE ARE SOME

12 CIRCUMSTANCES...MURDERS WHERE THE CIRCUMSTANCES ARE

13 SUCH THAT YOU THINK THAT THE DEATH PENALTY IS

14 APPROPRIATE?

15 A YES, SIR.

16 Q BUT YOU'RE NOT PREDISPOSED EITHER WAY

17 TO EITHER ONE?

18 A NO, SIR.

19 Q OKAY. EXCUSE ME ONE MINUTE AND LET ME

20 CHECK WITH...THAT'S MR. SWERLING OVER THERE WHO

21 JUST CAME IN. HE'S MY CO-COUNSEL.

22 MS. MOORE, THANK YOU VERY MUCH FOR

23 YOUR ANSWERS AND COOPERATION. I APPRECIATE YOUR

24 PATIENCE.

25 A OKAY. THANK YOU.

1 THE COURT: ALL RIGHT, NOW, ONES?

2 (ALL ANSWER YES)

3 THE COURT: ALL RIGHT. MA'AM I FIND
4 THAT YOU'RE QUALIFIED TO SERVE...OR BE PLACED IN A
5 JURY POOL. WE'RE READY TO STRIKE THAT JURY AND SO
6 I'M GOING TO LET THEM HOLD YOU IN ANOTHER PLACE AND
7 WE'LL STRIKE IT AND YOU'LL KNOW WHETHER OR NOT
8 YOU'VE GOT TO GO TO NEWBERRY OR NOT IN JUST A FEW
9 MINUTES.

10 A OKAY.

11 THE COURT: OKAY.

12 A THANK YOU, SIR.

13 THE COURT: ALL RIGHT.

14 WE'VE GOT FOUR AND WE'RE READY TO
15 STRIKE, AREN'T WE?

16 MR. HARPOOTLIAN: YES, SIR. LET ME
17 JUST MAKE IT EASY. WE WOULD STRIKE THE FIRST TWO
18 OF THE FOUR AND DEFER TO THE SOLICITOR AS TO WHICH
19 IS THE LAST TWO HE WANTS. I THINK THAT'S SORT OF
20 THE EASIEST WAY TO DO IT.

21 MR. JONES: JUST A MOMENT, JUDGE.

22 THE COURT: SURE. FOR THE RECORD,
23 WHILE THEY'RE CONSULTING, THE STATE...THE DEFENSE
24 WAIVED THE REQUIREMENT OF HAVING THE STATE HAVE TO
25 STRIKE FIRST, AND THAT THEY STRUCK FROM THE RECORD

1 ALTERNATE NUMBER 212, CAROL TALLEY, AND WANDA W.
2 ALEXANDER, JUROR NUMBER 2, AND HAS DEFERRED TO THE
3 STATE TO EXERCISE ITS PREEMPTORY STRIKE ON EITHER
4 ONE OF THE TWO REMAINING JURORS FAILING TO EXERCISE
5 A STRIKE...IN THE EVENT YOU DO NOT EXERCISE, JUROR
6 30 WOULD BE SEATED AUTOMATICALLY.

7 MR. JONES: YOUR HONOR, I...

8 THE COURT: WELL, IT'S UP TO YOU.

9 MR. JONES: I AM GOING TO EXERCISE.

10 THE COURT: OKAY.

11 MR. JONES: WE WOULD EXCUSE JUROR 30,
12 BRENDA CARNES.

13 THE COURT: OKAY. AND MS. MOORE,
14 THEN, IS SEATED AS THE SECOND ALTERNATE. ANY
15 EXCEPTION OR OBJECTION TO THE METHOD OF SELECTION,
16 METHOD OF IMPANELMENT OF THE ALTERNATE JURORS FROM
17 THE STATE?

18 MR. JONES: NONE.

19 THE COURT: FROM THE DEFENSE?

20 MR. HARPOOTLIAN: NONE.

21 THE COURT: I ALSO FIND IN CONNECTION
22 WITH THOSE JURORS THAT THEY SATISFY THE STATUTORY
23 REQUIREMENTS, THERE'S NO OBJECTION UNDER BATSON V.
24 KENTUCKY OF GROUNDS FOR, OR JEB V. ALABAMA AND
25 ACTUALLY THE LAST LITTLE PROCESS WAS VERY AMICABLE.

1 OKAY, LET'S BRING MS. ALEXANDER IN
2 FIRST.

3 MR. JONES: MS. ALEXANDER?

4 THE COURT: I'M SORRY, EXCUSE ME.
5 EXCUSE ME. LET ME ASK YOU THIS. DID WE ASK MS.
6 TALLEY AND MS. ALEXANDER TO GO AND PACK TO COME
7 BACK?

8 CLERK: YES, SIR.

9 THE COURT: SEE IF WE CAN CALL THEM.
10 BRING MS. CARNES IN FIRST.

11 (MS. CARNES RETURNED TO THE OPEN
12 COURTROOM.)

13 THE COURT: MS. CARNES, WE HAVE GONE
14 THROUGH THE STRIKE PROCESS, AND YOU WILL NOT HAVE
15 TO SERVE. SO YOU'RE FREE TO GO HOME, AND THANK YOU
16 SO MUCH FOR YOUR PATIENCE AND ASSISTANCE, OKAY? I
17 HOPE TO SEE YOU AGAIN UNDER BETTER CIRCUMSTANCES.

18 (JUROR EXCUSED)

19 ALL RIGHT, BRING MS. MOORE IN AND LET
20 ME GET HER ON THE WAY.

21 (MS. MOORE RETURNED TO THE OPEN
22 COURTROOM)

23 SO DO WE HAVE--MS. CAPPS IS COMING
24 BACK AS ALTERNATE NUMBER ONE, AND THEN MS. MOORE.
25 IS MS. CAPPS HERE YET?

1 AGENT: SHE'S HERE. I WENT AND GOT
2 HER.

3 THE COURT: SHE'S HERE.

4 AGENT: PACKED AND READY TO GO.

5 THE COURT: MS. MOORE, YOU HAVE BEEN
6 QUALIFIED AND SELECTED TO SERVE AS AN ALTERNATE ON
7 THE JURY IN THE CASE FOR TRIAL IN NEWBERRY.

8 I'LL TELL YOU THAT WE HAVE ALREADY
9 SENT THE TWELVE DOWN, AND WE HAVE YOU AND MS. CAPPS
10 HAVE BEEN SELECTED AS THE TWO ALTERNATES. AND WE
11 HAVE SLED AGENTS HERE WHO WILL TAKE YOU ALL TO
12 NEWBERRY TONIGHT, AND WE'VE GOT A ROOM FOR YOU AND
13 ALL OF THAT.

14 AND I WOULD ASK YOU NOT TO DISCUSS THE
15 CASE AMONG YOURSELVES OR ALLOW ANYONE TO DISCUSS IT
16 WITH YOU. DON'T MAKE UP YOUR MIND ABOUT ANYTHING,
17 AND GET TO KNOW YOUR FELLOW JURORS. WE'RE NOT
18 ACTUALLY GOING TO START TAKING TESTIMONY UNTIL TWO
19 O'CLOCK, SO YOU'LL HAVE A LITTLE TIME TO REST
20 TONIGHT AND SLEEP IN TOMORROW, IF YOU WANT. AND
21 I'LL GO OVER SOME OTHER THINGS ABOUT IT.

22 LAMAR, WHO'S TAKING THEM DOWN?

23 AGENT: AGENT OLIVER.

24 THE COURT: WOULD IT BE ALL RIGHT IF I
25 JUST LET THE AGENT, DID YOU DRIVE UP HERE?

1 MS. MOORE: YES, SIR, AND I NEED TO
2 GET IN CONTACT WITH MY FAMILY.

3 THE COURT: HOW ABOUT WE DO THIS. HOW
4 ABOUT SINCE WE ALREADY HAVE MS. CAPPS HERE, WHY
5 DON'T WE LET THIS AGENT FOLLOW YOU TO YOUR HOME.
6 YOU CAN LEAVE YOUR CAR AT HOME AND HE CAN STAY
7 THERE UNTIL YOU'RE PACKED AND READY TO GO, AND WHEN
8 YOU ARE, Y'ALL CAN GET IN THE CAR AND YOU'RE ON
9 YOUR WAY TO NEWBERRY.

10 I'M SORRY, I DIDN'T CATCH THE NAME?

11 AGENT OLIVER: GEORGE OLIVER, SIR.

12 THE COURT: ALL RIGHT, MR. OLIVER IS A
13 SLED AGENT FROM THE LOWER PART OF THE STATE AND HE
14 WILL BE GLAD TO ASSIST YOU IN ANY WAY. I'LL
15 EXPLAIN THE PROCESS ABOUT EMERGENCY NUMBERS AND ALL
16 THAT KIND OF STUFF IN DETAIL TOMORROW, OKAY? HAVE
17 A NICE EVENING AND A GOOD TRIP. SEE YOU TOMORROW.

18 (REMAINING JURORS DISMISSED OFF THE
19 RECORD.)

20

21

22

23

24

25

1 PROCEEDINGS

2 (THURSDAY, SEPTEMBER 19, 1996, NEWBERRY
3 COUNTY. ALL STATE'S EXHIBITS ARE MARKED AND
4 ENTERED WITHOUT OBJECTION OF COUNSEL UNLESS
5 OTHERWISE NOTED.)

6 THE COURT: ALL RIGHT, WE HAD A
7 CONFERENCE OVER LUNCH WITH THE ATTORNEYS AND I NEED
8 TO, I SUPPOSE, ADDRESS TWO OR THREE ISSUES ABOUT
9 THAT AND THEN SOME PRELIMINARY REMARKS. AND WE
10 NEED TO GET THE JURY IN, SWORN, AND WE'LL START
11 OPENING STATEMENTS.

12 MR. SOLICITOR, IS THE STATE READY TO
13 PROCEED?

14 MR. JONES: YOUR HONOR, THE STATE IS
15 READY TO PROCEED.

16 THE COURT: ALL RIGHT, AND MR.
17 HARPOOTLIAN, MR. SWERLING, Y'ALL READY TO PROCEED?

18 MR. SWERLING: YES, SIR.

19 MR. HARPOOTLIAN: YES, SIR, YOUR
20 HONOR.

21 THE COURT: ALL RIGHT. NOW WHO WANTS
22 TO RECAPITULATE THE ISSUES WE TALKED ABOUT AT
23 LUNCH?

24 MR. SWERLING: JUDGE, I CAN DO THAT, IF
25 YOU'D LIKE.

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1 THE COURT: YES, SIR.

2 MR. SWERLING: SHOULD I JUST GO DOWN
3 THE LIST OF ITEMS WE COVERED?

4 THE COURT: YES, SIR.

5 MR. SWERLING: YOUR HONOR, GENERALLY
6 THERE WERE SOME ISSUES CONCERNING SOME STATEMENTS
7 OF AN INDIVIDUAL BY THE NAME OF ROY HALL THE STATE
8 SAID THEY WOULD FURNISH TO US. I THINK WE'VE
9 RESOLVED THE ISSUE OF A LETTER BY RICHARD ANDERSON.
10 I UNDERSTAND THERE WAS A WRITTEN NOTATION THAT WE
11 ALREADY HAVE. WE HAVE AGREED TO SOME STIPULATIONS
12 CONCERNING LAB CORPS, AND GENETIC DESIGN, SOME DNA
13 ISSUES WITHOUT HAVING NEED TO BRING THE EXPERTS
14 DOWN HERE FROM NORTH CAROLINA. WE WOULD DRAW UP
15 THE APPROPRIATE STIPULATIONS.

16 WE'VE RESOLVED THE ISSUE BUT THERE
17 WOULD BE A COUPLE OF MOTIONS TO SUPPRESS THAT HAVE
18 TO BE RESOLVED AND THE COURT WILL TAKE THEM UP AT
19 THE APPROPRIATE TIME, DEALING WITH PHYSICAL
20 OBJECTS, ANY STATEMENTS AND POSSIBLE MESSIAH
21 ISSUES.

22 THERE ARE CERTAIN RECORDS THAT WILL BE
23 TURNED OVER TO US FROM A PSYCHOLOGIST AND THE COURT
24 HAS PREVIOUSLY ORDERED TURNED OVER TO THE STATE,
25 DR. ANN WHITE. WE'LL SECURE THOSE.

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1 WE RESOLVED THE ISSUE ABOUT SOME TRAP
2 OR TRACE DEVICES, PRINTED REGISTERS, AND THE STATE
3 WILL TURN OVER THAT INFORMATION TO US PURSUANT TO
4 DISCOVERY. THE WINDUP ISSUES THAT ARE TO BE TURNED
5 OVER TO US, WE UNDERSTAND THROUGH MR. HARPOOTLIAN,
6 SOME LETTERS MR. BECKHAM WROTE TO THE STATE
7 NEWSPAPER, YOUR HONOR, ORDERED THAT BE TURNED OVER
8 TO THE STATE WILL BE TURNED OVER TO US I ASSUME BY
9 THE END OF THE DAY.

10 ISSUES CONCERNING MESSIAH ISSUE WAS
11 DISCUSSED, AND INFORMATION RELATING TO THAT WAS
12 TURNED OVER TO US. THE STATE HAS FURNISHED US
13 YESTERDAY WHEN WE WERE UP IN WALHALLA, THE RAP
14 SHEETS OF WITNESSES PURSUANT TO OUR DISCOVERY
15 REQUEST.

16 AND I MIGHT SAY THE STATE HAS SUPPLIED
17 US, YOUR HONOR, WITH THE FILE IN THIS CASE. WE'VE
18 HAD EXTENSIVE DISCOVERY. WE JUST WANT TO MAKE SURE
19 ALL ISSUES RELATING TO RULE 5 AND BRADY HAVE BEEN
20 COMPLIED WITH AS OF TODAY, WITH THE EXCEPTION OF
21 THE ITEMS I'VE JUST MENTIONED WHICH WE UNDERSTAND
22 WILL BE TURNED OVER TO US.

23 THE SOLICITOR'S OFFICE HAS IDENTIFIED
24 THE AUTHOR OF A CERTAIN POLICE REPORT THAT WE HAD
25 QUESTIONS.

1 CERTAIN STIPULATIONS, YOU HONOR, HAVE
2 BEEN ENTERED INTO CONCERNING SOME PHONE RECORDS AND
3 BANK RECORDS, AND ITEMS LIKE THAT. THERE WAS ALSO
4 REVIEWED A LOT OF, A NUMBER OF EXHIBITS, AGREED
5 WITH MANY OF THOSE AND DISAGREED ON SOME. YOUR
6 HONOR WILL HAVE TO RULE ON THEM.

7 JUDGE, THE ONLY THING I THINK AT THIS
8 POINT I THINK IS OUTSTANDING IS OUR MOTION TO QUASH
9 THE NOTICE, THE AMENDMENT TO THE NOTICE OF EVIDENCE
10 IN AGGRAVATION AND PUNISHMENT. YOUR HONOR, IT WAS
11 LAST WEEK...

12 THE COURT: ALL RIGHT, LET ME CROSS ONE
13 BRIDGE AT THE TIME.

14 SOLICITOR, WITH REGARD TO THE DISCOVERY
15 QUESTIONS AND COMPLIANCE WITH BRADY AND RULE 5,
16 DOES THE STATE AGREE WITH THE REPRESENTATIONS THAT
17 MR. SWERLING HAS MADE IN THAT REGARD?

18 MR. JONES: YES, YOUR HONOR. WE FEEL
19 WE HAVE COMPLIED WITH BRADY AND DISCOVERY. THE
20 STATEMENT CONCERNING MR. HALL IS BEING FAXED TO US
21 NOW FROM COLUMBIA. WE'LL GIVE IT TO THEM AS SOON
22 AS WE GET IT. WE DON'T ANTICIPATE THAT PAUL WILL
23 TESTIFY TODAY OR TOMORROW, LATER IN THE WEEK.

24 THE COURT: ALL RIGHT, MR. SWERLING,
25 WITH REGARD TO THE STATE'S RULE 5 REQUEST, HAS THE

1 DEFENSE COMPLIED WITH IT?

2 MR. SWERLING: YOUR HONOR, WE HAVE BEEN
3 TURNING ITEMS OVER TO THEM AS WE SECURE THEM ON AN
4 ON-GOING BASIS. WE WILL CONTINUE TO DO SO AS SOME
5 ITEMS DON'T COME IN PURSUANT TO SUBPOENA UNTIL. WE
6 MAY NEED ADDITIONAL INFORMATION AS THE TRIAL
7 PROGRESSES.

8 THE COURT: IN TERMS OF NOTICE OF
9 EVIDENCE IN AGGRAVATION, I PROBABLY TAKE THE
10 POSITION UNLESS YOU ALL FEEL OTHERWISE, THAT IT
11 DOESN'T MATTER WHETHER THE JURY IS SWORN, THERE'S
12 NO TIME LIMIT ON THEM TO GIVE YOU THE NOTICE. I
13 COULD BE GLAD TO TAKE THE NOTICE THAT THEY HAVE
14 SERVED ON YOU, LOOK AT IT AND THEN GIVE ME A CHANCE
15 TO BE A LITTLE BIT MORE FAMILIAR WITH IT AND THEN
16 GIVE YOU A HEARING ON IT IN THE NEXT COUPLE OF
17 DAYS.

18 MR. SWERLING: YOUR HONOR, AS LONG AS--
19 SO THAT THERE'S NO PROCEDURAL ISSUE ABOUT THAT
20 LATER, IF YOUR HONOR RULES ON IT LATER, WE'D LIKE
21 THAT TO BE NUNC PRO TUNC.

22 THE COURT: I UNDERSTAND THAT. IS
23 THERE ANY OBJECTION TO THAT, SOLICITOR?

24 MR. JONES: NO, YOUR HONOR.

25 THE COURT: ALL RIGHT, IF YOU WILL

1 PROVIDE ME WITH A COPY THEN THAT WILL GIVE A
2 CHANCE, IT'S AN AMENDED NOTICE AND I HAVEN'T SEEN
3 THE AMENDED NOTICE.

4 MR. SWERLING: YES, IT'S AN AMENDED
5 NOTICE, YOUR HONOR. BASICALLY, OUR POSITION IS THE
6 STATUTE REQUIRES WE GET EVIDENCE OF AGGRAVATION.
7 WHAT WE'VE BEEN FURNISHED IS MERE CONCLUSORY
8 STATEMENTS AND NOT THE ACTUAL EVIDENCE OF
9 AGGRAVATION.

10 THE COURT: ALL RIGHT. EVERYBODY ELSE
11 READY TO PROCEED?

12 MR. COULTER: YOUR HONOR, I WOULD POINT
13 OUT THAT THE STATE AND DEFENSE HAVE BEEN ABLE TO
14 REACH AGREEMENTS ON VARIOUS PIECES OF EVIDENCE. IF
15 YOU'D LIKE, WE COULD READ THEM INTO THE RECORD OR
16 WE COULD WAIT UNTIL...

17 THE COURT: I THINK WE HAD SUCH AN
18 AMICABLE MEETING TODAY, I DON'T BELIEVE WE'LL HAVE
19 A PROBLEM ABOUT THAT.

20 ALL RIGHT, LADIES AND GENTLEMEN IN THE
21 AUDIENCE AND TO THE PARTIES AND PARTICIPANTS,
22 YOU'RE WELCOME TO BE HERE AND WE WILL ENCOURAGE AND
23 REQUIRE THAT EVERYBODY MAINTAIN PROPER DECORUM
24 DURING THE TRIAL. I WOULD ASK YOU NOT TO GET UP
25 AND LEAVE DURING THE TESTIMONY. WE WILL GO ABOUT

1 AN HOUR, HOUR AND A HALF, TAKE A SHORT BREAK TO
2 GIVE EVERYBODY A CHANCE TO MOVE BACK AND FORTH, BUT
3 IT IS DISCONCERTING TO BOTH SIDES TO HAVE PEOPLE
4 WALKING IN AND OUT. AND THAT EXTENDS TO THE PRESS
5 AS WELL.

6 THE ONLY ORDER OF MOVEMENT AT THIS
7 POINT IN TIME WOULD BE THAT THE JURY WOULD ALWAYS
8 LEAVE FIRST, THE DEFENDANT WILL LEAVE SECOND AND
9 THEN EVERYBODY ELSE CAN DISMISS THEMSELVES UNLESS I
10 HAVE TO REVISE THAT POLICY.

11 I THINK THE SHERIFF AND THE BAILIFFS
12 HAVE PROBABLY TALKED TO YOU AS YOU CAME THROUGH
13 ABOUT BEEPERS AND PAGERS AND THAT KIND OF THING.
14 WE'D LIKE TO KEEP THE DISRUPTION DOWN TO THE
15 MINIMUM AMOUNT OF TIME.

16 THE GAG ORDER REMAINS IN EFFECT AND IT
17 HAS BEEN EXTENDED TO ANY WITNESS WHO WILL
18 POTENTIALLY TESTIFY FOR THE STATE OF SOUTH CAROLINA
19 OR FOR THE DEFENSE, AND THE RESPECTIVE ATTORNEYS
20 HAVE BEEN ADVISED TO EXPLAIN THAT TO THEIR
21 PROSPECTIVE WITNESSES, NOT TO DISCUSS THE FACTS OF
22 THIS CASE OR TALK ABOUT IT OUTSIDE THIS COURTROOM.
23 YOU'RE TESTIFYING IN HERE AND LET THE JURY DECIDE
24 WHAT THE OUTCOME OF THIS CASE SHOULD BE.

25 FOR PURPOSES OF THE JURY, MS. ALICE

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1 LAMAR, JUROR NUMBER 126, WILL BE APPOINTED
2 FOREPERSON OF THE JURY, AND WE'LL BEGIN THE OPENING
3 STATEMENTS, START TAKING SOME TESTIMONY THIS
4 AFTERNOON AND THEN GO GENERALLY, AS I'VE INDICATED
5 TO YOU ALL, ABOUT NINE TO SIX EACH DAY. AND YOU'RE
6 ALREADY AWARE THAT WE WILL WORK SOME OF SUNDAY, WE
7 WILL BE OFF DUE TO A PERSONAL CONFLICT WITH ONE OF
8 THE PARTICIPANTS IN THE TRIAL ON MONDAY AND WE'LL
9 PICK BACK UP ON TUESDAY MORNING.

10 ANY QUESTIONS BEFORE WE START?

11 BAILIFF: YOUR HONOR, I HAVE FOUR--

12 THE COURT: ALL RIGHT, LET'S DO THAT
13 RIGHT NOW. ANYBODY OUT THERE THAT WANTS TO GET IN
14 NOW, LET THEM IN.

15 BAILIFF: WE'VE GOT A LOT OF THEM.

16 THE COURT: THAT'S FINE.

17 I'M PRETTY MUCH OF A STICKLER FOR
18 STARTING ON TIME AND QUITTING ON TIME AND MAKING
19 THE THING MOVE, SO I'D ASK EVERYBODY TO BE
20 COOPERATIVE ABOUT THAT.

21 ALL RIGHT. BRING THE JURY IN, MR.

22 BAILIFF.

23 (JURY BROUGHT TO OPEN COURTROOM AT 2:14

24 P.M.)

25 THE COURT: MS. LAMAR, THAT CHAIR DOWN

1 THE FRONT IS LEFT FOR YOU.

2 MS. LAMAR, CAN YOU HEAR ME ALL RIGHT?

3 MS. LAMAR: YES, SIR.

4 THE COURT: OKAY, AND IF I DON'T TALK
5 LOUD ENOUGH FOR YOU, IF YOU'LL JUST LET ME KNOW.
6 AND IF THE ATTORNEYS OR ANYBODY, ANY MEMBER OF THE
7 JURY, IF THEY DON'T TALK LOUD ENOUGH, PLEASE LET ME
8 KNOW.

9 I HAVE APPOINTED YOU THE FOREPERSON OF
10 THE JURY IN THIS CASE. YOU WILL PRESIDE OVER THE
11 DELIBERATIONS AT THE APPROPRIATE STAGE OF THE TRIAL
12 AND YOU'LL DO SOME OF THE PAPERWORK. YOU HAVE NO
13 MORE AUTHORITY THAN ANY OTHER MEMBER OF THE JURY.
14 YOU'VE EACH GOT ONE VOTE WHEN IT COMES TO MAKING
15 ANY DECISIONS IN THIS CASE, BUT I WOULD ASK YOU TO
16 PRESIDE OVER THE DELIBERATIONS. AND I'LL EXPLAIN
17 THAT TO YOU A LITTLE MORE FULLY AS WE GO.

18 IF YOU, MA'AM, WILL ALWAYS SIT IN THAT
19 CHAIR THERE SO I CAN KEEP TRACK OF YOU THROUGHOUT
20 THE TRIAL. AS TO THE TWO ALTERNATES, MS. -- LET ME
21 GET THE ALTERNATES PLACED IN THE END SEATS HERE SO
22 WE CAN KEEP TRACK OF THEM. MS. CAPPS AND MS.
23 MOORE. NOW, LADIES, IF YOU WILL ALWAYS OCCUPY THAT
24 SEAT RIGHT THERE SO THAT I CAN KEEP TRACK OF YOU
25 THROUGHOUT THE TRIAL. THE REST OF YOU MAY SIT

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1 ANYWHERE YOU WANT EXCEPT FOR THOSE THREE SEATS
2 DURING THE TRIAL.

3 ALL RIGHT, MADAM CLERK NEEDS TO SWEAR
4 YOU IN FOR PURPOSES OF PROCEEDING, SO MS. BOWERS,
5 IF YOU'LL DO THAT.

6 (JURY DULY SWORN AT 2:16 P.M.)

7 THE COURT: ALL RIGHT, MADAM FOREMAN,
8 AND LADIES AND GENTLEMEN OF THE JURY, LET ME
9 WELCOME YOU TO NEWBERRY COUNTY. I KNOW SOME OF YOU
10 GOT HERE KIND OF LATE LAST NIGHT, PROBABLY ABOUT
11 ELEVEN OR ELEVEN-THIRTY.

12 WE INTERVIEWED OVER TWO DAYS PLUS ABOUT
13 A THREE HOUR PERIOD OF TIME, SOME SIXTY-ONE JURORS
14 IN ORDER TO QUALIFY FOURTEEN. BOTH SIDES HAVE
15 SELECTED YOU AS A FAIR AND IMPARTIAL JURY IN ORDER
16 TO DECIDE THIS CONTROVERSY BETWEEN THE STATE AND
17 MR. BECKHAM.

18 AND SO WE WANT TO WELCOME YOU HERE AND
19 TRY TO MAKE YOUR SITUATION AS COMFORTABLE AS WE CAN
20 UNDER THE CIRCUMSTANCES. IF YOU HAVE ANY
21 DIFFICULTIES OR PROBLEMS, AS I EXPLAINED TO YOU
22 LAST NIGHT, IF YOU'LL LET AGENT BERRY KNOW AND THE
23 MEMBERS OF THE TEAM THAT ARE HANDLING YOU, WE'LL BE
24 GLAD TO TRY TO ACCOMMODATE ANY REASONABLE REQUEST.

25 LADIES AND GENTLEMEN, WE WILL OPERATE

1 BASICALLY FROM NINE TO SIX, WITH A LUNCH BREAK.
2 AND WE'LL GO PRETTY MUCH AN HOUR, HOUR AND A HALF,
3 MAYBE A TAD LONGER AND THEN TAKE A SHORT BREAK.
4 BUT IF IN THE INTERIM IT IS A NECESSITY FOR YOU TO
5 HAVE A BREAK BEFORE I WOULD ORDINARILY DO IT, IF
6 YOU'LL JUST LET ME KNOW, WE'LL TAKE CARE OF THAT
7 EITHER BY RAISING YOUR HAND OR SOMETHING TO THAT
8 EFFECT.

9 NOW THERE WILL BE CAMERAS IN THE
10 COURTROOM. HOWEVER, THEY DO NOT TAKE PHOTOGRAPHS
11 OF YOU, DO NOT PUBLISH NAMES OF JURORS, BUT THEY
12 WILL BE HERE AND PROBABLY BY THE MIDDLE--BY THE END
13 OF THE AFTERNOON, YOU WON'T EVEN KNOW THEY'RE HERE.
14 SO DON'T CONCERN YOURSELF ABOUT THAT; DON'T BE
15 WORRIED ABOUT IT. IT'S NOT SOMETHING FOR YOU TO
16 FRET OVER AT ALL. YOUR MAIN FUNCTION HERE THIS
17 WEEK AND FOR THE NEXT SEVERAL DAYS IS FOR YOU TO
18 SIT HERE AND TRY THIS CASE BETWEEN THE STATE AND
19 STEPHEN BECKHAM.

20 NOW, LADIES AND GENTLEMEN OF THE JURY,
21 AS I INDICATED, AND OF COURSE I DON'T THINK IT'S
22 EVEN A NECESSITY TO REINTRODUCE THE ATTORNEYS TO
23 YOU. THE PROSECUTION IS SITTING TO MY RIGHT WITH
24 THE SOLICITOR JONES THERE AND HIS ASSOCIATES. AND
25 ON THE LEFT SIDE IS MR. BECKHAM AND HIS CO-COUNSEL,

1 MR. SWERLING AND MR. HARPOOTLIAN. AND I THINK MOST
2 OF THEM INTRODUCED THEMSELVES TO YOU A NUMBER OF
3 TIMES OVER THE LAST COUPLE OR THREE DAYS.

4 NOW, LADIES AND GENTLEMEN, THE CASE
5 THAT THE STATE HAS CALLED FOR TRIAL IS ENTITLED THE
6 STATE OF SOUTH CAROLINA VERSUS STEPHEN ANDREW
7 BECKHAM, AND I READ TO YOU AT THE COMMENCEMENT OF
8 THE QUALIFICATION PROCESS THE ALLEGATIONS THAT THE
9 STATE MAKES.

10 IN SUMMARY, THEY HAVE ALLEGED A
11 CONSPIRACY, A KIDNAPPING, AND A MURDER TO HAVE BEEN
12 COMMITTED BY STEPHEN ANDREW BECKHAM WITH RICHARD
13 GEORGE ANDERSON. NOW THOSE ARE ALLEGATIONS THAT
14 THEY SET FORTH IN THE INDICTMENT AND NOW WE'RE AT
15 THE TRIAL STAGE. YOU HAVE BEEN IMPANELLED TO
16 DETERMINE WHETHER OR NOT THE STATE OF SOUTH
17 CAROLINA CAN PROVE THOSE ALLEGATIONS TO YOUR
18 SATISFACTION BEYOND A REASONABLE DOUBT.

19 IF THE STATE OF SOUTH CAROLINA CAN
20 PROVE THOSE ALLEGATIONS TO YOUR SATISFACTION BY
21 THAT BURDEN OF PROOF BASED UPON THE LAW AND THE
22 EVIDENCE IN THE CASE THEN THE STATE OF SOUTH
23 CAROLINA IS ENTITLED TO A CONVICTION AT YOUR HANDS.
24 IF THE STATE CANNOT MEET THAT BURDEN OF PROOF, THEN
25 MR. BECKHAM IS ENTITLED TO AN ACQUITTAL AT YOUR

1 HANDS.

2 AT THIS MOMENT, AS WE DISCUSSED DURING
3 THE JURY QUALIFICATION PROCESS, MR. BECKHAM IS
4 PRESUMED INNOCENT OF THESE CHARGES AND HE WILL
5 REMAIN THAT WAY UNLESS AND UNTIL THE STATE CAN
6 PROVE HIS GUILT BY EVIDENCE SATISFYING YOU OF THAT
7 FACT, BEYOND A REASONABLE DOUBT.

8 NOW, LADIES AND GENTLEMEN OF THE JURY,
9 THIS IS AN ADVERSARIAL PROCESS WHEREBY WITNESSES
10 WILL BE CALLED TO THE STAND, CROSS-EXAMINED--OR
11 EXAMINED AND CROSS-EXAMINED, AND HOPEFULLY, THAT
12 WILL GET TO THE TRUTH OF THE CONTROVERSY.

13 I REALIZE THAT SOME OF YOU HAVE BEEN ON
14 A JURY BEFORE, BUT MANY OF YOU HAVE NOT. LET ME
15 TELL YOU THAT BASICALLY THE TRIAL PROCESS, AS I
16 SAID, IS ADVERSARIAL BUT IT IS DIVIDED INTO FIVE
17 DIFFERENT PARTS. IN A FEW MINUTES WE WILL BEGIN
18 WITH THE OPENING STATEMENTS BY THE ATTORNEYS.
19 DURING THE OPENING STATEMENT WHAT THEY WILL BE
20 DOING IS KIND OF LAYING OUT A ROAD MAP FOR YOU
21 ABOUT HOW THEY THINK THIS CASE WILL PROCEED AND HOW
22 THEY INTEND TO GET FROM POINT A TO POINT B.

23 THE SECOND PHASE OF THE TRIAL WILL
24 OCCUR WHEN WE START TAKING TESTIMONY FROM WITNESSES
25 WHO PROFESS TO KNOW SOMETHING ABOUT THE FACTS OF

1 THE CASE. AS I SAY, THAT'S WHEN THERE'S
2 EXAMINATION AND CROSS EXAMINATION OF THE WITNESSES.
3 AFTER THE EVIDENTIARY STAGE, THEN WE WILL HAVE
4 CLOSING SUMMATIONS BY THE ATTORNEYS AND THEY HAVE
5 THE OPPORTUNITY DURING THAT PHASE TO KIND OF HELP
6 ANALYZE THE EVIDENCE, HELP ANALYZE THE LEGAL
7 PRINCIPALS FOR YOUR BENEFIT IN DECIDING THE CASE.

8 THEN I WILL GIVE YOU A LEGAL
9 INSTRUCTION UPON THE PRINCIPALS OF LAW THAT YOU ARE
10 TO USE DURING YOUR DELIBERATION. FOR EXAMPLE, I'LL
11 GIVE YOU A BETTER DEFINITION OF WHAT PRESUMPTION OF
12 INNOCENCE IS, I'LL DEFINE FOR YOU WHAT PROOF BEYOND
13 A REASONABLE DOUBT IS, I'LL GIVE YOU SOME TOOLS
14 THAT YOU CAN USE TO ASSESS CREDIBILITY OR
15 BELIEVABILITY OF WITNESSES, I'LL DEFINE THE
16 ELEMENTS OF THE VARIOUS OFFENSES THAT THE STATE HAS
17 ALLEGED FOR YOU, AND OTHER THINGS THAT YOU WILL
18 NEED IN ORDER TO DELIBERATE AND ARRIVE AT A
19 DECISION.

20 AND THEN LASTLY AND MOST IMPORTANT, YOU
21 WILL GO BACK AND THEN DELIBERATE AND ARRIVE AT A
22 VERDICT DURING THIS STAGE OF THE TRIAL AS TO
23 WHETHER THE STATE HAS MET IT'S BURDEN OF PROOF OR
24 NOT AS TO THESE ALLEGATIONS.

25 NOW LADIES AND GENTLEMEN OF THE JURY I

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1 WOULD ASK YOU BASICALLY TO DO THREE THINGS FOR
2 YOURSELF, UNDER YOUR OATH, AND FOR THE INTEGRITY OF
3 THE JURY PROCESS, FOR THE COURT, FOR THE PARTIES
4 AND PEOPLE THAT ARE INTERESTED IN THIS TRIAL.

5 NUMBER ONE, I WOULD ASK YOU NOT TO MAKE UP YOUR
6 MIND ABOUT ANYTHING IN THIS TRIAL UNTIL YOU HAVE
7 HEARD ALL OF THE EVIDENCE, ALL OF THE ARGUMENTS AND
8 YOU'RE AUTHORIZED BY ME TO BEGIN YOUR
9 DELIBERATIONS. IN THAT CONNECTION, I WOULD ALSO
10 INSTRUCT YOU NOT TO DISCUSS THE CASE EVEN AMONG
11 YOURSELVES WHILE THE CASE IS IN PROGRESS, AND
12 CERTAINLY WE HAVE PROVIDED A JURY, SLED TEAM IN
13 ORDER TO ASSURE YOU GET NO OUTSIDE CONTACT ABOUT
14 THE CASE. AND IF YOU DO HAVE ANY CONVERSATION WITH
15 YOUR FAMILY MEMBERS THAT WE WILL PERMIT UNDER THE
16 RULE, DO NOT DISCUSS THE CASE WITH THEM OR ALLOW
17 ANYONE TO DISCUSS IT WITH YOU. AND OF COURSE DON'T
18 READ ANYTHING OR LISTEN OR WATCH ANY ACCOUNT OF
19 THAT. AND OF COURSE, THE SLED TEAM IS ORGANIZED TO
20 TRY TO PREVENT THAT FROM HAPPENING.

21 I THINK COMMON SENSE WILL TELL YOU THAT
22 THE REASON FOR THAT IS IF YOU HAVE AN OUTSIDE
23 INFLUENCE UPON YOU OTHER THAN WHAT YOU HEAR IN THIS
24 COURTROOM THEN THAT WOULD NOT RESULT IN A FAIR AND
25 IMPARTIAL TRIAL TO THE PARTIES.

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1 AND ALSO, I THINK IT'S COMMON SENSE TO
2 TELL YOU THAT THE REASON FOR ASKING YOU NOT TO
3 DISCUSS THE CASE AMONG YOURSELVES WHILE THE TRIAL
4 IS IN PROGRESS, IF YOU GET BACK IN THE JURY ROOM OR
5 YOUR MOTEL AND YOU TALK ABOUT CERTAIN WITNESSES OR
6 YOUR TALK ABOUT THE ATTORNEYS OR HOW THEY'RE DOING
7 THIS OR THAT, IF YOU DO THAT, IF YOU THINK ABOUT
8 IT, THAT'S A PROCESS BY WHICH YOU'LL BE MAKING UP
9 YOUR MIND AND THAT WOULD NOT BE FAIR EITHER TO THE
10 STATE OR TO MR. BECKHAM. SO PLEASE REFRAIN FROM
11 DOING THAT.

12 THE THIRD THING THAT I WANT TO POINT
13 OUT TO YOU ABOUT A TRIAL IS THAT WE EACH HAVE
14 DIFFERENT FUNCTIONS AND I WANT TO MAKE SURE YOU
15 UNDERSTAND WHAT YOUR ROLL IS IN THIS TRIAL AND WHAT
16 MY ROLL IS. I CAN TELL YOU SOME OF THE OTHER
17 PARTICIPANTS. MS. DOUGLAS IS THE COURT REPORTER
18 AND OF COURSE SHE TAKES DOWN EVERYTHING THAT IS
19 SAID OR DONE DURING THE TRIAL. THE PROSECUTOR HAS
20 HIS DUTIES, THE DEFENSE ATTORNEYS HAVE THEIR
21 DUTIES, THE CLERKS HAVE THEIR DUTIES. BUT LET'S
22 FOCUS ON WHAT YOU DO AND WHAT I DO SO THAT WE CAN
23 UNDERSTAND OUR ROLLS.

24 FIRST OF ALL, IT IS YOUR RESPONSIBILITY
25 TO DETERMINE THE CREDIBILITY, THE BELIEVABILITY,

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1 THE TRUTH OF THIS CONTROVERSY, AND AS I SAY, I'LL
2 GIVE YOU SOME TOOLS FOR DOING THAT. YOU JUDGE THE
3 FACTS BASED UPON THE EVIDENCE THAT IS ADMISSIBLE
4 FOR YOU TO CONSIDER AND MAKE THAT DETERMINATION.
5 THAT IS ESSENTIALLY WHAT YOU WILL BE DOING DURING
6 THIS TRIAL. MY RESPONSIBILITY IS DIFFERENT FROM
7 YOURS. MY JOB IS TWO-FOLD. NUMBER ONE, TO PRESIDE
8 OVER THIS TRIAL, MAKE SURE THE PARTIES CONFORM
9 THEIR CONDUCT TO THE RULES OF PROCEDURE AS I
10 UNDERSTAND THEM TO BE. ALSO TO MAKE SURE THAT ONLY
11 EVIDENCE THAT IS ADMISSIBLE FOR A JURY TO CONSIDER
12 IS ALLOWED INTO THE RECORD. IN THAT REGARD, I'LL
13 HAVE TO MAKE SOME RULINGS. I'M SURE ONE SIDE OR
14 THE OTHER WILL OBJECT TO CERTAIN THINGS IN TERMS OF
15 ADMISSIBILITY. AND THAT'S WHAT THEY'RE SUPPOSED TO
16 DO. THEY'RE NOT TRYING TO HIDE ANYTHING FROM YOU
17 OR PREVENT YOU FROM HEARING THIS OR THAT, BUT THERE
18 ARE SOME THINGS THAT OUR RULES SAY A JURY SHOULD
19 NOT CONSIDER IN MAKING A DECISION. AND THAT'S
20 GUIDED BY RULES OF EVIDENCE AND CASE LAW THAT I'M
21 HOPEFULLY WELL AWARE OF.

22 NOW, MOST OF THE TIME WHEN THEY MAKE
23 THOSE OBJECTIONS I WILL BE ABLE TO RULE ON THE SPOT
24 AND SAY EITHER, "I SUSTAIN YOUR OBJECTION," OR "I
25 OVERRULE YOUR OBJECTION." SUSTAIN MEANS I AGREE

1 WITH YOUR OBJECTION. OVERRULE MEANS I DISAGREE
2 WITH YOUR OBJECTION. THERE WILL BE A FEW TIMES, I
3 HOPE A FEW, THAT WE MAY HAVE TO HAVE A LITTLE
4 CONFERENCE UP HERE AT THE SIDE BAR TO MAKE SURE
5 THAT I UNDERSTOOD WHAT THE OBJECTION WAS SO I CAN
6 MAKE AN INTELLIGENT RULING. AND THERE WILL BE SOME
7 TIMES WHEN YOU WILL BE IN YOUR JURY ROOM FOR A BIT
8 IN ORDER FOR ME TO HEAR SOME MORE ARGUMENT ABOUT
9 PARTICULAR ISSUES. THAT IS SO THAT I DON'T MAKE A
10 MISTAKE AND SO I ASK YOU TO BEAR WITH ME AND BE
11 PATIENT IN THAT REGARD. I TRY NOT TO MAKE YOU WAIT
12 BACK THERE ANY LONGER THAN I POSSIBLE CAN AND I
13 WANT TO MAKE SURE YOU UNDERSTAND THAT.

14 THE SECOND PART OF MY JOB HAS TO DO
15 WITH OF COURSE AT THE END OF THE TRIAL IN GIVING
16 YOU THE LEGAL INSTRUCTIONS THAT YOU USE. NOW, I
17 WANT TO MAKE SURE YOU DON'T INFER FROM ANYTHING I
18 SAY OR DO DURING THE TRIAL THAT I HAVE AN OPINION
19 ABOUT WHAT YOUR VERDICT SHOULD BE OR WHAT THE FACTS
20 ARE. AND PLEASE DON'T INFER FROM ANYTHING THAT I
21 SAY OR DO IN RULING ON SOME OBJECTION. SOMETIMES I
22 HAVE TO GET TOUGH WITH THE LAWYERS, SOMETIMES I CAN
23 DO IT WITH A SMILE, SOMETIMES I'VE GOT TO FROWN A
24 LITTLE BIT, BUT DON'T INFER I FAVOR ONE SIDE OR THE
25 OTHER ABOUT THAT. AND SO I DON'T HAVE ANY OPINION.

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1 I'M GLAD YOU MAKE THE DECISION. AND AS I TOLD YOU
2 THROUGHOUT THE QUALIFICATION PROCESS, IN THIS
3 PARTICULAR TYPE CASE NO OTHER GROUP OF PEOPLE IN
4 THE WORLD COULD MAKE THE DECISION EXCEPT YOU, AND
5 THAT'S WHY IT'S SO IMPORTANT THAT NOBODY BUT YOU
6 TWELVE, ULTIMATELY TWELVE OF YOU, MAKE THAT
7 DECISION.

8 SO YOU HAVE AN AWESOME RESPONSIBILITY
9 IN FRONT OF YOU AND WE'LL TRY TO MAKE IT AS
10 COMFORTABLE AND PLEASANT FOR YOU AS WE CAN. AT THE
11 FIRST BREAK, MADAM FOREMAN, IF YOU WOULD INQUIRE OF
12 THE JURY WHETHER OR NOT ANY OF THEM WOULD LIKE TO
13 TAKE NOTES, I'LL BE GLAD TO PERMIT YOU TO TAKE
14 NOTES AND PROVIDE YOU THE ABILITY TO DO THAT. IF
15 THAT IS A DECISION THAT YOU MAKE, THEN I'LL GIVE
16 YOU A SPECIFIC INSTRUCTION ABOUT THAT AT THE TIME.
17 BUT DURING THE OPENING ARGUMENTS, I DON'T THINK
18 THAT WILL BE NECESSARY.

19 ANY EXCEPTIONS OR OBJECTIONS TO THE
20 PRELIMINARY REMARKS FROM THE STATE?

21 MR. JONES: NONE FROM THE STATE, YOUR
22 HONOR.

23 THE COURT: FROM THE DEFENSE?

24 MR. SWERLING: NO, SIR.

25 THE COURT: ALL RIGHT, ARE YOU READY TO

1 GO?

2 MR. JONES: YES, YOUR HONOR.

3 THE COURT: ALL RIGHT, THE ORDER OF
4 TRIAL, LADIES AND GENTLEMEN, IS THAT THE STATE WILL
5 BE PROCEEDING IN THE ARGUMENTS FIRST AND SO FOR
6 THAT REASON SOLICITOR JONES WILL BE MAKING AN
7 OPENING, THEN MR. HARPOOTLIAN WILL FOLLOW, AND THEN
8 WE WILL SEE HOW LONG THEY ARE; MAY TAKE A SHORT
9 BREAK AND THEN START TAKING TESTIMONY.

10 ALL RIGHT, MR. SOLICITOR.

11 MR. JONES: MAY IT PLEASE THE COURT,
12 YOUR HONOR?

13 MADAM FOREPERSON, LADIES AND GENTLEMEN
14 OF THE JURY, ON THE BEHALF OF THE PEOPLE OF THE
15 CITY OF NEWBERRY, NEWBERRY COUNTY, I EXTEND TO YOU
16 OUR WELCOME. AND I'D LIKE YOU TO KNOW THE PEOPLE
17 OF NEWBERRY ALLOW ME TO SERVE AS THEIR SOLICITOR,
18 AND AS SUCH AND THE CHIEF PROSECUTOR IN THIS
19 COUNTY, MY JOB IS TO PRESENT EVIDENCE IN CRIMINAL
20 CASES, TO PRESENT WITNESSES AND EVIDENCE. AND AS
21 THE JUDGE MENTIONED, YOUR JOB IS WHAT? DECIDE WHAT
22 THE TRUTH IS. HOW DO YOU DO THAT?

23 I SUGGEST TO YOU THAT YOU CAN DO THAT
24 IN ANY WAY YOU SO CHOSE. YOU CAN LOOK AT WITNESSES
25 AND YOU CAN DECIDE WHETHER OR NOT THEY'RE TELLING

1 THE TRUTH, AND WHETHER OR NOT THEY HAD A REASON TO
2 TESTIFY TO YOU IN A CERTAIN WAY, A CERTAIN MANNER.
3 AS A MATTER OF FACT, I SUGGEST TO YOU IN DOING YOUR
4 JOB, AND IT IS A JOB, AND IT IS A SERIOUS JOB.
5 IT'S ONE FOR ADULTS WHO ARE ATTENTIVE, DISCIPLINED,
6 FAIR, AND CONCERNED. AND IN DOING THAT JOB, YOU
7 CAN USE ANY CRITERIA THAT YOU SO USE. AND I
8 SUGGEST TO YOU NOW THAT WHEN YOU LOOK TO SEE WHO'S
9 TELLING YOU THE TRUTH, WHO YOU FIND TO BE
10 BELIEVABLE, WHETHER OR NOT THIS EVIDENCE MAKES A
11 DIFFERENCE OR NOT IN YOUR SEARCH FOR THE TRUTH, IN
12 YOUR DETERMINATION OF THE TRUTH, YOU CAN USE FACTS.
13 I URGE YOU, I URGE YOU THAT AS A JUROR NOT TO GET
14 CAUGHT UP IN THE LEGALESE, FOLLOW IT. FOLLOW THE
15 JUDGE'S INSTRUCTIONS. LISTEN TO IT, BUT DON'T GET
16 CAUGHT UP IN THE SOMETIMES OVERWHELMING AND
17 VOLUMINOUS AMOUNT OF EVIDENCE. LOOK AT IT, LISTEN
18 TO IT, STUDY IT, GIVE IT WHAT CONSIDERATION IT'S
19 DUE, BUT IN DOING THAT, I URGE YOU NOT TO LOSE
20 SIGHT OF YOUR BASIC GOD-GIVEN COMMON SENSE, NOT TO
21 LOSE SIGHT OF WHAT YOU HAVE GAINED AS A HUMAN BEING
22 OVER THE YEARS THAT YOU HAVE HERE ON EARTH, OF THE
23 COMMON SENSE THAT YOU BRING WITH YOU INTO THIS
24 COURTROOM, OF WHAT MAKES SENSE, OF WHAT ADDS UP,
25 AND YOU CAN USE THAT AND I URGE YOU TO USE THAT IN

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1 DECIDING THIS CASE AND IN ASSESSING THE EVIDENCE IN
2 THIS CASE AND IN DECIDING WHAT THE TRUTH IS BECAUSE
3 THAT IS YOUR JOB.

4 COMMON SENSE WILL STAND YOU IN GOOD
5 STEAD. SOLID AS A ROCK, FIRM AS A STUMP, LIKE
6 FACTS. FACTS ARE FIRM AS STUMPS. THEY'RE TOUGH TO
7 GET AROUND, THEY'RE TOUGH TO MOVE. AND I SUGGEST
8 TO YOU AT THIS POINT THAT IN THE PRESENTATION OF
9 THE EVIDENCE IN THIS CASE THE FACTS THAT WILL BE
10 PRESENTED TO YOU WILL BEGIN TO SOME EXTENT IN THIS
11 FASHION.

12 VICTORIA LANDER BECKHAM, THE VICTIM IN
13 THIS CASE, WAS BRUTALLY, COLD-BLOODEDLY AND
14 VICIOUSLY MURDERED ON JUNE 12TH OF 1994, BY RICHARD
15 ANDERSON AND DEFENDANT BECKHAM. SHE WAS KIDNAPPED
16 BY DEFENDANT BECKHAM ON JUNE 12TH, 1994, AND THE
17 FACTS WILL SHOW YOU THAT AT THAT TIME VICKIE WAS
18 LIVING APART FROM DEFENDANT BECKHAM. SHE WAS
19 LIVING WITH HER MOM AND DAD. BECAUSE IN FEBRUARY
20 OF THAT YEAR, IN FEBRUARY OF 1994, SHE HAD MOVED
21 OUT OF THE HOME THAT SHE HAD SHARED WITH DEFENDANT
22 BECKHAM IN PROSPERITY, SOUTH CAROLINA, A NICE
23 LITTLE TOWN NOT FAR FROM NEWBERRY, IN NEWBERRY
24 COUNTY, EIGHT OR NINE MILES EAST. AND SHE HAD
25 MOVED OUT IN FEBRUARY WITH HER THREE CHILDREN,

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1 SHANNON, ANDREW AND SAMUEL, AND SHE HAD MOVED IN
2 WITH HER MOM AND DAD HERE IN NEWBERRY.

3 HER DAD, SENATOR LANDER AND HER MOM,
4 JOLENE, LIVED ON THE CORNER OF MAIN AND SUMMER
5 STREET. AND THEY SHARED THAT HOME WITH THEIR SIX
6 DAUGHTERS AND THEIR ONE SON OVER THE THIRTY SOME-
7 ODD YEARS THEY'VE LIVED HERE. AND THAT HOME WAS
8 LARGE ENOUGH FOR VICKIE AND HER THREE CHILDREN,
9 BEING GROWN AND THE OTHER CHILDREN OF THE SENATOR
10 AND HIS WIFE, GROWN, TO MOVE IN AT THAT TIME IN
11 FEBRUARY AND THEY DID.

12 AND I SUBMIT TO YOU THAT IT WAS SHORTLY
13 THEREAFTER, IN MARCH AND APRIL OF 1994, THAT
14 DEFENDANT BECKHAM BEGAN TO MAKE PLANS AND SEEK OUT
15 THE HELP THAT HE NEEDED TO IMPLEMENT THE PLAN THAT
16 HE WAS DEVISING TO MURDER HIS WIFE. AND IT WAS
17 DURING THAT TIME, AND THE EVIDENCE AND FACTS THAT
18 ARE AS STUBBORN AS STUMPS WILL BE PRESENTED IN THIS
19 CASE TO SHOW YOU THAT DURING THAT PERIOD DEFENDANT
20 BECKHAM SOUGHT OUT THE HELP THAT HE NEEDED TO CARRY
21 OUT THE PLAN HE WAS DEVISING TO ASSIST HIM IN
22 ACCOMPLISHING THIS MURDER IN A MANNER THAT WOULD
23 ASSIST HIM IN NOT HAVING TO DO EVERYTHING, AND BE
24 THERE ALL THE TIME HIMSELF.

25 WHY? I SUGGEST TO YOU THAT THE FACTS

1 WILL SHOW THAT HE WANTED TO RETURN AS QUICKLY AS
2 POSSIBLE TO A SAFE HAVEN OF THOSE WHO WOULD SAY,
3 "HE COULDN'T HAVE DONE IT, HE WAS WITH US." THAT'S
4 WHY YOU NEED HELP, TO HELP YOU CARRY OUT THE PLAN.
5 AND I'M SUGGESTING TO YOU THE PLAN WILL SHOW AND
6 THE EVIDENCE WILL SHOW THAT WHAT WAS INTENDED TO BE
7 DONE HAD TO HAVE HELP.

8 WELL, THE EVIDENCE WILL SHOW THAT THE
9 DEFENDANT BECKHAM RETURNED TO MYRTLE BEACH, SOUTH
10 CAROLINA TO RECRUIT THAT HELP. AND AFTER SOME
11 PERIOD OF TIME, HE RECRUITED THAT HELP IN THE FORM
12 OF ONE RICHARD ANDERSON, A BOUNCER AT A TOPLESS BAR
13 WHERE THE DEFENDANT HAD BEEN A PATRON, A FREQUENT
14 PATRON. AND HE RECRUITED THE ASSISTANCE OF THE
15 BOUNCER AT THE TOPLESS BAR, RICHARD ANDERSON. AND
16 AFTER CONVINCING MR. ANDERSON TO HELP HIM, HE
17 BROUGHT HIM, DURING JUNE OF '94, UP TO NEWBERRY AND
18 HE SHOWED HIM WHERE HE LIVED AND HE SHOWED HIM
19 WHERE VICKIE WOULD HAVE TO COME TO DROP THE KIDS
20 OFF BECAUSE AT THAT POINT IN TIME THEY HAD A
21 RELATIONSHIP THAT WOULD ALLOW HIM TO KEEP THE
22 CHILDREN PART OF THE TIME AND HER TO KEEP THE
23 CHILDREN PART OF THE TIME, WHICH MEANS THEY HAD TO
24 EXCHANGE THEM AND DROP THE THREE KIDS OFF.

25 AND WHEN HE RECRUITED RICHARD ANDERSON,

1 WHEN DEFENDANT BECKHAM HAD HIM, HE BROUGHT HIM UP
2 TO SHOW HIM WHERE HE LIVED AND HOW THEY WOULD CARRY
3 OUT THE PLAN. HE DID THIS IN THE EARLY PART OF
4 JUNE AND THE EVIDENCE WILL SHOW YOU THAT ON JUNE
5 THE 8TH, THE PLAN AT THAT TIME WAS PUT INTO ACTION.
6 BUT BECAUSE VICKIE'S AUNT, BONNIE MALASKY, HAPPENED
7 TO BE WITH HER WHEN SHE DROPPED THE KIDS OFF THAT
8 DAY, IT WAS SPOILED.

9 BUT SO INTENT WAS DEFENDANT BECKHAM ON
10 CARRYING THIS PLAN OUT THAT IN FOUR DAYS IT WAS RE-
11 PUT INTO ACTION AGAIN. FOR WHAT? FOR WHAT? TO
12 MURDER VICKIE, TO MURDER VICKIE THIS PLAN WAS PUT
13 INTO ACTION IN FOUR DAYS AFTER BEING SPOILED.

14 RICHARD ANDERSON RETURNED; HE HAD SPENT
15 TIME WITH DEFENDANT BECKHAM. HE KNEW THE ROUTES TO
16 BE TAKEN, HE KNEW WHAT WAS TO BE DONE WITH VICKIE'S
17 BODY. DEFENDANT BECKHAM HAD TOLD RICHARD ANDERSON
18 WHAT TO DO WITH VICKIE'S BODY. WHAT? WE'RE GOING
19 TO LEAVE IT ON AN ISOLATED ROAD AT THE BOTTOM OF A
20 RAVINE IN HER AUTOMOBILE SO THAT IT WILL APPEAR AS
21 THOUGH SHE HAS DRIVEN OFF THE ROAD AND DIED IN A
22 MISFORTUNATE AUTOMOBILE ACCIDENT.

23 YES, VICKIE'S NECK WAS BROKEN, HER
24 ESOPHAGUS WAS CRUSHED AND HER CERVICAL VERTEBRAE
25 WAS CRUSHED. YES, SHE WAS FOUND IN HER AUTOMOBILE

1 ON AN ISOLATED ROAD, MOUNTAIN ROAD, BUT HER
2 AUTOMOBILE DIDN'T GET DOWN THE RAVINE. INSTEAD,
3 RICHARD ANDERSON, BEING OUT ON THIS ISOLATED ROAD
4 ALONE THAT IS STILL TRAVELLED, AND BEING CONFRONTED
5 WITH PASSERBYERS AT NINE OR NINE-THIRTY IN THE
6 EVENING, BEING CONFRONTED WITH THOSE WAS A LITTLE
7 BIT MORE NERVOUS THAN HE THOUGHT HE WAS GOING TO
8 BE.

9 SO RICHARD ANDERSON, INSTEAD OF GETTING
10 THE CAR, AND HE WAS BY HIMSELF AT THIS TIME. WHERE
11 WAS DEFENDANT BECKHAM? HE WAS BACK AT HOME WITH
12 HIS FAMILY, COUSINS, CHILDREN THAT VICKIE HAD
13 DROPPED OFF. AND RICHARD ANDERSON WAS OUT THERE
14 DOING WHAT? FULFILLING HIS END OF THE PLAN. BUT
15 HE DIDN'T GET THE CAR OVER THE RAVINE. INSTEAD,
16 THE CAR HIT A ROCK AND FATE TURNED THAT STEERING
17 WHEEL AS VICKIE'S BODY WAS PLACED IN THE DRIVER'S
18 SEAT AND CAME BACK INTO THE INSIDE OF THE HILL AND
19 WENT INTO A LITTLE DITCH WITH A LITTLE BUMP ON THE
20 FRONT OF THE CAR.

21 AND WHEN THE INVESTIGATORS ARRIVED AND
22 WHEN THE CORONER ARRIVED, AND WHEN THE MEDICAL
23 PERSONNEL ARRIVED THEY COULDN'T QUITE PUT IT
24 TOGETHER. THIS POOR LADY IS GONE, SHE'S DEAD BUT
25 THIS CAR JUST RAN IN A LITTLE DITCH. THE CAR'S NOT

1 EVEN--AND THERE'S BLOOD. THERE'S BLOOD. THERE'S
2 BLOOD IN THE BACK SEAT. I MEAN THIS DOESN'T ADD
3 UP. BECAUSE THE CAR DIDN'T GET DOWN THE RAVINE.
4 THE RAVINE. IT JUST WENT OVER IN THE DITCH.

5 AND RICHARD ANDERSON WAS SO INTENT ON
6 GETTING BACK TO MYRTLE BEACH, HIS HOME, HIS HOME,
7 HIS SECURITY BLANKET, HIS CAR, THAT HE WASN'T GOING
8 TO TRY TO GET IT OUT OF THE DITCH AND BACKED OVER
9 AND DOWN THE RAVINE. "I'M GETTING OUT OF HERE.
10 IT'S ME, AND VICKIE WHO'S DEAD OUT HERE." SO HE
11 LEAVES AND HE LEAVES THE CAR THERE. AND THAT,
12 LADIES AND GENTLEMEN, ON JUNE 12TH, 1994 IS WHAT
13 THEY DO.

14 NOW, WHEN THE INVESTIGATORS CAME AND
15 SAW WHAT THEY SAW, I SUBMIT TO YOU THAT THAT
16 JUNCTURE AND FOR THE NEXT YEAR THE NEWBERRY
17 SHERIFF'S OFFICE AND THE STATE LAW ENFORCEMENT
18 DIVISION CONDUCTED ONE OF THE MOST INTENSE AND
19 STEADY AND INSISTENT INVESTIGATIONS INTO THE DEATH
20 OF THIS GIRL AS THEY HAVE. THEY FOLLOWED LEADS,
21 THEY EXAMINED EVIDENCE IN THEIR SEARCH TO LOCATE
22 THE PERPETRATORS.

23 NOW, THEIR INVESTIGATION LEAD THEM, AND
24 YOU WILL RECEIVE EVIDENCE THAT WILL EXPLAIN TO YOU
25 HOW THIS INVESTIGATION UNFOLDED. BUT THEIR

1 INVESTIGATION LEAD THEM FIRST TO MYRTLE BEACH, AND
2 NEXT TO SMUGGLER'S. SMUGGLER'S IS THE TOPLESS
3 DANCING BAR THAT I MENTIONED TO YOU EARLIER,
4 FREQUENTED BY DEFENDANT BECKHAM, WHERE RICHARD
5 ANDERSON WORKED AS A BOUNCER. AND AT SMUGGLER'S
6 THEY MET RICHARD ANDERSON, THEY TALKED TO RICHARD
7 ANDERSON AND THEY CHARGED RICHARD ANDERSON WITH
8 MURDER. AND RICHARD ANDERSON PLED GUILTY IN THIS
9 COURTROOM TO MURDER, AND RICHARD ANDERSON WILL
10 TESTIFY IN THIS COURTROOM BEFORE YOU TO WHAT HE AND
11 DEFENDANT BECKHAM DID, AFTER HAVING PLED GUILTY TO
12 MURDER HIMSELF.

13 AND I SUBMIT TO YOU, LADIES AND
14 GENTLEMEN, THAT HIS TESTIMONY AND THE EVIDENCE IN
15 THIS CASE WE PRESENT WILL SHOW YOU THAT WHAT THEY
16 DID IS THEY CONSPIRED TO MURDER VICKIE, AND THAT
17 DEFENDANT BECKHAM KIDNAPPED VICKIE FROM HIS FRONT
18 YARD WHEN THEY DROPPED THOSE CHILDREN OFF, WHEN SHE
19 DROPPED THOSE CHILDREN OFF IN HIS FRONT YARD THAT
20 DAY. AND HE KIDNAPPED HER AND HE DROVE HER LESS
21 THAN ONE MILE FROM HIS FRONT YARD, EIGHT TENTHS OF
22 A MILE DOWN HIGHWAY 773 THAT RUNS BY HIS FRONT
23 YARD, AND ONE TENTH OF A MILE DOWN WEDERMAN ROAD,
24 NINE TENTHS OF A MILE TO A DIRT ROAD WITH AN OLD
25 LOGGING CHAIN, NINE TENTHS OF A MILE FROM HIS FRONT

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1 YARD, AS THE CROW FLIES, JUST SEVERAL HUNDRED YARDS
2 FROM HIS FRONT YARD. AND THAT HE DROVE THROUGH THE
3 LOGGING CHAIN WHERE RICHARD ANDERSON WAS WAITING,
4 WHERE RICHARD ANDERSON WAS WAITING, WHERE RICHARD
5 ANDERSON WAS WAITING TO RECEIVE VICKIE IN HER CAR
6 ON THAT LOGGING ROAD. AND HE WAS TO DO HIS PART,
7 AND HE WILL TELL YOU HE DID.

8 HE HIT HER IN THE NECK WITH A PAIR OF
9 BOLT CUTTERS AND HE CRUSHED HER ESOPHAGUS. AND HE
10 WILL TELL YOU SHE WAS BLEEDING AND BLOODY WHEN HE
11 GOT HER AND BARELY, IF NOT AT ALL, CONSCIOUS.

12 AND THEN AS DEFENDANT BECKHAM SAYS,
13 "I'VE GOT TO GET BACK," AND RUNS THE FOUR OR FIVE
14 HUNDRED YARDS BACK TO HIS HOUSE, RICHARD IS LEFT
15 WITH THE CAR AND VICKIE'S BODY. BECAUSE YOU SEE,
16 RICHARD HAD LEFT HIS CAR, THE EIGHT MILES AWAY, THE
17 EIGHT MILES AWAY WHERE THEY FOUND VICKIE ON
18 MOUNTAIN ROAD. RICHARD HAD LEFT HIS CAR FROM
19 THERE.

20 HOW DID HE GET FROM HIS CAR TO THE
21 LOGGING ROAD? DEFENDANT BECKHAM MET HIM THERE AND
22 DROVE HIM BACK FIFTY-FIVE HUNDRED YARDS FROM HIS
23 HOUSE. DEFENDANT BECKHAM MET HIM AT MOUNTAIN ROAD,
24 MET HIM AT TANNER'S ACTUALLY, FOLLOWED HIM TO
25 MOUNTAIN ROAD. RICHARD PARKED HIS CAR ON THE SIDE

1 OF MOUNTAIN ROAD AND DROVE WITH BECKHAM AND THEN
2 WAS DROPPED OFF AN HOUR BEFORE VICKIE WAS TO BRING
3 THE CHILDREN TO STAY WITH DEFENDANT BECKHAM.

4 AND AFTER HE TURNED VICKIE OVER TO
5 ANDERSON, DEFENDANT BECKHAM RUNS HOME. RICHARD
6 ANDERSON WAITED ON THAT ROAD UNTIL IT GOT DARK,
7 UNTIL HE COULD PUT HER IN THE FRONT SEAT, DRIVE TO
8 MOUNTAIN ROAD UNDER THE COVER OF DARKNESS, AND
9 ATTEMPT TO FULFILL THEIR PLAN, ATTEMPT TO MAKE IT
10 LOOK AS IF SHE WASN'T MURDERED. SHE DROVE OFF THIS
11 HORRIBLE RAVINE AND BROKE HER NECK IN AN AUTOMOBILE
12 ACCIDENT.

13 RICHARD ANDERSON DIDN'T KNOW HER, HE'D
14 NEVER BEEN TO NEWBERRY AND HE ABSOLUTELY HAD NO
15 REASON TO BE HERE BUT FOR THE ENCOURAGEMENT AND
16 PROMISES OF DEFENDANT BECKHAM. THE FACTS IN THIS
17 CASE, MADAM FOREPERSON, LADIES AND GENTLEMEN, WILL
18 SHOW YOU THAT WHAT WAS DONE AGAIN WAS A KIDNAPPING,
19 A CONSPIRACY AND A VICIOUS, PREMEDITATED, COLD-
20 BLOODED MURDER ON THE PART OF DEFENDANT BECKHAM.

21 THE COURT: MR. HARPOOTLIAN?

22 MR. HARPOOTLIAN: MAY IT PLEASE THE
23 COURT, YOUR HONOR?

24 MADAM FORELADY, LADIES AND GENTLEMEN OF
25 THE JURY, LET ME INTRODUCE MYSELF TO YOU AGAIN.

1 SOME OF YOU, I TALKED TO OVER THE LAST TWO OR THREE
2 DAYS, SOME OF YOU MR. SWERLING TALKED TO. I'M DICK
3 HARPOOTLIAN. I PRACTICE IN COLUMBIA AND I
4 REPRESENT STEPHEN BECKHAM ALONG WITH JACK SWERLING,
5 WHOM MANY OF YOU MET. AND OF COURSE, THAT'S
6 STEPHEN.

7 ON BEHALF OF STEPHEN AND MR. SWERLING,
8 I WANT TO THANK YOU FOR BEING ON THIS JURY. I
9 UNDERSTAND IT WASN'T A VOLUNTEER SERVICE. BELIEVE
10 ME, I UNDERSTAND FOR THE LAST THREE DAYS, IT WAS
11 NOT A VOLUNTEER PROCESS. THEY DID NOT POST A LIST
12 ON THE COURT HOUSE DOOR AND SAY ANYBODY WANTS TO BE
13 ON JURY THIS WEEK, SIGN UP. IT WAS A VOLUNTEER
14 PROCESS.

15 THE JUDGE HAS TOLD YOU, AND I WILL
16 REITERATE TO YOU, THAT MANY PEOPLE FROM WINSTON
17 CHURCHILL TO OLIVER WENDELL HOLMES HAS SAID THAT
18 JURY DUTY IS THE HIGHEST DUTY ONE CAN PERFORM FOR
19 ONE'S COUNTRY IN PEACETIME. IT IS YOU, THE TWELVE
20 OF YOU WHO STAND BETWEEN THE AWESOME POWER OF THE
21 STATE AND THE SINGLE SOLITARY CITIZEN'S RIGHT FOR
22 LIGHT, LIBERTY, AND THE PURSUIT OF HAPPINESS.
23 BECAUSE YOU, THE JURY, WILL GUARANTEE THAT EACH
24 INDIVIDUAL, YOU'RE NOT HERE TO PROTECT THE STATE.
25 YOU'RE HERE TO PROTECT THE INDIVIDUAL FROM THAT

1 POWER. IT IS NOT A PRESUMPTION OF CONVICTION. IT
2 IS A PRESUMPTION OF INNOCENCE.

3 NOW EACH ONE OF YOU WAS QUESTIONED
4 EXTENSIVELY, PERHAPS TOO EXTENSIVELY, ON WHETHER OR
5 NOT YOU UNDERSTOOD THOSE CONCEPTS.

6 I WANT TO TAKE A MINUTE AND TALK TO YOU
7 A LITTLE BIT ABOUT THE PRESUMPTION OF INNOCENCE,
8 AND THAT ISN'T JUST SOME LEGALESE. YOU SEE, WE'RE
9 IN A COURTROOM. WE ARE DEALING WITH THE LAW. THIS
10 ISN'T A LYNCH MOB, THIS ISN'T A WHAT YOU WANT TO DO
11 OR HOW YOU FEEL. THIS IS FOLLOWING THE LAW.

12 THE SOLICITOR IS RIGHT. YOU WILL MAKE
13 JUDGEMENTS ABOUT THE WITNESSES YOU HEAR FROM THIS
14 WITNESS STAND, BUT ULTIMATELY THE YARDSTICK YOU
15 WILL USE IN JUDGING THAT CREDIBILITY AND IN MAKING
16 YOUR DECISION WILL COME FROM JUDGE FLOYD. HE IS
17 THE ONLY ONE THAT CAN TELL YOU THE LAW.

18 NOW IN THE PROCESS OF ME TALKING TO YOU
19 NOW OR LATER ABOUT THE LAW, OR THE SOLICITOR
20 TALKING TO YOU ABOUT THAT LAW, IF WE MAKE SOME
21 MISTAKE, IF WE MISQUOTE, IF WE EXAGGERATE OR IF WE
22 COMMIT SOME ERROR OF ENTHUSIASM, WE'LL GET
23 CORRECTED. WE'LL GET CORRECTED BY THE JUDGE.
24 HE'LL STOP US AND HE'LL SAY, "WHOA. THIS IS THE
25 LAW." AND AT THE CONCLUSION OF THIS TRIAL, HE WILL

1 TELL YOU WHAT THE LAW IS.

2 LIKEWISE, IF DURING THIS PROCESS I SAY
3 SOMETHING OR THE SOLICITOR DURING HIS OPENING JUST
4 A MOMENT AGO HAD STATED SOMETHING THAT IN SOME WAY
5 CONFLICTS WITH THE FACTS AS YOU DETERMINE THEM
6 INDIVIDUALLY, EACH ONE OF YOU, BASED ON THE
7 TESTIMONY, OR LACK OF TESTIMONY, THE EXHIBITS,
8 PHYSICAL EVIDENCE OR THE LACK OF PHYSICAL EVIDENCE,
9 YOU WILL DETERMINE THE FACTS. YOU'LL TAKE THE
10 FACTS AS YOU DETERMINE THEM, APPLY THE LAW AS JUDGE
11 FLOYD GIVES IT TO YOU AND YOU'LL REACH YOUR VERDICT
12 IN THIS CASE.

13 THE WORD VERDICT COMES FROM THE LATIN
14 WORD, VEREDICTO, WHICH LITERALLY TRANSLATED MEANS
15 TO SPEAK THE TRUTH.

16 NOW, YOU HAVE A TOUGH JOB. YOU MAY
17 THINK MR. SWERLING AND I HAVE A TOUGH JOB, OR THE
18 STATE HAS A TOUGH JOB, BUT YOU'VE GOT THE TOUGHEST
19 JOB. EVEN TOUGHER THAN THE JUDGE, WHO'S GOT TO
20 CONTROL MR. SWERLING AND MYSELF, AND THE SOLICITOR
21 AND THE JURY. I MEAN HE RUNS THIS ENTIRE
22 COURTROOM, THIS ENTIRE PROCESS, BECAUSE EACH ONE OF
23 US IN THIS PROCESS IS DOING TO SOME EXTENT WHAT
24 COMES NATURALLY TO US BASED ON TRAINING AND YEARS
25 OF EXPERIENCE. WHAT THE TWELVE OF YOU, PLUS THE

1 ALTERNATES, ARE GOING TO HAVE TO DO OVER THE NEXT
2 WEEK OR SO IS DO SOMETHING THAT IS EXTRAORDINARY
3 UNNATURAL TO YOU OR ANYBODY ELSE, ANY CITIZEN.

4 I MEAN BY WAY OF EXPLANATION, LET ME
5 EXPLAIN TO YOU WHAT THIS PROCESS IS ABOUT. BEFORE
6 YOU GOT ON THIS JURY THIS WEEK--THIS IS THURSDAY,
7 MONDAY SEEMS SO LONG AGO--BUT MONDAY MORNING YOU
8 WERE BRIGHT-EYED AND BUSHY-TAILED, YOU WERE LOOKING
9 FORWARD TO A NEW EXPERIENCE, YOU SHOWED UP AT THE
10 COURTHOUSE. AND ON THAT MORNING, YOU WERE FEELING
11 PRETTY RESTED AND RELAXED AND PRETTY GOOD. THAT
12 WAS BEFORE WE GOT YOU INVOLVED IN THIS. BUT IF YOU
13 ARE LIKE MOST OF US INCLUDING MYSELF, BEFORE YOU
14 CAME TO THE COURTHOUSE THAT MORNING, YOU PROBABLY
15 READ THE NEWSPAPER OVER YOUR CUP OF COFFEE, OR
16 WATCHED THE TELEVISION NEWS. AND IN THE PROCESS OF
17 DOING THAT, YOU MAY HAVE HEARD ON TV OR READ IN THE
18 NEWSPAPER THAT SOMEWHERE, MAYBE NOT IN THIS STATE,
19 MAYBE IN CALIFORNIA OR NEW YORK OR TEXAS THAT THE
20 POLICE HAD APPREHENDED SOMEBODY. AND HE, THAT
21 PERSON, OR SHE WAS BEING CHARGED WITH SOME
22 REPREHENSIBLE, SOME ENORMOUS CRIME. AND IF YOU'RE
23 LIKE ME OR ANY OTHER NORMAL HUMAN BEING, YOU FELT
24 RELIEVED. "THEY CAUGHT HIM. THEY CAUGHT HIM."

25 LADIES AND GENTLEMEN, THAT'S VERY

1 NATURAL. YOU DID SOMETHING SO NATURAL, SO HUMAN,
2 PRESUMED HIM TO BE GUILTY. WE DO IT. WE PRESUME
3 THE WORSE. YOU SEE, YOU JUST TOOK AN OATH A MINUTE
4 AGO TO DO SOMETHING THAT IS 180 DEGREES THE
5 OPPOSITE SIDE OF THAT, AND THAT IS TO PRESUME
6 STEPHEN BECKHAM INNOCENT, TO PRESUME HIM INNOCENT,
7 TO PRESUME HIM INNOCENT, TO PUT ASIDE THAT NATURAL
8 INCLINATION TO THINK IF HE HADN'T DONE SOMETHING
9 WRONG, WHY IS HE SITTING OVER THERE. IF HE HADN'T
10 DONE SOMETHING WRONG, WHY DID THE POLICE ARREST
11 HIM? IF HE HADN'T DONE SOMETHING WRONG, WHY IS HE
12 HERE, WHY HAVE THEY ACCUSED HIM?

13 NOW YOU WILL BE VIOLATING THE LAW, YOU
14 WILL BE VIOLATING YOUR OATH IF YOU DO NOT PUT THAT
15 OUT OF YOUR MIND AND PRESUME HIM INNOCENT. THAT'S
16 SO HARD TO DO. IT'S NOT EASY. I DO NOT ENVY YOU.
17 BECAUSE EVERY DAY, EVERY MINUTE, EVERY SECOND OF
18 THIS TRIAL YOU'RE GOING TO HAVE TO REMIND YOURSELF
19 OF THAT. THE TESTIMONY AND EVIDENCE MUST SHOW YOU,
20 MUST PROVE TO YOU BEYOND A REASONABLE DOUBT HIS
21 GUILT BEFORE YOU COULD EVER GIVE UP ON THAT BELIEF
22 THAT STEPHEN IS INNOCENT, PRESUMED INNOCENT.

23 NOW, THE JUDE HAS TOLD YOU AND THE
24 SOLICITOR HAS REITERATED THAT YOUR ROLL HERE IS TO
25 SEARCH FOR THE TRUTH. BUT THAT SEARCHING FOR THE

1 TRUTH IS DONE WITHIN THE CONTEXT OF THAT
2 PRESUMPTION OF INNOCENCE. IT'S ALSO DONE--IN OTHER
3 WORDS, WE DON'T START OFF EVEN-STEVEN IN THE STATE.
4 THERE IS A PRESUMPTION HE WILL BE FOUND NOT GUILTY,
5 A PRESUMPTION HE'S INNOCENT. THAT'S HOW YOU COME
6 INTO THIS. AND IT'S NOT UP TO STEPHEN TO PROVE
7 ANYTHING TO YOU.

8 NOW LET ME REITERATE THAT. IT'S NOT UP
9 TO THE DEFENDANT IN ANY CRIMINAL CASE, IN THIS
10 CRIMINAL CASE, TO PROVE ANYTHING, TO CALL ONE
11 WITNESS, TO INTRODUCE ONE EXHIBIT, TO TAKE THE
12 STAND, TO SAY A WORD. THE BURDEN IS ON THE STATE
13 OF SOUTH CAROLINA. THEY BROUGHT THIS CASE.

14 HOW DID THIS CASE GET HERE? THIS CASE
15 GOT HERE BECAUSE A POLICE OFFICER FOUND PROBABLE
16 CAUSE, AND HE APPEARED BEFORE A MAGISTRATE WHO
17 ISSUED A WARRANT. STEPHEN WASN'T THERE. NO ONE
18 EXAMINED THAT OFFICER FOR US TO SAY WHAT ABOUT THIS
19 OR WHAT ABOUT THAT. AND THEN THEY TOOK IT TO A
20 GRAND JURY, EIGHTEEN MEN AND WOMEN IN SECRET. WE
21 DON'T KNOW WHO TESTIFIED, WE DON'T KNOW WHAT WAS
22 SAID. NO ONE EVER ASKED THEM A QUESTION. WE
23 DIDN'T HAVE AN OPPORTUNITY TO CHALLENGE THOSE
24 WITNESSES. THIS IS STEPHEN BECKHAM'S FIRST CHANCE
25 TO FIND OUT WHAT THEY SAY HE DID AND HOW HE DID IT.

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1 WE WILL BE SITTING THERE LEARNING WITH YOU WHAT THE
2 EVIDENCE IS IN THIS CASE. WE'VE NEVER HAD THE
3 OPPORTUNITY TO ASK A WITNESS UNDER OATH WHAT
4 HAPPENED.

5 SO LIKE YOU, WE COME TO THIS COURTROOM
6 UNINFORMED AS TO WHAT THE EVIDENCE IS. WE'VE NEVER
7 HAD AN OPPORTUNITY TO INTERVIEW THESE WITNESSES
8 UNDER OATH. WE DON'T KNOW WHAT THE EVIDENCE IS.

9 THE DEFENDANT IS NOT HERE TO PROVE HIS
10 INNOCENCE. THE JUDGE IS GOING TO TELL YOU THERE'S
11 TWO KINDS OF EVIDENCE, DIRECT AND CIRCUMSTANTIAL.
12 DIRECT EVIDENCE IS SIMPLY EVIDENCE WHEN THE WITNESS
13 TAKES THE STAND AND TESTIFIES THEY PERCEIVED WITH
14 THEIR SENSES, THEY SAW, THEY HEARD, THEY SMELLED,
15 THEY TOUCHED.

16 THE OTHER KIND OF EVIDENCE IS
17 CIRCUMSTANTIAL EVIDENCE, CIRCUMSTANTIAL EVIDENCE.
18 AND WHAT THE JUDGE IS GOING TO TELL YOU IS BOTH
19 KINDS OF EVIDENCE IS GOOD EVIDENCE. CIRCUMSTANTIAL
20 EVIDENCE IS THE INFERENCE OF A THIRD FACT BASED ON
21 OTHER FACTS AND CIRCUMSTANCES. IT'S LIKE MANY
22 TIMES LIKE A CHAIN OR A ROPE WITH DIFFERENT
23 STRANDS. NO ONE LINK, NO ONE STRAND WOULD BE
24 ENOUGH TO SUPPORT A CONCLUSION THAT THE STATE WOULD
25 HAVE YOU MAKE. BUT TAKEN TOGETHER, THEY DO. IF

1 ONE STRAND BREAKS OR ONE LINK BREAKS, IT'S NO GOOD.
2 AND THE JUDGE IS GOING TO TELL YOU IF THERE'S ANY
3 OTHER REASONABLE EXPLANATION FOR THAT SERIES OF
4 FACTS, YOU CAN'T USE THEM. AND THAT DOESN'T SHIFT
5 ANY RESPONSIBILITY ON THE PART OF STEPHEN OR US TO
6 EXPLAIN IT TO YOU. THE STATE HAS TO PURSUE EACH
7 AND EVERY OTHER REASONABLE EXPLANATION AND SHOW YOU
8 WHY IT'S NOT TRUE.

9 I HAD THE OPPORTUNITY SEVERAL YEARS AGO
10 TO TRAVEL TO SCOTLAND, WHICH IS A BEAUTIFUL
11 COUNTRY, MUCH LIKE THE UP-COUNTRY OF SOUTH
12 CAROLINA, WE JUST SPENT THREE OR FOUR DAYS IN,
13 OCONEE COUNTY. AND I MUST TELL YOU, IT IS A
14 BEAUTIFUL COUNTY, AND I WANT TO COMPLIMENT YOU ON
15 THE TERRAIN. GETTING UP AND LOOKING AT THOSE
16 MOUNTAINS IS, SOMETHING OTHER THAN COLUMBIA. WE
17 GET TO LOOK AT, WELL, IT'S JUST SORT OF THE VARIETY
18 JUST KEEPS ON GOING. IT'S NICE UP THERE AND IT
19 REMINDS ME OF THE HIGHLANDS OF SCOTLAND. I, BEING
20 A LAWYER, MY WIFE WAS OVER THERE ON BUSINESS AND I
21 WANDERED INTO A COURTROOM ONE DAY. AND I WAS
22 CURIOUS AND THEY WERE TRYING A MURDER CASE, VERY
23 MUCH LIKE THIS, A MURDER CASE. AND I HAD THE
24 OPPORTUNITY TO SIT IN AND WATCH, AND IT WAS AMAZING
25 TO ME. YOU KNOW, WE'RE PARTICIPATING IN HERE TODAY

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1 IS BASED ON THE ENGLISH, BRITISH COMMON-LAW SYSTEM.
2 THE... WHERE YOU SIT AND HOW EVERYONE IS ARRANGED
3 AND THE PROCESS, AND THE RULES OF EVIDENCE ARE VERY
4 SIMILAR TO RULES THEY'VE BEEN USING FOR HUNDREDS OF
5 YEARS IN BRITAIN, SCOTLAND. THAT BLACK ROBE THE
6 JUDGE WEARS IS PART OF THAT TRADITION. THAT'S WHAT
7 THEY WEAR--OF COURSE, THEY WEAR WIGS OVER THERE AND
8 WE DON'T DO THAT HERE. BUT IT LOOKED PRETTY MUCH
9 THE SAME. AND AS I LISTENED AND WATCHED, IT
10 SOUNDED PRETTY MUCH THE SAME AND I WAS FASCINATED
11 BY IT. AND IT WAS THE SAME UNTIL THEY GOT TO THE
12 END OF THE TRIAL WHEN THE JUDGE WAS INSTRUCTING THE
13 JURY AS TO THE LAW. HE GOT TO THE POINT, WHICH YOU
14 WILL GET IN THIS CASE AT SOME POINT, WHERE THE
15 JUDGE INSTRUCTS THE JURY TO THE PERMISSIBLE
16 VERDICTS.

17 WHAT JUDGE FLOYD WILL TELL YOU AT SOME
18 POINT AT THE CONCLUSION OF THIS CASE IS, "MADAM
19 FORELADY, AND LADIES AND GENTLEMEN OF THE JURY,
20 THERE ARE TWO POSSIBLE VERDICTS IN THIS CASE. YOU
21 CAN FIND THE DEFENDANT GUILTY OR YOU CAN FIND THE
22 DEFENDANT NOT GUILTY AS TO EACH CHARGE."

23 THE JUDGE IN THAT CASE IN SCOTLAND SAID
24 THIS, "LADIES AND GENTLEMEN OF THE JURY, THERE ARE
25 THREE POSSIBLE VERDICTS IN THIS CASE," AND I MUST

1 ADMIT, I PERKED UP. THREE. HE SAID, "YOU MAY FIND
2 THE DEFENDANT GUILTY, YOU MAY FIND THE DEFENDANT
3 NOT GUILTY OR YOU MAY FIND THE CASE NOT PROVEN."
4 YOU SEE, WHAT THEY SPECIFICALLY RECOGNIZE IS THERE
5 ARE MANY CASES, MANY CASES IN WHICH THE STATE HAS
6 NOT MET ITS BURDEN OF PROOF. THE DEFENDANT CANNOT
7 PROVE HIS INNOCENCE, AND SO THE PROOF FAILS. NOT
8 PROVEN. IT IS THE SAME AS NOT GUILTY. YOUR
9 VERDICT AND A VERDICT IN A CASE OF NOT GUILTY
10 DOESN'T MEAN THAT YOU ARE FINDING THE DEFENDANT DID
11 NOT COMMIT THE CRIME BECAUSE IN MANY INSTANCES IT
12 IS IMPOSSIBLE FOR A DEFENDANT TO PROVE THEIR
13 INNOCENCE. WHAT IT MEANS IS THE STATE HAS NOT MET
14 ITS BURDEN OF PROVING THE DEFENDANT GUILTY THROUGH
15 COMPETENT EVIDENCE BEYOND A REASONABLE DOUBT.
16 THAT'S AN IMPORTANT DISTINCTION FOR YOU TO REMEMBER
17 THROUGHOUT THIS TRIAL. BECAUSE EACH ONE OF YOU, IF
18 YOU LISTEN TO THE STATE'S CASE, SHOULD BE AN
19 ADVOCATE FOR LOOKING FOR THAT REASONABLE
20 EXPLANATION, SHOULD BE CHALLENGING THE STATE'S
21 CASE. WHY DIDN'T YOU DO THIS? WHY DIDN'T YOU SAY
22 THIS? WHY DIDN'T YOU ASK THAT?
23 AND LET ME TELL YOU WHY THAT'S
24 ESPECIALLY IMPORTANT IN THIS CASE. STEPHEN AND
25 VICKIE BECKHAM WERE SEPARATED AT THE TIME OF HER

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1 DEATH. THERE'S NO DISPUTE ABOUT THAT. THAT'S A
2 FACT. THEY HAD THREE LOVELY CHILDREN. THEY'RE
3 HERE IN THE COURTROOM. THEY'RE RIGHT BACK HERE
4 SITTING BEHIND STEPHEN.

5 ON THE DATE, THE DAY OF HER DEATH, WHEN
6 VICKIE BECKHAM'S CAR WAS FOUND WITH HER BODY IN IT
7 AT NINE O'CLOCK AT NIGHT, WITHIN AN HOUR OR TWO, A
8 YEAR BEFORE THEY FOUND ANDERSON, A YEAR BEFORE ANY
9 SO-CALLED POSITIVE LEADS CAME FORWARD, THEY WERE AT
10 STEPHEN BECKHAM'S HOUSE AND THEY WERE ACCUSING HIM
11 OF THE CRIME THEN. NO FORENSICS. NO FINGERPRINTS.
12 NO STATEMENTS. NO IDENTIFICATION. AND THAT'S THE
13 PROBLEM, LADIES AND GENTLEMEN, WITH THIS CASE. AND
14 AS YOU LISTEN TO THE CASE, I THINK IT'S GOING TO
15 BECOME APPARENT THAT THE POLICE CAME TO A
16 CONCLUSION. WHY, I DON'T KNOW.

17 AS THE SOLICITOR HAS TOLD YOU, THE
18 VICTIM, VICKIE LANDER BECKHAM, IS THE DAUGHTER OF
19 THIS COUNTY'S STATE SENATOR. PERHAPS LAW
20 ENFORCEMENT FELT THAT THEY NEEDED TO GET AGGRESSIVE
21 IMMEDIATELY AND START SHAKING SOME TREES. I DON'T
22 KNOW. I DO KNOW THIS. I DO KNOW THIS. THAT
23 THROUGHOUT THIS PROCESS YOU WILL SEE THAT WHEREVER
24 THE INVESTIGATION FOUND SOME EVIDENCE THAT WAS
25 CONTRADICTORY TO OR EXCULPATORY, TENDING TO SHOW

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1 STEPHEN HAD NO INVOLVEMENT, IT WAS DISCARDED, IT
2 WAS IGNORED, IT WAS PUT AWAY. THE ENTIRE FOCUS OF
3 THE ONE YEAR LONG INVESTIGATION IN THIS CASE WAS TO
4 FIND SOME EVIDENCE TO LINK STEPHEN BECKHAM TO THIS
5 CRIME.

6 THERE IS A MOUNTAIN OF EVIDENCE, A
7 MOUNTAIN OF EVIDENCE THAT CONTRADICTS WHAT YOU WILL
8 HEAR IN THIS COURTROOM OVER THE NEXT WEEK FROM THE
9 STATE.

10 THERE'S NO QUESTION STEPHEN BECKHAM
11 KNEW RICHARD ANDERSON. THERE'S SOME EVIDENCE
12 PERHAPS THAT EVEN VICKIE KNEW RICHARD ANDERSON.
13 THEY LIVED AT THE BEACH. STEPHEN AND VICKIE LIVED
14 AT MYRTLE BEACH FOR SOME YEARS, AND AS RESIDENTS OF
15 AN AREA RIGHT NEAR THIS CLUB--IT'S A BAR,
16 SMUGGLER'S ON HIGHWAY 17 AT SURFSIDE BEACH. IT'S
17 RIGHT THERE. IF YOU'VE EVER BEEN TO MYRTLE BEACH,
18 YOU'VE DRIVEN BY IT. NOT AN ESTABLISHMENT PERHAPS
19 THAT I'D WANT TO FREQUENT ON A REGULAR BASIS, BUT
20 APPARENTLY A LOT OF PEOPLE DO. NOTHING ILLEGAL
21 ABOUT IT. RICHARD ANDERSON WORKED THERE.

22 RICHARD ANDERSON IS GOING TO TESTIFY IN
23 THIS CASE. AND THE REASON HE'S GOING TO TESTIFY IS
24 MANYFOLD, BUT LET ME MENTION THIS TO YOU. HE'LL BE
25 TESTIFYING BECAUSE HE HAD A RELATIONSHIP WITH

1 STEPHEN BECKHAM. STEPHEN BECKHAM BOUGHT DRUGS FROM
2 HIM. STEPHEN BECKHAM USED DRUGS THAT HE BOUGHT
3 FROM RICHARD ANDERSON. IT'S A RELATIONSHIP THAT
4 STEPHEN REGRETS TODAY BECAUSE IT'S A RELATIONSHIP
5 THAT APPARENTLY LEAD TO THE DEATH OF HIS WIFE.

6 RICHARD ANDERSON, RICHARD ANDERSON IS
7 THE CRUX OF THIS CASE. IF YOU HAVE A DOUBT ABOUT
8 RICHARD ANDERSON'S TESTIMONY, YOU'RE GOING TO HEAR
9 DIRECT AND MR. SWERLING WILL BE CROSS EXAMINING
10 HIM. IF AT THE CONCLUSION OF THAT, YOU DON'T HAVE
11 A REASONABLE DOUBT ABOUT HIS TESTIMONY, I ASSURE
12 YOU, YOU'RE NOT FOCUSED ON IT. LISTEN CAREFULLY.
13 THE MAN HAS TOLD SIX OR MORE DIFFERENT VERSION OF
14 WHAT HAPPENED. HE CONTRADICTED HIMSELF. AND EACH
15 TIME, SOMEBODY HAS APPARENTLY SAID, "WELL, THAT
16 CAN'T BE TRUE BECAUSE OF THIS," AND HE CHANGED HIS
17 STORY. AND THEN, "THAT CAN'T BE TRUE BECAUSE OF
18 THIS," AND THEN HE CHANGES HIS STORY. THAT DOESN'T
19 HAVE THE RING OF TRUTH, NUMBER ONE.

20 NUMBER TWO, WE DO KNOW THIS. WE DO
21 KNOW THAT ON JUNE 20TH, 1995, ALMOST A YEAR AFTER
22 VICKIE BECKHAM'S DEATH, WE DO HAVE SOME SWORN
23 TESTIMONY. THE CHIEF INVESTIGATING OFFICER IN THIS
24 CASE SIGNED AN AFFIDAVIT UNDER OATH THAT TWO PEOPLE
25 WERE SEEN BY VICKIE BECKHAM'S CAR ON THAT ROAD, TEN

1 MILES FROM STEPHEN'S HOUSE. TWO PEOPLE. AND ONE
2 OF THEM HAD BEEN IDENTIFIED: THE OWNER OF THE CAR
3 THAT RICHARD ANDERSON HAD BEEN DRIVING THAT DAY. A
4 GUY NAMED MIKE BEATTY, IDENTIFIED BY A COMPOSITE
5 THAT WAS MADE UP BY SOMEBODY THAT SAW HIM STANDING
6 ON THE SIDE OF THE ROAD NEXT TO VICKIE BECKHAM'S
7 CAR. TWO PEOPLE, RICHARD ANDERSON AND MIKE BEATTY.

8 NOW THEY SWORE TO THAT ON JUNE 20TH,
9 1995, UNDER OATH, BEFORE A MAGISTRATE. SEE WHAT
10 THEIR POSITION IS THIS WEEK. INDEPENDENT WITNESS
11 PUTS MIKE BEATTY THERE. WE DON'T SEE MIKE BEATTY
12 HERE.

13 AND LET'S TALK ABOUT RICHARD ANDERSON'S
14 CREDIBILITY, JUST ONE MORE AREA I WANT TO TALK
15 ABOUT. RICHARD ANDERSON IS NOT ON TRIAL FOR HIS
16 LIFE HERE. HE'S NOT HERE FACING THE DEATH PENALTY.
17 RICHARD ANDERSON HAS BEEN GIVEN A LIFE SENTENCE. A
18 LIFE SENTENCE. HE'S NOT ON TRIAL EVEN THOUGH
19 YOU'RE GOING TO HEAR HIM TESTIFY HOW HE CRUSHED THE
20 LIFE OUT OF VICKIE BECKHAM.

21 NOW WHAT I SUBMIT TO YOU IS RICHARD
22 ANDERSON DOESN'T KNOW THE TRUTH, THAT RICHARD
23 ANDERSON IS MOTIVATED BY SELF-PRESERVATION.
24 RICHARD ANDERSON WILL SAY WHATEVER IS NECESSARY TO
25 SAVE HIS LIFE. I'VE NEVER MET THE GUY. NEVER

1 TALKED TO THE GUY. NEITHER HAS MR. SWERLING.
2 WE'RE GOING TO MEET HIM FOR THE FIRST TIME ALONG
3 WITH YOU. AND WE'RE GOING THROUGH HIS MULTIPLE
4 RENDITIONS OF WHAT OCCURRED.

5 THE POINT I'M TRYING TO MAKE TO YOU AT
6 THIS POINT IS THIS. YOU'RE GOING TO HEAR SOME
7 HORRIBLE EVIDENCE ABOUT HOW VICKIE BECKHAM DIED.
8 YOU'RE GOING TO HEAR SOME TRAUMATIC TESTIMONY ABOUT
9 THE PHYSICAL DAMAGE DONE TO HER BEFORE SHE DIED.
10 IT'S A HORRIBLE CRIME. IT'S A HORRIBLE CRIME. AND
11 JUST LIKE THAT HORRIBLE CRIME YOU READ ABOUT IN THE
12 NEWSPAPER, IT INFLAMES YOU, IT CONCERNS YOU. THAT
13 SHOULD NOT BE THE CRITERIA BY WHICH YOU JUDGE THE
14 EVIDENCE IN THIS CASE. WE WANT YOU TO SIT BACK AND
15 JUDGE THIS EVIDENCE UNDER THE CRITERIA USING YOUR
16 COMMON SENSE.

17 YOU KNOW, THIS HIT MAN SCENARIO THE
18 SOLICITOR JUST TALKED ABOUT MEANS THIS. THE GUY
19 DECIDES TO HIRE SOMEBODY TO KILL HIS WIFE. TO DO
20 THAT, HE HAS TO HELP KILL HIS WIFE. IF HE'S
21 ESTABLISHING AN ALIBI, WHY DOES HE GO WITH THE GUY
22 TO KILL HER? IF YOU'RE PAYING SOMEBODY TO KILL
23 YOUR WIFE, WHY DO YOU GO DO IT? IT DOESN'T MAKE
24 SENSE. THERE'S A NUMBER OF ELEMENTS OF THIS CASE
25 THAT DON'T MAKE SENSE--DOESN'T MAKE SENSE.

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1 ONE FINAL THING I WANT TO SAY TO YOU
2 BEFORE I SIT DOWN. FOR THE NEXT FOUR OR FIVE DAYS,
3 YOU'RE GOING TO HEAR FROM THE STATE OF SOUTH
4 CAROLINA ABOUT STEPHEN BECKHAM--

5 STAND UP, STEPHEN.

6 STEPHEN BECKHAM IS NOT SOME TWO
7 DIMENSIONAL CARDBOARD CUTOUT. STEPHEN BECKHAM IS
8 NOT SOME PAGE IN AN INDICTMENT. HE'S A HUMAN
9 BEING, WITH HOPES AND ASPIRATIONS, LOVE, DISLIKES.
10 LIKE YOU OR I, LIKE ANY OTHER HUMAN BEING, HE'S
11 MADE MISTAKES. YOU'RE GOING TO HEAR ABOUT SOME OF
12 THEM. BUT HE'S DONE SOME GOOD THINGS. HE'S GOT
13 HIS FAMILY HERE. HE'S GOT HIS CHILDREN, HIS
14 PARENTS.

15 AS YOU LISTEN TO THE TESTIMONY, YOU'RE
16 NOT HERE TO BRING ABOUT SOME SORT OF VENGEANCE OR
17 RETRIBUTION. YOU'RE NOT HERE TO PUNISH ANYBODY, OR
18 REWARD ANYBODY. YOU'RE NOT HERE TO SET A WRONG
19 RIGHT, YOU'RE NOT HERE TO SOMEHOW, LIKE SOLOMON,
20 LIKE MAKE EVERYBODY HAPPY AGAIN. YOU'RE HERE IN A
21 VERY CLINICAL SENSE, TO JUDGE THE FACTS AND FIGURE
22 OUT WHETHER IT IS CREDIBLE OR NOT.

23 THIS ISN'T A MYSTERY. YOU'RE NOT HERE
24 TO FIGURE OUT DID THE BUTLER DO IT. YOU'RE HERE TO
25 DETERMINE WHETHER THE STATE HAS BROUGHT BEFORE YOU

1 EVIDENCE THAT'S CLEAR AND CONVINCING BEYOND A
2 REASONABLE DOUBT THAT CONVINCES YOU OF STEPHEN
3 BECKHAM'S GUILT. AND I SUBMIT TO YOU, THEY WILL
4 NOT.

5 EACH NIGHT YOU'RE GOING TO GO BACK TO
6 YOUR MOTEL ROOM, IF YOU'RE LIKE MOST JURIES, AND
7 YOUR MAIN DESIRE IS TO GET THIS PROCESS OVER WITH
8 AND GO HOME. OCONEE IS PROBABLY LOOKING PRETTY
9 GOOD TO YOU RIGHT NOW. THIS PROCESS IS GOING TO
10 TAKE AWHILE. JUSTICE ALWAYS DOES. DON'T BE IN A
11 HURRY. PLEASE DON'T BE IMPATIENT. PLEASE PAY
12 ATTENTION. BECAUSE IT'S WHAT YOU DON'T HEAR FROM
13 THE STATE, THE CONFLICTS, THE PEOPLE, THE TESTS,
14 THE FORENSIC TESTS THEY DON'T BRING, THE
15 FINGERPRINTS THEY CAN'T EXPLAIN, THE
16 INCONSISTENCIES THAT ARE JUST THROUGHOUT THIS CASE
17 THAT WILL BOGGLE YOUR MIND. BUT YOU'LL MISS THEM
18 IF YOU DON'T PAY ATTENTION. SO TO DO JUSTICE, AND
19 THAT'S WHAT WE WANT. WE WANT JUSTICE BECAUSE
20 JUSTICE IN THIS CASE IS NOT GUILTY. JUSTICE IN
21 THIS CASE IS SAYING, "THERE IS NOT ENOUGH EVIDENCE
22 TO CONVINCE ME, MY CONSCIENCE, BEYOND A REASONABLE
23 DOUBT THAT STEPHEN BECKHAM COMMITTED THIS CRIME. A
24 NOT GUILTY VERDICT MEANS NOT PROVEN, BECAUSE WE
25 HAVEN'T REQUIRED STEPHEN BECKHAM TO PROVE HIMSELF

1 INNOCENT. WE REQUIRED THE STATE TO PROVE HIM
2 GUILTY AND THEY HAVE NOT DONE IT."

3 THANK YOU VERY MUCH FOR YOUR
4 ATTENTIVENESS. AGAIN, I MAY FROM TIME TO TIME
5 RAISE MY VOICE. I APOLOGIZE IF I DO SO. EACH
6 POINT IS IMPORTANT. ON BEHALF OF STEPHEN AND HIS
7 FAMILY, AND MR. SWERLING, I WANT TO THANK YOU.
8 YOU'VE OBVIOUSLY BEEN ATTENTIVE, YOU'VE GOT A LONG
9 FEW DAYS AHEAD OF YOU AND I APPRECIATE YOUR
10 PATIENCE. THANK YOU.

11 THE COURT: ALL RIGHT NOW, MADAM
12 FORELADY, I'M GOING TO LET YOU TAKE A BREAK BECAUSE
13 WE'RE GETTING READY TO START TAKING TESTIMONY. SO
14 IF YOU'D INQUIRE OF THEM WHETHER THEY WANT TO TAKE
15 NOTES AND I'LL HAVE THE CLERK COME IN TO MAKE SURE
16 AND WE'LL MAKE NECESSARY ARRANGEMENTS.

17 AND AGAIN, YOU'LL HEAR ME SAY THIS OVER
18 AND OVER, AND I DON'T WANT IT TO BE LOST ON YOU,
19 PLEASE DON'T DISCUSS THIS CASE AMONG YOURSELVES OR
20 FORMULATE ANY OPINIONS ABOUT IT WHILE THIS TRIAL IS
21 IN PROGRESS.

22 LET ME LET YOU TAKE, LET'S JUST SAY--
23 I'VE GOT TO TAKE UP ONE OTHER MATTER WITH THE
24 ATTORNEYS, SAY A FIFTEEN MINUTES BREAK. IF AT ANY
25 TIME WE KNOCK ON THE DOOR, IF YOU'RE NOT READY TO

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1 COME, YOU TELL US. WE'RE HERE AT YOUR CONVENIENCE,
2 ALL RIGHT.

3 ALL RIGHT, WE'LL SEE YOU IN ABOUT
4 FIFTEEN MINUTES.

5 (JURY RECESSED TO JURY ROOM AT 3:15
6 p.m.)

7 THE COURT: ALL RIGHT NOW, ARE WE CLEAR
8 ON THE SEQUESTRATION? Y'ALL HAVE AGREED ON THE
9 PEOPLE THAT THERE ARE SOME THAT WILL BE
10 SEQUESTERED; OBVIOUSLY THE TWO FAMILIES WILL NOT,
11 AND THE SLED AGENTS AND SOME OTHER FOLKS. ARE YOU
12 CLEAR ON WHO'S IN AND WHO'S OUT?

13 MR. SWERLING: YES, SIR, I THINK THE
14 STATE AND I UNDERSTAND.

15 MR. JONES: YOUR HONOR, MY
16 UNDERSTANDING IS THAT THE STATE'S WITNESSES THAT
17 WERE REQUESTED AND WE AGREED WOULD BE SEQUESTERED
18 ARE WITNESSES FROM THE MYRTLE BEACH AREA THAT ARE
19 ACQUAINTANCES OF RICHARD ANDERSON.

20 MR. SWERLING: IT'S A LITTLE BROADER
21 THAN THAT, YOUR HONOR. WE HAVE NO PROBLEM, AS I
22 UNDERSTAND IT, WITH THE FAMILY AND THE SLED AGENTS,
23 THE NEWBERRY COUNTY SHERIFF'S DEPARTMENT AND THEIR
24 PERSONNEL, JUST ANY OTHER FACTUAL WITNESSES. AND
25 OF COURSE, ALSO SLED FORENSIC PEOPLE. WE HAVE NO

1 PROBLEM WITH THEM BEING IN, JUST OTHER FACTUAL --

2 MR. COULTER: JUDGE, WHAT I'D ASKED
3 THEM TO DO IS I PROVIDED THEM WITH A LIST OF OUR
4 WITNESSES AND I'D ASKED THEM TO PROVIDE ME A LIST.

5 MR. HARPOOTLIAN: WE JUST DIDN'T--WE
6 CAME BACK FROM LUNCH AND HAVE NOT HAD TIME. WE'LL
7 GET THAT DONE.

8 THE COURT: YOU'VE GOT FIFTEEN MINUTES
9 TO GET YOUR LIST EXCHANGED, GET THE WITNESSES OUT
10 OF HERE AND GET THEM AVAILABLE TO GET READY.

11 NOW, MR. SWERLING, THAT MEANS NOW YOU
12 HAVE TO DISCLOSE YOUR WITNESS LIST TO THEM, OKAY?

13 MR. HARPOOTLIAN: ON ANYONE WE INTEND
14 ON SEQUESTERING.

15 THE COURT: IF YOU DON'T AGREE, LET ME
16 KNOW AND I'LL TAKE A FEW MINUTES AND TAKE CARE OF
17 IT BUT I THOUGHT YOU'D AGREED AT LUNCHTIME.

18 MR. COULTER: WELL, WE DID, JUDGE, AND
19 THEY WERE SUPPOSED TO PROVIDE US WITH A LIST...

20 THE COURT: AND I AGREE. YOU'VE GOT
21 FIFTEEN MINUTES TO DO IT.

22 MR. HARPOOTLIAN: WE'LL DO IT RIGHT
23 NOW.

24 THE COURT: FIFTEEN MINUTES. WE'LL SEE
25 YOU BACK AT 3:30.

1 (RECESS)

2 MR. HARPOOTLIAN: THIS WITNESS, WELL
3 NOT THIS NEXT WITNESS, BUT ASSUMING THEY'RE GOING
4 TO HAVE THE SLED AGENT THAT PROCESSED THE SCENE,
5 I'D LIKE PERMISSION FROM THE COURT TO BE ABLE,
6 SINCE I'M GOING TO BE DOING THE CROSS, TO STAND
7 OVER ON THAT SIDE.

8 THE COURT: AS LONG AS YOU DON'T STAND
9 RIGHT BESIDE THE SOLICITOR. YOU GET OVER THERE IN
10 THE CORNER SOMEWHERE, ALL RIGHT?

11 MR. HARPOOTLIAN: ALL RIGHT.

12 THE COURT: BUT POSITION YOURSELF
13 BEFORE HE STARTS EXAMINING.

14 MR. HARPOOTLIAN: OKAY.

15 MR. JONES: YOUR HONOR, WE WOULD
16 REQUEST THAT HE MAINTAIN A POSITION IN THIS AREA.

17 THE COURT: THAT'S WHAT I SAID.

18 OKAY, ARE YOU READY TO GO? ALL RIGHT,
19 BRING THE JURY IN.

20 (JURY RETURNED TO THE OPEN COURTROOM AT
21 3:53 P.M.)

22 THE COURT: MADAM FOREMAN, AND LADIES
23 AND GENTLEMEN OF THE JURY, NOW YOU'VE GOT A NOTE
24 PAD AND I THINK THE CLERK TOLD YOU, IF YOU'D JUST
25 SIMPLY WRITE YOUR NAME ACROSS THE FIRST SHEET,

1 WE'LL USE THAT AS A COVER SHEET FOR PURPOSES OF YOU
2 TAKING YOUR NOTES.

3 NOW WE WILL TAKE THOSE UP AT THE END OF
4 EACH DAY AND THE CLERK WILL SECURE THEM. NOBODY
5 WILL BE READING THEM AND WE'LL PASS THEM BACK OUT
6 TO YOU EACH.

7 NOW IT'S PERFECTLY ALL RIGHT TO TAKE
8 NOTES, BUT LET ME KIND OF TELL YOU ABOUT NOTE
9 TAKING A MINUTE. MY WIFE IS A NOTE TAKER, BUT I'M
10 NOT. AND WE BOTH CLAIM TO HAVE EQUALLY GOOD
11 MEMORIES, AND SO THAT'S THE SAME THING ABOUT NOTE
12 TAKING. SOME PEOPLE DO BETTER TAKING NOTES, SOME
13 DON'T. THERE ARE PLUSES AND MINUSES TO IT, IT CAN
14 BE DISTRACTING SOMETIMES IF YOU'RE NOT USED TO
15 DOING IT. SO WHEN YOU GET DOWN TO DELIBERATING,
16 AND THOSE OF YOU WHO ARE NOTE TAKERS AS OPPOSED TO
17 THOSE OF YOU WHO MIGHT NOT, JUST BECAUSE YOU WROTE
18 IT DOWN ON A PIECE OF PAPER DOESN'T MEAN THE OTHER
19 PEOPLE DIDN'T HEAR IT THE WAY THEY THOUGHT THEY
20 DID. SO THOSE ARE YOUR NOTES AND YOUR
21 RECOLLECTIONS AND YOU'LL HAVE TO WORK OUT THE
22 DIFFERENCES ABOUT THAT, ALL RIGHT?

23 ALL RIGHT, SOLICITOR, CALL YOUR FIRST
24 WITNESS, PLEASE.

25 MR. JONES: YOUR HONOR, THE STATE CALLS

1 SENATOR JAMES LANDER.

2 SENATOR JAMES ALBERT LANDER,

3 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION:

5 BY MR. JONES:

6 CLERK: HAVE A SEAT AND PLEASE STATE

7 YOUR NAME.

8 A I'M JAMES ALBERT LANDER.

9 Q (BY MR. JONES) SENATOR, WHERE DO YOU
10 LIVE?

11 A I LIVE ON 2029 MAIN STREET HERE IN
12 NEWBERRY.

13 Q HOW LONG HAVE YOU LIVED THERE?

14 A TWENTY-FIVE YEARS.

15 Q HAVE YOU RAISED YOUR FAMILY AT THAT
16 LOCATION?

17 A WELL, THAT PORTION OF THE TIME THEY
18 WERE IN THE HOUSE WITH US, YES. ALL SEVEN LIVED
19 THERE AT ONE TIME.

20 Q WHEN YOU SAY ALL SEVEN, ARE YOU
21 REFERRING TO YOUR CHILDREN?

22 A YES, SIR.

23 Q WHO ARE YOUR CHILDREN?

24 A WELL, WE HAVE TERRY ANN WHO IS THE
25 OLDEST; BRIT WHO IS THE NEXT; ALICE LESLIE WHO IS

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1 THE THIRD; VICKIE WAS THE FOURTH. SHE WAS THE
2 MIDDLE CHILD. GAIL WAS THE FIFTH; JEANNIE WAS THE
3 SIXTH; MY SON, DAVID WAS THE SEVENTH.

4 Q AND YOUR FAMILY HAS BEEN ON THE CORNER
5 OF MAIN AND SUMMER FOR THE LAST TWENTY-FIVE YEARS?

6 A YES, SIR.

7 Q SENATOR, YOU DO REPRESENT NEWBERRY
8 COUNTY AS SENATOR, IS THAT CORRECT?

9 A AND OTHER COUNTIES, YES SIR.

10 Q WHAT OTHER COUNTIES ARE THOSE?

11 A SALUDA COUNTY IN ITS ENTIRETY, A
12 PORTION OF UNION COUNTY, ABOUT A THIRD OF IT, AND
13 THEN BATESBURG-LEESVILLE, AND THE CHAPIN AREAS OF
14 LEXINGTON COUNTY.

15 Q AND HOW LONG HAVE YOU BEEN REPRESENTING
16 THAT AREA?

17 A FOUR YEARS.

18 Q NOW, I WANT TO ASK YOU ABOUT YOUR
19 DAUGHTER, VICKIE.

20 A YES, SIR.

21 Q DO YOU RECALL WHEN VICKIE WAS MARRIED?

22 A YES, SIR.

23 Q WHEN WAS THAT?

24 A THAT WAS IN DECEMBER OF 1978.

25 Q AND WHO DID SHE MARRY THEN?

1 A SHE MARRIED STEPHEN BECKHAM.

2 Q AND WHERE WERE THEY MARRIED?

3 A THEY WERE MARRIED IN MY HOME.

4 Q AND WHERE DID THEY RESIDE AFTER THEY
5 WERE MARRIED?

6 A THEY RESIDED IN AN APARTMENT ON HARPER
7 STREET FOR A COUPLE OF YEARS. SHANNON WAS BORN
8 DURING THAT PERIOD OF TIME.

9 Q SHANNON IS VICKIE'S OLDEST DAUGHTER?

10 A OLDEST DAUGHTER, YES. ONLY DAUGHTER.
11 OLDER CHILD.

12 Q DO YOU RECALL WHETHER OR NOT VICKIE WAS
13 WORKING DURING THAT PERIOD?

14 A YES, SIR, SHE WAS WORKING AT THAT TIME
15 AT THE ADJACENT GENERAL'S OFFICE IN COLUMBIA.

16 Q AND STEPHEN AT THAT TIME, DEFENDANT
17 BECKHAM, WHERE WAS HE?

18 A HE WAS AT NEWBERRY COLLEGE FOR A
19 PORTION OF THAT TIME. YOU MEAN DURING THE PERIOD
20 THEY LIVED ON HARPER STREET?

21 Q YES, SIR, THE APARTMENT THERE ON HARPER
22 STREET.

23 A I DON'T RECALL WHEN HE FINISHED
24 NEWBERRY COLLEGE BUT THEN HE SOON AFTER WENT TO
25 WORK.

1 Q WAS HE IN COLLEGE WHEN THEY MARRIED?

2 A YES.

3 Q SENATOR LANDER, WHERE DID THEY MOVE
4 FROM THAT LOCATION NEXT? FROM HARPER STREET TO
5 WHERE, DO YOU RECALL?

6 A YES, SIR, THEY MOVED TO A SMALL HOME ON
7 THE BECKHAM PROPERTY.

8 Q AND DO YOU RECALL ABOUT HOW LONG THEY
9 STAYED THERE?

10 A YES, SIR. THEY STAYED UNTIL THEY WERE
11 SEPARATED IN I THINK 1984 OR '85. LET'S SEE...

12 Q GO AHEAD.

13 A ANDREW WAS BORN OUT THERE, AND THEN
14 VICKIE AND THE TWO CHILDREN CAME TO LIVE WITH US ON
15 MAIN STREET.

16 Q IN '84 OR '85?

17 A YES, SIR.

18 MR. SWERLING: JUDGE, I HAVE TO OBJECT
19 TO THE RELEVANCY OF THIS BACK THAT PERIOD OF TIME.

20 THE COURT: OVERRULE YOUR OBJECTION.

21 Q DO YOU RECALL SUBSEQUENT TO THAT PERIOD
22 IN '84 OR '85 WHERE VICKIE AND THE FAMILY LIVED
23 NEXT?

24 A YES, SIR. AFTER STEPHEN AND VICKIE GOT
25 BACK TOGETHER, THEY LIVED IN AN APARTMENT IN A

1 HOUSE ON JONES STREET JUST UP THE STREET FROM US.

2 Q AND THAT WAS ABOUT WHAT TIME?

3 A IT WAS ABOUT THE TIME--WELL, UNTIL THEY
4 MOVED TO SURFSIDE, I BELIEVE.

5 Q NOW, SURFSIDE IS NEAR WHAT MAJOR CITY?

6 A MYRTLE BEACH.

7 Q AND HOW NEAR MYRTLE BEACH IS IT?

8 A I DON'T KNOW, SIR. I ASSUME EIGHT OR
9 TEN MILES. I DON'T REALLY KNOW.

10 Q ALL RIGHT, AND DO YOU RECALL
11 APPROXIMATELY WHEN VICKIE, DEFENDANT BECKHAM AND
12 THE CHILDREN MOVED TO SURFSIDE, THE MYRTLE BEACH
13 AREA?

14 A I DON'T RECALL EXACTLY. I KNOW THEY
15 WERE THERE DURING HURRICANE HUGO.

16 Q WHEN WAS THAT?

17 A I THINK IN 1989.

18 Q SO AS BEST YOU CAN TELL, THEY WERE
19 LIVING IN THE SURFSIDE AREA IN 1989?

20 A YES, SIR.

21 Q AND DO YOU KNOW HOW LONG THEY LIVED IN
22 THE SURFSIDE AREA?

23 A WELL, I DON'T RECALL WHEN THEY WENT
24 DOWN. IT WAS THREE YEARS, MAYBE FOUR.

25 Q DO YOU RECALL WHEN THEY MOVED FROM

- 1 SURFSIDE? THE MYRTLE BEACH AREA?
- 2 A YES, SIR. THEY MOVED IN 1991.
- 3 Q AND DO YOU RECALL WHERE THEY MOVED TO
- 4 IN 1991 FROM THE SURFSIDE AREA?
- 5 A THEY MOVED TO IRMO.
- 6 Q AND WHERE IS IRMO?
- 7 A IRMO IS JUST WEST OF COLUMBIA, NEAR THE
- 8 CHAPIN AREA. ABOUT TWENTY MILES FROM PROSPERITY, I
- 9 GUESS. YEAH, ABOUT TWENTY MILES FROM PROSPERITY,
- 10 TWENTY-FIVE FROM HERE. IT'S IN LEXINGTON.
- 11 Q DO YOU KNOW ABOUT HOW LONG THEY LIVED
- 12 IN IRMO, SENATOR?
- 13 A YES, SIR. A LITTLE OVER A YEAR.
- 14 Q WHERE DID THEY MOVE TO FROM THERE?
- 15 A THEY MOVED TO PROSPERITY, A RESIDENCE
- 16 ON ANDERSON STREET.
- 17 Q ALL RIGHT, SIR. NOW SENATOR, IF I
- 18 COULD GO BACK, YOU MENTIONED VICKIE WORKED AT THE--
- 19 WHILE THEY WERE FIRST MARRIED, SHE WAS WORKING. DO
- 20 YOU KNOW IF SHE WAS WORKING WHILE THEY WERE IN
- 21 MYRTLE BEACH?
- 22 A SHE WORKED AT THE WACCAMAW SALES OUTLET
- 23 THERE, POTTERY AND ALL OF THAT.
- 24 Q WACCAMAW POTTERY?
- 25 A YES, SIR.

1 Q DO YOU KNOW WHAT HER JOB WAS THERE?

2 A YES, SIR. SHE WENT TO WORK IN THE--

3 PRIOR TO HER LEAVING THE ADJUTANT'S OFFICE, SHE HAD

4 MOVED UP INTO THE STATE PERSONNEL OFFICE PORTION OF

5 THE ADJUTANT'S OFFICE. SO WHEN SHE WENT TO MYRTLE

6 BEACH, SHE GOT A JOB AT WACCAMAW IN THE PERSONNEL

7 DEPARTMENT; I DON'T KNOW WHETHER THEY CALL IT HUMAN

8 RESOURCES OR WHAT. IT HAD TO DO WITH PEOPLE.

9 SO BETWEEN 1989 AND 1991, VICKIE WAS

10 WORKING AT WACCAMAW POTTERY?

11 A YES, SIR, I BELIEVE SO.

12 Q AND DO YOU KNOW WHERE DEFENDANT BECKHAM

13 WAS WORKING?

14 A HE WAS WORKING WITH ONE OF THE LONG

15 DISTANCE TELEPHONE COMPANIES. LINE ONE ENTERS MY

16 MIND WHICH MAY HAVE BEEN BOUGHT OUT BY MCI. I JUST

17 REALLY DON'T RECALL.

18 Q WELL, GENERALLY, DO YOU KNOW IN WHAT

19 CAPACITY HE WORKED WITH THEM?

20 A I ASSUME SALESMAN. I DON'T KNOW

21 WHETHER HE HAD OFFICE RESPONSIBILITIES OR

22 SUPERVISORY RESPONSIBILITIES. WE REALLY DIDN'T

23 TALK THAT MUCH ABOUT IT. BUT IT WAS IN THAT TYPE

24 OF BUSINESS OF LONG DISTANCE SALES.

25 Q NOW, WHEN THEY MOVED FROM THE MYRTLE

1 BEACH AREA IN 1991 TO IRMO, DO YOU RECALL WHERE
2 VICKIE WAS WORKING, IF SHE WAS, WHEN THEY MOVED TO
3 IRMO?

4 A I DON'T THINK SHE WORKED DIRECTLY. SHE
5 GOT HER A JOB VERY SHORTLY THEREAFTER AT THE SBFI
6 BANK FURNITURE MANUFACTURING PLACE HERE IN NEWBERRY
7 IN THE PERSONNEL/ADMINISTRATIVE OFFICE.

8 Q SO SHE WORKED AT THE SBFI WHICH IS A
9 FURNITURE MANUFACTURING COMPANY?

10 A BANK FURNITURE MANUFACTURING, YES, SIR.

11 Q AND DO YOU KNOW WHERE DEFENDANT BECKHAM
12 WAS WORKING AT THAT POINT IN TIME, 1991?

13 A WHEN THEY WERE IN IRMO, HE HAD GONE TO
14 WORK FOR A DIFFERENT LONG DISTANCE COMPANY WHICH I
15 THINK WAS PERHAPS HEADQUARTERED IN FLORIDA BUT
16 OFFICES IN ATLANTA. HE HAD A JOB IN THE OFFICE I
17 THINK AS PERHAPS THE OFFICER MANAGER OR THE SALES
18 MANAGER THERE IN IRMO.

19 WHEN THEY MOVED ON TO PROSPERITY, I
20 DON'T RECALL--STEPHEN WAS STILL SELLING LONG
21 DISTANCE; WHETHER IT WAS THE SAME COMPANY, I JUST
22 DON'T RECALL.

23 Q SENATOR, HOW LONG DID THEY LIVE IN
24 PROSPERITY?

25 A ABOUT A YEAR AND A HALF, I BELIEVE.

1 THEY MOVED THERE IN '92, I BELIEVE MARCH OF '92.
2 BUT THEN VICKIE AND THE CHILDREN CAME HOME IN
3 FEBRUARY OF 1994, CAME TO MY HOUSE.

4 Q SO VICKIE AND THE CHILDREN MOVED TO
5 YOUR HOUSE IN FEBRUARY OF '94?

6 A YES, SIR.

7 Q FROM THE PROSPERITY RESIDENCE?

8 A YES, SIR.

9 Q AND SHE BROUGHT THE CHILDREN WITH HER?

10 A YES, SIR.

11 Q DID THEY LIVE IN YOUR HOUSE?

12 A YES, SIR. UNTIL THEY MADE THE

13 ARRANGEMENTS TO HAVE SOME ALTERNATE VISITATION.

14 Q WELL, WHERE DID THE CHILDREN STAY IN
15 YOUR HOME?

16 A WELL, THEY HAD THE UPSTAIRS. THERE
17 WERE THREE UPSTAIRS BEDROOMS AND A BATH. AND
18 SHANNON HAD HER ROOM, VICKIE HAD A ROOM AND THE
19 BOYS, THE TWO BOYS HAD A ROOM. OF COURSE, WE TOOK
20 CARE OF THE MEALS THERE. SO THE KITCHEN, THE
21 DOWNSTAIRS--THE LIVING ROOM AND THE DEN DOWNSTAIRS
22 WAS THEIR'S TOO.

23 Q AND I BELIEVE YOU STATED THERE WAS
24 ALTERNATIVE VISITATION. WHERE WAS IT THAT THE
25 CHILDREN WOULD BE TAKEN WHEN THEY WOULD STAY WITH

1 THEIR FATHER, DEFENDANT BECKHAM?

2 A IT WAS AFTER THE SEPARATION IN
3 FEBRUARY, STEPHEN MOVED INTO A TRAILER, OR MOBILE
4 HOME, OR MANUFACTURED HOME, DOUBLE-WIDE ON THE
5 BECKHAM PROPERTY. AND THEY HAD ALTERNATING
6 AGREEMENTS ON THE CHILDREN'S VISITATION.

7 Q NOW YOU SAY ON THE BECKHAM PROPERTY.
8 WHERE IS THE BECKHAM PROPERTY, SENATOR?

9 A I DON'T KNOW HOW MANY ACRES THERE IS
10 OUT THERE BUT REVEREND BECKHAM HAS A HOME AND FOR
11 THE LIFE OF ME, I CANNOT RECALL THE HIGHWAY NUMBER,
12 BUT IT'S BETWEEN INTERSTATE 85, 26, INTERSTATE 26
13 AND US 176 TOWARD POMARIA. THEY LIVE, I THINK, TWO
14 OR THREE MILES OUT OF POMARIA. IT'S A POMARIA
15 ADDRESS.

16 Q WOULD HIGHWAY 773 BE...

17 A YES, SIR.

18 Q HIGHWAY 773?

19 A YES, SIR.

20 Q AND DO YOU HAVE ANY IDEA OF THE
21 APPROXIMATE ACREAGE THAT THE BECKHAM PROPERTY IS ON
22 HIGHWAY 773?

23 A NO, SIR.

24 Q WELL, HOW MANY DWELLINGS, IF YOU KNOW,
25 ARE LOCATED ON THE BECKHAM PROPERTY?

1 A WELL, THE BISHOP'S AND HIS WIFE'S HOME
2 IS THERE. AND THEN NOT MANY YARDS, THERE'S A SMALL
3 HOUSE THAT VICKIE AND STEPHEN AND THE TWO CHILDREN
4 OCCUPIED WHILE THEY WERE THERE. THERE'S ANOTHER
5 HOUSE THERE, BUT I DON'T THINK IT WAS EVER
6 OCCUPIED, AT LEAST NOT IN MY MEMORY, JUST A BIT ON
7 DOWN, I GUESS IT'S OFF--IT'S OUT IN A FIELD
8 SOMEWHERE VERY NEAR THE OTHER HOUSES BUT YET AT A
9 DISTANCE. AND THEN THE TRAILER THAT WAS PLACED ON
10 THE PROPERTY I DON'T KNOW, FEBRUARY OR MARCH, 1994.
11 IT MAY HAVE BEEN APRIL. I DON'T KNOW.

12 Q WELL, SENATOR, IN FEBRUARY OF '94 AND
13 IN MARCH OF '94, WHERE WAS VICKIE LIVING IN
14 FEBRUARY, MARCH, AND APRIL, AND MAY, AND THE FIRST
15 PART OF JUNE OF '94? WHERE DID SHE LIVE?

16 A IN MY HOME.

17 Q AND WHAT--WHERE WAS SHE WORKING?

18 A SHE WAS WORKING AT SBFI.

19 Q AND WAS SHE WORKING THERE ON A DAILY
20 BASIS?

21 A YES, SIR.

22 Q FIVE DAYS A WEEK?

23 A SOMETIMES MORE.

24 Q AND HOW OFTEN WOULD THE CHILDREN STAY
25 WITH YOU DURING THIS TIME, FEBRUARY, MARCH, APRIL,

1 MAY AND THE FIRST PART OF JUNE?

2 A THEY FIRST HAD SOME AGREEMENT. I DON'T
3 RECALL EXACTLY WHAT IT WAS BUT IT MAY HAVE BEEN THE
4 SAME AGREEMENT THEY HAD TOWARD THE END OF THIS
5 PERIOD OF TIME WHICH THEY WOULD BE WITH VICKIE AT
6 OUR HOME--LET'S SEE... FRIDAY THROUGH SUNDAY. THEN
7 THEY WOULD COME BACK ON SUNDAY AFTERNOON AND GO
8 BACK WEDNESDAY. SO IT WAS KIND OF A ROTATION LIKE
9 THAT. THEY WERE EITHER OR ON THAT SAME ROTATION
10 BASIS. BUT NORMALLY THEY'D TRANSFER THE CHILDREN
11 ON FRIDAY, WEDNESDAY AND SUNDAYS.

12 Q FRIDAYS, WEDNESDAYS, AND SUNDAYS?

13 A YES, SIR.

14 Q AND FROM TIME TO TIME WOULD YOU ASSIST
15 IN TRANSFERRING THE CHILDREN FROM YOUR HOME TO THE
16 BECKHAM PROPERTY?

17 A YES, SIR.

18 Q AND WOULD VICKIE DO THAT FROM TIME TO
19 TIME ALSO?

20 A YES, SIR. NORMALLY SHE WOULD HELP SOME
21 OF US.

22 Q NOW WOULD DEFENDANT BECKHAM DROP THE
23 CHILDREN OFF AT YOUR HOME FROM TIME TO TIME?

24 A YES, SIR.

25 Q I WANT TO ASK YOU IF YOU RECALL

1 SOMETIME DURING THE FIRST PART OF JUNE DROPPING THE
2 CHILDREN OFF AT THE BECKHAM PROPERTY?

3 A YES, SIR.

4 Q DO YOU RECALL WHEN THAT WAS IN JUNE?

5 A IT WAS THE 3RD OF JUNE; WEDNESDAY, THE
6 3RD OF JUNE.

7 Q IF YOU WOULD, TELL THE JURY, TO THE
8 BEST OF YOUR RECOLLECTION WHAT YOU DID, WHAT YOU
9 OBSERVED AND WHAT OCCURRED ON THAT DAY, THE 3RD OF
10 JUNE, 1994.

11 A DROVE THE CHILDREN DOWN AND AS MY CAR
12 APPROACHED, AT THAT TIME I WAS DRIVING A DATSUN
13 MAXIMA WHICH I THINK WAS AN '83 MAXIMA, A LITTLE
14 GRAY AUTOMOBILE. AND I CAME AND STEPHEN CAME OUT
15 OF THE TRAILER TO MEET THE CAR AND THE CHILDREN,
16 AND THE FIRST THING HE DID WAS GO OVER TO A VEHICLE
17 IN FRONT OF ME AND BLOW THE HORN TWICE.

18 Q BLOW WHAT HORN TWICE?

19 A THE HORN OF THE VEHICLE IN FRONT OF ME.

20 Q WHERE WERE THE CHILDREN WHEN THAT
21 HAPPENED?

22 A THE CHILDREN WERE GETTING OUT OF THE
23 CAR.

24 Q NOW ON THIS FRIDAY, JUNE 3RD, WAS
25 VICKIE DRIVING A CERTAIN AUTOMOBILE?

1 A FRIDAY, THE 3RD?

2 Q YES, SIR.

3 A NO, WEDNESDAY, THE 3RD, I THINK WE'RE
4 TALKING ABOUT.

5 Q ALL RIGHT, LET ME ASK YOU THIS. DID
6 VICKIE OWN AN AUTOMOBILE WHEN SHE MOVED IN WITH
7 YOU?

8 A NO, SIR.

9 Q SHE DID NOT?

10 A INITIALLY, SHE DROVE A TRUCK OWNED BY
11 BISHOP BECKHAM.

12 Q AND WHEN SHE MOVED IN WITH YOU, DID SHE
13 HAVE A PARTICULAR AUTOMOBILE THAT SHE DROVE?

14 A YES, SIR. SHE NEEDED TRANSPORTATION TO
15 WORK AND GET THE KIDS BACK AND FORTH TO SCHOOL,
16 THIS, THAT, AND THE OTHER, AND I ALLOWED HER TO USE
17 MY '83 MAXIMA.

18 Q I HAND YOU STATE'S EXHIBIT NUMBER 1 AND
19 ASK YOU IF YOU CAN IDENTIFY THAT AUTOMOBILE,
20 PLEASE?

21 A IT APPEARS TO BE MY MAXIMA. IF I COULD
22 SEE THOSE BUMPERS, I COULD TELL YOU FOR SURE.

23 Q DOES IT APPEAR TO BE THE SAME
24 AUTOMOBILE THAT YOU ALLOWED VICKIE TO USE WHILE SHE
25 WAS LIVING WITH YOU TO GO TO AND FROM WORK, AND TO

1 TRANSPORT THE CHILDREN, AND THE OTHER BUSINESS SHE
2 NEEDED TO ATTEND TO WHILE SHE LIVED WITH YOU?

3 A THAT'S THE AUTOMOBILE, YES, SIR. FACT
4 IS I HAD PRETTY WELL GIVEN THAT CAR TO VICKIE,
5 TOTALLY. I JUST KEPT THE TITLE AND PAID THE
6 INSURANCE AND TAXES.

7 Q ON JUNE 3RD, WHEN YOU TOOK THE CHILDREN
8 TO THE BECKHAM PROPERTY AND THE HORN WAS BLOWN AS
9 IT WAS, DO YOU REMEMBER WHY YOU WERE ALONE? WAS
10 VICKIE WITH YOU OR WERE YOU NOT WITH HER?

11 A I CAN'T REALLY RECALL IF VICKIE WERE
12 THERE OR NOT. AND THE REASON I THINK THAT SHE
13 WASN'T IS BECAUSE I NEVER DISCUSSED THE HORN
14 BLOWING INCIDENT WITH VICTORIA.

15 Q YOU KNOW THAT YOU NEVER DISCUSSED IT?

16 A YES, SIR. I WONDERED ABOUT IT, IT WAS
17 SO COMPLETELY OUT OF CHARACTER. IT WAS SOMETHING
18 HE HAD NEVER DONE. OTHER TIMES HE CAME OUT--EVERY
19 OTHER TIME EXCEPT THAT ONE, IN MY PRESENCE, HE
20 NEVER BLEW THE HORN TWICE EXCEPT THAT ONE TIME.

21 Q SENATOR, I'D LIKE YOU TO TURN YOUR
22 ATTENTION TO FRIDAY, JUNE 10TH, FRIDAY, JUNE 10TH
23 OF THE SAME YEAR, THE FOLLOWING WEEK.

24 A YES, SIR.

25 Q ON FRIDAY, JUNE 10TH, WHERE WAS YOUR

- 1 DAUGHTER, VICKIE, IMMEDIATELY AFTER WORK THAT DAY?
- 2 A I IMAGINE IMMEDIATELY AFTER WORK SHE
- 3 CAME BY THE HOUSE AND PICKED UP THE CHILDREN. THEY
- 4 WENT UP TO ROCK HILL TO VISIT HER SISTER, BRIT.
- 5 Q SHE LEFT TO GO VISIT HER SISTER, BRIT,
- 6 ON FRIDAY, JUNE 10TH...
- 7 A IN YORK. EXCUSE ME, IT WAS NOT ROCK
- 8 HILL, IT WAS IN YORK.
- 9 Q ALL RIGHT, IN YORK, SOUTH CAROLINA?
- 10 A YES, SIR.
- 11 Q AND WHO WENT WITH HER, IF ANYONE?
- 12 A THE CHILDREN.
- 13 Q WHICH CHILDREN, DO YOU RECALL?
- 14 A ANDREW AND SAMUEL, I BELIEVE, WERE THE
- 15 ONLY TWO THAT WENT.
- 16 Q AND DO YOU KNOW HOW LONG THEY STAYED IN
- 17 YORK WITH YOUR DAUGHTER, BRIT?
- 18 A YES, SIR. THEY CAME BACK ON SATURDAY.
- 19 I THINK THEY WENT SWIMMING SATURDAY MORNING AND
- 20 THEN CAME BACK SATURDAY AFTERNOON.
- 21 Q SATURDAY, JUNE 11TH?
- 22 A YES, SIR.
- 23 Q ALL RIGHT, NOW DID THEY COME BACK TO
- 24 YOUR HOME ON THAT DAY?
- 25 A YES, SIR. I BELIEVE THEY DID. I KNOW

1 VICKIE HAD SAID SHE HAD WANTED TO HAVE QUALITY TIME
2 PARTICULARLY WITH SHANNON ON THAT PARTICULAR DAY
3 AND SHANNON HADN'T GONE UP THAT PARTICULAR WEEKEND.
4 THEY DID SPEND--I WOULD SAY THEY DID SPEND THE
5 NIGHT AT OUR HOUSE THAT NIGHT BECAUSE THEY WENT TO
6 CHURCH THE NEXT MORNING.

7 Q ALL RIGHT, AND WHAT CHURCH WAS THAT?

8 A SAINT LUKE'S EPISCOPAL.

9 Q AND DID VICKIE HAVE ANY PARTICULAR
10 RESPONSIBILITY AT THAT CHURCH?

11 A YES, SHE TAUGHT SUNDAY SCHOOL TO THE
12 LITTLE ONES. SHE'D ALSO BEEN, I THINK THE
13 PRESIDENT OF THE WOMEN'S CLUB THERE. I DON'T KNOW,
14 THE GUILD OR WHATEVER IT IS CALLED.

15 Q AND ON THAT SUNDAY, SENATOR, JUNE 12TH,
16 SHE TOOK HER CHILDREN TO CHURCH.

17 A YES, SIR.

18 Q DID YOU SEE HER AFTER CHURCH?

19 A YES, SIR. I ALSO WENT TO ANOTHER
20 CHURCH, CAME HOME, AND I BELIEVE, I DO RECALL SOME
21 TIME THAT AFTERNOON I LOOKED OUT THE BACK KITCHEN
22 WINDOW AND VICTORIA AND SHANNON WERE SUNBATHING
23 SIDE BY SIDE ON A COUPLE OF THESE LOUNGE CHAIRS,
24 PLASTIC TYPE LOUNGE THINGS THAT STRETCH OUT IN THE
25 BACK YARD OF MY HOME, AT MY PLACE.

1 Q YOUR DAUGHTER, VICTORIA, AND YOUR
2 GRANDDAUGHTER, SHANNON?

3 A YES, SIR.

4 Q AND DO YOU RECALL HOW OLD YOUR
5 GRANDDAUGHTER, SHANNON WAS AT THAT TIME, IS AT THAT
6 TIME?

7 A ABOUT TWO YEARS AGO, SHE WAS CLOSE TO
8 FOURTEEN OR FIFTEEN.

9 Q AND HOW OLD WAS THE NEXT CHILD, ANDREW?

10 A A COUPLE OF YEARS YOUNGER.

11 Q AND THE YOUNGEST CHILD?

12 A AT THAT TIME, HE WAS ABOUT FOUR.

13 Q WHAT DO YOU RECALL NEXT, SENATOR, AFTER
14 YOU SAW YOUR DAUGHTER AND YOUR GRANDDAUGHTER
15 SUNBATHING IN THE BACK YARD?

16 A WELL, I HAD--YOU KNOW, IT WAS AN
17 UNREMARKABLE AFTERNOON. I NORMALLY KIND OF STRETCH
18 OUT IN FRONT OF THE TV AND MAY OR MAY NOT TAKE A
19 NAP, AND I PROBABLY DID THAT. BUT I HAD A FUNERAL
20 TO GO TO. ONE OF THE LADIES IN OUR CHURCH SON HAD
21 DIED AND I WENT TO A FUNERAL AT FOUR O'CLOCK, AND
22 JUST PRIOR TO THAT, AS I WAS LEAVING VICKIE WAS
23 GETTING READY TO GO OUT. SHE HAD BEEN INVITED OUT.
24 SHE AND THE KIDS HAD BEEN INVITED OUT TO, I DON'T
25 KNOW WHETHER MS. MAUDE BECKHAM, THE GRANDMOTHER,

1 INVITED THEM OUT OR THEIR AUNT DAISY INVITED THEM
2 OUT TO SWIM; I BELIEVE SWIM. ANYWAY, THEY WENT OUT
3 TO VISIT SOME OF STEPHEN'S AUNTS AND GRANDMOTHER
4 THAT SUNDAY AFTERNOON. AND I LEFT PRIOR TO VICKIE
5 LEAVING. I ADMONISHED HER, SHE AND THE KIDS HAD A
6 LITTLE CAT CALLED SOCKS. I ADMONISHED HER TO
7 PLEASE MAKE SURE THAT SHE HAD TAKEN CARE OF THE CAT
8 BOX, AND SHE SAID, "I WILL, DADDY." THAT WAS THE
9 LAST TIME. I DIDN'T EVEN SEE HER THEN. IT WAS
10 AROUND THE DOORWELL; IT'S THE LAST TIME I HEARD
11 VICKIE'S VOICE.

12 Q WELL, AS FAR AS THAT DAY GOES, SENATOR,
13 WHEN NEXT DID YOU RECALL BEING INTERESTED IN
14 VICKIE'S WHEREABOUTS ON THAT DAY?

15 A I HAD GONE TO THE FUNERAL AND THEN THE
16 INTERNMENT WHICH WAS SOME MILES OUT IN THE COUNTRY
17 AT A CHURCH CEMETERY, AND CAME BACK AND IT WAS
18 SOMETIME BETWEEN FIVE-THIRTY AND SIX, BUT IT WAS
19 EARLIER THAN SIX BUT PROBABLY AFTER FIVE-THIRTY,
20 AND JOLENE HAD MENTIONED THAT SOMEONE--

21 MR. SWERLING: WE'D OBJECT TO ANY
22 HEARSAY.

23 THE COURT: SUSTAIN THE OBJECTION.

24 Q DON'T GO INTO WHAT YOUR WIFE, JOLENE,
25 SAID, IF YOU WOULD, SENATOR. JUST TELL US...

1 A ALL RIGHT, THEN AFTER THAT I HAD TO, IT
2 WAS INCUMBENT UPON ME TO TRY TO FIND VICKIE SO THAT
3 SHE COULD DELIVER SOME KEYS TO SBFI. A FEW MINUTES
4 BEFORE SIX, I ATTEMPTED TO CALL. I COULD NOT
5 REMEMBER THE ZEIDERS' LAST NAME NOR COULD MY WIFE.
6 Q NOW WHEN YOU SAY THE ZEIDERS...
7 A THAT'S WHERE VICKIE HAD GONE TO VISIT.
8 Q TO SWIM?
9 A YES, SIR.
10 Q AND WHO HAD SHE TAKEN WITH HER THERE
11 A ALL THREE CHILDREN.
12 Q AND THE ZEIDERS ARE?
13 A STEPHEN'S AUNT AND UNCLE.
14 Q AND WHERE DO THEY LIVE? WHERE DO THEY
15 RESIDE?
16 A THEY LIVE DOWN IN POMARIA, PROBABLY
17 FIVE MILES FROM THE BECKHAM PROPERTY, MAYBE A
18 LITTLE BIT MORE. I COULD NOT REMEMBER THE ZEIDERS'
19 NAME TO CALL VICKIE TO TELL ABOUT GETTING THE KEYS.
20 SO FOR A MOMENT OR TWO, IT SLIPPED MY MIND A MOMENT
21 OR TWO, A MINUTE OR TWO OR MORE, IT SLIPPED MY MIND
22 AND I THINK PROBABLY FIVE OR TEN AFTER SIX THAT I
23 CALLED--OH, FIRST, BEFORE SIX, I ATTEMPTED TO CALL
24 THE BECKHAMS AND THE LINE WAS BUSY. SO THEN I WENT
25 ABOUT DOING SOMETHING ELSE, AND THEN TEN MINUTES

1 AFTER OR THEREABOUTS, AFTER SIX, I CALLED AND MS.
2 BECKHAM ANSWERED THE PHONE. HARRIET ANSWERED THE
3 PHONE AND I ASKED IF VICKIE--IF I COULD SPEAK TO
4 VICKIE, THAT SHE WAS NEEDED AT THE OFFICE TO
5 DELIVER THOSE KEYS TO THE OTHER OFFICE SO THIS
6 COMPUTER MAN COULD DO SOME WORK.

7 SHE SAID WAIT JUST A MINUTE, AND THEN
8 SHE SAID THAT VICKIE HAD LEFT...

9 MR. SWERLING: YOUR HONOR, I'M GOING TO
10 HAVE TO OBJECT TO ANY MORE HEARSAY, 802.

11 THE COURT: SUSTAINED AS TO HEARSAY.

12 A WELL, THIS IS NOT HEARSAY. THIS IS A
13 PHONE CALL WITH MS. BECKHAM.

14 THE COURT: EXCUSE ME, SENATOR. THE
15 OBJECTION IS SUSTAINED.

16 MR. SOLICITOR, THE BEST WAY TO AVOID
17 THE PROBLEM IS TO ASK DIRECT QUESTIONS SO HE WON'T
18 HAVE TO ROLL OVER AND DECIDE THAT FOR HIMSELF, ALL
19 RIGHT? YOU MAY PROCEED.

20 Q SENATOR LANDER, DID YOU HAVE A
21 CONVERSATION WITH SOMEONE AT THE BECKHAM'S
22 RESIDENCE?

23 A YES, SIR.

24 Q AND WHOSE RESIDENCE WAS THAT?

25 A WELL, IT WAS THE BECKHAM'S RESIDENCE.

1 Q AND WHO WOULD BE THE PATRIARCH OF THAT
2 HOUSEHOLD?

3 A WELL, THE BISHOP OF COURSE WOULD BE.

4 Q NOW WHEN YOU REFER TO THE BISHOP, WHO
5 ARE YOU REFERRING TO?

6 A BISHOP WILLIAM A. BECKHAM, STEPHEN'S
7 FATHER.

8 Q THE DEFENDANT BECKHAM'S FATHER, IS THAT
9 CORRECT?

10 A YES, SIR.

11 Q ALL RIGHT, AND HE HAD A HOME THERE ON
12 THE PROPERTY?

13 A YES, SIR.

14 Q IS THAT THE HOME THAT YOU CALLED?

15 A YES, SIR.

16 Q AND YOU WERE CALLING FOR WHAT PURPOSE?

17 A TO ATTEMPT TO GET VICKIE TO CARRY SOME
18 KEYS BACK TO HER PLACE OF BUSINESS, SBFI.

19 Q AND WHY WAS IT THAT YOU CALLED THERE TO
20 DO THAT?

21 A SIR?

22 Q WHY WAS IT YOU CALLED THAT LOCATION TO
23 ATTEMPT TO GET VICKIE?

24 A WE HAD HAD SOME PHONE CALLS ASKING US
25 TO CONTACT HER.

1 Q WHY DID YOU CALL THAT LOCATION TO
2 CONTACT HER?

3 A I CALLED...I WANTED TO CALL THE
4 ZEIDERS, I COULDN'T REMEMBER THE ZEIDERS NUMBER SO
5 I CALLED THAT LOCATION TO GET THE ZEIDERS NUMBER TO
6 TELL VICKIE THIS OR IN THE EVENT VICKIE WAS THERE
7 TO TELL HER AT THAT TIME.

8 Q NOW WHAT TIME WAS IT?

9 A IT WAS SHORTLY AFTER SIX O'CLOCK. I'D
10 SAY TEN OR TWELVE MINUTES AFTER SIX PERHAPS. IT
11 MAY HAVE BEEN A LITTLE EARLIER.

12 Q AND I BELIEVE YOU STATED THAT IF VICKIE
13 WAS THERE YOU ALSO WANTED TO TALK TO HER, IS THAT
14 CORRECT?

15 A I SAID IF I COULD TALK TO VICKIE.

16 Q NOW YOU ARE FAMILIAR WITH THE EXCHANGE
17 OF THE CHILDREN'S SCHEDULE, IS THAT CORRECT?

18 A YES, SIR.

19 Q WHAT TIME ON SUNDAY WERE THE CHILDREN
20 SUPPOSE TO BE AT THE BECKHAM PROPERTY?

21 A SIX CLOCK.

22 Q SO AT SIX-FIFTEEN YOU KNEW...

23 MR. SWERLING: OBJECTION, YOUR HONOR.

24 LEADING.

25 THE COURT: SUSTAINED. REPHRASE.

1 Q WHY WAS IT THAT YOU FIGURED VICKIE
2 MIGHT BE AT THE BECKHAM PROPERTY?

3 A BECAUSE I KNEW IF SHE WEREN'T AT THE
4 ZEIDERS, SHE WOULD BE THERE DELIVERING THE
5 CHILDREN.

6 Q AND DID YOU SPEAK WITH SOMEONE AT THE
7 BISHOP BECKHAM'S HOUSEHOLD?

8 A I DID.

9 Q AND DO YOU RECALL WHO THAT WAS?

10 A YES, SIR.

11 Q AND WHO WAS IT?

12 A MS. HARRIET BECKHAM.

13 Q AND DID YOU ASK HER FOR ANYTHING?

14 A YES, SIR.

15 Q WHAT DID YOU ASK HER?

16 A I ASKED TO SPEAK TO VICKIE.

17 Q AND WERE YOU ABLE TO SPEAK TO VICKIE?

18 A NO, SIR.

19 Q AND DID YOU NOT FIRST ASK HER FOR A
20 TELEPHONE NUMBER?

21 A NO, I EXPLAINED THAT I WAS TRYING TO
22 CONTACT THE ZEIDERS SO I COULD GET THAT TELEPHONE
23 NUMBER, BUT IF VICKIE WERE THERE I'D LIKE TO TALK
24 TO HER BECAUSE AT THIS TIME SHE SHOULD HAVE
25 DELIVERED THE CHILDREN.

1 Q BUT YOU WERE UNABLE TO SPEAK TO HER, IS
2 THAT CORRECT?

3 A TO VICKIE, YES, SIR.

4 Q AND BEING UNABLE TO SPEAK TO HER, DID
5 YOU ATTEMPT TO CALL THE BECKHAM RESIDENCE BACK IN
6 FIVE OR TEN MINUTES?

7 A I DID THAT AFTER I GOT--I DID THAT
8 AFTER I GOT--NO, SIR. I WAS TOLD THAT VICKIE
9 WASN'T THERE.

10 MR. SWERLING: OBJECTION, YOUR HONOR.
11 802.

12 THE COURT: SUSTAINED.

13 Q DON'T SAY WHAT YOU WERE TOLD. I'LL ASK
14 YOU IF AFTER YOU WERE NOT ALLOWED TO SPEAK TO
15 VICKIE, AFTER YOU DID NOT SPEAK TO VICKIE AT 6:15,
16 DID YOU CALL BACK FIVE OR TEN MINUTES LATER?

17 A NO, SIR.

18 Q DID YOU CALL BACK FIFTEEN MINUTES
19 LATER?

20 A NO, SIR.

21 Q WHY NOT?

22 A I'LL TRY AGAIN.

23 Q WHY DIDN'T YOU CALL BACK?

24 A I HAD BEEN TOLD...

25 MR. SWERLING: OBJECTION, YOUR HONOR.

- 1 NOW, I HAVE TO OBJECT.
- 2 Q NOT WHAT YOU HAD BEEN TOLD.
- 3 A VICKIE WAS NOT AT THE BECKHAMS.
- 4 THE COURT: AND YOUR OBJECTION IS?
- 5 MR. SWERLING: 802.
- 6 THE COURT: ALL RIGHT, OVERRULED. NOT
- 7 OFFERED FOR THE TRUTH OF THE MATTER.
- 8 Q WHAT DID YOU DO, SENATOR, AT
- 9 APPROXIMATELY SIX-THIRTY ON JUNE 12TH, 1994? DO
- 10 YOU RECALL?
- 11 A I CALLED SBFI.
- 12 Q AND WHAT WAS THE PURPOSE OF THAT
- 13 TELEPHONE CALL?
- 14 A I DON'T THINK I GOT AN ANSWER. THE
- 15 PURPOSE WAS TO TELL THEM THAT VICKIE SHOULD BE
- 16 THERE SHORTLY, THAT SHE HAD LEFT THE BECKHAM, HAD
- 17 DROPPED THE CHILDREN AND SHOULD BE THERE SHORTLY TO
- 18 TAKE CARE OF THE KEY.
- 19 Q AND WHEN WAS THE NEXT TIME, SENATOR,
- 20 THAT YOU, DURING THAT DAY, THAT EVENING, THAT YOU
- 21 HAD ANY CONCERN ABOUT THE WHEREABOUTS OF YOUR
- 22 DAUGHTER, VICKIE? DO YOU RECALL?
- 23 A YES, SIR. I'D SAY NINE-THIRTY OR TEN.
- 24 Q AND WHY WAS THAT?
- 25 A WELL, I CALLED OUT AT HER WORK AND

1 DIDN'T GET AN ANSWER, AND AS INDICATED EARLIER, SHE
2 SOMETIMES STOPPED BY ON SUNDAY EVENINGS
3 PARTICULARLY AFTER SHE HAD DELIVERED THE CHILDREN
4 TO STEPHEN TO GET HER WORKING ORDER FOR THE NEXT
5 DAY AND HAVE THINGS READY TO MOVE EARLY ON MONDAY
6 MORNINGS.

7 Q AND THEN AFTER ACCOMPLISHING THAT, SHE
8 WOULD DO WHAT?

9 A COME HOME.

10 Q AND NORMALLY BE HOME ABOUT WHAT TIME?

11 A IT DEPENDED, NINE, NINE-THIRTY. TEN
12 SOMETIMES, JUST DEPENDED ON WHAT SHE HAD TO DO.

13 Q SO AS YOU BECAME CONCERNED ABOUT HER
14 WHEREABOUTS AROUND NINE-THIRTY, WHAT DID YOU DO,
15 SENATOR?

16 A WELL, I DROVE OUT TO SBFI TO SEE IF I
17 COULD SEE VICKIE'S CAR, TO SEE IF VICKIE WAS STILL
18 THERE AND FOR SOME REASON NOT ANSWERING THE PHONE.
19 HER CAR WASN'T THERE.

20 Q SENATOR, I'D LIKE TO ASK YOU TO--I'D
21 LIKE TO TAKE YOU BACK IN TIME JUST A LITTLE BIT.
22 WHEN YOU CALLED THE BECKHAM RESIDENCE, I BELIEVE
23 YOU SAID YOU GOT AN ANSWER THERE BY SIX-FIFTEEN?

24 A IT WAS AFTER SIX, COULD HAVE BEEN TEN
25 AFTER. SOMEHOW I DON'T THINK IT WAS VERY LONG AFTER

1 SIX IN THAT THE LINE HAD BEEN BUSY THE FIRST CALL
2 AND--BUT I'D SAY SOMETIME AFTER, SHORTLY AFTER SIX.

3 Q AND YOU SPOKE WITH MS. BECKHAM?

4 A THAT'S CORRECT.

5 Q HOW DID YOU KNOW IT WAS HER?

6 A WELL, I RECOGNIZED HER VOICE.

7 Q DID YOU, DURING THE COURSE OF YOUR
8 CONVERSATION WITH HER, RECOGNIZE THE VOICES OF ANY
9 OTHER PEOPLE IN THE BACKGROUND?

10 A YES, SIR.

11 Q WHOSE VOICES DID YOU RECOGNIZE IN THE
12 BACKGROUND DURING THAT TELEPHONE CONVERSATION?

13 A SHANNON.

14 Q AND SHANNON IS?

15 A MY OLDEST GRANDDAUGHTER, VICKIE'S
16 OLDEST, VICKIE'S DAUGHTER.

17 Q ARE YOU CERTAIN OF THAT, SENATOR?

18 A WELL, IN REFLECTION, IT COULD HAVE
19 BEEN--

20 MR. SWERLING: YOU KNOW, I HAVE TO
21 OBJECT TO THAT. I MEAN, IT'S LEADING. YOU SHOULD
22 ASK OPEN-ENDED QUESTIONS, NOT LEADING QUESTIONS AND
23 SUGGEST THE ANSWER.

24 THE COURT: ALL RIGHT, OVERRULE THE
25 OBJECTION.

1 NOW, SOLICITOR, GET OFF THAT BAR.

2 Q ARE YOU CERTAIN OF THAT, SENATOR?

3 A WELL, IT COULD HAVE BEEN HER FIRST
4 COUSIN, LADONNA, WHO WAS THERE, AS I UNDERSTAND WAS
5 THERE AT THAT TIME. I THINK VICKIE DROPPED LADONNA
6 OFF THERE WITH THE OTHER CHILDREN. BUT I REALLY
7 BELIEVE IT WAS SHANNON.

8 Q ALL RIGHT. NOW YOU HAD EXPLAINED TO ME
9 THAT AROUND NINE-THIRTY OR TEN YOU CALLED WORK
10 AGAIN AND DIDN'T GET AN ANSWER. WHAT DID YOU DO
11 NEXT?

12 A I DROVE OUT TO SBFI TO SEE IF VICTORIA
13 WAS THERE AND SHE WASN'T.

14 Q AT ABOUT WHAT TIME DID YOU RETURN HOME
15 FROM THAT TRIP?

16 A WELL, I STOPPED BY--DIDN'T STOP BY, I
17 DROVE BY A FRIEND OF HER'S HOME. LIVED UP THE
18 STREET FROM US, A MS. LINDA VALENTINE, WHO HAD BEEN
19 IN HIGH SCHOOL WITH VICKIE. THEY WERE CLOSE
20 FRIENDS, TO SEE IF SHE COULD HAVE STOPPED BY THERE.
21 AFTER THAT, I DIDN'T KNOW WHERE, SO I WENT BACK
22 HOME.

23 Q ABOUT WHAT TIME DID YOU GET HOME?

24 A I'D SAY A QUARTER TO TEN.

25 Q AND WHAT DID YOU PROCEED TO DO AT THAT

1 POINT?

2 A I WAS CONCERNED. I TRIED TO WATCH TV,
3 BUT I WAS CONCERNED. I STARTED TO--I STARTED TO
4 CALL THE POLICE, AND I DIDN'T BECAUSE IT ENTERED MY
5 MIND OR SOMEWHERE I HAD READ THAT THE PERSON NEEDS
6 TO BE MISSING TWENTY-FOUR HOURS BEFORE THEY BECAME
7 A MISSING PERSON. I DON'T KNOW WHETHER THAT'S
8 RIGHT OR WRONG, BUT I WAS UNDER THAT IMPRESSION.
9 IF SHE DID SHOW UP AT A LATER HOUR, I WOULD HAVE
10 HATED TO HAVE PUT THE POLICE TO ANY GREAT DEAL OF
11 DIFFICULTY. SO I--WE JUST KIND OF WAITED IT OUT.

12 Q WHO IS WE?

13 A JOLENE AND I.

14 Q HOW LONG DID YOU STAY AWAKE WAITING ON
15 VICKIE TO COME HOME?

16 A OH, I CAN'T RECALL WHETHER WE CUT THE
17 LIGHT AT ELEVEN-THIRTY OR SO. OFTTIMES, I WATCH
18 THE ELEVEN O'CLOCK NEWS AND THEN CUT THE LIGHT OUT,
19 BUT IT WAS ABOUT ELEVEN-THIRTY.

20 Q WHAT DO YOU RECALL HAPPENING NEXT?

21 A I RECEIVED A PHONE CALL.

22 Q WHO WAS THE CALL FROM?

23 A IT WAS FROM SHERIFF FOSTER.

24 Q AND AS A RESULT OF THE PHONE CALL FROM
25 SHERIFF FOSTER, WHAT DID YOU DO?

1 A I AGREED TO MEET HIM IN MY BACKYARD. I
2 ASKED HIM IF IT COULD BE HANDLED ON THE PHONE AND
3 HE SAID NO, IT WAS SOMETHING HE'D RATHER TALK TO ME
4 ABOUT PERSONALLY. SO I DRESSED AND WENT OUT IN THE
5 BACKYARD TO MEET HIM. I DIDN'T WANT TO DISTURB
6 JOLENE TOO MUCH.

7 Q AND DID YOU MEET HIM IN THE BACKYARD?

8 A YES, SIR.

9 Q WHAT INFORMATION DID THE SHERIFF HAVE
10 FOR YOU, SENATOR?

11 A WELL, I FIRST THOUGHT AS HE CAME,
12 TURNED THE CORNER OFF OF MAIN INTO SUMMER, I SAW
13 TWO PEOPLE IN THE CAR AND I THOUGHT HE WAS BRINGING
14 VICKIE HOME, IS WHAT I THOUGHT. AND THEN WHEN THE
15 DOOR OF THE CAR OPENED, I SAW THAT THE CORONER WAS
16 WITH HIM. AND THEY CAME AND TOLD ME THAT VICKIE
17 WAS...

18 MR. SWERLING: JUDGE, I'D HAVE TO
19 OBJECT TO THIS AT THIS POINT. 403 AND ALSO
20 PREJUDICE.

21 THE COURT: COME OVER HERE JUST A
22 MINUTE.

23 (BENCH CONFERENCE IN THE PRESENCE OF
24 THE JURY, OUT OF THE HEARING OF THE JURY, AND OFF
25 THE RECORD.)

1 THE COURT: ALL RIGHT, I OVERRULE THE
2 802 OBJECTION, I OVERRULE THE 403 OBJECTION AS TO
3 THE QUESTION AS TO WHAT THE CORONER RELATED TO THE
4 WITNESS.

5 ALL RIGHT, YOU MAY ASK THE QUESTION.

6 Q SENATOR, I BELIEVE YOU WERE TELLING US
7 AND THE JURY THAT YOU WERE IN YOUR BACKYARD
8 AWAITING THE ARRIVAL OF THE SHERIFF, AND THEN YOU
9 OBSERVED THAT WITH HIM WAS THE CORONER OF NEWBERRY
10 COUNTY, AND HE APPROACHED YOU AND TOLD YOU WHAT?

11 THE COURT: NO, DON'T LEAVE IT OPEN-
12 ENDED LIKE THAT, SOLICITOR. ASK HIM SPECIFICALLY.

13 Q DID THE CORONER INFORM YOU THAT YOUR
14 DAUGHTER, VICTORIA LANDER BECKHAM HAD DIED?

15 A YES, SIR.

16 Q AND DID YOU THEN GO INSIDE AND BEGAN TO
17 MAKE PREPARATIONS TO CONTACT OTHER FAMILY MEMBERS?

18 A YES, SIR.

19 Q AND AT ABOUT WHAT TIME WAS THAT?

20 A MIDNIGHT, TWELVE-THIRTY. I FIRST HAD
21 TO TALK TO JOLENE.

22 Q SO YOU TALKED WITH YOUR WIFE ABOUT
23 VICKIE'S DEATH, IS THAT CORRECT? AND THEN YOU HAD
24 OTHER CHILDREN YOU HAD TO CALL AND TELL?

25 A YES, SIR.

1 Q IS THAT CORRECT?

2 A YES, SIR.

3 Q WHAT DID YOU DECIDE TO DO ABOUT THE
4 GRANDCHILDREN, HER CHILDREN?

5 A HER CHILDREN WERE AT THE BECKHAMS.

6 MR. SWERLING: JUDGE, OBJECT TO
7 RELEVANCE.

8 THE COURT: I'M NOT--YOU TOLD ME TWO
9 MORE QUESTIONS THOUGH. I'M NOT SURE...

10 MR. JONES: YOUR HONOR, ON THAT--I'M
11 SORRY, ON THAT ISSUE THAT WE WERE ADDRESSING. I'M
12 SORRY, I THOUGHT YOU MEANT THAT ISSUE THAT WE WERE
13 ADDRESSING, THE ISSUE OF THE CORONER. I'M NEAR THE
14 CONCLUSION OF MY TESTIMONY BUT...

15 THE COURT: WELL, I DON'T KNOW WHERE
16 YOU'RE HEADED WITH THAT AND RIGHT NOW-- COME RIGHT
17 BACK OVER HERE RIGHT QUICK.

18 (BENCH CONFERENCE IN THE PRESENCE OF
19 THE JURY, OUT OF THE HEARING OF THE JURY, AND OFF
20 THE RECORD.)

21 Q I BELIEVE MY QUESTION WAS YOU WERE
22 CALLING, YOU CALLED YOUR FIVE DAUGHTERS AND YOUR
23 SON TO LET THEM KNOW THAT THEIR SISTER WAS DEAD,
24 AND THEN YOU HAD A DECISION ABOUT OTHER RELATIVES.
25 DID YOU CALL HER CHILDREN, YOUR GRANDCHILDREN?

1 A NOT AT THAT TIME, NO, SIR. NOT IN THE
2 MIDDLE OF THE NIGHT, NO.

3 Q AND DID YOU MAKE A DETERMINATION ABOUT
4 WHEN THEY WOULD BE TOLD OF THIS FACT?

5 A YES, SIR. BISHOP BECKHAM AND I TALKED
6 ABOUT IT, AND JOLENE AND I WENT OUT TO THE
7 BECKHAMS. YOU RECALL THE CHILDREN WERE OUT THERE,
8 AND THEY WERE AT HIS HOME, AND WE JOINTLY TOLD THEM
9 OF THEIR MOTHER'S DEATH.

10 Q SENATOR, ANSWER ANY QUESTIONS EITHER
11 ONE OF THESE LAWYERS MIGHT HAVE FOR YOU.

12 THE COURT: ALL RIGHT, CROSS
13 EXAMINATION, MR. SWERLING.

14 MR. SWERLING: YES, SIR.

15 CROSS EXAMINATION:

16 BY MR. SWERLING:

17 Q SENATOR, DO YOU RECALL WHEN IT WAS THAT
18 YOU WENT OVER TO THE GRANDCHILDREN?

19 A YES, SIR. I THINK IT WAS MONDAY
20 MORNING. THIS HAD HAPPENED ON SUNDAY, THE 12TH,
21 AND I CALLED BILL AND TALKED AND WE CAME OUT.

22 Q DO YOU RECALL IF THIS WAS EARLY MORNING
23 OR LATE MORNING?

24 A NO, I DON'T THINK IT WAS LATE MORNING.
25 IT WAS...

1 Q MID-MORNING?

2 A I DON'T KNOW, EIGHT, NINE. I DON'T
3 KNOW.

4 Q LET ME BACKUP WITH YOU, IF I COULD, AND
5 TRY TO ASK A FEW QUESTIONS. WHAT I UNDERSTOOD YOU
6 TO SAY WAS THAT SOMETIME THAT VICKIE AND STEPHEN
7 LIVED IN SURFSIDE UNTIL 1991?

8 A I BELIEVE SO.

9 Q DO YOU RECALL WHEN IT WAS THEY MOVED
10 BACK? I THINK YOU SAID SOMETIME IN 1991. DO YOU
11 RECALL WHEN IT WAS THEY MOVED BACK?

12 A I THINK IT'S--AS WELL AS I RECALL IT
13 WAS IN THE MIDDLE OF A SCHOOL YEAR. MARCH OF '91
14 OR...I JUST...

15 Q NOT SURE?

16 A NOT POSITIVE.

17 Q AND THEY MOVED TO IRMO, AS I
18 UNDERSTAND. AND DO YOU REMEMBER THE ADDRESS, THE
19 STREET ADDRESS IN IRMO?

20 A NO, SIR, I DON'T. I KNOW HOW TO GET
21 THERE.

22 Q OKAY. NOW THEY LIVED THERE IN IRMO
23 UNTIL MARCH OF 1992, I BELIEVE. FEBRUARY OR MARCH
24 OF 1992 IS WHAT YOU SAID?

25 A I BELIEVE SO. MAYBE...NO, I THINK IT

1 WAS SUMMER OF '92. I DON'T BELIEVE THEY MOVED IN
2 THE MIDDLE OF THE SCHOOL FROM IRMO.

3 Q SO IT MAY BE AS LATE AS THE SUMMER OF
4 1992?

5 A YES.

6 Q AND THEN THEY MOVED TO PROSPERITY?

7 A YES, SIR.

8 Q AND THAT WAS NOT THE HOUSE YOU WENT TO
9 THAT YOU'RE REFERRING TO IN JUNE OF 1994. THEY
10 MADE ANOTHER MOVE FROM PROSPERITY TO POMARIA, IS
11 THAT CORRECT?

12 A THEY DID NOT. VICKIE LEFT PROSPERITY
13 AND CAME TO MY HOUSE.

14 Q THE CHILDREN THEN.

15 A AND THE CHILDREN. AND THEN STEPHEN
16 WENT TO PROSPERITY.

17 Q POMARIA.

18 A YEAH, POMARIA. EXCUSE ME.

19 Q THAT WAS SOMETIME IN THE SPRING OF
20 1994?

21 A THAT WAS IN FEBRUARY OF 1994.

22 Q NOW, YOU SAID--DID THE CHILDREN
23 MOVE...THE CHILDREN MOVED WITH STEPHEN, DIDN'T
24 THEY, AFTER A COUPLE OF WEEKS?

25 A THEY...NO, THEY WERE WITH US AND THEN

1 THEY BEGAN THESE ARRANGEMENTS OF THE ALTERNATION OF
2 VISITATION.

3 Q WHERE WERE THEY ACTUALLY GOING TO
4 SCHOOL, IN THE AREA WHERE STEPHEN'S RESIDENCE WAS
5 IN POMARIA OR WHERE YOU LIVED IN NEWBERRY?

6 A THEY WERE GOING INTO THE MID-CAROLINA
7 ATTENDANCE AREA, THAT'S CORRECT.

8 Q WHICH IS WHERE? WHICH DISTRICT WOULD
9 THAT BE?

10 A THAT'S IN STEPHEN'S.

11 Q STEPHEN'S?

12 A YEAH.

13 Q SO THEY WERE, FOR PURPOSES OF SCHOOL...

14 A THEY WERE GOING THERE ALREADY.

15 Q RIGHT. AND THERE WAS NO TRANSFER OF
16 SCHOOLS. THEY STAYED IN THAT AREA, AND THAT WAS
17 PART OF THE REASON FOR THE ARRANGEMENT THE WAY IT
18 WAS, CORRECT? SO THEY COULD STAY IN SCHOOL?

19 A WELL, PART OF THE REASON FOR THAT, BUT
20 THERE ARE WAYS THAT YOU CAN REQUEST THE SCHOOL
21 DISTRICT TO ALLOW THAT ONCE THEY GET STARTED THEY
22 CONTINUE THE SCHOOLS. AND MORE OFTEN THAN NOT,
23 THEY HONOR IT.

24 Q I UNDERSTAND, BUT ONE OF THE REASONS
25 FOR THIS ARRANGEMENT WAS SO THE CHILDREN COULD

1 MAINTAIN THEIR SCHOOL THE WAY THEY WERE.

2 A I THINK ONE OF THE REASONS FOR THE
3 ARRANGEMENT WAS FOR THEM TO BE WITH EACH OF THE
4 PARENTS A PART OF THE TIME.

5 Q WHICH WAS A GOOD IDEA. AT THAT TIME IT
6 WAS A GOOD IDEA. EVERYBODY AGREED TO IT. AS A
7 MATTER OF FACT IN MAY OF 1994 DIDN'T THEY GO TO
8 COURT AND MEMORIALIZE THAT IN AN AGREEMENT?

9 A YES.

10 Q YOU'VE SEEN THAT AGREEMENT, HAVE YOU
11 NOT?

12 A I'VE SEEN IT BUT I DON'T THINK I'VE
13 EVER...

14 Q MAYBE I COULD SHOW YOU THIS AND SEE IF
15 YOU RECOGNIZE IT?

16 A I RECOGNIZE THE--WHAT I RECOGNIZE THERE
17 ARE THE AGREEMENTS IN THERE. I DON'T KNOW WHETHER
18 I'VE EVER SEEN THE DOCUMENT ITSELF, COUNSEL, OR
19 NOT.

20 Q IT'S AN AGREEMENT, A FAMILY COURT
21 AGREEMENT FOR CUSTODY DATED MAY 14TH, 1994.

22 A YES, SIR.

23 MR. SWERLING: SOLICITOR, DO YOU HAVE
24 OBJECTIONS TO PUTTING IT IN AT THIS TIME?

25 MR. JONES: YOUR HONOR, --

1 THE COURT: I DON'T THINK MR. SWERLING
2 WANTS TO PUT IT INTO EVIDENCE. I THINK WHAT HE
3 WANTS TO DO IS MARK IT FOR IDENTIFICATION.

4 MR. SWERLING: MARK IT FOR
5 IDENTIFICATION.

6 THE COURT: OKAY, ANY OBJECTION TO
7 THAT?

8 MR. JONES: YOUR HONOR, NO, I DON'T
9 HAVE ANY OBJECTIONS TO PUTTING IT INTO EVIDENCE.
10 THIS IS AN ORDER THAT'S A RESULT OF A MOTION THAT
11 WAS MADE BY VICKIE LANDER BECKHAM. I JUST ASK THAT
12 THE MOTION BE PUT IN IF HE'S GOING TO PUT THE ORDER
13 IN.

14 THE COURT: WELL, OKAY...

15 MR. SWERLING: THE ORDER IS JUST...

16 THE COURT: EXCUSE ME, GENTLEMEN. NOW
17 WE HAD AN AGREEMENT ABOUT THAT. NOW YOU GOT AN
18 OBJECTION OR NOT?

19 MR. JONES: NOT TO BEING MARKED AS A
20 COURT EXHIBIT.

21 THE COURT: ALL RIGHT, I'M NOT TAKING
22 IT AS A COURT'S EXHIBIT. DO YOU WANT IT MARKED FOR
23 IDENTIFICATION OR NOT? I'M NOT MARKING IT AS A
24 COURT EXHIBIT.

25 MR. SWERLING: NO, WE'RE OFFERING IT AS

1 A DEFENDANT'S I.D.

2 MR. JONES: WE ALLOW IT IN AS AN
3 EXHIBIT.

4 THE COURT: ALL RIGHT, STATE CONSENTS
5 TO MARK IT AS THEIR EXHIBIT.

6 MR. JONES: AS DEFENSE EXHIBIT.

7 THE COURT: NO...

8 MR. JONES: I DON'T OBJECT TO THEIR'S,
9 YOUR HONOR.

10 THE COURT: ALL RIGHT, HE DOESN'T
11 OBJECT TO YOU MARKING IT FOR IDENTIFICATION
12 PURPOSES. IS THAT WHAT YOU WANT OR NOT?

13 MR. SWERLING: YES, SIR.

14 THE COURT: ALL RIGHT, MARK IT.

15 (WHEREUPON THE ABOVE MENTIONED COURT
16 ORDER WAS MARKED AS DEFENDANT'S EXHIBIT NUMBER 1
17 FOR IDENTIFICATION, WITHOUT OBJECTION.)

18 Q SO, SENATOR, IN MAY, WHAT IT APPEARS IN
19 YOUR KNOWLEDGE OF THIS, IN MAY OF 1994, MAY 16TH,
20 JUST ABOUT A MONTH, A LITTLE BIT LESS THAN A MONTH
21 BEFORE VICKIE'S DEATH, THE PARTIES ENTERED INTO A
22 CONSENT ORDER BY CUSTODY. IS THAT YOUR
23 RECOLLECTION?

24 A YES, SIR.

25 Q AND THAT WAS SIGNED BY THE PARTIES AND

1 A JUDGE, FAMILY COURT JUDGE, IS THAT CORRECT?

2 A OBVIOUSLY, YES, SIR.

3 Q NOW, VICKIE WAS VERY CLOSE TO THE

4 BECKHAM FAMILY, WAS SHE NOT?

5 A SOME MEMBERS OF THE BECKHAM FAMILY,

6 YES..

7 Q AND AS A MATTER OF FACT, AS YOU SAID ON

8 JUNE 12TH, 1994 SHE WAS GOING OVER TO DAISY

9 ZEIDERS' HOUSE WHICH IS BILL BECKHAM'S SISTER?

10 A THAT'S CORRECT.

11 Q AND LADONNA ZEIDERS IS SHANNON'S FIRST

12 COUSIN?

13 A THAT'S CORRECT.

14 Q AND SHE WAS GOING TO SPEND SOME TIME

15 THERE, AS FAR AS YOU KNEW?

16 A SO FAR AS I KNEW.

17 Q NOW YOU DON'T HAVE ANY PERSONAL

18 KNOWLEDGE, AS I UNDERSTAND IT THAT VICKIE EVER WENT

19 TO STEPHEN'S RESIDENCE, ISN'T THAT TRUE?

20 A THAT'S CORRECT.

21 Q NOW, LET ME ASK YOU ABOUT THIS JUNE 3RD

22 SITUATION THAT YOU'RE REFERRING TO. YOU HAVE

23 MENTIONED THAT THIS WAS ON A WEDNESDAY?

24 A I BELIEVE JUNE THE 3RD WAS ON A

25 WEDNESDAY. I'M NOT...

1 Q ARE YOU RECALLING IT BECAUSE IT WAS
2 JUNE 3RD OR BECAUSE OF THE DAY OF THE WEEK?

3 A JUNE 3RD.

4 Q DO YOU UNDERSTAND WHAT MY QUESTION IS?

5 A YES, SIR. I'M RECALLING IT BECAUSE--I
6 GUESS I'M RECALLING IT BECAUSE IT IS THE DAY OF THE
7 WEEK.

8 Q SO YOU RECALL IT AS A WEDNESDAY?

9 A I RECALL IT--

10 Q I'M NOT TRYING TO CONFUSE YOU. I'M
11 JUST TRYING TO FIND OUT WHETHER OR NOT IT'S A
12 RECOLLECTION OF THE DATE OR THE DAY OF THE WEEK.
13 THAT WAS SOME TWO YEARS AGO BUT YOU SEEM TO HAVE A
14 RECOLLECTION OF IT.

15 A I WOULD HAVE TO THINK A MOMENT AND MOVE
16 BACK FROM THE 12TH.

17 Q WHY DON'T YOU DO THAT THEN FOR A
18 MOMENT. THE 12TH WAS ON A SUNDAY.

19 A THE 12TH WAS ON A SUNDAY. SEVEN DAYS
20 PRIOR TO THAT WOULD BE A SUNDAY WOULD BE...

21 Q THE 5TH.

22 A THE 5TH.

23 Q THAT WOULD PUT THE 3RD ON A FRIDAY,
24 WOULD IT NOT?

25 A YES, SIR, IT WOULD.

1 Q DID SOMEONE, I MEAN WHY DID WEDNESDAY
2 COME FROM I GUESS IS WHAT I'M TRYING...

3 A I DON'T KNOW. PROBABLY CONFUSION IN MY
4 MIND.

5 Q BUT YOUR RECOLLECTION OF IS THAT IT WAS
6 ON A WEDNESDAY OR IT WAS ON THE 3RD? IN THINKING
7 ABOUT IT NOW?

8 A THINKING ABOUT IT NOW, I DON'T--IT WAS
9 ON THE--LET'S GO BACK THIS WAY.

10 Q OKAY.

11 A VICKIE CARRIED THE CHILDREN OUT ON THE
12 12TH, SO STEPHEN HAD HAD THEM WEDNESDAY THROUGH
13 FRIDAY, I GUESS. AND SHE THE PREVIOUS--COUNSELOR,
14 I CAN'T TELL YOU.

15 Q SO IS IT FAIR TO SAY THAT YOU'RE REALLY
16 NOT SURE WHETHER IT WAS A WEDNESDAY OR IT WAS JUNE
17 THE 3RD, BUT SOMEWHERE SOMEONE HAS SUGGESTED OR
18 SOMETHING HAS COME ALONG...

19 A NO, NOTHING HAS COME ALONG. I
20 MENTIONED THIS A LONG TIME, EARLY IN THE
21 INVESTIGATION SO...

22 Q I UNDERSTAND YOU MAY HAVE, BUT WHAT I'M
23 CURIOUS ABOUT IS WHERE OR NOT, OBVIOUSLY WEDNESDAY
24 IS NOT THE 3RD AND OBVIOUSLY THE 3RD IS NOT A
25 WEDNESDAY. SO IF THE 3RD IS IMPORTANT, WE DON'T

1 REALLY KNOW WHAT DAY IT WAS, WHETHER OR NOT IT WAS
2 THE WEDNESDAY OR THE FRIDAY.

3 A WELL, ALL I KNOW IS THAT STEPHEN
4 PUNCHED THE HORN TWICE ON THAT DAY.

5 Q YOU REMEMBER PUNCHING THE HORN.

6 A HE DID.

7 Q NOW, YOU SAID THAT CAME UP EARLY IN
8 THE...AND THAT'S WHEN YOU SPOKE WITH SPIKE MCCRAW
9 WHO IS ONE OF THE CHIEF INVESTIGATORS IN THE CASE?

10 A IT COULD HAVE BEEN SPIKE, IT COULD HAVE
11 BEEN SOMEONE ELSE.

12 Q DID YOU TELL SPIKE THAT WHEN--NOW AS I
13 UNDERSTAND IT NOW, YOU SAID VICKIE WAS NOT PRESENT
14 WHEN YOU WENT THERE?

15 A I SAID I DON'T RECALL VICKIE BEING
16 PRESENT BECAUSE I BELIEVE I WOULD HAVE TALKED TO
17 HER ABOUT THOSE TWO HORN BLOWINGS.

18 Q SO BASED ON THAT, YOU BELIEVE THAT
19 VICKIE WAS NOT PRESENT?

20 A I DON'T BELIEVE THAT SHE WAS THERE ON
21 THAT PARTICULAR EVENING, BUT SHE COULD HAVE BEEN.

22 Q DID YOU TELL SPIKE MCCRAW ABOUT ALMOST
23 TWO YEARS AGO THAT SHE WAS THERE?

24 A I COULD HAVE, YES, SIR.

25 Q SO YOU WOULDN'T DISPUTE THAT AT SOME

1 POINT TWO YEARS AGO YOU TOLD SPIKE MCCRAW THAT
2 VICKIE WAS WITH YOU ON JUNE 3RD?

3 A NO.

4 Q WHEN YOU WENT THERE?

5 A IF THAT WAS IN THE STATEMENT, HE GOT IT
6 FROM SOMEWHERE.

7 Q WELL, IF VICKIE WAS WITH YOU AND YOUR
8 REASON FOR NOT TELLING VICKIE WAS BECAUSE YOU
9 DIDN'T THINK SHE WAS WITH YOU, IF VICKIE WAS WITH
10 YOU, THEN WHAT WAS YOUR REASONS FOR NOT DISCUSSING
11 IT WITH HER?

12 A I HAVE RACKED MY BRAIN FOR THAT AS TO
13 IF SHE WERE WITH ME, WHY I DIDN'T DISCUSS IT WITH
14 HER. MAYBE WE TALKED ABOUT OTHER THINGS. ON THE
15 3RD OF JUNE, I DON'T RECALL WHETHER THE SENATE WAS
16 STILL IN SESSION OR NOT. WE PROBABLY WERE. OTHER
17 THINGS CAME INTO BEING. OTHER THAN THE FACT IS
18 THAT STEPHEN BLEW THE HORN TWICE WHICH WAS OUT OF
19 CHARACTER WHEN WE WENT OUT THERE TO VISIT, AT LEAST
20 IT WAS ON THE VISITS I WAS THERE. IT DIDN'T SEEM
21 TO BE THAT MUCH OF AN IMPORTANT THING. I JUST
22 HAPPENED TO REMEMBER IT.

23 Q SO AT THIS POINT, WE'RE NOT REALLY SURE
24 WHETHER IT WAS WEDNESDAY OR FRIDAY, OR WAS JUNE 3RD
25 OR JUNE 5TH, AND WE'RE NOT SURE WHETHER OR NOT

1 VICKIE WAS THERE OR WAS NOT THERE, IS THAT A FAIR
2 STATEMENT?

3 A WELL, I'M INCLINED TO BELIEVE IT WAS ON
4 JUNE 3RD, BUT...AND I REALLY COULDN'T SWEAR VICKIE
5 WAS THERE OR NOT. SOMETIMES SHE WOULD STAY HOME
6 AND DO OTHER THINGS AND I WOULD DRIVE THE CHILDREN
7 OUT THERE OR MS. LANDER WOULD DRIVE THE CHILDREN
8 OUT THERE OR WHAT-HAVE-YOU.

9 Q YES, SIR. WOULD YOU AGREE THOUGH YOU
10 TOLD MR. MCCRAW THAT?

11 A YES, SIR. I AGREE IF IT'S IN HIS
12 NOTES, THAT'S PROBABLY WHAT I TOLD HIM.

13 Q LET ME SEE IF THIS REFRESHES YOUR
14 MEMORY. THIS IS WHAT I'VE HIGHLIGHTED IN YELLOW.

15 A SO IT WAS ON FRIDAY, JUNE THE 3RD.

16 Q SO YOU TOLD THEM BACK THEN IT WAS
17 FRIDAY, JUNE 3RD, NOT A WEDNESDAY.

18 A YES, SIR.

19 Q AND VICKIE WAS THERE WITH YOU?

20 A YES, SIR.

21 Q IS THAT CORRECT?

22 A YES.

23 Q OKAY. NOW THIS AREA--BY THE WAY, WHAT
24 TIME WAS THIS DURING THE DAY?

25 A ABOUT SIX. THAT WAS THE TIME TO

1 DELIVER THE CHILDREN.

2 Q AND THAT WOULD HAVE BEEN BRIGHT
3 DAYLIGHT AT THAT POINT, CORRECT?

4 A THAT'S CORRECT.

5 Q THAT WOULD BE JUNE OF 1994.

6 A ALMOST THE LONGEST DAY OF THE YEAR.

7 Q PROBABLY IS; YOU'RE RIGHT. OKAY, SO
8 IT'S ABOUT SIX O'CLOCK AND IT'S VERY BRIGHT. NOW

9 THIS AREA WHERE YOU'RE TALKING ABOUT, THE
10 BECKHAM... WHERE THE HOUSES ARE, THAT'S A WIDE
11 OPEN AREA, IS IT NOT?

12 A NO, SIR.

13 Q PARDON?

14 A NO, SIR.

15 Q THE AREA AROUND THE HOUSES IS NOT WIDE
16 OPEN?

17 A NO, SIR. THERE'S A LINE OF TREES AND
18 SHRUBS AND BUSHES BETWEEN THE DRIVEWAY INTO
19 STEPHEN'S AREA, BETWEEN THE BIG HOUSE AND THE
20 LITTLE HOUSE. THE DOG PEN IS THERE AND THERE'S...

21 Q I'M TALKING ABOUT THE AREA OUTSIDE OF
22 STEPHEN'S TRAILER IN THE FRONT. IT'S AN OPEN AREA?

23 A OH, YEAH, YEAH, IT IS OPEN.

24 Q OKAY, AND THE AREA BEHIND HIS HOUSE AND
25 THE BISHOP'S HOUSE IS WIDE OPEN ALSO, IS IT NOT?

- 1 A THERE'S A POND BACK THERE, YEAH.
- 2 Q OKAY. YOU DIDN'T SEE ANYBODY THAT DAY?
- 3 A NO, SIR, I DIDN'T SEE ANYBODY OTHER
- 4 THAN STEPHEN.
- 5 Q OTHER THAN STEPHEN. NOW, LET'S GO, IF
- 6 I COULD, TO JUNE 12TH. BY THE WAY, YOU SAID AT
- 7 THAT POINT, VICKIE WAS WORKING AT SBFI?
- 8 A YES, SIR.
- 9 Q DO YOU KNOW WHERE THE CAR WAS FOUND ON
- 10 MOUNTAIN ROAD, LITTLE MOUNTAIN ROAD?
- 11 A HAVE NOT, AND AM NOT GOING OUT THERE.
- 12 Q YOU KNOW WHERE I'M TALKING ABOUT,
- 13 LITTLE MOUNTAIN ROAD?
- 14 A GENERALLY.
- 15 Q YOU'RE FAMILIAR WITH LITTLE MOUNTAIN
- 16 ROAD?
- 17 A GENERALLY.
- 18 Q WOULD THAT BE THE ROAD TO GO ON
- 19 BETWEEN--AND I'M NOT REALLY FAMILIAR WITH IT--
- 20 BETWEEN STEPHEN'S RESIDENCE AND SBFI?
- 21 A NO.
- 22 Q THAT WOULD NOT BE THE ROUTE?
- 23 A NO.
- 24 Q NOW, ON JUNE 12TH, WE'VE ALREADY
- 25 ESTABLISHED, YOU DON'T HAVE ANY PERSONAL KNOWLEDGE

1 THAT VICKIE WENT OVER THERE BUT YET YOU SAID--I WAS
2 JUST TRYING TO GET THE TIME FRAME, IF I CAN, AGAIN
3 ABOUT THESE PHONE CALLS. YOU SAID THE FIRST TIME
4 YOU CALLED WAS APPROXIMATELY WHAT?

5 A A FEW MINUTES BEFORE SIX, TO THE
6 BECKHAMS' RESIDENCE. I WAS ATTEMPTING TO GET THE
7 ZEIDERS' PHONE NUMBER, AND THE LINE WAS BUSY.

8 Q AND THEN YOU CALLED BACK AGAIN...

9 A I KNOW IT WAS A BIT LATER THAN SAY TWO
10 MINUTES LATER AFTER SIX BECAUSE I HAD DONE
11 SOMETHING ELSE AND IT DAWNED ON ME I HADN'T CALLED.
12 SO THAT'S THE TIME I CALLED AND I WAS...WELL...

13 Q SO IT WAS SOMEWHERE AROUND TWO MINUTES
14 AFTER SIX?

15 A NO, I'D SAY IT WAS PROBABLY CLOSER TO
16 TEN AFTER SIX.

17 Q TEN AFTER SIX. OKAY, AND THAT'S WHEN
18 YOU ACTUALLY SPOKE WITH MS. BECKHAM?

19 A SOMEWHERE IN THAT AREA, FIVE OR TEN
20 AFTER, SOMEWHERE IN THERE.

21 Q COULD HAVE BEEN AS LATE AS 6:35, COULD
22 IT HAVE BEEN?

23 A NO.

24 Q YOU'RE SURE ABOUT THAT?

25 A YES, SIR.

1 Q NOW, YOU'RE SAYING YOU CALLED TWICE OR
2 MORE THAN TWICE?

3 A I CALLED ONCE, THE LINE WAS BUSY; I
4 CALLED TWICE, MS. BECKHAM ANSWERED THE PHONE.

5 Q AND THAT'S THE LAST TIME YOU CALLED MS.
6 BECKHAM, IS THAT RIGHT?

7 A THAT'S CORRECT. ON THAT DAY, YES.

8 Q AND YOU'RE SAYING IT COULD NOT HAVE
9 BEEN AS LATE AS 6:35?

10 A NO, SIR.

11 Q AGAIN, LET ME REFER YOU--YOU'VE ALREADY
12 MET MR. MCCRAW, CORRECT?

13 A YES, SIR, I KNOW MR. MCCRAW.

14 Q AND YOU WERE INTERVIEWED BY HIM ON JUNE
15 13TH, 1994 WHICH IS ALMOST TWO YEARS AGO, OVER TWO
16 YEARS AGO?

17 A THAT WAS THE DAY AFTER MY DAUGHTER'S
18 MURDER.

19 Q YES, SIR. AND ON THAT DAY YOU TOLD MR.
20 MCCRAW THAT YOU CALLED MS. BECKHAM'S HOME SOMEWHERE
21 BETWEEN SIX AND 6:35, ISN'T THAT TRUE?

22 A I DO NOT RECALL A PHONE CALL TO THE
23 BECKHAMS AT 6:35.

24 Q WELL, I UNDERSTAND BUT LET ME SHOW YOU
25 THIS DOCUMENT AND SEE IF IT REFRESHES YOUR MEMORY.

1 "MR. LANDER STATES HE GOT A LITTLE WORRIED AND
2 APPROXIMATELY SIX O'CLOCK TO 6:35..."

3 A MAY HAVE. I DO NOT RECALL THAT NOW.

4 Q BUT YOUR MEMORY THEN WOULD HAVE BEEN
5 BETTER THAN IT WOULD BE NOW TWO YEARS LATER, WOULD
6 IT NOT?

7 A UNDER GREAT STRESS AND GRIEF, YES, SIR.

8 Q UNDERSTANDABLE, UNDERSTANDABLE. BUT
9 SIX TO 6:35 WOULD BE, THAT'S A WIDE RANGE OF TIME,
10 THIRTY-FIVE MINUTES, CORRECT?

11 A IF THAT WAS A PHONE CALL, THEN IT WAS
12 ANOTHER PHONE CALL. IT WAS NOT THE PHONE CALL
13 WHERE I WAS INFORMED THAT VICKIE HAD LEFT.

14 Q BUT WHAT I'M SAYING TO YOU IS AT THAT
15 TIME ON JUNE 13TH YOU GAVE A RANGE OF TIME THAT THE
16 PHONE CALL TO MS. BECKHAM COULD HAVE BEEN AS EARLY
17 AS SIX O'CLOCK OR IT COULD HAVE BEEN AS LATE AS
18 6:35, CORRECT?

19 A I DON'T KNOW WHETHER MR. MCCRAW
20 MISUNDERSTOOD ME OR NOT, COUNSELOR, BUT IT WAS NOT
21 AS LATE AS 6:35.

22 Q YOU WOULD AGREE THAT'S WHAT'S WRITTEN
23 THERE?

24 A I AGREE THAT'S WHAT'S WRITTEN THERE,
25 YES.

- 1 Q NOW, AS FAR AS COMING AND TAKING THE
2 KIDS BACK TO STEPHEN'S RESIDENCE, SOMETIMES VICKIE
3 WOULD TAKE THE CHILDREN, SOMETIMES YOU WOULD?
- 4 A UH-HUH.
- 5 Q SOMETIMES YOUR WIFE...
- 6 A SOMETIMES MS. LANDER WOULD, SOMETIMES
7 MAYBE AN AUNT WOULD, I DON'T KNOW.
- 8 Q AND THAT WOULD BE SOMETHING YOU WOULD
9 ALL DECIDE BETWEEN THE THREE OF YOU AS TO WHO WAS
10 GOING TO RETURN THE CHILDREN, CORRECT?
- 11 A NORMALLY ON THAT DAY.
- 12 Q PARDON?
- 13 A YEAH, IT WASN'T SCHEDULED.
- 14 Q IT WASN'T A SCHEDULED THING, IT WASN'T
15 A PREARRANGED THING. ANY ONE OF THE THREE OF YOU
16 COULD HAVE SHOWN UP AT STEPHEN'S HOUSE WITH THE
17 CHILDREN?
- 18 A MORE OFTEN THAN NOT, VICKIE.
- 19 Q BUT YOU HAVE DONE THAT.
- 20 A I HAVE DONE THAT AT LEAST ONCE.
- 21 Q AND YOUR WIFE HAD DONE THAT?
- 22 A WELL, I DON'T RECALL BUT SHE HAS BEEN
23 WITH VICKIE WHEN SHE WENT OUT THERE.
- 24 Q AND SO THE ANSWER TO MY QUESTION IS
25 THAT ANY ONE OF THE THREE OF YOU COULD BE EXPECTED

1 TO BRING THE CHILDREN BACK?

2 A IT WOULD NOT BE, IT WOULDN'T BE A
3 CIRCUMSTANCE ANYONE WOULD BE SURPRISED IF WE DID.

4 Q WOULD NOT BE SURPRISED.

5 A VICTORIA NORMALLY CARRIED THE CHILDREN
6 HOME.

7 Q ALL RIGHT. NOW, YOU SAID WHETHER OR
8 NOT YOU, YOUR WIFE OR VICKIE WOULD TAKE THE
9 CHILDREN THERE WAS NOT SOMETHING THAT WAS PRE-
10 PLANNED. IT WOULD BE DECIDED THAT DAY WHOEVER WAS
11 GOING TO TAKE THE CHILDREN, WHOEVER HAD THE TIME TO
12 TAKE THE CHILDREN?

13 A WHEN I SAY TAKE THE KIDS, I MEAN NOT BY
14 THEMSELVES BUT WITH VICKIE FOR THE MOST PART.

15 Q DROP THEM BY.

16 A ACCOMPANY WITH VICKIE.

17 Q BUT I THINK ON ONE OCCASION YOU SAID,
18 YOU RECALLED THAT ON JUNE 3RD YOU WERE BY YOURSELF.

19 A ON THAT PARTICULAR DAY.

20 Q DO YOU EVER RECALL GOING THERE BY
21 YOURSELF, OTHER THAN THIS PARTICULAR...

22 A NO, I DON'T. NO.

23 Q WHAT ABOUT YOUR WIFE?

24 A IF SHE WENT, IT WOULDN'T BE MUCH. IT
25 WOULDN'T BE OFTEN, IF SHE WENT AT ALL.

1 Q ALL RIGHT.

2 MR. SWERLING: IF THE COURT WOULD
3 INDULGE ME ONE MOMENT.

4 THAT'S ALL THE QUESTIONS I HAVE, YOUR
5 HONOR.

6 THE COURT: ANYTHING ON REDIRECT,
7 SOLICITOR?

8 MR. JONES: YES, YOUR HONOR.

9 THE COURT: ALL RIGHT, SIR.

10 REDIRECT EXAMINATION:

11 BY MR. JONES:

12 Q SENATOR LANDER, LAWYER SWERLING HANDED
13 YOU A DOCUMENT. I HAND YOU THAT DOCUMENT AND ASK
14 YOU IF IT APPEARS TO BE THE SAME ONE THAT HE ASKED
15 YOU TO LOOK AT TO REFRESH YOUR MEMORY FROM
16 CONCERNING A STATEMENT YOU MADE TO SPIKE MCCRAW ON
17 JUNE 13TH, 1994? FROM SHERRY SCOTT, TAKEN FROM
18 INVESTIGATOR SHERRY SCOTT WITH THE NEWBERRY COUNTY
19 SHERIFF'S DEPARTMENT?

20 A THIS IS NOT THE SAME, NO, SIR. THERE
21 ARE SOME DIFFERENT FACTS ON IT, IT SEEMS TO ME, AS
22 WELL AS I RECALL.

23 MR. JONES: YOUR HONOR, COULD I SEE THE
24 STATEMENT THAT HE HANDED THE WITNESS?

25 THE COURT: YES, SIR. YOU'VE GOT TO

1 MARK IT SOMEWHERE STATEMENT.

2 MR. SWERLING: YOUR HONOR, I WAS
3 REFERRING TO TWO DIFFERENT ONES. I DON'T KNOW
4 WHICH ONE YOU'RE REFERRING TO.

5 THE COURT: THE SECOND ONE. THE ONE
6 YOU HAD MARKED FOR IDENTIFICATION.

7 A NO, SIR.

8 THE COURT: OKAY, TWO STATEMENTS.

9 MR. SWERLING: ONE WAS MR. MCCRAW'S
10 NOTES AND ONE IS A MS. SCOTT'S NOTES.

11 THE COURT: ALL RIGHT, WHICH ONE DID
12 YOU SHOW HIM?

13 MR. SWERLING: THE ONE I SHOWED HIM
14 WAS...

15 A YOU SHOWED ME BOTH.

16 MR. JONES: I'D LIKE TO SEE SHERRY
17 SCOTT'S NOTES, YOUR HONOR.

18 MR. SWERLING: NO PROBLEM.

19 Q TAKE A LOOK AT IT AND SEE IF THERE'S
20 ANY DIFFERENCE BETWEEN THOSE TWO.

21 MR. SWERLING: DIFFERENCE BETWEEN WHAT
22 TWO?

23 THE COURT: LET HIM ASK THE QUESTION.

24 MR. JONES: BETWEEN THOSE TWO
25 DOCUMENTS.

1 MR. SWERLING: I GOT IT FROM THE STATE.

2 THE COURT: HE'S ASKED THE QUESTION.

3 MR. SWERLING: YES, SIR.

4 THE COURT: ALL RIGHT. YOU CAN ANSWER,
5 SENATOR.

6 A THESE TWO APPEAR TO BE.

7 Q ALL RIGHT, THAT'S FINE. THEY APPEAR TO
8 BE THE EXACT SAME DOCUMENT, DON'T THEY? IS THAT
9 CORRECT?

10 A YES, SIR. THERE'S MR. SWERLING'S COPY.

11 Q ALL RIGHT, MR. SWERLING ASKED YOU TO
12 REFRESH YOUR MEMORY FROM THAT DOCUMENT. I ASK YOU
13 NOW IS IT A STATEMENT THAT YOU GAVE SHERRY SCOTT ON
14 JUNE 13TH, 1994? THOSE ARE THE STATEMENTS YOU GAVE
15 HER?

16 MR. SWERLING: YOUR HONOR, I WOULD LIKE
17 TO KNOW WHAT THE SOLICITOR'S PURPOSE OF WHAT THE
18 SOLICITOR'S TRYING TO DO?

19 THE COURT: I DON'T KNOW YET. SO FAR I
20 DON'T SEE ANYTHING OBJECTIONABLE WITH HIM ASKING
21 THAT QUESTION, SO OKAY.

22 Q SENATOR, PLEASE THE DOCUMENT.

23 MR. SWERLING: OBJECTION, YOUR HONOR.
24 THAT'S NOT PROPER REDIRECT.

25 THE COURT: SUSTAINED AS TO READING IT.

1 THE QUESTION YOU ASKED HIM, ASK HIM THE QUESTION
2 JUST BEFORE THAT YOU WANT. HE CAN'T JUST READ THE
3 DOCUMENT.

4 MR. JONES: YOUR HONOR, COULD I
5 APPROACH THE BENCH AT THE SIDE FOR A MINUTE?

6 (BENCH CONFERENCE IN THE PRESENCE OF
7 THE JURY, OUT OF THE HEARING OF THE JURY, AND OFF
8 THE RECORD.)

9 THE COURT: ALL RIGHT, AS TO THAT
10 PORTION OF THE STATEMENT, YOU'RE ATTEMPTING TO
11 EXAMINE, I SUSTAIN THE OBJECTION ON THE BASIS THAT
12 IT IS HEARSAY AND WAS NOT PROBED ON, WAS NOT GONE
13 INTO ON DIRECT AND ON CROSS, INQUIRY WAS LIMITED TO
14 A SPECIFIC ISSUE.

15 Q ALL RIGHT, SENATOR LANDER, THE DEFENSE,
16 ATTORNEY SWERLING ASKED YOU IF YOU RECOGNIZED
17 DEFENDANT'S EXHIBIT NUMBER ONE FOR IDENTIFICATION
18 PURPOSES. AND DEFENSE EXHIBIT NUMBER 1....

19 MR. SWERLING: I OBJECT, YOUR HONOR.
20 IT'S MARKED FOR I.D.

21 Q I.D. PURPOSES.

22 THE COURT: I UNDERSTAND. GO AHEAD.

23 MR. SWERLING: AS SUCH, CAN'T BE
24 PUBLISHED.

25 Q READ THE LAST PARAGRAPH.

1 THE COURT: JUST A MINUTE. UNLESS
2 YOU'RE GOING TO OFFER IT AS YOUR EXHIBIT, THE
3 CONTENTS OF IT CANNOT BE PUBLISHED. IT'S ONLY BEEN
4 MARKED FOR PURPOSES OF IDENTIFICATION OF THE
5 DOCUMENT. NOW YOU MAY OFFER IT AS YOUR EXHIBIT AND
6 THEN YOU MAY PUBLISH IT.

7 Q ALL RIGHT, SENATOR, YOU MENTIONED YOU
8 HAD SOME RECOGNITION OF THAT DOCUMENT, IS THAT
9 CORRECT?

10 A I WAS AWARE THEY HAD--I DID NOT GO WITH
11 VICKIE TO THE COURT. I WAS AWARE OF THE CONTENTS
12 OF THE AGREEMENT OF THE EXCHANGE OF CHILDREN AND
13 THE JOINT CUSTODY.

14 Q ALL RIGHT, I WANT TO ASK YOU DO YOU
15 KNOW WHETHER OR NOT THAT AGREEMENT, AND WHAT'S THE
16 DATE ON IT?

17 A IT APPEARS TO BE MAY 16TH.

18 Q IS IT PERMANENT OR TEMPORARY.

19 A TEMPORARY.

20 Q SO IT WAS A TEMPORARY AGREEMENT, IS
21 THAT CORRECT?

22 A YES, SIR.

23 Q AND IT WAS A TEMPORARY AGREEMENT WITH
24 REGARD TO VISITATION, IS THAT CORRECT?

25 MR. SWERLING: IN REGARDS TO CUSTODY,

1 YOUR HONOR. I'D LIKE THE SOLICITOR EITHER ASK A
2 QUESTION...

3 THE COURT: MR. SWERLING, DON'T GET
4 EXCITED.

5 MR. SWERLING: YES, SIR.

6 THE COURT: ASK THE QUESTION THAT YOU
7 WANT HIM TO ANSWER STRAIGHT FORWARD.

8 Q WHAT WAS IT A TEMPORARY AGREEMENT FOR?

9 A CUSTODY AND VISITATION OF THE PARTIES
10 MINOR CHILDREN.

11 Q ALL RIGHT. AND IT BEING TEMPORARY
12 BETWEEN THAT TIME AND HER DEATH ON JUNE 12TH, WHAT
13 STEPS WAS VICKIE TAKING THAT YOU WERE AWARE OF WITH
14 REGARD TO CUSTODY?

15 MR. SWERLING: 802 CLASSIC HEARSAY.

16 THE COURT: HE CAN'T TESTIFY AS TO WHAT
17 SHE TOLD HIM, BUT HE CAN TESTIFY AS TO WHAT HE
18 OBSERVED HER DOING.

19 Q WHAT STEPS, WHAT DID SHE DO?

20 THE COURT: WELL NOW, SOLICITOR, AGAIN
21 STEPS IS WIDE OPEN, SO WITHIN THOSE PERIMETERS. HE
22 CAN'T SAY WHAT SHE SAID BUT WHAT HE SAW HER DOING,
23 ETCETERA, CERTAINLY HE CAN TESTIFY TO.

24 MR. SWERLING: IF YOUR HONOR, PLEASE,
25 UNDER STATE VERSUS WILLIAMS, I DON'T BELIEVE ANY OF

1 THAT IS ADMISSIBLE.

2 THE COURT: I SUSTAIN THE OBJECTION.

3 MR. JONES: YOUR HONOR, WE'D LIKE TO BE
4 HEARD ON THAT MATTER.

5 THE COURT: ALL RIGHT, MADAM FOREMAN,
6 IF YOU'LL GO OUT TO THE JURY ROOM AND DON'T BEGIN
7 ANY COMMENT OR DISCUSSION. JUST LEAVE YOUR PAD IN
8 YOUR SEAT.

9 (JURY RECESSED TO JURY ROOM AT 5:08
10 P.M.)

11 THE COURT: ALL RIGHT, SOLICITOR, I'LL
12 BE GLAD TO LISTEN TO YOU.

13 MR. JONES: YOUR HONOR, STATE V.
14 WILLIAMS STATES, I BELIEVE, THAT WE CAN'T GO INTO
15 THE SPECIFICS OF THIS DIVORCE ACTION AND THE
16 CUSTODY ISSUES, BUT WE'RE NOT TRYING TO DO THAT.
17 WHAT WE'RE DOING IS WE'RE PRESENTING TESTIMONY
18 ABOUT NOT THE SPECIFICS CONCERNING WHO WOULD GET
19 AND WHY THERE WAS THE PROBLEM WITH CUSTODY, BUT
20 WHAT SHE WAS DOING ON HER OWN TO MAKE HER MORE
21 ATTRACTIVE TO THE CHILDREN FOR CUSTODY.

22 IN OTHER WORDS, SHE HAD TO GO AND GET A
23 PLACE OF HER OWN, AND THAT INDICATES, YOUR HONOR,
24 NOT THE SPECIFICS OF WHO WAS GOING TO GET CUSTODY,
25 BUT IN HER MIND, IN VICKIE'S MIND, IT GOES TO SHOW

1 WHAT SHE DID IN AN EFFORT TO GET A PLACE OF HER OWN
2 SO SHE WOULD BE MORE ATTRACTIVE TO COMPLETE
3 CUSTODY, TO FULL CUSTODY OF THE CHILDREN. AND IT
4 GOES TO SHOW THAT SHE WAS NOT SATISFIED WITH THE
5 TEMPORARY CUSTODY ORDER. ON CROSS EXAMINATION,
6 DEFENSE COUNSEL SAID, "NOW EVERYTHING WAS BASICALLY
7 HUNKY-DOREY, WASN'T IT? THEY WERE ALL HAPPY. IT
8 WAS A CONSENT ORDER, THEY AGREED, THEY CAME TO
9 COURT," AND I BELIEVE THE WORDS WERE, YOUR HONOR,
10 SAID THAT, "CAME TO COURT TO MEMORIALIZE THIS
11 CUSTODY AGREEMENT."

12 THE COURT: YES, SIR. AND SOLICITOR,
13 THE EVIDENCE IS PERFECTLY CLEAR THAT IT IS A
14 CONSENT ORDER.

15 MR. JONES: AND A TEMPORARY CONSENT
16 ORDER.

17 THE COURT: THAT'S TRUE AND THAT'S BEEN
18 ESTABLISHED CLEARLY IN THE JURY'S MIND, BUT THAT IS
19 NOT RELEVANT TO WHO, WHAT, WHEN, AND WHERE, AND HOW
20 SHE WAS KILLED. NOW THAT'S THE ISSUE WE'RE GOING
21 TO DEAL WITH IN THIS CASE.

22 MR. JONES: YOUR HONOR, IF I MIGHT, IF
23 I MIGHT, JUST IN THAT REGARD, AND YOU HAVE
24 INDICATED TO ME AND I RESPECT THAT POSITION AS FAR
25 AS WHO, WHAT, WHERE, AND WHEN. THEY HAVE

1 INTRODUCED THIS EXHIBIT...

2 THE COURT: NO, SIR.

3 MR. JONES: I MEAN I.D. PURPOSES. THEY
4 HAVEN'T INTRODUCED IT, BUT THEY BROUGHT UP THE
5 SUBJECT AND THE ISSUE OF CUSTODY IN AN EFFORT TO
6 PRESENT TO THE JURY THE FACT THAT CUSTODY WAS NOT A
7 PROBLEM. WHY WOULD DEFENDANT BECKHAM WANT HIS WIFE
8 KILLED IF THERE'S NO CUSTODY PROBLEM, IF THERE'S NO
9 PROBLEM WITH THE CHILDREN. THEY'RE TRYING TO SET
10 UP THE FACT THAT HE HAD NO REASON TO WANT HER DEAD
11 WHEN IN FACT SHE WAS NOT SATISFIED WITH CUSTODY AND
12 HE KNEW GOOD AND WELL THAT SHE WAS ATTEMPTING TO
13 GET FULL CUSTODY OF THESE CHILDREN. AND SINCE
14 THEY'VE OPENED THE DOOR, IT'S NOT FAIR TO ALLOW
15 THIS JURY TO THINK THAT EVERYTHING'S FINE WHEN IN
16 FACT VICKIE LANDER BECKHAM, ON JUNE 12TH, 1994, HAD
17 AN APPOINTMENT ON JUNE 13TH TO MEET WITH A MAN WHO
18 WAS TRYING TO RENT A HOME TO HER.

19 THE COURT: SOLICITOR, THAT'S PRECISELY
20 WHY THE WILLIAMS CASE SAYS YOU CAN'T GET INTO THE
21 DETAILS ABOUT THE DISCORD, AND CUSTODY WAS AN ISSUE
22 BETWEEN THEM. AND YOU CAN, IN A TEMPORARY CONSENT
23 ORDER, IS JUST WHAT IT IS. IT'S JUST TEMPORARY TO
24 WORK IT OUT UNTIL THEY FIGURE OUT, UNTIL THEY
25 EITHER GO BACK TO COURT OR GET SOMETHING WORKED

1 OUT. I MEAN, THAT'S WHAT'S THERE.

2 MR. JONES: WELL, YOUR HONOR, COULD I
3 ASK THE QUESTION, "DID VICKIE TAKE STEPS, DID
4 VICKIE DO ANYTHING, OR WHAT DID SHE DO TOWARDS
5 ESTABLISHING HER INDEPENDENCE FROM YOU?"

6 THE COURT: YEAH. I FAIL TO SEE HOW
7 THAT BEARS ON THE QUESTION WHO, WHAT, WHEN, WHERE
8 AND HOW.

9 MR. JONES: YOUR HONOR, IN THAT REGARD,
10 IF YOU WOULD, YOU KNOW YOU HAD INDICATED, AND I
11 FELT YOU HAD INDICATED TO BOTH SIDES, I THOUGHT YOU
12 INDICATED TO ME THAT YOU'D INDICATED TO BOTH SIDES
13 THAT WHO, WHAT, WHERE, WHEN IS IMPORTANT.

14 THE COURT: YES, SIR.

15 MR. JONES: WHY WAS NOT?

16 THE COURT: THAT'S NOT.

17 MR. JONES: ALL RIGHT. WHY THEN WERE
18 THEY ALLOWED TO ENTER INTO EVIDENCE ISSUES THAT
19 CONCERN WHY OR WHY NOT?

20 THE COURT: SOLICITOR, I ASKED YOU DID
21 YOU HAVE ANY OBJECTION TO THE DOCUMENT AND YOU SAID
22 YOU HAD NO OBJECTIONS. AND ALSO, YOU'RE THE ONE
23 THAT PUT THE WITNESS ON THE STAND TO TALK ABOUT THE
24 TEMPORARY CONSENT ARRANGEMENT TO VISITATION; YOU
25 CALLED THE WITNESS. YOU KNOW, THAT'S -- I MEAN IT

1 WAS ALREADY DISCUSSED WHEN YOU WENT THROUGH ALL THE
2 QUESTIONS.

3 MR. JONES: ALL RIGHT SO THE ISSUE HAS
4 BEEN DISCUSSED, NOT OBJECTED TO BY THEM, AS FAR AS
5 I WAS CONCERNED. THEY DIDN'T OBJECT THAT THE ISSUE
6 OF CUSTODY CAME UP AND VISITATION.

7 THE COURT: YES, SIR.

8 MR. JONES: THEY DIDN'T OBJECT SO IT'S
9 IN EVIDENCE. NOW THEY GO FURTHER AND PRESENT A
10 DOCUMENT THAT I DON'T OBJECT TO THAT SAYS IT'S
11 TEMPORARY, TEMPORARY CUSTODY.

12 THE COURT: AND LISTEN, SOLICITOR, I
13 SAID THERE IS NOT A THING IN THE WORLD WRONG WITH
14 YOU PUTTING THAT IN THE RECORD IF YOU WANT. YOU
15 OFFERED, I LET IT IN. NOW IT STOPS THERE. YOU
16 WANT THE DOCUMENT IN, I'LL LET IT IN. OFFER IT.

17 MR. JONES: ALL RIGHT, YOUR HONOR.

18 THE COURT: I MEAN, YOU WANT IT IN?

19 MR. JONES: NO, SIR. YOU KNOW, IT IS
20 WITHOUT THE FACT THAT VICKIE BECKHAM MADE THE
21 MOTION...

22 THE COURT: THERE ARE OTHER WAYS FOR
23 YOU TO ESTABLISH THAT, BUT NOT THROUGH THIS
24 WITNESS.

25 MR. JONES: OKAY.

1 THE COURT: OKAY, BRING THE JURY BACK.

2 (JURY RETURNED TO THE OPEN COURTROOM AT

3 5:18 P.M.)

4 THE COURT: ALL RIGHT, SOLICITOR, ANY
5 FURTHER QUESTIONS?

6 MR. JONES: YOUR HONOR, JUST FOR
7 CLARIFICATION PURPOSES.

8 Q SENATOR, THE MAY 16TH ORDER, WAS IT
9 PERMANENT OR TEMPORARY?

10 A TEMPORARY.

11 Q THANK YOU, SIR.

12 THE COURT: ANYTHING ELSE OF THIS
13 WITNESS?

14 MR. JONES: NO, SIR.

15 THE COURT: ANYTHING FURTHER?

16 MR. SWERLING: NOTHING FURTHER.

17 THE COURT: THANK YOU, SIR. YOU MAY
18 STEP DOWN. CALL YOUR NEXT WITNESS, PLEASE.

19 MR. JONES: STATE CALLS DEBRA SULTON TO
20 THE STAND.

21 DEBRA SULTON, BEING DULY

22 SWORN, TESTIFIED AS FOLLOWS:

23 DIRECT EXAMINATION:

24 BY MR. JONES:

25 THE COURT: SOLICITOR, LET ME MAKE SURE

1 I UNDERSTAND. GENTLEMEN, WHEN Y'ALL ARE SWAPPING
2 CHAIRS, I'M ASSUMING THAT YOU'RE THE ONE THAT'S
3 GOING TO BE EXAMINING THE WITNESS, IS THAT CORRECT?

4 MR. SWERLING: YES, SIR. THAT'S WHAT
5 WE'RE...

6 THE COURT: AND YOU'LL BE MAKING THE
7 OBJECTIONS.

8 MR. HARPOOTLIAN: YES, SIR. WE JUST DO
9 THAT..

10 MR. SWERLING: IT'S A LITTLE EASIER
11 THAN ME CLIMBING OVER HIM.

12 MR. HARPOOTLIAN: HE'S A BIG GUY.

13 THE COURT: THAT'S FINE. ALL RIGHT.

14 ALL RIGHT, MR. SOLICITOR.

15 Q (BY MR. JONES) MS. SULTON, YOU LIVE IN
16 NEWBERRY COUNTY?

17 A NO, I LIVE IN LEXINGTON COUNTY.

18 Q WERE YOU IN NEWBERRY COUNTY JUNE 12TH
19 OF 1994?

20 A YES.

21 Q AND WHAT WERE YOU DOING HERE THEN, MS.
22 SULTON?

23 A I WAS VISITING MY SISTER.

24 Q AND WOULD YOU TELL US WHERE YOUR SISTER
25 LIVES?

1 A SHE LIVE OFF OF HIGHWAY 76 NEAR THE
2 PROVIDENCE ROAD AREA.

3 Q ARE YOU FAMILIAR WITH THE ROAD IN THAT
4 AREA CALLED MOUNTAIN ROAD?

5 A YES.

6 Q HAVE YOU EVER TRAVELLED THE ROAD CALLED
7 MOUNTAIN ROAD?

8 A YES.

9 Q WERE YOU ON MOUNTAIN ROAD ON JUNE 12TH,
10 1994?

11 A YES.

12 Q WERE YOU ON THAT ROAD IN THE EVENING
13 HOURS AROUND DARK OR SHORTLY THEREAFTER?

14 A YES.

15 Q DO YOU RECALL ABOUT WHAT TIME IT WAS
16 AND WHERE YOU WERE GOING ON MOUNTAIN ROAD ON JUNE
17 12TH AROUND DARK?

18 A I WAS ON MY WAY HOME FROM MY SISTER'S
19 HOUSE. IT WAS BETWEEN 9:15 TO 9:30.

20 Q WERE YOU TRAVELLING IN A PARTICULAR
21 DIRECTION BEING ON THE WAY HOME FROM YOUR SISTER'S
22 HOUSE?

23 A YES.

24 Q AND WHICH DIRECTION WAS THAT?

25 A I WAS LEAVING FROM MY SISTER'S HOUSE. I

1 STOPPED IN THE AREA UP IN LITTLE MOUNTAIN FROM NEAR
2 MOUNTAIN ROAD TO GO HOME.

3 Q ALL RIGHT. DID YOU OBSERVE SOMETHING
4 ON MOUNTAIN ROAD AT ABOUT THAT TIME ON THAT
5 EVENING?

6 A YES.

7 Q AND WHAT WAS IT YOU OBSERVED ON
8 MOUNTAIN ROAD?

9 A IT WAS A CAR PARKED LIKE IN THE DITCH
10 AREA WITH THE LIGHTS AND MOTOR RUNNING.

11 Q AND WHAT DID YOU DO WHEN YOU OBSERVED
12 THE CAR PARKED IN THE DITCH WITH THE LIGHTS AND
13 MOTOR RUNNING?

14 A WELL, TO ME I THOUGHT IT WAS VERY
15 UNUSUAL FOR A CAR TO BE PARKED IN THE AREA WITH THE
16 LIGHTS AND MOTOR ON, AND SO AS I APPROACHED THE
17 CAR, I SLOWLY PASSED IT. AND JUST OUT OF
18 CURIOSITY, WITH THE LIGHTS AND MOTOR ON, I BACKED
19 UP, AND I LEANED OVER AND I COULD SEE SOMEONE WAS
20 SLUNCHED OVER IN THE DRIVER'S SEAT LEAVING OVER IN
21 THE PASSENGER'S SEAT. SO I CALLED OUT AND BLEW THE
22 HORN; NO ONE ANSWERED. SO I PULLED IN FRONT OF THE
23 VEHICLE AND I ASSUMED SOMEONE MUST BE HURT SINCE
24 THEY DIDN'T RESPOND TO MY CALLING OF BLOWING THE
25 HORN.

1 SO I GOT OUT AND IT WAS DARK. I GOT
2 THE FLASHLIGHTER, AND CAME BACK AND STILL WAS
3 CALLING OUT. AND THE WINDOW WAS ROLLED DOWN SO I
4 REACHED IN AND TOUCHED THE PERSON'S ARM, AND I
5 SAID, "OH, THIS PERSON IS DEAD."

6 Q WHAT MADE YOU DRAW THAT CONCLUSION?

7 A BECAUSE THEY FELT COLD.

8 Q I HAND YOU STATE'S EXHIBIT NUMBER 2,
9 MS. SULTON, AND ASK YOU IF YOU RECOGNIZE WHAT'S
10 DEPICTED IN THAT PHOTOGRAPH?

11 A YES, THIS IS THE CAR.

12 MR. HARPOOTLIAN: SOLICITOR, I KNOW
13 WE'VE CONSENTED TO THAT. COULD YOU JUST SHOW ME
14 THAT BEFORE YOU SHOW TO--JUST SO I'LL KNOW WHICH
15 ONE WE'RE TALKING ABOUT.

16 THE COURT: AND I OUGHT TO PUT IN THE
17 RECORD THAT YOU HAVE PREVIOUSLY MARKED EXHIBITS,
18 AND THOSE THAT HAVE BEEN MARKED, HAVE BEEN MARKED
19 WITHOUT OBJECTION SO WE WON'T HAVE TO GO THROUGH
20 THAT ROUTINE.

21 MR. HARPOOTLIAN: YES, SIR. BEFORE HE
22 SHOWS IT, I JUST WANT TO KNOW WHICH ONE THEY'RE
23 LOOKING AT.

24 THE COURT: ALL RIGHT, SIR. THANK YOU.

25 Q MS. SULTON, WAS THE CAR YOU SAW THAT

- 1 NIGHT BASICALLY IN THE SAME POSITION AS THIS CAR IS
2 IN? DOES THIS PHOTOGRAPH ACCURATELY REFLECT THE
3 CAR AS YOU SAW IT THAT NIGHT?
- 4 A YES, IT WAS LEANING OVER IN THE DITCH.
- 5 Q DO YOU RECALL WHETHER THE HOOD WAS IN
6 THAT POSITION?
- 7 A NO.
- 8 Q YOU DO NOT RECALL OR IT WAS NOT?
- 9 A THE HOOD WAS NOT UP.
- 10 Q BUT IT WAS POSITIONED IN THE DITCH THAT
11 NIGHT AS IT IS POSITIONED IN THE DITCH IN THIS
12 PHOTOGRAPH, IS IT NOT?
- 13 A NO.
- 14 Q IT WASN'T?
- 15 A NO.
- 16 Q WHAT WAS THE DIFFERENCE IN THE
17 POSITION?
- 18 A THE MOTOR WAS RUNNING AND THE LIGHTS
19 WAS ON.
- 20 Q OKAY. AND WHICH WINDOW WAS IT, MS.
21 SULTON, THAT YOU REACHED IN AND TOUCHED THE WOMAN
22 THAT WAS IN THE CAR?
- 23 A THAT'S THE DRIVER'S WINDOW. I WOULD
24 ASSUME IT'S THE RIGHT FRONT, LEFT FRONT, EXCUSE ME.
- 25 Q AND WAS SHE IN THE DRIVER'S SEAT?

1 A YES.

2 Q AND WAS SHE LEANING IN ANY DIRECTION
3 THAT YOU CAN RECALL?

4 A SHE WAS SLUMPED OVER IN THE PASSENGER
5 SEAT.

6 Q SO SHE WAS SEATED IN THE DRIVER'S SEAT
7 AND HER SHOULDERS AND TORSO AND HEAD WERE SLUMPED
8 OVER TO THE PASSENGER SEAT, IS THAT CORRECT?

9 A HER SHOULDERS AND NECK AREA AND HEAD
10 WAS SLUMPED OVER IN THE PASSENGER SEAT.

11 Q MS. SULTON, WHEN YOU TOUCHED HER AND
12 FELT THAT SHE WAS COLD, AND CONCLUDED THAT SHE WAS
13 NOT ALIVE, WHAT DID YOU DO NEXT?

14 A WELL, I WENT DOWN THE STREET TO SOME
15 NEIGHBOR HOUSE THAT I KNEW AND ASKED THE NEIGHBORS
16 WAS ANY OF HER SONS HOME BECAUSE THERE WAS SOMEONE
17 UP THE ROAD, THEY ARE DEAD. AND SHE SAID, "AW, YOU
18 JUST KIDDING." AND I SAID, "NAW, THERE'S A DEAD
19 BODY UP THE STREET."

20 SO WHEN WE GOT BACK WITH HER TWO SONS
21 ANOTHER CAR APPROACHED AND THEY HAD A CAR PHONE; I
22 HAD ALREADY TOLD THE NEIGHBORS TO CALL 911, AND I
23 DON'T RECALL WHAT THE MAN'S NAME WAS THAT I FLAGGED
24 DOWN. HE HAD A SON IN THE CAR WITH HIM, AND HE HAD
25 A CAR PHONE SO HE CALLED FOR HELP, TOO.

1 Q DID YOU SEE THAT MAN BEFORE YOU LEFT
2 THE SCENE TO GO MAKE THE CALL TO 911 OR AFTER YOU
3 LEFT THE SCENE TO GO CALL?

4 A AFTER I HAD LEFT.

5 Q AFTER YOU HAD LEFT?

6 A YES.

7 Q HOW LONG WOULD YOU SAY THAT YOU WERE
8 GONE FROM THE FIRST TIME YOU SAW THE AUTOMOBILE AND
9 WENT TO CALL AND CAME BACK?

10 A OH, IT WASN'T LONG. I GIVE IT TEN TO
11 FIFTEEN MINUTES. MIGHT HAVE BEEN LESS THAN THAT.

12 Q AND YOU DID CALL 911?

13 A I ASKED THE NEIGHBOR TO CALL.

14 Q EXCUSE ME, MA'AM. MS. SULTON, YOU
15 SAID, I BELIEVE, THAT YOU DIDN'T RECALL THE MAN'S
16 NAME WHO WAS THERE WITH HIS SON WHEN YOU GOT BACK?

17 A NO, I DIDN'T.

18 Q DO YOU RECALL WHETHER OR NOT HE DID
19 ANYTHING IN YOUR PRESENCE WHILE YOU WERE THERE?

20 A WELL, FOR AWHILE HE WAS SAYING, "SHOULD
21 WE CUT THE MOTOR OFF AND THE LIGHTS?" I SAID,
22 "NO," BECAUSE I HAD ALREADY TOUCHED THE BODY. I
23 DIDN'T WANT TO TOUCH ANYTHING ELSE. AND HE REACHED
24 IN AND CUT THE MOTOR OFF.

25 Q ANSWER ANY QUESTIONS THAT THE LAWYER

1 HAS FOR YOU.

2 THE COURT: CROSS EXAMINATION, MR.

3 HARPOOTLIAN.

4 MR. HARPOOTLIAN: MAY IT PLEASE THE

5 COURT, YOUR HONOR.

6 CROSS EXAMINATION:

7 BY MR. HARPOOTLIAN:

8 Q MS. SULTON, MY NAME IS DICK

9 HARPOOTLIAN. I REPRESENT STEPHEN BECKHAM. THE

10 HOUSE YOU WENT UP TO, FIRST OF ALL, WHEN YOU DROVE

11 BY THAT CAR, YOU SAID THE LIGHTS WERE ON, IS THAT

12 CORRECT?

13 A YES.

14 Q WAS IT DARK OUTSIDE OR WAS IT JUST

15 GETTING DARK?

16 A IT WAS GETTING DARK.

17 Q BUT IT WAS STILL PRETTY LIGHT?

18 A NO, IT WAS BASICALLY DUSK DARK.

19 Q DUSK.

20 A IT WAS ENOUGH TO HAVE LIGHTS ON.

21 Q OKAY. NOW YOU WERE ON THIS ROAD, YOU

22 DON'T LIVE ON THIS ROAD?

23 A NO.

24 Q YOU HAVE FRIENDS YOU WERE GOING TO SEE.

25 YOU WERE LEAVING YOUR SISTER'S HOUSE...

- 1 A GOING HOME.
- 2 Q ON YOUR WAY HOME?
- 3 A HOME.
- 4 Q OKAY. AND YOU STOPPED AT A STORE FOR A
- 5 COKE, AS I UNDERSTAND?
- 6 A YES.
- 7 Q AND THEN YOU LEFT AND YOU NOTICED THE
- 8 CAR. NOW AS YOU NOTICED THE CAR, IT WAS ON YOUR
- 9 LEFT?
- 10 A ON MY RIGHT.
- 11 Q ON YOUR RIGHT. SO YOU WOULD HAVE BEEN
- 12 HEADING IN THE SAME DIRECTION AS THE VEHICLE, IS
- 13 THAT CORRECT?
- 14 A YES.
- 15 Q IN OTHER WORDS, YOU WOULD HAVE BEEN
- 16 PULLING UP NEXT TO IT?
- 17 A YES.
- 18 Q AND THIS DITCH, IS THERE A RAVINE OR
- 19 ANYTHING AROUND THAT OR IT JUST LOOKED LIKE A CAR
- 20 THAT GOT STUCK IN THE DITCH?
- 21 A IT JUST LOOKED LIKE A CAR ROLLED IN THE
- 22 DITCH.
- 23 Q I MEAN, IF IT HAD GONE FORWARD, WAS IT
- 24 JUST MORE DITCH OR...
- 25 A PRETTY BASICALLY.

1 Q OKAY. WAS THERE ANY BIG CLIFF FOR THIS
2 CAR...
3 A ON THE OPPOSITE SIDE.
4 Q ON THE OPPOSITE SIDE OF THE ROAD.
5 A IT'S A CLIFF.
6 Q AND ON THIS SIDE OF THE ROAD WE CAN SEE
7 THERE'S SORT OF A HILL, IN OTHER WORDS.
8 A YES, VERY STEEP HILL.
9 Q VERY STEEP HILL. BUT IF YOU'D GONE ON
10 THE OPPOSITE SIDE OF THE STREET AND THE CAR HAD
11 GONE OVER INTO THE DITCH, WOULD IT HAVE GONE OFF A
12 CLIFF?
13 A YES.
14 Q NOW, AS I UNDERSTAND IT, ONCE YOU FOUND
15 THIS CAR, YOU WENT UP THE STREET, WAS THAT THE
16 BOWERS HOUSE YOU WENT TO?
17 A NAW, IT WAS THE BATES.
18 Q BATES, I'M SORRY. AND A COUPLE OF THEM
19 CAME DOWN WITH YOU BACK DOWN TO THE CAR, IS THAT
20 CORRECT?
21 A YES.
22 Q AND THEN HAD THE POLICE OR ANYONE, EMS,
23 HOW LONG DID IT TAKE THEM TO SHOW UP?
24 A THE NEXT FIFTEEN TO TWENTY MINUTES.
25 Q OKAY. NOW YOU INDICATED YOU TOUCHED

1 HER. WHERE--ON WHAT PART OF HER BODY DID YOU TOUCH
2 HER?

3 A HER ARM.

4 Q HER ARM. AND WHEN YOU CAME BACK DOWN
5 THERE, YOU INDICATE YOU WEREN'T GOING TO TURN OFF
6 THE CAR BECAUSE YOU DIDN'T WANT TO TOUCH ANYTHING
7 ELSE, IS THAT CORRECT?

8 A CORRECT.

9 Q NOW AT SOME POINT AFTER THAT YOU WERE
10 INTERVIEWED BY THE POLICE. I THINK THE NEXT DAY
11 YOU GAVE A WRITTEN STATEMENT I BELIEVE YOU WROTE
12 OUT. IS THAT CORRECT?

13 A THE SAME NIGHT.

14 Q WELL, IT MUST HAVE BEEN AFTER--YEAH,
15 12:07 A.M. WOULD HAVE BEEN AFTER MIDNIGHT. SO IT
16 WAS DATED THE 13TH, WOULD HAVE BEEN EARLY MORNING,
17 THE NEXT MORNING.

18 A ALL RIGHT, EARLY THAT MORNING.

19 Q OKAY. AND THEN AT SOME POINT, WAS IT
20 THAT NIGHT OR WAS IT SOME POINT AFTER THAT THAT THE
21 POLICE TOOK YOUR FINGERPRINTS?

22 A IT WAS SOMETIME AFTER.

23 Q DO YOU KNOW HOW LONG?

24 A I'M NOT SURE. IT WAS MAYBE A WEEK OR
25 TWO.

1 Q WEEK OR TWO. AND WHEN I SAY TOOK YOUR
2 FINGERPRINTS, DID THEY NOT--DO YOU REMEMBER WHERE
3 THAT WOULD BE? DID THEY COME TO YOU OR DID YOU
4 HAVE TO GO TO THEM?

5 A I HAD TO GO TO THEM.

6 Q WHERE DID YOU GO?

7 A TO NEWBERRY COUNTY.

8 Q AND WHEN I SAY TAKE YOUR FINGERPRINTS,
9 THAT'S WHERE THEY PUT INK ON YOUR FINGERS.

10 A YES.

11 Q AND THEY ROLL THE FINGERS AND ROLL THE
12 PALMS?

13 A YES.

14 Q AND THEY TOOK WHAT WE WOULD CALL A FULL
15 SET OF FINGERPRINTS, IS THAT RIGHT?

16 A YES.

17 Q AND JUST ONE FINAL QUESTION. THIS WAS
18 ABOUT 9:30 WHEN YOU SAW THE CAR?

19 A YES.

20 Q OKAY. THANK YOU. NO FURTHER
21 QUESTIONS.

22 THE COURT: REDIRECT, SOLICITOR?

23 MR. JONES: NONE, YOUR HONOR.

24 THE COURT: ALL RIGHT, ANY REASON THE
25 WITNESS CANNOT BE RELEASED FROM THE SUBPOENA OR YOU

1 WANT HER KEPT UNDER SUBPOENA OR?

2 MR. JONES: YOUR HONOR, WE CAN RELEASE
3 THIS WITNESS FROM SUBPOENA.

4 MR. HARPOOTLIAN: NO OBJECTION.

5 THE COURT: ALL RIGHT, WITHOUT
6 OBJECTION. THANK YOU, MA'AM. CALL YOUR NEXT
7 WITNESS PLEASE.

8 MR. JONES: YOUR HONOR, MY NEXT WITNESS
9 NOT ONLY WILL BE ABOUT AN HOUR ON DIRECT
10 EXAMINATION OR LONGER, BUT THERE ARE SOME ISSUES
11 CONCERNING THAT WITNESS THAT YOU WANTED TO ADDRESS
12 BEFORE...

13 THE COURT: ALL RIGHT. WE CAN USE THIS
14 TIME AND TAKE UP MATTERS WE NEED TO CONSIDER
15 OUTSIDE THE PRESENCE OF THE JURY. THERE ARE TWO OR
16 THREE ISSUES....

17 MR. HARPOOTLIAN: YEAH, I JUST DIDN'T
18 KNOW WHICH ONE IT WAS. HE'S RIGHT, YOUR HONOR.

19 THE COURT: OKAY. ALL RIGHT, NOW,
20 MADAM FOREMAN, AND LADIES AND GENTLEMEN OF THE
21 JURY, THIS WILL CONCLUDE YOUR PART TODAY. WE WILL
22 START BACK WITH YOUR PARTICIPATION IN THE MORNING
23 AT NINE O'CLOCK.

24 AGAIN, DON'T DISCUSS THE CASE WITH EACH
25 OTHER OR ALLOW ANYONE TO DISCUSS IT WITH YOU, OR

1 MAKE UP YOUR MIND ABOUT ANYTHING. AND I WOULD ASK
2 YOU AS YOU GO OUT, IF YOU'D JUST LEAVE YOUR PENS
3 AND PENCILS IN THAT EMPTY CHAIR, I'LL HAVE THE
4 CLERK GET THEM, PUT THEM IN AN ENVELOPE, SECURE
5 THEM AND--PENS AND PADS, AND SECURE THEM AND THEN
6 WE'LL PASS THEM BACK OUT TO YOU IN THE MORNING.
7 HAVE A NICE EVENING AND WE'LL SEE YOU IN THE
8 MORNING AT NINE O'CLOCK.

9 EVERYBODY ELSE REMAIN SEATED WHILE THE
10 JURY LEAVES.

11 (JURY RECESSED FOR EVENING AT 5:34
12 P.M.)

13 THE COURT: LET ME GO BACK AND COVER
14 JUST A TAD ON THE RECORD WITH REGARD TO SENATOR
15 LANDER'S TESTIMONY. THERE WERE A FEW OBJECTIONS
16 THAT WERE SUSTAINED AS TO HEARSAY UNDER 802. I
17 DON'T THINK THE RECORD NEEDS ANY EXPLANATION ABOUT
18 THAT. HOWEVER, AS TO THE STATE'S EXCEPTION,
19 CONTINUED OBJECTION 802 ABOUT WHY HE DIDN'T CALL
20 BACK, SOLICITOR WENT BACK AND GOT IT AROUND INTO
21 POSITION WHERE THE REASON HE DIDN'T CALL BACK WAS
22 BECAUSE HE WAS TOLD SHE WASN'T THERE. SO THAT
23 WASN'T OFFERED FOR THE TRUTH OF THE MATTER BUT WHY
24 HE DIDN'T CALL BACK, SO I LET THAT IN.

25 WHEN THEY TALKED TO THE CHILDREN, THE

1 STATE HAS, AT THE SIDEBAR, SATISFIED ME THAT WAS
2 RELEVANT AS TO THE QUESTION AS TO WHEN THEY LEARNED
3 THINGS FROM WHOM AND THE TIMING OF THE QUESTION, SO
4 I ALLOWED THAT IN.

5 I ALSO ALLOWED THE WITNESS TO TESTIFY
6 IN SOME DETAIL ABOUT HIS DAUGHTER'S AND HER
7 HUSBAND'S RELATIONSHIP BACKGROUND AS FAR AS THE
8 TIMING WHERE THEY LIVED AND THINGS LIKE THAT. AND
9 ALSO ABOUT--I THINK THAT'S WITHIN MY DISCRETION
10 ABOUT THAT.

11 AS TO THE CORONER COMING AND ADVISING
12 HIM THAT SHE HAD BEEN KILLED, HE WAS OPERATING IN
13 HIS OFFICIAL CAPACITY AND I DON'T BELIEVE A HEARSAY
14 OBJECTION OVERCOME THAT PARTICULAR POINT. I
15 ALLOWED THAT TESTIMONY IN OVER THEIR OBJECTION THAT
16 IT WAS MORE PREJUDICIAL THAN PROBATIVE, BUT WE ALL
17 KNOW WHY WE'RE HERE TODAY AND I DON'T BELIEVE THAT
18 ALLOWING THE WITNESS TO TESTIFY TO THAT FACT WOULD
19 PREJUDICE THE DEFENSE IN ANY WAY IN THE EYES OF THE
20 JURY. IT'S STILL A QUESTION OF PROOF OF GUILT OR
21 INNOCENCE AND PROPER PUNISHMENT IN THAT SITUATION.
22 SO THAT'S THE BASIS FOR THOSE RULINGS.

23 MR. SWERLING: JUDGE, THE RECORD
24 OBVIOUSLY WILL REFLECT THAT THOSE OBJECTIONS WERE
25 MADE AT SIDEBAR, AND EVERYTHING WAS PROPERLY

1 PRESERVED?

2 THE COURT: YES, SIR. AND I WOULD--

3 YES, SIR. CORRECT.

4 ALL RIGHT, SOLICITOR, AS TO THE NEXT

5 WITNESS--

6 MR. JONES: YOUR HONOR, IF I MIGHT

7 BEFORE WE GET TO THAT.

8 THE COURT: YES, SIR.

9 MR. JONES: JUST FOR CLARIFICATION, YOU

10 STATED THAT THERE WAS NO REAL ISSUE ABOUT THE

11 HEARSAY RULING THAT YOU MADE AT THE SIDEBAR

12 CONCERNING THE NOTES OF OFFICER SCOTT.

13 THE COURT: I DIDN'T ADDRESS THAT

14 QUESTION. I WILL BE GLAD--I FORGOT TO DO THAT SO

15 GO AHEAD.

16 MR. JONES: WELL, IT'S MY UNDERSTANDING

17 THAT YOUR RULING AT THAT TIME WAS THAT THE NOTES OF

18 THE OFFICER OF THE WITNESSES' CONVERSATION IS

19 HEARSAY AND HAD WE OBJECTED INITIALLY, IT WOULD

20 HAVE BEEN EXCLUDED UNDER THE HEARSAY RULE.

21 THE COURT: WELL, EXCEPT FOR THE FACT

22 THAT HE'S ALLOWED TO LOOK AT THE STATEMENT AND

23 ACKNOWLEDGE WHETHER OR NOT HE MADE THAT STATEMENT.

24 IF HE ADMITS IT, THAT'S THE END OF IT. IF HE

25 DENIES, THEN OF COURSE THEY--ANY WITNESS, YOU CAN

1 PUT THEM ON NOTICE AND USE IT FOR PURPOSES OF
2 IMPEACHMENT OF A PRIOR INCONSISTENT STATEMENT;
3 EXTRINSIC EVIDENCE.

4 MR. HARPOOTLIAN: BUT WE WOULD HAVE HAD
5 TO CALL THE WITNESSES.

6 THE COURT: YOU WOULD HAVE HAD TO CALL
7 THE WITNESSES, TRUE. BUT YES...

8 MR. JONES: WELL, THEY DIDN'T CALL THE
9 WITNESS.

10 THE COURT: BUT SEE, HE ADMITTED, HE
11 SAID HE MADE THAT STATEMENT AND IT WAS OVER. SO,
12 YOU KNOW, THAT'S...

13 MR. JONES: YES, SIR. THANK YOU.

14 THE COURT: WELL, HE DIDN'T COME OUT
15 AND SAY--HE SAID IF THAT'S WHAT THE AGENT WROTE
16 DOWN, I MUST HAVE TOLD HIM THAT, WHICH IS
17 TANTAMOUNT TO THAT FOR PURPOSES OF THAT RULE. SO
18 THAT'S THE REASON AND THAT'S WHY THEY'RE NOT
19 PERMITTED TO GO ANY FURTHER WITH IT. JUST MAKE
20 YOUR OBJECTIONS AND I'LL...

21 MR. JONES: YES, SIR. I UNDERSTAND.
22 AND MY UNDERSTANDING OF YOUR RULING AT THAT POINT
23 IN TIME WAS THAT NOW THAT THE ISSUE OF CUSTODY IS
24 BEFORE THE JURY AND HERE AND ONE THAT HAS BEEN
25 OPENED, THAT THE STATE HAS THE OPTION OF CALLING

1 ANYONE WHO PREPARED THE DOCUMENT, PREPARED THE
2 MOTION IN REGARD TO THAT, THAT KNOWS THE NATURE OF
3 THE CUSTODY, OR HER LAWYER, THAT SORT OF THING.

4 THE COURT: WELL, I'M NOT GOING TO GIVE
5 YOU AN ADVISORY OPINION AT THIS POINT IN TIME. THE
6 CASE LAW CLEARLY SAYS THAT YOU CAN'T GET INTO THE
7 DETAILS. YOU CAN ESTABLISH THERE WAS ANIMOSITY
8 BETWEEN THE PARTIES AND THAT MIGHT BEAR ON THE
9 QUESTION AND IT MIGHT NOW. OKAY?

10 MR. JONES: YES, SIR.

11 MR. HARPOOTLIAN: AND YOUR HONOR,
12 THAT'S IN THE RECORD.

13 THE COURT: YES, SIR.

14 MR. HARPOOTLIAN: WELL, YOU'LL DEAL
15 WITH THAT WHEN IT COMES UP.

16 THE COURT: BUT NOW LISTEN, YOU'RE ALL
17 GOOD LAWYERS. I BRAGGED ON YOU ALL WEEK, ALL
18 ALONG, AND I'M GOING TO BE TOUGH ON YOU WHEN IT
19 COMES TO SANDBAGGING NOW. I'M NOT GOING TO LET
20 YOU, JUST LIKE THAT LITTLE QUESTION WHERE WE GOT
21 INVOLVED IN, AND I DON'T MEAN THAT DEROGATORILY. I
22 MEAN, I'M GOING TO CALL IT STRAIGHT UP AND DOWN SO
23 YOU'VE GOT TO BE CAREFUL WITH EACH OTHER NOW.

24 ALL RIGHT, LET ME SEE ABOUT WHAT THE
25 SOLICITOR WANTS TO DO FIRST ABOUT MR. BLACK.

1 MR. JONES: YES, SIR. DAVID BLACK,
2 YOUR HONOR, HE'S A SLED FORENSICS CRIME SCENE
3 EXPERT. HE'S GOT AT LEAST--HE'S GOT FOUR
4 PHOTOGRAPHS THAT HAVE NOT BEEN CONSENTED TO BY THE
5 DEFENSE THAT HE TOOK AND THAT WE WOULD OFFER
6 THROUGH HIM.

7 MR. HARPOOTLIAN: YOUR HONOR, IF I
8 MIGHT SPEAK TO THEM. WE HAVE CONSENTED TO SOME
9 TWENTY OR THIRTY CRIME SCENE PHOTOGRAPHS. SOME
10 WITH BLOOD IN THEM. THESE PHOTOGRAPHS, AND LET ME
11 HAND THEM UP. THEY WOULD BE STATE'S EXHIBIT FOR
12 I.D. 5, STATE'S EXHIBIT FOR I.D. SIX, STATE'S
13 EXHIBIT FOR I.D. SEVEN, AND STATE'S EXHIBIT FOR
14 I.D. EIGHT, ARE ALL GRAPHIC PHOTOGRAPHS OF THE
15 DECEASE'S BODY, AND THEIR PREJUDICIAL VALUE
16 CERTAINLY, I BELIEVE, OUTWEIGHS THE PROBATIVE
17 VALUE. MR. BLACK IS VERY ADAPT AT DESCRIBING THE
18 CRIME SCENE, AND I THINK WE'VE BEEN VERY GENEROUS--

19 THE COURT: LET ME SEE THE OTHERS SO I
20 CAN KIND OF GET A FEEL.

21 MR. JONES: THE ONES THEY HAVE
22 ADMITTED?

23 THE COURT: THE ONES THEY'VE AGREED TO
24 SO I CAN SEE WHAT WE--YOU'RE TALKING TO ME IN AN
25 ABSTRACT HERE. THE ONES OF THE NATURE LIKE THIS...

1 MR. COULTER: THERE ARE NONE, YOUR
2 HONOR, WITH THE BODY IN IT.

3 THE COURT: OKAY.

4 MR. JONES: JUST PHOTOGRAPHS WHERE THE
5 AUTOMOBILE...

6 THE COURT: (TO NEWS MEDIA) Y'ALL
7 UNDERSTAND THE RULE THAT THE MIC IS OFF? OKAY.

8 WE CAN BE REAL LENIENT WITH PEOPLE
9 WANTING TO LEAVE NOW. IT'S JUST WHEN THE JURY IS
10 IN HERE, I DON'T WANT THEM UP AND MOVING AROUND.
11 WHEN WE'RE JUST HERE LIKE THIS, THAT'S FINE.

12 THE PHOTOGRAPHS, I HAVE REVIEWED THOSE
13 PHOTOGRAPHS, AND ESSENTIALLY WE HAVE, BY WAY OF
14 CONSENT, WITHOUT HAVING TO DEAL WITH THOSE, STATE'S
15 EXHIBIT NUMBER 5 WOULD BE ADMISSIBLE, AND I HAVE
16 TOLD Y'ALL--LET ME SEE THE NUMBERS ON THOSE OTHERS
17 JUST A MINUTE.

18 AS I HAD UNDERSTOOD IT, THE STATE HAD
19 AGREED TO WITHDRAW SIX AND SEVEN FOR THIS
20 PROCEEDING.

21 MR. COULTER: YOUR HONOR, IT WAS SIX,
22 SEVEN AND--

23 THE COURT: WELL, I MEAN--I'M SORRY.
24 SIX AND EIGHT ARE WITHDRAWN AND SEVEN IS WITHDRAWN.
25 WITH REGARD TO SEVEN, IT MAY WELL BE ADMISSIBLE IN

1 THE PENALTY--IN A PENALTY STAGE.

2 MR. HARPOOTLIAN: AND WE'RE READY TO
3 ARGUE THAT IF WE GET TO THAT JUNCTURE, BUT--

4 MR. COULTER: AND WE MOVE TO INTRODUCE
5 THIS INTO EVIDENCE.

6 THE COURT: WELL, YOU DON'T WANT TO DO
7 IT WITHOUT THE JURY BEING HERE. IT WILL BE
8 ADMITTED IN THE MORNING.

9 ALL RIGHT, ON THAT ISSUE THEN THAT WAS
10 RESOLVED PART BY AGREEMENT BY BOTH SIDES.

11 NEXT ISSUE IS WHAT, MR. COULTER?

12 MR. COULTER: YOUR HONOR, WE WOULD BE
13 MOVING TO ADMIT THESE NEXT THREE PHOTOGRAPHS OF
14 DEFENDANT BECKHAM SHOWING A FULL FRONTAL OF MR.
15 BECKHAM AS WELL AS A SCRATCH ON HIS BACK AND A
16 SCRATCH ON HIS ARM. THOSE PHOTOGRAPHS WERE TAKEN
17 BY DAVID BLACK.

18 THE COURT: AND THEY WERE TAKEN ON WHAT
19 DATE AND TIME?

20 MR. COULTER: JUNE 13TH, 1994 AFTER THE
21 DEFENDANT HAD SIGNED A CONSENT TO HAVE PHOTOGRAPHS
22 TAKEN.

23 THE COURT: WHICH IS?

24 MR. COULTER: BEEN MARKED FOR
25 IDENTIFICATION AS STATE'S TWELVE.

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AIKEN, SOUTH CAROLINA, 29802

1 MR. JONES: YOU'VE GOT IT, YOUR HONOR.

2 THE COURT: I'VE GOT IT. WELL, LET ME
3 GET A LITTLE MORE INFORMATION ABOUT IT. IS THERE
4 ANY EVIDENCE TO LINK THOSE SCRATCHES TO ANYTHING
5 ELSE IN THE CASE?

6 MR. COULTER: WELL CERTAINLY THAT'S
7 GOING TO BE PART OF OUR THEORY OF THE CASE, YOUR
8 HONOR, IN THAT THESE SCRATCHES WERE GAINED BY THE
9 DEFENDANT AS HE'S RUNNING FROM THE MURDER SCENE
10 WHICH IS SOME EIGHT-TENTHS OF A MILE AWAY; AS HE'S
11 GOING THROUGH THE WOODS WHICH MAKES IT MUCH LESS
12 DISTANCE, SOME HUNDREDS OF YARDS, HE RECEIVED THESE
13 SCRATCHES. THAT WOULD BE OUR THEORY.

14 THE COURT: NOT IN TERMS OF A
15 CONFRONTATION WITH MS. BECKHAM?

16 MR. COULTER: THAT'S CORRECT.

17 THE COURT: ALL RIGHT THEN, MR.
18 HARPOOTLIAN, OR MR. SWERLING, WHAT WOULD BE YOUR
19 ARGUMENT ABOUT IT?

20 MR. SWERLING: WELL, JUDGE, FIRST OF
21 ALL, I UNDERSTAND WHAT THE STATE'S CONTENTION IS,
22 BUT BESIDES THE CONSENT TO SEARCH, I DON'T THINK
23 IT'S RELEVANT. THERE'S NO RELEVANT EVIDENCE TO
24 CONNECT THAT TO ALLOW THAT TESTIMONY IN AT THIS
25 TIME UNDER 402.

1 NOW EVEN IF YOUR HONOR DETERMINED IT'S
2 RELEVANT, WE ADMIT IT SHOULD BE EXCLUDED UNDER 403
3 BECAUSE WHAT IT DOES, IT ALLOWS THE JURY TO
4 SPECULATE THAT THOSE SCRATCHES, OR EVEN ALLOWS THE
5 STATE TO ARGUE THOSE SCRATCHES WERE OBTAINED AS A
6 RESULT OF A CONFRONTATION WITH MS. BECKHAM WHEN IN
7 FACT THE DNA EXCLUDED HIM.

8 THE COURT: WELL, THE STATE'S NOT
9 OFFERING HIM ON THAT BASIS. THAT'S WHY I ASKED. I
10 THOUGHT YOU ALL HAD INDICATED BEFORE THAT THE DNA
11 DID NOT MATCH. I MEAN, IT EXCLUDED MR. BECKHAM.
12 INSOFAR AS WHAT WAS FOUND ON MS. BECKHAM'S
13 FINGERNAILS. BUT THAT'S NOT WHAT THEY'RE OFFERING
14 IT FOR. THEY'RE NOW OFFERING IT TO SAY HE GOT
15 THOSE SCRATCHES WHILE GOING SOME DISTANCE BACK.
16 AND IT IS A SUMMER DAY, HE IS IN A SHORT SLEEVE
17 SHIRT AND SO--THEY CAN'T TELL ME THEY'RE OFFERING
18 IN IT FOR ONE THING AND THEN TURN AROUND AND ARGUE
19 THE OTHER. BUT FOR WHAT THEIR OFFERING IT FOR,
20 TELL ME WHAT THE OBJECTION IS.

21 MR. SWERLING: WELL, FIRST OF ALL, YOUR
22 HONOR, THERE'S NO EVIDENCE. I'VE NEVER SEEN
23 ANYTHING THAT SUGGESTS STEPHEN BECKHAM WENT THROUGH
24 THOSE WOODS. THERE'S NOTHING IN THE DISCOVERY. I
25 MEAN IT'S SHEER SPECULATION.

1 MR. COULTER: AND THAT OF COURSE WOULD
2 GO TO WEIGHT AND NOT ADMISSIBILITY, YOUR HONOR.
3 THAT'S OUR ARGUMENT..

4 MR. SWERLING: WELL, THERE'S NOTHING
5 EVEN IN THE RECORD AT THIS POINT TO SUGGEST THAT HE
6 WENT THROUGH THE WOODS.

7 MR. COULTER: AND THE DEFENSE HAS
8 COPIES OF THE STATEMENT MADE BY MR. ANDERSON. MR.
9 ANDERSON DOES STATE THE DEFENDANT WENT INTO THE
10 WOODS AFTER HE LEFT THE SCENE OF THE CRIME, AFTER
11 THE MURDER WAS DONE.

12 MR. SWERLING: WHAT STATEMENT WAS THAT?

13 MR. HARPOOTLIAN: MUST BE ONE WE DON'T
14 HAVE.

15 MR. SWERLING: MUST BE ANOTHER ONE.

16 THE COURT: BACK TO MY RULE, FOLKS.

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

19 THE COURT: ONE OF YOU SIT DOWN AND
20 I'LL DEAL WITH YOU, AND MR. COULTER'S GOT THE
21 STATE'S HAND NOW, OKAY?

22 MR. SWERLING: JUDGE, I THINK I KNOW
23 THOSE STATEMENTS PRETTY WELL.

24 MR. COULTER: ALL I CAN TELL THE COURT,
25 YOUR HONOR, IS IF IT'S NOT IN THE STATEMENT THAT IS

1 WHAT WE CONTEND WOULD BE SUBMITTED BY RICHARD
2 ANDERSON WHEN HE TESTIFIES.

3 MR. SWERLING: WELL, THEN, MAYBE WE
4 HAVE TO TAKE IT UP AT THAT POINT.

5 THE COURT: WELL, LET ME CROSS THE
6 OTHER ISSUE FIRST. GO BACK TO, WHAT'S THE ISSUE
7 ABOUT CONSENT?

8 MR. SWERLING: JUDGE, CAN I--WE'VE GOT
9 SEVERAL CONSENT FORMS. CAN I TAKE A LOOK AT
10 THAT...

11 THE COURT: SURE.

12 MR. SWERLING: CAN I SEE THE
13 SOLICITOR'S COPY?

14 THE COURT: THIS IS WHAT THEY'VE HANDED
15 ME.

16 ALL RIGHT, MR. SWERLING, WHAT DO YOU
17 SAY?

18 MR. SWERLING: JUDGE, WE'D HAVE TO TAKE
19 THE POSITION THIS STATEMENT ESTABLISHED THIS WAS
20 VOLUNTARY BUT IT WAS NOT A VOLUNTARY CONSENT.

21 THE COURT: WELL, WHAT DID THEY DO THAT
22 REQUIRES HIM TO CONSENT?

23 MR. SWERLING: WHAT DID THEY DO THAT
24 REQUIRED HIM TO CONSENT? WELL, HE WAS NOT FREE TO
25 LEAVE. HE WAS IN THE STATION HOUSE AND IT WAS 4:32

1 IN THE MORNING.

2 THE COURT: SO WHAT POSITION ARE YOU
3 TAKING THAT THEY WERE REQUIRED TO DO, GIVE HIM HIS
4 MIRANDA WARNINGS?

5 MR. SWERLING: WELL, I THINK IT'S
6 SEVERAL THINGS: NUMBER ONE, GIVE HIM HIS MIRANDA
7 WARNINGS; NUMBER TWO, GET A COURT ORDER OR A SEARCH
8 WARRANT TO GO AHEAD AND DO THAT. OR IF THEY'RE
9 GOING TO GET A CONSENT TO SEARCH, I THINK THEY HAVE
10 TO ESTABLISH THE CONSENT IS VOLUNTARY.

11 THE COURT: SURE. THAT'S WHAT YOU WANT
12 A HEARING ON THAT QUESTION?

13 MR. SWERLING: YES, SIR.

14 THE COURT: ALL RIGHT. WELL, LET ME
15 SOLVE THE OTHER PROBLEM FOR YOU. I'LL GIVE YOU A
16 HEARING ON THAT ISSUE. I ASSUME THEY DON'T WANT TO
17 HAVE TO PUT AGENT BLACK ON THE STAND AND THEN BRING
18 HIM BACK. THE QUESTION IS WHETHER OR NOT THESE
19 PHOTOGRAPHS WERE TAKEN AND WHETHER OR NOT ASSUMING
20 THAT A WITNESS TESTIFIES THAT HE WENT INTO THE
21 WOODS WHERE HE COULD HAVE RECEIVED THESE SCRATCHES
22 THEN THEY WOULD BECOME ADMISSIBLE IF THEY'RE
23 OTHERWISE ADMISSIBLE. SO DO YOU CONSENT THAT AGENT
24 BLACK TOOK THESE PHOTOGRAPHS AND THAT THEY
25 ACCURATELY REPRESENT THE CONDITION THAT NIGHT AND

1 THEN MARK THEM FOR IDENTIFICATION IF--HE SAID
2 ANDERSON IS GOING TO TESTIFY TO THAT EFFECT, THEN
3 AT THAT POINT IN TIME, THEY MAY WELL COME IN. MAY
4 NOT, IF HE DOESN'T SAY HE WENT INTO THE WOODS.

5 MR. SWERLING: YES, SIR. BUT I THINK--
6 JUDGE, I THINK MORE OF A FOUNDATION NEEDS TO BE
7 LAID ON THIS ISSUE BECAUSE FOR EXAMPLE, WHEN WERE
8 THOSE SCRATCHES MADE?

9 THE COURT: I AGREE. ALL THEY'RE
10 WANTING TO DO--I AGREE WITH YOU AS FAR AS IT COMING
11 IN THROUGH THE SLED AGENT. WHAT THEY WANT TO DO IS
12 MAKE SURE THAT WHEN IT BECOMES RELEVANT THAT
13 THEY'VE GOT IT. BLACK TOOK THESE PHOTOGRAPHS.

14 MR. SWERLING: THAT DAVID BLACK TOOK
15 THE PHOTOGRAPHS? NO QUESTION ABOUT IT.

16 THE COURT: ALL RIGHT, AND THAT THEY
17 REPRESENT MR. BECKHAM'S CONDITION AT THE DATE AND
18 TIME.

19 MR. SWERLING: THAT'S NOT A PROBLEM.

20 THE COURT: ALL RIGHT, FOR THAT PURPOSE
21 THEN WHEN YOU LAY A FOUNDATION, IF YOU DO, THEN IT
22 WOULD COME IN ON THAT BASIS.

23 ALL RIGHT, SO THAT'S EXHIBITS FIVE--I'M
24 SORRY, FIFTEEN, FOURTEEN, AND THIRTEEN, THE DEFENSE
25 STIPULATES FOR PURPOSES OF THE RECORD THAT AGENT

1 BLACK TOOK THESE PHOTOGRAPHS, THEY ARE A TRUE AND
2 ACCURATE REPRESENTATION OF MR. BECKHAM AT THE DATE
3 AND TIME AS STATED ON THE CONSENT FORM, AND THAT IF
4 YOU OTHERWISE LAY A FOUNDATION, THEY WOULD BECOME
5 ADMISSIBLE.

6 MR. COULTER: AND THESE WERE FOR
7 IDENTIFICATION.

8 THE COURT: YES.

9 MR. COULTER: YOUR HONOR, IF WE COULD,
10 WE WOULD PROBABLY GO INTO--

11 THE COURT: WE'VE GOT TO GET THE
12 QUESTION OF THE CONSENT NOW. SO YOU'RE GOING TO
13 HAVE TO TAKE SOME TESTIMONY ON THAT.

14 MR. COULTER: ALL RIGHT. WE CAN ALSO
15 GO INTO THE CONSENT TO SEARCH THE HOME AS WELL. WE
16 HAVE THE AGENT HERE WHO WAS WITNESS TO THE CONSENT
17 TO SEARCH.

18 THE COURT: ALL RIGHT, AND IS THIS ALL
19 ARISING OUT OF THE SAME SITUATION?

20 MR. COULTER: SAME TIME PERIOD, ALL
21 WITHIN HOURS.

22 THE COURT: OKAY. NOW, LET ME ASK YOU
23 THIS. IS THERE--EXCEPT FOR THESE TWO ISSUES WITH
24 REGARD TO AGENT BLACK, ARE THERE ANY OTHER ISSUES
25 THAT HE MIGHT ADDRESS THAT WE WOULD NEED TO TAKE

1 TESTIMONY ON BEFORE WE COULD START HIM UP IN THE
2 MORNING?

3 MR. COULTER: I DON'T BELIEVE SO.

4 THE COURT: ALL RIGHT, THEN GIVE ME
5 SOME GUIDANCE ABOUT, YOU SAID IT'S GOING TO BE AN
6 HOUR. YOU'RE GOING TO BE ABOUT HOW LONG WITH
7 BLACK?

8 MR. HARPOOTLIAN: YOU'RE TALKING ABOUT
9 ON THE TESTIMONY IN FRONT OF THE JURY?

10 THE COURT: YEAH.

11 MR. SWERLING: COUPLE OF HOURS. I
12 WOULD IMAGINE PROBABLY TWO HOURS.

13 THE COURT: TOTAL.

14 MR. HARPOOTLIAN: TOTAL, NO MORE THAN
15 TWO HOURS.

16 THE COURT: BETWEEN BOTH SIDES.

17 MR. HARPOOTLIAN: YES, SIR. AND IT MAY
18 NOT BE...

19 MR. SWERLING: TO BE FAIR WITH YOU,
20 JUDGE, PROBABLY TWO TO TWO AND A HALF HOURS.

21 THE COURT: OKAY.

22 MR. SWERLING: HE'S THE MAIN CRIME
23 SCENE AS FAR AS...

24 MR. HARPOOTLIAN: ...ALL OF THE
25 EVIDENCE AND THE CUSTODY...

1 THE COURT: THAT'S ALL I WANT TO KNOW.

2 ALL RIGHT, NOW, WHO FOLLOWS THAT WITNESS,

3 SOLICITOR? WHO WILL FOLLOW BLACK? WHEN HAVE I GOT

4 TO HAVE ANOTHER OUT OF THE PRESENCE HEARING?

5 MR. JONES: WHEN WOULD YOU HAVE TO HAVE

6 ANOTHER ONE?

7 THE COURT: YES, SIR. BECAUSE I DON'T

8 MIND DOING IT TONIGHT TO GET YOU READY AND KEEP

9 ROLLING.

10 MR. COULTER: GARY WRIGHT WOULD BE THE

11 NEXT ONE.

12 MR. JONES: AND HE WOULD BE THE FOURTH

13 WITNESS AFTER BLACK SO...

14 THE COURT: AND WHAT ISSUE IS IN

15 CONNECTION WITH HIM?

16 MR. COULTER: JACKSON V. DINO, MIRANDA.

17 DEFENDANT GAVE A STATEMENT TO HIM.

18 THE COURT: ALL RIGHT.

19 MR. SWERLING: IF THEY CAN COMPLETELY

20 IDENTIFY THE ENTIRE CONTENTS OF THE STATEMENTS, IT

21 MAY NOT BECOME AN ISSUE.

22 THE COURT: WHAT DO THEY NEED TO DO TO

23 GET THAT DONE?

24 MR. SWERLING: JUST VERBATIM GIVE US

25 WHAT THEY INTEND TO GET IN.

1 THE COURT: WHAT MR. SWERLING SAYS IF
2 YOU WILL PROVIDE THEM WITH AN EXACT COPY OF WHAT
3 THE WITNESS WILL TESTIFY TO THAT HE SAID, YOU MAY
4 NOT NEED A HEARING. IN OTHER WORDS, EXACTLY WHAT
5 HE IS GOING TO SAY.

6 MR. JONES: A COPY OF WHAT THE WITNESS
7 IS GOING TO SAY?

8 THE COURT: YEAH, THAT WAS ATTRIBUTED
9 TO THEIR CLIENT.

10 MR. SWERLING: IF IT GOES BEYOND ANY OF
11 THE LEAD SHEETS OR ANYTHING LIKE THAT.

12 MR. JONES: CHIEF DEPUTY WRIGHT.

13 THE COURT: MR. COULTER, ARE YOU GOING
14 TO BE HANDLING BLACK'S TESTIMONY SO THE SOLICITOR
15 AND MR. MCMAHON CAN LOOK AT SOLVING THAT PROBLEM
16 ABOUT THE STATEMENT, WE MAY NOT EVEN HAVE TO HAVE
17 THAT HEARING. OKAY, SO Y'ALL WORK ON THAT WHILE
18 YOU'RE WORKING ON BLACK.

19 MR. COULTER: THAT'S FINE, YOUR HONOR.

20 THE COURT: ALL RIGHT.

21 MR. COULTER: COULD I GET AGENT DAVID
22 BLACK, PLEASE?

23 DAVID BLACK, BEING DULY
24 SWORN, TESTIFIED AS FOLLOWS (IN CAMERA):

25 THE COURT: ALL RIGHT, ON THE ISSUE OF

1 THE CONSENT ONLY AT THIS POINT IN TIME.

2 ALL RIGHT, MR. COULTER.

3 MR. COULTER: YES, SIR.

4 DIRECT EXAMINATION:

5 BY MR. COULTER:

6 Q AGENT BLACK, YOU'RE WITH SLED, CORRECT?

7 A YES, SIR, THAT IS CORRECT.

8 Q YOU WERE CALLED TO NEWBERRY COUNTY
9 SHERIFF'S DEPARTMENT ON JUNE 13TH OF 1994, JUNE
10 12TH, JUNE 13TH, 1994?

11 A YES, SIR, THAT'S CORRECT.

12 Q ALL RIGHT, AND AT THAT TIME DID YOU
13 HAVE AN OPPORTUNITY TO MEET THE DEFENDANT, STEPHEN
14 BECKHAM?

15 A YES, SIR, I DID.

16 Q I'D HAND YOU WHAT'S BEEN MARKED AS
17 STATE'S EXHIBIT NUMBER 12 FOR IDENTIFICATION AND
18 ASK IF YOU RECOGNIZE THAT?

19 A YES, SIR, I DO. THIS IS A CONSENT FORM
20 THAT THE DEFENDANT, MR. BECKHAM, SIGNED GIVING
21 MYSELF AND AGENT JOHN CHRISTIE WITH SLED PERMISSION
22 TO DO MAJOR CASE PRINTS. THIS IS INK FINGER AND
23 PALM PRINTS. AND TO ALSO PHOTOGRAPH ANY SCRATCHES
24 OR INJURIES TO HIS BODY, TO HIS PERSON.

25 Q ALL RIGHT, AND OTHER THAN AGENT

1 CHRISTIE AND YOURSELF, WAS THERE ANYBODY ELSE
2 PRESENT IN THE ROOM?

3 A AT THE TIME WHEN THIS WAS DONE, I DON'T
4 THINK SO. PRIOR TO US GOING INTO THE ROOM, WE
5 SPOKE WITH CAPTAIN WEBER AND MAJOR DANNY GILLIAM
6 WITH THE NEWBERRY COUNTY SHERIFF'S OFFICE. AND
7 THEY INFORMED US THAT THEY HAD INTERVIEWED MR.
8 BECKHAM, AND DURING THAT INTERVIEW PROCESS THEY
9 NOTED SCRATCHES TO HIS LEFT FOREARM. AND THEY ALSO
10 NOTED SCRATCHES I BELIEVE TO THE BACK OF HIS HEAD
11 AND NECK AREA. THEY INFORMED US OF THAT AND THEY
12 ALSO INFORMED US THAT THEY HAD ALREADY SPOKE WITH
13 HIM ABOUT IT AND HE SAID IT WAS OKAY TO DOCUMENT
14 IT, TO PHOTOGRAPH IT.

15 Q ALL RIGHT, DID YOU THEN HAVE AN
16 OPPORTUNITY TO TALK TO HIM, DEFENDANT BECKHAM,
17 ABOUT HIS WILLINGNESS TO GIVE CONSENT FOR THESE
18 PHOTOGRAPHS?

19 A YES, SIR. I EXPLAINED THIS FORM TO
20 HIM. AFTER ALL THE INFORMATION WAS FILLED OUT THAT
21 I WROTE IN MYSELF, I READ IT TO HIM, HE SAID HE
22 UNDERSTOOD EVERYTHING AND SAID HE HAD NO PROBLEM,
23 THAT HE AGREED WITH US DOING THE MAJOR CASE PRINTS
24 AND ALSO PHOTOGRAPHING THE SCRATCHES ON HIS PERSON.

25 Q ALL RIGHT, DID YOU READ TO HIM THIS

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1 PARTICULAR DOCUMENT MARKED AS STATE'S EXHIBIT
2 NUMBER TWELVE FOR IDENTIFICATION?

3 A YES, SIR, I DID.

4 Q ALL RIGHT, AND IF YOU COULD, WOULD YOU
5 PLEASE READ WHAT THAT DOCUMENT SAYS?

6 A DATE, 6/13/94 AT 4:32 A.M., NEWBERRY
7 COUNTY LAW ENFORCEMENT CENTER, NEWBERRY, SOUTH
8 CAROLINA. "I, STEPHEN ANDREW BECKHAM, HEREBY
9 AUTHORIZE SPECIAL AGENT DAVID W. BLACK AND SPECIAL
10 AGENT JOHN C. CHRISTIE WHO HAVE IDENTIFIED
11 THEMSELVES TO ME AS SLED AGENTS, TO OBTAIN COMPLETE
12 INK FINGER AND PALM PRINTS," MAJOR CASE PRINTS IN
13 PARENTHESIS, "FROM ME. THIS WRITTEN PERMISSION IS
14 BEING GIVEN TO ME, GIVEN BY ME TO THE ABOVE NAMED
15 OFFICERS VOLUNTARILY AND WITHOUT THREATS OR
16 PROMISES OF ANY KIND."

17 AT THIS POINT I ALSO HANDWROTE THE
18 FOLLOWING: "ALSO, TO PHOTOGRAPH ANY SCRATCHES
19 AND/OR INJURIES TO MY PERSON." I PLACED AN X BY
20 SIGNED ON THE LINE THAT MR. BECKHAM WAS TO SIGN
21 WHICH HE DID, AND IT IS WITNESSED BY MYSELF AND
22 SPECIAL AGENT JOHN CHRISTIE.

23 Q DID THE DEFENDANT BECKHAM HAVE AN
24 OPPORTUNITY TO READ THAT DOCUMENT?

25 A YES, SIR, IT WAS PLACED THERE FOR HIM.

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- 1 I ASKED HIM IF HE'D SIGN IT, IF HE WOULD AGREE, AND
2 HE SAID HE WOULD AND HE SIGNED IT.
- 3 Q ALL RIGHT NOW, WHEN YOU WERE THERE AND
4 TALKING ABOUT THIS PARTICULAR DOCUMENT AND CONSENT
5 TO GIVE THE PHOTOGRAPHS, DID YOU OR AGENT CHRISTIE
6 MAKE ANY THREATS TOWARD THE DEFENDANT IN ORDER TO
7 GET HIM TO GIVE YOU THIS CONSENT TO TAKE
8 PHOTOGRAPHS?
- 9 A NO, SIR, WE DID NOT.
- 10 Q ANY PROMISES?
- 11 A NO, SIR.
- 12 Q SO HE DID THAT FREELY AND VOLUNTARILY?
- 13 A YES, SIR.
- 14 Q ALL RIGHT, NOW THIS WAS ABOUT 4:30 IN
15 THE MORNING ON JUNE 13TH, CORRECT?
- 16 A YES, SIR.
- 17 Q ALL RIGHT, DID HE APPEAR TO UNDERSTAND
18 WHAT YOU HAD READ TO HIM?
- 19 A NO, SIR.
- 20 Q ALL RIGHT, NOW HE IN FACT DID SIGN THAT
21 CONSENT FORM?
- 22 A YES, SIR, HE DID.
- 23 Q AND YOU WITNESSED THAT CONSENT?
- 24 A I AND ALSO AGENT CHRISTIE WITNESSED
25 THAT.

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1 Q AND THAT'S WHAT YOU'VE DONE BY SIGNING
2 THIS PARTICULAR DOCUMENT?

3 A YES, SIR.

4 MR. COULTER: YOUR HONOR, WE'D OFFER,
5 MIGHT AS WELL OFFER IT INTO EVIDENCE AT THIS TIME.

6 THE COURT: ALL RIGHT.

7 MR. COULTER: AS STATE'S EXHIBIT NUMBER
8 TWELVE.

9 THE COURT: SUBJECT TO CROSS
10 EXAMINATION.

11 MR. COULTER: ALL RIGHT.

12 MR. SWERLING: JUST FOR PURPOSES OF THE
13 HEARING.

14 MR. HARPOOTLIAN: JUST FOR PURPOSES OF
15 THIS HEARING OBVIOUSLY. THIS ISN'T A JURY EXHIBIT.

16 THE COURT: THAT'S CORRECT.

17 MR. COULTER: ALL RIGHT.

18 MR. HARPOOTLIAN: DONE?

19 MR. COULTER: YES.

20 CROSS EXAMINATION:

21 BY MR. HARPOOTLIAN:

22 Q WHAT TIME DID YOU GET TO THE NEWBERRY
23 COUNTY SHERIFF'S DEPARTMENT?

24 A I BELIEVE WE ARRIVED AT NEWBERRY COUNTY
25 SHERIFF'S OFFICE AT APPROXIMATELY 3:20 A.M.

1 Q AND DO YOU KNOW HOW LONG STEPHEN
2 BECKHAM HAD BEEN THERE AT THAT POINT?

3 A NO, SIR, I DO NOT.

4 Q DO YOU KNOW WHETHER HE WAS IN CUSTODY
5 OR NOT?

6 A NO, SIR, I DO NOT.

7 Q DO YOU KNOW WHAT HIS STATUS WAS IN
8 TERMS OF WHAT REPRESENT...DO YOU KNOW HOW HE GOT
9 THERE? WAS HE TAKEN THERE? DID HE COME THERE OF
10 HIS OWN VOLITION?

11 A I HAVE NO KNOWLEDGE, SIR, BECAUSE I WAS
12 WORKING THE CRIME SCENE PRIOR TO ARRIVING AT THE
13 SHERIFF'S OFFICE.

14 Q YOU DON'T KNOW IF ANYONE PRIOR TO YOU
15 TAKING THESE PHOTOGRAPHS OR GETTING THIS CONSENT
16 FORM SIGNED PROMISED HIM ANYTHING OR THREATENED HIM
17 IN ANY WAY, PRIOR TO HIM DOING THIS?

18 A NO, SIR. I HAVE NO KNOWLEDGE OF THAT.

19 Q AND DO YOU KNOW WHAT HIS MENTAL
20 CONDITION WAS AT THAT POINT? OBVIOUSLY HIS WIFE
21 HAD BEEN MURDERED, AND DO YOU KNOW HOW LONG PRIOR
22 TO YOU CONFRONTING HIM WITH THIS CONSENT, HOW LONG
23 PRIOR TO THAT HE HAD BEEN TOLD OF HIS WIFE'S DEATH?

24 A IN MY PRESENCE HE SEEMED TO BE CALM, HE
25 SEEMED TO BE OKAY. HE SEEMED TO UNDERSTAND

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1 EVERYTHING THAT I WAS SAYING TO HIM.

2 Q DO YOU KNOW WHETHER HE HAD BEEN TOLD
3 WHETHER HE WAS A SUSPECT IN THE CRIME?

4 A NO, I DON'T.

5 Q DO YOU KNOW--YOU INDICATE THAT HE'D
6 BEEN INTERVIEWED PRIOR TO YOU GETTING THERE, IS
7 THAT CORRECT?

8 A YES, SIR.

9 Q DO YOU KNOW WHO THAT WAS DONE BY?

10 A I CAN ONLY MAKE AN ASSUMPTION HERE
11 BECAUSE I WAS SPOKE TO, AND AGENT CHRISTIE, WE WERE
12 TALKED TO BY CAPTAIN WEBER WITH SLED AND MAJOR
13 GILLIAM WITH THE NEWBERRY COUNTY SHERIFF'S OFFICE.

14 Q AND DO YOU KNOW WHETHER THEY
15 INTERVIEWED HIM BEFORE YOU DID?

16 A THE ONLY COMMENT THAT I MADE TO MR.
17 BECKHAM WAS IF HE WOULD AGREE TO THE MAJOR CASE
18 PRINTS AND THE PHOTOGRAPHS, POINT OUT WHERE HE
19 SHOULD SIGN IT AND THE ONLY OTHER STATEMENTS THAT
20 WERE MADE BY HIM WAS WHEN WE, WHEN AGENT CHRISTIE
21 WAS HOLDING THE SCALE NEXT TO THE SCRATCHES ON THE
22 ARM AND I TOOK THE PHOTOGRAPH, I MADE SOME COMMENT
23 TO AGENT CHRISTIE ABOUT HERE ARE THE SCRATCHES, PUT
24 THE SCALE CLOSE TO IT, AND MR. BECKHAM JUST REALLY,
25 "I GOT THOSE SCRATCHES WHILE CUTTING BRUSH," AND

1 THAT'S ALL HE SAID.

2 Q AGAIN, NOW DO YOU KNOW THAT HE--DID
3 ANYONE EXPLAIN TO HIM THAT HE DIDN'T HAVE TO DO
4 THIS?

5 A YES, SIR, I EXPLAINED TO HIM IT WAS
6 VOLUNTARY. WE WERE NOT GOING TO TAKE HIS PRINTS OR
7 TAKE PHOTOGRAPHS UNLESS HE GAVE US PERMISSION TO.

8 MR. HARPOOTLIAN: BEG THE COURT'S
9 INDULGENCE?

10 THE COURT: YES, SIR.

11 Q WHO ASKED HIM TO TAKE HIS SHIRT OFF?

12 A I DID.

13 Q AND HE HAD A SHIRT ON?

14 A YES, SIR.

15 Q AND YOU ASKED HIM TO TAKE IT OFF?

16 A YES, SIR.

17 Q DID YOU INDICATE TO HIM HE DID NOT HAVE
18 TO TAKE HIS SHIRT OFF?

19 A NO, SIR, I DID NOT.

20 Q YOU DIDN'T TELL HIM HE HAD A RIGHT NOT
21 TO TAKE THE SHIRT OFF?

22 A NO, SIR, DUE TO THE FACT THAT HE HAD
23 CONSENTED TO THE PHOTOGRAPHER FOR THE OTHER
24 SCRATCHES AND I JUST ASKED HIM TO TAKE HIS SHIRT
25 OFF. HE DID, HE DIDN'T...

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- 1 Q DID YOU TELL HIM TO TAKE HIS PANTS OFF?
- 2 A NO, SIR, I DID NOT.
- 3 Q DID YOU ATTEMPT TO PHOTOGRAPH ANY, AS
- 4 IF HE MAYBE PERHAPS HAD SHORTS ON OR--HE HAD ON
- 5 LONG PANTS IN THESE PICTURES BUT HAD ANYONE TOLD
- 6 YOU HE WAS WEARING SHORTS THAT AFTERNOON?
- 7 A NO, SIR.
- 8 MR. HARPOOTLIAN: YOUR HONOR, I THINK
- 9 THAT'S ALL I HAVE.
- 10 Q WELL, LET ME ASK YOU THIS. IS AGENT
- 11 CHRISTIE HERE TODAY?
- 12 A NO, SIR, HE IS NOT.
- 13 Q AND HE WAS PRESENT WHEN ALL OF THIS
- 14 OCCURRED?
- 15 A YES, SIR.
- 16 Q THANK YOU.
- 17 THE COURT: ANYTHING, SOLICITOR, ON
- 18 REDIRECT?
- 19 MR. COULTER: NO, SIR.
- 20 THE COURT: AGENT BLACK, IN ORDER TO DO
- 21 A FULL FINGERPRINT JOB, IT WOULD TAKE A GOOD DEAL
- 22 OF COOPERATION FROM THE PERSON FROM WHOM YOU WERE
- 23 OBTAINING THE PRINTS, WOULDN'T IT?
- 24 A YES, SIR, IT WOULD.
- 25 THE COURT: IF THEY RESISTED OR DID NOT